



August 19, 2024

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Thomas Chefalo, Principal Planner
Lake County Department of Planning, Building, and Development

CASE NO: #000994-2024

HEARING DATE: August 22, 2024

REQUESTED ACTIONS: Variances from the requirements of the Lake County, Illinois Code of Ordinances (LCC) to:

1. Reduce the front street setback from 23 feet to 6 feet to allow for the construction of a deck entryway.
2. Reduce the side yard setback from 5 feet to 3 feet as measured from the eave to accommodate an existing house.

GENERAL INFORMATION

OWNER: Edward Waxmansky, Jr

OF PARCELS: One

SIZE: 0.13 acres, per Lake County's Geographical Information Systems

LOCATION: 40324 N SHADY LANE DR. ANTIOCH, IL 60002

PINs: 0221302005

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home.
PROPOSED LAND USE: Single-family home with new entrance deck.

SURROUNDING ZONING / LAND USE

EAST: Residential-1 (R-1) / Single-Family Residential
NORTH: Residential-1 (R-1) / Single-Family Residential
SOUTH: Residential-1 (R-1) / Single-Family Residential
WEST: Residential-1 (R-1) / Single-Family Residential

DETAILS OF REQUEST

ACCESS: Direct access is provided via N. Shady Lane Dr.
NONCONFORMING LOT: The subject property is a non-conforming lot in the R-1 zoning district due to insufficient lot area and width.
FLOODPLAIN / WETLAND: There are no mapped floodplain or wetlands on the property.
SEPTIC AND WATER: The subject property is serviced by private septic system and well.

ADDITIONAL COMMENTS

- The minimum interior side and rear yard setbacks for a principal structure on a nonconforming lot is set forth in Section 151.233 (C)(1)(b) of the LCC. The minimum interior side and rear setback for principal structures shall be four feet or 10% of the lot width, whichever is greater. In this case, the width of the lot is fifty feet, which dictates a five-foot setback.
- Section 151.233 (C)(1)(a) of the LCC defines the minimum front setback for a nonconforming lot to be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this case it is 23 feet.
- According to assessment records, the house was built in 1950.
- In Fall 2023, the applicant began to construct the deck and stairs in the required front setback without permits. His intention is to update the entranceway of the house including moving the front door from the center to the right side of the front of the structure.

STAFF COMMENTS

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to this variance. A site permit may be required.

Hayden Greene – Building Division

- The Building Division has no issues with these variation requests.

Miriam Vega – Environmental Health

- The Health Department has no objection as long as the new structure maintains the minimum setback distances to the well and septic. The water well must always be accessible for repairs. If a well is located underneath a deck, there shall be an access cover for maintenance in the future.
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RECOMMENDATION

In Staff's opinion, the application for the variance requests meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends approval of the variances for the reasons as follows.

1. Exceptional conditions peculiar to the applicant's property:

Comment: **Variations 1 & 2:** The subject property is a nonconforming lot in the R1 zoning district because it does not meet the current lot width and lot area requirements. The house was constructed within the front and side yard setbacks before the current County Code was adopted.

2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation:

Comment: **Variance 1:** The primary means of ingress/egress to the house is in the front street setback. There is insufficient area in which to update the entranceway to the house without encroaching into the front setback.

Variance 2: This request alleviates an existing nonconformity.

3. Harmony with the general purpose and intent of the zoning regulations:

Comment: **Variations 1 & 2:** Most of the homes along Shady Lane Dr. were constructed in the front setback before the current code was adopted. The proposed improvement will update the front façade of the structure. Approval of the variance requests would have no impact on neighbors and community character.

RECOMMENDED CONDITION

In the event the Board grants the proposed variances, staff recommends the following conditions:

1. The location of the deck and stairs shall be consistent with the site plan accompanying ZBA application #000994-2024.