



April 16, 2024

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

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

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CASE NO: #000956-2024

HEARING DATE: April 25, 2024

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

- 1.) Reduce the front setback from 28 feet to 23 feet, as measured from the eave, to allow for an addition to an attached garage.
- 2.) Reduce the ordinary high water mark setback from 30 feet to 10 feet to allow for the replacement of an existing shed.
- 3.) Reduce the side yard setback from 4 feet to 3.52 feet to allow for the replacement of an existing shed.

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**GENERAL INFORMATION**

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OWNER: Lorraine Cristino

# OF PARCELS: One

SIZE: 0.20 acres, per Lake County's Geographical Information Systems

LOCATION: 34780 N LAKEVIEW CT MCHENRY, IL

PIN: 0521104035  
EXISTING ZONING: Residential-1 (R-1)  
EXISTING LAND USE: Single family home.  
PROPOSED LAND USE: Single-family home with garage addition.

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### **SURROUNDING ZONING / LAND USE**

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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: Open Space (OS) / Channel

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### **DETAILS OF REQUEST**

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ACCESS: Direct access is provided via N. Lakeview Ct.  
NONCONFORMING LOT: The subject property is a nonconforming lot due to lot area and width.  
FLOODPLAIN / WETLAND: The western half of the property is within mapped floodplain. There is also mapped wetland on a small portion of the property.  
SEPTIC AND WATER: The subject property is serviced by a private septic system and well.

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### **ADDITIONAL COMMENTS**

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- The minimum front setback for a principal structure on a nonconforming lot is a function of the lot width. Section 151.233(C)(1)(a) of the Lake County Code (LCC) requires the minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this instance, 20% of the lot depth is 28 feet.
- The ordinary high water mark is defined in Section 151.271 Definitions of the LCC as the point on the bank or shore at which the presence and movement of surface waters are continuous so

as to leave a distinctive mark, such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other recognized characteristics.

- Section 151,146 Performance Standards for all Development (H)(6)(C)(d)(1) of the LCC requires all proposed public road rights-of-way, buildings, structures, driveways, and parking areas shall be set back at least 30 feet from the ordinary high water mark with a tributary drainage area of 20 acres or more.
- Section 151.233(C)(1)(c) of the Lake County Code (LCC) requires that the minimum interior side and rear setbacks for accessory structures on nonconforming lots shall be four feet.
- According to assessment records, the house was constructed in 1955.
- County aerial photography shows that the shed or a similar structure was constructed in its current location before 1993. The applicant proposes to replace the dilapidated shed with a shed with the same dimensions.
- The applicant purchased the property in 2019.

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### STAFF COMMENTS

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Mark Mussachio – Health Department

- The Health Department has no objections to the variance requests.

Joel Krause – Engineering Division

- The Engineering Division has no objection to the requested variances. Please be advised that a Site Development Permit will be required for the construction of the garage addition. There is a regulatory floodplain on the subject property, and it will need to be ensured that all floodplain requirements are being met.

David Modrzejewski – Building Division

- The Building Division has no objection to the variance requests.

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### RECOMMENDATION

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

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

Comment: Variance request 1:

The subject property is a nonconforming lot since it meets neither the minimum lot area nor minimum lot width for the zoning district.

The house was constructed in 1955 before the current dimensional standards were adopted. The house was constructed with a shallow one car garage.

Variance requests 2 & 3:

The trapezoidal configuration of the lot and the location of the house on it leaves little space to accommodate an accessory structure.

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

Comment: Variance request 1:

The location of the house on the lot prevents the applicant from constructing a two-car garage addition that would meet the required front setback with enough depth to accommodate a modern full-sized vehicle such as a pickup or SUV.

Variance request 2:

Based on a review of the County's aerial photography, the shed or a similar structure was constructed on the property before the 1993 aerial photography was taken and before the current setback requirements were established. The applicant would like to reuse the concrete pad on which the current shed is located.

In addition, because of the lot's configuration, moving the shed to meet the required ordinary high water mark and side yard setbacks would obscure the view from the rear windows of the house and from the neighbor's deck.

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

Comment: Variance request 1

A two-car garage is a customary accessory use for a single-family house. The garage addition will allow the applicant to store household belongings and vehicles in a secure space. Granting the variance will have no appreciable impact to adjacent properties or the surrounding neighborhood.

Variance Requests 2 & 3

Granting the variances will confirm legal non-conforming status to the shed, allows the owner the opportunity to replace a dilapidated structure, and (because it will replace a similar sized structure that has been in the same location for over 30 years) will have no appreciable impact on neighboring properties.

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**RECOMMENDED CONDITION**

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

1. The location of the garage addition and shed shall be consistent with the site plan accompanying ZBA application #000956-2024.