



July 29, 2026

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: #001199-2026

HEARING DATE: August 6, 2026

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

- 1.) Reduce the north side yard setback from 5 feet to 3.77 feet as measured from the eave, to allow for the reconstruction of a fire damaged house.
- 2.) Reduce the front setback from 30 feet to 9.9 feet to allow for the reconstruction of a fire damaged house with a new porch/balcony addition.

GENERAL INFORMATION

OWNER: Georgi Zhelev

OF PARCELS: One

SIZE: 0.17 acres per Lake County's Geographical Information Systems

LOCATION: 38266 N 5TH AVE, SPRING GROVE, IL 60081

PIN: 0134314022

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home.

PROPOSED LAND USE: The applicant is proposing to re-construct a single-family home that has been destroyed beyond 50% of its value.

SURROUNDING ZONING / LAND USE

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

SOUTH: Residential-1 (R-1) / Vacant

DETAILS OF REQUEST

ACCESS: Direct access is provided via N. 5th Ave.

NONCONFORMING LOT: The subject property is a nonconforming lot due to insufficient lot area and width.

FLOODPLAIN / WETLAND: The property contains no mapped floodplain or wetlands.

SEPTIC AND WATER: The subject property is serviced by a private septic system and well.

ADDITIONAL COMMENTS

- The applicant is proposing to reconstruct a single-family home that was damaged by fire in July 2025 in its existing location. According to assessment records, the house was built in 1986. Based on a review of the County's aerial photography, it replaced a former house located in nearly the same footprint.
- The previous owner began repairing the structure without obtaining the required permits.
- County aerial photography shows that the house had a front patio on the south side of the house, which was removed and replaced by the previous owner without permits.
- A 2nd floor deck, accessed by sliding glass doors, was added onto the south façade of the existing house over the patio and within the front setback at some point after the house was constructed however, based on County Aerial photography, it deteriorated and was removed at some point before the fire.
- The minimum interior side setback for a structure on a nonconforming lot is a function of the lot width. LCC Section 151.233(C)(1)(b) specifies the minimum interior side setback shall be four feet or 10% of the lot width, whichever is greater. In this instance, 10% of the lot width is 5 feet.

- LCC Section 151.233(C)(1)(a) specifies 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 30 feet.
- The house is a nonconforming structure because it intrudes into the side yard and front setbacks. Per LCC Section 151.232 (H) (1) (b), a legal nonconforming single-family dwelling on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided that the following standard is met: The restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines. *The structure does not meet the minimum 4 or 10 foot setback exceptions.*

STAFF COMMENTS

Miriam Vega – Health Department

- The new proposed structure(s) must adhere to all the required setback distances as indicated by LCC Chapter 171 Appendix D and Illinois Administrative Code Title 77 – Public Health Part 920 – Water Well Construction Code Table C. During the property alternation permit approval process, a detailed scaled drawing with the location of the well must be submitted to this Department. There will be a new water well on this property that will be located 11 feet off the southeast corner of the house. The Health Department has no objection to the variance requests.

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to these variance requests. A site permit may be required for the work.

Aubrey Tupas – Building Division

- The Building Division has no objections to the proposed variances; however, a building permit is still required. The proposed project must meet the 2024 International Residential Code (IRC) Table R302.1(1) fire-rating requirements for walls, openings, and projections.

RECOMMENDATION

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 in the R-1 zoning district because it does not meet the minimum lot area and width for the zoning district. The following factors present site constraints: The house was constructed in 1986 before the current dimensional standards were adopted. The building's walls do not run parallel to the lot lines, and the house encroaches at its northwest corner into the required side yard setback; 3.77 feet from the lot line at its closest point.

Variance request 2:

The house was constructed in the required front setback before the current dimensional standards were adopted. The front door is located on the east façade of the house which is in the front setback. A 2nd floor deck is accessed through sliding glass doors located on the south façade of the house and which also opens into space within the front setback.

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

Comment: Variance request 1:

While the house was destroyed beyond 50% of its value, a substantial portion of the building remains intact, including the portion of the structure within the required side yard setback. Requiring the owner to move or reconfigure the structure to meet this setback would negatively impact the functionality of the home's living space by creating impractically dimensioned rooms.

Variance request 2:

The owner would like to restore the patio in the same location it has been historically located and provide protection from the elements for people entering the house by covering it with a 2nd floor deck. The deck would still be accessed through the sliding doors on the south façade of the house.

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

Comment: Variance requests 1 & 2:

Granting the variances will confirm legal non-conforming status to the house and would allow the owner the opportunity to restore his property with the addition of a covered patio and 2nd floor deck. Approving the variances will have no appreciable impact on neighboring properties.

RECOMMENDED CONDITION

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

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #001199-2026.