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March 1, 2017

TO: George Bell, Chairman  
Lake County Zoning Board of Appeals

FROM: Hannah Mulroy, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 8497

HEARING DATE: March 9, 2017

REQUESTED ACTIONS:

1. Reduce the south side street setback from 30 feet to 7.5 feet to allow for the expansion of an existing single family home.
  2. Reduce the south side street setback from 30 feet to 18 feet to alleviate the nonconforming status of the existing detached garage.
  3. Reduce the south side street setback from 30 feet to 15.02 feet to alleviate the nonconforming status of the existing shed.
  4. Reduce the rear yard setback from the 4 feet to 0.57 feet to alleviate the nonconforming status of the existing shed.
  5. Reduce the north side street setback from 30 feet to 11.79 feet to alleviate the nonconforming status of the existing detached garage
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**GENERAL INFORMATION**

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OWNERS: Jerome and Nisa Pfeifer

# OF PARCELS: 3

SIZE: 0.65 acres, per Lake County's GIS Calculated Acreage

LOCATION: 22673 W Loon Lake Blvd, Antioch, IL 60002. PINs 02-21-304-020, 02-21-304-021, 02-21-304-022

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single Family Residence, two detached garages, and a shed

PROPOSED LAND USE: The applicant is proposing to construct two additions to the existing single family home.

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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: Agricultural (AG) / Lake County Forest Preserve

WEST: Residential-1 (R-1) / Single-Family Residential

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#### **COMPREHENSIVE PLANS**

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LAKE COUNTY: Medium Lot Residential 1-3 acre lot density

VILLAGE OF LAKE VILLA: Not designated

VILLAGE OF ANTIOCH: Not designated

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#### **DETAILS OF REQUEST**

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ACCESS: Direct access is provided from both W Loon Lake Blvd and N Bonham Court.

CONFORMING LOT: The subject property is a nonconforming zoning lot in the Residential-1 (R-1) zoning district.

FLOODPLAIN / WETLAND: The property does not contain mapped floodplains or wetlands.

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

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**ADDITIONAL STAFF COMMENTS**

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- The subject property is bounded on three sides by public rights-of-way (ROW). Loon Lake Boulevard to the north, Bonham Court to the east, and Villa Rica Road to the south (unimproved).
- The front lot line is determined by the narrowest part of the lot abutting the street. In this case, the front street is N Bonham Ct to the east.
- The side street setback for a nonconforming lot is a function of the lot width. For lots over 80 feet wide, the street setback standard for the underlying zoning district shall apply. In this case the street side setback is 30 feet, which applies to both W Loon Lake Blvd to the north and the unimproved ROW to the south.
- Section 151.233(C)(1)(c) of the Lake County Code allows for the Director to apply interior side yard setbacks for nonconforming parcels abutting ROW which is currently unimproved and is likely to remain unimproved. This provision does not allow for the Director to permit the proposed expansion of the existing residence because the interior side yard setback for the subject property is 14.5 feet and the requested variance is for 7.5 feet.
- The rear yard setback for an accessory structure on a nonconforming lot is 4 feet.
- The applicants own the three parcels that comprise the zoning lot. Staff is recommending consolidation of these parcels as a condition of approval. The applicants have expressed they are willing to consolidate the three parcels should their variance requests be approved.

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**STAFF COMMENTS**

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Joe Meyer – Lake County Division of Transportation

- Loon Lake Blvd is a Township Road under the jurisdiction of the Antioch Township Highway Commissioner; therefore, LCDOT offers no comments on the requested setback variations.

Mark Mussachio – Environmental Health Services

- The Department has no objections to the requested variances. At time of permit application, provide a site plan from a Lake County licensed septic contractor to accurately show the location of the septic system and well. Note that there cannot be an increase in the number of bedrooms, otherwise the septic system would need to have a code compliant septic system.

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variance.

Robert Springer – Building Division

- The building division has no objection to the granting of this request.

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### RECOMMENDATION ON VARIANCES

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Staff recommends approval for the variance requests. In Staff's opinion, the variance requests comply with the standards in the following manner:

#### **Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)**

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

Comment – This irregularly shaped nonconforming lot is bounded to the south by an unimproved ROW, which was platted in 1922, resulting in a 30-foot side street setback being imposed along the southern property line. According to the applicant, the home was relocated to its current location from a property to the north around 1920. The home was positioned at an angle relative to the southern property line, with its closest point only 12 feet from the southern property line.

Currently, there is a wood deck in the same location as the southernmost proposed addition, which is proposed no closer to the property line than the existing deck. The southern side street setback requirement and the location of the existing home severely hamper the owners' ability to locate any addition to the residence outside of required setbacks. With just over 1,400 sq. ft. of living space the residence is relatively small and the proposed additions will provide additional living space for the home owners.

The three existing accessory structures fail to meet the setbacks required by the current Lake County Code. If any of the three structures were to be damaged, they would be unable to be reestablished on their existing foundation.

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

Comment – The longstanding location of the existing single family residence and associated accessory structures limits the opportunity to expand the home outside of the south side street setback of 30 feet. The ROW is unimproved, and was platted in 1922. Installation of a roadway is not foreseen. If the strict letter of the regulation were to be followed by enforcing the 30-foot setback from the unimproved ROW, the additions could not be constructed as the home is located only 12 feet from the southern property line.

In addition to allowing for the expansion of the single family home, the variance request would allow the home to be rebuilt should it be damaged or destroyed. Furthermore, the additional variance requests would remedy the nonconforming status of the three existing accessory structures assuring they are able to be rebuilt in the event they were damaged or destroyed.

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

Comment – The proposed project will be in alignment with the purpose and intent of the ordinance by maintaining a pattern of single family homes and accessory structure present throughout the neighborhood. The proposed expansion of the single family home will meet all the remaining setbacks requirements, including the Impervious Surface Ratio (ISR).

The subject property is at the terminus of a dead end street, adjacent to a large Lake County Forest Preserve to the south. The proposed expansion, as well as the existing nonconforming accessory structures, should have little to no detrimental impact on surrounding properties.

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**RECOMMENDATION ON VARIANCE**

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1. In the event the Board is inclined to grant the proposed variance request, staff recommends the Board condition their action on the consolidation of the three parcels be completed and that it be consistent with the site plan proposed with this zoning case.
2. If the Board grants the proposed variance, staff also recommends that it be consistent with the site plan proposed with this zoning case.