



Zoning Board of Appeals

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Chair

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April 18, 2024

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

FROM: Taylor Gendel, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: #000963-2024

REQUESTED ACTION: Variation from the requirements of the Lake County, Illinois Code of Ordinances (Lake County Code) to:

1. Reduce the side yard setback from 4 feet to 2 feet to allow for the restoration of a boathouse.

HEARING DATE: April 25, 2024

GENERAL INFORMATION

APPLICANTS: Karen M. Nuzzo, record owner

OF PARCELS: One

SIZE: The subject property is approximately 0.13 acres, per Lake County Maps Online

LOCATION: 40522 N. Lake Shore Drive, Antioch, Illinois

P.I.N. 01-24-404-002

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family dwelling and boathouse.

PROPOSED: Restore the existing boathouse with a 2-foot side yard setback.

SURROUNDING ZONING / LAND USE

EAST and WEST: Residential-1 (R-1) / Single-family dwellings
NORTH: Estate (E) / Vacant
SOUTH: Open Space (OS) / Channel of Bluff Lake

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-Family Medium Lot (1 to 3-acre lot density)

DETAILS OF REQUEST

ACCESS: Access is provided from Lake Shore Drive.
NONCONFORMING LOT: The subject property is a legal nonconforming lot in the R-1 zoning district due to insufficient lot area and width.
FLOODPLAIN / WETLAND: The entire property is located in a floodplain and there is mapped wetland on the southern edge of the property along the water.
SEWER AND WATER: The property is currently served by a private septic system and water well.

STAFF COMMENTS

Lake County Health Department – Comments by Jeff Schrei

- The Health Department has no objection to this variance. A septic and water well location drawing is required, and the boathouse will need to adhere to all the required setbacks to the septic system and well.

Lake County Engineering Division - Comments by Andrew Hauser

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

Lake County Building Division – Comments by Ieva Donev

- The Building Division has no objection to the variance request. A building permit will be required for the proposed work.

ADDITIONAL COMMENTS

- According to assessor records, the boathouse was constructed in 1947 before the current required setbacks were adopted. In late 2020/early 2021, the boathouse was temporarily moved to a new location on the property to accommodate necessary seawall repairs. The property owner desires to move the boathouse back to its original location.
 - Lake County Code Section 151.232(D) states that a legal nonconforming structure may be moved if the movement or relocation eliminates the nonconformity.
 - Per Section 151.271 of the Lake County Code, a boathouse is a structure erected for the purpose of storing boats on an earthen floor or over a water slip. Since the accessory building is being constructed over an existing water slip, it is considered a boathouse.
 - Section 151.131(C)(3)(r) of the Lake County Code exempts private boathouses from the ordinary high water mark setback.
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RECOMMENDATION

Staff recommends approval of the variation request. In staff's opinion, the request meets the required approval criteria of Lake County Code Section 151.056 (C)(4) for variances in the following manner:

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

Comment:

The lot is nonconforming due to insufficient lot area and width. A boathouse has existed in this location since at least 1947 (per assessor records). The seawall, which has been repaired to protect the boathouse and property, accommodates an existing water slip.

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

Comment:

The boathouse was built before modern side yard setback requirements were in place and the narrowness of the lot presents difficulty in meeting the required four-foot setback. When restored, the boathouse will be in the same footprint behind a seawall and over the existing water slip as previously. Allowing the replacement of the boathouse in its existing location is most practical.

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

Comment:

The relocated boathouse itself will not intrude any further into the side yard setback than its original location. It will not encroach on any neighboring buildings, only a pier. The boathouse, at its restored location, would create no negative impact on the neighborhood and is consistent with the prevailing character of the area.

RECOMMENDED CONDITIONS

In the event the Board is inclined to grant the variance request, staff recommends the following conditions:

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #000963-2024.
2. The boathouse is located a minimum of ten feet from the nearest septic line as required by the Health Department.