



Gregory Koeppen
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July 18, 2023

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: VAR-000981-2024

HEARING DATE: July 25, 2024

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

- 1.) Reduce the side street setback from 30 feet to 19.6 feet to allow for the construction of a deck with roof.
 - 2.) Reduce the front setback from 30 feet to 17 feet to accommodate an existing house.
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GENERAL INFORMATION

OWNER: Brian Christenson

OF PARCELS: Two

SIZE: The area of the subject property is approximately 0.46 acres, per Lake County's Geographic Information System

LOCATION: 37150 N CAPILLO AVE LAKE VILLA, IL 60046

PINs: 0602318026, 0602318027 & 0602318028

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home
PROPOSED LAND USE: Single family house with porch addition.

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. Capillo Ave.
NONCONFORMING LOT: The subject property is a nonconforming lot due to insufficient lot area.
FLOODPLAIN / WETLAND: There are no mapped floodplains and wetlands on the property.
SEPTIC AND WATER: The subject property is serviced by septic and well.

ADDITIONAL COMMENTS

- Section 151.271 Terms Defined - LOT LINE, FRONT. The part of the entire interior lot abutting the street or that part of a corner lot extending across the narrowest part of the lot abutting the street. The narrowest part of the zoning lot fronts Garcia Dr.
- The minimum front setback for a structure on a nonconforming lot is a function of the lot depth. Lake County Code 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 would be greater than the minimum setback required for the R-1 zoning district, so the required front yard setback is 30 feet.

- The minimum street side setback for a structure on a nonconforming lot is a function of the lot width. Lake County Code Section 151.233(C)(1)(c) specifies the minimum street side setback shall be four feet, plus one-half foot of additional setback for each foot lot width above 28 feet. In this instance, 30 feet is the setback.
- According to assessment records, the house was constructed in 1937, before the current code was adopted.
- According to the applicant, the house had once included a small, covered entrance. At some point the structure was removed. The applicant would like to restore the covered entrance.

STAFF COMMENTS

Miriam Vega – Health Department

- The Health Department has no objection to these variance requests. A property alteration must be submitted and reviewed for compliance for permit approval.

Andrew Heuser – Engineering Division

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

Hayden Green – Building Division

- The Building Division has no objection to the granting of this request.

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 Requests 1 and 2: The subject property is a nonconforming corner lot in the R1 zoning district because it does not meet the current lot width and lot area

requirements. The house was constructed in the required setbacks before the current code was adopted.

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

Comment:

Variance Request 1: The requested variances are a direct result of the property's dimensional limitations and the location of the existing dwelling. The house was constructed within the side street setbacks before the current County Code was adopted. The secondary means of ingress/egress to the house is in the side street setback. There is insufficient area in which to locate an adequate means of ingress and egress to the structure without encroaching into the setback area.

Variance Request 2: This variance request will confer legal status to an existing nonconformity.

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

Comment:

Variance Requests 1 and 2: The variation requests are in harmony with the general purpose and intent of the zoning regulations. Approving these variances will allow for a covered porch and alleviate the nonconforming status of the existing home. The location of the proposed covered porch is in character with neighboring properties.

RECOMMENDED CONDITION

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

1. The location of the proposed additions shall be consistent with the site plan accompanying ZBA application #000981-2024.