



Zoning Board of Appeals

Gregory Koeppen Chair

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July 18, 2024

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-000979-2023

HEARING DATE: July 25, 2024

REQUESTED ACTIONS:

1. Reduce the front street setback from 30 feet to 14.01 feet to allow for the construction of a detached garage.

GENERAL INFORMATION

OWNER: CHICAGO TITLE LAND TRUST COMPANY TRUST NUMBER #1113550
(David Wasikowski & Margaret Wasikowski, trustees),

OF PARCELS: One

SIZE: 0.28 acres, per Lake County's Geographical Information Systems

LOCATION: 42397 N WOODBINE AVE ANTIOCH, IL 60002

PIN: 0111404006

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home and detached garage.

PROPOSED LAND USE: The applicant is proposing to demolish a deteriorating detached garage and replace it with a new garage.

SURROUNDING ZONING / LAND USE

EAST: Open Space (OS) / Open Water (Channel Lake)

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: Access is provided via N. Woodbine Ave.

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

FLOODPLAIN / WETLAND: There are no mapped wetlands of floodplain on the property.

SEPTIC AND WATER: The subject property is served by septic system and well.

ADDITIONAL COMMENTS

- 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.
- According to assessor records, the detached garage was constructed in 1951, before the current code was adopted.

STAFF COMMENTS

Jeff Schrei – Health Department

- The Health Department has no objection to the requested variances.
Note: The following comments are based on the ordinance(s) of the Lake County Health Department Chapter 171 ONSITE WASTEWATER TREATMENT SYSTEMS and 170 CHAPTER 170: WELL AND WATER REGULATIONS Any changes to the property that may impact daily water usage or setback distances to the septic components and water well will require a property alteration permit from this Department with associated fees.
1. A search of the County records yielded no records of the septic system or water well on this property. Therefore, you must contact a Lake County Licensed Septic Installation Contractor or Lake County Licensed Septic Designer to provide an accurate location drawing of the existing septic system components and water well. (a list of names can be found online @ <https://www.lakecountyl.gov/818/Onsite-Wastewater-Treatment-System>)
 2. The new proposed structure(s) must adhere to all the required setback distances as indicated by 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.
 3. No underground utilities can be run through the septic field or over the septic tank (aerobic treat unit and lift station)
 4. Septic trenches must maintain a minimum of 10' to a structure without a footing drain or 20' with footing drain.
 5. Septic tanks must maintain a minimum of 5' to a structure without a footing drain or 10' with footing drain.
 6. Septic trenches shall maintain a minimum of 5' to all sidewalks.
 7. Septic trenches must maintain a minimum of 5' to a driveway.
 8. Septic tank must maintain a minimum of 5' to a driveway.
 9. Water wells must maintain a minimum set back distance of 2' to any over-hang.
 10. Water wells must maintain a minimum set back distance of 10' to any footing drain.

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to this variance. A Site Permit will be required.

Hayden Green – Building Division

- The Building Division has no objections to the variance 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 variance for the following reasons:

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

Comment:

The applicant's property is a nonconforming zoning lot due to insufficient lot width and lot area. According to the applicant, the septic system is located between the front of the house and the rear of the existing garage.

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

Comment:

The lot is narrow, and the septic system is in front of the house, adjacent to the garage. Therefore, the applicant is unable to rebuild or expand the footprint of the garage without encroaching into the front setbacks. The garage is proposed to be 40 feet wide and 30 feet deep. The proposed garage location is set back as much as possible without impacting the septic system.

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

Comment:

Garages are a customary accessory structure to single-family homes. The garage is in keeping with the character of the neighborhood. Denying the request would serve no public interest.

RECOMMENDED CONDITION

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

1. The location of the structure and the additional paving shall be consistent with the site plan accompanying ZBA application #000979-2024.