



June 30, 2016

Zoning Board of Appeals

George Bell
Chairman

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

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: 7983 Variation

REQUESTED ACTION: To reduce the required rear yard setback for a four-season room and roof overhang of a single-family dwelling from 4 feet to 0 feet. The exterior wall will be no closer than 0.73 feet.

HEARING DATE: July 7, 2016

GENERAL INFORMATION

APPLICANTS: Doland D. Krause and Joan Krause

OF PARCELS: One

SIZE: 0.10 acre

LOCATION: 28016 N. Hickory Lane, Wauconda, Illinois
P.I.N. 09-24-309-073

EXISTING ZONING: Residential-1 (R – 1)

EXISTING
LAND USE: Construction of a single-family dwelling

PROPOSED: Single-family dwelling with a four-season room.

SURROUNDING ZONING / LAND USE

NORTH, SOUTH
and EAST: Residential-1 (R-1) / single-family dwellings

WEST: Residential-1 (R-1) / platted parkway/open space of the Spencer's Highlands Subdivision

COMPREHENSIVE PLANS

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

DETAILS OF REQUEST

ACCESS: Direct access is provided via a Hickory Lane.

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

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

SEWER AND WATER: The property is served by public sewer and water.

ADDITIONAL STAFF COMMENTS

Lake County Division of Transportation - Comments by Joe Meyer

Hickory Lane is a Township Road maintained by the Wauconda Township Highway Commissioner; therefore, LCDOT offers no comments on the requested variation.

Lake County Health Department - Comments by Arnie Rapa

The property is or will be served by public sewer and water, therefore the Health Department has no involvement or comments.

Lake County Environmental Engineering Division - Comments by Eric Steffen

This Division has no objection to the requested variance.

Lake County Building Division – Comments by Bob Springer

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

Wauconda Fire Department – Comments Scott Gaschler

The Wauconda Fire Department has no objection. The proposed single-family dwelling abuts another backyard, which is not within immediate proximity of any adjacent structures to the west.

ADDITIONAL STAFF COMMENTS

The subject property was platted as part of a 53-lot subdivision named “Spencer’s Highland Subdivision” in 1920. West of the subject property is an 80’ x 720’ open space parkway which begins at an unnamed public road at the north side of the subdivision, and terminates at a park area along the north side of Bangs Lake. This wooded parkway area has a walking trail to allow adjacent property owners access to the lakefront park. The on-site inspection of the property and single-family dwellings abutting the open space area reveal a majority of residences are either within or upon the rear setback lines of each property. The uniform location of these features along the rear of the lots has contributed to the open views of Bangs Lake enjoyed by all of the current residents along the west side of Hickory Lane.

On December 17, 2015, the ZBA approved two of five variation requests for the subject property, one of which allowed a reduction of the rear yard setback from 4-feet to 0-feet for a “deck and patio”, as referenced in the zoning notice. However the model exhibit presented by the applicant at the ZBA meeting indicated a roof over the deck and patio area. This is technically classified by the Ordinance as a “covered porch”.

The latest variation application submitted by Donald and Joan Krause states “After starting construction and pouring all the foundation walls, we realized that the size of the living/dining room is a tight space. The solution became apparent as we decided to maximize the open space in the porch as an extension of our living room.” As the proposed use is not consistent with the previous 0-foot rear yard setback, a new variation is required.

The on-site inspection indicated the foundation walls have been poured, and the depth of the foundation walls of the proposed four-season room are similar in depth to the basement walls. The basement would not extend under the four-season room. The applicant has ceased construction until a decision of the variation has been rendered.

RECOMMENDATION

Staff recommends approval. In our opinion the request meets the required standards in the following manner:

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

Comment: The subject property is located in the Residential-1 (R-1) zoning district and is non-conforming due to lot area and lot width. The subject property was platted in 1920 as part of a subdivision intended for cottages with an open space corridor area as a shored backyard. The lot is 4,500 square feet in area and 50 feet wide, in sharp contrast to conforming lots in R-1 which are 40,000 square feet and 130 feet of lot width. Existing single-family dwellings along this block of Hickory Lane are uniform in proximity to the open space which preserves views of Bangs Lake to the southeast.

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

Comment: It is the desire of the applicant to place a modern single-family dwelling onto a lot platted in 1920, which was intended for cottage construction and seasonal use. There is a prevalence of homes in the area which contain a similar lot size which are being used in the same manner with features inside the setbacks. The location of the proposed four-season room would be uniform with the rear setbacks of adjacent properties. Denial of the requested variance would prevent the owners from improving their property consistent with nearby properties.

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

Comment: The variation request is in harmony with the general purpose and intent of the zoning regulations. The proposed placement of the four-season room at the northwest corner of the property will not have a negative effect upon the adjacent property owners as this setback would maintain consistency with others in the area. The proposed four-season room would not be any closer than the permitted covered porch.

RECOMMENDED CONDITIONS

In the event the Board grants the variation of the rear yard setback, staff recommends that it be limited to the site plan of ZBA application #7983.