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July 1, 2016

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

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

CASE NO: 7843

HEARING DATE: July 14, 2016

REQUESTED ACTIONS:

1. Reduce the north side yard setback from 10.4 feet to 5.5 feet to accommodate a single family home. The building wall would be no closer than 6.5 feet from the property line, and the overhang would be no closer than 5.5 feet.
2. Reduce the rear yard setback from 10.4 feet to 3 feet to accommodate the construction of a rear deck attached to the proposed single family home.
3. Reduce the street yard setback from 25.8 to 19.3 feet to accommodate an existing detached garage.

GENERAL INFORMATION

OWNER: Susan Fatta

OF PARCELS: 2

SIZE: 0.27 acres, per Lake County's GIS Calculated Acreage

LOCATION:	35268 N. Lake Shore Rd, Ingleside, Illinois. PIN(s) 05-16-302-008 & 009
EXISTING ZONING:	Residential-1 (R-1)
EXISTING LAND USE:	Single Family Residence
PROPOSED LAND USE:	The applicant is proposing to demolish the existing single family home in order to construct a new single family home.

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)/10 foot wide platted public walkway.
WEST:	Open Space (OS) / Pistakee Lake

COMPREHENSIVE PLANS

LAKE COUNTY:	Medium Lot Residential 1-3 acre lot density
VILLAGE OF FOX LAKE:	Low-Density Residential

DETAILS OF REQUEST

ACCESS:	Direct access is provided from N Lake Shore Road
CONFORMING LOT:	The subject property is a nonconforming 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.

ADDITIONAL STAFF COMMENTS

- The property owner owns both PIN 05-16-302-008 and 05-16-302-009, and all zoning requirements have been determined using the combined area and road frontage of the two lots. Consolidation of the two lots was required in order to construct the new septic system. The Declaration of Covenant was recorded on April 15, 2016.
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STAFF COMMENTS

Joe Meyer – Lake County Division of Transportation

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

Jeff Bixler – Environmental Health Services

- Lake County Health Department has no objections to this request

Eric Steffen – Engineering & Environmental Services Division

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

Robert Springer – Building Division

- The building division has no objection to the granting of these variances.
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RECOMMENDATION ON VARIANCES

Staff recommends approval for the variances requested. In Staff's opinion, the variances requested 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 – The subject property consists of two nonconforming parcels, which have been consolidated into one nonconforming parcel in the Residential-1 (R-1) zoning district. This consolidation was required by Lake County in order to construct a new septic system. Prior to the consolidation, the required side yard setback was 4.5 feet. Following the consolidation the required side yard setback was increased to 10.4 feet.

In addition, the close proximity of the neighboring well, and the new well to be constructed, has left a very small area in which to construct the new septic system, which is proposed in approximately the same location as the existing system. Health Department regulations for setbacks from septic field to structures and property lines have further limited the footprint of the home to its current location.

Another unique characteristic of the subject property is the adjoining 45 foot wide open space corridor along the rear of the property, abutting Pistakee Lake. As a result of this HOA owned property, rather than having a 30 foot setback requirement to waters' edge, the principal structure would need to be situated 55.4 feet from the lake in order to meet regulation.

The existing detached garage is nonconforming, as it fails to meet the required 25.8 street yard setback. If it were to be destroyed to an extent greater than 50% of its assessed value, it could not be reestablished in its current location. The limited distance between the garage and the septic field does not permit a new structure to be constructed further back from the road. The requested variance would allow the homeowners to reestablish the existing garage in its current location in the event it was destroyed.

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

Comment – It not feasible to meet the 10.4 foot setback to the northern property line due to limitations created by the placement of the septic field in relation to the neighboring wells, as well as the required setback between the septic field and the proposed home. Though the building wall of the proposed home does meet the 10.4 foot setback to the rear property line, the 3 foot variance request would to accommodate the proposed rear deck.

The design of the proposed home has been revised several times in response to issues with the proposed septic, and as a result has become narrower, forcing the rear of the structure towards the lake. Any rear deck would extend into the required rear yard setback. Through working with staff, the homeowners have reconfigured the proposed deck in order to reduce the request variation to 3 feet. The building wall of the proposed home meets the 10.4 foot setback to the rear property line, and the request to reduce the rear yard setback is to construct the proposed deck.

Strict application of the regulations would result in an impractically sized home, inconsistent with the surrounding neighborhood. Additionally, without the street yard variance for the existing detached garage, the homeowners could not reestablish it in its current location.

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

Comment – The proposed single family home is replacing an existing single family home built in 1942. Currently, the home to be removed is located 8.28 feet from the northern property line. The side yard reduction to 5.5 feet should not have a negative impact on the neighboring property, as there would be a 15 foot distance between the two single family homes, 2.78 feet less than what currently exists.

The rear yard setback variance to accommodate the deck should not negatively impact any neighbors as it abuts commonly held open space and Pistakee Lake, rather than a residential structure. The size and location of the proposed deck is consistent with other decks in the area, and the presence of the outlot should preserve open views and recreational areas. The existing detached garage has been in its current location for over 20 years, and the granting of the variance will not unduly impact neighboring properties.