

DATE: February 24, 2017

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

FROM: Krista Braun, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 8489

HEARING DATE: March 9, 2017

**REQUESTED ACTIONS:**

1. Reduce the south street yard setback from 50 feet to 34.61 feet to construct an open sided picnic pavilion.
  2. Reduce the south street yard setback from 50 feet to 26.46 feet to accommodate the reconstruction of existing stairs and to alleviate the nonconforming status of the existing structure.
  3. Reduce the west side street yard setback from 50 feet to 3.16 feet to accommodate the reconstruction of existing stairs and to alleviate the nonconforming status of the existing structure.
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**GENERAL INFORMATION**

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OWNER: TRLPJ Real Estate, record owner, which is equally owned by Larry Philips, Jr. and Thomas Ryder

# OF PARCELS: Ten

SIZE: 6 acres, per Lake County's Geographical Information Systems

LOCATION: 38283 N. Bolton Place, Antioch, IL

PIN(s): 01-35-306-002, -003, -004, -008, -009; 01-35-300-009, -010, -011, -012;  
01-35-307-003

EXISTING ZONING: Recreational Commercial (RC), Open Space (OS), and Residential-1 (R-1)

EXISTING LAND USE:	Restaurant and Tavern, Recreational Vehicle Park, and Marina
PROPOSED LAND USE:	To construct an open-sided shade pavilion, accessory to the existing restaurant.

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#### **SURROUNDING ZONING / LAND USE**

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NORTH and EAST:	Residential-1 (R-1) (across open water) / Single-Family Residential
SOUTH and WEST:	Residential-1 (R-1) / Single-Family Residential

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#### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Retail Commercial, Residential Medium-Lot, and Water
MUNICIPALITIES W/IN 1.5 MILES:	Village of Fox Lake: Low Density Residential

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#### **DETAILS OF REQUEST**

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ACCESS:	Direct access is provided via N. Bolton Place
LOT CONFORMITY:	The subject property is conforming lot in the Recreational Commercial zoning district. Open Space zoning exists on the portion of the zoning lot extending over the water. The Residential-1 zoning exists on the portion of the zoning lot on the north and east shore of the channel.
FLOODPLAIN / WETLAND:	The property contains mapped floodplains and wetlands.
SEPTIC AND WATER:	The subject property is serviced by a private septic system and well.

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#### **ADDITIONAL COMMENTS**

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- In June 2014, the Zoning Board of Appeals approved a Conditional Use Permit to allow forty (40) outdoor concert events per year. There is no fixed outdoor seating for these events.

- As proposed, the picnic pavilion will be constructed as an accessory structure to the existing Captain's Quarters Restaurant and Tavern to provide shelter for restaurant customers and concert attendees. In the past, the owner has had seating available in a similarly sized temporary tent and the construction of the pavilion will not increase or intensify the use of the site or the impacts of said use.
- The portion of Woodland Avenue that is adjacent to the subject property is unimproved and contains mapped wetland. The Lake County Future Land Use map indicates this area of the right of way as Forest/Grassland/Beach.
- The Antioch Township Highway Commissioner has no plans to improve the right of way and no objection to the variance request.
- The existing restaurant structure was established prior to 1997 and is considered legal non-conforming.

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### **STAFF COMMENTS**

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Joe Meyer – Lake County Division of Transportation (LCDOT)

- Bolton Place and Woodland Ave are Township Roads under the jurisdiction of the Antioch Township Highway Commissioner; therefore, LCDOT has no comments on the requested setback variations.

Arnie Rapa – Environmental Health Services

- LCHD has no objections for the variance to reduce front and side street yard setback for existing restaurant and variance to reduce side street setback to establish picnic shelter/pavilion.

Brian Frank – Engineering & Environmental Services Division

- No drainage or floodplain impacts proposed. No objections.

Robert Springer – Building Division

- The Building Division has no objection to the granting of this request. Approval of the structure is subject to review and approval of construction documents.

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### **RECOMMENDATION**

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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: The property is very narrow and bounded between two street rights of way and a channel leading to Fox Lake. The existing restaurant/tavern was built more than twenty years ago and is located within close proximity to Bolton Place (improved) and Woodland Avenue (unimproved). Additionally, the subject property is located within the regulatory floodplain. These conditions, when combined with the existing layout of the site, including existing buildings, drive aisles, RV parking and customer parking areas, well and septic system, limit the space available in which to locate the proposed accessory structure.

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

Comment: The current configuration of the subject property was in existence prior to the applicant's ownership. The applicant would like the pavilion to function as an accessory use to the existing restaurant and patio by providing shelter for customers from the elements, as well as simplifying maintenance of the grounds. The proposed location is the only practical location that is within close proximity to the restaurant/tavern as well as meeting the setback requirements from both the water's edge and the existing septic system without interfering with the existing drive aisle that provides access to the eastern portion of the property. Because the right of way is unimproved and most likely will remain that way, enforcing the 50-foot street yard setback for an accessory structure in the Recreational Commercial (RC) zoning district is a hardship.

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

Comment: The request will not have a significant impact on neighboring properties, as the proposed structure will serve an existing use and would be located at a greater setback from the unimproved right of way. The variances for the restaurant/tavern are justified as it is an existing legal nonconforming structure that could not be rebuilt in the same place if it were destroyed by fire or natural disaster. Granting the variations is in harmony with the general purpose and intent of the zoning regulations.

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### **RECOMMENDED CONDITIONS**

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In the event the Board is inclined to grant the proposed variance request, staff recommends that it be consistent with the site plan proposed with this zoning case.