



Zoning Board of Appeals

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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: #000242-2017

REQUESTED ACTION: Reduce the water's edge setback from 30 feet to 12 feet for a roof over an existing deck.

HEARING DATE: July 13, 2017

GENERAL INFORMATION

APPLICANTS: Jan Filonowicz

OF PARCELS: One

SIZE: 0.30 acre, per Lake County Maps Online

LOCATION: 23069 and 23053 W. Lakeshore Drive, Antioch, Illinois
P.I.N. 02-20-205-037, 02-20-205-038

EXISTING ZONING: Residential-1 (R-1), Open Space (OS)

EXISTING
LAND USE: Single-family dwelling with a detached deck.

PROPOSED: Placement of a roof over the existing detached deck.

SURROUNDING ZONING / LAND USE

NORTH, EAST,
& WEST: Residential-1 (R-1) / single-family dwellings

SOUTH: Open Space (OS) / Loon Lake

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Medium Lot

DETAILS OF REQUEST

ACCESS: Direct access to the single-family dwelling is from Lakeshore Drive.

NONCONFORMING LOT: The lot area calculations are established by the R-1 portion of the lot. The subject property is a nonconforming lot in the R-1 zoning district due to size and lot width.

FLOODPLAIN / WETLAND: The R-1 area subject property contains no mapped wetlands. The R-1 area of the subject property contains a mapped or floodplain adjacent to the shoreline.

SEWER AND WATER: The property is served by private well and septic system.

ADDITIONAL STAFF COMMENTS

Lake County Health Department – Comments by Jeff Bixler

No objection to the variance request.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering 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.

ADDITIONAL COMMENTS

On May 24, 2017, the Lake County Planning, Building & Development Department issued a red-tag violation for the construction of a roof without a permit over the existing deck. Further, Department records do not indicate the issuance of a permit for the deck. Based on aerial photography, the stand-alone deck located on the south side of the property was present when the applicant acquired the subject property on November 25, 2013. Moreover, aerial photography also indicates the deck present on the subject property since 1997.

The Lake County Code defines a structure as legal nonconforming structure if it was legally established according to the zoning regulations in effect at the time but no longer complies with the requirements for the zoning district in which it is now located. With regards to the existing deck, the applicant applied for a legal nonconforming determination which was approved by the Department on June 15, 2017. Consequently, the requested variation is only for the roof above the existing deck.

RECOMMENDATION

Staff recommends approval of the variance request. Given the circumstances, in Staff's opinion, the variance request complies with the standards in the following manner:

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

Comment: It is the desire of the applicant to construct a roof over an existing deck. The following features and characteristics constitute, in the aggregate, exceptional conditions in staff's opinion:

- Based on aerial photography and photographs submitted by the applicant, the deck was historically afforded shade by several large trees located on the subject property. The trees were removed by the applicant when the trees showed signs of disease, as verified by the photographs.
- In-turn, the removal of the trees will eliminate shade previously enjoyed by the owners when using the deck.

Given the removal of the trees that provided longstanding shade to the legally nonconforming deck, exceptional conditions justify erecting a roof over the deck to restore the shade conditions to this amenity. If approved, staff recommends a condition of approval to allow a maximum height of 11 feet, 6 inches for the roof in the location as submitted within the application.

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

Comment: The applicant's acquired the property with the understanding the placement of the deck was appropriate. The removal of the unhealthy trees makes the use of this deck impractical as it no longer shaded. Staff is of the opinion that prohibition of a roof on the deck would constitute a particular hardship for the applicant.

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. Prior to the construction of the roof, the property contained numerous trees of approximately 30 feet in height. The removal of the trees allowed for improved views of the lake for the adjacent property owners. The deck and proposed roof will not be enclosed which will allow for a view of the lake from adjacent properties. Additionally, this structure will have a similar height of the gazebo to the west of the property. Ultimately, the construction of a roof 11 feet and 6 inches high over the existing deck will not have a detrimental affect upon adjacent property owners.

RECOMMENDED CONDITIONS

In the event the Board grants the variation of the water's edge setback, staff recommends that it be limited to the following conditions:

1. The location of the structure be based on the site plan of ZBA application #000242-2017.
2. The height of the structure shall be no greater than 11 feet, 6 inches.
3. The structure shall not be enclosed.