



Lake County Central Permit Facility
500 West Winchester Road
Libertyville, Illinois 60048-1331
Phone: 847.377.2600
E-mail lcpermits@lakecountyil.gov

July 20, 2017

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

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

CASE NO: 000244-2017

HEARING DATE: July 27, 2017

REQUESTED ACTIONS:

1. Reduce the street yard setback from 8.18 feet to 1.42 feet to allow for modification to the roofline of an existing single family home.
2. Reduce the street yard setback from 8.18 to 3.73 feet to alleviate the nonconforming status of the existing detached garage

GENERAL INFORMATION

OWNER: David L. Fales

OF PARCELS: One

SIZE: 0.20 acres, per Lake County's Geographical Information Systems

LOCATION: 25288 W Buena Ave., Lake Villa, IL, 60046. PIN 01-36-401-010

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: Single family home and detached garage

PROPOSED LAND USE: The applicant is proposing to modify the existing roof line of the existing principal structure to meet current building codes while repairing the damaged roof. They are also asking to remedy the nonconforming status of an existing detached garage.

SURROUNDING ZONING / LAND USE

EAST:	Residential-3 (R-3) / Single-Family Residential
NORTH:	Residential-3 (R-3) / Single-Family Residential
SOUTH:	Residential-3 (R-3) /Recreational
WEST:	Open Space (OS) / Fox Lake

COMPREHENSIVE PLANS

LAKE COUNTY:	Residential Single-family Residential (0.25 to 1-acre lot density)
VILLAGE OF LAKE VILLA:	Not Designated

DETAILS OF REQUEST

ACCESS:	Direct access is provided via W Buena Ave.
NONCONFORMING LOT:	The subject property is a nonconforming lot due to lot area.
FLOODPLAIN / WETLAND:	The property contains mapped floodplains.
SEPTIC AND WATER:	The subject property is serviced by a public sanitary sewer and private well.

ADDITIONAL COMMENTS

- The front yard 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 yard 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 is less than the underlying zoning district standard of 30 feet, therefore, an 8.18 foot front yard setback applies.

- The applicant is proposing to modify the roofline to provide insulation in accordance with applicable building codes, and to remedy the nonconforming status of the existing single family. There is also an existing nonconforming detached accessory structure on site, the applicant seeks a variance for this structure as well so that in the event either structure were to be destroyed by greater than 50% of its replacement costs it could be reconstructed in its current location.

STAFF COMMENTS

Tom Copenhaver – Environmental Health Services

- The Health Department has no objections to the variance request. The property is served by public sewer and private water well. The well will not be impacted by the project. A counter based property alteration review will be required at the time of permit application.

Eric Steffen – Engineering & Environmental Services Division

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

Robert Springer – Building Division

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

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 variances for the following reasons:

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

Comment: There are several physical characteristics unique to the applicant's property that demonstrate exceptional conditions. Site limitations have been created by the location of the existing home and detached garage, as neither structure meets the setbacks of the underlying zoning district, nor meet the standards for the reconstruction of nonconforming structures. In addition to the location of the structures on the site, the property itself has an unusual configuration with 265 feet of lot width and only 40 feet of lot depth.

The home was constructed in the 1930's and the existing attic space does not meet current building code, as it does not provide adequate room for code compliant insulation or access to the attic. Both the existing principal and accessory structures fail to meet the street yard setback required by the current Lake County Code. If the structures were to be damaged, they would not be allowed to be reestablished in their current location.

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

Comment: The existing roof of the single family home sustained damage from a fallen tree. The applicant wishes to modify the roofline while repairing the damage. Single family homes are often constructed with a 4/12 pitch or greater to drain water and snow. Without the requested variance from the street yard setback, the property owner would be required to repair and maintain the current “flat roof”. The property owner has also applied to renovate the existing home, improve its aesthetic appearance, and bring the entire structure up to current building codes.

In addition to allowing for the modification of the roofline, the variance request would allow the home to be rebuilt should it be damaged or destroyed in the future. Furthermore, the additional variance request would remedy the nonconforming status of the existing accessory structure and thereby assuring it is able to be rebuilt in the event it is damaged or destroyed.

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

Comment: The proposed project will be in alignment with the purpose and intent of the ordinance by maintaining a pattern of single family homes and accessory structures present throughout the neighborhood. Both the proposed renovation of the home and existing detached garage meet all other setback requirements, as well as the maximum allowable height.

The subject property is at the terminus of a dead-end street, adjacent to Fox Lake and across from a private park. The proposed renovations, as well as the existing nonconforming accessory structure, will have little to no detrimental impact on surrounding properties.

RECOMMENDED CONDITIONS

1. 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.