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May 3, 2018

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

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

CASE NO: VAR-000347-2018

HEARING DATE: May 10, 2018

REQUESTED ACTIONS:

1. Reduce the minimum west side yard setback from 7 feet to 0.40 feet to accommodate the expansion of the existing single-family home and to alleviate the nonconforming status of the home.
2. Reduce the setback to the Ordinary High Water Mark (OHWM) from 30 feet to 10.23 feet to accommodate the expansion of the existing single-family home and to alleviate the nonconforming status of the home.
3. Increase the maximum Impervious Surface Ratio (ISR) from 30% to 39% to accommodate the expansion of the existing single-family home.
4. Reduce the minimum street yard setback from 30 feet to 0 feet to alleviate the nonconforming status of the existing shed.
5. Reduce the minimum south side yard setback from 6 feet to 3.73 feet to alleviate the nonconforming status of the existing shed.

GENERAL INFORMATION

OWNERS: James and Mary Montrie

# OF PARCELS:	One
SIZE:	0.36 acres., per Lake County GIS
LOCATION:	35013 N. James Ave., Ingleside, IL. PIN 05-13-408-001
EXISTING ZONING:	Residential-3 (R-3)
EXISTING LAND USE:	Single-family Residence and Shed
PROPOSED LAND USE:	The applicant is proposing to expand the existing single-family home and to remedy the nonconforming status of the principal structure and existing shed.

SURROUNDING ZONING / LAND USE

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

COMPREHENSIVE PLANS

LAKE COUNTY:	Small Lot Residential Less than 0.25-acre Lot Density
VILLAGE OF ROUND LAKE:	Not designated
VILLAGE OF ROUND LAKE BEACH:	Not designated
VILLAGE OF ROUND LAKE HEIGHTS:	Not Designated
VILLAGE OF VOLO:	Not Designated
VILLAGE OF FOX LAKE:	Low Density Residential

DETAILS OF REQUEST

ACCESS:	Direct access is provided from James Ave.
CONFORMING LOT:	The subject property is a conforming lot in the Residential-3 (R-3) Zoning District.
FLOODPLAIN / WETLAND:	The property contains mapped floodplains
SEPTIC AND WATER:	The subject property is serviced by a public sewer and private well

ADDITIONAL STAFF COMMENTS

- This property was platted as part of the Pickerel Point Subdivision in 1924. As part of that subdivision, most property boundaries fall several feet short of the water's edge; a narrow strip of land along the lakeshore that is in private ownership. The subject property does not touch the lake.
 - The proposed garage addition on the south side of the home is in-line with the western wall of the existing single-family home. The building wall will be no closer than 0.40 feet to the western property line, and no overhang is proposed.
 - Lake County Code Section 151.146(H)(6)(d) specifies a minimum 30-foot setback from the ordinary high-water mark (OHWM) for a water body with a tributary drainage area of 20 acres or more. The applicant is requesting a reduction in the required setback to the OHWM from 30 feet to 10.23 feet to accommodate the proposed additions to their home. This request is intended to accommodate all portions of the existing single-family dwelling and proposed additions.
 - As is shown on the site plan, the existing shed extends 1.20 feet into the platted right-of-way of James Ave. If the shed were to be destroyed, the applicant would like to reconstruct the shed in the same area of the property. The requested setback of 0 feet would allow for reconstruction in the same area, and the structure would be removed from the right-of-way.
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STAFF COMMENTS

Joe Meyer – Lake County Division of Transportation

- James Ave is a private street.

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variances. The parcel is located within the FEMA mapped regulatory floodplain of Long Lake and the proposed project will need to comply with the regulatory floodplain requirements of the Lake County, Illinois Code of Ordinances.

Mark Mussachio – Environmental Health Services

- No objections to the requested variances.

Eva Donev – Building Division

- No objection to the variance requests.

RECOMMENDATION ON VARIANCES

Staff recommends approval for the variance requests. In Staff's opinion, the variance requests comply with the standards for a variance 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 is a conforming lot in the Residential-3 (R-3) zoning district. The parcel is located in the Pickerel Point Subdivision, platted in 1924. The subject property is located on a peninsula and is surrounded by water on three sides. As identified in the "additional comments" section above, the property owners do not own to the seawall, although they do maintain that area. The property is not as large as it appears in the field. The setbacks are taken from the property line, not the seawall. Additionally, the impervious surface calculations do not consider this additional yard space.

In addition to the unusual configuration of the property, the existing structure is nonconforming as it fails to meet the 7-foot interior side yard setback, as well as the 30-foot setback to the ordinary high-water mark (OHWM). The home was constructed in 1960 as a single story, ranch style home with a 432 square foot attached garage. Due to its position on a peninsula, a second story addition to the home would impact the neighboring properties' view of the lake. In an effort maintain the character of the

home and area, the applicant is proposing to expand outward rather than upward to preserve lake views.

Due to their unusual location on a peninsula, both the existing home and detached shed fail to meet the required setbacks. As previously stated, the home fails to meet the 7-foot interior side yard and 30-foot setback to the OHWM. In addition to the nonconforming home, the existing shed fails to meet the 7-foot interior side yard setback. The shed also fails to meet the required street yard setback, extending 1.20 feet into a platted right-of-way. If the shed were to be destroyed, it could only be reestablished at the entryway to the home.

Several exceptional factors impact the impervious surface ratio. The footprint of a single-family home is greater than that of a two story home, and the unique layout of the property makes it difficult to maneuver vehicles and requires additional pavement area to allow a turnaround before exiting onto James Ave. Additionally, similar properties extend to the edge of the water, which would allow credit for additional pervious surface.

The requested variances are a result of the subject property's physical limitations, and the position of the existing structures, both constitute exceptional conditions that justify the variances.

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

Comment – The existing home is located in the floodplain and sustained damaged during the July 2017 flood event. In an effort to mitigate future flood damage, the applicant is proposing to raise the home to be elevated three feet above the Base Flood Elevation (BFE). While completing the proposed floodproofing, the applicant wishes to expand the home and complete significant interior renovations in order to transform the vacation home into a full-time residence. Without the requested zoning relief, there would be little opportunity to expand the home, as the majority of the home is located within the 30-foot setback to the OHWM as well as the street. Due to the limitations created by the configuration of the property and the location of the existing home, there is no feasible way to expand the home within the required setbacks.

In addition to allowing for the expansion of the existing home, the variance requests would allow the home to be rebuilt should it be damaged or destroyed. Additionally, without the requested variances, the property owners would be unable to rebuild their shed within said setbacks. Without zoning relief for the side yard and OHWM setbacks, the applicant would be deprived of similar benefits enjoyed by neighboring properties not located on a peninsula.

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 related accessory structures present throughout the neighborhood. There is a well-established pattern of both principal and accessory structures constructed very near to the interior side yard property lines. Furthermore, the owner desires a modest home expansion without impairing lake views of neighboring properties.

RECOMMENDATION ON VARIANCE

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 #VAR-000347-2018.