



**Lake County Central Permit Facility**  
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September 6, 2018

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

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

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CASE NO: VAR-000398-2018

HEARING DATE: September 13, 2018

REQUESTED ACTIONS:

1. Reduce the west street yard setback from 30 feet to 22.38 feet to accommodate the construction of a covered front porch.
2. Reduce the minimum south side yard setback from 6 feet to 4.0 feet to alleviate the nonconforming status of the existing shed.
3. Reduce the minimum south side yard setback from 6 feet to 0.56 feet to alleviate the nonconforming status of the existing detached garage.

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**GENERAL INFORMATION**

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OWNER: Kevin and Kelly Badgley

# OF PARCELS: 1

SIZE: 0.41 acres, per Lake County's GIS Calculated Acreage

LOCATION: 34843 N. Lincoln Ave., Lake Villa, Illinois. PIN 07-19-103-010

EXISTING ZONING: Residential-4 (R-4)

EXISTING LAND USE: Single Family Residence and Accessory Structures

PROPOSED LAND USE: The applicant is proposing to construct a covered front porch

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

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EAST:	Residential-4 (R-4)/Single-Family Residential
NORTH:	Residential-4 (R-4)/Single-Family Residential
SOUTH:	Residential-4 (R-4)/Single-Family Residential
WEST:	Residential-4 (R-4)/Single-Family Residential

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### **DETAILS OF REQUEST**

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ACCESS:	Direct access is provided from N Lincoln Avenue.
CONFORMING LOT:	The subject property is a conforming lot in the Residential-4 (R-4) zoning district.
FLOODPLAIN / WETLAND:	The property does not contain mapped floodplain or wetlands.
SEPTIC AND WATER:	The subject property is serviced by public sanitary sewer and private well.

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### **ADDITIONAL STAFF COMMENTS**

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- The front yard setback for a structure on a conforming lot in the residential-4 (R-4) zoning district is 30 feet. Lake County Code Section 151.131(C)(3) allows for certain features within setbacks including non-enclosed porches extending no further than four feet into a required setback, as long as they are located at least 4 feet from all lot lines.
- Based on the allowable encroachment into required setbacks and location of the existing home, a covered porch would be allowed to extend approximately 5.27 feet toward the street from the existing home, when allowing for a 12 inch overhang/gutter. The applicant is requesting a covered porch extending 8.89 feet from the west side of the existing home to allow for a functional front porch to accommodate a reasonable sitting area consistent with nearby properties which have lake oriented decks and porches.
- The Warren Township Highway Commissioner has provided an email indicating she has no objection to the proposed front porch, which has been included in the application packet. The

property owners have also provided a document signed by the four adjacent property owners acknowledging they were notified by the property owners of the proposed variance requests.

- The remaining variance requests are to remedy nonconformity, and to allow the detached garage and shed to be rebuilt in their current locations.

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### STAFF COMMENTS

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Mark Mussachio – Environmental Health Services

- The Health Department has no objections to the listed variances.

Eric Steffen – Engineering & Environmental Services Division

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

Bob Springer – Building Division

- The building division has no objection to the granting of this request.

Dave Humbert – Lake County Public Works

- LCPW does not object to the variance request.

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### RECOMMENDATION ON VARIANCES

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Staff recommends approval for the variance requests. In Staff's opinion, the variance requests 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 is in the Residential-4 (R-4) zoning district and is a conforming lot with sufficient lot area and road frontage. The parcel is in the Powell's Subdivision, platted in 1890. While the parcel and existing home are conforming, the width of the adjacent right-of-way (ROW) is unusually wide and places constraints on the buildable area on the west side of the property. A typical ROW for a township road is 40 feet, while the ROW containing Lincoln Avenue is 66 feet wide.

The excessively wide ROW results in the existing structure being set back approximately 50 feet from the edge of pavement, with almost 18 feet of grass between the pavement and the property line. The property owners maintain this area as an extension of their front yard. The proposed covered porch would allow for greater enjoyment of their

front yard, provide an improved line of site to the nearby lake, and result in an aesthetic upgrade to the home. The additional variance requests would remedy the existing nonconformities and allow the existing accessory structures to be rebuilt should they be destroyed.

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

Comment – It is the desire of the applicant to construct a covered front porch, as well as to remedy the nonconforming status of the existing detached garage and shed. The covered porch would improve the curb appeal of the home while also providing an opportunity to utilize the front yard area for lake oriented seating and leisure activities. Without the requested variance, the property owners would be allowed a front porch of just over 5 feet deep which would limit the functionality of the outdoor space.

Furthermore, without remedying the nonconforming status of the current footprint of the home and decks, these features could not be rebuilt should they be destroyed by any means.

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

Comment – These variation requests are in harmony with the general purpose and intent of the zoning regulations. The proposed placement of the covered porch within the street yard setback should not have a negative effect upon the adjacent property owners. The proposed attached garage will meet the side yard setback to the northern property line, and the overall site meets the Impervious Surface Ratio (ISR) requirements. The face of the home will not be moving further northward, and it is unlikely to have a detrimental impact on neighboring properties. There is a pattern of structures located very near to the street ROW throughout the neighborhood and the proposed porch would not result in the home being any closer to the street ROW than structures on nearby properties.

With respect to remedying the legal nonconforming status of the existing accessory structures, if they were to be destroyed they could not be rebuilt in their current location. Due to setback requirements between structures, the existing garage could not be shifted northward. While the existing shed could feasibly be shifted northward to meet setbacks, it is not out of character with nearby properties and staff does not have an issue with it being rebuilt in its current location.

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### RECOMMENDATION ON VARIATION

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