



Lake County Central Permit Facility
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November 14, 2018

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

FROM: Thomas Chefalo, Principal Planner
Lake County Department of Planning, Building, and Development

CASE NO: #VAR-000428-2018

HEARING DATE: November 29, 2018

REQUESTED ACTIONS:

- 1.) Reduce the front setback from 30 feet to 11.25 feet to accommodate a new garage.
- 2.) Reduce the rear yard setback from 5 feet to 0.5 feet to build a deck.

GENERAL INFORMATION

OWNERS: Brigette A. Bell and Eric P. Bell, Trustees of The Eric P. Bell Living Trust, U/A and The Brigette A. Bell Living Trust, U/A,

OF PARCELS: 1

SIZE: 0.23 acres, per Lake County GIS information

LOCATION: 42363 N Woodbine Ave. Antioch, IL 60002 PIN: 01-11-404-009

EXISTING ZONING: R-1

EXISTING LAND USE: Single family home

PROPOSED LAND USE: Single family home

SURROUNDING ZONING / LAND USE

EAST: R-1/ Single-Family Residential

NORTH: R-1/ Single-Family Residential

SOUTH: OS/ Channel Lake

WEST: R-1/ Single-Family Residential

DETAILS OF REQUEST

ACCESS: Direct access is provided from Woodbine Ave.

CONFORMING LOT: The subject property is a nonconforming lot in the R-1 zoning district due to lot area and frontage.

FLOODPLAIN / WETLAND: There are no mapped wetlands or floodplain located on the property.

SEPTIC AND WATER: The subject property is served by well and septic.

STAFF COMMENTS

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to variance request.

Erik McCormick – Building Division

- The Building Division has no objection to variance request.

Jeff Bixler – Health Department

- The Building Division has no objection to variance request.
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ADDITIONAL STAFF COMMENTS

1. The applicant intends to demolish the existing house and garage and replace them with new structures.
 2. The parcel is a non-conforming lot in the Woodbine Park subdivision. When the subdivision was created, a narrow strip of land, now approximately 30 feet wide and located between the lot and Channel Lake, was excluded from the subdivision. This land has been maintained by the property owner for over 15 years. There is no owner associated with the land in the County's assessment database. The applicant has stated that she intends to acquire the portion of the apparently "orphaned" property that she maintains through the common law remedy of "adverse possession". Staff takes no position on the suitability/availability of this legal remedy nor the likelihood and/or timing of the applicant acquiring said property.
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RECOMMENDATION ON VARIANCES

Staff recommends approval for the variance request. In Staff's opinion, the variance request complies with the standards for variances in the following manner:

Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)

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

Comment –

Street yard setback request

The lot is non-conforming by area and frontage and is only fifty feet wide. The septic system is located between the existing house and garage.

Rear yard setback request

When the subdivision was created, a strip of land along Channel Lake apparently became "orphaned". It is being used and maintained by the applicant. However, the Planning, Building and Development Department cannot recognize it as part of the applicant's property at this time.

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

Comment –

Street yard setback request

There is limited area on the lot to relocate a septic system. If the garage were built at the required street yard setback there would be no area available for a replacement septic system.

Rear yard setback request

The location of the septic system prevents the applicant from locating the new house in a more central location on the lot.

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

Comment –

Street yard setback request

The existing garage is non-conforming for both the side yard and street yard setbacks. The proposed location of the new garage corrects the failure to meet the side yard setback. The applicant is requesting a street yard setback that will mirror the setbacks of the garages located on either side of the subject property and is in keeping with the character of the neighborhood.

Rear yard setback request

All the lots located between Woodbine Ave. and Channel Lake abut the strip of orphaned property. The orphaned strip has been used and maintained by the owners of the adjacent lots and consequently has the appearance of being part of such properties. The low likelihood of any third-party claims on this orphaned strip suggest that this condition will continue unless/until such time as adjoining owners are able to formally acquire portions of the orphaned land. Had the applicants been able to acquire the orphaned property prior to this time, the request for a rear yard setback variance would have been unnecessary.

Recommended Conditions of Approval

This variance is hereby granted subject to the following;

1. The proposed addition is constructed in accordance with the site plan accompanying the variance application.