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November 19, 2018

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

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

CASE NO: VAR-000430-2018

HEARING DATE: November 29, 2018

REQUESTED ACTIONS:

1. Reduce the east rear yard setback from 18 feet to 11.50 feet to accommodate the expansion of an existing single family home.
2. Reduce the minimum south side yard setback from 4 feet to 0 feet to alleviate the nonconforming status of the existing detached garage.
3. Reduce the minimum west front yard setback from 23 feet to 6.44 feet to alleviate the nonconforming status of the existing detached screen room.
4. Reduce the east rear yard setback from 18 feet to 0.26 feet to alleviate the nonconforming status of the existing detached shed.

GENERAL INFORMATION

OWNERS: David and Karen Tatak

OF PARCELS: 1

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

LOCATION:	40271 N West Shore Dr., Antioch, Illinois. PIN 02-20-402-064
EXISTING ZONING:	Residential-1 (R-1)
EXISTING LAND USE:	Single Family Residence and Accessory Structures
PROPOSED LAND USE:	The applicant is proposing to construct an addition to the east side of the existing single family home.

SURROUNDING ZONING / LAND USE

EAST:	Residential-1 (R-1)/ Single-Family Residential
NORTH:	Residential-1 (R-1)/ Home Owners Association Park
SOUTH:	Residential-1 (R-1)/ Single-Family Residential
WEST:	Residential-1 (R-1)/ Single-Family Residential

DETAILS OF REQUEST

ACCESS:	Direct access is provided from N West Shore Drive.
CONFORMING LOT:	The subject property is a nonconforming zoning lot in the Residential-1 (R-1) Zoning District.
FLOODPLAIN / WETLAND:	The property contains mapped floodplains and does not contain wetlands.
SEPTIC AND WATER:	The subject property is serviced by a private septic system and well.

ADDITIONAL STAFF COMMENTS

- The rear yard setback for a principal structure on a nonconforming lot is a function of the lot width. Lake County Code Section 151.233(C)(1)(b) specifies the minimum rear yard setback shall be four feet or 10% of the lot width, whichever is greater. In this case the lot is 180 feet wide at the 30 foot setback line, therefore, the rear yard setback is 18 feet.

- The proposed addition is located in line with the existing 12'x15' bump out on the east side of the existing single family home, however, as a result of the angle of the home in relation to the property line the new addition is proposed approximately 2 feet closer to the rear (east) property line than the existing structure.
- The remaining variance requests are to remedy nonconformity, and to allow the detached garage and shed to be rebuilt in their current locations. The overhang of the existing detached garage encroaches over the southern property line into a platted access easement, however, if the garage were to be destroyed it could only be reestablished within the boundaries of the property. Please note, the "frame beach house" shown on the site plan as a part of the variance request is not a second dwelling unit on site but rather a 3-season room.

STAFF COMMENTS

Jeff Bixler – Environmental Health Services

- LCHD has no objections to this request.

Eric Steffen – Engineering & Environmental Services Division

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

Eva Donev – Building Division

- The Lake County Building Department has no objection to the requested variance.
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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 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 in the Residential-1 (R-1) zoning district and is a legal nonconforming due to the lot area. The parcel is in the Del Monte Gardens, platted in 1921. The subject parcel is exceptionally small at only 17,993 square feet, resulting in a lot area less than half of a conforming R-1 lot, which requires 40,000 square feet.

The existing home was constructed in 1973 and the bump out of the east side of the home appears to be original to the home. It is the desire of the property owner to expand this area to allow for a more functional interior space. 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 – Without the requested variance, the property owners would be unable to expand their home in a functional manner in order to blend into the existing floorplan of the home. The existing bump out is a single story and only allows for 195 square feet of living space within this area, limiting the functionality of the space. The home is orientated such that the side of the home faces what is considered the rear yard, while the rear of the home faces north which is the side yard. Without zoning relief for the rear yard setback, the applicant would be unable to expand the footprint of their home without constructing an addition off the north side of the home. It is staff's opinion that an addition on the rear of the home would impact not only the homeowner's view of the lake, but also the view of the house located directly east of them.

Furthermore, without remedying the nonconforming status of the existing detached garage and 3-season room, these structures could not be rebuilt should they be destroyed.

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

Comment – There is a well-established pattern of nonconforming structures surrounding the subject property, and several zoning variances have been granted in the past to nearby properties. The proposed project will be in alignment with the purpose and intent of the ordinance by maintaining a pattern of single family homes present throughout the neighborhood. The proposed expansion of the single family home will meet all the remaining setbacks requirements, including the Impervious Surface Ratio (ISR).

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.