



Lake County Central Permit Facility
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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-000432-2018

HEARING DATE: November 29, 2018

REQUESTED ACTIONS:

1. Reduce the east street yard setback from 30 feet to 18 feet to accommodate the construction of a covered front porch and attached stairs.

GENERAL INFORMATION

OWNER: Matthew and Michelle Fierer

OF PARCELS: 1

SIZE: 0.46 acres, per Lake County's GIS Calculated Acreage

LOCATION: 20820 N. Ash St., Deerfield, Illinois. PIN 15-35-103-012

EXISTING ZONING: Residential-2 (R-2)

EXISTING LAND USE: Single Family Residence and Accessory Structure

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

SURROUNDING ZONING / LAND USE

EAST:	General Commercial (GC)/Non-Residential
NORTH:	Residential-2 (R-2)/Single-Family Residential
SOUTH:	Residential-2 (R-2)/Single-Family Residential
WEST:	Residential-2 (R-2)/Single-Family Residential

DETAILS OF REQUEST

ACCESS:	Direct access is provided from N Ash Street
CONFORMING LOT:	The subject property is a conforming lot in the Residential-2 (R-2) zoning district.
FLOODPLAIN / WETLAND:	The property contains mapped floodplain but does not contain mapped wetlands.
SEPTIC AND WATER:	The subject property is serviced by public water and sanitary sewer.

ADDITIONAL STAFF COMMENTS

- The front yard setback for a structure on a conforming lot in the residential-2 (R-2) 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.
- Originally the subject property contained a 1,008 square foot single family home constructed in 1969, with a 324 foot addition which was added by the current property owners in 2008. It was the desire of the owners to construct a new home while preserving the 2008 addition to be utilized as part of the footprint of the new structure. The new portion of the structure was permitted in 2017 and is being constructed in line with the existing addition, located at the minimum 30 foot setback from the eastern property line.

- Based on the allowable encroachment into required setbacks, the 2017 permit was issued with a 5 foot deep front porch without front stairs. In order to meet the required setbacks so that a permit could be issued, the stairs providing access to the home had to be relocated to the northern side of the structure. The owners subsequently returned to apply for a variance to allow a slight increase in the depth of their front porch, as well as the addition of 6 foot deep front stairs in order to more safely locate the stairs and provide more functional space in the property's front yard.

STAFF COMMENTS

Brittany Sloan – Lake County Public Works

- The Lake County Public Works Department has no objection to the requested variance.

Eric Steffen – Engineering & Environmental Services Division

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

Eva Donev – Building Division

- The Lake County Building Department has no objection to the requested variance. Means of egress must comply with the size minimums per section R311, 2012 IRC.

RECOMMENDATION ON VARIANCES

Staff recommends approval for the variance request. In Staff's opinion, the variance request complies 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-2 (R-2) zoning district and is a conforming lot with sufficient lot area and road frontage. The parcel is in the Pekara Subdivision, Unit 1, platted in 1957. Although the property is conforming, and a new home could likely be built outside the required setbacks, both the 2008 addition and 2017 expansion were constructed in line with the original 1969 home which has resulted in insufficient room to construct the desired front porch and attached stairs. This tight configuration constitutes an exceptional condition.

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 porch and attached stairs. While the portion of the structure currently under construction was permitted, the location of the front stairs and means of egress were less optimal from a life safety perspective than a front-loaded stairway, as it is the opinion of Building and Zoning staff that the stairs should be relocated as close as possible to and in line with the front door. The current location also would limit the functionality of the property's outdoor space in the front yard. . Consequently, both issues constitute a hardship for the applicant.

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. There is an inconsistent pattern of setbacks throughout the neighborhood and there are other structures located within the required street yard setback. In addition to an irregular pattern of single family homes, the subject property faces a non-residential use to the east which contributes to the irregular land use patterns throughout the neighborhood.

RECOMMENDATION ON VARIATION

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