



Zoning Board of Appeals

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Chair

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November 9, 2020

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

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

CASE NO: #VAR-000590-2020

HEARING DATE: November 19, 2020

REQUESTED ACTION: Reduce the side street setback from 15 feet to 0 feet to allow for the construction of a single-family house.

GENERAL INFORMATION

OWNERS: Ted Falkiewicz, record owner

OF PARCELS: One

SIZE: 0.28 acres, per Lake County GIS information

LOCATION: 42657 N Park Avenue. Antioch 60002

PIN: 0110102015

EXISTING ZONING: R-1

EXISTING LAND USE: A residence foundation and detached garage

PROPOSED LAND USE: A residence and detached garage

SURROUNDING ZONING / LAND USE

EAST:	Fox River
NORTH:	R-1/ single family house
SOUTH:	R-1/ single family houses
WEST:	R-1/ single family house

DETAILS OF REQUEST

ACCESS:	Access is provided from Lawson Rd./Forest Ln.
CONFORMING LOT:	The subject property is a non-conforming lot in the R-1 zoning district.
FLOODPLAIN / WETLAND:	There are no mapped wetlands on the property. The property is in the mapped AE floodplain.
SEPTIC AND WATER:	The property is served by septic and well.

STAFF COMMENTS

Joel Krause – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variances. Note that a Site Development Permit, and associated fees, will be required for the reconstruction of the single-family residence.

David Modrzejewski – Building Division

- The applicant must provide the Architect's inspection report for the foundation in order to determine its suitability as a foundation for new construction.

Mark Mussachio – Health Department

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

ADDITIONAL STAFF COMMENTS

1. This variance request is to allow for the reconstruction of a house that was demolished in 2019. According to the Assessor's office, the house that was demolished was built in 1970. A review of aerial photography shows that a structure has existed on the parcel in the same location since at least 1961.
 2. The foundation encroaches into the portion of the unbuilt Lawson Rd right-of-way.
 3. The applicant intends to retain the encroaching portion as-is within the ROW, but the house will be constructed further back from the encroaching edge so as to be entirely outside of the ROW.
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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 –

A residence has existed in the proposed location for many years. The parcel is a corner lot that is served by septic and well and is improved with detached garage. In addition, the parcel includes a 30 water's edge setback.

The area suitable for relocating a new structure that meets the required setbacks would entail relocation of all or a portion of the septic system.

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

Comment –

The parcel is non-conforming for area and width. This leaves little area for the relocation or expansion of a septic system.

In addition, while the applicant could apply for a vacation of the unbuilt portion of Lawson Rd., that portion of the right-of-way allows public access to the Fox River and residents of the

neighborhood who have used the right-of-way for that purpose may object to the loss of water access.

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

Comment –

A house has existed in the proposed location for at least 60 years. The house would abut an unbuilt right-of-way that will never be improved.

Approving the request would pose no discernable hardship to adjacent property owners or the neighborhood and is appropriate to the neighborhood character.

RECOMMENDED CONDITIONS OF APPROVAL

In the event the Board is inclined to grant the proposed variance request, staff recommends:

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #000590-2020.