



Zoning Board of Appeals

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Chair

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March 26, 2021

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-000631-2021

HEARING DATE: April 8, 2021

REQUESTED ACTION:

1. Reduce the front setback from 30 feet to 8.2 feet to allow for the construction of a garage addition to a single-family home.
2. Reduce the side-yard setback from 5 feet to 3.6 feet to allow for the construction of a garage addition to a single-family home.

GENERAL INFORMATION

OWNERS: Gregory Fabian, record owner

OF PARCELS: One

SIZE: 0.26 acres, per Lake County GIS information

LOCATION: 28221 W. Stewart Ave. Spring Grove, IL

PIN: 0133410016

EXISTING ZONING: R-1

EXISTING LAND USE: A single-family residence

PROPOSED LAND USE: A single-family residence with attached garage

SURROUNDING ZONING / LAND USE

EAST:	Residential-1 (R-1)/ / single family houses
NORTH:	R-1/ single family houses
SOUTH:	Open Space (OS) / Channel
WEST:	R-1/ single family houses

DETAILS OF REQUEST

ACCESS:	Access is provided from W. Stewart Ave.
CONFORMING LOT:	The subject property is a non-conforming lot in the R-1 zoning district.
FLOODPLAIN / WETLAND:	The property contains mapped AE floodplain. There are no mapped wetlands on the property.
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 variance.

David Modrzejewski – Building Division

- No issues

Jeff Bixler – Health Department

- Lake County Health Department has no objection to the variance to reduce the front building setback. Well head must remain a minimum of 2 feet to a roof overhang.
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ADDITIONAL STAFF COMMENTS

1. According to assessment records, the house was constructed in 1970. A review of aerial photography shows a house located in approximately the same location in 1961.
 2. The property abuts onto a channel that is connected to Nippersink Lake. The property located on the opposite side of the channel is owned by the Illinois Department of Conservation.
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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 –

The property is narrow. The house is located 5.3 feet from the east side-yard property line and 10.6 feet from the west side-yard property line. The south half of the property is within the 100-year flood plain. The septic system is situated between the south side of the structure and the floodplain. These site constraints represent exceptional conditions peculiar to the applicant's property.

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

Comment –

Locating the garage south of the house would obstruct the panoramic view of the open space from both the applicant's house and from the deck located on the neighboring property to the west. Additionally, the location of the septic system limits the buildable area behind the house. Further, access to the rear of the property is very restricted. The existing driveway on the west side of the house narrows to 10.6 feet between the house wall and the west side-yard property line. Safely driving large vehicles through the narrow space would be extremely difficult.

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

Comment –

The proposed addition will allow space for indoor parking of two vehicles. Garages are customarily accessory to single-family homes.

The garage addition is proposed to be set back further from the right-of-way than the house located directly to its east. In 2001, that parcel, 28211 W. Stewart Ave, received a variance to reduce the front setback from 30 feet to 2.63 feet and the side setback from 5 feet to 4 feet.

In addition, in 2015, a variance was granted for the property located at 28191 Stewart Ave. to reduce the front setback from 30 feet to 5 feet to allow that property owner to construct a detached garage.

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 #000610-2020.