



Zoning Board of Appeals

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Chair

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October 14, 2020

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

FROM: Eric Tooke, Principal Planner
Lake County Department of Planning, Building and Development

CASE NO: #000575-2020

REQUESTED ACTION: Reduce the south side yard setback from 4 feet to 1 foot to reconstruct a boathouse

HEARING DATE: October 22, 2020

GENERAL INFORMATION

APPLICANTS: Brian Shawn Landsverk, Trust

OF PARCELS: One

SIZE: 0.43 acres, per Lake County Maps Online Calculated Acreage

LOCATION: at 39663 N. Circle Avenue, Antioch, Illinois
P.I.N. 01-25-210-008

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family dwelling with boathouse

PROPOSED: New boathouse

SURROUNDING ZONING / LAND USE

East: Open Space
North: Residential-1 (R-1) / single-family dwelling
South: Residential-1 (R-1) / single-family dwelling
West: Residential-1 (R-1) / single-family dwelling

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-Family (1 to 3-acre lot density)

DETAILS OF REQUEST

ACCESS: Direct access to the single-family dwelling is from N. Circle Ave.

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

FLOODPLAIN / WETLAND: The subject property contains mapped floodplain but no mapped wetlands.

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

STAFF COMMENTS

- Lake County Code (LCC) Section 151.232(H)(1) states a legal nonconforming accessory structure on a foundation may be restored if deteriorated, damaged or destroyed to an extent greater than 50% of the replacement cost of the structure provided that the restored structure is located at least ten feet from the street lot line and four feet from the side and rear lot lines.
 - Per Section 151.271 of the LCC, a boathouse is a structure erected for the purpose of storing boats on an earthen floor or over a water slip. Since the accessory building is being constructed over an existing water slip, it is considered a boathouse.
 - Section 151.131(C)(3)(r) of the LCC exempts private boathouses from the water's edge setback.
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ADDITIONAL STAFF COMMENTS

Antioch Township Highway Department – Eric Ring

The Antioch Township Highway Department has no objection to the requested variance.

Lake County Environmental Engineering Division - Comments by Joel Krause

The Engineering Division has no objection to the requested variance.

Lake County Building Division – Comments by Ieva Donev

The Building Division has no objection to the granting of this variance.

Lake County Health Department – Comments by Arnie Rapa

Health Department does not object to the granting of the variation, however we ask that a condition be placed on the variance that the boathouse will be located at least 10 feet from the nearest septic line or a variation from the Health Department be obtained to reduce this requirement prior to the approval of any permits for the boathouse.

RECOMMENDATION

It is the desire of the applicant to replace an existing dilapidated boathouse that is located on the southeast side of the property with a new boathouse over the existing boat slip. The location of the boathouse is not changing from its current location. In staff's opinion, the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends approval of the variances for the following reasons:

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

Comment: A boathouse has existed in this location since at least 1961 (per the 1961 Lake County aerial map). The boathouse is located over an existing inlet and the rest of the property's shoreline is protected by a seawall. The width of the channel is narrowest at the southeast corner of the property, which provides natural protection from boat traffic due to the increased distance to the channel travel lanes. These site characteristics constitute exceptional conditions peculiar to the applicant's property.

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

Comment: The practical difficulty present is that the existing boathouse was constructed differently than most boathouses because it is built over a water inlet located within the boundary of the subject property rather than extending into the channel. With the location of the inlet and the existence of the seawall blocking boat access to the rest of the shoreline, the replacement of the boathouse in its existing location is most practical. In the absence of the requested variance, the owner would be required to remove a portion of the existing seawall and excavate a new water inlet, which would cause a loss of land mass for the property owner.

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

Comment: The boathouse itself does not intrude any further into the side yard setback than the existing boathouse and the current location provides safety from traffic on the channel and protection from the elements. There are other boathouses to the north of the subject property (39851 and 39839 N. Circle Ave that appear to be located similarly within the side yard setback. In summary, the location promotes safety and protection to those that use the channel and for the property owner's boat, creates no negative impact on the neighborhood, and is consistent with the prevailing character of the area.

RECOMMENDED CONDITIONS

In the event the Board grants the variation of the side yard setback, staff recommends that it be limited to the following conditions:

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #000575-2020.
2. The boathouse is either located a minimum of ten feet from the nearest septic line or a variance is granted by the Health Department.