



Zoning Board of Appeals

Gregory Koeppen
Chair

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August 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-000687-2021

HEARING DATE: September 9, 2021

REQUESTED ACTION:

1. Reduce the water's edge setback from 30 feet to 25 feet to accommodate the construction of a screened room on an existing deck.

GENERAL INFORMATION

OWNERS: Anthony J. Costa & Michelle M. Costa, record owners

OF PARCELS: One

SIZE: 0.38 acres, per Lake County GIS information

LOCATION: 25416 W EAST AVE ANTIOCH, IL

PIN: 0113401007

EXISTING ZONING: R-1

EXISTING LAND USE: A single-family residence

PROPOSED LAND USE: A single-family residence with enclosed (screened) porch addition

SURROUNDING ZONING / LAND USE

EAST:	Residential-1 (R-1)/ single family houses
NORTH:	OS/ Lake Marie
SOUTH:	R-1/ single family houses
WEST:	R-1/ single family houses

DETAILS OF REQUEST

ACCESS:	Access is provided from W. East Ave.
CONFORMING LOT:	The subject property is a non-conforming lot in the R-1 zoning district.
FLOODPLAIN / WETLAND:	There are mapped wetlands and floodplains on the property adjacent to the Lake Marie.
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. Please note that either a separate Site Development Permit or a Plan Revision (to the previously issued Site Development Permit for the interior alterations and exterior deck) will be required for this work.

David Modrzejewski – Building Division

- The Building Department has no objection to this request.

Tom Copenhaver – Health Department

- The Health Department has no objection to this variance request. A property alteration permit will be needed for construction of the screened porch. Three copies of the existing and proposed floor/building plans must be submitted for review. The permit will be either a counter-based

review (review fee \$ 48.00) or submittal-based review (review fee \$125.00) depending on the scope of the project.

ADDITIONAL STAFF COMMENTS

- 1.) According to assessment records, the house was constructed in 1960.
- 2.) The applicants purchased the property in 2019.
- 3.) The house currently is improved with an uncovered deck that extends, as is permitted per Section 151.146(H)(6)(d)(1)(b), to 20 feet from the water’s edge (ordinary high water mark).
- 4.) The applicant is proposing to construct a screened porch, under roof, on top of the existing uncovered deck.
- 5.) Per Section 151.146(H)(6)(d)(1)(c), the Planning, Building and Development Director is authorized to reduce the required 30 foot setback from the water’s edge for structures when it is determined that existing conditions will prohibit the reasonable use of the property if the setback is imposed. However, the Director, has deferred this application request to the Zoning Board of Appeals.
- 6.) The house is currently undergoing a renovation including an addition and interior alterations.
- 7.) No other property on the peninsula on which the subject property is located has received permission to build or appears to have any portion of a structure, other than an uncovered deck, located within the 30-foot water’s edge setback.

RECOMMENDATION ON VARIANCE

After considering the facts in this case, staff recommends denial of the variance request. In Staff’s opinion, the variance request does not comply 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 location of the house in proximity to the water and the narrowness of the lot do present specific limitations to the buildable area of the property. Additionally, the north wall of the house is not parallel to the water’s edge. Therefore, the area between the north house wall and the 30-foot water’s edge setback line narrows from 11 feet on the west to 5 feet on the east of the structure.

However, it is not unusual for properties along the water bodies of unincorporated Lake County to share similar constraints. Very few lakefront residential structures are oriented parallel to the lakeshore. The surrounding properties are similarly situated.

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

Comment –

The applicant would like to access the proposed screened porch from an existing doorway to the deck. The applicant states that constructing an irregularly shaped screened porch that remains outside of the 30-foot water’s edge setback would be less aesthetically pleasing and more expensive than creating a rectangular structure that encroaches into the setback.

An applicant may not claim a hardship because of conditions which are self-created nor does economic hardship justify a variance from ordinance requirements. The existing deck, built by a previous owner, was designed to accommodate the 20-foot water’s edge setback for open decks which also narrows from west to east along the north facade. It is possible to enjoy the use of the property without the addition of a screened porch which encroaches into the 30-foot water’s edge setback.

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

Comment –

The proposed improvement, due to its exceptional appearance near the water’s edge, would be inconsistent with the water-front character of the surrounding homes along the lake, and would further obstruct views to the water from surrounding properties.

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 #000687-2021.