



Zoning Board of Appeals

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Chair

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March 1, 2022

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: VAR-000684-2021

HEARING DATE: March 10, 2022

REQUESTED ACTION:

1. Reduce the north side street setback from 15 feet to 11 feet to accommodate the construction of a pool.

GENERAL INFORMATION

OWNERS: Robert T. Zydlo, record owner

OF PARCELS: One

SIZE: 0.31 acres, per Lake County GIS information

LOCATION: 35495 N. Indian Lane, Ingleside, IL

PIN: 05-14-402-001

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: A single-family residence and three accessory buildings

PROPOSED LAND USE: A single-family residence and 3 accessory buildings with above-ground pool

SURROUNDING ZONING / LAND USE

EAST: R-3/ Manitou Creek and single-family houses

NORTH: R-3/ single family houses

SOUTH: R-3/ single family houses

WEST: R-3/ single family houses

DETAILS OF REQUEST

ACCESS: Access is provided from N. Indian Lane

CONFORMING LOT: The subject property is a nonconforming lot in the R-3 zoning district due to insufficient lot width.

FLOODPLAIN / WETLAND: There are mapped wetlands and floodplain on the east side of the property.

SEPTIC AND WATER: The property is served by public sewer and private well.

STAFF COMMENTS

Joel Krause – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variance. Note that a Site Development permit will be required for the proposed pool to ensure that all stormwater and floodplain requirements of the Ordinance are being met.

Robert Springer – Building Division

- The building Division has no objection to the granting of this request. The pool and related equipment must comply with all applicable building codes in effect at the time of application.

Brittany Sloan – Public Works

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

Arnie Rapa–Health Department

- The above-ground pool will not impact the existing well. The home is connected to public sewer provided by Lakes Region Sanitary District. I have no objections to reduce the setback from the pool to the street.

ADDITIONAL STAFF COMMENTS

1. The applicant submitted a pool permit application to the Department on June 10, 2020 but withdrew the application shortly thereafter given a decision to delay construction of the pool. No formal review was conducted by staff at that time. The applicant proceeded to construct a pool without a permit in the summer of 2020 and has retroactively applied for a permit for the pool.

RECOMMENDATION ON VARIANCE

After considering the facts in this case, staff has determined the variance request complies with the standards for Criteria #1 and #3, however, staff is compelled to recommend denial of the request because, in staff’s opinion, the request does not comply with standard #2. Staff’s analysis of the request follows below:

Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)

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

Comment –

The subject property is part of Wilson’s Second Subdivision, recorded in 1909, and is nonconforming due to the narrow width of the lot, which is 50 feet. It is also a corner lot, requiring street setbacks from both N. Indian Lane and Blackhawk Avenue. Given the lot’s size and corner lot status, the parcel is somewhat unusually constrained in terms of setbacks. The pool’s location is further limited by other pre-existing improvements and features in the property’s rear (eastern portion) including a shed and other structures, a mature tree in the center of the rear yard, and the presence of floodway and floodplain along the property’s far eastern portion. The pool is also situated in alignment with the pre-existing home which is located within the north street setback, and its location north (and closer to Blackhawk Avenue) of the house’s rear door allows for direct and unimpeded access to the rear of the property from that door along the property’s southern lot line. All of these factors constitute somewhat exceptional conditions peculiar to the applicant’s property.

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

Comment –

Despite the somewhat constrained configuration of the lot and its improvements referenced above, there appears to be sufficient area on the property to technically accommodate a pool that meets both the southern (interior side yard) setback of 4 feet and the northern (side street) 15-foot setback along Blackhawk Avenue. In any case, the applicant constructed the pool without a permit; any self-created hardship cannot satisfy standard 2.

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

Comment –

There are only three driveways that take access from the portion of Blackhawk Avenue that is adjacent to the subject property as Blackhawk Avenue terminates at Manitou Creek (formerly Squaw Creek). This serves to limit traffic on this section of Blackhawk Avenue, minimizing the need for the 15-foot side street setback. If this was an interior side yard, the setback requirement would be 4 feet. Additionally, the street side yard of the property, where the applicant has constructed the pool, is enclosed by a combination of a six-foot privacy fence and a five-foot chain link fence that is covered with plant material, all of which provides some privacy and screening from the lots across the street. Pools are quite common throughout the neighborhood, some within close proximity of property lines, hence the pool's location on the subject property would not be out of character with these nearby improvements. If the request were to be approved, the pool would create no foreseeable negative impact on adjacent properties.

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #000684-2021.
2. The existing section of chain-link fence shall be removed and replaced by a 6-foot privacy fence along Blackhawk Avenue.