

Request For Board Action

REFERRED TO BOARD: April 20th, 2015

AGENDA ITEM NO: 11

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of the Planning and Zoning Boards Recommendation to approve a setback variance from Title 10-5G-3 of the Village Code upon the petition of Jean and Russ Bethley; PZB15-03

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public hearing on Thursday, April 9th, 2015; 7:30 PM following notification, as required by State Law and Village Ordinances, to consider a rear yard setback variance to allow for the construction of a raised deck. Upon closure of the hearing the Planning and Zoning Board recommended approval of the petition requests pursuant to Title 10-15 of the Village Code.

Jean and Russell Bethley, petitioners, provided the background presentation regarding the request and the history of the home. As part of a deck remodel, they expressed desire to rebuild and expand the existing deck and relocate the staircase which currently encroaches into the rear setback. The current footprint and irregular lot configuration does not allow for the deck to be built without an encroachment into the rear yard setback of 25 feet. As required by Code 10-5G-3 all structures within an R-1 zone district shall maintain a 25 foot setback.

Staff made an overview of the variance process and approval criteria in context to the petition. Based on the petition review, staff stated that the petition met a number of the standards and recommended that in its findings, the Board acknowledge the codified standards and unique circumstance of the case in their recommendation, so as not to create or imply some precedent for similar variances.

Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code the Planning and Zoning Board unanimously recommended the approval of the variance. With the agenda packet is a draft letter of recommendation from the Planning and Zoning Chairman.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Draft Letter of Recommendation from the Planning and Zoning Chairman
3. Staff report to the Planning and Zoning Board
4. Petition

RECOMMENDED MOTION:

Motion to accept the recommendation from the Planning and Zoning Board to approve a setback variance request

Motion to draft a resolution granting the setback variance based upon petition PZB 15-03.

DRAFT

April 17, 2015

To: The Honorable Larry Hanson, Mayor; and
Members of the Village Board of Trustees

From: Ken Karasek, Chairman
Combined Planning and Zoning Commission

RE: Bethley Rear Yard Setback Variation, Commonly Known as 1131 Oak Point Court, PIN Number 01-13-206-004, in
Lake County, Lot 165 Heron Harbor Subdivision Unit 7, Antioch Illinois 60002; PZB 15-03;

The Combined Planning Commission and Zoning Board conducted a public hearing on Thursday, April 9th, 2015; 7:30 PM following notification, as required by State Law and Village Ordinances, to consider a rear yard setback variance to allow for the construction of a raised deck. Upon closure of the hearing the Planning and Zoning Board recommended approval of the petition requests pursuant to Title 10-15 of the Village Code.

Jean and Russell Bethley, petitioners, provided the background presentation regarding the request and the history of her home. As part of a deck remodel, they expressed her desire to rebuild and expand her existing deck and relocate her staircase which currently encroaches into the rear setback. The current footprint and irregular lot configuration does not allow for the deck to be built without an encroachment into the rear yard setback of 25 feet. As required by Code 10-5G-3 all structures within an R-1 zone district shall maintain a 25 foot setback.

Staff made an overview of the variance process and approval criteria in context to the petition. Based on the petition review, staff stated that the petition met a number of the standards and recommended that in its findings, the Board acknowledge the codified standards and unique circumstance of the case in their recommendation, so as not to create or imply some precedent for similar variances.

Based on the petition review, the applicant meets a number of the standards listed below. In its review, staff recommends the Board acknowledge these findings.

- a. The applicant must present evidence that the proposed variation will not:
 - i. Impair adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in public streets;
 - iii. Increase the danger of fire or endanger public safety;
 - iv. Unreasonably diminish or impair established property values within the surrounding area; and
 - v. Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.

The irregular shaped lot creates a design difficulty that can be addressed with minimum relief. A key element to meeting this variance criterion is the orientation of the structure in comparison to the adjacent open space, homes, and vistas. Expanding the deck to the northwest does not appear to cause interference of views along designated lakes, parks, protected or regulated opens spaces or their buffers, does not encroach closer to any neighboring home, or established views in a manner that may be considered injurious to the neighboring properties.

- b. The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located. The proposed improvement does not constitute a new or unique use that expands or conflicts with any considered illegal or non-conforming.

c. The conditions or circumstances upon which the request is based apply to the land for which the variation is sought, and is not generally applicable in the zoning district.

Generally speaking, a vast majority of the existing homes and lots do not have the raised ranch foot print, abut to privately-held open space that is not programmed for activity space, or have small irregularities in there lot configurations that result in encroachments.

g. The granting of the requested variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's Comprehensive Plan.

This proposal does not appear to be in conflict with the goals, spirit, or intent of the comprehensive plan or contrary to the public welfare.

Therefore based upon the review of the standards of 10-15-6 of the Village Code, and the current facts of the case, staff recommended the variance be granted.

Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code the Planning and Zoning Board unanimously recommends the approval of the variance incorporating the staff findings into the recommendation.

Respectfully submitted,

Ken Karasek, Chairman
Combined Planning Commission and Zoning Board

VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS 60002
DEPARTMENT OF PLANNING, ZONING & BUILDING
874 MAIN STREET
WEEKDAY HOURS: 8:00 AM to 5:00 PM
PHONE: (847) 395-1000 FAX: (847) 395-1920

MEMO

TO: Ken Karasek, Chairman; and Members of the
Combined Planning Commission and Zoning Board

FROM: Dustin Nilsen, Community Development Director

DATE: April 09th, 2015

RE: Bethley Rear Yard Setback Variation, Commonly Known as 1131 Oak Point Court,
PIN Number 01-13-206-004, in Lake County, Lot 165 Heron Harbor Subdivision
Unit 7, Antioch Illinois 60002; **PZB 15-03**;

This memo is in preparation of the public hearing scheduled for Thursday, April 9th, 2015; 7:30 PM.

PETITIONER: **Russell and Jean Bethley**
1131 Oak Point Court
Antioch, IL 60002

OWNER: **Same**

EXISTING ZONING: R-1, PUD Single Family Detached Residential

RECENT SITE VISIT: Wednesday, March 25th, 2015 approx. 5:00 PM.

VARIATION:

To allow a maximum 5 foot encroachment into portions of the 25 foot rear yard setback for the purposes of installing a 12 foot deck as shown the packet prepared by the petitioner.

BACKGROUND:

The petitioner and owner/occupant of the structure, Russell and Jean Bethley propose the construction of a 12 foot deck to the north and western portions of their single family detached home. This deck and external staircase will provide rear yard access to the main floor of the existing home. The structure has a walkout basement which elevates the main floor above grade at the rear of the

house, which is not atypical in the raised ranch style models developed in the Heron Harbor. The current home has a 32.11 foot setback from the rear property line, which is bordered to the west by open space and wetland areas associated with Lake Marie.

In order to build a 12 foot deck, as shown in the provided exhibit, the petitioner will require the approval of a variance to encroach approximately 5 feet into the setback.

In staff's review of the proposal, it appears that the irregular lot shape results in the setback shifting toward the rear of the structure and creates a jog in the rear setback line. This is the limited area where the rear yard encroachment occurs, leaving the balance of the deck remain outside the rear yard setback as would be allowed by code.

STANDARDS FOR VARIATIONS:

The standards for a variation approval are listed under Title 10, Chapter 15, Section 6 of the Village Code. In its findings the Planning and Zoning Board should make reference to the standards in its recommendation to the Village Board.

SUMMARY AND RECOMMENDATION

Based on the petition review, the applicant meets a number of the standards listed below. In its review, staff recommends the Board acknowledge these findings.

- a. The applicant must present evidence that the proposed variation will not:
 - i. Impair adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in public streets;
 - iii. Increase the danger of fire or endanger public safety;
 - iv. Unreasonably diminish or impair established property values within the surrounding area; and
 - v. Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.

The irregular shaped lot creates a design difficulty that can be addressed with minimum relief. A key element to meeting this variance criterion is the orientation of the structure in comparison to the adjacent open space, homes, and vistas. Expanding the deck to the northwest does not appear to cause interference of views along designated lakes, parks, protected or regulated opens spaces or their buffers, does not encroach closer to any neighboring home, or established views in a manner that may be considered injurious to the neighboring properties.

b. The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.

The proposed improvement does not constitute a new or unique use that expands or conflicts with any considered illegal or non-conforming.

c. The conditions or circumstances upon which the request is based apply to the land for which the variation is sought, and is not generally applicable in the zoning district.

Generally speaking, a vast majority of the existing homes and lots do not have the raised ranch foot print, abut to privately-held open space that is not programmed for activity space, or have small irregularities in there lot configurations that result in encroachments.

g. The granting of the requested variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's Comprehensive Plan.

This proposal does not appear to be in conflict with the goals, spirit, or intent of the comprehensive plan or contrary to the public welfare.

Therefore based upon the review of the standards of 10-15-6 of the Village Code, and the current facts of the case, staff recommends the variance be granted.

Respectfully submitted,



Dustin Nilsen, AICP
Director of Community Development

**COMBINED PLANNING COMMISSION & ZONING BOARD
NOTICE OF PUBLIC HEARING**

FILE NUMBER: PZB 15-03

PETITIONER: Russell and Jean Bethley
1131 Oak Point Court
Antioch, IL 60002
(847)395-8383

PROPERTY: 1131 Oak Point Court
Antioch, IL 60002

Lot 165 in Heron Harbor Unit 7
PIN 01-132-06-004

REQUEST: Variance to allow the encroachment into the rear yard setback for a deck

PROPOSAL: Install a twelve foot deck off the rear of an existing house

DATE: April 9, 2015

TIME: 7:30 PM or immediately following a previously scheduled hearing.

PLACE: Board Room, Village Hall
874 Main Street, Antioch, IL 60002

All persons desiring to appear and be heard thereon for or against said petition may appear at said hearing and be heard. Interested persons unable to attend may submit written comments prior to the hearing addressed to the Village Clerk at the Village Hall, FAX (847) 395-1920, or e-mail: lfolbrick@antioch.il.gov.

Ken Karasek
Planning & Zoning Board

SEQ CHAPTER 15.03 VILLAGE OF ANTIOCH, LAKE COUNTY

Department of Planning, Zoning & Building

Mailing Address: 874 Main Street

Office Location: 882 - B Main Street

Antioch, Illinois 60002

Weekday Hours: 7:30 AM To 4:00 PM

Phone: (847) 395-9462

Fax: (847) 395-9482

SEQ CHAPTER 15.03 FILE NO. PZB 15.03

HEARING DATE 4/9/2015

**REQUEST FOR ZONING VARIATION
BEFORE THE COMBINED PLANNING COMMISSION AND ZONING
BOARD**

VILLAGE OF ANTIOCH, ILLINOIS
(Submit original plus 20 copies)

P E T I T I O N

**TO: The Chairperson and Members of the Combined Planning Commission
and Zoning Board of Appeals, Antioch, Illinois.**

Petitioners (Names): Russell F. Bethley, Jr.
_____ Jean M. Bethley _____

certify that they are the owner(s) of the following described real estate:

(Attach the Legal Description as shown on Warranty Deed or recent Certified Plat of Survey)

PERMANENT INDEX NUMBER (S), (PIN): 01- 132 - 06 - 004 _____.
(From latest real estate tax bill)

That said premises are now classified under the Zoning Ordinance
as _____ R-1 _____ PUD _____, (Current Zoning)

and that under said classification the petitioner(s) is/are prohibited from building/operating
the following use(s): Deck within 25 feet of rear property

Said building/uses are depicted on the attached drawings prepared by
_____ Plat of Survey _____

R.E. Allen & Assoc. LTD. _____, dated ___10-24-04___, and made a part of this
petition.

A VARIATION(s) is hereby requested to the following Sections of the Zoning Ordinance:

10-5G-3 Regarding Rear lot line

in order to permit the ___building of a deck_____

on the property described herein. Specifically, the details of the requested variation(s) is as follows:

Title 10- __5G__ - 3__	Requirement	Requested Variation
lot area requirement	25 feet	5 foot approachment

REASONS FOR REQUESTED VARIATION

What characteristics of the property-in-question prevent its being used for any of the uses permitted in your zoning district?

Narrow lot width _____

Slope or Elevation _____

Small lot area _____

Lot Shape __X__

Shallow lot depth _____

Wet Soil or Flood Plain _____

Other (specify) __Odd shaped lot. Does not have a straight line in the back. _____

Describe the condition(s) identified in item #1, above, giving dimensions where appropriate.

On the back side of lot it is not square, We have a ranch with a walk-out basement. Ground level to main level is 10 foot 6 inches.

There are 2 sliding doors were deck is going.____

Specifically, how do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?

At northwest corner of my house, the set back line is 4 feet from the house. _____

To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance, or applicable part thereof, became law?

Yes No If "no" explain why the hardship should not be regarded

as self-imposed:

Are the conditions on your property the result of other man-made changes, (such as the relocation of a road)?

Yes No If "yes" please describe:

Are the conditions of hardship or practical difficulty for which you request a variation true only of your property?

Yes No If "no" how many other properties are similarly affected, and where are they located?

Elaborate on how the requested variation will result in a physical improvement that will be in harmony with the neighborhood and the purpose and intent of the Zoning Ordinance.

Without a variation the deck will be on an angle starting at 4 feet wide at the northwest corner to 12 feet wide at the northeast corner.

Our request for a zoning variance is based on our lot dimensions not being square.

It would only allow for a 4 foot deck at the northwest corner extending on an angle to the northeast to 12 feet. We would like to maintain a 12 foot wide deck across the back of the house.

Our house is a ranch with a walk-out basement. The main floor is 10 foot 6 inches off ground level, therefore not allowing for a deck 2 foot off ground level.

Also, when built, 2 sliding doors were installed. One in the kitchen and one off the master bedroom for deck access.

There are 2 existing stairs at the sliding doors extending 15 feet from the building. We are proposing 12 feet from the building with the new deck.

It would be greatly appreciated if a variation would be granted so we can enjoy and beautify our backyard.



