



Zoning Board of Appeals

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Chairman

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August 4, 2016

TO: George Bell, Chairman  
Lake County Zoning Board of Appeals

FROM: Brad Denz, Senior Planner  
Lake County Department of Planning, Building and Development

CASE NO: 8051 Variation

REQUESTED ACTION: To increase the height of a detached garage from 25 feet to 30 feet.

HEARING DATE: August 11, 2016

**GENERAL INFORMATION**

APPLICANTS: Timothy and Melanie Gustafson as the co-trustees of The Gustafson Declaration of Trust, record owners

# OF PARCELS: One

SIZE: 1.12 acres, per Geographical Information Systems

LOCATION: 17065 Janas Court, Libertyville, Illinois  
P.I.N. 11-08-201-168

EXISTING ZONING: Residential-1 (R – 1)

EXISTING LAND USE: Single-family dwelling with attached garage

PROPOSED: Detached garage

**SURROUNDING ZONING / LAND USE**

EAST: Residential-1 (R-1) / single-family dwellings

NORTH: Residential-1 (R-1) / vacant lot

WEST: Village of Libertyville/ Residential-1 (R-1) / single-family dwelling with accessory structure

SOUTH: Village of Libertyville / Residential-7 (R-7) / single-family dwellings and open space area

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**COMPREHENSIVE PLANS**

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LAKE COUNTY: Residential Single-Family Medium Lot, 1 to 3 acre lot density

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**DETAILS OF REQUEST**

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ACCESS: Direct access is provided via Janas Court.

CONFORMING LOT: The subject property is a conforming lot in the R-1 zoning district.

FLOODPLAIN / WETLAND: The property contains no mapped wetlands or floodplains.

SEWER AND WATER: The property is served by a private water well and septic system.

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**ADDITIONAL STAFF COMMENTS**

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Lake County Division of Transportation - Comments by Joe Meyer

Janas Court is a private street; therefore, LCDOT has no comments on the requested height variation.

Lake County Health Department - Comments by Arnie Rapa

No objections to the requested variance.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering Division has no objection to the requested variance. A Site Development Permit including a site plan will be required for the proposed detached garage. The site plan will need to show the limits of the stormwater detention easement.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the granting of the height variance. The project must meet all other Lake County Code of Ordinance and building code requirements.

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## ADDITIONAL STAFF COMMENTS

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The subject property was platted as part of a four-lot subdivision on a private drive named "Homes by Janas" which was recorded on September 17, 1986. The applicant's property contained a stormwater detention easement for a linear shaped detention basin on Lots 1 (subject property) and 4 (located to the north) to serve all lot owners of the subdivision. The detention basin was constructed in slightly different configuration, and therefore did not occupy all of the platted easement area. On October 6, 2015, the applicants obtained an approval from the Lake County Planning, Building and Zoning Committee to modify the boundary of the stormwater detention easement in order to construct a detached garage in this area.

For properties which are conforming in size and width in the R-1 zoning district, the Ordinance maximum height allowance for an accessory detached garage is 25 feet. Additionally, the building plans, dated January 7, 2016, submitted by the applicant indicate a habitable area above the proposed detached garage. Section 115.113(B)(8) of the Lake County Code states "An attic shall be permitted in an accessory structure only if the rafter or ceiling height is no greater than six feet and the attic is used for storage purposes only." If the variance is approved, the applicant will be required to install the ceiling height to meet this requirement.

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## RECOMMENDATION

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Although the garage design is architecturally and aesthetically compatible with the applicant's house, the additional height request, in staff's opinion does not meet exceptional conditions nor would denial of the variance amount to a hardship. As a result, staff is compelled to recommend denial. In our opinion the request does not meet all of the required standards in the following manner:

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

Comment: The application indicates several exceptional conditions peculiar to the subject property which warrant additional building height for the proposed detached garage, including:

- Distance from other homes/structures;
- Large lot size;
- Slope of the property;
- Wetland and low lying drainage area limit location of the structure;
- Tudor architecture;
- Existing attached garage is not deep enough to hold larger vehicles;
- Adjoining property to the north is a five-acre vacant lot owned by the applicants.

None of these factors are considered by staff to be exceptional conditions peculiar to the applicant's property.

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

Comment: A detached garage is considered a desirable for the beneficial use, enjoyment, and value of residentially zoned property. While a taller garage may be desired for aesthetic reasons, absent the variance, the applicants can still construct a detached garage and thereby obtain a reasonable use of the property. Consequently, the information provided by the applicant does not constitute a hardship and warrant granting the requested height variance.

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

Comment: It is the intent of the zoning regulations of the Ordinance to assure property owners and residents that zoning practice and the characteristics of development are stable and consistent. The following aspects of this variation application are consistent with the intent of the Ordinance:

- The proposed detached garage is architecturally and aesthetically compatible with the existing structure;
- The proposed detached garage would be at a significant distance (approximately 170 feet) to the nearest single-family dwelling.

Ultimately, staff believes these are mitigating factors in maintaining an attractive and open-setting for the neighborhood.

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### **RECOMMENDED CONDITIONS**

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In the event the Board grants the variation to increase the height of a detached garage from 25 feet to 30 feet, staff recommends the following conditions:

1. The variation shall be limited to one detached garage as submitted pursuant to ZBA application #8051.
2. The building plans shall meet Section 115.113(B)(8) of the Lake County Code which allows “An attic shall be permitted in an accessory structure only if the rafter or ceiling height is no greater than six feet and the attic is used for storage purposes only.”