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July 28, 2016

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

FROM: Hannah Mog, Planner
Lake County Department of Planning, Building, and Development

CASE NO: 8041

HEARING DATE: August 11, 2016

REQUESTED ACTIONS:

1. Reduce the north side yard setback from 6 feet to 2.08 feet to accommodate the construction of an addition to the existing single family home. The building wall would be no closer than 2.75 feet from the property line, and the overhang would be no closer than 2.08 feet.

GENERAL INFORMATION

OWNER: Matthew and Caralee Niemiec

OF PARCELS: 1

SIZE: 0.19 acres, per Lake County's Geographical Information Systems (GIS)
Calculated Acreage

LOCATION: 23591 N Overhill Drive, Lake Zurich, Illinois. PIN 14-15-212-017

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: The applicant is proposing to construct a new attached garage and addition on the north side of the existing single family home. A portion

of the existing home would be removed to accommodate the garage. An expansion of the south side of the house is also proposed but is not the subject of the variance hearing as it meets required setbacks.

SURROUNDING ZONING / LAND USE

EAST:	Residential-3 (R-3) / Single-Family Residential
NORTH:	Residential-3 (R-3) / Single-Family Residential
SOUTH:	Residential-3 (R-3) / Single-Family Residential
WEST:	Residential-3 (R-3) / Single-Family Residential

COMPREHENSIVE PLANS

LAKE COUNTY:	Residential: 0.25 to 1-acre lot density
VILLAGE OF LAKE ZURICH:	Not designated
VILLAGE OF LONG GROVE:	Not designated
VILLAGE OF KILDEER:	Not designated
VILLAGE OF HAWTHORN WOODS:	Not designated

DETAILS OF REQUEST

ACCESS:	Direct access is provided from N Overhill Drive, a township road.
CONFORMING LOT:	The subject property is a nonconforming lot in the Residential-3 (R-3) zoning district.
FLOODPLAIN / WETLAND:	The property contains no mapped wetlands or floodplain.

SEPTIC AND WATER: The subject property is served by public sewer and water.

ADDITIONAL STAFF COMMENTS

- The interior side yard setback for a structure on a nonconforming lot is a function of the lot width. Lake County Code Section 151.233(C)(1)(b) specifies the minimum interior side yard setback shall be four feet or 10% of the lot width, whichever is greater. In this case the lot is 60 feet wide at the 30 foot front yard setback line, therefore, the interior side yard setback is 6 feet.
 - In order to accommodate the proposed attached garage and addition, the property owner has opted to remove 152 square feet of the existing single family home. The reduced footprint of the home in this area will allow the attached garage to be located as far away from north property line as possible, while still accommodating a two-car garage.
 - The applicants have proposed to remove the existing detached garage, as well as the driveway serving the rear of the property. Currently the property improvements exceed the 50% allowable Impervious Surface Ratio, and the removal of the driveway and garage will correct this nonconformity. Also, the applicants have stated that the neighbors to the north have requested they remove the detached garage as it negatively impacts the view from their rear deck.
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STAFF COMMENTS

Joe Meyer – Lake County Division of Transportation

- Overhill Drive is a Township Road under the jurisdiction of the Ela Township Highway Commissioner; therefore, LCDOT has no comments on the requested setback variation.

Mark Mussachio –Environmental Health Services

- No objections to the requested variance setback.

Robert Springer – Building Division

- The building division has no objection to the granting of this variance. The north wall must have a one hour fire rating as tested in accordance with ASTM E 119 or UL263 with exposure from both sides. No window or door openings will be allowed in the North wall.

Eric Steffen – Engineering & Environmental Services

- The Engineering Division has no objection to the requested variance.

Fred Treven – Lake County Public Works

- The proposed garage slab will cover the sanitary service line as it is currently situated. If the proposed project is approved, proper modifications to the service line should be made to assure future access in the event the service becomes plugged. For example the installation of a cleanout or re-route a portion of the service line to enter the building at another location. LCPWD's permit/inspection fee is \$100.

RECOMMENDATION ON VARIANCES

Staff recommends approval of the requested variance. In Staff's opinion, the variance requests comply with the standards in the following manner:

Zoning Variance Approval Criteria – Lake County Code Subsection 151.056 (C)(4)

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

Comment – The subject property is located in the R-3 zoning district and is nonconforming due to the lot area. The parcel is located in the Arthur McIntosh Forest Lake Subdivision (platted in 1937), which was designed with small, narrow lots. In comparison to other nearby properties, which have consolidated parcels in order to achieve larger lots, the subject property is exceptionally small at only 8,016 square feet. A conforming lot in the R-3 zoning district is 12,000 square feet.

Additionally, the existing single family home is unconventionally small at only 1,400 square feet. Currently there are only two bedrooms and one bath, which inadequately serve the needs of the applicants and is smaller than many houses in the neighborhood. The expansion of the home will provide both the opportunity for an attached garage, as well as an additional bedroom and bathroom.

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

Comment – It is the desire of the applicant to construct the addition in such a way as to minimize the requested variance. The garage would provide sheltered parking attached to the home. Currently, the property owners use the existing 419 square foot detached garage at the rear of their property for parking and storage, which will be removed if the variance is granted. An attached garage is a reasonable request as garages are common throughout Lake County, and many houses on the street have attached garages. Without zoning relief for the side yard setback, it is impractical for an attached garage to be placed anywhere else on the property.

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

Comment – The Lake County Code requires two off-street parking spaces for a single family dwelling. With the proposed two-car garage, the subject property would meet this requirement, while providing the opportunity for sheltered parking. Enclosed parking serves aesthetic and practical purposes, as most homes in the area have garages so vehicles are out of sight. This variation request is in harmony with the general purpose and intent of the zoning regulations. Specifically, the adjacent property owner has requested the removal of the existing detached garage because it negatively impacts the view from their rear deck.

Additionally, due to the distance between the street and existing garage, the existing Impervious Surface Ratio is in excess of the allowed 50%. The proposed improvements would remedy this situation, while opening up the back yard for recreational space. The property owner plans to demolish 152 square feet from the north side of the existing home in order to construct the proposed attached garage in such a way as to minimize the variance request.

RECOMMENDATION ON VARIATION

1. In the event the Board grants the proposed variance, staff recommends that it be consistent with the site plan proposed with this zoning case.