



Zoning Board of Appeals

Gregory Koeppen
Chair

500 W. Winchester Road, Suite 101
Libertyville, Illinois 60048
Phone 847-377-2600
Fax 847-984-5608
Email pbdzoning@lakecountyil.gov

June 7, 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: #000781-2022

REQUESTED ACTION: 1. Reduce the street setback from 30 feet to 13 feet to accommodate the construction of a detached garage addition.

HEARING DATE: June 23, 2022

GENERAL INFORMATION

APPLICANTS: James and Jennifer Cistaro, record owners

OF PARCELS: One

SIZE: 0.53 acres, per Lake County Maps Online

LOCATION: 39177 N. Jackson Drive, Spring Grove, Illinois

P.I.N.: 01-27-300-011

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family dwelling with two accessory structures (shed and garage)

PROPOSED LAND USE: Single-family dwelling with two accessory structures (shed and reconstructed garage w/addition)

SURROUNDING ZONING / LAND USE

NORTH: Open Space (OS) /Grass Lake
SOUTH, EAST, AND WEST: Residential-1 (R-1) / Single-family dwellings

COMPREHENSIVE PLANS

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

DETAILS OF REQUEST

ACCESS: Access is provided from N. Jackson Drive

NONCONFORMING LOT: The subject property is a nonconforming lot in the R-1 zoning district due to insufficient lot area and lot width.

FLOODPLAIN / WETLAND: The subject property contains mapped wetlands and floodplain along the lake front.

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

STAFF COMMENTS

Lake County Health Department – Comments by Tom Copenhaver

- The Health Department does not have any objections to the variance request. A property alteration permit will be needed to construct the garage addition. Since the Department does not have a file showing the location of the septic system or well, a site plan showing the location of these items is needed. The site plan must be drawn to scale (commonly drawn on a plat of survey) showing the proposed garage addition, septic system components (field and tank), and water well. This is needed to determine compliance with applicable setback distances (horizontal separation). The site plan must be prepared by a Lake County Licensed Septic System Installer or Designer.

Lake County Environmental Engineering Division - Comments by Joel Krause

This Division has reviewed ZBA Case VAR-000781-2022 with the following comments:

- The Engineering Division has no objection to the requested variance. Note that a Site Development permit will be required to ensure that existing drainage patterns are being

maintained and that there are no adverse impacts to adjacent properties due to the construction of the detached garage addition.

Lake County Building Division – Comments by Eva Donev

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

ADDITIONAL COMMENTS

- It is the applicant's intent to reconstruct and expand the existing garage but retain and utilize the existing slab. Per Section 151.232(H)(1) of the Lake County, Illinois Code of Ordinances, a legal nonconforming accessory structure on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided: (a) *The restored structure does not extend further into any required setback than the existing structure prior to improvement or rebuilding; and (b) The restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines.* In accordance with these standards, if the applicant was replacing but not enlarging the structure, a variance would not be required. However, Section 151.232(H)(1)(d), stipulates: *Any proposed addition or expansion to the existing structure beyond a repair, remodel, or restoration must meet the setback requirement of the underlying zoning district or the setback requirement for a nonconforming lot, whichever applies.* As such, a variance is required to accommodate the 11' addition on the west side.
- The front yard setback for a structure on a nonconforming lot is a function of the lot depth. Lake County Code Section 151.233(C)(1)(a) specifies the minimum front yard setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this instance, 20% of the lot's depth would be greater than the minimum setback required for the R-1 zoning district, so the required front yard setback for the garage addition is 30 feet.

RECOMMENDATION

In staff's opinion, the request meets the required standards of Section 151.056 (C)(4) of the Lake County, Illinois Code of Ordinances for variances and recommends approval for the following reasons:

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

Comment: In staff's opinion, physical characteristics associated with the property including the site topography, configuration of the existing structures, and the septic system location create exceptional conditions that justify granting the variance request. The subject detached garage was constructed in 1976 with the foundation 13.8 feet from the front property line. It appears to have been strategically placed in its existing location to take advantage of the somewhat level area near the road since much of the property slopes down towards the lake. In addition, the garage is side loading

with a westward orientation to provide access from the subject property rather than N. Jackson Drive. The septic field is located on the southeast side of the house and moving the garage back to meet the 30-foot setback requirement would impede on any future expansion or replacement of the septic field for the house.

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

Comment: It is the desire of the applicants to reconstruct the detached garage with a 11-foot addition that will allow for the parking of their vehicles and additional storage space since there is limited storage space within the house. The garage is in a location that both avoids the slope downhill towards the lake and encroachment into the area needed for future septic expansion or replacement. Given the on-site limitations due to the slope of the property towards the lake and possible future septic improvements, the location of the proposed structure is appropriate. A functionally sized two-car garage is considered appropriate for the beneficial use of residentially zoned property. Denial of the requested variance would prevent the owner from improving their property consistent with nearby properties and practically prevent the establishment of a reasonable use.

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

Comment: The variation request is in harmony with the general purpose and intent of the zoning regulations. Specifically, the proposed reconstruction and expansion of the existing garage will not have a negative visual effect upon the adjacent property owners as the current separation distance from the existing structure to the street will be maintained. Additionally, there are several other properties in the neighborhood where the garage is located within the street yard setback. Further, the garage is side loading, which provides for safer ingress and egress and improves the appearance of the façade facing the street. This request will allow the garage to be reconstructed and expanded to provide adequate space for safe indoor storage of the applicants' vehicles and other items and thereby accommodate a reasonable use of the property.

RECOMMENDED CONDITION

In the event the Board grants the proposed variation request, staff recommends that it be consistent with the site plan of ZBA application #000781-2022.