



Zoning Board of Appeals

Gregory Koeppen Chair

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November 8, 2024

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Jessica Oliver, Planner
Lake County Department of Planning, Building, and Development

CASE NO: #001011-2024

HEARING DATE: November 14, 2024

REQUESTED ACTIONS: Variances from the requirements of Lake County, Illinois Code of Ordinances (LCC) to:

- 1.) Reduce the front setback from 30 feet to 23 feet for an addition to an existing garage.
- 2.) Reduce the side yard setback from 6 feet to 0 feet to accommodate an existing detached garage. The building wall will be no closer than 3.5 feet from the property line.

GENERAL INFORMATION

OWNER: Danuta Ozymko, record owner

OF PARCELS: Two

SIZE: 0.4634 acres, per Lake County's Geographical Information Systems

LOCATION: 42807 N Woodbine Ave, Antioch, IL 60002

PIN: 01-11-202-007 & 01-11-202-046

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home and detached garage.

PROPOSED LAND USE: The applicant is proposing an addition to the south side of the detached garage and reconstruction of the existing roof.

SURROUNDING ZONING / LAND USE

EAST: Open Space (OS) / Channel Lake

NORTH, SOUTH,
AND WEST: Residential-1 (R-1) / Single-Family Residential

DETAILS OF REQUEST

ACCESS: Access is provided via N. Woodbine Ave

NONCONFORMING LOT: The subject property is a nonconforming lot due to insufficient lot area and lot width.

FLOODPLAIN / WETLAND: The property contains mapped wetlands and mapped floodplain at the rear of the property.

SEPTIC AND WATER: The subject property is served by a private septic system and well.

ADDITIONAL COMMENTS

- The front setback for an accessory structure on a nonconforming lot is a function of the lot depth. Section 151.233(C)(1)(a) of the LCC specifies the minimum front setback for an accessory structure shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this instance, 20% of the lot depth would be greater than the minimum setback required for the R-1 zoning district, so the required front yard setback is 30 feet.
- Section 151.233(C)(1)(b) of the LCC specifies the minimum interior side yard setback for an accessory structure shall be four feet. Section 151.233(C)(1)(f)(2) of the LCC

states that for each one foot of additional setback beyond four feet, the height of the accessory structure may be increased by two feet, to a maximum height of 20 feet. The proposed height of the accessory structure is 16 feet thus the minimum required side yard setback is 6 feet.

- According to assessor records, the 663 sq. ft. detached garage was constructed in 2000, however aerial images indicate that a structure has been in the same location since at least 1974.
- Building permits were issued in 2022 for an addition and alterations to the principal residential structure and for construction of a new garage in a new location. In early 2024, the owner decided to retain the existing garage and began renovations to the existing structure to incorporate a new roof and addition. The variance requests are necessary as the existing structure does not meet minimum front and side yard setbacks.
- The home is currently served by existing well and septic system.; the owners would like to retain the use of these systems.

STAFF COMMENTS

Miriam Vega – Lake County Health Department

The Health Department has no objection to this variance request as long as the garage maintains the minimum 10foot setback to the primary and reserve septic field.

Andrew Heuser – Engineering Division

The Engineering Division has no objection to this variance. The site permit will be required to be revised.

Ieva Donev – Building Division

As part of this variance application, the owner has proposed to replace the roof overhang facing the property line. Per Table R302.1(1), 2018 International Residential Code: *“roof projections less than 2' from the property line are not allowed. Projections between 2' and 5' shall be one hour rated on the underside, heavy timber or fire retardant -treated wood.”*

RECOMMENDATION

In staff's opinion, variation one (1) meets the approval criteria for variations specified in LCC Section 151.056 (C)(4) and recommends the approval. However, for variation two (2), although staff has no objection to the request, staff is compelled to recommend denial as the request does not fully meet the approval criteria for variations specified in LCC Section 151.056 (C)(4). Staff's recommendations for both requests are based on the following:

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

Comment:

Variance Requests 1 & 2: The subject property is located in a subdivision that was platted in 1911 with very narrow lots. Although the property is comprised of two parcels (all of Lot 23 and the north half of Lot 22 per the original subdivision plat), it is still a nonconforming zoning lot in the R-1 zoning district due to insufficient lot area and lot width. The parcel slopes down towards the north side of the property. The existing garage, which is located on the most level portion of the lot, was narrowly built to accommodate only one vehicle. The existing septic field occupies the majority of the area of the lot between the house and the garage thus severely constraining any possible relocation of a garage to a more central location on the parcel.

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

Comment:

Variance Requests 1 & 2: The property contains several exceptional conditions that would make relocation of the garage difficult. The location of the existing house and well prohibits the construction of a detached garage on the eastern half of the property. The existing detached garage is currently located on one of the few level areas of the property and the area of the lot between the front setback and the house is largely allocated to the septic system. Additionally, the LCC requires two off-street parking spaces per residence, and it is customary for those spaces to be in a covered garage, protected from the elements.

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

Comment:

Variance Request 1: This request is in harmony with the general purpose and intent of the zoning regulations. A reasonably-sized garage is considered appropriate for the beneficial use of the residentially zoned property. An accessory structure has existed in the same location since 1974 and allowing the structure to be expanded to the south within the front setback will have no negative impact on neighboring properties or the surrounding area.

Variance Request 2: The property owner has requested allowance of an overhang that will project three and half feet out from the building wall and extend up to the property line. However, the currently adopted residential building code for Lake County prohibits building projections that are within two feet of the property line. This represents a conflict with the general purpose and intent of the code, specifically with LCC Section 151.005(Q) *Ensuring protection from fire, flood, and other dangers*. Further, LCC Section 151.010(B) stipulates that if any provision of LCC is inconsistent or in conflict with any provision in any other adopted ordinances or regulations of the county, the more restrictive provision will control. In this instance, the residential building code is the more restrictive provision, and per LCC Section 151.010(B). no variance shall have the effect of nullifying, abrogating, or diminishing the provisions of any other county ordinance.

RECOMMENDED CONDITION

In the event the Board grants the proposed variances, staff recommends the following condition:

1. The second variance request for the side yard setback be granted to allow the eave to be no closer than 2 feet, and thus in compliance with the 2018 International Residential Code Table R302.1(1).