



Zoning Board of Appeals

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Chairman

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August 9, 2018

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

FROM: Krista Braun, Senior Planner/Project Manager  
Lake County Department of Planning, Building, and Development

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CASE NO: #000387-2018

HEARING DATE: August 23, 2018

REQUESTED ACTION: Variances from the requirements of Lake County, Illinois Code of Ordinances to:

1. Reduce the street setback from 30 feet to 13 feet to construct a detached garage.
  2. Reduce the required building separation between the detached garage and the existing home from 4 feet to 2 feet.
  3. Reduce the south side yard setback from 6.3 feet to 3.12 feet as measured to the overhang to alleviate the nonconforming status of the existing single-family home.
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#### **GENERAL INFORMATION**

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APPLICANTS: James and Coleen Benzo

# OF PARCELS: One

SIZE: 0.27 acres, per Lake County's GIS Calculated Acreage

LOCATION: 34441 N. Circle Drive, Round Lake, IL 60073

PIN: 06-21-405-030

EXISTING ZONING: Residential-2 (R-2)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: The applicant is proposing to construct a new detached garage between the existing residence and the street.

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**SURROUNDING ZONING / LAND USE**

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NORTH, EAST & WEST: Residential-2 (R-2) / single-family dwellings

SOUTH: Open Space (OS)/ Highland Lake

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**DETAILS OF REQUEST**

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ACCESS: Access is provided from N. Circle Drive.

LOT CONFORMITY: The subject property is a nonconforming zoning lot in the Residential-2 (R-2) zoning district.

FLOODPLAIN / WETLAND: The subject property contains mapped floodplains.

SEWER AND WATER: The subject property is serviced by public sewer and water.

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**ADDITIONAL COMMENTS**

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- The street 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 street setback shall be 20% of the lot depth or the setback for the underlying zoning district, whichever is less. In this case, 20% of the lot depth exceeds 30 feet, therefore, the 30-foot front yard setback applies.
- Lake County Code Section 151.113(B)(4) specifies that no accessory structure may be located within four feet of any other structure. The request for reduced building separation is prompted by the property owners' desire to maximize the distance between the garage and the property line, which would both eliminate blind spots when backing out of the garage as well as allow for additional off-street parking.

- Previously, the subject property was served by a detached garage located on the adjacent parcel to the south. Prior to the current owners' acquisition of the property, the adjacent parcel was sold to separate owners. Currently, the subject property is served by a driveway but lacks a garage, so the property owners must park their vehicles outside.
- The Avon Township Highway Commissioner and Grayslake Fire Protection District were provided information on the variances for the proposed building improvements and have provided no objection to the proposed location of the structure.

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### STAFF COMMENTS

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1. **Brittany Sloan – Public Works:** The Lake County Public Works Department has no objection to the requested variances.
2. **Eric Steffen – Engineering Division:** The Engineering Division has no objection to the requested variances.
3. **Robert Springer – Building Division:** The Building Division has no objection to the granting of the requested variances.

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### RECOMMENDATION

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In Staff's opinion, the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends approval of the variances for the following reasons:

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

Comment: The subject property is in the R-2 zoning district and is nonconforming due to the lot area and width. The existing single-family residence, constructed in 1947, is situated towards the front of the property and was built with narrow side yards. The property is bounded on the rear by Highland Lake and the footprint of the house precludes vehicular access to the rear yard. The area suitable for locating a detached garage is limited due to the configuration of the lot and the existing house.

Additionally, the existing residential structure is also nonconforming as it fails to meet the 6.3-foot side yard setback, since it is located only 3.12 feet from the southern property line as measured from the two-foot overhang.

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

Comment: It is the desire of the property owner to construct a detached garage and remedy the nonconforming status of the existing single-family home. Previously, the property had access to a detached garage located on the adjacent lot, however, that property was sold prior to the current owners' acquisition of the subject property. The subject property now has two off-street parking spaces as required per Chapter 151 of the Lake County Code; however, these spaces are uncovered. The front yard setback requirement and the location of the existing home severely hamper the owner's ability to locate a garage elsewhere on the property. Also, the required four-foot building separation places the structure closer to the street, which would make it difficult to spot oncoming vehicular and pedestrian traffic when backing vehicles out of the garage. Garages are a customary use on residential properties in Lake County and are prevalent in this neighborhood. Without approval of the requested variations, the petitioner cannot reasonably accommodate a garage on the property.

Furthermore, the requested side yard setback variance would remedy the existing nonconformity of the residence and allow that structure to be rebuilt should it be destroyed.

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

Comment: The subject property is in an area where several other structures are in close proximity to the street property lines. Approving the variance will implement a design for a reasonable use that is characteristic of other properties nearby and additionally will eliminate the owners' current need to park outdoors. The proposed location of the garage maximizes the distance between the street and the house, thereby reducing any negative impacts to the neighborhood as much as possible.

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**RECOMMENDED CONDITIONS**

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In the event the Board is inclined to grant the proposed variance request, staff recommends:

1. That it be consistent with the site plan proposed with this zoning case.
2. The accessory structure is constructed with no overhang on the side adjacent to the house.