



Zoning Board of Appeals

Gregory Koeppen
Chair

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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: #000777-2022

REQUESTED ACTION: 1. Reduce the east street side setback from 30 feet to 23 feet to accommodate the construction a detached garage.
2. To allow the structure to extend into the vision triangle.

HEARING DATE: June 23, 2022

GENERAL INFORMATION

APPLICANTS: Brian and Randee Miller, record owners

OF PARCELS: One

SIZE: 0.27 acre, per Lake County Maps Online

LOCATION: 24620 W. Luther Avenue, Round Lake, Illinois

P.I.N.: 06-18-300-033

EXISTING ZONING: Residential-3 (R-3)

EXISTING
LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling with detached garage

SURROUNDING ZONING / LAND USE

NORTH, SOUTH,
EAST, AND WEST: Residential-3 (R-3) / Single-family dwellings

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-Family Residential (0.25 to 1-acre lot density)

DETAILS OF REQUEST

ACCESS: Access is provided from N. Thompson Street

NONCONFORMING LOT: The subject property is a conforming lot in the R-3 zoning district.

FLOODPLAIN / WETLAND: The subject property contains no mapped wetlands nor floodplain.

SEWER AND WATER: The property is currently served by public sewer and private well.

STAFF COMMENTS

Lake County Health Department – Comments by Tom Copenhaver

- The well is located on the north side of the house; therefore, the Health Department has no objections to the granting of this request.

Lake County Environmental Engineering Division - Comments by Joel Krause

This division has reviewed ZBA Case VAR-000777-2022 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.

Lake County Building Division – Comments by Eva Donev

- The Building Division has no objection to the requested variance. Applicant must apply for a building permit once ready.

Lake County Public Works – Comments by Brittany Sloan

- LCPW has no objection to the requested variance.

ADDITIONAL COMMENTS

- The street setback for a structure on a conforming lot is 30 feet per Lake County, Illinois Code of Ordinances (Lake County Code), Table 151.125(1): *Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development*.
- The applicant has received an approval from the Avon Township Highway Commissioner for the proposed location of the detached garage. An approval from the road jurisdiction is customary for structures located within a vision triangle.
- Section 151.172(B) of the Lake County Code specifies that the intersection visibility triangle *may* be modified by the Planning, Building and Development Director after consulting with the subject highway authority. However, given the associated request for a major variance from the required street setback which must be considered by the Zoning Board of Appeals (ZBA), the Planning, Building and Development Director has deferred this application request to the ZBA as well.

RECOMMENDATION

Staff recommends approval. In our opinion, the request meets the required standards of Section 151.056 (C)(4) of the Lake County Code of Ordinances for variances in the following manner:

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

Comment: The property is a conforming lot improved with single family residence constructed in 2008 (per Lake County tax records). It is a corner lot, requiring street setbacks from both Luther Avenue and Thompson Street and clearance within the vision triangle. The lot slopes significantly towards the nearby lake, with an approximate 9-foot change in elevation occurring on the western portion of the property. When viewed from the east, the house appears to be one story, however, it is actually a multi-level structure built into the side of the steep hill. The area suitable for locating a detached garage is limited due to the unique topography of the lot and the location of the existing house and well.

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

Comment: Although the residential structure is newer, the previous owners built it without a garage. It is the desire of the applicant to construct a detached garage, located on the south side of the single-family dwelling. The proposed location of the garage is strategic for several reasons: it allows the garage to access and utilize the existing driveway, also established in 2008; it maximizes the distance from both streets; and

it avoids the slope. Given the on-site limitations related to the steep hill and configuration of the lot, the proposed location of the improvement is appropriate.

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 placement of the accessory structure will not have a negative visual effect upon the adjacent property owners. The distance of 23 feet between the garage and street property line is adequate for visibility for safe vehicular exit. In addition, the intersection is a 4-way stop. The positioning of garage with respect to the stop signs will ensure that motorists will not have obstructed views of other streets and thus not be a safety issue as evidenced by the approval from the Avon Township Highway Commissioner. The Lake County, Illinois Code of Ordinances requires two off-street parking spaces per residence, and it is common for those spaces to be in a covered garage, protected from the elements. The request will allow the garage to be constructed 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 variation of the proposed street setback, staff recommends that it be consistent with the site plan of ZBA application #000777-2022.