



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

May 4, 2023

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

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: #000867-2023

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

1. Reduce the front street yard setback from 30 feet to 7.67 feet to reconstruct a detached garage.
2. Reduce the side yard setback from 8 feet to 1.17 feet to reconstruct a detached garage.
3. Reduce the required building separation between structures from 4 feet to 2 feet.

HEARING DATE: May 11, 2023

GENERAL INFORMATION

APPLICANTS: Robert Charles Atwater and Jenna F. Atwater, record owners

OF PARCELS: One

SIZE: The land area of the subject property is approximately 0.34 acres., per Lake County Maps Online

LOCATION: 25807 W. Oak Lane, Ingleside, Illinois
P.I.N. 05-13-300-002

EXISTING ZONING: Residential-3 (R-3)

EXISTING
LAND USE: Single-family dwelling with detached garage

PROPOSED: Renovate the existing detached garage. The proposed improvements will maintain the height and setbacks of the existing structure.

SURROUNDING ZONING / LAND USE

EAST and WEST:	Residential-3 (R-3) / Single-family dwellings
NORTH:	Residential-3 (R-3) / Vacant
SOUTH:	Open Space (OS) / Long Lake

COMPREHENSIVE PLANS

LAKE COUNTY:	Residential Single-family Small Lot (<0.25-acre lot density)
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DETAILS OF REQUEST

ACCESS:	Access is provided from W. Oak Lane. The main garage doors will face to the side.
CONFORMING LOT:	The subject property is a legal nonconforming lot in the Residential-3 (R-3) zoning district due to insufficient lot width.
FLOODPLAIN / WETLAND:	The subject property is not located in a wetland. The southern edge of the property, adjacent to the shoreline, is located in a floodplain.
SEWER AND WATER:	The property is currently served by public sewer and private water well.

STAFF COMMENTS

Lake County Public Works – Comments by Ying Miao

There are no LCPW sewer and water facilities in the front yard of the property where the reduction of the front street yard setback to reconstruct the detached garage will occur. LCPW has no objections on the variance application.

Lake County Health Department – Comments by Tom Copenhaver

The Health Department does not have information on the location of the well. The owner submitted a photo of the location of the well near the northeast corner of the garage. Since the garage is being re-built on the same foundation and no change to the well is proposed, the well can remain as located.

Lake County Environmental Engineering Division - Comments by Joel Krause

The Engineering Division has no objection to the requested variance. Note that a Site Development permit may be required for the work. It will need to be ensured that existing drainage patterns are being maintained and that onsite runoff remains onsite and does not encroach onto adjacent properties.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the granting of this request.

ADDITIONAL COMMENTS

The Lake County Assessor records indicate the existing detached garage was built in 1975. As the detached garage does not meet the current requirements for the front setback, the side yard setback, and the minimum building separation, it is classified as a legal nonconforming structure.

Per Section 151.232 (E) If a damaged nonconforming structure is improved to the extent of more than 50% of the value of the existing structure, it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. Although the applicant is not proposing to increase the building height or decrease the existing front street and side yard setbacks, the cost estimates submitted by the applicant indicate the proposed improvements indicate a greater than 50% improvement cost of the valuation of the existing structure. As a result, nonconforming setbacks apply.

Lake County Code Section 151.113(B)(4) specifies that no accessory structure may be located within four feet of any other structure. Per the Lake County Assessor records, the existing detached structure on the adjacent property to the west (25819 W. Oak Lane, Ingleside, Illinois) was built in 1910. The request for reduced building separation is prompted by the property owners' desire to maximize the distance between the garage and eastern property line, which will facilitate vehicular maneuverability and allow for additional off-street parking.

RECOMMENDATION

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

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

Comment: The subject property is improved with an existing detached garage with vehicular access on the north side and a driveway slip to the north and east side of the structure. It is the intent of the applicant to reconstruct the detached garage in the same building footprint as the existing structure, but incorporate both a front (north) and side (east) load entrance. In staff's opinion, the following features and characteristics constitute, in the aggregate, exceptional conditions:

- The subject property is very narrow in width and slopes significantly to the south.
- The north side of the property is the flattest location for a garage and driveway improvement. A relocation of a new structure to meet setbacks and separation distance between buildings would place it within an area that has a steeper pitch, which may require a retaining wall along with additional impervious area to accommodate a new driveway location.
- The water well is located northeast of the existing structure. A relocation of this structure to meet the setback requirements *may* necessitate the relocation of the water well.

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

Comment: Given the site limitations and existing conditions, the location of the existing renovated structure would be appropriate. The location of the existing structure and adjacent driveway is the flattest area of the property. The required four-foot building separation would place the structure towards the middle of the lot, which would decrease the driveway turning area needed for vehicles to get in and out of the garage and decrease sightlines to the residential dwelling and the lake beyond. 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 may not be able to reasonably accommodate a garage on the property.

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. It is the intent of the Lake County Code to gradually eliminate structures which do not meet current ordinance requirements. However, given the site's characteristics, staff is of the opinion that restoring the garage at its current location is the most appropriate location for this use on the subject property. The proposed renovation of the exiting detached garage would be an aesthetic improvement from the existing structure and would not have a negative effect upon the adjacent property owners. There are six other detached structures along the south side of West Oak Lane that are within the front street yard setback. Denial of the variation would prevent the applicant from improving their property consistent with the improvements of adjacent property owners.

RECOMMENDED CONDITIONS

In the event the Board is inclined to grant the proposed variations, staff recommends the following condition to accompany such approval:

1. The variations shall be consistent with the site and building plans of ZBA application #000867-2023.