



Zoning Board of Appeals

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Chair

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May 15, 2023

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

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

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CASE NO: #000870-2023

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

1. Reduce the front street yard setback from 30 feet to 9 feet to construct a detached garage.
2. Reduce the side yard setback from 7 feet to 4.5 feet to construct a detached garage at a height of 18 feet at that location.

HEARING DATE: May 23, 2023

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**GENERAL INFORMATION**

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APPLICANTS: Angelique Guthrie, record owner

# OF PARCELS: One

SIZE: The land area of the subject property is approximately 0.23 acres, per Lake County Maps Online

LOCATION: 42082 N. East Road, Antioch, Illinois

P.I.N. 02-09-307-024

EXISTING ZONING: Residential-1 (R-1)

EXISTING  
LAND USE: Single-family dwelling and shed

PROPOSED: Detached garage

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### **SURROUNDING ZONING / LAND USE**

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NORTH and SOUTH: Residential-1 (R-1) / Single-family dwellings  
EAST: Village of Antioch; Residential-1 (R-1) / Vacant parcel  
WEST: Open Space (OS) / Silver Lake

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### **COMPREHENSIVE PLANS**

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

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### **DETAILS OF REQUEST**

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ACCESS: Access is provided from N. East Road.

CONFORMING LOT: The subject property is a legal nonconforming lot in the Residential-1 (R-1) zoning district due to insufficient lot size and width.

FLOODPLAIN / WETLAND: The western edge of the property (shoreline) is located in a wetland. The western 30 feet of the property (adjacent to the shoreline) is located in a floodplain.

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

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### **STAFF COMMENTS**

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#### Lake County Health Department – Comments by Mark Mussachio

- The Health Department does not have any objections to the variance request. A property alteration permit will be needed to construct the garage. The Department does have on file the location of the septic system and well. Provide a site plan showing the proposed garage, septic system components (field and tank) and water well.

#### Lake County Environmental Engineering Division - Comments by Andrew Heuser

- The Engineering Department has no objection to the variance request.

#### Lake County Building Division – Comments by Bob Springer

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

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## ADDITIONAL COMMENTS

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- The minimum 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 setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this instance, 20% of the lot depth exceeds the underlying zoning district setback, therefore the front setback is 30 feet.
  - Lake County Code Section 151.233(C)(1)(f) specifies that accessory structures on nonconforming lots shall not exceed 12 feet in height at the minimum side and rear setback line of 4 feet. For each 1 foot of additional setback beyond 4 feet, the height of the accessory structure may be increased by 2 feet, to a maximum height of 20 feet. Consequently, the building height request of 18 feet necessitates a 7-foot side yard setback.
  - The property owner intends to demolish the existing shed.
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## RECOMMENDATION

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Variation #1 - Staff recommends approval of the variation request to reduce the front street yard setback from 30 feet to 9 feet to construct a detached garage. In staff's 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: In staff's opinion, the following features and characteristics constitute, in the aggregate, exceptional conditions:

- The terrain of the property slopes towards the lake on the west side of the property, making it challenging to utilize this portion of the lot for construction. The west side of the property contains mature trees and septic system.
- The single-family dwelling is placed in the center of the property, adjacent to the side yard setbacks, leaving no viable option to place the detached garage on the west side of the property.
- A large tree is located towards the east side of the property. The placement of the tree necessitates the proposed garage be placed outside the tree dripline towards the front setback line.
- The east side of the property contains the flattest surface and is adjacent to the street access.

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

Comment: Given the site limitations, the front yard variation request is appropriate. The new structure and driveway would be constructed within the flattest surface of the property. Without the front yard setback, there is no other viable location for the detached garage.

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

Comment: The front yard variation request is in harmony with the general purpose and intent of the zoning regulations. Given the site's characteristics, staff is of the opinion the proposed placement of the detached garage is the most appropriate location for this use on the subject property. There are seven other detached structures along the west side of N. East Road 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.

Variation #2 – Staff recommends denial of the variation request to reduce the side yard setback from 7 feet to 4.5 feet to construct a detached garage at a height of 18 feet at that location. In staff's opinion, the request for the reduced side yard setback necessitated by the proposed height of the structure does not meet 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: Although a large tree is present on the east side of the property, the placement of the detached garage with a reduced building height is still feasible (with the front yard setback variance) to meet the side yard setback. As a result, there are no exceptional conditions peculiar to the applicant's property that conflict with the side yard setback requirement.

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

Comment: A detached garage is considered desirable for the beneficial use, enjoyment, and value of residentially zoned property. While a taller garage (with reduced side yard setback) may be desired for aesthetic reasons, an 18-foot tall, detached structure requires a 7-foot side yard setback per Lake County Code requirements and no practical difficulties or hardship exist to justify the need for a side yard variation. Absent the side yard variance, the applicant can still construct a shorter yet fully functional detached garage and thereby still obtain a reasonable use of the property.

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

Comment: The intent of the Lake County Code is to allow accessory structures on legal nonconforming lots, so long as the building height of the structure, in conjunction with the size and width of the lot, is scaled appropriately. The proposed garage height is not at scale with surrounding accessory structures and, consequently, at the reduced setback could interfere with light, air and views from the adjacent property. This variation request is not consistent with the general purpose and intent of the zoning regulations.

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### **RECOMMENDED CONDITION**

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In the event the Board is inclined to grant either of the variance requests, staff recommends that they be consistent with the site plan of ZBA application #000870-2023.