



**Lake County Central Permit Facility**  
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April 9, 2015

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

FROM: Patrick Tierney, Principal Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 6987

REQUESTED ACTION: Variances from Unified Development Ordinance (UDO) to construct an attached garage on an existing nonconforming residence as follows:

1. Section 151.233(C)(1)(a) to reduce the required street yard setback from 27.6 feet to 3.21 feet;
2. Section 151.233.(C)(1)(b) to reduce the required side yard setback from 4 feet to 2.02; and
3. Section 151.233.(C)(1)(b) to construct an attached garage on an existing single-family residence with an existing 2.48 foot setback to the side lot line.

HEARING DATE: April 23, 2015

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**GENERAL INFORMATION**

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OWNER: Jeanne M. Graf

# OF PARCELS: One; 01-36-102-035

SIZE: Approximately 0.13 acres

LOCATION: 25886 W. Wilson Road, Antioch, IL.

EXISTING ZONING: Residential – 1 (R-1)

EXISTING LAND USE: Single-family residence and detached garage

PROPOSED LAND USE: The applicant is proposing to demolish the existing detached garage bisected by a common lot line with her neighbor, and construct a new attached garage on an existing nonconforming residence. To achieve additional storage and to improve aesthetics, the applicant is proposing to align the rooflines of the proposed garage with a modified roofline of the existing single-family residence.

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

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NORTH: Residential - 1 (R-1) / Single-family Residential

SOUTH: Residential - 1 (R-1) / Single-family Residential

EAST: Open Space (OS) – Channel to Fox Lake

WEST: Residential - 1 (R-1) / Single-family Residential

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#### **COMPREHENSIVE PLANS**

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LAKE COUNTY: Medium Lot Residential 1- 3 acre lot density

ANTIOCH: Urban Residential

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#### **DETAILS OF REQUEST**

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ACCESS: Direct access to the subject lot property is from W. Wilson Road.

NATURAL RESOURCES: A portion of the property lies below the 100 year base flood elevation of 741.3 for Fox Lake. Based on a topographic survey provided by the applicant, none of the structures on the subject property are below the base flood elevation.

SEPTIC AND WATER: The subject property is serviced by a private septic system and well located on the adjacent property. There is an agreement between both property owners regarding access, maintenance and replacement of the on-site waste disposal system. There is also a maintenance agreement regarding use of a common well.

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### ADDITIONAL COMMENTS

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- At one time, the subject property and the property to the east were owned by one party and the parcels were considered a “Zoning Lot”, because the lots are contiguous, they were owned by the same individual, and the lots are occupied by the principal building and permitted accessory uses (i.e. septic system and accessory structures). Upon the sale of the property by the petitioner in 2005, the garage was rendered nonconforming as a common lot line bisected the structure. Both the applicant and the adjacent property owner have expressed the desire to eliminate the encroachment either by moving the garage or building a new garage. The applicant has chosen to construct an attached garage and to reconfigure the roofline of the residence to match the garage to provide a more aesthetic appearance.
- The side yard setback for a structure on a nonconforming lot is a function of the lot width taken at the front setback line. Unified Development Ordinance 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 average of the north and south property lines results in front setback of 27.6 feet. Unified Development Ordinance Section 151.233(C)(1)(b) specifies the minimum interior side and rear setback for principal structures shall be four feet or 10% of the lot width, whichever is greater. Due to the limited width of the property, when measuring the side yard setback for the proposed addition, the resulting setback is 36 feet or 3.6 feet using the above formula. Given that the setback is less than 4 feet, the required setback is 4 feet.
- The applicant is proposing to construct an attached garage on the existing nonconforming residence. Even though the proposed addition will not increase the extent of the nonconformity for the residence, the applicant is seeking a variance as an added protection in the future in the event the home is damaged and may need to be rebuilt in the same location.

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### STAFF COMMENTS

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1. **Bob Springer – Building Division**  
The building division has no objection to the granting of this variance.
2. **Eric Steffen – Engineering Division**  
This division has no objection to reduce the required setbacks as requested. A Site Development Permit will be required for the project.
3. **Joe Meyer – Lake County Division of Transportation**

Wilson Road is a Lake Villa Township Road; therefore, LCDOT has no comments on the requested setback variations.

**4. Jeff Bixler- Environmental Health Department -**

The proposed alterations to this property will not affect the existing well/septic system;

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**RECOMMENDATION ON VARIANCE**

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After considering the facts in this case, staff has determined the application meets the approval criteria for a variation specified in Unified Development Ordinance Section 151.056 (C)(4) and recommend approval of the variance for the following reasons:

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

Comment – The location of the existing garage and configuration of the applicant's property create a condition unlike those in the neighborhood. The applicant's proposal makes use of the only available space for a garage and results in reducing an existing nonconformity.

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

Comment – The subject property has a long and narrow configuration with an existing residence that was built prior to the applicant's ownership. The location of the proposed garage addition is in the only practical location on the property. Denying the variance would create a hardship for the applicant by depriving the applicant of a garage enjoyed by other homeowners in the neighborhood, and would retain an encroachment that impacts the use of the applicant and the neighbor's property.

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

Comment – The intent of the Unified Development Ordinance is to protect landowners from adverse impacts associated with development and to control development in areas of sensitive natural resources. The UDO also intends on gradually eliminating uses, structures and situations that do not comply with the Ordinance. The property associated with this application contains mapped floodplain and is located in an area where the lots are long and narrow placing many of the structures close to the property lines. The existing garage is currently bisected by a common lot line creating a condition impacting both the applicant and the adjacent property owner. Approving the variance will eliminate the encroachment and will enable the applicant to meet the parking standards of the UDO and implement a design that will enhance the neighborhood

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**RECOMMENDED CONDITION**

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1. In the event the Board grants the proposed variance, staff recommends that it be limited to the site plan and side yard proposed with this zoning case.