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September 3, 2015

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

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

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CASE NO: 7396

REQUESTED ACTION: Variance from Lake County, Illinois Code of Ordinances to construct a detached garage on an existing nonconforming residence as follows:

- Section 151.233(C)(1)(a) to reduce the required street yard setback from 20 feet to 14 feet.
- Section 151.233(C)(1)(b) to reduce the required interior side yard setback from 7 feet to 3.57 feet, as calculated based on the proposed height of the structure.
- Section 151.172(A) to allow the structure to extend into the vision triangle.

HEARING DATE: September 10, 2015

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**GENERAL INFORMATION**

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OWNER: Sharon Sisson

# OF PARCELS: One

SIZE: 0.12 acres, as calculated by the Lake County Geographic Information System

LOCATION: 27946 N. Ash Street, Wauconda, IL  
PIN 09-25-104-014

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE:           Single-family residence

PROPOSED LAND USE:        Single-family residence

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**SURROUNDING ZONING / LAND USE**

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NORTH, SOUTH, EAST & 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

WAUCONDA:                 Low Density Residential

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**DETAILS OF REQUEST**

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ACCESS:                      Direct access to the subject lot property is from W. Elmwood Avenue.

LOT CONFORMITY:            The subject property is nonconforming given that it does not meet the lot width and area requirements of the R-1 District.

NATURAL RESOURCES:        The property contains no mapped wetlands or floodplains.

SEWER AND WATER:          The existing residence is served by public sanitary sewer and public water supply.

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**ADDITIONAL COMMENTS**

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- The property is currently improved with a 2-car garage, set back 14 feet from the street and 3.57 feet from the interior side yard at the closest points, which fails to meet the required front and interior side yard setbacks. The applicant is proposing to demolish this structure and build a new detached garage in the same footprint, at a greater height of 18 feet.
- The front yard setback for a structure on a nonconforming lot is a function of the lot width measured at the front setback line. 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 results in front setback of 20 feet.

- Lake County Code Section 151.233(C)(1)(f) specifies that accessory structures on nonconforming lots not exceed 12 feet in height and have a minimum side yard setback 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 at an 8-foot side yard setback) in the R-1 District. According to this standard, the proposed structure height of 18 feet requires a 7-foot setback.
- Lake County Code Section 151.172(A)(1) stipulates that nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede or obstruct vision between a height of three feet and ten feet above the road crown within an imaginary area formed by a point on each centerline located one hundred feet from the intersection of local street centerlines and a third line connecting the two points.
- The Wauconda Township Highway Commissioner has reviewed the proposed location for the detached garage and has no objections to the proposed placement of the structure within the vision triangle.

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#### STAFF COMMENTS

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1. **Robert Springer– Building Division:** The Building Division has no comments regarding this variance. It is assumed all current building codes will be followed.
2. **Eric Steffen – Engineering Division:** This division has no objection to the requested variances.
3. **Joe Meyer – Lake County Division of Transportation:** Ash Street and Elmwood Avenue are Wauconda Township Roads; therefore, LCDOT has no comment on the requested variations.
4. **Jeff Bixler- Environmental Health Department:** Property is served by public facilities; therefore, this department has no comment on the requested variations.

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#### RECOMMENDATION ON VARIANCE

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After considering the facts in this case, staff recommends approval of the variance requests from the front yard setback and encroachment into the vision triangle. Staff supports granting the side yard setback variance, provided the structure is no taller than 12 feet, as prescribed by the Lake County

Code (the request indicates a proposed height of 18 feet). Staff based this recommendation on the following approval criteria for variations specified in Lake County Code Section 151.056(C)(4):

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

Comment– The subject property is located in an older subdivision (platted in 1923) that was designed with small, narrow lots. Many of the lots in the subdivision have been combined since then to create larger parcels; however, the subject property retains its original configuration of 50 by 100 feet and is shallower than neighboring lots. It is a corner lot, requiring street setbacks from both Ash Street and Elmwood Avenue and a vision triangle clearance from both streets. The buildable area for a detached garage is limited due to the size of the lot and the location of the house.

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

Comment – There is a practical difficulty given the inability of the property to accommodate a detached garage that would be in compliance with all dimensional standards of the Lake County Code. The necessity of meeting various zoning regulations on the property including impervious surface ratio, side and street setbacks, and the vision triangle requirement preclude locating the structure elsewhere. Attaching the garage to the house would be problematic, since it would restrict access to other areas of the property and would be incompatible with the interior layout of the house. Additionally, moving the garage southward would result in a greater area of impervious surface and may require an additional variance for impervious surface ratio (ISR).

The variance request for the reduced interior side yard setback from the west property line is necessary to rebuild on the existing foundation. The Lake County Code allows such a structure to be rebuilt no closer than 4 feet to the property line, provided the height does not exceed 12 feet.

At issue is the proposed height of the new structure. At a proposed height of 18 feet, the required setback is 7 feet. A taller garage may be desired by the property owner for personal reasons, but this reason alone does not necessarily constitute a hardship. Approval of the side yard variance with a 12-foot building height will not preclude the applicant from having the benefit of a two-car garage.

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

Comment – The proposed detached garage will have the same setbacks as the existing detached garage. The neighborhood is characterized by accessory structures located similarly to the street and will be set back farther from the street than others in the neighborhood. However, the height of the proposed garage will exceed the height of the house as well as what is typical of the nearby accessory structures. Granting the variation for the detached garage at a height of 12 feet (allowed by the Lake County Code) will eliminate a nonconforming structure and allow the garage to be

built in a way that is consistent with the neighborhood and more compatible with the size of the existing house and property.

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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 proposed with this zoning case.
2. Staff recommends the structure not exceed 12 feet in height.