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September 14, 2016

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

FROM: Krista Braun, Planner
Lake County Department of Planning, Building, and Development

CASE NO: 8141

HEARING DATE: September 22, 2016

REQUESTED ACTIONS:

1. Reduce the front yard setback from 30 feet to 23.1 feet to accommodate an existing single-family dwelling and for an attached garage addition.
2. Reduce the side yard setback from 19 feet to 7.5 feet to accommodate the attached garage addition.

GENERAL INFORMATION

OWNER: Jeffrey and Constance Gorden

OF PARCELS: One

SIZE: 0.91 acres, per Lake County's Geographical Information Systems

LOCATION: 28550 W. Treetop Road, Ingleside, Illinois.
PIN(s) 05-16-300-017

EXISTING ZONING: Estate (E), Open Space (OS)

EXISTING LAND USE: Single-family dwelling and detached accessory structures

PROPOSED LAND USE: To construct an attached garage to the existing single-family dwelling.
The existing detached garage will be removed.

SURROUNDING ZONING / LAND USE

NORTH: Estate (E) / Single-Family Residential

EAST: Estate (E) / Single-Family Residential
WEST: Open Space (OS) / Channel to Pistakee Lake
SOUTH: Residential-1 (R-1) / Single-Family Residential

COMPREHENSIVE PLANS

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

DETAILS OF REQUEST

ACCESS: Direct access is provided via W Treetop Road

NONCONFORMING LOT: The subject property is a nonconforming lot due to lot area.

FLOODPLAIN / WETLAND: The property contains mapped floodplains and wetlands.

SEPTIC AND WATER: The subject property is serviced by a private septic system and well.

ADDITIONAL COMMENTS

- The front yard setback for a principal 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 yard 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 would be greater than the minimum setback required for the Estate zoning district, so the required front yard setback is 30 feet.
- The side yard setback for a principal 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)(b) specifies the front setback shall be a minimum of 10% of the lot width, but not greater than specified for the underlying zoning district. In this instance, 10% of the zoning lot width of the subject property would be greater than the minimum setback required for the Estate zoning district, so the required setback is 19 feet.
- The side yard setback for a detached accessory structure on a nonconforming lot is four feet. The existing detached garage has a side yard setback of approximately six feet and is considered nonconforming because the overhangs do not meet the minimum building separation of four feet. Replacing this structure with an attached garage will eliminate this nonconformity. However, because it will be attached to the home, the addition is subject to the setback requirements for principal structures. The wall of the proposed attached garage would be farther away from the property line than the current structure with a separation of at least 11 feet to the side yard property line.

STAFF COMMENTS

Joe Meyer – Lake County Division of Transportation (LCDOT)

- Treetop Road is a Township Road under the jurisdiction of the Grant Township Highway Commissioner; therefore, LCDOT has no comments on the requested setback variations.

Mark Mussachio – Environmental Health Services

- This department has no objections to the requested variances.

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variances.

Robert Springer – Building Division

- The Building Division has no objection to the requested variance.
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RECOMMENDATION

In Staff's opinion, the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends approval of the variances for the following reasons:

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

Comment: The existing house, constructed in 1958, was built with the foundation 26.6 feet from the front property line. The architectural style of the house incorporates a 3.5 foot overhang. The parcel is adjacent to Pistakee Lake. Much of the property lies below the base flood elevation of 741 feet and the north side of the yard slopes towards the channel. These conditions, along with the locations of the septic system and well that serve the house, limit the area in which to locate an attached garage.

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

Comment: It is the desire of the property owner to construct an attached garage and remedy the nonconforming status of the existing single family home. Additionally, the proposed garage addition will replace the existing detached garage, and will eliminate issue of the nonconforming four-foot building separation between the overhangs as well as increase the side yard setback. Given the location of the existing house, well, and septic system and the constraints of the site's topography and floodplain, the proposed location for the attached garage addition utilizes the only practical area of the lot.

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

Comment: The variation requests are in harmony with the general purpose and intent of the zoning regulations. The front yard variance would remedy the existing home's nonconforming status with no impact to the neighborhood. A garage is considered appropriate for the beneficial use of a residentially zoned property. It is the owner's desire to extend the house's overhang along the attached garage, which will enable the new construction to blend in with the existing structure. Attaching the garage allows the structure to be at an

increased setback from the side property line than the current detached garage, thereby reducing the impact to the adjacent property. The proposed placement of the attached garage will not have a negative effect upon the adjacent properties.

RECOMMENDED CONDITIONS

In the event the Board is inclined to grant the proposed variance request, staff recommends that it be consistent with the site plan proposed with this zoning case.