



Zoning Board of Appeals

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Chairman

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September 15, 2016

TO: George Bell, Chairman  
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: 8157 Variation

REQUESTED ACTION: 1. To reduce the required front street yard setback, including the roof overhang, for a detached garage from 50 feet to 9 feet. The exterior wall will be no closer than 10 feet.

2. To reduce the required side yard setback for a detached garage from 10 feet to 8 feet.

HEARING DATE: September 22, 2016

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**GENERAL INFORMATION**

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APPLICANTS: Steven Southwell and Pamela Southwell

# OF PARCELS: One

SIZE: 0.80 acre, per Lake County Geographical Information Systems

LOCATION: 25333 W. Richmond Avenue, Antioch, Illinois  
P.I.N. 01-25-409-038

EXISTING ZONING: Recreational Commercial (RC)

EXISTING LAND USE: Single-family dwelling, two accessory dwelling units, and detached garage (all granted legal nonconforming status)

PROPOSED: Removal of the existing detached garage in place of a new and larger detached garage

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

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EAST and WEST:	Recreational Commercial (RC) / single-family dwellings
NORTHWEST:	Limited Commercial (LC) / storage structure
NORTHEAST:	Residential-1 (R-1) / single-family dwellings
SOUTH:	Open Space (OS) / Petite Lake

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Retail Commercial
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### **DETAILS OF REQUEST**

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ACCESS:	Direct access is provided via Richmond Avenue.
CONFORMING LOT:	The subject property is conforming lot in the Recreational Commercial (RC) zoning district.
FLOODPLAIN / WETLAND:	The property contains mapped wetlands along the shoreline. A small portion of the southern lake shoreline contains a mapped floodplain.
SEWER AND WATER:	The property is served by private septic system and water well.

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### **ADDITIONAL STAFF COMMENTS**

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A "Recreational" zoning district has been designated for the subject property since at least 1966. Township assessment records indicate the single-family dwelling has been present since 1950. As a result, the single-family dwelling and associated accessory structures are classified as legal nonconforming uses in the RC zoning district. The Lake County Code allows the construction of any use that is accessory to a dwelling unit regardless of the zoning district in which the dwelling is located. Lot dimensional standards are based on the underlying RC zoning district.

Lake County Division of Transportation - Comments by Joe Meyer

Richmond Avenue is a Township Road under the jurisdiction of the Antioch Township Highway Commissioner; therefore, LCDOT has no comments on the requested setback variations.

Lake County Health Department - Comments by Mark Mussachio

The Health Department does not have an objection to the variation request.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering Division has no objection to the requested variance.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the requested variance.

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**RECOMMENDATION**

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Although staff has no objection of the front street yard setback variation, we are compelled to recommend denial as the request does not meet standard #2.

Additionally, sufficient area exists to west of the existing driveway to place the proposed detached garage in a manner meeting the 10 foot side yard setback. As a result, staff recommends denial of the side yard setback variation request as it does not meet exceptional conditions nor would denial of the variance amount to a hardship.

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

Comment: The following features are present on the subject property and affect this standard:

- The septic field and its service line are located at the northeast corner;
- A detached dwelling exists along the west side of the property;
- The driveway on the center of the property serves both the single-family dwelling and the detached dwelling;
- A large walnut tree exists north of the detached dwelling and it is the intent of the applicant to remain outside of the drip-line of this tree. An oak tree exists north of the existing garage.

Given these on-site features, a justification can be made to place the proposed detached garage within the street yard setback. However, as sufficient area exists to place the proposed 34' x 45' garage between the existing driveway and 10 foot side yard setback, staff is of the opinion that an exceptional condition does not exist for a side yard variation.

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

Comment: The location of the detached garage would be similar with the street yard setbacks of adjacent properties to the east along Lake Court. Denial of the requested variance would prevent the owners from improving their property consistent with nearby properties. Given the R-1 zoning within close proximity of the property, the standard street yard setback for a conforming lot is 30 feet, and a nonconforming lot requires a street yard setback 20% of the lot depth or 30 feet (whichever is less). Enforcing a 50 foot street yard setback for this single-family dwelling in the Recreational Commercial (RC) zoning district could be considered a hardship.

However, as the property is improved with an attached garage and the proposed size of the detached garage is 34' x 45', it does not appear the front street yard setback request from 50 feet to 9 feet is the minimum adjustment necessary.

As sufficient area exists to place the garage between the driveway and the 10 foot side yard setback, a hardship is not present. Meeting the 10 foot side yard setback would not create a hardship.

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

Comment: The front street yard variation request is in harmony with the general purpose and intent of the zoning regulations. Additionally, as a conforming residential lot is afforded a 6 foot property line setback for an accessory structure, a justification could be made that the proposed 8 foot side yard setback meets this standard as well. A garage is considered appropriate for the beneficial use of residential property. The proposed placement of the detached garage within the front street yard setback would not have a negative effect upon the adjacent property owners as this setback would maintain consistency with others in the area.

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### **RECOMMENDED CONDITIONS**

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In the event the Board grants the variation or modification of the front street and/or side yard setback, staff recommends the following conditions:

1. The placement of the structure shall be limited to the site plan of ZBA application #8157.
2. The applicant shall submit a tree protection plan with the building permit application. The tree protection plan shall address the following to ensure the viability of the existing walnut tree located north of the accessory dwelling unit:
  - a) Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the drip line of the existing tree to be protected. The fencing shall be entrenched, secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart. This area must be maintained to prevent any clearing, grading, storage, and/or development activities from encroaching into the protected tree area. This fencing shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased and the surrounding area has been permanently stabilized.