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October 14, 2016

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

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

CASE NO: 8203

REQUESTED ACTION: Variance from Lake County, Illinois Code of Ordinances to construct a detached garage requiring the following variance:

- Section 151.233(C)(1)(a) to reduce the required street yard setback from 30 feet to 18.5 feet to the overhang.

HEARING DATE: October 27, 2016

GENERAL INFORMATION

OWNER: Arthur Damitz, Jr.

OF PARCELS: One; 01-36-105-027

SIZE: 0.38 acres, per Lake County GIS

LOCATION: 38891 N. Lakeview Avenue, Antioch, IL

EXISTING ZONING: Residential – 1 (R-1)

EXISTING LAND USE: Single-family residence

PROPOSED LAND USE: The applicant is proposing to construct a detached garage for personal storage in the same location as a previous garage. The garage will be slightly larger and a new slab will be installed to accommodate the new garage.

COMPREHENSIVE PLANS

LAKE COUNTY: Large Lot Residential - greater than 3-acre lot density

ANTIOCH: Urban Residential

SURROUNDING ZONING / LAND USE

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

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

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

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

DETAILS OF REQUEST

ACCESS: Direct access to the subject lot property is from N. Lakeview Avenue. The property also has frontage on N. Wilson Road; there is currently no driveway access to N. Wilson Road at this time.

NONCONFORMING LOT: The subject property is a nonconforming lot given that it fails to meet the lot width (130 feet) and lot area (40,000 square feet) requirements of the Residential – 1 (R-1) District.

NATURAL RESOURCES: A portion of the property lies below the 100-year base flood elevation of 741.3 NAVD 88 for Fox Lake. Based on topography provided by Lake County Maps Online, none of the proposed or existing structures on the subject property are below the base flood elevation.

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

ADDITIONAL COMMENTS

- At the time of application, the applicant's consultant indicated it was the applicant's intent to utilize the existing slab in place of the previous garage; however, this option was not available given the applicant's desire to increase the size of the garage and the condition of the slab. In accordance Section 151.232 (H)(1) a legal nonconforming accessory structure on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided: 1) the restored structure does not extend further into any required setback than the existing structure prior to improvement or rebuilding; and 2) the restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines. In accordance with these standards, should the applicant utilize the existing slab and not enlarge the proposed garage, a variance would not be required. The applicant has indicated because the home has no basement, and because of equipment required to maintain the property, a larger garage is essential for storage purposes.
- In 2015 the Zoning Board of Appeals granted variation requests for garages involving two adjacent properties (Jeanne Graft, Case No. 6987, April 23, 2016; and Kenneth and Susan Kosmoski, Case No. 7148, July 9, 2015). Case 6987 involved a 3.21-foot street setback, and Case 7148 involved a 0-foot street yard setback.
- The Lake Villa Township Highway Commissioner has reviewed the proposed location for the detached garage and has no issues with the proposed placement of the structure.
- 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 setback of 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 30 feet. Lake County Code Section 151.131(C)(3) allows an exception to the street yard setback for an overhanging roof not to exceed 3 feet in to the required yard. The proposed architectural plan for the garage indicates the garage will have a 6-inch overhang reducing the proposed setback to 18.5 feet.

STAFF COMMENTS

1. **Bob Springer – Building Division**- The building division has no objections to the granting of this variance.
2. **Eric Steffen – Engineering Division**- The Engineering Division has no objection to the requested variance.
3. **Joe Meyer – Lake County Division of Transportation** – The township has no objection to granting the proposed variation as the garage is not going closer to the road.

4. **Arnie Rapa - Environmental Health Department** - The proposal to construct a new garage will not impact the existing septic system and water well. The new garage must be a minimum of 10 feet from the septic absorption trench and a minimum of 5 feet from the septic tanks. Health has no objection to the variance request to reduce the required street yard setback from 30 ft. to 18.5 ft.

RECOMMENDATION ON VARIANCE

After considering the facts in this case, staff has determined the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommend approval of the variances for the following reasons:

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

Comment – In staff's opinion, physical characteristics associated with the property in the form the septic system location, topography and the floodplain create exceptional conditions that justify granting the variance request. Based on information provided by the applicant, which has been verified by the Health Department, placement of the garage in a conforming location would encroach into the septic system located south of the proposed garage. There are also topographic and environmental limitations associated with the property that preclude moving the garage south to a conforming location. Together, these factors constitute exceptional conditions warranting the proposed variance.

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

Comment – The current configuration of the subject property was in existence prior to the applicant's ownership. The location of the proposed garage is the only practical location on the property given the topographic and environmental limitations of the property. In addition, the construction of a new slab will increase the side yard setback of the new garage, increasing the separation of the proposed garage from the garage located southwest of the property. The Zoning Board of Appeals has determined a garage is a reasonable use for a residential property, as it provides sheltered off-street parking spaces and reduces outdoor storage on properties. Absent the variation, the applicant would not be permitted to fully exercise reasonable use of the property that is characterized by other properties in the neighborhood.

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

Comment – The property associated with this application contains mapped floodplain and is located in an area where many of the structures are in close proximity to the front property lines (note the setback distances of variations approved in the neighborhood). Approving the variance will enable the applicant to meet the parking

standards of the Lake County Code and implement a design that is consistent with other properties in the neighborhood. Additionally, the proposed location of the garage will not impede the Township's ability to maintain N. Lakeview Avenue as evidenced by the fact that there was no objection put forth by the Township Highway Commissioner.

RECOMMENDED CONDITION

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.