



Zoning Board of Appeals

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January 5, 2017

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

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: 8417 Variations

REQUESTED ACTION:

1. Reduce the street yard setback from 30 feet to 3.5 feet for an accessory structure. The building wall will be no closer than 4 feet.
2. Reduce the street yard setback for an existing legal nonconforming single-family dwelling from 30 feet to 7.22 feet. The variation would alleviate the nonconforming status of the existing single-family dwelling. The building wall is located 9.22 feet from the existing property line.
3. Reduce the street yard setback for an existing legal nonconforming accessory structure from 30 feet to 0.5 feet. The variation would alleviate the nonconforming status of the existing accessory structure.

HEARING DATE: January 12, 2017

GENERAL INFORMATION

APPLICANTS: William and Patricia Kercher

OF PARCELS: Two

SIZE: 0.57 acre, per Lake County Geographical Information Systems

LOCATION: 25620 W. Long Beach Drive and 25676 W. Oakland Drive,
Ingleside, Illinois
P.I.N. 05-24-103-016 and 05-24-103-014

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE:	Single-family dwelling with attached garage, one accessory structure, (both granted legal nonconforming status), and in-ground pool
PROPOSED:	Additional accessory structure located at the southeast corner of the property, constructed without a permit

SURROUNDING ZONING / LAND USE

EAST and NORTHWEST:	Residential-3 (R-3) / single-family dwellings
SOUTHWEST and SOUTHEAST:	Residential-3 (R-3) / railroad tracks
NORTH:	Open Space (OS) / Long Lake

COMPREHENSIVE PLANS

LAKE COUNTY:	Residential Single-Family (0.25 to 1-acre lot density)
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DETAILS OF REQUEST

ACCESS:	Direct access is provided via an extension of Oakland Drive.
CONFORMING LOT:	The subject property is conforming lot in the Residential-3 (R-3) zoning district.
FLOODPLAIN / WETLAND:	A small portion of the northern lake shoreline contains a mapped floodplain. The property does not contain mapped wetlands.
SEWER AND WATER:	The property is served by public sewer and private water well.

ADDITIONAL STAFF COMMENTS

The proposed shed was constructed by the applicant without a building permit and was placed within the street yard setback, and within the intersection visibility triangle. In coordination with the Grant Township Highway Commissioner, this Department has made the determination the sheds location in the visibility triangle will not interfere with traffic visibility given the infrequent use of Oakland Avenue, the elevation of the shed with respect to the right-of-way and the presence of an existing fence on the property line. However, despite the Township's

determination relating to intersection visibility, the applicant must still meet the street yard setbacks and satisfy the standards for the variance.

Lake County Division of Transportation - Comments by Joe Meyer

Long Beach Drive and Oakland Drive are Township Roads under the jurisdiction of the Grant 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.

RECOMMENDATION

For clarity, the staff recommendation is offered in two parts; the first section considers the variance request for the newer accessory structure, and the second section addresses the variance requests for the existing, legal nonconforming structures.

Variance Request Number 1:

1. Reduce the street yard setback from 30 feet to 3.5 feet for an accessory structure. The building wall will be no closer than 4 feet.

Given the infrequent use of Oakland Avenue, the existing fence, and the general physical limitations of the property, staff is generally not opposed to the front street yard setback variation for the proposed shed. However, we are compelled to recommend denial of the variance, as we do not find Standard 2 is met for this request.

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

Comment: For many years the property has been improved with an existing single-family dwelling and pool shed, and both structures are located within the side street yard setback of Oakland Avenue. Both are legally nonconforming. The property is characterized by several unique features:

- The property is bound by Long Lake to the north, Oakland Avenue to the east, and Long Beach Drive to the south.

- There is a significant change in grade along the house, as the lot slopes toward the lake in this area.
- The “backyard” of the home fronts two streets, so setbacks are more extensive than other backyards.
- The area west of the pool is characterized by a grade change of approximately 8 feet. Relocation of structures to this area would require installation of a substantial retaining wall (up to 8 feet in height) and a significant volume of fill material would be required to be removed from the site.

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

Comment: For many years the property has been improved with a single family dwelling, attached two car garage, shed, and in-ground pool. Relocation of the shed to the west side of the pool would require a substantial retaining wall (up to 8 feet in height) and a significant volume of fill material would be required to be removed from the site.

While it may not be practical to relocate the new shed elsewhere on the property, denial of the variance for a second shed would not constitute a particular hardship, as ample storage space exists on the property within the existing garage and shed.

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

Comment: The purpose of the zoning standards is to protect landowners from adverse impacts associated with development in unincorporated Lake County. Staff recognizes the proposed shed is a reasonable use given its relationship to the pool for the beneficial use of the property. We also recognize, given the limited use of Oakland Avenue and the fence, placing the shed within the front street yard setback would not have an adverse effect upon traffic safety or the adjacent property owner satisfying this standard

Variance Request Numbers 2 and 3:

2. Reduce the street yard setback for an existing legal nonconforming single-family dwelling from 30 feet to 7.22 feet. The variation would alleviate the nonconforming status of the existing single-family dwelling. The building wall is located 9.22 feet from the existing property line.
3. Reduce the street yard setback for an existing legal nonconforming accessory structure from 30 feet to 0.5 feet. The variation would alleviate the nonconforming status of the existing accessory structure.

Staff recommends approval of the variation request to reduce the street yard setback for an existing legal nonconforming single-family dwelling from 30 feet to 7.22 and to reduce the street yard setback for an existing legal nonconforming accessory structure from 30 feet to 0.5 feet. In our opinion the request meets the required standards in the following manner:

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

Comment: For many years the property has been improved with an existing single-family dwelling and pool shed, and both structures are located within the side street yard setback of Oakland Avenue. Both are legally nonconforming. The property is characterized by several unique features:

- The property is bound by Long Lake to the north, Oakland Avenue to the east, and Long Beach Drive to the south.
- There is a significant change in grade along the house as the lot slopes toward the lake in this area.
- The “backyard” of the home fronts two streets, so setbacks are more extensive than other backyards.
- The area west of the pool is characterized by a grade change of approximately 8 feet. Relocation of structures to this area would require installation of a substantial retaining wall (up to 8 feet in height) and a significant volume of fill material would be required to be removed from the site.

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

Comment: Due to the nonconforming status of the existing single-family dwelling and existing shed, the structures could not be rebuilt in the same place if it were destroyed by fire or natural disaster. Relocation of the house would severely limit the available footprint. Moving the existing shed would require relocation of pool equipment and an existing gas line, as well as modification of the pool apron. Furthermore, extensive grading and retaining wall installation would be required. Given the unique circumstances of the placement of these structures, it would impractical to request the applicant to relocate either of these structures if either were destroyed.

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 maintaining the existing home footprint and shed if it were destroyed by fire or natural disaster. The locations of these structures does not have a negative effect upon safety or the adjacent property owners.

RECOMMENDED CONDITIONS

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 structures shall be limited to the site plan of ZBA application #8417.