



Zoning Board of Appeals

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June 29, 2018

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

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

CASE NO: #000372-2018

HEARING DATE: July 12, 2018

REQUESTED ACTION: Variances from the requirements of Lake County, Illinois Code of Ordinances to:

1. Reduce the street setback from 30 feet to 4.5 feet to accommodate the construction of a detached garage. The building wall would be no closer than 5 feet to the property line.
2. Reduce the north side yard setback from 5 feet to 3 feet to accommodate the construction of a detached garage. The building wall would be no closer than 3.5 feet to the property line.

GENERAL INFORMATION

APPLICANTS: Frank and Monica Taylor

OF PARCELS: One

SIZE: 0.17 acres, per Lake County's GIS Calculated Acreage

LOCATION: 26338 N. Hickory Avenue, Mundelein, IL 60060

PIN: 10-36-404-037

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE:	Single-family dwelling
PROPOSED LAND USE:	The applicant is proposing to construct a new detached garage between the existing oak tree and the street. To improve aesthetics of the detached garage, the applicant is proposing a side-loading orientation and a roof pitch that is similar to the existing house.

SURROUNDING ZONING / LAND USE

NORTH, SOUTH, EAST & WEST:	Residential-3 (R-3) / Single-Family Residential
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DETAILS OF REQUEST

ACCESS:	Access is provided from N. Hickory Avenue. The main garage door will face to the side.
LOT CONFORMITY:	The subject property is a nonconforming zoning lot in the Residential-3 (R-3) zoning district.
FLOODPLAIN / WETLAND:	The subject property contains no mapped wetlands or floodplains.
SEWER AND WATER:	The subject property is serviced by public sewer and private well.

ADDITIONAL COMMENTS

- The street setback for a structure on a nonconforming lot is a function of the lot depth. Lake County Code Section 151.233(C)(1)(a) specifies the minimum street setback shall be 20% of the lot depth or the setback for the underlying zoning district, whichever is less. In this case, 20% of the lot depth is 30 feet, which is the same as required for a conforming lot in the R-3 zoning district.
- The side yard setback for an accessory structure on a nonconforming lot is a function of the structure height. Per Lake County Code Section 151.233(C)(1)(f), the proposed structure height of 13 feet requires a side yard setback of 5 feet.
- Previously, the subject property was served by a detached garage that was located on the adjacent parcel to the south. Prior to the current owners' acquisition of the property, a

demolition permit for the garage was issued and the adjacent parcel was sold to separate owners. Currently, the subject property lacks a garage, leaving the property owners to park their vehicles outside on the driveway.

- The Fremont Township Highway Commissioner and Countryside Fire Protection District were provided information on the proposed variances for the detached garage and have indicated no objection to the proposed location of the structure.

STAFF COMMENTS

1. **Heather Galan – Public Works:** The proposed variances do not affect the public sewer therefore this Department has no objection.
2. **Eric Steffen – Engineering Division:** The Engineering Division has no objection to the requested variance.
3. **Robert Springer – Building Division:** The Building Division has no objection to this request.
4. **Arnie Rapa – Health Department:** The existing well can remain in the basement since no there is no new construction or remodeling being done to the home.

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 subject property is in an older subdivision (platted in 1923) that was designed with small, narrow lots. Many of the lots in the subdivision have been combined to create larger parcels or were developed in recent years with attached garages. The subject property retains its original platted configuration and the house was constructed in 1935. There is a very large, mature oak tree in the front yard. The combination of the existing house location and the enormous existing oak tree creates a condition unlike those in the surrounding neighborhood.

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

Comment: The location of the oak tree and its root structure take up a large portion of the front yard. Because of this, the property would be unable to accommodate a detached

garage that would be compliant with the required street setback of 30 feet. Also, the applicants would like to construct the garage with a side-load configuration, which will allow for vehicles to back out of the garage into the existing driveway, rather than backing out into the street. In order to provide sufficient vehicle-turning space for maneuvering in and out of the garage, the reduction in the side yard setback is needed given the narrowness of the lot. A two-car garage is reasonable use for a residential property, as it provides sheltered off-street parking spaces. Given the owner's desire to preserve the existing oak tree and to build a structure with minimal impact to the surrounding properties, the proposed location makes use of the best space available to build a detached garage.

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 addition of a detached garage on the subject property would eliminate the owners' need to park outdoors. The placement of the garage door to the side will improve the appearance of the façade facing the street. In contrast, denying the variances could negatively affect the surrounding neighborhood by forcing placement of the structure within the critical area for the oak tree's roots and cause harm to the tree, which is an amenity enjoyed and appreciated by much of the neighborhood.

RECOMMENDED CONDITIONS

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