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February 6, 2019

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

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

CASE NO: VAR-00453-2019

HEARING DATE: February 14, 2019

REQUESTED ACTIONS:

1. Reduce east side yard setback from 6 feet to 0 feet to accommodate the construction of a one car detached garage. The building wall shall be no closer than 1 foot to the property line.
2. Reduce front yard setback from 30 feet to 12 feet 4 inches to accommodate the construction of a one car detached garage. The building wall shall be no closer than 12 feet 10 inches to the property line.

GENERAL INFORMATION

OWNER: Joseph and Elizabeth Szydlo

OF PARCELS: 1

SIZE: 0.25 acres, as calculated by staff using Lake County's GIS

LOCATION: 22995 W. Lake Shore Dr., Antioch, Illinois. PIN 02-20-205-044

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: The applicant is proposing to construct a new detached garage between the existing conforming residence and the street.

SURROUNDING ZONING / LAND USE

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

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

SOUTH: Open Space (OS) / West Loon Lake

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

DETAILS OF REQUEST

ACCESS: Direct access is provided from Lake Shore Dr.

CONFORMING LOT: The subject property is a nonconforming lot in the Residential-1 (R-1) zoning district.

FLOODPLAIN / WETLAND: The property contains mapped floodplain.

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

ADDITIONAL STAFF COMMENTS

- The front yard 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 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 exceeds 30 feet, therefore, the 30-foot front yard setback applies.
- The interior side yard setback for an accessory structure on a nonconforming is a function of structure height. Lake County Code Section 151.233(C)(1)(f) specifies accessory structure shall not exceed 12 feet in height at the minimum 4 foot setback, with an additional two feet in height given for each additional setback beyond four feet to a max height of 20 feet at an 8 foot setback. In this case, as the proposed garage is 16 feet tall, the minimum interior side yard setback is 6 feet.

- The Antioch Township Highway Commissioner and First Fire Protection District of Antioch were provided information on the proposed variance for the detached garage and have provided no objection to the proposed location of the structure.
- The proposed structure complies all other applicable regulations including height, side yard setbacks, setback to water's edge, Impervious Surface Ratio (ISR), and proximity to other structures.
- An existing detached garage was demolished in late 2017 prior to the purchase of the property by the applicant. The previous garage was approximately 375 square feet and appears to have been in a state of disrepair. It is the desire of the applicant to construct a 592 square foot garage in the same location.
- In 2017, similar variances were granted to reduce the required street setback to 0.63 feet and the required side setback to 5.40 feet to accommodate a detached garage on a property located 1,000 feet west of the subject property. There have also been nearby variances granted in 2004 to reduce the street yard setback for a detached garage, and to reduce the side yard setback for a home. Although the side yard setback variance in this case is nearer to the property line than previously approved in the neighborhood, approved variances speak to site constraints typical on sites throughout the subdivision.

STAFF COMMENTS

Jeff Bixler – Environmental Health Services

- No objection to the requested variance

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variances. A Site Development Permit is required for the proposed structure.

Robert Springer – Building Division

- The Lake County Building Department has no objection to the requested variance. Note, when submitting plans for the building permit, design must show compliance with the table R302.1(1), 2012 IRC, for allowed openings and the wall rating based on fire separation distance.

RECOMMENDATION ON VARIANCES

Staff recommends approval for the variance request. In Staff's opinion, the variance requests comply with the standards in the following manner:

Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)

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

Comment – The subject property is in the Residential-1 (R-1) zoning district and is legal nonconforming due to the lot area and width. The parcel is in the Long Beach Subdivision, platted in 1928, and designed with small, narrow lots. The proposed garage is minimally conforming with required setbacks to the existing septic system per Lake County Health Department standards. The required 10 foot setback to the septic field and 5 foot setback to the septic tank prevents the owner from locating a detached garage any further from the street or eastern property line than what is proposed. The requested variances are a result of the subject property's physical limitations, and the position of the existing structures, both of which constitute exceptional conditions that justify the variances.

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

Comment – The previous detached garage was unusually small, at approximately 375 square feet. The applicant demolished the previous garage within the last year as it was in a state of disrepair and their desire is to rebuild in a similar location. Without the requested variances, the owners cannot reestablish a detached garage in the same location and previous structure.

Because the principal structure is a single story residence with no basement, a detached garage is necessary to accommodate customary personal storage and is a reasonable use by providing a sheltered off street parking space. Due to site constraints created by the small property size and existing septic system, there is no feasible way to construct a conforming detached garage on the subject property.

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

Comment – The proposed project will be in alignment with the purpose and intent of the ordinance by maintaining a pattern of single family homes and related accessory structures present throughout the neighborhood. There is a well-established pattern of both principal and accessory structures constructed in close proximity to the road all along the northern shore of West Loon Lake, specifically on the south side of Lake Shore Drive. In addition, as a detached garage existed in a similar location dating back to at least 1980, the proposed garage should have a minimal impact on nearby neighbors.

RECOMMENDATION ON VARIANCES

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