



Zoning Board of Appeals

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Chair

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January 8, 2021

TO: Gregory Koeppen, Chair  
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: #000614-2020

REQUESTED ACTION:

1. Allow an accessory structure greater than 576 square feet on a non-contiguous parcel.
2. Reduce the north side street yard setback from 30 feet to 22.25 feet.
3. Reduce the south side street yard setback from 30 feet to 21 feet.
4. Increase the height of an accessory structure from 20 feet to 21.16 feet.

HEARING DATE: January 14, 2021

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**GENERAL INFORMATION**

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APPLICANTS: Diane G. Eller Trust (Diane G. Eller and James A. Eller, trustees), record owner

# OF PARCELS: One

SIZE: 0.25 acre, per Lake County Maps Online

LOCATION: 25933 W. Wilson Road, Antioch, Illinois  
P.I.N. 01-36-104-007

EXISTING ZONING: Residential-1 (R-1)

EXISTING  
LAND USE: Vacant

PROPOSED: Detached garage and carport for personal storage, accessory to residential structure located at 25934 W. Wilson Road (the primary property).

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

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All Directions: Residential-1 (R-1) / single-family dwellings

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY: Residential Single-family Medium Lot (1 to 3-acre density)

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### **DETAILS OF REQUEST**

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ACCESS: Access to the parcel is available from either Wilson Road or Lakeview Avenue.

NONCONFORMING LOT: The subject property is a nonconforming lot in the R-1 zoning district due to lot area and lot width.

FLOODPLAIN / WETLAND: The subject property contains no mapped wetlands or floodplains.

SEWER AND WATER: Although adjacent properties are served by private septic systems and water wells, the stand-alone detached garage would not use these features.

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### **ADDITIONAL STAFF COMMENTS**

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Lake County Health Department – Comments by Mark Mussachio

No septic or well on property.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering Division has no objection to the requested variance. Note that a Site Development Permit will be required for the new detached garage and open carport.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the granting of this request with the following conditions:

1. Construction of the structure must be in accordance with the 2012 International Residential Code and the Lake County Unified Development Ordinance.
2. Use of the structure must be in accordance with the Lake County Code (LCC).

Both the applicant's primary property with the single-family dwelling (25934 Wilson Road) and the vacant noncontiguous parcel (25933 Wilson Road) are legal nonconforming parcels which allows detached garages under 576 square feet in size in order to accommodate necessary and customary parking needs (the Lake County Code requires a minimum of 2 parking spaces per residential unit). For those situations when it is necessary to construct a detached garage on a noncontiguous parcel, it is the general intent of the Ordinance limit the size of the detached garage at 576 square feet in order to provide the minimum threshold necessary to accommodate off-street parking for the principal residence. The owner proposes a garage in excess of this threshold [Insert square footage here] to both accommodate required parking and recreational storage associated with the use and enjoyment of the owner's primary property and abutting lake.

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## **RECOMMENDATIONS**

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As the variation requests each address the standards for a variation independently, the requests for size, setbacks, and height will each receive a separate recommendation. Staff's recommendations are based on the following approval criteria for variations specified in Lake County Code Section 151.056(C)(4):

### Variation #1

With regard to the variation request to allow an accessory structure greater than 576 square feet on a non-contiguous parcel, staff recommends approval. In staff's opinion, the variance requests comply with the standards for variances in the following manner:

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

Comment: The following features and characteristics constitute, in the aggregate, exceptional conditions on the primary property.

- The placement of the house and the terrain on the primary property makes access to the rear of the property impractical.
- Due to the placement of the septic field on the primary property, there is insufficient space for a garage.
- The placement of a garage and driveway on the primary property would compromise the health of existing trees.

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

Comment: The Lake County Code (LCC) requires two off-street parking spaces per residence, and it is common for those spaces to be in a covered garage, protected from the elements. Moreover, it is not uncommon for the owners of lakefront parcels to need additional storage area to store amenities used for the water (boats, piers, etc.). Given the on-site limitations of the primary property, the size of the proposed improvement is appropriate to accommodate both required parking and reasonably necessary recreational storage.

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

Comment: The variation request is in harmony with the general purpose and intent of the zoning regulations. A reasonably-sized detached garage is considered appropriate for the

beneficial use of residentially zoned property. The request will alleviate the visual exterior storage of the applicant's boat. The proposed size of the improvement will not have a negative visual effect upon the adjacent property owners.

#### Variation #2 & #3

With regard to the variation requests to 1) Reduce the north side street yard setback from 30 feet to 22.25 feet; and 2) Reduce the south side street yard setback from 30 feet to 21 feet; staff recommends approval. In staff's opinion, the variance requests to reduce setbacks comply with the standards for variances in the following manner:

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

Comment: The parcel is triangular in shape and bounded on two sides by roads with two street property line setbacks. It is likely any proposed structure on this parcel (e.g. single-family dwelling, garage) would require a street property line setback variation.

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

Comment: The LCC requires two off-street parking spaces per residence, and it is common for those spaces to be in a covered garage, protected from the elements. Given the irregular lot configuration, the location of the proposed improvement is appropriate. It is likely any proposed structure on this parcel (e.g. single-family dwelling, garage) would require a street property line setback variation. Denial of the requested variance would prevent the owner from improving their property consistent with nearby properties.

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. A reasonably-sized detached garage is considered appropriate for the beneficial use of residentially zoned property. The proposed placement of the improvement will not have a negative visual effect upon the adjacent property owners.

#### Variation #4

With regard to the variation request to increase the height of an accessory structure from 20 feet to 21.16 feet, it does not appear the request meets the standards for a variation. As a result, staff recommends denial for the following reasons:

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

Comment: There are no conditions peculiar to the applicant's property to support the request to allow the accessory structure to have a building height greater than 20 feet.

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

Comment: Because a reasonable use can be established without this relief, staff does not believe there is a practical difficulty that justifies the variation. Specifically, based

on the applicants' building permit plans, a garage can be established which meets the 20-foot building height required at the requested setbacks. The Lake County Code allows the applicant to establish attic space in an accessory structure if the rafter or ceiling height is no greater than 6-feet and the attic is used for storage purposes only; the building's dimensions would allow this reasonable attic design absent a variation for additional height.

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

Comment: The variation does not comply with the purpose and intent of the UDO as the garage's proposed height would be inconsistent with the height and character of other accessory structures in the vicinity of the subject property.

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**RECOMMENDED CONDITION**

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In the event the Board grants the variation of the proposed accessory structure size and street setbacks, staff recommends that it be consistent with the site plan of ZBA application #000614-2020.

In the event the Board grants the variation of the proposed accessory structure height, staff recommends that it be consistent with the building plans of ZBA application #000614-2020.