

# INFORMATION PAPER



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Planning, Building and Development Department  
Eric Waggoner, Director

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## **SUBJ: NORTH SHORE DRIVE (DOUGLAS TERRACE) ROAD MODIFICATION – SHIELDS TOWNSHIP**

### **OVERVIEW**

Jessica and Michael Chappell, the applicants and owners of Lots 12 and 13 in the Arden Shore Estates Subdivision, are proposing to construct a single-family home on their property and desire to obtain access via North Shore Drive (a.k.a. Douglas Terrace), currently a private road, in its existing state. Such action requires major modifications from the subdivision street standards of the Lake County, Illinois, Code of Ordinances (LCC). In accordance with Section 151.192(A)(2) of the LCC, the Planning, Building, Zoning and Environment Committee shall be authorized to approve major subdivision modifications. Staff have notified property owners in the vicinity of the subdivision modification requests in accordance with Section 151.045(G)(2)(a) of the LCC.

### **BACKGROUND**

The subject property is part of the “Arden Shore Estates” subdivision platted on April 27, 1927 as a conventional single-family residential subdivision with 66-foot-wide rights-of-way. Although portions of those rights-of-way within the subdivision (Melvin and Douglas) collectively provide access to improved lots (3 in total on Melvin Drive, all originally built between the 1970s and 1980s), they were never improved to meet public road standards nor accepted into the Township Roads District. Douglas Terrace, which abuts the subject property and extends north from Kohl Avenue to Melvin Drive, is improved with a graveled road surface approximately twelve feet wide. A portion of the intersecting Melvin Drive is similarly improved with a gravel road surface (sections further to the west are unimproved and impassable). The subject property is a nonconforming lot in the Residential-1 (R-1) zoning district and will be served by a private septic system and well. The character of the surrounding area is single-family residential, and in the R-1 zoning district.

### **CURRENT REQUESTS**

Section 151.169 (C)(2) of the LCC requires each lot to have direct access to an improved street approved by the relevant highway authority, which in this case is Shields Township, prior to issuance of building permits. The affected portion of the road (over which the applicants will access their lot from adjoining Kohl Avenue) is that portion of Douglas Terrace from the intersection of Kohl to the southern edge of the applicants’ property.

The applicants are requesting the following subdivision modifications to allow their property to be accessed from Douglas Trace in order to serve a new single-family dwelling:

1. LCC Section 151.190(B)(1) allows a maximum of three (3) lots to be served by a private street network. Three homes are currently served by the private street network of Douglas Terrace and Melvin Drive. The applicants have requested to allow four (4) lots to be served

by the existing private street network to accommodate the construction of a fourth single-family home.

2. LCC Table 151.194(M) minimum pavement widths and LCC Section 151.194(M)(4)(c) minimum pavement specifications for a private street. The applicants have requested a reduction of minimum standards to as-is conditions of the existing private road.

## **EXTERNAL AGENCIES**

### **A. The Village of Lake Bluff – Drew Irvin, Village Administrator**

The Village of Lake Bluff opposes the Subdivision Modification requests for 201 Melvin Drive for the following reasons:

1. **Fire Protection Responsibility:** The Village is contractually responsible for fire protection in the Arden Shore South Fire Protection District (the District). The continued improvement of the District's streets to modern standards, such that they can be used by heavy emergency apparatus, is essential to the Village's ability to protect the public safety in the District. Allowing residential development to occur on substandard streets – which already lack nearby fire hydrants regardless of the outcome of this Appeal – will only exacerbate the effect of today's obstacles to mounting an effective emergency response.
2. **Planning Jurisdiction and Future Annexation:** Pursuant to the Illinois Municipal Code as well as a boundary agreement between the Village and the City of North Chicago, the Village exercises extraterritorial planning and subdivision powers within the Arden Shore area including the Subject Property. These powers are exercised independent of the County's zoning ordinance or subdivision regulations. The Village's current Comprehensive Plan foresees the eventual annexation of this area but notes that "the existing infrastructure in this area does not conform to Village standards." Accordingly, the Village has an interest in ensuring that any future residential development is fully held to the County's development standards, as the Village may eventually be responsible for the maintenance of infrastructure and the provision of other public services to these areas.

### **B. Shields Township – Jeff Urso, Shields Township Supervisor and Highway Commissioner**

Shields Township supports the Subdivision Modification Request for 201 Melvin Drive for the following reasons:

1. The Township sees no reason that an improved road needs to be installed at this location.
2. The current gravel road has served the homeowners for years.
3. Granting the variance will save the homeowner and the Township money.

## **STAFF RECOMMENDATIONS**

### **A. Lake County Division of Transportation (LCDOT) – Joseph Meyer, Manager of Permitting:**

The LCDOT recommends against these modification requests. Beyond the hardship of cost, we see no reason to grant these modifications for the following reasons:

1. Douglas Terrace and Melvin Dr. are private streets. Any new access approval should take into account the concerns of any additional impacts upon the existing homeowners currently maintaining the private drives.
2. Currently the County is unaware of how the private drives are being maintained. Any development in this old subdivision must establish a maintenance plan for the private drives.
3. Currently three homes access the private drives. The County standard is no more than three homes are allowed on a private drive. LCDOT staff see no reason to modify this standard. There are several other vacant lots in this old subdivision.
4. Douglas Terrace and Melvin Dr. are currently gravel streets. Douglas Terrace is about 14 feet wide, and Melvin Dr. is about 12 feet wide. The County standard for private streets is 18 feet wide and paved. Other than the hardship of cost, LCDOT staff see no reason to modify these standards.
5. To develop vacant lots in this old subdivision, the private drives need to be improved to public streets with proper drainage. There are two ways to do this:
  - a. With the County meeting the County's standards for public streets.
  - b. With the Township meeting the Township standards for public streets.

B. Lake County Planning, Building & Development Department (PB&D) – Frank Olson, Senior Planner

Currently, when subdivisions are created in the unincorporated areas of Lake County, the subdivision developers pay for road and other infrastructure improvements. However, Arden Shore Estates was platted in 1927 and development along the unimproved roads therein (Melvin and Douglas Terrace) has occurred in a piecemeal fashion in the years since. The current road surface has served the three existing residences abutting Melvin Drive since sometime between the 1970s and 1980s. To the extent that adding a fourth residence that utilizes only the southern portion of Douglas Terrace may result in additional impacts on life and safety issues, these impacts could be somewhat mitigated through steps to ensure the site is properly engineered for positive drainage and the road portion utilized by the applicant is maintained at the same level as its current condition.

Over the past 20 years, this Department has received various applications and requests to develop the subject property, which have been unsuccessful for various reasons. In that timeframe, there has been no further development within this portion of the Arden Shore Estates subdivision due to the road improvement requirements.

Although PB&D staff recognizes the unique difficulties faced by the applicants, and further acknowledges the fact that the current road improvement requirements have been a practical impediment to developing the majority of the vacant lots along these private roads for the past 20 years, PB&D shares LCDOT's position that the public interest would be better served by an improvement of Douglas Terrace to public road standards in lieu of leaving it in its current condition. Douglas Terrace's improvement to public road standards and its acceptance into the Township's road system would maximize the road's safe function over time through the ongoing

maintenance by a local highway authority. PB&D's recommendation to deny further considers the approval factors, as follows:

- A. *The granting of the major modification shall not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;*

Allowing the subject property to take access from Douglas Terrace on the southern end in its current condition will have the least impact to the road and other properties that are situated farther north along Melvin Drive. Impacts of adding an additional home to this private road network could be potentially mitigated through the applicants' assumption of ongoing maintenance of their utilized portion of Douglas Terrace along with a site development requirement for sufficient stormwater best management practices to offset flood risks to the nearby homes and private road network. The existing private street network of Douglas Terrace and Melvin Drive, in its current condition, has served three existing residences situated farther along Melvin Drive for several years. However, the Village of Lake Bluff has noted significant concerns regarding the ability to provide an effective emergency response and that maximum safety and maintenance would be achieved by improving the affected portion of Douglas Terrace to public road standards.

- B. *Unique conditions exist with the property to be developed that require the modification, and that these conditions are not self-created, and that the applicant had no knowledge of the impact of the regulations on the development of the property at the time of the property's purchase;*

There are no conditions unique to the applicant's property that prevent the applicant from complying with the standards for a public road improvement.

- C. *The major modification is the least deviation from this chapter that will mitigate the hardship or practical difficulty that exists on the subject property.*

The applicants could seek lesser modifications from the street improvement requirements to achieve their development goals. Such modifications would involve additional up-front expenses for the applicants as they prepare to build their residence.

- D. *Absent the requested modification, the applicant will be deprived of the ability to develop the property to the full extent otherwise allowed for in this chapter;*

The applicants may elect to improve the road section to a standard acceptable to the Township for inclusion in its public road network.

- E. *The modification shall not in any manner vary any other provisions of this chapter; and*

The modifications requested are limited to improvement of the road surface and do not affect other ordinance provisions.

*F. The standard sought to be modified serves no public or private interest.*

It is in the best interest of the public and to area service providers to improve the subject portion of Douglas Terrace to meet public road requirements. However, in the event the Committee is inclined to approve the request, the public interest would be best served by requiring conditions of approval that would mitigate any harm on surrounding properties and the existing road network.

## **NEXT STEPS**

The Planning, Building, Zoning and Environment Committee shall act to approve, approve with conditions, or deny the modification request. If the Committee is inclined to approve the request, PB&D staff recommend that the following conditions be imposed:

1. The applicants shall execute and record a notarized covenant binding the applicants and their successors/assigns to maintaining their portion of Douglas to at least its current level of repair and acknowledging no future responsibility on area highway authorities to improve or maintain the same.
2. The applicants' proposed development of the lot and grading within the adjacent right-of-way shall be designed to maintain positive drainage and mitigate potential off-site stormwater impacts on the surrounding lots and/or roadway.