



**Lake County Central Permit Facility**  
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November 6, 2015

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

FROM: Hannah Mog, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 7526

HEARING DATE: November 17, 2015

REQUESTED ACTIONS: 1. Increase Impervious Surface Ratio (ISR) from 30% to 35.6% to maintain the existing driveway.

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#### **GENERAL INFORMATION**

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OWNER: Terrence and Elvia Fisher

# OF PARCELS: 1

SIZE: 0.49 acres, per Lake County's GIS Calculated Acreage

LOCATION: 16181 W. Buckley Rd, Libertyville, Illinois. PIN 11-09-403-025

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: Single family residence with detached garage and circular driveway

PROPOSED LAND USE: Single family residence with detached garage and circular driveway

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## **SURROUNDING ZONING / LAND USE**

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EAST, WEST & SOUTH: Residential-3 (R-3) / Single-Family Residential

NORTH: Open Space (OS) / Lake County Forest Preserve District

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## **COMPREHENSIVE PLANS**

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LAKE COUNTY: Single-family Residential (0.25 to 1-acre lot density)

VILLAGE OF LIBERTYVILLE: Single-family Residential

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## **DETAILS OF REQUEST**

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ACCESS: Direct access is provided from W. Buckley Road

CONFORMING LOT: The subject property is a conforming lot in the Residential-3 (R-3) zoning district.

FLOODPLAIN / WETLAND: The property contains mapped floodplains.

SEPTIC AND WATER: The subject property is serviced by public sewer and water.

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## **ADDITIONAL STAFF COMMENTS**

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- A building permit was issued July 7, 2015 for a 24'x24' detached garage on the subject property. During the permit review process, it was determined by staff that the applicants were over the allowable Impervious Surface Ratio (ISR) and would need to remove 1,196 square feet impervious surface to comply. The property owner agreed to remove a portion of the driveway to maintain compliance with the Lake County Code.

- Currently, the property is being served by both the local school district and Lakeside Transportation Company for the transport of the applicant's disabled son. Buckley Road has been used for a pickup and drop-off location for their son, which presents safety concerns both for roadway users and the applicant's family.
- Prior to applying for a building permit for the detached garage, the applicants petitioned the school district and transportation company to use the existing circular driveway to pick up and drop off their son. At the time of permit review they had not received approval. Since the permit was issued, the property owners have received approval for their driveway to be used as a handicapped accessible pick up point, provided that the full width of the driveway is maintained in order to accommodate the services' vehicle size.

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#### **STAFF COMMENTS**

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Joe Meyer – Lake County Division of Transportation

- IL Route 137 (Buckley Road) is a State Highway under the jurisdiction of IDOT; therefore, LCDOT offers no comments on the requested ISR variation.

Eric Steffen – Engineering & Environmental Services Division

- This division has no objection to the requested variance.

Robert Springer – Building Division

- This division has no objection to the requested variance.

Scott Baum – Lake County Public Works

- Public Works has no objection regarding this project.

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#### **RECOMMENDATION ON VARIANCES**

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

##### **Zoning Variance Approval Criteria – Lake County Code Subsection 151.056 (C)(4)**

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

Comment – The subject property is part of the North Libertyville Estates Subdivision, created in 1954. According to the 1975 plat, the original lot was subdivided in 1966 to create two

conforming lots. Although the subject property is significantly smaller than nearby properties, the 30% ISR standard for the zoning district applies.

At the time the subdivision was created, taking access from Buckley Road was permitted in lieu of taking access from Center Avenue, which would be more typical of current practices. As a corner lot, with access off a major state highway, the home was practically situated in the far southeast corner of the property, necessitating a longer driveway. Circular driveways and driveways with turnarounds are common along Buckley Road in the vicinity of the subject property given the increased risk in backing vehicles onto the highway. In staff's opinion, the combination of its comparatively small size, location on the corner of a local road and state highway, and setback distance of the subject property's long-standing improvements, constitutes exceptional conditions peculiar to the subject property.

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

Comment – All existing uses and site features on the subject property are reasonable. However, unique characteristics, specifically access from a major state highway, have resulted in patterns of development on the subject property that have pushed site features to the southeast corner of the property, resulting in a greater footprint of impervious surface.

The property owners would be willing to remove the excess impervious surface if not for the access challenges presented as a result of their son's disability. Removing a portion of the driveway would result in both the transportation company and school district resuming pickup on Buckley Road, which presents life, safety, and welfare concerns for both the applicant's family and roadway users.

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

Comment – Other nearby properties similarly have a house, garage, and patio. Also, circular driveways are common along Buckley Road in this area. An increased ISR would allow the applicants to be able to retain the use of the existing driveway. This would result in a benefit to the public through increased health, safety, and welfare for roadway users as well enhanced safety on the subject property. The increase in impervious surface would not negatively impact adjacent properties and allows a disabled individual continued enjoyment of their property.