



Zoning Board of Appeals

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Chair

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October 22, 2020

TO: Gregory Koeppen, Chair  
Lake County Zoning Board of Appeals

FROM: Thomas Chefalo, Principal Planner  
Lake County Department of Planning, Building and Development

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CASE NO: #CUP-000570-2020

MEETING DATE: ~~November 5, 2020~~ Rescheduled to November 19, 2020

REQUESTED ACTION: A request for an Amendment to Conditional Use Permit # CUP-000424-2018. The current CUP allows for a 480 square foot storage building for the yard; the applicant's amendment now proposes to expand that structure to 1,800 square feet (30' x 60') to allow for more indoor storage of equipment to better protect the applicant's fleet from the elements.

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#### GENERAL INFORMATION

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OWNERS: Edgar Herrera, record owner

# OF PARCELS: Five

SIZE: 1.22 acres, per Lake County GIS information

LOCATION: 39486 N IL Route 59, Lake Villa, Illinois 60046

PINs: 0230302001, 0230302002, 0230302003, 0230302004, 0230302005

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Landscape Contractor's yard

PROPOSED LAND USE: Landscape Contractor's yard and an accessory structure

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**SURROUNDING ZONING / LAND USE**

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EAST: AG/ single family house

NORTH: GC & R3/ Shop & single-family house

SOUTH: GC/ office

WEST: R3/ single-family homes

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**DETAILS OF REQUEST**

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ACCESS: Access is provided from IL Route 59.

CONFORMING LOT: The subject property is a conforming lot in the GC zoning district.

FLOODPLAIN / WETLAND: There are no mapped wetlands or floodplain on the property.

SEPTIC AND WATER: There is no septic or well on the property.

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**STAFF COMMENTS**

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Joel Krause – Engineering & Environmental Services Division

- Based on the current proposed project scope and location, a Site Development Permit is not required. If the scope of the project changes (adding pavement, site grading, etc.) a site grading plan and site development permit, with associated fees, may be required. If a site development permit is required, the permit shall be obtained prior to the start of construction.

Eva Donev – Building Division

- No objections to the building size increase. Building plans must be submitted and the new permit must be applied for the building. Project must comply with 2012 IBC.
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### **ADDITIONAL STAFF COMMENTS**

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1. The Delegated Conditional Use Permit CUP-000424-2018 was approved by the ZBA in June 2019. The applicant included a 480 sq. ft. pole barn on the site plan that was approved as part of the CUP. After establishing the use on the site, Mr. Herrera concluded that the 480 sq. ft. structure was not large enough to provide secure storage for his landscaping equipment.
  2. Section 151.050 (I) of the Unified Development Ordinance includes the following “Amendments to approved conditional use permits. The establishment of accessory uses and structures that do not exceed 25% of the existing floor area ratio or 30% of the existing impervious surface ratio shall be authorized by the Planning, Building and Development Director, except in those cases that, in the opinion of the Planning, Building and Development Director, may have a potential significant impact on the surrounding properties. If the above percentages are exceeded, the Zoning Board of Appeals shall be authorized to allow the establishment of accessory uses and structures for delegated conditional use permits ... Any other proposed change, amendment, variation, or alteration may be approved only pursuant to the standards and procedures established by this section for the approval.”
  3. Mr. Herrera’s proposal exceeds 25% of the existing floor area. Therefore, the request for the amendment to the delegated CUP must be made before the ZBA.
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### **RECOMMENDATION ON THE AMENDMENT**

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In accordance with Section 151.050 (I) of the Lake County Unified Development Ordinance, the Zoning Board of Appeals has the authority to take action on amendments to approved delegated CUPs. Staff recommends approval of the Conditional Use Amendment request. In Staff’s opinion, the CUP amendment to allow a larger accessory structure is consistent with approval criteria set forth in CUP-000424-2018, does not change the character of the approved use, will provide additional opportunity to screen the applicant’s equipment and vehicles from surrounding properties, and will not have a substantial negative impact on public health, safety, or general welfare.

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### **RECOMMENDED CONDITION OF APPROVAL**

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In the event the Board is inclined to grant the proposed request to amend the Conditional Use Permit, staff recommends:

1. The location and size of the structure be based on the plans associated with ZBA application #000570-2020.