

Narrative:

We purchased our home at 122 Johnson in October of 1990. At that time, it was a 1 story ranch with a long driveway and detached garage that was, in what is now, our back yard. The pool was built in the late 1950's and was surrounded by a concrete deck that was significantly larger than the deck that exists today. Repairs to that deck in 1993 removed a diving board and the surrounding concrete. The wooden decks are original size and shape of those that were present when we moved in.

In 2003, Maureen and I were granted a permit for a significant addition to our home. A second story was added, the garage was attached and moved forward, the driveway was shortened, and the old garage was demolished and became lawn space. In 2004 we were granted another permit to add a shed on the back of our property to house the pool equipment. The original design of that shed was 15' x 15'. I was initially denied the permit because 15' x 15' would have exceeded our lot coverage. I reduced the size of the shed to 14 x 14' which was enough for us to be compliant. In 2023, I pulled another permit to again repair the deck around the pool, which slightly reduced the size of the pool deck. Since 2004, no additional square footage was added.

Maureen and I decided to add some landscaping and hired DeepRoot Gardens for the design and installation. As part of that plan, we hoped to add 46 square feet to our raised wooden deck- A 4' x 8' section to allow for greater entertaining space and a 2' X 7' section to balance out a poorly designed original deck plan. Thinking that I was at the limit of impervious coverage, I removed 89 ft² of concrete to accommodate for the increase in deck size. I was surprised to find out that when we submitted plans for the permit that our lot was noncompliant at 52% coverage when in 2004 it was at 50%. The plans that had been originally submitted for the deck permit did not show that we had removed concrete. A recalculation by the planning department showed that our lot was now at 50% that included both the addition of new deck and the removal of concrete. Because we want to alter the size of the deck, we are no longer grandfathered at the 50% coverage limit. We became aware of the change in lot coverage when the DeepRoot Gardens submitted an application for a permit on our behalf.

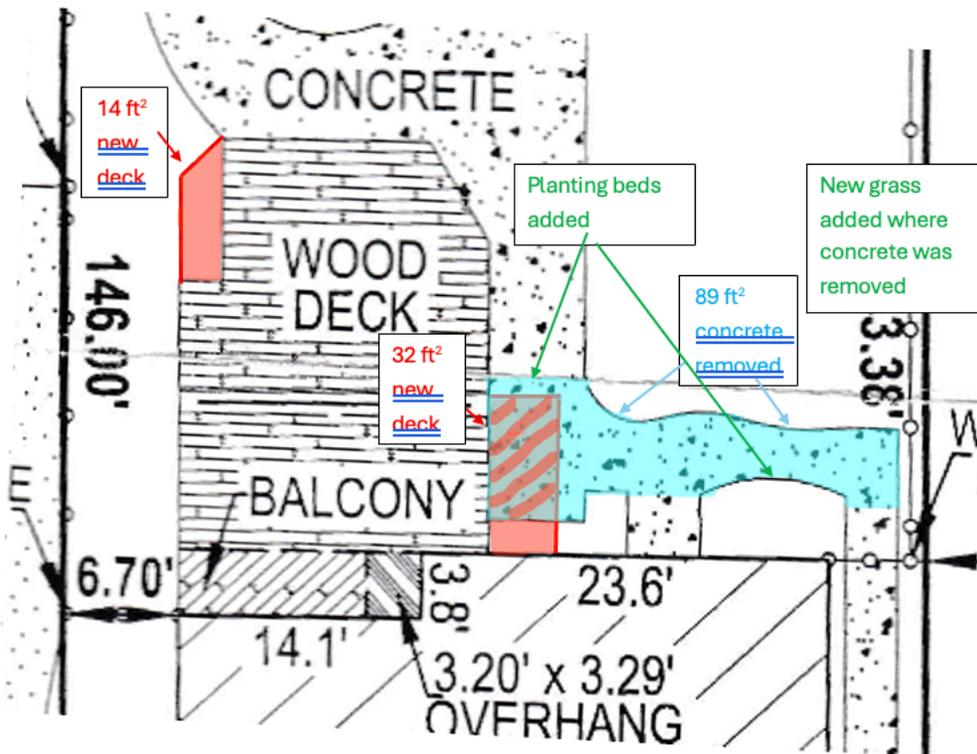
I am asking for a variance to allow for greater than 45% coverage.

As a former AP environmental science teacher, I am very aware of the need for stormwater management and the problems associated with excessive runoff. By increasing the overall permeable surface on our lot, we meet the intent of the original coverage standards. Further, and I know it doesn't matter for permitting purposes, the ground under the raised deck is bare earth which allows for rainwater to soak in. For stormwater management purposes, the village allows raised wood decks over bare ground to be counted as 50% coverage.

The lots in the Johnson subdivision are smaller than most lots in Libertyville. Our is 50 feet wide where most lots are 60 feet wide. Smaller lot sizes make meeting the 45% coverage standard more difficult. The addition of the deck square footage will not affect my neighbors. The sum of the

changes in coverage due to increasing the size of the deck results in an overall decrease in impermeable surface.

Below is a rendering of the change in square footage of coverage. The net gain comes from the removal of 89 ft² of concrete. The concrete has already been removed and grass has been planted along with new planning beds, as indicated on the landscape architect's drawings submitted with this application and shown on my drawing below.



Standards for Variations

a. General Standard. No variation shall be granted pursuant to this Section 16-8 unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Section 16-8.7.

Response to a. General Standard: Strict letter of the provisions of the 45% impervious surface area would create a particular hardship by causing the removal of ordinary property improvements that were compliant at one time. No hardscape has been added with or without permit since 2004 and found to be within the 50% standard at that time.

b. Unique Physical Condition. The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including the presence of an existing use, structure, fence or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or its existing development rather than the personal situation of the current owner of the lot.

Response to b. The lot's is exceptional due to its existing development. An addition was permitted by the city in 2002 and in 2004 a 196 ft² shed permit was granted. All impervious structures were completed at that time. There has never been grading or drainage issues. No alterations have been made or are being proposed for the footprint of the house itself. The proposed improvements decrease the current impervious surface area from 52% to 50%. Additionally, the lots in the Johnson subdivision are smaller than most lots in Libertyville. With a 50 ft width it is harder to meet the 45% standard than the standard 60 ft width lots.

c. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title, other than the construction of structures that were lawful at the time of such construction, and existed at the time of the enactment of the provisions from which a variation is sought or was created by as a result of natural forces or governmental action, other than the adoption of this Code.

Response to c. The lot was compliant in 2004 when the shed was added. I do not know how the impervious ratio was accounted, but I do know that at the time it was determined to be 50%. No changes have been made to increase coverage. When the concrete pool deck was repaired in 2023 the repairs resulted in a deck was actually a bit smaller than the original deck. I do not know how the current coverage was determined, but it was found to be 52% despite there having been no additions since 2004. Zoning code evolved over time making my lot noncompliant.

d. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision

Response to d: The change in zoning standard has created a situation where the small change to the existing structure required the application of a new standard despite decreasing the coverage from where it was before the proposed project. It is known that property improvements enjoyed by some owners of other lots in Libertyville, subject to the same provision, have resulted in an increase of Impervious Surface allowance by the Village. Carrying out the strict letter of the provision would deny the owners of the subject property the ability to maintain the current hardscape features that were installed by work permitted by the village in 2003 and 2004, as well as denying them the ability to maintain similar quality building standards and values that many of the surrounding homes in Libertyville enjoy.

e. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot; provided, however, that where the standards set out in this Section 16-8.7 are met, the existence of an economic hardship shall not be a prerequisite to the grant of a variation.

Response to e: We are not seeking special privilege. By improving the landscaping and increasing the size of the deck we are removing grass and concrete and adding planting beds. We are also adding 9 trees which aid stormwater saturation through transpiration. The landscaping around the new deck removes concrete and adds permeable surface that otherwise would not be there. We are not seeking an increase in our impervious surface. We are seeking to reduce impervious surface from 52% to 50%.

f. Code and Plan Purposes. The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

Response to f: Granting this variation would remain consistent with the intent of the Zoning Code and Comprehensive Plan. The purpose of the lot coverage standard is to manage stormwater and maintain neighborhood character—objectives that are met here, as the property has reduced concrete surface area and retains a raised deck over bare soil for infiltration. The modest deck adjustment improves function without increasing runoff or altering the residential

character of the neighborhood.

g. Essential Elements of the Area. The variation would not result in a use or development on the subject lot that:

- 1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

Response to g. 1) The variation being requested for the subject home will not materially affect the public welfare, nor the various properties in the vicinity.

- 2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

Response to g. 2) The variation being requested for the subject home will not affect the light or air to the various properties in the vicinity.

- 3) Would substantially increase congestion in the public streets due to traffic or parking; or

Response to g. 3) The variation being requested for the subject home will not affect public street in any way.

- 4) Would unduly increase the danger of flood or fire; or

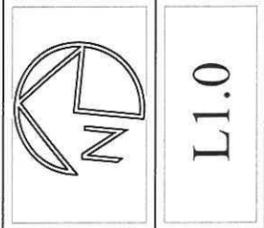
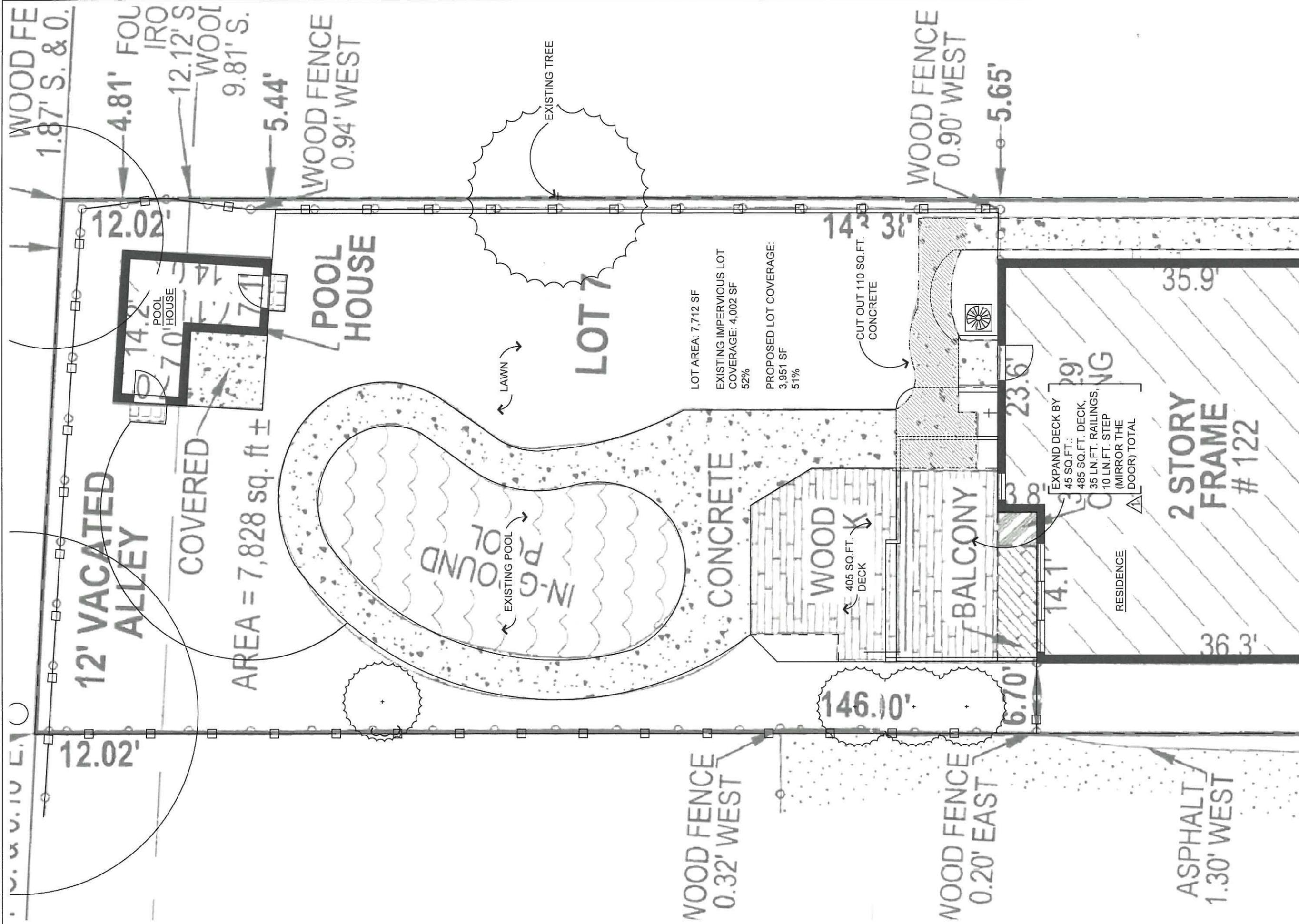
Response to g. 4) The variation being requested for the subject home will not increase the danger of flood or fire.

- 5) Would unduly tax public utilities and facilities in the area; or

Response to g. 5) The variation being requested for the subject home will not unduly tax public utilities and facilities in the area.

- 6) Would endanger the public health or safety.

Response to g. 6) The variation being requested for the subject home will not endanger the public health or safety.



Designer: ASD
 Project #: 25-035
 Date: 5.19.25

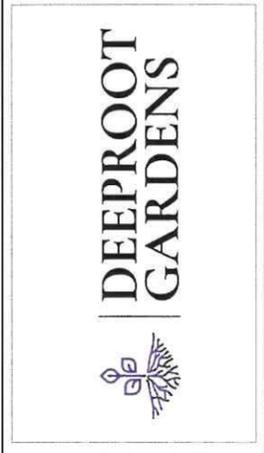
Revisions

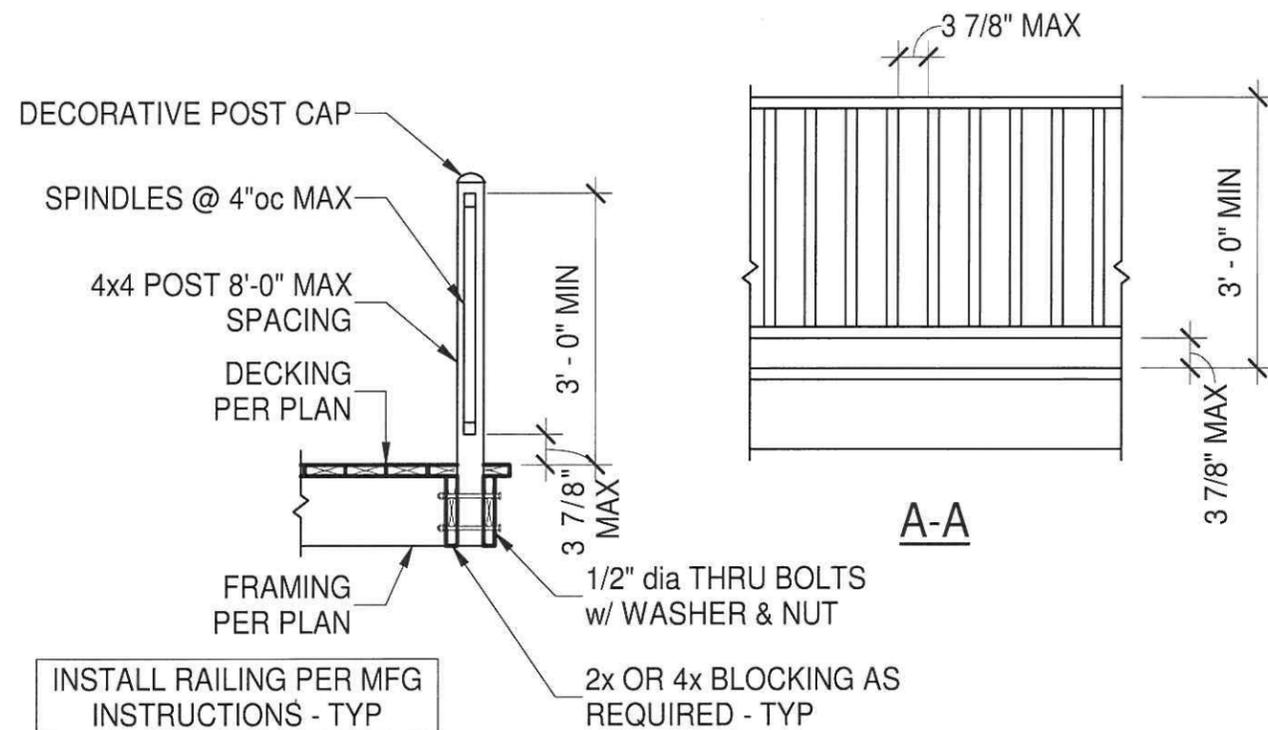
L1.0

Carmichael Residence
 122 Johnson Ave.
 Libertyville, IL

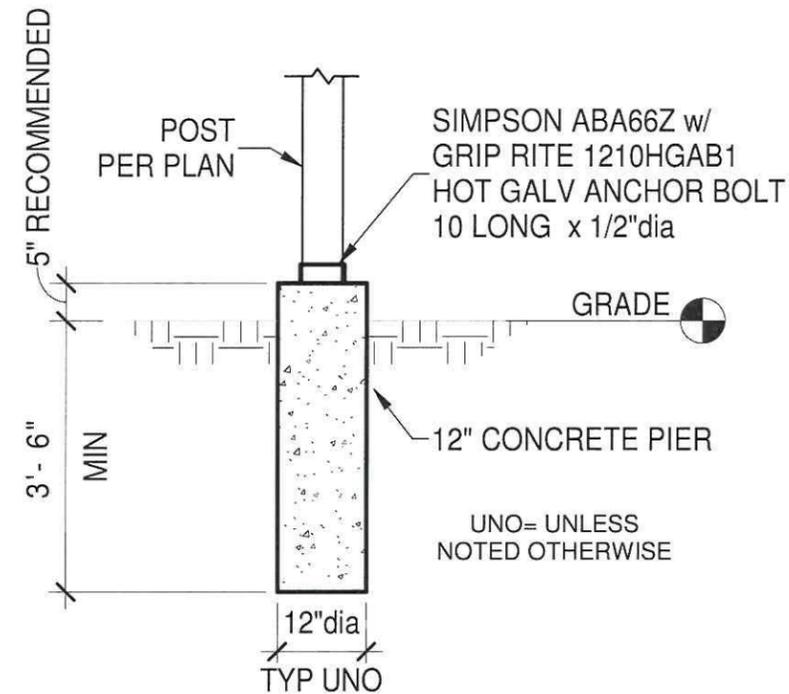
Deeproot Gardens LLC.
 2248 Heathercliff Drive
 Libertyville, IL. 60048

scale: 1/8" = 1"

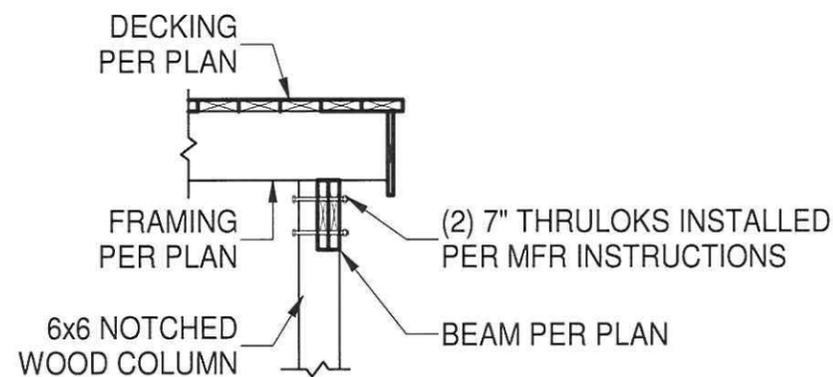




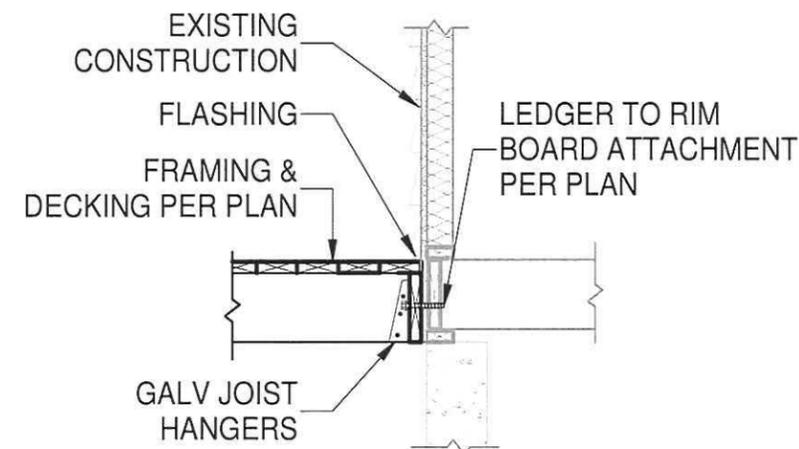
A TYPICAL POST TO DECK DETAIL
D1 N.T.S.



B TYPICAL POST @ PIER DETAIL
D1 N.T.S.



C TYPICAL DROP BEAM DETAIL
D1 N.T.S.



D TYPICAL LEDGER DETAILS
D1 N.T.S.

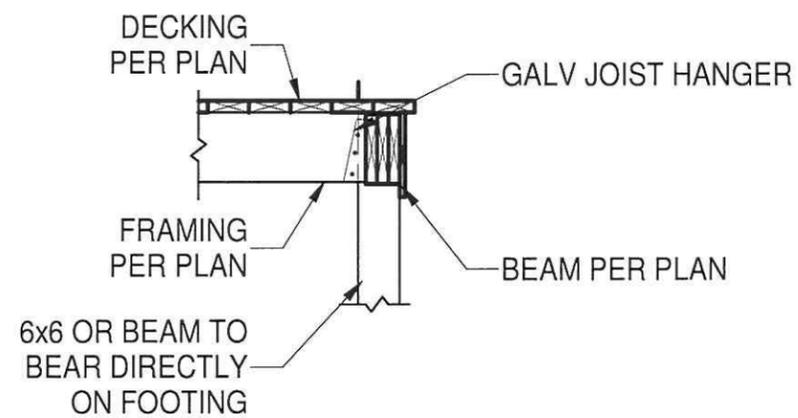
CARMICHAEL
122 JOHNSON AVE
LIBERTYVILLE, IL 60048

REVISIONS

No.	Description	Date

D1

TYPICAL DETAILS



A **TYPICAL FLUSH GIRDER BEAM DETAIL**
D2 **N.T.S.**

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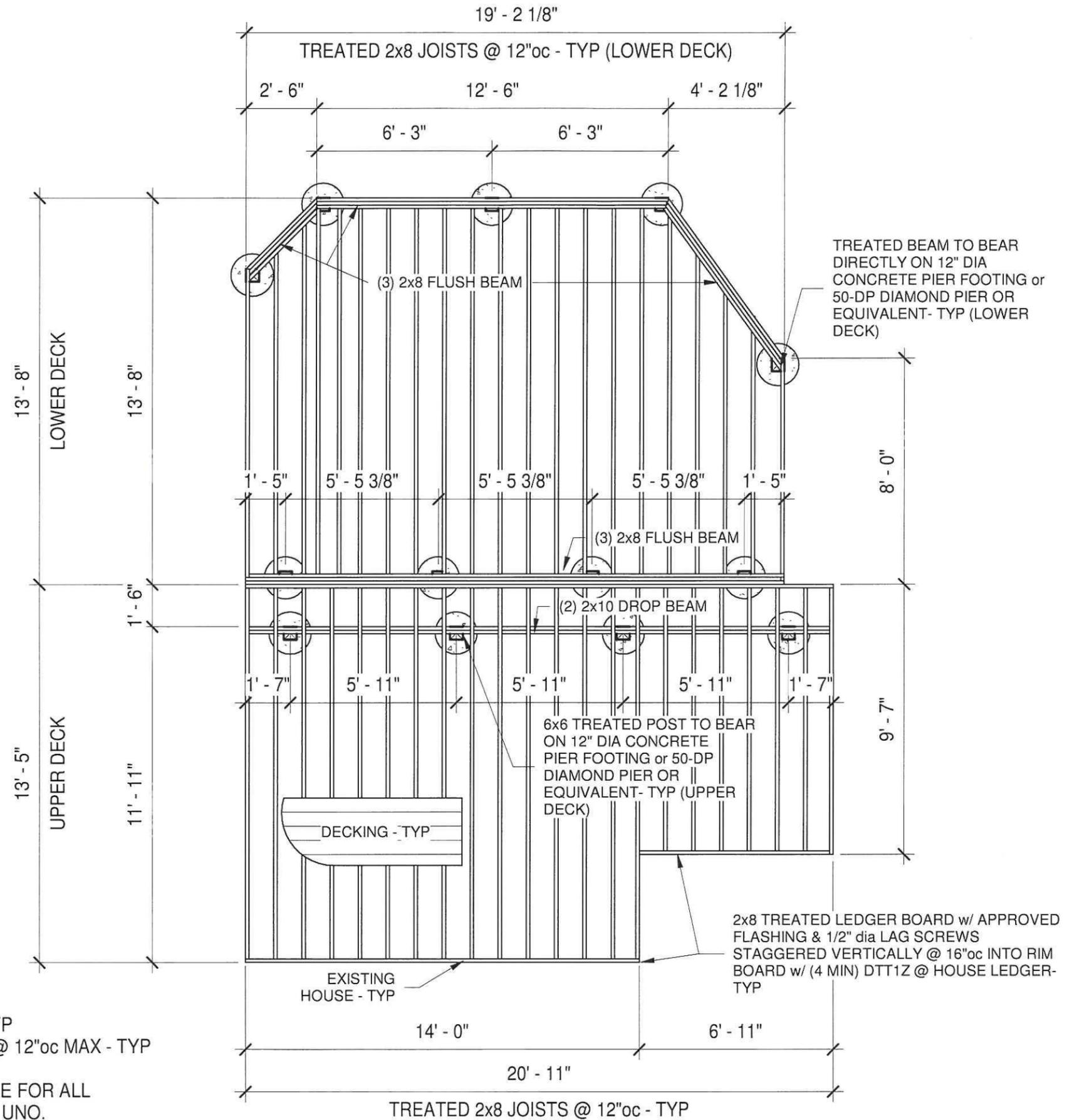
No.	Description	Date

D2

TYPICAL DETAILS



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NOTES:

1. ALL JOISTS TO BE SYP #2 TREATED 2x8 @ 12"oc- TYP
2. ALL LUMBER TO BE SYP #2 TREATED OR BETTER - TYP
3. ALL STAIR STRINGERS TO BE SYP #1 TREATED 2x12 @ 12"oc MAX - TYP
4. ALL HARDWARE TO BE GALVANIZED.
5. REFER TO IRC TABLE R602.3(1) FASTENING SCHEDULE FOR ALL REQUIRED NAILING AND FASTENING SPECIFICATIONS - UNO.
6. LOWER DECK HEIGHT ABOVE GRADE = 0'-8" +/-

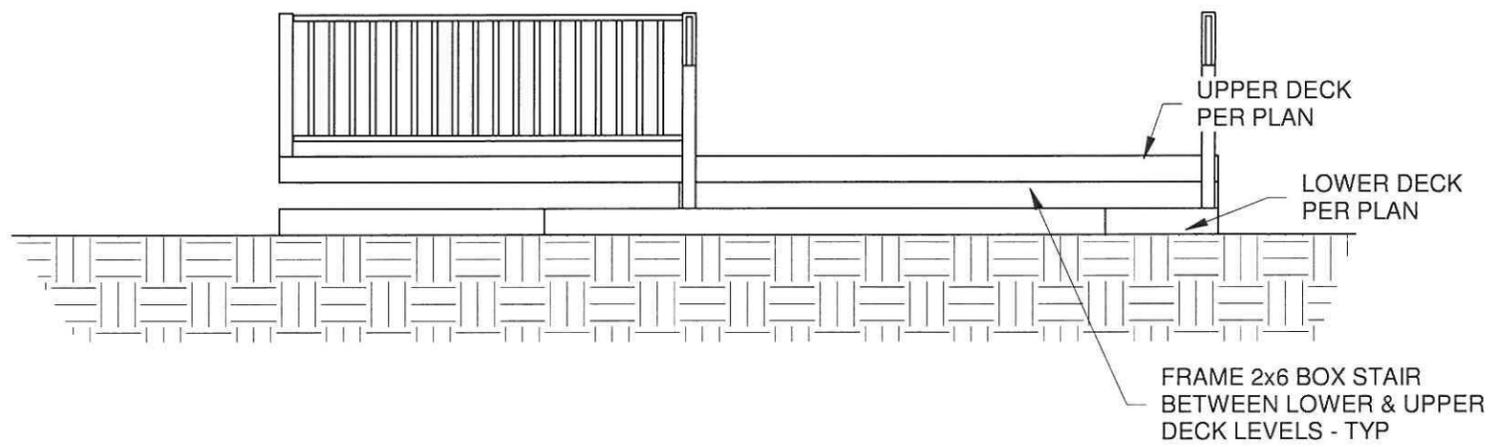
REVISIONS

No.	Description	Date

D3

DECK FRAMING PLAN

SCALE: 1/4" = 1'-0"



A FRONT ELEVATION
D4 N.T.S.

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 122 JOHNSON AVE
 LIBERTYVILLE, IL 60048

REVISIONS

No.	Description	Date

D4

ELEVATIONS

122 Johnson
and surrounding properties.

Legend
📍 122 Johnson Ave



122 Johnson Ave

Koch's Korner

Moraine East Apartments

North End Garage

George W. Turner C

Google Earth

Image © 2025 Vexcel Imaging US, Inc.

300 ft

