



#2016-23 Maxwell – Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	June 15, 2016
<u>Request:</u>	To construct a deck, which extends 16 feet from the house, an encroachment of 39 feet into the required 130-foot setback requiring variations from Article 3 front yard setback and Article 7 expansion of a non-conforming structure.
<u>Location:</u>	707 Woodland Drive
<u>Acreage:</u>	approximately ½ acre
<u>Existing Zoning:</u>	R-1 Single Family
<u>Surrounding Properties:</u>	North: R-1 Single Family South: R-1 Single Family East: R-1 Single Family West: R-1 Single Family
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The property is improved with a single family home.
- **Background:**
 - Properties along Crystal Lake have the lake side portion of the lot as the front yard. The street side portion is treated like a corner side yard.
 - Patio Permit:
 - The homeowner applied for a permit to complete patio work on March 15, 2016.
 - As part of the permit review, the inspector went to the site and noticed that work had started prior to the permit's issuance. The contractor was instructed not to keep working until the permit was issued.
 - The permit review was originally complicated by the fact that the patio was shown on the street side of the house causing confusion over the request, as the patio is actually on the lake side of the house. Additional discussion was needed with Acorn Landscaping, who noted that they put the house backwards on the plan.

- The permit was then issued on March 30, 2016.
- Deck Permit:
 - The homeowner applied for a permit for a second-story deck on April 11, 2016.
 - The following week on April 19th the homeowner was notified that the permit was denied due to the fact that the deck was an existing non-conforming structure as it is within the front yard setback.
 - The homeowner applied for the variation on May 27, 2016.

Development Analysis:

General

- **Request:** Variation to allow the repair and construction of a second-story deck which encroaches 39 feet into the required 130-foot front yard setback.
 - The front yard setback is determined by the average of the other existing properties on that block for a total length of 400 feet. The setback was measured to be 130 feet.
 - The house is already within that setback with an enclosed sunroom portion being the closest point to the lake at 82 feet from the water's edge.
 - The deck is behind that portion of the house and connects to the second story and would cover the patio and bar area below.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned R-1 Single Family. This property is used as a single-family home.

Site Layout

The petitioner's house is on Crystal Lake. The front yard is the lake side of the house. The front yard setback is determined by an average setback.

- The average setback was determined to be 130 feet back from the seawall. This was measured using the plats of surveys from 685 Woodland to 741 Woodland. The picture to the right illustrates the front yard setback, which is currently within the footprint of the house.



- The closest point of the house is currently approximately 82 feet back from the seawall.



- There is an existing second-story deck off the lake side of the house. They are fixing and increasing the size of the deck. Since the deck is currently considered a non-conforming structure, any expansion of a non-conformity requires the variation.
- The deck will be 16' x 19' 3" as shown by the white box in the picture above. The 16 feet is the depth off the house towards the lake. This is an encroachment of 39 feet into the required setback.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which allows for existing and future single-family residential uses. The following goal is applicable to this request:

Land Use - Residential

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

This can be accomplished with the following supporting action:

Supporting Action: Preserve and enhance the character and livability of existing residential area with architectural and development guidelines.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 3-300 B3. Front yard setback to allow a 39-foot encroachment and Article 7-300 B4 to allow enlargement of a non-conforming structure to repair and expand the second-story deck to be 16' x 19' 3".

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

Meets *Does not meet*

- b. Also, that the variation, if granted, will not alter the essential character of the locality.

Meets *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;

Meets *Does not meet*

- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

Meets *Does not meet*

- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

Meets *Does not meet*

- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

Meets *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Maxwell, received 05/27/16)
 - B. Plat of Survey (LUCO, dated 03/31/14, received 05/27/16)
 - C. Deck Plans (Acorn Landscape, dated 03/1/16, received 06/03/16)
 - D. Site Plan (Acorn Landscape, dated 03/01/16, received 05/27/16)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.

2016 23

Application for Simplified Residential Variation

Application Number: _____	FOR OFFICE USE ONLY
Project Name: _____	
Date of Submission: _____	

RECEIVED
MAY 27 2016
BY: _____

I. Applicant

David Maxwell
Name

707 Woodland Drive
Street

Crystal Lake IL 60014
City State Zip Code

jdmaxwell90@yahoo.com
E-mail address

Telephone Number Fax Number

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address: 707 Woodland Drive, Crystal Lake

b. PIN #: 19-06-177-004

2. Description of proposal/Reason for request (including how the standards for variation are met, any unique circumstance of the property, or particular hardship):

DESCRIBE THE UNIQUE CIRCUMSTANCES OF THE PROPERTY:

Petitioner is seeking for a variance from Article 3-300 B.3, front setback to allow an extension of an open deck, which would encroach 39 feet into the 130 foot setback required (lake side) and a variance from Article 7-300 B.4 to allow an enlargement of a nonconforming structure.

IS THE HARDSHIP SELF-CREATED?

No.

ARE THE CONDITIONS APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION?

No.

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

No.

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY?

No.

WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?

No.

3. List any previous variations that are approved for this property: _____
None to the best of the undersigned's knowledge.

IV. Signatures

Michael J. Snover, his attorney in fact May 25, 2016
PETITIONER: Print and Sign name (if different from owner) Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

OWNER: Print and Sign name Date

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

PUBLIC NOTICE
BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL LAKE

IN THE MATTER OF THE APPLICATION OF)
)
David Maxwell, Petitioner)

LEGAL NOTICE

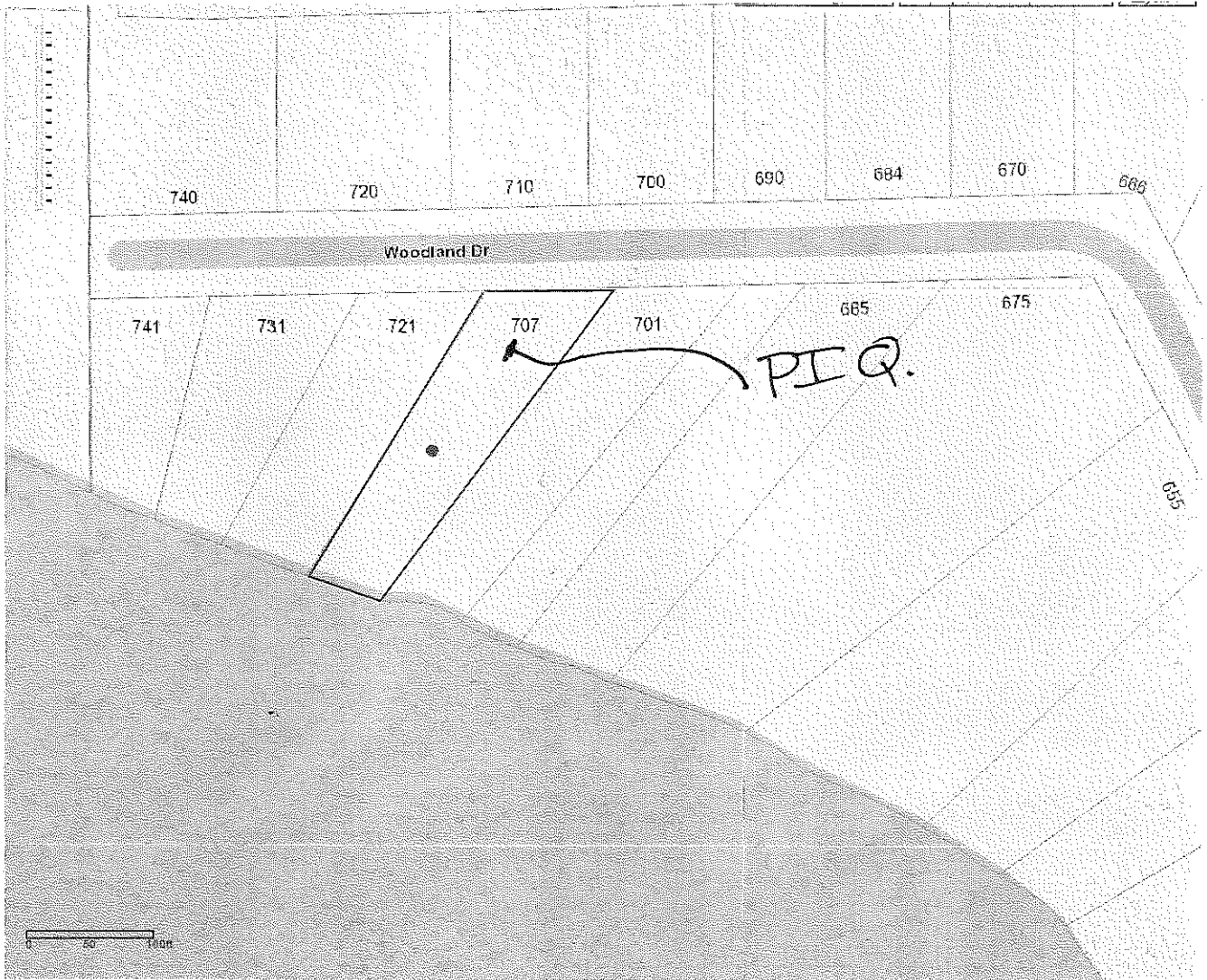
Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of David Maxwell, Petitioner, for approval of a variation relating to the property located at 707 Woodland Drive, Crystal Lake, IL 60014, PIN No. 19-06-177-004.

This application is filed for the purposes of seeking a variance from Article 3-300 B.3., front setback to allow an extension of an open deck, which would encroach 39 feet into the 130 foot setback required front yard setback (lake side), or 91 feet from the lake's shoreline, and a variance from Article 7-300 B.4 to allow an enlargement of a nonconforming structure, as well as any other variation that may be necessary to allow the construction of such deck in accordance with the plans for same. Plans for this project can be viewed at the City of Crystal Lake Planning and Economic Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday, June 15, 2016, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person desiring to be heard may be present.

Thomas Hayden, Chair
Planning and Zoning Commission
City of Crystal Lake

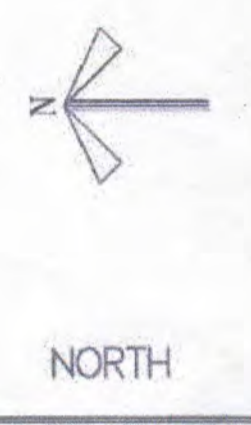
(Published in the Northwest Herald May 28, 2016) 1192276



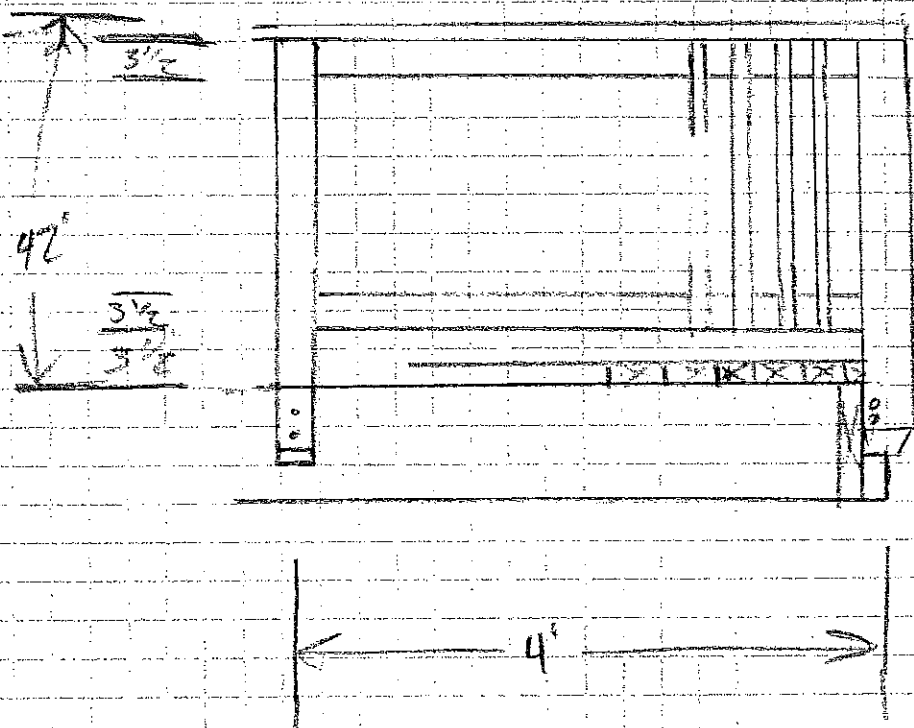


MAXWELL RESIDENCE
 707 WOODLAND DRIVE, CRYSTAL LAKE
 DATE: MARCH 1, 2016
 SCALE: 1/8" = 1'

2016 23
RECEIVED
 MAY 27 2016
 BY: _____



ACORN LANDSCAPE
 361 VIRGINIA STREET
 CRYSTAL LAKE, IL 60014
 (815) 790-4771
 acornland@ydho.com



2x6 Top Rail

4x4 Post

6" 3/8 Lag bolt in
corner post

4" 3/8 Lag bolt in
center post

2x2 spindle
4" on center

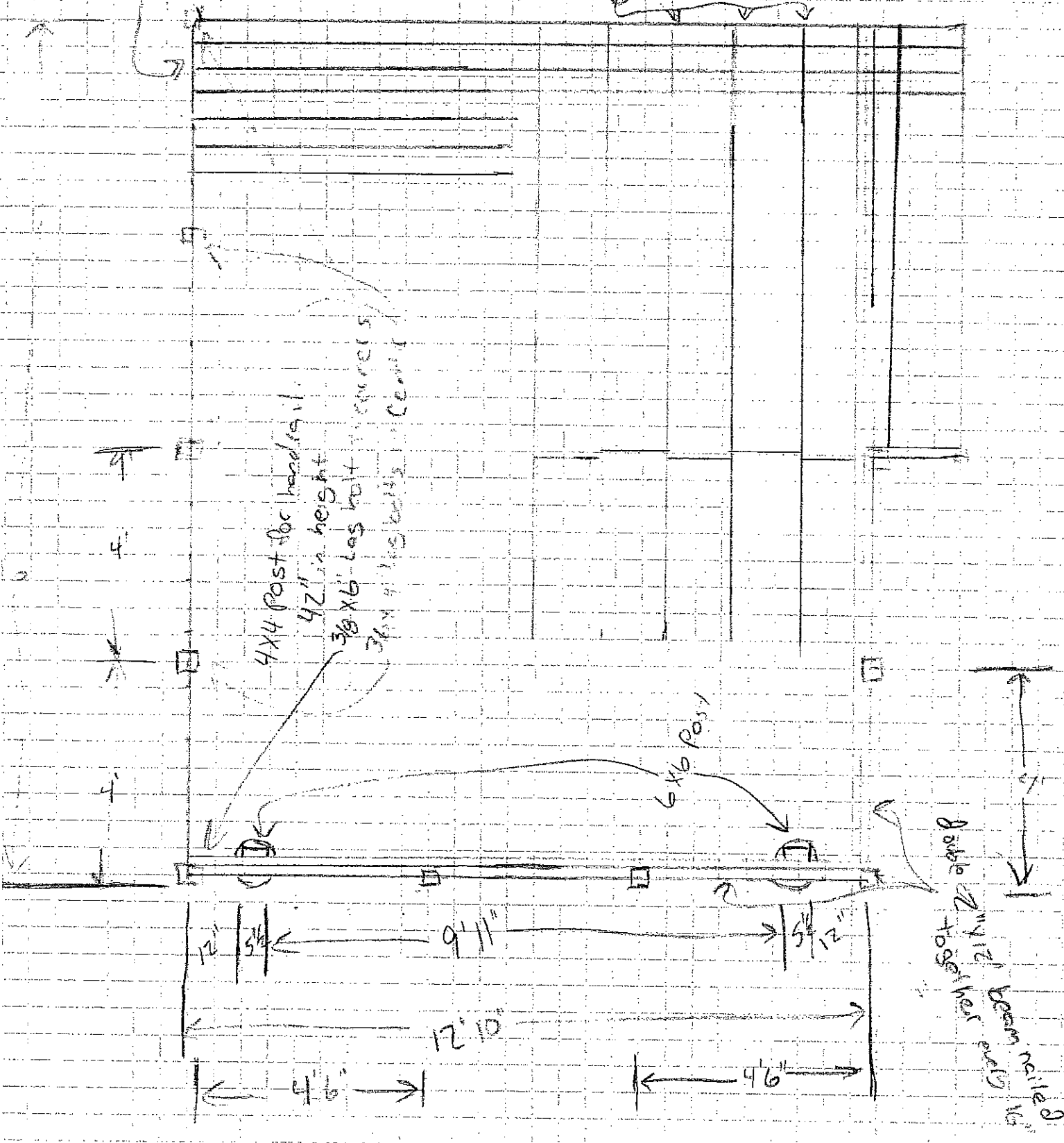
ACORN LANDSCAPE 815-455-1343
DECK EXTENSION
707 WOODLAND DR.
CRYSTAL LAKE, IL

2x12 Joist

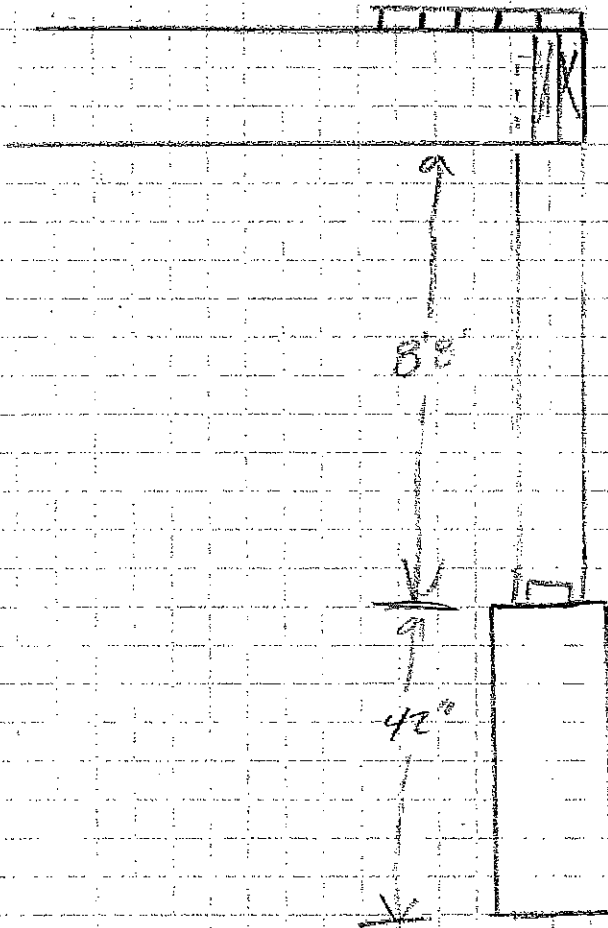
2x10 Joist 16" on center
2x10 Joist end
16" on center
Joist

HOME

(Roof)



5/4 deck boards



2x12 double beam

1/2" by 8" carriage bolts
to hold post to beam

6x6 Post

6x2 metal post bracket

10' concrete pier 42"







