



## #2016-17 Frey – Variations Project Review for Planning and Zoning Commission

---

<b><u>Meeting Date:</u></b>	July 6, 2016
<b><u>Request:</u></b>	To construct a screen porch and deck, which extends 12 feet from the house, an encroachment of 12 feet into the required line of sight setback and 2 feet into the required 61-foot average front yard setback.
<b><u>Location:</u></b>	1083 North Shore Drive
<b><u>Acreage:</u></b>	approximately 8,200 square feet
<b><u>Existing Zoning:</u></b>	R-2 Single Family
<b><u>Surrounding Properties:</u></b>	North: R-2 Single Family South: R-2 Single Family East: R-2 Single Family West: R-2 Single Family
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

---

### **Background:**

- **Existing Use:** The property is improved with a single family home, which was built in 2005.
- **Background:**
  - The property was part of a larger lot that was 100 feet wide by 164 feet deep. The owner, at that time, requested a subdivision to create two non-conforming lots.
  - As a condition of the subdivision, **both new houses constructed on the two lots needed to meet a line of sight setback**, which was based on the two adjacent dwellings at 1089 and 1075 North Shore Drive.
  - The two new homes were built to the line of sight setback. 1083 does have a four-foot deck, which is permitted.

### **Development Analysis:**

#### **General**

- **Request:** Variation to allow the construction of a screen porch, which is considered part of the principal structure and a deck off the rear of the house in the lake side front yard setback.

- The front yard setback is normally 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 61.6 feet. That setback line is illustrated in black.
- During the subdivision and variation process a specific condition was put on this lot and on lot 1079 that the houses needed to meet the line of sight between the two neighboring houses. The line of sight exhibit is attached with this packet and the picture below illustrates that line in red.
- The house at 1089 has since been removed and this is now a vacant lot.
- Decks attached to the house, open to the sky, are permitted a 4-foot encroachment into the required setback. This house currently contains a deck that encroaches 4 feet. The deck would encroach 8 feet into the line of sight setback and would not encroach into the average front yard setback.



- 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-2 Single Family. This property is used as a single-family home.

**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 12-foot encroachment to allow the construction of a screened porch and deck.

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*

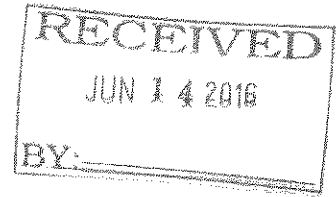
- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
- Meets*                       *Does not meet*
- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements 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 (Frey, received 06/14/16)
  - B. Plat of Survey (McKiernan, dated 04/27/16, received 06/14/16)
  - C. Architectural Plans (Dated 05/20/16, received 06/14/16)
2. Ordinance No. 5723 shall no longer be applicable to this property.
3. The open deck portion shall remain open and cannot contain a roof, pergola, trellis, sides or become enclosed in any way.
4. The petitioner shall address all of the review comments and requirements of Community Development Department.



**CITY OF CRYSTAL LAKE  
DEVELOPMENT APPLICATION**

Please type or print legibly

OFFICE USE ONLY  
CASE # 2016 17

**PROJECT TITLE:** Frey deck and screened porch

**ACTION REQUESTED:**

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation                   | <input type="checkbox"/> Preliminary PUD                 |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review        | <input type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Final PUD                    | <input type="checkbox"/> Special Use Permit              |
| <input type="checkbox"/> Final PUD Amendment          | <input checked="" type="checkbox"/> Variation            |
| <input type="checkbox"/> Final Plat of Subdivision    | <input type="checkbox"/> Other                           |

**Petitioner Information:**

NAME: Brad & Paula Frey

ADDRESS: 1083 North Shore Drive  
Crystal Lake, IL 60014

PHONE: 847-638-6062

FAX: \_\_\_\_\_

E-MAIL: PaulaFrey1@gmail.com

**Owner Information:(if different)**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

**Property Information:**

Project Description: The petitioners are seeking to attach a screened in porch and deck on the lakeside of their home on the north shore. The front of the home (lakeside) sits 71 feet from the water. Currently the only structure on the lakeside is a set of stairs. The petitioners wish to use 12 feet from their home towards the waters edge to construct a deck and screened in porch. Under the UDO this requires a variation of 2 feet under the special legislation previously passed by the council which applies to this and the neighboring lot only it requires a 12 foot variation of the set back from the water.

Project Address/Location: 1083 North Shore, Crystal Lake, IL

PIN Number(s): 18-01-229-057

**Development Team:**

Developer: \_\_\_\_\_

Architect: \_\_\_\_\_

Attorney: Joseph Gottemoller of Madsen, Sugden & Gottemoller, (815)459-5152, (FAX 815-459-0290)

Engineer: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

Planner: \_\_\_\_\_

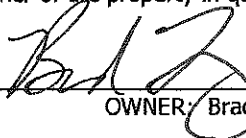
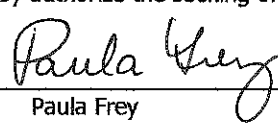
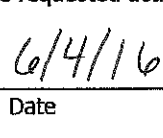
Surveyor: \_\_\_\_\_

Other: \_\_\_\_\_

**Signatures:**

X \_\_\_\_\_ X  
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 actions.

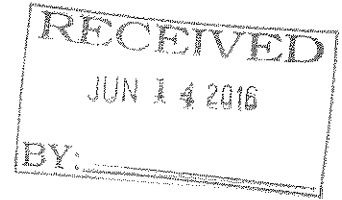
    
OWNER: Brad Frey Paula Frey Date

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

2016 JUN 17 COPY

BEFORE THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF CRYSTAL LAKE  
MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE APPLICATION OF )  
Brad Frey and Paula Frey for a setback variation )  
Pursuant to the Ordinances of the City of Crystal Lake )



PETITION FOR INITIAL ZONING

Now comes the petitioners, Brad Frey and Paula Frey, Owner, by and through their attorneys, MADSEN, SUGDEN & GOTTEMOLLER, to request the Planning and Zoning Commission of the City of Crystal Lake to recommend a variation to the set back provisions of the City of Crystal Lake Unified Development Ordinance ("UDO") to allow a 12 foot extension into the waterside portion of the property in order to construct a deck and a screened in porch, and in support thereof, petitioners state:

1. Brad Frey and Paula Frey are the owners of property at 1083 North Shore Drive which contains a single family home fronting on the north shore of Crystal Lake. The legal description of PIN 18-01-229-057 is described in Exhibit A.

2. The property is used for single family residential.

3. The property is currently developed watershed and has an approximate acreage of one fifth acre.

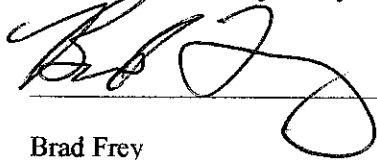
4. The property is between lands used and zoned for single family lots on all sides except to the south which is the lake itself.

5. The requested zoning variation will allow the construction of a deck and screened in porch to extend 12 feet from the lakefront side of the home towards the water's edge. When

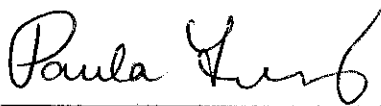
completed the water's edge will be approximately 58 feet from the edge of the deck. The City Comprehensive Plan calls for watershed zoning on the property.

6. The requested variations for this parcels as described above, will not materially impair an adequate supply of light or air to the surrounding properties, increase the hazards of fire or other dangers, diminish the taxable value of land and buildings of the City and throughout the City, increase the congestion of public streets, or impair the public health, safety, comfort, morals and general welfare of the City.

WHEREFORE, the petitioners respectfully request the Crystal Lake Planning and Zoning Commission entertain this petition, set a date, time and place for a hearing on this matter. Further, petitioner prays that after such hearing and as a result thereof, the Commission recommend to the City Council of Crystal Lake that the requested set back variation be granted along with any other variations necessary to allow the proposed construction under the terms and conditions of the City of Crystal Lake Zoning Ordinance.



Brad Frey



Paula Frey



STATE OF ILLINOIS )

COUNTY OF McHENRY )

I, Theresa Lewandowski, a Notary Public in and for said county, in the state aforesaid, do hereby certify that Brad Frey and Paula Frey personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act, and that they are authorized to act for the Partnership and that they in fact did act for the Partnership for the uses and purposes therein set forth.

Given under by hand and official seal, the 4 day of June, 2016.



Theresa Lewandowski  
Notary Public

Prepared by: Joseph Gottemoller  
MADSEN, SUGDEN & GOTTEMOLLER  
One North Virginia Street, Suite A  
Crystal Lake, IL 60014  
(815)459-5152

**Exhibit "A"**  
**Legal Description of Property**

18 01 229 057

Lot 1 in Templins resubdivision of Lots 18 and 19 in Block 1 of Clow's Crystal Lake Park Subdivision, being a part of Government Lot 2 in the Northeast  $\frac{1}{4}$  of Section 1 and a resubdivision of Lots 18 and 19 in Block 1 in Clow's Crystal Lake Park, being a subdivision of part of said Government Lot 2 in the Northeast  $\frac{1}{4}$  of Section 1, Township 43 North, Range 7 East of the Third Principal Meridian and part of Government Lot 2 of the Northwest  $\frac{1}{4}$  of Section 6, Township 43 North, Range 8 Est of the Third Principal Meridian, according to the Plat thereof recorded October 18, 2004 as Document Number 2004R0092574.

Commonly known as 1083 North Shore Drive, Crystal Lake, Illinois.

**PUBLIC NOTICE**

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS**

IN THE MATTER OF THE APPLICATION OF )  
Brad Frey and Paula Frey for a setback variation )  
Pursuant to the Ordinances of the City of Crystal Lake )

**Legal Notice**

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of Paula Frey for approval of a variation relating to the following real estate known as 1083 North Shore, Crystal Lake, Illinois 60014, PIN: 18-01-229-057.

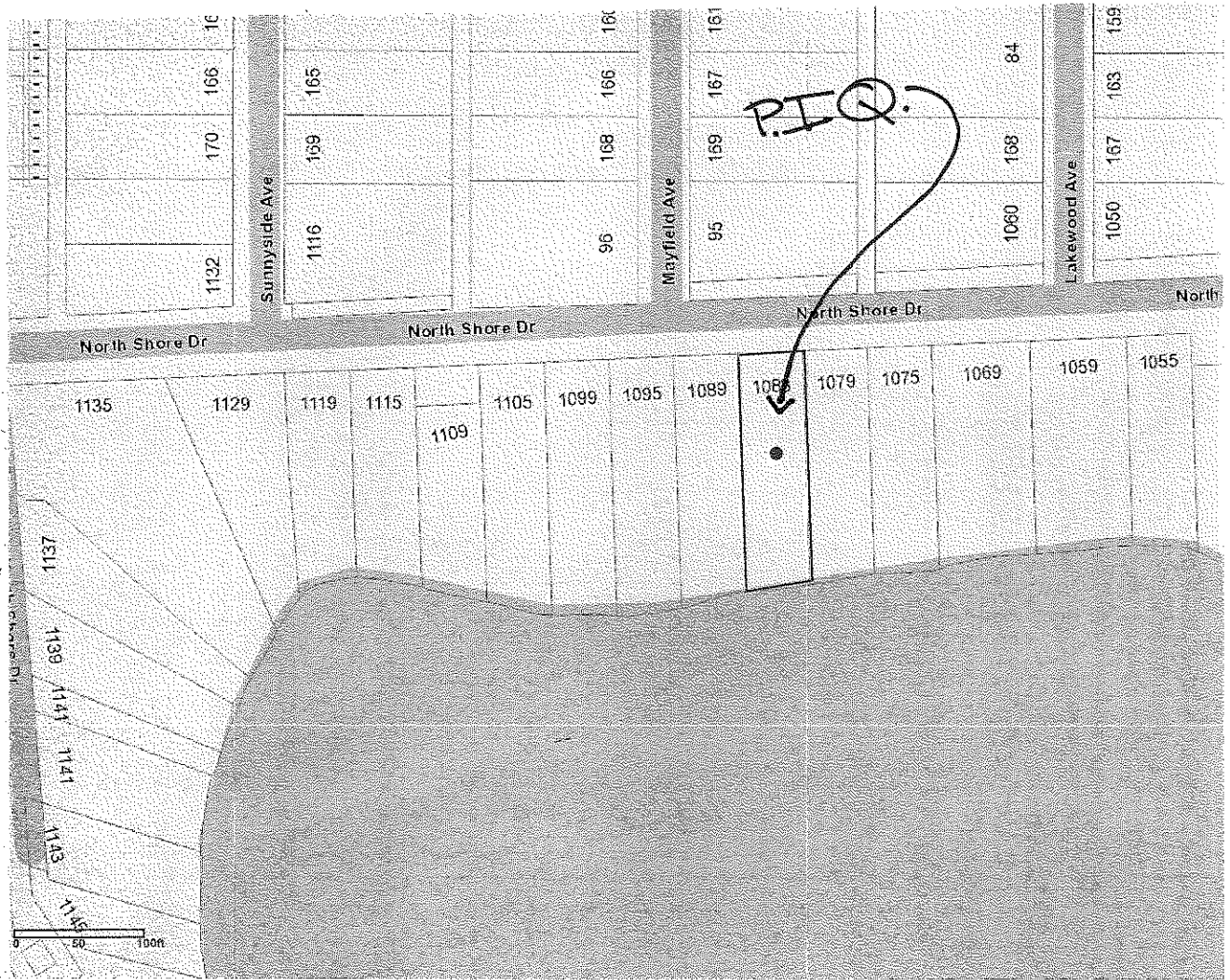
This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from Article 3-300 Density and Dimensional Standards 3, Front Setback to allow a screened porch and deck to extend 12 feet into the established line of sight setback, a variation of 12 feet. The line of sight setback is approximately 78 to 71 feet back from the water's edge as the shoreline is not parallel to the house and the house was constructed to this line and is at 71 feet from the water's edge. The granting of the variation will reduce the distance to approximately 58 feet at its closest point. The petitioner is also requesting to amend Ordinance # 5723 removing condition 1, which restricted the building to a set line, as well as any other variations that may be necessary to allow the plans as presented. 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 on the request will be held at 7:30 p.m. on Wednesday, July 6, 2016, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson  
Planning and Zoning Commission  
City of Crystal Lake

MADSEN, SUGDEN & GOTTEMOLLER  
Attorney for Petitioner  
One North Virginia Street  
Crystal Lake, IL 60014  
(815)459-5152

(Published in the Northwest Herald June 21, 2016) 1189295

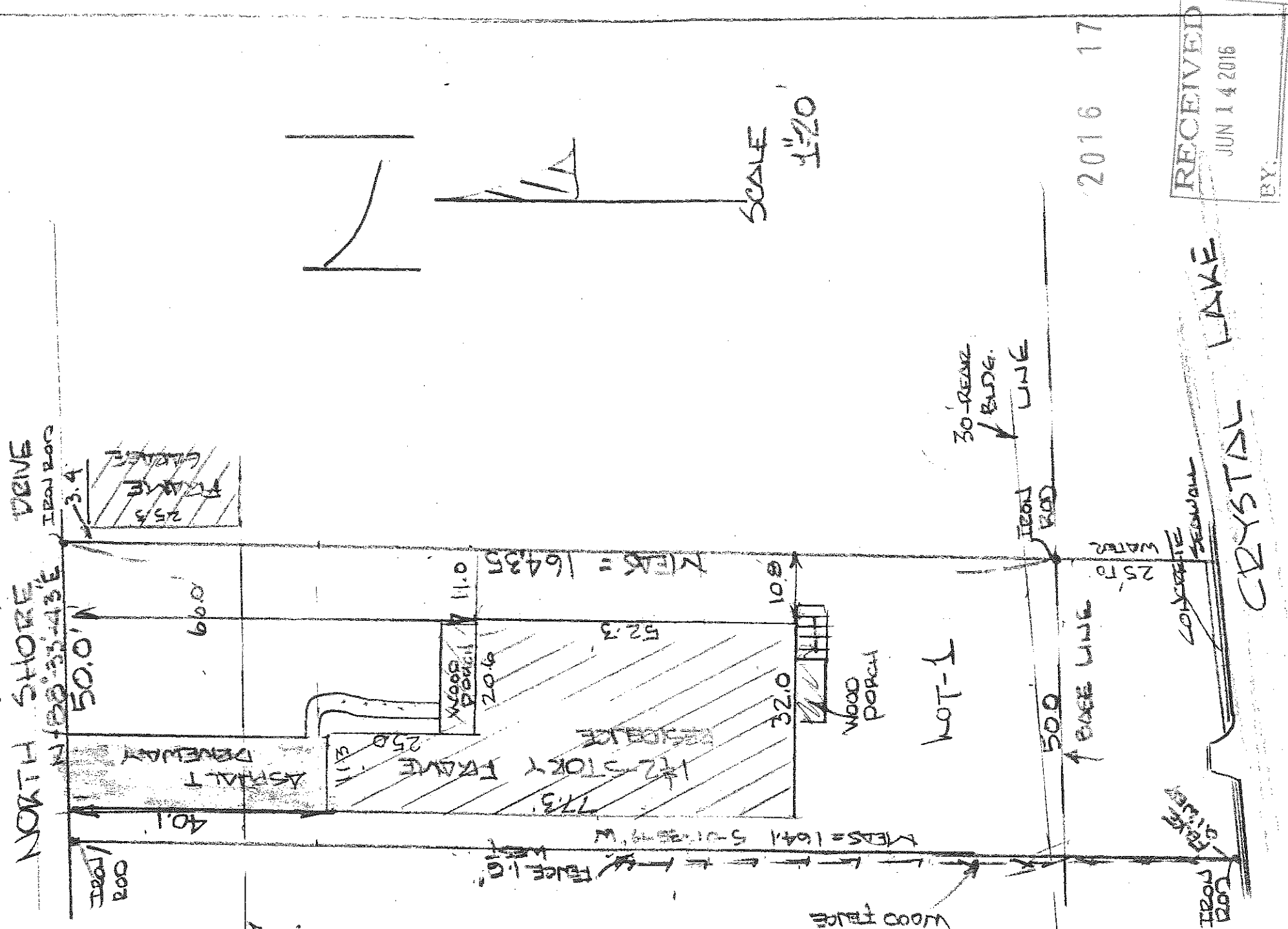


PLAT OF SURVEY

OF

LOT 1 IN TEMPLINS RESUBDIVISION OF LOTS 18 AND 19 IN BLOCK 1 OF CLOW'S CRYSTAL LAKE PARK SUBDIVISION, BEING A PART OF GOVERNMENT LOT 2 IN THE NORTHEAST 1/4 OF SECTION 1 AND A RESUBDIVISION OF LOTS 18 AND 19 IN BLOCK 1 IN CLOW'S CRYSTAL LAKE PARK, BEING A SUBDIVISION OF PART OF SAID GOVERNMENT LOT 2 IN THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF GOVERNMENT LOT 2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18, 2004 AS DOCUMENT NUMBER 2004R0092574.

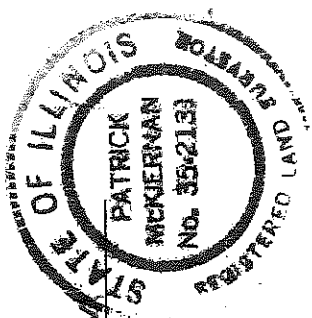
COMMONLY KNOWN AS: 1083 North Shore Drive, Crystal Lake, Illinois.



I, PATRICK MCKIERNAN, A REGISTERED ILLINOIS LAND SURVEYOR HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE MENTIONED PARCEL OF LAND AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY, DATED THIS 27<sup>th</sup> DAY OF APRIL, 2016.

THIS PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

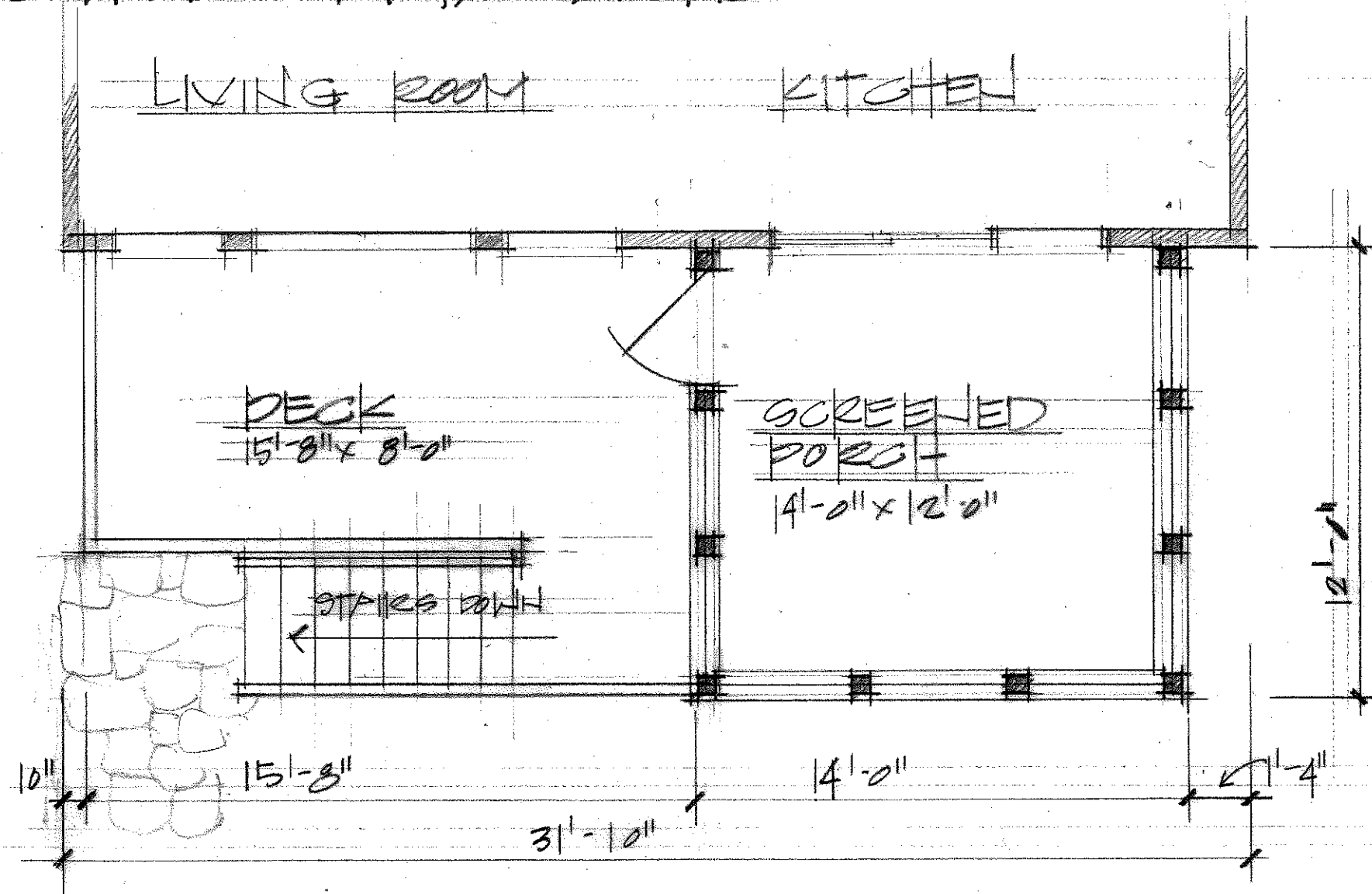
LICENSE EXPIRES:  
NOVEMBER 30, 2016  
ORDERED BY: Wagner & Wagner  
FIELD WORK DONE ON 4/27/2016



*Patrick McKiernan*  
PATRICK MCKIERNAN #2131  
680 SADDLE RIDGE  
CRYSTAL LAKE, IL 60012  
815-477-8255

# SCREENED PORCH and DECK ADDITION FOR BRAD and PAULA FREY

1083 0<sup>TH</sup> SHORE DRIVE CRYSTAL LAKE, IL



PROPOSED FLOOR PLAN  
SCALE: 1/4" = 1'-0"

2016 17

RECEIVED  
JUN 14 2016  
BY: \_\_\_\_\_

5.2016

SCREENED PORCH / DECK FOR  
BRAD and PAULA FREY

1003 NORTH SHORE DRIVE  
CRYSTAL LAKE, IL



EXISTING LAKESIDE (SOUTH) ELEVATION  
SCALE: 1/4" = 1'-0"

5-20-10

SCREENED PORCH / DECK FOR

BRAD and PAULA FREY

1033 NORTH SHORE DRIVE  
CRYSTAL LAKE, IL.



PROPOSED DECK AND  
STAIRS TO GRADE

PROPOSED SCREENED  
PORCH ADDITION

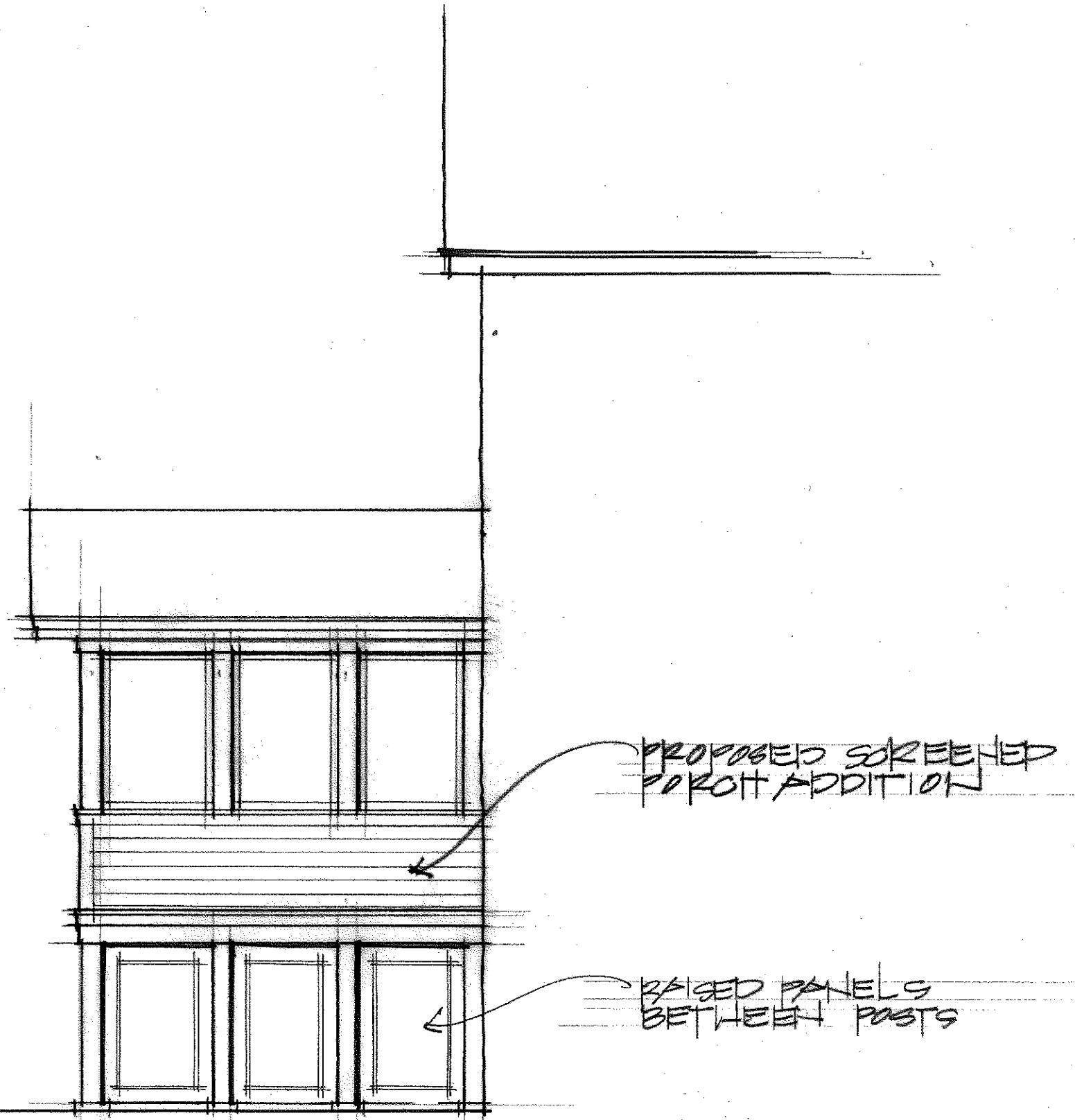
PROPOSED LAKESIDE (SOUTH) ELEVATION

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

5-20-16



SCREENED PORCH/DECK FOR  
BRAD and PAULA FREY  
1083 NORTH SHORE DRIVE CRYSTAL LAKE, IL



PROPOSED EAST ELEVATION

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

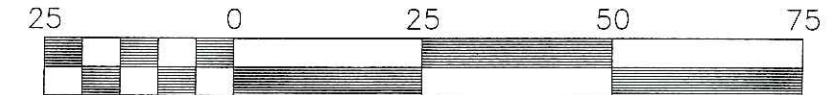
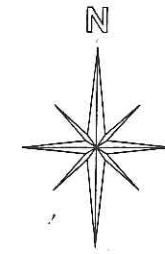
5.20.16

PLAT

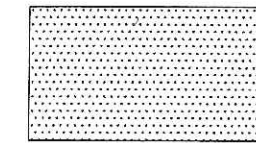
Exhibit discussed at 12/2/03 CC mtg.

NORTH SHORE DRIVE

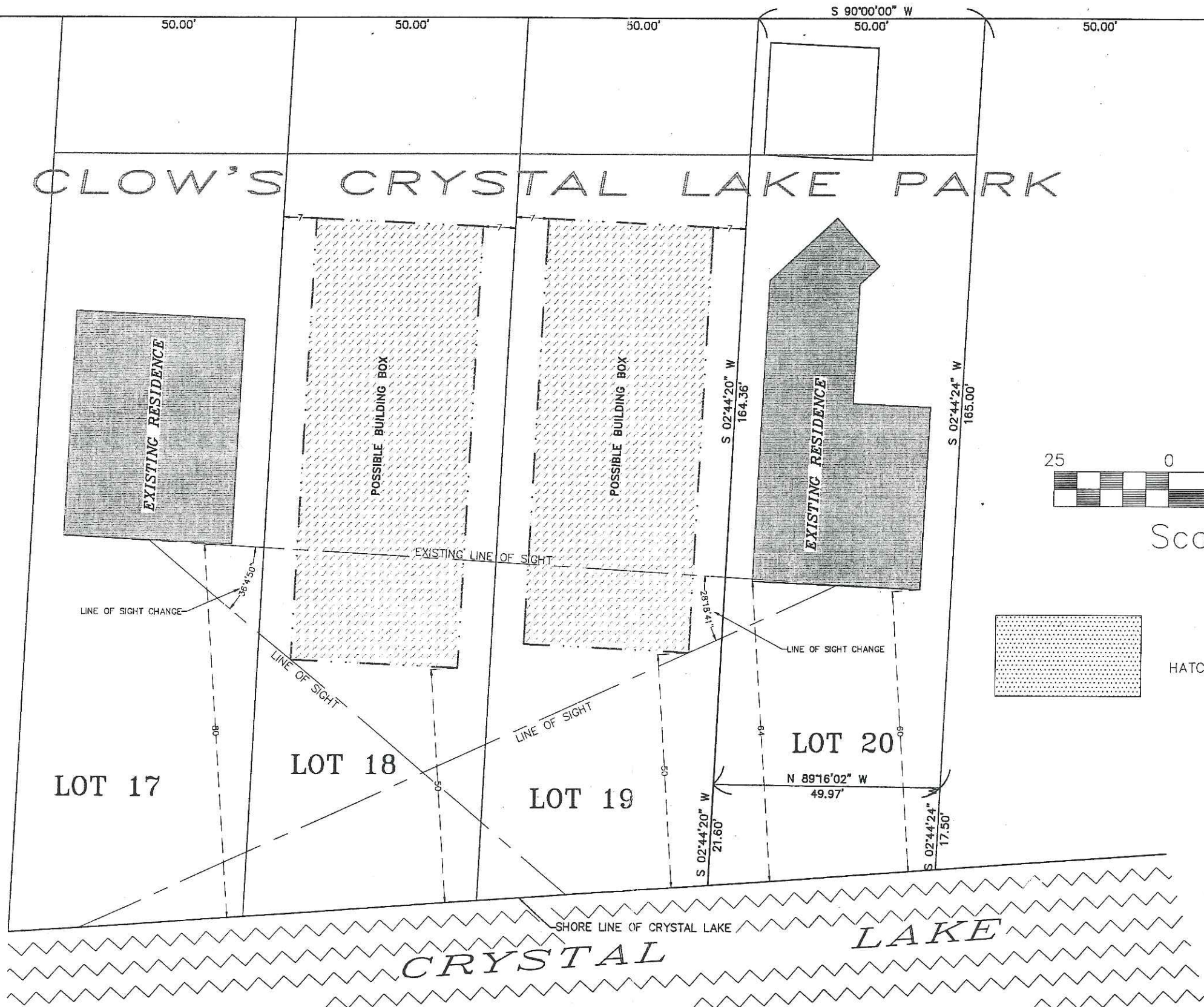
CLOW'S CRYSTAL LAKE PARK



Scale 1" = 25'



HATCHED AREA INDICATES SUBJECT PROPERTY



CLIENT: BOBACK

DRAWN BY: CAD CHECKED BY: FWZ

SCALE: 1" = 25'

JOB NUMBER: 2003-314

July 1, 2016

Dear Planning and Zoning Committee and City Council and Staff,

I am writing in support of the petitioners to add a deck onto the lakeside of the property (North Shore Drive) but am objecting to the screen porch. The screened porch on its own is not objectionable. However, allowing the roof and screens to any portion of the deck will result in moving the setback for this house and any future houses on this property or adjacent properties to be closer to the lake and therefore block the neighbor's view. If the house was destroyed, or in future generations if the house is torn down, a new, 2-story structure, including a basement could be moved up to the front of the new screened porch, if approved. Approving the screened porch would, in essence, be permitting this particular property to have a future house closer to the lake which would significantly block the neighbor's view. Also, because the lakeside setbacks are calculated based on the average of the neighbor's houses, then approving the screen porch will also move the setbacks of neighbor's houses closer to the lake, thereby blocking views as the houses are rebuilt in future generations.

I am also objecting to any panels being allowed below the deck as this will also block the view of the neighbors.

RECEIVED  
7/1/16