



#2016-48
247 McHenry Ave. (Hellyer) –Variation
Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	January 4, 2017
<u>Request:</u>	Simplified Residential Variation from the 30-foot front yard setback to allow for a covered front porch with a setback of 21 feet, a variation of 9 feet from Article 3-200(A)(4).
<u>Location:</u>	247 McHenry Ave
<u>Acreage:</u>	20,304 square feet
<u>Existing Zoning:</u>	R-2 (Single Family Residential)
<u>Surrounding Properties:</u>	North: R-2 (Single Family Residential) South: R-2 (Single Family Residential) East: R-2 (Single Family Residential) West: R-1 (Single Family Residential)
<u>Staff Contact:</u>	Kathryn Cowlin (815.356.3798)

Background:

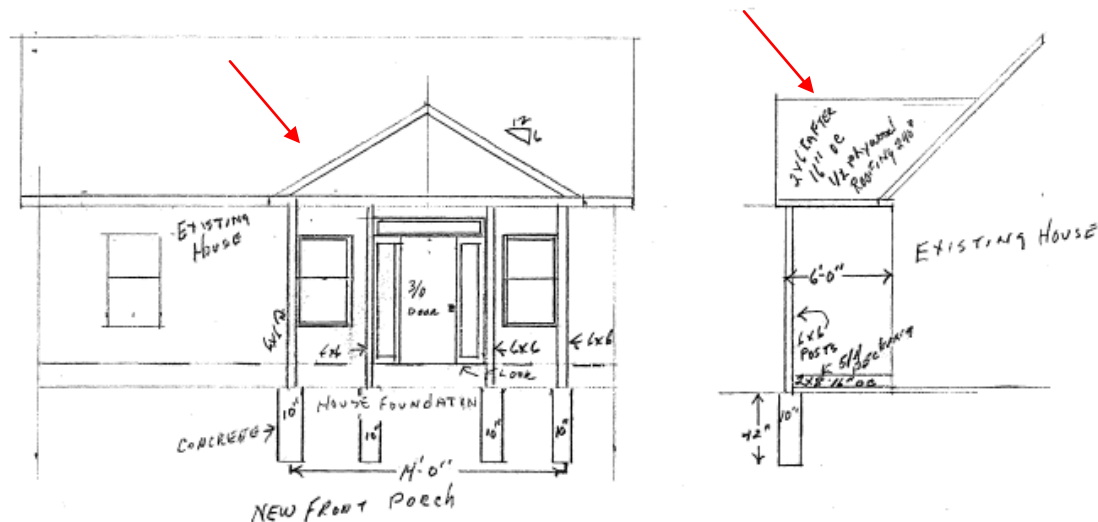
- **Existing Use:** The property is currently improved with a single-family dwelling.
- **Background:** The house had a stoop that was removed during renovations.
- A covered front porch is considered part of the principal structure and must meet principal structure setback requirements according to the Unified Development Ordinance.

Development Analysis:

General

- **Request:** The petitioner is requesting a variation to allow a 9-foot encroachment into the required 30-foot front yard setback for a covered front porch.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.
- **UDO Requirements:**
 - The minimum front yard setback is 30 feet in the R-2 Single-Family zoning district.

- The property is a conforming lot. The front yard setback is 30 feet since the average setback of the lots within 400 feet of the subject property is not 10 feet less than or greater than the zoning district standard.
- The proposed covered front porch is illustrated below. The existing house currently has an encroachment of three feet into the front yard setback.
- Exhibit A, attached, illustrates the setbacks of the neighboring properties. The subject property will have the smallest setback if the variation is approved.



Comprehensive Land Use Plan 2030 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. Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 3-200(A)(4) to allow a 9-foot encroachment into the required 30-foot front yard setback for a covered front porch.

The UDO 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:

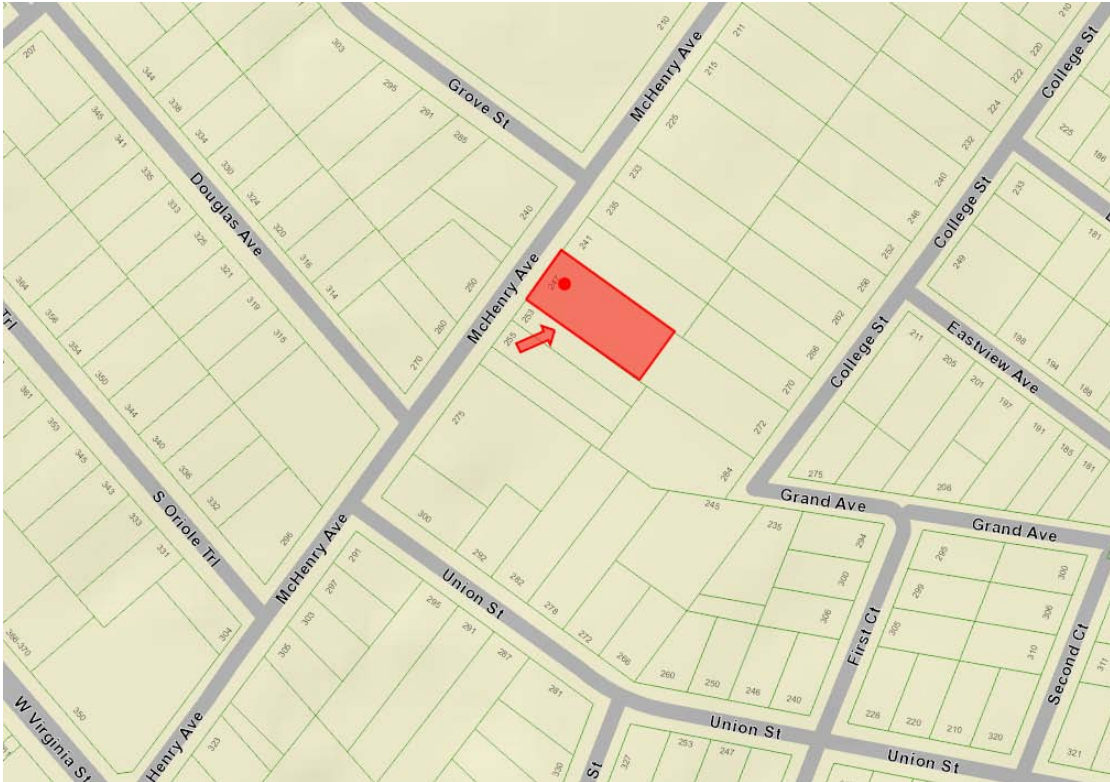
1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Hellyer, dated 10/13/16, received 10/14/16)
 - B. Survey (Exacta, dated 10/28/13, received 10/14/16)
 - C. Plan (Hellyer, received 05/15/2015)
2. The petitioner must address all of the review comments of the Community Development Department and requirements of the City's Code.

EXHIBIT A



Subject Property marked with a star
Red line is the current setback for 247 McHenry Ave

2016-48 Hellyer – 247 McHenry Ave.



Application for Simplified Residential Variation

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

RECEIVED
OCT 14 2016
BY: _____

I. Applicant

Christopher A. Hellyer
Name

247 S McHenry Avenue
Street

Crystal Lake IL 60014
City State Zip Code

815-354-4502 C.Custom@sbcsglobal.net
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

Name _____

Address _____ Telephone Number _____

III. Project Data

1. a. Location/Address: 247 S McHenry Avenue Cl II

b. PIN #: 19-65-177-015

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:

Existing porch required repairs - and did not compliment architecture of house.

IS THE HARDSHIP SELF-CREATED? NO Caused by age and neglect of house by previous owner porch had significant rot from sun exposure and poor construction, pulled away from home - was not safe.

ARE THE CONDITIONS APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION? yes - there are

multiple houses of mc. Henry Ave, equally close or closer to street

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

only improve the look, giving the home the vintage look that the neighborhood consists of.

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY? NO - NOT at all

WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUBSTANTIALLY INCREASE THE DANGER OF FIRE; OR ENDANGER PUBLIC SAFETY? should be no conceivable negative effects.

3. List any previous variations that are approved for this property: None

IV. Signatures

Chris Hellyer 10/13/16
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.
Chris Hellyer 10/13/16
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.

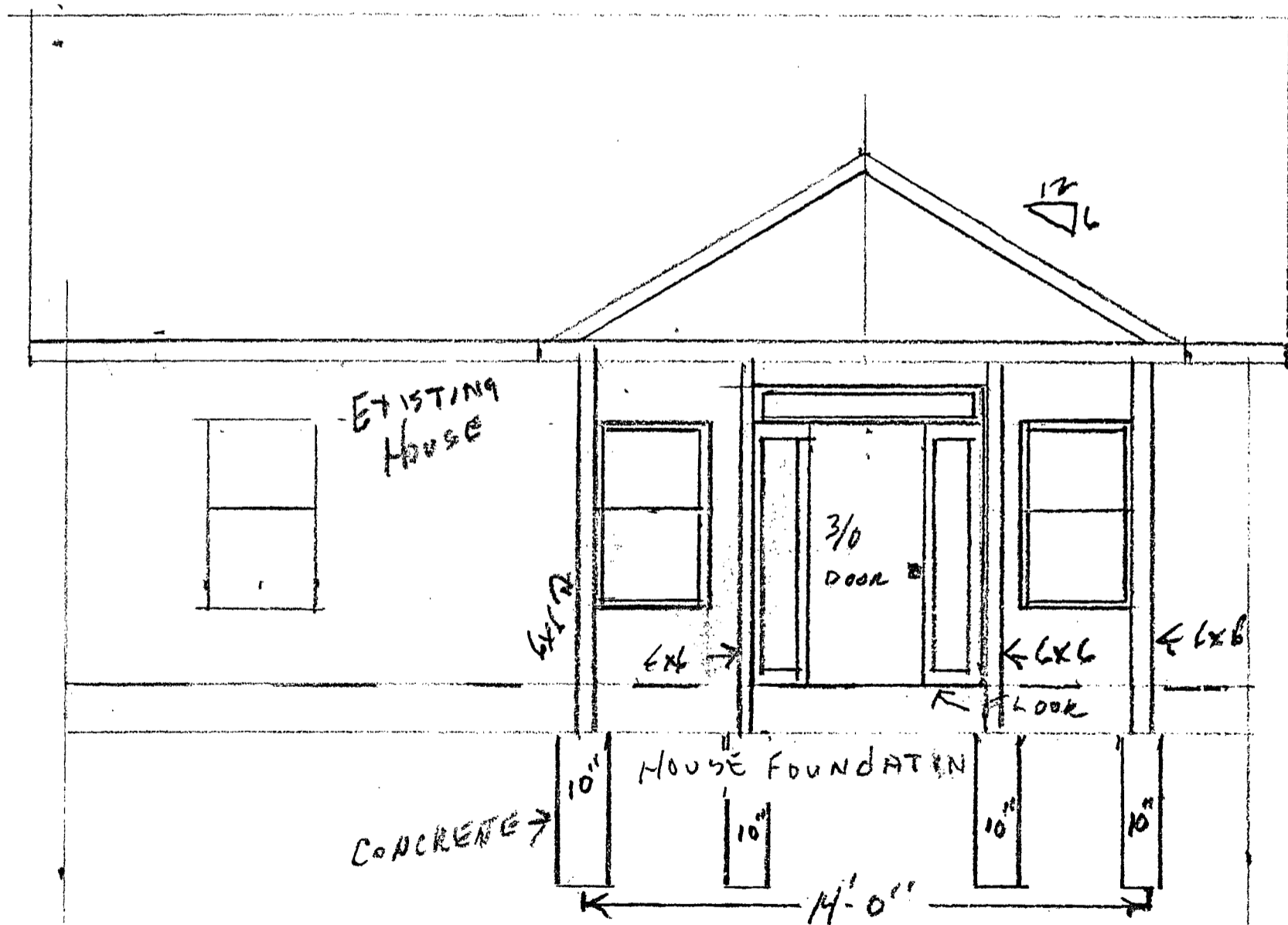
PUBLIC NOTICE
BEFORE THE PLANNING AND
ZONING COMMISSION OF THE
CITY OF CRYSTAL LAKE,
MCHEERY COUNTY, ILLINOIS
IN THE MATTER OF THE
APPLICATION OF
Christopher Hellyer

LEGAL NOTICE

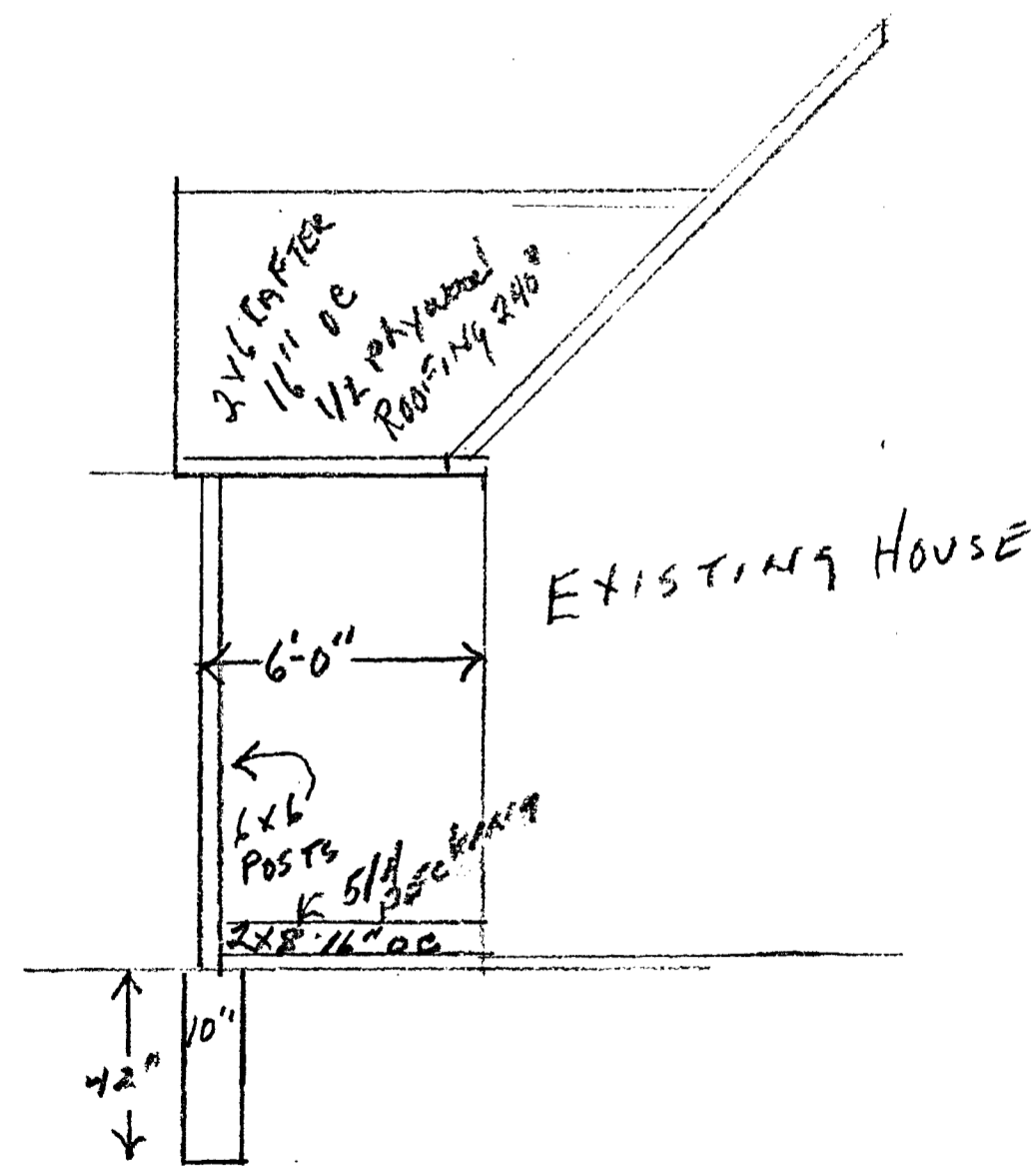
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of Christopher Hellyer seeking a simplified residential variation at 247 S. McHenry Avenue, Crystal Lake, Illinois. PIN 19-05-177-015

This application is filed for the purpose of seeking a simplified residential variation pursuant to Article 3-200(A)(4) to allow a front yard setback of 21 feet for a covered front porch, a variation of 9 feet at 247 S. McHenry Avenue, as well as any other variations as necessary to complete the project as proposed. Plans for this project can be viewed at the Crystal Lake Community 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 January 4, 2017, 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
December 18, 2016
Northwest Herald 1252788



1/4" = 1'-0"



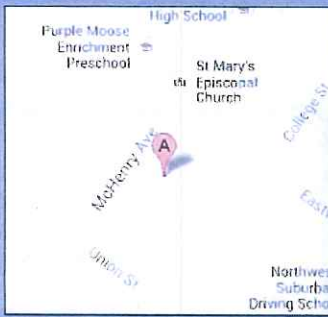
RECEIVED
MAY 15 2015

SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER

EXACTA

Illinois Surveyors, Inc.

www.ExactaChicago.com
 P (773)305-4010 • F (773)305-4011
 1730 Park Street, Suite 204, Naperville, IL 60563



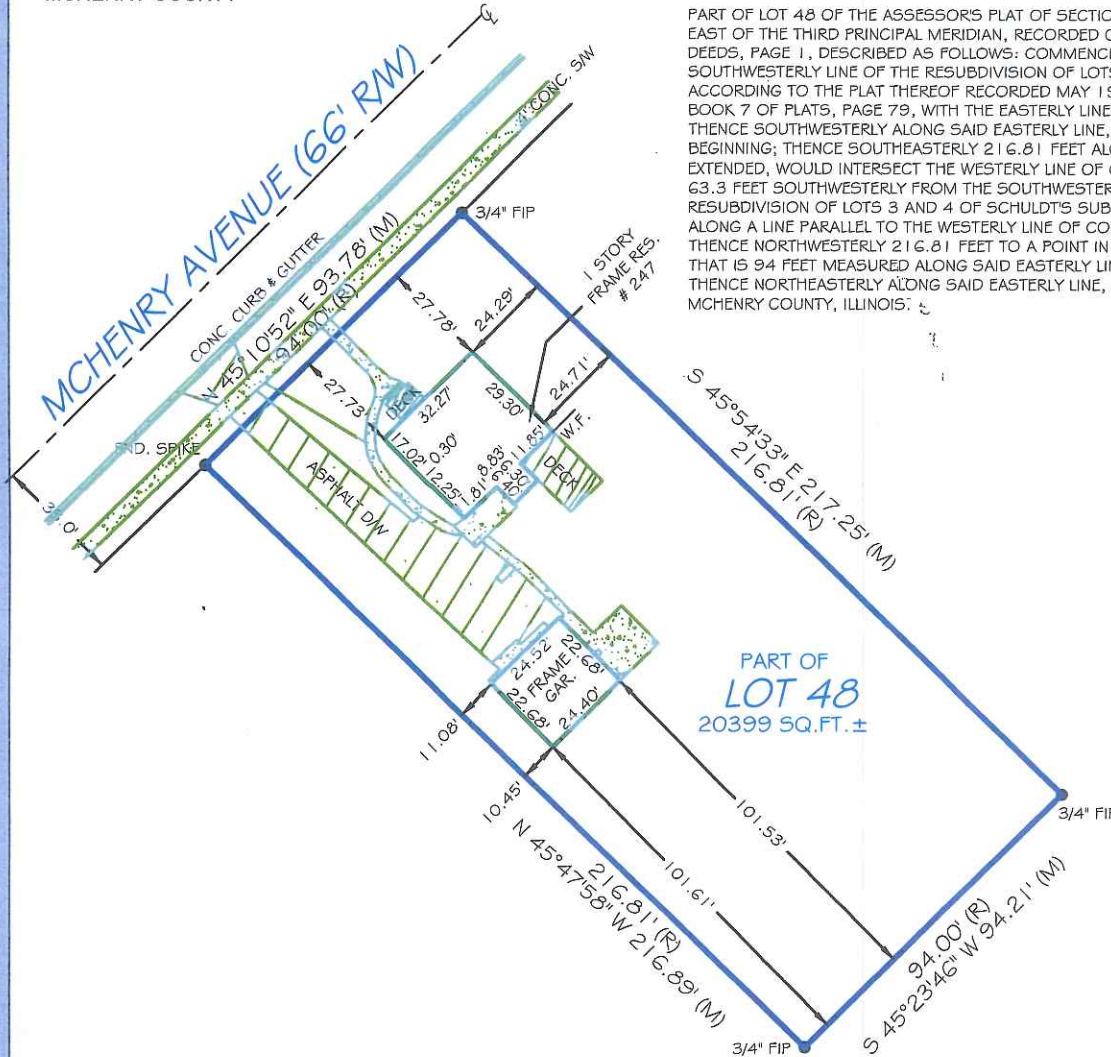
PROPERTY ADDRESS: 247 MCHENRY AVENUE CRYSTAL LAKE, ILLINOIS 60014

SURVEY NUMBER: 1310.2417

FIELD WORK DATE: 10/28/2013 REVISION DATE(S): (REV.0 10/28/2013)

1310.2417
 BOUNDARY SURVEY
 MCHENRY COUNTY

PART OF LOT 48 OF THE ASSESSOR'S PLAT OF SECTION 5, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED OCTOBER 6, 1858 IN BOOK 22 OF DEEDS, PAGE 1, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF THE RESUBDIVISION OF LOTS 3 AND 4 OF SCHULTZ'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1943 AS DOCUMENT NO. 169677 IN BOOK 7 OF PLATS, PAGE 79, WITH THE EASTERLY LINE OF MCHENRY AVENUE AND RUNNING THENCE SOUTHWESTERLY ALONG SAID EASTERLY LINE, 70.12 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTHEASTERLY 216.81 FEET ALONG A STRAIGHT LINE WHICH LINE, IF EXTENDED, WOULD INTERSECT THE WESTERLY LINE OF COLLEGE STREET AT A POINT WHICH IS 63.3 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF THE AFORESAID RESUBDIVISION OF LOTS 3 AND 4 OF SCHULTZ'S SUBDIVISION; THENCE SOUTHWESTERLY ALONG A LINE PARALLEL TO THE WESTERLY LINE OF COLLEGE STREET 94 FEET TO A STAKE; THENCE NORTHWESTERLY 216.81 FEET TO A POINT IN THE EASTERLY LINE OF MCHENRY AVENUE THAT IS 94 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE PLACE OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE, 94 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.



2016 48

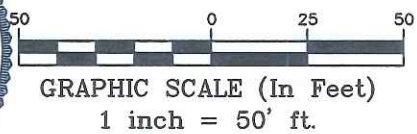
RECEIVED
 OCT 14 2016
 BY: _____

STATE OF ILLINOIS } SS
 COUNTY OF GRUNDY }

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS 28th DAY OF OCTOBER, 2013 AT 316 E. JACKSON STREET IN MORRIS, IL 60450.

Kenneth Kennedy

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
 LICENSE EXPIRES 11/30/2014
 EXACTA LAND SURVEYORS LB# 5763



THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER.

POINTS OF INTEREST
 NONE VISIBLE

CLIENT NUMBER: _____ DATE: 10/28/2013

BUYER: Christopher Hellyer and Diane Hellyer

SELLER: FANNIE MAE

CERTIFIED TO: CHRISTOPHER HELLYER AND DIANE HELLYER

Exacta Illinois Surveyors, Inc. is a full service, bonded land survey firm registered with the state of Illinois.



This is page 1 of 2 and is not valid without all pages.