



**#2018-25**  
**234 Second St – Variation/Special Use Permit**  
**Project Review for Planning and Zoning Commission**

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**Meeting Date:** June 20, 2018

**Request:**

1. Variation from Article 4-200(D)(4), the requirement to provide an enclosed parking space to allow for the detached garage to be converted to an office.
2. A Special Use Permit for a home occupation that is located in an accessory structure.

**Location:** 234 Second Street

**Existing Zoning:** R-2 – Single-Family Residential

**Surrounding Properties:**

North: R-2 – Single-Family Residential  
South: R-2 – Single-Family Residential  
East: R-2 – Single-Family Residential  
West: R-2 – Single-Family Residential

**Staff Contact:** Kathryn Cowlin (815.356.3798)

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**Background:**

- **Existing Use:** The subject property is single-family home with a one-car detached garage.
- **UDO Requirements:** Home occupation is a limited use in the R-2 zoning district if all of the specific criteria can be met. A special use permit is required if the criteria cannot be met.

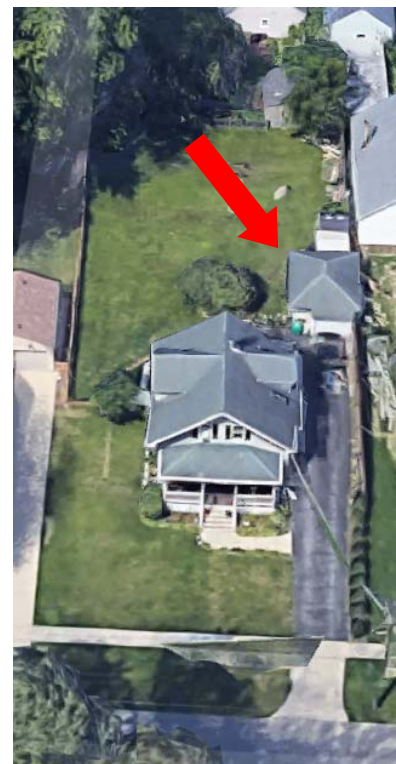
**Development Analysis:**

**General**

- **Request:** The petitioner is requesting a variation from the requirement to provide an enclosed parking space and a special use permit for a home occupation.
- **Land Use:** The Comprehensive Land Use map shows the area as Urban Residential which is an appropriate land use designation.
- **Zoning:** The site is zoned Single-Family Residential.

### ENCLOSED PARKING SPACE

- The subject property has an existing one-car garage. The garage is approximately 14ft by 18ft.
- The garage was converted to an office without a permit. The City has inspected the completed work since discovering the improvements.
- The overhead garage door was replaced with French doors (see image of current garage below).
- The petitioner has withdrawn their request for adding a carport attached to the house since it would not satisfy the requirement for an enclosed parking space. The carport would have required additional variations.



### HOME OCCUPATION

- The petitioner is requesting a special use permit for a home occupation.
- The petitioner has an accounting business. He would be conducting his work in the detached garage that was converted to an office space.
- The special use permit is required since the following criteria have not been met:
  - An entrance may not be specifically dedicated for the home occupation, unless otherwise required by law, and
  - The home occupation may not occupy more than 20% or 500 square feet of the gross floor area of the dwelling unit, whichever is less.

**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 4-200(D)(4) required parking, to eliminate the required enclosed parking space.

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.

The petitioner has requested a Special Use Permit to allow a home occupation to be located in an accessory structure at the subject property. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 B of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.

*Meets*                       *Does not meet*

2. The use will not be detrimental to area property values.

*Meets*                       *Does not meet*

3. The use will comply with the zoning districts regulations.

*Meets*                       *Does not meet*

4. The use will not negatively impact traffic circulation.

*Meets*                       *Does not meet*

5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.

*Meets*                       *Does not meet*

6. The use will not negatively impact the environment or be unsightly.  
 *Meets*                       *Does not meet*
  
7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.  
 *Meets*                       *Does not meet*
  
8. The use will meet requirements of all regulating governmental agencies.  
 *Meets*                       *Does not meet*
  
9. The use will conform to any conditions approved as part of the issued Special Use Permit.  
 *Meets*                       *Does not meet*
  
10. The use will conform to the regulations established for specific special uses, where applicable.  
 *Meets*                       *Does not meet*

Home occupations must also meet the following specific standards established in Section 2-400 of the Unified Development Ordinance. The criteria are as follows:

1. General: The use for the occupation must be clearly incidental to the use of the dwelling as a residence, so that its existence is not apparent except for the signage as provided in Section 4-1000, Signs, of this Ordinance. Any home occupation must not alter the exterior residential character of the dwelling or the neighborhood.  
 *Meets*                       *Does not meet*
  
2. Use: The uses permitted as home occupations may include, but are not limited to:
  - i. Instruction in music, musical instruments, home crafts and arts and dance, provided the total class size does not exceed four students at any time;
  - ii. Tutoring, limited to four students at any time;
  - iii. Home day care, subject to the standards listed in Section 203C-26;
  - iv. Offices offering professional services including, but not limited to, architects, brokers, engineers, insurance agents, lawyers, real estate agents, accountants, consultants, stockbrokers, financial planners, urban planners, etc.;
  - v. Offices of salesmen, contractors, sales representatives or manufacturers representatives, provided that no retail transaction shall take place on the premises, except through telephone, facsimile, telegraph or mail communication, electronic or wireless communication;
  - vi. Studios of artists, authors, composers, photographers, sculptors;
  - vii. Workrooms of dressmakers, seamstresses and tailors;

- viii. Workrooms for home crafts, crafts and trade people, including but not limited to model making, rug weaving, lapidary work and cabinet making;
- ix. Limited personal services, including, but not limited to, cosmetology, massage therapy, etc.;
- x. Office of a home-based call center agent.

The following uses are prohibited as home occupations:

- i. Human or animal care facilities, such as hospitals, clinics, stables, veterinarian clinics, kennels;
- ii. Repair shop (excluding personal or small household goods repair such as clock repair, cutlery sharpening, watch repair, etc.);
- iii. Rooming/Boarding house;
- iv. Rental outlets (including but not limited to rental of mobile homes, trailers, camper trailers)
- v. Contractor yards;
- vi. Scrap/Salvage services;
- vii. Automobile repair services;
- viii. Eating and drinking establishments; and
- ix. General retail.

*Meets*                       *Does not meet*

3. Size: The home occupation may not occupy more than 20% or 500 square feet of the gross floor area of the dwelling unit, whichever is less;

*Meets*                       *Does not meet*

4. Ownership: The home occupation must be managed and owned by a person residing in the dwelling unit;

*Meets*                       *Does not meet*

5. Employment: It does not depend on the employment of more than one employee other than members of the immediate family living in the structure; provided, however, that appropriate off-street parking must be provided for the nonresident employee;

*Meets*                       *Does not meet*

6. Site design: The site design must comply with the following requirements:

- i. An entrance may not be specifically dedicated for the home occupation, unless otherwise required by law;
- ii. No alteration may be made which changes the exterior residential character or appearance of the dwelling. Home occupations that require a structural alteration of the dwelling to comply with nonresidential building codes are prohibited. This prohibition does not apply to modifications required to comply with any accessibility requirements;
- iii. The home occupation may not require or use outdoor storage or involve conducting business activity outdoors;
- iv. No commercial display of materials, merchandise, goods, or equipment is visible from the exterior of the dwelling;

- v. Signage is restricted to an unlighted name plate or business sign with an overall size of no more than one-square-foot, per the provisions of Section 4-1000, Signs.
- vi. Operation: The home occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment other than by parcel delivery businesses. Sale of merchandise directly to customers on premises is not permitted.
- vii. The home occupation must be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and
- viii. The home occupation must be operated in accordance with all applicable laws and, if any state, federal or local permit or license is required.

*Meets*

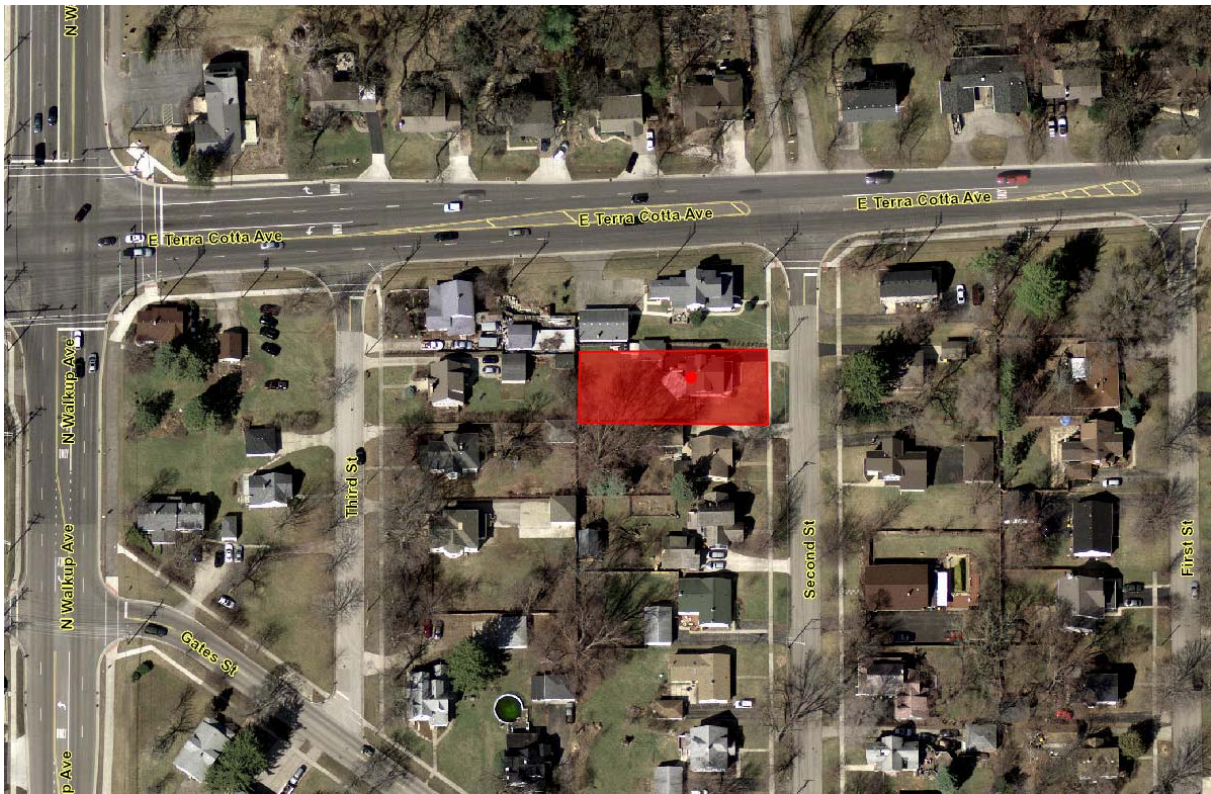
*Does not meet*

**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 (Humphrey, dated 05/04/18, received 05/04/18)
  - B. Plat of Survey (received 05/04/18)
  - C. Sketch of garage (Humphrey, dated 05/04/18, received 05/04/18)
2. The detached garage cannot be used as living quarters. Record an affidavit with the McHenry County Recorder's Office by August 1<sup>st</sup>, 2018, so future property owners are aware of this condition.
3. Any signage must comply with the UDO residential signs regulations.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

2018-25 Humphrey – 234 2<sup>nd</sup> St – Special Use Permit, Variation





2018 25

# City of Crystal Lake Development Application

Office Use Only  
File # \_\_\_\_\_

Project Title: \_\_\_\_\_

### 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 checked="" 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: Humphrey CPA, LLC  
 Address: 234 2nd Street  
Crystal Lake, IL 60014  
 Phone: 214 704 0091  
 Fax: \_\_\_\_\_  
 E-mail: julie.humphrey@comcast.net

### Owner Information (if different)

Name: Julie Humphrey  
 Address: 234 2nd Street  
Crystal Lake, IL 60014  
 Phone: 214 704 0091  
 Fax: \_\_\_\_\_  
 E-mail: julie.humphrey@comcast.net

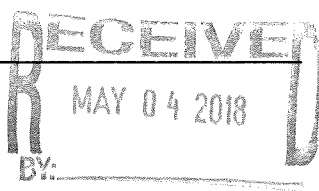
### Property Information

Project Description: See attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Address/Location: 234 2nd Street, Crystal Lake, IL 60014

PIN Number(s): 14-32-427-009



**Development Team**

Please include address, phone, fax and e-mail

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

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

**Attorney:** \_\_\_\_\_

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

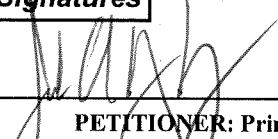
**Landscape Architect:** \_\_\_\_\_

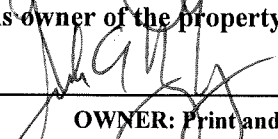
**Planner:** \_\_\_\_\_

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

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

**Signatures**

 Julie A. Humphrey 5/4/18  
\_\_\_\_\_  
**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.**  
 Julie A. Humphrey 5/4/18  
\_\_\_\_\_  
**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.

**Special Use Permit:**

I converted my garage, which is an unattached building approximately 13 feet by 17 feet, into an office space. The office space will be used for and internet-based income tax and accounting business. There will be very little customer interaction at the office location.

**Variance:**

When I converted the garage into an office space, we effectively removed the covered parking space required per the Crystal Lake Unified Development Ordinance. I am asking for a variation of this ordinance.

The outward appearance of the office/garage has remained intact as originally built except for replacing the aluminum folding garage door with double pane insulated exterior grade French doors. I have attached a floor plan of the office/garage.

~~I plan on constructing an attached portico/carport to the side of the house to satisfy the covered parking space requirement. My driveway is closed the property line and I am asking for a variation on this construction as well. The portico/carport would have a pitched shingle roof that matches the house and would not deter from the existing architecture. This is in the "idea" stage at this point and I have not solicited an architect nor a contractor. I have attached a rough sketch of what I have in mind.~~

Request withdrawn

**PUBLIC NOTICE**  
**BEFORE THE PLANNING AND**  
**ZONING COMMISSION**  
**OF THE CITY OF CRYSTAL LAKE,**  
**MCHENRY COUNTY, ILLINOIS**  
**IN THE MATTER OF THE**  
**APPLICATION OF**  
**Humphrey CPA LLC**

**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 Humphrey CPA LLC, seeking a

Special Use Permit and Variations located at 234 Second St., Crystal Lake, Illinois. PIN 14-32-427-009.

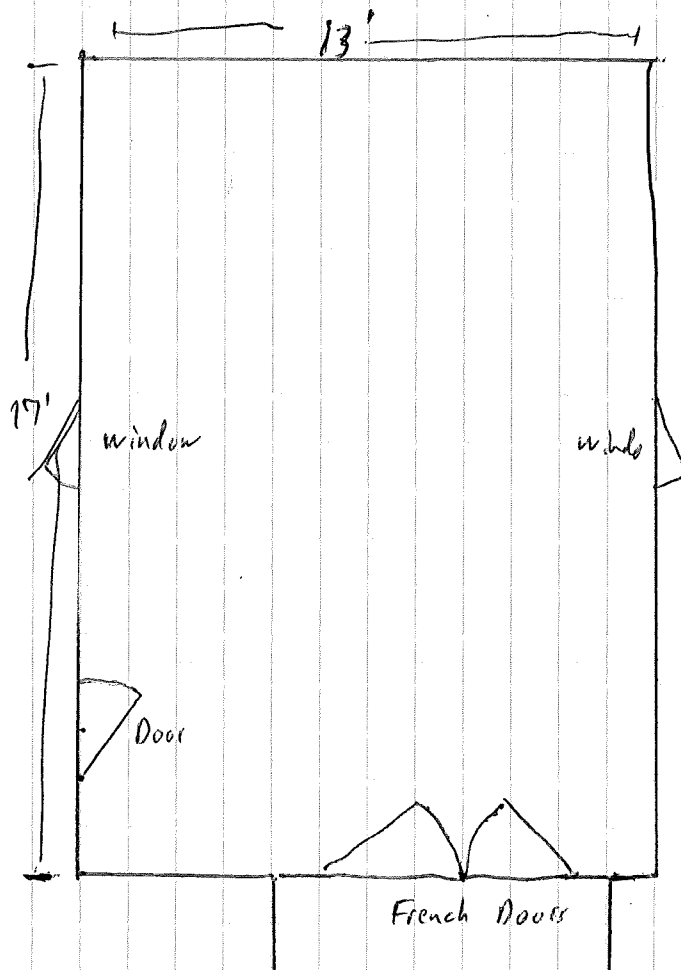
This application is filed for the purpose of seeking a Special Use Permit and Variations for to allow a home occupation to be located in an accessory structure and variations to allow a carport instead of an enclosure structure that has a setback of zero feet which does not meet the principal structure interior side yard setback requirement pursuant to Article 2-400 Limited and Special Use Criteria, Article 3-200 Dimensional Standards, Article 4-200(D)(4) Off-Street Parking and Loading, 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, June 20, 2018, 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

(Published in the Northwest Herald  
on June 1, 2018) 1541653

# Garage / Office Floor Plan



Wooden Structure with original pine clapboard siding.

New concrete floor, all interior walls & ceiling sprayed with closed cell foam insulation. Tongue & groove pine on walls metal ceiling.

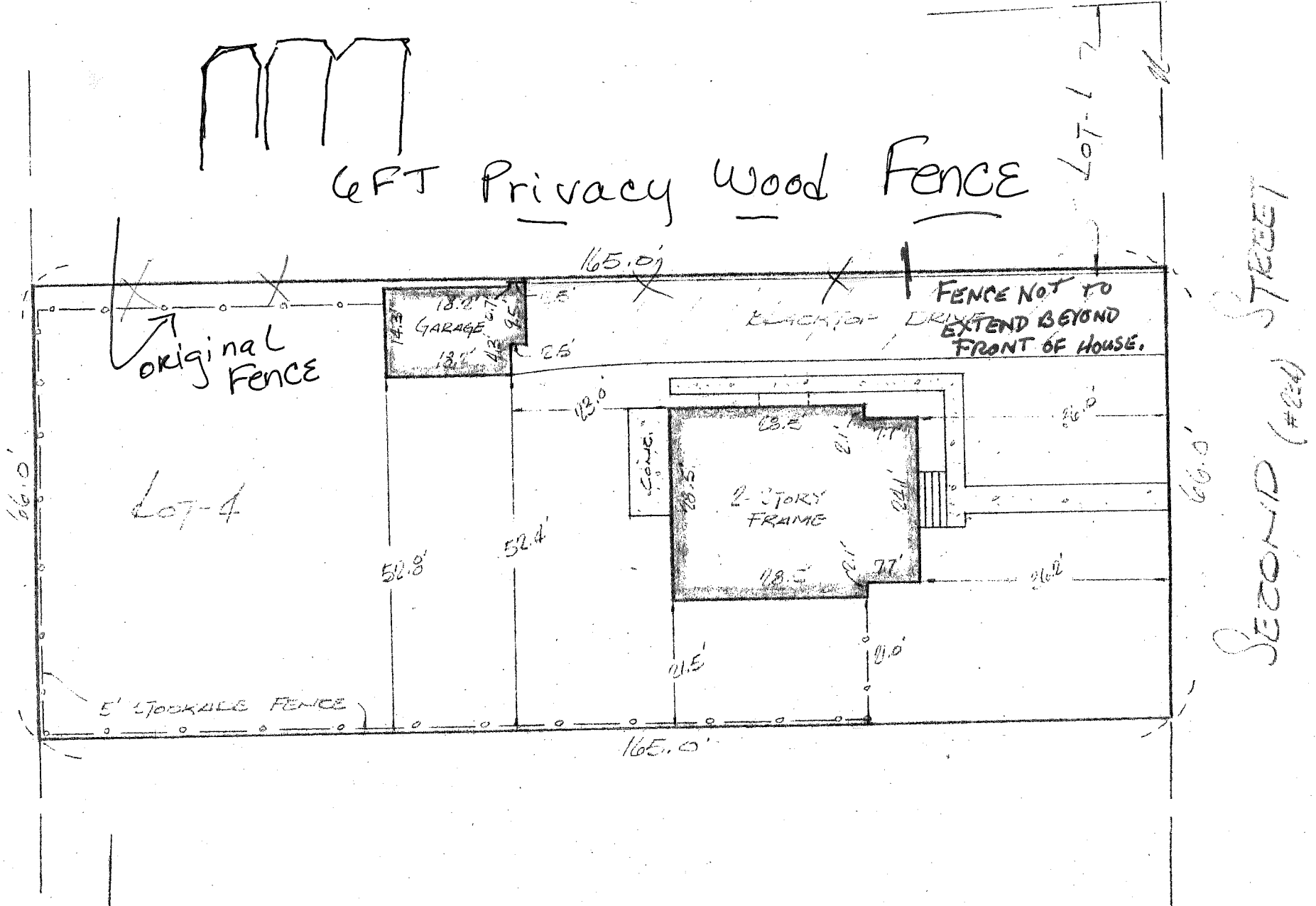
2018 25

# PLAT OF SURVEY

OF PROPERTY DESCRIBED AS:

Lot 4 in Block 7 in Original Plat of Nunda, being a part of the East Half of the Southeast Quarter of Section 32, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded August 13, 1868 in Book 43 of Deeds, page 296, in McHenry County, Illinois.

S.R. 176



THIS PLAN <sup>234</sup> SECOND ST DATED 4-6-07  
 SPECIFICATIONS AND PERMIT NO. 07-  
 SHALL COMPLY WITH THE REGULATIONS AS SET  
 FORTH IN THE CITY OF CRYSTAL LAKE CODES  
 AND ORDINANCES BY: PH DATE 4-6-07  
 JOW

DUNDEE ENGINEERING  
 Dundee, Illinois

Scale: 1"=20'  
 Ordered: 1st Financial  
 Owner: Stratton  
 Page: 121  
 Drawn: SK  
 Job: 3273M

STATE OF ILLINOIS  
 COUNTY OF KANE ss 4-9-76

I hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises.

Philip K. Whitehouse

I hereby certify that I have surveyed the above described premises according to the official record, and that the above plat correctly represents said survey.

PHILIP K.  
 WHITEHOUSE  
 NO 35-1586  
 DUNDEE, ILL.  
 REGISTERED LAND SURVEYOR

Compare the description on this plat with deed.  
 Refer to deed for easements and building lines.