



**#2019-92**  
**6 Heather Dr – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	June 19, 2019
<b><u>Request:</u></b>	Variation from Article 3-200 to allow a shed to be located at a 16-foot yard abutting a street setback, a variation of 14 feet.
<b><u>Location:</u></b>	6 Heather Drive
<b><u>Existing Zoning:</u></b>	R-2 – Single-Family Residential
<b><u>Surrounding Properties:</u></b>	North: R-2 – Single-Family Residential South: R-2 – Single-Family Residential East: R-2 – Single-Family Residential West: R-3B – Multi-Family Residential & McHenry County A1 (Agriculture)
<b><u>Staff Contact:</u></b>	Kathryn Cowlin (815.356.3798)

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**Background:**

- **Existing Use:** The subject property is single-family. There is an existing detached garage.
- **UDO Requirements:** Accessory structures are required meet the front yard and yard abutting a street setback requirements. The required setback is 30 feet for conforming lots.
- City staff reviewed and issued the permit for the shed request with the condition that the shed meet the setback requirement since there is room on the lot for the shed without a variation. The petitioner requested to go through the variation process to locate the shed in the proposed location.
- The majority of the lots along Briarwood Road and Heather Drive with sheds or detached garages meet the 30-foot setback requirement.

**Development Analysis:**

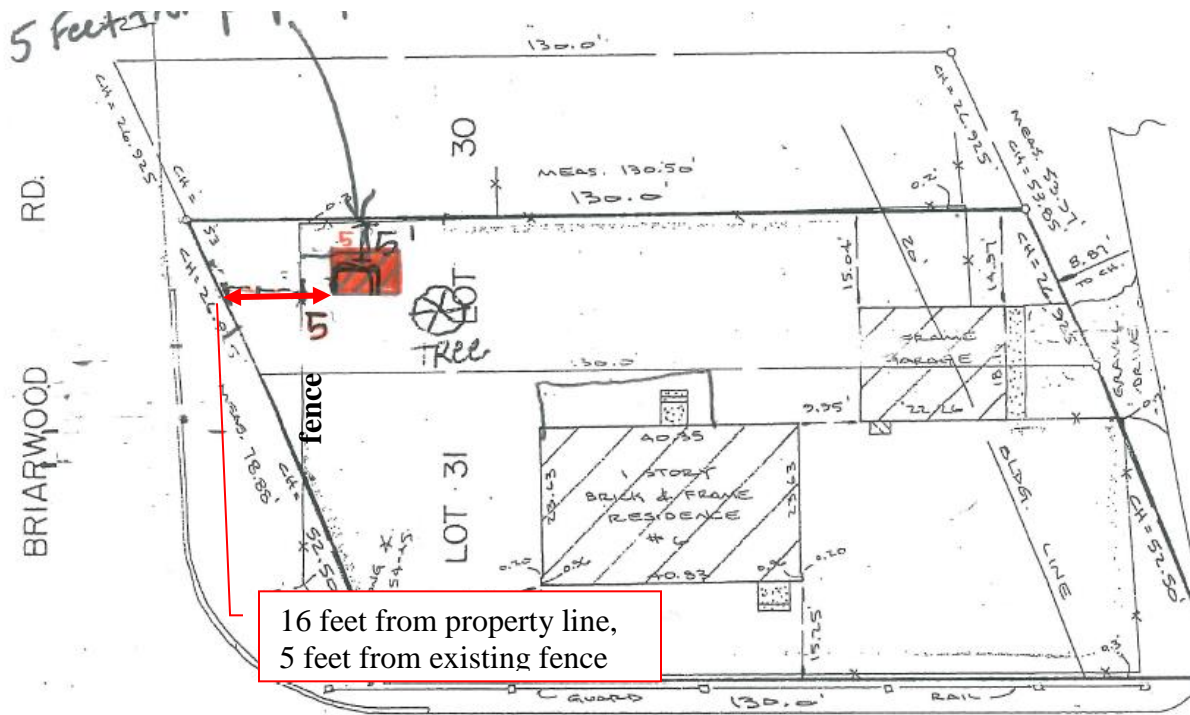
**General:**

- **Request:** The petitioner is requesting a variation to allow a shed to have a 16-foot yard abutting a street setback.
- **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.

Request:

- The subject property has three frontages. The Heather Drive property line is considered the front yard and the Butternut Drive and Briarwood Road property lines are considered yards abutting a street.
- The petitioner is requesting to locate the shed five feet from the existing fence; therefore, the proposed setback is 16 feet.
- The shed is 8 feet by 10 feet (80 square feet).
- The shed would meet the five-foot rear yard setback requirement for accessory structures, but requires the variation for the yard abutting a street setback.



**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 Articles 3-200 to allow a shed to have a yard abutting a street setback of 16 feet, a variation of 14 feet.

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*

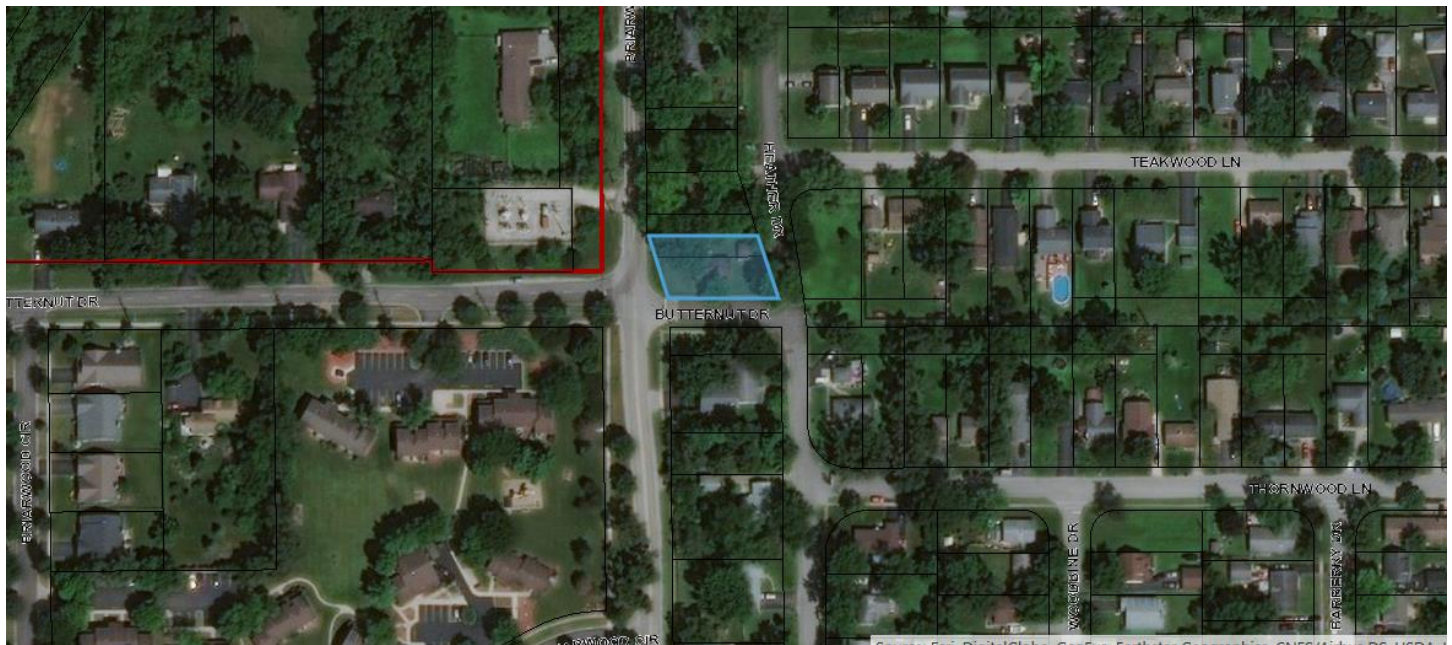
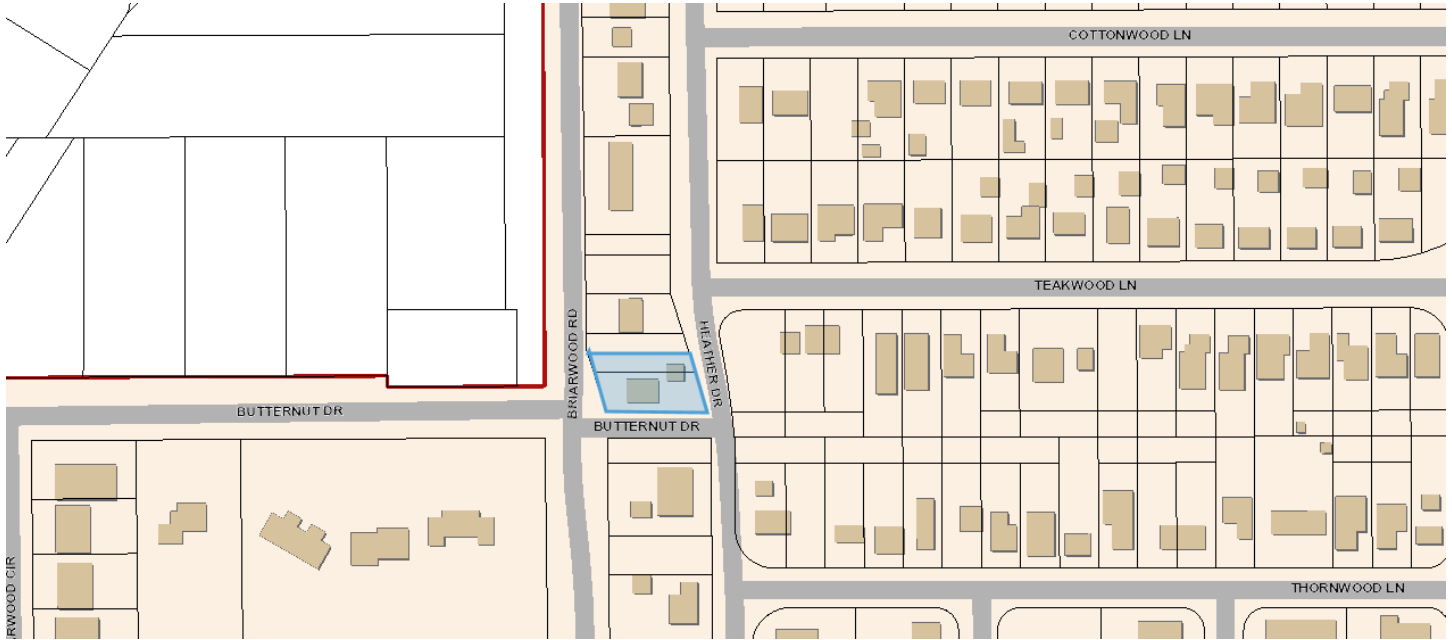
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

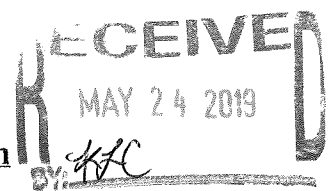
**Recommended Conditions:**

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 (Pichardo, dated 05/17/19, received 05/24/19)
  - B. Plat of Survey (American Survey Co., received 05/24/19)
2. The shed must be located 20 feet from the Briarwood Road property line.
3. The shed must match the color of the principal structure.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

PLN-2019-00092 PICHARDO – 6 HEATHER DR – VARIATION





Application for Simplified Residential Variation

Application Number: PLN-2019-00092 FOR OFFICE USE ONLY
Project Name:
Date of Submission:

I. Applicant

Brian Pichardo
Name

6 Heather Dr.
Street

Crystal Lake IL 60014
City State Zip Code

224.523.0690 Fax Number brianpichardo@yahoo.com E-mail address

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address:

b. PIN #: 13-36-351-029 13-36-351-030

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:
Front three streets creating large setback requirements. Large tree located at desired setback. Would like to maintain tree.

IS THE HARDSHIP SELF-CREATED?

NO

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

NO, property is unique since it has three frontages.

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: NO KNOWN

**IV. Signatures**

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.

Brian Richardo Eric Powell

5/17/19

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, MCHENRY COUNTY,  
ILLINOIS**

IN THE MATTER OF THE  
APPLICATION OF  
Brian Pichardo

**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 appli-  
cation of Brian Pichardo,  
seeking variations located at  
6 Heather Dr., Crystal Lake,  
Illinois. PIN 13-36-351-029  
& 13-36-351-030.

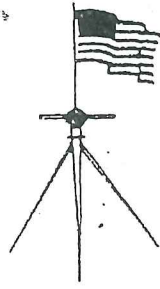
This application is filed for  
the purpose of seeking a 5-  
foot variation from the 30-  
foot minimum yard abutting  
a street setback for an acces-  
sory structure (shed) pur-  
suant to Article 3-200  
Dimensional Standards and  
Article 9-200(C) Variations,  
as well as any other varia-  
tions as necessary to com-  
plete the project as pro-  
posed. 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 19,  
2019, 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 June 1, 2019)  
1668329





# American Survey Co.

913 Hickory Grove Ln.

Cary, IL 60013

847-516-2700

## Plat of Survey

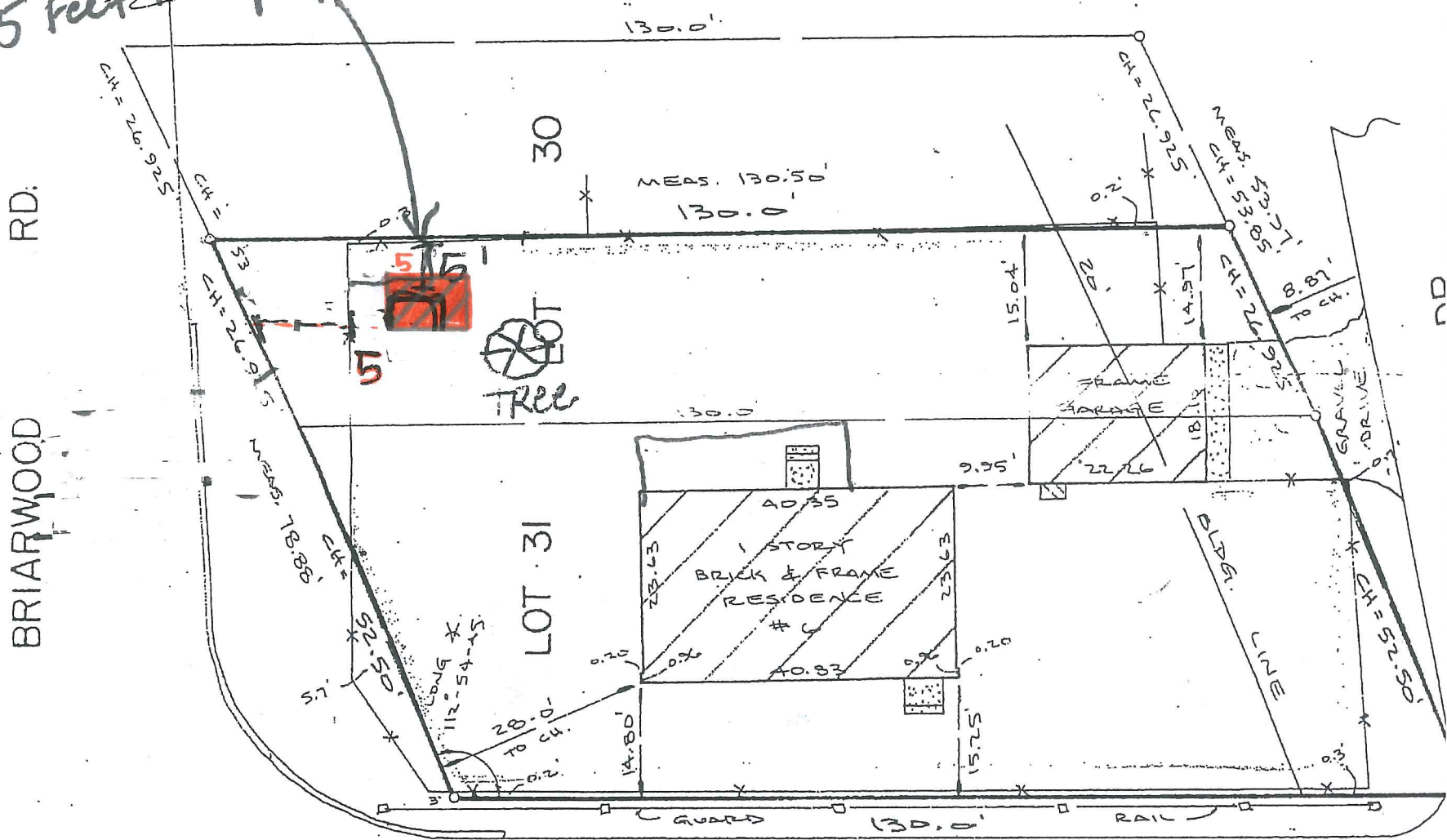
Scale: 1" = 20'

OF PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 30 AND ALL OF LOT 31; BLOCK 10, IN R. A. CEPEK'S CRYSTAL A SUBDIVISION OF PART OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND I 36, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORD 1927, AS DOCUMENT NUMBER 76823 IN BOOK 6 OF PLATS, PAGES 18 AND 19, IN MCHENRY COUNTY, ILLINOIS.

BrianRichard@yahoo.com

Brian P. 224-

Future shed Required to be 5 feet from property line.



NOTE: NO CURVE DATA WAS GIVEN ON PLAT OF SUBDIVISION.

APPROVED

WITH CONDITIONS

Order # 10004 (Anderson)

Ordered by William Hellyer

Prop. address 6 N. Heather Dr. Crystal Lake, IL

Distances are given in feet and decimal parts thereof. No dimension or angle shall be assumed by scale.

BUTTERNUT DR.

OWNER COPY

RECEIVED MAR 28 2017 BY: RH

State of Illinois )  
County of McHenry ) SS

I, William M. TenBusch, an Illinois Professional Land Surveyor, do hereby certify that I have located the above shown buildings as of this 16th day of FEBRUARY 2010

Will - W TenBusch Professional Land Surveyor # 2767

This survey does not constitute a title search

State of Illinois  
County of McHenry

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