

## #2019-193 57 S. Oriole Trail – Variations Project Review for Planning and Zoning Commission

Meeting Date: January 15, 2020

**Requests:** 

- 1. Variation from Article 4-600 to allow an accessory structure over 600 square feet which does not meet the principal structure causing a 15-foot encroachment into the required rear yard setback and a 4-foot 10-inch encroachment into the required side yard setback.
- 2. Variation from Article 4-600 to allow the construction an addition to an accessory structure closer than 5 feet to the principal structure creating a perceived attachment between the two structures.
- 3. Variation from Article 7 Nonconformities to allow the expansion of a non-conforming use allowing the garage addition to continue on the 3.1-foot setback line.

**Location:** 57 S. Oriole Trail

**Acreage:** Approximately 11,000 square feet

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

**Surrounding Properties:** North: R-2 Single Family

South: R-2 Single Family
East: R-2 Single Family
West: R-2 Single Family

**Staff Contact**: Elizabeth Maxwell (815.356.3615)

#### **Background:**

- The property is an existing single family home with an existing non-conforming accessory structure.
- The garage is currently a two-story structure, which is not permitted for accessory structures and it is located approximately 3 feet from the side yard setback.
- The petitioners would remove the second story and add to the front of the structure to make a deeper garage. The addition would follow the existing setback of 3.1 feet and would cause the overall structure to be over 600 square feet.

#### **Development Analysis:**

#### General

- Zoning: The site is zoned R-2 Single Family. This property is used as a single-family home.
- <u>Land Use</u>: The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

#### **Project Analysis:**

- The addition is approximately 342 square feet to the front of the existing garage. It would follow the existing wall line, which is only 3.1 feet from the property line.
- The new garage would be approximately 3 feet from the rear of the principal structure. Detached structures within 5 feet of a principal structure are considered attached structures.

#### **Findings of Fact:**

#### ZONING ORDINANCE VARIATION

The petitioner is requesting three variations:

- Variation from Article 4-600 to allow an accessory structure over 600 square feet which does not meet the principal structure causing a 15-foot encroachment into the required rear yard setback and a 4-foot 10-inch encroachment into the required side yard setback.
- Variation from Article 4-600 to allow the construction an addition to an accessory structure closer than 5 feet to the principal structure.
- Variation from Article 7 Nonconformities to allow the expansion of a non-conforming use allowing the garage addition to continue on the 3.1-foot setback line

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 topograph underground conditions.		
	underground condi	HOHS.	
	☐ Meets	Does not meet	

b.	Also, that the variat	ion, if granted, will not alter the essential character of the locality.
	Meets	Does not meet
consider	ation the extent to	ementing the above standards, the Commission may take into which the following facts favorable to the application have been resented at the public hearing:
a.		s upon which the application for variation is based would not be to other property within the same zoning classification;
	☐ Meets	Does not meet
b.	That the alleged di having interest in th	fficulty or hardship has not been created by any person presently e property;
	Meets	Does not meet
c.	-	The variation will not be detrimental to the public welfare or injurious improvements in the neighborhood in which the property is located; or Does not meet
1	_	
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.

#### **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:** Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

#### Housing – Single Family Housing

Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well serviced by a variety of community facilities and services.

This can be accomplished with the following supporting action:

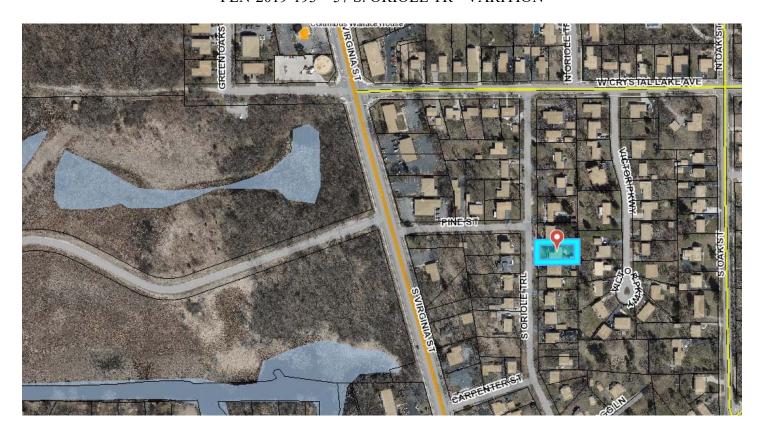
**Supporting Action:** Preserve the unique character of existing neighborhoods.

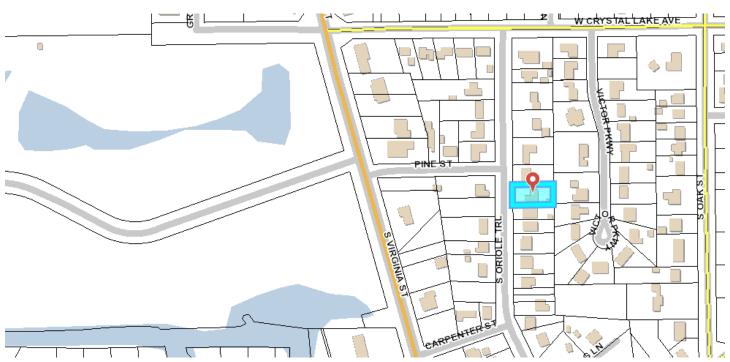
#### **Recommended Conditions:**

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 (Curtin, received 12/23/19)
  - B. Plat of Survey (Coulson, dated 10/04/2011, received 12/13/19)
  - C. Architectural Plans (ALA Architects, dated 12/13/19, received 12/13/19)
- 2. The petitioner shall address all of the review comments and requirements of Community Development Department.
- 3. Any addition to the principal structure shall be required to meet the principal structure setbacks and not allowed to use the variation granted for the accessory structure.

#### PLN-2019-193 – 57 S. ORIOLE TR - VARITION





### City of Crystal Lake Development Application

Office Use Only
File # DLN - 2019 -00193

BT: .....

Project Title: CURTIN RESIDENCE Action Requested **Preliminary PUD Annexation** Preliminary Plat of Subdivision Comprehensive Plan Amendment **Conceptual PUD Review** Rezoning **Special Use Permit Final PUD** Variation Final PUD Amendment Other **Final Plat of Subdivision** Owner Information (if different) Petitioner Information Name: JASON CURTIN + ERIN THIEDE Name: 1) ASON CURTIN+ ERIN THIEDE Address: 57 S. ORIOLE TR Address: 57 S. ORIOLE TR CRYSTALLAKE, IL 60014 CRISTAL LAKE, IL 60014 Phone: 847-791-6508 Phone: 847-791-6508 Fax:\_\_\_\_\_ Fax: E-mail: JCURTIN27@ HOTMAIL. COM E-mail: JCORTIN 27 @ HOTMAIL.COM Property Information Project Description: RENCYATION AND APPITION TO AN EXISTING GARAGE WITHIN THE SETBACK Project Address/Location: 57 5. ORIOLE TR., CRYSTAL LAKE, IL 60014 RECEIVED PIN Number(s): \_\_\_\_\_ Utt 6 3 2019

Development Team	Please include address, phone, fax and e-mail
Developer:	
Architect: AUA ARCHITECT + PLANNERS	
Attorney:	
Engineer:	
Landscape Architect:	
Planner:	
Surveyor:	
Other:	
Signatures	
PETITIONER: Print and Sign name (if different fr	om owner) Date
As owner of the property in question, I hereby auth	orize the seeking of the above requested action. $\frac{12/18/19}{12}$
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

Jason Curtin and Erin Thiede
LEGAL NOTICE

Notice is hereby given in compliance with the Unitled 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 by ALA Architects, representing Jason Curtin and Erin Thiede for approval

of variations relating to the following real estate known as 57 S. Oriole Trail, Crystal Lake, Illinois 60014, PIN: 19-06-229-007.

This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from Article 4-600 Accessory Structures to allow an accessory structure over 600 square feet, which encroaches 15 feet into the required rear yard and 4 feet 10 inches into the required side yard setback, allowing the construction of a 342 square-foot garage addition 3 feet 2 inches from the side properly line, and creating a non-conforming principal structure ihrough considered attachment of the garage and principal structure, as well as any other variations that may be necessary to allow the plans as presented. Plans for this 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, January 15, 2020, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

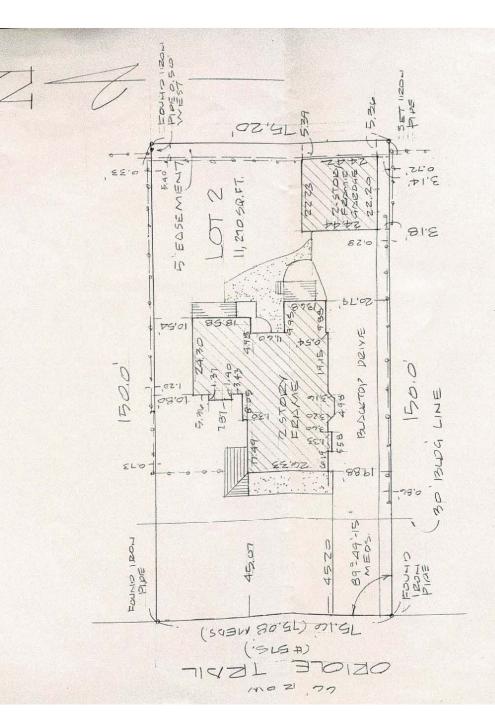
Tom Hayden, Chairperson Planning and Zoning Commission City of Crystal Lake

(Published in the Northwest Herald December 24, 2019) 1737489

# ALAN J. COULSON, P.C.

PROFESSIONAL LAND SURVEYORS Plat of Survey

DESCRIBED OF PROPERTY Lot 2 in Oriole Trail Re-Subdivision of Lots 16, 17 and 18 in Kellogg's Subdivision of part of Block 13 in Piersons Addition to the Village of Crystal Lake, a subdivision of part of the Northeast Quarter of Section 6, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded January 24, 1972 as Document No. 559400, in McHenry County, Illinois.



201 OCT. 3 FIELD WORK COMPLETED

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Design Firm Land Surveying Corporation License No. 184-002863

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

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.

I hereby certify that the buildings on lot shown are rithin property lines and that the adjoining nprovements do not encreach on said premises.

within primprover

13-06-2 Ball

001

STATE OF ILLINOIS

J.Rosenberg

Ordered: Owner.

Scale:

Any discrepancy in measurements should be promptly reported to surveyor for explanation or correction.

A57,639SL Crystal Lake

Drawn:

Job: City:

Page:

WE DO NOT CERTIFY AS TO LOCATION OF UNDER-GROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

CHARLES J. HILL, P.L.S.NO. 2700 LICENSE EXP. 11/30/2012

PROFESSIONAL LAND SURVEYORS 205:W, Main St., West Dundee II. 60118 Phone: (847)- 426-2911 Fax: (847)- 426-8074 E-Mail: SIRVAYR@AOL.COM

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

