



#2020-00110
1425 Gilbert Ave – Variation
Project Review for Planning and Zoning Commission

Meeting Date: July 15, 2020

Request: Variation from Article 3-200 to allow an 18-foot yard abutting a street setback, a variation of 12 feet for a shed.

Location: 1425 Gilbert Ave

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: McHenry County R1 (Single-Family Residential)

Staff Contact: Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The subject property is single-family home.
- **UDO Requirements:** Accessory structures are required meet the front yard and yard abutting a street setback requirements. The required setback is 30 feet. Also, there is a required side yard setback of 5 feet for detached accessory structures, which the proposed shed is meeting.

Development Analysis:

General:

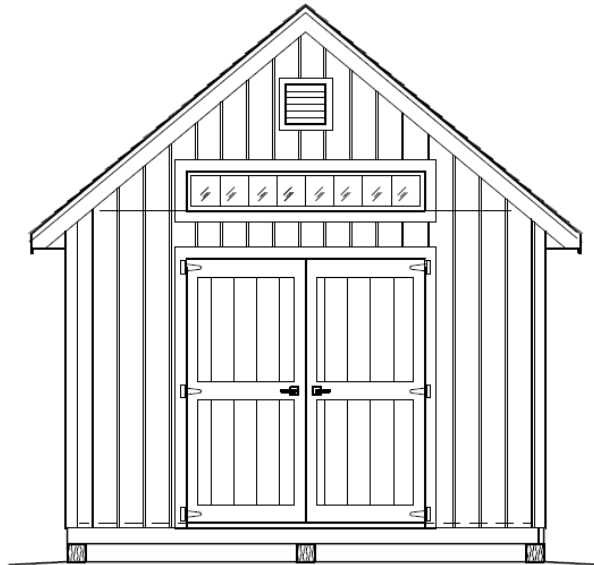
- **Request:** The petitioner is requesting a variation to allow an 18-foot yard abutting a street setback for a shed to replace an existing shed that is generally located in the same area.
- **Land Use:** The Comprehensive Land Use map shows the area as Urban Residential which is an appropriate land use designation.
- **Zoning:** The site is zoned Single-Family Residential.

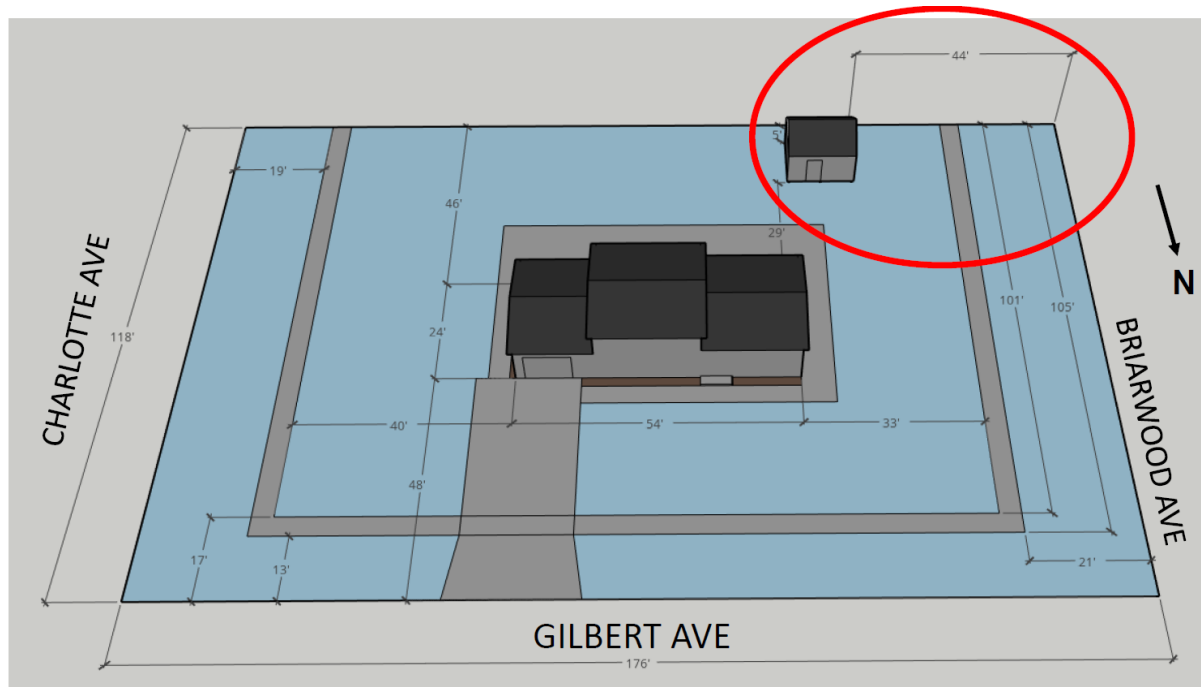
Request:

- The subject property is unique in that it has three frontages. The Charlotte Avenue property line is considered the front yard and the Gilbert Avenue and Briarwood Road property lines are considered yards abutting a street. For situations where a block of homes has double sided frontages, the front yard is determined by looking at the block as

a whole, and the majority of the homes that face in one direction determines the front yard.

- The petitioner is requesting to locate the shed on the west side of an existing tree. Based on the proposed location, the setback would be 18 feet from the Briarwood Road property line (~1 foot behind the sidewalk along Briarwood).
- The parkway is approximately 26 feet wide along Briarwood. The shed would be located approximately 44 feet from the edge of the pavement of Briarwood Road.
- The shed is 12 feet by 14 feet (168 square feet) and illustrated below.
- The shed would meet the five foot side yard setback requirement for accessory structures.
- The proposed setback would not be out of character for the neighborhood. The double frontage properties to the south have detached accessory structures within 20 feet of the property line along Briarwood in their “rear” yards and do not meet the current setback standards.





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 to allow a shed to have a yard abutting a street setback of 18 feet, a variation of 12 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, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Bello, received 06/23/2020)
 - B. Plan (Bello, received 06/23/2020)

2. The petitioner shall address all of the review comments and requirements of the Community Development Department.

PIQ MAP – 1425 GILBERT AVE – VARIATION REQUEST





**City of Crystal Lake
Development Application
Ownership Sign-off Acknowledgement Form**

The following information is related to a development application. As the owner of the property in question, I (we) acknowledge that the information provided in the submittal was reviewed and approved.

Owner Information

Name: MARIA BELLO

Address: 1425 GILBERT AVE

CRYSTAL LAKE, IL 60014

Phone: 815-477-7352

E-mail: NICA.M.BELLO@GMAIL.COM

Project Name & Description: YARD ABUTTING A STREET SETBACK

VARIATION FOR AN ACCESSORY STRUCTURE (SHED).

Project Address/Location: 1425 GILBERT AVE CRYSTAL LAKE, IL 60014

Signature Maria Bello

MARIA N. BELLO

Owner: Print and Sign name

23 JUNE 2020

Date

NOTE: If the property is held in a 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.

STATE OF ILLINOIS

COUNTY OF MCHENRY

IN THE MATTER OF THE APPLICATION OF

ARIANA BELLO;

(Name)

As represented by _____

(Name, if different than applicant)

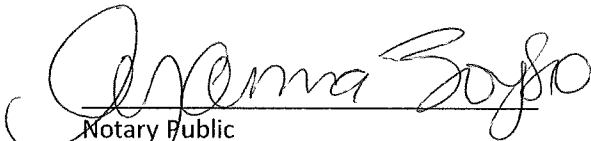
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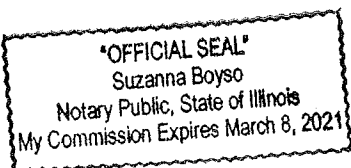
ARIANA BELLO, being first duly sworn on oath deposes and states as follows:
(Name)

- A. That a copy of the legal notice, concerning the hearing date for the above mentioned Petitioner, was sent to each of the persons named on the attached list by regular mail notifying them of the hearing before the Planning and Zoning Commission on 15 JULY 2020, at 7:30 p.m., at the City of Crystal Lake
(Meeting date)
City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the below mentioned persons by regular mail on 24 JUNE 2020
(Date)
- B. That the posting requirements of the Zoning Ordinance have been complied with by placing the customary public notice sign on the subject property on 24 JUNE 2020
(Date)


(Name)

Subscribed and Sworn to me before
This 24th day of June, 2019


Notary Public



PUBLIC NOTICES

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN BY THE Board of Education of Marengo-Union Elementary Consolidated School District 165 in the County of McHenry, State of Illinois, that the tentative Budget for said School District for the fiscal year beginning July 1, 2020 - June 30, 2021 will be on file and conveniently available for public inspection at 816 E. Grant Highway, Marengo, Illinois beginning 7:30 a.m. on the 26th day of June, 2020.

NOTICE IS FURTHER HEREBY GIVEN that a public hearing on said budget will be held at 6:45 p.m. on the 26th day of August, 2020 at Marengo Community Middle School, 816 E. Grant Highway, Marengo, Illinois in this School District No. 165.

BOARD OF EDUCATION of School District No. 165, in the County of McHenry, State of Illinois.

Matthew Erbstoesser,
Secretary,
Board of Education
Marengo-Union Elementary

PUBLIC NOTICES

Consolidated School District No. 165

(Published in the Northwest Herald June 26, 2020) 1790423

PUBLIC NOTICE

Notice is hereby given that the Village of Johnsborg Planning and Zoning Commission, sitting as a Special Zoning Commission, will hold a public hearing on Tuesday, July 14, 2020 at 7:00 p.m. at the Johnsborg Village Hall, 1515 Channel Beach Road, Johnsborg, Illinois 60051 to consider text amendments adding Section 16.8 Vacation Rentals to the Johnsborg Zoning Ordinance. If adopted, the proposed text amendments would regulate vacation rentals within the Village of Johnsborg and amend Table 1, Conditional Use Chart of Section 16, Conditional Uses to include Vacation Rentals as a conditional use in the B1-5, A1-2, E1-5 and R1-3 zoning districts. A copy of the pro-

PUBLIC NOTICES

posed text amendments are available for public inspection at the Johnsborg Village Hall, 1515 Channel Beach Road, Johnsborg, Illinois 60051, during regular business hours.

Given concerns related to COVID 19, physical attendance at the hearing is limited to 16 people in order to observe social distancing. Attendance will also be available via Zoom and public comments or questions may be submitted in advance of the hearing via email at villagehall@johnsborg.org. A phone line will be available for those members of the public that wish to call in with questions or comments. If you would like to call into the meeting, or participate via Zoom, please contact the Village Hall in advance of the meeting at 815-385-6023 or villagehall@johnsborg.org

Kim Husby,
Planning & Zoning

PUBLIC NOTICES

Commission Chairperson

(Published in the Northwest Herald June 26, 2020) 1792349

**PUBLIC NOTICE
BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL
LAKE, MCHENRY COUNTY,
ILLINOIS
IN THE MATTER OF THE
APPLICATION OF
Ariana Bello
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 Ariana Bello, seeking a variation located at 1425 Gilbert Avenue, Crystal Lake, Illinois.

PIN 18-01-305-001.
This application is filed for the purpose of seeking a 12-foot variation from the 30-foot minimum yard abutting a street setback for an accessory structure (shed) pursuant to Article

PUBLIC NOTICES

3-200 Dimensional Standards and Article 9-200(C) Variations, 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, July 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.

Jeff Greenman,
Chairperson
Planning and Zoning
Commission
City of Crystal Lake

(Published in the Northwest Herald June 26, 2020) 1792174

PUBLIC NOTICE

**PUBLIC HEARING NOTICE
FILE Z-967**

Notice is hereby given that the City of McHenry Planning and Zoning Commission will hold a Public Hearing

PUBLIC NOTICES

using the Zoom Internet Conferencing Application which can be accessed through our website at cityofmchenry.org or by dialing +1-312-626-6799 (Meeting ID: 951 3717 7704) at 7:30 P.M. on **July 15, 2020** to consider an application by **M-3 Enterprises Inc., 1405 Horizon Drive, Johnsborg, IL 60051** ("Property Owner's Agent/Construction Manager"); and **Daniel A. Freund 6201 Whiting Drive, McHenry, IL 60050** ("Property Owner") for the following request(s), in accordance with the City of McHenry Zoning Ordinance:

Zoning Map Amendment from C-3 Community Commercial District to RM-2 High-Density Multi-Family Residential and a Minor Variance to allow 68.5% of uncovered space in lieu of the required 73% uncovered space to accommodate a 4-unit attached single-family residence.

The site consists of **0.2 acres**, more or less, and is located on the southeast corner of the intersection at

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N. River Rd. and W. Lake St., with a common address of 1208 N. River Road ("Subject Property").

PIN: **09-26-481-001**
The property is currently zoned **C-3 Community Commercial District**.

A copy of the application is on file and may be examined by contacting Cody Sheriff, City Planner by email at

csheff@cityofmchenry.org or by calling 1-815-353-1033.

All interested parties will be given an opportunity to be heard.

Published by order of the Planning and Zoning Commission, City of McHenry, McHenry County, Illinois.

/s/ Shawn Strach
Chairman, Planning and
Zoning Commission

(Published in the Northwest Herald June 26, 2020) 1791829

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Northwest Herald

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1425 GILBERT AVE
Side-yard Setback Variation Plan

** PLEASE NOTE: NO PLAT OF SURVEY IS CURRENTLY ON FILE WITH CITY.
Resident utilized Sketchup to map out dimensions of property

