



#2020-00135
330 Dolle Ln – Variation
Project Review for Planning and Zoning Commission

Meeting Date: August 19, 2020

Request: Variation from Articles 3-200 and 4-700 to allow a 16-foot yard abutting a street setback, a variation of 14 feet for a five-foot fence.

Location: 330 Dolle Lane

Existing Zoning: R-1 – Single-Family Residential

Surrounding Properties: North: R-2 – Single-Family Residential
South: R-1 – Single-Family Residential
East: R-2 – Single-Family Residential
West: R-1 – Single-Family Residential

Staff Contact: Katie Cowlin (815.356.3798)

Background:

- **Existing Use:** The subject property is single-family home.
- **UDO Requirements:** A fence located in a yard abutting a street can be four feet in height if it has a five-foot setback from the property line. A five-foot fence would be required to have a 30-foot setback.

Development Analysis:

General:

- **Request:** The petitioner is requesting a variation to allow a 16-foot yard abutting a street setback for a five-foot fence.
- **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 petitioner is requesting a variation from the yard abutting a street setback requirement to allow a five-foot fence to have a 16-foot setback, a variation of 14 feet.

- The subject property meets the dimensional standards for a corner lot in the R-1 zoning district.
- While the lot meets the dimensional standards, it is not a perfect rectangle and the rear of the property is narrower than the front of the property.
- Due to the lot shape, the house was constructed in the rear of the property, which limits the rear yard space.
- The proposed five-foot fence will fence in a front patio.
- The fence would not create any sightline issues for the street or driveway and therefore would not create a hazard.
- Below is an image of the approximate required setbacks in orange. The proposed fence is in blue.
- The fence would be approximately 27 feet from the edge of pavement of Dolle Lane.



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 and 4-700 to allow a 16-foot yard abutting a street setback, a variation of 14 feet for a five-foot fence.

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*

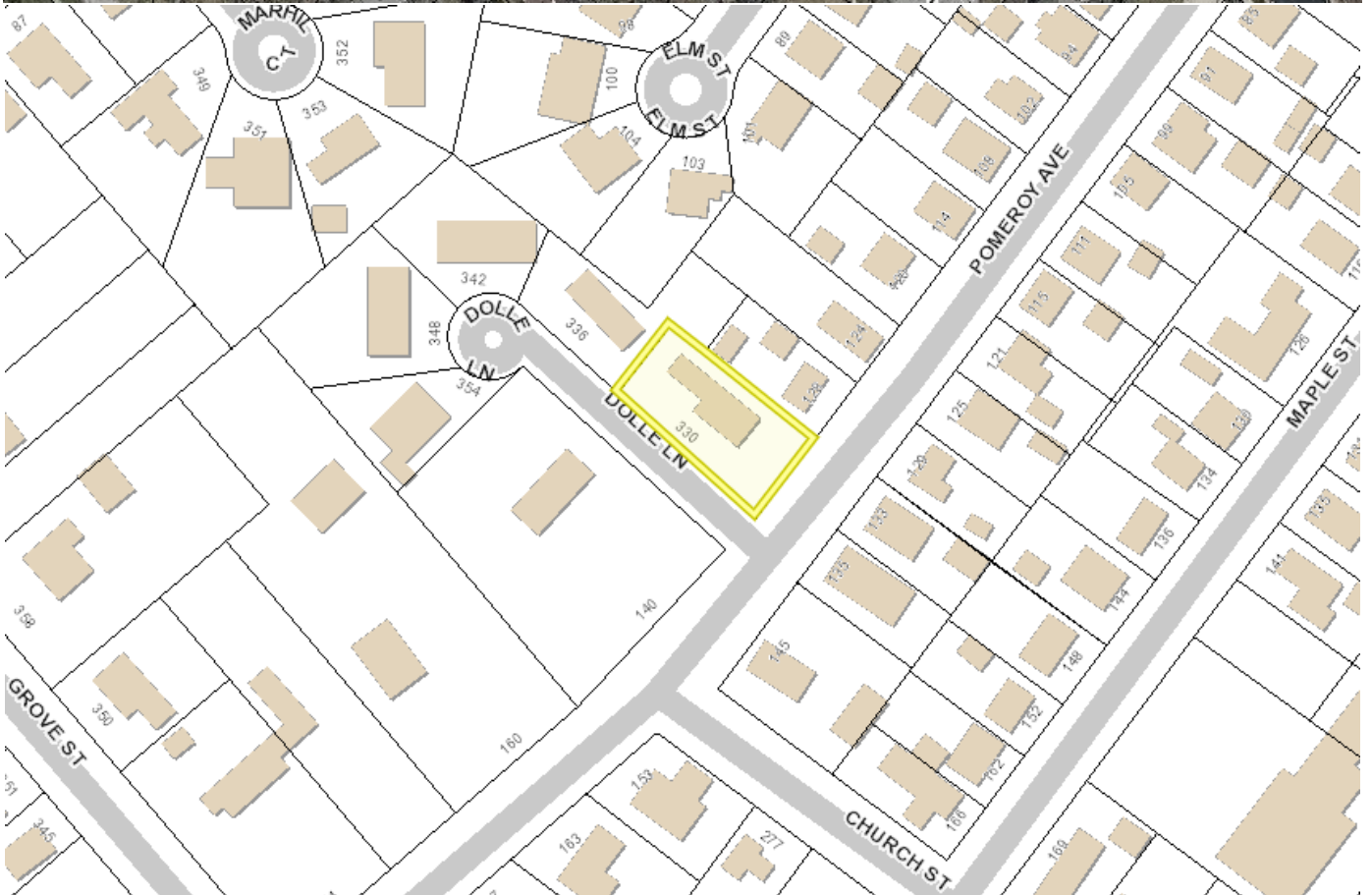
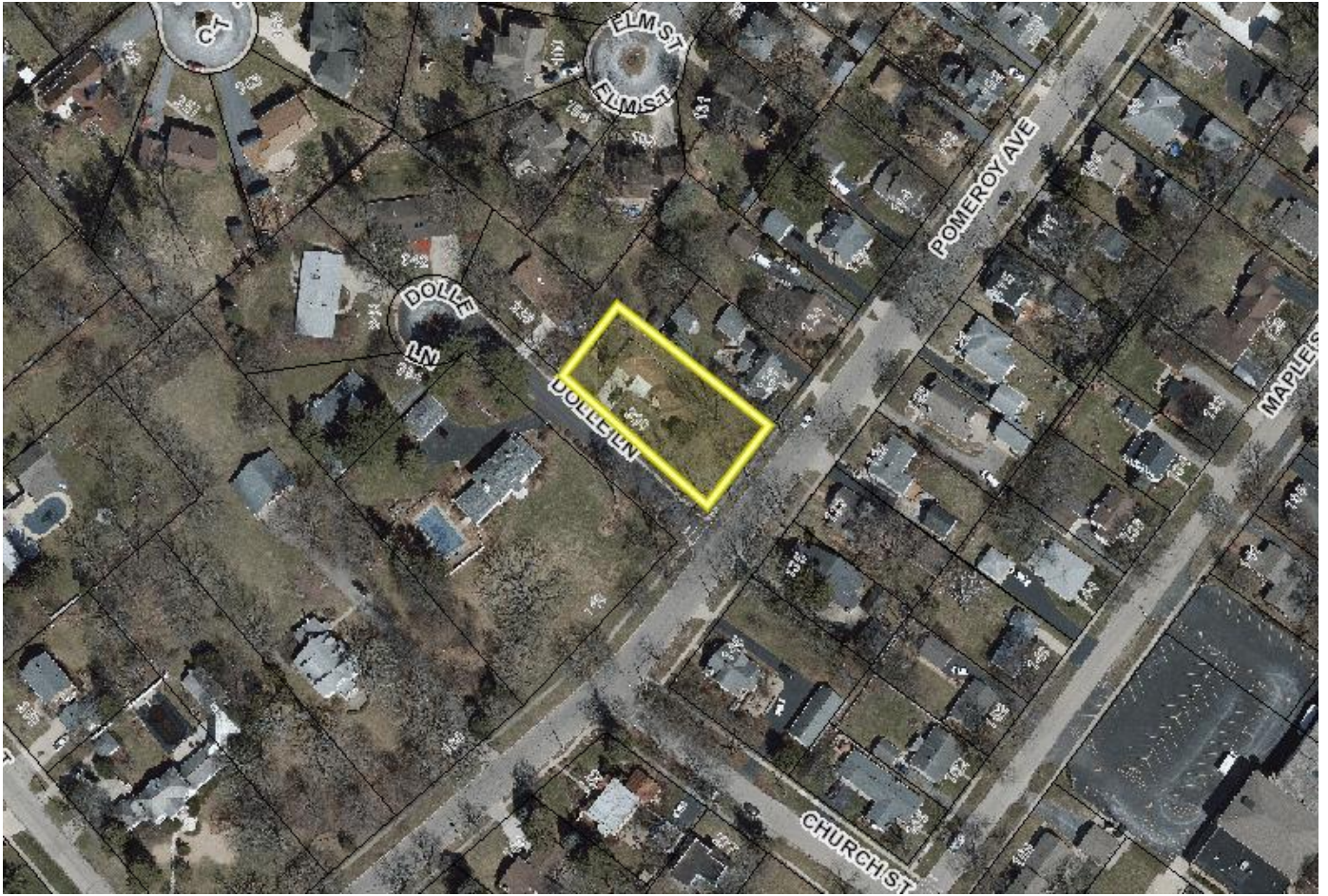
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

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 (McClain, received 07/24/2020)
 - B. Plan (McClain, received 07/24/2020)
2. The petitioner shall address all of the review comments and requirements of the Community Development Department.

PIQ MAP – 330 DOLLE LANE – VARIATION REQUEST



PLN-2020-00135

Application for Simplified Residential Variation

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

I. Applicant

RHIENNA McCLAIN
Name

330 DOLE LANE
Street

CRYSTAL LAKE IL 60014
City State Zip Code

815.245.8865 — RHIENNA@MAC.COM
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

SCOTT McCLAIN TRUST c/o SCOTT McCLAIN
Name

155 EDgewater DR. CRYSTAL LAKE, IL 60014 815.455.1256
Address Telephone Number

III. Project Data

1. a. Location/Address: 330 DOLE LANE

b. PIN #: _____

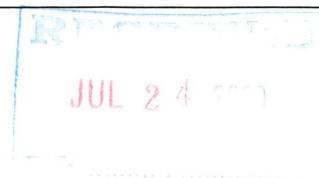
2. Description of proposal/Reason for request (including how the standards for variation are met, any unique circumstance of the property, or particular hardship):

DESCRIBE THE UNIQUE CIRCUMSTANCES OF THE PROPERTY:

COURTYARD AREA - FENCED IN AREA TO ENJOY OUR NEW HOME.
LOOKING TO DO SOME PRIVATE FENCING (5 FOOT FENCE) BECAUSE
EVERYONE CAN GET/SEE IN FRONT YARD/LIVING SPACE. AS SOMEONE
WHO EVERYONE SEEMS TO KNOW (BUSINESS OWNER) IT'S NICE TO HAVE A LITTLE PRIVACY.

IS THE HARDSHIP SELF-CREATED?

No



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

NOT TO MY KNOWLEDGE

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

NO - IT WILL ENHANCE THE COMODOL & INTEGRITY OF THE HOME (MID-CENTURY MODERN)

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY?

NO

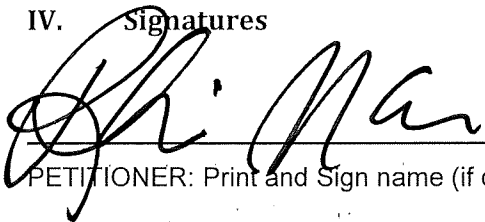
WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?

NO

3. List any previous variations that are approved for this property:

NONE

IV. Signatures

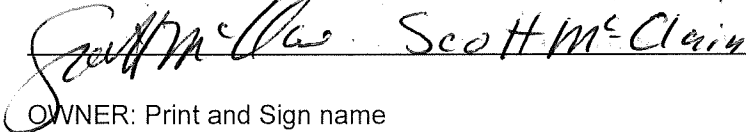


PETITIONER: Print and Sign name (if different from owner)

7/16/20

Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

 Scott McClain

OWNER: Print and Sign name

7/19/20

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.

STATE OF ILLINOIS

COUNTY OF MCHENRY

IN THE MATTER OF THE APPLICATION OF

370 DOWE LANE / RHIENNA McCLAIN
(Name)

As represented by _____
(Name, if different than applicant)

AFFIDAVIT

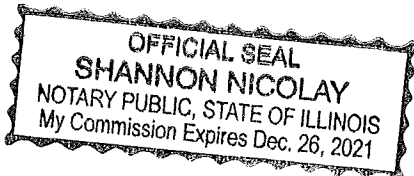
_____, being first duly sworn on oath deposes and states as follows:
(Name)

- 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 AUG 19, at 7:00 p.m., at the City of Crystal Lake 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 ~~SEPT~~ JULY 29 2020
(Meeting date) (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 JULY 29 2020
(Date)

RHIENNA McCLAIN
(Name)
[Handwritten Signature]

Subscribed and Sworn to me before
This 29th day of July, 2020

Shannon Nicolay
Notary Public



SHAW MEDIA
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION

Salesperson: BARBARA BEHRENS

Printed at 07/29/20 10:28 by bbehr-sm

Acct #: 10208320

Ad #: 1802024

Status: New

RHIENNA MCCLAIN
330 DOLLE LANE
CRYSTAL LAKE IL 60014

Start: 07/30/2020 Stop: 07/30/2020
Times Ord: 1 Times Run: ***
CLEG 1.00 X 62.00 Words: 223
Total CLEG 62.00
Class: C8100 PUBLIC NOTICES
Rate: LEGAL Cost: 98.58
Affidavits: 1
Ad Descrpt: VARIANCE DOLLE LANE
Descr Cont: 1802024
Given by: RHIENNA MCCLAIN TREVINO
P.O. #:
Created: bbehr 07/29/20 09:31
Last Changed: bbehr 07/29/20 10:28

Contact:

Phone: (815)351-1776

Fax#:

Email: rhienna@1776restaurant.com

Agency:

URL: _____

Source: _____

Section: _____ Page: _____

Camera Ready: N

Group: LEGALS AdType: _____

Misc: _____

Color: _____

Proof: _____

Pickup Date: _____ Ad#: _____

Delivery Instr: _____

Pickup Src: _____

Changes: None ___ Copy ___ Art ___ Size ___ Copy Chg Every Run ___

Coupon: _____

Gang Ad #: _____

Ad Copy Method: _____

Special Instr: _____

COMMENTS:

COPIED from AD 1685806

PUB ZONE EDT TP RUN DATES
NW CL 97 S 07/30
WEB CL 99 S 07/30
APNW CL 97 S 07/30

PAYMENTS:

-- 07/29/2020 98.58 VI *****6214 381127[331873648]

(CONTINUED ON NEXT PAGE)

SHAW MEDIA
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: BARBARA BEHRENS

Printed at 07/29/20 10:28 by bbehr-sm

Acct #: 10208320

Ad #: 1802024

Status: New

PUBLIC NOTICE

**BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL
LAKE, MCHENRY COUNTY,
ILLINOIS**

IN THE MATTER OF THE
APPLICATION OF
Rhienna McClain

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 Rhienna McClain, seeking a fence variation located at 330 Dolle Lane, Crystal Lake, Illinois. PIN 19-05-129-024.

This application is filed for the purpose of seeking a yard abutting a street variation to allow a five-foot fence to have an 16-foot setback, a variation of 14 feet pursuant to Article 3-200 Dimensional Standards, Article 4-700 Fences, Walls & Screening 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 7:00 p.m. on Wednesday, August 19, 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.

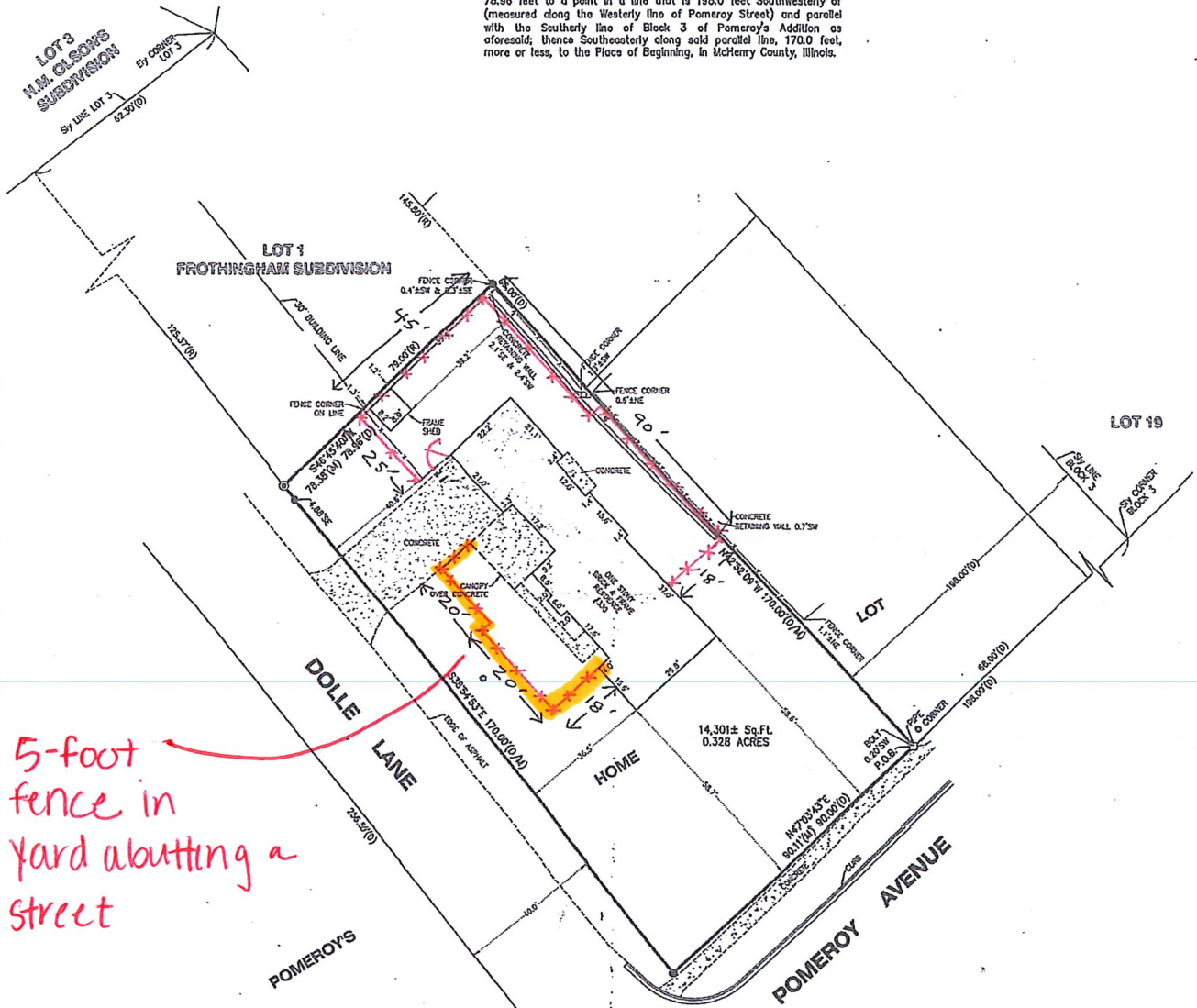
Jeff Greenman, Chairperson
Planning and Zoning
Commission
City of Crystal Lake

(Published in the Northwest
Herald July 30, 2020)
1802024

PLAT OF SURVEY

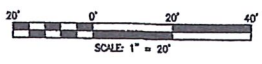
That part of Pomeroy's Home Lot of Pomeroy's Addition to Crystal Lake, being a Subdivision in part of the Northwest Quarter of Section 5, Township 43 North, Range 8, East of the Third Principal Meridian, according to the Plat thereof recorded March 5, 1875 in Book 55 of Deeds, page 612, described as follows: Commencing at the most Southerly corner of Block 3 in said Pomeroy's Addition; thence Southwesterly along the Westerly line of Pomeroy Street 198.0 feet for the Place of Beginning; thence continuing Southwesterly along the Westerly line of Pomeroy Street, 60.0 feet; thence Northwesterly, 170.0 feet along a line that, if extended would intersect the Southerly line of Lot 3 in H. M. Olson's Subdivision, at a point 62.3 feet Southwesterly (measured along said Southerly line) from the most Easterly corner of said Lot 3; thence Northeasterly parallel with the Westerly line of Pomeroy Street, as aforesaid, 78.96 feet to a point in a line that is 198.0 feet Southwesterly of (measured along the Westerly line of Pomeroy Street) and parallel with the Southerly line of Block 3 of Pomeroy's Addition as aforesaid; thence Southeasterly along said parallel line, 170.0 feet, more or less, to the Place of Beginning, in McHenry County, Illinois.

Vanderstappen Land Surveying, Inc.
www.vanderstappen.com
1316 N. Madison St.
Woodstock, Illinois 60098
ph. 815-337-8310 fax 815-337-8314
"Always faithful to the property line"



5-foot fence in yard abutting a street

LEGEND	
○	CLEAN OUT
⋈	DOWN GUY
□	FOUND BOLT
●	FOUND IRON BAR
○	FOUND IRON PIPE
⊙	SET IRON BAR
+	SIGN
⊕	UTILITY POLE
(D)	DEED
(M)	MEASURED
(R)	RECORD



CLIENT: LAW OFFICE OF DAVID J. WOLF, P.C.
DRAWN BY: DAM CHECKED BY: WJV
SCALE: 1"=20' SEC. 05 T. 43 R. 08 E.
BASIS OF BEARING: ASSUMED
P.L.N.: 19-05-129-024
JOB NO.: 190387 I.D. LSS
FIELDWORK COMP.: 6/10/19 BR. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL FEET.
PARTS THEREOF CONNECTED TO 60° F.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- No distance should be assumed by scaling.
- No underground improvements have been located unless shown and noted.
- No representation as to ownership, use, or possession should be hereon implied.
- This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

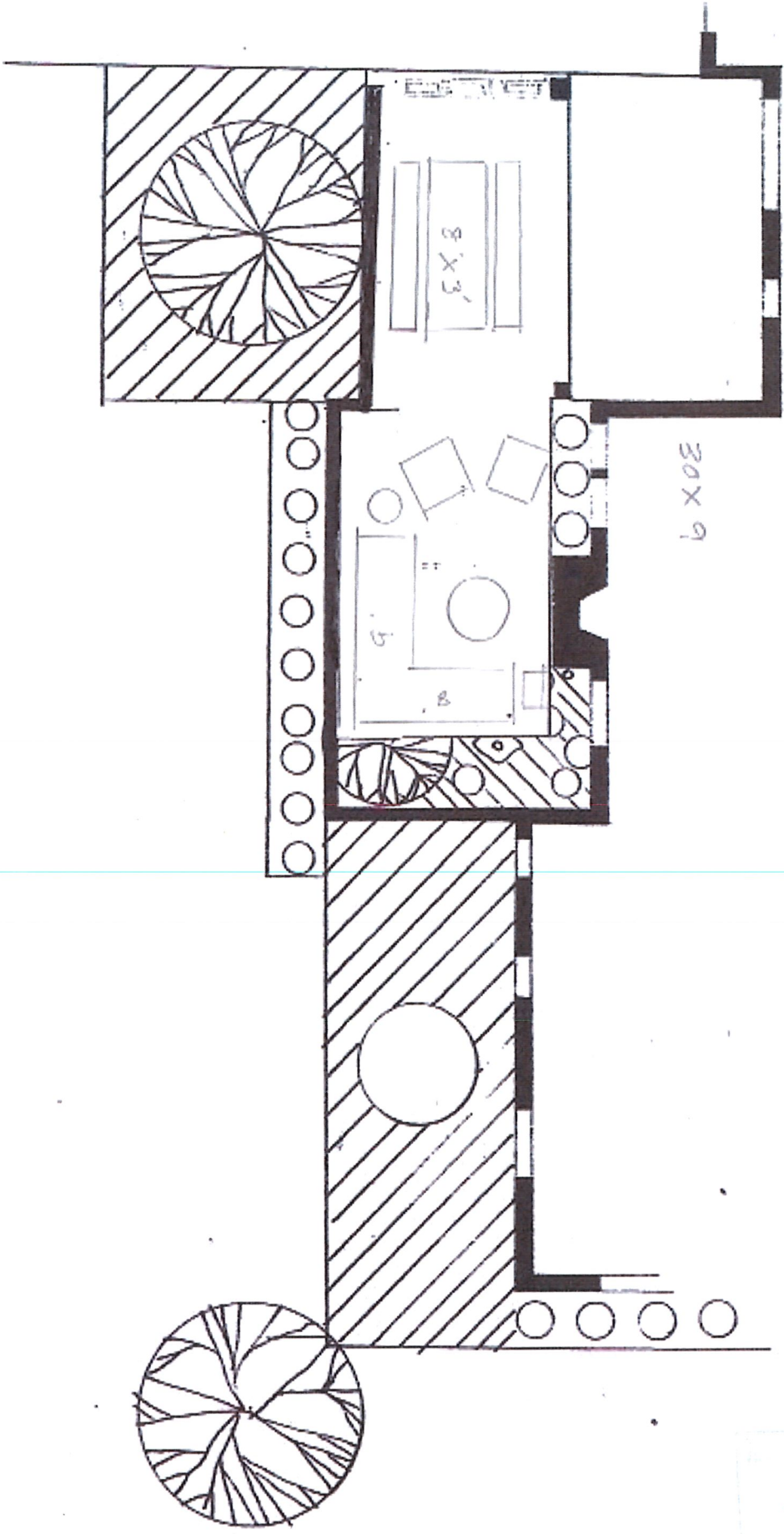
STATE OF ILLINOIS) } S.S.
COUNTY OF McHENRY)

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 6/12 A.D., 20 19.
Vanderstappen Land Surveying Inc.
Design Firm No. 184-002792

By: *William J. Vanderstappen*
Illinois Professional Land Surveyor No. 2709

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.



REVISED
JUL 24 2020