



**#2020-00154**  
**1410 Gardina Vista – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	October 21, 2020
<b><u>Request:</u></b>	A variation from Articles 3-200 and 4-700 to allow a 5-foot yard abutting a street setback, a variation of 16 feet for a six-foot fence.
<b><u>Location:</u></b>	1410 Gardina Vista
<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-2 – Single-Family Residential
<b><u>Staff Contact:</u></b>	Katie Cowlin (815.356.3798)

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**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 six-foot fence would be required to have a 21-foot setback since the lot is a nonconforming lot.

**Development Analysis:**

**General:**

- **Request:** The petitioner is requesting a variation to allow a 5-foot yard abutting a street setback for a six-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 six-foot fence to have a 5-foot setback, a variation of 16 feet.

- The subject property does not meet the dimensional standards for a corner lot in the R-2 zoning district. Therefore, the lot is a nonconforming lot.
- Nonconforming lots have a 21-foot setback for the yard abutting a street. The subject property is 50 feet in width, which would result in the fence being located approximately halfway into the lot.
- The property has an existing three-foot fence and the petitioner would like to remove and replace it with a six-foot fence.
- The proposed fence would be located five feet from the property line, which is less than one-foot from the back of the sidewalk. The petitioner provides no hardship for the variation request.
- Character of Heather Drive:
  - The petitioner referenced two properties in their application that have 6-foot fences on Heather Drive. 145 Heather Drive received a permit for the 6-foot fence in 1995 and 173 Heather Drive received a permit for a fence in 1977. These properties were issued permits prior to the current standards are allowed to maintain the nonconforming fences.
  - There are no other properties along the east side Heather Drive that have six-foot fences within the setback.

Recommended Condition:

- A recommended condition of approval is a requirement that the fence be a style that is 50% open. Below are examples of fencing that is at least 50% open.

			
Wood	Aluminum	Iron	Wood

- This would allow for the petitioner to have the fence and also allow the neighbor to have visibility to the street from the driveway.

**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 5-foot yard abutting a street setback, a variation of 16 feet for a six-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 (Luzzi, received 08/27/2020)
  - B. Plan (Luzzi, received 0/27/2020)
2. The six-foot fence must be a style that is at least 50% open, in order to limit the impact on the neighborhood.
3. The petitioner shall address all of the review comments and requirements of the Community Development Department.

PIQ – 1410 GARDINA VISTA – VARIATION FOR A FENCE





**Application for Simplified Residential Variation**

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

**I. Applicant**

James Luzzi  
Name

1410 Gardina Vista  
Street

Crystal Lake IL 60014  
City State Zip Code

(773) 418-7356 emprex25231@Yahoo.com  
Telephone Number Fax Number E-mail address

**II. Owner of Property (if different)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address Telephone Number

**III. Project Data**

1. a. Location/Address: 1410 Gardina Vista

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: Property yard is setback far enough to not affect view with a 6 ft fence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
IS THE HARDSHIP SELF-CREATED?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

yes However there are 2 corner lot homes with a 6 foot fence.

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; SUBSTANTIALLY INCREASE THE DANGER OF FIRE; OR ENDANGER PUBLIC SAFETY? NO


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

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.



8/25/2020

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 NOTICES**

Club Road, Woodstock, Illinois (13-05-478-023). A copy of the petition which is the subject of this public hearing is on file and available for public viewing at Woodstock City Hall.

Pursuant to Governor Pritzker's Executive Order No. 2020-33 (COVID-19 Executive Order No. 31) and Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), certain rules of the Open Meetings Act are suspended - specifically the Executive Order permits remote public meetings. In light of the current COVID-19 public health emergency, it is impractical for the Plan Commission to meet in-person so the meeting will be held remotely.

If you wish to listen to the meeting live, a call-in number will be available on the City's website, [www.woodstockil.gov](http://www.woodstockil.gov), no less than 48 hours in advance of the Thursday, October 22, 2020 meeting. Members of the public will also have an opportunity to participate in the public commentary and hearing portions of the meeting by phone, if they choose to do so. Written comments may be submitted to the Department of Building & Zoning Department at City Hall on or before 5:00 p.m. on the day of the hearing.

/s/ Cody Sherriff,  
Plan Commission Chair

(Published in the Northwest Herald October 6, 2020) 1823800

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

IN THE MATTER OF THE  
APPLICATION OF

James Luzzi

**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 James Luzzi, seeking a fence variation located at 1410 Gardino Vista, Crystal Lake, Illinois. PIN 18-01-155-016.

**PUBLIC NOTICES**

The application is filed for the purpose of seeking a yard abutting a street variation to allow a six-foot fence to have a five-foot setback, a variation of 16 feet pursuant to Article 3-200 Dimensional Standards, Article 4-700 Fences, Walls & Screening, Article 7-200 Nonconforming recorded lot and Article 8-200(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, October 21, 2020, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person desiring to be heard may be present.

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

(Published in the Northwest Herald October 6, 2020) 1823783

**ASSUMED NAME****PUBLIC NOTICE**

**ASSUMED NAME  
PUBLICATION NOTICE**

Public Notice is hereby given that on AUGUST 7, 2020, a certificate was filed in the Office of the County Clerk of McHenry County, IL concerning the business known as

**AMERICAN IMAGE**

located at:  
1117 W. ALGONQUIN  
RD.,  
ALGONQUIN IL 60102  
Owner name and address:  
MANUEL J. BONILLA  
383 COUNCIL TRAIL  
LAKE IN THE HILLS IL  
60156

JORGE BONILLA  
214 ENSENADA DR.,  
CARPENTERSVILLE IL  
60110

Dated: AUGUST 7, 2020  
/s/ Joseph J. Tink  
McHenry County Clerk

**ASSUMED NAME**

(Published in the Northwest Herald on September 22, 2020, October 6, 2020) 1818766

**PUBLIC NOTICE**

**ASSUMED NAME  
PUBLICATION NOTICE**

Public Notice is hereby given that on September 15, 2020, a certificate was filed in the Office of the County Clerk of McHenry County, IL concerning the business known as

**KOH CREATIVE MEDIA**

located at  
714 POINTE DR.,  
SUITE K,  
CRYSTAL LAKE IL 60014

Owner Name & Address:  
KESS M. O'HALLORAN  
714 POINTE DR.,  
SUITE K,  
CRYSTAL LAKE IL 60014

Dated: September 15, 2020  
/s/ Joseph J. Tink  
McHenry County Clerk

(Published in the Northwest Herald on September 22, 2020, October 6, 2020) 1818424

**PUBLIC NOTICE**

**ASSUMED NAME  
PUBLICATION NOTICE**

Public Notice is hereby given that on September 28, 2020, a certificate was filed in the Office of the County Clerk of McHenry County, IL concerning the business known as

**WATERSTONE HARD  
LANDSCAPING**

located at  
1105 OBRIEN ST,  
HARVARD IL 60033

Owner Name & Address:  
NOE SANCHEZ  
1105 OBRIEN ST  
HARVARD IL 60033

Dated: September 28, 2020  
/s/ Joseph J. Tink  
McHenry County Clerk

(Published in the Northwest Herald on October 6, 13, 20, 2020) 1823656

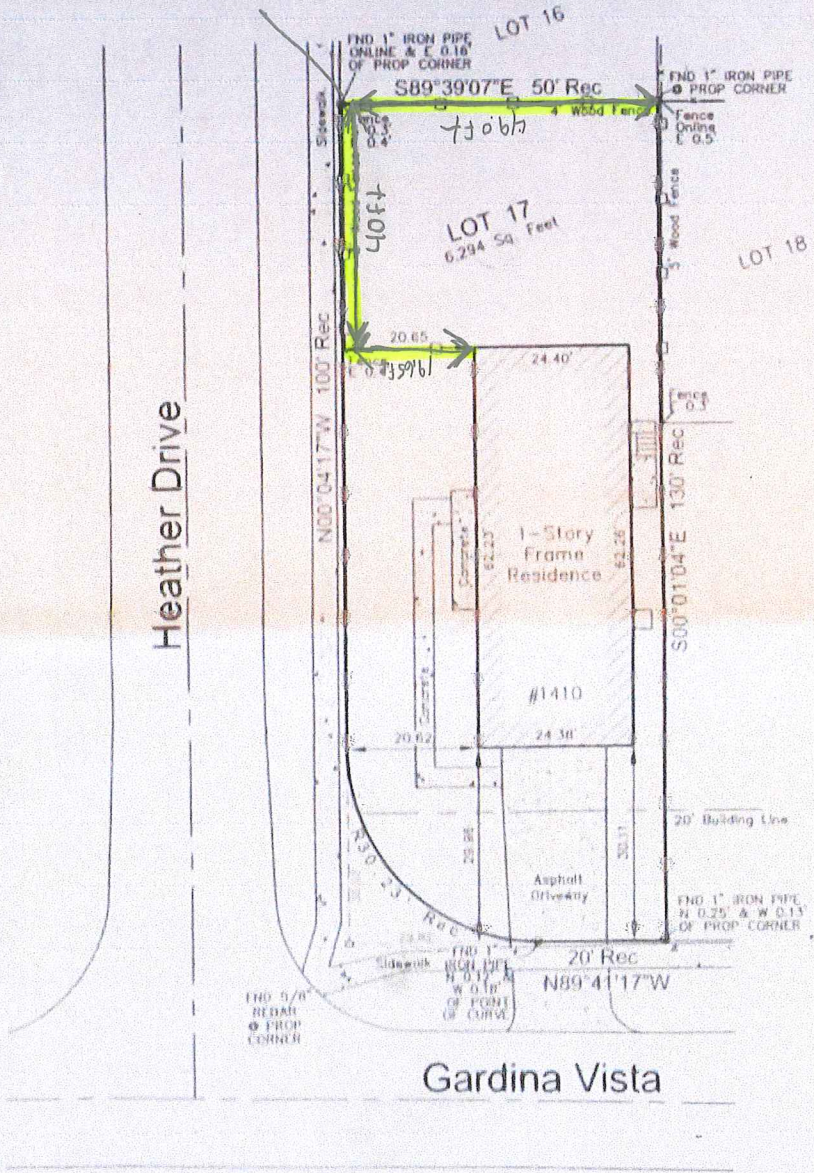




# Plat of Survey

LEGAL DESCRIPTION: LOT 17 IN BLOCK 39 IN R.A. CEPEK'S CRYSTAL VISTA, A SUBDIVISION OF PART OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1927 AS DOCUMENT NO. 76823, IN BOOK 6 OF PLATS, PAGE 18, IN MCHEMRY COUNTY, ILLINOIS.

6ft Fence  
1ft Set back  
From Sidewalk



STATE OF ILLINOIS  
DEPARTMENT OF LAND SURVEY  
OFFICE OF THE PROFESSIONAL LAND SURVEYOR  
CRYSTAL LAKE, ILLINOIS



**Luco Construction Company**  
Professional Design Firm No. 184-00020  
5410 Ave. Crystal Lake, Illinois 60014  
Phone: 815.821.2344      Email: LucoDesign@comcast.net

Common Address: 1410 Gardina Vista, Crystal Lake  
PIN # 18-01-155-016

Job Number: 17-42648      Drawn By: JJA

Client: Clark      Reference: Kelley

Field Work Completion: 5-24-17

Revisions:

**LEGEND**

- Set Pt
- End Pt
- ✕ End X
- ⊙ End P.R.
- ▭ Wood Fence
- ▭ Concrete
- ▭ Steel Deck
- ▭ Brick