



**#2020-186**  
**791 North Shore – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	December 2, 2020
<b><u>Request:</u></b>	Variation from Article 4 Section 4-700 3. b. allowing a 4-foot fence with a zero-foot setback instead of the required 5-foot setback.
<b><u>Location:</u></b>	791 North Shore
<b><u>Acreage:</u></b>	Approximately 5,000 square feet
<b><u>Existing Zoning:</u></b>	R-2 Single Family
<b><u>Surrounding Properties:</u></b>	North: R-2 Single Family South: R-2 Single Family East: R-2 Single Family West: R-2 Single Family
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

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**Background:**

- The property is a single-family home bounded on three sides by streets. The frontage along Clow Street is considered the corner side yard.
- Fences are permitted in the corner side yard with 3-foot tall fences permitted at the property line and 4-foot tall fences permitted with a 5-foot setback. The petitioner is requesting a 4-foot fence at the property line instead of setback 5 feet and only in the area between the house and the garage.

**Development Analysis:**

**General**

- **Request:** The petitioner is requesting a variation from the 5-foot setback for a 4-foot high fence in the corner side yard.
- **Zoning:** The site is zoned R-2 Single Family and located in the Crystal Lake Watershed. This property is used as a single-family home.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

**Project Analysis:**

- The proposed fence would run along the side property lines between the house and the garage.

- The required setback along Clow Street is 5 feet, the fence would meet the setback requirements along all other boundaries.
- The fence is an open wire fence with cedar top, bottom and posts. The fence would be see through as to not impact any visibility of the sidewalk or 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:** 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 4 Section 4-700 3. b. allowing a 4-foot fence with a zero-foot setback, a variation of 5 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*

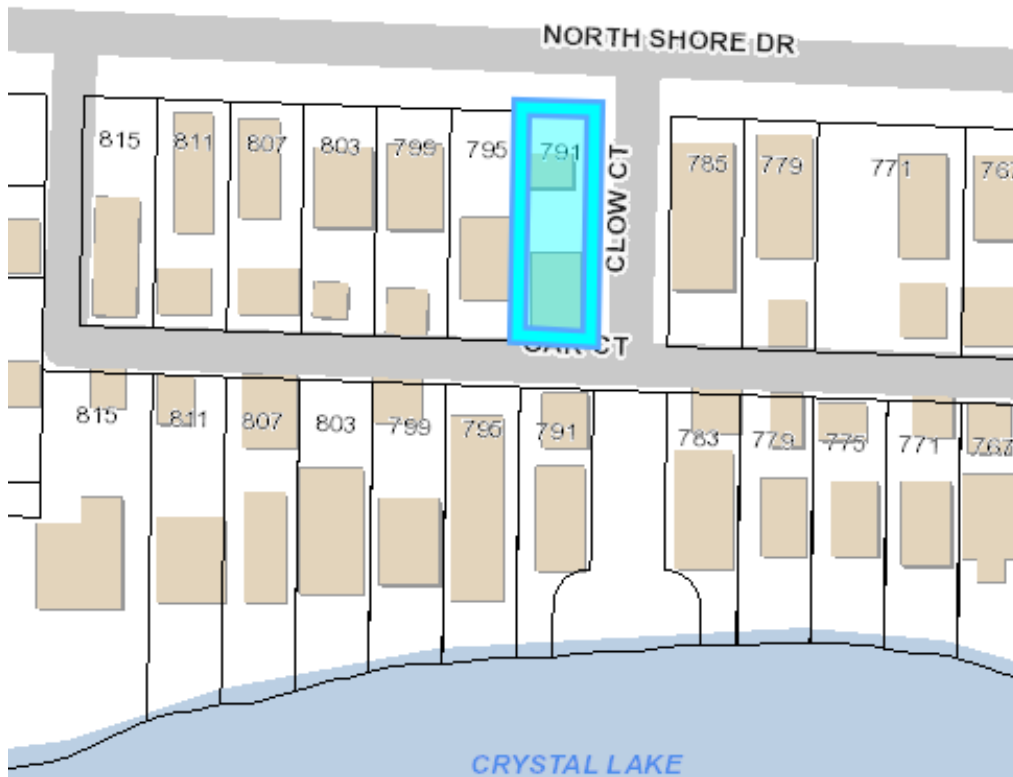
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

**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 (Doherty, received 07/28/20)
  - B. Fence Plans (Doherty, undated, received 09/16/20)
  
- 2. The 4-foot fence cannot be extended into the front yard or rear yard abutting a street.
  
- 3. The fence material must remain see-through in nature, not becoming more opaque than is shown in the approved Fence Plans.
  
- 4. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ Map  
791 North Shore





**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: Patrick Doherty

Address: 791 North Shore

Phone: \_\_\_\_\_

E-mail: patrick.doherty@abt.com

Project Name & Description: New 4-foot fence along property line, variation from the 5-foot setback.

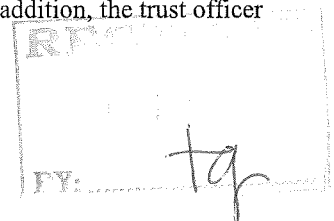
Project Address/Location: 791 North Shore

Signature

Owner: Print and Sign name

Date

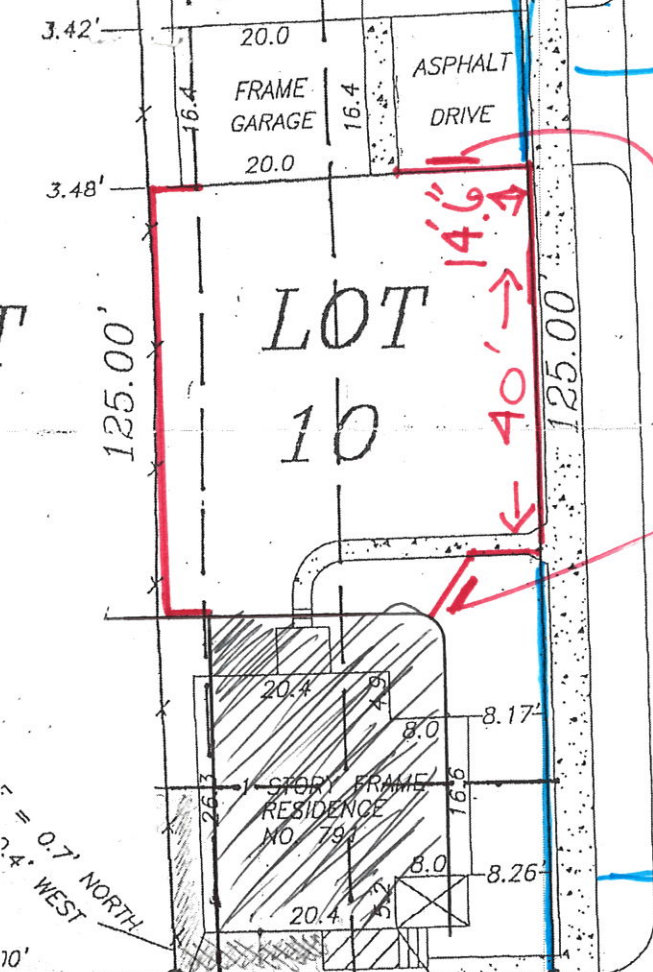
NOTE: If the property is held in a trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.



PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE APPLICATION OF Patrick Doherty 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 by Patrick Doherty for approval of a variation allowing a fence in the yard abutting a street at the following real estate known as 791 North Shore Drive, Crystal Lake, Illinois 60014, PIN: 19-06-110-007. This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from the required 5-foot setback for a four-foot fence in the yard abutting a street, allowing a zero foot setback pursuant to Article 3, Article 4, and Article 9. 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 7:00 p.m. on Wednesday, December 2, 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 November 14, 2020)1835318

We are looking for a permit to build a 48" to 54" tall fence on the property line. The fence will be open wire with cedar framing.

The fenced in area will be 40' wide between the house and the garage. This will allow for 40' of open space, non-fenced, on both the south and north sides of each side of the fence.



**40' open Area**

**40' open Area**

**GATE**

**GATE**

Fence will start 93' from the South end of the Lot and end at the GARAGE!

**MAKING CITY COPY**

This Plan: 791 N. Shore  
 Dated: 7-8-10 Specifications And  
 Permit No. 10-1006 Shall Comply  
 With The Regulations As Set Forth In The  
 City of Crystal Lake Codes And Ordinances  
 By: MB Dated: 7-8-10

**COURT APPROVED**

**WITH CONDITIONS**



Scale 1" = 20'

Iron stakes set

Iron stakes found

Distances are given in feet & decimals

DIMENSIONS OR ANGLES ARE NOT TO BE ASSUMED FROM SCALING.

DATE: AUGUST 14, 2001

STATE OF ILLINOIS, } SS  
 COUNTY OF McHENRY }

This is to certify that we have surveyed the above described property according to the Official Record, and the above plat correctly represents said survey.

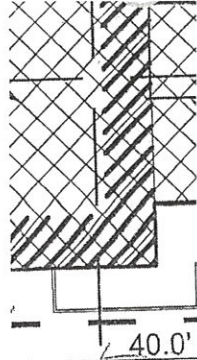
*Ronald Leipnitz*  
 ILL. PROF. SURVEYOR NO 2016

Workings with this plat and AT ONCE report any discrepancies which you may find.

**RECEIVED**

SEP 16 2020

BY: .....



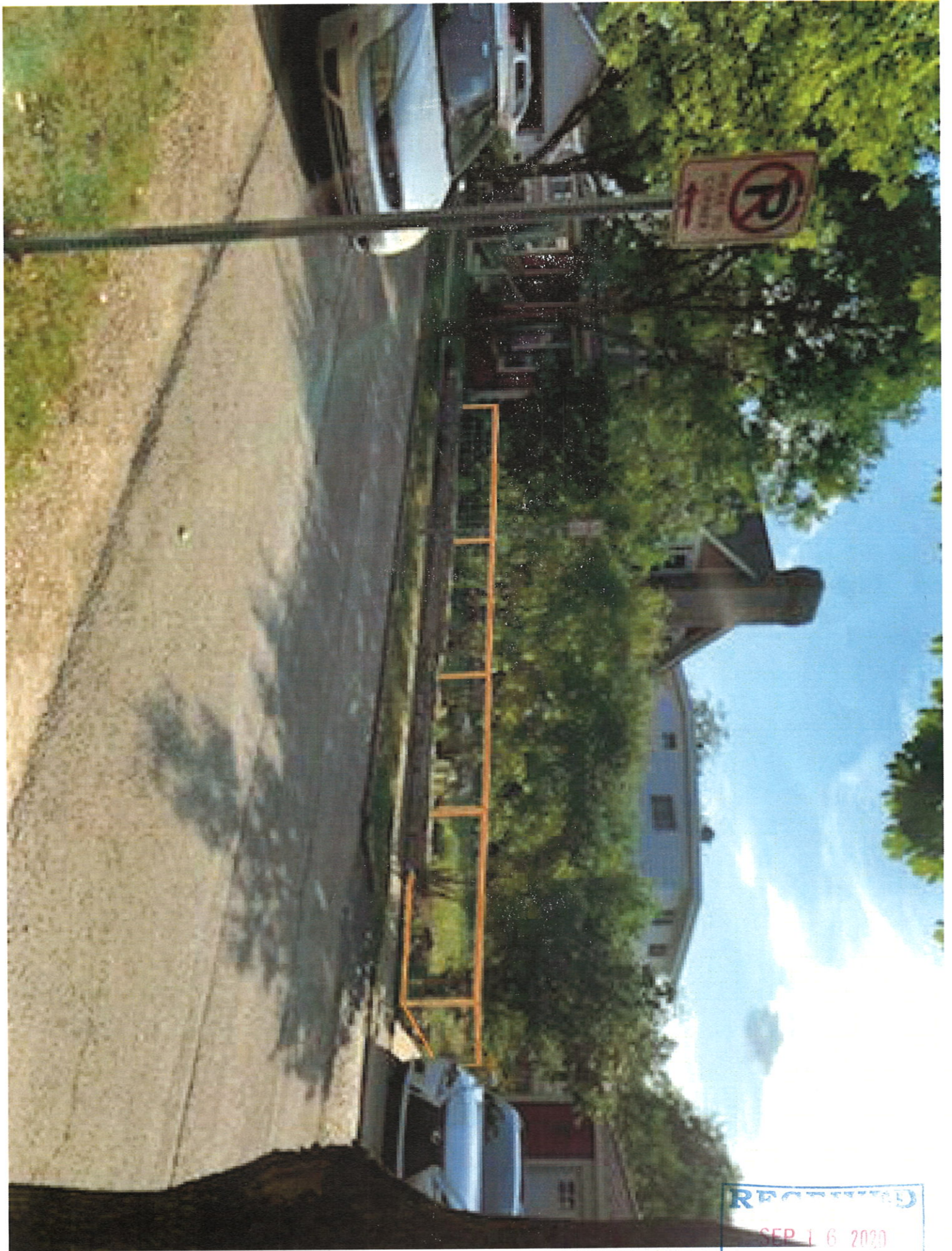
**R T**

GENERAL NOTES, S  
 ROUND FLOOR  
 M.L.S.  
 WALL SECTION.  
 ELECTRICAL NO  
 PROGRAM, PLUMBING

DEAD LOAD
20 PSF
10 PSF
10 PSF
10 LBS

SCHEDULE	
VENT. REQ'D	VEN PRC
15.2	
2.4	
3.3	
5.2	
	5.7





No Right Turn

RECEIVED  
SEP 16 2020  
BY: .....

EX AMPLE



Example

BY: .....



RECEIVED  
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WELLS  
2023