



#2021-53
795 Oak Court – Variation
Project Review for Planning and Zoning Commission

Meeting Date: May 5, 2021

Request: Variation from Article 4 Section 4-700 allowing a 6-foot-high fence in the front yard setback 34 feet back from Crystal Lake, a variation of 17.84 feet and a 6-foot-high fence in the yard abutting a street along Oak Court 19 feet back, a variation of 35.84 feet.

Location: 795 Oak Court

Acreage: Approximately 6,000 square feet

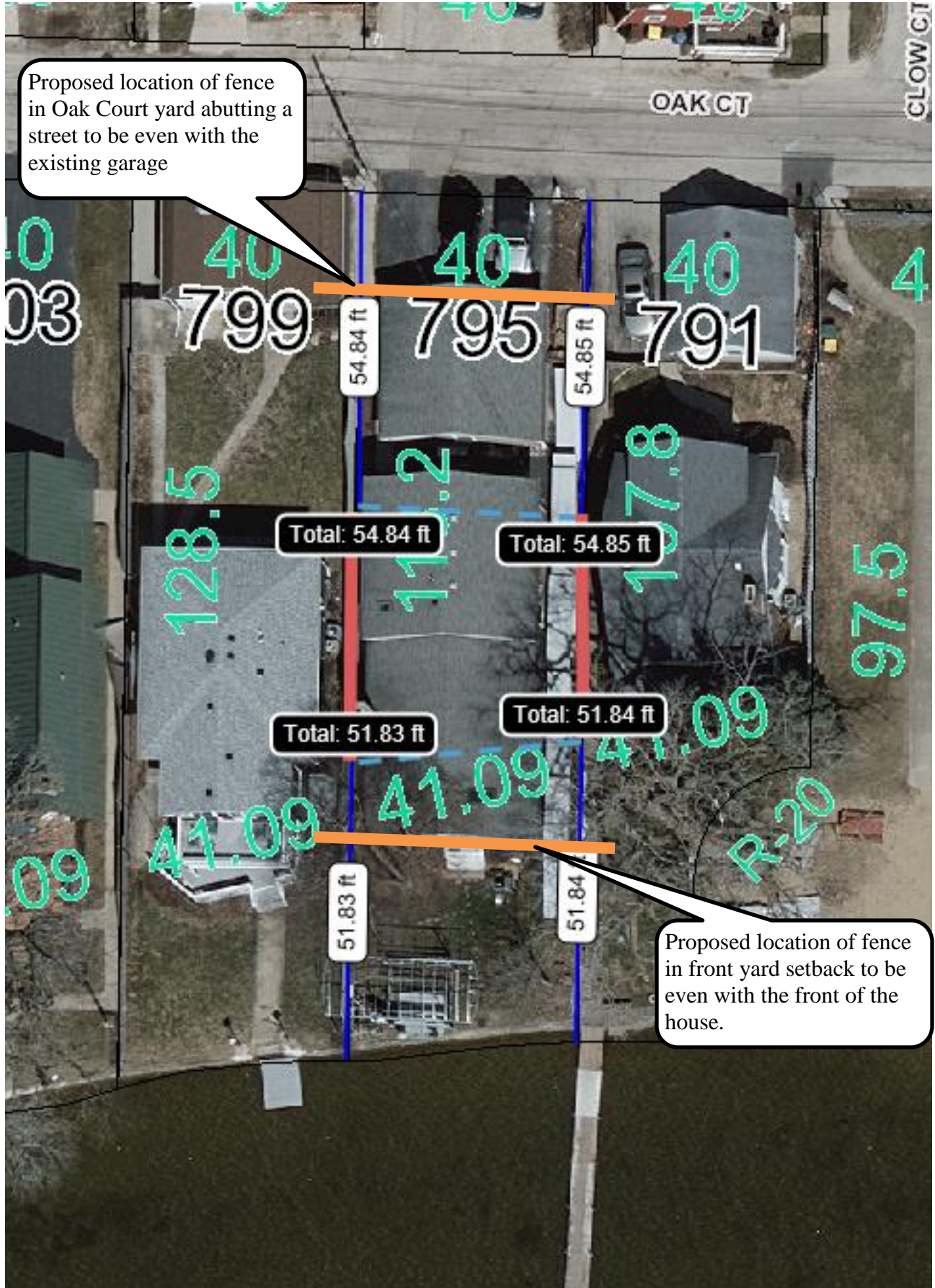
Existing Zoning: R-2 Single Family

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 a single-family home on an existing narrow 40-foot-wide lot. The front yard setback is along Crystal Lake and the yard abutting a street is along Oak Court.
- Fences in the front yard or yard abutting a street setback shall not exceed 3 feet in height.
- The petitioner is requesting a 6-foot-high fence in the front yard, which is the yard abutting Crystal Lake. The front yard is determined by the average of the homes within 400 feet. The average is 51.84 feet. This falls approximately 14 feet into the existing house footprint.
- The petitioner is requesting a 6-foot-high fence in the yard abutting a street setback, which is the setback along Oak Court. The yard abutting a street is determined by the average of the homes within 400 feet. The average is 54.84 feet. This falls approximately 5 feet into the existing house footprint.
- The illustration below depicts the setback lines (dashed blue line) and the proposed fence locations (thick orange line).



Development Analysis:

General

- Request: The petitioner is requesting a variation from the maximum 3-foot fence height in the front yard setback and the yard abutting a street setback, to allow a 6-foot-high fence to encroach 17.84 feet into the front yard setback and 35.84 feet into the yard abutting a street setback.
- Zoning: The site is zoned R-2 Single Family. 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 parallel to the front of the house and parallel along the front of the garage and not extend farther into the setbacks than the existing structures.

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 allowing a 6-foot-high fence to encroach 17.84 feet into the front yard setback and 35.84 feet into the yard abutting a street setback.

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*

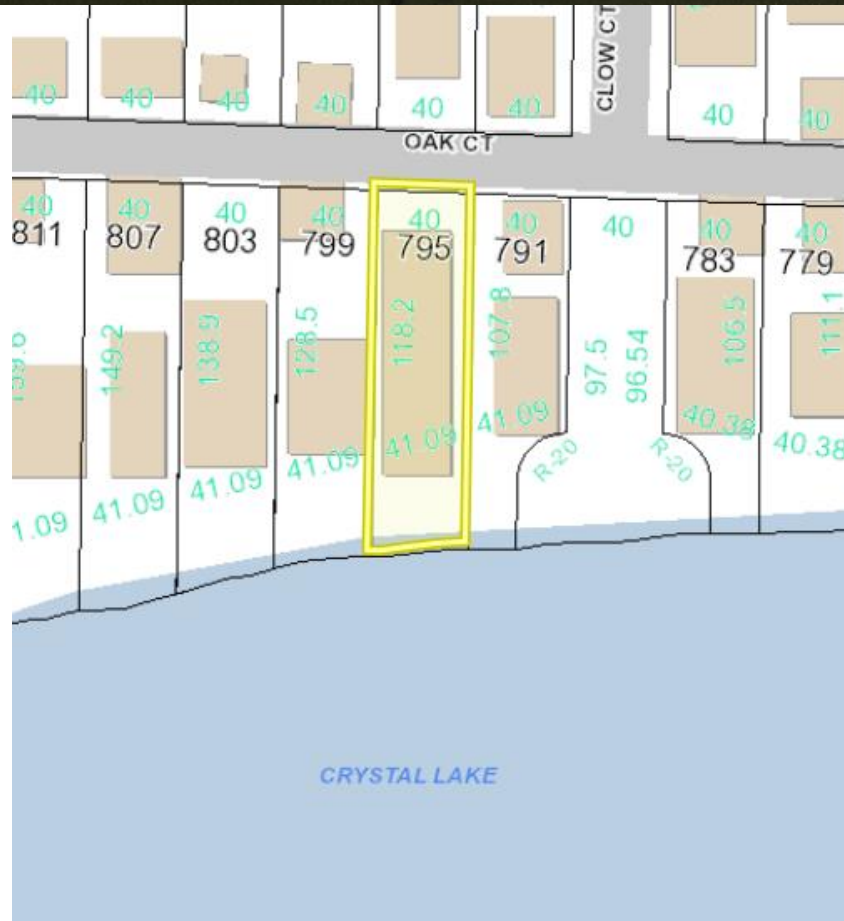
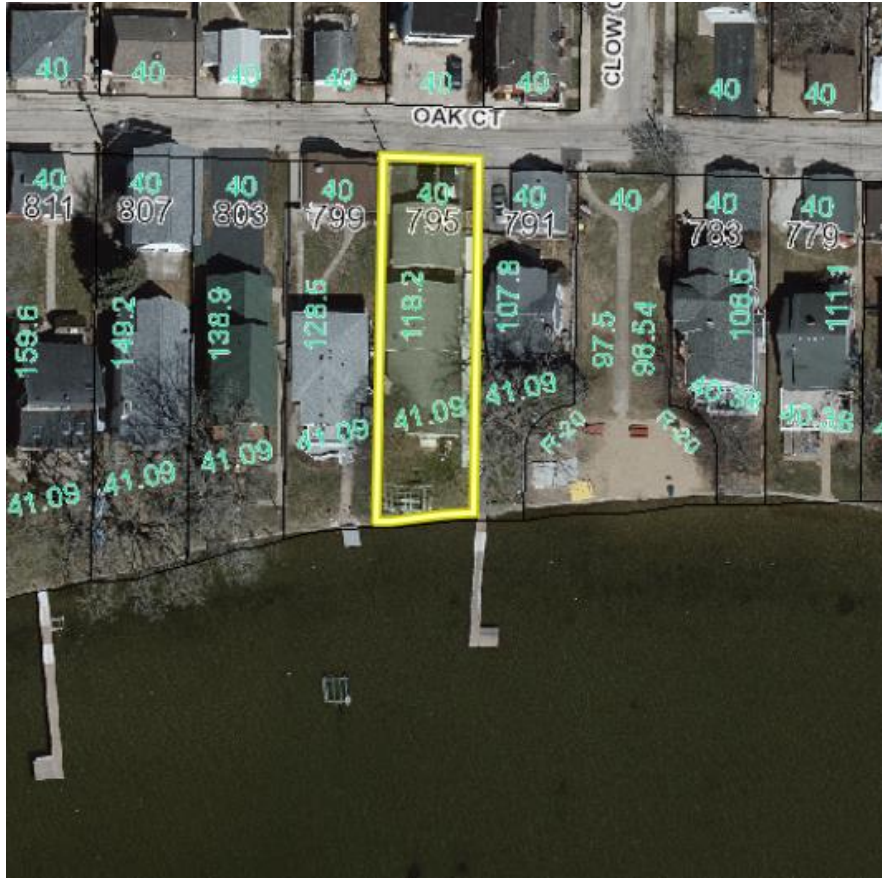
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

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 (Greenwald, received 04/05/21)
 - B. Fence Plans (Greenwald, undated, received 04/05/21)
 - C. Plat of Subdivision (Dembrowski Assoc. dated 08/96, received 04/05/21)
2. The 6-foot fence cannot be extended beyond the front of the house towards the lake nor beyond the front of the garage towards the street.
3. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ MAP
795 Oak Court



Application for Simplified Residential Variation

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

I. Applicant

Todd Greenwald & Tara Rand

Name

795 Oak Ct

Street

Crystal lake

IL

60014

City

State

Zip Code

224-588-2518

getrusty@me.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: 795 Oak Ct Crystal Lake, IL 60014
b. PIN #: 19-06-176-018
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:
The garage is already along this portion of the lot. Replacing the fence with a 6' 0" fence would not be blocking sightlines that are not already blocked by the garage.

IS THE HARDSHIP SELF-CREATED?

Yes since the cottage character of the lots are small and narrow in style.

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

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; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?


No to all questions in this section

3. List any previous variations that are approved for this property: None

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.

Todd Greenwald  04/05/2021

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.

Publication Name:

Northwest Herald

Publication URL:

www.nwherald.com

Publication City and State:

Crystal Lake, IL

Publication County:

McHenry

Notice Authentication Number:

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Notice URL:

[Back](#)

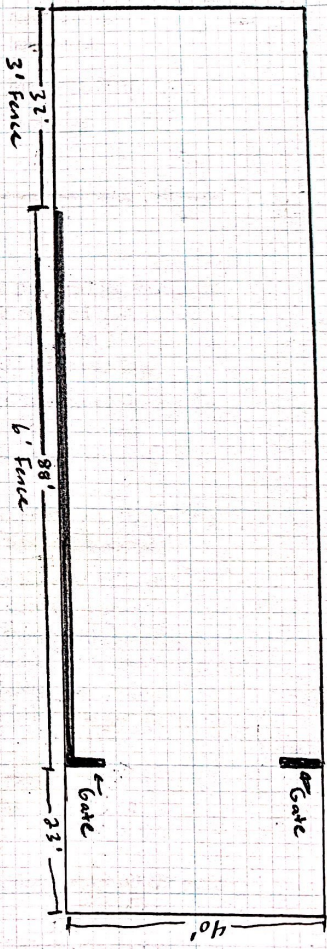
Notice Publish Date:

Saturday, April 17, 2021

Notice Content

PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS N THE MATTER OF THE APPLICATION OF Todd Greenwald and Tara Rand 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 Todd Greenwald and Tara Rand for approval of a variation allowing a 6-foot fence in the front yard and yard abutting a street setback at the following real estate known as 795 Oak Court, Crystal Lake, Illinois 60014, PIN: 19-06-176-018. This application is filed for the purposes of seeking a Simplified Residential Zoning Variation to allow a 6-foot high fence in the front yard setback along Crystal Lake 34 feet back from the property line, a variation of 17.84 feet to allow the fence at the front of the home and a 6-foot fence in the yard abutting a street setback along Oak Court 19 feet back from the property line, a variation of 35.84 feet to allow the fence at the front of the garage, pursuant to Article 3, Article 4, Article 7, 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, May 5, 2021, 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 Northwest Herald April 17, 2021)1877204

Crystal lake



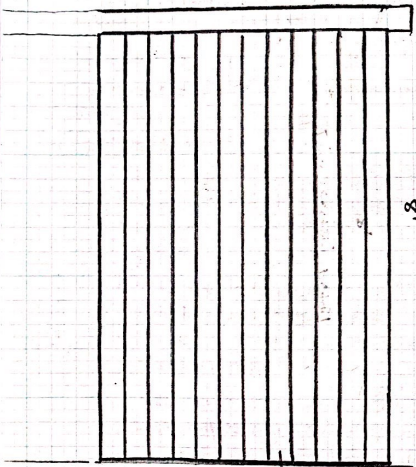
Fence section Detail

8'

6'

6" x 6" post

5/4 Cedar Boards





PLAT OF SURVEY



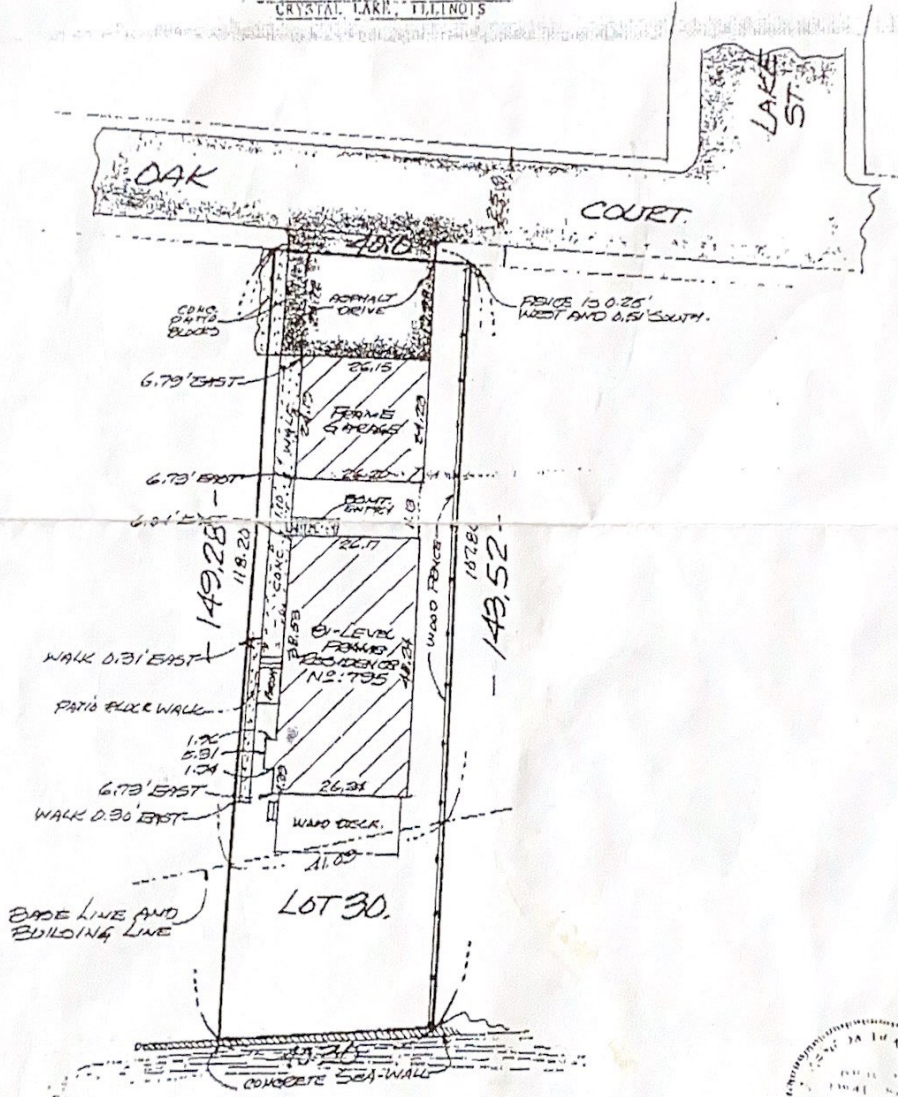
ARCHITECTURAL - INDUSTRIAL - LOTS - FARMS - SUBDIVISIONS - MORTGAGE - CONDOMINIUMS



BY
E. DEMBROWSKI & ASSOCIATES, INC.
 Registered Land Surveyors
 of

LOT 30 IN FIRST ADDITION TO CLON'S CRYSTAL LAKE PARK, A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 1923, AS DOCUMENT NO. 58198 IN BOOK 4 OF PLATS, PAGE 81, IN McHENRY COUNTY, ILLINOIS

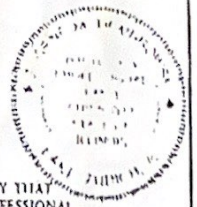
COMMONLY KNOWN AS 795 OAK CT.
 CRYSTAL LAKE, ILLINOIS



CRYSTAL LAKE

STATE OF ILLINOIS
 COUNTY OF LAKE

WE, E. DEMBROWSKI & ASSOCIATES, DO HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE UNDER ITS DIRECTION BY A REGISTERED PROFESSIONAL ILLINOIS LAND SURVEYOR OF THE PROPERTY DESCRIBED HEREON, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.



NOTE
 THESE PLATS ARE NOT TO BE ASSUMED OR REAPED UNLESS ALL WORK IS DONE IMMEDIATELY AFTER ANY REPAIRS IMMEDIATELY THE LEGAL TO BE RETURNED TO THE SURVEYOR FOR USE IN PREPARATION OF THE SURVEY AND MUST BE COMPARED TO THE ORIGINAL SURVEY AND MUST BE RETURNED TO THE SURVEYOR IMMEDIATELY AFTER THE SURVEY IS COMPLETED FOR THE RECORDED SUBDIVISION PLAT

Order No. 96108
 Scale 1 inch = 20 feet
 Date APRIL 27, 1996

E. DEMBROWSKI & ASSOCIATES, INC.
 172 PARKWAY AVE.
 LAKE ZURICH, ILL. 60047-1324
 PHONE: 847-540-9171
 FAX: 847-540-9172

E. Dembrowski
 REGISTERED ILLINOIS LAND SURVEYOR
 NO. 015 001029
 EUGENE M. DEMBROWSKI