



**#2021-69**  
**164 Center Street – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	May 19, 2021
<b><u>Request:</u></b>	Variation from Article 4 Section 4-700 3. a. and b. allowing a 5-foot fence 5 feet from the property line in the front yard, a variation of 25 feet.
<b><u>Location:</u></b>	164 Center Street
<b><u>Acreage:</u></b>	Approximately 15,000 square feet
<b><u>Existing Zoning:</u></b>	R-3A Two-Family Residential
<b><u>Surrounding Properties:</u></b>	North: R-3A Two-Family Residential South: R-3A Two-Family Residential East: R-3A Two-Family Residential West: R-3A Two-Family Residential
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

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**Background:**

- The property is a single-family home on a curved street creating a triple frontage lot between Center Street and Dole Avenue.
- Fences along the street side of a property are permitted at 3 feet in height. The petitioner is requesting a 5-foot-high wooden fence 5 feet from the property line along Dole Avenue, up to the 5-foot landscape easement.

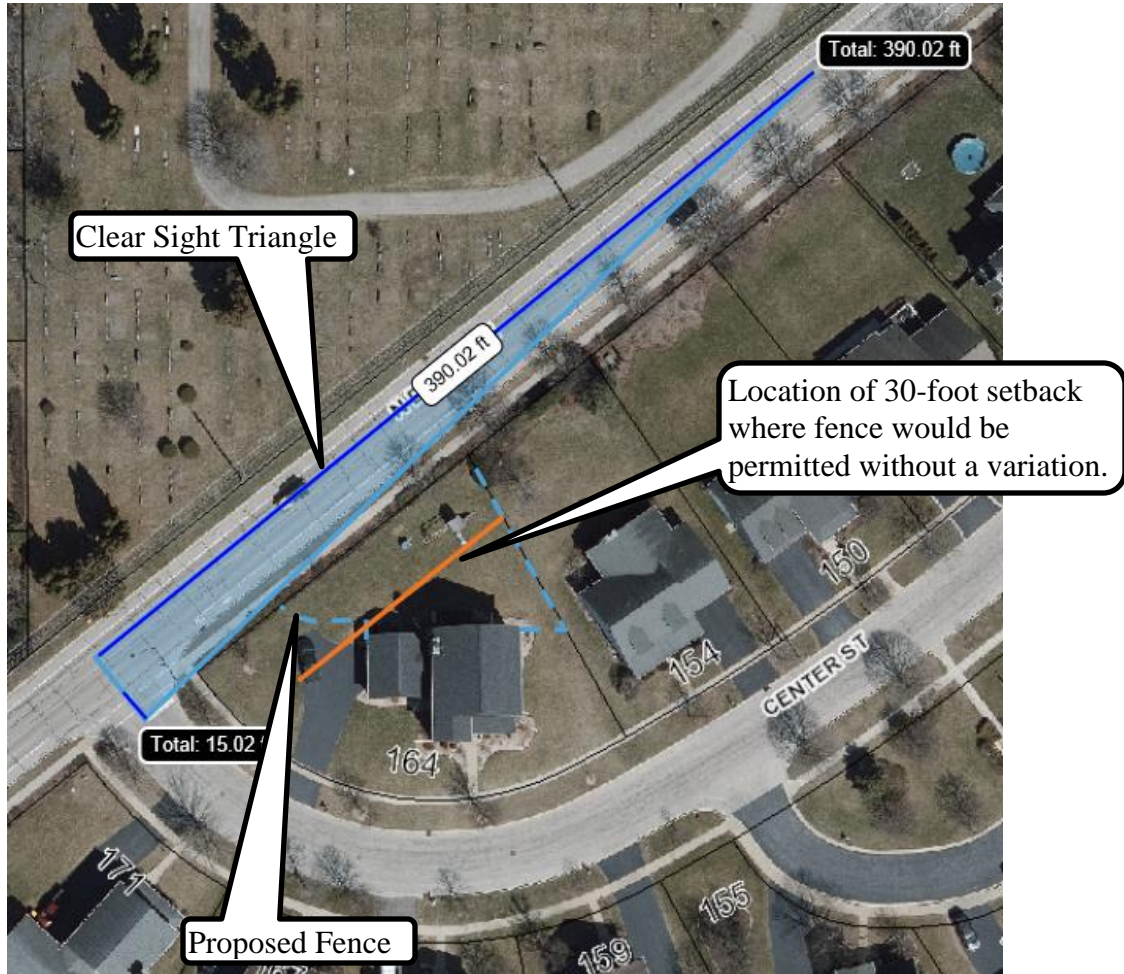
**Development Analysis:**

**General**

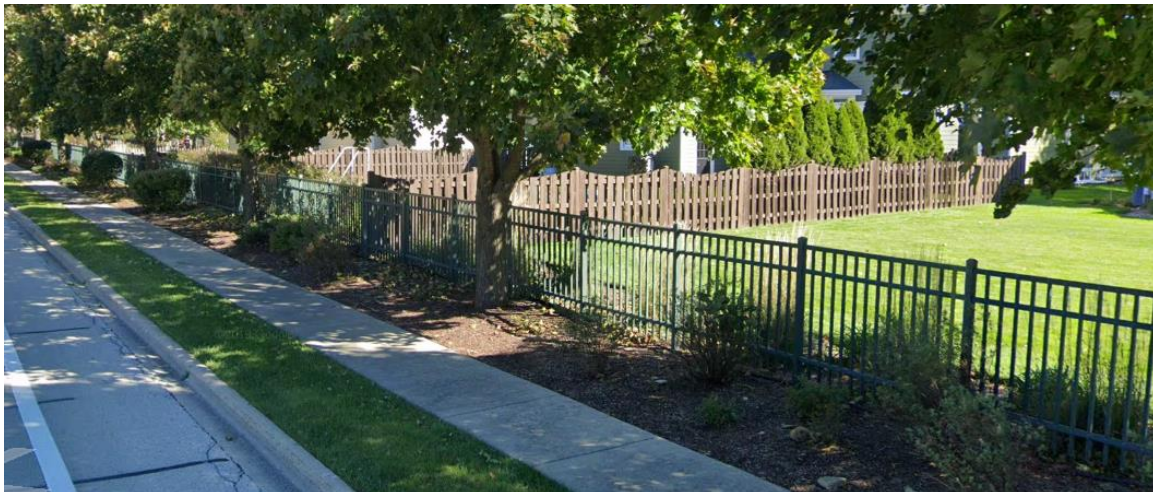
- **Request:** The petitioner is requesting a variation from the 30-foot setback allowing a 5-foot-high fence 5 feet from the property line along Dole Avenue.
- **Zoning:** The site is zoned R-3A Two Family. This property is used as a single-family home.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

**Project Analysis:**

- The proposed fence would extend out from the house over to the existing 4-foot developer installed wrought iron style fence.



- The image above illustrates the location of the fence and the clear sight triangle. The proposed fence is out of the clear sight triangle.
- 142 Center, 138 Center and 134 Center Street received building permits for 4 or 5 foot fences which extended up through the yard abutting a street setback up to the wrought iron style developer installed fence. These permits did not receive approved variations.



**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 goals are 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.

Housing – Single-Family Housing

**Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well served by a variety of community facilities and services.**

This can be accomplished with the following supporting action:

**Supporting Action:** Encourage quality subdivision design.

**Findings of Fact:**

**ZONING ORDINANCE VARIATION**

The petitioner is requesting a variation from Article 4 Section 4-700 3. a. and b. allowing a 5-foot fence 5 feet from the property line in the front yard, a variation of 25 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*

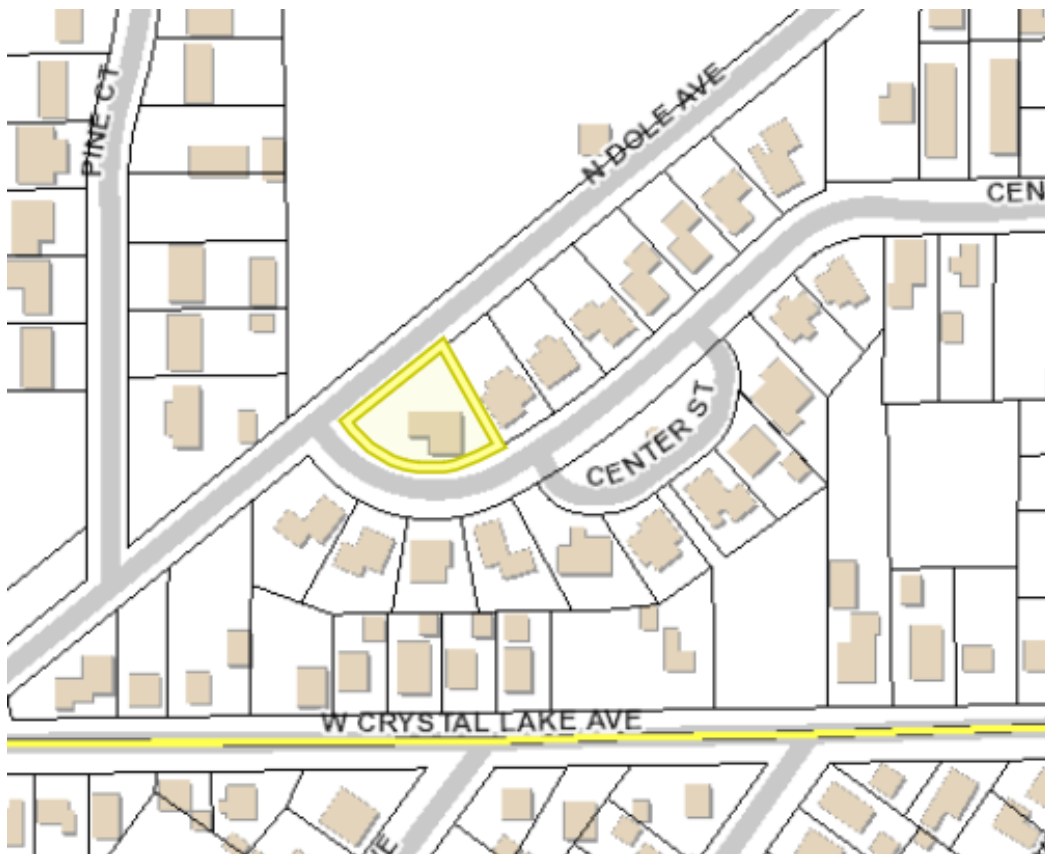
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

**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 (Maguire, received 04/29/21)
  - B. Fence Plans (Aronson Fence, dated 10/24/20, received 04/29/21)
  - C. Site Plan (Maguire, undated, received 04/21/29)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ Map  
164 Center Street



# PLN-2021-00069 - 164 Center Street Fence

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File Date: [04/29/2021](#)

Application Status: [In Review](#)

Application Type: [Variation](#)

Application Detail: [Detail](#)

Description of Work: The variation request is to allow a 5 foot privacy fence to be installed at a double frontage lot less than 30 feet from the property line. The fence will be outside of the clear vision triangle to impede the vision of any neighbors.

Application Name: [164 Center Street Fence](#)

Address:

Owner Name: [Andrew Maguire](#)

Owner Address: [164 Center St, Crystal Lake, IL 60014](#)

Parcel No:

Contact Info: Name	Organization Name	Contact Type	Status
<a href="#">Andrew Maguire</a>		Applicant	Active

Licensed Professionals Info: Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$100.00](#)

Total Fee Invoiced: [\\$100.00](#)

Balance: [\\$0.00](#)

Custom Fields: **GENERAL INFORMATION**

Existing Use	Proposed Use
<a href="#">Single Family Residential</a>	<a href="#">Single Family Residential</a>
Total Project Area	Include Demolition
<a href="#">0.1</a>	
Include Tree Removal	

**PROJECT INFORMATION**

Lot Area	Lot Frontage
-	-
Building Dimensions - Proposed	Building Height - Existing
-	-
Front Setback - Existing	Front Setback - Proposed
-	-
Rear Setback - Proposed	Side1 Setback - Existing
-	-
Side2 Setback - Existing	Side2 Setback - Proposed
-	-
Number of Parking Spaces - Proposed	Proposed Variance Request
-	

The fence will provide increased safety for my child, and other children, while in our back yard. Dole Avenue is a busy street and the open access to our back yard from the street and sidewalk along dole demonstrates a risk to safety in our back yard. According to the letter of the city law, my property, and the other neighbors along dole and center, don't have backyards and therefore aren't allowed the ability to secure our yards without a variance. In practice, we do have backyards, they just exist along a road. The front yards with driveways, etc are along center street. That reality should not impact my right to safety for my family. Other similar fence variances have been approved in the neighborhood, including an existing 5 foot fence along dole avenue. My plan simply utilizes the existing fence and closes off the back yard to improve safety for my family.

**LOCATION INFORMATION**

Zoning	Adjacent Land Use
-	-
Site Description	Location Info - Address if applicable:
<a href="#">Double frontage single family residential home and lot</a>	<a href="#">164 Center St.</a>

**KEY DATES**

Approved Date	Appeal Period End Date
-	-
Extension Date	
-	

Workflow Status: Task	Assigned To	Status	Status Date	Action By
<a href="#">Application Acceptance</a>		Accepted	04/29/2021	Tania Gomez
<a href="#">Review Distribution</a>		In Review	04/29/2021	Liz Maxwell
Building Review				
Fire Review				
Engineering Review				
Plumbing Review				

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PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE APPLICATION OF Kimberly A and Andrew M Maguire 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 Andrew Maguire for approval of a variation allowing a 5-foot fence in the yard abutting a street setback at the following real estate known as 164 Center Street, Crystal Lake, Illinois 60014, PIN: 14-32-379-008. This application is filed for the purposes of seeking a Simplified Residential Zoning Variation to allow a 5-foot-high wooden board on board fence in the 30-foot yard abutting a street setback along Dole Avenue 5 feet from the property line, a variation of 25 feet, pursuant to 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, May 19, 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 May 1, 2021)1881861

# ARONSON FENCE CO. INC.

26356 W. Ivanhoe Rd., Wauconda, IL 60084  
 (847) 526-9300 \ (262) 248-3390 FAX (847) 526-9354  
 www.aronsonfence.com • info@aronsonfence.net



PERMIT APPLIED MAR 18 2021

## FENCE PROPOSAL

Date 10/24/20 Start Date Spring 21 County McHenry  
 Estimator MW Twtnshp. City  
 Project \_\_\_\_\_ Subdiv. \_\_\_\_\_ Cross St. Dole A

**BILL TO**  
 Name Andy Maguire  
 Address 164 Center ST.  
 City Crystal Lake State IL Zip 60014  
 Hm. \_\_\_\_\_ Wk. \_\_\_\_\_  
 Fax: \_\_\_\_\_

**JOB SITE**  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Wk. \_\_\_\_\_ Fax \_\_\_\_\_  
 Contact: \_\_\_\_\_

email: \_\_\_\_\_

	WOOD	CHAINLINK	OTHER
<b>SPECIFICATIONS</b>	<input checked="" type="checkbox"/> Lf./sect. <u>159'</u>	<input type="checkbox"/> Lf. _____	<input type="checkbox"/> Lf. _____
	<input checked="" type="checkbox"/> Wd.type <u>Northern Cedar</u>	<input type="checkbox"/> Wire type _____	<input type="checkbox"/> Type _____
	<input checked="" type="checkbox"/> Style <u>Arch</u>	<input type="checkbox"/> Height _____	<input type="checkbox"/> Height _____
	<input checked="" type="checkbox"/> Height <u>5'H</u>	<input type="checkbox"/> Framewk _____	<input type="checkbox"/> Color _____
	<input checked="" type="checkbox"/> Boardwidth <u>1"x6"</u>	<input type="checkbox"/> Line post _____	<input type="checkbox"/> Mfg. _____
	<input checked="" type="checkbox"/> Spaced <u>Board on Board</u>	<input type="checkbox"/> Top rail _____	<input type="checkbox"/> Style _____
	<input type="checkbox"/> Solid _____	<input type="checkbox"/> Corner post/End post _____	<input type="checkbox"/> Line post _____
	<input checked="" type="checkbox"/> Backrails <u>2-2"x4"</u>	<input type="checkbox"/> Gate post _____	<input type="checkbox"/> Rails _____
	<input type="checkbox"/> Posts <u>4"x4"</u>	<input type="checkbox"/> Tension wire _____	<input type="checkbox"/> Gate post _____
	<input type="checkbox"/> Post top <u>caps</u>	<input type="checkbox"/> Barb wire _____	<input type="checkbox"/> Walk gates _____
	<input type="checkbox"/> Gate post <u>4"x6"</u>	<input type="checkbox"/> W-gate _____	<input type="checkbox"/> Dd gates _____
	<input type="checkbox"/> W-gate <u>4' W x 5'H Solid</u>	<input type="checkbox"/> Barb wire _____	<input type="checkbox"/> Hardware _____
<input type="checkbox"/> Dd-gate <u>X-BRACE</u>	<input type="checkbox"/> Dd gate _____	<input type="checkbox"/> Other/notes _____	

DESCRIPTION	QTY.	MATERIAL AND LABOR	
	159'	Northern Cedar 5'H Arch Board on Board w/ 2-RAILS	
	2	4' W x 5'H Solid Cedar WALK GATES	
	2	4"x6" Cedar Hinge Posts	
	1	Aronson will obtain Permit + Add Cost to Balance	\$4,360.
optional:		Steel Postmaster Posts add \$ 830-	
NOTES:		All posts set in concrete footings 36" deep + Spoils removed	

**PAYMENT**

VISA  MASTERCARD  DISCOVER  CASH  CHECK  **NO CASH OUT**

DATE: 10/25

**TOTAL \$** \_\_\_\_\_  
**DEPOSIT \$** 1713.00  
**BALANCE DUE UPON COMPLETION \$** \_\_\_\_\_

**TERMS**

Aronson Fence Co., Inc. warrants that the materials and workmanship of the fence proposed are satisfactory and will be billed at prices necessitating additional work and will be billed at prices as shown on this proposal. Any changes to be agreed upon in writing and will be billed at prices as shown on this proposal. Aronson Fence Co., Inc. will not be responsible for any damage to existing structures, utility lines, plumbing pipes, drain tiles, septic tanks, or other underground utilities. Aronson Fence Co., Inc. is not responsible for exact lot lines and location of new fence.

**WARRANTY**  
 Aronson Fence Co., Inc., shall warranty materials and workmanship for two year and one year on gates. This warranty is valid under normal conditions and excluded damage from wind and abuse. Note: All wood fences will naturally check and weather to a silver grey color.

All past due balances are subject to a service charge of 1 1/2% per month. Should an action be brought to collect any balances past due, customer agrees to pay any court costs and reasonable attorney's fees.

Authorized Signature \_\_\_\_\_  
 Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ da

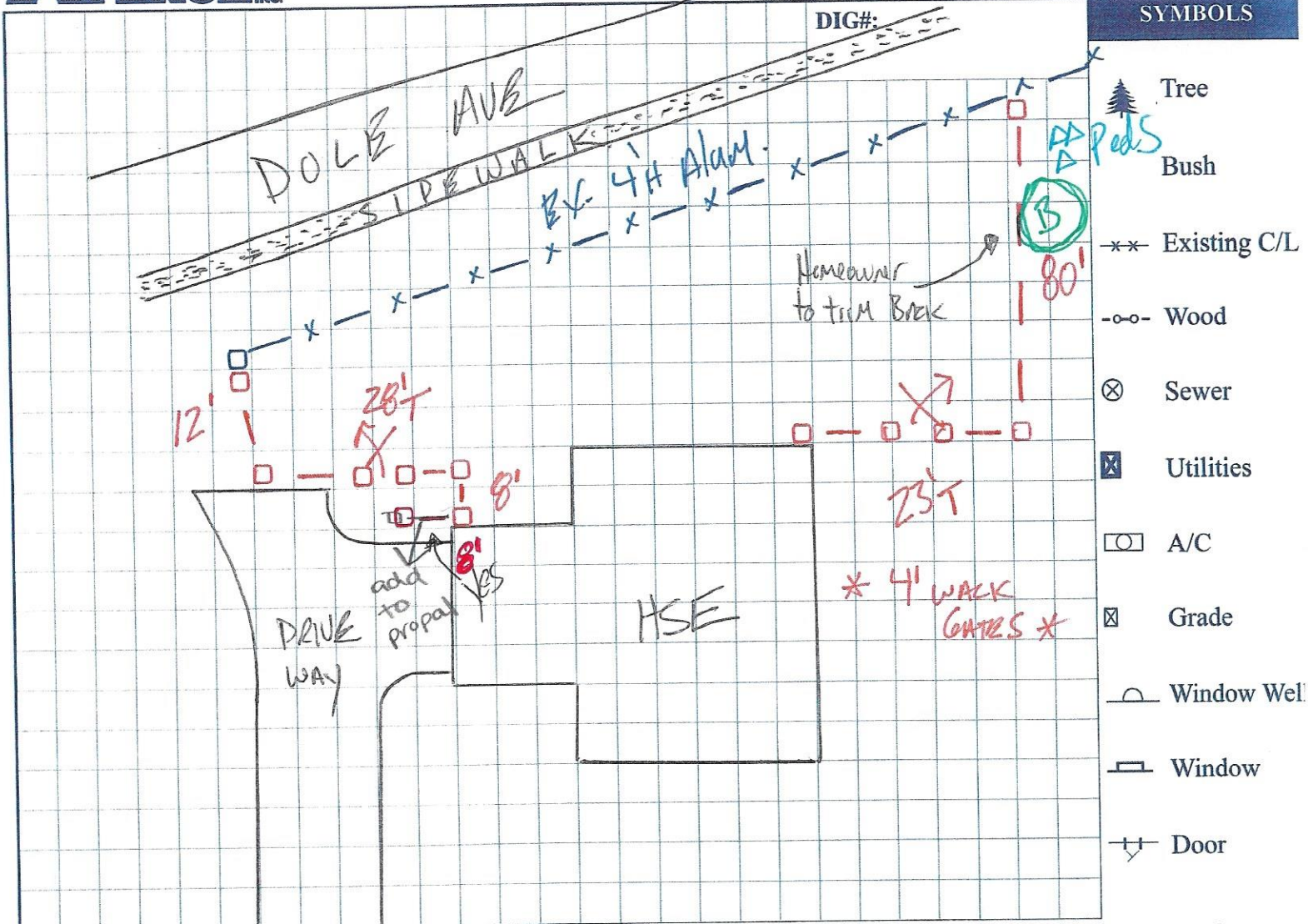
**ORDERS**

**ACCEPTANCE OF PROPOSAL** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance X \_\_\_\_\_

Signature \_\_\_\_\_  
 Signature \_\_\_\_\_





**Remarks:** All posts set in concrete unless otherwise specified. Note: all wood fences will naturally check and weather to a silver grey color.

- Follow contour of grade
- Keep level with highest grade
- Step if needed
- Finish side face-out
- Finish side face-in
- Toe-nail
- Face nail

### THINGS TO DO / PRIOR TO INSTALLATION

- A.F.C.  Aronson Fence will contact J.U.L.I.E. buried utility services, to mark public gas, electric, telephone and cable-television lines.
- Customer  Customer is responsible for all private buried lines, such as sprinklers, gas, electric, swimming pool, drain tile, septic and plumbing lines.
- Obtain building permit and inspections (only if required by local ordinance). Must submit a plat of survey.
- Locate all survey property markers (buried metal pipes or rods, at all corners of lot).
- Clear fence lines, such as trim bushes, cut tree limbs, relocate obstructions: cleared not cleared? Trim Back Bush in @ Corner
- Fence removal?  YES  NO Type \_\_\_\_\_
- Haul away?  YES  NO Pull out or cut at ground level
- Dirt from post holes A. Level under fence B. Leave next to postholes  C. Remove from job site
- Customer must be present at start and completion of fence job.
- Customer is responsible to satisfy homeowner assoc. covenants for type of fence, placement, and letters of permission if required.

**Balance due to be paid upon completion, job foreman to collect**

We are satisfied with the installation of our fence and authorize all work completed.

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_

Foreman Signature \_\_\_\_\_

Date \_\_\_\_\_



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