



**#2021-84**  
**86 Esther Street – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	June 2, 2021
<b><u>Request:</u></b>	A variation from Articles 3-200 and 4-700 to allow a zero-foot front yard setback for a six-foot fence along the property line, a variation of 30 feet.
<b><u>Location:</u></b>	86 Esther Street
<b><u>Existing Zoning:</u></b>	R-2 – Single-Family Residential
<b><u>Surrounding Properties:</u></b>	North: R-3B PUD – Multi-Family Residential PUD South: R-2 – Single-Family Residential East: MCCD Prairie Path, Railroad ROW, & M – Manufacturing 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 six-foot fence is permitted with a 30-foot front yard setback.

**Development Analysis:**

**General:**

- Request: The petitioner is requesting a variation to allow a zero-foot front yard setback for a six-foot fence along the property line, a variation of 30 feet.
- 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 Overview:**

- The petitioner is requesting a variation from the front yard setback requirement for a six-foot fence to allow the fence to be built to the property line.
- The existing 6-foot fence is located on the McHenry County Conservation District's property and is owned by MCCD. The neighbors requested MCCD to repair the fence

due to the dilapidated condition and MCCD notified the adjacent property owners that they would remove the fence instead.

- The adjacent property owners now have to construct their own privacy fence from the MCCD Prairie Trail, which is promoted as one of the District's most used facilities.
- The petitioner is requesting to extend the fence approximately 15 feet into the city's right-of-way to match the existing fence. This would have to be approved by the City Council as a variation to the City Code right-of-way section.

**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 Articles 3-200 and 4-700 to allow a zero-foot front yard setback for a six-foot fence along the property line, a variation of 30 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:**

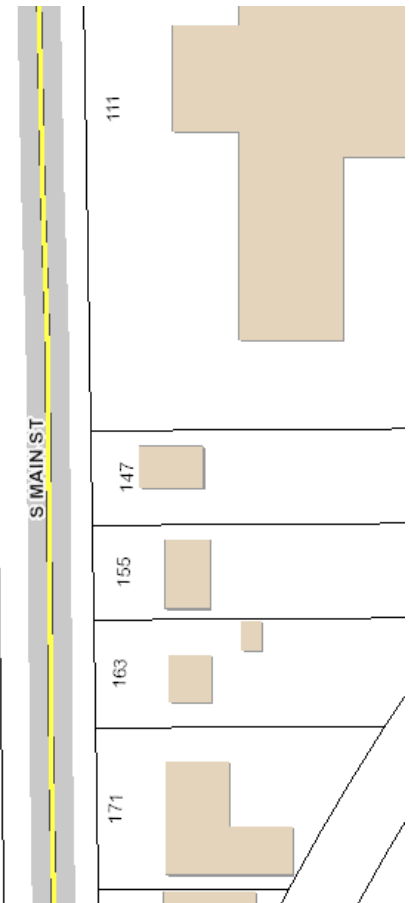
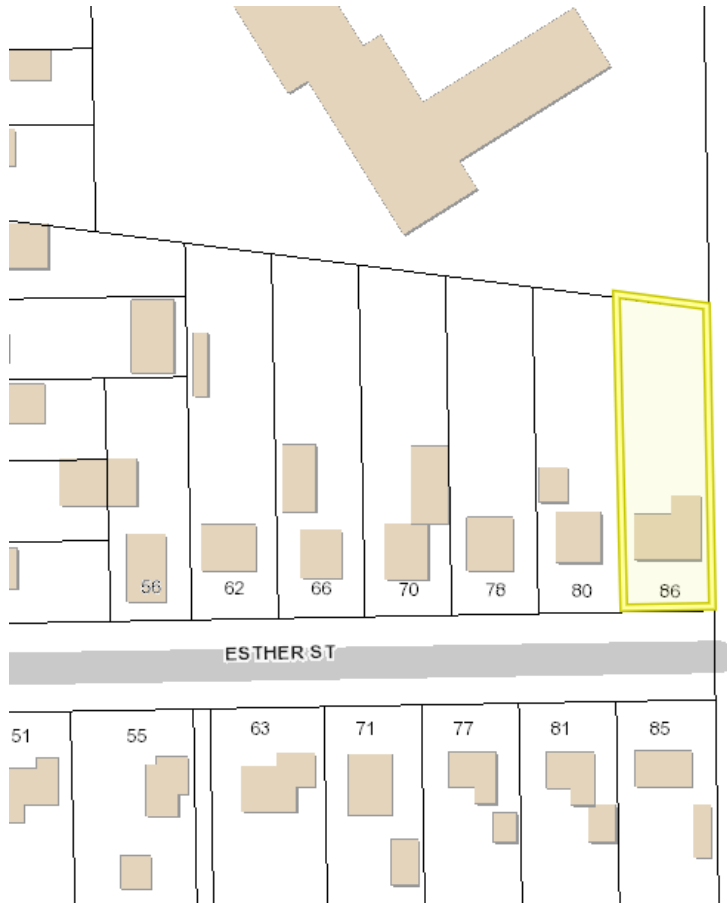
If a motion to recommend approval of the petitioner's request is made, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Warfel, received 05/17/2021)
  - B. Plat of Survey (Warfel, received 05/17/2021)
2. The fence cannot extend into the right-of-way unless approved by the City Council.

3. Trim vegetation around the fire hydrant to maintain the required three-foot clearance.
4. Work with city staff to dedicate a Municipal Utility Easement along the edge of the property where the existing water main is located.
5. The petitioner shall address all of the review comments and requirements of the Public Works and Community Development Departments.



PIQ MAP – 86 ESTHER STREET – VARIATION









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

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

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

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: OT ENDANGER PUBLIC SAFETY?

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

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.

[Signature] JASON WARE 5/14/21

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.

**Describe the unique circumstances of the property:**

The property (86 Esther Street) is unique in that approximately 220 feet is separated from the McHenry County Conservation District property (MCCD) by a six-foot privacy fence. This fence provides privacy and security from the large number of people who use the conservation district property daily. Current city ordinance requires a three-foot fence be placed in the front yard of a property. The property currently has a six-foot fence in the front yard, and I am looking to replace that fence with a new six-foot fence. We do not have a garage on the property, so our cars are parked in our driveway at all times. We have had vandalism to our home and vehicles from users of the conservation district property in the past. We feel that a three-foot fence would not provide us with the security we deserve and further expose our property to vandalism. My children's bedrooms are located on the side of the house facing the conservation district property, and we do not feel a three-foot fence would provide adequate privacy and protection for our children. Requiring us to install a three-foot fence instead of replacing the existing six-foot fence with a six-foot fence would open our property to more safety and security issues. For the privacy and safety of my family, I respectfully request a variance allowing me to install a six-foot fence in my front yard as a barrier to the conservation district property and its users.

I would further request the council allow me to continue the fence past my property line, so it terminates in the same area it currently does. Not doing so would expose approximately 15 feet of my driveway and property to the conservation district users. This would develop into a cut-through access to Esther Street where conservation property uses would be able to come into my front yard to access Esther Street. Considering the number of people who use the conservation district trail, I would not feel comfortable having my children play in our front yard. Their safety would be in jeopardy from the numerous people that would have access to cut through my property unnecessarily by now allowing me to extend the fence to where is currently terminates. I would pay to have this portion of the fence installed and would take full responsibility for maintaining it. Furthermore, allowing me to continue the fencing would maintain the current visual aesthetics that are currently in place. Again, for the privacy and safety of my family, I respectfully request the council allow me to extend the fence past my property line to its current termination point as a barrier to the conservation district property and its users.

**Is the hardship self-created?**

I do not believe this hardship to be self-created. I am looking to replace an existing fence with one that is the same size and therefore offers the same privacy and protection.

**Are the conditions applicable to other properties in the same zoning classification?**

To my knowledge, this situation is unique to my property.

**Will the variation alter the essential character of the locality?**

In my opinion the variation will not alter the character of the locality. There is currently a six-foot fence in place, and I would merely be replacing it with a newer more secure six-foot fence.



**Will the variation, if granted be detrimental to public welfare or injurious to other property?**

If the variance is granted, I do not feel it would be detrimental to the public welfare or other property. There is currently a six-foot fence at the location, and I am attempting to replace it with a newer and safer six-foot fence. Not granting the variation could be detrimental to the safety and privacy of my family and could lead to further vandalism and invasion of privacy on my property.

**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?**

The variation would not impair adequate supply of light or air to the adjacent property. The current six-foot fence is a flat panel which does not allow airflow through it. I am looking to replace it with a six-foot board-on-board fence design, which would actually improve airflow through the fence.

I believe the newer fence will actually increase property value as it will be a newer fence that will be maintained by the homeowner and not the conservation district.

I believe there will be no increased congestion in public streets, as the fence will not interfere with the city streets or traffic at all.

I believe there will be no increase in the danger of fire or public safety by granting the variance. There is currently a fence in place, and I am looking to replace it with a newer safer version. Not granting the variance could, however, endanger the safety of my family and increase the chance of vandalism occurring on my property.

## PUBLIC NOTICES

Conkling, Superintendent, to register at 815-568-8637.

(Published in the Northwest Herald on May 17, 2021) 1885510

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

IN THE MATTER OF THE  
APPLICATION OF  
Jason Warfel

#### **LEGAL NOTICE**

Notice is hereby given in

## PUBLIC NOTICES

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 Jason Warfel, seeking a fence variation located at 86 Esther Street, Crystal Lake, Illinois. PIN 19-05-228-042.

This application is filed for the purpose of seeking front yard setback variation to allow a six-foot fence along the length of the property line, a variation of 30 feet

## PUBLIC NOTICES

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, June 2, 2021, at the Crystal Lake City Hall,

## PUBLIC NOTICES

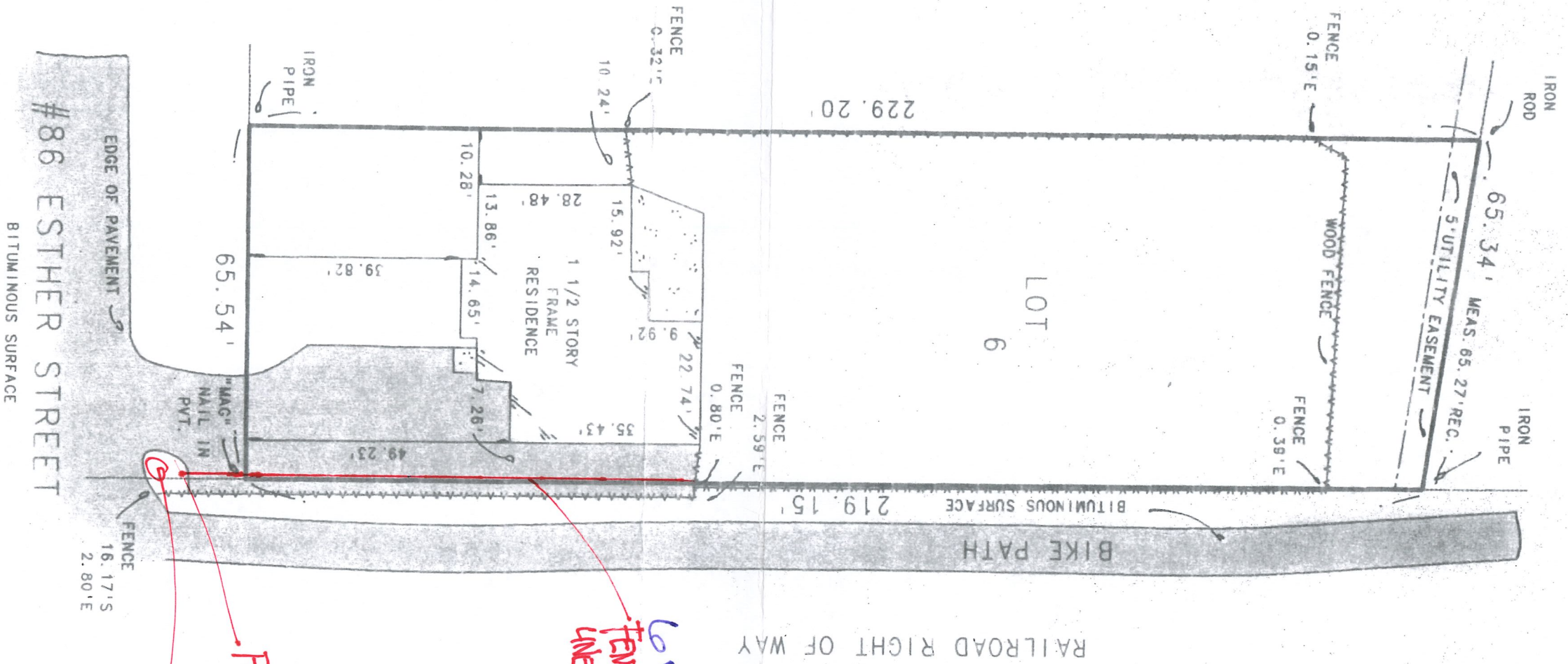
100 West Woodstock Street, at which time and place any person determining to be heard may be present.

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

(Published in the Northwest Herald on May 17, 2021) 1885529

### **DON'T NEED IT? SELL IT FAST!**

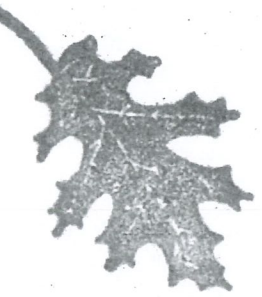
Northwest Herald Classified  
Call 877-264-2527 or  
[www.NWHerald.com](http://www.NWHerald.com)



6 FOOT  
 FENCE NEEDED TO PROTECT  
 LINE PER CONSERVATION REQUEST

FENCE TO END PER CODE FROM HYDRANT  
 FIRE HYDRANT

YORS  
 ID  
 AL-  
 SHED







15'

\*  
MAG NAIL  
IN PAVEMENT

STOPPING AT MAG NAIL WOULD  
EXPOSE PROPERTY TO AN ADDITIONAL  
15' OF CONSERVATION / BIKE PATH







