



#2021-95
325 Lee Drive – Variation
Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	July 7, 2021
<u>Request:</u>	A variation from Articles 3-200 and 4-700 to allow a 25-foot yard abutting a street setback for a six-foot fence, a variation of 5 feet.
<u>Location:</u>	325 Lee Drive
<u>Existing Zoning:</u>	R-2 – Single-Family Residential
<u>Surrounding Properties:</u>	North: R-2 – Single-Family Residential South: R-2 – Single-Family Residential East: R-2 – Single-Family Residential West: R-2 – Single-Family Residential
<u>Staff Contact:</u>	Katie Cowlin (815.356.3798)

Background:

- Existing Use: The subject property is single-family home.
- UDO Requirements: A six-foot fence is permitted with a 30-foot yard abutting a street setback.

Development Analysis:

General:

- Request: The petitioner is requesting a variation to allow a 25-foot yard abutting a street setback for a six-foot fence, a variation of 5 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 yard abutting a street setback requirement for a six-foot fence to allow the fence to remain where it is currently constructed.

- The property is a nonconforming corner lot with Lee Drive being considered the front yard and the yard abutting a street located along Coventry Lane.
- A permit was issued in 2019 with a condition of approval that the 6-foot fence must meet the 30-foot yard abutting a street setback requirement. This condition was also noted on the permit plan. Subsequently, the fence was installed in the current location.
- The UDO allows for fences within the yard abutting street to be four feet in height as long as they are five feet from the property line. The property owner was notified that they could reduce the height of the fence to four feet or meet the 30-foot setback requirement.
- The petitioner chose to request a variation from the setback requirement based on the lot size being small and below the zoning district standard.

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 25-foot yard abutting a street setback for a six-foot fence, 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, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Ocasio, received 05/25/2021)
 - B. Plat of Survey (Ocasio, received 05/25/2021)
2. The petitioner shall address all of the review comments and requirements of the Public Works and Community Development Departments.

PIQ – 325 Lee Drive – Variation



Application for Simplified Residential Variation

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

I. Applicant

CORIN OCASIO
Name

325 LEE DRIVE
Street

CRYSTAL LAKE IL 60014
City State Zip Code

8473452573 corinhome@yahoo.com
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

Name

325 LEE DRIVE, CRYSTAL LAKE IL 60014 847-345-2573
Address Telephone Number

III. Project Data

1. a. Location/Address: 325 LEE DRIVE, CRYSTAL LAKE IL 60014

b. PIN #: 1908107018

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:

I JUST WANTED TO PUT UP A 6 FOOT FENCE. I ASKED HOW FAR CAN I PUT MY 6 FOOT FENCE FROM THE EXISTING FENCE. I WAS TOLD 5 FEET OUT FROM THE EXISTING FENCE. I WENT FOUR FEET OUT.

THERE ARE OTHER PROPERTIES IN CRYSTAL LAKE THAT HAVE THEIR 6 FOOT FENCE RIGHT UP TO THE SIDEWALK AND THEY ARE ABLE TO KEEP IT. I SEE NO ISSUE WITH MY FENCE.

IS THE HARDSHIP SELF-CREATED?

I AM REPLACING AN OLD FENCE AND PUT IN A NEW FENCE. I CHECKED IF I COULD GO OUT 4 FEET AND WAS TOLD I CAN GO OUT 5 FEET FROM THE EXISTING FENCE. I WENT OUT 4 FEET. I HAVE A SMALL YARD AND WANTED TO ADD A COUPLE MORE FEET TO IT. I CANNOT PUT A 4 FT FENCE BECAUSE OF WILDLIFE. I HAVE 3 SMALL DOGS AND BABYSIT A CHILD WITH DOWN SYNDROME.

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

THERE ARE NUMEROUS HOMES IN CRYSTAL LAKE THAT HAVE THEIR 6 FEET FENCE RIGHT UP TO THE SIDEWALK. I EXPLAINED WHAT I WAS DOING AND THE OFFICE DID NOT HAVE A PROBLEM WITH IT UNTIL I PUT THE FENCE UP AND SPENT MONEY. NOW THE CITY HAS AN ISSUE WITH THE FENCE.

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?
IT'S A 6 FOOT FENCE. IT'S A BRAND NEW FENCE.

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

THE FENCE IN QUESTION IS 30 FEET TO THE SIDEWALK - NO ONE CAN WALK IN TO IT.

WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUSBTANTIALY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?

THE FENCE IN QUESTION IS 30 FEET TO THE SIDEWALK - ITS A NEW FENCE - DOES NOT BOTHER ANY NEIGHBORS. THE PUBLIC CAN STILL USE THE SIDEWALK WITHOUT ANY ISSUES.

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.

CORIN OESSIO



5/20/21

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.

Property Owners:

Connie Parks
612 Coventry Lane
Crystal Lake IL 60014

Rosa Gumecindo Reyes
333 Lee Drive
Crystal Lake IL 60014

PUBLIC NOTICES**PUBLIC NOTICE****NOTICE OF
PUBLIC HEARING**

The Village of Johnsburg Special Zoning Commission shall hold a hearing on Wednesday, July 14, 2021, at 7:00 p.m. in the Whispering Hills Community Center, 4708 Jeffrey Street, Johnsburg, Illinois to review, consider and make recommendations regarding a proposed text amendment to Section 7.2 Fences of the Johnsburg Zoning Ordinance related to fences in the front yard on waterfront properties. A copy of the proposed amendment is available for inspection at the Johnsburg Village Hall, 1515 Channel Beach Avenue, Johnsburg, Illinois. The public is invited to attend and present testimony, evidence, or comment regarding the proposed text amendment.

(Published in the Northwest Herald June 16, 2021)
1894140

PUBLIC NOTICE**NOTICE OF PUBLIC
HEARING CONCERNING THE
INTENT OF THE BOARD OF
EDUCATION OF RILEY
COMMUNITY
CONSOLIDATED SCHOOL
DISTRICT NO. 18,
MCHENRY COUNTY,
ILLINOIS****TO TRANSFER MONEY FROM
THE TRANSPORTATION
FUND TO THE OPERATIONS
& MAINTENANCE FUND**

PUBLIC NOTICE IS HEREBY GIVEN that the Board of Education of Riley Community Consolidated School District No. 18, 9406 Riley Rd., Marengo, McHenry County, Illinois will hold a public hearing on the 23rd day of June, 2021, at 7:10 o'clock P.M. The purpose of the hearing will be to receive public comments on the proposal to transfer of money from the Transportation Fund to the Operations & Maintenance Fund.

By order of the Board of Education of Riley Community Consolidated School District No. 18, McHenry County, Illinois.

DATED this 14th day of June, 2021.

Victoria Kaczkos,
Secretary to the Board
of Education.

(Published in the Northwest Herald on June 16, 2021)
1894118

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

IN THE MATTER OF THE
APPLICATION OF
Corin Ocasio

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public

PUBLIC NOTICES

hearing will be held before the Planning and Zoning Commission upon the application of Corin Ocasio, seeking a fence variation located at 325 Lee Drive, Crystal Lake, Illinois. PIN 19-08-107-018.

This application is filed for the purpose of seeking a yard abutting a street setback variation to allow a six-foot fence to have a 25-foot setback, a variation of 5 feet 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, July 7, 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 the Northwest Herald on June 16, 2021)
1894247

PUBLIC NOTICE**Village of Lake in the Hills
Notice of Public Hearing**

The Lake in the Hills Planning and Zoning Commission will hold a public hearing on the petition of Alicia and Jeff Stoltz, applicants, on Monday, July 12 at 7:30 p.m. at the Lake in the Hills Village Hall, located at 600 Harvest Gate, Lake in the Hills, IL 60156. The petitioner requests approval of variances to the Lake in the Hills Zoning Ordinance, Sections 13.2-1 B & C, Accessory Structures, General Provisions. The property is located at 331 Hiawatha Drive and has a PIN of 19-28-154-001.

At the public hearing, the Commission shall accept all testimony and evidence pertaining to the application. The public is invited to attend and be heard. The petition is available for viewing at the Lake in the Hills Village Hall. The public may also submit written testimony to the Commission in advance of the hearing at cd@lith.org.

Joe DeMay, Chairman
Planning and Zoning
Commission

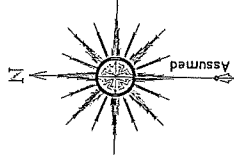
(Published in the Northwest Herald on June 16, 2021)
1893988

Northwest Herald
is the only daily
newspaper published in
McHenry County.

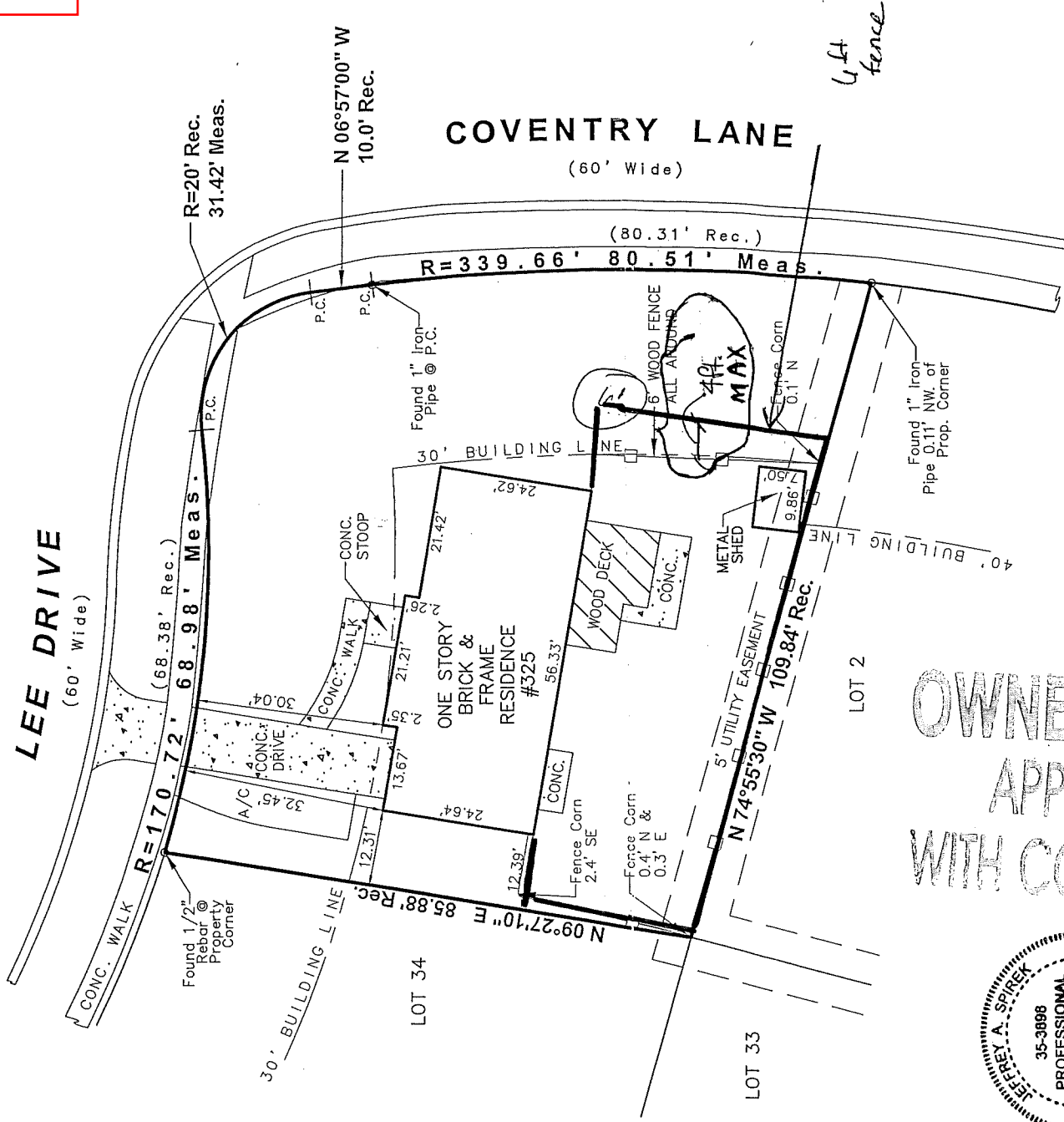
Plat of Survey

LEGAL DESCRIPTION: LOT 1 IN BLOCK 8 IN COVENTRY, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, ALL IN TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 17, 1961 AS DOCUMENT 381562, IN BOOK 14 OF PLATS, PAGE 70, IN MCHENRY COUNTY, ILLINOIS.

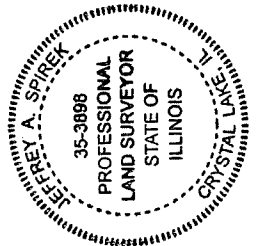
PARCEL AREA: 9,427 SQ. FEET



Variation Request Plan



OWNER COPY
APPROVED
WITH CONDITIONS



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL OF ILLINOIS } ss. COUNTY OF MCHENRY }

IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 15th DAY OF January, A.D. 2019

Jeffrey A. Spirek
JEFFREY A. SPIREK

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898
REGISTERED AGENT FOR LUCO SURVEYING
LICENSE TO BE RENEWED NOVEMBER 30, 2020

NOTES:
*COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE IMMEDIATELY.
*ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
*MARKINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
*BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
*UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

LEGEND	
●	Set I/P
○	Prop. I/P
×	Prop. P.C.
⊙	Prop. P.K.
—○—	Wood Fence
—○—	Cl. Fence
▒	Concrete
▨	Wood Deck
▩	Brick
☆	STREET LIGHT
⊕	B-BOX
⊗	WATER VALVE VAULT
⊘	FIRE HYDRANT
⊙	MANHOLE
⊚	STORM MANHOLE
⊛	JUNCTION BOX
⊜	POWER POLE
⊝	ELECTRIC TRANSFORMER



Luco Surveying
Professional Design Firm No. 184.007972
Phone: 815.526.3974
54 Lou Avenue, Crystal Lake, IL 60014
Email: admin@lucosurveying.com

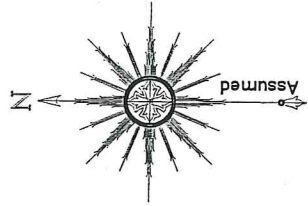
Common Address: 325 Lee Drive, Crystal Lake, IL.
PIN # 19-08-107-018

Job Number: 19 - 47762
Client: PRIME LAW
Field Work Completion: 01-11-19

Drawn By: LAH
Reference:

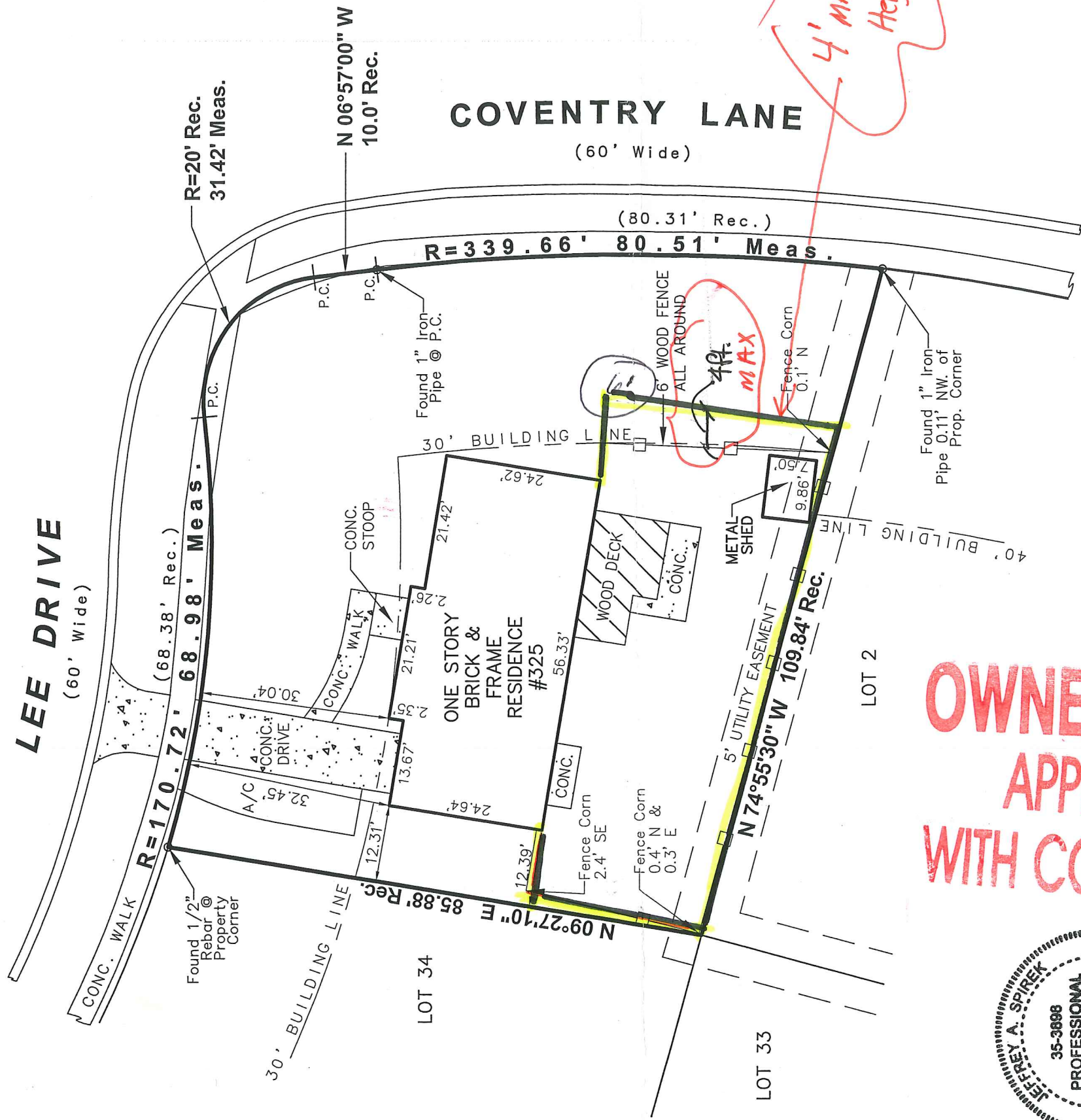
Revisions:

Plat of Survey

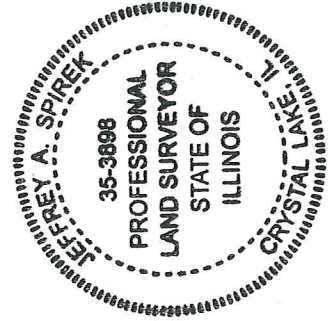


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PARCEL AREA: 9,427 SQ. FEET



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STATE OF ILLINOIS } ss.
COUNTY OF MCHENRY }

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LEGEND

- Set IP
- Fnd IP
- x Fnd "x"
- ⊗ Fnd P.K.
- Wood Fence
- x-x- Cl. Fence
- Concrete
- Wood Deck
- Brick
- ⊙ STREET LIGHT
- ⊙ B-BOX
- ⊙ WATER VALVE VAULT
- ⊙ FIRE HYDRANT
- ⊙ MANHOLE
- ⊙ STORM MANHOLE
- ⊙ JUNCTION BOX
- ⊙ POWER POLE
- ⊙ ELECTRIC TRANSFORMER



Luco Surveying

Professional Design Firm No. 184,007972

54 Lou Avenue, Crystal Lake, IL 60014

Phone: 815.526.3974 Email: admin@lucosurveying.com

Common Address: 325 Lee Drive, Crystal Lake, IL.
PIN # 19-08-107-018

Job Number: 19 - 47762 Drawn By: LAH

Client: PRIME LAW Reference:

Field Work Completion: 01-11-19

Revisions:

SCANNED