



## #2021-125 93 Elmhurst Street – Variation Project Review for Planning and Zoning Commission

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<b><u>Meeting Date:</u></b>	August 4, 2021
<b><u>Request:</u></b>	Variation from the minimum lot width required of 13,400 square-foot lot area to allow 8,686 square feet, a variation of 4,714 square feet and from the required 80-foot lot width to allow 46.5 feet, a variation of 33.5 feet to allow a three-unit residential structure to continue.
<b><u>Location:</u></b>	93 Elmhurst Street
<b><u>Acreage:</u></b>	Approximately 8,700 square feet
<b><u>Existing Zoning:</u></b>	R-3B Multi-Family Residential
<b><u>Surrounding Properties:</u></b>	North: R-3B Multi-Family Residential South: R-3B Multi-Family Residential East: R-3B Multi-Family Residential West: R-3B Multi-Family Residential
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

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### **Background:**

- The property is an existing three-unit rental home.
- The City has limited documentation about the rental use of the home.
  - There are two water meters one for the 1<sup>st</sup> floor and one for the 2<sup>nd</sup> floor.
  - In 1995 a remodeling permit was issued for 1<sup>st</sup> floor unit.
- The R-3B multi-family zoning district would allow 3 or more units provided lot area and lot width are met. Other requirements for multi-family housing are impervious surface and building coverage, parking, and setbacks.

### **Development Analysis:**

#### **General**

- **Request:** The petitioner is requesting variations from the minimum lot area and lot width to allow the continuation of a three-unit multi-family structure.
- **Zoning:** The site is zoned R-3B Multi-Family. This property is used as a multi-family structure.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

**Project Analysis:**

- The structure is an existing 3-unit rental structure.
- The use is considered conforming, but the lot is considered non-conforming. The petitioner is requesting variations from the lot width and lot area to accommodate the existing three-units on the property.
- The front yard setback is determined by the average setback along the block. The average is 18.685, but since it is not 10 feet more or less than the UDO standard of 21 feet, the UDO standard applies. The front yard setback is not based on use, so having a single-family use or multi-family use would require the same setback.
- The following chart outlines the bulk requirements

<b>R-3B Requirement</b>	<b>UDO Standard</b>	<b>Current Lot</b>	
Lot Area	13,400 square feet	8,686 square feet	Variation requested
Lot Width	80 feet	46.5 feet	Variation requested
Front Yard Setback	21 feet	18.76 feet	Not use dependent
Rear Yard Setback	20 feet	113.36 feet	Meets
Interior Side Setback	5.6 feet	7.65 feet	Meets
Total Side Setbacks	21 feet	21.95 feet	Meets
Building Coverage	30 %	19.9% (20%)	Meets
Impervious Coverage	65 %	37.79% (38%)	Meets
Parking	5 spaces		Appears to meet

**Comprehensive Land Use Plan 2030 Vision Summary Review:**

The Comprehensive Plan designates the subject property as Central Urban Residential, which allows for existing and future multi-family or denser 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:** Encourage a diversity of housing types throughout the City, which satisfy wide-range needs for all persons regardless of age, race, religion, national origin, physical ability and economic level for existing and future city residents.

Housing – Multi-Family Housing

**Goal: Provide an appropriate mix of multi-family housing to add density to appropriate areas and allow for mixed-use development.**

This can be accomplished with the following supporting action:

**Supporting Action:** Promote well designed unique multi-family communities.

**Findings of Fact:**

**ZONING ORDINANCE VARIATION**

The petitioner is requesting a variation from minimum lot width required of 13,400 square-foot lot area to allow 8,686 square feet, a variation of 4,714 square feet and from the required 80-foot lot width to allow 46.5 feet, a variation of 33.5 feet to allow a three-unit residential structure to continue.

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*

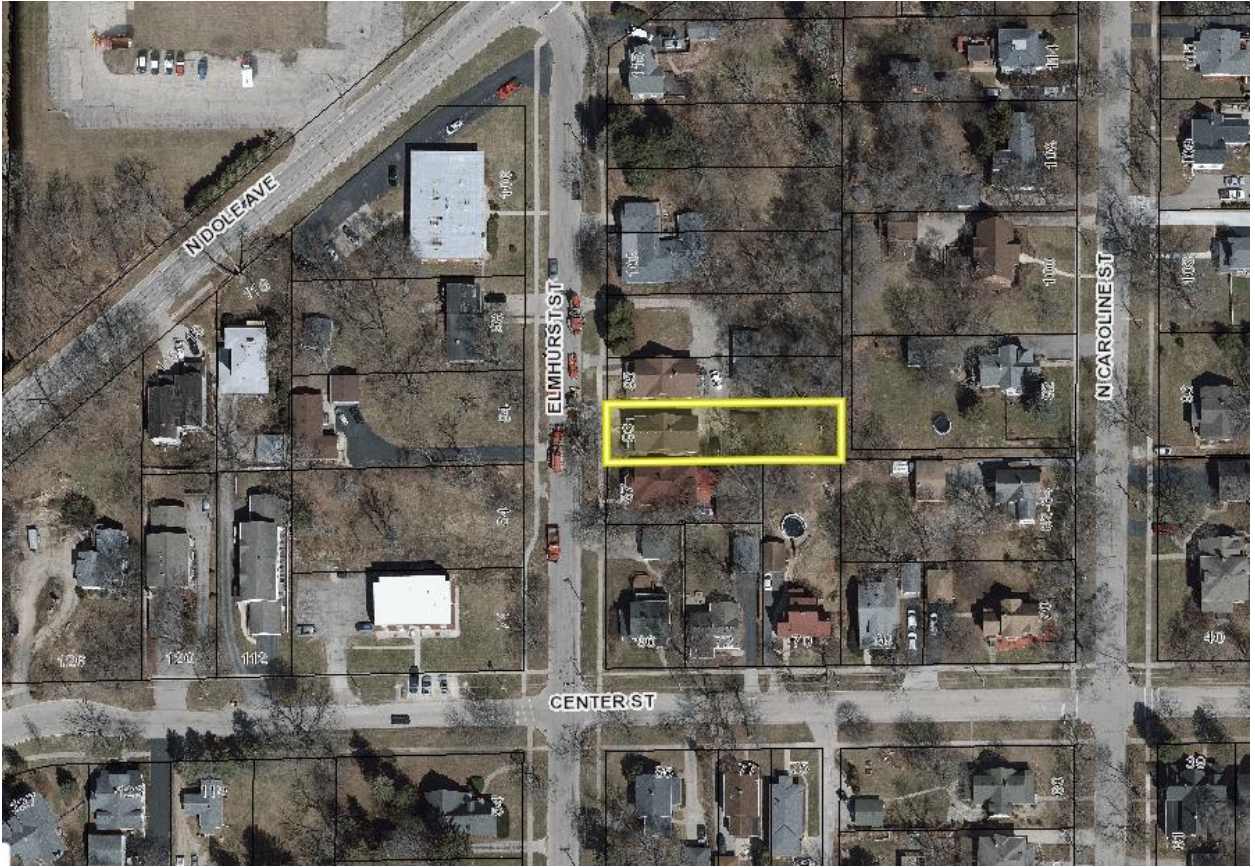
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

**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 (Daugherty, received 07/13/21)
  - B. Plat of Survey (Luco, dated 01/18/2017, received 07/13/21)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ MAP  
93 Elmhurst







**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: Chris Daugherty

Address: 93 Elmhurst Street  
Crystal Lake, IL 60014

Phone:

E-mail:

Project Name & Description: Variation Request for existing 3-unit use

Project Address/Location: 93 Elmhurst Street

Signature

Chris Daugherty  7/13/2021

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.

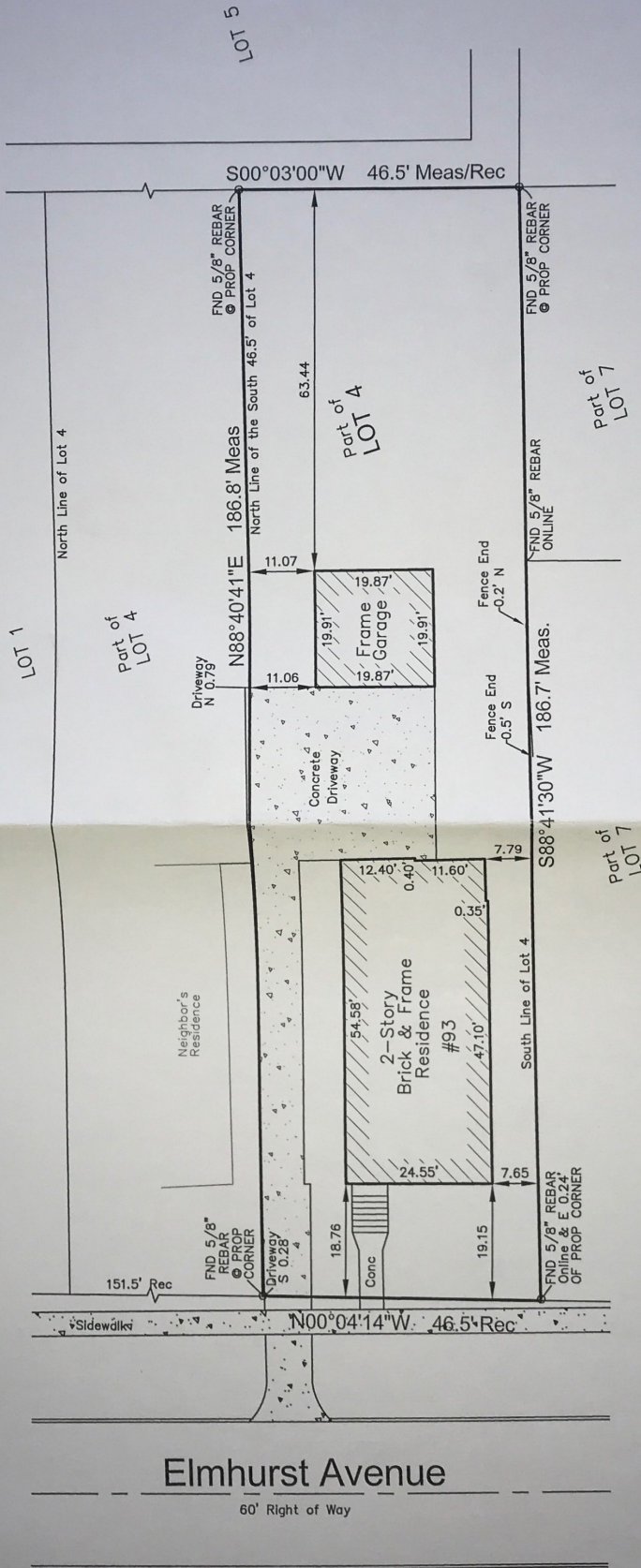
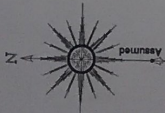
PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE APPLICATION OF Chris Daugherty LEGAL NOTICE Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application by Jeff Stanish, representing Chris Daugherty for approval of a variation allowing the construction of a stoop and stairs to encroach into the front yard setback at the following real estate known as 93 Elmhurst Street, Crystal Lake, Illinois 60014, PIN: 14-32-453-011. This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from the required 13,400 square-foot lot area to allow 8,686 square feet, a variation of 4,714 square feet and from the required 80-foot lot width to allow 46.5 feet, a variation of 33.5 feet to allow a three-unit residential structure to continue pursuant to Article 3 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, August 4, 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 July 16, 2021)1902209



# Plat of Survey

LEGAL DESCRIPTION: THE SOUTH 46.5 FEET IN WIDTH OF LOT 4 IN BLOCK 2 IN WALKUP'S ADDITION TO NUNDA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 9, 1874 IN BOOK 55 OF DEEDS, PAGE 516, IN MCHEERY COUNTY, ILLINOIS.

Property Area: 8,687 S.F.



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS  
COUNTY OF MCHEERY } ss.

I, JEFFREY A. SPIREK, PROFESSIONAL LAND SURVEYOR, 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.

DATE THIS 23rd DAY OF January, A.D. 2017

JEFFREY A. SPIREK  
PROFESSIONAL LAND SURVEYOR

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898  
REGISTERED AGENT FOR LUCCO CONSTRUCTION COMPANY  
LICENSE TO BE RENEWED NOVEMBER 30, 2018

NOTES:

- \*COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT AND DIFFERENCE IMMEDIATELY.
- \*ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
- \*THE PLAT HEREON IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
- \*BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
- \*UTILITIES WITHIN EASEMENTS ARE NORTH SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

**Luco Construction Company**  
Professional Design Firm No. 184,004,929  
54 Lou Ave., Crystal Lake, Illinois 60014  
Phone: 815.526.3974 Email: Lucoand@gmail.com

Common Address: 93 Elmhurst St., Crystal Lake  
PIN # 14-32-453-011

Job Number: 17 - 41604 Drawn By: JJP  
Client: Majewski Reference: Dawson  
Field Work Completion: 1-18-17

Revisions:

**LEGEND**

- Set IP
- Fnd IP
- x Fnd "x"
- ⊗ Fnd P.K.
- C. Fence
- x—x— Wood Fence
- ▨ Concrete
- ▨ Wood Deck
- ▨ Brick





July 28, 2021

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

Subject: Variation Application for 93 Elmhurst Street, Crystal Lake, PIN: 14-32-453-011

Dear Mr. Greenman and Members of the Zoning Commission

We are opposed granting any of the three variations being sought for the Subject property.

First the required minimum 80 foot lot width should be held as the minimum for a buildable lot to retain the suburban nature of the neighborhood. The minimum 80 foot lot width provides room for a reasonable size building plus driveway, plus side-lot setbacks, and therefore provides yard space and light between adjacent buildings to maintain the character of the neighborhood. The 46.5 foot lot width should therefore be considered unbuildable.

Second the front yard setback requirement should not be encroached: Again to maintain the suburban nature of the neighborhood.

While we can sympathize with the lot owner wanting to develop the property the owner should have known the property was unbuildable prior to purchasing the property.

The lot owner has other options if these zoning variations are denied. First the lot owner can and should negotiate with the adjacent property owners to consolidate the very small lot width one of the two adjacent properties to provide a larger lot for one of the two properties. Another potentially acceptable solution would be for the lot owner to seek a variation to put a single family tiny house on the property with a driveway set along one side of the house while maintaining all existing lot setback requirements. Even though putting a tiny house on the property would still require the lot owner to seek a lot width variation, this solution may be acceptable since the building would be small and therefore in-proportion to the small width of the existing lot.

We are the trustees of the Smetters Family Trust that is the owner of the 106 Elmhurst Street 8-flat apartment building located approximately across the street from 93 Elmhurst Street.

Thank you,

