



**#2022-187**  
**647 Lee Drive – Variation**  
**Project Review for Planning and Zoning Commission**

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<b><u>Meeting Date:</u></b>	September 6, 2022
<b><u>Request:</u></b>	Variation from Article 3 Front Yard Setback to allow an accessory structure to encroach 20 feet into the required 30-foot front yard setback for a treehouse.
<b><u>Location:</u></b>	647 Lee Drive
<b><u>Acreage:</u></b>	Approximately 8,580 square feet
<b><u>Existing Zoning:</u></b>	R-2 Single Family
<b><u>Surrounding Properties:</u></b>	North: R-2 Single Family South: R-2 Single Family East: R-2 Single Family West: R-2 Single Family
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

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**Background:**

- The property is an existing single-family residential lot in Crystal Lake.
- The petitioners would like to install a tree house in their yard and the available trees are located in the front yard.
- The UDO defines accessory structures as detached garages; decks; gazebos; private greenhouses; garden houses; sheds or buildings for domestic storage; children’s play houses; play equipment (swing set, trampoline, basketball hoop, **treehouses**, etc.); fences; walls; hedges; flagpoles; swimming pools; antennas or satellite dish; signs; mailboxes; and multi-family parking lots and waste disposal containers.
- There are exemptions for signs, mailboxes, flagpoles, basketball hoops, fences, flat work and multi-family parking areas to be located in the front yard. No other accessory structures are permitted in the front yard.

**Development Analysis:**

**General**

- Request: To construct a tree house, an accessory structure, 10 feet from the property line, which encroaches 20 feet into the required 30-foot front yard 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 petitioner is requesting that the tree house be handled differently than a traditional accessory structure. The petitioner is proposing that there could be exemptions if the structure:
  - Is a minimum of five feet setback from all property lines
  - Is less than 50 square feet in area
  - Has a height off the ground of ten feet or less
  - Has a roof that contains a three degree pitch
  - Complements the principal structure
  - Is solely supported by a tree

**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.**

**Findings of Fact:**

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 3 to allow an accessory structure in the front yard setback for a tree house.

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.

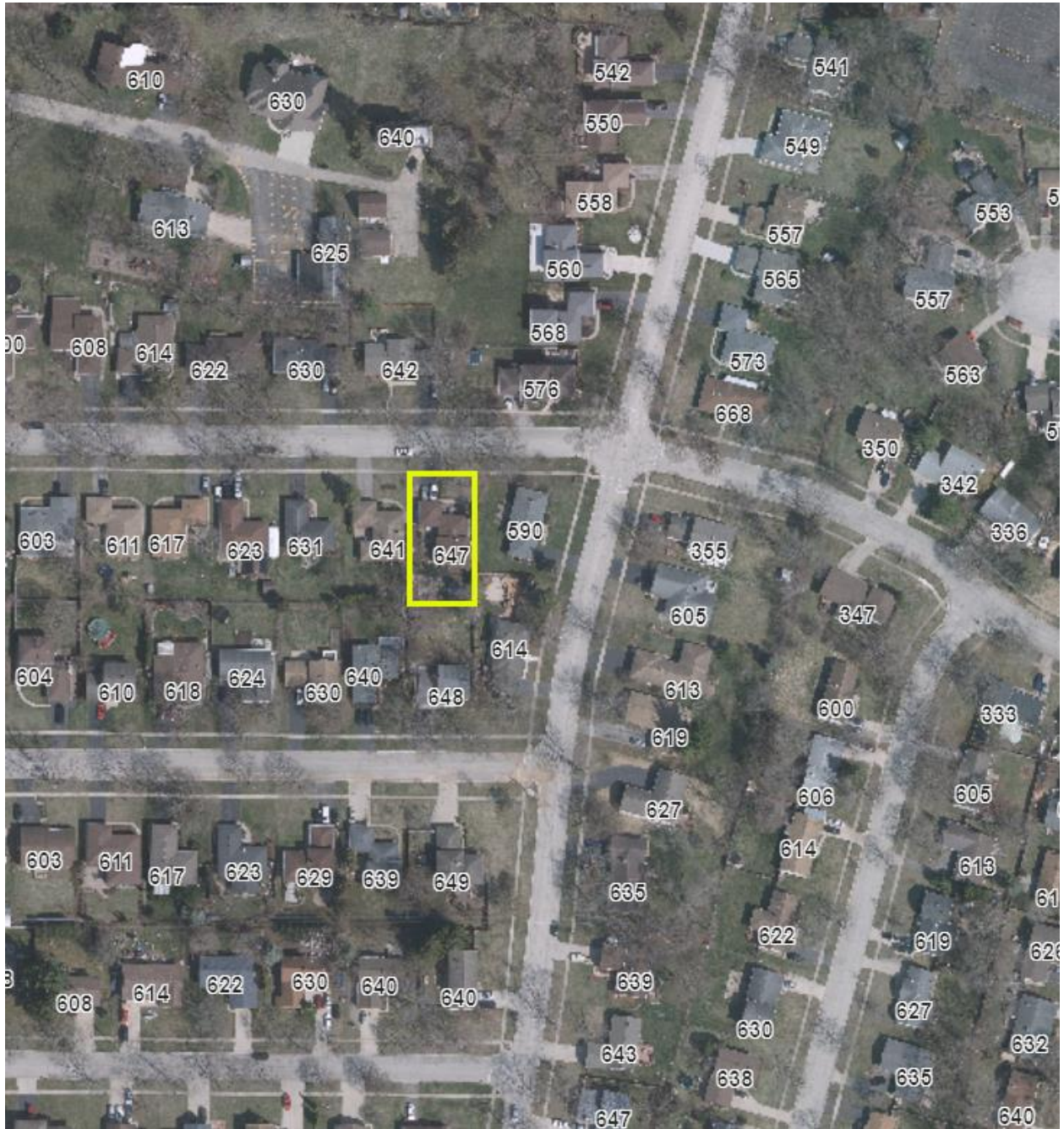
**Recommended Conditions:**

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 (Palmisano, received 08/16/22)
  - B. Site Plan (Property Lines Inc. undated, received 08/16/22)

2. The treehouse shall have a solid wall on the side facing the adjoining neighbor's property to the east and the side facing the sidewalk.
3. The siding of the treehouse must match the principal structure in color.
4. The treehouse can be no larger than the proposed six feet by eight feet in area.
5. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ Map  
647 Lee Drive



**Application for Simplified Residential Variation**

Application Number: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Project Name: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

**I. Applicant**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail address

**II. Owner of Property (if different)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**III. Project Data**

1. a. Location/Address: \_\_\_\_\_

b. PIN #: \_\_\_\_\_

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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IS THE HARDSHIP SELF-CREATED?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
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.

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

IN THE MATTER OF THE APPLICATION OF  
Steven and Julie Palmisano

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 Steve Palmisano for approval of a variations allowing the construction of a tree house in the front yard at the following real estate known as 647 Lee Drive, Crystal Lake, Illinois 60014, PIN: 19-08-102-002.

This application is filed for the purpose of seeking Simplified Residential Zoning Variation to allow an accessory structure to encroach 20 feet into the front yard setback, and any other variations as noted at the public hearing to allow for a tree house pursuant to Unified Development Ordinance Article 3, 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, September 7, 2022, 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 August 20, 2022)2008962



STATE OF ILLINOIS

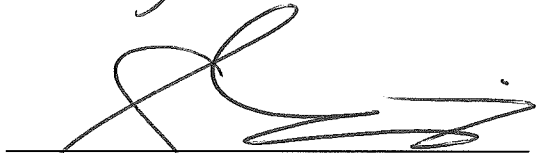
COUNTY OF MCHENRY

IN THE MATTER OF THE APPLICATION OF  
Steve Palmisano;

**AFFIDAVIT**

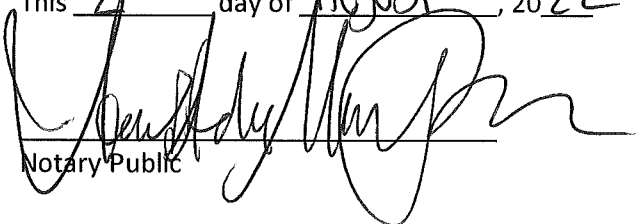
(Name), being first duly sworn on oath deposes and states as follows:

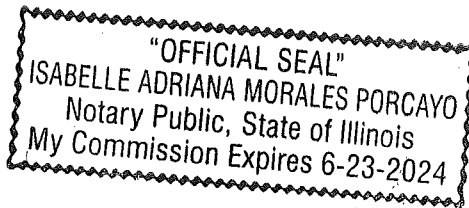
- A. That a copy of the legal notice, concerning the hearing date for the above mentioned Petitioner, was sent to each of the persons named on the attached list by regular mail notifying them of the hearing before the Planning and Zoning Commission on September 7, 2022, at 7:00 p.m., at the City of Crystal Lake City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the below mentioned persons by regular mail on August 18<sup>th</sup> 2022
  
- B. That the posting requirements of the Zoning Ordinance have been complied with by placing the customary public notice sign on the subject property on August 17<sup>th</sup> 2022

  
\_\_\_\_\_  
(name) (Signature)

Subscribed and Sworn to me before

This 23<sup>rd</sup> day of AUGUST, 2022

  
\_\_\_\_\_  
Notary Public



Owner	Mail To Address 1	Mail To City	Site Address Street	Site Address City
1 KURT WALTER SARNAU	641 LEE DR	CRYSTAL LAKE, IL 60014	641 LEE DR	CRYSTAL LAKE, IL
2 JOHN D JR JOYCE A BAXTER	614 ELETSON DR	CRYSTAL LAKE, IL 60014	614 ELETSON DR	CRYSTAL LAKE, IL
3 MARGARET LIAN	613 ELETSON DR	CRYSTAL LAKE, IL 60014	613 ELETSON DR	CRYSTAL LAKE, IL
4 KATIE T KYLE B WALTER	631 LEE DR	CRYSTAL LAKE, IL 600147413	631 LEE DR	CRYSTAL LAKE, IL
5 BRYON A LIV TR THIESSE	642 LEE DR	CRYSTAL LAKE, IL 60014	642 LEE DR	CRYSTAL LAKE, IL
6 RYAN M SUSAN E FITZGERALD	640 SHARON DR	CRYSTAL LAKE, IL 60014	640 SHARON DR	CRYSTAL LAKE, IL
7 RUSSELL B REV TR ET AL LEMBEKE	648 SHARON DR	CRYSTAL LAKE, IL 60014	648 SHARON DR	CRYSTAL LAKE, IL
8 ROBERT J SANDRA L HOLUB	568 ELETSON DR	CRYSTAL LAKE, IL 60014	568 ELETSON DR	CRYSTAL LAKE, IL
9 KIMBERLY ANN BEDDOW	576 ELETSON DR	CRYSTAL LAKE, IL 600147406	576 ELETSON DR	CRYSTAL LAKE, IL
10 TM E DM KELLER	605 ELETSON DR	CRYSTAL LAKE, IL 600147407	605 ELETSON DR	CRYSTAL LAKE, IL
11 MEEGAN AUDREY KENYON JACOB M	630 LEE DR	CRYSTAL LAKE, IL 60014	630 LEE DR	CRYSTAL LAKE, IL
12 GEORGE M DONNA M KOWALSKI	623 LEE ST	CRYSTAL LAKE, IL 60014	623 LEE ST	CRYSTAL LAKE, IL
13 ADAMI J NICOLE M MOGLINSKI	624 SHARON DR	CRYSTAL LAKE, IL 60014	624 SHARON DR	CRYSTAL LAKE, IL
14 WILLIAM J SHIRLEY L BERGHORN	630 SHARON DR	CRYSTAL LAKE, IL 60014	630 SHARON DR	CRYSTAL LAKE, IL
15 VERNON D CHERI L PEARL	355 LEE DR	CRYSTAL LAKE, IL 60014	355 LEE DR	CRYSTAL LAKE, IL
16 STEVEN A JULIE A PALMISANO	647 LEE DR	CRYSTAL LAKE, IL 600147413	647 LEE DR	CRYSTAL LAKE, IL
17 WILLIAM L JEANNE E TR KAMIN	590 ELETSON DR	CRYSTAL LAKE, IL 60014	590 ELETSON DR	CRYSTAL LAKE, IL
18 WOODIN JULIE A PECK ROBERT F	619 ELETSON DR	CRYSTAL LAKE, IL 60014	619 ELETSON DR	CRYSTAL LAKE, IL
19 MARK LISA BRADFORD	627 ELETSON DR	CRYSTAL LAKE, IL 60014	627 ELETSON DR	CRYSTAL LAKE, IL
20 HUANG LI LING ZHU SU LIU	PO BOX 472	DUNDEE, IL 601180472	640 RUDAT CT	CRYSTAL LAKE, IL
21 DAVID MARY ALGOZINE HAYES	668 LEE DR	CRYSTAL LAKE, IL 600147457	668 LEE DR	CRYSTAL LAKE, IL
22 PATRICK R MELISSA L RUGE	649 SHARON DR	CRYSTAL LAKE, IL 600147417	649 SHARON DR	CRYSTAL LAKE, IL
23 OSCAR DENISE M TR 1 SAMANO	639 SHARON DR	CRYSTAL LAKE, IL 60014	639 SHARON DR	CRYSTAL LAKE, IL
24 ROBERT H SHELLY F SZABELSKI	622 LEE DR	CRYSTAL LAKE, IL 600147414	622 LEE DR	CRYSTAL LAKE, IL
25 BETTY DECL OF TR KOCH	613 RUDAT CT	CRYSTAL LAKE, IL 60014	613 RUDAT CT	CRYSTAL LAKE, IL
26 KIMBERLY V TR MARTIN	573 ELETSON DR	CRYSTAL LAKE, IL 60014	573 ELETSON DR	CRYSTAL LAKE, IL

# **Request Overview**

Simplified Residential Variation from Article 4-600 E 1 a. Addendum to Simplified Residential Variation exemptions for a front yard accessory structure to allow treehouse with the following requirements:

- a) Must meet five-foot setback
- b) Must be less than 50 square feet
- c) Height of base must not be higher than 10 feet from ground
- d) Must contain roof with minimum 3 degree pitch
- e) Must complement the residential character of house
- f) Must be a minimum of five-feet from all walkways or driveways
- g) Must be solely supported by tree
- h) Color must match color of principle building

Property is approximately 8,500 square feet

# Construction Overview



More than five-feet from property line or other walk ways. Base height less than 10 feet. Total base 48 square feet (see Plat of Survey)



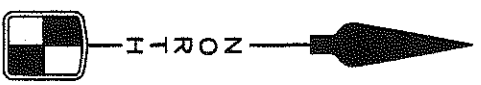
Structure solely supported by tree using 12" galvanized screw bolts through 8x8 lumber and 4x4 supports

## Neighbors

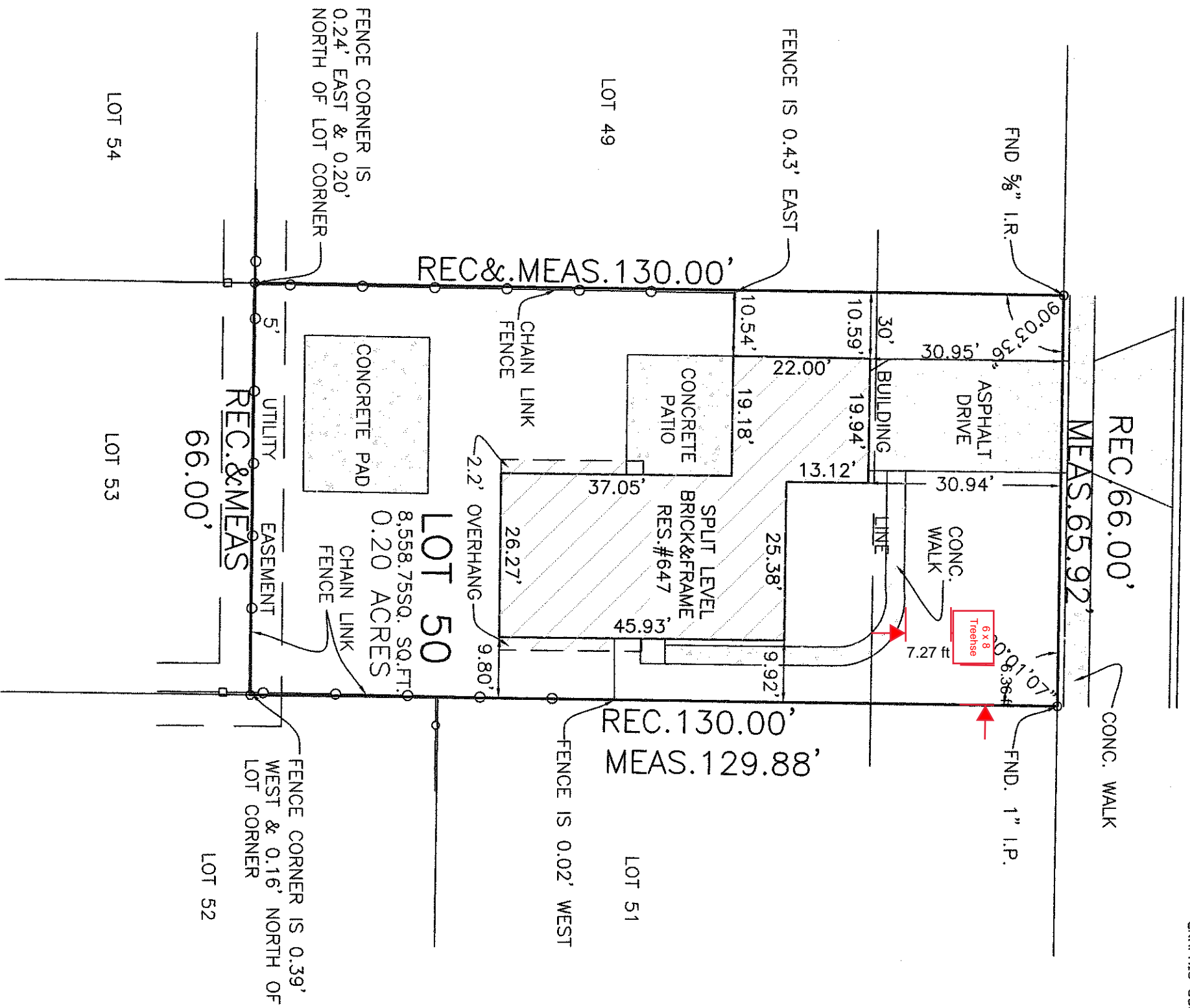
- KATIE T KYLE B WALTER 631 LEE DR  
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- KURT WALTER SARNAU 641 LEE DR  
CRYSTAL LAKE, IL 60014
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CRYSTAL LAKE, IL 60014
  
- JOYCE A BAXTER 614 ELETSON DR, CRYSTAL LAKE, IL 60014
- RUSSELL B REV TR ET AL LEMBKE 648 SHARON DR  
CRYSTAL LAKE, IL 60014
- RYAN M SUSAN E FITZGERALD 640 SHARON DR  
CRYSTAL LAKE, IL 60014
- WILLIAM J SHIRLEY BERGHORN 630 SHARON DR  
CRYSTAL LAKE, IL 60014
  
- BRYON A LIV TR THIESSE 642 LEE DR  
CRYSTAL LAKE, IL 60014
- KIMBERLY ANN BEDOW 576 ELETSON DR  
CRYSTAL LAKE, IL 60014-7406

# PLAT OF SURVEY

LOT 50 IN COUNTRY MEADOWS, A SUBDIVISION OF PART OF SECTIONS 7 AND 8, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 19, 1958 AS DOCUMENT NO. 335972 IN BOOK 13 OF PLATS, PAGE 54, IN MCHEMERY COUNTY, ILLINOIS.



LEE DRIVE  
31' ASPHALT ROAD



CLIENT: STEVE ENGLISH (SCHWARZKOPF TRUST)  
PROPERTY ADDRESS: 647 LEE DRIVE, CRYSTAL LAKE, ILLINOIS, 60014

## PROPERTY LINES, INC.

1601 ANTHONY LANE  
LAKEMOOR, ILLINOIS 60051

A PROFESSIONAL LAND SURVEYING  
AND MAPPING COMPANY

Design Firm Lic# 184-004381

PHONE (815)-578-9646

FAX (815)-578-9647

ORDER NO. 11-00115

COMPARE ALL POINTS AND REPORT ANY  
DIFFERENCE AT ONCE.

BUILDING LINES AND EASEMENTS ARE SHOWN  
ONLY WHERE THEY ARE SO RECORDED IN THE  
MAPS. REFER TO YOUR DEED, ABSTRACT,  
TITLE POLICY OR BUILDING COMMISSIONER.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL  
PARTS THEREOF.

NO DIMENSION IS TO BE ASSUMED BY SCALING  
THIS PLAT.

THIS PLAT IS NOT VALID WITHOUT EMBOSSED  
SURVEYORS SEAL.

FIELD WORK PERFORMED ON NOV. 21, 2011.

STATE OF ILLINOIS )  
COUNTY OF MCHEMERY ) S.S.

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED  
PROPERTY, ACCORDING TO THE OFFICIAL RECORD, AND THE ABOVE  
PLAT CORRECTLY REPRESENTS SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS  
MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

STEVEN M. SLOTT

ILLINOIS REGISTERED LAND SURVEYOR NO. 35-003279  
MY PROFESSIONAL LICENSE EXPIRES ON NOVEMBER 30, 2012.