



#2022-223 339 W. Crystal Lake Avenue – Variations Project Review for Planning and Zoning Commission

Meeting Date: November 2, 2022

Request: Variation from Article 4-600 Accessory Structures to allow a deck attached to the principal structure zero feet from the side property line, a variation of 5 feet.

Location: 339 W. Crystal Lake Avenue

Acreage: Approximately 8,700 square feet

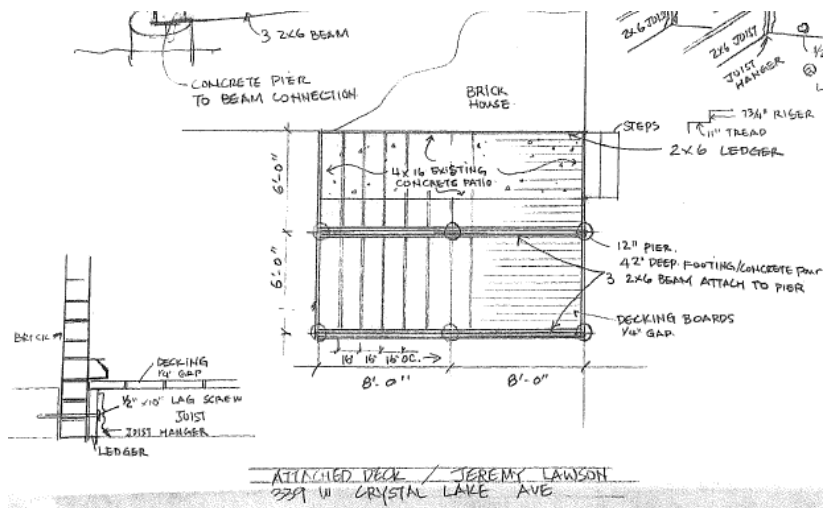
Existing Zoning: R-2 Single Family

Surrounding Properties: North: R-2 Single Family
South: R-2 Single Family
East: R-2 Single Family
West: R-2 Single Family

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

- The property is currently a single-family home.
- The petitioner received a building permit to construct a deck over the concrete patio and extend out 12 feet from the house and 16 feet in width.
- Upon inspection it was noted the deck was constructed to the property line. The petitioner has been issued a citation and is currently going through the adjudication process. The hearing has been continued until the outcome of the variation process.

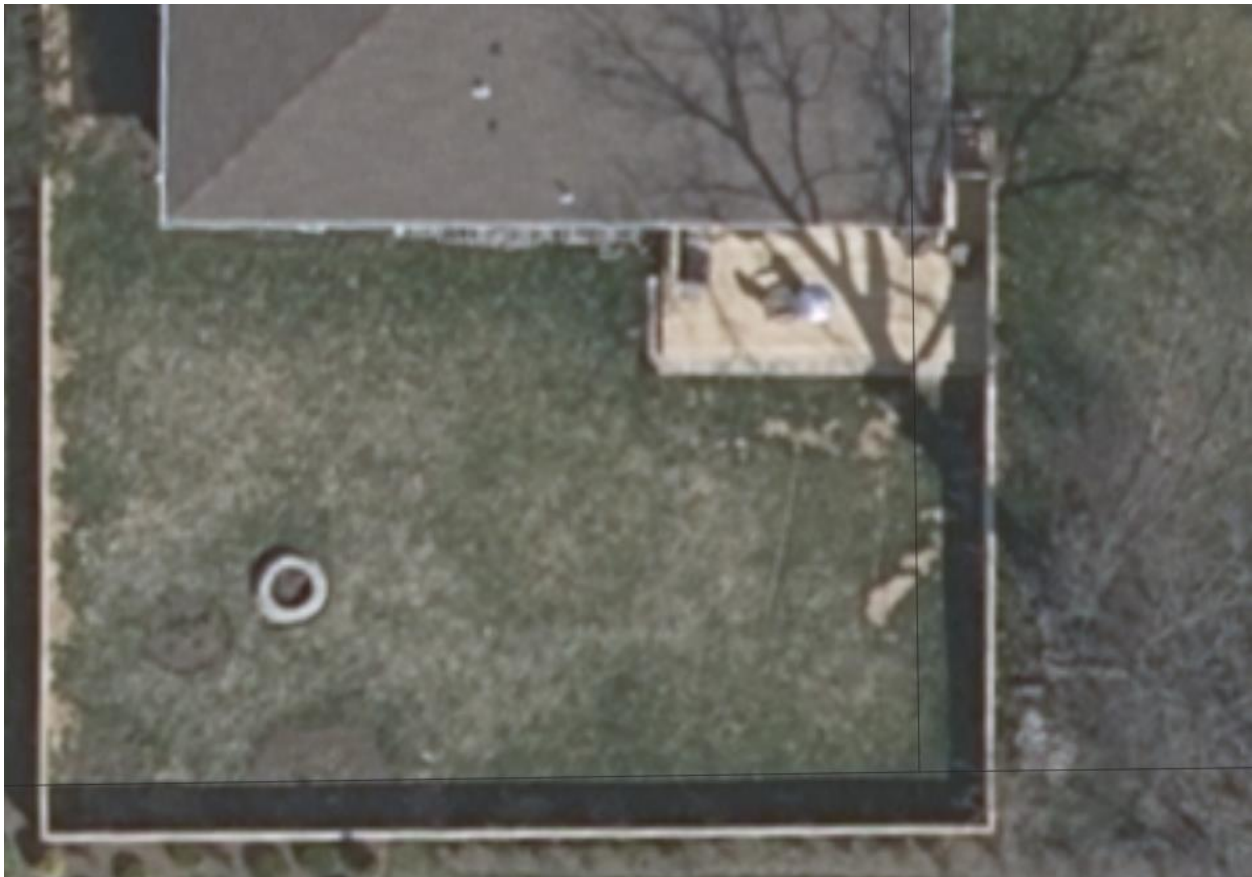


**APPROVED
WITH CONDITIONS**

Development Analysis:

General

- 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.
- The lot is considered a non-conforming lot, as it does not meet the minimum 70-foot lot width. A non-conforming lot is allowed reduced setbacks and the house could be 4.9 feet from the side property line.
- Attached accessory structures, like a deck, are required to meet principal structure setbacks, but in no instance be any closer than 5 feet to a property line. The deck is required to be 5 feet from the east property line.
- The deck has been constructed to the east property line.



- The 5-foot setback for accessory structures including decks and patios was established due to concerns of people gathering right at the property line and possibly impacting the neighbor.

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.

The project meets 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.

The project does not meet the following supporting action:

Supporting Action: Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

Success Indicator: The number of adjudication fines for residential properties.

The project does not meet the following goal or success indicator:

Housing – Single Family Housing

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

The project does not meet the following supporting action:

Supporting Action: Encourage “green” improvements to homes and yards.

Success Indicator: The number of rain gardens, bio-swales and native prairie flowers planted.

A deck is considered impervious surface.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting Variations from Article 4-600 Accessory Structures to allow a deck attached to the principal structure zero feet from the side property line, 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*

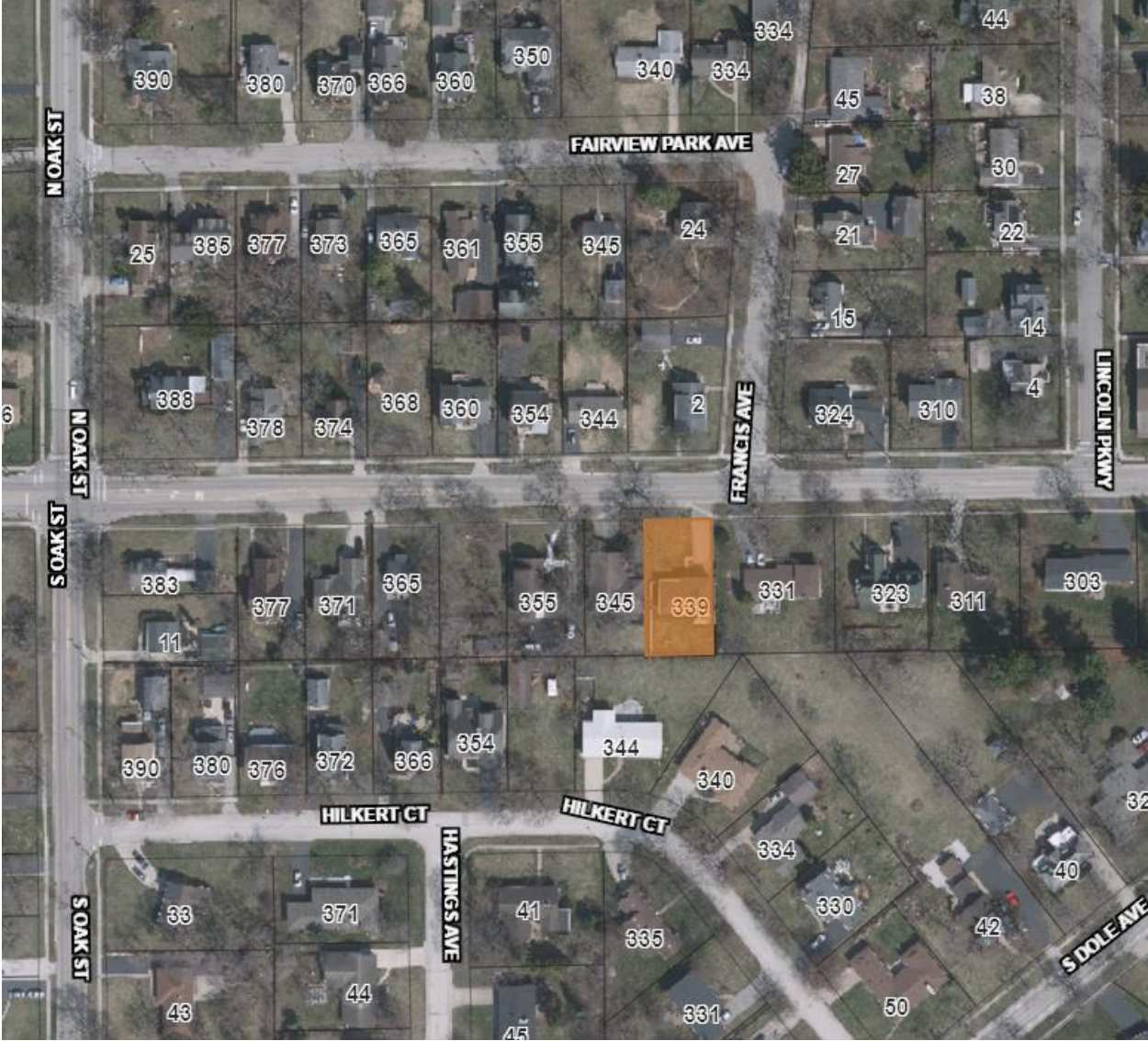
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

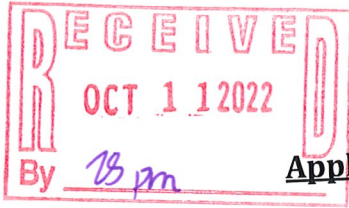
Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Lawson, received 10/11/22)
 - B. Plans (Lawson, undated, received 10/11/22)
2. No covering, awning, pergola, roof, or sides can be constructed on the deck.
3. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ MAP
339 W. Crystal Lake Avenue





Application for Simplified Residential Variation

FOR OFFICE USE ONLY

Application Number: _____

Project Name: _____

Date of Submission: _____

I. Applicant

JEREMY LAWSON
Name

339 W CRYSTAL LAKE AVE
Street

CRYSTAL LAKE IL 60014
City State Zip Code

815-904-9073 dr.jeremy@catalystfamilychiro.com
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

RUBY LAWSON
Name

SAME 770-601-3784
Address Telephone Number

III. Project Data

1. a. Location/Address: 339 W CRYSTAL LAKE AVE

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:
YARD IS SLOPED w/ significant dropoff. The additional deck area provides increased safety especially for our young daughter

IS THE HARDSHIP SELF-CREATED?
No. YARD HAS ALWAYS BEEN SLOPED IN THIS AREA

ARE THE CONDITIONS APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION? DEPENDS. I think this question is unique to each individual property

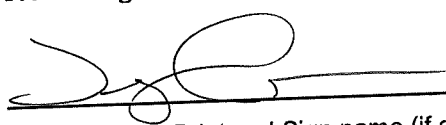
WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY? NO

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY? NO

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? NO

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) 10/4/22
Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.
Ruby Latoria Lawson
OWNER: Print and Sign name Ruby Lawson
Date 10/4/22

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 PETITION OF
Ruby Bennett

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 Jeremy Lawson and Ruby Bennett Lawson for approval of a Variation at the following real estate known as 339 W. Crystal Lake Avenue, Crystal Lake, Illinois 60014, PIN: 19-05-101-008.

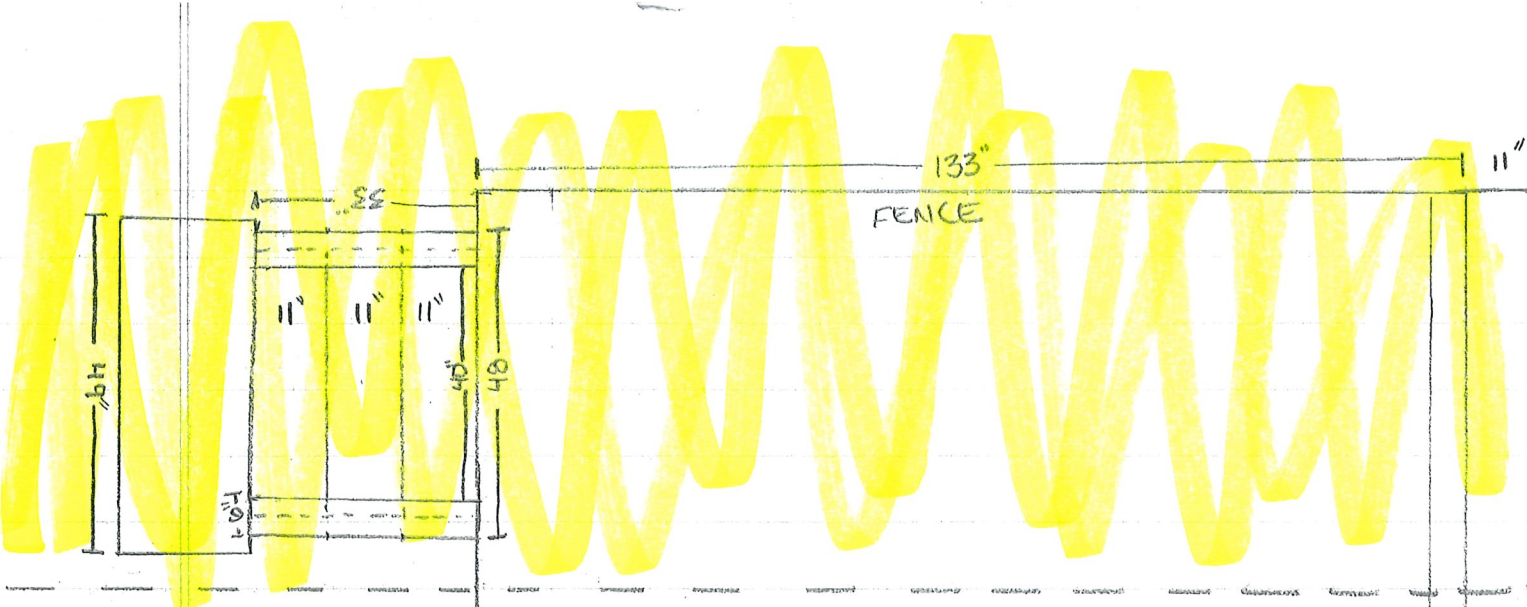
This application is filed for the purpose of seeking a Simplified Residential Zoning Variation to allow an accessory structure, a deck which is attached to the house, zero feet from the east property line rather than the minimum 7 feet, which is required, a variation of 7 feet pursuant to Unified Development 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, November 2, 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.

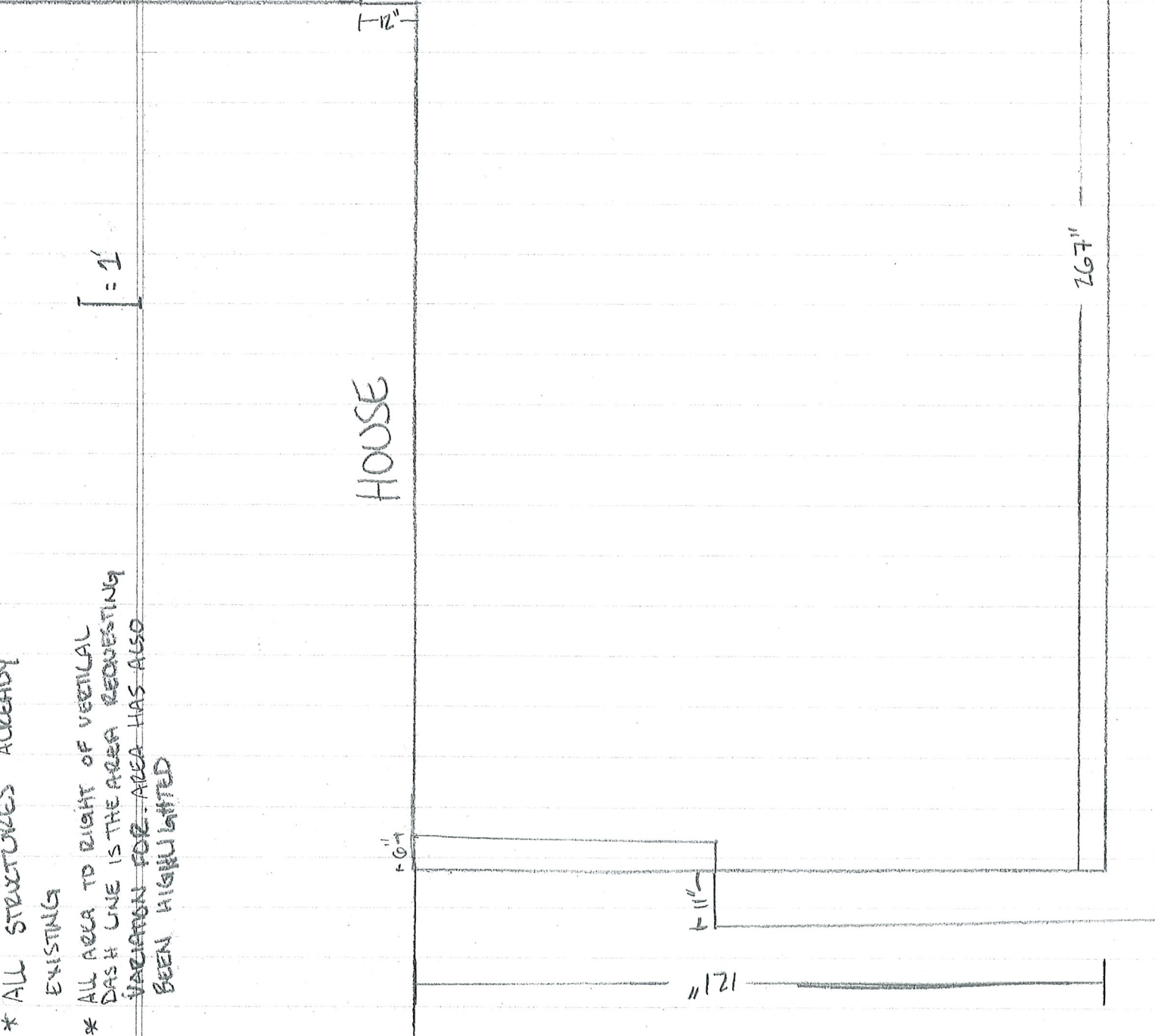
Jeff Greenman, Chairperson
Planning and Zoning Commission
City of Crystal Lake

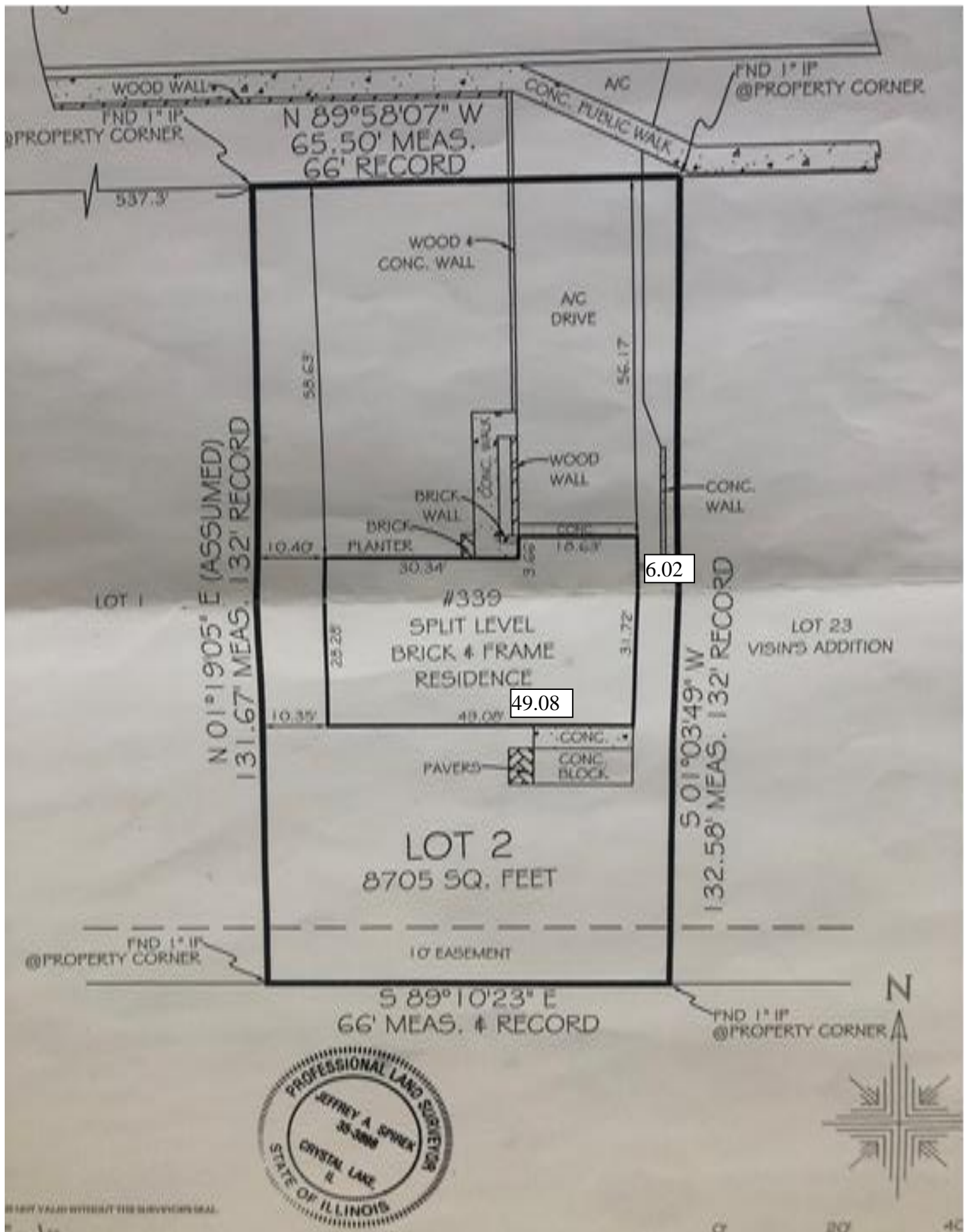
(Published in the Northwest Herald on October 18, 2022)2025413

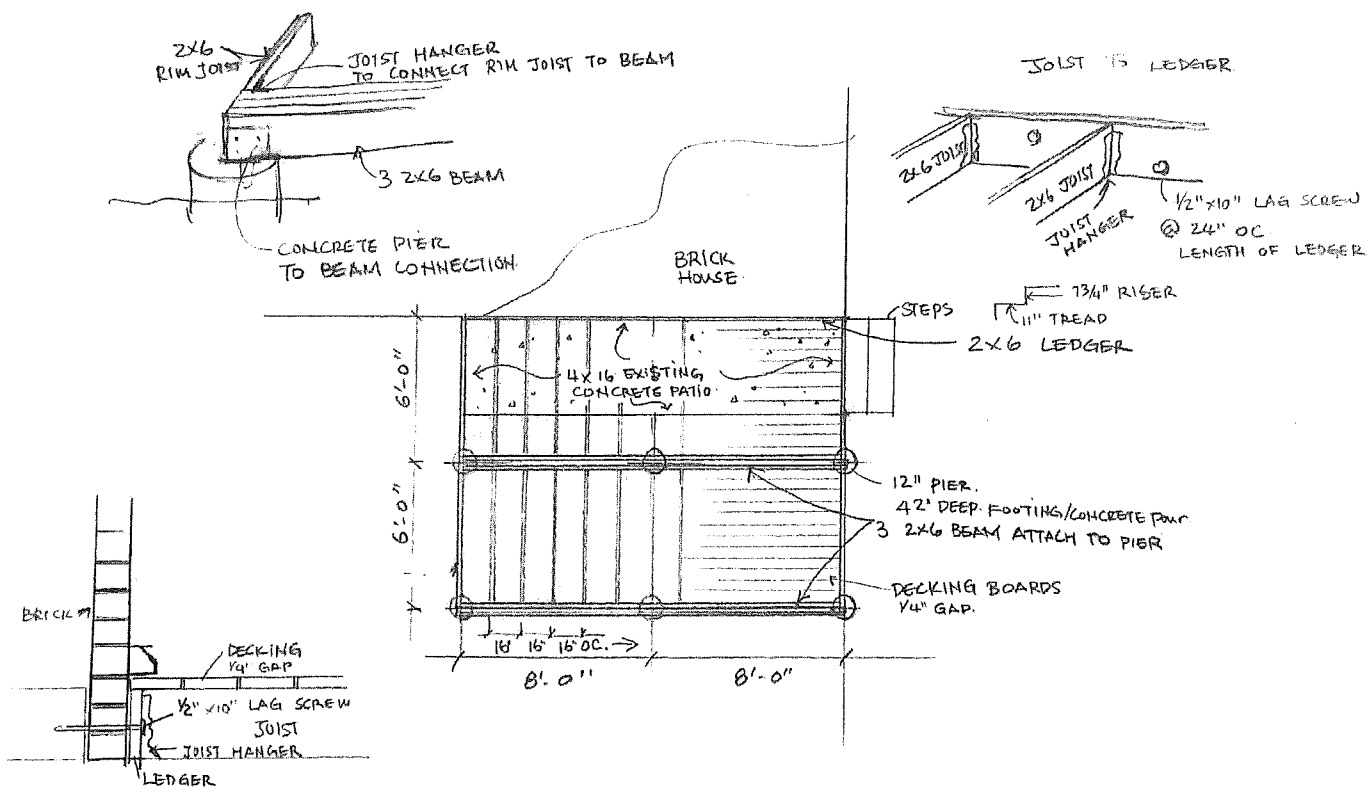
- * ALL STRUCTURES ALREADY EXISTING
- * ALL AREA TO RIGHT OF VERTICAL DASH LINE IS THE AREA REQUESTING VARIATION FOR. AREA HAS ALSO BEEN HIGHLIGHTED



HOUSE







ATTACHED DECK / JEREMY LAWSON
 339 W CRYSTAL LAKE AVE

APPROVED
 WITH CONDITIONS