



#2022-208
185 N. Main Street – Simplified Residential Variation
Project Review for Planning and Zoning Commission

Meeting Date: November 16, 2022

Requests: Simplified Residential Variations from:

1. Article 3-200 to allow a 15.37-foot front yard setback, a variation of 5.63 feet from the required 21-foot minimum front yard setback for an addition to the principal structure; and,
2. Article 3-200 to allow an 11.34-foot side yard abutting a street setback, a variation of 18.66 feet from the 30-foot minimum side yard abutting a street for an accessory structure; and,
3. Article 3-200 to allow a 10-foot rear yard setback, a variation of 10 feet from the 20-foot minimum rear yard for an accessory structure; and,
4. Article 3-200 from the maximum accessory structure height of one-story and 15 feet to allow an accessory structure with a height of 18 feet, a variation of 3 feet.

Location: 185 N. Main Street

Acreage: Approximately 8,712 square feet

Existing Zoning: R-3B – Multi-Family Residential

Surrounding Properties: North: R-3B – Multi-Family Residential
South: R-3B – Multi-Family Residential
East: R-3A – Two-Family Residential
West: R-3B – Multi-Family Residential

Staff Contact: Katie Rivard (815.356.3612)

Background:

- **Existing Use:** The subject property is currently improved with a single-family residence.

- UDO Requirements:
 - Non-conforming lots must provide 70% of the district standard for the setback requirements. The R-3B zoning district requires a minimum 30-foot setback for the front yard. Therefore, the front yard setback requirement is 21 feet for a non-conforming lot. The 70% rule does not apply to rear yard and side yards abutting a street setback requirements.

Development Analysis:

General:

- Land Use: The Comprehensive Land Use map shows the area as Central Urban Residential, which is an appropriate land use designation.
- Zoning: The site is zoned R-3B – Multi-Family Residential. Single-family residential is permitted in the R-3B zoning district.

Request Overview:

- The petitioners are requesting to construct an addition to the principal structure and a new detached garage.
- The subject property is a corner lot, and the principle structure is non-conforming as it is setback 15.37 feet from the front lot line and 14.34 feet from the side yard abutting the street.
- The addition would turn the existing attached garage into livable space. The proposed addition is approximately 684 square feet.
- The proposed detached garage is 720 square feet, and it would encroach in both the required 30-foot side yard abutting a street setback and the required 20-foot rear yard setback.
- All accessory structures over 600 square feet must meet the principal structure setbacks.

	R-3B Requirement	Principal Structure Proposed Setbacks	Accessory Structure Proposed Setbacks
Front Yard Setback	30 feet	15.37 feet	~60 feet
Interior Side Yard Setback	7 feet	10.05 feet	~30 feet
Combined Side Yard Setbacks	18 feet	24.39 feet	~41 feet
Yard Abutting a Street	30 feet	14.34 feet	11.34 feet
Rear Yard Setback	20 feet	~60 feet	10 feet

- The proposed detached garage is two stories and 18 feet tall. This exceeds the maximum UDO requirements allowing maximum one-story and 15 feet in height.
 - The addition and detached garage will have a traditional gable roof to match the house.

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 variations from Article 3-200 to allow a 15.37-foot front yard setback, a variation of 5.63 feet from the required 21-foot minimum front yard setback for an addition, and an 11.34-foot side yard abutting a street setback, a variation of 18.66 feet from the 30-foot minimum side yard abutting a street, a 10-foot rear yard setback, a variation of 10 feet from the 20-foot minimum rear yard and a variation of 3 feet from the maximum height of one-story and 15 feet to allow a two-story detached garage with a height of 18 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.

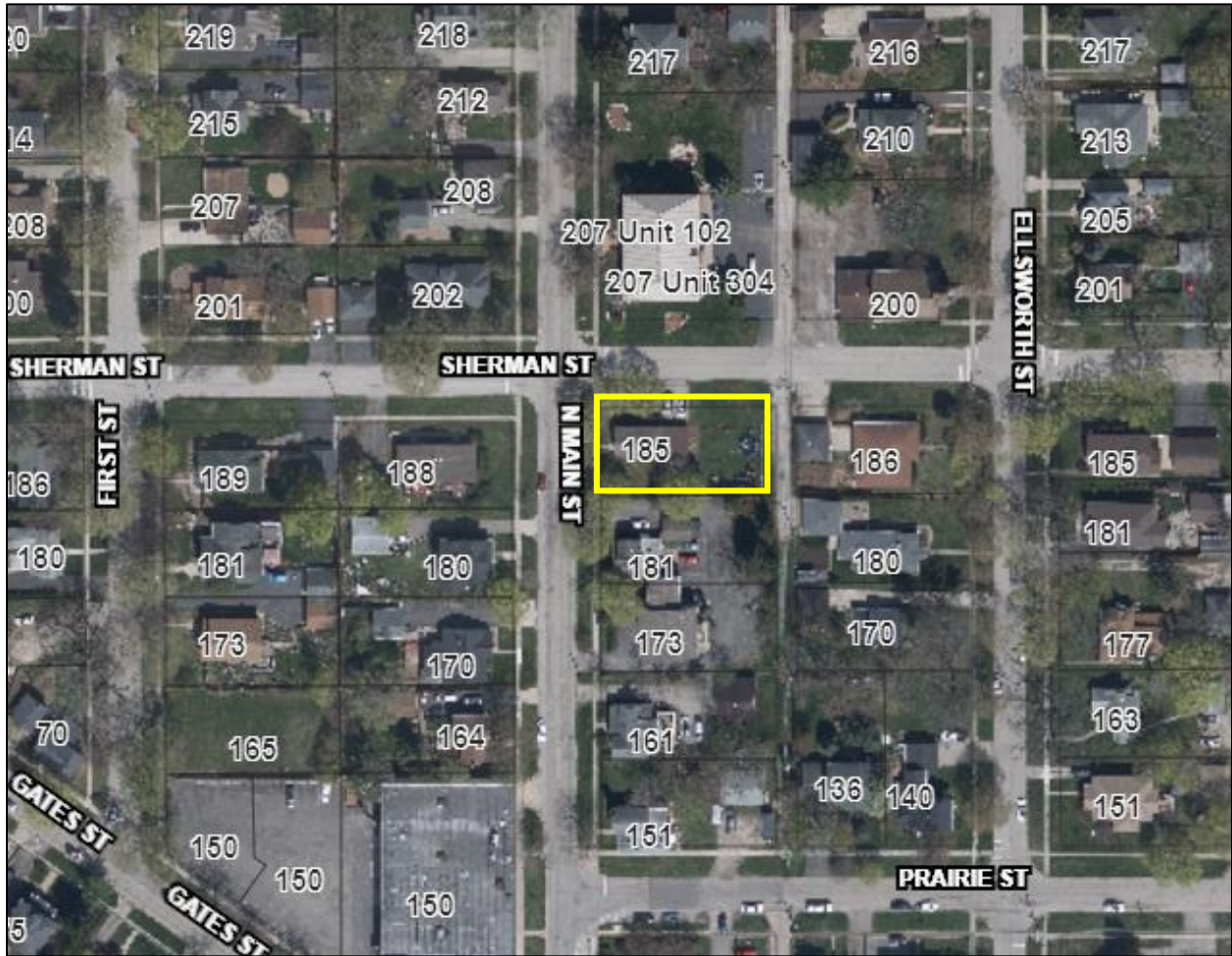
Recommended Conditions:

If a motion to recommend approval of the petitioners' 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 (Kivley, dated 09/03/2022, received 09/12/2022)
 - B. Site Plan (Kivley, received 09/12/2022)
 - C. Elevations (Kivley, received 09/12/2022)
2. The proposed detached garage must complement the existing exterior house in material, color, and style of roof.

3. The unfinished upper-story of the detached garage can only be used for storage and not living space. An affidavit acknowledging this must be recorded with the McHenry County Recorder's Office.
4. The petitioners shall address all of the review comments and requirements of the Community Development and Engineering Departments.

PIQ Map
185 N Main Street





**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: Nathan and Rachel Kivley

Address: 185 N Main St, Crystal Lake, IL 60014

Phone: 815-347-0604

E-mail: nathankivley@gmail.com

Project Name & Description: Kivley Addition

This project includes a home addition and the addition of a detached
garage

Project Address/Location: 185 N Main St, Crystal Lake, IL, 60014

Signature

Nathan Kivley

Nath Kivley

9/3/2022

Rachel Kivley

Rachel Kivley

9/3/22

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.

Northwest Herald

NORTHWEST HERALD

Publication Name:

Northwest Herald

Publication URL:

www.nwherald.com

Publication City and State:

Crystal Lake, IL

Publication County:

McHenry

Notice Popular Keyword Category:

Notice Keywords:

185 main

Notice Authentication Number:

202211021123211447854

213731298

Notice URL:

[Back](#)

Notice Publish Date:

Friday, October 28, 2022

Notice Content

PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE APPLICATION OF Nathan and Rachel Kivley 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 Nathan and Rachel Kivley for approval of a variations allowing the construction of an addition and detached garage at the following real estate known as 185 N. Main Street, Crystal Lake, Illinois 60014, PIN: 14-33-305-001. This application is filed for the purpose of seeking Simplified Residential Zoning Variations to allow a 15.37-foot front yard setback, a variation of 5.63 feet from the 21-foot minimum front yard for an addition to the principal structure, and an 11.34-foot side yard abutting a street setback, a variation of 18.66 feet from the 30-foot minimum side yard abutting a street, a 10-foot rear yard setback, a variation of 10 feet from the 20-foot minimum rear yard and a variation of 3 feet from the maximum height of 15 feet and one-story for an accessory structure to allow a height of 18 feet and two-stories for a detached garage and any other variations as noted at the public hearing pursuant to 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 16, 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 28, 2022)2029258

[Back](#)

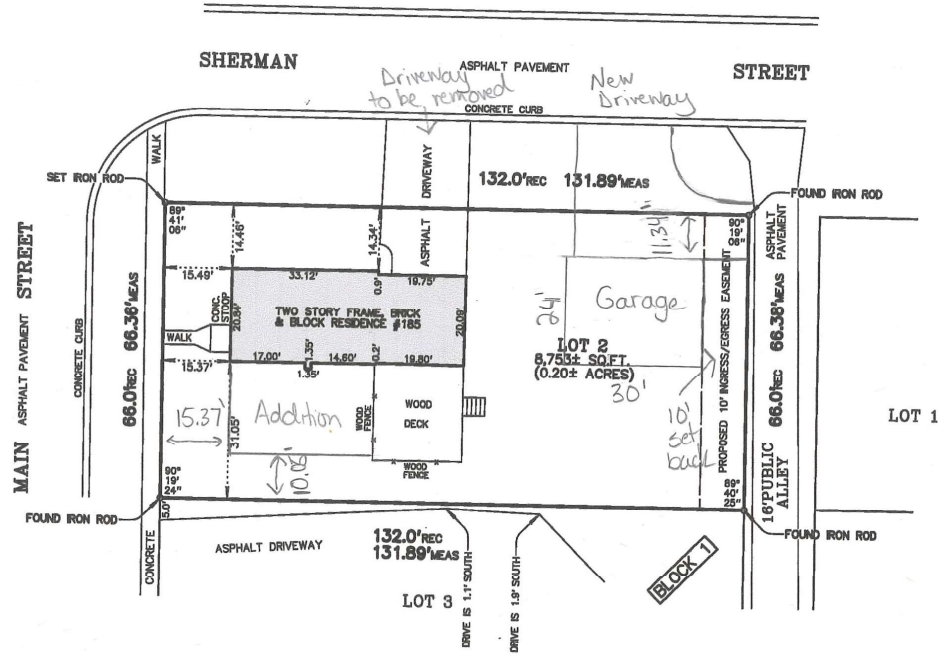
PLAT OF SURVEY

LOT 2 IN BLOCK 1 IN ELLSWORTH'S ADDITION TO NUNDA, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1868 IN BOOK 43 OF DEEDS, PAGE 292, IN MCHENRY COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 185 NORTH MAIN STREET, CRYSTAL LAKE, IL 60014
 PERMANENT INDEX NUMBER: 14-33-305-001

PHONE: 847-978-5124

jms@compassalternatives.com



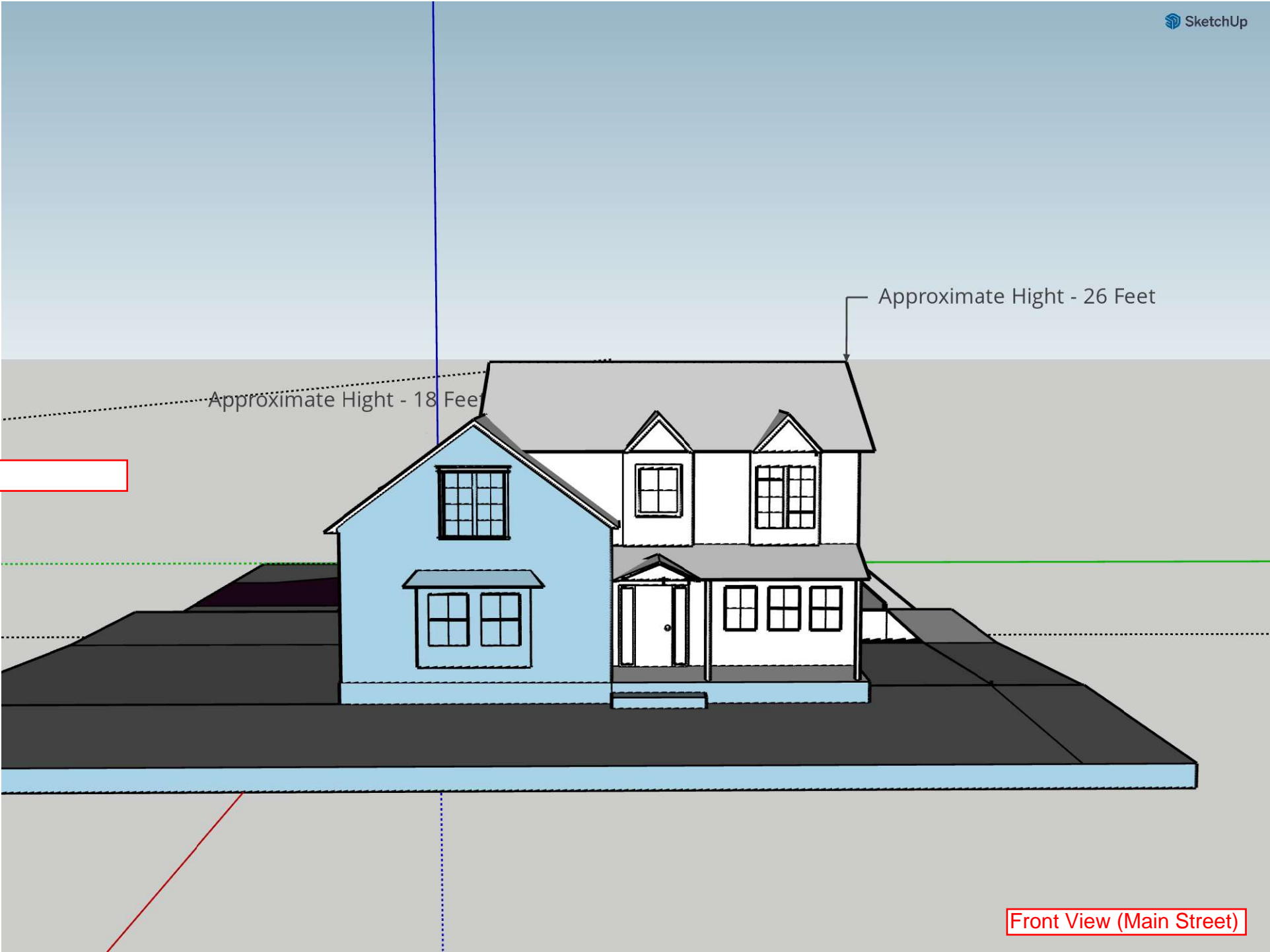
 2017

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.

STATE OF ILLINOIS } s.s.
 COUNTY OF MCHENRY }

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. SLOOT
 ILLINOIS REGISTERED LAND SURVEYOR NO. 35-003279
 MY PROFESSIONAL LICENSE EXPIRES ON NOVEMBER 30, 2018.



Approximate Hight - 18 Feet

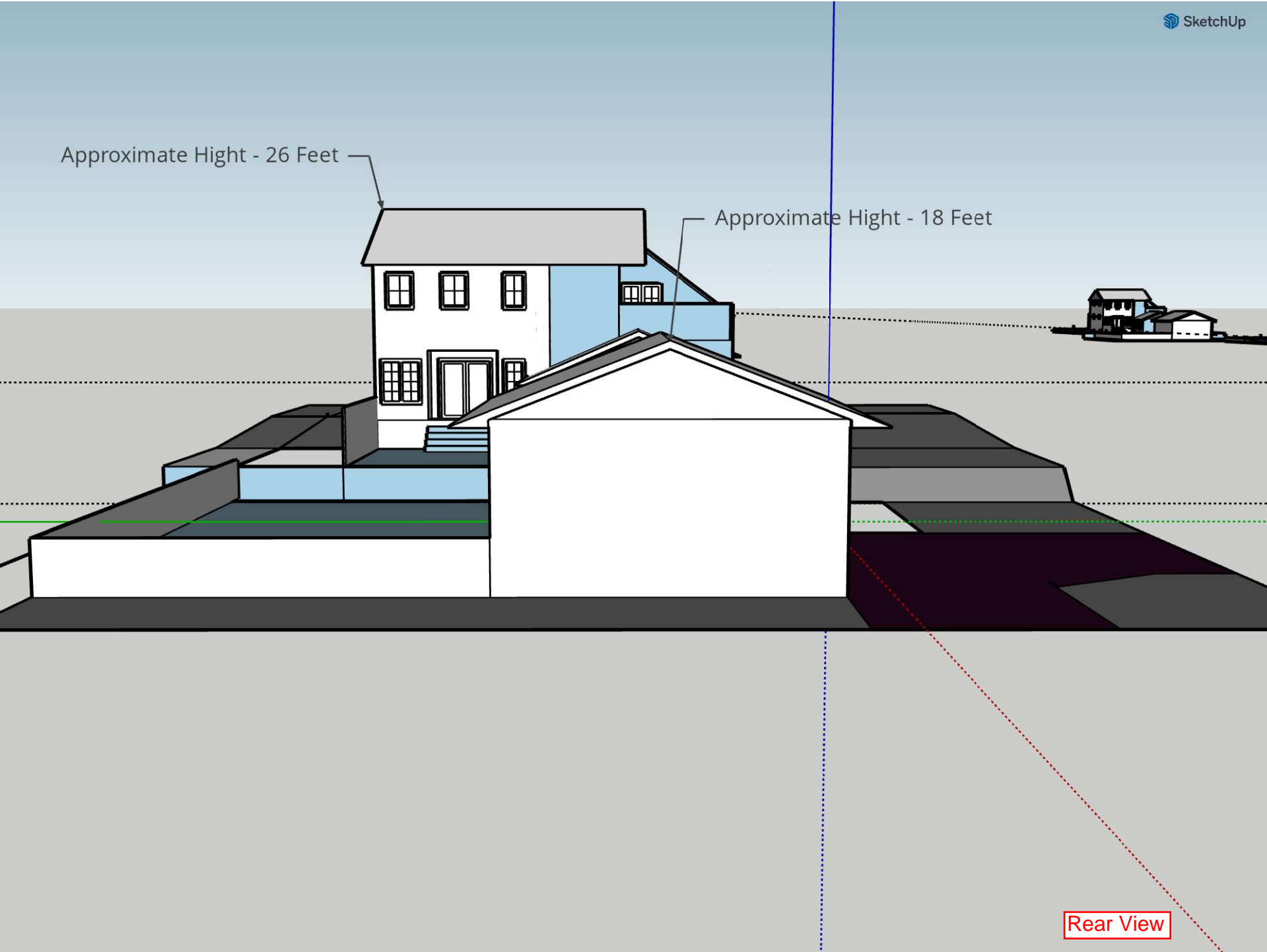
Approximate Hight - 26 Feet

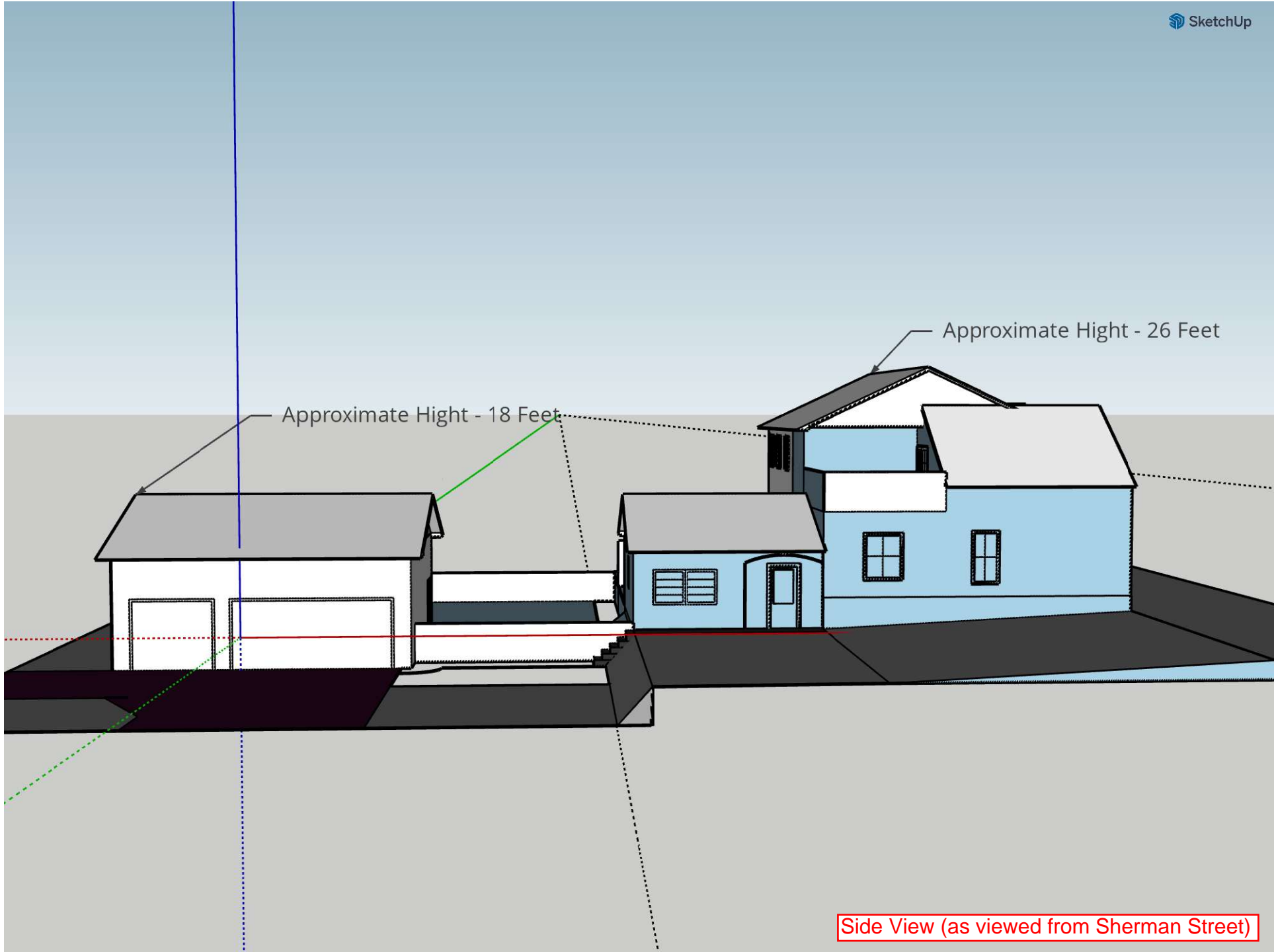
Front View (Main Street)

Approximate Hight - 26 Feet

Approximate Hight - 18 Feet

Rear View

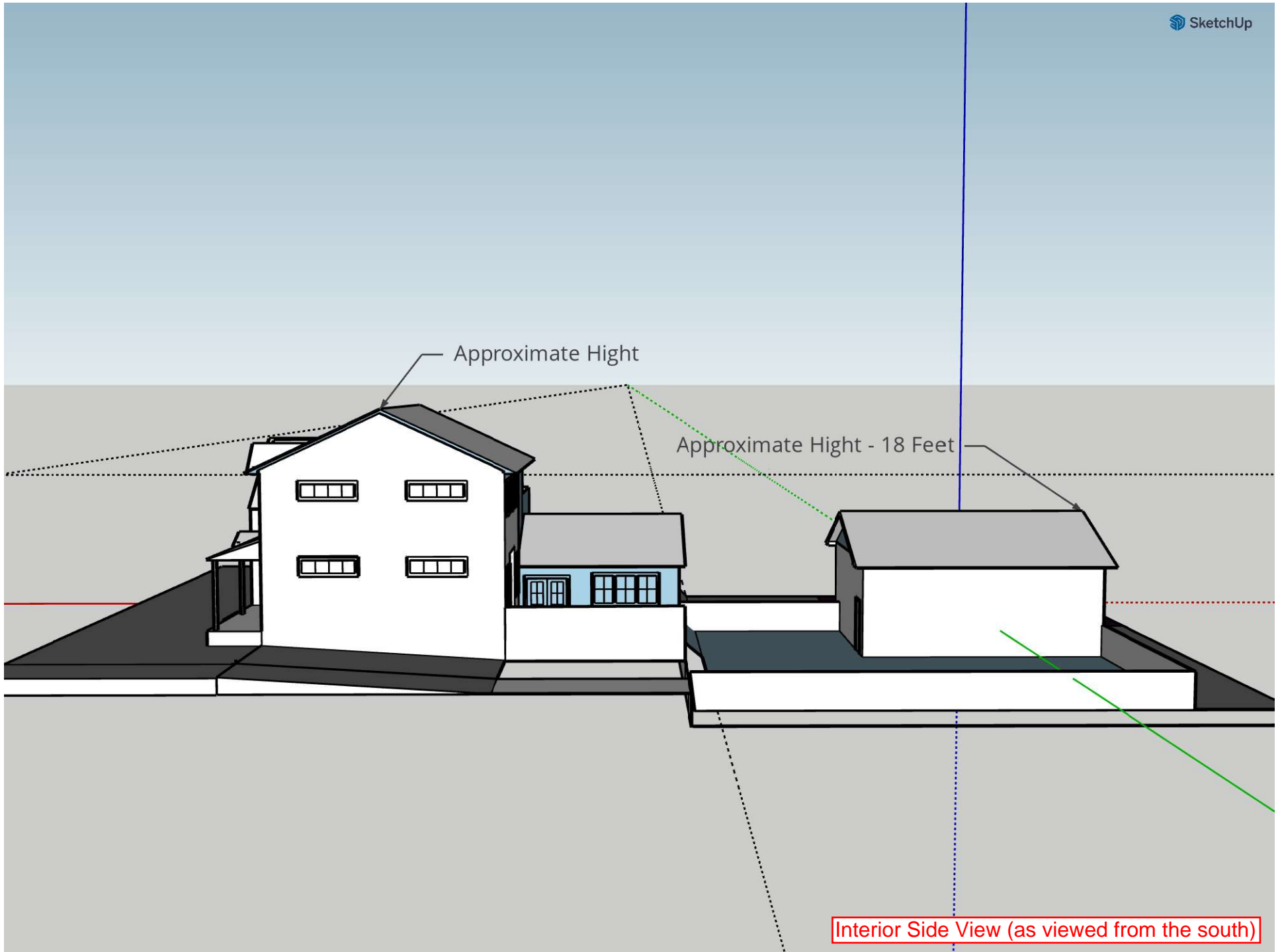




Approximate Hight - 18 Feet

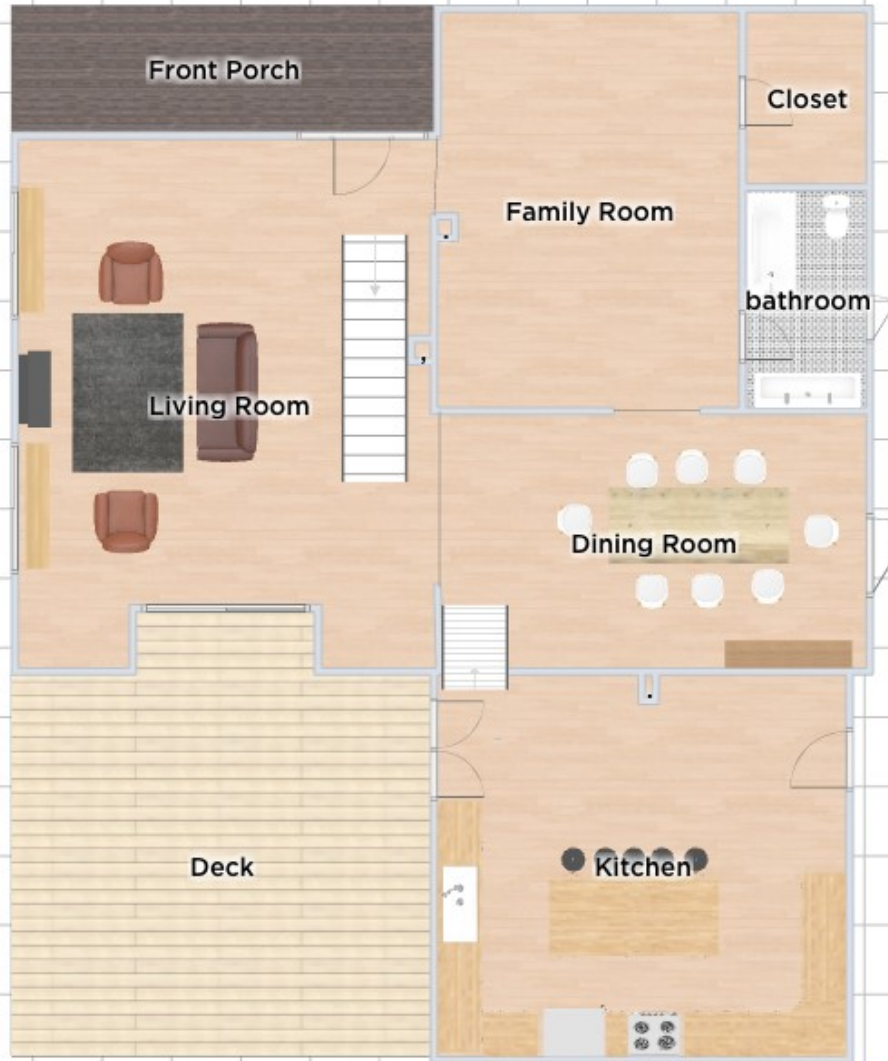
Approximate Hight - 26 Feet

Side View (as viewed from Sherman Street)



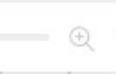
Interior Side View (as viewed from the south)

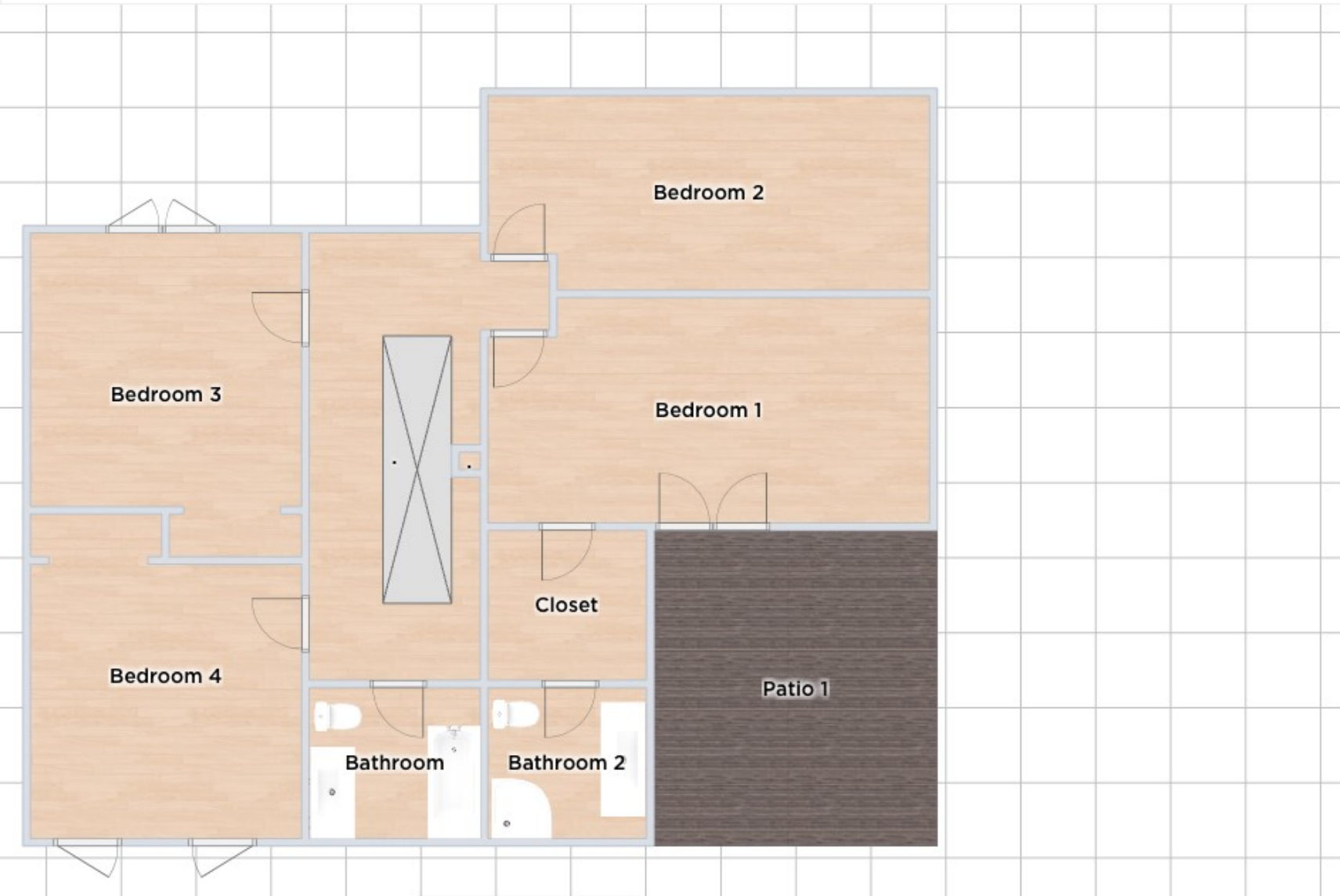
RENO *i* Ground floor



Select your view mode

2D 3D





Select your view mode

2D 3D