



#2023-26 1069 North Shore Drive – Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	March 1, 2023
<u>Request:</u>	Variation to allow a covering over the deck, which encroaches 11.76 feet into the 63.46-foot required front yard setback.
<u>Location:</u>	1069 North Shore Drive
<u>Acreage:</u>	Approximately 12,500 square feet
<u>Existing Zoning:</u>	R-2 Single Family
<u>Surrounding Properties:</u>	North: R-2 Single Family South: Crystal Lake? East: R-2 Single Family West: R-2 Single-Family
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- The property is an existing single-family residential lot in Crystal Lake.
- The house contains an existing deck that wraps around the south side of the house. The petitioner is proposing a covering over a portion of this deck.
- Decks are considered accessory structures. Accessory structures are permitted to encroach four feet into any setback provided they are uncovered. The covering requires the deck meet the principal structure setbacks.
- The front yard (lake side) setback is determined by the average of homes for the length of the block or within 400 feet. The setback is 63.46 feet.



Development Analysis:

General

- Request: To construct a roof structure over a portion of the deck, which requires that it now meet the principal structure setback. The covered portion would encroach 11.76 feet into the 63.46-foot required 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.
- Due to changes over the years, setbacks have changed and now the structure and attached deck are considered non-conforming. Non-conforming structures are not required to come into compliance. Since they are increasing the non-conformity by covering a portion of the deck, it requires the variation.

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 a covering over an existing deck which would encroach 11.76 feet into the 63.46-foot required front yard setback.

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:

- 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 (Kobelinski, received 02/06/23)
 - B. Site Plan (Illini Technical Consultants dated 06/14/04, received 01/24/23)
 - C. Deck Plans (Caldarella Group, undated, received 01/10/23)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.

PIQ Map
1069 North Shore Drive



Application for Simplified Residential Variation

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

I. Applicant

Gregg Kobelinski
Name
1069 N. Shore Dr.
Street
Crystal Lake Illinois 60014
City State Zip Code
815-861-0964 Gregg.Kobelinski@gmail.com
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address: 1069 N. Shore Dr.
b. PIN #: 18-01-229-059

2. Description of proposal/Reason for request (including how the standards for variation are met, any unique circumstance of the property, or particular hardship):

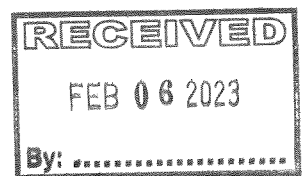
DESCRIBE THE UNIQUE CIRCUMSTANCES OF THE PROPERTY:

The property was purchased in 2004. Later that year a building permit was issued to add a second floor over the existing family room. We have recently been made aware that the deck facing the lake (which has not been altered since purchase) along with half of the family room and second floor fall within the setback from the lake.

We are seeking a variance to bring the property in compliance.

IS THE HARDSHIP SELF-CREATED?

No



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

Yes. The two homes to both the left and to the right all have part of their buildings extending out toward the lake approximately as far as our house

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: _____

IV. Signatures

2/4/23

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.

2/4/23

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
Gregg Kobelinski

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 Gregg Kobelinski for approval of a Variation at the following real estate known as 1069 North Shore Drive, Crystal Lake, Illinois 60014, PIN: 18-01-229-059.

This application is filed for the purpose of seeking a Simplified Residential Zoning Variation to allow covering over the deck, which encroaches 11.76 feet into the 63.46-foot required front yard setback, as well as any other variations as presented at the public hearing pursuant to Unified Development Ordinance 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, March 1, 2023, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

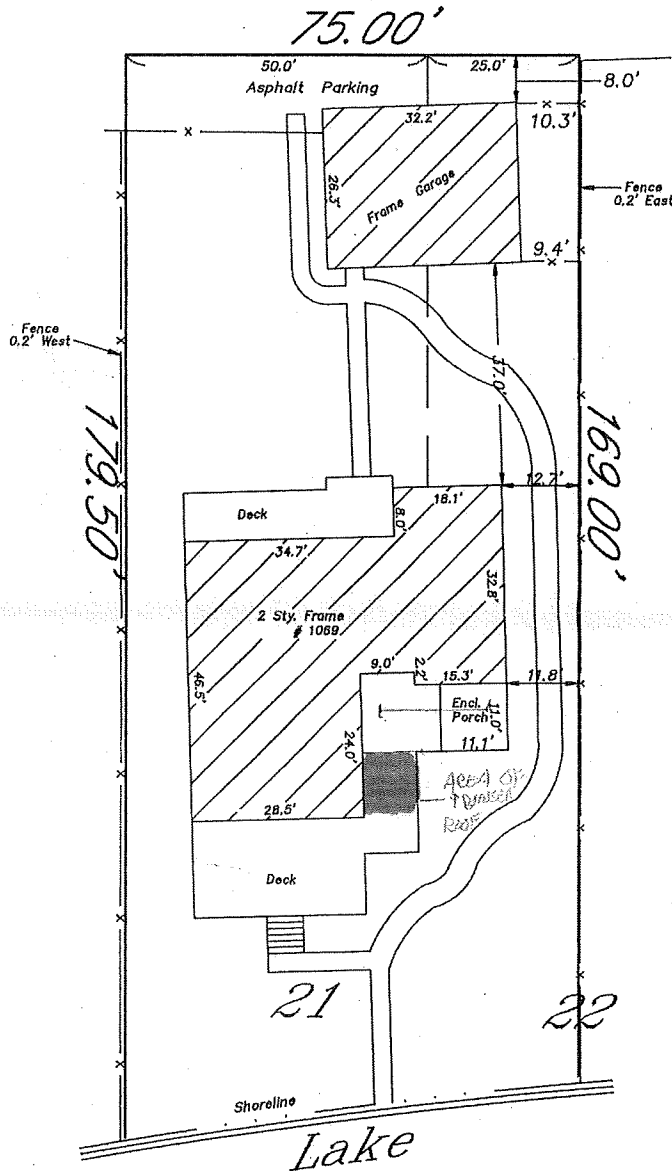
Jeff Greenman, Chairperson
Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald February 10, 2023)2054358

PLAT OF SURVEY

The West Half of Lot 22 and all of Lot 21 in Block 1 in Clow's Crystal Lake Park, a Subdivision of part of Lot 2 of the Northeast Quarter of Section 1, Township 43 North, Range 7 East of the Third Principal Meridian, and part of Lot 2 of the Northwest Quarter of Section 6, Township 43 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded September 6, 1894 as Document No. 13360, in Book 1 of Plato, page 54, in McHenry County, Illinois.

North Shore Drive



NOTE: Iron Pipe or equivalent at all lot corners.

STATE OF ILLINOIS)
COUNTY OF McHENRY) S.S.

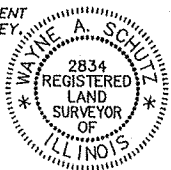
ILLINI TECHNICAL CONSULTANTS HEREBY CERTIFY THAT THEY HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT CORRECTLY REPRESENTS SAID SURVEY PERFORMED, AND THE ON SITE CONDITIONS PRESENT ON THAT DATE.

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

DATED: 6-14-04

W. Setz

ILLINOIS LAND SURVEYOR # 2834



Scale: 1" = 20'

ILLINI TECHNICAL CONSULTANTS

LAND SURVEYORS- SITE DEVELOPMENT MANAGEMENT

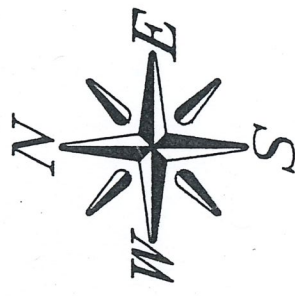
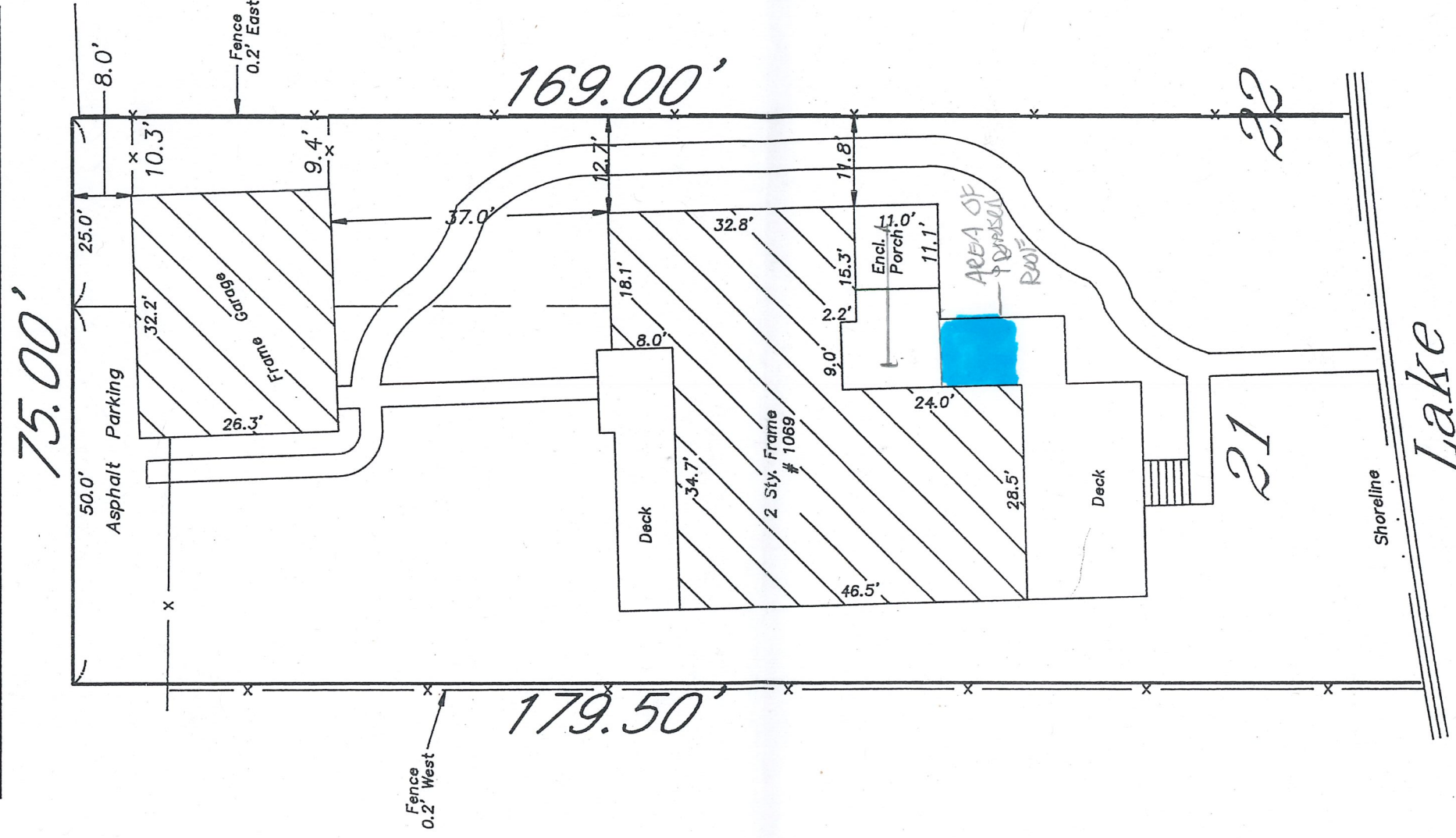
807 GLENDALE DRIVE
CRYSTAL LAKE, ILLINOIS 60014
(815) 455-7777

JOB NUMBER: 04-337

PLAT OF SURVEY

The West Half of Lot 22 and all of Lot 21 in Block 1 in Clow's Crystal Lake Park, a Subdivision of part of Lot 2 of the Northeast Quarter of Section 1, Township 43 North, Range 7 East of the Third Principal Meridian, and part of Lot 2 of the Northwest Quarter of Section 6, Township 43 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded September 6, 1894 as Document No. 13360, in Book 2 of Plats, page 54, in McHenry County, Illinois.

North Shore Drive



Scale: 1" = 20'

NOTE: Iron Pipe or equivalent at all lot corners.

STATE OF ILLINOIS)
 COUNTY OF McHENRY) S.S.

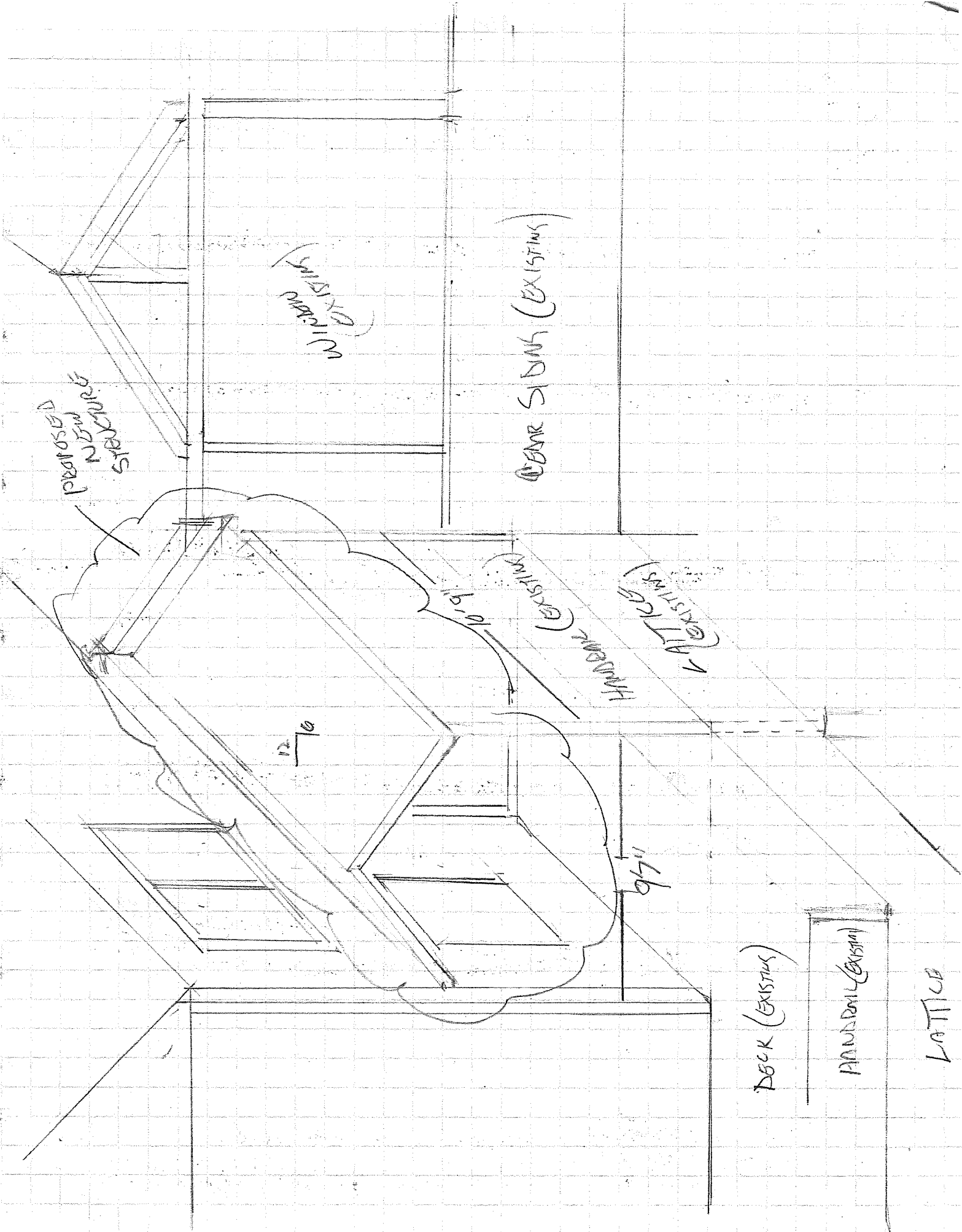
ILLINI TECHNICAL CONSULTANTS HEREBY CERTIFY THAT THEY HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT CORRECTLY REPRESENTS SAID SURVEY PERFORMED, AND THE ON SITE CONDITIONS PRESENT ON THAT DATE.
 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED: 6-14-04
 W. Schuttz
 ILLINOIS LAND SURVEYOR # 2834



ILLINI TECHNICAL CONSULTANTS
 LAND SURVEYORS- SITE DEVELOPMENT MANAGEMENT
 807 GLENDALE DRIVE 60014
 CRYSTAL LAKE, ILLINOIS (815) 455-7777

JOB NUMBER: 04-337



PROPOSED
NEW
STRUCTURE

EXISTING
RAILING

DECK SLIMS (EXISTING)

HANDRAIL (EXISTING)

ATTIC (EXISTING)

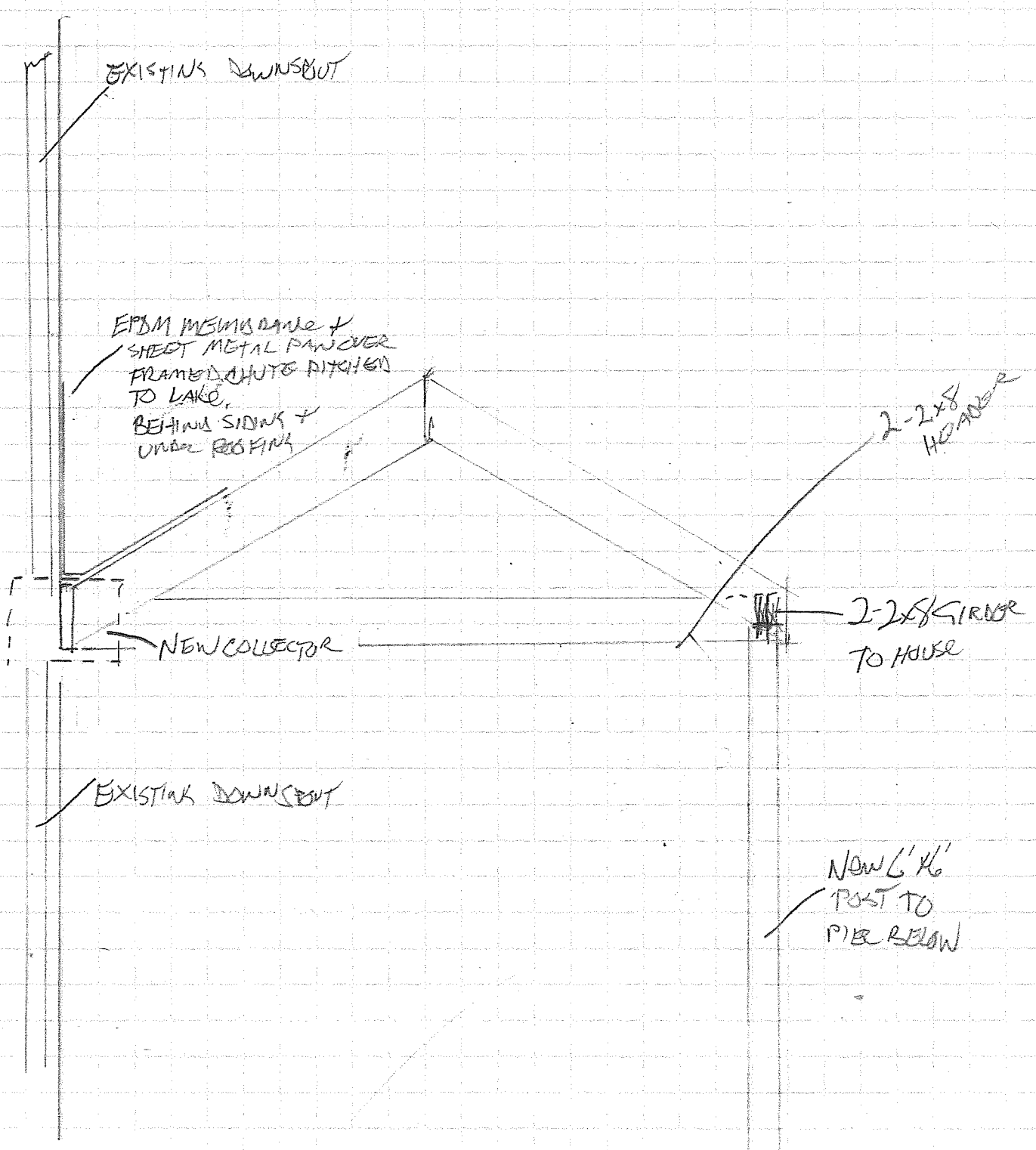
12' 6"

1146

DECK (EXISTING)

PARALLEL (EXISTING)

LATTICE



EXISTING DOWNSPOUT

EPDM MEMBRANE &
SHEET METAL FLASH OVER
FRAMED CHUTE PITCHED
TO LAKE,
BEHIND SIDING &
UNDER ROOFING

NEW COLLECTOR

2-2x8
HEADER

2-2x8 GIRDER
TO HOUSE

EXISTING DOWNSPOUT

NOW 6"x6"
POST TO
PIER BELOW

NEW ROOF TO
EXTEND FROM
THIS SIDE

REMOVE THIS
POST + RAIL NEW GOLF
TO PIER BELOW



