



#2023-117

1393 Boxwood Drive – Simplified Residential Variations Project Review for Planning and Zoning Commission

Meeting Date: July 19, 2023

Requests: Simplified Residential Variations from:

1. Article 4-600 to allow a 1.5-foot rear yard setback, a variation of 3.5 feet from the required 5-foot minimum rear yard setback for a greenhouse; and,
2. Article 4-600 to allow an 1-foot side yard setback, a variation of 4 feet from the 5-foot minimum side yard setback for a greenhouse; and,
3. Article 4-600 to allow to the greenhouse to be located on a recorded utility, drainage or municipal easement.

Location: 1393 Boxwood Drive

Acreage: Approximately 10,800 square feet

Existing Zoning: R-1 Single-Family Residential

Surrounding Properties:

North:	R-1 Single-Family Residential
South:	R-1 Single-Family Residential
East:	R-1 Single-Family Residential
West:	R-1 Single-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:**
 - Accessory structures 600 square feet or less in size must meet a 5-foot setback provided the accessory structure is not located on a recorded utility, drainage or municipal easement.

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-1 Single-Family Residential.

Request Overview:

- The petitioners are requesting to construct a 150 square foot greenhouse.
- The greenhouse would be setback 1.5 feet from the rear yard and one foot from the side yard. The UDO requires the greenhouse to be located a minimum of 5 feet from the side and rear property lines.
- There is a 10-foot Public Utility Easement and Private Drainage Easement located at the rear of the yard. The greenhouse would encroach into the easements.



- In 2009, the property owners received a Simplified Residential Variations to allow a shed as close as 13 inches from the rear property line and as close as 18 inches from the side property line. The ordinance included a condition of approval requiring a “no-objection/letter of approval from the Homeowner’s Association” to be submitted.

- On July 6, 2023, the Willow’s Edge Homeowner’s Association, provided staff with a copy of letter of denial for the proposed greenhouse to be located 12 inches from the rear property line. The letter included concerns with the private drainage easement and the potential negative impact on the proper flow of storm water could have on surrounding property owners.
- On July 12, 2023, the HOA submitted a copy of letter of clarification regarding the original letter of denial. The HOA stated the intent of the letter was to deny and/or reject the HOA from making any approvals or recommendations on the matter. The letter indicates the permit approval is between the City of Crystal Lake and the homeowners, and the HOA accepts the decision made by the City of Crystal Lake.

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 4-600 to allow a 1.5-foot setback, a variation of 3.5 feet from the 5-foot minimum rear yard and a one-foot setback, a variation of 4 feet from the 5-foot minimum side yard for a greenhouse, and for the greenhouse to be located on a recorded utility easement 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 variations. 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:

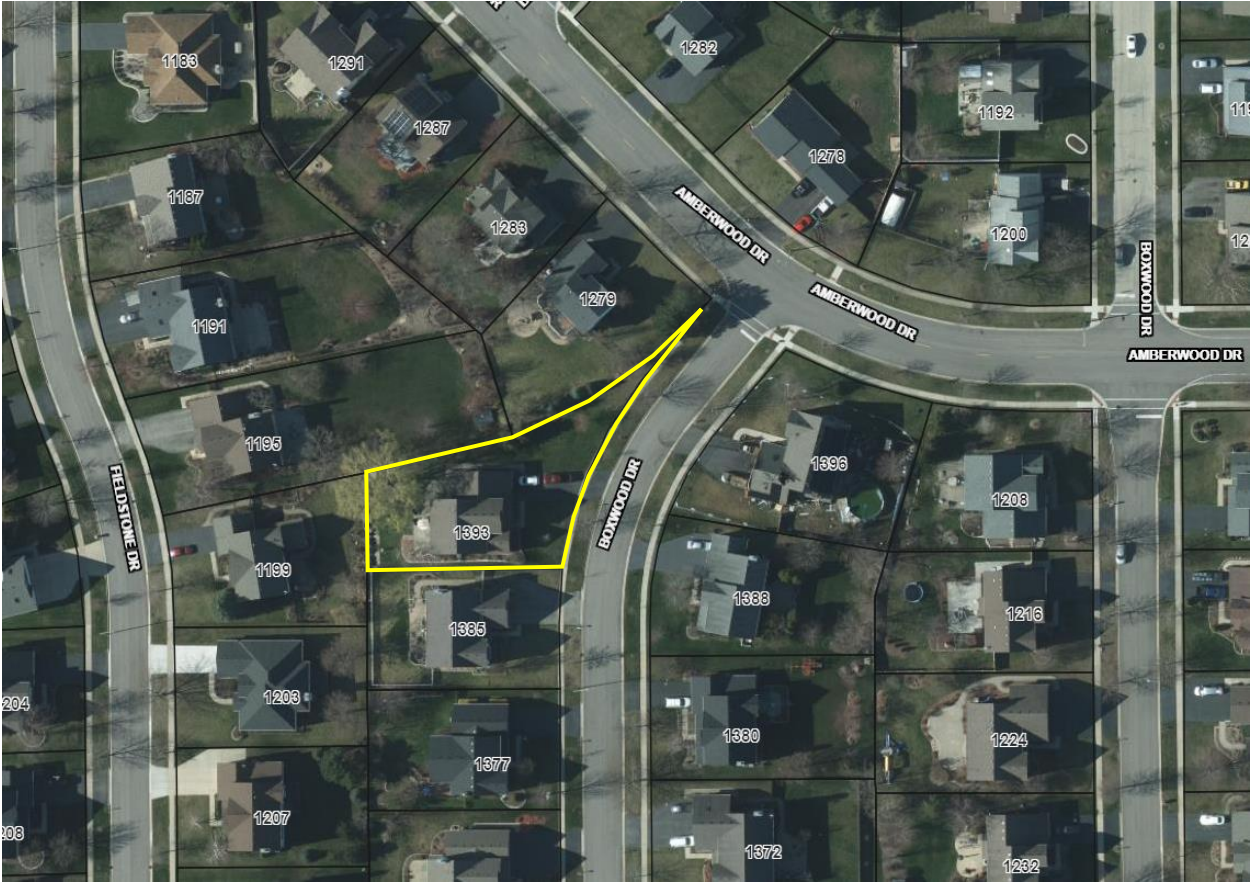
If a motion to recommend approval of the petitioners' request is made, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Platt, dated 05/25/2023, received 05/30/2023)
 - B. Plans (Platt, received 05/30/2023)

C. Specifications (Plant Greenhouse, received 06/21/2023)

2. The greenhouse must be elevated a minimum six inches for any area that is within the Private Drainage Easement and Public Utility Easement. The exact height is to be determined during building permit review.
3. Sign-off from the public utility companies must be provided prior to permit issuance.
4. The petitioners shall address all of the review comments and requirements of the Community Development and Engineering Departments.

PIQ Map
1393 Boxwood Drive





**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: CHRISTOPHER K PLATT, ELLENMARIE PLATT

Address: 1393 BOXWOOD DR
CRYSTAL LAKE, IL 60014

Phone: _____

E-mail: _____

Project Name & Description: _____

BUILD a Greenhouse in Backyard.

Project Address/Location: SAME AS ABOVE

Signature

CR Platt Ellenmarie Platt

5-25-23

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

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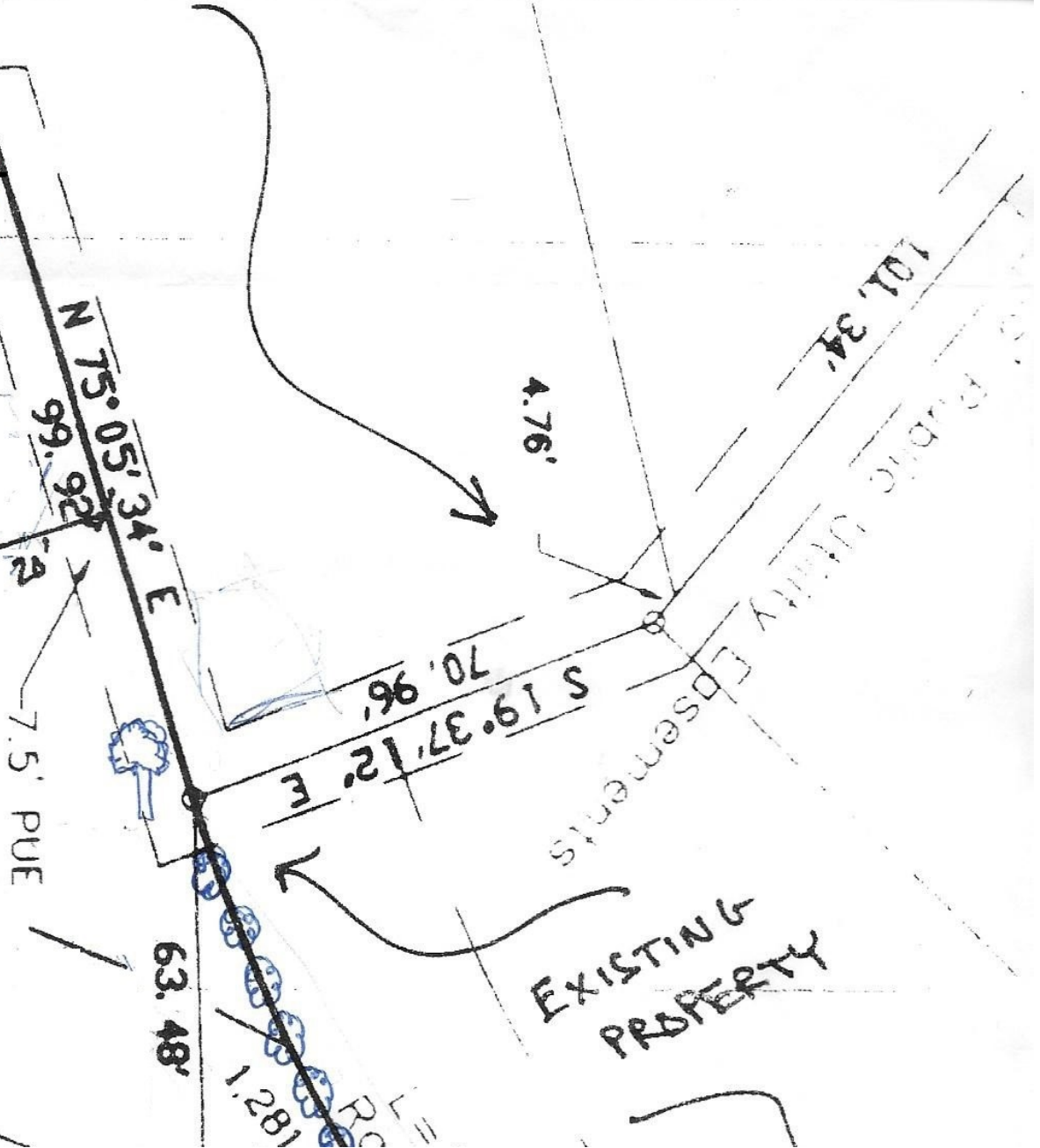
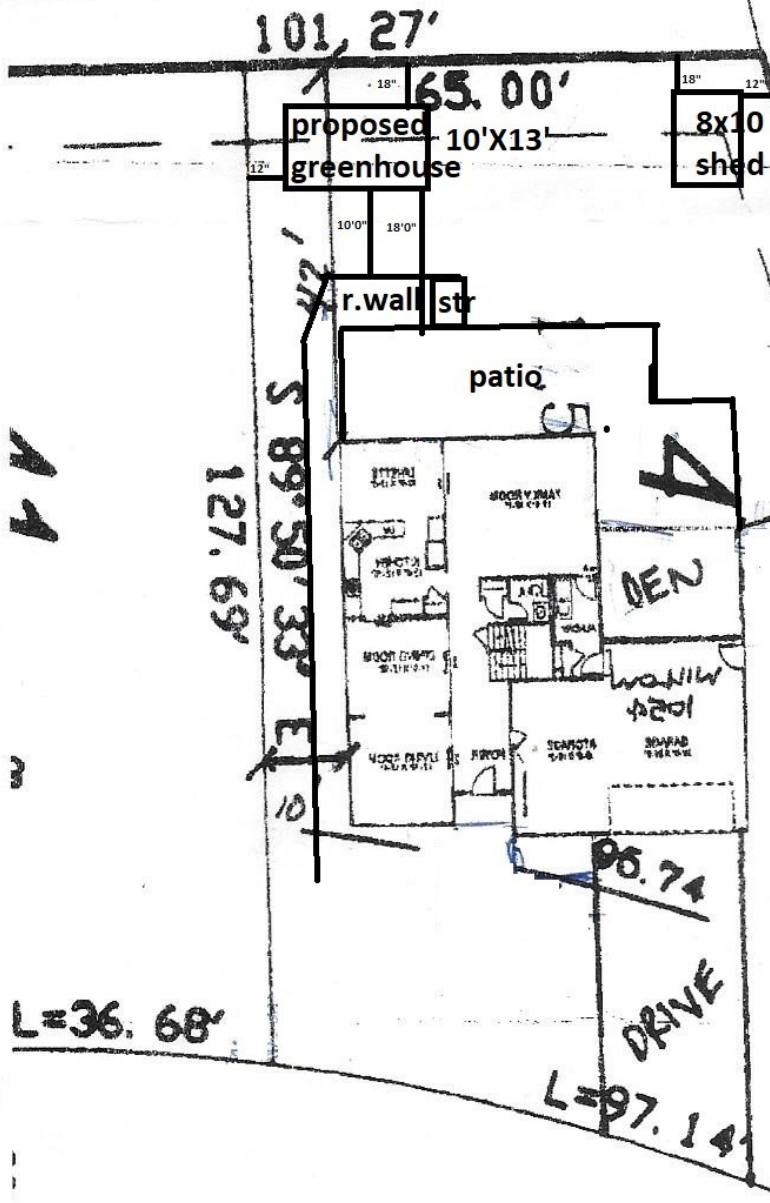
Notice Publish Date:

Friday, June 30, 2023

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 Christopher K. Platt and Ellen Marie Platt 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 Christopher K. Platt and Ellen Marie Platt for approval of variations allowing the construction of a greenhouse at the following real estate known as 1393 Boxwood Drive, Crystal Lake, Illinois 60014, PIN: 18-13-276-024. This application is filed for the purpose of seeking Simplified Residential Zoning Variations to allow a 1.5-foot setback, a variation of 3.5 feet from the 5-foot minimum rear yard and a one-foot setback, a variation of 4 feet from the 5-foot minimum side yard for a greenhouse, and for the greenhouse to be located on a recorded utility easement 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, July 19, 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 June 30, 2023) 2089056

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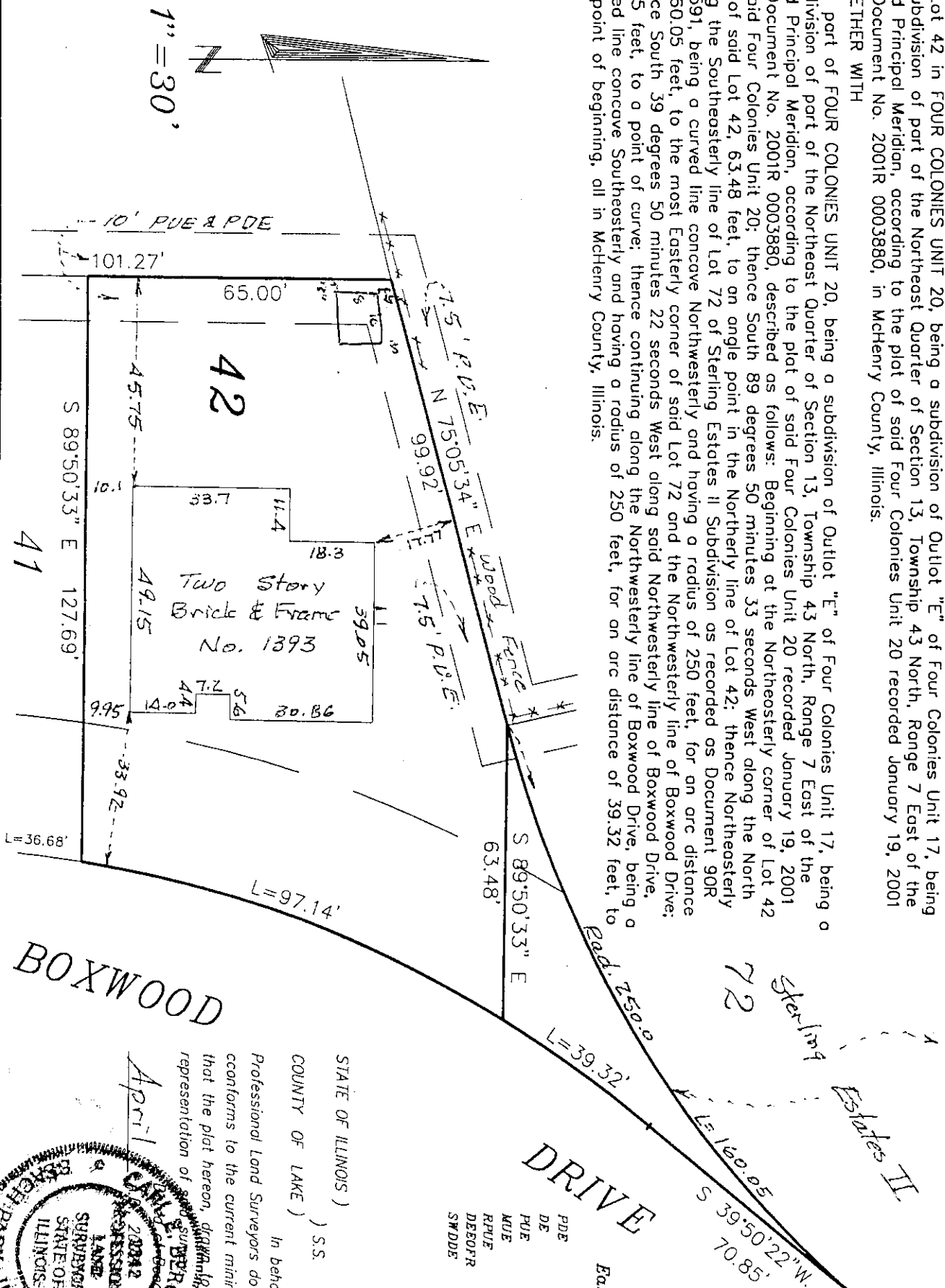




PLAT OF SURVEY

Of Lot 42 in FOUR COLONIES UNIT 20, being a subdivision of Outlot "E" of Four Colonies Unit 17, being a subdivision of part of the Northeast Quarter of Section 13, Township 43 North, Range 7 East of the Third Principal Meridian, according to the plat of said Four Colonies Unit 20 recorded January 19, 2001 as Document No. 2001R 0003880, in McHenry County, Illinois.

That part of FOUR COLONIES UNIT 20, being a subdivision of Outlot "E" of Four Colonies Unit 17, being a subdivision of part of the Northeast Quarter of Section 13, Township 43 North, Range 7 East of the Third Principal Meridian, according to the plat of said Four Colonies Unit 20 recorded January 19, 2001 as Document No. 2001R 0003880, described as follows: Beginning at the Northeast corner of Lot 42 in said Four Colonies Unit 20; thence South 89 degrees 50 minutes 33 seconds West along the North line of said Lot 42, 63.48 feet, to an angle point in the Northernly line of Lot 42; thence Northeast along the Southeasterly line of Lot 72 of Sterling Estates II Subdivision as recorded as Document 90R 008591, being a curved line concave Northwesterly and having a radius of 250 feet, for an arc distance of 160.05 feet, to the most Easterly corner of said Lot 72 and the Northwesterly line of Boxwood Drive; thence South 39 degrees 50 minutes 22 seconds West along said Lot 72 and the Northwesterly line of Boxwood Drive, 70.85 feet, to a point of curve; thence continuing along the Northwesterly line of Boxwood Drive, being a curved line concave Southeasterly and having a radius of 250 feet, for an arc distance of 39.32 feet, to the point of beginning, all in McHenry County, Illinois.



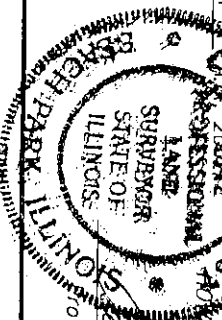
Easement Abbreviation Key

- PDE = Private Drainage Easement
- DE = Drainage Easement
- PUE = Public Utility Easement
- MUE = Municipal Utility Easement
- RPUE = Restricted Public Utility Easement
- DEBOR = Drainage Easement Emergency Overland Flow Route
- SWDE = Storm Water Detention & Drainage Easement

STATE OF ILLINOIS)
 COUNTY OF LAKE) S.S.

In behalf of Howard Surveying Co., Inc., we as Illinois Professional Land Surveyors do hereby certify that this professional service conforms to the current minimum standards for a boundary survey, and that the plat hereon, drawn on a scale of 30 feet per 1 inch, is a true representation of the survey.

April 16th, 2004
 Lake County, Illinois this 16th day of



Howard Surveying Co., Inc.
 Professional IL Land Surveyor
 No. 2342



- **Victorian #vi23:** 7'9" wide x 10'2" long x 8'6" - 80 sq. ft. - with 2 roof windows and 1 louvered window.
- **Victorian #vi34:** 10'2" wide x 15' long x 9' high - 150 sq.ft. - with 3 roof windows and 1 louvered window.
- **Victorian #vi36: 10'2" wide x 19'11" long x 9' high - 200 sq.ft.** - with 4 roof windows and 1 louvered window.
- Standard color: Dark green (RAL 6009m) - electrostatic application.
- Special order colors: Ash Grey (RAL 70160 and Steel Blue (RAL 5011)
- **Optional Accessory Kit** includes:
 - 1 deep x 20" wide planting shelf
 - 1 wide top shelf, and 2 inside shelves
 - 5 cloths with pull ribbons.
- **NEW OPTION:** Flush mount 1/8th" thick clear Lexan sheet cover for



WILLOW'S EDGE

Thursday, June 30, 2023

Platt Residence

1393 Boxwood Dr.
Crystal Lake, IL 60014

Dear Mr. & Mrs. Platt,

On behalf of the Willow's Edge Homeowner's Association, please be informed that your request for encroachment into the Private Drainage Easement with a proposed greenhouse 12" from the rear property line has been **DENIED**. The private drainage easement has been designed to protect neighboring properties from storm water events. Without the proper flow of storm water, possible damage may occur to neighboring properties.

The Willow's Edge Subdivision Covenants that are recorded with McHenry County indicate compliance with City of Crystal Lake Codes and Ordinances. Please see the following excerpt from the Willow's Edge Covenants indicating the cause for denial for easement encroachment.


Easements

9.1 Private Drainage Easement (PDE). Each individual, entity or other party accepting title to all or any part of the Private Drainage Easement (PDE) shall conclusively be deemed to have covenanted and agreed, jointly and severally, to (i) care for and maintain the surface of that portion of the Private Drainage Easement (PDE) which is located on such party's property as a well-landscaped, high quality parcel of property (which maintenance shall include,

but shall not be limited to, the regular seeding, watering and mowing of all lawns), and (ii) keep all surface openings of the drainage pipes underlying the Private Drainage Easement (PDE) free of all grass clippings, leaves, or other related or foreign materials. Except as otherwise expressly permitted by written notice from the City, (i) no title holder of any part or portion of the Private Drainage Easement (PDE) (or any party acting on behalf of the title holder) shall install, construct, erect, place or plant any building, structures, improvements or vegetation (other than grass) upon the Private Drainage Easement (PDE) , including but not limited to walls, patios, sheds, posts, trees, plants or shrubbery, or (ii) alter, modify or change in any way the topography or elevations of the Private Drainage Easement (PDE) , or (iii) obstruct, alter or modify the established drainage pattern from or over the Private Drainage Easement (PDE). Fences are allowed within the Private Drainage Easement (PDE) subject to the ordinances of the City and approval of the Association. In the event of multiple overlapping easements, the most restrictive easement provisions shall apply. Maintenance of the storm sewers and storm structures within the Private Drainage Easement (PDE) are the sole responsibility of the Association pursuant to Article 3.5 and Article 6. Owners of Adjacent Lots shall be permitted to connect their sump pump discharges into the storm sewer within the Private Drainage Easement (PDE) within the Property or Additional Property after notifying the Association and obtaining a permit from the City. As part of the City permit, the owner(s) of any Adjacent Lot(s) making a connection to the storm sewer shall promptly restore the Property or Additional Property to an as good or better condition which existed prior to commencement of said work.

Please feel free to contact the Willows Edge Home Owner's Association with any questions or concerns regarding the above information.

Thank you,



Nick Munsen- President

Willows Edge Homeowners Association
PO Box 102
Crystal Lake, IL 60039-0102

Nick Munsen	President
Kerri Bowers	Treasurer
Mike Montes	Secretary
Todd Bowers	Board Member
Craig Hess	Board Member
Darren Joslin	Board Member
John Ryan	Board Member

Willows Edge Homeowners Association PO Box #102 Crystal Lake, IL 60039-0102



Wednesday, July 12, 2023

Platt Residence

1393 Boxwood Dr.
Crystal Lake, IL 60014

Dear Mr. & Mrs. Platt,

On behalf of the Willow's Edge Homeowners Association, I would like to clarify the original letter of denial. Our intent was to deny/reject the Homeowners Association to make any approvals or recommendations on the matter. The matter and permit approval resides solely between the City of Crystal Lake and yourselves, therefore approval for encroachment resides with the City not the Willows Edge Homeowners Association.

The Willows Edge Homeowners Association does not have any covenants for the approval of residents property improvements thus per the City of Crystal Lake Request we will not make any determination in the matter. Per our covenants we accept the City of Crystal Lake disposition on the matter to approve, approve with modification, reject, the request made to build on the easement.

The Willows Edge board is a volunteer group and does not have the ability to assess the impacts of the request. Both the board members and the association would be removed from any/all liability. All approvals on improvements of any kind rest solely with the City of Crystal Lake.

Thank you,

Nick Munsen- President

Willows Edge Homeowners Association
PO Box 102
Crystal Lake, IL 60039-0102

Nick Munsen	President
Kerri Bowers	Treasurer
Mike Montes	Secretary
Todd Bowers	Board Member
Craig Hess	Board Member
Darren Joslin	Board Member
John Ryan	Board Member

Willows Edge Homeowners Association PO Box #102 Crystal Lake, IL 60039-0102