



#2010-04
605 Lochwood Dr. (Smolen)
Project Review for Planning and Zoning Commission

Meeting Date: March 3, 2010

Zoning Requests: Simplified Residential Variation from Section 4-600 E, Location of Accessory Structures, to allow an accessory structure, an approximately 360-square-foot ice rink, in the front yard, as close as 10 feet from the property line

Location: 605 Lochwood Dr.

Acreage: ≈ 8,771 sq. ft. (0.20 acres)

Existing Zoning: “R-2” Single-family Residential

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

Staff Contact: Latika Bhide 815.356.3615

Background:

The property in question is an existing conforming lot in the “R-2” single-family district with a lot area of approximately 8,771 sq. ft. The property is improved with a two-story residence with an attached garage and a swimming pool in the rear yard. The petitioner is requesting a zoning variation to allow an accessory structure, an approximately 360-square-foot ice rink in the front yard.

Land Use Analysis:

The petitioner is requesting a variation to allow an approximately 20-foot x 18-foot ice rink in the front yard, located approximately 10-feet from the front property line. The ice rink will be erected in the front yard for part of the year, from December through February and will be taken down at the beginning of March, weather permitting.

Per the provisions of the Unified Development Ordinance, accessory structures are not permitted in the front yard with the exception of signs, fences, walls, hedges, mailboxes, flagpoles, play equipment permanently affixed to the wall of the principal structure, and free-standing basketball hoops on poles.



The Building Division was informed of the ice rink via a complaint. The Building Division left a notice to remove (the framing for the rink that was erected at the time) as well as an application for a variation at the front door. The petitioner did not notice them until after the rink was frozen. The petitioner indicated that because the rink was frozen solid, they could not remove it. The petitioner is requesting a variation as they wish to be able erect the rink for the next few years.



The City has received written communication from two neighboring property owners that have expressed concerns with the ice rink. Specifically, they have expressed concerns regarding the effect of the rink on the property values and the ability to sell homes, errant hockey pucks that could ricochet out of the rink, and the spot lights shining on the rink.

Findings of Fact:

UNIFIED DEVELOPMENT ORDINANCE VARIATION

The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Unified Development Ordinance requirements as they relate to the property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing. Before recommending any Variation, the Planning and Zoning Commission and City Council shall first determine and record its findings that the evidence justifies the conclusions that:

- 1. 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.
 True False
- 2. Also, that the variation, if granted, will not alter the essential character of the locality.
 True False

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:

- 1. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
 True False
- 2. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
 True False
- 3. 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
 True False
- 4. 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.
 True False

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 hardship is found, staff suggests that the following as conditions of the approval of the Simplified Residential Variation at 605 Lochwood Drive:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:

- A. Application, received 1-7-10
 - B. Letter, Smolen- received 1-7-10
 - C. Site Plan/Plat of Survey, Luco - received 1-7-10
-
- 2) A variation is hereby granted to allow an ice rink, no larger than 375 square feet, in the front yard. The rink shall be located at least 10-feet from the property line, outside of the Municipal Utility Easement that runs along the front of the property.
 - 3) The ice rink shall be installed no earlier than December 1st and must be removed by March 1st.
 - 4) Any lighting used to illuminate the rink shall be directed downwards and be consistent with the requirements listed in the City's Unified Development Ordinance, Article 4-800.
 - 5) Protective netting for the rink shall be installed so as to prevent the pucks from ricocheting out of the rink onto Lochwood Drive.
 - 6) The petitioner shall address all comments of the Planning, Engineering and Building, Public Works, Fire Rescue and Police Departments.

City of Crystal Lake
Simplified Residential Variation Application

Office Use Only
File #: 2010--04

Petitioner Information

Name: Bruce Smolen
Address: 605 Lochwood Drive
Crystal Lake, IL 60012
Phone: 815-455-2642 [cell 847-508-2882]
Fax:
E-mail: bsmolen@sbcglobal.net

Owner Information (if different)

Name:
Address:
Phone:
Fax:
E-mail:

RECEIVED
JAN 07 2010

Property Information

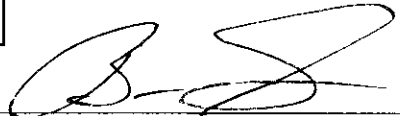
Project Address/Location: 605 Lochwood Drive Crystal Lake, IL 60012

Project Description/Hardship

Please describe the proposed project and any unique circumstances of the property or particular hardship that, in your opinion, necessitates the variation request.

See Attached letter

Signatures

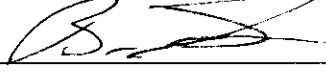


01/7/10

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.

Bruce Smolen 

01/07/10

OWNER: Print and Sign name

Date



605 Lochwood Drive
Crystal Lake, IL 60012

January 4, 2010

The City of Crystal Lake

Dear Sir or Madam:

We are the Smolen family and reside at 605 Lochwood Drive in Crystal Lake. We have put up a temporary ice rink in our front yard for our 4 and 7 year old children. We are a family that values tradition, community and family. The purpose the ice rink is to promote these values in a safe and fun manner.

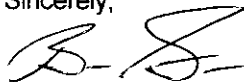
As children, my wife and I grew up in an environment that valued the outdoors no matter what the season. We would like to continue this tradition and provide this environment for our own children. We are a family that skis, sleds, skates and plays hockey. While there are opportunities for skiing and sledding, there are no safe, nearby public areas for skating outdoors. The areas around our home do not allow for skating. Being that the rink is in our yard, we also see it as a safe option in today's society, where there are those who prey on children. We have constructed the rink in the front yard for the fact that there is an inground pool in our backyard, which also further represents our commitment to being an active outdoor family. Because of the severe pitch of our yard, in order to hold water we have constructed a temporary accessory structure from December 1st through February 28th. The structure will be taken down at the end of February, beginning of March, weather permitting.

The rink has served as a subdivision kid playground and a community gathering place like we once had years ago in our neighborhoods across the country. Having this rink has also served to promote and develop the community on our street. Families gather to skate creating that great small town feeling where neighbors know one another. The rink also is creating lasting family memories for the children of our neighborhood. Life is about experiences that enrich our lives and make us more diverse as a people. This rink is but a small way to facilitate diversity in our children.

In our efforts, we keep safety of our skaters in the forefront. All skaters must wear a helmet and sign a participation waiver. We have also increased our Insurance on our property due to the nature of accidents that could potentially happen with the use of a swimming pool and skating rink. Promoting a healthy lifestyle and safety along with maintaining our values of tradition, community and family are the incentives for this project.

We hope you share our same vision. Thank you for your consideration.

Sincerely,



Bruce & Lynn Smolen

2010-04

JAN 07 2010

SMOLEN SKATING RINK ACCIDENT WAIVER AND RELEASE OF LIABILITY

THIS IS A CONTRACT WITH LEGAL CONSEQUENCES. PLEASE READ IT CAREFULLY BEFORE SIGNING.

I acknowledge that use of the Smolen's Skating Rink (hereafter "skating rink") may carry with it the risk of serious injury, including death, and property loss. The risks for the participants include, but are not limited to, those caused by temperature, weather conditions, equipment, including the skating rink, boards and ice, and the actions of other people.

I understand that, absent this Accident Waiver and Release of Liability, liability might arise from negligence or carelessness on the part of the persons or entities being released, from dangerous or defective equipment or property owned, maintained or controlled by them, or because of their possible liability without fault. Nevertheless, I hereby assume all of the risks of participating in the use of the skating rink AND WAIVE AND RELEASE ANY CLAIMS WHICH MIGHT BE MADE BY ME OR ON MY BEHALF IN CONNECTION WITH SUCH LIABILITY, INCLUDING ANY CLAIMS OR LIABILITIES BASED IN WHOLE OR IN PART ON THE NEGLIGENCE OF ONE OR MORE OF THE RELEASED PARTIES.

In consideration of my participation and as a condition of their permitting me to participate in the use of the skating rink, on behalf of myself, my executors, administrators, heirs, next of kin, successors, and assigns, I RELEASE AND DISCHARGE FROM ANY AND ALL LIABILITY AND WAIVE ANY CLAIMS AGAINST AND COVENANT NOT TO SUE the following entities or persons: Bruce and Lynn Smolen, and all other persons and entities associated with the skating rink, including those who built or helped build the skating rink (collectively, the "Released Parties"), and to INDEMNIFY AND HOLD HARMLESS the Released Parties from any and all liabilities or claims made by other individuals or entities independently or on my behalf, from any claims or actions relating to my death, disability, personal injury, property damage, property theft or actions of any kind arising out of or relating to my participation in the use of the skating rink, INCLUDING ANY CLAIMS OR LIABILITIES BASED IN WHOLE OR IN PART ON THE NEGLIGENCE OF ONE OR MORE OF THE RELEASED PARTIES.

I further agree that I, acting for myself or on behalf of my minor child or ward, agree to wear or have worn a helmet, such as a hockey helmet or standard bicycle helmet, when using the skating rink to reduce or mitigate risk of injury to myself and/or my minor child or ward.

I hereby certify that I have read this document; and, I understand its content.

STAMP: JAN 07 2016 10:04

Adult participant signature

Adult participant signature

Print Name: _____

Print Name: _____

PARENT OR GUARDIAN WAIVER FOR MINORS (Under 18 Years old):

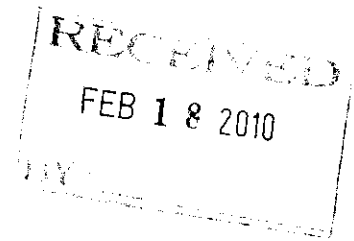
The undersigned parent and natural guardian or legal guardian does hereby represent that he/she is, in fact, acting in such capacity and agrees, on behalf of the minor participant, to all of the terms, provisions, and agreements stated above. The undersigned further agrees to SAVE AND HOLD HARMLESS AND INDEMNIFY each and all of the Released Parties from all liability, loss, cost, claim or damage whatsoever which may be imposed upon The Released Parties because of any defect in or lack of capacity of the undersigned to so act on behalf of the minor participant.

Name of minor participant

Signature of parent or guardian

Print Name: _____

February 13, 2010



Mr. Tom Hayden, Chairperson
Planning and Zoning Commission
Crystal Lake City Hall
100 W. Woodstock St.
Crystal Lake, IL 60014

Dear Mr. Hayden,

I received your letter on Feb. 12, 2010 regarding a request by Bruce Smolen of 605 Lochwood Dr., Crystal Lake, for a change in the Simplified Residential Variations to allow an ice hockey rink, which is currently constructed, in his front yard.

While I harbor no ill will at all towards Mr. Smolen or his family and understand fully that he would like to give his children a safe place to play hockey, I feel there are safety and financial issues that should be pointed out regarding having this rink in his front yard.

My first concern is regarding errant hockey pucks that could ricochet out of the rink and hit a passing motorist or pedestrian as they pass by the house as the rink is very close to the sidewalk and road. Not only at this time, but as the children continue to grow, the strength used to shoot the puck will also grow and the shots will become stronger with more speed and velocity. This, in my opinion, could be quite dangerous, as an errant puck, at a high rate of speed and force, would only increase the chances of causing serious injury to someone now and in the future.

I am also concerned about the impact this hockey rink would have on the ability to sell a home on this street when the rink is up for the winter season. Someone interested in a home might view the rink as a detriment to buying the house and perhaps be reason enough not to purchase a home causing a potential reduction in value and undue hardship to the homeowner when trying to sell the house.

Thank you for your time in reviewing my concerns.

Sincerely,

A handwritten signature in cursive script that reads "Donna Cassese".

Donna Cassese
606 Lochwood Dr.
Crystal Lake, IL 60012

February 14, 2010

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake

RECEIVED
FEB 17 2010
ISSUE

Re: Matter of the application of Bruce Smolen

Sorry that we are unable to attend the matter at hand. We do want to express our concerns with the ice rink that is on the front lawn of 605 Lochwood Drive. First of all it was our understanding that in order to construct something like this it had to be approved by the Homeowners Association. We feel that the Planning and Zoning Commission SHOULD NOT SIMPLIFY the Residential Zoning Variation to allow this structure.

Concerns with this ice rink are safety first of all; Lochwood Drive is very busy with cars, people walking and kids playing outside. At night they have big spot lights shining on the rink and I have been blinded by the lights so much that I couldn't see backing out of my driveway. Not to mention the flying pucks that we find on our lawn after the snow has melted. The ice rink does not come down until the ice melts. This brings us to our next concern, the fact that it is up for most of the winter and part of the spring. We feel that it is unattractive and is an eye sort to look at. We have two retention ponds that freeze over and they could use them. Our children have ice skated on them for the past 7 years. We feel that it will affect our value of our homes and with this market we don't need something like to bring it down any more.

We don't feel that this is the kind of neighborhood that needs this in a front yard. Also changing the zoning may cause other unattractive structures.

We don't have a problem with Mr. Smolen and his family we just don't want his ice rink in his front yard.

PLAT OF SURVEY

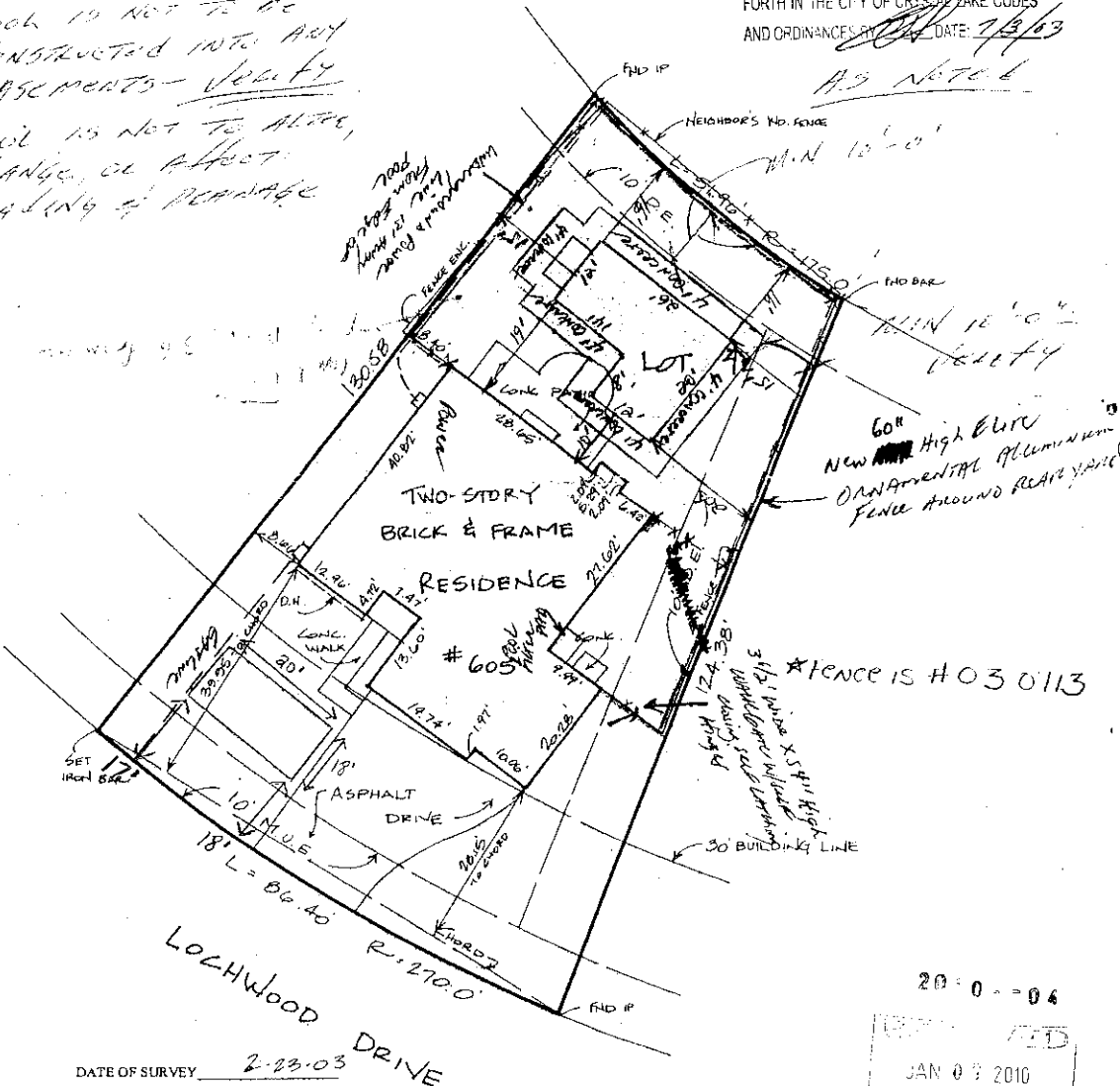
OWNER COPY

LEGAL DESCRIPTION: Lot 42 in Braeburn Subdivision - Phase 1, being a part of the Southwest Quarter of Section 29, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 6, 1994 as Document 94R57936, in McHenry County, Illinois.

THIS PLAN 605 Lochwood DATED 2/23/03
 SPECIFICATIONS AND PERMIT NO. 03-0959
 SHALL COMPLY WITH THE REGULATIONS AS SET FORTH IN THE CITY OF CRYSTAL LAKE CODES AND ORDINANCES BY DATE: 7/8/03

NOTES

- Pool is NOT to be constructed into any easements - verify
- Pool is NOT to alter, change, or affect grading or drainage



DATE OF SURVEY 2-23-03
 STATE OF ILLINOIS
 COUNTY OF MCHENRY

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THIS ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCRONCH ON THE ABOVE DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THE PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

C. F. Amelise LICENSE EXPIRES: 11-30-2004
 C.F. AMELISE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2143

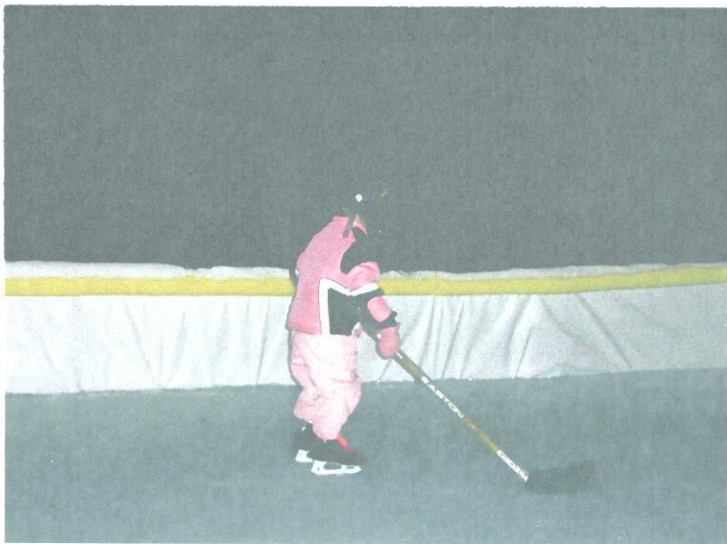
COMPARE THE DESCRIPTION OF THIS PLAT WITH DEED. REFER TO TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE UNLESS OTHERWISE NOTED. NOTED UTILITIES WITHIN EASEMENT ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

20:00-04
 JAN 09 2010

ORDERED BY: CLARK
 JOB NO. 03-10966
 LUCO CONSTRUCTION, INC.
 P.O. BOX 222
 ALGONQUIN, IL 60102
 847-658-8537
 FAX: 847-458-0714

SCALE 1" = 20'

Smolen Family Rink



RECEIVED
JAN 07 2010
BY: _____

2010--04
01-07-10P02:01 RCVD