



#2010-55
1764 Andover Lane (Lukas)
Project Review for Planning and Zoning Commission

Meeting Date: September 15, 2010

Request: Simplified Residential Variation to allow a deck and pool attached to the house to encroach 11 feet 5 inches within the required 20-foot rear yard setback.

Location: 1764 Andover Lane

Acreage: Approximately 12,500 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: Elizabeth Maxwell (815.356.3615)

Background:

The Building Division was called to do a final inspection on the deck ramp. The inspector noted a swimming pool and deck connecting the pool to the main house deck. The Building Division found that there was no record of a pool permit. A pool is a detached accessory structure and is required to be 8 feet from the rear property line and 6 feet from the principal structure. The pool is 8 feet 7 inches from the rear property line and 6 feet from the house. The petitioners, at a later date, installed a deck around the side of the pool connecting the pool to the house and main deck.



Article 4-600 F Accessory Structures states that any attached accessory structure shall meet the principal structure setbacks, requiring that now the pool and deck be 20 feet from the rear property line. The petitioners are requesting a ramp off the main deck to the side of the pool. The petitioners have connected the deck to the pool to assist in getting their children, who are in wheelchairs, into the pool.

The petitioners are requesting the variation to allow the pool and deck to be within 8 feet 7 inches of the rear property line.



Zoning Analysis:

Setback Variation

Article 4 Section 4-600 F. 1 Accessory Structures Other Regulations states that where an accessory structure is structurally attached to the principal building it shall be subject to, and must conform to, setback regulations of this Ordinance applicable to the principal building. Article 3 Section 3-200 A. requires that the minimum rear yard setback be 20-feet. The pool is 8 feet 7 inches from the rear property line, an encroachment of 11 feet 5 inches. The petitioner is requesting the variation to allow the pool to remain and a deck ramp to be constructed along the side of the pool. No portion of the deck shall encroach into the rear yard farther than 8 feet 7 inches.

Findings of Fact:

ZONING ORDINANCE VARIATIONS

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.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which is defined as: “representing existing and future residential areas including a combination of single-family and multi-family housing types.”

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

Within the Residential Land Use section of the Comprehensive Plan, the following objective is supported by the petitioner’s request:

Objective #2: Promote clean, safe and well maintained housing by encouraging regular repair and maintenance of housing and compliance with City Codes and Ordinances

- Encourage property owners to adhere to regular maintenance of grounds and structures, in accordance with codes and ordinances.

Recommended Conditions:

If a motion to recommend approval of the Simplified Residential Variation at 1764 Andover Lane is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Lukas, received 9/7/10)
 - B. Site Plan (Lukas, received 9/7/10)
2. A simplified residential variation is hereby granted to allow a pool and deck 11 feet 5 inches into the required rear yard setback.
3. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.

**City of Crystal Lake
Simplified Residential Variation Application**

Office Use Only
File #: _____ 5 5 2010

Petitioner Information

Name: Dan And Cami Lukas
Address: 1764 Andover Lane
Crystal Lake, IL, 60094
Phone: 815-356-7156
Fax: _____
E-mail: _____

Owner Information (if different)

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

SEP 07 2

Property Information

Project Address/Location: Same

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.

Proposed project is to allow wheel chair
access from deck to the pool for
physical therapy.

Signatures

Dan Lukas 9-5-2010
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.

OWNER: Print and Sign name Date

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PUBLIC NOTICE

**BEFORE THE PLANNING AND
ZONING COMMISSION
OF THE CITY OF CRYSTAL LAKE,
MCHENRY COUNTY, ILLINOIS**

**IN THE MATTER OF THE PETITION
OF Dan and Cami Lukas**

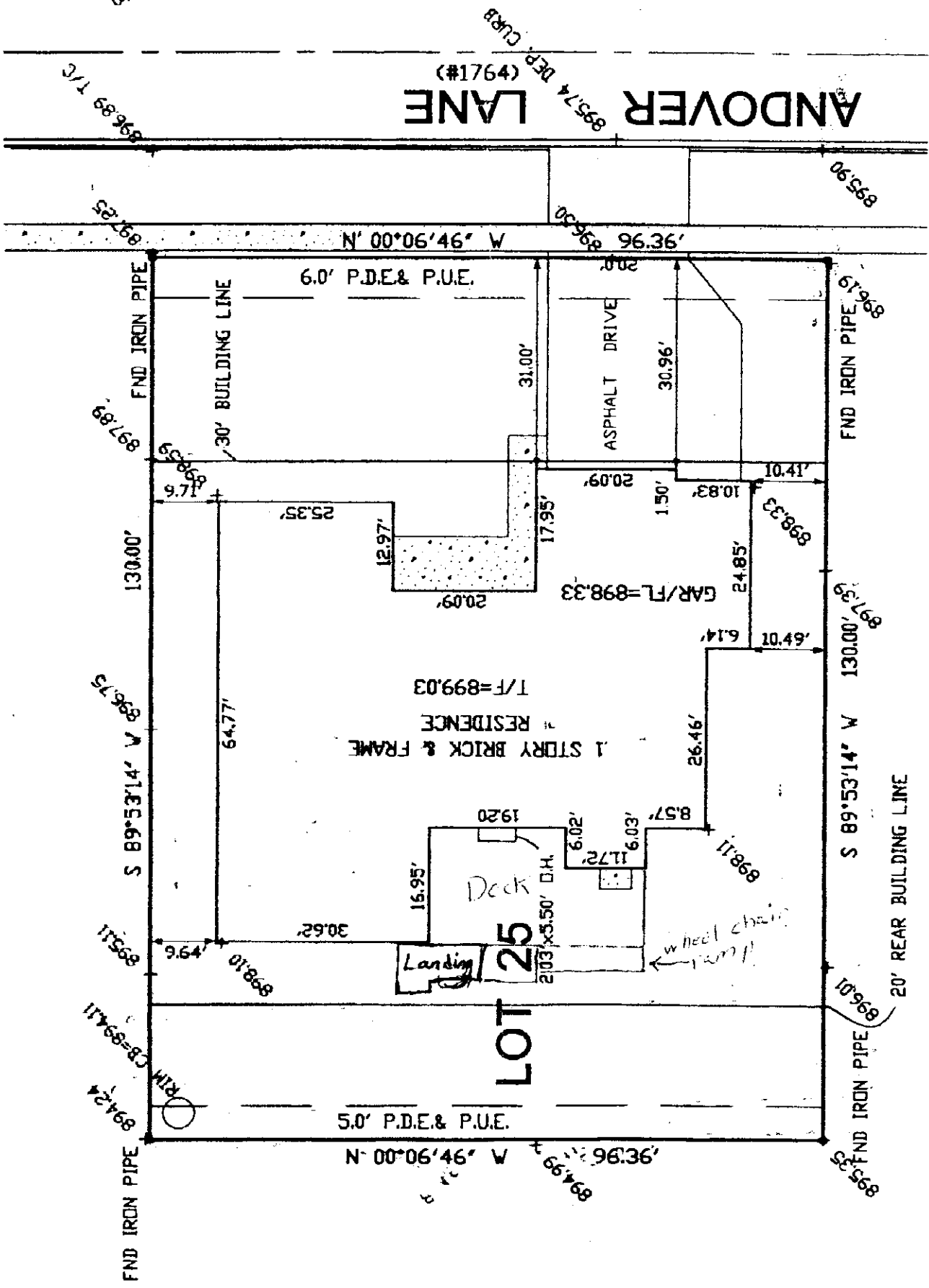
LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Dan Lukas for approval of a Simplified Residential Zoning Variation relating to the following described real estate commonly known as 1764 Andover Lane, Crystal Lake, Illinois 60014, PIN: 18-24-180-003

This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from Article 3 Section 3-200 A, 3 Density and Dimensional Standards and Section 4-600 F 1, to allow an encroachment into the required 20-foot rear yard setback by 10 feet for a deck and pool and any other variations as necessary to approve the plans as presented. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday September 15, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
August 30, 2010)



5 5 2010

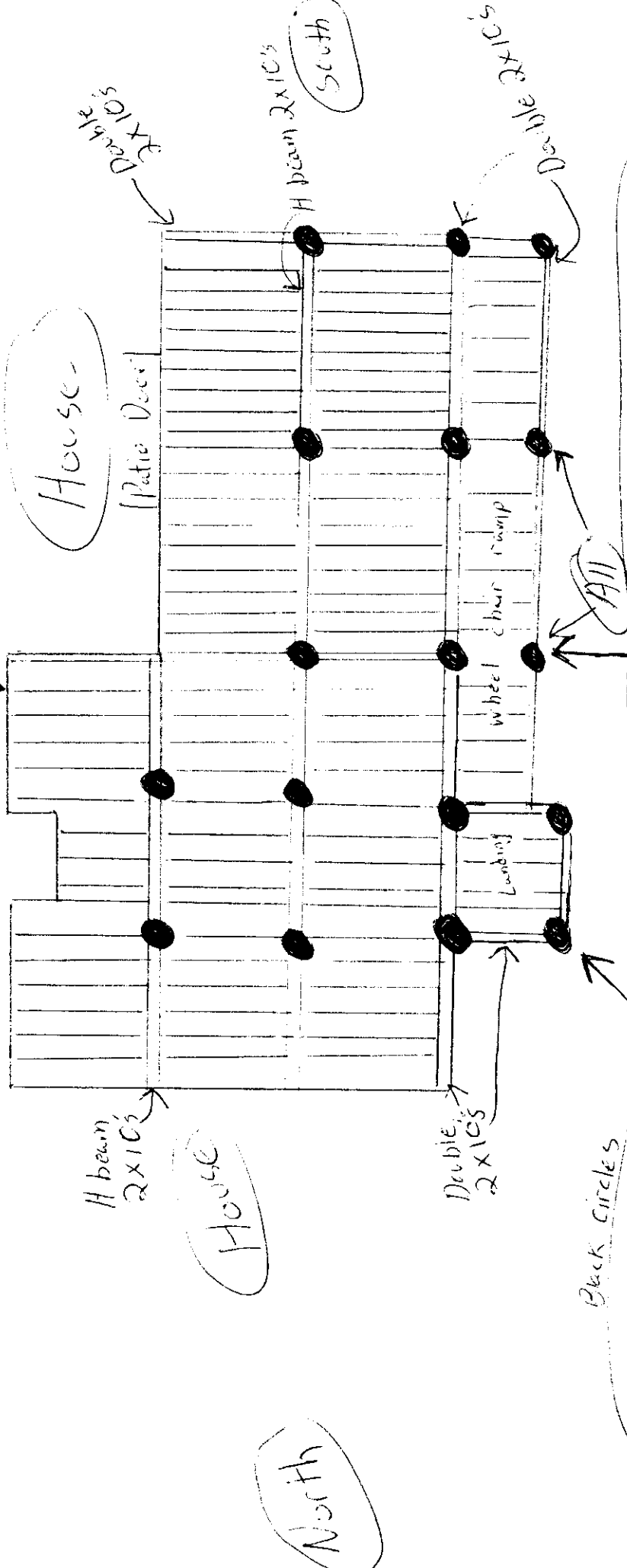
SEP 07 2010

Professional Design Firm
Land Surveying Corporation
License No. 184-002863

East

All 2x10's are 12 inches on center

House



Concrete Piers are 6 feet apart

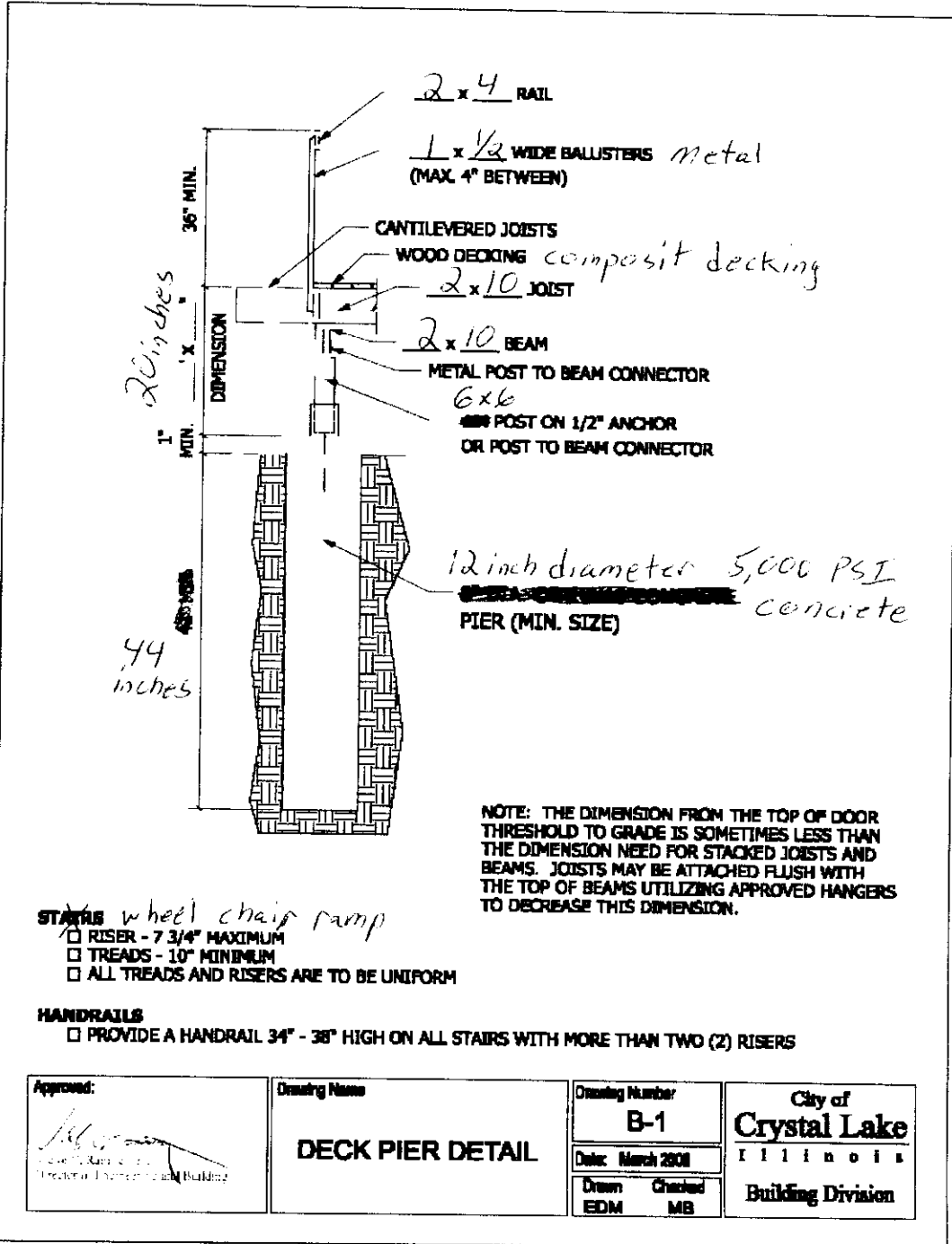
Concrete Piers are 44 inch below grade. They are 12 inches in diameter and over 1 inch above grade.

5 5 2010

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West

Pier Detail



5 5 2010

Philip L. Engineering and Building Details and Standards

September 2007

SEP 07 2010

Deck and Handicap Ramp Permit Checklist

There is no contractor list to provide, union carpenters are donating all the work.

The deck and ramp will not be enclosed.

There are no stairs, there will only be a 4-foot, 6-inch wide handicap ramp.

All handrails and guardrails will be composite 2X4's with less than a 4-inch opening between intermediate rails.

All flashing is copper, since aluminum will break down over time if in contact with ACQ-D Culpeper wood preservers.

The perimeter of the deck is grade 1 lumber from Heller Lumber, it is doubled up 2X10's screwed together and they are bolted to 6X6's on top of 12-inch piers that are 44 inches down using 5,000-PSI concrete. Each pier is spaced 6 feet apart and more than 1 inch above grade. All posts are securely anchored using galvanized 6X6 post holders from Home Depot.

All interior beams are made up of grade 1 lumber from the Heller Lumber Company; they are double 2X10's in an H-beam configuration, bolted and screwed together. They are bolted to 6X6 posts on top of 12-inch piers that are 44 inches down using 5,000-PSI concrete. Each pier is spaced 6 feet apart and more than 1 inch above grade. All posts are securely anchored using galvanized 6X6 post holders from Home Depot and Heller Lumber.

In between all of the doubled up 2X10's and H-beam's are the floor joists that are grade 1 lumber from Heller, they are 12 inches on center using galvanized joist hangers and secured with 3 inch screws made for treated wood.

All the decking and railings are composite materials from the Home Depot.

5 5 2010

SEP 07 2010