



#2011-05
935 Hawthorne Drive (Ahmed)
Project Review for Planning and Zoning Commission

Meeting Date: June 1, 2011

Zoning Requests: Simplified Residential Variation from:
(i) Article 4-600 E, Location of Accessory Structures to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive and
(ii) Article 4-700 B 3, Height Requirements for Fences, Walls and Screening) to allow a 6 foot high fence in the corner side yard along Colony Drive to be 12 feet from the property line instead of the required 30 feet.

Location: 935 Hawthorne Drive

Acreage: 10,092 sq. ft. (0.23 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

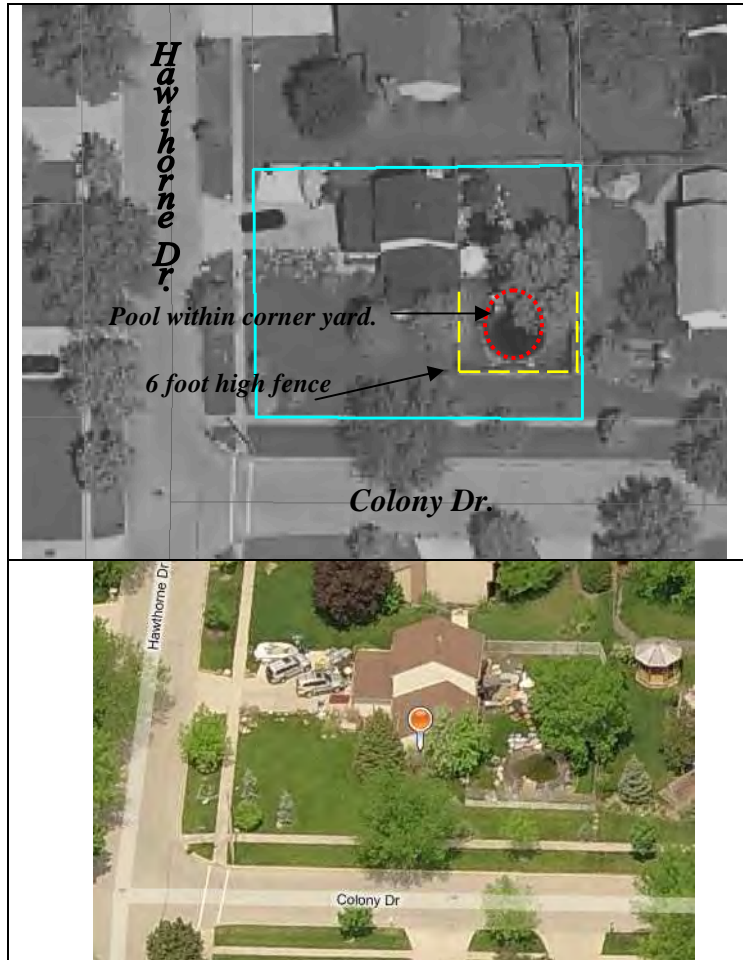
Background:

The property in question is an existing conforming corner lot in the "R-2" single-family district, located at the northeast corner of Colony Drive and Hawthorne Drive. The property is improved with a two-story frame residence with an attached garage. The petitioner is requesting a variation to allow a 6-foot tall fence approximately 12 feet from the property line along Colony Drive, which is considered the corner side yard. The petitioner is also requesting a variation to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive.

Land Use Analysis:

For a corner lot, the front is the narrowest side edge of the lot fronting on a street. Therefore for this property, the front is along Hawthorne Drive and the side along Colony Drive is the corner side or side abutting a street. Per the requirements of the Unified Development Ordinance, fences,

walls or screening in any front yard or yard abutting a street cannot exceed 3 feet in height. A 6-foot-high fence would have to be installed at the 30-foot building line. Similarly, an accessory structure (such as an above-ground pool) is not permitted in the front or corner side yard and must be installed beyond the 30-foot building line.



The petitioner is requesting a variation to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive and a 6-foot-high fence in the corner side yard along Colony Drive to be 12 feet from the property line instead of the required 30 feet. The pool and the fence are already installed.

The petitioner has indicated that because this lot is a corner lot, they are challenged in locating the pool elsewhere on the property. The Engineering Division has confirmed that there are no sight line concerns with the location of the fence.

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 the petitioner’s request for a variation is approved, the following conditions are recommended:

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

- A. Development Application, received 1-21-11
- B. Plat of Survey/Site Plan, Luco, received 10-08-10

2) A variation is hereby granted from:

- A. Article 4-600 E, Location of Accessory Structures to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive and
 - ~~B. Article 4-700 B-3, Height Requirements for Fences, Walls and Screening) to allow a 6 foot high fence in the corner side yard along Colony Drive to be 12 feet from the property line instead of the required 30 feet.~~
- 3) Building permits shall be retroactively obtained for the pool. Both the fence and pool must meet all building code requirements.
 - 4) The lattice portion of the fence must be removed and the fence reduced to 3 feet in height.
 - 5) The petitioner shall address all comments of the Engineering and Building, Public Works, Fire Rescue, Police and Planning & Economic Development Departments.

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

Office Use Only
File #: _____

Petitioner Information

Name: Robin Ahmed
Address: 935 Hawthorne Drive
Crystal Lake, IL 60014
Phone: 773-758-9999
Fax: _____
E-mail: sa.pilot@yahoo.com

Owner Information (if different)

Name: Eda Alicia Ahmed
Address: Same
Phone: _____
Fax: _____
E-mail: _____

1/5/2011

RECEIVED
JAN 21 2011
BY: _____

Property Information

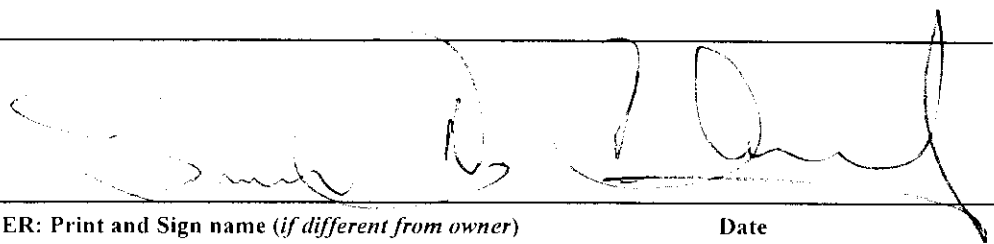
Project Address/Location: 935 Hawthorne Drive, Crystal Lake, IL

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 Exhibit A attached

Signatures



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.

Suman Alfzal (Robin) Ahmed

1/12/11

OWNER: Print and Sign name

Date

EXHIBIT A

In or about 2002, I contracted with Pool-A-Rama, in Crystal Lake (n/k/a the Great Escape) for the installation of a 24 foot diameter above-ground swimming pool on the subject property. Pool-A-Rama informed me that they would not install the pool unless I had the requisite permit from the City of Crystal Lake. I obtained the requisite permit for the installation of the above ground swimming pool from the City. Pool-A-Rama then installed the above ground swimming pool.

In or about September, 2010, I was first contacted by a representative of the City of Crystal Lake and informed that the City had no record of the permit. I was subsequently served with an ordinance violation. Since I was informed that the City could not find my permit for the swimming pool, I have been searching my home for a copy of the permit. Although I have not found the permit yet, my search continues.

A. Variance for Pool Location.

As shown in the survey submitted with this application, my lot is located at the corner of Hawthorn Drive and Colony Drive. The lot has a 30 foot building setback line from Colony Drive, as well as a 30 foot building setback line from Hawthorne Drive. As a result, my home is constructed very close to the 10 foot setback line on the north side of the property. This leaves insufficient side yard for the installation of an above ground swimming pool there.

However, the placement of the house, given the setbacks, leaves a significant yard area in the southeast corner of the lot in which to install an above ground pool.

The Corner Lot Pool Location Template ("Template") of the City of Crystal Lake Engineering and Building Department Above Ground Swimming Pool Submittal Checklist calls for an above ground pool to be installed outside of any building setback lines, but only contemplates a 15 foot setback from each street. As noted above, my lot has 30 foot building setback from each street. While the pool is not outside of the 30 foot setback from Colony Drive, it is more than 15 feet from Colony Drive (approximately 18 feet). The pool is also at least 6 feet away from any adjacent structure.

In order to construct a pool within the building setback lines on my lot would require building the pool much closer to the house and the wood deck and metal shed directly behind my house.

Thus, because of the unique circumstances of my lot, I would face an undue hardship to comply with the specific requirements of the zoning code. Nevertheless, the location of the pool as it exists still meets setback requirements as identified in the Template.

B. Variance for Fencing.

If granted a variance for the location of the swimming pool, a corresponding variance to permit the existing fencing should also be granted. The Crystal Lake Unified Development Ordinance (the "UDO"), Chapter 458, requires that an above ground pool be surrounded with a fence that is at least four feet in height. The UDO also provides that any fence in a side yard shall be a maximum of three feet tall. As discussed above, given the unique circumstances of the lot, I would suffer undue hardship if a variance is not granted for the existing location of the pool.

In light of the circumstances which warrant a variance, a corresponding variance to permit the existing fence in excess of three feet should also be granted. Although the lot is a corner lot, the fence does not come into the front yard and is approximately 15 feet back from the sidewalk, which is approximately another 10 feet off of Colony Drive. Accordingly, although the fence is 6 feet in height, there is no site obstructions for vehicles traveling west on Colony Drive to the intersection with Hawthorn Drive.

Again, given the unique circumstances of the lot, I would suffer an undue hardship if a variance is granted for the pool, but then a variance for the fence was not also granted.

PUBLIC NOTICE

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

**IN THE MATTER OF THE APPLICA-
TION OF SUMAN R. AHMED**

LEGAL NOTICE

Notice is hereby given in compli-
ance with the United 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 applica-
tion of Suman R. Ahmed, for a
variation relating to the following
described real estate commonly
known as 935 Hawthorne Drive,
Crystal Lake, Illinois 60014. PIN:
18-12-429-038.

This application is filed for the
purposes of seeking a variation
from Article 4-600 E, Location of
Accessory Structures, to allow an
above-ground pool to be located
on the corner side setback as close
as 15 feet from the property line
along Colony Drive and Article 4-
700 B 3, Height Requirements for
Fences, Walls and Screening to al-
low a 6 foot high fence in the cor-
ner side yard along Colony Drive to
be 12 feet from the property line in-
stead of the required 30 feet; as
well as any other variations that
may be necessary to allow the
plans as presented. Plans for this
project can be viewed at the City of
Crystal Lake Planning and Eco-
nomic Development Department at
City Hall.

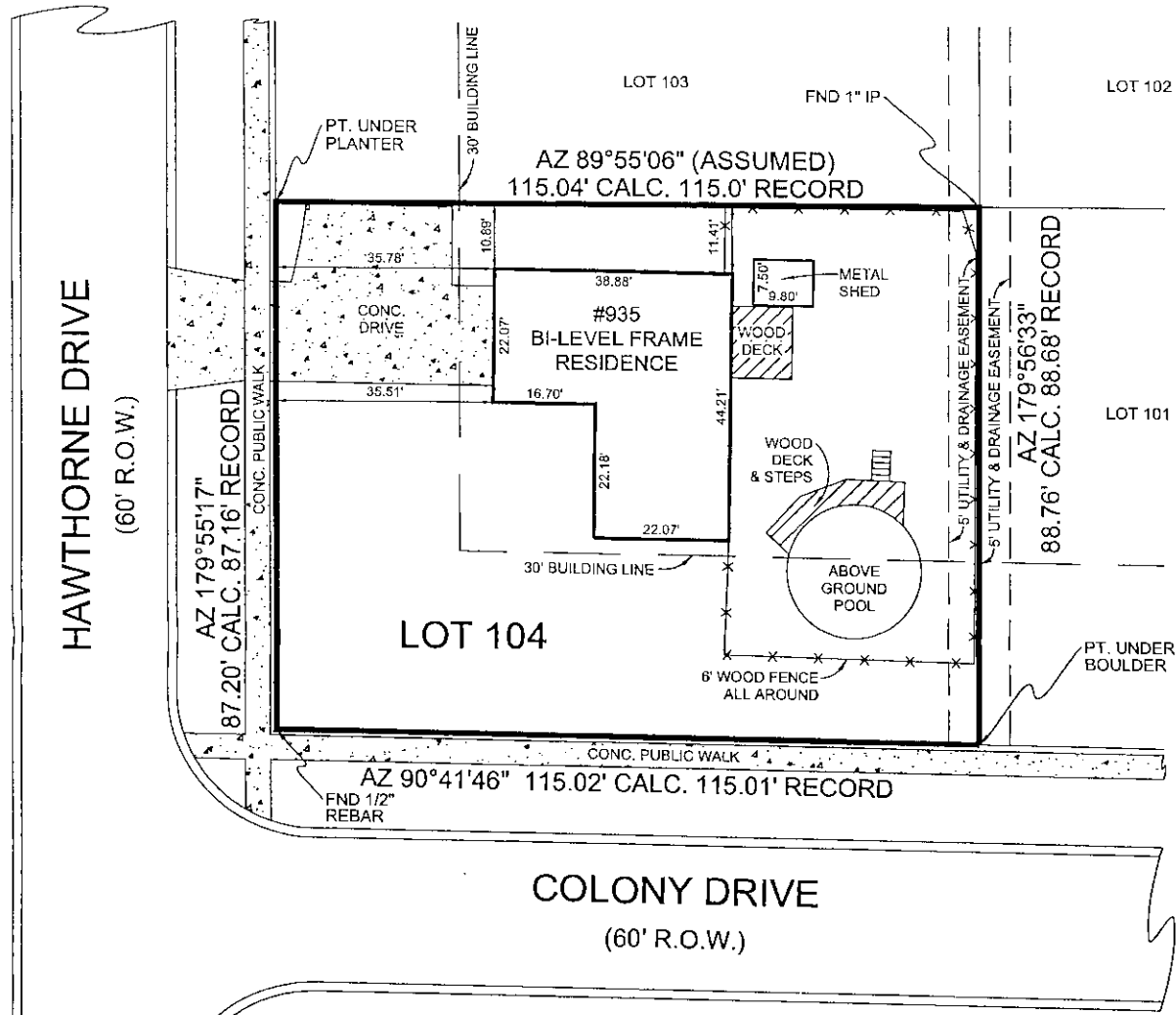
A public hearing before the Plan-
ning and Zoning Commission for
this request will be held at 7:30
p.m. on Wednesday June 1,
2011, at the Crystal Lake City Hall,
100 West Woodstock Street, at
which time and place any person
determining to be heard may be
present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
May 14, 2011)

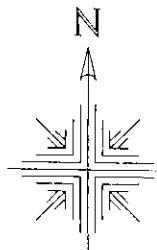


PLAT OF SURVEY

LEGAL DESCRIPTION: LOT 104 IN UNIT SEVEN OF FOUR COLONIES, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 29, 1983 AS DOCUMENT NO. 860888, IN MCHENRY COUNTY, ILLINOIS.



NOTE: DUE TO SNOW COVERAGE, SOME FEATURES MAY NOT BE SHOWN.

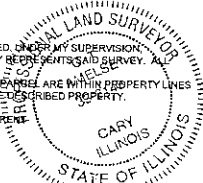


STATE OF ILLINOIS
COUNTY OF MCHENRY

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 PARCELS ARE WITHIN PROPERTY LINES, AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCRDACH ON THE ABOVE DESCRIBED PROPERTY.

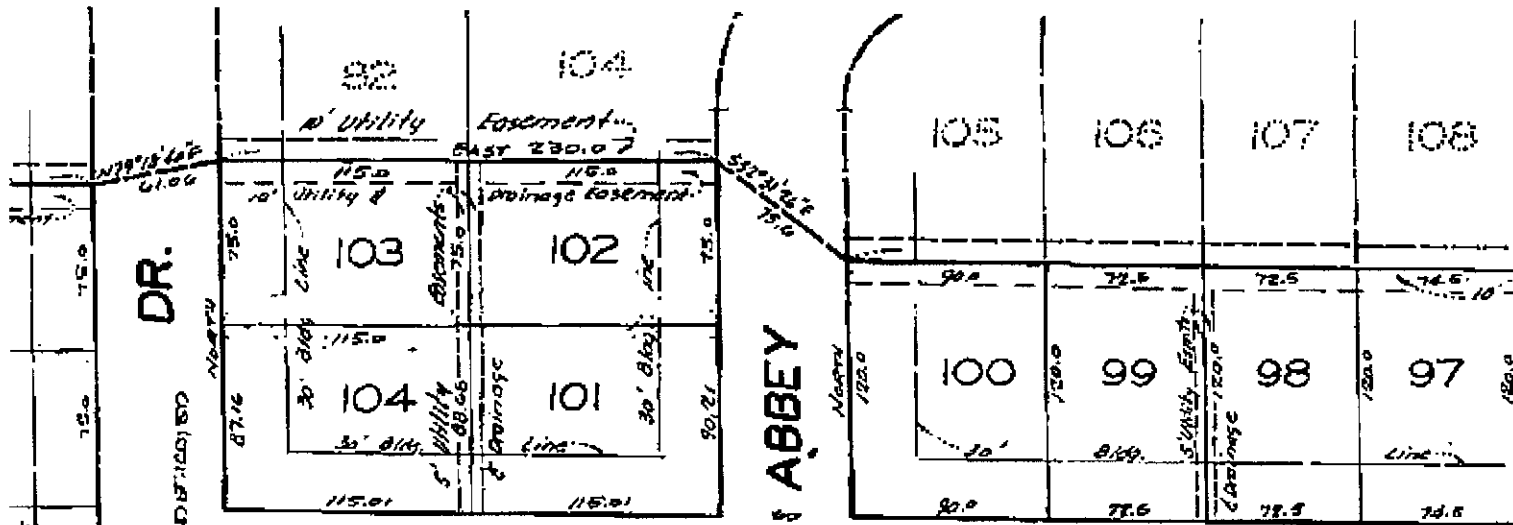
I FURTHER CERTIFY THAT THE PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
C.T. Amelise
C.T. AMELISE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2143
MY LICENSE EXPIRES: 11-30-2012

COMPARE THE DESCRIPTION OF THE PLAT WITH DEED. REFER TO TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE UNLESS OTHERWISE NOTED. NOTED UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON. VOID WITHOUT RAISED SEAL OR RED STAMP.



LEGEND	
	FENCE
	CONCRETE
	WOOD
	BRICK
	PAVERS

LUCO CONSTRUCTION CO.			
PROFESSIONAL DESIGN FIRM NO. 184.004829			
CLIENT NAME:		8813 S. Route 31	
ROTH MELEI		Cary, IL 60013	
CLIENT REFERENCE:		847.658.8537	
AHMED		847.458.0714 fax	
FIELD WORK COMPLETED:	SURVEY COMPLETED:	DRAWN BY:	PROJECT NO.
01-11-11	01-12-11	LAH	11-27003



COLONY

HEREBY INDICATED

