



**#2012-04**

**348 College Street (Miller)**

**Project Review for Planning and Zoning Commission**

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**Meeting Date:**

February 1, 2012

**Requests:**

1. Special Use Permit (Article 4-600 D) for an accessory structure over 600 square feet.
2. Variation (Article 3-200 A. 6 and Article 3-300 B. 3) to allow encroachment into the required 67.75-foot front yard setback to allow a garage expansion 20 feet from the front property line; a 47.75 foot variation.
3. Variation (Article 7 Section 7-300 B Non Conforming Structures and Uses) to allow the enlargement of a non-conforming accessory structure.

**Location:**

348 College Street

**Acreage:**

Approximately 17,300 square feet

**Existing Zoning:**

R-3B Multi-Family Residential

**Surrounding Properties:**

North: R-3A Two-Family Residential  
South: R-3B Multi-Family Residential  
East: R-3A Two-Family Residential  
West: R-2 Single-Family Residential

**Staff Contact:**

Elizabeth Maxwell (815.356.3615)

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**Background:**

- The site contains a three-unit apartment building with a three-bay detached garage in front along College Street. Each unit is a two-bedroom unit.
- The adjacent properties on College Street are multi-family dwellings.
- The garage is currently 30 feet from the front property line. The apartment building is located approximately 57 feet from the front property line.
- The average front yard setback for this property is 67.75 feet. (For residential properties: in cases of varying setbacks of existing dwellings, the proposed dwelling or an addition shall be setback no less than the average setback of the dwellings on the two closest lots)
- A detached garage is considered an accessory structure. This type of accessory structure is not permitted in the front yard. The structure is currently approximately 900 square feet and is planned to be approximately 1,200 square feet.
- The existing detached garage is considered a legal non-conforming structure.
- The petitioner desires to expand the garage by one additional bay and extend the paved outside parking area.

**Zoning Analysis:**

**Special Use Permit**

A special use permit is required for any accessory structure over 600 square feet.

- The structure currently exceeds the 600 square foot threshold and will be expanded to be approximately 1200 square feet.

**Non-Conforming Structure**

A non-conforming structure is one which was legally constructed, prior to the effective date of this Ordinance or subsequent amendments, which would not be permitted as a new structure under the terms of this chapter today.

- The structure was legally built at the 30-foot front yard setback and now is considered a legal non-conforming structure, due to the averaged front yard setback of 67.75 feet.
- Enlargement of an existing non-conforming structure is permitted provided it does not increase the non-conformity. In this case, it will be increasing the non-conformity by extending farther into the front yard setback.
- To meet the tenants' current parking demand and UDO requirements at least one additional parking space is needed. The required parking for this site is 7 parking spaces (2 + 0.25 per unit). The site provides three outside spaces and three enclosed spaces.
- After the expansion, the garage will be approximately 20 feet from the front property line and the paved area will be approximately 10 feet from the front property line.

**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:

- 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.

#### SPECIAL USE PERMIT

Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.

*Meets*                       *Does not meet*

2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.

*Meets*                       *Does not meet*

3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.

*Meets*                       *Does not meet*

4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.

*Meets*                       *Does not meet*

5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.

*Meets*                       *Does not meet*

6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.

*Meets*                       *Does not meet*

7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

*Meets*                       *Does not meet*

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

*Meets*                       *Does not meet*

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

*Meets*                       *Does not meet*

10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

*Meets*                       *Does not meet*

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

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

**Objective #3:** Preserve and enhance the character and livability of existing residential areas.

- Encourage existing buildings to adhere to repairs or expansions that are compatible with the predominant architecture, building size and yard requirements of the surrounding housing.

**Recommended Conditions:**

If a motion to recommend approval of the Simplified Residential Variation at 348 College Street 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 (Miller, received 01/06/12)
  - B. Plat of Survey (Robert J. Conway, dated 03/20/1997, received 01/06/12)
  - C. Site Plan (Miller –hand drawn on plat of survey, received 01/06/12)
2. The following is granted with this request:
  - A. A Special Use Permit for an accessory structure over 600 square feet to allow up to 1,200 square feet;
  - B. Variation to allow encroachment into the required front yard setback to allow the garage expansion up to 20 feet from the front property line; a 47.75-foot variation.
  - C. Variation to allow the enlargement of a non-conforming accessory structure.
3. Shrubs shall be planted adjacent to the paved parking area and the front property line to provide a visual buffer from the parking area and the sidewalk/street. Work with staff on an appropriate landscape plan that illustrates 2-3 evergreen species and 2-3 deciduous species of shrubs.
4. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works, Police and Planning and Economic Development Departments.

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BY: --- 04 2012

**Application for Simplified Residential Variation**

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

**I. Applicant**

Richard B Miller  
Name

513 Lake St.  
Street

Crystal Lake 60014  
City State Zip Code

815-477-8569 rmiller@coilcraft.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: 348 College St.

b. PIN #: 19-05-307-015

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:  
I would like to move to this property. I would like to make more parking and storage for my tenants and myself. There is a 3 car garage there now. I would like to make it 4.

IS THE HARDSHIP SELF-CREATED?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Yes

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; SUBSTANTIALLY INCREASE THE DANGER OF FIRE; OR ENDANGER PUBLIC SAFETY?

No

3. List any previous variations that are approved for this property:

IV. 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.

Richard B Miller

*Richard B. Miller*

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 PETITION  
OF Richard Miller**

**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 Richard Miller for approval of a Variation relating to the following described real estate commonly known as 348 College Street, Crystal Lake, Illinois 60014, PIN: 19-05-307-015

This application is filed for the purposes of seeking a Variation from Article 7-300 B, Non-Conforming Usas and Structures to allow the enlargement of a non-conforming accessory structure which is within the front yard and any other variations necessary to approve the plans as presented to allow the addition of a garage bay and parking area within the front yard. 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 February 1, 2012, 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  
January 17, 2012)

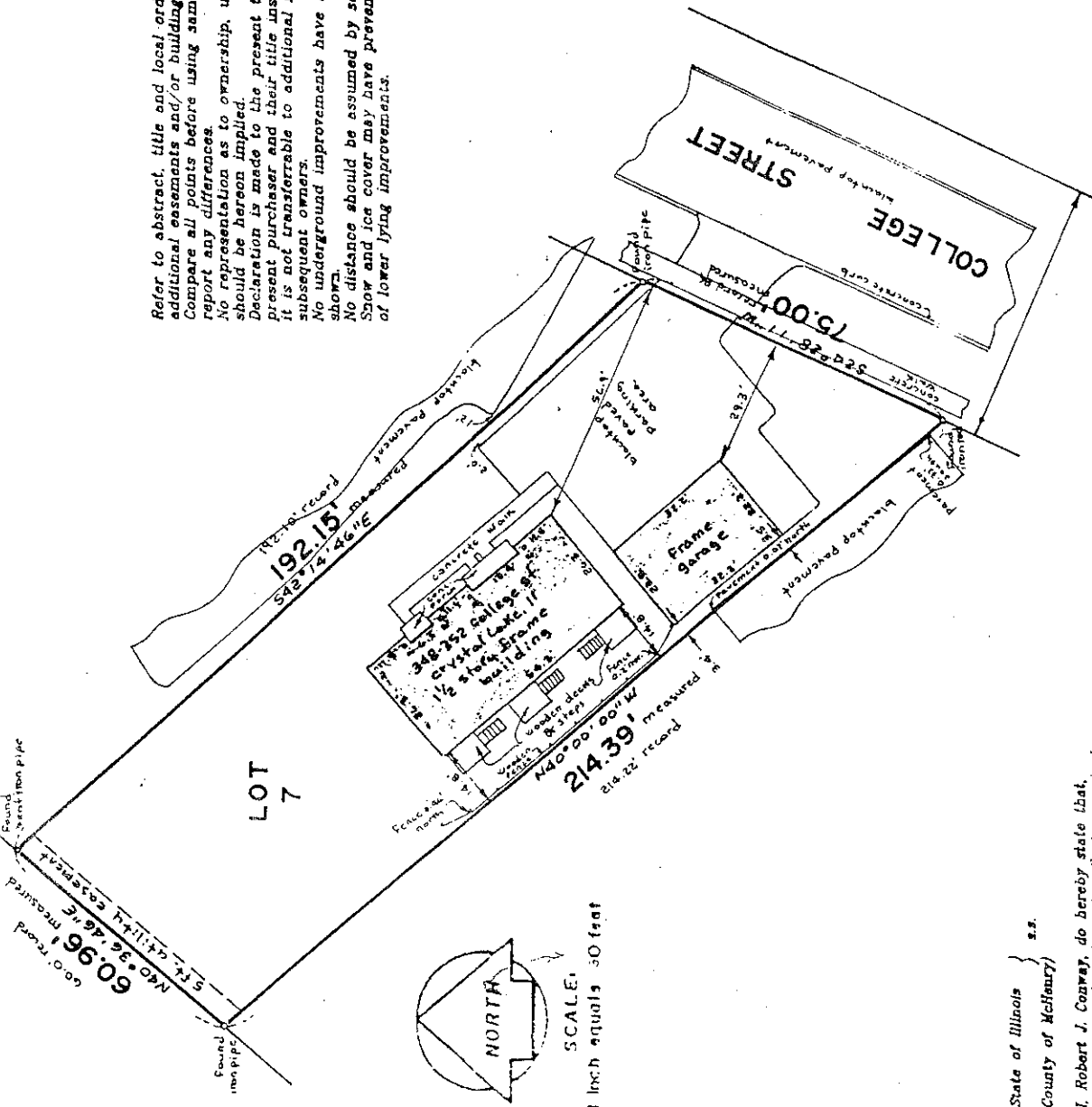




Refer to abstract, title and local ordinances for additional easements and/or building restrictions. Compare all points before using same and at once report any differences. No representation as to ownership, use or possession should be hereon implied. Declaration is made to the present title owner, the present purchaser and their title insurer, and lender, it is not transferable to additional individuals or subsequent owners. No underground improvements have been located or shown. No distance should be assumed by scaling. Snow and ice cover may have prevented the location of lower lying improvements.

04 2012

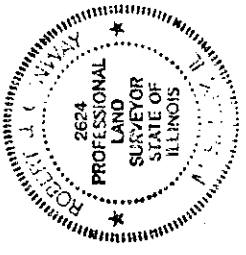
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BY:



SCALE:  
1 inch equals 50 feet

State of Illinois } s.s.  
County of McHenry }

I, Robert J. Conway, do hereby state that I have caused the above described property to be surveyed according to the found artificial monuments, and that the plat hereon drawn is a correct representation of said survey. Witness my hand and seal of office this 26th day of March A.D. 1997.



Robert J. Conway  
Professional Land Surveyor #35-2024

348-352 College Street, Crystal Lake, Illinois

Survey No. 19-05-307-015