



**#2012-16**  
**Tomasello – 290 E. Crystal Lake Ave.**  
**Project Review for Planning and Zoning Commission**

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**Meeting Dates:**

March 21, 2012

**Requests:**

1. Special Use Permit Amendment to allow a detached accessory structure greater than 600 square feet to allow the garage to be approximately 960 square feet on each story;
2. Variation from Article 3, Density and Dimensional Standards, to allow a second story within an accessory structure.

**Location:**

290 E. Crystal Lake Ave.

**Acreage:**

≈ 32,573 sq. ft. (0.75 acres)

**Existing Zoning:**

“R-2” Single-Family Residential

**Surrounding Properties:**

North: “R-2” Single Family Residential  
South: “E” Estate and “M” Manufacturing  
East: “R-2” Single Family Residential  
West: “M” Manufacturing

**Staff Contact:**

Latika Bhide (815.356.3615)

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**Background:**

- Location: 290 E. Crystal Lake Avenue, east of East Street
- Zoning: “R-2” Single-Family Residential
- Existing Improvements: 2 story frame residence with a detached garage
- Request: SUP Amendment to allow the garage to be 960 SF on each story and a variation to allow a second story within an accessory structure.

**Land Use Analysis:**

- History: In 2011, the property received a Special Use Permit to allow a garage (detached accessory structure) to be approximately 960 square feet, variations to allow the garage to be located in a corner side yard as close as 15 feet instead of 30 feet from the East Street property line and to allow a driveway width of 24 feet at the property line instead of 20 feet. At the time, it was indicated by the petitioner that there would be no second story and the space above the joists would be used for storage only. Accordingly the Ordinance approving the request included the condition that a second story is not permitted within the garage.
- Ordinance requirements: Per the UDO, accessory structures are permitted to be 15 feet and 1-story in height. For structures with gambrel roofs, the height is measured to the mean height level between eaves and ridge. The garage meets the 15 foot height

requirement for accessory structures. Also, detached accessory structures greater than 600-square-feet are required to obtain a Special Use Permit.

- **Details:** The petitioner has indicated that he would like to install a permanent set of stairs, run electric upstairs and install a furnace. No exterior changes are proposed with this request. Since the previous request was for attic storage accessible by a ladder it was considered storage, not a story. This request will necessitate a variation from the Ordinance to allow a second story within the detached accessory structure. Also, the addition of ‘living space’ upstairs will increase the area of the garage to 960-square-foot on each story.
- **Hardship:** The petitioner has indicated that the request will not involve modifying the exterior of the garage and no additional setback variations than the ones previously granted are necessary.

### **Findings of Fact:**

#### **SPECIAL USE PERMIT AMENDMENT**

The petitioner is requesting approval of a Special Use Permit Amendment, due to the addition of floor area to a detached accessory structure. Due to their unique nature, Special Uses require 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 the general 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*

**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 motion is made to recommend approval of the petitioner’s request, the following conditions are suggested:

- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Development Application, received 3-1-12
  - B. Plat of Survey/Site Plan, MJM Consulting
  - C. Floor Plans, Section, Tomasello, received 3-1-12
- 2. A Special Use Amendment to allow an accessory structure greater than 600 square feet to allow 960 square feet on each story is hereby granted.
- 3. A variation to allow an accessory structure to be two stories is hereby granted.
- 4. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

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BY:

**Application for Simplified Residential Variation**

Application Number: <u>2012-16</u>	FOR OFFICE USE ONLY
Project Name: <u>TOMASELLO</u>	
Date of Submission: <u>03.01.2012</u>	

**I. Applicant**

Name James R. Tomarello

Street 290 E. Crystal Lake Ave

City Crystal Lake State IL Zip Code 60014

Telephone Number 847-875-5999 Fax Number \_\_\_\_\_ E-mail address Jim Tom123@aol.com

**II. Owner of Property (if different)**

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone Number \_\_\_\_\_

**III. Project Data**

1. a. Location/Address: Same

b. PIN #: 14-33-378-009

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 install stairs in my garage to safely be able to access my storage/attic space

IS THE HARDSHIP SELF-CREATED? NO

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; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY? no

3. List any previous variations that are approved for this property: File # 2011-15

**IV. Signatures**

[Signature] 2/28/12  
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.  
Jones R. Tomasele [Signature] 2/28/12  
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 APPLICATION OF JAMES TOMASELLO

#### **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 of the City of Crystal Lake upon the application of James Tomasetto for approval of a Special Use Permit Amendment and Variations relating to the following described real estate commonly known as 290 E. Crystal Lake Avenue, Crystal Lake, Illinois 60014, PIN: 14-33-378-009

This application is filed for the purposes of seeking a Special Use Permit Amendment to allow a detached accessory structure greater than 600 square feet to allow the garage to be approximately 960 square feet on each story pursuant to Articles 4-600 D, 9-200 A and 9-200 D.

This application is also filed for the purposes of seeking a variation from Article 3, Density and Dimensional Standards, to allow a second story within an accessory structure, 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 Economic Development Department at City Hall.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday, March 21, 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  
March 6, 2012)



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, APRIL 6, 2011  
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Batastini, Esposito, Goss, Greenman, Jouron, Skluzacek, and Hayden were present. Members Gavle and Lembke were absent.

Michelle Rentzsch, Director of Planning and Economic Development, and Latika Bhide, Planner, were present from Staff.

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

**2011-15 TOMASELLO – 290 E. Crystal Lake Ave. – PUBLIC HEARING**  
Special Use Permit and variations for a garage.

Mr. Hayden stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

James Tomasello was present to represent his petition. Mr. Tomasello said his property is at the corner of East Street and Crystal Lake Avenue and would like to build a new garage and driveway. He was told to wait until Crystal Lake Avenue plans were finalized. Currently the driveway is near the intersection and with the new garage they would move it further north. Mr. Tomasello said the current garage is falling down and needs to be replaced. He wants the new garage to be close to the house but he has to be careful so he doesn't get too close to his septic field. Mr. Tomasello said the reason he wants the garage to be turned around is so the driveway will be away from the corner. Also he is requesting the driveway to be 24 feet wide instead of the allowed 20 feet so it fits in with the new garage size.

Mr. Tomasello said he has received the comments from the departments and will revise his plans accordingly. He added that there will not be a second floor in the garage – not even for storage and would prefer the windows to be high to let light into the garage. There have been some issues with thefts before and he feels safer with the windows at that height.

There was no one in the public who wished to speak on this petition. The public portion of the hearing was closed at this time.

Mr. Jouron asked if he would run his landscape business out of the garage. Mr. Tomasello said his business is based in Cary and it will not be run from this location. He is planning to have a work area in the garage for himself and his sons to work on projects. Mr. Tomasello said there also needs to be room for their "toys"



which include dirt bikes, motorcycle, etc.

Mr. Batastini said the property is well maintained and would like to see landscaping around the garage to soften the look of the garage. He does support the variation for the driveway since the lot is very large and is more in proportion with the garage. Mr. Tomasello said the City has agreed to allow him 5 years to pave his driveway and until that time it will be gravel. Mr. Batastini said what is being done is common sense.

Mr. Skluzacek asked if the garage should be attached to the house. Mr. Tomasello said the house is an old farm house and the porch is higher and hard to attach the garage to. Mr. Hayden asked if the garage were attached to the house it would significantly increase their taxes.

Mr. Esposito asked if the sight lines are ok. Ms. Bhide said yes.

Mr. Greenman asked about the requirement for a Special Use for accessory buildings over 600 square feet. Ms. Bhide said the normal 2.5 car garage is approximately 600 square feet. Anything larger would impact the neighbors since a detached accessory structure can be as close as 5 feet from the property line. A Special Use Permit also allows the City to look at each request on a case by case basis to see how it fits on the property and within the neighborhood. If someone with a smaller sized lot came in with the same size garage as is being requested with this petition, it wouldn't fit. Mr. Greenman believes that the petitioner has not demonstrated a hardship for the driveway width. He said having the driveway that width is a desire and not a hardship.

Mr. Goss feels the mass of the garage is huge and it will need a lot of landscaping to soften it. He also has a problem with the variation from East Street because the hardship is being created because of the size and location of the garage.

Mr. Hayden said this garage is larger than his first house. He would like to see fake windows or doors to break up the mass of the building. Mr. Hayden asked if there would be any utilities run to the garage other than electricity. Mr. Tomasello said no – only electric.

Mr. Jouron asked is the siding will match the house. Mr. Tomasello said yes.

Mr. Batastini said he drives by this everyday and there are industrial uses to the west. This garage is not taking anything away from the neighborhood and it fits just fine with the size lot.

Mr. Batastini moved to approve the Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage with the proposed addition to be approximately 960 square feet; a Simplified Residential Variation to allow the garage to be located in a corner side yard as close as 15 feet instead of 30 feet from the East Street property line; and a Variation to allow a driveway width of 24 feet at the property line instead of 20 feet with the following conditions:

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

- A. Development Application, received 3-21-11
- B. Plat of Survey/Site Plan, MJM Consulting, received 3-21-11
- C. Floor Plans, Elevations, Sections, Woodridge Homes, received 3-21-11

2. A special use permit and variation are hereby granted to allow the petitioner's request.
3. The façade along Crystal Lake Avenue will be enhanced ~~by the addition of additional windows~~ **with architectural features to be determined by staff and City Council.**
4. The petitioner shall address all comments of the Planning, Engineering and Building, Public Works, Fire Rescue and Police Departments.
- 5. Landscaping shall be added to the south and west sides of the garage. The landscaping shall be maintained.**
- 6. A second floor in the garage building is not allowed.**

Mr. Jouron seconded the motion. On roll call, members Batastini, Esposito, Jouron, and Hayden voted aye. Members Goss, Greenman, and Skluzacek voted no. Motion passed 4-3.

**Mayor's Report**

Mayor Shepley congratulated Councilmembers Brady Mueller, Ferguson and Hopkins on being re-elected to the City Council and noted that he had been re-elected as Mayor. He noted that the races had been uncontested, which he felt was an indication of the public's satisfaction with the job the Council was doing. Mayor Shepley also reported that Crystal Lake had won a lawsuit vs. the Village of Lakewood regarding amounts owed by the Village for fire/rescue services provided to them by the City of Crystal Lake in 2006. He stated that some may wonder why the City would sue a neighboring village and stated that he would support it 100 times over because the Village of Lakewood owed the City of Crystal Lake over \$350,000, and it would not have been fair to the taxpayers of Crystal Lake to not pursue payment. He stated that the Village of Lakewood had forced the City to file the lawsuit, and he hoped that the Village would now pay the amount so that all could move on, rather than dragging it out with appeals and incurring more legal fees for both municipalities.

Councilman Thorsen arrived at this time.

**City Council Reports**

None.

**Consent Agenda**

Councilwoman Brady Mueller moved to approve the Consent Agenda consisting of Item 9a, with the addition of Items 10, 11, 12, 13, 14, 15 and 16. Councilman Thorsen seconded the motion. Councilwoman Schofield asked that Item 14 be removed from the Consent Agenda. Councilwoman Brady Mueller restated the motion to approve the Consent Agenda consisting of Item 9a, with the addition of Items 10, 11, 12, 13, 15 and 16. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

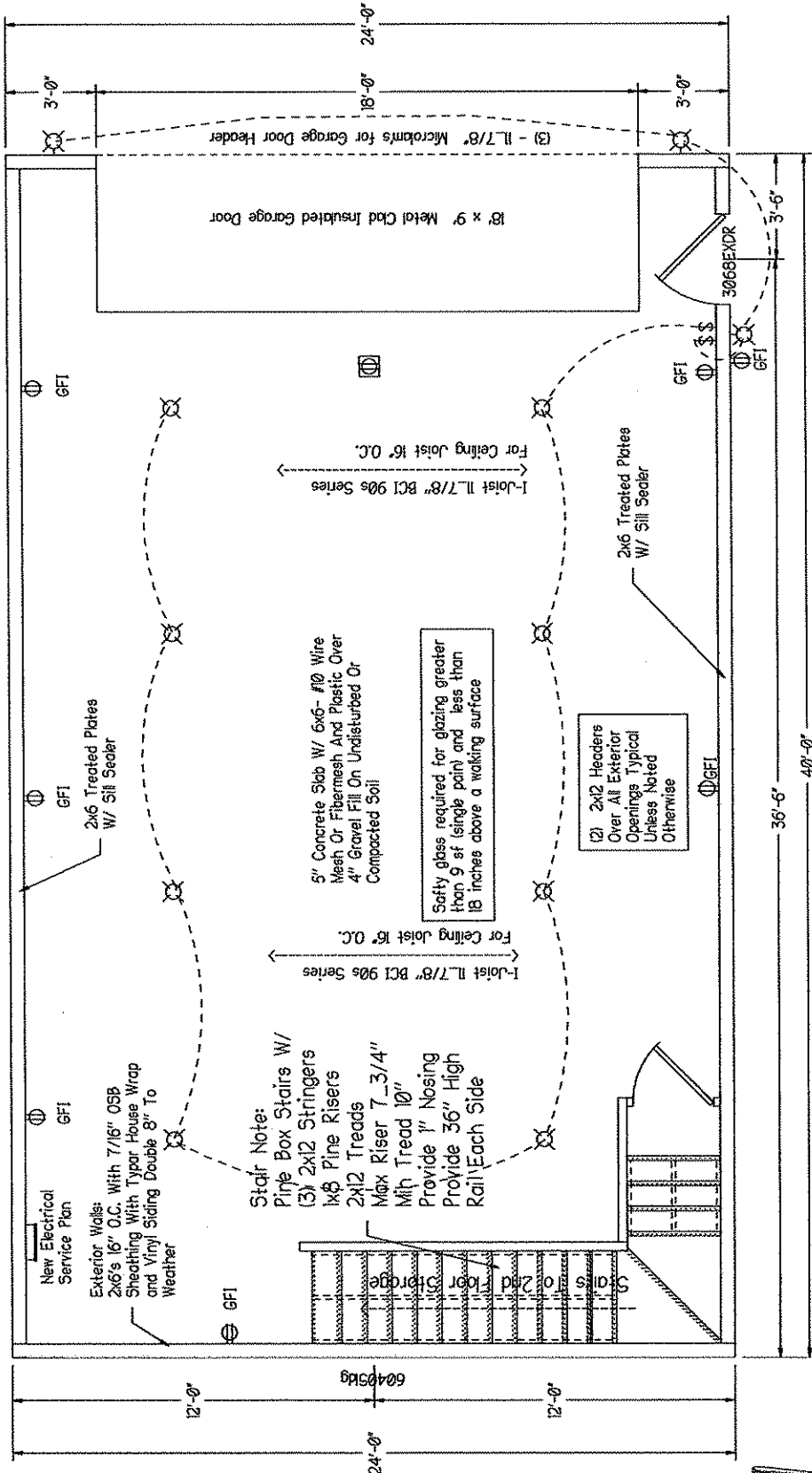
*9a. St. Thomas School - Approved the closure of Lake Street from an area just south of the First Congregational Church entrance to an area just south of the St. Thomas School parking lot on Wednesday, May 25, 2011 and Thursday, May 26, 2011 from 7:45 a.m. to 2:15 p.m. for St. Thomas Field Days.*

*10. Adopted a Resolution authorizing execution of an agreement between the City of Crystal Lake and the Crystal Lake Park District for the construction and maintenance of drainage/water quality features.*

— *11. The Cottage, 6 E. Crystal Lake Avenue – Approved a Temporary Use Permit request for a Special Promotion – Beatles Blast 2011, and the issuance of a Class 16 Temporary Liquor License to the Lions Club for the Beatles Blast 2011 event, pursuant to staff recommendations.*

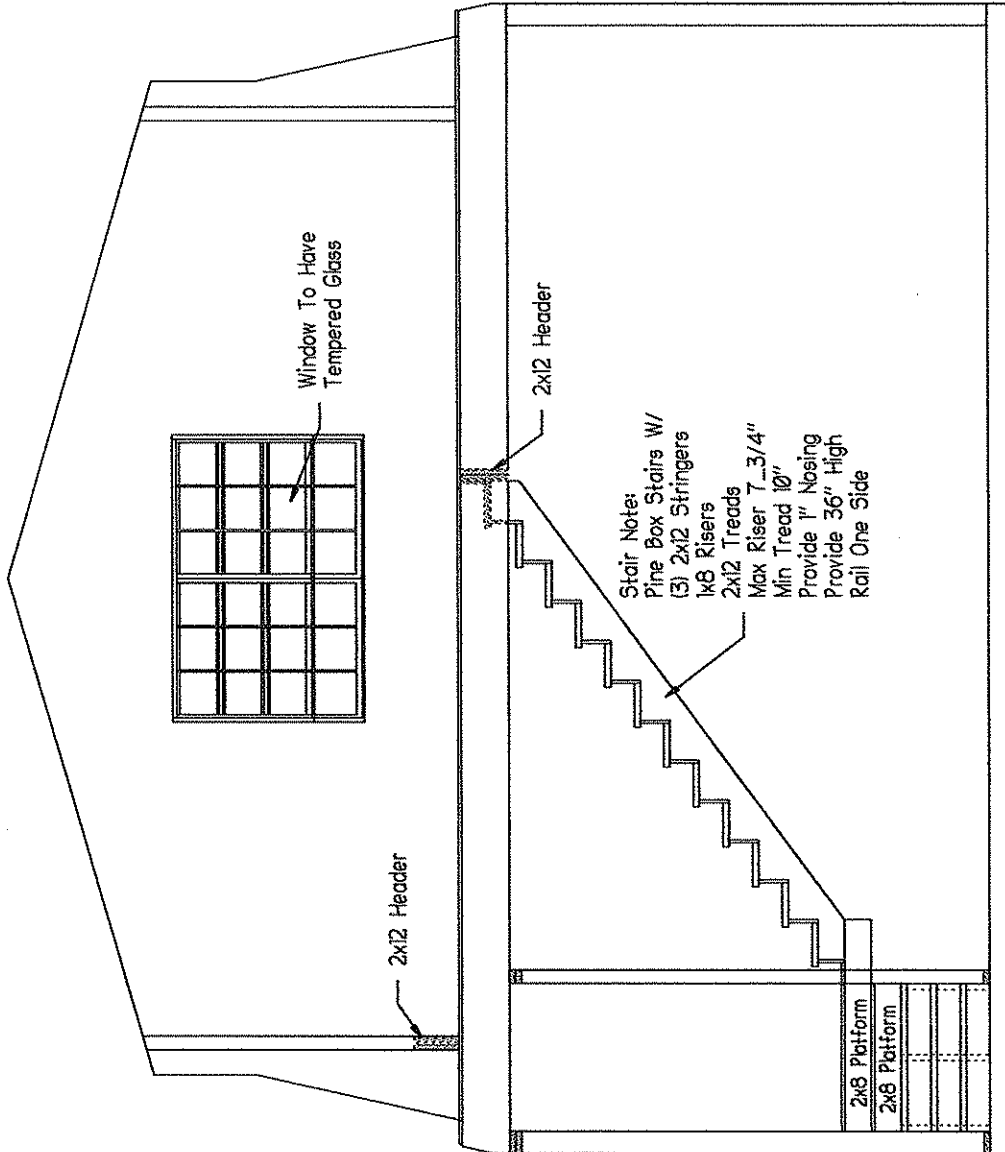
→ *12. 290 E. Crystal Lake Avenue – Approved the Planning and Zoning Commission recommendation and adopted an ordinance granting a Special Use Permit and variations for 290 East Crystal Lake Avenue.*

— *13. Eisenmann Corporation, 150 E. Dartmoor Drive – Approved an extension of the Final Plat of Subdivision and Final Planned Unit Development approval to June 17, 2012.*



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Stair Section