



#2012-34
Bonick - 145 Regal Dr.
Project Review for Planning and Zoning Commission

<u>Meeting Dates:</u>	May 16, 2012
<u>Requests:</u>	Simplified Residential Variation from Article 3, Density and Dimensional Standards, to allow a deck to encroach into the rear yard setback and be as close as 10 feet from the rear property line instead of the required 16 feet
<u>Location:</u>	145 Regal Drive
<u>Acreage:</u>	≈ 11,199 SF (0.26 acres)
<u>Existing Zoning:</u>	“R-2 PUD” Single-Family Residential PUD
<u>Surrounding Properties:</u>	North: “R-2 PUD” Single-Family Residential PUD South: “R-2 PUD” Single-Family Residential PUD East: “R-2 PUD” Single-Family Residential PUD West: “R-2 PUD” Single-Family Residential PUD
<u>Staff Contact:</u>	Latika Bhide (815.356.3615)

Background:

- **Location:** 145 Regal Drive, west of Pingree Road
- **Zoning:** “R-2 PUD” Single-Family Residential
- **Development:** Ashton Pointe, approved in 2005
- **Existing Improvements:** Two-story residence with attached garage
- **Request:** Variation to allow a deck to encroach into the rear yard setback and be as close as 10 feet from the rear property line instead of the required 16 feet



Existing deck proposed to be expanded

Land Use Analysis:

- **Details:** The request is to allow expansion of the existing deck along the back of the residence.
- **Dimensional Standards:** For the “R-2” district, a minimum rear yard setback of 20 feet is required. Steps and decks attached to a principal building are permitted a 4 feet encroachment into a setback.
- **Existing Conditions:** There is an existing deck, 4 feet deep and 12 feet wide, along the back of the existing residence. The petitioner is requesting to enlarge the deck to be 10

feet deep and 12 feet wide. There is a 10-foot PUE along the back of the property. The proposed deck will not encroach into the easement.

- Hardship: The petitioner has indicated that the hardship is related to the greater setbacks for the corner lot.

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 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. Application, received 4-30-12
 - B. Site Plan /Plat of Survey, TFW Surveying, received 4-30-12
2. A variation from the required rear yard setback of 16 feet for a deck to allow 10 feet is hereby granted.
3. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
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.

34 2012

Application for Simplified Residential Variation

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

RECEIVED
 APR 30 2012
 BY: _____

I. Applicant

GARY R BONICK
Name

145 REGAL DR
Street

CRYSTAL LAKE IL 60014
City State Zip Code

815-621-3375 815-893-6281 WSOXfan@COMCAST.NET
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address: 145 REGAL DR CRYSTAL LAKE, IL 60014
- b. PIN #: 19-04-226-033

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:

Due to Setback Limitations The existing Deck is only 4' x 12' and not suitable for anything other than an Exit Staircase. We would like to extend outward to make Deck Total 10' x 12'. This would not encroach on the PUE.

IS THE HARDSHIP SELF-CREATED?
NO

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

I Do not know of Any other Homes in this Development with the same issue

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

NO. The Proposed larger Deck will Look Nearly IDENTICAL TO THOSE OF THE SURROUNDING HOMES

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: NONE

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.

GARY R BONICK Gary R Bonick 3/29/2012

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 APPLICA-
TION OF GARY BONICK**

LEGAL NOTICE

Notice is hereby given in compli-
ance 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 Gary Bonick for ap-
proval of variations relating to the
following described real estate
commonly known as 145 Regal
Drive, Crystal Lake, Illinois 60014,
PIN: 19-04-226-033.

This application is filed for the
purposes of seeking variations from
Article 3, Density and Dimensional
Standards, to allow a deck to en-
croach into the rear yard setback
and be as close as 10 feet from the
rear property line instead of the re-
quired 16 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 Economic Development De-
partment at City Hall.

A public hearing before the Plan-
ning and Zoning Commission on
the request will be held at 7:30
p.m. on Wednesday, May 16,
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
May 1, 2012)

TFW SURVEYING U & MAPPING Z PLAT OF SURVEY OF

LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION L



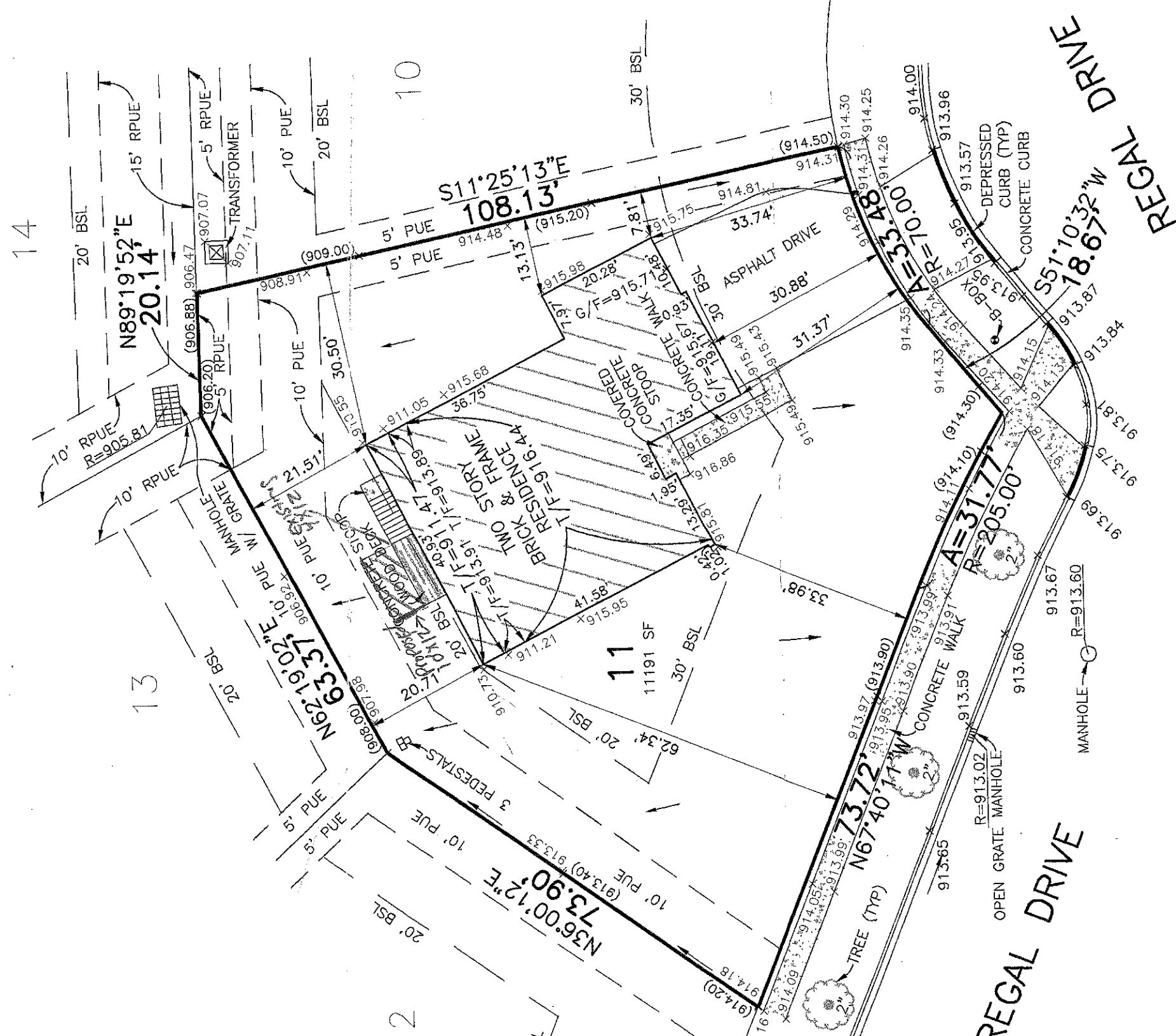
(IN FEET)
1 inch = 20 ft.



ADDRESS:
145 REGAL DRIVE

LOT 11 IN ASHTON POINTE, BEING A RESUBDIVISION OF LOTS 4 AND 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ASHTON POINTE, RECORDED FEBRUARY 4, 2005, AS DOCUMENT R20050009632, IN MCHENRY COUNTY, ILLINOIS.

BENCHMARK:
PER VILLAGE OF ALGONQUIN SURVEY PROGRAM. MONUMENT 14 IS A CON MONUMENT SET IN-BETWEEN VILLAGE VILLAGE HALL SIGN AND CURB (STRI ELEVATION = 895.006 NAD 83 DAT



3/4/2012

RECEIVED
APR 30 2012
BY: