



#2013-25
Whitney - 91 S. Walkup Avenue
Project Review for Planning and Zoning Commission

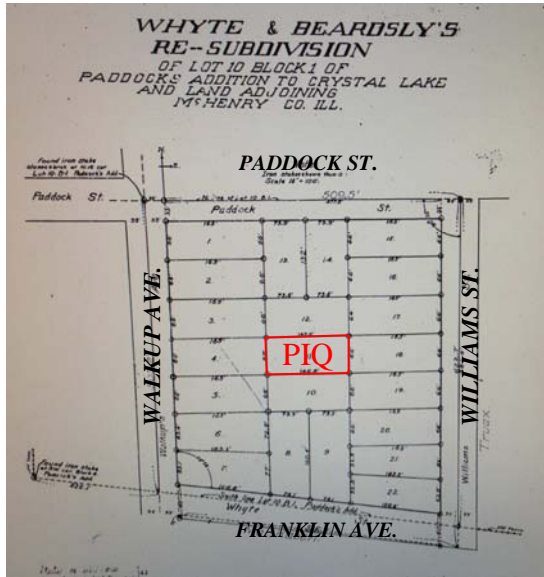
<u>Meeting Dates:</u>	June 5, 2013
<u>Requests:</u>	Simplified Residential Variation from Article 4-600, Accessory Structures and Uses, to allow a garage (accessory structure) in the front yard setback
<u>Location:</u>	91 S. Walkup Avenue
<u>Acreage:</u>	≈ 9,688 SF (0.22 acres)
<u>Existing Zoning:</u>	“R-2” Single-Family Residential
<u>Surrounding Properties:</u>	North: “R-2” Single-Family Residential South: “R-2” Single-Family Residential East: “R-2” Single-Family Residential West: “R-2” Single-Family Residential
<u>Staff Contact:</u>	Latika Bhide (815.356.3615)

Background:

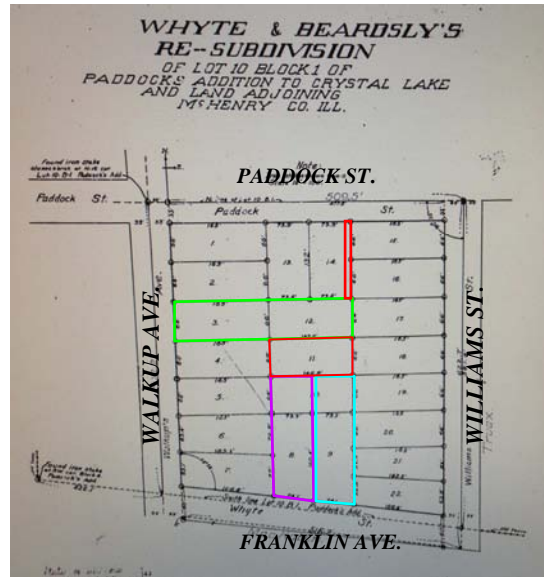
- **Development:** Lot 11 in Whyte and Beardsley’s Subdivision platted in 1914
- **Existing Improvements:** Two-story residence with detached garage
- **Request:** Variation to allow a garage (accessory structure) in the required front setback as close as 5 feet from the front property line

Land Use Analysis:

- **History:** The property is Lot 11 in Whyte and Beardsley’s Subdivision platted in 1914. Three land-locked parcels were created through this subdivision. Per the current provisions of the UDO, land-locked parcels cannot be created as every principal building or structure must be constructed upon a zoning lot or parcel of land which abuts a public street or an approved private street. Two of the three land-locked parcels have been consolidated with other lots. The property in question is the only land-locked lot left. The original and current lot configuration is illustrated below.



ORIGINAL LOT CONFIGURATION



CURRENT LOT CONFIGURATION

- **Current Condition and Ordinance Standards:** A 12-foot wide ingress and egress easement provides access to this property off Paddock Street. Per the UDO, the front lot line is that boundary of a lot which is along a public right-of-way, or where no public right-of-way exists, along a private right-of-way, easement or access way. Where access to a lot is via an access easement, the edge of the easement is considered the front lot line. Therefore, for this property, the east property line is considered the front. The west property line, abutting 87 Walkup Ave., is considered the rear.
- **Details:** It is the petitioner’s intent to demolish the existing detached garage (on the north side). A 2-story addition to the residence will be added to this side and will meet the side yard setback requirement. The existing wooden deck (on the east side of the house) is proposed to be removed and replaced with a porch. A new garage is proposed to be constructed in the southeast corner of the property, in the front yard, as close as 5 feet from the front property line, requiring the approval of a variation.
- **Hardship:** The property in question is a unique land locked lot and the circumstances would not apply to other properties in this zoning district.

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

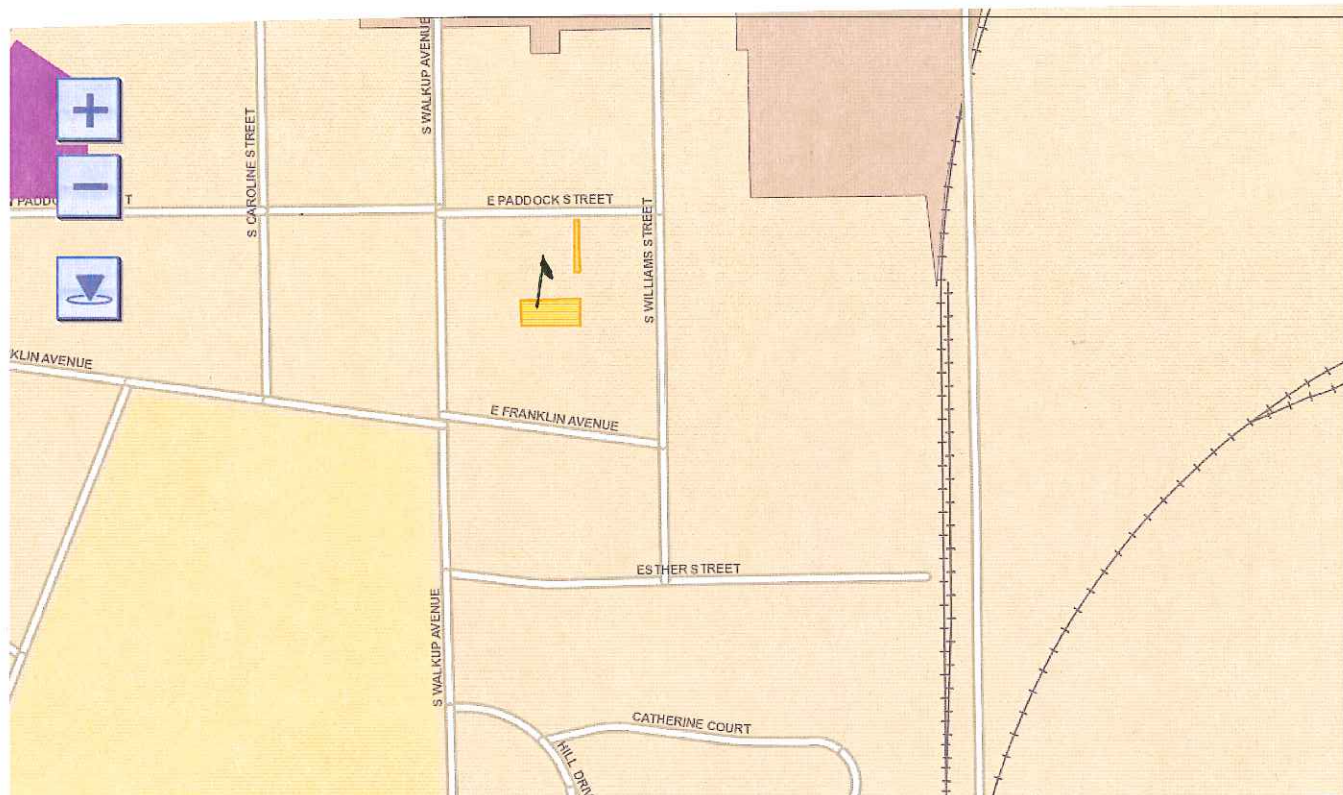
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the Variation be denied.

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 5-17-2013
 - B. Plat of Survey/Site Plan, AES, received 5-17-13
2. A variation to allow an accessory structure in the front yard is hereby granted.
3. The proposed addition must meet all other density and dimensional standards including building height, lot coverage, impervious coverage, etc.
4. The proposed addition must be architecturally compatible with the existing residence.
5. Any addition to the residence (principal structure) must be at least 5 feet from the garage (accessory structure).
6. Overhang/eave is not allowed less than 4'-0" to the property line. Overhang/eave that is 4'-0" to 5'-0" from the property line shall be constructed to have a 1-hour fire-resistance rating. This rating shall be tested for exposure from the underside.

7. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
8. 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.



Application for Simplified Residential Variation

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

I. Applicant

James J. Whitney

Name

91 S. Walkup Avenue

Street

Crystal Lake

IL

60014-6146

City

State

Zip Code

815-540-3230 (cell)

312-893-0688

JamesJWhitney@Yahoo.com

Telephone Number

Fax Number

E-mail address

II. Owner of Property (if different)

same as above

Name

same as above

Address

Telephone Number

III. Project Data

1. a. Location/Address: 91 S. Walkup Avenue, Crystal Lake IL 60014-6146
- b. PIN #: 19-05-227-011

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:

Land-locked lot is unique - access dictating front yard and placement of garage

IS THE HARDSHIP SELF-CREATED?

No

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

Not to my knowledge - I do believe that there are no other land-locked lots

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: _____

Not to my knowledge

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.

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 J. WHITNEY)

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 J. Whitney for approval of variations relating to the following described real estate commonly known as 91 S. Walkup Avenue, Crystal Lake, Illinois 60014, PIN: 19-05-227-011.

This application is filed for the purposes of seeking variations from Article 3, Density and Dimensional Standards, to allow an addition into the front yard setback, as close as 4 feet from the front property line and a variation for the existing structure from the required 20 foot rear yard setback to allow 18 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 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, June 5, 2013, 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 21, 2013. #A968)

PLAT OF SURVEY

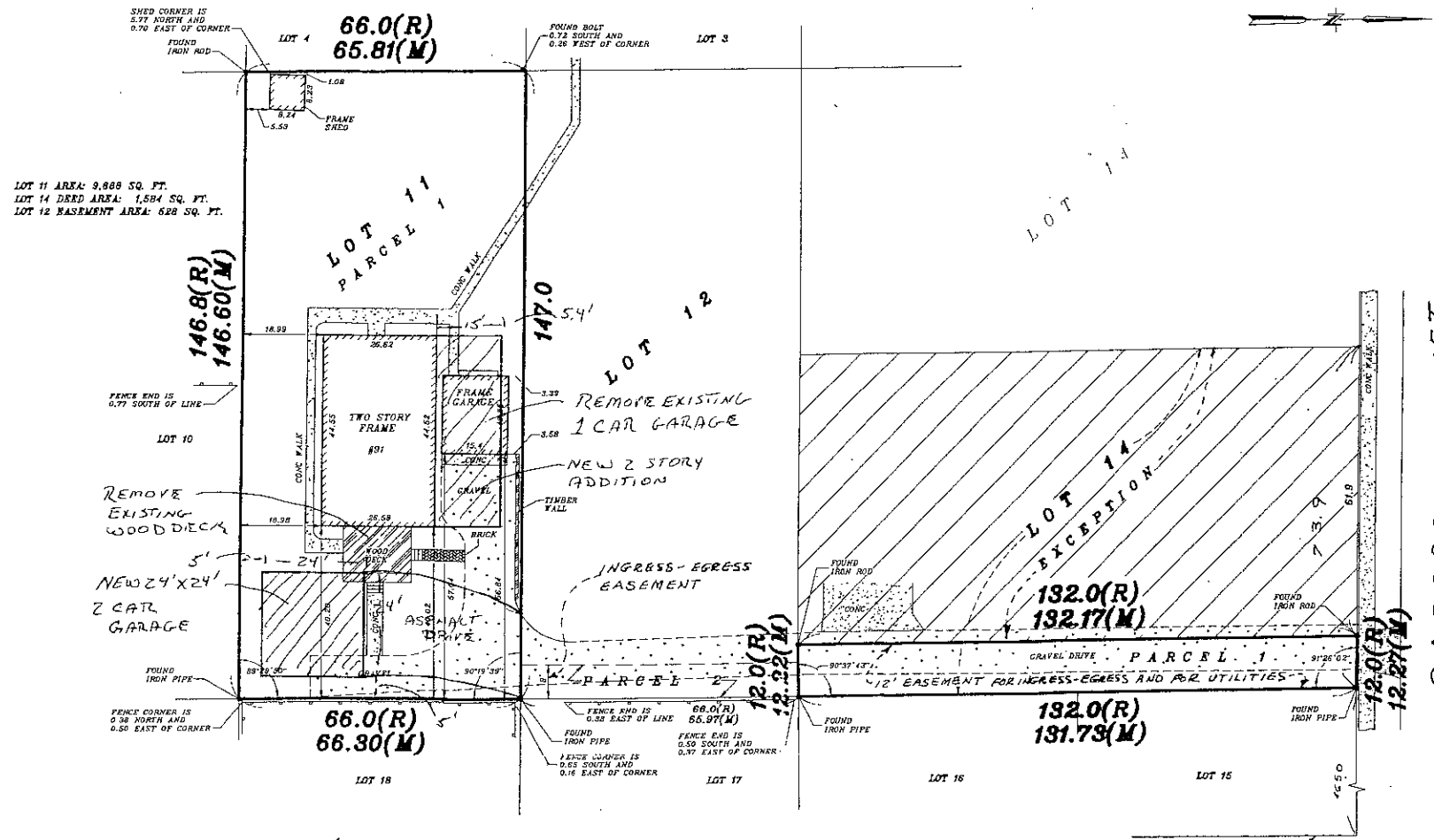
OF PROPERTY DESCRIBED AS

OF LOT 14

PARCEL 1: LOT 11 AND LOT 14 (EXCEPT THE WEST 61.9 FEET THEREOF), IN WHYTE AND BEARDSLEY'S RE-SUBDIVISION OF LOT 10 IN BLOCK 1 IN PADDOCK'S ADDITION TO THE VILLAGE OF CRYSTAL LAKE AND A STRIP OF LAND ADJOINING SAID LOT 10 ON THE SOUTH, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 6, 1914 AS DOCUMENT NO. 29963, IN BOOK 3 OF PLATS, PAGE 66, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY WARRANTY DEED FROM WILLIAM J. FANTER AND MINNIE FANTER, HIS WIFE, TO ARTHUR J. FANTER, DATED SEPTEMBER 11, 1925 AND RECORDED SEPTEMBER 14, 1925 IN BOOK 176 OF DEEDS, PAGE 401; AND AS CREATED BY AGREEMENT BY AND BETWEEN MINNIE FANTER, A WIDOW, AND WILLIAM E. SCHEER AND AGNES SCHEER, HIS WIFE, DATED APRIL 27, 1948 AND RECORDED AUGUST 4, 1948 IN BOOK 329 OF RECORDS, PAGE 70; AND AS CREATED BY EXECUTOR'S DEED BETWEEN CARL E. CLAWE AND RICHARD H. CLAWE, AS CO-EXECUTOR'S UNDER THE LAST WILL AND TESTAMENT OF AMELIA CLAWE, DECEASED, AND OTHMAR GOETTEL AND ELISABETH GOETTEL, AS JOINT TENANTS, DATED JUNE 11, 1971 AND RECORDED ON JUNE 21, 1971 AS DOCUMENT NO. 646120, FOR INGRESS AND EGRESS OVER AN 8 FOOT WIDE PIECE OF PROPERTY OVER THE ENTIRE EAST END OF LOT 12 IN WHYTE AND BEARDSLEY'S RE-SUBDIVISION OF LOT 10, IN BLOCK 1 IN PADDOCK'S ADDITION TO THE VILLAGE OF CRYSTAL LAKE, AND A STRIP OF LAND ADJOINING SAID LOT 10 ON THE SOUTH, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 6, 1914 AS DOCUMENT NO. 29963, IN BOOK 3 OF PLATS, PAGE 66, IN MCHENRY COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 91 SOUTH WALKUP AVENUE, CRYSTAL LAKE, ILLINOIS



LOT 11 AREA: 9,889 SQ. FT.
 LOT 14 DEED AREA: 1,584 SQ. FT.
 LOT 12 BASEMENT AREA: 528 SQ. FT.

Scale 1" = 20'
 Client JOHN L. COWLIN
 Buyer K. HIRSHEY
 Page 14-08-453-004
 F.B. 14
 Drawn SJB
 Checked JCA
 Job No. 33005
 Municipality CRYSTAL LAKE

I, JOHN C. AVAMPATO, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-001857 HAVE, ON 2-22-06 PERFORMED THIS SURVEY AND TO MY BEST KNOWLEDGE AND BELIEF THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE FOR A BOUNDARY SURVEY.
 JOHN C. AVAMPATO
 Any Discrepancy in measurements should be promptly reported to surveyor for explanation or correction.
 We Do Not Certify As To Location Of Underground Utilities Or Underground Improvements.



Advanced Engineering & Surveying
 386 E. Chicago St. Phone: (847) 888-2900
 Elgin, IL 60120 Fax: (847) 888-1945
 License Expires 11-30-06

Refer to title policy for easements and building lines not shown hereon.

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