



#2013-33 175 and 179 Edgewater Drive – Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	July 17, 2013
<u>Request:</u>	Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback.
<u>Location:</u>	175 and 179 Edgewater Drive
<u>Acreage:</u>	12,486 square feet and 7,756 square feet respectively
<u>Existing Zoning:</u>	R-2 Single Family
<u>Surrounding Properties:</u>	North: R-2 Single Family South: R-2 Single Family East: R-2 Single Family West: R-2 Single Family
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The properties are improved with single family homes. There is an existing 3-foot-high chain link fence along the northeast lot line of 175 Edgewater Drive running to the seawall.
- **Background:** Properties along Crystal Lake have the lake side portion of the lot as the front yard. The street side portion is treated like a corner side yard.

Development Analysis:

General

- **Request:** Variation to allow a 4-foot fence along the property lines to the seawall. This fence encroaches into the front yard setback. Fences within the front yard setback are permitted to be 3 feet in height.
- **Land Use:** The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned R-2 Single Family. These properties are used as single-family homes.

Site Layout

- The properties contain existing single-family homes. Both have attached garages with access from Edgewater.

- The front yard setback is determined by taking the average of the two closest dwellings. The front yard setback is illustrated in the exhibits below.
- The front yard setback for 175 Edgewater is 70.5 feet. This is measured from the seawall. It is illustrated by the box below on the lot. Within this “front yard” the fence shall be 3 feet in height. They are asking for a variation to allow the 4-foot-high fence.



The front yard is 70.5 feet from the seawall. The 4-foot fence requires a 70.5-foot variation.

- The front yard setback for 179 Edgewater is 86 feet. This is measured from the seawall. It is illustrated by the box below on the lot. Within this “front yard” the fence shall be 3 feet in height. They are asking for a variation to allow the 4-foot-high fence.



The front yard is 86 feet from the seawall. The 4-foot fence requires an 86-foot variation.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which allows for existing and future single-family residential uses. The following goal is applicable to this request:

Land Use - Residential

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

This can be accomplished with the following supporting action:

Supporting Action: Preserve and enhance the character and livability of existing residential area with architectural and development guidelines.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioners are requesting a variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback. 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:

- a. 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*

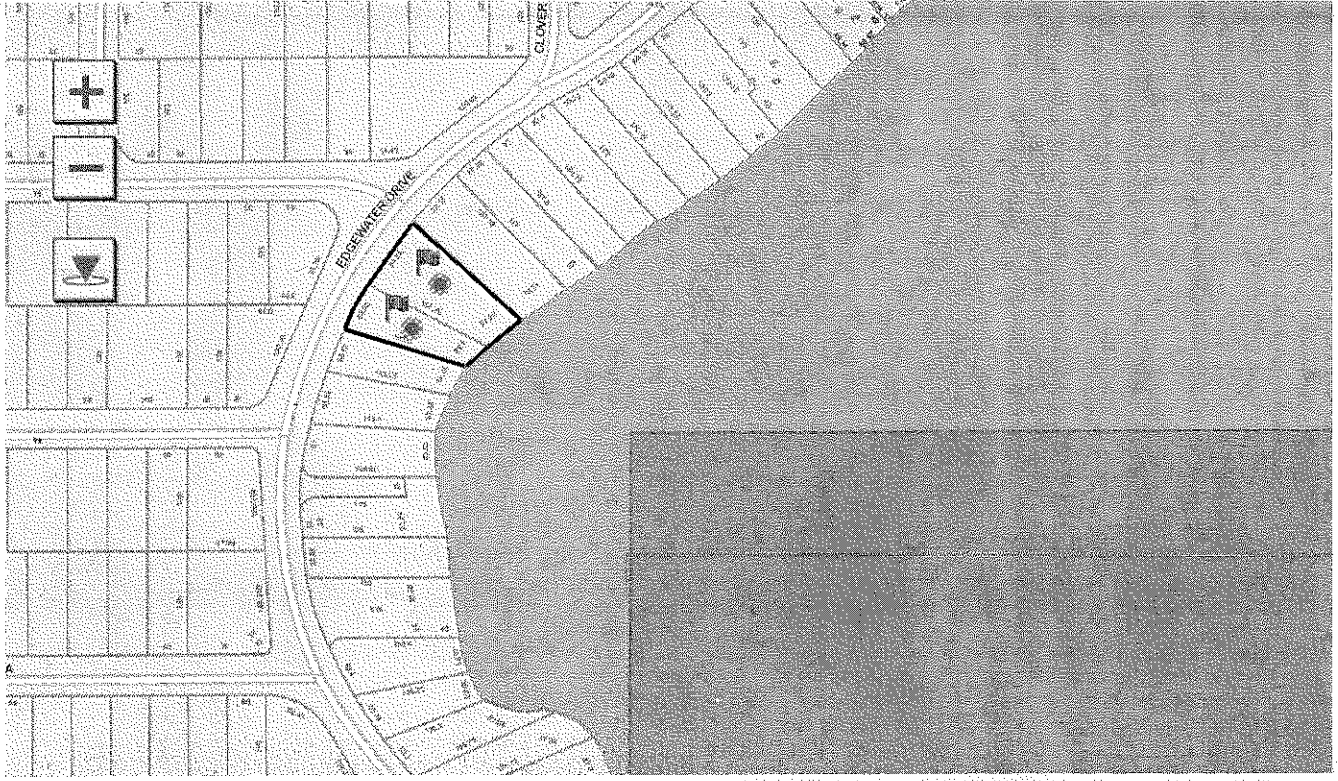
- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
- Meets* *Does not meet*
- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood 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.

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Rumford & Buelow, received 06/21/13)
 - B. Plat of Survey 175 Edgewater (Luco Construction, dated 01/05/07, received 06/21/13)
 - C. Plat of Survey 179 Edgewater (Luco Construction, dated 10/02/12, received 06/21/13)
 - D. Wrought Iron fence details
2. The fence must remain open/see-through and not a solid fence. Any landscape materials in the front yard near the fence must remain 3 feet or less in height.
3. No fill is permitted in or around the fence. Any spoils from the fence posts must be removed from the property.
4. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.



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Application for Simplified Residential Variation

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

I. Applicant

Michael Rumford & Robert Buelow

Name

175 Edgewater Drive & 179 Edgewater Drive

Street

Crystal Lake, IL 60014

City

State

Zip Code

847-707-1756 & 630-514-5319 michael_rumford@mastercard.com & bob@abbey-paving.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: 175 Edgewater Drive & 179 Edgewater Drive

b. PIN #: 18-01-154-009 & 18-01-154-010

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:

Both 175 & 179 Edgewater Drive are lakefront properties and are subject to point B.3.b. in Section 4-700 FENCES, WALLS AND SCREENING - For properties along Crystal Lake, the height of a fence, wall or screening in the rear yard is limited to 3 feet. This rule does not apply to non-lakefront homes. We are requesting a variance to install a 48" tall ornamental aluminum fence. A picture showing the type of fence we would install has been attached to this document.

IS THE HARDSHIP SELF-CREATED?

The hardship is not self-created. The variance is requested for the following reasons: 1. Safety: 36 inch fence is insufficient to keep children & dogs in yard given vehicle speed on Edgewater, existing fence on N side of 175 Edgewater is a hazard due to improper installation and taller fence would be more of a deterrent to keep uninvited guests off of trampoline; 2. Value: Create an aesthetically appealing, consistent fence across both properties.

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

Yes, the neighboring properties to the north and south have the same conditions. Additionally, neighbors to the adjacent properties have pledged their support for the variance

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

The variation will enhance the essential character of the locality. The variance request will allow the ability to replace the current existing chain link fence on the north side of 175 Edgewater Drive which is currently a hazard due to improper installation from the previous owners resulting in dangerous, sharp points along the top of the fence).

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY?

No, granting the variance will not be detrimental to public welfare or injurious to the other properties. In fact, as stated above, granting the variance would allow the removal of an existing hazard (sharp fence) and assist in improving the look of the properties.

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, the variance will not negatively impact the adjacent neighbors. Rather, it will enhance their properties as the desired fencing would be consistent across two properties. The variance is for the rear yards and will not impact congestion in public streets or endanger public safety. There will be no impact to the risk of fire as the fencing would be aluminum.

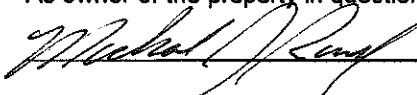
3. List any previous variations that are approved for this property: _____
None

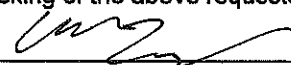
IV. Signatures

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.

 6.18.13

 6/19/13

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
Michael Rumford
and Robert Buelow

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 upon the application of Michael Rumford and Robert Buelow for approval of a variation relating to the following described real estate commonly known as 175 Edgewater Drive and 179 Edgewater Drive, Crystal Lake, Illinois 60014, **PINs:** 18-01-154-009, 18-01-154-010.

This application is filed for the purposes of seeking a variation from Article 4 Section 4-700 Fences, Walls and Screening to allow a 4-foot-high wrought iron fence in the front yard a variation of 1 foot and 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, July 17, 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

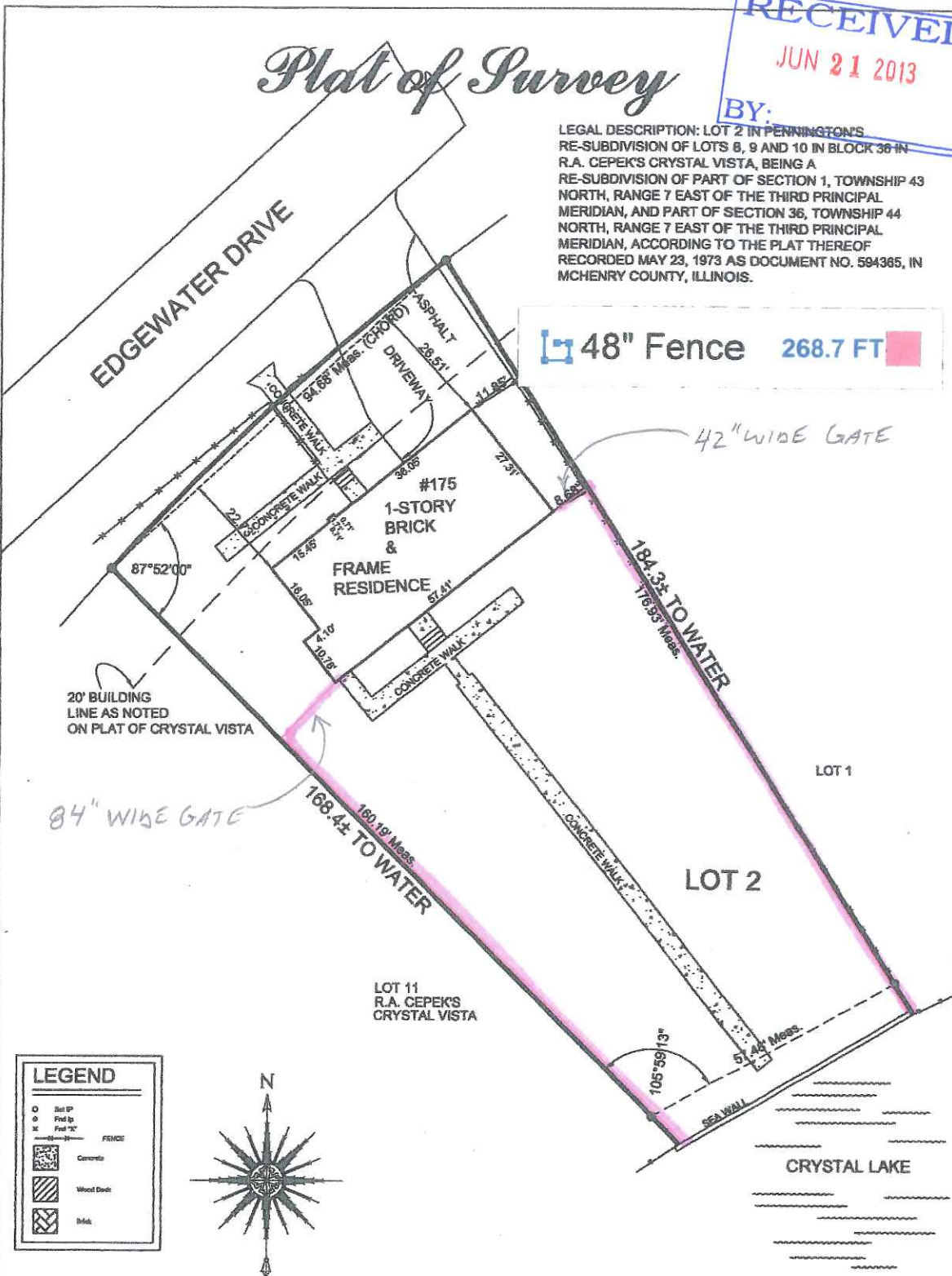
(Published in the Northwest Herald
June 29, 2013. #A1373)

Plat of Survey

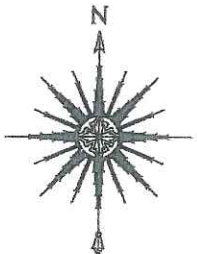
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LEGAL DESCRIPTION: LOT 2 IN PENNINGTON'S RE-SUBDIVISION OF LOTS 8, 9 AND 10 IN BLOCK 36 IN R.A. CEPEK'S CRYSTAL VISTA, BEING A RE-SUBDIVISION OF PART OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1973 AS DOCUMENT NO. 594365, IN MCHENRY COUNTY, ILLINOIS.

48" Fence 268.7 FT



LEGEND	
○	Set IP
○	Field
x	Field "x"
FENCE	
	Concrete
	Wood Deck
	Misc.



STATE OF ILLINOIS
 COUNTY OF MCHENRY

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THE PLAT HEREON CORRECTLY REPRESENTS SAID SURVEY.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROUGH ON THE PROPERTY DESCRIBED HEREON.

I FURTHER CERTIFY THAT THE PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

C. T. Andrus MY LICENSE EXPIRES: 11-30-06

COMPARE THE DESCRIPTION OF THE PLAT WITH DEED. REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN. 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 OF RED STAMP.

LUCO CONSTRUCTION CO.			
PROFESSIONAL DESIGN FIRM NO. 184.004829			
CLIENT NAME:		8813 S. Route 31	
Dean		Cary, IL 60013	
CLIENT REFERENCE:		847.658.8537	
Estate of Fetzner		847.841.4383 fax	
FIELD WORK COMPLETED:	SURVEY COMPLETED:	DRAWN BY:	PROJECT NO.
1/2/07	1/5/07	JAC	07-21176



