



**#2013-37**  
**DellaMaria - 1089 North Shore Dr.**  
**Project Review for Planning and Zoning Commission**

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**Meeting Dates:** September 4, 2013

**Requests:** Variations:

- To allow a detached accessory structure to be located on a lot without a principal structure; and
- To allow a 6-foot tall fence in the street side yard.

**Location:** 877 North Shore Drive

**Acreage:** ≈ 11,215 SF (0.25 acres)

**Existing Zoning:** “R-2” Single-Family Residential

**Surrounding Properties:** North: “R-2” Single-Family Residential  
South: *Crystal Lake*  
East: “R-2” Single-Family Residential  
West: “R-2” Single-Family Residential

**Staff Contact:** Elizabeth Maxwell (815.356.3615)

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**Background:**

- **Location:** 1089 North Shore Drive
- **Zoning:** “R-2” Single-Family Residential
- **Development:** Clow’s Crystal Lake Park, approved in 1894
- **Existing Improvements:** Frame residence, detached garage
- **Request:** Variations to allow a detached accessory structure to be located on a lot without a principal structure and to allow a 6-foot tall fence in the street side yard.



**Land Use Analysis:**

- **Details:** The petitioners own the property at 1089 North Shore as well as the vacant parcel immediately to the west. The two properties are deemed as two separate non-conforming parcels based on the North Shore and West End special assessments for sanitary sewer and water approved in the early 1970s. It is the petitioner’s intent to demolish the existing home located on this lot, but retain the existing garage as-is. At the same time the petitioners

would like to replace the portion of the existing fence along the garage (along North Shore Drive).

- **Ordinance Requirements:** Per Article 4-600, Accessory Structures and Uses of the Unified Development Ordinance, accessory structures are incidental to the principal structure or use on a lot cannot be established without a principal use. Since the petitioners would like the lot at 1089 North Shore Dr to remain as its own buildable lot, a variation is needed. At the same time, they would like to replace the approximately 28 foot section of the existing fence along North Shore Dr. with a new six-foot tall fence. The petitioner has indicated that the existing fence is also 6-foot tall. A variation is necessary as a fence in the street side yard cannot be taller than 3 feet. The petitioners have indicated that they have not determined the details of the fence they would like to install at this time.
- **Hardship:** The petitioner has indicated the hardship for these variations is the existing conditions that are prevalent on North Shore Dr.

**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

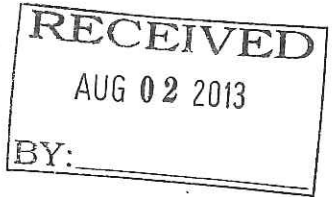
Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the Variation be denied.

**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 8-2-13
  - B. Plat of Survey, Luco, dated 9/28/12, received 8-2-13
2. The following variations are hereby granted:
  - A. To allow a detached accessory structure to be located on a lot without a principal structure;
  - B. To allow a 6-foot tall fence in the street side yard.
3. The current drainage patterns on the lot must be maintained.
4. A stormwater review and permit is required for the demolition of the home.
5. 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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**Application for Simplified Residential Variation**

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

**I. Applicant**

Matt and Michelle DellaMaria

Name

602 Edgebrook Dr

Street

Crystal Lake

IL

60014

City

State

Zip Code

Telephone Number

Fax Number

E-mail address

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

Name

Address

Telephone Number

**III. Project Data**

1. a. Location/Address: 1089 N Shore Dr, Crystal Lake, IL 60014

b. PIN #: 18-01-229-017

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:

We are the owners of two adjacent parcels abutting Crystal Lake. Currently one parcel (1089 N Shore) has a residence and a detached garage. The adjacent parcel (1095 N Shore) is vacant. We plan to demolish the 1089 residence and live in our primary residence to be built on 1095. We are seeking permission to use the detached garage on what will be an otherwise vacant parcel, from the time (continued separate page)

IS THE HARDSHIP SELF-CREATED?

No, the conditions are previously existing and are common to the North Shore Drive neighborhood.

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

Yes

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

No, these conditions are customary for the neighborhood.

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

No, the conditions already exist and have been in use for many years.

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, neither the garage nor the conditions are being changed, so there is no effect to others.

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

#### 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.

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RECEIVED  
AUG 02 2013  
BY:

Application for Simplified Residential Variation, #2 continued

1089 N Shore Drive, Crystal Lake, IL 60014

2. continued... of demolition as long as we are using the adjoining parcel as our primary residence. We are also requesting permission to replace the current fence and asphalt. See photos below showing current conditions.



## **PUBLIC NOTICE**

**BEFORE THE PLANNING AND  
ZONING COMMISSION OF  
THE CITY OF CRYSTAL LAKE,  
MCHENRY COUNTY, ILLINOIS**

**IN THE MATTER OF  
THE APPLICATION OF  
MATT AND MICHELLE DELLAMARIA**

### **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 Matt and Michelle DellaMaria for approval of variations relating to the following described real estate commonly known as 1089 North Shore Dr., Crystal Lake, Illinois 60014, PIN: 18-01-229-017

This application is filed for the purposes of seeking variations in accordance with the provisions of Article 4, Development and Design Standards; Article 7, Nonconformities and Article 9, Administration of the UDO; to allow variations to allow a detached accessory structure to be located on a lot without a principal structure and to allow a 6-foot tall fence in the front and street side yards; 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, August 21, 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  
August 6, 2013. #A1611)

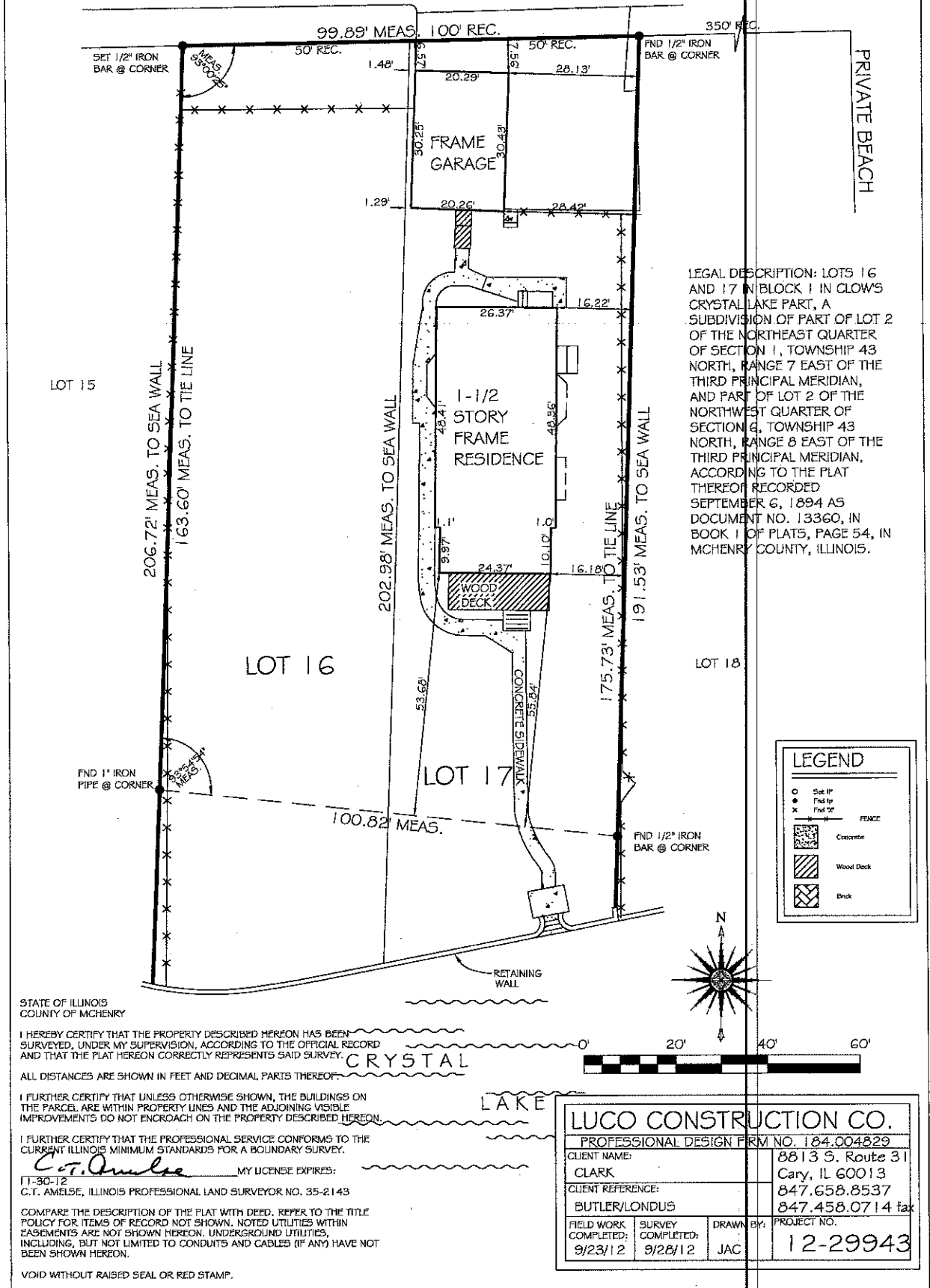
2013 37

RECEIVED  
AUG 02 2013  
BY:

# Plat of Survey

08-02-13

NORTH SHORE DRIVE



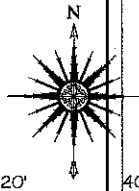
LEGAL DESCRIPTION: LOTS 16 AND 17 IN BLOCK 1 IN CLOW'S CRYSTAL LAKE PART, A SUBDIVISION OF PART OF LOT 2 OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF LOT 2 OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 6, 1894 AS DOCUMENT NO. 13360, IN BOOK 1 OF PLATS, PAGE 54, IN MCHENRY COUNTY, ILLINOIS.

**LEGEND**

- Set 1/2"
- Fnd 1/2"
- x Fnd 1"

**FENCE**

- Concrete
- Wood Deck
- Deck



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 ENCR OACH 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. Amelse* MY LICENSE EXPIRES: \_\_\_\_\_  
 FT-30-12  
 C.T. AMELSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2143

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 OR RED STAMP.

**LUCO CONSTRUCTION CO.**

PROFESSIONAL DESIGN FIRM NO. 184.004829

CLIENT NAME: 8813 S. Route 31  
CLARK Cary, IL 60013

CLIENT REFERENCE: 847.658.8537  
BUTLER/LONDUS 847.458.0714 fax

FIELD WORK COMPLETED: 9/23/12 SURVEY COMPLETED: 9/28/12 DRAWN BY: JAC PROJECT NO. 12-29943