



#2013-49 Evangelical Free Church – Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	October 2, 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 and in the right-of-way.
<u>Location:</u>	575 E. Crystal Lake Avenue
<u>Acreage:</u>	11 acres
<u>Existing Zoning:</u>	E Estate and R-3B
<u>Surrounding Properties:</u>	North: R-1 Single Family South: M Manufacturing (South of the railroad tracks) East: R-2 Single Family West: E Estate (Hannah Beardsley School)
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The site is improved with the Evangelical Free Church. The property in question is a vacant back-parcel adjacent to the Ashton Pointe Subdivision.
- **Background:** The property owners are having numerous issues with trespassing and dumping of materials. The fence would allow them to properly distinguish their property from the Ashton Pointe property.

Development Analysis:

General

- **Request:** Variation to allow a 4-foot fence along the property lines and across the Oak Hollow Road right-of-way. This would be within the front yard setback for this lot as well as within the platted right-of-way.
- **Land Use:** The land use map shows the area as Public and Semi-Public. This land use designation is appropriate for the church use.
- **Zoning:** The site is zoned E Estate. This property received a Special Use Permit, as is the standard, to locate within this zoning district.

Site Layout

- The fence would border this vacant parcel and the Ashton Pointe Subdivision property.
- The fence would be a 4-foot high split rail fence.



Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Public and Semi-Public, which allows for existing and future public and semi-public facilities. The following goal is applicable to this request:

Land Use - Residential

Goal: Provide area for high quality public and semi-public facilities, such as schools, libraries, municipal facilities and private service providers, throughout the city to support the diverse and evolving needs of people in the city.

This can be accomplished with the following supporting action:

Supporting Action: The City shall support the school districts, library, park district, neighboring municipalities, private service providers and other public and semi-public agencies.

Success Indicator: The number of zoning approvals for public/semi-public projects.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback and across Oak Hollow Road right-of-way. 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, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (E-Free Church, received 09/16/13)
 - B. Plat of Subdivision (TFW Surveying, dated 07/15/04, received 09/16/13)
2. An opening in the fence shall be provided along the north side of the dedicated right-of-way, aligning with the existing sidewalk on Oak Hollow Road, to allow for a future sidewalk extension prior to the full roadway extension by others.
3. When the roadway occurs, the fence will need to be removed from the portion that lies within the right-of-way. Additional modifications or fence removal may also be necessary beyond the right-of-way to meet other Unified Development Ordinance requirements.
4. Fence posts cannot be placed in any Municipal Utility Easement and the installer will need to verify water main and sewer locations to avoid utility conflicts, especially through the right-of-way.
5. Submit final construction plans for review and obtain a building permit from the Engineering and Building Department.
6. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

2013 49

City of Crystal Lake Development Application

Office Use Only

File # _____

Project Title: EF CCL - SOUTHEAST FENCE



Action Requested

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Preliminary PUD |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Final PUD | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Final PUD Amendment | <input checked="" type="checkbox"/> Variation |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

Petitioner Information

Owner Information (if different)

Name: EVANGELICAL FREE CHURCH

Address: 575 E. CRYSTAL LAKE DR

ATTN: DAVE PALSGROVE

Phone: 815-459-1095

Fax: 815-459-9971

E-mail: dpalsgrove@efccl.org

Property Information

Project Description: INSTALL 710 LF ^{4'} CEDAR FENCE ALONG SOUTHEAST P.L. TO ASHTON POINT. SEEKING VARIANCE @ R.O.W. OF OAK HOLLOW ROAD TO INSTALL 4' HI FENCE

Project Address/Location: 575 E. CRYSTAL LAKE DR

PIN Number(s): 19-04-226-026 Lot 1
19-04-226-018 Lot 2

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: EVANGELICAL FREE CHURCH (-SEE FRONT PAGE)

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

CAROLYN S. PEARSON Carolyn S. Pearson 9-13-13

PETITIONER: Print and Sign name (if different from owner)

Date

INTERIM DIRECTOR OF BUSINESS SERVICES

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 David Palsgrove, on behalf of the Evangelical Free Church

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 the Evangelical Free Church relating to the following real estate known as 575 E. Crystal Lake Avenue, Crystal Lake, Illinois 60014, PIN: 19-04-226-026, 19-04-276-018.

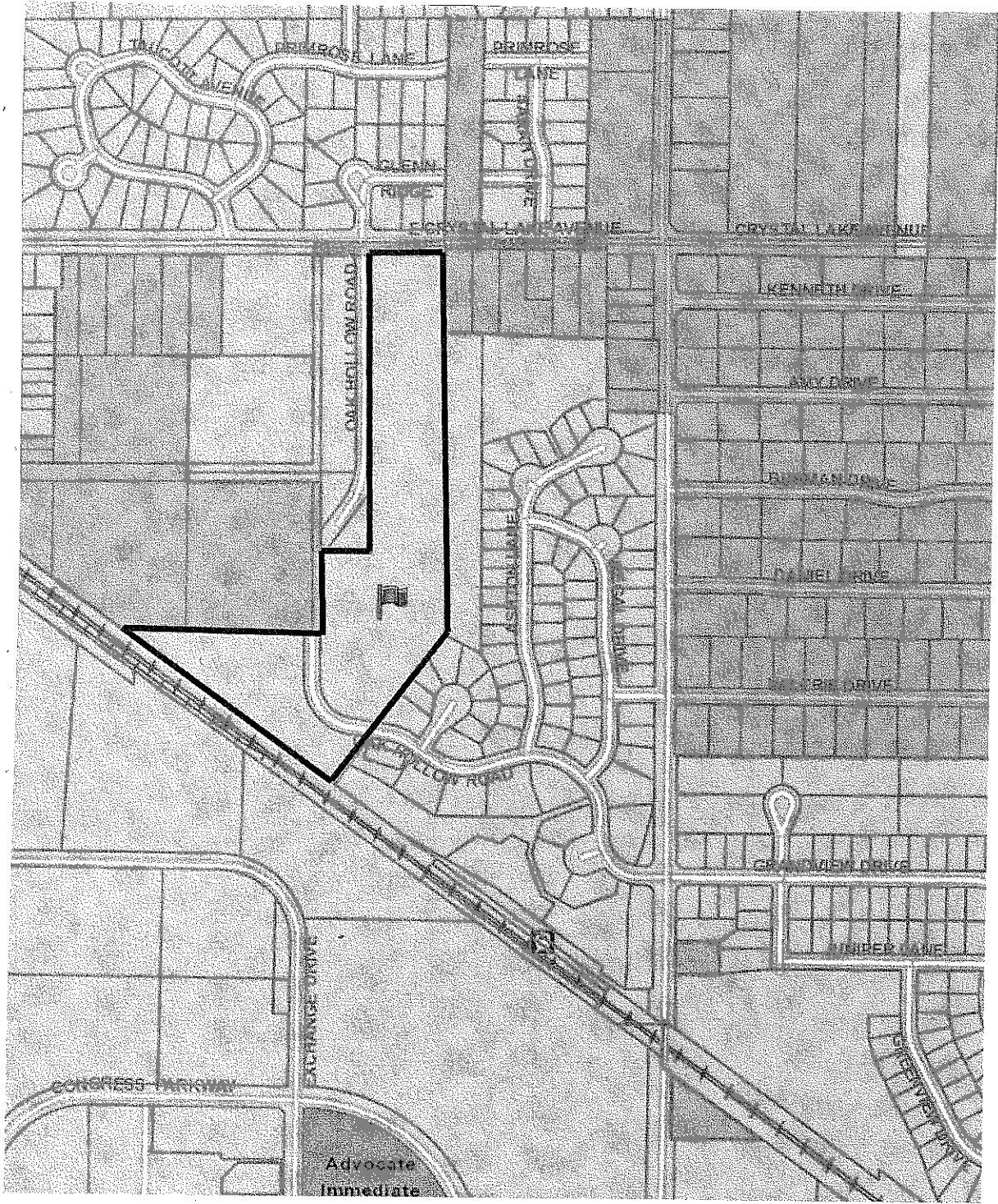
This application is filed for the purposes of seeking a Variation from Article 4 Section 4-700 Fences, Walls and Screening to allow a 4-foot high fence in the corner side yard and across the right-of-way for Oak Hollow Road as well as any other variations that may be necessary to allow the plans as presented. 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, October 2, 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

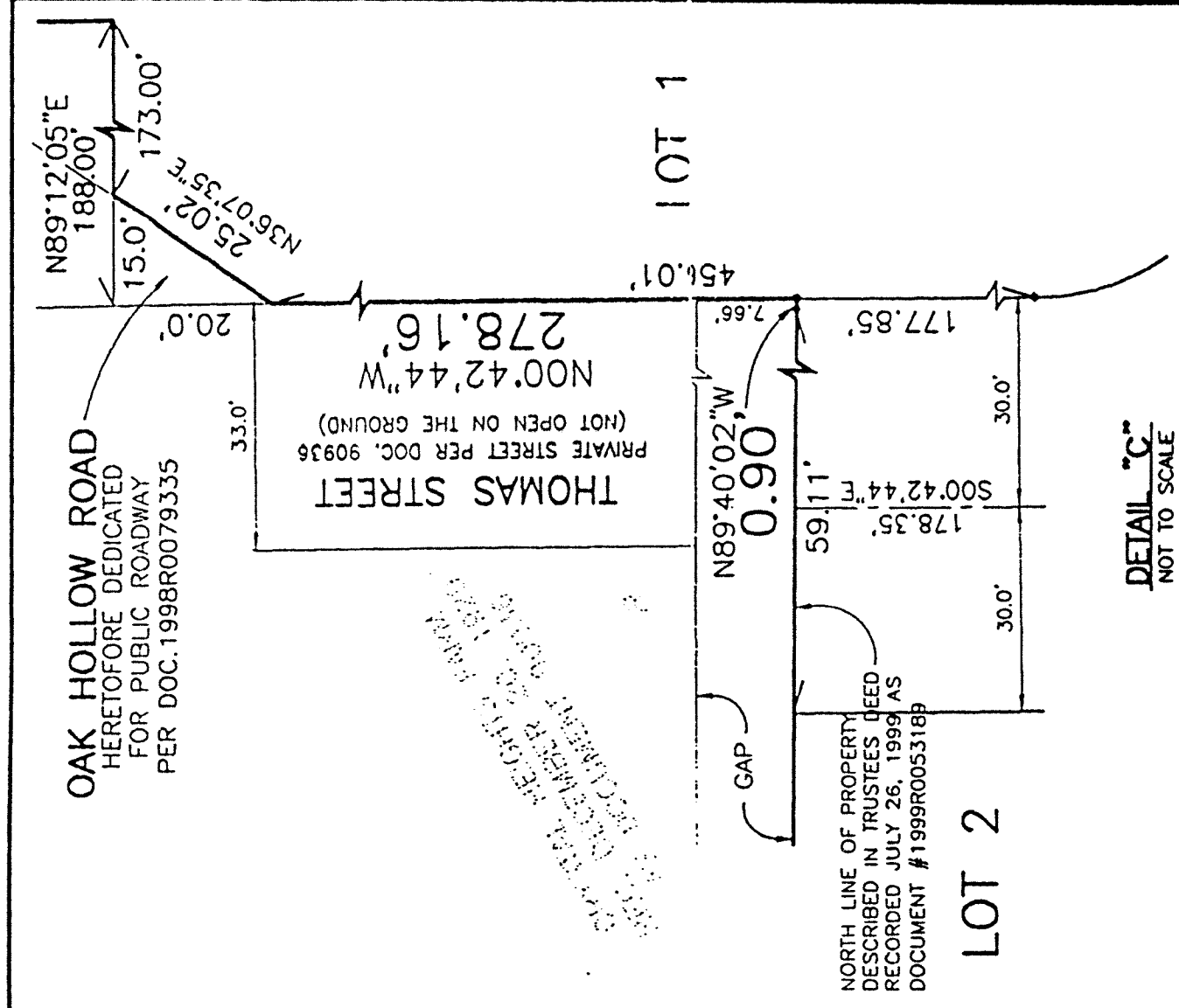
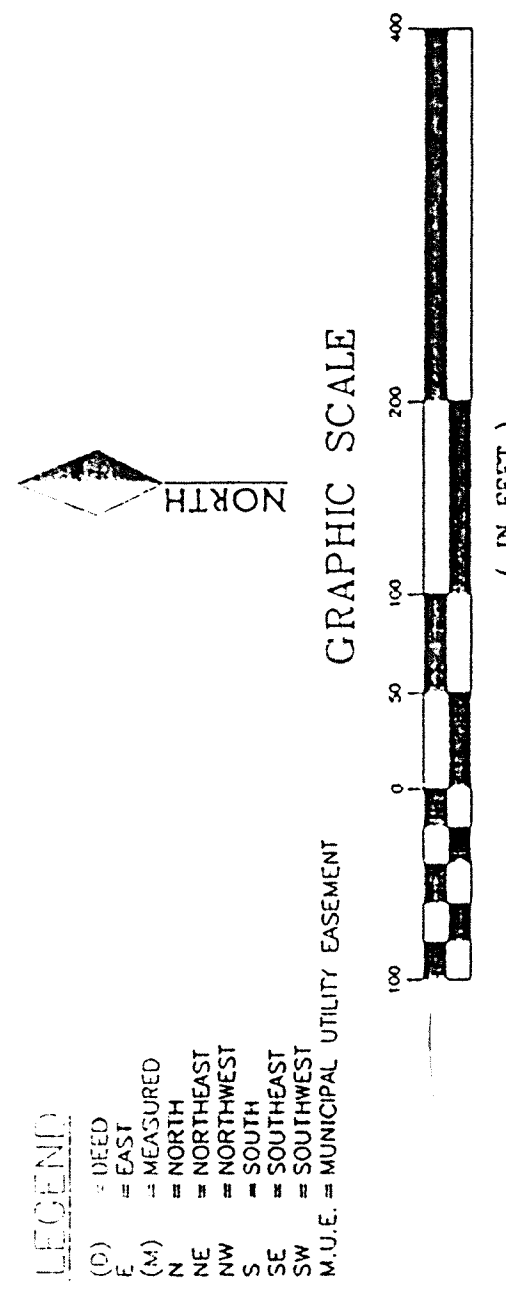
(Published in the Northwest Herald
September 17, 2013. #A1887)



Advocate
Immediate

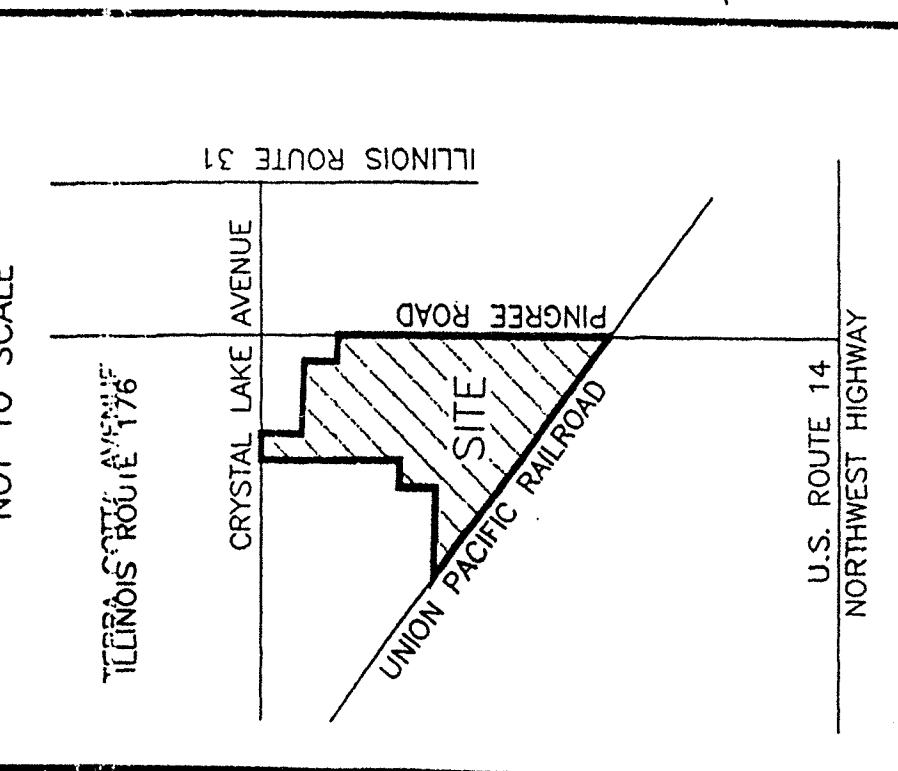
2004R00 85425

FINAL PLAT OF
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, IN PERRY COUNTY, ILLINOIS.



CURVE #	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	78.75	170.00	78.04	S67°42'48"E
C2	47.12	30.00	42.43	N45°40'08"W
C3	47.12	30.00	42.43	N44°19'52"E

LINE #	BEARING	DISTANCE
L1	S47°56'46"E	49.52
L2	N89°19'52"E	45.00
L3	S89°19'52"W	15.00
L4	N89°19'52"E	15.00
L5	S00°40'08"E	65.00
L6	S00°40'08"E	65.00



DATE	CHECKED BY	REVISION	PUBLICATION
02-19-03	TAM	ADJUSTED RIGHT-OF-WAY	
07/15/04	TAM	CITY / CLIENT COMMENTS	

NOTE: ALL DATA AS SHOWN HEREON, BUT LYING BEYOND THE BOUNDARY LIMITS AS LEGALLY DESCRIBED ABOVE, INCLUDING (BUT NOT LIMITED TO) LOT LINES, EASEMENTS AND ENCUMBRANCES, ARE FOR INFORMATION ONLY. THIS SURVEY DOES NOT INTEND TO REVERSE SUBSTANTIAL EASEMENTS OR BUILDING LINES ON ADJOINING PROPERTIES UNLESS OTHERWISE SPECIFICALLY REFERENCED IN A TITLE COMMITMENT AS BEING BENEFICIAL TO OR AN ENCUMBRANCE TO THE PROPERTY. THE SURVEYOR HAS REVIEWED ALL AVAILABLE PUBLIC RECORD DOCUMENTS FOR COMPLETE DETAILS PERTINENT TO ALL ADJOINING PROPERTIES.

AREA SUMMARY

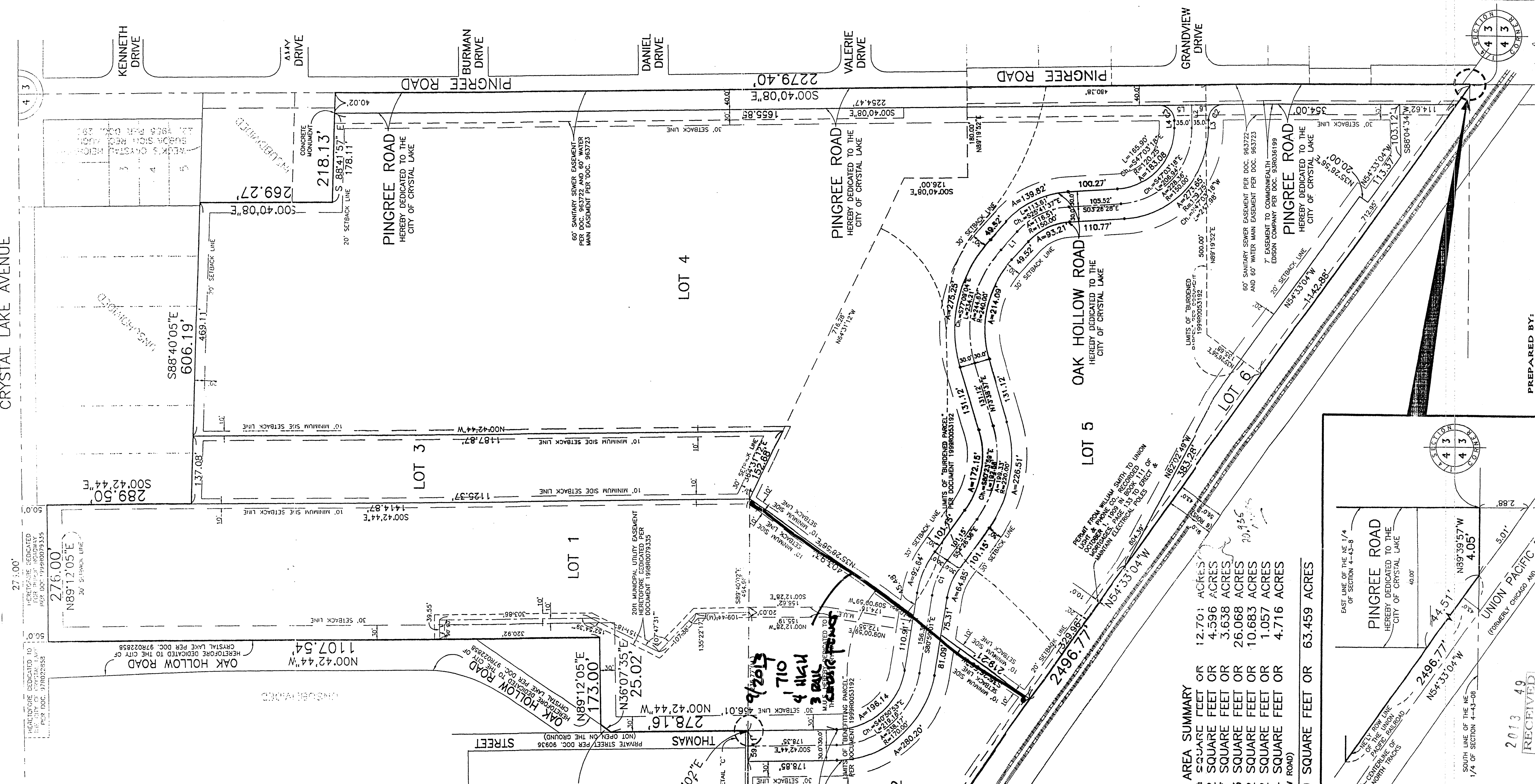
LOT	SQUARE FEET	ACRES
LOT 1	553,280	12.701
LOT 2	200,222	4.596
LOT 3	158,457	3.638
LOT 4	1,135,523	26.068
LOT 5	465,362	10.683
LOT 6	46,052	1.057
DEDICATION (PINGREE ROAD & OAK HOLLOW ROAD)	205,394	4.716
TOTAL	2,764,270	63.459

DEVELOPER: NAME: KENAR, L.L.C.
ADDRESS: 1904 WRIGHT BOULEVARD, CITY: SCHAMBURG, STATE: ILLINOIS 60193

PLIN NUMBERS AFFECTED (PER LATEST AVAILABLE TAX MAP):
0414 Lot 1 10.88A 19-04-226-022
0414 Lot 2 10.88B 19-04-226-023
0414 Lot 3 10.88C 19-04-276-008
0414 Lot 4 10.88D 19-04-276-017
0414 Lot 5 10.88E 19-04-276-018
0414 Lot 6 10.88F 19-04-276-019

REVISED: AUGUST 18, 2004 (CITY COMMENTS)
REVISED: JULY 15, 2004 (CITY / CLIENT COMMENTS)
REVISED: JUNE 15, 2004 (CLIENT COMMENTS) (041569)
REVISED: DECEMBER 9, 2004 (ADD OWNER CERTIFICATES) (040001)
DATE: SEPTEMBER 10, 2003 (032315)
ORDER NO: 042137(93PRD-1)
PROJ. NO: 933

OK KENAR, L.L.C.
1904 WRIGHT BOULEVARD, SCHAMBURG, ILLINOIS 60193
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Professional Design Firm Registration #184-082733.



2013 49
RECEIVED
SEP 16 2013
BY: _____

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PREPARED BY:
TFW SURVEYING & MAPPING
LAND SURVEYING · TOPOGRAPHIC MAPPING · CONSTRUCTION LAYOUT
847-548-6600 FAX 548-6699