



City of Crystal Lake

Memorandum

To: Planning and Zoning Commission
From: Elizabeth Maxwell
Date: February 19, 2014
Re: 2013-33 Rumford Buelow Variation

- July 17, 2013, the petitioners requested a 4-foot high “wrought-iron” style fence along their lake front lot property lines. This request was recommended for denial by the PZC. The attached staff report reflects the original request and the Variation Standards have been checked based on the PZC’s original decision.
- August 6, 2013, the City Council heard the request and was concerned with setting precedent. They tabled the item until after hearing the full UDO Amendment discussion on lake lots.
- November 19, 2013, the Council acted on the UDO Amendments for lake lots.
 - The Council clarified that the lake side should not be treated like a front yard for the purpose of building height and that it should be measured from the street-side yard.
 - The Council approved the change to allow accessory structures in this lake side yard as a Limited Use with specific criteria.
 - The Council did not approve the amendment to allow the 4-foot open style fences along the lake side yard.
- December 17, 2013, the City Council heard the Rumford Buelow fence request again. The Council made the motion to recommend the item back to the PZC. The PZC had made a recommendation to approve the UDO Amendment to allow the 4-foot high fences. In light of the PZC’s recommendation, the Council sent the petitioners back to the PZC for further clarification.

New Request:

- The petitioners are back before the PZC to request the variation for the 4-foot high “wrought-iron” style fence.
- The petitioners have attached letters of support from their neighbors, which are attached to this memo.
- One petitioner, Mr. Buelow, has submitted a permit for a swimming pool in his yard. Pools require a 4-foot barrier. The Building Division reviewed the request stating, “(the petitioner) would need to install an in-ground pool before he could install the fence. The fence is required by ordinance..... If he installed an above-ground pool the sides would have to be 4 feet to meet the pool requirements.” The 4-foot sides would act as the barrier and not need an additional fence.
- In consideration of the neighbor support letters for an open style fence rather than a privacy fence and the pool request, the petitioners are asking the PZC to reconsider their variation.

New 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.

Dear Members of the Crystal Lake City Planning and Zoning Committee,

I would first like to thank you for your time as I know this has been a long process. My name is Bob Buefow; I live at 179 Edgewater Drive. My neighbor Michael Rumford (175 Edgewater Drive) and I have been working with the City of Crystal Lake since May of this year in an attempt to obtain a fence permit. We are looking to install a 4' tall ornamental aluminum fence to protect our children and dogs from the traffic on Edgewater. Our intention was to install a fence that would keep our families safe, eliminate an existing fence that is a hazard itself all while having little or no impact on the surroundings. We believe and our neighbors agree (letters attached) that the fence we have proposed accomplishes this. However, in what should be a simple permit application, the City has buried one note in the ordinances that takes great effort to find and does not show up in the application for a fence permit. This note designates our backyards (lake side) as our front yard. Our front yard (street side) is also considered our front yard. The City ordinance limits fences in the front yard to 3 feet. Now you see our problem, we have 2 front yards and a 3 foot fence is not appropriate to keep children and pets in or out. The City of Crystal Lake even recognizes that a 3 foot fence is not sufficient to make things safe as the ordinances require a 4 foot fence in order to install a pool and keep it safe. My application for a permit to install a pool will likely be denied for this reason.

As you all know this has been a long process. We cannot even begin to express how disappointed we are that after all of the meetings, the open house and the survey that the city council voted against revising the ordinance to allow the open style 4' fence in the lake side yard. Especially after the PZC voted unanimously in favor of the 4' fence in the lake side yard provided it was an open design like we have requested. I know that a concern was expressed regarding setting precedence to allow any style 4' fence. However, precedence was set in 2005 when the City Council granted a variance to allow up to a 6' fence for 615 Leonard Parkway. The fence that was installed is a 6' wood privacy fence. We fully understand why this fence was approved as it is right next to the boat launch at Main Beach. However we do not understand how a 4' wood privacy fence was allowed on the other side of the lot based on our current situation. When this lot was purchased the buyer was fully aware of the boat launch, which is the hardship that was cited when this variance was granted. When we purchased our properties we were not aware of the "lake side" front yard rule. The application for a fence permit (attached) makes no mention of this rule! I looked up fence permits when we were looking to buy the property and there was no mention of this rule. We are asking that you look at what is in the best interest of the City and our neighbors and realize that the City has created a hardship for us with this rule that is in place. As I stated above, we are looking to install a fence that will keep our families safe and beautify the neighborhood all at the same time. The

safety issue should be very obvious as your ordinances require a 4 foot fence in order to install a pool. This is for safety!

I would like to address the hardship that was created by touching on the findings of fact item by item:

1.
 - a. Our properties are unique as we have been deemed by the city ordinances to have two front yards. This classification does not allow us to enjoy our yard the way others in Crystal Lake can. Even other lots that are deemed to be double frontage still have backyards as their garages are on one side and their front door on the other creating a back yard in between the house and the garage.
 - b. If this variation is granted it will not alter the essential character of the locality. If anything it will be an improvement from the current ordinance which currently allows up to a 6 foot privacy fence between the houses and 3 foot privacy fence along the lot line. Allowing a privacy fence would alter the essential character of the locality by blocking the lake view from the street.
2.
 - a. This would not be generally applicable to all other property in the same zoning classification.
 - b. This hardship was not created by us. This was created by the city ordinance.
 - c. If this variation is granted, it will not be detrimental to public welfare or injurious to other property or improvements in the neighborhood. If granted it will actually remove a fence that is detrimental to public welfare and injurious to neighbors and replace it with a fence that will beautify the neighborhood.
 - d. The proposed variation will not impair supply of light or air to adjacent properties. It will not diminish or impair property values of adjacent properties; it will actually increase property values. It will not increase congestion in the public streets or increase the danger of fire or otherwise endanger public safety; rather, it will actually improve public safety by preventing access to backyards with a pool and a trampoline.

Based on the above findings of fact, I believe we have shown that a "4 foot ornamental aluminum fence" does not have an impact on the surroundings. It also shows that the hardship was created by the City of Crystal Lake not us. Just because we live on the lake should not preclude us from enjoying our yards the way our neighbors across the street can.

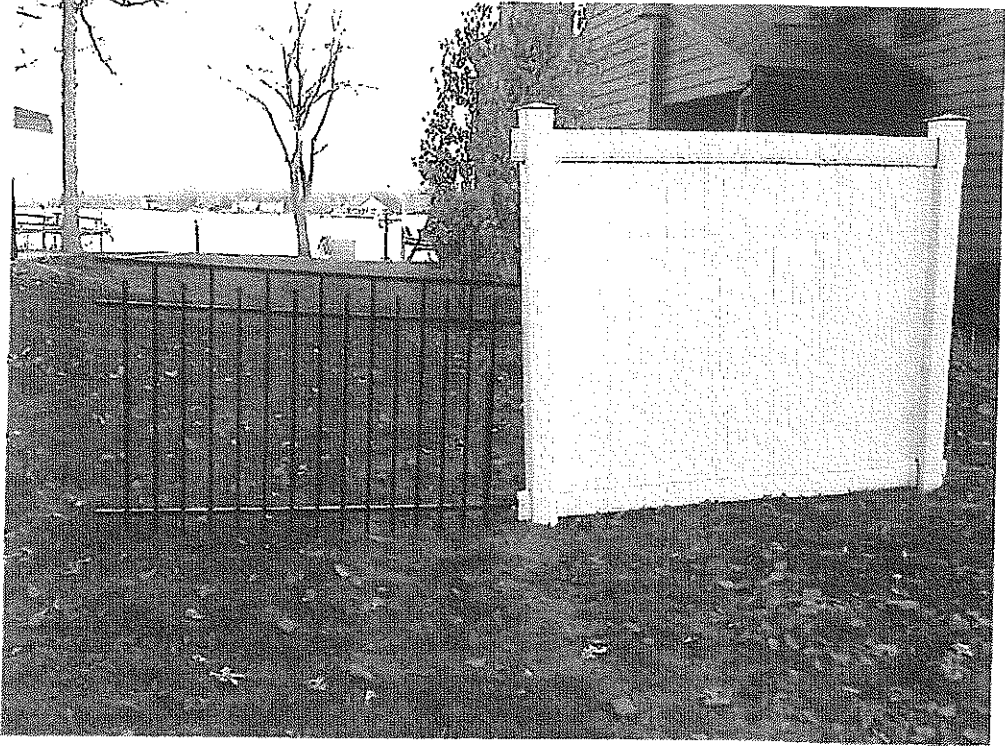
As I said in the beginning, our goal is to protect our families and pets while not impacting the neighborhood. We want to install a singular type and height of fence around both of our properties. If the city denies our request, our only option to provide the safety that we desire will be to install a 6 foot privacy fence across the front of our yards from house to house and matching 3 foot privacy fence along our side yards which is allowed by the current ordinance. We have attached slides from a power point presentation that we would like to present at the February 19th Planning & Zoning Committee meeting that includes drawings that show each of our lots with what the current ordinance will allow. We have also included a picture of what the 2 fences look like side by side.

Let me reiterate, we do not want to install a privacy fence – we simply want to keep our families safe. Please help us in this matter by approving a variation to allow a “4 foot (wrought iron style) ornamental aluminum fence” as shown in attached pictures.

Again, we thank you for your time and consideration on this safety issue.

Sincerely,

The Buelow's and Rumford's



2013 33

RECEIVED
JUN 21 2013
BY: _____

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.

Michael J. Ruff 6.18.13 [Signature] 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.

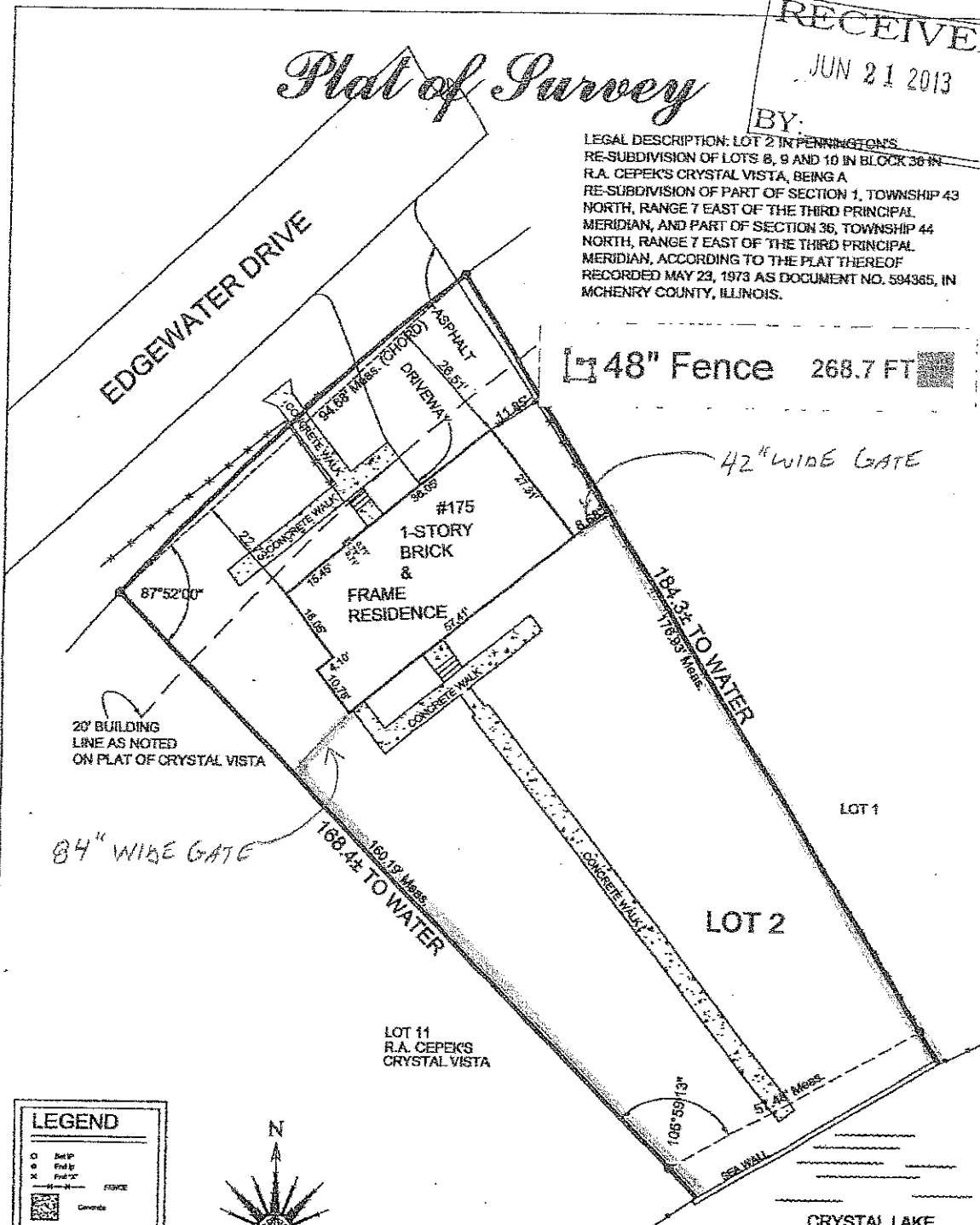
Plat of Survey

RECEIVED

JUN 21 2013

BY:

LEGAL DESCRIPTION: LOT 2 IN PENNINGTON'S RE-SUBDIVISION OF LOTS 8, 9 AND 10 IN BLOCK 38 IN R.A. CEPEKS 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.



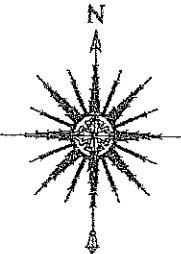
48" Fence 268.7 FT

42" WIDE GATE

20' BUILDING LINE AS NOTED ON PLAT OF CRYSTAL VISTA

84" WIDE GATE

LEGEND	
○	Set IP
●	Find IP
×	Post "X"
FENCE	
▨	Concrete
▩	Wood Deck
▧	Ask



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 ENCRUCH ON THE PROPERTY DESCRIBED HEREON.

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

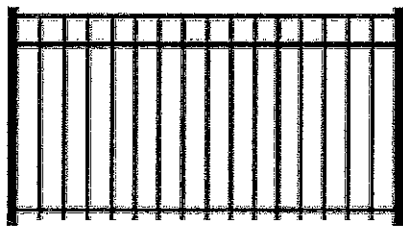
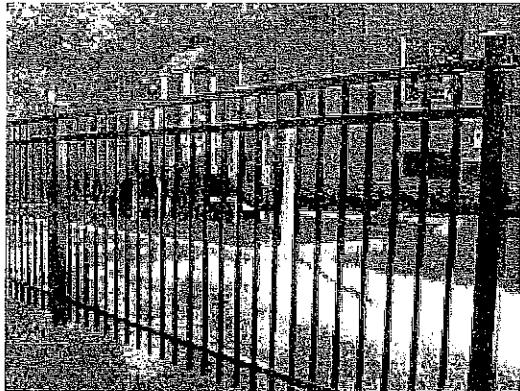
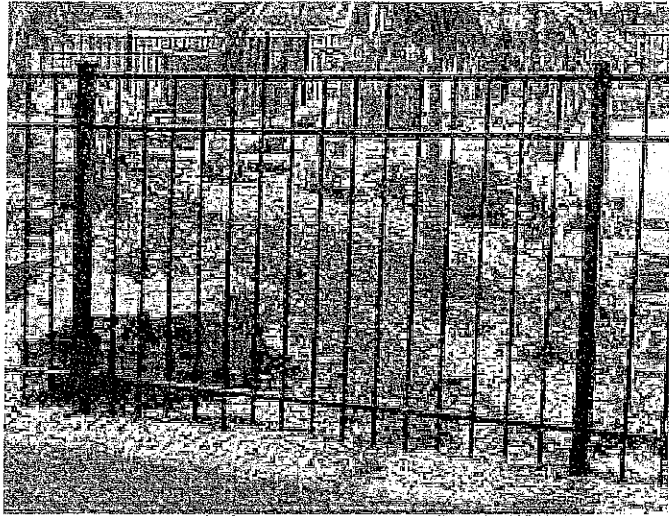
C. T. ... MY LICENSE EXPIRES: 11-30-08

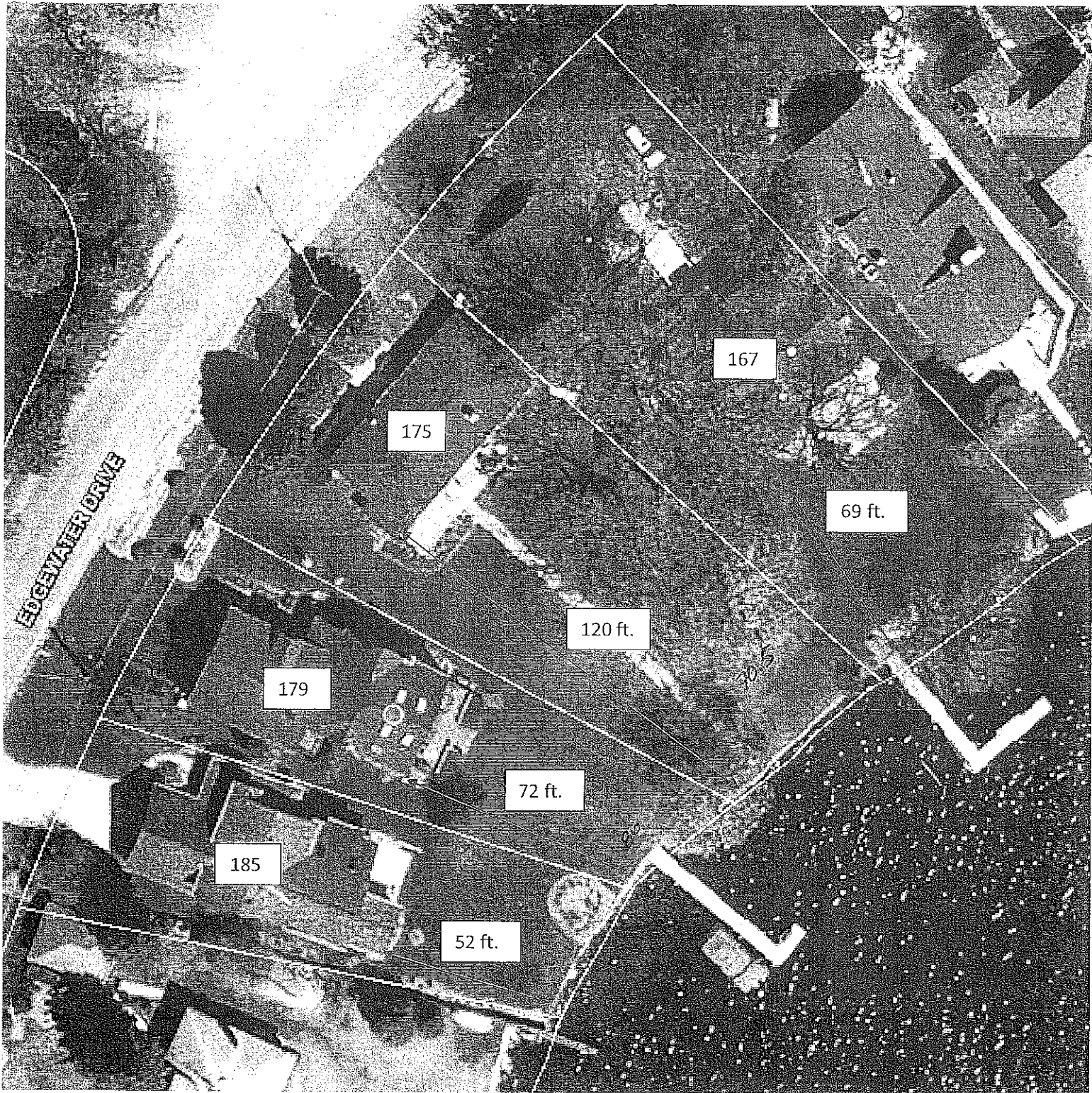
COMPARE THE DESCRIPTION OF THE PLAT WITH DEED. REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN. NOTED UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

VOID WITHOUT RAISED SEAL OF RED STAMP.

LUCO CONSTRUCTION CO.			
PROFESSIONAL DESIGN FIRM NO. 184.004828			
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.
12/07	1/5/07	JAC	07-21176







SIMPLIFIED BUILDING PERMIT APPLICATION
CITY OF CRYSTAL LAKE
 100 W. Woodstock Street, Crystal Lake, IL 60014
 815-356-3605

Construction address: 179 GAGE WATER DRIVE Cost of Construction: \$ 500

Owners Name: ROBERT BUELOW Owner Phone: 630-514-5319

Type of Building: Single-Family Two-Family Multi-Family Commercial Industrial

Describe work proposed: 12' ROUND 42" DEEP ABOVE GROUND POOL

Please fill in all applicable Building Counts, but leave all shaded areas blank. Fees will be calculated at permit issuance.

Building Counts	Fees	Building Counts	Fees
Alteration Cost of Construction: \$ _____		Basic Plumbing:	
Accessory Building Area: _____ sq. ft.		No. of Plumbing Fixtures:	
Fence: _____ linear ft.		No. of Gas Pipe Openings:	
Building Demolition - Height: _____ Area: _____ sq. ft.		No. of Floor Drains:	
No. of Driveways: _____ Type: residential		No. of Backflow Prevention Devices:	
Parking Lot Area: _____ sq. ft.		Sewer Service Inspection: Y/N Size: _____	
Above-Ground Pool Area: <u>113</u> sq. ft.		Water Service Inspection: Y/N Size: _____	
In-Ground Pool Volume: _____ cu. ft.		No. of Breaks: Curb ___ Street ___ Sidewalk ___	
Windows: _____ Existing Type _____ Replacement Type _____		Water Meter Size: _____ WSFU: _____	
Basic Electrical:		Sewer Connection: _____ RECS./yr.	
No. of Circuits:		Water Connection: _____ RECS./yr.	
No. of Outlets (e.g. lights, receptacles, etc.):		Sewer Tap Inspection: Y/N No. of Taps: _____	
Electric Service Size - New: _____ amps Exist: _____ amps		Water Tap Inspection: Y/N No. of Taps: _____	
Basic Heating:		Zoning:	
Heating Total BTUs:		Plan Review Alteration: _____ sq. ft.	
Electric Heat Total kW:		Plan Review Types: Bldg. Elec. Mech. Plbg.	
Basic Air Conditioning:		No. of Elevator/Dumbwaiter/Lift/Escalator: _____	
Air Conditioning Total BTUs:		Miscellaneous:	
Contractor:		Phone:	
Contractor:		Phone:	

In consideration of this application and attached forms being made a part thereof and the issuance of permit, I will comply with the rules and regulations set forth in the City of Crystal Lake Codes and Ordinances and that all work performed under said permit will be in accordance with the approved plans and specifications which accompany this application.

The person (RESPONSIBLE PARTY) signing this agreement on behalf of the owner(s) represents to the City that he/she they are acting in such capacity under the express consent and authority given to them by the owners of the property, which is the subject matter of this permit.

[Signature]
 RESPONSIBLE PARTY: Sign Name

ROBERT BUELOW
 Print Name

2/5/14
 Date

OWNER
 Relationship to Project

Bob@ABBY-Paving.com
 Email

630-514-5319
 Phone No.

***** OFFICE USE ONLY: *****

 BUILDING COMMISSIONER: Signature

 Date

 Permit No.

 Plan Reviewer:

 Date Received:

Enjoy outdoor family fun with the Heritage Round 12' Across x 42" Deep Complete Above Ground Pool Package. This amazing above-ground swimming pool features a strong galvanized steel frame construction for enhanced sturdiness. The all-weather vinyl liner withstands everyday use and the cartridge element filter system with wall skimmer makes cleaning easy. The pool package comes complete with a pump and filtration system to keep the water crystal clear. A galvanized steel ladder with molded resin steps is also included for easy entry and exit of the pool. The exclusive see-thru porthole allows you to peek in at the underwater adventures while standing outside the pool. This steel frame swimming pool by Heritage has everything you need to set up your own backyard oasis for family fun.

Heritage 12' Round x 42" Deep Complete Above Ground Pool Package:

Above-Ground Pool Package:

- Available size: 12 feet across x 42 inches deep; holds 2,478 gallons
 - Strong, painted hot-dipped galvanized steel
 - All-weather vinyl liner withstands everyday use
 - Galvanized steel ladder with molded resin steps
 - Above ground pool includes pump and filtration system
- Cartridge element Thru-the-Wall filter system with wall skimmer makes cleaning easy
 - Exclusive See-Thru porthole
 - Setup Time
 - The above ground pool package setup is simple
- Install on a solid, level surface, free of grass and sharp objects
 - 2 to 3 people are needed for installation
- 1 to 2 days may be needed to complete installation, depending on the size of the pool and site levelness

Do you have questions about this product? Ask a question.

From the Manufacturer

Quick Reference Guide

Attached

From: Ann Hubler <ahubler@sbcglobal.net>;
To: comments@crystallake.org <comments@crystallake.org>;
Cc: tobeskiing@sbcglobal.net <tobeskiing@sbcglobal.net>;
Subject: Dec. 17 fence decision
Sent: Mon, Dec 9, 2013 1:28:06 PM

Dear City Council members,

I live next door to 179 Edgewater Dr. Our homes are very close together. My front door is on the side of my house facing 179. I appeal to your sense of aesthetics, please allow the black ornamental fence to be installed. Not only are the solid fences ugly, putting one between our homes would make for a very unappealing entrance to my house, closing me in. In your survey, I voted for the ornamental fence and feel this choice is the best for our properties. It is attractive as well as unobtrusive. If a fence must be installed, the ornamental will have the least impact on our lake views. Please consider the opinions of the neighbors and the appearance of our neighborhood.

I am unable to attend the meeting, so am writing my wishes to you in hopes that you will vote FOR the variance. Thank you.

Sincerely,

Ann Hubler
185 Edgewater Dr.
Crystal Lake, Illinois

From Ann M Hubler

Subject: Fence
From: Kristin Happel (kristin.happel@yahoo.com)
To: tobeskiing@sbcglobal.net;
Date: Wednesday, December 11, 2013 6:27 PM

Hi-

We are Kristin and Tim Happel, and live directly across the street from you, at 1329 Dolo Rosa Vista. We are the one story brick house on the corner of Dolo Rosa Vista and Edgewater, with the large deck in back. Our side door/one of the kitchen windows/our deck looks out directly at your property, and Mr. Rumford's. We would say that if ANYONE in the neighborhood would have an issue with a fence being built, it would be us, because we will have the most direct view of it every day. Yet, we have NO problem with a 4' fence being built. None whatsoever, and in fact would like it to be built, to protect your children and pets. We saw a portion of it go up recently, and thought nothing of it. We just assumed the rest of it would be put up when the weather permitted. We fully understand the need to protect both children and pets, because we observe cars, especially in the spring/summer/fall, easily doing over the 30 MPH speed limit on Edgewater. We have been on our deck in the past, and run down to the road to yell at people to slow down, because they are doing 40 MPH or more. We wanted the speed limit lowered when that was up for discussion, and it didn't happen although we sent in our support of it, which was disappointing. We also know that a neighbor down the street towards North Avenue had their dog run over, and we weren't surprised. It is just a matter of time before it isn't a dog or cat that is killed/injured, but a child. While we don't have children or outdoor pets, we fully recognize the safety issue that exists. As stated above, if anyone would have a problem with viewing the fence, it would be us, and we DON'T have a problem. So what is the city council worried about? The people speeding along Edgewater at 40 MPH who won't even see the fence because they are driving too fast? We already know that based on the grade of the properties involved, it isn't like our lake view will be obstructed by a 4' fence, and we wouldn't care if it was, safety is more important than a lake view. So you have our full and complete support in having the 4' fence constructed. Unfortunately, both of us have to work at the time of the City Council Meeting on December 17th, but bring this email with you, if it will help. Please feel free to contact us at 815-459-4901 if you have any questions, also.

Sincerely,

Kristin and Tim Happel

From: "stitchc@sbcglobal.net" <stitchc@sbcglobal.net>
To: Heather Buelow <tobeskiing@sbcglobal.net>
Sent: Friday, December 13, 2013 12:28 PM
Subject: Re: Fence

I am happy you plan to live and stay in the house it has been in flux for too long. And I am happy you are doing things to make it look nice. If you want a fence you should be allowed to have one and I do think 3 feet is pointless. Unless you have a very small dog. I just wanted you to know how I feel about our fence now after several years of having it. It really did shut our neighbors out. It would be sad to see that hideous privacy fence on your property, it would take so much away from the beauty of your property. Tuesday is approaching quickly, I look forward to the fences and flags taken down. I hope you will be happy with your outcome for many years to come. And I hope you have a very nice holiday.

Stephanie

Mr. Bob Buelow (179 Edgewater Dr.)

I am asking the City of Crystal Lake to allow you to build a fence according to your needs to protect your children & animals. I am Gerald Fortier who lives at 191 Edgewater Dr. C.L.

I was at the City Council Meeting 2006 and have not forgotten it.

Gerald Fortier
191 Edgewater Dr.

From: Susan Tank <tankfour@sbcglobal.net>
To: "tobeskiing@sbcglobal.net" <tobeskiing@sbcglobal.net>
Sent: Monday, December 16, 2013 11:31 AM
Subject: Fence

Hello,

We received your letter regarding your fence issues with the city....We fully support your desire to install the 4 foot aluminum fence in your "front yards"

You may voice our opinion at the City Council meeting on December 17th.

Susan & Terry Tank
1345 Floresta
Crystal Lake, IL 60014
(815)-455-5745

133 Edgewater

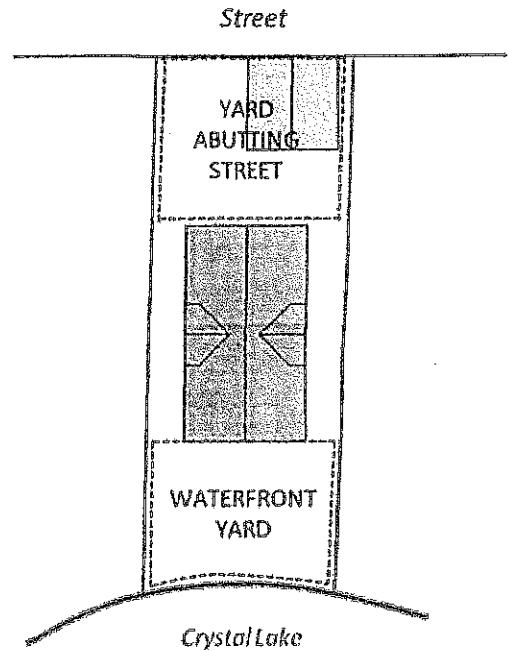
SURVEY

Your feedback is important! Please mark one answer for each question.

1) Fences

- In the yard abutting street, the following is desirable:
 - No change in current regulation (up to 3-foot tall fence, no restriction on fence type)
 - 4 foot tall fence is permitted, if it is an open split rail, picket or wrought-iron style fence
 - Other: _____

- In the waterfront yard, the following is desirable:
 - No change in current regulation (up to 3-foot tall fence, no restriction on fence type)
 - 4-foot tall fence is permitted, if it is an open split rail, picket or wrought-iron style fence
 - Other: _____



2) Accessory Structures

- In the waterfront yard, the following is desirable:
 - New boat houses, screen houses, gazebos, sheds or other structures in the waterfront yard require a special use permit approval so that lake views for neighbors can be assessed
 - Flatwork such as patios and decks (not more than 12 inches above the ground) be permitted within the waterfront yard as long as the 5-foot side yard setback is met
 - Retaining or landscaping walls within waterfront yard are limited to three (3) feet in height

3) Building Height

Currently, 3-story houses (which are measured lake side) are not allowed. It is desirable that the height of the house should be measured on:

- The street side, so that 3 stories would be okay along the lake side
- The lake side, so that 3 stories along the lake side would require a variation

Other Comments: The city has the right to okay accessory structures.

A special use permit is not needed.

Thank you!

RECEIVED
OCT 22 2013

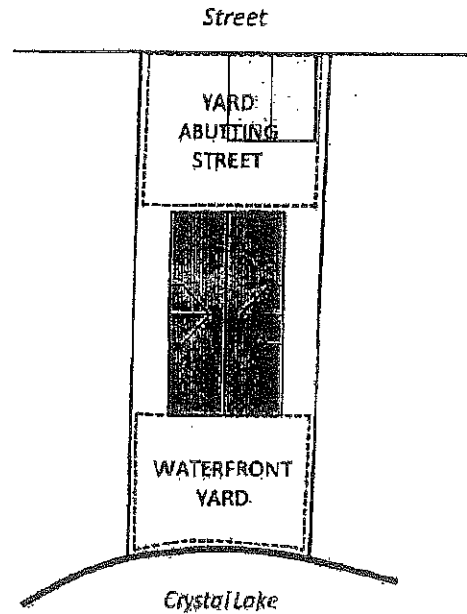
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Currently, 3-story houses (which are measured lake side) are not allowed. It is desirable that the height of the house should be measured on:

- The street side, so that 3 stories would be okay along the lake side
- The lake side, so that 3 stories along the lake side would require a variation

Other Comments: _____

1/22/13

By ROBERT GULL 213 EDGEWATER DRIVE C/L

Thank you!

From: "Jackie Nelson" <jnelson@firstpru.com>
Date: December 17, 2013 at 1:12:38 PM CST
To: <Lrumford2@comcast.net>
Subject: FENCE

Hi Lisa & Mike,

As neighbors 2 doors down from you, we do NOT want to see a 6 foot privacy fence on your property.

We feel the 4 foot open air fence would be fine. That way we still have an unobstructed view and the "green space" will not be broken up.

I wish I could attend tonight's meeting, but Nigel has hockey. We are STRONGLY opposed to that 6 foot privacy fence! These lots are small/narrow and it would only make them look smaller.

Good luck!

Scott & Jackie Nelson
163 Edgewater Drive
Crystal Lake, IL 60014
815 814 5355

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7-17-13

TO WHOM IT MAY CONCERN,

WE UNDERSTAND THAT OUR NEIGHBORS HAVE REQUESTED
A VARIANCE FOR THE INSTALLATION OF A NEW FENCE ON
OUR PROPERTY LINE.

WE UNDERSTAND THE FENCE WILL BE 48" HIGH INSTEAD
OF THE STANDARD 36".

WE HAVE NO OBJECTION TO THIS.

THANK YOU.

Terry Grant
Carol Grant

167 EDGEWATER DRIVE
CRYSTAL LAKE, IL 60014

Kyle and Linda Franzen
207 Edgewater Drive
Crystal Lake, IL 60014
815 459-9747

12-17-13

Dear City Council,

I am unable to attend the meeting on December 17th. I fully support the installation of the 4ft aluminum ornamental fence variance requested by the Buelow's and Rumpfords. This will protect children and dogs with no negative impact on the surroundings.

Sincerely,

Linda Franzen
207 Edgewater Drive
Crystal Lake, IL



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

Meeting Date: July 17, 2013

Request: Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback.

Location: 175 and 179 Edgewater Drive

Acreage: 12,486 square feet and 7,756 square feet respectively

Existing Zoning: R-2 Single Family

Surrounding Properties: North: R-2 Single Family
South: R-2 Single Family
East: R-2 Single Family
West: R-2 Single Family

Staff Contact: 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:

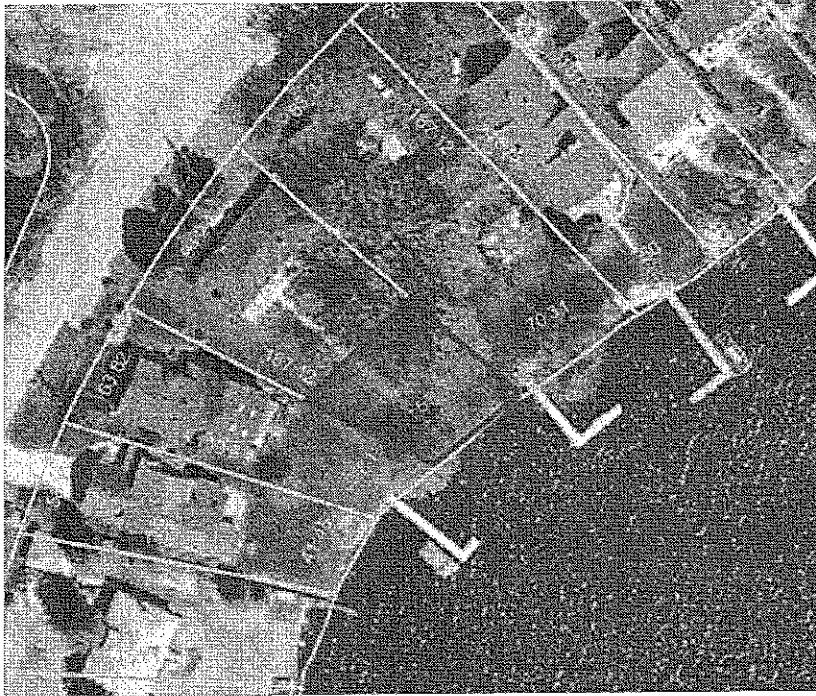
General

- **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

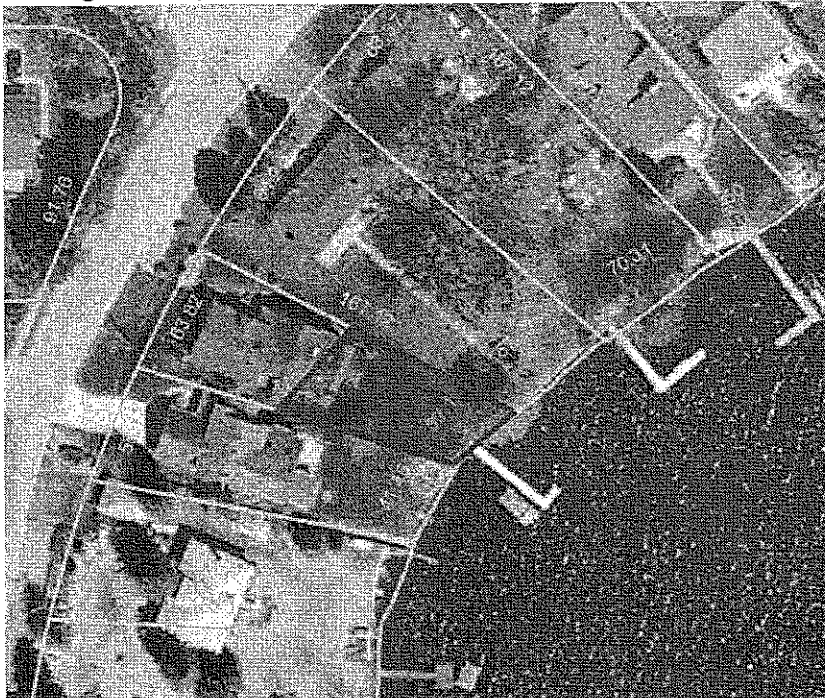
- The properties contain existing single-family homes. Both have attached garages with access from Edgewater.

- 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.



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JULY 17, 2013
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Esposito, Gavle, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present. Mr. Batastini was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, and Rick Paulson, Building Commissioner, were present from Staff.

Mr. Hayden asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Hayden stated that this meeting was being televised now as well as recorded for future playback on the City's cable station.

2013-33 RUMFORD-BUELOW – 175 & 179 Edgewater – PUBLIC HEARING

Variation to allow a 4-foot-high fence within the front yard (Lake side) setback.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Robert Buelow and Lisa Rumford, both owners of the properties, were present to represent their petition. Mr. Buelow said they recently purchased the homes. They both have children and he has large dogs that they would like to keep out of the street. He stated that he also has a trampoline and wants to keep people out of his yard and away from it.

Ms. Rumford said a neighbor's dog was recently hit and killed. There is currently a chain link fence that they would like to replace. Mr. Buelow said his dogs can easily clear the current fence height.

Ms. Rumford showed a photo of a neighbor's fence that is a full wood privacy fence on the lake side of the property. They do not want that type of fence.

Robert Skalany, 1369 Dolo Rosa, said the traffic does go very fast on that road. Also the water will not be blocked by the proposed fence.

There was no one else in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Goss asked if a 3-foot fence requirement is with this UDO or the previous ordinance. Ms. Maxwell said

it was determined several years ago that the front yard is the lake-side of the property. Mr. Goss said the other wood privacy fence was there prior to when the front yard was determined. He said the problem he is having with this request is the height of the fence. Mr. Goss said he doesn't see the hardship for the request. He understands about the kids and dogs.

Mr. Skluzacek asked if there will be a fence across the lake also. Mr. Buelow said no. Mr. Skluzacek said if they want the fence for safety they are not protecting the kids and dogs from the lake. Someone would still need to be present to keep an eye on the kids. He said an invisible fence would work well for the dogs.

Mr. Esposito said they have received many requests for 4-foot-tall fences in front yards all over the City and the answer has always been no. He lives on the corner of a much busier street than this and he has an invisible fence that works very well.

Mr. Gavle understands the dilemma. He said precedence has been set in other deliberations and he can't support the request.

Mr. Greenman said he understands the safety standpoint and believes that the application of the ordinance in this case is the hardship. He believes there is value in a 4-foot fence due to the layout of the property and it is an improvement to the existing chain link fence.

Mr. Jouron asked what type of dogs Mr. Buelow has. Mr. Buelow said they are very large. One is an Alaskan Malamute. Mr. Jouron said he understands where the petitioners are coming from. He can't support the request.

Mr. Hayden said this is unique circumstances but if it were granted it would set precedence and would apply to others who want to do the same thing. He said the standards have not been met.

Ms. Maxwell stated that an objection letter from Ann Hubler at 185 Edgewater was handed out to the members prior to the meeting. Mr. Hayden said they did receive it. They need to look at establishing a precedent, especially in this area.

Mr. Greenman believes that the Findings of Fact have been met and the fence will improve the property values and he would be comfortable with others along the lake having the same hardship. He said if the recommendation is to deny this request, the petitioners can go before Council for the final decision and they should think about addressing things like the Findings of Fact.

Mr. Esposito moved to deny the Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback for 175 & 179 Edgewater. Mr. Goss seconded the motion. On roll call, members Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Members Greenman and Lembke voted no. Motion to deny passed.

➔ 14. 175 and 179 Edgewater – Simplified Residential Variation to allow a 4-foot fence in the front yard setback for lake front houses.

Robert Buelow, 179 Edgewater Drive, and Lisa Rumford, 175 Edgewater Drive, were present.

Mayor Shepley explained that because of the Planning and Zoning Commission's recommendation for denial, the petition would need a super majority vote (at least five votes) of the City Council to be approved.

Ms. Rumsford stated that they had both recently purchased their lakefront homes and had done a lot of work to try to beautify the area. She stated that they both wished to install a 4 ft. decorative metal fence (a sample of which they had brought to the Council meeting) along both property lines from their houses to the sea wall. She stated that her property currently has a 3 foot chain link fence in that location, and a neighbor, Mr. Fortier, has a 4.5 foot full privacy fence on his side.

Mr. Buelow stated that he wanted to contain his two large dogs and keep neighborhood children from accessing his trampoline. He stated that the hardship was that although they considered their back yards to be on the lake side, they were classified by the City as front yards, which denied them the use of their back yards along the lake. He stated that he found it ironic that it would be permissible to install a 6-foot fence in the side yard but an open, decorative 4-foot fence isn't allowed in his front yard. He stated that the people across the street could put up a 6 foot fence in their back yards without any variation required. He stated that this type of decorative, open fence would not obstruct any views of the lake. He stated that the neighbors supported the request with only one neighbor objecting to a small dog run, but not the height of the fence. He stated that he would much rather see a 4-foot decorative fence in the neighborhood than a 3-foot chain link fence.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

The Council conducted a lengthy discussion on the matter. Councilman Thorsen stated that there was a long history regarding fences and lake lots and the designation of front and back yards for lake homes. He noted that his neighbor had wanted to install a fence around his home but it was not allowed. City Attorney John Cowlin explained that the designation of front yards for lake homes had been ongoing for many years, and because most homes along the North Shore had garages facing the street, the lake side had been designated as the front yard.

Councilman Thorsen asked if the Council had allowed 4-foot fences in front yards before. Mayor Shepley stated that they had been allowed on corner lots. Director of Planning and Economic Development Michelle Rentzsch stated that one had also been allowed on Route 176 with landscape screening. Mayor Shepley asked if arbor vitae would be considered fencing, and Ms. Rentzsch stated that it would, per the City's ordinance. Mayor Shepley agreed that a 4-foot decorative fence would not obscure views, but stated that granting a variation could set a precedent and open a can of worms.

Mayor Shepley advised that he had no objection to the appearance of the fence and said that he

had a similar fence in his yard, but stated that the theory for lake homes was that the lateral neighbors wanted to be able to see side to side, and if the Council were to allow this variation, they did not have the ability to limit it to just this type of open, decorative fence. He stated that a three-foot fence would be allowed under the City's ordinance without any variation, however.

Councilman Hopkins stated that he felt the fence was very tasteful, but asked if Mr. Buelow was planning to extend it into the lake to contain the dogs. Mr. Buelow stated that his dogs, one an Alaskan Malamute, would not go into the water and he did not wish to extend the fence. Councilman Hopkins stated that this was a tough decision for him because of precedent setting. Mr. Buelow stated that if the fence were not approved, he would install a 3-foot privacy fence. Ms. Rumsford stated that she was hopeful the Council would consider each request on a case-by-case basis. Mayor Shepley stated that per the ordinance, the Council could not do that. Councilwoman Ferguson stated that this decision was extremely hard for her, noting that there had been previous fence requests citing safety of children and pets and the Council had consistently denied those requests. She stated that as much as she liked the look of the proposed fence and saw the absolute reasonableness of it, approval would provide a moving target for the Council to have to deal with. Councilman Dawson stated that he drives by a home every day where the residents had been very upset about not being allowed to have a 4-foot fence for their children, but the children were all grown now. He stated that he had to be consistent with previous requests and could not support this one because of the ground rules the Council had already established.

Councilwoman Brady Mueller stated that she did not have a problem with this request and that a three-foot solid fence would be far more offensive than the requested four-foot open fence. She stated that she felt that this type of fence would not represent a big deal for front yards on the lake.

Mayor Shepley stated that the hardship was that lakefront property owners have in essence two front yards, and in a neighborhood where everyone gets along, it would be fine to grant the fence variations, but that could change as properties change hands, and eventually everyone around the lake would want to have fencing and the entire purpose for the restriction for 3 feet in height would be thwarted. He stated that in his opinion, if a variation were granted for the requested type of fence only, it would not be legally binding because the variation request was for the height of the fence. Councilwoman Brady Mueller stated that the Council could impose conditions on the variation to allow that type of fence only, adding that variations had been granted with conditions in the past. Mayor Shepley stated that only the height of the fence would comprise the variation, and the City Attorney agreed.

Councilwoman Ferguson suggested tabling the matter until the Council could consider a possible amendment to the Unified Development Ordinance so that a specific type of fence could be considered. Mayor Shepley asked the petitioners if they would like to wait for the matter to be tabled and researched, which should not take more than a few weeks, or if they wished the Council to go ahead and vote on the petition that evening. The petitioners stated that they wished to wait.

Councilwoman Ferguson moved to table the discussion until the Council could consider a

possible amendment to the Unified Development Ordinance. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

Mayor Shepley advised Ms. Rumsford and Mr. Buelow that City staff would be in contact with them regarding consideration of the amendment at the next City Council meeting on August 20th or the following meeting on September 3.

17. Crystal Lake Avenue barrier median update and East Street/East Crystal Lake Avenue left turn and parking restrictions ordinance.

Director of Engineering and Building Erik Morimoto presented information on the City staff's efforts and communications with IDOT (Illinois Department of Transportation) and the ICC (Illinois Commerce Commission) regarding possible left turns in and out of East Street from Crystal Lake Avenue. He stated that the agencies had determined that the City must install a barrier median that would physically prohibit both left turns into and left turns out of East Street. He stated that the design for the barrier median was now narrower (3 feet vs. 11 feet) than the original design to help ease right turns for larger vehicles, and was 150 feet long rather than 200 feet long. He stated that the previous design had a 6" curb, but the new design's curb was slightly taller. Councilwoman Brady Mueller stated that it would be similar to the barrier median on Route 176 at the railroad tracks. Councilwoman Ferguson asked if the curb is higher, why were the unsightly posts needed? Mr. Morimoto stated that the ICC wanted the posts installed because the median is so narrow. Councilwoman Brady Mueller stated that motorists would cross the median if the posts were not there. Mr. Morimoto stated that the posts would only be slightly taller than the ones on Route 176.

Mayor Shepley asked if anyone in the audience wished to speak on the matter.

James Tomasello, 290 East Crystal Lake Avenue, stated that he did not believe common sense had been used in this decision and the only way to keep motorists off the tracks was through enforcement. He stated that there was no reason that a "porkchop" and signage could not be installed that would still allow left turns. He stated that only one final plan, which included the median, had been sent to the ICC and IDOT for review and there was no reason that they could not be told that the community was not happy with this design. He stated that the City Council's job was to represent the community and he was asking, as a representative for the neighborhood, that a better solution be found.

Carl Runvik, 72 East Street, agreed.

Michelle Nelson, 386 Poplar Street, expressed concern that emergency vehicles would have to cross to the other side of the median to access East Street even with their lights and sirens on. She also stated that she did not feel that making a left turn from East Street onto Crystal Lake Avenue represented any danger. She stated that she felt the City staff had not done a procedural study of the neighborhood and that the handling of this matter had been shameful.

There were no further public comments.



The City of Crystal Lake
PROCEEDINGS OF THE CITY COUNCIL
November 19, 2013

Call to Order

Mayor Shepley called the meeting to order at 7:30 p.m.

Roll Call

On roll call, Councilmembers Ellen Brady Mueller, Ralph Dawson, Cathy Ferguson, Brett Hopkins, Cameron Hubbard, Jeffrey Thorsen and Mayor Aaron Shepley were present. None were absent. City Clerk Nick Kachiroubas was also present.

City Manager Gary Mayerhofer, City Attorney John Cowlin, Director of Planning and Economic Development Michelle Rentzsch, Director of Public Works Victor Ramirez, Director of Engineering and Building Erik Morimoto, Chief of Police James Black, Fire Rescue Chief James Moore, Assistant Finance Director Laura Herrig, Building Commissioner Rick Paulson, Deputy City Manager Eric Helm and Assistant to the City Manager Brad Mitchell were also present.

Pledge of Allegiance

Cub Scout Webelos of Pack 168 led the Council and the audience in the Pledge of Allegiance.

Proclamation

Mayor Shepley issued a Proclamation to the Crystal Lake Public Library in honor of the Library's 100 year anniversary of the Library's Enduring Place in the Community (EPIC). Current and former Library Board members, Library staff and many community supporters and volunteers were present for the Proclamation.

Approval of Minutes

Councilwoman Brady Mueller moved to approve the minutes of the November 5, 2013 Regular City Council meeting. Councilman Hubbard seconded the motion. On voice vote, all present voted yes, except Councilwoman Ferguson abstained. Motion passed.

Accounts Payable

Councilwoman Ferguson moved to approve the Accounts Payable in the amount of \$1,894,228.19. Councilman Hopkins seconded the motion. On roll call, all present voted yes. Motion passed.

Public Presentation

Mayor Shepley asked if anyone in the audience wished to speak on matters of general public

DEC 12 2013

interest or concern that were not included on the regular agenda, advising that comments on agenda items could be made when those items were considered.

Diana Kenney, Executive Director for Downtown Crystal Lake, announced that Santa Claus would be arriving in Crystal Lake on Friday, November 29th, for the annual Festival of Lights parade and tree lighting. Mayor Shepley commended the downtown for this wonderful community event, which he stated gets better every year.

Members of the First Lego League's team "Fruit Salad", comprised of 4th to 8th graders, presented information on their program to increase interest in math and science and promote qualities of gracious professionalism and cooperative competition. The girls stated that this year, their team's project was to devise a SAFE (Simple Auto Flood Evacuation) kit with tools to smash a window open, tie yourself to your vehicle with a rope, magnetic handles to climb onto the roof, and a flashing signal light. They stated that they would like to partner with insurance companies, auto repair shops and similar businesses to make the kits available to the public. In response to Mayor Shepley's inquiry, the girls advised that they became involved in the program through Girl Scouts. They stated that this year's competition is on December 7th and noted that last year, their team had won Regionals and moved onto the State competition.

Bill Shiner, developer and owner of the CVS shopping center at Randall and Ackman Roads spoke in favor of allowing video gaming in Crystal Lake, stating that with all of the nearby communities offering video gaming, it was unfair to Crystal Lake businesses who could lose patrons, as well as developers such as himself who would lose or not be able to attract tenants. He stated that he believed the moral issue was not one of gambling, but of how the people of Crystal Lake could be affected by lost jobs, businesses cutting services and possible higher taxes.

Mayor's Report

None.

City Council Reports

Councilman Dawson and Councilwoman Brady Mueller commended Councilwoman Ferguson on her presentation on *The Devil in the White City* during the Library's recent Epic Celebration event.

Consent Agenda

Councilwoman Brady Mueller moved to approve Consent Agenda Items 10a, b and c, with the addition of Items 11, 14, 16 and 18. Councilwoman Ferguson seconded the motion. Councilman Thorsen requested that Item 10a be removed from the Consent Agenda. Mayor Shepley stated that Item 10c had been withdrawn by the petitioner. Councilwoman Brady Mueller restated the motion to approve Consent Agenda Item 10b, with the addition of Items 11, 14, 16 and 18. Councilwoman Ferguson seconded.

Mayor Shepley asked if anyone in the audience wished to speak in objection to any of the items, and advised that comments in support could also be made, but since the items had been placed on the Consent Agenda, the items would most likely be approved. No one wished to speak.

On roll call, all present voted yes. Motion passed.

10b. Mathews Corporation, 500 Industrial Drive – Referred the Petitioner's request for Annexation to the December 4, 2013 Planning and Zoning Commission meeting for zoning consideration and to the January 7, 2014 City Council meeting for the annexation public hearing.

11. Lumber Liquidators, 4500 Northwest Highway – Approved the Planning and Zoning Commission recommendations and adopted an Ordinance granting a Final Planned Unit Development Amendment to allow a second free-standing pole sign at 175 square feet and 20 feet in height.

14. Adopted a Resolution authorizing the City Manager to execute an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry and the City of Woodstock for Annual Dial-A-Ride Transit Services in 2014.

16. Adopted a Resolution authorizing the Chief of Police to execute an Intergovernmental Agreement with the Drug Enforcement Administration.

18. Adopted an Ordinance prohibiting parking on various streets included in the Bikeway Corridor Improvement.

10a. Resolution determining the 2013 tax levy in compliance with the Truth in Taxation Procedural Requirement.

Councilwoman Brady Mueller moved to adopt a Resolution determining the 2013 tax levy in compliance with the Truth in Taxation Procedural Requirement. Councilwoman Ferguson seconded the motion. On roll call, all voted yes, except Councilman Thorsen voted no. Motion passed.

12. Unified Development Ordinance Text Amendment for provisions of the Unified Development Ordinance concerning used merchandise stores, political signs, fences, accessory structures and building height.

Director of Planning and Economic Development Michelle Rentzsch presented proposed text amendments to the Unified Development Ordinance (UDO) to the Council for consideration.

Highlights of Ms. Rentzsch's presentation included:

Used Merchandise Stores:

The Planning and Zoning Commission recommended that used merchandise stores be further categorized as Used Merchandise, antique stores, consignment stores, junk stores and flea markets permitted as Special Uses subject to conditions.

Political Signs

The Planning and Zoning Commission recommended that Political Signs be treated as a separate category with distinction between political message signs and political campaign signs with regulations as to size, location and duration.

Lake Lots

The Planning and Zoning Commission recommended that 4-foot-tall fences be permitted for lake lots as long as they are open style.

The Planning and Zoning Commission recommended that accessory structures be permitted as Limited Uses and require a Special Use Permit if the established criteria cannot be met.

The Planning and Zoning Commission recommended that lakeside yards be designated as waterfront yard, and therefore building heights be measured from the street side.

Public Comment

Mayor Shepley asked if anyone in the audience wished to speak on the matter. The audience comments all pertained to the proposed Lake Lots provisions.

Doreen Orist, 927 North Shore Drive, read an email from Jim Heisler, a lakefront property owner, in opposition to fences and in support of two-story or less homes on the North Shore and setbacks to maintain the clearest, longest views of the lake. Ms. Orist stated that she was not in favor of fences and preferred an open, friendly community and if people needed fences to keep their dogs in, they needed to train their dogs better. She stated that the survey did not include a "return by" date and was confusing to answer, which could account for such a poor return of surveys. She stated that many people are also not in town during the winter months. She stated that she was not in support of measuring home heights from the street side because of the many older, much lower homes that could be dwarfed. She stated that she was concerned about people tearing down old, historic homes and building very tall new homes. She stated that people sometimes have "spite" fences comprised of very tall, thick trees. She stated the City needed to address the flooding problems on North Shore Drive before any more new homes are built there.

Scott Richardson, 115 Baldwin, stated that changing the UDO would take away the ability for adjacent homeowners to comment about potential impacts to their properties and allowing three story homes on non-conforming lots would only encourage overbuilding and add to flooding issues. He stated that accessory structures with foundations affect the natural flow of water to the lake and with the North Shore's narrow 50-foot lots, that water is directed onto neighboring properties. He stated that the current UDO provides for variations and good process. He stated that the survey had only been sent to lakefront property owners, not any other homes in the area.

Matthew Seegers, 122 S. Crandall Avenue, stated that he agreed with Ms. Orist and Mr. Richardson. He stated that he lives behind Mr. Heisler's home and not on the lakeshore, but if three story homes continue to be built, he will have no view of the lake at all. He stated that he was also concerned about flooding, lake quality and erosion.

Wes Puchinski stated that after a heavy rain, he cannot flush his toilet, his home is lower than North Shore Drive, and raised patios cause water to flow around them like a dam and into side yards and street yards. Val Phillips agreed, stating that with last Saturday's rain, water had backed up on the sidewalk.

Matt DellaMaria, 602 Edgewater Drive, stated that he respected the neighbors' opinions about building height, but the proposal was not to change the UDO, rather clarify it. He stated that he appreciated the concerns about water runoff, but the City has stringent requirements regarding grading and runoff. He questioned having every new building permit reviewed by the neighbors. He stated that he also appreciates side open spaces, but if a property owner puts up a fence that conforms to code, they have a right to do that. He stated that he was in favor of 4-foot open fences.

Michelle DellaMaria, 602 Edgewater Drive, reviewed the history of their building plans, which were not yet approved. She reviewed the Council's previous discussions and the Mayor's assurances that the Council's intention was not to be more restrictive. She stated that the Council had previously agreed that the height of lakefront homes should be measured from the street side the same as all other homes in the City, and the Planning and Zoning Commission had unanimously agreed. She spoke about her frustration in not being able to get a building permit for their home and how she could not understand why the UDO needed to be overhauled again, rather than clarified.

Anita Borgo, 130 S. Crandall Avenue, stated that she lives next door to the DellaMarias lot and the thought of having a three-story home built there would have her in tears, just as Mrs. DellaMaria had been because of her frustration with the building permit process. She stated that lakefront properties should be treated differently than the rest of the City because of the views and that a three-story home would block those views.

Ron Orist, 927 North Shore Drive, stated that he has lived in Crystal Lake since 1957. He stated that he was opposed to changing the fence height to 4 feet, and he was not in favor of having any fences at all because people should have the ability to walk around the lake through front yards as they do in Lake Geneva. He stated that having a four-foot fence to the lakeshore would not deter dogs anyway, because they will just go into the lake and around it. He stated that neighbors should have the ability to have input on any changes that could impact them, noting that his neighbor had recently cut down some very large old trees and that had greatly affected his property.

Robert Buehler, 179 Edgewater, stated that he wanted to get a 4-foot open fence installed for his children and dogs. He stated that the survey had been sent to lakefront homeowners as well as their neighbors. He stated that there was no control over the surveys and anyone could have filled out and returned ten. He stated that the current ordinance allows for 3-foot privacy fences in the lakeside yard and 6-foot privacy fences to the street, and he just wanted to install a much nicer looking open four-foot fence. He stated that no one was asking to build a three-story home, just a two-story home with a walkout basement, similar to many other homes in the City. He stated that he just wanted to enjoy his back yard.

Lisa Thibodeau Rumford, 175 Edgewater Drive, stated that she agreed with Mr. Buehler about three-story homes and how lakeshore homes should be treated the same as any other home in the City. She stated that she would much prefer 4-foot open fences to 3 and 6-foot privacy fences.

There was no further public comment.

Council Discussion:

In response to Mayor Shepley's question, Ms. Rentzsch stated that the survey had been sent to 121 lake lot homes and about 150 additional homes adjacent or near the lake lot homes. Mayor Shepley surmised that of the almost 300 letters that had been sent, 30 people had attended the October 6th public information meeting. Ms. Rentzsch stated that 45 surveys had been received, and that the surveys had also been available at the public information meeting. She stated that not more than 10 people had attended the Planning and Zoning Commission meeting regarding the changes to the UDO.

Mayor Shepley addressed the audience, stating that the Council did not wish to do anything other than be helpful in this situation and that the Council's obligation was to try to handle situations in a manner that is fair and just and respects property rights. He stated that there was no overriding consensus of the public on either side of the issues being discussed, and he hoped the audience would understand and respect that the Council had no insidious purpose behind its review of this matter. He stated that the Council was trying to right a wrong in treating lakefront properties differently than other properties in the City.

In response to Mayor Shepley's question as to how the staff had begun measuring the height of lakefront homes differently than the rest of the City, Ms. Rentzsch stated that when the ordinance was changed in 2006 to make the front of lakeshore homes on the lake side, it caused conflicts within the ordinances. She stated that the proposed text amendment would clarify that language and treat lake lots like every other lot in the City. Councilwoman Brady Mueller noted a provision of the ordinance that stated heights be measured from the curb, and Ms. Rentzsch stated that provision conflicts with other parts of the ordinance. Councilman Thorsen stated that he had always understood that the lake side yard was the front yard, and the City Attorney concurred that it was that way with almost every other lake he has ever known. Mayor Shepley stated that the UDO had been changed in 2006 to clarify accessory structures and fences only, and the height measurement had been an unintended consequence of that change. Councilman Dawson agreed, stating that was never the Council's intent.

Mayor Shepley stated that rather than make the proposed changes to the UDO, one sentence could be added: "In the case of lakefront properties, measure the height from the street side".

Councilwoman Brady Mueller moved to amend the UDO to include a sentence that lakefront property building heights be measured from the street side. Councilwoman Ferguson seconded the motion.

Councilman Dawson spoke about grades and how some properties would not be able to have English basements, but he was in support of the motion. Councilman Ferguson stated that she was also in support, stating that this had stemmed from a discussion in 2006 about swing sets and sheds and it was shocking how complicated it had become. Councilmembers Hubbard and Hopkins were also in support. Councilman Thorsen stated that he wanted more clarification, and asked Mr. Orist in the audience how much lower his home was than the road. Mr. Orist stated that it was about 3 feet. Councilman Thorsen stated that those 3 feet could allow a home to be built 3 feet higher than the 28 feet allowed because of the grade. Councilwoman Brady Mueller

stated that was the way it had always been in Crystal Lake, and was inadvertently changed in 2006, and the Council was simply putting the ordinance back to where it had been before that change. Councilman Thorsen stated that new homes could tower over older homes, not unlike the situation with the bleachers at South High School. Councilwoman Ferguson stated that the home is the highest on her block because of the natural grade of the land, but she did not see why that should change the way her home would be measured. Councilman Thorsen stated that because of the lower nature of lake lots, it would mean that homes would automatically get a 3 foot bonus in height. He stated that he was not in favor of any of the other proposed changes, as well.

Mayor Shepley stated that it was not right to measure lakefront houses differently than other houses in the City and the Council would only be changing the UDO to reflect how measurements had been done prior to 2006 with the simple sentence he had proposed and was now a motion on the floor. He stated the people buy their homes subject to the topographical conditions of where they are located, and 3 extra feet was not going to make any real difference. He stated that this situation was nowhere similar to the bleachers at South High School. Councilman Thorsen stated that his concern was for the smaller homes on the lake.

On roll call for the motion to amend the UDO to include a sentence that lakefront property building heights be measured from the street side, all voted yes, except Councilman Thorsen voted no. Motion passed.

Regarding the other proposed changes to the UDO, Councilman Dawson stated that he did not support changing the fence regulations as he felt they should also be the same as the rest of the City. Councilwoman Brady Mueller stated that she was in support of allowing 4-foot open fences and the changes regarding accessory structures. Councilwoman Ferguson and Councilman Hubbard agreed. Councilman Hopkins stated that he did not support a change to the current fence regulations. Councilman Thorsen stated that he did not support any of the proposed changes. Mayor Shepley stated that he did not support allowing 4-foot open fences.

Councilwoman Brady Mueller moved that all accessory structures be permitted as Limited uses and require a Special Use Permit if the established criteria cannot be met. Councilwoman Ferguson seconded the motion. On roll call, all voted yes except Councilman Thorsen voted no. Motion passed.

Councilwoman Brady Mueller moved that 4-foot fences be permitted for lake lots as long as they are open in style. Councilwoman Ferguson seconded the motion. Councilman Dawson moved to amend the motion, but then withdrew that motion. On roll call for Councilwoman Brady Mueller's motion, Councilmembers Brady Mueller, Ferguson and Hubbard voted yes. Councilmembers Dawson, Hopkins, Thorsen and Mayor Shepley voted no. Motion failed.

Councilwoman Brady Mueller moved that Used Merchandise stores be further categorized as Used Merchandise, Antique Stores, Consignment Stores, Junk Stores and Flea Markets as presented in the agenda supplement. Councilman Dawson seconded the motion. On roll call, all voted yes. Motion passed.

Mayor Shepley suggested tabling the political sign discussion, stating that some aspects of the proposed changes were completely unacceptable from a Constitutional standpoint. Following a brief discussion, the consensus of the Council was to address the matter at their first meeting in December.

13. Bid awards and resolution authorizing execution of agreements for the provision of Liquid Chlorine, Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate.

Councilwoman Brady Mueller moved to award the bid for the provision of Liquid Chlorine to the lowest responsive and responsible bidder, Alexander Chemical, and the bids for the provision of Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate to the lowest responsive and responsible bidder, Carrus Corporation, and to adopt a Resolution authorizing the City Manager to execute a one-year purchase agreement for Liquid Chlorine with Alexander Chemical and one-year purchase agreements for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate with Carrus Corporation in the submitted bid amount. Councilman Hopkins seconded the motion. On roll call, all voted yes. Motion passed.

15. Resolution authorizing execution of agreements with vendors, operators, and entertainers for the Crystal Lake Winter Festival, and to restrict parking on streets adjacent to the Lakeside Legacy property on the day of the festival.

Councilwoman Brady Mueller moved to adopt a Resolution authorizing execution of agreements with vendors, operators and entertainers for the Crystal Lake Winter Festival, and to restrict parking on streets adjacent to the Lakeside Legacy property on the day of the festival. Councilman Hopkins seconded the motion. On roll call, all voted yes. Motion passed.

17. Ordinance amending Chapter 203, Cigarette Sales, of the City Code.

Councilman Hopkins moved to adopt an Ordinance amending Chapter 203, Cigarette Sales, of the City Code. Councilman Thorsen seconded the motion. Councilwoman Ferguson asked if any other communities had adopted legislation regarding the use of E-cigarettes, stating that she did not wish the City of Crystal Lake's ordinance to be found unconstitutional with this adoption. Chief of Police James Black stated that the City of Evanston currently bans the use of E-cigarettes indoors because although they do not emit smoke, they do emit nicotine. He stated that E-cigarettes are not currently regulated by the FDA. Regarding sales to minors under 18, Chief Black stated that Crystal Lake would be a front-runner in the adoption of this ordinance, noting that nicotine is a drug and the Police Department felt that it should be regulated along with tobacco sales to people under 18 years of age. Councilman Thorsen stated that he was willing to take the risk regarding constitutionality and adopt this ordinance. Councilwoman Brady Mueller stated that she would be in favor of banning indoor use of E-cigarettes and asked the staff to place the matter on a future City Council agenda.

On roll call, all voted yes, except Councilwoman Ferguson voted no. Motion passed.

Council Inquiries and Requests

None.

Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.

Councilwoman Ferguson moved to adjourn to Executive Session at 9:30 p.m. Councilman Hopkins seconded the motion. On roll call, all voted yes. Motion passed.

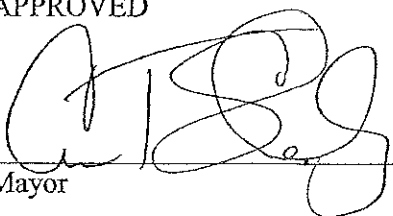
Reconvene to Regular Session.

Councilwoman Ferguson moved to reconvene in Regular Session at 10:02 p.m. Councilman Hopkins seconded the motion. On roll call, all voted yes. Motion passed.

Adjournment

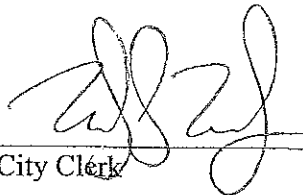
There being no further business, Councilwoman Ferguson moved to adjourn the meeting at 10:03 p.m. Councilman Hopkins seconded the motion. On voice vote, all present voted yes. Motion passed.

APPROVED



Mayor

ATTEST



City Clerk

All adopted ordinances are published in pamphlet form by the authority of the Mayor and City Council.

that he felt this would be a great addition to the downtown, but in response to Ms. Stollendorf's concern about Gates Street and First Street, he stated that the owners may wish to change the traffic pattern and align their driveway with Grant Street. Mayor Shepley stated that he was totally in support of the petition, and noted that if the City staff had felt there was a concern regarding traffic, they would have made that known. He noted the previous businesses at that location, Reichert automobiles and Grand Rental Station, which he felt had more of an effect on the neighborhood regarding fumes, and stated that he felt it was in the neighborhood's best interests to not have vacant buildings.

Councilwoman Brady Mueller moved to approve the Planning and Zoning Commission's recommendation and adopt an Ordinance granting the Special Use Permits for Crystal Lake Beer Company at 150 North Main Street. Councilman Thorsen seconded the motion. On roll call, all present voted yes. Motion passed.

15. Crystal Lake Beer Company, 150 N. Main Street – City Code Amendment creating a new liquor license classification, Class 26, and increasing the number of Class 26 liquor licenses from 0 licenses to 1 license.

Councilwoman Brady Mueller moved to adopt an ordinance creating a new classification of liquor license, Class 26, Microbrewery, and to adopt an ordinance increasing the number of Class 26 liquor licenses from 0 licenses to 1 license. Councilman Thorsen seconded the motion. On roll call, all present voted yes. Motion passed.

In his capacity as Liquor Commissioner, Mayor Shepley advised the petitioners on his strong stance against the sale of alcohol to minors and provided his customary warning regarding fines and license suspensions should that ever occur.

Mayor Shepley congratulated the petitioners and wished them much success on their new venture.

16. 175 and 179 Edgewater – Simplified Residential Variation to allow a 4-foot fence in the front yard setback for lake front houses.

Michael Rumford, 175 Edgewater Drive and Robert Buelow, 179 Edgewater Drive, were present. Mayor Shepley explained that with two Councilmembers absent that evening, the petitioners would need all five of the Councilmembers present to vote yes, since a super majority is required to overturn a negative recommendation from the Planning and Zoning Commission.

Mayor Shepley stated that the Planning and Zoning Commission had previously not objected to four-foot fences for lakefront yards, but with the City Council's non-approval of a change to the Unified Development Ordinance (UDO) to allow 4-foot open fences, the Planning and Zoning Commission's recommendation reflected the Council's action of non-approval.

Director of Planning and Economic Development Michelle Rentzsch provided a brief history of the petition, stating that the proposed 4-foot open fence had originally been denied by the Planning and Zoning Commission, but with a subsequent review, they provided a unique recommendation for approval. Mr. Rumford stated that he and Mr. Buelow felt like they were stuck in the middle of the conflicting recommendations.

Mayor Shepley stated that from a legal standpoint, irrespective of what happened before, the UDO states that in order to secure a variation from an ordinance requirement to allow a 4-foot fence, the petitioners have to demonstrate hardship. Mayor Shepley stated that the Council's decision to not change the UDO regarding fence heights had been in response to feedback from the neighborhood, which was comprised of lakefront and adjacent homes. Mr. Rumford stated that one of the requirements in seeking the variation was to notify their neighbors of the proposed 4-foot fences, and of the 26 letters they had mailed out, they received unanimous support. Councilwoman Brady Mueller stated that in spite of that, the petitioners still needed to prove a hardship, which she felt was because they basically have two front yards, and if the Planning and Zoning Commission agreed with that, they would provide a positive recommendation for Council consideration.

Mayor Shepley suggested sending the matter back to the Planning and Zoning Commission for further consideration if the petitioners so wished, and the petitioners agreed.

Councilwoman Brady Mueller moved to refer the matter back to the Planning and Zoning Commission. Councilwoman Ferguson seconded the motion. On roll call, all present voted yes, except Councilman Dawson voted no. Motion passed.

17. Bid award and resolution authorizing execution of a contract for construction and rehabilitation services for Lift Station #1 with a 10% contingency for unforeseen expenses.

Councilwoman Brady Mueller moved to award the bid for construction and rehabilitation services for Lift Station #1 to the most responsive, responsible bidder, Genco Industries, and adopt a Resolution authorizing the City Manager to execute a contract with Genco Industries, Inc., in the amount of \$522,930.00 with a 10% contingency for unforeseen expenses. Councilwoman Ferguson seconded the motion. On roll call, all present voted yes. Motion passed.

18. Bid award and resolution authorizing execution of an agreement for maintenance & rehabilitation work on Well #14 with a 10% contingency for unforeseen expenses.

Councilwoman Brady Mueller moved to award the bid for maintenance and rehabilitation work on Well #14 to the lowest responsible and responsive bidder, Water Well Solutions, and adopt a Resolution authorizing the City Manager to execute a service agreement with Water Well Solutions in the submitted bid amount with a 10% contingency for unforeseen expenses. Councilwoman Ferguson seconded the motion. On roll call, all present voted yes. Motion passed.

19. Waiver of bidding requirements and approval of a one-time emergency purchase of a turbo blower for Wastewater Treatment Plant #2.

Councilman Thorsen moved to waive bidding requirements and make a one-time emergency purchase of a turbo blower for Wastewater Treatment Plant #2 from APG Neuros in the amount of \$167,250.00. Councilwoman Ferguson seconded the motion. On roll call, all present voted yes. Motion passed.

20. Resolution authorizing a contract amendment for the Country Club Area Water Main Replacement Stage 1 construction project.

Councilwoman Brady Mueller moved to adopt a Resolution authorizing a contract amendment in the amount of \$26,958.23 for the Country Club Area Water Main Replacement Stage 1