



**#2014-52**  
**1730 Moorland Lane (Potter) – Variation**  
**Project Review for Planning and Zoning Commission**

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**Meeting Date:** January 7, 2015

**Request:** Variation from Article 4-700 B 3 to allow a 6-foot-high fence 6 feet 4 inches into the required 30-foot corner side yard setback.

**Location:** 1730 Moorland Lane

**Acreage:** 12,600 square feet

**Existing Zoning:** R-1 Single Family

**Surrounding Properties:** North: R-1 Single Family  
South: R-1 Single Family  
East: R-1 Single Family  
West: RE Residential Estate

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

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**Background:**

- **Existing Use:** The property is improved with a single family home.
- **Background:** The petitioner has a corner lot which has 30-foot setbacks on both the front and the side. There is an existing pool, deck and patio off the house.

**Development Analysis:**

**General**

- **Request:** Construction of a 6-foot fence to encompass the patio, which will encroach 6 feet 4 inches into the required 30-foot corner side yard. The petitioner currently has a fence top on the pool to meet the required 48 inch barrier height. The petitioner would like to provide a fence around his property to protect his family and animals, as well as, meet the pool safety requirements. If the fence was constructed at the 30-foot setback it would run in the middle of the existing patio. The variation would allow the fence to be outside of the patio.
- **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-1 Single Family. This property is used as single-family home.

**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:** Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

**Findings of Fact:**

**ZONING ORDINANCE VARIATION**

The petitioner is requesting a variation from Article 4-700 B 3 Height Requirements for Fences, Walls and Screening to allow a 6-foot high fence in the corner side 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, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Potter, received 11/18/14)
  - B. Plat of Survey / Site Plan (Potter, received 11/18/14)
2. The variation is to allow the fence to be constructed approximately 6 feet 4 inches into the required 30-foot side yard to encompass the patio area. No other structures or obstructions should be placed within the 30-foot corner side yard.
3. The petitioner shall address all of the review comments and requirements of the Community Development Department.



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**Application for Simplified Residential Variation**

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

**I. Applicant**

JEFFERY POTTER  
Name

1730 Moorland Ln  
Street

CRYSTAL Lake IL 60014  
City State Zip Code

815-790-4280 POTTER5959@SBCglobal.net  
Telephone Number Fax Number E-mail address

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address Telephone Number

**III. Project Data**

1. a. Location/Address: 1730 Moorland Ln

b. PIN #: \_\_\_\_\_

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: WANT TO Install For  
Safety of Pets @ Pool - Decorative Aluminum Fence - Without 6'4" Variance  
Fence will Fall in Center of Concrete Patio - Fence will Not  
OBSTRUCT VISION And will Be 28' From Sidewalk

IS THE HARDSHIP SELF-CREATED? No

ARE THE CONDITIONS APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION? No

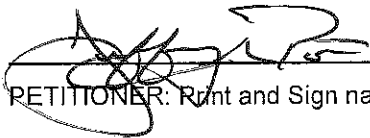
WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY? No

WILL THE VARIATION, IF GRANTED BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY? No


WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUBSTANTIALLY INCREASE THE DANGER OF FIRE; OR ENDANGER PUBLIC SAFETY? No

3. List any previous variations that are approved for this property: No

**IV. Signatures**

 JEFFERY A POTTER 11-17-14  
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.

JEFFERY A POTTER  11-17-14  
OWNER: Print and Sign name JE 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 APPLICA-  
TION OF Jeffery Potter**

### **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 Jeffery Potter relating to the following real estate known as 1730 Moorland Lane, Crystal Lake, Illinois 60014, PIN: 18-24-205-004.

This application is filed for the purposes of seeking a Variation from Article 4 Section 4-700 Fences, Walls and Screening to allow a 5-foot high fence 6 feet 4 inches into the required 30-foot corner side yard 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 De-

partment 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, January 7, 2015, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

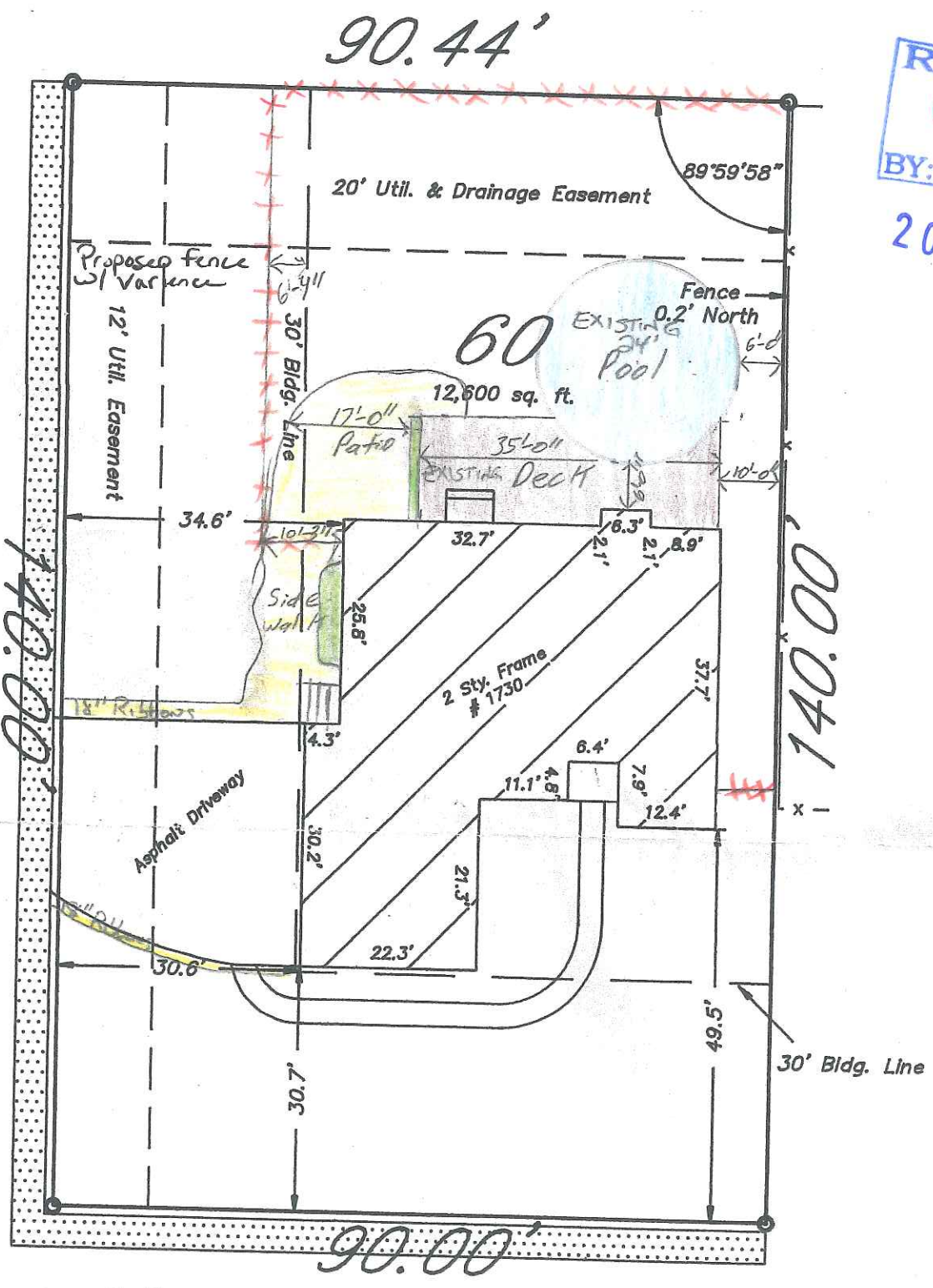
Tom Hayden, Chairperson  
Planning and Zoning Commission  
City of Crystal Lake

(Published in the Northwest Herald  
December 16, 2014. #5678)

LOT 60 IN KINGS GATE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 43 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 15, 1998 AS DOCUMENT NO. 1998R84493, IN MCHENRY COUNTY ILLINOIS.

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Village Road

1730 Moorland Lane