

Development Application

Simplified Residential Variation



City of Crystal Lake ■ Planning and Economic Development Department

Phone: (815)356-3615 ■ Fax: (815)479-1647 ■ Web: www.crystallake.org
100 West Woodstock Street ■ P.O. Box 597 ■ Crystal Lake, Illinois 60039-0597

Dear Applicant,

This packet will provide an overview of the Simplified Residential Variation process. It is intended to help you gain a better understanding of the process and reduce any confusion when completing the variation application.

WHAT IS A SIMPLIFIED RESIDENTIAL VARIATION?

A Simplified Residential Variation is a process that allows a property owner to request relief from specific regulations of the Unified Development Ordinance (UDO). These regulations may include, but are not limited to, building setbacks for front yards, side yards, rear yards, or building height. It is important to meet with Planning staff prior to submitting your application to learn which regulations apply to your property and whether a variation is needed for your project.

WHO IS RESPONSIBLE FOR REVIEWING AND APPROVING MY VARIATION APPLICATION?

An application for a Simplified Residential Variation is reviewed by the Planning and Zoning Commission (PZC) and the City Council. The PZC reviews the application and forwards a recommendation to the City Council. The City Council is ultimately responsible for approving or denying the application. You are required to attend these meetings to address any questions from the PZC and City Council.

The PZC is a group of nine volunteer citizens who make recommendations to the City Council on development requests. The PZC meets the first and third Wednesday of each month at 7:30 p.m. at City Hall. The meetings are only as formal as is necessary. Petitions are generally heard in the order as they appear on the agenda. At the meeting, the PZC references the materials that have been submitted, as well as the Planning Department staff report (Project Review). This report contains a description of your request and will be provided to you in advance of the meeting. The Chair of the PZC will swear in anyone that will speak, and ask for a description of the request and the hardship that necessitates the request. After your presentation, the Chair of the PZC will open the public hearing. The public hearing provides the opportunity for the public to speak for or against the request. After all interested persons have spoken; the PZC will close the public hearing. The PZC then deliberates on the request. After deliberation, the members will vote to recommend approval or denial of the variation. The recommendation and the findings of the PZC will be forwarded to the City Council.

The City Council considers the PZC's findings and recommendation and makes the final decision on the request. The Council meeting is very similar to the PZC meeting. They reference the same materials as the PZC but also a report (City Council Agenda Supplement) that describes the request and the results of the PZC meeting. This report is also sent to you in advance of the Council meeting. At the meeting, the Council asks for a brief presentation and if the petitioner has any concerns with the conditions recommended by the PZC. The public is also allowed to comment on the request. After deliberation, the Council may approve the variation, approve the variation with conditions, deny the variation, or send it back to the PZC for further review. Any variation request for which the PZC recommends denial cannot be approved by the City Council unless five of the seven (super-majority) Council members vote to approve the request.

If the variation is approved, the Council will enact an ordinance stating that the variation is approved. An approval letter with a copy of the ordinance will be sent to you. The ordinance will also be supplied to the Building Department so that you may apply for building permits, as needed.

WHAT DO I NEED TO SUBMIT FOR MY APPLICATION TO BE REVIEWED?

A submittal checklist is included on Page 7.

DO I NEED TO TELL MY NEIGHBORS THAT I AM REQUESTING A VARIATION?

Yes, you are required to notify surrounding property owners that you are requesting a variation. The PZC must hold a public hearing; therefore, the UDO and State Statute require that three forms of public notice are given. Public notice must be provided as follows:

1. **Publication in a Newspaper** is required not less than fifteen (15) days and not more than thirty (30) days before the public hearing date. Public Notices are published in the Northwest Herald. The Planning Department must review the notice to ensure that it is sufficient prior to submission. A legal notice template is provided on Page 8 to serve as a guide.
Northwest Herald contact information: 7717 S. Route 31, Crystal Lake IL 60014
(815) 459-4040 (Phone) ▪ (815) 477-4960 (Fax) ▪ www.nwherald.com (web)
2. **Neighbor Notification**, by first-class mail to the owners as they appear on the last available tax records of the County of McHenry of all property within 200 feet of the full perimeter of the property in question (exclusive of right-of-ways). This notice shall be mailed to the property owners not less than fifteen (15) days and not more than thirty (30) days before the public hearing date.
Property owner information can be obtained by contacting the County Assessor's Office.
Assessor's Office contact information: 667 Ware Road, Room 106, Woodstock, IL 60098
(815) 334-4290 (Phone) ▪ (815) 338-8522 (Fax) ▪ www.co.mchenry.il.us (web)
3. **Post a Sign** on the property in question, not less than fifteen (15) days and not more than thirty (30) days before the public hearing date, indicating that the parcel is subject to a public hearing. The sign shall remain posted on the parcel until the public hearing is concluded. The sign will be provided by the Planning Department.

After the notices have been mailed, a signed and notarized affidavit verifying that the legal notice has been mailed to property owners and "Public Notice" Sign has been posted must be submitted to staff prior to the hearing. An Affidavit Template is provided on Page 9 to serve as a guide. The Northwest Herald will send a Certificate of Publication after the legal notice is published. The Certificate must be submitted to Staff prior to the hearing.

WILL THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL APPROVE MY VARIATION REQUEST?

A variation is generally granted only when a property owner can show that there is a particular hardship. A hardship is usually related to unique circumstances of the property, such as an odd-shaped lot, unusual topographic features, conditions on adjoining lots, or the presence of wetlands or other natural features. A desire to have a larger or more valuable house, or to avoid costs related to meeting Ordinance requirements, is not considered a hardship.

Before recommending any variation, the PZC must first determine and record its findings that the evidence justifies the conclusions that:

1. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.
2. The variation, if granted, will not alter the essential character of the locality.

Other facts that the Commission may take into consideration after evidence is presented at the public hearing are:

1. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
2. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
3. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
4. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

At any time during this process, if you desire any assistance or have additional questions, please do not hesitate to contact our office.

Sincerely,

Crystal Lake Planning and Economic Development Department

Application for Simplified Residential Variation

Application Number: _____

FOR OFFICE USE ONLY

Project Name: _____

Date of Submission: _____

I. Applicant

Name

Street

City

State

Zip Code

Telephone Number

Fax Number

E-mail address

II. Owner of Property (if different)

Name

Address

Telephone Number

III. Project Data

1. a. Location/Address: _____

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:

IS THE HARDSHIP SELF-CREATED?

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

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

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

WILL THE VARIATION AS PROPOSED IMPAIR ADEQUATE SUPPLY OF LIGHT OR AIR TO ADJACENT PROPERTY; DIMINISH PROPERTY VALUE; INCREASE CONGESTION IN PUBLIC STREETS; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?

3. List any previous variations that are approved for this property: _____

IV. Signatures

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

Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

OWNER: Print and Sign name

Date

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

SUBMITTAL CHECKLIST

Item	Submittal Requirements	Comments
<input type="checkbox"/> Completed Application	1 copy	
<input type="checkbox"/> Ownership Information	1 copy	Any one of the following: Title insurance, warranty deed, most recent tax bill etc.
<input type="checkbox"/> Plat of Survey	1copy	
<input type="checkbox"/> Site Plan	1 copy	Drawn to scale, which shows existing and proposed buildings and which describes the variation requested – the Plat of Survey may be used as a site plan
<input type="checkbox"/> List of property owners within 200-feet excluding rights-of-way	1 copy	See Page 4 for details.
<input type="checkbox"/> Fees	\$ 100	

BEFORE THE PLANNING & ZONING COMMISSION OF
THE CITY OF CRYSTAL LAKE

IN THE MATTER OF THE APPLICATION OF
(Name of Applicant, Trust, etc.)

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of **(Name of Applicant, Trust, etc.)** relating to the property located at **(Address and PIN of property)**.

This application is filed for the purpose of **(action requested)**, pursuant to the requirements of Section **(Section Number)** of the Crystal Lake Unified Development Ordinance.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on **(date of hearing, as determined by Planning staff)**, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Thomas Hayden, Chair
Planning and Zoning Commission
City of Crystal Lake

TO BE PUBLISHED IN THE NORTHWEST HERALD ON OR BEFORE **(date of publication)**

The Planning and Economic Development Department will review the legal notice to ensure that it is sufficient prior to submission for publication.

Insert the appropriate information in the parenthesis.

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY)

IN THE MATTER OF THE APPLICATION OF

AFFIDAVIT

_____, being first duly sworn on oath deposes and states as follows:

A. That a copy of the legal notice, concerning the hearing date for the above mentioned Petitioner, was sent to each of the persons named below by regular mail notifying them of the hearing before the City Council on _____, at 7:30 p.m., at the Crystal Lake City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the below mentioned persons by regular mail on _____.

B. That the posting requirements of the Zoning Ordinance have been complied with by placing the customary public notice sign on the subject property on _____.

(Printed name of Applicant, Trust, etc. here and signed above)

Subscribed and Sworn to me before

This ____ day of _____, 20____.

Notary Public