



#2015-26 1784 Kennsington Ln (Deddo)–Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	May 6, 2015
<u>Request:</u>	Variation from Articles 3-200 from the minimum rear yard setback requirement to allow a 10-foot encroachment for an above ground swimming pool and deck.
<u>Location:</u>	1784 Kennsington Lane
<u>Acreage:</u>	~7,800 square feet
<u>Existing Zoning:</u>	R-1 PUD (Single Family Planned Unit Development)
<u>Surrounding Properties:</u>	North: R-1 PUD (Single Family Planned Unit Development) South: R-1 PUD (Single Family Planned Unit Development) East: R-1 PUD (Single Family Planned Unit Development) West: R-1 PUD (Single Family Planned Unit Development)
<u>Staff Contact:</u>	Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The property is currently improved with a single-family home and an above ground pool.
- **Background:** There is an existing deck in the 10-foot utility and drainage easement that will be removed. The homeowners would like to build the proposed deck between the house and the existing above ground pool. The deck would be within 6 feet of the home. The existing above ground pool is a detached accessory structure. Detached accessory structures have a 5-foot side and rear yard setback. The addition of the deck between the pool and principal structure creates a connection and changes the classification of the pool from an accessory structure to part of the principal structure.
- **UDO Requirements:** The rear yard setback for R-1 PUD zoning is 20 feet. Accessory structures have to meet the 5-foot accessory structure setback, but when a deck is within 6 feet of the principal structure, principal structure setbacks must be met. The deck is connected to the above ground pool and within 6 feet of the principal structure; therefore both the deck and the above ground pool must meet the 20-foot rear yard setback.

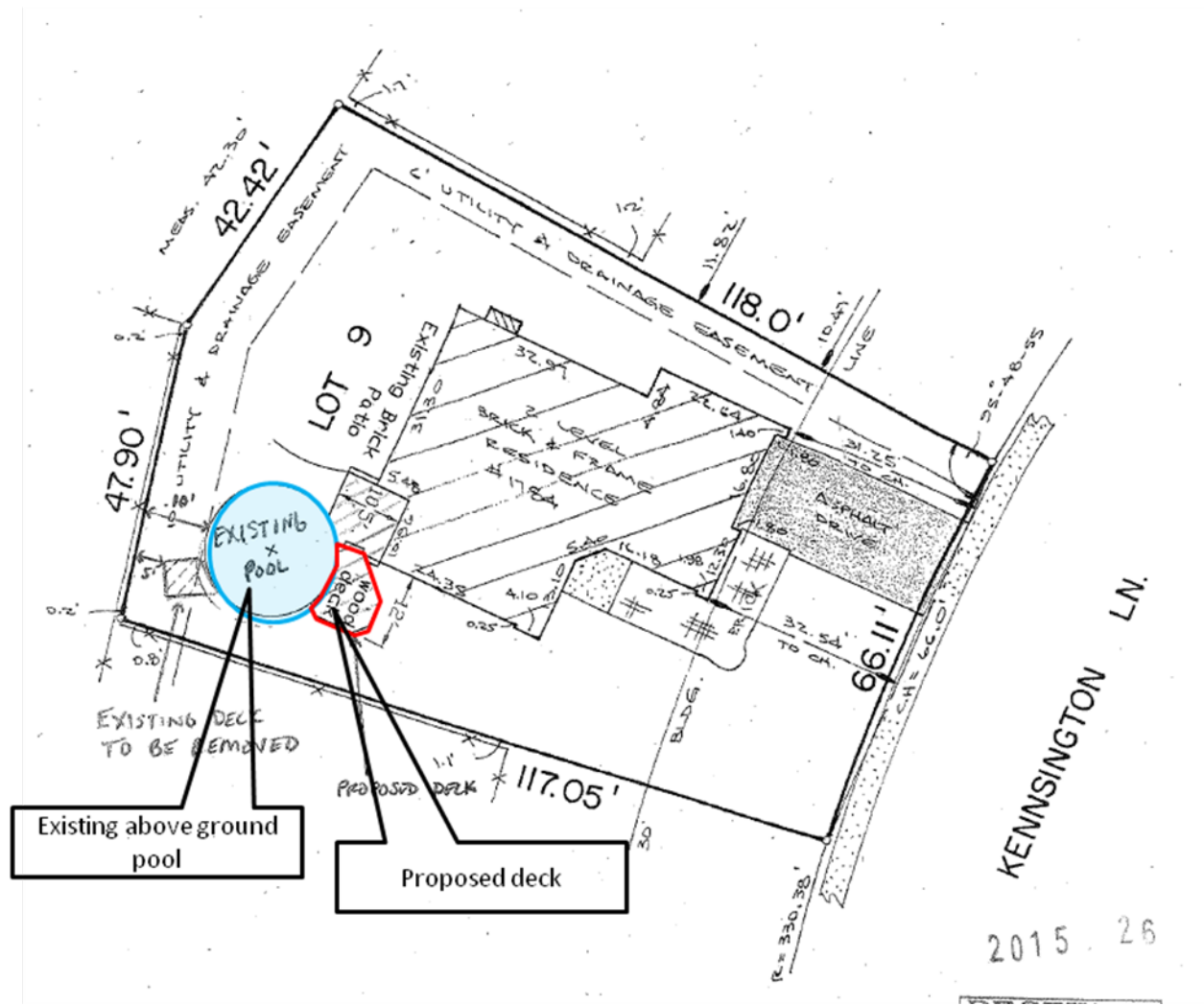
Development Analysis:

General

- **Request:** The petitioner is requesting a variation to allow a 10-foot encroachment into the 20-foot rear yard setback for an existing above ground pool that will be subject to principal structure setbacks due to the addition of a deck off of the pool that will be within 6 feet of the principal structure.
- **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 PUD (Single Family Planned Unit Development).

Site Layout

- The required rear yard setback is 20 feet.
- There is a 10-foot utility and drainage easement located along the rear property line.



Comprehensive Land Use Plan 2030 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. 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 Articles 3-200 to allow an encroachment of 10 feet into the required rear 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 (Deddo, received 04/17/15)
 - B. Site Plan/Survey (received 04/17/15)
2. The petitioner shall address all of the review comments and requirements of the Community Development Department.

RECEIVED
APR 17 2015
BY:

2015 26

Application for Simplified Residential Variation

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

I. Applicant

Richard J Deddo
Name

1784 Kennington Ln
Street

Crystal Lake IL 60014
City State Zip Code

630-415-5759
Telephone Number

Fax Number

rdeddo1@hotmail.com
E-mail address

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address: 1784 Kennington Ln Crystal Lake IL 60014
b. PIN #: 19-19-179-018

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:
Removing dilapidated deck that encroaches on existing rear setback. Adding new deck to connect existing pool to patio.

IS THE HARDSHIP SELF-CREATED? Existing pool location established by previous owner.

ARE THE CONDITIONS APPLICABLE TO OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION? neighbors in area have pools in similar configurations.

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: unaware of any others.

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.

Richard J. Deddo  04-17-2015

OWNER: Print and Sign name _____ Date _____

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

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICA-
TION OF
Rick Deddo

LEGAL NOTICE

Notice is hereby given in compli-
ance with the Unified Development
Ordinance (UDO) of the City of
Crystal Lake, Illinois, that a public
hearing will be held before the
Planning and Zoning Commission
of the City of Crystal Lake upon the
application of Rick Deddo for varia-
tions relating to the following de-
scribed real estate commonly
known as 1784 Kensington Lane,
Crystal Lake, Illinois 60014, PIN:
19-19-179-018

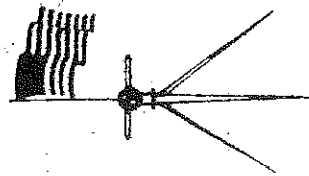
This application is filed for the pur-
pose of seeking a zoning variation
pursuant to Article 3-200 of the
UDO, from the minimum 20-foot
rear yard setback requirement for a
principle structure, to allow the
deck and above ground pool to en-
croach 10 feet, as well as any oth-
er variations that may be necessary
to complete the project as pro-
posed. Plans for this project can
be viewed at the City of Crystal
Lake Community Development De-
partment at City Hall.

A public hearing before the Plan-
ning and Zoning Commission for
this request will be held at 7:30
p.m. on Wednesday May 6, 2015,
at the Crystal Lake City Hall, 100
West Woodstock Street, at which
time and place any person deter-
mining to be heard may be present.

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

(Published in the Northwest Herald
April 21, 2015.) NW 6390





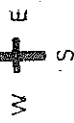
American Survey Co.

913 Hickory Nut Grove Ln. Cary, IL 60013

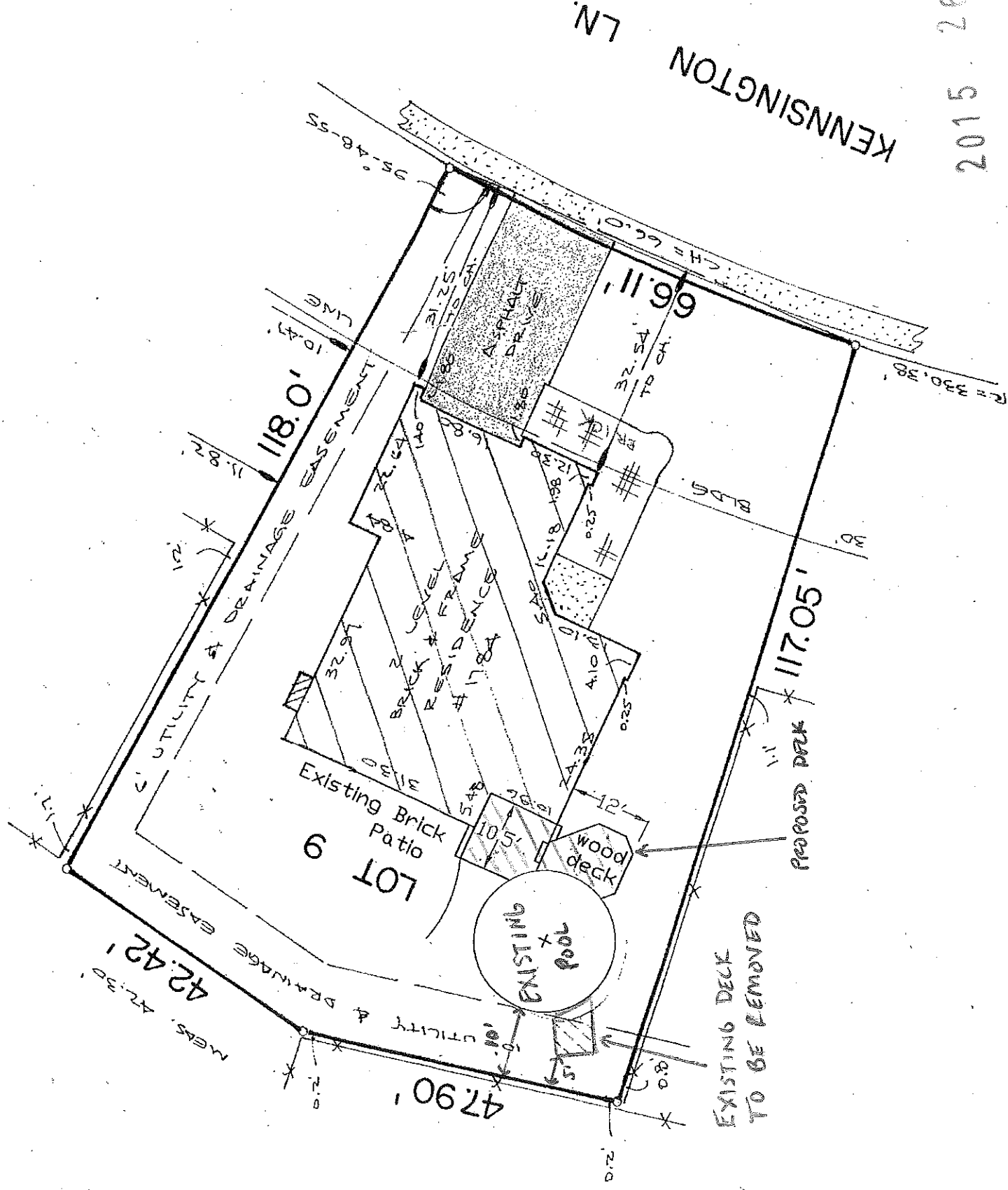
847-516-2700

Plat of Survey 1784 Kennington

Scale: 1" = 20'



OF PROPERTY DESCRIBED AS: LOT 9 IN BLOCK 6 IN THE VILLAGES-UNIT 6, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND PART OF LOT 1 IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1991 AS DOCUMENT NUMBER 91R038848, IN MCHENRY COUNTY, ILLINOIS.



2015 26

RECEIVED
APR 17 2015
BY: _____

Plat # 12046 (Mac)

Prepared by Laurence Wilbrandt

Address 1784 Kennington Ln.

Crystal Lake, IL

State of Illinois)
County of McHenry) SS

I, William M. TenBusch, an Illinois Professional Land Surveyor, do hereby certify that I have located the above buildings as of this 24th day

of JULY, 2012

William M. TenBusch
Professional Land Surveyor # 2767

State of Illinois)
County of McHenry) SS

I, William M. TenBusch, an Illinois Professional Land Surveyor, do hereby certify that I have located the above buildings as of this 24th day

of JULY, 2012

William M. TenBusch
Professional Land Surveyor # 2767

Dimensions are given in feet and decimal parts thereof. Dimension or angle shall be assumed by scale.

- indicates iron stake found
- indicates iron stake set
- indicates fencing

This survey does not constitute a title search.

Refer to current title policy, deeds, local ordinances or any

Plat not valid without embossed seal
License expires 11-30-2012