



## #2015-24 109 N. Main St (Labemi's)–Variation Project Review for Planning and Zoning Commission

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<b><u>Meeting Date:</u></b>	June 3, 2015
<b><u>Request:</u></b>	Variation from Article 4-700(B)(3) the requirement to measure the height of a fence from grade, to allow a 6-foot fence on a raised deck.
<b><u>Location:</u></b>	109 N. Main Street
<b><u>Acreage:</u></b>	~4,356 square feet
<b><u>Existing Zoning:</u></b>	B-4 (Downtown Business)
<b><u>Surrounding Properties:</u></b>	North: B-4 (Downtown Business) South: B-4 (Downtown Business) East: B-4 (Downtown Business) West: B-4 (Downtown Business)
<b><u>Staff Contact:</u></b>	Kathryn Cowlin (815.356.3798)

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### **Background:**

- **Existing Use:** The property is currently improved with a restaurant and bar. The property currently has a deck behind the property to serve customers who desire outside seating.
- **Background:** The existing deck abuts an alley and looks out to a City-owned parking lot. In 2007, Labemi's was granted a variation from the required 29 parking spaces to allow 3 on-site parking spaces for the addition of the outdoor seating.

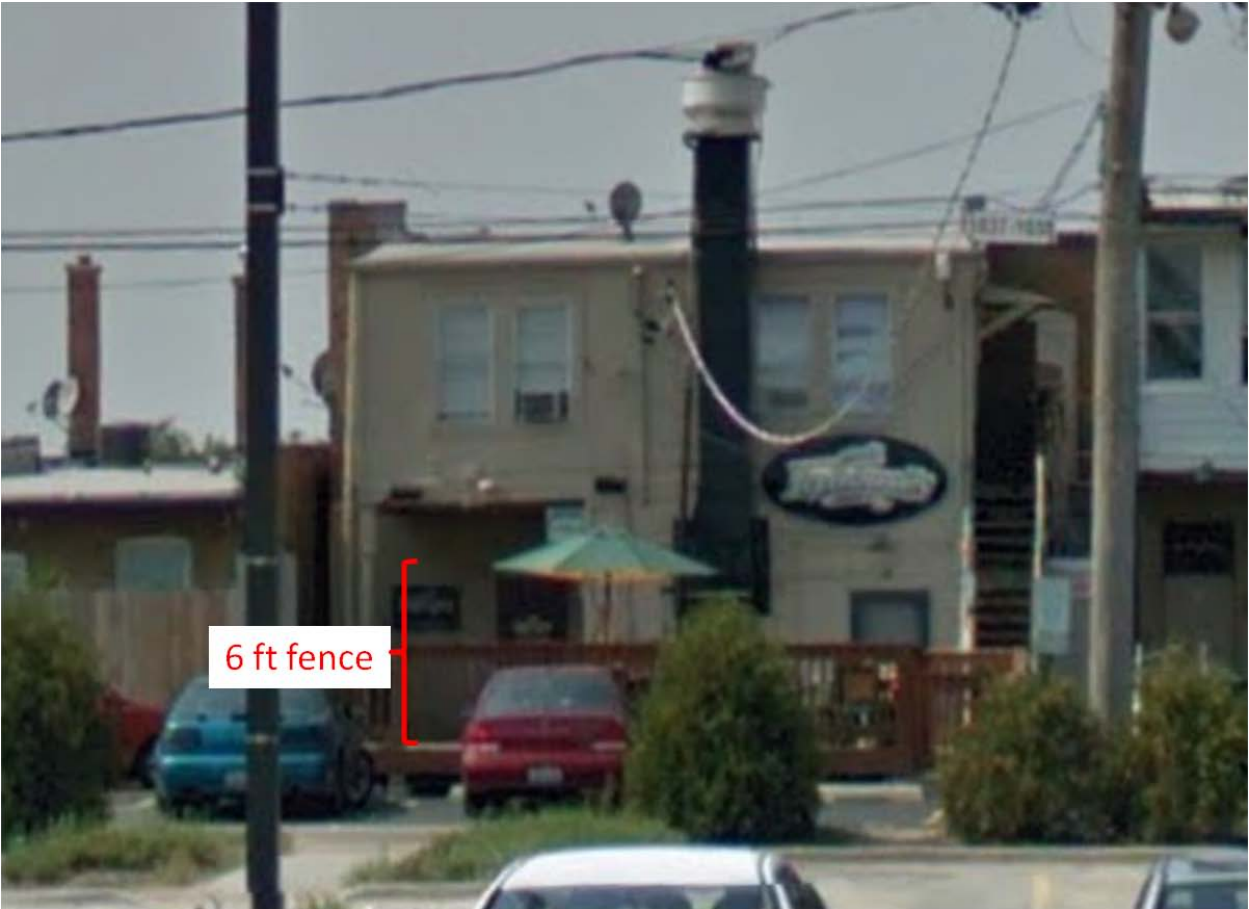
### **Development Analysis:**

#### **General**

- **Request:** The petitioner is requesting a variation to allow a 6-foot fence attached to the raised deck, a variation from the requirement to measure the height of a fence from grade.
- **UDO Requirements:** Fence height is required to be measured from grade.
- **Land Use:** The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned B-4 Downtown Business.

#### **Site Layout**

- The existing deck is above grade at varying heights, and a six-foot fence added to the existing deck would measure between 7 feet and 8 feet above grade.
- The proposed fence would be attached to the deck platform.



**Comprehensive Land Use Plan 2030 Vision Summary Review:**

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future commercial uses. The following goal is applicable to this request:

Land Use - Commerce

**Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city, as well as, the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.**

This can be accomplished with the following supporting action:

**Supporting Action:** Promote, retain and attract businesses that provide a diverse tax base.

**Success Indicators:** The number of new “mom & pop,” / small independent business occupancies.

**Findings of Fact:**

**ZONING ORDINANCE VARIATION**

The petitioner is requesting a variation from Article 4-700(B)(3) the requirement to measure the height of a fence from grade to allow a 6-foot fence on a raised deck. 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 (Yanckowitz, received 05/14/15)
  - B. Site Plan (Yanckowitz, received 05/14/15)
2. The fencing shall be vinyl, low maintenance fencing and shall be maintained at all times.
3. The petitioner shall address all of the review comments and requirements of the Community Development, Police and Fire Departments.

2015 31

# City of Crystal Lake Development Application

Office Use Only

File # \_\_\_\_\_

Project Title: 109 N. Main Labemis

**RECEIVED**

MAY 14 2015

BY: \_\_\_\_\_

**Action Requested**

Annexation

Preliminary PUD

Comprehensive Plan Amendment

Preliminary Plat of Subdivision

Conceptual PUD Review

Rezoning

Final PUD

Special Use Permit

Final PUD Amendment

Variation

Final Plat of Subdivision

Other

**Petitioner Information**

**Owner Information (if different)**

Name: Chris Yankowitz

Name: \_\_\_\_\_

Address: 7210 Skales St.

Address: \_\_\_\_\_

Phone: 815-245-7477

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: yankowitz@att.net

E-mail: \_\_\_\_\_

**Property Information**

Project Description: 6' fence addition to deck

Project Address/Location: 109 N. Main St Crystal Lake

PIN Number(s): \_\_\_\_\_

**Development Team**

Please include address, phone, fax and e-mail

**Developer:** \_\_\_\_\_

**Architect:** \_\_\_\_\_

**Attorney:** \_\_\_\_\_

**Engineer:** \_\_\_\_\_

**Landscape Architect:** \_\_\_\_\_

**Planner:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_

**Other:** \_\_\_\_\_

**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.

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

IN THE MATTER OF THE APPLICATION OF )  
Chris Yanckowitz )

**LEGAL NOTICE**

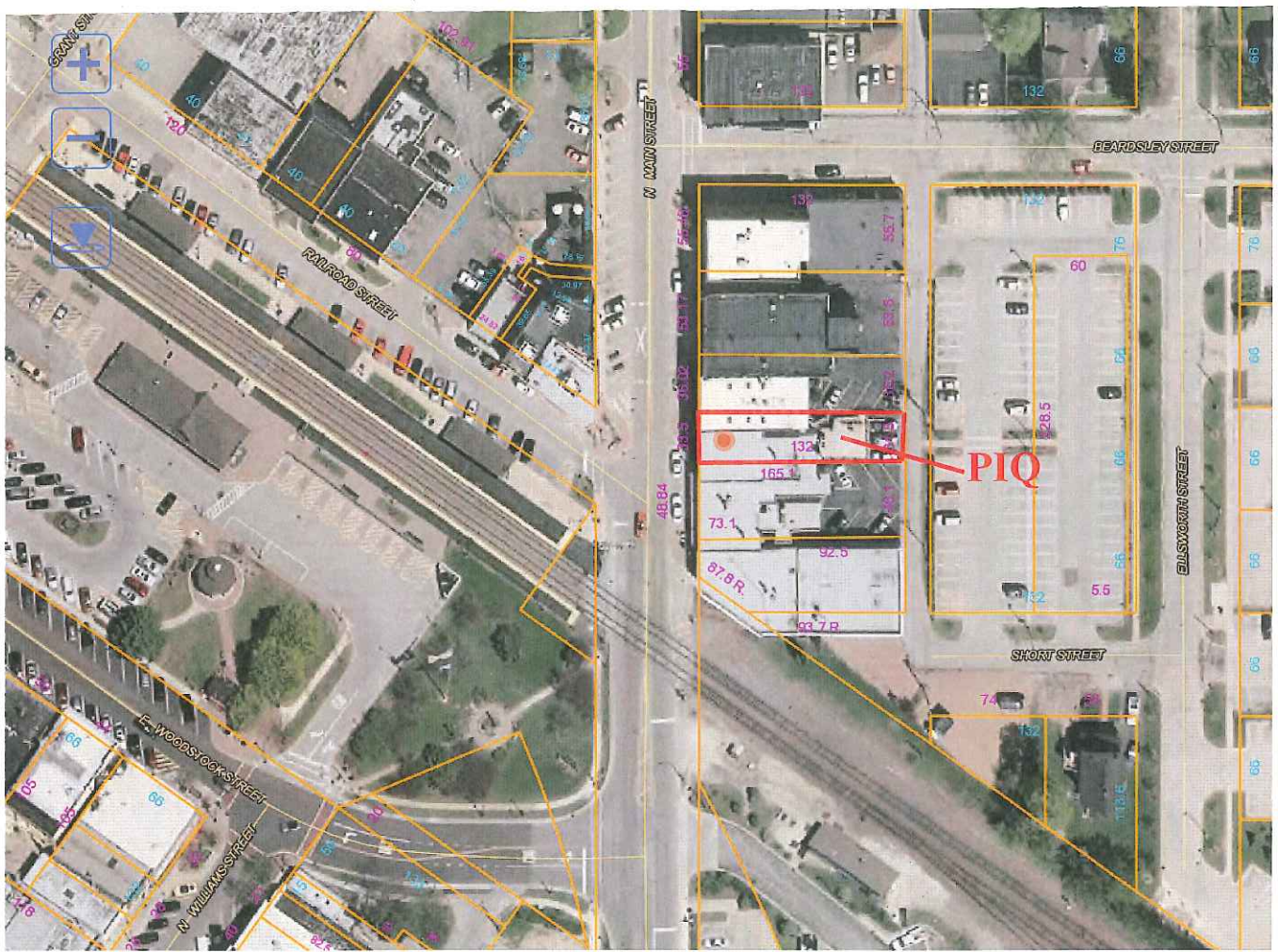
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Chris Yanckowitz for variations relating to the following described real estate commonly known as 109 N. Main Street, Crystal Lake, Illinois 60014, PIN: 14-33-351-004

This application is filed for the purpose of seeking a zoning variation pursuant to Article 4-700 (B) (3) of the UDO, from requirement to measure the height of a fence from grade, to allow a 6-foot fence on a raised deck, as well as any other variations that may be necessary to complete the project as proposed. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday June 3, 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

(TO BE PUBLISHED IN THE NORTHWEST HERALD ON OR BEFORE MAY 19, 2015)





☰ 109 N Main St, Crystal Lake, IL



109 N Main St

109 N Main St, Crystal Lake, IL 60014



RECEIVED  
APR 17 2015  
BY: \_\_\_\_\_

APPROVED  
WITH CONDITIONS

APPROVED

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APR 17 2005  
BY: \_\_\_\_\_

