



## #2015-38 103 Caroline Street (Oshinski) – Variation Project Review for Planning and Zoning Commission

---

**Meeting Date:** August 5 2015

**Requests:**

1. Special Use Permit to permit an accessory structure, a detached garage, at 1,324 square feet.
2. Variations from Article 4-600 from the required minimum side yard setback of 7 feet to allow 3.98 feet.
3. Variation from Article 4-600 from the required minimum rear yard setback of 20 feet to allow 14 feet.
4. Variation from Article 7-300 to allow the expansion of a nonconforming structure.

**Location:** 103 Caroline Street

**Acreage:** 21,780 square feet

**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 property is improved with a single family home and detached garage. The existing detached garage is approximately 3.98 feet from the side property line.
- **Project:** The owner plans to add on to the existing garage increases its area by another 520 square feet. The existing garage is considered nonconforming structure and the expansion of the structure and the addition requires a Special Use Permit and Variations.

**Development Analysis:**

**General**

- **Request:**
  - a) A Special Use Permit is required for any accessory structure over 900 square feet. The expansion to the garage would make it 1,324 square feet in area.

- b) If an accessory structure is over 600 square feet, it is required to meet the principal structure setbacks. The required minimum side yard setback is 7 feet and the required minimum rear yard setback is 20 feet. The existing structure is only 3.98 feet from the side property line. The new portion would follow this same wall line encroaching 3.02 feet into the required 7-foot side yard setback. Also, the garage would be expanded to be only 14 feet from the rear property line, an encroachment of 6 feet into the required 20-foot rear yard setback.
  - c) Since the existing garage is considered a non-conforming structure, the expansion of the structure at that same non-conforming setback requires the variation from Article 7 of the UDO.
- 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. 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:

**Housing – Single Family Housing**

**Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well served by a variety of community facilities and services.**

This can be accomplished with the following supporting action:

**Supporting Action:** Preserve the unique character of existing neighborhoods.

**Findings of fact:**

**SPECIAL USE PERMIT**

The petitioner has requested a Special Use Permit to allow an accessory structure over 900 square feet. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.  
 *Meets*                       *Does not meet*
  
2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.  
 *Meets*                       *Does not meet*
  
3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.  
 *Meets*                       *Does not meet*
  
4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.  
 *Meets*                       *Does not meet*
  
5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.  
 *Meets*                       *Does not meet*
  
6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.  
 *Meets*                       *Does not meet*
  
7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground

covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

*Meets*                       *Does not meet*

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

*Meets*                       *Does not meet*

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

*Meets*                       *Does not meet*

10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

*Meets*                       *Does not meet*

**Findings of Fact:**

**ZONING ORDINANCE VARIATION**

The petitioner is requesting several variations:

- A  
Article 4-600 Accessory Structures. Any accessory structure over 600 square feet is required to meet principal structure setbacks. This would be 7 feet for the side yard and 20 feet for the rear yard.
- A  
Article 7 Non-Conformities, Section 7-300 B 5. The Enlargement of an existing nonconforming structure shall not increase the nonconformity. The enlargement of the garage along the same setback increases the nonconformity.

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 (Oshinski, received 06/29/15)
  - B. Plat of Survey (Property Lines, Inc. dated 05/06/14, received 06/29/15)

2. The garage addition shall be one-story with no dormers or openings on the side closest to the side property line and shall match the existing architecture of the garage.
3. The roof overhang shall not extend over the property line and that side of the structure shall be fire-rated to comply with all building codes.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

2015 38

# City of Crystal Lake Development Application

Office Use Only  
File # \_\_\_\_\_

Project Title: Garage Addition 103 N. Caroline St.

### Action Requested

- Annexation
- Comprehensive Plan Amendment
- Conceptual PUD Review
- Final PUD
- Final PUD Amendment
- Final Plat of Subdivision
- Preliminary PUD
- Preliminary Plat of Subdivision
- Rezoning
- Special Use Permit
- Variation
- Other

**RECEIVED**  
JUN 29 2015  
BY: \_\_\_\_\_

### Petitioner Information

Name: Mark Oshinski  
 Address: 103 N. Caroline St.  
 Phone: 312-287-4035  
 Fax: \_\_\_\_\_  
 E-mail: Oshinski77@yahoo.com

### Owner Information (if different)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

### Property Information

Project Description: 103 N. Caroline St. Garage Addition

Project Address/Location: \_\_\_\_\_

PIN Number(s): 14-32-454-004

**Development Team**

Please include address, phone, fax and e-mail

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

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

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

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

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

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

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

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

**Signatures**

---

<b>PETITIONER: Print and Sign name (if different from owner)</b>	<b>Date</b>
As owner of the property in question, I hereby authorize the seeking of the above requested action.	
<u>Mark Oshinski      Mark Oshinski</u>	<u>6/29/15</u>
<b>OWNER: Print and Sign name</b>	<b>Date</b>

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 Mark Oshinski**

### **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 Mark Oshinski for approval of a variation relating to the following real estate known as 103 N. Caroline, Crystal Lake, Illinois 60014, PIN: 14-32-454-004.

This application is filed for the purposes of seeking a Special Use Permit and Simplified Residential Zoning Variation to allow a detached accessory structure, a garage, at 1,324 square feet and variations from the required setbacks allowing a 3.86-foot setback from the side property line and a 14-foot setback from the rear property line, pursuant to Article 4-600 Accessory Structures, Article 7 Nonconformities, and Article 9-200D Special Use Permits, 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 Department 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, August 5, 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.

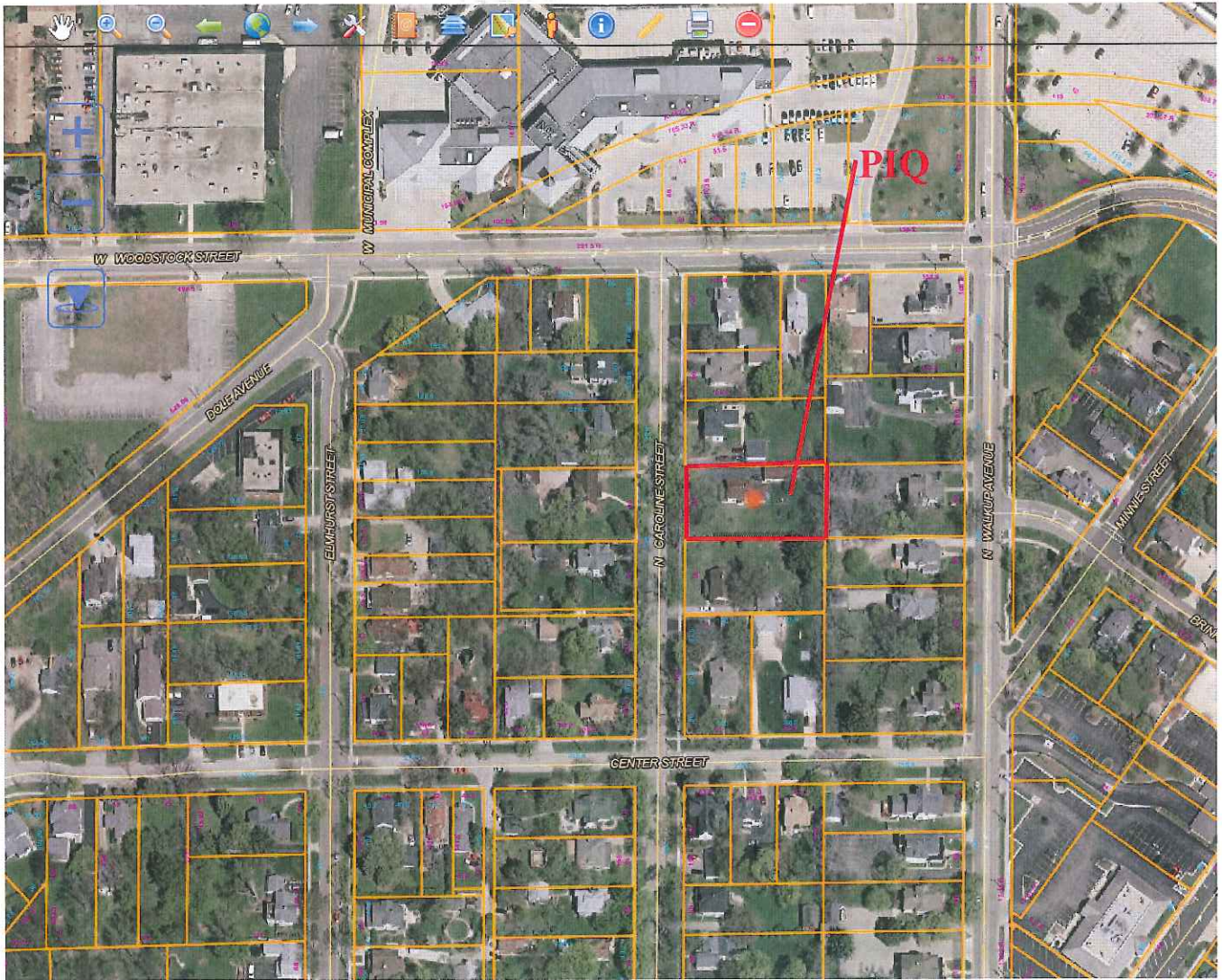
---

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

(Published in the Northwest Herald  
July 21, 2015.) NW 7040

---

CITY OF  
*Crystal Lake* Illinois





OWNER COPY

2015 38

# PLAT OF SURVEY

RECEIVED  
JUN 29 2015  
BY:

THE NORTH HALF OF LOT 4 IN BLOCK 1 IN WALKUPS ADDITION TO NUNDA, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 9, 1874 IN BOOK 55 OF DEEDS, PAGE 516, IN MCHENRY COUNTY, ILLINOIS.

APPROVED

LOT 5

FND. IRON PIPE  
0.06' SOUTH &  
2.22' WEST

FND. IRON ROD  
ON LINE &  
0.12 WEST ASPHALT DRIVE

220.16' MEAS.  
219.90' REC.

NORTH LINE  
OF LOT 4

FND. IRON ROD

FENCE IS 0.82' EAST

REC. 33.0'

DRIVE IS 0.35' SOUTH

187.16' MEAS.  
186.90' REC.

3.98'

3.86'



CARLOINE STREET

99.00' REC. & MEAS.  
ASPHALT ROAD

CONCRETE WALK

99.00' REC. & MEAS.  
R.O.W.

49.38'

CONCRETE WALK

49.86'

31.75'

ASPHALT DRIVE

46.38'

40.65' 0.63' 17.94'  
TWO STORY FRAME  
RES. #103

CONC. PATIO

CONCRETE WALK

10  
B  
O  
L  
E

SOUTH LINE OF LOT 4

187.02' MEAS.  
186.90' REC.

220.02' MEAS.  
219.90' REC.

FND. IRON ROD

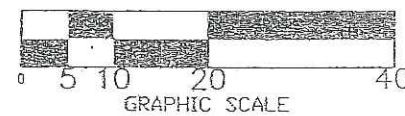
99.27' MEAS.  
99.00' REC.

FENCE IS  
0.61' EAST

99.00' REC.

PROPERTY ADDRESS: 231 10TH STREET, WILMETTE, ILLINOIS.

CLIENT: STEVE ENGLISH (ALT/PARKWAY INVESTMENT PROPERTIES, LLC)



STATE OF ILLINOIS } S.S.  
COUNTY OF MCHENRY }

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, ACCORDING TO THE OFFICIAL RECORD, AND THE ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

STEVEN M. SLOOT

ILLINOIS REGISTERED LAND SURVEYOR NO. 35-003279  
MY PROFESSIONAL LICENSE EXPIRES ON NOVEMBER 30, 2014.

COMPARE ALL POINTS AND REPORT ANY DIFFERENCE AT ONCE.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. REFER TO YOUR DEED, ABSTRACT, TITLE POLICY OR BUILDING COMMISSIONER.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

NO DIMENSION IS TO BE ASSUMED BY SCALING THIS PLAT.

THIS PLAT IS NOT VALID WITHOUT EMBOSSED SURVEYORS SEAL.

FIELD WORK PERFORMED ON MAY 6, 2014.

PROPERTY LINES, INC.

1601 ANTHONY LANE  
LAKEMOOR, ILLINOIS 60051

A PROFESSIONAL LAND SURVEYING  
AND MAPPING COMPANY

Design Firm Lic# 184-004381

PHONE (815)-578-9646

FAX (815)-578-9647

ORDER NO. 14-00069