#2016-14
Buelow – Variations
Project Review for Planning and Zoning Commission

Meeting Date: May 4, 2016

Request: Variation from:

1. Front yard setback standard of 75-foot averaged front yard to allow 59 feet, a variation of 16 feet (Article 3-300 B3);
2. Side yard setback standard of 4 foot 7 inch minimum interior side yard to allow 4 feet 1 inch, a variation of 6 inches (Article 3-300 B4); and
3. Side yard setback standard 7 foot 6 inch combined interior sides, to allow 4 feet 6 inches, a variation of 3 feet (Article 3-300 B4).

Location: 179 Edgewater Drive

Acreage: 7,756 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.
- Background: Properties along Crystal Lake have the lake side portion of the lot as the front yard. The street side portion is treated like a corner side yard.

Development Analysis:

General

- Request: Variation to allow two additions onto the house.
    - The first is off the lakeside of the house which encroaches 16 feet into the front yard and 3 feet into the side yard.
    - The second is an addition off the side of the house which encroaches 6 inches into the required side yard.

- 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 a single-family home.

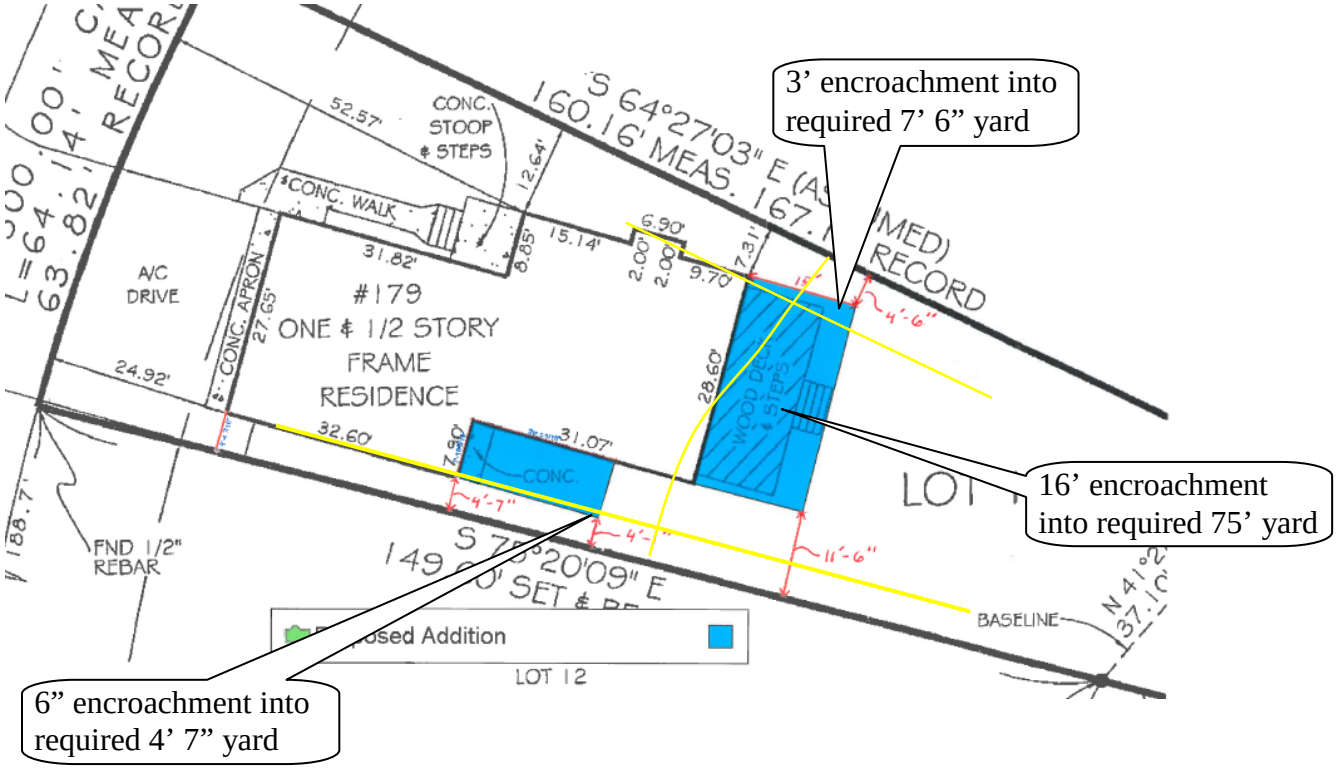
Site Layout

The petitioner's house is on Crystal Lake. The front yard is the lake side of the house. The front yard setback is determined by an average setback.

- The average setback is determined by the setback of the adjacent houses for a total of 400 feet.
- The average setback was determined to be 75 feet back from the seawall. This was measured from 207 Edgewater to 161 Edgewater.
- The house is currently 74 feet back from the seawall.
- The illustration below shows the front setback line and how it currently cuts through the existing house.



The following illustration shows the proposed addition and the encroachments into the setbacks.



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: Preserve and enhance the character and livability of existing residential area with architectural and development guidelines.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting three variations:

- Article 3-300 B3. Front yard setback to allow a 16-foot encroachment

- Article 3-300 B4. Minimum interior side yard setback to allow a 6-inch encroachment into one yard
- Article 3-300 B4. Total side yard setbacks to allow a 3-foot encroachment into the other side yard

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 (Buelow, received 04/26/16)
   B. Site Plan (Buelow, undated, received 04/18/16)

2. The property is within the Crystal Lake Watershed. The petitioner shall be responsible for meeting the watershed requirements including:
   a) The petitioner shall complete the LOMA process through FEMA with the expectations that the structure/proposed structure shall be removed from the flood-plain.
   b) If any of the structure/ proposed structure is still within the flood-plain, the requirements of the stormwater ordinance shall apply.
   c) A trench drain is required to compensate for the additional impervious surface.

3. The additions to the house shall match the architectural style and detailing of the existing house.

4. The petitioner shall address all of the review comments and requirements of Community Development Department.

Application for Simplified Residential Variation

Application Number: _____ **FOR OFFICE USE ONLY**

Project Name: _____

Date of Submission: _____

I. Applicant

Robert Buelow

Name

179 Edgewater Drive

Street

Crystal Lake, IL 60014

City State Zip Code

630-514-5319 Bob@abbey-paving.com

Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

_____

Name

_____

Address Telephone Number

III. Project Data

1. a. Location/Address: 179 Edgewater Drive

   b. PIN #: 18-01-154-010

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:

See Attached 2a.

IS THE HARDSHIP SELF-CREATED?

See Attached 2b.

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

See Attached 2c.

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

See Attached 2d.

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

See Attached 2e.

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?

See Attached 2f.

3. List any previous variations that are approved for this property: To the best of my knowledge, there have been no previous variations 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.

ROBERT BUELL 4/19/16

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.

2a. This property is a lake lot that is held to a higher standard than the lots across the street with a 20 foot rear yard setback. My hardship is the fact that my property is next to the smallest lake lot house in the area that is also twice as far from the lake as others in the area. If the property next to me was eliminated from the average as it is not typical of all of the others I would only be requesting a 3 foot variance. There is also some question as to how some of the other houses were measured. The house at 167 Edgewater was measured to the rear face of the house, however there are architectural features that that should have been included as part of the house because they extend the north and south face of the house closer to the lake. If the house was measured to this point the measurement would have been decreased by approximately 6 feet. The house at 163 Edgewater has a large raised deck and gazebo that comes off the second floor on the lake side. This gazebo is much closer to the lake than the 60 feet the house was measured at. If the measurements for these 2 houses were changed and the house that is twice as far from the lake as the others was eliminated, it would change the average distance to the lake and I would not need to request a variance.

2b. This hardship is not self-created, it has been created by the set of rules that have been created specifically for lake lots. These rules that have been created essentially state that I do not have a back yard, but rather that I have two front yards. These rules change how am able to enjoy my yard as I have a different standard than the house across the street.

2c. This variation will not be applicable to other properties in the same zoning classification as the guidelines and rules that have been crated change the standards from house to house depending on the neighboring houses.

2d. The variation will not alter the essential character of the locality. The one story addition will blend well with other houses on the lake.

2e. This variation will not be detrimental to public welfare or injurious to other property.

2f. This variation

Will not impair the supply of light or air to adjacent properties.
Will increase property values.
Will not increase congestion in public street.
Will not increase danger of fire.
Will not endanger public safety.

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF
Robert Buelow

LEGAL NOTICE

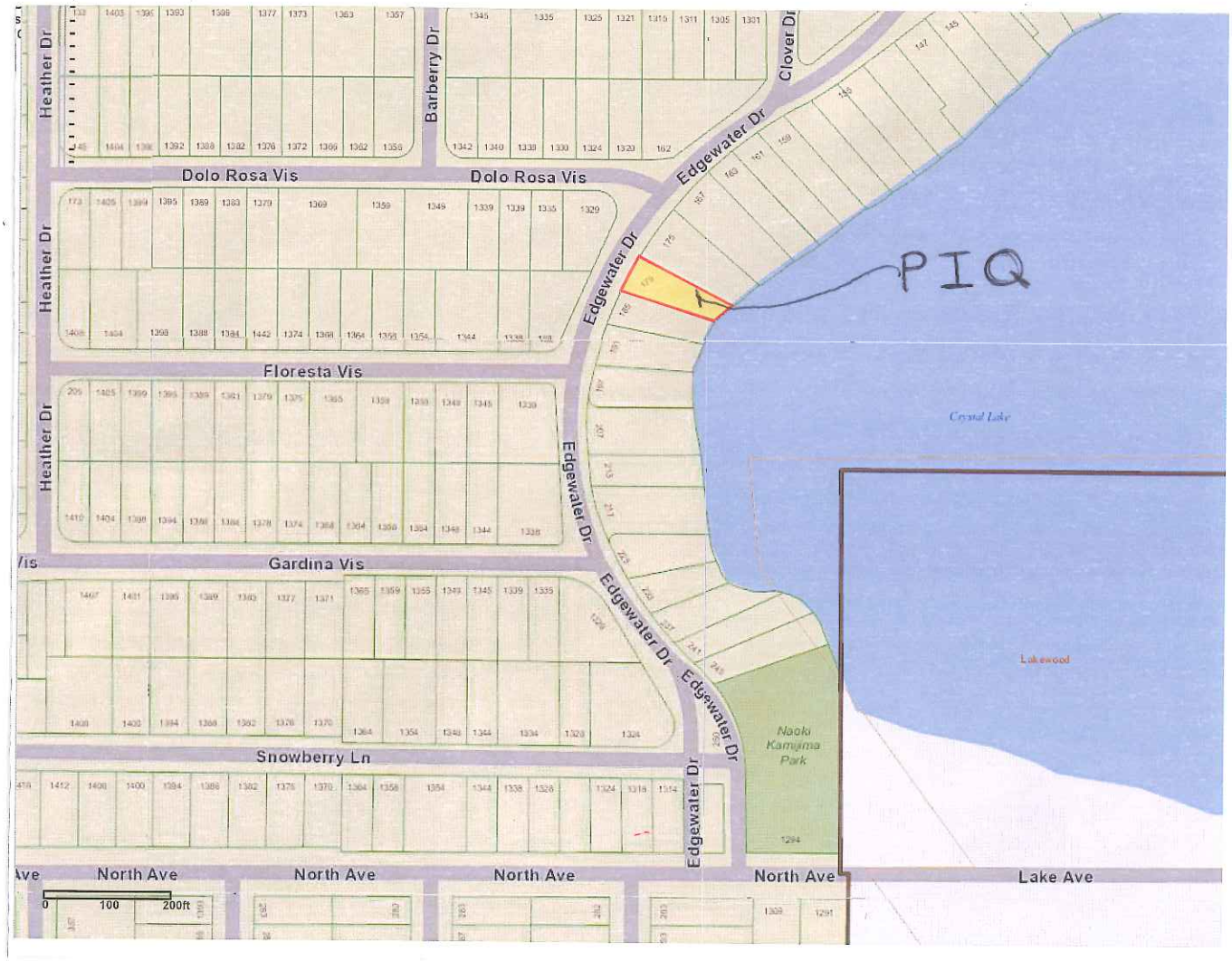
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of Robert Buelow for approval of a variation relating to the following described real estate commonly known as 179 Edgewater Drive, Crystal Lake, Illinois 60014, **PINs:** 18-01-154-010.

This application is filed for the purposes of seeking variations from Article 3-300 B 3. Front setback to allow an addition on the rear of the house, which would encroach 16 feet into the required front yard setback (lake side) and Article 3-300 B 4. Interior side setback to allow an addition, which would encroach into the required 4-foot 7-inch side yard by 6 inches, allowing the structure 4 feet 1 inch from the south property line and encroach into the required 7-foot 6-inch side yard by 3 feet, allowing the structure to be 4 feet 6 inches from the north property line, 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, May 4, 2016, 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 on April 19, 2016) 1178904


Heather Dr
Barberry Dr
Clover Dr
Edgewater Dr
Dolo Rosa Vis
Floresta Vis
Gardina Vis
Snowberry Ln
North Ave
Lake Ave
PIQ
Crystal Lake
Lakewood
Naoki Kamijima Park
0
100
200ft

R=300.00'
L=64.14'
63.82' MEA
RECORD

52.57'

CONC. STOOP & STEPS

12.64'

S 64°27'03" E (ASSUMED)
160.16' MEAS. 167.12' RECORD

LOT 2

CONC. WALK

31.82'

8.85'

15.14'

6.90'

2.00'

2.00'

9.70'

7.31'

A/C DRIVE

CONC. APRON

27.65'

24.92'

#179
ONE & 1/2 STORY
FRAME
RESIDENCE

15'

4'-6"

28.60'

WOOD DECK & STEPS

32.60'

7.90'

31.07'

CONC.

4'-7"

4'-1"

11'-6"

LOT 11

188.7'

FND 1/2" REBAR

S 75°20'09" E
149.60' SET & RE

BASELINE

N 41°2
37.10'

SET 1/2" REBAR OFFSET

P.C.

Proposed Addition

LOT 12