#2016-40
108 Heather Dr. (Kincaid) –Variation
Project Review for Planning and Zoning Commission

Meeting Date:	December 7, 2016
Request:	Simplified Residential Variation from the required 30-foot corner side yard setback and 5-foot interior yard setback to allow for an accessory structure (shed) with a 5-foot corner side yard setback and a 2.66-foot interior yard setback, a variation of 25 feet and 2.34 feet, respectively, per Article 3-200(A)(4).
Location:	108 Heather Drive
Acreage:	6,500 square feet
Existing Zoning:	R-2 (Single Family Residential)
Surrounding Properties:	North: R-2 (Single Family Residential) South: R-2 (Single Family Residential) East: R-2 (Single Family Residential) West: R-2 (Single Family Residential)
Staff Contact:	Kathryn Cowlin (815.356.3798)

Background:

- Existing Use: The property is currently improved with a single-family dwelling. The driveway is off of Briarwood Drive.
- Background: The property is a double frontage lot, the front yard is considered to be the yard fronting Heather Drive and the yard abutting Briarwood Drive is considered a corner side yard.
- The property had a legal non-conforming shed located 3.64 feet from the corner side yard property line and 7.77 feet from the interior yard property line. This shed was removed.
- The petitioner was issued a permit to construct a fence, during an inspection of the fence the building inspector noticed the shed was being constructed. The shed was constructed without a permit; therefore the plans were not reviewed prior to construction.
- City staff requested the petitioner to submit plans that would minimize the variation request, the petitioner decided to move forward with the current request instead.

Development Analysis:

General

- Request: The petitioner is requesting a variation to allow a 25-foot encroachment into the required 30-foot corner side yard setback and a 2.34-foot encroachment into the required 5-foot interior yard setback for an accessory structure (shed).

- Land Use: The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

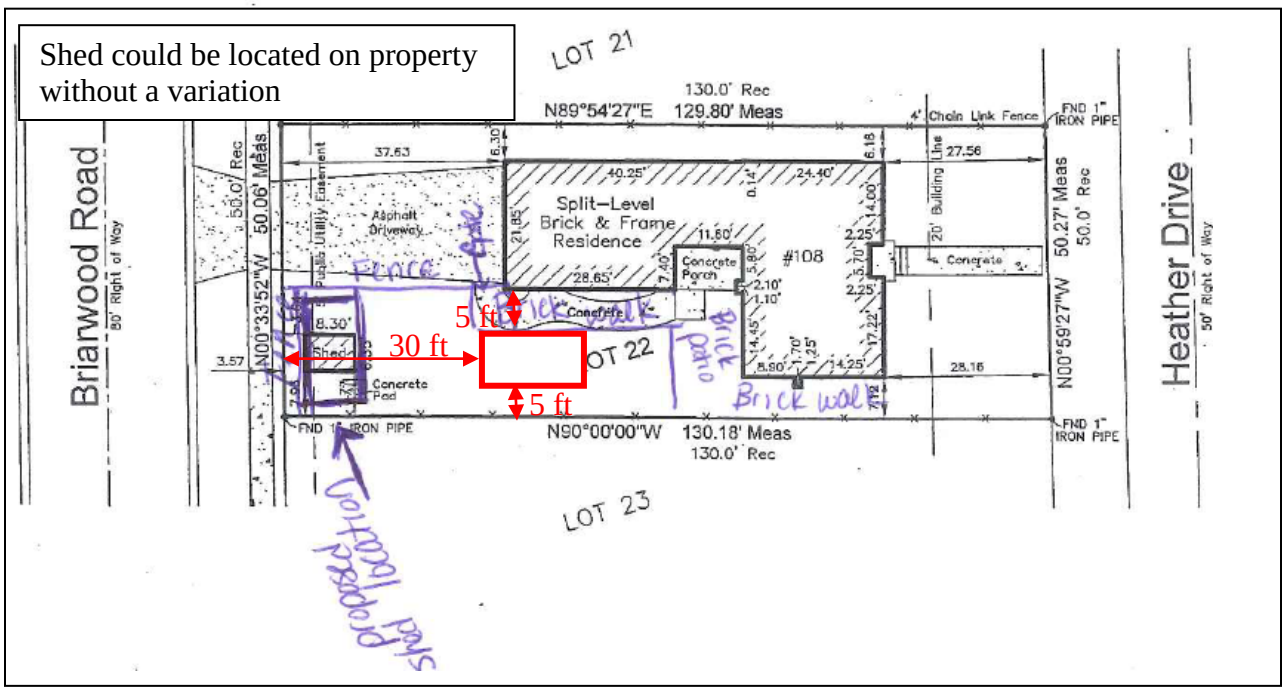
- UDO Requirements:
  - The minimum corner yard setback is 30 feet in the R-2 Single-Family zoning district.
  - A yard abutting a street that is not the front yard is considered a corner side yard.
  - Accessory structures that are less than 600 square feet are permitted to have a 5-foot setback for the interior and rear yard, accessory structures are not permitted in the corner side yard.

Site Layout

The petitioner is requesting variations from the requirements for accessory structure setbacks as illustrated in the table below.

	UDO Requirement	Petitioner Request
Corner Side Yard (Briarwood)	30 feet	5 feet
Interior Side Yard	5 feet	2.66 feet

- The Heather/Briarwood neighborhood is considered a unique neighborhood because the entire block contains double frontage lots. An analysis of the neighborhood was conducted. There are thirty properties between Butternut Drive and Gardina Vista. Eighteen properties have accessory structures; four properties have accessory structures that have a setback of less than 20 feet. The majority of the accessory structures meet or are within a foot of the 30-foot setback requirement.
- **Two** properties out of thirty, not including the subject property, have sheds located within the 30-foot setback. The City doesn't have a permit on record for either shed. Recently, another property owner on Heather Drive submitted for a shed permit, was told about the requirement, and met the 30-foot setback requirement.
- The proposed location of the shed is within a utility easement and structures are not permitted within utility easements.



The above graphic illustrates how the shed could be accommodated on the property without any variations. Also, the petitioner's proposed location that requires the two variations is indicated. Allowing the shed to be located as proposed would create an alteration of the character for this neighborhood block.

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 Article 3-200(A)(4) to allow a 25-foot encroachment into the required 30-foot corner side yard setback and a 2.34-foot encroachment into the interior yard setback for an accessory structure (shed). 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 (Kincaid, dated 08/29/16, received 08/29/16)
   B. Survey with drawing of shed (dated 04/14/15, received 08/29/16)

2. The petitioner shall relocate the shed to meet a minimum 20 foot setback to be in character with the neighborhood.

3. If the shed is to remain in the current location (5 feet from corner side yard and 2.66 feet from interior side yard), a letter from the utility companies stating they will permit the shed to be located in the utility easement is required to be submitted to the city.

4. The addition of the shed requires a trench drain to be insulted on the property. The petitioner shall work with the Engineering Division to properly locate the trench drain.

5. The addition of the shed puts the property at the maximum allowable impervious surface coverage. No additional impervious surface can be added to the property without a variation request.

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

2016-40 Kincaid 108 Heather Dr.





RECEIVED
AUG 29 2016
BY 2016 40

Application for Simplified Residential Variation

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

I. Applicant

Lisa Kincaid
Name

108 S Heather Dr
Street

Crystal Lake | Illinois | 60014
City | State | Zip Code

847-620-9554 | NA | Lisa.Kincaid@yahoo.com
Telephone Number | Fax Number | E-mail address

II. Owner of Property (if different)

same
Name

Address | Telephone Number

III. Project Data

1. a. Location/Address: 108 S Heather Dr

   b. PIN #: 18-01-101-018

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:

Property has a street in front & back of house. Building the shed 30' back would put it in the center of the yard. The yard is very small/narrow - the shed would take away functionality of yard. We have 3 children & a dog - we need the space.

IS THE HARDSHIP SELF-CREATED?

NO - we simply want the shed in the back of the yard. It will be located where the original shed is on plat of survey, just bigger.

We have invested quite a bit of money on improvements to this property in 1 year. We installed a beautiful fence, a new roof, and a brick patio & 2 walkways. The shed will add to the appeal in the back of the yard

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

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; SUSBTANTIALLY INCREASE THE DANGER OF FIRE; OT ENDANGER PUBLIC SAFETY?

NO

3. List any previous variations that are approved for this property: NO

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.

Lisa Kincaid 8/29/16

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.

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF Lisa Kincaid

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 Lisa Kincaid seeking a simplified residential variation at 108 Heather Drive, Crystal Lake, Illinois.
PIN 18-01-101-018

This application is filed for the purpose of seeking a simplified residential variation pursuant to Article 3-200(A)(4) to allow a corner yard setback of 5 feet and an interior side yard setback of 2.66 feet for an accessory structure, a variation of 25 feet and 2.34 feet, respectively, at 108 Heather Drive, as well as any other variations as necessary to complete the project as proposed. Plans for this project can be viewed at the 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 December 7, 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

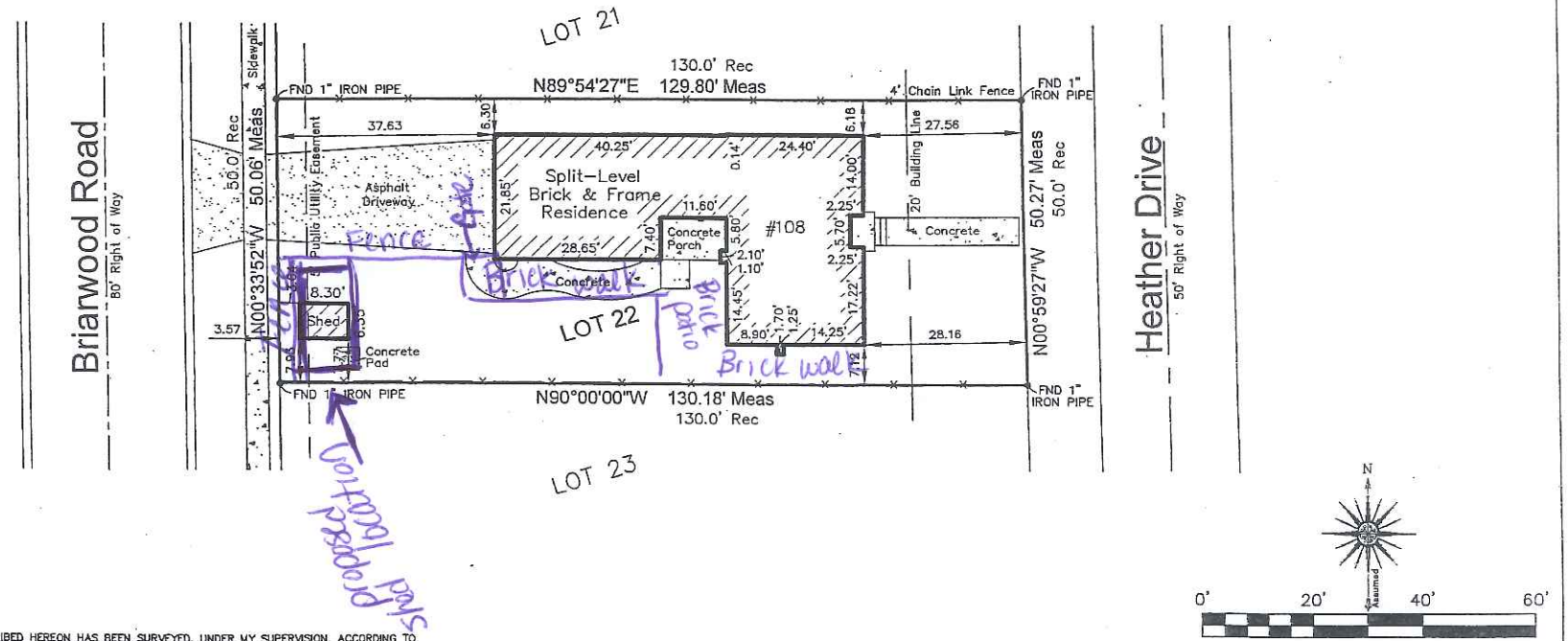
(Published in the Northwest Herald November 21, 2016)1244412

2016 40

Plat of Survey

RECEIVED
AUG 29 2016
BY:

LEGAL DESCRIPTION: LOT 22 IN BLOCK 15 IN R.A. CEPEK'S CRYSTAL VISTA, BEING A SUBDIVISION OF PART OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1927 AS DOCUMENT NO. 76823, IN BOOK 6 OF PLATS, PAGE 18, IN MCHENRY COUNTY, ILLINOIS.



STATE OF ILLINOIS
COUNTY OF MCHENRY

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THE PLAT HEREON CORRECTLY REPRESENTS SAID SURVEY.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

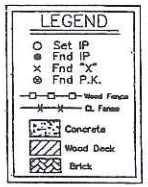
I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROACH ON THE PROPERTY DESCRIBED HEREON.

I FURTHER CERTIFY THAT THE PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

_____ MY LICENSE EXPIRES: 11-30-16
C.T. AMELSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2143

COMPARE THE DESCRIPTION OF THE PLAT WITH DEED. REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN. NOTED UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

VOID WITHOUT RAISED SEAL OR RED STAMP.



LUCO CONSTRUCTION CO.			
PROFESSIONAL DESIGN FIRM NO. 184.004829			
CLIENT NAME: PALMER-HOUSE & ALEXANDER			54 Lou Ave. Crystal Lake, IL 60014
CLIENT REFERENCE: KINCAIT			815-526-3974 815-526-3984 Fax
FIELD WORK COMPLETED: 04-03-15	SURVEY COMPLETED: 04-14-15	DRAWN BY: JJp	PROJECT NO. 15-35990

From:	Lisa
To:	Kathryn Cowlin
Cc:	Elizabeth Maxwell, AICP
Subject:	108 S Heather Drive Shed Proposal
Date:	Tuesday, November 01, 2016 11:03:17 AM
Attachments:	Shed Proposal.pptx

Good Morning,

I received your email regarding submitting a new plan for our shed, and our hearing date being set for December. I have put together some pictures for you. I hope you can review and understand how ridiculous what we're being asked to do is. I can guarantee you would not want to do this to your yard and would not expect friends or family to do the same. I accept blame for not filing for a permit because we thought we didn't need one due to this being a replacement shed.

Here are some key factors for my argument:

- Our proposed location does not interfere with our neighbors. As you can see from the pictures I included, our neighbors to the south do not maintain their property and it has been an eyesore since we have purchased our home. Our neighbors to the north agree with us on our proposed location and do not have an issue with it being there. They are willing to submit a letter with their approval.
    - the "neighbor" directly across from us on Briarwood is West Elementary, so I can't imagine the school would have an issue with the shed's location.
- Our proposed location does not change the character of the property. In fact, it enhances the improvements we have made in the past year. The exterior of our home was a nightmare when we purchased it, and we have spent near $20,000 on a new roof, a brick patio and 2 sidewalks, and a beautiful cedar fence. This doesn't include the gardening we have done to spruce up the "look".
    - If character is a concern, how do so many people in this neighborhood not get fined for the lack of upkeep on their property? There is a house on our street that practically has a junk yard in back of their house.
- There are 2 properties with swimming pools that do not meet the 30' set back and 2 properties with sheds that do not meet the 30' set back on our block alone.
- Moving the shed to the center of the yard makes absolutely no sense. If you review my drawings, you can see how visually unappealing it would be, not to mention it would ruin our yard. We have a dog and 3 children. They would have nowhere to safely play.
- There are MANY violations throughout the neighborhood such as railroad ties, big boulders, and gravel placed in front lawns to prevent cars from parking on lawn or to actually create parking places. Was that approved? I called to seek permission to do the same and was told it was not acceptable.

If you still cannot understand my concerns, I would like to speak to someone else, up to and including the mayor. We are trying to make our home a nice addition to the community instead of the dump it was prior to us purchasing it. I thought that would be appreciated by the city. I never in my wildest dreams thought this was going to be such a big issue.

I urge you to reconsider your decision. We are only trying to make our home better.

Thank you,

Lisa Kincaid

108 S Heather Drive

Street View from Briarwood

Current view from street. Note the well kept shrubs and perennial garden.



Street view when house was purchased. Note the overgrown, unattractive presentation.

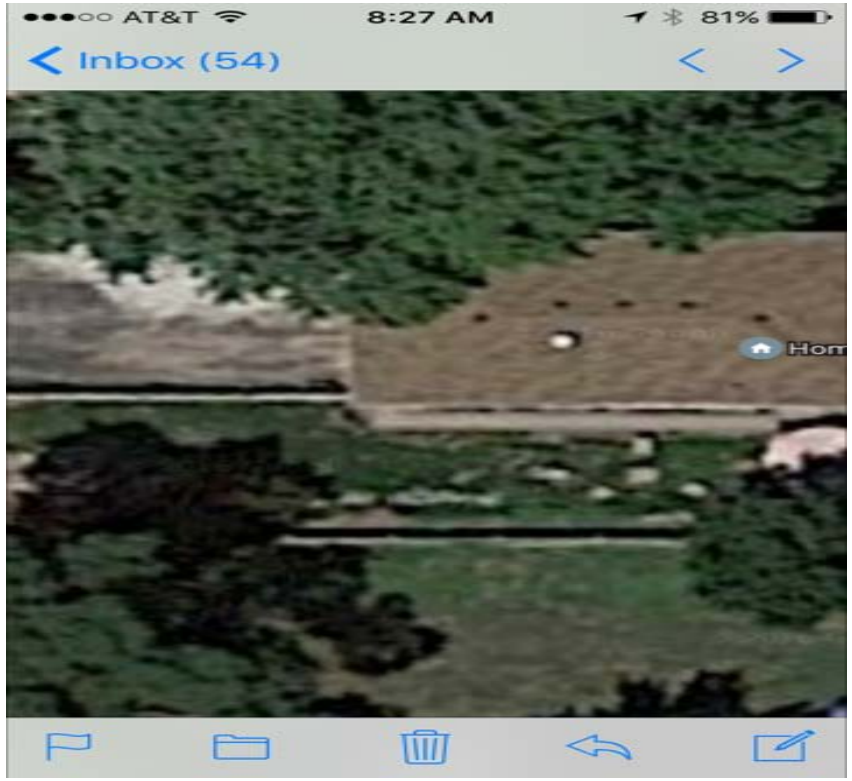


“neighbor” across from our house on Briarwood. West Elementary



Yard photos

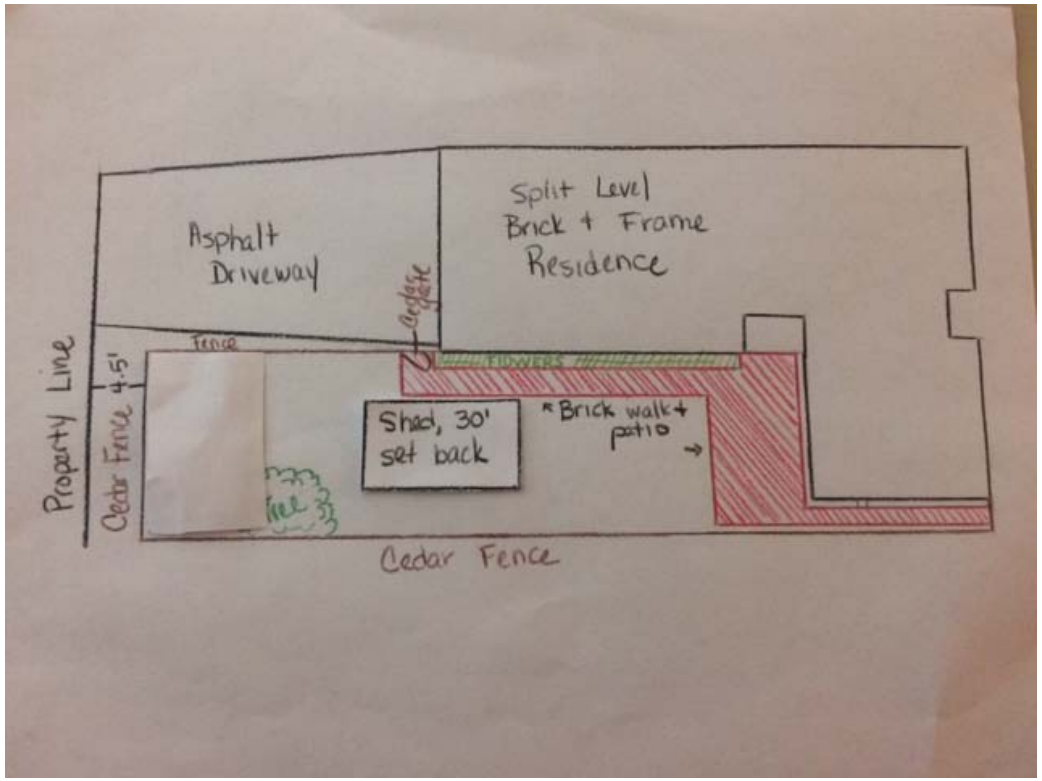
Aerial view showing brickwork, location of tree in lower left corner, etc.



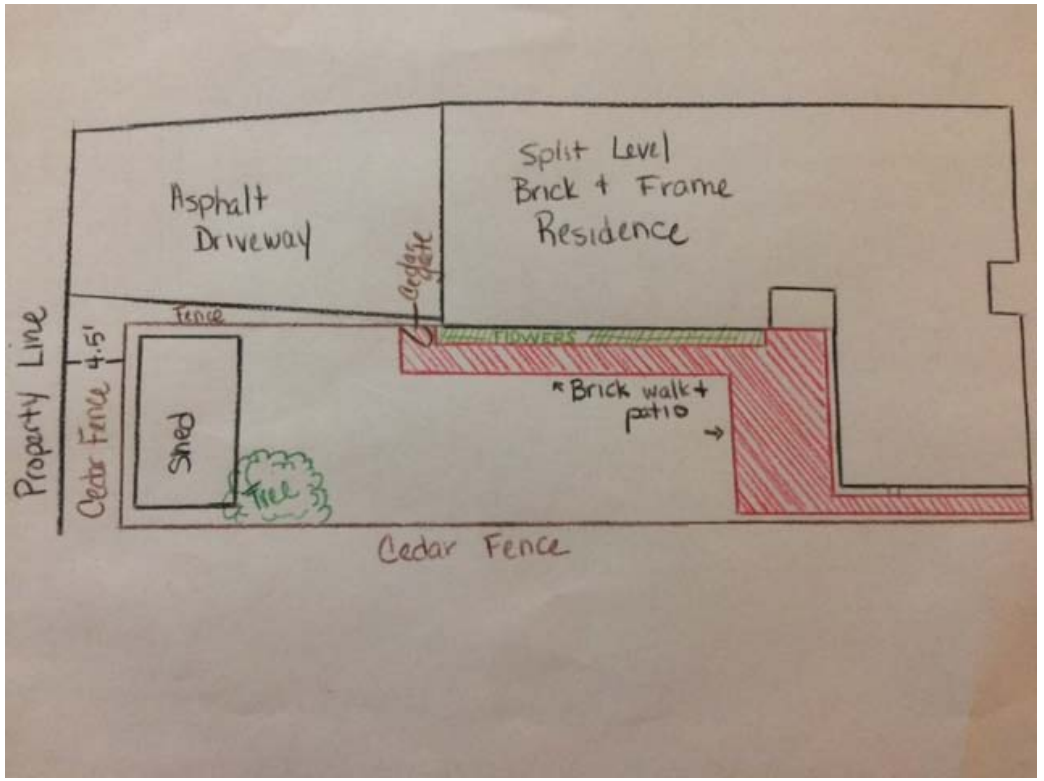
Current view of yard. Wagon marks the 30’ set back



Village proposed 30’ set back. Shed would need to be placed in center of yard.



Shed proposed location. Rear of yard, not interfering with tree, brickwork, or overall presentation of yard.

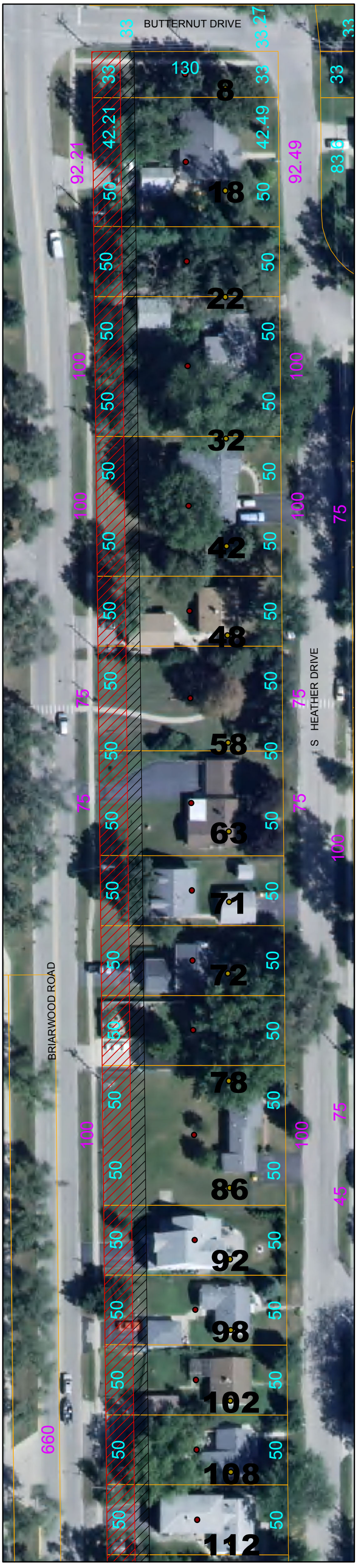


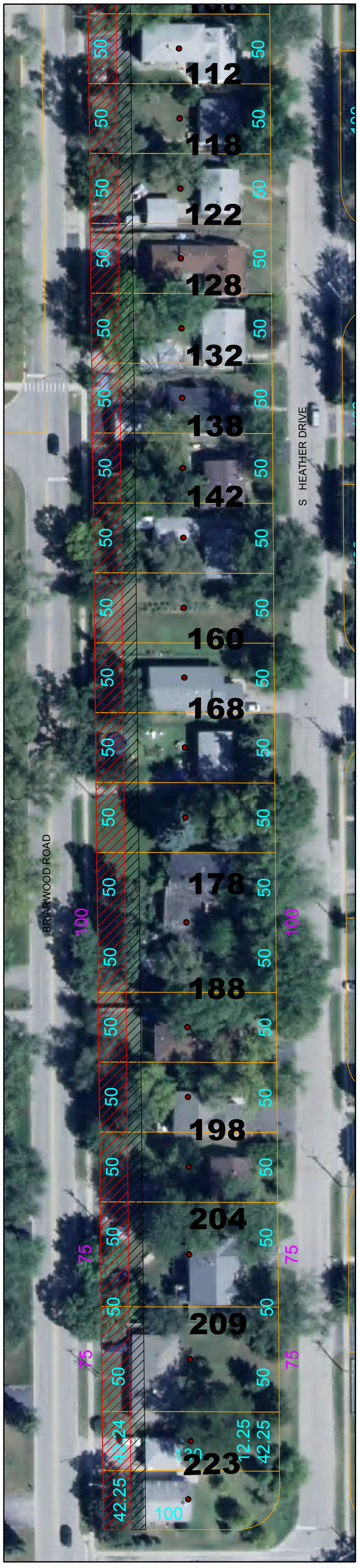
Neighbor’s property.





Heather/Briarwood Rear-Yard Review





Legend

20 feet

30 feet

N

W E

S

0 25 50 100 150

Feet

Briarwood/Heather
From Butternut to Gardina

November 2016

Photos provided by City Staff

8 Heather
Briarwood view



18 &22 Heather
Briarwood view



32 Heather
Briarwood view



42 Heather
Briarwood view



58 Heather
Briarwood view



63 Briarwood
Briarwood view



71 Briarwood
Briarwood view



72 Heather
Briarwood view



78 Heather
Briarwood view



86 Heather
Briarwood view



92 Heather
Briarwood view



98 Heather
Briarwood view



102 Heather
Briarwood view



108 Heather
Briarwood view



112 Heather
Briarwood view



118 Heather
Briarwood view



122 Heather
Briarwood view



128 Heather
Briarwood view



132 Heather
Briarwood view



138 Heather
Briarwood view



142 Heather
Briarwood view



160 Heather
Briarwood view



168 Heather
Briarwood view



178 Heather
Briarwood view



188 Heather
Briarwood view



192 Heather
Briarwood view



198 Heather
Briarwood view



204 Heather
Briarwood view



209 Briarwood
Briarwood view



223 Briarwood
Briarwood view

