#2022-76
799 North Shore – Variation
Project Review for Planning and Zoning Commission

Meeting Date: May 4, 2022

Request: Variation from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures with a modification to approval Ordinance 7624 removing condition #2 to allow the deck to become enclosed with a roof structure.

Location: 799 North Shore

Acreage: Approximately 5,000 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:

- The petitioner made a request in 2020 for variations to allow a wooden deck to encroach into the front yard setback and side yard setback.
    - Variation from Article 3 and Article 4 to allow an accessory structure, an attached deck, to extend 6 feet from the home encroaching 3.7 feet into the required 4.9-foot side yard setback, leaving a setback of 1.16 feet (1 foot 2 inches) and encroaching 15.3 feet into the required 34.8-foot front yard setback, leaving a setback of 19.45 feet (almost 19 feet 6 inches).
- The Planning and Zoning Commission recommended approval and the City Council approved the request for the encroachment with the condition "The deck structure shall not contain any sides, roof or become enclosed at any time."
- The petitioner is requesting that a roof structure be constructed over the front portion of the deck.
- The Commission should consider if the original variation was granted due to the restriction of no roof or side enclosure.

Development Analysis:

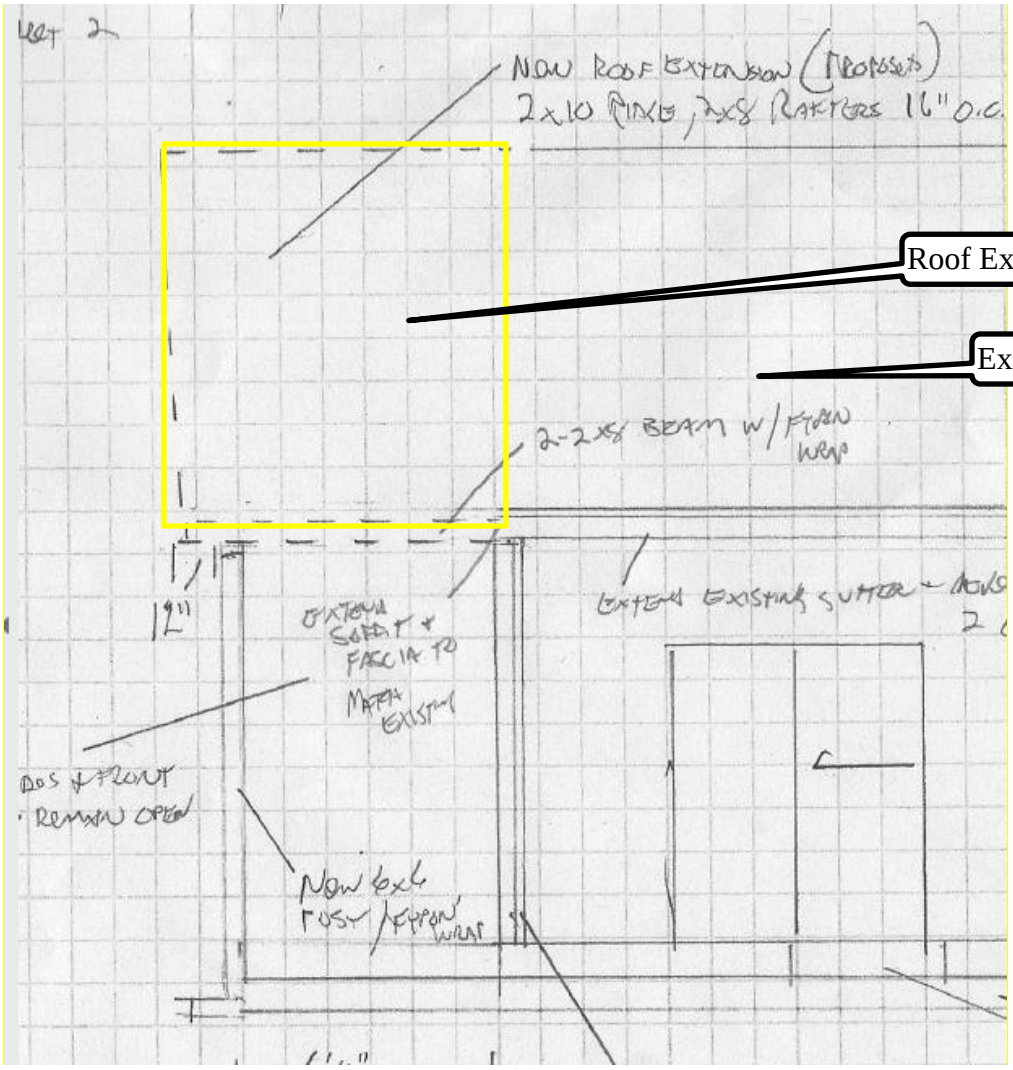
General

- Zoning: The site is zoned R-2 Single Family. This property is used as a single-family home.
- Land Use: The land use map shows the area as Urban Residential. This land use designation is appropriate for this use.

Project Analysis:

SITE PLAN

- The deck is a wooden attached deck approximately 7 inches above the grade wrapping around the north and west side of the house.
- Due to the narrow lot width and the fact that the home already encroaches into the setbacks, the deck required variations for the encroachment into the side and front yard setbacks.
- The variations were approved with restrictions. The petitioner is requesting the roof extension as illustrated below, which will extend about 7 ½ feet further from the house.



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: 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 Density and Dimensional Standards and Article 4-600 Accessory Structures with a modification to approval Ordinance 7624 removing condition #2 to allow the deck to become enclosed with a roof structure. The original variation allowed the attached deck, to extend 6 feet from the home encroaching 3.7 feet into the required 4.9-foot side yard setback, leaving a setback of 1.16 feet (1 foot 2 inches) and encroaching 15.3 feet into the required 34.8-foot front yard setback, leaving a setback of 19.45 feet (almost 19 feet 6 inches).

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 (Haedtke, received 03/28/22)
   B. Plat of Survey (Schaff Engineering, dated June 21, received 03/27/20)
   C. Plans (Caldarella Group, undated, received 03/28/22)

2. The original conditions from ordinance 7624 shall remain valid with the exception that condition 2 is hereby modified to read, "The deck structure shall not contain any sides or become enclosed at any time."

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

PIQ MAP
799 North Shore Drive



The following information is related to a development application. As the owner of the property in question, I (we) acknowledge that the information provided in the submittal was reviewed and approved.

Owner Information

Name: Steve & Patty Haedtke

Address: 799 North Shore Drive

Crystal Lake, IL 60014

Phone: 815-455-5267

E-mail: beckshons@yahoo.com

Project Name & Description: Extend house roof to cover 6' wide deck along front elevation.

Project Address/Location: Front Elevation, 799 North Shore

Signature STEVE HAEDTKE

Steve L Haedtke 3-28-22

Owner: Print and Sign name Date

NOTE: If the property is held in a 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 Steve and Patty Haedtke

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 by Jim Caldarella on behalf of the owners Steve and Patty Haedtke for approval of variations relating to the following real estate known as 799 North Shore, Crystal Lake, Illinois 60014, PIN: 19-06-110-005.

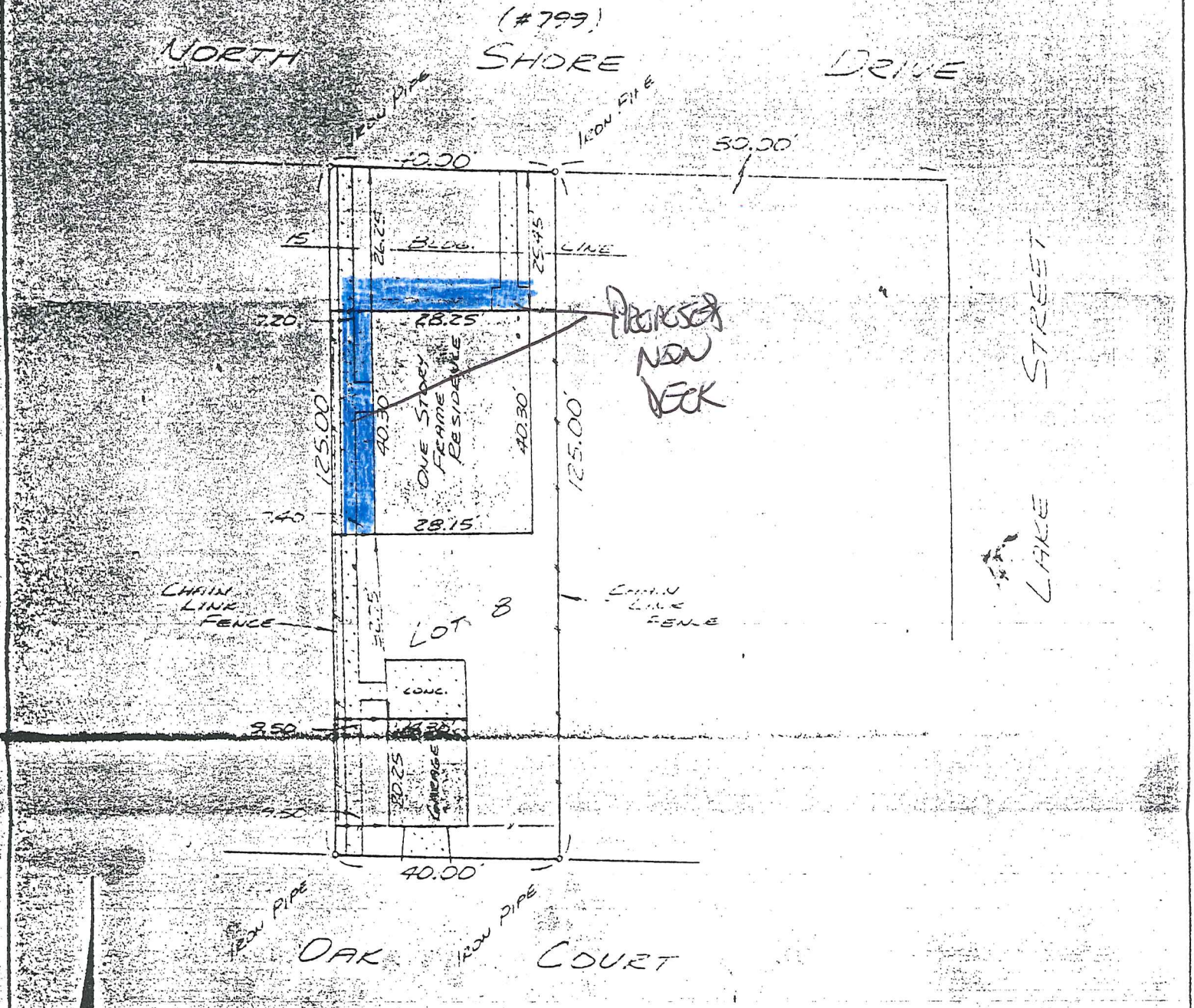
This application is filed for the purposes of seeking a Simplified Residential Zoning Variation from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures with a modification to approval Ordinance 7624 removing condition #2 to allow the deck to become enclosed with a roof structure. 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 7:00 p.m. on Wednesday, May 4, 2022, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Jeff Greenman, Chairperson Planning and Zoning Commission City of Crystal Lake

(Published in the Northwest Herald on April 16, 2022) 1975800

PLAT OF SURVEY



LOT 8 IN CLOWS FIRST ADDITION TO CRYSTAL LAKE PARK, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 1923, AS DOCUMENT NO. 58798 IN BOOK 4 OF PLATS, PAGE 83 IN MCHENRY COUNTY, ILLINOIS.

SCHAFF ENGINEERING
P. O. Box 7
Algonquin, Illinois 60102
(312) 658-5013

Scale: 1" = 20'

Ordered: Cen. 21 Jung

Owner:

STATE OF ILLINOIS
COUNTY OF KANE ss 5-11-1982

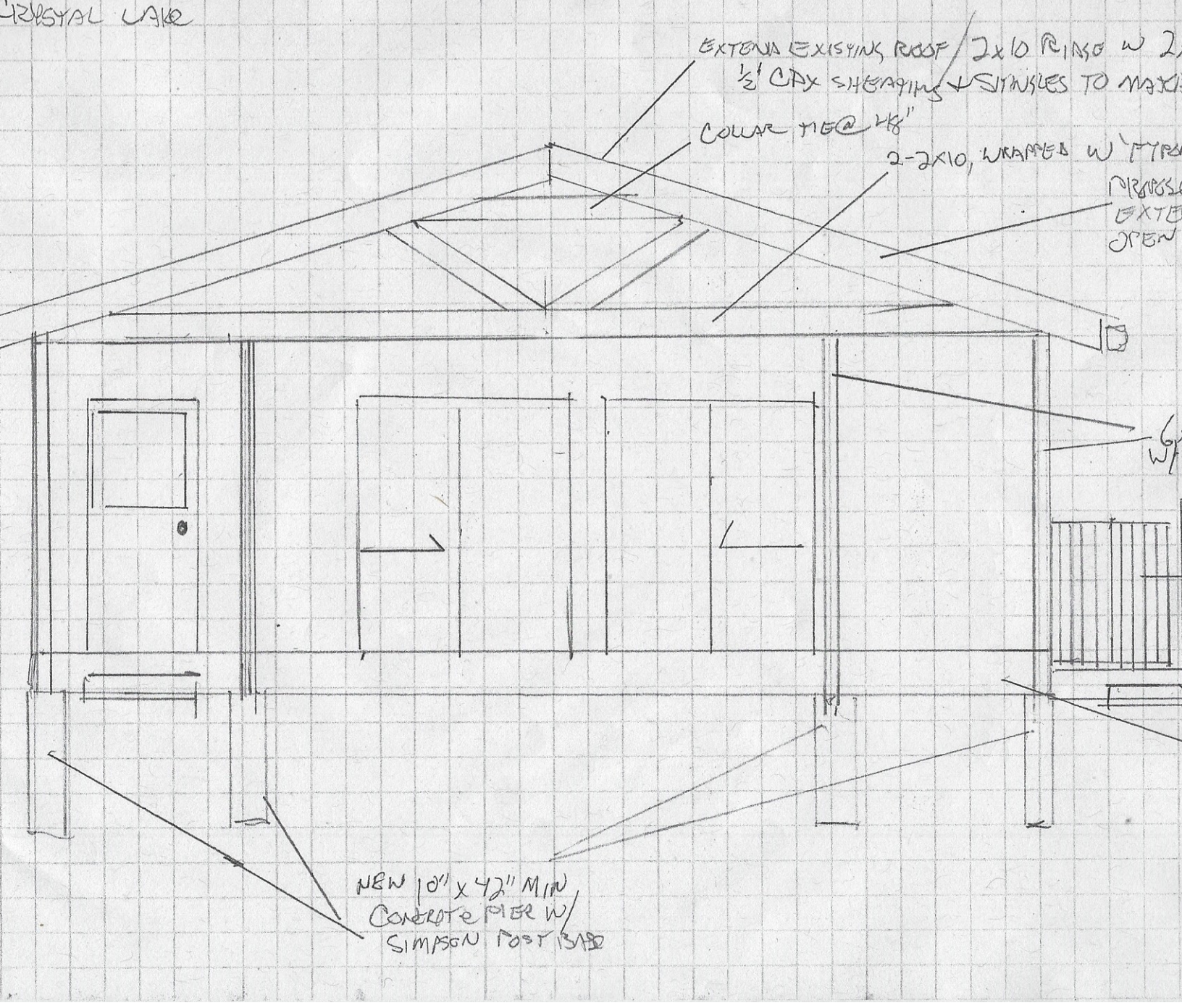
I hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises.

I hereby certify that I have surveyed the above described premises according to the official record, and that the above plat correctly represents said survey.

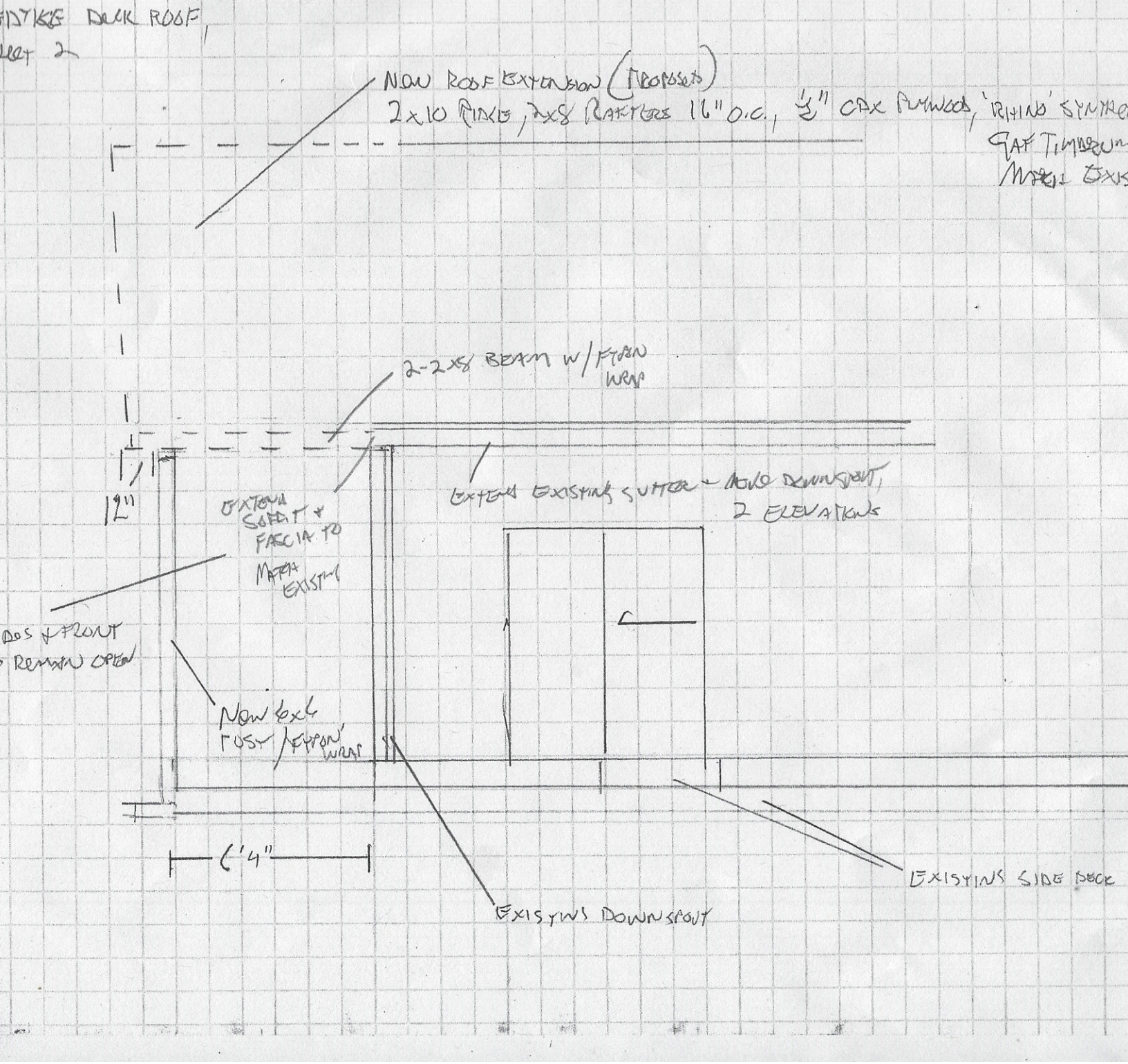
ILLINOIS REGISTERED LAND SURVEYOR NO. 35-2304

EVE & PATTY HAEDTKE RESIDENCE
09 NORTH SHORE
RYSTAL LAKE

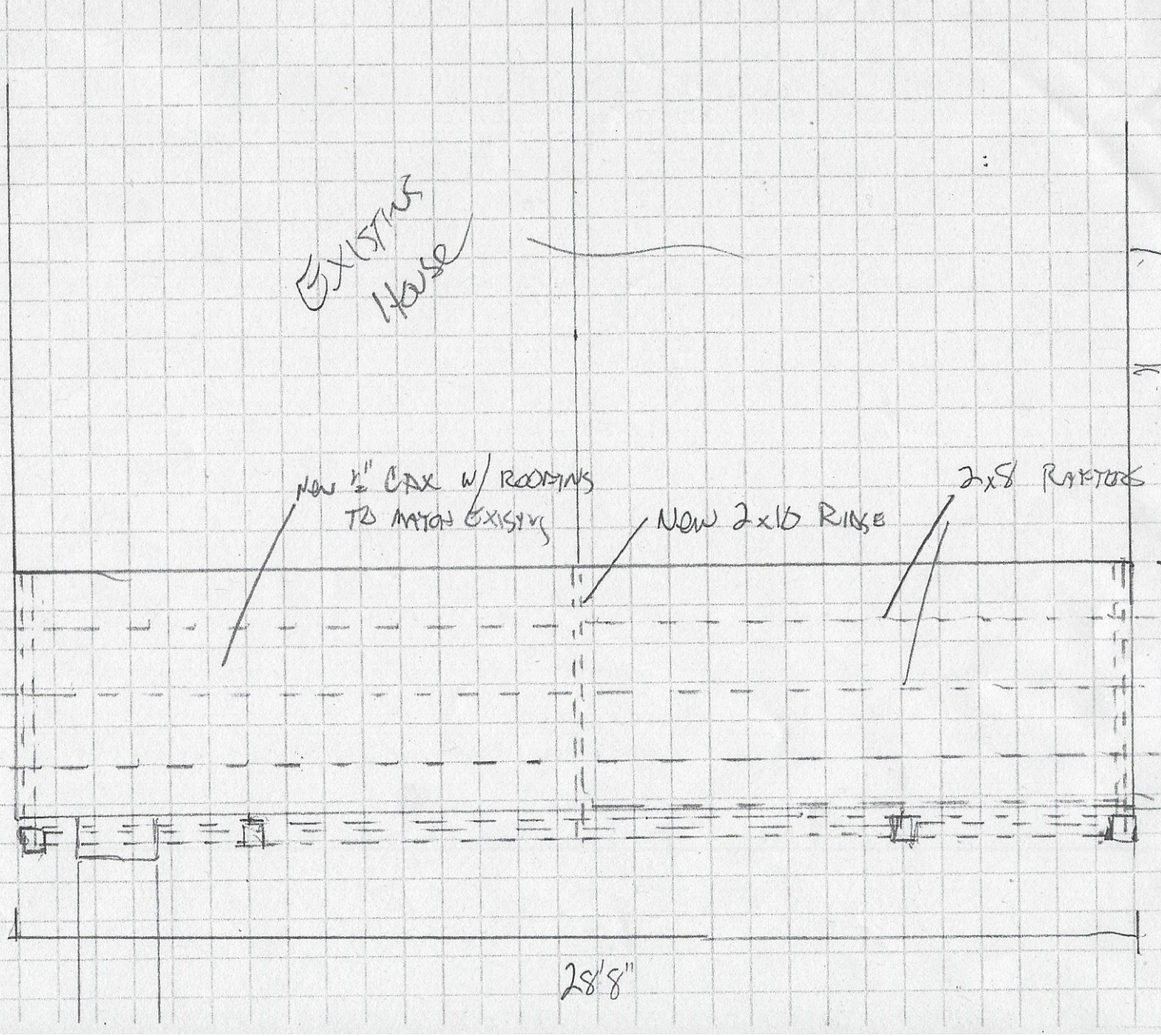
THE CALDARELLA GROUP,
815-919-2796
CALDARELLAGROUP@



EXISTING DECK ROOF,
SHEET 2



ATVE DECK ROOF
EET 3



THE CALDARELLA GROUP, INC
General & Roofing Contractor
153 Crystal Beach Avenue
Crystal Lake, IL 60014
815-919-2796
caldarellagroup@aol.com

March 15, 2022

PROPOSAL

To: Steve & Patty Haedtke
799 North Shore Drice
Crystal Lake, IL 60014

For: Construct new roof over deck along front elevation of house:

- Dig and pour 4 10" x 42" piers with Simpson 6x6 post bases, per plan
- Frame new roof structure using 4 6x6 posts, double 2x10 beam along front, and a double 2x8 beam extending each side elevation
- Extend existing 2x10 ridge to front of deck
- Stack 2x8 rafters 16"oc along each side. Install collar ties every 48" minimum. Soffit and fascia to match existing house. Side and front elevations to remain open
- Sheathe new roof with ½" CDX plywood
- Roof new area to match existing
- Extend existing gutters and move downspouts as needed
- Wrap framing posts and beams with 'Fypon' or comparable
- Install compensatory infiltration system at north-east corner of deck, to be determined by Crystal Lake Engineering Dept
- Direct discharge from at least one downspout to new compensatory trench
- Remove project debris from site

Cost: Total cost for above scope of work $13,700

Thank you

James P Caldarella

Jim Caldarella

CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, MAY 6, 2020
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS

The meeting was called to order by Chairman Hayden at 7:30 p.m. The meeting was held using the Zoom platform.

Mr. Hayden stated that he was opening the meeting with a heavy heart with the passing of Mayor Aaron Shepley. He offered his deepest condolences to the family. Mayor Shepley was an enthusiastic young man who cared deeply for Crystal Lake. He went on to state that the City has lost a mayor who understood to surround himself with good people. He has inspired us all and especially the youth. Mr. Hayden continued saying Mayor Shepley was much more than just a wonderful mayor. He was my close friend. We shall not see his likes again. Mr. Hayden thanked Mayor Shepley for all that he did for the City.

Mr. Greenman thanked Mr. Hayden for the eloquent words. He always knew that Mayor Shepley lived his life with a full heart and it showed in how he conducted himself. Home-born and bred in Crystal Lake and gave us himself and his family to share. He will never be forgotten.

Mr. Esposito knew the family for many years and was able to connect with him again during their commuting to downtown. Aaron was a great guy. He is so very sorry for the family's loss.

Mr. Hayden called the meeting to order. On roll call, members Esposito, Jouron, Skluzacek, Greenman and Hayden were present. Mr. Goss was absent. Mr. Philpot was appointed to the City Council.

Michelle Rentzsch, Director of Community Development, Elizabeth Maxwell, City Planner, Katie Cowlin, Assistant City Planner, were present from Staff. Betsy Gates-Alford, Special Counsel, was participating remotely.

Ms. Maxwell said this meeting will be recorded for future reference. Staff apologized for the feedback and stated they are working on the issue. She reviewed the procedure for public participation.

2020-45 799 NORTH SHORE VARIATION – PUBLIC HEARING
Variation from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures to allow an accessory structure, an attached deck, to extend 6 feet from the house, encroaching 3.7 feet into the required side yard, leaving a setback of 1 foot 2 inches and encroaching 15.3 feet into the required front yard, leaving a setback of 19.45 feet.

Mr. Hayden stated the sign has been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Ms. Maxwell said there is an existing front stoop with a sidewalk that comes out from the home. There is also a concrete stair and sidewalk on the side of the home. They want to use these areas for the wood deck, which is proposed to be approximately 7 inches above the grade. She said that since the house is already in the front yard setback, the total encroachment will be 15.3 feet into setback. This deck will assist the property owner in getting around the side of the home and entering their two doors.

James Caldarella, contractor, was present to represent the request. Mr. Caldarella said this is just a walkway and not elevated. Even with the deck this house will be farther away from North Shore than other homes in the area and it will make it easier for the homeowners to maintain the house.

Mr. Hayden opened the public hearing and asked if there was anyone wanting to speak on this petition item. There was no one in the public who wished to comment on this request. The public portion was closed at this time.

Mr. Esposito said they have seen several of this type of projects on the north shore. He does not have a problem with the request.

Mr. Skluzacek asked what the hardship is. Mr. Cardarella said the lot is very tight and will allow the owner to get around his property easier. This will not impact the neighbors. There are no other options for the homeowners.

Mr. Hayden asked if there are any concerns with the conditions listed in the staff report. Mr. Caldarella said they do not have any concerns with the conditions. Mr. Hayden asked specifically about the condition stating the structure shall not contain any sides, roof or become enclosed at any time. Mr. Caldarella said they agree. This is a board walk and not a deck.

Mr. Greenman feels this meets the Findings of Fact and the hardship is the non-conforming lot. This is not really a deck, but a walkway.

Mr. Esposito moved to approve the Variation from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures to allow an accessory structure, an attached deck, to extend 6 feet from the house, encroaching 3.7 feet into the required side yard, leaving a setback of 1 foot 2 inches and encroaching 15.3 feet into the required front yard, leaving a setback of 19.45 feet at 799 North Shore Drive with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Haedtke, received 03/27/20)
   B. Plat of Survey (Schaff Engineering, dated June 21, received 03/27/20)
   C. Plans (Caldarella Group, undated, received 03/27/20)

2. The deck structure shall not contain any sides, roof or become enclosed at any time.

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

Mr. Jouron seconded the motion. On roll call, members Esposito Greenman, Jouron, and Hayden voted aye. Mr. Skluzacek voted no. Motion passed.

CITY OF
Crystal Lake
ILLINOIS

May 20, 2020

Steven Haedtke
799 North Shore Drive
Crystal Lake, IL 60014

Dear Mr. Haedtke,

This letter will serve as formal notification that at the May 19, 2020 regular City Council meeting, the Mayor and City Council of the City of Crystal Lake reviewed your request for a Simplified Residential Variation allowing an attached deck to extend 6 feet from the house encroaching 3.7 feet into the required side yard, leaving a setback of 1 foot 2 inches and encroaching 15.3 feet into the required front yard, leaving a setback of 19.45 feet.

The Council adopted a motion: (1) approving the Planning and Zoning Commission recommendations; (2) approving the Simplified Residential Variation; and (3) adopting an ordinance granting the Simplified Residential Variation. A copy of the approved ordinance is enclosed.

We value your feedback. Enclosed please find a short survey regarding your experience with Planning and Economic Development. Your comments are valued and will help us improve our service.

Should you have any questions regarding this matter, please feel free to contact us.

Sincerely,

Elizabeth Maxwell
City Planner

Enclosures

Cc: Gary Mayerhofer, City Manager
Mike Magnussen, Building Commissioner

Ord. No. 7624
File No. 440

The City of Crystal Lake Illinois

AN ORDINANCE GRANTING A SIMPLIFIED RESIDENTIAL VARIATION AT 799 NORTH SHORE DRIVE

WHEREAS, pursuant to the terms of the Application (File #PLN-2020-45) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variation from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures to allow an accessory structure, an attached deck, to extend 6 feet from the house, encroaching 3.7 feet into the required side yard, leaving a setback of 1 foot 2 inches and encroaching 15.3 feet into the required front yard, leaving a setback of 19.45 feet; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on March 28, 2020 in the Northwest Herald, held a public hearing at 7:30 p.m., on May 6, 2020 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Simplified Residential Variation; and

WHEREAS, on May 6, 2020, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Simplified Residential Variation be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2020-45, dated as of May 7, 2020; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Simplified Residential Variation be granted as requested in said Application.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Simplified Residential Variation be granted from the Crystal Lake Unified Development Ordinance from Article 3 Density and Dimensional Standards and Article 4-600 Accessory Structures to allow an accessory structure, an attached deck, to extend 6 feet from the house, encroaching 3.7 feet into the required side yard, leaving a setback of 1 foot 2 inches and encroaching 15.3 feet into the required front yard, leaving a setback of 19.45 feet at the property at 799 North Shore Drive (19-06-110-005), Crystal Lake, Illinois.

SECTION II: That the Simplified Residential Variation be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Haedtke, received 03/27/20)
   B. Plat of Survey (Schaff Engineering, dated June 21, received 03/27/20)
   C. Plans (Caldarella Group, undated, received 03/27/20)

2. The deck structure shall not contain any sides, roof or become enclosed at any time.

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

SECTION III: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the granting of a Simplified Residential Variation in accordance with the provisions of this Ordinance, as provided by law.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 19th day of May, 2020.

City of Crystal Lake, an
Illinois municipal corporation

_____, Acting Mayor

SEAL

ATTEST:

_____
Nick Kachiroubas, City Clerk

Passed: May 19, 2020
Approved: May 19, 2020