#2023-137
1435 Trailwood Court – Variation
Project Review for Planning and Zoning Commission

Meeting Date: August 16, 2023

Request: Variations to allow a fence to exceed the maximum four-foot height in a yard abutting a street to allow a six-foot high fence 8.5 feet into the required 30-foot setback, a variation of two feet in height.

Location: 1435 Trailwood Court

Acreage: Approximately 13,177 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 property is an existing single-family residential lot in Crystal Lake.
- The lot is a corner lot. Fences over four feet in height are required to meet building setbacks of 30 feet from the property line (typically one foot from the sidewalk). If the fence was four feet high it could be five feet from the yard abutting a street (corner side yard) property line.



Fence style



Proposed new fence location

Development Analysis:

General

- Request: To construct a six-foot high fence 8.5 feet into the required 30-foot yard abutting a street setback. This exceeds the maximum height allowance for a fence in this yard by two feet in height.
- Zoning: The site is zoned R-2 Single Family and 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.
- The fence will be adjacent to the neighbor's driveway.



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.

Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 4 to allow a fence to exceed the maximum four-foot height in a yard abutting a street to allow a six-foot high fence 8.5 feet into the required 30-foot setback, a variation of two feet in height.

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 (Foster, received 06/19/23)
   B. Site Plan (Foster undated, received 06/19/23)

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

PIQ Map
1435 Trailwood Court



Application for Simplified Residential Variation

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

Project Name: _____

Date of Submission: _____

I. Applicant

Dan Foster

Name

1435 Trailwood Ct.

Street

Crystal Lake	IL	60014
City	State	Zip Code
630-363-0243		dfoster262@gmail.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: 1435 Trailwood Ct.

   b. PIN #: 19-18-305-004

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:

NW Corner of property has a berm with 2 trees on the crest centered 10 ft and 27.5 feet from property line. Building a privacy fence on the building line would require a post that would come within 2 feet of a tree base, likely causing significant damage to the root system. The desire is to place a privacy fence 21.5 feet from property line to reduce root damage while maintaining existing privacy of the backyard.

IS THE HARDSHIP SELF-CREATED?

No, the main hardship is a result of the topographic and natural features of the property limiting ability to move current privacy fence to build line. A secondary hardship exists regarding usable space in fenced in area due to exsisting structures limiting safe space for children to play that isn't street adjacent.

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

No

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: Article 4 Section 4-700 2 e. permission already exists to build on Public Utility Easement based on existing structures.

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.

Daniel Foster 6-19-23

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
Dan Foster

LEGAL NOTICE

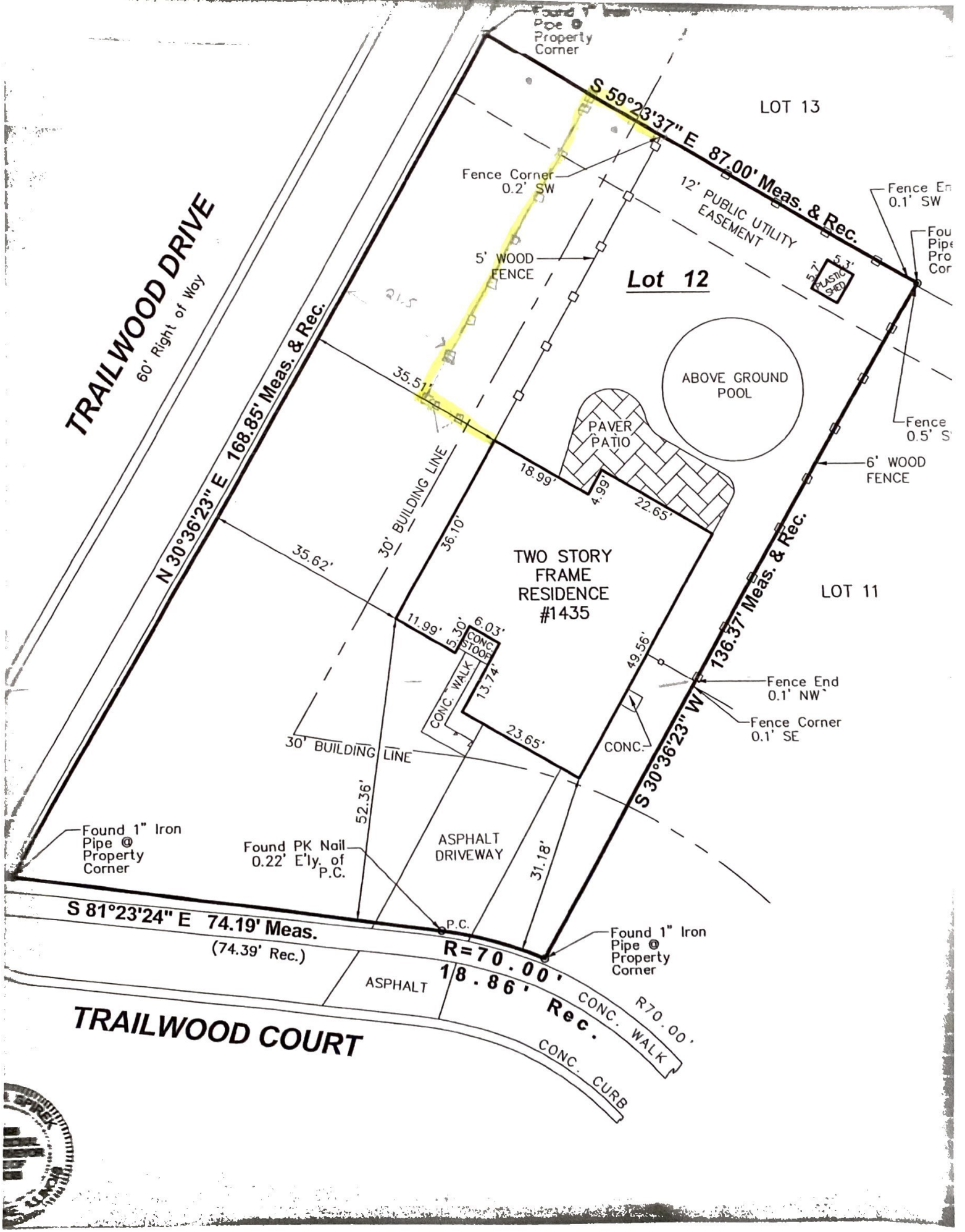
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application by Dan Foster for approval of a Variation at the following real estate known as 1435 Trailwood Court, Crystal Lake, Illinois 60014, PIN: 19-18-305-004.

This application is filed for the purpose of seeking Simplified Residential Zoning Variations to allow a fence to exceed the maximum 4-foot height in a yard abutting a street to allow a 6-foot high fence 8.5 feet into the required 30-foot setback, a variation of 2 feet in height, as well as any other variations as presented at the public hearing pursuant to Unified Development Ordinance pursuant to Article 4 Section 4-700. 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, August 16, 2023, 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

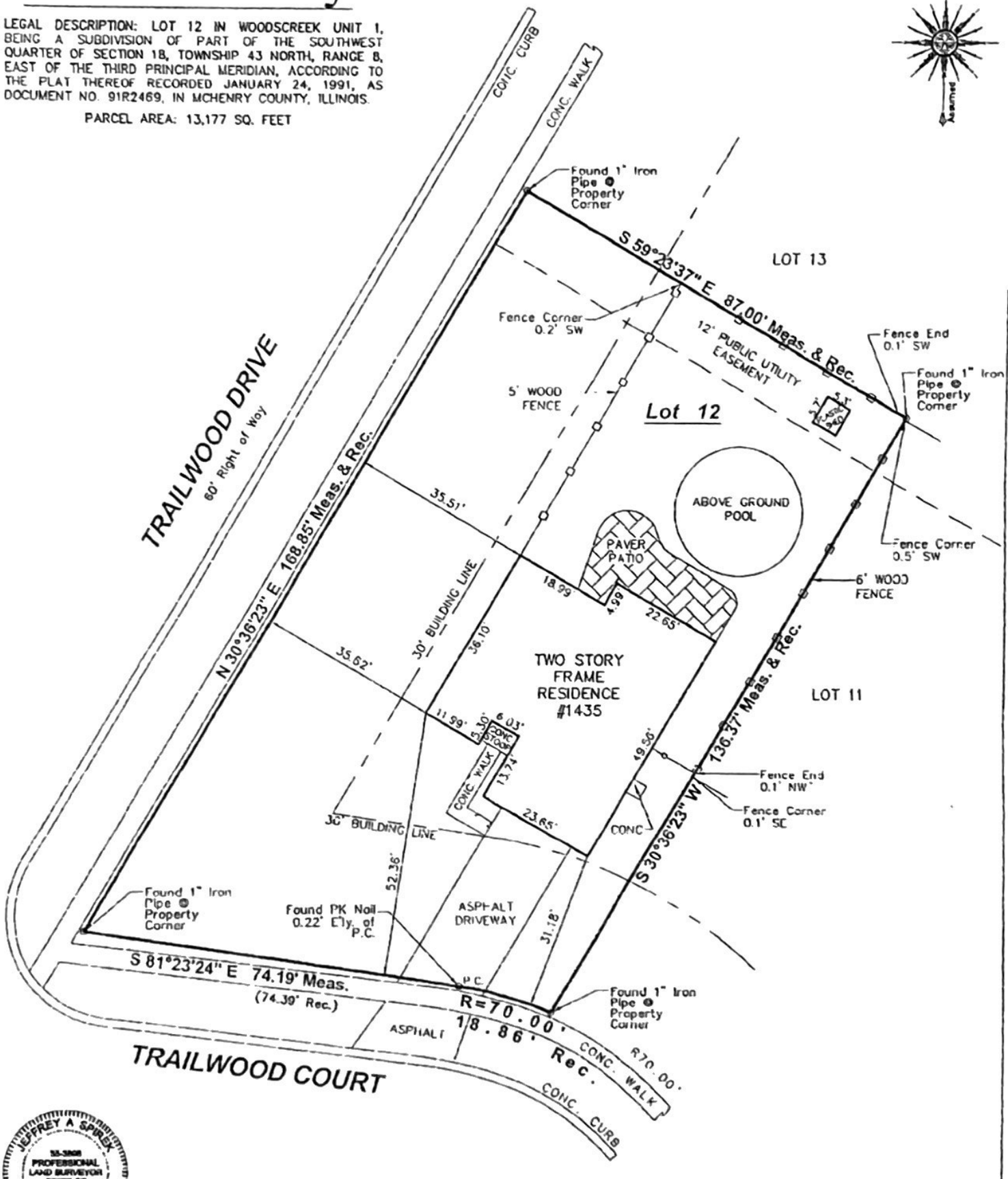
(Published in the Northwest Herald July 22, 2023) 2095128


Found 1" Iron Pipe @ Property Corner
S 59°23'37" E 87.00' Meas. & Rec.
LOT 13
Fence Corner 0.2' SW
12' PUBLIC UTILITY EASEMENT
Fence End 0.1' SW
5' WOOD FENCE
Lot 12
5.7'
5.3'
PLASTIC SHED
TRAILWOOD DRIVE
60' Right of Way
N 30°36'23" E 168.85' Meas. & Rec.
35.51'
ABOVE GROUND POOL
PAVER PATIO
Fence 0.5' S
6' WOOD FENCE
18.99'
4.99'
22.65'
30' BUILDING LINE
36.10'
35.62'
TWO STORY FRAME RESIDENCE #1435
LOT 11
11.99'
5.30'
6.03'
CONC. STOOP
CONC. WALK
13.74'
49.56'
S 30°36'23" W 136.37' Meas. & Rec.
Fence End 0.1' NW
Fence Corner 0.1' SE
23.65'
CONC.
30' BUILDING LINE
52.36'
ASPHALT DRIVEWAY
31.18'
Found 1" Iron Pipe @ Property Corner
Found PK Nail 0.22' E'ly. of P.C.
S 81°23'24" E 74.19' Meas.
(74.39' Rec.)
P.C.
R=70.00'
118.86' Rec.
Found 1" Iron Pipe @ Property Corner
ASPHALT
R70.00'
CONC. WALK
CONC. CURB
TRAILWOOD COURT

Plat of Survey

LEGAL DESCRIPTION: LOT 12 IN WOODSCREEK UNIT 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 24, 1991, AS DOCUMENT NO. 91R2469, IN MCHENRY COUNTY, ILLINOIS.

PARCEL AREA: 13,177 SQ. FEET



JEFFREY A SPIREK
35-3898
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
CRYSTAL LAKE, ILLINOIS

THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS } ss.
COUNTY OF MCHENRY }

IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 10th DAY OF August A.D. 2021

JEFFREY A. SPIREK
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898
REGISTERED AGENT FOR LUCO SURVEYING
LICENSE TO BE RENEWED NOVEMBER 30, 2022

NOTES:
*COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE, IMMEDIATELY
*ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
*BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
*BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
*UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

LEGEND

- Set IP
- Found IP
- Found "X"
- Found P.K.
- Wood Fence
- CL Fence
- Concrete
- Wood Deck
- Brick
- STREET LIGHT
- B-BOX
- WATER VALVE VAULT
- FIRE HYDRANT
- MANHOLE
- STORM MANHOLE
- JUNCTION BOX
- POWER POLE
- ELECTRIC TRANSFORMER

0' 20' 40' 60'

Luco Surveying
Professional Design Firm No. 184.007972
54 Lou Avenue, Crystal Lake, IL 60014
Phone: 815.526.3974 Email: admin@lucosurveying.com

Common Address: 1435 Trailwood Drive, Crystal Lake, IL.
PIN # 19-18-305-004

Job Number: 21 - 04067 Drawn By: LAH

Client: ANNEN Reference:

Field Work Completion: 08-09-2021

Revisions:




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