#2025-85
654 Tamarisk Ln – Simplified Residential Zoning Variation
Project Review for Planning and Zoning Commission

Meeting Date: June 18, 2025

Requests: A variation to allow construction of a six-foot privacy fence extending three feet (more or less) into the required 30-foot setback for a side yard abutting a street.

Location: 654 Tamarisk Lane

Acreage: Approximately 16,832 square feet

Existing Zoning: R-1 Single Family Residential

Surrounding Properties:
North: R-1 Single Family Residential
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Staff Contact: Darrell Moore (815) 356-3612

Background:

- The property is a single-family residence with attached garage located at the west corner of Tamarisk Lane and St. Andrews Lane.
- Previous Approvals:
    - Received building permits in 2011 for roof work and a shed.

Development Analysis:

General

- Request: to allow construction of a six-foot privacy fence extending three feet (more or less) into the required 30-foot setback for a side yard abutting a street.
    - The proposed fence is described as a privacy fence having a "traditional style with top ledge" made of cedar wood.
- Zoning: The site is zoned R-1 Single Family Residential.
- Land Use: The land use map shows the area as Urban Residential.
- The petitioner is seeking a variation due to the location of the existing tree. The fence would be located on the street side of the tree.

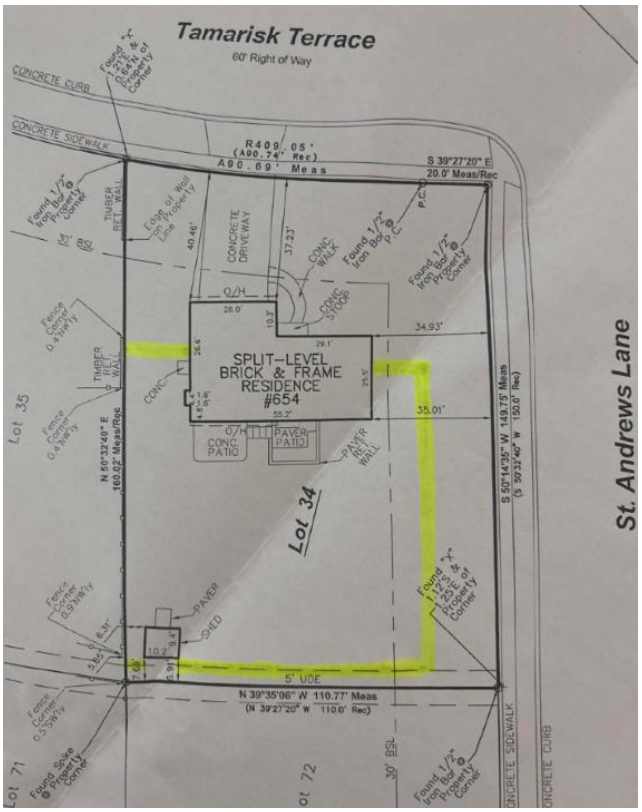


Photos provided by petitioner





Drawings provided by the petitioner:





Example of proposed fencing:



Findings of Fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a simplified residential zoning variation to allow construction of a six-foot privacy fence extending three feet (more or less) into the required 30-foot setback for a side yard abutting a street.

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.

Comprehensive Land Use Plan 2030 Vision Summary Review:
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.

Supporting Actions: Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

Recommended Conditions:
If a motion to recommend approval of the petitioner's request is made, it should include the following conditions:

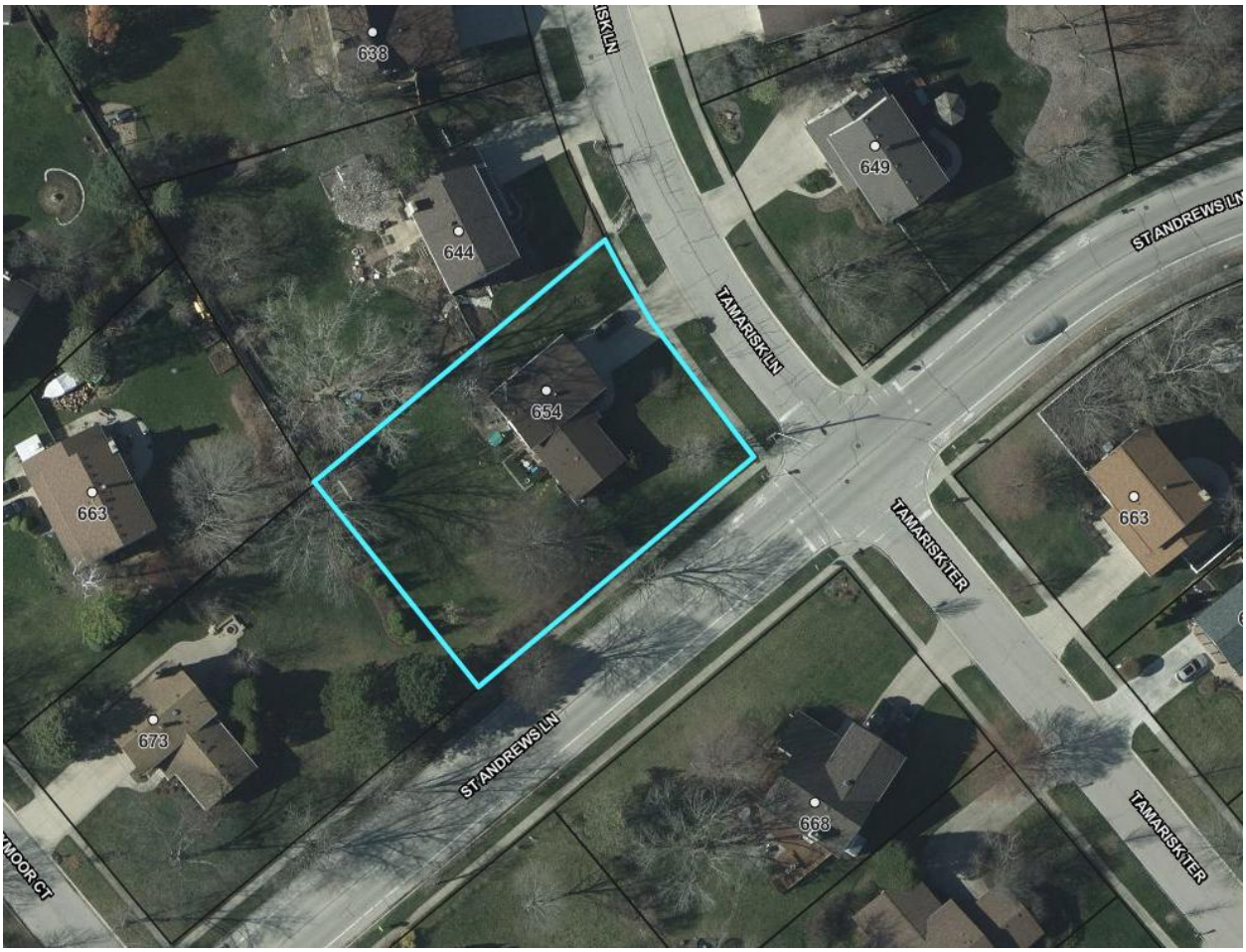
1. Fence application and installation shall be consistent with the information and testimony provided by the petitioner in the hearing and the following provided documents:
    A. Application (Kuczynski, 5/20/25)
    B. Site Plan (Kuczynski, 5/20/25)
    C. Scope of Work (Northwest Cedar Products, 5/2/25)

2. Comply with the requirements of Section 4-700B (Fences, walls and screening), except as provided for under this variation.

3. Sufficiently address all review comments and requirements of the departments of Community Development, Public Works and Engineering, and Fire Rescue.

PIQ Map

654 Tamarisk Lane



Application for Simplified Residential Variation

Application Number: _____ FOR OFFICE USE ONLY

Project Name: _____

Date of Submission: _____

I. Applicant

Dominick Kuczynski

Name

654 Tamarisk Lane

Street

Crystal Lake	IL	60014
City	State	Zip Code
815-519-6162		domkuczynski@yahoo.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: 654 Tamarisk Lane, Crystal Lake, IL 60014

   b. PIN #: 1907201025

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:

Please see attached document for a further explanation. My home is currently setback 35' from the property line. Installing the fence at 5' from the end of my home, aligns directly to the center of a very mature tree (approx. 30'-40' tall). Installing

If I were to install the fence directly along the end of where my house currently ends, I would need to navigate over a hill/slope as my home sits up higher than other lots in my neighborhood. Furthermore, I would lose over 30% of usable yard/pr

Another key hardship that we currently endure is the lack of both privacy and safety. The adjacent four-way intersection has an abundant amount of pedestrian and vehicle traffic constantly passing through. We have had loose dogs/pets running

The noise that is generated from the adjacent 4-way intersection is also a hardship my family endures on a daily basis. During the summer, we have motorcycles and sports cars. During the winter, we have plows and salt trucks. And we have g

IS THE HARDSHIP SELF-CREATED?

No. None of the previously mentioned hardships have been self-created.

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: N/A

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.

Dominick Kuczynski 05/20/2025

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.

May 20, 2025

City of Crystal Lake
Planning & Zoning Department
100 W Woodstock Street
Crystal Lake, IL 60039

RE: Residential Variation Hardships

To whom this may concern:

My name is Dominick Kuczynski, and I am currently a resident of Crystal Lake, IL. I am writing this letter as I have been informed that my permit application to install a fence around the back of my property will not be approved unless additional action is taken. This is due to the location of the setback line on the south side of my property. However, when applying for the variance through the "EZ App" software, the website is not able to save my documentation. And when filling out the physical form either via computer or hand, there is also not enough space to express myself and my reasonings for applying for this variation. Below is a list of the hardships and reasonings behind those hardships in which I feel a variance is justified.

Hardships:

1. **Topographic** - My home is currently setback 35' from the property line. Installing the fence at 5' from the end of my home, aligns directly to the center of a very mature tree (approx. 40' tall). Installing a fence into the tree will not only harm the tree but also cause premature failure of the new fence. If I were to install the fence directly along the end of where my house currently ends (35' away from the setback line), I would need to navigate over a hill/slope as my home sits up higher than other lots in my neighborhood. Furthermore, I would lose over 30% of usable yard/property space meaning it would prevent me from making reasonable use of my land/property. This would also then result in a decreased property/home value for me and subsequentially, the surrounding neighbor's homes/properties. And lastly, I have a radon detection system, sump pump discharge, downspout, and condensing unit all on that same south corner of my home. Having those items virtually covered would be aesthetically appealing for all.

2. **Safety** – I have two beautiful young children (2&5) who are curious, active, and adventurous. My home sits on the 4-way intersection of St. Andrews Ln & Tamarisk Ln. This 4-way intersection has an abundant amount of both pedestrian and vehicle traffic constantly passing through. We have had loose dogs/pets running freely through our property as well as a plethora of wildlife. Additionally, we have motorized vehicles of all sizes that utilize the roadway and sidewalk. We have had a handful of examples where a contractor/worker has entered our property unannounced. In fact, I called the police emergency number last fall due to a person working on that side of my home without our knowledge or consent. My spouse and I fear for the day that one of our children is affected by the lack of safety we face on a daily basis.

3. **Noise** – The noise that is generated from the adjacent 4-way intersection is also a hardship my family endures on a daily basis. During the summer, we have motorcycles and sports cars. During the winter, we have plows and salt trucks. And we have garbage trucks and folks who enjoy accelerating at a high level of speed during all times of the year. Providing the maximum level of height to the fence will minimize this hardship moving forward.

4. **Privacy** – As I previously expressed, our home/property is exposed to a higher-than-average amount of traffic. With that high amount of traffic, our family suffers from a lack of privacy. We thoroughly enjoy our neighbors, neighborhood, school district, and community as a whole. However, we also enjoy our own privacy and doing things as a family. Ultimately, privacy is a fundamental right that the Supreme Court has explicitly recognized in several amendments to the Constitution of the United States of America (First, Third, Fourth, Fifth, Ninth, & Fourteenth). And I would like to exercise that right. A 4' tall fence does provide ***some*** privacy, but not the level of privacy my family has the right to. A 6' tall fence extending on the side of my house and through the back of the property, would provide a more adequate level of privacy.

Thank you very much for taking the time to consider my application for a variance. Please do not hesitate to reach out with any questions or concerns you may have in looking this document over. I can be reached directly on my cell phone at 815-519-6162.

Sincerely,

Dominick Kuczynski

Dominick Kuczynski
654 Tamarisk Lane

SHAW MEDIA
EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: BARBARA BEHRENS Printed at 05/30/25 09:45 by bbehr-sm

Acct #: 10069745 Ad #: 2249933 Status: New

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF

Dominick Kuczynski

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 Dominick Kuczynski for approval of a Variation at the following real estate known as 654 Tamarisk Lane, Crystal Lake, Illinois 60014, PIN: 19-07-201-025.

This application is filed for the purpose of seeking a Simplified Residential Zoning Variation to construct a six-foot privacy fence extending three feet (more or less) into the required 30-foot setback for a side yard abutting a street, as well as any other variations as presented at the public hearing pursuant to Unified Development Ordinance pursuant to Article 3, Article 4, and Article 9. 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, June 18, 2025, 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 Northwest Herald May 31, 2025)
2249933

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY)

IN THE MATTER OF THE APPLICATION OF

DOMINICK KUCZYNSKI

AFFIDAVIT

DOMINICK KUCZYNSKI, being first duly sworn on oath deposes and states as follows:

A. That a copy of the legal notice, concerning the hearing date for the above mentioned Petitioner, was sent to each of the persons named below by regular mail notifying them of the hearing before the City Council on June 18th, at 7:30 p.m., at the Crystal Lake City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the below mentioned persons by regular mail on June 1st.

B. That the posting requirements of the Zoning Ordinance have been complied with by placing the customary public notice sign on the subject property on 634 TAMARISH LANE, CRYSTAL LAKE, IL 60014

DOMINICK KUCZYNSKI

(**Printed name of Applicant, Trust, etc. here and signed above**)

Subscribed and Sworn to me before

This 2 day of June, 2025

Notary Public

OFFICIAL SEAL
JEANNE M BAMBINI
Notary Public, State of Illinois
Commission No. 774459
My Commission Expires
September 24, 2028

Tamarisk Terrace

60' Right of Way

Lot 71

Lot 35

Lot 72

Lot 34

Found Spike @ Property Corner

Fence Corner 0.5'SW'ly

Fence Corner 0.9'NW'ly

Fence Corner 0.4'NW'ly

Fence Corner 0.4'NW'ly

Found 1/2" @ Iron Property Corner

CONCRETE SIDEWALK

CONCRETE CURB

Found "X" 1.21'E & 0.64'N of Property Corner

5.65'

6.31'

N 50°32'40" E
160.02' Meas/Rec

TIMBER RET. WALL

TIMBER RET. WALL

30' BSL

7.69'

6.91'

10.2'

9.4'

SHED

PAVER

CONC.

Edge of Wall on Property Line

40.46'

4.4'

4.8'

1.6'

1.6'

26.6'

CONC. PATIO

O/H

26.0'

SPLIT-LEVEL BRICK & FRAME RESIDENCE #654

CONCRETE DRIVEWAY

R409.05' (A90.74' Rec)
A90.69' Meas

10.3'

55.2'

37.23'

PAVER PATIO

29.1'

CONC. WALK

CONC. STOOP

PAVER RET. WALL

25.5'

Found 1/2" Iron Bar P.C.

P.C.

S 39°27'20" E
20.0' Meas/Rec

N 39°35'06" W 110.77' Meas
(N 39°27'20" W 110.0' Rec)

5' UDE

30' BSL

Found 1/2" Iron Property Corner

Found "X" 1.12'S & 1.25'E of Property Corner

35.01'

34.93'

Found 1/2" Iron Property Corner

CONCRETE SIDEWALK

S 50°14'35" W 149.75' Meas
(S 50°32'40" W 150.0' Rec)

CONCRETE CURB

St. Andrews Lane

15537 S. Weber Rd. Romeoville, IL 60446 **Office: 815 836-8731 Fax: 815 836-8730**

Crew: +$600 5 1/2 x 5 1/2" HEARTWOOD POSTS

Cedar Products
NORTHWEST
When Quality Matters Most

Proposal Date: 5/2/25
Expiration Date:
Target Installation Date:

Name: KUCZYNSKI, DOMINIC
Address: 654 TAMARISK LN.
City State Zip: CRYSTAL LAKE 60014
Cell Phone: 815-579-6162 Home Work
Email: DOMKUCZYNSKI@YAHOO.COM
Subdivision: N/A County: MCHENRY

Dig # / Date Called

Survey
Survey at Estimate (Y) N
Given to Salesman (Y) N
Legal Survey ☐
Found Pins ☐
Northwest Staked Yard (Not Official) ☐

Total Footage: 189

Job Conditions
New Sod ☐
Unfinished Grade ☐
Ready to Go ☒

Please email all documents to: northwestcedarproducts@gmail.com

Customer Responsibilities
- ☐ Obtain Permit - If Needed
- ~~☐ Seek HOA Approval~~
- ☐ Provide a Legal Survey
- ☐ Clear Fence Lines
- ~~☐ Fitted Rule~~
- ~~☐ Dirt Removal Not Included~~
- ☐ Locate Private Utilities

Northwest is not liable for damage to underground items not located by J.U.L.I.E. or Digger companies (including sprinkler lines, drain tiles, electric fence and private utility lines).

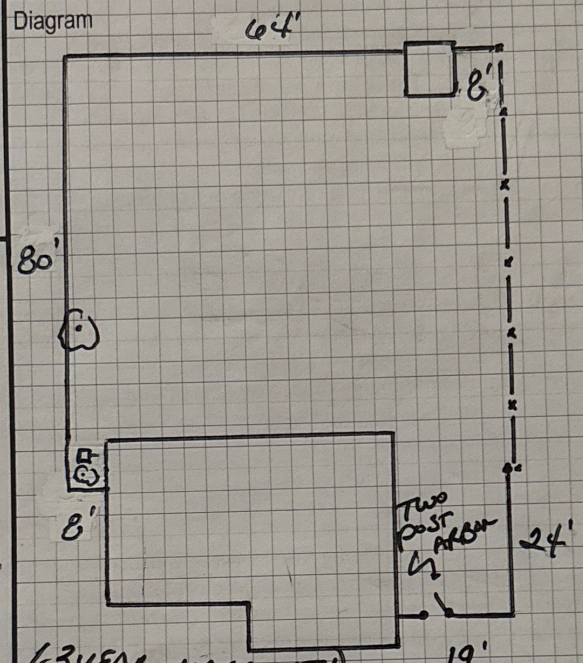
Customer Acknowledges that the fence will will follow the natural contours of the property unless otherwise specified.

Every Northwest Fence is installed by a professional team. You the Homeowners are not required to be present during the installation, however, in your absence any changes you may want to height and any movement of posts will be additional costs.

State law requires all contractors to dig no closer then 18" from all JULIE markers. Any digging closer shall require a signature from the homeowner assuming full liability for any damages that may occur.

Custom Initial _____
Co. Rep. Initial _____

Diagram



6' SOLID PRIVACY
IN CEDAR WOOD
TRADITIONAL STYLE
WITH TOP LEDGE
6" BOARDS, GRADE 1
3 - 2"x 4" - 8' PANELS
RAISED MID FRAME
4 TO 2 RATIO
4 1/2"x 4 1/2" POSTS
HEARTWOOD CUT
SET 36" IN CONCRETE

Customer Approved Measurements _____ (Initials)

☐ Take Out and Haul Existing Fence — Wood / Chain Link / Steel / Alum — Footage _____ Price _____
☐ Take Out and Stack Existing Fence in the Yard

Rem. Sect. Amt _____
Asp / Con Breaks _____
Core Drill Holes _____

WITH CAPS
Material INSTALL ONE 60" GATE
Tax TWO POST ARBOR
Labor _____
Grand Total $7700
Deposit $3000
Balance $4700

☒ Haul Dirt ☐ Leave Dirt
☐ Move Dirt to a spot in the Yard Price _____

Payment RECEIVED 3000
Amount $ _____
CK # 159 Date 5/3/25
V M D A
Exp._____ Appr _____

Payment
Amount $ 4700
CK # _____ Date _____
V M D A
Exp._____ Appr _____

Payment Terms
☐ _____ % down. Balance Due to Crew Chief or Office upon Completion
☐ _____ % down. Financing Terms _____

Acceptance of proposal: **"YOU, THE CONSUMER, MAY CANCEL THIS CONTRACT BY NOTIFYING Northwest, IN WRITING, ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION."**

The signer has read each of the provisions on this page and the specifications on page 2 and the conditions of sale on the back of the contract. The above prices, specifications, and conditions of sale are hereby accepted. This proposal becomes a binding and enforceable contract when received by Northwest either (a) bearing the customer's signature or (b) without signature but accompanied by down payment from the customer as required. All materials are specified as above and all work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra charges will be executed upon (a) written order or (b) customer consent and will become an extra cost over and above the sale.

Customer _____ Date _____

Company Representative TED SCHRAMM Date 5/2/25