#2025-133
1021 Mayhaw Drive – Simplified Residential Zoning Variation
Project Review for Planning and Zoning Commission

Meeting Date: September 3, 2025

Requests: A variation to allow construction of a six-foot privacy fence extending 32 feet into the required 50-foot setback for a rear yard abutting a street.

Location: 1021 Mayhaw Drive

Acreage: 24,414 square feet

Existing Zoning: R-E PUD Single Family Residential

Surrounding Properties:

North:	R-E PUD Single Family Residential
South:	R-3B PUD Multifamily Residential
East:	R-E PUD Single Family Residential
West:	R-E PUD Single Family Residential

Staff Contact: Darrell Moore (815) 356-3612

Background:

- The property is a through lot containing a single-family residence that fronts Mayhaw Drive and backs up to River Birch Boulevard.
- Previous Approvals:
    - Preston Pines Subdivision: Approved in 2004, a single-family and townhome subdivision. The subdivision included an easement for tree conservation on various lots. The subject property has the tree conservation easement within the rear yard. The easement is approximately 30 feet in width. The original trees were removed due to poor quality and health and replanted, mostly south of the easement, with a mix of overstory and evergreen trees.
    - Woodlore Estates PUD: A resubdivision of the Preston Pines subdivision in 2018. The resubdivision changed the lot dimensions and layout for the majority of the subdivision. The subject property has the same dimensions from the Preston Pines approval.
    - The petitioner is the first owner of the property after it was used as a model home.

Development Analysis:

General

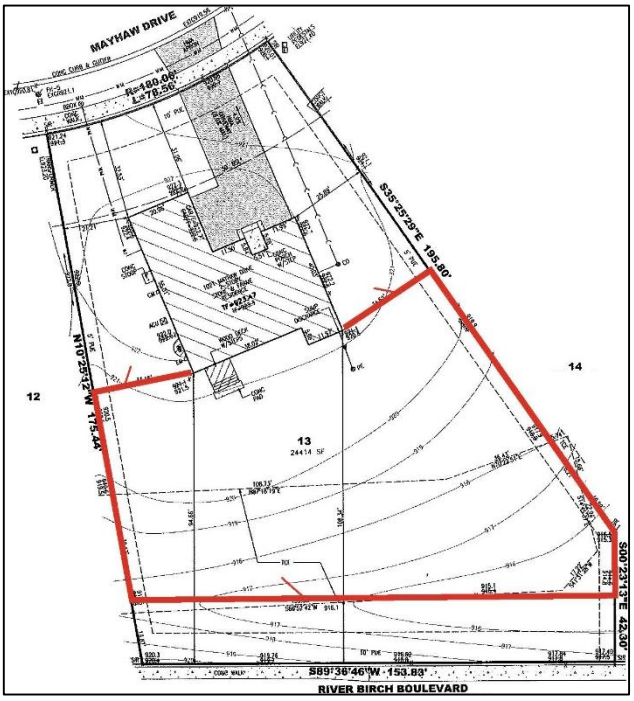
- Request: To allow construction of a six-foot privacy fence extending 32 feet into the required 50-foot setback for a rear yard abutting a street.

- The proposed fence is identified as Digger Specialties, Inc. Tri-Max II six-foot white vinyl privacy fencing.

- Zoning: The site is zoned R-E PUD Single Family Residential.
- Land Use: The land use map shows the area as Estate Residential.
- The petitioner states the basis for the variation stems from the lot having two frontages and that the rear 50-foot setback creates "an unusually shallow functional yard." The petitioner further states he is seeking "privacy comparable to neighboring Residential Estate zoned lots" and "the reasonable use of typical backyard amenities," which "preserves the drainage swale" and the row of trees along the rear of the property.
- An approximately 37-foot-wide tree conservation easement runs east-west through the middle of the property. The trees on the property cannot be removed.







Top: Property in question, one-foot contours, aerial 2022

Middle: Sample image of proposed fence type

Bottom: Site Plan (provided)

Next Page: Views of the property from the sidewalk and from the PIQ backyard, dashed line shows the approximate fence location





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 32 feet into the required 50-foot setback for a rear 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:

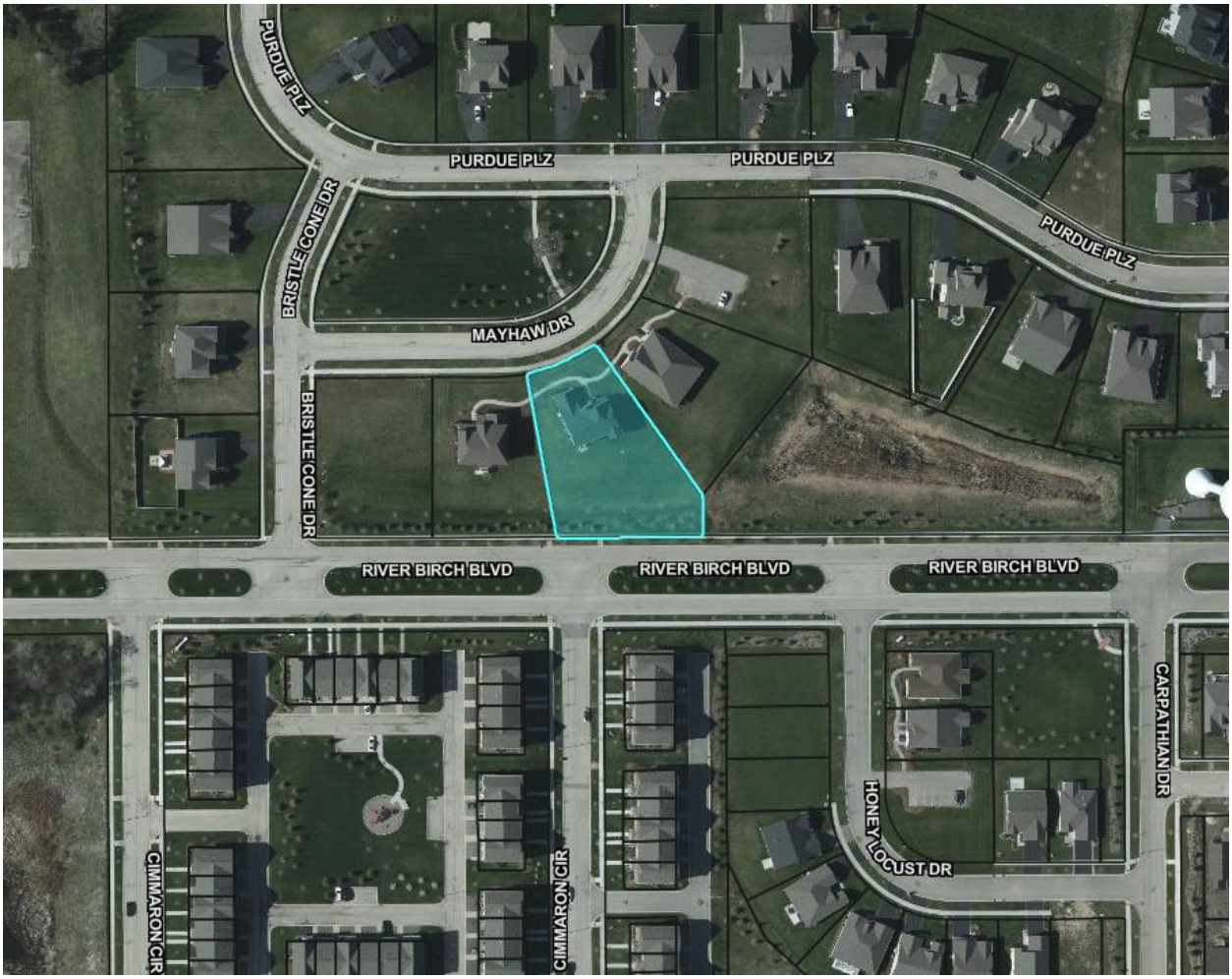
1. Fence application and installation shall be consistent with the information and testimony provided by the petitioner in the hearing and the following provided documents:
    A. Application (Bellah, 5/20/25)
    B. Site Plan (Bellah, 8/1925)
    C. Work Estimate (Aronson Fence, 5/20/25)

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

3. The petitioner shall address all review comments and requirements of the departments of Community Development and Public Works & Engineering.

Parcel in Question

1021 Mayhaw Drive



Application for Simplified Residential Variation

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

Project Name: _____

Date of Submission: _____

I. Applicant

Bryan Bellah

Name

1021 Mayhaw Dr

Street

Crystal Lake, IL 60012

City State Zip Code

815-333-9505 BBellah@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: 1021 Mayhaw Dr, Crystal Lake, IL 60014

   b. PIN #: 14-27-455-003

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:

Rear lot line abuts a street (River Birch Blvd), creating a rear street-yard condition uncommon for interior lots. A recorded tree-preservation/drainage easement and an existing swale further constrain the rear portion of the lot.

IS THE HARDSHIP SELF-CREATED?

No. The conditions arise from the lot's relationship to the public right-of-way and recorded easements, not from actions of the owner.

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

No. Most RE lots do not have double-frontage/rear-street conditions combined with a tree preservation easement and drainage swale.

WILL THE VARIATION ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY?

No. A 6-ft vinyl privacy fence is a common residential accessory; the location respects drainage and easements and will be consistent in material and color with neighborhood fencing.

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

No. The fence maintains access/clearance for drainage maintenance, does not impede visibility for motorists on River Birch Blvd, and provides typical residential privacy and safety benefits.

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. The fence is a standard 6-ft residential installation with no impact on light/air to adjacent homes, no traffic or fire-safety implications, and no adverse effect on property values.

3. List any previous variations that are approved for this property: None known

IV. Signatures

Bryan Bellah 08/12/2025

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.

Bryan Bellah 08/12/2025

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.

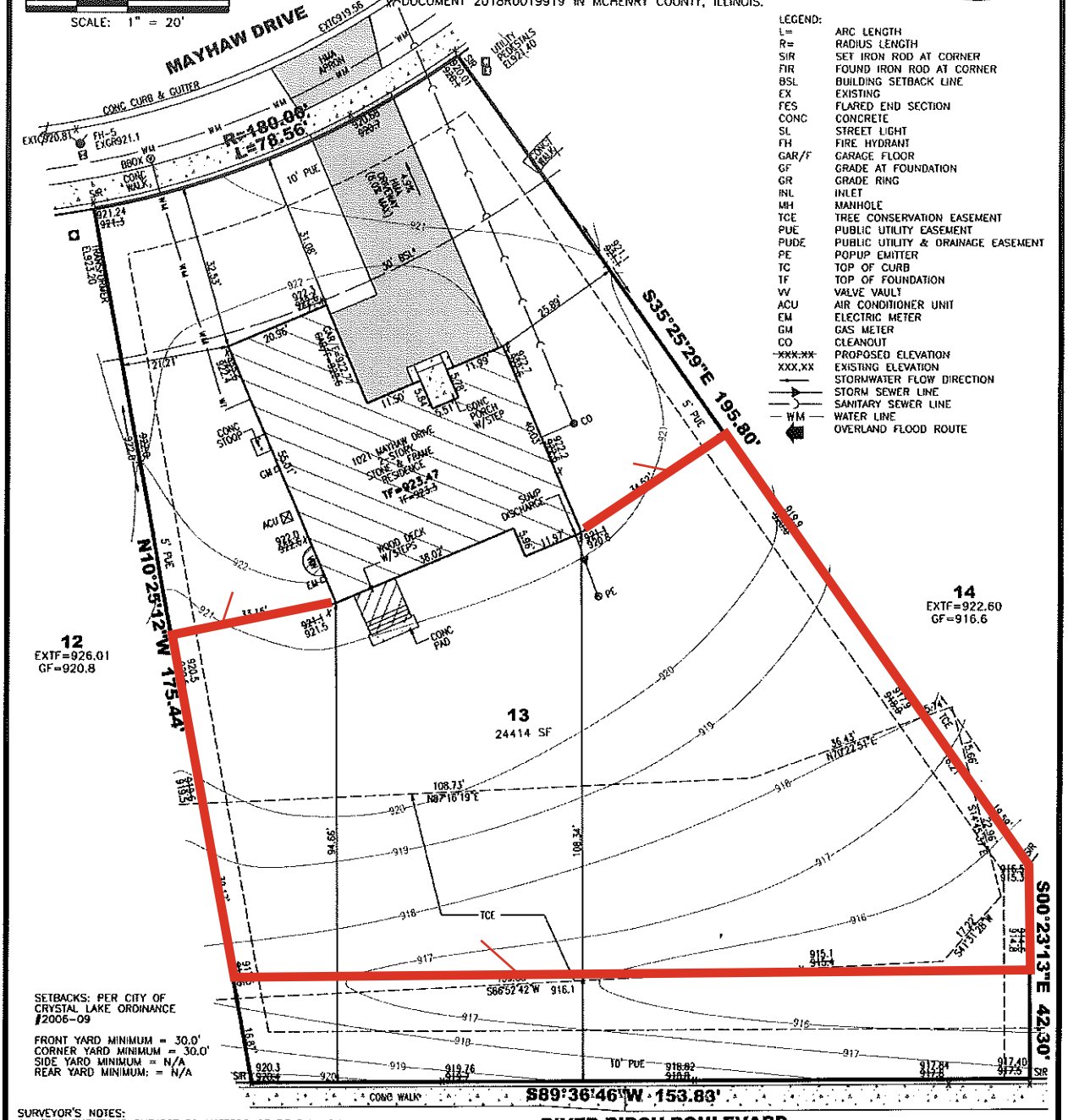
PLAT OF SURVEY

"RECORD GRADING PLAN"

LOT 13, IN PRESTON PINES – UNIT 1, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 22, 2007 AS DOCUMENT 2007R0035876, AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED JUNE 15, 2018 AS DOCUMENT 2018R0019919 IN MCHENRY COUNTY, ILLINOIS.

PROFESSIONAL LAND SURVEYOR
DALE A. GRAY
035-003057
ROSEMONT
ILLINOIS
STATE OF ILLINOIS

20 10 0 20
SCALE: 1" = 20'



LEGEND:

L=	ARC LENGTH
R=	RADIUS LENGTH
SIR	SET IRON ROD AT CORNER
FIR	FOUND IRON ROD AT CORNER
BSL	BUILDING SETBACK LINE
EX	EXISTING
FES	FLARED END SECTION
CONC	CONCRETE
SL	STREET LIGHT
FH	FIRE HYDRANT
GAR/F	GARAGE FLOOR
GF	GRADE AT FOUNDATION
GR	GRADE RING
INL	INLET
MH	MANHOLE
TCE	TREE CONSERVATION EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PUDE	PUBLIC UTILITY & DRAINAGE EASEMENT
PE	POPUP EMITTER
TC	TOP OF CURB
TF	TOP OF FOUNDATION
VV	VALVE VAULT
ACU	AIR CONDITIONER UNIT
EM	ELECTRIC METER
GM	GAS METER
CO	CLEANOUT
~~XXX.XX~~	PROPOSED ELEVATION
XXX.XX	EXISTING ELEVATION
	STORMWATER FLOW DIRECTION
	STORM SEWER LINE
	SANITARY SEWER LINE
WM	WATER LINE
	OVERLAND FLOOD ROUTE

RIVER BIRCH BOULEVARD

SURVEYOR'S NOTES:
1. THIS SURVEY IS SUBJECT TO MATTERS OF TITLE WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT.
2. BUILDING DIMENSIONS AND TIES SHOWN HEREON ARE MEASURED FROM THE OUTSIDE FACE OF CONCRETE FOUNDATION.
3. SURVEY IS BASED ON FIELD WORK COMPLETED ON 04-03-25.
4. BEARINGS BASED ON ILLINOIS EAST STATE PLANE COORDINATE SYSTEM AND ARE IN THE SAME ANGULAR RELATIONSHIP AS THE RECORDED PLAT OF SUBDIVISION.

GENERAL NOTES:
1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
2. ONLY THOSE BUILDING LINE SETBACKS AND EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISIONS ARE SHOWN HERE ON. REFER TO THE DEED, TITLE INSURANCE POLICY AND LOCAL ORDINANCES FOR OTHER RESTRICTIONS.
3. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT AND DISCREPANCIES TO THE SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.
5. CERTIFIED COPIES OF THIS SURVEY BEAR AN IMPRESSED SEAL.

DEVELOPER:
CHRISTA BERISTAIN
LENNAR
1141 EAST MAIN STREET, SUITE 108
EAST DUNDEE, ILLINOIS 60118
P: 224-293-3100 F: 224-293-3101
EMAIL: CHRISTA.BERISTAIN@LENNAR.COM

SOURCE BENCHMARK NUNDA RM2:
BRASS DISC SET IN CONCRETE, 0.40 MILES SOUTH OF GRAY ROAD IN TREE GAP ALONG ABANDONED FENCE LINE.
ELEVATION = 852.47 (NAVD 88 DATUM)

SOURCE BENCHMARK #2: NUNDA NO 2 1954
BRASS DISK IN CONCRETE ABOUT 0.75 MILES EAST ALONG EDGE WOOD ROAD, TRENCH 0.1 NORTH ALONG RT. 31 39.5 FEET WEST OF CENTERLINE.
ELEVATION = 852.53 (NAVD 88 DATUM)

STATE OF ILLINOIS)SS
COUNTY OF COOK)

WE, MACKIE CONSULTANTS LLC, AN ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-002694, HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 15TH DAY OF APRIL, 2025 IN ROSEMONT, ILLINOIS.

MACKIE CONSULTANTS LLC

DALE A. GRAY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003057
LICENSE EXPIRES: NOVEMBER 30, 2026

Mackie Consultants, LLC
9575 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847)696-1400
www.mackieconsult.com
MACKIE CONSULTANTS

DATE	DESCRIPTION	BY
07-09-18	REVISED GRADING	JJA
07-16-18	FOUNDATION LOCATION	AC
11-01-18	RECORD GRADING PLAN	JJA
05-23-18	REVISED PER COMMENTS	KMF
04-15-25	REVISED RECORD GRADING PLAN	AC

WOODLORE ESTATES
1021 MAYHAW DRIVE
CRYSTAL LAKE, ILLINOIS

DATE: 04-17-18 | DR BY: JJA | PROJ NO: 3144 | LOT NO: 13

4/15/2025 4:39:04 PM N:\3144\Surveys\Preliminary\3144-pl

COPY

WARRANTY DEED
ILLINOIS STATUTORY
LIMITED LIABILITY COMPANY

Preparer File: AF1052024
FATIC No.: AF1052024

THE GRANTOR, **Slate Non-NC/Non-WA Property Owner, LLC A Delaware Limited Liability Company**, a limited liability company created and existing under and by virtue of the laws of the State of DE and duly authorized to transact business in the state of IL, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration, in hand paid, and pursuant to authority given by the Managers of said limited liability company,
CONVEY(S) and WARRANT(S) to **Bryan Bellah and Kathrina Bellah**, husband and wife, , of 8110 Carriage Lane Spring Grove, IL 60081 of the County of McHenry, Not as Joint Tenants or Tenants in Common but as Tenants by the Entirety, the following described Real Estate situated in the County of McHenry in the State of Illinois, to wit:

Lot 13, in PRESTON PINES UNIT 1, being a subdivision in part of the Southeast Quarter of Section 27, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 22, 2007 as Document 2007R0035876, in the office of the recorded of McHenry County Illinois

SUBJECT TO: Covenants, conditions and restrictions of record; General taxes for the year 2024 and subsequent years

Permanent Real Estate Index Number(s): 14-27-455-003

Address(es) of Real Estate: 1021 Mayhaw Drive
Crystal Lake, Illinois 60012

In Witness Whereof, said party of the first part has caused its corporate seal to be hereunto affixed, and has caused its name to be signed to these presents by its Authorized Signatory, this:

13 day of May, 2025.

Northwest Herald

NORTHWEST HERALD

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Crystal Lake, IL

Publication County:
McHenry

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Notice Keywords:
planning and zoning

Notice Authentication Number:
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213731298

Notice URL:

Back

Notice Publish Date:
Friday, August 15, 2025

Notice Content

PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE APPLICATION OF Bryan Bellah 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 Bryan Bellah for approval of a Variation at the following real estate known as 1021 Mayhaw Drive, Crystal Lake, Illinois 60014, PIN: 14-27-455-003. This application is filed for the purpose of seeking a Simplified Residential Zoning Variation to construct a six-foot privacy fence extending 32 feet into the required 50-foot setback for a rear yard abutting a street in the RE Residential Estate district, 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, September 3, 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 Northwest Herald Aug. 15, 2025) 2265943

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STATE OF ILLINOIS

COUNTY OF MCHENRY

IN THE MATTER OF THE APPLICATION OF

Bryan Bellah ;
(Petitioner)

As represented by _____
(If different than petitioner)

AFFIDAVIT

Bryan Bellah, being first duly sworn on oath deposes and states as follows:
(Name)

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 on the attached list by regular mail notifying them of the hearing before the Planning and Zoning Commission on September 3rd, 2025, at 7:00 PM, at the City of Crystal Lake City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the persons named by regular mail on August 13th, 2025.

B. That the posting requirements of the Zoning Ordnance have been complied with by placing the customary public notice sign on the subject property on August 15th, 2025.

(Signature)

Subscribed and Sworn to me before
This 22 day of August, 2025

Notary Public

BRIAN C COYLE
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
February 08, 2027