#2010-42
779 North Shore Drive (Bourgeau)
Project Review for Planning and Zoning Commission

Meeting Date: June 16, 2010

Request: Simplified Residential Variation (Article 4 Section 4-700 B Height Requirements for Fences) to allow a 6-foot high fence into the required front and yard abutting a street setbacks and a 4-foot high fence in a yard abutting a street.

Location: 779 North Shore Drive

Acreage: Approximately 5,000 square feet

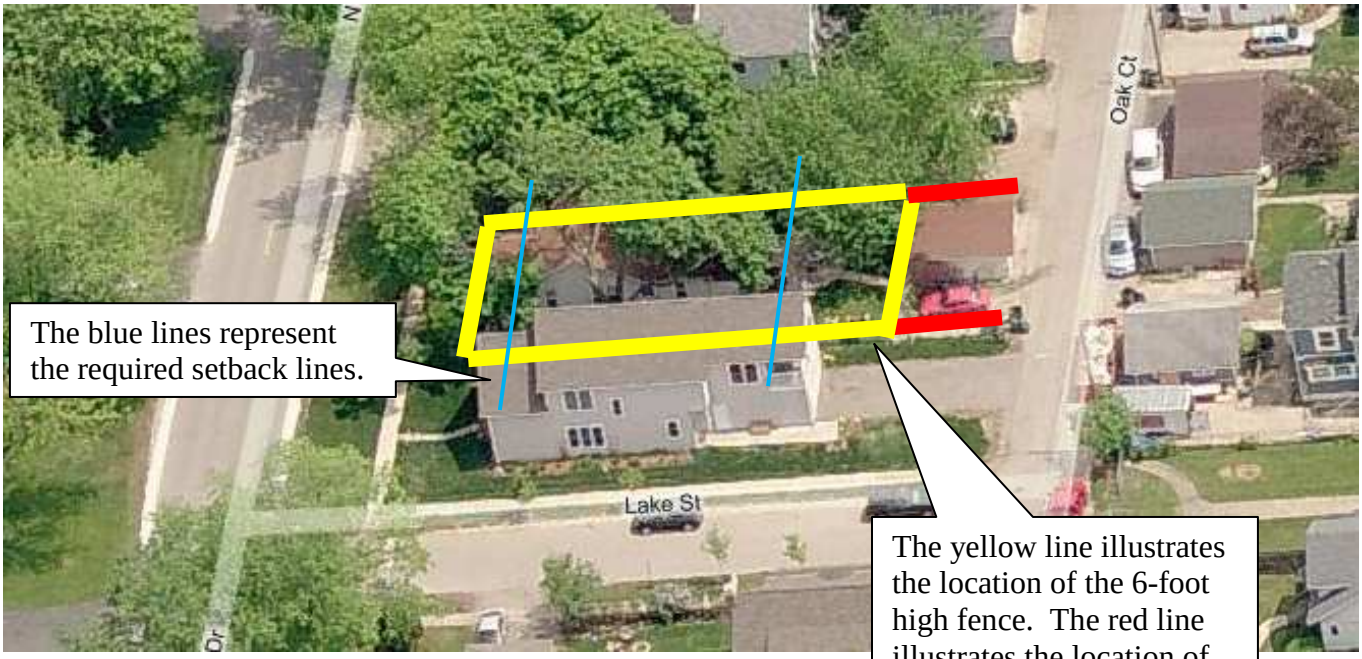
Existing Zoning: R-2 Single Family Residential

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: Elizabeth Maxwell (815.356.3615)

Background:
The petitioner owns a single family lot with an existing house and detached garage. The garage is located along the rear property line along Oak Court. The petitioner is requesting to install a 6-foot high fence from the front of the home to the garage. This would be a board on board solid cedar privacy fence. The fence would then taper down to a 4-foot high picket fence to the lot line along Oak Court.





Zoning Analysis:

Height Variation

Article 4 Section 4-700 B. 3 Height Requirements for Fences, Walls and Screening states that Fences, walls or screening in any front yard or yard abutting a street shall not exceed 3-feet in height and meet the clear view provisions. The clear view provision applies to corner lots where visibility is needed between intersecting streets. Clear view is also important between residential lots to ensure that views are not obstructed when backing out from a driveway. Since the garages were constructed at the rear lot line, they already block a portion of the visibility for people backing out of neighboring driveways.

The petitioner is requesting a 6-foot high fence be allowed up to the front of the house along North Shore Drive. The required minimum setback along North Shore Drive is 21 feet. Any fence in a front yard is required to be no higher than 3 feet. The fence would encroach 6 feet into the required front yard. The petitioner is also requested that a 6-foot high fence be constructed to the rear wall of the garage. Also that a 4-foot fence be constructed along both side lot lines from the 6-foot fence to the lot lines along Oak Court. Any fence in a yard abutting a street is required to be no higher than 3 feet. The required setback along Oak Court is 46 feet. The 6-foot high fence would encroach 23 feet into this required setback. The 4-foot high fence would encroach 23 feet into this setback.

Findings of Fact:

ZONING ORDINANCE VARIATIONS

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 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which is defined as: "representing existing and future residential areas including a combination of single-family and multi-family housing types."

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

Within the Residential Land Use section of the Comprehensive Plan, the following objective is supported by the petitioner's request:

Objective #3: Preserve and enhance the character and livability of existing residential areas.

Within the Residential Land Use section of the Comprehensive Plan, the following objective is not supported by this request

Objective #2: Promote clean, safe and well maintained housing by encouraging regular repair and maintenance of housing and compliance with City Codes and Ordinances

Recommended Conditions:

If a motion to recommend approval of the Simplified Residential Variation at 779 North Shore Drive is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (Bourgeau, received 5/28/10)
   B. Site Plan (Bourgeau, received 5/5/10)

2. The following is hereby granted:
   A. A simplified residential variation to allow a 6-foot high fence 6 feet into the required front yard setback and 23 feet into the yard abutting a street; and
   B. To allow a 4-foot high fence to encroach 23 feet into the yard abutting a street.

3. Through the Building Permit process, the petitioner shall work with the Fire Rescue Department to ensure the fence design, location and gates will allow them access to the property in case of an emergency.

4. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.

City of Crystal Lake
Simplified Residential Variation Application

Office Use Only
File #: 4 2 2010

RECEIVED
MAY 2 8 2010
BY:

Petitioner Information

Name: Oliver Bourgeau
Address: 779 N Shore Dr
Crystal Lake IL 60014
Phone: 815 444 0632
Fax:
E-mail: Olivernmari@yahoo.com

Owner Information (if different)

Name:
Address:
Phone:
Fax:
E-mail:

Property Information

Project Address/Location: 779 N Shore Dr Crystal Lake IL 60014

Project Description/Hardship

Please describe the proposed project and any unique circumstances of the property or particular hardship that, in your opinion, necessitates the variation request.

Replace & install new cedar fence. Variance request to: decrease the front yard setback from 21' to 16'. decrease the back yard setback from 46' to 16'. To increase the 3' sections to 4'.

Hardships include property location, proximity to Major thoroughway, Special Circumstances, Similarities to other properties and Previous approved Projects

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.

Oliver Bourgeau Oliver Bourgeau May 28th 2010

OWNER: Print and Sign name Date

10-42

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF Oliver Bourgeau

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 of the City of Crystal Lake upon the application of Oliver Bourgeau relating to the following described real estate commonly known as 779 North Shore Drive, Crystal Lake, Illinois 60014, PIN: 19-06-130-002

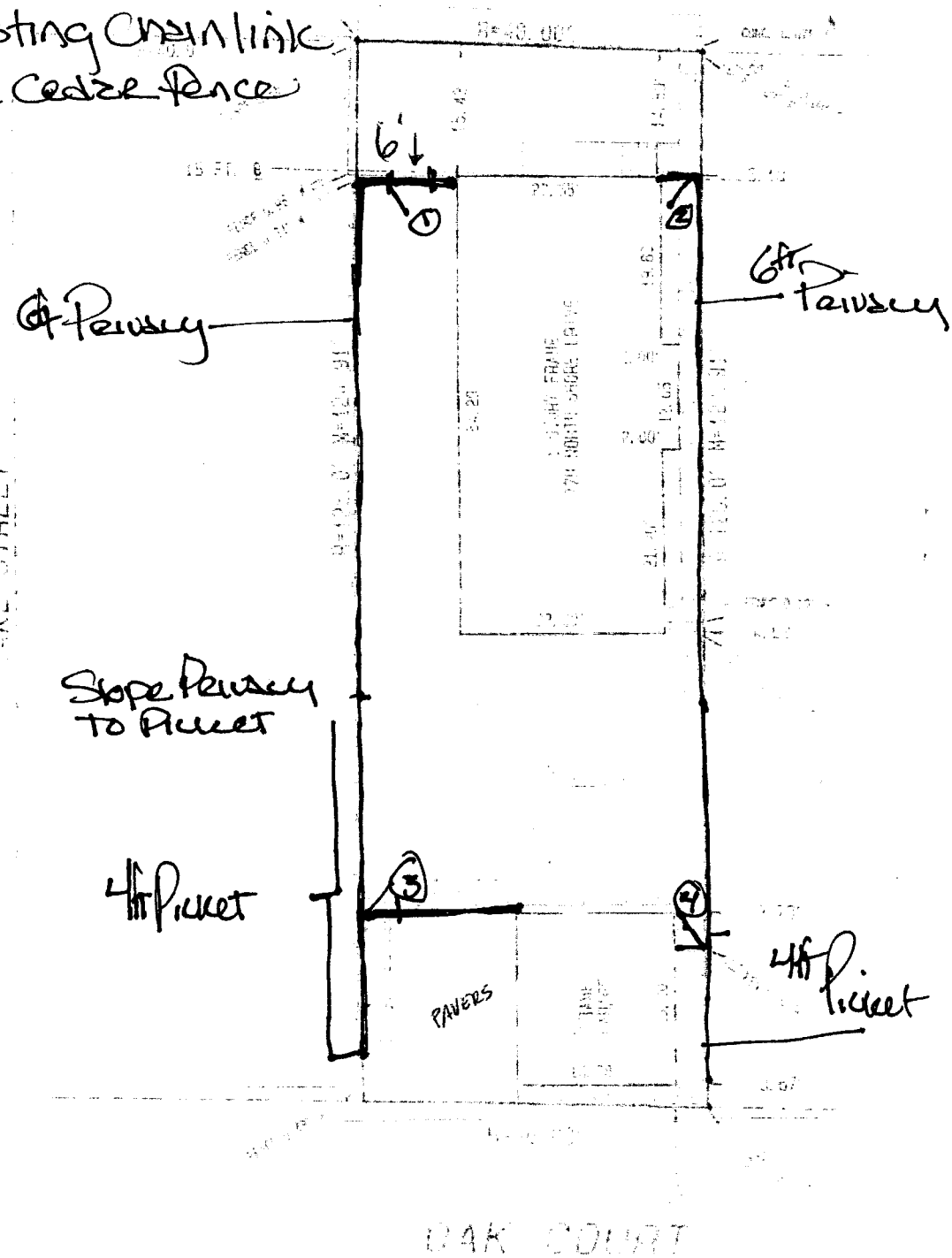
This application is filed for the purposes of seeking a variation from Article 4 Section 4-700 B. 3. Height Requirements for Fences, walls and screening to allow a 6 foot high fence in the front and yard abutting a street setbacks. The fence shall be 6 feet into the required 21 foot setback along North Shore Drive and 23 feet into the required 46 foot setback on Oak Court; as well as any other variations that may be necessary to allow the plans as presented. 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 7:30 p.m. on Wednesday, June 16, 2010, 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 June 1, 2010)

NORTH SHORE DRIVE

Remove existing Chain link
Replace with Cedar Fence



4 2 2010