#2012-42
132 Ashton Lane (Cooper)
Project Review for Planning and Zoning Commission

Meeting Date: July 9, 2012

Request: Variation (Article 3-200) to allow a deck to encroach 7 feet into the required 20-foot rear yard setback and be as close to the property line as 13 feet.

Location: 132 Ashton Lane

Acreage: Approximately 9,000 square feet

Existing Zoning: R-2 Single Family Residential

Surrounding Properties:
North: R-2 PUD Single Family
South: R-2 PUD Single Family
East: R-2 PUD Single Family
West: E Estate

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

- The house was constructed with a 4'x 4' deck from the second story rear door into the backyard. This deck has begun to sink into the yard and needs to be replaced.
- The petitioners would like to construct a larger more usable deck. The new deck area would be 8'x 8'.
- The house is located 1 foot inside the rear setback line. Decks, stairs and porches open to the sky are permitted to encroach 4 feet into the required rear yard. This deck currently encroaches 3 feet into the rear yard setback.



Zoning Analysis:

Variation

- The new 8' x 8' deck would encroach 7 feet into the rear yard setback, a variation of 3 feet.
- The deck would be within a 16-foot Private Drainage Easement. The deck will not affect the drainage easement.

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 allows for existing and future residential areas including a combination of single-family and multi-family housing types. The following goal is applicable to this request:

Land Use

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.

Recommended Conditions:

If a motion to recommend approval of the Simplified Residential Variation at 132 Ashton Ln 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 (Cooper, received 06/08/12)
   B. Plat of Survey/Site Plan (Unnamed, undated, received 06/08/12)

2. A variation to allow encroachment into the required rear yard setback by 7 feet for a second story deck and stairway is granted.

3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

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Application for Simplified Residential Variation

Application Number:	FOR OFFICE USE ONLY
Project Name:	
Date of Submission:	

RECEIVED
JUN 0 8 2012
BY:

I. Applicant

Rich & Kathy Cooper
Name

132 Ashton Ln
Street

Crystal Lake IL 60014
City State Zip Code

(815) 477-9042 Cell- 0778 rkcooper@comcast.net
Telephone Number Fax Number E-mail address

II. Owner of Property (if different)

Name

Address Telephone Number

III. Project Data

1. a. Location/Address: 132 Ashton Lane Crystal Lake, IL

   b. PIN #:

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:

Our current deck is leaning into the yard and a new deck needs to be built. We would like the deck to be bigger in order to be more functional and usable.

IS THE HARDSHIP SELF-CREATED? No.

15-08-12 13:11 RCVD

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

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: patio

IV. Signatures

Kathy Cooper Kathy Cooper 6/5/12

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.

Kathy Cooper Kathy Cooper 6/5/12

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 RICH and KATHY COOPER

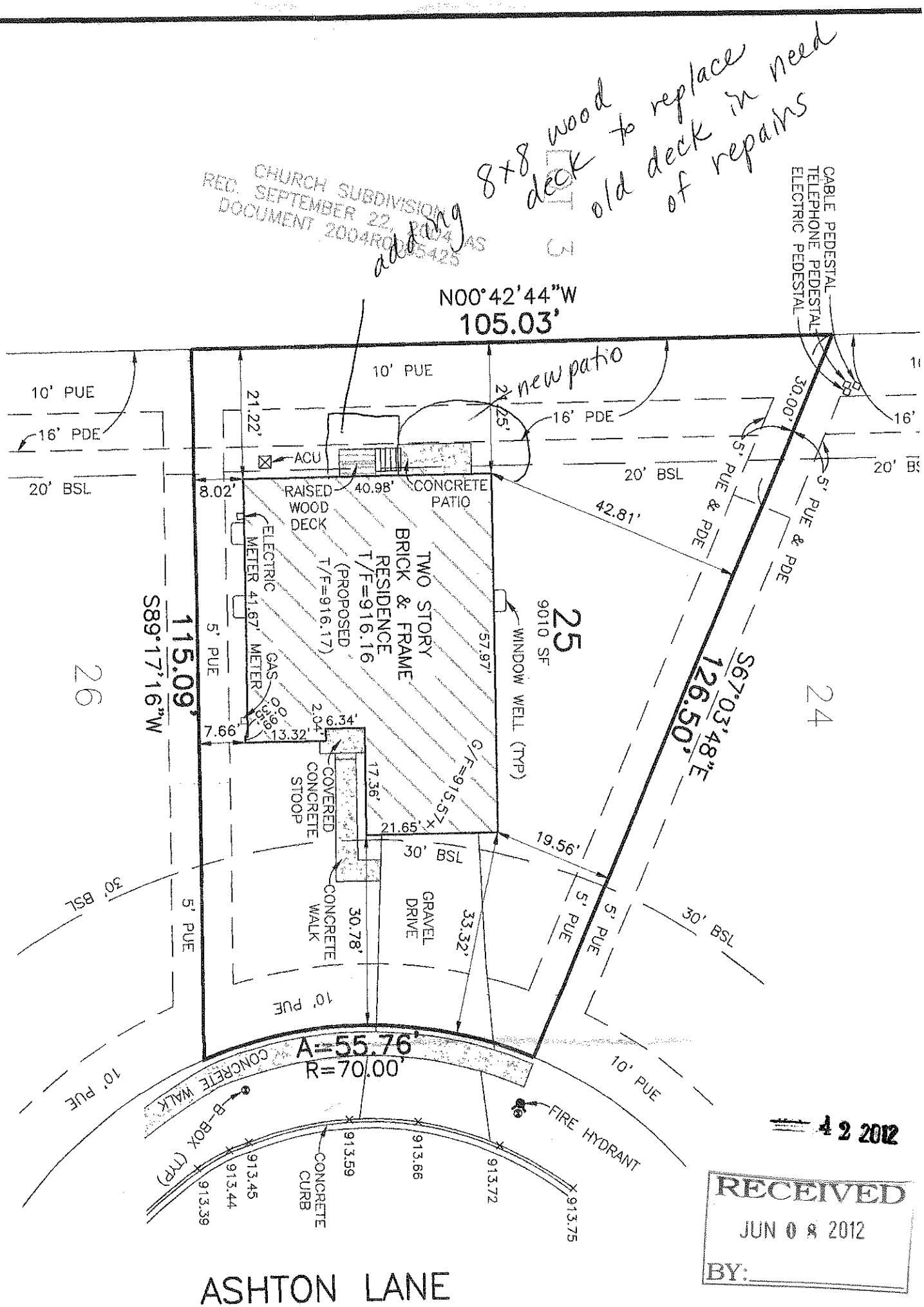
LEGAL NOTICE

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 Rich and Kathy Cooper for approval of variations relating to the following described real estate commonly known as 132 Ashton Lane, Crystal Lake, Illinois 60014, PIN: 19-04-226-048.

This application is also filed for the purposes of seeking variations from Article 3, Density and Dimensional Standards, to allow a deck to encroach 7-feet into the rear yard setback and be as close as 13-feet from the rear property line instead of the required 16 feet; 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 Monday, July 9, 2012, 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 22, 2012)



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BY: