#2012-48
274 Midlane Drive (Foley)
Project Review for Planning and Zoning Commission

Meeting Date: September 5, 2012

Request: Variation (Article 3-200) to allow a brick paver patio to encroach 1.4 feet into the required 5-foot accessory structure setback from the side yard setback and be as close as 3.6 feet from the side property line.

Location: 274 Midlane Drive

Acreage: Approximately 8,500 square feet

Existing Zoning: R-2 Single Family Residential

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 front of the house is oriented towards Midlane Drive, though the front of the lot is considered Ryan Way.
- Both Midlane Drive and Ryan Way have 30-foot yard setbacks. The setback to the rear of the house, where the patio is located, is a 7-foot side yard setback.
- The brick paver patio is 14 feet by 20 feet.
- The required minimum setback for an accessory structure is 5 feet. The patio is only 3.64 feet from the side yard, a 1.4-foot encroachment.

Zoning Analysis:

Variation

- Since the patio is flat (not above 12 inches) it is not considered attached and only needs to meet the accessory structure setback of 5 feet.
- The patio is adjacent to the side of the neighbor's house. This side contains only one second story window. Photos of the patio are provided in Exhibit A.

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: Preserve and enhance the character and livability of existing residential area with architectural and development guidelines.

Recommended Conditions:

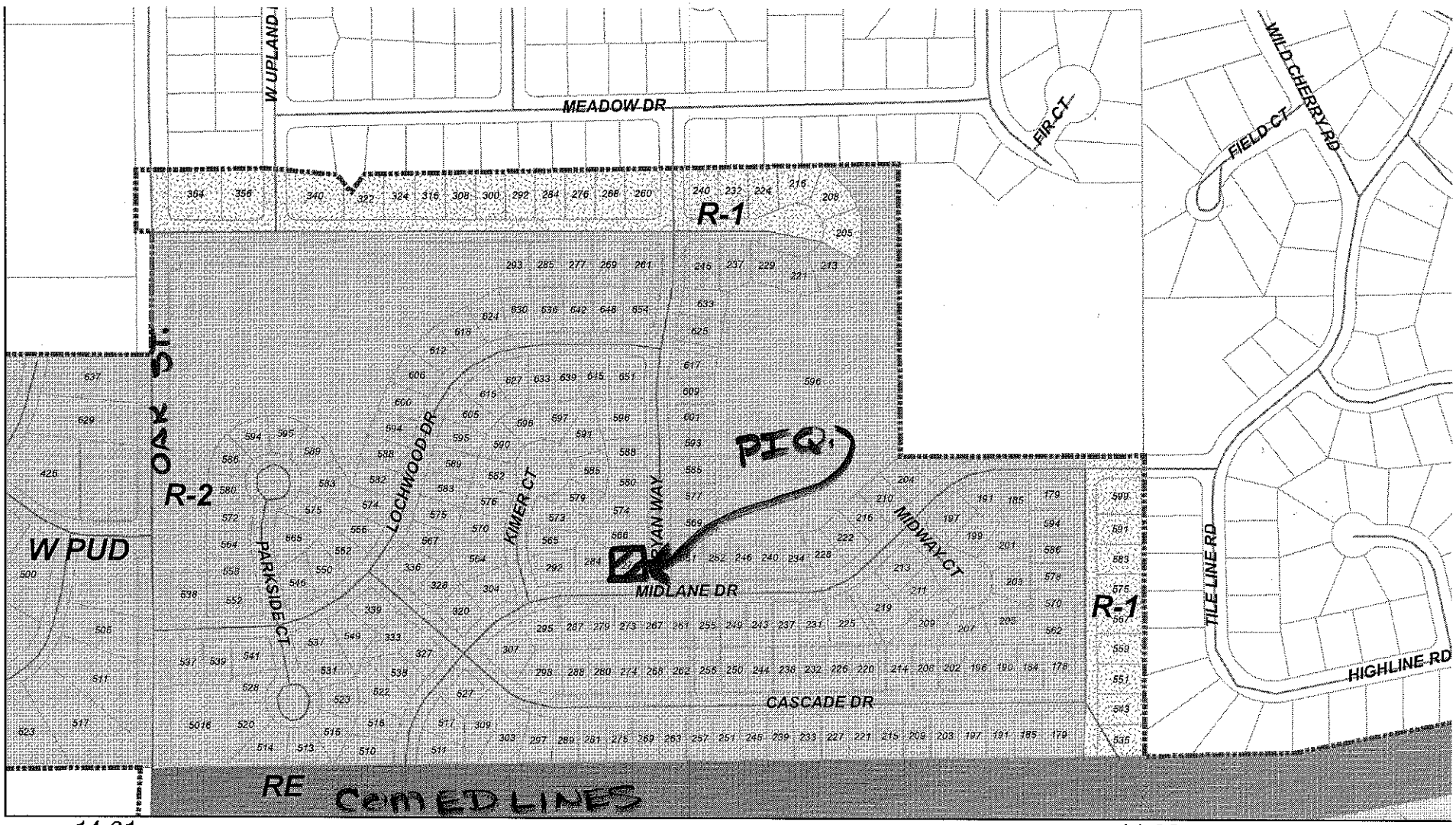
If a motion to recommend approval of the Simplified Residential Variation at 274 Midlane Drive is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (Foley, received 07/06/12)
   B. Plat of Survey/Site Plan (Brauer Land Surveying, dated 12/13/1991, received 06/08/12)

2. A variation to allow the encroachment into the required 5-foot accessory structure side yard setback by 1.4 feet for a brick paver patio is granted.

3. No structure shall be constructed on the patio surface.

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


W MIDLAND
MEADOW DR
FIR CT
WILD CHERRY RD
FIELD CT
R-1
OAK ST
R-2
W PUD
LOCHWOOD DR
PARKSIDE CT
KIMER CT
RYAN WAY
MIDWAY CT
MIDLANE DR
CASCADE DR
TILE LINE RD
HIGHLINE RD
R-1
RE
CemED LINES
14-31
14-32

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BY:

Application for Simplified Residential Variation

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

I. Applicant

Gladys Foley
Name

274 Midlane Drive
Street

Crystal Lake | Illinois | 60012
City | State | Zip Code

8153411652 | | gfoley4@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: 274 Midlane Drive

   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:

I have lived in my house for over 20 years and waited that long to build a paver brick patio right outside my patio doors. In looking at CL website on the Permit home page it did not list paver patl

We made the mistake of not looking further. The patio was built as one level, no steps or walls. It was planned to be 14x20 feet to be in the most level part of the yard.

My house in on a corner lot and the yard is an ackward size and there is not much room in the back. Both sides of the house have slopes.

I would like to request that the patio be kept its current size. I have spoken to my neighbor on the side of patio and they see no problems with property lines.

IS THE HARDSHIP SELF-CREATED?

No

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

yes

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: None

IV. Signatures

Gladys Foley 7-6-12

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.

Gladys Foley / Gladys Foley 7-6-12

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 GLADYS FOLEY

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 Gladys Foley for approval of variations relating to the following described real estate commonly known as 274 Midiane Drive, Crystal Lake, Illinois 60014, PIN: 14-29-353-027.

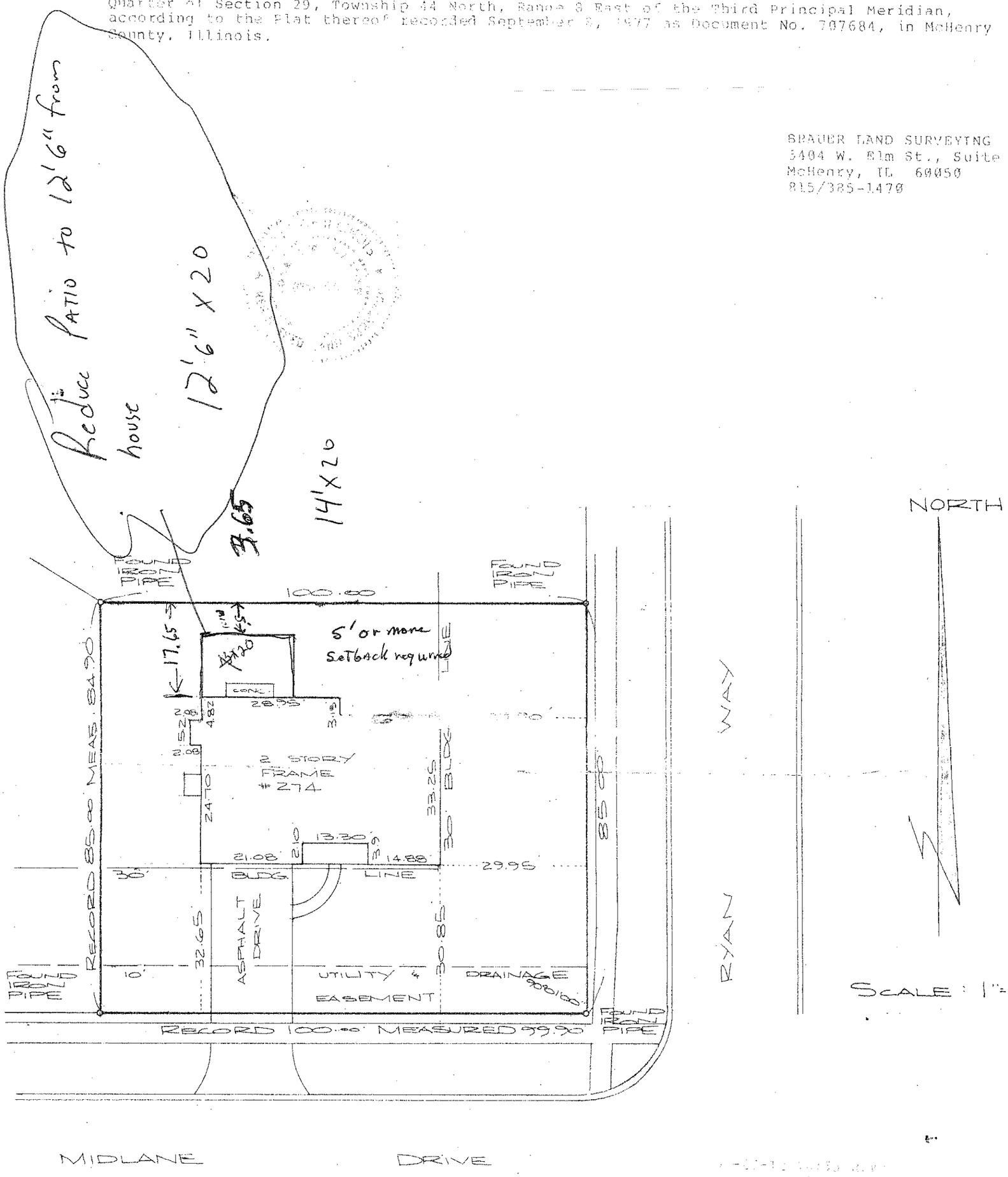
This application is also filed for the purposes of seeking variations from Article 3, Density and Dimensional Standards, to allow a brick paver patio to encroach 1.4 feet into the required 5-foot accessory structure setback from the rear yard setback and be as close as 3.6 feet from the rear property line; 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, August 15, 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 July 28, 2012)

Lot 43 in Loch Wood Acres Subdivision Phase One, a Subdivision of part of the Southwest Quarter of Section 29, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded September 8, 1977 as Document No. 707684, in McHenry County, Illinois.

BRAUER LAND SURVEYING
3404 W. Elm St., Suite E
McHenry, IL 60050
815/385-1470



STATE OF ILLINOIS
McHENRY COUNTY

I hereby certify that I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principle buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

This survey is made for the present owners of the property and also those who purchase, mortgage or guarantee the title thereto within six months from the date thereof

Dated at McHenry, Illinois this 13th day of DECEMBER, 1991.

Robert P Brauer

EXHIBIT A







