

# **CITY OF WASHINGTON WASHINGTON, ILLINOIS**

**TO:** Chairman Burdette, and Planning & Zoning Commission Members  
**FROM:** Becky Holmes, Building and Zoning Supervisor  
**DATE:** April 23, 2018  
**SUBJECT:** 7 foot rear yard variance request to construct a room addition on an existing deck

**PETITIONER:** Gina & Dave Armel

**LOCATION:** 1871 Hickory

**ZBA REQUEST:** To allow a proposed room addition to be 13 feet from the rear property line. Required rear yard setback is 20 feet or 20% of the lot, whichever is greater. The required setback for the petitioner's lot is 20 feet.

**BACKGROUND:** The property is zoned R-1, is a corner lot, with a lot width of 131 feet and a lot depth of 79 feet. The home was destroyed in the November 17, 2013, tornado and rebuilt in 2014. The deck, which was constructed at the time of the rebuild, was not required to have a variance as it existed pre-tornado. The petitioners are requesting to construct a room addition over the existing deck. The proposed room addition will encroach into the rear yard setback 7 feet.

## **STAFF'S OBSERVATIONS:**

- It appears that the petitioners may be able to receive reasonable return on their property without constructing a room addition.
- There does appear to be unique circumstances because the lot is shallow in depth.
- It does not appear that the character of the neighborhood would be altered as the room addition will not encroach into the rear yard setback any further than the existing deck.

**STAFF RECOMMENDATION:** Staff recommends denial of the rear yard variance request.

# CITY OF WASHINGTON, ILLINOIS

## APPLICATION FOR VARIANCE

To have a complete application for a variance, you must submit the following:

- Signed and completed application
- Plat showing subject property and proposed site improvements
- Ownership documentation (lease, deed, mortgage, etc.)
- Application fee of \$100 payable to the City of Washington

Name(s) of Applicant(s): Gina & Dave Arnel

Phone Number of Applicant: 309-338-0341

Address of Applicant: 1871 Hickory St.

Owner of Property: Gina & Dave Arnel

Address of Owner: 1871 Hickory St.

I would like to receive correspondence by: ☐ Mail ☒ Email

Email Address: Gina.Arnela@gmail.com

Property Tax ID (PIN) number: 02-02-22-106-001

Current zoning classification of the property: R-1

Current use of the property: Residential

Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

Parents are moving in with us and we really need to increase living area on main level due to both can't do stairs

To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes ☒ No ☐

If "no," explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are NOT entitled to variations.)

Describe how your situation is unique or different from any other property: Very narrow rear yard due to corner lot

Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:

most lots in area have structures that encroach into required setbacks

Describe the nature of the variation you are requesting (attach dimensioned site plan):


**PUBLIC HEARING:** Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission (PZC) meeting for a public hearing. The PZC meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmor Road. At the PZC meeting, you will present your request. A variance cannot be granted by the PZC unless the PZC finds, based upon the application and evidence presented at the public hearing, that a strict application of the terms of the Zoning Ordinance imposes practical difficulties or particular hardship. The following are examples of variances that can be granted:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy, where the PZC shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
3. To make a variance, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in the Zoning Ordinance.
4. To interpret the provisions of this chapter where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
5. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
6. To permit a building to be erected, reconstructed, altered, or enlarged so that the building lines would extend beyond the distance specific in this chapter into side yards or into front yards; provided that such variance may not be granted:
  - a. Unless there is a building in the block that extends beyond the distance from the front street line specified in this chapter, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building;
  - b. Unless the lot is irregular in shape, topography, or size; or
  - c. Unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography, or size.
7. To permit in any district such modifications of the requirements of the regulations of this chapter as the Board may deem necessary to secure all appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to the regulations of the district.

**Certification:** To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Variance.

  
\_\_\_\_\_  
Signature of Applicant

3-8-18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Owner

3-8-18  
\_\_\_\_\_  
Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Becky Holmes, Building and Zoning Supervisor, at (309) 444-1122.

House



Roof  
X line for  
addition

29 Feet

16'

3'  
Fire  
Place

16'

door

door

13'

13'

Fence line

Build on existing Deck

13' x 16'

A stylized handwritten signature or set of initials, possibly reading 'W. R. D.' or similar.

