

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

TO: Chairman Burdette, and Planning & Zoning Commission Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: June 28, 2018

SUBJECT: 11.5 foot rear yard variance request to construct a rear yard deck

PETITIONER: LuzElva Delzell

LOCATION: 1600 Santa Fe Rd

ZBA REQUEST: To allow a proposed deck to be 10.5 feet from the rear property line. Required rear yard setback is 20 feet or 20% of the depth of the lot, whichever is greater. The required setback for the petitioner's lot is 22 feet.

BACKGROUND: The property is zoned R-1, is a corner lot, with a lot width of 115 feet and a lot depth of 110 feet. The petitioners are requesting to construct a deck off of the rear of the house. The proposed deck, which will cover an existing patio, will be 10.5 feet from the rear property line.

STAFF'S OBSERVATIONS:

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

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): LUZELVA Delzell

Phone Number of Applicant: 309-369-7472

Address of Applicant: 1600 Santa Fe Rd, Washington

Owner of Property: Same as above

Address of Owner: Same as above

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

Email Address: luzdelzell@gmail.com

Property Tax ID (PIN) number: 02 - 02 - 10 - 304 - 012

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:

Most properties in the neighborhood have decks, would keep our property value on par.

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: We have a corner lot with shallow back yard

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

12 foot rear yard variance to construct deck
No change; deck will not come out any further than patio

Describe the nature of the variation you are requesting (attach dimensioned site plan): 16' x 30' Deck

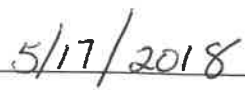
12 foot rear yard variance to construct deck

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:

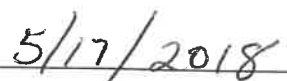
1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act 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.*

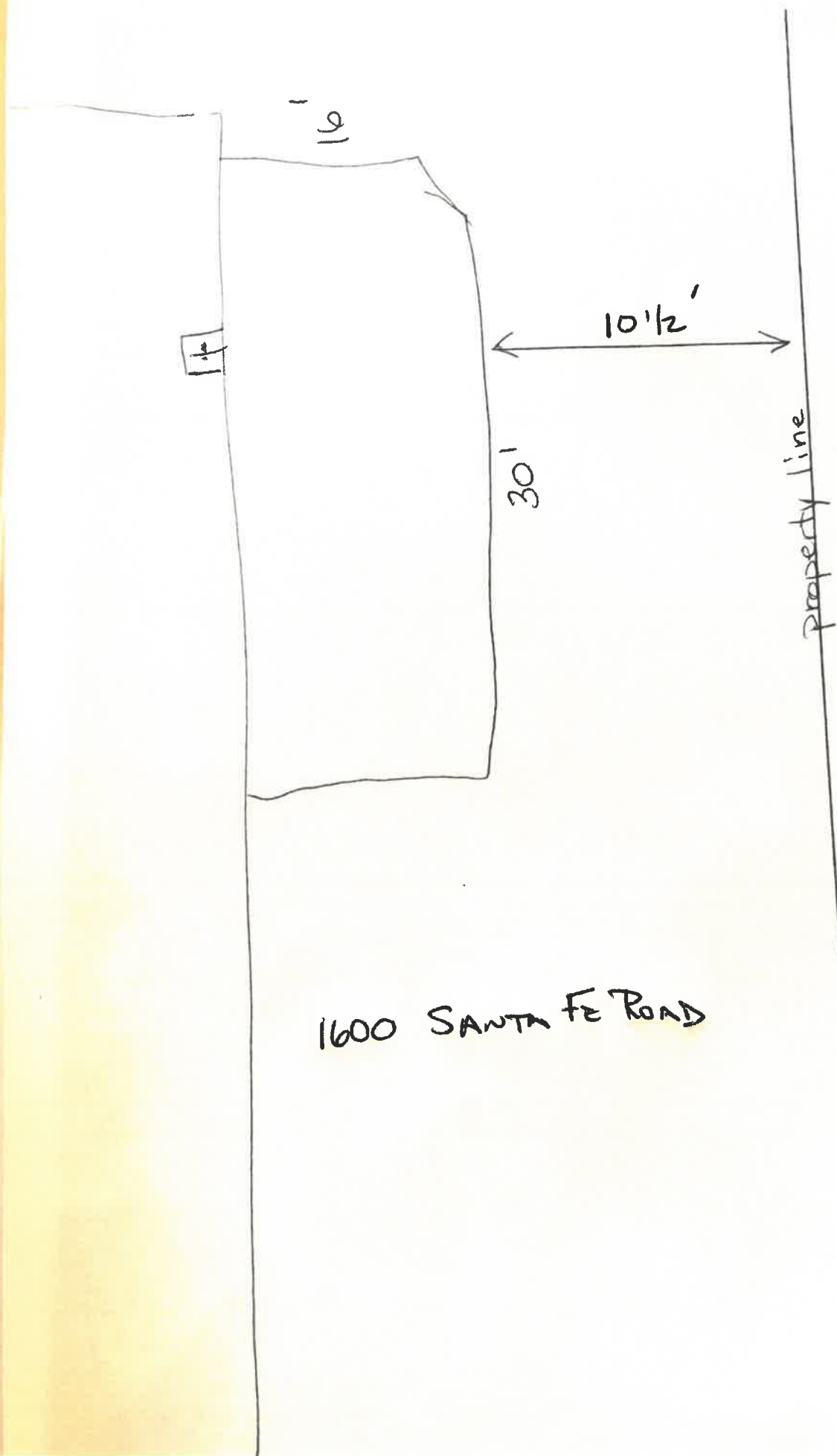

Signature of Applicant


Date


Signature of Owner


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.



1600 SANTA FE ROAD



2022
Sq Ft

1608

3184
Sq Ft

1604

2782
Sq Ft

1600

3301
Sq Ft

SANTA FERD.

1667
Sq Ft

1408

2323
Sq Ft

1404

OAK RIDGE

2897
Sq Ft

1524

1904
Sq Ft

1409

2443
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