

CITY OF WASHINGTON WASHINGTON, ILLINOIS

TO: Chairman Burdette, and Planning & Zoning Commission Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: September 25, 2018

SUBJECT: 4 foot side yard and 2 foot 6 inch distance between structure variance requests to construct a detached garage that was destroyed by fire

PETITIONER: Meredith and Don Seaton

LOCATION: 114 N High St

ZBA REQUEST: To allow a proposed 22 x 22 detached garage to be 1 foot (including overhang) from the side property line on the north and 7 foot 6 inches from a cement block accessory building on an adjoining property to the west. Required side yard setback is 5 feet and distance between structures is 10 feet.

BACKGROUND: The property is zoned R-1 with a lot width of 60 feet and a lot depth of 120 feet. The attached aerial view shows the original garage which was built in 1986 and destroyed by fire in 2016. The petitioners are requesting to replace the 22 x 22 garage on the existing foundation. The proposed garage will be less than the required 10 feet from an existing structure to the west and 1 foot, including overhang, from the side property line. There is no structure within 10 feet of the side property line.

STAFF'S OBSERVATIONS:

- It appears that the petitioners may not be able to receive reasonable return on their property without replacing the detached garage which was destroyed by fire.
- There does appear to be unique circumstances because the lot is narrow.
- It does not appear that the character of the neighborhood would be altered as the detached garage will be on the same foundation as the previous garage.

STAFF RECOMMENDATION: Staff recommends approval of the side yard and distance between structure variance requests.

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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

- Construction location: 114 N. High St, Washington, IL
- Ownership documentation (lease, deed, mortgage, etc.)
- Application fee of \$100 payable to the City of Washington

Name(s) of Applicant(s): Meredith (Dotty) and Don Seaton

Phone Number of Applicant: 309/444-4677 or 713-6046

Address of Applicant: 1167 Walnut St, Washington, IL

Owner of Property: Meredith and Donald Seaton Trust

Address of Owner: 1167 Walnut St Washington, IL

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

Email Address: dondotty@FRONTIER.COM

Property Tax ID (PIN) number: 02-02-24-100-025

Current zoning classification of the property: R-1

Current use of the property: Daughter-in-law lives there

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:

Purchased property w/ Garage and wish to rebuild garage lost in fire

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.)

We seek to put thing back like they existed before the fire. Current zoning requires a variance due to location of existing foundation, garage floor and cement drive.

Describe how your situation is unique or different from any other property: The garage at the rear of 114 N. High partially burned and was removed. We want to rebuild this garage on the existing 22'x22' foundation.

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

We would build the garage like the building that existed before it burned.

Describe the nature of the variation you are requesting (attach dimensioned site plan): We do not meet current

zoning distance on the north or west side of the garage foundation or proposed garage building.

North - 2' from lot line
West - 7' 6" between structures

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.

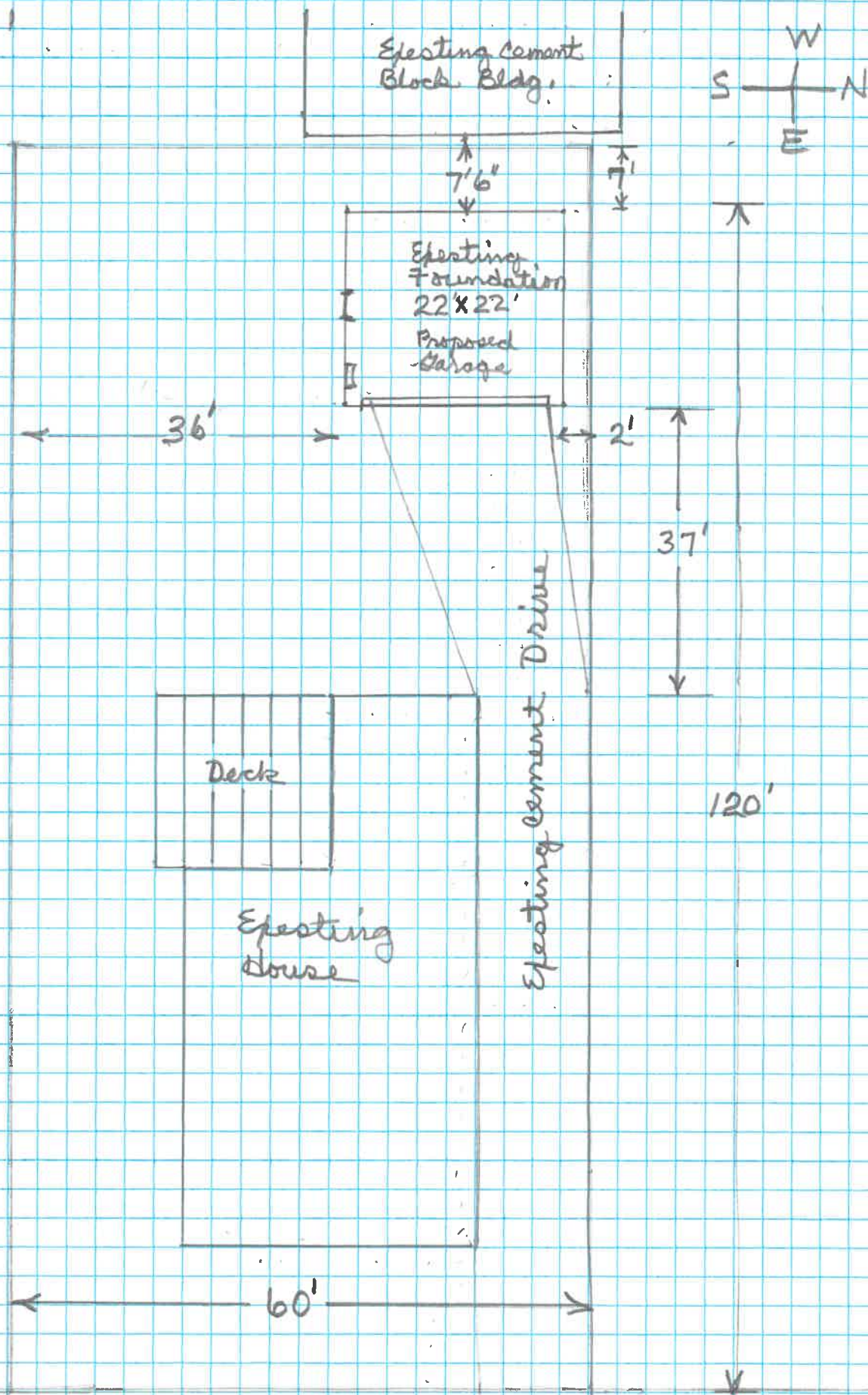
Donald R. Seaton
Signature of Applicant

September 5, 2018
Date

Donald R. & Meredith A. Seaton
Signature of Owner

September 5, 2018
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.



114 N High St
Washington, IL

