

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: Recommendation to City Council for a variance to allow horses on a lot with less than five (5) acres

PETITIONER: Bernard Charles Behrends

LOCATION: 407 Edgewood Ct

ZBA REQUEST: To make recommendation to City Council to allow horses on a lot with less than five (5) acres. Horses are allowed in R1 zoning districts with a special use, provided there is a minimum of five (5) acres. If the variance is approved, the petitioner would need to apply for a special use permit.

BACKGROUND: The property is zoned R-1 with a total of 3.09 acres. The petitioner is selling the property and wants to be able to market the property with the ability to have horses. The petitioner has noted that the property has an existing horse barn and fencing. A permit was issued in 1990 for the barn construction. In addition, the petitioner has knowledge that there were horses on that property at one time.

The Zoning Code was amended in 1987 to require, by special use, a minimum of five (5) acres in order to have horses on a residential property. A special use would need a public hearing and recommendation by the Planning and Zoning Commission and approval by the City Council.

STAFF'S OBSERVATIONS:

- It appears that the petitioner may not be able to receive reasonable return on his property without the ability to have horses. The fact that a permit was issued in 1990 for a horse barn would lead an owner and/or potential buyer to believe that horses would be allowed. It is staff's belief that the permit for the barn was issued in conflict with the Zoning Code as 5 acres would have been needed to allow horses at that time.
- There does appear to be unique circumstances because the property is a residential lot with over 3 acres.
- It does not appear that the character of the neighborhood would be altered as the property has existing fencing and stables to house horses.

STAFF RECOMMENDATION: Staff recommends approval of the variance request recommendation to City Council.

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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
- Ownership documentation (lease, deed, mortgage, etc.)
- Application fee of \$100 payable to the City of Washington

Name(s) of Applicant(s): Bernard Charles Behrends

Phone Number of Applicant: 309-339-1489

Address of Applicant: 407 Edgewood Ct. Washington, IL 61571

Owner of Property: same as above

Address of Owner: same as above

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

Email Address: bernbehrr53@yahoo.com

Property Tax ID (PIN) number: 02 - 02 - 20 - 406 - 023

Current zoning classification of the property: residential

Current use of the property: owner occupied

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:

I Purchased property because I could have horses. Horse barn, special pastures for diet, Fencing and electric inner Fencing. Property on market and interest is in Keep horses. The value of the Property is diminished without original zoning. Keeping

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: The value (substantial) of property has been ~~the~~ negatively affected by the Zoning Change

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

None - There are seven Homes on dead end Rd. and my property is at dead end. House between Rd. and pastures setting pastures back from Rd.

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

Residential # Variance To Allow Horses on less Than five Acres


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. Wilmore 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.

I bought the property because I could have horses. {Horse barn, special pastures for horses. diet, w/water and elect
Agricultural / Live stock Fencing and electric inner Fencing. When I put prop on the Market all interes has been for Keeping horses. The value of the prop is diminished without original zoning.

There Are Seven ^{houses} on a dead end / ^{no outlet} Rd. and my property is at dead end, pastures set back off road.
Home between Pastures and Rd. setting Pastures back from Rd.

The value of the prop is based on ability to keep
The zoning change Δ Prohibits the Property from its original intended use

ee

ee

your Me
Always use y
am/na

property has Two Pastures Horse Barn standard relectr
Blue grass red Clover fencing
The property ~~also~~ has amenities to facilitate horse
prop

2x

3 property has always been used for agriculture
and livestock never been street improvement ^{sidewalk} gutters
dead end no little traffic ~~off~~ beaten path

4 none

5 horses

~~expl~~ incorporated or?

