

CITY OF WASHINGTON WASHINGTON, ILLINOIS

TO: Chairman Burdette, and Planning and Zoning Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: January 29, 2019

SUBJECT: 1 foot Side Yard Variance Request

PETITIONER: Jeffrey & Karen Moses

LOCATION: 105 N Spruce St

ZBA REQUEST: To allow the petitioners to construct a detached garage 4 feet from the side property line. A variance of 1 foot is needed, as the side yard setback for accessory structures is 5 feet.

BACKGROUND: The property is zoned R-1, has a lot width of 60 feet and a lot depth of 150 feet. The petitioners are requesting to construct a 22 foot by 24 foot detached garage to replace an existing garage that has been removed. A concrete pad was poured before it was brought to their attention that a permit was needed to construct the new garage. The new pad is 4 feet off of the north property line and 5 feet is required. The petitioners chose to move the new structure further to the north to allow for additional parking on the driveway. There are no other structures within 10 feet of the proposed structure, either on the owner's property or adjoining properties.

STAFF'S OBSERVATIONS:

- It appears that the petitioner may not be able to receive reasonable return on their property without replacing an existing dilapidated garage.
- There does appear to be unique circumstance as the lot is narrow.
- It does not appear that there would be any change to the character of the neighborhood as many properties have both principal and accessory structures closer to their lot lines than allowed by today's code.

STAFF RECOMMENDATION: Staff recommends approval of the side yard variance request.

ENGINEERING CALCULATIONS

PAGE _____

DATE OF STUDY _____

TITLE _____

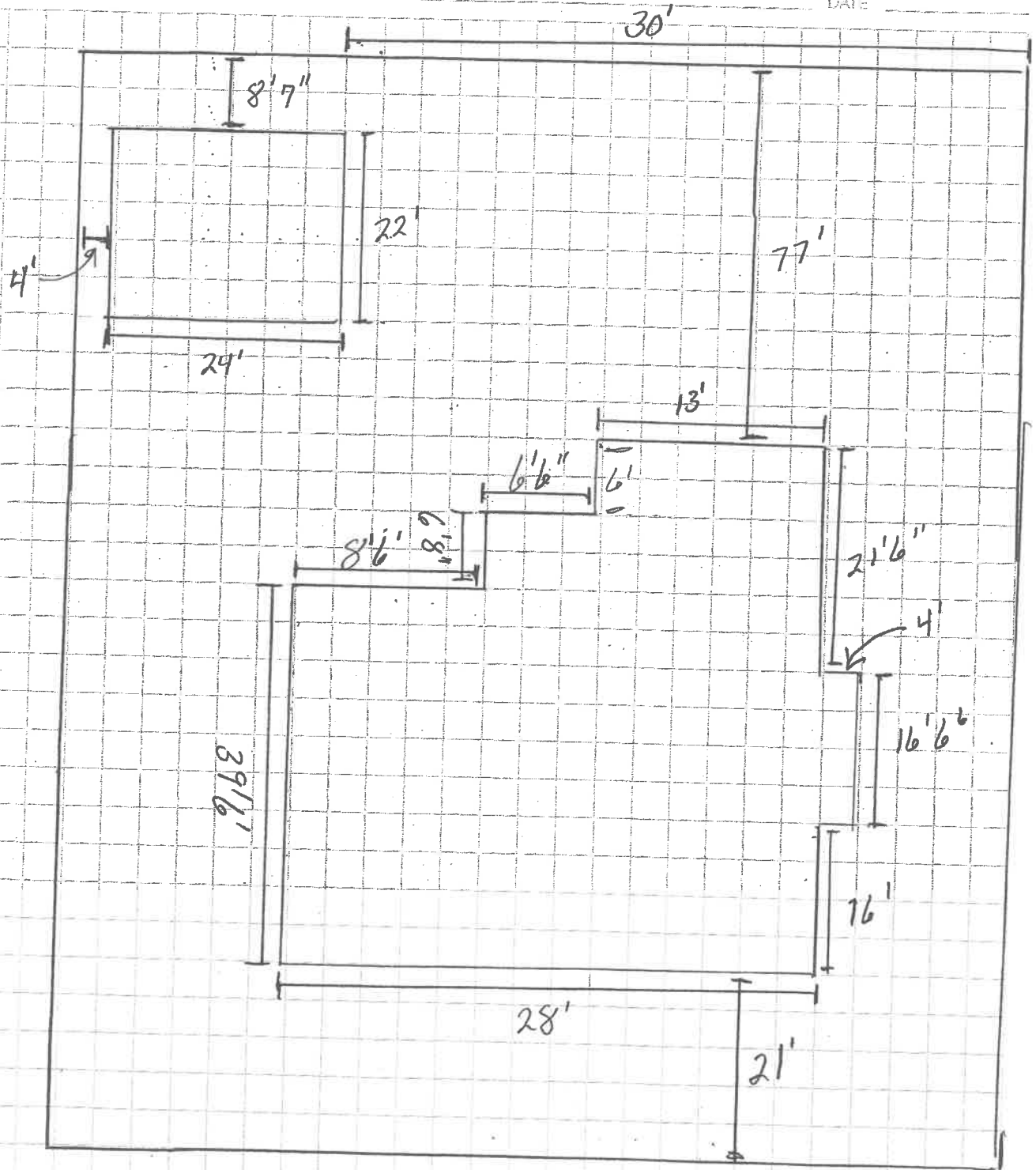
NO. _____

SUBJECT _____

LOCATION _____

COMPUTER _____

DATE _____





SPRUCE ST.

US 24 B.R. WALNUT ST.

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): Jeffrey & Karen Moses

Phone Number of Applicant: 309-444-8285

Address of Applicant: 105 N. Spruce St.

Owner of Property: Jeffrey & Karen Moses

Address of Owner: 105 N. Spruce St

I would like to receive correspondence by: Mail X Email

Email Address: Kcraig10@gmail.com

Property Tax ID (PIN) number: 02-02-24-106-004

Current zoning classification of the property: R-2 R-1

Current use of the property: single family

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:

Our garage failed. We need to replace it to keep the fair market value of our property.

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: Our lot is narrow.

We needed a larger parking pool for the garage.

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

We don't feel any neighborhood change would happen.
Our neighbors also have narrow lots with structures close to their property lines.

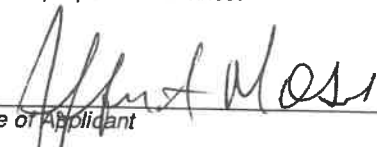
Describe the nature of the variation you are requesting (attach dimensioned site plan):

1 foot side yard variance

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

12-28-18
Date


Signature of Owner

12-28-18
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.