

CITY OF WASHINGTON
PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning & Zoning Commission
FROM: Becky Holmes, Building & Zoning Supervisor
SUBJECT: Request of Jon W Kirby, for Geneva Kirby, 100 Sterling St, for a 2 foot variance of fence height to construct a 6 foot privacy fence in the front yard which the principal structure does not face.
DATE: April 21, 2020

PZC REQUEST: To allow the petitioner to construct a 6 foot privacy fence in the front yard adjacent to Business Rt. 24. A 4 foot, ornamental fence would be allowed.

BACKGROUND: The property is zoned R-1 (Single and Two Family Residential), is a corner lot and has a lot width of approximately 90 feet and a lot depth of 142.5 feet. The petitioner is requesting to construct a 6 foot privacy fence adjacent to Business 24. The front yard of the petitioner's property measures 28 feet so the 6 foot height would be allowed at 14 feet (one-half the distance). The petitioner is requesting to encroach 5 additional feet into the front yard with a 6 foot fence.

Code for front yard fences is as follows:

Front yard fences on corner lots must be ornamental fences, not more than 48 inches in height above grade; provided, however, any other fence including an ornamental fence, not more than 6 feet in height above grade is permitted in that front yard which the principal building or structure does not face, and provided that such fence is set back from the street line no less than 10 feet or ½ the distance of that front yard, whichever is greater.

STAFFS OBSERVATIONS:

- It appears that the petitioners may not be able to receive reasonable return on their property without the addition of a privacy fence on the side of their property that faces Business Rt 24.
- There appears to be unique circumstance as the lot is a corner lot.
- It does not appear that there may be much change to the character of the neighborhood as the fence will not come out as far as the privacy fence to the west.

STAFF RECOMMENDATION: Staff recommends approval of the fence height 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): JOHN W. KIRBY

Phone Number of Applicant: ---

Address of Applicant: 102 STERLING ST., WASHINGTON

Owner of Property: GENEVA R. KIRBY

Address of Owner: 100 STERLING ST., WASHINGTON

I would like to receive correspondence by: Mail X Email Email Address

Property Tax ID (PIN) number: 02 - 02 - 22 - 100 - 012

Current zoning classification of the property: RESIDENTIAL Current use of the property: SINGLE FAMILY DWELLING

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:

MOVING THE FENCE SOUTHWARD PER CODE, RATHER THAN THE PROPOSED LOCATION,
REDUCES THE USABLE (SPACE WITHIN THE FENCE) BY 420 SQUARE FEET.

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 X No

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

COMPLIANCE WITH THE ORDINANCE REDUCES THE USABILITY OF THE YARD. IT ALSO
POTENTIALLY REDUCES THE RESALE VALUE OF THE PROPERTY.

Describe how your situation is unique or different from any other property: THE PROPERTY IS UNIQUE BECAUSE IT IS
BETWEEN TWO COMMERCIAL PROPERTIES AND THE MAIN STRUCTURE IS FURTHER THAN NORMAL
FROM RT. 24 (60' FROM R.O.W. TO RT. 24 SHOULDER).

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

THE VARIANCE WILL HAVE ZERO AFFECT ON RESIDENTIAL PROPERTIES; THE COMMERCIAL PROPERTIES
SHOULDN'T NOTICE; THE SIGHT TRIANGLE WON'T BE AFFECTED; A LARGER FENCED YARD AREA
LEADS ITSELF TO MORE PERCEIVED VALUE. (FUTURE RESALE)

Describe the nature of the variation you are requesting (attach dimensioned site plan): TO MOVE THE EAST/WEST SECTION
OF FENCE WITHIN 9' OF THE R.O.W., RATHER THAN HALF THE DISTANCE OF THE HOUSE
TO THE R.O.W., WHICH IS 14'. I'M ASKING TO MOVE THE FENCE NORTH 5'.

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

4/4/2020

Date



Signature of Owner

4-4-20

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)



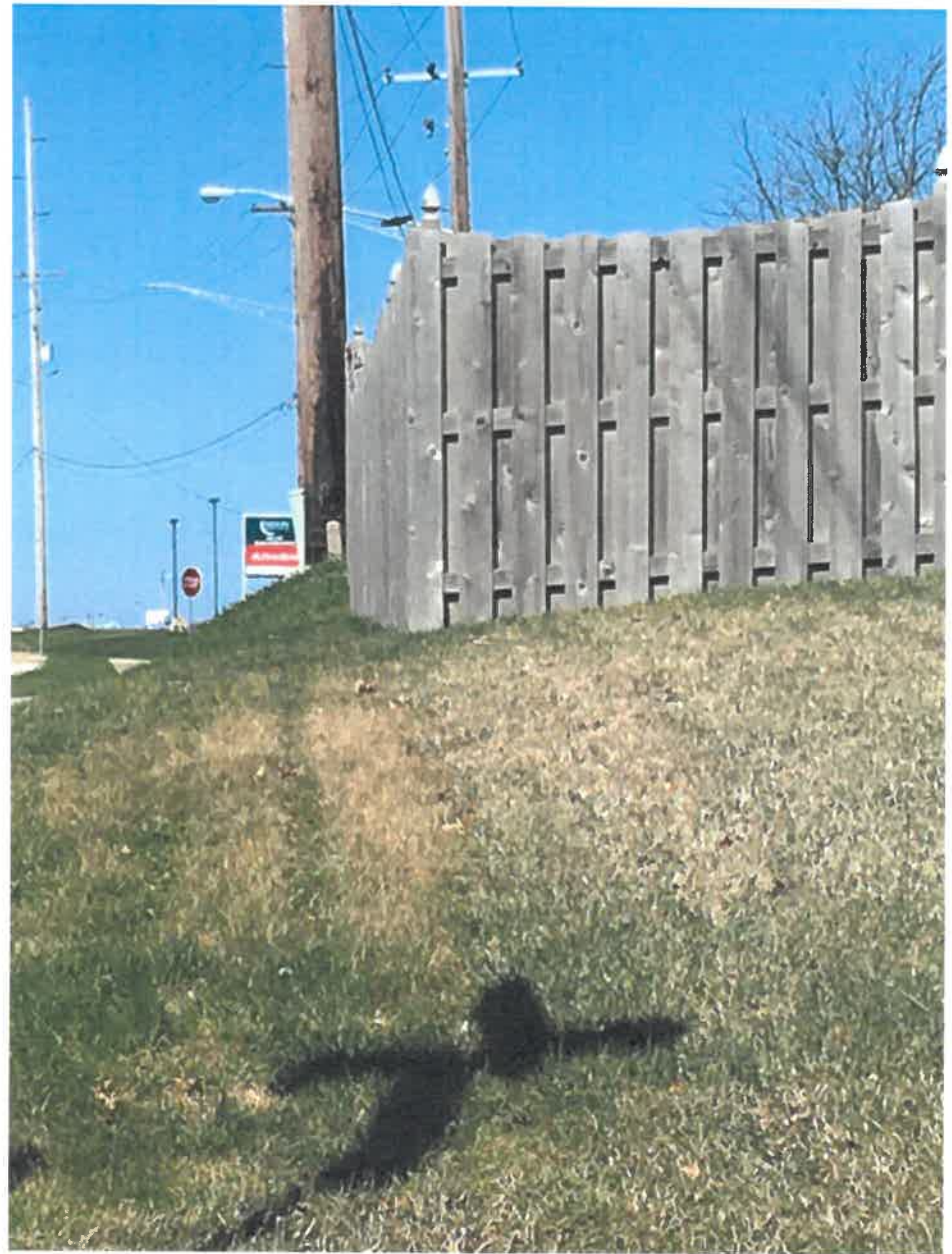
Fence details: 6' tall white vinyl privacy fence, posts on 8' center. Post locations are marked w/white paint. (Shown on plat view with red lines.)

The North property line fence (running east/west, parallel to Rt. 24) is approximately 84' in length. The first post will be against the existing post of the Take 5 oil change fence, 2' south of the end of that fence. That side ends at the point parallel to the back side of the house. The fence is approximately 9' South of the ROW concrete pillar/telephone poles. This section of fence is 60' from the edge of the shoulder/pavement of route 24.

The fence will then turn 90 degrees and run north/south approximately 19' and meet the rear (north west facing) corner of the house. That side will have a 6' wide double gate. That section of fence is 74' from the shoulder/pavement of Sterling St.

The reasons for wanting/needing a fence: to prevent foot traffic through the yard; to help deaden the traffic sound on route 24; to improve the property value.

The reason for wanting the variance: moving the fence in per the zoning standard reduces the enclosed back yard by **420 square feet**, thereby reducing the *usable* space and resale value.



100 Grillman Fence Comparison.

Left picture is corner of fence with requested variance, right picture is location per zoning code (pictures taken by stop sign on Sterling at route 24).



Left picture is corner of fence with requested variance, right picture is location per zoning code (taken from Take 5 entrance).



Corner post location per requested variance viewed looking east from corner of existing fence.



A view of the back yard February 10th. Someone using Take 5's entrance drove around the back yard.



An aerial photograph of a residential neighborhood. A vertical road runs through the center of the image. To the left of the road, there are several properties. One property has a white truck parked on it, with the address 1889 labeled. Another property has a black car parked on it, with the address 100 labeled. Below that, there are two more properties with addresses 102 and 103 labeled. To the right of the road, there is a large white building with a brown roof, with the address 103 labeled. Below that, there is a smaller building with a brown roof, with the address 105 labeled. The image shows various houses, lawns, and parked vehicles.

Parcels

