

CITY OF WASHINGTON
PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. • Washington, IL 61571

Ph. 309-444-1122 • Fax 309-444-9779

bholmes@ci.washington.il.us

MEMORANDUM

TO: Chairman Burdette and Planning & Zoning Commission
FROM: Becky Holmes, Building & Zoning Supervisor
SUBJECT: Request of David Evans, 1112 Dixon St., for a 10 foot rear yard variance to construct a deck
DATE: June 19, 2020

PZC REQUEST: To allow the petitioner to construct a second level, 10 foot by 12 foot deck on the rear of the principal structure. The proposed deck would be 10 feet from the rear property line and 20 feet is the required rear yard setback.

BACKGROUND: The property is zoned R-2 (which includes zero lot line duplexes) and has a lot width of 40 feet and a lot depth of 108 feet. The petitioner's property is the west half of a zero lot line duplex. The petitioner is requesting to construct a 10 foot by 12 foot deck on the rear of his home, similar in size to the four decks to the east of him. The deck would be on the second floor and not encroach into usable back yard space. There will not be stairs from the deck to the rear yard, the only access to the deck will be from the interior.

STAFFS OBSERVATIONS:

- It appears that the petitioner may not be able to receive reasonable return on his property without constructing a deck to the rear of his house. The addition of a deck would likely keep his property in fair market value with the neighboring duplexes.
- There does not appear to be unique circumstance.
- It does not appear that there would be any change to the character of the neighborhood as the proposed deck would not reduce the rear yard usable space.

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): David E. Evans

Phone Number of Applicant: _____

Address of Applicant: 1112 Dixon St.

Owner of Property: David E. Evans

Address of Owner: 1112 Dixon St.

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

Property Tax ID (PIN) number: 02-02-23-112-014

Current zoning classification of the property: _____ 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:

By building a small 10' x 2' deck would add to the value of my 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: My situation is only unique or different from any other property is the fact that I don't have a deck

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

No change. Other homes on my street currently have decks

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

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.

David E Evans
Signature of Applicant

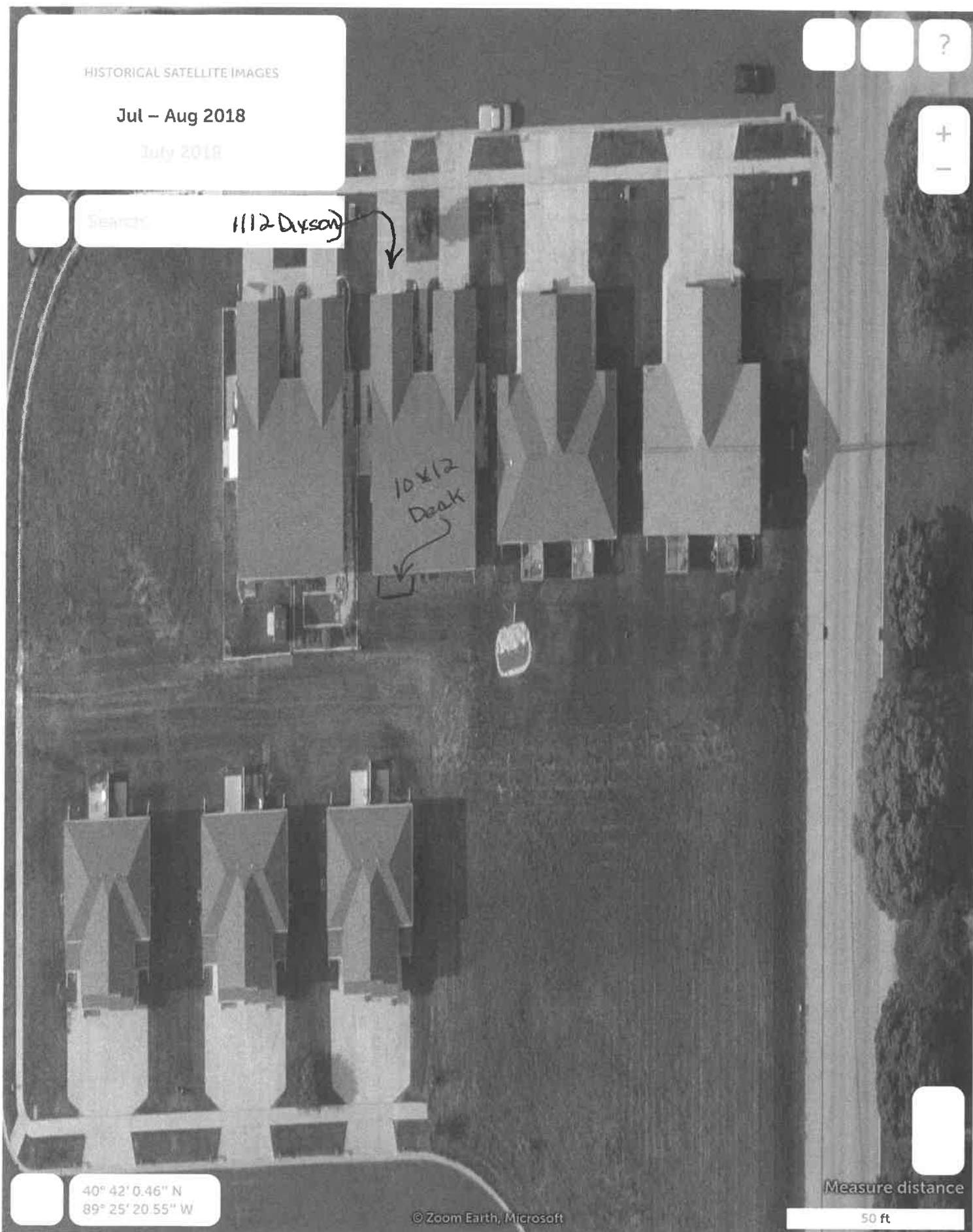
5-18-20
Date

David E Evans
Signature of Owner

5-18-20
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) 444-1122.

Follow @zoom_earth



May 18th 2020

**Building & Zoning Supervisor
City of Washington
301 Walnut St.
Washington, IL 61571**

Dear Becky,

I have personally talked with my neighbors on both sides and in back of me and they all said they would not have a problem with me having a 10 X 12 foot deck built.

Just a little background. I moved here last Nov 2019. When I purchased this property it was always my intention to build a deck my only regret is I didn't have the presence of mind to ask about set back. Had I known it would have made a different outcome on the purchase.

My wife passed away on April 17 2017. I'm 78 years old and a life long resident of Washington and have three son's living here. Living alone I would really use the deck and at my age consider it a top perk.

Thank You for your consideration.

David E. Evans



1112 Dixon Street

