

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 Linda and Chris Watson, 120 W Holland St., for a variance to allow a 4 foot, less than 50% open fence in the front yard on the S Market St. side of the property
DATE: June 19, 2020

PZC REQUEST: To allow the petitioners to construct a 4 foot, partially enclosed fence, (see petitioner's attachments), in the front yard along the S Market street side of the property. Zoning Code allows a fence in the front yard provided it is no more than 4 feet in height and at least 50% open.

BACKGROUND: The property is zoned R-1 (single and two family residential), is a corner lot with a lot width of 195.62 feet and a lot depth of 283.41 feet. The petitioners are requesting to construct a fence along their west property line. It will be 4 feet in height and the lower section will be enclosed with a more than 50% open area at the top.

Zoning Code reads: Front yard fences on corner lots must be ornamental fences, not more than 4 feet in height above grade; provided, however, any other fence including an ornamental fence, not more than six 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 petitioner should be able to receive reasonable return on their property without constructing a fence that does not meet Code.
- There does appear to be unique circumstance as the lot is over an acre.
- It does not appear that there would be a change to the character of the neighborhood as the proposed fence appears to be less intrusive than what the overgrown vegetation on that side of the property was.

STAFF RECOMMENDATION: Staff recommends denial of the front yard fence 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): Linda & Chris watson Phone _____

Number of Applicant: _____

Address of Applicant: 120 w. Holland St., washington, IL

Owner of Property: Chris & Linda wats

Address of Owner: 120 w. Holland St, washington, IL 61571

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

Property Tax ID (PIN) number: _____

Current zoning classification of the property: Residential 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. we are not requesting to change the nature of the zoning. we are asking to for very small slight fence variance. See attached.

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.)

Describe how your situation is unique or different from any other property: This is a historic property with extensive flower bedding which we are trying to restore. However, such has greatly reduced the privacy of our back yard while the regrowth occurs (10-20 years). Thus, a small slight fence variance is requested for our privacy and overall aesthetics while the regrowth continues

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

We hope to add to the character of this historic home by adding an ornamental fence which reflects the home and the neighborhood's classic character and further frames the park like bedding which runs parallel to the high foot traffic'd Market Street.

Describe the nature of the variation you are requesting (attach dimensioned site plan): We are requesting a very small slight variance to the fencing restrictions, allowing for a slightly more than 50% "privacy" fence along the street.

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.*

Linda J. Watson & Chris Watson (electronically signed)
Signature of Applicant

June 3rd, 2020
Date

Linda J & Chris Watson (electronically signed)
Signature of Owner

June 3rd, 2020
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.

To Whom It May Concern:

Re: Chris & Linda Watson
Slight fence zoning variance request at 120 W. Holland St, Washington, IL

The current beds that run along the Market St. side of our back yard, were started with the original owner of the home, Miss. Danforth after the home was built in 1905. A great lover of gardens, her legacy was continued with the subsequent, owners, the Essig's. Mrs. Essig adding the beds substantially, per wonderful long-standing neighbors who remember her and even Miss. Danforth fondly.

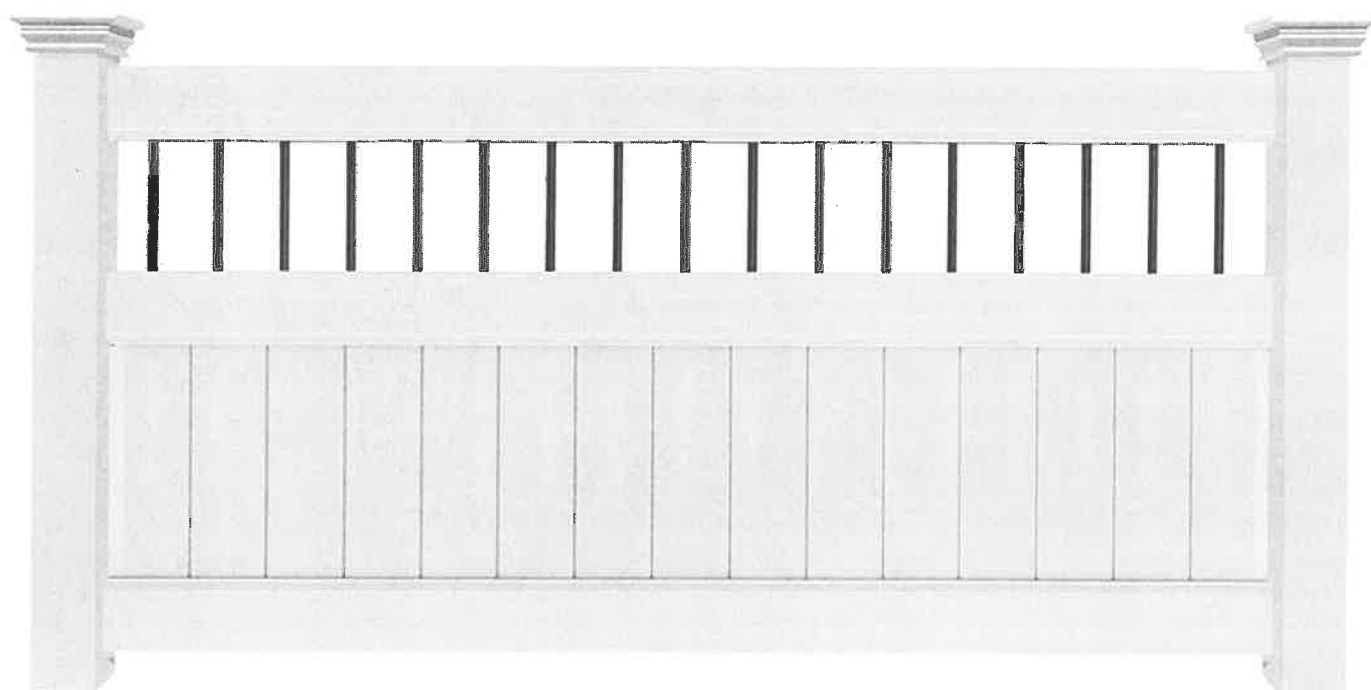
This historic home now has approximately 1000 linear feet of sculpted flower bedding. We purchased the home in February of 2016. Unfortunately, much of the original bedding was not in a good state of repair. We have spent the last now four (4) summers and more than approximately \$20,000 revitalizing the bedding, mostly along Market street (200 linear feet) and along the backside of the property (another approximately 200 linear feet). I have attached pictures of "before" and "after" for your reference.

We removed overgrown unsightly shrubbery along market street (see attached) that was clearly outside the bounds of the property and planted evergreens this past month. The evergreens will need many years to grow and provide proper privacy screening from the high amount of foot traffic the historic street receives.

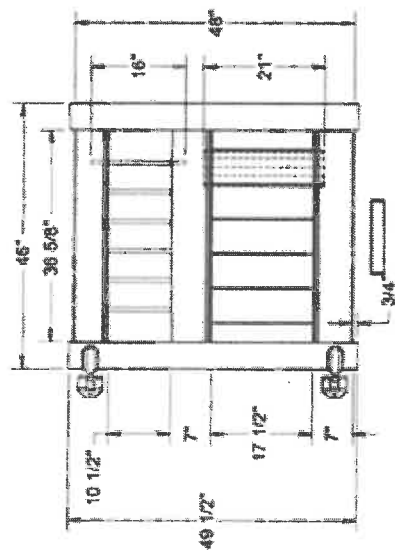
Unfortunately, to install a "privacy" fence of six (6) feet, would require that we demolish the entire Market street bedding, as it would place the fence inside the inside middle of the bedding. Further, such would require the removal of beautiful mature trees (nearly half dozen) along Market Street.

Instead, we request a very small variance, to allow us to install a four (4) foot fence at twelve (12) feet in from the street, which is allowed per the current zoning laws. However, the proposed fence is very slightly more than "50%" privacy. Thus, a very small variance is required and respectfully requested. (picture attached).

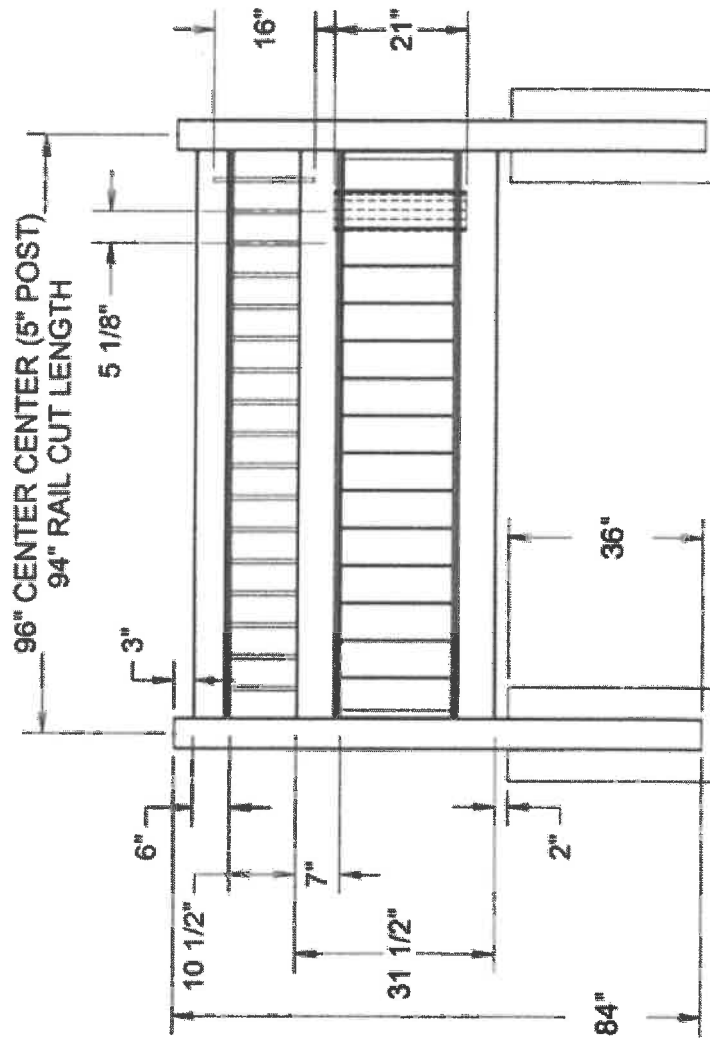
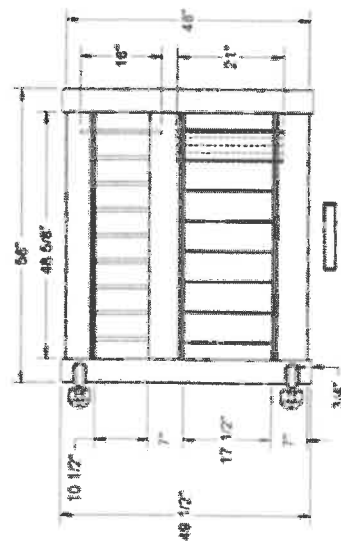
Also attached, please find a screen shot of the proposed fencing, a parcel detail proof of ownership.



Walk Gate



Drive Gate



S MARKET ST

168.5

16

168.5

100-

23

76

7

9

5

4

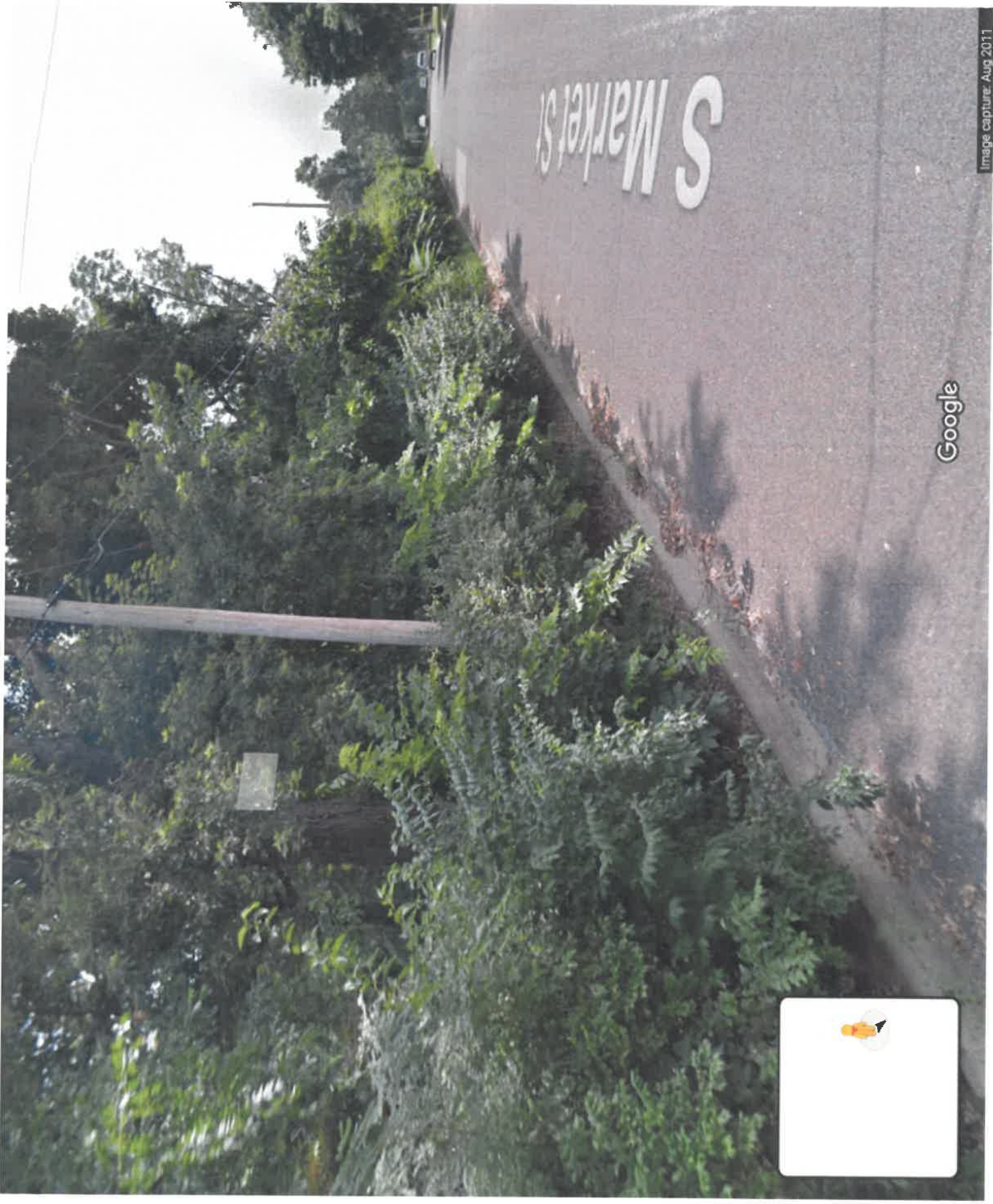
1

1

1

1





Google



