

**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 Rebecca & Brandon Burget, 1324 Austin Ave., for a variance to allow an accessory structure on a corner lot in the front yard that the principal structure does not face  
**DATE:** August 24, 2020

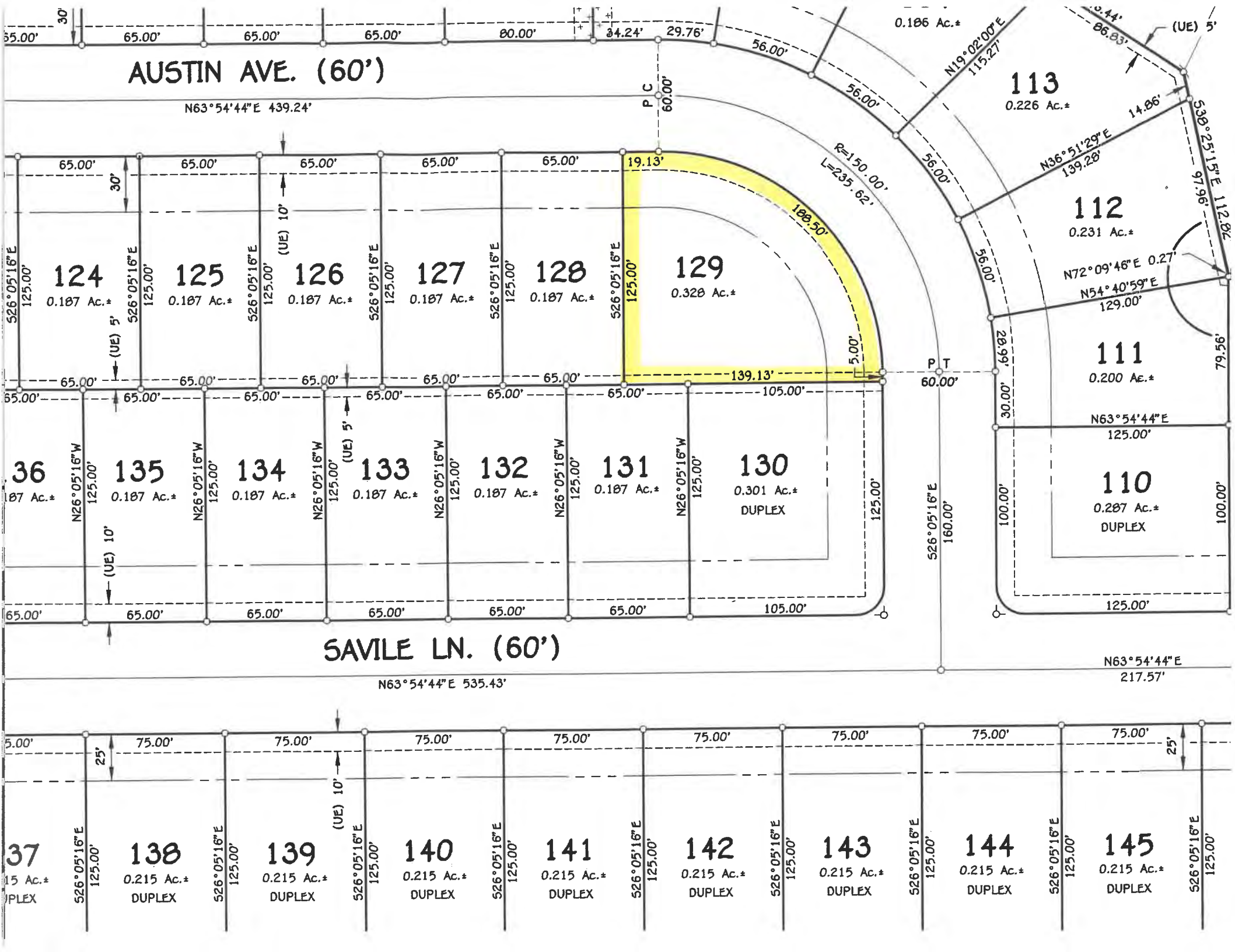
**PZC REQUEST:** To allow the petitioners to construct an above ground pool on a corner lot in the front yard that the principal structure does not face. Zoning Code states that no accessory structure can be located in, or project upon, the minimum required front yard. The front yard is defined as an open space on the lot with a main building, extending the full width of the lot and situated between the street line and front line of the building projected to the side lines of the lot.

**BACKGROUND:** The property is zoned R-1 (single and two family residential), is a pie-shaped corner lot (see final plat attachment) with a lot width of 139.13 feet and a lot depth of 125 feet. The petitioners are requesting to construct an above ground pool in the front yard that the principal structure does not face (on the east side of the house). The proposed pool will be a minimum of 10 feet away from the house and will be fenced with a 5' ornamental fence. Both the pool and fenced area are proposed to be behind the 25 foot building setback line.

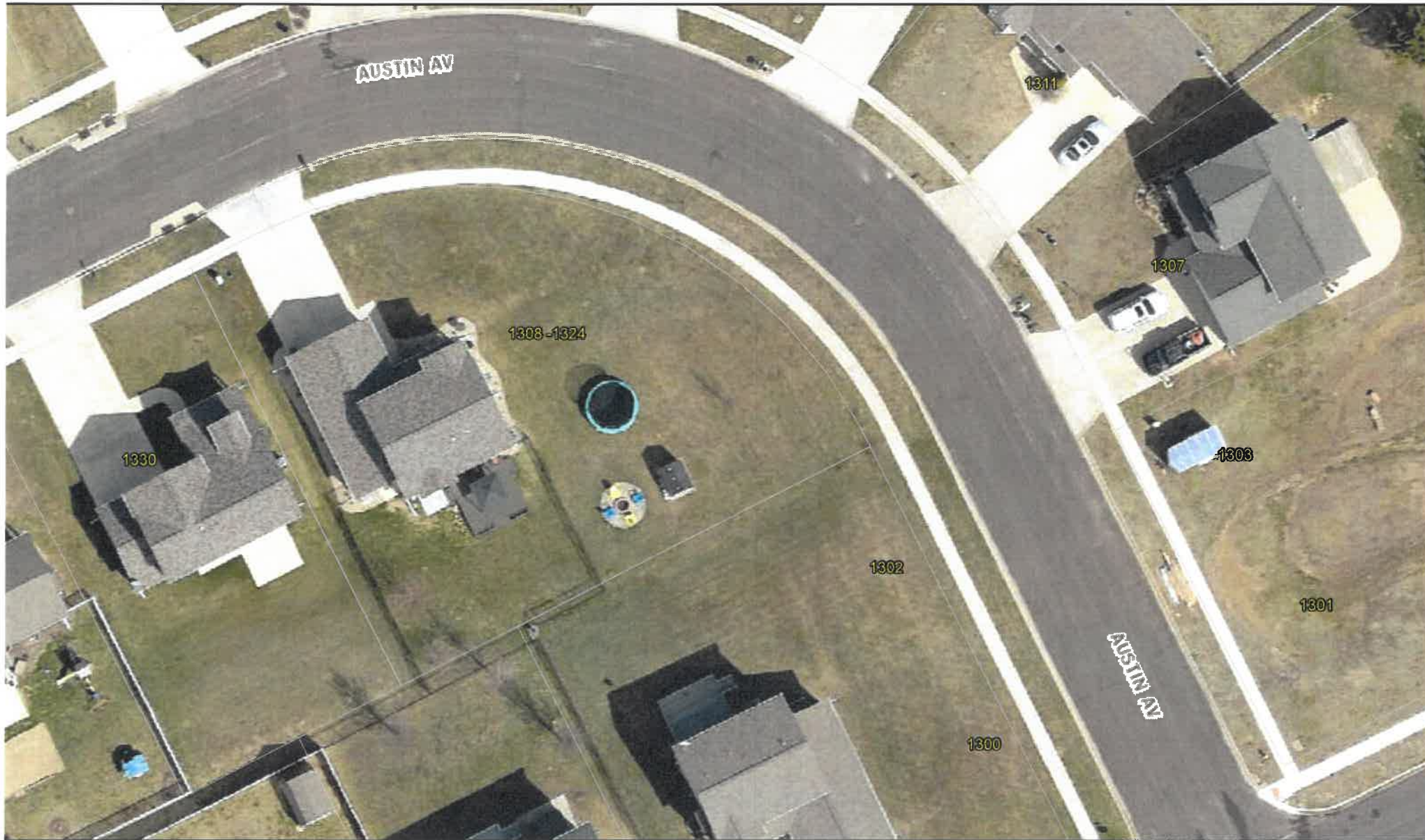
**STAFFS OBSERVATIONS:**

- It appears that the petitioner should be able to receive reasonable return on their property without the addition of an above ground pool.
- There does appear to be unique circumstance as the lot is a pie-shaped corner lot with two front yards.
- It appears that there may be a change to the character of the neighborhood as there are no other accessory structures in front yards in the neighborhood.

**STAFF RECOMMENDATION:** Staff recommends denial of the front yard variance request.

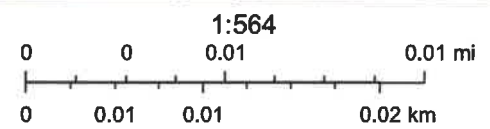


# 1324 Austin Ave.



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# 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): Rebecca & Brandon Burget

Phone Number of Applicant: [REDACTED]

Address of Applicant: 1324 Austin Ave Washington

Owner of Property: Rebecca & Brandon Burget

Address of Owner: Same as above

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

Email Address: [REDACTED]

Property Tax ID (PIN) number: 02 - 02 - 10 - 312 - 007

Current zoning classification of the property: Residential

Current use of the property: Home

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 property has a corner lot that is not considered a true corner lot. Our back yard has Ameren underground power lines that run through out the entirety of the back yard. There is also a gully that runs along west side to the road drain due to back yard flooding.

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: Due to above situations

with back yard unable to place anything that would require any digging.

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

Placement of above ground pool placed on corner lot.

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

Placement of above ground pool placed on corner lot. Will have fence around pool with lockable gate. Pool will have removable and lockable ladder.

**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

7/31/20

Date



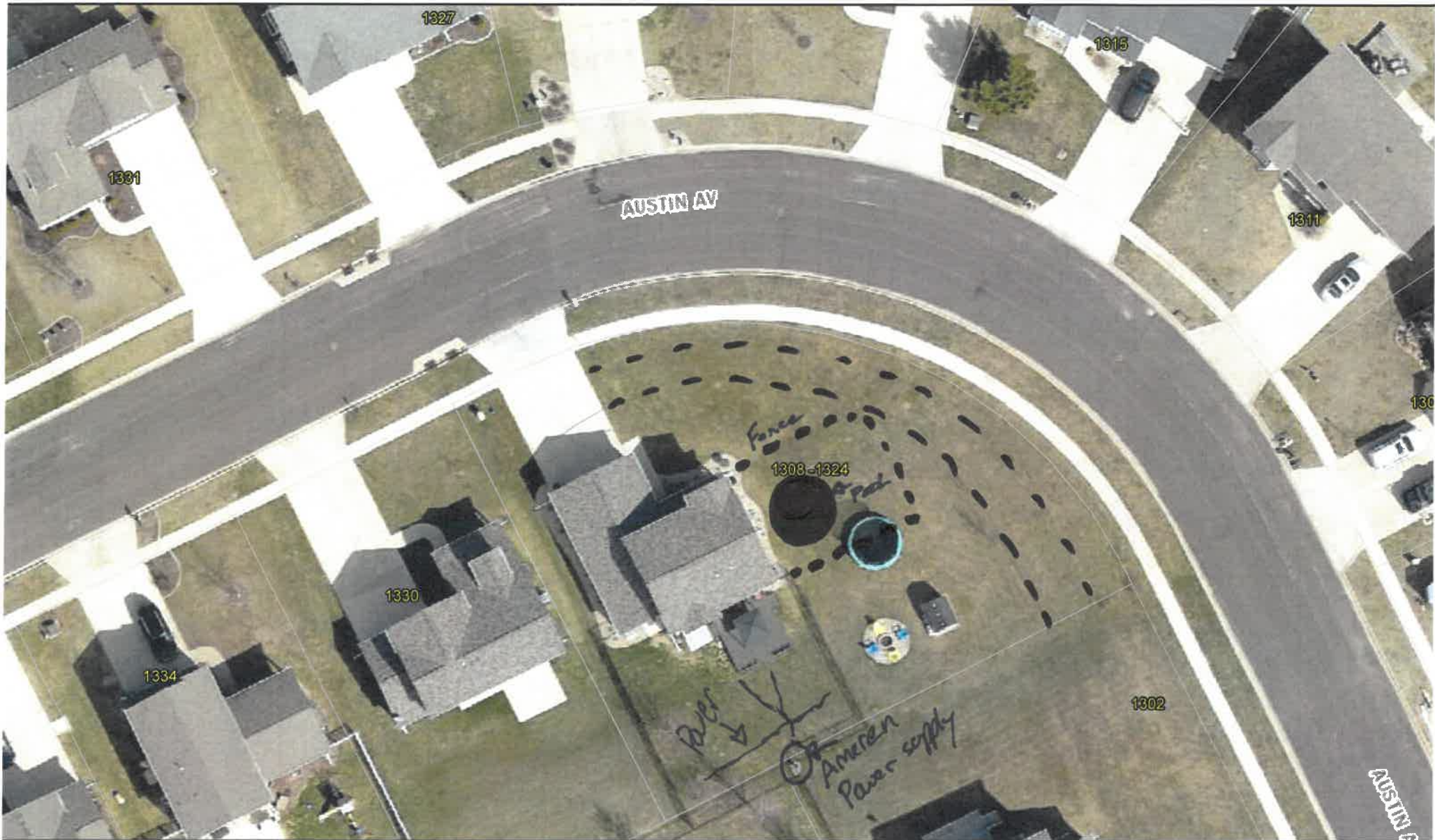
Signature of Owner

7/31/20

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.

# 1324 Austin



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