

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Request by Daniel and Sarah Adams for a 15-foot front yard setback variance at 1601 Timber Rail
DATE: June 19, 2023

Zoning: R-1A (Single-Family Residential)

Comprehensive Plan: Single- and Two-Family Residential

Summary: Daniel and Sarah Adams are requesting a 15-foot reduction of the south front yard setback at 1601 Timber Rail. The property is zoned R-1A (Single-Family Residential). The purpose of the variance is to allow for more flexibility in the location of a future single-family ranch house. The property is owned by Eric and Megan Marshall and would be sold to the Adams' contingent on the variance approval.

Background: The Washington zoning code requires a front yard setback of at least 25'. This applies to both the west side that abuts Timber Rail and the south side that faces right-of-way that was dedicated in 2001 with the recording of the final plat of Kara Steeplechase Section 3 to allow for the future construction of an east-west road to connect with Guth Road. The road has not been constructed to date. This property acts as a corner lot because of the possible future road construction. A 10' wide utility easement is located along the west and south property lines; no buildings can be constructed within that easement. The lot is approximately 0.53 acres in size.

Staff suspects that restrictive covenants were recorded for Kara Steeplechase Section 3, as the building setback lines shown on many of the lots are greater than the 25' front setback required in the R-1A district. The front setbacks shown on the attached part of the final plat that includes Lot 62 (1601 Timber Rail) are 30'. In any case, the City of Washington does not, nor does any other municipality, enforce restrictive covenants. The subject lot is approximately 146' in width from north to south as measured at an approximate midpoint on the property. When accounting for the standard 5' setback on the north side and 25' setback on the south side, about 116' of buildable area remains. The variance request, if granted, would reduce the south side setback to 10' and leave about 131' of buildable area.

While an extension of Guth Road has not been built and there are no immediate plans for its construction, the right-of-way is still in place should there be a future need. It is important to note that the right-of-way is 80' in width. Typical modern right-of-way for residential streets is 60' in width. Assuming that any future road, if constructed, would be a residential street with a 34' width and not a collector road that would be wider, a future house would be an additional distance from the road and would reduce any potential sight visibility issues. While this is a relatively larger lot, the requested variance would not appear to pose substantial impacts on the basic character of the neighborhood. With that noted, **staff would suggest a possible decrease in the front yard variance request from 15 feet to 7.5 feet to allow for slightly more consistency with other corner lots in this subdivision.**

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, July 5, 2023.

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): Daniel & Sarah Adams

Phone Number of Applicant: [REDACTED]

Address of Applicant: 705 Drake Ln

Owner of Property: Eric & Megan Marshall (Daniel & Sarah Adams - Buyers)

Address of Owner: 1601 Timber Rail

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

Email Address: [REDACTED]

Property Tax ID (PIN) number: 02 - 02 - 22 - 305 - 015

Current zoning classification of the property: R1

Current use of the property: Vacant Lot

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 plans for this lot is to build a ranch style home. With this current side yard set back it would restrict the size & type of home that we are proposing to build on this lot.

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: Unique in the manner that its not a corner lot, however side yard set backs are set as if it were a corner lot on South side.

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

No change to neighborhood, just adding more value.

Describe the nature of the variation you are requesting (attach dimensioned site plan): Request is to simply have standard 5ft. side yard set back on South side to match North side set back.

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

6-4-23
Date


Signature of Owner

6-6-23
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.

Tazewell County, Illinois

generated on 6/20/2023 11:14:39 AM CDT

Parcel

Parcel ID	Alt. PIN	Parcel Address	Data as of
02-02-22-305-015		1601 TIMBER RAIL, WASHINGTON	6/17/2023
Tax Payer Information			
Tax Payer	MARSHALL ERIC & MEGAN		
Tax Payer Address	700 EVERGREEN DR WASHINGTON IL 615710000		
Transfer Date	11/02/2020		
Location Information			
GIS	Section & Plat		
District No.	02021	State Assigned District No.	020
Township No.	002,	Routing No.	
Parcel Address	1601 TIMBER RAIL, WASHINGTON	Legal Desc.	SEC 22 T26N R3W KARA STEEPLECHASE ESTATES SEC 3 LOT 62 SW 1/4
Parcel Information			
Property Class Code	30 UNIMPROVED LOT	Level	N
Neighborhood Code	2091	High	N
Neighborhood Factor	100.00	Low	N
Neighborhood Type		Rolling	N
Street or Road Code		Swampy	N
		Flood Hazard	
		Waterfront Property Type	
		Services	
		Water	
		Sewer	
		Gas	
		Electricity	N
		Sidewalk	
		Alley	N



1601 Timber Rail

PIN: 02-02-22-305-015

Legend

 1601 Timber Rail

 Proposed
Setback

 Setbacks

Zoning

AG-1

 I-1

CE

 R-1A

 R-1

 R-2

 C-1

 C-2

 C-3

 I-2



Date: 6/19/2023




This map indicates approximate
data locations and may not be 100% accurate.
Parcels are provided and maintained
by Tazewell County.



1601 Timber Rail

PIN: 02-02-22-305-015

Legend

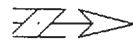
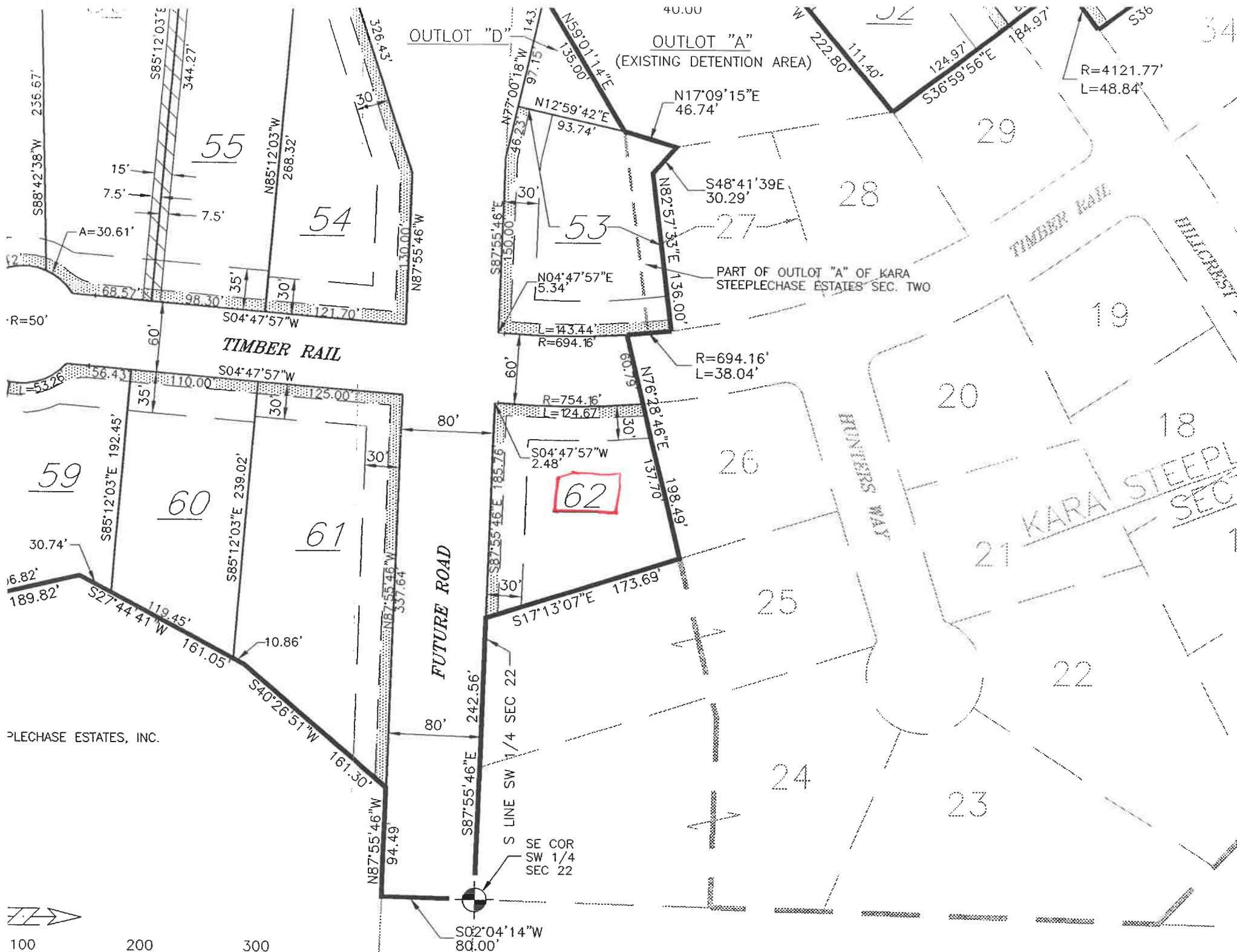
-  1601 Timber Rail
-  Proposed Setback
-  Setbacks



Date: 6/19/2023

This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.





100 200 300

PLECHASE ESTATES, INC.

OUTLOT "D"

OUTLOT "A"
(EXISTING DETENTION AREA)

TIMBER RAIL

FUTURE ROAD

HUNTERS WAY

TIMBER RAIL

KARA STEEPL
SEC 2

BILLCREST

62

N59°01'14"E
135.00'
N12°59'42"E
93.74'
N17°09'15"E
46.74'
S48°41'39"E
30.29'
N82°57'53"E
136.00'
N04°47'57"E
5.34'
L=143.44'
R=694.16'

R=694.16'
L=38.04'

R=754.16'
L=124.67'

S04°47'57"W
2.48'

S17°13'07"E
173.69'

S LINE SW 1/4 SEC 22
S87°55'46"E
242.56'

S02°04'14"W
80.00'

S88°42'38"W
236.67'
S85°12'03"E
344.27'
N85°12'03"W
268.32'
N87°55'46"W
130.00'
S04°47'57"W
121.70'
S04°47'57"W
125.00'

S85°12'03"E
192.45'
S85°12'03"E
239.02'
S27°44'41"W
161.05'
S40°26'51"W
161.30'
N87°55'46"W
94.49'

S27°44'41"W
161.05'
S40°26'51"W
161.30'

A=30.61'
R=50'

S85°12'03"E
192.45'
S85°12'03"E
239.02'

S27°44'41"W
161.05'
S40°26'51"W
161.30'

S85°12'03"E
192.45'
S85°12'03"E
239.02'