

**CITY OF WASHINGTON
PLANNING AND ZONING COMMISSION MEETING
LIBRARY MEETING ROOM – FIVE POINTS WASHINGTON
WEDNESDAY, OCTOBER 5, 2016
6:30 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES – September 7, 2016 regular meeting**
- 4. NEW BUSINESS**
 - A. Public Hearing: Case No. 100516-V-1, Distance Between Structures Variance Request, Jim & Carol Rutz, 209 S. Lawndale Avenue
 - B. Public Hearing: Case No. 100516-V-2, Distance Between Structures & Side Yard Variance Request, Nathan & Karen Schlindwein, 112 S. High Street
- 5. COMMISSIONER'S COMMENTS**
- 6. STAFF COMMENTS**
- 7. ADJOURNMENT**

**CITY OF WASHINGTON, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 7, 2016
WASHINGTON DISTRICT LIBRARY
380 N. WILMOR ROAD – 6:30 P.M.**

Vice Chairman Brian Fischer called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. in the meeting room at Washington District Library.

Call to Order

Present and answering roll call were Commissioners, Brian Fischer, Tom Reeder, Steve Scott, and Doug Weston. Commissioners Rich Benson, Mike Burdette, and Louis Milot were absent.

Roll Call

Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes and City Clerk Pat Brown.

Commissioner Scott moved and Commissioner Weston seconded to approve the minutes of the August 3, 2016 Planning and Zoning Commission meeting as presented.

Appv min 8/3/16 PZC meeting as presented

Motion carried unanimously by voice vote.

Case No. 090716-V-1 – A public hearing was opened for comment at 6:31 p.m. on the request of Roger & Joanne Lawless for a distance between structures variance at 208 Hilldale Avenue. Publication was made of the public hearing notice, and there were three “interested parties” registered.

Public Hearing:
distance between
structures variance
request, Roger &
Joanne Lawless

B & Z Supervisor Holmes gave a brief overview of the rear yard variance request noting the following: the petitioner is requesting a 2' distance between structures variance in order to allow for the construction of a room addition which would place the principal structure 8' from an existing detached garage; and the distance between structure requirement is 10'. Room addition on back of house 19' between addition will bring to 11' need 2' distance between structure variance

Petitioner comments: Mr. Lawless shared that the existing distance is 19' to the garage and with the 11' proposed addition he is requesting a 2' variance in order to build the room addition.

Public comments: None.

At 6:32 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Weston moved and Commissioner Reeder seconded to approve the variance request as presented.

Approve Case No.
090716-V-1, rear yard
variance request

Commissioner comments: Commissioner Weston asked the distance between the petitioner's garage and the neighboring garage and Mr. Lawless replied that it is 12' or better. Commissioner Reeder asked if the proposed addition is 2' narrower than the existing house and Mr. Lawless replied that it was. Commissioner Fischer raised a concern that the neighboring garage looks to be closer and could be less than the 10' requirement as well. B & Z Supervisor Holmes shared that they overlooked this distance as part of the site plan. She shared that the variance was noticed as a distance between structures which gives the Commission the ability to consider both distance variances this evening. Mr. Lawless shared his desire to keep the proposed addition centered on the existing house. The desire of the Commission was to keep the proposed addition a distance of 8' from either structure which results in the variance moving from one 2' distance between structures variance to two 2' distance between structures variances.

There was no additional discussion and on roll call the vote was:

Ayes: 4 Scott, Fischer, Reeder, Weston

Nays: 0

Motion carried.

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-1; 2' distance between structures variance request to allow a room addition to encroach into the distance between structures setback. A public hearing was held on Wednesday, September 7, 2016, all present were given the opportunity to be heard; there were no ‘interested parties’; there were no objections to the granting of the variance; property cannot yield a reasonable return because in order to keep a fair market value many of the homes have room additions; plight of the owner is due to unique circumstances as the property is exceptionally narrow; and character of the neighborhood would not be changed as most properties in the block have accessory structures less than 10' from the principal structure.

Finding of Facts

A public hearing for the purpose of hearing comment pertaining to proposed amendments to the Subdivision Code for the purpose of adding/deleting text was opened for comment at 6:41 p.m.

Public Hearing:
subdivision code text
amendments, sidewalk
and curb & gutter
replacement

P & D Director went over the current 50/50 sidewalk replacement program that provides for roughly 50% of the cost of the repair of any sidewalk and curb that is deemed to be in poor or substandard condition. He shared that the initial sidewalk construction is the responsibility of the builder/owner and that the existing sidewalk policy does not speak to the future maintenance of curbs as well as not mandating that any residential subdivisions complete and

Public Hearing;
subdivision code text
amendments, sidewalk
and curb & gutter
replacement, Cont.)

sidewalk construction upon either a certain percentage of build-out or a particular period of years following acceptance of the public infrastructure improvements. He shared that surrounding communities have ordinances in place that require any remaining sidewalks to be constructed after a defined period of time following the City's acceptance of the infrastructure improvements and/or where a defined percentage of the lots in a subdivision have had construction on the lots. He shared that the owner would be notified of the need to complete the sidewalk construction and in the event the owner does not comply, the City may, at its option, complete the installation and bill the owner the cost of the construction. He shared that both the Public Works Committee and Committee of the Whole are recommending that the existing 50/50 sidewalk/curb policy be put into an ordinance and for staff to draft an ordinance that addresses any gaps in the city's sidewalks to ensure the safety of residents. He shared that this can be established retroactively to include lots from previously platted subdivisions that have gaps in sidewalks. He shared that the draft ordinance allows the City to require any sidewalk gaps be completed once 75% of the lots within a subdivision are completed and/or at least three years has surpassed upon acceptance of the public infrastructure improvements.

Public comments: None.

Commissioners Comments: Commissioner Scott asked if the responsibility would fall to whoever owns the lots and P & D Director Oliphant shared that it would and if adopted it would become retroactive to existing lots in subdivisions as well. Commissioner Scott shared a concern with someone buying a lot with intentions to build at a point in time and having to make a decision for the driveway without knowing exactly where it will go. Oliphant shared that there will be minimal costs to incur by the homeowner as well as the wear and tear that occurs when construction does begin. Commissioner Weston noted that the lack of connecting sidewalks does create public safety concerns. Following a brief discussion surrounding how curbs are replaced and the determination for replacement there was a consensus that it would be good to implement the requirement as well as codifying the 50/50 replacement policy.

Close Public Hearing

At 6:56 p.m. the public hearing was closed.

Recommend approval
of subdivision code text
amendment

Commissioner Scott moved and Commissioner Reeder seconded to recommend approval of the subdivision code amendments as proposed.

Commissioner's Comments: See above.

There was no additional discussion and on roll call the vote was:

Ayes: 4 Weston, Fischer, Reeder, Scott

Nays: 0

Motion carried.

Commissioner Comments

None.

Staff Comments

B & Z Supervisor Holmes shared that there will be a meeting next month on a couple of variances.

Adjournment

At 6:58 p.m. Commissioner Scott moved and Commissioner Weston seconded to adjourn.
Motion carried unanimously by voice vote.


Patricia S. Brown, City Clerk

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

TO: Chairman Burdette, and Planning & Zoning Commission Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: September 26, 2016

SUBJECT: 3 foot & 5 foot Distance Between Structure Variance Requests to construct an above ground pool

PETITIONER: Jim & Carol Rutz

LOCATION: 209 S Lawndale Ave.

ZBA REQUEST: To allow a proposed above ground pool to be 7 feet from the garage and 5 feet from the neighbor's detached garage. The required distance between structures is 10 feet.

BACKGROUND: The property is zoned R-1 and has a lot width of 51 feet and a lot depth of 135 feet. The petitioners are requesting to construct an above ground pool in the rear yard. The proposed pool would be 7 feet from their garage and 5 feet from the neighbor's garage. The petitioners have an existing 6' privacy fence on the lot line separating their property from the property to the south.

STAFF'S OBSERVATIONS:

- It appears that the petitioners would be able to receive reasonable return on their property without the addition of an above ground pool.
- There does appear to be unique circumstances because the lot is narrow.
- It does not appear that the character of the neighborhood would be altered as there are other homes in the neighborhood with accessory structures that encroach into distance between structure requirements.

STAFF RECOMMENDATION: Staff recommends denial of the distance between structure variance requests.

CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

- (1) Full name(s) and address(es) of all legal owners:
Jim Rutz 209 S Lawndale Ave Washington IL 61571
Carol Rutz 209 S Lawndale Ave Washington IL 61571
- (2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):
Marilyn addition First Extension, NW 1/4 & the NE 1/4 of Section 24, Lot 18
- (3) Address for the property: 209 S. Lawndale Ave
- (4) Present zoning classification: R-1 (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)
- (5) Present use of the property: Single Family Home
- (6) 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:
Rear yard is narrow with limited space for recreation.
A pool would help maximize the space we have.
- (7) 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.)

- (8) Describe how your situation is unique or different from other property:
The need for the variance is occasioned by the
narrowness of the lot combined with the pre-existent garage
- (9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:
None
- (10) Describe the nature of the variation you are requesting (attach dimensioned site plan):
Distance between structures Variance
- ☒ (City Council variation request only) Describe the "practical difficulties or particular hardship" that the current zoning laws of the City of Washington would have on your property if those laws were to be strictly enforced:

I/we certify that all of the above statements and the statements contained in any papers or plans submitted with this Application are true and accurate to the best of my/our knowledge.

I/we hereby expressly consent to the entry in and upon the premises and property described in this Application by any authorized official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may be required by law and for the purpose of verifying any statement or statements herein contained.

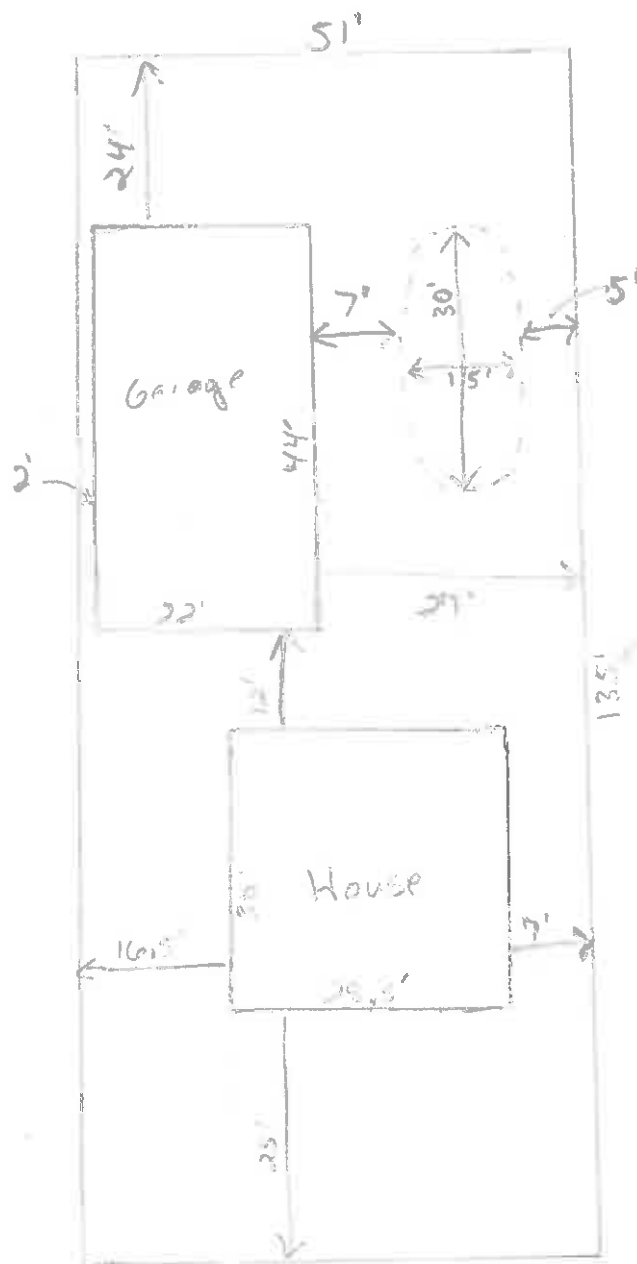
DATE: 8-30, 20 16

Applicant

Applicant

NOTE:

THIS APPLICATION MUST BE SIGNED BY THE TRUE LEGAL OWNER OR OWNERS OF THE PROPERTY.





LYNN ST.

202

942
Sq Ft

269
Sq Ft

204

1574
Sq Ft

205

1302
Sq Ft

1092
Sq Ft

208

1178
Sq Ft

301
Sq Ft

210

1814
Sq Ft

338
Sq Ft

203

969
Sq Ft

585
Sq Ft

1142
Sq Ft

207

2385
Sq Ft

209

1000
Sq Ft

1098
Sq Ft

211

1669
Sq Ft

1350
Sq Ft

2063
Sq Ft

LAWDALE AVE.

204

1226
Sq Ft

206

904
Sq Ft

208

1241
Sq Ft

210

902
Sq Ft

1959
Sq Ft

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

TO: Chairman Burdette, and Planning & Zoning Commission Members

FROM: Becky Holmes, Building and Zoning Supervisor

DATE: September 26, 2016

SUBJECT: 2 foot 2 inch sideyard and 3 foot Distance Between Structure Variance Requests to construct a detached garage

PETITIONER: Nathan & Karen Schlindwein

LOCATION: 112 S High St.

ZBA REQUEST: To allow a detached garage replacement to be 2 foot 10 inches from the side lot line and 7 feet from the house. The required side yard setback is 5 feet and the distance between structures is 10 feet.

BACKGROUND: The property is zoned R-1 and has a lot width of 60 feet and a lot depth of 220 feet. The petitioners are demolishing their existing one-stall garage and requesting to construct a two-stall replacement on the south side of their lot. They would use the same driveway approach. The new garage would be 2 feet 10 inches from the side lot line and 7 feet from their house. The new garage would be over 10 feet from the neighbor's house.

STAFF'S OBSERVATIONS:

- It appears that the petitioners may not be able to receive reasonable return on their property without the replacement of their existing garage. However, the proposed garage appears like it may be able to be constructed further back on the lot and meet zoning requirements.
- There does appear to be unique circumstances because the lot is narrow.
- It does not appear that the character of the neighborhood would be altered as there are other homes in the neighborhood with accessory structures that encroach into side yard setbacks and distance between structure requirements.

STAFF RECOMMENDATION: Staff recommends denial of the side yard and distance between structure variance requests.

CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

- (1) Full name(s) and address(es) of all legal owners:
Nathan & Karen Schlindwein 507-1195
112 S High St., Washington, IL 61571
- (2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):

- (3) Address for the property: 112 S High St, Washington, IL 61571
- (4) Present zoning classification: R-1 (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)
- (5) Present use of the property primary residence
- (6) 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:
The current garage is only a one car and its condition is deteriorating.
- (7) 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.)

- (8) Describe how your situation is unique or different from other property:
The lot is narrow and deep
- (9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:
NONE → many garages are close to lot lines + other structures
- (10) Describe the nature of the variation you are requesting (attach dimensioned site plan):
2'10" from side lot line, 7'4" from house, 9'6" from neighbor's house → all measurements counting overhangs
- ☒ (City Council variation request only) Describe the "practical difficulties or particular hardship" that the current zoning laws of the City of Washington would have on your property if those laws were to be strictly enforced:

I/we certify that all of the above statements and the statements contained in any papers or plans submitted with this Application are true and accurate to the best of my/our knowledge.

I/we hereby expressly consent to the entry in and upon the premises and property described in this Application by any authorized official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may be required by law and for the purpose of verifying any statement or statements herein contained.

DATE: 9-7, 2016

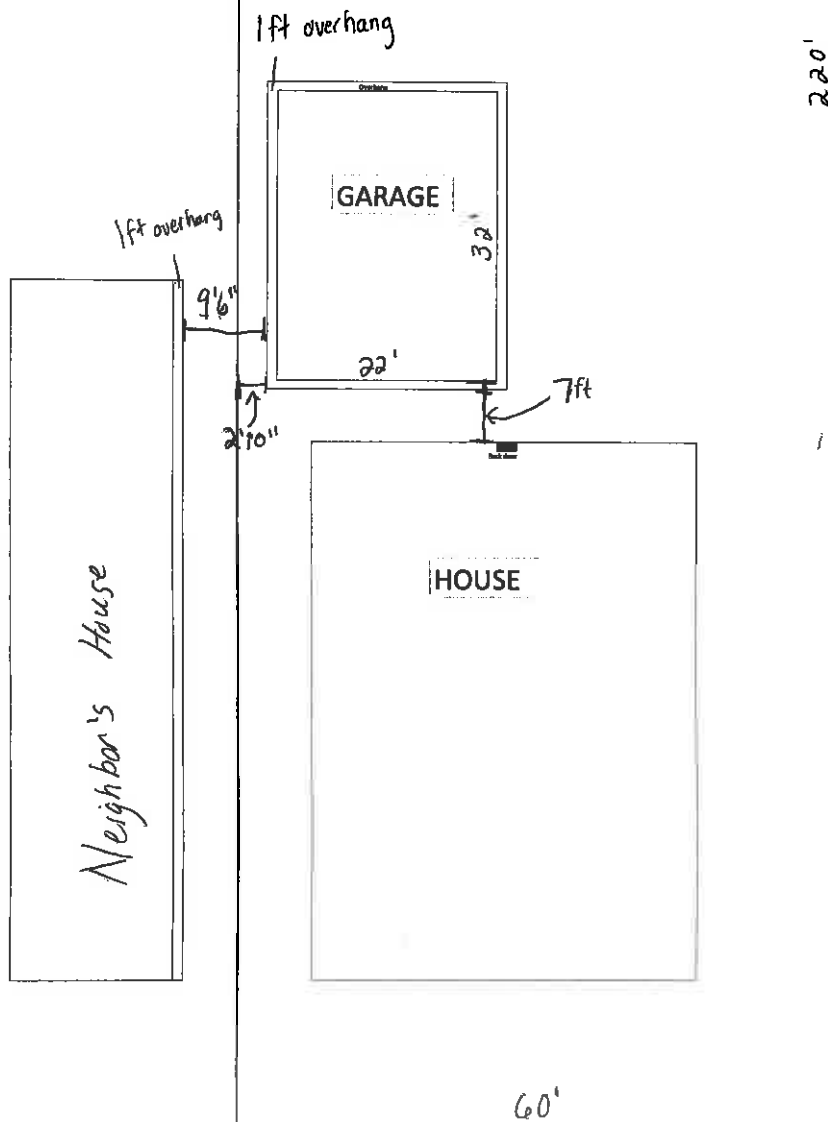
Applicant

Applicant

NOTE:

THIS APPLICATION MUST BE SIGNED BY THE TRUE LEGAL OWNER OR OWNERS OF THE PROPERTY.

112 S High St
site plan





HIGH ST.

1617
Sq Ft

2270
Sq Ft

1885
Sq Ft

1493
Sq Ft

1460
Sq Ft

1447
Sq Ft

106

6165
Sq Ft

108

1174
Sq Ft

130

1984
Sq Ft

112

2000
Sq Ft

318
Sq Ft

977
Sq Ft

426
Sq Ft

114

2912
Sq Ft

1059
Sq Ft

110

1360
Sq Ft

265
Sq Ft

100

3373
Sq Ft

1351
Sq Ft

120

799
Sq Ft