

**STAFF REPORT**  
**Decatur Zoning Board of Appeals**

**COMMON NAME:** 1230, 1240 and 1250 North Nickey Avenue

**GENERAL INFORMATION**

**Hearing Date** March 30, 2017  
**Calendar No.** 17-01  
**Property Location** 1230, 1240 and 1250 North Nickey Avenue  
**Requested Action** Variance to reduce the minimum lot width from 50 feet to 48.10 feet for Lot One (1) and 50 feet to 45.10 feet for Lot Two (2) to allow for a proposed three (3) lot subdivision.  
**Petitioner** Jeffrey A. Freeman

**LAND USE AND ZONING**

<i>Direction</i>	<i>Existing Land Use</i>	<i>Zoning</i>	<i>Comprehensive Plan</i>
Subject Property	Single Family Residence	R-3	Residential - Low Density
North	Single Family Residence	R-3	Residential - Low Density
South	Single Family Residence	R-3	Residential - Low Density
East	Single Family Residence	R-3	Residential - Low Density
West	Single Family Residence	R-3	Residential - Low Density

**BACKGROUND**

1. The subject site is approximately 0.77 acres and located at 1230, 1240 and 1250 North Nickey Avenue. The site is improved with three (3) single family residential structures and three (3) detached garages. The zoning for the subject site is R-3 Single Family Residence District.
2. The single family structures were constructed when the subject site was located in the County prior to annexation into the City in 1967. The subject site is currently non-conforming as there are three (3) main structures located on a single lot. The R-3 zoning district only allows one (1) main structure per lot.

**PROJECT DESCRIPTION**

1. The petitioner is requesting variation from the provisions of the Zoning Ordinance to allow for the subdivision of the subject site into three (3) lots. The proposed lots will have lot widths of 48.10 feet for Lot One (1), 45.10 feet for Lot Two (2) and 108.38 feet for Lot Three (3).
2. The required minimum width for a lot in the R-3 Single Family Residence District is 50 feet. The petitioner is requesting to reduce the minimum lot width for Lot One (1) to 48.10 feet and to reduce the minimum lot width to 45.10 feet for Lot Two (2) to allow for a three (3) lot subdivision.
3. The petitioner is requesting the variance because the subject site was originally designed for rental properties and he would like all the residential structures with their respective garages to be located on individual lots. The subdivision of the site has been designed to be subdivided so that the logical placement of the proposed lot lines are running with the current fencing layout and keep the structures relatively equidistance from the proposed lot lines.

### **STAFF ANALYSIS**

1. The Zoning Board of Appeals can grant variances for the reduction of lot widths when it will not create a safety hazard will not be detrimental to the overall health, safety or welfare of the neighborhood or to the City as a whole and the variance is found to be in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.
2. The reduction of the minimum lot widths to 48.10 and 45.10 for Lots One (1) and Two (2) respectively for the proposed subdivision should not adversely affect the neighboring properties or the general area as these residential structures and detached garages have been there for decades in the current layout.
3. Granting a variance for the reduced minimum lot widths should not alter the essential character of the locality. The reduce lot widths should not impair the adequate supply of light and air to adjacent properties; it will not increase congestion of the area or endanger public safety; and the request is in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

### **STAFF RECOMMENDATION**

1. Staff recommends approval of the petition

### **ZBA ACTION**

1. The Zoning Board can approve the variance request as presented, deny the variance request or modify the request as appropriate.

The above report constitutes the testimony and recommendation of the Planning and Sustainability Division, Department of Planning and Building Services, City of Decatur.

Suzan M. Stickle  
Senior Planner

### **ATTACHMENTS**

1. Petition
2. Site Plan
3. Location Map



**City of Decatur, Illinois**

**PETITION FOR VARIANCE**

*Zoning Board of Appeals*

Economic and Urban Development Department  
 One Gary K. Anderson Plaza  
 Decatur, Illinois 62523-1196

424-2781  
 FAX 424-2728

SECTION ONE: PETITIONER / OWNER / REPRESENTATIVE INFORMATION					
<b>Petitioner</b>	Jeffrey A. Freeman				
<b>Address</b>	1235 Nickey Avenue				
<b>City</b>	Decatur	<b>State</b>	Illinois	<b>Zip</b>	62526
<b>Telephone</b>	(217) 422-2058	<b>Fax</b>		<b>E-mail</b>	
<b>Property Owner</b>	Jeffrey A. Freeman				
<b>Address</b>	1235 Nickey Avenue				
<b>City</b>	Decatur	<b>State</b>	Illinois	<b>Zip</b>	62526
<b>Telephone</b>	(217) 422-2058	<b>Fax</b>		<b>E-mail</b>	
<b>Representative</b>	TRIAD SURVEYING - David R. Lehman, P.L.S.				
<b>Address</b>	5326 North Fork Road				
<b>City</b>	Decatur	<b>State</b>	Illinois	<b>Zip</b>	62521
<b>Telephone</b>	(217) 423-5142	<b>Fax</b>		<b>E-mail</b>	dr12602@comcast.net

SECTION TWO: SITE INFORMATION						
<b>Street Address</b>	1230 / 1240 / 1250 Nickey Avenue, Decatur, Illinois 62526					
<b>Legal Description</b>	Lot 19 of Moses A. Nickey's 2nd Shore Acres Addition as per Plat recorded in Book 536 Page 6 of the records in the Recorder's Office of Macon County, Illinois					
<b>Present Zoning</b>	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input checked="" type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input type="checkbox"/> R-6	Is this property a Planned Unit Development? <input type="checkbox"/> YES      Approval Date: _____ <input checked="" type="checkbox"/> NO
	<input type="checkbox"/> B-1	<input type="checkbox"/> B-2	<input type="checkbox"/> B-3	<input type="checkbox"/> B-4	<input type="checkbox"/> O-1	
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
<b>Please list all improvements on the site:</b>						
<b>Size of Tract</b>	33,716	<input checked="" type="checkbox"/> SF	<input type="checkbox"/> AC	Homes, garages and accessories at 1230, 1240, & 1250.		

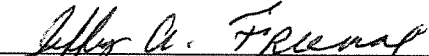
**SECTION THREE: REQUESTED ACTION**

<i>Check One:</i>	<input checked="" type="checkbox"/> Variation of Specified Site Requirements (e.g. setbacks)	<input type="checkbox"/> Variation of Parking & Loading Requirements	<input type="checkbox"/> Other - classification of use, off-street parking in an "R" zone, special circumstances, etc.
<b>Description</b>	<i>Please state the reason for exception, variation or appeal to the Zoning Board of Appeals. Be as specific as possible, detailing the circumstances that make an appeal necessary. Additional description pages may be attached.</i>		
<p>The three homes and garages were built in the 1950's on Lot 19 for the purpose of rental property. Lot 19 was annexed to the City of Decatur in 1967.</p> <p>Homes have separate water and sewer services.</p> <p>Request exception to SECTION VII R-3 (C) 2 - Minimum Lot Width (feet): 50          Lot 1 on the attached Plat proposes a street width of 48.10 feet and a rear width of 49.75 feet.          Lot 2 on the attached Plat proposes a street width of 45.10 feet and a rear width of 45.70 feet.          These Lot widths honor existing monuments being chain link fences and garages which are very well maintained and have existed on the site for many years.</p> <p>We request this variation in order that each of the homes may be on an individual Lot.</p>			

**SECTION FOUR: ATTACHMENTS**

<b>Description</b>	<i>Please list any attachments and/or supporting documents below:</i>
	Plat of proposed "D.FREEMAN ADDITION" / Aerial photograph
<i>Attachments to this petition should include a scaled sketch plan of your proposal showing property lines, lot dimensions, building dimensions, all buildings on the property, setbacks, requested changes in the requirements and other necessary information. Please label this sketch plan as "Exhibit A" and other supporting documents accordingly. Architectural or engineering drawings are preferred, but not required.</i>	

**SECTION FIVE: CERTIFICATION**

	To be placed on the agenda of the regular meeting on the second Thursday of the month at 4:00 PM in the City Council Chamber, petition must be received on the first Thursday of the prior month. Petitioner or a representative must be present to make statements to the Board and to answer questions. Incomplete or erroneous petitions may delay items being heard by the Zoning Board of Appeals.		
<b>Petitioner's Signature</b>		<b>Date</b>	February 1, 2017

**NOTES:**

1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. A filing fee of \$150.00 is charged for all requests for property in the R-1, R-2, R-3 and R-5 districts, and \$250.00 for property in all other districts. Please make checks payable to the City of Decatur.
2. Signature of this petition grants permission to City staff to place a sign, indicating a request for zoning action, on the subject property at least 10 days prior to the Zoning Board of Appeals hearing. Said sign will be removed within 15 days of the Zoning Board hearing.



▼ Search PIN, Name, or Addi 🔍



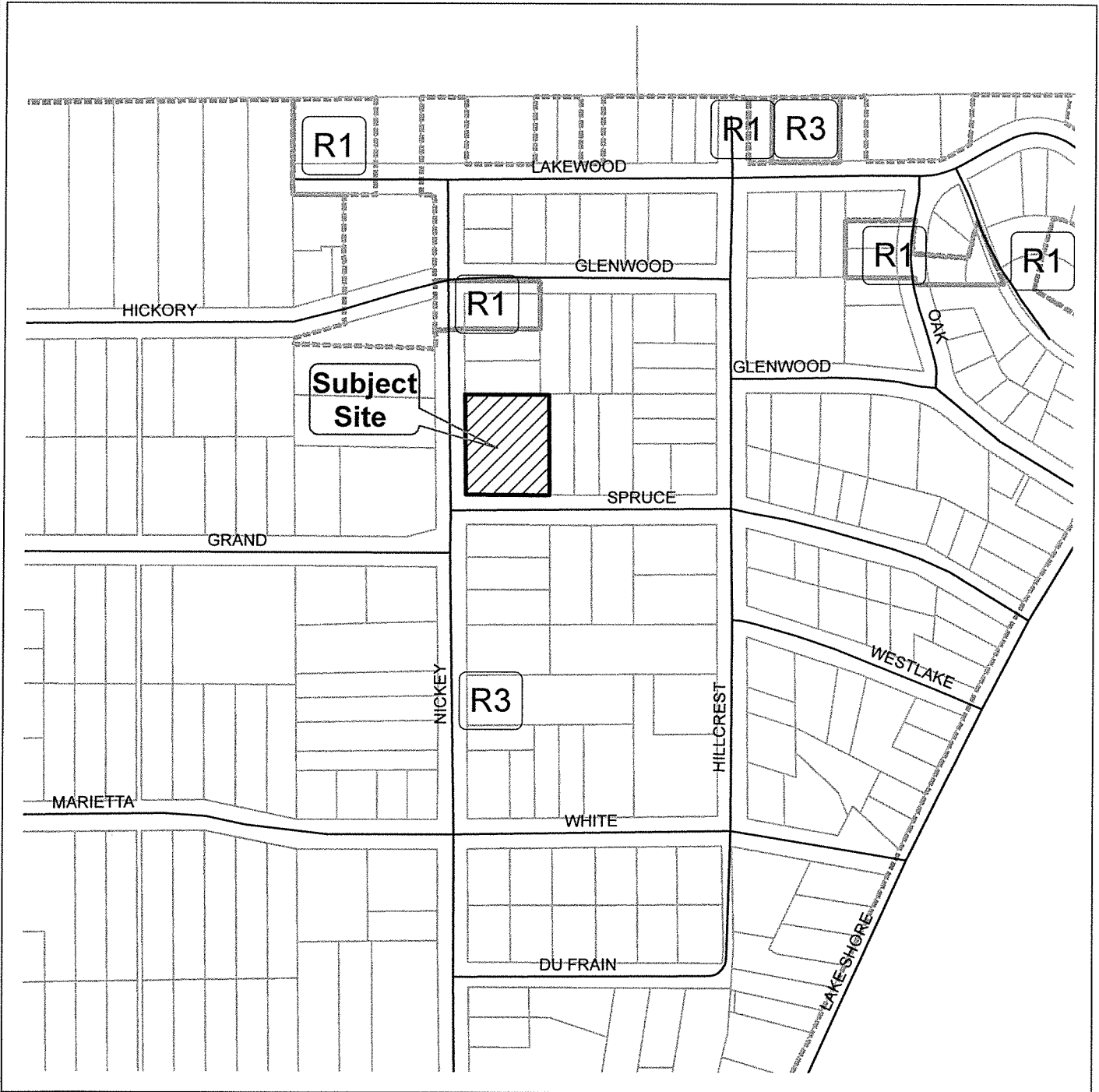
TRIAD SURVEYING  
5326 North Fork Road  
Decatur, Illinois 62521  
(217) 423-5142

D. FREEMAN ADDITION  
Aerial Photo

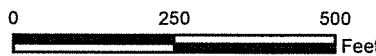
EXHIBIT B

# Zoning Board of Appeals

1230, 1240 and 1250 North Nickey Avenue



Cal. No.: 17-01  
Date: March 9, 2017  
Petition of: Jeffrey A. Freeman  
Requested Action: Reduce minimum lot width to 48.10 and 45.10 feet



## Legend

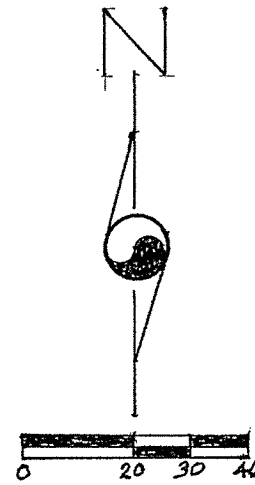
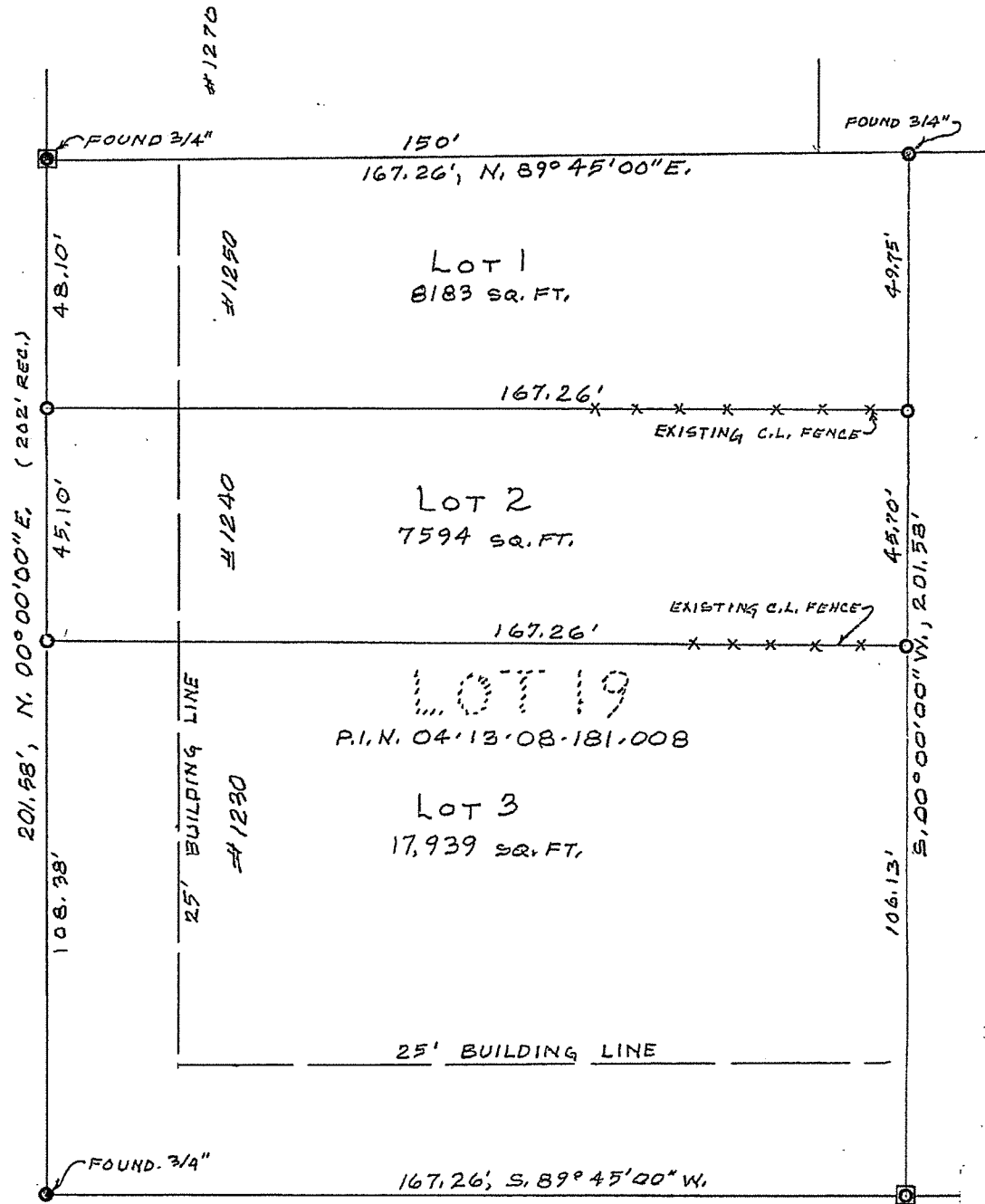
- Decatur Roads
- ▨ subject site
- Decatur Parcel data
- ▭ Decatur Zoning

# D. FREEMAN ADDITION

A SUBDIVISION OF LOT 19 OF  
 MOSES A. NICKEY'S 2<sup>ND</sup> SHORE ACRES ADDITION  
 (BOOK 536 PAGE 6) IN DECATUR, MACON COUNTY, ILLINOIS

OWNER / SUBDIVIDER: JEFFREY A. FREEMAN

NICKEY AVENUE (60' R.O.W.)



- IRON PIN FOUND
- IRON PIN SET (3/4" X 30")
- ⊠ PERMANENT MARKER

### DRAINAGE STATEMENT

WE, THE UNDERSIGNED, RESPECTIVELY A LICENSED PROFESSIONAL ENGINEER AND THE OWNER OR OWNERS OF THE LAND SUBDIVIDED, HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF THE SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE DRAINAGE IS CHANGED, REASONABLE PROVISION HAS BEEN MADE OF THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDERS HAVE A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH THE GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKLIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

Bryan K. Bradshaw, Illinois Licensed Professional Engineer No. 52891

Jeffrey A. Freeman, Owner

### NOTES

1. No part of the property covered by this consolidation is within 500 feet of a surface drain or watercourse serving a tributary area of 640 acres or more.
2. All easements are for drainage and public utilities unless otherwise noted.
3. Lot corners are marked with iron pins or permanent markers.
4. Bearing are based on an assumed North.
5. Property is zoned R-3, Single Family Residence District.



David R. Lehman, P.L.S.

CITY OF DECATUR

Director, Department of Planning and Building Services Date

Director, Public Works Department Date

**PRELIMINARY FOR REVIEW**

SPRUCE STREET (60' R.O.W.)

TRIAD SURVEYING  
 DECATUR, ILLINOIS  
 184-003207

FINAL PLAT