

STAFF REPORT
Decatur Zoning Board of Appeals

Hearing Date November 12, 2020
Case No. 20-10
Property Location 4808 Beacon Drive
Request Reduce the required minimum front yard setback building line from 35 feet to 32 feet at 4808 BEACON DRIVE.
Petitioner Robert Wetzel
Representative Robert Wetzel

BACKGROUND

The subject site is currently zoned R-1 Single-Family Residence District and has a residential structure and a detached garage on an approximately 21,850 square foot lot.

Surrounding 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-1	Residential - Low Density
North	Single-Family Residence	R-1	Residential - Low Density
South	Single-Family Residence	R-1	Residential - Low Density
East	Single-Family Residence	R-1	Residential - Low Density
West	Single-Family Residence	R-1	Residential - Low Density

REQUEST

The petitioner is requesting a variance from the provisions of the Zoning Ordinance to reduce the front yard setback off of South Green Meadow Drive from 35 feet to 32 feet to allow for the addition of an attached garage. According to the Plat of the property a 35-foot setback is required which overrides the Zoning Ordinance’s 30-foot requirement. The 32-foot request would still be more restrictive than the current 30-foot requirement.

The proposed attached garage would be 28’ x 14’ 9” and would be wide enough to accommodate wheelchair access to the vehicle.

STAFF ANALYSIS

According to the City of Decatur Zoning Ordinance, a variance must meet three standards in order to be granted. The first standard requires the applicant to show that the property in question is in harmony with the general purpose and intent of both City of Decatur Comprehensive Plan and regulations of the Zoning Ordinances. The property in question meets the desired future land use classification of “Residential-Low Density” in accordance with the Comprehensive Plan. The addition of the attached proposed garage located 32 feet from South Green Meadow Drive instead of the required 35 feet (according to the Plat of Survey) is still more restrictive than the Zoning Ordinances requirement of 30 feet. As a result, the first standard can be met for the proposed addition.

The second standard requires the applicant to demonstrate the existence of practical difficulties or a non-economic hardship. Since the proposed attached garage needs to be constructed in order to accommodate a wheelchair, as a result, this second standard can be met.

The third standard requires the applicant to show that the variance, if granted, would not alter the essential character of the locality or have a negative impact on the surrounding properties. Granting a variance for an attached garage will not alter the essential character of the locality and will not negatively impact the neighboring properties. The proposed attached garage will be constructed 32 feet away from the west property line. The variance, if granted, should not affect the adequate supply of air. Therefore, staff believes that the third standard can be met.

STAFF RECOMMENDATION

Staff recommends the approval of this requested variance for the proposed attached garage with the following recommendation:

1. The driveway leading to the proposed attached garage will be required to be paved with asphalt or concrete.

ZBA ACTION

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

This report constitutes the testimony and recommendation of the Planning and Development Division, Community Development Department.

Joselyn Stewart
Planner

ATTACHMENTS

1. Petition
2. Location and Zoning 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

Petitioner	Robert Wetzel				
Address	3227 Orchard Dr.				
City	Decatur	State	IL	Zip	62521
Telephone	217 972 0732	Fax		E-mail	r.wetzel914@gmail.com
Property Owner	JoAnn Kestner				
Address	4808 Beacon Dr.				
City	Decatur	State	il	Zip	62521
Telephone	271 425 1658	Fax		E-mail	
Representative	Robert Wetzel				
Address	3227 Orchard Dr.				
City	Decatur	State	il	Zip	62521
Telephone	217 972 0732	Fax		E-mail	r.wetzel914@gmail.com

SECTION TWO: SITE INFORMATION

Street Address	4808 Beacon Dr.					
Legal Description	Green Meadow Addition Lot 6					
Present Zoning	<input checked="" type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input 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		
Please list all improvements on the site:			Single family house w/ sunroom (1552 Sq ft) Detached garage (24'x28') Garden Shed (10'x12')			
Size of Tract	21,850	<input checked="" type="checkbox"/> SF	<input type="checkbox"/> AC			

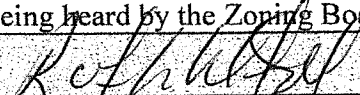
SECTION THREE: REQUESTED ACTION

<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.
Description	<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 Board is petitioned to reduce the an R-1single family side "front yard" corner lot from the 1957 Plat requirement for building line setback of 35 feet to 32 feet to accomdate the addition of a an attached garage with sufficient width to allow the full opening of vehicle doors and wheelchair accessibility.</p> <p>Adherance to the 1957 Plat set back would limit the interior width of the proposed garage to 11 feet. This is not sufficient to meed the current needs related to the disabilities of the s</p> <p>An interior widdth of 14 feet will accommodate full opening of vehicle doors, wheelchair access, and ramp to the living and provide for the health and safety of the homeowner/occupants.</p> <p>The current zoning ordinance requirement for R-1 front yard setback is 30 feet. The variance request of 32 feet remains more restrictive than the current R-1 30 foot "front yard" setback.</p> <p>There is no adverse effect on the area, neighborhood, or property at hand.</p> <p>Additional background and information is provided in Attachments A thru E.</p>			

SECTION FOUR: ATTACHMENTS

Description	<i>Please list any attachments and/or supporting documents below:</i>
	A- Site Plan, B- 1957 Plat, C-Background, D-Street View, E- Proposed Site
<i>Attachments to this petition should include a scaled sketch plan of your proposal showing property lines, lot dimensions, buildi ng 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.		
Petitioner's Signature		Date	October 1, 2020

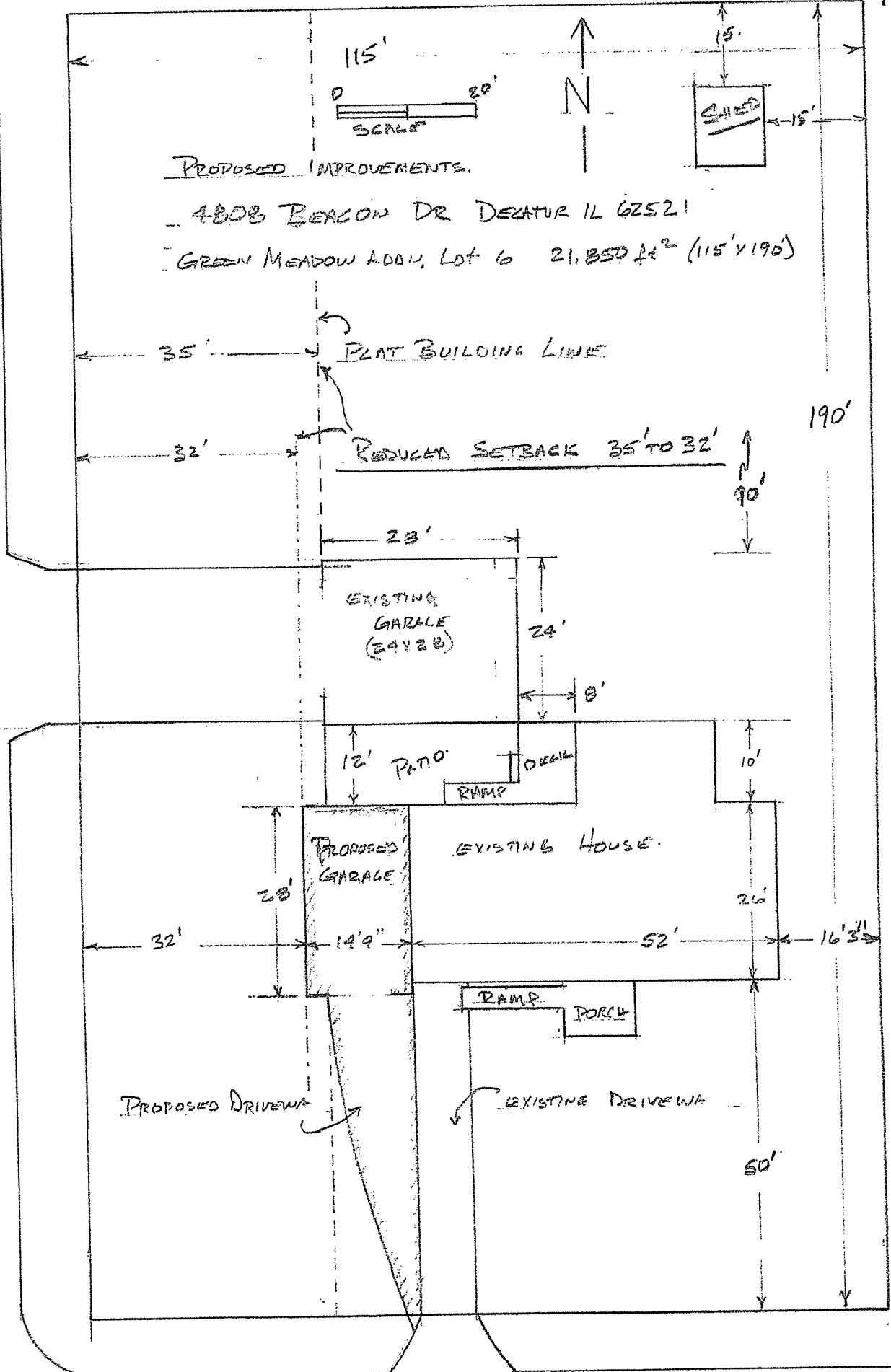
NOTES:

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.

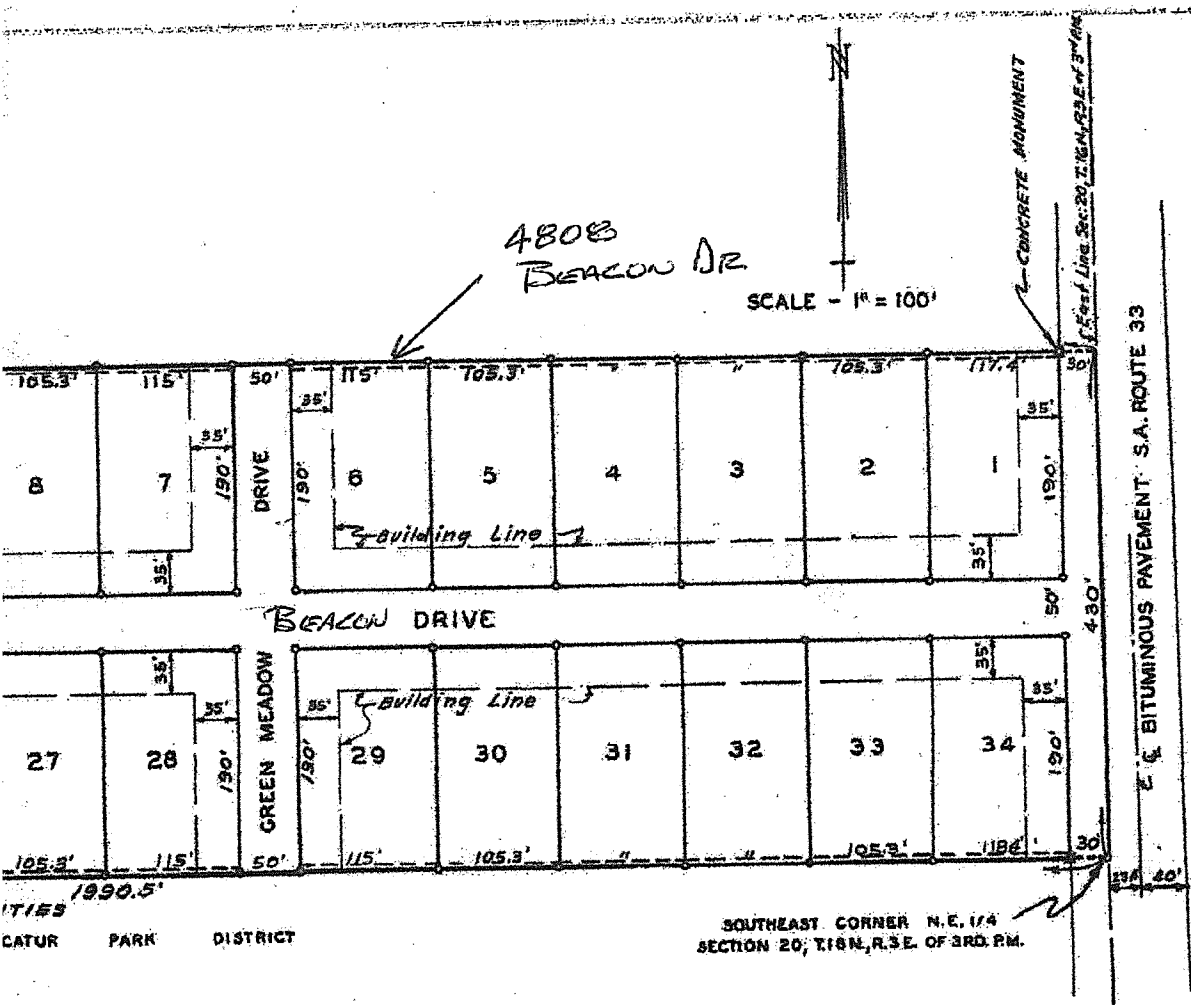
SITE PLAN ATTACHMENT A - KESTNER

10/1/20

GREEN MEADOW DR



BEACON DR.



GREEN MEADOW ADDITION

SUBDIVIDERS:

Jimmie E. Truch
Jimmie E. Truch

[Signature]
 MAYOR
[Signature]
 CITY CLERK
 April 11, 1957

[Signature]
 ILLINOIS LAND SURVEYOR NO. 814
 MARCH 12, 1957



O DENOTES IRON PIN

5708-3

October 1, 2020

Decatur Zoning Board Members:

This petition for variance is made on behalf of JoAnn Kestner to facilitate the addition of an attached garage wide enough to allow for wheelchair access to the vehicle.

Adherence to the 1957 Plat's 35 ft. building line for the proposed garage addition would restrict interior width to approximately 11 feet. This is insufficient to allow full open swing of vehicle doors or allow wheelchair access to the vehicle. A variance of 3 ft. to reduce the building line to 32 ft will allow sufficient room (14 ft.) for full open swing of doors, wheelchair access to the vehicle and ramp to the living space.

The single family house at 4808 Beacon Dr. and is Zoned R-1 and has been occupied by the homeowner, JoAnn Kestner, and her adult daughter, Janet since 2004. While in otherwise good health, the homeowner (aged 88), is primarily confined to a wheelchair. Her adult daughter (age 60) is disabled, has mobility issues, and relies on the use of a cane.

Over the past several years the house has been made more accessible including interior door reconfigurations, walk-in shower, elevated toilets, grab bars and handrails, ramps front and rear, reconfigured laundry and utility spaces, etc. An attached garage with secure, all weather and accessible access to the living space will contribute greatly to the health and safety of both.

The addition of the proposed garage will be consistent with the locality and does not alter or adversely affect the character of the house or neighborhood. The original 1960 house included an incorporated garage accessed from Beacon Dr. via a paved drive at the same (west) end of the house. A previous (original) owner built a detached garage to the rear with access from Green Meadow Dr and converted the original incorporated garage into living space. The proposed new garage is adjacent to the previous incorporated garage and will take advantage of the original paved driveway access.

This petition is relative to Decatur Zoning Ordinances as per "Definitions" excerpted below:

BUILDING LINE: A line delineated on a plat which designates the minimum setback area between the front of the main building and the lot line abutting the public right-of-way. *Where a building line on a plat conflicts with the setback regulations required herein, the more restrictive shall apply, subject to the exceptions enumerated in Section XXII Exceptions to Height and Area Requirements.*

The petition requests a reduction of the 1957 Plat building line from 35 feet to 32 feet. This petition is consistent with the intent of current zoning rules and the requested 32 foot setback remains more restrictive than the current R-1 "front yard" requirements of 30 feet.

Your consideration in this matter is appreciated.

Appreciatively,

Bob Wetzel

217 972 0732 r.wetzel914@gmail.com

Attachment D Kestner Variance 10/1/2020

Google Maps 4808 Beacon Dr



Image capture: Sep 2015 © 2020 Google

Decatur, Illinois

Google

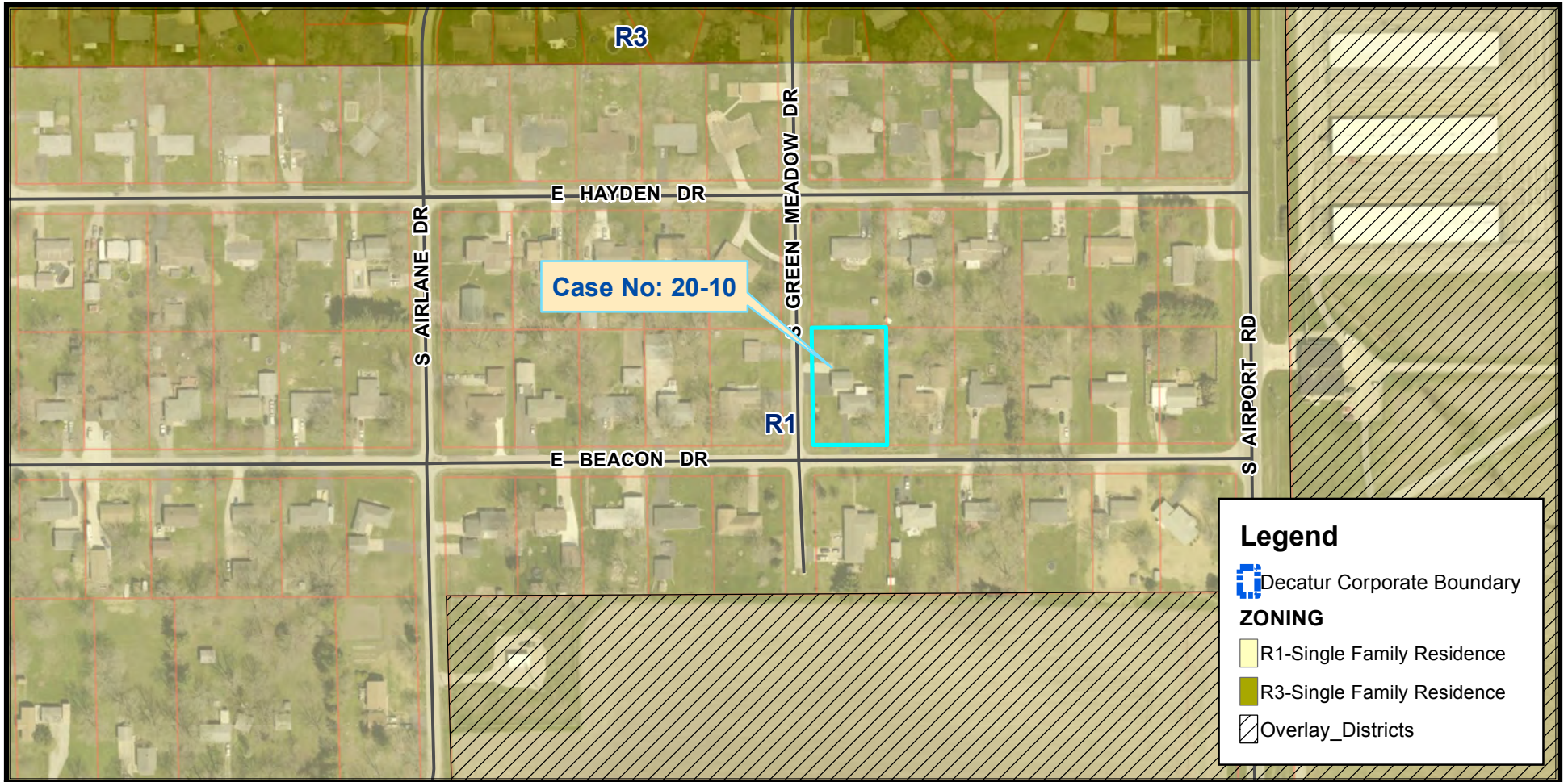
Street View





Decatur Zoning Board of Appeals

4808 Beacon Drive



Case No: 20-10
Date: November 12, 2020
Petition of: Robert Wetzel
Requested Action: Reduce the Required Minimum Front Yard Setback

