

STAFF REPORT
Decatur Zoning Board of Appeals

Hearing Date June 8, 2023
Case No. 23-01
Property Location 770 East Eldorado Street
Request Reduce the required minimum front yard setback fence line from 15 feet to 8 feet at 770 East Eldorado Street
Petitioner Imco Utility Supply
Representative Chastain & Associates LLC., Jonas Ozier, P.E.

BACKGROUND

The subject site is currently zoned M-2 Heavy Industrial District and has a structure on an approximately .62 acre lot.

Surrounding Land Use and Zoning

<i>Direction</i>	<i>Existing Land Use</i>	<i>Zoning</i>	<i>Comprehensive Plan</i>
Subject Property	Commercial	M-2	Mixed-Use Commercial/Residential
North	Commercial	M-2	Mixed-Use Commercial/Residential
South	Commercial	M-2	Mixed-Use Commercial/Residential
East	Undeveloped, Industrial	M-2	Mixed-Use Commercial/Residential
West	Vacant, Commercial	M-1	Mixed-Use Commercial/Residential

REQUEST

The petitioner is requesting a variance from the provisions of the Zoning Ordinance to reduce the minimum front yard setback for a fence from fifteen (15) to eight (8) feet at 770 East Eldorado Street. The property is proposed to be the materials storage yard for the petitioner/owner. The petitioner would like to fence the entire property to protect the public, as well as secure their site.

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 “Mixed-Use Commercial/Residential” in accordance with the Comprehensive Plan. The variance, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance, subject to meeting the other two standards.

The second standard requires the applicant to demonstrate the existence of practical difficulties or a non-economic hardship. Since the proposed fence needs to be constructed in order to secure their site, 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 fence will not alter the essential character of the locality and will not negatively impact the neighboring properties. The proposed fence will be constructed eight (8) feet away from the south 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 fence with the following recommendation:

1. The fence shall not exceed eight (8) feet in height.
2. Must adhere to the approved Site Plan PR-23-14.
3. A building permit is required before the construction of the fence.

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, Economic and 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	Imco Utility Supply				
Address	4390 Jeffory Street				
City	Springfield	State	IL	Zip	62703
Telephone	217-529-1672	Fax		E-mail	dans@imcosupply.com
Property Owner	DPD Investments				
Address	9200 Old Jacksonville Rd				
City	Pleasant Plains	State	IL	Zip	62677
Telephone		Fax		E-mail	
Representative	Chastain & Associates LLC, Jonas Ozier P.E.				
Address	5 N Country Club Road				
City	Decatur	State	IL	Zip	35251
Telephone	217-859-8908	Fax		E-mail	

SECTION TWO: SITE INFORMATION

Street Address	770 E. Eldorado Street, Decatur					
Legal Description	See Exhibit A attached.					
Present Zoning	<input 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 checked="" type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
Please list all improvements on the site:				Proposed fence.		
Size of Tract	.62	<input type="checkbox"/> SF	<input checked="" 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.
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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>
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Reduction of front yard setback for fences from 15' to 8' along Eldorado Street.

The property is proposed to be the materials storage yard for the petitioner/owner. The petitioner would like to fence in the entire property to protect the public, as well as secure their site. The petitioner would like to place the fence along the south edge of the existing parking lot located south of the existing building along Eldorado Street. Per Section XXXIV.E.5 of the Zoning Ordinance, the required Front Yard Setback for a fence is 15'. The existing parking lot is already within +/- 10' of south property line, therefore this is a request for a reduced front yard setback for fencing along Eldorado Street from 15' to 8'.

SECTION FOUR: ATTACHMENTS

Description	<i>Please list any attachments and/or supporting documents below:</i>
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Sketch Plan	Exhibit B
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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.

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.		
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Petitioner's Signature		Date	3-2-23
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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.

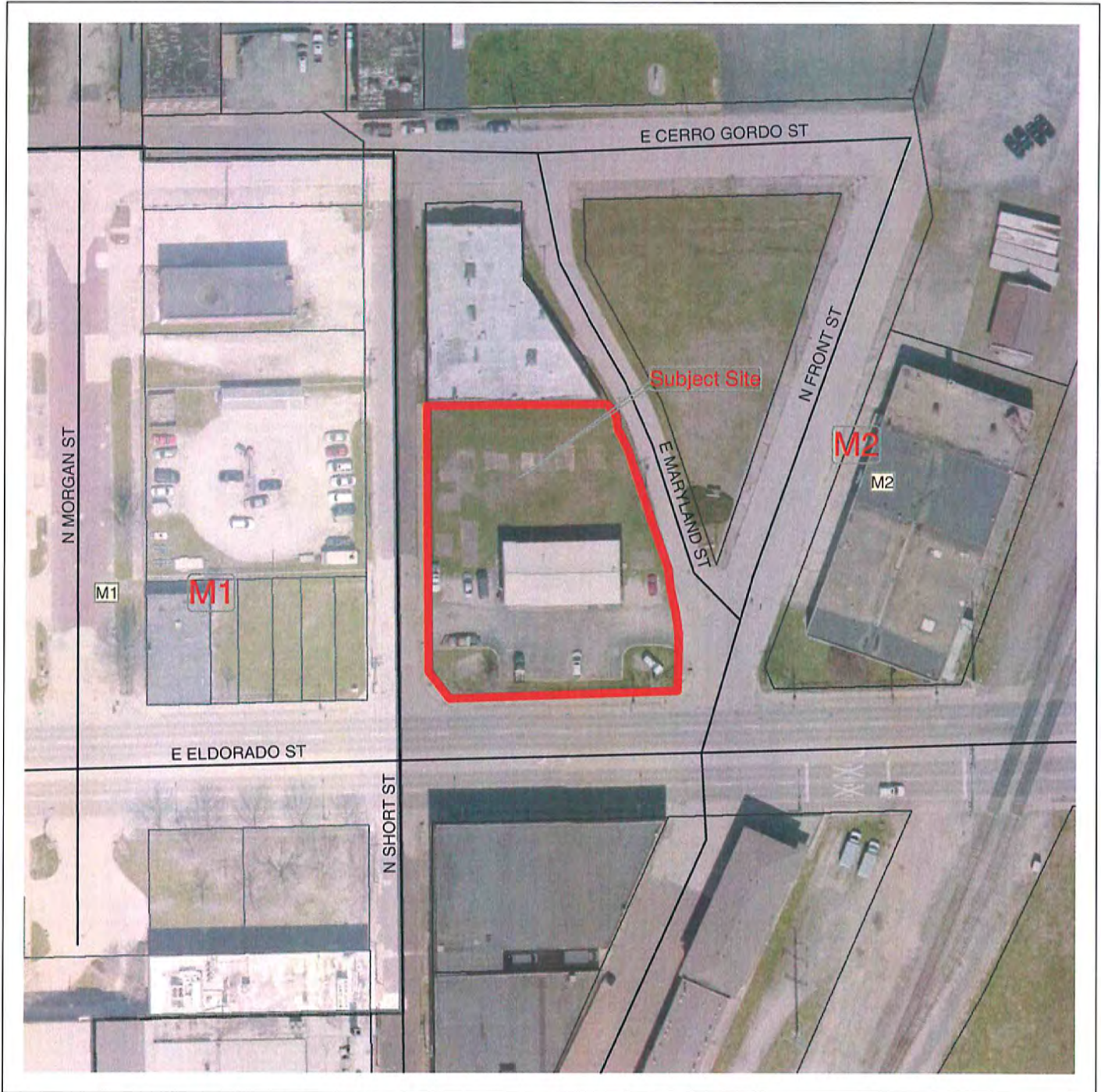
EXHIBIT A

Parcel I: Lots 5 and 6 and the South 30 feet of Lot 4, all in Block 4 of Prather, Martin and Gatlings Addition to the City of Decatur, as per Plat recorded in Book O, Page 553 of the Records in the Recorder's Office of Macon County, Illinois. Situated in Macon County, Illinois.

Parcel II: Lots 1, 2, 3 and 4 of Harpstrite's Resurvey of Lots 7 and 8 in Block 4 of Prather, Martin and Gatling's Addition to the City of Decatur, as per Plat recorded in Book 335, Page 396 of the Records in the Recorder's Office of Macon County, Illinois, except a part of said Lot 4 described as follows: Beginning at the Southwest corner of Lot 4; thence Northerly along the West line of Lot 4 for 15 feet; thence Southeasterly to the South line of Lot 4; thence Westerly along the South line of Lot 4 for 12 feet to the point of beginning. Situated in Macon County, Illinois.

Decatur Zoning Board of Appeals

770 East Eldorado Street



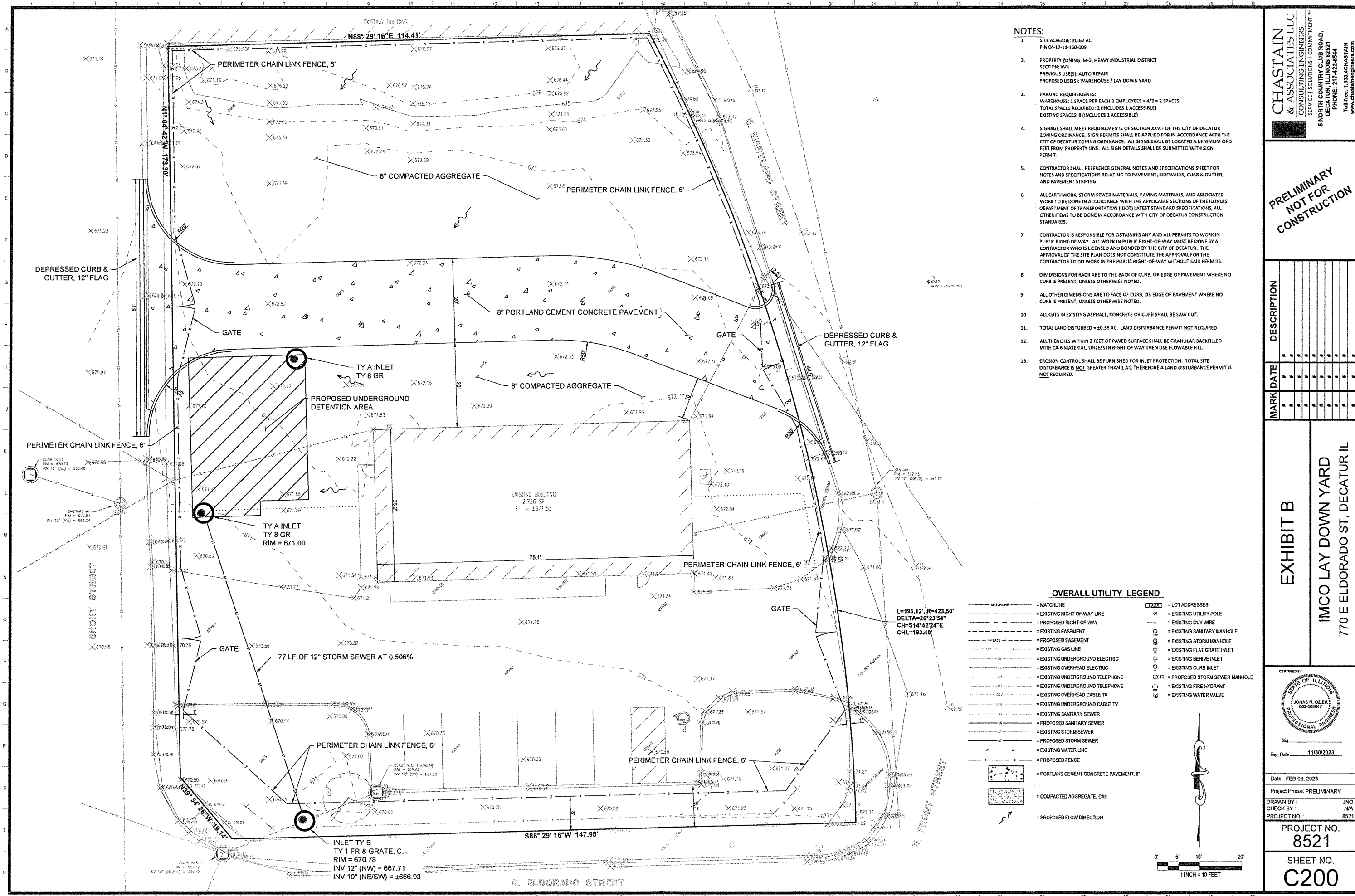
Cal. No.: 23-01
Date: May 11, 2023
Petition of: IMCO Utility Supply
Requested Action: Reduce the front yard setback of a fence from 15' to 8' in an M-2 District



Legend

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

0 115 230 460 Feet



- NOTES:**
1. SITE ACREAGE: ±0.62 AC.
PIN:04-12-14-130-009
 2. PROPERTY ZONING: M-2, HEAVY INDUSTRIAL DISTRICT
SECTION: XVII
PREVIOUS USE(S): AUTO REPAIR
PROPOSED USE(S): WAREHOUSE / LAY DOWN YARD
 3. PARKING REQUIREMENTS:
WAREHOUSE: 1 SPACE PER EACH 2 EMPLOYEES = 4/2 = 2 SPACES
TOTAL SPACES REQUIRED: 2 (INCLUDES 1 ACCESSIBLE)
EXISTING SPACES: 8 (INCLUDES 1 ACCESSIBLE)
 4. SIGNAGE SHALL MEET REQUIREMENTS OF SECTION XXV.F OF THE CITY OF DECATUR ZONING ORDINANCE. SIGN PERMITS SHALL BE APPLIED FOR IN ACCORDANCE WITH THE CITY OF DECATUR ZONING ORDINANCE. ALL SIGNS SHALL BE LOCATED A MINIMUM OF 5 FEET FROM PROPERTY LINE. ALL SIGN DETAILS SHALL BE SUBMITTED WITH SIGN PERMIT.
 5. CONTRACTOR SHALL REFERENCE GENERAL NOTES AND SPECIFICATIONS SHEET FOR NOTES AND SPECIFICATIONS RELATING TO PAVEMENT, SIDEWALKS, CURB & GUTTER, AND PAVEMENT STRIPING.
 6. ALL EARTHWORK, STORM SEWER MATERIALS, PAVING MATERIALS, AND ASSOCIATED WORK TO BE DONE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) LATEST STANDARD SPECIFICATIONS, ALL OTHER ITEMS TO BE DONE IN ACCORDANCE WITH CITY OF DECATUR CONSTRUCTION STANDARDS.
 7. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS TO WORK IN PUBLIC RIGHT-OF-WAY. ALL WORK IN PUBLIC RIGHT-OF-WAY MUST BE DONE BY A CONTRACTOR WHO IS LICENSED AND BONDED BY THE CITY OF DECATUR. THE APPROVAL OF THE SITE PLAN DOES NOT CONSTITUTE THE APPROVAL FOR THE CONTRACTOR TO DO WORK IN THE PUBLIC RIGHT-OF-WAY WITHOUT SAID PERMITS.
 8. DIMENSIONS FOR RADI ARE TO THE BACK OF CURB, OR EDGE OF PAVEMENT WHERE NO CURB IS PRESENT, UNLESS OTHERWISE NOTED.
 9. ALL OTHER DIMENSIONS ARE TO FACE OF CURB, OR EDGE OF PAVEMENT WHERE NO CURB IS PRESENT, UNLESS OTHERWISE NOTED.
 10. ALL CUTS IN EXISTING ASPHALT, CONCRETE OR CURB SHALL BE SAW CUT.
 11. TOTAL LAND DISTURBED = ±0.36 AC. LAND DISTURBANCE PERMIT NOT REQUIRED.
 12. ALL TRENCHES WITHIN 2 FEET OF PAVED SURFACE SHALL BE GRANULAR BACKFILLED WITH CA-6 MATERIAL, UNLESS IN RIGHT OF WAY THEN USE FLOWABLE FILL.
 13. EROSION CONTROL SHALL BE FURNISHED FOR INLET PROTECTION. TOTAL SITE DISTURBANCE IS NOT GREATER THAN 1 AC. THEREFORE A LAND DISTURBANCE PERMIT IS NOT REQUIRED.

OVERALL UTILITY LEGEND

—	= MATCHLINE	XXXX	= LOT ADDRESSES
—	= EXISTING RIGHT-OF-WAY LINE	-○-	= EXISTING UTILITY POLE
- - -	= PROPOSED RIGHT-OF-WAY	-○-	= EXISTING GUY WIRE
---	= EXISTING EASEMENT	—○—	= EXISTING SANITARY MANHOLE
- - -	= PROPOSED EASEMENT	—○—	= EXISTING STORM MANHOLE
---	= EXISTING GAS LINE	—○—	= EXISTING FLAT GRATE INLET
---	= EXISTING UNDERGROUND ELECTRIC	—○—	= EXISTING BEHVE INLET
---	= EXISTING OVERHEAD ELECTRIC	—○—	= EXISTING CURB INLET
---	= EXISTING UNDERGROUND TELEPHONE	C&TR	= PROPOSED STORM SEWER MANHOLE
---	= EXISTING UNDERGROUND TELEPHONE	—○—	= EXISTING FIRE HYDRANT
---	= EXISTING OVERHEAD CABLE TV	—○—	= EXISTING WATER VALVE
---	= EXISTING SANITARY SEWER		
---	= PROPOSED SANITARY SEWER		
---	= EXISTING STORM SEWER		
---	= PROPOSED STORM SEWER		
---	= EXISTING WATER LINE		
---	= PROPOSED FENCE		
▀	= PORTLAND CEMENT CONCRETE PAVEMENT, 8"		
▀	= COMPACTED AGGREGATE, CA6		
→	= PROPOSED FLOW DIRECTION		

CHASTAIN & ASSOCIATES L.L.C.
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Toll Free: 1-833-4CHASTAIN
www.chastainengineers.com

PRELIMINARY NOT FOR CONSTRUCTION

MARK	DATE	DESCRIPTION

EXHIBIT B
IMCO LAY DOWN YARD
770 E ELDERADO ST, DECATUR IL

CERTIFIED BY:
STATE OF ILLINOIS
JONAS N. OZIER
082-068647
PROFESSIONAL ENGINEER

Exp. Date: 11/30/2023

Date: FEB 08, 2023
Project Phase: PRELIMINARY
DRAWN BY: JNO
CHECK BY: N/A
PROJECT NO.: 8521

PROJECT NO.
8521

SHEET NO.
C200

1 INCH = 10 FEET