

STAFF REPORT

Decatur Zoning Board of Appeals

Hearing Date October 12th, 2023
Case No. 23-05
Property Location 660 E. Grove Rd.
Request Variance to construct an above ground pool in the front yard.
Petitioner Gary & Kim Casner

BACKGROUND

The subject site is currently zoned R-1 Single family Residential District and has a structure on an approximately 14.01-acre lot.

Surrounding Land Use and Zoning

<i>Direction</i>	<i>Existing Land Use</i>	<i>Zoning</i>	<i>Comprehensive Plan</i>
Subject Property	Residential	R-1	Residential
North	Residential	R-3	Residential
South	Residential	R-1	Residential
East	Residential	R-1	Residential
West	Residential	R-1	Residential

REQUEST

The petitioner is requesting a variance from the provisions of the Zoning Ordinance to construct an above ground pool in their front yard and at least 200 feet away from the road.

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 requested variance 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” in accordance with the Comprehensive Plan. The variance while not meeting the strict regulations of the Zoning Ordinance that an accessory structure cannot be in front of the primary structure it is proposed to be setback at least 200 feet from the front line of the property. So, if granted, the petition 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 topography of the lot which is heavily wooded does not leave much space in the side or rear yard to place the pool, 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 the reduction of the front yard setbacks will not alter the essential character of the locality and will not negatively impact the neighboring properties. The property in question has a large front yard with a tree line from the road. 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 construction of an above ground pool in the front yard with the following recommendation:

1. A swimming pool permit is required before the construction of the pool.

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.

Kasey Wright
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	Gary & Kim Casner				
Address	660 E. Grove Rd.				
City	Decatur	State	IL	Zip	62521
Telephone	217 433 2695	Fax		E-mail	
Property Owner	Gary Casner				
Address	660 E. Grove Rd.				
City	Decatur	State	IL	Zip	62521
Telephone	217 433-2695	Fax		E-mail	
Representative					
Address					
City		State		Zip	
Telephone		Fax		E-mail	

SECTION TWO: SITE INFORMATION

Street Address	660 E. Grove Rd.					
Legal Description	The South Six Hundred Sixty Five and Sixty One One Hundredths (655.61) feet of the SE quarter (1/4) of the Southwest Quarter (1/4) of Section 26 in Township 16 North, Range Two East of the Third P.M. except the West 245.6 feet and the East 132.8 feet of the said described tract					
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"/> 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"/> YES Approval Date: _____
	<input type="checkbox"/> M-1	<input type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		<input type="checkbox"/> NO
Please list all improvements on the site:						
Size of Tract	<input type="checkbox"/> SF <input type="checkbox"/> AC					

SECTION THREE: REQUESTED ACTION

Check One:	<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	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.		
<p>Want to install pool in "front yard". The pool will be at least 200' away from the road. This is a 14 acre property and this location is best location for pool.</p>			

SECTION FOUR: ATTACHMENTS

Description	Please list any attachments and/or supporting documents below:
<p>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.</p>	

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	<div> <div> Date </div> <div> 9-15-23 9-15-23 </div> </div>

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.

Planning GIS



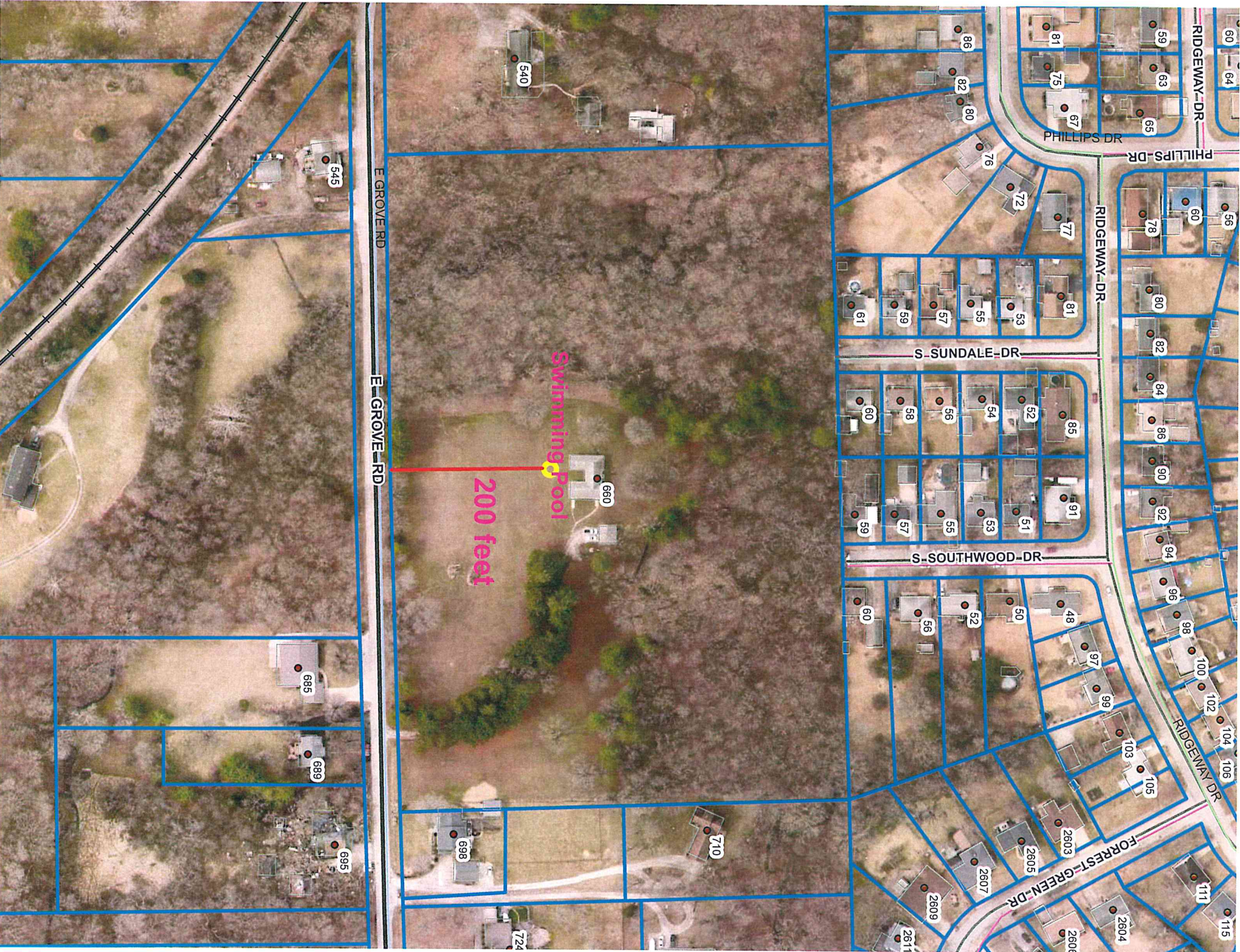
9/15/2023, 2:59:23 PM

Roads (small scale)

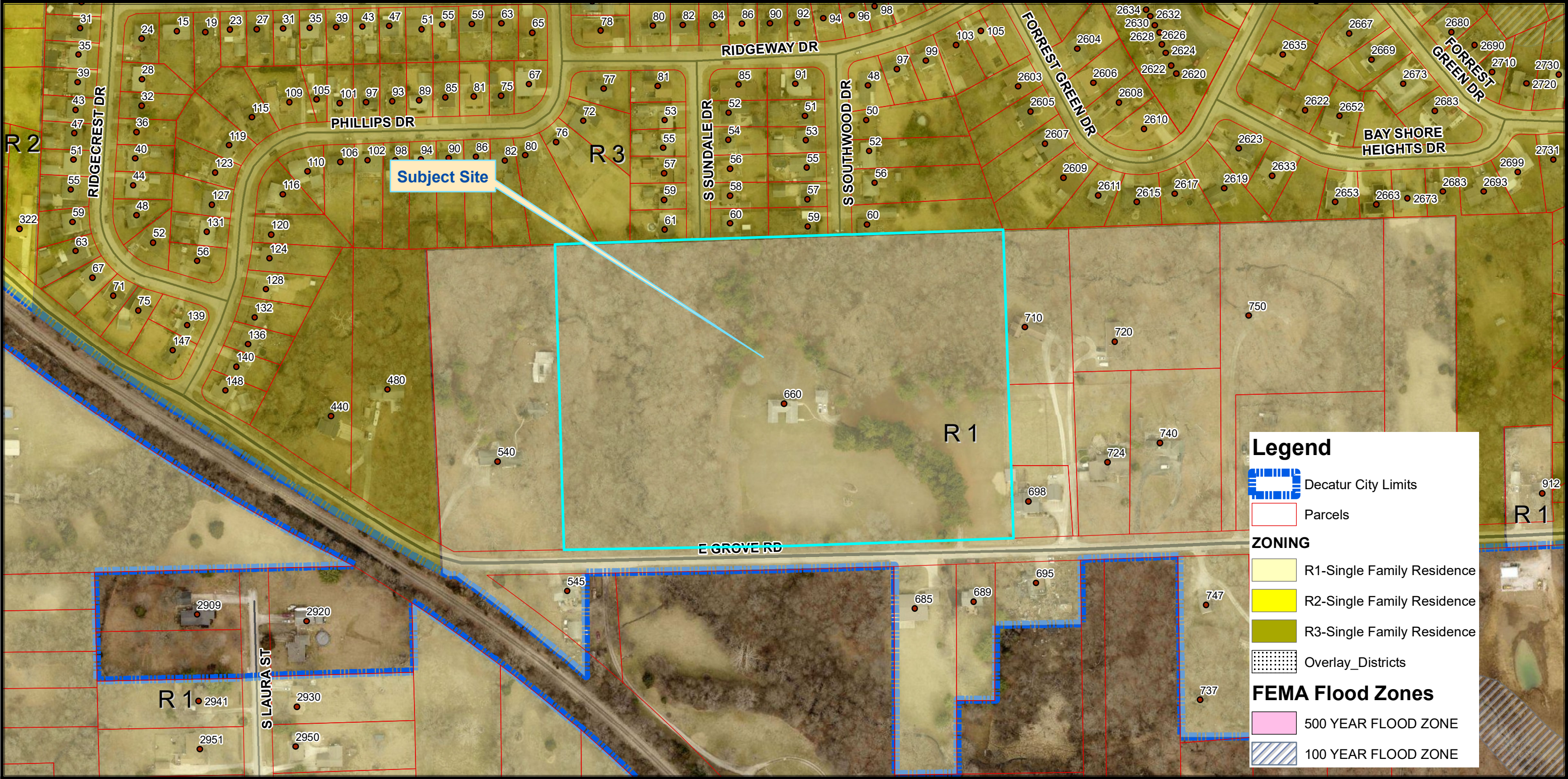
State Route or U.S. Highway	County Highway
<all other values>	Railroad Tracks
Interstate Highway	Residential
	Parcels (from Macon County GIS)

1:2,257

0	0.01	0.03	0.05 mi
0	0.02	0.04	0.09 km



City of Decatur Zoning Board of Appeals
660 East Grove Road



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Petition of: Gary & Kim Casner
Requested Action: Variance to construct an above ground pool in the front yard.



1 inch = 200 feet