

STAFF REPORT

Decatur Zoning Board of Appeals

Hearing Date October 12th, 2023
Case No. 23-06
Property Location 3162 Redlich Dr.
Request Variance to construct a 6-foot privacy fence in the front yard.
Petitioner Gary Morse

BACKGROUND

The subject site is currently zoned R-1 Single family Residential District and has a primary residential structure with two detached accessory structures on an approximately 0.45-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-1	Residential
South	Residential	R-1	Residential
East	Residential	R-1	Residential
West	Residential	R-1	Residential

REQUEST

Variance to have a 6-foot privacy fence in the front yard. The petitioner is requesting the fence to not see their neighbor's debris in their front yard.

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 the 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, if granted, would not be in harmony with the general purpose and intent of the Zoning Ordinance which strictly prohibits fences over 6 feet in height within the front yard.

The second standard requires the applicant to demonstrate the existence of practical difficulties or a non-economic hardship. The petitioner provided information that the 6-foot privacy fence would screen their property from an unsightly neighbor's yard meeting the second standard.

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. The

essential character of the locality, or have a negative impact on the surrounding properties. The property in question has a large front yard, however, there are no such other fences in the area. Therefore, staff believes that the third standard cannot be met.

STAFF RECOMMENDATION

Staff does not recommend approval of this requested variance.

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 MORSE				
Address	3162 REDLICH DR.				
City	DECATUR	State	IL.	Zip	62521-4842
Telephone	217-433-3162	Fax		E-mail	jillmorse@comcast.net
Property Owner	GARY AND JILL MORSE				
Address					
City		State		Zip	
Telephone		Fax		E-mail	
Representative					
Address					
City		State		Zip	
Telephone		Fax		E-mail	

SECTION TWO: SITE INFORMATION

Street Address	3162 REDLICH DR.					
Legal Description	SEC/LOT TWN RRG/BLK LO124 B00 GREENLAKE ADDN 5809205045100000 200X100					
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 checked="" type="checkbox"/> NO
Please list all improvements on the site:				SINGLE FAMILY HOME DETACHED GARAGE DETACHED GARAGE/SHED		
Size of Tract	200X100	<input checked="" type="checkbox"/> SF	<input type="checkbox"/> AC			

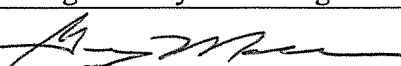
SECTION THREE: REQUESTED ACTION

Check One:	<input type="checkbox"/> Variation of Specified Site Requirements (e.g. setbacks)	<input type="checkbox"/> Variation of Parking & Loading Requirements	<input checked="" 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.		
I AM SEEKING A SIX FOOT FENCE FOR THE FRONT SIDE YARD (SEE ADDITIONAL PAGES)			

SECTION FOUR: ATTACHMENTS

Description	Please list any attachments and/or supporting documents below:
	SEE ADDITIONAL PAGES
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

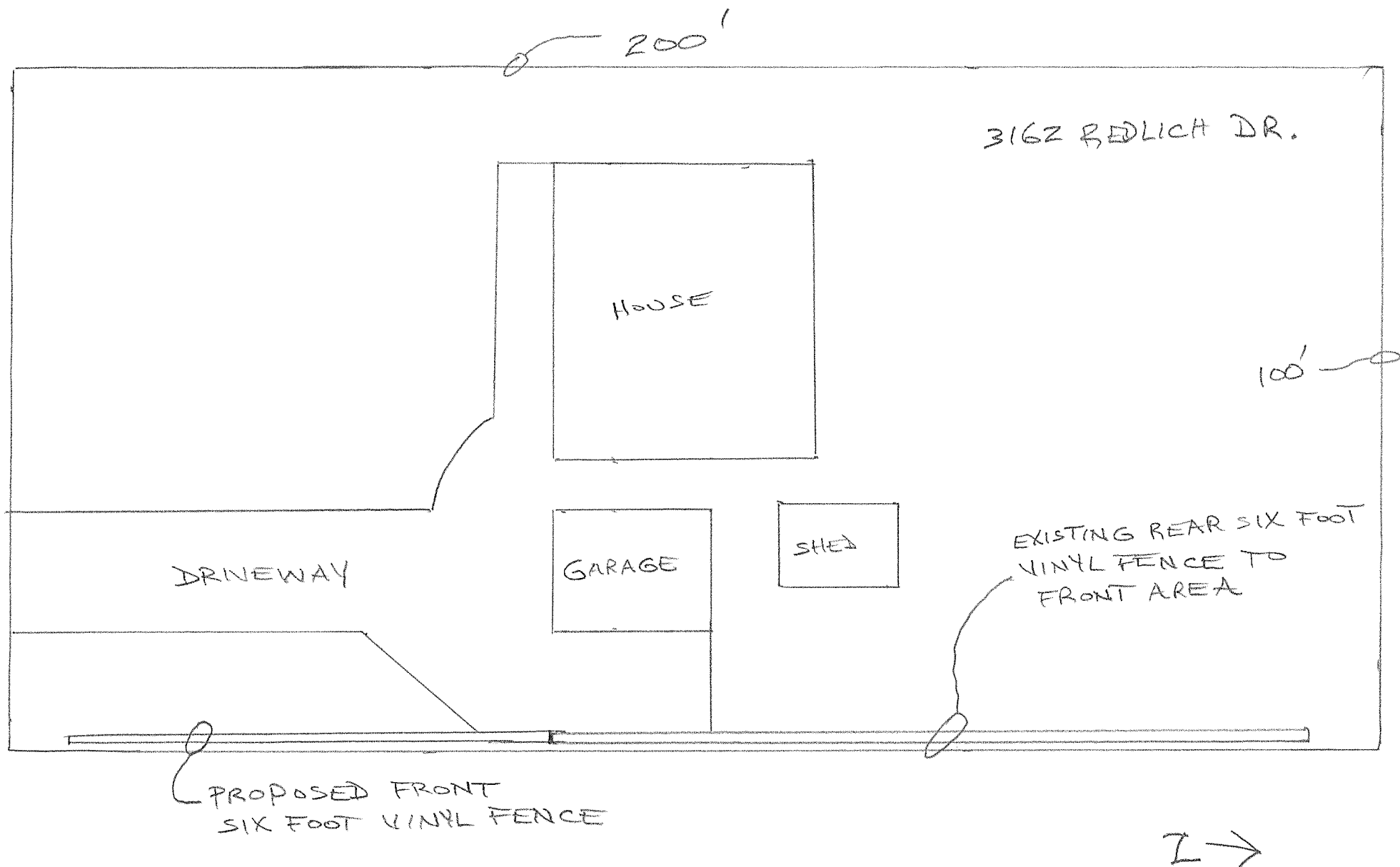
	To be placed on the agenda of the regular meeting on the second Thursday of the month at 4:00 PM in the City Council Chamber, petition must be received on the first Thursday of the prior month. Petitioner or a representative must be present to make statements to the Board and to answer questions. Incomplete or erroneous petitions may delay items being heard by the Zoning Board of Appeals.		
Petitioner's Signature		Date	9-6-23

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.

I AM SEEKING A SIX FOOT FENCE FOR THE FRONT SIDE YARD AS OPPOSED TO A FOUR FOOT FENCE. I INSTALLED A SIX FOOT REAR FENCE UP TO THE FRONT AREA AND IT HELPED TREMENDOUSLY. AFTER THREE YEARS OF WATCHING MANY, MANY TRUCKLOADS OF TREE CLIPPINGS, MULCH, LEAVES, STICKS, TWIGS, LOGS, DEBRIS, ETC. SPREAD AROUND THEIR YARD, I DO NOT WISH TO SEE IT ANYMORE AS I AM SIX FEET SEVEN INCHES TALL. I FEEL A FOUR FOOT FENCE WOULD REDUCE MY CHANCES OF SELLING MY PROPERTY, AS POTENTIAL BUYERS WOULD STILL SEE THEIR YARD.

OUR LOTS ARE LARGE AND TWO MORE FEET WOULD GREATLY ENHANCE THE ESSENTIAL CHARACTER OF MY PROPERTY, WITHOUT COMPROMISING CONDITIONS FOR ANYONE.











ON THE LEFT SIDE OF
THIS PHOTO IS THE
EXISTING FENCE I WILL
BE CONNECTING TO.



City of Decatur Zoning Board of Appeals
3162 Redlich Drive



Case No: 23-06
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Requested Action: Variance to construct a 6-foot privacy fence in the front yard



1 inch = 200 feet