

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

**Hearing Date**            May 9, 2024  
**Case No.**                24-03  
**Property Location**    2222 Sands Drive  
**Request**                 Variance to allow an accessory structure in the front yard  
**Petitioner**              Lucus Melton

---

**BACKGROUND**

The subject site is currently zoned R-1 Single Family Residence District and has a single-family structure, swimming pool and a portable shed on an approximately 0.46-acre 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 construct a 30' x 30' (900 square foot) detached garage to the east of his residence. The request is being made because the house is built at an angle making the side lots more of a triangle area and difficult to meet the required setback requirements. The property also is a corner lot and has two front yard setbacks.

**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 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 main structure is built at an angle as well as having two front yard setbacks, it makes the construction of a detached garage very difficult to fit within the required setbacks, 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 a detached garage will not alter the essential character of the locality and will not negatively impact the neighboring properties. The proposed detached garage will be constructed approximately 25 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 garage with the following recommendation:

1. Must adhere to the Residential Garages and Accessory Structure Code.
2. A building permit is required before the construction of the detached garage.

### **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  
Senior Transportation and Land Use 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**


<b>Petitioner</b>	lucas melton				
<b>Address</b>	2222 SANDS DR.				
<b>City</b>	Decatur	<b>State</b>	IL	<b>Zip</b>	62526
<b>Telephone</b>	217-791-9358	<b>Fax</b>		<b>E-mail</b>	lmellon93@yahoo.com
<b>Property Owner</b>					
<b>Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Telephone</b>		<b>Fax</b>		<b>E-mail</b>	
<b>Representative</b>					
<b>Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Telephone</b>		<b>Fax</b>		<b>E-mail</b>	

**SECTION TWO: SITE INFORMATION**

<b>Street Address</b>	2222 SANDS DRIVE				
<b>Legal Description</b>	HUSTON FOREST ACRES LOT 71				
<b>Present Zoning</b>	<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
	<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	
	Is this property a Planned Unit Development? <input type="checkbox"/> YES Approval Date: _____ <input checked="" type="checkbox"/> NO				
<b>Please list all improvements on the site:</b>					
HOUSE , Portable Shed					
<b>Size of Tract</b>	.46	<input type="checkbox"/> SF	<input checked="" 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.
<b>Description</b>	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>Requesting a reduction in the required setback of 35' to a setback of 20'.</p> <p>I propose to construct a 30'x30' (900 sqft) detached garage to the east of my residence. I cannot construct the proposed garage due to the current 35' setback requirement, and the way my house was built at an angle making the side lots a triangle area. Currently the 35' set back on top of the 20' easement for drainage ditch, (20' from edge of street to my Property line) makes it 55' from street edge to current set back requirements.</p> <p>The proposed 20' setback variance will still allow for 40" of opening from building to street edge, allowing plenty of room for future sewage or sidewalks. The layout of current structure will not allow the construction of new garage with current set back requirements.</p>			

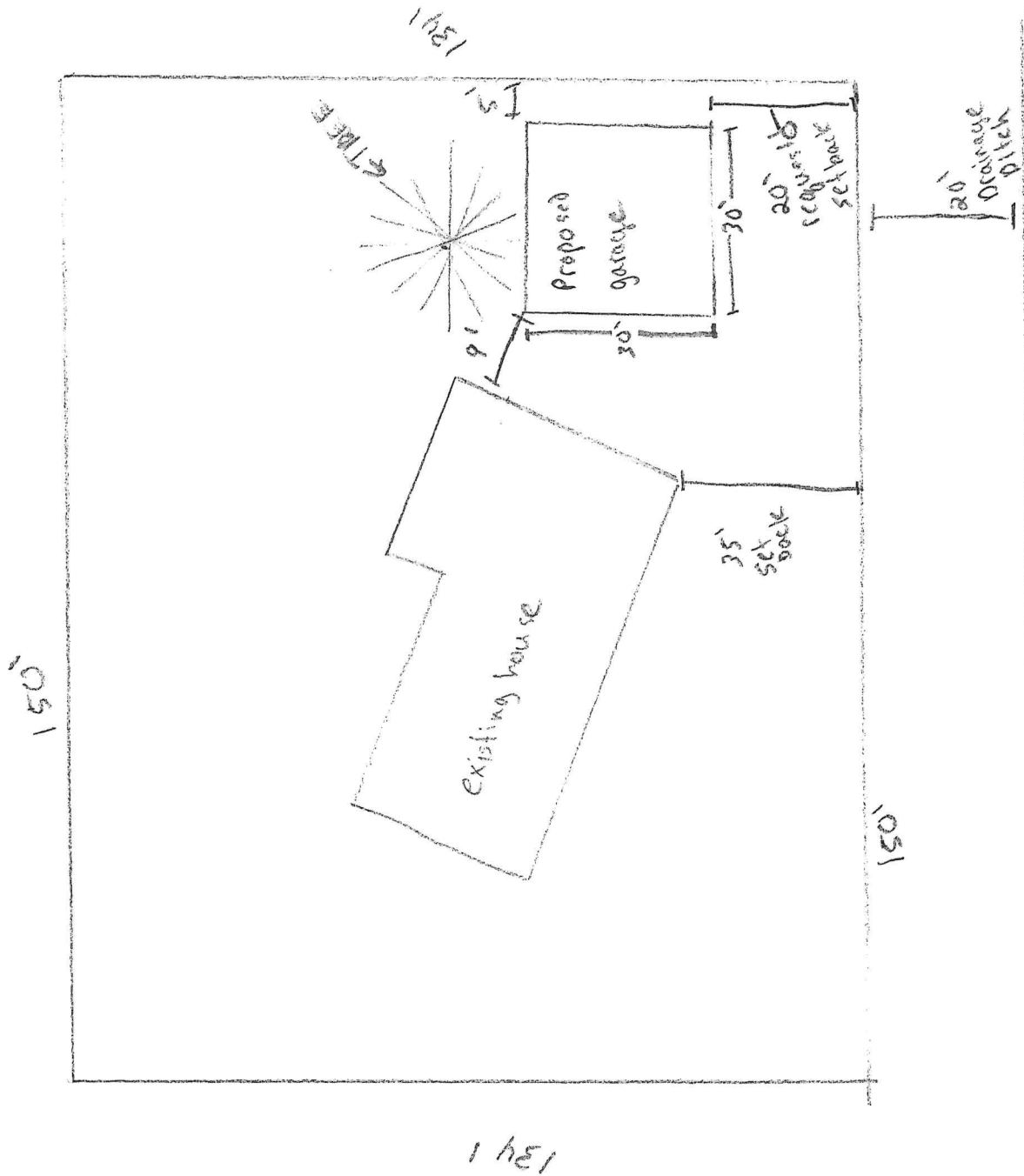
SECTION FOUR: ATTACHMENTS	
<b>Description</b>	Please list any attachments and/or supporting documents below:
	Exhibit "A" - site Plan
<p>Attachments to this petition should include a scaled sketch plan of your proposal showing property lines, lot dimensions, building dimensions, all buildings on the 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.		
<b>Petitioner's Signature</b>		<b>Date</b> 4/2/2024

NOTES:
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>



Proposed improvements  
TO SANDS DRIVE  
Decatur, IL 62526



SANDS DR.

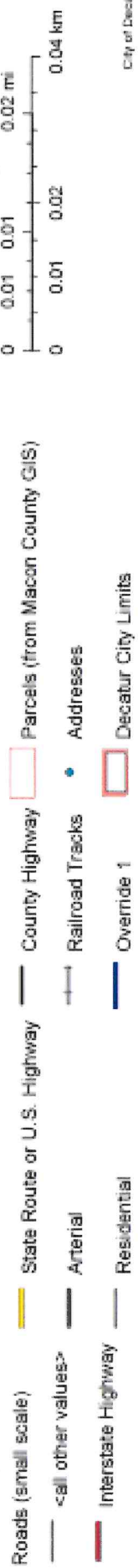


# 2222 WEST SANDS DRIVE



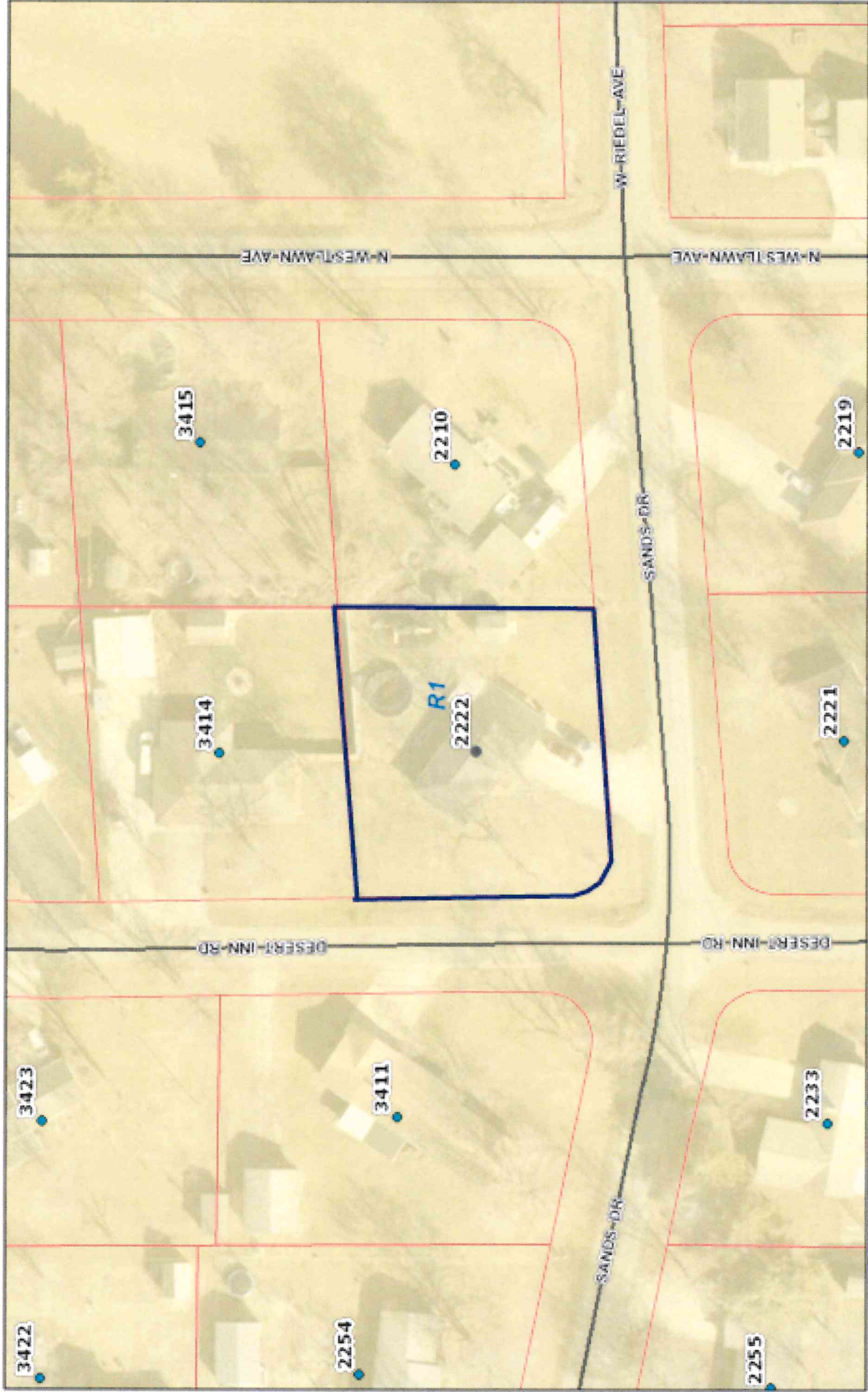
5/1/2024, 5:13:12 PM

1:1,128





# 2222 WEST SANDS DRIVE



5/1/2024, 5:16:18 PM

1:1,128

- Roads (small scale)
  - State Route or U.S. Highway
  - County Highway
  - Parcel (from Macon County GIS)
- <all other values>
  - Arterial
  - Railroad Tracks
  - Addresses
  - Interstate Highway
  - Residential
  - Override 1
  - Decatur City Limits

