

Zoning Board of Appeals

CITIZEN GUIDE

General

The Zoning Board of Appeals is a seven member body appointed by the Mayor and City Council. The Board's purpose is to hear appeals from the Zoning Ordinance on matters where the applicant experiences a hardship when following the specific requirements of the ordinance.

Four members of the Board must be present to constitute a quorum. The Board meets regularly on the second Thursday of each month at 4:00 P.M. in the City Council Chambers of the Decatur Civic Center.

Four affirmative votes are required to decide in favor of granting a variance. All decisions of the Board are considered final.

Variances

The Zoning Board of Appeals is granted certain powers by the City of Decatur Zoning Ordinance. The Board is charged with interpreting decisions of the Building Inspector where there is an alleged error in determining requirements, to interpret and clarify the location of zoning district boundary lines, reviewing the establishment of parking lots in residential areas,

classifying uses of land not specified in the Zoning Ordinance, reviewing applications for accessory buildings larger than the main structure on the same lot, and varying lot size, setback, height or bulk limitations.

Setback variations are the most common applications for variance reviewed by the Board. The table at the bottom of the page illustrates setbacks for residential properties in the City of Decatur.

The Board also considers the establishment of garages or other accessory structures that exceed 750 square feet or the square footage of the footprint area of the main building, whichever is greater. This may apply to one or more accessory buildings on the same lot.

Petitioning the Board

Presenting a Petition for Variance requires the submittal of a petition form and site plan showing the proposed variance on the subject site. A \$150.00 filing fee is required to submit petitions for properties in the R-1, R-2, R-3 or R-5 zoning districts and \$250.00 for all other properties. An example petition

| Setbacks Zoning District | Main Structure (House) | | | Accessory Structure (Garage, detached) | | | |
|-----------------------------|------------------------|-------------------|-------------------|--|-------------------|---------------------|-----------------------------|
| | Front Yard Setback | Side Yard Setback | Rear Yard Setback | Front Yard Setback | Side Yard Setback | Rear Yard Setback** | Distance Between Structures |
| R-1 | 30 | 10 | 20 | 30 | 3 | 3 | 8 |
| R-2 | 25 | 8 | 16 | 25 | 3 | 3 | 8 |
| R-3 | 25 | 5/12* | 12 | 25 | 3 | 3 | 8 |
| R-5 | 25 | 5/12* | 12 | 25 | 3 | 3 | 8 |

Notes:

* The minimum side yard setback is 5 feet with an aggregate setback (both sides) being 12 feet.

The required side yard setback may be reduced to 10 percent of the lot width for lots less than 50 feet in width, however, no side yard setback shall be less than 3 feet.

Setback averaging may be used for the front yard setback where non-conforming setbacks are present. Please contact city staff for additional information.

**Detached accessory buildings may not occupy more than 30 percent of the required rear yard for the main structure and may not exceed 20 feet in vertical height.

and site plan is shown on the following pages. The petition should be clear and complete, should explain the reasons for variation, and requires the legal description of the subject property and a complete site plan. The petition, once completed, should be filed with the Planning and Economic Development Division, Third Floor, Decatur Civic Center. The deadline for filing petitions is the first Thursday of the preceding month. A table of meeting dates and deadlines for application is shown below.

Petition Review Standards

The Planning & Economic Development Division and the Zoning Board of Appeals will review the petition against the following standards as established by ordinance:

- That the proposed variation is in harmony with the general purpose and intent of the regulations;
- There are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulations relating to the construction or alteration of buildings or structures or the use of land;
- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable regulations;
- That the plight of the owner is due to unique circumstances; and
- That the variation, if granted, will not alter the essential character of the locality.

The Planning & Economic Development Division, upon receiving a valid petition, will complete a summary review and follow the required notification procedures. A legal notice will be prepared and published in a local newspaper at least 15 days prior to the meeting and a sign indicating a request for

zoning action will be placed on the property. A staff report will also be prepared for review by the Board. All petitioners receive a copy of this report along with a copy of the meeting agenda approximately one week prior to the meeting.

Public Hearing

All meetings of the Zoning Board of Appeals are public hearings and conducted accordingly. A notice of hearing is published locally and the meeting is open to all interested members of the public. The Chairman of the Board will call the roll, determine if a quorum is present and begin the meeting. The Board will call the subject petition; staff will report its findings and members of the Board will ask the petitioner questions related to the proposed project and the reason(s) for exception to the requirements. A time is open for public comments, both in favor of and against, regarding the proposed variation. The Board will then vote on the proposed petition. The Board's decision will be known at the time of the meeting. Failure of the petitioner or his/her representative to attend the meeting and be available to answer questions may result in the petition being tabled until the next regular meeting.

Meeting Dates

The Board will meet on the dates listed on the table on the following page.

The deadline for submitting petitions is the first Thursday of the preceding month. Petitions will only be accepted until 5:00 PM of that day. Petitions submitted after the deadline will be reviewed and heard at the next regular meeting of the Board.

Staff reserves the right to withhold incomplete or erroneous petitions from being heard by the Board until the required information is provided and/or corrected.

Additional Information

If you have additional questions regarding the Zoning Board of Appeals or the variance process, please contact [Joselyn Stewart](#), Transportation Planner, (217) 424-2782 or [Suzan Stickle](#), Planner, (217) 424-2781.

| Deadline for Receiving Petitions 5:00 PM | ZBA Hearing 4:00 PM |
|---|----------------------------|
| 01/06/05 | 02/10/05 |
| 02/03/05 | 03/10/05 |
| 03/03/05 | 04/14/05 |
| 04/07/05 | 05/12/05 |
| 05/05/05 | 06/09/05 |
| 06/02/05 | 07/14/05 |
| 07/07/05 | 08/11/05 |
| 08/04/05 | 09/08/05 |
| 09/01/05 | 10/13/05 |
| 10/06/05 | 11/10/05 |
| 11/03/05 | 12/08/05 |
| 12/01/05 | 01/12/06 |

INSTRUCTIONS FOR COMPLETING A PETITION FOR VARIANCE

Petition may be typed or handwritten, petition can be completed on a computer using Adobe Acrobat Reader, available at www.adobe.com.

1. Fill in petitioner's name and contact information. If the property is owned by an individual other than the petitioner, complete the same information under **Property Owner**.
2. Write the name of a representative of the petitioner if someone else will be representing the petition. This person may be a contractor, engineer or other building related professional who is assisting you with your project.
3. Under **Site Information**, write in the street address of the property. In the next blank, write the legal description of the property. The legal description should be contained in any title work you have on the property or a copy of the legal description can be obtained from the Macon County Recorder, 141 South Main Street (former Ambassador Hotel). If the legal description is too long to fit in the space provided, please write or type "See Attached" and attach a copy of the legal description to the petition. The present zoning of the site should be checked. If you do not know your zoning classification, please call the Planning Division at 424-2781.

Where the petition asks if the subject property is within a planned unit development, please indicate by checking yes or no. Most planned unit developments deal with commercial property. If you are unsure whether or not your property is within a planned unit development, please call the Planning Division at 424-2781.

4. Please indicate the size of the subject property that is legally described in Section Three in either square feet (most city lots) or acres (for larger tracts).
5. List all structures currently located on the property.
6. Under **Requested Action**, check the appropriate box for your request. If you are requesting a reduction in a setback, check the first box. If you are requesting an accessory structure larger than the main structure, check the third box.
7. Describe the proposed project. State why the proposed project cannot meet the requirements of the Zoning Ordinance and why a variance is needed. The variance will be judged against the three standards test as prescribed in the zoning ordinance:

- a. That the plight of the owner is due to unique circumstances;
- b. That the subject property cannot yield a reasonable rate of return; and
- c. That the variance, if granted, will not alter the essential character of the locality.

Use this area to justify the petition against the three standards test and describe any other particular hardship present when applying the zoning regulations.

8. Attachments to the plan should include a scaled sketch plan showing the existing conditions and proposed project. An example site plan and instructions is shown on the following page.
9. Sign the petition and complete the date. Please note that a filing fee is required to petition the Board of Appeals.

| 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: John Q. Public Address: 1 North Central Drive City: Decatur IL State: IL Zip: 62526 Telephone: 555-1212 Fax: 555-1213 E-mail: jqp@email.com Property Owner: Same Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-mail: _____ Representative: _____ Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-mail: _____ | |
| SECTION TWO: SITE INFORMATION | |
| Street Address: 1 North Central Drive Legal Description: Lot 28 of Block 1999 of the Records in the City of Decatur, as per Plat recorded in Book 141, Page 999 of the Records in the Recorder's Office of Macon County, Illinois | |
| Present Zoning: R-1 <input checked="" type="checkbox"/> R-2 <input checked="" type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> R-5 <input type="checkbox"/> R-6 <input type="checkbox"/> Is this property Planned Unit Development? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Please list all structures on the site: Single detached garage Size of Tract: 7,000 sq ft <input checked="" type="checkbox"/> SF <input type="checkbox"/> AC | |

Quick Info

If you require assistance to complete this petition, please call the Planning Division at (217) 424-2781.

| | |
|---|----------------|
| SECTION THREE: REQUESTED ACTION | |
| <input checked="" type="checkbox"/> Reduction of Setback 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 reasons for exception, variance 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> Requesting a reduction in the required separation between structures from 8 feet to 7 feet. I propose to construct a 20 square foot addition to my detached garage. I cannot set the addition back due to a steep slope of the property. Garage is currently not used because there is insufficient access to the door without a ramp. Property is located along lake front and there is little room to accommodate the proposed addition elsewhere. Garage will have to be demolished if this cannot work. | |
| The plight of the owner is due to unique circumstances, the layout, elevation and topography of the lot will not allow another configuration of the garage. The addition will be of same materials and style as the existing garage and house. The addition will not alter the essential character of the property. A one-hour firewall will be provided in the new construction to meet fire separation requirements. | |
| SECTION FOUR: ATTACHMENTS | |
| Description: <i>Please list any attachments and/or supporting documents below.</i> Exhibit "A" - Site Plan | |
| <i>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 the 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 three weeks prior to meeting date. 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: 01/01/02 |
| 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 \$65.00 is charged for all petitions to the Zoning Board of Appeals. 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. | |



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 | | | | |
| Address | | | | |
| City | State | | Zip | |
| Telephone | Fax | | E-mail | |
| Property Owner | | | | |
| Address | | | | |
| City | State | | Zip | |
| Telephone | Fax | | E-mail | |
| Representative | | | | |
| Address | | | | |
| City | State | | Zip | |
| Telephone | Fax | | E-mail | |

SECTION TWO: SITE INFORMATION

| | | | | | | |
|--|------------------------------|------------------------------|------------------------------|--------------------------------|------------------------------|---|
| Street Address | | | | | | |
| Legal Description | | | | | | |
| | | | | | | |
| 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 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: | | | | | | |
| Size of Tract | SF | | AC | | | |

SECTION THREE: REQUESTED ACTION

| | | | |
|--------------------|--|--|--|
| <i>Check One:</i> | <input 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> | | |
| | | | |

SECTION FOUR: ATTACHMENTS

| | |
|---|---|
| Description | <i>Please list any attachments and/or supporting documents below:</i> |
| | |
| <i>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.</i> | |

SECTION FIVE: CERTIFICATION

| | | | |
|-------------------------------|--|-------------|--|
| | <i>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.</i> | | |
| Petitioner’s Signature | | Date | |

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.