

DECATUR ZONING BOARD OF APPEALS
AGENDA
Thursday, June 9, 2016, 4:00 P.M.
Council Chamber, Third Floor, Civic Center
Decatur Civic Center

I. Call to Order and Determination of a Quorum

II. Approval of Minutes: May 12, 2016

III. New Business

Cal. No. 16-03

Petition of DECATUR AREA HABITAT FOR HUMANITY for a variance to reduce the minimum front yard setback from 25 feet to 10 feet along South McClelland Avenue and from 25 feet to 19 feet along West Wood Street to allow for the construction of a single family residence at 1398 WEST WOOD STREET.

IV. Adjournment

STAFF REPORT
Decatur Zoning Board of Appeals

COMMON NAME: 1398 West Wood Street

GENERAL INFORMATION

Hearing Date June 9, 2016
Calendar No. 16-03
Property Location 1398 West Wood Street
Requested Action Variance to reduce the front yard setbacks from twenty-five (25) feet to ten (10) feet along South McClelland Avenue and from twenty-five (25) feet to nineteen (19) feet along West Wood Street to allow for the construction of a single family residence.
Petitioner Decatur Area Habitat for Humanity

LAND USE AND ZONING

<i>Direction</i>	<i>Existing Land Use</i>	<i>Zoning</i>	<i>Comprehensive Plan</i>
Subject Property	Vacant	R-6	Residential - Low Density
North	Single Family Residence	R-6	Residential - Low Density
South	Vacant	R-6	Residential - Low Density
East	Single Family Residence	R-6	Residential - Low Density
West	Single Family Residence	R-3	Residential - Low Density

BACKGROUND

1. The vacant subject site is approximately 4,519 square feet and located at the northeast corner of West Wood Street and South McClelland Avenue commonly known as 1398 West Wood Street.
2. The subject site has remained as a vacant parcel for a number of years.

PROJECT DESCRIPTION

1. The petitioner is requesting variation from the provisions of the Zoning Ordinance to allow for the construction of a 1,120 square foot single family residence.
2. The required front yard setback for this property is twenty-five (25) feet. The petitioner is requesting to reduce the required front yard setbacks along South McClelland Avenue from twenty-five (25) feet to ten (10) feet and along West Wood Street from twenty-five (25) feet to nineteen (19) feet.
3. The petitioner is requesting the variances in order to construct a single family residence with porches on the west side as well as the south side of the proposed structure.

STAFF ANALYSIS

1. The Zoning Board of Appeals can grant variances for the reduction of setbacks when it will not create a safety hazard will not be detrimental to the overall health, safety or welfare of the neighborhood or to the City as a whole and the variance is found to be in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

2. A single family residence with porches having front yard setbacks reduced along both South McClelland Avenue and West Wood Street being ten (10) feet and nineteen (19) feet respectively will not adversely affect the neighboring properties or the general area as the neighboring properties have comparable setbacks.

3. Granting a variance for the single family residence will not alter the essential character of the locality. The single family residence will not impair the adequate supply of light and air to adjacent properties; it will not increase congestion of the area or endanger public safety; and the request is in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

STAFF RECOMMENDATION

1. Staff recommends approval of the variances.

ZBA ACTION

1. The Zoning Board can approve the variance requests as presented, deny the variance requests or modify the requests as appropriate.

This report constitutes the testimony and recommendation of the Planning and Sustainability Division, Department of Planning and Building Services, City of Decatur.

Suzan Stickle
Senior Planner

ATTACHMENTS

1. Petition
2. Site Plan
3. Location 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	Decatur Area Habitat for Humanity				
Address	151 N. Main St., P.O. Box 832				
City	Decatur	State	IL	Zip	62525
Telephone	217 425-6446	Fax		E-mail	edsmith@decaturhabitat.org
Property Owner	Millikin University c/o Ruby James, VP/Finance				
Address	1184 W. Main St.				
City	Decatur	State	IL	Zip	62522
Telephone	217 420-6029	Fax		E-mail	
Representative	Decatur Area Habitat for Humanity, Ed Smith				
Address	151 N. Main St., P.O. Box 832 Executive Director				
City	Decatur	State	IL	Zip	62525
Telephone	217 425-6446	Fax		E-mail	edsmith@decaturhabitat.org

SECTION TWO: SITE INFORMATION

Street Address	1398 W. Wood					
Legal Description	(PIN 04-12-16-256-011) All of Lot 6 of Vaughn Bros. Subdivision of Lot 3 in the SW 1/4 of NE 1/4 of Sec. 16, Twp 16, Range 2 East of 3rd P.M. as per Plat recorded Bk 149, Pg 423 of Record in Recorder's Office of Macon Co., IL except the North 80 feet thereof. Situated in Macon Co.					
Present Zoning	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-5	<input checked="" 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 type="checkbox"/> M-2	<input type="checkbox"/> M-3	<input type="checkbox"/> PMR-1		
Please list all improvements on the site:				vacant lot 90.38' x 50'		
Size of Tract	4,519 <input checked="" type="checkbox"/> SF <input type="checkbox"/> AC					

SECTION THREE: REQUESTED ACTION

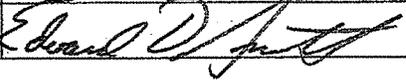
<i>Check One:</i>	<input checked="" type="checkbox"/> Variation of Specified Site Requirements (e.g. setbacks)	<input type="checkbox"/> Variation of Parking & Loading Requirements	<input type="checkbox"/> Other - classification of use, off-street parking in an "R" zone, special circumstances, etc.
Description	<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>		

This is a corner lot that is only 50' wide. We request a variance from building setbacks as shown on Exhibit A to accommodate our typical Habitat House footprint. Millikin University has proposed to donate this property to Decatur Area Habitat for Humanity to build a house on it in conjunction with Dennis Lab School. The adjacent house to the north is setback 15' from S. McLelland with the front porch encroaching into this setback. The adjacent house to the east is setback approximately 23' from W. Wood with the front porch encroaching into this setback. The variance(s) requested are to allow for 40' x 28' house to fit on this property. This situates house to match adjacent properties.

SECTION FOUR: ATTACHMENTS

Description	<i>Please list any attachments and/or supporting documents below:</i>
Exhibit A	Site plan with setbacks & porch encroachments shown
<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

	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	5/5/16

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.

Job 1398 W. Wood

Project No. _____

Page _____ of _____

Description Habitat for Humanity

Computed by _____

Sheet _____ of _____

'Exhibit A'

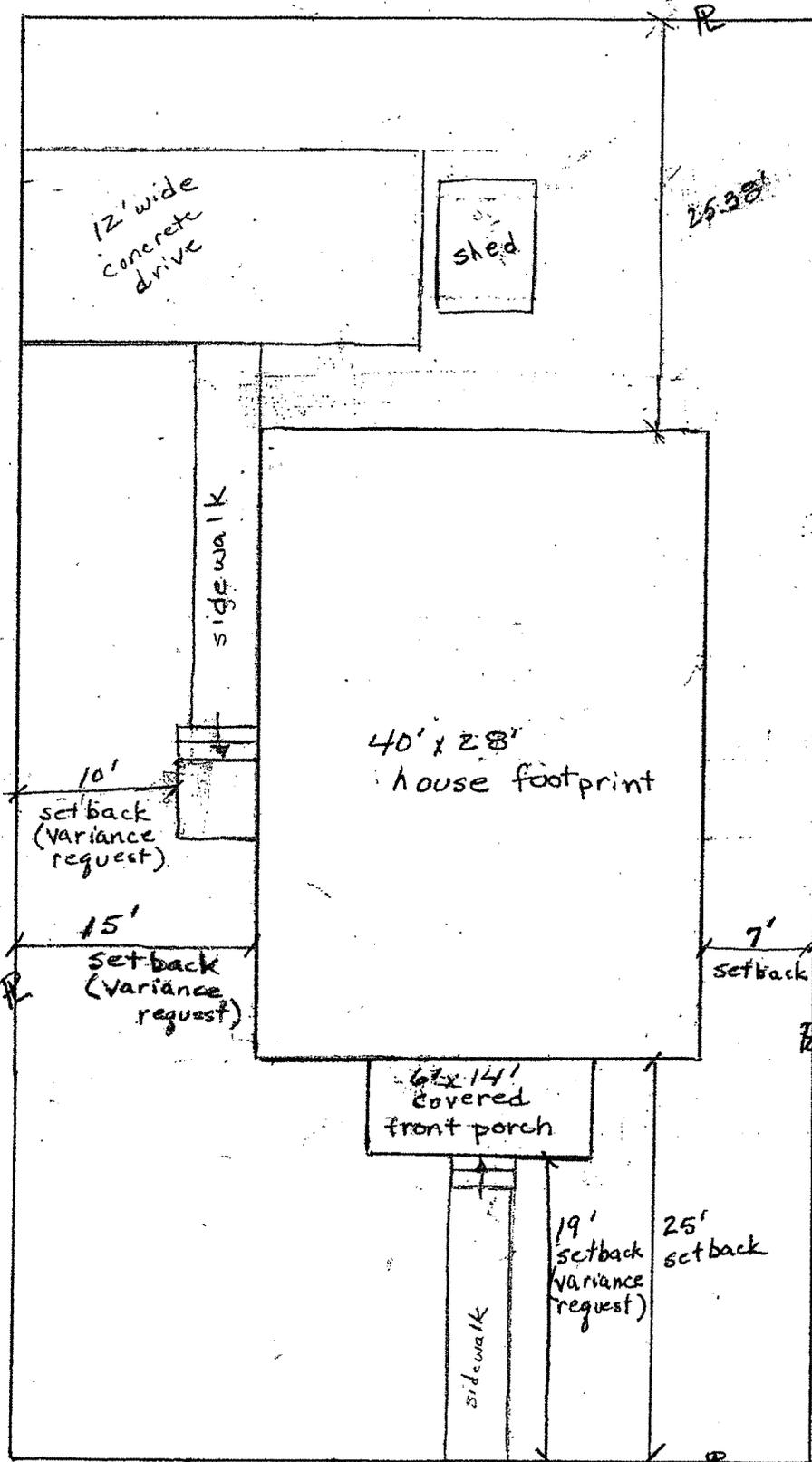
Checked by _____

Date _____

Date 5/5/16

Lot size
90.38'
x 50'

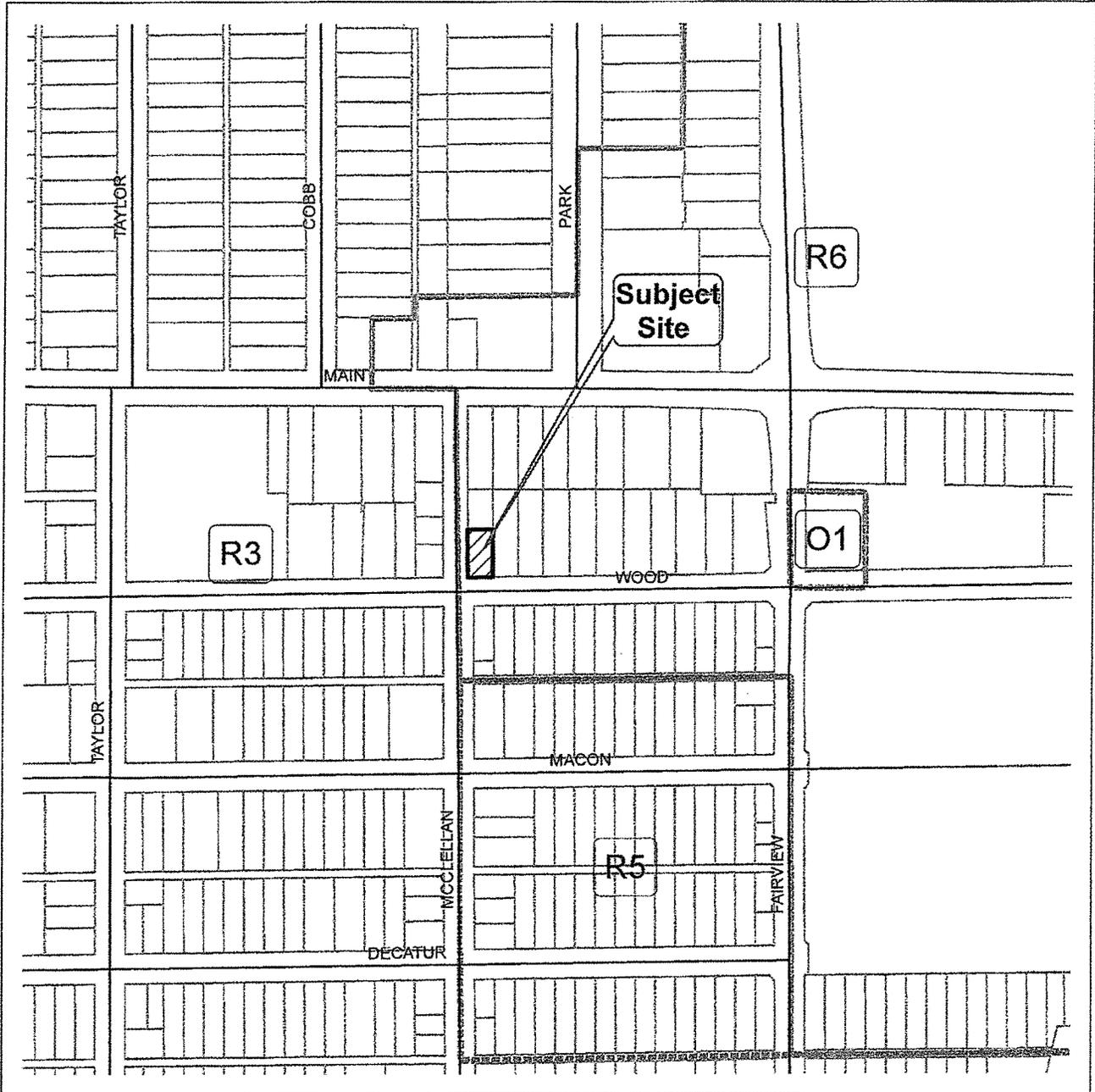
S. McClelland



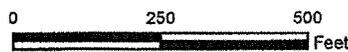
W. Wood

Zoning Board of Appeals

1398 West Wood Street



Cal. No.: 16-03
Date: June 9, 2016
Petition of: Decatur Area Habitat for Humanity
Requested Action: Reduce front yard setback from 25 feet to 10 feet and 25 feet to 19 feet



Legend

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

MINUTES OF THE MEETING
OF THE
DECATUR ZONING BOARD OF APPEALS

Thursday, May 12, 2016, 4:00 P.M.
City Council Chamber, Decatur Civic Center

The May 12, 2016 meeting of the Decatur Zoning Board of Appeals was called to order at 4:02 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Chairman Barry Goodman who determined a quorum was present.

Members Present: Erv Arends, Kim Aukamp, Tom Brinkoetter, Julie Gahwiler,
 Chris Harrison, Barry Goodman

Members Absent: Eileen Milligan

Staff Present: Suzy Stickle, Randy Johner, Amy Waks, Janet Poland

It was moved and seconded (Brinkoetter/Gahwiler) to approve the minutes of the March 10, 2016 meeting of the Zoning Board of Appeals. Motion carried unanimously.

New Business

Chairman Goodman stated he was going to recuse himself on Cal. No. 16-02. Ms. Kim Aukamp will be Acting Chairman.

Cal. No. 16-02	Petition of JON C. AND CINDY D. KOZELISKI for a variance to reduce the minimum front yard setback from 25 feet to six (6) feet to allow for the construction of an accessory structure at 301 GREENWAY LANE.
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Ms. Suzy Stickle was sworn in by Mrs. Janet Poland.

Ms. Stickle read the recommendation of staff:

The subject site is approximately 34,000 square feet and located at 301 Greenway Lane. The lot is improved with a single family residential structure and a 100 square foot shed.

The subject site is located on the northeast corner of Greenway Lane and North Country Club Road with Lake Decatur bordering the west side of the site. There is a drop off from North Country Club Road down to the subject site.

The petitioner is requesting variation from the provisions of the Zoning Ordinance to allow for the construction of a 24' X 36' (864 square foot) accessory structure to store a boat and other items for summer use.

The required front yard setback for this property is twenty-five (25) feet. The petitioner is requesting to reduce the required front yard setback along the south property line/North Country Club Road from twenty-five (25) feet to six (6) feet in order to preserve the view of the lake from

the single family residence as well as the view from the lake. The accessory structure is proposed to be located along North Country Club Road with its nearest point being six (6) feet from the south property line.

The Zoning Board of Appeals can grant variances for the reduction of setbacks when it will not create a safety hazard, will not be detrimental to the overall health, safety or welfare of the neighborhood or to the City as a whole and the variance is found to be in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

An accessory structure located six (6) feet from the south property line along North Country Club Road should not adversely affect the neighboring properties or the general area as there is a drop off for a change in elevation from North Country Club Road to the subject site offering some site break for the proposed accessory structure from the motoring public along North Country Club Road. This location for the proposed accessory structure will be more aesthetically pleasing for the petitioner as well as those users of the lake.

Granting a variance for the accessory structure will not alter the essential character of the locality. The accessory structure will not impair the adequate supply of light and air to adjacent properties; it will not increase congestion of the area or endanger public safety; and the request is in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

Staff recommends approval of the variance.

The Zoning Board can approve the variance request as presented, deny the variance request or modify the request as appropriate.

Mr. Chris Harrison asked if it was considered a front yard setback because it was Country Club Road. Ms. Stickle said yes, anything that fronts a public right-of-way is considered front yard.

Mr. John Kozeliski, petitioner, was sworn in by Mrs. Poland.

Mr. Kozeliski stated they are applying for a variance because they would like to build a boat house. It will house a twenty (20) foot fishing boat. They want to make the building as nice as possible.

There were no questions and no objectors present.

It was moved and seconded (Harrison/Gahwiler) to approve Cal. No. 16-02 as requested by the petitioner. Motion carried 5-0-1 with Chairman Goodman recusing himself from the vote.

Ms. Stickle stated there would be a Zoning Board of Appeals meeting in June.

There being no further business, it was moved and seconded (Harrison/Gahwiler) to adjourn the meeting. Motion carried unanimously. Chairman Goodman declared the meeting adjourned at 4:09 P.M.