

MINUTES OF THE MEETING
OF THE
DECATUR ZONING BOARD OF APPEALS

Thursday, January 11, 2018, 4:00 P.M.
City Council Chamber, Decatur Civic Center

The January 11, 2018 meeting of the Decatur Zoning Board of Appeals was called to order at 4:00 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: Kim Aukamp, Tom Brinkoetter, Julie Gahwiler,
Chris Harrison, Barry Goodman

Members Absent: Erv Arends, Eileen Milligan

Staff Present: Ray Lai, Joselyn Stewart, Randy Johner,
Amy Waks, Janet Poland

It was moved and seconded (Aukamp/Gahwiler) to approve the minutes of the October 12, 2017 meeting of the Zoning Board of Appeals. Motion carried unanimously.

New Business

Cal. No. 18-01

Petition of WINSTON TAYLOR, for a variance in the provisions of the Zoning Ordinance to reduce the front yard setback from 25 feet to zero (0) feet along the north property line and to reduce the front yard setback from 25 feet to four (4) feet along the south property line to allow for the re-construction of a porch for an existing commercial building at 1138 NORTH STATE ROUTE 48.

Mrs. Joselyn Stewart was sworn in by Mrs. Janet Poland.

Mrs. Stewart read the recommendation of staff:

The subject site is located at 1138 North State Route 48 and currently has a commercial structure (insurance office) on an approximately 5,227 square foot lot.

The petitioner is requesting variation from the provisions of the Zoning Ordinance to allow for the re-construction of an attached porch. The proposed porch will be 6' x 32' and is replacing a formerly existing porch. The structure will be zero (0) feet from the north property line and four (4) feet from the south property line instead of the required 25 feet.

The petitioner has already constructed the porch without seeking a variance nor building permit and is currently zero feet from the northern property line and four feet from the southernmost property line. Since the porch was constructed before a variance had been granted a double fee was imposed

and has been paid for by the petitioner. A double fee will also be imposed for the issuance of a building permit if the variance request is granted.

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 cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable regulations. Since the business (of an insurance office) is currently being utilized and there is no evidence that shows that the property could not yield a reasonable return without the variance, it appears that this standard is not met.

The second standard requires the applicant to show that the plight of the owner is due to unique circumstances. It could be argued that because of the widening of IL Route 48 over the years that the front yard setback has been shifted and encroached upon, leaving the property to become non-conforming in nature. Thus the second standard could be met.

The third standard requires the applicant to show that the variance, if granted, would not alter the essential character of the locality. Granting a variance for the re-constructed porch, should not alter the essential character of the locality. The formerly existing porch has been at this site for a number of years and seems to not have had any adverse effect on the area. The porch should not impair the adequate supply of light and air to adjacent properties; it should 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. Therefore, it appears that the third standard can be met.

The requested variance does not meet the first standard but does meet the last two standards. Staff is cognizant of the fact that the petitioner is requesting to reconstruct the porch for the safety of their customers. Staff cannot foresee any adverse effects that would be caused by the approval of the requested variance. Based on the above, staff recommends approval of the petition as presented with the following conditions:

1. The requested deck cannot exceed the footprints of the former porch.
2. If a guardrail is required it will have to be constructed as approved by the building official so as not to create a vision disturbance for traffic exiting from the subject property onto IL Route 48.

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

Mrs. Stewart presented slides of the project and surrounding area (slides are available in file).

Mr. Winston Taylor, petitioner, was sworn in by Mrs. Poland.

Mr. Taylor stated when he moved into the office the slab of concrete settled into the ground and his clients were having to step up into the office. Mr. Taylor wanted to eliminate the step up since many of his clients were older. Mr. Taylor said he was not aware that he needed a permit to build the deck.

Mrs. Aukamp asked if there was a handrail up previously. Mr. Taylor stated yes.

Mr. Tom Brinkoetter asked what type of material would be required for the handrail.

Mr. Randy Johner, Building Inspections Manager, was sworn in by Mrs. Poland.

Mr. Johner stated either wood or iron would be acceptable for the handrail. Horizontal balusters will be recommended over the vertical balusters to eliminate any problems with vision clearance.

There were no objectors present.

It was moved and seconded (Harrison/Gahwiler) to approve Cal. No. 18-01 as presented by staff. Motion carried unanimously.

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 4:11 P.M.