

STAFF REPORT
Decatur Zoning Board of Appeals

Hearing Date February 14, 2019
Case No. 19-01
Property Location 1090 West Tuttle Street
Request A variance to reduce the minimum front yard setback from twenty-five (25) feet to ten (10) feet and reduce the rear yard building setback from twelve (12) to zero (0) feet to allow construction of two additions to the existing single-family residence at 1090 West Tuttle Street in the R-3 Single-Family Residence District.
Petitioner Fannie Cole
Representative Darrell Reynolds

BACKGROUND

The subject site located at 1090 West Tuttle Street is currently zoned R-3 Single-Family Residence District on an approximately a 3,000 square foot lot. The single-family residence was built in 1925. The lot area of roughly 3,000 square feet, which is non-conforming as a typical minimum a for a lot in the “R-3” District requires 6,000 square feet. The front porch is also non-conforming being ten (10) feet in the setback in lieu of the required twenty-five (25) feet front yard setback. The rear yard is also non-conforming because “R-3” District requires twelve (12) feet, while the rear yard setback is ten (10) feet.

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-3	Low-Density Residential
North	Single-Family Residence/Home Daycare, Convenience Store	R-3	Low-Density Residential
South		R-3	Low-Density Residential
East	Single-Family Residences	R-3	Low-Density Residential
West	Single-Family Residences	R-3	Low-Density Residential

REQUEST

The petitioner is requesting two (2) variances from the provisions of the Zoning Ordinance to allow for the construction of two additions to the existing single-family residence at 1090 West Tuttle Street. The proposed addition would extend the bedroom to align with the existing front porch to maintain ten (10) feet in lieu of the required twenty-five (25) feet front yard setback from West Tuttle Street right-of-way. The proposed addition in the rear would maintain a rear yard setback of zero (0) feet in lieu of the required twelve (12) feet.

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 is identified within the desired future land use classification of “Low-Density Residential” in accordance with the Comprehensive Plan. The front porch is non-conforming; however, the front yard addition would not further harm the non-conformity by expanding the bedroom and be in alignment with the front porch. However, the rear yard addition would not be in harmony with the general purpose and intent of the Zoning Ordinance. The reason is because this property is non-conforming and allowing a zero (0) feet in lieu of a twelve (12) feet rear setback line would further increase its non-conformity in terms of lot size and setbacks.

The second standard requires the applicant to demonstrate the existence of practical difficulties or a non-economic hardship. It was mentioned that the subject site’s lot is small. The R-3 Single-Family Residence District requires a lot area of a minimum of 6,000 square feet. In staff’s opinion, the proposed reduced front yard setback would not protrude any further than what is currently existing with the front porch. However, the proposed addition in the rear yard seems to have no practical difficulties and self-imposed. Currently, the house is a two-bedroom single-family residence, which may still allow a small family to occupy this space. A non-economic hardship does not seem to exist as far as the zero (0) foot setback is concerned. The single-family residence may still exist because the Zoning Ordinance allows for non-conforming uses as long as there is no enlargements occur.

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 reduced front yard setback should not alter the essential character of the locality. The front of the building will not negatively impact the surrounding properties with the reduced front yard setback. By reducing the front yard setback to ten (10) feet to expand the bedroom and align with the front porch should not impair the adequate supply of light and air to adjacent properties. On the other hand, allowing for a reduced rear yard setback of zero (0) feet and build an addition would impair the adequate supply of light and air to adjacent property. No buffer area would be provided at all to the abutting property. Therefore, staff believes that the third standard can be met for the reduced front yard setback, but not the rear yard setback.

STAFF RECOMMENDATION

Staff recommends approval of the requested variance for a reduction of the front yard setback from twenty-five (25) feet to ten (10) feet. Staff does not recommend approval of the rear yard setback from twelve (12) to zero (0) feet.

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 Sustainability Division, Economic and Community Development Department.

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1090 West Tuttle Street
February 14, 2019

Scott Dedert
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	Fannie Cole				
Address	642 S. Oakland ave				
City	Decatur	State	IL	Zip	62522
Telephone	217/422-8153	Fax		E-mail	
Property Owner	Fannie Cole				
Address	1090 W. Tuttle				
City	Decatur	State	Ill	Zip	62522
Telephone	217-422-8153	Fax		E-mail	Griffelady@aol.com
Representative	Darrell Reynolds				
Address	1330 E. Wellington Way #2B				
City	Decatur	State	IL	Zip	62526
Telephone	217/519-4452	Fax		E-mail	newbeginningsCN@live.com

SECTION TWO: SITE INFORMATION

Street Address	1090 W. Tuttle Street, Decatur, IL 62522					
Legal Description	E 60 S10 L12 & E 60' Lot 13 Block 2 H. H. Wise 2nd Subd					
Present Zoning	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input checked="" 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	<input 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.
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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>
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I need a 15' Foot variance For the Front porch addition to in large Bedroom & Livingroom
and
I need a 10' Foot variance for the Back of House to add a Bedroom and in large Diningroom which will be set on the Set Back line which is zero feet

SECTION FOUR: ATTACHMENTS

Description	<i>Please list any attachments and/or supporting documents below:</i>
	Attachment A

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.

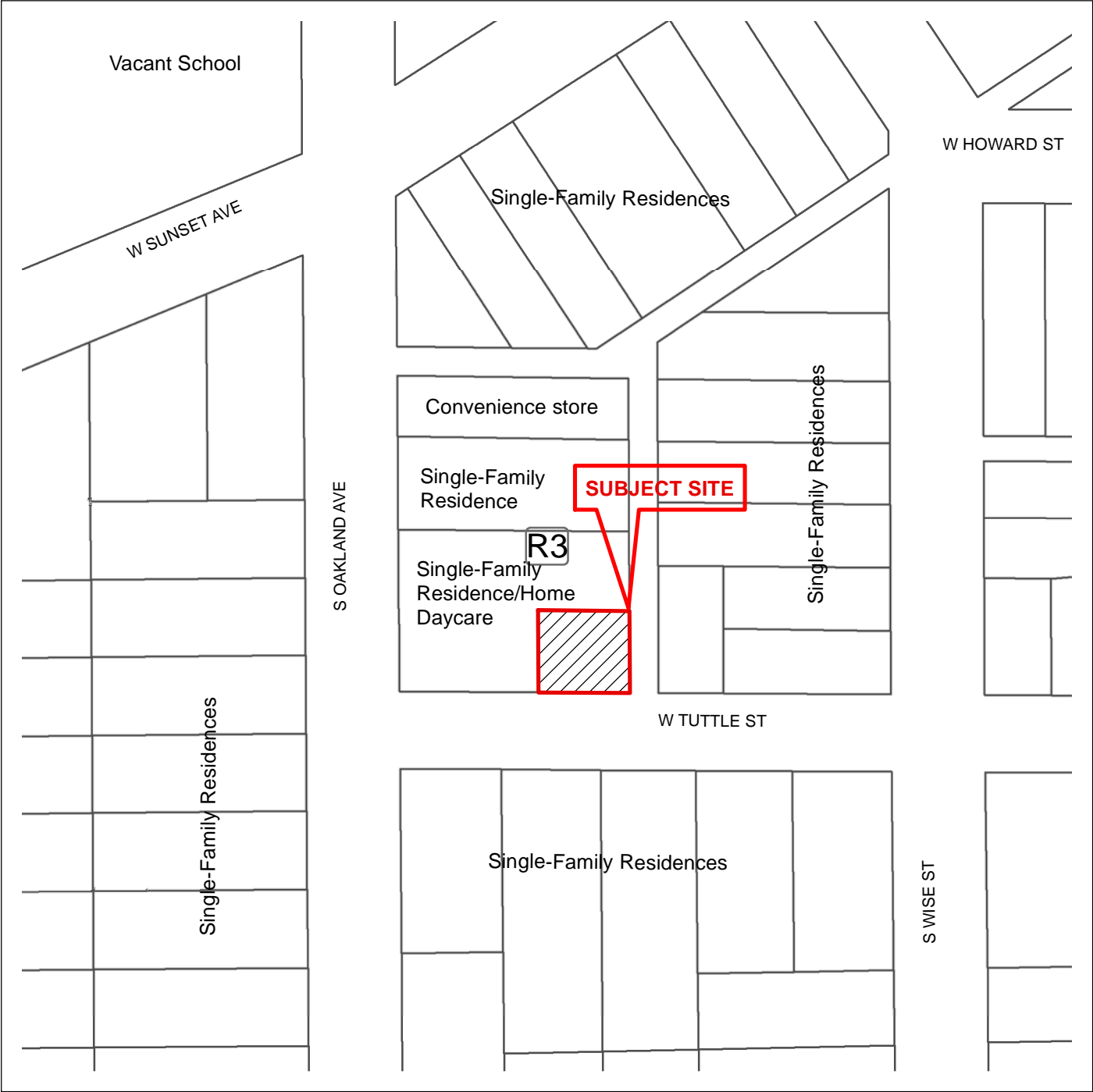
Petitioner's Signature	Daneil Reynolds	Date	1-28-2019
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NOTES:

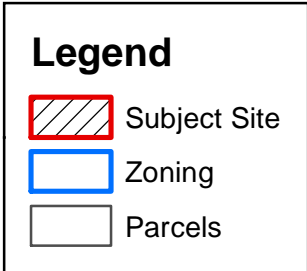
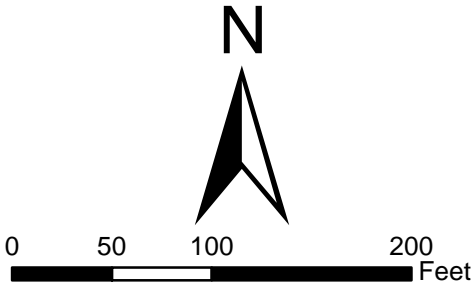
1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. A filing fee of \$150.00 is charged for all requests for property in the R-1, R-2, R-3 and R-5 districts, and \$250.00 for property in all other districts. Please 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.

City of Decatur

1090 West Tuttle Street



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Petition of: Fannie Cole



City of Dectatur

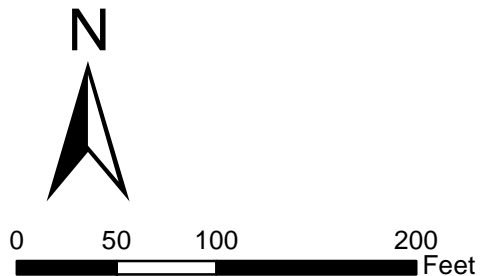
1090 West Tuttle Street





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Legend

-  Subject Site
-  Zoning
-  Parcels

ATTACHMENT (A)

north

