

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

**Hearing Date** May 13, 2021  
**Case No.** 21-03  
**Property Location** 82 Pennsylvania Drive  
**Request** Reduce the required side yard setback line from five (5) feet to three (3) feet to allow for the construction of an attached garage to replace the existing carport at 82 Pennsylvania Drive.  
**Petitioner** Eric and Amber Gebben  
**Representative** Same

**BACKGROUND**

The subject site is currently zoned R-3 Single-Family Residence District and has a residential structure and an existing carport on an approximately 12,301 square foot lot (.27 acres).

**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	Residential - Low Density
North	Single-Family Residence	R-3	Residential - Low Density
South	Single-Family Residence	R-3	Residential - Low Density
East	Single-Family Residence, Stevens Creek, US 51	R-3	Residential - Low Density
West	Single-Family Residence	R-3	Residential - Low Density

**REQUEST**

The petitioner is requesting a variance from the provisions of the Zoning Ordinance to reduce the side yard setback from five (5) feet to three (3) feet to allow for the addition of an attached garage.

The proposed attached garage would be 14' x 24'6" and would be three (3) feet from the property line instead of the required five (5) foot side yard setback. The proposed garage will be in the same location as the existing carport.

**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 construction of an attached garage as proposed would not increase the non-conformity of the building distance and setbacks since it is to be located at the same location as the existing carport, so the first standard can be partially met.

The second standard requires the applicant to demonstrate the existence of practical difficulties or a non-economic hardship. The proposed attached garage is being constructed to keep their vehicles from inclement weather, as a result, 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 an attached garage will not alter the essential character of the locality and will not negatively impact the neighboring properties. The proposed attached garage will be constructed in the same place as the existing carport. 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 attached garage with the following condition:

1. If the existing paved driveway leading to the proposed attached garage is replaced, it will be required to be repaved with asphalt or concrete.

### **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, Community Development Department.

Joselyn Stewart  
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**

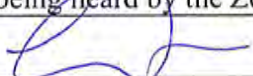
<b>Petitioner</b>	Eric + Amber Gebben				
<b>Address</b>	82 Pennsylvania Dr.				
<b>City</b>	Decatur	<b>State</b>	IL	<b>Zip</b>	62526
<b>Telephone</b>	309-531-9499	<b>Fax</b>		<b>E-mail</b>	ambrgebben@outlook.com
<b>Property Owner</b>	Eric + Amber Gebben				
<b>Address</b>	82 Pennsylvania Dr.				
<b>City</b>	Decatur	<b>State</b>	IL	<b>Zip</b>	62526
<b>Telephone</b>	309-531-9499	<b>Fax</b>		<b>E-mail</b>	ambrgebben@outlook.com
<b>Representative</b>	Eric + Amber Gebben				
<b>Address</b>	82 Pennsylvania Dr.				
<b>City</b>	Decatur	<b>State</b>	IL	<b>Zip</b>	62526
<b>Telephone</b>	309-531-9499	<b>Fax</b>		<b>E-mail</b>	ambrgebben@outlook.com

**SECTION TWO: SITE INFORMATION**

<b>Street Address</b>	82 Pennsylvania Drive, Decatur IL 62526					
<b>Legal Description</b>	All attached deed.					
<b>Present Zoning</b>	<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		
<b>Please list all improvements on the site:</b>						
<b>Size of Tract</b>	SF .27 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>We would like to build an attached garage in the exact location as the <u>currently existing</u> carport.</p>			

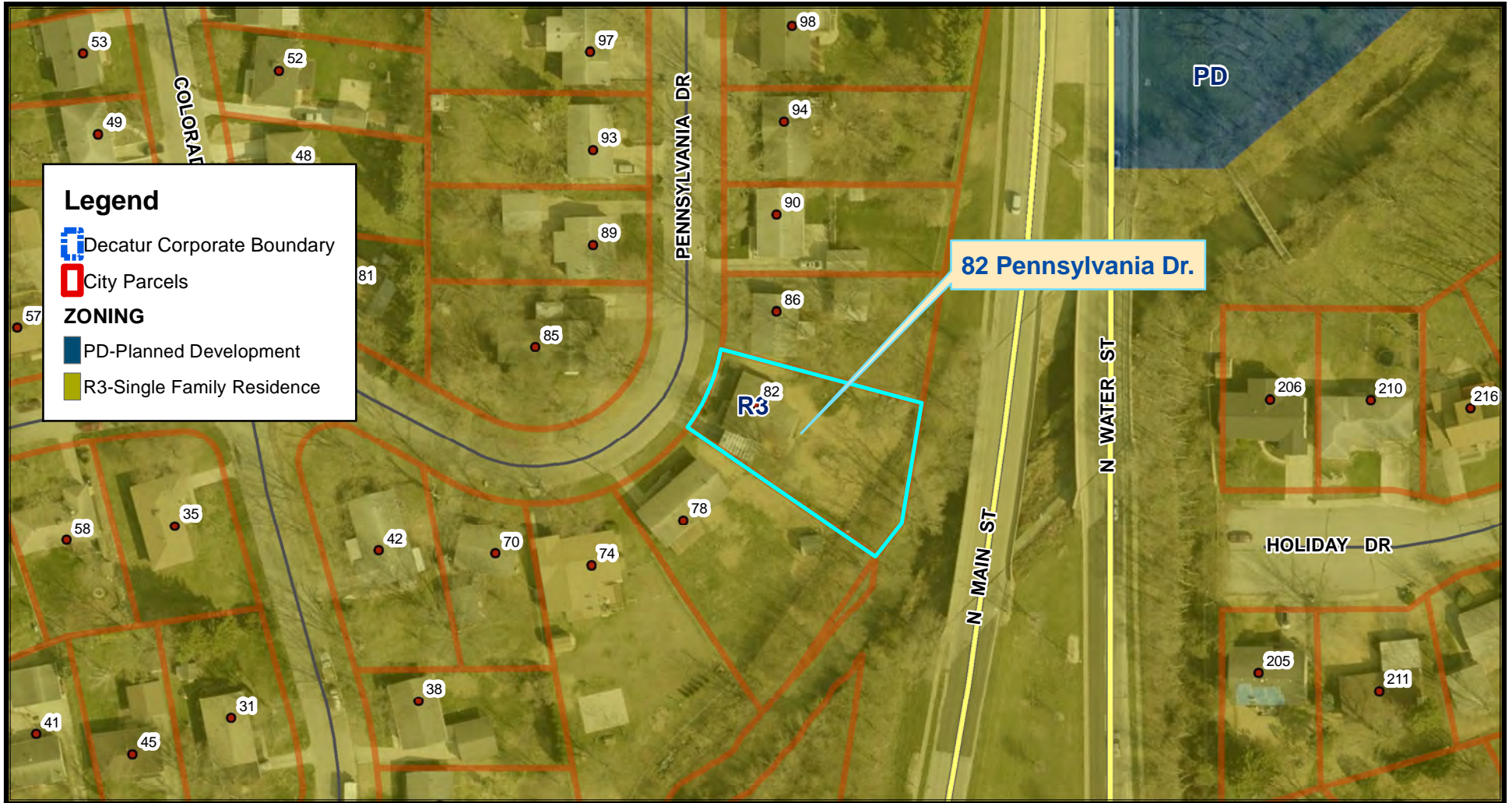
SECTION FOUR: ATTACHMENTS	
<b>Description</b>	Please list any attachments and/or supporting documents below:
Deed	
<p>Attachments to this petition should include a scaled sketch plan of your proposal showing property lines, lot dimensions, building dimensions, all buildings on the property, setbacks, 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>	4/13/21

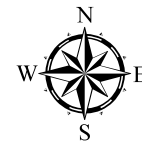
NOTES:
<ol style="list-style-type: none"> <li>Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. A filing fee of \$150.00 is charged for all requests for property in the R-1, R-2, R-3 and R-5 districts, and \$250.00 for property in all other districts. Please make checks payable to the City of Decatur.</li> <li>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>

# City of Decatur Zoning Board of Appeals

## 82 Pennsylvania Drive



Case No: 21-03  
Date: May 13, 2021  
Petition of: Eric & Amber Gebben  
Requested Action: Reduce the required side yard setback line from five (5) feet to three (3) feet to allow for the construction of an attached garage



1 inch = 100 feet