

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Aaron Paque, Planner
SUBJECT: Public Hearing – Request by Brooke & Jason Bieda of 1503 Fayette Ave, for a variance to reduce the side yard setback.
DATE: September 29th , 2022

Zoning: R-1 (Single- and Two-Family Residential)

Comprehensive Plan: Single- and Two-Family Residential

Summary: Brooke & Jason Bieda are requesting a reduction of the side yard setback. The property is zoned R-1 (Single- and Two-Family Residential). The purpose of the variance is to allow for the construction of a shed within the back yard along the northern property line.

Background: Chapter 154 of the City Code states:

“ The accessory structure shall not be located in, or project upon, the minimum required front yard, nor shall the accessory structure be located any closer than five (5) feet from the rear lot line and five (5) feet from the side lot lines of the property.”

The requested side yard setback would be reduced to two (2') feet.

1503 Fayette Ave is part of the Washington Estates Subdivision centrally located in Washington. The lot experiences unique drainage and flooding issues as seen in the attached images. The flooding experience on the lot makes finding a location that conforms to all of the setback requirements difficult without placing it directly in the flood path. The fire setback between structures is ten (10') feet, and the shed would be at least fifteen (15') feet to the nearest structure and would not require an additional fire barrier if approved. Staff recommends to approve the requested variance.

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, October 5th 2022.

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

Department of Planning & Development

***Request for Publication
Notice of Public Hearing***

<i>Transmitted to:</i>	Valeri Brod, City Clerk
<i>Transmitted by:</i>	Aaron Paque, Planner
<i>Date of transmittal:</i>	9/7/2022
<i>Send notice by:</i>	9/9/2022
<i>For publication on:</i>	
<i>Date of Public Hearing:</i>	10/5/2022

<i>Purpose of public hearing:</i>	Variance of the side yard setback to install a shed on the property.
<i>Legal description</i>	SEC 15 T26N R3W WASHINGTON ESTATES EXT #6 LOT 108 & E 1/2 LOT 109 SE 1/4
<i>Property address</i>	1503 Fayette Ave
<i>Property tax ID (PIN #)</i>	02-02-15-403-011
<i>Suggested language to include:</i>	Variance to allow a Shed to encroach into the side yard setback
<i>Ordinance needed?</i>	No
<i>Petition or application attached?</i>	Yes
<i>If yes, petitioner's name:</i>	Brooke & Jason Bieda
<i>If yes, fees paid?</i>	No
<i>Other notes/requests</i>	Property is zoned R-1, Side Yard setback is 5ft. The request is a reduction of the side yard setback
<i>List of attachments</i>	Application, site plan, tax bill

CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR VARIANCE

To have a complete application for a variance, you must submit the following:

- Signed and completed application
- Plat showing subject property and proposed site improvements
- Ownership documentation (lease, deed, mortgage, etc.)
- Application fee of \$100 payable to the City of Washington

Name(s) of Applicant(s): Jason & Brooke Bieda

Phone Number of Applicant: [REDACTED]

Address of Applicant: 1503 Fayette Ave Washington, IL 61571

Owner of Property: Jason & Brooke Bieda

Address of Owner: 1503 Fayette Ave

I would like to receive correspondence by: Mail Email Email Address [REDACTED]

Property Tax ID (PIN) number: 02-02-15-403-011

Current zoning classification of the property: R1-A Current use of the property: Residential

Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

Do to driveway on lot made most of the back yard unusable.

To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes No

If "no," explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are NOT entitled to variations.)

Describe how your situation is unique or different from any other property: We get a mote any time it rains, only have a little dry safe place


Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make: would look like an extension of our house, same siding (vinyl) and roof

Describe the nature of the variation you are requesting (attach dimensioned site plan): to move the shed out of mote zone, would be 2' from property line instead of 5'

PUBLIC HEARING: Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission (PZC) meeting for a public hearing. The PZC meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmor Road. At the PZC meeting, you will present your request. A variance cannot be granted by the PZC unless the PZC finds, based upon the application and evidence presented at the public hearing, that a strict application of the terms of the Zoning Ordinance imposes practical difficulties or particular hardship. The following are examples of variances that can be granted:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy, where the PZC shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
3. To make a variance, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in the Zoning Ordinance.
4. To interpret the provisions of this chapter where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
5. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
6. To permit a building to be erected, reconstructed, altered, or enlarged so that the building lines would extend beyond the distance specific in this chapter into side yards or into front yards; provided that such variance may not be granted:
 - a. Unless there is a building in the block that extends beyond the distance from the front street line specified in this chapter, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building;
 - b. Unless the lot is irregular in shape, topography, or size; or
 - c. Unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography, or size.
7. To permit in any district such modifications of the requirements of the regulations of this chapter as the Board may deem necessary to secure all appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to the regulations of the district.

Certification: To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Variance.



Signature of Applicant

9-6-22

Date



Signature of Owner

9-10-22

Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Becky Holmes, Building and Zoning Supervisor, at (309) 444-1122.

Property Information

Parcel Number

02-02-15-403-011

Site Address

1503 FAYETTE AVE
WASHINGTON, IL 61571

Owner Name & Address

BIEDA JASON S & BROOKE M
1503 FAYETTE AVE
WASHINGTON, IL, 61571

Tax Year

2021 (Payable 2022) ▼

Sale Status

None

Property Class

0040 - Improved Residential Lot

Tax Code

02021 -

Tax Status

Taxable

Net Taxable Value

66,130

Tax Rate

9.105100

Total Tax

\$6,021.20

Township

WASHINGTON

Acres

0.0000

Mailing Address

Legal Description

SEC 15 T26N R3W WASHINGTON ESTATES EXT #6 LOT 108 & E 1/2 LOT 109 SE 1/4

 Flood Area

