

CITY OF WASHINGTON, ILLINOIS

Planning and Zoning Commission Meeting

Wednesday, November 2, 2022 at 6:30 P.M.

In a meeting room in the Washington District Library in Five Points - 380 N. Wilmor Road, Washington

- Call to Order** Chairman Mike Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:31 p.m. in the library meeting room in Five Points, Washington. A quorum was established.
- Roll Call** Present and answering roll call: Commissioners Burdette, Milot, Reeder, Ritter, Scott and Williams
Absent: Commissioner Rodriguez
- Also present: Planning and Development Director Jon Oliphant, Planner Aaron Paque and City Clerk Valeri Brod
- Approve Minutes** Commissioner Reeder motioned and Commissioner Scott seconded to approve the meeting minutes from the October 5, 2022 meeting as presented. Motion carried by voice vote.
- Item A**
*Public Hearing:
Variance of the front yard setback to install an inground pool on the property at 824 Anne St.*
- At 6:31 p.m. Chairman Burdette opened a public hearing for comment. Planner Aaron Paque shared that this is requested by Aaron and Kendra Karlix of 824 Anne street to reduce their front yard setback to install a inground pool. Aaron read the following code aloud: "Front yard: not less than twenty-five (25) feet unless the dwelling unit is constructed in an established area on one side of the street between two (2) intersecting streets which is improved with buildings that have observed a front yard depth of less than twenty-five (25) feet. In such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building structure. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot, except that the buildable width of such lot shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street." Mr. Paque stated that based on the submitted drawing the setback would be 18'6". He noted that this property is at the intersection of Kelsey and Anne and the lot size is similar to other lot sizes in neighborhood. Staff does not recommend the variance due to hardship.
- Mr. Karlix added that they understand they are on a corner, however this is actually their back yard instead of their front yard. He shared that they have a six foot privacy fence and this would then be eight feet inside of it. Mr. Karlix shared that some limiting factors are an existing shed on the south side of yard that is on a concrete foundation and about 15' north of the shed is a mature oak tree. He also shared that JULIE marked, they noticed utility lines on the south side of the yard but nothing near the north side, making this placement easier to dig. He stated that they don't want to just make it fit and feel their proposed placement will be the best placement for the pool. They provided letters from 10 neighbors who support the variance request.
- At 6:36 p.m. Chairman Burdette closed the public hearing.
- Commissioner Ritter asked if there was anything to the south that would be in the way. Mr. Karlix said there is a deck. Mr. Paque explained that they needed to be 10' away from the deck. A map showed where the pool could be located. Commissioner Ritter confirmed that they are only voting on the set back from the front yard. Mr. Karlix stated that they would like to not take down the tree. Mr. Paque confirmed that there are utilities on the south half of the yard and to the west. Commissioner Scott asked for the depth of the pool and Mr. Karlix stated that it will be six feet. The owner also stated that once it is complete, it will not look like it changed from the outside of the yard. Commissioner Milot asked if there are any safety concerns from the City and Mr. Paque noted the privacy fence already in place. Chairman Burdette said his only concern is that this is setting a precedent. Commissioner Scott noted that a corner lot should actually be a little larger because it reduces the space when it's called a front yard. Commissioner Milot confirmed that a side yard setback is five feet. Mr. Karlix noted that this placement is the furthest from the neighbors. Commissioner Milot noted that if the north were a side yard, he would be well within the side yard setback requirements and agrees this should have been a wider lot. Commissioner Scott said he doesn't feel this is a very large pool and if he moves it, he will look for another variance somewhere else. Commissioner Reeder said there is already a fence and wondered if you can have a fence on a front yard. Mr. Paque clarified that a fence can be on a double front yard. Commissioners Reeder and Scott agreed that the character is not changing. Commissioner Milot stated that this structure cannot be seen from the road but what if you had a different structure. Commissioner Scott noted that a house on a corner lot could have been rotated to the other street with garage access to the other street. Commissioner Milot feels the precedence is that the structure is not visible from the street and noted that the fence would require a variance anyway.
- Commissioner Scott motioned to accept the variance and Commissioner Reeder seconded.
On roll call the vote was:

Ayes: 6 Burdette, Milot, Reeder, Ritter, Scott and Williams
Nays: 0
Motion carried.

Item B
*Subdivision Code Text
Amendment*

Planning and Development Director Oliphant shared that this item was brought to Committee of the Whole for discussion and includes two sidewalk cost share programs. The first is a 50/50 program split between the City and owner. The other is a City mandated sidewalk replacement program. Mr. Oliphant shared that Council expressed that they were not in favor of the City mandated plan and has no record of using it. They would like to remove the City mandated portion from the code and leave the 50/50 program. Commissioner Scott agrees that this is a good idea. The 50/50 program puts ownership on owner. Commissioner Reeder asked what the City would do if it received a complaint. Mr. Oliphant said it would be addressed as the budget allows. Commissioner Milot asked how the city mandate works currently. Mr. Oliphant shared that it has never been utilized, but the way it is written, the City can tell a homeowner that they are required to replace it. As for the 50/50 program, it is instigated by the homeowner and not mandated by the city. Commissioner Scott noted that the City budgets for some sidewalk replacement that goes to the 50/50 program. Commissioner Milot asked if the reason it hasn't been utilized is because it is illegal. Mr. Oliphant stated that he can't really comment on legal language. Commissioner Milot noted that the City will still help replace sidewalks if needed.

Commissioner Scott motioned to accept the code amendment and Commissioner Milot seconded. On roll call the vote was:

Ayes: 6 Burdette, Milot, Reeder, Ritter, Scott and Williams
Nays: 0
Motion carried.

Item C
*Zoning Code Text
Amendment*

Planning and Zoning Director Oliphant shared that currently there is not language in the code that clarifies how building height is determined. This would insert a definition into the code. Mr. Oliphant also shared that there is a definition for building height in the C-2 and C-3 sections. He pointed out that there is a section of Chapter 154.173 where there are a number of building elements that are not subject to the maximum height.

Commissioner Milot motioned to accept the code amendment and Commissioner Ritter seconded.

Commissioner Scott noted that when you say established grade, it can change. He noted that his own house is lower than the sidewalk by almost ten feet. He asked where the established grade is determined in the event that a lot has multiple grades. Mr. Oliphant stated that they take the average of the building. It was noted that a lot with a walk-out would be measured differently than a flat lot. Commissioner Reeder is concerned that an accessory structure can be higher than the primary structure but it may be down a hill. He wondered where the measurement would be taken. Mr. Oliphant shared that the measurement would be taken at the ground level of that structure. It was agreed that the sidewalk is not the place to take the measurement. Commissioner Scott feels it could be worded better. Mr. Oliphant shared that they will use "the equivalent of established grade" more.

On roll call the vote was:

Ayes: 6 Burdette, Milot, Reeder, Ritter, Scott and Williams
Nays: 0
Motion carried.

Old Business

Mr. Oliphant shared that it is not verified if there will be a meeting next month.

**Commissioner/Staff
Comments**

None provided

Adjournment

At 6:59 p.m. Commissioner Ritter moved and Commissioner Scott seconded to adjourn.
Motion carried unanimously by voice vote.



Valeri L. Brod, City Clerk