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Fax 309-856-6001

June 20, 2019

Honorable Mayor and City Council  
Kewanee City Hall  
401 E. Third Street  
Kewanee, Illinois 61443-2365

RE: Report from Zoning Board of Appeals for June 19, 2019 Meeting.

The Zoning Board of Appeals convened at 7:00 p.m. on June 19, 2019 Kewanee City Hall, Council Chambers. ZBA members Clark, Medley and McIntyre were absent. For business, there were three variance petition applications upon which to conduct a public hearing.

**Case 1:**

**1200 W. Division St, rear yard setback to add square footage to the existing kitchen.**

**AND,**

**1200 W. Division St, front yard setback to add square footage to the existing rooms located at the front of the house.**

Jose Chavez, 1200 W. Division St. met with me at City Hall to discuss his plans to add square footage to the existing kitchen at the rear of the house and also to add some square footage to the rooms at the front of his house.

The proposed addition to the kitchen located at the rear (Northeast corner) of the house will extend 10 feet further to the North from the existing rear wall of the house. The required back yard setback for R2 zoning is 30 feet. The current back yard is nonconforming at approximately 16 feet. With this in consideration the rear yard, for area of the yard where the kitchen would exist, would be reduced to approximately 6 feet.

The proposed addition to the front (Southwest corner) of the house will extend 8 feet further to the South from the existing front wall of the house. The required front yard setback for R2 zoning is 30 feet. The current front yard is nonconforming at approximately 18 feet. With this in consideration the front yard, for area of the yard where the addition would exist, would be reduced to approximately 10 feet.

Chavez was advised of the required setbacks and the variance process and wished to apply for the variance.

The Subject Property:

*Address:* 1200 W Division St.

*Legal Description:* LOT 33 WALNUT HILLS RESUB CITY OF KEWANEE.

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*Location:* Northwest corner of W. Division St. and S. Washington St.

*Zoning:* R2 Single-Family Dwelling District.

*Dimensions:* 59 feet North to South by 179.5 feet East to West, 10590.5 Sq Ft area.

*Existing Buildings or Uses:* One family dwelling with detached garage.

*Existing Land Use Map:* Low Density Residential.

*Proposed Land Use Map:* Low Density Residential.

The Surrounding Area:

*Zoning District(s):* Surrounding land is zoned R2 Single-Family Dwelling District to the East, South and North and R5 Multiple-Family Dwelling District to the West.

Uses of Land:

The surrounding land contains single family dwellings to the East, South and North. There is a Multiple family dwelling managed by Bridgeway to the West.

Variance Requested:

**Rear yard variance.**

A variance of 24 feet (80%), to the North rear yard setback for the proposed addition to the existing kitchen to allow a 6 foot setback versus the 30 foot setback required by §155.061-(E)-(3), building setback in the Rear Yard, required in an R-2 One Family Dwelling District of the City Code.

**Front yard variance.**

A variance of 20 feet (66%), to the South front yard setback for the proposed increase of square footage to the front of the house to allow a 10 foot setback versus the 30 foot setback required by §155.061-(E)-(1), building setback in the Front Yard, required in an R-2 One Family Dwelling District of the City Code.

Background Information:

With consideration to the surrounding neighborhood characteristics and after speaking with the City Manager about this petition:

The City can see no adverse effect on anyone if the variance to the rear yard setback is granted and has no issues with the request as long as there are no neighboring objectors.

Concerning the front yard setback the City has no recommendation and encourage all Zoning Board members to perform their own on-site inspection prior to the meeting.

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**The Public Hearing (Rear yard variance request):**

At 7:00 p.m. on June 19, 2019, the hearing on the variance requests at 1200 W. Division St. was held. **Jose Chavez** of 1200 W. Division St., Kewanee, Illinois, was present to represent the petition for the variance request.

- Edwards read the petition to the ZBA members concerning the rear yard variance request.
- Thompson stated he did not have an issue with the rear yard variance request.
- Brackett inquired if the privacy fence would be coming down. Chavez stated the privacy fence would stay where it is. Edwards advised that the privacy fence has no impact on the rear yard setback as fences are allowed to be on the property line.
- Brackett stated that he is ok with the rear yard request.
- Thompson inquired about the foundation for the addition. Chavez stated the addition would be on a crawl space.

No others were present to speak in support of the variance petition.

No others were present to speak in opposition to the variance petition.

**Recommendation:**

After discussing the facts and testimony presented, the Zoning Board of Appeals recommends, based on the authority of §33.062 of the City Code, by a vote of four in favor of the application, none opposed to the application, that the City Council grant the variance petition as filed.

Specifically, the Zoning Board of Appeals recommends the City Council grant the following variance to Jose Chavez Olson for his property at 1200 W. Division St., as to the required North rear yard setback to allow the proposed addition to the existing kitchen:

**Variance Requested:**

A variance of 24 feet (80%), to the North rear yard setback for the proposed addition to the existing kitchen to allow a 6 foot setback versus the 30 foot setback required by §155.061-(E)-(3), building setback in the Rear Yard, required in an R-2 One Family Dwelling District of the City Code.

**The Public Hearing (Front yard variance request):**

The hearing continued with the front yard variance request at 1200 W Division St. **Jose Chavez** of 1200 W. Division St., Kewanee, Illinois, was present to represent the petition for the variance request.

- Edwards read the petition to the ZBA members concerning the front yard variance request.

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- Brackett discussed the existing setback, which is approximately 18', which is nonconforming.
- Thompson brought up vision concerns at the corner.
- Edwards brought up the layout of the existing house with consideration to the lot, the house would normally face South Washington St.
- After further discussion, it was discovered that the variance requested by Chavez is not for room expansion but instead for an enclosed porch which would still require the variance as filed.
- Thompson inquired about the lot coverage for the zoning district. Edwards advised the lot coverage is 35%.
- Chavez stated he wants to add the enclosed porch to help with water run off at the front of the house.
- It was discussed that the water run off could be solved with better guttering, drain tile or landscaping.

No others were present to speak in support of the variance petition.

No others were present to speak in opposition to the variance petition.

**Recommendation:**

After discussing the facts and testimony presented, the Zoning Board of Appeals recommends, based on the authority of §33.062 of the City Code, by a vote of none in favor of the application, four opposed to the application, that the City Council not grant the variance petition as filed.

Specifically, the Zoning Board of Appeals recommends the City Council not grant the following variance to Jose Chavez Olson for his property at 1200 W. Division St., as to the required South front yard setback to allow the proposed enclosed porch:

**Variance Requested:**

A variance of 20 feet (66%), to the South front yard setback for the proposed enclosed porch to the front of the house to allow a 10 foot setback versus the 30 foot setback required by §155.061-(E)-(1), building setback in the Front Yard, required in an R-2 One Family Dwelling District of the City Code.

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**Case 2:**

**803 Page St, Variance to allow the construction of a new 36' x 36' (1,296 square feet) by 18' tall garage.**

Mike Nichols, 803 Page St., contacted me concerning a new garage that he wants to have constructed upon his property. The only concern with the new structure is the height as it will be taller than the principle structure by approximately 3' 6", which by code requires a variance.

Here is what the City Code states with concerns to accessory structure height:

**§ 155.106 LOCATION RESTRICTION.**

(A) (1) An accessory building may not be located nearer to any interior lot line than that permitted for the main building, when any part of this accessory building is on line with the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located within three feet of the interior lot line, but not nearer than five feet of the rear lot line.

(2) However when a substantial part of the wall of an accessory building is a part of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof so as to be counted as part of the main building and said accessory building is located in the rear yard, it may then be located within three feet of the interior lot line, but not nearer than five feet of the rear lot line subject to divisions (B) and (C) of this section.

(B) An accessory building shall not be erected prior to the establishment or construction of the main building to which it is accessory.

(C) No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of the adjacent building on the lot to the rear.

(D) The height of an accessory building on a residential zoning lot, or serving a residential use, shall not exceed 18 feet, or the height of the principal building, whichever is less.

('71 Code, § 11-17-2) (Ord. 1413, passed 9-13-60; Am. Ord. 2224, passed 9-14-81; Am. Ord. 3297, passed 2-13-01) Penalty, see § 155.999

Nichols was advised of the required setbacks and the variance process and wished to apply for the variance.

The Subject Property:

Address: 803 Page St.

Legal Description: LOT 1 LIND 1ST ADD VILLAGE OF WETHERSFIELD CITY OF KEWANEE [EZ].

Location: 800 block of Page St. on the South side of the street.

Zoning: R2 Single-Family Dwelling District.

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*Dimensions:* 214 feet North to South by 175 feet East to West, 37450 Sq. Ft area.

*Existing Buildings or Uses:* One family dwelling with attached garage.

*Existing Land Use Map:* Low Density Residential.

*Proposed Land Use Map:* Low Density Residential.

The Surrounding Area:

*Zoning District(s):* Surrounding land is zoned R2 Single-Family Dwelling District.

Uses of Land:

The surrounding land contains single-family dwellings.

Variance Requested:

A variance of 3 feet 6 inches to the maximum allowable height of an accessory structure to allow the construction of a new 36' x 36' garage with a height of 18 feet.

Background Information:

With consideration to the surrounding neighborhood characteristics and after speaking with the City Manager about this petition, the City can see no adverse effect on anyone if the variance is granted and has no issues with the request.

The Public Hearing (Rear yard variance request):

At 7:18 p.m. on June 19, 2019, the hearing on the variance requests at 1200 W. Division St. was held. **Michael Nichols** of 803 Page St., Kewanee, Illinois, was not present to represent the petition for the variance request. Nichols spoke with Edwards earlier in the day and advised that he was unable to attend because of a family event.

- Edwards read the petition to the ZBA members concerning variance request to allow the height of the proposed new garage.
- The ordinance was discussed concerning the height of accessory structures.
- Edwards stated that if Nichols' house were 3' 6" taller, this variance would not be needed.
- Edwards advised the ZBA board that he was contacted by the neighbor to the West about the petition who has no problem with the height of the building. They were questioning the side yard setbacks, which Edwards told them the new garage would conform to the existing zoning code.

No others were present to speak in support of the variance petition.

No others were present to speak in opposition to the variance petition.

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**Recommendation:**

After discussing the facts and testimony presented, the Zoning Board of Appeals recommends, based on the authority of §33.062 of the City Code, by a vote of three in favor of the application, one opposed to the application, that the City Council grant the variance petition as filed.

Specifically, the Zoning Board of Appeals recommends the City Council grant the following variance to Michael Nichols for his property at 803 Page St., as to the allowable height of an accessory structure for the proposed garage:


**Variance Requested:**

A variance of 3 feet 6 inches to the maximum allowable height of an accessory structure to allow the construction of a new 36' x 36' garage with a height of 18 feet.

There being no further business, the meeting adjourned at 7:22 p.m.

Respectfully yours,

Martin Medley, Chairman  
(Absent from the meeting)

  
*on behalf of  
Medley's Absence.*





Zoning Board

Date

6/19/19

1200 W Division ST

Attendance

~~Front Yard~~ Rear

Front Yard

	yes	no	yes	no	yes	no	yes	no	yes	no
PEARL Jeremy	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
BRACKETT Stephen	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
CLARK Richard	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
MEDLEY Martin	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
THOMPSON Jerry	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
MCINTYRE David	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
DOLLESLAGER Lance	<input checked="" type="checkbox"/> <del>yes</del>	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> <del>no</del>	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no
	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> yes	<input type="checkbox"/> no

6/3/4

6/19/19

6/19/4

6/18/4

6/16/4

4/4 N.

4/4 N.

6/19/19

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Attendance

PEARL Jeremy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
BRACKETT Stephen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
CLARK Richard	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
MEDLEY Martin	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
THOMPSON Jerry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
MCINTYRE David	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
DOLIESLAGER Lance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent
	<input type="checkbox"/> Yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent	<input type="checkbox"/> yes <input type="checkbox"/> abstain	<input type="checkbox"/> no <input type="checkbox"/> absent

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