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April 8, 2021

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

RE: Report from Zoning Board of Appeals for April 7, 2021 Meeting.

The Zoning Board of Appeals convened at 5:00 p.m. on April 7, 2021 in the Council Chambers at Kewanee City Hall. ZBA members Bracket and Ensley were absent. For business, there was one variance petition application upon which to conduct a public hearing.

Case 1:

340 S. Park St., request for a variance of 10.5 feet to the required 12.5 feet side/street yard setback for a reversed corner lot.

The Subject Property:*Address:* 340 S. Park St.*Legal Description:* LOT 49 CUTTERS SUB OF ELLIOTTS & TENNEYS 1ST ADD CITY OF KEWANEE.*Location:* Northeast corner of S. Park St. and W. Oak St.*Zoning:* R-4 Two-Family Dwelling District.*Dimensions:* 67 feet North to South, 110 feet East to West.*Area:* 7370 Square feet.*Existing Buildings or Uses:* Single family dwelling.*Existing Land Use Map:* High Density Residential.*Proposed Land Use Map:* High Density Residential.**The Surrounding Area:***Zoning District(s):* Surrounding land is zoned High Density Residential.**Uses of Land:**

The surrounding land contains single-family dwellings.

Variance Requested:

A variance of 10.5 feet to the required 12.5 feet side/street yard setback for a reversed corner lot.

AND

A variance of 2 feet to the required 5 feet rear yard setback.

Background Information:

On February 26, 2021, I was contacted by a Public Works employee who noticed a shed being constructed at 340 S. Park St. The Public Works employee stated that the structure appeared to be in violation of the City of Kewanee Zoning Codes for required setbacks. I researched the building permit file and found no building permit had been applied for or filed for this address for a shed.

Upon my arrival to investigate the complaint I observed a large shed that is in obvious violation of the Building and Zoning Codes. I met with the homeowner and advised him to stop work on the structure. I explained the building permit process and that the structure is in violation of the required setbacks from the property lines. I told the homeowner that he will need to apply for a variance and only if the variance is approved will he be able to keep the structure in its current location.

Two areas of concern are the side/street yard (South property line facing Oak St.) and the rear yard (East property line adjacent to the neighbor) setbacks.

- Side yard. The structure is approximately 2 feet off the Oak St. sidewalk. This distance, as required by the City Zoning Code, should be 12.5 feet. Roughly 10.5 feet too close.
- Rear yard. I measured the lot depth to approximate the rear (East) lot line. To do this I measured from the city sidewalk on Park St. towards the East 110 feet (the lot depth). This method is not exact but should be within a few inches. The required setback for the rear property line is 5 feet to the overhang of the structure. By my measurements, the building is roughly 4 feet 4 inches from the wall of the structure to the rear lot line. Assuming a 1-foot overhang, that would put the structure approximately 3 feet 4 inches off the rear lot line. Roughly, 2 feet too close.

While at the building site I did a framing inspection and found some discrepancies that, if the variance is approved, will need to be corrected.

I also probed the ground on the South side of the foundation in attempt to determine the depth of the concrete. It appears that the foundation wall is only a few inches below grade. I've included a photo showing the bar I used to probe the dirt under the foundation wall. Please note there is approximately 1 foot of the bar pushed at a sharp angle under the foundation in the photo.

§ 155.063 R-4 TWO-FAMILY DWELLING DISTRICT.

(E) Yard areas. No buildings shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

(1) Front yards. The same regulations shall apply as required or permitted in the R-3 Districts.

(2) Side yards.

(a) One-family detached dwellings. **The same regulations shall apply as required or permitted in the R-3 Districts.**

§ 155.062 R-3 ONE-FAMILY DWELLING DISTRICT.

(E) Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

(1) Front yard. Each lot upon which a dwelling is erected shall have a front yard of not less than 25 feet. When lots comprising 40% or more of the frontage between two intersecting streets are developed with buildings having a front yard with a variation of more than 15 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. In no case shall a front yard of more than 50 feet be required.

(2) Side yard.

(a) On each lot upon which a dwelling is constructed, there shall be a side yard on each side equal to not less than 10% of the width of the lot, the combined total of the side yards on interior lots shall not be less than 12 feet. On corner lots there shall be maintained a side yard adjacent to the street which intersects the street upon which the building or structure maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, **but such setback need not exceed 15 feet. No accessory building on said reversed corner lot shall project 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 said adjacent lot.**

ACCESSORY BUILDINGS

§ 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 online 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.**

The Public Hearing:

At 5:00 p.m. on April 7, 2021, the hearing on the variance request at 2006 Kentville Rd. was held. Rogelio Lopez was present to represent the petition.

- Edwards read the background information to the Zoning Board.
- Lopez stated that he understands that he did not follow the rules and that he will accept the ruling from the board.
- Thompson asked how long ago he poured the concrete. Lopez said he poured the concrete in December.
- Thompson inquired about the depth of the concrete below grade, specifically at the South foundation wall. Lopez stated it was only a few inches below the ground.
- Lopez said that he was confused about why his shed was a violation because his garage on the other side of the property is right on the property line. Edwards

explained the garage Lopez is talking about most likely was built prior to the City of Kewanee adopting the current zoning codes. That makes the garage legal nonconforming and if the garage would ever come down, he would not be able to put a new garage back in the same location without a variance like the one he is applying for right now for the shed.

- Lopez asked if the board decides to make him remove the shed, if he would be able to keep the concrete for patio use. The board stated that would be an option.
- McIntyre stated that his concern was mainly for the South wall of the foundation which is also acting as a retaining wall. Edwards stated that if the board were to allow the shed to remain in place, without hiring a structural engineer, we would have to consider the Building Code for footing requirements. Edwards stated one way of increasing the foundation strength would be to underpin it.
- Thompson asked if Lopez placed any rebar in the concrete. Lopez showed the board members a photo on his phone of the concrete forms in place. The photos showed that wire mesh was in place but there was no rebar placed in the vertical walls or floor.
- There was some discussion concerning underpinning the foundation and how that may be accomplished. Edwards said Lopez would have to dig down along the side and underneath of the foundation in sections. He would need to drill into the existing concrete and install rebar which will need to extend into the new concrete. Concerning the depth and width of the concrete to be poured for the underpin, Edwards stated he would consider what the city has allowed for garage foundations where a footing is required which is 12 inches in width and 42 inches in depth.
- Martinez asked if the foundation wall was poured at the same time as the rest of the foundation and floor. Lopez stated it was all poured together.
- Thompson said he would be ok with approving the variance adding a stipulation that Lopez adds the footing and underpin it as discussed.

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 5 in favor of the application, none opposed and two absent, 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 Rogelio Lopez at 340 S. Park St.,

Variance to be recommended to the City Council:

A variance of 10.5 feet to the required 12.5 feet side/street yard setback for a reversed corner lot.

AND

A variance of 2 feet to the required 5 feet rear yard setback.

Additionally, the Zoning Board of Appeals recommends by a vote of five in favor, none opposed and two absent that the following stipulation be placed on the variance request.

- The South foundation wall shall be reinforced by underpinning to a concrete foundation wall having a width of 12 inches and a depth of 42 inches below grade running the entire length of the existing South foundation wall. The wall shall have rebar drilled and pinned into the existing South foundation wall every 12 inches.

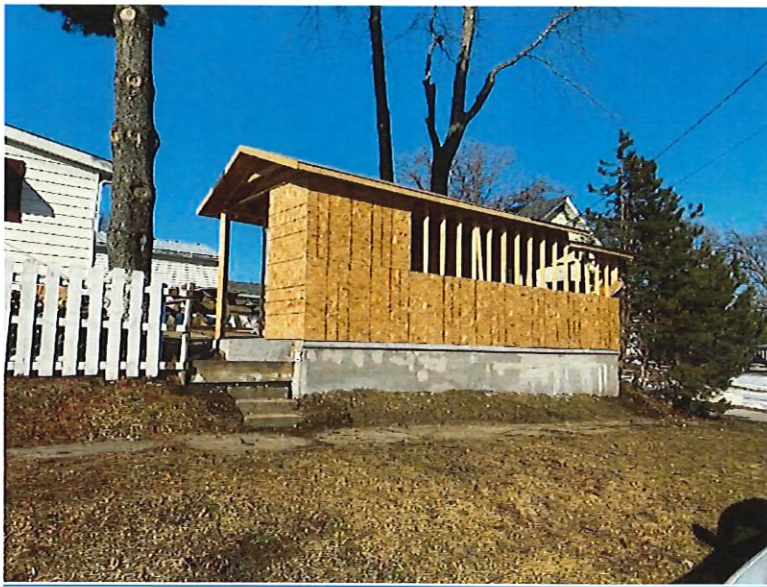
There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully yours,



Jerry Thompson, Chairman

By: 





Zoning Board

Date

4/7/2021

Attendance

PEART Jeremy	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
BRACKETT Stephen 3/16 ✓	✓	yes abstain	no <u>absent</u>	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
KUFFEL Brenda	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
ENSLEY Jim	✓	yes abstain	no <u>absent</u>	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
THOMPSON Jerry	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MCINTYRE David 3/16 ✓	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MARTINEZ Daniel 3/17 ✓	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
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