

NOTICIE OF PUBLIC HEARING

The Zoning Board of Appeals of the City of Lincoln will conduct a public hearing on Wednesday, October 17th, 2018 at 6:30 p.m. in the City Council Chambers, City Hall, 700 Broadway Street, Lincoln, Illinois regarding the following petition:

William and Teresa Hurley have filed a petition with the City of Lincoln regarding the relaxation of setbacks for a fence at a privately owned corner lot.

A parcel commonly known as 214 21st St. and more particularly described as:

12-2956 E 1/2 LOTS 1 & 2 BLOCK 18 WOODLAWN ADDN TO LINCOLN.
now a part of the City of Lincoln, Logan County, Illinois.

The petition shall be on file in the Building Safety Office located at 313 Limit Street and at City Hall, 700 Broadway St. Lincoln, Illinois for public inspection. All interested persons are invited to attend the public hearing and provide oral or written testimony.

ZBA 2018-02

Peggy Bateman
City Clerk

MEMORANDUM

TO: Chairman Rick Zimmer and Members of the Zoning Board of Appeals

FROM: Wes Woodhall – Building and Safety Official

MEETING

DATE: October 17th, 2018, 6:30 @ Lincoln City Hall Council Chambers

RE: **Consideration of a Developmental Standards Variance of Section 11-7-3 (E) to allow for the placement of a 5' fence in the front yard of 214 21st St.**

Background

The Building and Safety Office received a request from Bill and Teresa Hurley for a developmental standards variance in relation to a proposed fence addition to their property at 214 21st St.

The encroachment would occur on the non-primary front yard of this structure at the corner of 21st St. and Grand Ave. Mr. and Mrs. Hurley's residence is on an interior lot on 21st and the secondary lot is on the corner. Their intent is to erect a four foot (4') vinyl fence with a one foot (1') decorative extension on top, the finished product would be five foot (5') above grade.

Relevant City Code Section:

11-7-3 (E): Fences:

1. Front Yard Fences:

(a) Front yard fences on interior lots must be open fences, not more than forty-eight inches (48") in height above grade. Any fence other than an open fence is not permitted in front yards on interior lots.

(b) Front yard fences on corner lots must be open fences, not more than forty eight inches (48") in height above grade; provided, however, any other fence, including an open fence, not more than six feet (6') in height above grade, is permitted in that front yard which the principal building does not face, from a line established by the rear face of the principal building to the rear property line and provided that such fence is set back from the street side property line no less than three feet (3').

2. Side and Rear Yard Fences: Side yard and rear yard fences may be open fences or solid fences, but may not exceed six feet (6') in height above grade and be set back three feet (3') from the rear property line when an alley exists at the rear of the property.

3. Visibility at Intersections: All fences must comply with the visibility at intersections requirements contained in this code.

4. Walls and Hedges: No wall or hedge more than four feet (4') in height shall be permitted in the front yard.

5. Fence Orientation: The front face, or finished side of a fence shall be directed toward adjacent residential property or streets, however the back face or unfinished side of a fence may be oriented toward an alley. (Ord. 2015-838, 9-21-2015)

11-7-2: AREA:

(C) Visibility At Intersections: On a corner in any residence district no fence, wall, hedge, earth terrace, parking facility or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining the lot lines at points which are twenty feet (20') distant from the point of intersecting lot lines. (Ord. 93, 9-17-1979)

Current Zoning Classification: R-2, One & Two Family Residential

Current Use of Property: Private Residence

Zoning Board of Appeals Authority:

Section 2-7-3 (A)(3): 3. To make a variance by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason or 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 regulations.

Zoning Board of Appeals Findings:

Section 2-7-3 (B): Before any variation is granted, the board shall make findings based upon the evidence presented at a public hearing. The specific findings the board shall consider in making a variation are as follows:

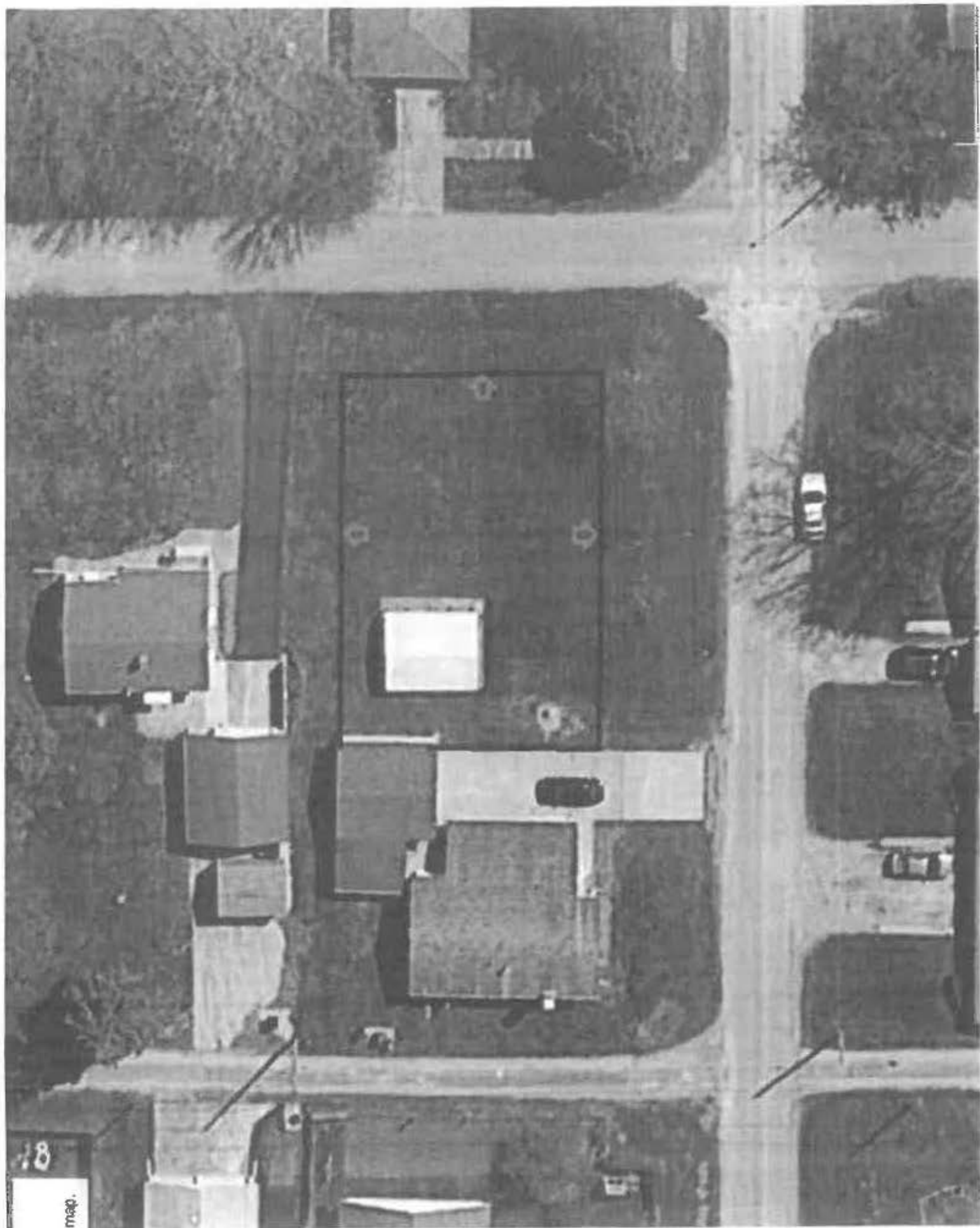
1. The plight of the owners due to special and unique circumstances; in determining the hardship, the hardship cannot be self-created by the petitioning party.
2. The variation, if granted, will not alter the essential character of the locality.
3. That after balancing the interest of the surrounding property owners, the benefits of granting the variation outweigh the depreciation of neighboring properties, if any.

Staff Analysis:

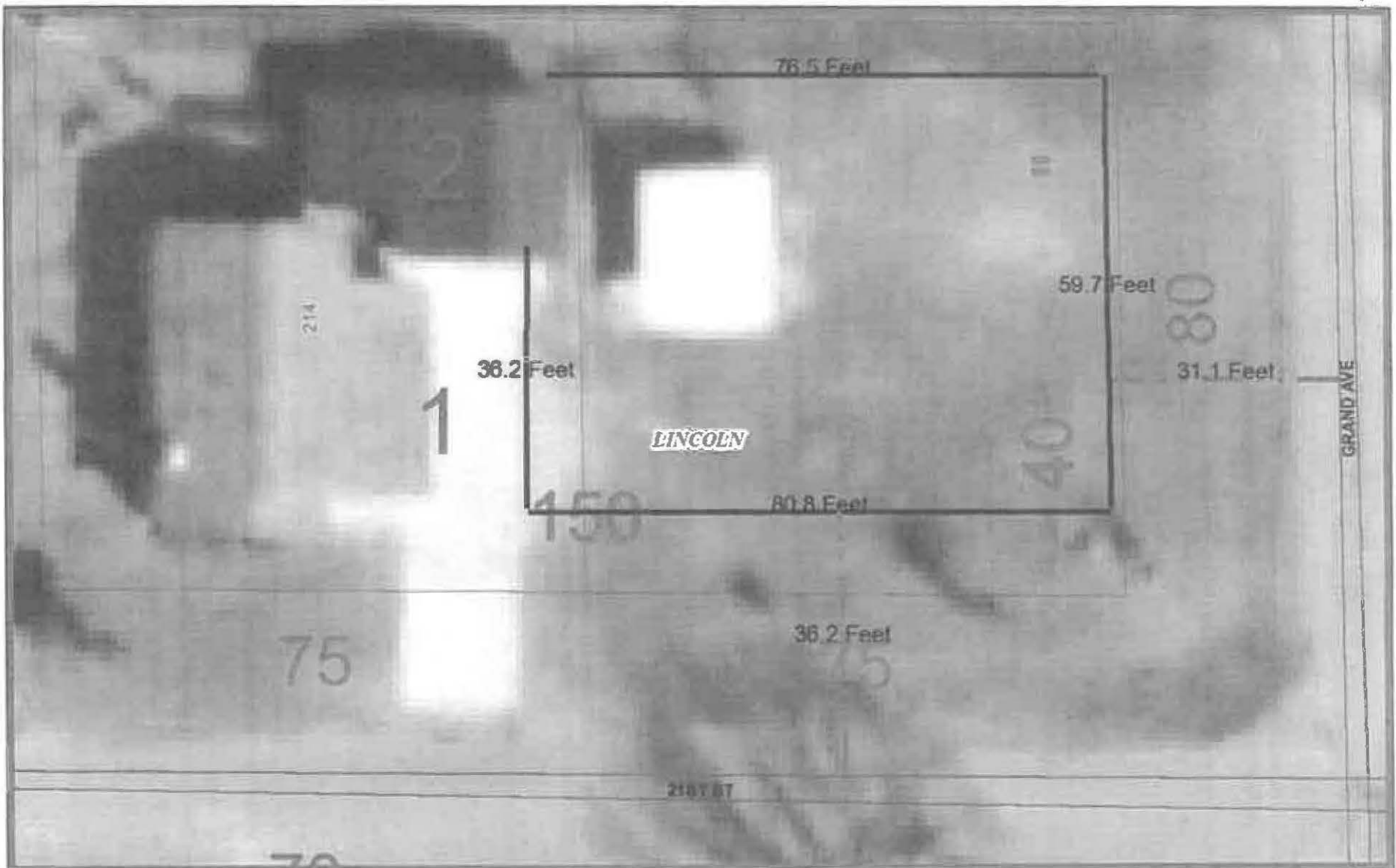
After informational meetings with Mr. and Mrs. Hurley, several site visits, review of code requirements and after staking out the proposed construction location (see attached pictures) staff has the following conclusions to report:

Do to the nature and layout of the property the empty parcel Mr. and Mrs. Hurley own to the east of their residence effectively becomes the most appropriate and usable space for outdoor activities. The Right of Way setbacks at the two intersecting streets at this location are exceptionally large; approximately twenty-two foot (22') at Grand Ave. and approximately nineteen foot (19') at 21st St., measured off of the roadway (no curb, gutter or sidewalk present). As indicated by the attached pictures and supporting layout drawings the proposed fence would extend from their driveway, to run parallel to 21st St. towards Grand Ave., originating at a point in line with the front corner of the structure, approximately thirty-one feet (31') off of the street edge. It would then turn ninety degrees (90) north running parallel to grand street at a point approximately twenty-two feet (22') off of the street edge. The fence would again make a ninety degree (90) turn to the west at a point to be in line with the back corner of the garage and would ultimately terminate at this back garage corner.

The visibility at the intersection of 21st St. and Grand Ave. would not be affected by the addition of this fence. Currently a City of Lincoln owned tree rests within this "visibility zone" and it is Mr. and Mrs. Hurley's intention to remove this tree to provide for increased site line visibility for vehicular traffic. There are traffic yield signs on Grand Ave.



Logan County Illinois Map Viewer



October 1, 2018

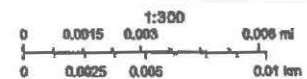
— County Highway Map

— Road Centerlines

Roads Overview

— Interstates

— Old Routes



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Logan County, TCRPC

Sources: Esri, HERE, Garmin, InRoads, InRoads P

