



**O'FALLON ZONING HEARING OFFICER
AGENDA**

**TUESDAY, OCTOBER 28, 2014
5:00 P.M.**

**O'FALLON CITY HALL
CITY COUNCIL CHAMBER
255 SOUTH LINCOLN AVENUE**

- 1) Call to Order
- 2) Identification of Parties Present
- 3) Old Business – none
- 4) Public Hearings –
 - a) **(ZHO 2014-09)** – Area-Bulk Variance to allow construction of an attached deck that will extend 13 feet into the minimum required 25 ft rear setback; located in an “SR-1” Single-Family Residential Zone District for 241 Fieldspring Court; Petitioner and Owner is Bart T. Donnell
- 5) Upcoming Public Hearings – None
- 6) Other Reports and Communications – none
- 7) Adjournment

General Citizen Comments: The City of O'Fallon welcomes comments from our citizens. The Illinois Open Meetings Act provides an opportunity for citizens to speak at all committee and Board meetings. However, 5 ILCS 120/1 mandates that NO action shall be taken on matters not listed on the agenda. Please submit your name to the chairman and limit your comments so that anyone present has the opportunity to speak.



MEMORANDUM

TO: Hearing Officer
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Planning Director
DATE: October 28, 2014
SUBJECT: ZHO 2014-09: 241 Fieldspring Court– Area-Bulk Variance

Location: 241 Fieldspring Court, O'Fallon, IL
Applicant: Bart Donnell
Owner: Bart Donnell
Submitted: September 25, 2014

Variance Application Summary

The applicant, Bart Donnell, requests an area-bulk variance to allow him to construct a covered deck on the rear of the house located at 241 Fieldspring Court. The applicant is requesting an area-bulk variance:

--Reduce rear setback for a covered deck (25 feet to 12 feet)

Existing Conditions

The subject property is located in The Manors at Fairwood Hills on Lot 68. The property is an oddly shaped 12,298 square foot lot zoned SR-1, Single-Family Residence Dwelling District. The SR-1 zoning district setbacks include 25 feet in the front, 25 feet in the rear, and 10 feet on the sides.

Lot 68 of The Manors at Fairwood Hills has an 86.96 foot wide front property line, a 138.58 foot rear property line, with the northern side lot line with a depth of 85.66 feet and the southern side lot line has a depth of 149.82 feet. When the house was originally built it was shifted as far south as possible to fit the 50 foot deep house on the lot. The subject property is surrounded by other single-family lots to within the Manors at Fairwood Hills subdivision.

Background & Hardship Argument

The applicant is seeking a variance to reduce the rear setback requirement of 25 feet down to 12 feet to construct a covered deck on the rear of the existing house. The applicant hired a contractor to build the deck, however the contractor had not received approval from the city prior to constructing the majority of the covered deck. Once the application was submitted, staff reviewed the permit and determined the permit could not be issued because the deck would not meet the required setbacks.

The existing single family residence is designed with the garage and living area to the northern side of the home, with the bedrooms to the southern side of the house. The existing rear door is located off the kitchen in the northern portion of the house. The applicant is proposing to replace the existing patio in the rear yard with a 16 foot by 18 foot covered deck.

When evaluating the setback of a deck, city regulations consider the deck as a part of the primary structure, thus having to meet the setback requirements of the primary structure. In this particular case the code requires the rear yard setback to be 25 feet off the property line. If the deck would be in the side yard the deck would be allowed to be constructed up to 10 feet from the property line. Additionally, city regulations allow patios to extend into the required setback by 6 feet (allowing a patio to be constructed to within 19 feet of the rear property line and 4 feet to side property line).

A reduction to the rear setback for the property would not hinder other property owners from constructing any decks or accessory structures on their property.

Hearing Officer Review of Area-Bulk Variance

Article XV "Variances and Appeals" of Chapter 158: Zoning of the City of O'Fallon's Code of Ordinances states that a request for a variance, other than a use variance, may be granted, upon a finding and determination on the record of the Hearing Officer that the requirements of this Section are met and that all three of the following conditions are satisfied or upon such conditions as may the Hearing Officer establishes as will meet such conditions:

- 1. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the applicable zoning regulations; and**

The property would still most likely be able to yield a reasonable return if the rear setback remained at 25 feet instead of the requested 12 feet.

- 2. The plight of the owner is due to unique circumstances; and**

The plight of the applicant is unique. The shape of the lot is awkward, with the northern side property line over 65 feet shorter than the southern property line. If this lot were to be platted today, staff would not look favorably on the design of the lot, because the design creates difficult and awkward building areas for a residence. Had sound planning principles been used in designing the lot as a rectangular lot, the proposed deck would not need a variance. Secondly, the design of the house has the back door located on the northern end of the house. The design of the house (built prior to the current owner purchasing the house) limits the access to the rear yard to the location in the kitchen area. When originally approved the northwest corner of the house was exactly 25 feet from the rear property line, leaving no room to add a deck to the rear of the house.

- 3. The variance, if granted, will not alter the essential character of the locality.**

Decks, covered and uncovered are common in the Manor of Fairwood Hills and other O'Fallon subdivisions. Hypothetically, if two neighbors were to construct a covered deck in the side yard, both could be built to within 10 feet of the shared property line. Additionally, an accessory structure can be constructed to within 3 feet of the rear and side property lines. In this case, the deck as proposed would be setback 12 feet from the rear property line and would not alter the essential character of the locality.

Staff Recommendation

In light of the facts of the case and the unique nature of Lot 68 of the Manor of Fairwood Hills, staff recommends the variance request be granted, subject to the decision of the Zone Hearing Officer.

Attachments

- a) Petition for Area-Bulk Variance Application
- b) Narrative Letter from Bart Donnell, Applicant
- c) Letter of opposition from Jim Milleville, neighbor
- d) Aerial Map
- e) Site Photos

RECEIVED SEP 25 2014

Updated March 11, 2014



PETITION FOR AREA-BULK VARIANCE

Community Development Department, O'Fallon City Hall
255 South Lincoln Avenue, 2nd Floor
O'Fallon, IL 62269 Phone (618) 624-4500 Ext. 4

SEP 25 2014

Variance Request No. 2102014-09
Date: 9-25-14

DATE PAID

Date set for hearing: Oct 28, 2014 (Do not write in this space -- For office use only)
Date hearing held: _____
Newspaper: _____
Action by Zoning Hearing Officer: _____

Perm. Parcel No. 04 - 19 - 213 - 006
Fee paid: \$ 225.00 Date: 9-25-14
Building Permit App. No. BP2014-0312
Comments: (indicate other actions such as continuances)

() Denied
() Approved
() Approved with modification

INSTRUCTIONS TO APPLICANTS: All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Community Development Department for any assistance needed in completing this form.

- Name of property owner(s): BART T. DONNELL Phone: 618 210 6501
Mailing address: 241 Field Spring CT E-Mail: bdonnell@dtidental.com
- Applicant's name: BART T. DONNELL Phone: 618 210 6501
Mailing address: 241 Field Spring CT E-Mail: bdonnell@dtidental.com
- Property interest of applicant (Owner, Contractor, etc.): Owner
- With respect to any portion of these premises, a previous appeal or petition for variance was made:
(☒) No. () Yes. If "yes", list all previous appeals and/or petitions, giving dates:

- Address of property: 241 Field Spring CT O'Fallon IL
Present use of property: Single Family Parcel (Tax) ID #: _____ Zone District: _____
- Do the existing structures comply with all area and bulk regulations for the zone district in which it is located? (☒) Yes () No
If "no", specify each non-conforming condition:

7. Variance requested: Construction of hardship request increase in percentage of lot coverage for covered/open deck to extent into the 25 ft rear yard setback. The HOA Review the plans and approved the project

- Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition?
(☒) Yes. () No. If "no", how many other properties are similarly affected? _____
- A sketch plan (drawn to approximate scale) shall be shown on the reverse side or may be attached showing the following:
 - Dimensions of the zoning lot;
 - Dimensions and use of all buildings;
 - Location of proposed use requiring a variance;
 - Any additional information as may be reasonably required by the Community Development Department.

10. A use variance is requested for the property described above in conformity with the documents submitted herewith.

I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent that the entry in or upon the premises described in this application by any authorized official of O'Fallon, Illinois for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Date: 9.25.14

Signature of Applicant:

Date: 9.25.14

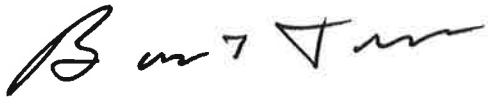
Signature of Owner:

Variance Request

September 25th, 2014

I am respectfully requesting hardship variance for a covered/open deck which would increase the lot coverage into the 25ft rear setback. The property line is an unusual angle and the rear of the home faces west so from noon till sunset the patio is unusable due to the extreme temperatures, this also heats the home up by about 10 degrees, a covered deck would allow us to use the back patio and increase the energy efficiency of the home, I believe this will increase the property value and tax base of the property.

Thank you for the consideration



BANT T. DONNELL

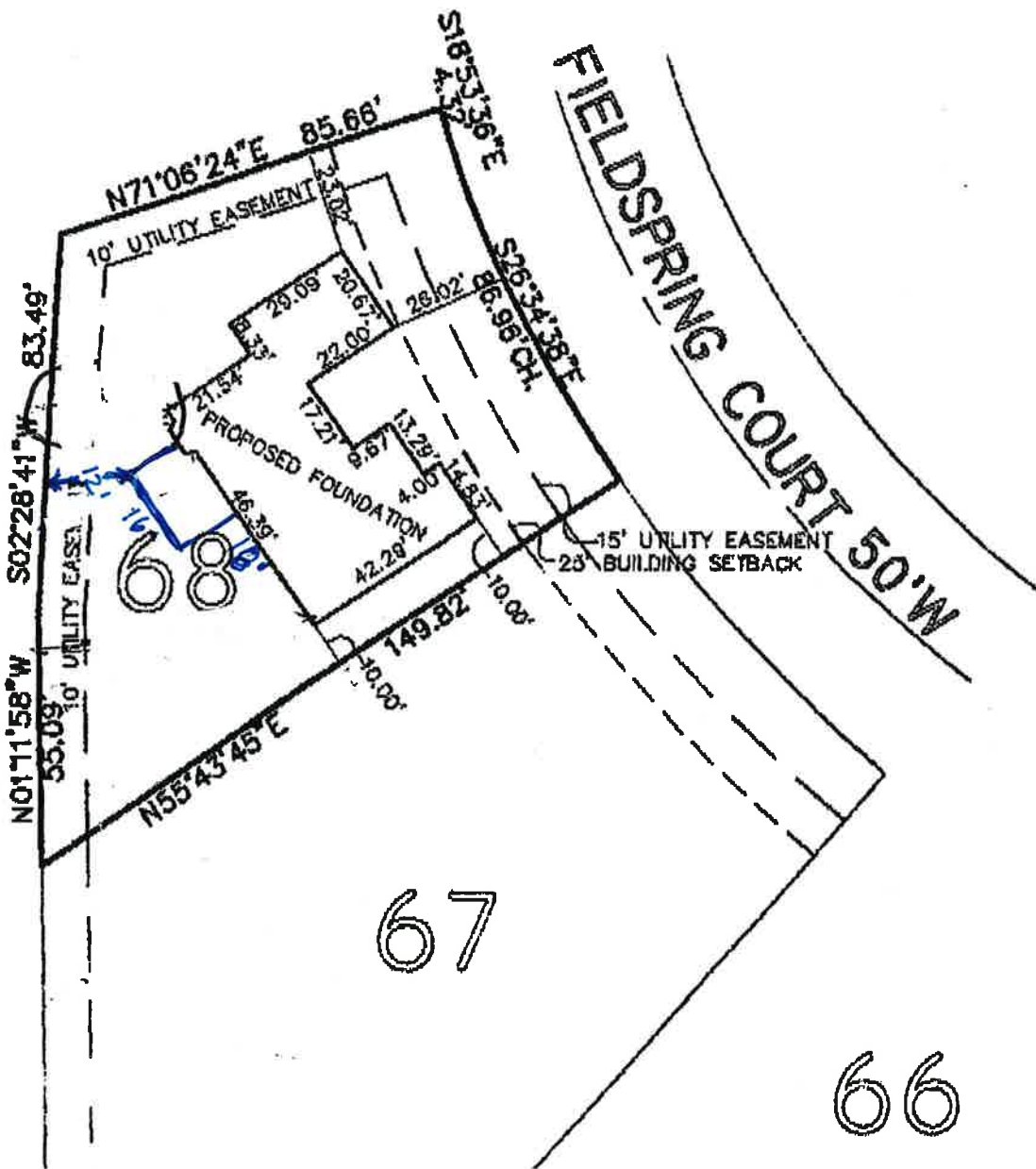
Also The HOA had the plans submitted and
The board approved the project

KOCH AND ASSOCIATES
414 BELT LINE ROAD
COLLINSVILLE, ILLINOIS 62234

241 Field Springs

PLOT PLAN OF LOT 68 OF THE THIRD ADDITION
TO THE MANORS AT FAIRWOOD HILLS
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

OK MTF



Vicki Evans

Letter of Opposition

From: Anne Stevenson
Sent: Tuesday, October 14, 2014 11:13 AM
To: Vicki Evans
Subject: FW: Set back at 241 Fieldspring Court

Please add this to the file. I'll let him know he can come the hearing if he wants.

Anne Stevenson
Assistant City Planner
City of O'Fallon, Illinois
618-624-4500 X4
astevenson@ofallon.org

From: Jim Milleville [<mailto:jmilleville@stclairfs.com>]
Sent: Tuesday, October 14, 2014 11:10 AM
To: Anne Stevenson
Subject: Set back at 241 Fieldspring Court

Ann Stevenson,

I am writing to let you know that I strongly oppose the variance that has been petitioned for at 241 Fieldspring Court, Ofallon Illinois. I own the property at 309 W. Deercreek Rd. Ofallon , Il. Which backs up adjacent to 241 Fieldspring Court. In my opinion the houses would be too close together and would make the backyard space be cramped.

Thank You
Jim Milleville

ZHO2014-09: 241 Fieldspring Court - Aerial Map



Provided by East-West Gateway Council of Governments, Imagery
flown by SURDEX



Subject
Property

0 20 40 80 120 Feet



O'Fallon
ILLINOIS

ZHO 2014-09: Site Photos
241 Fieldstream Court

