

**MINUTES  
CITY OF WOODSTOCK  
ZONING BOARD OF APPEALS  
September 14, 2015  
City Council Chambers**

**CALL TO ORDER:** A meeting of the City of Woodstock Zoning Board of Appeals was called to order at 7:05 p.m. by Vice Chairman Pat Shea on Monday, September 14, 2015 in the Council Chambers of Woodstock City Hall, 121 West Calhoun Street, Woodstock. A roll call was taken.

**COMMISSION MEMBERS PRESENT:** Richard Bellairs, Timothy Huffar, Howard Rigsby, Patrick Shea

**COMMISSION MEMBERS ABSENT:** John Schuh, Thomas Tierney, Lawrence Winters

**STAFF PRESENT:** City Planner Nancy Baker

**II. APPROVAL OF MINUTES:**

Motion by H. Rigsby, second by R. Bellairs, to approve the minutes of the August 10, 2015 meeting of the Zoning Board of Appeals as presented. Ayes: Richard Bellairs, Timothy Huffar, Howard Rigsby, Patrick Shea, Nays: None. Absent: John Schuh, Thomas Tierney, Lawrence Winters. Abstentions: None. Motion carried.

**III. PUBLIC COMMENT:**

There was no comment from the public.

**IV. PUBLIC HEARING—839 N. Madison Street—Variation of side yard setback to allow construction of an attached garage**

Vice Chairman Shea opened the public hearing for 839 N. Madison and swore in petitioner Carol Gardner, 839 N. Madison Street, Marc McLaughlin (the petitioner's son in law) and Toni McLellan who resides at 841 N. Madison Street.

Mrs. Gardner described her property using a series of photographs. The first photo shows the existing garage and the proximity of her neighbor's driveway; the second and third photos show the existing garage and north side of her house; the other photos show a porch, mature walnut tree, extensive landscaping including water features, and the elevation change to the south and west of her house.

The motivation for request is two-fold—she wants to expand from a one car garage to at two car garage and she would like an attached garage so she does not have to worry about falling on the ice.

Mrs. Gardner said that the existing garage was constructed in the early 1900s and is 3 feet from the side lot line and the new garage will also be 3 feet from the lot line.

H. Rigsby asked if the old garage will be taken down. Mrs. Gardner responded that she originally intended to use the existing foundation, but the existing footing does not meet building codes so the entire garage will be demolished.

R. Bellairs asked for confirmation that the new attached garage will not be any closer to the lot line than the existing detached garage.

Marc McLaughlin stated that the new wall will be in the same location as the existing north garage wall. They originally planned to keep the existing garage and use three walls in the new construction. The only impact will be toward the petitioner's home.

Mr. McLaughlin explained that the existing garage is between 3.48' and 3.15' from the lot line according to the plat of survey. The variation request of 3.0 feet is simply to allow for a slight margin of error in placing the footings.

R. Bellairs asked City Planner Nancy Baker if the existing 3' setback for a detached garage is non-conforming. Ms. Baker responded that the current zoning regulations require a side yard setback of 3 feet for accessory structures so the existing garage does conform to the ordinance.

Vice Chairman Shea asked why they could not shrink the size of the garage to meet the setback for attached garages. Mrs. Gardner replied that anything less would not give her a two car garage and the zoning ordinance requires a two car garage for a house that is the size of her house.

T. Huffar asked if the garage could be located on the south side of the house. Mrs. Gardner said that this was not conducive with the floor plan of the house and that because of the elevation difference it would require construction of several steps up from the garage into the house. Mr. McLaughlin further explained that the property [on the south side of the house] drops off and would have to be built up for the garage.

T. Huffar asked about the shed which is located southwest of the house. Mrs. Gardner said that the shed was constructed for storage because the existing garage is so small. The shed will remain.

Toni McClellan, 841 N. Madison Street, stated that she resides in the house next to the garage in question and from her standpoint, she feels that nothing will change. She does not think the variation will impact her residence and does not object to it being granted.

There being no further comments, Vice Chairman Shea closed the hearing at 7:23 p.m. and the Zoning Board members completed the Findings of Fact. A copy of the Findings of Fact is attached to these minutes.

Motion by H. Rigsby, second by T. Huffar to approve the variation of UDO Section 7A.3, Bulk and Area Standards and Table 7A.2 to allow the construction of an attached garage within 3 feet of a side lot line.

Ayes: Richard Bellairs, Timothy Huffar, Howard Rigsby, Patrick Shea, Nays: None. Absent: John Schuh, Thomas Tierney, Lawrence Winters. Abstentions: None. Motion carried.

Motion by T. Huffar, second by R. Bellairs to adjourn the meeting. Ayes: Richard Bellairs, Timothy Huffar, Howard Rigsby, Patrick Shea, Nays: None. Absent: John Schuh, Thomas Tierney, Lawrence Winters. Abstentions: None. Motion carried and the meeting adjourned at 7:29 p.m.

Respectfully submitted,

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Nancy Baker, City Planner

**FINDINGS OF FACT—839 N. Madison Street**

The Zoning Board of Appeals shall complete the enclosed form, which will be included with the Findings of Fact Report submitted to the City Council.

**Request: Variation from the provisions of the Woodstock Unified Development Ordinance, Section 7A.3, Bulk and Area Standards, and Table 7A.2 to allow construction of an attached garage within 3 feet of the side lot line.**

<b>Section 7.3.5 states that the Board may determine and recommend to the City Council a variation of the regulations of Ordinance when it finds:</b>	<b>Yes or No</b>	<b>Comments</b>
1. The particular surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;	<b>All yes</b>	
2. The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property with the same zoning classification;	<b>All yes</b>	
3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Ordinance;	<b>All yes</b>	
4. The alleged difficulty or hardship is caused by the application of this Ordinance and has not been created by any person presently having an interest in the property;	<b>All yes</b>	
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located;	<b>All yes</b>	
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values with the adjacent neighborhood;	<b>All yes</b>	
7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or buildings of the same district.	<b>All yes</b>	

