

Docket No. 2024-026

203 North Glenwood Avenue

Amended Petition for Zoning Variances

- Allow the lot to be 40 feet instead of 50, and for minimum lot area per dwelling
- Allow for 2 duplex dwelling units in the same lot for 4, rather than 3 residences
- Allow for smaller size of parking spaces, and graveled lots rather than paved

Historic Westside Neighborhood Association (HWSNA)

Objection

The Historic Westside Neighborhood Association (HWSNA) is **Opposed to this petition**. We join with the complainant that prompted this petition, together with the other nearby property owners in the formal Objection to this petition.

The HWSNA supports the recommendation of **Denial of the Petition by the Springfield Planning & Zoning Commission on July 20, 2024**, which determined that small 40-foot has been too intensive with the development and use of the lower level of the garage for an additional 4th residence.

- 1) The addition of the 4th residence stretched the use of the property well beyond its capacity, especially on Ruth Avenue that is practically an alley, and especially given the limited space for parking.
- 2) The City Traffic Engineer and the staff report of the Springfield-Sangamon County Regional Planning Commission raised significant concerns about the requested parking variances, given the limited spaces that would become graveled parking areas.
- 3) The petitioner failed to provide a satisfactory parking plan given the narrow on-street capacity, the condition of Ruth Avenue, and the existence of large tree that limits the addition of more parking spaces.
- 4) I previously objected to the development of this property in 1996 for a use that was improper and inconsistent with uses in the surrounding neighborhood. The report of the Springfield-Sangamon County Regional Planning Commission noted in 1996 that the prior petition was not in compliance with the City Comprehensive Plan, because it was a more intensive use than recommended for the area.
- 5) The Springfield Planning & Zoning Commission unanimously denied that 1996 petition to convert the upper level of the garage to a single residence, but the City Council subsequently granted a variance to allow that development.

- 6) Since 1996, the lower level of the "garage" was subsequently and illegally developed as an additional residence. That addition was not authorized, but its improper use has continued and this petition requests a variance that compounds the fact that this 40-foot lot is simply too small for such an intensive use.
- 7) We are particularly concerned that this intensive use of the property may be difficult to maintain as tenancy and ownership changes over time.
- 8) I testified in 1996 that the precedent by that prior variance for the 3rd residence could lead to additional improper projects "... being undertaken and then petitions filed after the fact to allow non-permitted uses" In fact, that precedent under the prior petition in 1996 underscores the validity of our concern at that time, especially in relation to the claim that this current petitioner was "... unaware that it (203 N. Glenwood Avenue) was not properly zoned ...".
- 9) The lack of awareness about the illegal use should not be excused so that it can continue to be used for 4, rather than the 3 authorized residences. Given the extraordinary use of the property, the owner should have verified the zoning issue prior to purchase and long before this time. The use of the garage for 2 residences was clearly unusual and should have been an obvious issue for any prospective buyer.
- 10) This petition exemplifies the problems inherent in the approval of variance limitations that may not be enforced over time as property ownership and tenancy changes.
- 11) The Historic Westside Neighborhood Association has raised similar concerns about other properties involving the use of added garage residences that were used improperly. The HWSNA opposed a similar variance in an earlier case on South Glenwood Avenue that was also denied in part due to complaints of nearby residents about unruly tenants, limited parking, and property degradation.
- 12) The previous variance in 1996 stretched the limit of the 40-foot lot well beyond its capacity with the 3 residences and related parking. Its use for 4 residences stretched it even further beyond that capacity, especially with respect to the narrowness of Ruth Avenue on the Southside of the property.

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