



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: June 23, 2003

SUBJECT: ZBA 03-MAJ-4: (Request to allow a reduction of the front yard setback from 15 foot to two-foot, two inches along Anderson Street in the R-3, Single and Two-Family Zoning District -- 701 E. California Avenue)

Introduction

The petitioners, Steven Friend and Cuc Bui, request to reduce the front yard setback from 15 foot to two-foot, two inches. The request to encroach into the required front yard on Anderson Street is to allow for expansion of an existing garage at 701 E. California Avenue in Urbana's R-3, Single and Two-Family Zoning District. They wish extend their existing garage to the south, adding and additional 256 square feet of area. The current garage is a legally-nonconforming structure; the proposal is an 85% decrease of the required front yard. The request is classified as a major variance by the Urbana Zoning Ordinance, and requires Zoning Board of Appeals approval.

Background

Description of the Site

The site is located on the southeast corner of the intersection of East California Avenue and Anderson Street (see attached maps). The lot is 8,090 square feet in area and contains a one-story house of approximately 1,000 square feet. The residence faces north onto East California Street and has a detached garage located on the west side of the lot. The back yard currently consists of about 4,300 square feet of garden and open space, the front yard has 400 square feet of open space. Construction of the proposed addition would still allow the floor area ration (FAR) and Open Space Ratio requirements to be easily met. The subject property is primarily surrounded by single-family residential uses.

Discussion

The requested variance comes as a result of the desire by the petitioners to extend their existing garage. The petitioners indicated that the 256 square foot garage addition would be built similar to the sketch submitted with the variance application.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and City Council to make findings based on variance criteria. At the April 16, 2003 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The practical difficulty relates to the location of the garage on the lot. The neighborhood design is of an older traditional neighborhood. Surrounding homes in the neighborhood are typically built on lots smaller than the size of a modern standard lot. The existing shallow setback of the older garage does not allow the petitioners to simply extend the garage and be in accordance with current zoning regulations.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

Considering the small size of the lot and its current configuration of existing structures, the variance would not serve as a special privilege; the petitioners could not build a garage addition with both the requested dimensions and comply with current regulations without putting the addition in the middle of their backyard.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.

4. *The variance will not alter the essential character of the neighborhood.*

The variance should not detract from the essential character of the neighborhood. The requested increase of front yard encroachment should not significantly disrupt the existing setback line along the block as the proposal is to add an addition with the same setback as an existing structure.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance should not cause a nuisance to adjacent properties.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

Given the size of their lot, the configuration of the home and the garage, it is the desire of the petitioners to add additional garage space as depicted in the application. The petitioners are only requesting the minimum deviation from the requirements so that they can expand their garage using the existing setback line.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting this denial.

Recommendation

Based on the findings outlined herein, the **Zoning Board of Appeals voted 4-0 to forward the variance request to the Urbana City Council with a recommendation for approval to allow the petitioners a two foot, two inch front yard setback along Anderson Street, to construct an addition to an existing garage.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance as requested.

Attachments: Proposed Ordinance
Draft Minutes of June 18, 2003 ZBA Public Hearing
Exhibit A: Location Map
Photo Exhibit
Petitioners' Site Plan (not available in digital format)

Prepared by:

Michaela Bell, Planner

c: Steve Friend & Cuc X. Bui, 701 E. California, Urbana

ORDINANCE NO.2003-07-067

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to allow a reduction of the front yard setback from 15 feet to two-foot two inches along Anderson Street in the R-3, Single and Two-Family Zoning District -- 701 E. California Avenue, Case No. ZBA-03-MAJ-4)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioners, Steve Friend and Cuc X. Bui, have submitted a petition requesting a major variance to allow a reduction in the front yard setback along Anderson Street from 15 feet to two foot, two inches in Urbana's R-3, Single and Two-Family Zoning District, at 701 East California Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on June 18, 2003 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance to the City Council, to allow a front yard setback reduction along Anderson Street, from 15 feet to two foot, two inches to allow expansion of an existing garage; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance as requested:

1. The practical difficulty relates to the location of the garage on the lot. The neighborhood design is of an older traditional neighborhood. Surrounding homes in the neighborhood are typically built on lots smaller than the size of a modern standard lot. The existing shallow setback of the older garage does not allow the petitioners to simply extend the garage and be in accordance with current zoning regulations.
2. Considering the small size of the lot and its current configuration of existing structures, the variance would not serve as a special privilege; the petitioners could not build a garage addition with both the requested dimensions and comply with current regulations without putting the addition in the middle of their backyard.
3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
4. The variance should not detract from the essential character of the neighborhood. The requested increase of front yard encroachment should not

significantly disrupt the existing setback line along the block, as the proposal is to add an addition with the same setback as an existing structure.

5. The variance should not cause a nuisance to adjacent properties.

6. Given the size of their lot, the configuration of the home and the garage, it is the desire of the petitioners to add additional garage space as depicted in the application. The petitioners are only requesting the minimum deviation from the requirements so that they can expand their garage using the existing setback line.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Steven Friend and Cuc X. Bui, in Case #ZBA 03-MAJ-4 is hereby approved to allow a reduction in the front yard setback along Anderson Street from 15 feet to two foot, two inches to construct an addition to an existing legally-nonconforming garage; at 701 East California Avenue, R-3, Single and Two-Family Zoning District, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 701 East California Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Webber Addition, Lot 4, Block 4

PERMANENT PARCEL #: 92-21-16-156-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2003.

PASSED by the City Council this _____ day of _____, 2003.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2003.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to allow a reduction of the front yard setback from 15 feet to two-foot two inches along Anderson Street in the R-3, Single and Two-Family

Zoning District -- 701 E. California Avenue, Case No. ZBA-03-MAJ-4) which

provided by its terms that it should be published in pamphlet form. The

pamphlet form of Ordinance No. _____ was prepared, and a copy of such

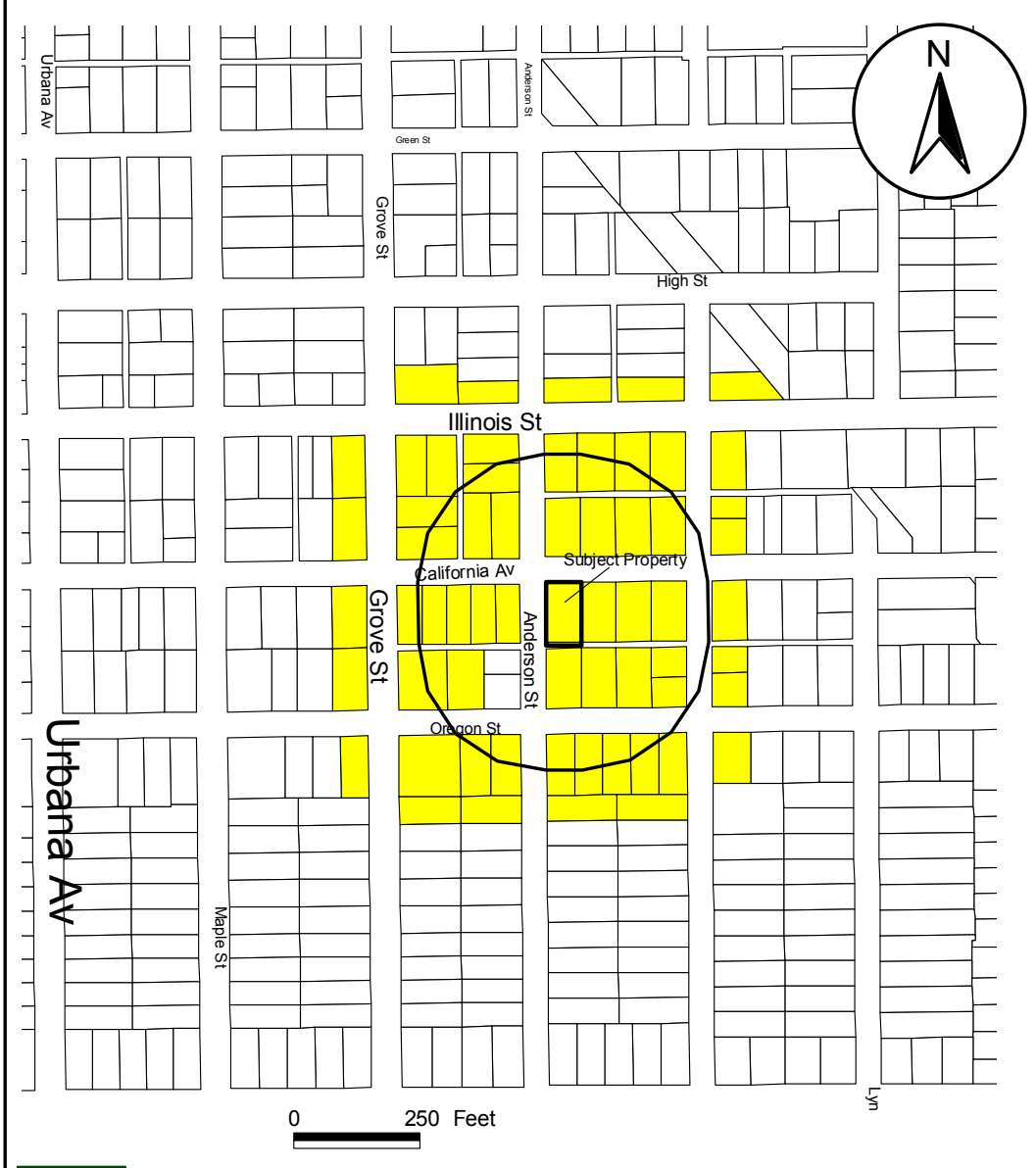
Ordinance was posted in the Urbana City Building commencing on the _____

day of _____, 2003, and continuing for at least ten (10) days

thereafter. Copies of such Ordinance were also available for public

inspection upon request at the Office of the City Clerk.

Exhibit "A": Location Map



ZBA-03-MAJ-04 Major Variance
Petitioner: Steven Friend & Cuc Bui
701 E. California Street
Reduction in FY Setback

Prepared May 27, 2003 by Community Development Services - JE

EXHIBIT F: Site Photos

ZBA 03-MAJ-4
701 E. California Avenue
Request to reduce the front yard setback
from 15 ft. to two-foot, two inches



Facing North



Facing Northeast



Facing South



Facing East

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: June 18, 2003

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Herb Corten, Anna Merritt, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Paul Armstrong, Darwin Fields, Joe Schoonover

STAFF PRESENT: Tim Ross, Senior Planner; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: Catherine Conuor, James Kuypers, Steve Friend

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:56 p.m. The roll call was taken, and a quorum was declared present.

***Note:** Chair Merritt mentioned that Tim Ross, Senior Planner, was leaving the City of Urbana to move to New York. Everyone wished him “Good Luck”.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the April 16, 2003 meeting were presented. Mr. Corten moved to approve the minutes as amended. Mr. Welch seconded the motion. The minutes were then approved as amended by unanimous vote.

Chair Merritt swore in members of the public audience who were interested in speaking during the public portions of the hearings.

4. WRITTEN COMMUNICATIONS

- ✓ Zoning Board of Appeals 2002 Annual Report

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-MAJ-04: Request to reduce the front yard setback from 15 feet to 2-feet, 2-inches at 701 East California Avenue in Urbana’s R-3, Single and Two-Family Residential Zoning District.

Michaela Bell, Planner, presented this case to the Zoning Board of Appeals. She introduced the case by giving a brief description of the site and of the surrounding properties. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as they pertained to this case. She read the options of the Zoning Board of Appeals and noted staff’s recommendation, which was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Zoning Board of Appeals recommend approval of this case as requested to the Urbana City Council.

Mr. Corten moved that the Zoning Board of Appeals recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in the staff memo. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Ross reported on the following:

- ✓ **ZBA-03-MAJ-03** regarding an unenclosed porch at 605 East Green Street was approved by unanimous vote at City Council.
- ✓ **ZBA-03-MAJ-02** was tabled so that the findings could be modified. It was eventually approved by City Council with a vote of 5-2.
- ✓ **Next scheduled meeting** is set for Wednesday, July 16, 2003 pending cases.
- ✓ **2002 Annual Report** was placed on the dais for each Zoning Board member. This is a copy of the final report.
- ✓ **The American Planning Association** awarded the City of Urbana with a Chapter Honorable Mention Award in the Plan category for the “City of Urbana Comprehensive Plan Update – Public Participation Process”.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Tim Ross, Senior Planner
Urbana Zoning Board of Appeals