

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director

DATE: May 3, 2007

SUBJECT: **ZBA 2007-MAJ-04** Request to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.

Introduction

This is a request from Habitat for Humanity of Champaign County for a major variance to allow a two-foot encroachment into the required 5-foot side yard setback in order to allow for construction of a 26-foot wide house on a 33-foot wide lot. Habitat for Humanity of Champaign County is a non-profit organization that assists in creating affordable housing for low-income families. One of their activities is to locate suitable sites to construct affordable single-family homes that will be owner occupied. The subject property is a 33-foot wide half-width lot in the King Park Neighborhood. Habitat for Humanity plans to build an affordable, owner-occupied home which is 26 feet wide on this parcel. According to the petitioner, a variance is necessary because they cannot build a home on the lot within the required setbacks. In a related case, the Zoning Board of Appeals granted a minor variance at their meeting on April 18, 2007, to allow a one-foot encroachment into the side yard on the west property line.

The original full-sized lot at 1306 Dublin was split in half some time before 1920. There were houses on both halves until 1978. At that time, the City purchased the lot with Community Development Block Grant funds and demolished the house, which had deteriorated significantly. The lot has been vacant since that time and it is currently posted to indicate that dumping is prohibited.

The variance request on the east side is a major variance, since it deviates more than 25% from the Zoning Ordinance requirements. Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be granted the Zoning Board of Appeals must recommend approval of the petition by a two-thirds majority vote of members present and voting and forward it to City Council for final approval. The Zoning Board met on April 18, 2007, and voted unanimously to forward this case onto City Council with a recommendation to approve the major variance.

Discussion

Habitat for Humanity is planning for what it calls their "2008 Home Builders Blitz". The City has assisted Habitat in identifying and donating parcels upon which they may build affordable, owner-occupied housing. The City currently owns the lot in question, which will be conveyed to Habitat for

Humanity if it is able to be built upon. Habitat also plans to build another home on the same block. Their strategy is to build multiple homes in close proximity at the same time to save on building costs. This project is one of the affordable housing projects in the City's Annual Action Plan.

The lot in question is 33 feet wide and 132 feet long with an area of 4,356 square feet. For comparison, the Urbana Zoning Ordinance requires newly created lots in the R-2 District to be 60 feet wide and at least 6,000 square feet in area. The petitioners propose to build a 1,100 square foot one-story house, on a slab foundation, with three bedrooms, and one-and-a-half baths. The Urbana Zoning Ordinance requires that the side yard setback in the R-2 zone be at least 5 feet wide. On a 33-foot wide lot, this leaves only 23 feet of width upon which to build. Habitat for Humanity's narrowest home is 26 feet wide. In order to build the proposed home, the house would encroach a total of three feet into the combined side yards. All other set backs and Floor Area Ratio and Open Space Ratio requirements will be met, and the home will conform to Urbana's Visitability Ordinance. Habitat for Humanity homes do not have a garage; driveway access would be provided in the rear from the public alley.

Another factor to consider is a restriction imposed by Urbana's Building Code. Under the code, a house built within three feet of the property line may not have windows in that wall. Since the proposed house would have windows on both side walls, it may not encroach more than two feet into either side yard. The requested variance allows for a four-foot side yard on the west side and a three-foot yard on the east. The west yard is proposed to be wider because the adjacent home is directly on the western property line, as shown in Exhibit "D".

While there are no provisions for reducing the required side yards for a mid-block lot in the Urbana Zoning Ordinance, there is a provision under Section VI-5.E.2 of the Ordinance (page 53) under the heading *Multiple Frontage Lots*, which states:

2. Except for common-lot-line dwelling units, which may have a buildable width of 20 feet as provided in Section V-9 of this Ordinance, **the provision of required side yards shall not reduce the buildable width of a lot to less than 30 feet**, except that a required relation to the height of the building, as provided in Table VI-1 and in Section VI-5, the buildable width of the lot may be reduced to less than 30 feet, as may be necessary in order to provide the yards as required in relation to the building height.

Although this paragraph does not apply to the case in question, it does imply that providing a buildable lot width is as important as providing an adequate side yard setback.

There is justification for the variance because the lot is nonconforming and would otherwise continue to be vacant. Providing owner-occupied, affordable housing is a good use for this lot, since it is unlikely to be developed by a for-profit developer. Replacing a vacant lot with a house will serve to reduce blight in the neighborhood. Providing owner-occupied, affordable housing will further serve the goals of the City's Consolidated Plan and Comprehensive Plan.

The following goals and objectives from the Comprehensive Plan are related to this case:

Goal 18.0 Promote infill development.

Goal 39.0 Seek to improve the quality of life for all residents through community development programs that emphasize social services, affordable housing and economic opportunity.

Goal 40.0 Make affordable housing available for low-income and moderate-income households.

Objectives

40.I Promote strategies identified in the Consolidated Plan to provide additional affordable housing opportunities in Urbana-Champaign.

Zoning Board of Appeals Discussion

At their April 18, 2007 meeting, the Zoning Board of Appeals reviewed the case and voted 4 ayes to 0 nays to recommend approval of the request to the City Council. The Board also voted 4 ayes to 0 nays to approve a minor variance for an encroachment into the opposite side yard in a related case. A decision sheet outlining the Board’s findings is attached in Exhibit “G”.

Variance Criteria

Section XI-3.C.2 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria (*in italics*), followed by staff analysis for this case:

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 is that the lot in question is only 33 feet wide, and to allow the required 5 foot side yards yields a buildable area only 23 feet wide. Very few homes can be built in such a narrow area.

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.*

The variance is not a special privilege because the lot in question is one of many half-width lots in the neighborhood. The other half-lots all have existing homes built within the required side yard. Also, the petitioner needs the variance to build a house which is the same use as most lots in the zoning district.

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

This 33-foot wide lot has existed since before the Zoning Ordinance was first enacted and the situation was not created by the applicant.

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

The requested decrease of the side yard setbacks should not detract from the essential character of the neighborhood. This variance will facilitate the construction of a house with an orientation toward Dublin Street that will reinforce the established character of the neighborhood. The home will be approximately the same size and mass of other homes in this older residential neighborhood. There is another pair of half-lots with homes built on them less than one block away.

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

The requested variance should not cause a nuisance to adjacent properties. The home to the east is set back at least ten feet from the property line. The home to the west appears to be located directly on the property line, but the proposed house will be at least four feet away.

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

The petitioner is only requesting the minimum deviation from the requirements so that they can accommodate a 26 foot wide house, which is the minimum width of Habitat homes.

Findings

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 2 feet into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
5. The requested variance would help to fulfill the affordable housing goals of the City's 2005-2009 Consolidated Plan as well as the 2005 Comprehensive Plan.
6. The property is well suited for the proposed use.
7. The Zoning Board of Appeals granted a minor variance for this property to allow an encroachment into the opposite side yard.

Options

The City Council has the following options in case no. ZBA-07-MAJ-04:

- a. The City Council may approve of the variance as requested based on the findings outlined in this memo; or
- b. The City Council may approve of the variance along with certain terms and conditions. If the City Council elects to impose conditions or approve the variance on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The City Council may deny the variance request. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

Based on the findings outlined herein, the Urbana Zoning Board of Appeals recommends that the City Council **APPROVE** the proposed Major Variance in case ZBA 07-MAJ-04. Staff concurs with this recommendation.

Prepared by:

Jeff Engstrom
Planner I

Exhibits

- A: Location Map
- B: Zoning Map
- C: Aerial Map
- D: Site Diagram
- E: Application for Major Variance
- F: Minutes from April 18, 2007 ZBA Meeting
- G: Decision Sheet

Cc: Eileen Gebbie, Director
Habitat for Humanity of Champaign County
119 E University Ave
Champaign IL 61824

ORDINANCE NO. 2007-05-036

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Reduction in the East Side Yard Setback from 5 feet to 3 feet in the R-2, Single-Family Residential Zoning District / 1306 W. Dublin Street - Case No. ZBA-2007-MAJ-04)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the potential owner of the subject property, Habitat for Humanity of Champaign County, has submitted a petition requesting a major variance to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-04; and

WHEREAS, a minor variance was granted for the same property by the Urbana Zoning Board of Appeals in a related Case #ZBA-2007-MIN-01; 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 April 18, 2007 and voted 4 ayes and 0 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have 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 Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 2 feet into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
5. The requested variance would help to fulfill the affordable housing goals of the City's 2005-2009 Consolidated Plan as well as the 2005 Comprehensive Plan.
6. The property is well suited for the proposed use.
7. The variance is not a special privilege because the lot in question is one of many half-width lots in the neighborhood. The other half-lots all have existing homes built within the required side yard.
8. The requested decrease of the side yard setbacks should not detract from the essential character of the neighborhood. This variance will facilitate the construction of a house with an orientation toward Dublin Street that will reinforce the established character of the neighborhood. The home will be approximately the same size and mass of other homes in this older residential neighborhood.
9. The petitioner is requesting the minimum deviation from the requirements so that they can accommodate a 26 foot wide house, which is the minimum width of Habitat homes.

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

The major variance request by Habitat for Humanity of Champaign County, in Case #ZBA-2007-MAJ-04, is hereby approved to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1306 West Dublin Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The east 33 feet of Lot 8 in Block 14 in Seminary Addition to Urbana as per plat recorded in Deed Record "Y" at page 208, situated in Champaign County, Illinois.

PERMANENT PARCEL NO: 91-21-07-256-010

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 Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the ____ day of _____, 2007.

PASSED by the Corporate Authorities this ____ day of _____, 2007.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

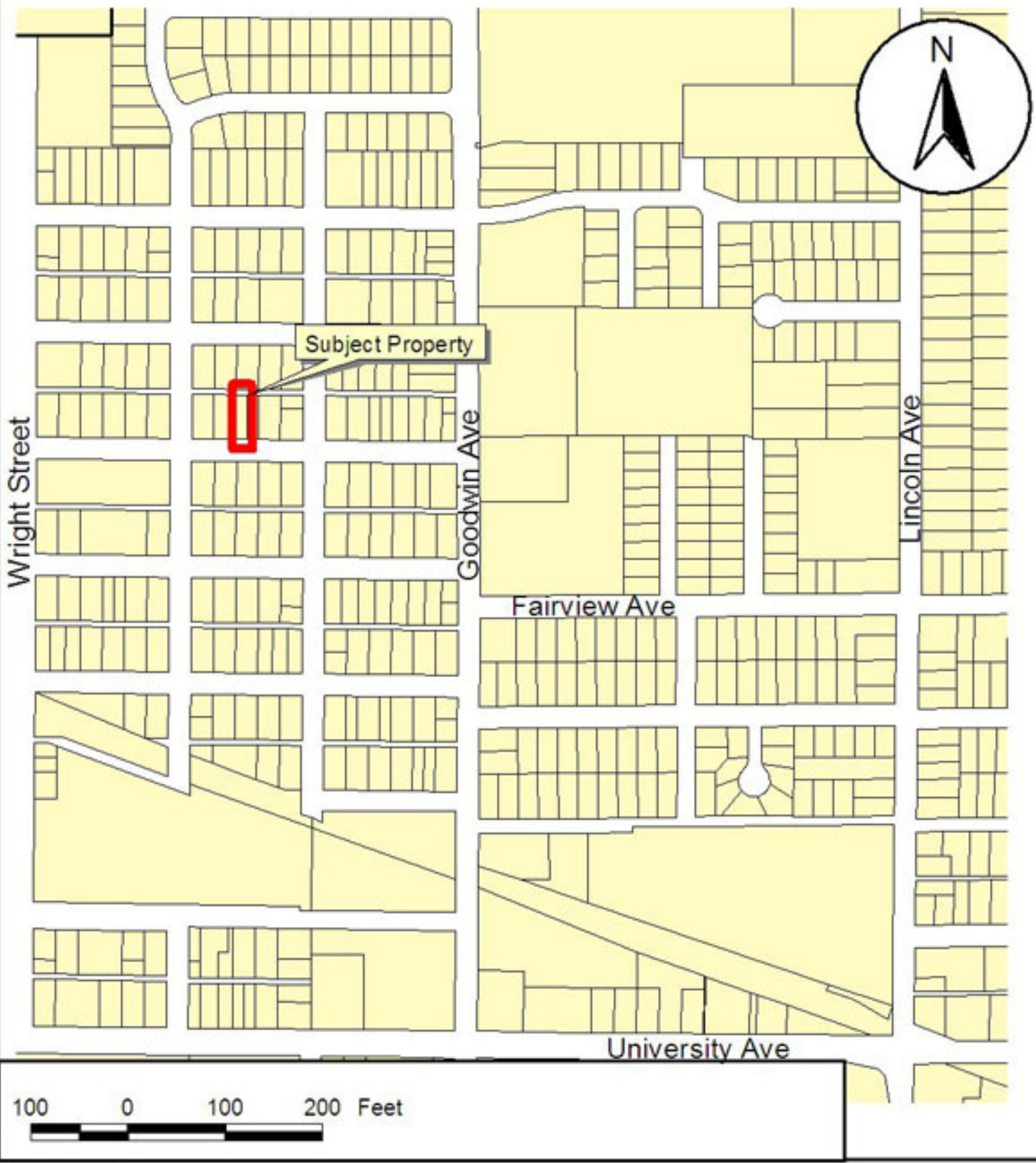
APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

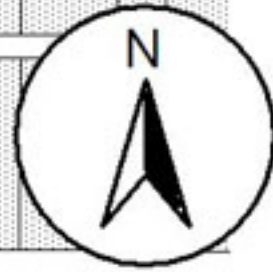
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (A request to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District. 1306 W. Dublin Street / Case No. ZBA-2007-MAJ-04)" 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 _____, 2007, 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 Case: 2007-MAJ-04, 2007-MAJ-05
Petitioner: Habitat for Humanity
Location: 1306 Dublin St
Description: Encroachment into Side Yards

Exhibit B: Zoning Map



Beech St

Subject Property

Romine St

Dublin St

Matthews Av

100 0 100 200 Feet



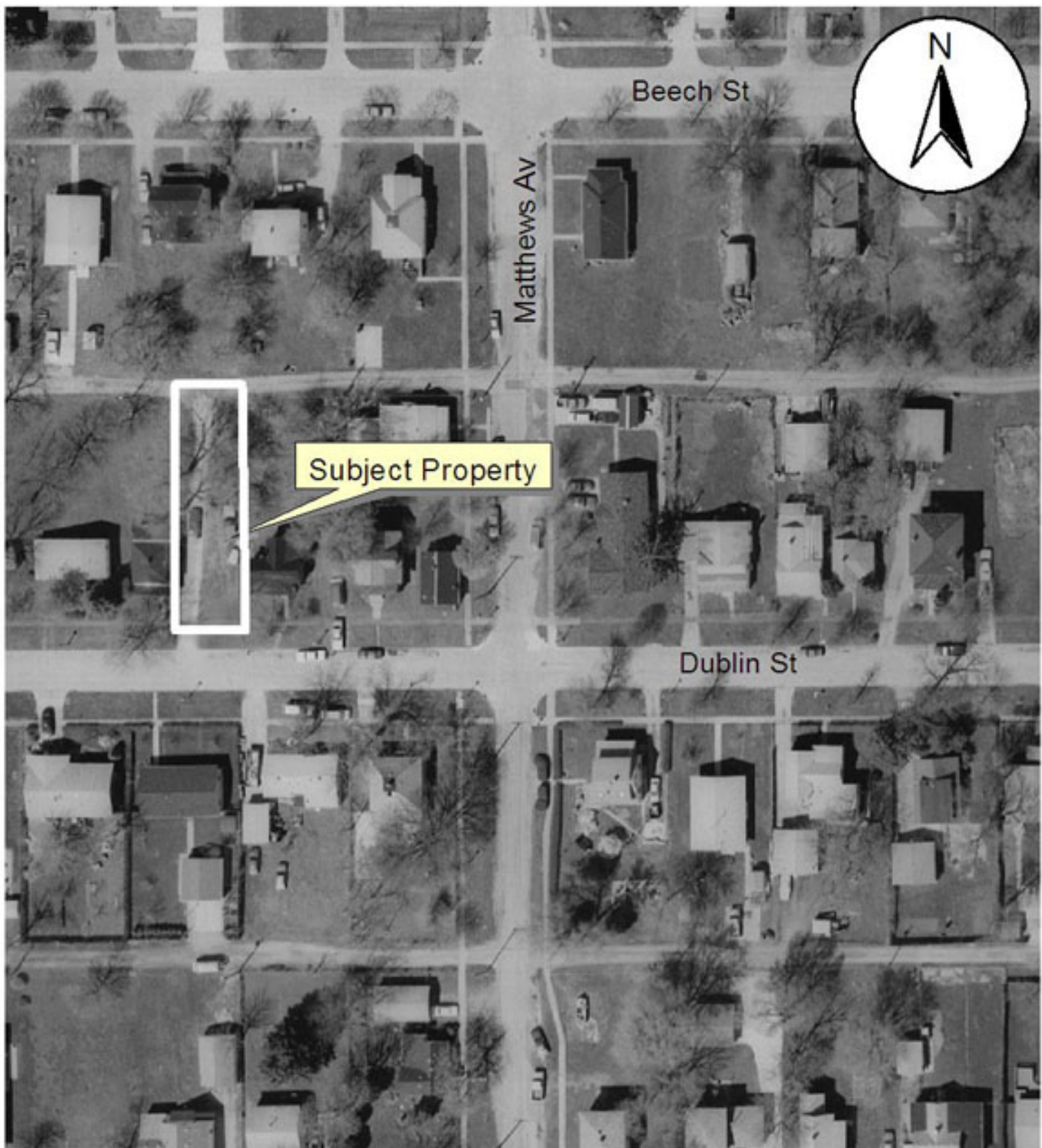
R2 - Single Family



ZBA Case: 2007-MAJ-04, 2007-MAJ-05
Petitioner: Habitat for Humanity
Location: 1306 Dublin St
Description: Encroachment into Side Yards

Prepared 04/02/2007 by Community Development Services - jme

Exhibit C: Aerial Map



ZBA Case: 2007-MAJ-04, 2007-MAJ-05
Petitioner: Habitat for Humanity
Location: 1306 Dublin St
Description: Encroachment into Side Yards

Prepared 04/02/2007 by Community Development Services - jme

**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR MAJOR VARIANCE
IN CASE #ZBA-2007-MAJ-04**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, April 18, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **#ZBA-2007-MAJ-04** a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request filed by Habitat for Humanity of Champaign County to reduce the east side yard setback from 5 feet to 3 feet at 1306 Dublin Street in Urbana's R-2, Single-Family Residential Zoning District..

For informational purposes only. Major Variance decision sheets not recorded.

The subject property affected by this case is described more particularly as follows:

Common Street Address: 1306 Dublin Street

Owner of Record: City of Urbana

Permanent Parcel No: 91-21-07-256-010

Legal Description: The east 33 feet of Lot 8 in Block 14 in Seminary Addition to Urbana as per plat recorded in Deed Record "Y" at page 208, situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 2 feet into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.

5. The requested variance would help to fulfill the affordable housing goals of the City's 2005-2009 Consolidated Plan as well as the 2005 Comprehensive Plan.
6. The property is well suited for the proposed use.
7. The variance is not a special privilege because the lot in question is one of many half-width lots in the neighborhood. The other half-lots all have existing homes built within the required side yard.
8. The requested decrease of the side yard setbacks should not detract from the essential character of the neighborhood. This variance will facilitate the construction of a house with an orientation toward Dublin Street that will reinforce the established character of the neighborhood. The home will be approximately the same size and mass of other homes in this older residential neighborhood.
9. The petitioner is only requesting the minimum deviation from the requirements so that they can accommodate a 26 foot wide house, which is the minimum width of Habitat homes.

There were no **CONDITIONS** placed on approval of the variance.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-MAJ-04

Anna Merritt, Chairperson

Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

CASE# ZBA-2007-MAJ-04 - REQUEST FOR CONDITIONAL USE PERMIT

Prepared by:

Jeff Engstrom, Planner I
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: April 18, 2007

DRAFT

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED: Anna Merritt, Joe Schoonover, Nancy Uchtmann

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Eileen Gebbie, Brigitte Pieke, Danielle Quivey, Clifford Singer, Paul Zindars

ZBA-07-MAJ-04 – Request by Habitat for Humanity of Champaign County to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.

ZBA-07-MIN-01 – Request by Habitat for Humanity of Champaign County to reduce the west side yard setback from 5 feet to 4 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.

Both of these cases were heard concurrently because they pertain to the same property.

Jeff Engstrom, Planner I, presented the staff report to the Zoning Board of Appeals. He introduced the case by talking about the proposed major and minor variances. He said that the applicant is Habitat for Humanity which is a not-for-profit organization that assists in creating affordable housing for low-income families. He gave background information on the history of the proposed property. He noted the zoning and current land use of the proposed site and of the surrounding properties. He reviewed the City's Comprehensive Plan goals relevant to the case. He also reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance pertaining to the proposed variances. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals recommend approval of the proposed variances in case ZBA-07-MAJ-04 and case ZBA-07-MIN-01 for the reasons articulated in the written staff report.

Mr. Corten inquired as to whether there were any plans to build a garage in the back. Will there be a way to get to the driveway and will there be a driveway surface? Mr. Engstrom replied that there is a public alley in the back of the property. He said that Habitat Homes are typically built without garages, but that the builder/designer was in the audience and could answer the question more specifically. He believed that the driveway would be surfaced. Mr. Myers added that they would meet whatever the minimum standards are for parking surfaces and for single-family homes.

Acting Chair Armstrong opened the hearing up to input from members of the audience.

Eileen Gebbie, Director of Habitat for Humanity, and Paul Zindars, Construction Manager for Habitat for Humanity, approached the Zoning Board of Appeals.

Ms. Gebbie talked about the “2008 Home Builders Blitz” that Habitat for Humanity plans to hold in Urbana. The goal is to do the blitz in one neighborhood. This is because they have suppliers and contractors moving from house site to house site, and it would be easier to have them all together in the same neighborhood.

Another reason to concentrate their home building is because it makes a profound impact on a neighborhood. During the City of Champaign Blitz, the neighborhood came together with Habitat for Humanity to improve the neighborhood, and they saw the people energized about their neighborhood again.

Mr. Corten mentioned that in some of the other neighborhoods in the City of Urbana there are alleys behind the houses where the mailboxes and garages are located. Is this the intent of this project? Or did Habitat for Humanity plan to mix it up? Mr. Zindars replied that it is about half and half, but with the proposed property they will definitely have to use the alleyway. There is no option in the front.

Mr. Corten wondered if people would want more privacy with garages sticking out in the front like in many of the newer neighborhoods. Ms. Gebbie felt this is a good point, but the people they serve are poor and generally cannot afford to buy a home except through Habitat for Humanity with no money down, zero interest mortgages, and investment through sweat equity. For these people, it is such an extraordinary luxury to move into the simple, decent homes that Habitat for Humanity builds, even with no garages. They are extremely pleased with the product that Habitat for Humanity is able to offer with the City of Urbana’s partnership.

With no further questions, Acting Chair Armstrong closed the public input portion of the hearing, and he opened the hearing up for discussion by the Zoning Board of Appeals. He suggested that the Zoning Board of Appeals look at the cases separately, since one is for a major

variance and would be forwarded to the City Council and the second one is a minor variance that ends with the Zoning Board of Appeals' decision.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-04 to the City Council with a recommendation for approval based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

Mr. Corten moved that the Zoning Board of Appeals approve case ZBA-07-MIN-01 based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.