



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** March 12, 2009

**SUBJECT:** Plan Case No. 2097-T-09: Request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacement of existing garages located in the side-yard setback

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### **Introduction**

Plan Case No. 2097-T-09 is a request to amend the Development Regulations in the Urbana Zoning Ordinance (Article VI) to allow replacement garages in certain situations (1) to be located six inches from a side lot line instead of the current minimum of 18 inches or (2) to build common-lot-line (shared) garages.

The Plan Commission held a public hearing for this case at their February 19, 2009 and March 5, 2009 meetings. The Plan Commission voted 5 ayes and 0 nays to forward the case to City Council with a recommendation for **approval**.

### **Background**

Section VI-5.B.9 of the Urbana Zoning Ordinance allows accessory garages in residential zoning districts which are less than 750 square feet to be built with a minimum side-yard setback of 18 inches, as measured from the closest part of the structure (including the roof), to the property line. This setback is required for reasons such as fire safety, allowing space for painting and other maintenance activities, keeping the roof drip-line on the subject property, and ensuring the foundation footing does not encroach on the neighboring property. Where a structure has no setback, it becomes impossible to maintain the side of the building without working from the neighbor's property. A negative result of requiring an 18-inch setback is that it creates a narrow space where weeds can grow and/or debris may accumulate.

Section VI-5.B.9 states:

- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):
  - 9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

On October 15, 2008, the Urbana Zoning Board of Appeals reviewed a request for a major variance in Case No. ZBA 2008-MAJ-10 to allow the construction of a replacement garage to be less than 18 inches from the side-yard property line. The petitioner in this case was requesting permission to replace a deteriorating garage in the same location. Although the Zoning Board of Appeals denied the variance by failing to achieve the required two-thirds majority vote, with a vote of four ayes and three nays, the Board requested staff review the development regulations pertaining to replacement garage location. The issues raised by this case are as follows:

- 1. Pre-existing development patterns in certain neighborhoods;
- 2. Narrowness of lots;
- 3. Driveways aligned to existing garages; and
- 4. Loss of usable yard space.

### **Previous Cases**

Between 1985 and 2008, the City received three requests for variations from the development regulations to construct a replacement garage in the required side-yard on the same location as an existing garage:

- 1. *Case No. ZBA 2002-MAJ-02* The petitioners in this case requested a major variance to encroach into the required side yard setback to allow for the construction of a detached garage at 607 W. Pennsylvania Avenue. The property is in the R-1, Single-Family Residential zoning district and is occupied by a single-family residence and a two-car garage. The existing garage was located on the side and rear property lines. The petitioners requested permission to construct a new garage six inches from the side property line and just over eight feet from the rear property line. The petitioners requested a 66% encroachment of the required side yard setback, from 18 to six inches. The ZBA forwarded the petition to the City Council with a recommendation for approval. On April 15, 2002, the City Council granted the petitioners a major variance to allow the reduction of a side yard setback from 18 inches to six inches by a vote of seven ayes and no nays.
- 2. *Case No. ZBA 2006-MAJ-02* The petitioners in this case requested a major variance to encroach into the required side-yard setback to allow for the construction of a detached garage at 510 W. Oregon Street. The property is in the R-2 zoning district and is occupied by a single-family residence and a detached one-car garage. The existing garage is located on the side property line. The petitioners requested a 100% encroachment of the required side-

yard setback. The ZBA forwarded the petition to the City Council with a recommendation for approval. On June 6, 2006, the City Council granted the petitioners a major variance for a 100% encroachment by a vote of seven ayes and no nays.

3. *Case No. ZBA 2008-MAJ-10* The petitioners in this case requested a major variance to encroach into the required side-yard setback to allow for the construction of a detached garage at 706 W Iowa Street. The property is in the R-2, Single-Family Residential zoning district and is occupied by a single-family residence and a detached one-car garage with an attached shed. The existing garage is located close to or on the side property line. The petitioners requested an encroachment of up to 100% of the required side-yard setback. On October 15, 2008, the Zoning Board of Appeals denied the variance request by failing to achieve the required two-thirds majority vote, with a vote of four ayes and three nays.

### **Comprehensive Plan**

The 2005 Comprehensive Plan provides the following goals and objectives relevant to this case.

#### *Comprehensive Plan Goals and Objectives*

**Goal 1.0      Preserve and enhance the character of Urbana’s established residential neighborhoods.**

*Objective*

- 1.2      Encourage investment in older properties to help maintain their appearance and long-term potential.
- 1.3      Promote the improvement of existing structures through the enforcement of property maintenance codes.
- 1.4      Promote established neighborhoods close to campus and the downtown as attractive places for people to live.

**Goal 2.0      New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.**

*Objective*

- 2.1      Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.
- 2.4      Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

**Goal 12.0      Preserve the characteristics that make Urbana unique.**

*Objective*

- 12.1      Identify and protect neighborhoods and areas that contain significant historical and cultural resources.
- 12.3      Encourage public/private partnerships to preserve and restore historic structures/sites.

The intent of the proposed amendment is to further the above-listed goals by preserving the traditional development patterns in some of Urbana’s older neighborhoods. An additional intent

is to encourage investment in older properties by allowing the replacement of deteriorating garages with new garages in the same location, thereby not resulting in the realignment of the driveway and the loss of usable yard space. This would allow replacement garages to respect the traditional neighborhood layout in established neighborhoods.

### **Text Amendment**

The proposed Zoning Ordinance text amendment (Exhibit A) would revise Section VI-5 by adding Section VI-5.B.9.a to allow the following in required side yards:

- a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:
  - a. The subject lot is 60 feet wide or less;
  - b. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
  - c. No gutters or other appurtenances will extend across the property line; and
  - d. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

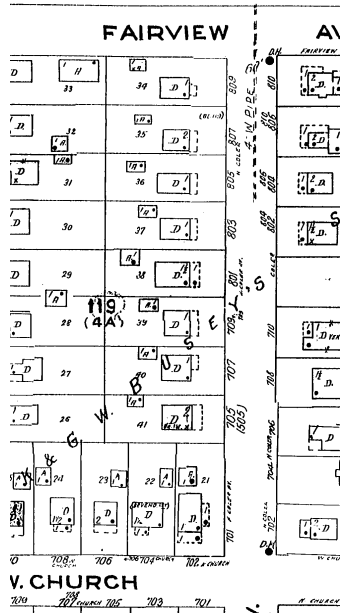
The Plan Commission, at their February 19 meeting, requested that staff research adding a provision that would allow common-lot-line garages to the proposed amendment. The proposed text amendment now includes a provision to allow common-lot-line garages by adding Section VI-5.B.9.b to the Zoning Ordinance:

- b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:
  - 1. The subject properties share a common driveway and access drive;
  - 2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
  - 3. Replacement garages meet all applicable building codes.

### **Issues and Discussion**

The intent of the proposed text amendment is to respect traditional neighborhood development patterns by allowing property owners to replace deteriorating garages without having to conform to modern development regulations. The older parts of Urbana were platted before the current minimum required lot width of 60 feet. Neighborhoods such as much of West Urbana, Historic East Urbana and the area north of Carle Hospital, have a development pattern of relatively

narrow lots with garages placed on or very near a side property line. The two images below illustrate such patterns.



**700 & 800 Block of N. Coler Ave**  
 Note the regular pattern of the garages on or near the property line. 1923-1945 Sanborn Map



**800 Block of Urbana St**  
 Note the regular placement pattern of the garages on or near the side property line.

The image on the left is of the west side of the 700-800 block of N. Coler Avenue, north of Carle Hospital. The lots on this block are 57 feet wide and have a regular pattern of the garages being on or near the north property line. The image on the right is of the west side of the 800 block of Urbana Street, in Historic East Urbana. The lots here are between 45 and 48 feet wide, far short of the required width of 60 feet for a lot platted today. Here three of the garages are located on or very near the north property line, and six on or near the south property line.

Many of the older parts of Urbana have development patterns with narrow lots and garages on or very close to a side lot line such as those in the images above. Many of these garages are deteriorated or obsolete due to their size and date of original construction. The current Zoning Ordinance regulations require new garages to be built at least 18 inches from the property line. For many of these lots, moving the replacement garage 18 inches from the property line instead of the proposed six inches requires sacrificing approximately 24 square feet (based on a standard single-car garage) from the usable part of the back yard. As these lots are already smaller than typical lots, the loss of usable yard space can be significant. In addition, there is the potential to create a driving angle that is difficult to maneuver between the existing driveway and the new garage. Re-aligning the existing driveway to a new garage would add an additional financial burden to the cost of replacing the garage.

As the intent is to respect traditional single-family neighborhood development in the older parts of Urbana, the proposed text amendment would be limited to narrow lots in the R-1, R-2, and R-3 zoning districts. The replacement garage would need to be no closer than six inches from the

property line to prevent an encroachment on the neighboring property and to ensure a minimum distance of two feet between the replacement garage on the subject property and any new accessory building on the adjacent property. The square footage for the single-car garage is based on the modern standard for a single-car garage, 12 foot by 24 foot. The modern standard for a two-car garage is 24 foot by 24 foot.

The provision to allow common-lot-line garages is intended to offer an alternative for property owners with an existing shared garage or two existing garages separated by less than two feet and with a shared driveway. The conditions included in this section are meant to ensure that a common-lot-line garage is allowed when existing conditions warrant one, and to provide some protection for both property owners. The required maintenance agreement would include rules and regulations regarding the maintenance, upkeep, and repair of the building and the driveway. It would also include a “party wall” easement for the common wall and a requirement to have appropriate insurance to cover the structure.

## **Summary of Findings**

1. Urbana’s Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code.
2. Section VI-5.B.9 of the Urbana Zoning Ordinance allows garages smaller than 750 square feet in R-1, R-2, and R-3 zoning districts to be built with a minimum side-yard setback of 18 inches, as measured from the closest part of the structure.
3. On October 15, 2008, the Urbana Zoning Board of Appeals requested City staff review Section VI-5 of the Urbana Zoning Ordinance as it pertains to the location of private garages.
4. The proposed amendment would allow garages in some of the older parts of Urbana to be replaced in kind.
5. The proposed amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan.
6. The Plan Commission held a public hearing on this case at their February 19, 2009 meeting and continued the hearing at their March 5, 2009 meeting. In a vote of 5 ayes and 0 nays, the Commission voted to recommend that City Council approve the proposed text amendment in Plan Case 2097-T-09.

## Options

The Urbana City Council has the following options regarding Plan Case No. 2097-T-09:

1. Adopt as presented herein;
2. Adopt with specific changes; or
3. Not adopt.

## Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission recommends that City Council **APPROVE** Plan Case No. 2097-T-09, as presented herein. Staff likewise recommends that City Council **APPROVE** Plan Case No. 2097-T-09.

Prepared by:

Rebecca Bird, Planner

Attachments: Draft Ordinance  
Exhibit A: draft of Article VI-5.

cc: Phillip and Sonia Newmark 706 W Iowa Street  
Esther Patt 706 S Coler, Apt #3  
Zoning Board of Appeals

ORDINANCE NO. 2009-03-019

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE  
OF THE CITY OF URBANA, ILLINOIS**

**(Revisions to Section VI-5, "Yards", of the Urbana Zoning Ordinance,  
Pertaining to Garage Replacement - Plan Case No. 2097-T-09)**

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Section VI-5.B.9 of the Urbana Zoning Ordinance requires garages in the R-1, R-2, and R-3 zoning districts be set back a minimum of 18 inches from the side property line; and

WHEREAS, on October 15, 2008, the Urbana Zoning Board of Appeals requested City staff review Section VI-5 of the Urbana Zoning Ordinance as it pertains to the location of private garages; and

WHEREAS, said Zoning Ordinance text amendment would allow garages in some of the older parts of Urbana to be replaced in kind; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2097-T-09; and



WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on February 19, 2009 and March 5, 2009; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 0 nays on March 5, 2009 to forward the proposed text amendment set forth in Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section VI-5, Yards is hereby amended to read as follows:

Section VI-5.B.9

Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

- a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:
  1. The subject lot is 60 feet wide or less;
  2. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
  3. No gutters or other appurtenances will extend across the property line; and
  4. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.
- b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated

by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

1. The subject properties share a common driveway and access drive;
2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
3. Replacement garages meet all applicable building codes.

Section 2. 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 \_\_\_\_\_, 2009.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
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 \_\_\_\_\_, 2009, the corporate authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revisions to Section VI-5, "Yards", to the Urbana Zoning Ordinance, Pertaining to Garage Replacement - Plan Case No. 2097-T-09) 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 \_\_\_\_\_, 2009, 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.

DATED at Urbana, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2009.

**Section VI-5. Yards**

- A. *Definition.* See Article II for the definition of the various types of yards.
- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):

9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:

1. The subject lot is 60 feet wide or less;
2. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
3. No gutters or other appurtenances will extend across the property line; and
4. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

1. The subject properties share a common driveway and access drive;
2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
3. Replacement garages meet all applicable building codes.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** February 19, 2009

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

**MEMBERS EXCUSED:** Tyler Fitch

**STAFF PRESENT:** Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Liila Bagby, Brian Craine, Justin Gholson, Andrew Fulton, Victor Johnson, Michael Kinate, Georgia Morgan, Phillip Newmark, Danielle Ross, Steve Ross, Bob Stewart, Susan Taylor, Janet Torres, Joshua Vonk, Jack Washington, Trars Wilkinson

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**NEW PUBLIC HEARINGS**

**Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.**

Rebecca Bird, Planner I, presented the staff report for the proposed text amendment. She explained that the proposed text amendment came from a previous variance case to allow the construction of a replacement garage to be less than 18 inches from the side-yard property line, which is the minimum required for a side-yard setback in the R-2, Single-Family, Zoning District. The variance was denied by the Zoning Board of Appeals. She mentioned two other variance cases similar to the first that were approved by the Urbana City Council.

Ms. Bird discussed how the proposed Zoning Ordinance text amendment relates to the goals and objectives of the 2005 Comprehensive Plan. She talked about the proposed text amendment and explained what it would allow. She referred to the two photos on the bottom of page 4 of the written staff report to show how garages have traditionally been constructed very near or on the property lines in three example blocks in different areas of the City. She pointed out some of the disadvantages that can occur (such as loss of usable yard space and the creation of an angle that

is difficult to maneuver between the existing driveway and the new garage) under the current standards.

She read the options of the Plan Commission and presented staff's recommendation, which was 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 Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the City Council.*

Ms. Stake inquired if a homeowner who currently has a single-car garage would be able to replace it with a two-car garage under the proposed changes. Ms. Bird responded that the justification for the proposed text amendment is to respect the traditional neighborhood pattern. So allowing a single-car garage to be replaced with a two-car garage wouldn't conform with that. In this case, the homeowner could still build a two-car garage, but they would need to construct it 18 inches from the property line.

Mr. White wondered if the proposed 6-inch setback for replacement garages would include the gutters. Ms. Bird said no, but it would include the overhang.

Mr. White asked if there would be an easement on the neighboring property to allow a person to perform maintenance on their garage. Ms. Bird replied that there would not be a formal easement, but in essence, this is what they do now. If a person has a garage on the property line, he or she has to maintain that side of the garage by being on their neighbor's property.

Ms. Upah-Bant questioned whether a property owner who does not currently have a garage would be allowed to have the same privilege of encroaching into the required side-yard setback. Ms. Bird explained that this addresses replacement garages because those were the cases that had come before the Zoning Board of Appeals. City staff did not discuss new garages on narrower lots.

Mr. Grosser asked for clarification in that the proposed text amendment does not require an existing garage to be six inches from the property line. Ms. Bird said that is correct. Mr. Grosser commented that it appears that some of the justification is due to the alignment of existing driveways. It would be costly to move the driveway over to align correctly with the new garage. However, if the existing garage is currently 18 inches from the property line, then everything would be aligned with the 18 inches. Ms. Bird clarified that City staff was thinking about a garage that is currently on the property line, then the property owner would have to move it away to 6 inches.

Mr. Grosser wondered if City staff thought about a case where an adjacent garage is 18 inches from the property line, and a neighboring property wants to build a new garage 6 inches from the property line. Ms. Bird explained that there would always be a minimum of two feet between the two buildings.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Phil Newmark, of 706 West Iowa Street, stated that the impetus for this Zoning Ordinance amendment was a variance application to rebuild his garage. His application did not get a super-majority vote from the Zoning Board of Appeals, which was required to pass his variance request. He appreciates the Plan Commission and City staff taking the time to look into the proposed text amendment. Because there are so many old garages placed on property lines, this really is an issue that City Council needs to deal with. He mentioned that he certainly is in favor of the proposed text amendment.

Georgia Morgan, of 804 West Nevada Street, stated that the walls of her garage and her neighbor's garage are only far enough apart that an opossum can fit, but not a human. If the wind knocked down the neighbor's garage, does the proposed text amendment mean that her neighbor would need to move their garage over? There is only one driveway. Ms. Bird answered by saying that the two garages would need to be two feet apart for building safety and fire reasons.

With no further questions or comments from the public, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins suggested that City staff consider allowing zero lot line garages with a firewall. This would solve some problems that currently exist. Also, two feet between garages is not a good idea for maintenance reasons or for fighting a fire. It is basically a waste of space.

He also suggested that City staff add a condition that says this only applies to garages that are already less than 18 inches from the property line. The reason to do this is because there were three similar cases that the Zoning Board of Appeals treated inconsistently. Inconsistency is a reason to revise the Zoning Ordinance.

He questioned the language about the required two feet between garages. Ms. Bird explained that this has been rewritten a number of times and the word "existing" (garage) had been inadvertently removed. But the intent is that a property owner cannot rebuild an existing garage that is five feet from the property line to be 6 inches from the property line. That can easily be corrected.

Chair Pollock suggested that the Plan Commission continue this case to the next scheduled meeting so City staff can make wording changes and corrections. Mr. Hopkins suggested that City staff also look into the firewall solution and the concept about allowing zero-lot line common wall garages.

Chair Pollock summarized comments from Danny Otto. He then continued the case to the March 5<sup>th</sup> Plan Commission meeting.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 5, 2009

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Michael Pollock, Bernadine Stake, Don White

**MEMBERS EXCUSED:** Ben Grosser, Lew Hopkins, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Planner I; Teri Anandel, Planning Secretary

**OTHERS PRESENT:** Justin Gholson, Vicki Kesman, Diana Martinez, Sergio Mendoza, Danielle Ross, Terry Scudieri, Susan Taylor, Zach Woolard

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**CONTINUED PUBLIC HEARINGS**

**Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.**

Rebecca Bird, Planner I, updated the Plan Commission on this case. She pointed out the changes made to the proposed text amendment since their previous meeting. She presented City staff's recommendation, which was as follows:

*Based on the evidence presented in the February 13, 2009 staff memorandum to the Plan Commission, staff recommends that the Plan Commission forward Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.*

Ms. Stake asked about fireproof walls being mentioned in the text amendment language. Ms. Bird stated that fire resistant walls are covered under Section VI-5.B.9.b.3, which states, "Replacement garages meet all applicable building codes." She mentioned that she had spoken with the City's Building Inspector, Steve Cochran. Mr. Cochran explained that garages built close to the property line would have to be a wall constructed with Type X sheetrock on both sides of the wall. This would be checked on at the plan review stage.



With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input. With no comments or questions from the public, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. White stated that the only thing that he does not like is that it would allow garages to be close enough to create a place for opossums and raccoons to live. He then moved that the Plan Commission forward Plan Case No. 2097-T-09 to the City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Ms. Stake also wondered about allowing such a small space between garages. Mr. White pointed out that there are some existing garages with very little space between them. He recommended that those property owners consider building attached garages to eliminate the space between the two. Chair Pollock commented that they would save a lot of money by doing so. He stated that City staff responded nicely to the concerns and suggestions of the Plan Commission at a previous meeting.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before the City Council on March 16, 2009.