

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m



TO: The Urbana Zoning Board of Appeals

FROM: Jeff Engstrom, Planner I

DATE: April 13, 2007

SUBJECT: **ZBA 2007-MAJ-04** Request to reduce the east side yard setback from 5 feet to 3 feet; and **ZBA 2007-MIN-01**, Request 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.

Introduction

This is a request from Habitat for Humanity of Champaign County for two major variances to allow a one-foot and 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 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.

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 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.

This case involves two variance requests, one on the east property line, and one on the west line. 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 variance on the west side only deviates by 20%, and is therefore a minor variance. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals may either approve or deny the minor variance request.

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

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

40.2 Work to promote the development and capacity of Community Housing Development Organizations (CHDO) to develop affordable housing opportunities.

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 variances are 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 variances 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. These variances 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 variances 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 variances to encroach 1 foot into the required side yard on the west property line and 2 feet 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.

Options

The Zoning Board of Appeals has the following options for case ZBA 2007-MAJ-04:

1. Recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in this memo; or
2. Recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
3. Recommend denial of the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its recommendation of denial.

The Zoning Board of Appeals has the following options for case ZBA 2007-MIN-01:

- a. The Zoning Board of Appeals may grant the variance as requested based on the findings outlined in this memo; or
- b. The Zoning Board of Appeals may grant the variance subject to certain terms and conditions. If the Zoning Board of Appeals elects to impose conditions or grant the variance on findings other than those articulated herein, it should articulate its findings in support of the approval and any conditions imposed; or

- c. The Zoning Board of Appeals may deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting the denial.

Staff Recommendation

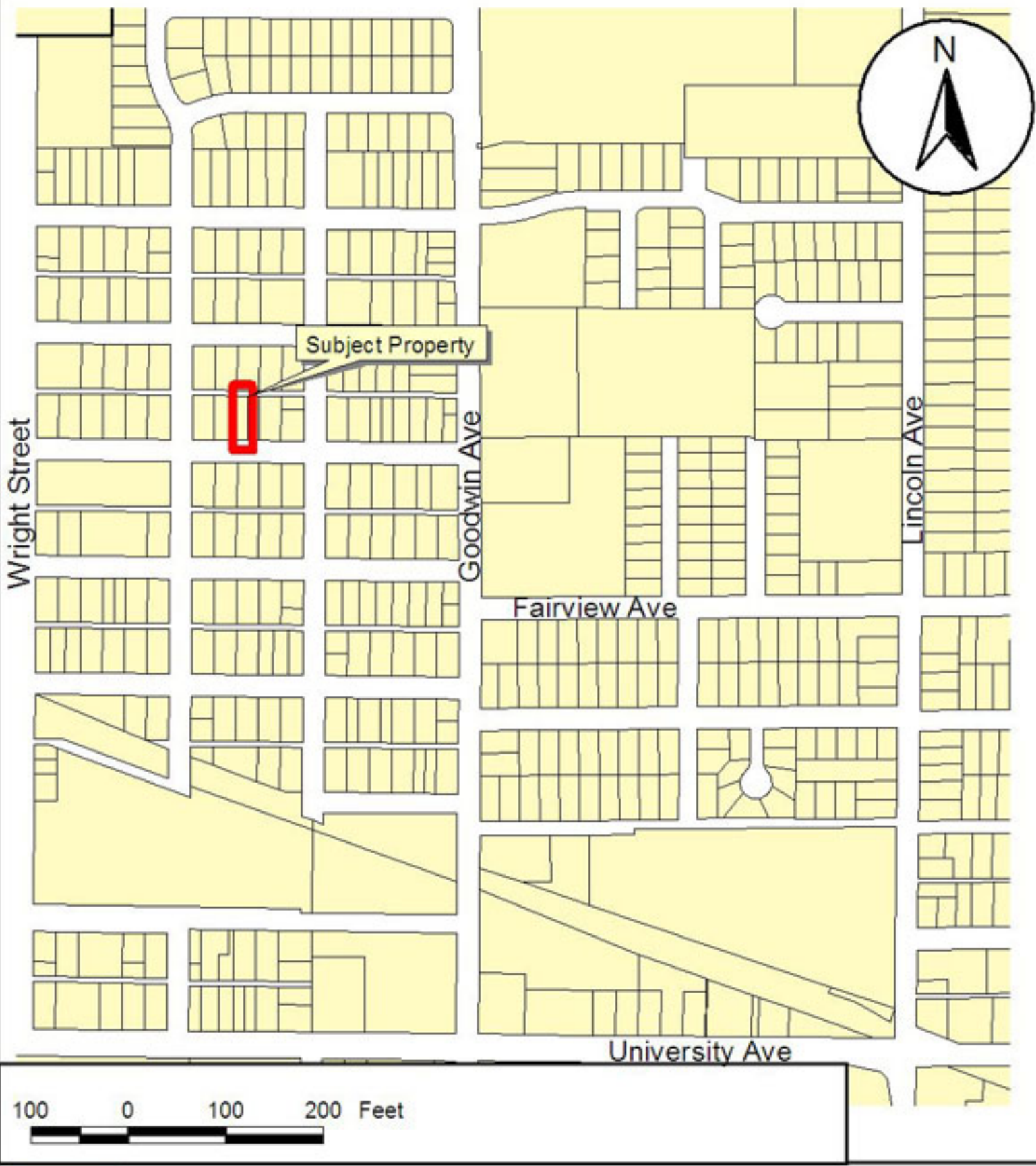
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals recommend **APPROVAL** of the proposed variances in case ZBA 2007-MAJ-04 and case ZBA 2007-MIN-01 for the reasons articulated above.

Exhibits

- A: Location Map
- B: Zoning Map
- C: Aerial Map
- D: Site Diagram
- E: Application for Major Variance

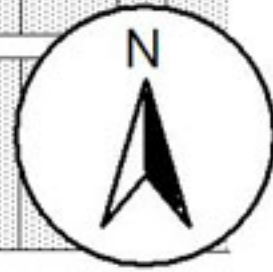
Cc: Eileen Gebbie, Director
Habitat for Humanity of Champaign County
119 E University Ave
Champaign IL 61824

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



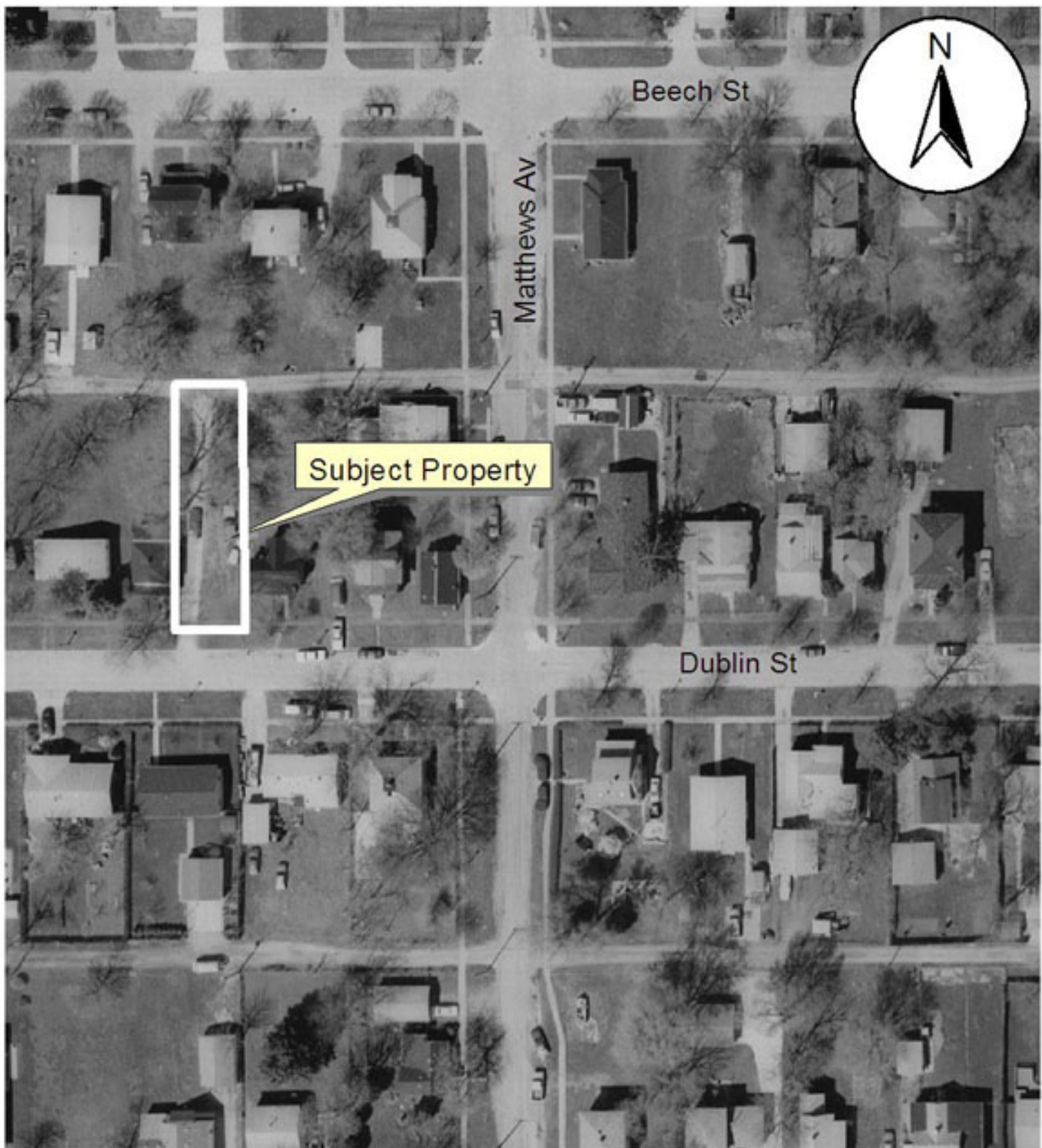
R2 - Single Family



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

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Exhibit C: Aerial Map



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

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