



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: Rebecca Bird, Planning Associate

DATE: September 11, 2008

SUBJECT: ZBA-2008-MIN-02: A request by Robert Wyer for a minor variance to build a garage encroaching 25% into the required 29.5-foot front yard at 401 West Delaware Avenue in the R-1, Single-Family Residential District

Introduction and Background

Robert Wyer is requesting a minor variance to build a garage encroaching into the required front yard of a residence on the corner of Delaware and Carle Avenues. Section VI-5.F.1 of the Urbana Zoning Ordinance states that the required front yard in the R-1 District shall not be less than the average depth of the front yards of all the lots on the block face, and shall be no less than 25 feet and no more than 60 feet. The average depth of front yards on the block face is 29.5 feet. Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a front yard reduction variance of up to 25% as a minor variance by a majority vote of its members.

The subject property currently has a garage facing Carle Avenue which would be converted to living area and attached to the house. Then a new detached garage would be constructed to be accessed from Delaware Avenue.

In addition to ZBA-2008-MIN-02, the applicant is also requesting a major variance, ZBA-2008-MAJ-08, to build a 3-foot addition onto the existing garage on Carle Avenue that will encroach approximately 15 feet into a required 25-foot yard.

Description of the Site

The subject property -- 401 W. Delaware Avenue -- is located on the southwest corner of Delaware and Carle Avenues. There is currently a single family house and a garage on the property. The lot measures 127 feet by 115 feet (14,605 square feet in area). The house fronts on Delaware Avenue.

There are seven properties on the south side of Delaware Avenue between Carle Avenue and Orchard Street including the subject property. The average setback is 29.5 feet. (See map below.) The right-of-way along Delaware Avenue is 60 feet.

Setbacks on Delaware Avenue

Delaware Avenue

511	507	505	409	407	405	401
28'	31'	33.83'	34.92'	30.17'	23'	25.25'

Carle Avenue

Average Setback = 29.45' (29' 5")

There are two properties on the west side of Carle Avenue between Florida Avenue and Delaware Avenue. Neither property fronts on Carle Avenue, although the property directly east of the subject property does front on Carle (1602 S Carle Avenue). The average setback on this block of Carle Avenue is 12.95 feet, considerably less than the required 25 feet, so the required setback for the subject property along Carle Avenue is 25 feet. The right-of-way along Carle Avenue is 60 feet. There is no sidewalk on the west side of this block.

Setbacks on Carle Avenue

Delaware Avenue

							401
							13.2'
							402
							12.7'

Florida Avenue

Carle Avenue

Average Setback = 12.95' (12' 11")

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature and is zoned R-1, Single-Family Residential. Located one block south of the subject property is the Orchard Downs Apartments complex, a family and graduate housing complex for the University, zoned CRE, Conservation, Recreation, and Education.

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
East	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
South	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
West	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Urban Pattern”. The plan defines the Residential Urban Pattern of Development as:

“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”

Discussion

The petitioner wants to convert the existing garage on Carle Avenue into habitable space and therefore construct a new garage along Delaware Avenue. This variance is a request to construct the new garage, with a 25% encroachment into the required 29.5-foot front yard setback.

The site plan submitted with this application was not drawn to scale. City staff has requested a revised site plan drawn to scale and with the addition of property lines on Delaware and Carle Avenues. The applicant will bring the revised site plan to the public hearing. In order to assist the Zoning Board of Appeals in understanding this variance before the public hearing, City staff have made notations in red on the initially-submitted site plan.

The petitioner is proposing this work, both the construction of the new garage and the addition onto the existing garage, in order to have a bedroom with full bath on the ground floor of the residence. The petitioner has explained that this is due to the particular needs of his wife, specifically a difficulty with stairs. The petitioner cites blocking off daylight from the living and family rooms and interfering with the view of those rooms as the reasons for the proposed location for the new garage.

The petitioner has requested a 25% encroachment (7.4 feet) into the required front-yard setback area

along Delaware Avenue. The house sits 25.25 feet from the property line on Delaware. If the proposed garage were to have a 25% encroachment into the required front yard, it would sit 22.1 feet from the property line. This would mean that the new garage would be located 3.15 feet closer to the property line than the existing house. The house directly to the west of this property, adjacent to the proposed new garage location, sits 23 feet from the property line.

The submitted site plan does not show a streetlight in the City right-of-way in-line with the proposed garage. The Urbana Public Works Department has reviewed this site plan and determined that the streetlight would need to be moved if the current site plan were approved as is. Moving the street light would cost approximately \$2,800 which would be billed back to the property owner.

An alternative location for the proposed garage, which would avoid the need to relocate the streetlight, would be to move the proposed location of the garage further west. The required side yard setback in the R-1 Zoning District is 5 feet. However, accessory structures in the R-1 District that are less than 750 square feet are permitted in required side yards as long as they are setback no less than 18 inches from the property line. The proposed garage, at 400 square feet, could be positioned far enough west to avoid being in line with the streetlight.

Variance Criteria

Section XI-3 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 outlined in the ordinance, followed by staff analysis for this case:

Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.

- 1. 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.*

According to the petitioner, the special circumstances are the retaining the aesthetic appeal of the property and not harming the basic character of the house. The subject property is located on a corner lot. The Urbana Zoning Ordinance requires lots having frontage on two streets to have a required front yard on each frontage. The house is setback 25.25 feet from the property line along Delaware Avenue. Allowing the proposed detached garage to be in line with the house along Delaware Avenue would not serve as a special privilege.

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

The applicants state that they need to create more living space on the first floor of the home for medical reasons and that extending to the rear of the property would unacceptably encroach into their well-landscaped side/rear yard and block sunlight from living room and family room windows.

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

The proposal is to reduce the required front yard setback by 25%, allowing a garage to be built 22.1 feet from the front property line. The average, and therefore required, setback for the subject property is 29.5 feet. As the existing house is setback 25.25 feet from the property line, allowing a garage in line with the house would not alter the essential character of the neighborhood. Additionally, the petition states that the materials used on the exterior of the proposed garage would match those of the house.

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

The adjacent property, 405 W. Delaware Avenue, is located 23 feet from the Delaware Avenue property line. If the proposed garage is located 22.1 feet from the property line, it will be slightly closer to the street than the house at 405 W. Delaware and 3 feet closer than the house at the subject property. Locating the proposed garage in line with the house on the subject property would not cause a nuisance to the adjacent property. City staff received a letter from a resident at 405 W. Delaware stating that he did not object to the proposed garage.

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

According to the application, this proposal represents the minimum deviation necessary. When this house was built, the required setback along Delaware Avenue was not the average setback on the block face or 25 feet, whichever is greater.

Summary of Findings

1. The petitioner is proposing to build a detached garage to replace an existing garage which the petitioner is converting into habitable space;
2. The setback of the house along Delaware Avenue is 25.25 feet. The average setback on the block face is 29.5 feet;
3. The proposed location for the garage is 22.1 feet from the property line and is in line with a streetlight in the City right-of-way;
4. Allowing the proposed detached garage to be in line with the house along Delaware Avenue would not serve as a special privilege;
5. As the existing house is setback 25.25 feet from the property line, allowing a garage in line with the house would not alter the essential character of the neighborhood; and
6. A reduced front yard setback locating the proposed garage in line with the house would not cause a nuisance to the adjacent property.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2008-MIN-02:

- a. Approve the variance as requested based on the findings outlined in this memo;
- b. Approve the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. Deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the analysis and findings 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 **APPROVE** minor variance Case ZBA-2008-MIN-02 with the following conditions:

1. The garage shall be constructed in general conformance to a revised site plan layout submitted to and approved by the Zoning Administrator as discussed in the public hearing on this case.
2. The garage shall be positioned so that it is not in line with the streetlight and the location shall be approved by the Director of Public Works.
3. The curb cut on Carle Avenue will be removed and landscaping installed.

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Existing Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Site Photos
 Exhibit E: Application

Cc: Robert Wyer, property owner
 Randy Donoho, contractor 714 S Urbana Ave, Urbana, IL 61801
 Alice Novak 601 W Delaware Ave, Urbana, IL 61801

EXHIBIT A: Location Map



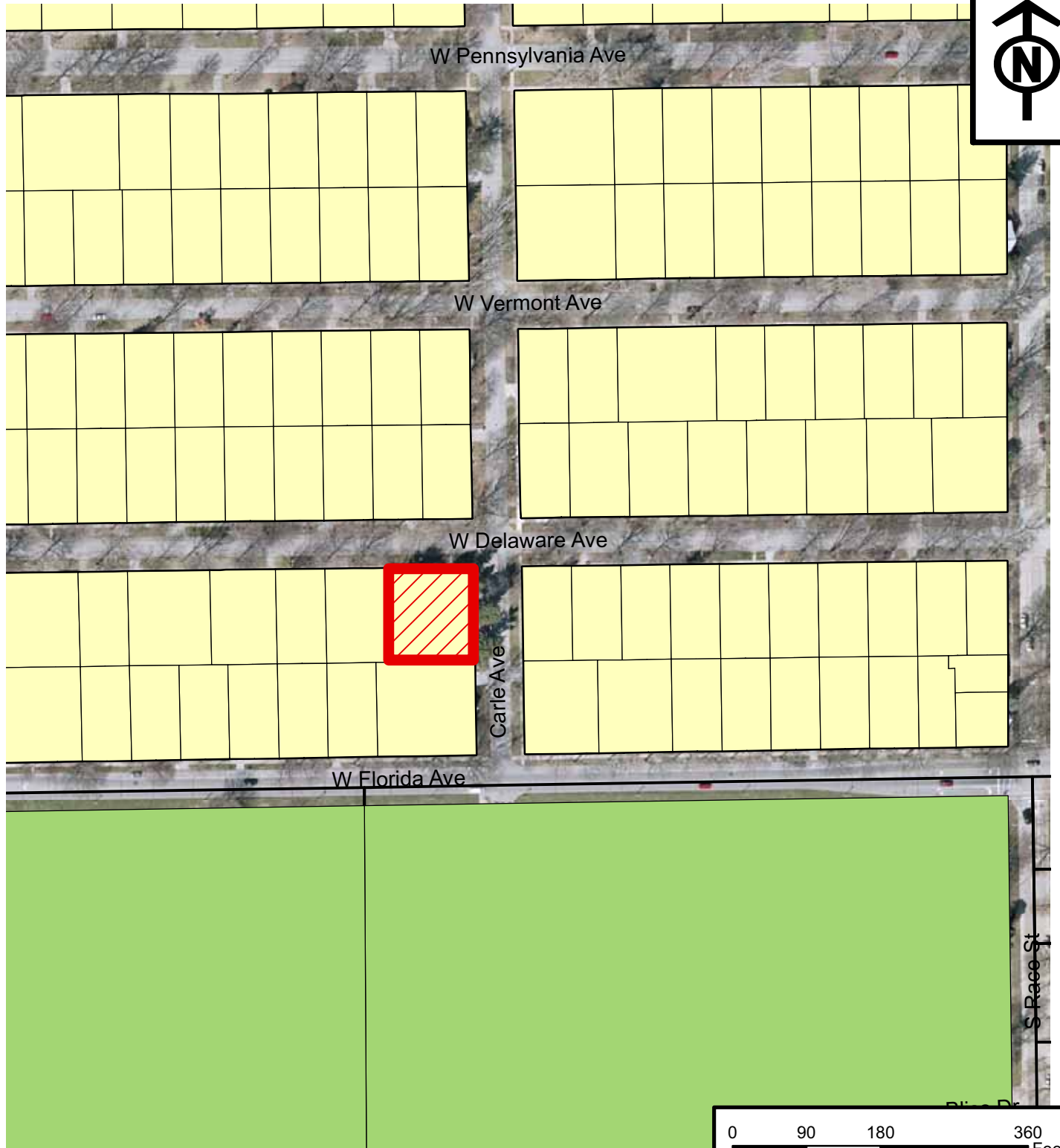
Plan Case: 2008-MIN-02
Petitioner: Robert Wyer
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend

 Subject Property

EXHIBIT B: Zoning Map



Plan Case: 2008-MIN-02
Petitioner: Robert Wyer
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend




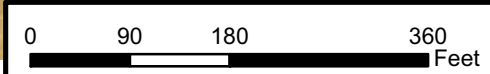
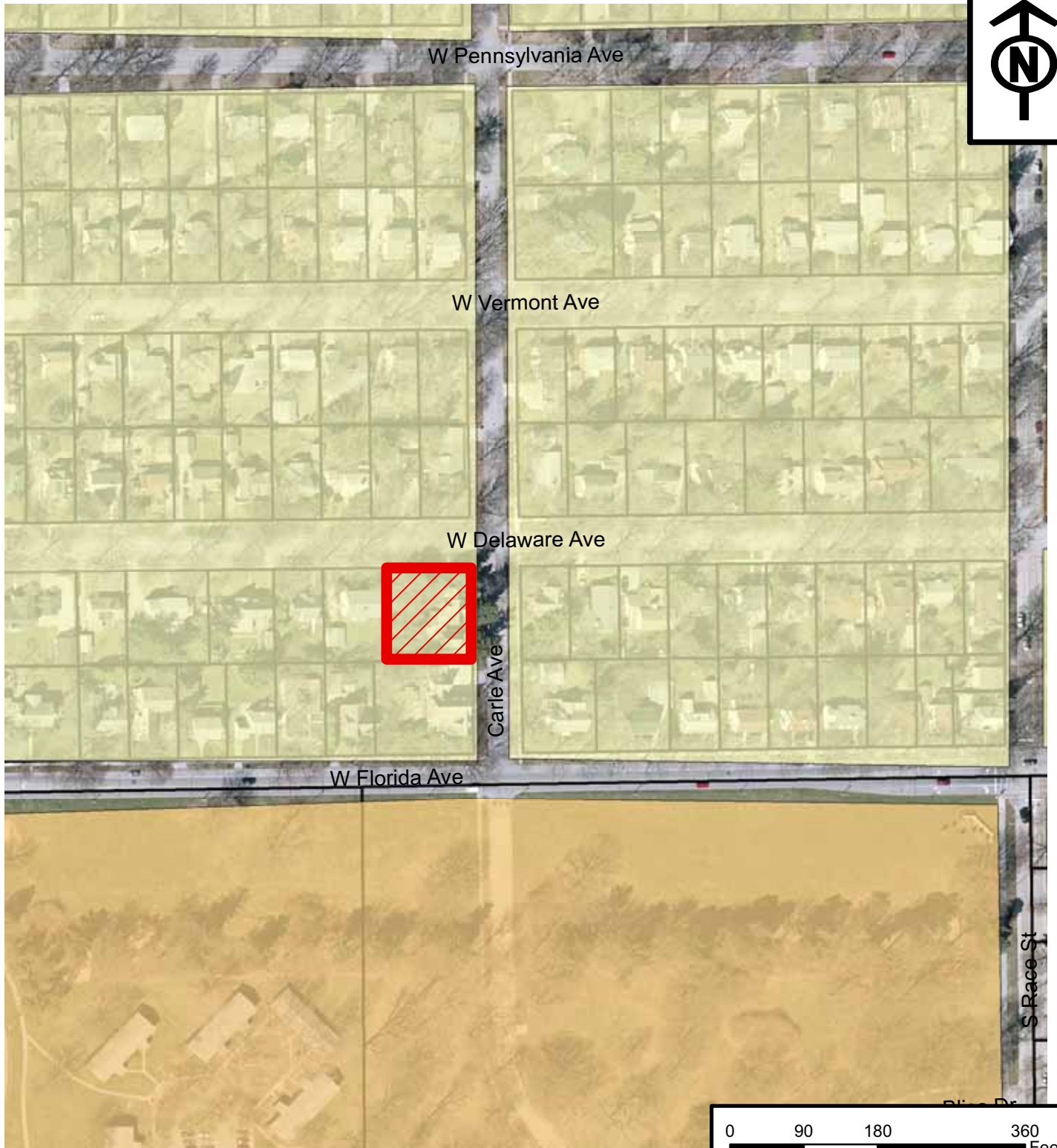
-  Subject Property
-  R1
-  CRE

EXHIBIT C: Future Land Use Map



Plan Case: 2008-MIN-02
Petitioner: Robert Wyer
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend




-  Subject Property
-  Residential
-  Mixed Residential

EXHIBIT D: Site Photos

Photos for ZBA-2008-MIN-02

3-foot garage addition



Subject property, looking southwest



Existing garage along Carle Avenue. Proposed 3-foot addition would bring garage in line with house



Close-up of garage

Photos for ZBA-2008-MAJ-08

proposed new garage



Delaware Avenue frontage, from corner of Carle and Delaware



Delaware Avenue frontage, proposed garage location

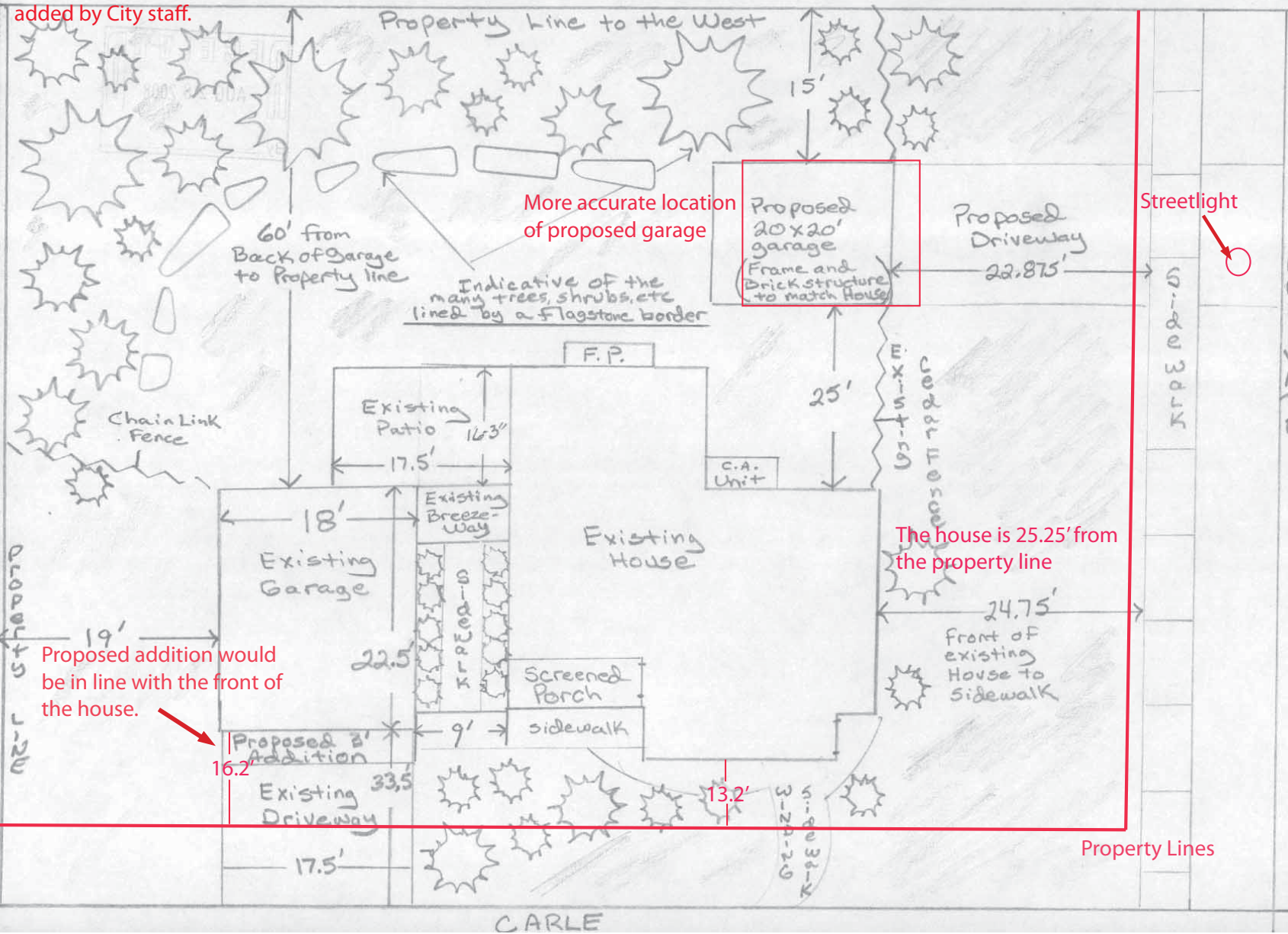


Delaware Avenue frontage, with house to the west

SITE PLAN FOR 401 W. DELAWARE AVE
 Notations in red were added by City staff.

WYER JOB - 401 W. Delaware

NOT TO SCALE - N →



1. WYER lot is a lot and a half, measuring 127x115', 14,605 sq. ft.
2. from the front of existing garage is presently 33.5' to the curb on Carle side
3. after proposed addition to the front of existing garage, distance from it to the curb would be 30.5' approximately.
4. the 22.875' from proposed garage to sidewalk represents the maximum 25% Variance allowable
5. the neighbors house to the west is another 21' to the house from the property line, resulting in a distance of 36' from proposed garage to neighbors house
6. Proposed garage would only result in the removal of 2 or 3 small trees
7. Wyer house sits on South/West corner of Carle & Delaware