



**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:** August 13, 2009

**SUBJECT:** ZBA-2009-MIN-02: A request by Jeff Trainor for a minor variance to build an addition encroaching 23% into a required 23.9-foot front yard at 201 N McCullough Street in the R-4, Medium Density Multiple Family Residential District

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**Introduction and Background**

Jeff Trainor is requesting a minor variance to build an addition encroaching 5.4 feet into the required front yard of a residence on the corner of McCullough and Stoughton Streets. Table VI-3 of the Urbana Zoning Ordinance states that the required front yard in the R-4 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 15 feet and no more than 25 feet. The average depth of front yards on the block face is 23.9 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 an attached carport facing Stoughton Street, a portion of which would be enclosed. The portion to be enclosed only contains 33 square feet. The area to be enclosed will not extend into the required front yard beyond the existing carport structure.

**Description of the Site**

The subject property is located on the northeast corner of McCullough and Stoughton Streets. The lot area is 5,979 square feet and is trapezoidal-shaped with a 40-foot frontage along McCullough Street and a 107-foot frontage along Stoughton Street. The lot currently contains a 1,184 square foot single-family house with an attached carport. Additionally, there is a detached garage behind the house. The house fronts on and is parallel to McCullough Street. The Stoughton Street property line is at an angle to the house.

## Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential and recreational in nature. To the west of the subject property is another single-family home and five apartment buildings, all zoned R-4, Medium Density Multiple Family Residential. North and east of the subject property are apartment buildings zoned R-2, Single Family Residential. To the south of the subject property is the Urbana Park District's Philips Recreation Center, zoned Conservation-Recreation-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-4, Medium Density Multiple Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-2, Single-Family Residential	Apartment Building	Residential – Urban Pattern
East	R-2, Single-Family Residential	Apartment Building	Residential – Urban Pattern
South	CRE, Conservation-Recreation-Education	Philips Recreation Center	Campus Mixed-Use
West	R-4, Medium Density Multiple Family Residential	Single Family Residence, Apartment Buildings	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.”*

There is a notation by the subject property that says “Preserve Historic Properties considered to meet historic landmark criteria.”

## Discussion

The petitioner wants to enclose a portion of the existing attached carport. The newly-enclosed area would be used as a “mud room” and be approximate 33 square feet area. The addition would not extend any further into the required front yard than the existing, attached carport. The petitioner is asking for a variance to enclose this space which already encroaches 5.4 feet into the required 23.9-foot front yard setback along Stoughton Street. The unenclosed carport is currently nonconforming, as it extends into the required front yard. Building the wall to enclose this open carport is considered an expansion of a nonconformity, and therefore requires a variance. From the street, the major visual difference will be a new wall enclosing a portion of the carport.

The required front yard setback in the R-4, Medium Density Multiple-Family Residential District is based on the average of the existing setbacks on the block face, but cannot be more than 25 feet or less than 15 feet. There are seven parcels on the south side of Stoughton Street between Coler Avenue and McCullough Street including the subject property, and the average setback is 23.9 feet. The house on the subject property actually encroaches up to 16 feet into the required front yard along Stoughton Street, but the area to be enclosed only encroaches 5.4 feet, since the property line is at an angle to the house.

## 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.*

The variance is necessary due to the location, shape, and size of the lot. The subject property is an odd-shaped, small corner lot. The depth of the lot along Stoughton Street varies from 40 to 70 feet. The required front yard along Stoughton Street is 23.9 feet which leaves little buildable area on the lot that is not within a required front, side, or rear setback.

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

The variance request is due to the petitioner's desire to build an addition to the home in line with the current attached carport. The carport is an existing, legally nonconforming use for setback.

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

The surrounding area is composed of single-family homes and apartment buildings. The proposed addition will add a small amount of area to a small house that is surrounded by larger homes and apartment buildings. This addition will not be closer to the street than the current façade of the attached carport. From the street the significant visible change will be a new wall along a portion of the existing enclosed carport.

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

The variance will not cause a nuisance to adjacent properties. The petitioner is simply enclosing a portion of an existing attached carport. The intensity of use will not be changed in any way.

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

The requested variance is the minimum possible deviation to build an addition to the home adjacent to a current entryway. If the addition were in any other part of the house the encroachment would be greater due to the angle of the property line.

## **Summary of Findings**

1. Table VI-3 of the Urbana Zoning Ordinance requires that front yards in the R-4 District shall be no less than the average depth of the existing front yards of for lots on the block face. The average depth of front yards on the block face is 23.9 feet;
2. The petitioner is proposing to build an addition within an existing attached carport that currently encroaches 5.4 feet into the required front yard;
3. The minimum setback of the house along Stoughton Street is 7.9 feet. The average setback on the block face is 23.9 feet;
4. The proposed location for the addition is 18.5 feet from the property line and would not extend beyond the current façade;
5. Allowing the proposed addition would not serve as a special privilege as the house is on a trapezoidal-shaped, small corner lot with a relatively deep setback requirement;
6. Allowing a portion of the existing carport to be enclosed would not alter the essential character of the neighborhood nor cause a nuisance to the adjacent properties.
7. The requested variance represents the minimum possible derivation from the Zoning Ordinance necessary to accommodate the request.

## **Options**

The Zoning Board of Appeals has the following options in variance case ZBA-2009-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-2009-MIN-02.

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

Cc:                    Jeff Trainor  
                         201 N. McCullough St  
                         Urbana, IL 61801

# EXHIBIT A: Location and Existing Land Use Map



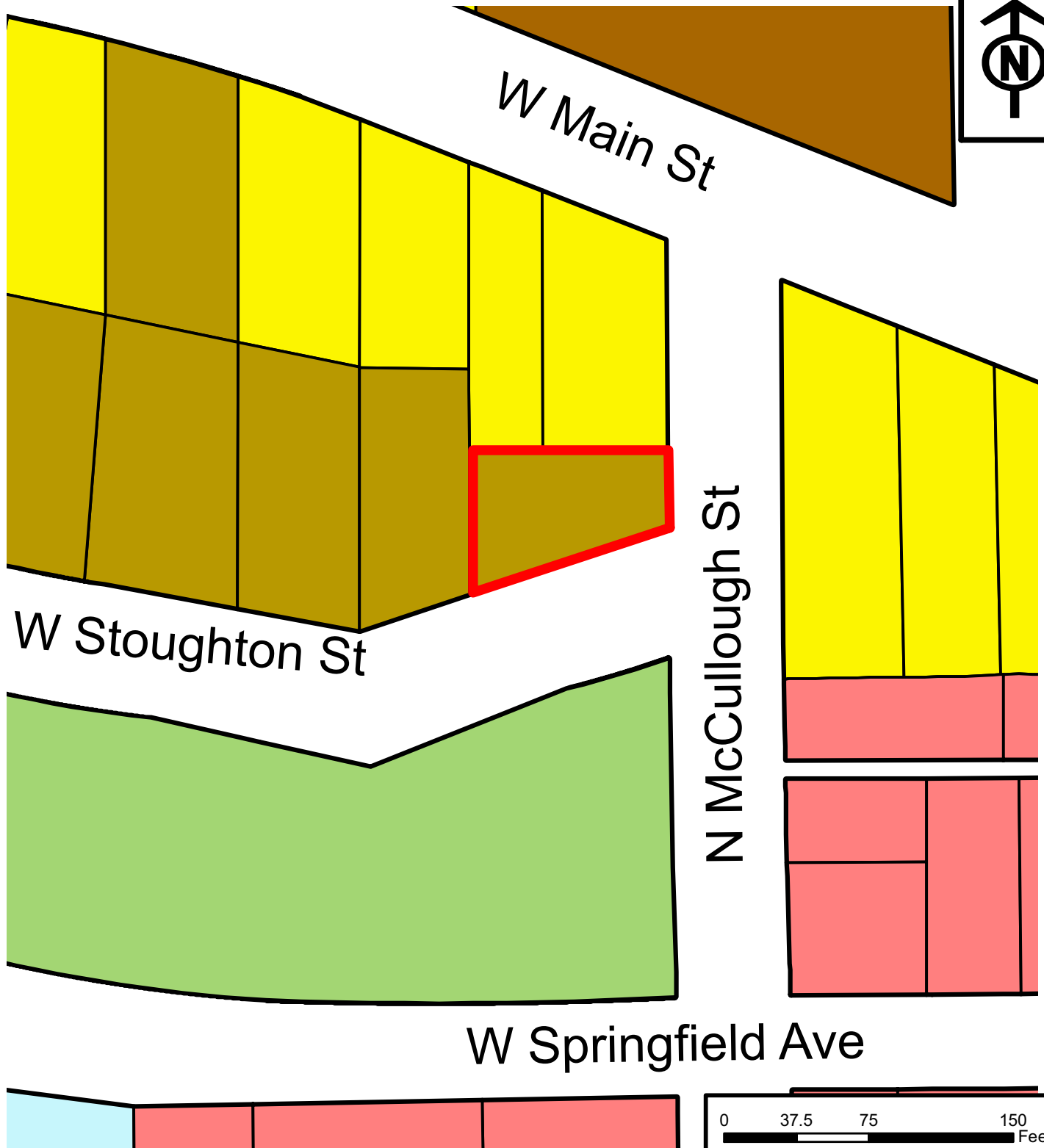
**Plan Case:** 2009-MIN-02  
**Petitioner:** Jeff Trainor  
**Location:** 201 North McCullough St  
**Description:** Request for a Minor Variance to encroach up to 23% in to the Required Front Yard

Prepared 08/09 by Community Development Services - jme

## Legend

 Subject Property

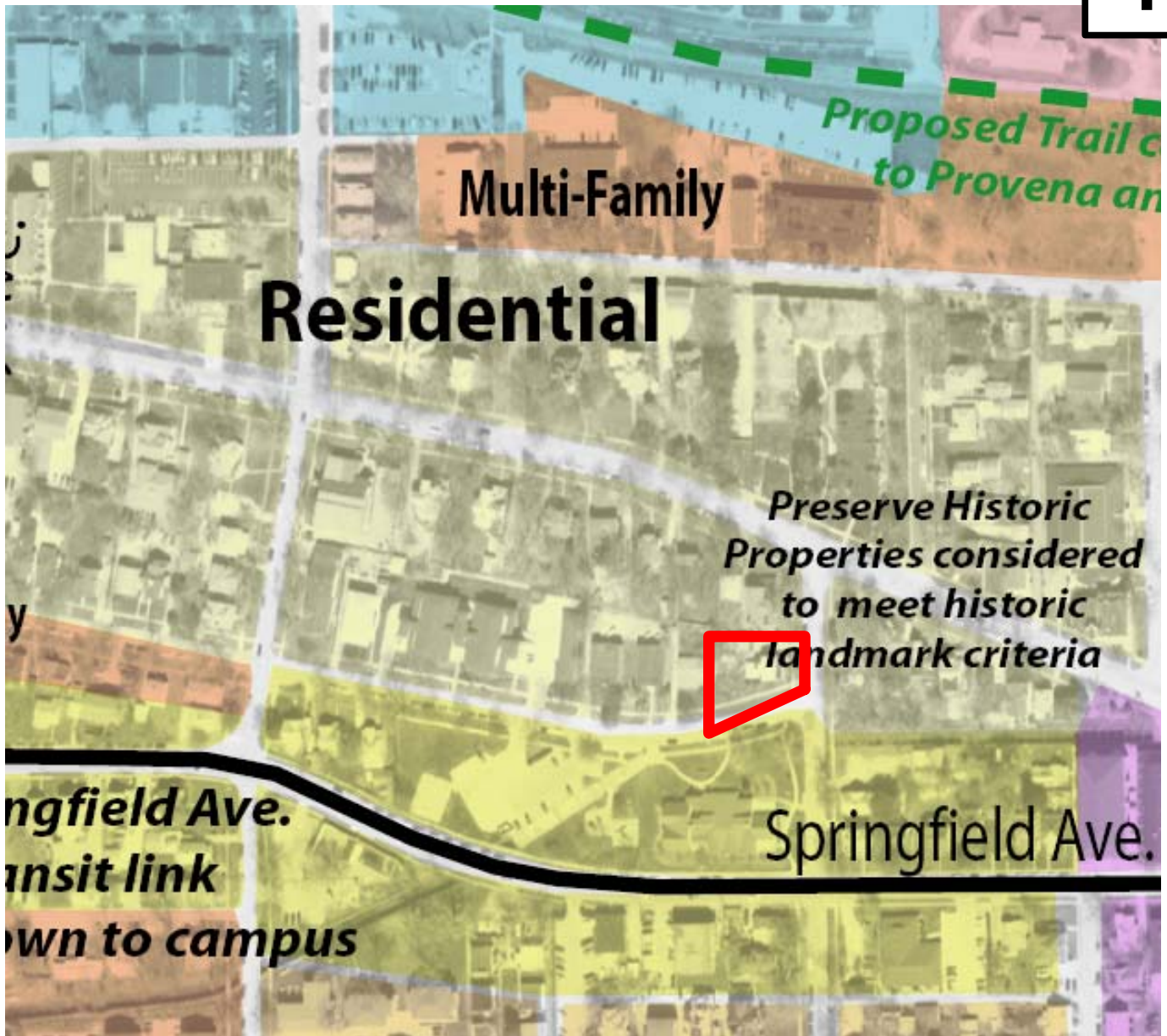
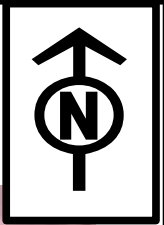
# EXHIBIT B: Existing Zoning Map



**Plan Case:** 2009-MIN-02  
**Petitioner:** Jeff Trainor  
**Location:** 201 North McCullough St  
**Description:** Request for a Minor Variance to encroach up to 23% in to the Required Front Yard

Legend	
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R2	<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> B2
<span style="display:inline-block; width:15px; height:15px; background-color:olive; border:1px solid black;"></span> R4	<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> CRE
<span style="display:inline-block; width:15px; height:15px; background-color:brown; border:1px solid black;"></span> R5	<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> MOR

# EXHIBIT C: Future Land Use Map



**Plan Case:** 2009-MIN-02  
**Petitioner:** Jeff Trainor  
**Location:** 201 North McCullough St  
**Description:** Request for a Minor Variance to encroach up to 23% in to the Required Front Yard

Prepared 08/09 by Community Development Services - jme

## Legend

 Subject Property





# Request for Variance

# Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY**

Date Request Filed 07-21-2009 ZBA Case No. ZBA-2009-MIN-02  
 Type of Variance (Circle One) Major  Minor   
 Fee Paid - Check No. 5680 Amount \$125.00 Date 08-04-2009

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:**

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit (insert use or construction proposed and the type and extent of variation requested) The property sits closer to the road than my neighbors,  
or the road has been widened at the corner of  
McCullough + Stoughton.

on the property described below, and in conformity with the plans described on this variance request.

1. Location of Subject Site 201 N McCullough Urbana IL
2. PIN # of Location possibly 91-21-08-363-021
3. Name of Applicant/Petitioner(s) Jeff Trainer Phone 3442337  
 Address 201 N McCullough Urbana IL 61801  
(street/city) (state) (zip)  
 Property interest of Applicant(s) owner  
(owner, contract buyer, etc)

4. Name of Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional owners, please attach extra pages to the application.**

5. Name of Professional Site Planner(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

6. Name of Architect(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

7. Name of Engineers(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

8. Name of Surveyor(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional consultants, please attach extra pages to application.**

**DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary**

Legal Description Lot 1 of CB Griggs addition to Urban

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lot Size \_\_\_\_\_ feet x \_\_\_\_\_ feet = \_\_\_\_\_ square feet

Present Use residence  
(vacant, residence, grocery, factory, etc)

Zoning Designation R-4 Multi family residential

**REASONS FOR REQUEST FOR VARIATION:**

Note: The following questions must be answered completely. If additional space is needed, please attach additional sheets.

1. Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

none can be specified

2. Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

the lot has a slant to it which my neighbors not on the corner do not have to adjust to

3. Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

no action on my part has changed the shape of the lot

4. Explain why the variance will not alter the essential character of the neighborhood.

The addition (33 sq ft) is not closer to the street, it will be replacing part of the already existing carport

5. Explain why the variance will not cause a nuisance to adjacent property.

the addition is being constructed under already roofed structure

6. Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

the addition will not be any closer to the street than already existing open framed building

WHEREFORE, petitioner prays that this petition be heard by the Zoning Board of Appeals and the variations to the regulations of the Zoning Ordinance be changed as herein requested.

Respectfully submitted this 04 day of August, year, 2009 A.D.

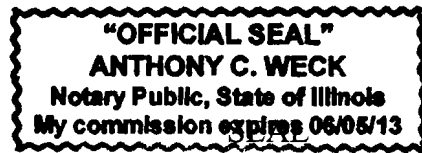
[Signature]  
Signature of Applicant

STATE OF ILLINOIS        )  
  )        SS  
CHAMPAIGN COUNTY     )

Jeff Trainer, being first duly sworn on his/her/their oath, deposes and says, that he/she/they is/are the same person named in and who subscribed the above and foregoing petition, that he/she/they has/have read the same and knows the contents thereof, and that the matters and things therein set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to before me on this 4<sup>th</sup> day of August, year 2009 A.D.

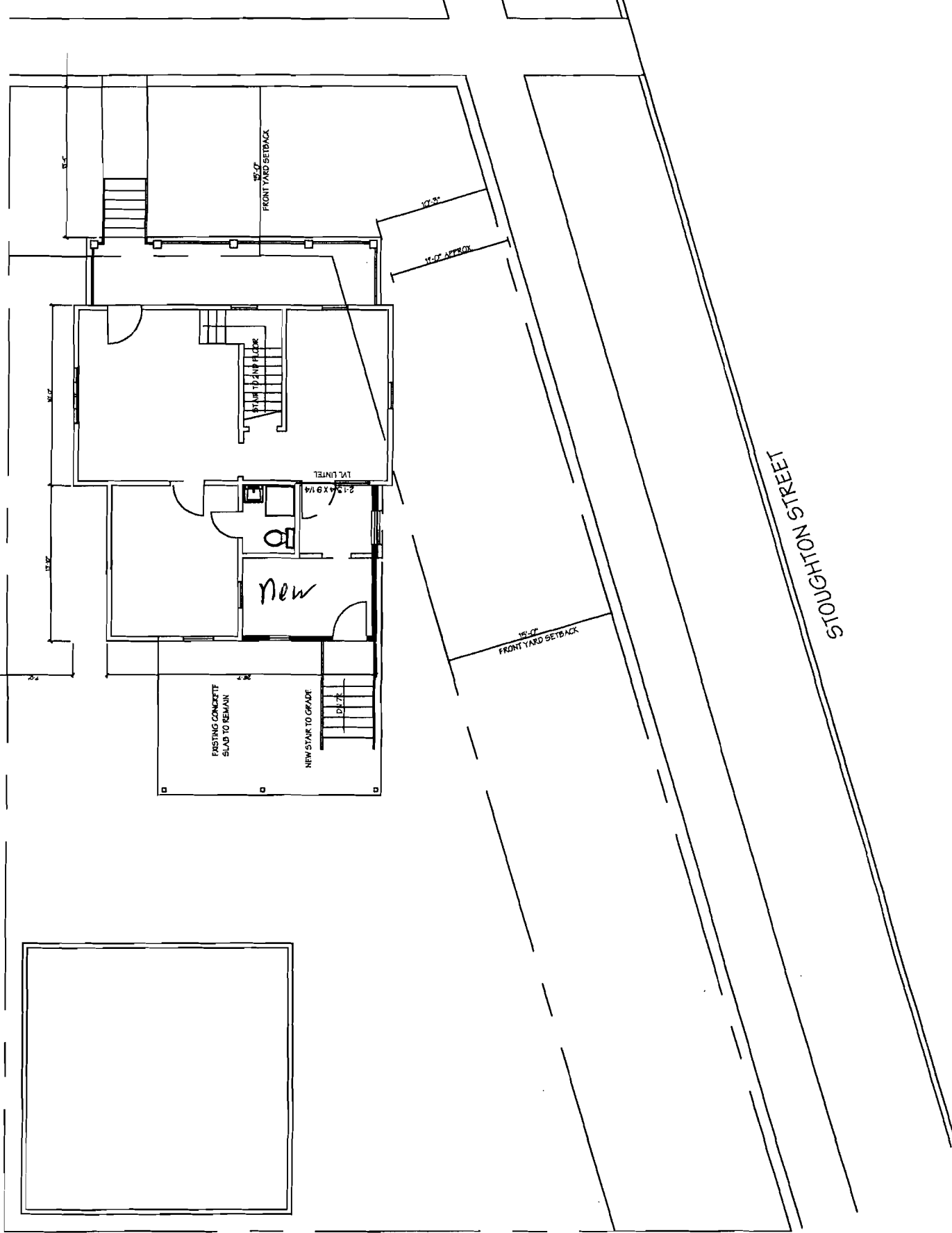
Anthony C. Weck  
Notary Public



Petitioner's Attorney: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(telephone number )



STOUTHON STREET

15'-0"  
FRONT YARD SETBACK

10'-0"

11'-0" APPROX

18'-0"

11'-0"

1/2" LINTEL

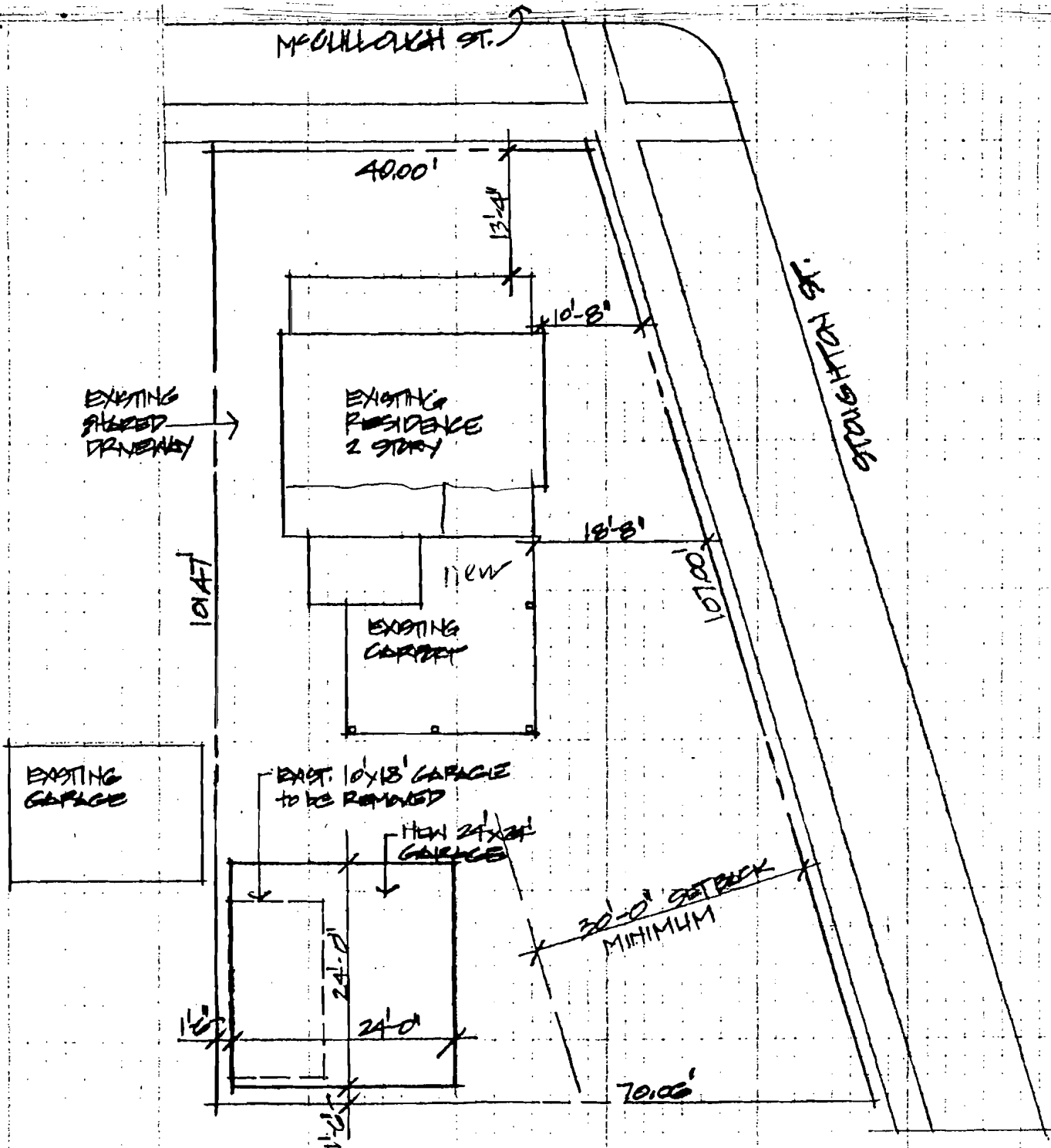
2'-0" X 9'-0"

New

EXISTING CONCRETE  
SLAB TO REMAIN

NEW STAIR TO GRADE

15'-0"  
FRONT YARD SETBACK



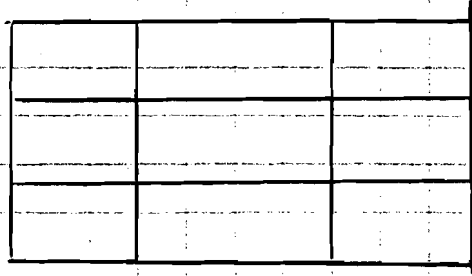
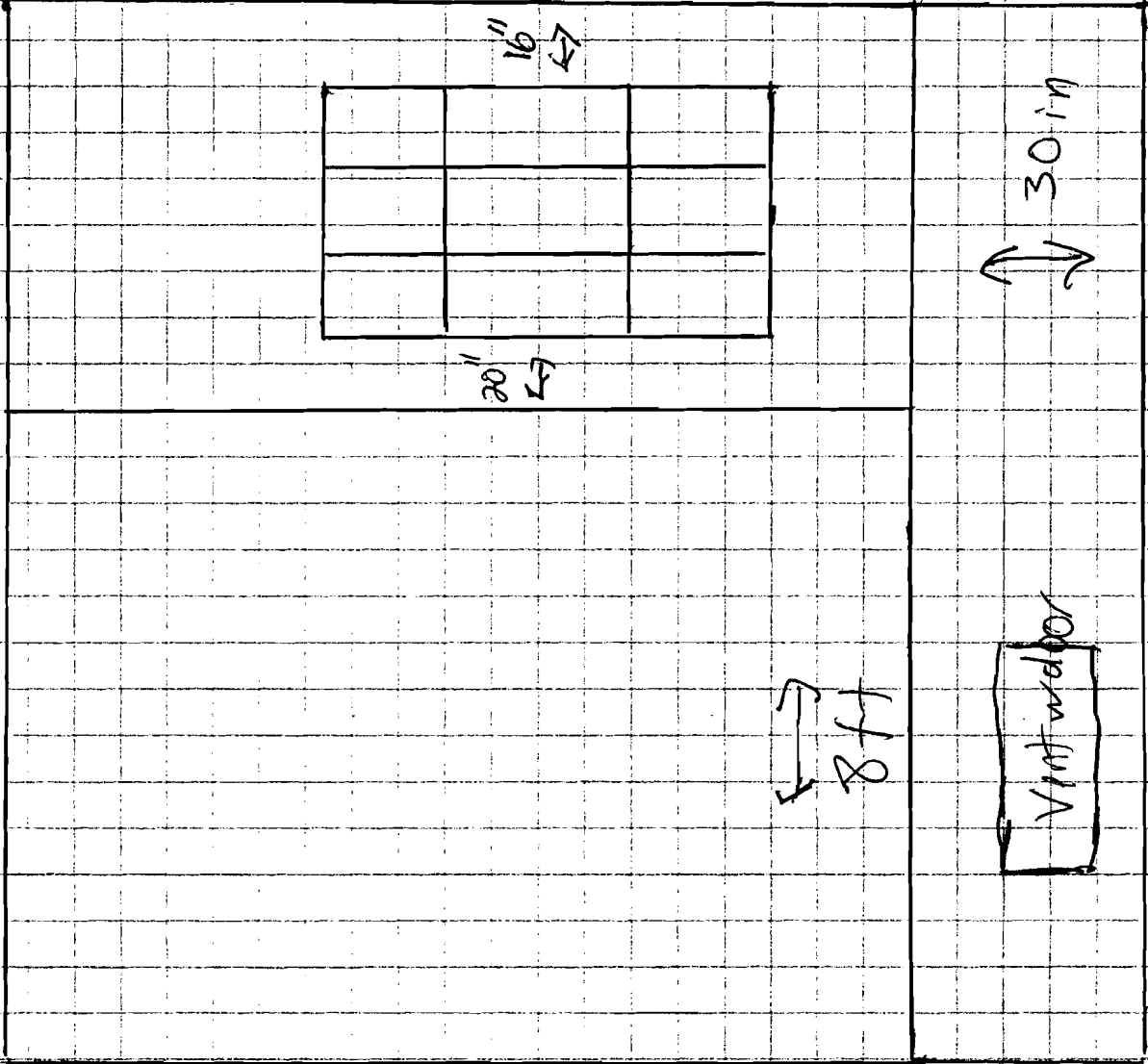
# SITE PLAN

SCALE: 1" = 16'-0"

NEW GARAGE  
 JEFF TRISNOR RESIDENCE  
 20 N McULLOUGH, URBANA, IL.

FLY MARRO ARCHITECT  
 212 W. GREEN URBANA, IL.  
 JOB #19 2023 7 DEC. '00  
 SHEET 1 of 3

Side View



8ft

30 in

Vent window

20"

16"