



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: Robert Myers, AICP, Planning Manager

DATE: March 11, 2010

SUBJECT: ZBA-2010-MAJ-01: Request by Jeff and Sandy Yockey to exceed the maximum square footage allowed for accessory buildings at 304 W Washington Street, in the R-2, Single-Family Residential Zoning District.

Introduction and Background

Jeff and Sandy Yockey are requesting a major variance to exceed the maximum square footage allowed for accessory buildings at 304 West Washington Street. Section V-2.D.7(a) of the Urbana Zoning Ordinance states that for single-family dwellings with a “building area” smaller than 1,500 square feet, the maximum “aggregate area of all accessory structures shall not exceed 750 square feet”. This lot currently has two structures: an existing small house (765 sq. ft.) and an existing garage (234 sq. ft.). The applicants now own and live in the house, but they would like to build a larger house on the same lot. Instead of demolishing the existing house, they would like it to remain for use as storage. But in doing so, the combined area of the existing house and garage (999 sq. ft.) would exceed the maximum allowed for accessory structures by 249 square feet.

The existing house now occupies the far back corner of the lot, three feet from the rear and side yard lot lines, where one might expect an accessory building such as a garage. A new house could be built in front of the existing house and still comply with necessary setbacks, floor area ratio, open space ratio, and other zoning requirements. The applicants plan to remove the kitchen and/or bathroom from the existing house to prevent a second dwelling unit from being established on the property, which is zoned for single-family residential purposes.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Description of the Site

The subject property, 304 West Washington Street, is located in the West Urbana Neighborhood on the north side of Washington Street, between Birch and Cedar Streets. A single-family house and a single

car garage currently exist on the property. The lot is 58.05 feet wide and 104.0 feet deep for a total area of 6,037 square feet.

The existing house is quite small by current standards (765 sq. ft.), as is the existing one-car garage (234 sq. ft.). Unlike other properties on the street, the existing house is set back nearly 80 feet from the front property line in a rear corner of the lot, approximately three feet from both the rear and side yard lot lines, as might be expected for a traditional garage accessed from an alley.

The subject lot, as well as the lot to the east, was originally platted with the same size and configuration as the lot to the west, which extends the full length from West Washington Street north to the east-west alley. The two lots were replatted into three lots in January of 1924 to create the configuration in existence today. The Sanborn Fire Insurance Rate Map dated 1923 to 1945 illustrates a structure on the subject lot that is consistent with the footprint of the existing single-family dwelling.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature and is zoned R-2, Single-Family Residential. Following is a summary of zoning and land uses for the subject site and surrounding property:

Location	Existing Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	R-2, Single-Family Residential	Single-Family Dwelling	Residential – Urban Pattern
North	R-2, Single-Family Residential	Single-Family Dwelling	Residential – Urban Pattern
East	R-2, Single-Family Residential	Single-Family Dwelling	Residential – Urban Pattern
South	R-2, Single-Family Residential	Single-Family Dwelling	Residential – Urban Pattern
West	R-2, Single-Family Residential	Single-Family Dwelling	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 applicant is proposing to construct a new single-family dwelling on the subject property and convert the existing single-family dwelling (765 sq. ft.) into an accessory structure for storage use. An existing garage (234 sq. ft.) will also remain. By converting the existing dwelling into an accessory structure for storage use, the total square footage for both accessory buildings will exceed the maximum permitted “aggregate area” of 750 sq. ft. allowed per Section V-2.D.7(a) of the Urbana Zoning Ordinance. The total aggregate area for both accessory structures will be 999 sq. ft., which is 249 sq. ft. (33%) more than permitted.

In order to accommodate this proposal, the applicant is requesting a major variance to exceed the maximum square footage allowed for accessory buildings. Without the variance, the garage, or part or all of the existing house would need to be removed to comply with the 750 sq. ft. maximum building area for accessory structures. In the submitted variance application, the applicant notes that the existing garage “is usable as is” and that “there is no easy and obvious way or desirable reason to tear down a portion” of the existing house to meet the requirement. Reuse of the existing buildings as accessory structures would reduce waste that would need to be disposed of as well as reduce materials needed to construct an accessory structure that would not exceed the 750 square foot maximum.

The depth of the subject lot is shallower than what is typical for the area. In addition, the existing dwelling has been placed on the lot as a traditional accessory building would have been with minimal setbacks from the rear and side yard property lines. This has resulted in a larger than average front yard with the principal dwelling being located nearly 80 feet from the front property line. The subject property is located in the R-2 Zoning District. A front yard of 15 feet, or an average depth of the buildings in the same block face, is required. The placement of the existing dwelling results in the ability to construct another dwelling in front of the existing dwelling that can meet the front yard requirement for the R-2 Zoning District, consistent with the setback of other dwellings in the block face.

In addition to review of the required front yard for compliance with the Zoning Ordinance, staff has completed a zoning analysis of the proposal and found that the proposed new house could be built in front of the existing house and still comply with floor area ratio, open space ratio and other zoning requirements. Compliance with the Zoning Ordinance in relation to use and floor area ratio is dependent upon the conversion of the existing dwelling into an accessory building. A single-family dwelling is permitted by right in the R-2 Zoning District. Once the new house is built, the existing house would need to be altered such that it would not be considered a dwelling unit. To achieve this, the kitchen and/or bathroom would need to be removed. This will need to be required as a condition of any variance that may be granted in order to avoid the creation of two dwelling units on a single lot. Since the structure has functioned as a dwelling in the past, there is a concern that it could be converted back to a dwelling causing future compliance issues. The City will need to monitor the property in the future to ensure that future owners do not convert the accessory building to a single-family residence without obtaining proper permissions.

Compliance with the maximum allowed floor area ratio (FAR) of 0.40 in the R-2 Zoning District requires that the existing house, once converted to an accessory structure, be used only for storage or parking. Gross floor area excludes areas used for “detached accessory structures to single and two-family dwellings and which are used for storage or parking” per the Zoning Ordinance (Section VI-4.A.2(f)). FAR is the ratio of gross floor area to lot area. If the accessory structure (existing house) is used other than for storage or parking, its area would need to be included in the gross floor area, thereby increasing the FAR. If the accessory structure (existing house) is not used for storage or parking and is included in the gross floor area, the calculated FAR is 0.47, which exceeds the maximum allowed FAR by 17.5%.

From a planning perspective, there are both pros and cons to granting the requested variance. On the positive side, the proposed single-family home will be more consistent with the size and setback of surrounding residential homes in the area. In addition reuse of the existing house as an accessory structure, as opposed to tearing the structure down, would limit waste and reduce use of additional materials. On the other hand, granting the variance may cause future enforcement issues related to use

of the accessory structure (existing house) as a dwelling unit. Retaining the existing house will also result in increased lot coverage than is typically found in this neighborhood.

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:

1. *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.*

To be in strict compliance with the Zoning Ordinance, either one or part of the existing structures on the subject property would need to be removed. The applicant has stated that they want to keep the two existing structures. Furthermore the applicant notes that “the garage is usable as is, and there is no easy and obvious way or desirable reason to tear down a portion of the larger structure to meet the 750SF limit.”

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 existing development of the lot is not typical. The existing dwelling has been situated on the far rear of the lot, similar to the typical placement of an accessory building with minimal setbacks from the rear and side yard property lines. In addition, the size and depth of the lot is not typical for the area. The continued use of the existing structures as accessory structures, would still allow for the construction of another dwelling that is otherwise in compliance with the Zoning Ordinance.

3. *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 the “two nonconforming structures were already present on the property when we purchased it last July. They are not at the end of their useful lives, so it seems good to continue to use them.” Although the location of the structures and how the subject property has been developed is not the result of or a situation created by the applicant, the variance requested is a result of the applicant’s desire to construct a larger home on the property and to convert the existing house to an accessory building.

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

The proposed variance would not alter the essential character of the neighborhood. The single-family dwelling proposed to be added to the subject property is permitted by right and would be built in conformance with the development regulations of the Urbana Zoning Ordinance. The new structure would be more similar in size and set back as the existing residences along Washington Street.

However, the addition of the new structure would result in larger lot coverage than is typical for the neighborhood.

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

The proposed variance would not cause a nuisance to the adjacent properties. The variance pertains to buildings that have existed for many years. In addition as stated above, the single-family dwelling proposed to be added to the subject property is a permitted use and would be built in conformance with the development regulations of the Urbana Zoning Ordinance.

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

The request to exceed the maximum square footage allowed for accessory buildings by 249 sq. ft. is the minimum deviation from the requirements of the Zoning Ordinance necessary to permit the construction of the proposed single-family home and the conversion of the existing home to an accessory building. The variance request is based on the area of the existing garage and existing home on the property. The square footage could not be reduced without the removal of part or all of the structures.

Summary of Staff Findings

1. The subject property is located at 304 West Washington Street and is located in the R-2, Single Family Zoning District.
2. There is an existing single-family home and garage on the property.
3. The applicant desires to construct a new single-family home and to convert the existing home to an accessory structure for storage use.
4. The kitchen must be removed from the existing house in order to be considered an accessory structure.
5. Conversion of the existing house to an accessory structure for storage results in a total square footage (999 sq. ft.) for accessory structures that exceeds the maximum square footage (750 sq. ft.) allowed by 33%.
6. The applicant has applied for a major variance to exceed the maximum square footage allowed for accessory buildings so that a new single-family dwelling can be constructed and the existing home converted to an accessory building.
7. The proposed single-family home will be more consistent with the size and setback of surrounding residential homes in the area.
8. Reuse of the existing house as an accessory structure, as opposed to tearing the structure down to comply with the Zoning Ordinance, would limit waste and reduce use of additional materials.

9. Granting the variance could cause future enforcement needs related to the potential use of the accessory structure (existing house) as a dwelling unit.
10. Granting the requested variance will result in increased lot coverage than is typically found in the area.
11. The requested variance will not alter the essential character of the neighborhood and will not cause a nuisance to adjacent property.

Options

The Zoning Board of Appeals has the following options for recommendation to the City Council in major variance case ZBA-2010-MAJ-01:

- a. Recommend approval, by two-thirds majority, of the variance as requested based on the findings outlined in this memo;
- b. Recommend approval, by two-thirds majority, of 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. Recommend denial of the variance as requested. 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 forward major variance Case ZBA-2010-MAJ-01 to the Urbana City Council with a recommendation for **APPROVAL** with the following conditions:

1. That the subject lot be developed for single-family use in conformance with all other applicable regulations in the Urbana Zoning Ordinance.
2. That the kitchen in the existing single-family dwelling be removed. The removal of the kitchen is to be documented in the Property Maintenance File and a revised Certificate of Occupancy issued.
3. That the two structures intended to be used as detached accessory structures be used only for storage or parking. This is to be documented in the Property Maintenance File and on the Certificate of Occupancy.

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Site Photo
 Exhibit C: Application
 Exhibit D: Letter of Support from Howard Schein

cc: Jeff and Sandy Yockey
 304 West Washington Street
 Urbana, IL 61801

Exhibit A: Location and Existing Land Use Map



ZBA Case: ZBA-2010-MAJ-01

Description: Request for a major variance to exceed the maximum square footage allowed for accessory buildings.

Petitioner: Jeff and Sandy Yockey

Location: 304 West Washington Street

Zoning: R-2, Single-Family Residential

Land Use
 MF - Multi-Family
 SF - Single-Family



EXHIBIT B



Application 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 02-26-2010 ZBA Case No. 2010-MAJ-01
 Fee Paid - Check No. 1010 Amount \$150.00 Date 02-26-2010

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/Construction Proposed and the Type and Extent of Variation Requested)* exceeding max SF of accessory buildings* on the property described below, and in conformity with the plans described on this variance request. *see U-2.0.7.a

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Jeff + Sandy Yockey Phone: 217.344.8835
 Address (street/city/state/zip code): 304 W. Washington ; Urbana IL 61801
 Email Address: Jeff Yockey@mac.com
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owners

2. OWNER INFORMATION

Name of Owner(s): Same as above Phone: _____
 Address (street/city/state/zip code): _____
 Email Address: _____

FEB 26 2010

Is this property owned by a Land Trust? Yes No
 If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 304 W. Washington Urbana IL
 PIN # of Location: 92 - 21 - 17 - 185 - 015
 Lot Size: 58.05' x 104' = 6,037.2 sq ft.

Current Zoning Designation: R-2

Current Land Use (vacant, residence, grocery, factory, etc): Residence

Proposed Land Use: Residence

Legal Description: Lot 2 of Linstrum's Replat of Lots 20 and 21 of a Subdivision of Outlot 9 of James S. Busey's Addition of Outlots to the Town of Urbana, now City of Urbana, as per plat recorded in Book "D" at pg. 277 in Champaign County, Illinois

4. CONSULTANT INFORMATION

Name of Architect(s): Daniel McCully

Phone: 719.440.3345

Address (street/city/state/zip code): 1004 Hans Brinker Street, Colorado Springs CO 80907

Email Address: dmccully@abidesignarch.com

Name of Engineers(s):

Phone:

Address (street/city/state/zip code):

Email Address:

Name of Surveyor(s):

Phone:

Address (street/city/state/zip code):

Email Address:

Name of Professional Site Planner(s):

Phone:

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s):

Phone:

Address (street/city/state/zip code):

Email Address:

5. REASONS FOR VARIATION - See attached documents.

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.

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.

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

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

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

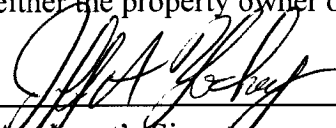
Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature

Sandra Yockey

2/26/10
Date

Application for Variance

Jeff and Sandy Yockey
304 W. Washington, Urbana, IL

Background and Answers to Questions

In July of 2009 we purchased a small lot on W. Washington Street with a small house and garage located on the back corners of the property. We desire to build a new home on the front of this property and convert the existing small house to an accessory building. (See attached proposed site plan and front elevation.)

We have preliminary architectural drawings of our new home that take into consideration all R-2 zoning regulations; Max FAR, Min OSR, yard sizes, etc.. (There are still several design decisions yet to make that give us some flexibility in our 2ND FLR and PORCH SF totals, but we will stay within the Max FAR.) As we move ahead in our planning and the building permit process, we now recognize a need to request a variance.

Our variance request is to be permitted to exceed the SF limits of our accessory structures.

Urbana Zoning Ordinance V-2.D.7.a states:

7. If such accessory structures or buildings are to be located on a lot containing a single- or two- family dwelling, the maximum permitted building area of the accessory building, regardless of the zoning district, shall be determined as follows:
 - a) If the building area of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet.

Our proposed building area is 1,447 SF.

1ST FLR + COVERED PORCHES (using the largest design option we are considering):
1,125 SF + 322 SF = 1,447 SF

The total SF of our two accessory structures would total 999 SF.

234 SF + 765 SF (the existing garage and small house) = 999 SF

Variance Application Questions and Answers

Q. 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.

Ans. *We desire to keep intact the two preexisting structures. The garage is usable as is, and there is no easy and obvious way or desirable reason to tear down a portion of the larger structure to meet the 750 SF limit.*

Q. 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.

Ans. *This is a small, shallow lot: 58' x 104'. These two existing buildings are now nonconforming structures given their location relative to the lot lines. Yet for this small lot, their present location provides some advantage in developing a site plan.*

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

Ans. *These two nonconforming structures were already present on the property when we purchased it last July. They are not at the end of their useful lives, so it seems good to continue to use them.*

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

Ans. *First, no net change in the the "Single Family Dwelling" status of the property will occur. The larger existing structure will cease to be a Single Family Dwelling and will be converted to a Miscellaneous Accessory Building (removal of kitchen, etc.) thus excluding its use as a potential rental property.*

Second, these small buildings are in the back of the property. The new home to be built in front of the property is being designed in an Arts and Craft style to fit into and enhance the character of the West Urbana neighborhood where it is to be built. Our desire is to update the exteriors of these two accessory structures so they will match and compliment the style, color, and exterior of the new home.

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

Ans. *The two structures are already a long-standing part of the neighborhood landscape, especially for our three adjacent neighbors.*

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

Ans. *Yes, given that the two nonconforming structures already exist. No increase in SF is planned or requested.*

25 FEB 2010

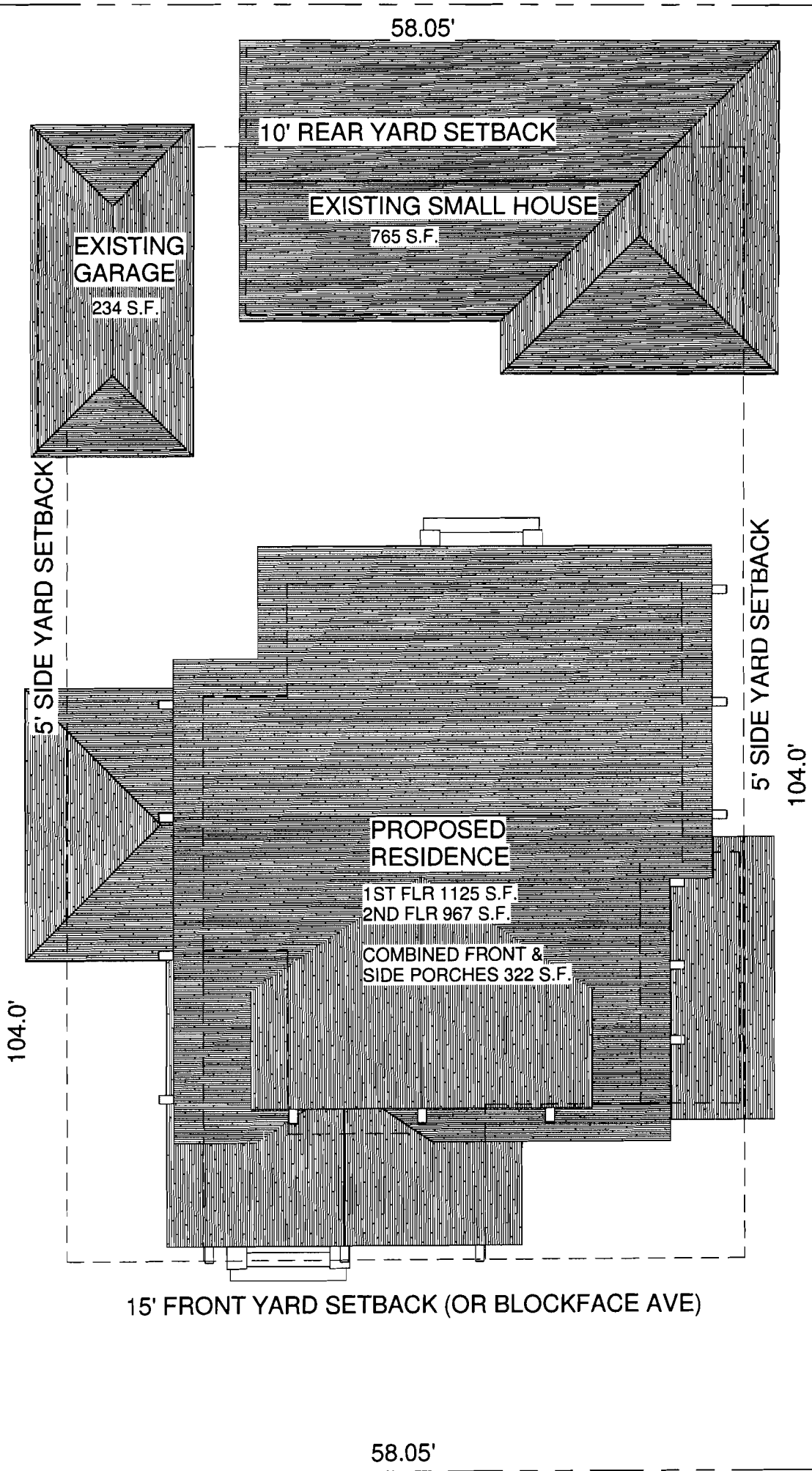
JEFF & SANDY YOCKEY
304 W WASHINGTON
URBANA, IL 61801

PARCEL# 922117185015

LOT SIZE 6037.2 S.F.
(58.05' x 104')

ZONING: R-2

CONSTRUCTION: ICF





Howard Schein
401 W. Nevada
Urbana, IL 61801

Department of Community Development Services
Planning Division
400 S. Vine
Urbana, IL 61801

In Regard to request for variance

ZBA Case # 2010-MAJ-01

I fully support Jeff and Sandy Yockey's request for a major variance in order to exceed the maximum square footage allowed for accessory buildings at 304 W. Washington.

I fully understand the nature of their request to build a new structure on their lot at this address while let standing the current structure. I have discussed at length with them their plans for their proposed new construction and their plans (with approval) to keep the current structure, and it makes complete sense to me.

As a member of the immediate neighborhood, I do not see an issue with this variance, especially from an aesthetic and functional viewpoint. I do not see this variance as coming into conflict with the nature of the neighborhood, at all.

In addition, from knowing the Yockey's since they have moved into the neighborhood, I have complete confidence in their ability to manage their property within the demeanor of the neighborhood and to add to the neighborhood's flavor.

Sincerely,


Howard Schein