



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, Planner I

DATE: April 15, 2010

SUBJECT: ZBA-2010-MIN-01: A request by Martha Wagner Weinberg for a minor variance to build an addition encroaching up to 5 feet into a required 25-foot front yard at 1506 S Orchard Street in the R-1, Single-Family Residential Zoning District

Introduction and Background

Martha Wagner Weinberg is requesting a minor variance to build an addition encroaching approximately 4.7 feet into the required front yard of a residence on the corner of Orchard Street and Delaware Avenue. Table VI-3 of the Urbana Zoning Ordinance states that the required front yard in the R-1 District shall be the average depth of the front yards of all the lots on the block face, or 25 feet, whichever is greater, but no more than 60 feet. The average depth of front yards on the block face is 18.165 feet; the required front yard for the subject property is therefore 25 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 contains a single-family residence and a detached garage. The proposed addition would be located on the north side of the existing house, between the house and the garage. The addition would be in line with the front face of the existing house and would not extend into the required front yard beyond the existing house.

Description of the Site

The subject property is located on the northeast corner of Orchard Street and Delaware Avenue. The lot area is 6,900 square feet with a 115-foot frontage along Orchard Street and a 60-foot frontage along Delaware Avenue. The lot currently contains a 1,786 square foot single-family house with a detached garage located north of the house. The house fronts on Orchard Street.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property is surrounded in all directions by single-family homes, all zoned R-1, Single-Family Residential.

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 construct an addition on the north side of the existing house. The addition would be in line with the front face of the existing house and would not extend any further into the required front yard than the existing house. The addition would include a master bedroom with a three-quarter bathroom, a half bathroom, an extension of the kitchen for a dining area, a small laundry room, and several closets. The project would also include an entry vestibule which would extend the front door on Orchard Street outward by four feet. The proposed vestibule would encroach approximately 4 feet further into the required setback than the existing house and proposed addition.

The proposed vestibule encroachment is to allow for wheelchair accessibility. Section VI-5.B.5 of the Urbana Zoning Ordinance allows structures for handicapped accessibility to encroach into the required setback. The addition including the vestibule will be approximately 587 square feet in area. The petition is also proposing to convert an existing enclosed porch into a finished sun room, which would then be considered part of the living area of the house. The porch is approximately 182 square feet in area. The existing house is currently nonconforming, as it extends into the required front yard. Constructing an addition in line with the front wall of the house is considered an expansion of a nonconformity and therefore requires a variance.

The required front yard setback in the R-1, Single-Family Residential District is based on the average of the existing setbacks on the block face, but cannot be more than 60 feet or less than 25 feet. There are two parcels on the east side of Orchard Street between Delaware Avenue and Vermont Avenue including the subject property. The average setback is 18.165 feet. The existing house on the subject property encroaches approximately 4.7 feet into the required front yard along Orchard Street. The proposed addition would also encroach approximately 4.7 feet into the required front yard.

The subject property is located on a corner lot. The Urbana Zoning Ordinance, in Section VI-5.E, requires lots having frontage on two streets to have a required front yard on each frontage. This lot, platted many years ago, was not platted to accommodate a required front yard along Orchard Street. Although the house fronts on Orchard Street, the lot was platted for the Delaware Avenue frontage to be considered the front yard. It may be useful to note that if the Orchard Street frontage had a required side yard instead of a required front yard, the required setback would be five feet. Due to the two required front yards, there is no possible location for the proposed addition other than directly north of the existing house.

The interior layout of the proposed addition requires the addition be built in line with the front wall of the existing house to allow wheelchair accessibility into the proposed bedroom. Moving the proposed addition out of the required front yard would remove interior access to the proposed bedroom without a considerable additional cost due to the location of the existing staircase.

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 corner location of the lot and the need for wheelchair accessibility. The subject property is a corner lot and therefore has two required front yard setbacks. The existing house encroaches approximately 4.7 feet into the required front yard. There is no possible location for the proposed addition other than directly north of the existing house. The proposed vestibule encroachment is to allow for handicapped accessibility. Section VI-5.B.5 of the Urbana Zoning Ordinance allows structures for handicapped accessibility to encroach into the required setback. It is necessary for the proposed addition to be in line with the front wall of the existing house to allow interior wheelchair accessibility.

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 to build an addition to the home in line with the existing house is due to the petitioner's design requirements for interior wheelchair mobility. The proposed vestibule is to allow for handicapped accessibility. The house is an existing, legally nonconforming structure for setback.

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

The surrounding area is entirely composed of single-family homes. The proposed addition will be in a similar architectural style as the existing house. The addition would not be closer to the street than the current façade of the existing house. The proposed addition would be set back 20.33 feet, two feet more than the average on the blockface and four feet more than the only other property on the block.

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 constructing an addition in line with the current front wall of the house. 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 the proposed addition to the home.

Summary of Findings

1. Table VI-3 of the Urbana Zoning Ordinance requires that front yards in the R-1 Single-Family Residential District be based on the average of the existing setbacks on the block face, but that number cannot be more than 60 feet or less than 25 feet;
2. The petitioner is proposing to build an addition in line with front wall of the existing house to allow for interior wheelchair mobility;
3. The petitioner is proposing to build an entryway vestibule to provide handicapped accessibility;
4. Section VI-5.B.5 of the Urbana Zoning Ordinance allows structures for handicapped accessibility to encroach into the required setback;
5. The existing house encroaches approximately 4.7 feet into the required front yard;
6. The subject property is a corner lot. The Urbana Zoning Ordinance, in Section VI-5.E, requires lots having frontage on two streets to have a required front yard on each frontage.
7. The proposed location for the addition is approximately 20.3 feet from the property line and would not extend beyond the current façade;

8. Allowing the proposed addition would not serve as a special privilege as the house is on a corner lot with two 25-foot required front yards;
9. Allowing the proposed addition would not alter the essential character of the neighborhood nor cause a nuisance to the adjacent properties.
10. 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-2010-MIN-01:

- 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-2010-MIN-01 with the following condition:

1. The addition shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto.

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

Cc: Martha Wagner Weinberg
17 James St., Apt 1, Brookline, MA 02446

Ben Olson - Olson.arch@gmail.com
Dave Syler - 20 Montclair Rd, Urbana IL 61801
Kevin Fahey - jkevinfahey@gmail.com

EXHIBIT A: Location Map & Aerial


F



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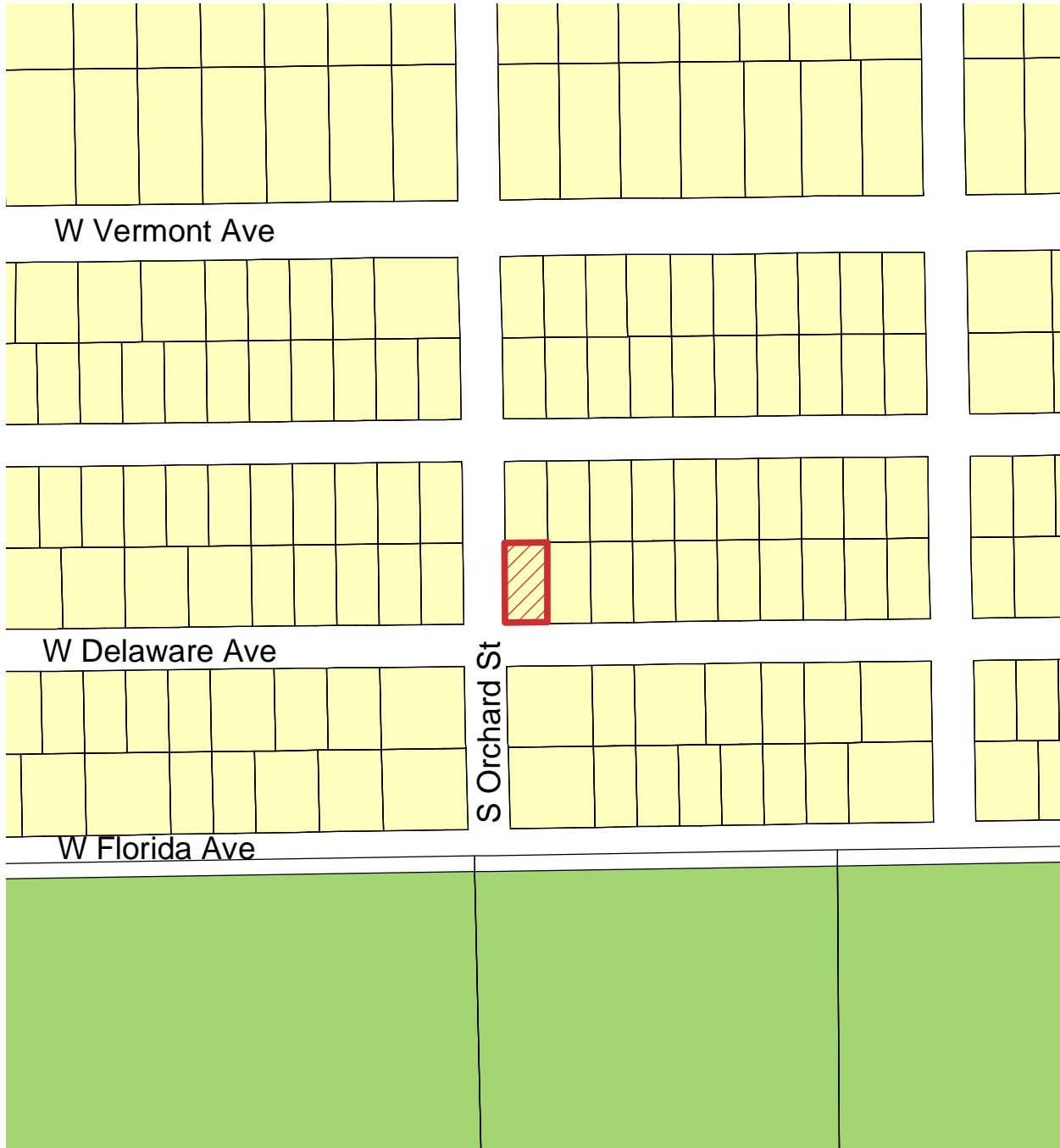


ZBA Case: 2010-MIN-01
Subject: Request for a Minor Variance to Encroach up to 5 feet in to the Required Front Yard
Location: 1506 South Orchard St, Urbana
Petitioner: Martha Wagner Weinberg

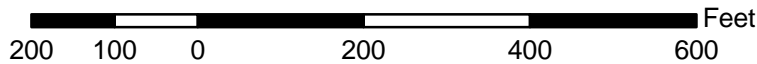
 Subject Property

Prepared 4/12/2010 by Community Development Services - rlb

EXHIBIT B: Existing Zoning Map



F



ZBA Case: 2010-MIN-01
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

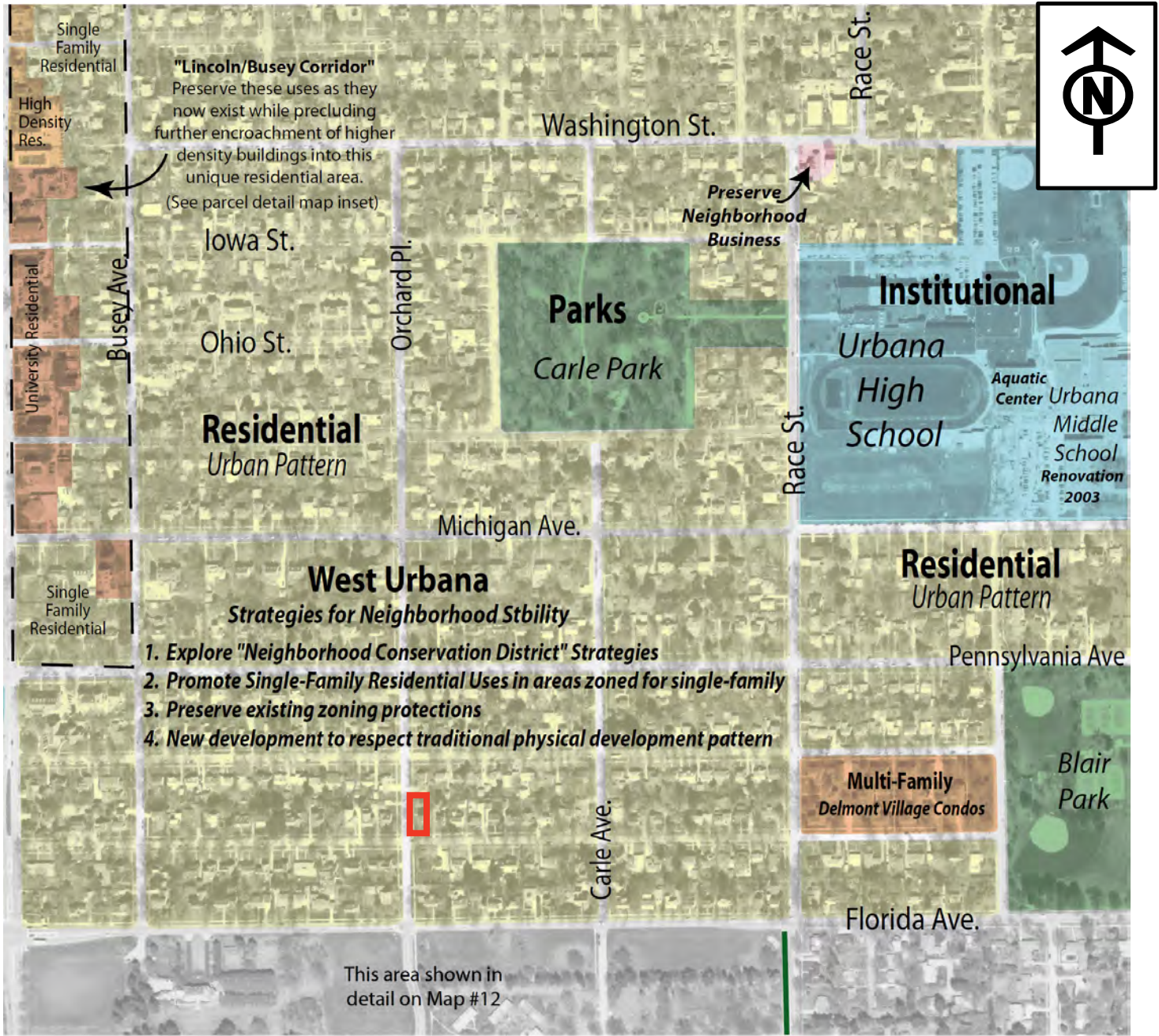
-  Subject Property
-  R1, Single-Family Residential
-  CRE, Conservation, Recreation, Education

EXHIBIT C: Future Land Use



ZBA Case: 2010-MIN-01

Subject: Request for a Minor Variance to Encroach up to 5 feet in to the Required Front Yard

Location: 1506 South Orchard St, Urbana

Petitioner: Martha Wagner Weinberg

 Subject Property



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 3-25-2010 ZBA Case No. ZBA-2010-MIN-01
Fee Paid - Check No. 3168 Amount \$125.00 Date 3-25-2010

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)*

The owner to encroach on the required front yard on Orchard Street in the property described below, and in conformity with the plans described on this variance request. *(addition to follow line of existing building)*

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **MARTHA WAGNER WEINBERG, TTEE, MARTHA WAGNER**

WEINBERG TRUST

Phone: **617-566-5489**

Address (street/city/state/zip code): **17 JAMES STREET, APT.1, BROOKLINE, MA. 02446**

Email Address: **MARTHAWEINBERG@RCN.COM**

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **TRUSTEE OF MARTHA**

WAGNER WEINBERG TRUST

2. OWNER INFORMATION

Name of Owner(s): **MARTHA WAGNER WEINBERG REV.TRUST** Phone: **617-970-1766**

Address (street/city/state/zip code): **1506 S. ORCHARD, URBANA, IL 61801**

Email Address: **MARTHAWEINBERG@RCN.COM**

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: **1506 S. ORCHARD**

PIN # of Location: **93-21-17-378-011**

Lot Size: **60 X 115**

Current Zoning Designation: **R-1 SINGLE FAMILY RESIDENTIAL**

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

Proposed Land Use: **Residential**

Legal Description: **LOT 11 HUBBARD TERRACE, A SUBDIVISION TO THE CITY OF URBANA, SITUATED IN CHAMPAIGN COUNTY ILLINOIS**

4. CONSULTANT INFORMATION

Name of Architect(s): BEN OLSON ARCHITECTS

Phone: **617-232-9899**

Address (*street/city/state/zip code*): **31 PERRY STREET, BROOKLINE, MA. 02445**

Email Address: **OLSON.ARCH@GMAIL.COM**

Name of Engineers(s): CONTRACTOR: SEYLER CONSTRUCTION

Phone: **217-649-0704**

Address (*street/city/state/zip code*): **PO BOX 35, URBANA, IL 61801**

Email Address: **DSEYLER@AMERITECH.NET**

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

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.

The house is situated on a corner lot and therefore

needs to meet the requirements for the set-backs for two front yards, in order to provide a living space (including a bedroom and bath on the first floor).

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.

On a corner lot with two front yards, a greater setback is required on one side than would be required for a sideyard so build the bed and bath, owner needs to encroach into the required setback.

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

THE HOUSE HAS NEVER HAD THE SPACE REQUIRED TO ADD A FIRST FLOOR BED/BATH, BUT AS A CONSEQUENCE OF MARTIN WAGNER'S ILLNESS AND SUBSEQUENT CONFINEMENT TO USING THE FIRST FLOOR ONLY DURING THE LAST FOUR YEARS OF HIS LIFE, THE WAGNER FAMILY HAS REALIZED THAT THIS RESIDENTIAL SITUATION WILL NOT WORK IN THE FUTURE AS A RESIDENCE FOR AN ELDERLY OR ILL PERSON WHO IS CONFINED TO THE FIRST FLOOR.

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

The addition will be in keeping with the

architectural style of the house, will create no extra foot or car traffic and will help preserve the current mix of age groups and generations that make it such an attractive neighborhood

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

the addition will be in line with the front facade of the existing house

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

YES. IT IS THE SMALLEST DEVIATION THAT WE CAN REQUEST TO ALLOW US TO ACCOMPLISH OUR GOALS AND TO COMPLETE THE PROJECT.

PLEASE SEE ATTACHED PLAN FOR DESIGN OF THE PROPOSED ADDITION. PLEASE ALSO CONSIDER THE PROPOSED USE, AS A HOME WHERE THE NEXT GENERATION (IN THIS CASE, MARTHA WAGNER WEINBERG) OF THE MARTIN WAGNER FAMILY (WE HAVE LIVED IN URBANA AT THIS RESIDENCE FOR 50 YEARS) CAN CONTINUE TO RESIDE.

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

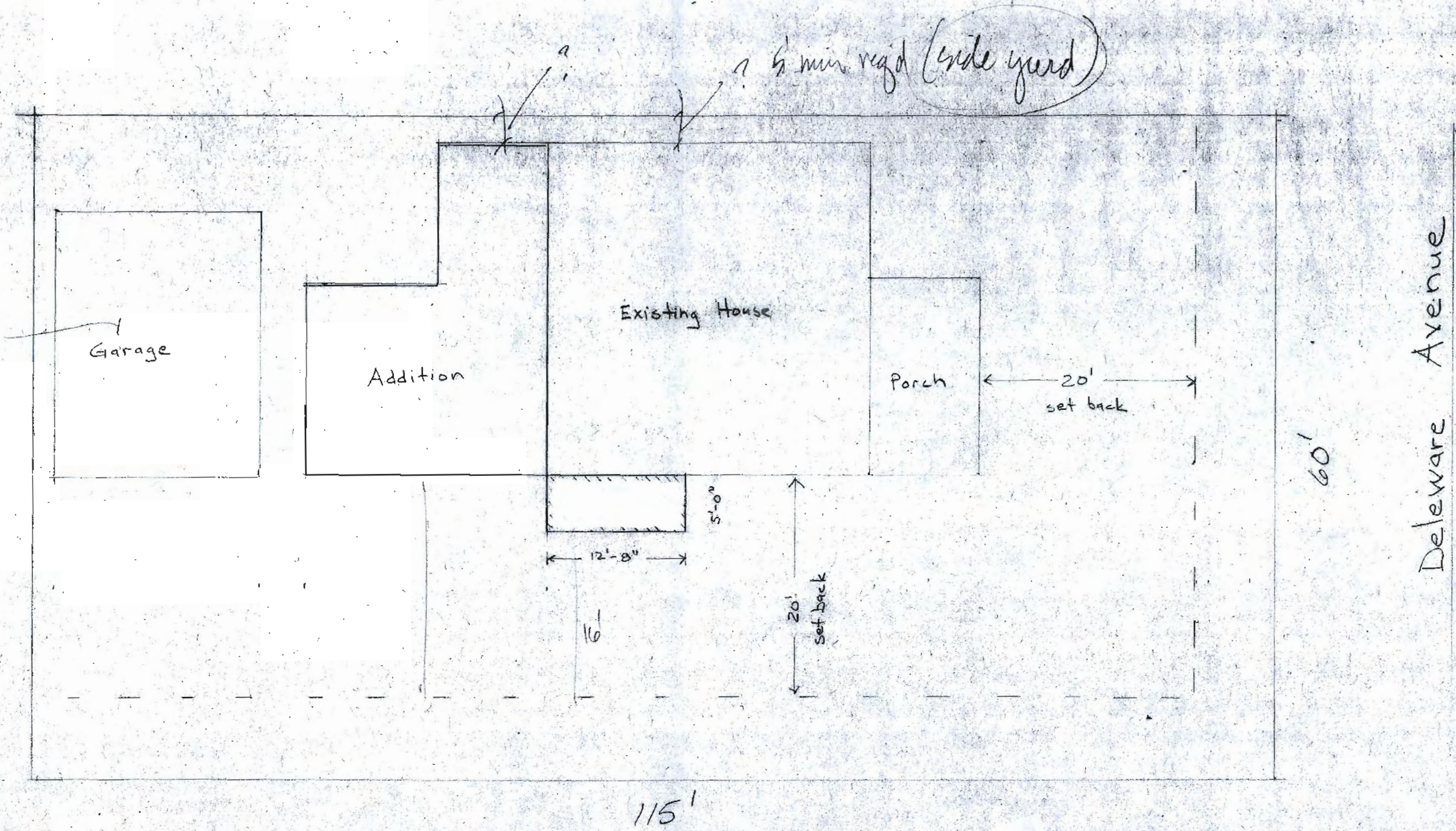
I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Martha Wagner Weinberg, TEE
Applicant's Signature

3/25/2010
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367



Orchard Street

Dashed line is where property line should be

1506 South Orchard

1 inch = 10 feet

Exhibit E: Site Photos



Figure 1. Existing House, Orchard Street



Figure 2. Existing House, Delaware Avenue



Figure 3. House and Garage, Orchard Street



Figure 4. Location of proposed addition, Orchard Street

April 7, 2010

Stan Steinkamp called and asked that his letter of support dated December 2, 2009 be included in the packet for Case 2010-MIN-01. He and his wife are in support of the proposed changes.

Rebecca Bird
Planner I

From: steinkmp@gmail.com [mailto:steinkmp@gmail.com] **On Behalf Of** stan steinkamp
Sent: Wednesday, December 02, 2009 6:58 PM
To: Bird, Rebecca
Subject: 2009-MIN-03

12/2/2009

Department of Community Development Services
Planning Division

Dear Sirs

My wife and I both strongly support 2009-MIN-03. We live directly across Orchard and our picture windows face 1506 S Orchard. We have jointly gone over the plans with Martha Weinberg in detail and feel the proposed changes will greatly improve the appearance of the house. We feel it will likely also increase property values of houses around it.

Sincerely

Stan & Marj Steinkamp
602 W Delaware