



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: March 25, 2011

SUBJECT: ZBA-2011-MIN-01: A request by Lois Steinberg for a minor variance to construct a building addition which encroaches four inches into a required five-foot side yard at 306 W Nevada Street in the in the R-2, Single-Family Residential Zoning District

Introduction and Background

Lois Steinberg is requesting a minor variance to build an addition encroaching four inches into a required side yard of a residence at 306 W Nevada Street. Table VI-3 of the Urbana Zoning Ordinance states that the required side yard in the R-2 District is five feet. Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a side yard reduction variance of up to 25% as a minor variance by a majority vote of its members.

The subject property is a single-family residence. The proposed one-story addition would be located on the east side of the existing house.

Description of the Site

The subject property is located on the north side of Nevada Street between Birch and Cedar Streets. The site is the eastern half of what was originally a single lot of Rollin Whitcomb's Subdivision of Outlot 9 of Busey's Addition of Outlots. The subject lot is 34.9 feet wide and 143.9 feet deep, with a lot area of 5,022.1 square feet. The lot currently contains a 1,078 square foot single-family house. There is no garage. Typical lot widths on the 300-block of West Nevada are 57.8 to 63.8 feet.

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-2, 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-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
East	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
South	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
West	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

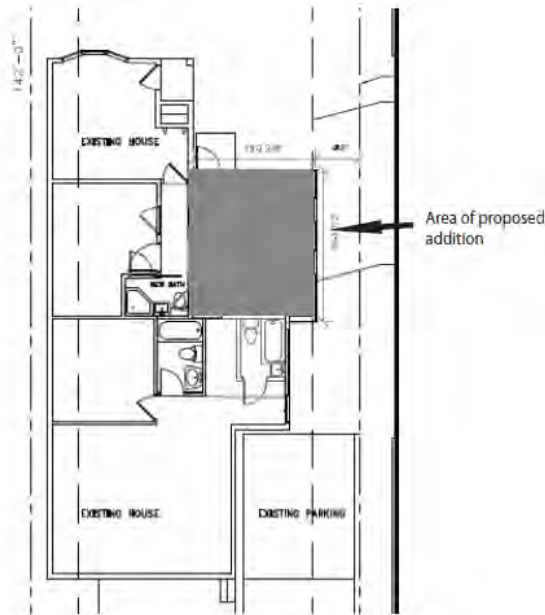
The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Urban Pattern”. The plan defines the Residential Urban Pattern of Development as:

“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 east side of the existing house. The addition would move the eastern face of the house approximately three feet to the east and would extend four inches into the required five foot side yard. The addition would allow for a larger kitchen and a new three-quarter bathroom. The petition states that the encroachment is necessary to prevent new kitchen counters and appliances from “bumping out” beyond the line of the existing house. (See sketch below).

Area of proposed addition



Petitioner’s reason for variance



The required side yard setback in the R-2, Single-Family Residential District is five feet. The petitioner is requesting a variance to reduce the required side yard by four inches.

The petitioner received a variance in 1999 to reduce the required side yard on the west side from five feet to zero feet to allow construction of an addition on the rear of the house that extended the existing west side wall of the house. The City Council approved the variance based on the fact that the existing house had a zero setback and they didn't see harm in increasing the nonconformity. Once the addition was built, the adjacent property owner considered it a hardship as, according to the owner, an electrical meter and a basement window well were actually located on the adjacent property and building maintenance was not possible without accessing the adjacent property.

In 2004, the City vacated an alley on the west side of 308 W Nevada Street (the other half of the originally platted lot) to allow both lots to have an addition six feet of width. Prior to this, both lots were 28.9 feet in width. Both lots are now 34.9 feet wide.

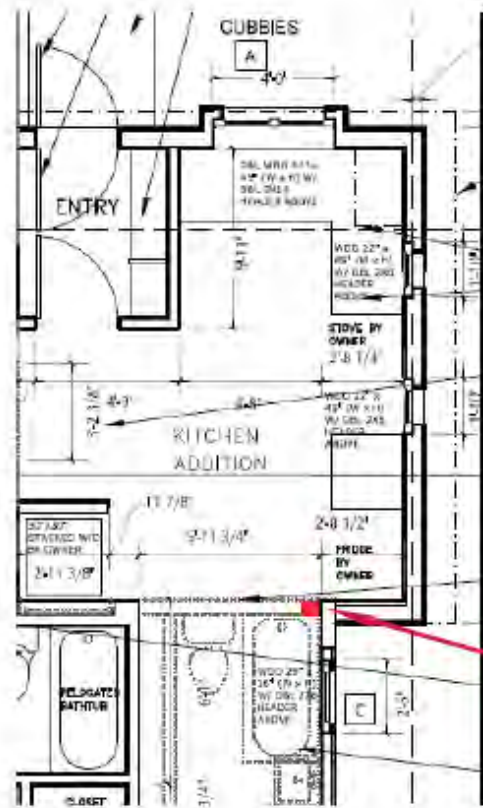
Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated. The special circumstance of the property as discussed above is the narrow width of the lot.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

- 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 petitioner's request can be evaluated in two ways. Because the subject property is unusually narrow, the proposed variance would not serve as a special privilege and failure to grant the proposed variance would deprive the petitioner of rights commonly enjoyed by other structures in the same district. However, it could also be argued that granting the proposed variance would serve as a special privilege as alternative design options would negate the need for a variance in order to construct the proposed addition. For instance, in order to prevent the new kitchen countertops from "bumping out," the doorway into the new kitchen could be framed so that it is in line with the new countertops (see sketch below).



Frame the new hall doorway here to prevent kitchen counters from "bumping out"

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

The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot and construction of the subject structure. Therefore, the narrow width of the lot was not created by the petitioner. On the other hand, the petitioner is choosing to build an addition.

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

Although the proposed addition will be visible from the public street, it would not alter the essential residential character of the neighborhood. The structure would continue to be a single-family residential home in a neighborhood of single-family residential homes.

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

The petitioner states that variance will not cause a nuisance to adjacent properties.

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

The petitioner states that the requested variance is the minimum possible deviation to build the proposed addition to the home. As stated above, it is believed that alternative design options are available which would not require a variance.

Summary of Findings

In determining whether a variance should be granted, findings of fact that are specific to the property or variance in question must be made. The findings of fact are based on the evidence presented above. Given the discussion above, the findings of fact offer support both for and against the proposed variance.

Findings of Fact

1. Table VI-3 of the Urbana Zoning Ordinance requires a five-foot side yards in the R-2 Single-Family Residential District;
2. The petitioner is proposing to build an addition that would move the eastern face of the house approximately three feet to the east and would extend four inches into the required five foot side yard.;
3. The subject property is unusually narrow, with a lot width of 34.9 feet.
4. The property received a variance in 1999 to reduce the required side yard on the west side from five feet to zero feet to allow construction of an addition on the rear of the house that extended the existing west side wall of the house.
5. In 2004, the City vacated an alley on the west side of 308 W Nevada Street (the other half of the originally platted lot) to allow both lots to have an addition six feet of width. Prior to this, both lots were 28.9 feet in width. Both lots are now 34.9 feet wide.

Findings in Favor of Proposed Variance

1. Due to the subject property's unusually narrow width, the proposed variance would not serve as a special privilege and failure to grant the proposed variance would deprive the petitioner of rights commonly enjoyed by other structures in the same district.
2. The situation was not created by the petitioner because the subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982, and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950.
3. The proposed addition will not alter the essential residential character of the neighborhood.
4. The proposed variance will not cause a nuisance to adjacent properties.

5. The requested variance is the minimum possible deviation to build the proposed addition to the home.

Findings in Opposition to the Proposed Variance

1. Granting the proposed variance would serve as a special privilege as alternative design options would negate the need for a variance in order to construct the proposed addition.
2. The special circumstance of the narrow lot width was not created by the petitioner because the subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950, although the petitioner is choosing to build an addition.
3. The proposed addition will not alter the essential residential character of the neighborhood.
4. The proposed variance would not cause a nuisance to adjacent properties.
5. The requested variance is not the minimum possible deviation to build the proposed addition to the home.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2011-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.

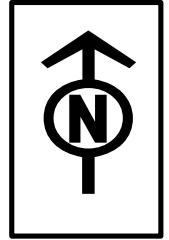
Staff Recommendation

Based on the criteria for reviewing variance requests, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **DENY** minor variance Case ZBA-2011-MIN-01. The reason for the recommendation for denial is that the proposed variance would serve as a special privilege as it is believed there are alternative design options that would allow the petitioner to build an addition without needing a variance. In this case, this reason carries greater weight than the findings in favor of recommending approval of the proposed variance.

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: Lois Steinberg, petitioner

Exhibit A: Location & Existing Land Use Map



ZBA Case: 2011-MIN-01
 Subject: Request for a Minor Variance to encroach 4 inches in the required side yard
 Location: 306 W Nevada Street, Urbana
 Petitioner: Lois Steinberg


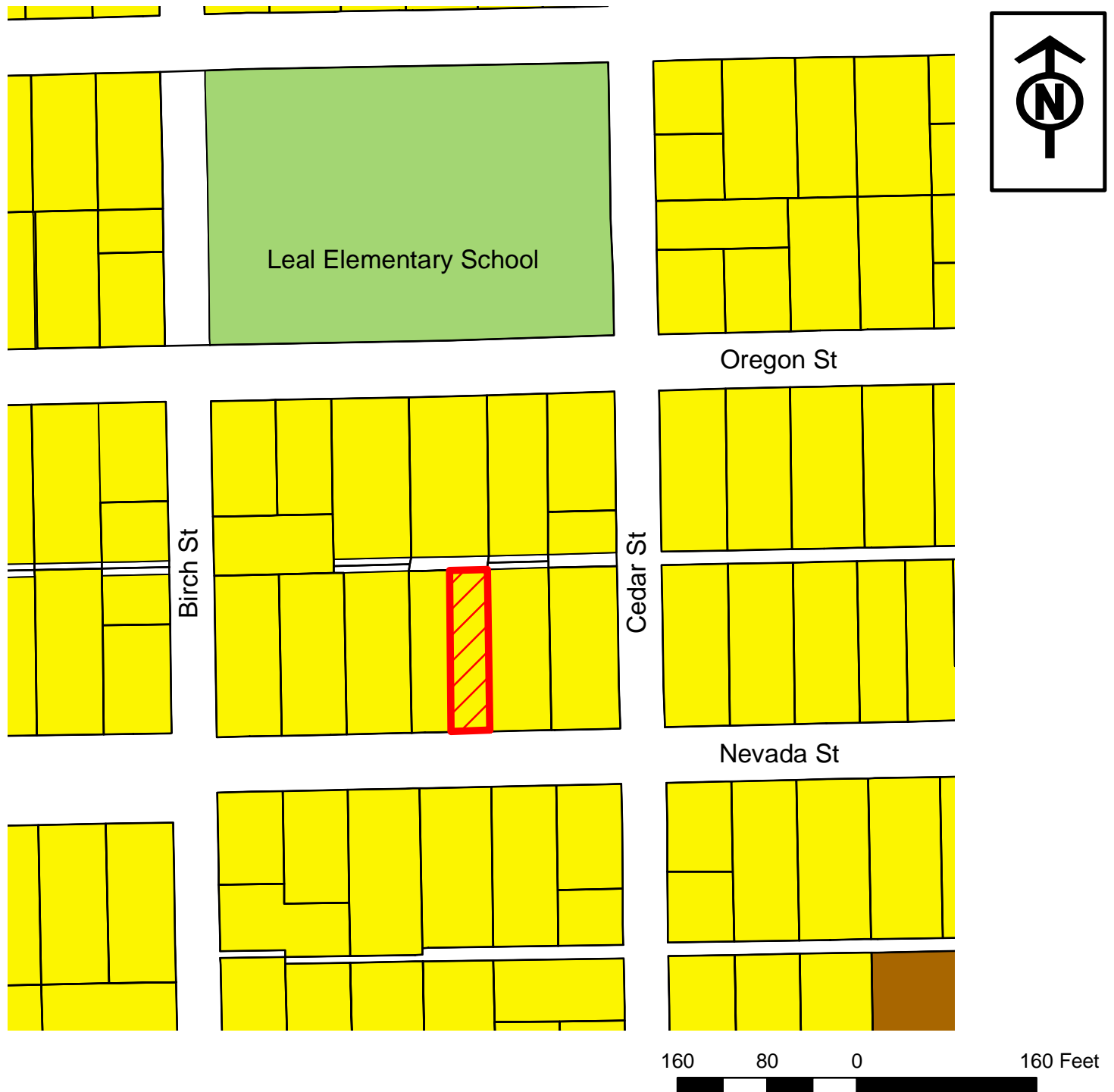




 Subject Property
 SF Single Family Residential
 DU Duplex

Exhibit B: Zoning Map



ZBA Case: 2011-MIN-01
 Subject: Request for a Minor Variance to encroach 4 inches in the required side yard
 Location: 306 W Nevada Street, Urbana
 Petitioner: Lois Steinberg

Prepared 3/15/2011 by Community Development Services - rlb

-  Subject Property
-  R2 - Single-Family Residential
-  CRE - Conservation, Education Recreation
-  R5-Med High Density MF Res



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 03-04-2011 ZBA Case No. ZBA-2011-MIN-01
 Fee Paid - Check No. 4528 Amount \$125.00 Date 03-04-2011

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)* 4-inches over the 5' set back on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): LOIS STEINBERG Phone: 217-344-1360
 Address (street/city/state/zip code): 306 W NEVADA
 Email Address: LSTEINBE@ILLINOIS.EDU
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): LOIS STEINBERG Phone: 217-344-1360
 Address (street/city/state/zip code): 306 W NEVADA
 Email Address: LSTEINBE@ILLINOIS.EDU
 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: 306 W NEVADA U
 PIN # of Location: 92-21-17-184-013
 Lot Size: 34 X 143.88

Current Zoning Designation: R-2

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

Proposed Land Use:

Legal Description: Sub of Outlot 9 Lot Pt of 7

4. CONSULTANT INFORMATION

Name of Architect(s): Kevin Price

Phone: 365-0057

Address (street/city/state/zip code): 407 W Oregon, U

Email Address: KEVINP@gr-arch.com

Name of Engineers(s): James French, P.E., S.E

Phone: 344-9311

Address (street/city/state/zip code): 711 W Vermont, U

Email Address: JAMES.FRENCH1@COMCAST.NET

Name of Surveyor(s): HDL

Phone: 352-6976

Address (street/city/state/zip code): 201 W Springfield
Suite 300, Ch.

Email Address:

Name of Professional Site Planner(s):

Phone:

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

Email Address:

Name of Attorney(s): Morton Dorothy

Phone: 384-1010

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

Email Address: MDOR4248@GOL.COM

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 4 inches is less than what I need for the kitchen
COUNTERTOPS NOT TO BUMP OUT BEYOND THE LINE OF THE
EXISTING HOUSE.

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.

I am on a half lot w/ minimal space.

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.

This is typical of close knit houses in old section of town.

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

4 inches is minimal + it is next to my neighbors yard.
The 4-inches INTO THE side yard.

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.

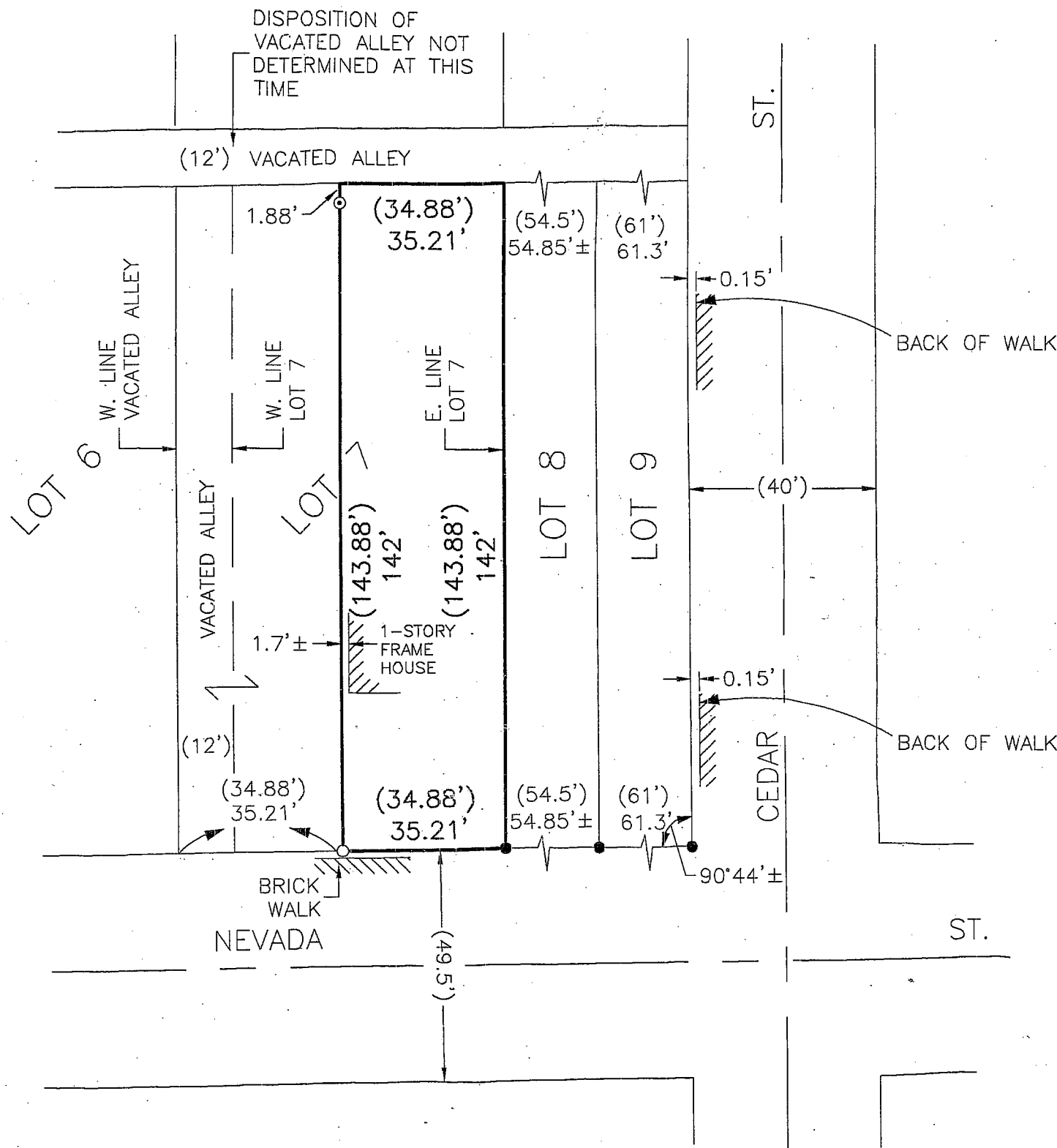
Joan Steiner
Applicant's Signature

3/4/2011
Date

STEINBERG-LOT 7 SURVEY

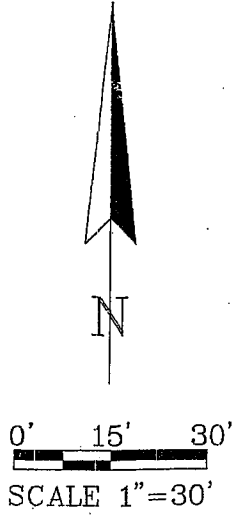
E. 1/2 N.W. 1/4 SEC. 17 T.19N. R.9E.
URBANA, ILLINOIS

EXHIBIT D: Application



LEGEND

- BOUNDARY OF SURVEYED TRACT
- 30" LONG #4 REBAR SET WITH YELLOW CAP STAMPED "HDC PLS FIRM 148"
- IRON PIN FOUND
- ⊙ SPIKE NAIL SET
- (100.00') DIMENSION OF RECORD



STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN } s.s.

SURVEYOR'S CERTIFICATE

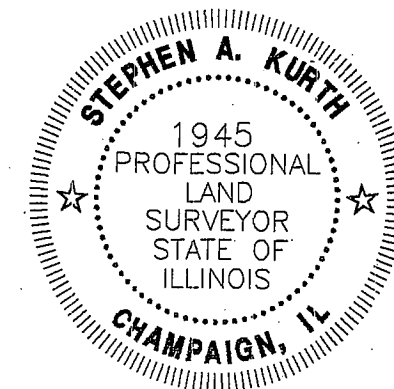
I Stephen A. Kurth, being Illinois Professional Land Surveyor Number 1945, do hereby certify that at the request of Dr. Lois Steinberg, Owner, I have caused a survey to be made and a Plat to be drawn under my direct supervision of the following described tract of land:

The East One-Half of the following described tract of land: All of Lot Seven (7) of Rollin Whitcomb's Subdivision of Out Lot Nine (9) of James S. Busey's Addition of Out Lots to Urbana, and the vacated alley (12 feet in width) running adjacent to the West side of said Lot 7, all in the East Half of the Northwest Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, City of Urbana, Champaign County, Illinois.

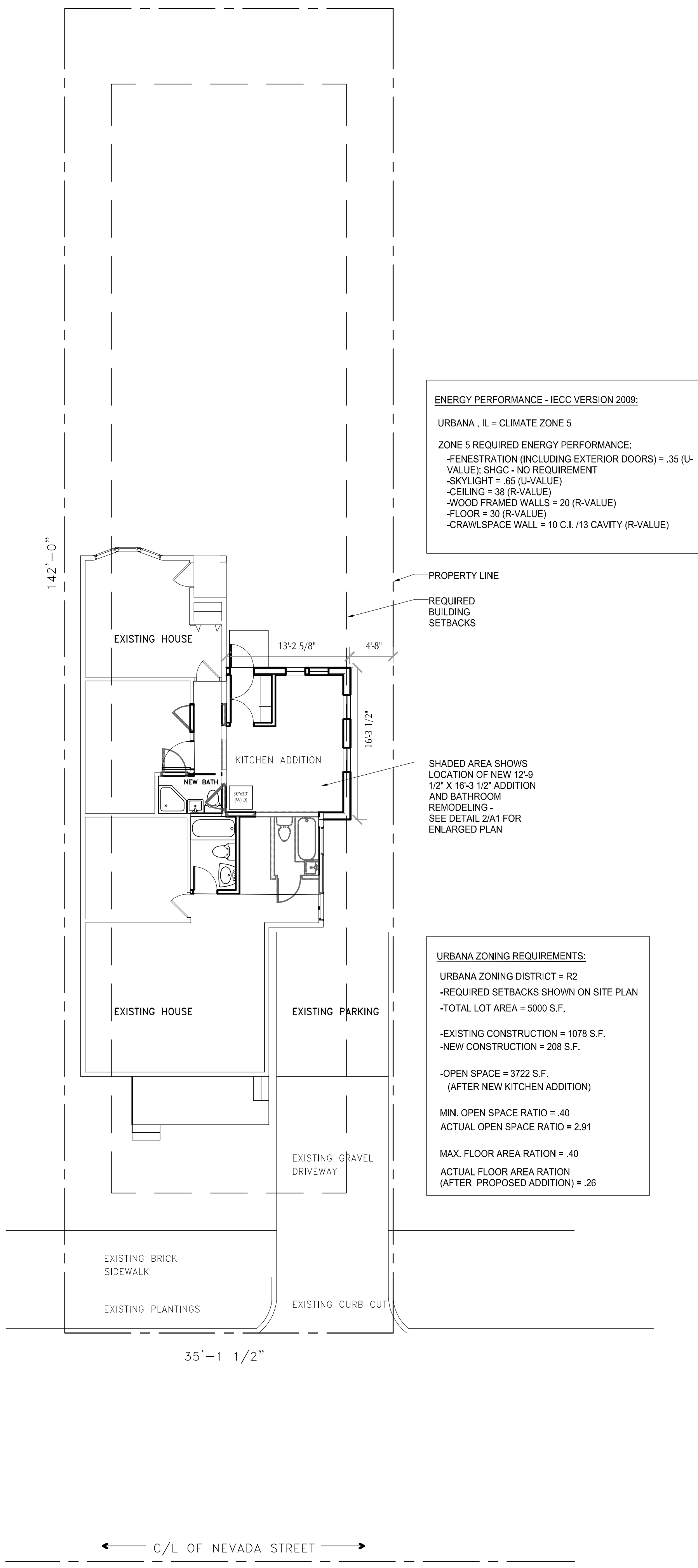
I further certify that this Plat is true and correct; that I set or found the corner monuments as shown on the Plat; that this tract of land is located in Zone "C" on the Special Flood Hazard Area identified for the City of Urbana, Champaign County, Illinois by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Community-Panel Number 170035 0010 B, dated January 16, 1981; and that I have not made a search of the records for easements or other encumbrances for the tract of land.

Signed and sealed this 8th day of March, 2000.

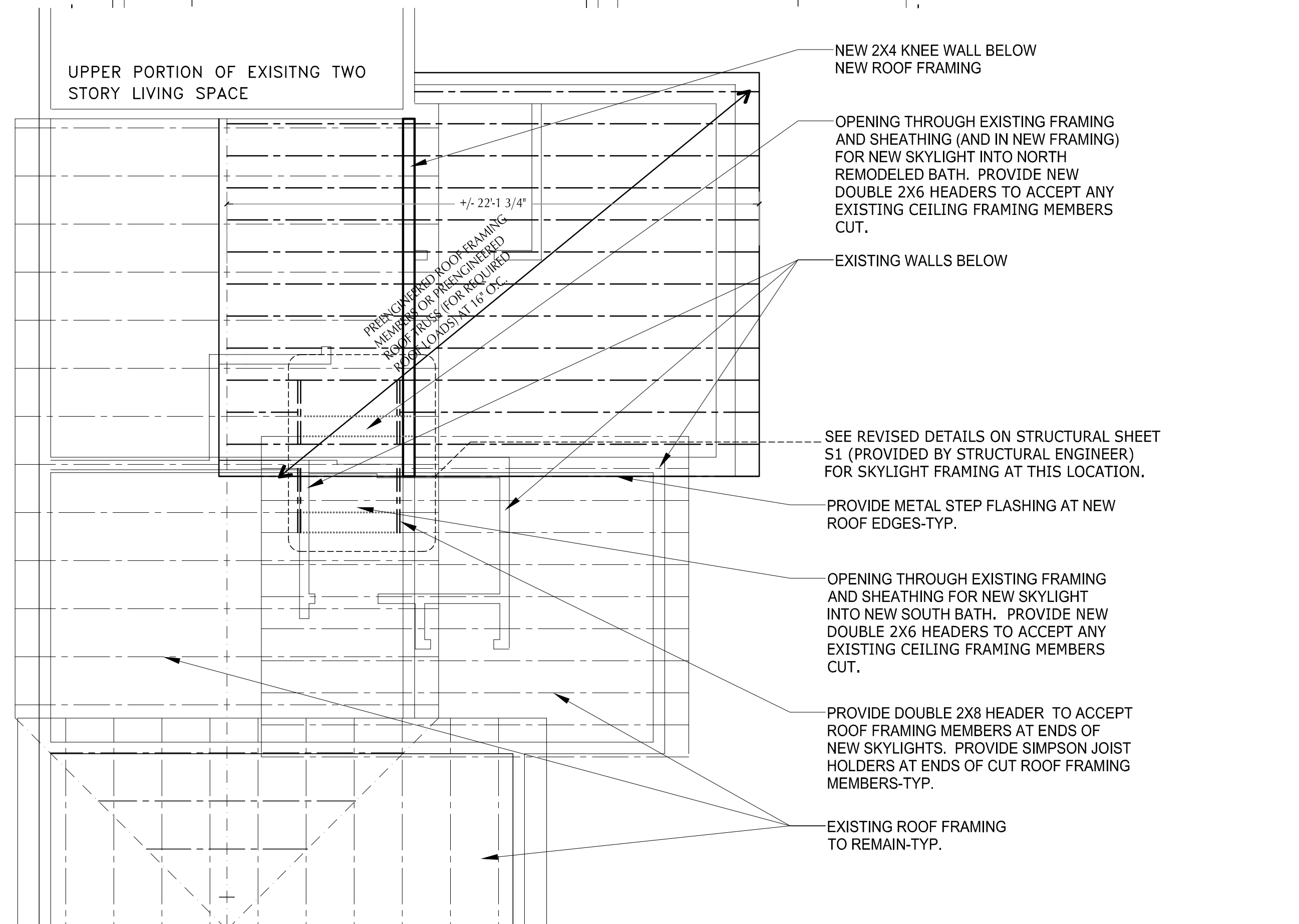
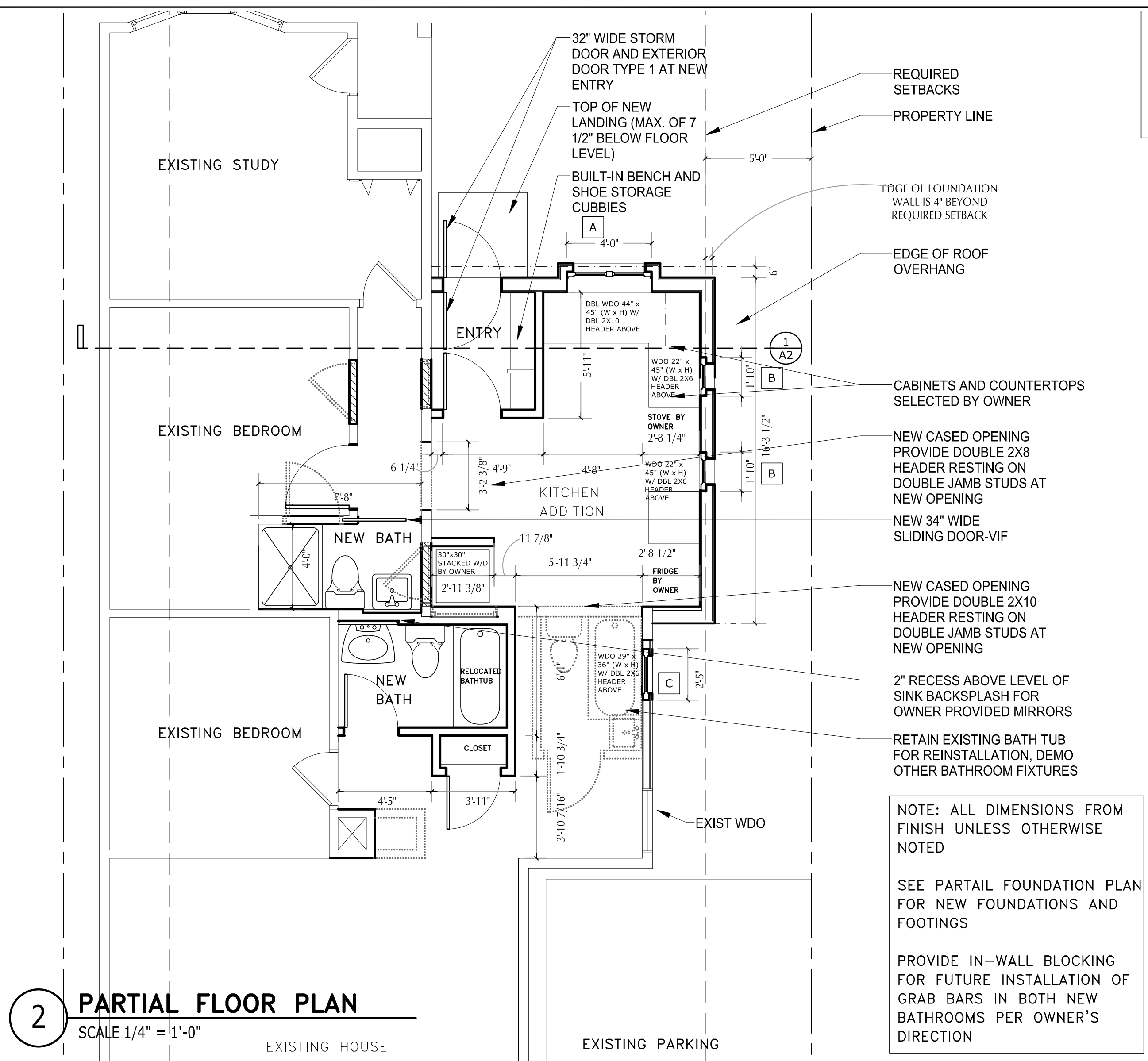
Stephen A. Kurth
Stephen A. Kurth
Illinois Professional Land Surveyor No. 1945
Licenses Expires 11/30/2001



Job #00049 Date: 3/8-00
201 West Springfield, Suite 300,
Champaign, Illinois 61824-0140
Phone No. 217-352-6976
HDC
ENGINEERING, INC.
Professional Engineering Corp. License No. 184-000131
Expires: 4/30/2001



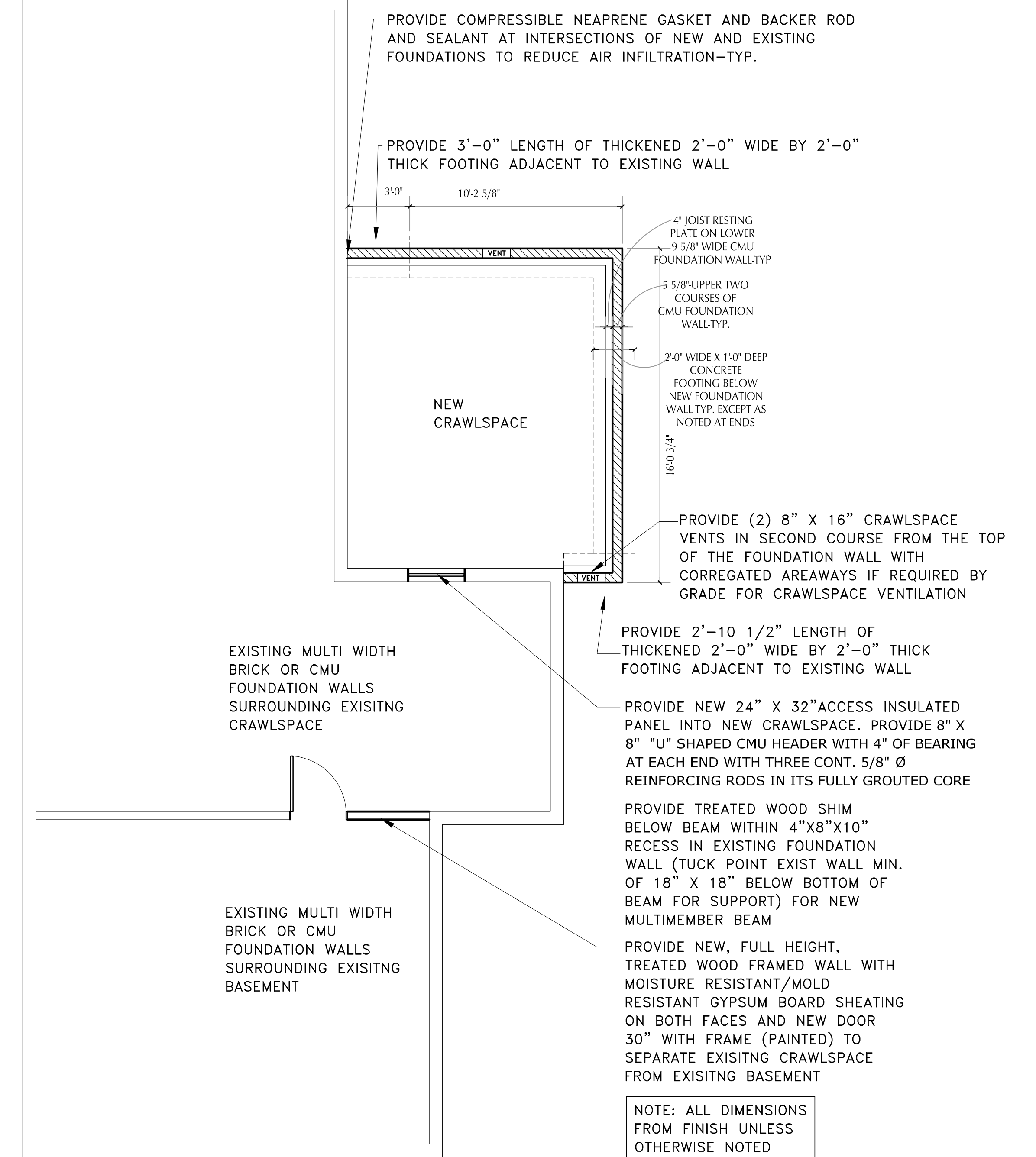
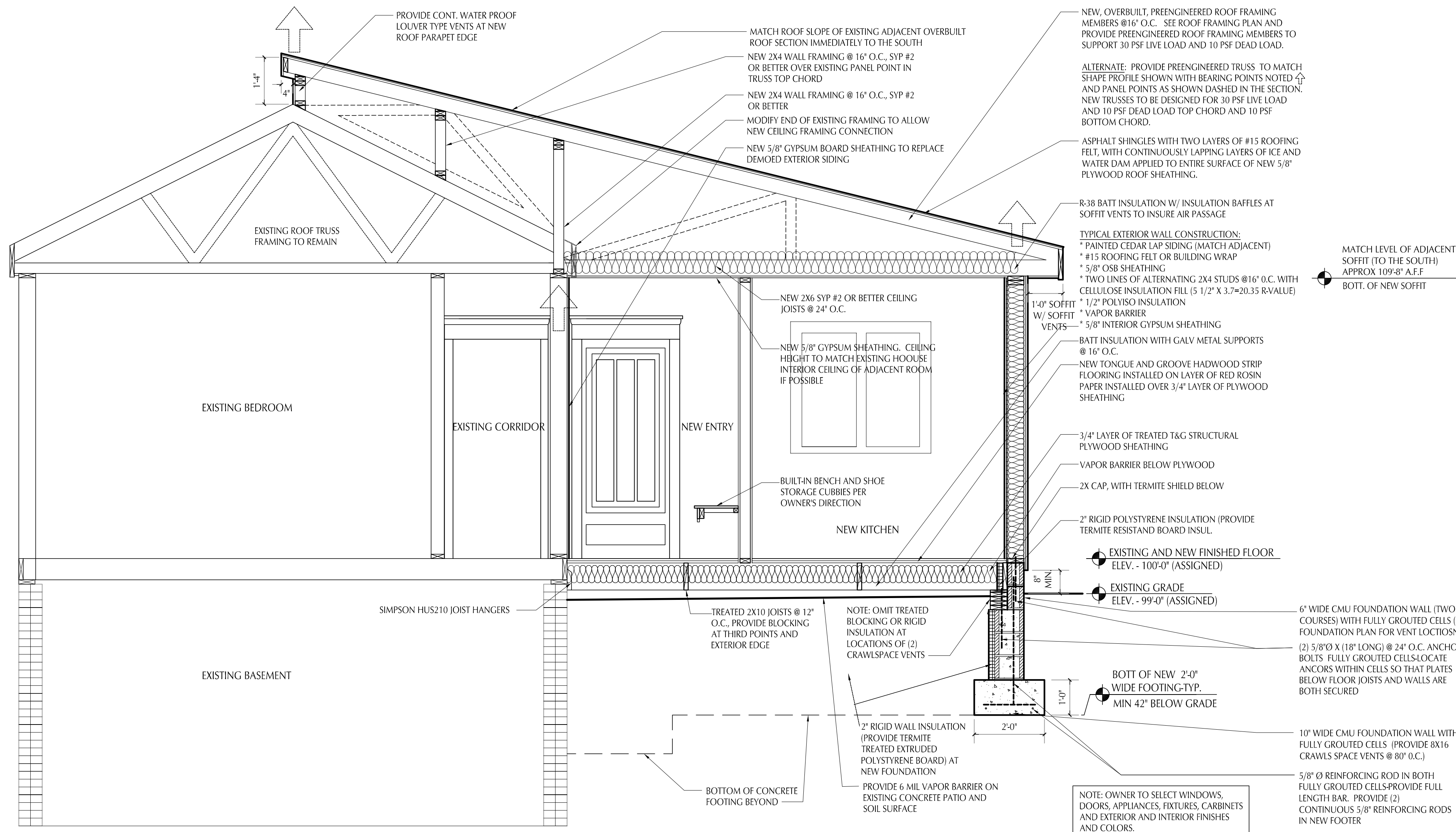
1 SITE PLAN
 SCALE 1/8" = 1'-0"



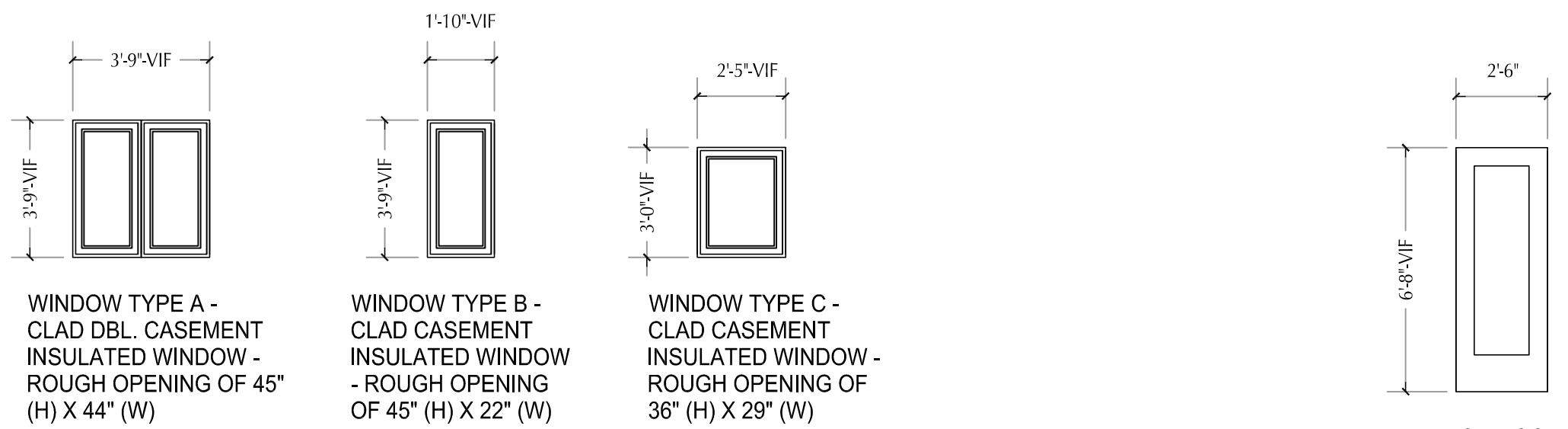
3 PARTIAL ROOF FRAMING PLAN
 SCALE 1/4" = 1'-0"

NOTE: PROVIDE 8d NAILS @ 4" O.C. @ EDGES OF ALL OSB OR PLYWOOD WALL SHEATHING PANELS. BLOCKING TO BE PROVIDED @ ALL EDGES OF SHEATHING PANELS. PLACE SHEATHING PANELS SO FULL SHEETS LAP MUDDSILL & TRAVEL UP WALL. NO PANEL PIECE SHALL BE LESS THAN 24" TALL.
 PROVIDE 8d NAILS @ 12" O.C. @ ALL INTERIOR MEMBERS OF ALL OSB OR PLYWOOD WALL SHEATHING PANELS.

- NEW WORK PLAN LEGEND:**
- EXISTING WINDOW TO REMAIN
 - EXISTING DOOR TO REMAIN
 - EXISTING CONSTRUCTION TO REMAIN
 - NEW ALUM CLAD WOOD WINDOW - SIZES WINDOW BY OWNER
 - NEW 30" WIDE DOOR AND FRAME WITH DOUBLE 2X6 HEADER ABOVE(UNLESS OTHERWISE NOTED ON PLAN)
 - NEW INTERIOR CONSTRUCTION (MON. 2X4 STUDS @ 16" O.C. WITH 5/8" GWB ON EACH FACE)
 - NEW INTERIOR WALL INFILL (STUDS TO MATCH EXIST WALL WIDTH @ 16" O.C. WITH 5/8" GWB ON EACH FACE)
 - PATCH WALL FACE WITH PLASTER OR GWB AFTER DEMOLITION
 - EXISTING WINDOW TO BE REMOVED
 - EXISTING DOOR TO BE REMOVED
 - EXISTING CONSTRUCTION TO BE REMOVED



1 SECTION
SCALE 1/2" = 1'-0"



WINDOW SCHEDULE				
WDO TYPE	# OF UNITS	DESCRIPTION	U-VALUE OF UNIT	REMARKS
A	1	CLAD DOUBLE CASEMENT WINDOW - INSULATED	U-.0137	CONTRACTOR TO CONFIRM REQUIRED SILL TRIM DEPTH
B	2	CLAD SINGLE CASEMENT WINDOW - INSULATED	U-.0137	CONTRACTOR TO CONFIRM REQUIRED SILL TRIM DEPTH
C	1	CLAD SINGLE CASEMENT WINDOW - INSULATED	U-.0137	CONTRACTOR TO CONFIRM REQUIRED SILL TRIM DEPTH

EXTERIOR DOOR SCHEDULE				
DOOR TYPE	# OF UNITS	DESCRIPTION	U-VALUE OF DOOR	REMARKS
1	1	32" WIDE INSULATED EXTERIOR DOOR WITH TEMPERED LOW-E GLAZING	U-.30	SCREEN/STORM DOOR SELECTED BY OWNER

3 WINDOW ELEVATIONS AND SCHEDULE
SCALE 1/4" = 1'-0"

4 WINDOW SCHEDULE
SCALE 1/4" = 1'-0"

2 PARTIAL FOUNDATION PLAN
SCALE 1/4" = 1'-0"

Exhibit E: Site Photos



Figure 1. Existing House, front façade



Figure 2. Existing House, east elevation



Figure 3. Existing House, east elevation – location of proposed addition east side rear



Figure 4. Existing House, west elevation – location of earlier addition