



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: Maximillian Mahalek, Planning Intern

DATE: August 15, 2014

SUBJECT: ZBA-2014-MAJ-05: A request by Robert and Betty Swisher for a major variance to construct a home addition in alignment with the exterior wall of an existing house that will encroach up to nine feet, 11 inches into the required rear yard at 807 South Cottage Grove Avenue in the R-3, Single and Two-Family Residential District.

Introduction and Background

Robert and Betty Swisher are requesting a major variance to build a significant addition to a single-family residence that will encroach nine feet, 11 inches into the required rear yard at 807 S. Cottage Grove Avenue. This addition will run to within one inch of the subject lot's west/rear property line, and will be roughly parallel to an existing 11-foot long section of the home that runs along the lot's rear property line. The applicant also owns the property to the west, which is adjacent to where the proposed addition will be built.

Table VI-3 of the Urbana Zoning Ordinance requires a lot in the R-3, Single and Two-Family Residential District to have a minimum rear yard of ten feet. The proposed addition, which would be 24 feet, two inches long by 10 feet, 11 inches wide, would cause the property to encroach into its required rear yard by nine feet, 11 inches. This would be a 99.17% reduction in the rear yard requirement, which is considered a major variance, per Section XI of the Urbana Zoning Ordinance. Pursuant to Section XI-3.C.2(d) of the 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 is located on the northwest corner of East Washington Street and South Cottage Grove Avenue. The lot is shaped as a rectangle that is 109 feet deep by 52 feet, three inches wide, making for an area of 5,695 square feet. The original home on the subject lot was constructed in its northwest corner circa 1921. It is roughly 12 feet tall, well under the 35 foot maximum height that is allowed in the R-3, Residential District. The subject property is setback 22 feet from Cottage Grove Avenue, and 45 feet from East Washington Street. Both of these yards are to be considered front yards

since the property is a corner lot. The property's rear yard is considered that which is along the home's west face, as the property is accessed off of, and addressed along South Cottage Grove Avenue. The subject lot's rear yard is currently 11 feet deep along the southern 24 feet of the house, and varies from two feet to zero feet along the 30-foot northern portion of the house. There is a 12 foot deep side yard along the north property line.

The original house encroaches to the rear property line. In 1996, an addition was completed on the home, reducing its front yard along South Cottage Grove Avenue to 17 feet (ZBA Case Number 1996-V-03). The house on the lot has an area of 1,600 square feet, with a FAR of 0.28. The open-space-ratio (OSR) of the lot is 0.72, meeting the maximum allowed FAR of 0.40 and minimum required OSR of 0.40. The owners of the subject property are also the owners of the lot to its immediate west (1006 E. Washington Street). There is currently a 21 foot gap between the roof overhangs of these two homes, which is occupied by a driveway that serves the garage located at 1006 E. Washington Street. An additional driveway accesses the subject lot, but there is no garage located on the site.

The planned addition will be encroach nine feet, 11 inches in the subject lot's 10-foot required rear yard. The adjacent house at 1006 East Washington is set back 21 feet from the property line. This gap is occupied by a driveway which services the garage located at 1006 E. Washington Street.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property, as well as those lots located to its north, south, and west, are zoned R-3, Single and Two-Family Residential, while those to the east are zoned B-1, Neighborhood Business.

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-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
East	B-1, Neighborhood Business	Commercial (Massage Therapy Service)	Community Business
South	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Suburban Pattern
West	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the subject property, as well as those areas to its north, south, and west, to be defined by a “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.”

The comprehensive plan indicates the future land use for the land to the south of the subject property, across East Washington Street, to be defined by a “Residential – Suburban Pattern”. The plan defines this pattern of development as:

“A pattern of development that is typically found in newer, developing neighborhoods. The development pattern encourages a connected street network with pedestrian and bicycle facilities to serve adjoining neighborhoods, schools, parks, and business centers. Cul-de-sacs should be minimized but may be appropriate where physical features prohibit a connected street system. Lots are typically larger than those found in an urban pattern of development.”

Discussion

The petitioner proposes to construct an addition that is 24 feet, two inches long by 11 feet wide to the western portion of their existing home. This addition will encroach nine feet, 11 inches into the required 10-foot rear yard, and will be in line with the original structure, which runs along the rear property line. There will be a 21-foot, one inch distance between the proposed addition and the existing house at 1006 E. Washington Street. The addition will be accessible off of an existing sliding door that leads into the kitchen. The addition will contain space for the property owners to complete tasks related to their sewing hobby. It will be located immediately to the west of, and on the same level as, a great room/recreational room in the existing home. The addition will add 264 square feet in area, increasing the square footage of the home’s first floor to 1,600 square feet, increasing the subject lot’s FAR to .33, and reducing its OSR to .67, all remaining within required regulations. The addition will not reduce any side or front yards. The addition will also be accessible externally from a door on its south elevation. The external walls of the addition will be composed of vinyl siding, and its roof will be a rubber shed. Eight-inch tall stone blocks will run along the base of the addition. The addition will have one window on its south elevation.

The proposed addition will expand the floor area of the home, providing needed space for its occupants, and is expected to improve the economic and aesthetic value of the subject property. The current layout of the subject property and lot causes the proposed addition to be the option that is most cost effective and the most efficient use of space. The addition is not expected to cast a shadow on, nor create any other nuisances for, the house adjacent to the west, which the petitioners own, nor on that lot’s landscaped areas. It will only cast a shadow upon the driveway that services the adjacent lot. The

proposed addition will not cause a nuisance for the property immediately to the north of the subject property. The addition will be designed in an architectural style that is compatible with that of surrounding properties. No trees will be removed through this proposed modification.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on the variance criteria set forth in the zoning ordinance. 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 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 original building (built in 1921) runs along the lot's west property line. The home owners require additional floor area, and the current layout of the subject property and lot causes the proposed addition to be the option that is the most cost effective and efficient use of space.

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

The current owners of the subject property did not have oversight over the construction of the original home, which encroaches in to the required 10-foot rear yard. However, the original design of the home causes the proposed addition to be the most efficient design choice.

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

The proposed addition is designed in an architectural style that is similar to surrounding residences, improving cohesion between the structures found in the area. It will also improve the aesthetic value of the subject property, improving the overall appearance of the block face along East Washington Street. The proposed addition will enhance the use of the home as a single-family residence.

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

The petitioners are the owners of the property immediately to the west of the subject property, and the proposed addition is not expected to cast a shadow on the house located to the west, as its roof overhang will be located 21 feet, one inch away from the roof overhang of the proposed addition. The proposed addition will not create any other type of nuisance, nor impact the lot located to the north of the subject property.

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

The requested variance represents the minimum amount of space needed by the petitioners to complete the proposed addition, and the proposed addition would be setback one inch from an existing portion of the home that runs along the subject lot's west property line.

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. The subject property is located in the R-3, Single and Two-Family Residential District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a rear yard setback of 10 feet in the R-3, Single and Two-Family Residential District;
3. A 11-foot portion of the original subject property was built along the lot's rear property line in 1921;
4. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege, as the addition will be located one inch behind a portion of the home that runs along the lot's rear property line;
5. The proposed addition will not alter the essential residential character of the neighborhood, as the existing building extends to the subject lot's west property line, and the addition will improve the home's aesthetic value, as well as preserve its current use as a single-family home;
6. The proposed variance will not cause a nuisance to adjacent properties, as it will not cast a shadow on the home to the immediately to the west, which is owned by the petitioners, and is located 21 feet away from the subject lot;
7. The requested variance is the minimum possible deviation required to build the proposed addition.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2014-MAJ-05:

- A. Recommend approval of the major variance as requested based on the findings outlined in this memo;

- B. Recommend approval of the major 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 major 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 No. ZBA-2014-MAJ-05 with a recommendation for APPROVAL, subject to the following condition:

- 1. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.

Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Proposed Site Plan
Exhibit E: Proposed Architectural Sketches
Exhibit F: Site Photos
Exhibit G: Application

cc: Betty and Robert Swisher, 807 S. Cottage Grove, Urbana, IL 61801
Randall Elliott, 603 W. White Street, Champaign, IL 61820

Exhibit A: Location and Existing Land Use Map



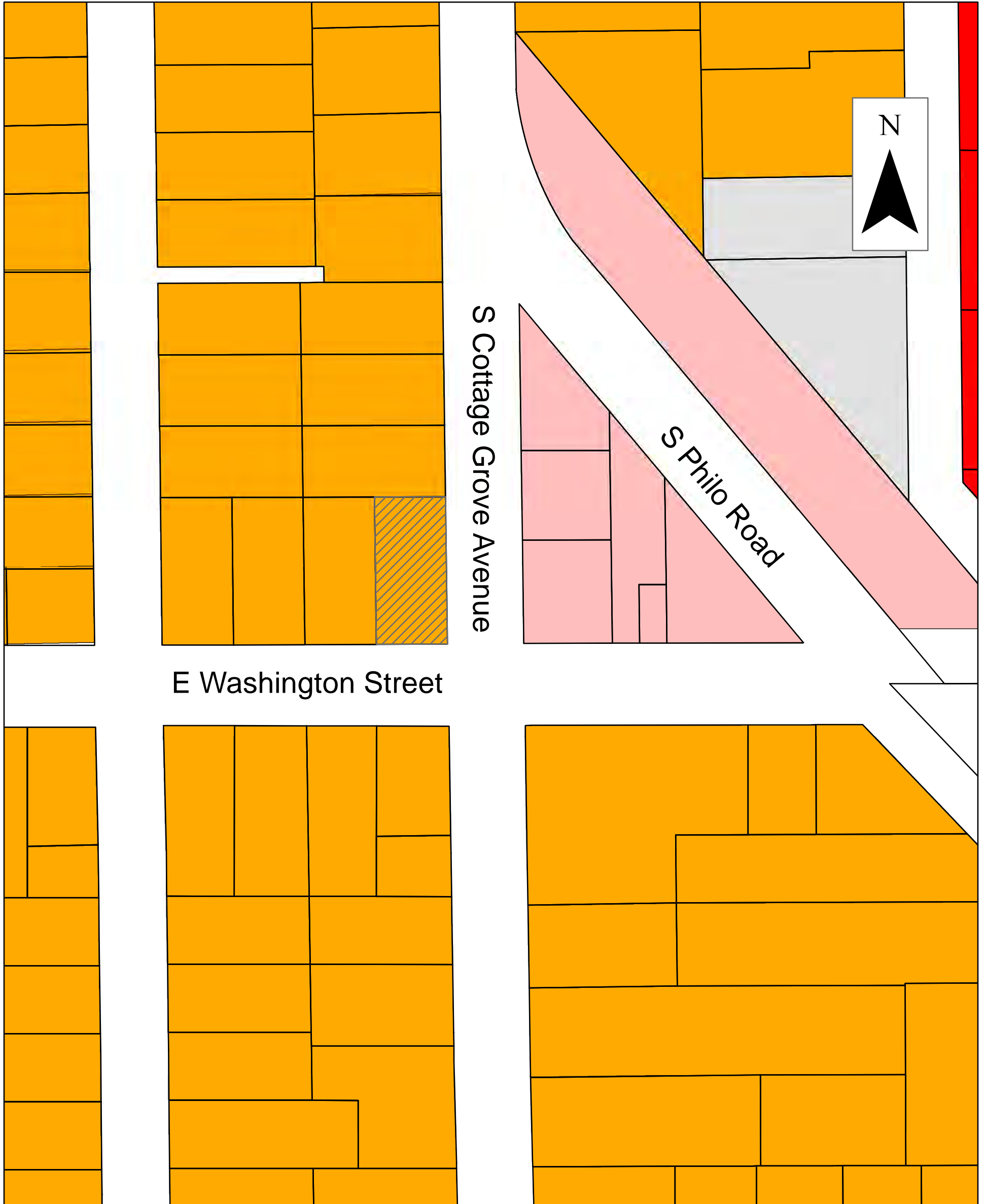
Case: 2014-ZBA-MAJ-05
Subject: Proposed Home Addition to Rear Lot Line
Location: 807 S. Cottage Grove Avenue
Petitioner: Robert Swisher

0 0.015 0.03 Miles

 Subject Property

Prepared by Community Services Department 08/05/2014

Exhibit B: Existing Zoning Map



Case: 2014-ZBA-MAJ-05
 Subject: Proposed Home Addition to Rear Lot Line
 Location: 807 S. Cottage Grove Avenue
 Petitioner: Robert Swisher

0 0.015 0.03 Miles






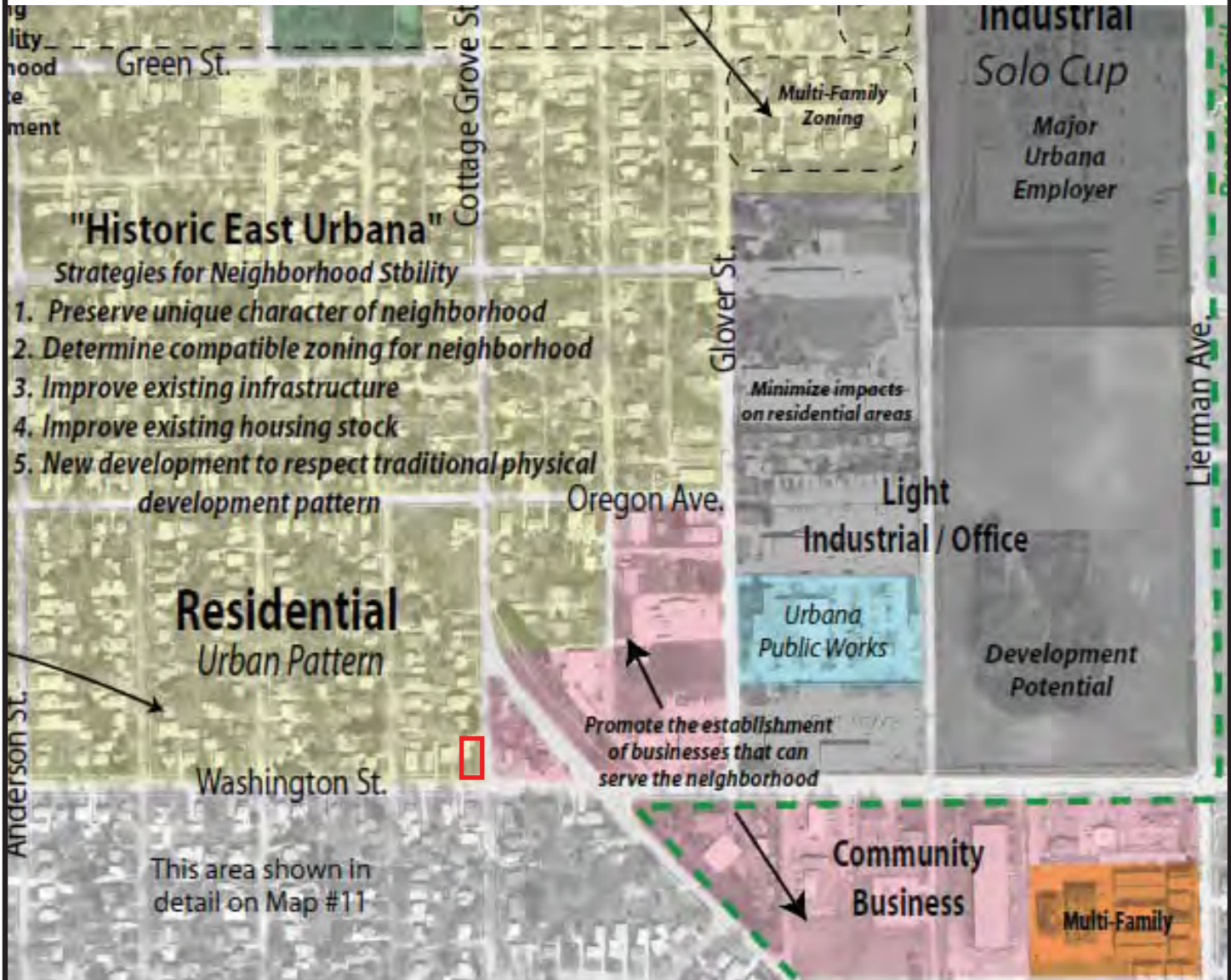
-  Subject Property
-  IN-1, Light Industrial/Office
-  B-1, Neighborhood Business
-  B-3, General Business
-  R-3, Single and Two-Family Residential

Exhibit C: Future Land Use Map, Page 1

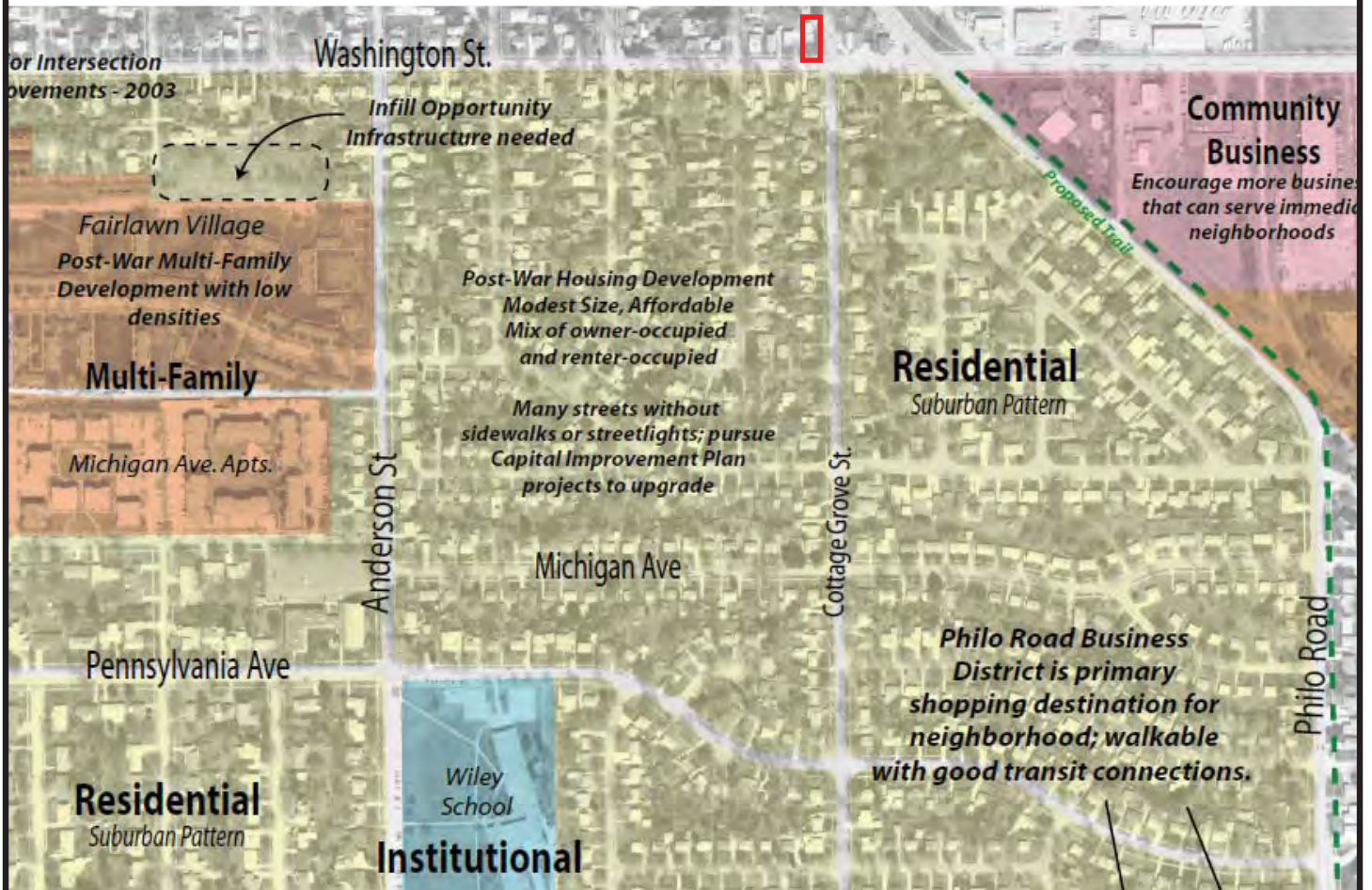


Case: 2014-ZBA-MAJ-05
Subject: Proposed Home Addition to Rear Lot Line
Location: 807 S. Cottage Grove Avenue
Petitioner: Robert Swisher

 Subject Property

Prepared 08/05/2014 by Community Development Services Department

Exhibit C: Future Land Use Map, Page 2

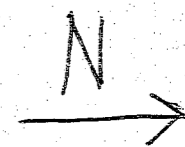
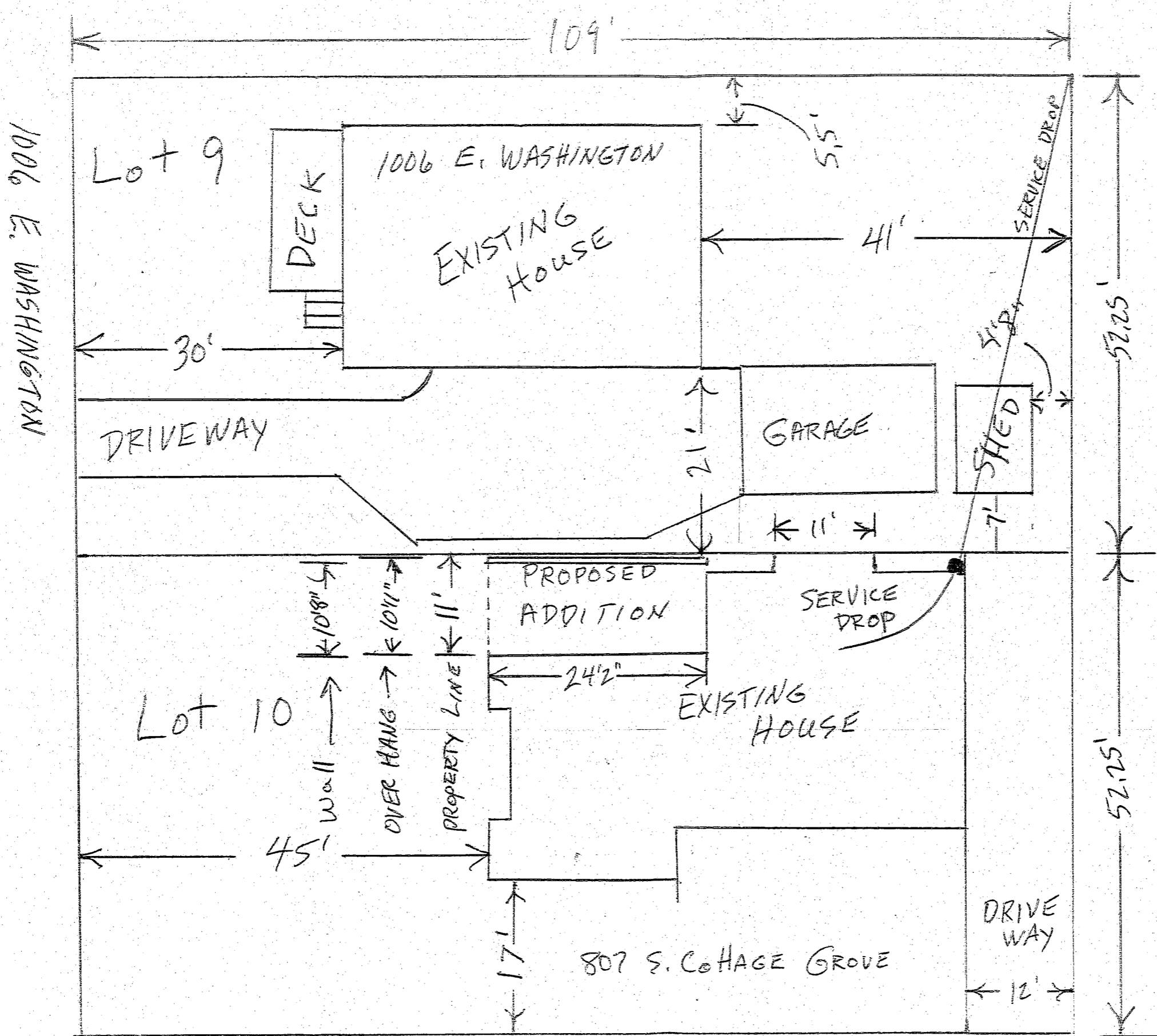


Case: 2014-ZBA-MAJ-05
 Subject: Proposed Home Addition to Rear Lot Line
 Location: 807 S. Cottage Grove Avenue
 Petitioner: Robert Swisher

 Subject Property

Prepared 08/05/2014 by Community Development Services Department

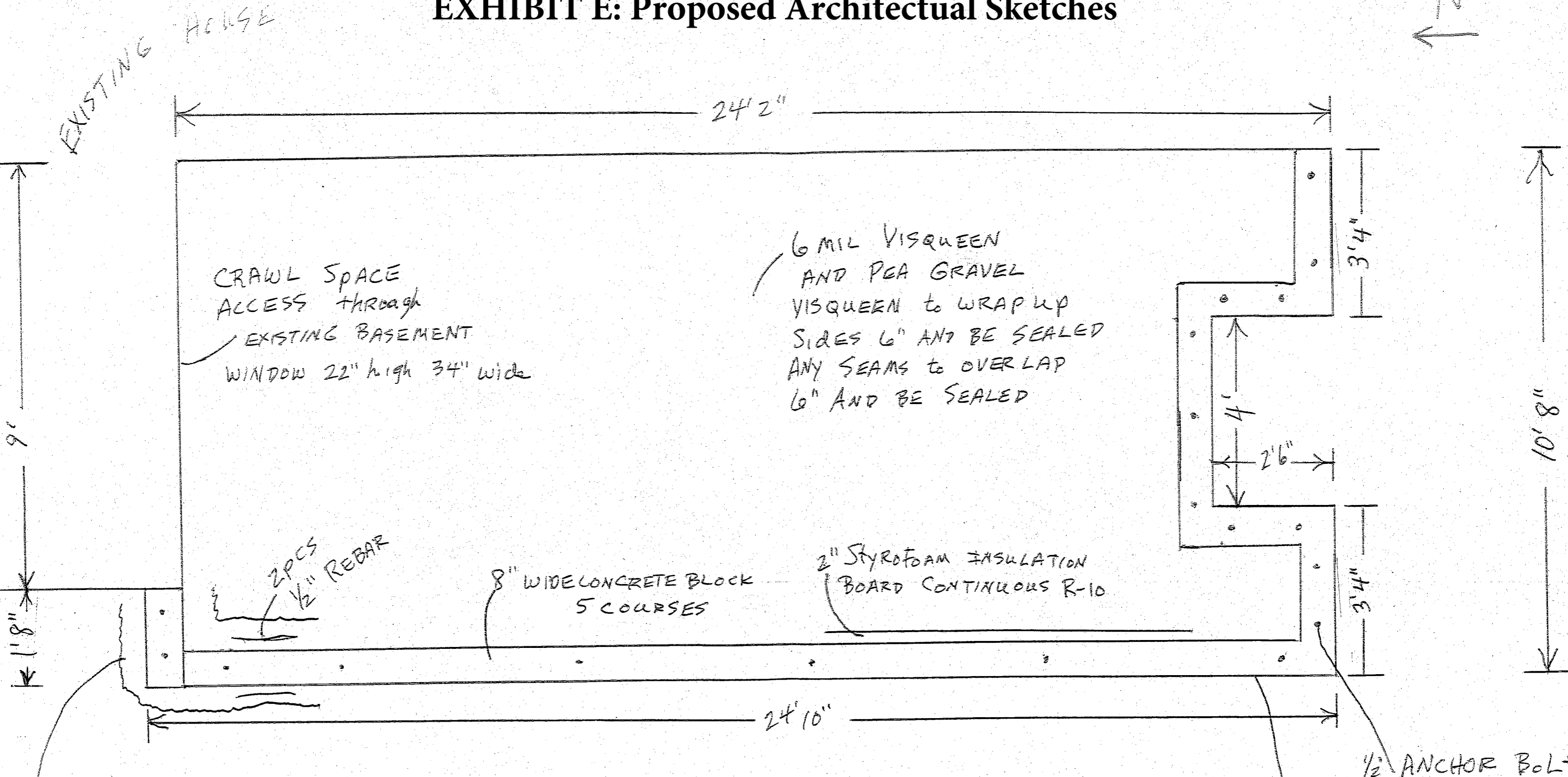
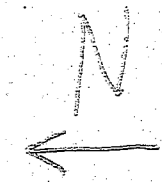
**EXHIBIT D:
Proposed Site
Plan**



SCALE IS
12' per inch

SITE PLAN Lot 9 and 10 807 S COTTAGE GROVE

EXHIBIT E: Proposed Architectural Sketches

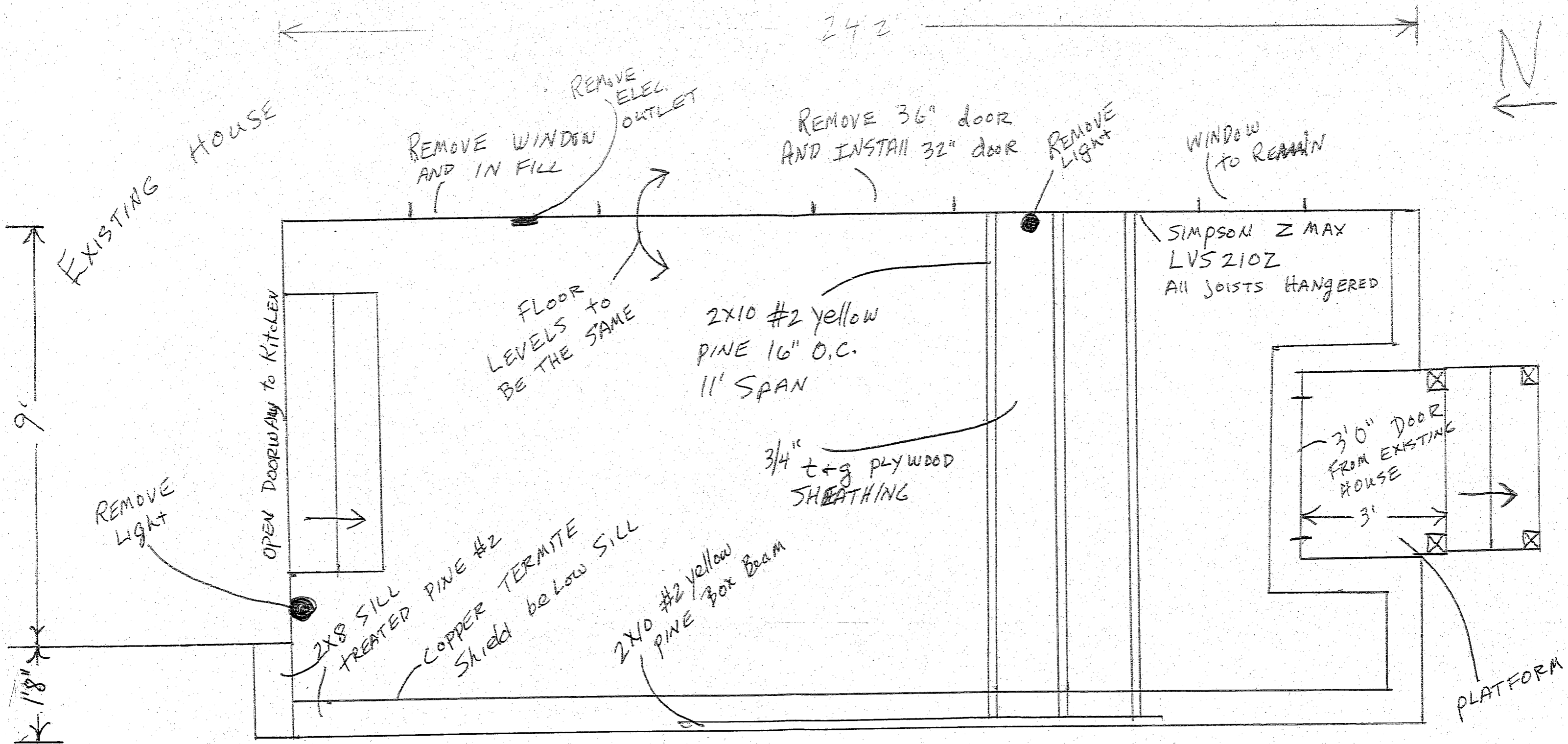


8" DEEP X 18" WIDE CONTINUOUS CONCRETE FOOTING 32" below GRADE at bottom of TRENCH

FOUNDATION PLAN

807 S. COTTAGE GROVE

SCALE IS 2' PER INCH

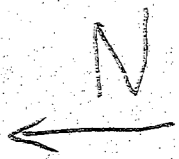


FLOOR PLAN

807 S. Cottage Grove

SCALE IS 2' per inch

SCALE IS 2' PER INCH



*Proposed windows and P-TAC unit shown on west elevation to be removed, per applicable building codes.

24' 2"

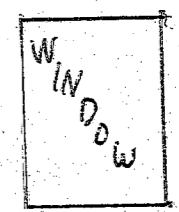
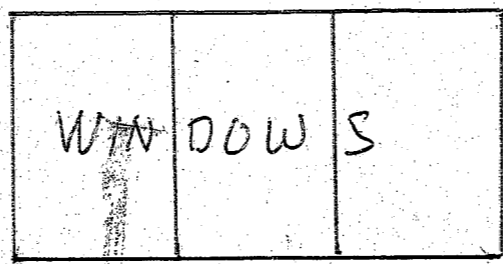
SHED ROOF 3/12 pitch RUBBER ROOFING

1X12 FASCIA

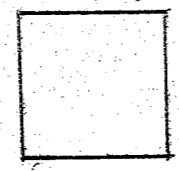
EXISTING HOUSE

PROPOSED Addition

OPEN DOORWAY



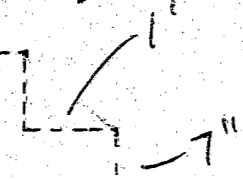
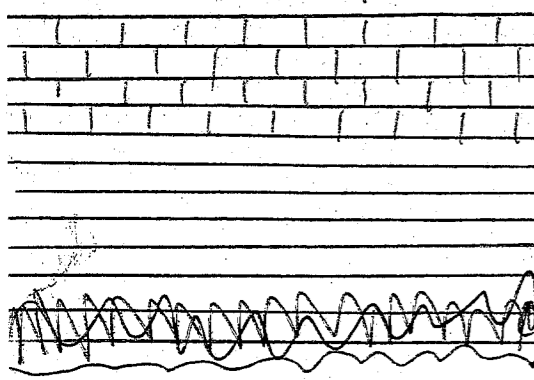
Step down



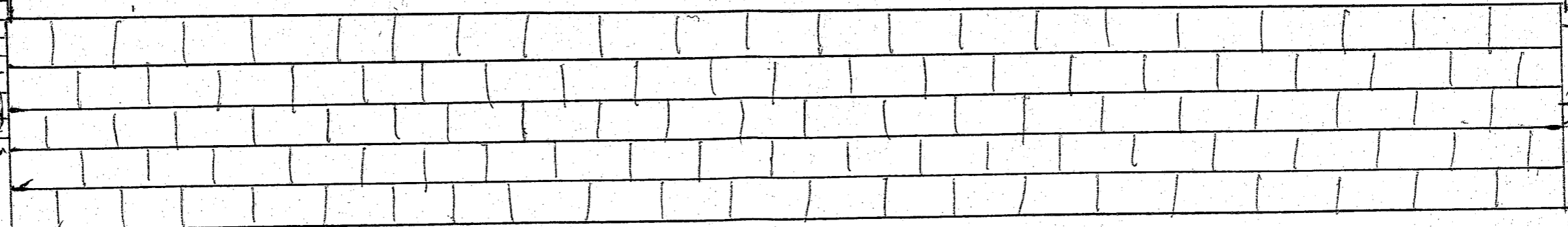
T-PAC
ELEG. A/C + HEAT

VINYL SIDING

EXISTING BRICK FOUNDATION



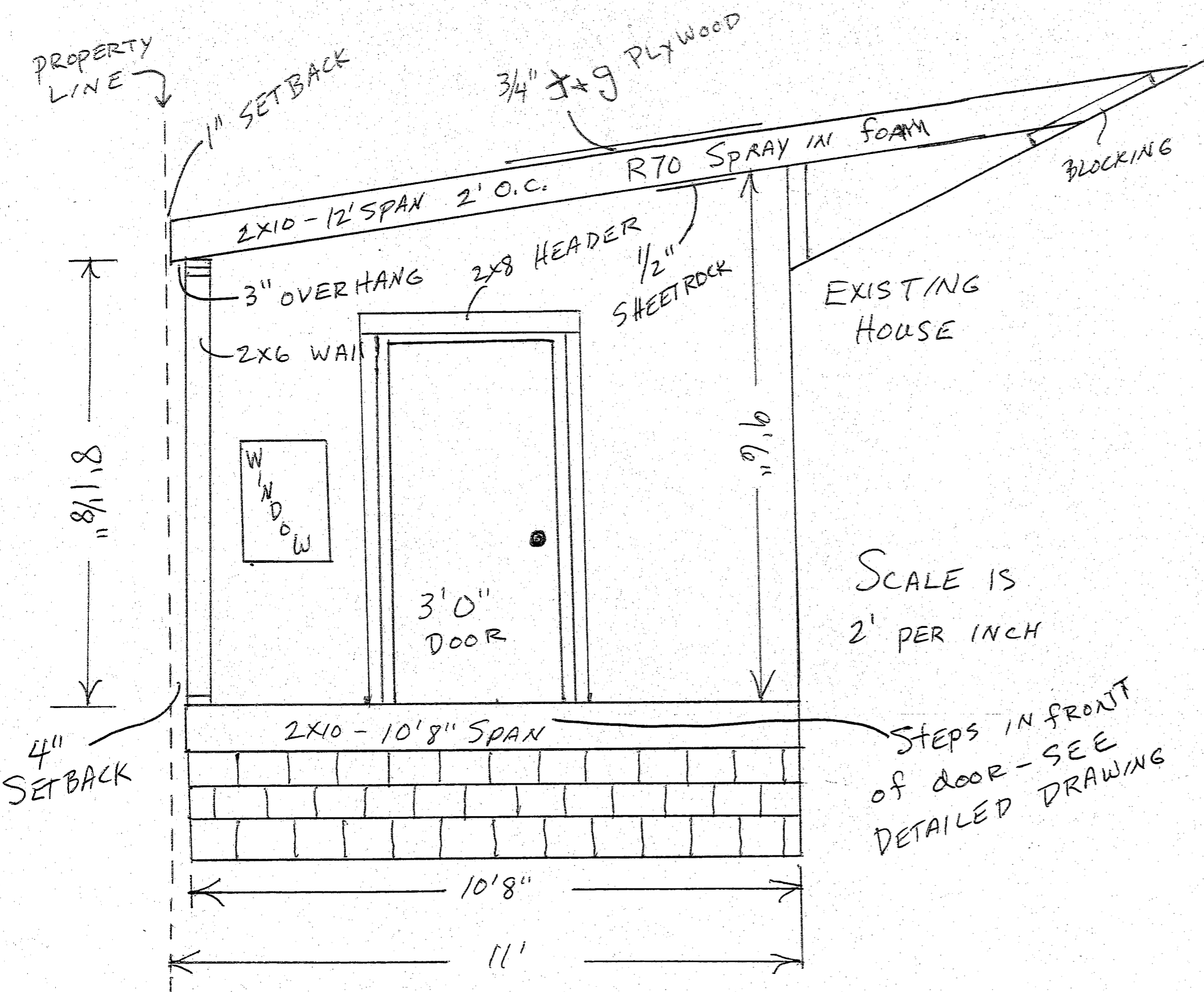
8" CONCRETE BLOCK
5 COURSES



FOOTING

WEST ELEVATION - 807 S. COTTAGE GROVE

STEPS IN FRONT
OF DOOR - SEE
DETAILED DRAWING



SPECS:

FLOOR SYSTEM:
 2x10 x 10'8" SPAN 16" O.C.
 #2 YELLOW PINE
 3/4" t+g PLYWOOD
 257.71 SQUARE FEET FLOOR

WALL SYSTEM:
 2x6 x 9 25/8" Studs 16" O.C.
 1/2" CDX EXTERIOR PLYWOOD
 1/2" INTERIOR SHEETROCK
 R-21 BATT INSULATION
 2x8 TRIPLE HEADER with
 2- 1/2" fillers OVER doors
 AND WINDOWS

Roof System:
 2x10 x 12' SPAN 2' O.C.
 #2 YELLOW PINE
 Approx. R70 SPRAY IN
 FOAM INSULATION = R7.7 PER INCH

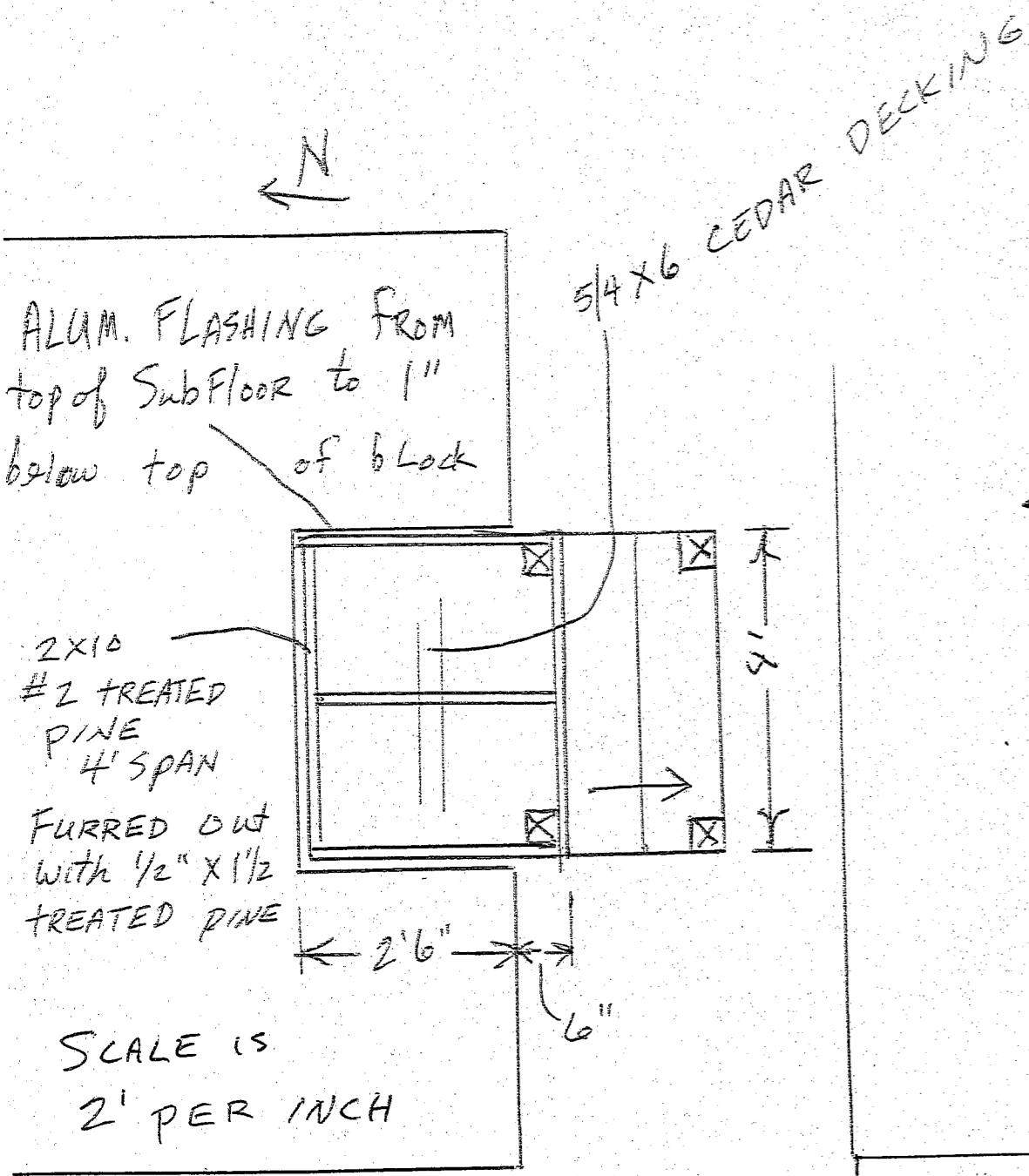
3/4" t+g PLYWOOD SHEATHING
 1/2" Light wt. SHEETROCK INTERIOR
 Rubber Roof membrane
 ~ 2/12 pitch

EXISTING HOUSE

SCALE IS
 2' PER INCH

STEPS IN FRONT
 OF DOOR - SEE
 DETAILED DRAWING

South ELEVATION 807 S. Cottage Grove



DETAIL AT PLATFORM

807 S. COTTAGE GROVE

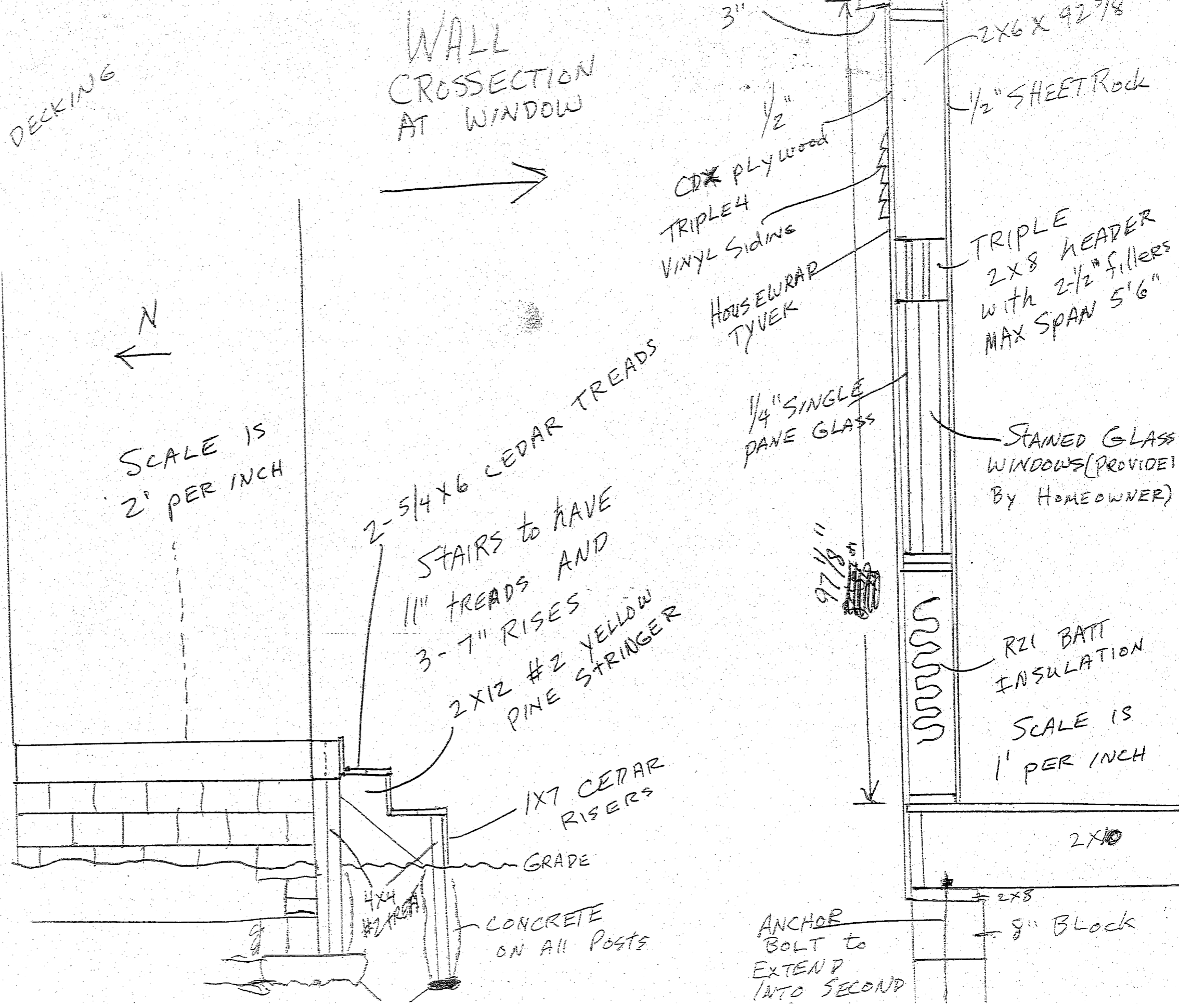


Exhibit F: Site Photos







Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$175.00 (Major) and \$150.00 (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 07-28-2014 ZBA Case No. ZBA-2014-MAJ-05
Fee Paid - Check No. 12108 Amount \$175.00 Date 07-28-2014

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)* Build Addition that encroaches into yard on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Betty + Bob Swisher Phone: 328-4624
Address (street/city/state/zip/code): 807 S. Cottage Grove Urbana IL 61801
Email Address: aacanabs@gmail.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): SAME AS ABOVE Phone:
Address (street/city/state/zip code):
Email Address:

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: 807 S. Cottage Grove
PIN # of Location: 92-21-16-165-020
Lot Size: 52.25 x 109

Current Zoning Designation:

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

Proposed Land Use:

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

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

Email Address:

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

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.

Addition to house that will located near
property line. We own adjoining property
at 1006 E. Washington

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.

Line of addition is no further than existing
wall of kitchen area.

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

Addition will be additional space on our
small house

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

Addition will blend in with the structure
of the house

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

We own 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.

Letty J. Swisher
Applicant's Signature

7-26-14
Date