



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: Kevin Garcia, AICP, Planner II

DATE: August 14, 2015

SUBJECT: ZBA-2015-MIN-02: A request by Carol Westerman to grant a Minor Variance to create a lot that is 4,053 square feet in area at 2510 South Vine Street in the R-3, Single and Two Family Residential Zoning District; and

ZBA-2015-MIN-03: A request by Carol Westerman to grant a Minor Variance to create a lot with a street frontage of 34.1 feet at 2510 South Vine Street in the R-3, Single and Two Family Residential Zoning District.

Introduction & Background

Carol Westerman requests two minor variances for a property that contains a duplex at 2510 South Vine Street in the R-3, Single- and Two-Family Residential District. The first request is to reduce the minimum lot size from 4,500 square feet to 4,053 square feet, a reduction of 9.93 percent. The second request is to reduce the minimum lot width from 40 feet to 34.1 feet, a reduction of 14.75 percent.¹ The applicant would like to split the property into two separate lots. If granted, the variance requests would allow that to take place.

Section XI-3.C.2(b) of the Urbana Zoning Ordinance permits the Zoning Board of Appeals to approve minor variances to create lots of up to 10 percent less area and up to 15 percent less width than required. Minor variance requests may be granted by a simple majority vote.

Existing Land Uses

The property is located on South Vine Street just north of Meadowbrook Park. It is surrounded by single-family and duplex residential uses. The property to the north and the property itself contain duplexes with condominium ownership structures. The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

¹ Section VI-3.E of the Urbana Zoning Ordinance specifies the requirements for *Common-Lot-Line Dwelling Units*, such as duplexes.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-3, Single- and Two-Family Residential	Duplex (Condo)	Residential
North	R-3, Single- and Two-Family Residential	Duplex (Condo)	Residential
East	R-3, Single- and Two-Family Residential	Single-Family Home	Residential
South	R-3, Single- and Two-Family Residential	Single-Family Home	Residential
West	R-2, Single-Family Residential	Single-Family Home	Residential

Comprehensive Plan

In Urbana’s 2005 Comprehensive Plan, Future Land Use Map #12 identifies the 2500 block of South Vine Street as an area appropriate for a suburban pattern of residential use. The Plan defines “Residential (Suburban Pattern)”, as areas containing...

“...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.”

The current and proposed uses of the building are compatible with the definition of Residential (Suburban Pattern). The property is zoned R-3, Single- and Two-Family Residential, and contains a duplex building.

Discussion

The property was built as a duplex and was later converted into a two-unit condominium without altering the structure. The applicant would like to divide the lot so that each unit is on its own property. If granted, the variance requests would allow the lot to be split into two separate lots. The requests would not alter the existing building or the property lines between the existing lot and adjacent lots. Due to the odd shape of the existing lot, creating two lots that would each conform to the minimum requirements of the Zoning Ordinance is not possible (see Exhibit X for the proposed layout of the lots). It appears that all of the other lots containing duplexes on the 2500 block of South Vine Street could be split into two lots without requiring variances.

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

1. *The proposed variances will not serve as a special privilege because the variances requested are 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 property was developed as a duplex on an odd-shaped lot. It would be impractical to split the lot into two lots that would conform to the Zoning Ordinance. It appears that the other lots containing duplexes on the same block of Vine Street could all be split into two lots without requiring variances.

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

The variances requested were not the result of a situation created by the petitioner. The site was developed as duplex prior to the petitioner acquiring the property.

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

The variance requests would not alter the existing building or make any changes to the perimeter property lines. It is unlikely that the requests will have any effect on the character of the neighborhood.

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

The variance requests would not change the physical layout, number of units, or number of occupants permitted at this location. It is therefore unlikely that any nuisance would arise from granting the variance requests.

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

Due to the odd shape of the existing lot, it is unlikely that the lot could be split into two lots in a way that would require less of a deviation from the Zoning Ordinance.

Summary of Findings

1. 2510 South Vine Street is zoned R-3, Single- and Two-Family Residential.
2. The property contains a duplex with two condominium housing units.
3. The petitioner has applied for a minor variance to reduce the minimum lot size from 4,500 square feet to 4,053 square feet, a reduction of 9.93 percent.
4. The petitioner has applied for a minor variance to reduce the minimum lot width from 40 feet to 34.1

feet, a reduction of 14.75 percent.

5. The variance requests will not serve as a special privilege to the property owner.
6. The variance requests were not the result of a situation knowingly created by the petitioner.
7. The variance requests will not alter the essential character of the neighborhood.
8. The variance requests will not cause a nuisance to adjacent property owners.
9. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.
10. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in cases ZBA-2015-MIN-02 and ZBA-2015-MIN-03:

1. Approve the variances as requested based on the findings outlined in this memo;
2. Approve the variances 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
3. Deny the variance requests. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

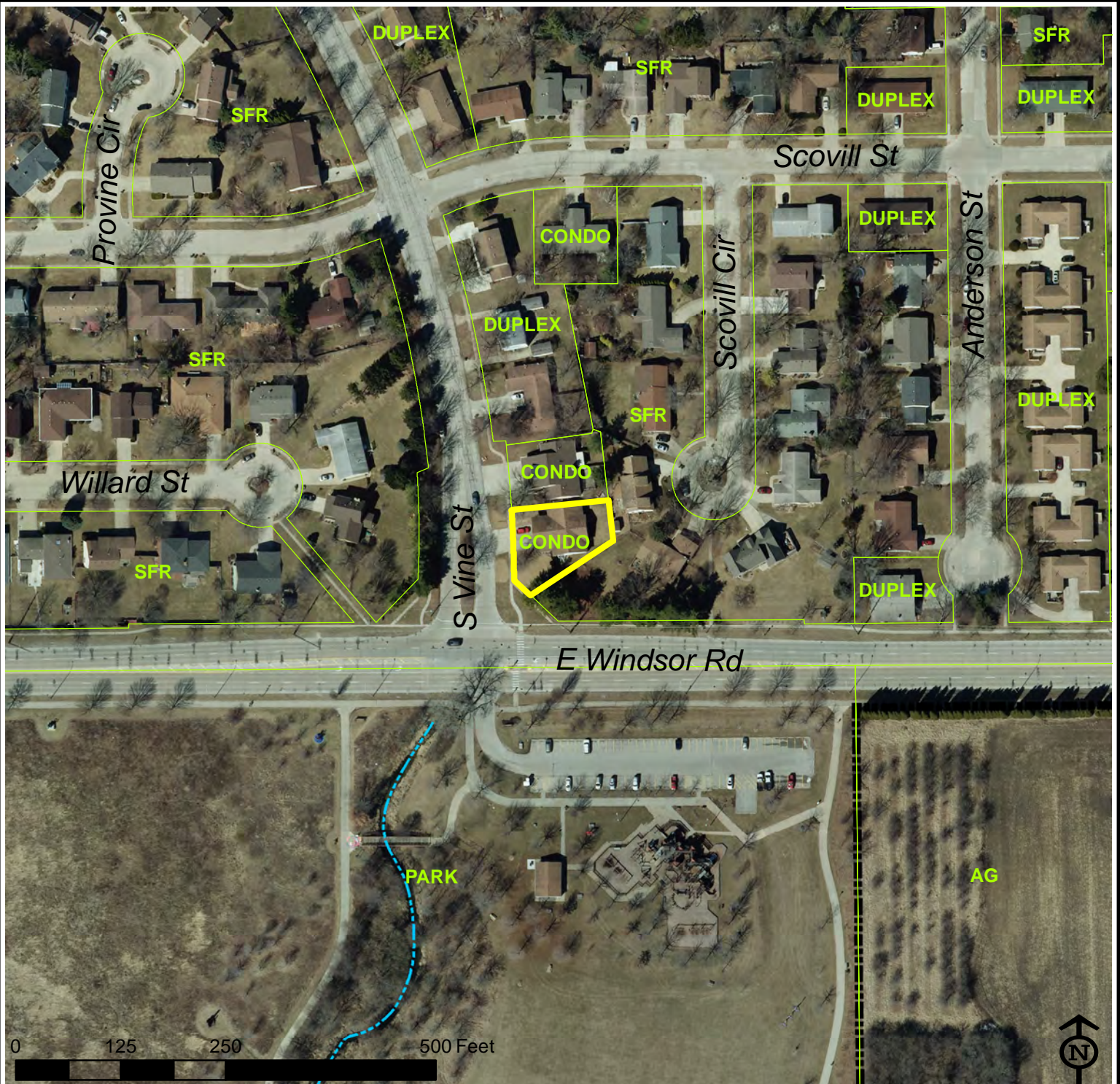
Staff Recommendation

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 **APPROVE** minor variance ZBA-2015-MIN-02 and minor variance ZBA-2015-MIN-03.

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

cc: Carol Westerman

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MIN-02
ZBA-2015-MIN-03

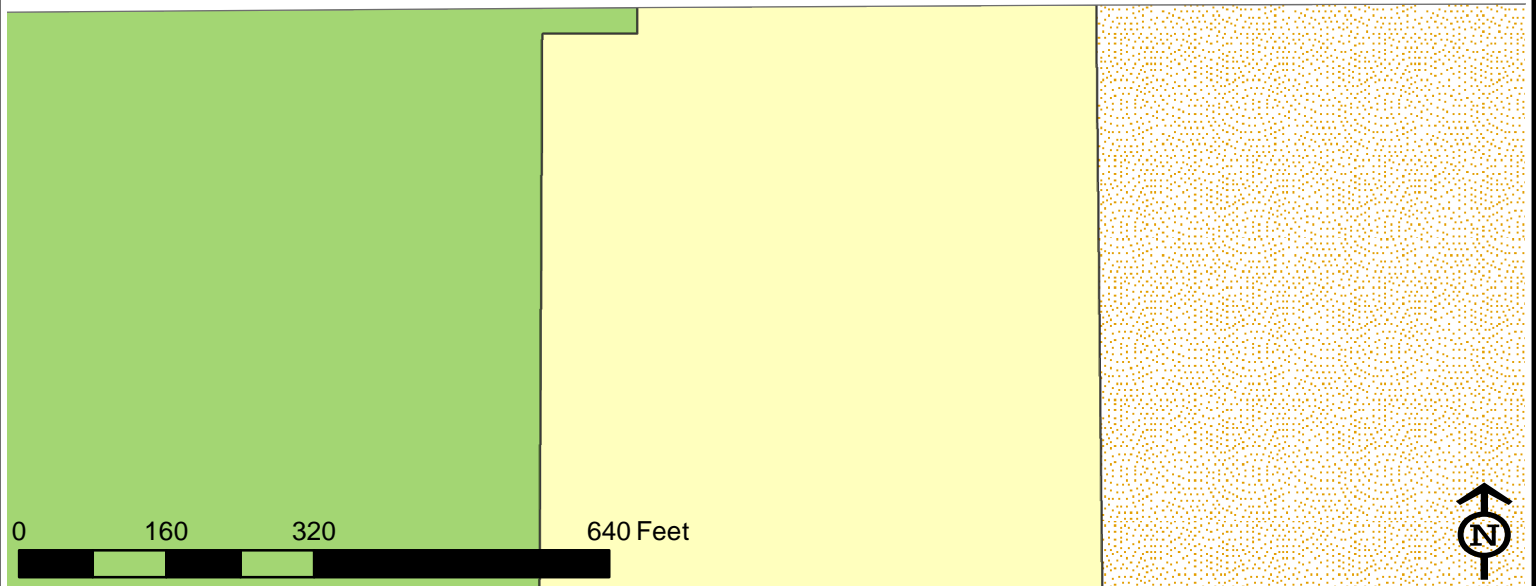
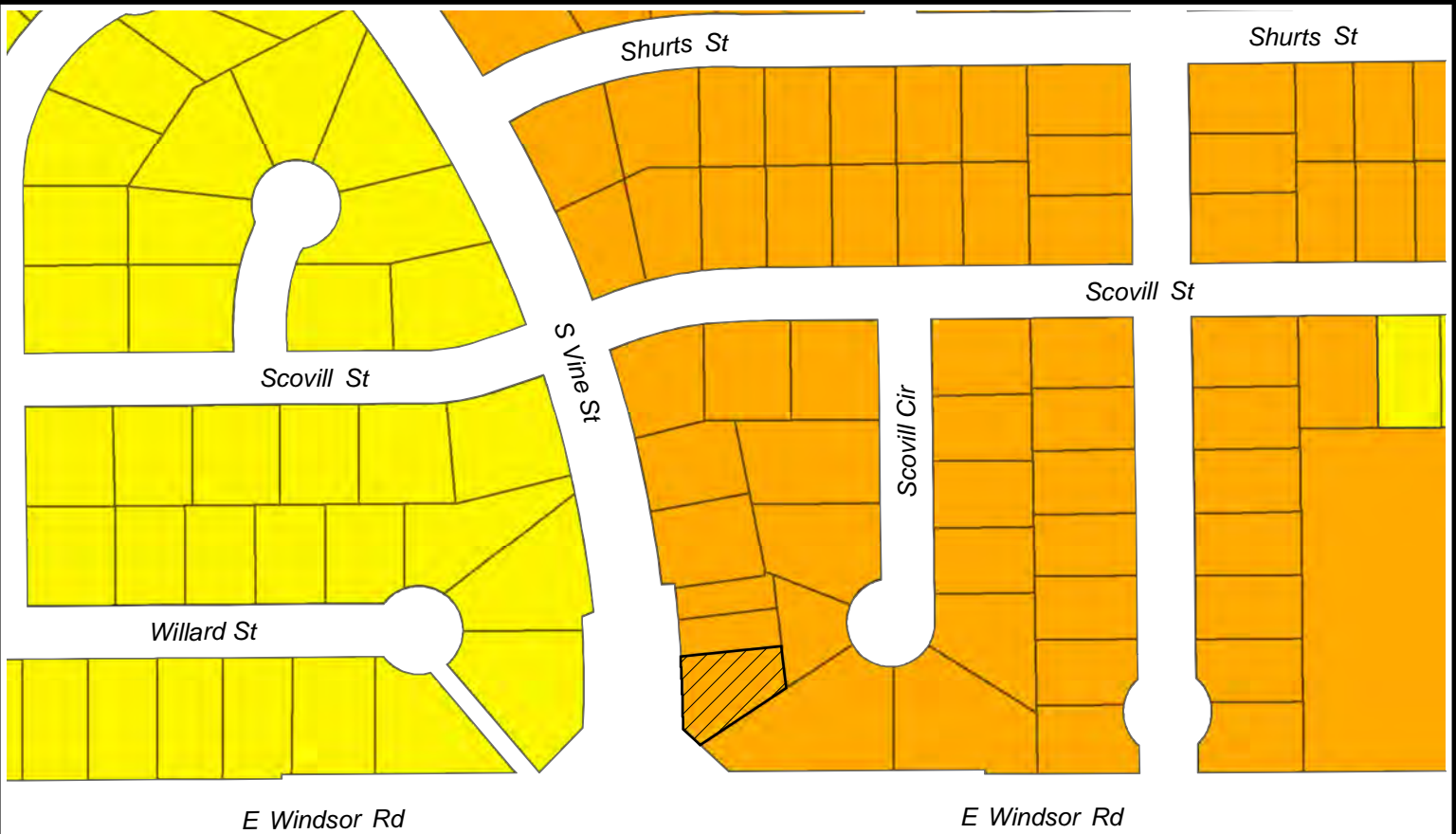
Subject: Lot Width and Area Variances

Location: 2510 S Vine St

Petitioner: Carol Westerman

 Subject Property

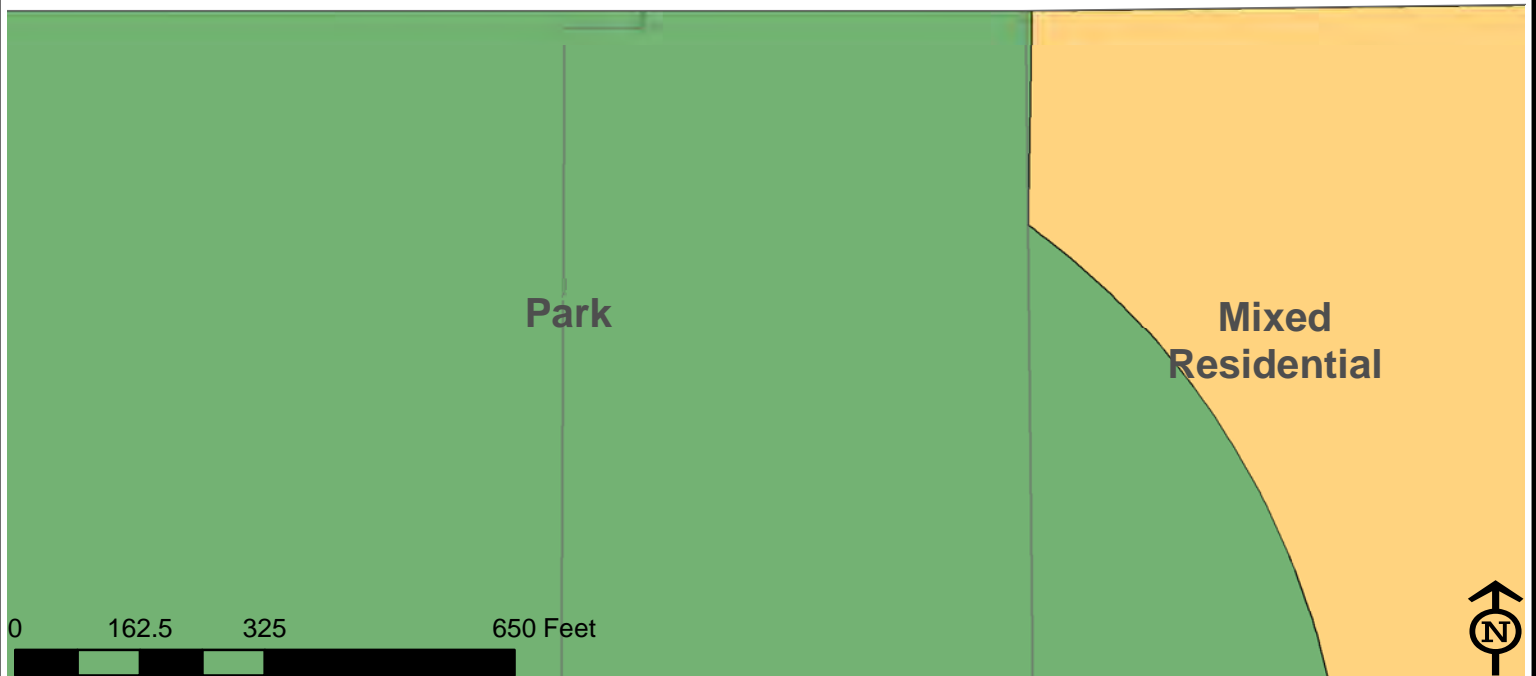
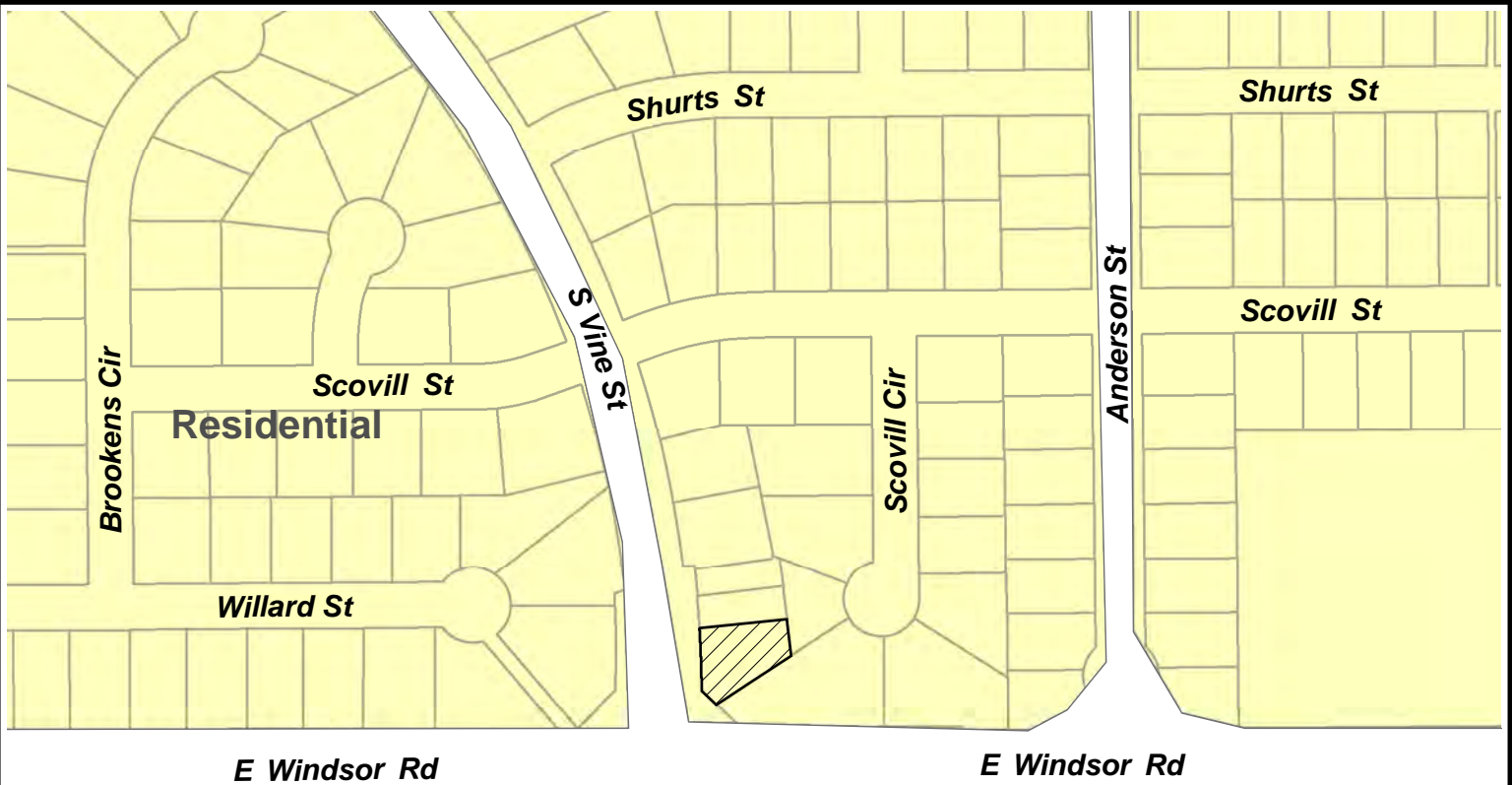
Exhibit B: Zoning Map







Case: ZBA-2015-MIN-02
 ZBA-2015-MIN-03
 Subject: Lot Width and Area Variances
 Location: 2510 S Vine St
 Petitioners: Carol Westerman

- CRE
- R2
- ETJ
- R1
- Subject Property
- R3

Exhibit C: Future Land Use Map



Case: ZBA-2015-MIN-02
 ZBA-2015-MIN-03
 Subject: Lot Width and Area Variances
 Location: 2510 S Vine St
 Petitioners: Carol Westerman

-  Residential
-  Mixed Residential
-  Park
-  Subject Property



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 _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

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 CREATION OF A NEW LOT WITH LESS LOT AREA THAN REQUIRED, BUT NO LESS THAN 90% OF THE REQUIRED AREA, AND ALSO LESS AVERAGE LOT WIDTH THAN REQUIRED, BUT NO LESS THAN 85% OF THE REQUIRED AVERAGE WIDTH _____ on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): CAROL WESTERMAN Phone: 661-433-2772
Address (street/city/state/zip code): 1857 SEABREEZE STREET, THOUSAND OAKS, CA
91320
Email Address: CAROLWESTERMAN@GMAIL.COM
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): CAROL WESTERMAN Phone: 661-433-2772
Address (street/city/state/zip code): 1857 SEABREEZE STREET, THOUSAND OAKS, CA
91320
Email Address: CAROLWESTERMAN@GMAIL.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: 2510 A AND 2510 B SOUTH VIXE^N STREET, URBANA, ILLINOIS

PIN # of Location: 93-21-20-478-026

Lot Size: 9,341 SQUARE FEET OVERALL (4,053 AND 5,288)

Current Zoning Designation: **R-3 (SINGLE AND TWO FAMILY RESIDENTIAL**

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

Proposed Land Use: **RESIDENTIAL**

Legal Description: UNITS 2510 A AND 2510 B IN BEASLEY CONDOMINIUM TWO - URBANA AS DELINEATED ON A SURVEY ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMUNIUM RECORDED DECEMBER 15, 2000 AS DOCUMENT 2000 R 28601, AS AMENDED FROM TIME TO TIME, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTERST IN THE COMMON ELEMENTS, IN CHAMPAIGN COUNTY, ILLINOIS

4. CONSULTANT INFORMATION

Name of Architect(s): N/A

Phone:

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

Email Address:

Name of Engineers(s): **EDWARD L. CLANCY**

Phone: 217-384-1144

Address (street/city/state/zip code): **405 E MAIN STREET**

Email Address: **ECLANCY@BERNSCLANCY.COM**

Name of Surveyor(s): **EDWARD L. CLANCY**

Phone: 217-384-1144

Address (street/city/state/zip code): **405 E MAIN STREET**

Email Address: **ECLANCY@BERNSCLANCY.COM**

Name of Professional Site Planner(s): N/A

Phone:

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

Email Address:

Name of Attorney(s): N/A

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 DESIRED DIVISION LINE WHICH WILL SEPARATE THE SITE INTO TWO (2) PROPERTIES PROHIBITS MAINTAINING THE MINIMUM LOT AREA AREA AND THE OVERALL CONFIGURATION OF THE SITE PROHIBITS MANTAINING THE MINIMUM LOT WIDTH.

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

THE STRUCTURE ON SUBJECT SITE WAS ORIGINALLY A DUPLEX, THEN CONVERTED TO TWO (2) CONDOMINIUM UNITS. IT IS NOW DESIRED THAT IT BE COMPLETELY SEPERATED INTO TWO (2) INDEPENDENT PROPERTIES WITH THE COMMON WALL AS THE DIVIDER.

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

THE OVERALL CONFIGURATION OF THE SITE AND THE PLACEMENT AND CONSTRUCTION OF THE STRUCTURE ON SITE ARE LIMITING FACTORS WHICH ARE NOT A RESULT OF OUR DESIGN.

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

NO VISIBLE CHANGE WILL RESULT IN THE EXISTING STRUCTURE NOT THE INGRESS / EGRESS ACCESS.

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

THE PROPOSED DIVISION OF THIS PROPERTY WILL NOT RESULT IN ANY INCREASE IN OCCUPANCY NOT ANY VISIBLE PHYSICAL CHANGES ON THE SITE.

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

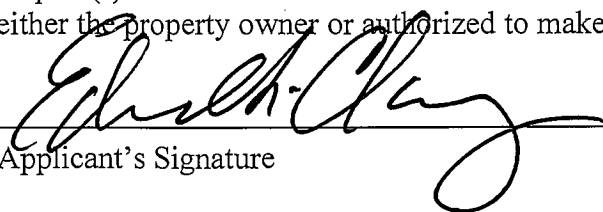
YES - THE MINIMUM LOT SIZE REQUIRED IS 4,500 SQUARE FEET AND WITH A 10% REDUCTION - 4,050 SQUARE FEET. THE SMALLER OF THE TWO (2) LOTS IS 4,053 SQUARE FEET, PROPOSED. THE MINIMUM AVERAGE LOT WIDTH IS 40 FEET. WITH A 15% REDUCTION - 34 FEET. IT APPEARS THAT EACH OF THE TWO (2) PROPOSED LOTS HAVE AN OVERALL AVERAGE WIDTH GREATER THAN 34 FEET.

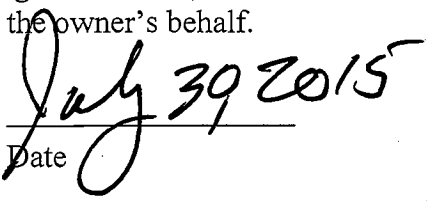
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

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

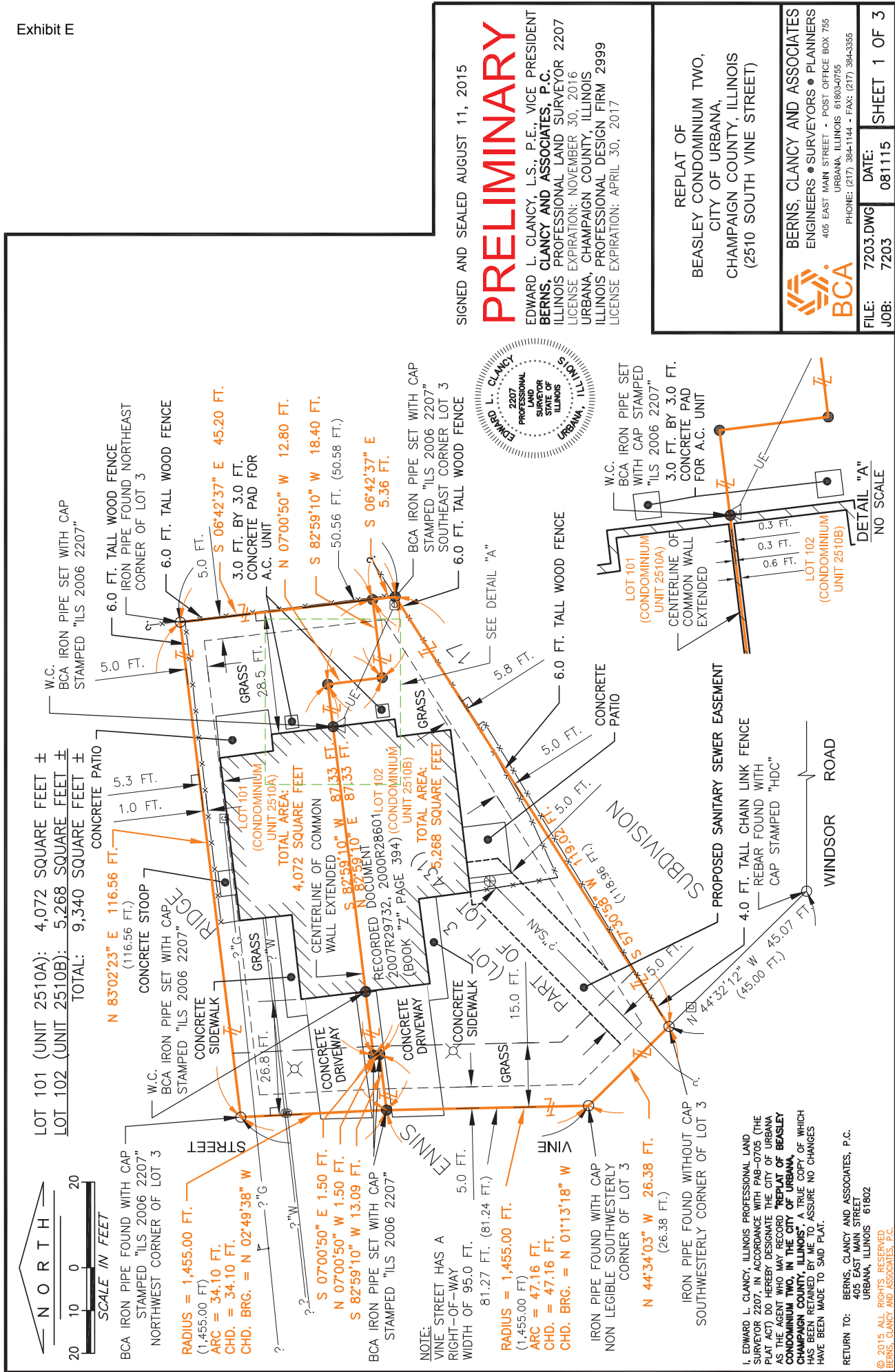
I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature


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



SIGNED AND SEALED AUGUST 11, 2015

PRELIMINARY

EDWARD L. CLANCY, L.S., P.E., VICE PRESIDENT
 BERNIS, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2207
 LICENSE EXPIRATION: NOVEMBER 30, 2016
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 ILLINOIS PROFESSIONAL DESIGN FIRM 2999
 LICENSE EXPIRATION: APRIL 30, 2017

REPLAT OF
 BEASLEY CONDOMINIUM TWO,
 CITY OF URBANA,
 CHAMPAIGN COUNTY, ILLINOIS
 (2510 SOUTH VINE STREET)



BERNIS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET • POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: (217) 384-1144 • FAX: (217) 384-3355

FILE: 7203.DWG	DATE: 08.11.15	SHEET 1 OF 3
JOB: 7203		



I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207, IN ACCORDANCE WITH PAB-0705 (THE PLAT ACT) DO HEREBY DESIGNATE THE CITY OF URBANA AS THE AGENT WHO MAY RECORD "REPLAT OF BEASLEY CONDOMINIUM TWO, IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS". A TRUE COPY OF WHICH HAS BEEN FILED WITH THE CITY OF URBANA TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAN.

RETURN TO: BERNIS, CLANCY AND ASSOCIATES, P.C.
 405 EAST MAIN STREET
 URBANA, ILLINOIS 61802
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 BERNIS, CLANCY AND ASSOCIATES, P.C.