



## 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:** Christopher Marx, Planner I

**DATE:** December 11, 2015

**SUBJECT:** **ZBA Case 2015-MAJ-09:** A request by Itai Seggev and Dara Goldman for a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district.

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### Introduction & Background

Itai Seggev and Dara Goldman are requesting a Major Variance for their residence at 410 West Florida Avenue that would allow them to install an accessory off-street parking space within the required front yard setback for their property. Recently, the City removed the on-street parking along Florida Avenue to redirect traffic and accommodate maintenance needs of the street. The applicants would like the accessory off-street parking space to replace the vehicle parking no longer allowed on Florida Avenue. On-street parking on Florida Avenue will not be replaced until the street can be repaved, which would occur in at least three and up to ten years in the future.

Section VIII-4.J of the Zoning Ordinance allows the creation of up to two accessory off-street parking spaces for a single family home with a requirement that if they are not located in the required front yard. Table VI-3 of the Zoning Ordinance requires an average front yard setback of at least 25 feet in the R-1, Single-Family Residential zoning district. The applicants are seeking a variance to reduce the required front yard setback so they may install an accessory parking space to better accommodate their parking needs in light of the elimination of on-street parking on Florida Avenue.

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 site is a single-family home with an attached one-car garage along the block of Florida Avenue between Orchard Street and Carle Avenue on the southwest edge of the West Urbana neighborhood. The parcel, totaling 0.157 acres, contains an older, mid-twentieth century home

surrounded by other similar single-family homes that are also zoned R-1, Single-Family Residential. To the south, across Florida Avenue, is open green space and the Orchard Downs University-owned apartment complex.

### **Zoning and Land Use Table**

The following is a summary of surrounding zoning and land uses for the subject site:

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
<b>Subject Property</b>	R-1, Single-Family Residential	Single-Family Home	Residential
<b>North</b>	R-1, Single-Family Residential	Single-Family Home	Residential
<b>South</b>	CRE, Conservation-Recreation-Education	Greenspace, Multi-Unit Residential	Mixed Residential
<b>East</b>	R-1, Single-Family Residential	Single-Family Home	Residential
<b>West</b>	R-1, Single-Family Residential	Single-Family Home	Residential

### **Discussion**

The applicants are requesting permission to create an accessory off-street parking space because of their property layout and changing conditions on their street. Under previous conditions, the applicants had space available for two vehicles on their property, one in the single-car garage and one in the driveway, in addition to parking along Florida Avenue. During the daytime, the applicants would park one vehicle in the garage and one on the street to allow independent departures and arrivals of either vehicle. On-street parking has recently been prohibited along Florida Avenue. The City removed parking to shift traffic patterns due to the condition of the pavement. The City Engineer has stated that on-street parking will not be available until the street has been repaved which could be as long as ten years because of uncertainty in the City’s Capital Improvement Program revenues.

In response to the removal of on-street parking along Florida, the applicants have sought to better accommodate vehicle parking on their property. They are concerned that the layout of their driveway and garage requires stacking of parked vehicles and that movement of one vehicle is inhibited by another. The applicants would like to create an accessory off-street parking space to the right of their driveway with a gravel surface. The parking space would begin immediately at the property line, next to the driveway, and veer diagonally to the north and east until reaching a width of eight feet to accommodate a parked vehicle. Section VIII-4.J of the Zoning Ordinance allows the creation of up to two accessory off-street parking spaces for a single family residence. The spaces would be in addition to the access drive and should be located outside of the required front yard of the property. The surface may be gravel as long as it is contained by curbing or approved landscape edging material.

The existing house on the property was built before the enacting of the current Zoning Ordinance and is legally nonconforming with respect to the setback and front yard. Set back 21 feet from the property line, the house encroaches into the required front yard. Section VI-9.A.9 of the Zoning Ordinance states that in the R-1 district, the required front yard shall be the average depth of the existing buildings on the same block face or 25 feet, whichever is greater. For the block face of the subject property, the average depth of 24 feet of the adjacent homes makes the required front yard 25 feet. If the applicants were to locate an accessory parking spot on their property under the existing regulation, it would have to locate behind the house. An accessory parking spot on the rear of the property would be infeasible because the narrow side yards of 6 and 8 feet provide too little space for any vehicular access. Therefore, the applicants are requesting a Major Variance to the front yard setback per Section XI-3.C.2.(b).1 of the Zoning Ordinance. A reduction in the required front yard would apply only to the placement of an accessory parking space.

Overall, the applicants' variance request appears reasonable to accommodate their vehicle parking in response to the elimination of on-street parking. The property is constrained by its width and placement of the house and garage on the lot. The location of the space to the east of the driveway would allow either car to exit the driveway without requiring the other car to be moved first. This arrangement would reduce the frequency of cars backing out onto Florida Avenue from this property.

The accessory parking spot would not have a significant effect on the character of the neighborhood. There are other examples of nearby homes in the neighborhood with a widened driveway or accessory parking space in their front yard. The applicants have stated that their surrounding neighbors have no opposition to their proposed parking space.

## **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 as they pertain to this case and the criteria outlined in the ordinance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The home was purchased when on-street parking along Florida Avenue was allowed. The removal of on-street parking is a special circumstance and the placement of the applicants' house on the lot is a special practical difficulty. The house was built with a one-car garage before the enacting of the current Zoning Ordinance code and designation. The house spans almost the entire width of the lot making the rear of the property inaccessible for vehicles. Therefore, any parking space added to the lot would need to be located in the required front yard.

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 proposed variance will not serve as a special privilege because it is due to special circumstances of the property not applicable to other homes in the district. The house was built with very narrow setbacks from the property lines on the east and west sides of the parcel and with only a one-car garage. Adding an accessory parking space outside of the required front yard is not possible. There are varying lot sizes in the nearby and surrounding neighborhood, with only some properties capable of accommodating additional off-street parking within the confines of existing code and others.

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

The variance requested is not due to a situation knowingly created by the Petitioner. The City's elimination of parking spaces on Florida Avenue occurred after the Petitioner acquired the property and removes the ability of the applicants to independently use their vehicles. It also makes the accommodation of guests and other visiting vehicles more difficult. The lack of parking spaces on the street makes vehicle parking more burdensome for the homeowners.

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

The property will not alter the essential character of the neighborhood. There are other examples of accessory parking spaces or expanded driveways at nearby houses, both to the east and west of the property. Any other property owners seeking the same variance would be bound by the same rules and process as applied for in this case.

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

The variance would not cause a nuisance to the adjacent property. The proposed parking space would be located further away from the neighboring property to the west than the existing drive. The applicants have stated that their neighbor to the west expresses no opposition to their plans.

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 deviation from the requirements in the Zoning Ordinance. In order to allow for an accessory parking space that is independently accessible without relying on another vehicle in the driveway to be moved, the space would have to begin at the property line and then angle outward towards the north and east. Creating the space at the property line requires a reduction in the required front yard setback from 25 to zero feet. Because of the placement of the garage, any vehicle in the accessory space would not be parked any closer to the street than one currently would be if parked in the driveway.

## Summary of Staff Findings

1. Itai Seggev and Dara Goldman have requested a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue so they may install an accessory parking space next to the driveway.
2. The site is located in West Urbana, zoned R-1, Single-Family Residential, and designated as Residential in the Urbana Comprehensive Plan.
3. Parking spaces along Florida Avenue were recently removed, increasing the need by the applicants for off-street parking. The parking spaces are removed until the street is repaved which will not be able to happen for the next several years.
4. The applicants' property allows for two off-street parking spaces in the existing driveway and attached one-car garage. The vehicle parked in the driveway must be backed out in order to allow the garage-parked vehicle to depart which creates a practical
5. The applicants are requesting the variance to allow independent movement of their vehicles. The location of the house does not allow vehicular access to the rear of the property.
6. The City's Zoning Ordinance allows the creation of two accessory parking spaces for homes if they are not located in the front yard. The spaces may have a gravel surface if they are properly contained.
7. The proposed variances would reduce the front yard setback requirement from 25 feet to 0 feet and allow an accessory parking space to be located to the east of the existing driveway.
8. The proposed variances are requested due to special circumstances of the current placement of the house and the loss of on-street parking. It will not serve as a special privilege and it was not a situation knowingly created by the petitioner. The proposed variance is the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request and will not be a nuisance to the neighborhood.
9. The proposed variance would contribute to safer traffic flow along Florida Avenue by allowing the applicants to independently back out their vehicles.

## Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or

- b. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may 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** the variance to allow a reduction in the front yard setback requirement from 25 feet to zero feet with the following conditions:

- 1. There is no more than one accessory off-street parking space created in the front yard setback reduction allowed by the Variance.
- 2. The accessory parking space surface is paved with an approved surface or properly contained with curbing or approved landscape edging treatment as required in the Zoning Ordinance under Section VIII-4.J.

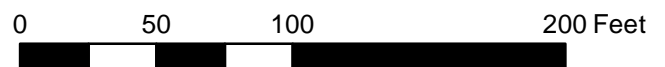
Attachments:      Exhibit A:      Location & Aerial Map  
                         Exhibit B:      Zoning Map  
                         Exhibit C:      Future Land Use Map  
                         Exhibit D:      Site Plan  
                         Exhibit E:      Site Photos and Nearby Examples  
                         Exhibit F:      Petition for Variance

cc:                    Itai Seggev and Dara Goldman

# Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-09  
Subject: Front yard setback variance  
Location: 410 West Florida Ave.  
Petitioners: Itai Seggev and Dara Goldman



# Exhibit B: Zoning Map



Case: ZBA-2015-MAJ-09  
 Subject: Front yard setback variance  
 Location: 410 West Florida Ave.  
 Petitioners: Itai Seggev and Dara Goldman



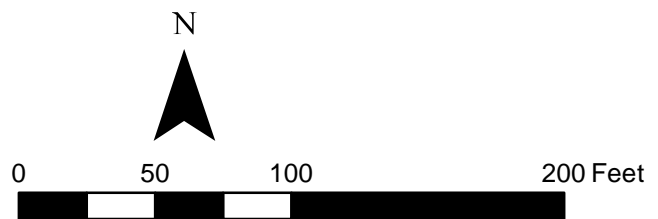


# Exhibit C: Future Land Use Map



Case: ZBA-2015-MAJ-09  
 Subject: Front yard setback variance  
 Location: 410 West Florida Ave.  
 Petitioners: Itai Seggev and Dara Goldman

- Residential
- Institutional
- Mixed Residential
- Subject Property



Itai Seggev & Dara Goldman  
410 W Florida Ave  
Application for Variance, continued.

Answers to section 5.

- a) We wish to widen our driveway approximately 6.5' to the east to allow a car to park on it without blocking the car in the garage. This expansion will be tapered to minimize impact on the lawn while still allowing a car to park to the side without driving on the lawn. See the cyan outline in the photograph below. Because our house is closer to the property line--about 18'--than the prescribed 25' required for R1 zoning, there is no place to add this expansion behind the required setback.
- b) The house is close to the side property lines (6 feet or less on either side, see the black lines on attached photograph). This makes the normal solution of adding a parking area at a point sufficiently recessed impossible. This is not applicable to all the houses in the neighborhood.
- c) The house has had its present geometry since at least the early 1990's, as it still has a grandfathered gravel driveway, and was purchased in its present configuration around 2000. We have been a two-car family since 2012. The fact that the car in the driveway blocks the car in the garage has been a nuisance since, but a relatively minor one as a car could be parked on the street to free up the driveway. With the recent city council vote to remove street parking from Florida, this is no longer possible, and the lack of an appropriate parking spot becomes a significant burden.
- d) Other houses have wide driveways. Most of these are recessed from the property line, but, as can be seen from the photograph, the house immediately to our east has one which is not.
- e) It is a small expansion to our driveway and does not directly impact our neighbors. Our neighbor to the west, Kim Graber, 502 W Florida, has told us she has no objections to our plans.
- f) Yes, this is the minimal deviation. We are angling the expansion to keep as much of the lawn as possible. Moreover, there is a stone footpath leading to our kitchen door immediately to the east of our current driveway, so not all of the expansion is going to replace lawn. The expansion must be to one side and not symmetrical about the north-south centerline of the driveway, as had been suggested at one point, because the garage is extremely narrow. In order to park in it, the car must enter and exit the garage in a straight north-south line. In fact, since the garage tapers towards the rear, all passengers must vacate while the car is on the driveway, and the car must back into the driveway in order for the driver to be able to exit the vehicle. A symmetrical expansion does not solve the problem of the car on the driveway blocking the car in the garage.



**Exhibit E: Site Photos and Nearby Examples**





116 W. Florida



408 W. Florida



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# 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)* a major variance for a reduction in the required on the property described below, and in conformity with the plans described on this variance request. Front yard setback from 25 to 0 feet.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Itai Seggev & Dara Goldman Phone: \_\_\_\_\_  
Address (street/city/state/zip code): 410 W Florida Ave, 61801 217-337-5774  
Email Address: is@cs.hmc.edu  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner + spouse

#### 2. OWNER INFORMATION

Name of Owner(s): Dara Goldman 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: 410 W Florida Ave  
PIN # of Location: 93-21-17-379-011  
Lot Size: 60 x 115

Current Zoning Designation: **R1**

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

Proposed Land Use: **unchanged**

Legal Description: **Lot 16 in block 6 in Hubbard Terrace, an addition to the city of Urbana, as per Plat recorded in plat book D at page 3, situated in Champaign county, IL**

**4. CONSULTANT INFORMATION**

**N/A**

**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** *see attachment for all.*

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.

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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.

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

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

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

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

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**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.

Stav Jensen  
Applicant's Signature

22.11.2015  
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

Itai Seggev & Dara Goldman  
410 W Florida Ave  
Application for Variance, continued.

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