



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, AICP, Planner I

DATE: December 15, 2017

SUBJECT: ZBA Case ZBA-2017-C-03: A request for a Conditional Use Permit by Ben Miller and Avital Livny to allow a second principal structure on their property at 1208 South Vine Street in the R-3, Single and Two-Family Residential zoning district.

Introduction

Ben Miller and Avital Livny have applied for a Conditional Use Permit to build a second principal structure on their property at 1208 South Vine Street. The building would add a new garage with a one-bedroom dwelling unit to the property in the location of the existing garage. Because the new garage would have an independent dwelling unit from the house, it would qualify as a second principal structure on the lot. According to Section V-3.C of the Urbana Zoning Ordinance, more than one principal structure on a lot is permitted with a Conditional Use Permit. The use of the additional principal structure must also be permitted in the lot's respective zoning district. For this case, a duplex dwelling is permitted in the R-3, Single and Two-Family Residential zoning district, allowing two units to occupy the single lot.

The Urbana Zoning Board of Appeals must review the Conditional Use Permit application and hold a public hearing. It may vote to approve, approve with the conditions, or deny the application.

Background

The property owners are proposing to construct a second principal structure that would serve as a garage with a one-bedroom dwelling unit. The structure would qualify as a second principal structure on the property because it would be on the same lot as an existing single-family home. The new structure would replace an existing garage at the eastern rear portion of the property. The applicants would like to build the structure to accommodate a family member in a separate unit on the property. The structure would be one story and approximately 1,440 square feet in area over the same footprint as the existing garage. The living unit would take up 1,140 square feet of the structure while the parking area would take up 300 square feet. The subject property already has a driveway and connected paved surface area that could accommodate two vehicles for the household and two vehicles for the proposed dwelling unit.

Description of the Site and Surrounding Properties

The subject property is a single family home that is zoned R-3, Single and Two-Family Residential and is an approximately 28,430 square foot corner lot. There are single-family homes towards the north and south that are also zoned R-3. Towards the east is an apartment complex that is zoned R-5, Medium High Density Multiple-Family Residential. Across Vine Street, towards the west, is a single family home zoned R-2, Single-Family Residential and to the northwest, Urbana Middle School with CRE, Conservation-Recreation-Education zoning.

The following chart identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-3, Single and Two Family Residential	Single-Family Home	Residential
North	R-3, Single and Two Family Residential	Single-Family Home	Residential
East	R-5, Medium High Density Multiple-Family Residential	Apartments	Multifamily
South	R-3, Single and Two-Family Residential	Single-Family Home	Residential
West	R-2, Single-Family Residential; CRE, Conservation-Recreation-Education	Single-Family Home, Urbana Middle School	Residential, Institutional

Discussion

The applicants are requesting a Conditional Use Permit so that they may add an additional dwelling unit and garage on their property as a separate principal building. The Conditional Use Permit procedures are meant to ensure that the use is consistent with the intentions of the R-3 zoning district. The dimensions of the property and the details of the applicants' proposal make the second principal structure appropriate for an approved permit. First, two dwelling units are permitted by right in the R-3 district with any lot that is at least 6,000 square feet in size and 60 feet in width when platted before 1970, according to Section VI-3.B of the Zoning Ordinance. The property could exist as a duplex without a Conditional Use Permit if the proposed second dwelling unit were not detached from the existing principal structure. Additionally, the property is quite large in area. It could accommodate the proposed additional principal structure without compromising the maximum Floor Area Ratio (0.4) and minimum Open Space Ratio (0.4) requirements of Table VI-3 in the Zoning Ordinance. Also, the location of off-street parking and vehicle access on the property would remain the same. The existing driveway would remain and be capable of serving parking needs for both structures. The driveway and paved area could accommodate the required two parking spaces for the main household and two spaces for the additional dwelling unit with room to spare for more vehicles.

Lastly, the slight increase in density on the property would still preserve the low-intensity nature of the R-3 district, especially as the lot is several times larger than the minimum lot size in the R-3 district.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following:

1. *That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience at that location. The proposal involves the removal of an older garage and construction of a new dwelling unit. The second principal structure would provide greater residential use on a lot that is large enough to accommodate it.

2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The use would not be unreasonably injurious or detrimental to the public welfare in the district in which it would be located. The new construction would not significantly alter the footprints of buildings in their relationship to the subject property's neighbors. The proposed dwelling unit would be in the same place as the existing garage. The new garage would be located in an area on the lot already used for parking. The proposal would preserve most of the open space on the lot.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6.*

The proposed use would conform to all applicable regulations and preserve the essential character of its zoning district. An additional principal structure, creating a one-bedroom dwelling unit, would be similar to the creation of a duplex on the property. Duplexes are permitted-by-right on R-3 parcels with the size and width of the subject property. The proposed second principal structure would not be creating or continuing any legal nonconformities on the property.

Consideration

According to Section VII-2, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose

and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. Ben Miller and Avital Livny have applied for a Conditional Use Permit to build a second principal structure on their property at 1208 South Vine Street in the R-3, Single and Two-Family Residential zoning district.
2. The proposed structure is a 1,440 square foot garage with a one-bedroom dwelling unit that would be built in the space of an existing garage. 1140 square feet would be devoted to the dwelling unit and 300 square feet would be devoted to the garage portion.
3. The proposed structure would be compliant with all Zoning Ordinance requirements for setbacks, floor area ratio, open space, and off-street parking.
4. The proposed use is conducive to the public convenience at that location.
5. The use would not be unreasonably injurious or detrimental to the public welfare in the district in which it would be located.
6. The proposed use would conform to all applicable regulations and preserve the essential character of its zoning district.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2017-C-03:

1. **Grant** the conditional use as requested based on the findings outlined in this memo; or
2. **Grant the conditional use with conditions.** If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
3. **Deny** the conditional use. If the Zoning Board of Appeals elects to do so, the Board should articulate the findings supporting its denial.

Recommendation

Based on the evidence 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 **GRANT** the proposed Conditional Use Permit in Case No. ZBA-2017-C-03 for the reasons articulated above and with the following conditions:

1. The new structure generally conforms with the site plan in Exhibit D and specifications on page 1 in the Memorandum of Case No. ZBA-2017-C-03 submitted in this application.
2. The new structures conform with all applicable zoning and building safety codes in the City.

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Plan and Elevation Illustration
Exhibit E: Site Photos
Exhibit F: Conditional Use Permit Application

CC: Ben Miller and Avital Livny

Exhibit A: Location & Existing Land Use Map



Case: ZBA Case 2017-C-03
Subject: Conditional Use Permit for Second Principal Structure
Location: 1208 South Vine Street
Petitioner: Ben Miller and Avital Livny

 Subject Property

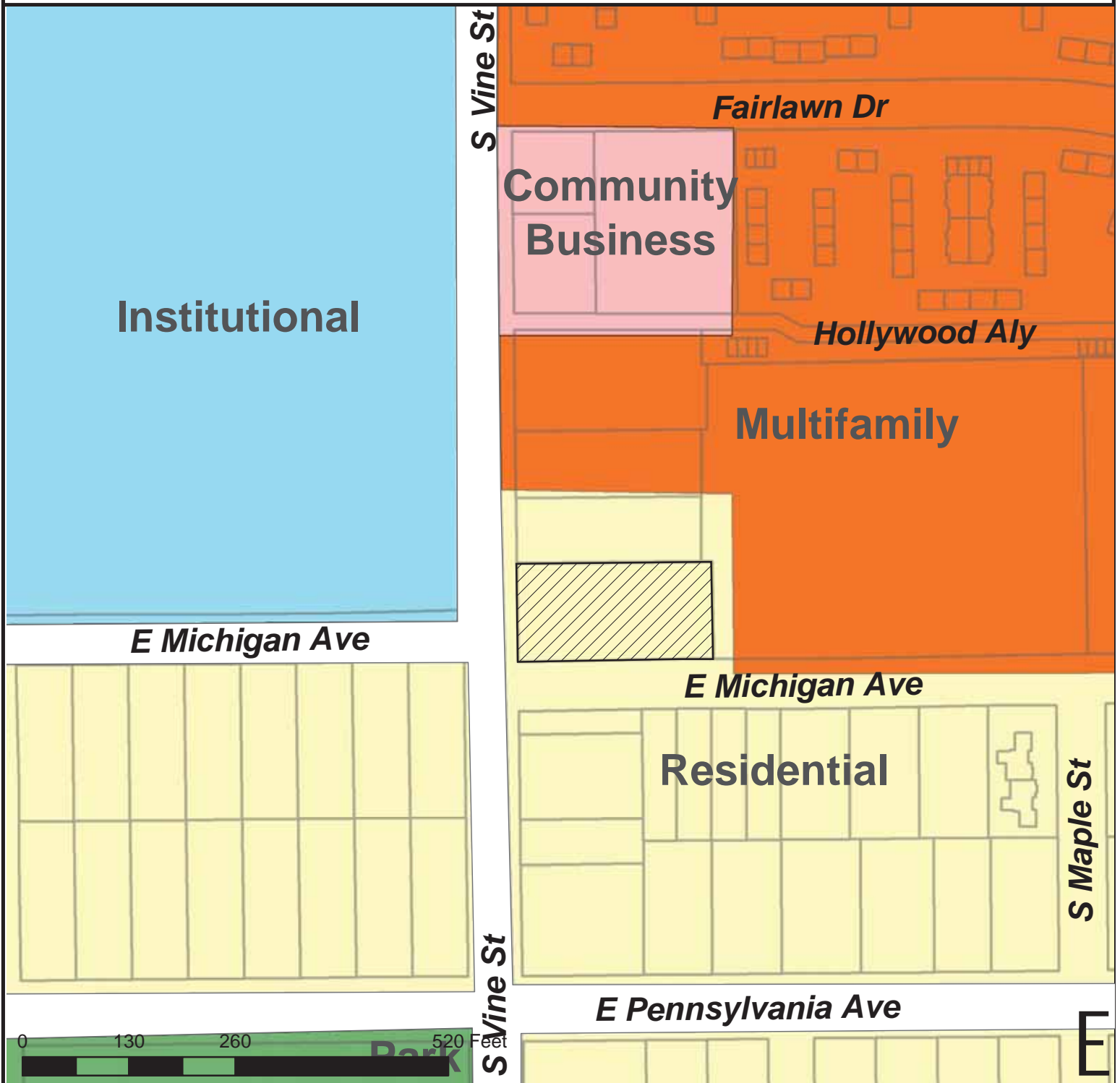
Exhibit B: Zoning Map









Case: ZBA Case 2017-C-03
 Subject: Conditional Use Permit for Second Principal Structure
 Location: 1208 South Vine Street
 Petitioner: Ben Miller and Avital Livny

- B1
- CRE
- R2
- R3
- R5
- Subject Property

Exhibit C: Future Land Use Map



Case: ZBA Case 2017-C-03
 Subject: Conditional Use Permit for Second Principal Structure
 Location: 1208 South Vine Street
 Petitioner: Ben Miller and Avital Livny

-  Residential
-  Multi-Family Residential
-  Community Business
-  Institutional
-  Park
-  Subject Property



1206

1208

306

Proposed Footprint
Garage + 1 BR
Living Space
(32' x 45')
Garage: 300 sq feet

Main House
2100 sq feet

Shed
(12' x 15')
180 sq feet

22'

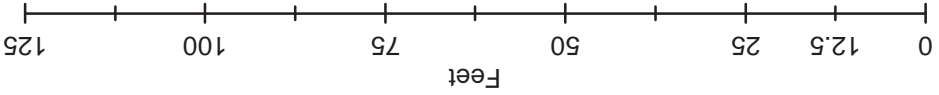
65'

20'

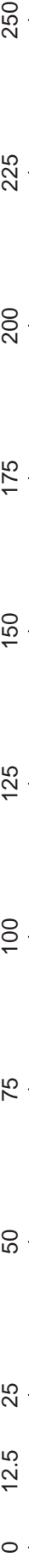
65'

10'

E Michigan Ave



Feet





16'

31'

40'

35'

Exhibit E: Site Pictures





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Application for Conditional Use Permit

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 11-20-2017 ZBA Case No. ZBA-2017-C-03
Fee Paid - Check No. 1066 Amount \$175.00 Date 11-20-2017

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following use or construction purpose:

renovating a structure on our property and turning it into a mother-in-law apartment on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Ben Miller & Avital Livny** Phone: **650-353-8406**
Address (street/city/state/zip code): **1208 S Vine St, Urbana, IL 61801**
Email Address: **bm50@illinois.edu**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owner**

2. OWNER INFORMATION

Name of Owner(s): **Ben Miller & Avital Livny** Phone: **650-353-8406**
Address (street/city/state/zip code): **1208 S Vine St, Urbana, IL 61801**
Email Address: **bm50@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: **1208 S Vine St. Urbana, IL 61801**
PIN # of Location: **93-21-17-430-004**
Lot Size: **120' x240' = 28,800sf**
Current Zoning Designation: **R3**

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

Proposed Land Use: **Residence**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

We are hoping that by taking down the structurally unsound garage / barn and turning into useable space that this will increase property value as well as will be seen as an investment in the neighborhood. The goal for us personally is that this space will be useable for our parents to come for extended visits in the very near future, and in the slightly more distant future will potentially be able to move in so that we can help to take care of them (one of our parents has a terminal cancer that makes it difficult for him to get up the stairs to our guest bedroom in the main house).

4. CONSULTANT INFORMATION

Name of Architect(s): **We mean to check viability before hiring** 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 CONDITIONAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

We propose to renovate a dilapidated structure on our property and convert it into a mother-in-law apartment.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

The existing building is not structurally sound and will be removed and a new structure, of similar size will replace it following current set-backs and building codes.

Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

We are zoned in the R3 district which allows duplexes by right and this is very similar to that purpose.

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

11/04/2017

Date