



# 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:** Marcus Ricci, Planner II

**DATE:** July 13, 2018

**SUBJECT:** **ZBA-2018-C-04:** A request for a Conditional Use Permit by Justin Johnson to allow a second principal structure on the property at 504 South Poplar Street in the R-3, Single- and Two-Family Residential zoning district.

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### Introduction

Justin Johnson is requesting a Conditional Use Permit to allow a second principal structure on his lot at 504 South Poplar Street. Mr. Johnson, the property owner, plans to construct a new garage designed for automobile storage on the first floor and a single-family residence dwelling unit on the second floor. Section V-3.C of the Urbana Zoning Ordinance permits more than one principal structure on a lot with a Conditional Use Permit in the R-3, Single- and Two-Family Residential zoning district, if the *use* of the additional principal structure is permitted by right or conditionally in the lot's zoning district. For this case, the existing single-family dwelling unit and the proposed second dwelling unit would be treated as a duplex dwelling unit, which is permitted by right in the R-3 zoning district, allowing two units to occupy the single lot if the requested Conditional Use Permit is approved.

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 subject property is located on the east side of South Poplar Street between East Illinois and East Oregon Streets in Historic East Urbana. The existing single-family dwelling unit is a one-story structure of approximately 900 square feet living area (total 1,240 square-foot building footprint). The proposed second principal structure would be built at the end of the existing driveway, approximately five feet from the existing residence. The driveway would be continued from the east end of the new structure and continue to the east property line to the alley, allowing for easy access from either road. The proposed structure's first floor would provide the two automobile parking spaces required by the Zoning Ordinance for the second dwelling unit.

## Land Use and Zoning

The subject property contains a single-family dwelling unit and is located on South Poplar Street between East Illinois and East Oregon Streets. It is a 7,800 square-foot lot adjoining an alley along the east property line. The subject property, its block and the blocks to the north and west are zoned R-3; the primary use is single-family dwellings. The block to the east is a mix of R-4 Medium Density Multiple Family Residential and IN-1 Light Industrial/Office (warehouse and other commercial uses). The block to the south is zoned B-3 General Business and is a mix of offices, small businesses, a dairy, and vehicle repair uses (Exhibit A). The table below lists the subject and surrounding properties' current zoning (Exhibit B), land use, and the future land use designated by the City of Urbana's 2005 Comprehensive Plan (Exhibit C).

Location	Zoning	Existing Land Use	Future Land Use
Subject Site	R-3, Single- and Two-Family Residential	Single-family dwelling	Residential Urban Pattern
North	R-3, Single- and Two-Family Residential	Single-family dwellings	Residential Urban Pattern
South	R-3, Single- and Two-Family Residential & B-3 General Business	Single- and a few two-family dwellings, offices, dairy, vehicle repair, other commercial	Residential Urban Pattern & Community Business
East	R-4 Medium Density Multiple Family Residential & IN-1 Light Industrial/Office	Multi-family dwellings, warehouses, commercial	Residential Multi-Family Zoning & Light Industrial/Office
West	R-3, Single- and Two-Family Residential	Single-family dwellings	Residential Urban Pattern

## Discussion

The owner is requesting a Conditional Use Permit to allow construction of a second principal structure on their property containing a second dwelling unit and garage. The Conditional Use Permit procedures are meant to ensure that the proposed use is consistent with the intentions of the R-3 zoning district. The proposed structure and the dimensions of the property meet the criteria of the Zoning Ordinance. First and foremost, *attached* two-dwelling unit residences (“duplexes”) are permitted by right in the R-3 district on any lot platted after 1970 that has a minimum lot width of 60 feet and minimum lot area of 6,000 square feet (Section VI-3.B.). The subject lot is 60’ wide and is 7,800 square feet in area. Although a duplex dwelling unit is permitted by right, two *detached* single-family dwelling units together on the same lot require the requested Conditional Use Permit.

The proposed structure will meet the Zoning Ordinance’s other development criteria. The proposed structure measures 37.25’ by 19.25’ and includes 717 square feet of vehicle storage on the first floor and 1,073 square feet of living space on the second floor (Exhibit D, Site Plan). The proposed Floor Area Ratio is 0.253, much less than the maximum FAR of 0.40. The proposed Open Space Ratio (OSR) is 2.45, much more than the minimum OSR of 0.40. The proposed structure’s height of 22’-3½” meets the 35’ maximum height for a principal structure. The required off-street parking for four vehicles – two vehicles for each dwelling unit – will be met by the existing driveway (two cars) and the proposed garage (two cars). There would be room for one additional car east of the new structure in the 15’ of access drive between the structure and the alley.

## 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 requirements shown in italics. City Staff analysis follows each criteria.

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

The proposed second principal structure's use is conducive to the public convenience because its usage is similar in scope and intensity to existing single-family dwellings in the immediate neighborhood. Its impact to infrastructure or traffic patterns or loads as a detached two-family dwelling unit complex will be no greater than that of an attached two-family dwelling unit – a traditional duplex – which is permitted by right in the R-3 zoning district.

*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 proposed second principal structure will be designed, located, and operated so as not to be unreasonably injurious or detrimental to the R-3 zoning district or to the public welfare. The dual-vehicle-access-door construction of the proposed structure will allow access from both South Poplar and the adjacent alley, reducing the necessity of a vehicle backing into the roadway. The proposed structure will be designed to all standards adopted by the Urbana Building Safety Division as well as the requirements of the Urbana Zoning Ordinance (height, yard setbacks, open space, density, etc.).

*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-3.*

The proposed second principal structure's use conforms to the applicable regulations and preserves the character of the R-3 zoning district. This structure, when combined with the existing structure, functionally creates a duplex with a detached garage: two families may reside on the lot, with a detached structure for their vehicles. The structure will be set back from the street over 70', reducing the impact of its two-story height to the viewshed of passersby. The storage of automobiles on the first floor and the residential activities on the second floor are the predominant uses that exist throughout the neighborhood. The proposal would conform to the general purpose and intent of the R-3, Single- and Two-Family Residence zoning district, which is intended:

*“To provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings.*

## Consideration

According to Zoning Ordinance § XII-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 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; and
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

### **Summary of Findings**

1. The applicant proposes to construct a second principal structure with a dwelling unit and garage at 504 South Poplar Street in the R-3, Single- and Two-Family Residential zoning district. The Urbana Zoning Ordinance allows a second principal structure in the R-3 district, with a Conditional Use Permit, if both structures are individually permitted by right or conditionally in the R-3 district.
2. The proposed two-story structure includes 717 square feet of automobile storage on the first floor for two required parking spaces, and 1,073 square feet of living space on the second floor.
3. The proposed structure would be compliant with all Zoning Ordinance requirements for height, setbacks, floor area ratio, open space, and off-street parking.
4. The proposed use is conducive to the public convenience because the proposed structure's use is similar in scope and intensity to existing single-family dwellings in the immediate neighborhood.
5. The proposed use would not be a detriment to the R-3 because its dual-entry design will allow access from both South Poplar and the adjacent alley, reducing the necessity of a vehicle backing into the roadway.
6. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the R-3 district in which it shall be located, as its combined usage with the existing structure functionally creates a duplex with a detached garage: a use currently permitted by right in the R-3 district.

### **Options**

The Zoning Board of Appeals has the following options in Case No. ZBA-2018-C-04:

1. **Grant** the conditional use as submitted; or
2. **Deny** the conditional use as submitted; or

3. **Grant the conditional use along with any additional conditions and requirements** as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.

## 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 **APPROVE** the proposed conditional use in case ZBA-2018-C-04 for the reasons articulated above. Should the Zoning Board of Appeals approve the proposed use, Staff recommends that the use shall be subject to the following conditions:

1. The new structure generally conforms with the site plan in Exhibit D entitled “504 South Poplar Street – New Detached Garage,” dated May 29, 2018, submitted with this application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

*The specifics of this recommendation may change during the course of formal review of ZBA Case No. 2018-C-04.*

Attachments:      Exhibit A:      Location & Aerial Map  
                         Exhibit B:      Zoning Map  
                         Exhibit C:      Future Land Use Map  
                         Exhibit D:      Conditional Use Permit Application, including Site Plan  
                         Exhibit E:      Site Photos

cc:                    Justin Johnson, Owner  
                         Andrew Fell, Architect



# Exhibit A: Location & Existing Land Use Map

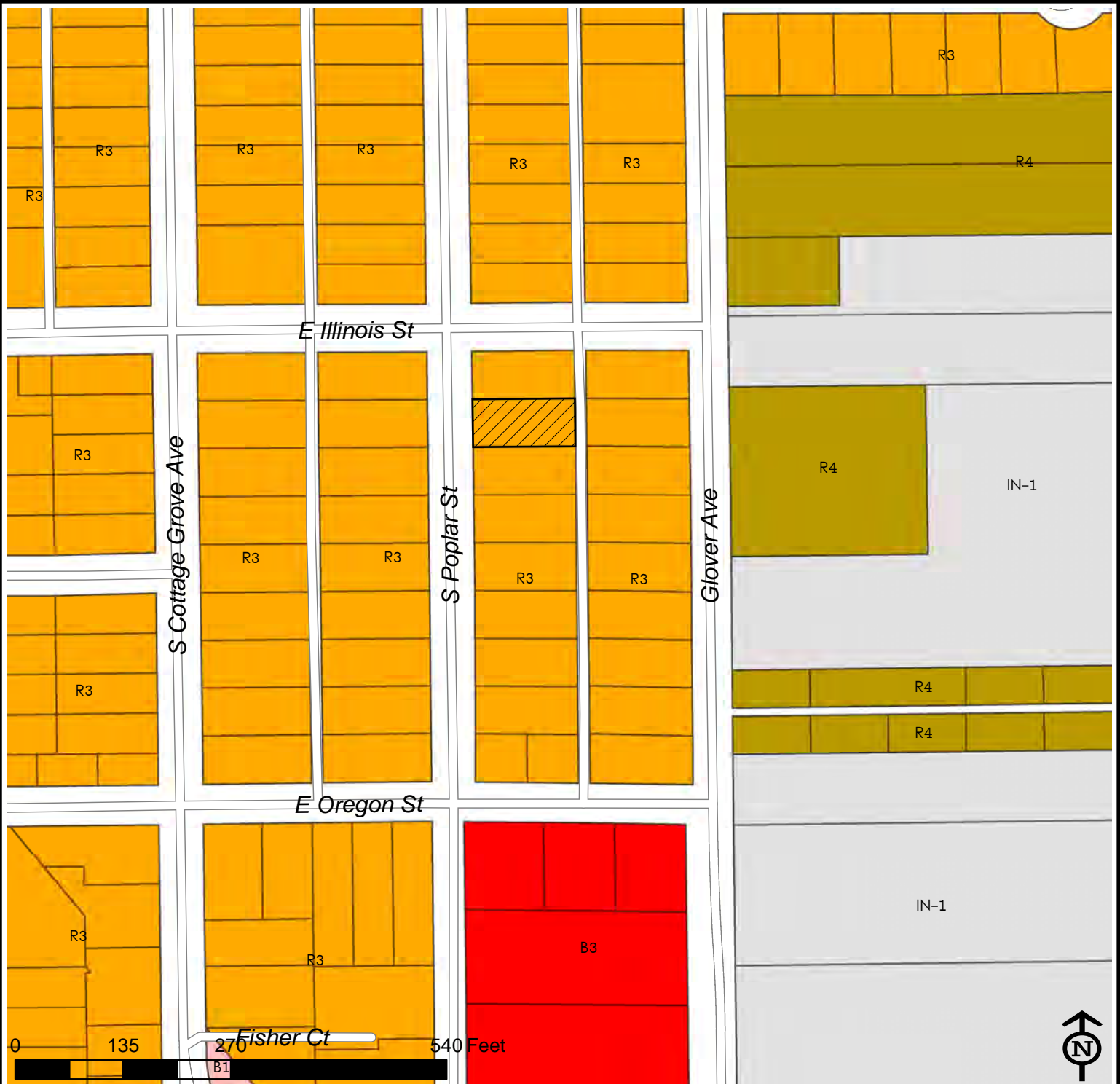


Case: 2018-ZBA-C-04  
 Subject: 2nd Principal Structure  
 Location: 504 South Poplar Street  
 Petitioner: Justin Johnson






 Subject Property



# Exhibit B: Zoning Map

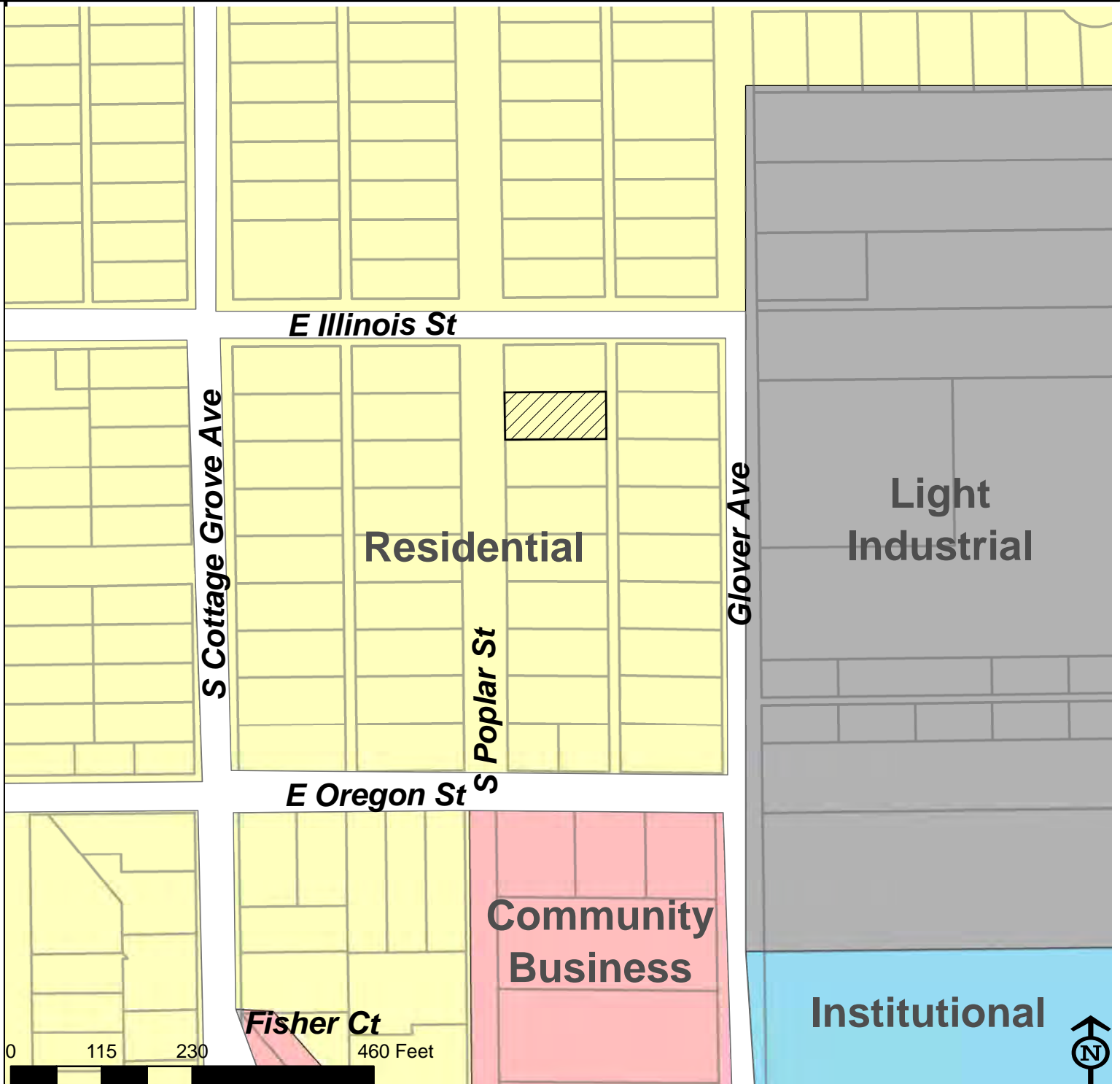


Case: 2018-ZBA-C-04  
 Subject: 2nd Principal Structure  
 Location: 504 South Poplar Street  
 Petitioner: Justin Johnson

	B1		R3
	B3		R4
	IN-1		

 Subject Property

# Exhibit C: Future Land Use Map



Case: 2018-ZBA-C-04  
 Subject: 2nd Principal Structure  
 Location: 504 South Poplar Street  
 Petitioner: Justin Johnson

- Residential
- Community Business
- Light Industrial/Office
- Institutional
- Institutional Property



# Exhibit D: Application

RECEIVED  
JUN 05 2018  
Jun 4:57pm



## 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 06-05-2018 ZBA Case No. ZBA-2018-C-04  
Fee Paid - Check No. 6016 Amount \$175.00 Date 06-05-2018

### 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:

a garage / private living space

on the property described below, and in conformity with the plans in the permit application.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Andrew Fell Architecture and Design** Phone: **217-363-2890**  
Address (street/city/state/zip code): **5151 N. Hickory Street, Champaign, IL 61820**  
Email Address: **andrew.fell@andrewfell.com**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Architect**

#### 2. OWNER INFORMATION

Name of Owner(s): **Justin Johnson** Phone:  
Address (street/city/state/zip code): **504 S. Poplar Street, Urbana, IL 61802**  
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: **504 S. Poplar Street, Urbana, IL 61802**  
PIN # of Location: **92-21-16-177-002**  
Lot Size: **7,700 S.F.**  
Current Zoning Designation: **R-3**

# Exhibit D: Application

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

Proposed Land Use: **Preserve principal structure with no change, add accessory private detached garage with living space above.**

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

**Lot 2 in Block 4 in Busey and Dunlap's addition to the City of Urbana as per Plat recorded in Book B at Page 201 situated in Champaign County Illinois.**

## 4. CONSULTANT INFORMATION

**Name of Architect(s):** Andrew Fell Architecture and Design

Phone: **217-363-2890**

Address (*street/city/state/zip code*): **515 N. Hickory Street, Champaign, IL, 61820**

Email Address: **andrew.fell@andrewfell.com**

**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.

**See attached.**

## Exhibit D: Application

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.

**See attached.**

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).

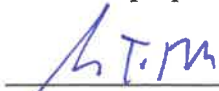
**See attached.**


***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

## **Exhibit D: Application**

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

The proposed accessory structure is conducive to the public convenience because it is aligned with existing similar uses in the neighborhood for private living space and accessory single family homes. These uses of private garage and detached dwelling are specifically listed as intents of the R-3 District under Section IV-2.J.3 of the Urbana Zoning Ordinance

**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 location of the building on the lot preserves conditions in excess of open area and yard requirements set forth in Table VI-3. Additionally, an alley to the east provides a less conspicuous access to this portion of the site, ensuring minimal disruptions during construction and use.

**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.**

The building is set back from the front of the lot more than 75'-0", so the proposed maximum height in excess of 15'-0" has minimal impact on the streetview and character of the area. These uses of private garage and detached dwelling are specifically listed as intents of the R-3 District under Section IV-2.J.3 of the Urbana Zoning Ordinance, showing that the project is aligned with the intentions of the district in which the lot in question and adjacent lots are located.

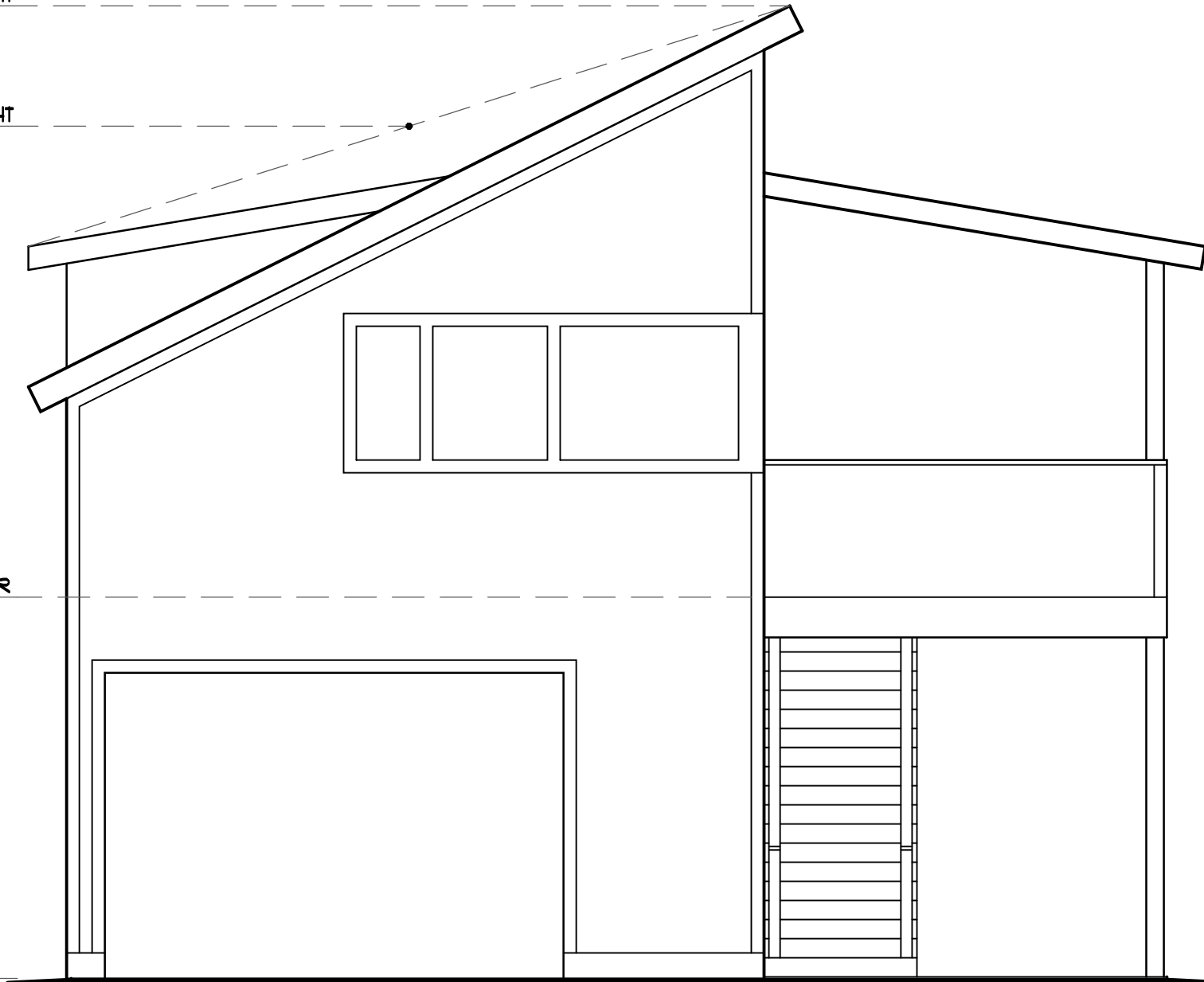
# Exhibit D: Application - Elevation

MAX.  
ROOF HEIGHT  
125'-5½"

MAX. AVE.  
ROOF HEIGHT  
122'-3½"

FIRST FLOOR  
110'-1½"

GRADE  
100'-0"



2 ELEVATION  
A1 SCALE: ¼" = 1'-0"

PROJECT # 18050  
DATE: 2018.JULY.11  
REV/TOBY:

**A N D R E W F E L L**  
**ARCHITECTURE AND DESIGN**  
616 NORTH HICKORY STREET, SUITE 101  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.563.2880  
WWW.ANDRREWPELL.COM  
EMAIL: andrew@andrewfell.net

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**JOHNSON RESIDENCE**  
**GARAGE CONSTRUCTION**  
504 S. POPLAR STREET  
URBANA, ILLINOIS 61801

1 SHEET

A1



# 504 S. POPLAR

## NEW GARAGE

504 S. POPLAR STREET  
URBANA, IL 61801

### PROJECT DESCRIPTION

- THE PROJECT DEFINED HERE-IN IS THE CONSTRUCTION OF A NEW DETACHED PRIVATE GARAGE AT 504 S. POPLAR STREET IN URBANA.
- EXTERIOR STAIRS WILL BE CONSTRUCTED FOR ACCESS TO A FINISHED ATTIC SPACE TO BE USED FOR STORAGE, SHOP, AND LIVING SPACE.

### ZONING REVIEW

**ARTICLE IV: DISTRICTS AND BOUNDARIES**  
LOT ZONED R-3: SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

**ARTICLE V: USE REGULATIONS**  
NO CHANGE TO PRINCIPAL USE. REVIEW CONCERNS NEW ACCESSORY USE ONLY.

**SECTION V-2D.1: ALLOWABLE AGGREGATE AREA OF ACCESSORY USE (SINGLE FAMILY)**  
FOOTPRINT OF EXISTING PRINCIPAL STRUCTURE = 1240 SF.  
1240 SF. < 1500 SF, SO TOTAL MAX AGGREGATE AREA = 1500 SF.  
AREA OF PROPOSED FIRST FLOOR PRIVATE PARKING GARAGE = 111 SF.  
AREA OF PROPOSED SECOND FLOOR LIVING SPACE = 1213 SF.  
TOTAL PROPOSED AGGREGATE AREA = 1790 SF.  
TOTAL PROPOSED FOOTPRINT = 111 SF.  
AGGREGATE AREA OF 1790 SF. > 1500 SF, BUT FOOTPRINT OF 111 SF. < 1500 SF.

**ARTICLE VI: DEVELOPMENT REGULATIONS**  
NO CHANGE TO PRINCIPAL STRUCTURE. REVIEW CONCERNS NEW ACCESSORY STRUCTURE ONLY.

**SECTION VI-2E: MAX ALLOWABLE HEIGHT FOR ACCESSORY BUILDINGS, R-3**  
ACCESSORY BUILDING MAX ALLOWABLE HEIGHT IN R-3 = 15'-0"  
MAX HEIGHT OF BUILDING = 22'-3"

**SECTION VI-4A.2: MAX ALLOWABLE AREA FOR ACCESSORY BUILDINGS, R-3**  
AREA EXCLUDED FROM FAR, REFER TO SECTION V-2D.1 FOR AREA RESTRICTIONS.

**SECTION VI-4D: REQUIRED OPEN SPACE**  
TABLE VI-3: MIN. REQUIRED OPEN SPACE, R-3 DISTRICT = 0.10  
LOT AREA: 1700 SF. \* 0.10 = 3,000 SF. OPEN SPACE REQUIRED.  
OPEN SPACE PROVIDED = 4,425 SF. > 3,000 SF.

**SECTION VI-5: YARDS**  
PER TABLE VI-3, REQUIRED YARDS ARE AS FOLLOWS:  
FRONT: 15'-0" (20'-1" PROVIDED, NO CHANGE)  
SIDE: 5'-0" (5'-0" PROVIDED)  
REAR: 10'-0" (15'-6" PROVIDED)

# Exhibit D: Application - Site Plan

PROJECT #18030

DATE: 29MAY2018

REVISION:

ANDREW FELL

ARCHITECTURE AND DESIGN

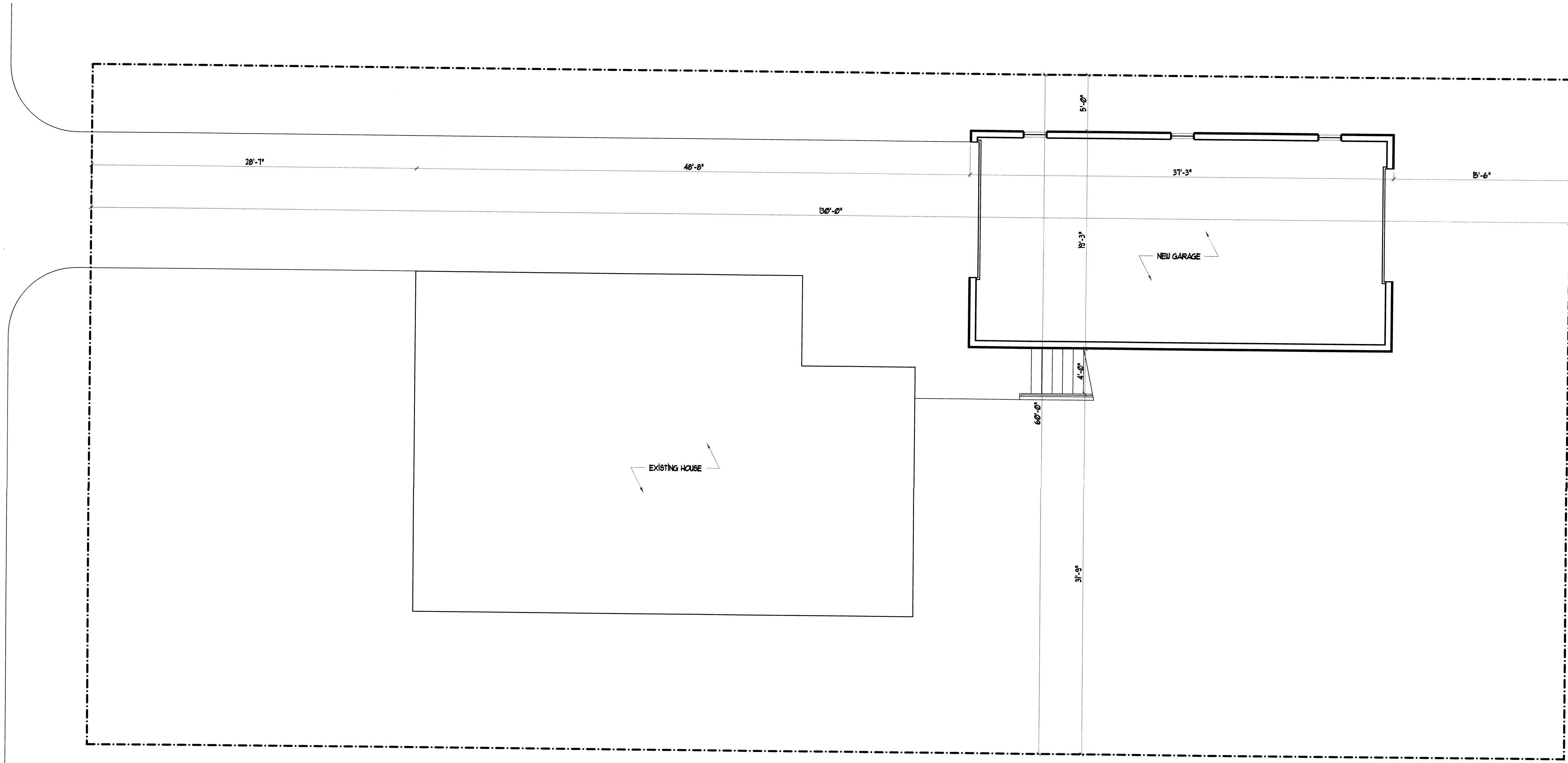
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PHONE: 217.353.2890

WWW.ANDREWPELL.COM

EMAIL: andrewfell@comcast.net

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504 S. POPLAR STREET

NEW DETACHED GARAGE

504 S. POPLAR STREET  
URBANA, IL 61801



# Exhibit D: Application - Rendering North Side





# Exhibit D: Application - Rendering North Side





**Exhibit D: Application - Rendering North Side**





## Exhibit E – Site Photos



Front of 504 South Poplar Street residence (Google Maps)



Aerial view of subject property