



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rebecca Bird, Planner

DATE: February 27, 2009

SUBJECT: Plan Case No. 2097-T-09: Request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback

This case was first reviewed at the February 19, 2009 Plan Commission meeting, and the staff memorandum and supporting documents for that meeting are available for download on the City's website (www.city.urbana.il.us) or from the Department of Community Development Services. The Plan Commission and members of the public provided comments at that meeting. City staff has reviewed those comments and revised the proposed Zoning Ordinance text amendment accordingly.

Changes

Conditions. The Plan Commission pointed out that the text amendment as written would allow a property owner to relocate a replacement garage six inches from the property line even if the existing garage did not encroach in the required minimum side yard setback of 18 inches. The intent here is to respect traditional neighborhood development patterns by allowing property owners to replace deteriorating garages in situ to prevent a loss of useable yard space and an awkward angle between the driveway and the garage. The proposed text amendment is not intended to allow a property owner to move a replacement garage into the required 18-inch side-yard setback unless there is an existing garage already located in the encroachment. This concern has been addressed.

Common-lot-line Garages. The Plan Commission requested that staff research adding a provision to allow common-lot-line garages to the proposed amendment. A provision has been added to the proposed text amendment that would allow a common-lot-line garage when replacing (a) an existing shared garage or (b) two existing garages on adjacent lots and separated by two feet or less, under the following conditions: 1) The subject properties share a common driveway and access drive; 3) The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-

line subdivisions as described in Sections 21-19.d.1 through 21-19.d.5 inclusive of the Urbana City Code (see below); and 4) The replacement garage meets all applicable building codes.

Sections 21-19.d.1 – 21-19.d.5 require the following:

d) Required maintenance agreement. A request for approval of a subdivision for common-lot-line dwelling units shall be accompanied by a form of agreement by and between the owner(s) and future owner(s) to own, use, maintain, rent, or otherwise occupy the common-lot-line dwelling units. This maintenance agreement shall provide for the following:

- (1) All appropriate signatures and certificates with signature of notary;*
- (2) Rules and regulations regarding the maintenance, upkeep and repair of the building(s) or structure(s), all common areas (if any), roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities and similar improvements;*
- (3) Party wall easements for all common walls located between the common-lot-line dwelling units;*
- (4) Repair and maintenance of any common service sewers providing for necessary easements of ingress and egress; and*
- (5) Insurance to cover the structure(s) and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance.*

Recommendation

Based on the evidence and findings presented in the February 13, 2009 staff memorandum to the Plan Commission, staff recommends that the Plan Commission forward Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation to APPROVE the proposed text amendment to the Zoning Ordinance, as presented herein.

Attachments: Exhibit A: draft of Article VI-5.

cc: Phillip and Sonia Newmark
Esther Patt
Zoning Board of Appeals

706 W Iowa Street
706 S Coler, Apt #3

Section VI-5. Yards

- A. *Definition.* See Article II for the definition of the various types of yards.
- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):

9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

a) One Garage. When replacing an existing private garages in an R-1, R-2, or R-3 zoning districts, the replacement garages may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:

1. The subject lot is 60 feet wide or less;
2. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
3. No gutters or other appurtenances will extend across the property line; and
4. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

1. The subject properties share a common driveway and access drive;
2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
3. Replacement garages meet all applicable building codes.