



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Paul A. Lindahl, Planning Intern

DATE: July 9, 2001

SUBJECT: ZBA-01-MAJ-6: A request by Kory Trummer to construct a 768 square foot garage that exceeds the 750 square foot maximum for an accessory structure in the R-4 Medium Density Multiple-Family Residential Zoning District.

Introduction

Kory Trummer has submitted a request for a major variance for the construction of a detached garage on his lot at 916 East Water Street. The petitioner wants to construct a garage with a building area greater than the maximum permitted for an accessory structure. The proposed garage will be 768 square feet, while the maximum permitted building area is 750 square feet. The request to increase the size of the garage is classified as a major variance by the Urbana Zoning Ordinance, and requires City Council approval

Description of the Site

The site is located on the north side of Water Street. The lot is approximately 7,656 square-feet in area and contains a structure of approximately 1,390 square-feet plus a detached 96 square-foot garden shed. The house is a single-story bungalow and faces south towards Water Street. On the west side of the house there is an existing gravel driveway that ends approximately half way to the rear of the property at the mid-point of the house. To the east is a neighboring house and backyard.

The subject homes' rear yard currently consists of about 3,600 square-feet of open space taken up by lawn and garden. The proposed garage will occupy the northwest rear corner of this area. To the rear of the site is an overgrown slope leading approximately five feet down to railway tracks.

Discussion

The Urbana Zoning Ordinance permits the construction of accessory structures when they are customarily incidental to the principal use or structure and when they are compatible in character and extent with the principal use and district where they are located. Other restrictions also apply. The controlling regulation in this case, Section V-2.C.7, requires that an accessory building such as a garage cannot exceed 750 square-feet in area if the principal structure of the single-family home is no larger than 1,500 square feet.

At this time the property does not have a garage, which is uncommon for homes today. In addition, the relatively modest size of the house (1,390 square-feet) and its relation to the lot size (7,656 square-feet) contribute to a favorable floor area ratio and open space ratio. Staff calculations have determined the existing floor area ratio of

0.19 is well within the allowed maximum for this zoning district of 0.50 and the open space ratio of 2.94 is well in excess of the minimum of 0.35. The construction of the garage as proposed will change these ratios to 0.29 for the floor area ratio and 1.0 for the open space ratio.

Zoning Board of Appeals Meeting

On June 28, 2001 the Urbana Zoning Board of Appeals heard the variance case for the proposed garage. Staff summarized the case and the zoning variance criteria. There was no opposition to the request. The Zoning Board of Appeals voted unanimously to recommend approval of the request. A copy of the minutes from the meeting is attached to this staff report.

Variance Criteria

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on specific variance criteria. The following is a summary of findings 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 petitioner wishes to construct a large garage for woodworking hobby purposes. As noted above, the size of the lot relative to the size of the house will allow the floor area ratio and open space ratio of the property to be well within regulations even with the garage construction.

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 requested variance does not serve as a special privilege because the location of the house on the narrow lot makes it impossible to construct an attached two-car garage of the permitted size.

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

The need for the variance has not yet been created.

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

The variance would be generally consistent with other lots in the immediate vicinity. Other homes in the area already have garages. With the proposed improvements this lot will still have about 2,400 square feet of open space. This does not include areas that cannot be used in the calculation because of the requirement that open space areas must contain a minimum width of 15 feet.

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

The variance will not affect the railway to the north and the neighbor to the west has no objection.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is requesting only the minimum amount of variance needed to accommodate his tools and equipment. A 750 square-foot garage can be built without the variance.

Options

The Urbana City Council has the following options this case:

- a. The Urbana City Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Urbana City Council may grant the variance subject to certain terms and conditions. If Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Urbana City Council may deny the variance requests. If Council elects to do so, they should articulate findings supporting its denial.

Recommendation

Based on the findings outlined herein, staff recommends that the Urbana City Council concur with the Zoning Board of Appeals and **GRANT** the variance as requested.

Attachments: Proposed Ordinance
 June 28, 2001 ZBA Minutes

c: Kory Trummer, Applicant

Prepared by:

Paul A. Lindahl
Planning Intern

ORDINANCE NO. 2001-07-079

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Construction Of A 768 Sq. Ft. Accessory Garage That Exceeds the 750 Sq. Ft. Floor Area Maximum In The City's R-4, Medium Density-Multiple Family Residential Zoning District - 916 East Water Street -- Case No. ZBA-01-MAJ-6)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Kory Trummer, has submitted a petition requesting a major variance to allow the construction of an accessory garage with a floor area of 768 square feet on his property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-6; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on June 28, 2001, by a unanimous vote of its members recommended to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. The size of the lot relative to the size of the house will allow the floor area ratio and open space ratio of the property to be well within regulations even with the garage construction.
2. The requested variance does not serve as a special privilege because the location of the house on the narrow lot makes it impossible to construct an attached two-car garage of the permitted size.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. Because he need for the variance has not yet been created.
4. The variance will not alter the essential character of the neighborhood and will be generally consistent with other lots in the immediate vicinity.
5. The variance will not cause a nuisance to the adjacent property.
6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Kory Trummer, in Case #ZBA-01-MAJ-6 is hereby approved to permit the construction of a 768 Sq. Ft. accessory garage that exceeds the 750 Sq. Ft. floor area maximum in the City's R-4, Medium Density-Multiple Family Residential Zoning District. This variance shall apply so long as the structure is constructed in substantial conformance with the site diagram presented as part of the variance case.

The major variance described above shall only apply to the property located at 916 East Water Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 8 of NW Davis Second Addition to Urbana, Illinois, as per plat recorded in plat book "A" at page 294, situated in Champaign County, Illinois

PERMANENT PARCEL #: 91-21-09-354-008

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2001.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Construction Of A 768 Sq. Ft. Accessory Garage That Exceeds the 750 Sq. Ft. Floor Area Maximum In The City's R-4, Medium Density-Multiple Family Residential Zoning District - 916 East Water Street -- Case No. ZBA-01-MAJ-6)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.