



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director, City Planner

DATE: June 1, 2006

SUBJECT: **ZBA Case # 2006-MAJ-02:** A Major Variance to allow a 100% encroachment into the 18-inch minimum required distance from the side lot line for an accessory garage at 510 W. Oregon Street in the R-2, Single-Family Residential Zoning District

Introduction

Katherine Hunter and Jens Sandberger are requesting a Major Variance to allow a replacement detached garage at 510 W Oregon Street to be constructed with a 100% encroachment into the 18-inch minimum side yard setback. The property is zoned R-2, Single-Family Residential District. An old single-car garage is currently located at the site which is deteriorated and functionally obsolete. This garage is located on the side yard lot line with no setback and is thus nonconforming. The petitioners propose to replace the old garage and build a new slightly larger structure in the same location on the lot line with no setback.

The Urbana Zoning Ordinance (Table VI-1 and Section VI-5.9) allows accessory garages in Residential zoning districts which are less than 750 square feet to be built with a minimum side yard setback of 18 inches (as measured from the eaves). Once the existing garage is removed, it will lose its nonconforming status and a new garage would have to meet the minimum 18 inch setback requirement. The petitioners are applying for a variance from this requirement because they believe there are mitigating circumstances to allow the new garage to be built with no setback. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals must recommend approval of a major variance by a two-thirds majority for the case to be forwarded to City Council for a final decision.

At their May 17, 2006 meeting, the Zoning Board of Appeals voted 4 ayes to 0 nays to forward a recommendation of approval to the City Council. The petitioner and a nearby property owner spoke in favor of the variance, and several letters of support from neighbors were entered into the record.

Issues and Discussion

510 W Oregon Street and the neighborhood were originally platted with lots narrower than are common today. The lot is 56.1 feet wide by 123.76 feet long, with an area of 6,943 square feet.

The petitioners propose to build a new detached garage of 374 square feet (17-foot wide by 22-foot long). The proposed garage would have two stories with a heated gardeners' work room on the second floor. Ms. Hunter is an avid gardener and almost the entire backyard of the property is a garden. The petitioners would like to locate the new garage on the site of the old garage so that the garden can be maintained as it is.

The existing garage is 12-feet wide and the proposed garage would be 17-feet wide, not including eaves. The ordinance requirement is that the furthest extension of the garage, *including eaves*, must be no closer to the side lot line than 18-inches. The separation is required for such things as allowing some minimum space for painting the garage and performing other maintenance activities, keeping the roof drip line on the property for the purposes of drainage, and making sure any foundation footing doesn't encroach on the neighboring property. Where a structure has no setback, it becomes impossible to maintain the side of the building without working from the neighbor's property. Also a foundation footing encroaching on the neighbor's property could mean they would have to set back any garage of their own along this line so that the two footings would not interfere with each other. A negative to requiring an 18-inch setback is that it creates a narrow space where grass can grow and weeds or debris may accumulate needing maintenance.

By constructing the new wider garage on the east lot line the petitioners will be able to accomplish a number of things. The interior parking area will be wider giving more clearance to open car doors (which is impossible in the narrow old garage). There will also be room to accommodate the stairway to the second floor gardeners' work room. The trade off is that the greater width will sacrifice about 5 feet of garden west of the garage. Following the ordinance requirements would mean locating the new wider garage (including eaves) outside the 18-inch setback, placing it about 18-inches to 24-inches further west and too close to the trellis porch behind the house. Therefore, for the garage to be built as wide as proposed and located out of the side yard setback it would need to be shifted further to the rear of the lot to clear the porch. The existing garage is 20-feet long and the proposed garage would be 22-feet long. If the proposed location must be shifted further to the rear of the lot, then it would sacrifice more of the existing garden patio to the rear of the garage (see photo exhibits) than just the two feet the petitioners need to accommodate a longer modern car.

In terms of layout, the lot is rectangular in shape, as are all lots on the block and most in the neighborhood. While the lot is four feet narrower than the current regulations allow to be platted today, the 6,943 square foot area of the lot exceeds the current 6,000 square foot minimum. The approximately 45-foot distance from the rear of the porch on the house to the rear lot line provides enough space to move the garage further to the rear of the lot. The 56-foot width of the lot behind the house is also enough space to accommodate a 17-foot wide garage (with additional eaves) and also respect the 18-inch minimum side yard requirement.

The petitioners state that their lot slopes downward toward the rear lot line with a fall of 9-inches from the front of the existing garage to the rear of the garage and sloping further to the rear lot line. The result of the lot slope is a drainage problem with wet ground at the rear of the lot and water coming from neighboring property. According to the petitioners shifting the proposed location for the new garage further back on the property would result in a hardship due to the cost of building up a level ground surface to overcome the drainage concerns. The petitioners also do not wish to add to the length of the driveway surface because it would add to the cost of

construction, add more impervious surface potentially exacerbating the drainage problem, and would increase the area needing winter snow removal.

For more information on the petitioner perspective with the petitioner's responses to the six specific variance criteria questions listed in the following section please see the attached application (Exhibit F) and the letter to the Zoning Board and City staff (the first item of correspondence in Exhibit H).

Analysis

In reviewing the variance criteria of Section XI-3.C.2.c.3, this request appears to meet some but not all the criteria. It does appear that the requested variance would have little impact on the surrounding neighborhood and will not affect the general safety and welfare of the public. There also appears to be a practical difficulty in carrying out the strict letter of the Zoning Ordinance relating to the use of the property in that moving the garage would require maneuvering cars past the house at the end of the driveway. The driveway is very narrow and is squeezed between the east wall of the house and property line. The Zoning Board of Appeals must judge if the special conditions and circumstances of the case offer constraints which can only be overcome by means which constitute practical difficulties or particular hardships. If the Board finds that is the case a variance of the regulations can be approved.

Space trade offs

The following is an analysis of the amount of space that might be traded off by moving the location of the garage:

- The footprint proposed for the larger garage sacrifices about 134 square feet (5-feet by 22-feet plus 2 feet by 12-feet) converted from green space / garden to impervious surface / roof.
- Shifting the location from to the west and north would sacrifice an additional strip of about 44 square feet (2-feet wide by 22-feet long) of green space / garden west of the garage and turn it into green (but useless) setback space east of the garage along the property line.
- Shifting the location of the garage approximately 10-feet further to the rear of the lot would sacrifice an additional area of about 170 square feet (10-feet deep by 17-feet wide) from green space / garden currently to the north of the garage for an unwanted area of impervious surface / driveway in front of the garage.

Costs and hardships

Construction cost information for the project and alternatives is not a required component of the application. For that reason the project can not be analyzed for cost hardships. The cost of the proposed design is unknown. What is known is that the project calls for replacing an existing single-car garage with a slightly larger single-car garage including: a stairway to a small second story heated gardeners' workroom, balcony with sliding glass door access, and skylights. The cost of paving an estimated 170 square foot area in front of a relocated garage is an unknown. The dollar cost of raising the ground level and installing the foundation in the estimated 170 square foot area to the north of the existing garage, as compared to the cost of a foundation in the area as proposed by the petitioners is unknown.

Circumstances that may favor granting the variance

- The lot is narrower than most platted today.
- The lot width and location of the house were not designed to accommodate a garage of modern dimensions.
- The neighbors to the east who are most likely to be impacted by the variance do not oppose it.
- The variance would offer no adverse impact to the community or neighborhood at large.
- The petitioners' yard is comprised of a master quality garden.

Circumstances that may favor denying the variance

- Although the circumstances and difficulties described are special in that they are specific to the yard and garden of the subject property, they may not be special in scope.
- A hardship in this case appears to be relatively small.
- Strict adherence to the regulations will not cause a negative impact the community, even though it may cause practical difficulties for the petitioners.

Variance Criteria

Once it has been determined whether or not there are special circumstances or special practical difficulties, Section XI-3.C.2.c.3 provides the following variance criteria which must be considered by the Zoning Board of Appeals. (Please note that Criterion Number 6 regarding practical difficulty and particular hardship has been recently added to the Zoning Ordinance, as a part of the Omnibus Text Amendment. This Criterion was added for consistency with State Statute and zoning practice in other Illinois communities):

1. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and 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;*
2. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner;*
3. *The variance will not alter the essential character of the neighborhood;*
4. *The variance will not cause a nuisance to adjacent property;*
5. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

6. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

Background

Description of the Site

The property is located in the West Urbana Neighborhood which is a well established neighborhood built in the early 20th century. The area is a highly desirable place to live in part because of its proximity to the University of Illinois campus. The subject property is surrounded by single-family homes, and R-2, Single-Family residential zoning.

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	R-2, Single Family Residential	Single-Family Residence	Residential
North	R-2, Single Family Residential	Single-Family Residence	Residential
South	R-2, Single Family Residential	Single-Family Residence	Residential
East	R-2, Single Family Residential	Single-Family Residence	Residential
West	R-2, Single Family Residential	Single-Family Residence	Residential

Findings

The following are the findings in this case as they pertain to the variance criteria listed above:

1. The proposed variance would allow a detached garage to be built with a zero foot side yard setback at 510 W Oregon Street.
2. Based on the evidence, practical difficulties exist for this property in terms of moving a replacement garage off of the existing driveway alignment. Doing so would require cars to maneuver around the northeast corner of the house.
3. Granting the variance would not have a significant impact on the character of the area as the West Urbana Neighborhood already has an existing pattern of detached garages with very small or no setbacks from property lines.
4. Granting a variance would not extend a special privilege to the petitioner because there are practical difficulties with the property in terms of having an existing narrow driveway located between the house and the side yard property line.

5. The proposed variance would not create a nuisance on the neighboring property. Although the proposed garage does not include gutters on the east side, the existing garage does not have gutters and the net increase in runoff would be negligible.

Options

The City Council has the following options in this case:

- a. Approve the variance; or
- b. Approve the variance along with certain terms and conditions. If the City Council approves conditions or the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c. Deny the variance request. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Fiscal Impact

There will be no fiscal impact for the City, as this property is already developed as a single-family residence.

Recommendation

Staff concurs with the Urbana Zoning Board of Appeals recommendation to **APPROVE** the side yard setback variance in #ZBA Case 2006-MAJ-02.

Prepared by:

Robert Myers, AICP
Planning Manager

Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Aerial Photo with Existing Land Use
 Exhibit D: Future Land Use Map
 Exhibit E: Aerial Photo - Close Up
 Exhibit F: Petition for Variance with Site Plan
 Exhibit G: Site Photos
 Exhibit H: Correspondence

cc: Kate Hunter and Jens Sandberger
 510 W. Oregon Street
 Urbana, IL 61801

ORDINANCE NO. 2006-06-070

AN ORDINANCE APPROVING A MAJOR VARIANCE

(A Major Variance to allow a 100% encroachment into the 18-inch minimum required distance from the side lot line for an accessory garage 510 W. Oregon Street / Case No. ZBA-2006-MAJ-02)

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

WHEREAS, the owners of the subject property, Kate Hunter and Jens Sandberger, has submitted a petition requesting a major variance to allow an 18 inch (100%) encroachment into the required side yard setback for accessory structures at 510 W. Oregon in the R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2006-MAJ-02; 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 May 17, 2006 and voted 4 ayes and 0 nays to recommend to the City Council approval of the requested variance with the conditions listed below; 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The proposed variance would allow a detached garage to be built with a zero foot side yard setback at 510 W Oregon Street.

2. Based on the evidence, practical difficulties exist for this property in terms of moving a replacement garage off of the existing driveway alignment. Doing so would require cars to maneuver around the northeast corner of the house.
3. Granting the variance would not have a significant impact on the character of the area as the West Urbana Neighborhood already has an existing pattern of detached garages with very small or no setbacks from property lines.
4. Granting a variance would not extend a special privilege to the petitioner because there are practical difficulties with the property in terms of having an existing narrow driveway located between the house and the side yard property line.
5. The proposed variance would not create a nuisance on the neighboring property. Although the proposed garage does not include gutters on the east side, the existing garage does not have gutters and the net increase in runoff would be negligible.

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

The major variance request by Kate Hunter and Jens Sandberger, in Case #ZBA-2006-MAJ-02, is hereby approved to allow an 18 inch (100%) encroachment into the required side yard setback at 510 W. Oregon in the R-2, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 510 W. Oregon, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 8 IN BLOCK 2 OF SHUCK, IJAMS AND SHUCK SUBDIVISION OF LOT 6 AND THE NORTH 83.15 FEET OF LOT 7 OF JAMES S. BUSEY'S ADDITION OF OUTLOTS IN THE CITY OF URBANA, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL #s: 92-21-17-177-008

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 _____, 2006.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, 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 _____, 2006, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled:

ORDINANCE NO. _____

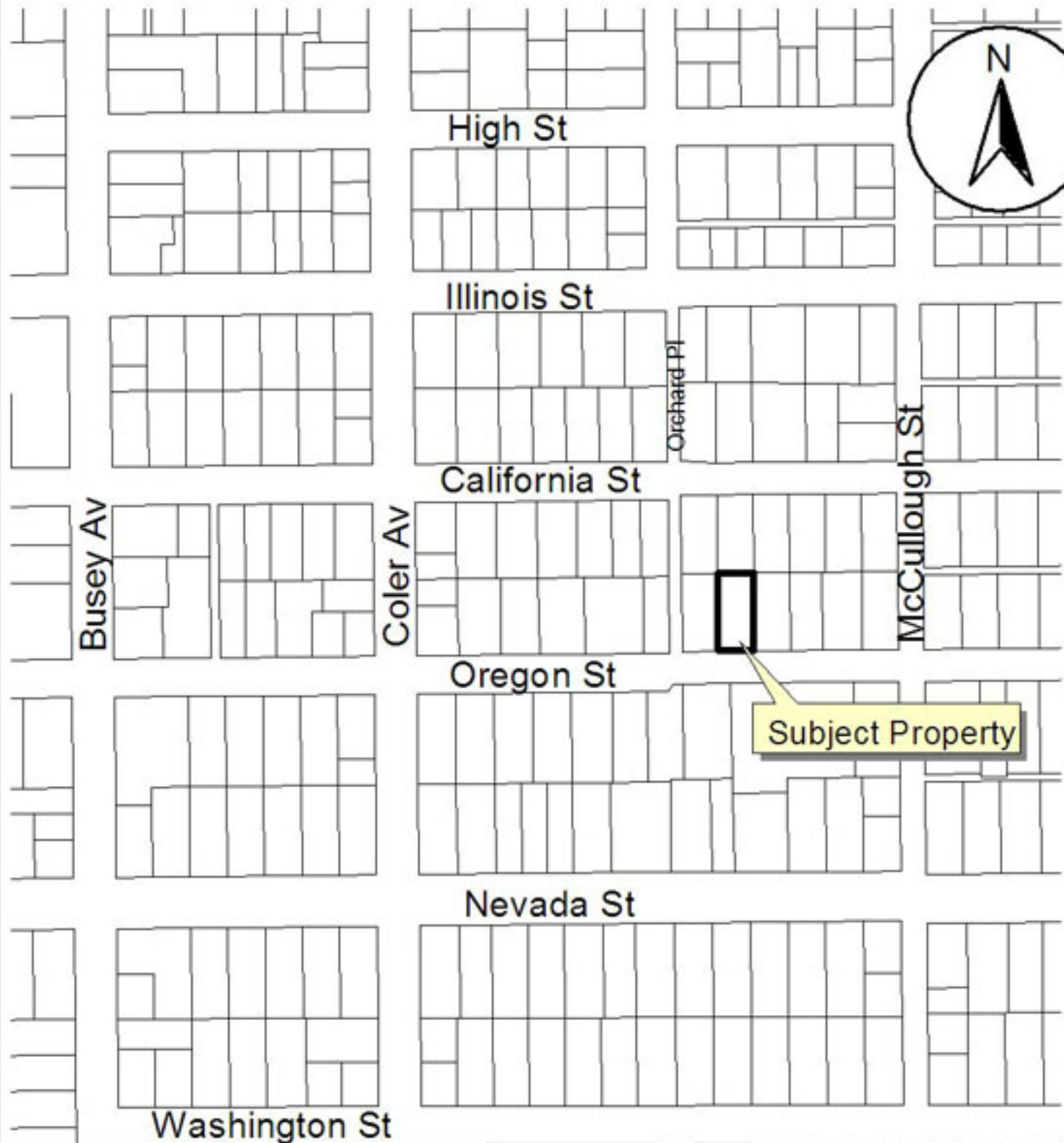
AN ORDINANCE APPROVING A MAJOR VARIANCE

(A Major Variance to allow a 100% encroachment into the 18-inch minimum required distance from the side lot line for an accessory garage 510 W. Oregon Street / Case No. ZBA-2006-MAJ-02)

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 _____, 2006, 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.

Location Map

Exhibit "A"



200 0 200 400 600 800 Feet

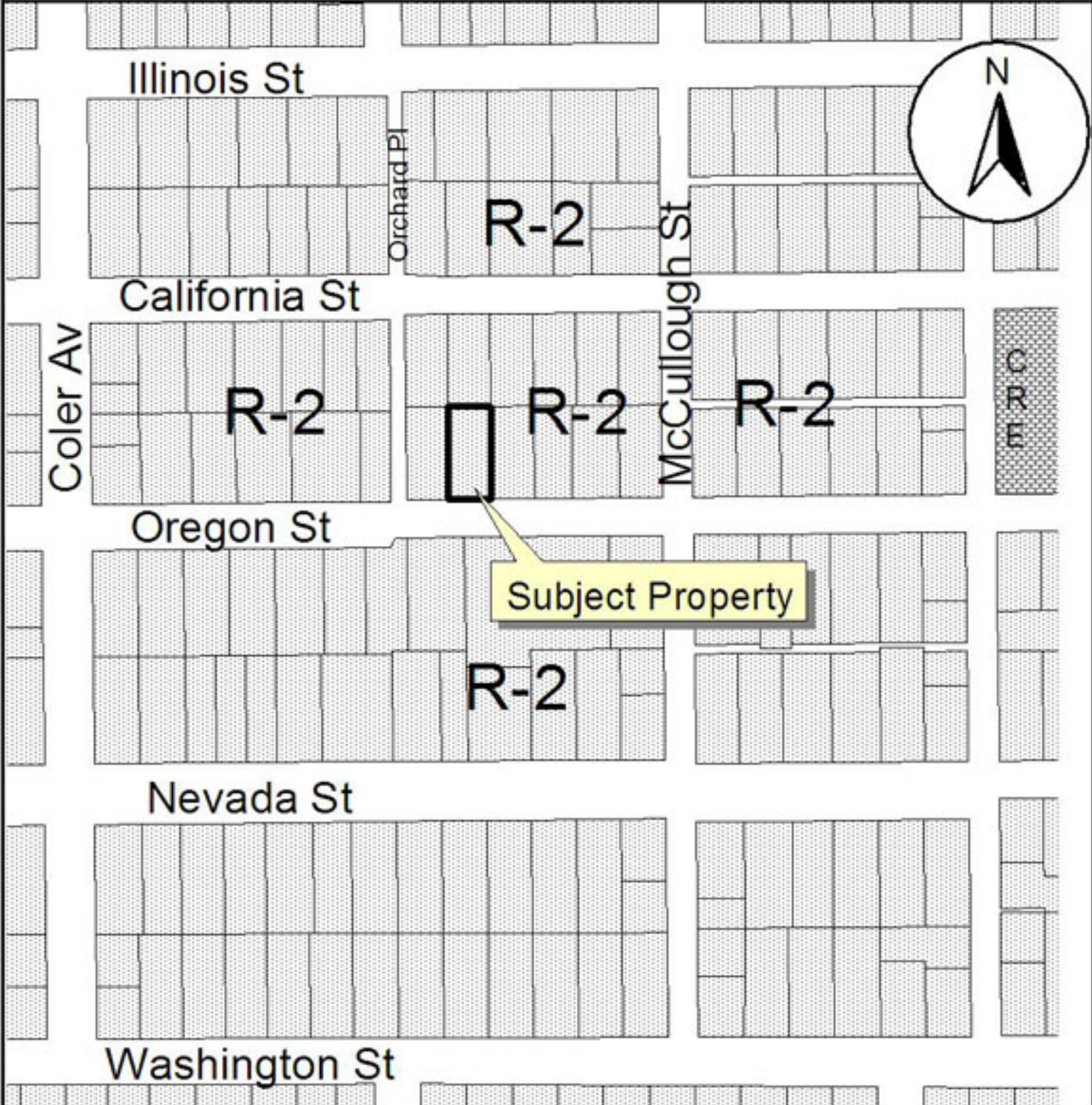


ZBA Case: 05-MAJ-02
Petitioner: Katherine Hunter and Jens Sandberger
Location: 510 W Oregon Street
Zoning: R-2, Single-Family Residential
Description: Major Variance to construct an accessory garage with a 100% encroachment into side yard setback

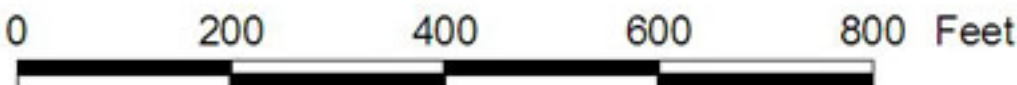
 Subject Property

Zoning Map

Exhibit "B"



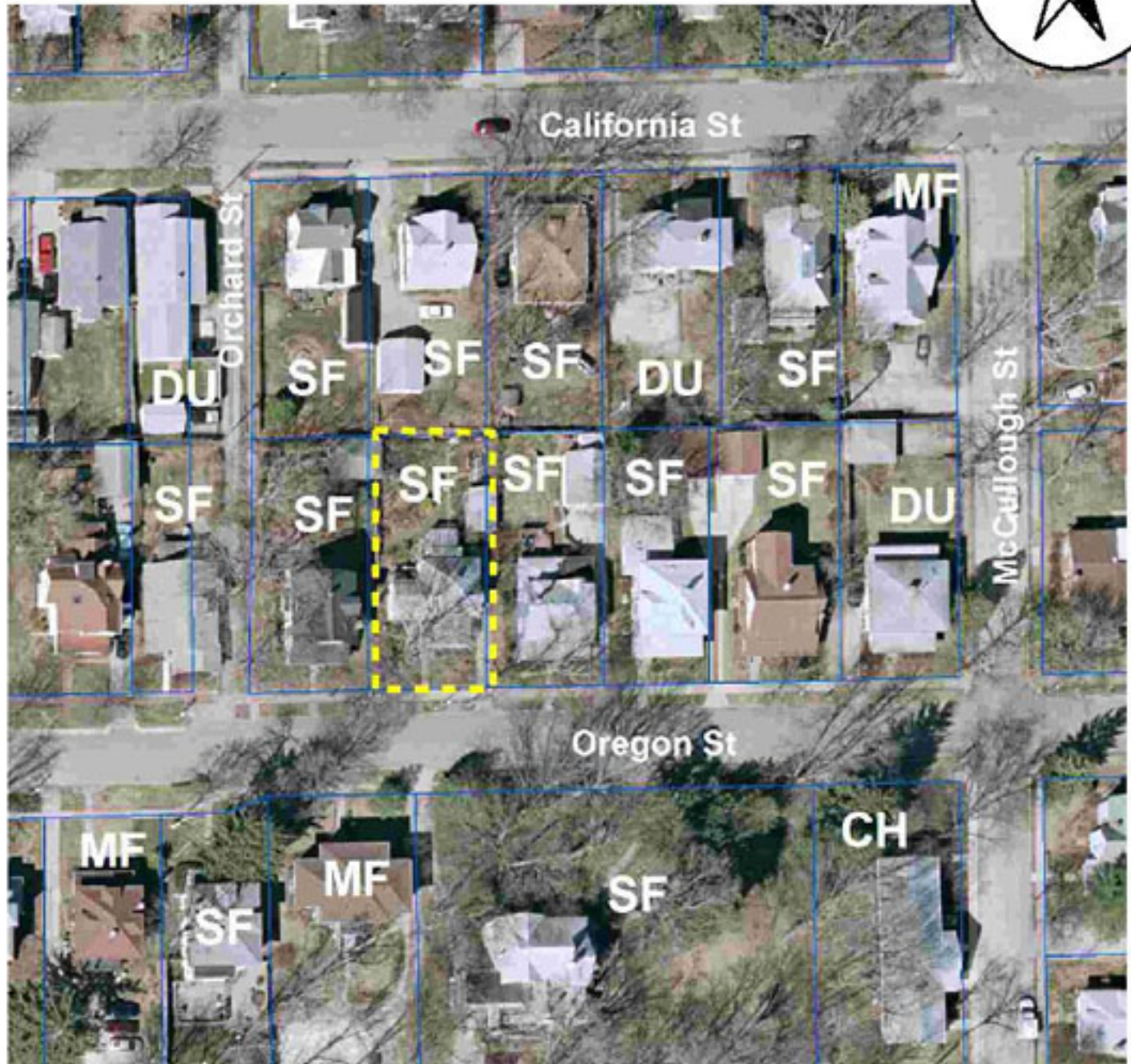
Subject Property



ZBA Case: 05-MAJ-02
Petitioner: Katherine Hunter and Jens Sandberger
Location: 510 W Oregon Street
Zoning: R-2, Single-Family Residential
Description: Major Variance to construct an accessory garage with a 100% encroachment into side yard setback

Prepared 5/01/06 by Community Development Services - pal

R2 - Single Family Residential
CRE - Conservation-Recreation-Education



ZBA Case: 05-MAJ-02
Petitioner: Katherine Hunter and Jens Sandberger
Location: 510 W Oregon Street
Zoning: R-2, Single-Family Residential
Description: Major Variance to construct an accessory garage with a 100% encroachment into side yard setback

Prepared 5/01/06 by Community Development Services - pal

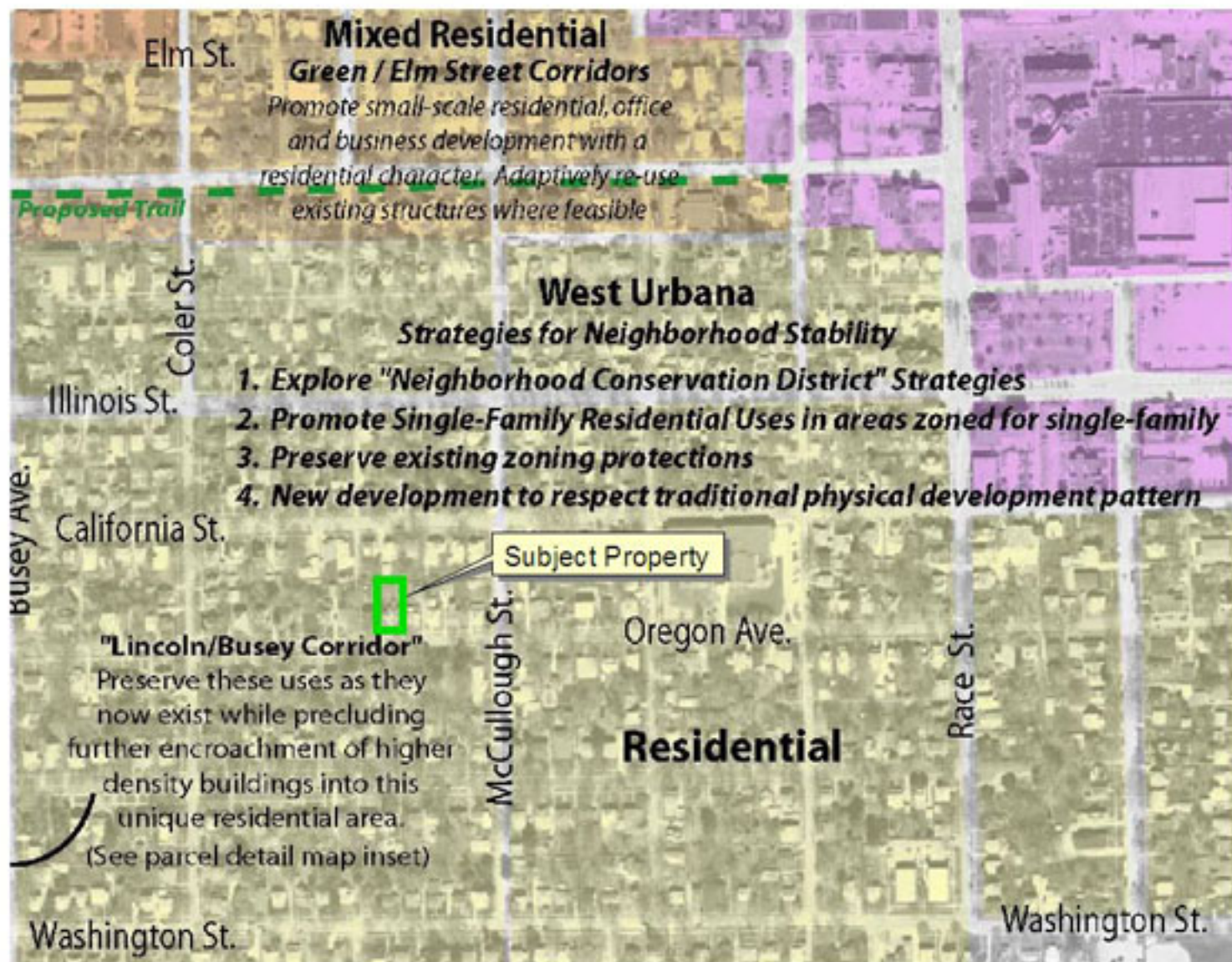
 Subject Property

SF - Single Family
DU - Duplex
MF - Multi Family
CH - Church

Future Land Use Map

Exhibit "D"

Source: Comprehensive Plan Future Land Use Map # 8, p.79



ZBA Case: 05-MAJ-02
Petitioner: Katherine Hunter and Jens Sandberger
Location: 510 W Oregon Street
Zoning: R-2, Single-Family Residential
Description: Major Variance to construct an accessory garage with a 100% encroachment into side yard setback

Prepared 5/01/06 by Community Development Services - pal



ZBA Case: 05-MAJ-02
Petitioner: Katherine Hunter and Jens Sandberger
Location: 510 W Oregon Street
Zoning: R-2, Single-Family Residential
Description: Major Variance to construct an accessory garage with a 100% encroachment into side yard setback

Prepared 5/01/06 by Community Development Services - pal



#1 View north down driveway and east property line



#2 Closer view of garage



#3 Garage door and floor



#4 East across back of porch at garage



#5 Southeast at garage and back porch



#5 East across back of yard at garage

Site Photos

Exhibit "G-2"



#7 East across back of yard behind garage



#8 Area north of garage. Bushes are on neighbors property.



#9 North face of garage



#10 East wall of garage on lot line from neighbors yard.



#11 Southwest to garage and house from neighbors yard



#12 Northwest to garage and bushes from neighbors yard

MINUTES OF A RESCHEDULED MEETING

URBANA ZONING BOARD OF APPEALS

DATE: May 24, 2006

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Herb Corten, Anna Merritt, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Paul Armstrong, Joe Schoonover, Nancy Uchtmann

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Kate Hunter, Trent Shepard

ZBA-06-MAJ-02: A Major Variance to allow a 100% encroachment into the 18-inch minimum required distance from the side lot line at 510 West Oregon Street in the R-2, Single-Family Residential Zoning District.

Robert Myers, Planning Manager, presented the staff report for this case. He gave a brief introduction. He explained that the reason for the major variance request, which is because once the existing detached garage is demolished, it will lose its nonconforming status, and the proposed new garage would have to meet the minimum 18-inch setback requirement. The petitioners are proposing to construct the new garage in the same exact location as the existing garage; therefore, it would not meet the required side-yard setback. He described the proposed site.

He talked about the new variance criteria #6, which states: *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures of the use of land.* He stated that City staff believed that there is a practical difficulty and possibly a hardship in this case, because the narrow driveway is squeezed between the east property line and the petitioner's house. The existing garage lines up with the driveway. However, if the petitioner's adjust the proposed new garage even a couple of feet to meet the side-yard setback requirement, then the proposed new garage would be out of alignment with the driveway. When backing their car out of the new garage, the driver would have to jog around the corner of the house rather than back straight down the driveway. City staff considers this a practical

difficulty. Having said that, Mr. Myers did not recommend changing the ordinance to allow all garages generally speaking to be built right on the property line. He explained the reasons for requiring setbacks for garages under normal circumstances. It was right to review situations such as this on a case by case basis and determine whether a variance would be justified.

Mr. Myers reviewed the variance criteria from Section XI-3.C.2.c.3 of the 2006 Urbana Zoning Ordinance that the Zoning Board of Appeals must consider in determining whether or not to approve the proposed variance request. He presented staff's recommendation, which is as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of a side yard setback variance in ZBA Case No. 06-MAJ-02 to the Urbana City Council.

Chair Merritt swore in members of the audience that are planning to give testimony.

Mr. Corten commented that at first he wondered why the petitioner had to go through the major variance process. After listening to the staff report, he understood that the proposed new garage would have to conform to the current regulations. Mr. Myers stated that is correct. The existing garage is non-conforming under the Zoning Ordinance because it does not meet the setback requirements. Whenever a non-conforming structure is demolished, it loses its non-conforming status.

Chair Merritt opened the public hearing to hear and consider testimony from the audience regarding this case.

Kate Hunter, petitioner, mentioned that they have debated what to do about the existing garage for a number of years. They have come up with the proposed plan. In the historic central Urbana area, homeowners are faced with narrow lots and sometimes shared driveways and/ or garages. It requires some creative thinking when it comes to rebuilding the existing garages.

She pointed out that they take special pride in their garden. It has been toured by over 2,000 visitors in the past seven years. She has been on the Master Gardner Garden Walk twice in those seven years. Moving the garage to a different location on their small lot would require that much more of the garden be removed.

She stated that they are facing two obstacles in the placement of the proposed new garage. The first obstacle is an existing trellised porch on the north side. The second obstacle is the sloping land to the back lot line, which is going to create some drainage and construction problems. Her builder assured her that he could come up with a creative plan that would take any storm water to the back of the garage and drain on her property.

Her neighbors support their major variance request and have expressed a preference to have the garage rebuilt in the same spot as the existing garage. The neighbor's already have a new

garage, so the possibility of the neighbor's wanting to build a new garage on their property next to this new garage would not happen anytime in the near future.

She noted that although the proposed structure would be slightly larger than the existing garage, they are only asking for half of the legal maximum square foot garage. In order to make the new garage slightly longer and wider, the current dimensions do not allow for anything but their car and couple of rakes. They cannot fully open the passenger car door in the garage because it is so narrow. Their architect had told them that the current dimensions are substandard for a one car garage.

She and her husband are interested in preserving the historic character of the neighborhood and of their home. They are carefully designing the proposed new garage to be architecturally compatible with their home. She is excited about replacing the existing garage with something that will be an asset to the neighborhood.

Ms. Hunter read a letter from her neighbors at 504 West Oregon. She stated that she is pleased that City staff made a recommendation to the Zoning Board of Appeals to grant her request. She appreciated all the time that different members of City staff had spent with her to work on her proposal.

Mr. Warmbrunn asked Ms. Hunter to speak to the proposed use for the second floor of the proposed garage. Ms. Hunter began by explaining that their house was moved to the current location in 1900 from out in the country. When she and her husband bought it, the house measured to be 870 square feet. They added a living room building to the maximum of the west lot line, so they now have about 1,280 square feet. They have no where to spread themselves out since they both retired and lost their offices. She planned to use the second floor as a studio and a garden propagation room. She mentioned that she tried to design it so it would not impact the neighbors on the east. She did not want her windows overlooking the neighbor's private back yard. There would not be any running water; however, she did plan to have heat and air conditioning in there.

Trent Shepard, of 409 West Oregon, stated that he owns three rental properties nearby. He wrote a letter in support of the major variance request, which was included in the packet of information. He mentioned that he went through a similar process when he built a shared garage with the property next door to his, which he owned at the time. It has worked out well.

He described the character of the neighborhood by saying that there are a lot of old houses, which have been kept up. Most of the houses have crummy old garages. Many of the garages in the neighborhood are used to store junk rather than cars due to the size of the garages. He would not be surprised if there were more of these requests, maybe not on the lot line, but maybe asking for exceptions for new garages to be built. He believed that that the plans that Ms. Hunter and her husband have designed for a new garage would stay in character with the rest of the neighborhood.

Mr. Warmbrunn inquired if the petitioner's intentions for the second floor were okay with City staff. Is there any concern about the possibility of someone living on the second floor? Mr.

Myers said that he has seen nothing that would raise a concern that the applicants intended to use the second floor of the garage for an unpermitted use such as an apartment. There is not any prohibition against having a workspace above a garage or having running water in this workspace. City staff does not see any signs of someone being able to live on the second floor. If they were proposing a bathroom, a kitchen, and a separate electric meter he would certainly be concerned but this is not the case.

Mr. Corten moved that the Zoning Board of Appeals forward a recommendation of approval to the Urbana City Council as laid out in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Ms. Merritt	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote.