



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: September 3, 2015

SUBJECT: ZBA-2015-MAJ-08: A request by Lori Garrett for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard in the R-3, Single-Family and Two-Family Residential District at 701 E. Elm Street.

Introduction & Background

Lori Garrett has submitted a request to construct a garage that may encroach up to 13 feet, 6 inches, or 71 percent, into the required 19 foot front yard at 701 E. Elm Street in the R-3, Single- and Two-Family Residential District. The property is on the southeast corner of Elm Street and Anderson Street. According to Section VI-5.D.1 of the Urbana Zoning Ordinance, lots with multiple street frontages have one front yard abutting each street. The property therefore has one front yard on Elm Street and one front yard on Anderson Street. The lot is 54 feet by 136.5 feet, with the narrower frontage on Elm Street. The house on the lot faces Elm Street, and has an existing 10-foot wide driveway running along its eastern side, next to a fence on the neighboring property.

The applicant would like to build a garage and breezeway behind her house on the west side of the lot, which would encroach into the required 19-foot front yard setback along Anderson Street. The house encroaches about 1 foot, 6 inches into the front yard setback already. The proposed garage would extend an additional 12 feet beyond the edge of the house, for a total encroachment of 13 feet, 6 inches into the front yard setback, while the breezeway would be directly in line with the house and therefore encroach 1 foot, 6 inches into the front yard setback. The applicant requests the variance in order to maintain the usable space behind her house, to prevent the garage from blocking light and views from the windows on the back of her house, and to allow for the most convenient access to the house from the garage compared to alternative plans, especially during winter months. (*See Exhibit E for a more detailed account of the applicant's reasoning for making the variance request.*)

There are four City owned trees in the public right-of-way to the west of the property. The northern two trees are well-established black walnut trees of high value. The approach to the proposed garage would be built between the two walnut trees. The excavation for the proposed driveway and garage footing could damage the root systems of the trees, which would then reduce the health of the trees over the next five to ten years. Due to this potential damage, the City Arborist recommends that, if the variance is

granted, the applicant pay a fee to the City in advance of construction for any potential damage that may be caused by the excavation (*see Exhibit F for the City Arborist’s report*).

At their August 19, 2015 meeting, the Urbana Zoning Board of Appeals heard the case. After presenting the case, staff answered questions from the Zoning Board regarding the rights-of-way next to and behind the property, the existing driveway and its dimensions and use, and the health and value of the city trees adjacent to the property. Following the staff report, the applicant addressed the ZBA to provide more information and to support her application. The ZBA then voted seven ayes and zero nays to forward the Major Variance request to the City Council with a recommendation for approval.

Existing Land Uses

The property is located on E. Elm Street in Historic East Urbana. It is surrounded mainly by single-family homes, with a converted single-family home to the southeast that now contains apartments. The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

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-3, Single and Two Family Residential	Single-Family Home	Residential
South	R-4, Medium Density Multi-Family Residential	Side Yard for Multi-Family Residential	Residential
West	R-3, Single and Two Family Residential	Single-Family Home	Residential

Comprehensive Plan

In Urbana’s 2005 Comprehensive Plan, Future Land Use Map #10 identifies the 700 block of E. Elm Street as an area appropriate for an urban pattern of residential use. The Plan defines “Residential (Urban Pattern)”, as areas containing...

“...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.”

The Plan also defines the entire neighborhood as “Historic East Urbana,” and identifies the following “Strategies for Neighborhood Stability”:

1. Preserve unique character of the neighborhood
2. Determine compatible zoning for neighborhood

3. Improve existing infrastructure
4. Improve existing housing stock
5. New development to respect traditional physical development pattern

Adding a garage to the property behind the house would be consistent with an urban pattern of residential development in the area. A garage would also help to improve the existing housing stock by adding value to the home and property.

East Urbana Design Review District

In addition to being located in the area referenced in the Comprehensive Plan as the Historic East Urbana neighborhood, the site is within the boundary of the East Urbana Design Review District. The design review district has guidelines for redeveloping multi-family, duplex, commercial, and institutional properties, but do not apply to single-family homes such as the subject property.

Discussion

There are two main issues with respect to this case. The first issue is the variance request itself. The second issue is the possible impact that the variance request could have on the two City street trees. Each issue is discussed below.

With respect to the variance request, the applicant has provided a thorough description of the potential site plans she considered prior to making a request for a variance (see Exhibit E). The applicant considered, and rejected, several site plans that would conform to the Zoning Ordinance. However, to meet her goals of preserving the views of the back yard from the house and building the garage close enough to the house to provide convenient access, the applicant believes the current proposal is the only one that would work for her. She has therefore requested a variance. Given the narrowness of the lot and the requirement for a 19 foot front yard setback, it does not appear that other site plans would be able to meet the applicant's desires.

Allowing a garage that would encroach in the side yard would not be out of character for the neighborhood. Of 47 corner lots that are zoned R-3 in the surrounding neighborhood, at least 24 (over 50 percent) appear to have at least one building that encroaches into the required front yard setback. Five lots (over 10 percent) appear to have garages that encroach into the required front yard setback. This includes the lot directly across the street from 701 E. Elm Street, as well as the lot at the opposite end of the block.

With respect to the potential impact that the variance request could have on the two City trees that are located adjacent to the proposed driveway, the applicant has scaled back her original plans to reduce the footprint of the garage and has been actively working with City staff to address concerns to protect the trees (see Exhibits E and F). It is the opinion of the City Arborist that the proposed driveway and garage would likely cause damage to the root systems of both walnut trees, estimating that 30 percent of each tree's root system could be affected. In order to mitigate this damage, the City Arborist suggests that compensation be provided to the City by the applicant for 30 percent of the value of each tree. The total compensation is estimated to be \$3,417 (see Exhibit F). The applicant has agreed to make this payment.¹

¹ Section VIII of the *Arboricultural Specifications Manual of the City of Urbana*, and Section 25-18 of the Urbana City Code require that compensation be paid and a permit obtained prior to removing or damaging desirable City trees.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance as they pertain to this case:

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *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 property was platted and the house was constructed long before current zoning regulations were established. The lot is narrow, and the existing positioning of the house and driveway make adherence to the Zoning Ordinance difficult. There are many other houses and garages on corner lots in the neighborhood that already encroach into required front yards. Allowing the variance would therefore not be a special privilege.

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

The variance requested was not the result of a situation created by the petitioner as the site was platted and built upon prior to the petitioner purchasing the property.

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

The proposed garage will not alter the essential character of the neighborhood. There are at least five (out of 47) other corner lots that are zoned R-3 in the neighborhood that have garages that encroach into a required front yard, including one immediately across the street and one on the opposite end of the block.

The neighborhood is characterized by its many mature trees. Therefore, proper care must be taken to ensure that the variance has minimal impacts on the health of the walnut trees in the right-of-way.

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

Currently, the main automobile access to the property is off of Elm Street via a ten foot wide gravel driveway on the east side of the house. The driveway abuts the neighbor's fence to the east. Allowing the variance would shift the main access to the west side of the house off of Anderson Street, and would likely reduce the amount of noise and air-quality nuisance for the neighbor to the east. It may also lessen potential conflicts that may occur when pulling cars into and out of the property.

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

In order to build a garage that is both close to the house and preserves the existing views of the back yard from the house, the variance request represents a minimum deviation from the Zoning Ordinance. While it may be possible to build a garage that would meet the requirements of the Zoning Ordinance, conformance would significantly reduce the usefulness of the property for the applicant and any future owners.

Summary of Findings

1. 701 E. Elm Street is zoned R-3, Single- and Two-Family Residential.
2. The petitioner has applied for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard.
3. The variance request will not serve as a special privilege to the property owner.
4. The variance request was not the result of a situation knowingly created by the petitioner.
5. The variance request will not alter the essential character of the neighborhood.
6. The variance request will not cause a nuisance to adjacent property owners, and may reduce nuisance effects on the neighbor to the east.
7. The variance request represents the minimum deviation from the requirements of the Zoning Ordinance.
8. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Urbana City Council has the following options in Case No. ZBA-2015-MAJ-08:

1. Approve the variance based on the findings outlined in this memo; or
2. Approve the variance along with certain terms and conditions. If conditions or findings differ from those recommended in the attached draft ordinance, these should be articulated accordingly; or
3. Deny the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

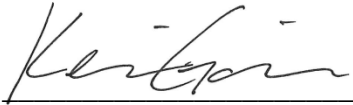
Recommendation

At their August 19, 2015 meeting, the Zoning Board of Appeals voted seven ayes and zero nays to recommend **APPROVAL** for the variance with the following conditions:

1. The site is developed in general compliance with the attached site plan entitled “Proposed Site Plan”.
2. The applicant agrees to compensate the City \$3,417 for the effects of the construction of the driveway and garage on the health of adjacent City trees. The applicant agrees to submit payment prior to issuance of any permits for construction of either the driveway or garage.

Staff concurs with the ZBA recommendation.

Prepared by:



Kevin Garcia, AICP
Planner II

Attachments: Draft Ordinance

Draft ZBA Meeting Minutes 8/19/2015

Exhibit A: Location and Existing Land Use Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Application

Exhibit E: Proposal for Garage at 701 E. Elm Street – Petitioner

Exhibit F: Memo on Driveway Approach Tree Damage – City Arborist

cc: Lori Garrett, Applicant
Mike Brunk, City Arborist

ORDINANCE NO. 2015-09-098

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a garage that will encroach 13 feet, 6 inches into the required front yard in the R-3, Single-Family and Two-Family Residential District at 701 E. Elm Street / ZBA Case No. 2015-MAJ-08)

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

WHEREAS, Lori Garrett has submitted a petition for a major variance to allow a garage that will encroach 13 feet, 6 inches into the required front yard at 701 East Elm Street in the City's R-3, Single-Family and Two-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2015-MAJ-08; 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 held a public hearing on the proposed major variance on August 19, 2015 and voted 7 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. 701 E. Elm Street is zoned R-3, Single- and Two-Family Residential.
2. The petitioner has applied for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard.
3. The variance request will not serve as a special privilege to the property owner.
4. The variance request was not the result of a situation knowingly created by the petitioner.
5. The variance request will not alter the essential character of the neighborhood.
6. The variance request will not cause a nuisance to adjacent property owners, and may reduce nuisance effects on the neighbor to the east.
7. The variance request represents the minimum deviation from the requirements of the Zoning Ordinance.
8. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

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

Section 1. In ZBA Case No. 2015-MAJ-08, the major variance requested by Lori Garrett is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The site is developed in general compliance with the attached site plan entitled "Proposed Site Plan"; and
2. The applicant agrees to compensate the City \$3,417 for the effects of the construction of the driveway and garage on the health of adjacent City trees. The applicant agrees to submit payment prior to issuance of any permits for construction of either the driveway or garage.

The major variance described above shall only apply to the property located at 701 East Elm Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot one in Martha E. Webber's Third Addition to the City of Urbana, in Champaign County, Illinois.

Parcel Identification Number: 92-21-16-102-001

Section 2. The Urbana 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 _____, 2015

PASSED by the City Council on this _____ day of _____, 2015.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City

Clerk APPROVED by the Mayor this _____ day of _____, 2015.

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 _____, 2015, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow a garage that will encroach 13 feet, 6 inches into the required front yard in the R-3, Single-Family and Two-Family Residential District at 701 E. Elm Street / ZBA Case No. 2015-MAJ-08) 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 _____, 2015, 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.

DATED at Urbana, Illinois, this _____ day of _____, 2015.

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: August 19, 2015

DRAFT

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED There were none.

STAFF PRESENT Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II

OTHERS PRESENT Bill Craig, Lori Garrett, Beth Hoag, John Hoagland, Marc Klingshirn

NEW PUBLIC HEARINGS

ZBA-2015-MAJ-08 – A request by Lori Garrett for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard in the R-3, Single Family and Two-Family Residential Zoning District at 701 East Elm Street. [The legal publication for this case gave notice of a greater encroachment of 21 feet, 3 inches.]

Chair Welch opened the public hearing for this case.

Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed variance request, which is to allow the applicant to build a garage and breezeway. He gave a brief description of the subject property, specifically noting two well-established walnut trees that the City Arborist felt would likely be damaged from the proposed driveway and garage footing. He talked more about the two main issues, which were the variance request itself and the potential harm that the variance request, if granted, could have on the two trees. He reviewed how the proposed major variance relates to the variance criteria in Section XI-3 of the Urbana Zoning Ordinance.

Chair Welch asked if the Zoning Board of Appeals members had any questions for City staff.

Ms. Uchtmann asked if there was an alley separating this lot from the lots to the south. Mr. Garcia replied that there was a former alley. He was not sure if it had been vacated, but there was no pavement or gravel. He added that the applicant wanted to have the garage close to the house so she would not have to shovel a long walk.

Mr. Warmbrunn questioned how the right-of-way is measured. Mr. Garcia explained that it varies. The Public Works Department has right-of-way files that Planning staff uses as well as

lot lines on maps that we have to determine right-of-way areas for properties. Absent having a survey of the land performed, there is no way to get an exact measurement of where a right-of-way starts and ends.

Ms. Uchtmann wondered if the original intent of the alley was to provide a driveway to the homes. Mr. Garcia assumed that the alley was to provide access to the rear of the properties. Ms. Chester stated that this area of town was platted before the turn of the century and people did not have cars at that time.

Mr. Cho asked if one of the walnut trees was sick. Mr. Garcia did not know the answer, but he mentioned that the City Arborist felt the trees were valuable.

Mr. Cho questioned if there was an existing driveway along the eastern side of the house. Mr. Garcia said yes, it is about ten feet wide. Mr. Cho asked if the existing driveway would continue to be used if they grant the variance. Mr. Garcia said yes. It would be used for a second car the applicant owns.

Mr. Weisskopf inquired how the value of the trees were estimated. Mr. Garcia answered that the City has an inventory of all the trees in Urbana and based on the species and age of the tree and the diameter of the trunk, a value is estimated. The value is based on the green infrastructure benefits.

With no further questions for City staff, Chair Welch opened the hearing for public input.

Lori Garrett, applicant, approached the Zoning Board of Appeals to speak. Chair Welch swore her in.

Ms. Garrett spoke about issues she has had with the black walnut trees. She explained the discussions she had with Mike Brunk, City Arborist, about the options available to minimize impacts on the walnut trees. She then discussed the alleyway behind her property. Ms. Uchtmann asked who mows the alleyway. Ms. Garrett replied that she and her neighbor both do. Ms. Garrett then described some surrounding properties. She concluded by stating her reasons for wanting a garage in the proposed location.

With no further input from the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-08 to the Urbana City Council with a recommendation for approval. Mr. Garcia suggested a correction to the dollar amount stated in the recommendation. It should be \$3,417, not \$3,714. Mr. Warmbrunn accepted the correction. Ms. Chester seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Cho	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes			

The motion passed by unanimous vote.

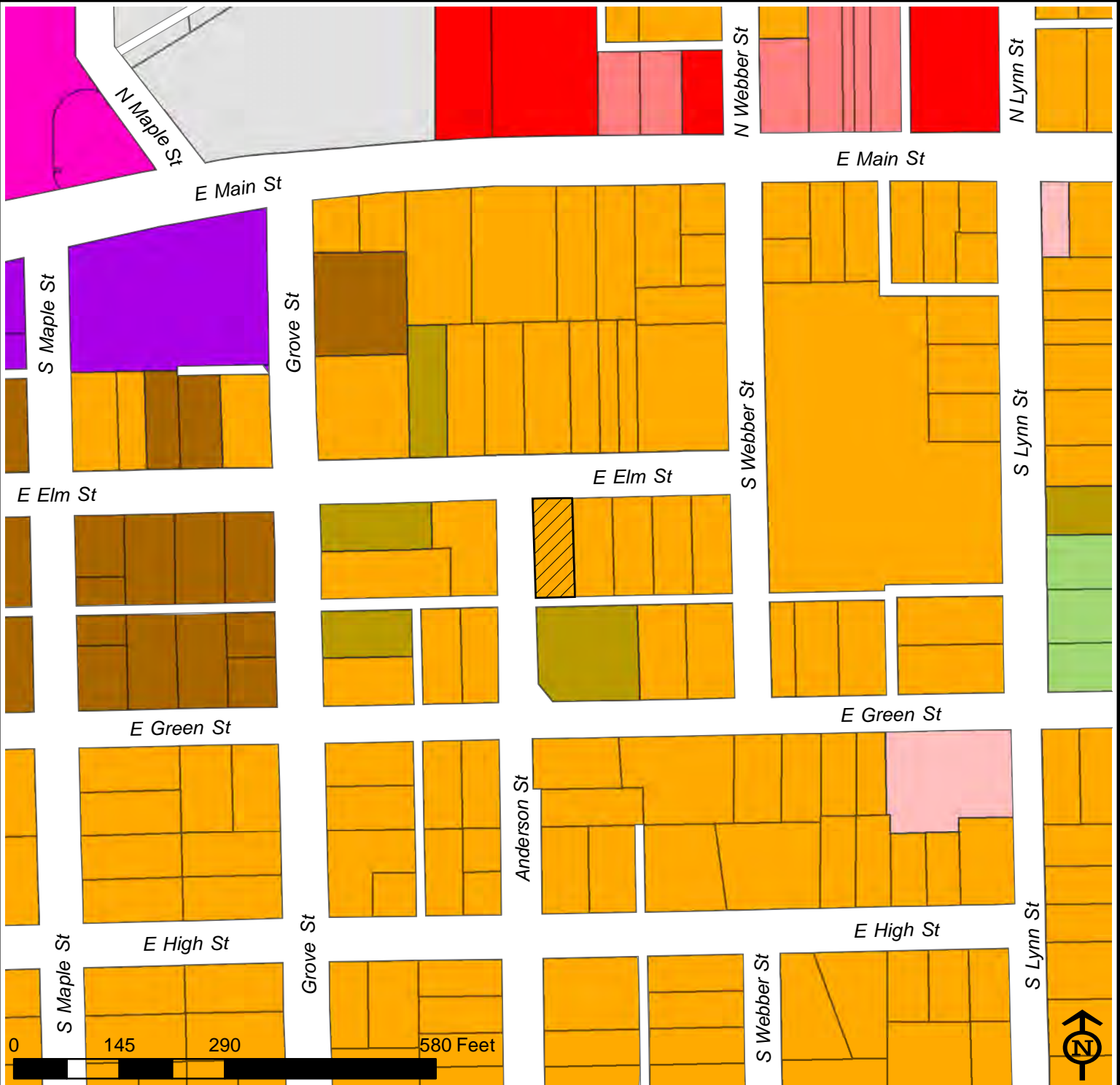
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-08
 Subject: Front Yard Variance
 Location: 701 E Elm St
 Petitioners: Lori Garrett

 Subject Property

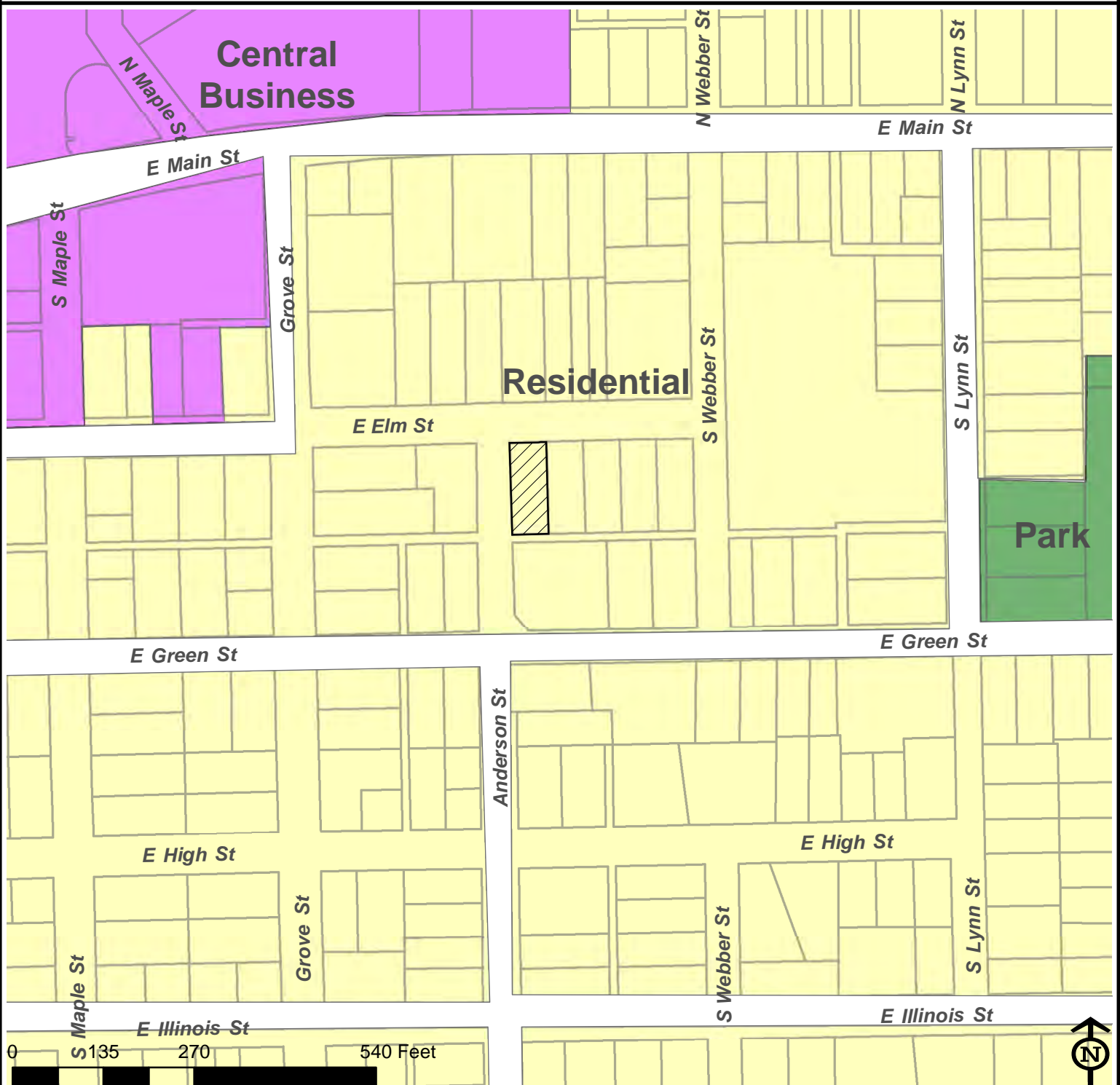
Exhibit B: Zoning Map



Case: ZBA-2015-MAJ-08
 Subject: Front Yard Variance
 Location: 701 E Elm St
 Petitioners: Lori Garrett

- | | | | |
|---|---|--|--|
|  B1 |  B4 |  IN-1 |  R5 |
|  B2 |  B4E |  R3 | |
|  B3 |  CRE |  R4 | |
|  Subject Property | | | |

Exhibit C: Future Land Use Map



Case: ZBA-2015-MAJ-08
 Subject: Front Yard Variance
 Location: 701 E Elm St
 Petitioners: Lori Garrett

- Residential
- Central Business
- Park
- Subject Property



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 06-19-2015 ZBA Case No. ZBA-2015-MAJ-08
 Fee Paid - Check No. 9753 Amount \$175.00 Date 06-19-2015

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* a garage to encroach up to 11.75' or 75% into a required front yard. on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Lori Garrett Phone: 493-5515
 Address (street/city/state/zip code): 701 E. Elm St.
 Email Address:

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

2. OWNER INFORMATION

Name of Owner(s): (same) Phone:
 Address (street/city/state/zip code):
 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: 701 E. Elm St.
 PIN # of Location: 92-21-16-102-001
 Lot Size: 54' x 136.5' = 7,371 ft².

Current Zoning Designation: R-3, Single- and Two-Family Residential
 Current Land Use (vacant, residence, grocery, factory, etc): Single Family Home
 Proposed Land Use: (Same)
 Legal Description: Lot one in Martha E. Webber's
Third Addition to the City of Urbana,
in Champaign County, Illinois.

4. CONSULTANT INFORMATION

Name of Architect(s): 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 VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

The lot is a narrow corner lot and is
54' wide. Placing the garage 15' from the
property line would make the garage take up
most of the yard.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

The lot is a narrow lot on a corner, ~~with~~
~~which~~ which makes the original side
yard a "front yard". Few, if any, other
properties in the area have this problem. The
property directly across Anderson St. has a
garage in the front yard setback.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

The lot was platted long before it was purchased, and before current zoning regulations that make the original side yard a front yard.

Explain why the variance will not alter the essential character of the neighborhood.

The property immediately to the west has a garage in the setback along Anderson St. Adding a garage along Anderson St. would not alter the character of the neighborhood.

Explain why the variance will not cause a nuisance to adjacent property.

If anything, it may be beneficial to the next door neighbor, as less use of the driveway adjacent to their property would result from putting the garage access off of Anderson.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

This is the minimum variation necessary to allow the back yard to still be usable while allowing installation of a garage.

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.

Lori K. Jarrett

Applicant's Signature

6/19/2015

Date

Proposal for Garage at 701 E. Elm Street

Owner: Lori Garrett

Lorikgarrett@gmail.com

217-367-1558

Property description: My lot is at the southeast corner of Elm and Anderson Streets, facing onto Elm St. The lot measures 54' wide by 136.5' long. My house is approximately 26.5' wide by 42' long (rough measurements. It sits 10' from the east property line with my driveway immediately adjacent to the line.

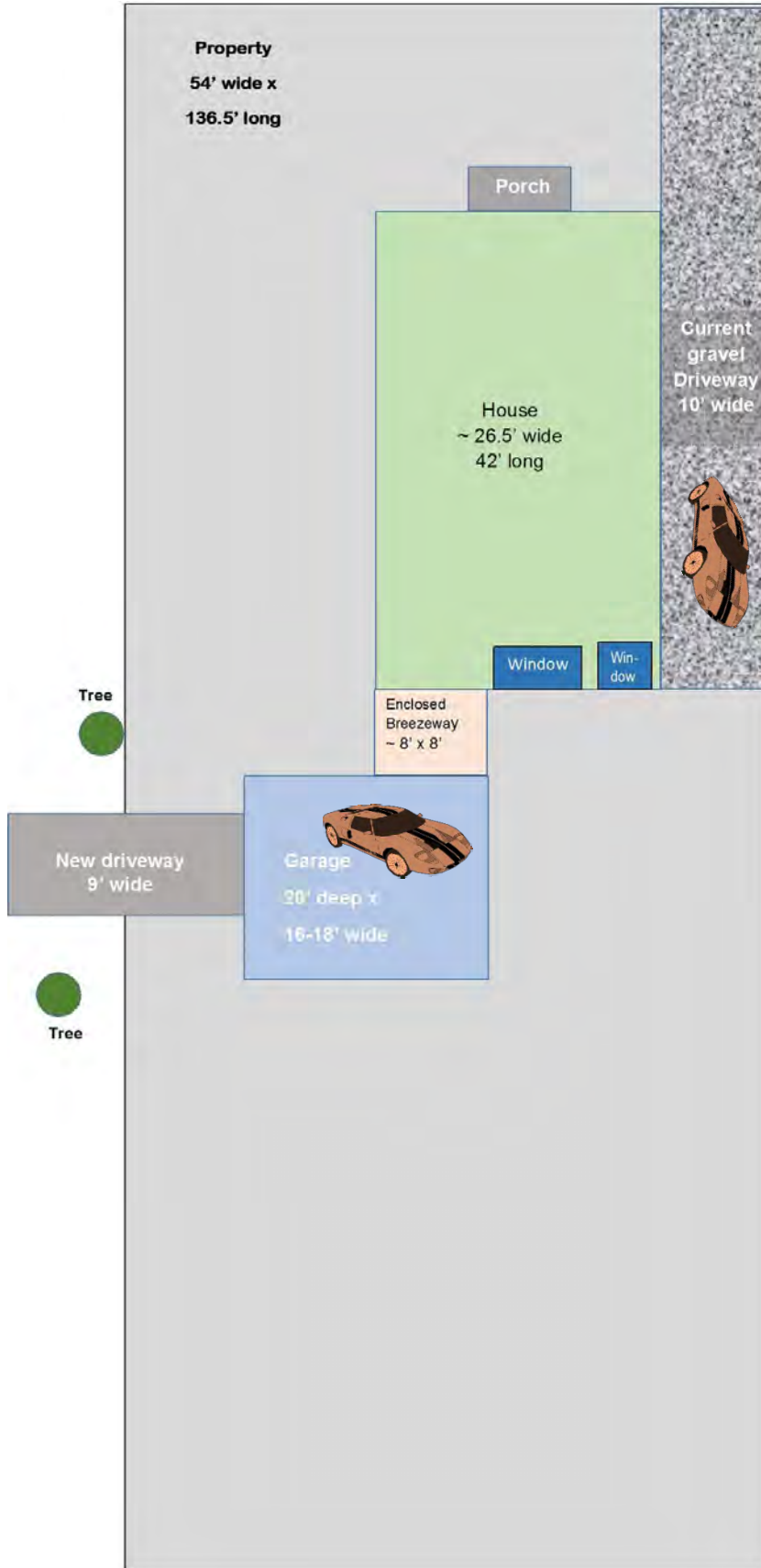
The front wall of my house faces Elm Street and sits between 16.5' and 19.5' from the front public sidewalk (due to the sidewalk curving south around a maple tree on City property). The west side of my house extends along Anderson Street and sits 20' back from the public sidewalk.

The lot to my south (northeast corner of Anderson and Green) is vacant and has many trees.

Proposed plan: Please see drawing on next page. I want to build a garage off the southwest side of my house, attached to the house by a small enclosed breezeway, approximately 8' x 8'. This will replace part of the current concrete patio and open to the east to a small patio and flowerbeds. The attached breezeway will allow safe transit from the garage to my house in any weather.

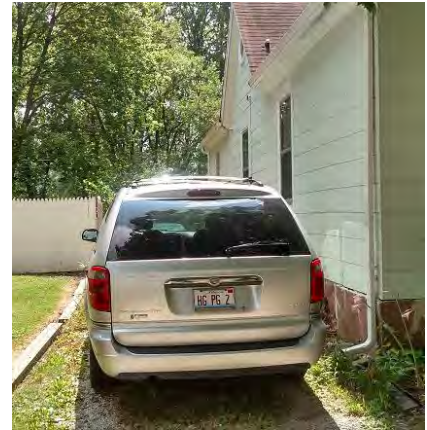
The garage is planned with entrance on Anderson and the garage running lengthwise, parallel to Anderson. My original plan, and the advice of the contractors with whom I have consulted, included a 2-car garage measuring 24' x 24'. I own two vehicles so a double garage would be best. However, due to the City's concerns about the two black walnut trees adjacent to the site, I have modified my plans substantially as a concession, dropping down to a 1.5 car garage, 20' deep and either 16' or 18' wide.

PROPOSED SITE PLAN

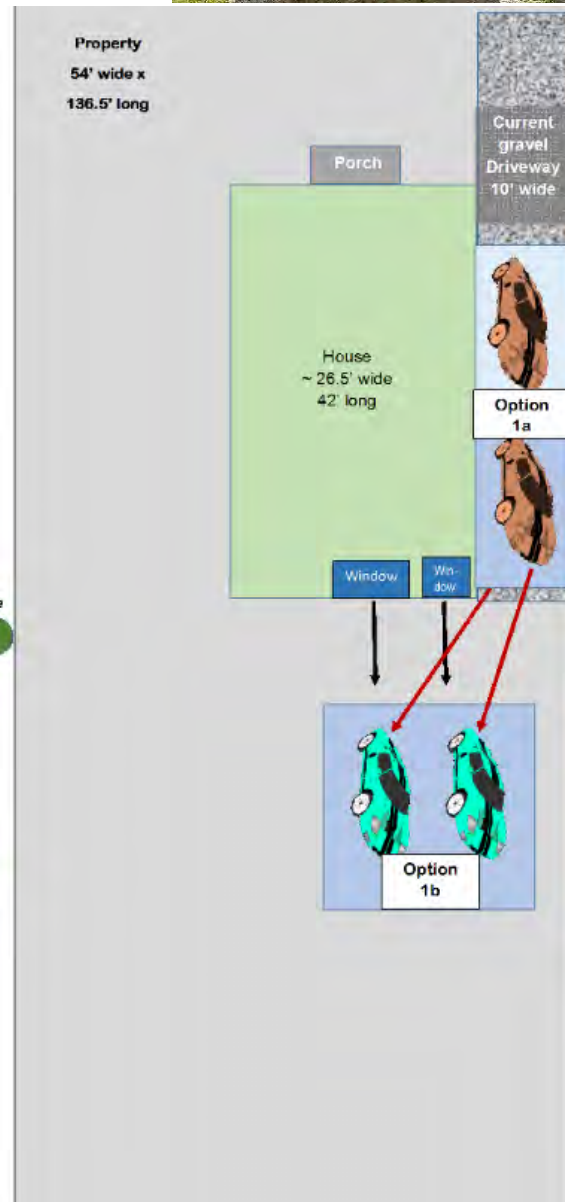


Before contacting the City, I already carefully considered all other options and none are really viable, given the positioning of my house and the dimensions of my property.

Option 1a: Use current driveway. My current gravel driveway on the east is about 60' long and sits almost immediately adjacent to the east property line. The City requires a minimum 18" offset from the property line—even without that, the space is too narrow for a garage. Additionally, with two vehicles, I would either need to build it to run most of the length of my house and park the cars in it end-to-end—rather awkward—or leave one parked outside in front of the garage. I would essentially be storing one vehicle inside and driving the one outside, defeating the purpose of having a garage during bad weather.



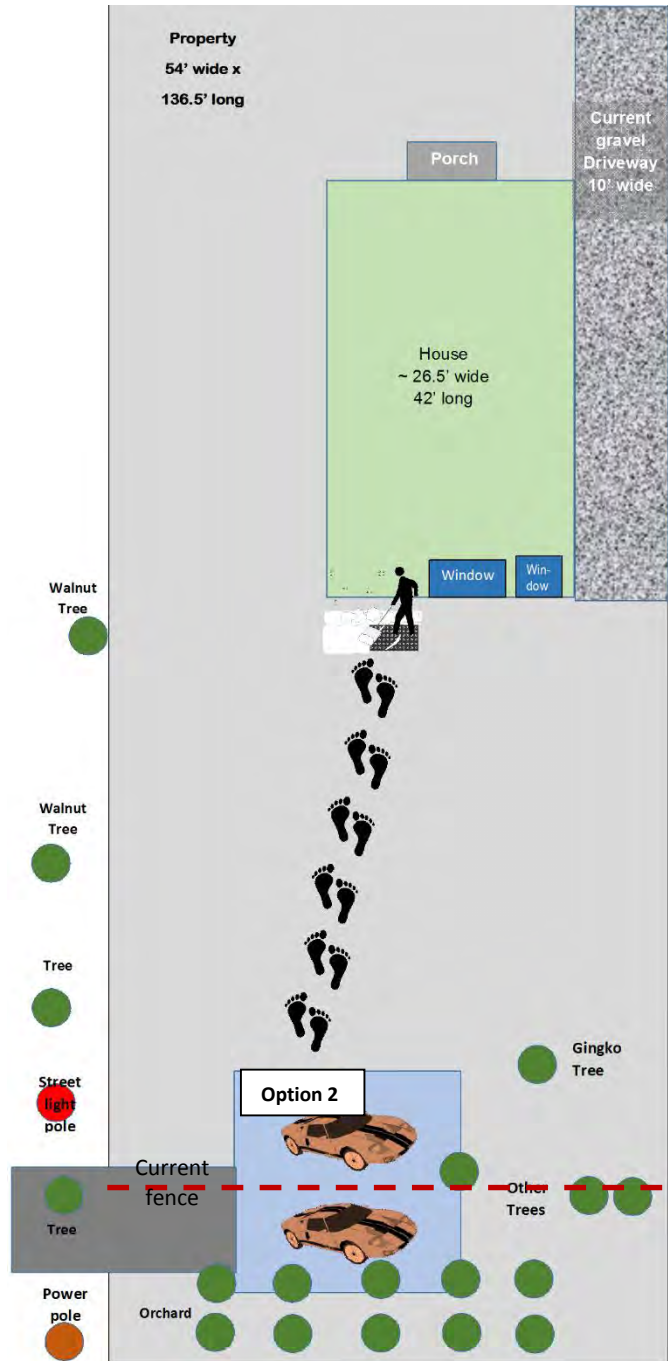
Option 1b: Use current driveway. It was suggested that I put the garage inside the back yard fence, allowing the 18" offset. To do that, I would cover most of the back of my house with a garage. There are three windows on the south side of my house and all three would be blocked. This includes a large window in my breakfast nook and windows in both of my bedrooms—first and second floor. This would eliminate all light coming in from a southern exposure. Additionally, I would have to make a turn from the driveway to get into the garage, also posing a challenge when backing out. This would also mean the garage would have to be placed a greater distance away from the house so I could access the garage door with my cars, which would dramatically increase the footprint and eat up much of my usable back yard. It also would increase the length of an already 60' long driveway, adding to my burden of snow removal in the winter. I would have additional snow removal to get to my back door from the garage as well. I am in my mid-fifties, with arthritis, an artificial hip and knee, and other health issues that make that most undesirable. These health issues underlie my desire to have a garage close and with easy access to the house.



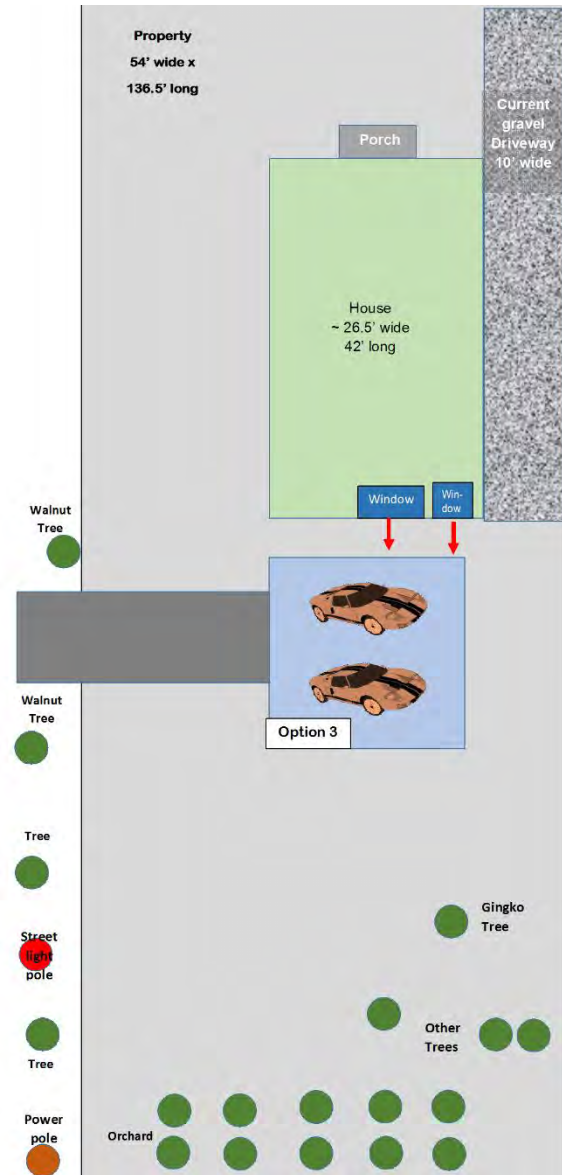
Option 2: Back of property.

Another option would be to place the garage toward the south end of my property. Doing so would likely require removal of at least one tree on City property. The back of the property is complicated by a street lamp pole and a power pole. Assuming those are not moved, I would either need one or two City trees removed and, if the latter, it would include one of the highly valued walnut trees. This illustration shows the first option—driveway between the street lamp and power pole and one City tree removed. However, this puts the garage farther back on my property and would likely require removal of several non-City trees from my property. These would likely include several dwarf fruit trees, a lilac tree, and a beautiful tall Gingko tree. I would also have to remove the current back fence, leaving my yard unsecured.

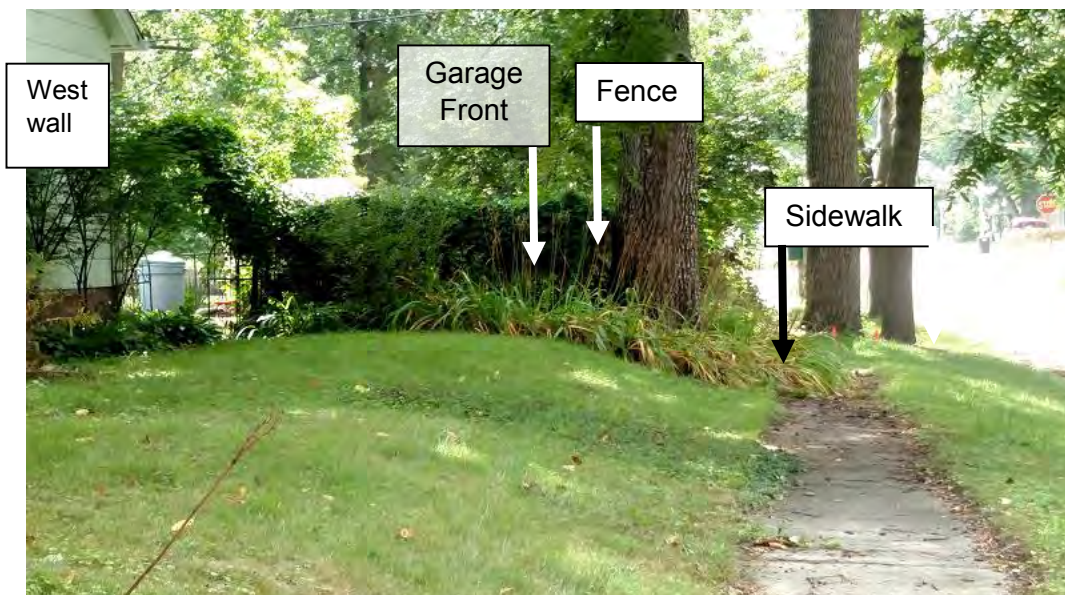
Additionally, this location would require that I clear snow for some distance to get to and from my house, as well as carry groceries, etc. through all weather for much of the length of my property, defeating the purpose of having a garage.



Option 3: Align with house. The final option would be to align the front edge of the garage with the west wall of my house so I would not need a major variance. My house is only about 26.5' wide. Building the garage aligned with the house would mean I would be building across most of the south side of my house. I have a breakfast nook off the kitchen with a wide window looking south into my back yard, and both bedrooms—first and second floors—have south-facing windows. There are only three windows on the south end of my house—this alternative would block them all. Additionally, it would increase the footprint of the project, likely putting more roots of the walnut tree in jeopardy and wasting more property on the southwest side of my house, as the area from the front of the garage to the sidewalk would be taken up by an extended driveway.



As this picture shows and as I said, I have three south-facing windows on the back of my house that I do not want to block. The plan is to start the construction just west of those windows. There will be a small enclosed breezeway between the back door and the garage, approximately 8' x 8'. The garage will begin south of that. The revised depth of the garage will be 20'. To maintain my window visibility, about 8-8.5' of the garage would parallel my south wall, leaving 11.5'-12' to project out to the west. However, my house sits 20' from the sidewalk on the west, so that still leaves ample room between the front of the garage and the public sidewalk.



View from near the corner of Elm and Anderson.

Please note that, directly across the street from where I plan to place my garage, my neighbor on the southwest corner of Elm and Anderson already has something quite similar. His entrance is on Anderson and his garage encroaches into the setback and is not aligned with his house. However, there are notable differences:



1. His house sits closer to the sidewalk than mine, so there is less set back.
2. His fence is directly adjacent to the sidewalk; mine is 3-5 feet east of the sidewalk.
3. His garage projects out towards Anderson and up to his fence line, which is essentially at the sidewalk.

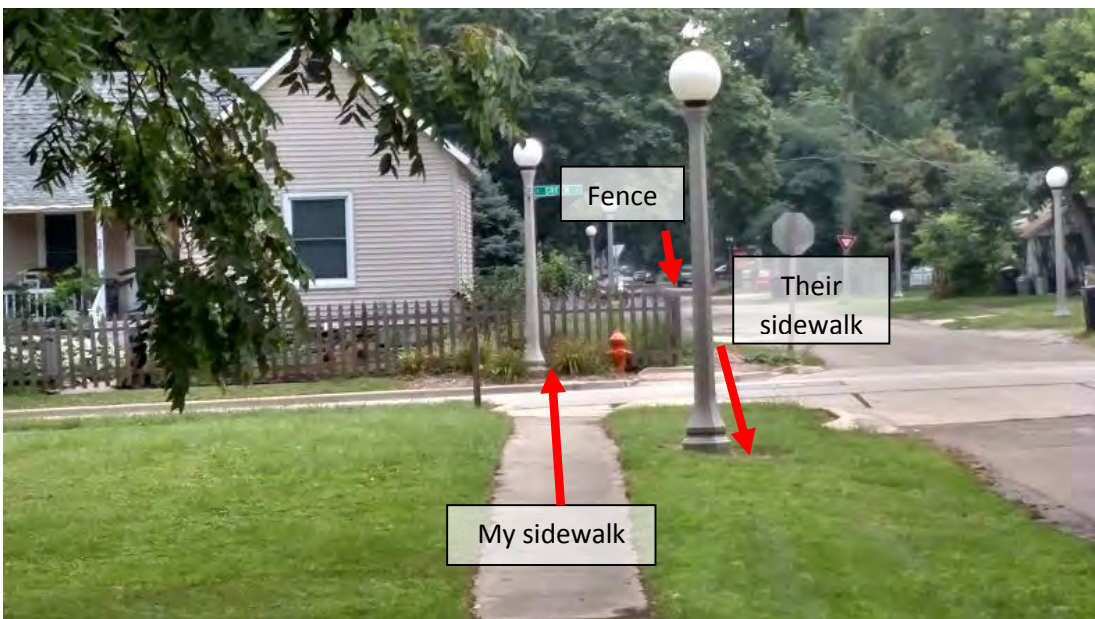


View from corner of Elm and Anderson. The garage is not aligned with the side of the house, which is what I plan. However, this garage abuts the sidewalk—mine will sit ~ 7' back, allowing more visibility.

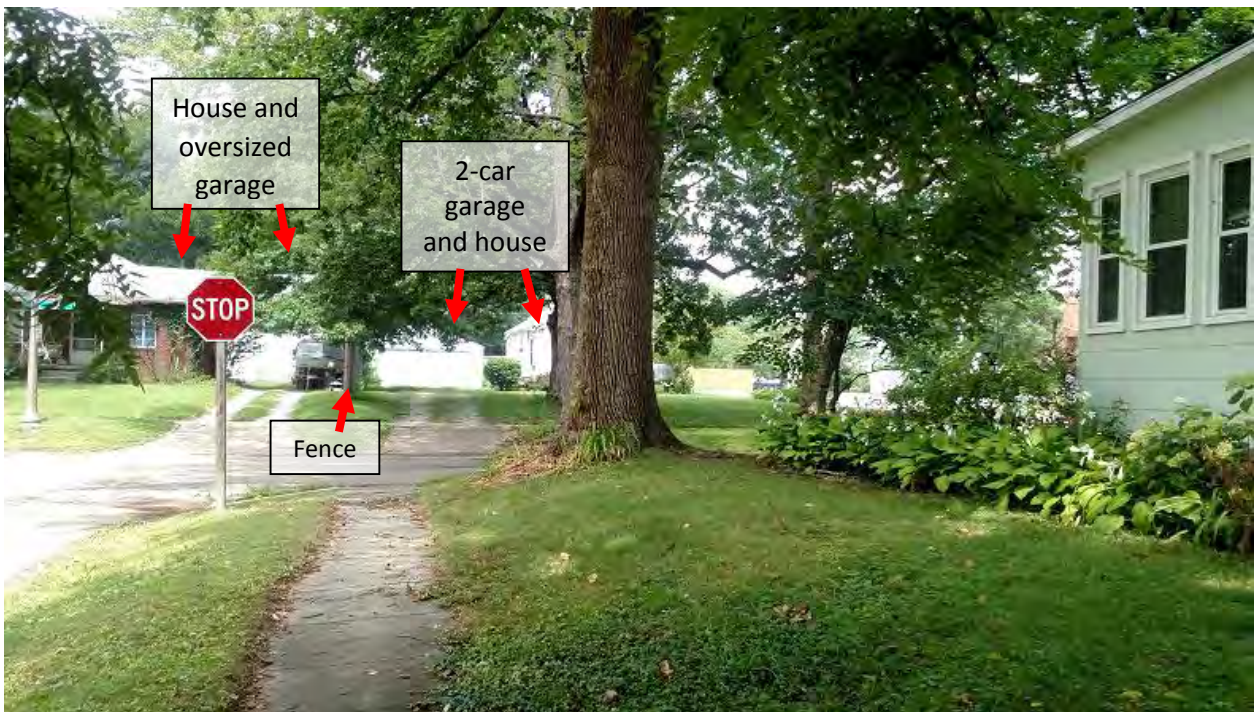
I understand one concern is the sight lines from the house and my garage projection blocking others' views. Directly south of me is a vacant lot with several trees (northeast corner of Anderson and Green).



Across the street from there is a house (701 E. Green St.) that extends further to the west than my house. Note that our west sidewalks are not even aligned, and my house is farther away from both the sidewalk and the street. Their house projects further west than mine, so there is not a clear sight line.



The view to the north from my property is also obstructed. Anderson ends at Elm Street so there is no through street there. Directly across Elm Street to my north is a small house with a large tree and a detached double-car garage. These are the views from my property when looking north.





A major concern by the City about my desired location is the risk of damage to one or both of the black walnut trees on either side of my planned driveway. Urbana Arborist Mike Brunk met with me at my property around July 21st to consider options and discuss my situation. My hope is that the trees are well-enough established that they won't be damaged by the construction. Although I despise the mess these trees make, I do value their shade and appreciate their age and grandeur. To reduce the potential impact, I have reduced my garage plans from a full 24' x 24' 2-car garage to a 20' x 16 or 18' (1.5 car) garage. This allows me to set the garage back farther from the sidewalk/trees, and a narrower width moves the garage farther from the south tree. I also plan to make the driveway 9' wide, which is a tad wider than my neighbor's drive across the street.

Upon closer examination, Mike agreed that the larger and better-formed of the two trees is a threat to my house—a very large branch overhangs my house at some height. Walnut trees don't just drop branches from weather—they often break due to the weight of the walnuts in heavy-bearing seasons. If this branch breaks, it will slice through the center of my house—my bedroom is on the second floor where it would enter. This is a City tree. At the very least, it needs that branch removed and continuous maintenance. We agreed it might be advisable to try to save the south walnut even if it means sacrificing the north one. My hope is that they both survive and the north one can be pruned back so my house is not in jeopardy.



In summary, I am just wanting to add a garage off the back of my house. Most of my neighbors have garages. Given my age and some health issues, if I plan to stay here long term I need to think about convenience and safety. Currently, I have to shovel a long drive and dig out a vehicle from snow and ice in the winter, and make multiple trips—often late at night—from my car to the front door in to my kitchen at the back of the house when bringing in groceries. I want the security and weather protection of having a garage near my back door, with a short driveway and an enclosed breezeway so I have shelter and security once I park. To appease the City, I have downsized my plan, which will leave one of my vehicles always outside and unprotected but will lessen the potential impact on those two pesky, horrendously messy walnut trees.

I hope the City will also take into account that I really do value trees and nature. I am a biology professor and have taught ecology in the past at DACC. I currently have 23 trees on my property. I bought this place in 2000 and since then I have planted 12 dwarf fruit trees, a lilac tree, a magnificent Gingko that is getting quite tall, and a redbud tree. I have also planted numerous shrubs, bushes, and perennials.

I am only asking to do something quite similar to what was previously done on my neighbor's property, but with even more setback than is there. I will not be messing up any sight lines, as we have no clear sight lines in this immediate neighborhood. And the addition of a garage will increase my property value (and I am sure raise my taxes). I really hope you will see that I have thought through all of the options carefully before arriving at this plan, and I am already making significant concessions. I hope you will find a way to make this work for me.

Thank you.

-Lori Garrett



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ARBOR DIVISION

MEMORANDUM

TO: Kevin Garcia, Planner
FROM: Michael J. Brunk, City Arborist
DATE: August 11, 2015
RE: 701 E Elm, Driveway Approach Tree Damage

The proposed driveway approach and garage footing excavation will damage a percentage of roots of two city walnut trees. The approach will require excavation to approximately five feet from both tree trunks and affect up to 30% of the root system of each tree. The garage footing excavation may affect another 10% of the northern walnut and another 20% of the southern walnut that is not affected by the driveway approach. If the soil is undisturbed loam a higher percentage of roots may reside below the limits of excavation. This could reduce root cutting for the driveway approach and garage footing. However the area will be covered in concrete and become less suitable for water and food absorbing feeder roots.

My conclusion is that the driveway and garage development will reduce the health of both trees that will more than likely create dieback over the next five to ten years. Considering an average of 30% of both trees roots systems could be directly affected by the construction I suggest the property owner reimburse the city \$3,417 (30% of the value of each tree) to compensate the city for lost tree value.

1. 33" diameter walnut = \$6778
2. 27" diameter walnut = \$4614
3. Total = \$11,392
4. 30% = \$3,417

Tree Valuation Report

(This tree value shown in this report is not intended nor should it be used as a substitute for a detailed inspection and appraisal by a qualified arborist)

Address	Botanical Name	Common Name	Species Rating	DBH	Basic Cost	Adjusted Value	Condition	Location	Appraised Value
701 Elm St E SIDE TO 4	<u>Juglans nigra</u>	walnut, black	40%	27	\$ 24,034.61	\$ 9,613.84	80%	60%	\$ 4,614.65

Total Appraised Value **\$
4,614.65**

Urbana, IL

TreeKeeper 7

Tree Valuation Report

(This tree value shown in this report is not intended nor should it be used as a substitute for a detailed inspection and appraisal by a qualified arborist)

Address	Botanical Name	Common Name	Species Rating	DBH	Basic Cost	Adjusted Value	Condition	Location	Appraised Value
701 Elm St E SIDE TO 3	<u>Juglans</u> <u>nigra</u>	walnut, black	40%	33	\$ 35,303.84	\$ 14,121.54	80%	60%	\$ 6,778.34

Total Appraised Value **\$
6,778.34**

Urbana, IL

TreeKeeper 7