



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, Ph.D., FAICP, Community Development Director

DATE: September 4, 2014

SUBJECT: ZBA-2014-MAJ-05: A request by Robert and Betty Swisher for a major variance to construct a home addition in alignment with the exterior wall of an existing house that will encroach up to nine feet, 11 inches into the required rear yard at 807 South Cottage Grove Avenue in the R-3, Single and Two-Family Residential District.

Introduction and Background

Robert and Betty Swisher are requesting a major variance to build an addition to a single-family residence that will encroach nine feet, 11 inches into the required ten-foot rear yard at 807 S. Cottage Grove Avenue. This addition will run to within one inch of the subject lot’s west/rear property line, and will be roughly parallel to an existing 11-foot long section of the home that runs along the subject lot’s rear property line. The applicant also owns the property to the west, which is adjacent to where the proposed addition will be built.

Table VI-3 of the Urbana Zoning Ordinance requires a lot in the R-3, Single and Two-Family Residential District to have a minimum rear yard of ten feet. The proposed addition, which would be 24 feet, two inches long by 10 feet, 11 inches wide, would cause the property to encroach into its required rear yard by nine feet, 11 inches. This would be a 99.17% reduction in the rear yard requirement, which is considered a major variance, per Section XI of the Urbana Zoning Ordinance.

Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a front yard reduction variance of up to 25% as a minor variance by a majority vote of its members. Reductions of over 25% are considered major variances, for which the Zoning Board of Appeals must recommend approval by a two-thirds majority in order for the variance to be forwarded to City Council for a final decision. At their August 20, 2014 meeting, the Urbana Zoning Board of Appeals held a public hearing regarding the proposed addition. Board members were concerned that storm water runoff from the roof of the proposed addition would impact the lot located to the west of the subject lot (which the applicants also own), as no gutter is allowed to encroach over the subject lot’s rear property line. The applicant responded that they would be prepared to provide an easement to convey water along the driveway that serves the adjacent lot. The Urbana Zoning Board of Appeals then voted four ayes and zero nays to

forward this request for a major variance to the City Council, with a recommendation for approval with the following conditions:

1. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.
2. A drainage easement must be obtained from the lot adjacent to the west, which is home to 1006 E. Washington Street, in order to accommodate drainage along the west elevation of the proposed addition.

Description of the Site

The subject property is located on the northwest corner of East Washington Street and South Cottage Grove Avenue. The lot is shaped as a rectangle that is 109 feet deep by 52 feet, three inches wide, making for an area of 5,695 square feet. The original home was constructed in the northwest corner in 1921. It is roughly 12 feet tall, well under the 35-foot maximum height that is allowed in the R-3, Residential District. The home is set back 22 feet from Cottage Grove Avenue, and 45 feet from East Washington Street. Both of these yards are considered to be front yards since the property is a corner lot. The property's rear yard is considered that which is along the home's west face, as the property is accessed off of, and addressed along South Cottage Grove Avenue. The rear yard is currently 11 feet deep along the southern 24 feet of the house, and varies from two feet to zero feet along the 30-foot northern portion of the house. There is a 12-foot deep side yard along the north property line.

The original house encroaches to the rear property line. The house on the lot has an area of 1,600 square feet, with an FAR of 0.28. The open-space-ratio (OSR) of the lot is 0.72, meeting the maximum allowable FAR of 0.40 and minimum required OSR of 0.40. The owners of the subject property are also the owners of the lot to its immediate west (1006 E. Washington Street). There is currently a 21-foot gap between the roof overhangs of these two homes, which is occupied by the driveway for 1006 E. Washington Street.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property, as well as those lots located to the north, south, and west, are zoned R-3, Single and Two-Family Residential, while those to the east are zoned B-1, Neighborhood Business.

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
Site	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
East	B-1, Neighborhood Business	Commercial (Massage Therapy Service)	Community Business
South	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Suburban Pattern
West	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the subject property, as well as those areas to its north, south, and west, to be characterized by a “Residential – Urban Pattern”. The plan defines the Residential-Urban Pattern of development as:

“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”

The comprehensive plan indicates the future land use for the land to the south of the subject property, across East Washington Street as “Residential – Suburban Pattern”. The plan defines this pattern of development as:

“A pattern of development that is typically found in newer, developing neighborhoods. The development pattern encourages a connected street network with pedestrian and bicycle facilities to serve adjoining neighborhoods, schools, parks, and business centers. Cul-de-sacs should be minimized but may be appropriate where physical features prohibit a connected street system. Lots are typically larger than those found in an urban pattern of development.”

Discussion

The petitioner proposes to construct an addition that is 24 feet, two inches long by 10 feet, 11 inches wide to the western portion of their existing home. This addition will encroach nine feet, 11 inches into the required 10-foot rear yard, and will be set back one inch from an 11-foot portion of the home which runs along the lot’s rear property line. The addition will contain space for the property owners to complete tasks related to their sewing hobby. It will be located to the south of the subject property’s kitchen and west of its great room. The addition will add 264 square feet in area, increasing the square

footage of the home to 1,864 square feet, and the subject lot's FAR to .33, and reducing its OSR to 0.67, all remaining within required regulations. The addition will not reduce any other yards, and will be accessible externally from a door on its south elevation. The external walls of the addition will be composed of vinyl siding, and stone blocks will run along its base. There will be one window on the south elevation, and stained glass windows located along the west elevation. There will be a 21-foot, one inch distance between the proposed addition and the existing house at 1006 E. Washington Street.

The proposed addition will expand the floor area of the home, providing needed space for its occupants, and is expected to improve the economic and aesthetic value of the subject property. The current layout of the subject property and lot causes the proposed addition to be the option that is most cost effective and the most efficient use of space. The addition is not expected to cast a shadow on, nor create any other nuisances for, the house adjacent to the west, which the petitioners also own. It will only cast a shadow upon the driveway that services the adjacent lot. The proposed addition will not cause a nuisance for the property immediately to the north of the subject property. The addition will be designed in an architectural style that is compatible with the existing house and surrounding properties.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on the variance criteria set forth in the zoning ordinance. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

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 original building (built in 1921) runs along the lot's west property line. The home owners require additional floor area, and the current layout of the subject property and lot causes the proposed addition to be the option that is the most cost effective and efficient use of space.

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

The current owners of the subject property did not have oversight over the construction of the original home, which encroaches in to the required 10-foot rear yard. However, the original design of the home causes the proposed addition to be the most efficient design choice.

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

The proposed addition is designed in an architectural style that is similar to surrounding residences, respecting cohesion among the homes found in the area. It will also improve the aesthetic value of the subject property, enhancing the overall appearance of the block face along East Washington Street. The proposed addition will enhance the use of the home as a single-family residence.

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

The petitioners are the owners of the property immediately to the west of the subject property, and the proposed addition is not expected to cast a shadow on the house located to the west, as its roof overhang will be located 21 feet, one inch away from the roof overhang of the proposed addition. The proposed addition will not create any other type of nuisance, nor impact the lot located to the north of the subject property.

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

The requested variance represents the minimum amount of space needed by the petitioners to complete the proposed addition.

Summary of Findings

In determining whether a major variance should be granted, findings of fact that are specific to the property or variance in question must be made. The findings of fact are based on the evidence presented above. Given the discussion above, the findings of fact offer support both for and against the proposed variance.

Findings of Fact

1. The subject property is located in the R-3, Single and Two-Family Residential District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a rear yard setback of 10 feet in the R-3, Single and Two-Family Residential District;
3. An 11-foot length of the original 1921 house encroaches entirely into the required 10-foot rear yard;
4. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege, as the addition will be located in line with a portion of the home that runs along the subject lot's rear property line;
5. The proposed addition will not alter the essential residential character of the neighborhood, as the existing building extends to the subject lot's west property line, and the addition will improve the home's aesthetic value, as well as enhance its current use as a single-family home;
6. The proposed variance will not cause a nuisance to adjacent properties, as it will not cast a shadow on the home to the west, which is also owned by the petitioners, and is located 21 feet away and across the driveway from the subject house;

7. The requested variance is the minimum possible deviation required to build the proposed addition.

Options

The Urbana City Council has the following options in Major Variance Case No. ZBA-2014-MAJ-05:

- a. Approve the variance as requested;
- b. Approve the variance as requested along with certain terms and conditions; or
- c. Deny the variance as requested.

Recommendation

At their August 20, 2014 meeting, the Urbana Zoning Board of Appeals held a public hearing regarding this case. The board discussed the proposed addition and its potential impact on the local community. The board voted unanimously to forward the case to City Council with a recommendation for **APPROVAL** of the proposed major variance, subject to the following conditions:

- 3. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.
- 4. A drainage easement must be obtained from the lot adjacent to the west, which is home to 1006 E. Washington Street, in order to accommodate drainage along the west elevation of the proposed addition.

Prepared by:

Maximillian Mahalek
Planning Intern

- Attachments:
- Draft Ordinance
 - Exhibit A: Location Map and Existing Land Use Map
 - Exhibit B: Existing Zoning Map
 - Exhibit C: Future Land Use Map
 - Exhibit D: Proposed Site Plan
 - Exhibit E: Proposed Architectural Sketches
 - Exhibit F: Site Photos
 - Exhibit G: Application
 - Draft Zoning Board of Appeals Minutes from August 20, 2014

cc: Betty and Robert Swisher, 807 S. Cottage Grove, Urbana, IL 61801
Randall Elliott, 603 W. White Street, Champaign, IL 61820

ORDINANCE NO. 2014-09-081

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an encroachment of a home addition into a required rear yard in the City's R-3, Single and Two-Family Residential District, at 807 South Cottage Grove Avenue / ZBA Case No. 2014-MAJ-05)

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, Betty and Robert Swisher have submitted a petition for a major variance to allow an addition that will encroach nine feet, 11 inches into the required 10-foot rear yard setback at 807 S. Cottage Grove Avenue in the R-3, Single and Two-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-05; 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 20, 2014 and voted 4 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. The subject property is located in the R-3, Single and Two-Family Residential District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a rear yard setback of 10 feet in the R-3, Single and Two-Family Residential District;
3. An 11-foot length of the original 1921 house encroaches entirely into the required 10-foot rear yard;
4. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege, as the addition will be located in line with a portion of the home that runs along the subject lot's rear property line;
5. The proposed addition will not alter the essential residential character of the neighborhood, as the existing building extends to the subject lot's west property line, and the addition will improve the home's aesthetic value, as well as enhance its current use as a single-family home;
6. The proposed variance will not cause a nuisance to adjacent properties, as it will not cast a shadow on the home to the west, which is also owned by the petitioners, and is located 21 feet away and across the driveway from the subject house;
7. The requested variance is the minimum possible deviation required to build the proposed addition.

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

Section 1. In ZBA Case No. 2014-MAJ-05, the major variance requested by Betty and Robert Swisher is hereby approved in the manner proposed in the application and subject to the following condition:

1. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.
2. A drainage easement must be obtained from the lot adjacent to the west, which is home to 1006 E. Washington Street, in order to accommodate drainage along the west elevation of the proposed addition.

The major variance described above shall only apply to the property located at 807 S. Cottage Grove Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 10 IN EASTERDAY & BLACKER'S REPLAT OF LOTS 50, 51, 52, 53, 54, 56, AND 57 OF MARTHA C. HUBBARD'S SECOND ADDITION TO URBANA AS PER PLAT RECORDED IN PLAT BOOK D AT PAGE 287, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Parcel Identification Number: 92-21-16-165-020

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 _____, 2014

PASSED by the City Council on this _____ day of _____, 2014.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2014.

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, 2014, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow an encroachment of a home addition into a required rear yard in the City's R-3, Single and Two-Family Residential District, at 807 South Cottage Grove Avenue / ZBA Case No. 2014-MAJ-05) 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, 2014, 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 _____, 2014.

Exhibit A: Location and Existing Land Use Map



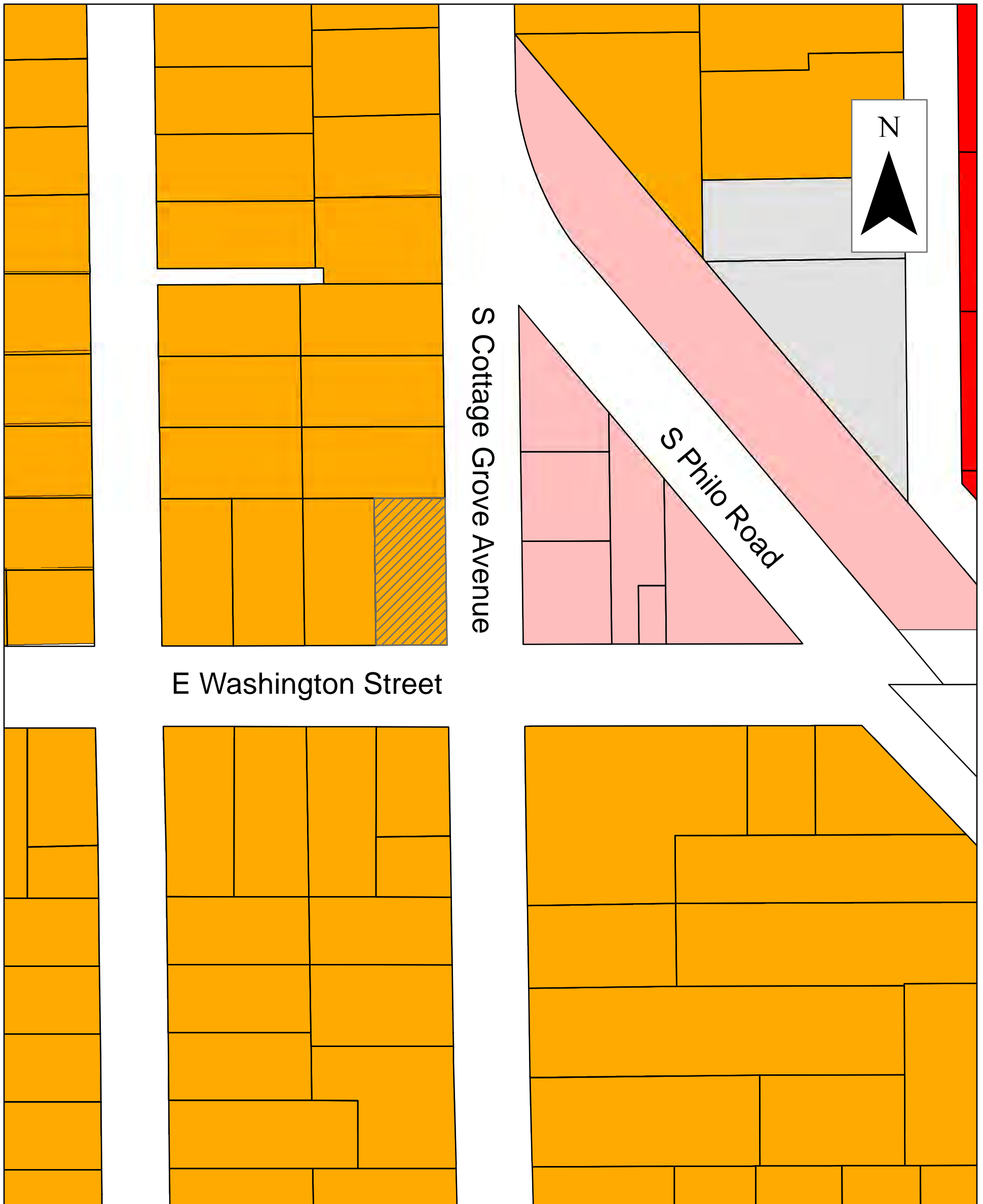
Case: 2014-ZBA-MAJ-05
Subject: Proposed Home Addition to Rear Lot Line
Location: 807 S. Cottage Grove Avenue
Petitioner: Robert Swisher

0 0.015 0.03 Miles

 Subject Property

Prepared by Community Services Department 08/05/2014

Exhibit B: Existing Zoning Map



Case: 2014-ZBA-MAJ-05
 Subject: Proposed Home Addition to Rear Lot Line
 Location: 807 S. Cottage Grove Avenue
 Petitioner: Robert Swisher

0 0.015 0.03 Miles






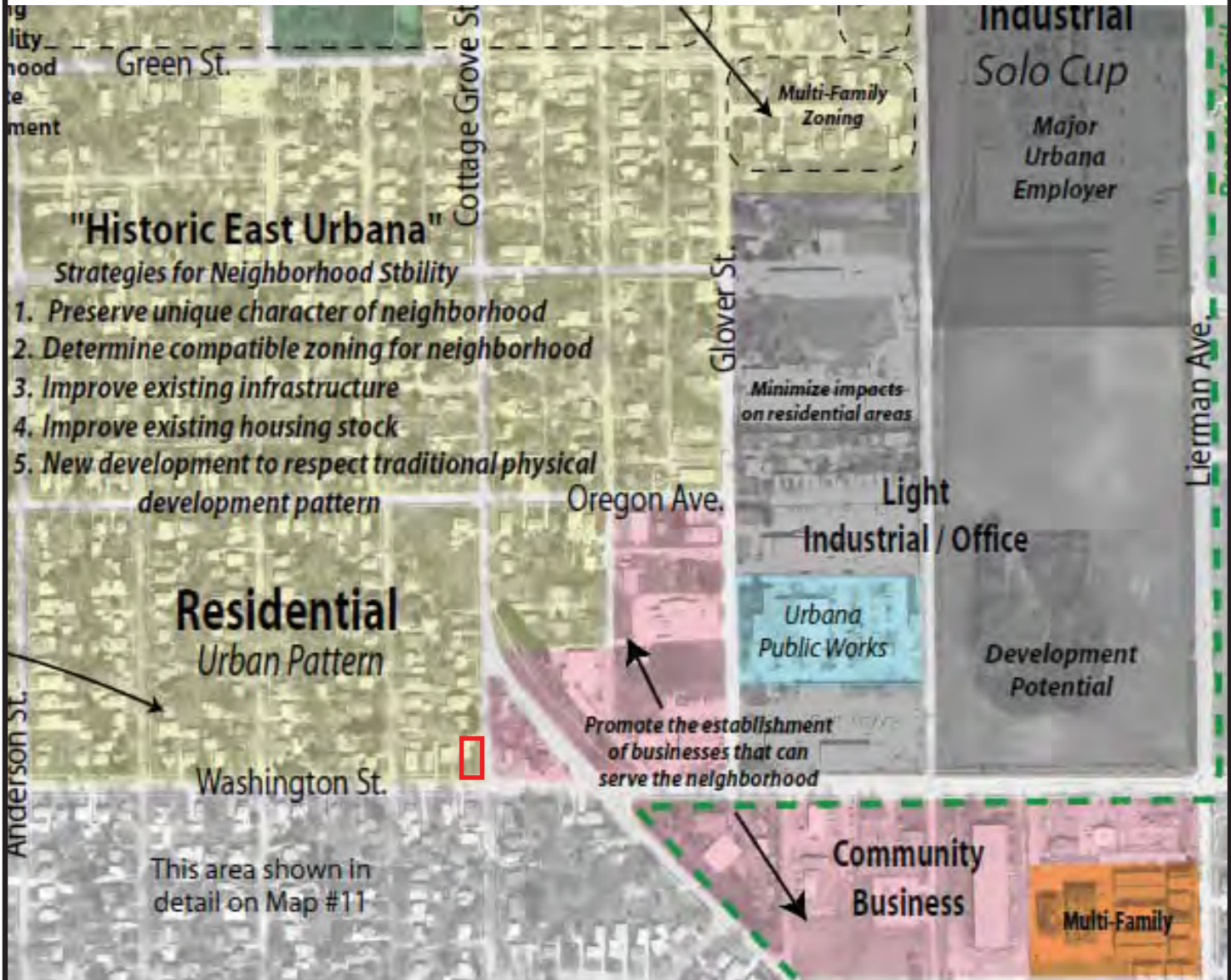
-  Subject Property
-  IN-1, Light Industrial/Office
-  B-1, Neighborhood Business
-  B-3, General Business
-  R-3, Single and Two-Family Residential

Exhibit C: Future Land Use Map, Page 1

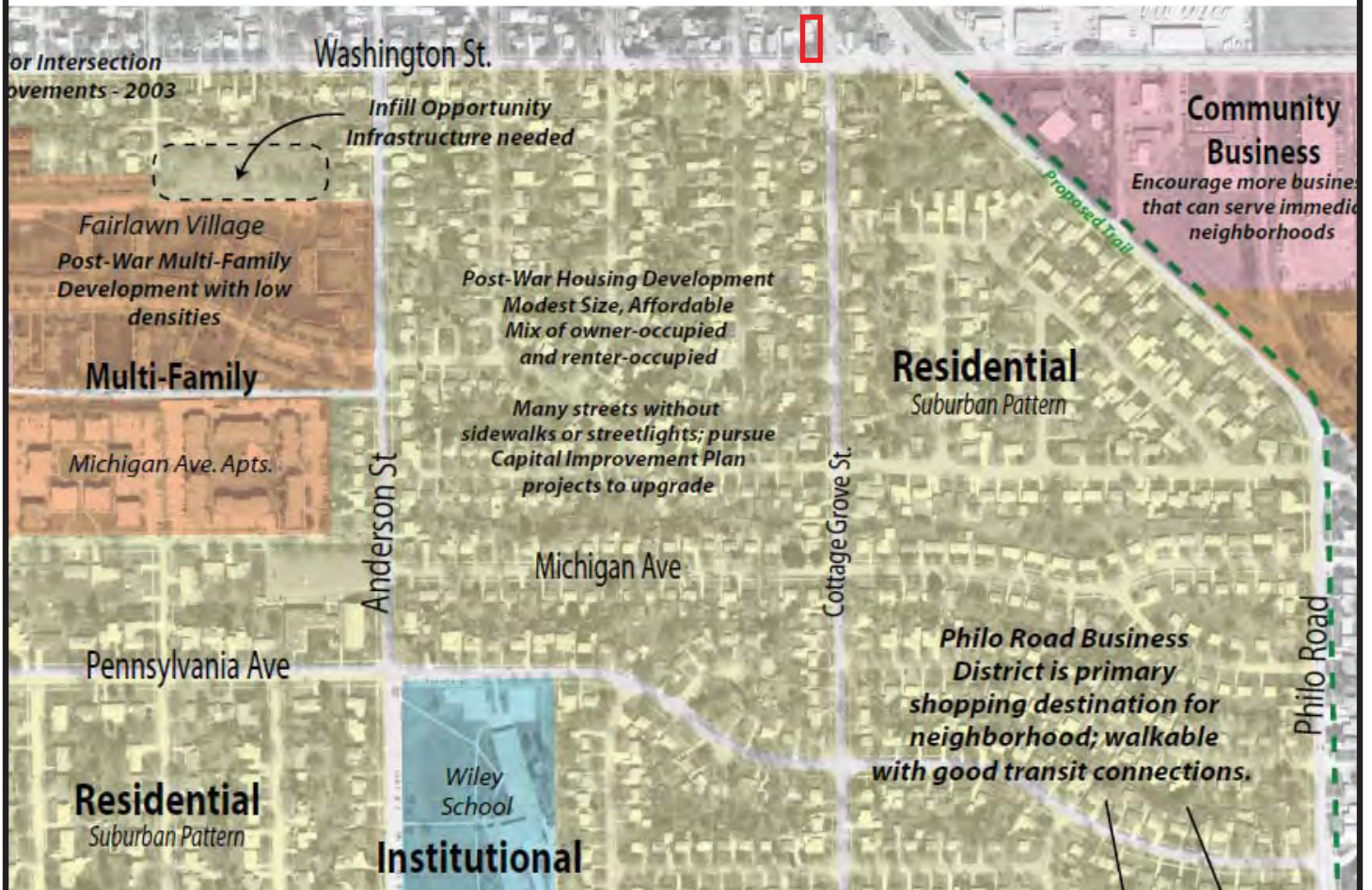


Case: 2014-ZBA-MAJ-05
Subject: Proposed Home Addition to Rear Lot Line
Location: 807 S. Cottage Grove Avenue
Petitioner: Robert Swisher

 Subject Property

Prepared 08/05/2014 by Community Development Services Department

Exhibit C: Future Land Use Map, Page 2

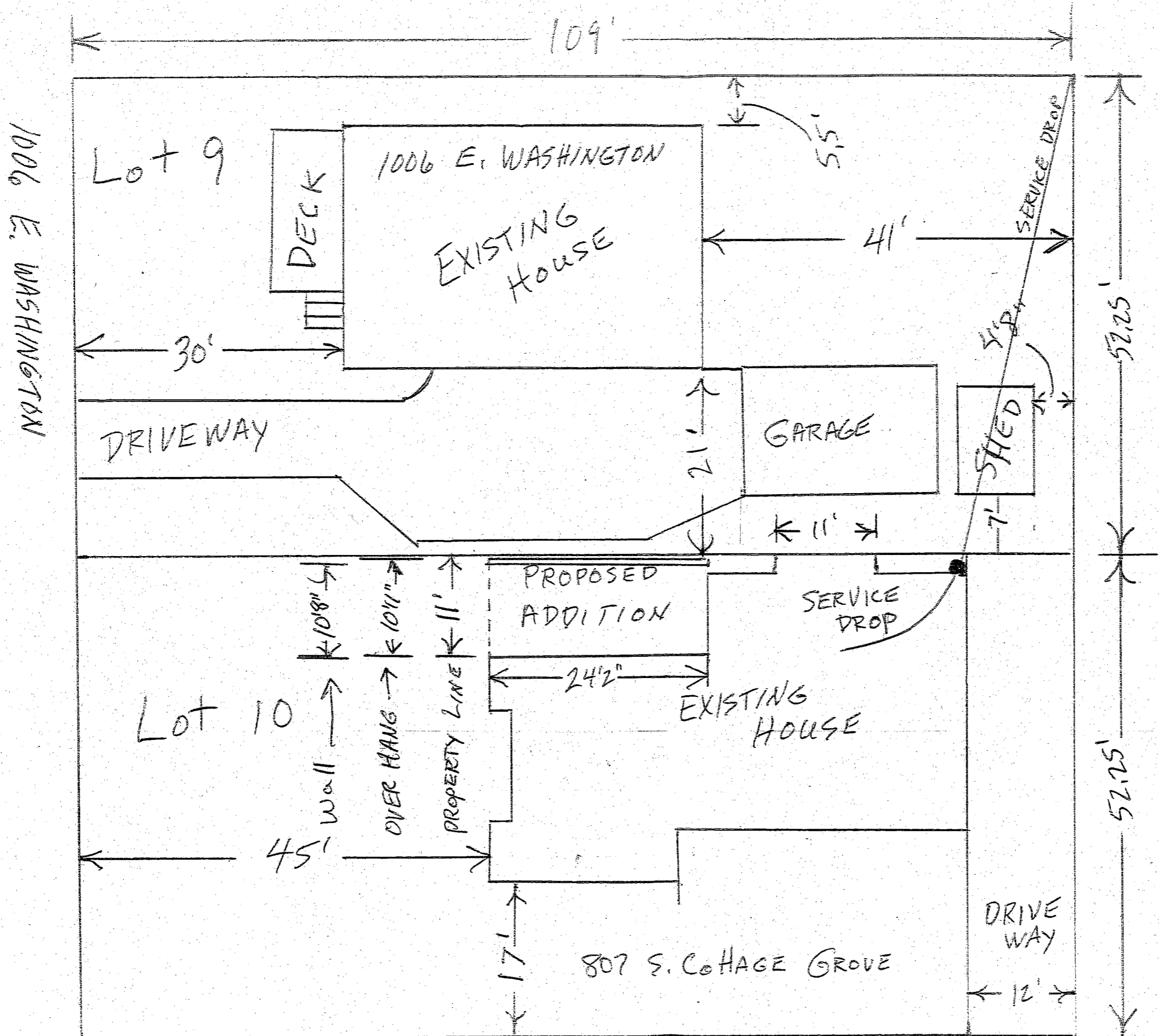


Case: 2014-ZBA-MAJ-05
 Subject: Proposed Home Addition to Rear Lot Line
 Location: 807 S. Cottage Grove Avenue
 Petitioner: Robert Swisher

 Subject Property

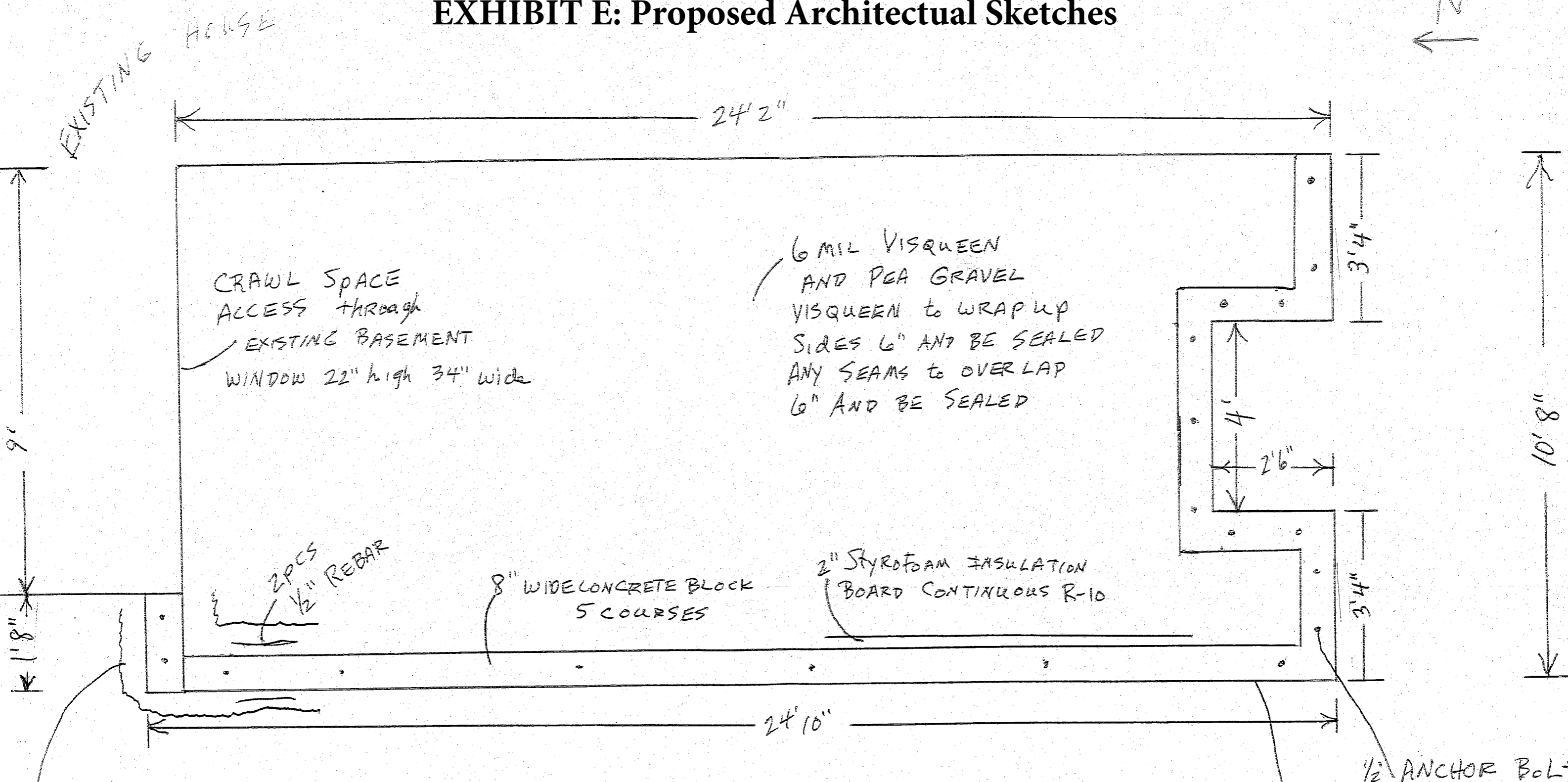
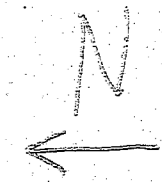
Prepared 08/05/2014 by Community Development Services Department

**EXHIBIT D:
Proposed Site
Plan**



SITE PLAN Lot 9 and 10 807 S COTTAGE GROVE

EXHIBIT E: Proposed Architectural Sketches

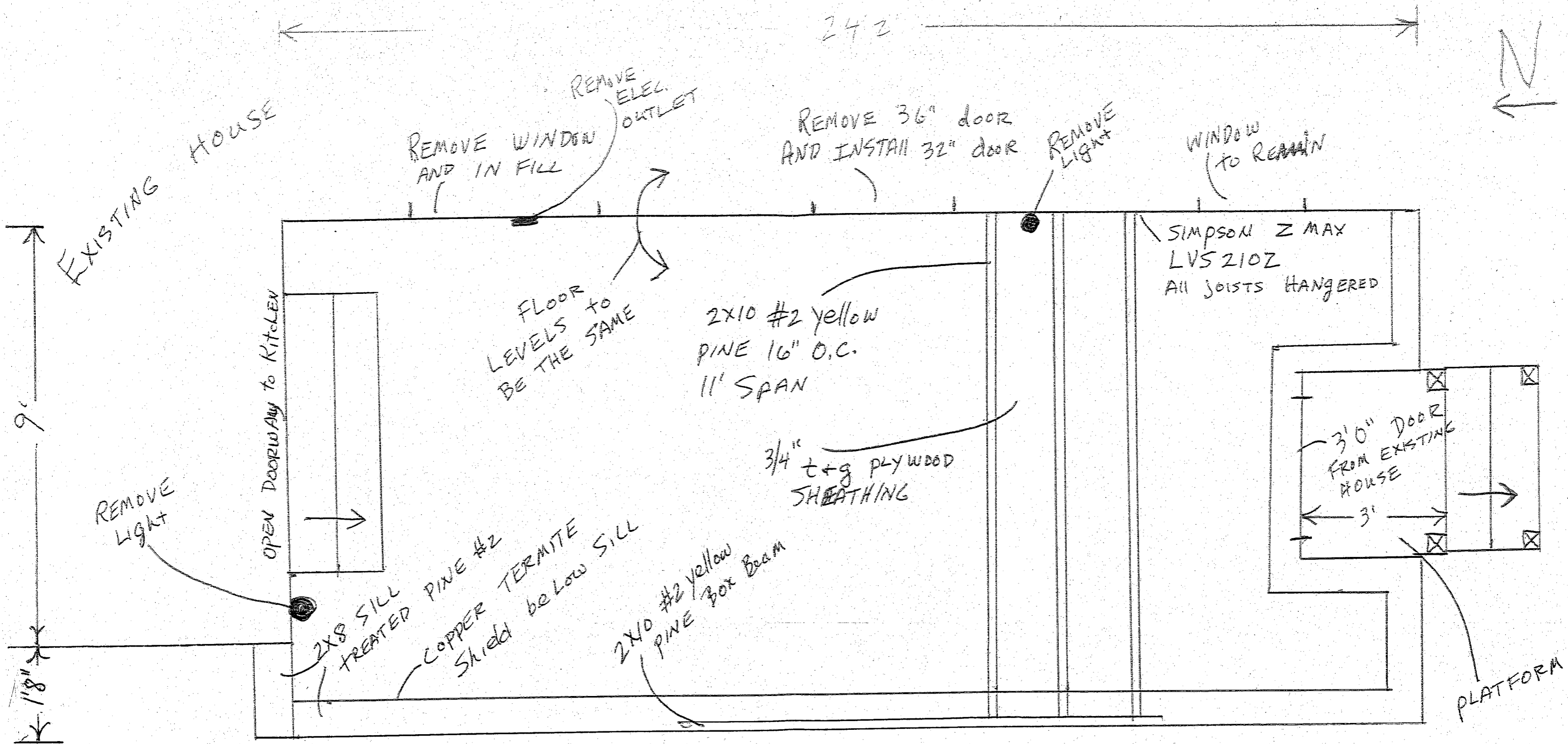


8" DEEP X 18" WIDE CONTINUOUS CONCRETE FOOTING 32" below GRADE at bottom of TRENCH

FOUNDATION PLAN

807 S. COTTAGE GROVE

SCALE IS 2' PER INCH

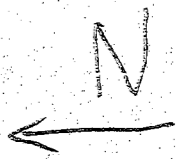


FLOOR PLAN

807 S. Cottage Grove

SCALE IS 2' per inch

SCALE IS 2' PER INCH



24' 2"

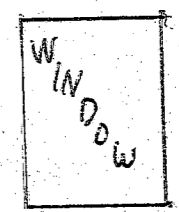
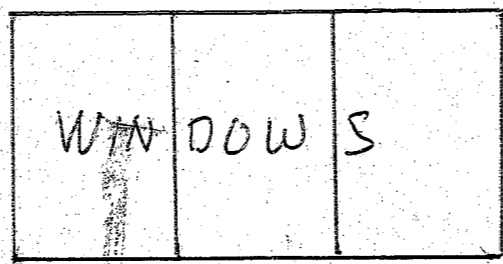
SHED ROOF 3/12 PITCH RUBBER ROOFING

1X12 FASCIA

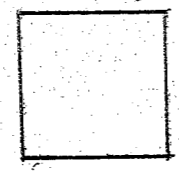
EXISTING HOUSE

PROPOSED ADDITION

OPEN DOORWAY



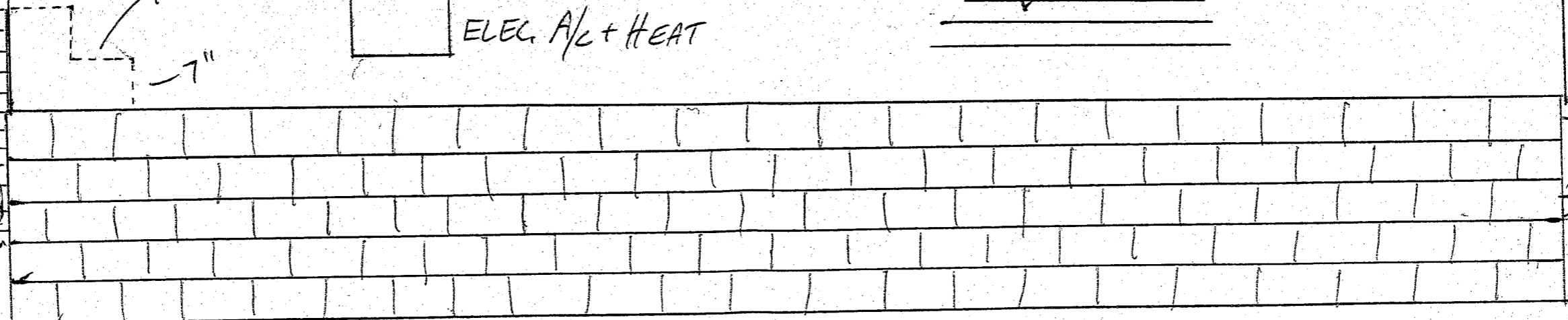
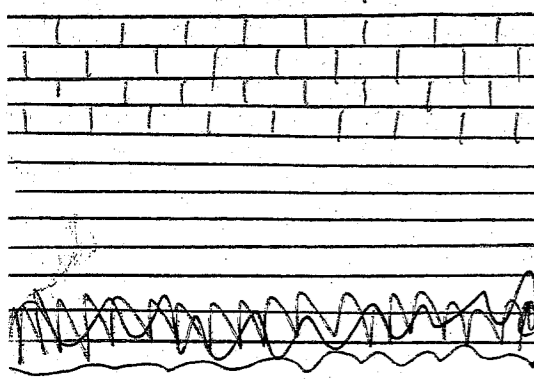
Step down



ELEG. A/C + HEAT

VINYL SIDING

EXISTING BRICK FOUNDATION

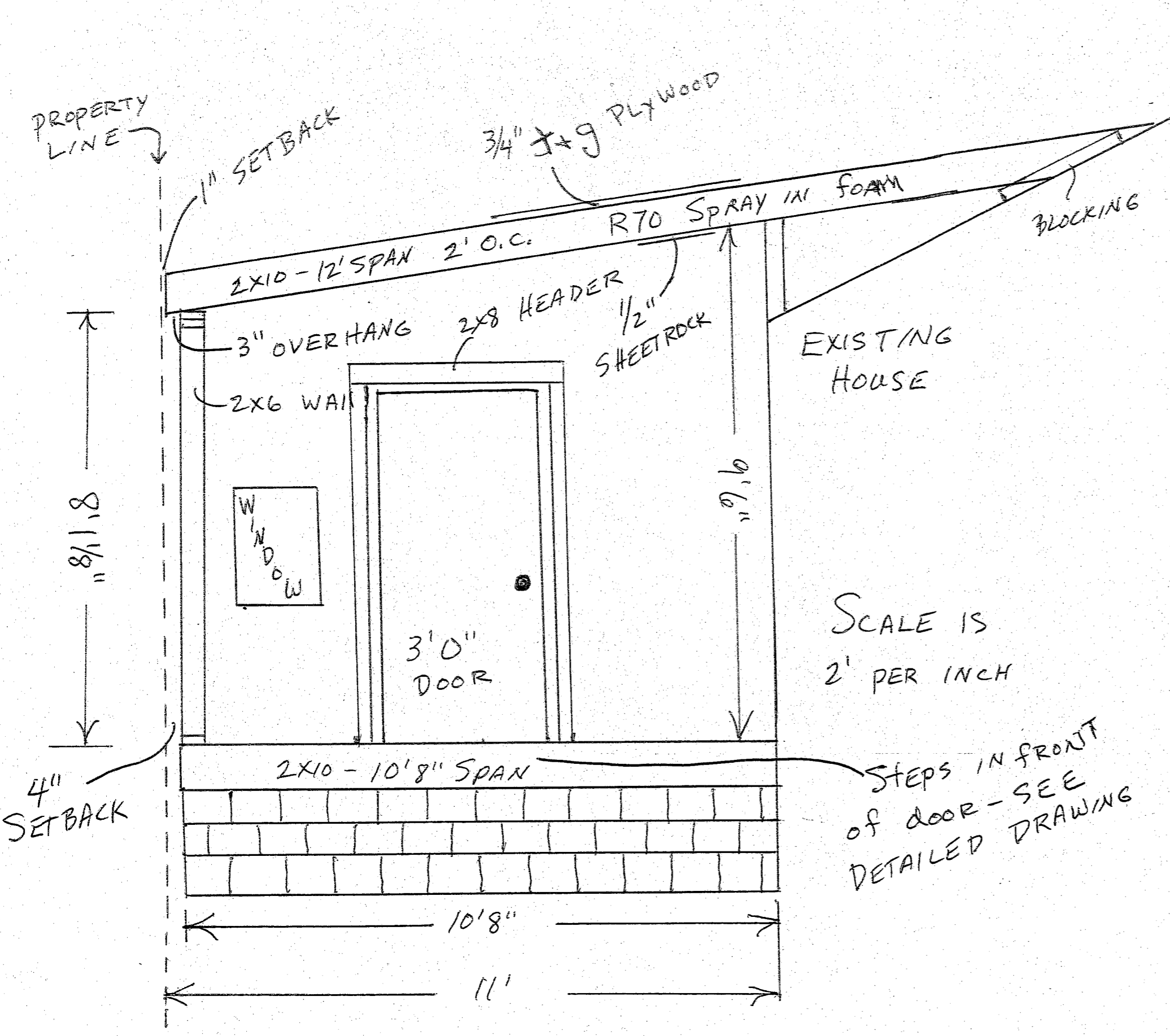


8" CONCRETE BLOCK 5 COURSES

FOOTING

WEST ELEVATION - 807 S. COTTAGE GROVE

STEPS IN FRONT OF DOOR - SEE DETAILED DRAWING



SPECS:

FLOOR SYSTEM:
 2x10 x 10'8" SPAN 16" O.C.
 #2 YELLOW PINE
 3/4" t+g PLYWOOD
 257.71 SQUARE FEET FLOOR

WALL SYSTEM:
 2x6 x 9 25/8" Studs 16" O.C.
 1/2" CDX EXTERIOR PLYWOOD
 1/2" INTERIOR SHEETROCK
 R-21 BATT INSULATION
 2x8 TRIPLE HEADER with
 2- 1/2" fillers OVER doors
 AND WINDOWS

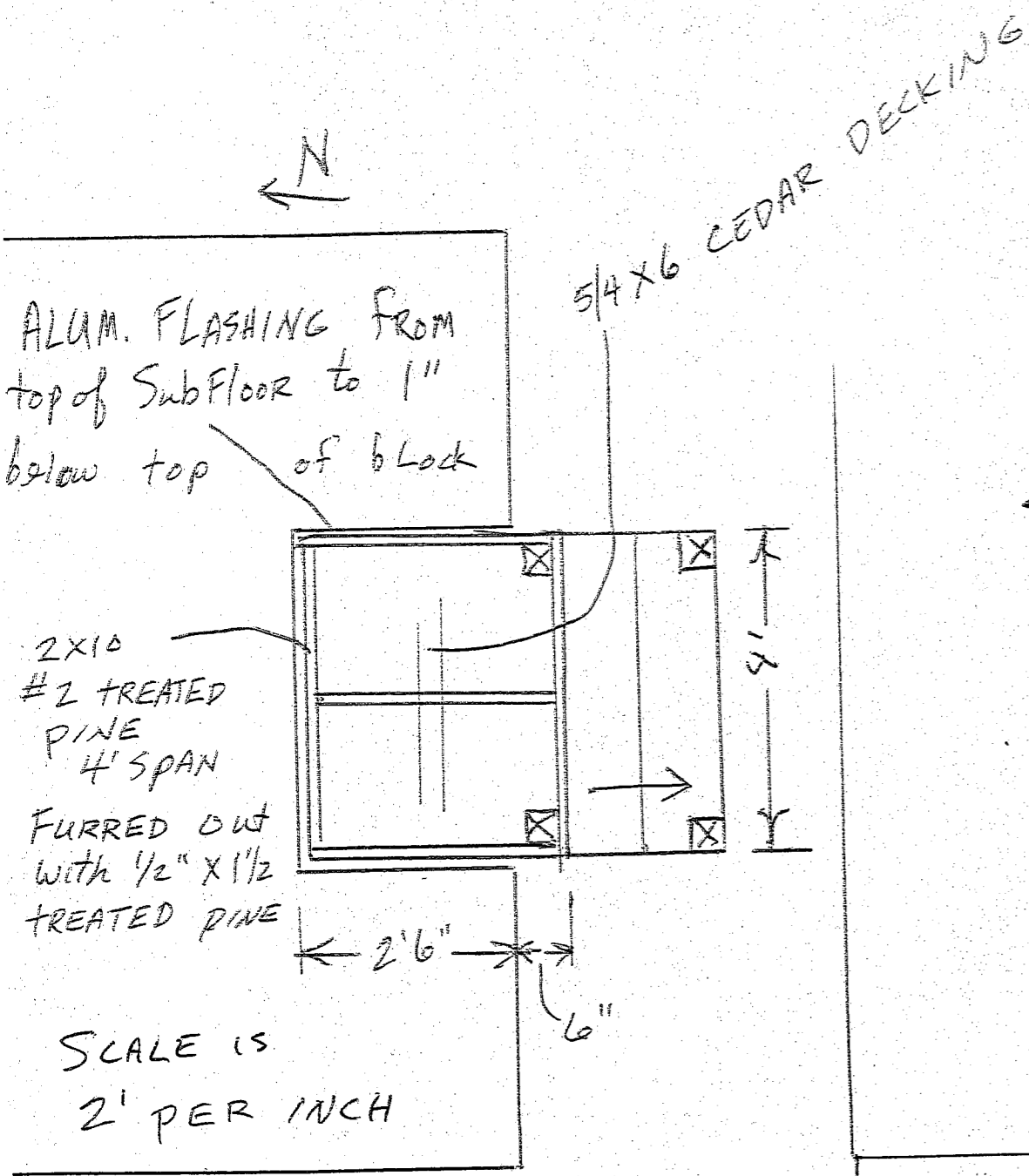
Roof System:
 2x10 x 12' SPAN 2' O.C.
 #2 YELLOW PINE
 Approx. R70 SPRAY IN
 FOAM INSULATION = R7.7 PER INCH

3/4" t+g PLYWOOD SHEATHING
 1/2" Light wt. SHEETROCK INTERIOR
 Rubber Roof membrane
 ~ 2/12 pitch

SCALE IS
 2' PER INCH

STEPS IN FRONT
 OF DOOR - SEE
 DETAILED DRAWING

South ELEVATION 807 S. Cottage Grove



DETAIL AT PLATFORM

807 S. COTTAGE GROVE

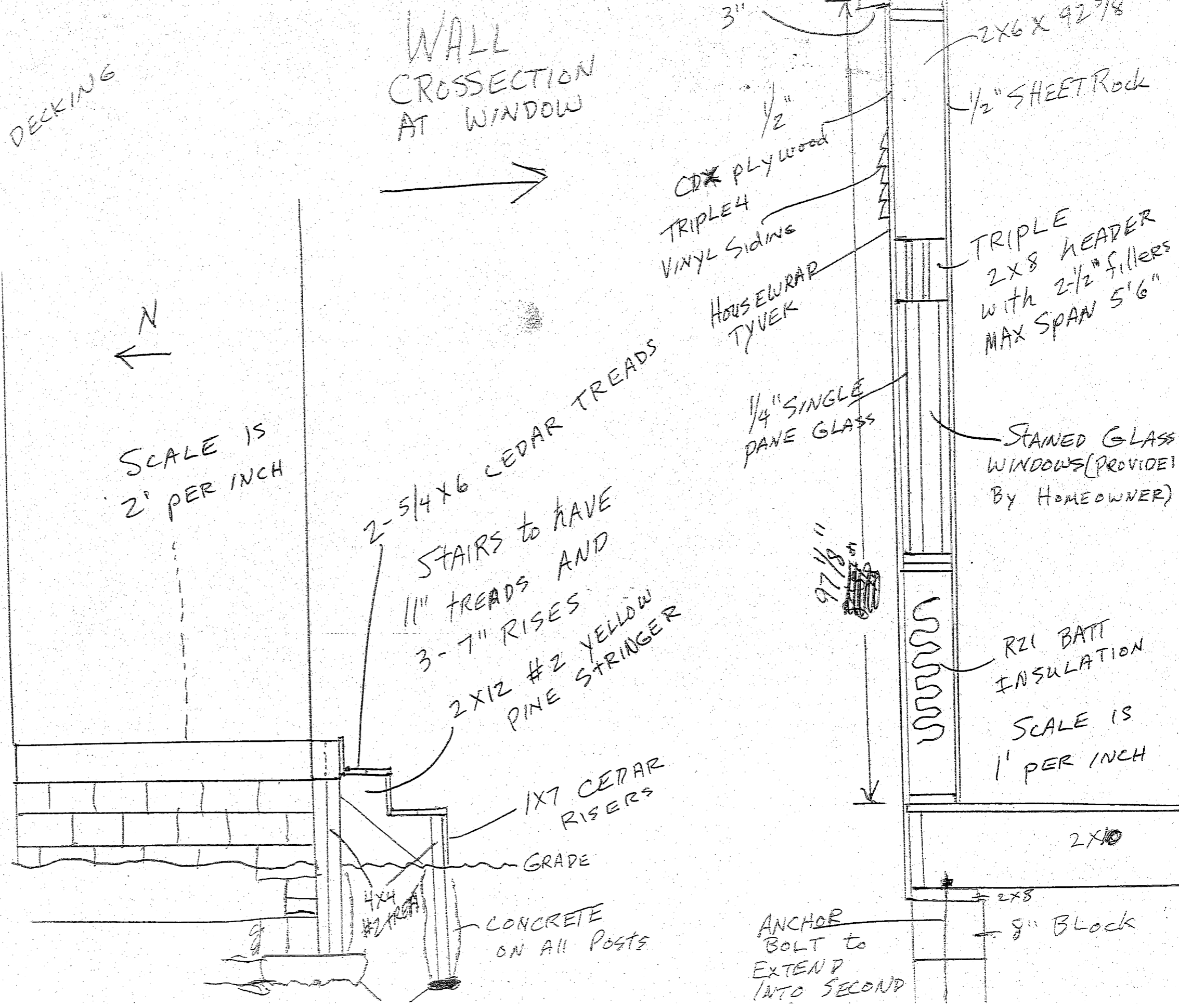


Exhibit F: Site Photos







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 07-28-2014 ZBA Case No. ZBA-2014-MAJ-05
Fee Paid - Check No. 12108 Amount \$175.00 Date 07-28-2014

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)* Build Addition that encroaches into 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): Betty + Bob Swisher Phone: 328-4624
Address (street/city/state/zip/code): 807 S. Cottage Grove Urbana IL 61801
Email Address: aacanabs@gmail.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): SAME AS ABOVE 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: 807 S. Cottage Grove
PIN # of Location: 92-21-16-165-020
Lot Size: 52.25 x 109

Current Zoning Designation:

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

Proposed Land Use:

Legal Description: _____

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.

Addition to house that will located near
property line. We own adjoining property
at 1006 E. Washington

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.

Line of addition is no further than existing
wall of kitchen area.

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

Addition will be additional space on our
small house

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

Addition will blend in with the structure
of the house

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

We own adjacent property

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

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.

Letty J. Swisher
Applicant's Signature

7-26-14
Date

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: August 20, 2014

DRAFT

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Paul Armstrong, Harvey Welch
STAFF PRESENT	Jeff Engstrom, Interim Planning Manager; Max Mahalek, Planning Intern; Teri Andel, Planning Secretary
OTHERS PRESENT	Tamara Chaplin, Randall Elliot, Michelle Kozlowski, Susan Kozlowski, Lauren Senoff, Bob Swisher, George Uricoechea

NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-05: A request by Robert and Betty Swisher for a major variance to construct a home addition in alignment with the exterior wall of an existing house that will encroach up to nine feet, 11 inches into the required rear yard at 807 South Cottage Grove Avenue in the R-3, Single and Two-Family Residential Zoning District.

Chair Armstrong opened this public hearing. Max Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He gave a brief background of the proposed site. He explained the purpose for the proposed variance request and noted the zoning, existing land use and future land use designations of the proposed site as well as for the surrounding adjacent properties. He discussed the proposed expansion in detail. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented the City staff recommendation for approval with conditions.

Acting Chair Warmbrunn asked if the Zoning Board of Appeals members had any questions for City staff. There were none, so he opened the hearing up for public input.

Bob Swisher, applicant, and Randall Elliot, General Contractor, approached the Zoning Board of Appeals.

Mr. Swisher talked about how the proposed expansion would be a space for his wife to primarily read and sew. He talked about their plans and the process they have followed. He stated that they would like to be able to put windows in on the west side, because his wife had already purchased the windows.

Mr. Elliot talked more about the process. He did not believe that the proposed expansion would disturb the neighborhood; rather instead, it will improve the existing house.

Ms. Uchtmann asked for clarification on what the actual size of the expansion would be. Mr. Elliot answered that it would be 24'2" x 10'8". They want to keep the roof overhang 1" less than the property line.

Ms. Uchtmann inquired why City staff is requesting no windows be allowed on the west side. Mr. Elliot replied that the fire code states that windows can be no closer than three feet from the property line. Mr. Swisher added that without the windows there will be no natural light in the room. There are already three windows along the west wall of the house, so what would be the harm of allowing three more windows?

Mr. Warmbrunn questioned where the water would go because he did not see any gutters in the proposal. Would the water run off onto the neighboring property? Do they plan to line the roofline of the proposed expansion with the roofline of the existing part of the house on the west side? Mr. Elliott said yes, that is how the plans are drawn. Mr. Swisher added that they had a driveway constructed between the subject property and the property they own on the west side. There is an incline for natural drain off from rainfall. The house next door drains off into the driveway out onto Washington Street. His sump pump goes south through his property to the neighboring driveway. So, there will be no gutters.

There were no further comments or questions from the public, so Acting Chair Warmbrunn closed the public input portion of the hearing and opened it up for discussion and/or additional questions for City staff.

Ms. McLaughlin questioned if the Zoning Board of Appeals could override the fire codes with regards to allowing windows. Mr. Engstrom said no. There is a Building Safety Code Board of Appeals that would consider a request to allow windows on the west wall.

Mr. Warmbrunn asked about City staff's thoughts with regards to the rainwater draining onto the neighboring property. What if the Swishers did not own the neighboring property? Mr. Engstrom stated that it is a concern; however, it sounds like there is an existing swale. One way to deal with it might be to create a drainage easement. The Zoning Board of Appeals could add this as a condition of approval for the proposed variance.

Mr. Warmbrunn questioned if the drainage easement would be included if the Swishers decided to sale the adjoining property to the west. Mr. Engstrom said yes.

Acting Chair Warmbrunn entertained a motion. Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-05 to the City Council with a recommendation for approval including the conditions as recommended by City staff and with the condition that the petitioners provide an easement to clarify that drainage from the subject property addition will fall on the property to the west. Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. The motion will be forwarded to the City Council.