



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: March 13, 2017

SUBJECT: ZBA-2017-MAJ-01: A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches one-and-one half (1.5) feet into the required five-foot north side yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District.
[This variance was originally advertised as encroaching two (2) feet into the required side yard setback.]

ZBA-2017-MAJ-02: A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches three (3) feet into the required five-foot rear yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District.

Introduction

Mark Gerhart, applicant on behalf of the four owners of the Clarence M. Siems Condominiums located at 717 South Broadway, is requesting permission to demolish an existing legally non-conforming garage and replace it with a new, 960 square-foot, four-car garage in the same location on the subject property. Section VI-5, Table VI-3 of the Urbana Zoning Ordinance requires side yard and rear yard setbacks of five (5) feet in the R-5 district. The applicant therefore requests variances to the side and rear yard setbacks to replace the deteriorating garage in its current location and to allow continued ease of access for residents.

Background

The applicant would like to demolish the garage at 717 South Broadway, and to reconstruct it, on the same footprint, utilizing the existing garage's slab foundation. The subject property is located on the west side of South Broadway between Washington and Oregon Streets (Exhibit A). The principal building is a two-story, four-unit condominium of approximately 2,420 square feet. The one-story, four-car garage is approximately 960 square feet in area. The property is split-zoned: the residential building and garage are located on the north half and zoned R-5 Medium-High Density Multiple-Family Residential; the south half is vacant and zoned R-4 Medium-Density Multiple-Family Residential (Exhibit B). When the residential building and garage were constructed in 1963, the location of the garage complied with the side and rear yard setback

requirements at the time. As shown in a 1983 plat of survey included in the variance application, the garage sits two feet from the rear property line and three-and-one-half feet from the north side property line (Exhibit D). The subject accessory garage is now over 50 years old and requires major repairs or replacement due to normal wear and tear of the structure.

Section VI-5 of the current Zoning Ordinance now requires side and rear yard setback requirements of five feet for structures in R-4 and R-5 zoning districts (Table VI-3) and does not exempt accessory structures of this size from those requirements.

The current location of the garage is approximately 26 feet west of the residential building and allows for cars to narrowly navigate into the east entrances of the garage units. According to the applicant, relocation of the garage three-and-one-half feet east in order to meet current yard setback requirements would not permit safe and convenient access into the garage units due to an overly-tight turning radius. Therefore, the applicant requests variances to Section VI-5 to permit reconstruction of the accessory garage which encroaches one-and-one-half feet into the required side yard setback and three feet into the required rear yard setback.

At their March 15, 2017, meeting, the Urbana Zoning Board of Appeals held a public hearing for cases ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02. The Board voted unanimously with 7 ayes and 0 nays to forward both cases to the City Council with a recommendation of approval.

Land Use and Zoning

The portion of the property which is occupied by the residential building and accessory garage is located in the R-5 Medium-High Density Multiple-Family Residential zoning district; the south half of the property is vacant and zoned R-4 Medium-Density Multiple-Family Residential zoning district (Exhibit B). Multiple-unit condominiums are permitted by right in both the R-5 and R-4 districts. The subject property is surrounded on all sides by single- and two-family dwellings in the R-3 Single- and Two-Family Residential zoning district. The Urbana Comprehensive Plan’s future land use designation for the subject property and its surrounding area is shown as “Residential” (Exhibit C).

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-4, Medium Density Multiple-Family Residential R-5, Medium-High-Density Multiple-Family Residential	Residential	Residential
North	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
South	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
East	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
West	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential

Discussion

The applicant plans to demolish the existing four-car accessory garage and to replace it with a new, one-story, four-car garage of the same square-foot area and in the same location, using the existing garage's slab foundation. The current lot configuration affords no opportunity to relocate the garage to conform to current side and rear yard setbacks, as the area between the garage and dwelling unit is too narrow for cars to easily navigate entrance through the garage doors. The variance application's site plan shows the existing garage as 20 feet by 48 feet, totaling approximately 960 square feet, and in the same location (Exhibit D). The main differences are that the existing garage is flat-roofed and has wood siding, while the proposed garage would have a pitched roof and vinyl siding (Exhibit E).

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 as they pertain to this case:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The applicant states that relocation of the garage would not allow for safe and convenient entry into the garage doors. Staff has observed that the area between the accessory garage and dwelling unit is already narrow and that further reducing the area by relocating the garage to comply with current yard setback requirements would not allow for safe navigation. This lot configuration creates a practical difficulty in accessing the garage, which would be resolved by granting the requested variances.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The applicant states that they would not be able to access the garage if it were relocated to meet the current required yard setbacks. Staff has determined that the accessory garage met the yard setback requirements at the time of its construction, and that it currently does not conform to current yard setback requirements.

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

The accessory garage met the yard setback requirements when it was constructed in 1963. Changes in the zoning ordinance increased the yard setback requirements to the current five-foot setback. Granting the variance would not be an instance of resolving a self-created hardship.

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

The area of the garage would not change, and the character would be similar to neighborhood structures with wood framing, vinyl siding, and asphalt shingled roof. The character of the neighborhood will not be significantly negatively impacted and granting the variance would not alter the essential character of the neighborhood.

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

The accessory garage is a stand-alone unit located at the rear of the property and its area would not be changed from the existing garage. The reconstruction of the garage in the same location and with the same area would not create a nuisance to the neighborhood.

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

The requested variances would allow the applicant keep the new structure exactly at the same location where the existing garage has been since its construction, two feet from the rear property line and three-and-one-half feet from the north side property line. The variances would not result in negative impacts to the neighborhood, and are the minimum necessary to utilize the existing footprint of the legally non-conforming structure.

Summary of Findings

1. The applicant, Mark Gerhart, has proposed to demolish an existing legally non-conforming accessory garage and to replace it with a new, one-story, four-car garage of the same area, in the same location at 717 South Broadway Avenue.
2. The portion of the property where the accessory garage is located is zoned R-5 Medium-High Density Multiple-Family Residential and has a future land use designation of “Residential” in the Urbana Comprehensive Plan.
3. The Major Variance requests are to facilitate safe access to garage units by allowing the reconstruction of the accessory garage structure to encroach one-and-one-half feet into the required five-foot north side yard setback and three feet into the required five-foot rear yard setback.
4. The variance requests will not serve as a special privilege to the property owner.
5. The variance requests are not the result of a situation knowingly created by the petitioner.
6. The variance requests will not alter the essential character of the neighborhood.
7. The variance requests will not cause a nuisance to adjacent property owners.
8. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.

Options

The Urbana City Council has the following options in ZBA Cases No. 2017-MAJ-01 and 2017-MAJ-02:

- a) **Approve** the variances based on the findings in this memo; or
- b) **Approve the variances along with certain terms and conditions.** If findings stated or conditions recommended differ from those in this memo and in the attached draft ordinance, these should be articulated accordingly; or
- c) **Deny** the variances requested. If the City Council elects to do so, the Council should articulate findings supporting its denial.

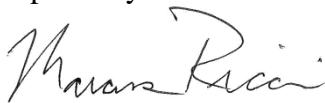
Recommendation

At their March 15, 2017, meeting, the Urbana Zoning Board of Appeals voted unanimously with 7 ayes and 0 nays to forward ZBA Cases No. 2017-MAJ-01 and 2017-MAJ-02 to the Urbana City Council with a recommendation of **APPROVAL WITH CONDITION:**

1. The site is developed in general compliance with the attached site plan and elevations entitled “Garage Structure Replacement 717 S. Broadway Avenue” and dated March 15, 2017.

City staff likewise recommends approval.

Prepared by:



Marcus Ricci
Planner II

Attachments: Draft Ordinance with attached site plan
Exhibit A: Location & Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application for Variance with Site Plan
Exhibit E: Site Photos
Zoning Board of Appeals Meeting Minutes – March 15, 2017

cc: Mark Gerhart

AN ORDINANCE APPROVING MAJOR VARIANCES

(To allow the reconstruction of an accessory garage that encroaches into required side yard and rear yard setbacks in the City's R-5, Medium-High Density Multiple-Family Residential District, at 717 South Broadway Avenue / ZBA Case No. 2017-MAJ-01 and ZBA Case No. 2017-MAJ-02)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, on behalf of the owners of the Clarence M. Siems Condominiums located at 717 South Broadway, Mark Gerhart has submitted a petition for two major variances to allow the reconstruction of an accessory garage which encroaches one-and-one-half (1.5) feet into the required five-foot north side yard setback and three (3) feet into the required five-foot rear yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2017-MAJ-01 and 2017-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 held a public hearing on the proposed major variances on March 15, 2017, and voted 7 ayes to 0 nays in Case Nos. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02 to recommend that the Corporate Authorities approve the requested variances with one condition; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variances referenced herein conform 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 applicant, Mark Gerhart, has proposed to demolish an existing legally non-conforming accessory garage and to replace it with a new, one-story, four-car garage of the same area, in the same location, at 717 South Broadway Avenue.
2. The portion of the property where the accessory garage is located is zoned R-5 Medium-High Density Multiple-Family Residential and has a future land use designation of "Residential" in the Urbana Comprehensive Plan.
3. The Major Variance requests are to facilitate safe access to garage units by allowing the reconstruction of the accessory garage structure to encroach one-and-one-half feet into the required five-foot north side yard setback and three feet into the required five-foot rear yard setback.
4. The variance requests will not serve as a special privilege to the property owner.
5. The variance requests are not the result of a situation knowingly created by the petitioner.
6. The variance requests will not alter the essential character of the neighborhood.

7. The variance requests will not cause a nuisance to adjacent property owners.
8. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.
9. On March 15, 2017, the Zoning Board of Appeals voted 7 ayes to 0 nays to approve Case Nos. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02.

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

Section 1. In ZBA Case Nos. 2017-MAJ-01 and 2017-MAJ-02, the two major variances requested on behalf of the owners of the Clarence M. Siems Condominiums to allow reconstruction of an accessory garage into a required side yard setback and required rear yard setback, in the City's R-5, Medium-High Density Multiple-Family Residential District are hereby approved in the manner proposed in the application and subject to the following condition:

- The site is developed in general compliance with the attached site plan and elevations (Attachment A) entitled "Garage Structure Replacement 717 South Broadway Avenue" and dated March 15, 2017.

The Major Variances described above shall only apply to the property located at 717 South Broadway Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

The North Half of Lot 6 of a Subdivision of Outlots 15 and 16 of J.S. Busey's Addition of Outlots and the east 15 feet of Lot 1, Bogg's Replat, City of Urbana, Illinois.

P.I.N. 92-21-17-262-900

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 _____, 2017.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

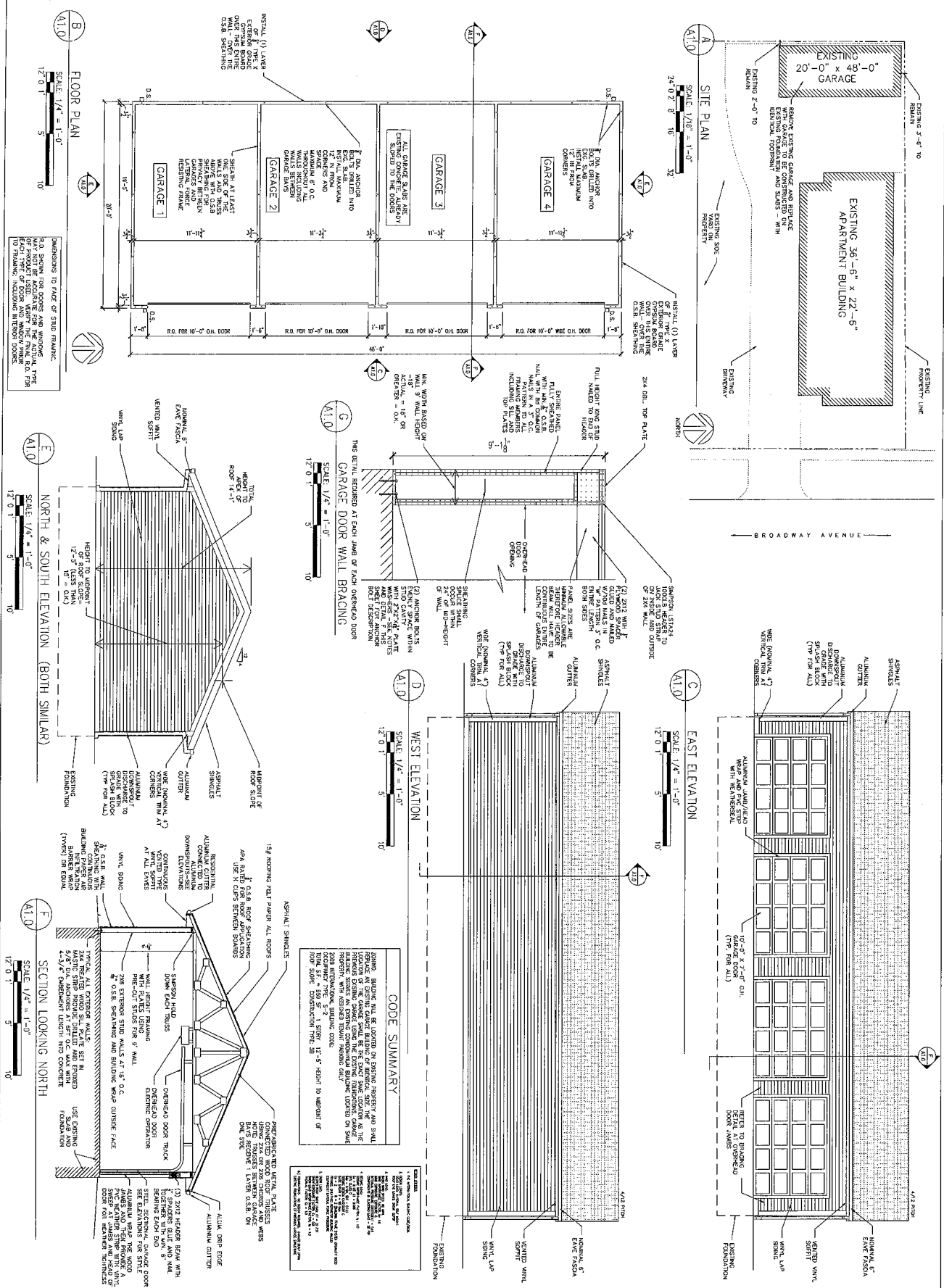
NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor



PROJECT TITLE:
GARAGE STRUCTURE REPLACEMENT
717 S. BROADWAY AVENUE

MODE 3 ARCHITECTURE
301 N. NEIL STREET SUITE 400
CHICAGO, IL 60610
PH: 217-355-8731 EMAIL: josh@mode3arch.com
L. PROF. DESIGN FIRM #184.006697
© 2017 MODE 3 ARCHITECTURE, INC.

PLANNING REVIEW
DATE: MARCH 15, 2017
A1.0

REVISIONS

NO.	DATE	DESCRIPTION

ISSUED FOR PERMIT REVIEW AND RECORD

DESIGNED BY: JOSHUA M. BROWN
DRAWN BY: JOSHUA M. BROWN
CHECKED BY: JOSHUA M. BROWN
DATE: MARCH 15, 2017

REGISTERED PROFESSIONAL ARCHITECT
JOSHUA M. BROWN
NO. 001-00000000
STATE OF ILLINOIS
EXPIRES: NOV. 30, 2018

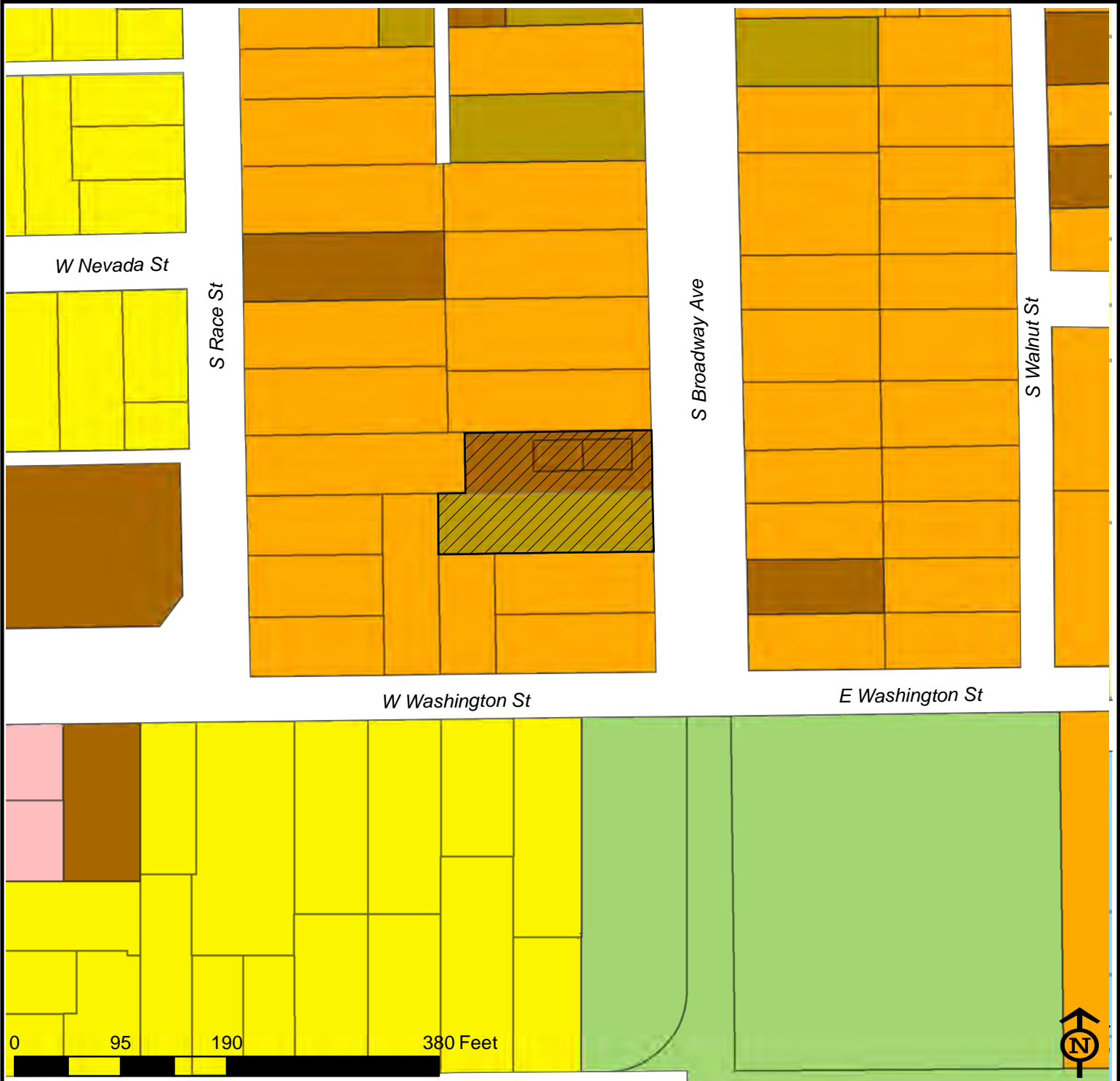
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2017-MAJ-01 and -02
 Subject: Garage Side Yard and Rear Yard Variances
 Location: 717 South Broadway
 Petitioner: Mark Gerhart

 Subject Property

Exhibit B: Zoning Map



Case: ZBA-2017-MAJ-01 and -02
 Subject: Garage Side Yard and Rear Yard Variances
 Location: 717 South Broadway
 Petitioner: Mark Gerhart








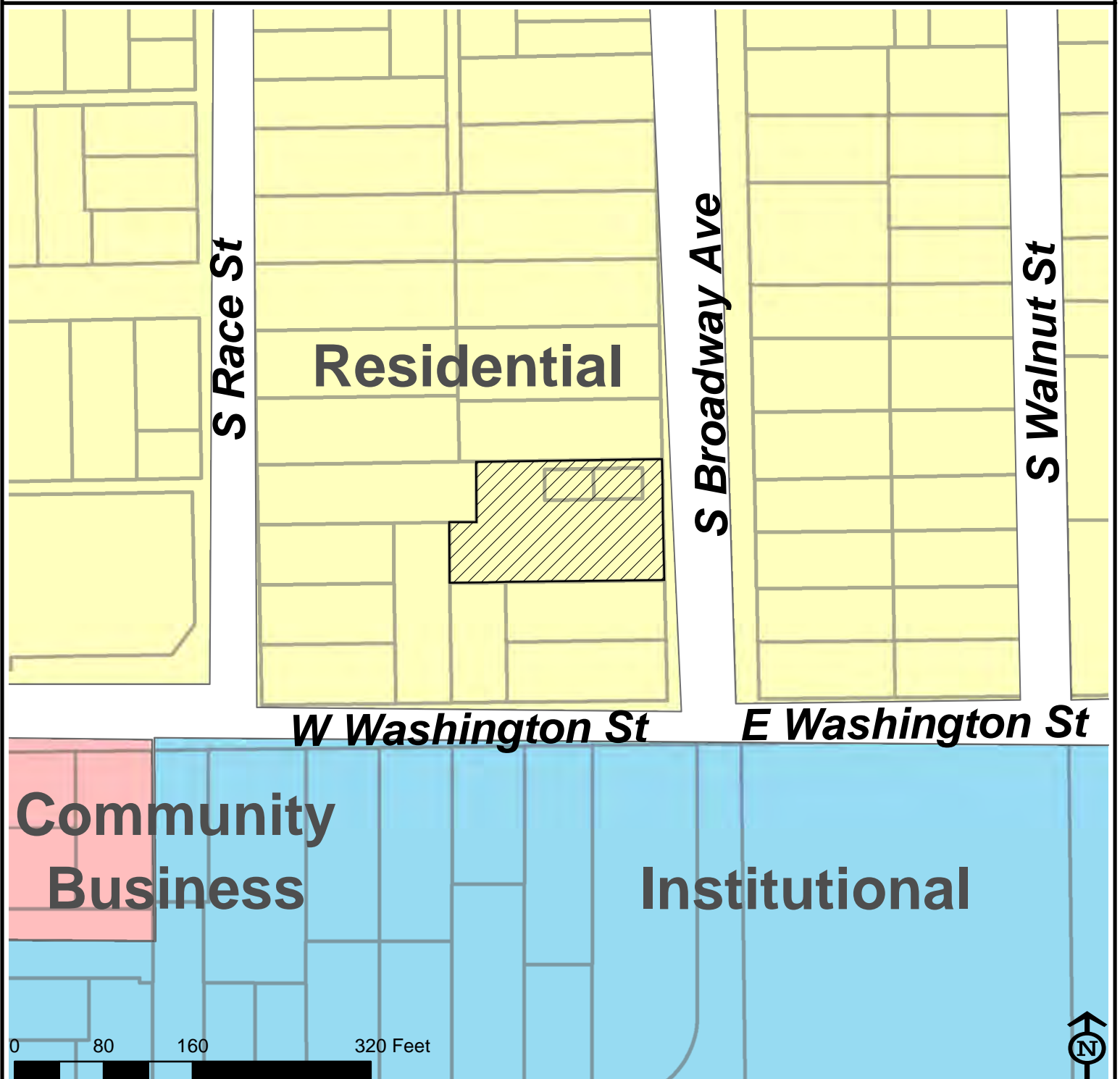
- | | | | |
|---|------------------|---|----|
|  | B1 |  | R3 |
|  | CRE |  | R4 |
|  | R2 |  | R5 |
|  | Subject Property | | |

Exhibit C: Future Land Use Map



Case: ZBA-2017-MAJ-01 and -02
Subject: Garage Side Yard and Rear Yard Variances
Location: 717 South Broadway
Petitioner: Mark Gerhart

- Residential
- Community Business
- Institutional
- Subject Property

VP 8-05



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. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 02-21-2017 ZBA Case No. ZBA-2017-MAJ-01 (side-yard) ZBA-2017-MAJ-02 (rear-yard) Fee Paid - Check No. Amount Date

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 the following variation (Describe the extent of the Variation Requested)

on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): MARK GERHART Phone: 217-607-6422 Address (street/city/state/zip code): 125 S FREDRICK, RANTOUL, IL 61816 Email Address: tinevcha07@yahoo.com Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Representing owners

2. OWNER INFORMATION

Name of Owner(s): LORRAINE GERHART - JANE COX Phone: 344-9199 Address (street/city/state/zip code): 717 S. BROADWAY Unit 2 - Lorraine Email Address:

Is this property owned by a Land Trust? [] Yes [X] No If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 717 S. BROADWAY PIN # of Location: Lot Size:

Exhibit D: Application for Variance

Current Zoning Designation:

Current Land Use (vacant, residence, grocery, factory, etc): *Condo - 4 unit*

Proposed Land Use: *SAME*

Legal Description (If additional space is needed, please submit on separate sheet of paper):

4. CONSULTANT INFORMATION

Name of Architect(s): *MOBE 3 Josh Daly* Phone: *355-8731*

Address (street/city/state/zip code): *301 W. Neil St. Champ. C - 621-3522*

Email Address: *josh@moobe3arch.com*

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.

Movement of garage would not allow for entry into garage doors.

Sec. X-2 of Zoning Ordinance

Exhibit D: Application for Variance

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.

By having to meet the offset we would not be able to access the garage.

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

This is an existing building in need of replacement. It has not been kept up by previous owners.

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

The size of the garage will not change from what is existing. It will be built to conform to existing garages nearby.

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

It is a stand alone unit located at the rear of the property. It will not change in size. It has only a chicken coop nearby.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain. yes it allows us to keep the new structure

exactly where the old garage has been since the 1960s. We are approx located a foot and a half from the property line now.

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.

Exhibit D: Application for Variance

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.



Applicant's Signature

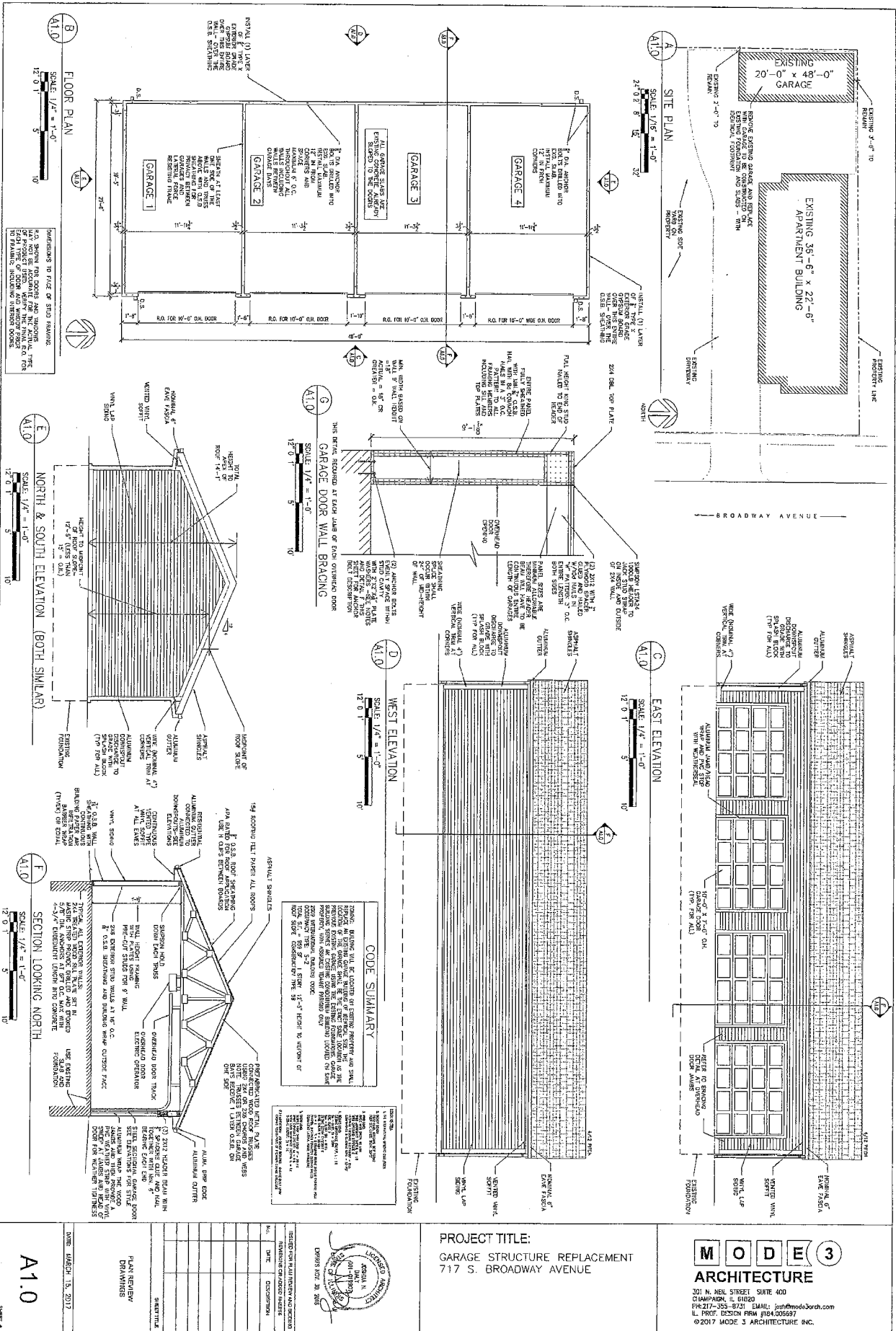
2/20/17

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

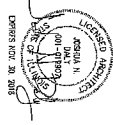
EXHIBIT D: Application for Variance



PROJECT TITLE:
GARAGE STRUCTURE REPLACEMENT
717 S. BROADWAY AVENUE

MODE 3
ARCHITECTURE

301 N. NIEL STREET SUITE 400
CHICAGO, IL 60602
PH: 312-329-7271 EMAIL: josh@mode3arch.com
1601 S. ROCK STREET, SUITE 1000 CHICAGO, IL 60605
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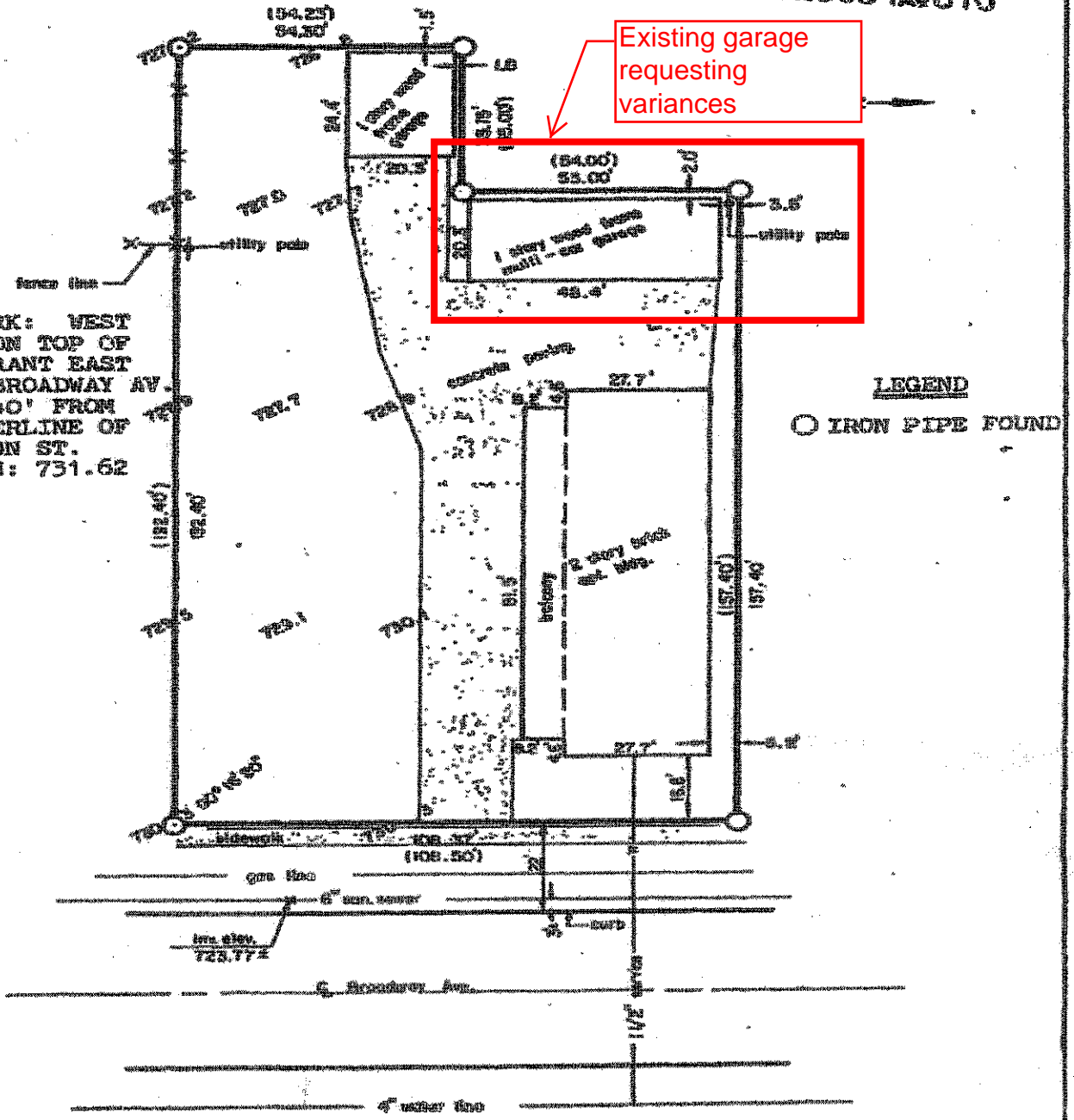


NO.	REVISION	DATE	DESCRIPTION

DESIGNED BY: J. M. DEBORJA
DRAWN BY: J. M. DEBORJA
CHECKED BY: J. M. DEBORJA
DATE: MARCH 15, 2017

Exhibit D: Application for Variance

BOOK 1396 PAGE 573



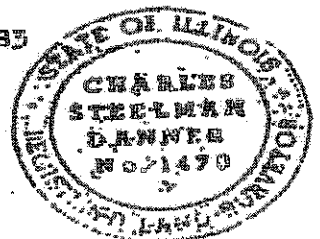
BENCH MARK: WEST HEX NUT ON TOP OF FIRE HYDRANT EAST SIDE OF BROADWAY AV. APPROX. 40' FROM THE CENTERLINE OF WASHINGTON ST. ELEVATION: 731.62

LEGEND

○ IRON PIPE FOUND

Signed and sealed this 12th day of October A.D., 1983

Charles S. Danner
 Charles S. Danner
 Registered Illinois Land Surveyor
 Urbana, Illinois



Site Survey 717 South Broadway Avenue Urbana, Champaign Co., IL	DATE 101283
	SCALE 30'/"
DANNER & ASSOCIATES, INC. CONSULTING ENGINEERS LAND SURVEYORS	JOB NO. 4649

Exhibit E: Site Photos



Figure 1. Dwelling and garage at 717 S. Broadway Ave.



Figure 2. Close-up of garage.



Figure 3. Rear yard: 36" between garage and bushes.



Figure 4. Side yard: 41" between garage and fence.

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

DATE: March 15, 2017

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

STAFF PRESENT Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT Lorraine Gerhart, Mark Gerhart

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:30 p.m. Roll call was taken, and he declared that there was a quorum with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the December 21, 2016 regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Mr. Cho seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

Regarding Case Nos. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02

- Update to Staff Report Memo dated March 10, 2017

5. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch swore in members of the audience who indicated that they may give testimony during the public hearing.

6. NEW PUBLIC HEARINGS

ZBA-2017-MAJ-01 – A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches one-and-one half (1.5) feet into the required five-foot north side yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential Zoning District. [This variance was originally advertised as encroaching two (2) feet into the required side yard setback.]

ZBA-2017-MAJ-02 – A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches three (3) feet into the required five-foot rear yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential Zoning District.

Chair Welch opened these two items on the agenda simultaneously since they relate to the same property. Marcus Ricci, Planner II, presented the written staff report to the Zoning Board of Appeals. He began by stating the purpose for the proposed major variance requests. He noted the location of the subject property and gave some background information on the existing garage. He noted the zoning, existing land uses and future land use designations for the subject property as well as for the surrounding, adjacent properties. He mentioned the revised Site Plan that was handed out prior to the start of the meeting. He discussed the plans for the proposed new garage. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to these two cases and mentioned the communication that was received from one of the neighboring properties. He read the options of the Urbana Zoning Board of Appeals and presented City staff’s recommendation for approval along with the following condition:

- 1. The site is developed in general compliance with the revised Site Plan and Elevations entitled, “Garage Structure Replacement 717 South Broadway Avenue” and dated March 15, 2017.

Chair Welch asked if the members of the Board had questions for City staff. There were none, so Chair Welch opened the hearing for public input.

Mark Gerhart, applicant, approached the Zoning Board of Appeals to speak. He stated that the owners were basically trying to replace the dilapidated existing garage with a new structure.

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

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02 to the City Council with a recommendation for approval along with the condition as recommended by City staff. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Mr. Ricci noted that the recommendation for the proposed two cases would be forwarded to City Council on March 20, 2017.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

NOTE: Ms. Uchtmann inquired whether City staff had started making changes to the Air BnB regulations since there seemed to be a lot of concern at the last meeting. Ms. Pearson responded saying that City staff has been working on completing other projects and assignments. They hope to begin working on new tasks soon. Chair Welch agreed that regulations for Air BnBs needed attention.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
Planning Manager
Secretary, Urbana Zoning Board of Appeals