

MINUTES OF A RESCHEDULED MEETING

URBANA ZONING BOARD OF APPEALS

DATE: May 24, 2006

APPROVED

TIME: 7:30 p.m.

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

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

MEMBERS ABSENT Paul Armstrong, Joe Schoonover, Nancy Uchtmann

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

OTHERS PRESENT: Kate Hunter, Trent Shepard

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

Chair Merritt called the meeting to order at 7:33 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Regarding the minutes of the April 19, 2006 Zoning Board of Appeals meeting, Mr. Corten moved that the Zoning Board of Appeals approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous vote as written.

Regarding the minutes of the May 17, 2006 Zoning Board of Appeals meeting, Mr. Warmbrunn moved to approve the minutes with one correction. Mr. Welch's name appeared under both "Members Present" and "Members Absent". Mr. Welch requested that staff remove his name from "Members Absent". Mr. Corten seconded the motion. The minutes were approved by unanimous vote as corrected.

4. WRITTEN COMMUNICATIONS

- 05/17/2006 Minutes of the Zoning Board of Appeals Meeting
- 2006 Urbana Zoning Ordinance – Updated and Republished

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

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

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

He talked about the new variance criteria #6, which states: *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures of the use of land.* He stated that City staff believed that there is a practical difficulty and possibly a hardship in this case, because the narrow driveway is squeezed between the east property line and the petitioner's house. The existing garage lines up with the driveway. However, if the petitioner's adjust the proposed new garage even a couple of feet to meet the side-yard setback requirement, then the proposed new garage would be out of alignment with the driveway. When backing their car out of the new garage, the driver would have to jog around the corner of the house rather than back straight down the driveway. City staff considers this a practical difficulty. Having said that, Mr. Myers did not recommend changing the ordinance to allow all garages generally speaking to be built right on the property line. He explained the reasons for requiring setbacks for garages under normal circumstances. It was right to review situations such as this on a case by case basis and determine whether a variance would be justified.

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

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals

recommend approval of a side yard setback variance in ZBA Case No. 06-MAJ-02 to the Urbana City Council.

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

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

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

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

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

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

Her neighbors support their major variance request and have expressed a preference to have the garage rebuilt in the same spot as the existing garage. The neighbor's already have a new garage, so the possibility of the neighbor's wanting to build a new garage on their property next to this new garage would not happen anytime in the near future.

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

She and her husband are interested in preserving the historic character of the neighborhood and of their home. They are carefully designing the proposed new garage to be architecturally

compatible with their home. She is excited about replacing the existing garage with something that will be an asset to the neighborhood.

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

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

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

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

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

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

Ms. Merritt - Yes Mr. Warmbrunn - Yes

Mr. Welch - Yes Mr. Corten - Yes

The motion was passed by unanimous vote.

ZBA-06-MAJ-03: A request to allow a 96% increase in the size of a gas station canopy sign at 2007 North Lincoln Avenue in the B-3, General Business Zoning District.

At the request of the applicant, this case is continued to the next scheduled meeting of the Zoning Board of Appeals.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Olympic Construction has moved into their new location on Fairview and is now in operation.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:06 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals