



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner I

DATE: October 13, 2006

SUBJECT: **ZBA Case # 2006-MIN-02:** A Minor Variance to allow an enclosed porch to encroach 5.5-feet into the 24.5-foot average front yard setback at 403 W. Oregon Avenue in the R-2, Single-Family Residential Zoning District

Introduction

Leon and Judith McCulloh are requesting a minor variance to enclose an existing front porch which would encroach 5.5 feet into the 24.5 foot average front yard setback at 403 W. Oregon Avenue.

The petitioners propose to fully enclose the existing 8-foot x 16-foot concrete slab porch. According to the Zoning Ordinance enclosing the porch would make it a part of the house which would require that it conform to the average front yard setback of the other houses on the block face. A new 3½-foot x 9-foot landing with stairs would be constructed to extend in front of the newly enclosed porch. The Zoning Ordinance Section VI-5.D permits specific encroachments into yards. One permitted encroachment is unenclosed porches that may have a roof, walls up to 2½ feet high, and mesh screens but which are otherwise open to the weather. Eaves on a roof may also encroach up to 2½ feet into the yard. These ordinance provisions exempt the new landing and stairs from being considered encroachments and are not included in the measurements under consideration.

Urbana Zoning Ordinance, Sec. XI-3.C.2.b.1 states the Zoning Board of Appeals may approve a reduction in front yard depth of up to 25% as a minor variance. The petitioners are requesting a 23% variance. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals may either approve or deny the minor variance request.

Background

Description of the Site

The property is located in the West Urbana Neighborhood which is an established neighborhood developed in the early 20th century. The area is a desirable place to live in part because of its

proximity to the University of Illinois campus. The subject property zoned R-2, Single-Family residential is surrounded by a neighborhood consisting mostly of single family homes.

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	R-2, Single Family Residential	Single-Family Residence	Residential
North	R-2, Single Family Residential	Vacant lot (Leal School)	Residential
South	R-2, Single Family Residential	Single-Family Residence	Residential
East	R-2, Single Family Residential	Single-Family Residence	Residential
West	R-2, Single Family Residential	Single-Family Residence	Residential

Discussion

Development Regulations

The subject lot is rectangular in shape, as are all lots on the block and most in the neighborhood. The lot is 57.75-feet wide by 142-feet long, with an area of 8,200 square feet. The petitioners propose to enclose a porch of 128 square feet (roughly 8-foot wide by 16-foot long). While the lot is two feet narrower than the current regulations allow to be platted today, the 8,200 square foot area of the lot exceeds the current 6,000 square foot minimum.

In the R-2 Single Family Residential zoning district the maximum allowed Floor Area Ratio (FAR) is 0.40. In the R-2 district the minimum permitted Open Space Ratio (OSR) is 0.40. The addition of the enclosed porch to the existing area of the house gives an FAR of approximately 0.36 and an OSR of 2.0. The proposal meets these ordinance requirements.

With any remodeling project involving an existing structure there are constraints to consider. With older narrow lots it is often difficult to find room on the side of the house to construct an addition without encroaching into the side yard or compromising a driveway. The petitioners have owned the house since 1963. The petitioners now desire to increase the living space in their home. The house has a narrow yard on the east side; to the rear are a tree, a wooden deck, a brick patio, and the garage. The petitioners do not wish to change the arrangement of the rooms or yard at the rear of the house. Construction at the rear of the house or encroachment into the side yard were rejected for these reasons.

The petitioners propose to enclose the open slab porch that has been at the front of the house since before it was purchased. Because the block face the subject property is on has existing houses that are placed at a deep depth there is a deep 24.5 foot average front yard setback. On blocks with deep front yards a new enclosed porch may require a variance from the average setback depth. The enclosed porch would encroach 5.5 feet into the average setback on the block but remain outside the R-2 district minimum required front yard of 15 feet. With the proposed variance the depth of the enclosed porch would be nearly the same as the neighboring house to

the east. From the front lot line (edge of the sidewalk) the front of the enclosed porch will be at 19 feet, the new landing at 15.5 feet, and the stairs at about 12.5 feet.

The proposal should have no adverse impacts on the adjacent properties or the neighborhood at large. The proposal is consistent with the Comprehensive Plan designation of “Residential” for the area. The proposal is an investment in an existing single-family home and so is compatible with the Comprehensive Plan strategy to preserve the single-family character of the neighborhood. Because the proposal respects the normal 15-foot front yard minimum standard, and is a one story porch on a single-family home, the encroachment is not a significant departure from the physical development pattern of the block face or the neighborhood.

The narrow lot and the location of tree, deck, patio, and garage in the rear of the house create a practical difficulty to expansion of the house in those directions. In addition the deep average front yard setback of structures on the block face is a practical difficulty making it difficult to enclose the porch without encroachment.

In summary, the following are special circumstances about this property which should be considered: the house is subject to a deeper setback requirement than normally required in R-2 zoning districts (24.5 rather than 15 feet), if enclosed the setback would be similar to the neighboring property, and there would be no change in overall bulk of the house should the porch be enclosed.

For more information on the petitioner’s perspective and the petitioner’s responses to the six specific variance criteria questions listed in the following section please see the attached application (Exhibit F).

Variance Criteria

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

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

The narrow lot and the location of tree, deck, patio, and garage in the rear of the house create a practical difficulty to expansion of the house in those directions. The unusually deep average front yard setback of structures on the block face is also a practical difficulty to enclose the porch without encroachment. These particular conditions are not generally applicable to other properties in this district.

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

The petitioners have not created the practical difficulties in this case. The relatively narrow lot and location of existing tree, deck, patio, and garage in the rear yard offer building impediments. The average front yard setback regulation was instituted after they purchased the property in 1963.

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

Granting the variance would not alter the essential character of the neighborhood and would appear to have no adverse impacts on the adjacent properties or the neighborhood at large. The proposal is a one story porch on a single-family home. The encroachment is not a significant departure from the physical development pattern of the block face or the neighborhood.

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

The proposed variance would not create a nuisance for the neighboring property. The encroachment of the new enclosed porch in the front yard setback would have no significant effect on neighboring properties.

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

The proposal is to enclose the existing slab porch. Once enclosed it would encroach 5.5 feet into the average setback on the block but remain outside the R-2 district minimum required front yard of 15 feet. With the proposed variance the depth of the enclosed porch would be nearly the same as the neighboring house to the east.

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

The narrow lot and the location of tree, deck, patio, and garage in the rear of the house create a practical difficulty to expansion of the house in those directions. In addition the deep average front yard setback of structures on the block face is a practical difficulty making it difficult to enclose the porch without encroachment.

Staff Findings

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

1. The proposed variance would allow an enclosed porch to be built with a 5.5-foot encroachment into the 24.5 foot average front yard setback on the block face.

2. The proposed enclosed front porch would be located approximately 19 feet from the front lot line which would be outside the normal minimum required front yard of 15 feet in R-2 zoning districts and consistent with an adjacent property.
3. The proposal is consistent with the 2005 Urbana Comprehensive Plan designation of “Residential” for the area.
4. The proposal is a renovation of a single-family home and so is compatible with the Comprehensive Plan strategy to preserve the single-family character of the neighborhood.
5. Granting the variance would have no adverse impacts on the adjacent properties or the neighborhood at large as the overall bulk and footprint of the house/porch would not change.
6. Granting a variance would not extend a special privilege to the petitioner because there are practical difficulties with the property in terms of the narrow lot; location of tree, deck and garage at the rear of the house; and the unusual depth of the average block face.
7. The proposed variance would not create a nuisance for the neighboring property. The encroachment of the new enclosed porch would have no significant effect on neighboring properties.

Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may approve the variance as requested based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may approve the variance with certain terms and conditions. If the Board of Appeals elects to set conditions of approval, or approve the variance on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Recommendation

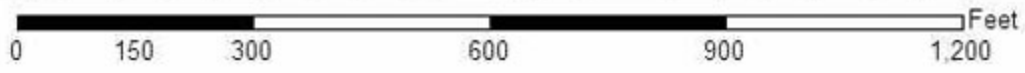
Based on the findings outlined herein, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Urbana Zoning Board of Appeals **APPROVE** a front yard setback variance in #ZBA Case 2006-MIN-02.

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

cc: Leon and Judith McCulloh
 403 W. Oregon Street
 Urbana, IL 61801

Location Map

EXHIBIT "A"

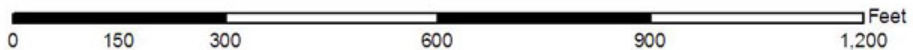
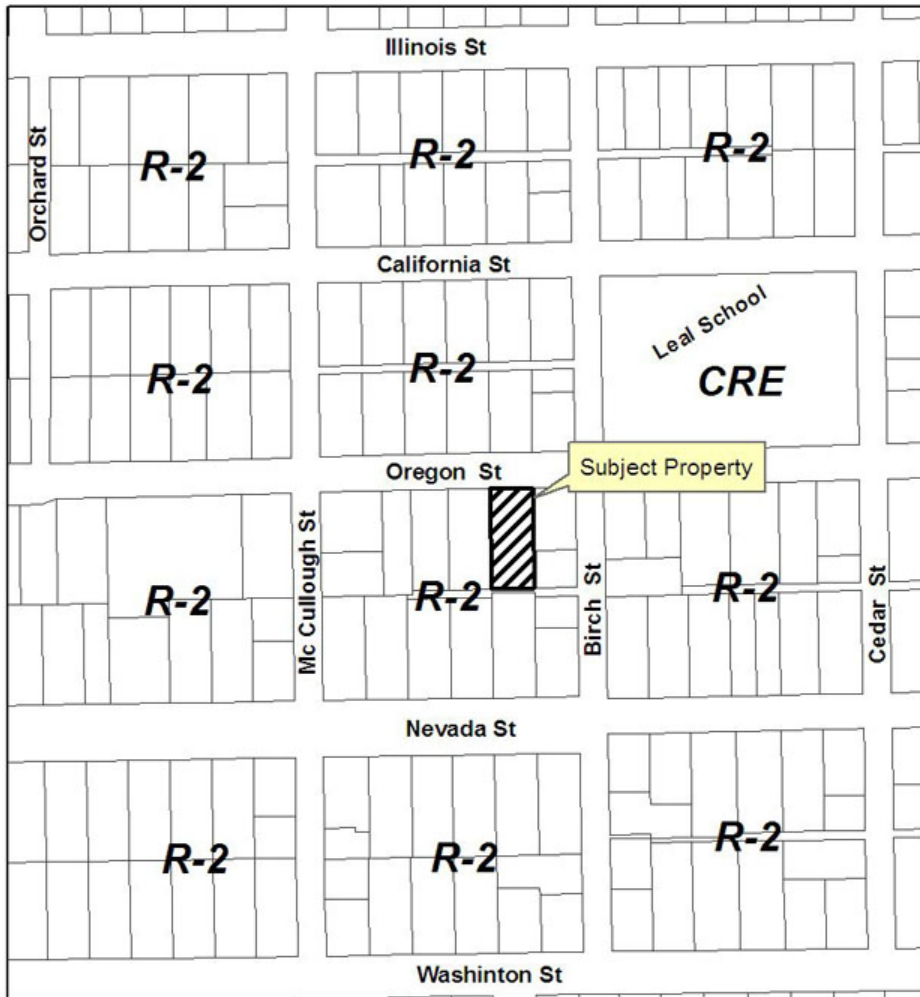


ZBA Case: 2006-MIN-02
Subject: Minor Variance to permit the construction of an enclosed porch with a 5.5 foot encroachment into the 24.5 foot average front yard setback
Location: 403 W. Oregon Avenue
Zoning District: R-2, Single-Family Residential
Petitioners: Leon and Judith McCulloh

Prepared 09/27/06 by Community Development Services - pal

Zoning Map

EXHIBIT "B"



ZBA Case: 2006-MIN-02

Subject: Minor Variance to permit the construction of an enclosed porch with a 5.5 foot encroachment into the 24.5 foot average front yard setback

Location: 403 W. Oregon Avenue

Zoning District: R-2, Single-Family Residential

Petitioners: Leon and Judith McCulloh

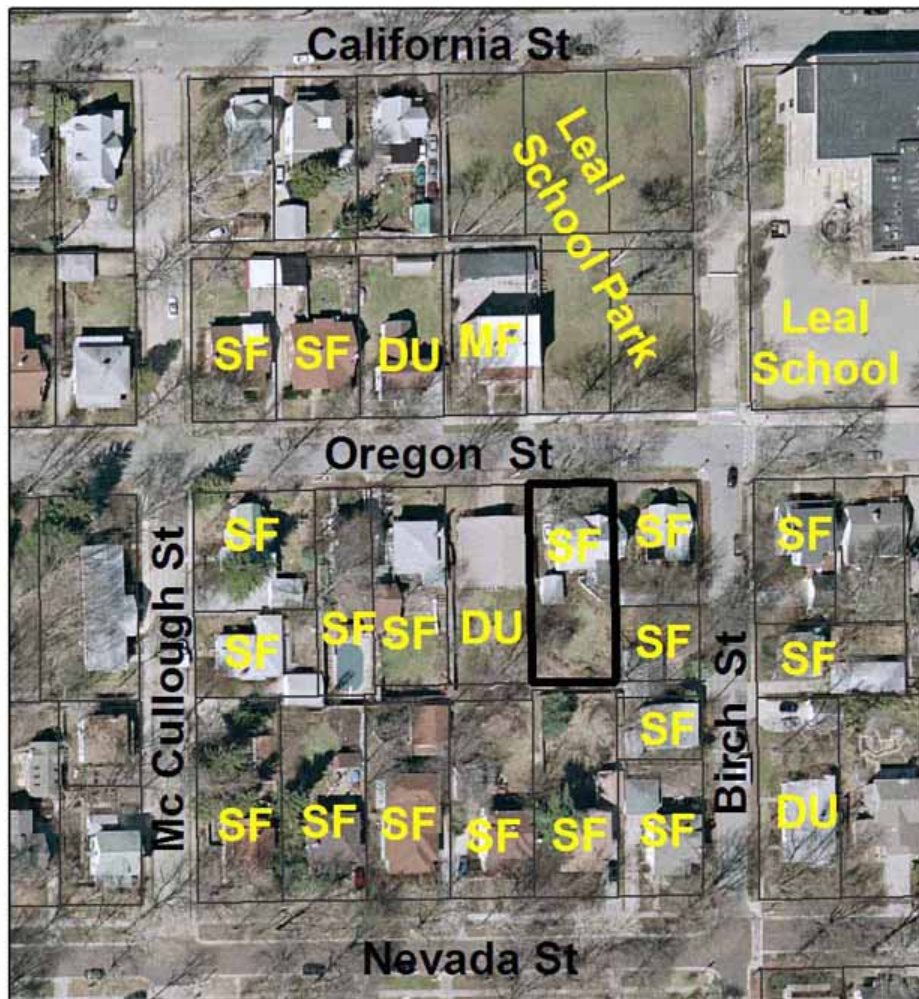
Prepared 09/27/06 by Community Development Services - pal

R-2, Single Family Residential

CRE, Conservation-Recreation-Education

Existing Land Use w Aerial Photo

EXHIBIT "C"



ZBA Case: 2006-MIN-02

Subject: Minor Variance to permit the construction of an enclosed porch with a 5.5 foot encroachment into the 24.5 foot average front yard setback

Location: 403 W. Oregon Avenue

Zoning District: R-2, Single-Family Residential

Petitioners: Leon and Judith McCulloh

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SF, Single Family Home

DU, Duplex

MF, Multi-family Apartment

Future Land Use Map

EXHIBIT "D"

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

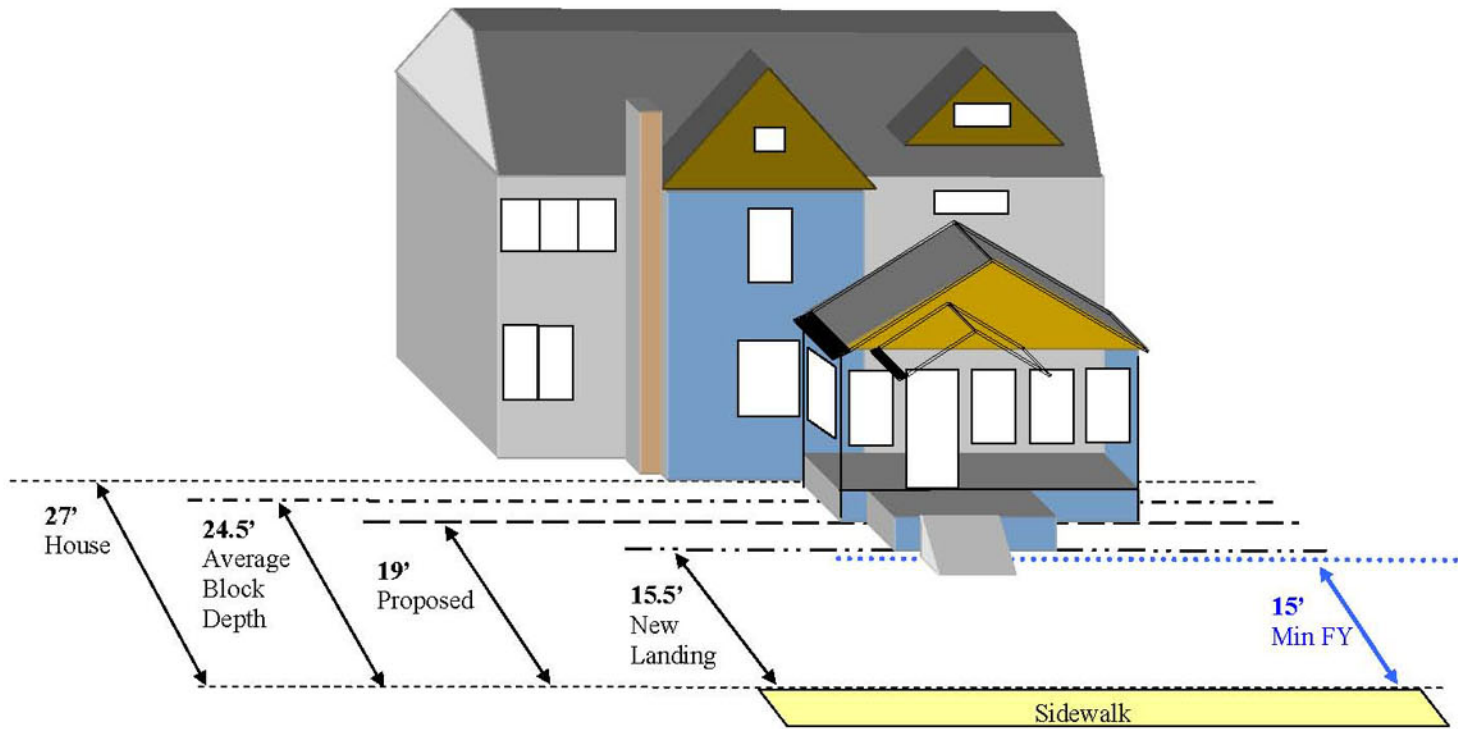


ZBA Case: 2006-MIN-02
Subject: Minor Variance to permit the construction of an enclosed porch with a 5.5 foot encroachment into the 24.5 foot average front yard setback
Location: 403 W. Oregon Avenue
Zoning District: R-2, Single-Family Residential
Petitioners: Leon and Judith McCulloh

Prepared 09/27/06 by Community Development Services - pal

ZBA Case#: 2006-MIN-02
Subject: Minor Variance - Enclosed Porch 23% (5.5-ft) Average Front Yard Encroachment
Location: 403 W. Oregon
Petitioner: Judith Mc Culloh

Prepared by Community Development Services - Not exactly to scale



Site Schematic - Proposed

EXHIBIT "E"



1 Full façade



2 View shows depth from sidewalk