



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: Rebecca Bird, Planning Associate

DATE: September 11, 2008

SUBJECT: ZBA-2008-MAJ-08: A request by Robert Wyer for a major variance to build a 3-foot addition onto an existing garage that will encroach approximately 15 feet into a required 25-foot front yard setback at 401 West Delaware Avenue in the R-1, Single-Family Residential District

Introduction and Background

Robert Wyer is requesting a major variance to build a 3-foot addition onto an existing garage that will encroach into the required front yard of a residence on the corner of Delaware and Carle Avenues. Section VI-5.F.1 of the Urbana Zoning Ordinance states that the required front yard in the R-1 District shall not be less than the average depth of the front yards of all the lots on the block face, and shall be no less than 25 feet and no more than 60 feet. The existing garage is located along Carle Avenue. The average depth of front yards on the block face is less than the required minimum, which gives the subject property a required front yard of 25 feet.

Pursuant to Section XI-3.C.2.d.1 of the Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

The applicant is proposing to convert the existing garage, with the 3-foot addition, into habitable space and construct a new garage to be accessed from Delaware Avenue. In addition to ZBA-2008-MAJ-08, the applicant is also requesting a minor variance, ZBA-2008-MIN-02, for the new garage to encroach 25% into the required 29.5-foot front yard setback.

Description of the Site

The subject property – 401 W. Delaware Avenue -- is located on the southwest corner of Delaware and Carle Avenues. A single-family house with a garage, both fronting on Delaware Avenue, current exist on the property. The lot measures 127 feet by 115 feet (14,605 square feet).

There are seven properties on the south side of Delaware Avenue between Carle Avenue and Orchard Street including the subject property. The average actual building setback is 30.5 feet. (See following illustration.) The right-of-way along Delaware Avenue is 60 feet wide.

Setbacks on Delaware Avenue

Delaware Avenue							Carle Avenue
511	507	505	409	407	405	401	
29'	32'	34.83'	35.92'	31.17'	24'	26.25'	

Average Setback = 30.45' (30' 5")

There are two properties on the west side of Carle Avenue between Florida Avenue and Delaware Avenue. Neither property fronts on Carle Avenue, although the property directly east of the subject property does front on Carle (1602 S Carle Avenue). The average setback on this block of Carle Avenue is 12.98 feet, considerably less than the required 25 feet, making the required setback for the subject property along Carle Avenue is 25 feet. The right-of-way along Carle Avenue is 60 feet. There is no sidewalk on the west side of this block.

Setbacks on Carle Avenue

Delaware Avenue							Carle Avenue
						401	
						13.25'	
						402	
						12.71'	
Florida Avenue							

Average Setback = 12.98' (12' 11.76")

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature and is zoned R-1, Single-Family Residential. Located one block south of the subject property is the Orchard Downs Apartment complex,

a family and graduate housing complex for the University, zoned CRE, Conservation, Recreation, and Education.

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-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
North	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
East	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
South	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
West	R-1, Single-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “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.”

Discussion

The petitioner wants to connect the existing garage at 401 W. Delaware Avenue to the house and convert it into a bedroom, full bathroom, and mechanical room. In order to accommodate this conversion, the petitioner is requesting a major variance to construct an addition to enlarge the existing garage. The petitioner is requesting to “bump out” the existing garage 3 feet, towards Carle Avenue. The petitioner has explained that the house currently does not have a bedroom with full bath on the ground floor and that the limited mobility of his wife requires these facilities on the ground floor. This addition would add 54 square feet of space to accommodate the conversion and would bring the garage in line with the existing wall plane of the house.

The petitioner is also requesting a minor variance to construct a new garage along the Delaware Avenue side of the property. (See ZBA Case No. 08-MIN-02 for further discussion.)

The subject property is located on a corner lot. The Urbana Zoning Ordinance (Section VI-5.E) requires lots having frontage on two streets to have a required front yard on each frontage. The lot, platted many years ago, was not platted to accommodate a required front yard along Carle Avenue.

The average setback along the Carle Avenue block face is 13 feet, but the required setback is 25 feet. The house sits 13.2 feet from the property line and the garage is currently 16.2 feet from the property line. The proposed addition will bring the garage in line with the house.

Currently a covered walkway connects the existing garage and the house. The petitioner plans to enclose the walkway to connect the converted garage with the house. The walkway is not located in the required setback.

Converting the existing garage to habitable space would require removing the curb cut on Carle Avenue and providing a minimum of two on-site parking spaces elsewhere. The property owner has applied for an additional variance in ZBA Case No. 08-MIN-02 to build a garage to be accessed from Delaware Avenue to order to provide the minimum required on-site parking.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*

According to the applicant, building into the existing rear yard would be problematic because it would “block off the daylight into the living room and family room windows and interfere with visibility from those windows. It would also decrease the aesthetic appeal of the property and yard – both of which add to the value of the property and make it a desirable part of Urbana.”

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 applicants state that they need to create more living space on the first floor of the home for medical reasons and that extending to the rear of the property would unacceptably encroach into their well-landscaped side/rear yard and block sunlight from living room and family room windows.

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

Again, the applicants state that they need to create more living space on the first floor of the home for medical reasons and that extending to the rear of the property would unacceptably encroach into their well-landscaped side/rear yard and block sunlight from living room and family room windows.

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

According to the applicant, “We simply would like to add the 54 sq. ft. to gain a bit more room in our finished out area as well as bringing it out even with the plane of the house.”

City staff finds that this variance would not alter the essential character of the neighborhood because the building addition, although to the front of the existing structure, will only extend the wall three feet,

adding just 54 square feet in floor area, and that the new setback line would place this portion of the house no closer to the front property line than the existing home. The new setback would be approximately 2-3 inches in front of the average setback along the street.

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

The building would be enlarged by 54 square feet into a front-yard setback. The enlargement would be in line with the rest of the house and would extend approximately 2-3 inches in front of the average setback along the street. City staff does not find that doing so would cause a nuisance to the adjacent properties.

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

City staff finds that enlargement of the building by 54 square feet into a front-yard setback, when the enlargement would be in line with the rest of the house, would represent the minimum deviation from the Zoning Ordinance requirements to accommodate the request.

Summary of Findings

City staff recommends the following findings in this case:

1. The petitioner is proposing to build a 3-foot addition onto the east side of the existing garage along Carle Avenue in order to convert the garage into habitable space;
2. The average setback along Carle Avenue 13 feet. The required setback is 25 feet;
3. The house is set back 13.2 feet. The existing garage is set back 16.2 feet;
4. The proposed addition will bring the garage in line with the house;
5. Allowing the proposed addition would not serve as a special privilege;
6. The proposed addition would not alter the essential character of the neighborhood; and
7. The proposed addition would not cause a nuisance to the adjacent property.

Options

The Zoning Board of Appeals has the following options in minor variance case ZBA-2008-MAJ-08:

- a. Recommend approval of the variance as requested based on the findings outlined in this memo;
- b. Recommend approval of the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or

- c. Recommend denial of the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward major variance Case ZBA-2008-MAJ-08 to the Urbana City Council with a recommendation for **APPROVAL** and with the following conditions:

1. The addition shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto.
2. The petitioner shall close the curb cut along Carle Avenue.
3. The property owner shall provide 2 on-site parking spaces as required by the Urbana Zoning Ordinance.

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Existing Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Site Photos
 Exhibit E: Application

cc: Robert Wyer, property owner 714 S Urbana Ave, Urbana, IL 61801
 Randy Donoho, contractor 601 W Delaware Ave, Urbana, IL 61801
 Alice Novak

EXHIBIT A: Location Map



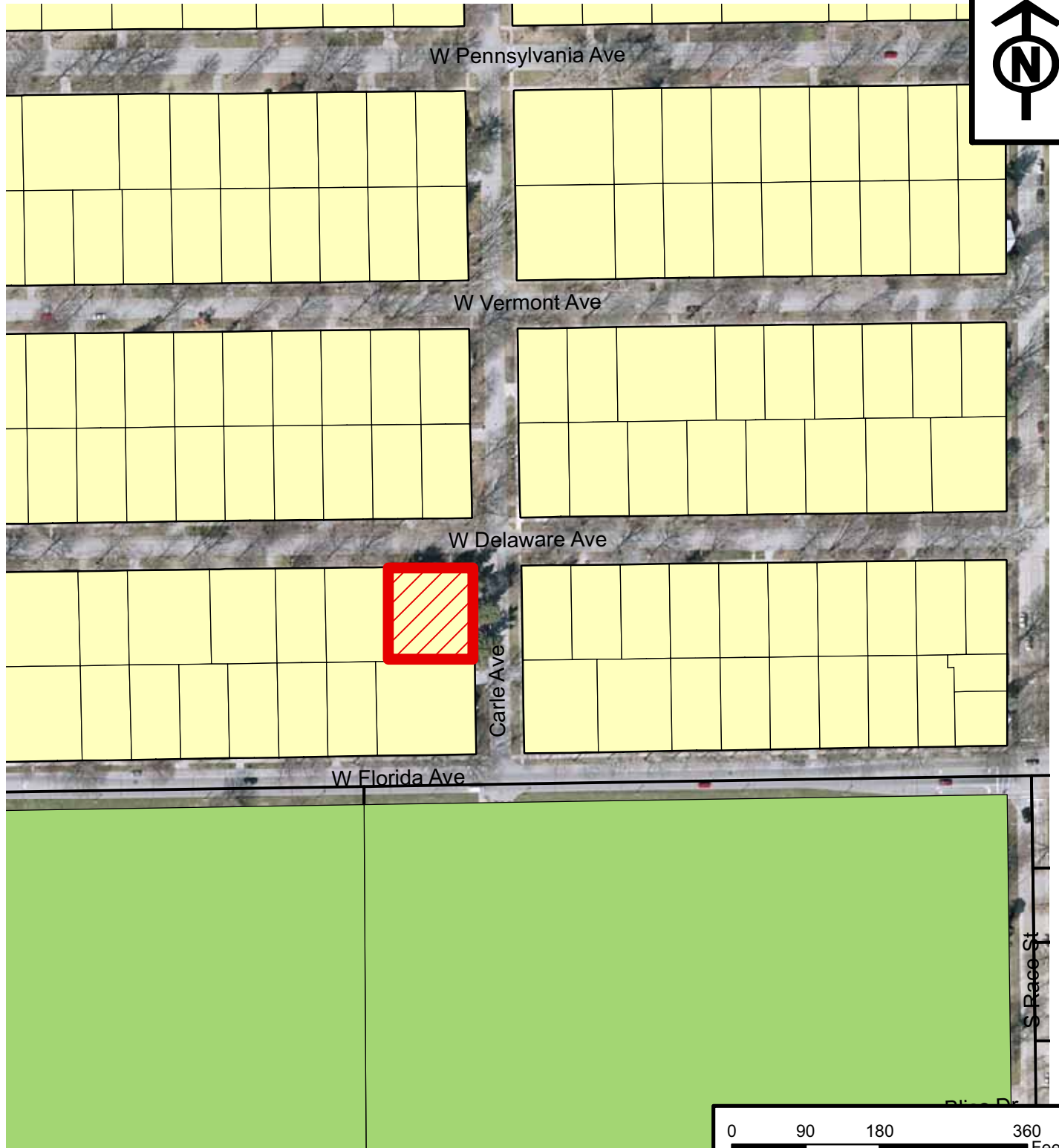
Plan Case: 2008-MIN-02
Petitioner: Robert Wyer
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend

 Subject Property

EXHIBIT B: Zoning Map



Plan Case: 2008-MIN-02
Petitioner: Robert Wyr
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend




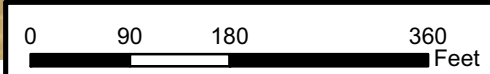
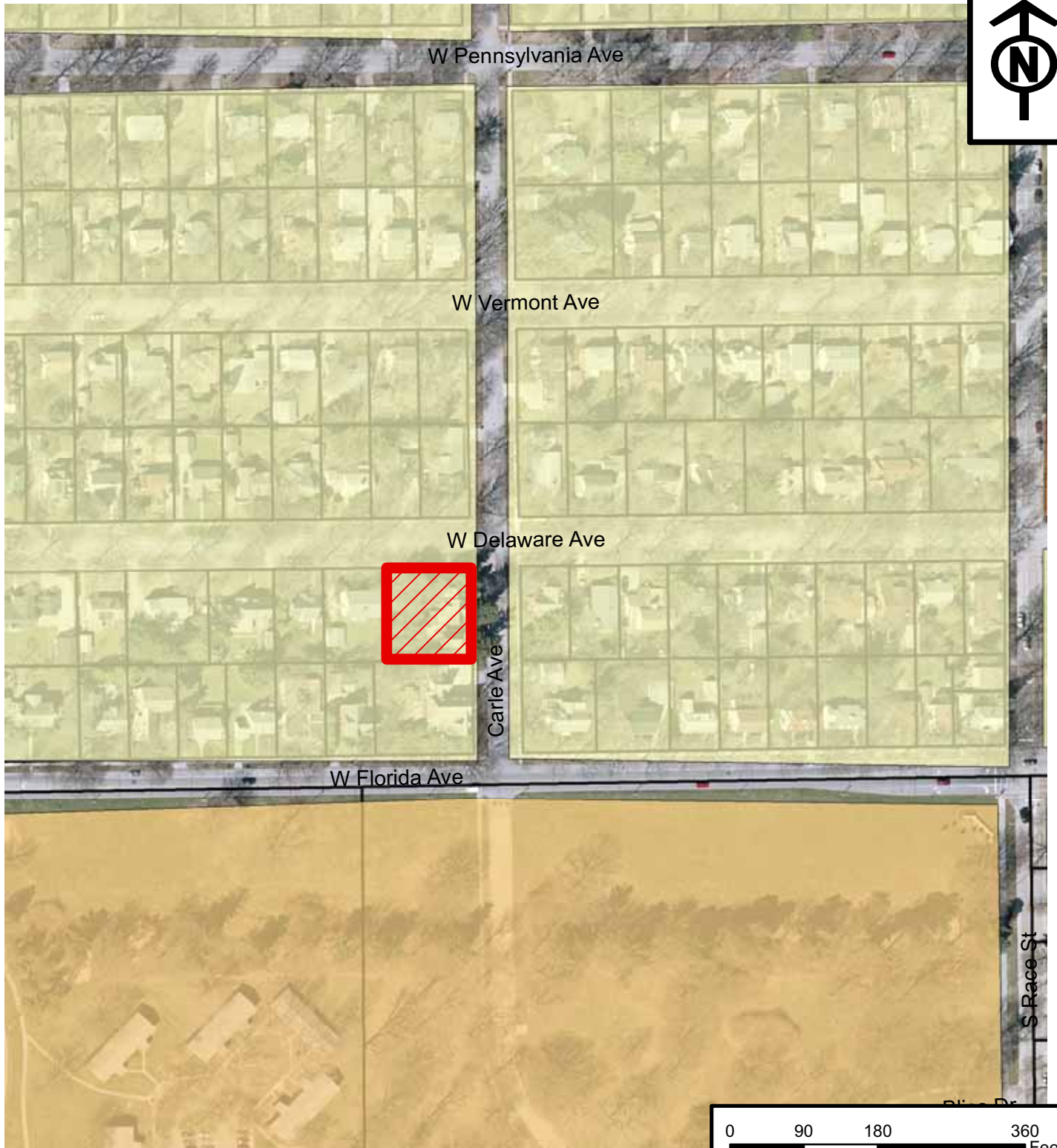
-  Subject Property
-  R1
-  CRE

EXHIBIT C: Future Land Use Map



Plan Case: 2008-MIN-02
Petitioner: Robert Wyer
Location: 401 West Delaware Avenue
Description: Request for a Minor Variance to encroach up to 25% in to the Required Front Yard

Prepared 08/08 by Community Development Services - rlb

Legend




-  Subject Property
-  Residential
-  Mixed Residential

EXHIBIT D: Site Photos

Photos for ZBA-2008-MIN-02

3-foot garage addition



Subject property, looking southwest



Existing garage along Carle Avenue. Proposed 3-foot addition would bring garage in line with house



Close-up of garage

Photos for ZBA-2008-MAJ-08

proposed new garage



Delaware Avenue frontage, from corner of Carle and Delaware



Delaware Avenue frontage, proposed garage location

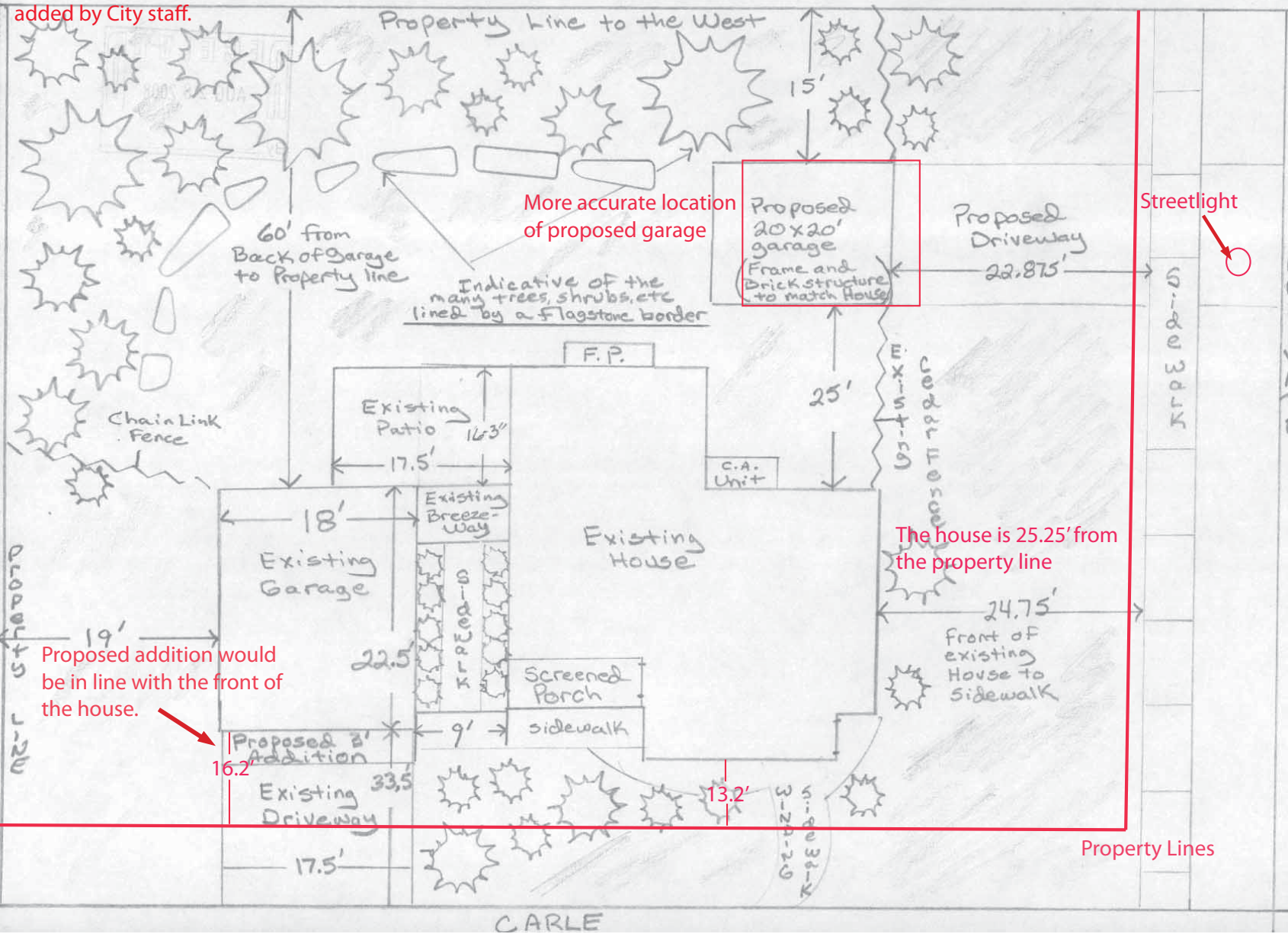


Delaware Avenue frontage, with house to the west

SITE PLAN FOR 401 W. DELAWARE AVE
 Notations in red were added by City staff.

WYER JOB - 401 W. Delaware

NOT TO SCALE - N →



1. WYER lot is a lot and a half, measuring 127x115' 14,605 sq. ft.
2. from the front of existing garage is presently 33.5' to the curb on Carle side
3. after proposed addition to the front of existing garage, distance from it to the curb would be 30.5' approximately.
4. the 22.875' from proposed garage to sidewalk represents the maximum 25% Variance allowable
5. the neighbors house to the west is another 21' to the house from the property line, resulting in a distance of 36' from proposed garage to neighbors house
6. Proposed garage would only result in the removal of 2 or 3 small trees
7. Wyer house sits on South/West corner of Carle & Delaware