



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: Jeff Engstrom, Planner II

DATE: May 16, 2014

SUBJECT: ZBA-2014-MIN-01: A request by Barbara and Susan Farner to grant a Minor Variance to construct a sun room that encroaches no more than four feet, two inches into the required 16-foot, eight-inch front yard at 1806-1808 South Anderson Street in the R-3, Single and Two Family Residential Zoning District.

Introduction and Background

Barbara and Susan Farner are requesting a minor variance to build an addition encroaching no more than four feet, two inches into a required front yard of a duplex residence at 1808 South Anderson Street. The required front yard on this block face is sixteen feet, eight inches. 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.

The subject property is a duplex residence. The proposed sun-room addition would be located on the south side of the south unit.

Description of the Site

The subject property is located on the northeast corner of Anderson Street and Evergreen Circle. The lot is irregularly-shaped with a width of 78.55 feet along the southern end. The lot area is 15,832 square feet, and the two attached duplex units total roughly 4,500 square feet, including the attached garages. The property faces and has access drives off of Anderson Street. Along Evergreen Circle is a second front yard that essentially serves as a side yard. The proposed sun room addition would extend into this second front yard.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property is surrounded in all directions by single-family homes and duplexes, zoned R-1, Single-Family Residential and R-3, Single and Two Family Residential.

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	Duplex Residence	Residential – Suburban Pattern
North	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Suburban Pattern
East	R-1, Single-Family Residential	Single Family Residence	Residential – Suburban Pattern
South	R-3, Single and Two-Family Residential	Duplex Residence	Residential – Suburban Pattern
West	R-1, Single-Family Residential	Single Family Residence	Residential – Suburban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Suburban Pattern”. The plan defines the Residential Suburban 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 wants to construct a 12-foot by 16-foot addition on the south side of the southern duplex unit. The addition would serve to convert a fenced-in outdoor patio space into an indoor sun-room. The sun-room would extend 12 feet from the house and would be 16 feet wide. The addition would extend to within 12 feet, six inches of the property line. The required front yard setback in the R-3, Single-Family Residential District is based on the average of existing setbacks on the block face. Along this block face there are only three buildings: 1818 Anderson, 704, and 706 Evergreen Circle. The average of the setbacks along Evergreen Circle is 16 feet, eight inches. The existing front yard setback for the subject property is about 19 feet, six inches at the shallowest part. The petitioner is requesting a variance to reduce the required 16-foot, eight-inch front yard by 25 percent (four feet, two inches). 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.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. 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 configuration of the lot and adjacent right-of-way are factors that contribute to the need for the variance. The building is generally parallel with the curved front property line along Anderson Street, but is not parallel with the other three property lines. This causes the proposed addition to jut out into the required yard on the western portion of the lot. Also, the building is not centered along Anderson Street. Each duplex unit has a space alongside of it, but the north unit has a deeper space, about 23 feet from the north property line, while the south unit is only 19 and a half feet from the property line. However, the southern yard appears deeper because it is adjacent to a 15-foot deep parkway that has no sidewalk. The proposed addition would be set back at least 27 and a half feet from the curb.

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

The placement of the duplex within the subject lot was established decades ago. The county's aerial photos show the duplex and enclosed patio existed in 1973.

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

Although the proposed addition will be visible from the public street, it would not alter the essential residential character of the neighborhood. The structure would continue to be a single-family residential home in a neighborhood of single-family residential homes. The sun-room will be in the same exact location as the enclosed patio, therefore there will be very little impact on the neighborhood.

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

The petitioner states that variance will not cause a nuisance to adjacent properties.

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

The petitioner states that the requested variance is the minimum possible deviation to build an enclosed sun-room addition in the footprint of the existing fenced-in patio area.

Summary of Findings

In determining whether a 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. Table VI-3 of the Urbana Zoning Ordinance requires a front yard setback equal to the average for the block face, which is 16 feet, eight inches in this location in the R-3 Single and Two-Family Residential District;
2. The applicant proposes to build a sun-room addition in the same location as an existing fenced-in patio, which would encroach up to four feet, two inches into the required front yard along Evergreen Circle;
3. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege.
4. The situation was not created by the petitioner because the subject lot was developed more than 40 years ago.
5. The proposed addition will not alter the essential residential character of the neighborhood.
6. The proposed variance will not cause a nuisance to adjacent properties.
7. The requested variance is the minimum possible deviation to build the proposed addition to the home.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2014-MIN-01:

- a. Approve the variance as requested based on the findings outlined in this memo;
- b. Approve 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. Deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

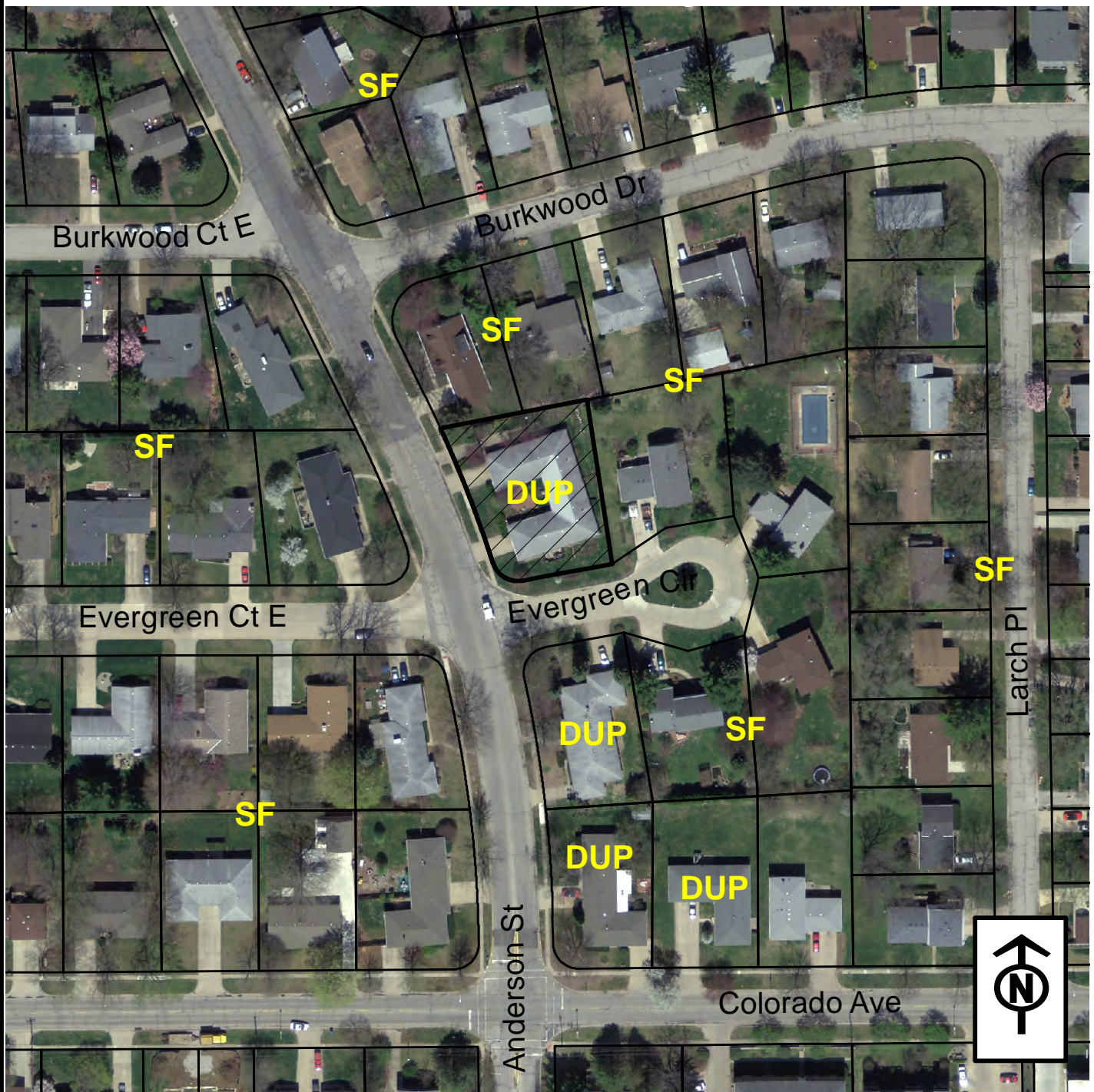
Based on the criteria for reviewing variance requests, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** minor variance Case ZBA-2014-MIN-01, subject to the following condition:

- The addition shall not exceed the 12-foot by 16-foot footprint, as shown in the application.

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

Cc: Barbara and Susan Farner, petitioners

EXHIBIT A: LOCATION & LAND USE MAP

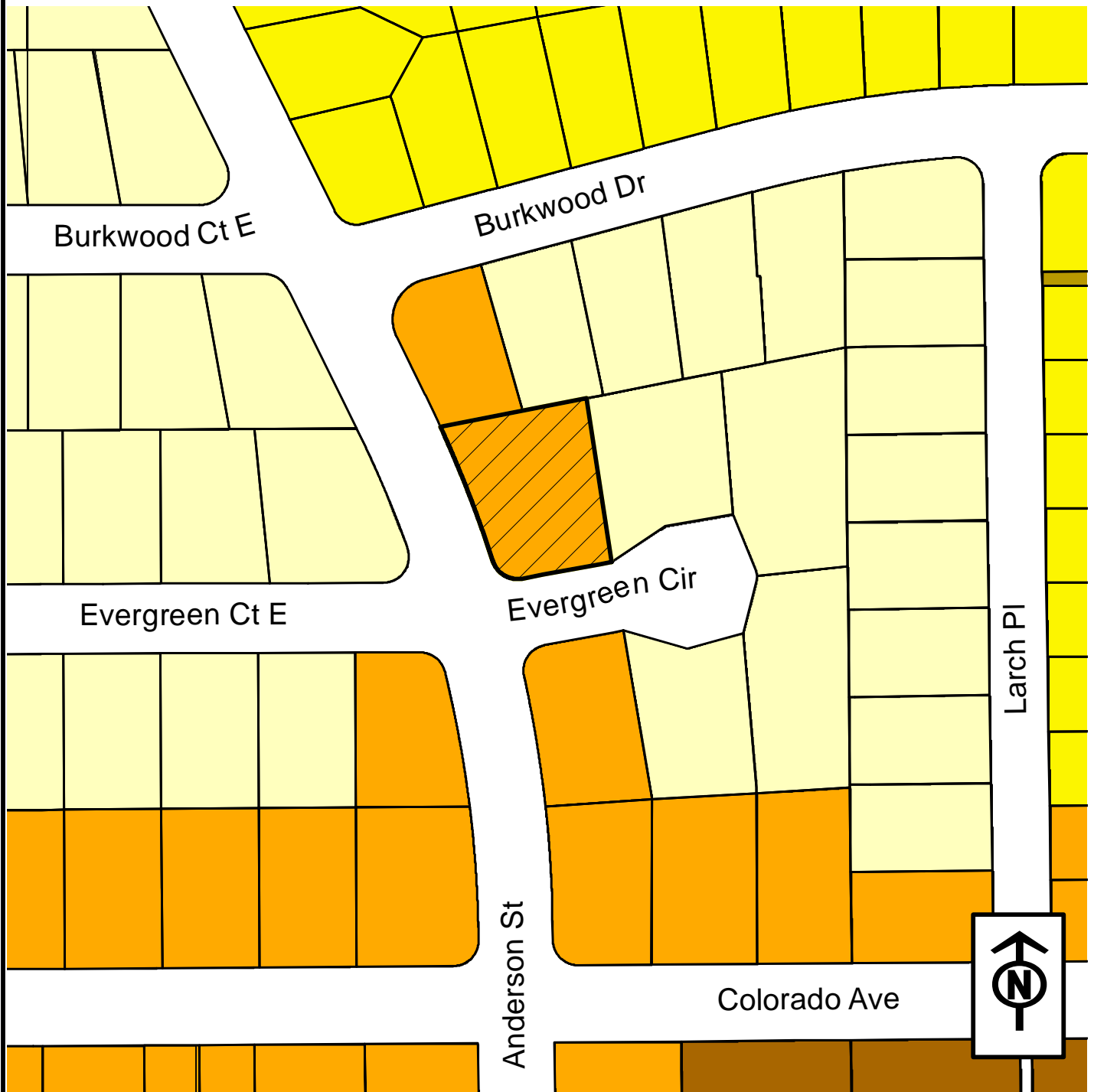


Case: ZBA-2014-MIN-01
Subject: Application for Minor Variance to allow
Sunroom to encroach 4'2" into front yard
Location: 1818 S. Anderson St
Petitioner: Farner

 Subject Property

Prepared 05/05/2014 by Community Development Services - jme

EXHIBIT B: ZONING MAP



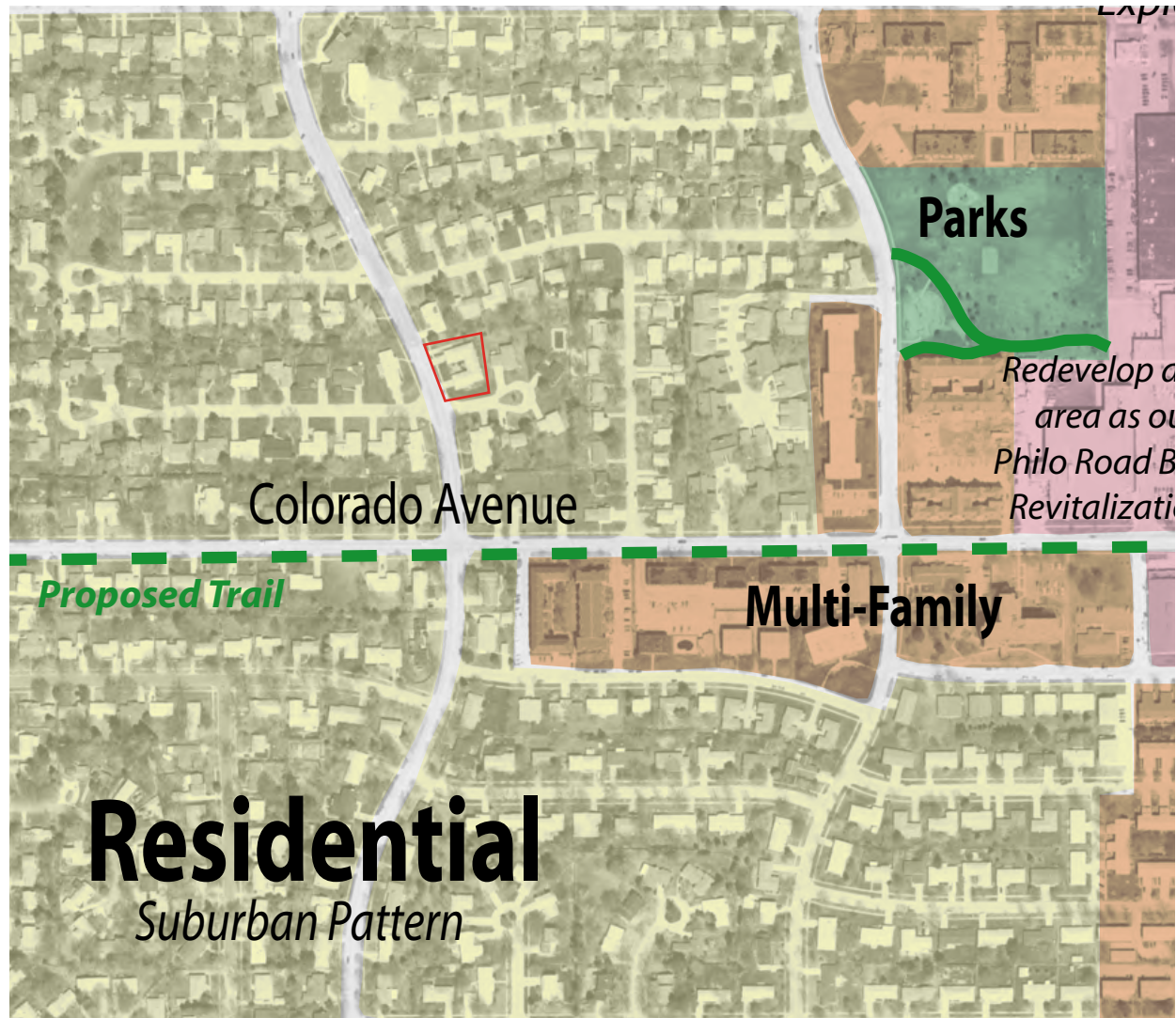
Case: ZBA-2014-MIN-01
 Subject: Application for Minor Variance to allow
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 Petitioner: Farner

Prepared 05/05/2014 by Community Development Services - jme

 Subject Property

 R1  R3
 R2  R5

EXHIBIT C: FUTURE LAND USE MAP



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Subject: Application for Minor Variance to allow
Sunroom to encroach 4'2" into front yard
Location: 1818 S. Anderson St
Petitioner: Farner

 Subject Property

Prepared 05/05/2014 by Community Development Services - jme



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 04-28-2014 ZBA Case No. ZBA-2014-MIN-01
 Fee Paid - Check No. 1909 Amount \$150.00 Date 04-28-2014

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)* SUN ROOM to encroach up to 4.17' into 16.7' 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): **BARBARA AND SUSAN FARNER** Phone: **217/954-0294**
 Address (street/city/state/zip code): **1808 SOUTH ANDERSON STREET/URBANA/ILLINOIS/61801**
 Email Address: **FARNERB@ILLINOIS.EDU**
 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: **1808 S. ANDERSON ST URBANA ILLINOIS**
 PIN # of Location: **93-21-21-106-006**

Lot Size: _____

Current Zoning Designation: **R-3**

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

Proposed Land Use: **RESIDENCE**

Legal Description: ADDITION OF SUNROOM ON EXISITING HOME

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.

BUILDING SUNROOM, BY CRAMER SIDING, AT REAR (SOUTH) OF HOME.
ROOM TO BE 12 FEET PROJECTION BY 16 FEET IN WIDTH. THIS IS THE SAME
SIZE AS THE CURRENT PRIVACY FENCE WITH PAD (SEE PICTURE).

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.

PRIVACY FENCE (SEE PICTURE) AND PROPOSED SUNROOM ARE 29 FEET
FROM CURB.

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

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

THE NEW SUNROOM WILL BE NO LARGER THAN CURRENT PRIVACY FENCE
AND WILL ENHANCE THE BEAUTY OF OUR BACK YARD.

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

AGAIN, THE PROPOSED SUNROOM WILL BE NO LARGER THAN EXISTING
PRIVACY FENCE.

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

I THINK, SINCE THE PROPOSED ROOM WILL BE SIMILAR TO SIZE OF PRIVACY
FENCE, IT WILL REQUIRE MINIMAL DEVIATION.

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

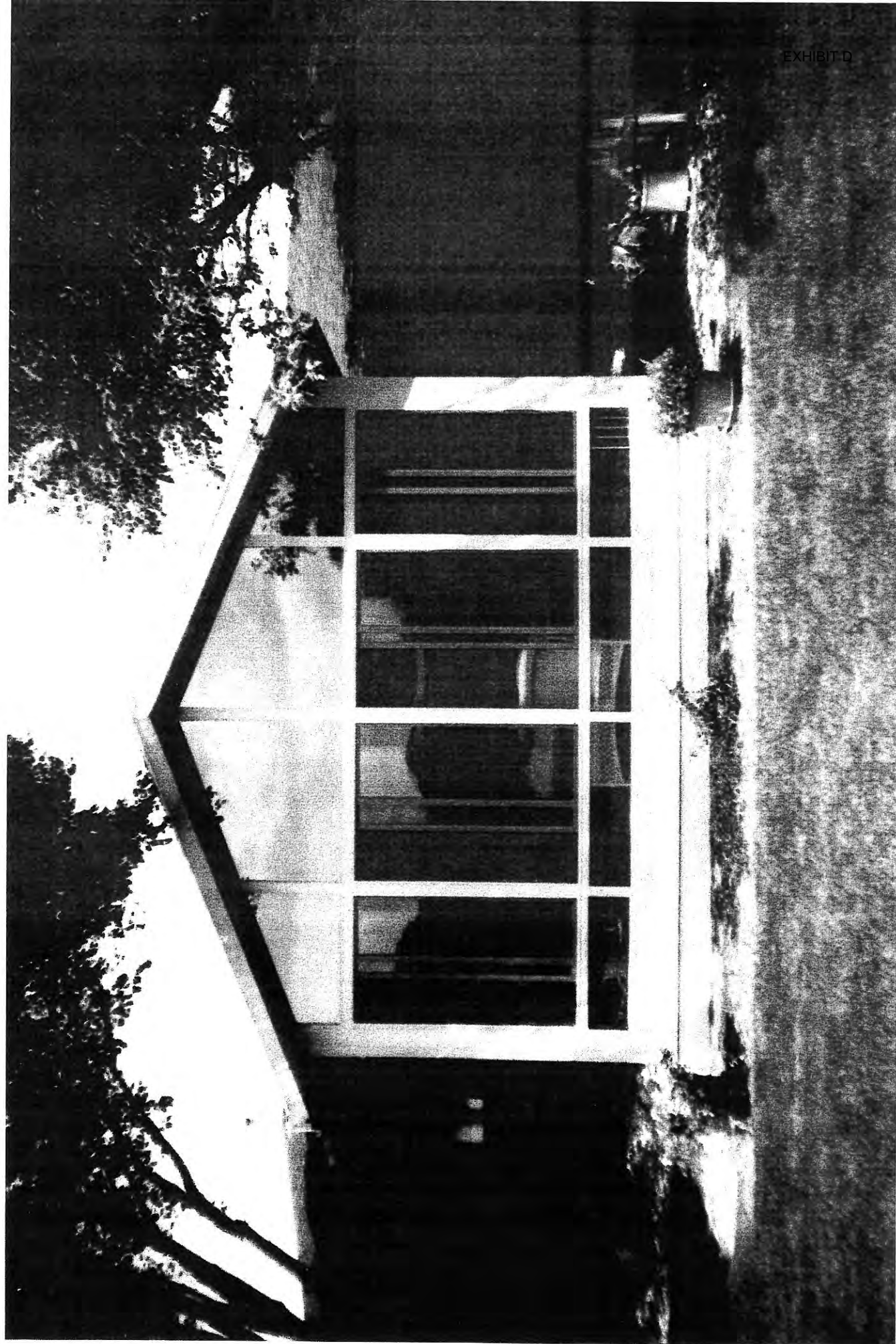
I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Barbara Farmer
Applicant's Signature

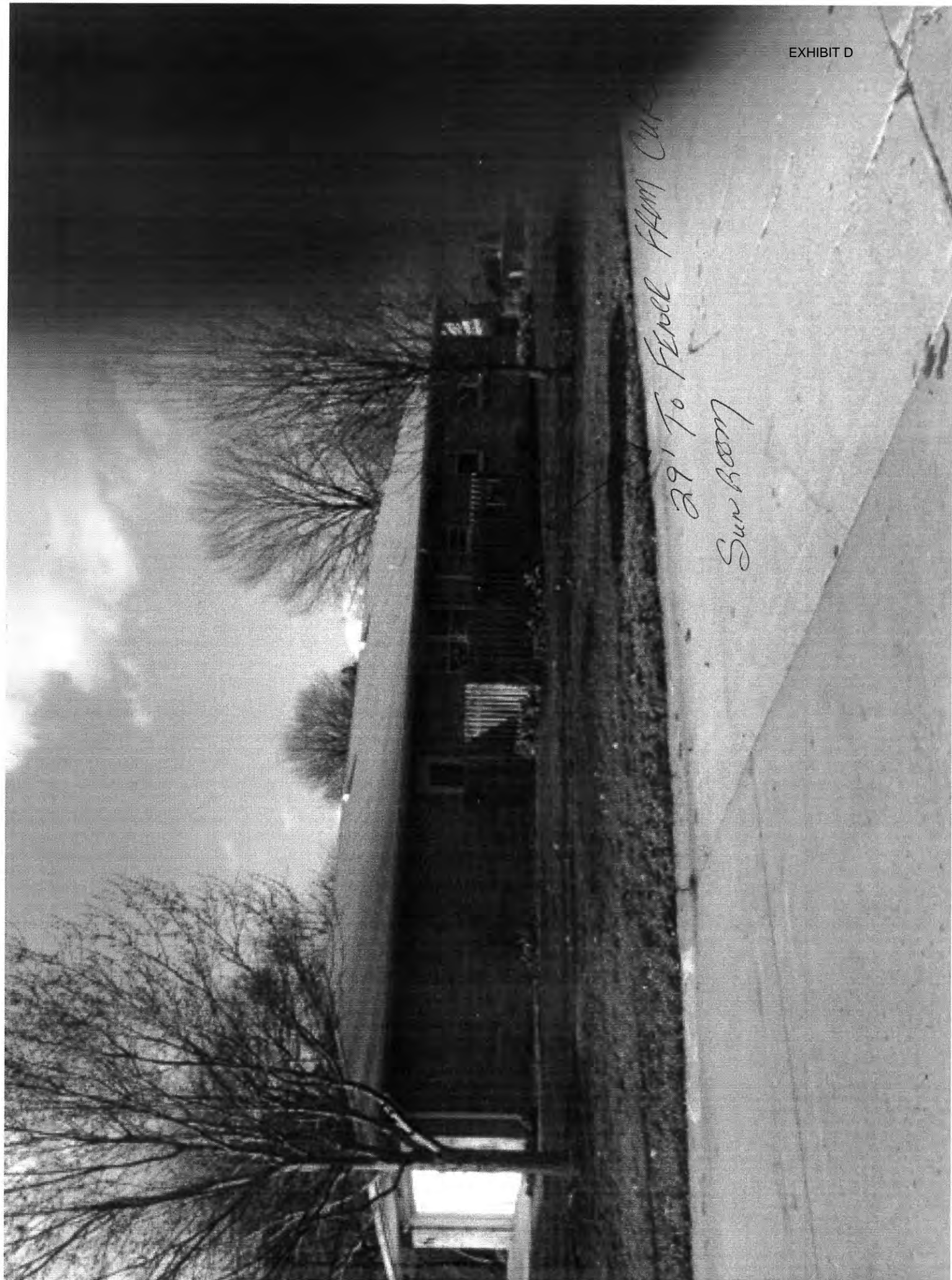
4/28/2014
Date

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



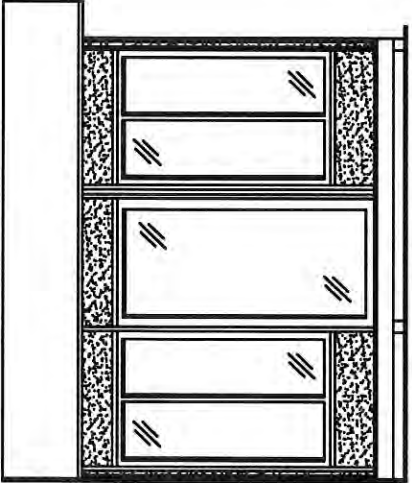
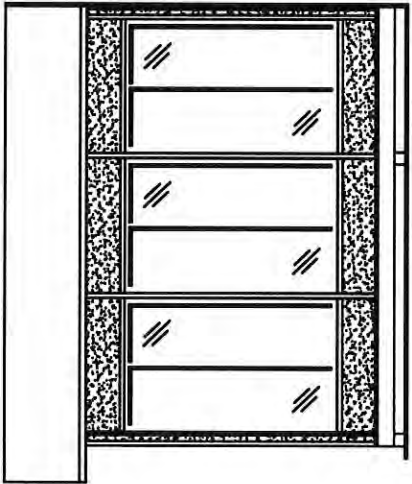
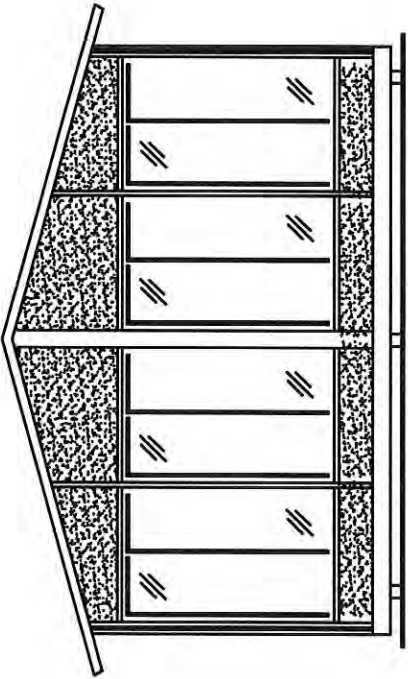
29' To Fivel from Cur
Sun beam



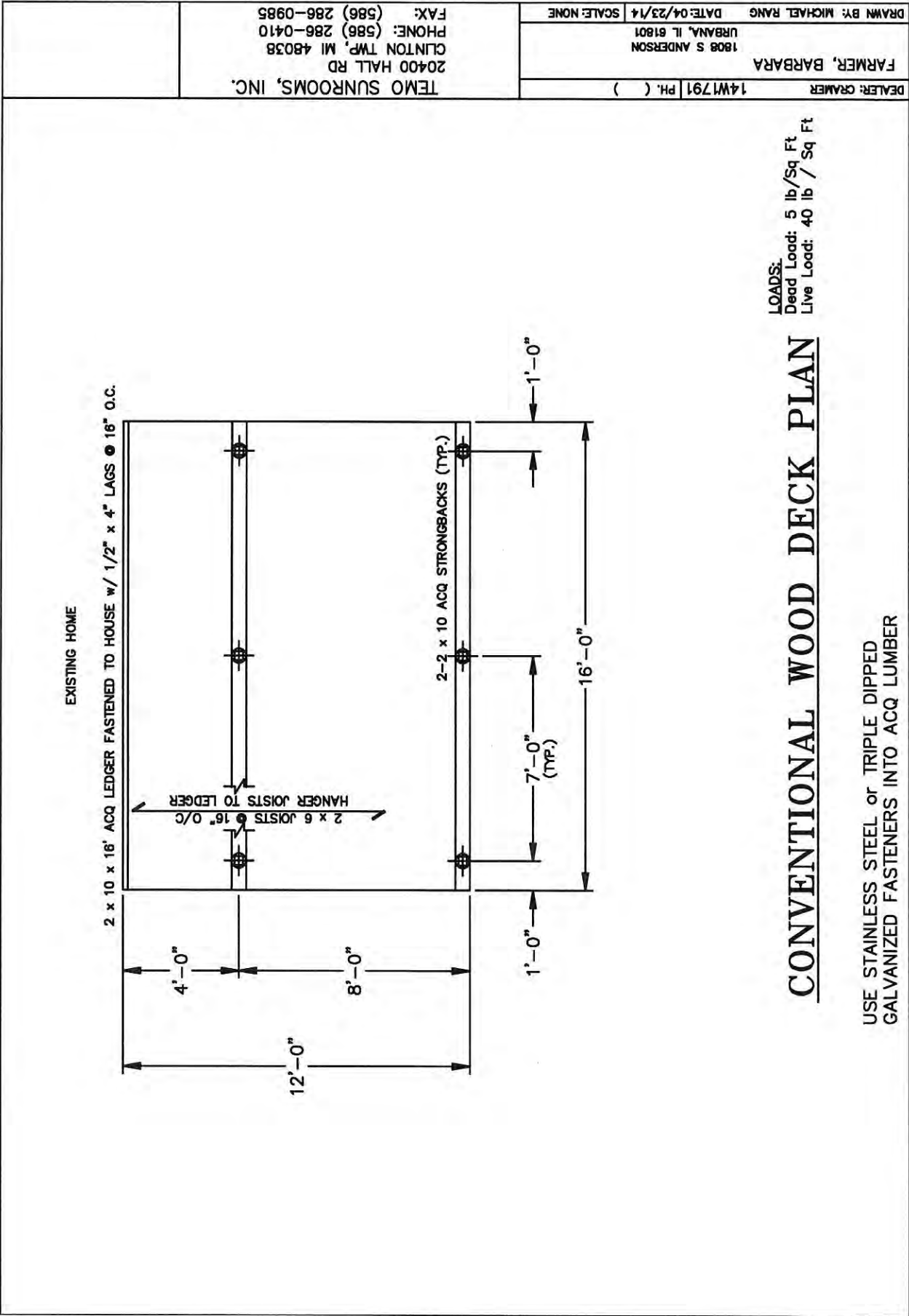


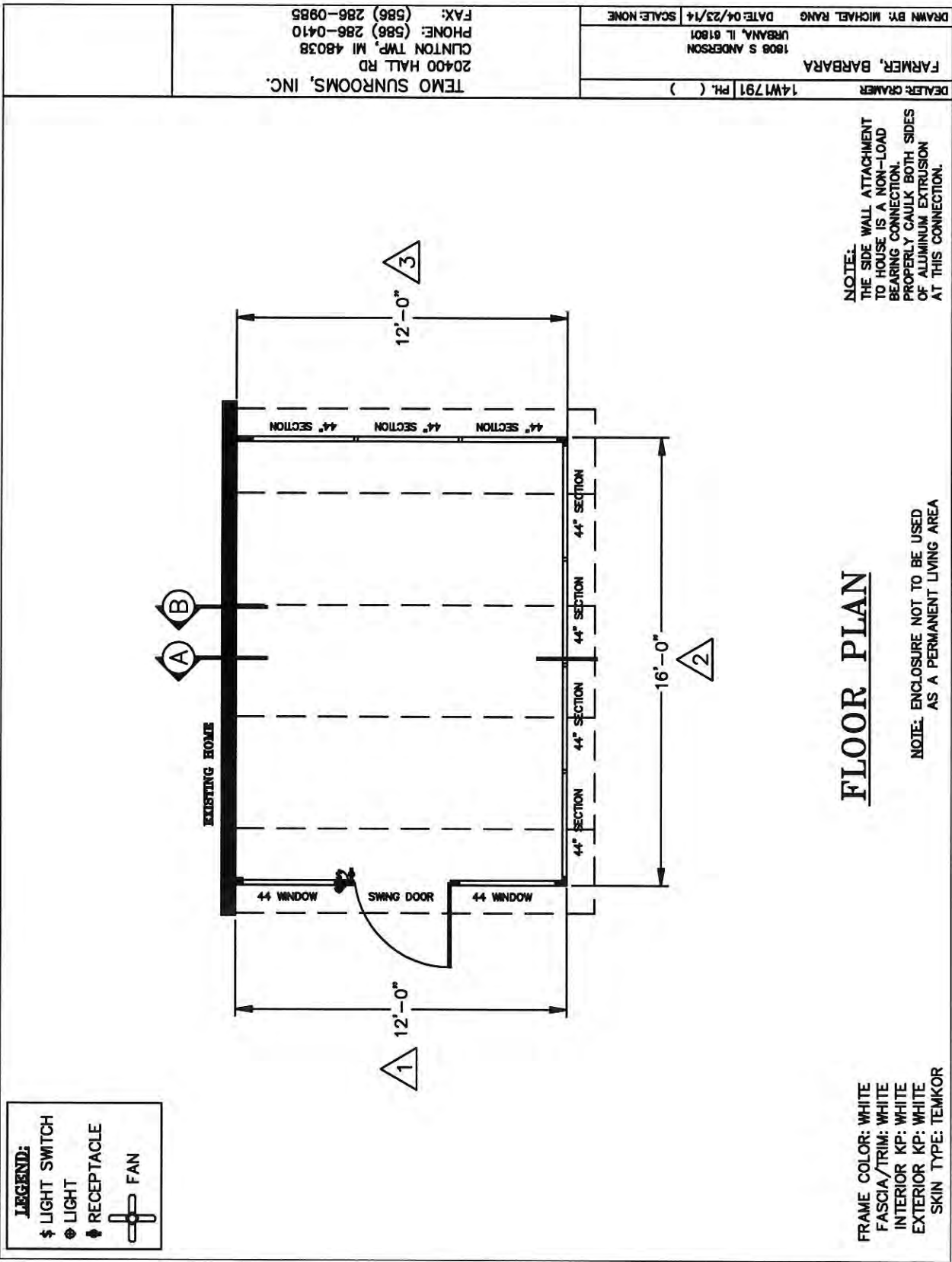
ELEVATIONS

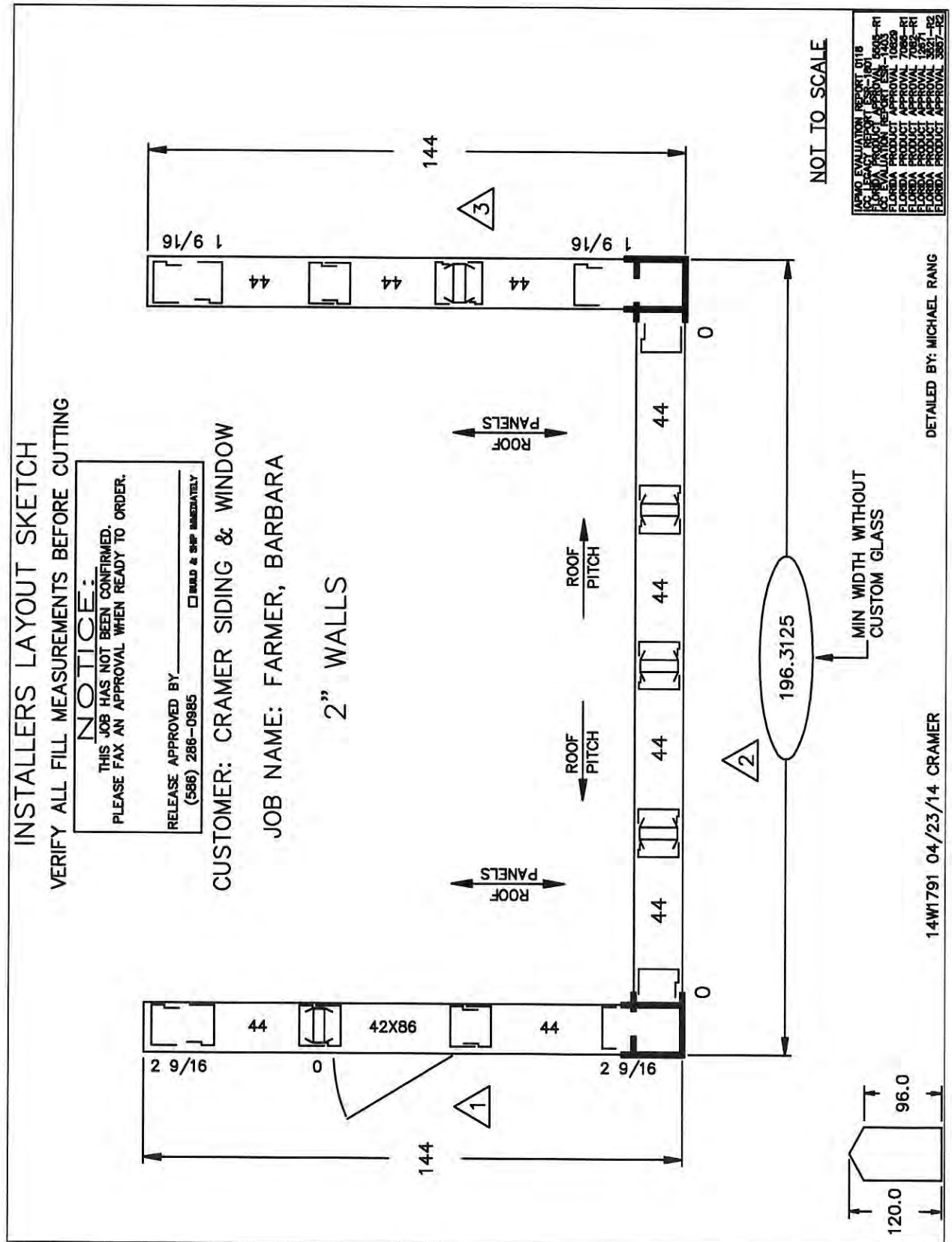
ALL TEMO SUNROOMS ARE
DESIGNED IN ACCORDANCE
WITH THE 2009 IRC.
NOTE: ALL OPERATING GLAZING
PRODUCTS SUPPLIED BY TEMO
SUNROOMS INCLUDE TEMPERED
HFC-2000 GLASS THAT CONFORMS
WITH SECTION R308 OF THE IRC.

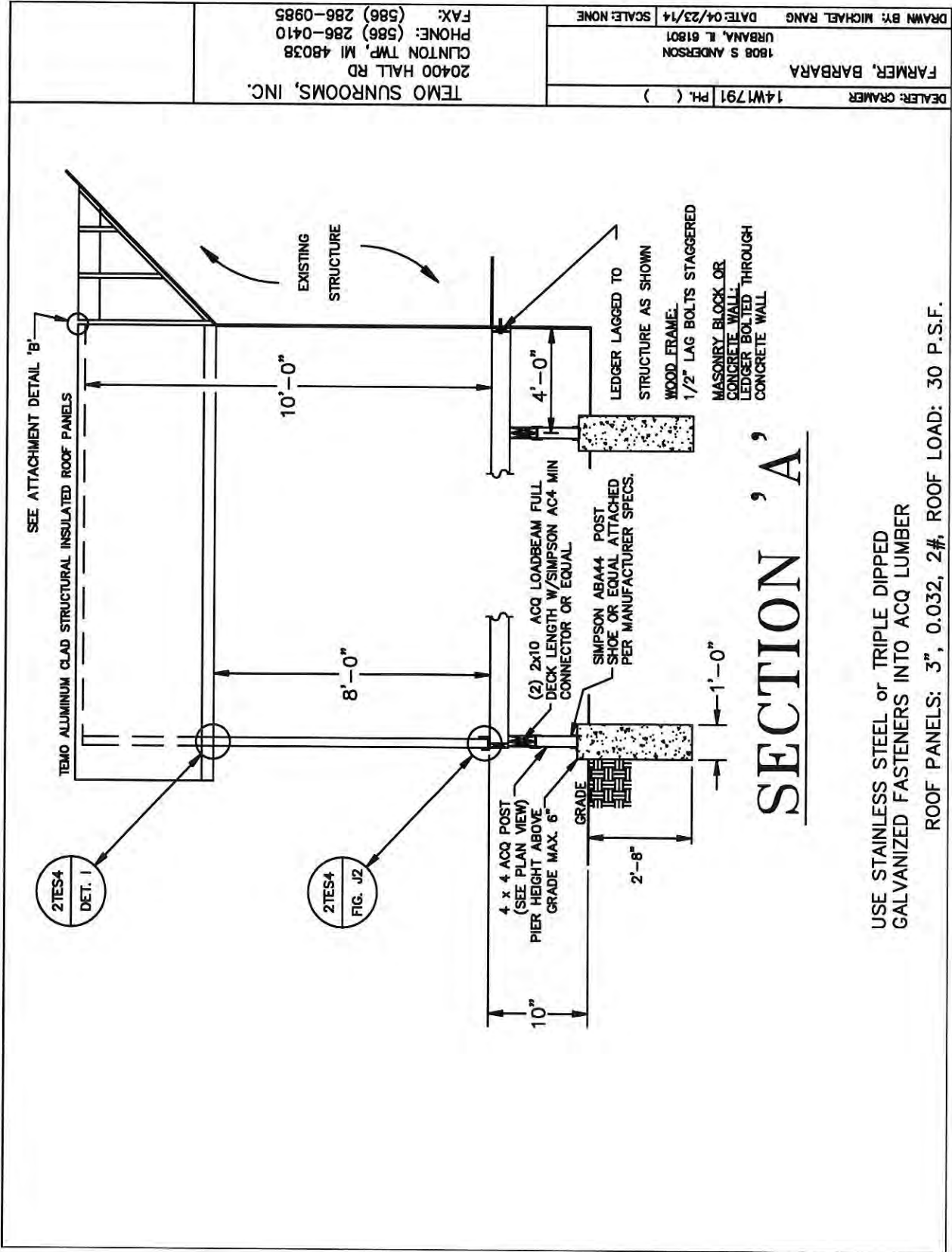


DEALER: CRAMER		14W1791 PH. ()	
FARMER, BARBARA			
1808 S ANDERSON			
URBANA, IL 61801			
DRAWN BY: MICHAEL RANG		DATE: 04/23/14	SCALE: NONE
TEMO SUNROOMS, INC.			
20400 HALL RD			
CLINTON TWP, MI 48038			
PHONE: (586) 286-0410			
FAX: (586) 286-0985			









USE STAINLESS STEEL or TRIPLE DIPPED GALVANIZED FASTENERS INTO ACQ LUMBER

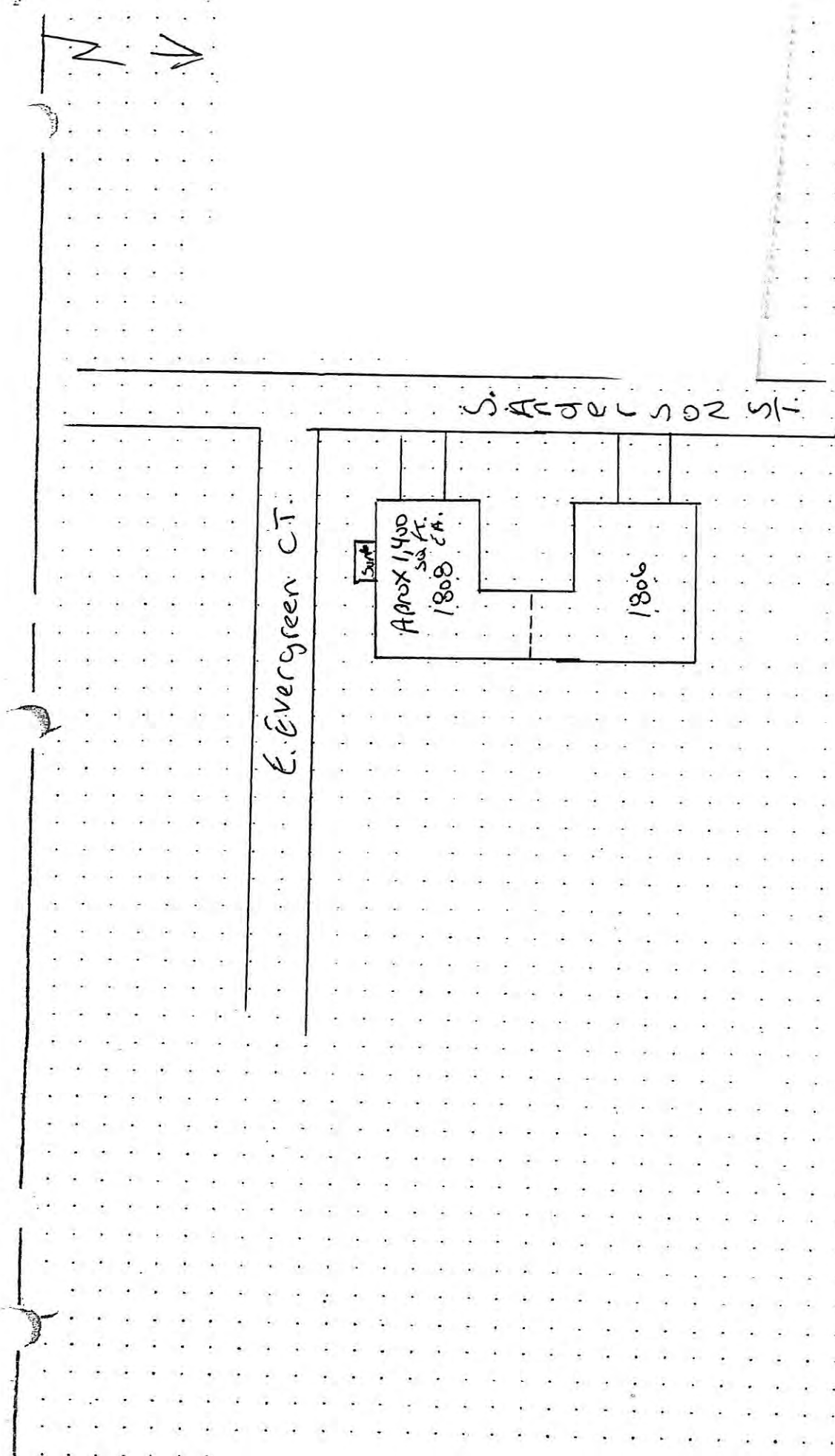
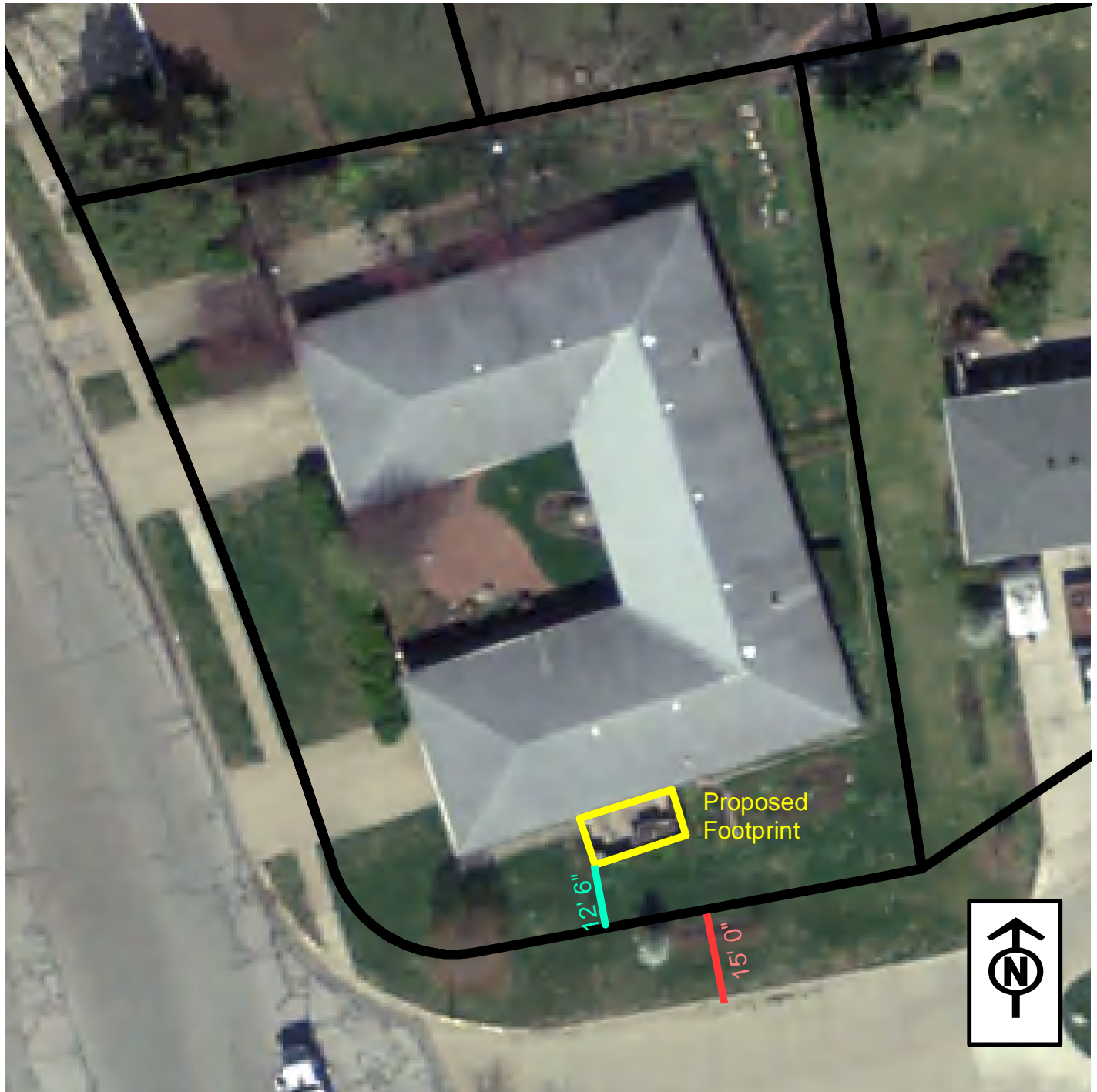


EXHIBIT E: SITE PLAN



Case: ZBA-2014-MIN-01
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EXHIBIT F
SITE PHOTO

