



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: Kevin Garcia, AICP, Planner II

DATE: June 10, 2016

SUBJECT: ZBA-2016-MIN-01: A request by Brendan Harley and Katherine Clancy to grant a Minor Variance to construct a garage extension that encroaches no more than one foot, three inches into the required five foot side yard at 1009 South Douglas Avenue in the R-2, Single-Family Residential Zoning District.

Introduction & Background

Brendan Harley and Katherine Clancy request a minor variance for their property at 1009 South Douglas Avenue in the R-2, Single-Family Residential District to allow a garage extension to encroach one foot, three inches into the required five foot side yard, a reduction of 25 percent.

Section XI-3.C.2(b) of the Urbana Zoning Ordinance permits the Zoning Board of Appeals to approve minor variances to reduce required yards by up to 25 percent. Minor variance requests may be granted by a simple majority vote.

Existing Land Uses

The property is located on South Douglas Avenue, on the west side of Carle Park. Most other properties nearby contain single-family homes. To the west is a single-family home that has been converted to a four unit apartment building. The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-2, Single-Family Residential	Single-Family Home	Residential
North	R-2, Single-Family Residential	Single-Family Home	Residential
East	CRE, Conservation-Recreation-	Park	Park

	Education		
South	R-2, Single-Family Residential	Single-Family Home	Residential
West	R-2, Single-Family Residential	Single-Family Home; Multi-Family Apartment (4-Unit)	Residential

Comprehensive Plan

In Urbana’s 2005 Comprehensive Plan, Future Land Use Map #9 identifies the 1000-1100 block of South Douglas Avenue as an area appropriate for an urban pattern of residential use. The Plan defines “Residential (Urban Pattern)”, as areas containing...

“...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks...”

The current and proposed uses of the building are compatible with the definition of Residential (Urban Pattern). The property is zoned R-2, Single-Family Residential, and contains a single-family home.

Discussion

The property contains a single-family home with an attached single-car garage. The house and garage have been in their present location since at least 1973, according to aerial photographs, and are legally non-conforming as they encroach into the required five foot side yard by one foot, three inches. In order to improve the functionality of the interior of the garage, the applicant would like to extend the garage to the east by less than two feet, which would extend the already-encroaching south wall of the garage by the same amount. The encroachment into the side yard by the addition would remain at one foot, three inches.

Extending the garage in a way that would conform to the minimum side yard requirements of the Zoning Ordinance is not desirable – or likely feasible – because the extension would have to be offset from the existing garage. This would likely necessitate widening the existing garage opening and would make use of the garage for its intended use difficult, if not impossible. In addition, Felisa Reynolds, the owner of the neighboring property to the south, has no objections to the proposed variance request (see 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 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 variances will not serve as a special privilege because the variances requested are 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.*

Out of 20 properties on the block, 1009 S. Douglas Avenue is the only one with an attached garage. In the West Urbana Neighborhood as a whole, the vast majority of properties have detached garages, which, according to the Zoning Ordinance, can be built up to 18 inches from side and rear property lines as long as the structure remains less than 750 square feet. Most garages in the neighborhood could be extended without requiring a variance, even if they are closer to the property line than the garage at 1009 S. Douglas Avenue.

The garage therefore has special circumstances that necessitate the variance and that are not generally applicable to other properties in the neighborhood.

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

The variances requested were not the result of a situation created by the petitioner. The house and garage were built long before the petitioners acquired the property.

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

The variance requests would only make minor changes to the existing building or would not significantly change the perimeter property lines. It is unlikely that the requests will have any effect on the character of the neighborhood.

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

The adjacent property owner has no objections to the proposed variance.

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

The variance request would not result in further encroachment into the side yard than what already exists with the current garage. It would merely extend the encroachment laterally. Any lesser encroachment would require offsetting the side wall of the garage and would be impractical. The requested variance therefore represents the minimum reasonable deviation from the Zoning Ordinance.

Summary of Findings

1. 1009 South Douglas Avenue is zoned R-2, Single-Family Residential.
2. The property contains a single-family home with an attached garage.

3. To improve the functionality of the garage, the petitioners have applied for a minor variance to construct a garage extension that encroaches no more than one foot, three inches into the required five foot side yard.
4. The variance request will not serve as a special privilege to the property owner.
5. The variance request was not the result of a situation knowingly created by the petitioner.
6. The variance request will not alter the essential character of the neighborhood.
7. The variance request will not cause a nuisance to adjacent property owners.
8. The variance request represents generally the minimum deviation from the requirements of the Zoning Ordinance.
9. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in case ZBA-2016-MIN-01:

1. Approve the variance as requested based on the findings outlined in this memo;
2. 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
3. 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 ZBA-2016-MIN-01.

Attachments: Exhibit A: Location and Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application
Exhibit E: Neighbor Support Letter

cc: Brendan Harley and Katherine Clancy

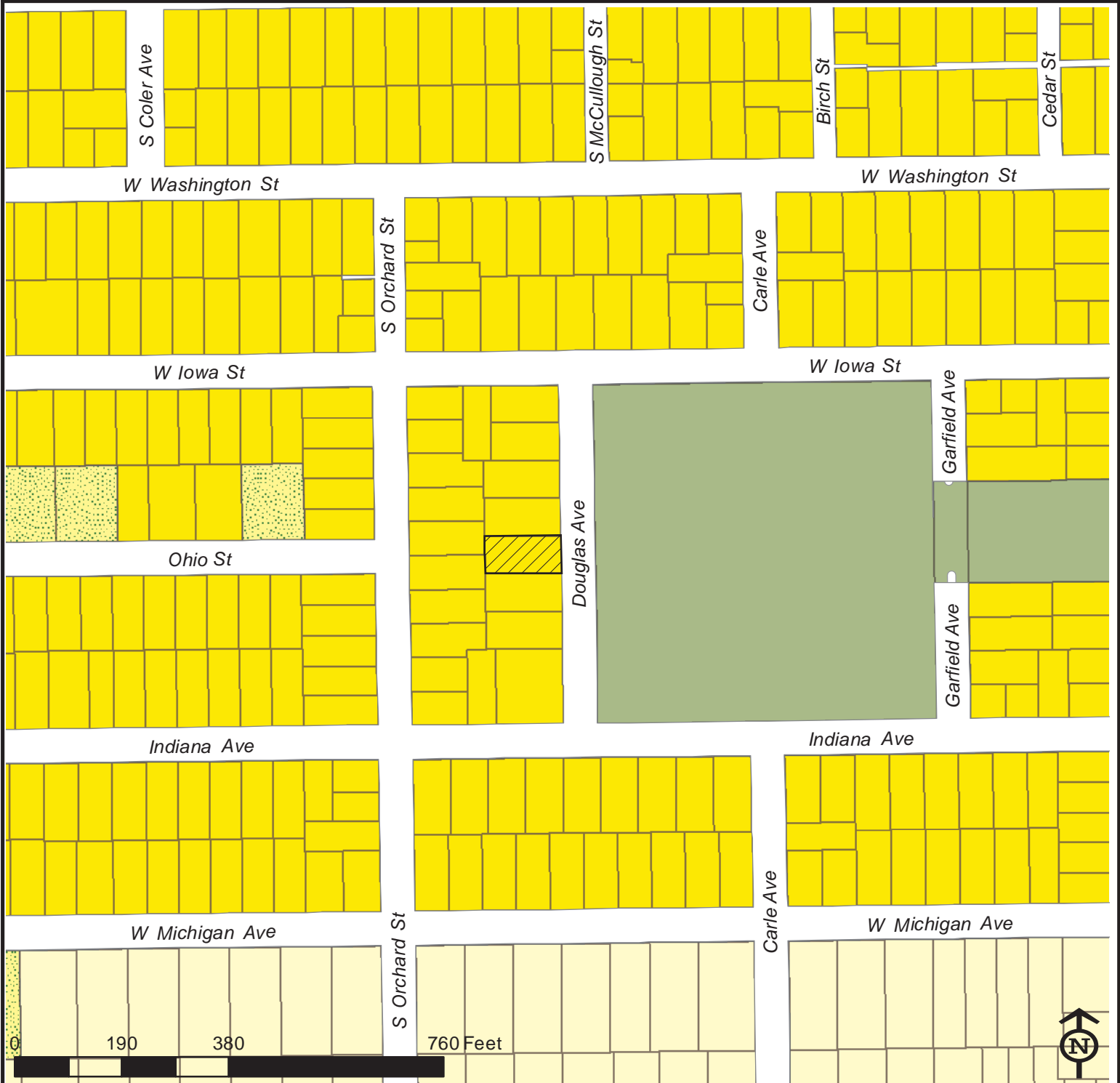
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-MIN-01
 Subject: Side Yard Variance
 Location: 1009 S Douglas Ave
 Petitioner: Brendan Harley and Katherine Clancy

 Subject Property

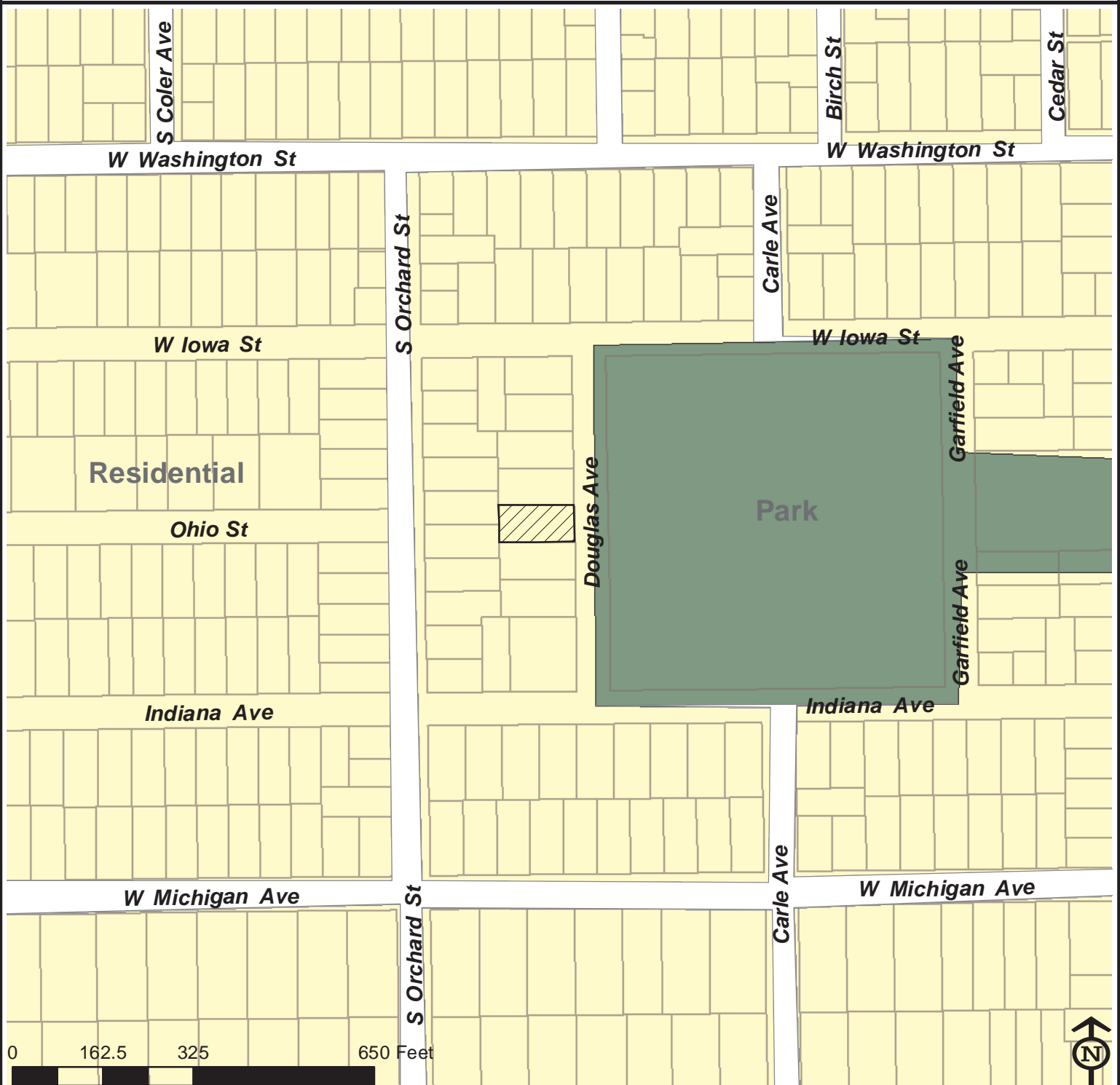
Exhibit B: Zoning Map



Case: ZBA-2016-MIN-01
 Subject: Side Yard Variance
 Location: 1009 S Douglas Ave
 Petitioner: Brendan Harley and Katherine Clancy

- CRE
- R1
- R2
- R7
- Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2016-MIN-01
 Subject: Side Yard Variance
 Location: 1009 S Douglas Ave
 Petitioner: Brendan Harley and Katherine Clancy

 Residential
 Park

 Subject Property

RECEIVED
MAY 26 2016
JK 9:27 AM



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 _____ ZBA Case No. _____

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*)

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Brendan Harley & Katherine Clancy Phone: (617) 510-0101
Address (street/city/state/zip code): 1009 S. Douglas/Urbana/IL/61801
Email Address: brendan.harley@gmail.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

2. OWNER INFORMATION

Name of Owner(s): Brendan Harley & Katherine Clancy Phone: 617-510-0101
Address (street/city/state/zip code): 1009 S. Douglas/Urbana/IL/61801
Email Address: brendan.harley@gmail.com

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: 1009 S. Douglas
PIN # of Location: 93-21-17-328-016
Lot Size: 66.66'x135'

Current Zoning Designation: R-2

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

Proposed Land Use: Residence

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

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.

In order to comply with the 5' side yard set back ordinance, we would have to move the South wall of the garage to the North so much that it would force the position of the garage door out of alignment with the driveway, preventing access for the car to pull into the garage. In addition, most of the North wall of the garage is part of the house, so the overall garage width would be too narrow for opening the car doors, once inside the garage.

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.

Existing house with attached garage is already legally non-compliant in regards to the side-yard setback along the South elevation and has been this way since before the current zoning rules for setbacks. Public records show the property has been this way as early as 1973. Moving the South elevation of the garage to the North is not an option for the reasons explained above.

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

Existing house with attached garage is already legally non-compliant in regards to the side-yard setback. Public records show the property has been this way as early as 1973. The new garage would only extend the existing garage up and to the East, maintaining the existing legally non-compliant situation along the South elevation.

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

The variance will not alter the essential character of the neighborhood because the new garage design does not change the existing legally non-compliance of the side yard setback along the South Elevation. It merely extends it to the East less than 2'. The new garage design height will also allow the garage roof to tie into the existing roof of the main house in a way that helps maintain the architectural character of the home.

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

In terms of the setback, the new garage is only extending the legally non-compliant setback issue along the South elevation, less than 2' to the east. The height of the new garage roof does not extend any higher than the existing main house roof and is the same pitch as the house roof that it will tie into, simplifying the existing roof lines.

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

The new garage design does not push the South elevation walls any further into the side yard setbacks than the existing house and garage currently are and cannot be moved further North for reasons explained above.

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.

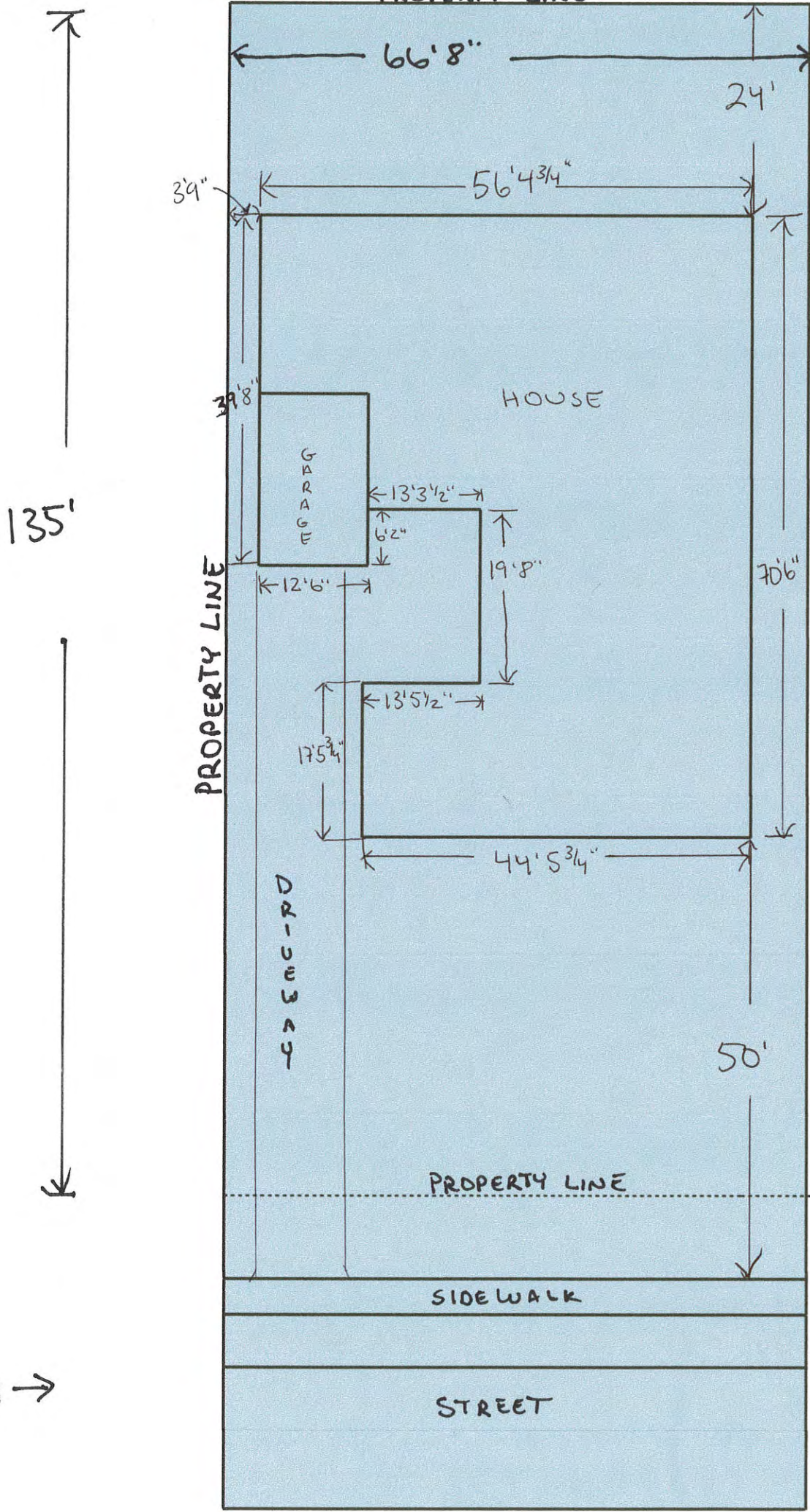
Jennifer Hansen in c/o property owners

Applicant's Signature

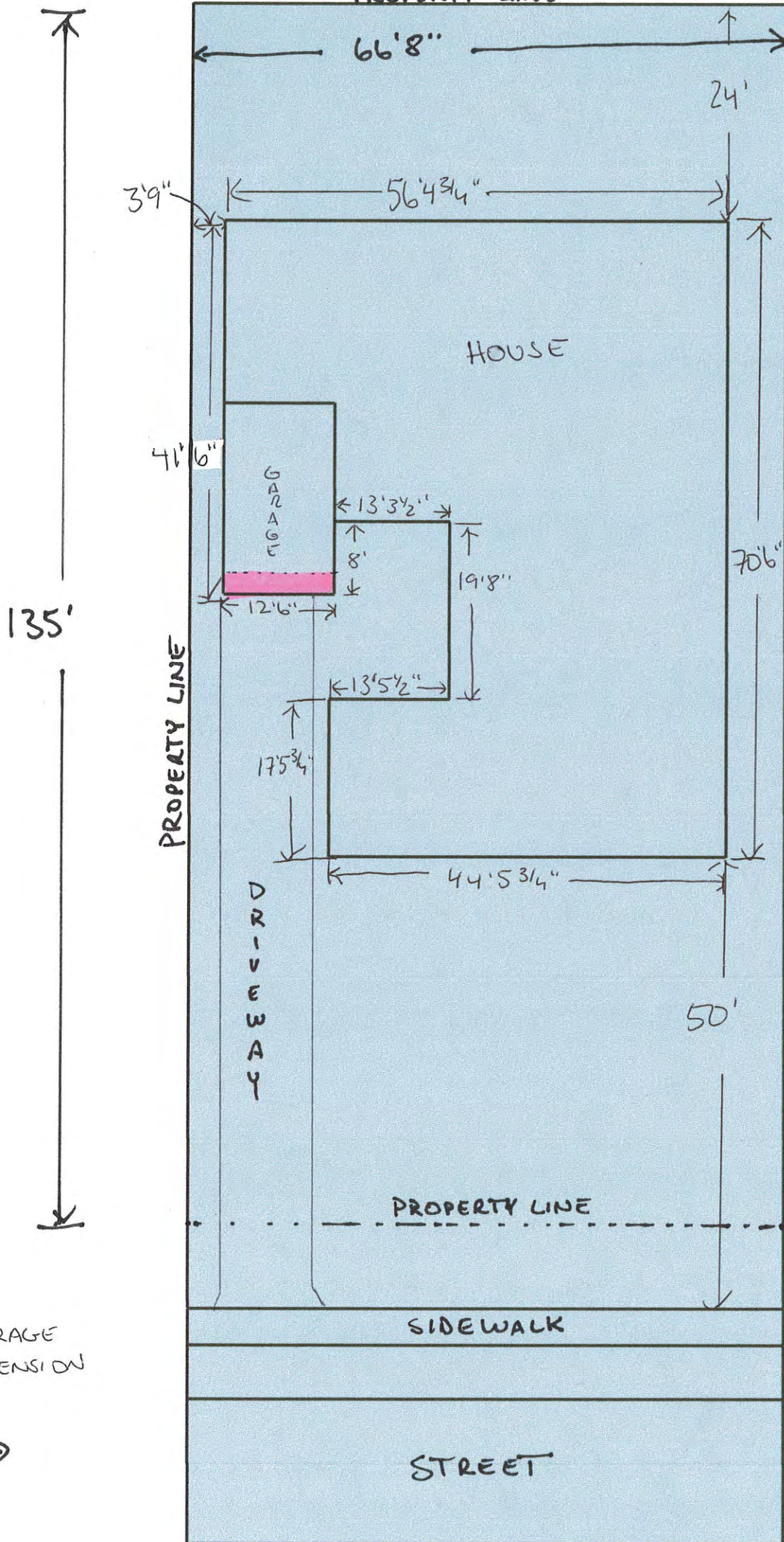
05.19.16
Date

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



1009
 S. DOUGLAS
 Urbana, IL. 61801
 [EXISTING]
 Date: 5.19.16



PROPERTY LINE

1009 S. DOUGLAS
 Urbana, IL 61801
 [PROPOSED]
 DATE: 5.19.16

■ - GARAGE
 EXTENSION

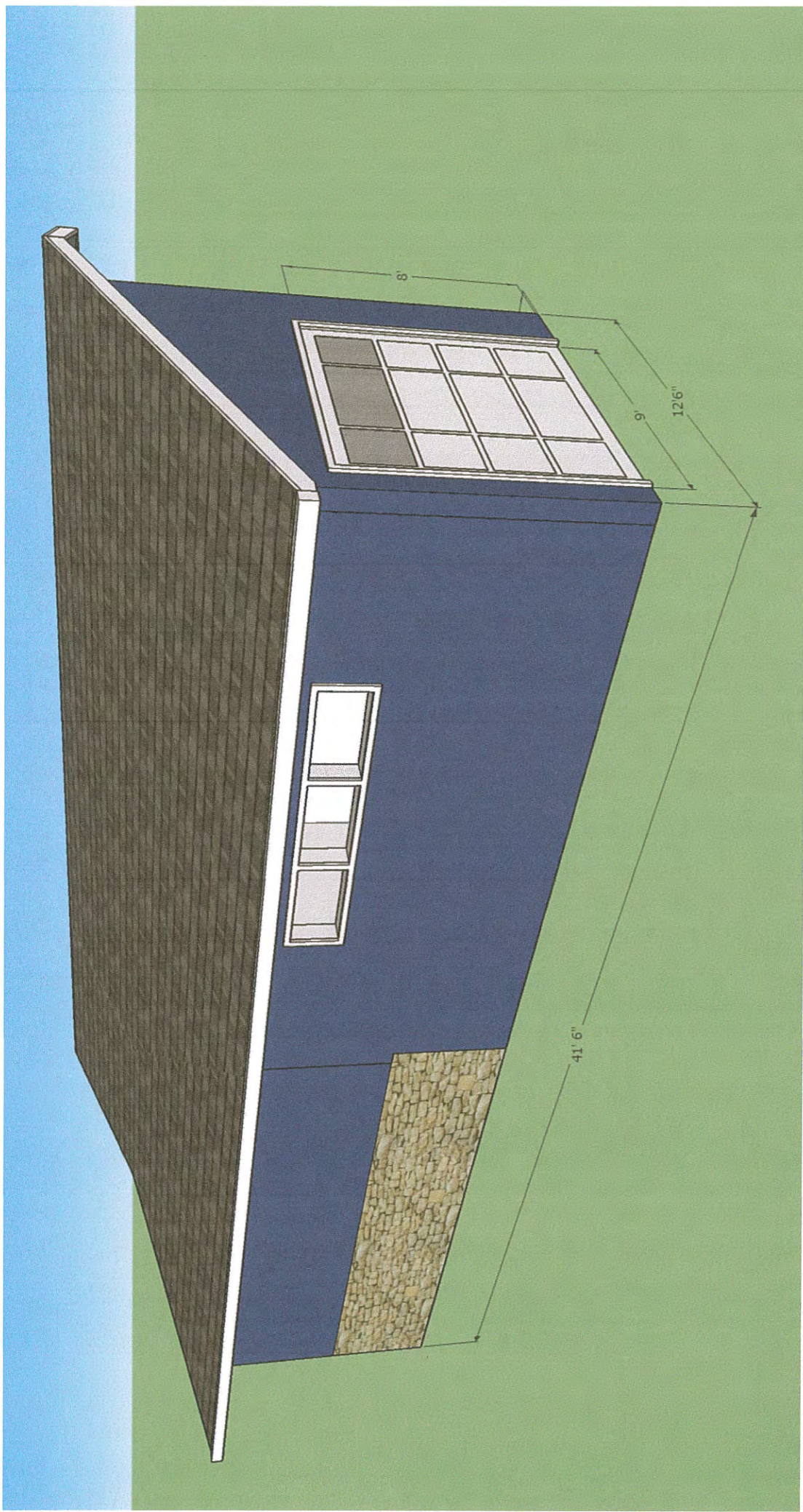
N →



1009 S. DOUGLAS

PROPOSED GARAGE

DATE 5.19.16



1009 S. DOUGLASS
Proposed Garage

DATE 5.19.16

* DOOR + WINDOW ON EXISTING HOUSE
OF S. ELEVATION NOT SHOWN *

1009 S. DOUGLAS

EXISTING GARAGE + HOUSE

DATE : 5.19.16

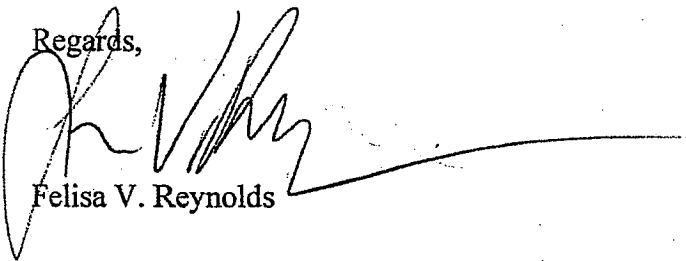


To: City of Urbana
From: Felisa V. Reynolds
1103 S. Douglas Avenue
Urbana, IL 61801

RE: Garage renovation, 1009 S. Douglas Avenue, Urbana

I live at 1103 S. Douglas Avenue in Urbana, immediately to the South of the house owned by Brendan Harley and Kathryn Clancy at 1009 S. Douglas Avenue. I do not have any objection to the proposed project regarding the renovation of their garage.

Regards,

A handwritten signature in black ink, appearing to read 'Felisa V. Reynolds', with a long horizontal flourish extending to the right.

Felisa V. Reynolds