



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: Marcus Ricci, Planner II

DATE: March 10, 2017

SUBJECT: **ZBA-2017-MAJ-01:** A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches one-and-one half (1.5) feet into the required five-foot north side yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District.
[This variance was originally advertised as encroaching two (2) feet into the required side yard setback.]

ZBA-2017-MAJ-02: A request by Mark Gerhart for a Major Variance to reconstruct an accessory garage which encroaches three (3) feet into the required five-foot rear yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District.

Introduction

Mark Gerhart, applicant on behalf of the four owners of the Clarence M. Siems Condominiums located at 717 South Broadway, is requesting permission to demolish the existing legally non-conforming garage and build a new 960 square-foot, four-car garage in the same location on the subject property. Section VI-5, Table VI-3 of the Urbana Zoning Ordinance requires side yard and rear yard setbacks of five (5) feet in the R-5 district. The applicant therefore requests variances to the side and rear yard setbacks to replace the deteriorating garage in its current location to resolve the issue of narrow entrances to the garages and allow continued full and easy access for residents.

Pursuant to the Urbana Zoning Ordinance, a super-majority vote of approval by the Zoning Board of Appeals is required to recommend approval of these major variance requests and forward them to City Council for final approval.

Background

The applicant would like to demolish the garage at 717 South Broadway, and to reconstruct it, on the same footprint, utilizing the existing garage's slab foundation. The subject property is located on the west side of South Broadway between Washington and Oregon Streets (Exhibit A). The

principal building is a two-story, four-unit condominium of approximately 2,420 square feet. The one-story, four-car garage is approximately 960 square feet in area. The property is split-zoned: the residential building and garage are located on the north half in the R-5 Medium-High Density Multiple-Family Residential; the south half is open space in the R-4 Medium-Density Multiple-Family Residential zoning district (Exhibit B). When the residential building and garage were constructed in 1963, the location of the garage complied with the side and rear yard setback requirements for the applicable zoning. As shown in a 1983 plat of survey, the garage sits two feet from the rear property line and three-and-one-half feet from the side property line (Exhibit D). The subject accessory garage is now over 50 years old and requires major repairs or replacement due to normal wear and tear of the structure.

Section VI-5 of the current Zoning Ordinance now requires side and rear yard setback requirements of five feet for structures in R-4 and R-5 zoning districts (Table VI-3) and does not exempt accessory structures of this size from those requirements.

The current location of the garage is approximately 26 feet west of the residential building and allows for cars to narrowly navigate into the east entrances of the garage units. According to the applicant, relocation of the garage three-and-one-half feet east in order to meet current yard setback requirements would not permit safe and convenient access into the garage units due to an overly-tight turning radius. Therefore, the applicant requests variances to Section VI-5 to permit reconstruction of the accessory garage which encroaches one-and-one-half feet into the required side yard setback and three feet into the required rear yard setback.

The scope of the encroachments – 30% of the side yard setback and 60% of the rear yard setback – elevates these requests to Major Variances. Pursuant to Section XI-3.C.2(d)(1) of the Urbana 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 the case to City Council for final review and approval. During the course of the public process, the request may be amended to require, or the Zoning Board of Appeals may decide to consider, a lesser variance. That change may result in the variance being classified as a Minor Variance. In that instance, the Zoning Board of Appeals may grant a Minor Variance with a majority vote.

Land Use and Zoning

The portion of the property which is occupied by the residential building and accessory garage is located in the R-5 Medium-High Density Multiple-Family Residential zoning district; the south half of the property is vacant and in the R-4 Medium-Density Multiple-Family Residential zoning district (Exhibit B). Multiple-unit condominiums are permitted by right in both the R-5 and R-4 districts. The subject property is surrounded on all sides by the R-3 Single- and Two-Family Residential zoning district used for single- and two-family dwellings. The Urbana Comprehensive Plan's future land use designation for the subject property and its surrounding area is shown as "Residential" (Exhibit C).

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-4, Medium Density Multiple-Family Residential R-5, Medium-High-Density Multiple-Family Residential	Residential	Residential
North	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
South	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
East	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential
West	R-3, Single- and Two-Family Residential	Single- and two-family dwellings	Residential

Discussion

The applicant plans to demolish the existing four-car accessory garage and reconstruct a new one-story, four-car garage of the same square-foot area, in the same location, using the existing garage's slab foundation. The current lot configuration affords no opportunity to relocate the garage to conform to current side and rear yard setbacks, as the area between the garage and dwelling unit is too narrow for cars to easily navigate entrance through the garage doors. The current site plan shows the existing garage as 20' x 48', totaling 960 square feet (Exhibit F). The main differences are that the existing garage is flat-roofed and has wood siding, while the proposed garage has a pitched roof (six-feet high) and vinyl siding. However, the site does show the proposed garage in the same location, but lists the current proposed dimensions as 24' x 48': this would need to be reduced to the existing 20' x 48'; the Building Safety Division was informed that plans may already be under revision.

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 as they pertain to this case:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The applicant states that relocation of the garage would not allow for entry into the garage doors. Staff has observed that the area between the accessory garage and dwelling unit is already narrow and that further reducing the area by relocating the garage to comply with current yard setback requirements could increase the likelihood of a car hitting one of the structures. This lot configuration creates an uncommon practical difficulty in accessing the garage, which would be resolved by granting the requested variances.

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 applicant states that they would not be able to access the garage if it were relocated to meet the current required yard setbacks. Staff has determined that the accessory garage met the yard setback requirements at the time of its construction, and that it currently does not conform to current yard setback requirements due to its 960 square foot area.

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

The accessory garage met the yard setback requirements when it was constructed in 1963. Changes in the zoning ordinance increased the yard setback requirements to the current five feet setback. Granting the variance will not be an instance of resolving a self-created hardship.

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

The applicant stated that the area of the garage will not change, and the character would be similar to neighborhood structures with wood framing, vinyl siding, and asphalt shingled roof. As a result, the character of the neighborhood will not be significantly negatively impacted and granting the variance would therefore not alter the essential character of the neighborhood.

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

The accessory garage is a stand-alone unit located at the rear of the property and its size will not be changed from the existing garage. The reconstruction of the garage in the same location, of the same are, and for the same use as the existing garage should not create any nuisances to the neighborhood.

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

The applicant stated that the requested variances would allow them to keep the new structure exactly where the existing garage has been since its construction, two feet from the rear property line and three-and-one-half feet from the side property line. The variances requested create the least opportunity for potential negative impacts to the neighborhood, and are the minimum necessary to continue the existing placement of the legally non-conforming structure.

Summary of Findings

1. The applicant, Mark Gerhart, has proposed to demolish an existing legally non-conforming accessory garage and reconstruct a new, one-story, four-car garage of the same area in the same location at 717 South Broadway Avenue.
2. The portion of the property where the accessory garage is located is zoned R-5 Medium-High Density Multiple-Family Residential and has a future land use designation of “Residential” in the Urbana Comprehensive Plan.

3. The Major Variance requests are to facilitate safe access to garage units by allowing the reconstruction of the accessory garage structure to encroach one-and-one-half feet into the required five-foot north side yard setback and three feet into the required five-foot rear yard setback.
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.

Options

A Major Variance requires a two-thirds vote by the Board to forward a recommendation for approval to the City Council. The Zoning Board of Appeals has the following options in these cases:

- a) The Urbana Zoning Board of Appeals may forward the cases to City Council with a recommendation to **approve** the variances based on the findings in this memo; or
- b) The Urbana Zoning Board of Appeals may forward the cases to City Council with a recommendation to **approve the variances along with certain terms and conditions**. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c) The Urbana Zoning Board of Appeals may **approve a lesser Minor Variance** with a majority vote; or
- d) The Zoning Board of Appeals may **deny** the variances requested. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Recommendation

Based on the evidence presented to date and without the benefit of considering additional evidence that may be presented prior to or at the public hearing, staff recommend that the Zoning Board of Appeals forward ZBA Case Nos. 2017-MAJ-01 and 2017-MAJ-02 to the City Council with a recommendation to **APPROVE** the variances with the following conditions:

1. The reconstruction of the new accessory garage shall follow an approved site plan.

2. The approved site plan shows that the new accessory garage is located in the same footprint as the existing garage, provides the same number of parking spaces as the existing garage (four spaces), uses the same foundation as the existing garage, and is the same size as the existing garage (20' by 48', totaling 960 square feet).

The specifics of this recommendation may change during the course of formal review of ZBA Case Nos. 2017-MAJ-01 and 2017-MAJ-02.

Attachments:	Exhibit A:	Location & Aerial Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Application for Variance
	Exhibit E:	Site Photos
	Exhibit F:	Proposed Garage Site Plan

cc: Mark Gerhart

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2017-MAJ-01 and -02
 Subject: Garage Side Yard and Rear Yard Variances
 Location: 717 South Broadway
 Petitioner: Mark Gerhart

 Subject Property

Exhibit B: Zoning Map



Case: ZBA-2017-MAJ-01 and -02
 Subject: Garage Side Yard and Rear Yard Variances
 Location: 717 South Broadway
 Petitioner: Mark Gerhart








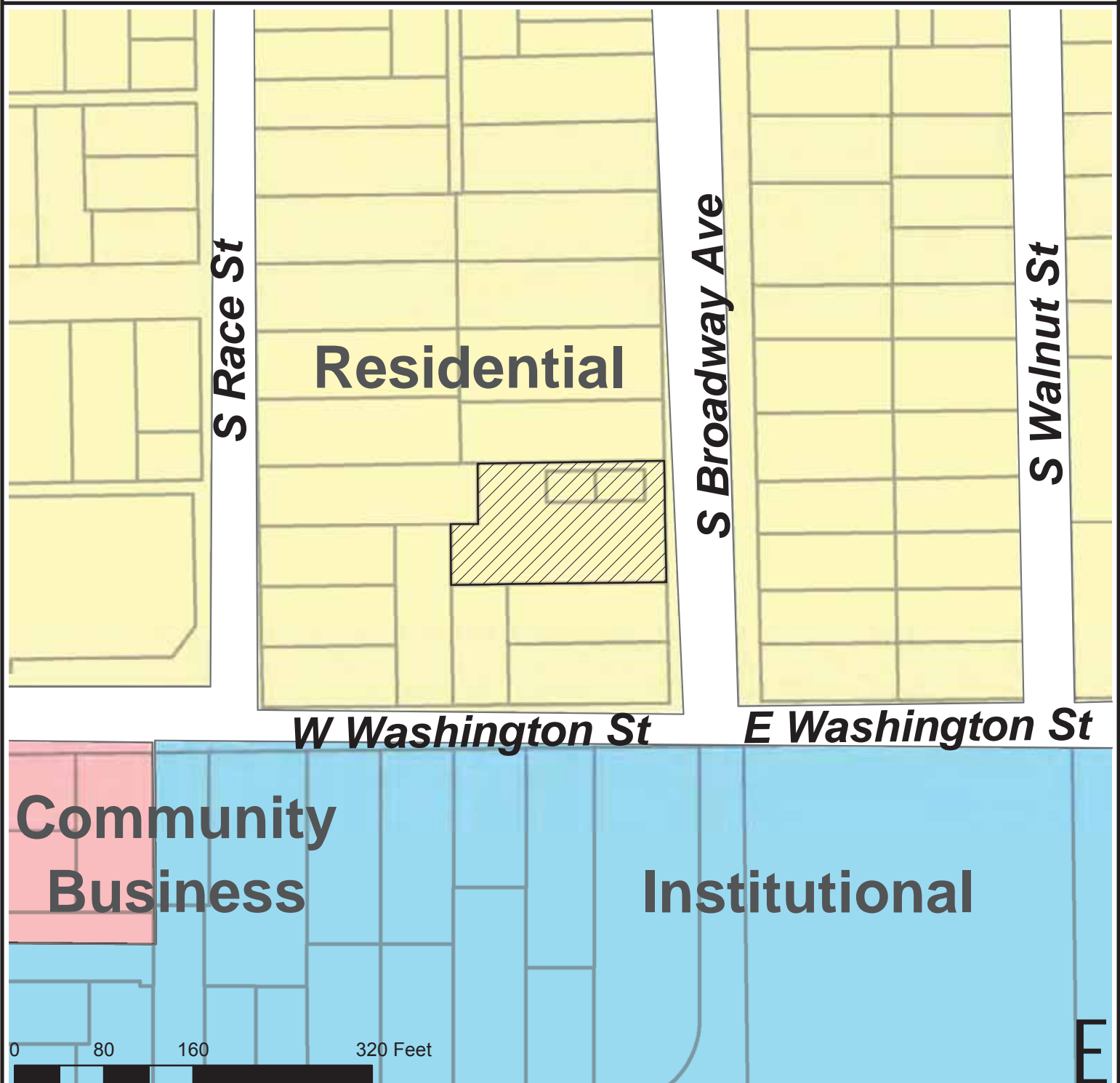
- | | |
|--|--|
|  B1 |  R3 |
|  CRE |  R4 |
|  R2 |  R5 |
|  Subject Property | |

Exhibit C: Future Land Use Map



Case: ZBA-2017-MAJ-01 and -02
Subject: Garage Side Yard and Rear Yard Variances
Location: 717 South Broadway
Petitioner: Mark Gerhart

- Residential
- Community Business
- Institutional
- Subject Property

VP 8:05



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 02-21-2017 ZBA Case No. ZBA-2017-MAJ-01 (side-yard) ZBA-2017-MAJ-02 (rear-yard) 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)

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): MARK GERHART Phone: 217-607-6422 Address (street/city/state/zip code): 125 S. FREDRICK, RAU TOUL, IL 61816 Email Address: tinevcha07@yahoo.com Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Representing owners

2. OWNER INFORMATION

Name of Owner(s): LORRAINE GERHART - JANE COX Phone: 344-9199 JEAN GOTHARD - Address (street/city/state/zip code): 717. S. BROADWAY Unit 2 - Lorraine Email Address:

Is this property owned by a Land Trust? [] Yes [X] No If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 717. S. BROADWAY PIN # of Location: Lot Size:

Exhibit D: Application for Variance

Current Zoning Designation:

Current Land Use (vacant, residence, grocery, factory, etc): *condo - 4 unit*

Proposed Land Use: *SAME*

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

4. CONSULTANT INFORMATION

Name of Architect(s): *MODE 3 Josh Daly* Phone: *355-8731*

Address (street/city/state/zip code): *301 N. Neil St. Champ. C - 621-3522*

Email Address: *josh@mode3arch.com*

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.

movement of garage would not allow for entry into garage doors.

Sec. X-2 of Zoning Ordinance

Exhibit D: Application for Variance

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.

By having to meet the offset we would not be able to access the garage.

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

This is an existing building in need of replacement. It has not been kept up by previous owners.

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

The size of the garage will not change from what is existing. It will be built to conform to existing garages nearby.

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

It is a stand alone unit located at the rear of the property. It will not change in size. It has only a chicken coop nearby.

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

yes - it allows us to keep the new structure exactly where the old garage has been since the 1960's. We are approx. located a foot and a half from the property line now.

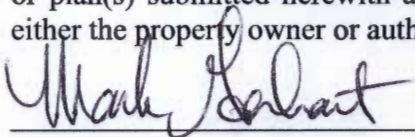
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

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.

Exhibit D: Application for Variance

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.



Applicant's Signature

2/20/17
Date

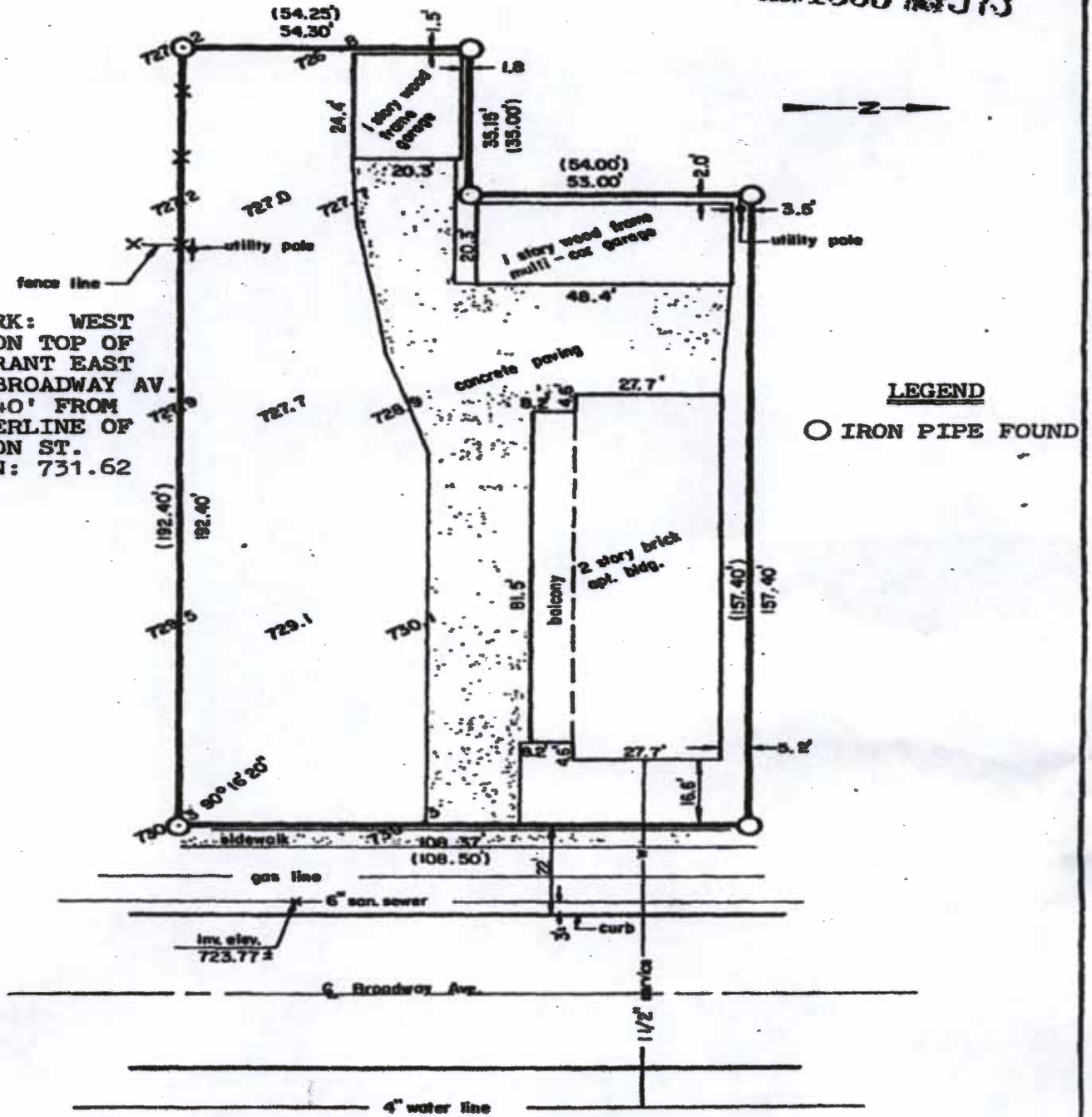
PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Exhibit D: Application for Variance

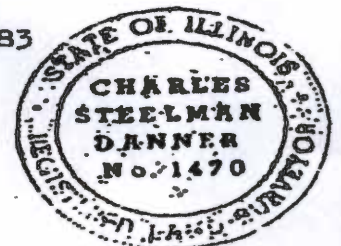
BOOK 1396 PAGE 573

BENCH MARK: WEST
HEX NUT ON TOP OF
FIRE HYDRANT EAST
SIDE OF BROADWAY AV.
APPROX. 40' FROM
THE CENTERLINE OF
WASHINGTON ST.
ELEVATION: 731.62



Signed and sealed this 12th day of October A.D., 1983

Charles S. Danner
 Charles S. Danner
 Registered Illinois Land Surveyor
 Urbana, Illinois



Site Survey 717 South Broadway Avenue	DATE 101285
Urbana, Champaign Co., IL	SCALE 30' / "
DANNER & ASSOCIATES, INC. CONSULTING ENGINEERS LAND SURVEYORS	JOB NO. 4645

Exhibit E: Site Photos



Figure 1. Dwelling and garage at 717 S. Broadway Ave.



Figure 2. Close-up of garage.

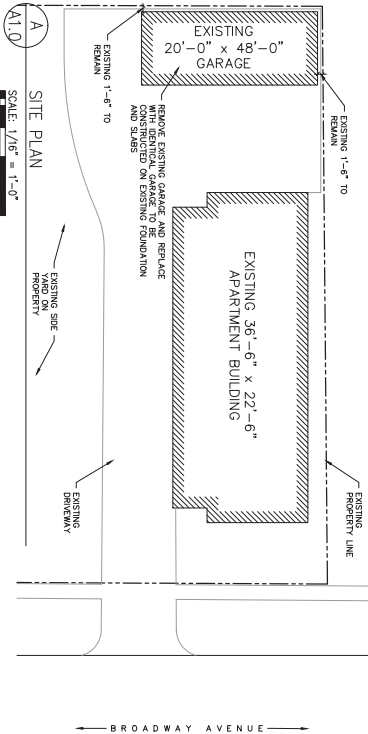


Figure 3. Rear yard: 36" between garage and bushes.



Figure 4. Side yard: 41" between garage and fence.

EXHIBIT F: PROPOSED GARAGE SITE PLAN

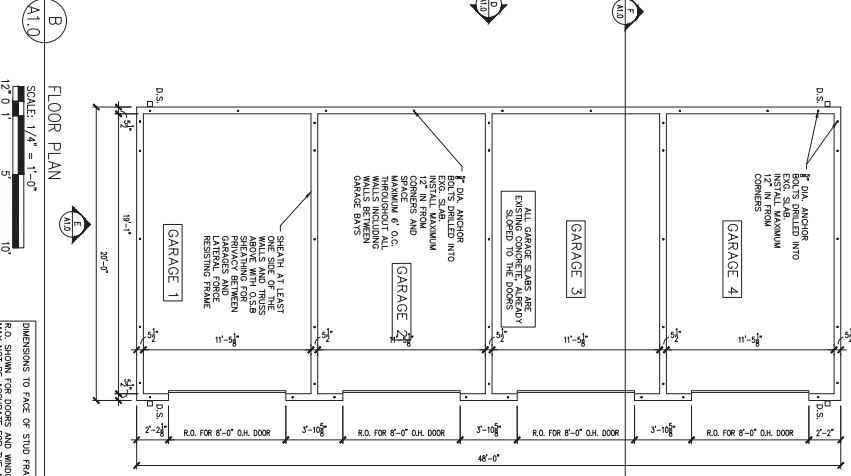


CODE SUMMARY

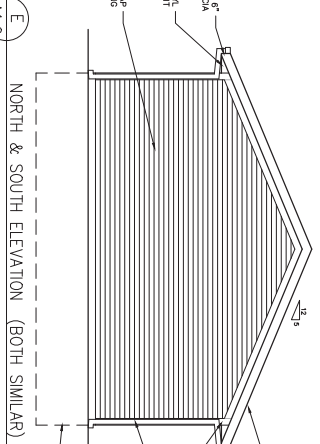
ZONING: BUILDING WILL BE LOCATED ON EXISTING PROPERTY AND SHALL REPLACE AN EXISTING GARAGE BUILDING OF IDENTICAL SIZE. THE LOCATION OF THE GARAGE SHALL BE THE EXACT SAME LOCATION AS THE PREVIOUS EXISTING GARAGE USING THE EXISTING FOUNDATIONS. GARAGE SHALL BE CONSTRUCTED ON EXISTING FOUNDATIONS. GARAGE SHALL OCCUPY 2009 INTERNATIONAL BUILDING CODE: OCCUPANCY TYPE: S-2 - 1 STORY 14'-8" HEIGHT TO MIDPOINT OF ROOF CONSTRUCTION TYPE: S8

TOTAL S.F. = 1135 S.F. 1 STORY 14'-8" HEIGHT TO MIDPOINT OF ROOF CONSTRUCTION TYPE: S8

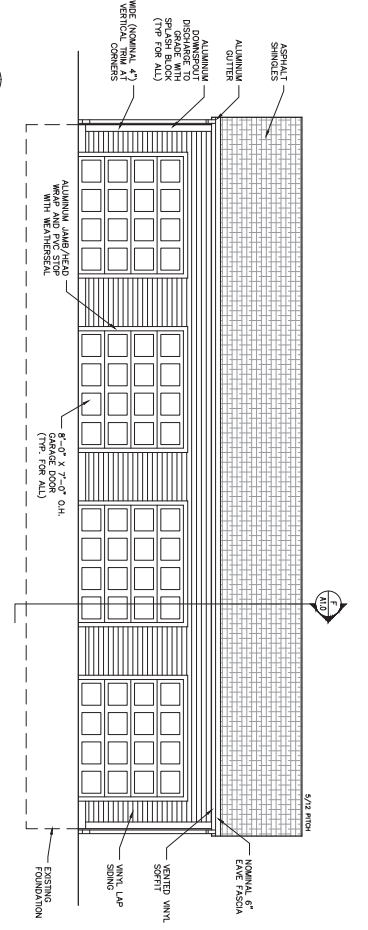
- GENERAL NOTES:**
1. THE INTERNATIONAL BUILDING CODE (IBC) 2009.
 2. DESIGN LOADS: DEAD LOAD MATERIAL, SELF WEIGHT
 3. WIND SPEED: 90 MPH.
 4. MINIMUM PRESSURE COEFFICIENT = 0.18
 5. WIND EXPOSURE CATEGORY: B
 6. SNOW LOAD: 20 PSF
 7. SEISMIC HAZARD FACTOR: 1.10
 8. SEISMIC WEIGHTING FACTOR: 1.10
 9. SEISMIC DESIGN CATEGORY: SDC 2
 10. SEISMIC DESIGN CATEGORY: SDC 2
 11. SEISMIC DESIGN CATEGORY: SDC 2
 12. SEISMIC DESIGN CATEGORY: SDC 2
 13. SEISMIC DESIGN CATEGORY: SDC 2
 14. SEISMIC DESIGN CATEGORY: SDC 2
 15. SEISMIC DESIGN CATEGORY: SDC 2
 16. SEISMIC DESIGN CATEGORY: SDC 2
 17. SEISMIC DESIGN CATEGORY: SDC 2
 18. SEISMIC DESIGN CATEGORY: SDC 2
 19. SEISMIC DESIGN CATEGORY: SDC 2
 20. SEISMIC DESIGN CATEGORY: SDC 2



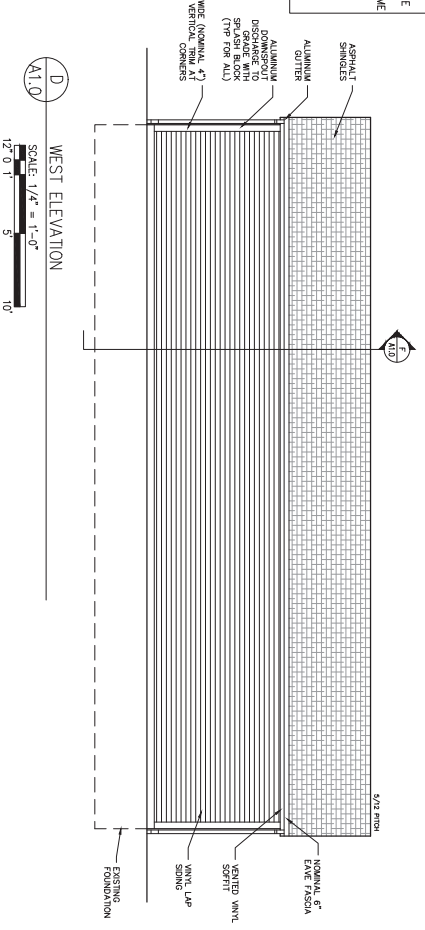
FLOOR PLAN
SCALE: 1/4" = 1'-0"
12' 0" 1" 5' 10'



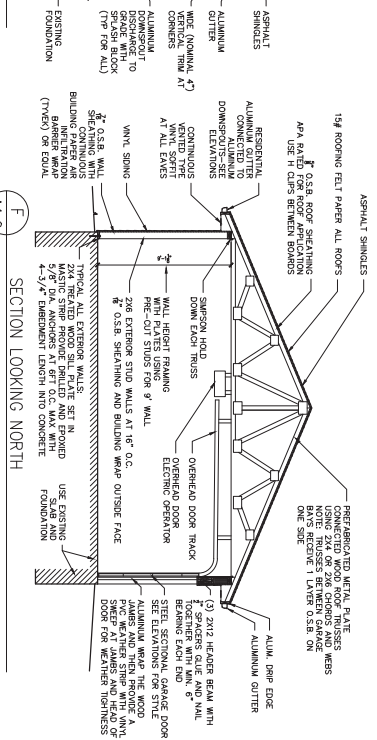
NORTH & SOUTH ELEVATION (BOTH SIMILAR)
SCALE: 1/4" = 1'-0"
12' 0" 1" 5' 10'



EAST ELEVATION
SCALE: 1/4" = 1'-0"
12' 0" 1" 5' 10'



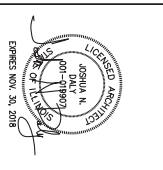
WEST ELEVATION
SCALE: 1/4" = 1'-0"
12' 0" 1" 5' 10'



SECTION LOOKING NORTH
SCALE: 1/4" = 1'-0"
12' 0" 1" 5' 10'

No.	DESCRIPTION
1	REVISION FOR PLAN REVIEW AND BIDDING
2	REVISION FOR ADDED SHEETS

DATE: DECEMBER 21, 2016
A1.0
SHEET #



PROJECT TITLE:
GARAGE STRUCTURE REPLACEMENT
717 S. BROADWAY AVENUE

MODE 3 ARCHITECTURE
301 N. NEL STREET SUITE 400
CHAMPAIGN, IL 61820
PH: 217-355-8731 EMAIL: josh@mode3arch.com
ILL. PROJ. DESIGN FIRM #154-008676
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