



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Nick Olsen, Planner I  
**DATE:** November 11, 2022  
**SUBJECT:** ZBA-2022-MAJ-07: A request by Richard Reynolds for a major variance to allow a garage 3 inches from the south property line at 705 South Urbana Avenue in the R-3, Single and Two-Family Residential Zoning District.

---

### **Introduction**

Richard Reynolds requests a major variance to allow a garage 3 inches from the south property line at 705 South Urbana Avenue in the R-3, Single and Two-Family Residential Zoning District. There is an existing, legally nonconforming garage on the property with a roof that overhangs the south property line and a wall nine inches from property line. The applicant would like to rebuild the garage with the south wall nine inches from the south property line, and a roof overhang three inches from the property line. The front of the proposed garage would be 10 feet further west relative to the existing garage.

Section VI-5 of the Urbana Zoning Ordinance allows accessory structures in the R-3 District to be located no closer than 18 inches from side and rear property lines, as measured from the closest part of the structure. Because the proposed garage roof would be three inches from the property line, a major variance is required.

The Zoning Board of Appeals must review the variance application and hold a public hearing. The Board may recommend approval, approval with conditions, or denial to City Council. Staff find the variance criteria to be met and recommend the Zoning Board of Appeals make a recommendation to City Council to approve the variance request.

### **Background**

The applicant has owned the property since 2003, and the garage has been on the property for over 70 years. The applicant has requested a variance to allow his garage to be rebuilt in what is essentially the same location as the existing, nonconforming garage on the site. The proposed garage would be larger than the existing garage to accommodate two vehicles and yard equipment. The existing garage is 18 feet wide and 20 feet long. The new garage would be 22 feet wide and 28 feet long. The existing garage wall is nine inches from the property line, and the roof overhang touches the property line. The proposed garage would also be nine inches from the property line, and the roof overhang would be three inches from the property line. The Zoning Ordinance requires that accessory structures be no closer than 18 inches to the property line, so a variance is required.

## Description of Site and Area

705 South Urbana Avenue is 10,436 square feet in area, and is located in Historic East Urbana, east of Vine Street and south of Oregon Street. The property is bordered by single-family homes to the north, south, and east, and a duplex to the west. All adjacent properties are also zoned R-3, Single and Two-Family Residential.

The following table identifies the current zoning and the existing and future land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>
Site	R-3, Single and Two-Family Residential	Single-Family Home
North	R-3, Single and Two-Family Residential	Single-Family Home
South	R-3, Single and Two-Family Residential	Single-Family Home
East	R-3, Single and Two-Family Residential	Single-Family Home
West	R-3, Single and Two-Family Residential	Duplex

## Discussion

The applicant requests a variance to build a garage with an overhang three inches from the side property line, and a wall nine inches from the property line, approximately the same distance as the existing garage on the property. The front of the proposed garage would be built 10 feet to the west of the current garage's front to allow room to increase the garage and driveway widths while maintaining access between the back yard and side yard (Exhibit C).

The applicant states that due to the existing driveway configuration and the existence of a stairway and window well connected to the home just north of the driveway, complying with current yard requirements for a new garage would add additional expense to expand the driveway and would make using the driveway more difficult. As proposed, the north wall of the garage would approximately align with bottom of the stairway, whereas complying with current yard requirements would result in a driveway that would require maneuvering around the stairway and window well to get to the garage.

The existing garage is 18 feet wide and 20 feet long, whereas the proposed garage would be 22 feet wide and 28 feet long, making the new garage 616 square feet. For lots in the R-3 district with single-family homes under 1500 square feet, a combined total of 750 square feet for accessory structures is permitted. Combined with the existing 128 square foot shed, the accessory structure total area would be 744 square feet and would comply with the Zoning Ordinance.

A neighboring garage to the north appears to be built on or very near the property line, as do several other garages in the historic neighborhood, where many structures predate current zoning regulations. As proposed, the new garage would border the neighbor to the south's garage and side yard fence.

## 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 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 driveway on the lot is aligned with the position of existing garage. Directly north of the driveway, there are stairs and a window well, which are connected to the home on the property. While the new garage would be four feet wider than the existing garage, as proposed, its north wall would approximately align with the southern edge of the stairs and window well. Were the new garage to comply with current yard requirements, its southern wall would need to be placed 15 inches further north, which would put its northern wall north of the stairs and window well. The applicant states that this would add cost to the driveway expansion and make accessing the garage more difficult, as a vehicle would have to maneuver around the stairs and window well to get to the garage. Staff find that the applicant has demonstrated evidence in support of this argument (Exhibit D).

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

The existing garage and driveway have been on the property for over 70 years, well before the applicant purchased it. The new garage's wall would be built the same distance from the south property line as the existing garage. The presence of a window well and stairway directly north of the existing driveway creates a practical difficulty in regards to placing the new garage further north than has been proposed. Staff find that the situation was not knowingly or deliberately created by the applicant.

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

The proposed garage will not alter the essential character of the neighborhood, as there has been an existing garage with an overhang on the property line for over 70 years. Historic East Urbana is home to many older structures that predate current zoning regulations, including several garages along the same block of Urbana Avenue that are built on or very near a property line.

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

The existing garage is nine inches from the south property line and the roof overhangs the property line. The proposed garage would have a wall nine inches from the property line and a roof overhang three inches from the property line. The garage would be built from non-combustible materials, and would be unlikely to cause any nuisance to the adjacent property relative to the existing garage. In addition, the property owner to the south has provided a letter of support for the requested variance (Exhibit F).

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

The variance represents generally the minimum deviation from Zoning Ordinance requirements, as the garage would be rebuilt as far from the south property line as possible without having to alter the angle of the existing access drive.

## Summary of Findings

1. Richard Reynolds requests a major variance to allow a garage to be rebuilt 3 inches from the south property line at 705 South Urbana Avenue in the R-3, Single and Two-Family Residential zoning district.
2. The variance will not serve as a special privilege to the property owner, as the existing lot configuration creates a practical difficulty in rebuilding the garage 18 inches from the side property line.
3. The variance was not the result of a situation knowingly created by the applicant, as the lot configuration predates the current owner's purchase of the property.
4. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt approximately the same distance from the property line, and many other garages in the neighborhood are built on or very near the property line.
5. The variance will not cause a nuisance to adjacent property owners, as the garage will be rebuilt no closer to the property line than the existing garage.
6. The variance represents generally the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage will be rebuilt as far from the south property line as possible without altering the angle of the access drive.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2021-MAJ-01:

1. Forward the case to City Council with a recommendation to **approve** the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to **approve the variance with certain terms and conditions**. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variance on findings other than those articulated herein, they should articulate findings accordingly; or
3. **Deny** the variance request; or

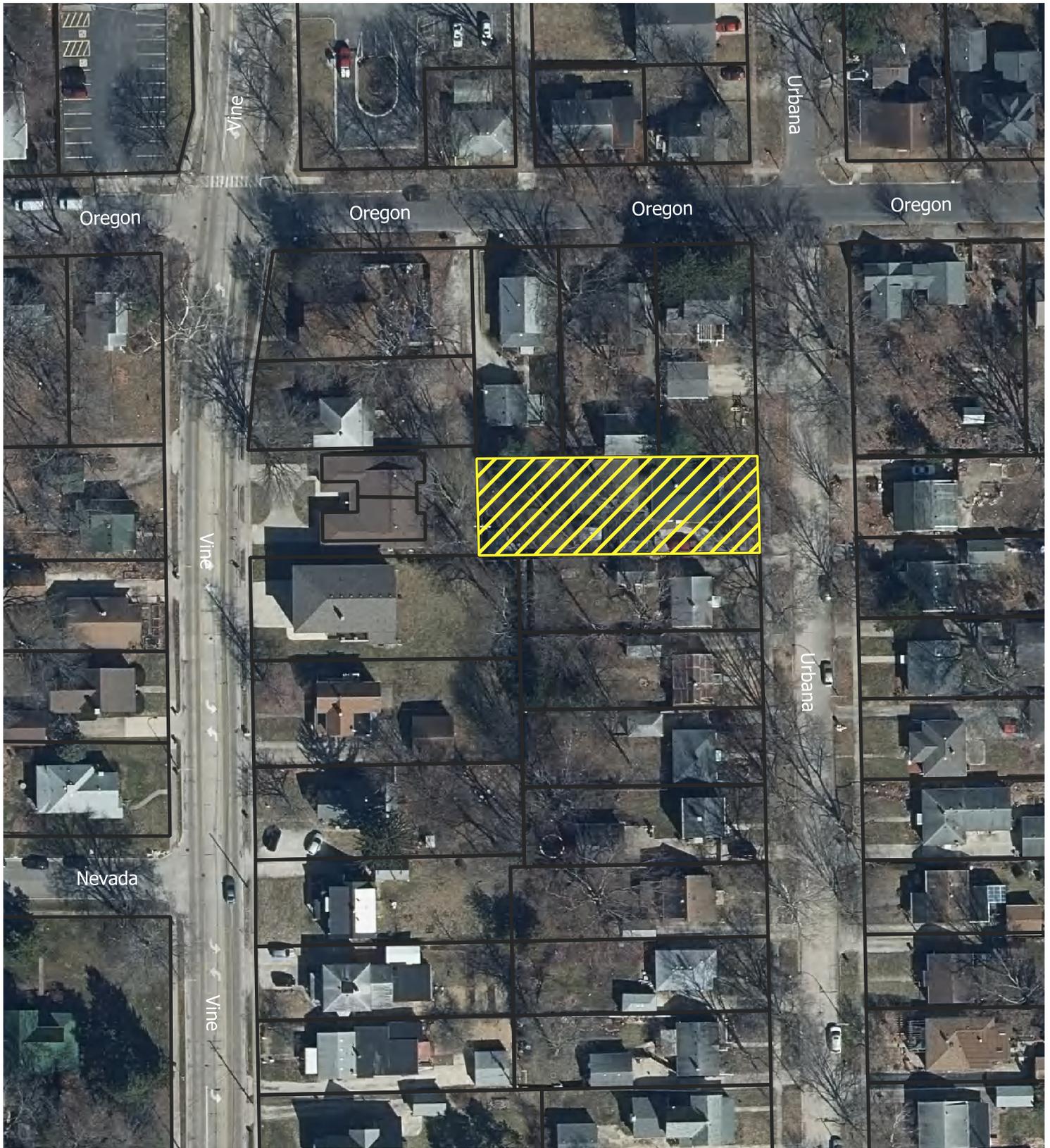
## Recommendation

Based on the evidence 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 recommend **APPROVAL** of the proposed Major Variance in case ZBA-2022-MAJ-07 to the Urbana City Council.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Garage Site Plan  
Exhibit D: Site Photos  
Exhibit E: Variance Application  
Exhibit F: Public Input

cc: Richard Reynolds, Property Owner/Applicant

# Exhibit A: Location Map



0 100 200 ft



Case: ZBA-2022-MAJ-07  
Subject: Garage Major Variance  
Location: 705 South Urbana Avenue  
Applicant: Richard Reynolds

 Subject Property



# Exhibit B: Zoning Map



0 100 200 ft



Case: ZBA-2022-MAJ-07  
Subject: Garage Major Variance  
Location: 705 South Urbana Avenue  
Applicant: Richard Reynolds

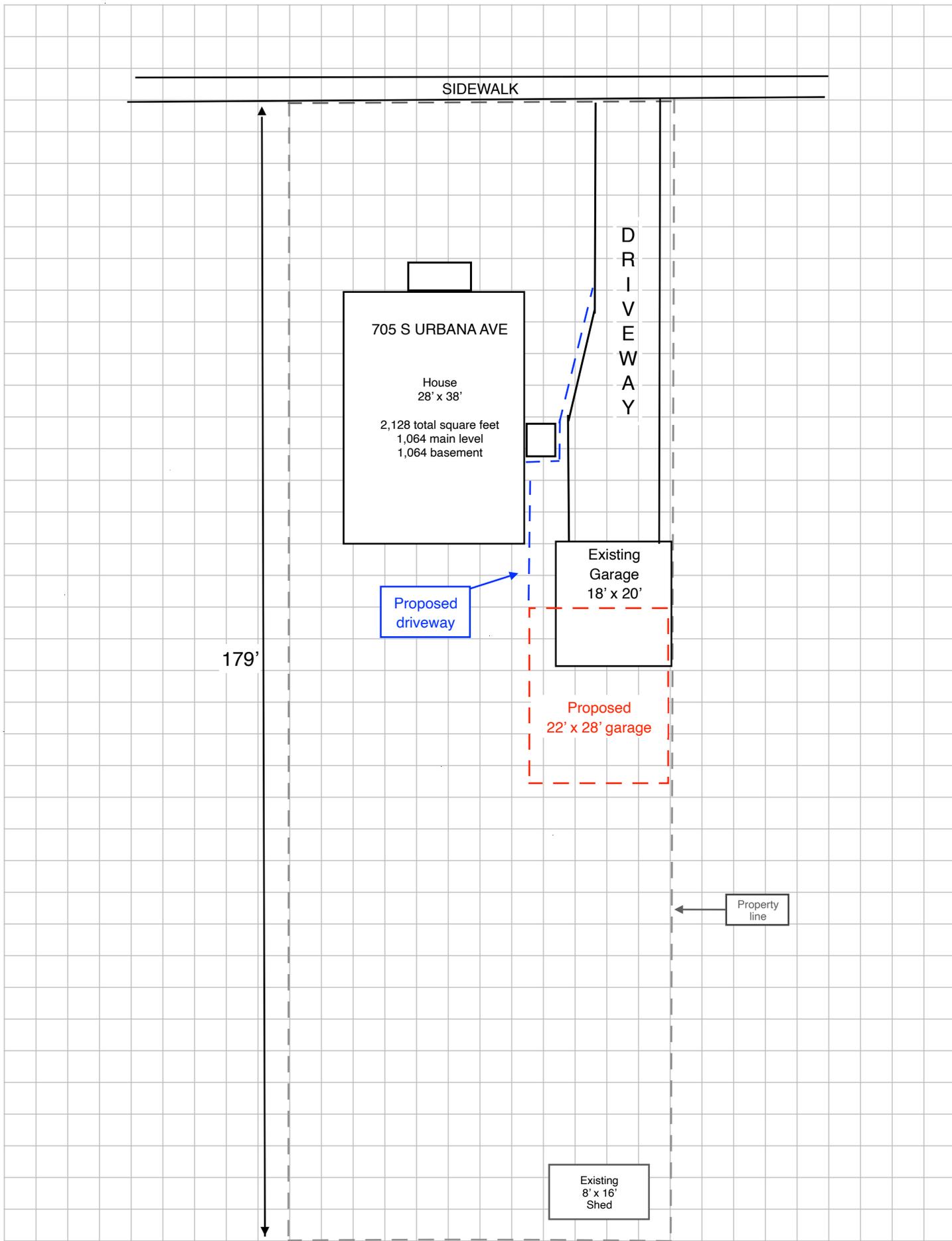
-  B-3
-  R-3
-  SUBJECT PROPERTY



NORTH

URBANA AVE

# Exhibit C: Site Plan



# Exhibit D: Site Photo



# Exhibit E: Major Variance Application



## Application for Variance

## ZONING BOARD OF APPEALS

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 09-20-2022 ZBA Case No. ZBA-2022-MAJ-07  
Fee Paid - Check No. 1730 Amount \$200.00 Date 09-21-2022

### 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*)

A variance from the 18" setback to place a new garage the same proximity to the property line as the existing garage \_\_\_\_\_ on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Richard E Reynolds Phone: 217-530-2602  
Address (street/city/state/zip code): 705 S Urbana Ave, Urbana IL 61801  
Email Address: dickyr85@hotmail.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Property Owner

#### 2. OWNER INFORMATION

Name of Owner(s): Richard E Reynolds Phone: 217-530-2602  
Address (street/city/state/zip code): 705 S Urbana Ave, Urbana IL 61801  
Email Address: dickyr85@hotmail.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: 705 S Urbana Ave, Urbana IL 61801  
PIN # of Location: 92-21-17-284-036  
Lot Size: 60' x 174'

Current Zoning Designation: R-3

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*):

See attached Warranty Deed

#### 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):** Ruth Wyman

Phone: 217-239-1544

Address (*street/city/state/zip code*): 202 S Broadway Ave, Suite 207, Urbana IL 61801

Email Address: ruth@ruthwymanlaw.com

#### 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.

I would like to build a new two car garage the same distance from the property line as the existing two car garage. When my neighborhood was planned and developed, garages were placed on or very close to the property line, To comply with todays setback requirements would add substantial cost Because the existing driveway would not line up with the garage doors if the garage is placed 18" to the north

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. I'm not asking for anything that isn't applicable to other properties. In my neighborhood most garages are on or very close to the property line. Last year 702 S Vine placed a garage on the property line. I contacted the building inspector because the garage partially impedes an easement and was told "it's fine because it's basically sitting on the old foundation". If my neighbor can be on the property line, then my request to do the same should be acceptable.

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

My home and garage and the neighboring home and garage were built before I was born. It's not possible for me to have contributed to a situation that took place nearly 20 years before my birth

Explain why the variance will not alter the essential character of the neighborhood. The variance will not alter the character of the neighborhood. My request is in keeping with the original site layout.

Explain why the variance will not cause a nuisance to adjacent property. The new garage would be the same distance from the property line as the existing garage. The proposed new garage will be non combustible. Steel frame, steel roofing and steel siding.

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

The existing garage wall is 9" in from the property line and the roof overhang is on the property line. I would like to build the new garage the same distance from the property line as the existing garage. I want to set the front of the new garage back approximately 10'

***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.

  
\_\_\_\_\_  
Applicant's Signature

9-20-22  
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 F**

**Case No. 2022-MAJ-07**

**Reynolds Garage Major Variance**

**Zoning Board of Appeals November 16, 2022**

**Combined Public Input**

## Olsen, Nicholas

---

**From:** Richard Reynolds <dickyr85@hotmail.com>  
**Sent:** Tuesday, October 25, 2022 1:44 PM  
**To:** Olsen, Nicholas  
**Subject:** Fwd: Proposed Garage at 705 S Urbana Ave  
**Attachments:** Bone Tax Bill.pdf

\*\*\* Email From An External Source \*\*\*

Use caution when clicking on links or opening attachments.

Nick,

See email below from the owner of 707 S Urbana Ave stating she is fine with the south wall of the new garage being the same distance from the property line as the existing garage.

Begin forwarded message:

**From:** Pam Bone [REDACTED]  
**Subject: Re: Proposed Garage at 705 S Urbana Ave**  
**Date:** October 25, 2022 at 1:24:53 PM CDT  
**To:** Richard Reynolds <[dickyr85@hotmail.com](mailto:dickyr85@hotmail.com)>

It's Ok with me if you put the south side of the new garage where the old garage is. As long as the fences stay the same. Pam

Sent from my iPad

On Oct 24, 2022, at 11:51 AM, Richard Reynolds <[dickyr85@hotmail.com](mailto:dickyr85@hotmail.com)> wrote:

Pam,

As discussed I would like to remove the existing garage and install a new garage. What I have proposed to the City Of Urbana is to build the south wall the same distance inside my property line as the existing garage. The front of the new garage would be moved west approximately 10' as shown in the attached site plan.

The city planner suggested I reach out to you for comment.

If you have any concerns please reply and let me know. If you are ok with the proposed site plan please respond to let me know that as well.

Thank you

Richard Reynolds  
705 S Urbana Ave  
Urbana, IL 61801  
217-530-2602  
<[print-graph-paper.com](http://print-graph-paper.com) copy.pdf>

**Olsen, Nicholas**

---

**From:** [REDACTED]  
**Sent:** Friday, November 4, 2022 10:48 AM  
**To:** [REDACTED] Olsen, Nicholas  
**Subject:** Major Variance Application No. ZBA-2022-MAJ-07

**\*\*\* Email From An External Source \*\*\***

Use caution when clicking on links or opening attachments.

Dear Sirs / Ma'ams,

I am contacting you in regards to the notice I received this morning for Major Variance Application No. ZBA-2022-MAJ-07.

I own three properties behind the subject property, on South Vine Street in Urbana, and I share the private alley that Mr. Reynolds uses to access his back parking area. It's a good feeling to know that my neighbor is confident enough in the future of West Urbana and in the value of our properties here that he is willing to double down and invest tens of thousands of dollars in replacing a dilapidated accessory structure on his property.

Given how narrow our lots here are, and the shared, narrow, and private nature of our alley, I cannot see any good reason not to grant this variance to allow Mr. Reynolds to replace his garage where it currently sits.

Thank you for your time and consideration.

Sincerely,

Phil Fiscella  
[REDACTED]