



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Kat Trotter, Planner II  
**DATE:** August 5, 2022  
**SUBJECT:** **ZBA-2022-MAJ-05:** A request by Steven and Deborah Woodward for a major variance to allow a 40-foot by 100-foot garage at 2003 Airport Road in the R-1, Single-Family Residential Zoning District.

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### Introduction

Steven and Deborah Woodward request a variance to allow a 40-foot by 100-foot garage in the rear yard at 2003 Airport Road, in the R-1, Single-Family Residential zoning district. They would like to build a large Morton-style garage for Mr. Woodward's car collection. Section V-2.C.7 of the Zoning Ordinance allows accessory structures, like garages, to be 1,000 square feet in area, or 50 percent of the floor area of the dwelling, whichever is less. The property is approximately 2.5 acres, and the existing house is approximately 2,300 square feet. At 4,000 square feet, the proposed garage would exceed the maximum area allowed for accessory structures, so a variance is required to allow the request.

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 recommends the Zoning Board of Appeals make a recommendation to City Council to approve the variance request with one condition.

### Background

The applicants purchased the property in June 2022; however, the house has been on the property since the 1980s. There is an attached two-car garage that the applicants use for their every-day vehicles, and a 700 square-foot shed in the backyard. They would like to build a 4,000 square-foot Morton-style building for Mr. Woodward to store and work on his collectible cars. The garage would be detached from the existing house, in the backyard, approximately seven feet from the east side property line.

### Description of Site and Area

2003 Airport Road is 2.35 acres (approximately 103,000 square feet) and is located in the on the south side of Airport Road, east of Cunningham Avenue. Nearby are other residences, in the Landis Farms and Somerset subdivisions. The adjacent properties to the east, west and south are zoned R-2, Single-Family Residential, and the adjacent properties to the north across Airport Road are zoned County AG-2, Agriculture. The site is substantially larger than the surrounding residential properties.

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

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Site	R-1, Single-Family Residential	Residential
North	County AG-2, Agriculture	Residential & Agriculture
South	R-2, Single-Family Residential	Residential
East	R-2, Single-Family Residential	Residential
West	R-2, Single-Family Residential	Residential

## Discussion

The applicants request the variance to allow a 4,000 square foot garage in the backyard of their property. The existing house is 2,300 square feet, with an attached two-car garage on the east side. There is also a 700 square-foot shed in the backyard. The previous owners used the large backyard to keep horses and a horse stable. Mr. Woodward collects and works on cars in his free time, and he would like to build a Morton-type building as a storage and work space. The garage would not be considered a second principal structure or a home occupation, as the use is recreational and incidental to the principal use on the lot – the house.<sup>1</sup> There is no commercial activity associated with the work on the vehicles; it is just a hobby for Mr. Woodward. The garage would be larger than the maximum permitted 1,000 square foot accessory structure in the R-1 zoning district, so a variance is required.

The property is significantly larger than other residentially-zoned properties in the City and nearby (it is over 100,000 square feet, where 9,000 square feet is required for a lot in the R-1 district<sup>2</sup>). There is a fence that runs between the east and west property lines, splitting the property in half, and the garage would be built north of the fence in the applicants' backyard. The applicants purchased the property with the impression that the larger-than-average lot size would leave plenty of room for the desired garage. However, the Zoning Ordinance limits accessory structures in residential districts to a maximum of 1,000 square feet. The regulations were designed to prevent accessory structures from dominating the principal structure on residential lots and to ensure that the structures comply with the development regulations for the district. The floor area ratio for this property, including the proposed garage, would be approximately 0.06 (0.30 is the maximum), and the open space ratio would be approximately 14.0 (0.50 is required). Given the size of the property, the proposed garage would be larger than the house, but would still be incidental to the principal use and would comply with all other development regulations for the R-1, Single-Family Residential zoning district.

An attached garage of this size could be built onto the existing house without a variance. However, given the layout of the house and the large lot size, the applicants would like to build the garage as a stand-alone building in the backyard.

<sup>1</sup> Zoning Ordinance Section V-2. Principal and Accessory Uses and Structures

<sup>2</sup> Zoning Ordinance Table VI-3. Development Regulations by District

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

The house was built in the 1980s on the approximately 2.5-acre property. The size of the lot is a special circumstance, as it is substantially larger than all other residential lots in the area, and allows ample room for an accessory structure that exceeds the maximum area permitted by the Zoning Ordinance, but it will still meet all of the development regulations of the R-1 zoning district.

2. *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 requested variance would not serve as a special privilege, as the property is much larger than the standard R-1 parcels in Urbana and other parcels in the area. The property is over 100,000 square feet, which is over ten times larger than the minimum required lot size for a property in the R-1 zoning district. A garage of the same size would not be feasible on a standard residential lot. However, it would not be out of place on this property due to the large lot size.

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

Prior to speaking with City staff, the applicants were unaware of the Zoning Ordinance regulations for accessory structures. They purchased the property earlier this year, with the assumption that the oversized lot and large backyard would provide ample space for the desired garage. The applicants could build an attached garage onto the existing house, but it makes more sense to them for the building to be detached.

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

The garage would not alter the essential character of the neighborhood, as 2003 Airport Road is significantly larger than the neighboring residential properties. It was not platted as a part of the Landis Farms or Somerset Subdivisions – the property falls between the two subdivisions and is approximately 2.5 acres.

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

The variance would allow a 4,000 square foot garage to be built on the south side of the property, behind the existing house. The garage would be built in the backyard, entirely on the applicants' property, and would comply with the required rear and side yards for the R-1 zoning district.

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

The garage would be 4,000 square feet, which generally represents the minimum deviation from the Zoning Ordinance requirements to meet the desires of the applicant: to provide storage and work space for his collectible cars. An attached garage of the same size could be built without a variance. However, given the excess space on the property and the layout of the house, the applicants would like to construct the detached garage in their backyard, so a variance is required.

### **Summary of Findings**

1. Steven and Deborah Woodward requests a major variance to allow a 40-foot by 100-foot garage in their backyard at 2003 Airport Road in the R-1, Single-Family Residential Zoning District.
2. The variance will not serve as a special privilege to the property owner, as the property is much larger than the standard R-1 parcels in Urbana, and a garage of the same size would not be out of place on the property.
3. The variance was not the result of a situation knowingly created by the applicants, as they were unaware of the Zoning Ordinance regulations for accessory structures. They purchased the property earlier this year with the thought that the oversized lot and large backyard would provide ample space for the desired garage.
4. The variance will not alter the essential character of the neighborhood as the property is significantly larger than the neighboring properties, and the garage would be built in the large backyard.
5. The variance will not cause a nuisance to adjacent property owners, as the garage would be entirely on the applicants' property and would conform to the development regulations of the R-1, Single-Family Residential zoning district.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage would provide storage and work space for his collectible cars.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2022-MAJ-05:

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 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. If the Zoning Board of Appeals elects to do so, it should articulate findings supporting the denial.

## 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-05 to the Urbana City Council with the following condition:

1. The garage will generally conform to the submitted site plan, as shown in Exhibit C.

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

cc: Steven and Deborah Woodward, Property Owners/Applicants

# Exhibit A - Location Map



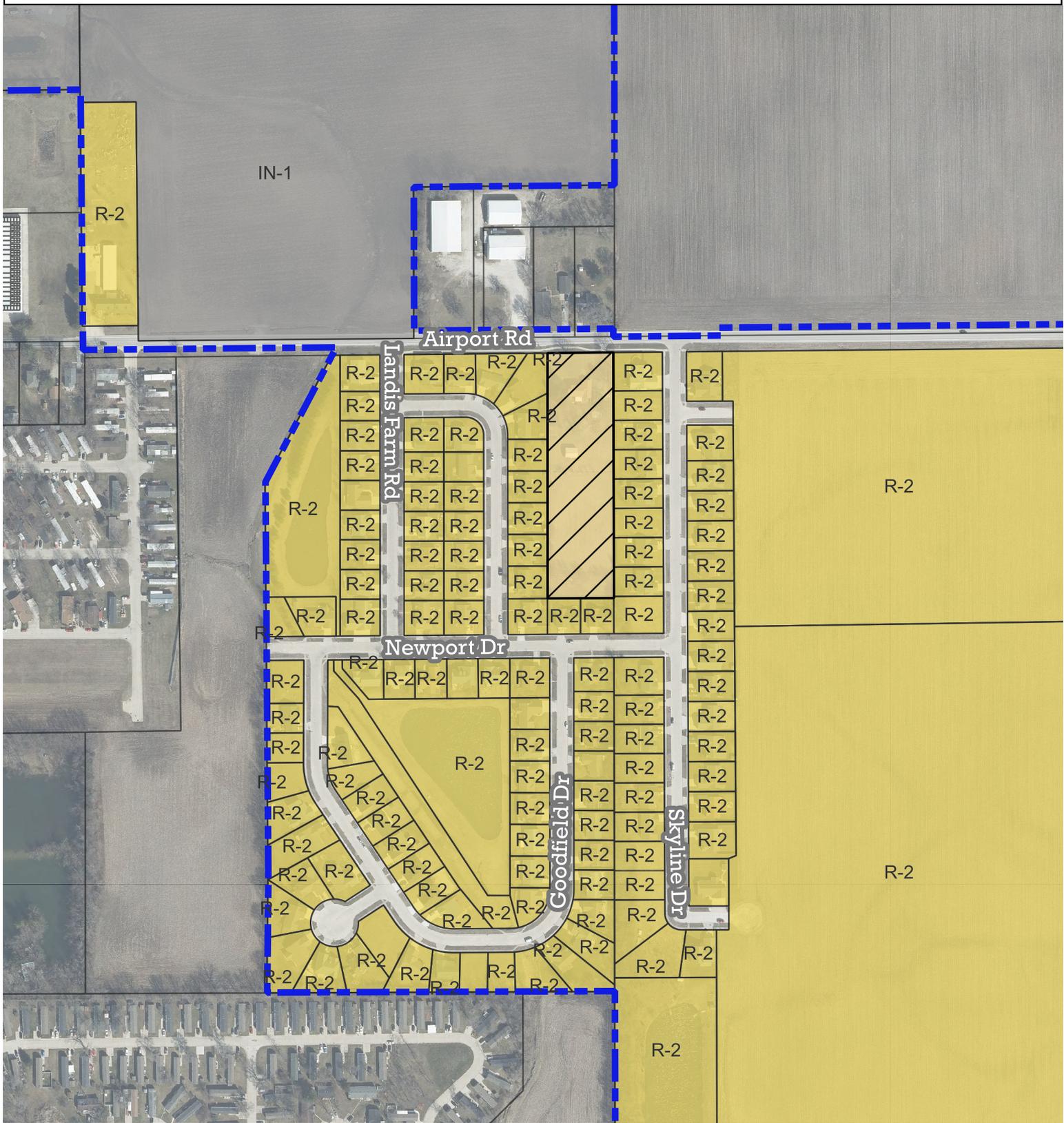
Case No. ZBA-2022-MAJ-05  
Subject Woodward Garage Variance  
PIN 91-21-04-226-001  
Petitioner Steven & Deborah Woodward

### Legend

 Subject Property  
Urbana\_2020

0 250 500 ft  


# Exhibit B - Zoning Map



Case No.  
Subject  
PIN  
Petitioner

ZBA-2022-MAJ-05  
Woodward Garage Variance  
91-21-04-226-001  
Steven & Deborah Woodward

### Legend

-  Subject Property
-  Municipal Boundary

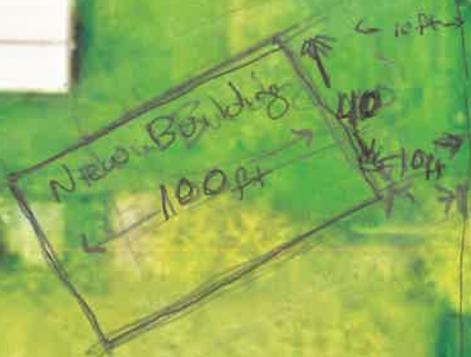
- Zoning
-  IN-1
  -  R-1
  -  R-2

0 250 500 ft



2003 Airport Road  
Urbana, IL

WOODWARD D



**EXHIBIT D – SITE PHOTOS**







# 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 \_\_\_\_\_ 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*)

Zoning Ordinance Section V-2. #7 c size of accessory structure on the  
9-3-2021 property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Steven + Deborah Woodward Phone: 217-898-0147

Address (street/city/state/zip code): 2003 Airport Road Urbana, IL 61802

Email Address: biga94@comcast.net

Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

#### 2. OWNER INFORMATION

Name of Owner(s): Steven + Deborah Woodward Phone: 217-898-0147

Address (street/city/state/zip code): 2003 Airport Road Urbana, IL 61802

Email Address: biga94@comcast.net

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: 2003 Airport Rd Urbana, IL 61802

PIN # of Location: 91-21-04-226-001

Lot Size: 2.35 acres 125 x 660

Current Zoning Designation: RA

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

Proposed Land Use: Add morton building type to store collectable cars.

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

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of the NE 1/4 of the NE 1/4, S4, T19N, R9E, Champaign County

#### 4. CONSULTANT INFORMATION

Name of Architect(s): Bickus Construction Phone: 217-356-9207

Address (street/city/state/zip code): 1305 N Harris Ave Champaign IL 61820

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.

The building we want to build is a 40' by 100ft' morton type building to store his collectable cars. If we were to follow code we would need to attach to the house which would make the house less attractive, functional & an eye sore losing the back yard. We have 2 1/2 acres behind the house and would like to utilize for a better design & appearance.

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.

The difference with this location is the 2 1/2 acres behind the home. Plenty of land to build without disruption to neighbors. The area was originally set up as a horse grazing area.

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

When we bought the house we were told we had plenty of acres to build a large building to store his cars. Just down the road a mile is a house with a large building so we thought it was doable.

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

Many of the properties that are close to house are fenced in and our yard is not visible to them.

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

We have our 2 1/2 acres and plenty of room for a large building to store cars and if granted this variance will be professionally built to be a nice looking building.

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

Currently the way the ordinance was explained is you can only have a building 1/2 the size of your house. This would be a larger building since we have the land to build it on.

**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.

Shibal Woodward  
Applicant's Signature

6-28-2022  
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