



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Katherine Trotter, Planner I  
**DATE:** October 16, 2020  
**SUBJECT:** **ZBA-2020-MAJ-05:** A request by Jane and Steve Amundsen for a Major Variance to allow an air conditioning unit to encroach three (3) feet into the required 5-foot side yard at 106 East Pennsylvania Avenue in the R-2, Single-Family Residential Zoning District.

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### **Introduction & Background**

Jane and Steve Amundsen request a Major Variance to allow an air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue in the R-2 Single-Family Residential Zoning District. Table VI-3 of the Urbana Zoning Ordinance requires a lot in the R-2 District to have a minimum side yard of five feet. Section VI-5 of the Zoning Ordinance prohibits air conditioning units and other mechanical equipment from being located in required yards. The applicants would like to put the air conditioning unit in the required side yard on the east side of their home, less than five feet from the property line.

The requested variance is necessary because of the configuration of the lot. The house was built in 1956, less than five feet from the side property line on the east side of the property. The house was also built without central air conditioning. The property and the surrounding neighborhood were developed before our current zoning regulations were enacted, so many surrounding properties have existing non-conforming setbacks as well. Granting the variance would allow the proposed air conditioner to encroach three feet into the required five-foot side yard on the east side of the property. Staff support the request.

### **Description of Site and Area**

The property at 106 East Pennsylvania Avenue is approximately 0.30 acres, and is located on the north side of Pennsylvania Avenue between Broadway Street and Vine Street. Nearby are the Urbana Middle School, Urbana High School, Blair Park, and mostly single-family residences. All adjacent and nearby properties are also zoned R-2, Single-Family Residential, with the exception of Blair Park to the south, which is zoned CRE, Conservation-Recreation-Education.

The following table identifies the current zoning and 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
Subject Property	R-2, Single-Family Residential	Single-Family Home
North	R-2, Single-Family Residential	Single-Family Home
South	CRE, Conservation-Recreation-Education	Blair Park
East	R-2, Single-Family Residential	Single-Family Home
West	R-2, Single-Family Residential	Single-Family Home

## Discussion

### Site History

The configuration of the lot at 106 East Pennsylvania Avenue hinders the possible locations for a new air conditioner. The house was built in 1956 without central air conditioning. The applicants have window air conditioning units, but would like to install a whole-house system to better cool their home, which requires an air conditioner somewhere on the exterior of the house. The proposed air conditioner will be 29 inches by 17.5 inches and would be located on the east side of the house, across from the neighbor's air conditioner at 108 East Pennsylvania Avenue. The proposed air conditioner will be a newer model, and according to the applicants and their supplier, the new air conditioner would generate less noise than their neighbor's existing unit. This should limit any potential nuisance to the neighbors.

The east side yard is the most practical and cost-effective location for the new air conditioner. There is a driveway and garage on the west side of the property, which would make it difficult to put the unit there. There is a deck in the rear yard, attached to the house, which makes it an impractical location for the air conditioner. According to the applicants, an air conditioner could fit in the set-in area next to the back porch, however, that area is under a downspout, which is not a good location for any mechanical equipment.

All of the existing electrical connections for the home are on the east side of the house. The applicants would like to put the unit on the east side to use these existing electrical connections. Putting the air conditioner on any other side of the house would require drilling holes through the finished basement ceiling to run wiring to the unit. The most practical and cost effective location for the proposed air conditioner is in the east side yard.

Approving the variance would allow the applicants to install an air conditioner in the required side yard on the east side of their property, two feet from the property line. Without the variance, the applicants would not reasonably be able to install an air conditioner.

## Major Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria.

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

The existing house encroaches into the required five-foot side yard on the east side of the property. The property and the surrounding neighborhood were developed before our current zoning regulations were enacted, so the side yard is more narrow than what would be required today. Allowing the air conditioning unit to be installed in the east side yard is the most practical and cost effective solution, and regardless of where the unit is placed in the east side yard, it would be less than five feet from the property line.

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 proposed variance will not serve as a special privilege because the house was built less than five feet from the property line on the east side of the lot. The existing driveway and garage in the west side yard and deck in the rear yard make the east side yard the most practical location for a new air conditioner. These are special circumstances which do not generally apply to other properties in the district.

3. The variance request is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

The applicants did not deliberately create this situation. The house was built in 1956, with no central air conditioning. The applicants have relied on window air conditioning units up to this point, and they would like to replace the window units with a central cooling system. The applicants were unaware of the side yard requirement prior to deciding to put in an air conditioner, before contacting the City.

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

The proposed air conditioner will be placed as close to the house as possible. Air conditioning units are allowed in residential zoning districts, and it is common to see them next to houses. The variance would not alter the essential character of the neighborhood, as many other homes in the area have air conditioners.

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

The variance would allow the proposed air conditioner to be located two feet from the east property line, entirely on the applicants' property. The proposed unit will be directly across from the neighbor's air conditioner at 108 East Pennsylvania Avenue. The neighbors to the north and to the east have each submitted letters of support for the requested variance. The proposed air conditioner will also be the newest available model. The air conditioner will be required to comply with the City's Noise Ordinance<sup>1</sup>, which will limit any nuisance to the neighbors.

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

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<sup>1</sup> Code of Ordinances City of Urbana, Illinois, Chapter 16 Noise and Vibrations

The proposed air conditioner would encroach three feet into the required five-foot side yard. The unit would be located as close to the applicants' home as possible. The proposed location is the most reasonable and cost-effective placement for the unit.

## Case Summary

1. The property is zoned R-2, Single-Family Residential Zoning District.
2. Jane and Steve Amundsen request a Major Variance to allow air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue; and
3. The variance does not serve as a special privilege to the property owner, as the house was built less than five feet from the east property line, and the east side yard is the most practical location for a new air conditioner; and
4. The property owner did not deliberately create this situation, as the house was built in 1956, less than five feet from the eastern property line, and with no central air conditioning; and
5. The variance will not alter the essential character of the neighborhood, as air conditioning units are allowed in residential zoning districts, and the proposed air conditioner will be placed as close to the house as possible; and
6. The variance will not create a nuisance, as the proposed air conditioner will be directly across from the neighbor's air conditioner, and will comply with City noise regulations; and
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the variance would allow an air conditioning unit to encroach three feet into the required five-foot side yard.

## Options

The Zoning Board of Appeals has the following options in case ZBA-2020-MAJ-05:

1. Forward the Major Variance request to City Council with a recommendation to **approve** the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the Major Variance to City Council with a recommendation to **approve the variance with certain terms and conditions**, and if so, articulate all terms, conditions, and findings; or
3. **Deny** the Major Variance request, and if so, articulate findings supporting the denial.

## Staff Recommendation

Staff recommends that the Zoning Board of Appeals recommend **APPROVAL** of a Major Variance to City Council with the following conditions:

1. That the air conditioning unit generally conforms to the site plan in Exhibit C.

Exhibits:       A: Location Map  
                  B: Zoning Map  
                  C: Site Plan for Garage  
                  D: Site Photos

E: Application for a Major Variance

cc: Jane and Steve Amundsen, Owner/Applicant

# Exhibit A - Location Map



Case No. ZBA-2020-MAJ-05  
Subject Address Air Condition Unit Major Variance  
Address 106 E Pennsylvania Ave  
Petitioner Jane and Steve Amundsen



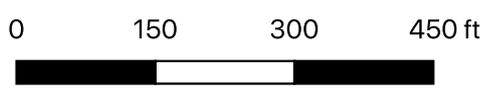
## Legend

 Subject Property

# Exhibit B - Zoning Map



Case No. ZBA-2020-MAJ-05  
 Subject Air Condition Unit Major Variance  
 Address 106 E Pennsylvania Ave  
 Petitioner Jane and Steve Amundsen



## Legend

- Subject Property
- R-2
- R-3
- B-1
- R-5
- CRE

Neighbors house  
136 E. Pennsylvania

Water  
sewer

30'

property lines considered here  
left from our house triple  
off from with triple

Water  
sewer

water  
sewer

water  
sewer

front porch

our house

100 E. Pennsylvania













# 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 08-28-2020 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*)

installation of air conditioning unit close to property line on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Jane & Steve Amundsen** Phone: **217-714-6413**  
Address (street/city/state/zip code): **106 E Pennsylvania Ave, Urbana 61801**  
Email Address: **amundsen@illinois.edu**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **owners**

#### 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: **106 E Pennsylvania Ave, Urbana 61801**  
PIN # of Location: **93-21-17-455-011**  
Lot Size: **Approx 68' x 193'**

Current Zoning Designation: **residential**

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

Proposed Land Use: **continued residence**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):  
**Lot #11.011, DeYoungs 3rd Subdivision**

#### **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.

**We would like to add whole house air conditioning to our 1956 house which currently has hot water heat and window air conditioners. The most practical, most aesthetically pleasing, and least expensive location for the outside air conditioner condenser is on the east side of our house. The driveway butts up to the west side of the house, a deck extends along almost the entire back north side, and all the electrical connections, both inside and outside are on the east end, across from our neighbors' own air conditioning unit.**

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.

**Our lot is somewhat narrow with a driveway abutting one side and only a few feet of property on the east side. We do not know exactly where the property line lies between our properties on the east, but it is doubtful that there would be a full 5 feet of clearance past an installed air conditioning unit. A unit could fit in a set-in area next to the back porch, however, it is under a downspout, at the opposite end of the house from all electrical, with no basement under the porch, and wires would have to be run through the finished basement ceiling at much additional expense and disruption.**

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

**At the time the house was built whole house air conditioning was not an option so no allowance was made for installing it.**

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

**The east side of our house would be an unobtrusive location for the air conditioner condenser. In addition we would not have to cut additional holes through the stone exterior of the house for wires to run into the attic because the unfinished east end of the basement would allow access for them.**

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

**The air conditioner would essentially be across from our neighbors air conditioning unit at 108 E Pennsylvania Ave. We have been assured that our new unit would be much quieter than our neighbors unit and unlikely that they could hear it over the noise of theirs. These direct next door neighbors who are the only folks who could potentially be affected have no objection whatsoever to installing the condenser across from theirs.**

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

**Yes. The air conditioning unit would be entirely on our property, however, clearance from the air conditioner to the property line would be less than specified by probably a few feet.**

***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



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

10/8/2020

Major variance for air conditioning unit at 106 E Penn... - Trotter, Katherine

# Major variance for air conditioning unit at 106 E Pennsylvania

Bill Scheidemantel <bscheid307@yahoo.com>

Thu 10/8/2020 1:42 PM

To: Trotter, Katherine <krtrtrotter@urbanaininois.us>;

Ms. Trotter:

We received a letter from the City regarding the upcoming ZBA hearing, to consider the request for a side yard setback variance for placement of an air conditioning unit at 106 E Pennsylvania.

For the record, even as adjacent property owners directly north of the subject property, we are unlikely to be affected by the granting of the variance, and we have no objection to the request. Furthermore, we think the variance should be allowed.

Thank you for the opportunity to provide input.

Bill Scheidemantel  
105 E Michigan Ave

[Sent from Yahoo Mail for iPad](#)

# Public Input - 10/21

JoAnne Geigner <jgeigner@gmail.com>

Thu 10/15/2020 9:38 AM

To: !Planning <Planning@urbanaillinois.us>; Trotter, Katherine <krtrtrotter@urbanaillinois.us>;

Cc: Jane Amundsen <janeamundsen@comcast.net>;

Hello,

My name is JoAnne Geigner and I live with my family at 108 E. Pennsylvania Ave, Urbana. My family and I want to provide our support for the major variance requested by our neighbors Jane and Steve Amundsen at 106 E. Pennsylvania. We have spoken to Jane and understand where they need to locate the air conditioner unit and that it will encroach 3 feet into the required 5-foot side yard that is between our houses.

As direct next door neighbors, we support the Amundsen's request for a major variance.

Thank you,  
The Geigner Family

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JoAnne Geigner  
[jgeigner@gmail.com](mailto:jgeigner@gmail.com)  
Pronouns: She/Her