



Zoning Board of Appeals

Case #: 16-07-08-V

Prepared by: Mercy Davison, Town Planner

Variation Description: The owner of 702 S. Cottage is requesting a variance to permit the construction of a detached garage that would exceed the code height and size and that would encroach into the required side and rear yard setbacks.

Property Location: 702 S. Cottage

Staff Recommendation: Denial

Background: The property at 702 S. Cottage currently contains a 1.5-story house and detached, 2-car garage, as shown in the photo to the right. In June, the owner came before the ZBA to request variances to build a 3-car detached garage. The proposed new garage would have been 1,080 square feet in size, which exceeds the permitted maximum size of 720 square feet. The height of the proposed garage would have been 15.5 feet, where code permits a maximum of 14 feet. The owner also requested to build the new garage on the current 2-foot setback adjacent to the north property line and 3.5 feet from the rear property line where code requires a setback of at least 5 feet from both property lines.



The ZBA declined the variances but suggested that a smaller garage with less significant variances may be more acceptable. The owner noted that there is at least one other garage on the block that is 900 square feet. Thus, at this time the owner is requesting a variance for a 900 square foot garage with the same setback variances. The proposed height is a bit shorter – 14'7" – but still exceeds the code maximum of 14 feet. The newly proposed garage is 6 feet narrower than the previously proposed garage.

Adjacent Zoning and Surrounding Land Use: The property is zoned R-1B Single Family Residential. The property is surrounded by the same zoning classification and residential uses to the north, south, and east. The residential properties to the west are zoned R-1A.

Variation Standards Section 15.12-4(D)

The Zoning Board of Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which the following items are demonstrated:

1. Granting of the variation will be in harmony with the purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the bulk, sign, or off-street parking and loading regulations of the zoning classification of the property in question.
3. The plight of the owner is due to special circumstances.

Under Illinois state law and Town of Normal code, the Zoning Board of Appeals shall grant a variation only if each of the above standards has been satisfied.

Staff Analysis

1. The newly proposed 900 square foot garage is much closer to the code maximum size of 720 square feet than the originally proposed 1,080 square foot garage. The setback along the north property line would be the same as the existing garage, and the variance for the east setback is fairly minor. Given the size of the property and proposed garage, Town staff believes the proposed garage would be in harmony with the purpose and intent of single-family zoning.
2. A true determination of reasonable return would require the analysis of an appraiser; however, Town staff does not believe the inability to construct a detached garage of this size and in this location would prevent the owners from getting a reasonable return on this property.
3. Town staff has found no circumstance unique to this property.

Recommendation: Denial

Zoning Board Action

___ Approved

___ Conditionally Approved

___ Denied

To all Applicant(s) - Please note that:

- a. The approved variation will expire within one year from the date of the Board decision if the applicant failed to obtain a building permit (Section 15.12-5(E)(3))
- b. No application for variation which has been denied wholly or in part by the Zoning Board shall be submitted for a period of one year from the date of said order of denial except on the grounds of error in the original proceedings or change of conditions found to be valid by the Zoning Board of Appeals (Sec. 15.12-5(E)(2))
- c. Decisions of the Zoning Board of Appeal concerning a variation request in R-2, R-3A, R-3B, B-1, B-2, C-1, C-2, C-3, M-1, and M-2 Zoning Districts shall be considered a provisional decision for a period of 10 days. During the 10-day provisional period, any member of the Town Council may file in writing with the City Clerk a stay of decision. This provision gives the Council the opportunity to review the action of the Zoning Board and render a final decision, which may only be reviewed in the courts in accordance with the applicable statutes and law of the State of Illinois. Please see Sec. 15.12-5(E)(1)(a) of the Zoning Code for additional information.

| | AYE | NAY | OTHER | | AYE | NAY | OTHER |
|----------------|-----|-----|-------|---------------|-----|-----|-------|
| Randy Schaab | | | | Corrine Brand | | | |
| Janet Hood | | | | Tony Penn | | | |
| Gary Blakney | | | | Todd Anderson | | | |
| Keith Palmgren | | | | | | | |

Chairman / Date



Normal

APPLICATION FOR: ZONING VARIATION (R1 AND R2)

PROJECT NAME: _____

APPLICANT/REPRESENTATIVE

NAME: _____

ADDRESS: _____

PHONE #: _____ FAX #: _____

E-MAIL ADDRESS: _____

PROPERTY INTEREST: _____
(of applicant)

FOR OFFICE USE ONLY:

FILE STAMP

Clerk's Office
Town of Normal
JUN 20 2016
RECEIVED

FILING FEE: \$125.00 *waived*
CASE NUMBER: _____
PUBLICATION DATE: _____
PUBLIC HEARING DATE: _____
COUNCIL ACTION DATE: _____
APPROVED _____ DENIED _____
ORDINANCE #: _____

OWNER

NAME: Kelly + Dawn Stevens

ADDRESS: 702 S. Cottage Ave
Normal, IL 61761

PHONE #: (309) 838-4201 FAX #: _____

E-MAIL ADDRESS: KDCRU@6mcast.net

PROPERTY INFORMATION:

ADDRESS: 702 S. Cottage Ave

LOT SIZE IN SQUARE FEET: 11120

PRESENT USE: Residential

ZONING DISTRICT: R1B

ADJACENT ZONING:

NORTH: R1B
SOUTH: R1B
EAST: R1B
WEST: R1A

PROPERTY IDENTIFICATION NUMBER:

14-29-451-010

LEGAL DESCRIPTION: Steven's Sub 5/2
Lot 1a, Campbell's Sub SE 29 24 2c
(ex W3'St) W139 Lot 4

SECTION FROM CODE VARIATION Sec 15.4-4C4
IS BEING REQUESTED: Sec 15.4-4C2
Sec 15.4-4C3

Reason for Variation Request: (Lot Area, Width, Front/Rear/Side Yard Setback or Parking):

To keep current north side location and extend rear location of garage.
Also to increase size of garage.

Purpose of Variation Request: Will allow me to have ① 900 Sq. ft detached garage ② 2' North side setback
and 3 1/2' east side setback rather than the required 5ft. setback. ③ Average height of 14' 7" rather than the allowed 720 Sq. ft maximum

VARIATION STANDARDS (Attach Separate Page if Necessary):

1. The granting of the variation will be in harmony with the purpose and intent of the Zoning Code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

EXPLAIN: New garage will match the existing house siding color and construction materials will be consistent with standard building practices.

2. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by bulk, sign, or off-street and loading regulations of the zoning classification of the property in question.

EXPLAIN: Due to existing location of garage to be removed we would use existing hard surface driveway to access proposed garage.

3. The plight of the owner is due to special circumstances. (circumstances that prevent the property - not the structure of the property from meeting the minimum required by Code)

EXPLAIN: Due to restrictions of setbacks and existing location of garage that this is the only possible place to put it. Also, because we have a rear sewage connection that limits our ability to relocate to a different location.

HAS A PREVIOUS VARIATION BEEN REQUESTED? YES or NO

DATE REQUEST WAS MADE: 6-16-16

APPROVED OR DENIED

REQUIRED ATTACHMENTS (Twenty-Two (22) Copies of the Following)

1. Attach Twenty-Two (22) copies of a plot plan drawn to scale, noting the scale used, showing the actual size and shape of the lot or property; location, ground area, dimensions and identification of use of all existing and proposed buildings and structures and dimensions of front, side and rear yards. **PLEASE NOTE:** If plot plan is on 8 1/2 x 11" paper, you need only attach the original and additional copies will be made with your application.
2. _____
3. _____

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

APPLICANT SIGNATURE

DATE

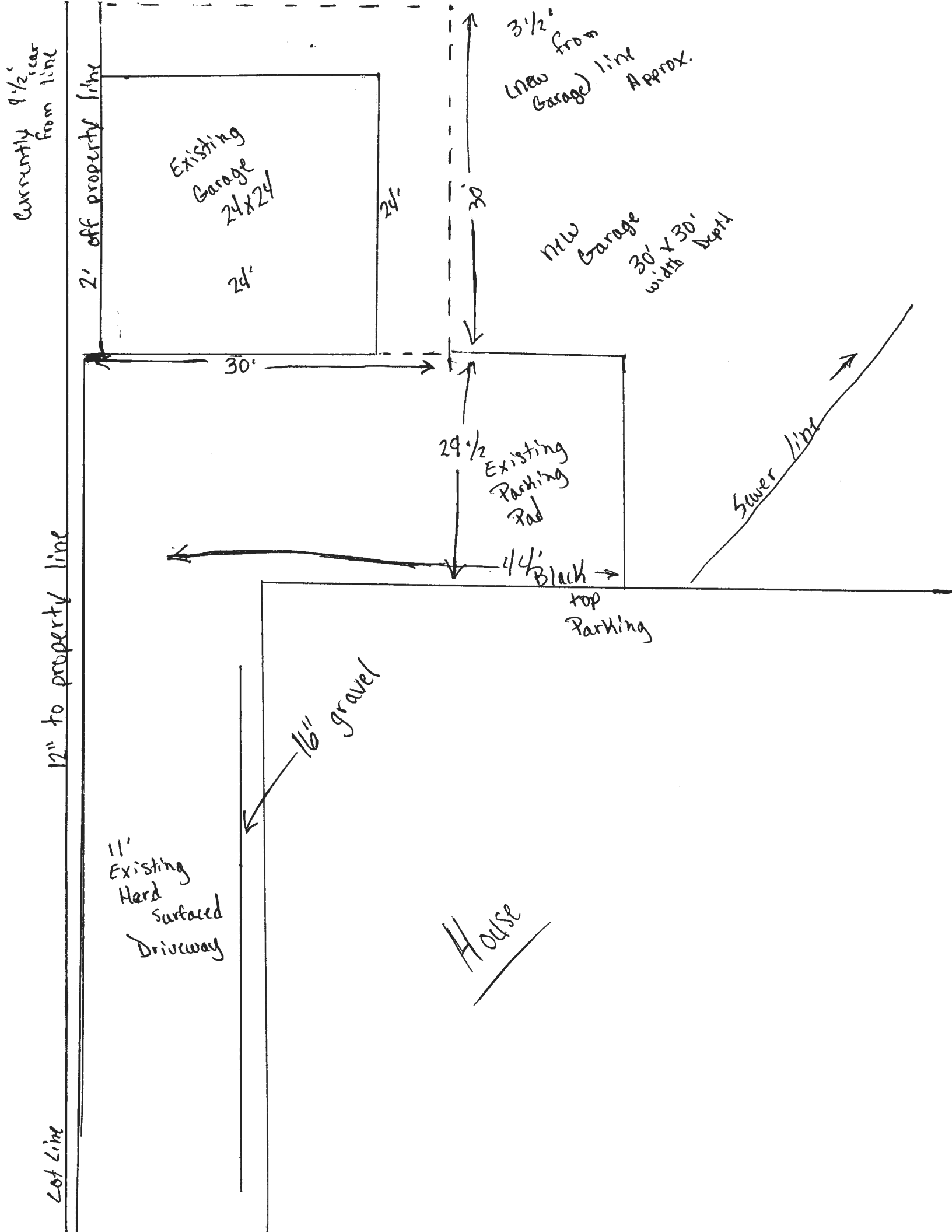
CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is subject of this request. The applicant has received my approval to proceed with this request.

Kelly L. Stevens
OWNER SIGNATURE

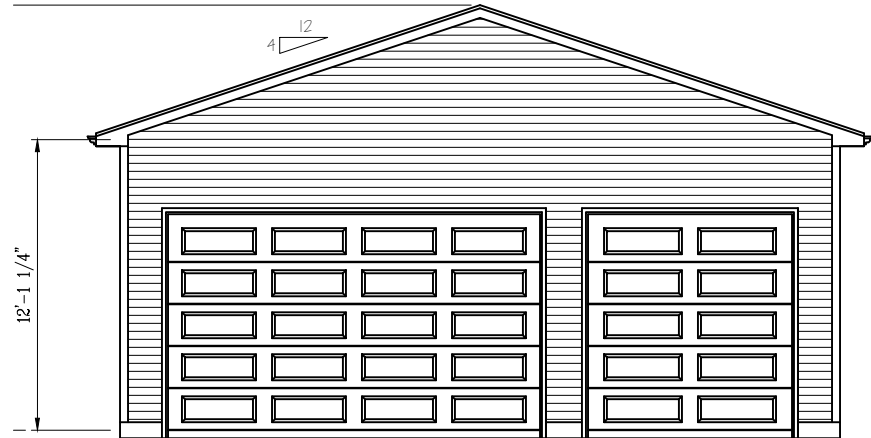
6-21-16
DATE

You will be notified of the date and time of the Zoning Board of Appeals Meeting. You and/or your representative must be present at the meeting and be prepared to present your case to the Zoning Board of Appeals. If you and/or your representative are not present, the Commission may not hear your request.





REAR ELEVATION
SCALE: 1/8" = 1'-0"



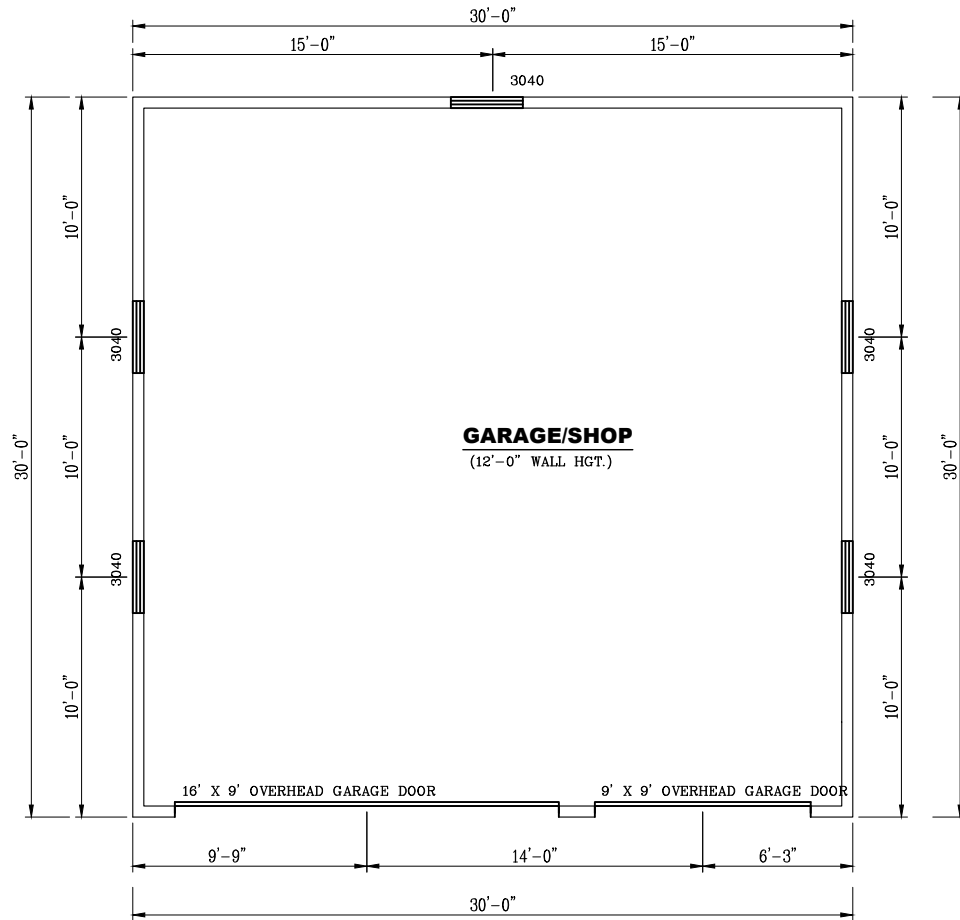
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held in the Council Chambers, City Hall, 11 Uptown Circle, Normal, McLean County, Illinois, at 5:00 p.m., prevailing time on the 21st day of July 2016. Consideration will be given to certain proposed changes or amendments to Chapter 15 ZONING of the Municipal Code of the Town of Normal, Illinois, 1969, as amended. Considerations will be given to the following request:

APPLICANT KELLY & DAWN STEVENS of 702 S. Cottage Ave., Normal, Illinois is petitioning for the property legally described as follows:

Steven's Sub S1/2 Lot 12, Campbell's Sub SE 29 24 2e (ex W3'St) W139' Lot 4
Pin: 14-29-451-010
Common Location: 702 S. Cottage Ave., Normal, McLean County, Illinois

The applicant requests variations to SEC. 15.4-4(C2)(C3)(C4) (Accessory Buildings and Uses) of the Town of Normal Municipal Code for the construction of an accessory structure that exceeds the maximum allowable building area and height, and for a reduced north and east side yard setbacks.

A copy of the application and sketch plan is on file in the office of the Town Clerk at 11 Uptown Circle, Normal, Illinois, for public review and will be available at the public hearing.

Individuals with disabilities, who plan to attend the hearing, require certain accommodations in order to allow them to observe and participate, have questions regarding the accessibility of the facilities, or any individuals with limited English proficiency who need assistance communicating are requested to contact Assistant City Manager Ben McCready at (309) 454-9504.

Questions concerning this zoning matter should be directed to the City Planner at (309) 454-9590.

TOWN OF NORMAL, ILLINOIS
ZONING BOARD OF APPEALS
Todd Anderson
Chairman

PUBLICATION DATE: June 30, 2016
The Normalite.