



# Zoning Board of Appeals

Case #: 13-10-10-V

Prepared by: Mercy Davison, Town Planner

**Variation Description:** The owner of 508 N. Maple would like to build a detached 2-car garage that would sit 9 feet off the corner side yard property line rather than the required 25-foot minimum setback.

**Staff Recommendation:** Approval of a 15-foot setback

**Property Location:** 508 N. Maple

**Background:** The house at 508 N. Maple is a 2-story structure at the corner of Maple and Cypress. The house faces Maple (west) and its existing, detached 1-car garage faces Cypress. It sits approximately 9 feet off the Cypress property line. The garage curb cut is 2 car widths in size. The driveway is gravel.



The owner proposes to build a new 2-car detached garage at the same 9-foot setback as the existing structure. Code requires a setback of at least 25 feet from the property line because it is a corner side yard. As part of this garage project, the owner also plans to replace the existing gravel drive with a hard surface.

The property owner will be present to answer questions regarding the variance request.

### Adjacent Zoning and Surrounding Land Use

	Zoning District	Land Use
Subject Property	B Single Family Residential	Single Family Residential
Property North	B Single Family Residential	Single Family Residential
Property East	B Single Family Residential	Multiple Family Residential
Property South	B Single Family Residential	Single Family Residential
Property West	B Single Family Residential	Multiple Family Residential

### 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

**Harmony and Purpose:** This is a very old neighborhood with a mixture of single family, multiple family, and institutional (former Eugene Field Elementary School) structures with varying setbacks. In addition, the current garage has been at a 9-foot setback for decades. Thus, it is doubtful that the proposed garage setback would have a negative impact on the harmony and purpose of the R-1B zoning classification.

**Ability to Yield a Reasonable Return:** Discussion on whether the property could yield a reasonable return should be considered speculative and inconclusive without the advisement of a licensed real estate appraiser. However, it seems likely that the house could yield a reasonable return without the requested setback variance

**Plight Due to Unique Circumstances:** This is a somewhat unique circumstance given the widely varying types of structures and setbacks in the immediate vicinity.

**Recommendation:** Town staff's primary concern is the potential conflict between the applicant's driveway and a future sidewalk on the south side of Cypress, even though there is currently no plan to build a sidewalk. If the garage is not set back enough and a sidewalk is built, the property owner would no longer be able to park a car in the driveway because it would obstruct the sidewalk.

Thus, staff recommends a garage setback of at least 15 feet off the property line, or 6 feet further south than the existing garage. Staff recommends the ZBA proceed with the public hearing and, following its findings of fact, determine whether the application has met all the three standards required for the approval of the requests.

## 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))

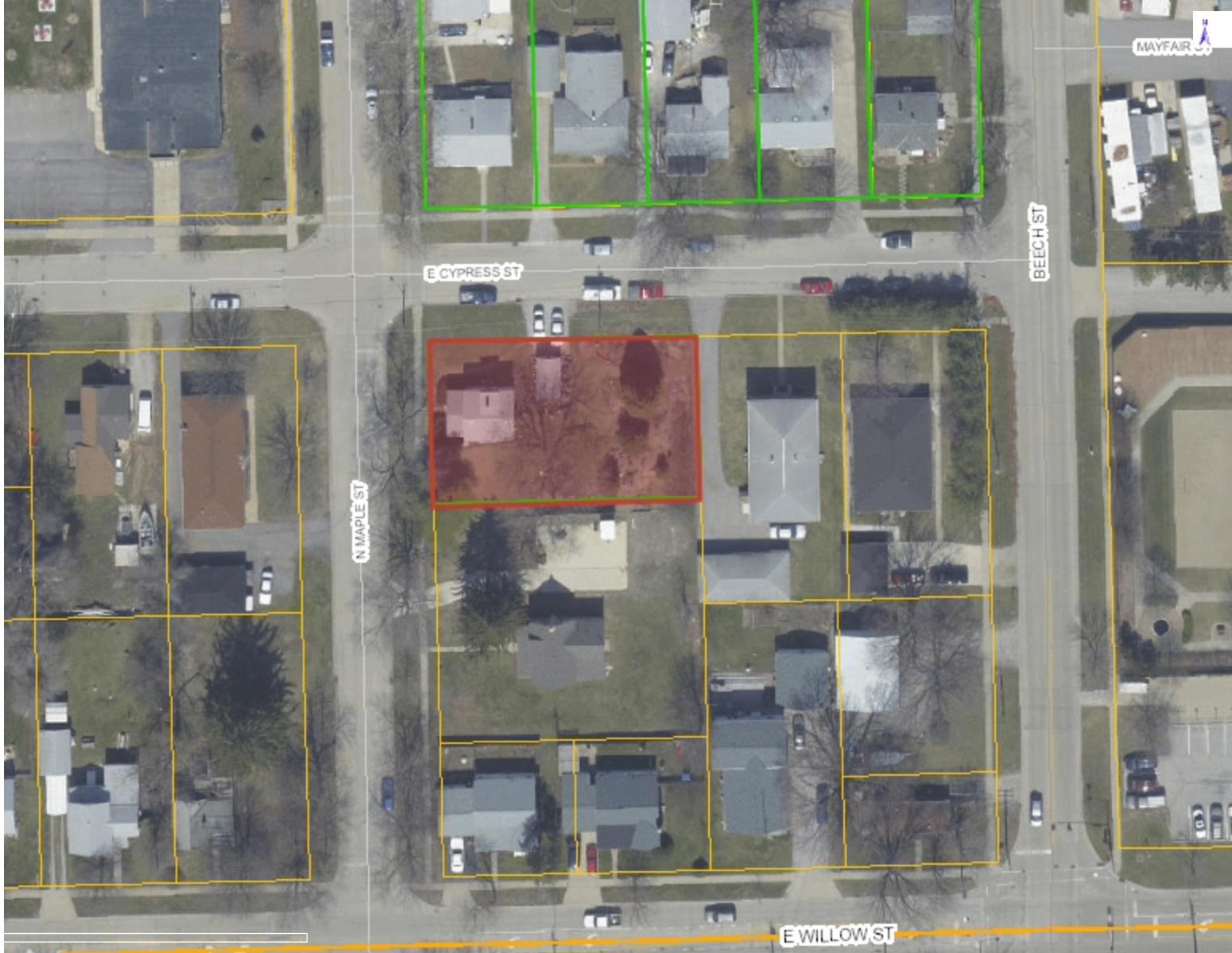
c. Decisions of the Zoning Board of Appeal concerning a variation request in R-2, R-3A, R-3B, B-1, B-2, C-1, C-2, C-3, M-1, and M-2 Zoning Districts shall be considered a provisional decision for a period of 10 days. During the 10-day provisional period, any member of the Town Council may file in writing 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

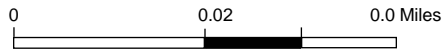


# 508 N Maple



### Legend

- Parcels
- Interstates
- US\_Highways
- State\_Highways
- County\_Highways
- County\_Rd
  - PAVED
  - UNPAVED
- City\_Streets
  - ALLEY
  - CITY\_ARTERIAL
  - CITY\_COLLECTOR
  - CITY\_STREET
  - PRIVATE\_STREET
- Railroad
- County



1: 1,195

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 10/2/2013 11:44:37 AM

### Notes

## 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 17<sup>th</sup> day of October 2013. 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:

REPRESENTATIVE /APPLICANT Amy Miller, 508 N. Maple, Normal, Illinois, is petitioning for the following described property:

First Addn To Normal  
(ex S52') Lot 3 & 4 Blk 21  
PIN: 14-27-116-001  
Common Location: 508 N Maple, Normal, McLean County, IL 61761

The applicant requests variations to 15.6-5(E)(2)(c) of the Town of Normal Municipal Code to allow a reduced corner setback.

A copy of the application and sketch plan is on file in the office of the Town Clerk 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 the Assistant City Manager, Sally Heffernan 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: September 26, 2013  
The Normalite.



Normal

### APPLICATION FOR: ZONING VARIATION (R1 AND R2)

PROJECT NAME: 508 N. Maple, Normal

**APPLICANT/REPRESENTATIVE**

NAME: Amy Miller

ADDRESS: 508 N. Maple  
Normal

PHONE #: 309 821 4871 FAX #: \_\_\_\_\_

E-MAIL ADDRESS: amy.miller@countryfinancial.com

PROPERTY INTEREST: Owner  
(of applicant)

**FOR OFFICE USE ONLY:**

FILE STAMP

Clerk's Office  
Town of Normal

RECEIVED

FILING FEE: **\$125.00**

CASE NUMBER: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_

COUNCIL ACTION DATE: \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE #: \_\_\_\_\_

**OWNER**

NAME: Amy Miller

ADDRESS: 508 N. Maple  
Normal

PHONE #: 309 821 4871 FAX #: \_\_\_\_\_

E-MAIL ADDRESS: amy.miller@countryfinancial.com

**PROPERTY INFORMATION:**

ADDRESS: 508 N. Maple

LOT SIZE IN SQUARE FEET: 80' x 132' = 10,560

PRESENT USE: Single family home

ZONING DISTRICT: R1B

**ADJACENT ZONING:**

NORTH: R1B

SOUTH: R1B

EAST: R1B

WEST: R1B

**PROPERTY IDENTIFICATION NUMBER:**

14-27-116-001

**LEGAL DESCRIPTION:**

Lots 3 & 4 1st addition to Normal  
excluding south 52'

**SECTION FROM CODE VARIATION**

**IS BEING REQUESTED:**

15.6-5E2a

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

I am requesting a reduced corner setback.

**Purpose of Variation Request:** Will allow me to have 9'-0"

rather than 25'

**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: The garage/shed structure is in poor repair. I am requesting to have a new garage of appropriate size in the same location. A curb cut is not required as a 2-car drive already exists. The drive will be in concrete, an upgrade from the current gravel.

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: The existing structure detracts the property and a new replacement would enhance the property and hence add value.

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: This is the oldest area of Normal with residences reflecting various styles, including apartment buildings. Having a modern size garage will be accommodating by being larger by necessity. My concern is not to have the new garage block the entire eastern portion of my yard.

HAS A PREVIOUS VARIATION BEEN REQUESTED? YES or <b>(NO)</b>	
DATE REQUEST WAS MADE: _____	APPROVED OR DENIED _____
<b>REQUIRED ATTACHMENTS (Twenty-Two (22) Copies of the Following)</b>	
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. <b>PLEASE NOTE:</b> 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.

*Ray L. Miller*  
 \_\_\_\_\_  
 APPLICANT SIGNATURE

09/09/2013  
 \_\_\_\_\_  
 DATE

**CERTIFICATION BY PROPERTY OWNER**

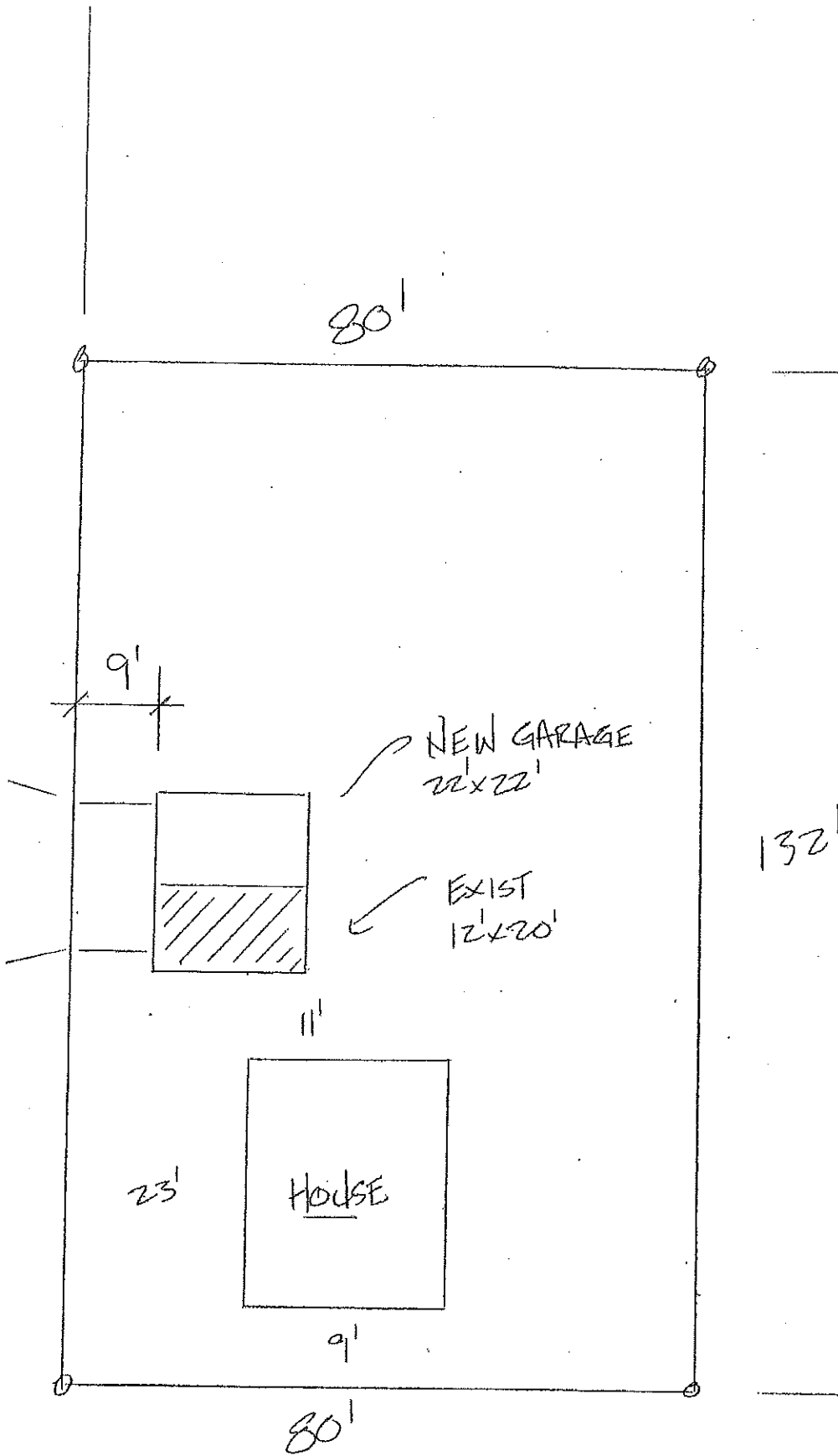
I certify that I am the owner of the property, which is subject of this request. The applicant has received my approval to proceed with this request.

*Ray L. Miller*  
 \_\_\_\_\_  
 OWNER SIGNATURE

09/09/2013  
 \_\_\_\_\_  
 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.

CYPRESS ST



11' = 20'

508 N. MAPLE ST