



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division
m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Marcus Ricci, AICP Planner II
DATE: August 14, 2020
SUBJECT: **ZBA-2020-MAJ-02:** A request by Andrew Fell, on behalf of Hao Jan Liu, for a Major Variance to allow construction of an Infill Residential Planned Unit Development on a site less than the minimum required one-half acre in size, on property at 1304 South Vine Street in the R-3, Single- and Two-Family Residential, Zoning District.

Introduction

On behalf of Hao Jan Liu, Andrew Fell requests a Major Variance to reduce the minimum lot area required for a Planned Unit Development (PUD) to less than one-half acre, which would allow Mr. Liu to apply for a residential PUD at 1304 South Vine Street. Section V-1.A.2. of the Zoning Ordinance permits Residential PUDs in the R-3, Single- and Two-Family Residential Zoning District. For the Major Variance request to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority to forward it to City Council for final review and approval.

Background

The applicant recently completed construction of a seven-unit apartment building at 408 West Green Street, and has been looking for a suitable location to construct a similar building on a larger scale. The property at 1304 South Vine Street is for sale and could be suitable for the applicant's needs. However, the R-3 zoning district would only allow two duplexes or eight common-lot line units by right. While the R-3 district allows Residential PUDs, at around 20,000 square feet the lot is slightly smaller than the ½-acre (21,780 square feet) required for a PUD. Mr. Liu therefore requests a variance to allow a Planned Unit Development on a smaller lot than required by the Zoning Ordinance.

Site Description, Land Use and Zoning

The property is located at the southeast corner of South Vine Street and East Michigan Avenue (Exhibit A). It is comprised of two lots that are approximately 4,250 and 15,750 square feet, or 20,000 square feet total. They are treated as a single zoning lot. The existing two-story residence on the lot is currently vacant and was most recently used as a two-unit rental property, where over-occupancy complaints were a recurring issue. Previously, the property was used as a daycare facility.¹ The applicant requests a Major Variance from Section XIII-3.D. which requires any PUD to be on a lot of at least ½-acre. Table 1. summarizes the zoning and land uses for the site and surrounding area (Exhibit B). Notable land uses near the site are the Urbana Middle School (northwest), Blair Park (southwest), and Campus Property Management's Michigan Avenue East apartment complex (northeast). The 2005 Comprehensive Land Use Plan designates much of the area as Residential, with Multifamily to the north and east (Exhibit C).

¹ ZBA-1999-C-08 – Conditional Use Permit granted to establish a children's day care facility. ZBA-2000-MAJ-02 – Major Variance granted to reduce off-street parking requirement.

Table 1. Zoning, Land Use and Future Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	R-3, Single- and Two-Family Residential	Duplex Residential	Residential
North	R-3, Single- and Two-Family Residential	Single-Family & Duplex Residential	Residential, Multifamily
South	R-3, Single- and Two-Family Residential	Single-Family Residential	Residential, Park
East	R-3, Single- and Two-Family Residential	Single-Family & Duplex Residential	Residential
West	R-2, Single-Family Residential	Single-Family Residential	Residential, Institutional

Discussion

The request for a Major Variance is the first step required for the applicant to redevelop the property as he would like. The Zoning Board of Appeals must recommend approval of the request by a two-thirds majority for it to proceed to City Council. Failure to obtain approval would result in a denial of the request and would end possibility of the applicant to proceed with a PUD proposal. If the request is granted, the next step in the development process is for the applicant to submit a PUD application to the Plan Commission, which would include detailed site plans showing traffic circulation, landscaping and open space, stormwater management, utilities, lighting, building elevations, and the project timeline. The proposed PUD would have to adhere to the zoning requirements of Section XIII-3 of the Zoning Ordinance, unless waivers were granted for specific development regulations. The Plan Commission would review the plan and make a recommendation to the City Council, which would make the final determination on whether to grant the PUD.

Public Comment

As of the time of this memo, staff had received several inquiries regarding the proposed case. Most of the inquiries were requests for site plans for the development. Staff explained that the case at hand was only for the variance for the minimum lot size of the PUD and that detailed site and building plans would be part of the subsequent PUD review case at the Plan Commission. This additional review opportunity satisfied those inquirers. The single comment submitted was that the respondent believed that Urbana has enough multifamily housing and that a PUD would create more traffic near the schools.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the variance criteria as they pertain to this case:

- 1. 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 special circumstances in this case are the size and configuration of the property’s two lots. Even if the applicant replatted the two lots to increase total building potential, the result would still be only two lots. This which could allow up to two duplexes, a total of four dwelling units, which does not make the project as financially viable.

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

The request is not meant to correct a situation knowingly or deliberately created by the petitioner. The site was platted in 1842 and has been zoned “single- and two-family residence” since at least the 1970s, and the petitioner only recently expressed interest in purchasing the site. The site is slightly smaller than required for a PUD, and while the petitioner knows this, they did not create the smaller site; they merely would like to pursue a PUD on the site, which would be subject to review by the Plan Commission and City Council, based on the PUD criteria in the Zoning Ordinance..

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

The request is simply the first step in the PUD application process, and would be followed by the submission of site plans detailing the scale, mass, design, and materials of the building, as well as the number of units and rooms. The variance request, to allow the applicant to pursue a PUD, would have no effect on the neighborhood's character.

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

The proposed variance will not cause a nuisance to adjacent properties. It would not authorize any construction; it would merely reduce the required lot size by eight percent to allow the applicant to submit a PUD application. The Plan Commission would still have to review the PUD application and can recommend conditions to City Council to address any concerns about the project, which could minimize any nuisances to adjacent properties.

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

As stated earlier, the request would not permit any actual construction; it would only reduce the required lot size so that a Planned Unit Development application can be submitted for review. Since the size of the lot is fixed, and the size is less than required by the Zoning Ordinance for a PUD, the variance request represents the minimum deviation possible from the requirements of the Zoning Ordinance.

6. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

The practical difficulty in carrying out the Zoning Ordinance in this case is a combination of site configuration and development options. To redevelop the site by right, the two different-sized lots would need to be replatted to create two uniform lots, and then only one duplex could be built on each lot. The PUD option would allow more redevelopment options, but would also be subject to closer scrutiny by City staff and appointed and elected officials, which could result in a development that optimizes the site's potential.

Summary of Staff Findings

1. Andrew Fell, on behalf of Max Liu, requests a major variance to allow construction of an Infill Residential Planned Unit Development on a site less than the minimum required one-half acre in size, on property at 1304 South Vine Street in the R-3, Single- and Two-Family Residential, Zoning District.
2. Section V-1.A.2. of the Zoning Ordinance permits a Residential Planned Unit Development in the R-3, Single- and Two-Family Residential Zoning District, in accordance with requirements of Section XIII-3., including the minimum Planned Unit Development lot area requirement of one-half acre.
3. The variance request is due to the special circumstances that the size and configuration of the lots would allow only a two-duplex development, which may not be financially viable.
4. The proposed variance is not meant to correct a situation knowingly created by the petitioner, as the site has been platted since 1842, and zoned single- and two-family residential for decades. Although the site is too small for a PUD, the petitioner did not create the site, and requests the Major Variance in order to submit an application for a PUD for review by the Plan Commission and City Council.
5. The proposed variance should not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties, as it does not authorize any development, and only allows submission

of a PUD application for review by the Plan Commission and City Council.

6. The proposed variance is the minimum deviation from the requirements of the Zoning Ordinance, as it merely allows a PUD application submission and does not authorize development nor change any zoning designation or Future Land Use designation.
7. The practical difficulty in carrying out the strict letter of the Zoning Ordinance are the constraints created by the by-right development regulations. Granting the Major Variance would permit the petitioner to use the Planned Unit Development Special Development Provision for greater design flexibility with more oversight.

Options

The Zoning Board of Appeals has the following options in case ZBA-2020-MAJ-02:

1. Forward the case to City Council with a recommendation to approve the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the case 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 variance request, and if so, articulate findings supporting the denial.

Staff Recommendation

Based on the analysis and findings presented 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 a major variance to City Council that would allow construction of an Infill Residential Planned Unit Development on a site less than the minimum required one-half acre in size in the R-3, Single- and Two-Family Residential, Zoning District.

Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Major Variance Application
 Exhibit E: Site Photos
 Exhibit F: Correspondence

Exhibit A - Location & Land Use



Case: ZBA-2020-MAJ-02
Subject: PUD Minimum Lot Major Variance
Location: 1304 South Vine Street
Applicant: Hao Jan Liu

Legend

 Subject Property



Exhibit B - Current Zoning



Case: ZBA-2020-MAJ-02
 Subject: PUD Minimum Lot Major Variance
 Location: 1304 South Vine Street
 Applicant: Hao Jan Liu

Legend

 Subject Property



- Zoning
-  CRE
 -  R-2
 -  R-3
 -  R-5

Exhibit C - Future Land Use



Case: ZBA-2020-MAJ-02
Subject: PUD Minimum Lot Major Variance
Location: 1304 South Vine Street
Applicant: Hao Jan Liu

Legend

 Subject Property



Exhibit D: 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 07-23-2020 ZBA Case No. ZBA-2020-MAJ-02

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*) to allow construction of an Infill Residential Planned Unit Development on a site less than one-half acre in size on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Andrew Fell Architecture and Design Phone: 217-363-2890
Address (street/city/state/zip code): 515 NORTH HICKORY, #101, CHAMPAIGN, IL 61820
Email Address: andrew.fell@andrewfell.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Architect

2. OWNER INFORMATION

Name of Contract Purchaser(s): HAO JIN LIU Phone: _____
Address (street/city/state/zip code): 3002 STANLEY LAKE, CHAMPAIGN, IL 61822
Email Address: magie.mxl@gmail.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: 1304 SOUTH VINE STREET
PIN # of Location: 93-21-17-476-018 AND 93-21-17-476-001
Lot Size: 150' x 133.3'

Exhibit D: Major Variance Application

Current Zoning Designation: R-3

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

Proposed Land Use: MULTI-FAMILY (P.U.D. APPLICATION)

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

SEE ATTACHED

4. CONSULTANT INFORMATION

Name of Architect(s): ANDREW FELL ARCHITECTURE AND DESIGN Phone:

Address (street/city/state/zip code): 515 NORTH HICKORY, #101, CHAMPAIGN, IL 61820

Email Address: andrew.fell@andrewfell.com

Name of Engineers(s): BKB ENGINEERING Phone: 217-531-2971

Address (street/city/state/zip code): 301 NORTH HELL, SUITE 400, CHAMPAIGN, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Surveyor(s): BKB ENGINEERING 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.

SEE ATTACHED

Exhibit D: Major Variance Application

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.

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

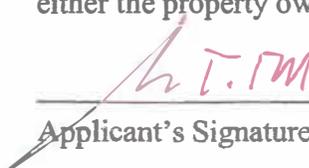
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

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.

Exhibit D: Major Variance Application

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

Exhibit D: Major Variance Application

EXHIBIT "A" Legal Description

For APN/Parcel ID(s): 93-21-17-476-001

Tract 1:

The North 106 feet of the South 349.3 feet of the West 150 feet lying East of Vine Street in Lot 1 of a Subdivision, all in the Southeast Quarter of the Southeast Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, except the North 33 feet of said Quarter Section, situated in the City of Urbana, in Champaign County, Illinois.

For APN/Parcel ID(s): 93-21-17-476-018

Tract 2:

A portion of Lot 12 in Edgemoor Second Addition to the City of Urbana as per Plat recorded in Plat Book "M" at Page 128, situated in Champaign County, Illinois, described as follows:

A narrow strip of land lying on the South side of Michigan Avenue, commencing at a point where the East line of Vine Street intersects with the South line of Michigan Avenue; thence East 150 feet; thence South 28.44 feet; thence West 150 feet; thence North to the point of beginning, in the City of Urbana, in Champaign County, Illinois.

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Page 3

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Exhibit D: Major Variance Application

REASONS FOR VARIATION

The subject site has been in poor and deteriorating condition for several years. An opportunity presented itself to our client for the purchase of the property - with the intent to make higher and better use of the site.

Many options for development were considered with a straight Zoning Change as one alternative. Through much deliberation and discussion with City Staff it was decided that a PUD Application is the most appropriate vehicle to accomplish the goals of the developer. The other alternative was to request a Zoning Change to R-4 and three Zoning Variances. Either option results in exactly the same end product. It is felt that a PUD request is somewhat more straight forward and understandable. Additionally, the PUD process allows for a clearer representation of the final development to be constructed.

For informational purposes, at this time, the intent is that the PUD will be an 'Infill Residential PUD' requesting to construct the development to adhere to all requirements of R-4 Zoning except for three minor exceptions:

1. The front yard setback will be set at the R-4 minimum of fifteen feet.
2. The development will include fourteen units instead of the requisite ten to take advantage of the floor area increase.
3. The basement area is to be eliminated from the F.A.R. calculation.

None of these three items has any significant impact on altering the design from what it would be under strict adherence to R-4 Zoning.

The reason for a Major Zoning Variance* is that the site lacks the amount of required area to be considered for a Residential PUD. The minimum area is one-half acre, or 21,780 square feet. The site in question is 20,004 square feet**.

I feel that this application presents absolutely no 'new circumstance' to this project or any future work at this site. This request is simply to allow the PUD Application to be submitted. It in no way authorizes any work of any kind or recommends approval or denial of any future consideration. It simply allows that consideration to be presented to the City, Plan Commission, and public for review, comment and hopeful approval.

*Note: The request is for a Major Variance as "PUD minimum lot area" is not listed as a Minor Variance option. By default, the case gets elevated to a "Major Variance".

**Note: The site survey is not yet completed. County G.I.S. maps illustrate the site as ~20,004 square feet. The resulting survey will almost certainly not have the same result. Historically, these surveys differ from the G.I.S. maps by fractions of feet, so it is very doubtful the site area will differ by more than ten square feet or so. However, until the survey is completed, we cannot be 100% accurate.

Exhibit D: Major Variance Application

5. REASONS FOR VARIATION (continued)

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.

There are several factors contributing to special circumstances at this particular development site. The site is composed of two separate parcels, one of which is virtually unbuildable at only a bit over 28 feet wide and 150 long, with a 15 foot front yard setback on two sides. Combined, the two sites are over 20,000 square feet – which is a substantially large in-town zoning lot. The two sites could, currently by right, have two duplex buildings, but this is certainly not the highest and best use of the site; and this option would require a re-plat of the site and possibly some other, additional Zoning waivers.

The existing building on the site is well beyond its useful life, has not been well maintained, and cannot reasonably be salvaged.

Building a new structure under the strict guidelines of the existing R-3 Zoning leaves this site drastically underutilized. Considering the options for a more appropriate use for the site, it is believed that a PUD Application is more appropriate than applying to rezone the property and additionally requesting zoning waivers.

Explain how the variance is necessary due to special condition relating to the land or structure involved which are not generally applicable to other property in the same district.

A portion of this condition is the size of the property considered. It is too large to reasonably hold only two duplex properties. The best use of the lot is a slightly more substantial development.

Additionally, the site is at a corner and directly diagonal from Urbana Middle School. This particular site is a transition of building density, scale and intensity of use. There is a definite transition from intensely used, highly public community spaces (school) to the multi-family uses close by to the less intensive duplex uses to the single family uses. This site fits neatly into the progression of use and scale that currently exists throughout the neighborhood.

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

The situation at this site has been caused by several factors. The main ones seem to be time and growth. Over the past years, Vine Street has become a more and more intensive traffic corridor and is now a major north-south thoroughfare thru Urbana. Michigan, east of Vine

Exhibit D: Major Variance Application

Street, has been more intensively developed with several large apartment complexes built. The residents along Michigan primarily use the intersection at Vine and Michigan as their 'taking off point' to anyplace they travel. The site at this intersection is now a very different entity than it was a decade ago. It is certainly not the same environment as it was fifteen years ago when the current comprehensive plan was developed.

The current zoning designation of R-3 no longer seems to be appropriate at this site.

The additional condition of very oddly sized and proportioned zoning lots makes by right development difficult.

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

The existing building on the site (existing – non conforming) contains four apartment units. These four units could easily accommodate eight residents. The future PUD Application will most likely present a small increase of the number of potential residents at the site, but the validity and impact of these additional residents is not a consideration at this time.

Again –this request changes nothing at this site. It simply allows for the submission of a PUD Application. That PUD Application will be evaluated by the City, the Plan Commission and the general public, with everyone being able to comment freely on the development.

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

Any impact on any neighboring property will be considered in the future PUD Application and development proposal review process. All adjacent property owners (and any other member of the public) are encouraged to convey their feelings about PUD Application upon is submission.

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

This request absolutely represents the minimum deviation necessary as it involves no actual decision on the building or the site. It simply allows a development option to be considered at some time in the future. It makes no determination on the validity or value of that future consideration.

Exhibit D: Major Variance Application



2 ZONING MAP
Z1 SCALE: NT8



Z1

Exhibit E – Site Photos



Figure 1. Looking southeast from Vine & Michigan.



Figure 2. Looking southeast across parking lot.



Figure 3. Looking west in backyard.



Figure 4. Looking southwest.

Exhibit F: Correspondence

From: [Hart, Sandra S](#)
To: [Ricci, Marcus](#)
Subject: Re: comments received RE: ZBA-2020-MAJ-02
Date: Saturday, August 08, 2020 11:07:53 AM

Yes I feel like Urbana and especially Vine street has enough housing that is for multiple inhabitants. I think that it will create more traffic which we do not need by our nearby schools.

Sent from my iPad

On Aug 7, 2020, at 5:00 PM, Ricci, Marcus wrote:

Sandra,

Thank you for your feedback; I will forward it to the Zoning Board of Appeals for their review. Do you have any more detailed reasoning for your perspective that I can provide to them?

You are also welcome to participate in or listen to the online public hearing.

Information on how to access the meeting will be provide at least one day prior to the meeting at the meeting website: <https://www.urbanaininois.us/node/8332>. Access info will look **similar** to this (**this is from a recent Plan Commission meeting**):

...[snipped]...

Be safe, stay healthy,

Marcus

Marcus Ricci, AICP [He/Him/His]

Planner II, City of Urbana

400 South Vine Street, Urbana IL 61801

217-328-8283 mericci@urbanaininois.us

-----Original Message-----

From: Hart, Sandra S

Sent: Friday, August 07, 2020 1:43 PM

To: Ricci, Marcus

Subject: ZBA-2020-MAJ-02

My name is Sandra Hart and I and my husband Frank Hart live at 1402 S. Vine Street.

We are definitely opposed to the zoning committee approving this request by Andrew Fell.

Respectfully

Sandra & Frank Hart

Sent from my iPad