DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

TO:Mayor Diane Wolfe Marlin and City CouncilFROM:John A. Schneider, MPA, Manager, Community Development Services DepartmentDATE:May 31, 2018SUBJECT:An Ordinance Approving A Major Variance (Hollywood Drive alley/ ZBA-2018-
MAJ-07)

Introduction

Fairlawn Village Development LLC is requesting a Major Variance to reduce the required yard setback from five feet to zero feet to construct a new garage over seven surface parking spaces to replace a structure destroyed by fire in 2009. With approval of the variance, the garage would connect to the portion of garage rebuilt in 2011to create one structure with no setback from the alley.

The Urbana Zoning Ordinance states that all required yards shall be unobstructed from any structures including garages. A variance with such deviation from Zoning Ordinance requirements is a Major Variance and must receive a recommendation of approval by two-thirds of the Zoning Board of Appeals with a final review and approval by City Council.

At its May 16, 2018, meeting, the Urbana Zoning Board of Appeals held a public hearing on the case and recommended that City Council approve the Major Variance.

Background

The subject properties have existed as parking spaces for the Fairlawn Village apartment complex since it was developed in the 1960's. Combined with several other spaces, a 13-stall garage covered the thirteen individual parking parcels provided parking for residents in apartments located on the northern side of the Hollywood Drive alley. The garage was constructed before the City's current rules on setbacks in the Zoning Ordinance were established. Currently, Section VI-5.B of the Zoning Ordinance states that all required yards shall be unobstructed from any structures including garages. In 2009, a fire burned down the 13-stall garage structure. The property owner rebuilt garages over six spaces. This variance would allow a garage to be rebuilt over the seven spaces remaining since the fire. While the previous 13-stall garage existed as a legally nonconforming structure, its full reconstruction would not be permitted without a variance by Section X-8.A of the Zoning Ordinance because its building costs would exceed 60% of the fair market value of the original 13-stall building.

In 2007, a Major Variance was granted in ZBA Case 2006-MAJ-05 (see Attachment E) for the construction of three new garages on the south side of the alley with zero setback. The garages were

to be built as covered off-street parking for apartments that were being converted into condominiums. As of 2018, the garages have not been constructed. While the previously-granted Major Variance would permit three new garages in another area of the property, the applicants seek to rebuild the original garage for purposes of cost efficiency, as it would use the existing concrete slab. Granting this variance would also preserve existing trees where the new garages were proposed in the variance granted in 2007. The applicant states that rebuilding the garages would restore the sheltered parking conditions for the residents who use them and maintain the quality of life for Fairlawn Village residents.

The garage would be built on the existing concrete slab of the previous garage (see Exhibit D). It would create seven individual parking stalls with separate doors and walls. Each stall would be approximately 10 to 12 feet wide and 22.25 feet in length. The new garage portion would be built with a matching pitched roof, siding, and shingles of the existing garage to the west. The garages would be attached to create one structure in similarity to how it existed before the fire. The newly created parking stalls would be in the same perpendicular alignment as the existing off-street parking. The alignment would still allow cars to back out into the public right-of-way on Hollywood Drive alley as they have done for decades.

Zoning Board of Appeals Meeting

The Zoning Board of Appeals heard the case at their May 16, 2018, meeting. Board members asked why the original 13-stall garage was only partially reconstructed. Staff explained that the original garage existed as a legally nonconforming structure and was only permitted to be reconstructed if the costs were less than 60% of the fair market value of the structure before the fire. Board members also asked if the applicant had addressed stormwater concerns and runoff from the proposed garage. The applicant's architect indicated that they had. The Board voted with six ayes and zero nays to forward the case to the City Council with a recommendation of approval. The approval recommendation included a condition that the garage generally conforms to the site plan included with the application. The draft meeting minutes for the public hearing are attached in Exhibit G.

Description of Site

The site is comprised of seven parcels totaling 1,472 square feet on the south side of the Hollywood Drive alley. Each parcel is designated for an individual parking spot. Most of the surrounding area is multifamily residential with condominiums and apartments towards the north and apartments towards the south. Towards the west is a garage while more off-street parking spaces are located towards the east. All of the subject properties are zoned R-5, Medium High Density Multiple Family Residential. Exhibits A, B and C (see attached) provide more details for the larger surrounding area.

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Future Land Use
Site	R-5, Medium High Density Multiple Family Residential	Parking Spaces	Multifamily
North	R-5, Medium High Density Multiple Family Residential	Condominiums	Multifamily
South	R-5, Medium High Density Multiple Family Residential	Apartments	Multifamily
East	R-5, Medium High Density Multiple Family Residential	Parking Spaces	Multifamily
West	R-5, Medium High Density Multiple Family Residential	Garage	Multifamily

Discussion

The Major Variance would restore the site to its previous condition by allowing a previously-existing structure to be rebuilt. It would also not change existing off-street parking arrangements and would enhance several existing parking spaces. The alley has generally low traffic volume as it is one-way and provides access to approximately 43 off-street parking spaces. The majority of parking spaces for Fairlawn Village uses access points off Michigan Avenue and Fairlawn Drive, not this alley.

The unique layout and platting of the Fairlawn Village facility provides limited alternatives for offstreet parking. The lots used for parking are only 20 feet deep, restricting additional setback from the property line. The variance would permit the applicant to replace the former garage without drastically changing the nature of the alley. It would be consistent with previously granted decisions and the historical layout of the Fairlawn Village complex.

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 criteria as they pertain to this case and the criteria outlined in the ordinance:

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

The proposed variance is due to special circumstances and difficulties in carrying out the strict application of the ordinance. The area of the proposed garage is an unusually shaped and narrow parcel that is constrained by the alley to its north and an apartment building to the south. There is little space to provide off-street parking further back from the alley. Reconstructing the building in its former location would allow the reuse of the existing slab and align with the existing building.

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 would not serve as a special privilege. The area has historically been used for parking and as a garage and would not be changing the location of parking spaces. It would not be changing the circulation of traffic as the existing parking spaces already back out into the alley. The variance would restore the subject properties to their state before the fire in 2009.

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

The variance requested was not the result of a situation or condition having been knowingly created by the Petitioner. The parcel was platted, the buildings constructed, and the fire occurred before the applicant's ownership of the property.

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

The variance will not alter the essential character of the neighborhood. It would mimic the location of existing parking arrangement for much of the Fairlawn Village complex. The location of parking near the alley allows the rest of the complex to preserve its notable trees, grass, and open space. The location of detached, freestanding garages near alleys can be found elsewhere in the East Urbana neighborhood.

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

The variance will not cause a nuisance to the adjacent property. It would connect to an existing garage with the same setback of zero feet from the alley. The neighboring properties have similar parking arrangements of perpendicular spaces that require the automobile to back out onto the alley. The alley has one-way traffic circulation and a low traffic volumes that lessens the possibility of vehicle-related accidents.

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

The variance represents the minimum deviation from the requirements of the Zoning Ordinance. The garage would be built over the existing surface parking spaces. There is little room available to construct the garage further set back from the alley.

Summary of Findings

1. Fairlawn Village Development LLC is requesting a Major Variance to reduce the required yard setback from five feet to zero feet to rebuild a garage lost to fire in 2009 along the Hollywood Drive alley.

- 2. The proposed garage structure would connect to the existing garage and create seven individual parking stalls to provide off-street parking and storage space for residents in Fairlawn Village.
- 3. The applicant desires to rebuild over the former garage slab. Due to the cost of reconstruction of a legal nonconformity, a new garage is only allowed if a Major Variance is granted.
- 4. The proposed variance is due to special circumstances and difficulties in carrying out the strict application of the ordinance.
- 5. The proposed variance would not serve as a special privilege.
- 6. The variance requested was not the result of a situation or condition having been knowingly created by the Petitioner.
- 7. The variance will not alter the essential character of the neighborhood.
- 8. The variance will not cause a nuisance to the adjacent property.
- 9. The variance represents the minimum deviation from requirements of the Zoning Ordinance.
- 10. At its May 16, 2018 meeting, the Urbana Zoning Board of Appeals held a public hearing and voted with six ayes and zero nays to forward the case to the City Council with a recommendation of approval.

Options

The Urbana City Council has the following options:

- 1. Approve the variance based on the findings in this memo; or
- 2. Approve the variance with conditions, and if so, articulate all conditions and findings; or
- 3. **Deny** the variance request, and if so, articulate findings supporting the denial.

Recommendation

At its May 16, 2018, meeting, the Zoning Board of Appeals voted with 4 ayes and zero nays to forward ZBA Case 2018-MAJ-07 with a recommendation to **APPROVE** the Major Variance request with the following condition:

1. The garage generally conforms with the Fairlawn Village Garage Addition site plan and elevations dated March 29, 2018.

Prepared by:

-histopher Marx ...

Christopher Marx, AICP, Planner I

Attachments: A: Location Map B: Zoning Map C: Future Land Use Map D: Site Plan E: Ordinance for ZBA Case 2006-MAJ-05 F: Application G: Meeting Minutes – May 16, 2018 Zoning Board of Appeals Public Hearing

Exhibit A: Location & Existing Land Use Map

VWOC

Multifamily

Multifamily



Multifami

Multifamily





Case: ZBA-2018-MAJ-07 Subject: Major Variance for Required Yard Setback Reduction Location: South Hollywood Drive Alley Petitioner: Fairlawn Village Development LLC

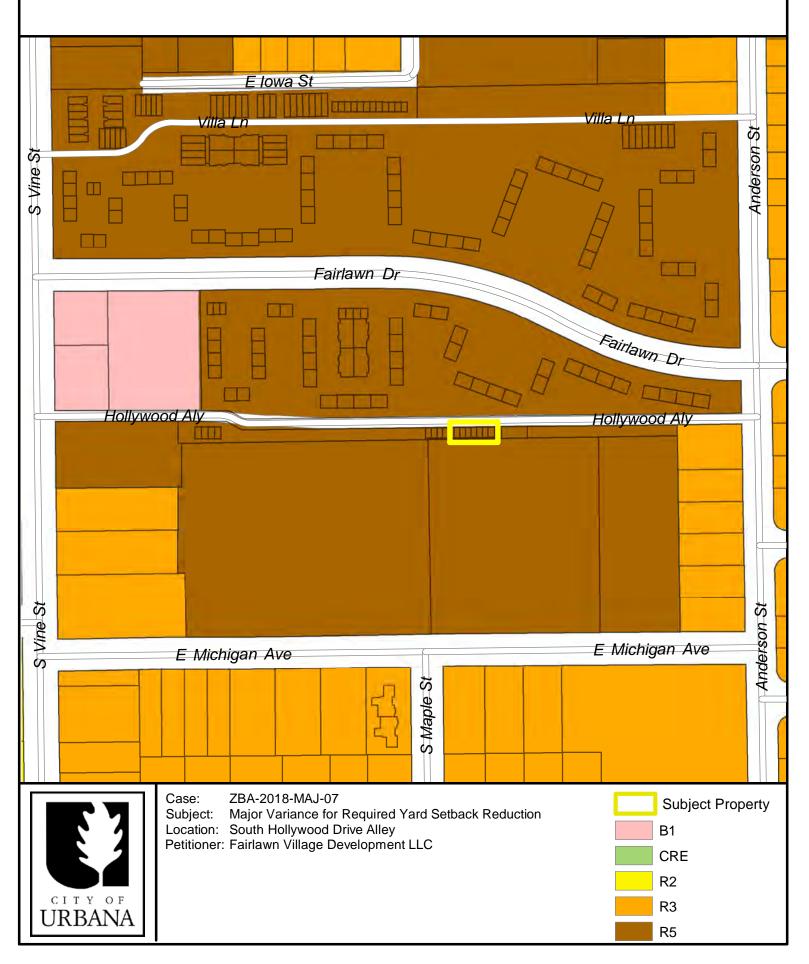
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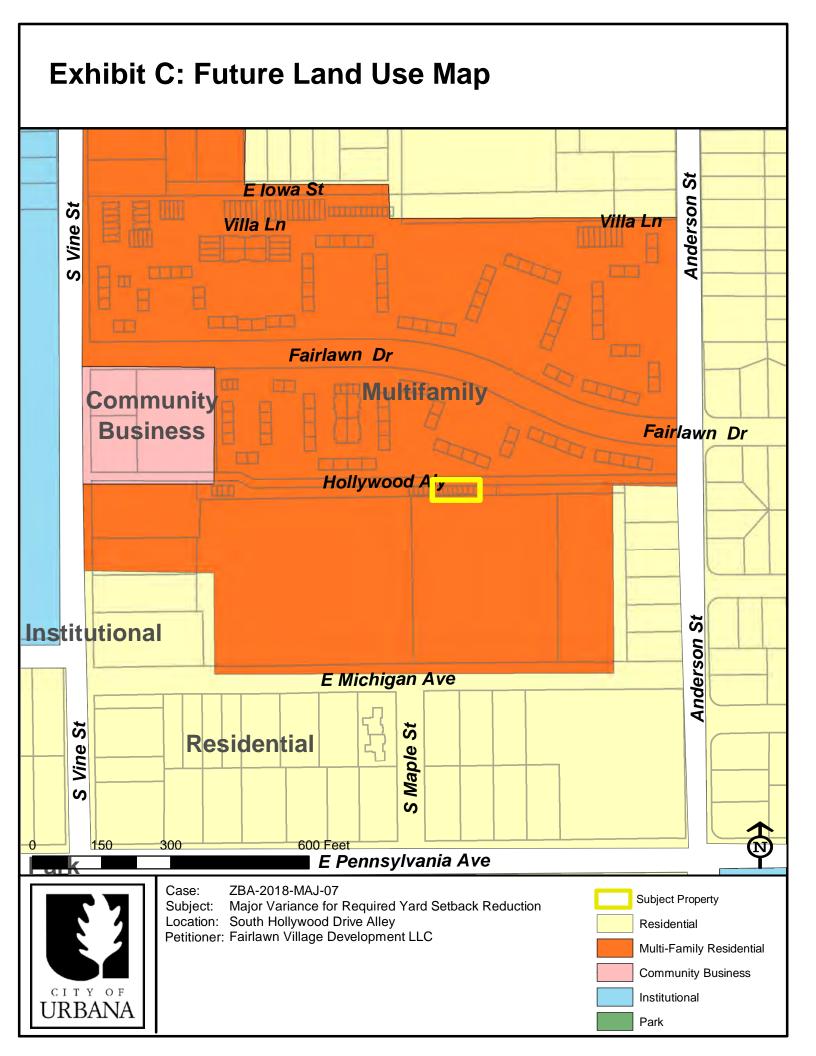
Subject Property

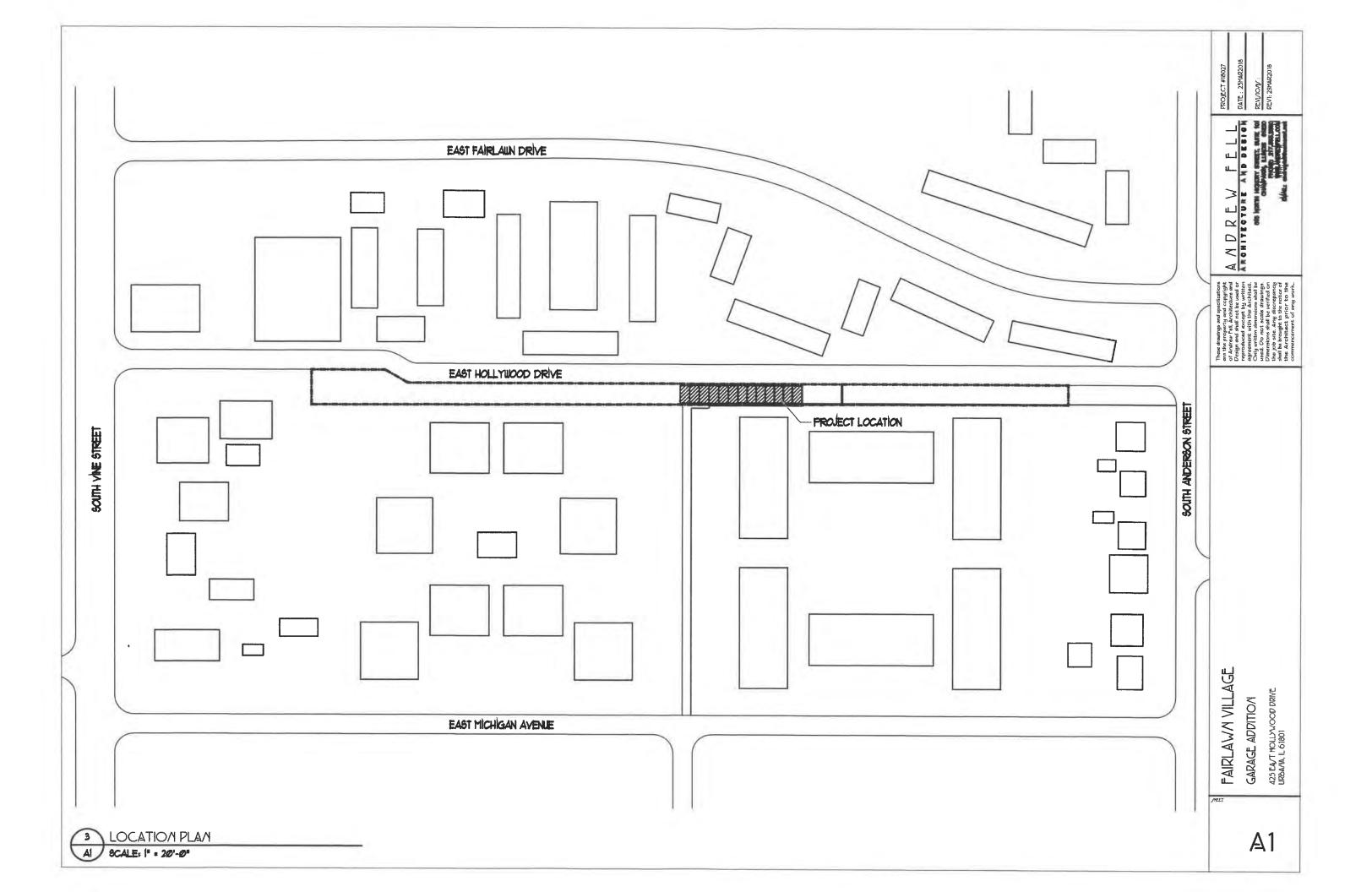
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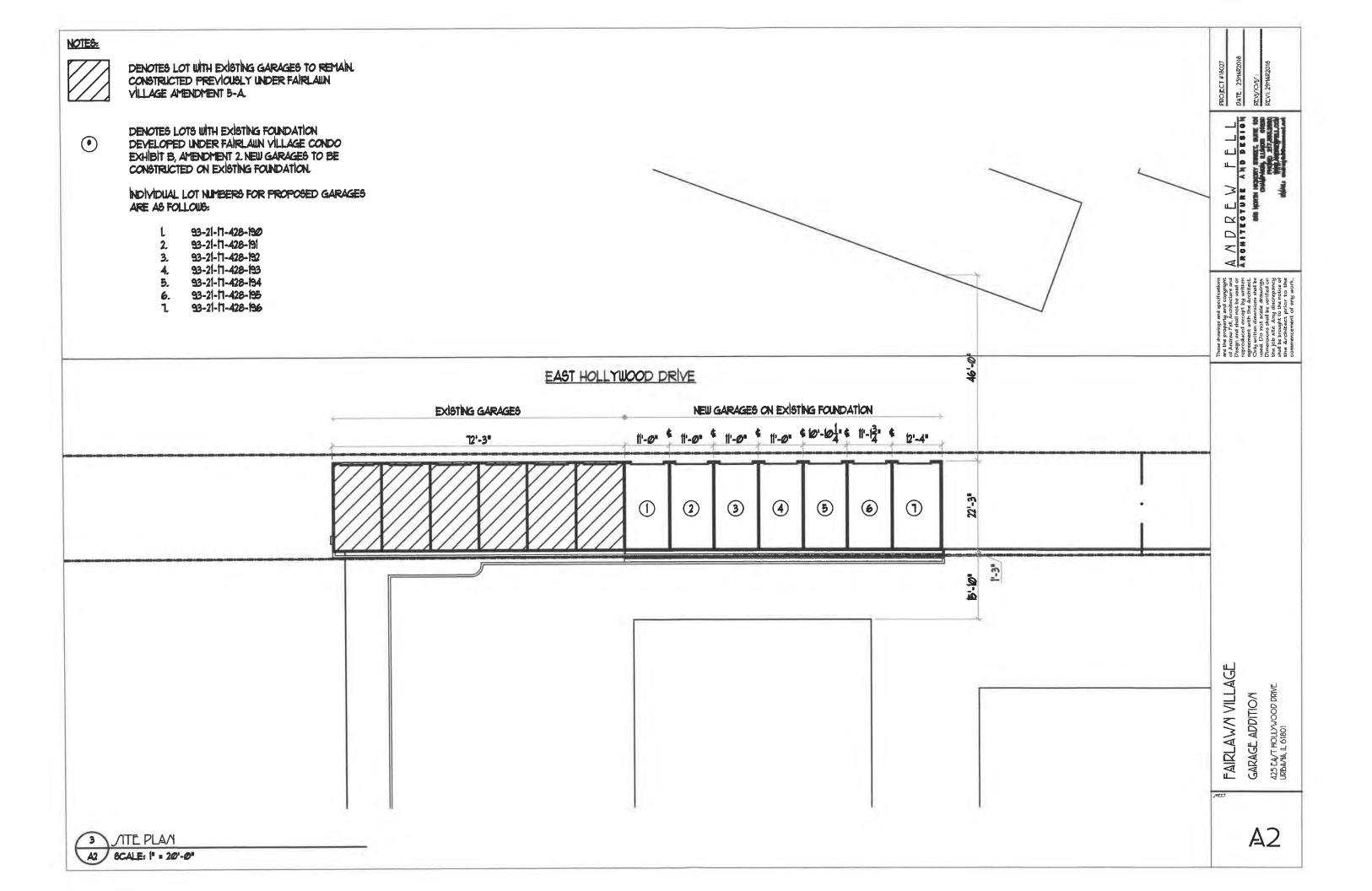
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Exhibit B: Zoning Map

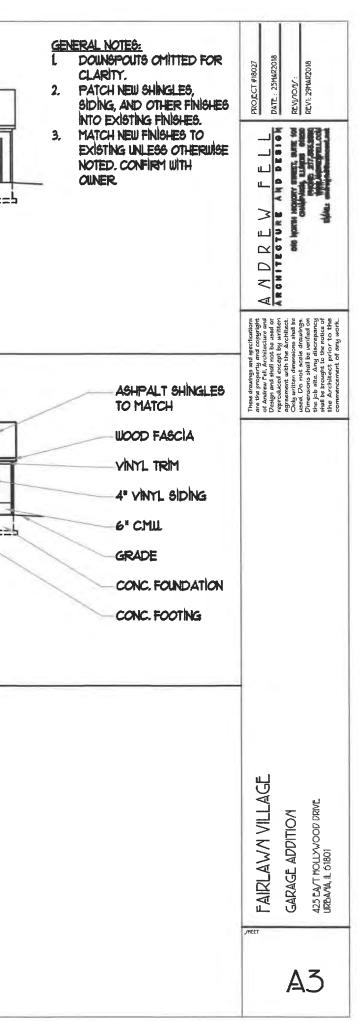








	FINISH FLUSH, WEAVE NEW SHINGLES INTO EXISTING
ASHPALT SHINGES WOOD FASCIA VINYL TRIM 4" VINYL SIDING GRADE EXIST. CONC. FOUNDATION EXIST. CONC. FOOTING	
1 FRO/IT ELEVATIO/ A3 SCALE: 1/6" = 1-0"	
GENERAL NOTES: 1. DOUNSPOLTS OMITTED FOR CLARITY. 2. PATCH NEW SHINGLES, SIDING, AND OTHER FINISHES INTO EXISTING FINISHES. 3. MATCH NEW FINISHES TO EXISTING UNLESS OTHERWISE NOTED. CONFIRM WITH OWNER.	
2 REAR ELEVATIO/1 A3 SCALE: 1/6" = 1'-@"	
GENERAL NOTES: 1. DOWNSPOUTS OMITTED FOR CLARITY. 2. PATCH NEW SHINGLES, SIDING, AND OTHER FINISHES INTO EXISTING FINISHES. 3. MATCH NEW FINISHES TO EXISTING UNLESS OTHERWISE NOTED. CONFIRM WITH OWNER.	
3 /IDE ELEVATION A3 SCALE: 1/6" = 1'-@"	



ORDINANCE NO. 2007-01-002

AN ORDINANCE APPROVING A MAJOR VARIANCE

(A Major Variance to Allow 100% Encroachment into the 5-foot Side Yard Setback for Construction of Multi-Car Garages in the R-5, Medium High Density Multiple-Family Zoning District - South Side of Hollywood Drive (an alley) / Case No. ZBA-2006-MAJ-05)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Villas at Fairlawn, LLC, has submitted a petition requesting a Major Variance to allow construction of multi-car garages with up to a 100% encroachment into the required 5-foot setback on the south border of the Fairlawn Village condominium development property, in the R-5, Medium High Density Multiple Family Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2006-MAJ-05; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on December 20, 2006 and voted 6 ayes and 0 nays to recommend to the City Council approval of the requested variance with the conditions listed below; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The variance requested is necessary due to special conditions and circumstances relating to the land because the area proposed for garage construction is an unusually shaped area parcel remnant which varies in depth from approximately 35-feet at the west end to 25-feet at the east end, with a length of approximately 380feet. The strip of land is constrained between the alley on the north side and the property line to the south. The proposed variance would not serve as a special privilege because the special circumstances relating to the parcel of land is that it is irregular in shape and size and it will not accommodate a building or even a garage without encroaching into the setback. The area is well suited to off-street parking or garages, but a variance would be needed to allow construction as proposed.

2. The parcel was created before the petitioner's ownership of the Fairlawn complex and the situation or conditions were not created by the petitioners. It is an unusually shaped area that would be nonconforming if it were a parcel itself. Locating detached garages off alleys is common in Urbana where alleys exist.

3. The variance will not alter the character of the neighborhood. There are existing garages at the east end of the area in question and a shed at the west end. Cars and trucks are also parked along the area from time to time. The new garages will be in keeping with the multi-family residential character of the surrounding area. Locating detached garages off alleys is common in Urbana where alleys exist. 4. The variance will not cause a nuisance to adjacent property. Although the garages would be built with a minimal (approximately 6-inch) setback to prevent gutters from overhanging onto the neighboring property, the garages will still be approximately 20 feet from the Michigan Avenue apartment buildings to the south. The proposed garages will be constructed in a manner similar to the existing garages along Hollywood Drive. The garages can also been seen as an improvement to the alley because they will occupy the remnant area which has been used in the past for illegal parking and trash dumping.

5. The required setback is 5-feet. The proposed garages would be 22 feet deep. Because the strip of land is only 25-feet deep at its shallowest point the requested variance is the minimum necessary for the land to be utilized for construction of garages.

6. The practical difficulty and hardship in this case is that the Zoning Ordinance requirement for a 5-foot setback cannot be met given the unique combination of the shallow depth of the land remnant and its location between the alley and south property line. Strict application of the Zoning Ordinance makes it impossible to make full use of this unusually shaped piece of land. The location is well suited for use for parking spaces or garages off the alley. Location of parking in this area will help to maintain trees and open space in other locations on the Fairlawn property that could otherwise be used to meet parking requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Fairlawn Villas, LLC, in Case #ZBA-2006-MAJ-05, is hereby approved to allow a Major Variance with up to a 100% encroachment into the required 5-foot setback on the south border of the Fairlawn Village condominium development property along Hollywood Drive (an alley), in the R-5, Medium High Density Multiple Family Zoning District, in the manner proposed in the application, and with the following three conditions:

 That the development shall closely resemble the revised site plan attached hereto; and

2. The Zoning Administrator shall have the power to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations including Building, Fire, and Subdivision and Land Development Codes amended to meet the codes and regulations of the City of Urbana; and

3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

The major variance described above shall apply only to the area of Fairlawn Villas condominium complex on the south side of the Hollywood Drive (an alley) between Anderson and Vine Streets as depicted on the revised site plan attached hereto, and more particularly described as:

LEGAL DESCRIPTION: a part of:

A tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, being more particularly described as follows:

Beginning at a point on the East line of said Section 17, being 389.3 feet South of the North line of the Southeast quarter of said Section 17; thence South 00 03' 42" East 603.03 feet along said east line of Section 17 of the South line of the North One-Half of the South One-Half of the Northeast Quarter of the Southeast quarter of Section 17 also being the South line extended of said tract; thence North 89 56' 01" West along said South line 1056.61 feet; thence North 00 09' 13" East 42.00 feet to the South line of a public alley being 20.00 feet in width; thence North 89 51' 37" West along said South line 229.10 feet to the East right-of-way line of Vine Street being 66.00 feet in width; thence North 00 04' 37" East along said East right-of-way line 20.00 feet to the North line of a public alley; thence South 89 51' 37" East along said North line 274.00 feet to the East rightof-way line of Vine Street; thence North 00 04' 37" East along said East line 264.79 feet to the North line of a public alley now vacated; thence South 89 39' 53" East along said North line of vacated alley 144.00 feet to the West line extended of the East 33.00 feet of the West 210.00 feet of the North 111.00 feet of the South 988.50 feet of the Northeast quarter of the Southeast Quarter of Section 17; thence North 00 06' 41" East along said West line 113.53 feet to the South right-of-way line of Iowa Street extended being 30.00 feet in width; thence South 89 56' 13" East along said South right-of-way line and right-of-way line extended 537.86 feet to the centerline of Maple Street being a 30-foot rightof-way, also being the West line of a tract conveyed by Warranty Deed recorded as Document 738654 at the Champaign County Recorder's Office; thence South 00 12' 43" West along said centerline of Maple Street extended and said West line 56.21 feet; thence South 89 48' 27" East 602.33 feet to the True Point of Beginning.

Excepting therefrom the East 6.46 feet now being a part of Anderson Street.

Also, excepting, commencing at the Northeast corner of Lot 6 of Fairlawn Park Second Subdivision in the City of Urbana, Champaign County, Illinois; thence North 25 feet to the South line of a public alley; thence East 400 feet along the South line of said public alley to the West line of Anderson Street; thence South along the West line of Anderson Street 25 feet to the Point of Beginning.

Also, excepting, Fairlawn Drive and public alley South of Fairlawn Drive as shown on Plat Dedication recorded April 21, 1953 in Book "K" of Plats on Page 50 as Document 507905 at the Champaign County Recorder's Office.

Said tract of land encompassing a net of 14.00 acres, more or less.

PERMANENT PARCEL #: A part of 93-21-17-428-002

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4). This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a special meeting of said Council on the <u>8th</u> day of <u>January</u>, 2007.

PASSED by the City Council this <u>8th</u> day of <u>January</u>, 2007 .

Barnes, Bowersox, "Chynoweth, Lewis, Roberts, Smyth AYES: 10. 50 NAYS: ABSTAINS: erk e.C APPROVED by the Mayor Hawwww of January

2007 .

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[Special Council Meeting]



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.urbanaillinois.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	04-11-2018	ZBA Case No ZBA-2018-MAJ-07	1		
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) Since Your Setting REDUCTION on the

property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): ANDLEN FUL DECHITECTURE Phone: 217-363.2890 Address (street/city/state/zip code): 515 N. HICKONT, JUITE [0], CHAMPAIGN, IL GIBZO Email Address:

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

2. OWNER INFORMATION

Name of Owner(s): FAIRLAWN VILLAGE DEVELOPMENT Phone: Address (street/city/state/zip code): 2506 GALEN DEVEL, 57E IN, CHAMPAIAN, IL GIB21 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.

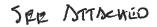
3. PROPERTY INFORMATION

Location of Subject Site: HOUTWOOD LANE PIN # of Location: JEE ATTACHED Lot Size: Current Zoning Designation: R-5 Current Land Use (vacant, residence, grocery, factory, etc: アムルドルウトレント Proposed Land Use: GALAGES Legal Description (If additional space is needed, please submit on separate sheet of paper):

4.	CONSULTANT INFORMATION	
	Name of Architect(s): ANDREW File ARCHITECTURE	Phone: 217-363.2890
	Address (street/city/state/zip code): 515 H. HICKOLT, JUN	TE IDI, CHAMPAIGN, IL GIB20
	Email Address: and rew. fell @ and rew fall . com	
	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.



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 BATACHED

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

SEE BOTACHED

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

SPE MTACHED

Explain why the variance will <u>not</u> 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.

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

10/SPIZ18 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

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordnance with respect to the subject parcel.

This appeal is to re-construct several garage bays in a multi-bay garage structure that had burned down several years ago.

The property has an approved major variance for the construction of new garages along Hollywood Drive in the required side yard and that is the provision under which these garages were originally constructed. That major variance is still in effect and would allow us to build an entirely new garage structure, but it does not allow us to re-build one that burned down. We are not increasing the size of the overall structure in that we are building up off of the existing foundations which are still in place.

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.

Hollywood Lane is placed, with respect to the south property line, at just enough distance to provide a properly deep garage. There is not enough room to keep the current setback and also provide a garage. This condition was certainly well documented in the granting of the previously approved Major Variance which allowed the initial construction of these garage units.

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

This variance is necessitated by a malicious fire that destroyed more than half of the existing building. Again, if we were building new instead of 'rebuilding' no variance would be required.

Explain how the variance will <u>not</u> alter the essential character of the neighborhood.

Granting this variance will allow the Owner to actually restore the property to previous conditions, thereby maintaining the essential character of the neighborhood.

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

The garage units will allow the tenants automobiles to be housed indoors, and screened. Additionally, those tenants will have a place to store items during 'off season' (for instance sleds and bicycles) allowing the property to less cluttered. The structure also blocks light, especially that of moving vehicles from the adjacent property.

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

Yes it does represent the minimum deviation in that we are building up off of the existing foundations which were not damaged in the fire.

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE:	May 16, 20	18 DRAFT
TIME:	7:00 p.m.	
PLACE:	City Counc	il Chambers, 400 South Vine Street, Urbana, IL 61801
MEMBERS P	RESENT	Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch
MEMBERS E	XCUSED	Matt Cho
STAFF PRES	ENT	Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant II
OTHERS PR	ESENT	Andrew Fell, Sam Giglio

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:04 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the March 21, 2018, regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch swore in members of the audience who indicated that they might give testimony during the public hearing.

6. NEW PUBLIC HEARINGS

ZBA-2018-MAJ-06 – A request by Andrew Fell Architecture, on behalf of Hao Jan Liu, for a Major Variance to increase the maximum Floor Area Ratio (FAR) from 0.7 to 0.96 at 408 West Green Street in the MOR, Mixed Office Residential Zoning District.

Chair Welch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose for the proposed major variance, which is to increase the maximum Floor Area Ratio (FAR) to allow a basement to be constructed in the new multi-family residential building. He noted the location and existing land use of the subject property as well as that for the surrounding adjacent properties. He pointed out the differences between the approved plans by the MOR (Mixed Office Residential) Development Review Board and the proposed plans. Those differences include a large window wall on the east side of the building to allow for light and egress, a sunken patio on the rear of the proposed building and the configuration of the air conditioning units, which would require more screening than originally anticipated. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation of approval to City Council.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Ms. Chester asked if the tenants would have to walk around from the front of the buildingto get to the parking lot behind the building. Mr. Garcia said yes.

Ms. Uchtmann inquired about how many bedrooms would be in the proposed building. Mr. Garcia said that there would be 11 bedrooms if the proposed plans are approved. In the original plans approved by the MOR Development Review Board, there were 9 bedrooms.

Ms. Uchtmann asked how many parking spaces are required for 11 bedrooms. Mr. Garcia replied that it depends on the unit mix. The previously approved plans requires 5 parking spaces, and the proposed plans would require 6 spaces.

With their being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to speak first.

Andrew Fell, architect for the project, approached the Zoning Board of Appeals to speak. He clarified that there would be enough parking spaces provided on site unless a tenant moves in that needs an accessible parking space. If this happens, they would be able to lease a parking space from a neighbor.

He stated that the idea of the FAR including the basement space came up at the Plan Commission. The intent of the basement space being included in the FAR is to avoid garden units, which are half in the ground and half out of the ground in multi-unit apartment buildings. For this project, the basement would be completely underground, and the building would be no taller or bigger if they did not include the basement. Because they would be required to provide a sprinkler service for the building, the building footprint would be larger if they did not have a basement.

Ms. McLaughlin inquired about screening of the air conditioning units. Mr. Fell explained there was a drafting error on the proposed Site Plan. It was decided, after review and discussion of the MOR Development Review Board of the original plans, to put the air conditioning units on the roof of the proposed building. He forgot to make the change to the site plan for this case.

With no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2018-MAJ-06 to the City Council with a recommendation for approval as requested based on the findings outlined in the written staff memo. Ms. Uchtmann seconded the motion.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. Mr. Garcia stated that this case would be forwarded to City Council on June 4, 2018.

ZBA-2018-MAJ-07 – A request by Fairlawn Village Development LLC for a Major Variance to allow a reduction in the required yard setback from five feet to zero feet on the south side of Hollywood Alley in the R-5, Medium High Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed variance request, which is to allow the construction of a new garage with individual parking stalls to replace a structure destroyed by a fire in 2009. He noted the location and zoning of the subject property. He referred to A2 in the written staff report to show where the new garage would be located on the property. He talked about traffic on Hollywood Alley. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as they relate to the proposed variance. He read the options of the Zoning Board of Appeals for the major variance. He presented City staff's recommendation for approval to the City Council with the following condition, *"The garage generally conforms with*

the Fairlawn Village Garage Addition site plan and elevations dated March 29, 2018". He stated that since the request is for a major variance, a motion must be approved by 2/3 vote.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Mr. Warmbrunn understood that a structure existed in this location in 2007 when the City approved 3 additional garages to be constructed in a location nearby. The 3 garages were never built. The existing structure burnt down due to fire, and part of the structure was reconstructed. He asked when the partial structure was built and why did they not need approval from the City to do so? Mr. Marx answered that the owner was allowed to reconstruct a legally non-conforming replacement garage up to 40% of the fair market value of the previous structure without requiring review and approval.

Mr. Warmbrunn noticed that there was not a uniform pad for the existing stalls. Mr. Marx responded that the two stalls to the east are slightly elevated. He noted that each stall is individual and separated by walls.

With no further questions for City staff, Chair Welch opened the hearing for public input.

Sam Giglio approached the Zoning Board of Appeals to speak on behalf of the applicant. He felt the staff report was succinct and comprehensive. Each parking stall would have demising walls on the bumps so there would not be any grade changes.

Mr. Warmbrunn inquired about stormwater runoff. Mr. Giglio replied that they have addressed this concern with downspouts and gutters.

There was no other input from the audience, so Chair Welch closed the public input portion of the hearing and opened it for Zoning Board of Appeals discussion and/or motions.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2018-MAJ-07 to the City Council with a recommendation for approval with the condition that "*The garage generally conforms with the Fairlawn Village Garage Addition site plan and elevations dated March 29, 2018*". Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes

The motion was passed by unanimous vote. Mr. Garcia stated that these cases would be forwarded to City Council on June 4, 2018.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

WHAT'S IN YOUR SQUARE? Visioning Exercise

Chair Welch opened this item on the agenda. Christopher Marx, Planner I, presented on the following:

- Video of Mayor Marlin inviting people to give input
- Location of the Visioning Exercise
- Outreach and Purpose
- Exercise: A Great Place
 - Close eyes and imagine a great place that they have been to
 - Where is it located?
 - Write down your first thoughts that come to your mind about what makes the place great
- Exercise: The Square Cloud
 - Write down words to describe feelings or thoughts when you envision your perfect Square
 - Responses included technology, food, drink, hotel, apartments, large fountain, ice skating rink, roller skating and skate boarding, community gathering spot, moving Champaign County offices to downtown area to drawl more people to downtown restaurants and businesses, town square, and covered areas for the Farmer's Market, antique car or corvette shows
- Exercise: Mapping Your Square
 - Members marked and wrote on a map at a side table of what they would like to see
 - Reconnecting Green Street, but leaving Broadway Avenue closed
 - Park Connection with statue and water
 - County or other public services
 - Senior walking space
 - Restaurants along street
 - Covered areas for Market at the Square
 - Water area

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Lorrie Pearson, AICP Planning Manager Secretary, Urbana Zoning Board of Appeals

ORDINANCE NO. 2018-06-042

AN ORDINANCE APPROVING A MAJOR VARIANCE (Hollywood Drive alley/ ZBA-2018-MAJ-07)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Fairlawn Village Development LLC has submitted a petition for a major variance to reduce the required yard setback from five feet to zero feet on the south side of Hollywood Drive (alley); and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on May 16, 2018, in ZBA Case No. 2018-MAJ-07; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Zoning Board of Appeals voted six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section 3(C)(2)(d) of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and made the following findings of fact:

- Fairlawn Village Development LLC is requesting a major variance to reduce the required yard setback from five feet to zero feet to rebuild garages lost to fire in 2009 along Hollywood Drive alley.
- The proposed garage structure would connect to the existing garage and create seven individual parking stalls to provide off-street parking and storage space for residents in Fairlawn Village.
- 4. The applicant desires to rebuild over the former garage slab. Due to the cost of construction and reconstruction of a legal nonconformity at that location, a new garage is only allowed if a Major Variance is granted.
- 5. The proposed variance is due to special circumstances and difficulties in carrying out the strict application of the ordinance.
- 6. The proposed variance would not serve as a special privilege.
- 7. The variance requested was not the result of a situation or condition having been knowingly created by the Petitioner.
- 8. The variance will not alter the essential character of the neighborhood.
- 9. The variance will not cause a nuisance to the adjacent property.
- 10. The variance represents the minimum deviation from requirements of the Zoning Ordinance.
- 11. At their May 16, 2018 meeting, the Urbana Zoning Board of Appeals held a public hearing and voted with six ayes and zero nays to forward the case to the City Council with a recommendation of approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

In ZBA Case No. 2018-MAJ-07, the major variance requested by Fairlawn Village Development LLC to reduce the required yard setback from five feet to zero feet on the south side of Hollywood Drive (alley) is hereby approved in the manner proposed in the application with the following condition:

- The garage generally conforms with the Fairlawn Village Garage Addition site plan and elevations dated March 29, 2018, and attached in Exhibit A.

The major variance described above shall only apply to the property located on the south side of Hollywood Drive alley, more particularly described as follows:

Unit 1 and Garage Unit G-225, Unit 3, Unit 4, Unit 6 and Garage Unit G-260, Unit 7 and Garage Unit G-261, Unit 8 and Garage Unit G-Uil, Unit 9, Unit 10 and Garage Unit G-255, Unit 11, Unit 13 and Garage Unit G-258, Unit 14 and Garage Unit G-259, Unit 18, Unit 19 and Garage Unit G-264, Unit 20 and Garage Unit G-265, Unit 21 and Garage Unit G-266, Unit 22 and Garage Unit G-267, Unit 24 and Garage Unit G-269, Unit 25 and Garage Unit G-263, Unit 28, Unit 32, Unit 34, Unit 35, Unit 36, Unit 38, Unit 40, Unit 41, Unit 42, Unit 43, Unit 45, Unit 48, Unit 50, Unit 52, Unit 53, Unit 54, Unit 57, Unit 58, Unit 61, Unit 62, Unit 63, Unit 64, Unit 67, Unit 68, Unit 69, Unit 70, Unit 71, Unit 72 and Garage Unit G-321, Unit 73, Unit 74 and Garage Unit G-323, Unit 75 and Garage Unit G-324, Unit 100, Unit 101, Unit 102, Unit 103, Ullit 104, Unit 79, Unit 80, Unit 81, Unit 82, Unit 83, Unit 165 and CP-230, Unit 166 and CP-231, Unit 167 and CP-232, Unit 168 and CP-233, Unit 173 and CP-248, Unit 170 and CP-245, Unit 171 and CP-:246, Unit 172 and CP-247, Unit 173 and CP-248, Unit 174 and CP-249, Garage Unit G-:270, Garage Unit G-296, Garage Unit G-320

In Fairlawn Village Condominium, as delineated on a Survey of the following described. real estate:

Part of the Northeast 1/4 of the Southeast 1/4 of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, which Survey is attached as Exhibit "B" to the Declaration of Condominium recorded June 27, 2006 as Document Number 2006R16659, and as First Amendment of Declaration of Condominium recorded August 23, 2006 as Document Number 2006R23566, and as Second

Amendment of Declaration of Condominium recorded December 8, 2006 as Document Number 2006R33759, and as Third Amendment of Declaration of Condominium recorded August 10, 2007 as Document Number 2007R21761, and as Fourth Amendment of Declaration of Condominium recorded March 10, 2008 as document Number 2008ROS562, and as Fifth Amendment of Declaration of Condominium recorded May 15, 2008 as Document Number 2008R12417, and Amendment 5 recorded July 16, 2010 as Document Number 2010R1S217, and Amendment S-A recorded November 3, 2010 as Document Number 2010R26164, as amended from time to time, together with its undivided. percentage interest in the common elements, which percentage shall automatically change in accordance with Amended Declarations as they are filed of record pursuant to the Declaration, and together with additional Common Elements as such Amended Declarations are filed of record, in the percentages set forth in such Amended Declarations, which percentages shall automatically be deemed to be conveyed effective on the recording of each such Amended Declaration as though conveyed hereby, situated in Champaign County, Illinois.

Garage Unit 224 in Fairlawn Village Condominium, as delineated on a Survey of the following described real estate: Part of the Northeast 1/4 of the Southeast X of section 17, township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, which Survey is attached as Exhibit "B" to the Declaration of Condominium recorded June 27, 2006 as Document Number 2006R16659, and as First Amendment of Declaration of Condominium recorded August 23, 2006 as Document Number 2006R23566, and as Second Amendment of Declaration of Condominium recorded December 8, 2006 as Document Number 2006R33759, and as Third Amendment to Declaration of Condominium recorded August 10, 2007 as Document Number 2007R21761, and Fourth Amendment to Declaration of Condominium recorded March 10, 2008 Document Number 2008R05562, as amended from time to time, together with its undivided percentage interest in the common elements, which percentage shall automatically change in accordance with Amended Declarations as they are filed of record pursuant to the Declaration, and together with additional Common Elements as such Amended Declarations are filed of record, in the percentages set forth in such Amended Declarations, which percentages shall automatically be deemed to be conveyed effective on the recording of each such Amended Declaration as though conveyed hereby, situated in Champaign County, Illinois.

Garage Unit G-222 in Fairlawn Village Condominium, as delineated on Survey attached to the Amendment 5 to Declaration of Condominium recorded July 16, 2010 as Document Number 2010R15217, as amended from time to time, together with its undivided percentage interest in the common elements, I situated in Champaign County, Illinois.

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, ____,

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, ____.

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the _____ day of ______, 2018, the corporate authorities of the City of Urbana passed and approved Ordinance No. ______, entitled "An Ordinance Approving a Major Variance (Hollywood Drive alley/ ZBA-2018-MAJ-07)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _______ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ______ day of ______, 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2018.

Exhibit A:

