



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Christopher Marx, AICP, Planner I  
**DATE:** May 11, 2018  
**SUBJECT:** **ZBA-2018-MAJ-07:** A Major Variance request by Fairlawn Village Development LLC for a reduction in the required yard setback from five feet to zero feet on the south side of Hollywood Drive (alley) in the R-5, Medium High Density Multiple-Family zoning district.

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### **Introduction**

Fairlawn Village Development LLC is requesting a Major Variance to reduce the required yard setback from five feet to zero feet for a series of off-street parking spaces on the Hollywood Drive alley. The owner of the residential properties in Fairlawn Village would like 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 an existing garage to create one structure with no setback from the alley.

Section VI-5.B of the Urbana Zoning Ordinance states that all required yards shall be unobstructed from any structures including garages. Section XI-3.C.2.b.1 of the Zoning Ordinance states that any variance request with a deviation of a required yard exceeding 25% shall be considered a Major Variance. For the Major Variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

### **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. In 2009, a fire damaged the garage with the western portion of the garage remaining intact and the eastern portion over the subject properties having burned down. As a result, the seven parking parcels of the subject properties have been surface parking spaces since the time of the fire. There is still a garage with six parking stalls to the west of the subject properties.

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.

The applicant is requesting a variance to reconstruct the garage over the seven surface parking spaces. While the previously granted Major Variance would still permit them to build three garages in another area of the property, the applicants seek to rebuild the original existing garage for purposes of cost efficiency, as it would use the existing concrete slab. It would also preserve existing trees in the places that the new garages were proposed from the granted variance in 2007. The applicant states that rebuilding the covered parking spaces would restore the sheltered parking conditions for the residents who use them. The applicant states that the automobile protection and storage space provided by sheltered parking maintains the quality of life for Fairlawn Village residents. While the previous 13-stall garage existed as a legally nonconforming structure, its reconstruction would not be permitted because of its building costs exceeding 60% of the fair market value as specified in Section X-8.A of the Zoning Ordinance.

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 require cars to back out into the public right-of-way on Hollywood Drive alley.

## 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 only be enhancing several existing parking spaces. The alley has generally low traffic volume as it is one-way and provides access to a limited number of off-street parking spaces. The majority of parking spaces for Fairlawn Village uses access points off Michigan Avenue and Fairlawn Drive., not this alley.

For many years, the previous 13-stall garage was legally nonconforming because of its minimal setback from the alley. The legally nonconforming status expired when the property owners of Fairlawn Village did not reconstruct the parking stalls that were in the burned-down garage portion. A variance is necessary for restoring the site to its previous condition

The unique layout and platting of the Fairlawn Village facility provides limited alternatives for off-street parking. The lot owned by Fairlawn Village is only 20 feet deep, restricting additional setback from the property line. The variance would permit the facility 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 garages lost to fire in 2009 along 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. In ZBA Case 2006-MAJ-05, the Zoning Board of Appeals granted a Major Variance for three garage buildings with no setback from the alley west of the proposed garage.
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.

## Options

The Zoning Board of Appeals has the following options in Case ZBA-2018-MAJ-07:

1. Forward the case to City Council with a recommendation to **approve** the variance as requested, based on the findings outlined in this memo; or
2. Forward the cases 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

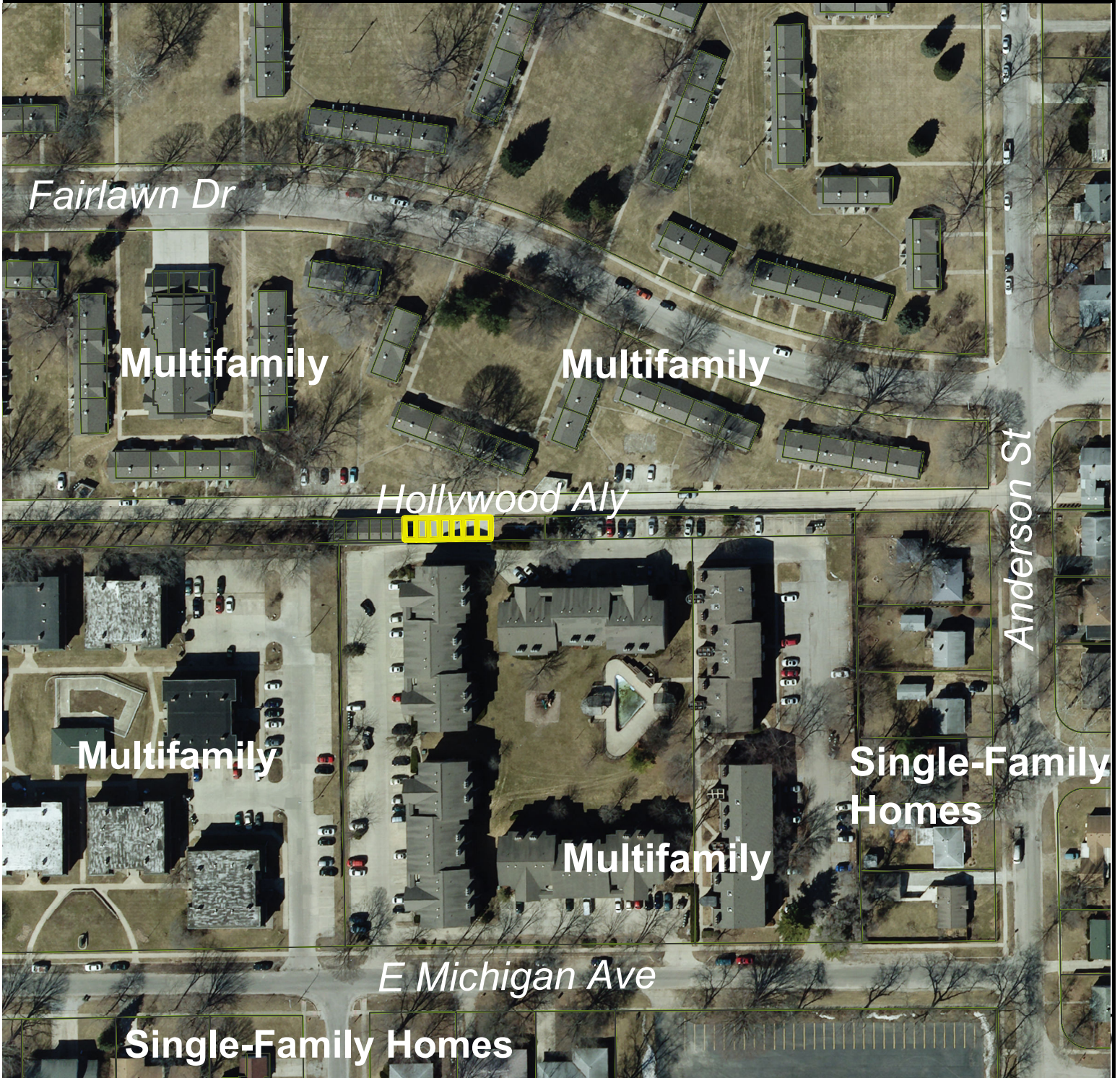
Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward ZBA Case 2018-MAJ-07 to the City Council with a recommendation to **APPROVE** the Major Variance to allow a reduction in the setback from five feet to zero feet with the following condition:

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


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



# Exhibit A: Location & Existing Land Use Map

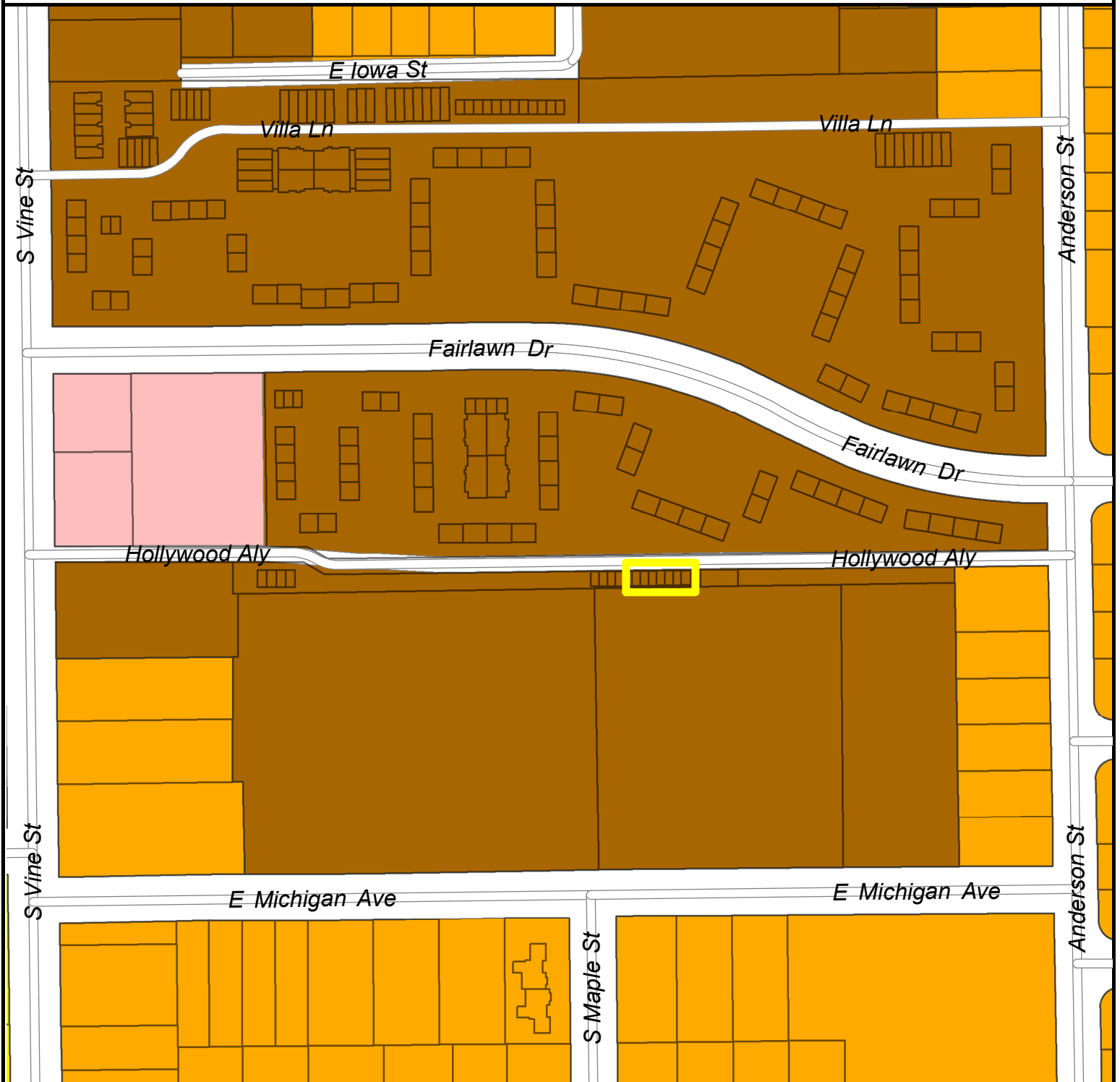


Case: ZBA-2018-MAJ-07  
Subject: Major Variance for Required Yard Setback Reduction  
Location: South Hollywood Drive Alley  
Petitioner: Fairlawn Village Development LLC

 Subject Property



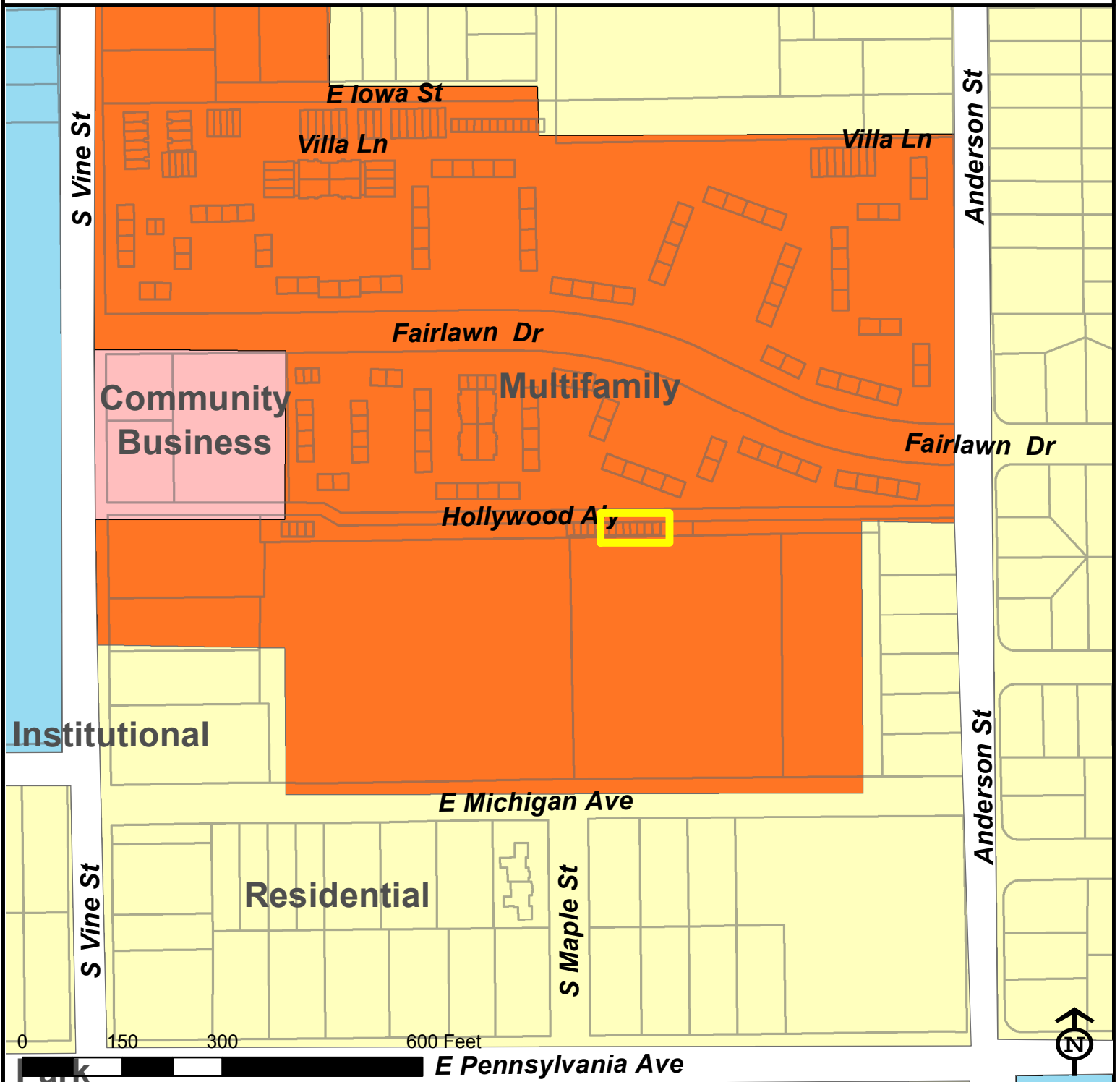
# Exhibit B: Zoning Map



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

- Subject Property
- B1
- CRE
- R2
- R3
- R5

# Exhibit C: Future Land Use Map



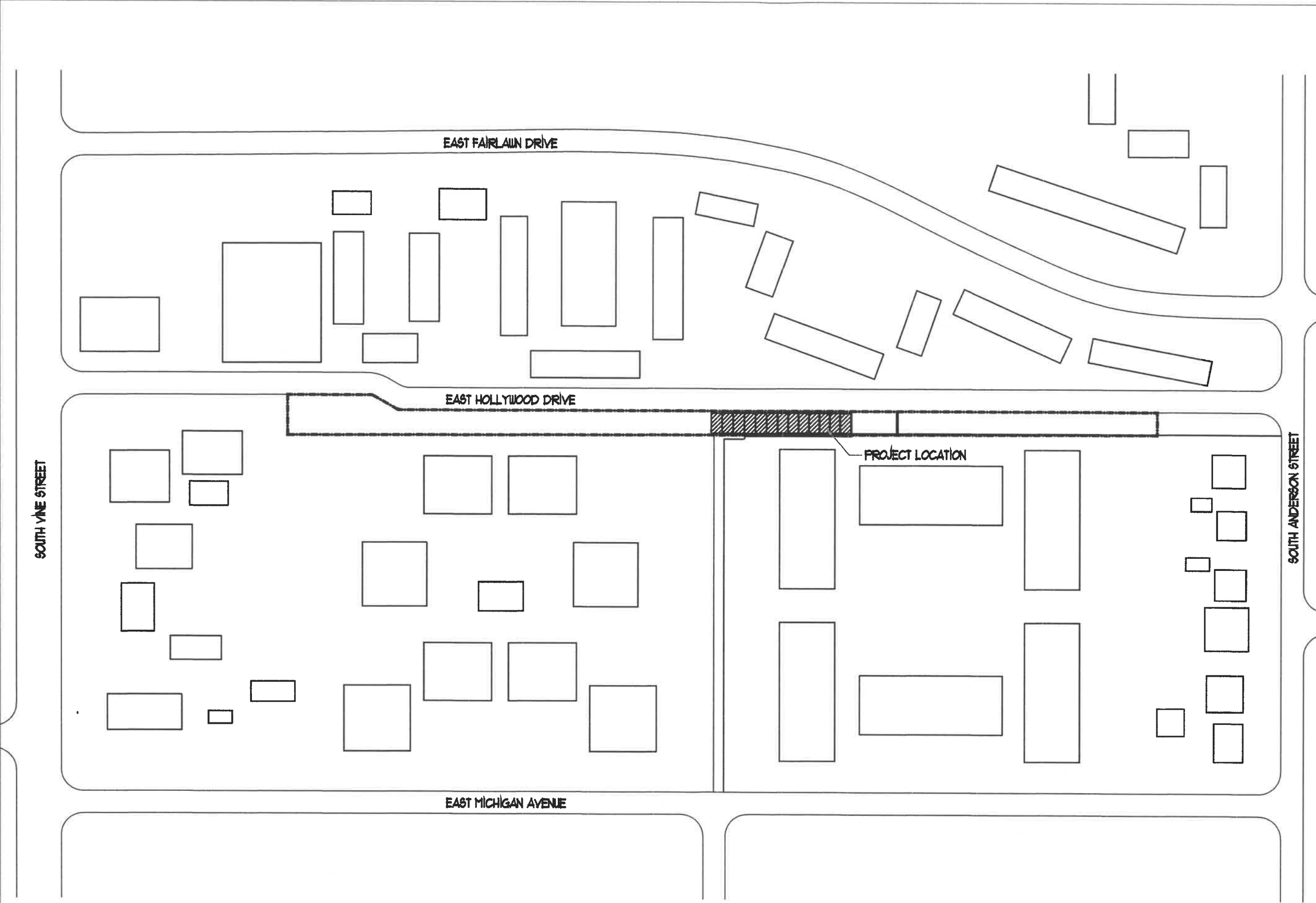
Case: ZBA-2018-MAJ-07  
 Subject: Major Variance for Required Yard Setback Reduction  
 Location: South Hollywood Drive Alley  
 Petitioner: Fairlawn Village Development LLC

- Subject Property
- Residential
- Multi-Family Residential
- Community Business
- Institutional
- Park



Exhibit D - Site Plan

3 LOCATION PLAN  
A1 SCALE: 1" = 20'-0"



PROJECT #18027  
DATE: 23/MAR/2018  
REV/DATE:  
REV1: 29/MAR/2018

**A N D R E W F E L L**  
ARCHITECTURE AND DESIGN  
618 NORTH HAWTHORNE STREET, SUITE 104  
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FAIRLAWN VILLAGE  
GARAGE ADDITION  
425 EAST HOLLYWOOD DRIVE  
URBANA, IL 61801

A1

**NOTES:**



DENOTES LOT WITH EXISTING GARAGES TO REMAIN CONSTRUCTED PREVIOUSLY UNDER FAIRLAWN VILLAGE AMENDMENT 5-A.



DENOTES LOTS WITH EXISTING FOUNDATION DEVELOPED UNDER FAIRLAWN VILLAGE CONDO EXHIBIT B, AMENDMENT 2. NEW GARAGES TO BE CONSTRUCTED ON EXISTING FOUNDATION.

INDIVIDUAL LOT NUMBERS FOR PROPOSED GARAGES ARE AS FOLLOWS:

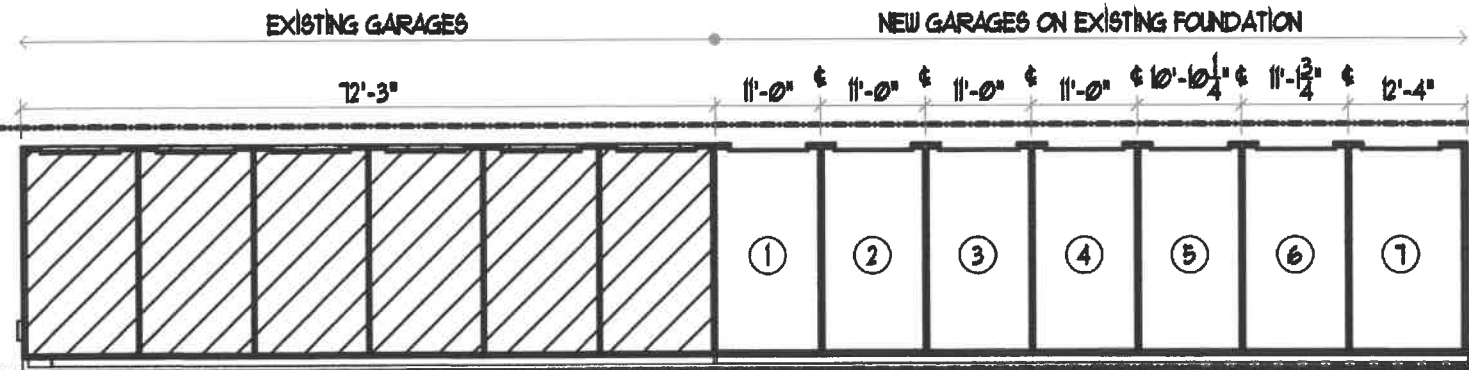
- 1. 93-21-17-428-190
- 2. 93-21-17-428-191
- 3. 93-21-17-428-192
- 4. 93-21-17-428-193
- 5. 93-21-17-428-194
- 6. 93-21-17-428-195
- 7. 93-21-17-428-196

PROJECT #18027  
 DATE: 25/MAR/2016  
 REV/NOV:  
 REV: 29/MAR/2016

**ANDREW FELL**  
 ARCHITECTURE AND DESIGN  
 616 NORTH WASHINGTON STREET, SUITE 404  
 CHICAGO, ILLINOIS 60610  
 PHONE: 312.461.5800  
 WWW.ANDRWFELL.COM  
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EAST HOLLYWOOD DRIVE



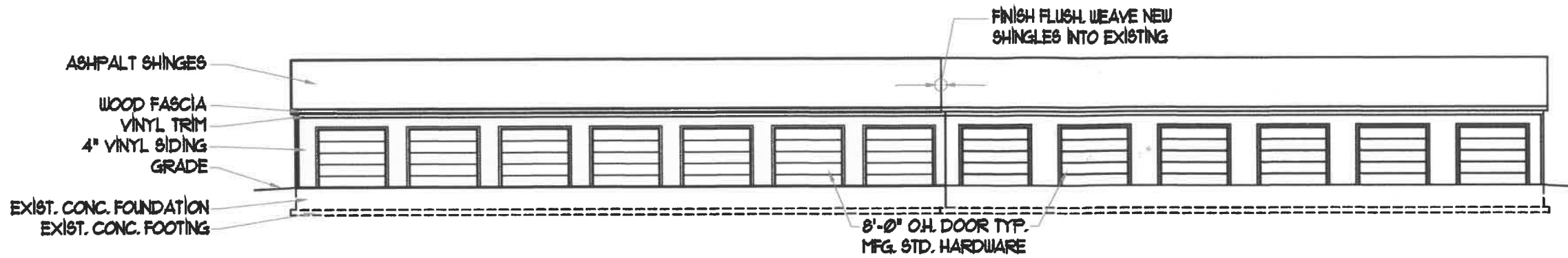
46'-0"

22'-3"

15'-10"

1'-3"

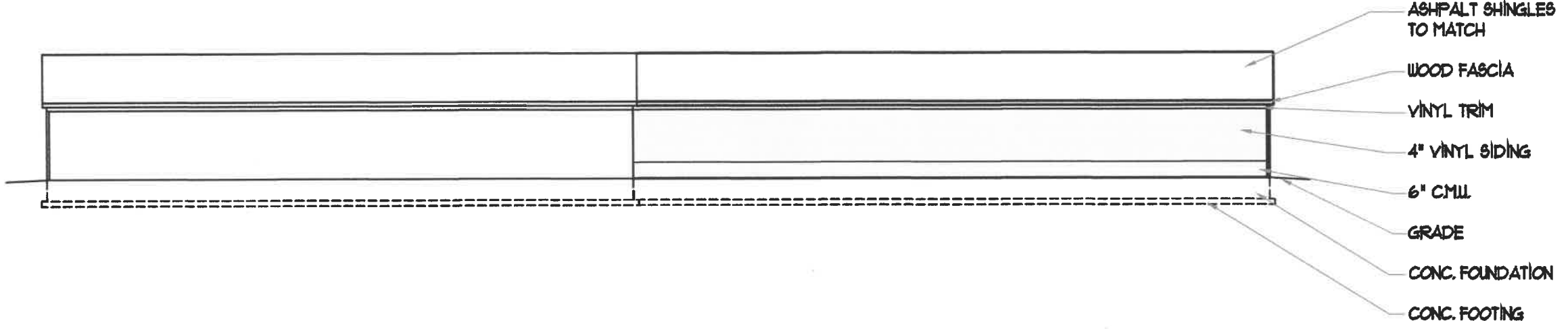
FAIRLAWN VILLAGE  
 GARAGE ADDITION  
 425 EAST HOLLYWOOD DRIVE  
 URBANA, IL 61801



- 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.

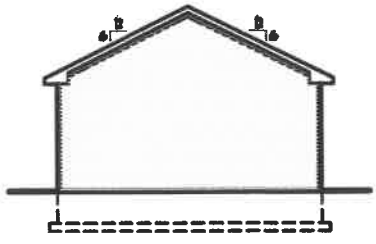
1 FRONT ELEVATION  
A3 SCALE: 1/16" = 1'-0"

- 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.



2 REAR ELEVATION  
A3 SCALE: 1/16" = 1'-0"

- 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 SIDE ELEVATION  
A3 SCALE: 1/16" = 1'-0"

PROJECT #18027  
DATE: 25MAR2018  
REV: 29MAR2018  
REV: 29MAR2018

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FAIRLAWN VILLAGE  
GARAGE ADDITION  
425 EAST HOLLYWOOD DRIVE  
URBANA, IL 61801

# Exhibit E - Ordinance for ZBA-2006-MAJ-05

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 380-feet. 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 non-conforming 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 be 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:

1. 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 right-of-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 right-of-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 8th day of January, 2007.

PASSED by the City Council this 8th day of January, 2007.

AYES: Barnes, Bowen, Chynoweth, Lewis, Roberts, Smyth

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*Robert S. ...*  
Deputy Clerk

APPROVED by the Mayor this 8th day of January, 2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

[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.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 04-11-2018 ZBA Case No. ZBA-2018-MAJ-07  
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*)

SIDE YARD SETBACK 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): ANDREW FELL ARCHITECTURE Phone: 217-363-2890  
Address (street/city/state/zip code): 515 N. HICKORY, SUITE 101, CHAMPAIGN, IL 61820  
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 DRIVE, STE 101, CHAMPAIGN, IL 61821  
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: HOLLYWOOD LANE  
PIN # of Location: SEE ATTACHED  
Lot Size:



Current Zoning Designation: R-5

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

Proposed Land Use: GARAGES

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

**4. CONSULTANT INFORMATION**

Name of Architect(s): ANDREW FELL ARCHITECTURE Phone: 217-363-2890

Address (street/city/state/zip code): 515 N. HICKORY, SUITE 101, CHAMPAIGN, IL 61820

Email Address: andrew.fell@andrewfell.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.

SEE ATTACHED

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.***

**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

10/12/18  
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 Ordinance 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 not 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 not 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.