



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### memorandum

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, Ph.D., FAICP, Community Development Director

**DATE:** July 3<sup>rd</sup>, 2014

**SUBJECT:** ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching eight feet, 10 inches into the required front yard at 804 ½ E. Main Street in the B-2, Neighborhood Business-Arterial District.

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#### **Introduction and Background**

Faller Custom Builders, LLC is requesting a major variance on behalf of property owner Daniel Kiss to install a shade awning that will encroach eight feet, 10 inches into the required 15-foot front yard at 804 ½ E. Main Street, located in the B-2, Neighborhood Business - Arterial District.

The property at 804 ½ E. Main Street is zoned B-2, Neighborhood Business- Arterial District, and it is occupied by a beauty salon and an upper-floor residential apartment. The building is set back seven feet, eight inches from the sidewalk, and it encroaches into its required front yard by seven feet, four inches. Table VI-3 of the Urbana Zoning Ordinance requires a lot in the B-2 District to have a minimum front yard of 15 feet, while Section VI-5.B.6 of the Zoning Ordinance allows shade awnings to encroach two feet, six inches into the minimum setback. The addition of the proposed shade awning, which would be 15 feet long by four feet wide, would cause the property to further encroach into its required front yard by eight feet, 10 inches (a 58.89% reduction of the required front yard setback). This would create a new front yard of three feet, eight inches. The petitioner states that the addition of the shade awning will improve the aesthetic value of the subject property. The installation of the shade awning would also help to improve cohesion between the subject property and the building that shares its eastern wall, 806 E. Main Street, which itself has a canopy that fully encroaches into the required front yard.

Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a front yard reduction variance of up to 25% as a minor variance by a majority vote of its members. Reductions of over 25% are considered major variances, for which the Zoning Board of Appeals must recommend approval by a two-thirds majority for the variance to be forwarded to City Council for a final decision. At their June 25<sup>th</sup>, 2014 meeting, the Urbana Zoning Board of appeals voted four ayes and zero nays to forward this request for a Major Variance to the City Council, with a recommendation for approval on the condition that the shade awning is constructed in conformance with the plans provided by the applicant.

## **Description of the Site**

The subject property is located on the north side of the 800 block of East Main Street (between North Webber Street and North Lynn Street). The lot is shaped as a rectangle that is 184 feet long by 16 feet wide. The lot area is 2,944 square feet, and the structure located on the lot has a footprint of approximately 1,307 square feet. The structure encroaches into its 15-foot required front yard by seven feet, four inches, leaving a front yard of seven feet, eight inches. The front yard itself is split roughly between a brick sidewalk and a concrete patio. A one-foot wide by two-foot, eight inch tall brick wall runs along the eastern edge of the front yard, as well as a portion of its southern edge. The property faces and has pedestrian access off of East Main Street. The property also has rear automobile access via two parking lots shared with 806 E. Main Street, as well as via an alleyway running east-to-west.

The adjacent property located at 806 E. Main Street is occupied by an air conditioning and heating systems shop. This property is fronted by a 21-foot long by eight-foot wide canopy that extends to the front lot line. Sanborn maps illustrate that the structures currently located at 804 ½ E. Main Street and 806 E. Main Street, along with the brick wall fronting 804 ½ E. Main Street, were configured as they are today as early as 1915, predating the Urbana Zoning Ordinance adopted in 1940. Furthermore, the 1945 Sanborn maps show a canopy at 806 E. Main Street fully encroaching into the required front yard. The current average setback of all the structures on the block (including 804 E. Main, 804 ½ E. Main, 806 E. Main, and 808 E. Main) is 18.86 feet.

## **Adjacent Land Uses and Zoning Designations**

The area surrounding the subject property is defined by a mix of commercial, institutional, and residential uses. To the east and west, there are commercial and institutional uses in the B-2, Neighborhood Business-Arterial District (including an air conditioning and heating systems shop, a gas station operated by Mr. Gas Plus, and The Rock of Deliverance Church), while to the north and south, there are single-family residences in the R-3, Single-Family and Two-Family Residential District.

**(Space Skipped Intentionally)**

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan - Future Land Use</b>
<b>Site</b>	B-2, Neighborhood Business Arterial District	Commercial Structure (Beauty Salon) and Residential Apartment	Residential – Urban Pattern
<b>North</b>	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
<b>East</b>	B-2, Neighborhood Business Arterial District	Commercial Structure (Air Conditioning and Heating Systems Shop)	Residential – Urban Pattern
<b>South</b>	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
<b>West</b>	B-2, Neighborhood Business Arterial District	Institutional (The Rock of Deliverance Church)	Residential – Urban Pattern

### **Comprehensive Plan**

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Urban Pattern.” The plan defines the Residential Urban Pattern of Development as:

*“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”*

The future land use maps presented in 2005 Urbana Comprehensive Plan also note that the portion of East Main Street that the subject property is located in is to be home to neighborhood businesses that serve the community.

### **Discussion**

The petitioner wants to install a 15-foot long, four-foot wide, and four-foot tall shade awning on front of the structure located at 804 ½ E. Main Street, which is half as wide as the eight-foot wide canopy currently fronting 806 E. Main Street. Pursuant to Section VI-5.B.6 of the Zoning Ordinance, shade awnings may encroach two feet, six inches into the required yard of a structure. The subject property currently has a front yard of seven feet, eight inches, which is seven feet, four inches less than the required front yard setback. According to the Sanborn maps, this footprint has not been modified since 1915. The shade awning would encroach into the required front yard by eight feet, 10 inches, reducing the front yard to three feet, eight inches (a 58.89% reduction). The shade awning would be attached to the building, require no support columns, and contain no lettering (Figure 1). A one-foot, eight inch gap

will be preserved between the brick wall that fronts a portion of the subject property and the shade awning. The addition of the awning would reduce the average setback of the block face to 17.76 feet.



**Figure 1: Much like the shade awnings shown above, the proposed shade awning for the subject property would require no support columns.**

The applicant has stated that the installation of the proposed shade awning will improve the aesthetic value of the subject property, as well provide comfort for the customers of the Kings and Queens Beauty Salon. With the addition of the proposed awning, cohesion will also be enhanced between the structures found at 804 ½ E. Main Street and 806 E. Main Street (Figure 2). The shade awning would also lend greater historic character to the subject property, as well as the entire block face, as shade awnings are often associated with historic, pedestrian-oriented business districts. The installation would help to enhance the pedestrian atmosphere of the block face, encouraging the development of neighborhood-oriented businesses and related structures that the 2005 Urbana Comprehensive Plan recommends for this stretch of East Main Street. Such benefits have been cited by at least one other owner of a nearby business (see Exhibit G).

**(Space Skipped Intentionally)**



**Figure 2: The proposed shade awning at 804 ½ E. Main Street will improve cohesion between the subject property and the structure found at 806 E. Main Street, which is fronted by a canopy that extends to the lot’s front property line.**

### **History of Similar Cases**

In October of 2012, the City Council granted a major variance allowing a canopy to encroach three feet, eight inches into the required front yard at 604 N. Cunningham Avenue (Plan Case no. ZBA-2012-MAJ-06, Ordinance no. 2012-10-092). It was concluded that the awning would allow for the enhancement of the Tin Roof Tavern found at that address, and was necessary due to the location of the subject property within one foot of the required front yard.

### **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for 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 requiring the variance is the existing lot and building configuration. The structure at 804 ½ E. Main Street is located seven feet, eight inches behind its property line along East Main Street, which does not allow any additional space for a shade awning. Although nearby structures located at 804 and 808 E. Main Street do not encroach into their required front yards, the structure located immediately to the east (and which shares a wall with the subject property), 806 E. Main Street, is set back eight feet from the public right-of-way, and is fronted by a canopy that fully encroaches into the required 15-foot front yard. The canopy found at 806 E. Main Street is eight feet wide, twice as wide as the shade awning proposed for the subject property (which will only be four feet wide).

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

The placement of the structure within the subject lot was established many decades ago. Sanborn maps show the structure and brick wall currently found at 804 ½ E. Main Street standing, with their modern-day configuration, as early as 1915. The Sanborn maps also illustrate that the structure currently located at 806 E. Main Street had a canopy that fully encroached into its required 15-foot front yard as early as 1945.

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

Although the proposed installation will be visible from the public street, it would not alter the essential character of the neighborhood. The surrounding neighborhood is characterized by a mix of commercial and residential uses, and Main Street is a high traffic minor arterial street. The structure would continue to contain a beauty salon, and no other modifications are proposed. The proposed shade awning would run adjacent to the canopy found at 806 E. Main Street, improving cohesion along the block face. The shade awning would not require any support columns, as it would be attached to the building. The petitioner claims that the addition of the shade awning is expected to improve the aesthetic value of the subject property, and that the shade awning will provide comfort for the customers of the beauty salon.

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

The proposed shade awning, if constructed and installed pursuant to all regulations, including Section VI-5.B.6 of the Zoning Ordinance, will not cause a nuisance to adjacent properties. The shade awning will not cast a shadow on its immediate neighbors, as the church found at 804 E. Main Street is located roughly 51 feet, eight inches behind its property line, and the structure at 806 E. Main Street is shaded by its own canopy.

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

The proposed installation represents the minimum possible variance required to provide a functional shade awning for the business present in the structure.

## Summary of Findings

In determining whether a variance should be granted, findings of fact that are specific to the property or variance in question must be made. The findings of fact are based on the evidence presented above.

1. The applicant proposes to install a shade awning at 804 ½ East Main Street, located in the B-2 Neighborhood Business, Arterial District;
2. The first floor of the subject property is home to the Kings and Queens Beauty Salon;
3. Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of 15 feet in the B-2, Neighborhood Business-Arterial District;
4. Section VI-5.B.6 of the Urbana Zoning Ordinance allows shade awnings to encroach two feet, six inches into the required minimum setback;
5. The structure found at 804 ½ East Main Street currently encroaches seven feet, four inches into the required front yard along East Main Street;
6. The proposed shade awning would encroach up to eight feet, 10 inches into the required front yard;
7. Due to the subject property's lot and building configuration, the proposed variance would not serve as a special privilege;
8. The applicant states that they believe the proposed shade awning will increase the aesthetic value of the structure, as well as provide comfort the customers patronizing the beauty salon;
9. The situation was not created by the petitioner because the building currently found on the lot was constructed as early as 1915, and has retained its footprint since that time;
10. The proposed addition will not alter the essential residential character of the neighborhood. The installation would enhance cohesion between structures found along East Main Street;
11. Due to the significant setback of the structure found at 804 E. Main Street, as well as the presence of a canopy at 806 E. Main Street, the proposed variance will not cause a nuisance to adjacent properties;
12. The requested variance is the minimum possible deviation required to install the proposed shade awning.

## Options

The Urbana City Council has the following options in Major Variance Case No.: ZBA-2014-MAJ-02:

- a. Approve the variance as requested;
- b. Approve the variance as requested along with certain terms and conditions; or
- c. Deny the variance as requested.

## Recommendation

At their June 26, 2014 meeting, the Zoning Board of Appeals held a public hearing regarding this case. The board discussed the proposed shade awning and its potential impact on the local community. The board voted unanimously to forward the case to City Council with a recommendation for **APPROVAL** of the proposed variance, subject to the condition that the shade awning shall be built in conformance with the plans provided by the applicant (see Exhibit D). City staff likewise recommends approval with the same condition.

Prepared by:

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Maximillian Mahalek  
Planning Intern

Attachments: Draft Ordinance  
Exhibit A: Location and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Application and Proposed Shade Awning Design  
Exhibit E: Proposed Site Plan  
Exhibit F: Site Photos  
Exhibit G: Correspondence  
Minutes

cc: Faller Custom Builders, LLC, 609 N. 19<sup>th</sup> Street, Mattoon, IL 61938  
Daniel Kiss, 3950 N. Lake Shore Drive, #2322, Chicago, IL 60613



ORDINANCE NO. 2014-07-064

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Two allow an encroachment of a shade awning into a required front yard in the City's B-2, Neighborhood Business-Arterial District, at 804 ½ East Main Street / ZBA Case No. 2014-MAJ-02)

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Faller Custom Builders, LLC has submitted a petition for a major variance to allow a canopy roof to encroach up to 8 feet 10 inches into a required 15 foot front yard setback at 804 ½ East Main Street in the B-2, Neighborhood Business-Arterial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-02; 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 held a public hearing on the proposed major variance on June 25, 2014 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The applicant proposes to install a shade awning at 804 ½ East Main Street, located in the B-2 Neighborhood Business, Arterial District;
2. The first floor of the subject property is home to the Kings and Queens Beauty Salon;
3. Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of 15 feet in the B-2, Neighborhood Business-Arterial District;
4. Section VI-5.B.6 of the Urbana Zoning Ordinance allows shade awnings to encroach two feet, six inches into the required minimum setback;
5. The structure found at 804 ½ East Main Street currently encroaches seven feet, four inches into the required front yard along East Main Street;
6. The proposed shade awning would encroach up to eight feet, 10 inches into the required front yard;
7. Due to the subject property's lot and building configuration, the proposed variance would not serve as a special privilege;
8. The applicant states that they believe the proposed shade awning will increase the aesthetic value of the structure, as well as provide comfort the customers patronizing the beauty salon;
9. The situation was not created by the petitioner because the building currently found on the lot was constructed as early as 1915, and has retained its footprint since that time;
10. The proposed addition will not alter the essential residential character of the neighborhood. The installation would enhance cohesion between structures found along East Main Street;
11. Due to the significant setback of the structure found at 804 E. Main Street, as well as the presence of a canopy at 806 E. Main Street, the proposed variance will not cause a nuisance to adjacent properties;
12. The requested variance is the minimum possible deviation required to install the proposed shade awning.

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

Section 1. In ZBA Case No. 2014-MAJ-02, the major variance requested by Faller Custom Builders, LLC is hereby approved in the manner proposed in the application and subject to the following condition:

1. The shade awning shall be built in conformance with the plans provided by the applicant.

The major variance described above shall only apply to the property located at 804 ½ East Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 16 feet of Lot 7 and the West 6 inches of Lot 6 of Esquire Munhall's Addition (also known as James Munhall's Addition) to the City of Urbana, as per plat recorded in Deed Record 32 at page 487, in Champaign County, Illinois

Parcel Identification Number: 91-21-09-353-015

Section 2. The Urbana 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 regular meeting of said Council on the \_\_\_\_ day of \_\_\_\_\_, 2014

PASSED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2014.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, 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 \_\_\_\_\_, 2014, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Two allow an encroachment of a shade awning into a required front yard in the City's B-2, Neighborhood Business-Arterial District, at 804 ½ East Main Street / ZBA Case No. 2014-MAJ-02) 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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

# Exhibit A: Location and Existing Land Use Map



Case: 2014-ZBA-MAJ-02  
Subject: Application for Major Variance to Allow Awning  
Location: 804 1/2 E. Main Street  
Petitioner: Faller Custom Builders, LLC

 Subject Property

Prepared 06/09/2014 by Community Development Services Department

# Exhibit B: Existing Zoning Map

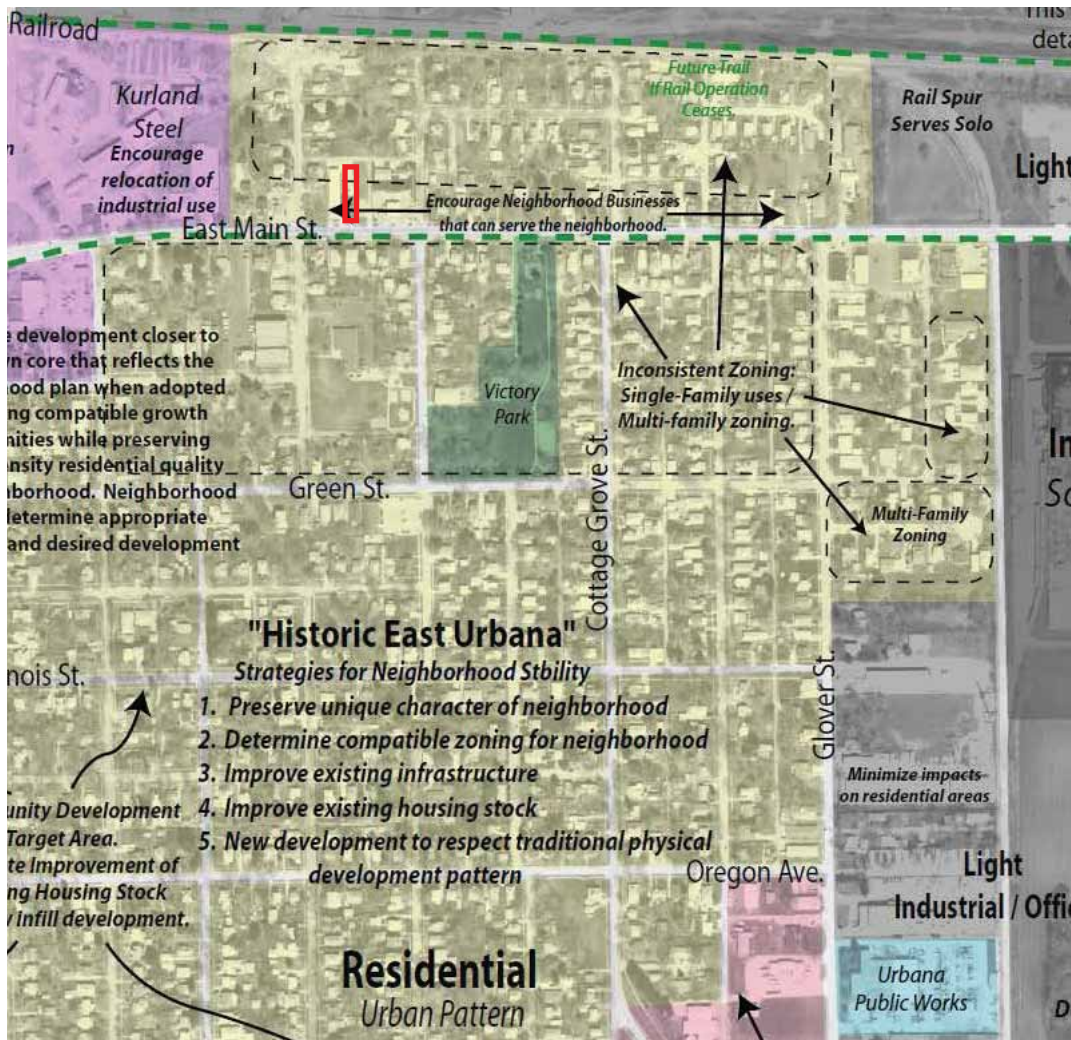


Case: 2014-ZBA-MAJ-02  
Subject: Application for Major Variance to Allow Awning  
Location: 804 1/2 E. Main Street  
Petitioner: Faller Custom Builders, LLC

 Subject Property

Prepared 06/09/2014 by Community Development Services Department

# Exhibit C: Future Land Use Map



Case: 2014-ZBA-MAJ-02  
 Subject: Application for Major Variance to Allow Awning  
 Location: 804 1/2 E. Main Street  
 Petitioner: Faller Custom Builders, LLC

 Subject Property

Prepared 06/09/2014 by Community Development Services Department



# Application for Variance

## Zoning Board Of Appeals

### APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

#### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 05-16-2014 ZBA Case No. ZBA-2014-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 *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* A shade awning on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Faller Custom Builders Phone: 217-235-2662  
 Address (street/city/state/zip code): 609 N19 Mattson IL 61938  
 Email Address: fallercustombuilders@consolidated.net  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contractor

#### 2. OWNER INFORMATION

Name of Owner(s): Daniel Kiss Phone: 773-319-6410  
 Address (street/city/state/zip code): 3950 N. Lakeshore Dr. Apt 232A Chicago, IL 60613  
 Email Address: Danube3125@yahoo.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: 804 1/2 E. Main Urbana I.L.  
 PIN # of Location: 91-21-09-353-015  
 Lot Size: \_\_\_\_\_



Current Zoning Designation:

Current Land Use (*vacant, residence, grocery, factory, etc*): *Salon*

Proposed Land Use:

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. CONSULTANT INFORMATION**

**Name of Architect(s):** \_\_\_\_\_ **Phone:** \_\_\_\_\_

Address (*street/city/state/zip code*): \_\_\_\_\_

Email Address: \_\_\_\_\_

**Name of Engineers(s):** *Urbana building inspector* **Phone:** \_\_\_\_\_

Address (*street/city/state/zip code*): *have all information*

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

While applying for an awning permit we were informed we had to apply for a zoning variance

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

It is only a shade awning and will add esthetic value to the building.

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

The adjacent property already has a fixed shade product that projects further than the one we are intending to install.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.**

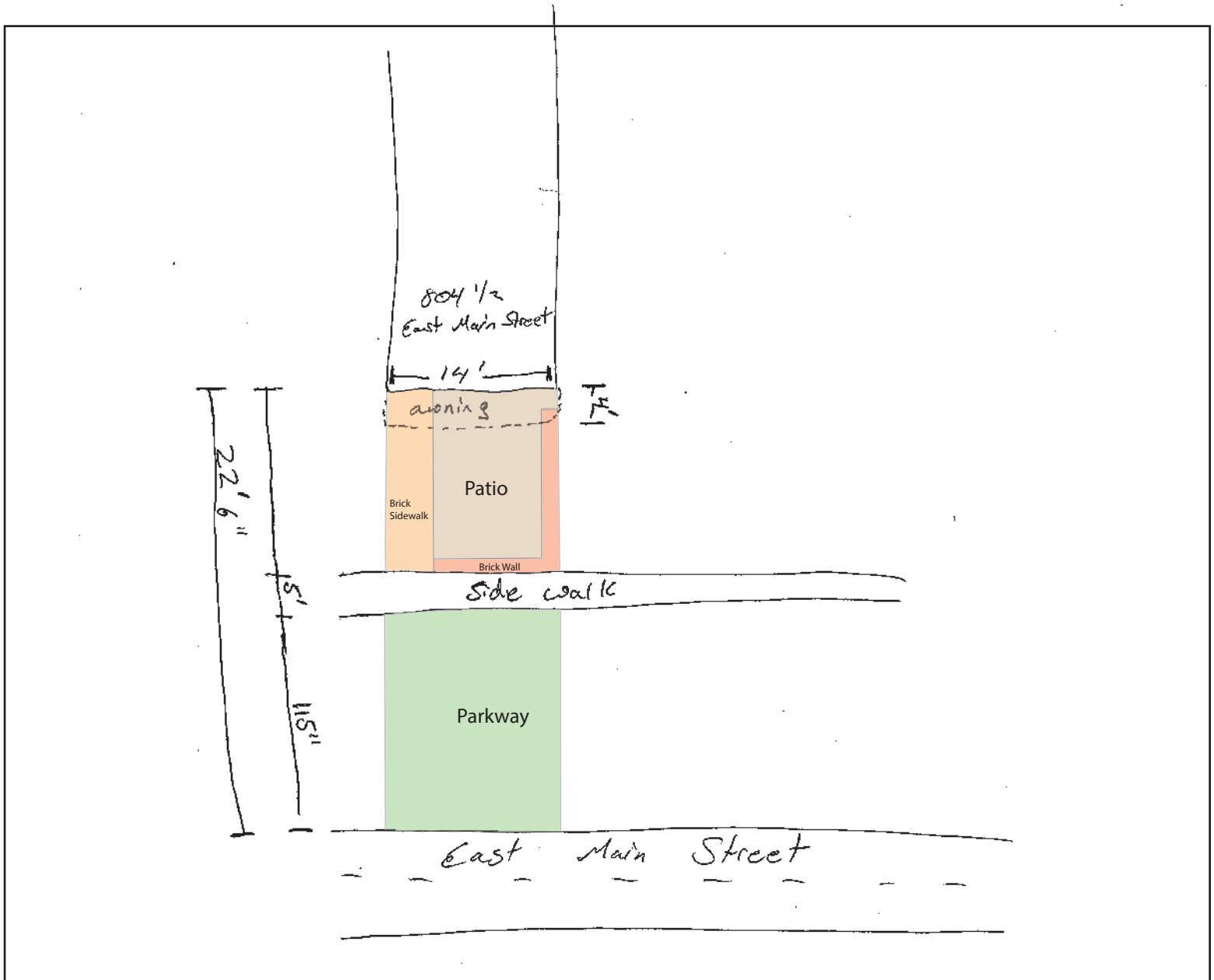
#### CERTIFICATION BY THE APPLICANT

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

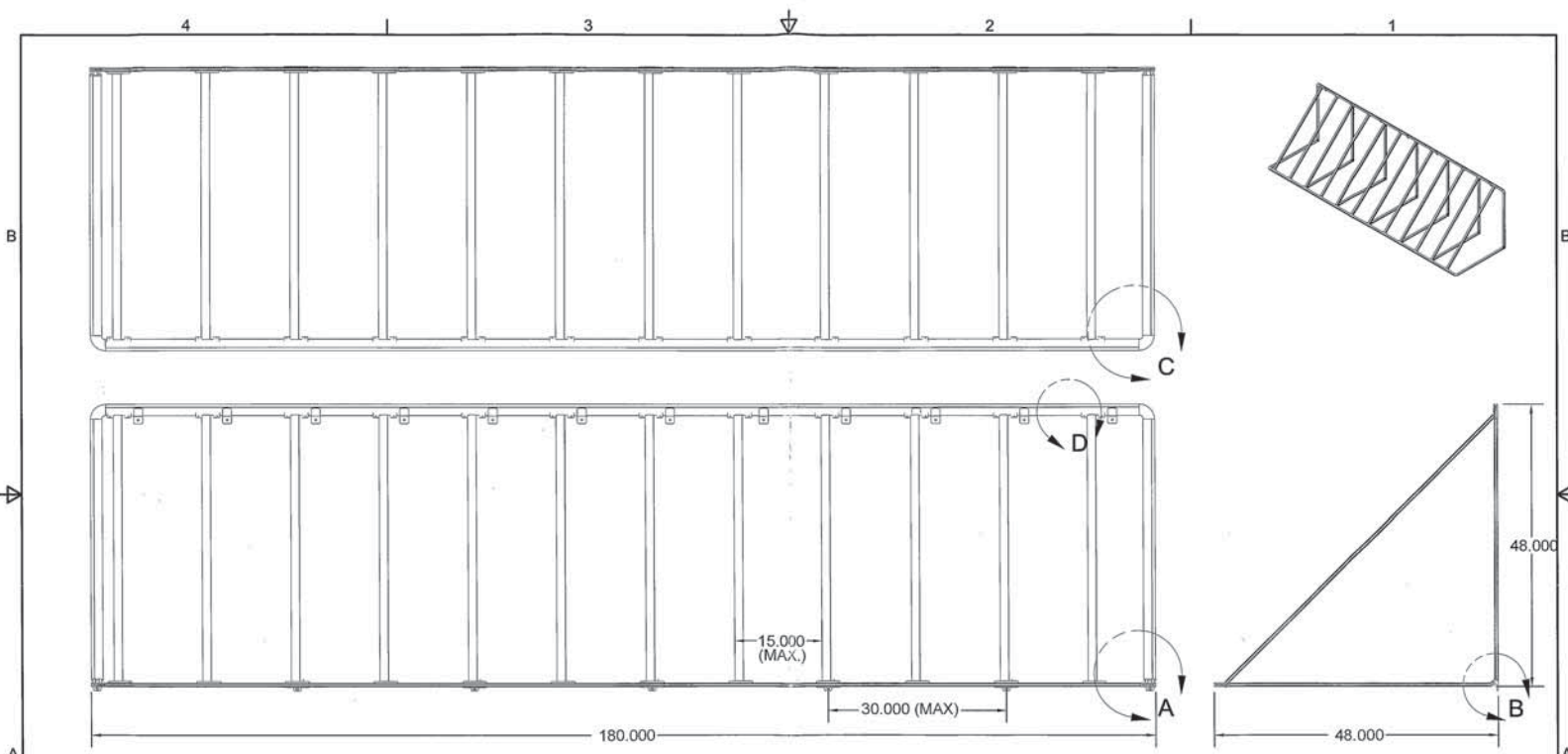
5/5/14  
Date

# Site Plan for Proposed Shade Awning at 804 1/2 E. Main Street



Provided by Petitioner, Modified by Community  
Development Services Department 06/13/2004





- NOTES:**
1. Awning Rail calculations assume aluminum is 6061-T6.
  2. Design Loads per International Building Code (IBC) 2009  
Dead Load=1 psf  
Ground Snow Load= 20 psf, Wind Load=90 mph
  3. Connections per CBM Instructions.
  4. Contractor to inspect all existing conditions and as necessary repair and/or replace all materials as required to render them structurally sound and complete.

5. Where necessary, provide barrier membrane to protect aluminum from concrete, wood treatments and other materials from galvanic action
6. Where necessary, contractor to use fasteners that resist corrosion
7. Masonry / CMU Block to be solid grouted at all awning attachments
8. Spacing of Cast Aluminum Bottom Mounts and associated rails to be @ 30" o.c. (Max.)

STATE OF ILLINOIS  
 PROFESSIONAL ENGINEER  
 NO. 062-022292  
 CRAIG J. JOSS  
 4/24/14

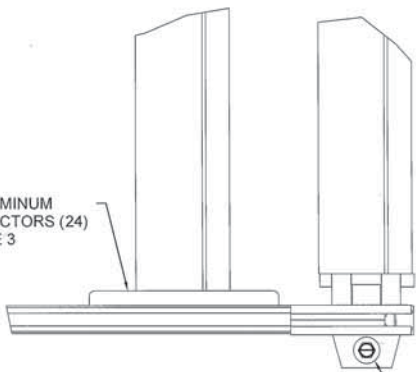
DRAWN BY: JAH	2/24/2014	<b>CraftBilt Manufacturing Co.</b>	
ENG APPROVAL		DESCRIPTION	
MFG APPROVAL		<b>FIXED FRAME BASKET AWNING</b>	
This drawing is the property of the CraftBilt Manufacturing Company and may not be used, altered, or duplicated without prior authorization.		SIZE B	DWG (PART) NO. N/A
		SCALE	PRODUCT FAMILY (SUBJECT) AWNING
		REV	
		SHEET 1 OF 2	

4 | 3 | 2 | 1

B

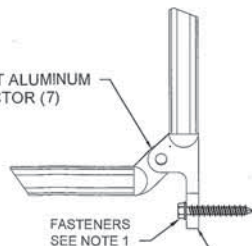
B

CAST ALUMINUM 'T' CONNECTORS (24)  
SEE NOTE 3



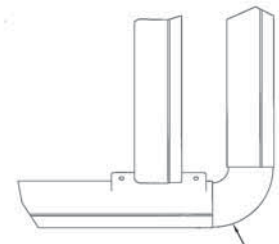
DETAIL A

TWO PIECE CAST ALUMINUM  
HINGED CONNECTOR (7)



DETAIL B

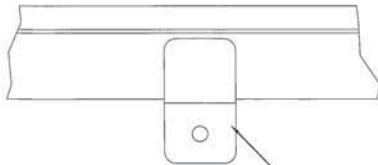
CAST ALUMINUM  
BOTTOM MOUNT  
@ 30" o.c. (MAX.)



DETAIL C

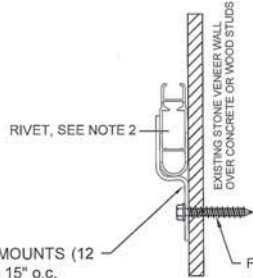
CAST ALUMINUM  
CORNERS (4)

0.255" DIA. HOLE  
CAST ALUMINUM  
BOTTOM MOUNT (7)



DETAIL D

STEEL UPPER MOUNTS (12  
MIN.) SPACE @ 15" o.c.  
(CONCRETE);  
@ 16" o.c. (WOOD)  
USE FASTENERS AS SPECIFIED IN NOTE 1



FASTENERS SPECIFIED IN NOTE 1

NOTES:

1. FASTENERS INTO CONCRETE: 1/4"x4" SHW4-400 TAPCON (or Equivalent), 2.5" MIN. EMBEDMENT. INSTALL PER MANUF. INSTRUCTIONS INTO CONCRETE OR CMU GROUTED SOLID (TYPICAL). FASTENERS INTO WOOD: USE 5/16" DIA. LAG SCREW (or Equivalent) & WASHER, 3" MINIMUM EMBEDMENT @ 16" o.c. (TYPICAL).
2. 5/32" SS BLIND RIVET w/ 0.188 - 0.250" GRIP RANGE FOR CONNECTIONS OTHER THAN 'T' CONNECTORS (1) PER SIDE
3. (2) 3/16" SS BLIND RIVETS w/ 0.500" GRIP RANGE, TYPICAL @ EACH CONNECTOR.

DRAWN BY: JAH	2/24/2014	<b>CraftBilt Manufacturing Co.</b>	
ENG APPROVAL		DESCRIPTION	
MFG APPROVAL		FIXED FRAME BASKET AWNING PARTS	
This drawing is the property of the CraftBilt Manufacturing Company and may not be used, altered, or duplicated without prior authorization.		SIZE B	DWG (PART) NO. MULTIPLE
		SCALE NTS	PRODUCT FAMILY (SUBJECT) AWNING
			REV



4 | 3 | 2 | 1

A

A



**Tube Strut in Axial Compression**

**Design Basis**

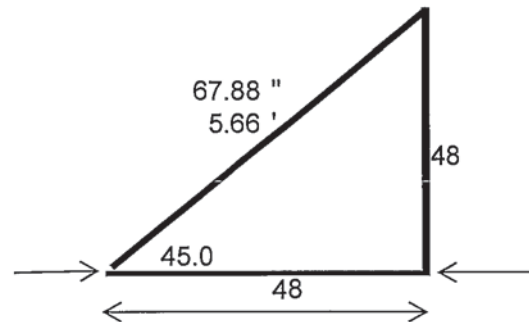
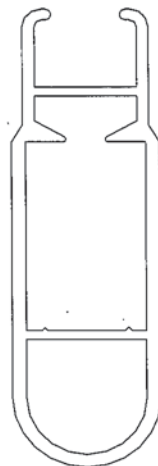
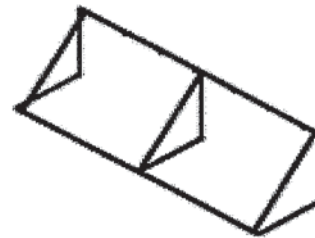
Design Code: Aluminum Design Manual 2010  
Sections: F.3, F.8  
Design Table: Part VI - Table 2-19 - 6061-T6

**Application:**

Member: Tube Strut in Axial Compression  
Alloy: 6061-T6 Extrusions  
Shape: Closed Section  
Load Type: Axial  
Structure Type: Building  
Column Length: 4.00 ft  
Supports: Pinned  
Bracing: Laterally Unsupported  
Allow Defln: L / 240

**Profile:**

CBM Part Number not assigned  
Vendor Part Number not assigned  
RISA File Name: Fabric Awning Rail.nmsx  
CAD File Name: 74EXMP01.dwg



**1.**

**Material Properties:**

$F_{ty} =$	35	ksi	Tensile Yield Strength	Part VI - Table 2-20
$F_{cy} =$	35	ksi	Compressive Yield Strength	Part VI - Table 2-20
$F_{tu} =$	38	ksi	Tensile Ultimate Strength	Part VI - Table 2-20
$E =$	10,100	ksi	Compressive Modulus of Elasticity	Part VI - Table 2-20
$k_t =$	1	ksi	Tension Coefficient	Part VI - Table 2-20
$G =$	3,788	ksi	Shear Modulus of Elasticity	Part I - Table A.3.1
$\alpha =$	1.30E-05	/°F	Coeff of Thermal Expansion	Part I - Table A.3.1
$\gamma =$	0.1	lb/in <sup>3</sup>	Density of Aluminum	Part I - Table A.3.1
$F_{sy} =$	21	ksi	Shear Yield Strength (0.6 $F_{ty}$ )	Part I - Table A.3.1




# Exhibit E: Proposed Site Plan



E. Main St.



Case: 2014-ZBA-MAJ-02  
Subject: Application for Major Variance to Allow Awning  
Location: 804 1/2 E. Main Street  
Petitioner: Faller Custom Builders, LLC

 Proposed Awning Footprint

Prepared 06/09/2014 by Community Development Services Department

Exhibit F: Site Photos







Andel, Teri

**From:** Tyler, Elizabeth  
**Sent:** Sunday, June 22, 2014 5:32 PM  
**To:** Ashlee Mc Laughlin (amclaughlin@ccrpc.org); Charles Warmbrunn (bluegoblue2000@yahoo.com); HCWinCourt@aol.com; Joanne Chester (joanne.m.chester@gmail.com); Nancy Uchtmann (nuchtmann@comcast.net); Paul J. Armstrong (parmstro@ad.uiuc.edu); Stacy Harwood (stacy.harwood@gmail.com)  
**Cc:** Andel, Teri; Garcia, Kevin; Mahalek, Maximillian Raymond (mahalek1@illinois.edu)  
**Subject:** FW: [Heuna] FYI: a major variance to install a shade awning at 804 1/2 E. Main Street

Dear Zoning Board members:

Please see the below comment on Case ZBA-2014-MAJ-02. Ms. Huth asked that we share this comment with you.

Libby Tyler

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**From:** Laura Huth [<mailto:laurahuth@dogoodconsulting.org>]  
**Sent:** Thursday, June 19, 2014 10:07 AM  
**To:** ! Roberts, Dennis Forwarder  
**Cc:** Tyler, Elizabeth  
**Subject:** RE: [Heuna] FYI: a major variance to install a shade awning at 804 1/2 E. Main Street

Dennis and Libby:

I have reviewed this document and request and find this to be a fitting request that fits the walk-able direction we are working to attain for our neighborhood. This older area of town should have such accommodations made that still fit with neighborhood character, yet upgrade the aesthetics and walk-able feel of the area. If this can help upgrade the use of this unique space and increase its usability for our neighbors and others throughout the community, then I'm all for it.

Laura

---

Laura Huth, President & CEO  
*do good Consulting*  
 Fundraising, Communications, Planning, Marketing & More  
 Serving Non-Profits, Small Businesses, Governments & Institutions  
 506 S. Webber, Urbana, IL 61801  
[laurahuth@dogoodconsulting.org](mailto:laurahuth@dogoodconsulting.org)  
[www.dogoodconsulting.org](http://www.dogoodconsulting.org)  
 Facebook: <http://www.facebook.com/dogoodConsulting>  
 LinkedIn: <http://www.linkedin.com/pub/laura-huth/a/b0/273>  
 217-778-1687

2009 Association of Fundraising Professionals/East Central Illinois OUTSTANDING FUNDRAISING EXECUTIVE  
Chamber of Commerce 2009 SMALL BUSINESS OF THE YEAR

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**From:** Heuna-members [<mailto:heuna-members-bounces@heuna.org>] **On Behalf Of** Dennis Roberts  
**Sent:** Thursday, June 19, 2014 9:44 AM  
**To:** HEUNA  
**Subject:** [Heuna] FYI: a major variance to install a shade awning at 804 1/2 E. Main Street

This hearing occurred at 7:30 pm on Wednesday, June 18, 2014 in the City Council Chambers:

ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a **major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804 1/2 E. Main Street** in the B-2, Neighborhood Business- Arterial District.

## Introduction and Background

Faller Custom Builders, LLC is requesting a major variance on behalf of property owner Daniel Kiss to install a shade awning that will encroach 11 feet, four inches into the required 15-foot front yard at 804 1/2 E. Main Street, located in the B-2, Neighborhood Business - Arterial District.

The property at 804 1/2 E. Main Street is zoned B-2, Neighborhood Business- Arterial District, and is currently occupied by a beauty salon. The building is set back seven feet, eight inches from the sidewalk, causing it to encroach into its required front yard by seven feet, four inches. The building currently has no shade awning (nor do records show that it has ever had one). Table VI-3 of the Urbana Zoning Ordinance requires a lot in the B-2 District to have a minimum front yard of 15 feet. The addition of the proposed shade awning, which would be 14 feet long by four feet wide, would cause the property to further encroach into its required front yard by 11 feet, four inches (a 75.56% reduction of the required front yard setback), leaving a setback of three feet, eight inches. The petitioner states that the addition of the shade awning will improve the aesthetic value of the subject property. Moreover, the installation of the shade awning would improve cohesion between the subject property and the building that shares its eastern wall, 806 E. Main Street, which itself has a canopy that fully encroaches into the required front yard.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a 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.

Case No. ZBA-2014-MAJ-02 - <http://urbanaininois.us/sites/default/files/attachments/zba-memo-combined.pdf>

**MINUTES OF A REGULAR MEETING  
URBANA ZONING BOARD OF APPEALS**

**DATE:** June 25, 2014

**DRAFT**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Nancy Uchtmann, Charles Warmbrunn

**MEMBERS EXCUSED** Stacy Harwood, Ashlee McLaughlin, Harvey Welch

**STAFF PRESENT** Kevin Garcia, Planner II; Maximillian Mahalek, Planning Intern; Teri Andel, Planning Secretary

**OTHERS PRESENT** Diana Bubenik, Chifan Cheng

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**COMMUNICATIONS**

- Email from Laura Huth regarding Case No. ZBA-2014-MAJ-02

NOTE: Chair Armstrong swore in members of the audience who indicated that they may give testimony during the public hearings.

**CONTINUED PUBLIC HEARINGS**

**Case No. ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804-1/2 East Main Street in the B-2, Neighborhood Business-Arterial Zoning District.**

Chair Armstrong opened this public hearing. Maximillian Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He began by explaining the reason for the proposed major variance request, which is to allow an awning to be installed encroaching into the front-yard setback by 11 feet, 4 inches. He described the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He mentioned the benefits of allowing the awning. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed request. He read the

options of the Zoning Board of Appeals and presented City staff's recommendation. He stated that the petitioner was available to answer any questions.

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

Mr. Warmbrunn asked if the proposed canopy would extend to the existing brick wall in front of the subject property. Mr. Mahalek replied that there would be an almost two-foot gap.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input. There was none, so Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann moved to forward Case No. ZBA-2014-MAJ-02 to the City Council with a recommendation for approval with the condition as recommended by City staff. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote. This case will be forwarded to the City Council on July 7, 2014.