



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Rebecca Bird, Planner I

DATE: July 14, 2011

SUBJECT: ZBA-2011-MAJ-02: A request by Yuchen Lin for a major variance to exceed the Floor Area Ratio for a duplex at 607 W High Street in the R-2, Single-Family Residential Zoning District

Introduction and Background

Yuchen Lin is requesting a major variance to allow existing attic space at 607 W High Street to be finished and used as living space. The subject property is a duplex, with one unit on the ground floor and the other on the second floor. The petitioner is proposing to enlarge the upper unit by finishing the existing attic space and adding it to the upper unit. The proposed improvements would not alter the existing building footprint. Table VI-3 of the Urbana Zoning Ordinance limits the Floor Area Ratio (FAR) in the R-2 District to no more than 0.40. The proposed improvements would add 435 feet of living space to the upper unit, increasing the FAR to 0.52.

Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals must recommend approval of a major variance by a two-thirds majority for the variance to be forwarded to City Council for a final decision.

Description of the Site

The subject property is located on the south side of High Street between Orchard and Coler Streets. The subject lot is 50.5 feet wide and 94.5 feet deep, with a lot area of 4,772.25 square feet. The lot currently contains a 2,046 square foot duplex: 1,023 square feet for the first floor unit and 1,023 square feet for the second floor unit. There is no garage. Typical lots in the neighborhood are around 60 feet wide and 120 feet deep.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property is surrounded in all directions by single-family homes, zoned R-2, Single-Family Residential and R-3, Single and Two-Family Residential.

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

Location	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	R-2, Single-Family Residential	Duplex	Residential – Urban Pattern
North	R-3, Single & Two-Family Residential	Single Family Residence	Residential – Urban Pattern
East	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
South	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
West	R-2, Single-Family Residential	Single Family Residence	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.”

Future Land Use Map #8 identifies the following ‘Strategies for Neighborhood Stability’ for this area:

1. *Explore “Neighborhood Conservation District” Strategies*
2. *Promote Single-Family Residential Uses in areas zoned for single-family*
3. *Preserve existing zoning protections*
4. *New development to respect traditional physical development pattern*

Discussion

The petitioner wants to convert existing unfinished attic space to add an additional floor to the upper unit of a duplex to make the upper unit more compatible with a family lifestyle. Currently, the upper unit contains three bedrooms, a living room/kitchen, and a bathroom on the second floor of the house. The petitioner is proposing to construct two bedrooms and a bathroom in the attic, which would allow the upper duplex unit to have two stories. (See plans of existing and proposed below.) The upper story would contain the bedrooms and a bathroom. The lower story would contain a living room/kitchen with an opening through to a dining room, a library/study, a games room, and a bathroom. The proposed improvements would not alter the existing building footprint in any way. According to the applicant, he intends to move into the upper unit with his family and rent out the lower unit. In a letter (attached) accompanying the application, the petitioner explains that the improvements would “make [my family’s] apartment larger, more functional” and would improve their quality of life.

The petitioner purchased the property in March 2011. As part of this project, the two dwelling units would be property separated to bring them into conformance with building, occupancy, and zoning codes.

Existing Second Floor

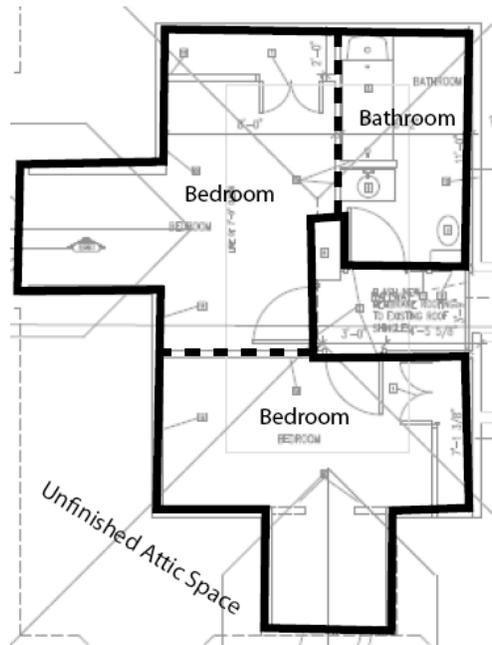


Existing Third Floor is Unfinished Attic Space

Proposed Second Floor



Proposed Third Floor (Existing Unfinished Attic)



The subject property was originally a single-family residence. In 1970, the City issued a building permit to allow the property to be converted from a single-family residence to a duplex. The Zoning Administrator at the time determined that the Zoning Ordinance allowed a duplex use for the subject property. As part of a property-by-property research effort as part of the Downtown to Campus Plan, the Zoning Administrator officially determined that 607 W High Street was a legally non-conforming use. The Urbana Zoning Ordinance allows duplexes in the R-2 zoning district with a Conditional Use Permit.

However, because this property is a legally non-conforming duplex, a Conditional Use Permit is not necessary. Table VI-3, Development Regulations by District requires a minimum lot size of 6,000 square feet and an average lot width of 60 feet to erect or establish a duplex in the R-2 zoning district. The subject lot does not meet the minimum lot size or width required for a duplex. However, as the duplex is already established, variances for lot size and width are not necessary.

The variance required to allow the proposed improvements is an increase in the Floor Area Ratio (FAR). Currently, the FAR is just under 0.40. The proposed improvements would increase the FAR to 0.52. The maximum allowed in the R-2 zoning district is 0.40. The petitioner is requesting to exceed the FAR requirement by 13%.

From a planning perspective, there are both pros and cons to granting the requested variance. On one hand, the proposed improvements would result in an owner-occupied duplex and would not increase the density of the site. Also, the increase in FAR would not affect the character of the neighborhood as the only changes would be interior. On the other hand, even though no additional dwellings would be allowed through this variance, granting the variance could enable over-occupancy of the upper unit as it could more easily be converted from two to five bedrooms.

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 outlined in the ordinance, followed by staff analysis for this case:

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 petitioner's request can be evaluated in two ways. On the one hand, the proposed work would be limited to expanding into existing unfinished attic space. The petitioner is not proposing to add any dwelling units or bedrooms, but to try and make the upper unit more like a single-family residence for occupancy for his family. In addition, the lot is smaller than typical lots in the area and if this lot were the more typical 60 feet wide by 120 feet deep, the increase in FAR would not exceed the maximum allowed. However, it could also be argued that the subject lot already does not meet current regulations for duplexes for lot area and width and that granting the requested variance would increase these nonconformities in addition to increasing the FAR beyond the maximum allowed.

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

The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. Therefore, the small lot size was not created by the petitioner, nor was the legally non-conforming use. On the other hand, the petitioner is choosing to expand into the attic space.

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

As the proposed improvements are limited to interior work and would not be visible from the public street, it would not alter the essential residential character of the neighborhood. The structure would continue to be a duplex in a neighborhood of mainly single-family residential homes.

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

The petitioner states that variance will not cause a nuisance to adjacent properties because there will not be any additional occupants to create the need for more parking.

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

The petitioner states that the requested variance is the minimum possible deviation to make the proposed improvements to the upper unit.

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. Given the discussion above, the findings of fact offer support both for and against the proposed variance.

Findings of Fact

1. Table VI-3 of the Urbana Zoning Ordinance limits the Floor Area Ratio (FAR) in the R-2 Single-Family Residential District to 0.40.
2. The petitioner is proposing to enlarge the upper unit by finishing the existing attic space and adding it to the upper unit, which would increase the FAR to 0.52.
3. The subject property is smaller than typical lots in the area, with a lot width of 50.5 feet and depth of 94.5 feet.

4. In 1970, the City issued a building permit to allow the property to be converted from a single-family residence to a duplex.
5. During the Downtown to Campus Plan, the Urbana Zoning Administrator determined that 607 W High Street was a legally non-conforming use.

Findings in Favor of Proposed Variance

1. Due to the fact that the work would be limited to expanding into existing unfinished attic space and that the subject property is smaller than typical lots in the area, the proposed variance would not serve as a special privilege.
2. The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. Therefore, the small lot size was not created by the petitioner, nor was the legally non-conforming use.
3. The proposed addition will not alter the essential residential character of the neighborhood because the work is limited to interior work and would not be visible from the public street.
4. The proposed variance will not cause a nuisance to adjacent properties as there will not be additional occupants to create the need for more parking.
5. The requested variance is the minimum possible deviation to build the proposed addition to the home.

Findings in Opposition to the Proposed Variance

1. Granting the proposed variance would serve as a special privilege as it is already non-conforming in terms of lot area and width and that allowing an increase in the allowable FAR would increase these non-conformities.
2. The special circumstance of the legal nonconformity and the small lot size were not created by the petitioner because the subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. However, the petitioner is choosing to expand the upper unit into the attic.
3. The proposed addition will not alter the essential residential character of the neighborhood because the work is limited to interior work and would not be visible from the public street.

4. The proposed variance would not cause a nuisance to adjacent properties as there will not be additional occupants to create the need for more parking.
5. The requested variance is the minimum possible deviation to build the proposed addition to the upper unit.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2011-MAJ-02:

- a. Approve the variance as requested based on the findings outlined in this memo;
- b. Approve the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. Deny the variance request based on the findings outlined in this memo. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

In Case ZBA-2011-MAJ-02, City staff recommends that if the Zoning Board of Appeals recommends approval to the City Council, then the Board include the following conditions:

1. That all work be done in general conformance to the attached site plan.
2. That all work be done meet all other applicable building and zoning codes.

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Existing Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Application
 Exhibit E: Photos

Cc: Yuchen Lin, petitioner
 Russ Dankert, architect

Exhibit A: Location & Existing Land Use Map

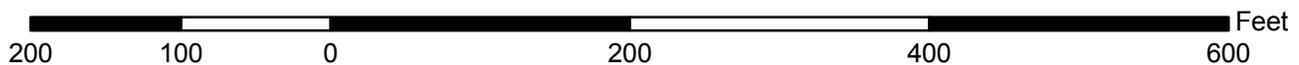
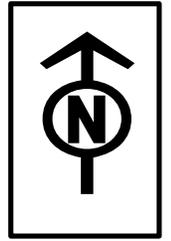
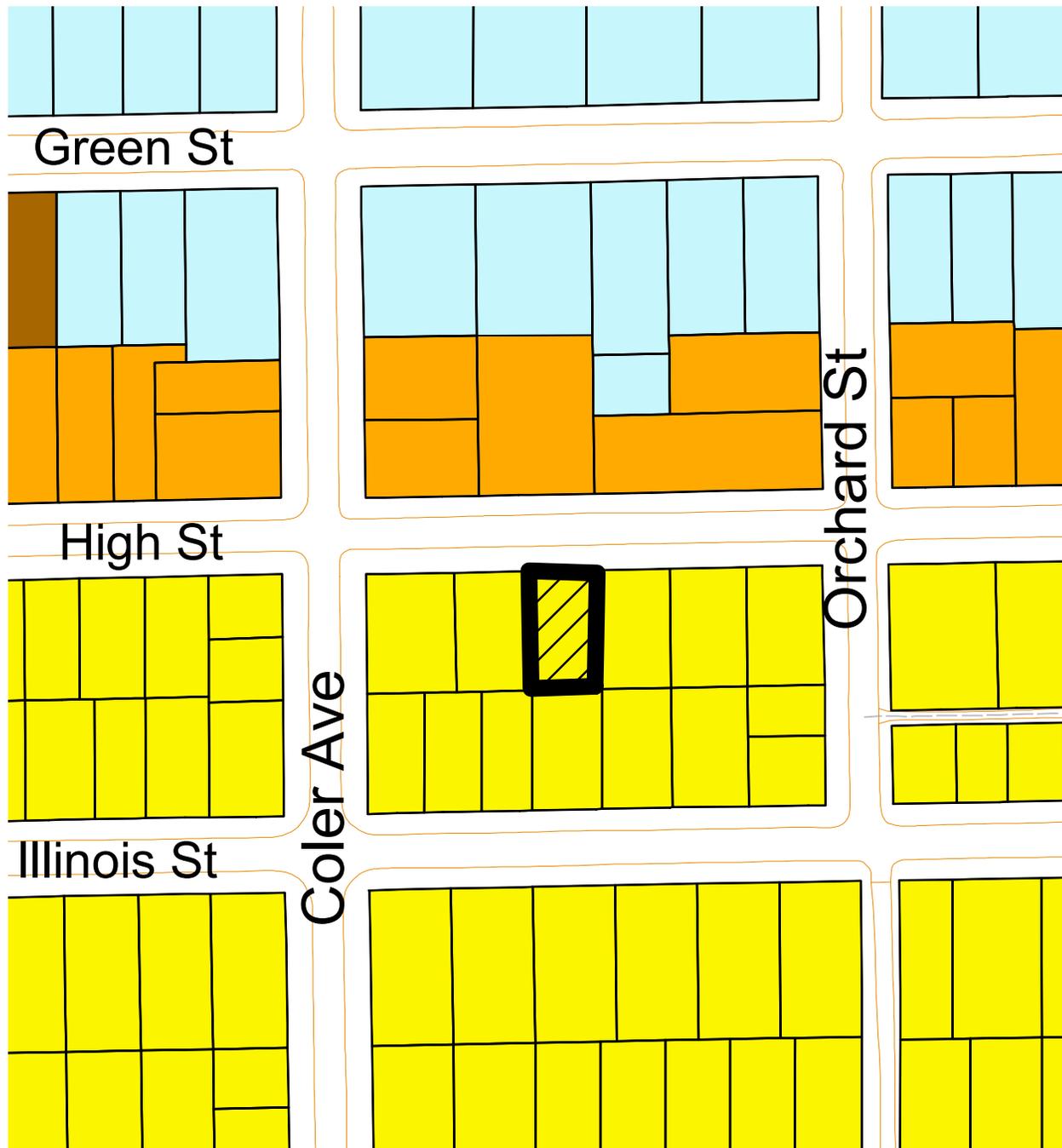


Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin

 Subject Property

SF Single-Family
 Du Duplex
 Apt 3-7 Apt, 3-7 units
 Apt 8+ Apt, 8+ units

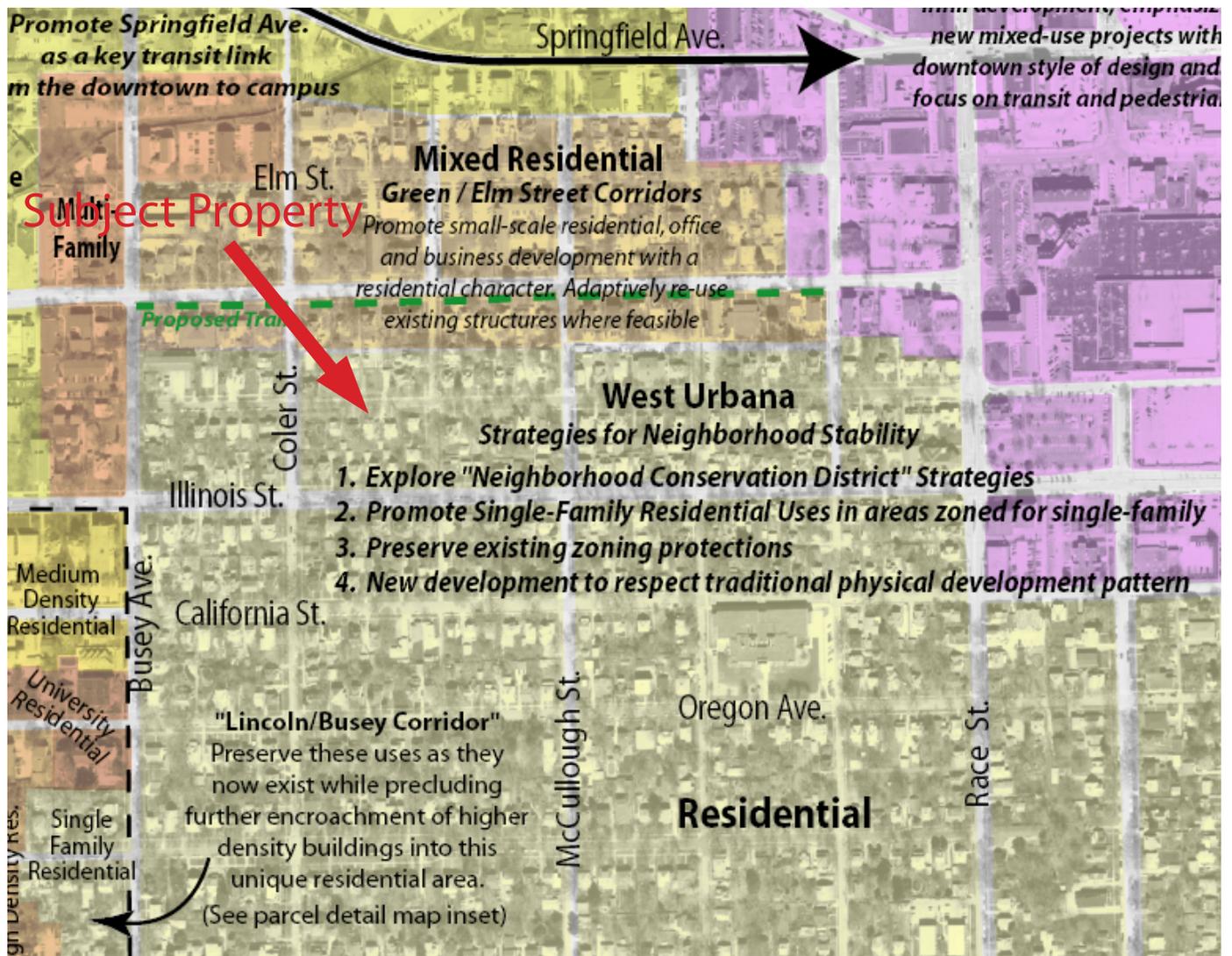
Exhibit B: Existing Zoning Map



Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin

-  Subject Property
-  Mixed Office Residential
-  R2, Single-Family Residential
-  R3, Single & Two-Family
-  R5, Med. High Density MF

Exhibit C: Future Land Use Map #8



Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (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 06-20-2011 ZBA Case No. ZBA-2011-MAJ-02
 Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit The use of the existing attic of a two-story duplex residence for bedroom purposes on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Yuchen Lin Phone: 217-419-9201
 Address (street/city/state/zip code): 607 West High Street, Urbana, IL 61801
 Email Address: yuchenlin198@gmail.com
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

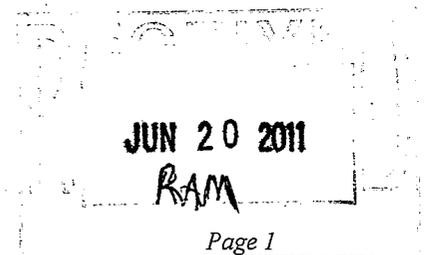
2. OWNER INFORMATION

Name of Owner(s): Yuchen Lin Phone: 217-419-9201
 Address (street/city/state/zip code): 607 West High Street, Urbana, IL 61801
 Email Address: yuchenlin198@gmail.com

Is this property owned by a Land Trust? Yes No
 If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 607 West High Street, Urbana, IL 61801
 PIN # of Location:
 Lot Size: 50.5' x 94.5'



Current Zoning Designation: R2

Current Land Use (*vacant, residence, grocery, factory, etc*): Residential-duplex

Proposed Land Use: Residential-duplex

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): MSA Professional Services Phone: 217-403-3334

Address (*street/city/state/zip code*): 201 W. Springfield Avenue, Suite 400, Champaign, IL 61820

Email Address: rdankert@msa-ps.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.

Owner/occupant wants to move existing bedrooms (2) to existing attic for
_____ more living/study space.

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.

Owner as occupant wants more living space than typical apartment.
_____ Usual occupancy would be students with less need for living space.

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

The current one-floor apartment has limited marketability. Additional living space would improve use by a single family, for instance.

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

The exterior of the building is unchanged.
The number of bedrooms is unchanged.

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

No additional occupants to create more need for parking.

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

The variance would increase the F.A.R. by 13%, O.S. at 0.86 would comply with current 0.40 minimum.

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

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

From: Yuchen lin [yuchenlin198@gmail.com]
Sent: Wednesday, July 06, 2011 11:15 AM
To: Bird, Rebecca
Subject: 607 West High Street zoning variance application. letter from owner.

Planning Division
City of Urbana
400 south Vine Street
Urbana, IL 61801

Attn: Rebecca Bird, Planner

Re: 607 West High Street
Zoning Variance Application

Dear Ms. Bird:

My name is Yuchen Lin. I am the owner of 607 W High St's property. As you might already hear from Russell Dankert, my architect, I intend to build up the new third floor of my house, and occupy the second floor and the new third floor as a two bedrooms apartment, single family style. This idea was coming to my mind when I realized that the attic of the house, unlike small and narrow ones of other houses, are actually very spacious and ready for further using. So me and my family decided to build up the third floor in order to make our apartment larger, more functional, satisfying our everyday need meet our standards of quality of life. I want to emphasize here that I am not adding any bedrooms so that the plan should not bother the neighborhood. While it's true that I will add two bedrooms on the third floor, I will also turn existing bedrooms on the second floor into dining room, studying room and recording room. Since my family is living in this apartment, we feel no need to add more bedrooms. Also, we are not willing to share our apartment with other people because that will disturb my family's lives. All we want to do is to use the space in the attic and make our home larger, sweeter and more enjoyable.

The original one-floor apartment was too small to satisfy my family's need. First of all, we don't have a dining room so that we will have to eat on sofa in the living room. This makes eating very inconvenient considering the fact that having Chinese food requires a lot of plates for dishes and bowls for rice, which should be best placed on a round dining table. More importantly, Chinese culture values eating together on a round table very much because this is the time we usually communicate and share love with each other. Around other time of a day, we are so busy in either study or work that we don't have time to talk. A big dining room will also allow us to invite friends to eat and chat at home, which is another aspect that Chinese people value a lot. We really want to have a big dinner with friends in days like Chinese New Year. Therefore, a dining room with a round table is crucial for not only my family's everyday' need but also our culture and value. I intend to partially open up the common wall with the Living Room to enhance the use of the new dining room space. Secondly, a studying room is needed since we want a place to put a large bookshelf to contain our book collection. All three of my family enjoyed reading and we have a relatively large book collection. Both of my parents went to colleges in early 80's when college students were rare in China. As a result, they value books more than others who are at their age. Reading is also my favorite thing to do since I was a child. Our current apartment is too small to contain a bookshelf, which bothers all of us. If we can turn one of the existing bedrooms into a studying room, then we can put a large bookshelf and our book collection in, along with a desk for us to read, study and work. Finally, my family will probably place arcade or similar games in the smallest room, for relaxation.

My plan will in no ways have any negative impact on the neighborhood. Since we are not adding bedrooms or letting more people to move in, there is no increasing parking need. The proposed plan will not change the exterior footprint of the house, either. What we want to do is to make our life more enjoyable and valuable by turning our apartment into a more sweet and functional one. Since the change

is very important for both my family's everyday need and our culture, value and pursuit of quality of life, it will be very appreciated if we can get the permission to do so.

Thanks very much for your time. Me and my family look forward to get your responses.

Best,

Yuchen Lin
Owner of 607 W High St's property

Exhibit E: Site Photos



Figure 1. Existing House, front façade



Figure 2. Existing House, west elevation, upper unit entrance