



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### m e m o r a n d u m

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director, City Planner

**DATE:** January 4, 2007

**SUBJECT:** **ZBA 2006-MAJ-05**, Request for a Major Variance filed by Villas at Fairlawn, LLC to construct multi-car garages within the 5-foot setback on the south side of Hollywood Drive (an alley), in the R-5, Medium High Density Multiple Family Zoning District.

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### Introduction

Villas at Fairlawn, LLC has submitted a request for a Major Variance to allow construction of multi-car garages at the Fairlawn Village condominium development with an encroachment into the required 5-foot setback on the south border of the property. Hollywood Drive is an east-west alley between Vine and Anderson Streets. The garages would be built on a narrow strip of land varying in depth from 25 to 35 feet, on the south side of Hollywood Drive. The variance request is to construct the garages with up to a zero-foot setback (100% encroachment) into the 5-foot setback along the south property line south of Hollywood Drive.

On December 20, 2006 the Urbana Zoning Board of Appeals voted unanimously 6-0 to recommend approval of the Major Variance to the City Council.

### Background

In November 2005 the Zoning Board of Appeals granted a Conditional Use Permit to allow the construction of multiple buildings on the 14-acre Fairlawn Village property. The petitioners are undertaking a major infill redevelopment by constructing nine new multi-family buildings as well as 15 new garage buildings, and six surface parking areas on the property. The petitioners are converting the entire property from rental apartments to individual condominium units for sale. The project consists of an extensive upgrade to the existing Fairlawn Village complex and can be seen as a major infill opportunity for the City of Urbana consistent with the policies of the Comprehensive Plan. The City tax base will also benefit from the value of improvements to the existing Fairlawn housing and from the construction of new dwelling units.

Fairlawn Village is a complex of single story, medium density multi-family residential apartment buildings totaling 108 one and two bedroom rental units. Large amounts of open space are characteristic of the site, as most of the existing buildings are clustered around "courtyard" open spaces. Some off-street parking spaces, including garages, are provided on-site for residents, although a significant amount of parking is also accommodated on public streets or on the alleys on the north and south of the site.

Fairlawn Village’s main access is via Fairlawn Drive which cuts through the middle of the complex. Secondary access is provided via two alleys: one is a privately maintained oil and chip alley on the north side of the property, which is accessed from Anderson and Vine Street, and the second is the City owned and maintained Hollywood Drive on the south side of the site. Hollywood Drive is a public alley serving not only Fairlawn Village, but a number of commercial uses at the Vine Street end.

**Surrounding Properties**

Fairlawn Village is located within the East Urbana neighborhood, and is primarily surrounded by residential uses. At the west end of the Hollywood Drive alley the property abuts the Insight Communications facility and a neighborhood commercial area including Domino’s Pizza. Across Vine Street is the Urbana Middle and High School complex.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan - Future Land Use</b>
<b>Site</b>	R-5, Medium High Density Multiple Family Residential	Apartments	Multi-Family Residential
<b>North</b>	R-3, Single- and Two-Family Residential	Residential	Residential
<b>East</b>	R-3, Single- and Two-Family Residential	Residential	Residential
<b>South</b>	R-5, Medium High Density Multiple Family Residential	Michigan Avenue Apartments	Multi-Family Residential
<b>West</b>	CRE, Conservation-Recreation-Education and B-1, Neighborhood Business	Urbana Middle/High School, Insight Communications and Domino’s Pizza	Institutional, Community Business

**Discussion**

The strip of land where the garages are proposed to be located is approximately 380 feet wide and varies from 25 to 35 feet deep. The strip has an existing set of garages at the east end, and a shed at the west end. The revised proposal calls for three new garages, each 120-feet wide, and containing 10 spaces each. All three of the garages will be 22 feet deep.

The strip of land is an unusually shaped area that would be non-conforming if it were a separate parcel. The strip is constrained between the alley on the north side and the property line to the south. The strip of land was created some years ago apparently as a result of the dedication of Hollywood Drive as a public alley. The shape and size of the strip will not accommodate a building or garage without encroaching into the setback. Because the strip of land is only 25-feet to 35-feet deep the major variance

is the minimum necessary for it to be utilized for construction of garages. The petitioners state they seek to make use of what would otherwise be wasted space. The proposal to locate garages at this location has the added benefit of allowing the developers to retain mature trees and open spaces at other locations on the property. The proposal would help to preserve trees on the site while still meeting the parking requirements for the new units.

Urbana's 2005 Comprehensive Plan Future Land Use Map #11, designates the Fairlawn Village complex as "Multi-family" residential development. The petitioners feel that in order for the complex to continue to remain competitive in the housing market it is necessary to provide garages to meet buyer expectations. The Zoning Board of Appeals has already granted a Conditional Use Permit to construct multiple structures on the Fairlawn Village site as a whole. Detached garage structures are consistent with the Comprehensive Plan future land use designation for the site.

### **Access**

As part of the project, Hollywood Drive alley will be improved with a new asphalt surface. An existing 12-inch storm sewer running beneath the western half of the alley will also be replaced with a new one to ensure adequate drainage. The alley will continue to be one-way only with vehicles entering from the west end at Vine Street. The Urbana Zoning Ordinance permits cars to back onto public alleys when there is sufficient aisle width. The Zoning Administrator and the City Engineer have determined the 20-foot width of the alley is sufficient in this location. To enter the garages (and other parking spaces) off the alley cars will make a 90-degree turn.

It is expected the alley will continue to have a relatively low average daily traffic volume even with the addition of 30 new garage spaces, and 19 uncovered parking spaces. The City Engineer does not see any problem with the location of the proposed garages given the very low traffic volumes existing and proposed on Hollywood Drive.

### **Variance Criteria**

Section XI-3.C.2 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 (*in italics*), 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 conditions and 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 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 variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

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 essential character of the neighborhood.*

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

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

The practical difficulty 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.

## **Options**

The City Council has the following options in this case:

1. Approve the variance; or

2. Approve the variance along with certain terms and conditions. If the City Council approves conditions or the variances on findings other than those articulated herein, they should articulate findings accordingly; or
3. Deny the variance request. If the City Council elects to do so, the Council should articulate findings supporting its denial.

## **Recommendation**

Based on the criteria outlined herein, the Zoning Board of Appeals voted 6-0 to forward the variance request in Case # 2006-MAJ-05 to the Urbana City Council with a recommendation to **APPROVE** the variance with the following three conditions:

1. That the development shall closely resemble the submitted site plan attached as Exhibit E; 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.

Prepared by:

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Paul Lindahl, Planner I

Attachments:

Draft Ordinance Approving a Major Variance  
Draft Minutes of December 20, 2006 Zoning Board of Appeals Hearing  
Exhibit E: Site Diagram  
Exhibit F: Application  
Exhibit G: Site Photos

Cc: Devonshire Realty  
Attn: Shawn Luesse  
P.O. Box 140  
Champaign, IL 61824-0140

H:\Planning Division\001-ALL CASES(and archive in progress)\03-ZBA Cases\2006\ZBA-06-MAJ-05, Fairlawn Villas, garages on Hollywood\06-MAJ-05, ZBA CC Memo v4 lib rev.doc

**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 regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

AYES:

NAYS:

ABSTAINS:

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

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

\_\_\_\_\_  
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 \_\_\_\_\_, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled:

**ORDINANCE NO. \_\_\_\_\_**

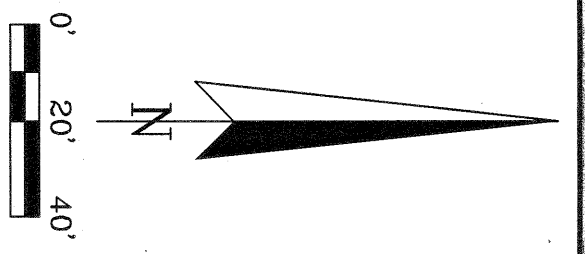
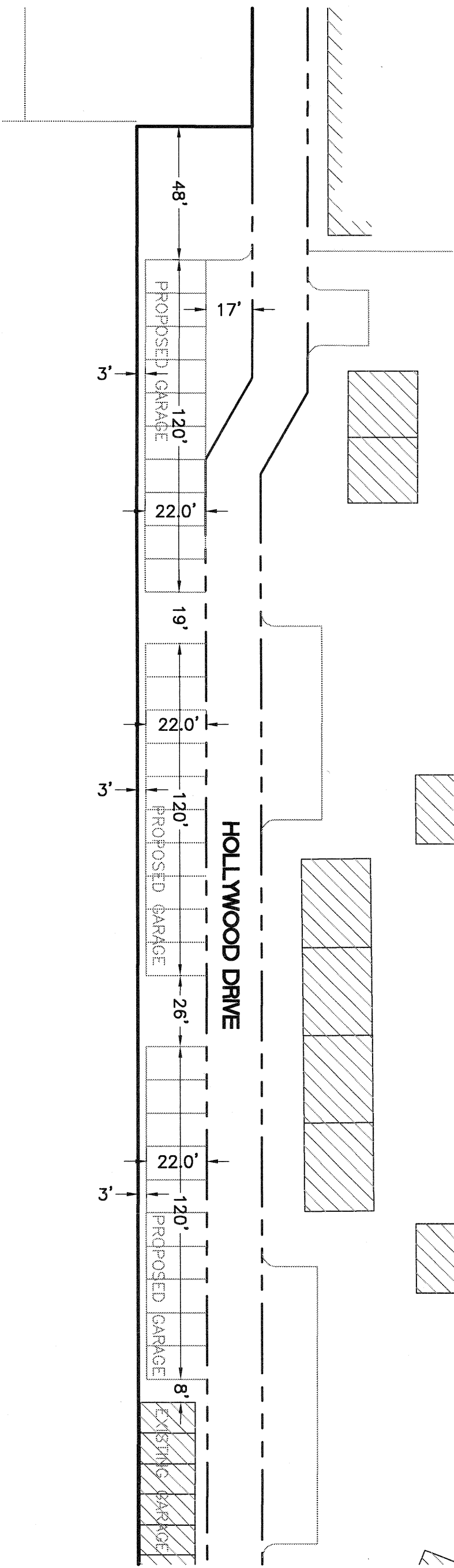
**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(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

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 \_\_\_\_\_, 2007, 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.

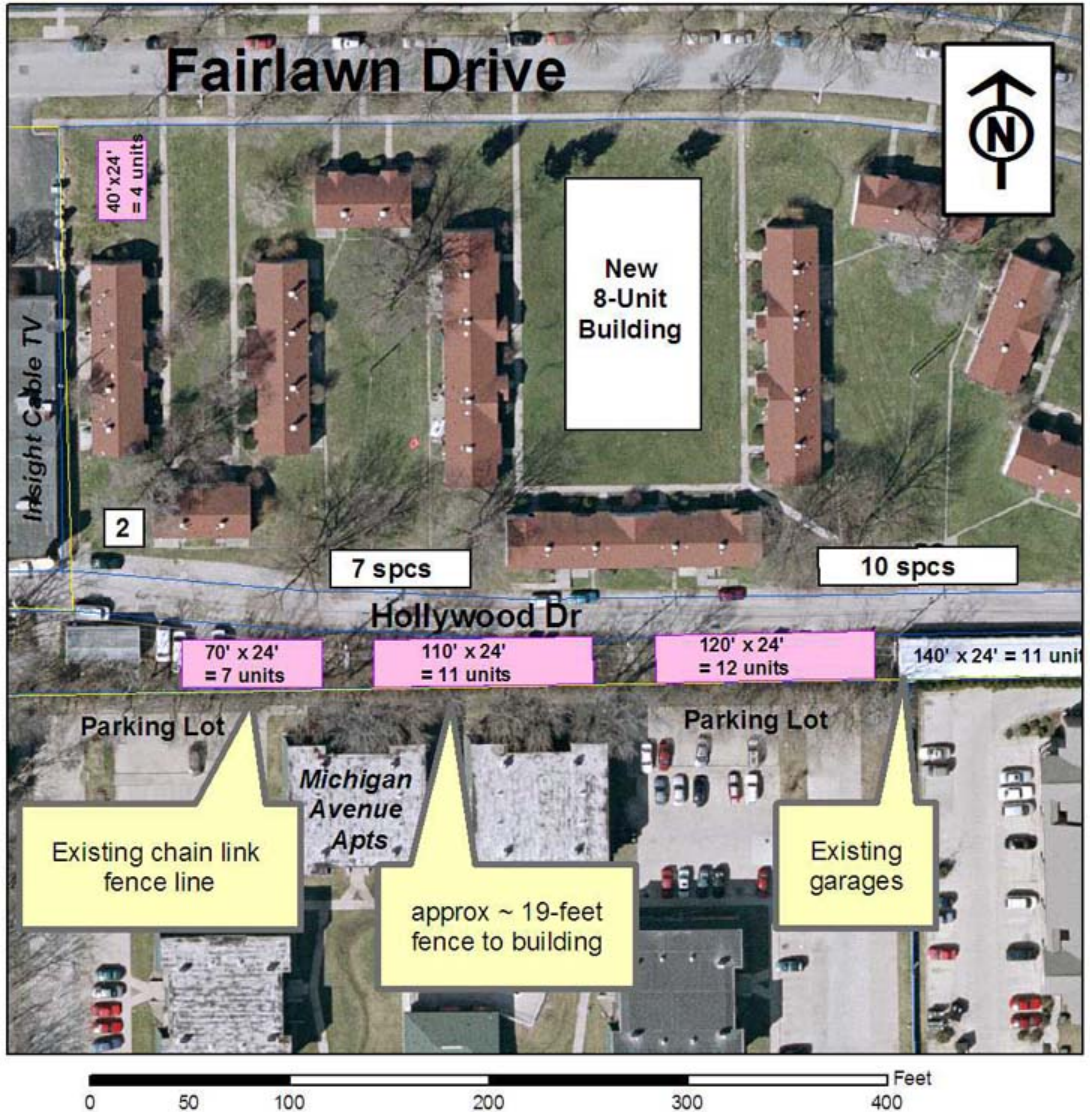
VARIANCE EXHIBIT  
 FAIRLAWN VILLAGE  
 URBANA, IL



Job # 06085  
 Drawn By: CMO  
 Date: 12/28/06 Revised:  
**HDS**  
 ENGINEERING  
 Professional Design Firm  
 License No. 184-003223  
 Expires: 4/30/2007  
 201 West Springfield, Suite 300,  
 Champaign, Illinois 61824-0140  
 Phone No. 217-352-6976

# Site Diagram

# EXHIBIT "E"



**Case:** 2006-MAJ-05  
**Subject:** Major Variance to establish three new detached multiple car garages within the 5-foot side yard setback on the south side of Hollywood Drive alley  
**Petitioners:** Villas at Fairlawn, LLC  
**Location:** Fairlawn Drive between Vine and Anderson Street  
**Zoning:** R-5, Medium High Density Multiple Family  
*Prepared 12/12/06 by Community Development Services - pal*

"7 spcs"  
- new enlarged parking area  
  
"70'x24"  
= 7 units"  
- proposed garage

Site Photos

Exhibit "G"



#1 west end of area



#2 View to east down alley



#3 east from middle of area



#4 west from middle of area



#5 east from neighbors side of fence



#6 west from neighbors side of fence

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** December 20, 2006

**DRAFT**

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

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

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**MEMBERS PRESENT:** Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS ABSENT** Paul Armstrong

**STAFF PRESENT:** Robert Myers, Planning Manager; Paul Lindahl, Planner I

**OTHERS PRESENT:** Shawn Luesse

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**NEW PUBLIC HEARINGS**

**ZBA-06-MAJ-05 – Request for a Major Variance filed by Villas at Fairlawn, LLC to construct multi-car garages within the 5-foot setback on the south side of Hollywood Drive (an alley) in the R-5, Medium High Density Multiple Family Zoning District.**

Paul Lindahl, Planner I, presented the staff report for this case to the Zoning Board of Appeals. He began by stating the petitioner's reason for requesting a major variance, which is to allow construction of multi-car garages within the 5-foot setback on the south side of Hollywood Drive. He presented some background information of the proposed site including a brief description of its location, zoning and existing land use as well as that of the surrounding properties.

Mr. Lindahl showed where the proposed multi-car garages would be located on a map and pointed out that access to the garages would be off of Hollywood Drive alley. He talked about the benefits of constructing the garages in these specific areas. He explained that the proposed major variance request is essentially an extension of the entire infill and redevelopment project.



He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals recommend that the City Council approve the proposed major variance along with the following conditions:

1. That the development shall closely resemble the submitted site plan labeled as Exhibit E; 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.
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.

Chair Merritt swore in members of the audience who might give testimony during the public hearing.

Mr. Schoonover wondered if Hollywood Drive alley served as an access to the apartment complex to the south as well. Or is there a fence along the south side of the alley. Mr. Lindahl replied that there is a spot on the eastern end where the fence is down and people could walk through, but a car could not get through. There is also a change in grade where the proposed garages would be located.

Mr. Schoonover inquired if the existing garages were also at a zero lot line setback. Mr. Lindahl said that is correct.

Mr. Corten questioned who would be responsible for resurfacing of the alley. Would the City be responsible or is the alley a private drive? Mr. Lindahl stated that the alley is a public drive, so the City of Urbana would be responsible for resurfacing it. However, he is not sure whether or not there is a cost participation agreement with the Villas at Fairlawn, LLC to repave it. This would be a good question for the petitioner.

Mr. Welch asked what would constitute an alley, because this particular alley has the name of "Hollywood Drive". Mr. Lindahl was unsure as to why some alleys have names and others do not. There are other alleys in the City of Urbana that have names as well, such as Crane Alley and Goose Alley.

Mr. Welch wondered if there was any concern about there being more traffic in the alley. He thought that the alley would be crowded. Mr. Lindahl replied that if this were a proposed conditional or special use permit, then City staff would have taken a closer look at this. The alley is one way from west to east. He mentioned that the Villas at Fairlawn in the past have targeted students who can walk, catch the bus or ride their bicycles to the University of Illinois. He did not believe that the traffic pattern would change.

Mr. Corten asked if the alley would remain one-way. Mr. Lindahl said yes.

Ms. Uchtmann commented that most of the streets are squared off. She asked why Hollywood Drive alley was not squared off so that most of the Villas at Fairlawn would not encroach onto the City's alley. Mr. Lindahl responded by saying that if this was a street, then there would be front-yard setback requirements between the building and the street. However, along alleys there are no setback requirements. So, someone could construct a building right up to the edge of an alley. He went on to say that cars are permitted to back in and out of parking spaces along alleys.

Chair Merritt inquired as to whether there would be enough room for people to back out of the proposed garages with vehicles being parked in the provided parking spaces across the alley. Mr. Lindahl responded by saying that there would be enough room, because the alley measures 20 feet wide.

Chair Merritt wondered if the parking spaces would be marked better. Mr. Lindahl understood that the existing pads would be removed, widened and marked better. Chair Merritt pointed out that there would be nineteen uncovered parking spaces rather than eighteen, which is mentioned on page three of the written staff report.

Mr. Warmbrunn inquired about whether the 49 parking spots would meet the parking requirement for the number of buildings that the petitioner plans to construct. Mr. Lindahl replied that the petitioner plans to construct 49 parking spaces in order to meet the requirements of the future buildings and to hopefully add additional parking for the existing buildings. There will still be a shortfall of the amount of parking spaces needed for all the buildings.

Mr. Warmbrunn questioned whether the petitioner would need approval of a variance if they would only construct parking pads rather than build garages. Mr. Lindahl stated that the Villas at Fairlawn, LLC would still need approval of a major variance to allow encroachment of off-street parking into the side-yard setback.

Mr. Warmbrunn had researched the Zoning Ordinance regarding parking and the required setbacks. He read that parking in a required yard requires a minimum space of eighteen inches from the property line. He asked if the petitioner would be allowed to build a garage right up to the property line. Robert Myers, Planning Manager, replied that the section that Mr. Warmbrunn referred to in the Zoning Ordinance talks about open parking lots. If parking is eighteen inches away from the property line, it would allow room for overhang of the front of the vehicle without going over into the neighboring property. There is a section on accessory structures, which is what garages are considered under.

Ms. Uchtmann inquired how maintenance would be done on the garages if they are allowed to be built right up next to the property line. Mr. Lindahl responded by saying that the property owner would need to work with the owner of the neighboring property if maintenance is needed.

Mr. Corten asked who would be responsible for snow removal on Hollywood Drive. Mr. Lindahl replied that it is a City alley, so it would be the City's responsibility to remove snow.

Ms. Uchtmann questioned why the garage is 24 feet long. Is that a standard length for garages? Mr. Lindahl answered by saying that the standard length for parking spaces is 18-1/2 feet, because at one time this was considered to be the basic length of a car. However, some cars, such as Lincolns, Cadillacs and full-size pickup trucks, are longer. There is also the width of the walls to take into consideration, not to mention that most people like to leave themselves enough room when parking in a garage so that they do not bump the wall or so they can walk in front of or around their vehicle.

Mr. Warmbrunn asked if a person could build a garage right on the property line. Mr. Lindahl stated that there is a distinction between garages that are attached to houses and garages that are detached. In residential zones, detached garages of up to 750 square feet can encroach within eighteen inches of the side-yard property line. The idea is to allow room for the drip line. Mr. Warmbrunn wondered if this is pertinent to this particular case, and does the major variance request cover the eighteen inches. Mr. Lindahl said that the major variance covers it.

Mr. Warmbrunn inquired as to how many trees would need to be removed to construct the proposed garages. Mr. Lindahl replied that he has not seen a survey that would show him how many trees would need to be removed. This would be a good question to ask the petitioner.

Chair Merritt opened the hearing up to hear testimony from the public.

Shawn Luesse, representative of Villas at Fairlawn, LLC, approached the Zoning Board of Appeals. He provided some background information as to the purpose for asking for the major variance request. In their initial plans, the proposed garages would have been built in the open areas between the units. After preparing the drawings, he performed a site survey. He discovered that in order to construct the garages in the open areas between the units, the company would have to remove eight to ten fully developed 20 foot or taller trees. This did not seem to be a good solution. They, then, took a look at constructing the garages on the south side of the alley as originally thought before drawing up any plans. They decided it would be a better location for the garages.

The trees that would have to be removed from the proposed location are all scrub trees that are growing in and around the existing fence. These trees are actually destroying the fence.

Mr. Luesse mentioned that the proposed location for the garages are areas where they have had problems with students after school loitering, fighting and writing graffiti on the walls of the adjacent buildings. He believes that by using the area for garages, it might do away with some of these problems.

He mentioned that the Villas at Fairlawn, LLC has entered into an agreement with the City of Urbana to participate in the cost of improving the alley with new sewers underneath the alley and a new hard surface to the alley itself. Currently, water does not drain properly.

The proposed new garages are not a requirement of the already approved conditional use permit. The goal of the infill project is to provide one garage location for every unit; however, this is not a requirement. The company is required to provide new parking for the new units, in terms of new infill, not for the existing units. Given the space they have, the company felt that they could accommodate some of the existing units and that it would alleviate some of the parking problems along Fairlawn Drive.

Mr. Warmbrunn inquired if the design of the proposed garages would have a flat roof. Mr. Luesse explained that all of the garages would have a pitched roof. Mr. Warmbrunn wondered if the pitch would run east and west. Mr. Luesse stated that pitch would run north and south, and there would be gutters to catch anything from falling onto the neighboring property.

Mr. Warmbrunn questioned whether the gutters would hang over onto the neighboring property then with the proposed garages constructed next to the property line. Mr. Luesse pointed out that although they had asked for a major variance to allow a zero-foot setback, they would leave some room between the garages and the property line. The garages that they recently built on the north side of the development are 22.7 feet in depth. The proposed new garages will be similar. Mr. Myers noted that no part of the garage (i.e. the foundation, eaves or gutters) would be allowed to hang over onto the neighboring property. Ms. Uchtmann exclaimed that there would then be eighteen inches between the garage and the property line. Typically how long is the overhang? Mr. Luesse guessed about six inches.

Mr. Warmbrunn commented that they would be saying that it is okay for the petitioner to build on the edge of an alley as long as nothing hangs over the property line. There is 25 feet for the alley. He stated that he did not like the wording of the proposed major variance request.

Mr. Welch remarked that they could change the wording. However, the ZBA needs to respect the fact that the City of Urbana has cost the petitioner quite a bit of space because of the location of the alley. It is very unusual to have an alley go through someone's property. Alleys are usually located on the edges of property lines, so that the easements would be less intrusive. Therefore, he felt it would be reasonable to allow the petitioner to build right up next to the property line, as long as they respect the property line. The proposed garages would be built next to an adjacent parking lot. It is not as if the garages were being built up against someone's back yard. He felt this to be a practical solution for the unusual circumstances.

Mr. Myers clarified that if a parking lot is open, then it could be constructed as close as eighteen inches from the property line. If it is an accessory building less than 750 square feet, then it could be as close as eighteen inches from the property line. However, the proposed garages are more than 750 square feet in total for an accessory building, so therefore, they must meet the required setback of five feet. As a result, the petitioner is requesting a major variance up to five feet.

He mentioned that they measure from the property line to the eave of a building to prevent water from draining onto a neighboring property. In this case, the petitioner plans to put a gutter on the building.

Mr. Corten wondered if the proposed garages would be heated. Mr. Luesse replied no.

With no further testimony from the public, Chair Merritt closed the hearing for discussion of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals recommend approval of the proposed major variance including the three conditions recommended by City staff to the City Council. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote. Mr. Myers mentioned that the proposed major variance request would be forwarded to a Special City Council on January 8, 2007 along with the Zoning Board of Appeals recommendation.