



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** June 2, 2011

**SUBJECT: ZBA-2011-MAJ-01:** 806 and 810 E Perkins Road. A request by Paul Tatman for a major variance from the minimum side yard building setbacks required by the Urbana Zoning Ordinance in a B-3, General Business Zoning District.

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**Introduction**

Paul Tatman, the applicant, is proposing to subdivide a parcel of property that he owns at 806 & 810 E Perkins Road. The subject property has two buildings on the lot, each housing a separate business. TK Service Center, an auto repair business, is located in the building addressed as 806 E Perkins Rd and Tatman’s Towing, an auto towing business, is located in the building addressed as 810 E Perkins Rd. The applicant is proposing to subdivide the lot into two parcels so he can transfer ownership of Tatman’s Towing (810 E Perkins Rd) to a new business owner planning to expand. The subject property is located in the B-3, General Business Zoning District. Table VI-3 of the Urbana Zoning Ordinance states that the minimum required side yard in the B-3, General Business district is five feet. Following the subdivision of the lot, a portion of one of the principal buildings would have an approximate three-inch setback from the newly-created property line, and a portion of the other principal building would have an approximate three-foot setback from the new property line. The applicant proposes to retrofit the buildings to comply with Fire Code requirements resulting from the reduced building setbacks.

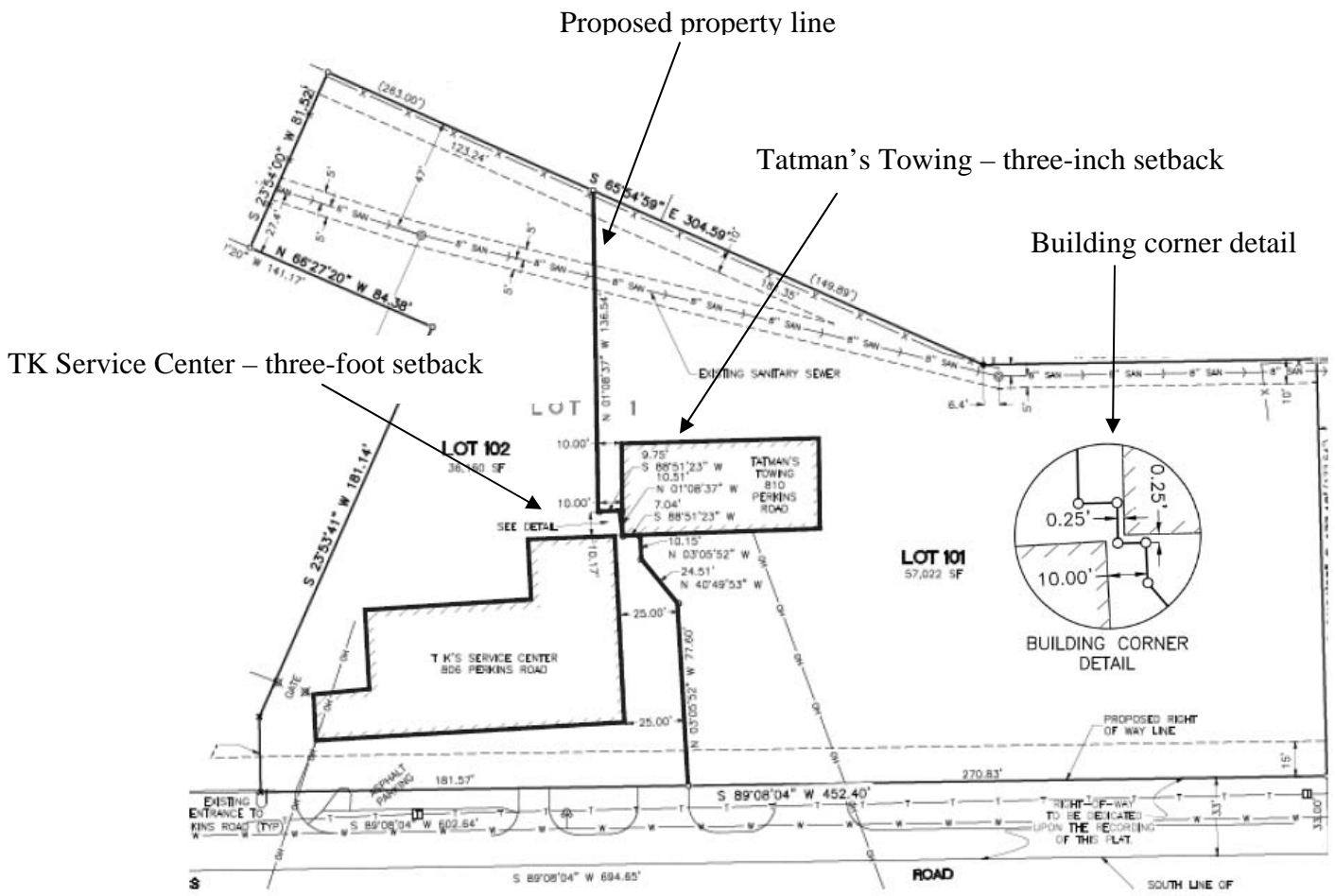
The Urbana Zoning Board of Appeals held a public hearing regarding this case on May 25, 2011. At that meeting the ZBA voted 4 ayes to 0 nays to forward the case to City Council with a recommendation to approve the variance as requested.

**Background**

The subject property, 806 & 810 E Perkins Road, is located on the north side of Perkins Road, approximately 210 feet east of Cunningham Avenue. It is zoned B-3, General Business District. The lot is irregularly-shaped with an area of 93,182 square feet and a width along Perkins Road of 452 feet. The proposed subdivision will create two lots, the westernmost one (806 E Perkins Rd) with a

width of 181.57 feet along Perkins Road and the easternmost one (810 E Perkins Rd) with a width of 270.83 feet.

In terms of minimum lot width and lot area requirements, both the existing and proposed lots would conform with the standards found in Table VI-3 of the Urbana Zoning Ordinance. The property contains two principal use buildings, both of which currently conform to the Zoning Ordinance standards for front, side, and rear yard setbacks. If the property is subdivided as proposed, both buildings will conform with front and rear yard setbacks, but not with minimum side yard requirements to the newly created property line. A portion of one principal building (Tatman's Towing) would have an approximate three-inch setback from the property line, and a portion of the other principal building (TK Service Center) would have an approximate three-foot setback from the property line. See drawing below.



*Proposed Plat, with side yard setbacks in bold and building corner detail enlarged*

### Adjacent Land Uses, Zoning Designations and Comprehensive Plan Designations

The subject property was annexed into the City of Urbana in 1987 (Ordinance No. 8687-59), with both buildings extant on the lot. According to Champaign County Tax Assessor records, the building currently occupied by Tatman's Towing was built in 1975 and the building occupied by TK's

Service Center was built in 1984 to 1985, with an addition added in 1987. According to the Champaign County Department of Planning and Zoning, if the subject property were in unincorporated Champaign County, the proposed subdivision would be allowed without a variance for a reduction in side yard setback. However, any new construction, including additions and rebuilds if the buildings were damaged by fire, would be required to meet the five-foot side yard setback.

The surrounding area is commercial in character, with mostly automobile-oriented development. To the west of the subject lot are Tatman’s Collision Center and Hearth & Home Consignments. To the north are Dust & Son Auto Supplies, Hickory River Smokehouse, and AAA Storage. The parcel to the east is undeveloped. To the south are a single-family residence on a large lot (located in unincorporated Champaign County), Tatman Construction, and Central Illinois Bank.

Following is a summary of zoning and land uses for the subject site and surrounding property. Exhibits A, B and C further illustrate this information.

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	B-3, General Business	Tatman’s Towing TK Service Center	Community Business
North	B-3, General Business	Dust & Son Auto Supplies Hickory River Smokehouse AAA Storage	Community Business
South	B-3, General Business; and Champaign County R-3, Two Family Residential	Tatman Construction Single-Family Dwelling	Community Business Multi-Family Residential
East	B-3, General Business	Undeveloped	Community Business
West	B-3, General Business	Tatman’s Collision Center Hearth & Home Consignments	Community Business

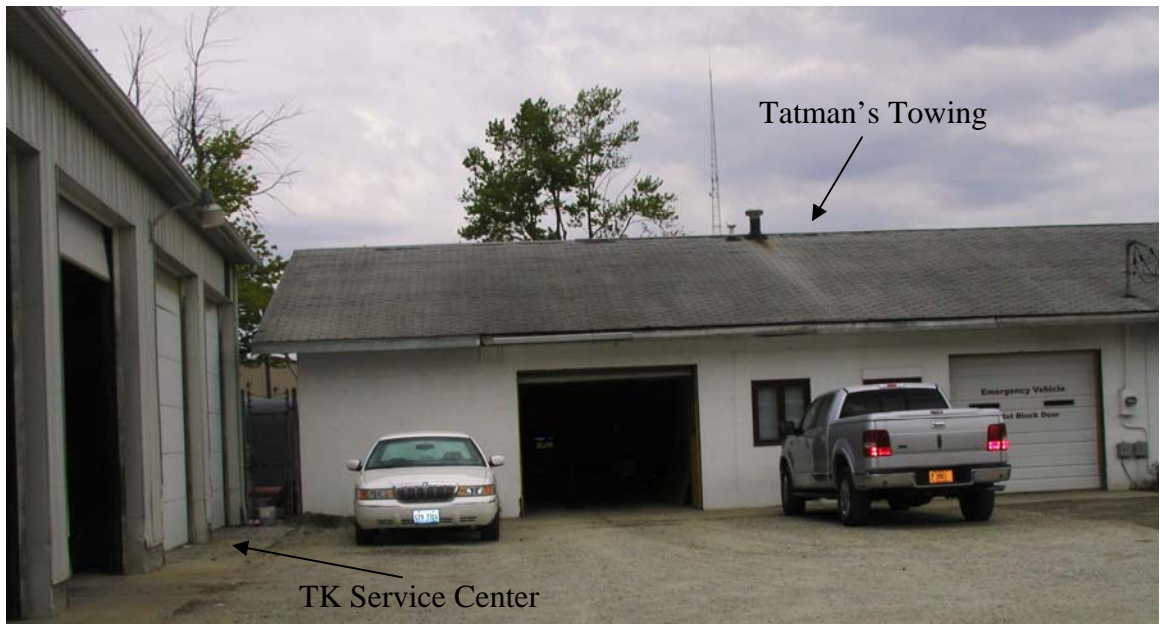
## **Discussion**

The petitioner is proposing to subdivide the subject property in order to separate two principal use buildings (TK Service Center and Tatman’s Towing) onto two separate lots to allow sale of Tatman’s Towing to a new owner with expansion plans. Section V-3.C of the Urbana Zoning Ordinance allows only one principal use building on any one lot without a conditional use permit. Therefore, the property is currently legally nonconforming in this regard. The proposed subdivision would make both lots conforming in terms of having one principal use on any one lot.

Due to the location of the principal buildings on the lot, the proposed subdivision presents some challenges. Because the buildings are only three feet, three inches (3.24 feet) apart at the closest point, the proposed subdivision would result in TK Service Center having a three-foot side yard setback and Tatman’s Towing having a three-inch side yard setback. In addition to needing a major variance for a reduction in side yard setbacks from the newly created lots, the proposed subdivision would require building upgrades to meet code requirements. When two buildings are close together

on different lots, the building code requires a higher level of fire separation than if they were on the same lot. In consultation with his architect and the City Building Inspector, the applicant has determined the proper building modifications to allow this to occur. The work will include removing the roof overhang on the west end of the Tatman's Towing building and may involve other modifications to one or both buildings such as installation of a fire door.

The physical design of the two buildings and their uses presents another challenge. Both buildings are used for automotive businesses and have bays with overhead doors located on the portions of the buildings requiring the variance (photo below). The bays are located such that to access those nearest the adjacent property, it would be necessary to drive on both properties. A cross-access easement allowing users of both properties access to the area to the south of the Tatman's Towing building and to the east of the TK Service Center building will be necessary to allow continued use of these bays. This would be made a condition for approval of the subdivision plat.



*Overhead doors on the TK Service Center and Tatman's Towing buildings*

The subject lot is located in the B-3, General Business Zoning District. According to Table V-1, Table of Uses, "automobile/truck repair" is permitted by right and "towing service" is permitted with a Special Use Permit in the B-3 Zoning District. TK Service Center would, therefore, be legally conforming in terms of use. Tatman's Towing, however, would continue to be a legally non-conforming use as defined by the Zoning Ordinance (Section II-3, *Nonconforming Use*). The applicant plans to transfer ownership of Tatman's Towing to a new business owner, and an expansion of the business would be allowed with a Special Use Permit.

## 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 as they pertain to this case:

1. *Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*
2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The subject property was located in unincorporated Champaign County when the two principal use buildings on this lot were constructed. Construction met the County's zoning requirements, including the three-foot distance between the two buildings. When annexed into the City of Urbana in 1987, the property became a legal, nonconforming use in that Section V-3.C of the Urbana Zoning Ordinance does not allow more than one principal use building on a single lot without a Conditional Use Permit. However, any change to the TK Service property would require a Special Use Permit. Subdivision of the property into two lots would make both lots conform with the "principal use" requirement, but doing so would necessitate a side yard setback variance. An important purpose of zoning setbacks is for fire protection purposes, and in this case fire resistance requirements would be improved by retrofitting the buildings as described above.

The special circumstances in this case are the fact that the property has two principal use buildings on one lot with the buildings being located only three feet apart. The variance would not serve as a special privilege because the existing buildings would be retrofitted to meet Fire and Building Codes for the proposed setbacks.

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

The buildings were constructed in Champaign County and then annexed into the City as legally nonconforming in terms of two principal uses being located on one lot. The two buildings (806 & 810 E. Perkins Rd.) were constructed three feet, three inches apart at their closest point, which was in conformance with County zoning requirements at that time. Two businesses have occupied the two principal use buildings since before the property was annexed. On the other hand, the petitioner's request could be viewed as a situation now being created by the petitioner as a variance would be unnecessary without the proposed subdivision.

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

Granting the variance would not have a significant impact on the essential character of the neighborhood. The variance is required due to the subdivision of the property, not due to new construction. Two businesses have occupied the two principal use buildings since before the property was annexed, and this would remain unchanged with the variance. There would be no change in property appearance due to a variance.

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

The variance will not cause a nuisance to properties adjacent to the subject lot. The variance will necessitate cross-access easements and building upgrades for the subdivision to be successful.

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

The variance request represents the minimum deviation from the requirements of the Zoning Ordinance necessary to accommodate the request. The proposed property line between the buildings would be located so that only the corner of each building would be nonconforming in terms of setbacks.

## **Summary of Findings**

1. The subject property at 806 & 810 E. Perkins Road was developed in unincorporated Champaign County with two principal use buildings in 1975 and 1984/1985.
2. The subject property was annexed into the City of Urbana in 1987 as a legal, nonconforming use under Section V-3.C and Section II-3 (Nonconforming Use) of the Urbana Zoning Ordinance.
3. The petitioner proposes to subdivide the parcel to separate the two existing buildings so that 806 E. Perkins Road (TK Service Center) and 810 E. Perkins Road are located on separate parcels.
4. Should the lot be subdivided, the existing buildings would conform to required front yard and rear yard standards required by Table VI-3 of the Zoning Ordinance, but not side yard setbacks. The minimum required side yard setback in the B-3 Zoning District is five feet.
5. Should the lot be subdivided, the northwest corner of the building at 806 E. Perkins Rd. (TK's Service Center) would be approximately 3 feet from the proposed side yard lot line, and the southwest corner of the building at 810 E. Perkins Rd. would be approximately 3 inches from the same proposed side yard lot line.
6. The requested variance would allow a two-lot subdivision which would eliminate a use nonconformity in that two principal use buildings would no longer be located on the same lot.
7. The variance and contingent lot subdivision would allow transfer of ownership for 810 E. Perkins Rd. (Tatman's Towing) and an anticipated business expansion.
8. Special circumstances and practical difficulties exist for this property in that it was developed in unincorporated Champaign County with two principal use buildings constructed approximately three feet, three inches apart. The Urbana Zoning Ordinance generally only allows one principal use structure per lot by right.

9. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. The variance would not cause the appearance of the two buildings to change.
10. The requested variances represent the minimum deviation from the Zoning Ordinance needed for the subdivision of the lot. The proposed lot line has been located so that only the corner of each building would not conform to the minimum five feet side yard setback required in this B-3 Zoning District.
11. The petitioner plans to retrofit the two existing buildings to meet Building and Fire Code standards required as a result of the lot subdivision.
12. At their May 25, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve major variance case ZBA-2011-MAJ-01.

## **Options**

The City Council has the following options regarding Major Variance Case No. ZBA-2011-MAJ-01:

- a. Approve the variance as requested;
- b. Approve the variance subject to certain conditions; or
- c. Deny the variance.

## **Recommendation**

The Urbana Zoning Board of Appeals held a public hearing regarding this case on May 25, 2011. At that meeting the ZBA voted 4 ayes to 0 nays to forward Case No. ZBA-2011-MAJ-01 to City Council with a recommendation to **APPROVE** the variance with the conditions stated below. Staff concurs with this recommendation.

1. The proposed property line shall be located as shown in the attached plat.
2. A cross-access easement for both lots be granted and shown on the subdivision plat.
3. The existing buildings are retrofitted to bring both into conformance with Urbana Fire and Building Codes in terms of construction types, uses, and setbacks.

Memorandum Prepared By:

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Robert Myers, Planning Manager

Attachments:     Draft Ordinance  
                      Exhibit A: Location and Existing Land Use Map  
                      Exhibit B: Existing Zoning Map  
                      Exhibit C: Future Land Use Map  
                      Exhibit D: Variance Application  
                      Exhibit E: Photos of Site  
                      Exhibit F: Proposed Plat  
                      Exhibit G: Draft Minutes

cc: Paul Tatman  
      1808 S Philo Rd, Ste 102  
      Urbana, IL 61802



**ORDINANCE NO. 2011-06-043**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Reduction of the Required Side Yard Setback Requirement from 5 Feet to 3 Feet at 806 E. Perkins Road, and from 5 Feet to 3 Inches at 810 E. Perkins Road, in the City's B-3, General Business, Zoning District - Case No. ZBA-2011-MAJ-01 / Tatman)

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, Paul Tatman has submitted a petition for a major variance to allow a reduction in the required side yard setback from five feet to three feet and from five feet to three inches along Perkins Avenue at 806 - 810 E Perkins Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-01; 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 May 25, 2011 and voted 4 ayes and 0 nays to recommend to the Corporate Authorities approval of 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 subject property at 806 & 810 E. Perkins Road was developed in unincorporated Champaign County with two principal use buildings in 1975 and 1984/1985.
2. The subject property was annexed into the City of Urbana in 1987 as a legal, nonconforming use under Section V-3.C and Section II-3 (Nonconforming Use) of the Urbana Zoning Ordinance.
3. The petitioner proposes to subdivide the parcel to separate the two existing buildings so that 806 E. Perkins Road (TK Service Center) and 810 E. Perkins Road are located on separate parcels.
4. Should the lot be subdivided, the existing buildings would conform to required front yard and rear yard standards required by Table VI-3 of the Zoning Ordinance, but not side yard setbacks. The minimum required side yard setback in the B-3 Zoning District is five feet.
5. Should the lot be subdivided, the northwest corner of the building at 806 E. Perkins Rd. (TK's Service Center) would be approximately 3 feet from the proposed side yard lot line, and the southwest corner of the building at 810 E. Perkins Rd. would be approximately 3 inches from the same proposed side yard lot line.
6. The requested variance would allow a lot subdivision which would eliminate a use nonconformity in that two principal use buildings would no longer be located on the same lot.
7. The variance and contingent two-lot subdivision would allow transfer of ownership for 810 E. Perkins Rd. (Tatman's Towing) and an anticipated business expansion.
8. Special circumstances and practical difficulties exist for this property in that it was developed in unincorporated Champaign County with two principal use buildings constructed approximately three feet, three inches apart. The Urbana Zoning Ordinance generally only allows one principal use structure per lot by right.
9. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. The variance would not cause the appearance of the two buildings to change.
10. The requested variances represent the minimum deviation from the Zoning Ordinance needed for the subdivision of the lot. The proposed lot line has been located so that only the corner of each building would not conform to the minimum five feet side yard setback required in this B-3 Zoning District.
11. The petitioner plans to retrofit the two existing buildings to meet Building and Fire Code standards required as a result of the lot subdivision.
12. At their May 25, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve major variance case ZBA-2011-MAJ-01.

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

Section 1. The major variance request by Paul Tatman in Case No. ZBA-2011-MAJ-01, is hereby approved to allow a reduction in the required side yard setback from 5 feet to 3 feet and from 5 feet to 3 inches at 806 - 810 E Perkins Road in the manner proposed in the application and subject to the following conditions:

1. The proposed property line shall be located as shown in the attached plat.
2. A cross-access easement for both lots be granted and shown on the subdivision plat.
3. The existing buildings are retrofitted to bring both into conformance with Urbana Fire and Building Codes in terms of construction types, uses, and setbacks.

The major variance described above shall only apply to the property located at 806 - 810 E. Perkins Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

A part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lot 1 of Tatman's Perkin's School Subdivision, as shown on a plat recorded as Document Number 2006R11254 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Parcel Identification Number: 91-21-04-352-032

Section 2. 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 \_\_\_\_\_, 2011

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

AYES:

NAYS:

ABSTAINS:

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

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

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

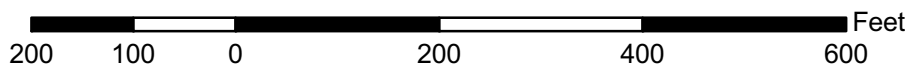
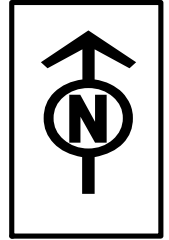
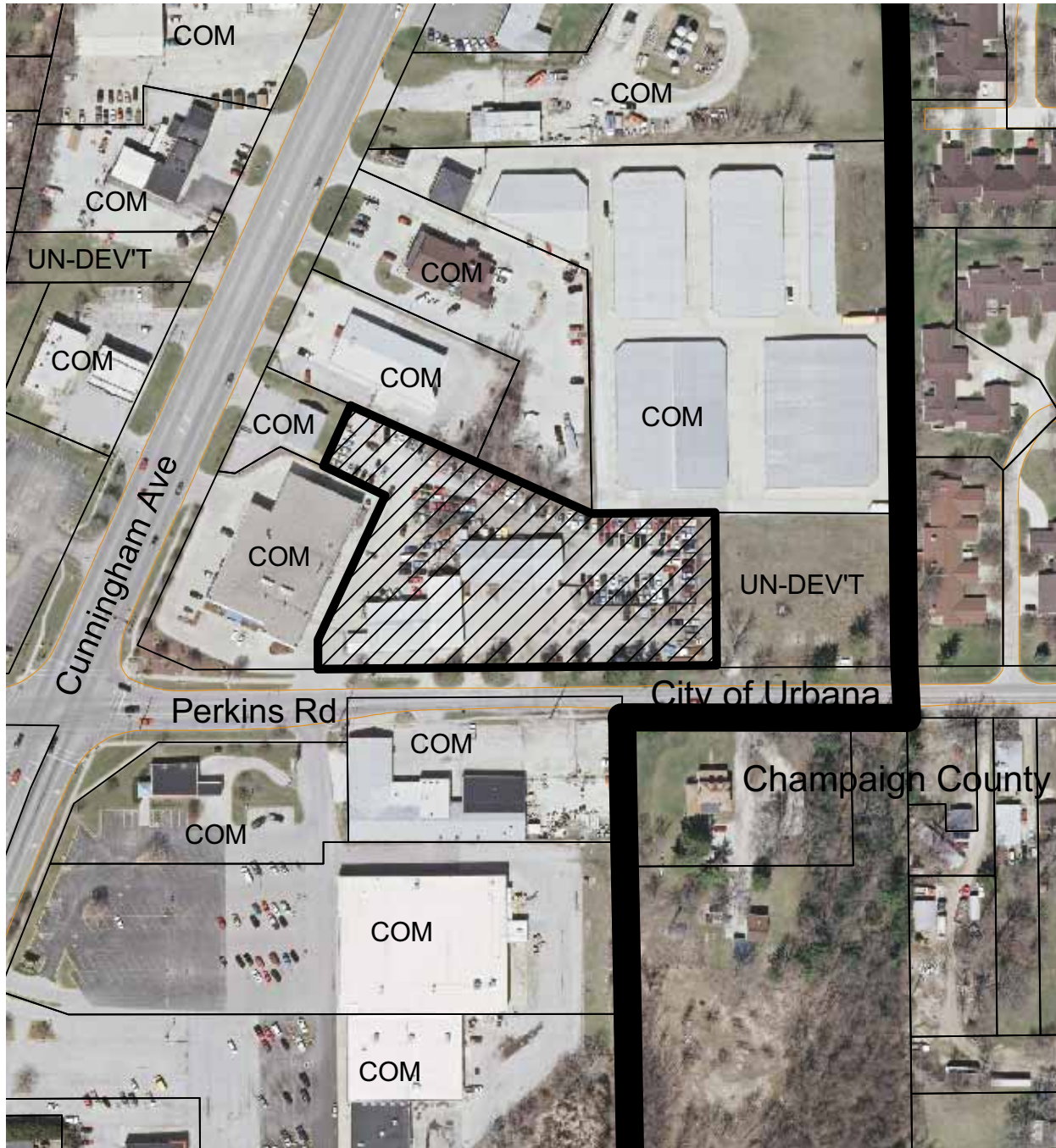
**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

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 \_\_\_\_\_, 2011, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled **AN ORDINANCE APPROVING A MAJOR VARIANCE** AN ORDINANCE APPROVING A MAJOR VARIANCE (Reduction of the Required Side Yard Setback Requirement from 5 Feet to 3 Feet at 806 E. Perkins Road, and from 5 Feet to 3 Inches at 810 E. Perkins Road, in the City's B-3, General Business, Zoning District - Case No. ZBA-2011-MAJ-01 / Tatman) 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 \_\_\_\_\_, 2011, 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 \_\_\_\_\_, 2011.



# Exhibit A: Aerial and Land Use Map



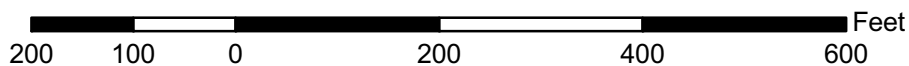
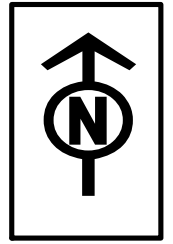
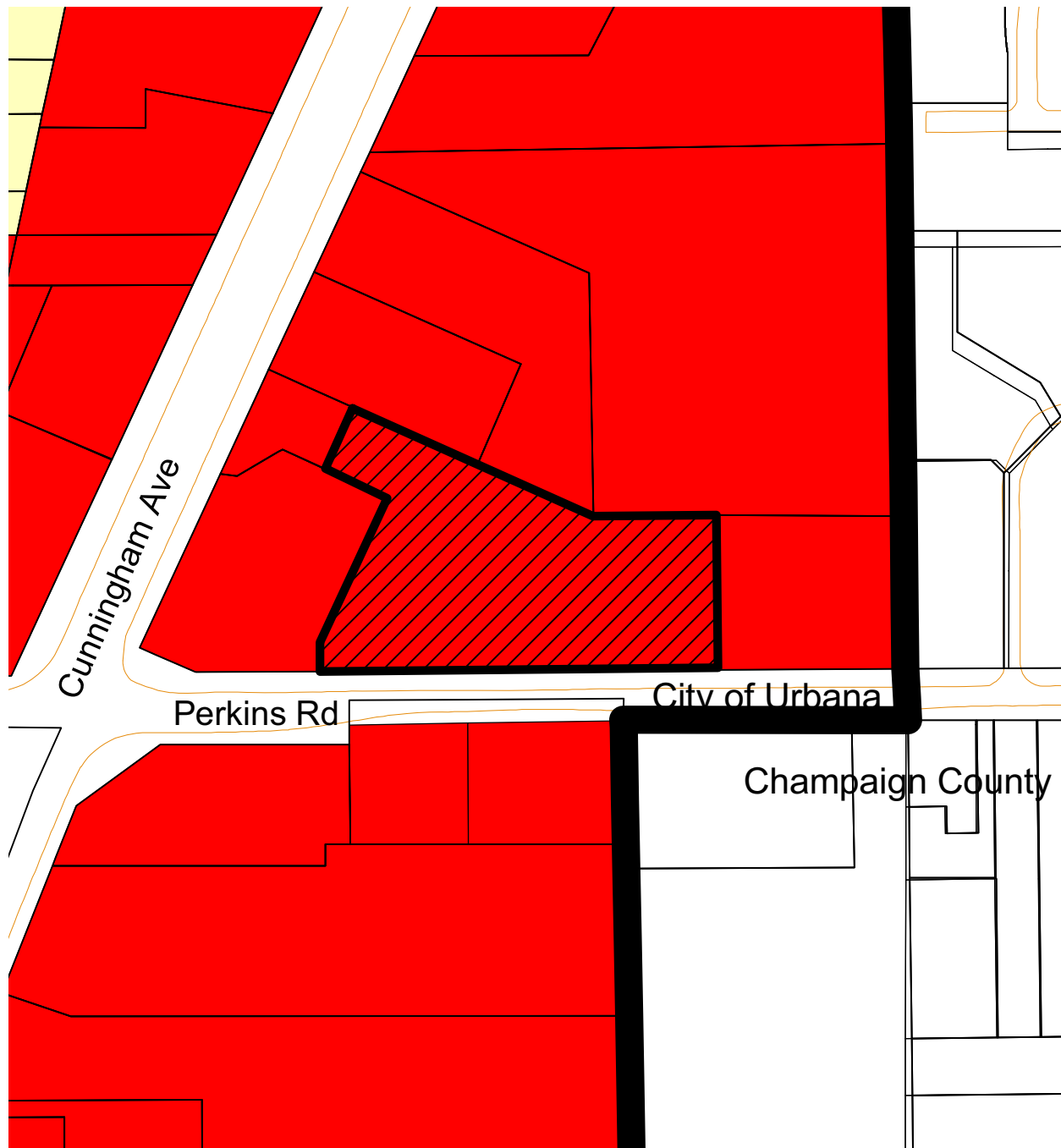
Case: ZBA-2011-MAJ-01  
 Subject: Major Variance to allow reduction in  
 sideyard setback after lot is subdivided  
 Location: 806-810 E Perkins Rd, Urbana  
 Petitioner: Paul Tatman

 Subject Property  
 Corporate Limits





COM Commercial  
 UN-DEV'T Un-Developed

Prepared 4/25/2011 by Community Development Services - rlb

# Exhibit B: Zoning Map



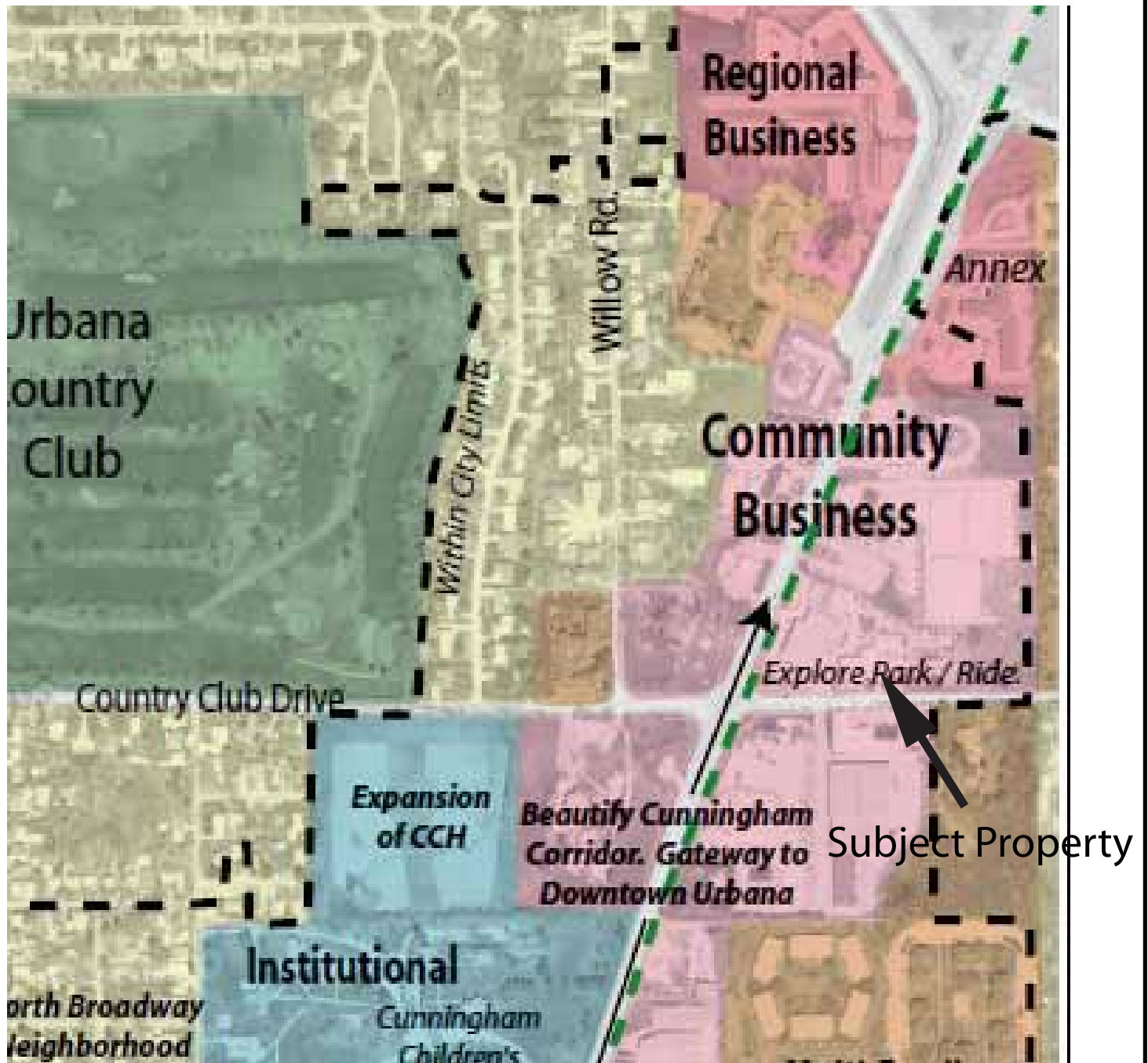
Case: ZBA-2011-MAJ-01  
Subject: Major Variance to allow reduction in  
sideyard setback after lot is subdivided  
Location: 806-810 E Perkins Rd, Urbana  
Petitioner: Paul Tatman

-  Subject Property
-  Corporate Limits
-  B3-General Business
-  R1 - Single Family Res.

Prepared 4/25/2011 by Community Development Services - rlb



# Exhibit C: Future Land Use Map #4



Case: ZBA-2011-MAJ-01  
Subject: Major Variance to allow reduction in  
sideyard setback after lot is subdivided  
Location: 806-810 E Perkins Rd, Urbana  
Petitioner: Paul Tatman

Prepared 4/25/2011 by Community Development Services - rlb



# 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 04-21-2011 ZBA Case No. ZBA-2011-MAJ-01  
 Fee Paid - Check No. 5650 Amount \$125.00 Date 04-21-2011  
5651 \$25.00 04-26-2011

### 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)* \_\_\_\_\_ on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Paul Tatman Phone: 217-202-0801  
 Address (street/city/state/zip code): 1808 S. Philo Rd Ste 102 Urbana, IL 61802  
 Email Address: ptatman@aol.com  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

#### 2.

#### OWNER INFORMATION

Name of Owner(s): Paul Tatman Phone: 217-202-0801, 217-344-1800  
Tatman Family LLC  
 Address (street/city/state/zip code): 1808 S. Philo Rd Ste 102 Urbana, IL 61802  
 Email Address: ptatman@aol.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: 806 E. PERKINS Rd Urbana, IL 61802  
810 E. PERKINS Rd Urbana, IL 61802

PIN # of Location: 91-21-04-352-032

Lot Size: \_\_\_\_\_

Current Zoning Designation:

Current Land Use (vacant, residence, grocery, factory, etc): Tk Service, Hampden (Tatman Towing)

Proposed Land Use:

Legal Description: Sect 4 Twp 19 Range 9

Prop. Code 3000

4.

CONSULTANT INFORMATION

Name of Architect(s): Guy Hamdel Phone: 352-3690

Address (street/city/state/zip code): 314 Wheaton

Email Address: Ch. 61820

Name of Engineers(s): G. Hamdel @ Comcast Phone: 3526976

Address (street/city/state/zip code): ASA

Email Address: 201 W Springfield

Name of Surveyor(s): Ch. 61820 Phone:

Address (street/city/state/zip code): Bill Shortman

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.

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

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

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

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

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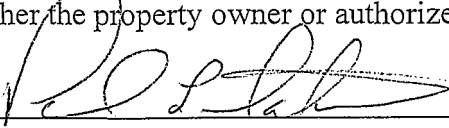
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**NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.**

**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

4-20-11

Date

## Exhibit E: Photos of Site



TK Service Center, west portion of building along Perkins Rd



TK Service Center, mid-section of building along Perkins Rd



TK Service Center, east portion of building along Perkins Rd and east elevation of building



Tatman's Towing, west portion of building along Perkins Rd



Tatman's Towing, east portion of building along Perkins Rd

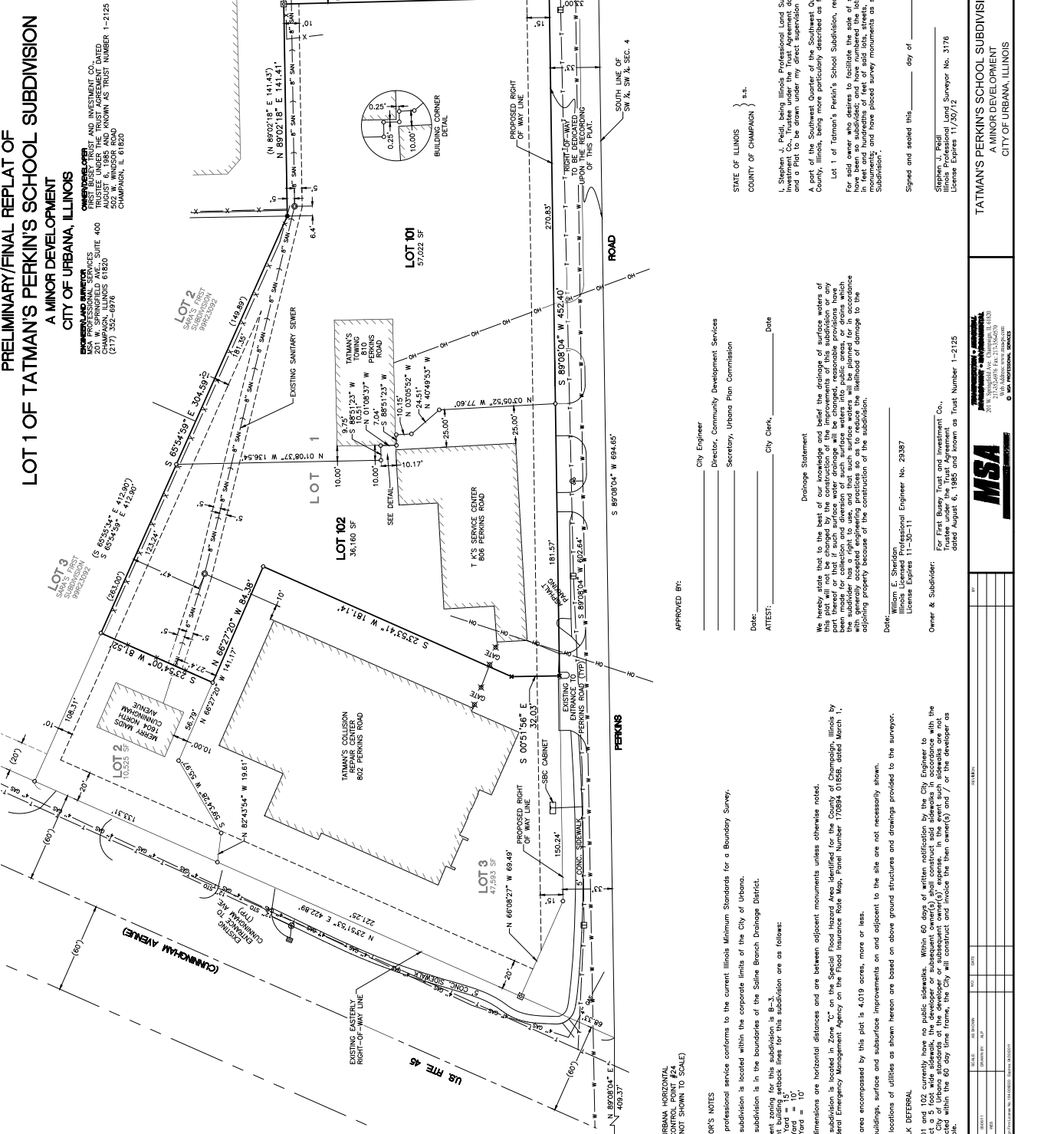
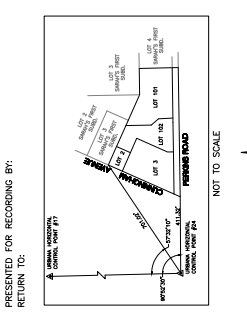


TK Service Center on left, Tatman's Towing on right—proposed property line would go between the two buildings.

# PRELIMINARY/FINAL REPLAT OF LOT 1 OF TATMAN'S PERKIN'S SCHOOL SUBDIVISION A MINOR DEVELOPMENT CITY OF URBANA, ILLINOIS

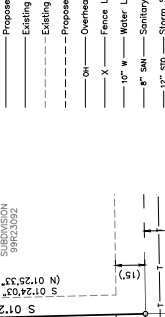
**PROFESSIONAL SERVICES**  
**MSA PROFESSIONAL SERVICES**  
 502 W. WINDSOR ROAD  
 CHAMPAIGN, ILLINOIS 61820  
 (217) 352-8976

**OWNER**  
**FIRST BUREY TRUST AND INVESTMENT CO.**  
 502 W. WINDSOR ROAD  
 CHAMPAIGN, ILLINOIS 61820  
 AUGUST 6, 1985 AND KNOWN AS TRUST NUMBER 1-2125



**LEGEND**

- Mag Nail Found
- △ Horizontal Control
- Iron Pin in Conc. Set
- Iron Pin Set
- ⊕ Chiseled "X" Set
- ⊕ Fire Hydrant
- ⊕ Telephone Pedestal
- ⊕ Power Pole
- ⊕ Sanitary Manhole
- ⊕ Storm Manhole
- ⊕ Storm Inlet
- Boundary of Subdivision
- Proposed Lot Line
- Existing Lot Line
- Existing Easement
- Proposed Easement
- On-Overhead Utility Line
- Fence Line
- 10" W - Water Line
- 8" SM - Sanitary Sewer Line
- 12" SIO - Storm Sewer Line
- 4" GAS - Gas Line
- (100.00') Dimension of Record
- 100.00' Dimension as Measured



**SURVEYOR'S NOTES**

- This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.
- The subdivision is located within the corporate limits of the City of Urbana.
- The subdivision is in the boundaries of the Saline Branch Drainage District.
- Current setbacks for this subdivision is: Back = 10' Front Yard = 10' Rear Yard = 10'
- All dimensions are horizontal distances and are between adjacent monuments unless otherwise noted.
- The subdivision is located in Zone "D" on the Special Flood Hazard Area identified for the County of Champaign, Illinois by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel Number 170894 01856, dated March 1, 1984.
- The area encompassed by this plat is 4.019 acres, more or less.
- All buildings, surface and subsurface improvements on and adjacent to the site are not necessarily shown.
- The locations of utilities as shown hereon are based on above ground structures and drawings provided to the surveyor.

**SURVEYOR'S CERTIFICATE**

I, Stephen J. Padil, being Illinois Professional Land Surveyor Number 3176, do hereby certify that at the request of the owner, First Burey Trust and Investment Co., Trustee under the Trust Agreement dated August 6, 1985 and known as Trust Number 1-2125, I have caused a Survey to be made and a Plat to be drawn under my direct supervision of the following described tract of land:

A part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more fully described as follows, with reference to the plat attached hereto:

Lot 1 of Tatman's Perkin's School Subdivision, recorded as Doc. No. 2008R1254.

For said owner who desires to facilitate the sale of said land by subdividing it into lots, street right-of-ways and other areas into which said lands in feet and hundredths of feet of said lots, streets, and other areas, and that reference has been made upon said plat to permanent survey monuments and have placed survey monuments as shown on the plat; and the Subdivision shall be known as Tatman's Perkin's School Subdivision.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Stephan J. Padil  
 Illinois Professional Land Surveyor No. 3176  
 License Expires 1/25/12



APPROVED BY: \_\_\_\_\_  
 City Engineer  
 Director, Community Development Services  
 Secretary, Urbana Plan Commission

Date: \_\_\_\_\_ Date  
 ATTEST: \_\_\_\_\_ City Clerk

**DRAINAGE STATEMENT**

We hereby state that to the best of our knowledge and belief the drainage of surface waters of this plat will not be changed by the construction of the improvements of this subdivision or any other improvements shown hereon. We have caused a drainage study to be made and the same has been made for collection and disposal of surface waters into public areas or drains which the subscriber has a right to use, and that such surface waters will be planned for in accordance with the drainage system shown hereon. We warrant that the drainage system shown hereon is adjoining property because of the construction of the subdivision.

Date: \_\_\_\_\_  
 William E. Swafford  
 Illinois Licensed Professional Engineer No. 29387  
 License Expires 11-30-11

Owner & Subdivider:  
 For First Burey Trust and Investment Co.,  
 Trustee under the Trust Agreement,  
 Dated August 6, 1985 and known as Trust Number 1-2125

**MSA**  
 MSA PROFESSIONAL SERVICES  
 502 W. WINDSOR ROAD  
 CHAMPAIGN, ILLINOIS 61820  
 (217) 352-8976

**TATMAN'S PERKIN'S SCHOOL SUBDIVISION**  
 A MINOR DEVELOPMENT  
 CITY OF URBANA, ILLINOIS

NO.	DATE	REVISION
1	08/01/11	ISSUE FOR RECORD

PREPARED BY: MSA  
 DRAWN BY: MSA  
 CHECKED BY: MSA  
 DATE: 08/01/11

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

**DATE:** May 25, 2011

**DRAFT**

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

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

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<b>MEMBERS PRESENT</b>	Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
<b>MEMBERS EXCUSED</b>	Paul Armstrong
<b>STAFF PRESENT</b>	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
<b>OTHERS PRESENT</b>	Paul Tatman

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**NEW PUBLIC HEARINGS**

**Case No. ZBA-2011-MAJ-01: 806 and 810 East Perkins Road (TK Service Center and Tatman's Towing) A request by Paul Tatman for a major variance from the minimum side yard setbacks required by Table VI-3 of the Urbana Zoning Ordinance in the B-3, General Business Zoning District.**

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He gave background information on the request and the site and explained the reason for the major variance request, which is to subdivide the property and transfer one lot to a new business owner planning to expand. He noted the land uses of the proposed site as well as that of the adjacent properties. He talked about the need for a cross access easement for both lots due to the location of TK Service Center's bay doors. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed major variance. He stated that the petitioner, Paul Tatman, was present and available to answer any questions the Zoning Board members might have. He presented staff's recommendation for approval along with three conditions.

Mr. Warmbrunn asked that if there was only one building on the lot would the petitioner be allowed to subdivide without needing a variance? Mr. Myers replied that is correct. After subdividing the property, both new lots will meet all the zoning development standards like open space ratio and rear and front yard setbacks. A variance is necessary to divide the property



because the one corner of each building would be located within the required five-foot side-yard setback.

Ms. Uchtmann asked if the TK Service building is set back far enough to allow for the widening of Perkins Road. Mr. Myers stated that he is not aware of any plans to widen Perkins Road.

Ms. Harwood asked for clarification on the access easement. Mr. Myers referred to the photo on page 4 of the written staff report. As shown, there are bay door on the east side of the TK Service building. In order for cars to enter or exit these bay doors they will need an access easement to drive across the neighboring property (Tatman's Towing, 810 East Perkins Road).

Ms. Harwood asked how the access easement would be shown on the plat. Mr. Myers explained that there are two ways to define easements on plats. City staff is thinking that the best way in this case would be to have a statement on the plat saying that Lots 101 and 102 have full cross access rights for each property. Another way would be to show hatch marks on the plat showing defined areas which could be used by neighbors.

Ms. Harwood inquired as to why the petitioner did not answer the questions on the application. Mr. Myers did not know. He said that in terms of the rationale for the requested variance City staff had several conversations with the petitioner prior to this meeting and well understood why the petitioner felt like a variance is necessary.

There were no further questions for City staff from the Zoning Board of Appeals. Acting Chair Welch opened the hearing for public input.

Acting Chair Welch swore in Paul Tatman.

Mr. Tatman, the applicant and property owner, provided background information on the request. He did not realize that the two buildings were on one lot until he had planned to sell the towing business. Bruce Walden, former City Manger, had approached him years ago and asked him to annex this property into the City's limits. He can't recall for certain but believes the City wanted to annex the property over the Big Grove annexation. At the time they discussed annexing the property with industrial zoning. He is only trying to clean up what should have been taken care of years ago. Regarding the easement, he pointed out that all of the properties he owns along this stretch of Perkins Road have cross parking and access easement agreements. The businesses on each property are interconnected. The towing service brings in wrecked or disabled cars, and TK Service repairs them.

There were no questions for the petitioner from the Zoning Board of Appeals.

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

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2011-MAJ-01 to the City Council with a recommendation for approval and with the conditions as recommended by

City staff in the written staff report. Ms. Uchtmann seconded the motion. A roll call vote was taken as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before the City Council on June 6, 2011.