



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, CAO

FROM: Elizabeth Tyler, AICP, Director/City Planner

DATE: February 28, 2002

SUBJECT: ZBA-02-MAJ-1 Request by the Unitarian Universalist Church for a major variance to allow an increase in the maximum Floor Area Ratio (FAR) from 0.70 to 0.78 in the MOR, Mixed Office Residential Zoning District.

Introduction

The Unitarian Universalist Church at 309 West Green Street has requested a variance for an 11% increase in the maximum Floor Area Ratio (FAR) for the proposed 1,500 square foot expansion of the existing south entrance of the building to accommodate handicapped accessibility improvements. The church is zoned MOR, Mixed Office Residential. The maximum FAR for the MOR Zoning District is 0.70. The existing FAR for the church is 0.73, which is a legal nonconformity created by a City-initiated rezoning in 1991 through implementation of the Downtown to Campus Plan. Since the request is for greater than a 5% increase in the FAR requirement, the request is a major variance and must be granted by City Council upon recommendation by the Zoning Board of Appeals.

Background

Description of the Site

The site is located at the southeast corner of the intersection of Green and Birch Street. The church property includes four parcels on the south side of Green Street zoned MOR. The church also owns two parcels south of the church building zoned R-2, Single Family Residential, one of which is used as accessory parking for the church. Only the four MOR parcels containing the church building are considered for this request. The total area of the MOR parcels is 29,524 square feet. The footprint of the existing building consists of a 9,950 square foot church building

and an 11,595 square foot religious education addition, for a total floor area of 21,545 square feet. The 1,500 square foot proposed expansion would not significantly affect the open space ratio, and no other expansion plans have been presented at this time. The church is located in a predominantly residential area, but also is adjacent to commercial and office uses.

Proposal

The proposed expansion to the south entrance of the church would accommodate handicapped accessibility as part of a remodeling effort for the church. The church currently uses an “elevette” for access, but the petitioner indicates it provides inadequate service. The proposed addition and remodeling would provide handicapped access to the main levels of the building, and would bring the building up to the standards set forth by the Americans with Disabilities Act and the State of Illinois Environmental Barriers Act. Through the proposed expansion, a stairway will be installed to the rood loft on the upper level. The impact of the proposed expansion on the subject property and surrounding neighborhood should be minimal.

Findings

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. On February 20, 2002 the Zoning Board of Appeals made the following findings as they pertain to this case and the criteria outlined in the ordinance:

- 1. Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*
- 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.*

As part of the Downtown to Campus Plan, the subject property was rezoned by the City in 1991 from R-6, High Density Multiple Family Residential to MOR, Mixed Office Residential. While consistent with the broader goals of the Plan, the rezoning of the subject property created a practical difficulty for the petitioner in the sense that the FAR of 0.73 for the existing facility complied with the development regulations for R-6 (1.40 maximum FAR) but is legally nonconforming in the MOR, which has a 0.70 maximum FAR. The legally nonconforming FAR does not allow the petitioner to expand the existing facilities to accommodate the desired improvements, including handicapped accessibility.

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

The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance.

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

The face of the 1,500-square foot proposed expansion will continue to project behind the rear faces of the church building. The accessible ramp proposed in front of the expansion will extend less than nine feet from the existing footprint of the building. The proposed expansion will not be visible from the front of the church, should not disrupt visual continuity behind the church, and should not alter the essential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

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

The church owns the existing home to the south of the building, and the expansion would be separated from the house by 80 feet. Some neighbors have submitted comments indicating their support of the proposed expansion. The proposed addition should not cause a nuisance to adjacent properties.

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

The petitioner is only requesting the amount of variance needed to accommodate the proposed addition.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting its denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 5-0 to forward the variance request to the City Council with a recommendation for approval. Therefore, staff concurs with the ZBA and recommends that City Council **GRANT** the variance as requested.

Prepared by:

Tim Ross, Senior Planner

Attachments: Elevation
 Site Plan
 Proposed Ordinance

c: Gary Burgett, R.G. Deichman

ORDINANCE NO. 2002-02-022

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to allow an increase in the maximum Floor Area Ratio (FAR) from 0.70 to 0.78 in the MOR, Mixed Office Residential Zoning District at 309 West Green Street. - Case No. ZBA-02-MAJ-1)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special practical difficulties with reference to the parcel of land concerned; and

WHEREAS, the owner of the subject property, the Unitarian Universalist Church, has submitted a petition requesting a major variance to allow the increase in the maximum Floor Area Ratio to construct an expansion to the south entrance of the building to accommodate handicapped access; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-1; 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 February 20, 2002 and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance; 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 agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special practical difficulties due to the property having been rezoned by the City in 1991 from R-6, High Density Multiple Family Residential to MOR, Mixed Office Residential as part of the Downtown to Campus Plan. While consistent with the broader goals of the Plan, the rezoning of the subject property created a practical difficulty for the petitioner in the sense that the FAR of 0.73 for the existing facility complied with the development regulations for R-6 (1.40 maximum FAR) but is legally nonconforming in the MOR, which has a 0.70 maximum FAR. The legally nonconforming FAR does not allow the petitioner to expand the existing facilities to accommodate the desired improvements, including handicapped accessibility. For this reason, the requested variance would not serve as a special privilege.
2. The need for the variance has not yet been created. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.
3. The requested variance will not alter the essential character of the neighborhood. The face of the 1,500-square foot proposed expansion will continue to project behind the rear faces of the church building. The proposed expansion will not expand the north footprint of the church, should not disrupt visual continuity behind the church, and should not alter the

essential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

4. The requested variance will not cause a nuisance to the adjacent property. The church owns the existing home to the south of the building, and the expansion would be separated from surrounding residences by at least 80 feet.

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

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

The major variance request by the Unitarian Universalist Church, in Case #ZBA-02-MAJ-1 is hereby approved to allow an increase in the maximum Floor Area Ratio for the subject property along Green Street in the MOR, Mixed Office Residential Zoning District from 0.70 to 0.78, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 305, 307, 309 and 311 West Green Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Beginning at a starting point of the intersection of the south right of way line of Green Street with the west property line of Lot 44, also being the northwest corner of Lot 44 of the Plat of Roe's 2nd Addition located in Urbana, Champaign County, Illinois; thence south from said starting point

along the west property line of Lot 44 also being the east right of way line of Birch Street a distance of 115.5 feet to the southwest corner of Lot 44; thence south from said point of the southwest corner of Lot 44 along the east right of way line of Birch Street a distance of 6.0 feet to a point which is the centerline of a vacated alley; thence east along a line perpendicular to the east right of way line of Birch Street and 6.0 feet south of the south property line of Lot 44 a distance of 243.00; thence north along a line perpendicular to the line 6.0 feet south of the south property line, also the centerline of such vacated alley a distance of 6.0 feet to the southeast corner of Lot 48; thence north along this same line, the east property line of Lot 48 a distance of 115.5 feet to the northeast corner of Lot 48; thence west from said point along the north property line also being the south right of way line of Green Street perpendicular to the east property line of Lot 48 a distance of 243.0' to the point of beginning, said total tract consisting of Lots 41, 42, 43, 44, 45, 46, 47 and 48 and the portion of the vacated east/west alley of Block 137 of Roe's 2nd Addition containing 29,524.5 square feet or .677 acres, more or less; all situated in the City of Urbana located in Champaign County in the State of Illinois.

PERMANENT PARCEL #: 92-21-17-137-001, 92-21-17-137-002, 92-21-17-137-003, 92-21-17-137-004

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 _____, 2002.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, 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 _____, 2002, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Request to allow an increase in the maximum Floor Area Ratio (FAR) from 0.70 to 0.78 in the MOR, Mixed Office Residential Zoning District at 309 West Green Street. - Case No. ZBA-02-MAJ-1) 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 _____, 2002, 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.