



## 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, PhD, FAICP, Director

**DATE:** September 27, 2012

**SUBJECT:** A request by Tin Roof Tavern for a Major Variance to construct a canopy which encroaches up to three feet, eight inches into a required front yard in the B-3, General Business District at 604 North Cunningham Avenue. (ZBA Case No. 2012-MAJ-06)

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### **Introduction and Background**

Andrew Fell has submitted a petition on behalf of Tin Roof Tavern for a major variance to construct a canopy that would project from an existing building into the required front yard setback along Cunningham Avenue. The subject property is a commercial zoning lot in the B-3, General Business Zoning District. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the minimum required setback would be 12 feet, six inches from the front property line. The proposed canopy would extend to within eight feet, ten inches of the property line, which represents a three foot, eight inch encroachment into the required setback.

Tin Roof Tavern is proposed to be located in an existing commercial buildings located on the northeast corner of North Cunningham Avenue and East Park Street. A new outdoor seating area is proposed to be added to the north side of the building at 604 North Cunningham. This new seating area will be located outside of the required setback; however the owner wishes to have a covered walkway between the west door of the building and the outdoor patio. The proposed canopy would project from the building and into the required front setback along Cunningham Avenue.

Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a front yard reduction variance of up to 25% as a minor variance by a majority vote of its members. Reductions of over 25% are considered major variances, for which the Zoning Board of Appeals must recommend approval by a two-thirds majority for the variance to be forwarded to City Council for a final decision. The Zoning Board of Appeals held a public hearing regarding this case on September 19, 2012. The board discussed the variances as well as the existing fence and seating along Cunningham Avenue. The board voted unanimously to forward the case to City Council with a recommendation for approval of the proposed variance, subject to one condition: that the applicant work with City staff to replace the existing fence along Cunningham Avenue. The applicant has agreed to this condition and has been in

discussions with City staff to ensure that the replacement fence will meet code and be appropriate for the site.

### Description of the Site

The variance is being requested for the building at 604 North Cunningham Avenue. This property is a 4,000 square foot building located at the corner of Cunningham and Park Street. The subject lot is irregularly shaped due to the angle of Cunningham Avenue with the southern property line being wider than the northern property line, which results in a setback along Cunningham Avenue that varies from 16 feet on the north end to 32 feet on the south. The building is set back zero feet from Park Street to the south. The building contains two separate business spaces. The southern space was used as an adult bookstore, but has been vacant for some time. The north space is also currently vacant, and has been occupied by restaurant/tavern uses, most recently Mug Shotz. The petitioner's business would be located in the north space of this building, with a potential to expand to the entire building at a later date. In the setback between Cunningham Avenue and the building is a fenced-in outdoor seating area (commonly referred to as a beer garden).



The subject property is part of a larger zoning lot, consisting of two adjacent parcels under the same ownership in the B-3 district and totaling 1.96 acres in area. This larger site contains two buildings: a 10,000 square-foot office/warehouse building on the north side of the lot (608 North Cunningham Avenue), and the subject building, a vacant 4,000 square-foot building to the south (604 North Cunningham Avenue). The overall site also contains a vacant former mobile home park to the east. The larger building contains the offices of Country Financial, and a large warehouse space used by a theater company. The area between the two buildings is used as a shared parking lot.

Country Financial received a major variance in 2010 to allow a sign that is 18 feet, 6 inches high, 90 square feet in area, and set back five feet from the property line. The southern building has a separate sign, which is legally non-conforming for setback. Under the City’s Zoning Ordinance, the applicant will be allowed to replace the face of this sign, but cannot enlarge or modify the structure.

The subject property is located along Cunningham Avenue, a regional business corridor. The surrounding land uses are typical of a commercial corridor. To the south of the site is the Five Points Commerce shopping center. East of the site is a former mobile home park and the National Guard Armory. Across Cunningham Avenue to the west are two fast-food establishments, and a Mexican foods grocery store. To the north of the site is a used-car dealership and a mobile home park which is currently occupied.

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
<b>Subject Property</b>	B-3, General Business	Business (vacant storefront, financial services, and warehouse)  Undeveloped land (formerly mobile homes)	Regional Business
<b>North</b>	B-3, General Business	Retail Business (used car sales)  Residential (mobile homes)	Regional Business
<b>South</b>	B-3, General Business	Retail Business (Five Points Retail Center)	Regional Business
<b>East</b>	B-3, General Business  CRE, Conservation, Recreation, Education	Undeveloped  Public (National Guard Armory)	Regional Business  Institutional
<b>West</b>	B-3, General Business	Retail Business (restaurants)	Regional Business

**Comprehensive Plan**

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Regional Business”. The plan defines the Regional Business as follows:

*“Regional Business centers are intended to serve regional as well as local demand. Typically located in a high-visibility area that offers convenient access and parking. The intensity of development may range from large-scale “big box” uses to smaller-scale buildings supporting outlot business opportunities. Although Regional Business areas are typically oriented primarily to automobile traffic, their design should include adequate facilities for pedestrians, bicyclists and public transit”*

## Discussion

A new tenant is opening a restaurant/tavern in the subject property, and is making several improvements to the premises. The key improvement for this request will be a new enclosed, covered seating area to be located on the north side of the building, as shown on the site plan in Exhibit D. Providing seating on the north side of the building will reduce traffic noise for customers sitting outside, as the current outdoor seating is directly adjacent to Cunningham Avenue, one of the busiest streets in Urbana. The existing outdoor seating area is separated from pedestrian traffic by a six-foot painted fence, but that fence is about 50% open, and does not protect the seating area from noise or fumes. The petitioner has consulted with the City, and proposes to replace the existing fence with a low brick wall that would be topped with a wrought-iron fence. This brick wall with wrought iron fence would extend all the way around the new seating area to the north of the building.

The proposed variance is necessary to provide access to the new seating area. The building has two exterior doors. The main entrance is on the north side, towards the eastern edge of the structure. The other entrance is a door on the west side and provides access to the existing enclosed outdoor seating area. The petitioner will create a wheelchair-accessible path from this western door to access the proposed outdoor seating on the north side of the building. The western door will be the only way to access the new outdoor seating area (except for an emergency exit). In order to provide cover for customers and staff, the petitioner plans on adding a six-foot deep canopy roof over the path from the door on the west side to the new outdoor seating on the north side. This canopy will extend to within eight feet, ten inches of the property line along Cunningham Avenue. The applicant is proposing that this canopy be six feet wide in order to provide protection from the elements for customers and staff on their way to and from the new outdoor seating area. A canopy of less depth would be allowed with only a minor variance, but would not provide as much protection to customers.

In the B-3, General Business zoning district, the minimum required front yard setback is 15 feet. There is a provision in Section VI-5.B.6 which allows canopy roofs to encroach two feet, six inches into the minimum setback; therefore the required yard is twelve feet, six inches. The proposed canopy will encroach three feet, eight inches into the required twelve foot, six inch front yard, which is equivalent to a 29% encroachment. Because the applicant is asking for more than a 25% variance, this request is regarded as a major variance, which must be approved by a two-thirds majority of the Zoning Board of Appeals in order to be forwarded to City Council for final approval.

## 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 specified in the ordinance as they pertain to this case, followed by staff analysis for 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 special circumstances requiring the variance are the location and configuration of the existing lot and building. Due to the angle of Cunningham Avenue, this lot is wedge shaped, with a front yard that gets shallower to the north. The building is located within 16 feet of the property line along Cunningham Avenue, which does not allow any additional space for construction of a canopy roof. Most of the buildings along this stretch of Cunningham Avenue are well out of the required front yard, set back between 20 and 50 from the property line. The existing door that exits on to the west side of the building is the best way to provide access to the proposed outdoor seating area.

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

The variance is not due to a situation created by the petitioner. The location of the building and outdoor seating access door were established before the petitioner considered moving into the site. Adding a new door to directly access the new outdoor seating area is not feasible due to the configuration of the interior space.

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

Granting the variance would not alter the essential character of the neighborhood. The surrounding areas are all commercial in nature, and Cunningham Avenue is a high-traffic arterial. The canopy would cover a portion of an area which has been used as outdoor seating and should not be detrimental to the area. This area is already enclosed with a wooden fence, which extends all the way to the property line along Cunningham Avenue. The canopy would be cantilevered from the building and would not have any walls or support columns. The variance will have a positive effect on the neighborhood, in that it will allow for this vacant building to be re-opened with an updated and improved restaurant/tavern.

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

The proposed canopy roof will not cause a nuisance to adjacent property. There are no adjacent residences. The canopy will not affect passing traffic or adjacent businesses.

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

The variance requests represent the minimum canopy depth necessary to provide a cover over an accessible walkway from the existing door to the proposed outdoor seating area.

## Summary of Findings

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

1. The subject property is located in the B-3, General Business Zoning District.
2. The petitioner is requesting a major variance to add a canopy that would extend 3 feet, 8 inches into the required 12 foot, 6 inch front yard setback at 604 North Cunningham Avenue.
3. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the minimum required setback for a canopy is 12 feet, six inches from the property line.
4. The proposed variance would allow for a covered walkway to access a new outdoor seating area, as shown in the attached site plan.
5. The proposed variance would allow for the reopening and enhancement of a vacant business space, adding to the vitality of the area and to the tax base for the community.
6. The variance is necessary due to the location of the existing building within one foot of the required front yard, and the position of the door on the west side of the building.
7. 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 because the neighborhood is a high-traffic commercial corridor.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to provide a covered path from the door to the proposed outdoor seating area.

## Options

City Council has the following options in Major Variance Case No. ZBA-2012-MAJ-06:

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

## Recommendation

At their September 19, 2012 meeting, the Zoning Board of Appeals held a public hearing regarding this case. The board discussed the variances as well as the existing fence and seating along Cunningham Avenue. The board voted unanimously to forward the case to City Council with a recommendation for **APPROVAL** of the proposed variance, subject to the following condition:

1. That the applicant consult with City staff regarding new replacement fencing planned to be installed in front of the business along Cunningham Avenue.

The applicant has agreed to this condition and has been in discussions with City staff to ensure that the replacement fence will meet code and will be appropriate for the site.

Attachments:

Exhibit A: Location and Existing Land Use Map

Exhibit C: Future Land Use Map

Exhibit E: Photos

Cc: Andrew Fell, petitioner's architect

Exhibit B: Existing Zoning Map

Exhibit D: Application

Exhibit F: 9/19/12 ZBA Draft Minutes

**ORDINANCE NO. 2012-10-092**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Encroachment of a canopy roof into a required front yard in the City's B-3, General Business District, at 604 N. Cunningham Ave / ZBA Case No. 2012-MAJ-06)

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, Tin Roof Tavern has submitted a petition for a major variance to allow a canopy roof to encroach up to 3 feet 8 inches into a required 12 foot 6 inch front yard setback at 604 North Cunningham Avenue in the B3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2012-MAJ-06; 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 September 19, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

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

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



1. The subject property is located in the B-3, General Business Zoning District.
2. The petitioner is requesting a major variance to add a canopy that would extend 3 feet, 8 inches into the required 12 foot, 6 inch front yard setback at 604 North Cunningham Avenue.
3. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the minimum required setback for a canopy is 12 feet, six inches from the property line.
4. The proposed variance would allow for a covered walkway to access a new outdoor seating area, as shown in the attached site plan.
5. The proposed variance would allow for the reopening and enhancement of a vacant business space, adding to the vitality of the area.
6. The variance is necessary due to the location of the existing building within one foot of the required front yard, and the position of the door on the west side of the building.
7. 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 because the neighborhood is a high-traffic commercial corridor with no residences.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to provide a covered path from the door to the proposed outdoor seating area.

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

Section 1. In ZBA Case No. 2012-MAJ-06, the major variance requested by Tin Roof Tavern is hereby approved in the manner proposed in the application and subject to the following condition:

1. That the applicant consult with City staff regarding new replacement fencing planned to be installed in front of the business along Cunningham Avenue.

The major variance described above shall only apply to the property located at 604 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing at the Southeast corner of the property described in Quit Claim Deed, wherein Paul G. Busey is Grantor and Helen W. Loeb is

Grantee, dated March 10, 1948, and recorded in the Recorder's Office of Champaign County, Illinois, as Document No. 425463, on March 16, 1947, and recorded therein in Book 289 at page 603, thence West on South line of said property described, to the east boundary of Cunningham Road, thence Southwest a distance of 278.6 feet, thence East a distance of 376.86 feet, to a point where the North line of proposed Park Street intersects the West line of proposed Maple Street, thence North 255.98 feet along the West line of said proposed Maple Street, thence West 116 feet to the point of beginning.

EXCEPT that part conveyed to the State of Illinois by Trustee's Deed recorded April 25, 1984 in Book 1358 at page 424 as document no. 84R6505, in Champaign County, Illinois.

Parcel Identification Number: 91-21-08-426-004

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

PASSED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2012.

AYES:

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

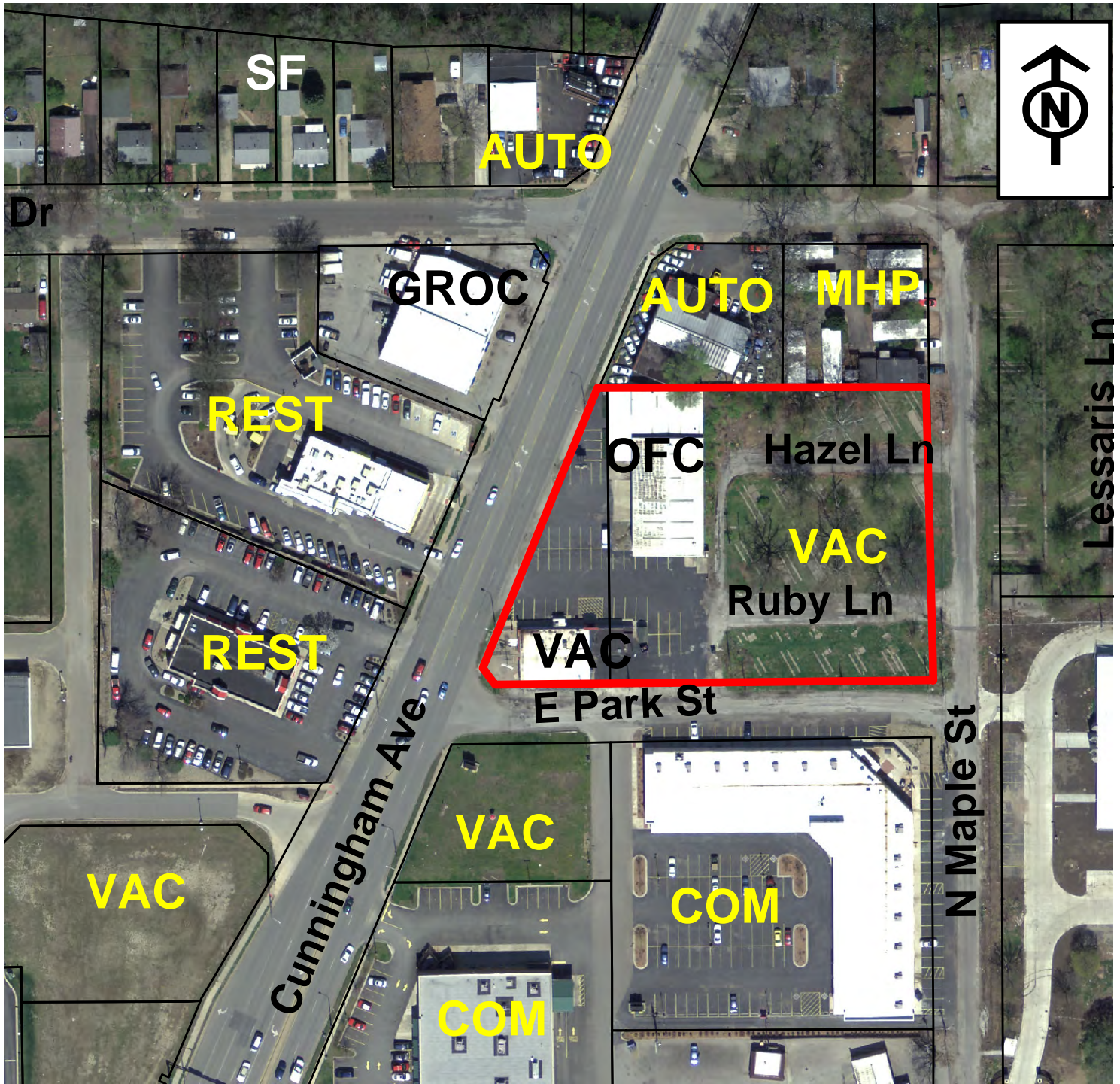
\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**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 \_\_\_\_\_, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Encroachment of a canopy roof into a required front yard in the City's B-3, General Business District, at 604 N. Cunningham Ave / ZBA Case No. 2012-MAJ-06) 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 \_\_\_\_\_, 2012, 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 \_\_\_\_\_, 2012.

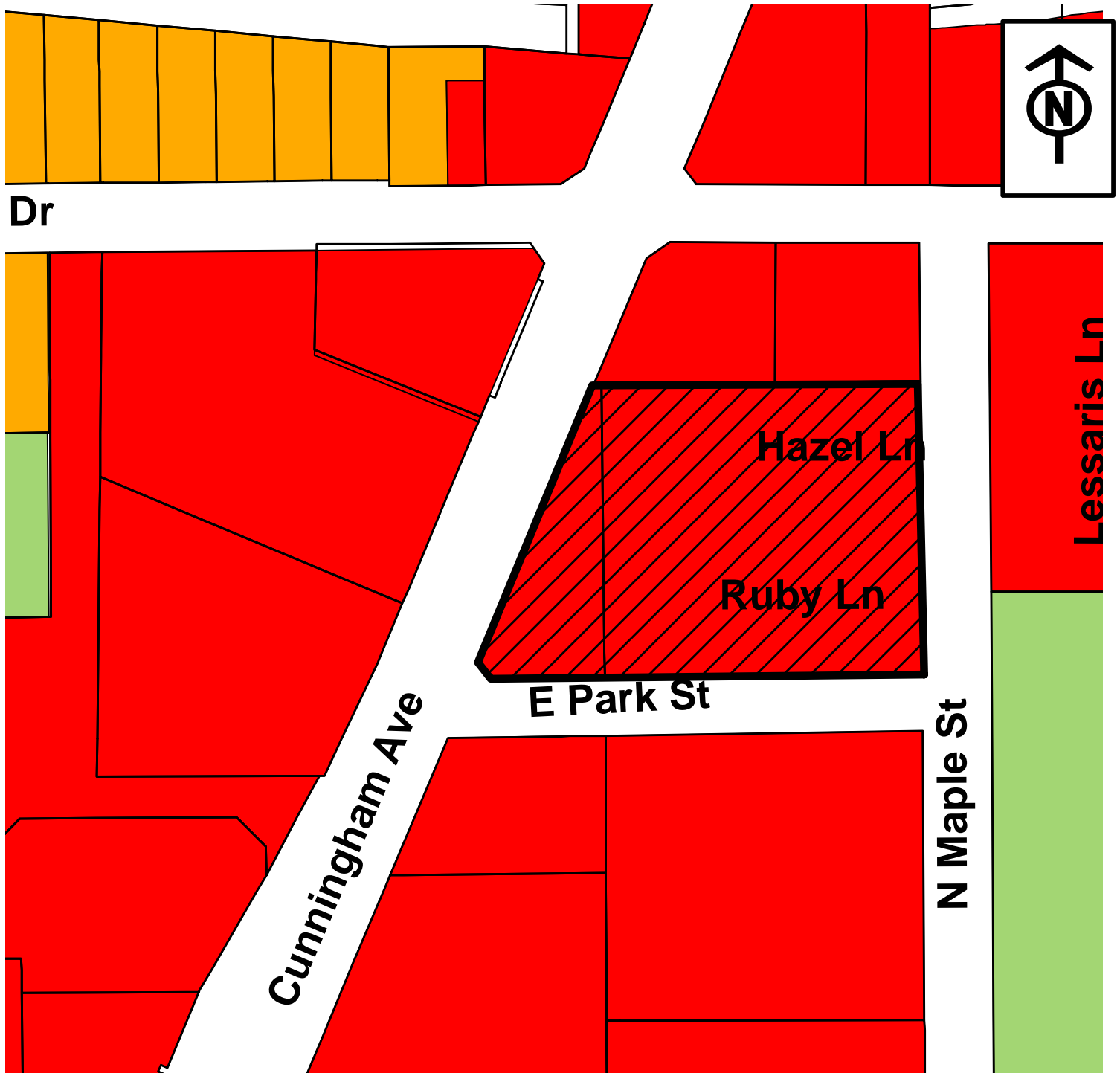
# EXHIBIT A: Location and Land Use Map



Case: ZBA-2012-MAJ-06  
Subject: Request for Major Variance  
for a Canopy in the Required Front Yard  
Location: 602 N. Cunningham, Urbana  
Petitioner: Andrew Fell





 Subject Property

# EXHIBIT B: Zoning Map

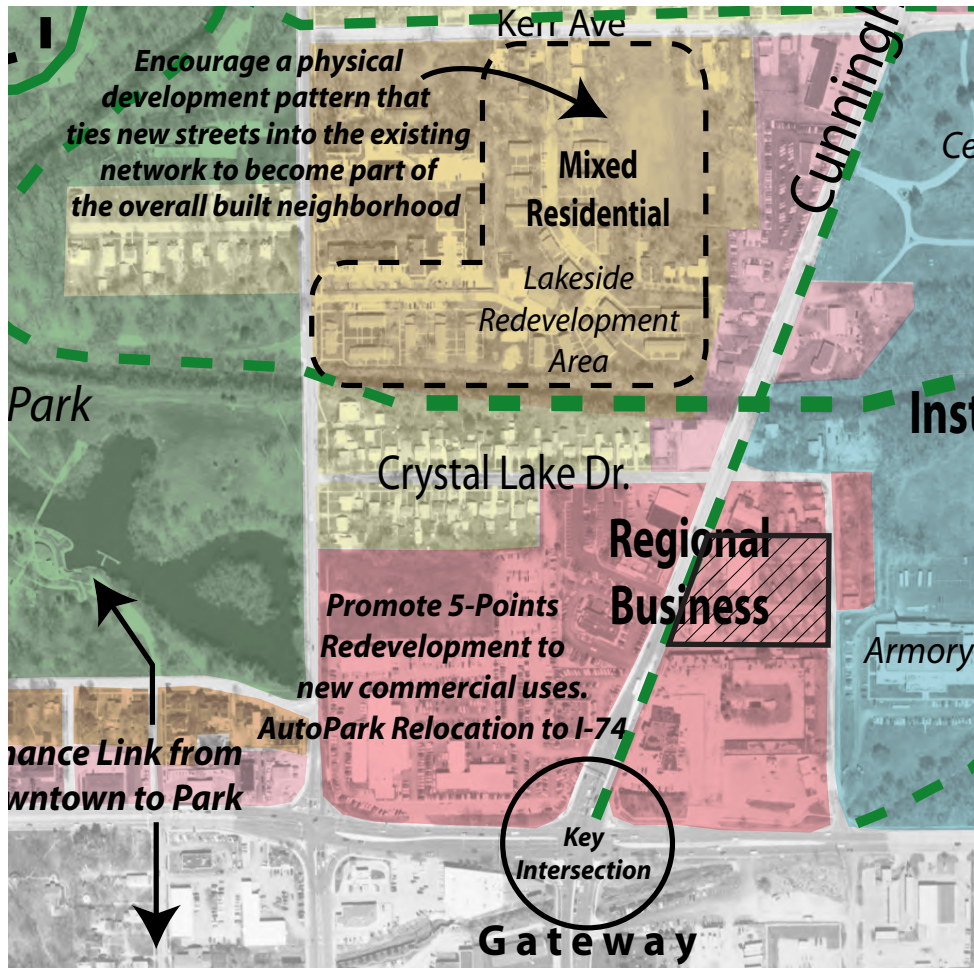
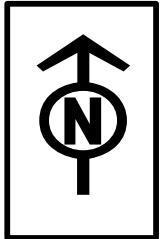


Case: ZBA-2012-MAJ-06  
Subject: Request for Major Variance  
for a Canopy in the Required Front Yard  
Location: 602 N. Cunningham, Urbana  
Petitioner: Andrew Fell

Prepared 09/2012 by Community Development Services - jme

-  Subject Property
-  B3
-  CRE
-  R3

# Exhibit C: Future Land Use Map



Case: ZBA-2012-MAJ-06  
Subject: Request for Major Variance  
for a Canopy in the Required Front Yard  
Location: 602 N. Cunningham, Urbana  
Petitioner: Andrew Fell

 Subject Property

RECEIVED  
AUG 28 2012



# Application for Variance

# Zoning Board Of Appeals

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

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

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

Date Request Filed 08-28-2012 ZBA Case No. ZBA-2012-MAJ-06  
Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* CONSTRUCT AN AWNING on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **ANDREW FELL ARCHITECTURE AND DESIGN** Phone: **217-363-2890**  
Address (street/city/state/zip code): **302 WEST HILL, SUITE 201, CHAMPAIGN, IL 61820**  
Email Address: **ANDREWFELL@COMCAST.NET**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **ARCHITECT**

#### 2. OWNER INFORMATION

Name of Owner(s): **PETE LESSARIS** Phone: **217-352-3357**  
Address (street/city/state/zip code): **P. O. Box 644, Champaign, IL 61824**  
Email Address:  
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: **604 NORTH CUNNINGHAM**  
PIN # of Location: **91-21-08-426-004**  
Lot Size: APPROX 82,708 S.F.

Current Zoning Designation: **B-3 GENERAL BUSINESS**

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

Proposed Land Use: **TAVERN**

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

**4. CONSULTANT INFORMATION**

**Name of Architect(s):** **ANDREW FELL ARCHITECTURE AND DESIGN** Phone: **217-363-2890**

Address (*street/city/state/zip code*): **302 WEST HILL, SUITE 201, CHAMPAIGN, IL 21820**

Email Address: **ANDREWFELL@COMCAST.NET**

**Name of Engineers(s):** Phone:

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

Email Address:

**Name of Surveyor(s):** Phone:

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

Email Address:

**Name of Professional Site Planner(s):** Phone:

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

Email Address:

**Name of Attorney(s):** Phone:

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

Email Address:

**5. REASONS FOR VARIATION**

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

We are trying to construct a conforming beer garden and would like to get from the existing door to the beer garden under cover.

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

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.



EXISTING STRUCTURE IS TOO CLOSE TO THE PROPERTY LINE TO  
CONSTRUCT THE AWNING

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

The building and existing beer garden are existing.

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

THERE IS CURRENTLY A BEER GARDEN IN THIS LOCATION. WE ARE  
SHIFTING IT TO THE ADJACNET SIDE OF THE BUILDING SO AS TO GET IT OFF  
THE AREA DIRECTLY ADJACENT OT THE STREET.

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

Thre is no encroachment onto the existing property. In fact, this will lessen the impact on  
the adjacent (vacant) property.

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

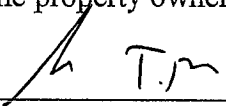
Yes - we are requesting the minimum cover possible to traverse from the door to the new  
beer garden area.

**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

8.28.12  
\_\_\_\_\_  
Date

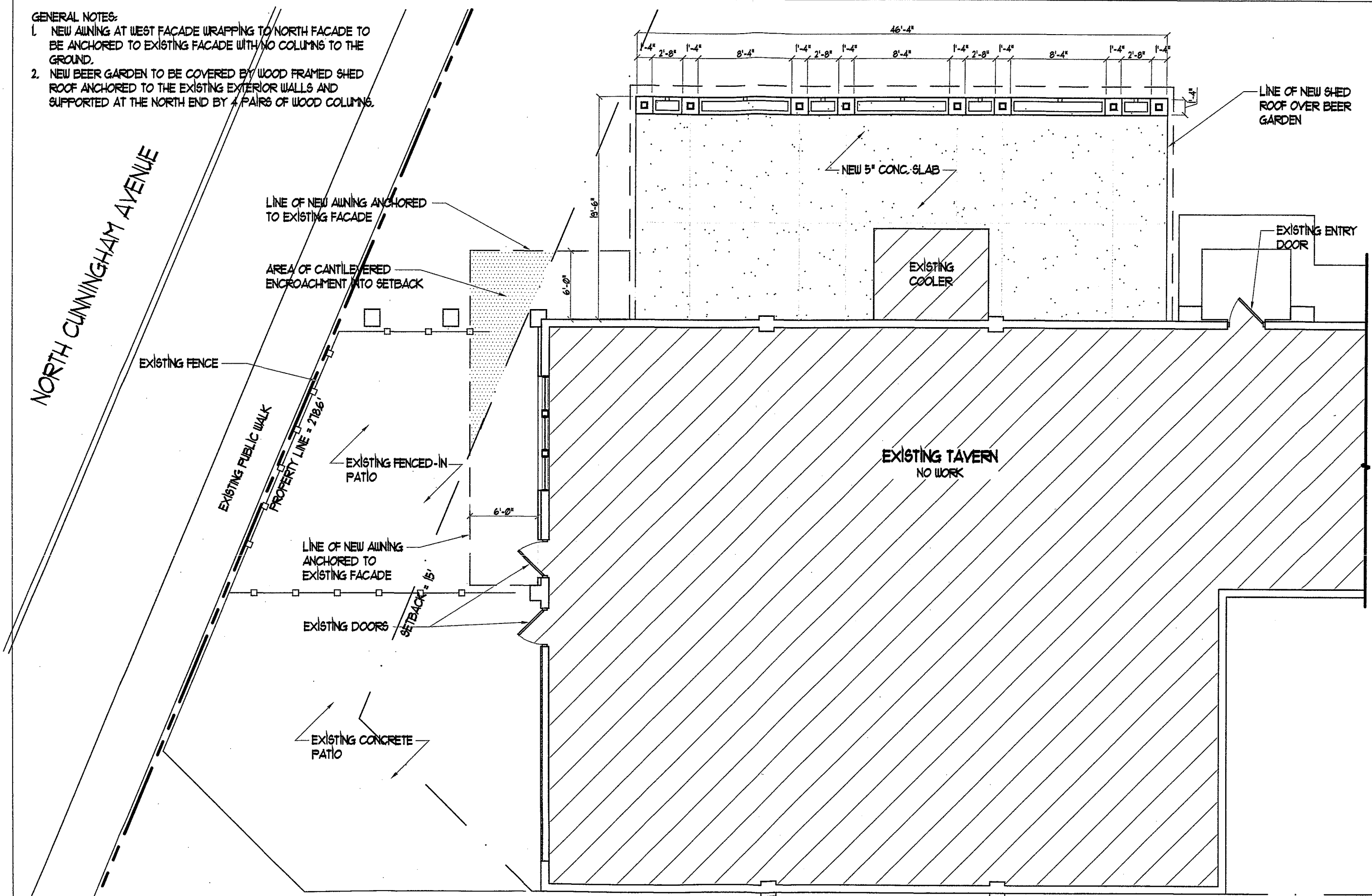
**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

**GENERAL NOTES:**

1. NEW AWNING AT WEST FACADE WRAPPING TO NORTH FACADE TO BE ANCHORED TO EXISTING FACADE WITH NO COLUMNS TO THE GROUND.
2. NEW BEER GARDEN TO BE COVERED BY WOOD FRAMED SHED ROOF ANCHORED TO THE EXISTING EXTERIOR WALLS AND SUPPORTED AT THE NORTH END BY 4 PAIRS OF WOOD COLUMNS.

NORTH CUNNINGHAM AVENUE



2 PROPOSED PLAN  
A2 SCALE: 1/8" = 1'-0"



SETBACK = 5'  
EAST PARK STREET

PROJECT # 1242  
DATE: 2/18/12  
REVISION:

ANDREW FELL  
ARCHITECTURE AND DESIGN  
302 WEST HILL, SUITE 201  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.253.2590  
FAX: 217.253.8493  
EMAIL: andrew@andrewfell.com

These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancy shall be brought to the notice of the Architect prior to the commencement of any work.

TIN ROOF TAVERN  
BEER GARDEN ADDITION  
604 NORTH CUNNINGHAM  
URBANA, ILLINOIS 61801

A2

NORTH CUNNINGHAM AVENUE

EXISTING PUBLIC WALK

PROPERTY LINE = 278.6'

SETBACK = 15'

EXISTING ARROW GLASS

PROPERTY LINE = 269.4'

SETBACK = 5'

HAZEL LANE

SETBACK = 15'

PROPERTY LINE = 255.98'

NORTH MAPLE STREET

EXISTING PARKING

HAZEL LANE

RUBY LANE

EXISTING MUG SHOTS  
(TIN ROOF TAVERN)

SETBACK = 5'

PROPERTY LINE = 376.86'

EAST PARK STREET

2 EXISTING SITE PLAN  
AI SCALE: 1/32" = 1'-0"



PROJECT # 1242

DATE: 27AUG12

REVISION:

ANDREW FELL  
ARCHITECTURE AND DESIGN

302 WEST HILL, SUITE 201  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.263.2500  
FAX: 217.269.8493  
EMAIL: andrew@fellacomasat.net

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TIN ROOF TAVERN  
BEER GARDEN ADDITION

604 NORTH CUNNINGHAM  
URBANA, ILLINOIS 61801

A1

## Exhibit E: Site Photos



View from the west. The proposed canopy will be located where the current wall signs are.



View from the northwest. The main entrance can be seen on the left.

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

**DATE:** September 19, 2012

**DRAFT**

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

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

**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Stacy Harwood, Harvey Welch

**MEMBERS EXCUSED** Nancy Uchtmann, Charles Warmbrunn

**STAFF PRESENT** Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary

**OTHERS PRESENT** Mike Augustine, Andrew Fell, Chuck Hijab, Patrick Moone

**NEW PUBLIC HEARINGS**

**Case No. 2012-MAJ-06: A request by Andrew Fell for a Major Variance to construct a canopy which encroaches up to three feet, eight inches into the required front yard setback at 604 North Cunningham Avenue in the B-3, General Business Zoning District.**

Robert Myers, Planning Manager, presented this case to the Urbana Zoning Board of Appeals. He described the site context and the purpose for the major variance request. He presented the current zoning, existing land use and future land use designation of the site and of the adjacent neighboring properties. Using the site plan, he explained to the Zoning Board of Appeals that the Tin Roof Tavern would like to provide an outdoor seating area on the north side of the building. They would like to install an awning or canopy between the exterior door facing Cunningham Ave., the awning wrapping around the northwest corner of the building and to the new outdoor seating area. Because the northwest corner of the building is located right at the minimum front yard setback, a canopy extending from the building must encroach within the setback. The owner’s representative has indicated they would like to keep part of the existing outdoor patio area for additional seating but remove the existing six-foot fence enclosure now in the front yard setback and replace with a lower fence. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertain to this case. He read the options of the Zoning Board of Appeals and presented City staff’s recommendation. Chair Armstrong opened the hearing up for questions from the Board members for City staff.

Will Tin Roof Tavern keep the existing fence? Mr. Myers answered that while the business wants to keep part of the front patio area intact, the owner's representative could speak to the design of the replacement fence. It would need to comply with the fence code which is not part of the Zoning Ordinance.

With no further questions, Chair Armstrong opened the hearing up for public input.

Andrew Fell, project architect, clarified that the purpose for the variance request is to relocate the majority of the beer garden to the north side of the building where it is quieter and away from the street. There are two doors that access the building. The door on the north side is the main entrance into the building. The door on the west side serves as a controlled access to the beer garden. Tin Roof Tavern intends to keep some of the existing beer garden along Cunningham Avenue. However, the existing fence will come down and be replaced with a low brick wall with a wrought iron fence on top of it.

Has the business owner considered switching the main entrance with the door leading to the beer garden? Mr. Fell stated that with the current interior layout of the building it would not be a feasible option. The bar now backs up to the north wall of the building.

Would an awning extending from only half of the building front look strange? Mr. Fell replied no, because visually the building appears to be two separate buildings. A future tenant of the second building may decide to continue the awning, but that will be up to that tenant. They will put in a new sign using the existing sign posts.

What will the canopy look like? Mr. Fell explained that the main part of the beer garden on the north side will have brick columns with a low brick wall and a fence across it with a metal roof on top of it. They plan to continue the metal canopy roof around to the front of the building where the controlled access to the beer garden is located. The front canopy will be supported off the building and the beer garden canopy will be supported off the ground. Although the City's Building Code will treat them differently, the canopies will be constructed of the same materials.

With no further questions for the applicant, Chair Armstrong asked for any public input on this case. Hearing none, Chair Armstrong entertained a motion from the Board.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-06 for a major variance to construct a canopy which encroaches up to three feet, eight inches into a required front yard at 604 North Cunningham Avenue to the City Council with a recommendation for approval, consistent with the City staff's recommendation. Ms. Chester seconded the motion.

There was discussion by the Zoning Board of Appeals as to whether the redesign of the fence could or should be made part of the motion. Does the Zoning Board of Appeals have the ability to add such a condition? Mr. Myers explained that if the Zoning Board of Appeals finds a rational relationship between the variance request and the need to condition with the fence design, then the Zoning Board of Appeals could add a condition. He mentioned that the

petitioner will have to meet the fence code when replacing the fence regardless of whether the Zoning Board of Appeals recommends a condition or not.

Does the existing patio encroach into the front yard setback? Mr. Myers responded that the existing patio is within the required setback. The existing fence appears to not comply with the City's fence code.

Mr. Myers asked Andrew Fell if it would be acceptable to the petitioner to include a condition that the six-foot fence be removed and replaced by some other type of fence? Mr. Fell replied yes, it would be acceptable, because they plan to remove the fence anyway.

Ms. Harwood moved a friendly amendment to the motion to include a condition that the petitioner or owner of the business consult with City staff on the redesign of the fence. Mr. Welch seconded the motion to amend. Chair Armstrong asked for the motion with the friendly amendment be read into record. Roll call on the motion was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes	Ms. Harwood	-	Yes

Mr. Myers noted that this case would be forwarded to the Urbana City Council on October 1, 2012.