



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: April 28, 2016

SUBJECT: **ZBA Case 2016-MAJ-02:** A request by Andrew Fell for a Major Variance to allow a reduction in the required side yard setback from 7 feet to 5 feet at 708 West Green Street in the MOR, Mixed Office Residential district.

Introduction & Background

On behalf of the property owner, Andrew Fell, of Andrew Fell Architecture and Design, is requesting a major variance at 708 West Green Street. The requested variance is to reduce the required side yard setback from seven feet to five feet. The owner plans to redevelop the property and the neighboring lot to the west but is constrained by an existing large storm sewer line which lies below the subject property and restricts the buildable area of the lot.

The owner purchased 708 and 710 West Green Street with the intent to redevelop the properties by replacing the two existing single-family homes with two small apartment buildings. However, upon surveying the property, the owner discovered that an existing municipal storm sewer line runs under the eastern edge of 708 West Green Street. The line is an older, 82-inch brick arch storm sewer line that provides stormwater relief for parts of western Urbana. Unlike modern storm sewer infrastructure, the line exists without an easement and runs under privately-owned properties. The owner was unaware of its existence until after the sale was completed because the line did not appear in any title searches during the real estate process.

The owner states that the maintenance needs of the current houses make refurbishing them unfeasible. In addition, redeveloping the properties by right, as originally intended, is not possible due to the unexpected existence and placement of the storm sewer. The storm sewer runs parallel to the eastern border of the property and is set back approximately ten feet from the property line. In order to redevelop the properties in accordance with zoning code and to provide a necessary 10-foot buffer from the storm sewer line, variances in the required setback yards would be needed.

The applicant is requesting a Major Variance at 708 West Green Street to reduce the required side yard on the west side of 708 West Green Street from 7 feet to 5 feet. Table VI-3(10) of the Zoning Ordinance states that the combined sum of the two required side yards shall be no less than 17 feet and at least 7 feet on each side in the MOR district. The requested setback would be

for the western side of the property that faces the adjacent parcel of 710 West Green Street in order to allow for a wider setback on the east side of the property where the storm sewer line is located. Section XI-3.C.2b(1) of the Zoning Ordinance requires that any deviation from a required side yard setback that is more than 25% shall be a Major Variance.

The site plan and design of the proposed redevelopment of the subject property will also be subject to the approval of the City's MOR Development Review Board. It is appropriate for the applicant to seek the requested variances prior to the MOR development review application in order to set the allowed footprint of the building prior to producing the detailed level of drawings required for an MOR Development Review Board application.

At their April 20, 2016 meeting, the Urbana Zoning Board of Appeals voted with 6 ayes and 1 nay to forward ZBA Case 2016-MAJ-02 to the City Council with a recommendation for approval. The applicant was also granted two minor variances, approved with a vote of 4 ayes to 3 nays, for reductions in the required front yard setbacks from 25 feet to 20 feet at 708 and 710 West Green Street. Approximately one dozen residents attended the meeting and expressed concern about the proposed variances. They stated they were opposed to the reduced front yard setbacks and did not want the character of the neighborhood to be significantly impacted because of new building forms. The Board considered and discussed the residents' concerns before they approved the Major Variance for the side yard setback and Minor Variances for front yard setbacks.

The Board inadvertently did not include in its approval two conditions recommended by staff for the Major Variance, but they did include the conditions in the minor variances regarding the front yard setbacks. Staff recommends that City Council include the two conditions with any approval of the Major Variance. Those conditions are: 1) that the site be developed in general compliance with the described conditions, except for any such modifications required by the MOR Development Review Board, provided those modifications do not exceed the requested variance, and 2) that the variance approvals are contingent upon approval of any site plan by the MOR Development Review Board.

Description of the Site

The site is located on the north side of West Green Street between Busey and Coler Avenues. It consists of a single-family rental home that is zoned MOR, Mixed Office Residential. The neighboring properties to the east and west are also single-family homes zoned MOR. Across the street to the south, an apartment building is zoned R-5, Medium High Density Multiple-Family Residential and is adjacent to two other single-family homes zoned MOR, Mixed Office Residential. Towards the north and behind the subject property is an apartment building and duplex zoned R-5, Medium High Density Multiple-Family Residential. The future land use designation in the City's Comprehensive Plan is "Mixed Residential".

An 82-inch diameter underground storm sewer line that directs stormwater towards the Boneyard Creek from areas in West Urbana runs underneath several properties in the area, including the subject property at 708 West Green Street. The sewer for this line exists without an easement. According to the City Engineer, a ten foot buffer is required along both sides of the sewer line for any new construction. (see Exhibit F)

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	MOR, Mixed Office Residential	Single Family Home – Rentals	Mixed Residential
North	R-5, Medium High Density Multiple-Family Residential	Apartment Building and Duplex	Mixed Residential
South	R-5, Medium High Density Multiple-Family Residential	Apartment Building	Mixed Residential
East	MOR, Mixed Office Residential	Single Family Home – Rentals	Mixed Residential
West	MOR, Mixed Office Residential	Single Family Home – Rentals	Mixed Residential

Discussion

The applicant is requesting a reduced side yard setback for the subject property in order to allow for a redevelopment configuration around on the existing municipal storm sewer line. The property was acquired without any indication to the owner that it was constrained by the existing storm sewer line. The storm sewer runs north to south on the eastern edge of the parcel and is set back anywhere from three to twelve feet from the property line.

The storm sewer line was likely installed more than a century ago before public utilities regulations existed that would have prevented placement within the buildable area of a lot of record, or would have at least secured an easement. Sec. 21-38 of the City’s Subdivision Ordinance states that a fifteen-foot easement width total is required when the easement includes a sewer system. The City’s Public Works Department indicates that because of the uniquely large size of the line below the subject property, it would require a twenty-foot width total buffer space. The ten-foot buffer on each side would prevent any construction activities from damaging the line and also allows access to maintain the line. Currently, no easement exists over the line, a requirement that would be applied if the line were installed today.

The property owner states that maintenance costs require him to redevelop the property to maintain its viability and safety for residential housing. The existing property’s topographic survey displays the development constraints of the lot. Under the Zoning Ordinance, the property at 708 West Green Street has a side yard setback requirement of seven feet. The added buffer of 10 feet from the storm sewer line would increase the setback required along the eastern property line to almost 25 feet. The applicant states that such an increase in setback space necessitates an

encroachment into the western side yard for the already narrow lot of 60 feet, the minimal lot width for properties in the MOR district.

The applicant was granted Minor Variances for reductions in the required front yard setbacks on the two properties from the required 25 feet to the requested 20 feet by the Zoning Board of Appeals on April 20, 2016. The Major Variance for a side yard setback requirement is meant to accompany the reduced front yard setbacks to allow both properties to be redeveloped.

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 as they pertain to this case:

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

An 82-inch brick-arch storm sewer runs underneath the eastern portion of the 708 West Green Street property. The presence of the sewer was not made known to the owner at the time of his purchase and pursuit of plans to redevelop the property. The storm sewer exists without an easement and was installed before current public utilities codes were enacted that would have prevented its location through a lot and without an easement. The unbuildable buffer area around the storm sewer effectively increases the side yard setback from the required seven feet to approximately 25 feet away from the property line on the east side of 708 West Green Street. The storm sewer reduces the amount of buildable space.

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 property was sold without any indication or knowledge of an underground storm sewer located at 708 West Green Street because there were no easements or indications on any title searches. Municipal sewer lines generally exist in a public right-of-way or with an easement and in more recent developments, do not encroach on private property.

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

The variance being requested is not due to a situation knowingly created by the Petitioner. The sewer line was installed before any municipal code would have forbidden such a location.

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

The variance will not alter the essential character of the neighborhood. The scale of the property will remain proportionate to the neighborhood because the applicant is not requesting an increase in the allowable floor area ratio and the proposed redevelopment is proposed to remain as two separate residential buildings on two lots.

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

The variance would not cause a nuisance to the adjacent properties. The requested side yard variance would only apply to one property and specifically the one boundary between the subject properties of 708 and 710 West Green Street, which have the same ownership.

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

The variance would generally be the minimum deviation from the requirements in the Zoning Ordinance. It is necessary to allow for the presence of the storm sewer line. The MOR district contains development regulations that preserve and limit the existing scale and building footprints of the neighborhood. The properties of 710 and 708 are narrow lots at 53 feet and 60 feet, respectively. A further setback created from a storm sewer line presents an extraordinary constraint on redevelopment possibilities.

Summary of Staff Findings

1. On behalf of the owner, Andrew Fell has requested a Major Variance for a reduction from seven feet to five feet in the required side yard setback at 708 West Green Street.
2. An underground stormwater sewer line runs under the eastern portion of the property at 708 West Green Street without an easement. The City's Public Works Department requires a ten foot buffer on each side of the line for any new construction on the parcel.
3. The proposed variance would allow for the redevelopment of a new building on the subject property that would be designed to be consistent with the City's MOR District Design Guidelines, subject to review by the MOR Development Review Board.
4. The site is located in West Urbana, and is zoned MOR, Mixed Office Residential. The Urbana Comprehensive Plan identifies the area as Mixed Residential.
5. The proposed variance is requested due to special circumstances of the underground storm sewer line.
6. The proposed variance represents special circumstances to the parcel concerned because of the storm sewer line existing without an easement. The sewer line significantly reduces the buildable area of the property.
7. The proposed variance does not serve as a special privilege because the property is unique in that its buildable area is significantly reduced by the existence of a large storm sewer.
8. The proposed variance is not due to a situation created by the applicant.

9. The proposed variance will not alter the neighborhood character as it would assist in preserving the building form and compatibility of the proposed development with the surrounding neighborhood through the MOR development review process.
10. The proposed variance would not cause a nuisance to the neighboring properties as it would only affect the adjacent property also owned by the petitioner.
11. The proposed variance represents the minimum deviation from the Zoning Ordinance requirements to accommodate the storm sewer.
12. The proposed variance would allow for redevelopment of property in the MOR district in order to meet the district's design guidelines for neighborhood and building form compatibility.

Options

The Urbana City Council has the following options in this case:

- a. **Approve** the variance based on the findings outlined in this memo; or
- b. **Approve** the variance along with certain **terms and conditions**. If conditions or findings differ from those recommended in the attached draft ordinance, these should be articulated accordingly; or
- c. **Deny** the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

At their April 20, 2016 meeting, the Urbana Zoning Board of Appeals voted with 6 ayes and 1 nay to recommend **APPROVAL** of the Major Variance to allow a reduction in the side yard setback requirement from seven feet to five feet at 708 West Green Street.

Staff concurs with the Board's recommendation and also recommends that the City Council add the following conditions:

1. That site is developed in general compliance with the described conditions, except for any such modifications required by the MOR Development Review Board, provided those modifications do not exceed the requested variance.
2. That variance approvals are contingent upon approval of any site plan by the MOR Development Review Board.

Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map

Exhibit D: Existing Site Survey
Exhibit E: Site Photos
Exhibit F: Map of Storm Sewer Line
Exhibit G: Petition for Variance

cc: Andrew Fell
Sohail Chaudhry

ORDINANCE NO. 2016-05-032

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow a reduction in the required side yard setback from 7 feet to 5 feet at 708 West Green Street in the MOR, Mixed Office Residential District / ZBA Case 2016-MAJ-02)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Andrew Fell has submitted a petition for a major variance to allow a 2 foot reduction in the required side-yard setback at 708 West Green Street in the MOR, Mixed Office Residential zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2016-MAJ-02; 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 April 20, 2016 and voted 6 ayes to 1 nays in Case No. ZBA-2016-MAJ-02 to recommend that the Corporate Authorities approve the requested variances; 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. On behalf of the owner, Andrew Fell has requested a Major Variance for a reduction from seven feet to five feet in the required side yard setback at 708 West Green Street.
2. An underground stormwater sewer line runs under the eastern portion of the property at 708 West Green Street without an easement. The City's Public Works Department requires a ten foot buffer on each side of the line for any new construction on the parcel.
3. The proposed variance would allow for the redevelopment of a new building on the subject property that would be designed to be consistent with the City's MOR District Design Guidelines.
4. The site is located in West Urbana, and is zoned MOR, Mixed Office Residential. The Urbana Comprehensive Plan identifies the area as Mixed Residential.
5. The proposed variances are requested due to special circumstances of the underground storm sewer line.
6. The proposed variances represent special circumstances to the parcel concerned because of the storm sewer line existing without an easement. The sewer line reduces the buildable area of the property.
7. The proposed variance does not serve as a special privilege because the property is adversely affected with a smaller buildable area than normal.
8. The proposed variance is not due to a situation created by the applicant.
9. The proposed variance will not alter the neighborhood character as it attempts to preserve the building form and compatibility of the proposed development with the surrounding neighborhood.
10. The proposed variance would not cause a nuisance to the neighboring properties as it would preserve all other aspects of the existing form and building footprint.

11. The proposed variance represents the minimum deviation from the Zoning Ordinance requirements.

12. The proposed variance would allow for redevelopment of two properties in the MOR district in order to meet the district's design guidelines for neighborhood and building form compatibility.

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

Section 1. In ZBA Case Nos. 2016-MAJ-02, the variance requested by Andrew Fell to allow a reduction from 7 feet to 5 feet in the required side-yard setback at 708 West Green Street in the MOR, Mixed Office Residential zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

The site is developed in general compliance with the described conditions attached site plan, except for any such modifications required approved by the MOR Development Review Board, provided those modifications do not exceed the requested variances.

1. That side yard setback reduction only applies to the western property line of 708 West Green Street.
2. That variance approvals are contingent upon approval of the any site plan by the MOR Development Review Board.

The major variance described above shall only apply to the property located at 708 West Green Street, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 3 (except the West 53 feet thereof) and all of Lot 4 in Block 5 of J.W. Sim's Addition to the City of Urbana, also the West 5 feet of Lot 3 of H.M. Russell's Subdivision of Lot 5 in Block 5 of J.W. Sim's Addition to Urbana, situated in the City of Urbana, in Champaign County, Illinois.

P.I.N.-92-21-17-106-019

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 _____, 2016

PASSED by the City Council this ____ day of _____, 2016.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

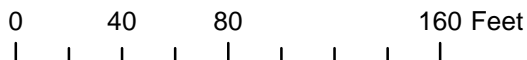
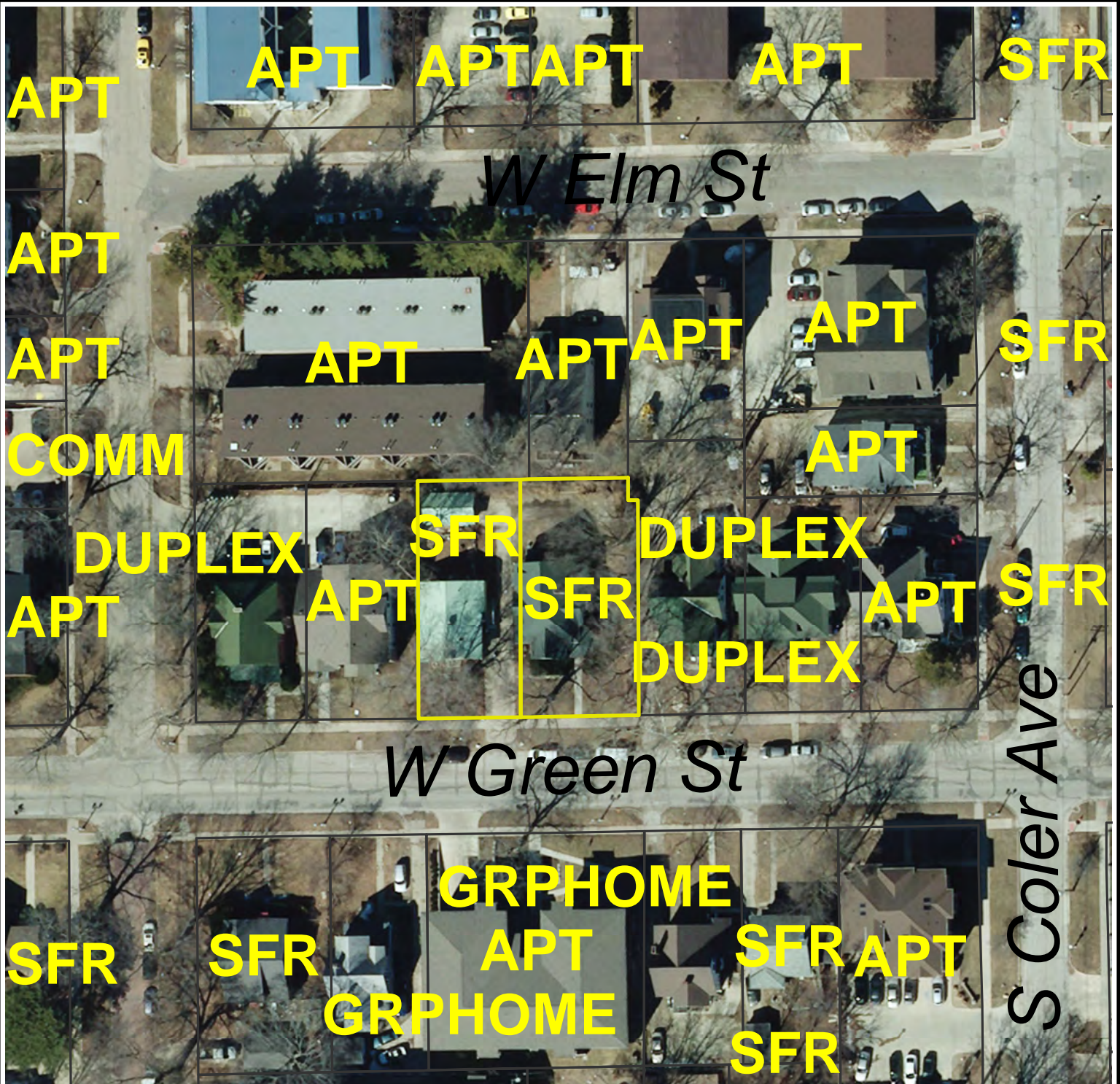
Laurel Lunt Prussing, Mayor


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 _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Allow a reduction in the required side yard setback from 7 feet to 5 feet at 708 West Green Street in the MOR, Mixed Office Residential District / ZBA Case 2016-MAJ-02) 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 _____, 2016, 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 _____, 2016.

Exhibit A: Location & Existing Land Use Map



 Subject Property

Case: ZBA-2016-MAJ-02

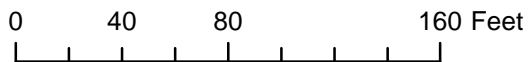
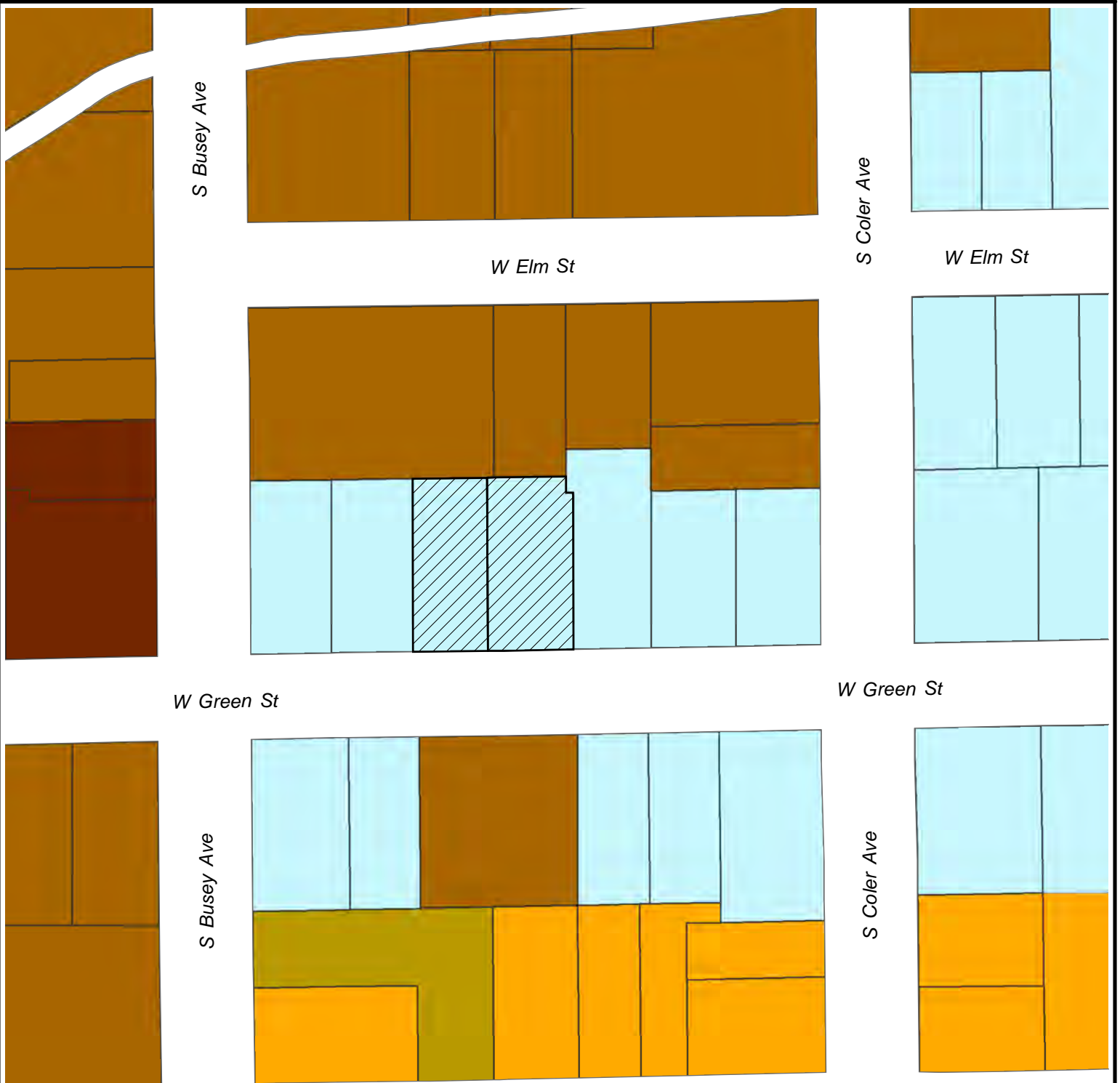
Subject: Variance for Side Yard Setbacks

Location: 708 and 710 West Green Street

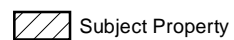
Petitioners: Andrew Fell

Prepared 4/15/2016 by Community Development Services - Christopher Marx

Exhibit B: Zoning Map

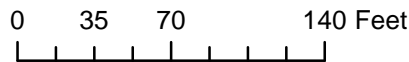
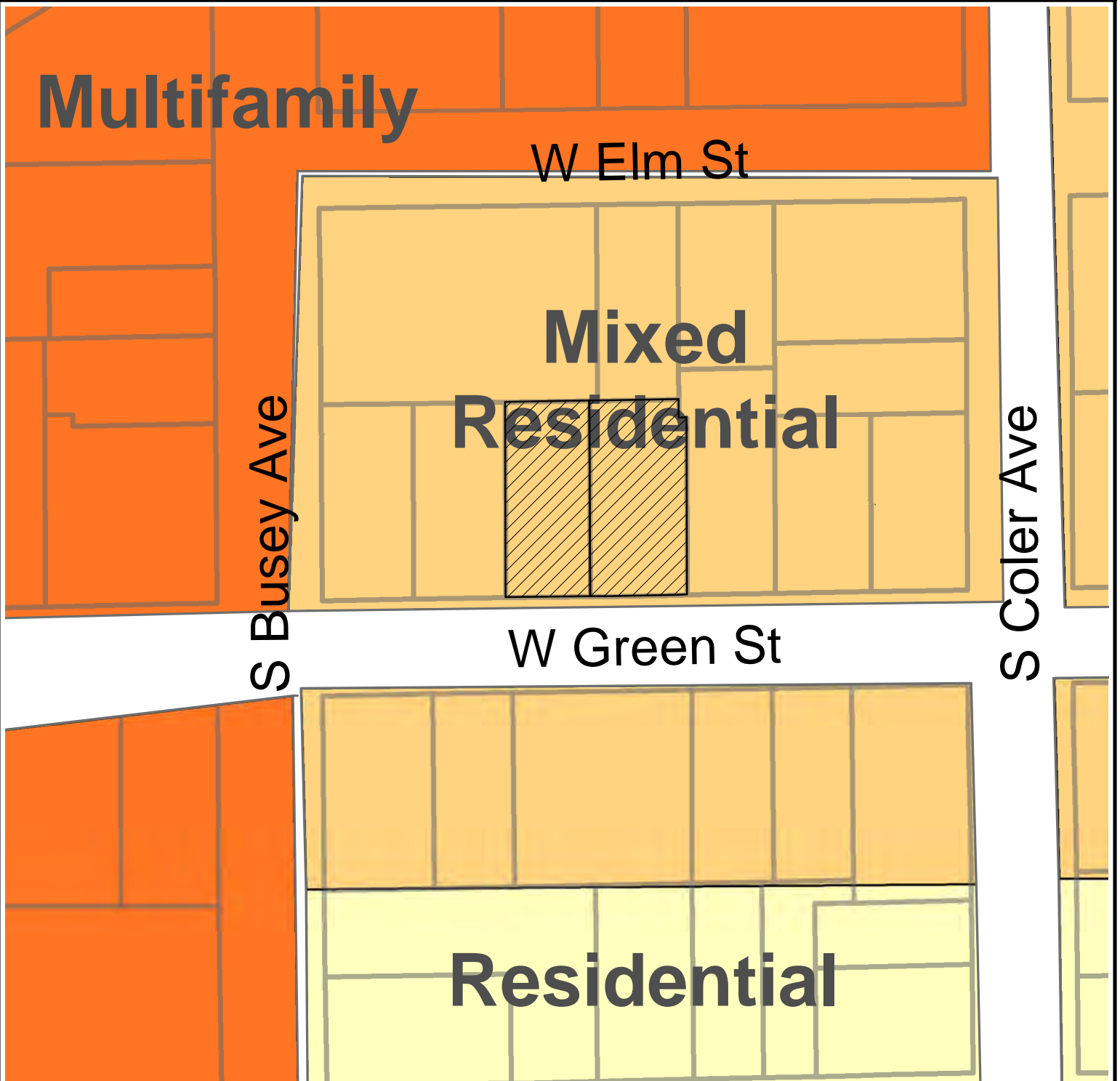


Case: ZBA-2016-MAJ-02
 Subject: Variance Side Yard Setbacks
 Location: 708 and 710 West Green Street
 Petitioners: Andrew Fell



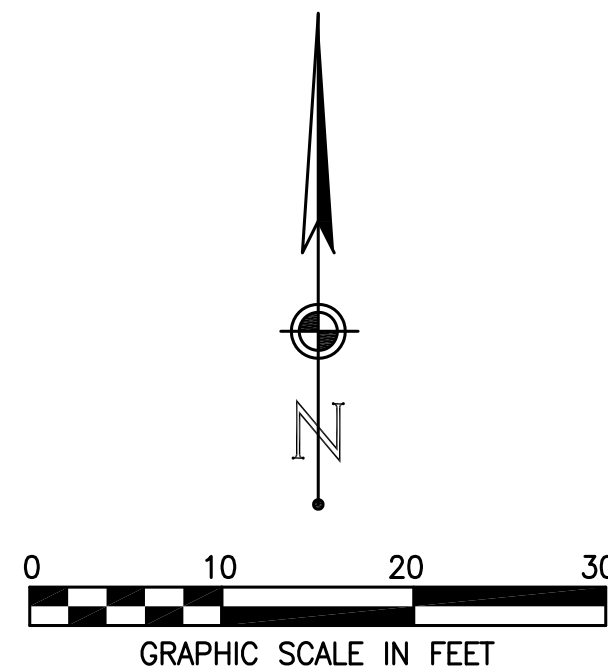
- MOR
- R3
- R4
- R5
- R6

Exhibit C: Future Land Use Map



Case: ZBA-2016-MAJ-02
Subject: Variance for Side Yard Setbacks
Location: 708 and 710 West Green Street
Petitioners: Andrew Fell

- Residential
- Mixed Residential
- Multi-Family Residential
- Subject Property

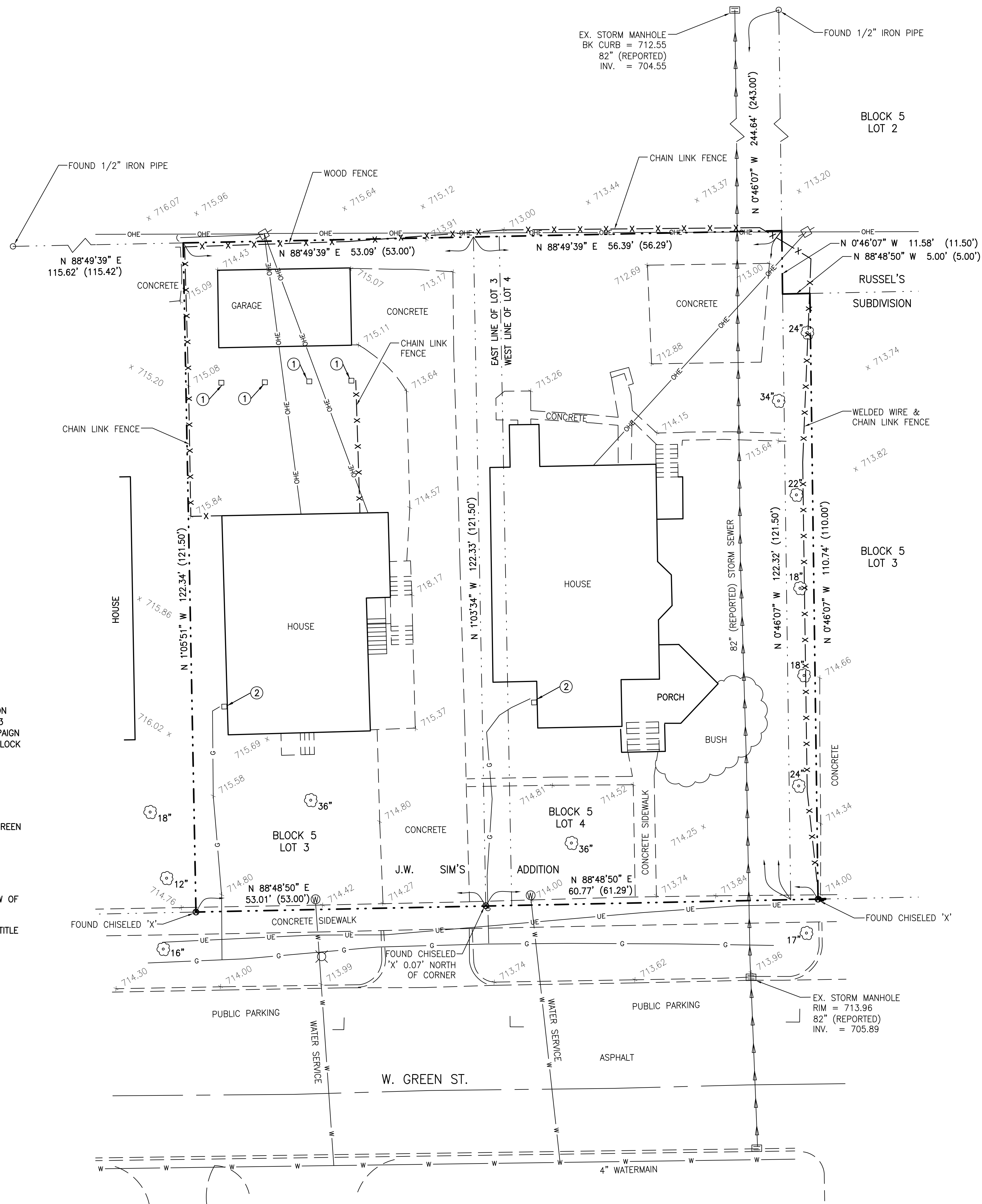


SHEET LEGEND

	BOUNDARY OF TRACT
	PROPERTY LINE
	EXISTING CENTERLINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING STORM SEWER
	EXISTING WATERMAIN / WATER SERVICE
	EXISTING UNDERGROUND ELECTRIC
	EXISTING GAS LINE
	EXISTING FENCE
	EXISTING DECIDUOUS TREE W/ DIAMETER
	IRON PIPE / PIN FOUND
	EXISTING STORM INLET / MANHOLE
	EXISTING GUY WIRE
	EXISTING LIGHT POLE
	EXISTING POWER POLE
	RECORD DIMENSION
	EXISTING SPOT ELEVATION
	EXISTING WATER VALVE

NOTES:

- LEGAL DESCRIPTION: THE WEST 53 FEET OF LOT 53 OF LOT 3 IN BLOCK 5 OF J.W. SIM'S ADDITION TO THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS (PARCEL 1). LOT 3 (EXCEPT THE WEST 53 THEROF) AND ALL OF LOT 4 IN BLOCK 5 OF J.W. SIM'S ADDITION TO THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS, ALSO THE WEST 5 FEET OF LOT 3 OF H.M. RUSSELL'S SUBDIVISION OF LOT 5 IN BLOCK 5 OF J. W. SIM'S ADDITION TO URBANA, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS. (PARCEL 2)
- BEARINGS SHOWN ON THE PLAT ARE ON AN ASSUMED LOCAL DATUM.
- THE OVERALL TRACT OF LAND AS SHOWN ON THE SURVEY ENCOMPASSES 0.319 ACRES, MORE OR LESS.
- THE ADDRESS FOR THE PROPERTY IS: 710 W. GREEN ST., URBANA, IL (PARCEL 1) AND 708 W. GREEN ST., URBANA, IL (PARCEL 2).
- THE CURRENT ZONING FOR THIS PROPERTY IS MOR (MIXED OFFICE RESIDENTIAL).
- THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON MARCH 2016.
- THE SANITARY SEWER LOCATIONS COULD NOT BE DETERMINED FROM THE FIELD SURVEY OR REVIEW OF CITY OF URBANA MAPPING.
- NO EASEMENTS AFFECTING THE PROPERTY WERE IDENTIFIED ON ATTORNEYS' TITLE GUARANTY FUND TITLE COMMITMENT NO. 150022801182. NO INDEPENDENT REVIEW OF EXISTING EASEMENTS AFFECTING THE PARCEL WAS COMPLETED.



- KEYNOTES**
- ① 3.5" x 3.5" WOOD POST
 - ② GAS METER

REVISIONS	
NO.	DESCRIPTION

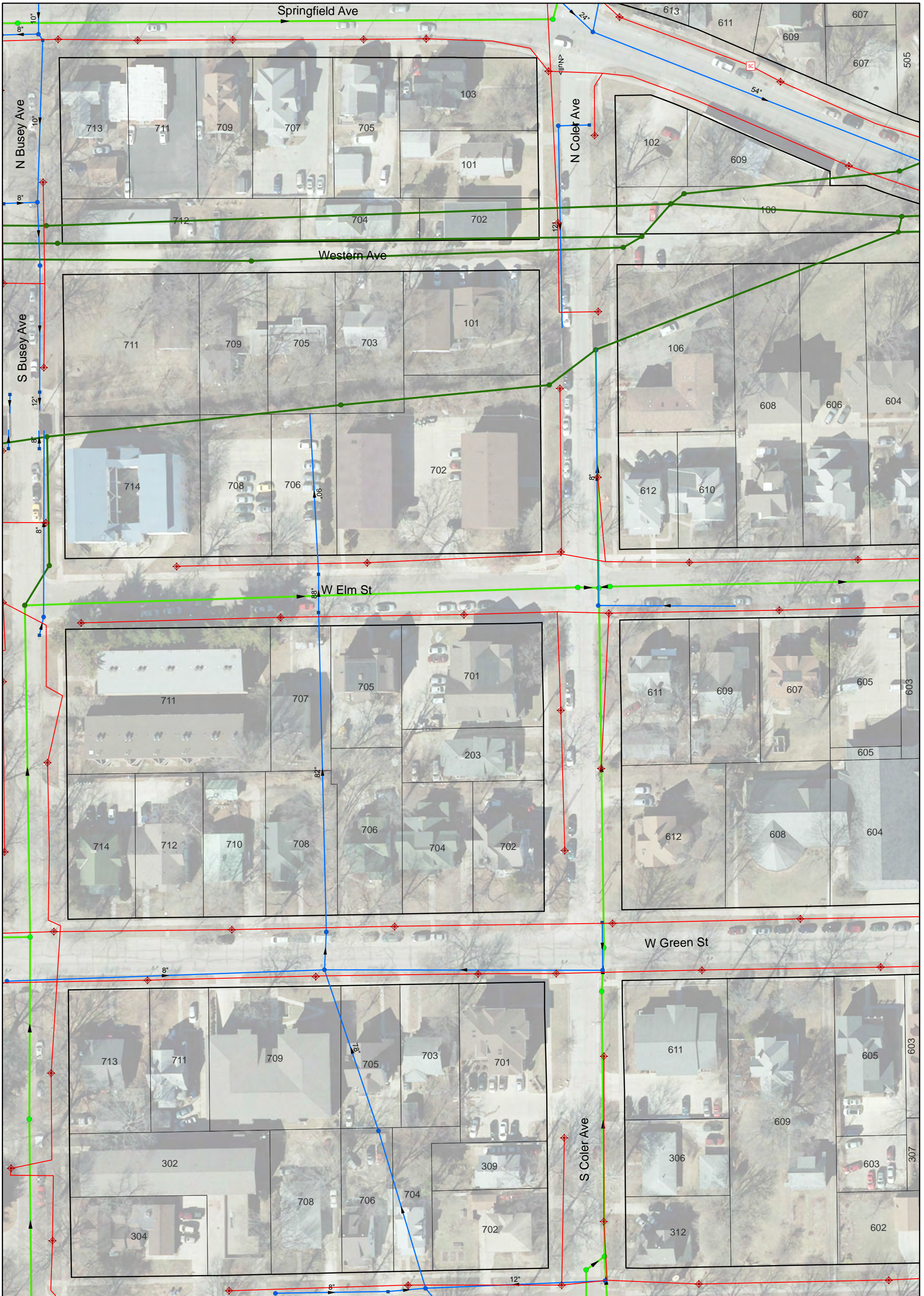
BKB
ENGINEERING
301 N. NEIL STREET, SUITE 400 | CHAMPAIGN, IL 61820
CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

TOPOGRAPHIC / BOUNDARY SURVEY
708 & 710 W. GREEN ST.
URBANA, ILLINOIS

PROJECT: 40-1603
DESIGN BY: BKB
DRAWN BY: BKB
DATE: 4/6/16
SHEET: 1

Exhibit E – Site Photos





Utility Map: SWC Coler Av & Elm St Urbana, IL

The locations shown are only approximations and are based on the most recent utility maps provided to the City of Urbana Public Works Engineering Division. Aerial photo: 2014.

Legend	
	Urbana Sanitary Sewer
	U-CSD Sanitary Sewer
	U-CSD Pressurized Main
	Urbana Storm Sewer
	Urbana Street Lighting





Application for Zoning Appeals

ZONING BOARD OF APPEALS

APPLICATION FEE ~ \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

APPEAL is taken from the enforcing officer's decision, a copy of which is attached, for a reversal or modification of said decision in conformity with the discretionary powers of the board to permit the following use or construction proposed _____ on the property described below, and in conformity with the plans on the application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Andrew Fell Phone: 217-363-2890
Address (street/city/state/zip code): 515 N. HICKORY, SUITE 101, CHAMPAIGN, IL 61820
Email Address: andrewfell@comcast.net
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): Dr Sahail Chaudhry Phone: 217-377-0232
Address (street/city/state/zip code): 4411 Trotshire Circle, Champaign, IL 61822
Email Address: schaudry05@gmail.com
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust

3. PROPERTY INFORMATION

Location of Subject Site: 708 W. Green Street, 710 W. GREEN STREET
PIN # of Location: 92-21-17-106-019 (708) 92-2117106011 (710)
Lot Size: 55.79' x 121.5'

Current Zoning Designation: MDR

Current Land Use (vacant, residence, grocery, factory, etc): Vacant Rental House

Proposed Land Use: 6 Unit Apartment Building

Legal Description (If additional space is needed, please submit on separate sheet of paper):

SEE ATTACHED - PARCEL 2

4. CONSULTANT INFORMATION

Name of Architect(s): Andrew Fell Architecture

Phone: 217-363-2850

Address (street/city/state/zip code): 515 N. Hickory, Suite 101, Champaign, IL 61820

Email Address: andrewfell@comcast.net

Name of Engineers(s): BKB Engineering

Phone:

Address (street/city/state/zip code): 301 N. Neil, Suite 400, Champaign, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Surveyor(s): BKB Engineering

Phone: 217 531-2921

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. SUMMARY OF PARTIES' POSITION IN THIS APPEAL:

The specific decision appealed from is:

SEE ATTACHED

Current Zoning Designation:

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

Proposed Land Use:

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

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

Email Address:

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.

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.

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

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

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

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

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.

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.

The properties and 708 and 710 West Green were purchased for the purposes of removing the existing converted residences and constructing two small apartment buildings. The initial intent was to construct two buildings as mirror images of each other and utilize the existing shared drive between 708 and 710 West Green. These new buildings were to be constructed by rights under the requirements of the MOR District.

After the sales were completed, we embarked on the design of the buildings. The initial step was to get the properties surveyed. The survey uncovered the existence of an 84" brick arch storm sewer running down the east side of 708 West Green. This storm sewer is approximately 11 feet off the east property line – to the center of the sewer. This storm sewer has no easement of any kind, so it did not show up on any title work completed as part of the sale of the lot. The Owner had no way of knowing of its existence until the civil engineer 'discovered' it. Presumably the seller and all previous owners of this property had no knowledge of its existence either.

In conversations with City staff, we will not be allowed to construct any portion of the building within 10 feet of the edge of this sewer line. This effectively increases our side yard setback from 7' to approximately 24'-6". This along with the setback on the west side of the lot reduces the buildable width of the lot to only 23'-6".

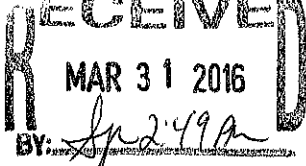
The front yard setback is a minimum of 15', or the average of the lots along the block face, to a maximum of 25'. While we have not established the exact average setback of the block, it is approximately 30'-11 3/4" as field measured on site (see below), resulting in a required setback of 25'. Additionally we are to provide on site parking which will consume a minimum of 47.5' of lot depth.

To mitigate the encroachment of the storm sewer, we are asking to reduce the west side yard setback on 708 West Green to a minimum of 5', and reduce the front yard setback on both 708 and 710 West Green to the minimum requirement of 15'. We are requesting the reduction of the front yard setback on both properties so that we can create a more cohesive pair of buildings and allow them to relate to each other in a more aesthetic manner.

Even with these minor concessions, this lot will be a difficult design problem.

Set backs – 700 block of West Green Street

702	38'-0"	36.5
704	34'-10"	37.5
706	29'-10"	29.5
708	31'-0"	15
710	31'-6"	15
712	28'-0"	22.6
714	23'-9"	19.5
Average =	30'-11 3/4"	25.09



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.

L.T.M.
Applicant's Signature

3.25.16
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

The decision appealed from was inconsistent with the following sections of the Zoning Ordinance of the City of Urbana, Illinois. **(IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH.)**


I believe the decision appealed from was inconsistent with the above described section(s) for the following specific reason(s): **(BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)**

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

3.24.16
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

From: [Allen, Mary Beth](#)
To: [Andel, Teri](#)
Subject: comment to ZBA
Date: Tuesday, April 19, 2016 9:34:10 AM

Dear Ms. Andel,

Regarding the requested zoning variances at 708 and 710 West Green Street, which are on the agenda for the 4/20/16 ZBA meeting, I oppose granting these variances to the set back because they completely undermine the intent and purpose of the MOR district.

In addition, granting these variances will alter the essential character of the neighborhood, creating a situation where new structures extend well beyond the established setback of existing structures on the block. Such major variance would result in major negative impact to the neighborhood.

Please include as public comment at the 4/20/16 ZBA meeting. Thank you for your consideration.

Mary Beth Allen
1106 S. Orchard Street

From: [Bev Fagan](#)
To: [Andel, Teri](#)
Subject: Fwd: [wuna-list] letter on variances requested for 708-710 W. Green; please incorporate into public record
Date: Tuesday, April 19, 2016 11:31:23 AM
Attachments: [ZBAletter.pdf](#)
[ATT00001.htm](#)

This is another good letter I agree with. Please consider the people who own houses in this district when developers ask for variances. Please deny the variances on the properties at 708-710 West Green. Andrew Fell can redesign something that will not need variances to be granted on these properties. He has designed only what the developer ask him to design so there will be more profit made for the developer when the apartments are rented.

Beverly Fagan
512 W Nevada

From: [Fresco, Karen L](#)
To: [Andel, Teri](#)
Subject: Public comment for 4/20 meeting
Date: Tuesday, April 19, 2016 12:55:09 PM
Could you please include the following as public comment at the 4/20/2016 ZBA meeting?

Thanks,

Karen Fresco
511 West Pennsylvania Avenue
Urbana, IL 61801
April 19, 2016
Zoning Board of Appeals
City of Urbana
Dear ZBA Members:

We write regarding the requests for variances from the MOR district requirements that have been submitted for your consideration by Andrew Fell (2016-MAJ-02, 2016-MAJ-03 and 2016-MAJ-04). We have lived in West Urbana for many years and are concerned that if the Board were to grant these requests, the decision would jeopardize the character of West Green Street and the neighborhood, which the MOR district was conceived to protect.

The variances sought are significant and would clearly "alter the essential character of the neighborhood" (3.c) since they would allow the proposed new structures to be built more than ten feet further forward than the other houses on the block. This plan would mar the look of the street. The ugly effect that would be produced can be judged from the five hundred block of Elm Street, where just such a variance was granted.

We strongly urge that the applications for these three variances be refused. They go counter to the conditions set out in the Zoning Ordinance governing the MOR district.

Sincerely,
Karen L. Fresco
Alain D. Fresco

From: [PACA](#)
To: [Andel, Teri](#)
Subject: 708-10 W Green setback variance requests
Date: Wednesday, April 20, 2016 3:35:09 PM

To the members of the Zoning Board of Appeals,
I am writing in response to the architect and property owners of 708 and 710 W Green in Urbana requesting variances from the requirements specified by the MOR district in which they are located.

As you are aware, the MOR district was created to encourage the adaptive re-use of existing structures, as well as to limit the scale of new construction in order to ensure that it is compatible with the other buildings in the district.

Allowing the requested variances would be incompatible with either of those goals, and for that alone these requests should be denied.

As I have in the past, I would like to once again suggest that the Zoning Board consider the purpose behind the creation of the MOR district and give it as much weight as you do adherence to the specifics of the rules themselves whenever zoning questions such as these arise, since I believe that guidance as to how to answer such questions is built into the definition of the district itself.

“The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district.”

The flexibility built into this district lies in the multiplicity of uses allowed so that the district can accommodate the changing needs of the property owners and still retain the neighborhood’s original character. That preservation of character and feel is a primary goal of the MOR and recognition of this must, of necessity, remain front and center whenever questions of appropriate use arise.

Thank you for your time and consideration. Please include my comments the public record.

Thomas Garza

Executive Directo

Preservation and Conservation Association
of Champaign County

From: [katie](#)

To: [wuna-list](#); [Andel, Teri](#)

Subject: major varianc requests for 708-710 W. Green

Date: Sunday, April 17, 2016 3:46:13 PM

I am against allowing the setback variances requested for these two properties. These requests violate the guidelines for the MOR District. Allowing a 15' setback for the front yard changes the look of the streetscape, which is a critical component of the MOR District guidelines. The current setbacks of 702, 704, 706, 612, and 714 W. Green are all over the MOR guideline of 25'*. Buildings with a 15' setback would be very prominent as they would project at least 15' beyond the average setback for the current structures on the block. They would project between 7 and 13 feet further towards the street than 712 on the west; they would project nearly 15' further than 706 on the east. (*The numbers in the table on p. 18 are confusing.)

The property owner, Dr. Sohail Chaudry, of Champaign, states that he cannot afford the maintenance costs which would be needed in order to retain the two structures for their current use as single family residences. I see that in February of this year, he paid \$300,000 for these two parcels which were together assessed at \$271,078. If they are in such terrible condition, there have to be questions as to why someone would pay more than the assessed value. This is once again a case of properties being purchased probably for more than they are actually worth as they stand with the goal of making profits on larger than allowable development. The unfortunate discovery of the storm sewer line doesn't make a special case for this property owner. I would like to point out that the architect, Mr. Andrew Fell, was able to find maps of the sewer lines. I assume the property developer/owner could have done the same. Additionally, the lot at 710 is already legally non-conforming and this complicates the design of a new building on that lot already. Surely that fact was not hidden from the owner.

I am sure that by building smaller structures, with fewer units, the developer would be able to conform to the guidelines. In addition, a smaller percent of the lot would be needed for parking if the number of units is reduced. No variances would be required.

Sincerely,
Kate Hunter
510 W. Oregon St.
Urbana

From: Lois Kain

To: Andel, Teri

Subject: Green St 708-7010

Date: Wednesday, April 20, 2016 4:31:55 PM

To: Teri Andel

Zoning Board of Appeals, Urbana

Concerning 708-710 W. Green Street

In the summer of 2014 we embarked on a major kitchen remodel. We live on the corner of Carle Avenue and Delaware Street; address on Carle, driveway on Delaware. Our new design included a 5ft extension into the driveway and the door being moved around to the Delaware Street side, with a 5ft 6in porch. Our architect, Andrew Fell, asked for a setback variance for the new porch which was approved, sans 6 inches. The extension did not consist of a "solid room" protruding out from the house but a roof with posts. Our addition stayed true to the style of the house and the neighborhood. And, in fact, a year and a half later we are still getting compliments from neighbors and passers-by on how much they like the addition and appreciate the attention given to maintaining the integrity of the house and the neighborhood. Our set back variance added to the beauty of our home and to the interest of our street.

After looking at 502 West Elm Street, a property discussed on the WUNA list serve, where set back variance/s were approved I do not believe that approving these variances for 708-10 West Green Street will compliment the street or add to the feeling of neighborhood that Urbana exudes. (To be honest, I would be angry if I lived on either side of 502 W. Elm.) I agree with the many comments that have been shared on the list serve and sent to you about this issue and feel no need to repeat them in my own letter.

Please, do not approve the request for these variances.

Sincerely,
Lois Kain
1602 S. Carle Ave
Urbana
Lois2@comcast.net

From: Kyle Kroha

To: Andel, Teri

Subject: West Urbana Neighborhood: Property Owner/Tax Payer/Voter Comments on 708-10 W Green Street.

Date: Tuesday, April 19, 2016 9:35:33 AM

To the Zoning Board of Appeals, Urbana, Illinois:

We reside in West Urbana, in an owner-occupied property-tax paying home.

The three resident voters in our family are writing to formally state opposition to the proposed variances for setback (both front and side variances) for the properties at 708-10 W. Green Street.

Do not weaken the setback requirements for this established neighborhood.

We all bought into this neighborhood under these rules, which create and ensure a pleasant living environment.

If you buy into this neighborhood, you abide by the regulations already in place. We understood the rules when we purchased our (owner-occupied, tax-paying, voters-in-residence) home.

You know this & AGREE TO ABIDE BY these rules WHEN you buy into this OWNER OCCUPIED RESIDENTIAL neighborhood.

You do NOT do so counting on the ability to obtain variances for commercial gain.

If someone wants to maximize profit per square foot for their investment let them go buy into a commercial area.

A quick trip around Urbana shows that there are plenty of areas for such

developments elsewhere in Urbana, providing plenty of opportunity for positive development there.

Such development should be focused there, not in the West Urbana OWNER OCCUPIED RESIDENTIAL neighborhood.

The commercial concerns of investors should not trump the concerns of lawabiding voters and property owners in this OWNER OCCUPIED RESIDENTIAL neighborhood.

Those investors have no stake in the quality of life in our neighborhood beyond their professional financial concerns.

Yet it is the investment of the families who live and invest in West Urbana that ultimately increase the value and prestige of this neighborhood.

Do not jeopardize the value and quality of this significant investment.

Prior approvals for setbacks have definitively been proven to degrade their surrounding neighborhood (eg: 506 W. Elm).

Approving this setback promotes a further slippery slope for future variances that can and will degrade the quality and value of this OWNER OCCUPIED RESIDENTIAL neighborhood, effectively (irreversibly!) undermining the intent and purpose of the MOR district.

Do not approve the variance for setback for the properties on 708-10 W. Green.

Regards-

The Kroha Family

406 W. Washington St.

Urbana, IL 61801

From: [Ed Maclin](#)

To: [Andel, Teri](#)

Subject: Fwd: [wuna-list] major varianc requests for 708-710 W. Green

Date: Sunday, April 17, 2016 7:45:27 PM

Teri Andel and the Board of Appeals:

It was suggested to me that I should forward the comment I posted ti the WUNA list to the board...

Ed

I agree with Kate, but would like to sharpen her point.

Any developer who buys a property in the MOR and then "discovers" that they can't make a ("sufficient") profit without violating the building guidelines should be run out of town on a rail - or at least laughed out of the variance meeting.

If they were competent and honest they would raise these issues BEFORE making their investment; this is known as "due diligence" and should be expected of anyone interested in investing in our community.

Ed Maclin

612 West Oregon

Urbana, IL 61801

April 20, 2016

City of Urbana Zoning Board of Appeals

400 S. Vine St.

Urbana, IL 61801

Dear Zoning Board Of Appeals Members,

I am unable to attend the meeting this evening in Urbana City Council Chambers in which you are to make a decision concerning the three requests for variances for 708 and 710 W. Green St. in Urbana.

With this writing, I would ask the Board to consider and publicly state my opposition to the variances which, in allowing reduced setbacks at these addresses, would undermine the meaning and intent of these zoning regulations...as well as the predominant feelings of the neighborhood community.

Please accept my appreciation for your work. I can only hope that you as a body representative of the wishes of the citizens, as expressed by the regulations, will determine that the approval of these variance requests is NOT acceptable.

Sincerely,

Stuart Martin

302 W. Washington St.

Urbana, IL 61801

From: Sarah McEvoy

To: Andel, Teri

Subject: 708-710 W. Green

Date: Monday, April 18, 2016 5:48:06 PM

Dear Teri Andel, Please forward to the all members of the ZBA and please include the below in the public record. Thank you very much.

Dear Zoning Board of Appeals Commission Members,

We oppose a major variance to shorten the regulations for the set back of a property from the street. at 708-710 W. Green St. We ask that you abide by the rules written by the City of Urbana to uphold the beautiful aesthetic of our neighborhood, as well as its value. Exception after exception for "extraordinary" circumstances results in the deterioration of the neighborhood. Precedents get set and the "breaking" of the rules encourages others to do the same. Where does it stop?

Thank you for your consideration.

Sarah McEvoy and Huseyin Sehitoglu

805 W. Michigan Ave.

Urbana, IL

From: Sarah McEvoy

To: Andel, Teri

Subject: 708-710 W. Green

Date: Monday, April 18, 2016 5:48:06 PM

Dear Teri Andel, Please forward to the all members of the ZBA and please include the below in the public record. Thank you very much.

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Thank you for your consideration.

Sarah McEvoy and Huseyin Sehitoglu

805 W. Michigan Ave.

Urbana, IL

From: Melissa Muckenhirn

To: Andel, Teri

Subject: Major Variance Requests for 708-710 W. Green

Date: Monday, April 18, 2016 1:37:53 PM

I, too, am against allowing the setback variance to the properties of 708 and 710 W. Green. Setbacks are set for a reason, and I feel the extra 10 feet this owner wants would be too great a discrepancy for the block.

Further, for a developer to purchase properties and commission a building design before considering setback allowances is ridiculous. The city shouldn't allow variances simply because the developer hasn't done his homework or because the developer wishes to get more income out of the property.

Sincerely,

Melissa Muckenhirn

104 W. Oregon

From: Plewa, Michael Jacob

To: wuna

Cc: [Andel, Teri](#); [Charlie_Smyth](#)

Subject: RE: [wuna-list] 708-10 W Green setback variance requests before the ZBA

Date: Wednesday, April 20, 2016 8:58:49 AM

Attachments: [West Urbana_ Urbana, Illinois.pdf](#)

Dear Neighbors,

With regard to the Zoning Board of Appeals meeting this evening at the Urbana Council Chamber at 7:30 PM, I suggest that all of us read the American Planning Association award for the West Urbana neighborhood. I have attached the citation from the American Planning Association web page. It reads in part: "Located between two dynamic areas — the University of Illinois and downtown Urbana — West Urbana has maintained its unique neighborhood identity for more than a century, refusing to succumb to the pressures of high-density development or issues surrounding absentee landlords. Many historic properties remain today, the result of an active citizenry and sustained planning efforts."

I ask the Zoning Board of Appeals as well as City Staff to review this attachment and think about it in the context of the cases asking for three major variances (2016-MAJ-02, 2016-MAJ-03, and 2016-MAJ-04). I am truly bewildered how City Staff could be in favor of these major variances against regulations of the MOR district. Every action that damages our careful citizen-directed planning to maintain this unique West Urbana neighborhood is a step in reducing the quality of life and to the detriment of owner occupied residents.

I ask the ZBA, the City Staff and our neighbors to reflect on the comments of the American Planning Association award for West Urbana and ask if the request for major variances outlined in 2016-MAJ-02, 2016-MAJ-03, and 2016-MAJ-04 advance or detract from the American Planning Association citation. Again we need a robust and active citizenry and sustained planning efforts within our neighborhood to defeat the pressures of high-density development or issues surrounding absentee landlords.

Again I urge all to attend the all of us to attend and speak against these variances at the Zoning Board of Appeals meeting at the Urbana City Council Chambers THIS EVENING at 7:30 PM.

Sincerely,

Michael Plewa

708 W. Iowa St.

From: [Plewa, Michael Jacob](#)

To: [Andel, Teri](#)

Subject: cases 2016-MAJ-02, 2016-MAJ-03, and 2016-MAJ-04

Date: Tuesday, April 19, 2016 5:40:52 PM

Michael J. Plewa & Elizabeth Wagner Plewa

708 W. Iowa Street

Urbana, IL 61801

Zoning Board of Appeals

City of Urbana

Dear Members of the Zoning Board of Appeals:

We wish to express our opposition to the requested major variances in cases 2016-MAJ-02, 2016-MAJ-03, and 2016-MAJ-04. We have been homeowners in Urbana since 1978 and we believe that these variances deviate significantly from the MOR Ordinance. These requested variances violate the spirit of MOR in that they do not incorporate adaptive re-use of older structures. These requested variances also violate the requirement that new construction be consistent with the character of the district. We believe that the requested major variances will not compatible with existing structures on Green Street nor will it protect close residential areas or protect the stability of the neighborhood and value of surrounding properties.

We ask that each of the requested major variances be denied as incompatible with the MOR district. It was the continued efforts by WUNA to keep our neighborhood diverse with an emphasis on owner occupied homes that allowed the West Urbana neighborhood as being designated one of the top ten neighborhoods in the United States by the American Planning Association. Chipping away at the regulations by the application of variances that damage the intent of the MOR zoning regulation is not in keeping the quality of life enjoyed in the WUNA area or reflect the achievement bestowed by the American Planning Association.

We request that this letter be included as public comment at the 4/20/16 ZBA meeting.

Sincerely,

Michael J. Plewa

Elizabeth Wagner Plewa

Michael J. Plewa, Ph.D.
Emeritus Professor of Genetics
Department of Crop Sciences
Assoc. Director of Interdisciplinary Research
UIUC Safe Global Water Institute
University of Illinois at Urbana-Champaign
1101 West Peabody Dr.
Urbana, IL 61801 U.S.A
Telephone: 217-333-3614
mplewa@illinois.edu

From: [Reb polk](#)

To: [Andel, Teri](#)

Subject: Fwd: [wuna-list] 708-10 W Green setback variance requests before the ZBA

Date: Monday, April 18, 2016 9:45:13 PM

Dear Teri Andel,

We strongly urge you and the ZBA to reject the application for reduced setbacks in Urbana. Setbacks are required for a reason. They preserve the character and aesthetic of a town. This is not something that can be 'undone' years later. I urge you to uphold the setback requirements in place for Urbana.

Thank you

Rebecca Stumpf and John Polk
1005 S Douglas Ave, Urbana

From: [Rauchfuss, Thomas B](#)

To: [Andel, Teri](#)

Subject: Variance for Setbacks for 708-10 W. Green Street

Date: Tuesday, April 19, 2016 7:57:58 PM

Zoning Board of Appeals

City of Urbana

Dear Board Members:

I write to register my opposition to the variances from the MOR district requirements as submitted by Mr. Andrew Fell for his properties at 708-710 Green St. As a long term home owner in West Urbana, I am concerned that these variances will jeopardize the character of West Green Street and its neighborhood. This threat would lead to degradation of the quality and character of the neighborhood, which enriches the city financially and culturally.

Typically requests for variances are for minimum deviation from requirements of zoning ordinances, but these three variance are NOT minor.

I urge you to decline these three variances.

Thank you,

Tom Rauchfuss
306 W. Iowa St.

From: [Trent Shepard](#)

To: [Andel, Teri](#)

Subject: ZBA-2016-MAJ-02, 03, 04

Date: Sunday, April 17, 2016 6:38:01 PM

Hello Teri,

I'd appreciate it if you'd forward my comments about the above mentioned 3 cases to the ZBA members for their Wednesday meeting.

I walked in the front yards of the former Davis properties today at 708-10 W. Green St. I stepped off 15 and 25 feet from the sidewalk, which I'm guessing is where the setback would be measured from. Even if a new building on these lots extends to the current 25 foot setback line, it will stick out farther than any other structure on the block. If a variance is given to move it out to 15 feet, it will mar the sight-lines along Green St. for a couple of blocks.

Just because a developer overpaid for the property and wants to see how big a building he can squeeze onto that land, doesn't justify giving him a break and marring Green St. forever. The newish building next door at 712 W Green St. is in line with all of the other houses on that block.

Why shouldn't the owner here follow the same rules and stay at least 25' back?

The goals of the MOR don't include pushing out the fronts of the buildings along the streets in the district.

Please honor the goals and what remains of the beauty of Green St. by denying the applications for reduced front setback.

Regarding the reduction in the side setback by 2 feet, I will leave that to the judgement of the ZBA and ask them to consider the wishes of the adjoining property owner who would be affected.

Thank you for your consideration of my views.

Trent Shepard
409 W Oregon St.

From: [Leslie Sherman](#)

To: mclaughlin.ashlee@gmail.com; cho_matthew@hotmail.com

Cc: [Andel, Teri](#)

Subject: 708-710 W. Green variance request - Please deny

Date: Monday, April 18, 2016 10:48:27 AM

Dear Zoning Board Members:

I am a resident of West Urbana and I am requesting that you please deny the variance request for 708-710 W. Green Street. The MOR setbacks are in place to maintain the look and feel of the neighborhood. Please support these setbacks and maintain them. The request of a variance for 708-710 W. Green Street will negatively impact that block of my neighborhood.

Whenever you approve one of these MOR variances, the look and feel of the neighborhood and thus my property values are negatively impacted. I live at 513 W. Oregon Street and Green Street is only 4 blocks away. These setbacks and the MOR zoning of the property were publicly known and the new owner should have known about them. Just because he doesn't like them, doesn't mean that my property values or the look and feel of my neighborhood should be affected.

Please deny this request.

Regards,

Leslie

513 W. Oregon St

Urbana, IL 61801

From: [Lois Steinberg](#)

To: baxley@baxleymedia.com; [Andel, Teri](#)

Cc: [wuna](#)

Subject: Re: [wuna-list] major variance request 708-710 W. Green

Date: Monday, April 18, 2016 7:16:00 PM

Dear All,

Four years ago the ZBA voted to decline my request for a *four inch* set back on the east side of my property. The neighbor did not oppose and other neighbors were fine with it. One wrote in favor without my requesting. The ZBA thought it would set a bad precedent to allow 4 inches that ran 12 feet. When I told the neighbors they were all shocked, especially after a property on Washington ST was shockingly approved on all four sides for a major set back variance in front of their previous house (similar to Hawai'i having two to three houses stacked in on one property). When I brought this up after an hour long debate they finally approved it.

Now why are they approving major variances of 25 feet? Greed on the part of the developers is obvious, but is it because Urbana gets more property tax that is desperately needed? I am curious as to how they decided the approval.

On some of the State Streets there are very nice four flats that look like the houses and you cannot tell that an apartment is there. It would be nice if there was a (non-greedy) developer who would build these kind of apartments. The developers, architects, and the ZBA do not seem educated on esthetics and building to scale in neighborhoods. This is not a neighborhood built on steroids. It would be nice to stop these out-of-scale giant monsters.

Perhaps there should be a field trip for developers, architects, and the ZBA to view the flats on State Street that go unnoticed.

Please do not approve the set back that will set back the beauty of our beautiful Urbana.

Sincerely,

Lois Steinberg

On Mon, Apr 18, 2016 at 8:50 AM, Carolyn Baxley <baxley@baxleymedia.com> wrote:

I would like to urge everyone to walk or drive over to 506 W. Elm St. where a hideous apartment building juts out to the sidewalk between two of our local landmark houses.

Compare it to the houses on either side of it to see WHY we have setbacks to protect the look of our residential streets. Now walk over to 708-710 W. Green and imagine what this block will look like if these variances are granted! I see no way the save the two large trees in front if the setbacks are only 15' and the whole look of the block will be irrevocably altered.

The MOR regulations were put in place for a reason that is being ignored by City staff as they come under pressure from "developers" who don't live in the neighborhood and whose only motive for buying land and building in W. Urbana is profit. I am completely appalled that planning staff is actually recommending APPROVAL of these setbacks! COME to the meeting on Wednesday night--pack the room and let your voices be heard if you want to stop this continued loss of residential structures and concessions to landlords who don't really care about the look of our streets or the investment we've made in our properties in West Urbana! If you can't make the meeting, shower the members of the Zoning Board of Appeals with emails. Here is a link to their email addresses:

<http://www.urbanaininois.us/boards/zoning-board-appeals>

Carolyn Baxley

From: James Stori

To: Andel, Teri

Subject: Opposed to MOR Zoning variance at 708-710 W Green St

Date: Tuesday, April 19, 2016 2:02:08 PM

As an Urbana property owner and resident of WUNA, I am writing to express my strong opposition to the requested zoning variances (2016-MAJ-02, 2016-MAJ-03 and 2016-MAJ-04) in the MOR district related to the properties at 708-710 W Green Street.

I believe the front setback is the most important zoning requirement imposed by the MOR requirements and a variance in the setback as requested for these properties would dramatically harm the "essential character of the neighborhood".

Thank you for your consideration,

James Stori

807 S Birch St.. Urbana

From: scsutton@gmail.com on behalf of [Stephanie Sutton](#)

To: Trent Shepard; Andel, Teri

Cc: WUNA listserv

Subject: Re: [wuna-list] 708-10 W Green setback variance requests before the ZBA

Date: Monday, April 18, 2016 11:21:50 AM

Dear Teri Andel,

We agree with Trent Shepard and many other West Urbana residents that the ZBA should deny the applications for reduced front setback and would also request that the ZBA deny the application for reduced side setback.

Thank you for your consideration,

Steve and Stephanie Sutton

1107 S Orchard St

From: Sandy Volk

To: Andel, Teri

Subject: ZBA comment

Date: Tuesday, April 19, 2016 9:32:59 PM

Dear ZBA,

I am a citizen of Urbana and I am requesting that you oppose the application for a reduced setback at 708-710 W. Green Street. This is against the MOR District intentions.

Sincerely,

Sandra Volk
803 W. Delaware Ave.

From: Eunice Weech

To: Andel, Teri

Subject: Green Street Setbacks

Date: Tuesday, April 19, 2016 9:23:09 AM

My husband and I feel it would not be good for the Green Street streetscape to allow a variation in the 25 foot setback requirement for the 708-710 properties. We have lived in Urbana for almost 40 years, and have watched many changes...some good, some bad.

Allowing this requested variance would be bad for Urbana. I won't go into all the details many others have sent to you very eloquently, but wanted to urge a no vote. Eunice Weech,
1306 S. Orchard St.

C. K. Gunsalus & Michael W. Walker

511. W High Street
Urbana, Illinois 61801

April 18, 2016

Zoning Board of Appeals
City of Urbana

Dear Members of the ZBA:

In cases 2016-MAJ-02, 2016-MAJ-03 and 2016-MAJ-04, Andrew Fell, on behalf of the property owner, is requesting three significant variances from the requirements of the MOR district. As long-time residents and property owners within a few blocks of this property, we are concerned about the requested variances and we ask you to deny each one of them. We note that the ordinance specifically stipulates that "(c), the Board shall consider major variances that are consistent with the intent of this Ordinance." We do not believe that the requested variances are consistent in any way with the intent of the ordinance.

We own a century (plus) old home in the area, and well understand the challenges—and the often unpleasant surprises that arise—in and below structures in these older parts of Urbana. As one of us (Gunsalus) is a one-time member of the Urbana Plan Commission, we started by reviewing the definition of the MOR district. We have highlighted a few of the relevant elements of that definition below:

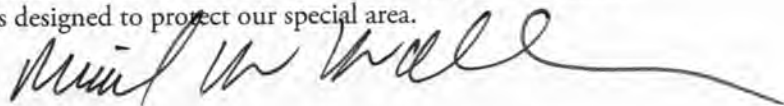
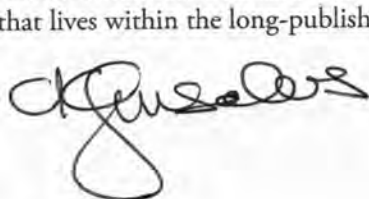
The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and **designed and constructed to be compatible with existing structures in the district.** The district is intended to **encourage the adaptive re-use of existing older structures through incentives** that will extend the useful life of such structures. **New construction shall be designed and constructed in a manner that is consistent with the character of the district.** The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected. (Ordinance No. 2003-11-120, 11-25-03)

We believe that the significant variations requested will not be compatible with existing structures in that block, nor indeed up and down Green Street; will not protect the nearby residential uses; and will not be compatible with the stability and value of surrounding properties. We also note that the intended plan proposed is to replace the existing structures, not reuse, adaptive or otherwise. We strongly contest the assertion in the city planner's discussion that the change in setback—more than ten feet in front of the average setback on the block—will not alter the essential character of the neighborhood.

While Mr. Fell has stated that the footprint—and thus the scale and intensity—of the buildings will not change from what is intended, we believe that moving those buildings significantly forward from the average setback along the rest of the street will, in fact, detract from nearby properties and from our neighborhood and alter its scale and character. We note that other multi-family buildings have been constructed while respecting the setback limitations. One need only look at the five hundred block of Elm Street to see the effect when the prevailing setback is not respected. Human brains detect changes in patterns; the setback change will alter how the neighborhood's character is seen, perceived and registered, and not in a positive way.

We ask that each of the variances be denied, as fundamentally incompatible with the purposes of the MOR district, and to respect the neighbors—residents and investors alike—who have followed the regulations of the zoning ordinance that existed before these properties were purchased. We have the greatest respect for Andrew Fell's professional work and believe there are few architects better suited for finding a creative design approach. Wasn't it a famous architect who said "through constraints comes creativity"? We seek a respectful, creative approach that lives within the long-published rules designed to protect our special area.

Cordially,



Kevin G. Price
407 West Oregon Street
Urbana, IL 61801

City of Urbana Zoning Board of Appeals
400 South Vine Street
Urbana, IL 61801

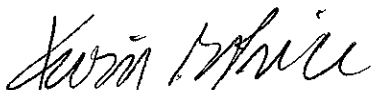
Dear Members of the Zoning Board of Appeals,

I am writing to express my concern at the three zoning requests made for 708-710 West Green Street project. Of particular concern is the request for reduction of the front yard setback to a distance of only 15 feet. I believe that granting such a variance will degrade the property values and visual appearance of the nearby properties, as well as disrupting the fairly uniform front yard setbacks of the properties of the nearby blocks. I hope you will review the intent of the MOR zoning district and overall development goals of the city planning efforts that spurred it, and decline to allow such a reduction.

While I appreciate the retention of a local architect to provide the overall site and building design for this development, that alone will not ensure a long-term, community-wide, successful project if this front-yard variance is allowed by the Board. It is an unpleasant fact that the developer feels the need for this variance request after already purchasing the properties, but that cannot be allowed to put the City in a position to receive numerous future requests for the same relief at other project sites. Each will come before the Board with arguments that are bolstered by the fact that the Board has previously granted such a variance on this occasion.

I will recommend that, for the other two variance requests, the Board represent the views of the nearby or adjacent property owners since they will be the ones most adversely affected in either case. But I again stress that, as in the case of the front-yard variance request, these additional variance requests do not appear to benefit the adjacent property owners, the neighborhood, or the City of Urbana.

Thank you,



Mr. and Mrs. T.J. Kuhny
801 W. Indiana Avenue
Urbana, Illinois 61801

April 18, 2016

City of Urbana Zoning Board of Appeals
400 South Vine Street
Urbana, Illinois 61801

Dear Zoning Board Members,

We are writing in opposition to the three cases being heard this Wednesday, April 20 regarding the three zoning variances requested for 708 and 701 West Green St. We apologize for not appearing in person but I (Louise) am having back surgery this Wednesday the 20th.

First, let us say that Mr. Andrew Fell is the optimal person to assist with development in a manner respectful of surrounding properties and the general historic nature of Urbana. He was our architect for the historic renovation of our house (historic designation as the Smith-Russell House), and we could not have been more thrilled with the outcome. He won the 2013 PACA Residential Heritage Award for that work. If anyone can do the job well for 708-710 West Green Street, it is Mr. Fell.

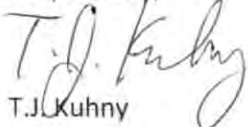
We are sorry for the surprises which the owner has encountered in his quest to redevelop his newly-acquired properties. We are more than familiar with the constraints imposed by surprises during the building process; three among our many surprises were a hidden cistern, notched floor joists and bizarre electrical work ..requiring considerable additional cost. However, unpleasant surprises are simply part of the process when working with older properties.

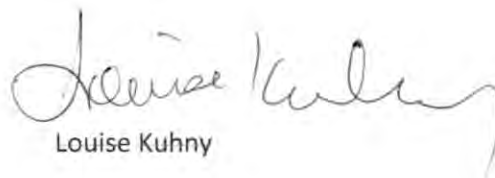
Reducing the front setback from 25 to 15 feet would be a major negative change for neighboring properties and would interrupt the flow of the front yards in that block. We were surprised that no conceptual drawings were included as part of the ZBA packet. We would recommend review of basic conceptual drawings prior to changing the front yard appearance of the block.

On a larger point, we are dismayed at the staff recommendation for approval of this proposal. We do not understand how this proposal benefits the City of Urbana and its taxpayers. We would encourage City staff, Zoning Board of Appeals board members, Plan Commission board members and City Councilpersons to carefully consider the overall city planning process when making recommendations or voting. We simply fail to understand how this, as well as some other proposals in the recent past, receive staff recommendation for approval when they do not seem to meet the overall goals of the City of Urbana. We think Urbana should be known for thoughtful development respectful of history and considerate of neighbors' concerns.

Thank you for taking the time to review our thoughts, and thank you for your service to the City of Urbana's Zoning Board of Appeals.

Respectfully,


T.J. Kuhny


Louise Kuhny

MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS

DATE: April 20, 2016

DRAFT

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II; Brad Bennett, Assistant City Engineer

OTHERS PRESENT Brian Adams, Carolyn Baxley, Richard Cahill, Sohail Chaudhry, Caroline Coulston, Peter Coulston, Robert E. DeAtley, Andrew Fell, Linda Lorenz, Diane Marlin, Sarah McEvoy, Kara McKinn, Dan Newman, Esther Patt, Michael Plewa, Dennis Roberts, Steve Ross, Lois Steinberg, Michael Walker, Karl Weingartner

COMMUNICATIONS

Regarding Case Nos. ZBA-2016-MAJ-02, -03 and -04, the following communications were received:

- Urbana Subdivision Ordinance – Section 21-38. Right-of-way and easement dedications
- Proposed Site Plan, revised (A2.B, A1.B, A2.A and A1A)
- Setback Distances on 700 Block of West Green Street
- Proposed Redevelopment with 20-Foot Setback
- Email from Bev Fagan
- Email from Karen Fresco
- Email from Thomas Garza of PACA
- Email from C.K. Gunsalus and Michael Walker
- Email from Lois Kain
- Email from Kyle Kroha
- Email from T.J. and Louise Kuhny
- Email from Stuart Martin
- Email from Mary Beth Allen
- Email from Bev Fagan #2
- Email from Kate Hunter
- Email From Ed Maclin
- Email from Sarah McEvoy
- Email from Kara McKinn

- Email from Melissa Muckenhirn
- Email from Michael Plewa with attachment
- Email from Michael Plewa #2
- Email from Rebecca Stumpf and John Polk
- Email from Kevin Price
- Email from Tom Rauchfuss
- Email from Trent Shepard
- Email from Leslie Sherman
- Email from Lois Steinberg
- Email from James Stori
- Email from Steven and Stephanie Sutton
- Email from Sandra Volk
- Email from Eunice Weech

NEW PUBLIC HEARINGS

ZBA-2016-MAJ-02: A request by Andrew Fell for a Major Variance to allow a reduction in the required side yard setback from 7 feet to 5 feet at 708 West Green Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2016-MAJ-03: A request by Andrew Fell for a Major Variance to allow a reduction in the required front yard setback from 25 feet to 15 feet at 708 West Green Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2016-MAJ-04: A request by Andrew Fell for a Major Variance to allow a reduction in the required front-yard setback from 25 feet to 15 feet at 710 West Green Street in the MOR, Mixed Office Residential Zoning District.

Chair Welch opened the hearing for these three cases together since they are related.

Christopher Marx, Planner I, gave the staff report for the three cases to the Zoning Board of Appeals. He explained the purpose for each major variance request. He described the proposed sites and the adjacent surrounding properties.

He talked about an existing municipal storm sewer line that runs under the eastern portion of 708 West Green Street. This storm sewer line predates most of the existing City ordinances with regards to public utilities and stormwater management, and it exists without an easement protecting it from any new development. This storm sewer line reduces the allowed buildable area at 708 West Green Street.

He talked about the requirements for front yard and side yard setbacks in the MOR, Mixed Office Residential Zoning District. He mentioned that the petitioner originally asked for a reduction in the front-yard setbacks from 25 feet to 15 feet for both properties. Due to City staff receiving a significant amount of concerns from the residents in the neighborhood regarding the front-yard setbacks, the applicant has altered his request to allow a reduction from the required 25 feet to 20 feet in the front-yard setbacks for both properties. This means that Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 would now be considered minor variances rather than

major variances. The Zoning Board of Appeals would have the final vote on either approving or denying each case.

Mr. Marx reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance and how they pertain to the proposed variances. He read the options of the Zoning Board of Appeals and presented City staff's recommendations for approval of each variance request. He mentioned that the petitioner and property owner are both available to answer any questions.

Chair Welch asked the Zoning Board of Appeals members if there had any questions for City staff.

Mr. Cho wondered what affect the stormwater sewer pipe will have on other properties now that it is known. Mr. Marx replied that it would be premature for him to comment because it could affect properties differently. For example, the pipe may run under a corner of one property but under a building on another property. Lorrie Pearson, Planning Manager, added that the Planning staff just found out about the storm sewer pipe as a result of this application and it is something the City will need to look into. For 708 and 710 West Green Street, it presents a hindrance for developing the lots because it reduces the amount of buildable area.

Mr. Warmbrunn asked why the MOR Development Review Board had not reviewed the proposed development for the two lots prior to the Zoning Board of Appeals review. Ms. Pearson explained that the applicant submitted the variance request applications first so he would have a good understanding of the footprint in which they could design a building. It was not in the purview of the Zoning Board of Appeals to consider the full design of the proposed development when reviewing variances but that the MOR Development Review Board would review the detailed design.

Mr. Warmbrunn inquired if there were any owner-occupied homes on this block. Mr. Marx stated that the Zoning Ordinance does not distinguish owner-occupied versus tenant-occupied when considering development regulations.

Mr. Warmbrunn asked if the Utility Map that was handed out as part of the updated information was created after City staff found out about the storm sewer pipe. Brad Bennett, Assistant City Engineer, replied that because of the age of the storm sewer pipe, there is no recorded easement for it; and therefore, it would not show up on a title search. Public Works staff has known about the pipe for a long time. It is one of the original storm sewers constructed in the City of Urbana. He believed that the reason the pipe takes a strange path might be because it was a creek that was closed in to build out the area. Generally, nowadays, they follow the street grid pattern.

Ms. Chester commented that when she first read the written staff memo, she was shocked by the City staff's recommendation, because she recalled that one of the important concerns addressed by the creation of the MOR District was to maintain the visual site line of setbacks along the street. She stated that the petitioner altering his request to reduce the two front-yard variances from 15 feet to 20 feet is better. Mr. Marx explained that City staff took into consideration the hardship of non-buildable area due to the storm sewer pipe. Ms. Pearson reminded everyone that this was a chance for technical questions and not discussion.

Mr. Cho asked if the Zoning Board of Appeals was allowed to talk about the MOR requirements. Ms. Pearson replied that the two properties are located within the MOR Zoning District. The purview of the Zoning Board of Appeals is to consider the variance requests for the setbacks within the district, but not to get into the MOR Design Guidelines, which comes under the purview of the MOR Development Review Board. Ms. Uchtmann stated that she disagreed because they are also talking about the parking constraints and how many parking spaces would be needed, it does affect the square feet for building.

There were no further questions for City staff. Chair Welch opened the public input portion of the hearing. He asked if the petitioner and property owner would like to speak.

Andrew Fell (Applicant and Architect for the Development Project) and Sohail Chaudhry (Property Owner) approached the Zoning Board of Appeals to testify.

Mr. Fell clarified that the centerline of the storm sewer is about 11 feet from the property line and angles a little to the west as it goes north. Because the storm sewer pipe is about 7 feet in diameter, they are almost 14-1/2 feet to the west edge of the sewer line. The City's Engineering staff is requiring a 10-foot distance away from the storm sewer. As a result, the minimum setback on the east side of 708 West Green Street would be 24 feet, 6 inches.

In the process of purchasing the lots, they did not discover the storm sewer because there is no recorded easement for it and it was not found in any title search or deed work. He relies on a survey to find things like this when he designs buildings. The general public does not have access to the storm sewer maps of the City. Until he requests it, he does not have this information, and he had not requested this information at the time when he submitted the applications for each variance request because he had not started the design of the buildings.

When he discovered the storm sewer pipe, he began looking for other ways to develop the property to attempt not to request any variances. One way was to combine the lots and build one building instead of two buildings; however, in the MOR District, they would be constrained by a maximum lot size. This means that they could only construct a building a third smaller than the size of two buildings, so it is in the developer's interest to keep the lots separate.

The variances they are asking for are the minimum amount they can use to create a functioning building. They reduced the front yard setback variances from 15 feet to 20 feet because City staff informed them that there had been many communications in opposition of the front yard setbacks. They are willing to do this to appease the City staff, the Zoning Board of Appeals and the neighboring residents.

Mr. Fell ended by saying that the storm sewer pipe goes diagonally under some people's properties. If City staff does not deal with this immediately, he believed that this could present a legal issue for some property owners against the City. So, he encouraged City staff to proactively do warn the property owners that are affected and maybe even get it entered into their deeds, because this will be a problem someday.

Mr. Chaudhry encouraged the Zoning Board of Appeals to approve their requests for the variances. He would be happy to answer any questions.

Chair Welch asked if there was anyone who wished to speak in favor of the proposed variances. There were none, so he opened the hearing for people who wished to speak in opposition.

Esther Patt approached the Zoning Board of Appeals to speak. She began by asking for clarification on what was being requested. Ms. Pearson explained that the original applications for reduction in the front-yard setbacks at 708 and 710 West Green Street were to allow a reduction from the required 25 feet to 15 feet. This would require a major variance for each property. City staff noticed the hearing for major variances. Since then, the applicant has requested a lesser setback of 20 feet, instead of 15 feet, that now makes both front-yard setback requests minor variances. The Zoning Board has the ability to review and consider lesser variance requests without re-notification as part of the public hearing process. Ms. Patt questioned whether this would violate the Open Meetings Act. Ms. Patt stated that she suspects the applicant is willing to alter the front yard setback requests because the minor variances do not go to the City Council and there would be no public input.

She continued with talking about the reason for setback requirements, which is to protect the site view of the neighboring properties. The 700 Block of Green Street has a very clear even sight line. Because of the location of the proposed two properties, allowing the development of two buildings to stick out even five feet closer to the street will alter the look of the block.

She commented that every structure on this block is a single-family home whether it is listed as a rental property or not. She talked about the two owner-occupied homes on the 600 Block of Green Street, one of which is the Nathan Ricker House. She encouraged the Zoning Board of Appeals to not just look at the current developers proposed investment but to look at the investment of the property owners in the neighborhood. She asked that the Zoning Board of Appeals deny the proposed variance requests.

Carolyn Baxley approached the Zoning Board of Appeals. She handed out copies of Ordinance No. 9091-59 (regarding the MOR Zoning District) and photos of properties on 506 West Elm Street. She believed that the Zoning Board of Appeals should consider the MOR Zoning District and the purpose for which it was established. There have been recent cases, including the proposed cases, that are in direct opposition to the intent of the MOR Zoning District. She talked about 506 West Elm Street and how it affected the neighborhood. While the proposed front-yard setback requests would not be as extreme as 506 West Elm Street, it will interrupt the block face and affect property values in other areas. It is not incumbent upon the City of Urbana to compensate the developer for the storm sewer pipe by changing the ordinance or looking the other way and not applying the ordinance as it was written. She believed that the Zoning Board of Appeals only had the option to deny the variance requests, whether major or minor, in order to respect the intent of the MOR Zoning District.

Dan Newman approached the Zoning Board of Appeals. He asked for clarification as to whether the storm sewer pipe affected 710 West Green Street. Mr. Marx replied no, that it only runs under 708 West Green Street. Mr. Newman commented that there is no real case for seeking a front-yard variance for 710 West Green Street.

He noticed that the application stated the average front-yard setback is 30 feet 11-3/4 inches. Ms. Pearson replied that is an error. The applicant did not calculate the average depth correctly because he did not take into consideration that the setback for any property that is intended to be

demolished is 15 feet. This would make the average setback of the block less than what the applicant stated in the application, but more than 25 feet.

He discussed his issues with the proposed variances. They were as follows:

- 1) Zoning is a contract between a city and its residents. He felt that the variances being requested would break the rules or contract.
- 2) There needs to be a beautiful corridor between campus and Downtown Urbana. He would like to see a tree-lined corridor consistent with Phase 5 of the MCORE project, in which the City is using a grant to build bike lanes and encourage more walking and biking traffic on Green Street. He showed pictures of how he would see the corridor. He believed that the setback requirements in the MOR Zoning District were not generous enough. He showed pictures of properties protruding into required setbacks and how they affect the character of their neighborhoods.
- 3) Making a short-term business case does not justify a violation of zoning. The Zoning Board of Appeals should not be considering the financial situation of the developer. He disagreed that 25 foot setbacks are not cost effective or not financially viable. There are two ways for a developer to make money: 1) slow way – where the developer maintains their property and invests in visual amenities for the neighborhood and 2) fast way – makes the neighborhood less beautiful by making buildings much larger and eliminating yard space and green space. Mr. Newman understands one reason for having zoning in the City of Urbana is to prevent the fast way for developers to make money.

Kara McKinn approached the Zoning Board of Appeals. She read her email that was submitted prior to the start of the meeting. She expressed her concern about how City staff overrides the Zoning Ordinance for people looking to make a buck in her neighborhood. She requested that the Zoning Board of Appeals deny the proposed variances.

Sarah McEvoy approached the Zoning Board of Appeals. Chair Welch swore her in. She stated that the development regulations of the MOR Zoning District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and scale of future developments in the district. She felt that the architect needed to redesign the buildings being proposed and abide by the rules or regulations. She encouraged the Zoning Board of Appeals to deny the proposed variance requests.

Linda Lorenz approached the Zoning Board of Appeals. She would like the Zoning Board of Appeals to take into consideration that the residents live in the West Urbana Neighborhood for a reason. She does not want the beauty to be destroyed.

Steve Ross approached the Zoning Board of Appeals. Chair Welch swore him in. Mr. Ross expressed his concerns of how the variance will alter the essential character of the neighborhood. The proposed development would alter the character of the street.

Yesterday, the applicant said he needed a minimum 15-foot setback and today he stated a minimum of 20 feet. Mr. Ross believed that a functioning building could be designed and constructed with a 25-foot front-yard setback.

Michael Plewa approached the Zoning Board of Appeals to speak. He protested that the Zoning Board of Appeals review Case No. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 as minor

variances. He believed that this is an incorrect procedure and that the petitioner should submit new applications.

He discussed the intention of the MOR, which is to encourage adaptive re-use of existing structures. The proposed development would not re-use the existing structures without reducing the developer's profit, but it is not the function of the Zoning Board of Appeals to consider the developer's economic viability. The City does not guarantee absentee landlords profits on their properties.

He agreed with Mr. Newman in that Green Street and Elm Street corridors are in the Downtown to Campus Plan. There are all kinds of structures hidden underground. Because of a lack of due diligence as a commercial developer, the applicant is asking for a variance. It is not the function of the City to have to pay for the destruction and reduction of the Zoning Ordinance for their lack of due diligence.

He mentioned the attachment to one of his email communications that was submitted prior to the start of the meeting. The attachment is an article about West Urbana being selected by the American Planning Association in 2007 as one of 10 Great Neighborhoods in America. He pointed out that the City of Urbana is the only neighborhood in the State of Illinois south of Interstate 80 that has received this award. We did not get this award because of absentee landlords, but because of owner occupied individuals and citizens, who together created the Downtown to Campus Plan and the MOR Zoning District. So, he requested that the Zoning Board of Appeals reject the variance requests.

Richard Cahill approached the Zoning Board of Appeals. He stated that it was very disheartening to see the intent of the MOR Zoning District being ignored by City staff. He agreed that it is a violation of the Open Meetings Act to change the case from a major variance to a minor variance.

He talked about the development of the property behind his property and how it has affected him and the neighborhood. The proposed development of 708 and 710 West Green Street would alter the character of the neighborhood. Although Mr. Fell would create a nice design, he felt that the development would violate the intent of the MOR Zoning District. There are families that live in the neighborhood that would be affected by the proposed redevelopment.

Michael Walker approached the Zoning Board of Appeals. He mentioned the email that he and his wife had submitted and was handed out prior to the start of the meeting. He pointed out that if the applicant abided by the required 25-foot setback, it would already be altering the character of the block because they would not be reusing the existing buildings and the proposed apartment buildings would be taller. He encouraged the Zoning Board of Appeals to deny the variance requests.

Brian Adams approached the Zoning Board of Appeals. He expressed his disagreement with approving the proposed variances. He felt that the streetscape concept in historic old neighborhoods is important. Any sort of tinkering of the setbacks would go against the MOR Zoning District.

Karl Weingartner approached the Zoning Board of Appeals. He stated that he wants to preserve the character of the neighborhood. He believed that future apartment buildings should be compatible with properties in the surrounding area that are single-family homes. The proposed apartment buildings should not detract from sight line of the other properties on the block. With no additional comments from the public audience in opposition, Chair Welch invited the applicant to respond.

Mr. Fell re-approached the Zoning Board of Appeals. He clarified that this is not a hardship that the property owner is imposing upon himself. They did not know about the storm sewer pipe until after the owner purchased the property.

While 708 and 710 West Green Street are located in the MOR Zoning District, it is not really a MOR discussion. If the properties were located in a R-6 Zoning District, he would still be applying for the same variance requests. They intend to build everything else by right in the MOR Zoning District.

He pointed out that the reason for asking for a front-yard setback reduction at 710 West Green Street was to make both properties be consistent to lessen the impact on the neighborhood.

Mr. Warmbrunn asked if the storm sewer pipe did not exist would they be able to construct the development without any variances. Mr. Fell said yes. It was their intent to develop the two properties without variances until they discovered the storm sewer pipe.

Ms. Uchtmann commented that she noticed the proposal was to be able to construct a six-unit apartment building on each lot. It appeared to her that the City was not supposed to increase the density in the MOR. Mr. Fell responded that by right they could build a six-unit apartment building.

There was no further input, so Chair Welch closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motions by the Zoning Board of Appeals.

Chair Welch commented that they are the Zoning Board of Appeals. In the Zoning Ordinance, there are mechanisms for appeal. Therefore, they are allowed leeway to make decisions based on appeals; otherwise, there would be no need for the Board. City staff would merely refer to the Zoning Ordinance and if a proposal did not fit the regulations and requirements, it would not be allowed.

He also commented about the Open Meetings Act. He believed that it was primarily directed at bodies conducting business in private that should be conducted in public. They had proceeded during this meeting in a public hearing and listening to the public's comments and complaints. Due to the change in a petition from a major to minor variance, the Zoning Board of Appeals could have requested the applicant to submit a new application, and held the meeting at a later date. He did not see how doing so would have changed the concerns of the residents. The only difference is the procedure that follows as to whether the case would be forwarded to City Council with a recommendation or whether final decision was made by the Zoning Board of Appeals.

Mr. Cho commented that there was great input received by the public; however, the Board has to consider zoning. The storm sewer pipe creates a special circumstance, which is why the Zoning Board of Appeals exists. The applicant changing his request to change the setback from 15 feet to 20 feet only helps resolve some of the concern of the neighbors.

Ms. Uchtmann moved that the Zoning Board of Appeals deny the proposed variance requests. She explained her reasons for denial is based on that the requests are not compatible with the MOR Design Guidelines and denial is a request of neighborhood and community members. The motion failed by a lack of a second.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-02 to the City Council with a recommendation for approval. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Mr. Cho	-	Yes			

The motion was approved by a vote of 6-1. Ms. Pearson stated that this case would be forward to the City Council on May 2, 2016.

Mr. Cho moved that the Zoning Board of Appeals approve Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 amending the setback from 15 feet to 20 feet. Mr. Weisskopf seconded the motion. Ms. Pearson pointed out that City staff had recommended two conditions be placed on approval of the variance requests. She read the conditions as proposed. Mr. Cho withdrew his motion.

Mr. Cho moved that the Zoning Board of Appeals approve Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 amending the setback from 15 feet to 20 feet and including the two conditions as recommended by City staff. Mr. Weisskopf seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	No	Mr. Cho	-	Yes
Ms. McLaughlin	-	No			

The motion was passed by a vote of 4-3. The validity of the approval of the motion was questioned. Chair Welch pointed out that a minor variance only requires a majority vote in favor, not a super majority.

Ms. Uchtmann asked City staff to look into holding a discussion and seeing a modification to how the average setbacks are calculated. Instead of using the setback of an existing structure, the City staff is currently allowed to figure the setback of a property to be 15 feet if the property owner intends to demolish the structure. This drastically changes the outcome of the average setback required. Ms. Pearson stated that City staff will look into this. Mr. Welch added that this would have to be addressed by a different body than the Zoning Board of Appeals.