



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council

**FROM:** John A. Schneider, Manager, Community Development Services Department

**DATE:** March 28, 2018

**SUBJECT:** **An Ordinance Approving Major Variances** (To allow a building addition that increases the maximum building height, increases the floor-area-ratio, reduces the open space ratio, and encroaches into the required front and side yards at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.)

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### Introduction

The St. Nicholas Orthodox Church has applied for a series of variances to allow an addition to their building at 312 West Elm Street. The church's congregation has expanded beyond the limits of the current building, and the addition would add space to accommodate the larger congregation. The addition would also make the building handicap accessible, and includes a redesign of the building in an architectural style common to orthodox churches. Details for each of the variance requests are outlined in the Discussion section below.

At its March 21, 2018, meeting, the Zoning Board of Appeals (ZBA) held a public hearing on these cases. No members of the public spoke regarding the cases. The ZBA voted 4 ayes and 0 nays to recommend that City Council approve the variance requests. The ZBA also voted by the same count to approve an associated Minor Variance to allow the proposed front porch to encroach into the front yard on Elm Street. In addition, the design was reviewed and approved by the MOR Development Review Board on March 1, 2018.

### Description of Site

The site is comprised of three parcels on the northeast corner of West Elm Street and Birch Street. The church building is on the westernmost parcel and was built less than six feet from the western property line along Birch Street. The eastern two parcels contain a 36-space parking lot for the church. All three parcels are owned by the church and are considered a zoning lot (i.e. they are treated as one lot for zoning purposes). There is limited open space on the site; what exists is to the east and south of the church building and in landscaped areas between the parking lot and Elm Street. There are two mature trees on the property: one in the southwest corner and one in the southeast corner; there is also a mature City-owned parkway tree between the church and Elm Street.

## 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	Future Land Use
Site	MOR, Mixed Office Residential	Church	Central Business
North	MOR, Mixed Office Residential	Single-Family House (rental); Apartments	Central Business
South	MOR, Mixed Office Residential	Single-Family House (owner-occupied); Single-Family House (rental); Apartments	Mixed Residential
East	MOR, Mixed Office Residential	Single-Family House (rental)	Central Business
West	MOR, Mixed Office Residential	Single-Family Houses (rental)	Mixed Residential

## Discussion

### Variance Requests

*The following describes each variance request in detail. The number preceding each request corresponds to the annotations in Exhibit C: Annotated Front Elevation and Site Plan.*

#### 1. Increase the maximum Building Height from 35 feet to 38 feet, 6.5 inches

The existing building is 28 feet tall. The tallest part of the proposed addition is the larger of two octagonal towers. The larger tower would be 38 feet, 6.5 inches tall, or 3 feet, 6.5 inches taller than the 35-foot maximum height allowed in the MOR zoning district. The tower would be set back roughly 6 feet from the western edge of the building (along Birch Street) and 22 feet from the northern edge of the building (along the alley), so the effect of the height of the tower would be less pronounced than if it were flush with the building's edge.

#### 2. Increase the maximum Floor Area Ratio from 0.7 to 0.92

In the MOR district the maximum lot size for floor-area ratio (FAR) calculations is capped at 8,500 square feet. This rule is designed to keep new structures compatible with the scale and density of existing buildings in the MOR District by preventing one large structure from being built on a single, large parcel.<sup>1</sup> Given that 0.7 is the maximum FAR in the MOR District, the largest building allowed would be 5,950 sq.ft. The church is currently 4,216 sq.ft., half of which is the basement. The applicant would like to expand their building to be 7,806 sq.ft., which includes a 632 sq.ft. porch addition.

It is important to note that FAR calculations include floor area in basements. In this case, the proposed building would look the same as a one-story 4,219 sq.ft. building, with an effective FAR of just under 0.5. This would be well below the maximum of 5,950 sq.ft. and 0.7 FAR. However, since basements – even basements that are completely below-grade, as in this case – are included in FAR, a Major Variance is required.

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<sup>1</sup> Section VI-3.D of the Urbana Zoning Ordinance.

### **3. Decrease the minimum Open Space Ratio from 0.3 to 0.17**

The property currently has open space to the east and south of the building, and between the parking lot and Elm Street. The proposed additions would remove some of the open space to the east and south of the building. The open space between the parking lot and Elm Street would be retained. Every effort to protect and preserve the tree on the southwestern corner of the property would be made during construction.

Similar to FAR calculations, open space ratio (OSR) calculations include basement areas, because basements are included in “gross floor area” (OSR = open space/gross floor area). Excluding the basement from the gross floor area calculations (and thus, the OSR calculations, the open space ratio would be 0.31 and no variance would be required. However, since basements are included in OSR calculations, the proposed OSR is 0.17, and a Major Variance is required.

### **4. Allow a building addition to encroach up to 11 feet into a required 15 foot Front Yard**

Since the lot is a corner lot, it has required front yards on Birch Street and Elm Street. The existing building already encroaches 10 feet, 6 inches into the front yard along Birch Street. The proposed addition would extend the roof eave 6 inches further into the yard, requiring a Major Variance.

### **5. Allow mechanical equipment to encroach up to 6 feet into a required 11.125 foot Side Yard**

Currently, the air conditioning units for the church are on the east side of the building. With the proposed eastern expansion of the building, the air conditioning units would need to be moved. The best location would be the north (alley) side of the building. This would put the air conditioning units next to the church’s mechanical room, which is just inside the north wall of the building.

The north side of the building is, according to the Zoning Ordinance, the side yard. In the MOR District, the required side yard is seven (7) feet. However, if a building is more than 25 feet tall, the required side yard is increased by 0.3 feet for every foot of building height over 25 feet. In this case, the proposed building height is 38’ - 6 1/2”, so the required side yard is 11’ - 3/4”. The proposed air conditioning units would encroach at most six (6) feet into the required side yard, and would therefore be at least five (5) feet from the alley. The units would be screened according to the requirements of the Zoning Ordinance.

### **Public Outreach**

Father James Ellison hosted an informational meeting about the proposed project on January 24, 2018, at the St. Nicholas Orthodox Church, prior to the MOR-Development Review Board and ZBA hearings. Invitations to the meeting were hand-delivered by Father Ellison to all nearby residences, and the meeting was advertised through the West Urbana Neighborhood Association email listserv. One person attended the informational meeting.

### **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 variance criteria as they pertain to these cases:

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

The existing church building was built before 1973, very close to the western property line on Birch Street, and well before the MOR zoning district was created. The building already encroaches into

the required yard along Birch Street, and any addition to the building would likely require at least one variance.

- 2. The proposed variances 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.*

Due to its location on a corner lot and because the existing building is so close to the property line (limiting room for expansion), the circumstances relating to the St. Nicholas Church property appear to be unique in the MOR District (at least for non-residential buildings). Other churches in the MOR District have already expanded, and it is unlikely that they will expand further. Two of the churches were granted variances, similar to those requested, to allow expansion: the First Presbyterian Church was granted variances to increase the FAR from 0.7 to 1.188, and to reduce front yard setbacks by 22 percent (for the building) and 33 percent (for the parking lot); in addition, the Unitarian Universalist Church was granted a variance to increase the FAR from 0.7 to 0.78.

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

St. Nicholas Orthodox Church purchased the property in 2000, decades after the building was built. The church wants to expand to accommodate a congregation that has grown beyond the limits of their facility, and they would like to make their building accessible to people with disabilities. Any addition to the existing building would likely require variances for floor-area ratio, open space ratio, and encroachments into required yards. The situation was well established before the church purchased the property in 2000.

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

The variances will not alter the essential character of the neighborhood. The first criteria that the MOR Development Review Board considers when reviewing site plans in the MOR District is whether a proposal is compatible with the surrounding neighborhood or not, and the Board voted unanimously to approve the proposed site plans and elevations. The proposal would add a new entrance that faces Elm Street, and the architectural changes would make the building more attractive than the existing, rather nondescript building; this would enhance the neighborhood's character.

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

The variances should not cause a nuisance to adjacent properties. The building is not expanding in any direction that would impose on neighboring residential buildings. Any shadows cast by the larger tower section would be minimal. The air conditioning units on the north side of the building will be screened with a fence, which should minimize noise from the units (and hide them from view).

- 6. The variances generally represent the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

Given the footprint and location of the existing building, the only way to expand the building is to build to the south or east (or both). Building south would require a variance in any case, because the building is already within the required yard along Birch Street. Building to the east is limited by

the parking lot. To build further east would require the removal of parking spaces, which would reduce the parking below what the Zoning Ordinance requires and thus would require a variance of its own.

While the larger tower and front porch may not be absolutely necessary to meet the church's needs for additional space, they add architectural and functional elements that are important to the whole project. While it would be possible to lower the tower's height, or make the roof flat, the result in either case would look out of place and negatively affect the character of the neighborhood. While it would be possible to narrow the porch (and move it out of the required front yard), its function would be severely limited.<sup>1</sup>

## Summary of Findings

1. St. Nicholas Orthodox Church has proposed a 3,590 ft<sup>2</sup> addition to their church at 312 West Elm Street.
2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of "Central Business" in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval for the proposed addition on March 1, 2018. The Board approved the plans as presented with no conditions.
4. The Zoning Board of Appeals held a public hearing for the variance requests on March 21, 2018. The Board recommended that City Council approve the requests by a vote of 4 to 0. The Board also approved an associated Minor Variance by the same vote.
5. The variance requests will create additional space to accommodate a growing congregation, to make the building handicap accessible, and to redesign the building in an architectural style common to Orthodox churches.
6. The variance requests will not serve as a special privilege to the property owner.
7. The variance requests were not the result of a situation knowingly created by the petitioner.
8. The variance requests will not alter the essential character of the neighborhood.
9. The variance requests will not cause a nuisance to adjacent property owners.
10. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.

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<sup>1</sup> The usable area of the proposed porch is about seven feet wide (the area between the porch columns and the building), which is enough to allow people to stand or sit, while also allowing movement of people. To narrow the porch by three foot would limit the usable area to four feet – the size of a narrow sidewalk.

## Options

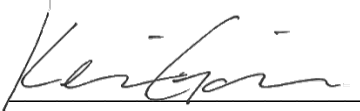
The Urbana City Council has the following options for these cases:

1. **Approve** the variances based on the findings in this memo; or
2. **Approve the variances with certain terms and conditions**, and if so, articulate all terms, conditions, and findings; or
3. **Deny** the variance requests, and if so, articulate findings supporting the denial.

## Recommendation

At its March 21, 2018, meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to forward the cases to the Urbana City Council with a recommendation to **APPROVE** the requests. City staff likewise recommends approval.

Prepared by:



Kevin Garcia, AICP  
Planner II

Attachments: Draft Ordinance  
A: Location Map  
B: Zoning Map  
C: Annotated Front Elevation and Site Plan  
D: Application  
E: Communications

**ORDINANCE NO. 2018-04-026**

**AN ORDINANCE APPROVING MAJOR VARIANCES**

**(312 West Elm Street / ZBA Case No. 2018-MAJ-01, ZBA Case No. 2018-MAJ-02, ZBA Case No. 2018-MAJ-03, ZBA Case No. 2018-MAJ-04, ZBA Case No. 2018-MAJ-05)**

**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**, the Saint Nicholas Orthodox Church has submitted a petition for five Major Variances to increase the maximum building height from 35 feet to 38 feet, 6.5 inches; to increase the maximum floor area ratio from 0.7 to 0.92; to decrease the minimum open space ratio from 0.3 to 0.17; to decrease the required front yard setback from 15 feet to 4 feet; to decrease the required side yard setback from 11.125 feet to 5.125 feet; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on March 21, 2018, in ZBA Case No. 2018-MAJ-01, ZBA Case No. 2018-MAJ-02, ZBA Case No. 2018-MAJ-03, ZBA Case No. 2018-MAJ-04, and ZBA Case No. 2018-MAJ-05; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted four (4) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

**WHEREAS**, the City Council finds that the requested variances conform with the Major Variance procedures in Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. Saint Nicholas Orthodox Church has proposed a 3,590 sq. ft. addition to their church at 312 West Elm Street.
2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of “Central Business” in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval for the proposed addition on March 1, 2018. The Board approved the plans as presented with no conditions.
4. The Zoning Board of Appeals held a public hearing for the variance requests on March 21, 2018. The Board recommended that City Council approve the requests by a vote of 4 to 0. The Board also approved an associated Minor Variance by the same vote.
5. The variance requests will create additional space to accommodate a growing congregation, to make the building handicap accessible, and to redesign the building in an architectural style common to Orthodox churches.
6. The variance requests will not serve as a special privilege to the property owner.
7. The variance requests were not the result of a situation knowingly created by the petitioner.
8. The variance requests will not alter the essential character of the neighborhood.
9. The variance requests will not cause a nuisance to adjacent property owners.



10. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.

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

**Section 1.**

In ZBA Case No. 2018-MAJ-01, ZBA Case No. 2018-MAJ-02, ZBA Case No. 2018-MAJ-03, ZBA Case No. 2018-MAJ-04, and ZBA Case No. 2018-MAJ-05, the five Major Variances requested by the Saint Nicholas Orthodox Church to increase the maximum building height from 35 feet to 38 feet, 6.5 inches; to increase the maximum floor area ratio from 0.7 to 0.92; to decrease the minimum open space ratio from 0.3 to 0.17; to decrease the required rear yard setback from 15 feet to 4 feet; and to decrease the required side yard setback from 11.125 feet to 5.125 feet are hereby approved in the manner proposed in the application.

The Major Variances described above shall only apply to the property located at 312 West Elm Street, more particularly described as follows:

Lots 9, 10, and 11 in James T. Roe's Second Addition to the City of Urbana, Champaign County, Illinois. Commonly known as 312 West Elm Street.

PINs: 92-21-17-135-009, 92-21-17-135-010, 92-21-17-135-011

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Charles A. Smyth, 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 \_\_\_\_\_, 2018, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving Major Variances (312 West Elm Street / ZBA Case No. 2018-MAJ-01, ZBA Case No. 2018-MAJ-02, ZBA Case No. 2018-MAJ-03, ZBA Case No. 2018-MAJ-04, ZBA Case No. 2018-MAJ-05)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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 \_\_\_\_\_, 2018.

# Exhibit A: Location & Existing Land Use Map



Case: ZBA-2018-MAJ-01,02,03,04; ZBA-2018-MIN-01,02

Subject: Multiple Variances

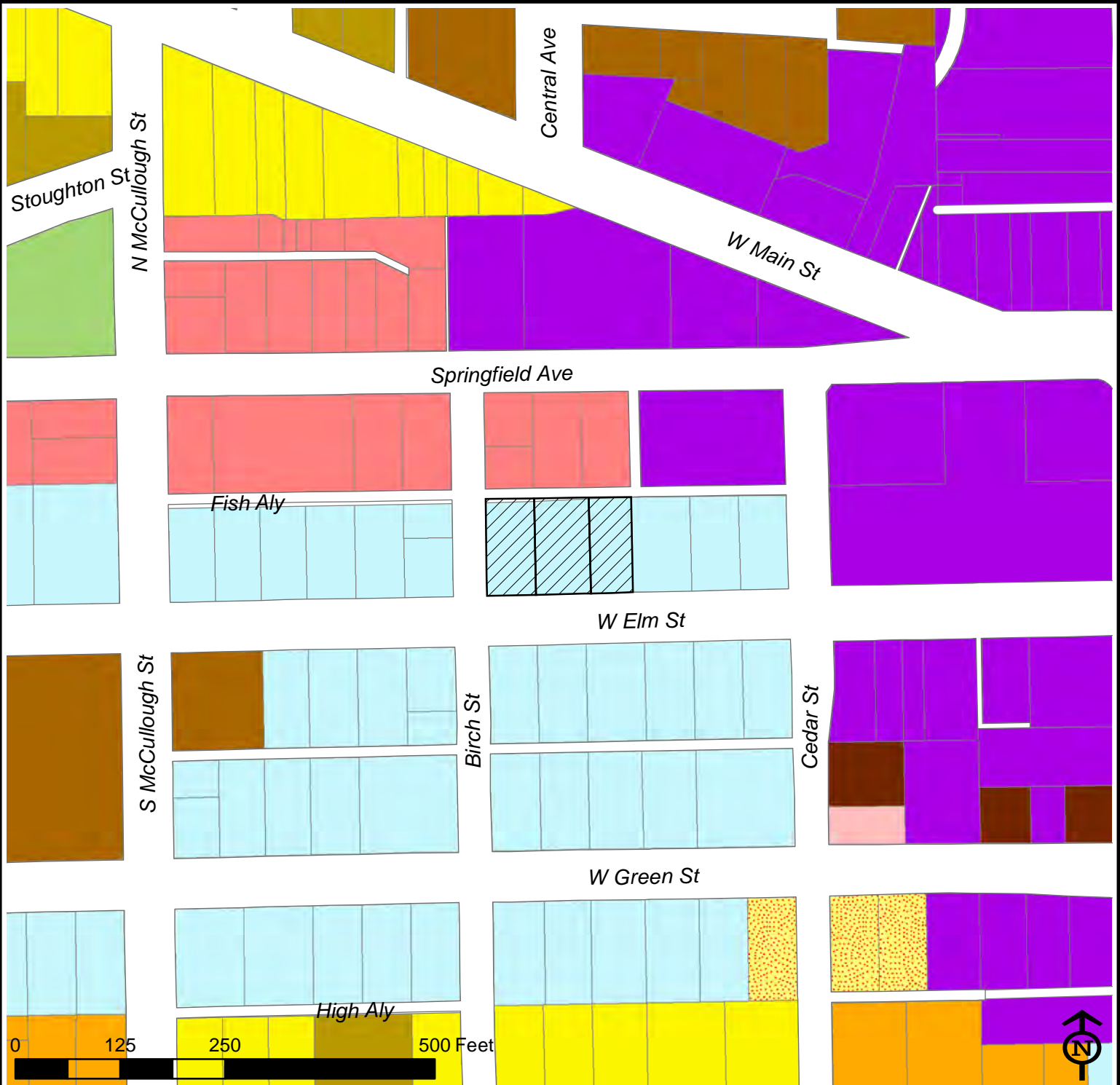
Location: 312 West Elm Street

Petitioner: Saint Nicholas Orthodox Church













 Subject Property



# Exhibit B: Zoning Map



Case: ZBA-2018-MAJ-01,02,03,04;  
 ZBA-2018-MIN-01,02  
 Subject: Multiple Variances  
 Location: 312 West Elm Street  
 Petitioner: Saint Nicholas Orthodox Church

	B1		R3
	B2		R4
	B4		R5
	CRE		R6
	MOR		R6B
	R2		Subject Property

① The Zoning Ordinance allows buildings up to 35' tall.

The proposed building would be 38'- 6 1/2" (as defined by the Zoning Ordinance, which measures height to the midpoint of the roof).



15' Required Side Yard (Alley)

15' Required Front Yard (Birch Street)

⑤ Air conditioning condensers would need to be installed in this area, which is in the required Side Yard next to the alley.

ALLEY.

PROPERTY LINE 173'-3"

② Floor-Area Ratio (FAR) = Building Square Footage / Lot Size.

In the MOR District, Lot Size is capped at 8,500 sq.ft. for FAR calculations.

Building Square Footage for FAR calculations includes basement area and porches. The proposed building is therefore 7,802 sq.ft.

$FAR = 7,802 / 8,500 = 0.92$

**EXISTING PARKING LOT**

36 SPACES

According to the Zoning Ordinance, corner lots have two front yards. There is a 15' required front yard on Elm Street and on Birch Street.

④ The existing roof already extends 10'-4" into the required yard on Birch Street. The proposed addition would extend the roof another 6", or a total of 10'-10" into the required yard on Birch Street.

③ For Open Space calculations, the Zoning Ordinance requires each space to be at least 15' x 15'. The hashed areas represent the areas that are considered "open space".

Areas in front of the building next to Elm Street and Birch Street are not considered "open space" per the Zoning Ordinance, but will be landscaped.

EXIST. ROOF OVERHANG

NEW ROOF OVERHANG

BIRCH ST.

15' Required Front Yard (Elm Street)

15' Required Front Yard (Birch Street)

**EXISTING BUILDING**

APPROX. 2,108 SF FIRST FLR.  
2,108 SF BASEMENT

**EAST ADDITION**

APPROX. 1,043 SF FIRST FLR.  
1,043 SF BASEMENT

**SOUTH ADDITION**

APPROX. 436 SF FIRST FLR.  
436 SF BASEMENT

**PORCH ADDITION**

APPROX. 632 SF

+/- 59'-0"

34'-5 1/8"

12'-2 1/4"

22'-10 1/4"

PROPERTY LINE 173'-3"

W. ELM ST.

PROPERTY LINE 115'-6"

Exhibit C - Annotated Site Plans



# Application for Variance

# ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

Fee is \$200

ZBA-2018-MAJ-01

-02

-03

-04

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 01-25-2018 ZBA Case No. ZBA-2018-MIN-01

Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

## PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

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

### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): St. Nicholas Orthodox Church Phone: 217-840-8543

Address (street/city/state/zip code): 312 W. Elm Urbana IL 61801

Email Address: vrevjames@gmail.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

### 2. OWNER INFORMATION

Name of Owner(s): St. Nicholas Orthodox Church Phone: 217-840-8543

Address (street/city/state/zip code): 312 W. Elm Urbana IL 61801

Email Address: vrevjames@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: 312 W. Elm, Urbana

PIN # of Location: 92-21-17-135-009 (We also own 010, 011)

Lot Size: 57.75 x 116.5



Current Zoning Designation: MOR

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

Proposed Land Use: Church

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

Lots 9, 10, 11 in Roe's 2nd Addition to the City of Urbana, Champaign County, Illinois

#### 4. CONSULTANT INFORMATION

Name of Architect(s): Rerfstek-Reid Architects Phone: 217-351-4100

Address (street/city/state/zip code): 909 Arrow Rd #3 Champaign IL 61821

Email Address: accounts@rresearch.com

Name of Engineers(s): Southwest Engineering Phone: 520-615-7786

Address (street/city/state/zip code): PO Box 31136 Tuscon, AZ 85751

Email Address: sayhouni.george@gmail.com

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): Marc Miller Miller Hendren LLP Phone: 217-352-2171

Address (street/city/state/zip code): PO Box 980, Champaign IL 61824

Email Address: mmm@mlhlawoffice.com

#### 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.

Existing Building already encroaches on "front yard" set backs for corner lot and desired improvements exceed sq. footage limitation because basement is included in calculation. Height limit exceeded by desired aesthetic's

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.

There are Apartments, homes, and other building in the immediate vicinity that also, exceed the height requirements. Because the building is a worship space the added height is beneficial.

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.

The property will remain a church & we will improve the outward appearance.

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

Use of the property remains the same

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

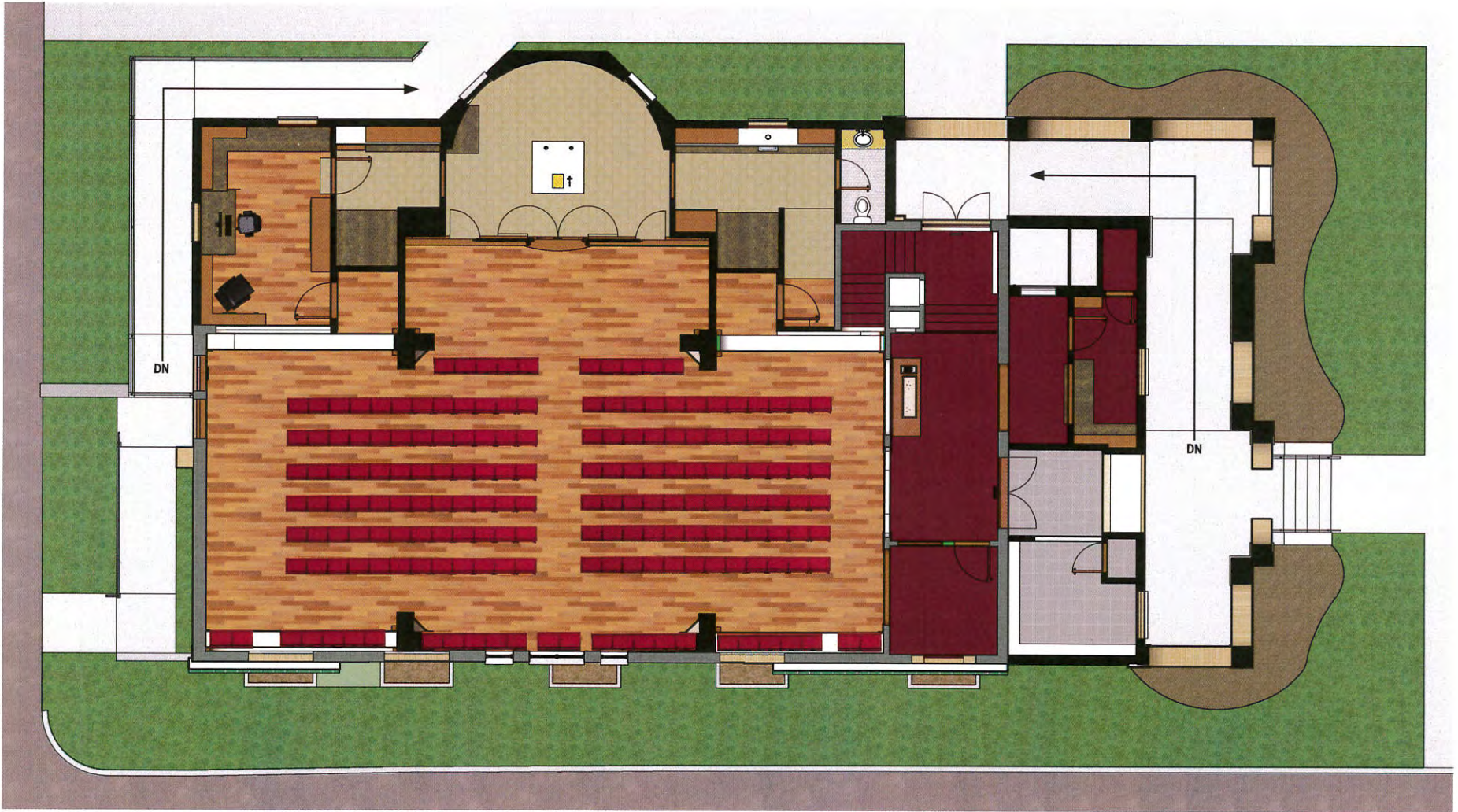
To improve the useability of the space & Accomodate Accessibility requirements these improvements allow our congregation to remain at this location for the foreseeable future.

**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.**

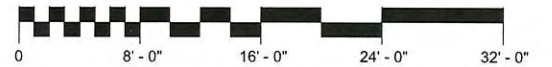
# ST. NICHOLAS ORTHODOX CHURCH

312 W. ELM ST., URBANA, IL 61801



FIRST FLOOR PLAN

Graphic Scale: 1/8" = 1' - 0"



# ST. NICHOLAS ORTHODOX CHURCH

312 W. ELM ST., URBANA, IL 61801



SOUTH VIEW FROM ELM STREET



SOUTH-EAST VIEW FROM ELM STREET



EAST VIEW FROM PARKING LOT



NORTH-EAST VIEW FROM ALLEY

**From:** Derk, Gwendolyn Rose  
**To:** [Garcia, Kevin](#)  
**Cc:** [Kima Kheiralomoom](#)  
**Subject:** MAJOR VARIANCES NOT ACCEPTABLE 312 west elm  
**Date:** Monday, February 12, 2018 11:05:08 PM  
**Importance:** High

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Good Evening,

My husband and I have serious concerns regarding the Major and Minor variances requested for 312 West Elm Street. Especially the variance ZBA-2018-MAJ-04 & ZBA-2018-MAJ-03. THEY WANT TO ENCROACH 11 FEET INTO THE 15 Foot front yard zoning?!?!? They also want to reduce open space ratio from 30% to 7.5%. THESE ARE SERIOUS variances that decrease our property value. This overcrowding will create a fish-bowl effect on neighboring houses. Its lack of open space and encroachment will impose on all those who walk down the street. It will further erode the neighborhood look and feel of this MOR district.

In my opinion, **these major variances shouldn't even be allowed to be requested.** They should be thrown out immediately and not even presented. I shouldn't have to email the city at 11PM after seeing patients all day at the hospital (starting at 6AM) to protest this GREEDY request. While I am sure some churches give significantly back to the surrounding community, **their tax exempt status is choking the city.** These variance reviews and requests all cost the city time and money.

Furthermore, several of the large elm trees have been cut down in the past few years. I hope they plan to keep these historic trees, but given the serious variances, the greenery and garden space will certainly be reduced to a few shrubs. These giants are not something that can be grown overnight. It takes lifetimes.

We are the owners and occupants just a few doors down at 410 West Elm street.

We both will be working at the time of the public hearing so please read this email at the hearing. I hope you take our concerns into serious consideration.

Thank you for your service and your time.

Gwendolyn Derk  
&  
Kima Kheiralomoom