



## 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:** May 31, 2018  
**SUBJECT:** **An Ordinance Approving A Major Variance** (408 West Green Street/ZBA Case No. 2018-MAJ-06)

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### Introduction

Andrew Fell, on behalf of the property owner, Hao Jan Liu, has applied for a variance that would allow a basement to be constructed in a new multi-family building at 408 West Green Street, in the MOR Zoning District. Plans for the building, without the basement, meet all other zoning requirements and were approved by the MOR Development Review Board on January 25, 2018. The revised plans include a basement, but are otherwise nearly identical to the approved plans.<sup>1</sup> Mr. Liu, the building's owner, would like to live in the basement unit and rent out the floors above.

Per the Urbana Zoning Ordinance<sup>2</sup>, basements in multifamily residential buildings must be included in floor-area ratio calculations. A Major Variance is therefore required to allow the addition of a basement to the proposed building. The requested increase in the floor-area ratio from 0.7 to 0.96 is due entirely to the proposed basement's floor area. No other floor area changes are proposed. For the request to be approved, the Zoning Board of Appeals needed to recommend approval by a two-thirds majority and forward the request to City Council for final review and approval.

At its May 16, 2018, meeting, the Zoning Board of Appeals (ZBA) held a public hearing on this case. No members of the public spoke regarding the case. The ZBA voted six ayes and zero nays to recommend that City Council approve the variance request.

### Background

The variance request would allow the property owner to build a unit in the basement, where he plans to live. The basement unit would be entirely below-grade and would not change the exterior design of the building in any discernible way over what has already been approved by the MOR Development Review Board. Allowing a basement unit would not affect the bulk, height or mass of the building, which are three design elements that floor-area ratios (FAR) are intended to control. A basement unit would increase the number of units in the building by one, which would increase the building's occupancy. However, it is unlikely that this would create a nuisance to neighbors. One additional

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<sup>1</sup> The proposed plan includes window wells for light/egress and a walk-out, sunken porch for the basement unit. Otherwise, the plans are identical.

<sup>2</sup> Section VI-4.A

parking space would be needed if the variance is granted, which could be leased from a nearby property owner, per Section VIII-4.L of the Zoning Ordinance. The applicant has indicated that the owner of Timothy John Salon and Spa is willing to lease a parking space if needed.<sup>1</sup>

**Description of Site**

The site is located on the north side of 400-block of Green Street, in the Mixed Office Residential (MOR) Zoning District. It is a single lot surrounded by a variety of mostly rental residential uses. The lot currently contains a single-family rental house. Nearby, to the east, is a commercial building (Timothy John Salon and Spa). There is an unpaved alley on the north side of the lot, which will be paved and used for access to the parking area to the rear of the proposed building.

**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	Single-Family Residential (rental)	Mixed Residential
North	MOR, Mixed Office Residential	Single-Family Residential	Mixed Residential
South	MOR, Mixed Office Residential	Apartment, Single-Family Residential	Mixed Residential
East	MOR, Mixed Office Residential	Duplex	Mixed Residential
West	MOR, Mixed Office Residential	Apartment	Mixed Residential

**Discussion**

**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. The Zoning Ordinance does not require that all of the criteria be met, only that they be considered to make findings.

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

While it is possible to design a building on the site that meets the requirements of the Zoning Ordinance and the MOR Design Guidelines<sup>2</sup>, it may not be financially feasible to construct a

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<sup>1</sup> The salon has extra parking spaces beyond what is required by the Zoning Ordinance and would still be compliant if one space is leased to the applicant.

<sup>2</sup> The Design Review Board has already approved the design of a multi-family building that meets all zoning

building on the site that does not include a basement unit. In addition to the construction costs, the alley behind the property is unpaved. The owner will need to enter into a cost-sharing agreement with the City to pave the alley, as the parking is behind the building (as required by the MOR Design Guidelines) and will be accessed from the alley. Allowing a basement unit will increase the property owner's rental revenue and will help them pay for the cost of paving the alley.

- 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.*

There may be other parcels in the MOR district that would be difficult to develop for multi-family residential buildings if basements are not included. The parcel in this case has an additional financial burden over those lots since the alley is unpaved and will require cost-sharing to pave it.

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

The initial plans that the applicant submitted for approval by the MOR Development Review Board (DRB) included a basement, as the property owner wants to live in the basement and rent out the above-ground floors. During staff review of the application, the applicant was advised that the plans did not meet FAR requirements because the floor area of the basement must be included in FAR calculations for multi-family buildings. Staff advised that the applicant could submit revised plans – without a basement – and proceed with the MOR DRB case, since the building design would essentially be the same regardless of whether a basement is included. Staff advised that if the design was approved, the owner could then seek a variance to allow a basement unit. Once the design was approved by the MOR DRB on January 25, 2018, more detailed engineering and architectural plans were made. At that point, it became apparent to the owner that without a basement unit, the project would not be financially feasible. They then decided to apply for a variance to allow the basement unit.

- 4. 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, and the Board voted unanimously to approve the site plans and elevations. Since the proposed basement will be completely below grade, the elevations are identical to the MOR-DRB-approved plans; the site plans only have minor differences.<sup>1</sup> The character of the neighborhood will remain the same whether the building has a basement or not as the height, bulk, and design are the same with or without a basement.

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

Since the building will essentially look the same as the building whose plans have already been approved, the visual impact of allowing the ordinance is nonexistent. The variance would add a unit in the basement, but it unlikely that one additional unit would create a nuisance. The additional required parking space that cannot be accommodated on site could be leased from a nearby

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requirements.

<sup>1</sup> The proposed plan includes window wells for light/egress and a walk-out, sunken porch for the basement unit. Otherwise, the plans are identical.

property owner. The applicant has stated that the property owner of the nearby Timothy John store has agreed to lease them a parking space.

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

The requested increase in the Floor-Area Ratio is due entirely to the proposed addition of a basement to the existing, approved plans. No other floor area will be changed. The variance therefore represents the minimum deviation necessary to accommodate the request, which is to add a basement unit.

## **Zoning Board of Appeals**

Discussion at the May 16, 2018, Zoning Board of Appeals meeting included parking requirements, intent of the FAR regulation, and mechanical screening requirements. The plans approved by the MOR Development Review Board on January 25, 2018, would require five parking spaces for the ten approved units. The proposed plans with the additional unit in the basement would require six parking spaces. Mr. Fell clarified that the proposed plan does have enough area to accommodate the required six parking spaces, but not enough area for one of those spaces to be an accessible parking space. If an accessible space is needed by a resident, then the applicant has arranged to lease a space from the adjacent property owner.

Mr. Fell also stated that the intent of including the area of basement units in the FAR calculation was to discourage the creation of “garden apartments”<sup>1</sup> because these increase the bulk and mass of the building. The basement units in this proposal are completely below grade and do not increase the bulk of the building. He stated that, if the basement unit was not included, that the above-ground portion of the building would actually need to be larger because the sprinkler room would need to be built into the ground floor footprint. By including the sprinkler room in the basement floor footprint, the building would be smaller than it would otherwise.

Mr. Fell clarified that the condensing units for the building would be placed on the flat roof and set back far enough so they would not be visible from the street. This would eliminate the need for any screening for these units. No members of the public spoke in favor or against the proposal.

## **Summary of Findings**

1. Andrew Fell, on behalf of Hao Jan Liu, has applied for a variance to allow a basement to be constructed in a new multi-family building at 408 West Green Street.
2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of “Mixed Residential” in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval for a proposed multi-family building on January 25, 2018, that did not include a basement. The Board approved the plans as presented with no conditions.
4. The variance request would add a basement to the proposed building and would not alter the

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<sup>1</sup> Apartment units that are half below-grade and half-above grade.

approved site plans or elevations in a significant way.

5. The variance request will not serve as a special privilege to the property owner.
6. The variance request was not the result of a situation knowingly created by the petitioner.
7. The variance request will not alter the essential character of the neighborhood.
8. The variance request will not cause a nuisance to adjacent property owners.
9. The variance request represents the minimum deviation from the requirements of the Zoning Ordinance.

## Options

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

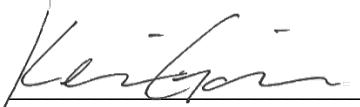
1. **Approve** the variances based on the findings in this memo; or
2. **Approve the variances with certain terms and conditions**, and if so, articulate all terms, conditions, and findings; or
3. **Deny** the variance requests, and if so, articulate findings supporting the denial.

## Recommendation

At its May 16, 2018, meeting, the Zoning Board of Appeals voted six ayes and zero nays to forward this case to the Urbana City Council with a recommendation to APPROVE the request. City staff likewise recommends approval, and would recommend the following condition of approval:

- The basement unit is below grade as shown in the elevations dated April 10, 2018, and attached as Ordinance Attachment 1.

Prepared by:



Kevin Garcia, AICP  
Planner II

Attachments: A: Location Map  
B: Zoning Map  
C: Approved Site Plan (DRB-2017-03)  
D: Proposed Site Plan  
E: Application  
F: Draft Meeting Minutes – May 16, 2018 Zoning Board of Appeals Public Hearing



# Exhibit A: Location & Existing Land Use Map



Case: ZBA-2018-MAJ-06  
 Subject: Major Variance - Floor-Area Ratio  
 Location: 408 West Green Street  
 Petitioner: Andrew Fell

 Subject Property

# Exhibit B: Zoning Map



Case: ZBA-2018-MAJ-06  
 Subject: Major Variance - Floor-Area Ratio  
 Location: 408 West Green Street  
 Petitioner: Andrew Fell







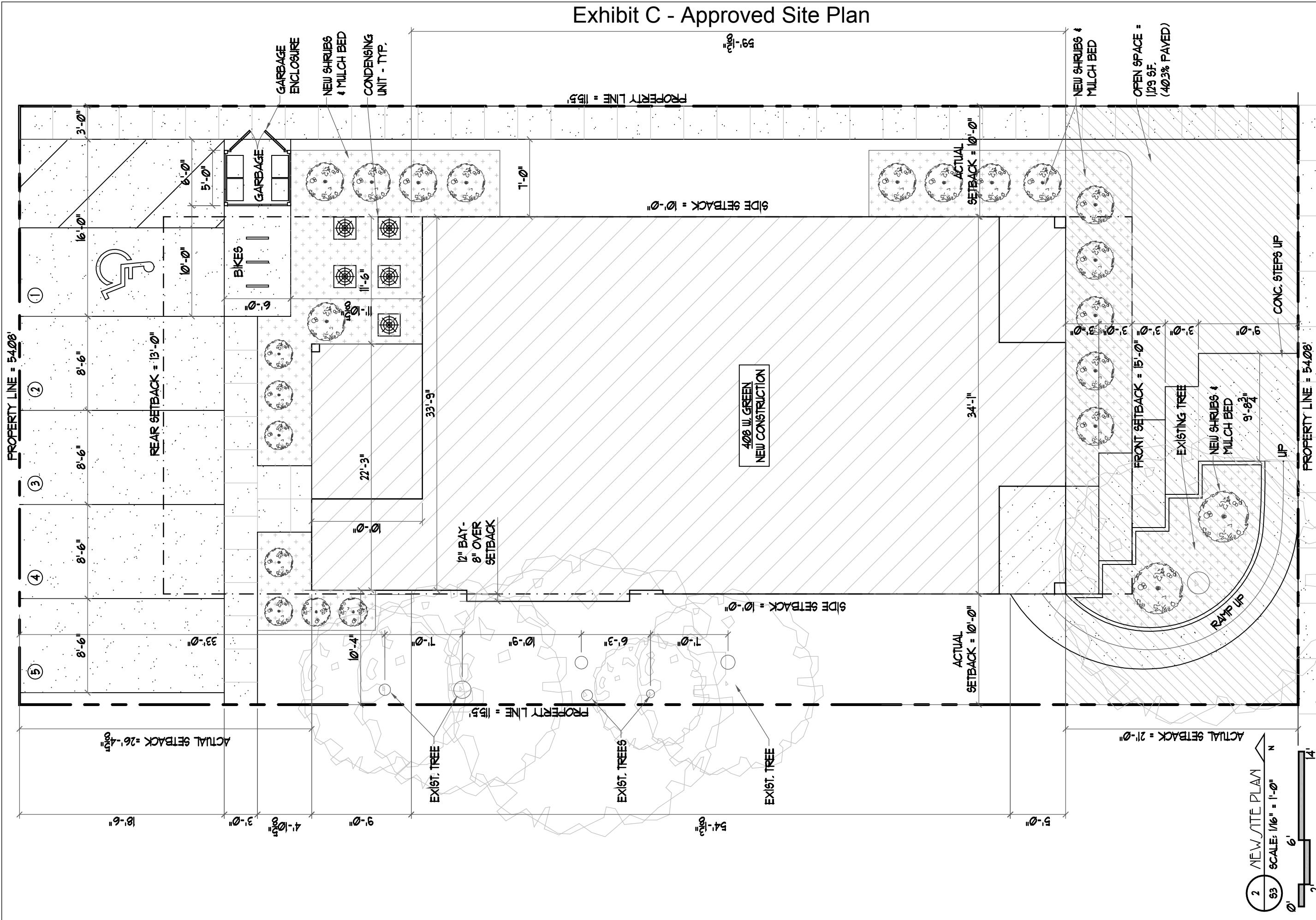
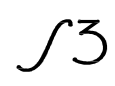
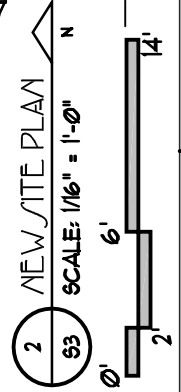
- |  |  |
|--|--|
|  MOR              |  R4 |
|  R2               |  R5 |
|  R3               |  |
|  Subject Property |  |

Exhibit C - Approved Site Plan

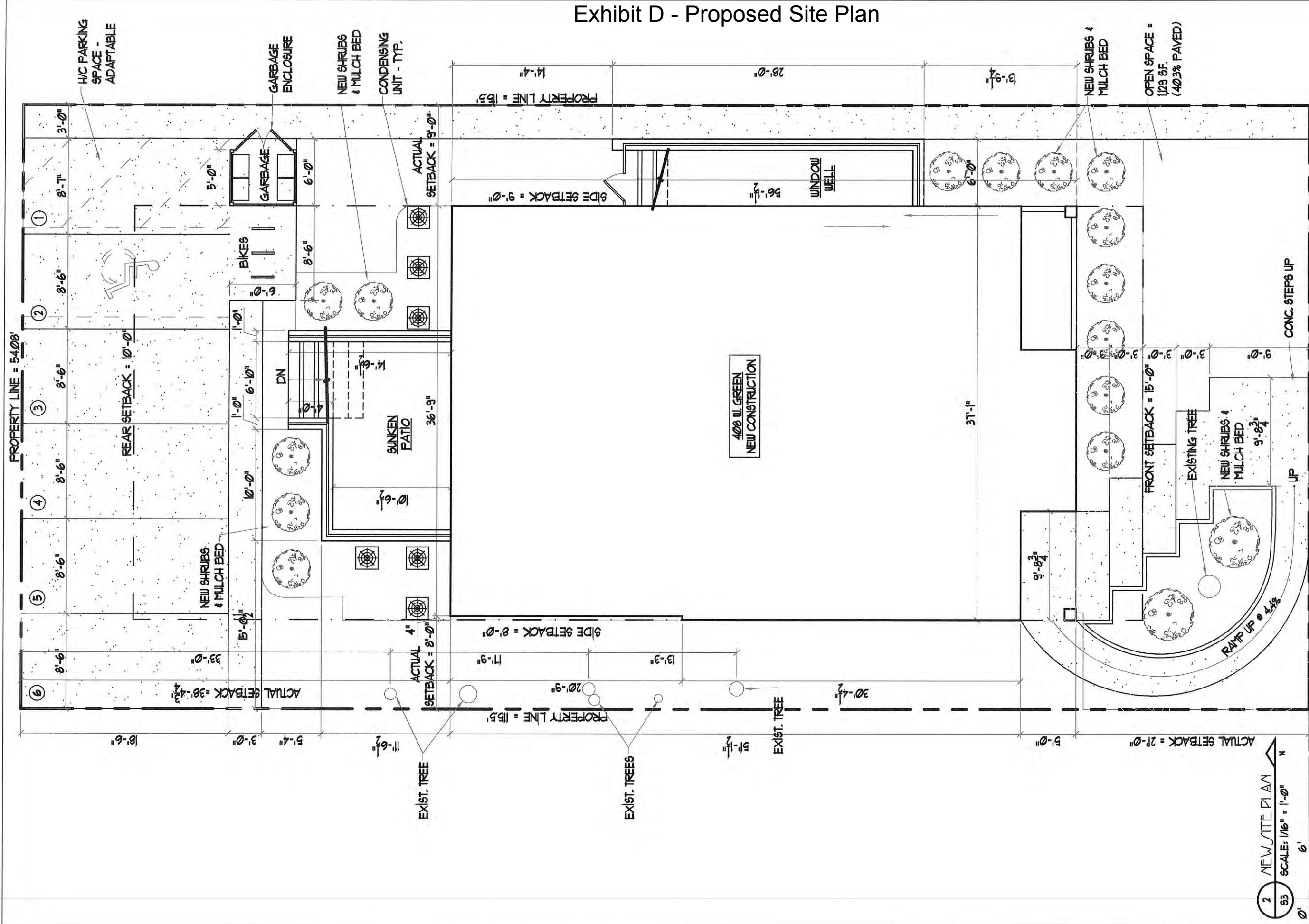


These drawings and specifications are the property and copyright of Andrew Fell Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any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





# Exhibit D - Proposed Site Plan



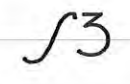
2 NEW SITE PLAN  
 93 SCALE: 1/16" = 1'-0"  
 0' 6' 12'

408 W GREEN STREET  
 NEW CONSTRUCTION  
 408 W GREEN STREET  
 URBANA, ILLINOIS

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

ANDREW FELL  
 ARCHITECTURE AND DESIGN  
 515 NORTH HICKORY STREET, SUITE 101  
 CHAMPAIGN, ILLINOIS 61820  
 PHONE: 217.283.2890  
 WWW.ANDRUEFFELL.COM  
 EMAIL: andrueffell@comcast.net

PROJECT #  
 DATE:  
 REVISION:





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.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 04-11-2018 ZBA Case No. ZBA-2018-MAJ-06
Fee Paid - Check No. 5974 Amount \$200.00 Date 04-11-2018

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)
EXCLUDE BASEMENT FROM P.A.R. CALCULATION on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): ANDREW FELL ARCHITECTURE Phone: 217-363-2890
Address (street/city/state/zip code): 515 N. HICKORY, SUITE 101, CHAMPAIGN, IL 61820
Email Address: andrew.fell@andrewfell.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): HAO JAN (MAX) LIU, PhD Phone: 314-605-3103
Address (street/city/state/zip code): 406 S. PARK, #5, CHAMPAIGN, IL 61820
Email Address: maxliu@gmail.com
Is this property owned by a Land Trust? [ ] Yes [X] No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 408 WEST GREEN STREET
PIN # of Location: 92-21-17-132-011
Lot Size: 54.08 x 115.5 = 6,246 S.F.

# Exhibit E. Application

Current Zoning Designation: M.O.R.

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

## 4. CONSULTANT INFORMATION

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

Address (street/city/state/zip code): 515 N. HICKORY, SUITE 101, CHAMPAIGN, IL 61820

Email Address: andrew.fell@andrewfell.com

Name of Engineers(s): BKB ENGINEERING Phone: 217-531-2971

Address (street/city/state/zip code): 301 N. HILL, SUITE 400, CHAMPAIGN, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Surveyor(s): BKB ENGINEERING 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.

SEE ATTACHED

## Exhibit E. Application

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.

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED


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

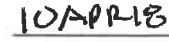
***By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.***

# Exhibit E. Application

## **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

  
\_\_\_\_\_  
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

## Exhibit E. Application

### 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.*

This appeal is to remove the basement level from the calculated FAR for the subject property.

The appeal concerns 'Section VI-4. Floor Area and Open Space'. Specifically, VI-4, Exception c) which excludes "Areas used for basements in single family dwellings, duplexes, and townhouses."

Under this exception, areas used for basements in other than single family dwellings, duplexes or townhouses, in this case a small apartment building, must count against the calculated FAR. The primary purpose of a maximum FAR requirement is to regulate and control the 'bulk' of the building. My understanding is that this particular exception was, at least in part, written to specifically exclude the implementation of 'Garden Apartments' (which project several feet above grade) in a multi-family structure.

In the case of this appeal, the way the FAR is calculated is actually directly in opposition to the intent of the ordinance. The intent is to limit the bulk of the structure, but the calculation excludes some building components – such as mechanical spaces. So for example, under this scenario, the room to house the sprinkler equipment is not counted in the FAR. Because we do not have a basement, this room must be part of the structure above grade, thus increasing the bulk of the building. If we were allowed to incorporate a basement, this room would be eliminated and the bulk of the building reduced.

Additionally, a basement will allow the inclusion of one further rental unit. In incorporating this unit, the exterior of the building will remain virtually unchanged. The only additional exterior components will be a window well along the east side of the building and a lower level courtyard on the north side – both of which are totally screened from the street side public way. The remainder of the building, including the height, will remain unchanged from the previously MOR Development Review Board approved design with the exception of needing to modify some balconies on the north side of the building due to the elimination of the Sprinkler Room. If this Zoning Appeal is approved, the modified design will be re-evaluated by the MOR Development Review Board at the discretion of City staff.

The resulting design with the basement included, REDUCES the bulk of the building, which is the actual intent of the ordinance

*Explain how the variance is necessary due to special condition relating to the land or structure involved which are not generally applicable to other property in the same district.*

This particular item in the Zoning Ordinance is meant strictly to control the size and volume of a building. This request will actually serve to reduce the volume of the building. I believe when the ordinance was written, the consequence of this line of text, especially as it relates to the MOR District was not particularly well thought out. The MOR district requirements were viewed primarily as a method to maintain some consistency between uses – especially in terms of scale. It seems punitive that not all uses in this district are subject to the same requirements.



## Exhibit E. Application

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

This project was begun with the mistaken belief that the floor area of a basement was allowed in this district, and did not contribute toward the calculated square footage of the building. This was an error in the review of the Zoning Restrictions, made partially because nearly every structure in this district has a basement. This notion was relayed to the client, who therefore anticipated that a basement (not contributable to the FAR) would be allowed. It was only after the initial submission to the MOR Development Review Board that this restriction came to light.

*Explain how the variance will not alter the essential character of the neighborhood.*

The project in question is a small apartment building and other than our requested FAR variance, it is subject to the same conditions and restrictions as any other structure in the District. This District is called "Mixed Use Office – Residential. This implies that residential uses are assumed and in fact one goal of this district is to maintain at least some single family residential fabric in this neighborhood. It seems unfair that a single family house, of the same size, area, volume, etc. can have a basement that does not count towards its FAR, but another structure cannot.

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

Adding a basement to this project does not alter any major characteristics of the building. There is no greater impact on any neighbor if a basement is included. No neighbor will notice any significant change to the building if it has a basement.

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

The ordinance is already overly restrictive in terms of incentivizing new construction in the MOR District. This change provides *no* deviation from the intent of the ordinance and in fact granting it brings the building more into the intended compliance. This change is not a deviation from the ordinance, it is actually enhancing the objectives of the ordinance.

INDEX OF DRAWINGS

- S1 ZONING REVIEW / EXIST. SITE PLAN
- S2 CONTEXT SITE PLAN
- S3 SUBJECT PROPERTY SITE PLAN
  
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- A2 SECOND / THIRD FLOOR PLANS
- A3 LOFT FLOOR PLAN
- A4 SOUTH / NORTH ELEVATIONS
- A5 WEST ELEVATION
- A6 EAST ELEVATION
- A7 ELEVATIONS W/ ADJACENT PROPERTIES
- A8 ELEVATION W/ BASEMENT / ELEVATION W/O BASEMENT

**Exhibit E. Application  
ZONING REVIEW**

ZONED MOR MIXED RESIDENTIAL

LOT AREA = 54.00' x 115.50' = 6,246.24 SF.  
MINIMUM LOT SIZE = 6,000 SF.

MAXIMUM BUILDING HEIGHT = 35'  
ACTUAL BUILDING HEIGHT = 34'-11"

MAXIMUM FLOOR AREA RATIO = 0.7  
ACTUAL FLOOR AREA RATIO =  
4,372 SF / 6,246.24 SF = 0.7

**BUILDING AREA:**  
1ST FLOOR = 1,583 SF.  
2ND FLOOR = 1,590 SF.  
3RD FLOOR = 1,007 SF.  
LOFT FLOOR = 192 SF.  
TOTAL = 4,372 SF.

**SETBACKS:**  
SETBACK INCREASE PER SEC. VI-5: BUILDING GREATER THAN 25'-0", THEREFORE INCREASE REQUIRED REAR & SIDE YARD SETBACKS 3'-0"

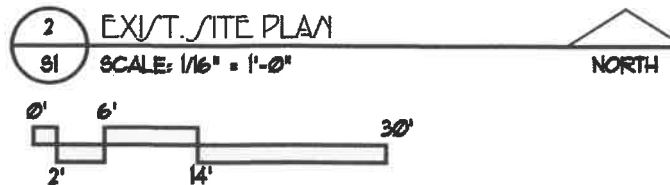
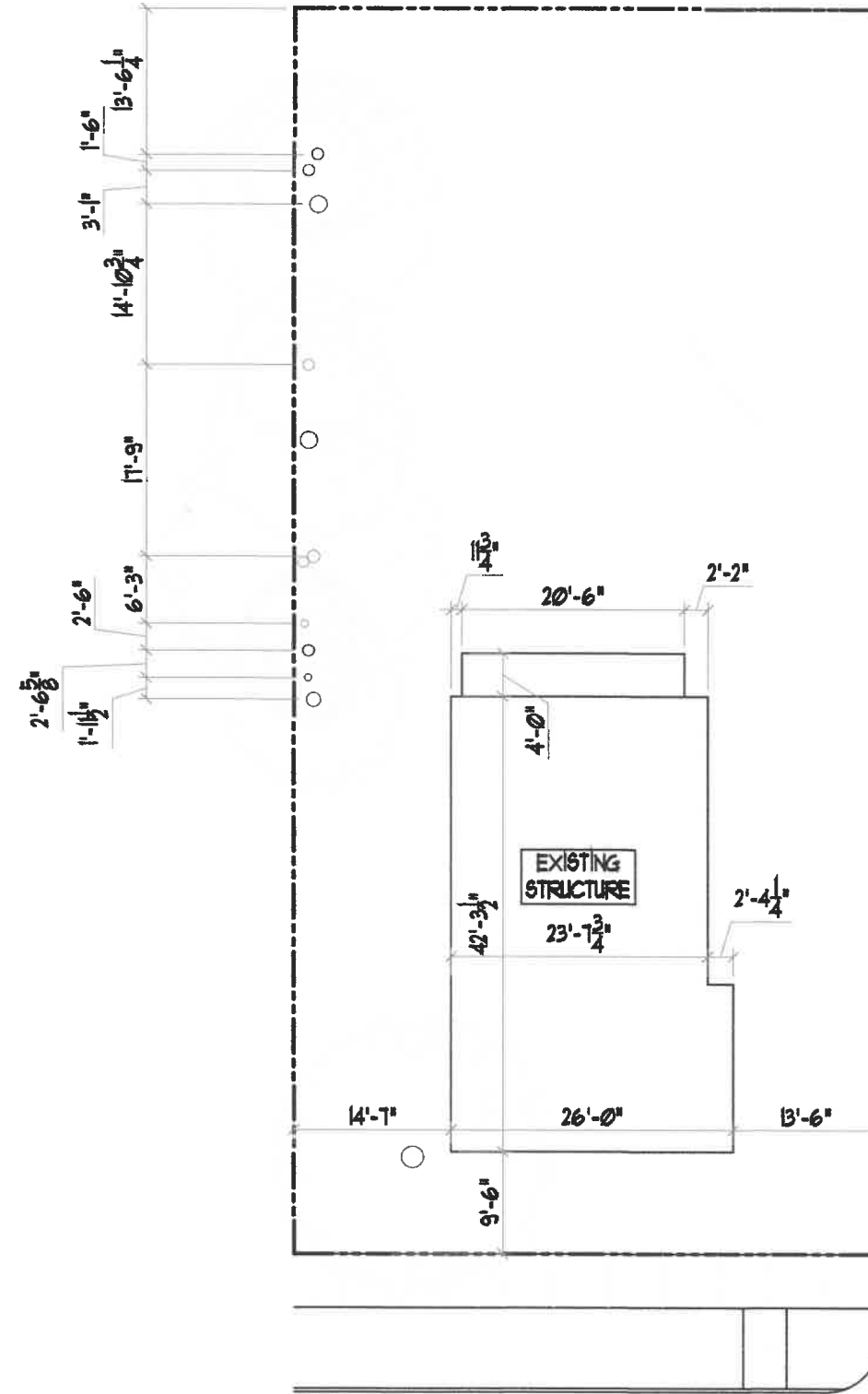
FRONT = 15' (OR AVERAGE OF BLOCK FACE)  
SIDE = 7'-0" + 3'-0" = 10'-0"  
REAR = 10'-0" + 3'-0" = 13'-0"

**OPEN SPACE:**  
O.S.R. REQ'D = 0.30  
O.S.R. CALCULATION:  
GROUND FLOOR OPEN SPACE = 1,129 SF.  
BALCONY OPEN SPACE = 665.6 SF.  
25% OF TOTAL ALLOWED = 376.3 SF.  
TOTAL OPEN SPACE = 1,129 SF. + 376.3 SF. = 1,505.3 SF.  
O.S.R. = 1,505.3 SF. / 4,120 SF. = 0.37

**VEHICLE PARKING:**  
REQUIRED:  
1 PER DWELLING UNIT, 5 UNITS = 5 SPACES REQUIRED  
PROVIDED:  
5 SPACES INCL. 1 H/C SPACE

**BICYCLE PARKING REQUIRED:**  
= 1 SPACE FOR EVERY 2 UNITS  
= 5 UNITS / 2 = 2.5 REQUIRED  
TOTAL BIKE PARKING PROVIDED = 3

NOTE: DIMENSIONS ARE APPROXIMATE - CIVIL ENGINEER TO PROVIDE SURVEY WITH MORE ACCURATE DIMENSIONS.



PROJECT # 17095  
DATE: 2018.MPR.10  
REVISION:

**A N D R E W F E L L**  
ARCHITECTURE AND DESIGN  
616 NORTH HICKORY STREET, SUITE 101  
CHAMPAGNE, ILLINOIS 61820  
PHONE: 217.283.2880  
WWW.ANDRUEFFELL.COM  
EMAIL: andrew@andrewfell.com

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

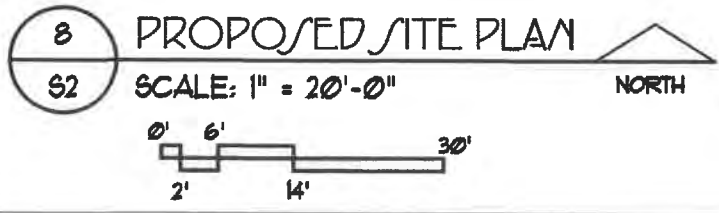
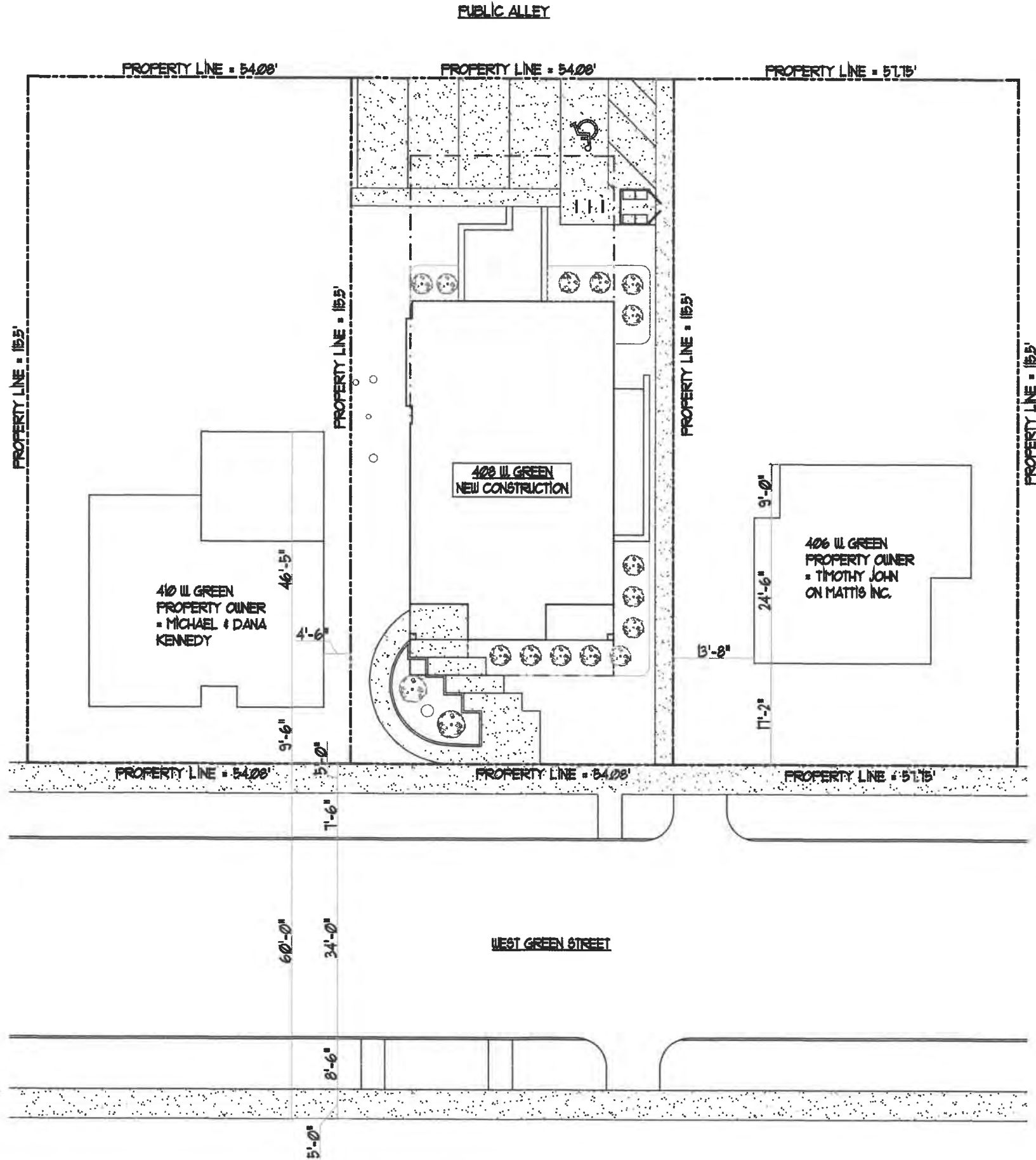
**408 WEST GREEN**  
NEW CONSTRUCTION  
408 WEST GREEN / TREET  
URBANA, ILLINOIS 61801

SHEET



NOTE: DIMENSIONS ARE APPROXIMATE - CIVIL ENGINEER WILL PROVIDE SURVEY WITH MORE ACCURATE DIMENSIONS.

Exhibit E. Application



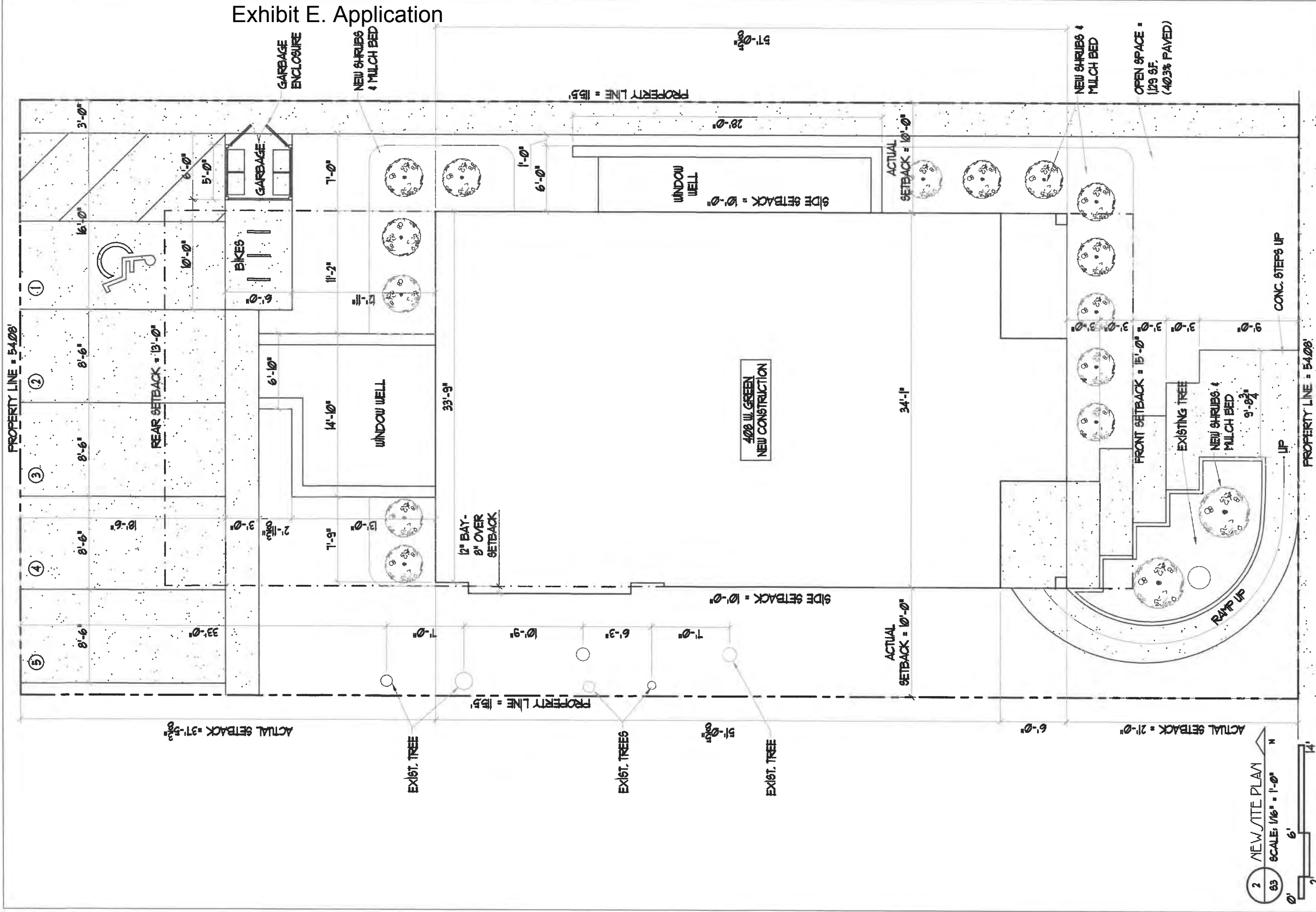
PROJECT # \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 REVISION: \_\_\_\_\_

**A N D R E W F E L L**  
**ARCHITECTURE AND DESIGN**  
 616 NORTH HICKORY STREET, SUITE 101  
 CHAMPAIGN, ILLINOIS 61820  
 PHONE: 317.283.2280  
 WWW.ANDREWPELL.COM  
 EMAIL: andrew@andrewfell.com

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408 W GREEN STREET  
 NEW CONSTRUCTION  
 408 W GREEN STREET  
 URBANA, ILLINOIS

Exhibit E. Application



408 WEST GREEN  
NEW CONSTRUCTION  
408 WEST GREEN/TREET  
URBANA, ILLINOIS 61801

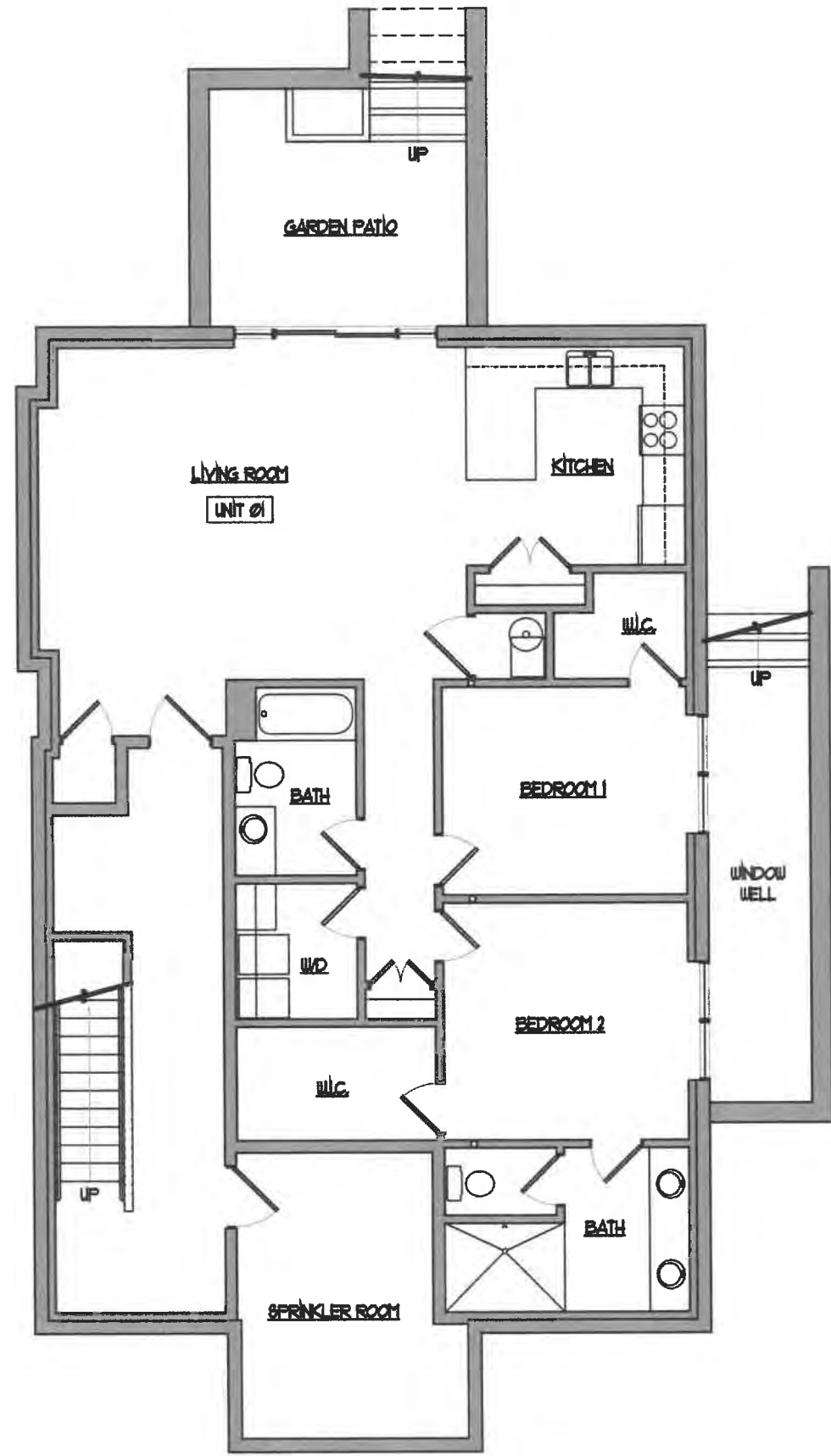
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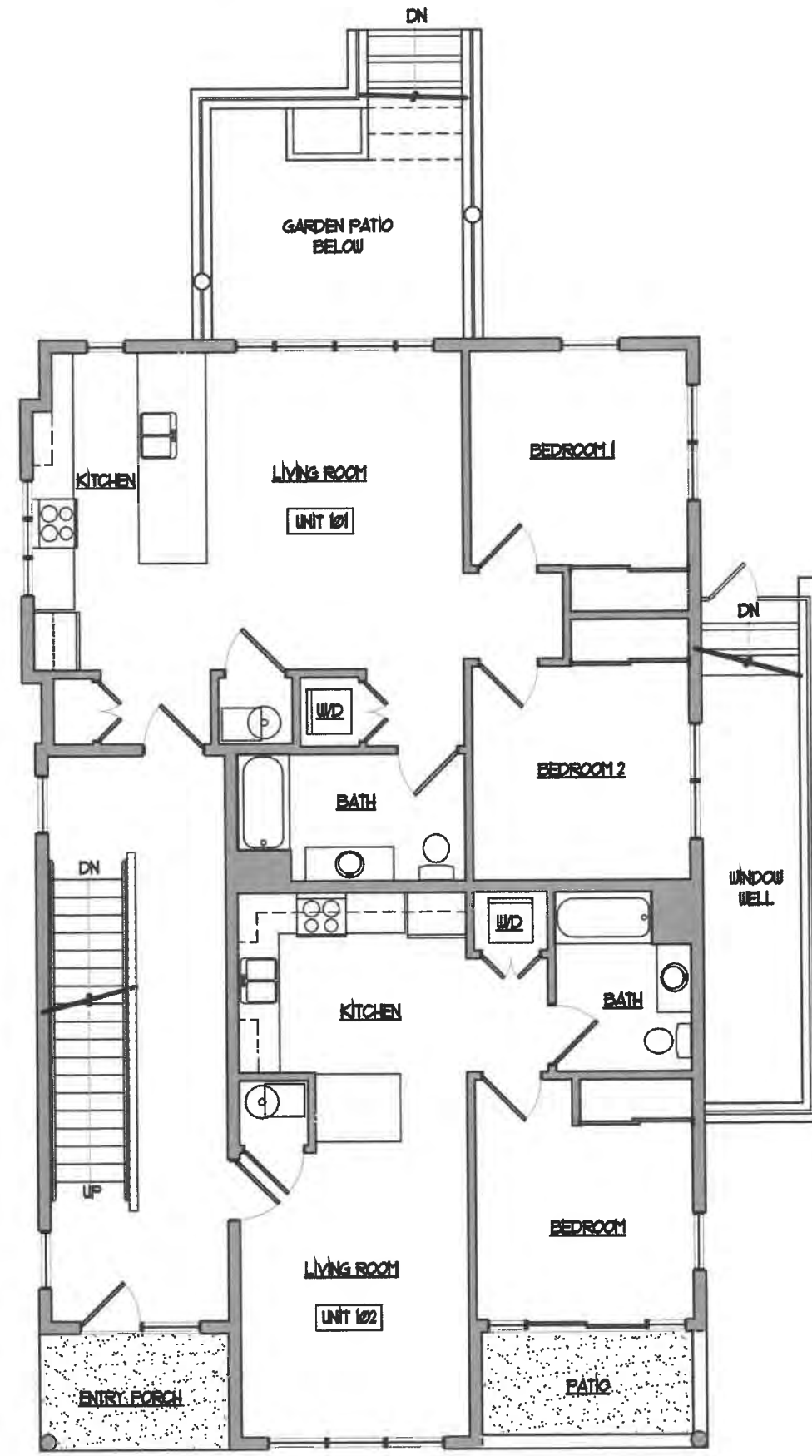
PROJECT # 17095  
DATE: 2018.APR.10  
REV/NOV: 1



Exhibit E. Application



2 BASEMENT FLOOR PLAN  
AI SCALE: 1/8" = 1'-0"



4 FIRST FLOOR PLAN  
AI SCALE: 1/8" = 1'-0"



PROJECT # 17095  
DATE: 2018.APR.10  
REV/NOV:

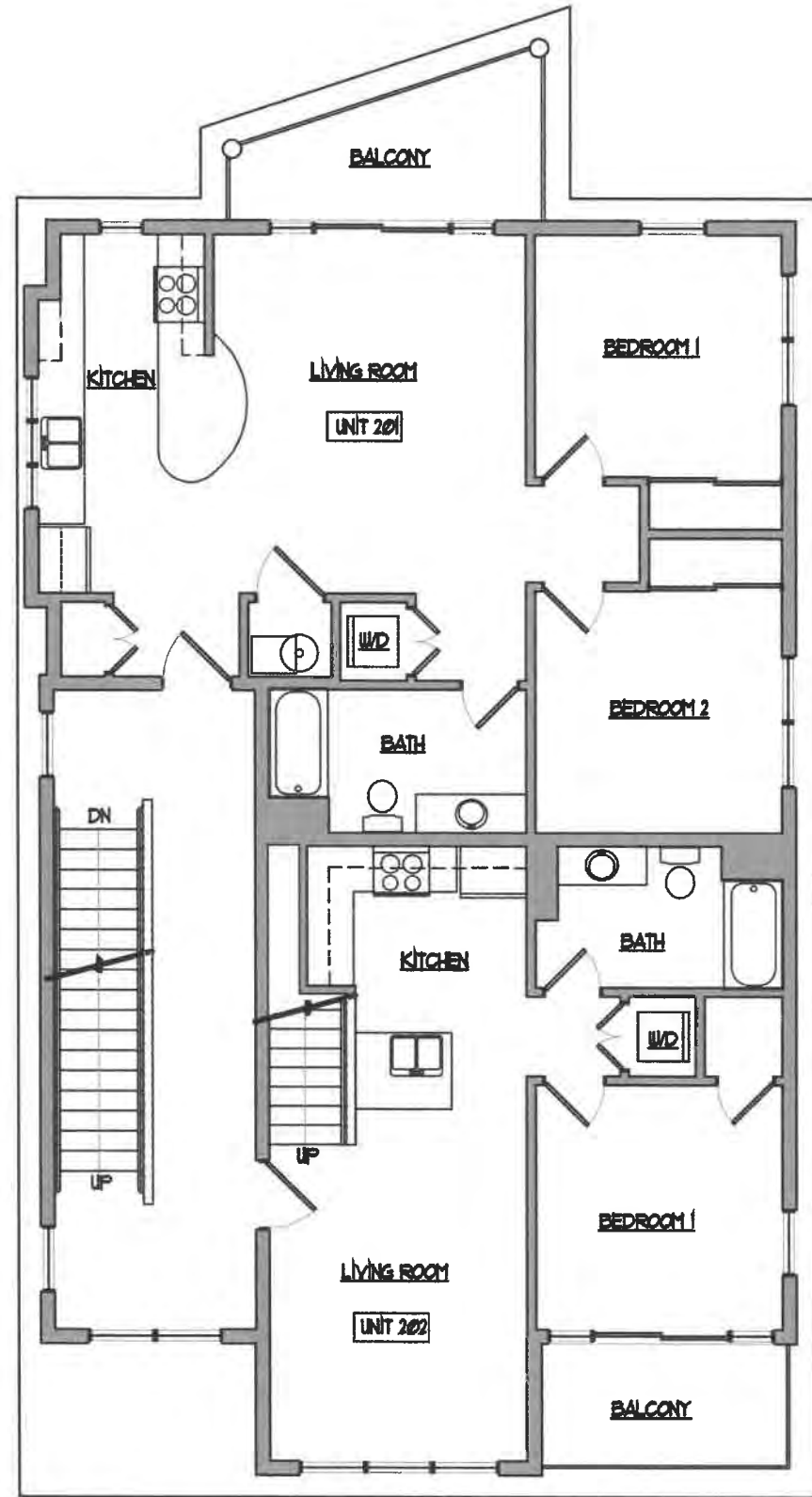
**ANDREW FELL**  
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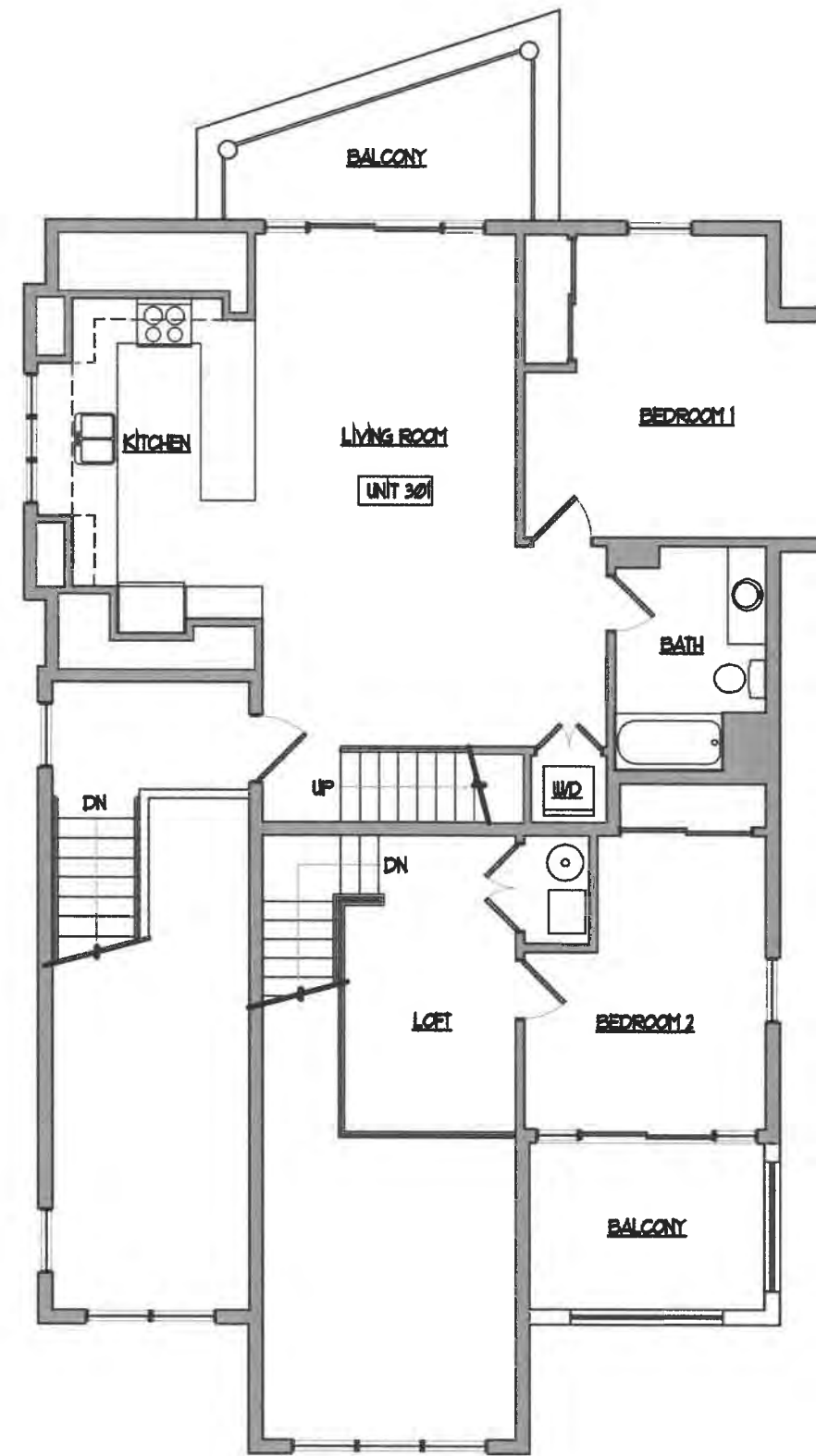
408 WEST GREEN  
NEW CONSTRUCTION  
408 WEST GREEN STREET  
URBANA, ILLINOIS 61801

A1

Exhibit E. Application



2 SECOND FLOOR PLAN  
A2 SCALE: 1/8" = 1'-0" NORTH



4 THIRD FLOOR PLAN  
A2 SCALE: 1/8" = 1'-0" NORTH

PROJECT # 17095  
DATE: 2018.APR.10  
REVISION:

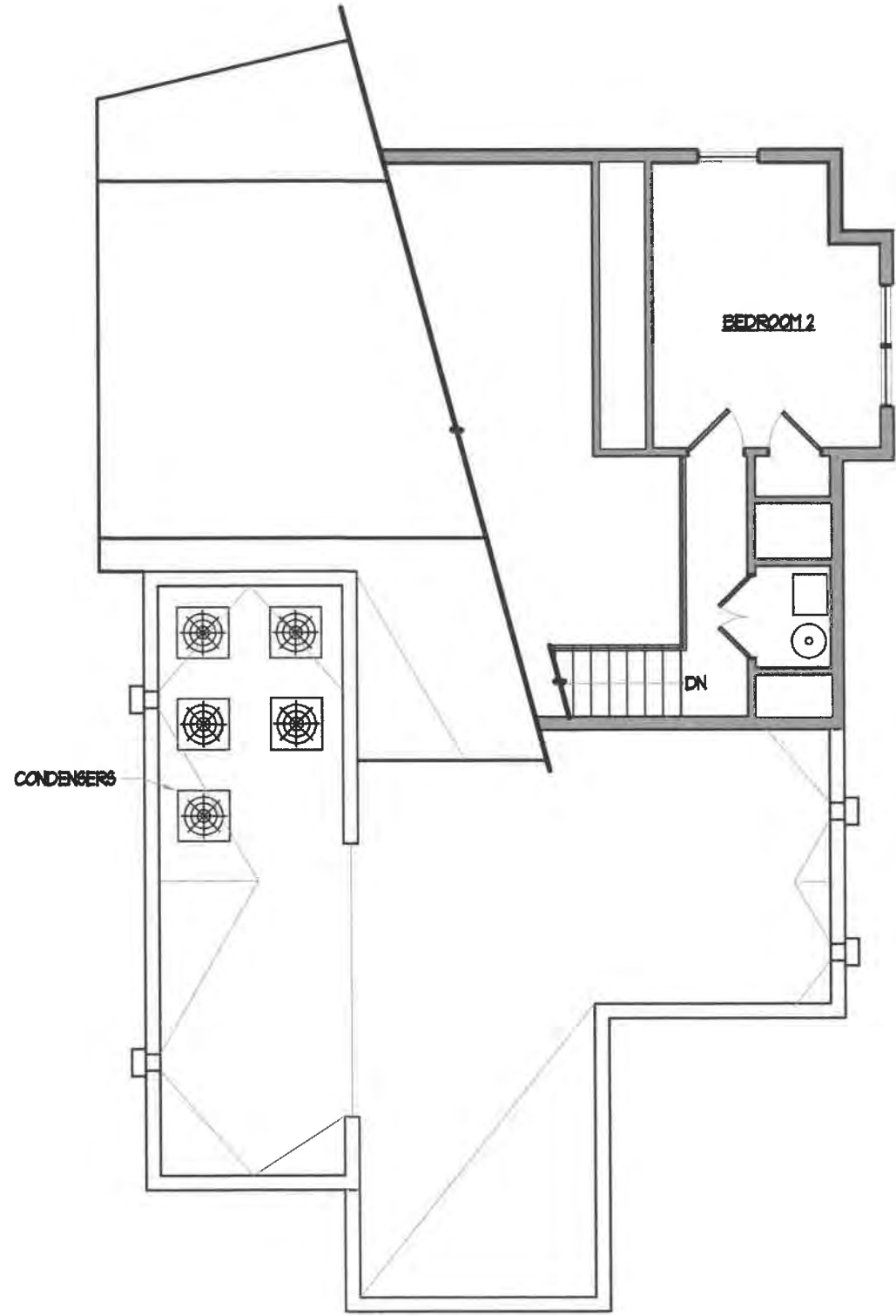
**A D R E W F E L L**  
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408 WEST GREEN  
NEW CONSTRUCTION  
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URBANA, ILLINOIS 61801



Exhibit E. Application



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



PROJECT # 17095

DATE: 2018.APR.10

REVISION:

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408 WEST GREEN  
NEW CONSTRUCTION  
408 WEST GREEN/TREET  
URBANA, ILLINOIS 61801

1/2" = 1'-0"

A3

# Exhibit E. Application

MAX. ROOF HEIGHT  
134'-11"

LOFT FLOOR  
129'-10"

3RD FLOOR  
120'-10"

2ND FLOOR  
110'-10"

1ST FLOOR  
100'-10"

BASEMENT  
190'-10"



MAX. ROOF HEIGHT  
134'-11"

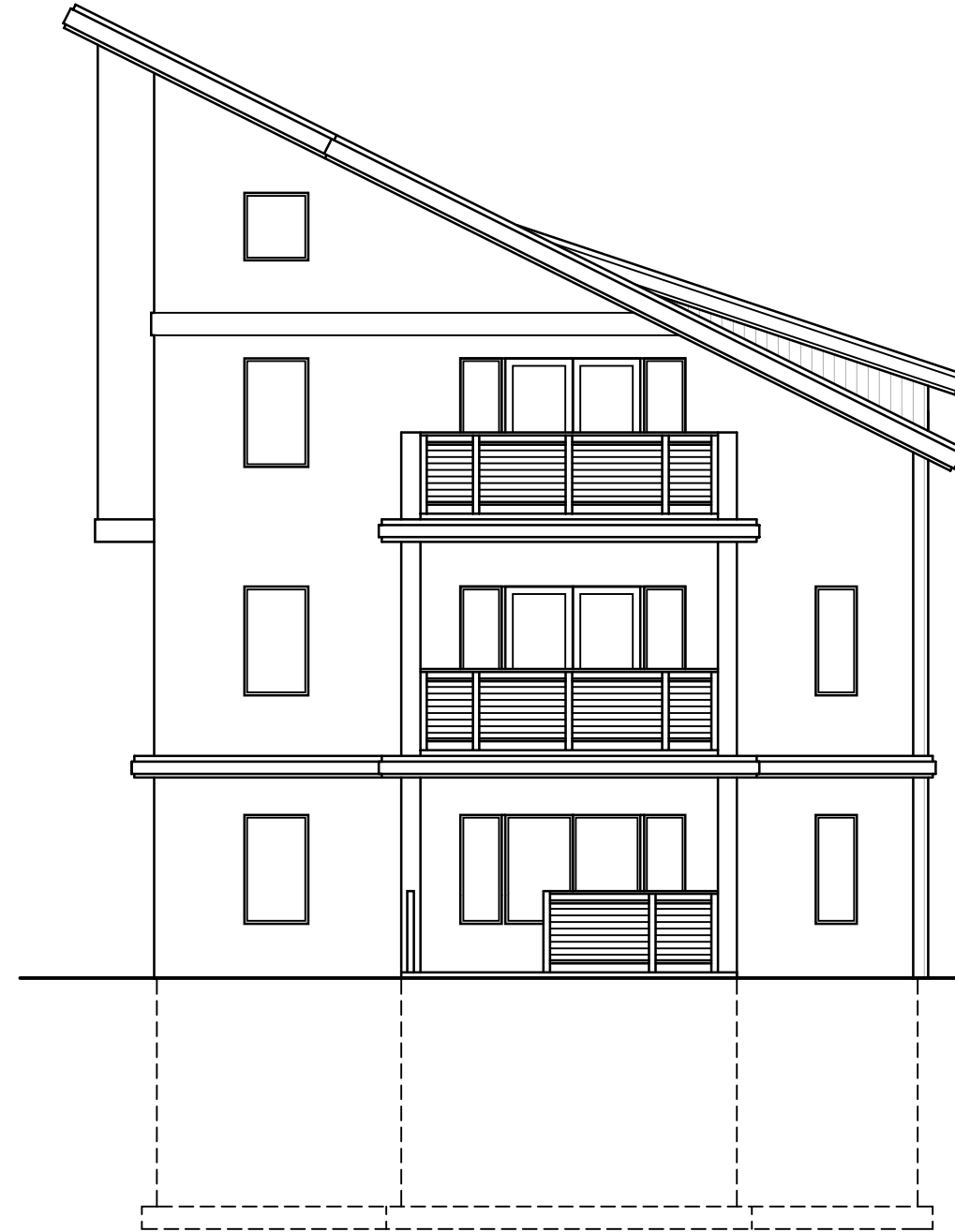
LOFT FLOOR  
129'-10"

3RD FLOOR  
120'-10"

2ND FLOOR  
110'-10"

1ST FLOOR  
100'-10"

BASEMENT  
190'-10"



2 SOUTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"

4 NORTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"

PROJECT # 17095

DATE : 2018.APR.10

REV/NOV :

**A N D R E W F E L L**  
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408 WEST GREEN  
NEW CONSTRUCTION

408 WEST GREEN STREET  
URBANA, ILLINOIS 61801

PROJECT

A4

# Exhibit E. Application

MAX. ROOF  
HEIGHT  
134'-11"

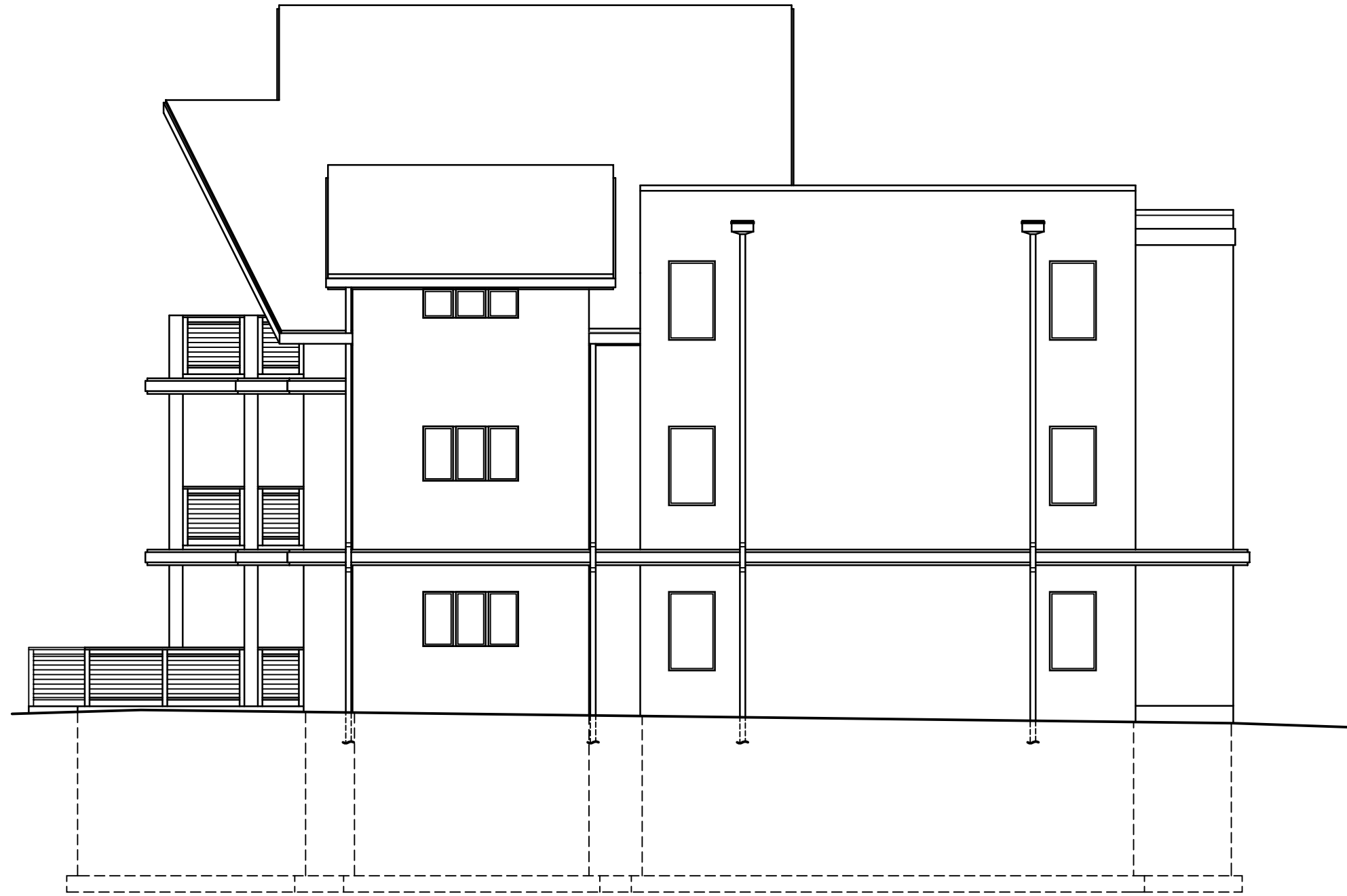
LOFT FLOOR  
129'-10"

3RD FLOOR  
120'-10"

2ND FLOOR  
110'-10"

1ST FLOOR  
100'-10"

BASEMENT  
190'-10"



PROJECT # 17095

DATE : 2018.APR.10

REV/NOY :

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408 WEST GREEN  
NEW CONSTRUCTION  
408 WEST GREEN STREET  
URBANA, ILLINOIS 61801

# Exhibit E. Application

MAX. ROOF  
HEIGHT  
134'-11"

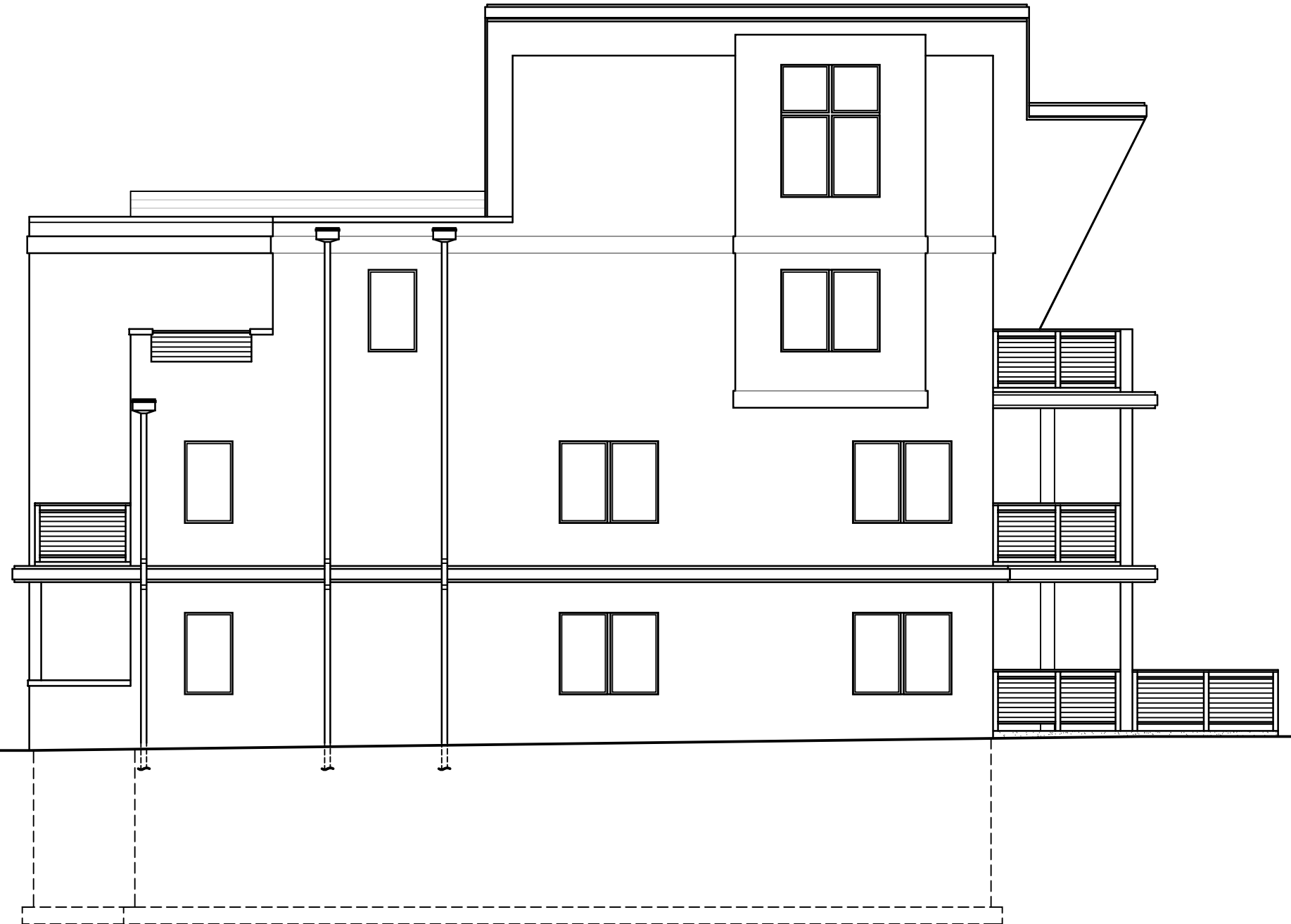
LOFT FLOOR  
129'-10"

3RD FLOOR  
120'-10"

2ND FLOOR  
110'-10"

1ST FLOOR  
100'-10"

BASEMENT  
190'-10"



PROJECT # 17095

DATE : 2018.APR.10

REV/NOY :

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408 WEST GREEN  
NEW CONSTRUCTION  
408 WEST GREEN STREET  
URBANA, ILLINOIS 61801

Exhibit E. Application



PROJECT # 17095  
 DATE: 2018.APR.10  
 REVISION:

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408 WEST GREEN  
 NEW CONSTRUCTION  
 408 WEST GREEN STREET  
 URBANA, ILLINOIS 61801

2 SOUTH ELEVATION W/ ADJACENT BUILDINGS  
 A7 SCALE: 3/32" = 1'-0"

A7



Exhibit E. Application



2 ELEVATION FROM GREEN STREET W/ BASEMENT  
 AS SCALE: 1/8" = 1'-0"



4 ELEVATION FROM GREEN STREET W/O BASEMENT  
 AS SCALE: 1/8" = 1'-0"

(YES, THEY'RE THE SAME)

PROJECT # 17095  
 DATE: 2018.APR.10  
 REV/NOV:

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408 WEST GREEN  
 NEW CONSTRUCTION  
 408 WEST GREEN STREET  
 URBANA, ILLINOIS 61801

AS

A8



# Exhibit F: DRAFT ZBA Meeting Minutes

## MINUTES OF A REGULAR MEETING

### URBANA ZONING BOARD OF APPEALS

**DATE:** May 16, 2018

**DRAFT**

**TIME:** 7:00 p.m.

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

---

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

**MEMBERS EXCUSED** Matt Cho

**STAFF PRESENT** Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Anzel, Planning Administrative Assistant II

**OTHERS PRESENT** Andrew Fell, Sam Giglio

---

#### 1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:04 p.m. Roll call was taken, and he declared a quorum of the members present.

#### 2. CHANGES TO THE AGENDA

There were none.

#### 3. APPROVAL OF THE MINUTES

The minutes from the March 21, 2018, regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote as written.

#### 4. COMMUNICATIONS

There were none.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

# Exhibit F: DRAFT ZBA Meeting Minutes

May 16, 2018

**NOTE:** Chair Welch swore in members of the audience who indicated that they might give testimony during the public hearing.

## 6. NEW PUBLIC HEARINGS

**ZBA-2018-MAJ-06 – A request by Andrew Fell Architecture, on behalf of Hao Jan Liu, for a Major Variance to increase the maximum Floor Area Ratio (FAR) from 0.7 to 0.96 at 408 West Green Street in the MOR, Mixed Office Residential Zoning District.**

Chair Welch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose for the proposed major variance, which is to increase the maximum Floor Area Ratio (FAR) to allow a basement to be constructed in the new multi-family residential building. He noted the location and existing land use of the subject property as well as that for the surrounding adjacent properties. He pointed out the differences between the approved plans by the MOR (Mixed Office Residential) Development Review Board and the proposed plans. Those differences include a large window wall on the east side of the building to allow for light and egress, a sunken patio on the rear of the proposed building and the configuration of the air conditioning units, which would require more screening than originally anticipated. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation of approval to City Council.

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

Ms. Chester asked if the tenants would have to walk around from the front of the building to get to the parking lot behind the building. Mr. Garcia said yes.

Ms. Uchtmann inquired about how many bedrooms would be in the proposed building. Mr. Garcia said that there would be 11 bedrooms if the proposed plans are approved. In the original plans approved by the MOR Development Review Board, there were 9 bedrooms.

Ms. Uchtmann asked how many parking spaces are required for 11 bedrooms. Mr. Garcia replied that it depends on the unit mix. The previously approved plans requires 5 parking spaces, and the proposed plans would require 6 spaces.

With their being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to speak first.

Andrew Fell, architect for the project, approached the Zoning Board of Appeals to speak. He clarified that there would be enough parking spaces provided on site unless a tenant moves in that needs an accessible parking space. If this happens, they would be able to lease a parking space from a neighbor.

# Exhibit F: DRAFT ZBA Meeting Minutes

May 16, 2018

He stated that the idea of the FAR including the basement space came up at the Plan Commission. The intent of the basement space being included in the FAR is to avoid garden units, which are half in the ground and half out of the ground in multi-unit apartment buildings. For this project, the basement would be completely underground, and the building would be no taller or bigger if they did not include the basement. Because they would be required to provide a sprinkler service for the building, the building footprint would be larger if they did not have a basement.

Ms. McLaughlin inquired about screening of the air conditioning units. Mr. Fell explained there was a drafting error on the proposed Site Plan. It was decided, after review and discussion of the MOR Development Review Board of the original plans, to put the air conditioning units on the roof of the proposed building. He forgot to make the change to the site plan for this case.

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

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2018-MAJ-06 to the City Council with a recommendation for approval as requested based on the findings outlined in the written staff memo. Ms. Uchtmann seconded the motion.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. Mr. Garcia stated that this case would be forwarded to City Council on June 4, 2018.

## **ZBA-2018-MAJ-07 – A request by Fairlawn Village Development LLC for a Major Variance to allow a reduction in the required yard setback from five feet to zero feet on the south side of Hollywood Alley in the R-5, Medium High Density Multiple Family Residential Zoning District.**

Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed variance request, which is to allow the construction of a new garage with individual parking stalls to replace a structure destroyed by a fire in 2009. He noted the location and zoning of the subject property. He referred to A2 in the written staff report to show where the new garage would be located on the property. He talked about traffic on Hollywood Alley. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as they relate to the proposed variance. He read the options of the Zoning Board of Appeals for the major variance. He presented City staff's recommendation for approval to the City Council with the following condition, "*The garage generally conforms with*

**ORDINANCE NO. 2018-06-043**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(408 West Green Street / ZBA Case No. 2018-MAJ-06)**

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Andrew Fell, on behalf of property owner Hao Jan Liu, has submitted a petition for a major variance to allow a basement to be constructed in a multi-family building which will increase the approved floor-area ratio from 0.70 to 0.96; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on May 16, 2018, in ZBA Case No. 2018-MAJ-06; 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 six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d) of the Urbana Zoning Ordinance; and

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

1. Andrew Fell, on behalf of Hao Jan Liu, has applied for a variance to allow a basement to be constructed in a new multi-family building at 408 West Green Street.
2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of “Mixed Residential” in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval for a proposed multi-family building on January 25, 2018, that did not include a basement. The Board approved the plans as presented with no conditions.
4. The variance request would add a basement to the proposed building and would not alter the approved site plans or elevations in a significant way.
5. The variance request will not serve as a special privilege to the property owner.
6. The variance request was not the result of a situation knowingly created by the petitioner.
7. The variance request will not alter the essential character of the neighborhood.
8. The variance request will not cause a nuisance to adjacent property owners.
9. The variance request represents 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-06, the major variance requested by Andrew Fell, on behalf of Hao Jan Liu to allow a basement to be constructed in a multi-family building which will increase the approved floor-area ratio from 0.70 to 0.96 is hereby approved in the manner proposed in the application with the following condition:

- The basement unit is below grade as shown in the elevation dated April 10, 2018, and attached as Ordinance Attachment 1.

The major variance described above shall only apply to the property located at 408 West Green Street, more particularly described as follows:

Lot 21 in James T. Roe’s Fourth Addition, as per Plat recorded April 17, 1854 in Deed Record “E”, Page 461, situated in Champaign County, Illinois.

PIN: 92-21-17-132-011

**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:

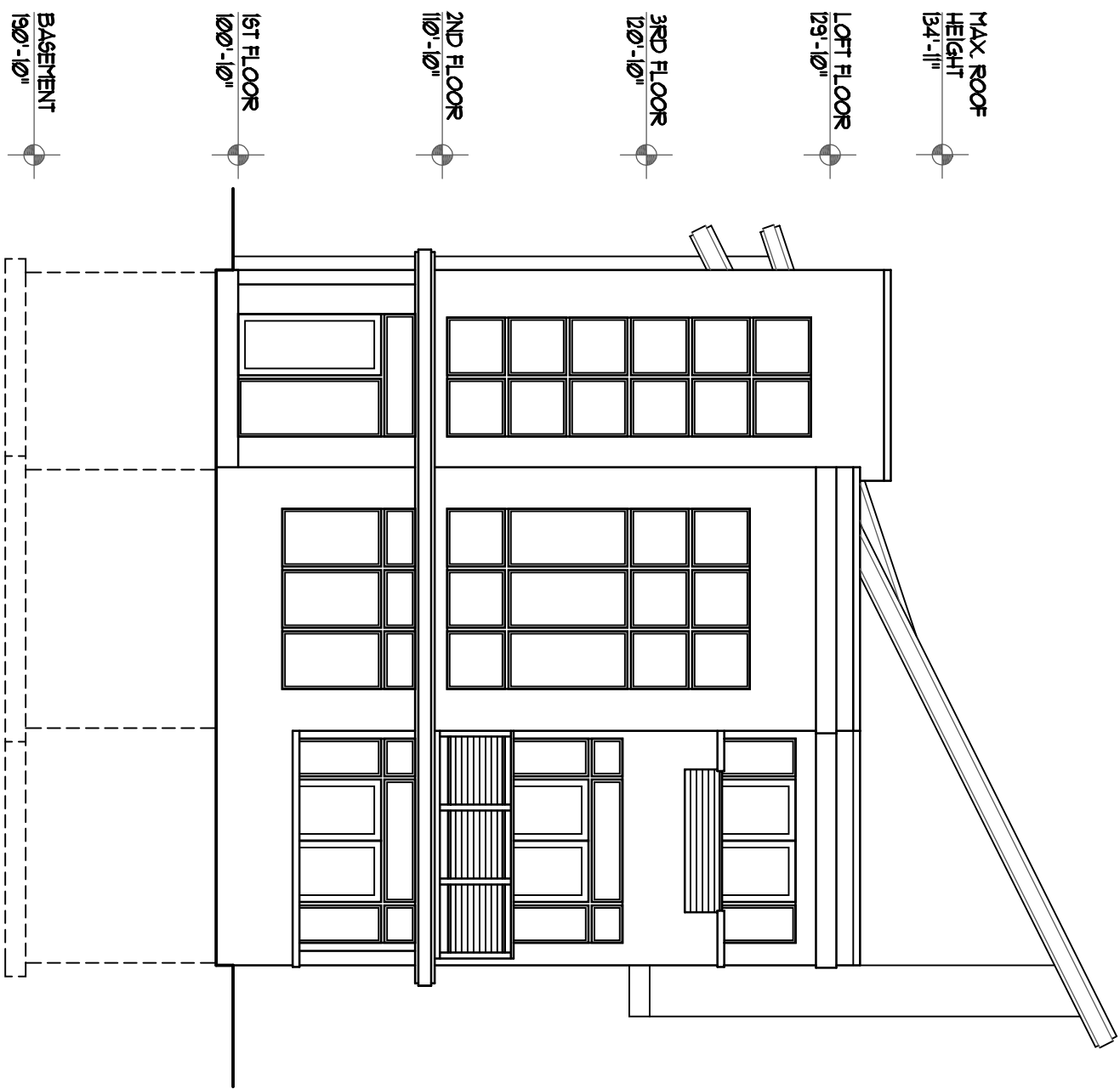
\_\_\_\_\_  
Charles A. Smyth, City Clerk

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

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



Ordinance Attachment 1 : 408 West Green Street Elevations



BASEMENT  
190'-10"

1ST FLOOR  
100'-10"

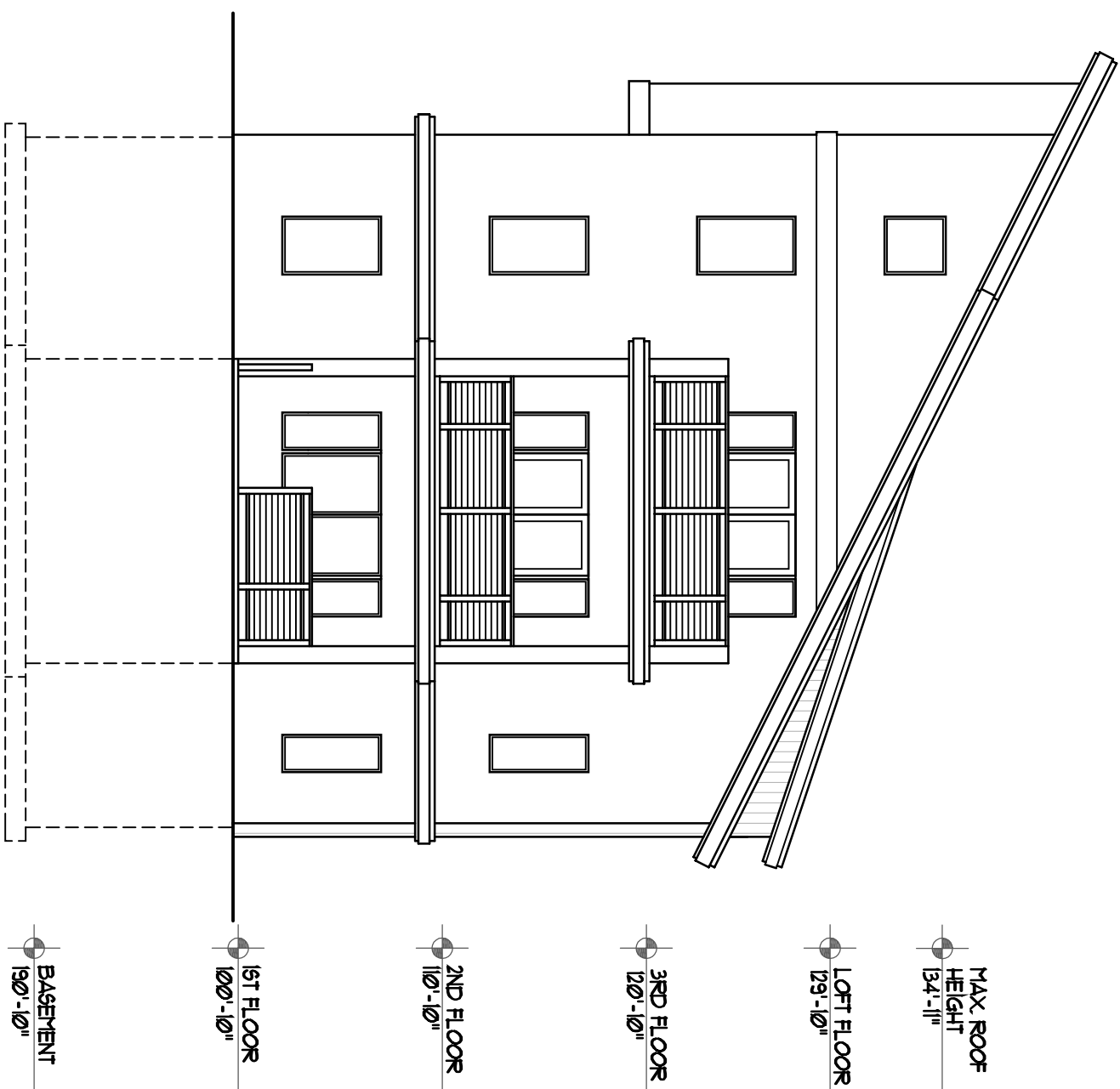
2ND FLOOR  
110'-10"

3RD FLOOR  
120'-10"

LOFT FLOOR  
129'-10"

MAX ROOF  
HEIGHT  
134'-11"

2 SOUTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"



BASEMENT  
190'-10"

1ST FLOOR  
100'-10"

2ND FLOOR  
110'-10"

3RD FLOOR  
120'-10"

LOFT FLOOR  
129'-10"

MAX ROOF  
HEIGHT  
134'-11"

4 NORTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"

408 WEST GREEN  
NEW CONSTRUCTION

408 WEST GREEN STREET  
URBANA, ILLINOIS 61801

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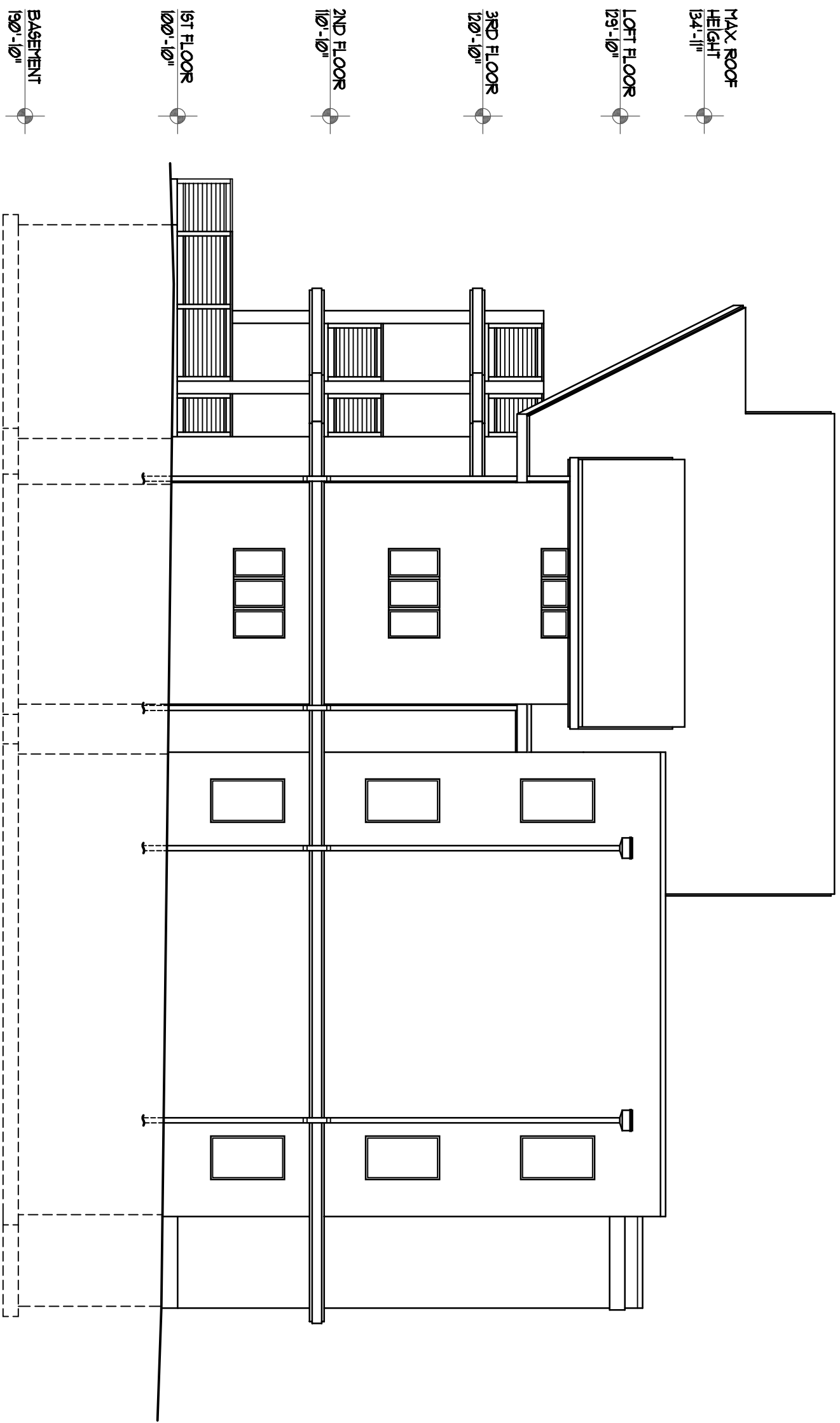
PROJECT # 17095

DATE : 2018.APR.10

REVISIONS :

A4

Ordinance Attachment 1: 408 West Green Street Elevations



2 WEST ELEVATION  
 A4 SCALE: 1/8" = 1'-0"

408 WEST GREEN  
 NEW CONSTRUCTION  
 408 WEST GREEN STREET  
 URBANA, ILLINOIS 61801

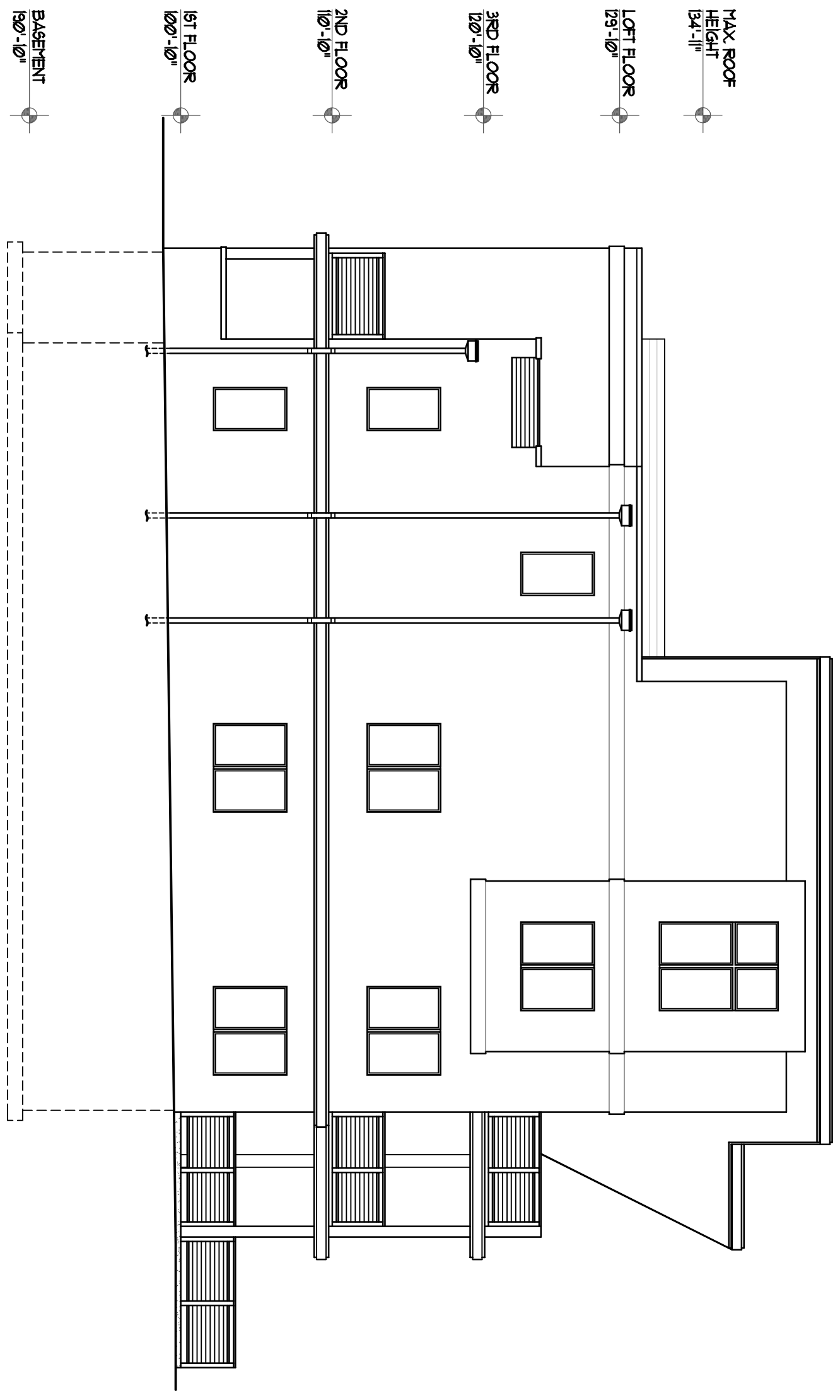
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PROJECT # 17095  
 DATE : 2018.APR.10  
 REV/IO/N/ :

A5

Ordinance Attachment 1: 408 West Green Street Elevations



2 EAST ELEVATION  
 A6 SCALE: 1/8" = 1'-0"

PROJECT  
 408 WEST GREEN  
 NEW CONSTRUCTION  
 408 WEST GREEN STREET  
 URBANA, ILLINOIS 61801

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A6