



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner I

DATE: December 14, 2006

SUBJECT: **ZBA 2006-MAJ-05**, Request for a Major Variance filed by Villas at Fairlawn, LLC to construct multi- car garages within the 5-foot setback on the south side of Hollywood Drive (an alley), in the R-5, Medium High Density Multiple Family Zoning District.

Introduction

Villas at Fairlawn, LLC has submitted a request for a Major Variance to allow construction of multi-car garages at the Fairlawn Village condominium development with an encroachment into the required 5-foot setback on the south border of the property. Hollywood Drive is an east-west alley between Vine and Anderson Streets. The garages would be built on a narrow strip of land varying in depth from 25 to 35 feet, on the south side of Hollywood Drive. The variance request is to construct the garages with up to a zero-foot setback (100% encroachment) into the 5-foot setback along the south property line south of Hollywood Drive.

Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be granted, the Zoning Board of Appeals must recommend approval or denial and forward the case to City Council for a final determination.

Background

In November 2005 the Zoning Board of Appeals granted a Conditional Use Permit to allow the construction of multiple buildings on the 14-acre Fairlawn Village property. The petitioners are undertaking a major infill redevelopment by constructing nine new multi-family buildings as well as 15 new garage buildings, and six surface parking areas on the property. The petitioners are converting the entire property from rental apartments to individual condominium units for sale. The project consists of an extensive upgrade to the existing Fairlawn Village complex and can be seen as a major infill opportunity for the City of Urbana consistent with the policies of the Comprehensive Plan. The City tax base will also benefit from the value of improvements to the existing Fairlawn housing and from the construction of new dwelling units.

Fairlawn Village is a complex of single story, low density multi-family residential apartment buildings totaling 108 one and two bedroom rental units. Large amounts of open space are characteristic of the site, as most of the existing buildings are clustered around "courtyard" open spaces. Some off-street parking spaces, including garages, are provided on-site for residents, although a significant amount of parking is also accommodated on public streets or on the alleys on the north and south of the site.

Fairlawn Village’s main access is via Fairlawn Drive which cuts through the middle of the complex. Secondary access is provided via two alleys: one is a privately maintained oil and chip alley on the north side of the property, which is accessed from Anderson and Vine Street, and the second is the City owned and maintained Hollywood Drive on the south side of the site. Hollywood Drive is a public alley serving not only Fairlawn Village, but a number of commercial uses at the Vine Street end.

Surrounding Properties

Fairlawn Village is located within the East Urbana neighborhood, and is primarily surrounded by residential uses. At the west end of the Hollywood Drive alley the property abuts the Insight Communications facility and a neighborhood commercial area including Domino’s Pizza. Across Vine Street is the Urbana Middle and High School complex.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	R-5, Medium High Density Multiple Family Residential	Multi-Family Residential	Multi-Family Residential
North	R-3, Single- and Two-Family Residential	Residential	Residential
East	R-3, Single- and Two-Family Residential	Residential	Residential
South	R-5, Medium High Density Multiple Family Residential	Michigan Avenue Apartments	Multi-Family Residential
West	CRE, Conservation-Recreation-Education and B-1, Neighborhood Business	Urbana Middle/High School, Insight Communications and Domino’s Pizza	Institutional, Community Business

Discussion

The strip of land where the garages are proposed to be located is approximately 380 feet wide and varies from 25 to 35 feet deep. The strip has an existing set of garages at the east end, and a shed at the west end. The proposal calls for three garages containing 7 spaces, 11 spaces, and 12 spaces. The size of the garage buildings are 70-feet wide, 110-feet wide, and 120-feet wide, respectively. Each of the garages will be 24 feet deep.

The strip is an unusually shaped area that would be non-conforming if it were a separate parcel. The strip is constrained between the alley on the north side and the property line to the south. The strip of land was created some years ago apparently as a result of the dedication of Hollywood Drive as a public alley. The shape and size of the strip will not accommodate a building or garage without encroaching

into the setback. Because the strip of land is only 25-feet deep the major variance is the minimum necessary for it to be utilized for construction of garages. The petitioners state they seek to make use of what would otherwise be wasted space. The proposal to locate garages at this location has the added benefit of allowing the developers to retain mature trees and open spaces at other locations on the property. The proposal would help to preserve trees on the site while still meeting the parking requirements for the new units.

Urbana's 2005 Comprehensive Plan Future Land Use Map #11, designates the Fairlawn Village complex as "Multi-family" residential development. The petitioners feel that in order for the complex to continue to remain competitive in the housing market it is necessary to provide garages to meet buyer expectations. The Zoning Board of Appeals has already granted a Conditional Use Permit to construct multiple structures on the Fairlawn Village site as a whole. Detached garage structures are consistent with the Comprehensive Plan future land use designation for the site.

Access

As part of the project, Hollywood Drive alley will be improved with a new asphalt surface. An existing 12-inch storm sewer running beneath the western half of the alley will also be replaced with a new one to ensure adequate drainage. The alley will continue to be one-way only with vehicles entering from the west end at Vine Street. The Urbana Zoning Ordinance permits cars to back onto public alleys when there is sufficient aisle width. The Zoning Administrator and the City Engineer have determined the 20-foot width of the alley is sufficient in this location. To enter the garages (and other parking spaces) off the alley cars will make a 90-degree turn. The Fairlawn Village complex has traditionally been marketed toward students of the University of Illinois. The location is ideal for older students living off-campus who do not need to use a car on a daily basis. For this reason it is expected the alley will continue to have a relatively low average daily traffic volume even with the addition of 30 new garage spaces, and 18 new uncovered parking spaces.

Variance Criteria

Section XI-3.C.2 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 (*in italics*), followed by staff analysis for this case:

1. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and 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 area proposed for garage construction is an unusually shaped area parcel remnant which varies in depth from approximately 35-feet at the west end to 25-feet at the east end, with a length of approximately 380-feet. The strip of land is constrained between the alley on the north side and the property line to the south. The proposed variance would not serve as a special privilege because the special circumstances relating to the parcel of land is that it is irregular in shape and size and it will not accommodate a building or even a garage without encroaching into the setback. The area is well suited to off-street parking or garages but a variance would be needed to allow construction as proposed.

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

The parcel was created before the petitioner's ownership of the Fairlawn complex and the situation or conditions were not created by the petitioners. It is an unusually shaped area that would be non-conforming if it were a parcel itself. Locating detached garages off alleys is common in Urbana where alleys exist.

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

The variance will not alter the character of the neighborhood. There are existing garages at the east end of the area in question and a shed at the west end. Cars and trucks are also parked along the area from time to time. The new garages will be in keeping with the multifamily residential character of the surrounding area. Locating detached garages off alleys is common in Urbana where alleys exist.

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

Although the garages would be built with no setback from the south property line the rear of the garages would still be approximately 20 feet from the Michigan Avenue apartment buildings to the south. The proposed garages will be constructed in a manner similar to the existing garages along Hollywood Drive. The garages can also be seen as an improvement to the alley because they will occupy the remnant area which is currently sometimes used for illegal parking, and trash dumping.

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

The required side yard setback is 5-feet. The proposed garages would be 24 feet deep. Because the strip of land is only 25-feet deep the requested variance is the minimum necessary for the land to be utilized for construction of garages.

6. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

The practical difficulty and hardship in this case is that the Zoning Ordinance requirement for a 5-foot setback cannot be met given the unique combination of the shallow depth of the land remnant and its location between the alley and south property line. Strict application of the Zoning Ordinance makes it impossible to make full use of this unusually shaped piece of land. The location is well suited for use for parking spaces or garages off the alley. Location of parking in this area will help to maintain trees and open space in other locations on the Fairlawn property that could otherwise be used to meet parking requirements.

Options

The Zoning Board of Appeals has the following options in this case:

1. The Urbana Zoning Board of Appeals may recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in this memo; or
2. The Urbana Zoning Board of Appeals may recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Board of Appeals elects to recommend

conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or

3. The Zoning Board of Appeals may recommend denial of the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals recommend the City Council **APPROVE** the proposed major variance in case ZBA 2006-MAJ-05 for the reasons articulated above and along with the following conditions:

1. That the development shall closely resemble the submitted site plan attached as Exhibit E; and
2. The Zoning Administrator shall have the power to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations including Building, Fire, and Subdivision and Land Development Codes amended to meet the codes and regulations of the City of Urbana.
3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

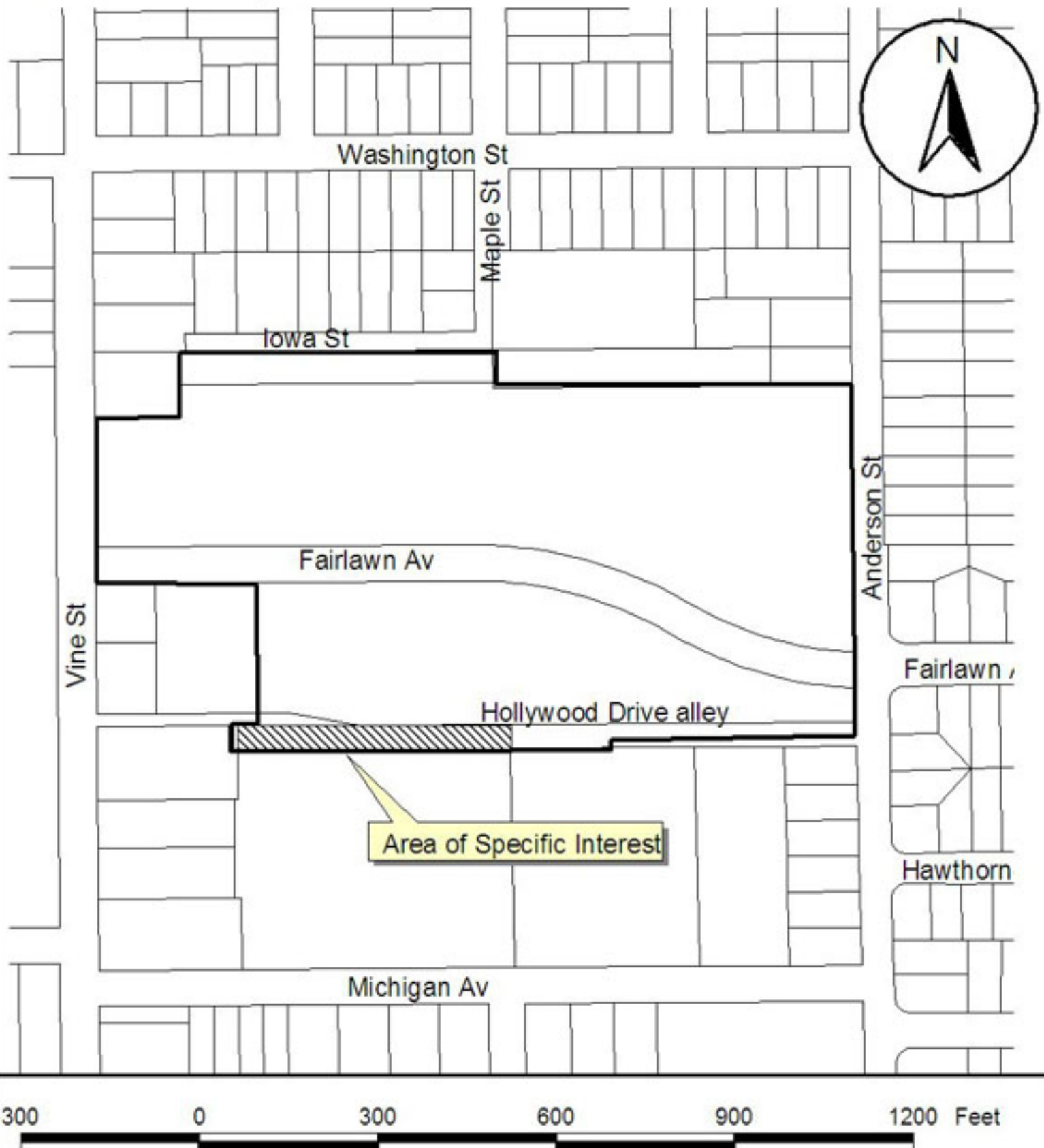
Attachments:

Exhibit A: Location Map	Exhibit E: Site Diagram
Exhibit B: Zoning Map	Exhibit F: Application
Exhibit C: Aerial Photo w/ Existing Land Use	Exhibit G: Site Photos
Exhibit D: Future Land Use Map	Exhibit H: Neighbor mailing List

Cc: Devonshire Realty
Attn: Shawn Luesse
P.O. Box 140
Champaign, IL 61824-0140

Location Map

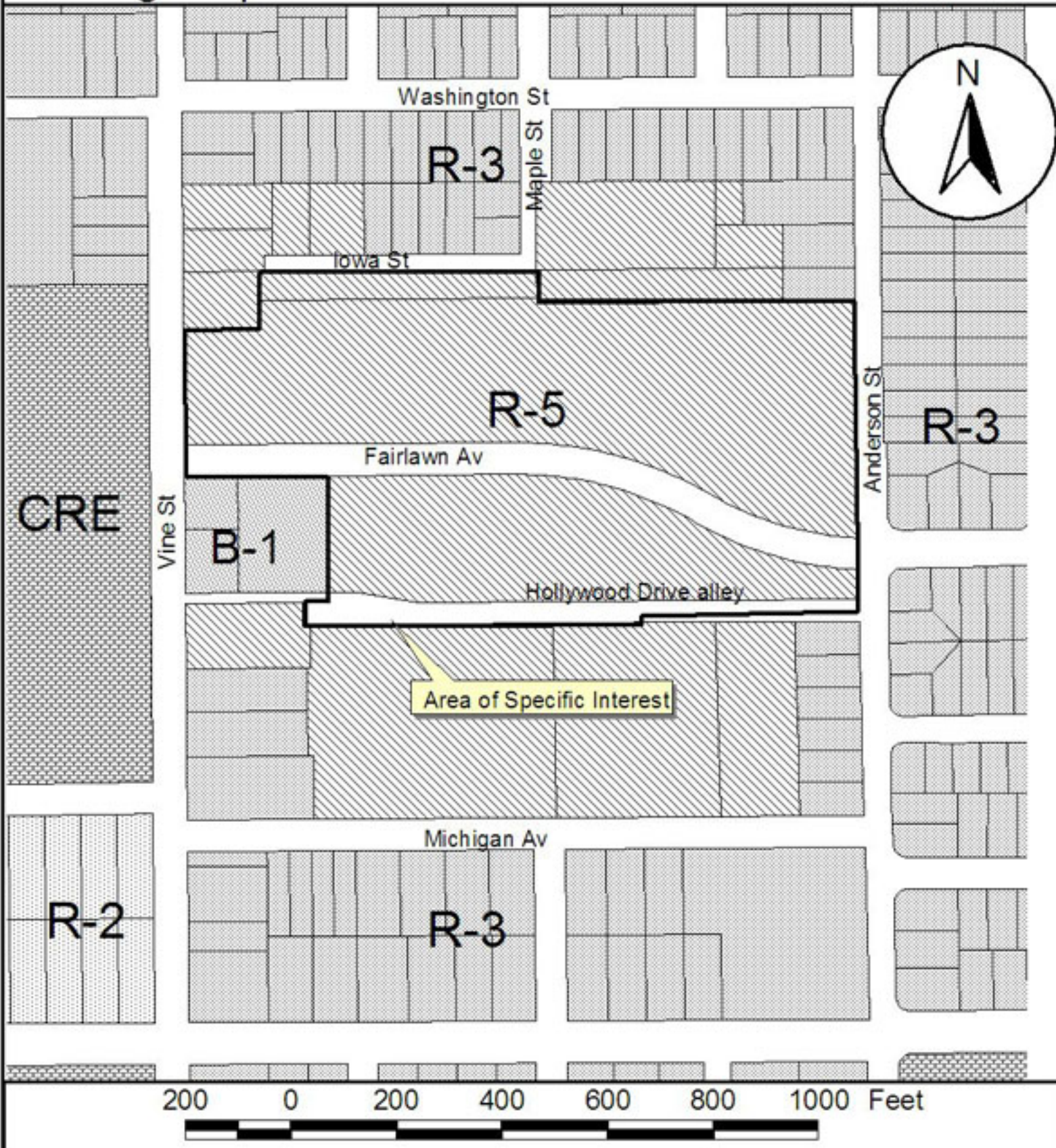
Exhibit "A"



ZBA Case: ZBA-06-MAJ-05
Petitioner: Villas at Fairlawn
Location: Fairview Av between Vine and Anderson
Description: Allow construction of garages within 5-foot Side Yard setback south of Hollywood Drive alley

Zoning Map

Exhibit "B"



ZBA Case: ZBA-06-MAJ-05
 Petitioner: Villas at Fairlawn
 Location: Fairview Av between Vine and Anderson
 Description: Allow construction of garages within 5-foot Side Yard setback south of Hollywood Drive alley

Prepared 12/5/2006 by Community Development Services - pal

- B1 - Neighborhood Business
- CRE - Conservation-Recreation-Education
- R2 - Single Family
- R3 - Single- and Two-Family
- R5 - Medium High Density Multiple-Family

Existing Land Use w Aerial Photo

EXHIBIT "C"



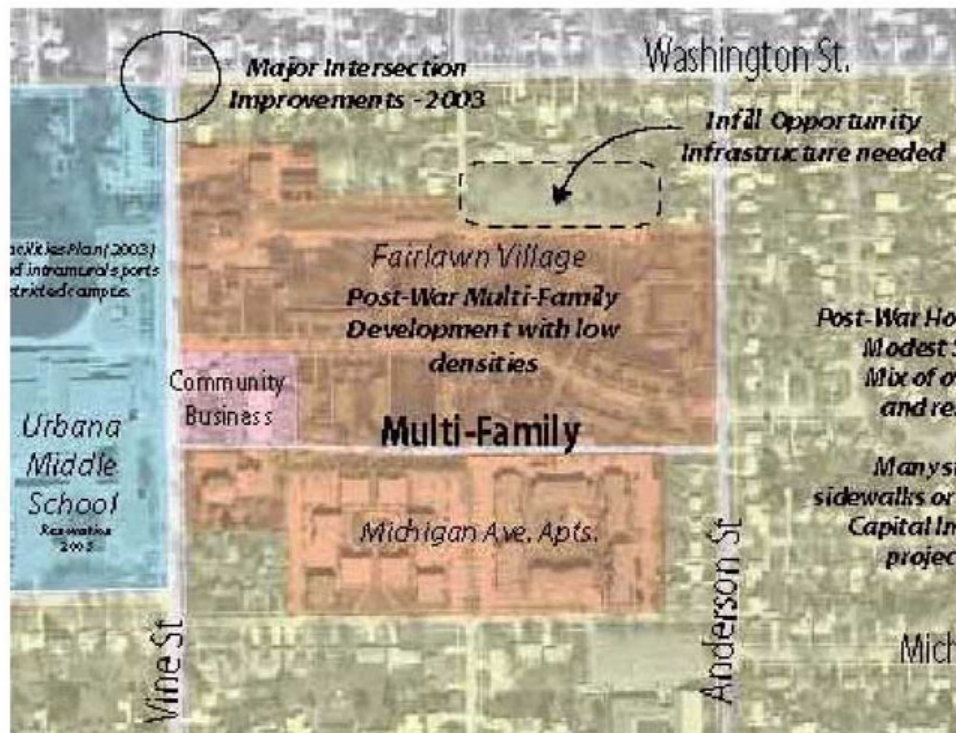
Case: 2006-MAJ-05
Subject: Major Variance to establish three new detached multiple car garages within the 5-foot side yard setback on the south side of Hollywood Drive alley
Petitioners: Villas at Fairlawn, LLC
Location: Fairlawn Drive between Vine and Anderson Street
Zoning: R-5, Medium High Density Multiple Family
Prepared 12/12/06 by Community Development Services - pal

- MF - Multi Family Apartments
- DU - Duplex
- SF - Single Family
- COM- Commercial
- VAC - Vacant land

Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 11 , p. 82 - Detailed Section



Case: 2006-MAJ-05

Subject: Major Variance to establish three new detached multiple car garages within the 5-foot side yard setback on the south side of Hollywood Drive alley

Petitioners: Villas at Fairlawn, LLC

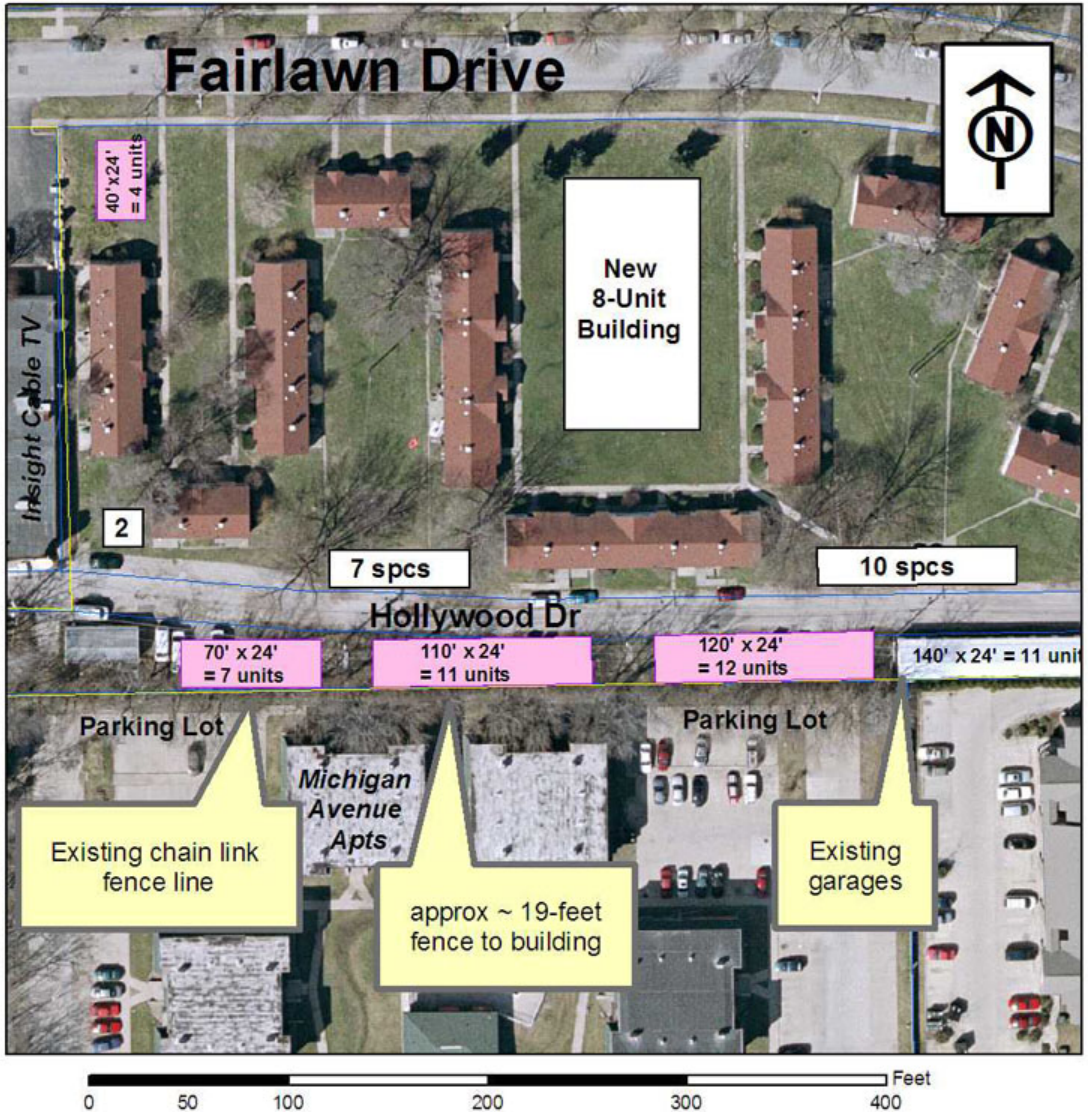
Location: Fairlawn Drive between Vine and Anderson Street

Zoning: R-5, Medium High Density Multiple Family

Prepared 12/12/06 by Community Development Services - pal

Site Diagram

EXHIBIT "E"



Case: 2006-MAJ-05

Subject: Major Variance to establish three new detached multiple car garages within the 5-foot side yard setback on the south side of Hollywood Drive alley

Petitioners: Villas at Fairlawn, LLC

Location: Fairlawn Drive between Vine and Anderson Street

Zoning: R-5, Medium High Density Multiple Family

Prepared 12/12/06 by Community Development Services - pal

"7 spcs"

- new enlarged parking area

"70'x24'

= 7 units"

- proposed garage

Site Photos

Exhibit "G"



#1 west end of area



#2 View to east down alley



#3 east from middle of area



#4 west from middle of area



#5 east from neighbors side of fence



#6 west from neighbors side of fence



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division
400 S. Vine
Urbana, IL 61801
(217) 384-2440

December 5, 2006

NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED MAJOR VARIANCE

To Whom It May Concern:

NOTICE IS HEREBY GIVEN to all interested persons that a public hearing will be held by the Zoning Board of Appeals of the City of Urbana, Illinois, on **Wednesday, December 20, 2006** at 7:30 P.M. in the Urbana City Council Chambers, 400 South Vine Street, Urbana, Illinois, at which time and place the Board will consider a request made by Villas at Fairlawn, LLC for a variance to facilitate construction of three new detached multiple car garages on a part of the Villas at Fairlawn condominium development in the R-5, Medium High Density Multiple Family Residential zoning district.

The Villas at Fairlawn development includes property generally located west of Anderson Street, north and south of Fairlawn Drive, and north and south of the Hollywood Drive alley public right-of-way. The specific location for the variance is on a narrow strip of land on the south side of the Hollywood Drive. **ZBA-2006-MAJ-05** is a variance request to construct the garages with up to a zero-foot setback (100% encroachment) into the 5-foot side yard setback along the south property line.

Urbana Zoning Ordinance Table VI-1, Development Regulations by District states that the required side yard in the R-5, Medium High Density Multiple Family Residential zoning district is 5 feet. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals must recommend approval of a major variance by a two thirds majority and forward the recommendation to City Council for a final decision.

Because you are a nearby property owner, the Zoning Board of Appeals would especially welcome your comments at the hearing, or in writing if received prior to the hearing.

Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 384-2444, or the City of Urbana's Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning this request, please contact my office at (217) 384-2440.

Sincerely,

Paul Lindahl
Planner I