



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Urbana Zoning Board of Appeals

**FROM:** Jeff Engstrom, Planner I

**DATE:** May 15, 2008

**SUBJECT:** **ZBA-2008-MAJ-06:** Major Variance Request to allow vehicles to back out onto a public street; and **ZBA-2008-MAJ-08:** Major Variance Request to allow parking to encroach 100% into the required front yard at 202 North Coler Avenue.

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**Introduction**

Steve Bantz is requesting two major variances related to parking at a multi-family residence at 202 North Coler Avenue. The first variance would allow parked vehicles to back out onto a public street. Section VIII-4.E of the Urbana Zoning Ordinance prohibits parking spaces which require vehicles to back out onto a public street (except for single- and two-family residences). The second variance would allow vehicles to park in the required front yard setback, which is prohibited by Section VIII-4.F of the Zoning Ordinance. The petitioner is requesting these variances in order to meet the required number of off-street parking spaces for his rental property. The building contains one studio, one one-bedroom, and three two-bedroom units and is therefore required to have five off-street parking spaces.

**Description of the Site**

The subject property is located on the east side of Coler Avenue, one block north of Springfield Avenue. The site is zoned R-4, Medium Density Multiple-Family Residential. This corner lot has dimensions of 66 feet by 139.75 feet, with an area of 9,223.5 square feet. The site is in conformance with development regulations, including Floor Area Ratio, Open Space Ratio, and required yards. The north and east side yards are 6.25 and 7.25 deep, respectively, which do not allow any space for parking behind the structure.

## Adjacent Land Uses and Zoning Designations

The surrounding areas to the north and east of the subject property contain multi-family dwellings and are zoned R-5 to the north and R-4 to the east. To the west are single-family homes zoned R-3. To the south are single-family homes, zoned R-5. The 2005 Urbana Comprehensive Plan indicates the future land use for the area as “Residential”. The plan states that Residential areas:

*“Contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate.”*

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan - Future Land Use</b>
<b>Site</b>	R-4, Medium Density Multiple-Family Residential	Apartment Building	Residential
<b>North</b>	R-5, Medium High Density Multiple-Family Residential	Apartment Building	Residential
<b>East</b>	R-4, Medium Density Multiple-Family Residential	Apartment Building	Residential
<b>South</b>	R-5, Medium High Density Multiple-Family Residential	Single Family Homes	Campus Mixed-Use
<b>West</b>	R-3, Single and Two-Family Residential	Single Family Homes	Residential

## Discussion

The subject property received a variance in 1984 to allow off-street parking in a lot other than the lot of principle use, as recorded in the Decision Sheet for Case ZBA-84-V-7. At that time, the previous owner wanted to add a fourth unit to the property. In order to allow the fourth unit, four parking spaces were required. Since parking was not allowed in the front yard, the owner’s solution was to have two cars parked in the garage and to lease two parking spaces at the Glen Poor’s site, within 300 feet of the subject property. One of the conditions of that variance was to require the leasing of the two off-site parking spaces. Since those spaces are no longer leased, that variance is no longer valid.

Recently, building inspectors from the City discovered that the garage had been converted into an unauthorized, uninspected fifth unit by a previous owner. Also, the tenants were no longer parking at the Glen Poor’s site, and were instead improperly parking within the required front yard set back. Because this property has no room in the side yards, the current owner is requesting a variance to allow parking in the front yard. Since the property is not a single-family home or duplex, a variance is also needed to allow parked cars to back out onto the public street.

The parking area was originally used as a driveway. Since it requested be used as a parking lot for required off-street parking at a multi-family residence, the parking spaces will need to meet Zoning Ordinance standards. These spaces must be striped, have wheel stops, and have adequate access from an expanded curb-cut. These requirements are addressed in a site plan submitted by the applicant.

If approved, the site will be in conformance with the Zoning Ordinance, and the owner will be able to apply for a Certificate of Occupancy to allow the fifth unit.

### **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*

The practical difficulty is that this lot is on a corner and has two required front yard set backs. Because of this, the building is pushed against the two opposite lot lines, and there is no room for parking behind it in either side yard. The property is required to have five off-street parking spaces. Since there is no room to turn around in the front yard, an additional variance is requested to allow backing onto a public street.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

This property previously received a variance to allow parking at another site. In that case the Zoning Board of Appeals acknowledged that while a corner lot in itself is not a special circumstance, there is a hardship involved “when parking is only possible on the two sides considered a front yard.” The side yards have setbacks of 6.25 and 7.25 feet, which are not wide enough for a parking space or drive.

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

The building was built several years ago, with no space devoted behind the structure for parking. The petitioner is working with the City to bring his property into conformance with the Zoning Ordinance and building codes.

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

The applicant states that the building will not be expanded or changed in appearance, and is essentially the same as when it was built in the 1950's. The only change is that a fifth unit will occupy the garage instead of parking. This variance will allow for five vehicles to be parked outside of the building in the front yard set back, which is the current situation. Other multi-family properties in the immediate area have parking behind the rear face or underground. There are also single family homes in the area, which are allowed to have parking in the required front yard (in the driveway).

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

The proposed variance will not cause a nuisance to the adjacent properties. Adjacent properties are mostly large apartment buildings and rental houses. Not granting the variances could potentially cause a nuisance, as it would likely lead to five vehicles parking on crowded neighborhood streets.

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

The variances represent the minimum derivation from the requirements of the Zoning Ordinance necessary. If parking is not allowed in the set back and not allowed to back into the street, there is no where for parking to locate on this property. The petitioner could apply for a variance to eliminate the required off-street parking spaces, but this would essentially mean the tenants would have to park on the street.

## **Summary of Findings**

1. The petitioner is seeking variances from Section VIII-4. F to allow parking in the required front yard and Section VIII-4.E to allow parking to back onto a public street.
2. The property previously received a variance to allow two off-site parking spaces (with the other two required spaces in the garage) in Case ZBA-84-V-7.
3. The requested variances are required to allow continued use of a fifth dwelling unit which was illegally installed by a previous owner, a situation not caused by the applicant.
4. The variances are made necessary by the practical difficulty of a small lot without space for parking behind the building.
5. The requested variances will not alter the character of the neighborhood or cause a nuisance to adjacent properties, as most of the adjacent properties are apartments or student rentals and there will be no change to the exterior of the building.
6. The proposed variances are the minimum possible deviation from the Zoning Ordinance that will allow continued use of the property as a multi-family dwelling, as a minimum of five off-street parking spaces are required by Table VIII-7 of the Zoning Ordinance.

## Options

The Zoning Board of Appeals has the following options in major variance cases ZBA-2008-MAJ-06 and ZBA-2008-MAJ-08:

- a. The Urbana Zoning Board of Appeals may recommend approval of the variances as requested based on the findings outlined in this memo;
- b. The Urbana Zoning Board of Appeals may recommend approval of the variances as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may recommend denial of the variance requests. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its recommendation of denial.

## Staff Recommendation

Based on the analysis and findings 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 forward major variance Cases ZBA-2008-MAJ-06 and ZBA-2008-MAJ-08 to the Urbana City Council with a recommendation for **APPROVAL** with the following conditions:

1. The parking lot shall be striped and contain wheelstops, as shown in the attached parking plan.
2. The curb cut shall be expanded to allow access to the parking spaces as shown in the attached parking plan upon approval from the Public Works Department.
3. The petitioner shall obtain a Certificate of Occupancy to allow the fifth dwelling unit and shall meet all required building codes.

Prepared by:

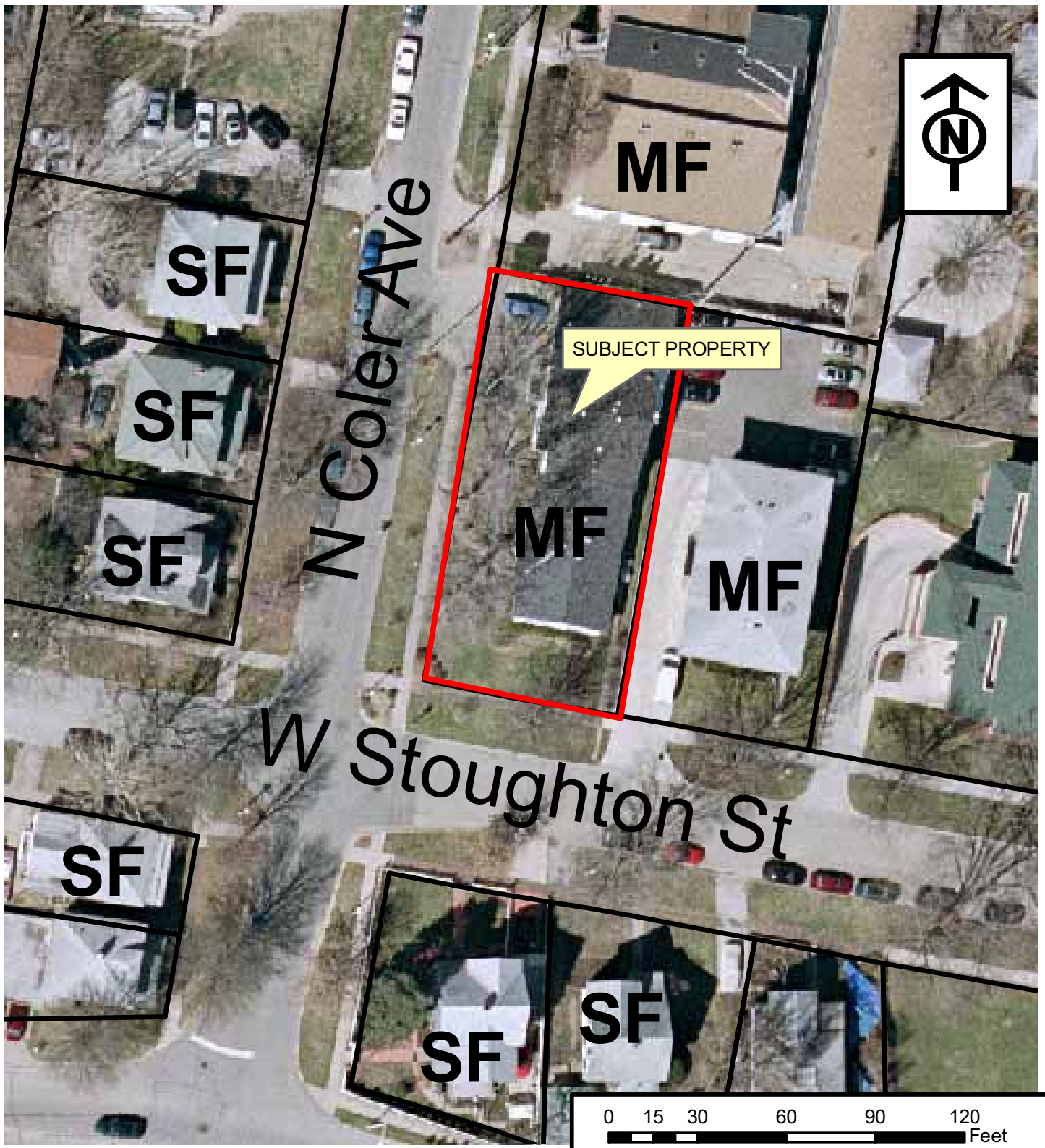
Jeff Engstrom  
Planner I

Attachments:     Exhibit A: Location and Existing Land Use Map  
                      Exhibit B: Existing Zoning Map  
                      Exhibit C: Future Land Use Map

Exhibit D: Site Photos  
Exhibit E: Proposed Parking Plan  
Exhibit F: Application  
Exhibit G: Correspondence

cc: Steve Bantz  
302 West Elm Street  
Urbana, IL 61801

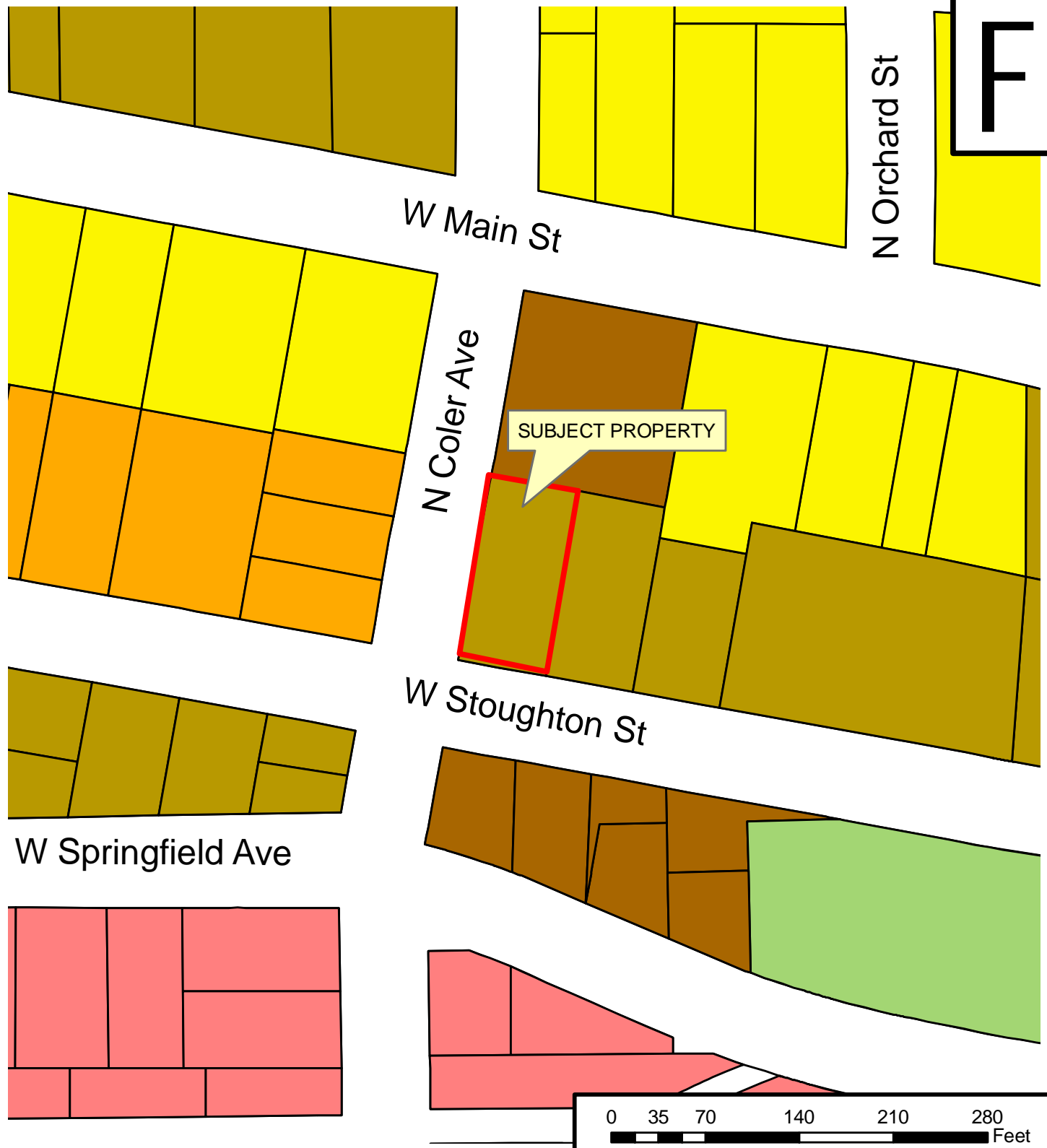
# Exhibit A: Location and Existing Land Use Map



ZBA Case: ZBA-2008-MAJ-06 & ZBA-MAJ-08  
Description: Major Variance to Allow Parking in a Required Yard and to Allow Parking to Back onto a Public Street  
Petitioner: Steve Bantz  
Location: 202 North Coler Avet  
Zoning: R-4: Medium Density Multiple-Family Residential

Prepared 4/08 by Community Development Services - jme

# Exhibit B: Zoning Map



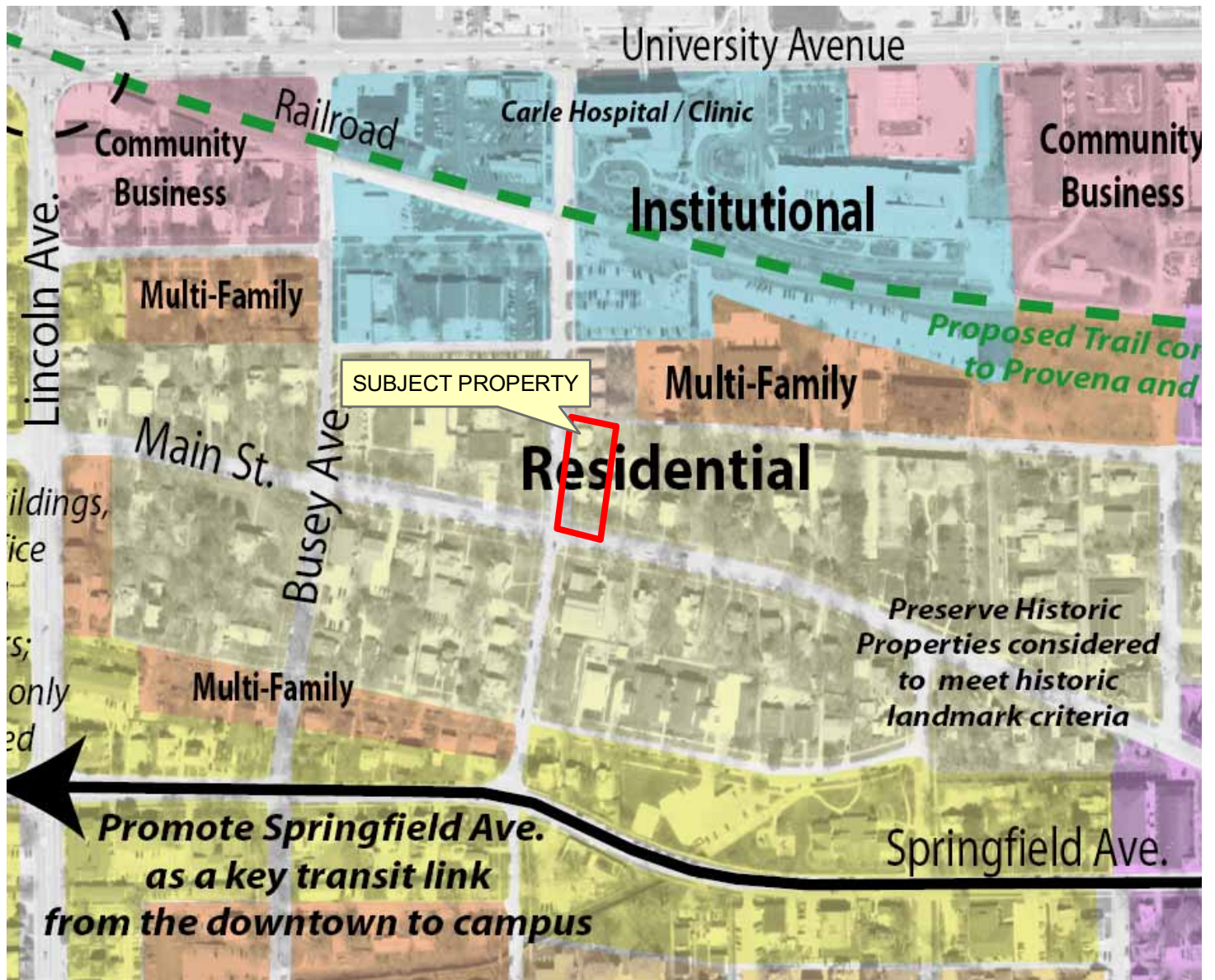
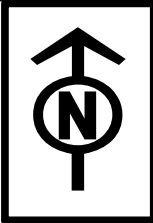
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	B2		R2
	CRE		R3
			R4
			R5



# Exhibit C: Future Land Use Map



ZBA Case: ZBA-2008-MAJ-06 & ZBA-MAJ-08  
Description: Major Variance to Allow Parking in a Required Yard and to Allow Parking to Back onto a Public Street  
Petitioner: Steve Bantz  
Location: 202 North Coler Avet  
Zoning: R-4: Medium Density Multiple-Family Residential

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**Exhibit D: Site Photos**



View from southwest.



Parking Area as seen from the northwest.