

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO:	The Urbana Zoning Board of Appeals
FROM:	Kevin Garcia, AICP, Planner II
DATE:	March 11, 2016
SUBJECT:	ZBA-2016-MAJ-01: A request by Geoffrey Merritt for a Major Variance to install a front canopy that will encroach seven feet into the required front yard at 303 W. Griggs Street in the B-1, Neighborhood Business District.

Introduction & Background

The petitioner, Geoff Merritt, has submitted a request to install a front canopy that will encroach seven feet into the required front yard at 303 W. Griggs Street in the B-1, Neighborhood Business District. The existing building at 303 W. Griggs Street encroaches four feet into the required 15-foot front setback. The addition of a proposed three-foot canopy would create a total encroachment of seven feet, or 47 percent, into the required yard. According to Section XI-3.C of the Urbana Zoning Ordinance, reducing a required yard by more than 25 percent requires a Major Variance.

In 2001, the applicant obtained a Conditional Use Permit to operate a mail order record store at 303 W. Griggs Street. The building is still used for that purpose, and in addition contains a small space for bicycle-related retail. In 2015, a Major Variance (see ZBA-2015-MAJ-07) was approved to reduce the number of required parking spaces at the property from seven to three, to be provided off-site. The variance was sought so the applicant could proceed with plans to renovate the building, including removing the existing garage and replacing the front façade. The original variance application did not include a request to allow a canopy to encroach into the required front yard, and the applicant therefore requests a variance to allow the canopy to be built. The canopy is intended to make the building more attractive and will offer some protection from the elements for the building's main entrance.

According to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order to approve the Major Variance request, the Zoning Board of Appeals requires a two-thirds favorable vote to recommend approval and forward the case to the Urbana City Council for final review and approval.

Existing Land Uses

The property is located on W. Griggs Street near Downtown Urbana, one block west of the new park at the Boneyard Creek. It is surrounded by residential uses of varying densities, as well as a small pottery

business immediately to the west. 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	Future Land Use
Site	B-1, Neighborhood Business	Mail Order Business, Bike-Related Retail	Residential (Urban Pattern)
North	B-3, General Business	Apartments	Central Business
East	R-5, Medium High Density Multi- Family Residential	Single-Family Home	Residential
South	R-5, Medium High Density Multi- Family Residential	Apartments	Residential
West	B-1, Neighborhood Business	Pottery Business	Residential

Comprehensive Plan

In Urbana's 2005 Comprehensive Plan, Future Land Use Map #8 identifies the southern portion of the 300 block of W. Griggs Street as an area appropriate for an urban pattern of residential use. The northern portion (across the street from 303 W. Griggs Street) is identified as "Central Business." The Plan defines "Residential (Urban Pattern)," as areas containing

...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. Residential areas can have different physical patterns of development.

The Plan defines "Central Business" in part as

Contain[ing] a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle, and transit access are emphasized to ensure areas are walkable. Contain[ing] a mix of land uses ranging from commercial, high-density residential, office, and institutional.

The existing building was constructed as a commercial building and has been consistently used for commercial purposes. The current commercial uses of the building are compatible with the definition of Residential (Urban Pattern). The property is zoned B-1, Neighborhood Business, and is a low-intensity use, with many customers arriving by foot or by bike, which is compatible with the adjacent "Central Business" designation identified in the Comprehensive Plan.

Discussion

The building at 303 W. Griggs Street has been used for neighborhood businesses for decades. It is currently used as a mail order record store, with a small area used for bicycle-related retail. Like many older properties, it was developed long before current zoning standards were in place. In this case, the applicant would like to make changes to the building to make it more structurally sound, economically viable, and aesthetically pleasing. The first step in the process for the applicant was to apply for a

variance to reduce the parking requirements. The applicant was granted such a variance in case ZBA-2015-MAJ-07. The next step in the process was to finalize plans for the renovations. The new plans include a three-foot canopy on the front of the building, which requires a major variance. The proposed canopy, which can be seen in the plans, elevations, and detail in Exhibit D, will enhance the appearance of the building and should not cause any negative effects in the neighborhood.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, 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 circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.

The property was developed and the building was constructed long before current zoning regulations were put into place. The building already encroaches more than 25 percent into the required front yard, so any further protrusion would require a Major Variance. Aside from the adjacent property to the west, all of the other commercial buildings in the area are zoned B-4, which has no setback requirements. This property is unique in that it is zoned B-1 but shares many characteristics with buildings in B-4 zones. These are special circumstances of this particular site which make this variance necessary.

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

The variance requested was not the result of a situation created by the petitioner as the site was developed many decades prior to the petitioner purchasing the property. The petitioner is trying to rehabilitate the existing building to make it more attractive and viable as a neighborhood business.

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

The building will be renovated and the façade improved, a canopy will be installed, and the existing curb cut will be removed, all of which will help to preserve and enhance the character of the neighborhood.

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

The installation of a canopy will have no effect on adjacent properties and will cause no nuisance.

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

The proposed canopy is modest in scale, at three feet. Any canopy would require a Major Variance, and a smaller canopy would not offer the benefit of protection from the weather. The variance therefore represents the minimum deviation necessary.

Summary of Findings

- 1. 303 W. Griggs Street is zoned B-1, Neighborhood Business.
- 2. The property is currently classified as a "Mail Order Business", a use that was granted via Conditional Use Permit in Case No. ZBA-01-C-01.
- 3. The property was granted a Major Variance in Case No. ZBA-2015-MAJ-07 to reduce the required parking from up to seven spaces to three spaces.
- 4. The property is currently used for mail order record and bicycle-related retail.
- 5. The petitioner plans to renovate the existing building, rebuild the front façade, and install a three-foot canopy.
- 6. The petitioner has applied for a Major Variance to install a front canopy that will encroach seven feet into the required 15-foot front setback.
- 7. The variance request will not serve as a special privilege to the property owner.
- 8. The variance request was not the result of a situation knowingly created by the petitioner.
- 9. The variance request will not alter the essential character of the neighborhood, and will help to preserve and enhance the neighborhood's character.
- 10. The variance request will not cause a nuisance to adjacent property owners.
- 11. The variance request represents a reasonable deviation from the requirements of the Zoning Ordinance.
- 12. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2016-MAJ-01:

- 1. Forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or
- 2. Forward the case to City Council with a recommendation to approve the variance with certain terms and conditions. If the Urbana Zoning 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. Deny the variance request.

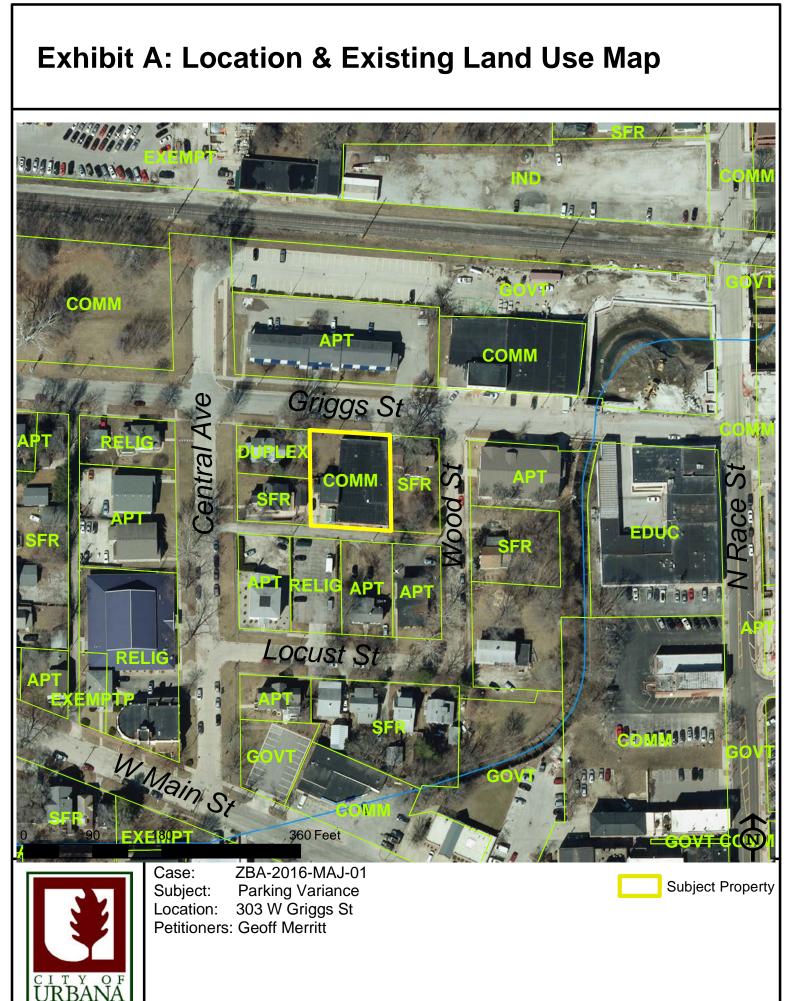
Staff Recommendation

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 forward the request for a Major Variance in case ZBA-2016-MAJ-01 to the Urbana City Council with a recommendation to **APPROVE** the request with the following condition:

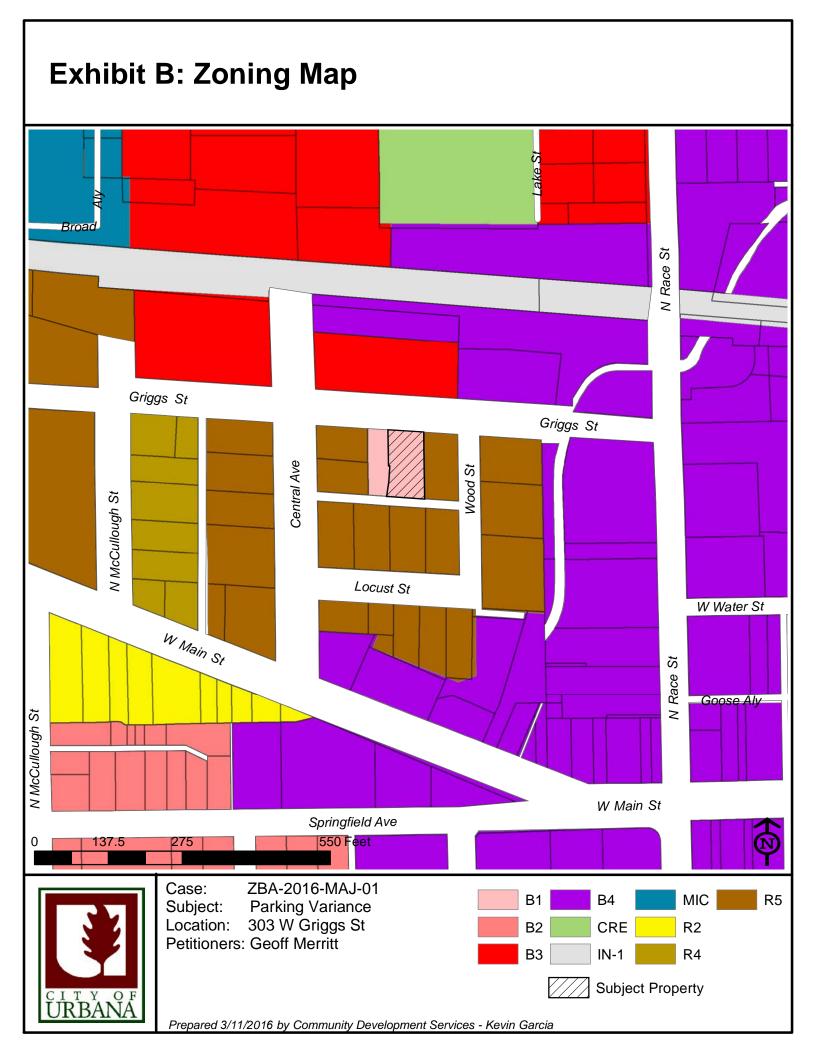
1. The canopy shall be built in conformance with the plans provided by the applicant in Exhibit E.

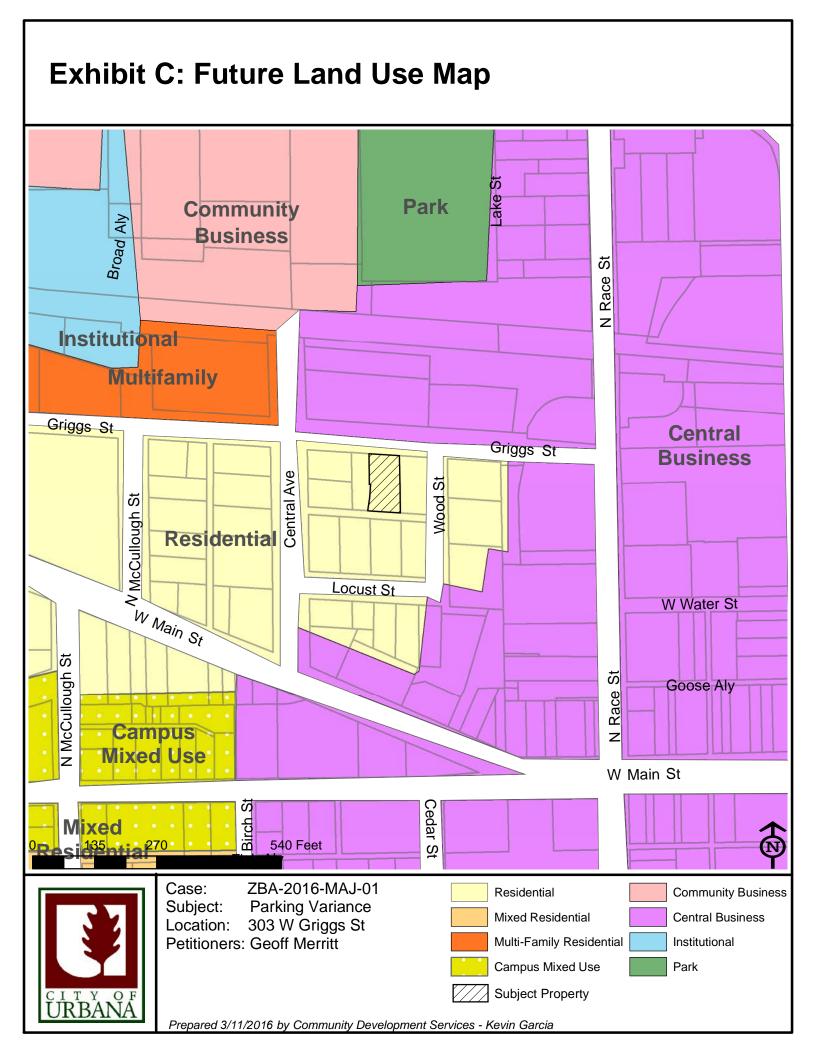
Attachments:	Exhibit A:	Location and Existing Land Use Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Application
	Exhibit E:	Site Plans

cc: Geoff Merritt



Prepared 3/11/2016 by Community Development Services - Kevin Garcia







APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed	02-04-2016	ZBA Case No. ZBA-2016-MAJ-	<u>0</u>
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 (Insert Use/Construction Proposed and the Type and Extent of 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): Geoffrey MerrittPhone: 217-621-1289Address (street/city/state/zip code): 303 W Griggs Street, Urbana, IL 61801Email Address: geoff@parasol.comProperty interest of Applicant(s) (Owner, Contract Buyer, etc.): co-owner

2. OWNER INFORMATION

Name of Owner(s): Geoffrey / Christopher Merritt Phone: 217-621-1289

Address (street/city/state/zip code): 905 S Lynn Street, Urbana, IL 61801

Email Address: geoff@parasol.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: 303 W Griggs Street, Urbana, IL 61801

PIN # of Location: 91 21 08 383 004

Lot Size: ______21,760 SF____

Current Zoning Designation: B1	
Current Land Use (vacant, residence, grocery, factory, e	etc: retail/warehouse
Proposed Land Use: retail/warehouse	
Legal Description:Parts of Lots 11 (as Plat Record re	ecorded in Deed Record 19 at Page 285)
and 12 (as Plat Record recorded in Deed Record 19 at Pa	age 285) in S.T. Busey's Addition to
Urbana, in Champaign County, Ill	
CONSULTANT INFORMATION	
Name of Architect(s): Rodney D. Reid AIA	Phone: 217-390-7403
Address (street/city/state/zip code): 1904 Byrnebruk Dri	ve, Champaign, Illinois 61822
Email Address: rod.reid@comcast.net	
Name of Engineers(s):	Phone:
Address (street/city/state/zip code):	
Email Address:	
Name of Surveyor(s):	Phone:
Address (street/city/state/zip code):	
Email Address:	
Name of Professional Site Planner(s):	Phone:
Address (street/city/state/zip code):	
Email Address:	
Name of Attorney(s): Webber & Thies	Phone: 217-367-1126
Address (street/city/state/zip code): 202 Lincoln Square,	, Urbana, IL 61801

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.

We intend to renovate and restore the facade of the building in order to preserve it's

character and place in the neighborhood as well as being able to continue and increase it's

use. We hope to put a small canopy over the main front entrance.

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.

With the development just east of us (208 W Griggs) and the various projects on Race Street (between University and Water), the nature of the neighborhood (and Griggs Street in particular) is changing considerably – more foot-traffic and businesses. There are no other B1 businesses in this area but the building 100 feet to the North-East (204 E Griggs St) is in the B4 district with more relaxed requirements.

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

<u>The building has had its current footprint for considerably longer than we've owned it but it</u> had never been used for retail until recently – which we got a special variance for. With the current remodeling plans we are hoping for another variance.

Explain why the variance will <u>not</u> alter the essential character of the neighborhood.

The apartments and the new African specialty grocery store across the street have canopys

- each of which makes their respective buildings more attractive in the neighborhood.

Overall, the neighborhood will look considerably better once the restoration of our building

is done – and the canopy is an integral part of that.

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

<u>The nature of our business will not change very much – we will continue being a</u>

neighborhood business with primarily foot and bike traffic. The addition of a canopy will not change the neighborhood at all.

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

This request represents the minimum deviation for the requirements of the zoning ordinance.

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

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

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

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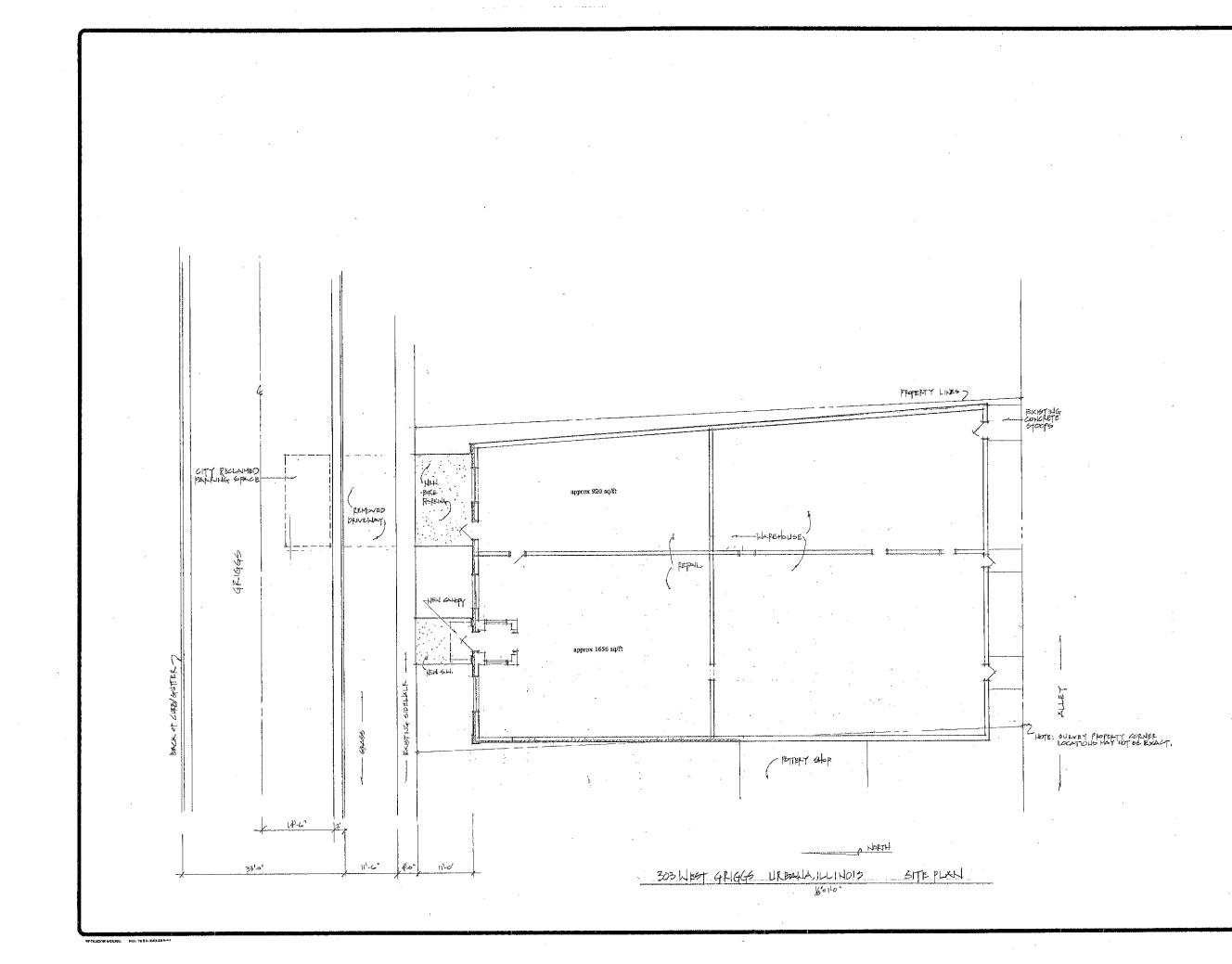
Applicant's Signature

2-3-16

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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



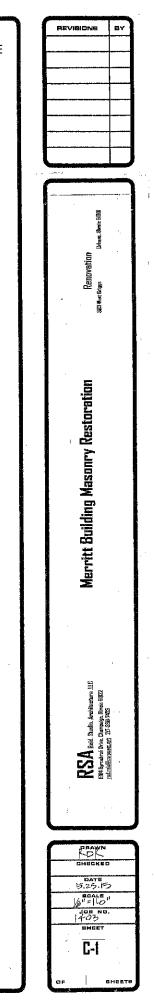
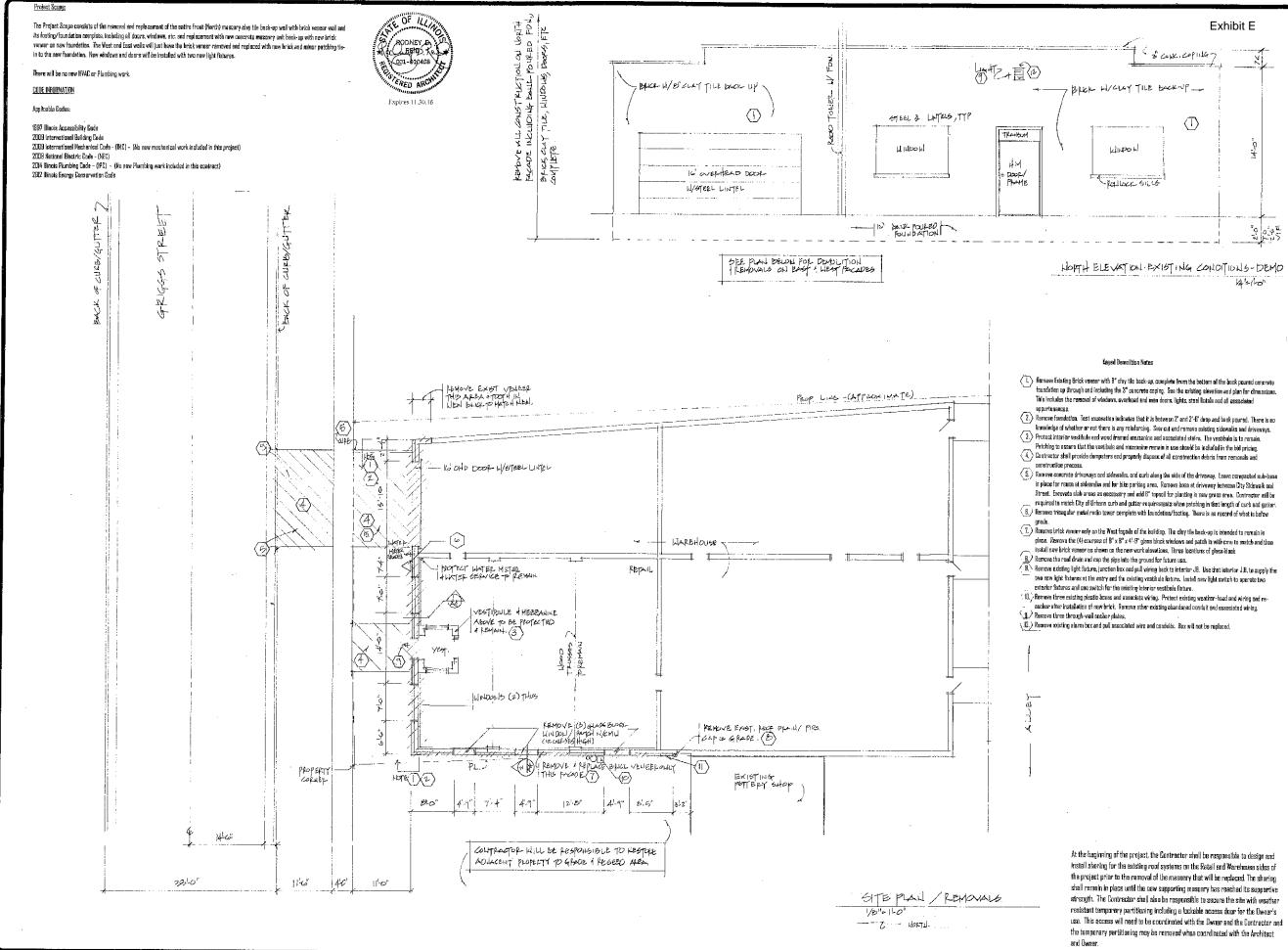
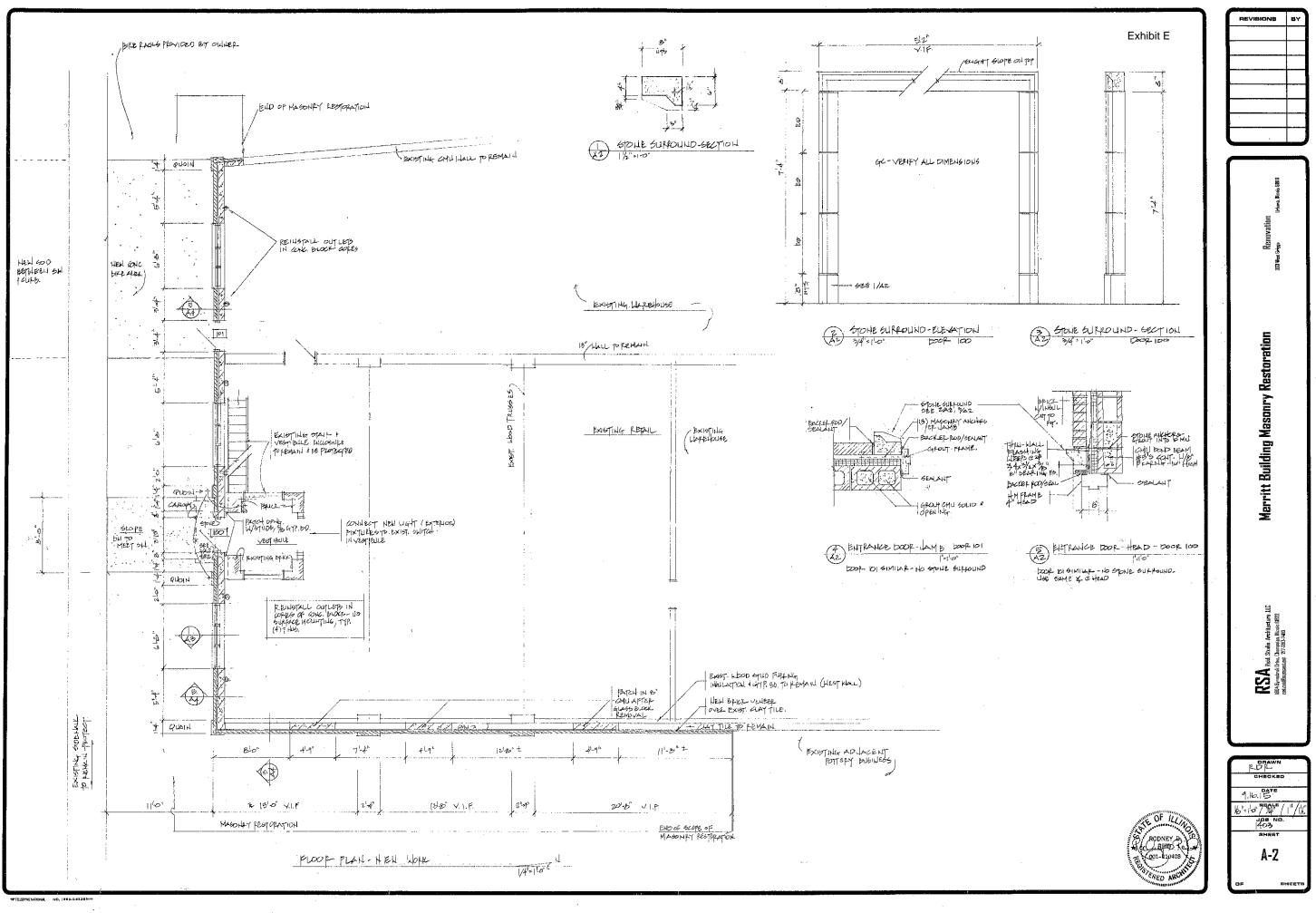
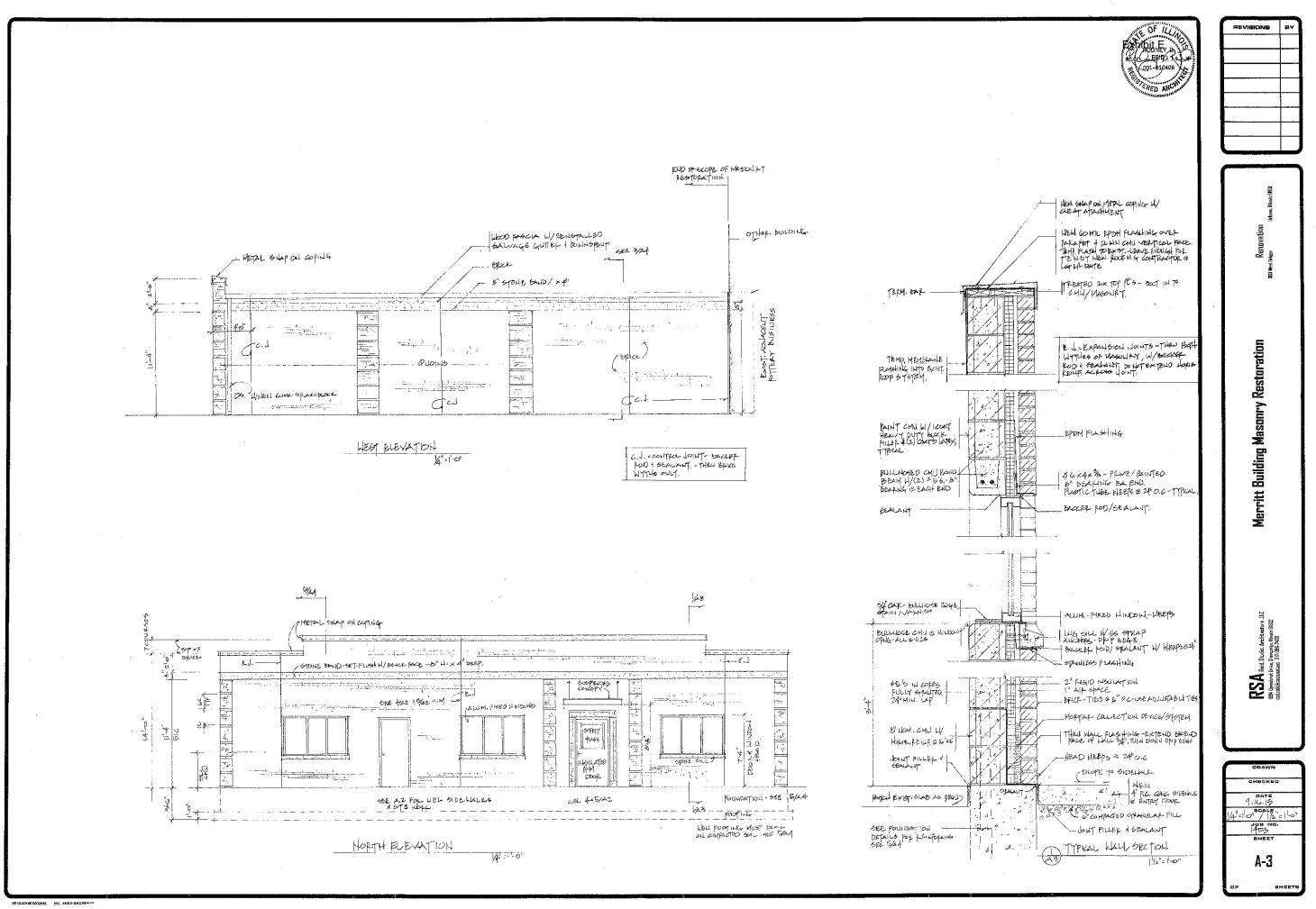


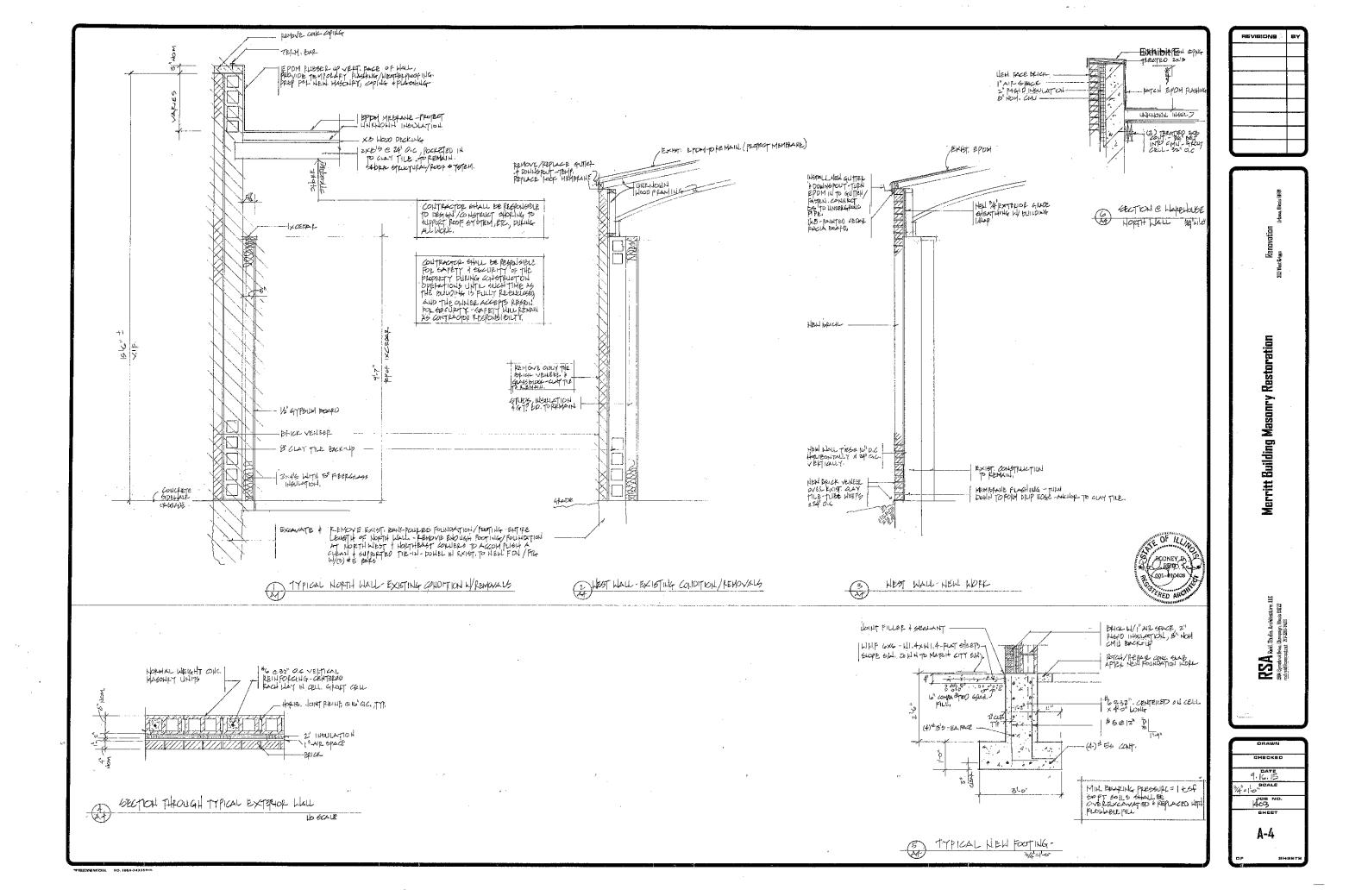
Exhibit E



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Specification Items:

- All meterials are to be installed in accordance with the Manufacturer's Installation recommendations unless otherwise noted. Any substitutions shall be applied for and approved prior to the receipt of bids.
- 2. Cest stone shell meet the requirements of ASTM CI364 for the Cest Stone lastitute. All stone anchors shall be 304 steinless steel. Heshing of stone shell be Totelflesh system or epproved system. Color shell be from Manufecturer's stendard colors in the boff range. Owner and Architect to select. Joints in stone and stene to brick shall be 3/8" with backer rod and sealant. Flash at all stone banding, sills and surround. Install plastic tube weeps at 24" a.c. typical.

1

COMPLESSICK SLEEVE

25

112

- 3. The Brick used will be selected by the Architect and Owner at a later date. For bidding purposes, the contractor shell figore an ellowance of \$800 per thousand brick.
- 4. Cavity well insulation to be Styrofoam Cavity Nate baard or Formular 250 by U.C. Industries.
- 5. Gyosum Board Drywall: 5/8" fire code impact resistant Byosum Board, to patch at the entry and K" at other walls as required,
- Exterior Seelents and Interior Eauliang: Tremot. Sameborn NP-1 exterior grade as basis of dasign Paint; For CMU, use Heavy Body block filler and two osets Latex Paint Confirm all colors with Architect. Use Sharvin Williams/MAB or
- Benjamin Moore as acceptable products
- 8. Stein and varnish: new 5/4" oak sills, solar to be selected by Architect with clear setin linish. Use Sherwin Williams/MAB or Beajamin Moore as acceptable products. Provide samples for Architect's review prior to start of finishing.
- New exterior doors shall be hollow metal insulated Extra Heavy Duty, 1 X" thick; composite construction; fearm insulating core bonded to both faces: 16 gauge steel face sheets: .60 oz./sf galvanized coeting. HM frames to be 14 gauge steel; 1.25 oz./sf galvanized coeting. Provide three anchors per jamb for installation into mesonry walls.
- 10. Exterior Doors; by Steelcraft, Curries
- Doer 100
- 3'-6" x 7'6" door x 1 %", w/sefety glass lite as shown (Needs Exterior Grade Pelat Finish) Z pair Hinges Heger Stainless Steel 88099 5 x 5 MRP US320. Steinless Steel with SS pin
- 1 Closer 4040XP-S-CUSH 689 Ry FCN
- I Threshold S408A x 3'-6" by Rease or equal
- l Sweep 323A x 3'-6"by Reese or Equal
- ea. Sets Weether-strip by Reese = 607A (3670) Verify # with Manufacturer Floor stop for exterior use for each duor shell be GJ FB 38 or ives.
- Silencers for each door
- Glazion stors for this door
- Egress elways available.
- I nim exit device with lever outside = 89L x 896L-RV x 03 x 299 x 3'-8" by Ven Duprin, including one Rim cylinder 20-022,
- Door 101
- 3'-0" x 7'0" door x f %", (Needs Exterior Greds Psint Finish) Z pair Hinges Hager Steinless Steef 88099 5 x 5 NRP US320. Steinless Steel with SS pin l Closer 4040XP-S-CUSH 686 - By LCN | Threshold - \$408A x 3'-D" by Reese or equal Sweep 323A - x 3'-O''by Reese or Equal 1 ee. Sats Weather-strip by Rease = 8074 (3070) - Verify # with Manufacturer ! Floor stop for exterior use for each door shall be GJ FB 36 or lyes. Silencers for each down Glazing stops for this doar Egress always available. I rim exit device with lever outside = 99L x 996L-RV x 03 x 299 x 310" by Van Duprin Including one Rim cytinder 20-022,
- II. For all new cylinders, key them separately and provide four keys for each cylinder and four mester keys that open both cylinders.
- 12. Exturior fascia board on West site at roof edge to be 1 x 8 Cedar, sealed and painted, color by Architect 13. Now Windows shall be Knwneer 45/UT with insulated safety glazing; dark bronze noise framing or approved equal manufacturer and framing
- system.
- 14. All concrete for factings and foundations shall be 4000 psi
- 15. All new masonry auchors are to be Steinless steel.
- 16. Use "Cavicleer" morter net or approved equal for masoary cavity
- 17. Use Metal Era Perme-Tite snep on aluminum coping system or approved equal. 20 year warranty, overlap ends 6"-8"; continuous cleat system; color selected from Manufacturer's studderd color range
- 18. Provide new continuous getter with downspouts to match existing in size. Color to be selected by Architect and Owner
- 19. The new curb and gutter section that is to be replaced in accordance with Urbana Codes and Josign regulations/requirements. Curb and gutter replacement must follow existing flow line of the street and metch in size and configuration.
- 20. The aluminum suspended canopy at the front entrance is noted as 3'-0" x 6'-0" wide. Acceptable manufacturers are Perfection Architectural Systems, Inc of Orlando, FL and Mapes Architectural Complex of Lipcoln, NE. GC to provide shop drewings prepared by the manufacturer to indicate all required materials and methods of connectivity to the Building for a complete lastallation. Color to be annoized bronze. Festeners shell be steinless steel.

