



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: Christopher Marx, Planner I

DATE: July 15, 2016

SUBJECT: **ZBA Case 2016-MIN-02:** A request by Robert Devine for a Minor Variance to allow an increase in the maximum allowed Floor Area Ratio (FAR) from 0.9 to 0.93 at 804-806 West Green Street in the R-5, Medium High Density Multiple-Family Residential district.

Introduction and Background

Robert Devine, the property owner for 804-806 West Green Street is requesting permission to construct a storage building on the property. The property abuts the Boneyard Creek and is occupied by a multi-unit apartment building. The proposed structure would provide storage space for maintenance equipment and covered recreational space for the building’s tenants.

The site is located on West Green Street between Lincoln Avenue and Busey Avenue, just east of the University of Illinois area. The site is 0.6 acres and contains a 32 unit, three-story apartment building totaling 23,472 square feet of floor area. The property also has 34 off-street parking spaces and some areas of open space. The site is adjacent to a gas station on the west and other apartment buildings on the east, all of which run along the southern edge of the Boneyard Creek.

The proposed structure would be 768 square feet in area and would be located on the northern part of the property. The structure would have 10 foot deep canopies on its west and south walls to provide covered recreational space for the building’s tenants. The building itself would be used for storage of maintenance equipment and items used for the apartment building. There would be a single-door opening on the southeast end of the building and a larger garage door opening on the west end. The applicant states that the property would not be used for vehicle storage. While the west side of the property would require access from the neighboring gas station, the applicant states that an access agreement was possible with the neighboring property owner. The structure would meet the required setbacks of five feet for the property’s side and rear yards. It would also be at least 50 feet from the Boneyard Creek floodway and 25 feet from the maintenance easement that exists along the Creekway.

Any construction on the property would require a Creekway permit. Review of the Creekway permit is pending the result of the variance application.

The apartment building was constructed in 1995 and is zoning compliant with the current Zoning Ordinance development regulations for an R-5 Medium High Density Multiple-Family Residential district property. Currently, the Floor Area Ratio (FAR) of the property is exactly at the maximum allowable ratio of 0.90. The applicant’s request to construct a 768-square foot accessory structure would increase the FAR of the property to 0.92, an increase of 2.1%. The public notice for the Minor Variance application originally listed a FAR change of 3.3% to 0.93. The applicant has since provided more accurate calculations for the property and building proposal. Section XI-3.C.b(4) of the Zoning Ordinance states that any request for an increase in the allowable FAR under 5% shall be considered a Minor Variance.

Land Use and Zoning

The proposed site is currently in the R-5, Medium High Density Multiple-Family Residential district which permits accessory structures by right. The Urbana Comprehensive Plan’s future land use designation for the site is split between “Campus Mixed-Use” and “Multifamily”. Towards the north of the site is the Boneyard Creek and a Mosque and Islamic Center that is also designated “Campus Mixed-Use” and “Multifamily”. The property to the west is a gas station which is zoned B-1, Neighborhood Business and designated with a future land use of “Multifamily.” The properties to the south include an additional gas station and apartments, which are zoned B-1 and R-5. Their future land use designations in this area are “Campus Mixed-Use” and “Multifamily”. To the east are apartment buildings zoned R-5 and R-6, High Density Multiple-Family Residential. The properties are designated as “Multifamily” in the Comprehensive Plan.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	R-5, Medium High Density Multiple-Family Residential	Apartments	Campus Mixed-Use, Multifamily
North	R-5, Medium High Density Multiple-Family Residential	Mosque, Apartments	Campus Mixed-Use, Multifamily
South	B-1, Neighborhood Business; R-5, Medium High Density Multiple-Family Residential	Gas Station, Apartments	Campus Mixed-Use, Multifamily
East	R-5, Medium High Density Multiple-Family Residential; R-6, High Density Multiple-Family Residential	Apartments	Multifamily
West	B-1, Neighborhood Business	Gas Station	Multifamily

Discussion

The applicant plans to construct a 768-square foot storage garage on the northern portion of the property, which would require a Minor Variance to increase the allowable FAR from 0.90 to 0.92. For the R-5, Medium High Density Multiple-Family Residential district, the maximum allowable FAR is 0.90 and adding the proposed structure to the property would increase the FAR to 0.92. The applicant will make adjustments to other parts of the property so that it remains in compliance with its Open Space Ratio (OSR) of 0.30.

The principal structure of the apartment building was constructed under similar development regulations in 1995. At that time, maintenance items were stored off-site at another apartment building. The owner has since sold that other building and desires to consolidate storage items at the location. While the proposed building would minimally increase the property's FAR, it would serve the property by providing a place for maintenance equipment to be stored. Its construction would also provide a covered area for building tenants to gather, thereby enhancing the usefulness of the outdoor space by the residents. The building would maintain a significant distance from the Boneyard Creek for stormwater management purposes and to allow for a public path were to be installed along the creek.

For the property's Boneyard Creekway Permit, the proposal would be required to meet criteria that show it is compatible with the surrounding neighborhood and meets the intent of the City's Boneyard Careek Master Plan.

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 as they pertain to this case:

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

The building was constructed in 1995 without a storage area for maintenance equipment and at the maximum floor area allowed. The need for a storage building was not foreseen at its time of construction. Construction of any addition would require a variance.

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.*

The proposed structure was constructed in 1995 without consideration for storage space. The structure would not increase the occupancy on the lot. There is little space elsewhere on the property to locate the storage space.

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

The applicant did not anticipate storage needs for the apartment building at the time it was constructed in 1995. The lot size was the same size as when the applicant purchased it.

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

Being located behind the apartment building, the proposed structure would be mostly out of public view from any public right-of-way. The applicant has indicated an interest in adding landscaping and screening enhancements around the structure to improve aesthetic appearance and to enhance outdoor use by residents.

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

The proposed structure would help to keep equipment stored in a weatherproof building from potentially being stored outdoors and is the type of building often found in rear yards. Some landscaping, such as bushes or shrubs, along the Boneyard would provide some screening of the structure.

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

The requested increase in FAR is approximately 2.1%. The size of the proposed storage building is of a minimum size for being able to store equipment related to building and property maintenance.

Summary of Findings

1. The applicant, Robert Devine, has proposed to build a 768-foot storage building on his property at 804-806 West Green Street.
2. The property is zoned R-5, Medium High Density Multiple-Family Residential and has a future land use designation of “Campus Mixed-Use” and “Multifamily” in the Urbana Comprehensive Plan.
3. The Minor Variance request is to increase the maximum allowable FAR for the property from 0.9 to 0.92 in order to accommodate the proposed storage building.
4. The proposed structure would provide storage space for maintenance equipment and cover for outdoor recreational space for the building’s tenants.
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 generally the minimum deviation from the requirements of the Zoning Ordinance.

Options

The Zoning Board of Appeals has the following options in case ZBA-2016-MIN-02:

1. **Approve** the variance as requested based on the findings outlined in this memo;
2. **Approve** the variance 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
3. **Deny** 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 to date, and without the benefit of considering additional evidence that may be presented prior to or at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE WITH CONDITIONS** ZBA Case 2016-MIN-02 with the following conditions:

1. The site is developed in general conformance with the attached site plan.
2. The proposal is issued a Boneyard Creekway Permit.

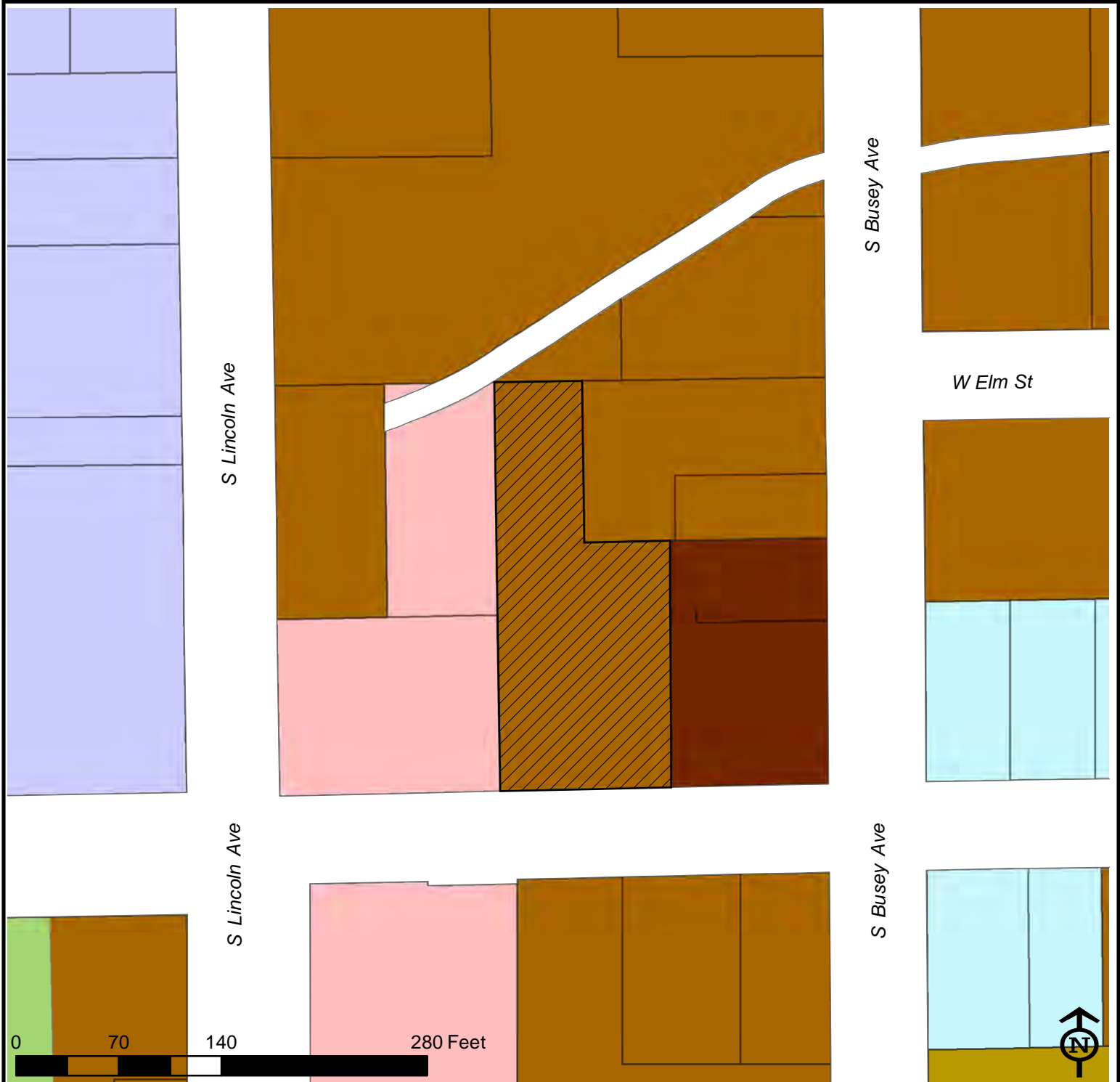
The specifics of this recommendation may change during the course of formal review of ZBA Case Nos. 2016-MIN-02. The staff recommendation contained herein represents the professional opinions of the City's professional planning staff and does not bind or limit the recommendations and decisions which may be made by the City's appointed and elected officials.

Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map

Exhibit D: Site Plan
Exhibit E: Site Photos
Exhibit F: Boneyard Creek Easement
Exhibit G: Petition for Variance

cc: Guy Hampel
Robert Devine

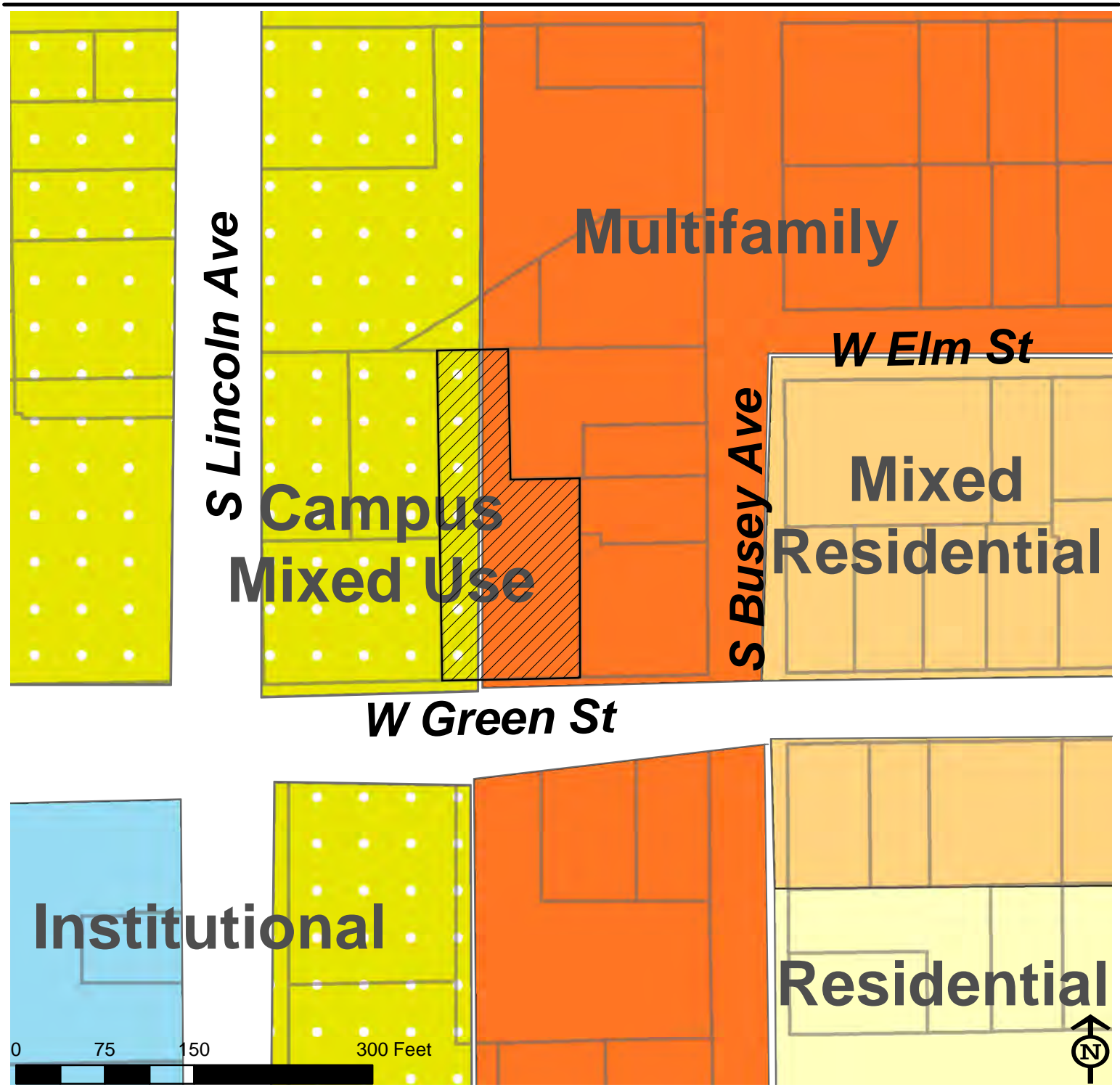
Exhibit B: Zoning Map



Case: ZBA-2016-MIN-02
 Subject: Maximum FAR Allowance
 Location: 804-806 West Green Street
 Petitioner: Robert Devine

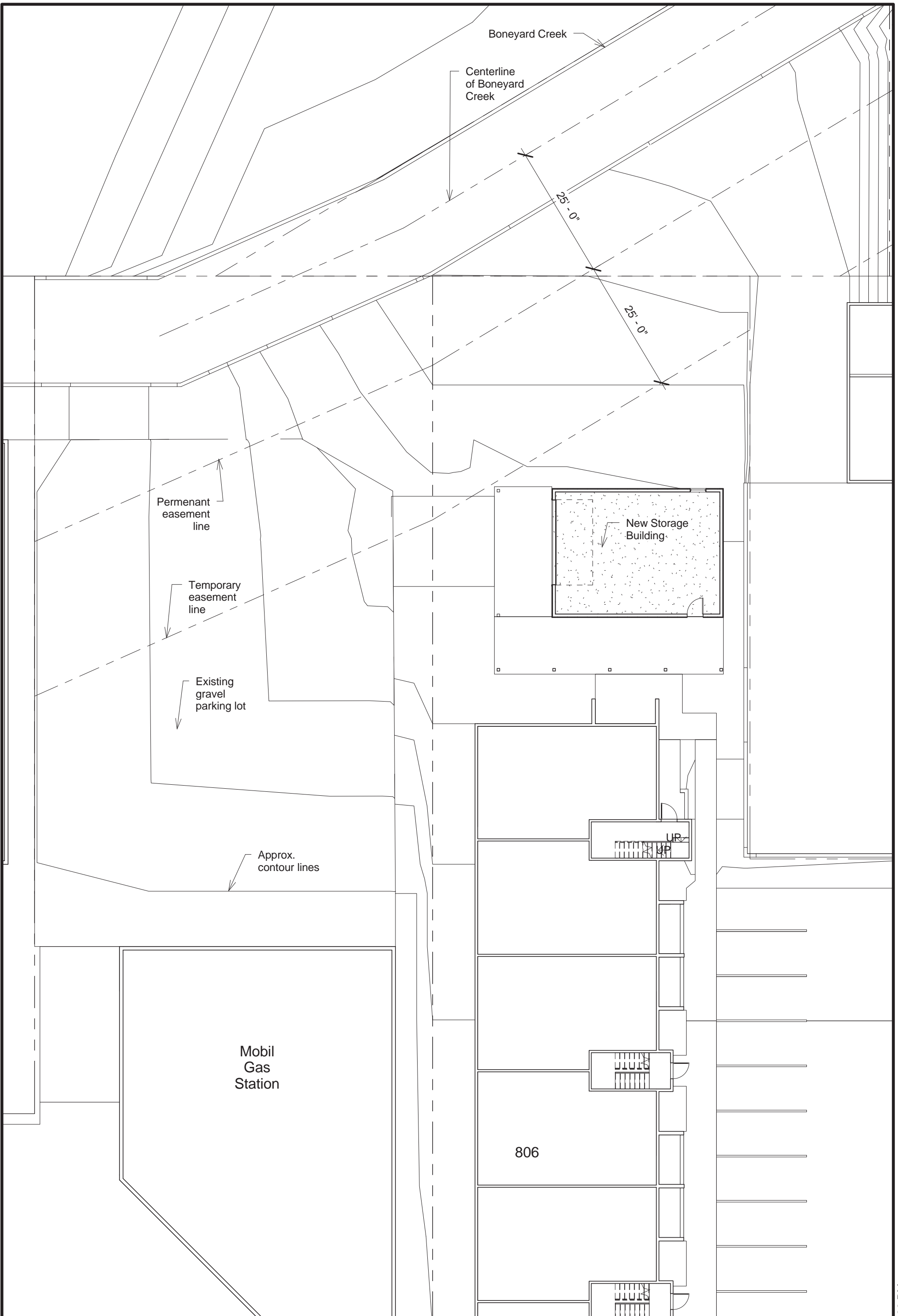
- | | | |
|-----|------------------|----|
| B1 | MOR | R6 |
| B3U | R4 | |
| CRE | R5 | |
| | Subject Property | |

Exhibit C: Future Land Use Map



Case: ZBA-2016-MIN-02
 Subject: Maximum FAR Allowance
 Location: 804-806 West Green Street
 Petitioner: Robert Devine

- Residential
- Mixed Residential
- Multi-Family Residential
- Campus Mixed Use
- Subject Property
- Institutional



1 Basic Plan-closer
1/16" = 1'-0"

HAMPEL ARCHITECTS, AIA.

314 Wheaton Ave., Champaign, Illinois, 61820
Phone (217)621-8901 g.hampel@comcast.net

Storage Building/Pavilion
806 West Green Street, Urbana Illinois
Date 05/21/16
Partial Site Plan

A102

Project # 0516-3

Site Photos – 806 West Green Street (Northern Part of Property)



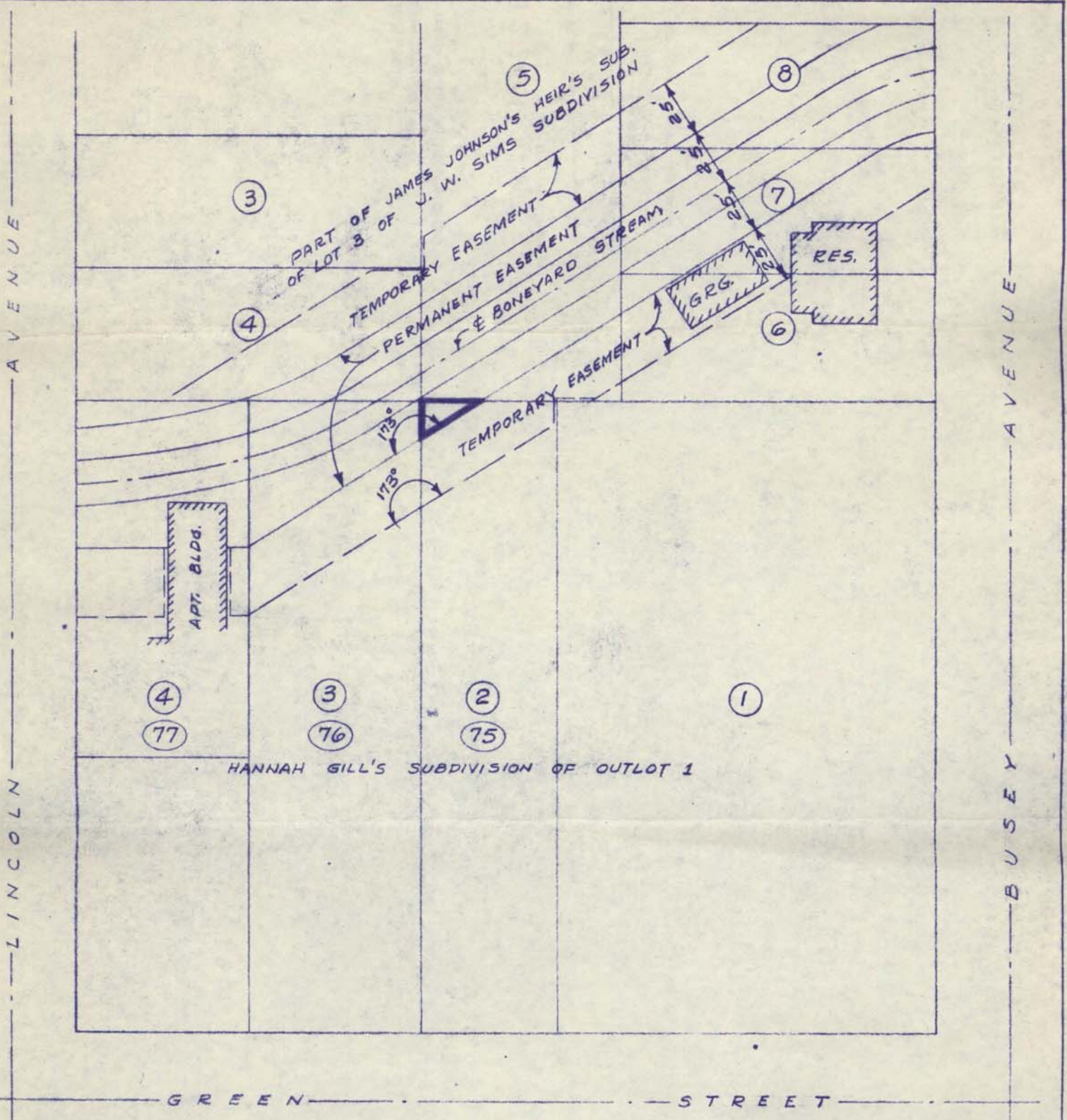


EXHIBIT "A"

Part of the NW 1/4 of the NW 1/4 of Sec. 17,
T. 19 N., R. 9 East of the 3rd P.M., in the
City of Urbana, Champaign County, Illinois



SCALE: 1" = 60 FT

Plat of Parcel(s) of Land Described as follows:

- (75) Lot 2 in Hannah C. Gill's Subdivision of Outlot 1 of Joseph W. Sim's Addition of Outlots to the Town (now City) of Urbana, in Champaign County, Illinois.



Application for Variance

ZONING BOARD OF APPEALS

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

The Applicants are responsible for paying the cost of legal publication fees as well. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*) _____ on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Guy Hampel Phone: 217-621-8901
Address (street/city/state/zip code): 314 Wheaton Avenue, Champaign, IL 61820
Email Address: g.hampel@comcast.net
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Architect

2. OWNER INFORMATION

Name of Owner(s): Robert Devine Phone: 217-377-1197
Address (street/city/state/zip code): 806 West Green Street, Urbana, IL 61801
Email Address: rdevine100@gmail.com
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

of Subject Site: 806 West Green Street, Urbana, IL 61801
Location: 92-21-17-102-024
: 26314.3 square feet, 0.6 acres

Current Zoning Designation: R-5, Medium High Density Multiple-Family Residential

Current Land Use (*vacant, residence, grocery, factory, etc*): **Apartment Building**

Proposed Land Use: One multi-unit apartment building

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

Parcel 1: Lots 2 of Hannah C. Gill's Subdivision of Lot 1 of J.W. Sim's Addition of Out Lots to the City of Urbana, as per plat recorded in Book "A" at page 230, in Champaign County, Illinois.

Parcel 2: Part of Lot 1 of Hannah C. Gill's Subdivision of Lot 1 of J.W. Sim's Addition of Out Lots to the City of Urbana, as per plat recorded in Book "A" at Page 230, described as follows:

Commencing at the South East corner of Lot 1 of said Hannah C. Gill' Subdivision, thence West 110 feet to the Point of beginning; thence North 168 feet, thence West 56.3 feet to the West line of said Lot 1, thence South 168 feet to the South West corner of Said Lot 1, thence East 56.3 feet to the Point of Beginning, in Champaign County, Illinois.

Commonly known as 806 West Green Street,
PIN: 92-21-17-102-024

4. CONSULTANT INFORMATION

Name of Architect(s): Guy Hampel Phone: 217-621-8901

Address (*street/city/state/zip code*): 314 Wheaton Avenue, Champaign, IL 61820

Email Address: ghampel@hampel.com

Name of Engineers(s): None Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): None Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): None Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): None 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.

The addition of a storage building/pavilion of a useful size will make the total building area larger than allowed by Zoning Ordinance.

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.

The Boneyard Creek easements require that the proposed storage building be located to not allow the east side yard to be big enough to be counted as sideyard.

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

The existing rear yard had been sloped and overgrown near rear fence and the idea of adding a storage building with covered porches to be used by all tenants as a covered gathering space came up. The work would also include providing better area for small group outside games and some small planting areas.

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

The work is all in the backyard behind the building and is part of the only 'level' open space on the southside of the Boneyard in the 800 block of Green Street.

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

The new building is behind existing building and is located to minimize views of the Boneyard Creek from other properties.

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

Yes, the request for the additional floor area and resulting reduction of open space is small and the new building/pavilion will provide better service for the tenants of the building.

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.



Applicant's Signature

2016-7-15

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