



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: Lorrie Pearson, AICP, Planning Manager

DATE: October 14, 2016

SUBJECT: ZBA Case 2016-MIN-04 : A request by Mark Allen and Carl Muench of Carmala, LLC for a Minor Variance to allow the construction of a freestanding monument sign that encroaches two feet into the required eight-foot setback along University Avenue at 202 W. University in the B-3, General Business zoning district.

Introduction

Mark Allen and Carl Muench (dba Carmalla, LLC) have requested a Minor Variance to allow a freestanding sign that encroaches two feet into the required eight-foot setback along University Avenue at 202 W. University Avenue. The site was previously granted two variances to allow a parking area along Race Street and resulted in redevelopment of the property.

Section XI-3.C.2(b) of the Urbana Zoning Ordinance permits the Zoning Board of Appeals to approve minor variances to reduce required yards by up to 25 percent. Minor variance requests may be granted by a simple majority vote.

Background

In June 2015, City Council approved two Major Variances (ZBA Cases 2015-MAJ 04 and 2015-MAJ-05) regarding parking that enabled the applicants, Mark Allen and Carl Muench, to proceed with the construction of a new building at the northwest corner of Race Street and University Avenue. With building construction nearly complete, the applicants are now seeking a Minor Variance to locate a proposed 48-square foot freestanding sign two feet closer to the University Avenue right-of-way than allowed. The Urbana Zoning Ordinance requires all freestanding signs to be a minimum of eight feet from the front right-of-way line. Between eight and 15 feet from the property line, signs are limited to eight feet in height. The proposed sign is eight feet tall and is proposed to be located six feet from the right-of-way.

The site is located at the northwest corner of Race Street and University Avenue. The narrow parcel, totaling 0.178 acres, is occupied by the newly-constructed building that will house office or other commercial space and a gaming hall. It is adjacent to other commercially-zoned properties to the east, west, and south and it borders a residential area to the north. The property

to the east, across Race Street, is a law office building zoned B-3. The neighboring property to the west is a health clinic that is also zoned B-3. Towards the south, across from University Avenue, is vacant lot zoned B-3. A residential neighborhood of single family homes and multi-family residences along the south edge of Crystal Lake Park lie to the north.

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	Comprehensive Plan Future Land Use
Subject Property	B-3, General Business	Vacant building under construction	Community Business
North	R-5, Medium High Density Multiple-Family Residential	Single Family Home	Multifamily
South	B-3, General Business	Vacant Lot	Central Business
East	B-3 General Business	Law Office, Parking Lot	Community Business
West	B-3, General Business	Health Clinic	Community Business

Discussion

The lot size and configuration presents challenges to redevelop the site, as noted in the staff memorandum for the previously-granted Major Variances. The same factors that impacted the location of the building and parking lot also impact placement of a freestanding sign. The lot size (0.178 acres), width (59.5 feet), location at an intersection, and the removal of a corner of the lot for additional intersection right-of-way present challenges to locating a compliant freestanding sign.

The applicants have been successful in constructing a new building on the challenging lot and in closing the non-compliant and unsafe curb cut along University Avenue. The success of the project can continue once the building is occupied with successful businesses. The applicants have a requested a reasonable variance to locate a freestanding sign six feet, rather than eight feet, from the front property line along University Avenue to provide visibility for the businesses that will locate in the building.

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 and the criteria outlined in the ordinance:

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

Special circumstances are presented by the size and configuration of the narrow corner lot. These factors dictated the location of the new building and the parking lot, leaving little flexibility for placement of a monument-style freestanding sign.

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 variances will not serve as a special privilege as the subject lot is smaller than most lots along University Avenue in the area and is constrained by being both a corner lot with two required front yards and by having the corner of the lot dedicated for public right-of-way for the Race Street/University Avenue intersection. These characteristics are not generally applicable to other properties in the same district.

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

The lot was created prior to the current requirements of the Zoning Ordinance. The petitioners, by improving the site, have made the newly-constructed building and site more compliant with the Zoning Ordinance than was previously the case.

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

The subject property is along the University Avenue commercial corridor where other freestanding signs are prevalent and therefore will not alter the essential character of the neighborhood.

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

The variance will not cause a nuisance to the adjacent properties to the west or east as both are office buildings without any vehicular access along University Avenue. The property to the north is a single-family home, but the building will screen the sign from that property, and the set back from the sign to the residential property is approximately 132 feet.

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

The request would place the sign two feet closer to the right-of-way than permitted, but would still allow adequate space between the sign and the sidewalk. Its proposed location would enhance visibility around the adjacent building to the west and provides space between the sign and the building.

Summary of Staff Findings

1. Mark Allen and Carl Muench have requested a Minor Variance to construct a freestanding sign two feet into the required eight-foot setback along University Avenue at 202 W. University Avenue.
2. The property is the site of a newly-constructed building and parking lot and was granted two Major Variances to allow the parking lot (ZBA Cases 2015-MAJ 04 and 2015-MAJ-05).
3. The variance is requested due to special circumstances and practical difficulties and is not a special privilege as the lot is an irregularly-shaped narrow corner lot.
4. The variance request is not the result of a situation or condition that was created by the applicants as the lot was created prior to the current Zoning Ordinance regulations.
5. The variance would not alter the essential character of the neighborhood as lot is located along a commercial corridor with other signs.
6. The variance would not cause a nuisance to the adjacent properties as it would be shielded from residential properties by the building and would not impact vehicular traffic at adjacent commercial properties.
7. The variance represents the minimum deviation from the requirements of the Zoning Ordinance.

Options

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

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 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 **APPROVE** the Minor Variance ZBA 2016-MIN-04 to allow a freestanding sign that encroaches two feet in the eight-foot setback with the following condition:

1. The site be developed in general compliance with the attached site plan and rendering.

The specifics of this recommendation may change during the course of formal review of ZBA 2016-MIN-04. The staff recommendation contained herein represents the professional opinions of the City's planning staff and does not bind the recommendations and decisions which may be made by the City's appointed and elected officials.

Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Application for Variance
 Exhibit E: Site Plan & Rendering

cc: Mark Allen and Carl Muench

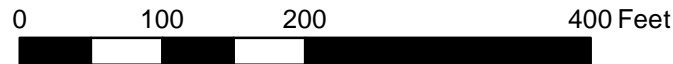
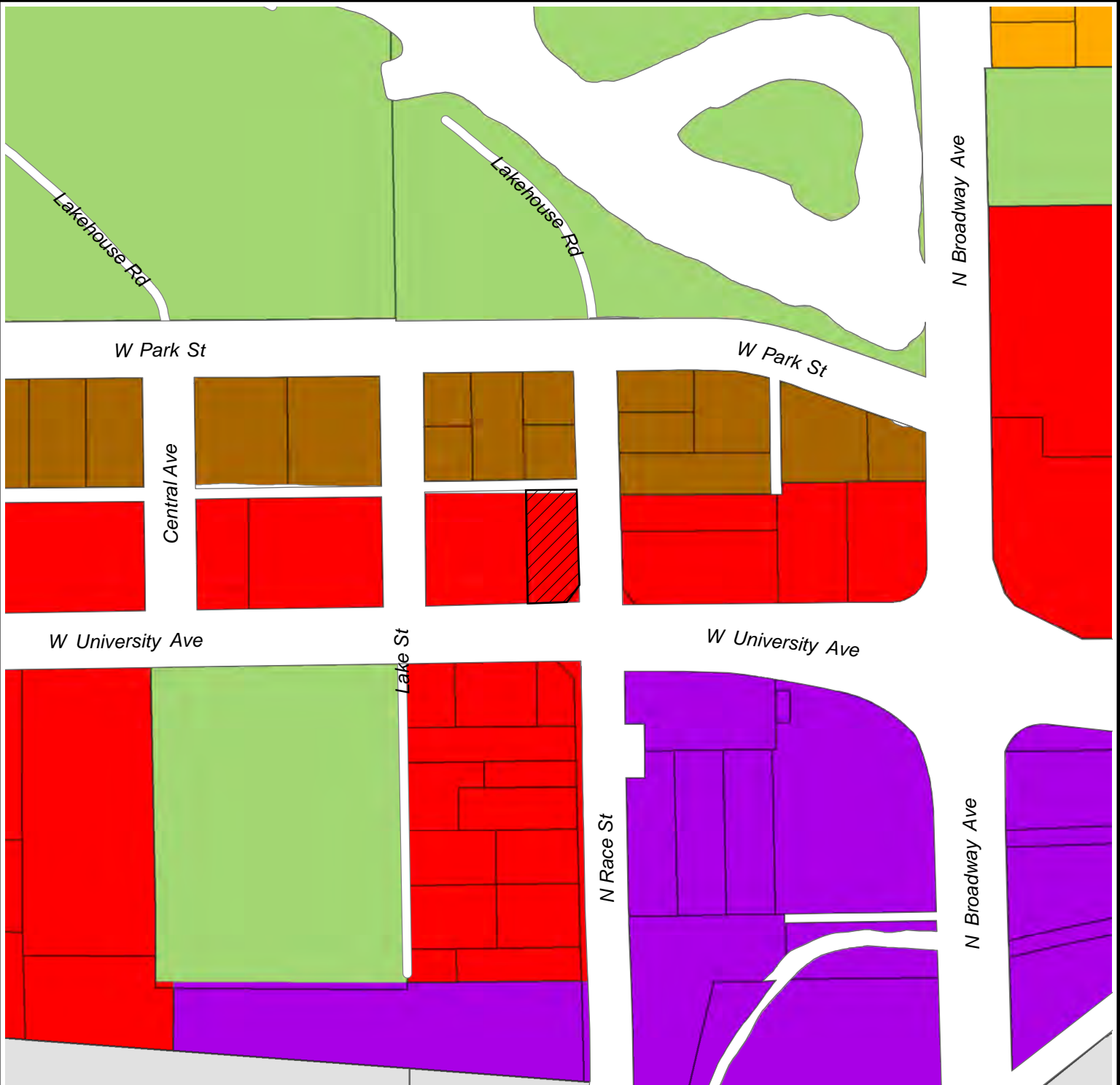
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-MIN-04
 Subject: Minor Variance
 Location: 202 W University Ave
 Petitioner: Mark Allen and Carl Muench

 Subject Property

Exhibit B: Zoning Map

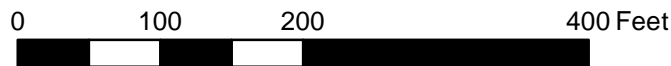
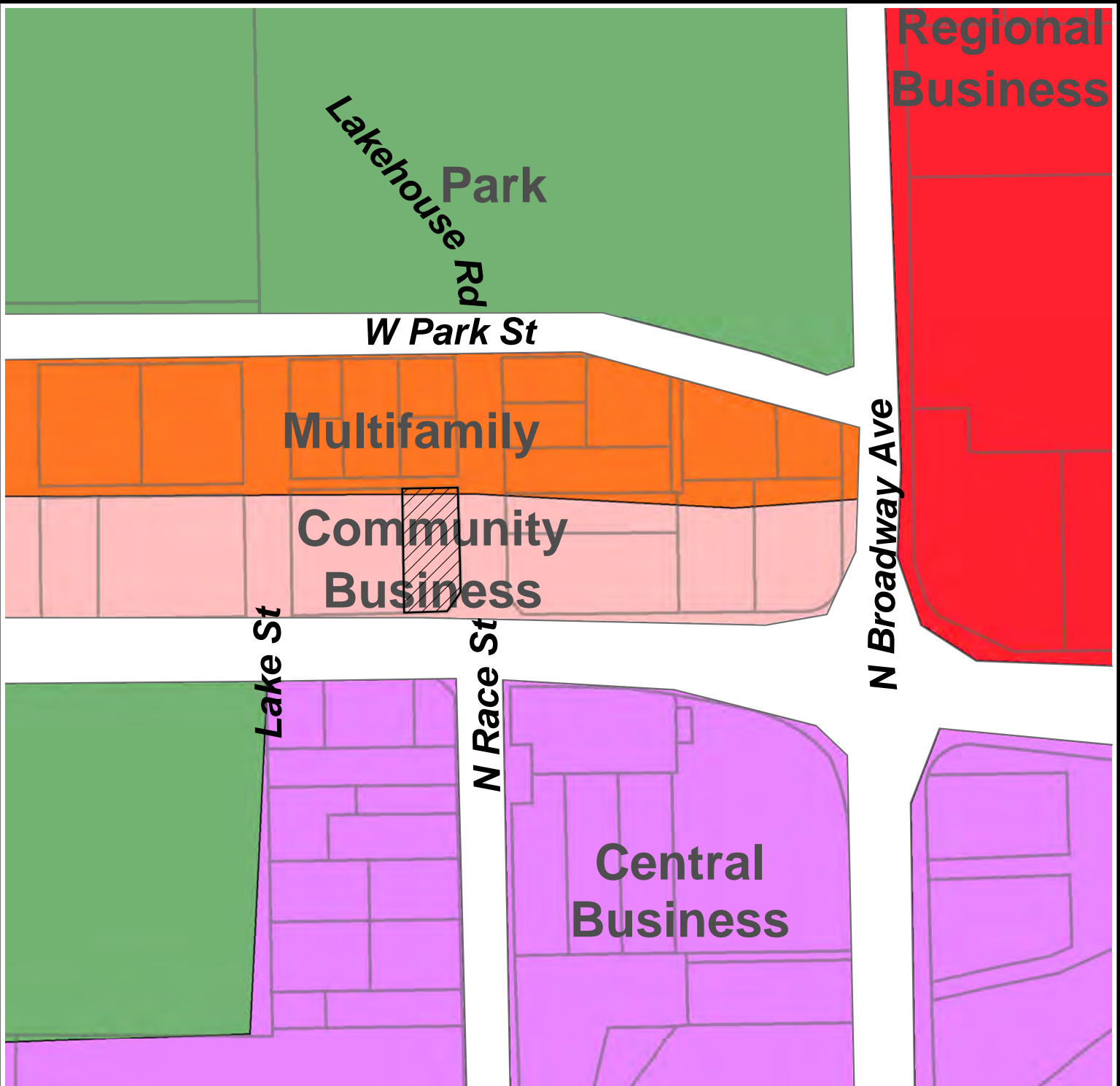


Case: ZBA Case 2016-MIN-04
 Subject: Minor Variance
 Location: 202 W. University Avenue
 Petitioners: Mark Allen and Carl Muench

Prepared 10/13/2016 by Community Development Services -







- Subject Property
- B3
- B4
- CRE
- IN-1
- R3
- R5

Exhibit C: Future Land Use Map



Case: ZBA Case 2016-MIN-04
 Subject: Minor Variance
 Location: 202 W. University Avenue
 Petitioners: Mark Allen and Carl Muench

Prepared 10/13/2016 by Community Development Services -

-  Subject Property
-  Multi-Family Residential
-  Regional Business
-  Community Business
-  Central Business
-  Park



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 09-27-2016 ZBA Case No. ZBA-2016-MIN-04
Fee Paid - Check No. 001163 Amount \$150.00 Date 09-27-2016

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) REDUCTION OF SIGNAGE SETBACK REQUIREMENT FROM 8' TO 6' FROM PROPERTY BOUNDARY on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): MARK R. ALLEN DBA CARMALIA LLC
Address: CARL MUECH
Email Address: CARL@SPEEDLUBE.NET
Property interest of Applicant(s): OWNERS

2. OWNER INFORMATION

Name of Owner(s): SAME
Address:
Email Address:

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: 202 W. UNIVERSITY URBANA, IL
PIN # of Location: 91-21-08-402-008
Lot Size: 7640 +/-

Current Zoning Designation:

Current Land Use (vacant, residence, grocery, factory, etc): COMM / BUSINESS

Proposed Land Use: SAME

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

4. CONSULTANT INFORMATION

Name of Architect(s): JOHN DRAYTON Phone: 217-972-7668

Address (street/city/state/zip code): DECATUR, IL 62521

Email Address:

Name of Engineers(s): BERNS, CLANCY Phone: 384-1144

Address (street/city/state/zip code): 405 E. MAIN ST
URBANA, IL 61803-0755

Email Address:

Name of Surveyor(s): SAME ↑ Phone:

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

Email Address:

Name of Professional Site Planner(s): SAME ↑ Phone:

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

Email Address:

Name of Attorney(s): JOHN COBB Phone: 429-4325

Address (street/city/state/zip code): 225 N. WATER ST.
SUITE 301
DECATUR, IL 62521

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 HAVE REMOVED A DILAPIDATED STRUCTURE ON A VERY SMALL COMMERCIAL CORNER LOT. PREVIOUS VARIANCES HAVE BEEN ALLOWED TO FACILITATE THE NEW BUILDING'S CONSTRUCTION. A SMALL REDUCTION IN SETBACK REQUIREMENT FOR SIGNAGE (Z590) WILL HELP PROMOTE THIS SMALL CORNER LOT.

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.

SMALL LOT SIZE, 2 FRONT YARD SETBACK REQUIREMENTS
DIFFICULTY IN PROVIDING EVERYTHING ~~AS~~ REQUIRED
ON SUCH A ~~SMALL~~ SMALL LOT.

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

WE PURCHASED THE PROPERTY BECAUSE OF ITS LOCATION
AND VISIBILITY. ITS ODD SHAPE AND SMALL SIZE HAVE
NECESSITATED ADAPTING OUR NORMAL CONSTRUCTION PLANS TO
FIT THIS LOT. WE REQUEST A 25% SETBACK VARIANCE FOR
SIGNAGE TO HELP INSURE ITS SUCCESS

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

ALMOST ALL PROPERTY ON UNIVERSITY AVE IS
COMMERCIAL. THE CHARACTER OF THE NEIGHBORHOOD
IS NOT BEING CHANGED AT ALL.

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

ALL NEIGHBORING PROPERTY IS COMMERCIAL -
OUR SIGNAGE WILL HAVE NO IMPACT. SIGNS WILL
BE LOCATED TO HAVE NO IMPACT ON THE JEW TRIANGLE
THAT AUTO DRIVERS REQUIRE AT THIS INTERSECTION.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain. YES. THIS VARIANCE WILL ALLOW US

TO HAVE SIGN 6' WIDE X 8' HIGH (48").

THIS IS LESS
THAN THE 50% ALLOWED PER FRONTAGE. WITHOUT THE
VARIANCE WE WOULD BE RESTRICTED TO 4' X 8' - WHICH WE
FEEL WOULD NOT BE LARGE ENOUGH TO ADEQUATELY PROMOTE
NOTE: If additional space is needed to accurately answer any question, please attach extra THIS SITE.
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.

Mark R. Allen ~~DBA~~
Applicant's Signature CARMALA LLC

9/25/16
Date

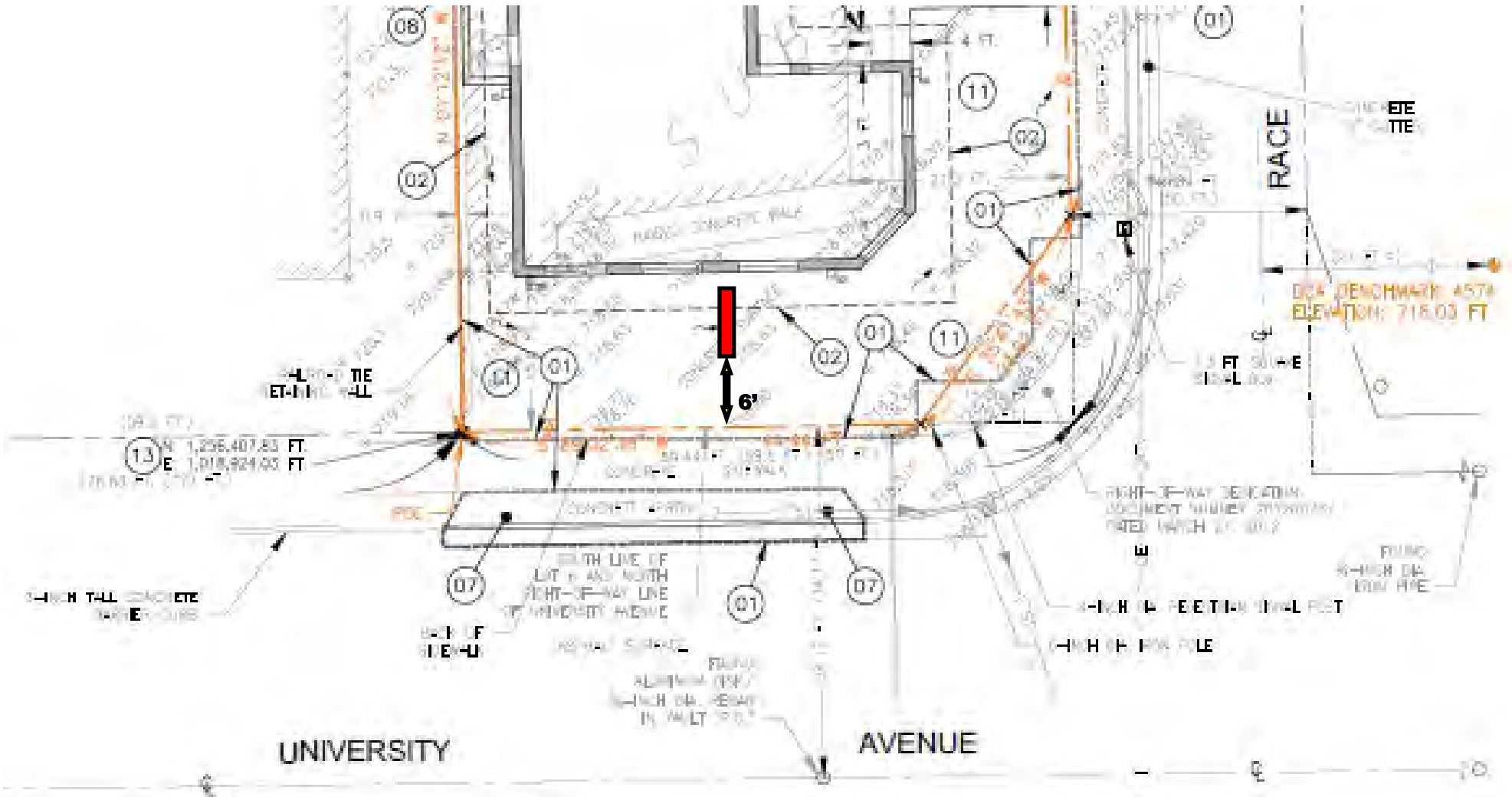
Revised
10/14/16

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

Lindy Lu's - MALA LLC.
202 W University

Exhibit E



Lindy Lu's - MALA LLC.
202 W University

