



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Kevin Garcia, AICP, Planner II

DATE: March 16, 2018

SUBJECT: **ZBA-2018-MAJ-01:** A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Building Height from 35 feet to 38 feet, 6.5 inches to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-02: A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Floor Area Ratio from 0.7 to 0.92 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-03: A request by St. Nicholas Orthodox Church for a Major Variance to decrease the minimum Open Space Ratio from 0.3 to 0.17 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-04: A request by St. Nicholas Orthodox Church for a Major Variance to allow a building addition to encroach up to 11 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-05: A request by St. Nicholas Orthodox Church for a Major Variance to allow mechanical equipment to encroach up to 6 feet into a required 11.125 foot Side Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MIN-01: A request by St. Nicholas Orthodox Church for a Minor Variance to allow a building addition to encroach up to 3 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

Introduction

The St. Nicholas Orthodox Church has applied for a series of variances to allow an addition to their building at 312 West Elm Street. The church's congregation has expanded beyond the limits of the current building, and the addition would add space to accommodate the larger congregation. The addition would also make the building handicap accessible and would redesign the building in an architectural style common to orthodox churches. The addition's design was reviewed and approved by the MOR Development Review Board on March 1, 2018.

Details for each of the variance requests are outlined in the Discussion section below. For the Major Variance requests to be approved, the Zoning Board of Appeals must recommend approval by a two-

thirds majority and forward to City Council for final review and approval. The Minor Variance request can be approved by a simple majority vote of the Zoning Board of Appeals.¹

Description of Site

The site is comprised of three parcels on the northeast corner of West Elm Street and Birch Street. The church building is on the westernmost parcel and was built less than six feet from the western property line along Birch Street. The eastern two parcels contain a 36-space parking lot for the church. All three parcels are owned by the church and are considered a zoning lot (i.e. they are treated as one lot for zoning purposes). There is limited open space on the site; what exists is to the east and south of the church building and in landscaped areas between the parking lot and Elm Street. There are two mature trees on the property: one in the southwest corner and one in the southeast corner; there is also a mature City-owned parkway tree between the church and Elm Street.

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	Future Land Use
Site	MOR, Mixed Office Residential	Church	Central Business
North	MOR, Mixed Office Residential	Single-Family House (rental); Apartments	Central Business
South	MOR, Mixed Office Residential	Single-Family House (owner-occupied); Single-Family House (rental); Apartments	Mixed Residential
East	MOR, Mixed Office Residential	Single-Family House (rental)	Central Business
West	MOR, Mixed Office Residential	Single-Family Houses (rental)	Mixed Residential

Discussion

The following describes each variance request in detail. The number preceding each request corresponds to the annotations in Exhibit D: Annotated Front Elevation and Site Plan.

1. ZBA-2018-MAJ-01: A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Building Height from 35 feet to 38 feet, 6.5 inches to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

The existing building is 28 feet tall. The tallest part of the proposed addition is the larger of two octagonal towers. The larger tower would be 38 feet, 6.5 inches tall, or 3 feet, 6.5 inches taller than the 35-foot maximum height allowed in the MOR zoning district. The tower would be set back roughly 6 feet from the western edge of the building (along Birch Street) and 22 feet from the northern edge of the building (along the alley), so the effect of the height of the tower would be less pronounced than if it were flush with the building's edge.

¹ Section XI-3.C.2 of the Urbana Zoning Ordinance.

2. ZBA-2018-MAJ-02: A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Floor Area Ratio from 0.7 to 0.92 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

In the MOR district the maximum lot size for floor-area ratio (FAR) calculations is capped at 8,500 square feet. This rule is designed to keep new structures compatible with the scale and density of existing buildings in the MOR District by preventing one large structure from being built on a single, large parcel.¹ Given that 0.7 is the maximum FAR in the MOR District, the largest building allowed would be 5,950 sq.ft. The church is currently 4,216 sq.ft., half of which is the basement. They would like to expand their building to be 7,806 sq.ft., which includes a 632 sq.ft. porch addition.

It is important to note that FAR calculations include floor area in basements. In this case, the proposed building would look the same as a one-story 4,219 sq.ft. building, with an effective FAR of just under 0.5. This would be well below the maximum of 5,950 sq.ft. and 0.7 FAR. However, since basements – even basements that are completely below-grade, as in this case – are included in FAR, a Major Variance is required.

3. ZBA-2018-MAJ-03: A request by St. Nicholas Orthodox Church for a Major Variance to decrease the minimum Open Space Ratio from 0.3 to 0.17 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

The property currently has open space to the east and south of the building, and between the parking lot and Elm Street. The proposed additions would remove some of the open space to the east and south of the building. The open space between the parking lot and Elm Street would be retained. Every effort to protect and preserve the tree on the southwestern corner of the property would be made during construction.

Similar to FAR calculations, OSR calculations include basement areas, because basements are included in “gross floor area” (OSR = open space/gross floor area). Excluding the basement from the gross floor area calculations (and thus, the OSR calculations, the open space ratio would be 0.31 and no variance would be required. However, since basements are included in OSR calculations, the proposed OSR is 0.17, and a Major Variance is required.

4. ZBA-2018-MAJ-04: A request by St. Nicholas Orthodox Church for a Major Variance to allow a building addition to encroach up to 11 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

Since the lot is a corner lot, it has required front yards on Birch Street and Elm Street. The existing building already encroaches 10 feet, 6 inches into the front yard along Birch Street. The proposed addition would extend the roof eave 6 inches further into the yard, requiring a Major Variance.

5. ZBA-2018-MAJ-05: A request by St. Nicholas Orthodox Church for a Major Variance to allow mechanical equipment to encroach up to 6 feet into a required 11.125 foot Side Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

Currently, the air conditioning units for the church are on the east side of the building. With the proposed eastern expansion of the building, the air conditioning units would be need to be moved. The best location would be the north (alley) side of the building. This would put the air conditioning units next to the church’s mechanical room, which is just inside the north wall of the building.

¹ Section VI-3.D of the Urbana Zoning Ordinance.

The north side of the building is, according to the Zoning Ordinance, the side yard. In the MOR District, the required side yard is seven (7) feet. However, if a building is more than 25 feet tall, the required side yard is increased by 0.3 feet for every foot of building height over 25 feet. In this case, the proposed building height is 38' - 6 1/2", so the required side yard is 11' - 3/4". The proposed air conditioning units would encroach at most six (6) feet into the required side yard, and would therefore be at least five (5) feet from the alley. The units would be screened according to the requirements of the Zoning Ordinance.

6. ZBA-2018-MIN-01: A request by St. Nicholas Orthodox Church for a Minor Variance to allow a building addition to encroach up to 3 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

The proposed front porch, facing Elm Street, would encroach into the required yard by up to three feet.

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 variance criteria as they pertain to these cases:

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 existing church building was built before 1973, very close to the western property line on Birch Street, and well before the MOR zoning district was created. The building already encroaches into the required yard along Birch Street, and any addition to the building would likely require at least one variance.

2. The proposed variances 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.

Due to its location on a corner lot and because the existing building is so close to the property line (limiting room for expansion), the circumstances relating to the St. Nicholas Church property appear to be unique in the MOR District (at least for non-residential buildings). Other churches in the MOR District have already expanded, and it is unlikely that they will expand further. Two of the churches were granted variances, similar to those requested, to allow expansion: the First Presbyterian Church was granted variances to increase the FAR from 0.7 to 1.188, and to reduce front yard setbacks by 22 percent (for the building) and 33 percent (for the parking lot); in addition, the Unitarian Universalist Church was granted a variance to increase the FAR from 0.7 to 0.78.

3. The variances requested were not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

St. Nicholas Orthodox Church purchased the property in 2000, decades after the building was built. The church wants to expand to accommodate a congregation that has grown beyond the limits of their facility, and they would like to make their building accessible to people with disabilities. Any addition to the existing building would likely require variances for floor-area ratio, open space ratio,

and encroachments into required yards. The situation was well established before the church purchased the property in 2000.

4. The variances will not alter the essential character of the neighborhood.

If anything, the variances would alter the character of the neighborhood in a positive way. The first criteria that the MOR Development Review Board considers when reviewing site plans in the MOR District is whether a proposal is compatible with the surrounding neighborhood or not, and the Board voted unanimously to approve the proposed site plans and elevations. The proposal would add a new entrance that faces Elm Street, and the architectural changes would make the building more attractive than the existing, rather nondescript building; this would enhance the neighborhood's character.

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

The variances should not cause a nuisance to adjacent properties. The building is not expanding in any direction that would impose on neighboring residential buildings. Any shadows cast by the larger tower section would be minimal. The air conditioning units on the north side of the building will be screened with a fence, which should minimize noise from the units (and hide them from view).

6. The variances generally represent the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

Given the footprint and location of the existing building, the only way to expand the building is to build to the south or east (or both). Building south would require a variance in any case, because the building is already within the required yard along Birch Street. Building to the east is limited by the parking lot. To build further east would require the removal of parking spaces, which would reduce the parking below what the Zoning Ordinance requires and thus would require a variance of its own.

While the larger tower and front porch may not be absolutely necessary to meet the church's needs for additional space, they add architectural and functional elements that are important to the whole project. While it would be possible to lower the tower's height, or make the roof flat, the result in either case would look out of place and negatively affect the character of the neighborhood. While it would be possible to narrow the porch (and move it out of the required front yard), its function would be severely limited.¹

Summary of Staff Findings

1. St. Nicholas Orthodox Church has proposed a 3,590 ft² addition to their church at 312 West Elm Street.
2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of "Central Business" in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval

¹ The usable area of the proposed porch is about 7 feet wide (the area between the porch columns and the building), which is enough to allow people to stand or sit, while also allowing movement of people. To narrow the porch by three feet would limit the usable area to four feet – the size of a narrow sidewalk.

for the proposed addition on March 1, 2018. The Board approved the plans as presented with no conditions.

4. The variance requests will create additional space to accommodate a growing congregation, to make the building handicap accessible, and to redesign the building in an architectural style common to Orthodox churches.
5. The variance requests will not serve as a special privilege to the property owner.
6. The variance requests were not the result of a situation knowingly created by the petitioner.
7. The variance requests will not alter the essential character of the neighborhood.
8. The variance requests will not cause a nuisance to adjacent property owners.
9. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.

Options

The Zoning Board of Appeals has the following options in cases ZBA-2018-MAJ-01, ZBA-2018-MAJ-02, ZBA-2018-MAJ-03, ZBA-2018-MAJ-04, ZBA-2018-MAJ-05:

1. Forward the cases to City Council with a recommendation to approve the variances as requested, based on the findings outlined in this memo; or
2. Forward the cases to City Council with a recommendation to approve the variances with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
3. Deny the variance requests, and if so, articulate findings supporting the denial.

The Zoning Board of Appeals has the following options in case ZBA-2018-MIN-01:

1. Approve the variance as requested, based on the findings outlined in this memo; or
2. Approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
3. Deny the variance request, and if so, articulate findings supporting the denial.

Staff Recommendation

Based on the analysis and findings presented 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 APPROVAL of the Major Variance requests to City Council, and recommends that the Zoning Board of Appeals APPROVE the Minor Variance request.

Attachments: A: Location Map
B: Zoning Map
C: Future Land Use Map
D: Annotated Front Elevation and Site Plan
E: Application

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2018-MAJ-01,02,03,04; ZBA-2018-MIN-01,02

Subject: Multiple Variances

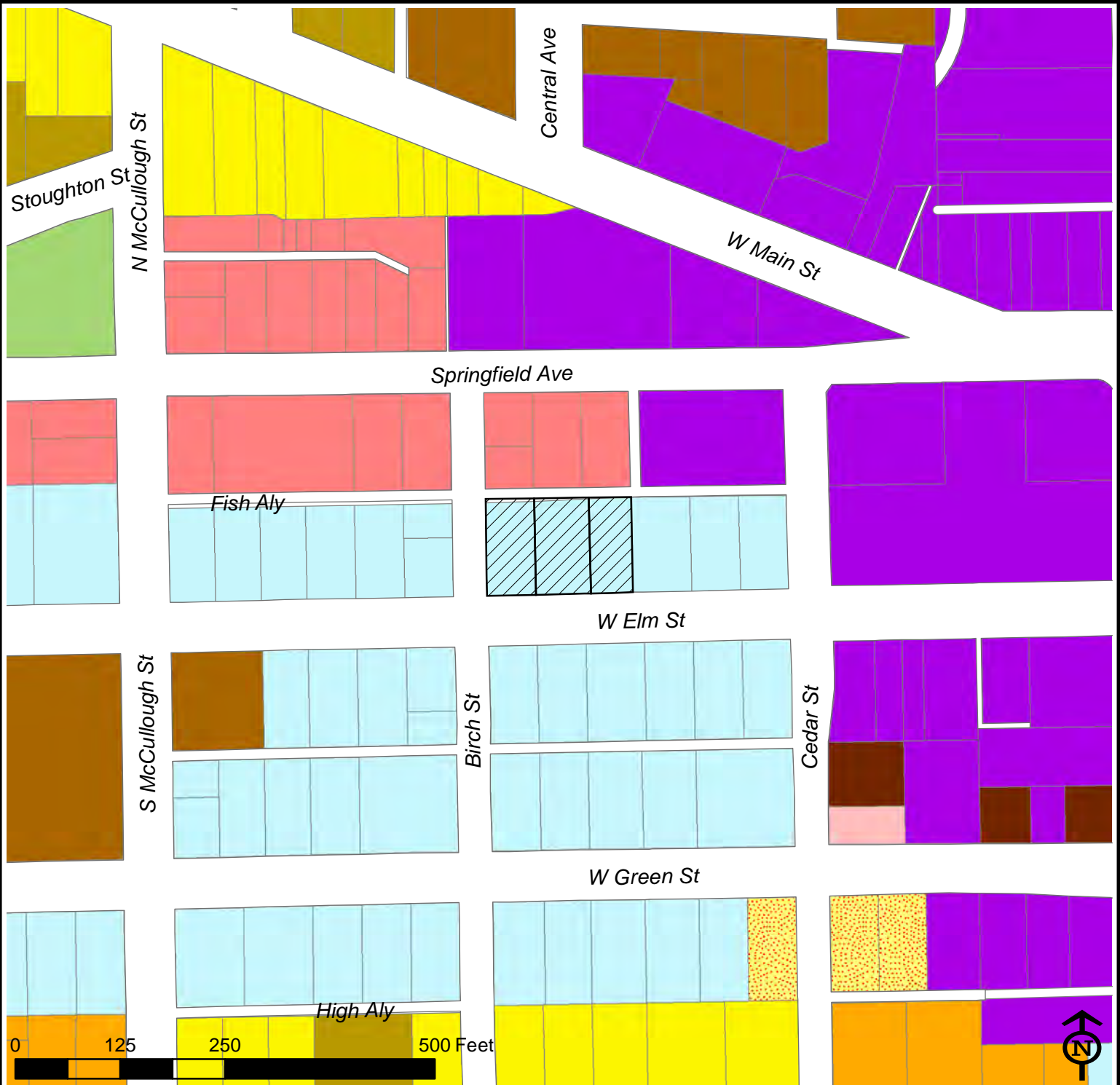
Location: 312 West Elm Street

Petitioner: Saint Nicholas Orthodox Church

 Subject Property



Exhibit B: Zoning Map



Case: ZBA-2018-MAJ-01,02,03,04;
 ZBA-2018-MIN-01,02
 Subject: Multiple Variances
 Location: 312 West Elm Street
 Petitioner: Saint Nicholas Orthodox Church













	B1		R3
	B2		R4
	B4		R5
	CRE		R6
	MOR		R6B
	R2		Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2018-MAJ-01,02,03,04; ZBA-2018-MIN-01,02
 Subject: Multiple Variances
 Location: 312 West Elm Street
 Petitioner: Saint Nicholas Orthodox Church

- Residential
- Mixed Residential
- Campus Mixed Use
- Central Business
- Subject Property

ACTUAL BUILDING HEIGHT AS DEFINED BY ZONING REGULATIONS

38'-6 1/2"

35'

MAX. HEIGHT ALLOWED BY ZONING ORDINANCE

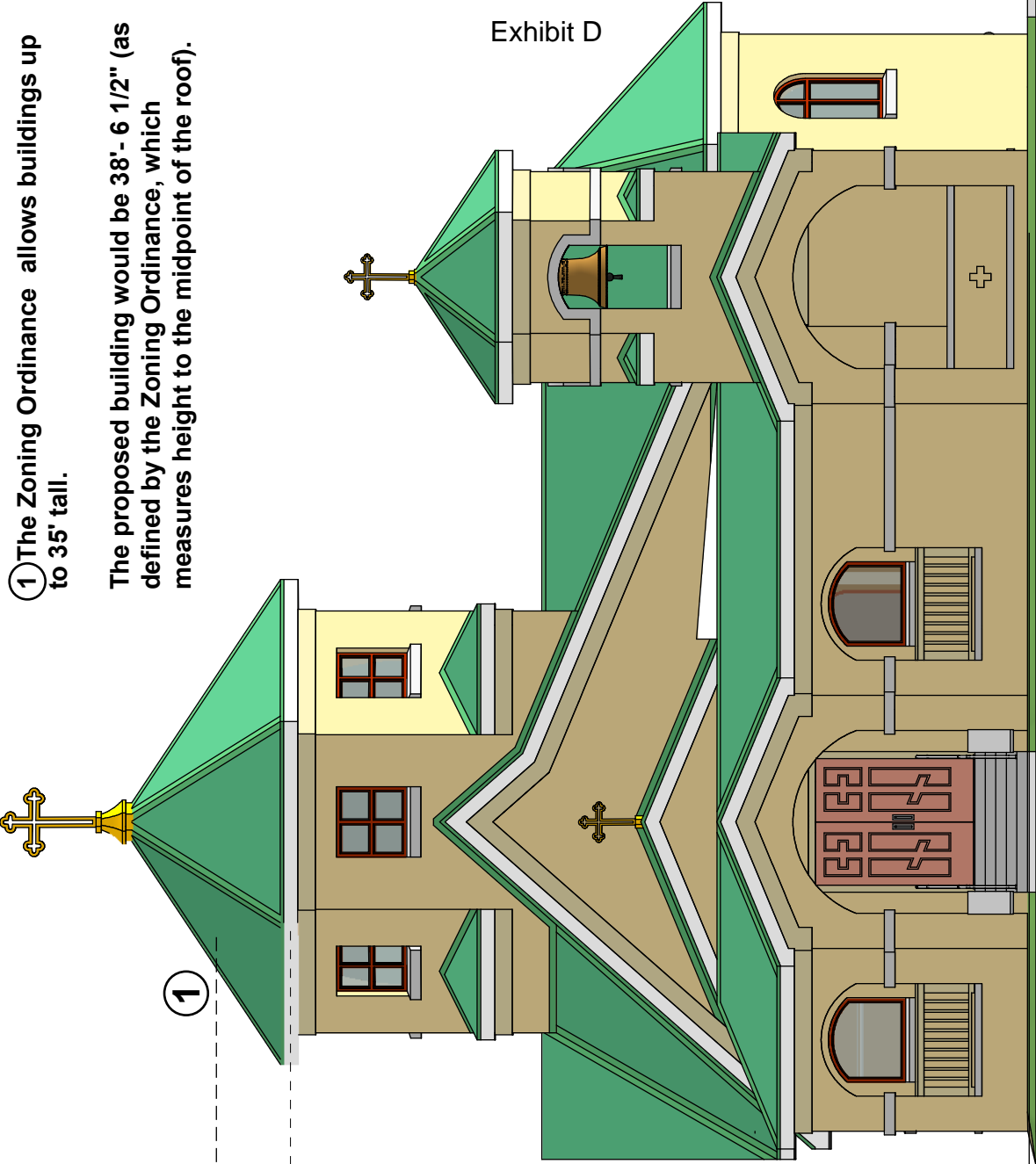


Exhibit D

1 The Zoning Ordinance allows buildings up to 35' tall.

The proposed building would be 38' - 6 1/2" (as defined by the Zoning Ordinance, which measures height to the midpoint of the roof).

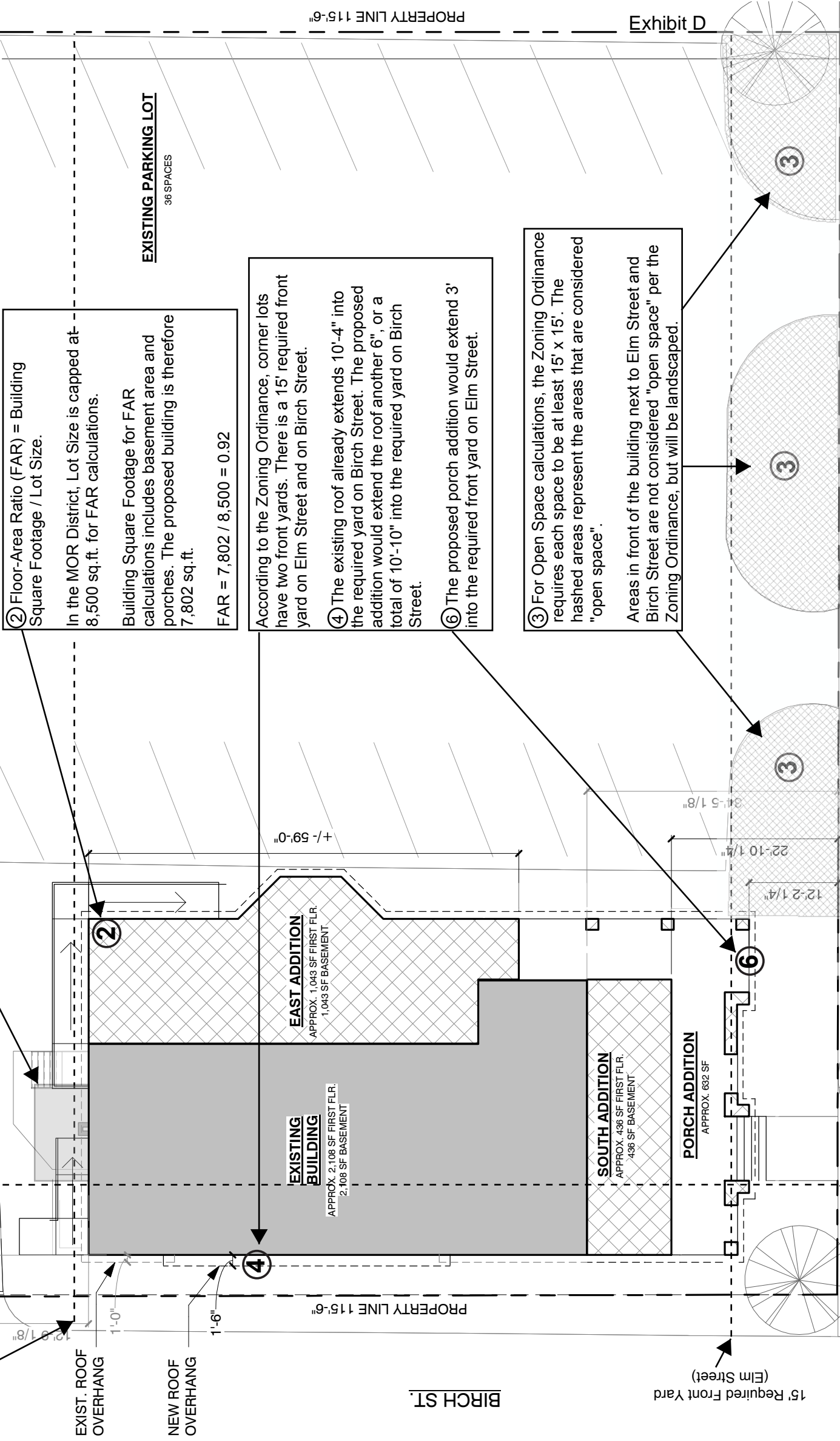
15' Required Side Yard (Alley)

15' Required Front Yard (Birch Street)

5 Air conditioning condensers would need to be installed in this area, which is in the required Side Yard next to the alley.

ALLEY.

PROPERTY LINE 173'-3"



2 Floor-Area Ratio (FAR) = Building Square Footage / Lot Size.
 In the MOR District, Lot Size is capped at 8,500 sq.ft. for FAR calculations.
 Building Square Footage for FAR calculations includes basement area and porches. The proposed building is therefore 7,802 sq.ft.
 $FAR = 7,802 / 8,500 = 0.92$

According to the Zoning Ordinance, corner lots have two front yards. There is a 15' required front yard on Elm Street and on Birch Street.
 4 The existing roof already extends 10'-4" into the required yard on Birch Street. The proposed addition would extend the roof another 6", or a total of 10'-10" into the required yard on Birch Street.
 6 The proposed porch addition would extend 3' into the required front yard on Elm Street.

3 For Open Space calculations, the Zoning Ordinance requires each space to be at least 15' x 15'. The hashed areas represent the areas that are considered "open space".
 Areas in front of the building next to Elm Street and Birch Street are not considered "open space" per the Zoning Ordinance, but will be landscaped.

PROPERTY LINE 115'-6"

Exhibit D

PROPERTY LINE 173'-3"

15' Required Front Yard (Birch Street)

W. ELM ST.

BIRCH ST.

15' Required Front Yard (Elm Street)



Application for Variance

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

Fee is \$200

ZBA-2018-MAJ-01

-02

-03

-04

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 01-25-2018 ZBA Case No. ZBA-2018-MIN-01

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): St. Nicholas Orthodox Church Phone: 217-840-8543

Address (street/city/state/zip code): 312 W. Elm Urbana IL 61801

Email Address: vrevjames@gmail.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): St. Nicholas Orthodox Church Phone: 217-840-8543

Address (street/city/state/zip code): 312 W. Elm Urbana IL 61801

Email Address: vrevjames@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

Location of Subject Site: 312 W. Elm, Urbana

PIN # of Location: 92-21-17-135-009 (We also own 010, 011)

Lot Size: 57.75 x 116.5

Current Zoning Designation: MOR

Current Land Use (vacant, residence, grocery, factory, etc): Church

Proposed Land Use: Church

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

Lots 9, 10, 11 in Roe's 2nd Addition to the City of Urbana, Champaign County, Illinois

4. CONSULTANT INFORMATION

Name of Architect(s): Rerfstek-Reid Architects Phone: 217-351-4100

Address (street/city/state/zip code): 909 Arrow Rd #3 Champaign IL 61821

Email Address: accounts@rresearch.com

Name of Engineers(s): Southwest Engineering Phone: 520-615-7786

Address (street/city/state/zip code): PO Box 31136 Tuscon, AZ 85751

Email Address: sayhouni.george@gmail.com

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): Marc Miller Miller Henderson LLP Phone: 217-352-2171

Address (street/city/state/zip code): PO Box 980, Champaign IL 61824

Email Address: mmm@mlhlawoffice.com

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.

Existing Building already encroaches on "front yard" set backs for corner lot and desired improvements exceed sq. footage limitation because basement is included in calculation. Height limit exceeded by desired aesthetic's

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.

There are Apartments, homes, and other building in the immediate vicinity that also, exceed the height requirements. Because the building is a worship space the added height is beneficial.

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

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

The property will remain a church & we will improve the outward appearance.

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

Use of the property remains the same

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

To improve the useability of the space & Accomodate Accessibility requirements these improvements allow our congregation to remain at this location for the foreseeable future.

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.

ST. NICHOLAS ORTHODOX CHURCH
312 W. ELM ST., URBANA, IL 61801

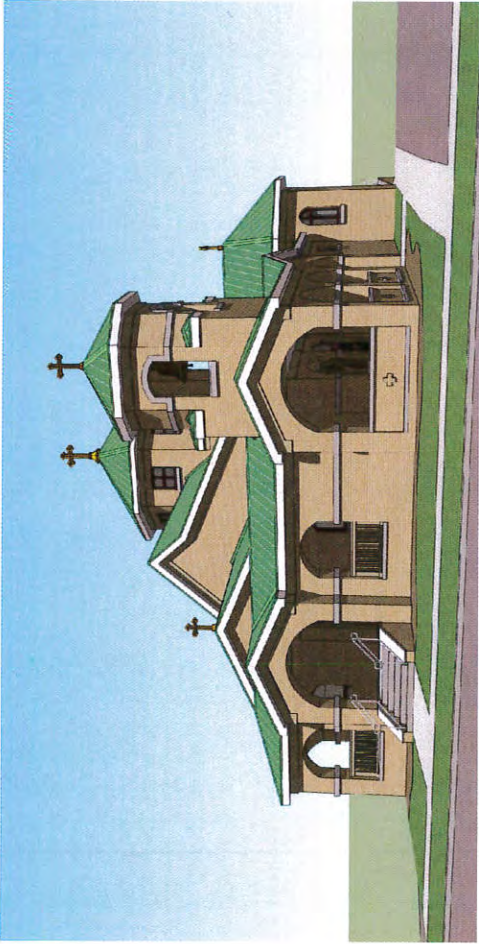


Graphic Scale: 1/8" = 1' - 0"

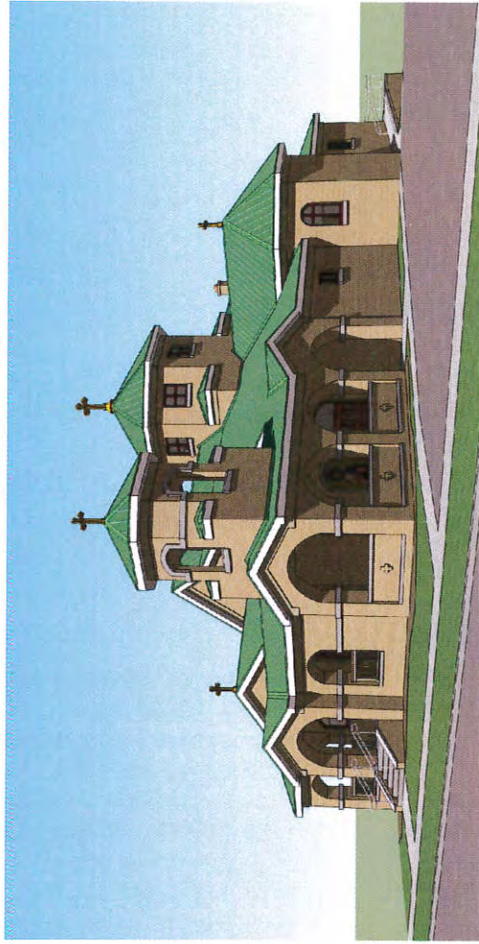


ST. NICHOLAS ORTHODOX CHURCH

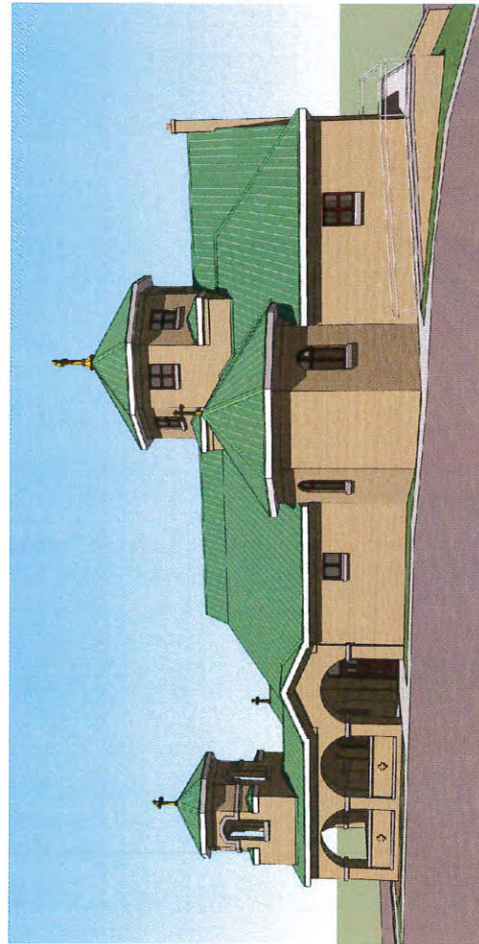
312 W. ELM ST., URBANA, IL 61801



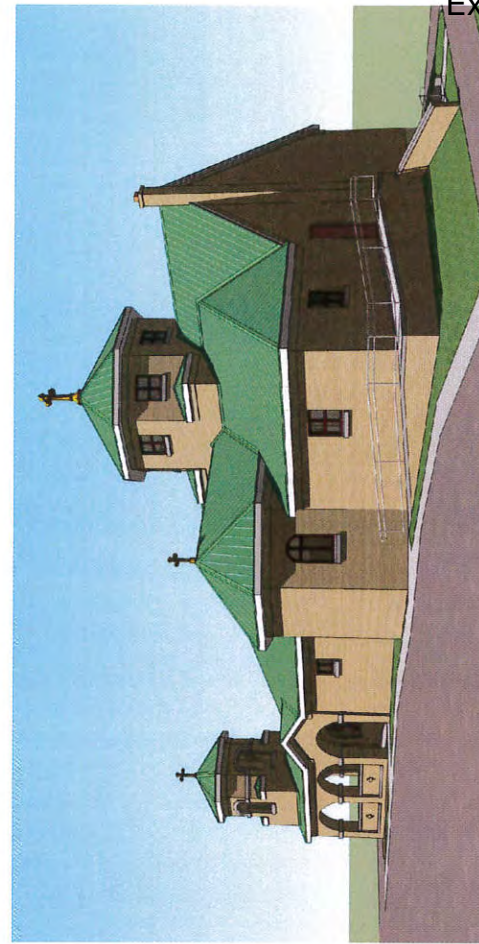
SOUTH VIEW FROM ELM STREET



SOUTH-EAST VIEW FROM ELM STREET



EAST VIEW FROM PARKING LOT



NORTH-EAST VIEW FROM ALLEY