



DEPT. OF COMMUNITY DEVELOPMENT SERVICES
PLANNING AND ECONOMIC DEVELOPMENT DIVISION

m e m o r a n d u m

TO: Bruce K. Walden, CAO
FROM: April D. Getchius, AICP, Director
DATE: February 1, 2000
SUBJECT: Case ZBA-99-MAJ-7: A Request By Urbana School District 116 for a Major Variance for Leal School Renovation

Introduction.

The Urbana School District 116 (hereinafter referred to as the District) is petitioning the City for major variances for Leal School, located at 312 W. Oregon to vary setback, parking requirements and floor area ratio requirements.

Petitioner: Urbana School District 116

Requests: Major variance requests to reduce the front yard requirement to a zero setback along California Street; to vary the floor area ratio by 60%; to seek an 85% variance in on-site parking requirements.

Location: 312 W. Oregon Street

BACKGROUND.

The petitioner has submitted an extensive description of the site and issues involved. Their application and staff's memo to the Zoning Board of Appeals was sent to the Council in previous ZBA packet materials. Please refer to their application for additional information.

Description of the Site

The subject site is located at 312 W. Oregon Street. Leal School is an elementary school attendance center. The current school site is bound by Oregon Street, California Street, Birch Street and Cedar Street. The original building was constructed in 1935. An addition was built in

1967. It is unclear how the addition was constructed in nonconformance of the required 25-foot front yard. One purpose of this variance request is to bring the existing building into compliance with zoning regulations through the variance procedures.

Leal School is in serious need of significant renovation in order to meet today's standards of education and safety. The District will be addressing code and safety issues as well as site improvements and expand its facilities. Among the improvements is the addition of a second story on the existing 1967 single story addition.

The Request

The District is requesting the following variances:

- a. A reduction in the required front yard setback along California Street from 25 feet to 0 feet. The current building has no setback.
- b. A reduction in the floor area ratio requirement. The CRE district has a maximum floor area ratio of .25 and the District is requesting a .55 floor area ratio.
- c. The Zoning Ordinance requires 55 parking spaces for the new addition. The District is requesting a variance to allow for the addition of 10 dedicated spaces and will use hard-surfaced playground area for special event parking.

Although one of the requests is to waive the parking requirement, the School District is currently working with the Traffic Commission and City Staff to try to develop a site plan that addresses some of the parking concerns.

Findings

In order to review a potential variance, the Urbana Zoning Ordinance requires the ZBA and the City Council to make specific findings. At their January 13, 2000 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variances.

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

Yes. This is an inner-city school site. It has a restricted site with limited expansion potential. The District is planning to expand westward at a future point in time with additional playground area. This requires property acquisition by the District and the closing of Birch Street by the City. Even with this additional area, the site is limited given the types of playground uses, etc. an elementary school requires. In addition, the existing building is at the California Street property line. Granting of the setback variance will not result any further encroachment, will bring the existing building into compliance through the variance procedures, and will allow for the much needed expansion of the second story.

and (2) consider the following additional guiding factors:

- a. Is the burden only upon the applicant's property thereby making a variance possibly appropriate, or does the burden also exist on other properties in the locality indicating that the proper relief would be an amendment to the ordinance?

Yes. This is a unique situation. The school is nearly land-locked and the need to update this historic building to today's educational and safety requirements dictates that the building be expanded upward rather than consume any additional property on the site. The parking situation is not altered significantly by the expansion and in fact, would be slightly improved with the addition of ten dedicated spaces. The enrollment numbers for the elementary school are not expected to increase as a result of the addition. The limited site forces an increase in the floor area ratio over that required in the CRE district. The required FAR is probably better suited to a new school site where there is plenty of land and open space available, rather than a land-locked inner-city site.

- b. The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and 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 requested variance is unique to this property and does not serve as a special privilege.

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

Although it is unclear how the original addition was constructed if there was a front yard setback requirement in place at the time, the District is trying to comply with the current ordinance given the restrictions and limitations of the site. There has been no deliberate creation of a nonconforming situation.

- d. The variance will not alter the essential character of the neighborhood.

The variances will help preserve the essential character of the neighborhood. Although some students are transported to Leal, it is very much a neighborhood school. The expansion is necessary to accommodate new demands. The expansion is required to assure its continued use as an elementary school attendance center. This is vital, not only to the school district and the community, but to the immediate neighborhood's stability and viability.

- e. The variance will not cause a nuisance to adjacent property.

The front yard setback variance and the floor area variance will not cause a nuisance to adjacent property. The current structure sits at zero setback along California Street and is not contiguous to any other private property. The parking situation will improve slightly with the addition of dedicated on-site spaces.

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

Given the restrictions of this site, the proposed variances are the minimum that is required to accommodate the request.

Options.

The City Council has the following options in this case:

- a. The Council may deny the variance requests. If the Council elects to do so, the Board should articulate findings supporting its denial.
- b. The Council may grant the variances as requested based on the staff findings outlined in this memo.
- c. The Council may grant the variances subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those articulated herein, the Council should articulate its findings in support of the approval and any conditions imposed.

Recommendation.

Based on the findings outlined herein, the Zoning Board of Appeals voted 7-0 to forward the variance requests to the City Council with a recommendation for approval. Staff concurs with the ZBA and recommends that City Council grant the variances as requested.

c: Gene Amberg, Superintendent

Tom Kamm, Isaksen Glerum

ORDINANCE NO. 2000-02-008

**AN ORDINANCE
APPROVING MAJOR VARIANCES**

**(TO REDUCE THE REQUIRED FRONT YARD SETBACK; TO REDUCE THE FLOOR AREA RATIO; AND WAIVE THE PARKING REQUIREMENTS FOR A PUBLIC SCHOOL AT 312 W. OREGON STREET
CASE NO. ZBA-99-MAJ-7)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where strict application of the Zoning Ordinance may cause hardships situations where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, Urbana School District #116, has submitted a petition requesting major variances to reduce the required front yard setback to zero feet, to increase the floor area ratio to .55 from .25 and to waive parking requirements for a public school; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 99-MAJ-7; and

WHEREAS, after due publication in accordance with Section IX-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variances on January 13, 2000, and the ZBA, by a vote of its members, recommended to the City Council approval of the requested variances; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variances referenced herein conforms with the major variances procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for the major variances:

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

Yes. This is an inner-city school site. It has a restricted site with limited expansion potential. The District is planning to expand westward at a future point in time with

additional playground area. This requires property acquisition by the District and the closing of Birch Street by the City. Even with this additional area, the site is limited given the types of playground uses, etc. an elementary school requires. In addition, the existing building is at the California Street property line. Granting of the setback variance will not result any further encroachment, will bring the existing building into compliance through the variance procedures, and will allow for the much needed expansion of the second story.

and (2) consider the following additional guiding factors:

- b. Is the burden only upon the applicant's property thereby making a variance possibly appropriate, or does the burden also exist on other properties in the locality indicating that the proper relief would be an amendment to the ordinance?**

Yes. This is a unique situation. The school is nearly land-locked and the need to update this historic building to today's educational and safety requirements dictates that the building be expanded upward rather than consume any additional property on the site. The parking situation is not altered significantly by the expansion and in fact, would be slightly improved with the addition of ten dedicated spaces. The enrollment numbers for the elementary school are not expected to increase as a result of the addition. The limited site forces an increase in the floor area ratio over that required in the CRE district. The required FAR is probably better suited to a new school site where there is plenty of land and open space available, rather than a land-locked inner-city site.

- c. The proposed variances will not serve as a special privilege because the variances requested are necessary due to special conditions and 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 requested variance is unique to this property and does not serve as a special privilege.

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

Although it is unclear how the original addition was constructed if there was a front yard setback requirement in place at the time, the District is trying to comply with the current ordinance given the restrictions and limitations of the site. There has been no deliberate creation of a nonconforming situation.

g. The variance will not alter the essential character of the neighborhood.

The variances will help preserve the essential character of the neighborhood. Although some students are transported to Leal, it is very much a neighborhood school. The expansion is necessary to accommodate new demands. The expansion is required to assure its continued use as an elementary school attendance center. This is vital, not only to the school district and the community, but to the immediate neighborhood's stability and viability.

h. The variance will not cause a nuisance to adjacent property.

The front yard setback variance and the floor area variance will not cause a nuisance to adjacent property. The current structure sits at zero setback along California Street and is not contiguous to any other private property. The parking situation will improve slightly with the addition of dedicated on-site spaces.

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

Given the restrictions of this site, the proposed variances are the minimum that is required to accommodate the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

The major variances request by Urbana School District #116 in Case #ZBA-99-MAJ-7 is hereby approved to reduce the required front yard setback off of California Street 100 percent; to increase the floor area ratio to .55 and to waive the parking requirements for a public school in the manner proposed in the application for the major variances in that case.

The major variances described above shall only apply to the property located at 312 W. Oregon, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: OUTLOT 3 OF JAMES S. BUSEY'S ADDITION OF OUTLOTS TO THE TOWN OF URBANA, SEC. 17, T19NR9E.

PERMANENT PARCEL #: 92-21-17-183-001.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2000.

PASSED by the City Council this _____ day of _____, 2000.

AYES _____

NAYES _____

ABSTAIN _____

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2000.

Tod Satterthwaite, Mayor

c:\...99MAJ7.ord