



**DEPARTMENT 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:** March 6, 2000

**SUBJECT:** Case ZBA 00-MAJ-2, Request for a major variance filed by Champaign County. The petitioner proposes a reduction in the requirement for off-street parking at 1304 S. Vine Street

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**Introduction**

In a recent case (ZBA-99-C-8) the Zoning Board of Appeals granted approval of a conditional use permit to establish the Champaign County Children's Advocacy Center at the subject location. The conditional use was approved with the stipulation that all necessary variances needed to achieve the parking requirements be obtained. To meet this requirement the applicant requests a variance to reduce the parking requirement to 14 spaces to 5 spaces.



The Urbana Zoning Ordinance Table VIII-6 requires a government building to have one off-street parking space for every 300 square feet of floor area. To meet this standard, the 4,100 square foot structure would need 14 spaces.

The County's request of a reduction to five spaces is a 63% reduction in the parking requirement classifying it as a major variance which is subject to the Zoning Board of Appeals' recommendation and City Council's approval.

## **Background**

### **Description of the Site**

The subject site is located at the southeast corner of Vine Street and Michigan Avenue. The surrounding neighborhood is predominantly residential, with some service business and Urbana Middle School across Vine Street to the northwest. The total area of the site is 20,250 square feet which is a little less than one-half acre. Access to the site is from an existing driveway on Michigan Avenue. The site contains a backyard and playground area which abuts single-family residential land uses.

The Center is intended to coordinate and provide services for sexually abused children. The building will house offices for 3-4 employees of the Center. Additional workspace will also be provided for other government agencies periodically working on cases in coordination with the Center. Activities at the center are expected to include interviews and counseling of children and families, as well as inter-agency conferences.

At this time only 5 spaces are provided on site. Three of the spaces are located at the eastern edge of the site at the terminus of the driveway while two more space are accommodated in front of the structure just off the driveway. The parking currently provided would be adequate for those employees and occasional visitors. In order to strictly comply with the Ordinance, a substantial redesign of the lot layout and construction of a parking area would be required which would not otherwise be necessary for the function of the Center. The applicant indicates that the play area and backyard is the best way to keep the site residential in nature and compatible with neighboring uses. Neighbors have phoned to express their concern with the possible transformation of the backyard into a parking lot.

At the February 17, 2000 meeting, the Urbana Zoning Board of Appeals was concerned that the petitioner did not have a sufficient parking site plan to better illustrate where exactly the five parking spaces were to be located and how one handicapped parking space will be accommodated. Staff explained that a site plan was not requested at the time of application because there was no proposed change to the existing site. Nevertheless, the ZBA made their findings contingent on a satisfactory parking site plan to be submitted and reviewed by staff and City Council.

### **Findings**

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on specific variance criteria. At the February 17, 2000 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

- 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. As stated above, in order to access the rear of the lot for parking, a large, mature tree would have to be removed and a suitable parking surface would have to be provided. The provision of additional parking would also impair the residential character of the lot while the intent of the facility is to preserve the residential character of the lot which includes a playground and residential-type back yard.

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.*

In order to strictly comply with the Urbana Zoning Ordinance, the layout of the site would require that additional parking be constructed in the rear yard. Creating a driveway to the rear yard would be an aesthetic intrusion upon the neighboring properties as well as destroy the play area and a large mature tree which contributes to the residential character of the neighborhood.

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

The current configuration of the parking layout was in compliance with previous parking requirements pertaining to the previous use of the site as a daycare center and has remained essentially unaltered for over 20 years.

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

The variance will preserve the character of the neighborhood by eliminating the potential intrusion of a rear parking lot in a residential neighborhood.

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

The variance will help to avoid a nuisance to the neighboring property since it would allow the owner to avoid constructing additional parking to the rear of the lot.

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

The request represents the minimum deviation from the regulations.

The Zoning Board of Appeals included in their motion the condition that a site plan for parking which will include 4 regular spots and 1 handicapped spot be submitted to the City Council and that staff can review the plan 48 hours prior to the council meeting.

## Options

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

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

## Staff Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 7-0 to forward the variance request to the City Council with a recommendation of approval on condition that a parking site plan is submitted that meets the expectation of staff and City Council.

Staff has reviewed the submitted parking plan and finds it to be satisfactory. Therefore, based on the findings outlined herein, staff recommends that the Urbana City Council **GRANT** the variance as requested.

Staff further recommends that the variance be granted only as long as the site is used for the Children's Advocacy Center and that any change in use shall be required to meet the requirements of the Urbana Zoning Ordinance for parking.

c: Denny Inman, Champaign County Administrator, Petitioner

Prepared by:

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