



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: July 27, 2004

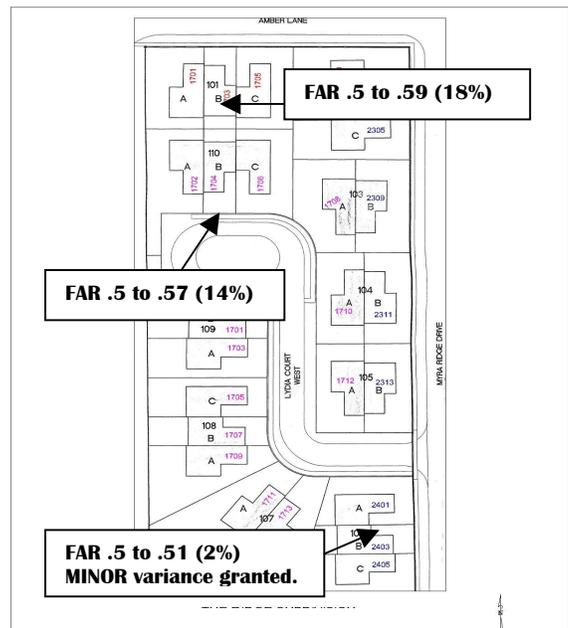
SUBJECT: ZBA 04-MAJ-7, Request to increase the floor area ratio by 14% at 1704 Lydia Court West, in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

ZBA 04-MAJ-8, Request to increase the floor area ratio by 18% at 1703 East Amber Lane, in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

Introduction

The two requested variances are all requests to increase the floor area ratios for common-lot-line homes in The Ridge Development, a project by the Atkins Group. The subject properties are zoned R-4, Medium Density Multiple Family; the maximum floor area ratio is 0.5 in this district. According to the Urbana Zoning Ordinance, a variance request to increase the floor area ratio (FAR) by more than 5% is a considered a major variance. The floor area ratio is defined as the quotient of gross floor area of a building on a lot divided by the lot area. (Please refer to **Exhibit F** for a complete Definition and illustration of FAR).

A request for a 2% increase in the floor area ratio at 2403 Myra Ridge Drive was granted by the Zoning Board of Appeals on July 21, 2004 in case ZBA-04-MIN-1.



Discussion

The Ridge is a new development consisting of 25 common-lot-line residences located in south Urbana. The site for this development was recently subdivided earlier this year. The Ridge development is currently under construction and is located on the southwest corner of the intersection of Amber Lane and Myra Ridge Drive (see attached maps). Lydia Court West is the cul-de-sac road that has been built to access the development from Myra Ridge Drive. At the time the development was platted, a conceptual building layout was presented. Subsequent to the plat more detailed architectural plans for the homes revealed a deficiency of FAR for the three lots.

This area in Urbana has been active and developing during the past years. Directly north of the site is the proposed Canterbury Ridge Alzheimer's Facility. East of the site are newly constructed residential homes including common-lot-line developments such as The Vistas on Amber Lane. South of the site is the future site of the Little Hearts and Hands Day Care facility, another Atkins Group project. Directly west of The Ridge is a vacant property owned and approved for a future Meijer development.

At the July 21, 2004 the Zoning Board of Appeals hearing Staff recommended that the Board approve the variances as requested, both requests were approved by the Zoning Board of appeals by a vote of 4-0. A minor variance for a third common-lot-line property in The Ridge property was granted to increase the FAR by 2%.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and City Council to make findings based on variance criteria. At the July 21, 2004 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?*

The special circumstance with reference to the request for the increase in FAR is the practical difficulty of calculating FAR for a common-lot-line property that is a middle unit between other lots. The middle unit has a practical difficulty meeting the FAR without side yard areas. The subdivision of the land and the definition and calculation of FAR is a practical difficulty.

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 variance should not be considered a special privilege as the same development could be built as a condominium development on an undivided lot and easily comply with the 0.5 floor area ratio.

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

The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.

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

The variance should not alter the essential character of the neighborhood, as there are other developments such as this in the area. The common-lot-line development style is appropriate in the neighborhood and should not significantly disrupt the character of the neighborhood.

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

The variance should not cause a nuisance to adjacent properties.

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

The petitioners are only requesting the minimum deviation from the requirements so that they can develop the common-lot-line residences for The Ridge with the architectural design desired by the petitioner.

Options

The City Council has the following options this case:

- a. The Council may grant the variances as requested based on the findings outlined in this memo; or
- b. 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 presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance requests. If the Council elects to do so, they should articulate findings supporting this denial.

ORDINANCE NO. 2004-08-094

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase the Floor Area Ratio in the City's R-4, Medium Density Multiple Family Residential Zoning District, From 0.5 to .57 / 1704 Lydia Court West, Case No. ZBA-04-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 criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioner, Architectural Spectrum LLC, has submitted a petition requesting a major variance to allow an increase of the floor area ratio for a common-lot-line development. The request is to increase the floor area ratio by 14% (0.5 to .57), in Urbana's R-4, Medium Density Multiple Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 04-MAJ-7; and

WHEREAS, after due publication in accordance with Section XI-10 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 variance on July 21, 2004 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.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 a major variance as requested:

1. The special circumstance with reference to the request for the increase in FAR is the practical difficulty of calculating FAR for a common-lot-line property that is a middle unit between other lots. The middle unit has a practical difficulty meeting the FAR without side yard areas. The subdivision of the land and the definition and calculation of FAR is a practical difficulty.
2. The variance should not be considered a special privilege as the same development could be built as a condominium development on an undivided lot and easily comply with the 0.5 floor area ratio.
3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
4. The variance should not alter the essential character of the neighborhood, as there are other developments such as this in the area. The common-lot-line development style is appropriate in the neighborhood and should not significantly disrupt the character of the neighborhood.
5. The variance should not cause a nuisance to adjacent properties.
6. The petitioners are only requesting the minimum deviation from the requirements so that they can develop the common-lot-line residences for The Ridge with the architectural design desired by the petitioner.

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

The major variance request by Architectural Spectrum LLC, in Case #ZBA 04-MAJ-7 is hereby approved to allow an 14% increase of the Floor Area Ratio from 0.50 to 0.57, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 1704 Lydia Court West Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 110 B, a replat of Lot 104 Eastgate Subdivision No.1, a part of the SE 1/4 Section 21, T 19N, R 9E of the 3rd P.M., Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-21-400-022

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 _____, 2004.

PASSED by the City Council this _____ day of _____
_ 2004 _.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____
2004.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Increase the Floor Area Ratio in the City's R-4, Medium Density Multiple Family Residential Zoning District, From 0.5 to .57 / 1704 Lydia Court West, Case No. ZBA-04-MAJ-7) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: July 21, 2004

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Anna Merritt, Joe Schoonover

STAFF PRESENT: Michaela Oktay, Senior Planner; Paul Lindahl, Planner; Teri Andel, Secretary

OTHERS PRESENT: Brandon Bowersox, David Dastur, Ed DeWan, Merle Ingersoll, Jr., Phyllis Johnston, Fred Kallmayer, Karl Koenke, Al Marx, Patrick McGonigle, Alice McLaughlin, Ronald Moline, Jim North, Jenny Park, Pastor Bob Rasmus

5. NEW PUBLIC HEARINGS

ZBA-04-MAJ-07: Request to increase the floor area ratio by 14% at 1704 Lydia Court West, in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

ZBA-04-MAJ-08: Request to increase the floor area ratio by 18% at 1703 East Amber Lane, in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

ZBA-04-MIN-01: Request to increase the floor area ratio by 2% at 2403 Myra Ridge Drive, in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

Ms. Oktay began her staff presentation for these three cases by explaining that the main purpose for the requests was to allow for a second floor on each property. She reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertained to these cases. She read the options of the Zoning Board of Appeals and noted staff's recommendations for each major variance request, which were as follows:

ZBA-04-MAJ-07 and ZBA-04-MAJ-08: Based on the finding outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of each major variance to the Urbana City Council.

Mr. Corten questioned if someone goofed in putting this development together? Ms. Oktay believed that it was an architectural design factor that happened after the fact, and referred to the petitioner for more explanation.

Mr. Corten inquired if the walls between the units would be sound proof enough?

Ron Moline, representative from Architectural Spectrum, replied that the units would have separate walls, which would be separated from one another, and they would be insulated. They hoped to have a STC rating on those particular walls that would prevent loud music from being heard in the unit next door. This issue surfaced when they applied for building permits. Normally, these triplex type buildings were three in a unit. They have no difference with floor area ratios. However, the center unit being a two-story unit provides a much more pleasant visual appearance. So, they wanted to maintain their plans.

Mr. Corten asked if the units would be rentals or for purchase? Mr. Moline answered by saying that the units would be for purchase.

Mr. Corten moved that the Zoning Board of Appeals forward ZBA-04-MAJ-07 to the City Council with a recommendation for approval. Mr. Warmbrunn seconded the motion. The roll call was as follows:

Mr. Corten	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward ZBA-04-MAJ-08 to the City Council with a recommendation for approval. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote.

Ms. Oktay read the options of the Zoning Board of Appeals regarding the minor variance request and stated that staff's recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing,

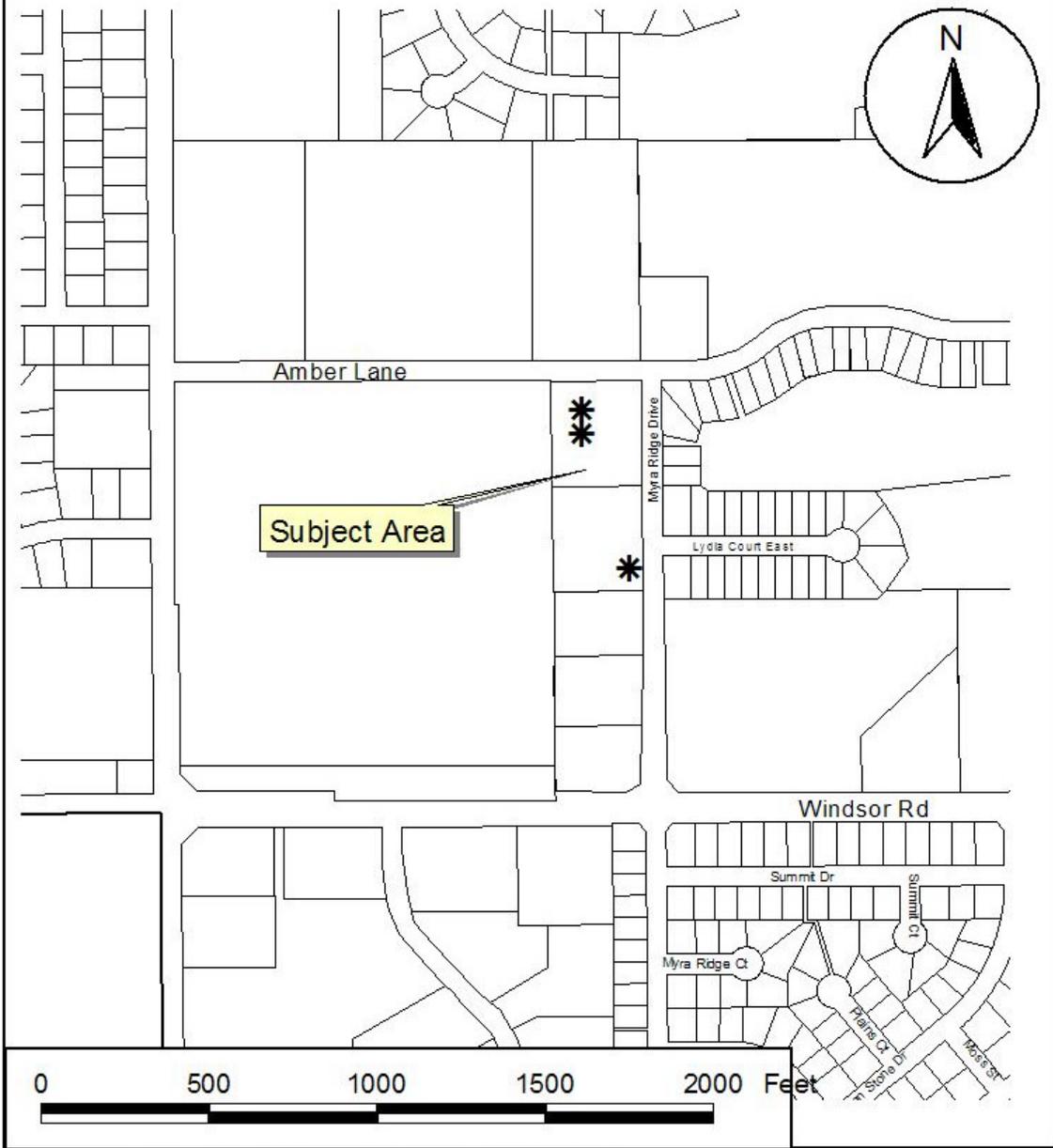
staff recommended that the Urbana Zoning Board of Appeals approve the minor variance to increase the FAR as requested.

Mr. Corten moved that the Zoning Board of Appeals approve ZBA-04-MIN-01 as recommended by staff. Mr. Warmbrunn seconded the motion. The roll call was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Mr. Warmbrunn	-	Yes

The motion was passed by unanimous vote.

Exhibit "A": Location Map

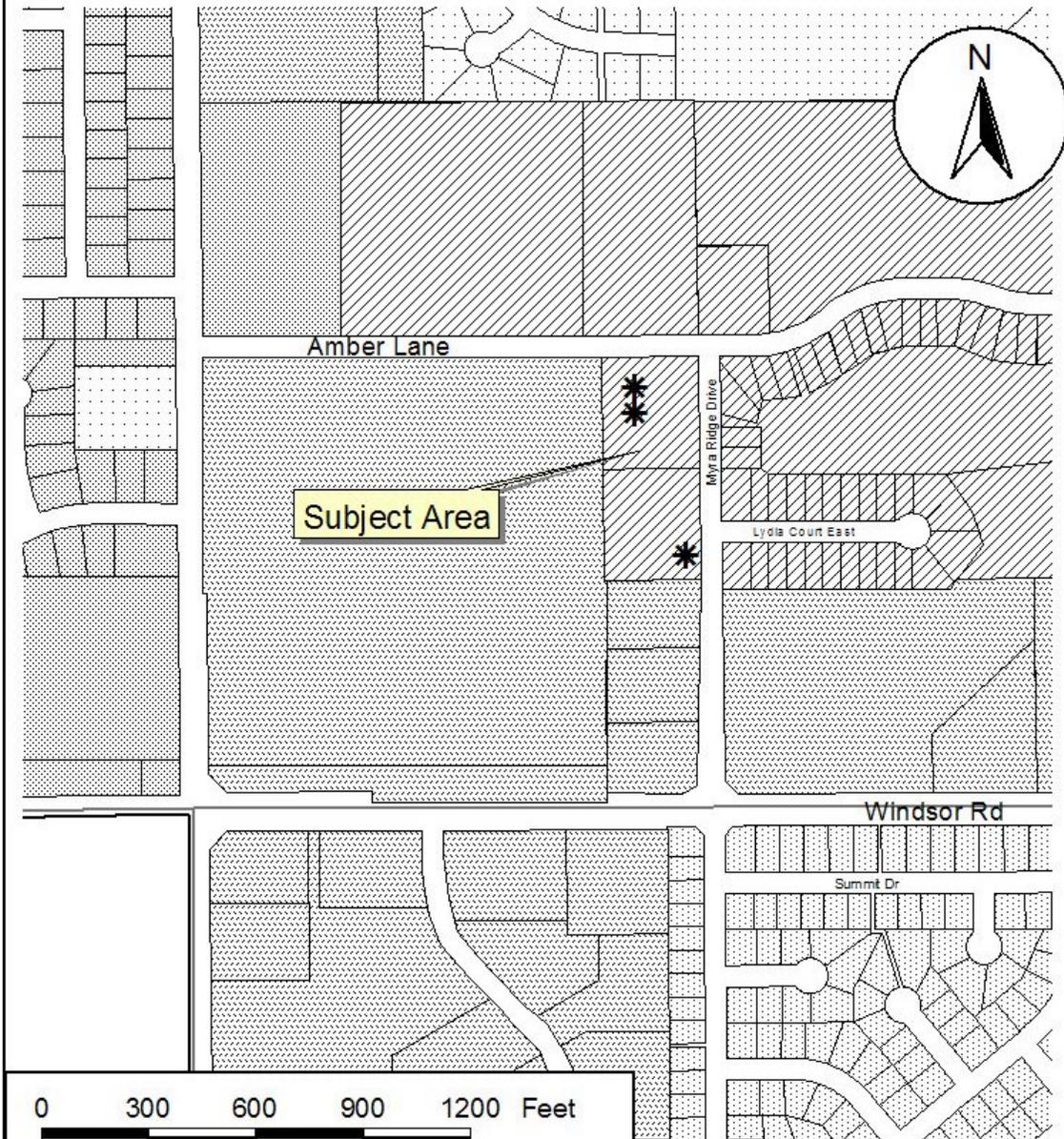


ZBA Cases: 04-MAJ-07, 04-MAJ-08, and 04-MIN-01
Variances to Exceed Maximum Allowable FAR
in the R-4 Medium Density Multiple Family
Residential Zoning District
Petitioner: Architectural Spectrum

Prepared 7/06/04 by Community Development Services - pal

* Locations of Affected Units

Exhibit "B": Zoning Map



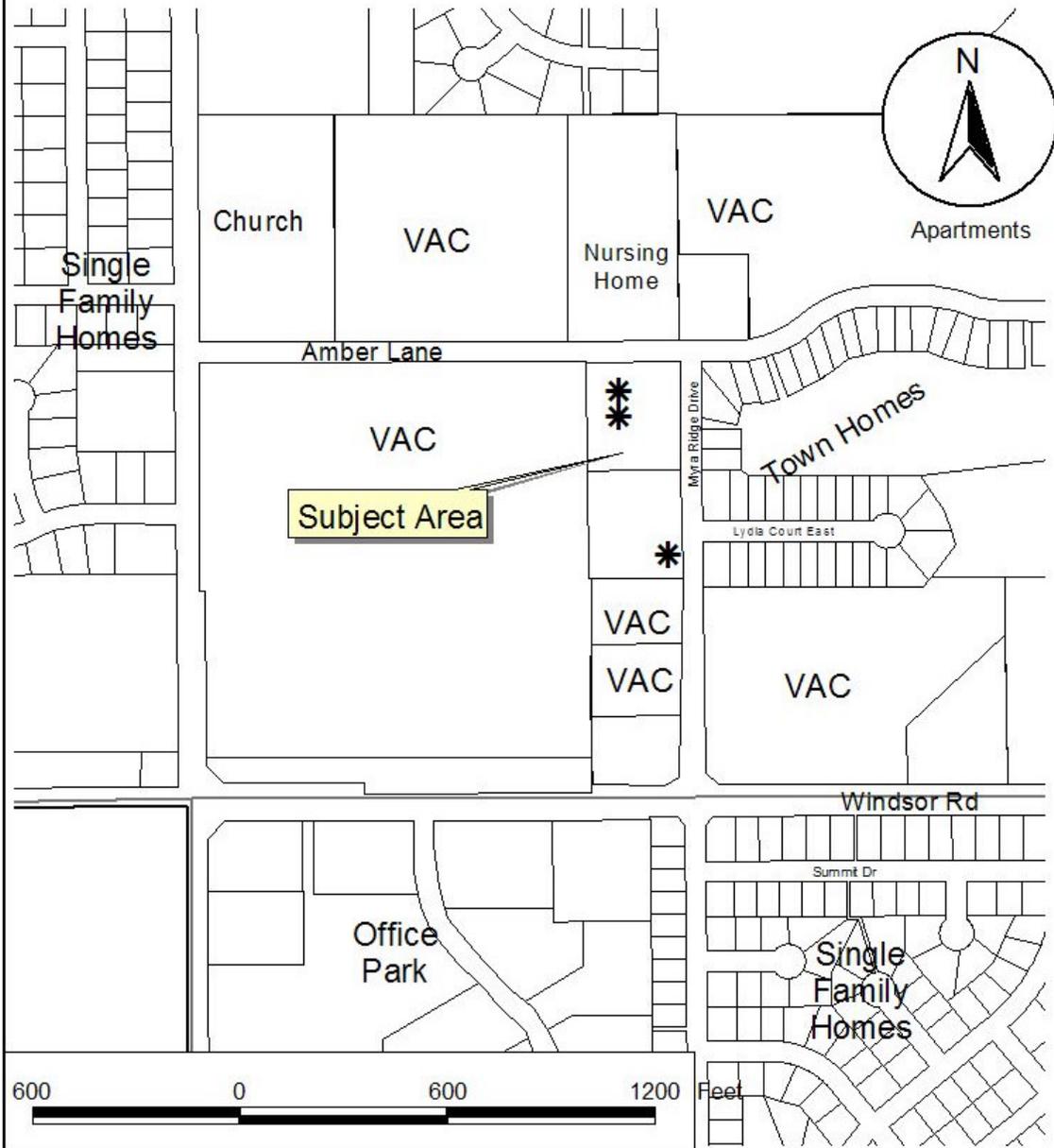
ZBA Cases: 04-MAJ-07, 04-MAJ-08, and 04-MIN-01
 Variances to Exceed Maximum Allowable FAR
 in the R-4 Medium Density Multiple Family
 Residential Zoning District
 Petitioner: Architectural Spectrum

Prepared 7/06/04 by Community Development Services - pal

* Locations of Affected Units

-  B-3 - General Business
-  R2 - Single Family
-  R3 - Single- and Two-Family
-  R4 - Medium Density Multiple-Family

Exhibit "C": Existing Land Use Map

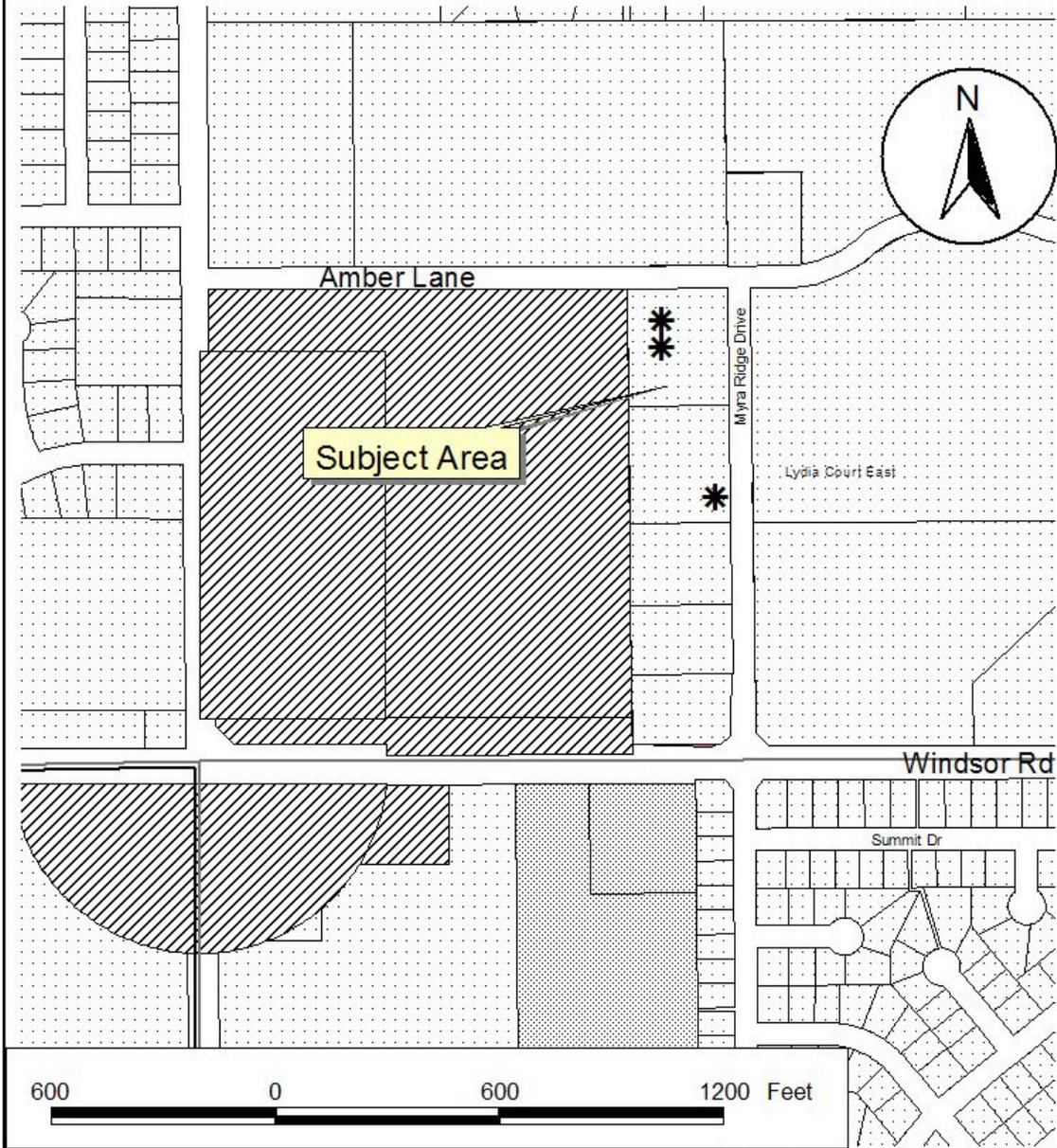


ZBA Cases: 04-MAJ-07, 04-MAJ-08, and 04-MIN-01
 Variances to Exceed Maximum Allowable FAR
 in the R-4 Medium Density Multiple Family
 Residential Zoning District
 Petitioner: Architectural Spectrum

Prepared 7/06/04 by Community Development Services - pal

* Locations of Affected Units
 VAC - Vacant Land

Exhibit "D": Future Land Use Map



ZBA Cases: 04-MAJ-07, 04-MAJ-08, and 04-MIN-01
Variances to Exceed Maximum Allowable FAR
in the R-4 Medium Density Multiple Family
Residential Zoning District
Petitioner: Architectural Spectrum

Prepared 7/06/04 by Community Development Services - pal

-  Commercial
-  Low Density Residential
-  Medium Density Residential

Exhibit "E" : Aerial Photo



ZBA Cases: 04-MAJ-07, 04-MAJ-08, and 04-MIN-01
Variances to Exceed Maximum Allowable FAR
in the R-4 Medium Density Multiple Family
Residential Zoning District
Petitioner: Architectural Spectrum

* Locations of Affected Units

Prepared 7/06/04 by Community Development Services - pal

Floor Area, Gross: The total area of all floor levels of a building. Gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface.

Gross Floor Area includes public egress/ingress balconies.

Gross Floor Area excludes:

1. Areas used for parking facilities within the principal building.
2. Areas used as private balconies.
3. Areas used for cellars in single-family dwellings.
4. Areas used for and solely dedicated to the housing of mechanical systems.
5. Areas used for detached accessory structures to single and two-family dwellings and which are used for storage or parking. Said accessory structure must conform to Section V-2-C-7.

Floor Area Ratio (abbreviated FAR): The quotient of gross floor area of all buildings on the lot divided by the lot area. See Figure 1. When an encroachment over a right-of-way has been approved by the City for a habitable structure, the gross floor area of the structure shall be increased by the gross floor area of the encroachment. (Ord. No. 8485-51, § 4(c), 1-21-85)

Figure 1. Floor Area Ratio

