



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:** September 2, 2004

**SUBJECT:** ZBA-04-MAJ-11: a request for a major variance by Laura Greene to allow for an increase in the maximum Floor Area Ratio (FAR) from 0.40 to 0.45 at 510 W. Michigan Avenue in the R-2 Single- Family Residential Zoning District.

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## **Introduction**

Urbana homeowner Laura Green who resides at 510 W. Michigan Avenue has requested an increase in the maximum allowable Floor Area Ratio (FAR) to accommodate a proposed addition to her home and garage. The residence is zoned R-2, Single-Family Residential. The maximum FAR for the R-2 Zoning District is 0.40. The petitioner is requesting an increase in maximum FAR from .40 to .45. This represents a 12.5% increase in allowable FAR.

A request for a variance in FAR beyond 5% constitutes a major variance and must be granted by City Council upon recommendation of approval by the Zoning Board of Appeals.

On August 18, 2004 the Zoning Board of Appeals conducted a public hearing to consider the request and voted unanimously to recommend approval to City Council.

## **Background**

### **Description of the Site**

The property is located at the northeast corner of Orchard Street and Michigan Avenue in Urbana's R-2, Single Family Residential Zoning District. The lot is located in an area that is primarily single-family and zoned for single-family uses.

## **Discussion**

The petitioner's family has outgrown the living space in their home. The proposal will allow for the construction of a new two-story home addition connected to the existing home with a one-story hallway connection (see attached plan). A small storage area addition to the existing detached garage will also be

constructed. The new Open Space Ratio (OSR) of 1.03 will remain well above the allowable minimum for the R-2 zoning district of .40. The addition will also meet all required setbacks for side and rear yards.

### **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. On August 18, 2004 the ZBA voted their recommendation of approval based upon the following findings:

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 of the property is that the configured design of the existing home makes it difficult to expand living space and comply with existing FAR requirements.

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 variance is not a privilege because the design and situation of the older home makes it difficult to expand the living space.

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.

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

The proposed addition will not alter the residential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

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

The proposed addition should not cause a nuisance to adjacent properties. All setbacks and open space requirements will be maintained.

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

The petitioner is only requesting the amount of variance needed to accommodate the proposed addition.

## Options for #ZBA-04-MAJ-11

The City Council has the following options this case:

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

## Staff Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 5-0 to forward the variance request to the Urbana City Council with **a recommendation for approval to allow for an increase in the maximum Floor Area Ratio (FAR) from 0.40 to 0.45 at 510 W. Michigan Avenue.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance in **ZBA Case # 04-MAJ-11.**

Attachments:      Proposed Ordinance  
                         Draft August 18, 2004 ZBA Minutes  
                         Exhibit A:      Location Map  
                         Exhibit F:      Variance Application  
                         Exhibit G:      Application Site Plan

Prepared by:

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Paul Lindahl, Planner

Cc:

Laura Greene, Petitioner  
510 W. Michigan Ave.  
Urbana, IL 61801

Thomas Kamm, Architect  
610 W. John Street  
Champaign, IL 61820

**ORDINANCE NO.2004-09-117**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(To Allow an Increase in the Maximum Permitted Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District / Case No. ZBA-04-MAJ-11)

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 with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Laura Greene, has submitted a petition requesting a major variance to allow an increase in the allowed Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-11; 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 August 18, 2004 and the ZBA voted 5 ayes and 0 nays to recommend to the City Council 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical circumstances of the property in that the configured design of the existing home makes it difficult to expand living space and comply with existing FAR requirements.

2. The proposed variance is not a special privilege because the design and situation of the older home makes it difficult to expand the living space.

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

4. The proposed addition will not alter the residential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

5. The variance should not cause a nuisance to adjacent properties. All setbacks and open space requirements will be maintained

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the amount of variance needed to accommodate the proposed addition.

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

The major variance request by Laura Greene, in Case #ZBA-04-MAJ-11, is hereby approved to allow an increase in the maximum Floor Area Ratio from

0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 510 W. Michigan Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 11 and the west 60 feet of the south half of lot 10 in block 6 of Van Doren's addition to the City of Urbana, as per plat recorded in plat book "C" at page 176, situated in Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-17-331-010

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 \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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**

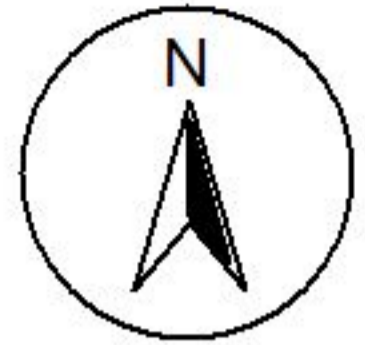
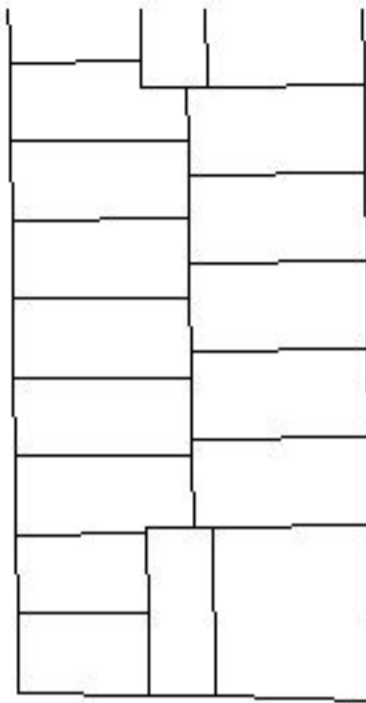
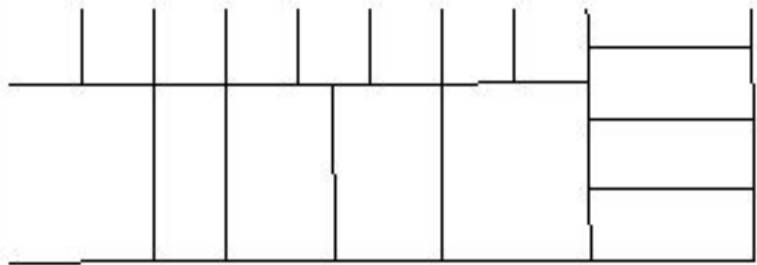
(To Allow an Increase in the Maximum Permitted Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District / Case No. ZBA-04-MAJ-11)

which provided by its terms that it should be published in pamphlet form.

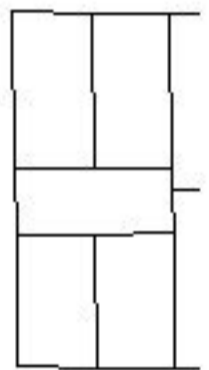
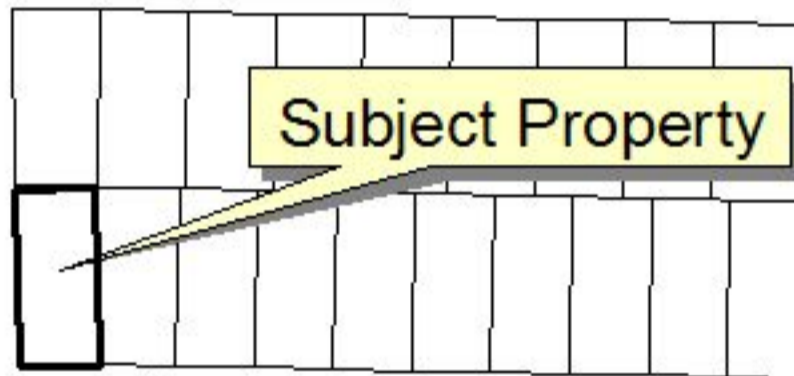
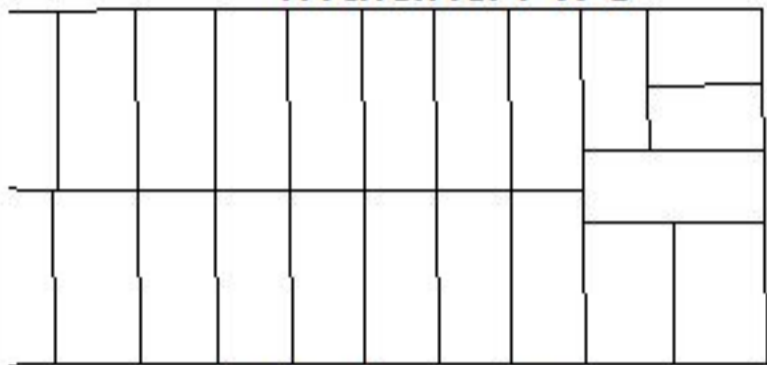
The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.



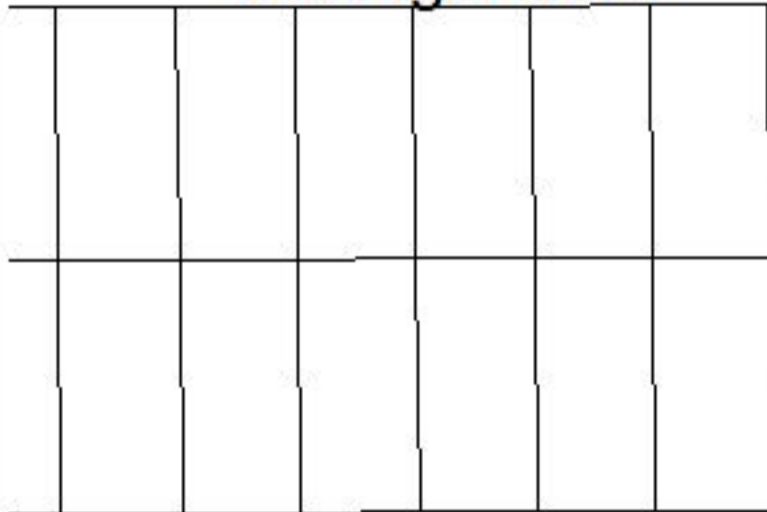
# Exhibit "A": Location Map



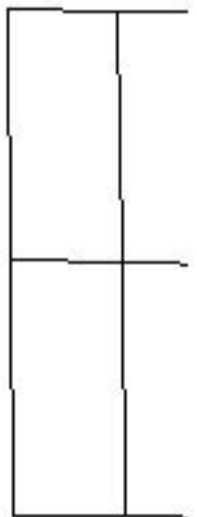
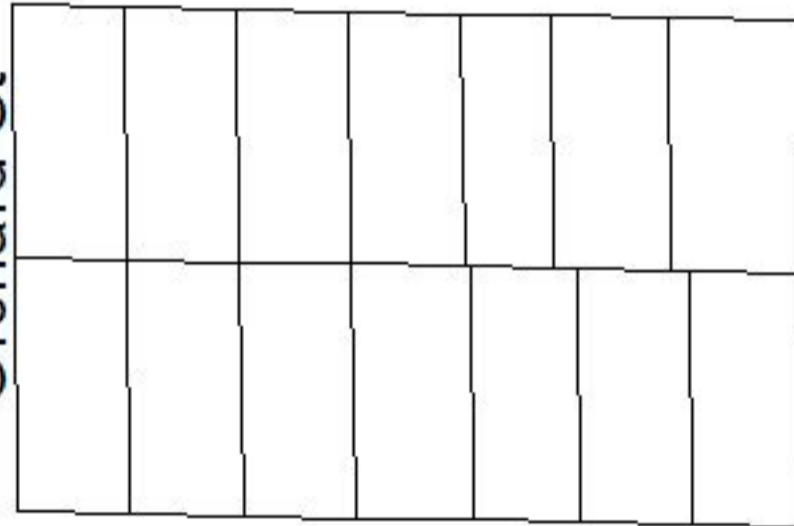
Indiana Ave



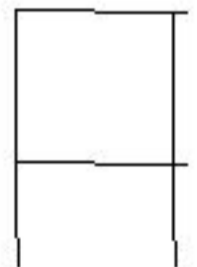
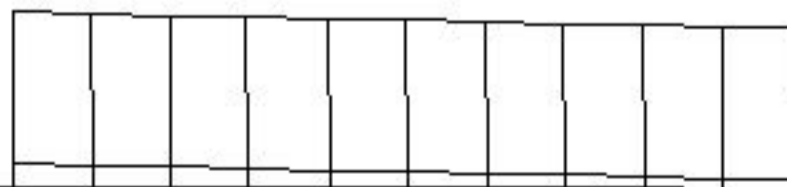
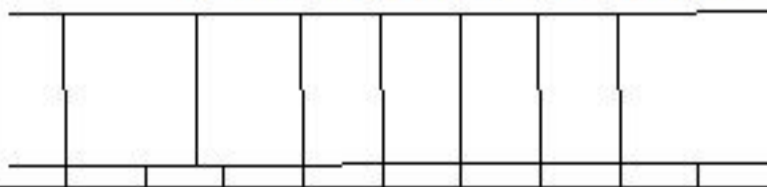
Michigan Ave



Orchard St



Pennsylvania Ave



0 200 400 600 800 Feet



ZBA Case: 04-MAJ-11,  
Increase maximum allowed FAR from .40 to .45  
Petitioner: Laura Greene  
510 W. Michigan Ave  
R-2, Single Family Residential  
Prepared 8/2/04 by Community Development Services - pal