



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, PhD FAICP, Director

DATE: July 28, 2011

SUBJECT: A request by Yuchen Lin for a major variance to exceed the Floor Area Ratio for a duplex at 607 W High Street in the R-2, Single-Family Residential Zoning District (ZBA Case No. 011-MAJ-02)

Introduction and Background

Yuchen Lin is requesting a major variance to allow existing attic space at 607 W High Street to be finished and used as living space. The subject property is a duplex, with one unit on the ground floor and the other on the second floor. The petitioner is proposing to enlarge the upper level unit by finishing the existing attic space and adding it to the upper level unit. The proposed improvements would not alter the existing building footprint or exterior appearance. Table VI-3 of the Urbana Zoning Ordinance limits the Floor Area Ratio (FAR) in the R-2 District to no more than 0.40. The proposed improvements would add 435 feet of living space to the upper living unit, thereby increasing the FAR to 0.52.

The Urbana Zoning Board of Appeals held a public hearing regarding this case on July 20, 2011. At that meeting the ZBA voted 4 ayes to 0 nays to forward the case to City Council with a recommendation to approve the variance as requested.

Description of the Site

The subject property is located on the south side of High Street between Orchard and Coler Streets. The subject lot is 50.5 feet wide and 94.5 feet deep, with a lot area of 4,772.25 square feet. The lot currently contains a 2,046 square foot duplex: 1,023 square feet for the first floor unit and 1,023 square feet for the second floor unit. There is no garage. Typical lots in the neighborhood are around 60 feet wide and 120 feet deep. The small lot size contributes to the need for a variance.

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature. The subject property is surrounded in all directions by single-family homes, zoned R-2, Single-Family Residential and R-3, Single and Two-Family Residential.

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	R-2, Single-Family Residential	Duplex	Residential – Urban Pattern
North	R-3, Single & Two-Family Residential	Single Family Residence	Residential – Urban Pattern
East	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
South	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern
West	R-2, Single-Family Residential	Single Family Residence	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Urban Pattern”. The plan defines the Residential Urban Pattern of Development as:

“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”

Future Land Use Map #8 identifies the following ‘Strategies for Neighborhood Stability’ for this area:

1. *Explore “Neighborhood Conservation District” Strategies*
2. *Promote Single-Family Residential Uses in areas zoned for single-family*
3. *Preserve existing zoning protections*
4. *New development to respect traditional physical development pattern*

Discussion

The petitioner wants to convert existing unfinished attic space to add an additional floor to the upper unit of a duplex to make the upper level unit more compatible with a family lifestyle. Currently, the upper level unit contains three bedrooms, a living room/kitchen, and a bathroom on the second floor of the house. The petitioner is proposing to construct two bedrooms and a bathroom in the attic, which would allow the upper duplex unit to have two stories. (See plans of existing and proposed below.) The upper story would contain the bedrooms and a bathroom. The lower story would contain a living room/kitchen with an opening through to a dining room, a library/study, a games room, and a bathroom. The proposed improvements would not alter the existing building footprint or exterior appearance in any way. According to the applicant, he intends to move into the upper unit with his family and rent out the lower unit. In a letter (attached) accompanying the application, the petitioner explains that the improvements would “make [my family’s] apartment larger, more functional” and would improve their quality of life.

The petitioner purchased the property in March 2011. As part of this project, the two dwelling units would be property separated to bring them into conformance with building, occupancy, and zoning

codes.

Second Floor: Existing Floor Plan

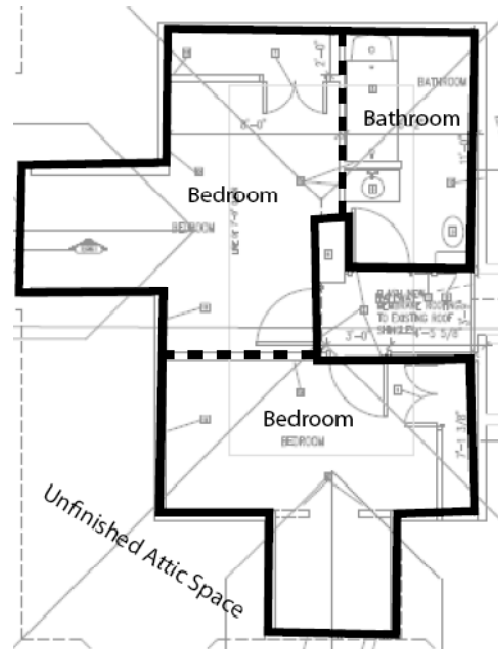


Third Floor: Existing Attic Space (Unfinished)

Second Floor: Proposed Floor Plan



Third Floor: Proposed Floor Plan



The subject property was originally a single-family residence. In 1970, the City issued a building permit to convert a single-family residence to a duplex. The Zoning Administrator at the time determined that the Zoning Ordinance allowed a duplex use for the subject property. As part of a property-by-property

research effort as part of the Downtown to Campus Plan, the Zoning Administrator officially determined that 607 W High Street was a legally non-conforming use.

The Urbana Zoning Ordinance allows duplexes in R-2 Zoning Districts with a Conditional Use Permit. However, because this property is a legally non-conforming duplex, a Conditional Use Permit is unnecessary. To develop a duplex in the R-2 District, Table VI-3 (Development Regulations by District) of the Urbana Zoning Ordinance requires a minimum lot size of 6,000 square feet and an average lot width of 60 feet. The subject lot does not meet the minimum lot size or width required for a duplex. However, according to City legal staff's view, variances for lot size and width are unnecessary as the duplex is already established.

The variance required to allow the proposed improvements is an increase in the Floor Area Ratio (FAR). Currently, the FAR is just under 0.40. The proposed improvements would increase the FAR to 0.52. The maximum allowed in the R-2 zoning district is 0.40. The petitioner is requesting an increase in FAR of 30%.

From a planning perspective, there are both pros and cons to granting the requested variance. On one hand, the proposed improvements would improve an owner-occupied duplex and would not increase the density of the site. Also, the increase in FAR would not affect the character of the neighborhood as the only changes would be interior. On the other hand, even though no additional dwellings would be allowed through this variance, granting the variance could invite occupancy of the upper unit as it could more easily be converted from two to five bedrooms. Annual reporting on occupancy limits occur through the City's rental registration program.

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 criteria outlined in the ordinance, followed by staff analysis for this case:

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

- 1. 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 petitioner's request can be evaluated in two ways. On the one hand, the proposed work would be limited to expanding into existing unfinished attic space. The petitioner is not proposing to add any dwelling units or bedrooms, but to try and make the upper unit more like a single-family residence for occupancy for his family. In addition, the lot is smaller than typical lots in the area and if this lot were the more typical 60 feet wide by 120 feet deep, the increase in FAR would not exceed the maximum allowed. However, it could also be argued that the subject lot already does not meet current regulations

for duplexes for lot area and width and that granting the requested variance would increase these nonconformities in addition to increasing the FAR beyond the maximum allowed.

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

The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982 and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. Therefore, the small lot size was not created by the petitioner, nor was the legally non-conforming use. On the other hand, the petitioner is choosing to expand into the attic space.

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

As the proposed improvements are limited to interior work and would not be visible from the exterior, it would not alter the essential residential character of the neighborhood. The structure would continue to be a duplex in a neighborhood of mainly single-family residential homes.

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

The petitioner states that variance will not cause a nuisance to adjacent properties because there will not be any additional occupants to create the need for more parking.

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

The petitioner states that the requested variance is the minimum possible deviation to make the proposed improvements to the upper unit.

Summary of Findings

1. Table VI-3 of the Urbana Zoning Ordinance limits the Floor Area Ratio (FAR) in the R-2 Single-Family Residential District to 0.40.
2. The petitioner is proposing to enlarge the upper dwelling unit into an existing unfinished attic space and thereby increasing the FAR to 0.52.
3. The subject property is smaller than typical lots in the area, with a lot width of 50.5 feet and a depth of 94.5 feet.
4. In 1970, the City issued a building permit to convert the property from a single-family residence to a duplex.

5. During the Downtown to Campus Plan, the Urbana Zoning Administrator determined that 607 W High Street was a legally, non-conforming use in the R-2 Zoning District.
6. Due to the fact that the work would be limited to expanding into existing unfinished attic space and that the subject property is smaller than typical lots in the area, the proposed variance would not serve as a special privilege.
7. The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982, and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. Therefore, the small lot size was not created by the petitioner, nor was the legally non-conforming use.
8. The proposed addition will not alter the essential residential character of the neighborhood because the work is limited to the interior of the building and would not be visible from the exterior.
9. The proposed variance will not cause a nuisance to adjacent properties as there will not be additional occupants to create the need for more parking.
10. The requested variance is the minimum possible deviation to build the proposed addition to the home.
11. At their July 20, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve the major variance case ZBA-2011-MAJ-02.

Options

The City Council has the following options regarding Major Variance Case No. ZBA-2011-MAJ-02:

- a. Approve the variance as requested;
- b. Approve the variance subject to certain conditions; or
- c. Deny the variance.

Recommendation

The Urbana Zoning Board of Appeals held a public hearing regarding this case on July 20, 2011. At that meeting the ZBA voted 4 ayes to 0 nays to forward Case No. ZBA-2011-MAJ-02 to City Council with a recommendation to **APPROVE** the variance with the conditions stated below. Staff concurs with this recommendation.

1. That all work be done in general conformance to the attached site plan.
2. That all work be done to meet all other applicable building and zoning codes.

Attachments:

Draft Ordinance
Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application
Exhibit E: Photos
Minutes

Cc:

Yuchen Lin, petitioner
Russ Dankert, architect

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the Floor Area Ratio in the City's R-2, Single-Family Zoning District at 607 West High Street - Case No. ZBA-2011-MAJ-02 / Yuchen Lin)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Yuchen Lin has submitted a petition for a major variance to exceed the Floor Area Ratio (FAR) for a duplex at 607 West High Street in the City's R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-02; 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 held a public hearing on the proposed major variance on July 20, 2011 and voted 4 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Table VI-3 of the Urbana Zoning Ordinance limits the Floor Area Ratio (FAR) in the R-2 Single-Family Residential District to 0.40.

2. The petitioner is proposing to enlarge the upper dwelling unit into an existing unfinished attic space and thereby increasing the FAR to 0.52.
3. The subject property is smaller than typical lots in the area, with a lot width of 50.5 feet and a depth of 94.5 feet.
4. In 1970, the City issued a building permit to convert the property from a single-family residence to a duplex.
5. During the Downtown to Campus Plan, the Urbana Zoning Administrator determined that 607 W High Street was a legally, non-conforming use in the R-2 Zoning District.
6. Due to the fact that the work would be limited to expanding into existing unfinished attic space and that the subject property is smaller than typical lots in the area, the proposed variance would not serve as a special privilege.
7. The subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982, and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950. The petitioner purchased the subject property subsequent to the subdivision of the subject lot, construction of the subject structure, and conversion of the structure from a single-family residence to a duplex. Therefore, the small lot size was not created by the petitioner, nor was the legally non-conforming use.
8. The proposed addition will not alter the essential residential character of the neighborhood because the work is limited to the interior of the building and would not be visible from the exterior.
9. The proposed variance will not cause a nuisance to adjacent properties as there will not be additional occupants to create the need for more parking.
10. The requested variance is the minimum possible deviation to build the proposed addition to the home.

11. At their July 20, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve the major variance case ZBA-2011-MAJ-02.

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

Section 1. The major variance request by Yuchen Lin in Case No. ZBA-2011-MAJ-02, is hereby approved to exceed the maximum Floor Area Ratio at 607 West High Street in the manner proposed in the application and subject to the following conditions:

1. That all work be done in general conformance to the attached site plan.
2. That all work be done to meet all other applicable building and zoning codes.

The major variance described above shall only apply to the property located at 607 West High Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East Fifty (50) feet six (6) inches of the North Half of Lot Three (3) in Block Two (2) in Joseph W. Sim's Addition to Urbana, in the County of Champaign, State of Illinois.

Parcel Index Number: 92-21-17-113-003

Section 2. 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 _____, 2011.

PASSED by the City Council on this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

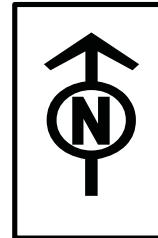
Laurel Lunt Prussing, Mayor

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 _____, 2011, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled **AN ORDINANCE APPROVING A MAJOR VARIANCE** (Increase in the Floor Area Ratio in the City's R-2, Single-Family Zoning District at 607 West High Street - Case No. ZBA-2011-MAJ-02 / Yuchen Lin) 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 _____, 2011, 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.

DATED at Urbana, Illinois, this ____ day of _____, 2011.

Exhibit A: Location & Existing Land Use Map

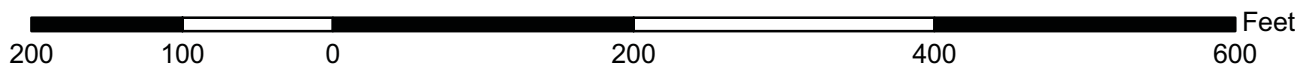
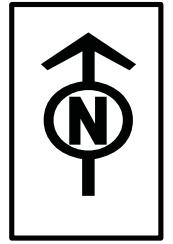
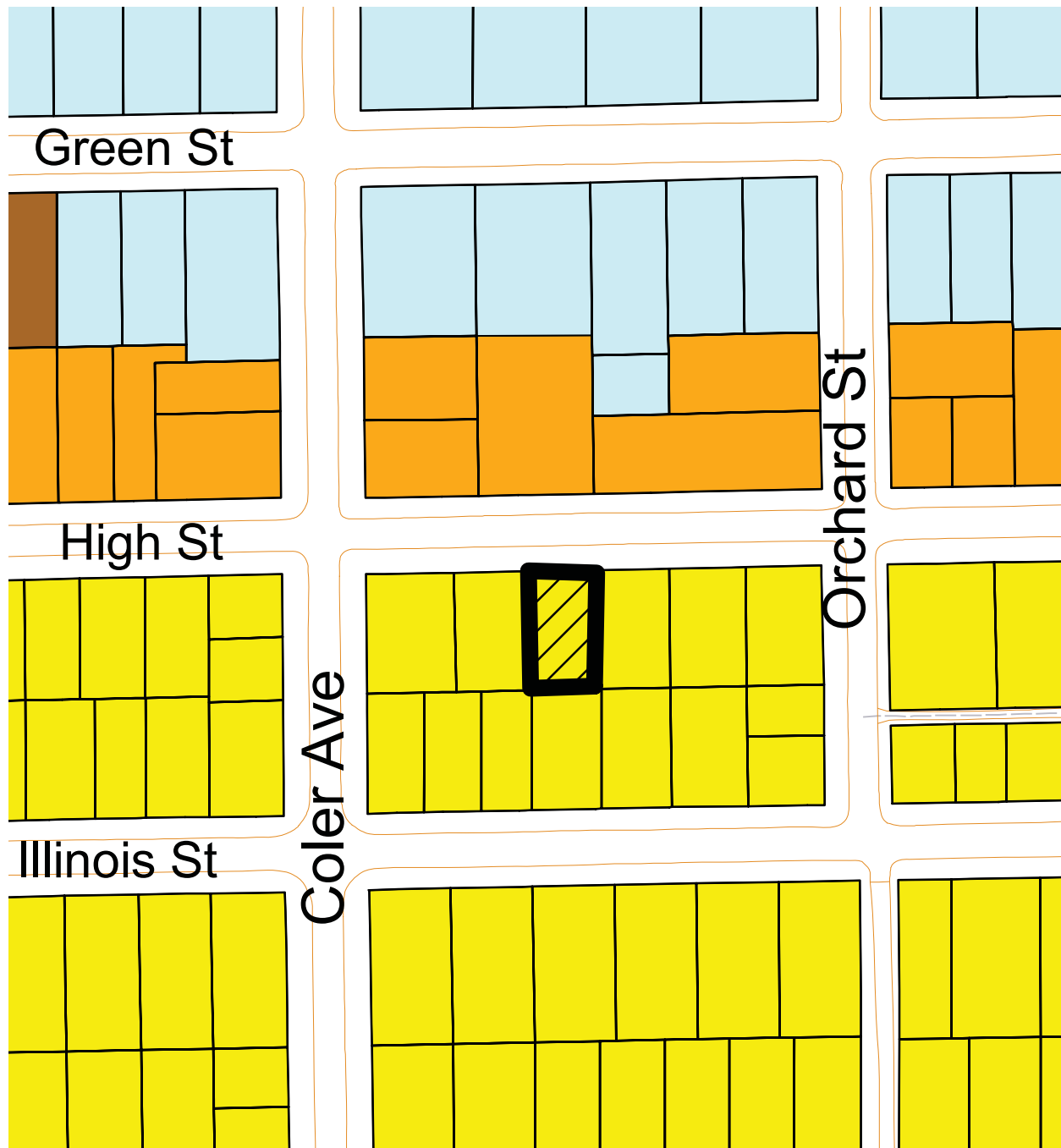


Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin

 Subject Property

SF Single-Family
 Du Duplex
 Apt 3-7 Apt, 3-7 units
 Apt 8+ Apt, 8+ units

Exhibit B: Existing Zoning Map



Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin

Prepared 7/14/2011 by Community Development Services - rlb






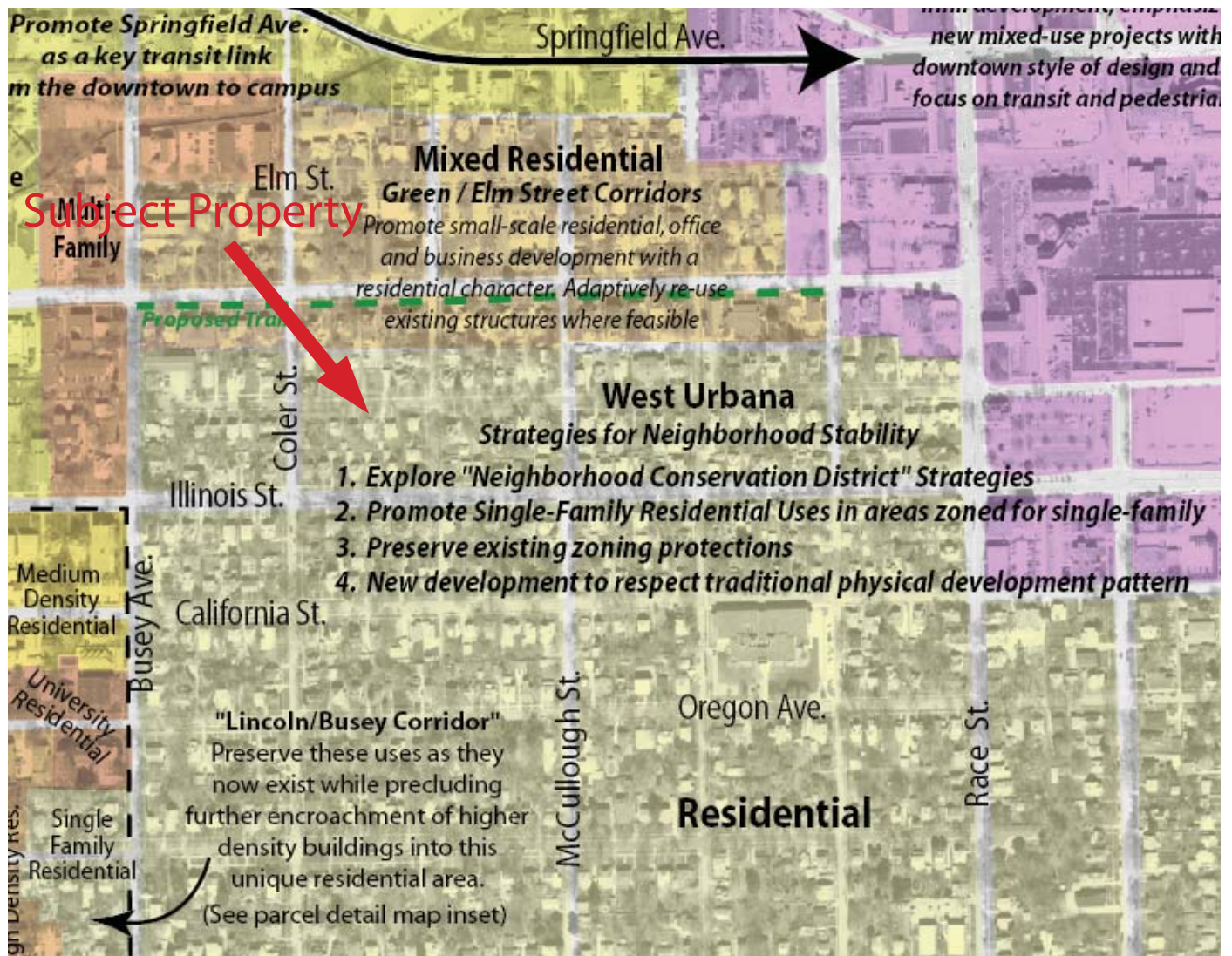
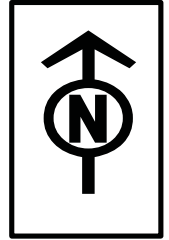
-  Subject Property
-  Mixed Office Residential
-  R2, Single-Family Residential
-  R3, Single & Two-Family
-  R5, Med. High Density MF

Exhibit C: Future Land Use Map #8



Case: ZBA-2011-MAJ-02
 Subject: Request for a major variance concerning Floor Area Ratio
 Location: 607 W High Street, Urbana
 Petitioner: Yuchen Lin



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 06-20-2011 ZBA Case No. ZBA-2011-MAJ-02
 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 use of the existing attic of a two-story duplex residence for bedroom purposes on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

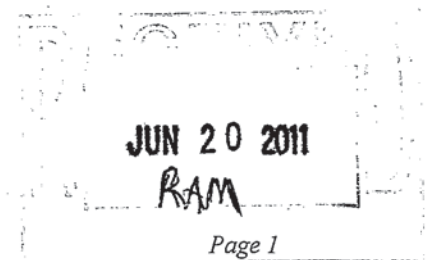
Name of Applicant(s): Yuchen Lin Phone: 217-419-9201
 Address (street/city/state/zip code): 607 West High Street, Urbana, IL 61801
 Email Address: yuchenlin198@gmail.com
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): Yuchen Lin Phone: 217-419-9201
 Address (street/city/state/zip code): 607 West High Street, Urbana, IL 61801
 Email Address: yuchenlin198@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: 607 West High Street, Urbana, IL 61801
 PIN # of Location:
 Lot Size: 50.5' x 94.5'



Current Zoning Designation: R2

Current Land Use (*vacant, residence, grocery, factory, etc*): Residential-duplex

Proposed Land Use: Residential-duplex

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): MSA Professional Services Phone: 217-403-3334
Address (street/city/state/zip code): 201 W. Springfield Avenue, Suite 400, Champaign, IL 61820
Email Address: rdankert@msa-ps.com

Name of Engineers(s): Phone:
Address (street/city/state/zip code):
Email Address:

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): Phone:
Address (street/city/state/zip code):
Email Address:

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.

Owner/occupant wants to move existing bedrooms (2) to existing attic for
_____ more living/study space.

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.

Owner as occupant wants more living space than typical apartment.
_____ Usual occupancy would be students with less need for living space.

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

The current one-floor apartment has limited marketability. Additional living space would improve use by a single family, for instance.

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

The exterior of the building is unchanged.

The number of bedrooms is unchanged.

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

No additional occupants to create more need for parking.

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

The variance would increase the F.A.R. by 13%, O.S. at 0.86 would comply with current 0.40 minimum.

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.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Applicant's Signature

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

From: Yuchen lin [yuchenlin198@gmail.com]
Sent: Wednesday, July 06, 2011 11:15 AM
To: Bird, Rebecca
Subject: 607 West High Street zoning variance application. letter from owner.

Planning Division
City of Urbana
400 south Vine Street
Urbana, IL 61801

Attn: Rebecca Bird, Planner

Re: 607 West High Street
Zoning Variance Application

Dear Ms. Bird:

My name is Yuchen Lin. I am the owner of 607 W High St's property. As you might already hear from Russell Dankert, my architect, I intend to build up the new third floor of my house, and occupy the second floor and the new third floor as a two bedrooms apartment, single family style. This idea was coming to my mind when I realized that the attic of the house, unlike small and narrow ones of other houses, are actually very spacious and ready for further using. So me and my family decided to build up the third floor in order to make our apartment larger, more functional, satisfying our everyday need meet our standards of quality of life. I want to emphasize here that I am not adding any bedrooms so that the plan should not bother the neighborhood. While it's true that I will add two bedrooms on the third floor, I will also turn existing bedrooms on the second floor into dining room, studying room and recording room. Since my family is living in this apartment, we feel no need to add more bedrooms. Also, we are not willing to share our apartment with other people because that will disturb my family's lives. All we want to do is to use the space in the attic and make our home larger, sweeter and more enjoyable.

The original one-floor apartment was too small to satisfy my family's need. First of all, we don't have a dining room so that we will have to eat on sofa in the living room. This makes eating very inconvenient considering the fact that having Chinese food requires a lot of plates for dishes and bowls for rice, which should be best placed on a round dining table. More importantly, Chinese culture values eating together on a round table very much because this is the time we usually communicate and share love with each other. Around other time of a day, we are so busy in either study or work that we don't have time to talk. A big dining room will also allow us to invite friends to eat and chat at home, which is another aspect that Chinese people value a lot. We really want to have a big dinner with friends in days like Chinese New Year. Therefore, a dining room with a round table is crucial for not only my family's everyday' need but also our culture and value. I intend to partially open up the common wall with the Living Room to enhance the use of the new dining room space. Secondly, a studying room is needed since we want a place to put a large bookshelf to contain our book collection. All three of my family enjoyed reading and we have a relatively large book collection. Both of my parents went to colleges in early 80's when college students were rare in China. As a result, they value books more than others who are at their age. Reading is also my favorite thing to do since I was a child. Our current apartment is too small to contain a bookshelf, which bothers all of us. If we can turn one of the existing bedrooms into a studying room, then we can put a large bookshelf and our book collection in, along with a desk for us to read, study and work. Finally, my family will probably place arcade or similar games in the smallest room, for relaxation.

My plan will in no ways have any negative impact on the neighborhood. Since we are not adding bedrooms or letting more people to move in, there is no increasing parking need. The proposed plan will not change the exterior footprint of the house, either. What we want to do is to make our life more enjoyable and valuable by turning our apartment into a more sweet and functional one. Since the change

is very important for both my family's everyday need and our culture, value and pursuit of quality of life, it will be very appreciated if we can get the permission to do so.

Thanks very much for your time. Me and my family look forward to get your responses.

Best,

Yuchen Lin
Owner of 607 W High St's property

ATTIC BEDROOM BUILD-OUT 607 W HIGH STREET URBANA, IL

BUILDING CODE SUMMARY

Name of Project: ATTIC BEDROOM BUILD-OUT
 Address: 607 W HIGH STREET
 Proposed Use: RESIDENTIAL
 Owner/Contact Person: _____

ARCHITECT OF RECORD: LICENSE # TELEPHONE #
 MSA Professional Services, 184-090250 358-1853

CODE INFORMATION:

International Building Code / 2009
 International Fire Code / 2009
 National Electrical Code / 2008
 Illinois State Plumbing Code / 2008
 Illinois State Fire Marshal Code / 1997
 Illinois State Building Code / 2009

BUILDING DATA:

Occupancy: Assembly, Business, Educational, Institutional, Mercantile, Residential, Retail, Storage, Utility
 Mixed Occupancy? Yes No
 Use Group: E2
 Construction Type: VI
 Sprinklered: No Yes

Table 503	Use	Area (sq ft)	Height (ft)	Avg. Area (sq ft)	Avg. Height (ft)
Table 503	Use	Area	Height	Avg. Area	Avg. Height

Area Incentive: --- Yes / No --- If Yes, code reference: ---
 Area Modifications: Street Frontage Incentive (50%)
 Section 506: Street Frontage Incentive (50%)
 Section 506: Street Frontage Incentive (50%)

Green Transit Area: 0
 Neighborhood: ---
 Nighttime Modification: --- Yes / No ---

Unfinished Awnit: Yes No
 High Rise: Yes No
 Covered Walk: Yes No
 Other Special Use: Yes No

FIRE-RESISTANCE RATINGS:

Element	Rating	Value of Materials
Structural Frame	Table 601	---
Exterior Bearing Wall	Table 601	---
Interior Bearing Wall	Table 601	---
Nonbearing Wall	Table 601	---
Floor Construction	Table 601	---
Roof Construction	Table 601	---
Other	Table 601	---
Other	Table 601	---
Other	Table 601	---

Other: ---
 Other: ---
 Other: ---

LIFE SAFETY SYSTEM:

System	Req. 2008 Section	Yes / No	Value
Emergency Lighting	1006.1	Yes	---
Exit Signs and Smoke Detection Systems	907.2.1.4	Yes	---
Smoke Control Systems	809	Yes	---
Public Workplaces	1008.1.9	Yes	---
Stairs	1009	Yes	---

EXIT REQUIREMENTS:

Door and semi-medium egress: 201, 601
 Tread clearance to self-illumination condition: 203, 601
 Occupant Load: ---
 Minimum of Exit 1: ---
 Minimum of Exit 2: ---

ACCESSIBILITY REQUIREMENTS:

Illinois Accessibility Code 1997

DESIGN LOADS:

Dead load: ---
 Live load: ---
 Wind: ---
 Snow: ---
 Seismic: ---
 Other: ---

ZONING:

City of Urbana Zoning Ordinance
 Section 10-2
 Section 10-3
 Section 10-4
 Section 10-5
 Section 10-6
 Section 10-7
 Section 10-8
 Section 10-9
 Section 10-10
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 Section 10-99
 Section 10-100

SHEET INDEX

NO.	TITLE SHEET
01	SEE PLAN & SECOND FLOOR PLAN
02	SEE PLAN & SECOND FLOOR PLAN
03	SEE PLAN & SECOND FLOOR PLAN
04	SEE PLAN & SECOND FLOOR PLAN
05	SEE PLAN & SECOND FLOOR PLAN

EXHIBIT A

TRANSFORMATION + ARCHITECTURE
 PROFESSIONAL SERVICES
 1113 S. WASHINGTON ST. SUITE 100
 CHICAGO, IL 60607
 TEL: 312.467.1000
 WWW.TAARCHITECT.COM



Architectural Services

607 W HIGH STREET RENOVATION URBANA, IL

TITLE SHEET

These drawings and specifications are the property of the Architect and shall not be used for any other project without the written consent of the Architect.

No.	Date:	Revisions:

Drawn: MBL
 Reviewed: RD
 Date: 5.28.11
 Proj. No.: 13190000
 Sheet:

T1.1

SEAL

GENERAL NOTES (THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT)

- No wet walls between. Only within dimensions and be used. The Contractor shall be responsible for verifying that measurements taken during installation and of bearing condition shall be taken, recorded, and to make it consistent with the architect. Necessary dimensions between that measurements and drawings shall be made it consistent with the architect.
- Interpenetrate, overlap, or separate as its assembly shall be brought to the attention of the architect. Knowledge failing to do so will remain the Contractor's responsibility.
- All interior frames and empty with the requirements detailed in chapter 9 of the 2009 International Building Code.
- All wall framing to be installed with all the requirements detailed in chapter 9 of the 2009 International Building Code Section 1603.1.
- All wall framing to be installed with all the requirements detailed in chapter 9 of the 2009 International Building Code Section 1603.1.
- Slurry shall be installed in each, vertical, depth, and it remains within 1/4" of each depth, and any gaps shall be 1/4" above each slab.

SITE MAP



SITE LOCATION MAP

These dimensions and specifications are the property and copyright of MSA. No part of this drawing or any other work created by MSA may be reproduced without the written agreement with MSA Professional Services.

No.	Date:	Revisions:

Drawn: MBL
 Reviewed: RD
 Date: 5/26/11
 Project No.: 131910000
 Sheet: **A2.1**

KEYNOTES

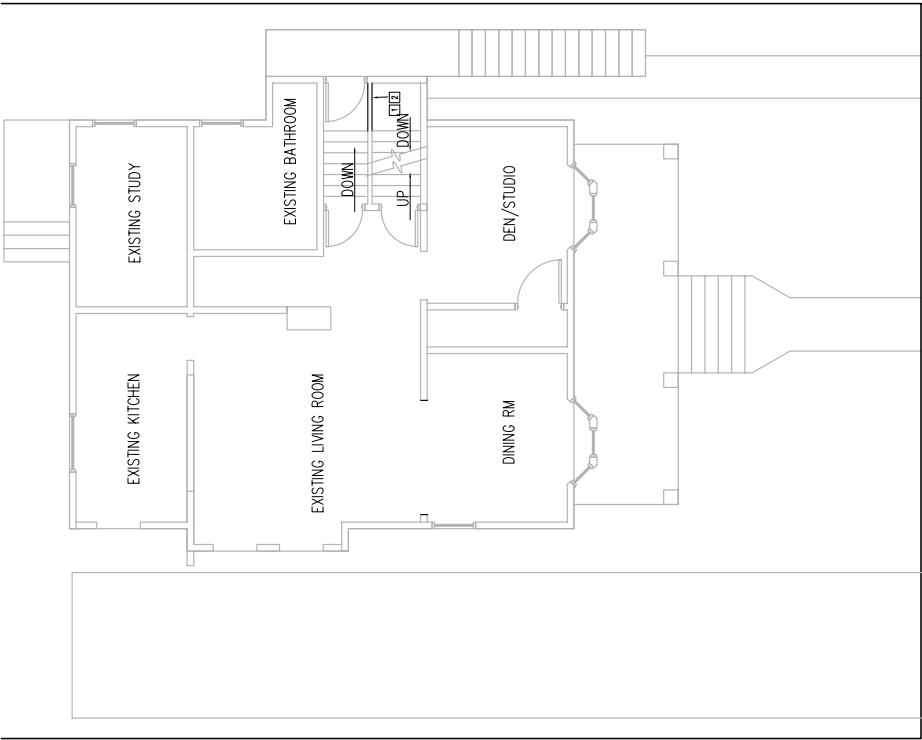
1 NEW FRAME WALL TO MATCH EXISTING. OVERALL WALL, TRIM, TOP AND SANG NOTED FOR FINISHES

2 EXISTING DOOR AND FRAME IN THIS LOCATION

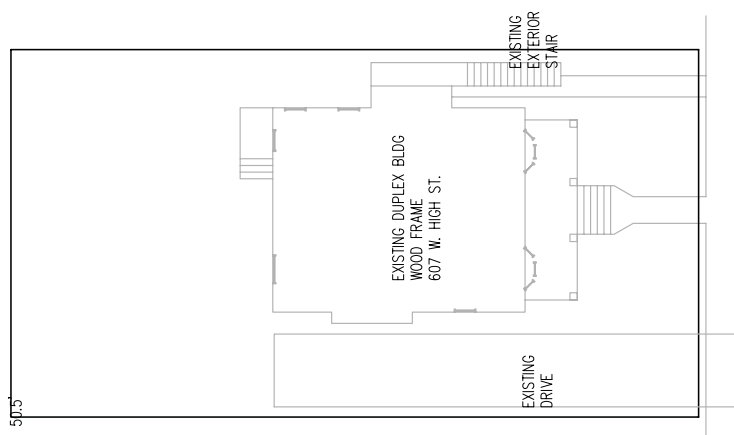
GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS IN EXISTING BUILDING. VERIFY ALL CONDITIONS AND DIMENSIONS IN EXISTING BUILDING. VERIFY ALL CONDITIONS AND DIMENSIONS IN EXISTING BUILDING.
2. REMOVE EXISTING CEILING IN BALCONY ON SECOND FLOOR AS NOTED FOR PLUMBING WORK ABOVE. REPAIR/REPLACE AND FINISH AS NOTED.
3. ALL EXISTING DOORS, WINDOWS, WALLS, ETC. ARE EXISTING AND TO REMAIN UNLESS OTHERWISE NOTED.
- 4.

LEGEND



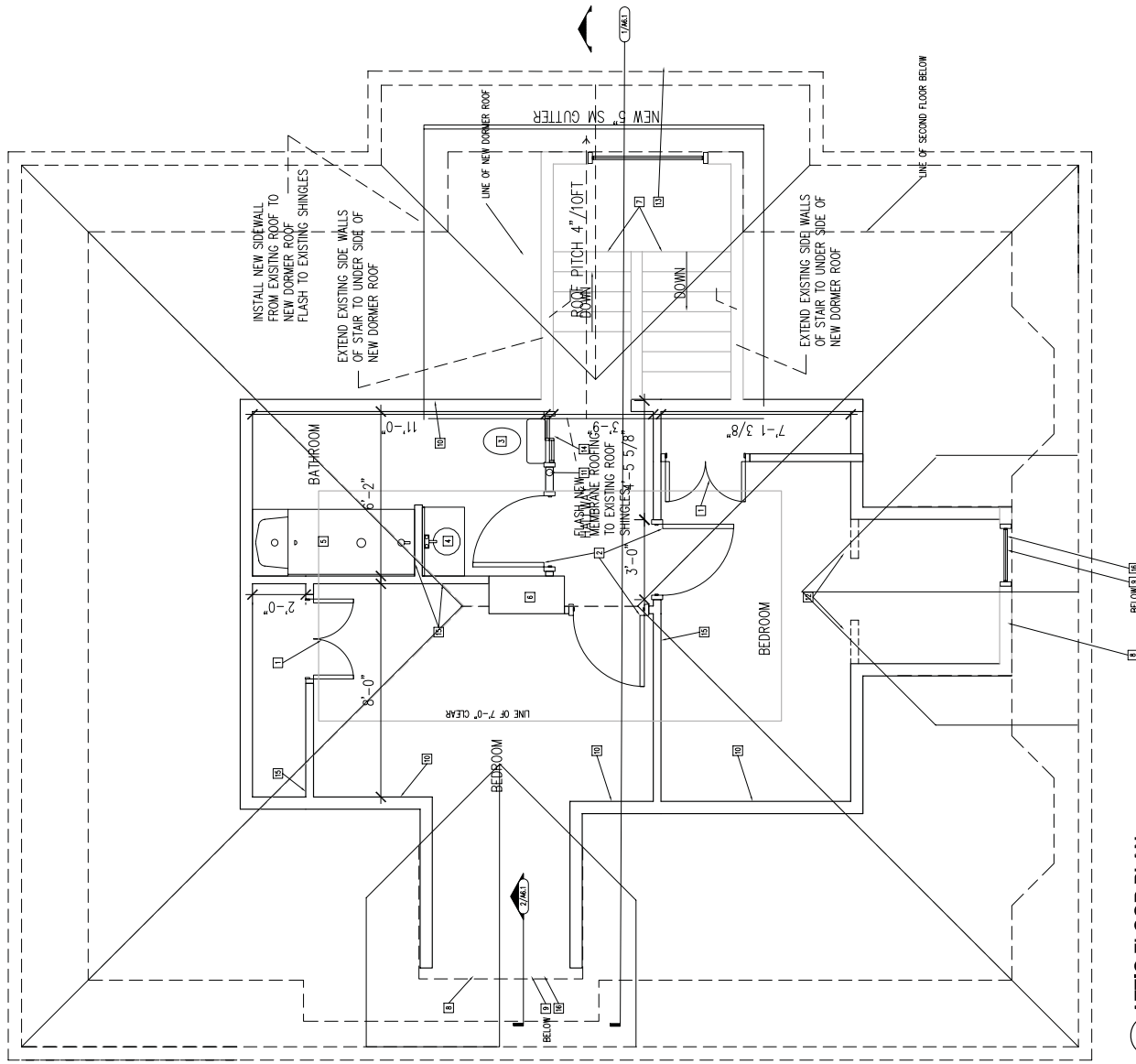
2 SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"



1 SITE PLAN
 SCALE: 1/8"=1'-0"

50'5"

94'5"



KEYNOTES

- 1 NEW MASONRY 3'-0" X 7'-0" PRE-HUNG DOUBLE DOORS WITH DOOR KINGS AND RELIEF SILL CASINGS
- 2 NEW MASONRY 2'-0" X 7'-0" PRE-HUNG DOOR WITH PRIVACY GLASS
- 3 NEW TILES, VERTICALLY ORIENTED, TOILET STALL
- 4 NEW PERGOLAS DORMER STALL BY VELUX BRAND MARK
- 5 NEW TUB, VERTICALLY ORIENTED, TOILET STALL
- 6 NEW 2x4 WOOD STUD WALL TO BE CONSTRUCTED AT 5'-0" CLEARANCE. ALL CONTRACTOR TO VERIFY EXACT LOCATIONS AND SPACING
- 7 EXISTING PIPE TO REMAIN
- 8 NEW 2x4 WOOD STUD WALL
- 9 NEW 2x4 WOOD STUD WALL
- 10 EXISTING STAR AND DIALINGS TO REMAIN
- 11 NEW 2x4 WOOD STUD WALL
- 12 NEW 2x4 WOOD STUD WALL
- 13 EXISTING PIPE TO REMAIN
- 14 EXISTING STAR AND DIALINGS TO REMAIN
- 15 NEW 2x4 WOOD STUD WALL
- 16 NEW 2x4 WOOD STUD WALL

GENERAL NOTES

- 1 CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS IN THIS ATTIC FLOOR PLAN BEFORE BEGINNING WORK.
- 2 EXISTING FLOOR FINISHES TO REMAIN UNLESS OTHERWISE NOTED. PATCH ALL HOLES IN EXISTING FLOORING AND CEILING. INSTALL EXISTING FLOOR FINISHES TO FLOOR JOIST. INSTALL EXISTING FLOOR FINISHES TO FLOOR JOIST.
- 3 INSULATE ALL WALLS AND CEILING AREAS EXPOSED TO UNFINISHED SPACES TO AN R VALUE TO MEET OR EXCEED CODE REQUIREMENTS.
- 4 INSTALL STANDARD COLUMN IN PINE FOR ALL EXPOSED AREAS.
- 5 INSTALL STANDARD COLUMN IN PINE FOR ALL DOOR AND WINDOW OPENINGS.
- 6 INSTALL AMERICAN BRAND MEMBRANES AS PER INSTRUCTIONS.
- 7 AND FINISHES IN BEDROOMS, HALLWAYS AND STAIRS.
- 8 SECOND FLOOR TO THIS AND DOWNWARD SECOND AND THIRD FLOOR TO THIS AND DOWNWARD.
- 9 FIRST FLOOR, MID, TOP, TIP AND SAND ALL OFFICIAL REPAIRS. REPAIR ALL DAMAGED PARTS TO DESIRE (STRUCTURAL INTEGRITY).
- 10. STRUCTURAL INTEGRITY.

LEGEND

No.	Date	Revisions

Drawn: MBL
 Reviewed: RD
 Date: 5/26/11
 Proj. No.: 13190090
 Sheet: **A2.2**

607 W HIGH STREET RENOVATION
 607 W HIGH STREET
 URBANA, IL

ATTIC FLOOR PLAN

MSA
 PROFESSIONAL SERVICES
 TRANSPORTATION - ENVIRONMENTAL DEVELOPMENT - ENVIRONMENTAL ENGINEERING - PLUMBING
 1000 WEST 1ST STREET
 URBANA, ILLINOIS 62501
 TEL: 309-253-1234
 FAX: 309-253-1234
 WWW.MSA-ILL.COM

Architectural Services

1 ATTIC FLOOR PLAN
 SCALE: 1/2" = 1'-0"



Exhibit E: Site Photos



Figure 1. Existing House, front façade



Figure 2. Existing House, west elevation, upper unit entrance

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

DATE: July 20, 2011

DRAFT

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Paul Armstrong, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Stacy Harwood
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Russ Dankert

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Armstrong called the meeting to order at 7:36 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the May 25, 2011 Zoning Board of Appeals special meeting were presented for approval. Mr. Warmbrunn asked for a correction to Item 12 on page 4 to read, "~~Acting Chair Armstrong~~ Welch adjourned the meeting at 8:07 p.m." He then moved to approve the minutes as corrected. Mr. Welch seconded the motion. The minutes were approved by unanimous voice vote as amended.

4. WRITTEN COMMUNICATIONS

The following written communications were distributed at the meeting.

- Email from Katie Hunter regarding Case No. ZBA-2011-MAJ-02

- Email from Michael Plewa regarding Case No. ZBA-2011-MAJ-02
- Revised Sec. 2-4 of the *City Code. Public Meetings.*

Chair Armstrong swore in the audience member who wished to address the Zoning Board of Appeals regarding the public hearing during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MAJ-02: A request by Yuchen Lin for a major variance to exceed the Floor Area Ratio for a duplex to allow existing attic space to be finished and used as living space at 607 West High Street in the R-2, Single-Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He explained the nature of requested major variance and how Floor Area Ratio (FAR) is determined. He gave a brief history on the zoning and duplex use for the proposed site. He showed the changes that the applicant would like to be allowed to make to the second and third (attic) floors of the existing house. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed major variance.

He referred to the written communications that were received. The first one is a letter from the applicant outlining his reasons for the variance request. This letter was included in the packet of information. Also two emails from Katie Hunter and Michael Plewa, opposing the proposed variance, were distributed prior to the meeting. One concern expressed in the two later communications was that by allowing the proposed variance it could invite over-occupancy in the future. What is to prevent a future owner from converting the proposed dining room and study into two bedrooms to rent out? Although he also considered this issue for two reasons he believes it's not a real concern. First, even if the proposed dining room and study were converted into bedrooms in the future, it would still be a four-bedroom unit, which is allowed. The Zoning Ordinance would allow four unrelated people to rent the unit. Second, the owner's request to create a dining room and separate study is credible and reasonable. So it's unlikely that the proposed floor plan would invite over occupancy either now or in the future.

Mr. Myers presented the staff's recommendation noting the two conditions that are being suggested. He explained that because this is not a cut-and-dry case, staff included two sets of findings for the Plan Commission's review: one set of findings supports the requested variance and a second set of findings not supporting the requested variance.

Ms. Uchtmann inquired as to what is the square footage of the duplex. Mr. Myers answered that each unit is now 1,023 square feet in area. The proposed finishing of the existing attic would add 435 square feet of living space.

Ms. Uchtmann asked about the lot size. Mr. Myers replied that the lot size is 4,772 square feet. It is a small lot, especially for a duplex.

Ms. Uchtmann wondered if the exterior staircase is counted as part of the footprint for the FAR calculation. Mr. Myers replied no. Ms. Uchtmann questioned whether the staircase is far enough away from the property line. Mr. Myers said he doesn't know off hand the distance from the property line; however, he is certain that the staircase is on the petitioner's property as indicated by the site plan.

Ms. Uchtmann stated that many people convert a third floor attic to living space without seeking permission from the City. She wondered why this case came to the attention of the City. Mr. Myers replied that the project is architect designed. The architect to seeking the proper permits. Mr. Myers also pointed out that part of the proposed work would correct at least one building code issue. Previous to the current owner, both dwellings were connected by a door. However, for both building code and occupancy code purposes, duplexes are supposed to be totally separated. The current owner hired the architect to bring the building up to code and to make the expansion, and the architect is trying to do it correctly.

Mr. Warmbrunn calculated the FAR to currently be .43. Is it non-conforming already? Mr. Myers stated that City staff calculated the FAR as just slightly under 4.0. If the proposed attic expansion is approved, then the FAR would definitely be over the 4.0. Mr. Warmbrunn stated that from the dimensions shown in the staff report, he figured the total attic space to be no more than 300 square feet, which is different than what the staff report claims of 435 square feet.

Mr. Warmbrunn asked what the occupancy permitted is based on. Is it based on the number of bedroom in each unit? Mr. Myers answered that under the Zoning Ordinance definition of family, no more than four unrelated people could live in each unit. More specifically the definition is a family plus no more than three unrelated individuals. A family could be 10 people related by blood, marriage or adoption, or it could be one person. Given the real estate market in this neighborhood, within walking distance of the university, dwellings are often occupied by four unrelated individuals.

Mr. Warmbrunn asked whether legal non-conformities and anything grandfathered in relating to properties were made aware to buyers at the time of purchase. Mr. Myers said that if potential buyers contact the City prior to purchasing the properties, then City staff will inform them of legal non-conformities and conditions on the properties. However, there are nothing attached to the deeds for properties stating the specific non-conformities.

Mr. Warmbrunn noticed that on Exhibit A, it shows that there is an apartment complex two doors to the east of the proposed site. How did this specific property become an apartment building with three to seven units? Mr. Myers said that he'd have to research this and report back.

Mr. Warmbrunn wondered if the property owner could convert the duplex back to a single-family home in order to have more room for his family. Mr. Myers said yes.

Mr. Warmbrunn questioned whether the City has ever approved a non-conforming variance or conditional use for a property that is already non-conforming. He commented that there is nothing with the proposed site that is conforming except maybe the Open Space Ratio (OSR). The lot size is too small for a duplex, but there is a non-conforming duplex use. Now because we want to have an owner-occupied single family as part of the duplex, we want to increase the duplex on the same small lot. This seems like overkill, but it is what they are faced with. Mr. Myers replied that there have been other cases where legally nonconforming properties have applied for and received variances. In this case, the property owner is asking for permission to expand his living space into the existing attic so the exterior of the building will not be changing any.

Mr. Warmbrunn asked if there is a garage or basement on the property. Mr. Myers said no garage but we should ask the applicant's architect whether there's a basement.

Ms. Uchtmann asked if the exterior stairway was added since the petitioner purchased the home. Mr. Myers was not sure when the stairway was built. Ms. Uchtmann commented that if every rental property owner built an exterior stairway, then it would cause the whole neighborhood to take on a different look. Mr. Myers responded that City staff determined that an additional stairway would not be required to the attic as a consequence of the variance.

Mr. Welch believes that the main point is that there will not be any change to the outside of the building. The purpose of FAR, according to Mr. Myers in his presentation, is to keep people from building too far up and out, but in this case neither is going to be done. The comments made in the written communications are simply speculations about what might happen in the future. He does not think that the Zoning Board can link their decision to what might happen. They have to decide on what is being proposed now. He believes the property owner is making a definite commitment that the second floor and attic will not be easily rented out because the layout takes on the look of a home rather than a rental.

Mr. Armstrong wondered if the property owner converted the house back into a single-family home, would he be allowed to convert the attic into livable space by right. Mr. Myers stated that in that case the owner would still need a variance for the FAR if proposing to extend into the attic.

Mr. Armstrong inquired as to what would happen if the property owner used the attic as livable space without improving it. Mr. Myers answered that people use attic space for storage all of the time and sometimes finish the floors and walls for storage. City staff does not count this as floor area because it's not heated or cooled or have other utilities.

With no further questions for City staff, Chair Armstrong opened the hearing to public input.

Russ Dankert, MSA Professional Services, introduced himself as the architect for this project. He was hired to make improvements to the attic, and he started looking at everything right away including parking requirements, etc. He first discovered that the duplex is a non-conforming use for the R-2, Single-Family Residential Zoning District. City staff then found that conversion to a duplex was approved by the City in 1970. He mentioned that is also when the original exterior

stairway was constructed. They recently replaced some of it with sturdier materials to make it safer.

He noted that the total new area in the attic would be 435 square feet because it includes two dormer windows. Part of the project would also structurally support the roof rafters which are really bent. It will be done to a point where there will be more head room, and they can count this space as living space. The property owner, Yuchen Lin, wants to move the two bedrooms into the attic space and turn the existing bedrooms into a dining room and a den. He believes that Mr. Lin will use the space as he intends to in the plans. He pointed out that there is an interior staircase that goes all the way up to the attic. The only thing separating the two units there is a paper wall. This is definitely a code violation that they intend to correct as part of the proposed project.

Mr. Warmbrunn asked if Mr. Dankert felt comfortable with the calculation of 435 square feet. Mr. Dankert said yes. He calculated it three times to make sure it is correct.

Mr. Myers asked Mr. Dankert if the existing dormers would need to be changed. Mr. Dankert answered yes. The windows are falling out of both of the windows, so they will be replaced with egress windows. The dormer roofs and walls will not change. There is a place on the interior that he calls a “head knocker” that would be corrected.

There was no other public input. Chair Armstrong closed the public input portion of the hearing and opened it for the Zoning Board of Appeals discussion and/or motion(s).

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2011-MAJ-02 to the City Council with a recommendation for approval as presented in the written staff report including the recommended conditions supporting the variance. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	Yes	Mr. Armstrong	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Warmbrunn referred to a handout that the Zoning Board of Appeals received titled “Sec. 2-4. Public Meetings.” He asked if the Zoning Board of Appeals was a quasi-judicial board. Mr. Myers replied yes. The Zoning Board of Appeals serves like a court in some cases so the rules are a little stricter than with other boards and commissions.

Mr. Warmbrunn stated that in holding public hearings and taking public input, the Zoning Board in the past has always allowed people to speak as long as they made sense. Should they change this to meet the Provision #3 on the handout? Mr. Myers said that the best thing is to follow the adopted rules of procedure which lay out how long people have to speak. There is certain latitude in that the Chair should gauge at the beginning of the public hearing how many people are in the audience in order to have a fair hearing and let everyone speak. If there are not very many people in the audience, then there is no harm in letting people testify as long as they need to. However, if the audience is full and people want to speak for twenty minutes each, then the Board would not get to hear everyone’s testimony, and that would be unfair. Another thing to consider is allowing time for people to cross-examine or ask questions of expert witnesses.

Mr. Myers reported on the following:

- Tatman’s Variance for 806 and 810 East Perkins Road was approved by the City Council as recommended by the Zoning Board of Appeals. Mr. Myers understands that the petitioner has applied for building permits to make the necessary changes to the two buildings.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals