



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner I

DATE: June 16, 2006

SUBJECT: **ZBA 2006-MIN-1:** Request to reduce the area of a Common-Lot-Line development lot below the 4,500 sq. ft. minimum to 4,356 sq. ft. at 1906 Prairie Winds Drive in the R-2, Single-Family Residential Zoning District.

Introduction

Prairie Winds is a new residential development consisting of common-lot-line duplex residences located in south Urbana. The area was annexed in March 2004 and is zoned R-2, Single-Family Residential. Prairie Winds Drive is a loop road surrounding a central commons area including a lake with a sidewalk going around it. The area inside the loop road is platted for 34 lots each intended for one half of a duplex structure to be split by a common lot line. The development is currently under construction and several of the duplex structures are already completed.

The developer, Tatman-Horve, LLC requests a variance to reduce the area of one of the common-lot-line lots (one side of a duplex) below the 4,500 sq. ft. minimum to 4,356 sq. ft. The lot area would be reduced by moving the line between Lot 61 and Lot 62 to the north by 2.61 feet. Moving a lot line by less than 25 feet and for an area less than 10,000 square feet is an administrative procedure that the City planning and engineering departments can approve. The Urbana Zoning Ordinance Section XI-3.C.2.b.2 permits the Zoning Board of Appeals to approve a lot area variance of up to 10% as a minor variance. The petitioners are requesting a 3.4% variance.

Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals may either approve or deny the minor variance request.

Description of the Site

Prairie Winds Drive is located approximately 350 yards east of Philo Road on the south side of Colorado Avenue. On the west side of Prairie Winds Drive immediately across from the subject site a 92-unit senior living facility is currently under construction.

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	Future Land Use
Subject Property	R-2, Single-Family Residential	Common-lot-line unit under development	Mixed Residential – suburban pattern
North	R-2, Single-Family Residential	Common-lot-line houses under development	Mixed Residential – suburban pattern
South	R-2, Single-Family Residential	Common-lot-line houses under development	Mixed Residential – suburban pattern
East	R-2, Single-Family Residential	Lake commons for residential development	Mixed Residential – suburban pattern
West	R-2, Single-Family Residential	Senior assisted living facility under construction	Mixed Residential – suburban pattern

Discussion

The petitioners state the variance is necessary because the two lots of the common-lot-line pair have an unusual shape. The side lot line of the subject lot's companion lot has an unusual sharp angle from front to rear. The lots were originally laid out in this configuration with the expectation that the units located on them would be of a particular width. The developers have a buyer for the companion lot who desires a slightly wider unit. The platted lot configuration makes it impossible to locate the two unit structure with its center line on the platted line and still accommodate the one wider side. The petitioners feel it is easier to shift the common lot line rather than the outside lot lines. However if the line is shifted the two and one half feet needed the subject lot area will drop from 4,573 sq. ft. to 4,356 sq. ft. and so a variance would be required.

If the minor variance for total square footage of the lot is approved and the lot line is shifted, the subject lot will still be in compliance with the required Floor Area Ratio maximum of .40 and the Open Space Ratio minimum of .40. The required five foot side yard setbacks will also be maintained.

Because of the open design of the Prairie Winds development that surrounds a central lake the proposed 144 square foot lot area reduction below the minimum will have no significant impact on the subject lot or the development as a whole.

The Urbana subdivision and development Administrative Review Committee consisting of planning and engineering staff is in support of the lot line shift and will approve it administratively if the minor variance application is approved by the Zoning Board of Appeals.

Variance Criteria

Once it has been determined whether or not there are special circumstances or special practical difficulties, Section XI-3.C.2.c.3 provides the following variance criteria which must be considered by the Zoning Board of Appeals. (Please note that Criterion Number 6 regarding practical difficulty and particular hardship has been recently added to the Zoning Ordinance as a part of the Omnibus Text Amendment. This Criterion was added for consistency with State Statute and zoning practice in other Illinois communities):

1. The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district;
2. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner;
3. The variance will not alter the essential character of the neighborhood;
4. The variance will not cause a nuisance to adjacent property;
5. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.
6. The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.

Staff Findings

The following are the Staff findings in this case as they pertain to the variance criteria listed above:

1. The proposed variance would allow the completion of a common-lot-line unit structure being built on 1906 and 1908 Prairie Winds Drive.
2. Based on the evidence, practical difficulties exist for this property in terms of the lot configuration and the undesirability of replating multiple lot lines.
3. Granting the variance would not have a significant impact on the character of the surrounding area as the Prairie Winds development has extensive open space in the form of the commons area with a path and lake.
4. Granting a variance would not extend a special privilege to the petitioner because there are practical difficulties with the property in terms of having to relocate additional lot lines or redesign the proposed structure.

5. The proposed variance would not create a nuisance on the neighboring property. There would be no detrimental impact on the attached companion unit to the south, and the side yard separations will be maintained on the lot to the north.
 6. Other Zoning Ordinance requirements such as Open Space Ratio, Floor Area Ratio and side yard depth will be met.
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Options

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

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

Staff Recommendation

Based on the findings outlined herein, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Urbana Zoning Board of Appeals **approve the minor variance in ZBA Case 2006-MIN-01 as requested.**

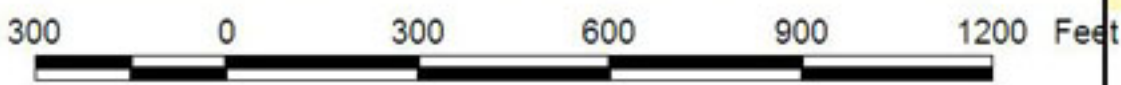
Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Aerial Photo with Current Land Use Map
 Exhibit D: Future Land Use Map
 Exhibit E: Site Plan
 Exhibit F: Detail of Plat
 Exhibit G: Petition for Variance

Cc:


Tatman-Horve, LLC
Attn: David Crow
3109 Tatman Ct. Suite 104
Urbana, IL 61801

Location Map

Exhibit "A"

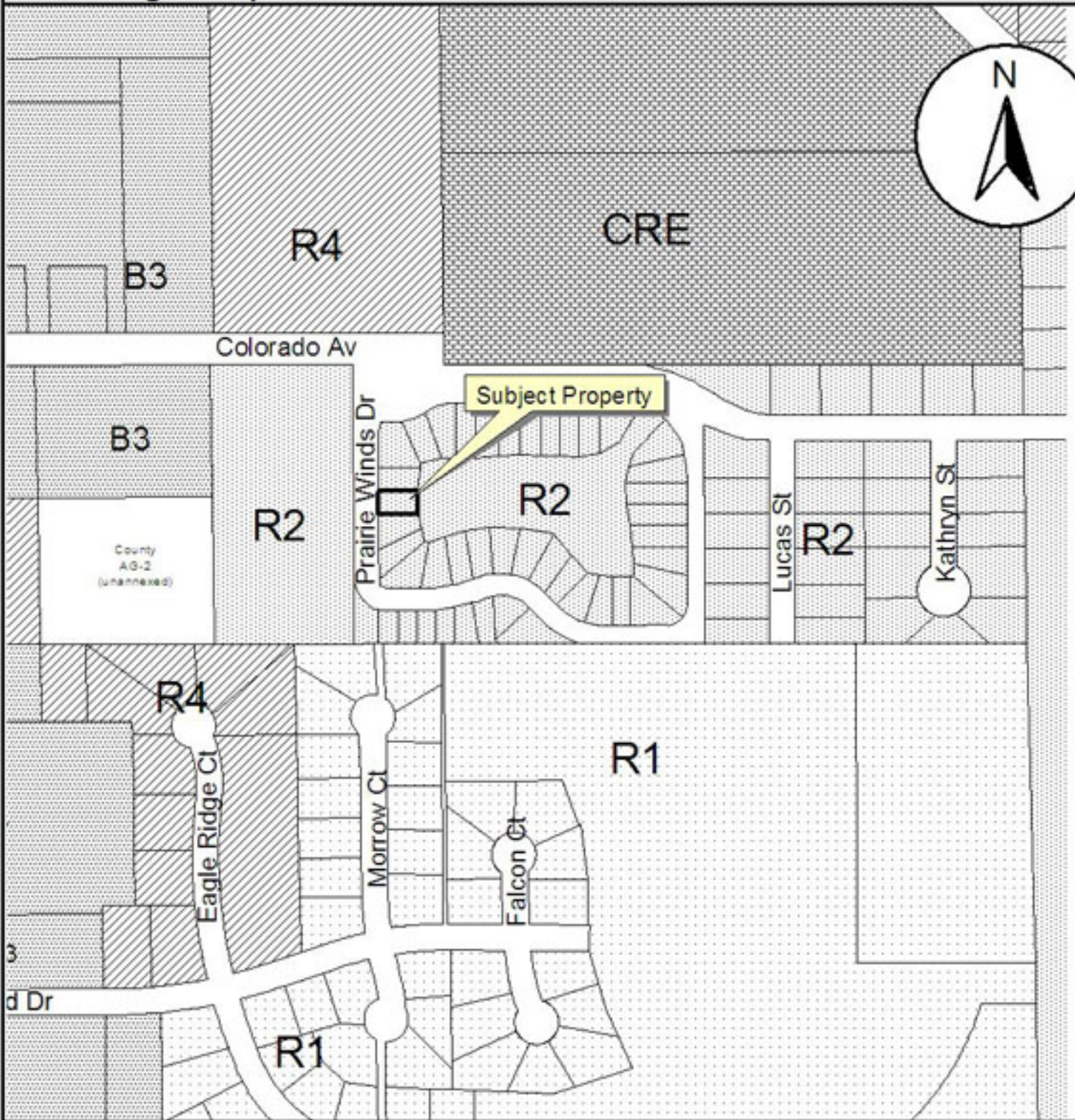


ZBA Case: 05-MIN-01
Petitioner: Tatman-Horve, LLC
Location: 1908 Prairie Winds Dr
Zoning: R-2, Single-Family Residential
Description: Minor Variance to Reduce Common-Lot-Line development lot below 4,500 sq. ft. minimum to 4,356 sq. ft.

 Subject Property

Zoning Map

Exhibit "B"



0 300 600 900 1200 Feet



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-  R1 - Single Family
-  R2 - Single Family
-  R4 - Medium Density Multiple-Family
-  B3 - General Business
-  CRE - Conservation-Recreation-Education

Existing Land Use w Aerial Photo

EXHIBIT "C"



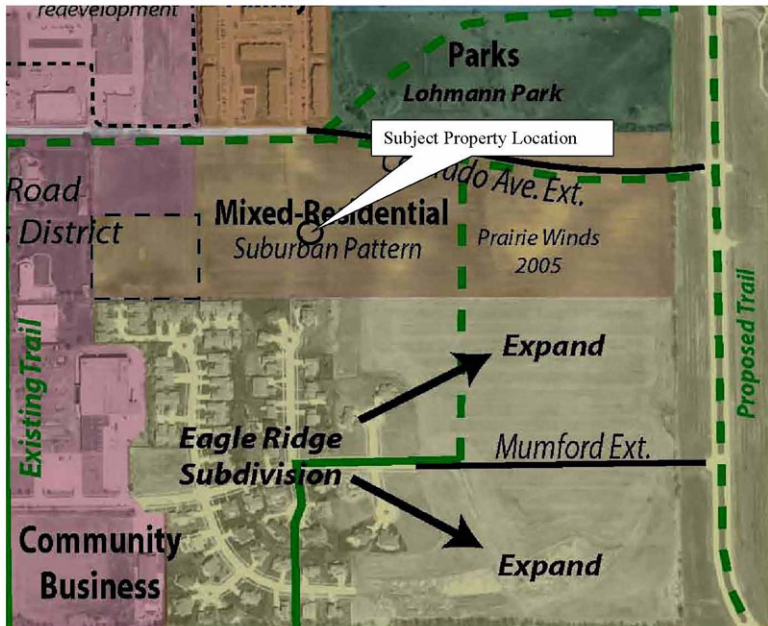
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Future Land Use

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 13, p.84 – Detailed Section



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