



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: Jeff Engstrom, Planner I

DATE: April 13, 2007

SUBJECT: **ZBA 2007-MAJ-03**, Request for a Major Variance to allow vehicles to back out onto Springfield Avenue

Introduction

Brigitte Pieke has submitted a request for a Major Variance to allow parking for a business use to be permitted where the exiting vehicle must be backed out onto a public street in the B-2, Neighborhood Business - Arterial Zoning District. The petitioner wishes to establish a retail knitting and yarn store in an existing house at 311 W. Springfield Avenue where parking would be located in the existing driveway. Because there is no room for vehicles to turn around on the lot, backing out onto the street on Springfield Avenue would be necessary.

The Urbana Zoning Ordinance Section VIII-4.E states: "Except for driveways serving a single-family or two-family residence, no parking space shall be permitted where the exiting vehicle must be backed into or out of a public street." Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be granted, the Zoning Board of Appeals must recommend approval by a two-thirds majority vote of members present and forward the case to City Council for a final determination.

Discussion

The existing structure at 311 W. Springfield Avenue is a one-story house on the southeast corner of Springfield Avenue and Birch Street. The lot the house is on is only 3,700 square feet in area. It has existing driveway access on Springfield Avenue, as shown in Exhibit "E". The petitioner would use the driveway for customer parking while she would park her own car in a leased space off-site. Only one off-street parking space is required by the Zoning Ordinance, since the floor space of the store will be 480 square feet and this use (Arts and Crafts Store and/or Studio) requires one space per every 500 square feet of floor space. The petitioner believes the number of customers at any one time would be small and the one parking space provided by the driveway would suffice for most times. At other times there is parking available on Birch Street and on Springfield Avenue. It is also expected that many customers would walk to the store and/or combine trips with other nearby downtown destinations.

Surrounding Properties

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

<i>Direction</i>	<i>Zoning</i>	<i>Existing Land Use</i>	<i>Comprehensive Plan - Future Land Use</i>
Site	B-2, Neighborhood Business - Arterial	Residential	Central Business
North	B-4, Central Business	Mixed Office / Residential	Central Business
East	B-2, Neighborhood Business - Arterial	Residential	Central Business
South	MOR, Mixed Office Residential	Residential	Central Business
West	B-2, Neighborhood Business - Arterial	Vacant (proposed apartment construction)	Campus Mixed Use

Urbana’s 2005 Comprehensive Plan Future Land Use Map #8, designates the subject property as “Central Business”. A retail shop at this location is consistent with the Comprehensive Plan future land use designation for the site. The site is zoned B-2, Neighborhood Business – Arterial. This zoning district is intended to provide areas of limited size along arterial streets in proximity to low-density residential areas for a limited range of commercial trade and personal services. The proposed use is in conformance with that designation. The site is close to Urbana’s downtown Central Business District; in 2006 the Plan Commission and City Council rezoned the Opera House mixed office and apartment property to the north across Springfield Avenue from B-2 to B-4 Central Business District.

Variance Criteria

Section XI-3.C.2 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 (*in italics*), 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 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.*

At 3,700 square feet, the lot is half the size of the neighboring properties. With the existing building on the property, there is no feasible way to create a parking lot that conforms to the Zoning Ordinance.

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

The Petitioner is in the process of purchasing the property and has not yet affected the property to create any situation which resulted in the need for the variance. The lot is an existing nonconforming condition.

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

The variance will not alter the character of the neighborhood. The property was most recently used as a residence, which has had parking backing onto Springfield Avenue for many years. There are existing driveways on the adjacent residential block which currently allow vehicles to back out onto Springfield Avenue. The City Engineer has reviewed the proposed variance and does not see a problem with allowing vehicles to continue to back out onto Springfield at this location given the low volumes of traffic involved. The variance will also allow for the adaptive reuse of the existing building, instead of it being torn down and replaced with something that does not fit the character of the neighborhood.

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

The variance will allow for one car at a time to park on the property and back out onto Springfield Avenue. Without the variance, customers to the property would have to park on the street and compete with neighboring residents and businesses. A small yarn shop here is not expected to generate traffic volumes sufficient to create a nuisance or safety hazard.

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

City staff believes that granting this variance is the most practical and minimally problematic way to allow use of this B-2 zoned property for a neighborhood-serving business, as envisioned by the Zoning Ordinance and Comprehensive Plan.

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.*

The practical difficulty and hardship in this case is that the Zoning Ordinance requires parking lots with two-way access drives and space to turn around for commercial uses. With a parking requirement of only one space, this is not practical, nor feasible on such a small lot.

Following the strict letter of the law, a property of this size that is zoned B-2, Neighborhood Business-Arterial, could not be used for any business purposes based on the parking requirements of the Zoning Ordinance.

Findings

1. The petitioner proposes to open a business on a non-conforming lot in the B-2, Neighborhood Business-Arterial District.
2. The Zoning Ordinance parking requirement which disallows backing onto a public street for residential uses cannot be met on the property, due to its size and the placement of the existing structure.
3. The petitioner is requesting a variance to allow parking to back out onto Springfield Avenue.

4. The City Engineer has reviewed the request to allow parking to continue to back out onto Springfield Avenue and has determined that it will not cause a safety hazard.
5. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
6. The property is well suited for the proposed use as designated in the Comprehensive Plan.
7. The variance allows for the adaptive reuse of an existing structure.
8. The proposed use meets the purpose of the B-2, Neighborhood Business – Arterial.

Options

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

1. Recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in this memo; or
2. Recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
3. Recommend denial of the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its recommendation of denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals recommend **APPROVAL** of the proposed major variance in case ZBA 2007-MAJ-03 for the reasons articulated above and along with the following conditions:

1. That the development shall closely resemble the submitted site plan attached as Exhibit E; and
2. The Zoning Administrator shall be authorized to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations, including Building, Fire, and Subdivision and Land Development Codes, to meet City of Urbana requirements.
3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

Attachments:

Exhibit A: Location Map

Exhibit B: Zoning Map

Exhibit C: Aerial Photo w/ Existing Land Use

Exhibit D: Future Land Use Map

Exhibit E: Site Plan

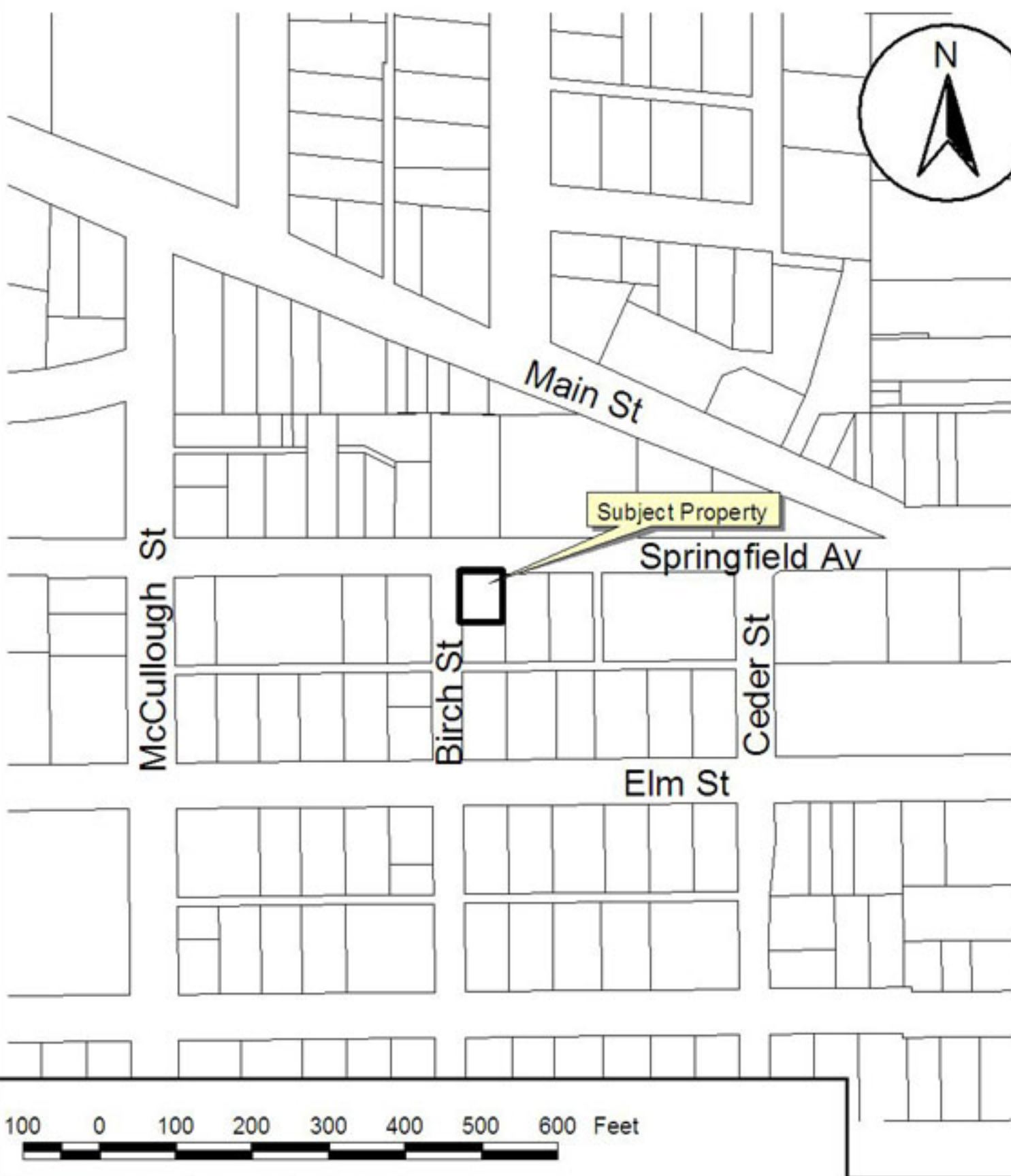
Exhibit F: Application

Exhibit G: Site Photos

Cc:

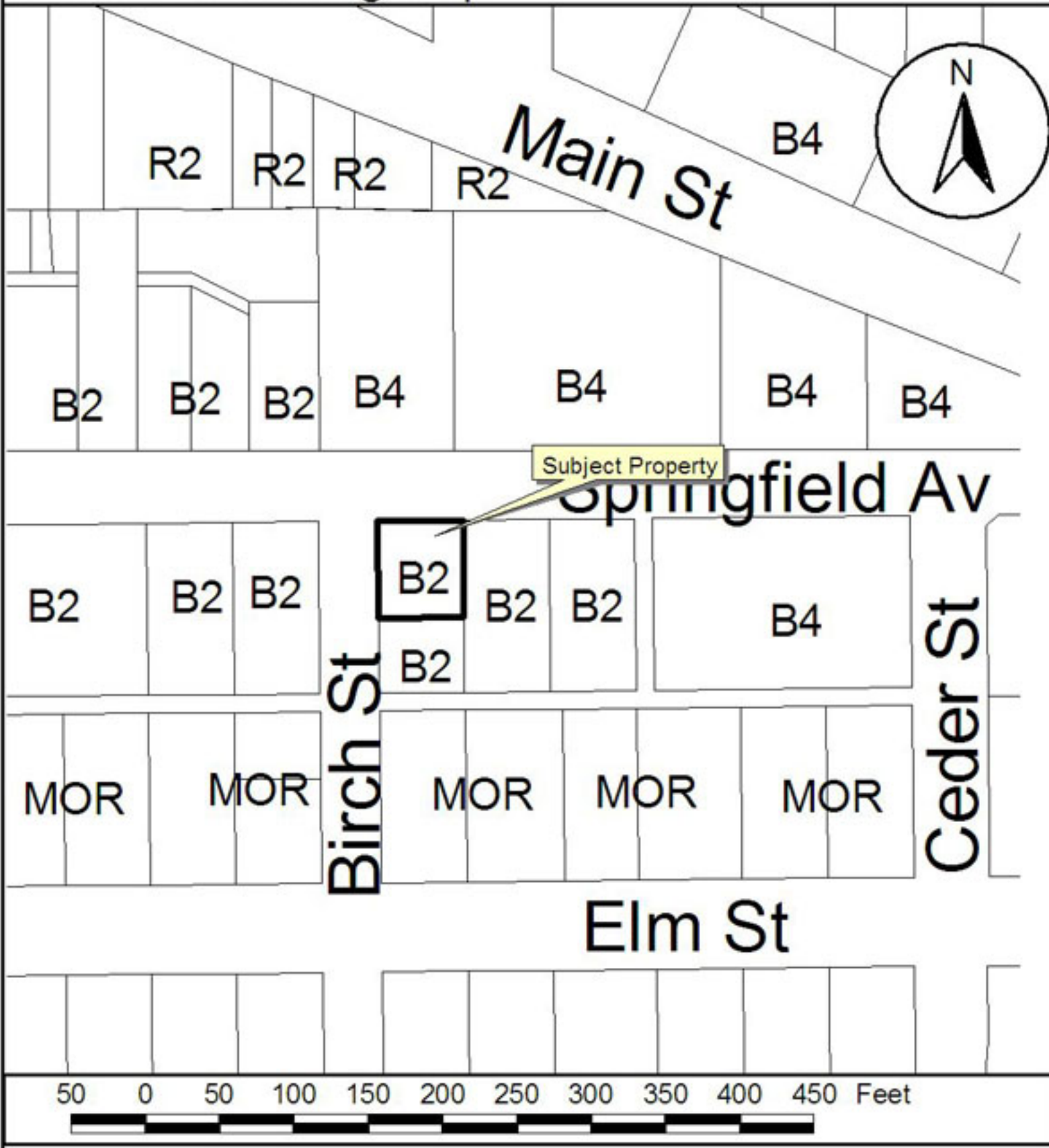
Brigitte Pieke
412 W. Iowa Street
Urbana, IL 61801

Exhibit A: Location Map



ZBA Case: ZBA-07-MAJ-03
Petitioner: Brigitte Pieke
Location: 311 W. Springfield Ave
Description: A Major Variance request to allow parked cars at a commercial use to back out onto the street

Exhibit B: Zoning Map

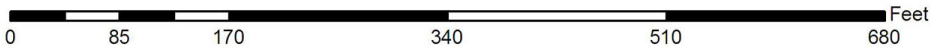


ZBA Case: ZBA-07-MAJ-03
Petitioner: Brigitte Pieke
Location: 311 W. Springfield Ave
Description: A Major Variance request to allow parked cars at a commercial use to back out onto the street

MOR - Mixed Office Residential
B2 - Neighborhood Business - Arterial
B4 - Central Business
R2 - Single Family

Existing Land Use w Aerial Photo

EXHIBIT "C"



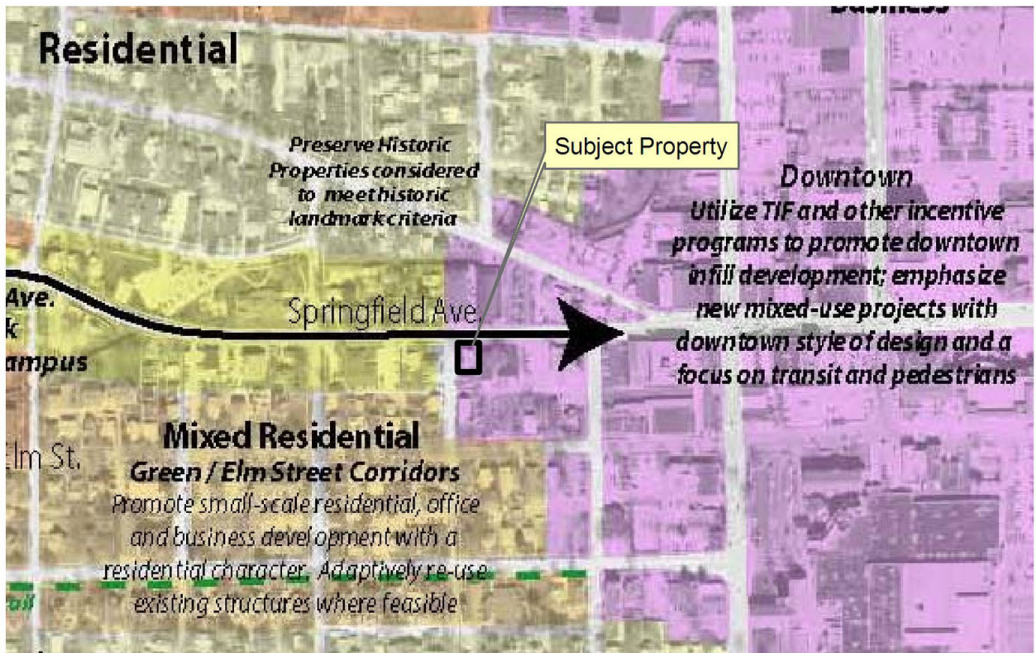
ZBA Case: ZBA-07-MAJ-03
 Petitioner: Brigitte Pieke
 Location: 311 W. Springfield Ave
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CH - Church
 Com - Commercial
 Mxd - Mixed Use
 MF - Multi - Family
 SF - Single Family
 DU - Duplex
 Vac - Vacant

Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 8 , p. 79 - Detailed Section



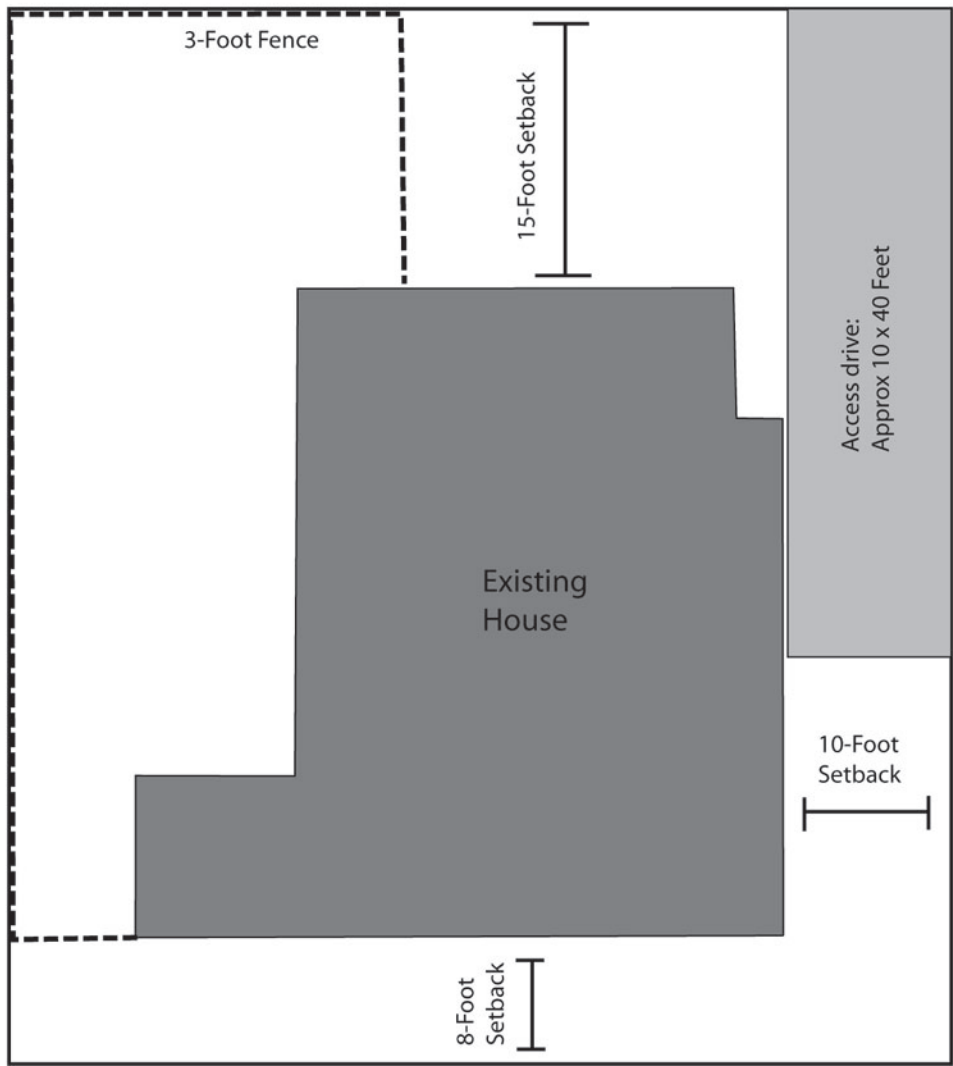
ZBA Case: ZBA-07-MAJ-03
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Prepared 03/30/07 by Community Development Services - pal

Exhibit E: Site Plan

Springfield Avenue

Birch Street



Site Photos

Exhibit "G"



#1 Birch frontage



#2 Springfield and Birch corner



#3 Springfield frontage



#4 Driveway for parking



#5 Southwest along Springfield

