



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner I

DATE: June 15, 2007

SUBJECT: ZBA 2007-MIN-02, Request to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than required at Hendricks House dormitory, 904 W. Green Street in the B-3U, General Business-University Zoning District.

Introduction and Background

This a request filed by Betsy Hendricks, owner of Hendricks House student dormitory, for a minor variance to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than currently required. The subject property is located at 904 W. Green Street in the B-3U, General Business-University Zoning District.

Ms. Hendricks proposes to build an addition to the food services section of Hendricks House dormitory. The addition would be located in an area on the property that currently has parking spaces. The dormitory has an existing legally non-conforming parking supply of 108 spaces which pre-dates the current zoning regulations. The parking provided is 14% less than that required under the current regulations. The petitioner wishes to reduce parking provided to 100 spaces and so expand the non-conformity to 18% less than required by current regulations.

Section X-2.B of the Urbana Zoning Ordinance states that non-conforming accessory parking is the only non-conforming use of land that may be extended or expanded. Pursuant to the Urbana Zoning Ordinance Section XI-3, the Zoning Board of Appeals may approve a reduction in required parking by up to 25% as a Minor Variance. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals may grant final approval or denial of the minor variance request.

Surrounding Properties

The surrounding area is characterized by university-related buildings, student apartments, and gas stations on two corners of Lincoln Avenue to the east. The 2005 Urbana Comprehensive Plan indicates the future land use for the area as Campus - Mixed Use toward the north and east, and Institutional toward the south and west.

Zoning and Land Use Table

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

<i>Direction</i>	<i>Zoning</i>	<i>Existing Land Use</i>	<i>Comprehensive Plan - Future Land Use</i>
Subject Property	B-3U, General Business-University	Hendrick House Dormitory	Campus - Mixed Use
North	B-3U, General Business-Univ.	House, Apartments	Campus - Mixed Use
South	CRE, Conservation-Recreation-Education and R-5, Medium High Density Multi Family Res.	University - Parking and Dorms	Institutional
East	B-1, Neighborhood Business	Gas Station, Apartment Complex	Campus - Mixed Use
West	CRE, Conservation-Recreation-Education	University	Institutional

Discussion

Remodeling Project

The petitioners state the food service and kitchen facilities at Hendrick House have not been significantly upgraded since they were originally constructed in 1965. Changes to the student resident's food preferences, and methods of food service delivery necessitate a remodeling project with additional space.

The proposed project is an expansion of the existing food service kitchen facilities on the north side of the building. The location of the existing kitchen facilities logically dictates that the expansion be attached to them. There is room for expansion next to the existing kitchens but placing the new facilities there would require that some existing parking spaces be removed.

Parking Proposed

Under the current zoning regulations the dormitory would be required to provide 122 parking spaces. However the existing parking supply of 108 spaces pre-dates the current zoning regulations and so is legally non-conforming. The parking provided is 14% less than that required under the current regulations. The petitioner wishes to reduce parking provided to 100 spaces and so expand the non-conformity to 18% less than required by current regulations. In addition the petitioners will be increasing the number of handicapped spaces supplied from three to four spaces to come into

compliance with Illinois ADA requirements. The changes will not alter the traffic patterns or the access drive locations to the parking lot. Please see the attached existing and proposed site diagrams.

Parking Demand

The petitioners state that because the University discourages freshman from bringing cars to campus, and the majority of the residents at Hendrick House are freshmen, not all the existing spaces are needed. Over the past few years the petitioners have annually leased nine or ten spaces to outside parties (see contracts in attached application).

Neighborhood Impacts

The surrounding area is high density in character, with multi-family residential apartment buildings, and university institutional uses. The impact of the proposed parking reduction is not significant in the overall context of the neighborhood.

Consideration

The special circumstances concerning the subject parcel are the nature of the site in a high density area, the auto use patterns of the student residents, and the proximity to the University.

The site is adjacent to the university campus where walking, bicycling, and campus buses are the predominant transportation modes. Its location on campus next to the Boneyard Creek means there is no reasonable opportunity to expand parking on the property. The practical difficulty in strict compliance is that it is not feasible to increase parking to meet current regulations and there is no efficient location for the food service kitchen expansion except immediately adjacent to the existing kitchens as proposed.

Variance Criteria

Section XI-3.C.2.c 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. *Whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*

The special circumstances concerning the subject parcels are the location of buildings on the lot, the location of the food service kitchens on the site, university student residents using the site, and the proximity to the University.

The site is adjacent to the university campus where walking, bicycling, and campus buses are the predominant transportation modes. Its location on campus next to the Boneyard Creek means there is no reasonable opportunity to expand parking on the property. The practical difficulty in strict compliance is that it is not feasible to increase parking to meet current regulations and there is no efficient location for the kitchen expansion except immediately adjacent to the existing kitchens as

proposed.

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 will not serve as a special privilege because the special circumstances of the location of the subject property directly on campus, student residents without cars, and location of the needed kitchens in the building are unique.

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

The petitioner is aware of the requirements of the Zoning Ordinance and has asked for the variance to ensure the development will comply with regulations.

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

The surrounding area is high density residential and institutional in character. The impact of the proposed parking reduction by 8 spaces is not-significant in the overall context of the neighborhood.

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

The variance will not cause a nuisance. The impact of the proposed parking reduction 8 spaces is not-significant in the overall context of the adjacent properties directly on campus.

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

The proposed variance is a minimal change in parking provided and will have no significant impact on the surrounding area.

7. *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 posed by the location of buildings on the lot and the location of the food service kitchens means that strict compliance with current zoning regulations would require either purchase of adjacent lots for surface parking or construction of a parking garage on site to obtain the number of spaces being lost to building expansion.

Summary of Findings

1. The site is adjacent to the university campus where walking, bicycling, and campus buses are the predominant transportation modes. Its location on campus next to the Boneyard Creek means there is no reasonable opportunity to expand parking on the property.
2. There are special circumstances concerning the subject parcels including: the location of buildings on the lot, the location of the food service kitchens on the site, university student residents using the site, and the proximity to the University.
3. There is a practical difficulty in strict compliance with zoning regulations in that it is not feasible to increase parking to meet current regulations and there is no efficient location for the kitchen expansion except immediately adjacent to the existing kitchens as proposed.
4. The proposed variance will not serve as a special privilege because the special circumstances of the location of the subject property directly on campus, student residents without cars, and location of the needed kitchens in the building are unique.
5. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The petitioner is aware of the requirements of the Zoning Ordinance and has asked for the variance to ensure the development will comply with regulations.
6. The variance will not alter the essential character of the neighborhood or cause a nuisance to adjacent property because the surrounding area is high density residential and institutional in character. The impact of the proposed parking reduction by 8 spaces is not-significant in the overall context of the neighborhood.

Options

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

- a. The Urbana Zoning Board of Appeals may approve the variance as requested based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may approve the variance with certain terms and conditions. If the Board of Appeals elects to set conditions of approval, or approve the variance on findings other than those articulated herein, they should articulate findings accordingly; 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 its denial.

Staff Recommendation

Based on the analysis and findings 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 **APPROVE** the Minor Variance request in case ZBA-2007-MIN-02.

CC:

Elizabeth L. Hendrick
602 Haines Blvd.
Champaign, IL 61820

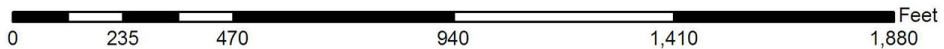
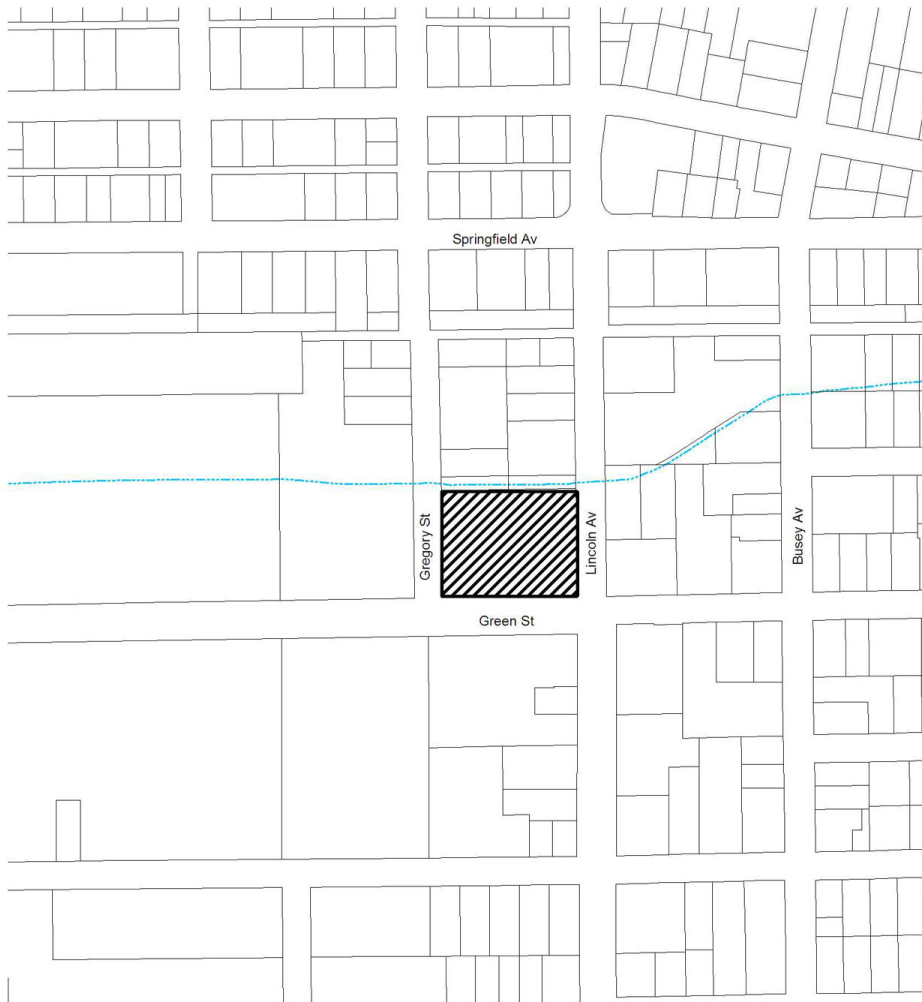
Architectural Spectrum
Attn: Kristine Challifoux, AIA
201 West Springfield Avenue, #400
Post Office Box 140
Champaign, IL 61824-0140

Attachments:

Variance Application
Site Plan drafts
Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Existing Land Use w/ Aerial Map
Exhibit D: Future Land Use Map

Location Map

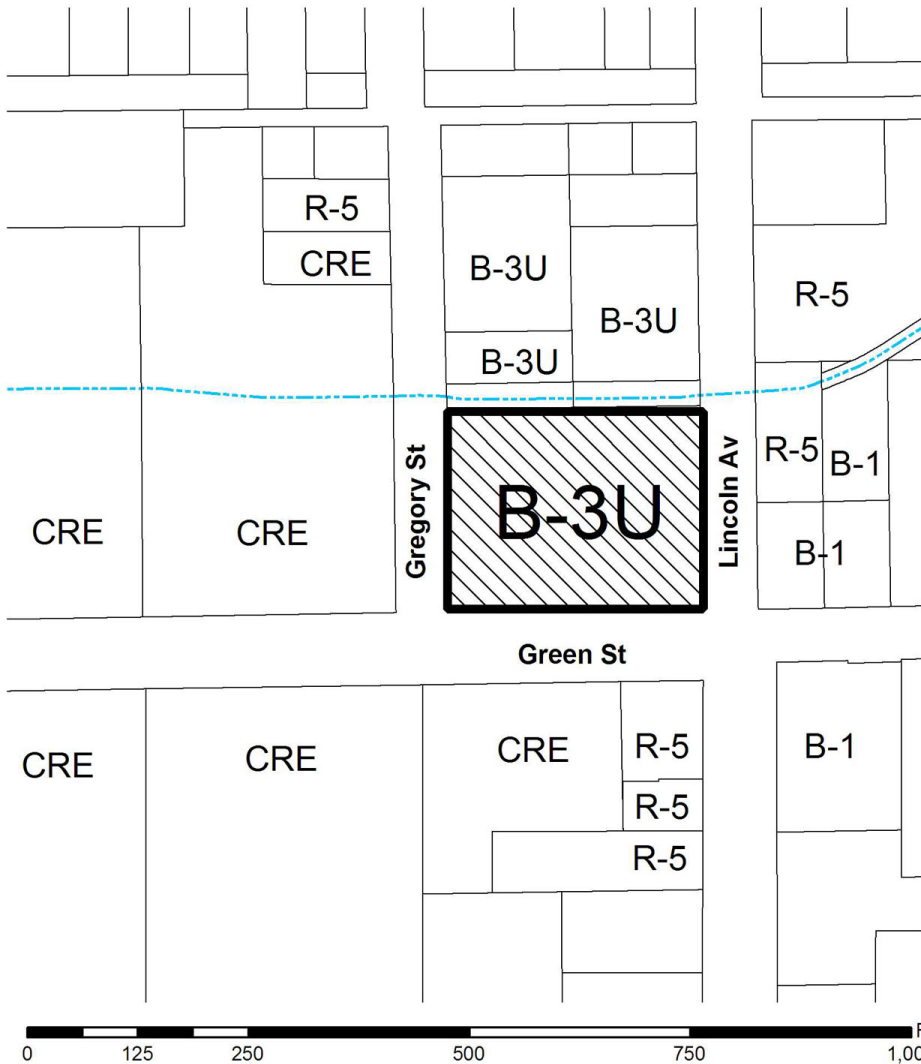
EXHIBIT "A"



ZBA Case 2007-MIN-02:
Subject: minor variance to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than currently required.
Petitioner: Betsy Hendricks, Hendricks House
Location: 904 W. Green Street
Zoning: B-3U, General Business-University Zoning District.

Zoning Map

EXHIBIT "B"



ZBA Case 2007-MIN-02:

Subject:

Minor variance to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than currently required.

Petitioner: Betsy Hendricks, Hendricks House

Location: 904 W. Green Street

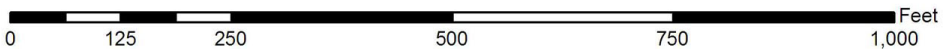
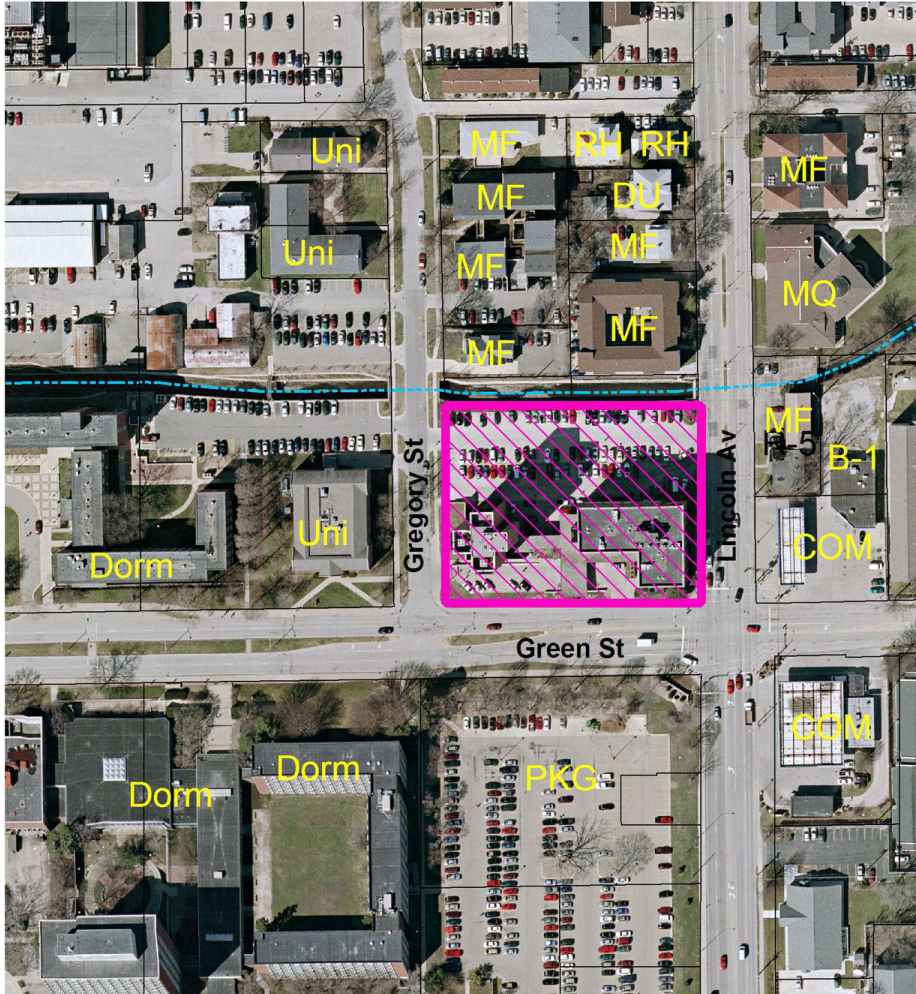
Zoning: B-3U, General Business-University Zoning District.

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- B-1, Neighborhood Business
- B-3U, General Business - University
- CRE, Conservation-Recreation-Education
- R-5, Medium High Density
- Multiple Family Residential

Existing Land Use w Aerial Photo

EXHIBIT "C"



ZBA Case 2007-MIN-02:

Subject:

Minor variance to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than currently required.

Petitioner: Betsy Hendricks, Hendricks House

Location: 904 W. Green Street

Zoning: B-3U, General Business-University Zoning District.

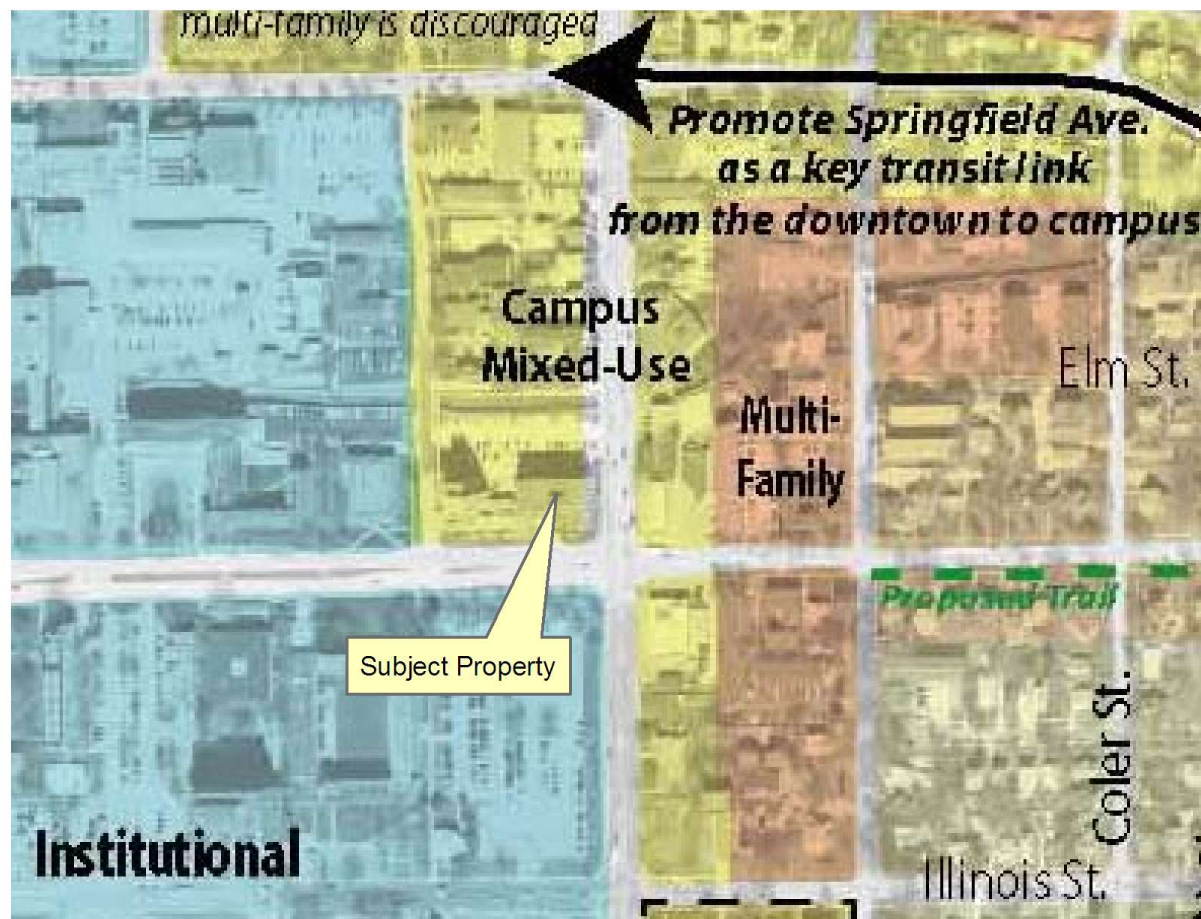
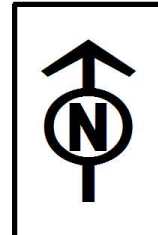
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COM: Commercial
 Dorm: University Dormitory
 DU: Duplex
 MF: Multi-Family Apartments
 MQ: Mosque
 PKG: University Parking Lot
 RH: Rooming House
 Uni: University building

Future Land Use Map

EXHIBIT "D"

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



ZBA Case 2007-MIN-02:

Subject:

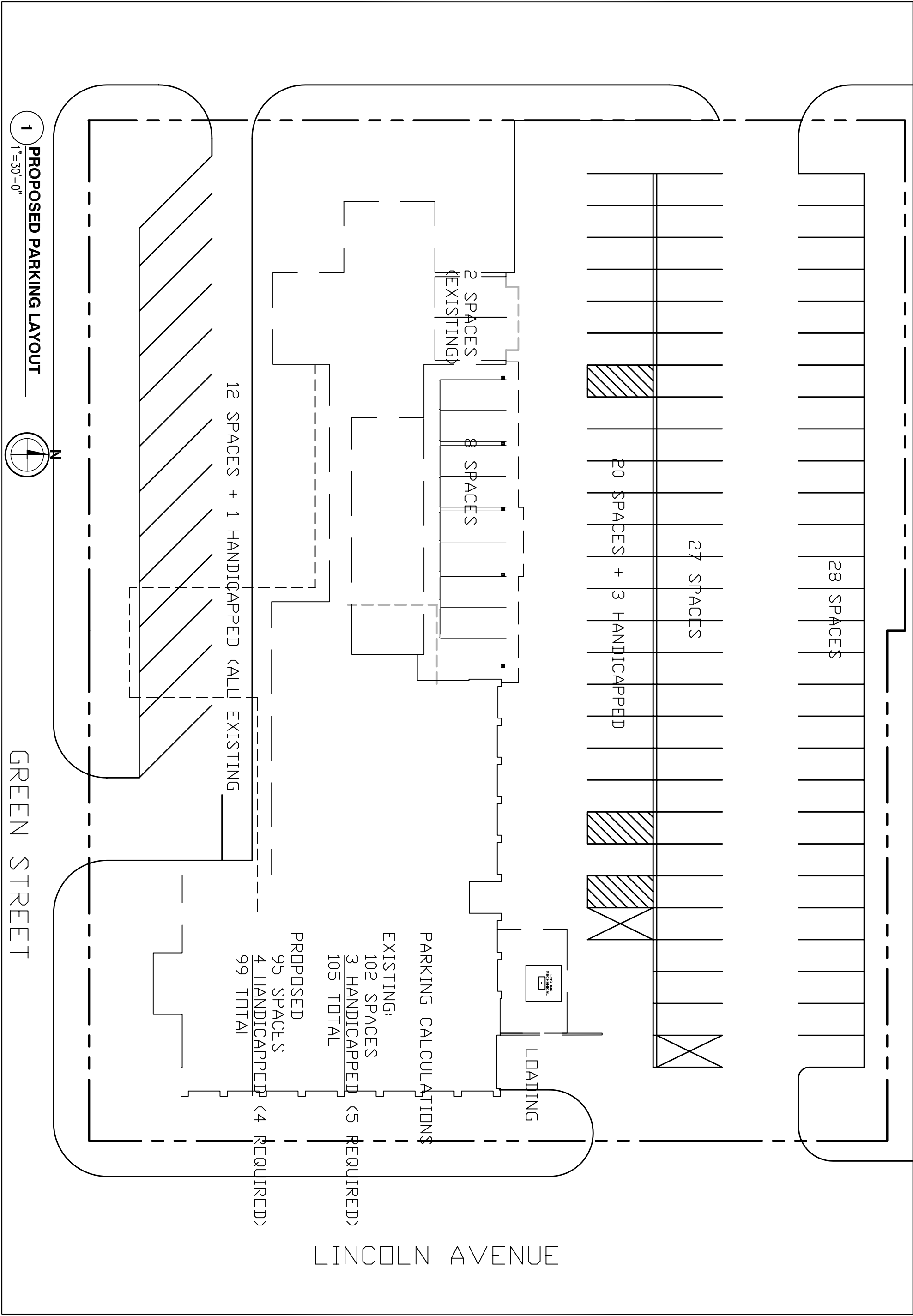
Minor variance to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than currently required.

Petitioner: Betsy Hendricks, Hendricks House

Location: 904 W. Green Street

Zoning: B-3U, General Business-University Zoning District.

Prepared 06/04/07 by Community Development Services - pal



no	date	revisions

HENDRICK HOUSE
RENOVATIONS AND ADDITION
 904 GREEN STREET
 URBANA, IL
PROPOSED PARKING PLAN

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Drawn: -
 Reviewed: KMC
 Date: 5/2/07
 Proj. No. 26390
 Sheet: **P-2**