



## 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 9, 2009

**SUBJECT:** **ZBA 2009-MAJ-03:** Request for a Major Variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street in the B-3U, General Business-University zoning district.

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### Introduction & Background

Howard Wakeland has filed a request to allow a front yard setback encroachment on a property at the southeast corner of Harvey and Clark Streets. The subject property is located in the B-3U General Business University zoning district which has a front yard setback requirement of fifteen feet. Because the property is on a corner, there are two front yards, each with the same fifteen foot front yard requirement. Mr. Wakeland proposes to build an apartment building that encroaches 10 feet (66%) into the required setback on Harvey Street. Since the variance request is larger than 25 percent, this is a major variance. Pursuant to the Urbana Zoning Ordinance, in order to vary the setback the Zoning Board of Appeals must approve the proposed major variance by a two-thirds vote in order for the case to be forwarded to City Council for final approval.

The apartment building directly south of the subject property received similar variances in 2005. Case number 2005-MAJ-06 was a request to allow the building at 1010 West Main Street to encroach 8 feet into the required fifteen-foot front yard along Main Street. Case number 2005-MAJ-07 was a request to encroach ten feet into the required fifteen-foot front yard along Harvey Street. Both of these requests were approved in January of 2006. The proposed variance would allow the construction of an apartment building in line with the building at 1010 West Main Street along the Harvey Street frontage.

### Description of the Site

The site is located on the southeast corner of the intersection of Harvey and Main Streets (see attached maps). The subject property is 66.25 feet wide along Clark Street and 132 feet deep along Harvey. The site is in the University of Illinois Engineering Campus neighborhood. The area contains several multi-family properties, as well as University-related facilities and parking lots. The site currently contains two houses that are joined to a common garage. The two houses

contain three dwelling units. One of the existing houses encroaches nine feet into the required fifteen-foot front yard along Harvey Street.

### 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	Comprehensive Plan Future Land Use
<b>Subject Property</b>	B-3U, General Business - University	Apartment Houses	Campus Mixed Use
<b>North</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>South</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>East</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>West</b>	B-3U, General Business - University	Parking	Institutional

The properties surrounding the site are all apartment buildings to the east of Harvey Street, and University of Illinois parking lots to the west. The surrounding apartment buildings are two to three stories high with large footprints that take up most of their sites. The apartment building to the south is built across three 66-foot wide lots. There are other buildings in the immediate area that are at built on multiple lots. The other buildings on this block of Clark Street are set back 15 feet from the front property line. Those on interior lots are generally set back five to ten feet from the side property lines. Along Harvey Street, the only other property on this block is 1010 West Main, which encroaches ten feet into the required fifteen-foot setback.

### Urbana Comprehensive Plan

The Urbana Comprehensive Plan adopted by City Council in April 2005 created a new Future Land Use designation of “Campus Mixed Use.” According to Chapter V of the plan:

*“The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style private development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.”*

The Comprehensive Plan Future Land Use Map #8 annotations call for Campus Mixed Use areas to be:

*“Urban designed mixed-use buildings which include business/office on the ground floor and residential on upper floors; developments consisting of only multi-family is discouraged”*

The proposed variance will allow for an urban design that emphasizes the pedestrian scale; the building will be closer to the street (to match the building to the south) and there will be parking underneath the structure. However, the building will consist only of multi-family units.

## **Discussion**

### **Engineering Campus neighborhood character**

The subject site is located in an area adjacent to the University of Illinois that has a long history of land uses which serve the University populations. In the post World War II period the demand for new housing in proximity to the University expanded and many more houses were converted from single family to multi-family apartments and rooming houses. In later years where land owners could acquire contiguous lots they demolished older houses to construct larger apartment buildings, again to serve the University population. At the same time the University also acquired many properties in the area and either converted them to University uses or replaced them with new University structures.

In recent years, the City has become concerned about the erosion of its tax base through acquisition of properties by the University of Illinois. These acquisitions in the engineering campus areas have resulted in City-University efforts to delimit potential acquisition areas and to promote tax-generating redevelopment efforts. The proposed project can contribute to the stabilization of the area via investment in tax-revenue generating property that also serves to alleviate some of the high demand for student housing.

### **B-3U, General Business – University zoning district definition**

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3U Zoning District is as follows:

*"The B-3U General Business-University District is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high-density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These businesses and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow building which are compatible with the size and scale of the University's buildings."*

The B-3U zoning district designation was created in 1990 as an outgrowth of the Downtown to Campus Plan. It was intended in part to address the lack of services offered in areas

adjacent to the University, with a primary focus on the engineering campus surrounding the subject property of this case.

The petitioner proposes to demolish the two houses currently on the lot in order to construct an apartment building. The attached application contains initial designs for the parking and dwelling levels of the proposed building. The bottom level would contain a parking lot, consisting of a one-way drive. Parking would be angled to ensure traffic could only flow in one direction. The submitted parking plan will be revised to allow for accessible parking spaces, a small storage room, and an elevator. The top two to three floors would contain 14 to 18 apartments in total, and would have a floor plan layout as shown in the attached application.

The petitioner believes that in order to maximize investment in this area of relatively high priced land in close proximity to the University of Illinois, it is necessary to maximize the number of living units provided. Most of the property in the area is zoned for medium to high densities, such as B-3U, General Business-University, and R-5 Medium High Density Multiple Family Residential. However, parking requirements tend to be the limiting design factor for building multifamily housing on single lots. The petitioner states that the variance is necessary to make to most efficient use of all available space on each lot and will allow for additional parking spaces.

Section VIII-4.F.6 of the Zoning Ordinance allows for parking in the B-3U zoning district to encroach ten feet into the required fifteen-foot setback, if it is properly screened. The petitioner could achieve the desired amount of parking without a variance. However, this solution would require the parking to “stick out” from underneath the apartment building and for the building to be at least one floor taller in order to achieve the same number of units. The petitioner would prefer to have the parking completely contained below the footprint of the apartment building, and to would match the reduced setback of the existing building to the south. The petitioner has also discussed the possibility of having additional parking to be located at an off-site property within 600 feet, as allowed by Section VIII-4.L of the Zoning Ordinance.

At this time the design of the project is incomplete. The petitioner is hesitant to fully design the building until the requested variance is granted. A zoning analysis of the project will be completed as part of the building review process once complete building and site plans are submitted.

## **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 as they pertain to this case and the criteria outlined in the ordinance:

- 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 size of the lot is a limiting factor, as most new student apartments are constructed on more than one lot. To be competitive, new campus apartments now typically provide a bathroom for each bedroom, and are larger than in the past.

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 special circumstances relating to the land in this instance is that the corner lot has the usable land reduced by the requirement for two 15 foot front yard setbacks instead of just one.

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 is due to the petitioner's desire to match the reduced setback along Harvey Street and to keep parking underneath the building. The reduced setback to the south was granted to the petitioner as part of a previous case. Other factors include housing market conditions near the University of Illinois campus and the fact that the property is a corner lot.

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

The requested decrease of the front yard setbacks should not detract from the essential character of the neighborhood. The neighborhood is one of urban high density development with large buildings constructed on multiple lots. One of the structures that is currently on the lot encroaches nine feet into the required fifteen-foot setback along Harvey Street, and the apartments to the south also encroach ten feet.

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

The variance should not cause a nuisance to adjacent properties. The property faces a University of Illinois parking lot across Harvey Street to the west and apartment buildings to the east and across Clark Street to the north. The building would back onto a public alley to the south with apartments on the other side.

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

The petitioner is requesting the level of variance necessary to match the building immediately south of the subject property.

## **Summary of Staff Findings**

1. Howard Wakeland is applying for a variance to encroach ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street.
2. The petitioner plans on demolishing the existing structures and building a 14 to 18-unit apartment building on the site.
3. The site is located in the north campus area and is zoned B-3U, General Business - University District.

4. The Urbana Comprehensive Plan identifies the area as Campus Mixed-Use.
5. The proposed variance is not necessary to achieve the desired amount of parking.
6. The size of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
7. The proposed variance is desired due to special circumstances of the property being a corner lot with two required front yards.
8. The proposed variance is due to the petitioner's desire to match the existing ten-foot encroachment immediately south of the subject property, and to allow for parking to be contained entirely underneath the building footprint.
9. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
10. The proposed variance represents the minimum possible from Zoning Ordinance requirements to match the existing ten-foot encroachment immediately south of the subject property.

## **Options**

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

- a. The Urbana Zoning Board of Appeals may recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Urbana Zoning 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
- 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**

Staff recommends that the Urbana Zoning Board of Appeals review and consider the findings presented above and any additional evidence provided at the public hearing, along with any additional information that may be required in order to make a final decision on Case Number ZBA-2009-MAJ-03.

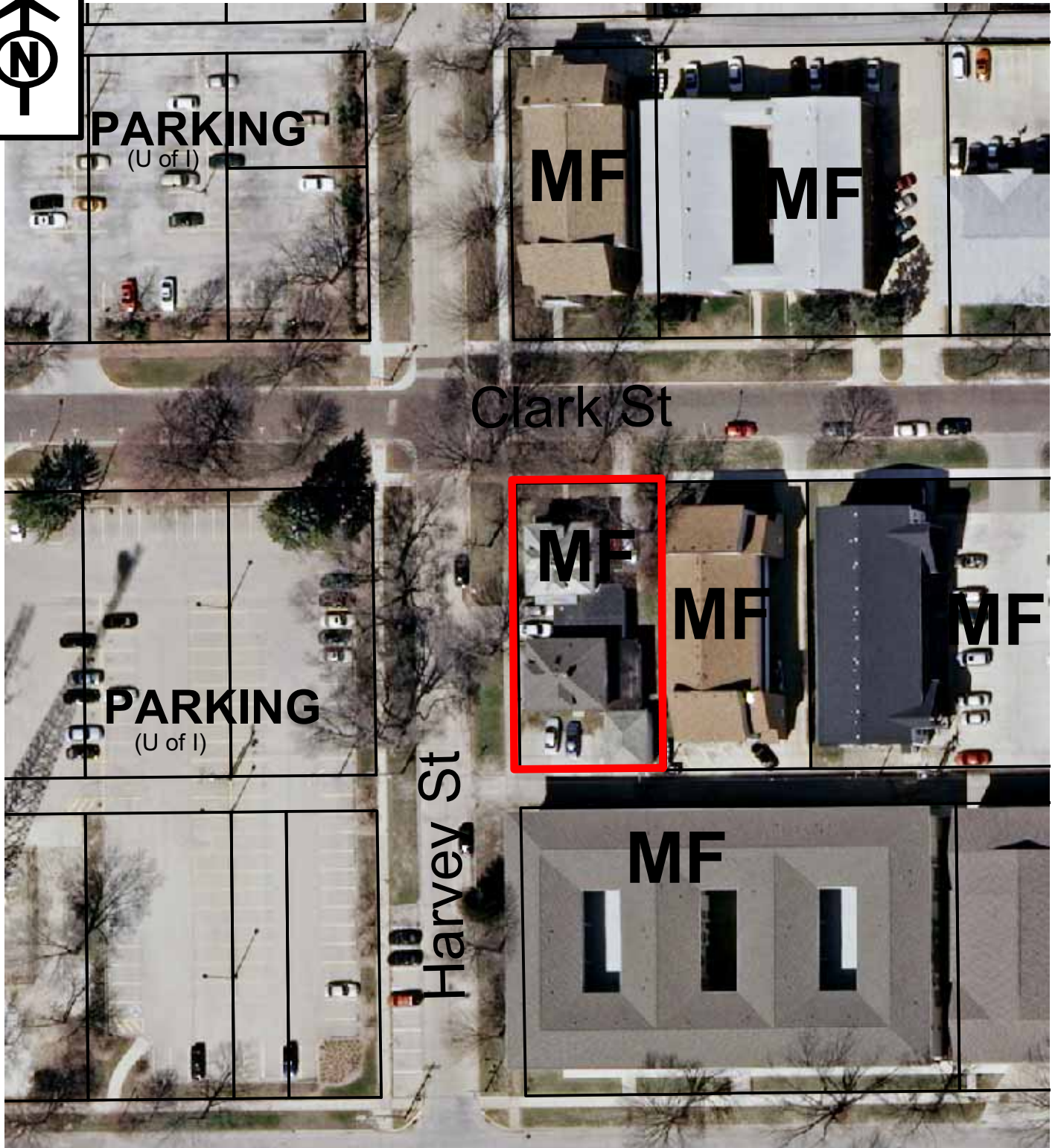
Should the Zoning Board of Appeals decide to forward the case to the Urbana City Council with a recommendation for approval, staff recommends the approval be subject to the following conditions:

- 1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.**
- 2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.**

Attachments:      Exhibit A:      Location & Existing Land Use Map  
                         Exhibit B:      Zoning Map  
                         Exhibit C:      Future Land Use Map  
                         Exhibit D:      Petition for Variance with Site Plan  
                         Exhibit E:      Site Context Photos

cc:                    Howard Wakeland  
                         1811A Amber Lane  
                         Urbana, IL 61802

# EXHIBIT A: Location & Existing Land Use Map



**Plan Case:** 2009-MAJ-03  
**Petitioner:** Howard Wakeland  
**Location:** 1011 West Clark Street  
**Description:** Request for a Major Variance to encroach 10 feet into the required 15-foot front yard along Harvey Street

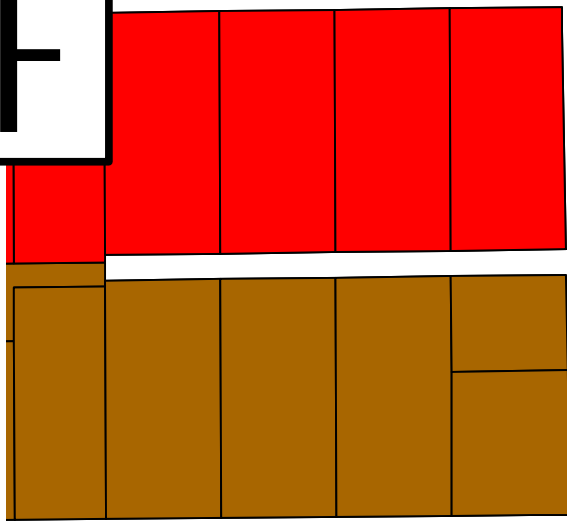
*Prepared 03/09 by Community Development Services - jme*

 Subject Property

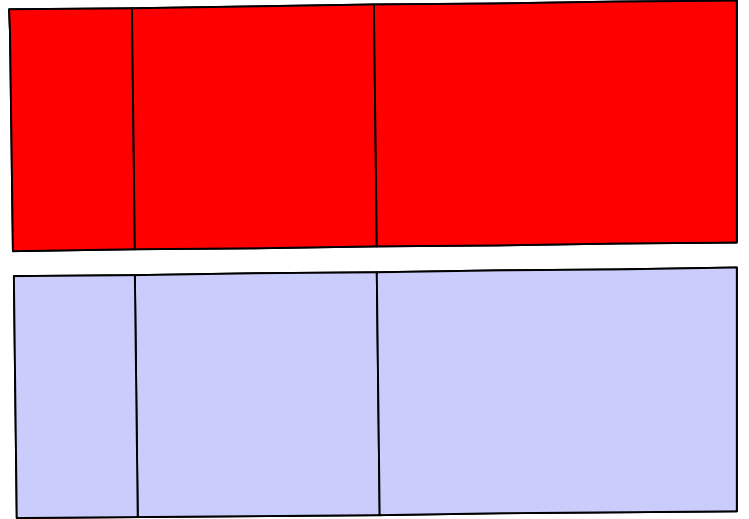


# EXHIBIT B: Existing Zoning Map

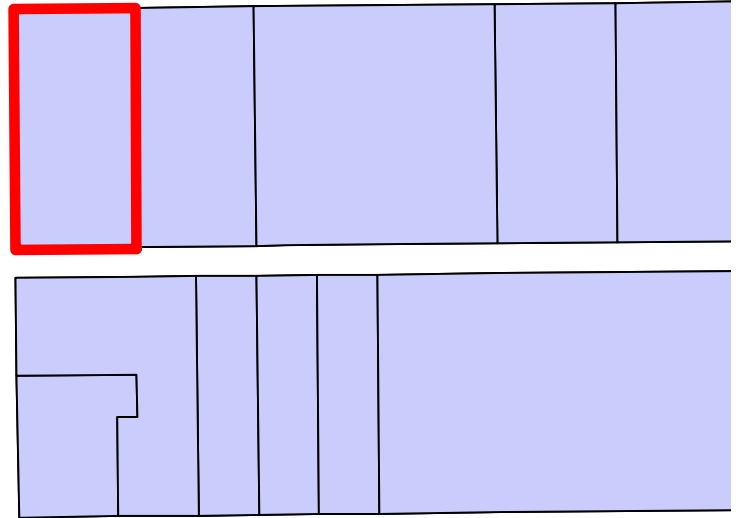
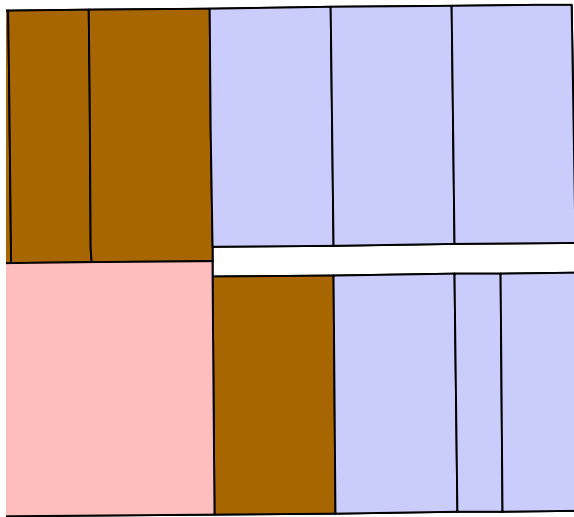
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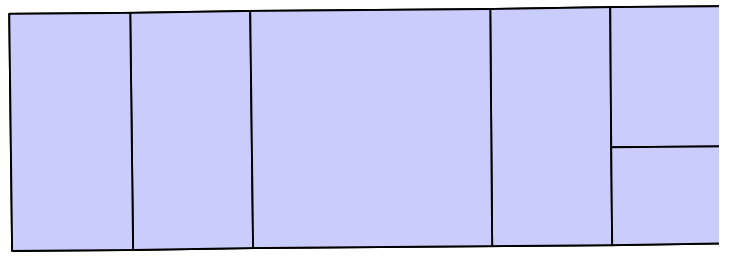
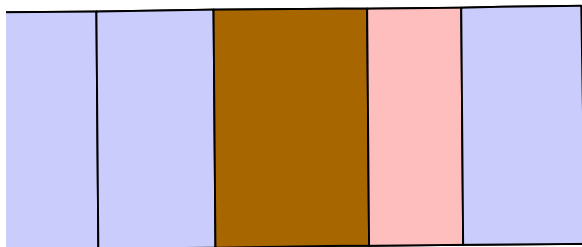
Harvey St



Clark St



W Main St

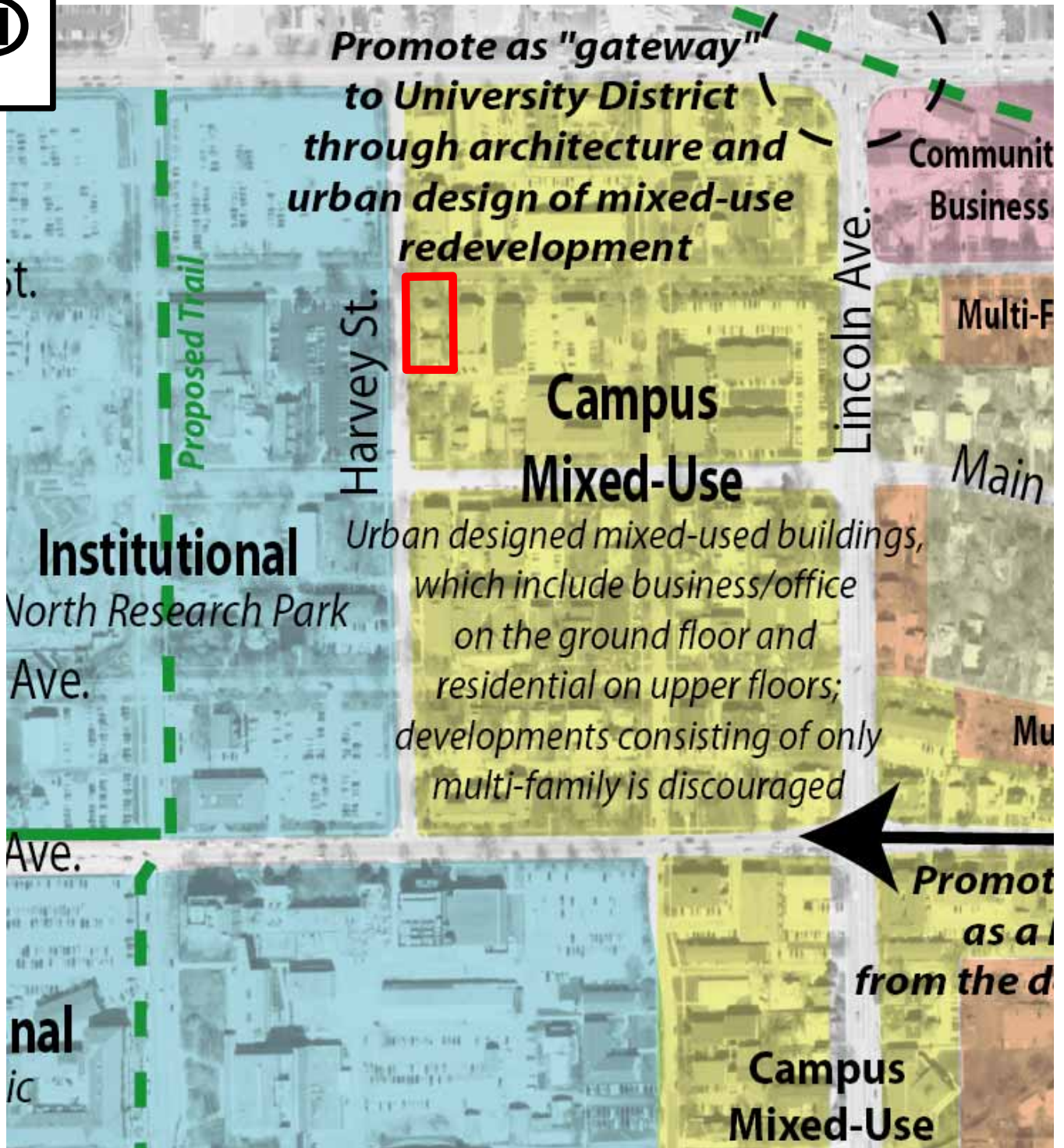


**Plan Case:** 2009-MAJ-03  
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Prepared 03/09 by Community Development Services - jme



# EXHIBIT C: Future Land Use Map



**Plan Case:** 2009-MAJ-03  
**Petitioner:** Howard Wakeland  
**Location:** 1011 West Clark Street  
**Description:** Request for a Major Variance to encroach 10 feet into the required 15-foot front yard along Harvey Street

*Prepared 03/09 by Community Development Services - jme*

 Subject Property

Exhibit E: Site Context Photos



Figure 1. Looking south along Harvey Street



Figure 2. Looking east along Clark Street



Figure 3. View of 1010 West Main, looking north along Harvey Street