



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 II

DATE: April 11, 2014

SUBJECT: **ZBA Case No. 2014-MAJ-01:** A request by Gary Frick for a Major Variance to allow an increase in Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue in the B-1, Neighborhood Business District.

Introduction and Background

Gary Frick of Olympic Construction has submitted a petition for a major variance to construct an addition at 907 West Fairview Avenue. The subject property is a commercial lot in the B-1, Neighborhood Business Zoning District. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the maximum allowed floor area ratio in the B-1 district is 0.30. The proposed addition would increase the floor area ratio of the site to 0.47.

The property is owned by and home to Olympic Construction’s warehouse/contractor shop and office. A Conditional Use Permit was issued in order to allow this use in the B-1 district in 2006 under ZBA Case 2006-C-01.

Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a floor area ratio variance of up to 5% as a minor variance by a majority vote of its members. Increases of over 5% are considered major variances, for which the Zoning Board of Appeals must recommend approval by a two-thirds majority for the variance to be forwarded to City Council for a final decision. Since this petition is for a Major Variance, the Zoning Board of Appeals must make a recommendation to the City Council.

Description of the Site

The variance is requested to allow an addition to the building at 907 West Fairview Avenue. This property is a 7,705 square-foot lot with an existing 2,304 square-foot building. The building is used primarily for storage, but also contains some office space. The existing use is considered a contractor shop by the Zoning Ordinance, and there was a Conditional Use Permit issued to allow the use in the B-1, Neighborhood Business District.

The site is accessed off of Fairview Avenue. There are access easements that provide access to the site through the Family Video parking lot from Fairview Avenue and Lincoln Avenue.

The subject property is located near Lincoln Avenue in a neighborhood business district. The surrounding land uses are residential and business in nature. To the south and west of the site are single-family homes. Northwest of the site are more single-family homes. Northeast of the site is an apartment building and the former nursing home. Directly east of the site along Lincoln Avenue is Family Video and Hanger Prosthetics and Orthotics.

The following is a summary of surrounding zoning and land uses for the subject site. Exhibits A, B, and C further illustrate this information.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	B-1, Neighborhood Business	Contractor Shop	Community Business
North	R-2, Single-Family Residential	Single-family Homes	Community Business
	R-5, Medium High Density Multifamily Residential	Apartments	
South	R-2, Single-Family Residential	Single-family Homes	Community Business
East	B-1, Neighborhood Business	Retail Businesses	Community Business
West	R-2, Single-Family Residential	Single-family Homes	Residential

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Community Business”. The plan defines the Regional Business as follows:

Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

There is a note on the Future Land Use Map for this area that says “Promote Community Businesses that can serve the University Population and immediate neighborhood”

Discussion

The corner of Fairview and Lincoln has historically been used as a commercial area serving the King Park neighborhood. The 1989 King Park Plan identified the site as suitable for commercial uses, as does the 2005 Urbana Comprehensive Plan. Olympic Construction was granted a Conditional Use Permit to operate a Contractor Shop at 907 Fairview Avenue in 2006. Since then, the business has become more successful and is in need of additional warehouse space. The applicant proposes to construct a 1,296 square-foot addition to the existing 2,304 square-foot building. This addition would contain additional warehouse space for Olympic Construction. The existing building contains warehouse space and a small office.

The applicant has submitted a site plan showing the lot, the existing building, and the proposed addition. The site plan also shows required parking and access easements. The proposed addition would be directly north of the existing building. It would be 36 feet wide and would extend 36 feet north. The addition would be of similar materials to the existing building. The proposed site plan conforms to all development regulations except for floor area ratio. The addition would be set back 19 feet from the front property line, beyond the required 15-foot front yard. There is no required minimum open space ratio in the B-1 district.

The required amount of parking spaces for a Contractor Shop is one space for every 400 square feet of floor area. After the proposed addition, the building would have 3,600 square feet of floor area, requiring nine parking spaces. These spaces can be provided along the eastern edge of the property, adjacent to the Family Video parking lot. There is a 18.3-foot wide access easement directly east of the property that goes through the Family Video parking lot. There is also an 11-foot wide easement that runs east from the southern portion of the site, providing access to Lincoln Avenue.

The proposed addition would result in a floor area ratio of 0.47. Floor area is calculated by dividing the useable building area by the lot area. The maximum floor area ratio in the B-1, Neighborhood Business district is 0.30, therefore the requested variance is 57% beyond what is permitted by right. Because the applicant is asking for more than a 5% variance, this request is regarded as a major variance, which must be approved by a two-thirds majority of the Zoning Board of Appeals in order to be forwarded to City Council for final approval.

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 specified in the ordinance as they pertain to this case, followed by staff analysis for this case:

- 1. Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*
- 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 requiring the variance are the location and size of the lot, and the fact that the maximum floor area ratio on the B-1 district is 0.30. This maximum FAR is lower than all other zoning districts except for the AG and R-1 districts. The adjacent R-2, Single Family Residential district permits a higher FAR of 0.40. The existing lot is undersized for a business that requires warehouse space. However, this lot is located in a convenient location for Olympic Construction, as they often work on construction projects for Carle Hospital and the University of Illinois.

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

The variance is not due to a situation created by the petitioner. The lot contained a warehouse building prior to the applicant moving into the site.

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

Granting the variance would not alter the essential character of the neighborhood. The property north of the subject site contains an apartment building with a floor area ratio of approximately 0.8. The proposed addition will bring the front yard setback for the property down to 19 feet, which is similar to the setback of nearby residences. The two mature trees in the parkway in front of the building largely obscure views of the site, and these trees will remain.

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

The proposed addition will not cause a nuisance to adjacent property. The addition will be used for storage of building materials. This is the same use that is currently on the lot.

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

The variance requests represent the minimum area necessary to provide the required warehouse space for Olympic Construction to continue to operate at this location.

Summary of Staff Findings

In determining whether a variance should be granted, findings of fact that are specific to the property or variance in question must be made. The findings of fact are based on the evidence presented above.

1. The petitioner is requesting a major variance to increase the allowed Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue.
2. The proposed variance would allow for an addition to the existing warehouse/office, as shown in the attached site plan.

3. The subject property is located in the B-1, Neighborhood Business Zoning District.
4. The proposed variance would allow for the business to expand and to remain at this location.
5. Per Table VI-3 of the Urbana Zoning Ordinance, the maximum Floor Area Ratio for the B-1 District is 0.30.
6. The variance is necessary due to the configuration of the existing warehouse building on the lot and the fact that the maximum Floor Area Ratio in the B-1 district is lower than almost all other zoning districts.
7. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. There are existing buildings nearby that have a much higher Floor Area Ratio, and the building setback would become more in harmony with the surrounding properties.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to allow the business to expand and remain on this lot.

Options

The Zoning Board of Appeals has the following options for recommendation to the City Council in Major Variance Case No. ZBA-2014-MAJ-01:

- a. Recommend approval, by two-thirds majority, of the variance as requested based on applicable findings outlined in this memo;
- a. Recommend approval, by two-thirds majority, of the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. Deny the variance as requested. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting their denial.

Staff Recommendation

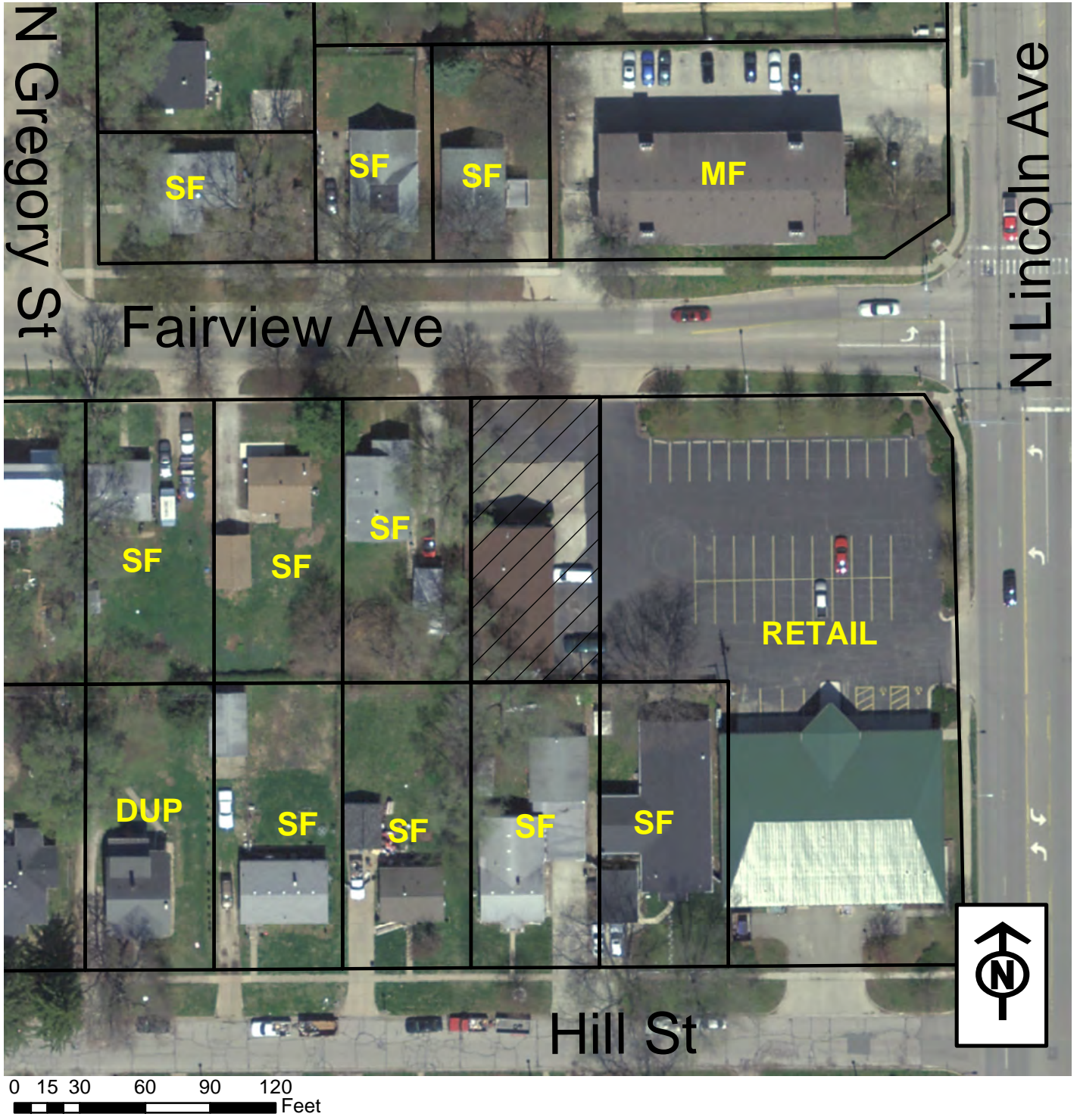
Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward Major Variance Case No. ZBA-2014-MAJ-01 with a recommendation for **APPROVAL**.

Attachments:

Exhibit A: Location and Existing Land Use Map
 Exhibit C: Future Land Use Map
 Exhibit E: 2006-C-01 Decision Sheet
 Cc: Gary Frick, Olympic Construction

Exhibit B: Existing Zoning Map
 Exhibit D: Application & Site Plan
 Exhibit F: Photos

EXHIBIT A: LOCATION & LAND USE MAP

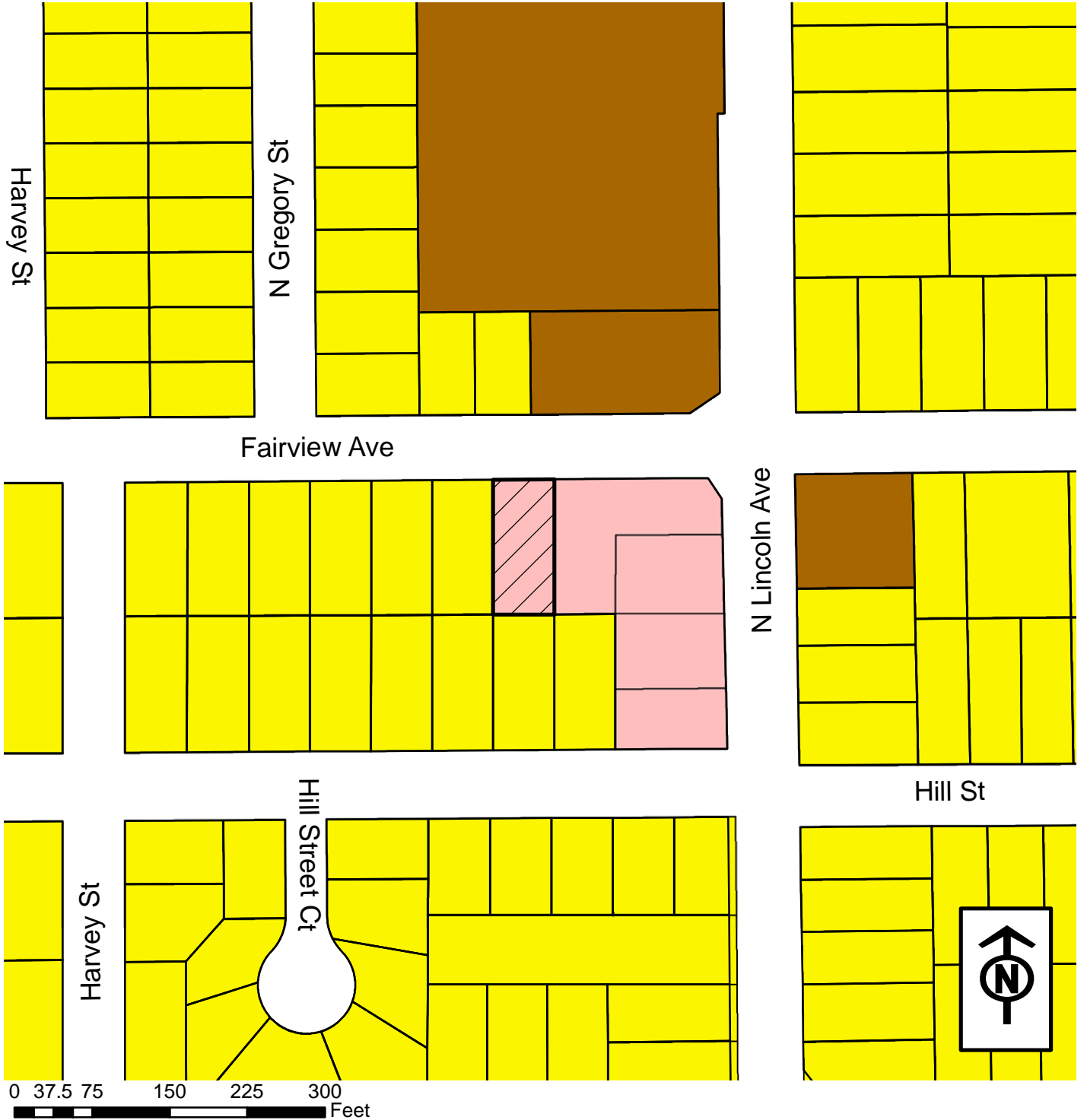


Case: ZBA-2014-MAJ-01
 Subject: Application for Marjor Variance to allow FAR of 0.47 in the B-1 District
 Location: 907 W Fairview
 Petitioner: Gary Frick

 Subject Property

Prepared 03/03/2014 by Community Development Services - jme

EXHIBIT B: ZONING MAP



Case: ZBA-2014-MAJ-01
 Subject: Application for Marjor Variance to allow FAR of 0.47 in the B-1 District
 Location: 907 W Fairview
 Petitioner: Gary Frick

Prepared 03/03/2014 by Community Development Services - jme





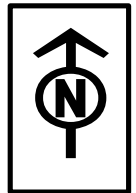
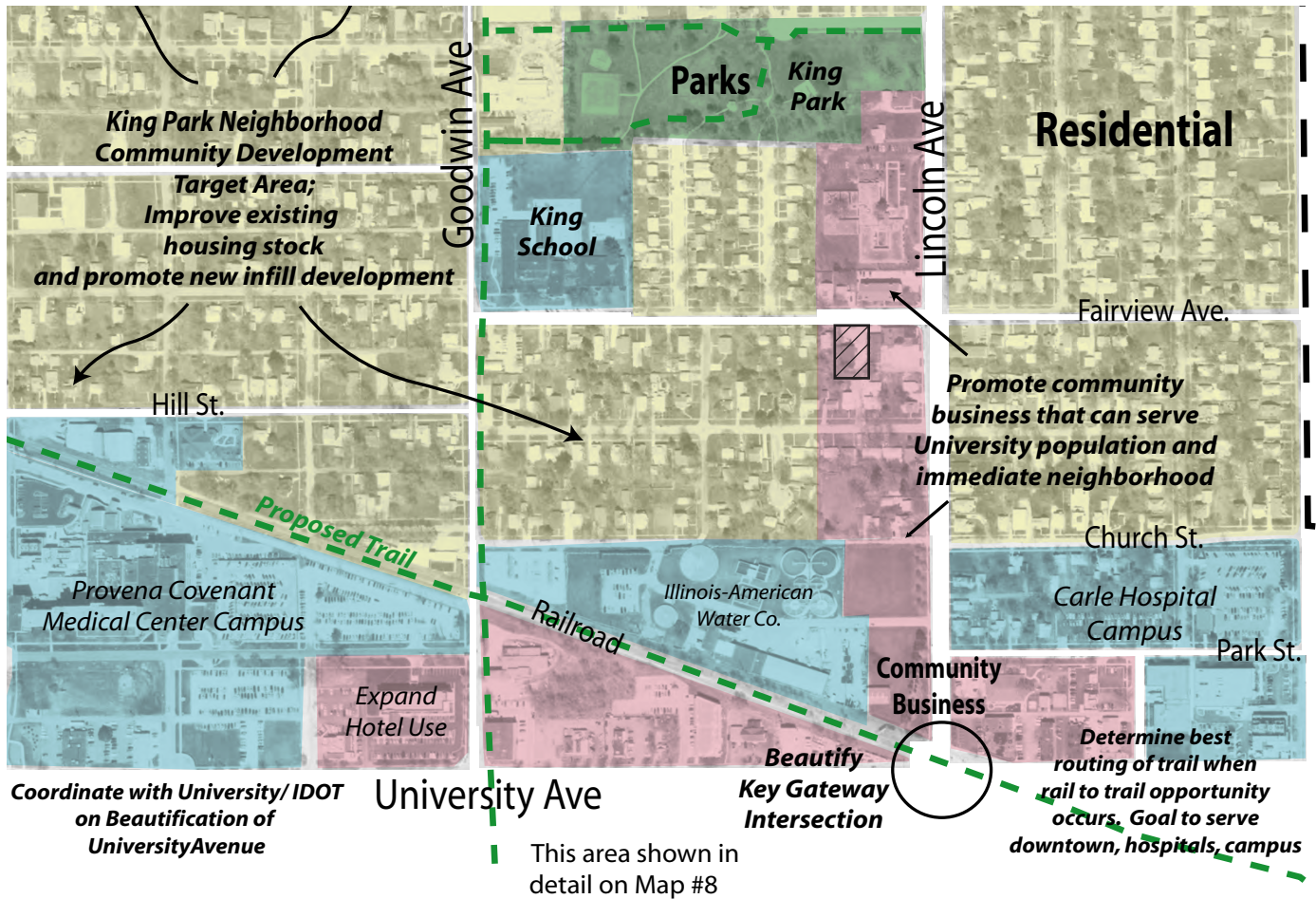
-  Subject Property
-  B1
-  R2
-  R5

EXHIBIT C: FUTURE LAND USE MAP



Case: ZBA-2014-MAJ-01
 Subject: Application for Marjor Variance to allow FAR of 0.47 in the B-1 District
 Location: 907 W Fairview
 Petitioner: Gary Frick

 Subject Property

Prepared 03/03/2014 by Community Development Services - jme



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$175.00 (Major) and \$150.00 (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 3/26/14 ZBA Case No. ZBA-2014-MAJ-01
 Fee Paid - Check No. 13163 Amount 175.00 Date 3/26/14

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 *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* Expand existing Bldg. on the property described below, and in conformity with the plans described on this variance request. INCREASE F.A.R. TO 0.47
IN B-1

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Gary Frick Phone: 217 202-3015
 Address (street/city/state/zip code): 907 Fairview Urbana
 Email Address: Gary.Frick@Olympic-Construction.net
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

2. OWNER INFORMATION

Name of Owner(s): Gary Frick Phone: 217 202-3015
 Address (street/city/state/zip code): 1511 C.R. 2200 E St. Joseph IL
 Email Address:

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: 907 Fairview
 PIN # of Location: 91-21-07-428-007
 Lot Size: 59x130

Current Zoning Designation:

Current Land Use (vacant, residence, grocery, factory, etc): Warehouse

Proposed Land Use: Warehouse

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): Phone:

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

Email Address:

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.

This addition will allow our business
to function more efficiently

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.

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

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

Existing set back requirements will be maintained.

5' Side

15' Front

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

Desired addition will bring our building to a line equal to the front of adjacent homes.

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

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.

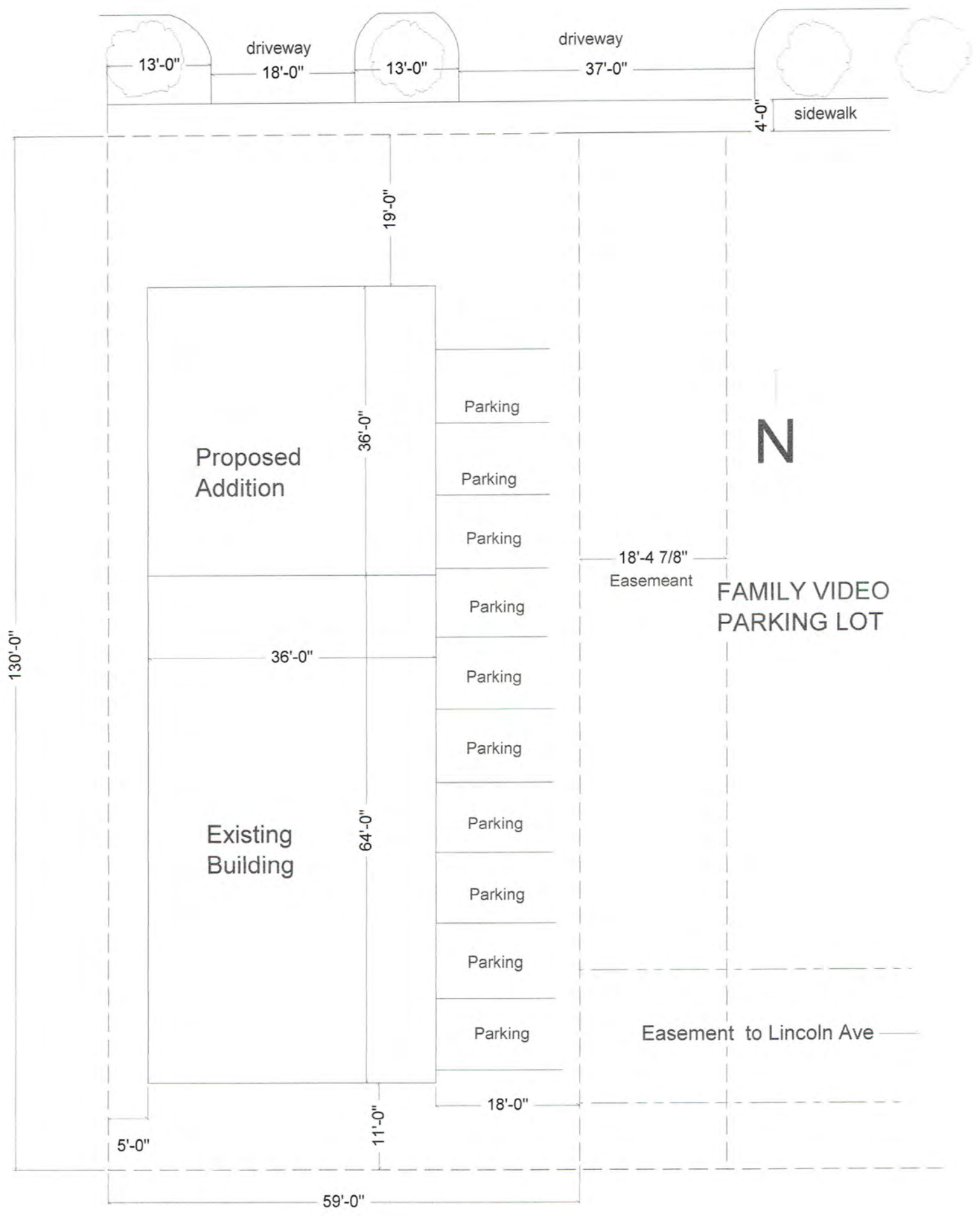
CERTIFICATION BY THE APPLICANT

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.

Mary Frick
Applicant's Signature

3-26-2014
Date

FAIRVIEW AVE



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2006R10961

RECORDED ON
05/04/2006 10:25:54AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
RHSPS Fee:
REV FEE:
PAGES 2
PLAT ACT: 0
PLAT PAGE:

**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-06-C-01**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, April 19, 2006 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered the following request in Case No. ZBA 06-C-01 for a conditional use request pursuant to Section VII-2 of the Urbana Zoning Ordinance.

Request to establish a "Contractor Shop and/or Showroom", in the B-1, Neighborhood Business Zoning District.

The subject property affected by this case is described more particularly as follows:

Common Street Address: 907 W. Fairview
Owner of Record: Olympic Construction / Gary Frick
Permanent Parcel No: 91-21-07-428-007

Legal Description:

Lot 4 of Sim's Addition, as per plat recorded in the office of the Recorder of Champaign County, Illinois

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. The proposal includes the use of the building for both a workshop and professional offices.
2. The petitioner has stated that he intends to install building improvements, including consistent siding materials, adding an awning for the main door, and general improvements to the interior of the building.
3. The proposal would be conducive to the public convenience at this location based upon improvements to the building, and the minimal work done at the property.

- 4. The proposal would not pose a detriment to the B-1, Neighborhood Business Zoning District in which it is proposed to be located.
- 5. The development will meet all the applicable requirements of the Urbana Zoning Ordinance. The required amount of parking is already provided.
- 6. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan.

The **CONDITIONS** of approval for the use are as follows:

- 1. That any outdoor fabrication, building, or construction related to the petitioner's business shall be prohibited.
- 2. That power tools shall not be used except between 8 a.m. and 5 p.m.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-06-C-01

PAUL ARMSTRONG 4/28/06
 Paul Armstrong, Co-Chairperson Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

APPROVED FOR RECORDING BY:

James Gitz 4/24/06
 James Gitz, Corporation Counsel Date

Ⓟ Please return original decision sheet to the attention of Matt Wempe at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Matt Wempe
 Matt Wempe, Planner II
 Community Development Services Planning Division
 400 S. Vine Street Urbana, IL 61801

EXHIBIT F: SITE PHOTOS

