



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: Maximillian Mahalek, Planning Intern

DATE: June 13th, 2014

SUBJECT: ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804 ½ E. Main Street in the B-2, Neighborhood Business-Arterial District.

Introduction and Background

Faller Custom Builders, LLC is requesting a major variance on behalf of property owner Daniel Kiss to install a shade awning that will encroach 11 feet, four inches into the required 15-foot front yard at 804 ½ E. Main Street, located in the B-2, Neighborhood Business - Arterial District.

The property at 804 ½ E. Main Street is zoned B-2, Neighborhood Business- Arterial District, and is currently occupied by a beauty salon. The building is set back seven feet, eight inches from the sidewalk, causing it to encroach into its required front yard by seven feet, four inches. The building currently has no shade awning (nor do records show that it has ever had one). Table VI-3 of the Urbana Zoning Ordinance requires a lot in the B-2 District to have a minimum front yard of 15 feet. The addition of the proposed shade awning, which would be 14 feet long by four feet wide, would cause the property to further encroach into its required front yard by 11 feet, four inches (a 75.56% reduction of the required front yard setback), leaving a setback of three feet, eight inches. The petitioner states that the addition of the shade awning will improve the aesthetic value of the subject property. Moreover, the installation of the shade awning would improve cohesion between the subject property and the building that shares its eastern wall, 806 E. Main Street, which itself has a canopy that fully encroaches into the required front yard.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Description of the Site

The subject property is located on the north side of the 800 block of East Main Street (between North Webber Street and North Lynn Street). The lot is shaped as a rectangle that is 184 feet long by 16 feet wide. The lot area is 2,944 square feet, and the structure located on the lot has a footprint of approximately 1,307 square feet. The structure encroaches into the required 15-foot front yard setback by seven feet, four inches, leaving a front yard of seven feet, eight inches. The front yard itself is split roughly between a brick sidewalk and a concrete patio. A one-foot wide by two feet, eight inches tall brick wall runs along the eastern edge of the front yard, as well as a portion of its southern edge, further encroaching into the required 15-foot front yard setback. The property faces

and has pedestrian access off of East Main Street. The property also has rear automobile access via two parking lots shared with 806 E. Main Street, as well as via an alleyway running east-to-west.

The adjacent property located at 806 E. Main Street is home to an air conditioning shop, and is fronted by a 21-foot long by eight-foot wide canopy that extends to the front property line. The Sanborn maps illustrate that the structures currently located at 804 ½ E. Main Street and 806 E. Main Street, along with the brick wall fronting 804 ½ E. Main Street, were configured as they are today as early as 1915, predating the Urbana Zoning Ordinance adopted in 1940. Furthermore, the 1945 Sanborn maps show a canopy at 806 E. Main Street fully encroaching into the required front yard. The current average setback of all the structures on the block (including 804 E. Main, 804 ½ E. Main, 806 E. Main, and 808 E. Main) is 18.86 feet.

On August 4th, 2008, the Urbana City Council approved a map amendment rezoning the lot found at 804 ½ E. Main Street from B-3, General Business District to B2, Neighborhood Business-Arterial District (Plan Case no. 2075-M-08). On September 15th, 2008, the Urbana City Council approved a map amendment rezoning the lots neighboring 804 ½ E. Main Street (804 E. Main, 806 E. Main, and 806 ½ E. Main) from B-3, General Business District, to B2, Neighborhood Business-Arterial District (Planning Case no. 2080-M-08).

Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is defined by a mix of commercial, institutional, and residential uses. To the east and west, there are commercial and institutional uses in the B-2 District (including an air conditioning shop, a gas station operated by Mr. Gas Plus, and The Rock of Deliverance Church), while to the north and south, there are single-family residences in the R-3, Single-Family and Two-Family Residential District.

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
Site	B-2, Neighborhood Business Arterial District	Commercial Structure (Beauty Salon)	Residential – Urban Pattern
North	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
East	B-2, Neighborhood Business Arterial District	Commercial Structure (Air Conditioning Shop)	Residential – Urban Pattern
South	R-3, Single and Two-Family Residential	Single Family Residence	Residential – Urban Pattern
West	B-2, Neighborhood Business Arterial District	Institutional (The Rock of Deliverance Church)	Residential – Urban Pattern

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential – Urban Pattern.” The plan defines the Residential Urban Pattern of Development as:

“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”

The future land use maps presented in 2005 Urbana Comprehensive Plan also note that the portion of East Main Street that the subject property is located in is to be home to neighborhood businesses that serve the community.

Discussion

The petitioner wants to install a 14-foot long by four-foot wide shade awning on front of the structure located at 804 ½ E. Main Street, arguing it will improve the building's aesthetic value. Pursuant to Section VI-5.B.6 of the Zoning Ordinance, shade awnings may encroach two feet, six inches into the required yard of a structure. The subject property currently has a front yard of seven feet, eight inches, which is seven feet, four inches less than the required 15-foot setback. According to the Sanborn maps, this footprint has not been modified since 1915. The shade awning would encroach into the required 15-foot front yard by eleven feet, four inches, reducing the front yard of the structure to three feet, eight inches (a 75.56% reduction). The shade awning would be attached to the building, require no support columns, and contain no wording (Figure 1).



Figure 1: Much like the shade awnings shown above, the proposed shade awning for the subject property would require no support columns.

The canopy of the building located at 806 E. Main Street is eight feet wide, which is twice the width of the awning proposed for the subject property. With the addition of the proposed shade awning at 804 ½ E. Main Street, cohesion will be enhanced between the structures found at 804 ½ E. Main Street and 806 E. Main Street (Figure 2). Furthermore, it would lend greater historic character to the subject property, as well as the block face overall. The average setback of structures on the north side of the block would also be reduced to 17.76 feet.



Figure 2: The proposed shade awning at 804 ½ E. Main Street will improve cohesion between the subject property and the structure found at 806 E. Main Street, which is fronted by a canopy that extends to the lot’s front property line.

Section XI-3.C.2.b.1 of the Zoning Ordinance permits the Zoning Board of Appeals to approve a variance of up to 25% as a minor variance by a majority vote of its members. Reductions of over 25% 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.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, 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 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 is the existing lot and building configuration. The structure at 804 ½ E. Main Street is located seven feet, eight inches behind its property line along East Main Street, which

does not allow any additional space for a shade awning. Although nearby structures located at 804 and 808 E. Main Street do not encroach into their required front yards, the structure located immediately to the east (and which shares a wall with the subject property), 806 E. Main Street, is set back eight feet from the public right-of-way, and is fronted by a canopy that fully encroaches into the required 15-foot front yard. The canopy found at 806 E. Main Street is eight feet wide, twice as wide as the shade awning proposed for the subject property (which will only be four feet wide).

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

The placement of the structure within the subject lot was established many decades ago. Sanborn maps show the structure and brick wall currently found at 804 ½ E. Main Street standing, with their modern-day configuration, as early as 1915. The Sanborn maps also illustrate that the structure currently located at 806 E. Main Street had a canopy that fully encroached into its required 15-foot front yard as early as 1945.

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

Although the proposed installation will be visible from the public street, it would not alter the essential character of the neighborhood. The surrounding neighborhood is characterized by a mix of commercial and residential uses, and Main Street is a high traffic minor arterial street. The structure would continue to contain a beauty salon, and no other modifications are proposed. The proposed shade awning would run adjacent to the canopy found at 806 E. Main Street, improving cohesion along the block face. The shade awning would not require any support columns, as it would be attached to the building. The petitioner also claims that the addition of the shade awning is expected to improve the aesthetic value of the subject property.

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

The proposed shade awning, if constructed and installed pursuant to all regulations, including Section VI-5.B.6 of the Zoning Ordinance, will not cause a nuisance to adjacent properties. The shade awning will not cast a shadow on its immediate neighbors, as the church found at 804 E. Main Street is located roughly 51 feet, eight inches behind its property line, and the structure at 806 E. Main Street is shaded by its own canopy.

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

The proposed installation represents the minimum possible variance required to provide a functional shade awning for the business present in the structure.

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 applicant proposes to install a shade awning at 804 ½ East Main Street, located in the B-2 Neighborhood Business, Arterial District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of 15 feet in the B-2, Neighborhood Business-Arterial District;
3. The structure found at 804 ½ East Main Street currently encroaches seven feet, eight inches into the required front yard along East Main Street;

4. The proposed shade awning would encroach up to eleven feet, 4 inches into the required front yard;
5. Due to the subject property's lot and building configuration, the proposed variance would not serve as a special privilege;
6. The applicant states that they believe the proposed shade awning will increase the aesthetic value of the structure;
7. The situation was not created by the petitioner because the building currently found on the lot was constructed as early as 1915, and has retained its footprint since that time;
8. The proposed addition will not alter the essential residential character of the neighborhood. The installation would enhance cohesion between structures found along East Main Street;
9. Due to the significant setback of the structure found at 804 E. Main Street, as well as the presence of a canopy at 806 E. Main Street, the proposed variance will not cause a nuisance to adjacent properties;
10. The requested variance is the minimum possible deviation required to install the proposed shade awning.

Options

The Zoning Board of Appeals has the following options in variance case ZBA-2014-MAJ-02:

- a. Approve the variance as requested based on the findings outlined in this memo;
- b. Approve 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 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 forward Major Variance Case No. ZBA-2012-MAJ-02 with a recommendation for APPROVAL, subject to the following condition:

1. The shade awning shall be built in conformance with the attached plans.

Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application and Proposed Shade Awning Design
Exhibit E: Proposed Site Plan
Exhibit F: Site Photos

cc: Faller Custom Builders, LLC, 609 N. 19th Street, Mattoon, IL 61938
Daniel Kiss, 3950 N. Lake Shore Drive, #2322, Chicago, IL 60613

Exhibit A: Location and Existing Land Use Map



Case: 2014-ZBA-MAJ-02
Subject: Application for Major Variance to Allow Awning
Location: 804 1/2 E. Main Street
Petitioner: Faller Custom Builders, LLC


 Subject Property

Prepared 06/09/2014 by Community Development Services Department

Exhibit B: Existing Zoning Map

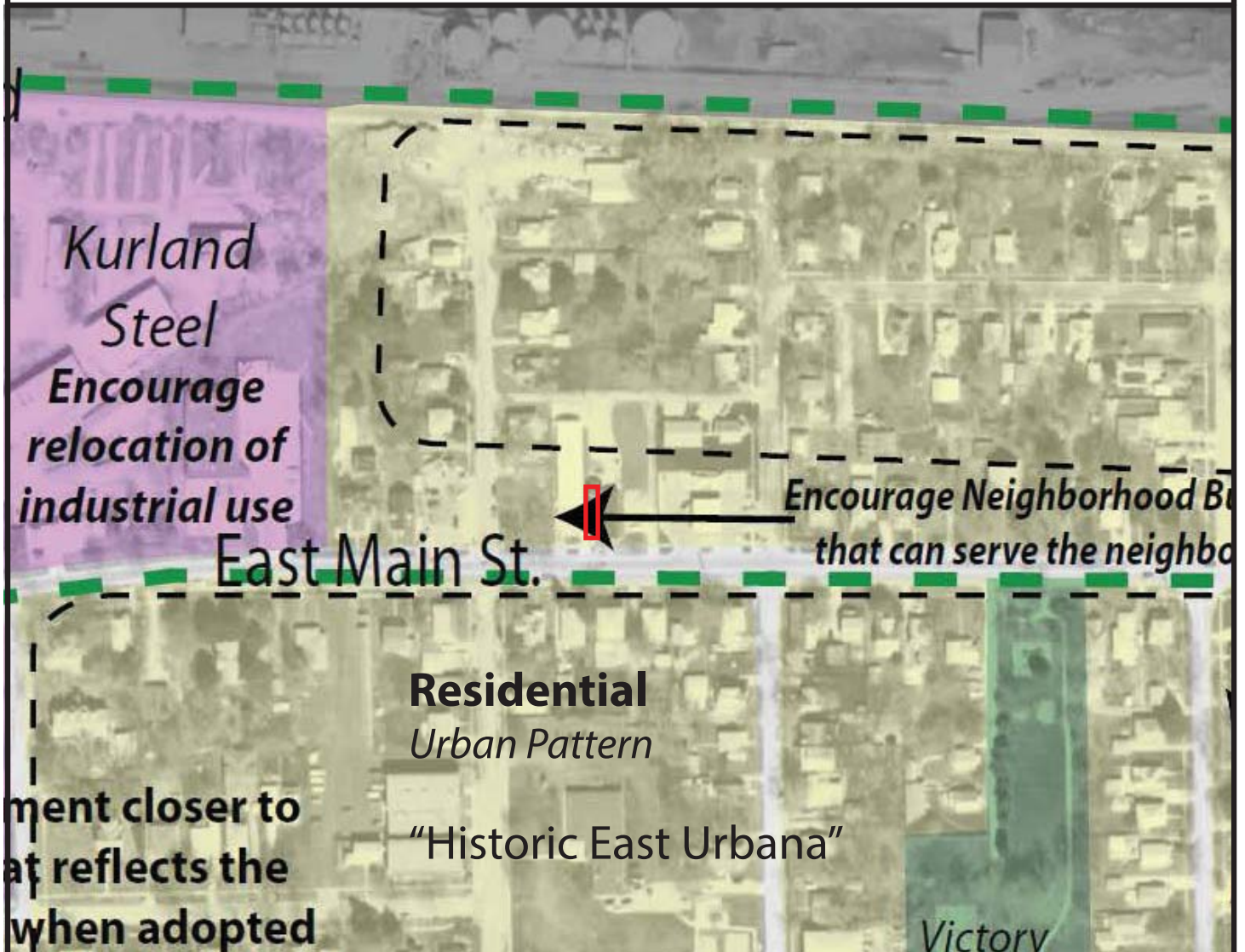


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 Subject Property

Prepared 06/09/2014 by Community Development Services Department

Exhibit C: Future Land Use Map



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 Subject Property

Prepared 06/09/2014 by Community Development Services Department



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 05-16-2014 ZBA Case No. ZBA-2014-MAJ-02
Fee Paid - Check No. _____ Amount _____ Date _____

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)* A shade awning on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Faller Custom Builders Phone: 217-235-2662
Address (street/city/state/zip code): 609 N19 Mattson IL 61238
Email Address: fallercustombuilders@consolidated.net
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contractor

2. OWNER INFORMATION

Name of Owner(s): Daniel Kiss Phone: 773-319-6410
Address (street/city/state/zip code): 3950 N. Lakeshore Dr. Apt 232A Chicago, IL 60613
Email Address: Danube3125@yahoo.com
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: 804 1/2 E. Main Urbana I.L.
PIN # of Location: 91-21-09-353-015
Lot Size: _____

Current Zoning Designation:

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

Proposed Land Use:

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): _____ **Phone:** _____

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

Email Address: _____

Name of Engineers(s): *Urban building inspector* **Phone:** _____

Address (*street/city/state/zip code*): *have all information*

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.

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).

While applying for an awning permit we were informed we had to apply for a zoning variance

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

It is only a shade awning and will add asthetic value to the building.

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

The adjacent property already has a fixed shade product that projects further than the one we are intending to install.

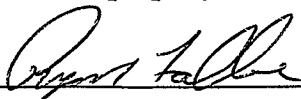
Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

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.

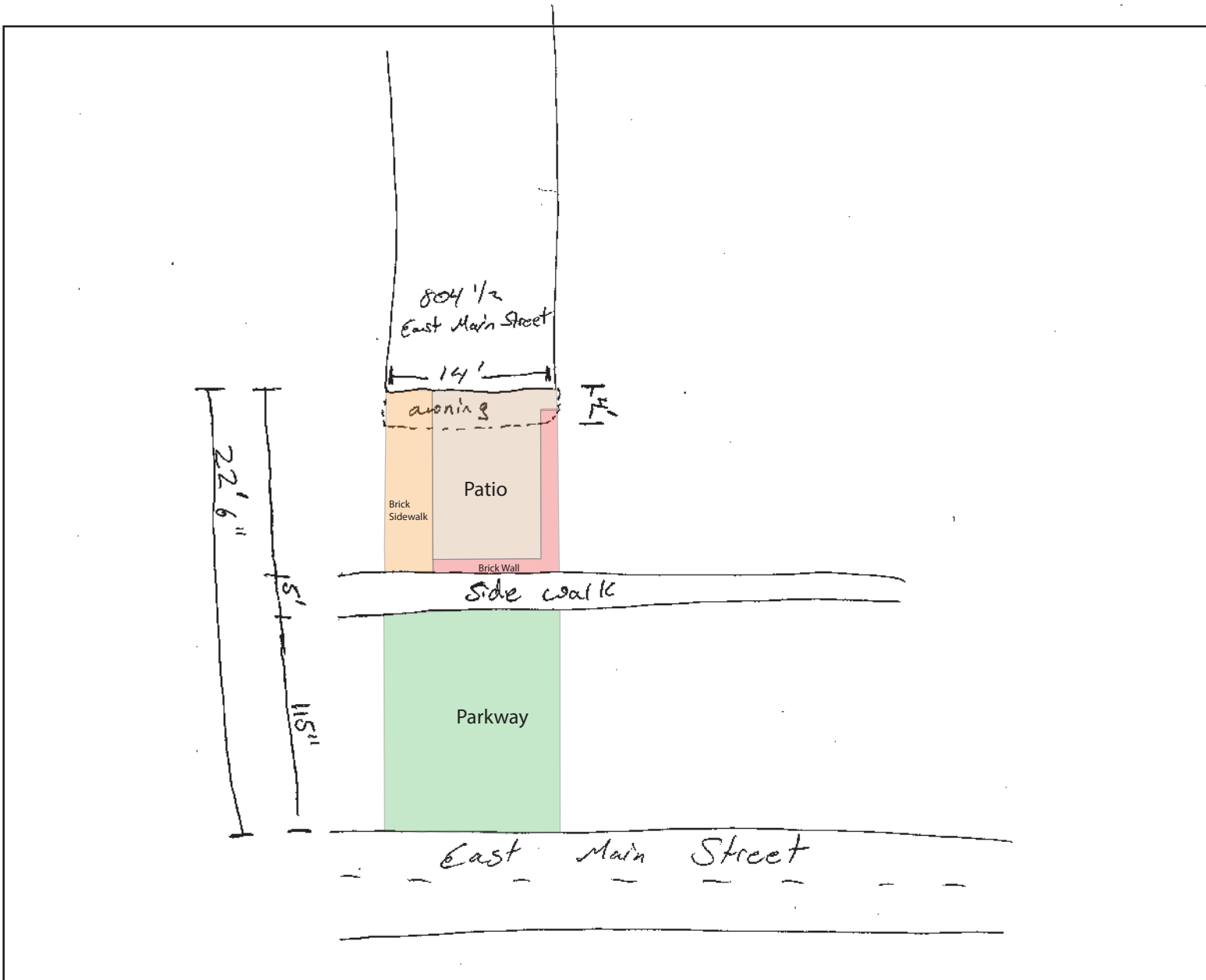

Applicant's Signature

5/5/14
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

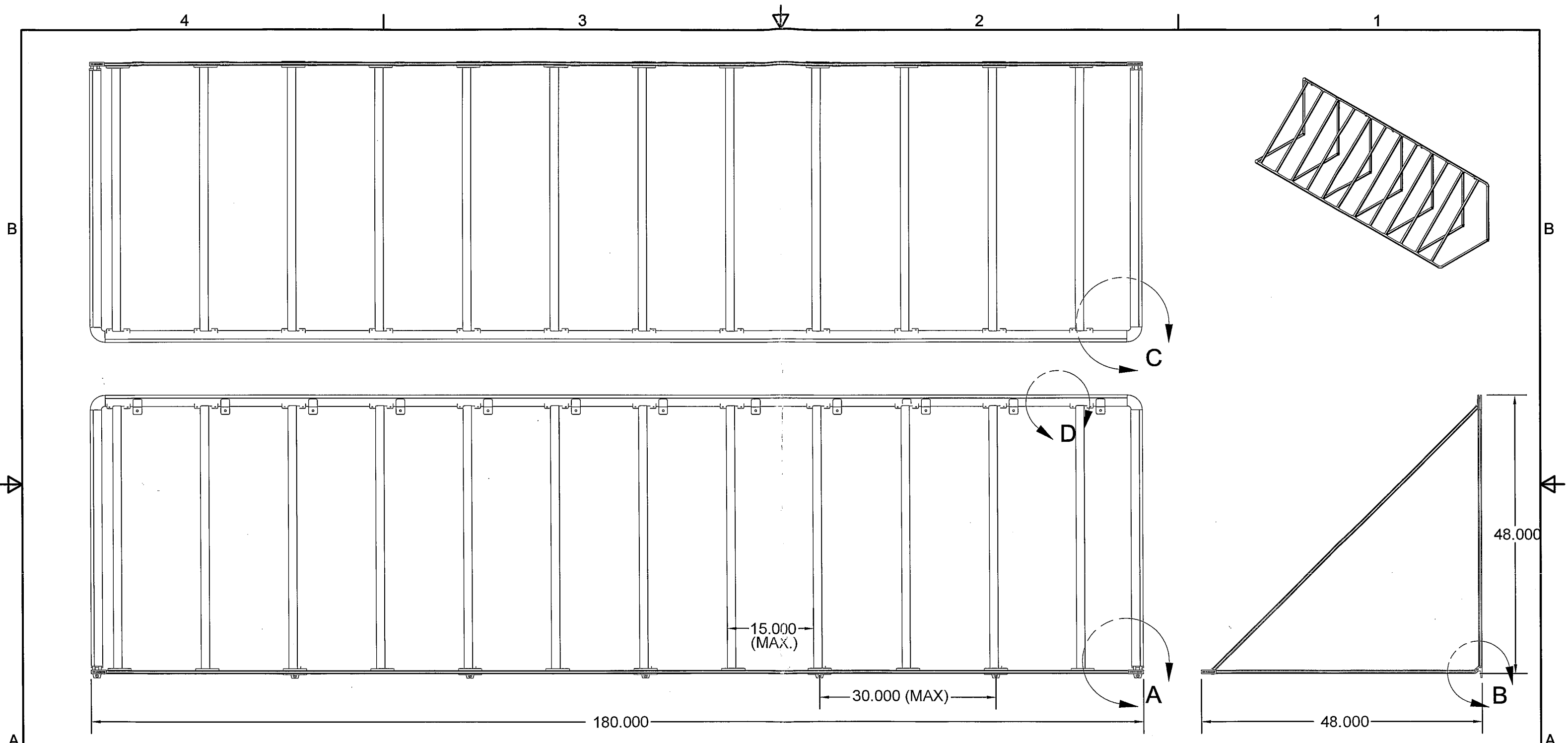
City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Petitioner's Site Plan for Proposed Shade Awning at 804 1/2 E. Main Street



Provided by Petitioner with Application, Modified by
Community Development Services Department
06/13/2004





NOTES:

1. Awning Rail calculations assume aluminum is 6061-T6.
2. Design Loads per International Building Code (IBC) 2009
Dead Load=1 psf
Ground Snow Load= 20 psf, Wind Load=90 mph
3. Connections per CBM Instructions.
4. Contractor to inspect all existing conditions and as necessary repair and/or replace all materials as required to render them structurally sound and complete.

5. Where necessary, provide barrier membrane to protect aluminum from concrete, wood treatments and other materials from galvanic action.
6. Where necessary, contractor to use fasteners that resist corrosion.
7. Masonry / CMU Block to be solid grouted at all awning attachments.
8. Spacing of Cast Aluminum Bottom Mounts and associated rails to be @ 30" o.c. (Max.)

DRAWN BY:	JAH	2/24/2014
ENG APPROVAL		
MFG APPROVAL		

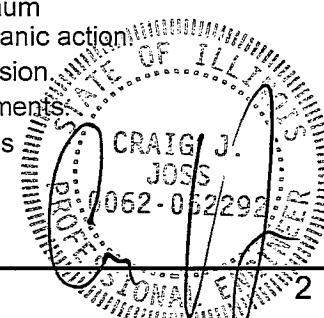
CraftBilt Manufacturing Co.

DESCRIPTION
**FIXED FRAME BASKET
AWNING**

This drawing is the property of the CraftBilt Manufacturing Company and may not be used, altered, or duplicated without prior authorization.

SIZE	DWG (PART) NO.	REV
B	N/A	
SCALE	PRODUCT FAMILY (SUBJECT)	
	AWNING	

SHEET 1 OF 2



4/24/14

4

3

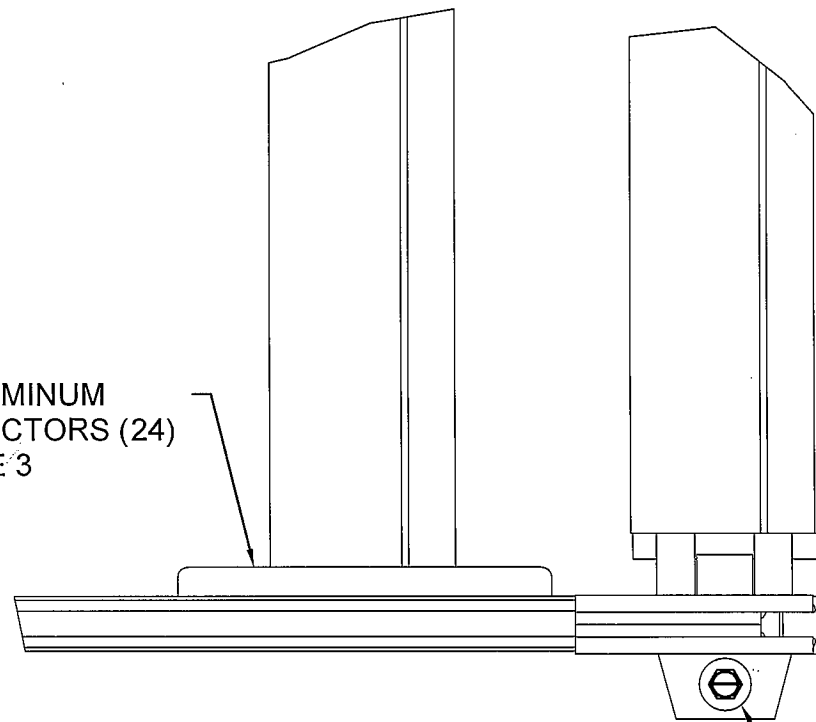
2

1

B

B

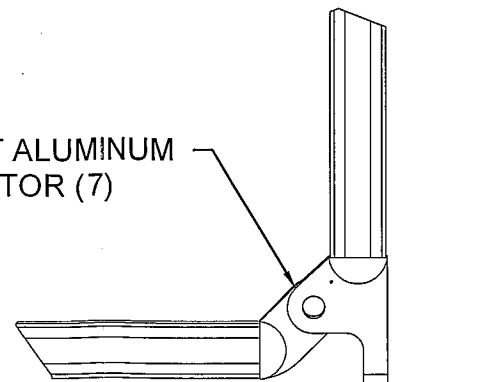
CAST ALUMINUM 'T' CONNECTORS (24) SEE NOTE 3



DETAIL A

0.255" DIA. HOLE CAST ALUMINUM BOTTOM MOUNT (7)

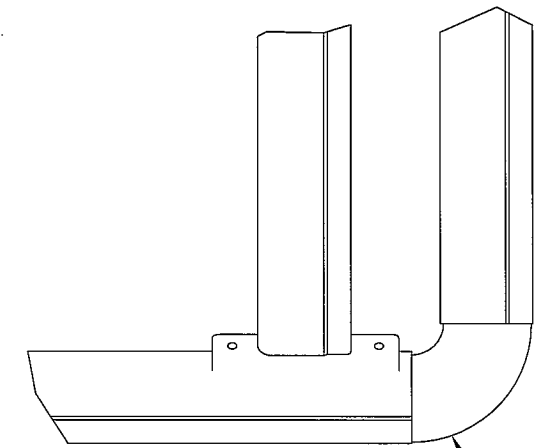
TWO PIECE CAST ALUMINUM HINGED CONNECTOR (7)



DETAIL B

FASTENERS SEE NOTE 1

CAST ALUMINUM BOTTOM MOUNT @ 30" o.c. (MAX.)



DETAIL C

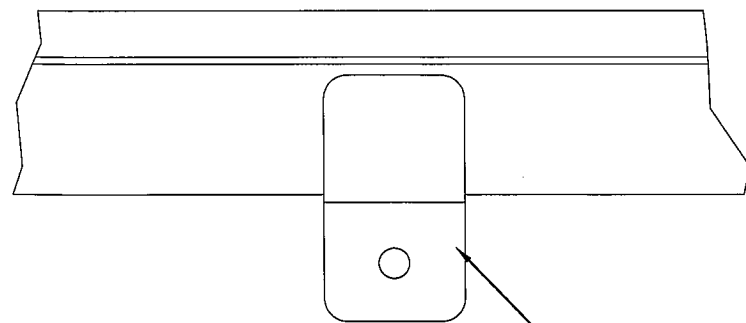
CAST ALUMINUM CORNERS (4)

B

B

A

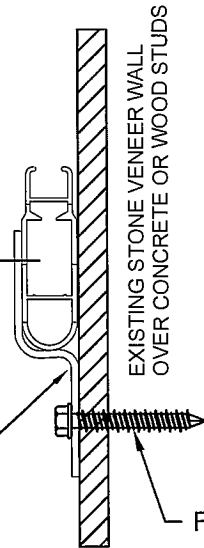
A



DETAIL D

STEEL UPPER MOUNTS (12 MIN.) SPACE @ 15" o.c. (CONCRETE); @ 16" o.c. (WOOD) USE FASTENERS AS SPECIFIED IN NOTE 1

RIVET, SEE NOTE 2



FASTENERS SPECIFIED IN NOTE 1

NOTES:

1. FASTENERS INTO CONCRETE: 1/4"x4" SHW4-400 TAPCON (or Equivalent), 2.5" MIN. EMBEDMENT. INSTALL PER MANUF. INSTRUCTIONS INTO CONCRETE OR CMU GROUDED SOLID (TYPICAL). FASTENERS INTO WOOD: USE 5/16" DIA. LAG SCREW (or Equivalent) & WASHER, 3" MINIMUM EMBEDMENT @ 16" o.c. (TYPICAL).
2. 5/32" SS BLIND RIVET w/ 0.188 - 0.250" GRIP RANGE FOR CONNECTIONS OTHER THAN 'T' CONNECTORS (1) PER SIDE
3. (2) 3/16" SS BLIND RIVETS w/ 0.500" GRIP RANGE, TYPICAL @ EACH CONNECTOR.

DRAWN BY:	2/24/2014
JAH	
ENG APPROVAL	
MFG APPROVAL	

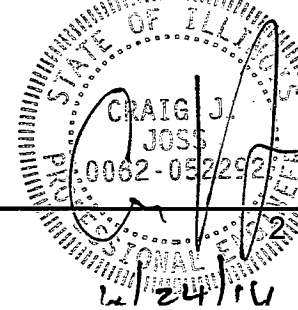
CraftBilt Manufacturing Co.

DESCRIPTION
**FIXED FRAME BASKET
AWNING PARTS**

This drawing is the property of the CraftBilt Manufacturing Company and may not be used, altered, or duplicated without prior authorization.

SIZE	DWG (PART) NO.	REV
B	MULTIPLE	
SCALE	PRODUCT FAMILY (SUBJECT)	
NTS	AWNING	

SHEET 2 OF 2





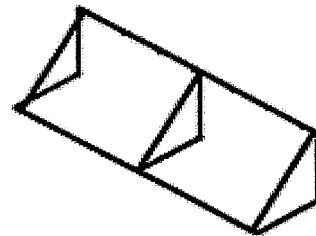
Tube Strut in Axial Compression

Design Basis

Design Code: Aluminum Design Manual 2010
Sections: F.3, F.8
Design Table: Part VI - Table 2-19 - 6061-T6

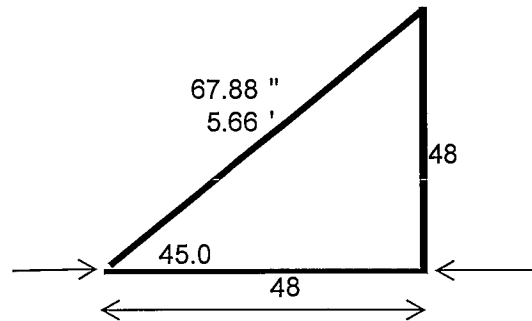
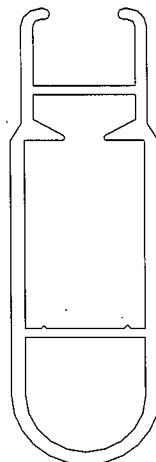
Application:

Member: Tube Strut in Axial Compression
Alloy: 6061-T6 Extrusions
Shape: Closed Section
Load Type: Axial
Structure Type: Building
Column Length: 4.00 ft
Supports: Pinned
Bracing: Laterally Unsupported
Allow Defln: L / 240



Profile:

CBM Part Number not assigned
Vendor Part Number not assigned
RISA File Name: Fabric Awning Rail.nmsx
CAD File Name: 74EXMP01.dwg



1.

Material Properties:

$F_{ty} =$	35	ksi	Tensile Yield Strength	Part VI - Table 2-20
$F_{cy} =$	35	ksi	Compressive Yield Strength	Part VI - Table 2-20
$F_{tu} =$	38	ksi	Tensile Ultimate Strength	Part VI - Table 2-20
$E =$	10,100	ksi	Compressive Modulus of Elasticity	Part VI - Table 2-20
$k_t =$	1	ksi	Tension Coefficient	Part VI - Table 2-20
$G =$	3,788	ksi	Shear Modulus of Elasticity	Part I - Table A.3.1
$\alpha =$	1.30E-05	/°F	Coeff of Thermal Expansion	Part I - Table A.3.1
$\gamma =$	0.1	lb/in ³	Density of Aluminum	Part I - Table A.3.1
$F_{sy} =$	21	ksi	Shear Yield Strength (0.6 F_{ty})	Part I - Table A.3.1




Exhibit E: Proposed Site Plan



E. Main St.



Case: 2014-ZBA-MAJ-02
Subject: Application for Major Variance to Allow Awning
Location: 804 1/2 E. Main Street
Petitioner: Faller Custom Builders, LLC

 Proposed Awning Footprint

Prepared 06/09/2014 by Community Development Services Department

Exhibit F: Site Photos



