

ORDINANCE NO. 2012-04-036

**AN ORDINANCE APPROVING MAJOR VARIANCES**

(Encroachment of a building wall and accessory parking into a required side yard in the City's B-3U, General Business - University District, at 1003 W. Main Street / ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Advantage Properties has submitted a petition for two major variances to allow a building wall and accessory parking to encroach up to 3 feet 6 inches into a required 5 foot side yard setback at 1003 W. Main Street B3-U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on March 28, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Advantage Properties is applying for variances to allow a 9-foot tall, fire-rated masonry wall and accessory parking lot to encroach up to 3 feet 6 inches into a required minimum 5-foot side yard at 1003 W Main Street.
2. The property is zoned B-3U, General Business -University District.
3. The property is located in the north campus area and within walking distance of the University of Illinois' engineering campus. The Urbana Comprehensive Plan identifies the future land use as "Campus Mixed-Use".
4. Table VIII-2 of the Urbana Zoning Ordinance requires a minimum parking module width of 58 feet 6 inches when installing 90 degree parking, Table VI-3 requires a minimum five-foot side yard setback for building walls, and Section VIII-4.F of the Urbana Zoning Ordinance prohibits parking in required yards in B-3U zoning districts.
5. The proposed variance from Table VI-3 of the Urbana Zoning Ordinance, to allow a wall to encroach 3 feet 6 inches into a required 5-foot side yard setback, is necessary to comply with the parking lot width requirements of Table VIII-2 of the Urbana Zoning Ordinance, as well as an International Building Code requirement to construct a fire-rated wall to separate parking underneath a building and adjoining buildings.
6. The proposed variance from Section VIII-4.F of the Urbana Zoning Ordinance is to allow an accessory parking lot to encroach up to 3 feet 6 inches into a side yard setback, as required by Table VI-3 of the Urbana Zoning Ordinance.
7. The lot width of 66 feet 4½ inches is a practical difficulty in carrying out the strict application of the zoning ordinance because the parking and setback standards mandate a minimum of 68 feet 8 inches for minimum compliance.
8. The proposed variances are necessary due to special circumstances of the property being the lot width in relation to the minimum development requirements for zoning and building codes. Purchase of additional land

from neighboring properties was not possible because they are fully constructed to minimum setbacks.

9. The need for the proposed variances was not created by the petitioner, given the existing lot width verses minimum zoning standards.
10. The proposed variances will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties. The property adjoining the encroachment is also owned by the applicant and used as an apartment building of similar height, scale, and setbacks. The proposed 9-foot tall masonry wall will screen the parking encroachment from the street and neighboring property to the west. Although a ground floor fire wall will encroach into the required 5-foot side yard, the second and third storey side wall will comply with the setback requirement.
11. The proposed variances represent the minimum possible from Zoning Ordinance requirements. Although a ground floor fire wall will encroach into the required 5-foot side yard, the second and third storey side wall will comply with the setback requirement. The proposed 18 inch masonry wall setback from the west property line would leave no more than a half an inch to spare for the remainder of the project to comply with other zoning and building code requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03, the two major variances requested by Advantage Properties are hereby approved in the manner proposed in the application and subject to the following conditions:

1. That construction closely conform to the attached site plan.

The major variances described above shall only apply to the property located at 1003 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 in Block 48 in the Seminary Addition to Urbana, being a part of the Southeast Quarter of the Southeast Quarter of Section 7 in Township 19 North, Range 9 East of the 3<sup>rd</sup> P.M. in Champaign County, Illinois.

Parcel Identification Number: 91-21-07-482-006

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

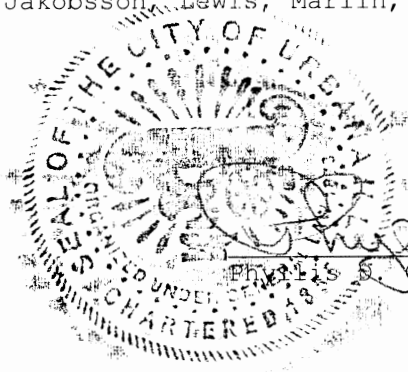
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of April, 2012

PASSED by the City Council on this 2nd day of April, 2012.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:

 *Phillip S. Clark*  
Phillip S. Clark, City Clerk

APPROVED by the Mayor this 4th day of April, 2012.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 2nd day of April, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2012-04-036, entitled AN ORDINANCE APPROVING MAJOR VARIANCES (Encroachment of a building wall and accessory parking into a required side yard in the City's B-3U, General Business - University District, at 1003 W. Main Street / ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. 2012-04-036 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 11th day of April, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

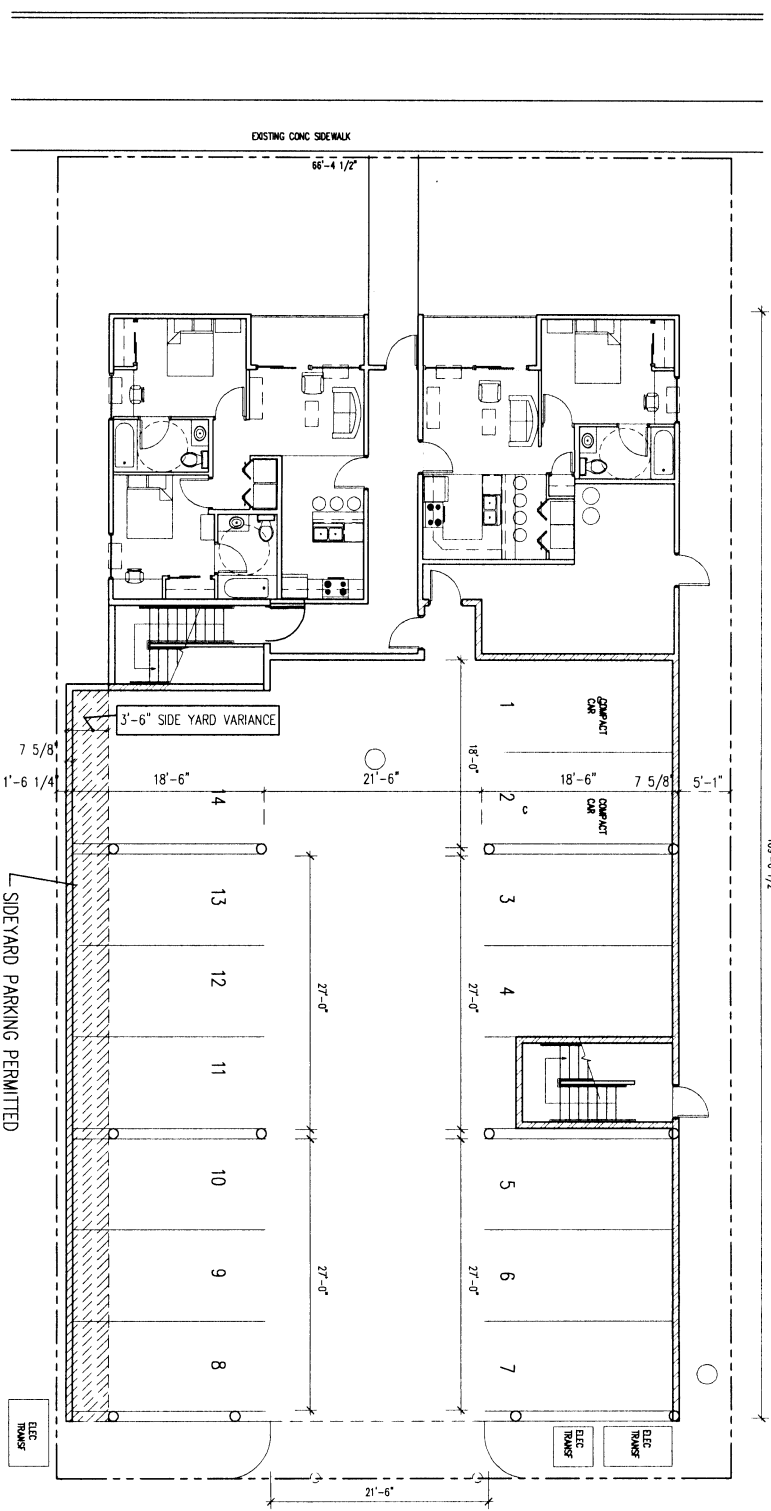
DATED at Urbana, Illinois, this 11th day of April, 2012.



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*by [Signature]*  
Deputy Clerk

01242012-04-036

WEST MAIN STREET



FIRST FLOOR PLAN - SHOWING PARKING & SIDEYARD USAGE  
SCALE 3/8" = 1'-0"

3'-6" SIDE YARD VARIANCE  
SIDEYARD PARKING PERMITTED  
VIII-4, F.4

PUBLIC ALLEY

PK.1.1

No.	Date	Revisions:
1	05/10/12	CITY REVIEW COMMENTS
2	07/17/12	CITY REVIEW COMMENTS
3	07/24/12	ZONING VARIANCE SUBMISSION

This design and specifications are the property of MSA and shall not be used for any other project without the written consent of MSA.

**WAKELAND APARTMENTS**  
**NEW CONSTRUCTION**  
 1003 W MAIN STREET  
 URBANA, IL

**MSA**  
 PROFESSIONAL SERVICES  
 TRANSFORMATION • MUNICIPAL DEVELOPMENT • ENVIRONMENTAL  
 201 W. Springfield Ave., Champaign, IL 61820  
 217-242-8774 Fax: 217-242-8776  
 Web Address: www.msa-ps.com  
 Q • A • S • E • R • V • I • C • E • S

Architectural Services



# Application for Variance

# Zoning Board Of Appeals

APPLICATION FEE – \$175.00 (Major) and \$125.00 (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 02-22-2012 ZBA Case No. ZBA-2012-MAJ-03  
ZBA-2012-MAJ-02  
Fee Paid - Check No. 1137 Amount \$175.00 Date 02-22-2012

### 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) 3 1/2 FOOT EXTENSION ALONG PARKING AREA ON WEST SIDE on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): ADVANTAGE PROPERTIES Phone: 217-344-0394  
Address (street/city/state/zip code): HOWARD WAKELAND  
406 N. LINCOLN - SUITE #2  
Email Address: ADVANTAGE PROPERTIES.COM  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

#### 2. OWNER INFORMATION

Name of Owner(s): HOWARD WAKELAND Phone: 217-367-8606  
Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL 61802  
Email Address: HOWARD@ADVPROPERTIES.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: 1003 W MAIN, URBANA.  
PIN # of Location: 91-21-07-482-006  
Lot Size: 66x132

Current Zoning Designation:

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

Proposed Land Use: 14 UNIT APARTMENT BLDG

Legal Description: SEE PIN NUMBER

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4. CONSULTANT INFORMATION

Name of Architect(s): RUSSELL DANKERT

Phone: 217-359-4283

Address (street/city/state/zip code): 201 W SPRINGFIELD, CHAMPAIGN, IL, 61820

Email Address: WWW.MSA.PS.COM

Name of Engineers(s): WAKELAND CONSTRUCTION

Phone: 217-344-0394

Address (street/city/state/zip code): 406 N LINCOLN

Email Address: WWW.ADVPROPERTIES.COM

Name of Surveyor(s): REX BRADFELD

Phone: 217-394-7799

Address (street/city/state/zip code): 2101 POND, URBANA

Email Address:

Name of Professional Site Planner(s): \_\_\_\_\_

Phone:

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

Email Address:

Name of Attorney(s):

JENNY PARK

Phone: 217-552-1800

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

Email Address: WWW.CAPELMEYER.COM.

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.

WE ARE BUILDING A 14 UNIT APT BLDG. & NEED 14 PARKING SPACES AS REQUIRED BY CODE. THE 3 1/2 FOOT EXTENSION ALONG THE WEST SIDE OF PARKING LOT WOULD ALLOW US TO DO SO.

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.

THE BLDG IS 56'-3" WIDE. 59'-6" IS NEEDED TO ACCOMMODATE 14 CAR PARKING LOT.

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

IT HAS BEEN COMMON PRACTICE TO BUILD 5'-6" PARKING  
LOTS IN THIS B3U ZONED AREA WITHOUT DISADVANTAGING LOTS  
LOCATED ADJACENT

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

WE OWN THE PROPERTY NEXT DOOR, WITH A FENCE NEAR THE  
LOT LINE APPROX 5' HIGH IT WILL BE NEARLY HIDDEN FROM  
ADJACENT PROPERTY

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

DRAINAGE IS DESIGNED TO TAKE WATER FROM NEXT DOOR & PLACING  
IT INTO SWAM WINTER DRAINS ON THIS LOT. IT WILL IMPROVE  
NEXT LOT DRAINAGE - NO NUISANCE WILL BE CAUSED

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

YES. THIS IS A SIDE YARD TOWARD THE REAR END OF  
THE LOT IT WILL NOT CHANGE APPEARANCE OR FRONT  
OF THE LOT

**NOTE:** If additional space is needed to accurately answer any question, please attach extra pages to the application. SEE ADDITIONAL LETTER.

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.

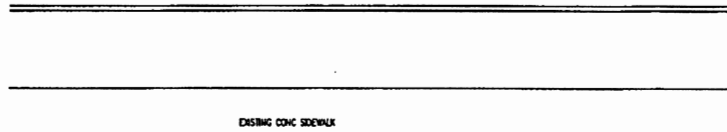
#### CERTIFICATION BY THE APPLICANT

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.

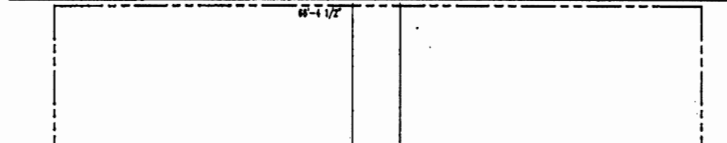
Howard W. [Signature]  
Applicant's Signature

2/21/12  
Date

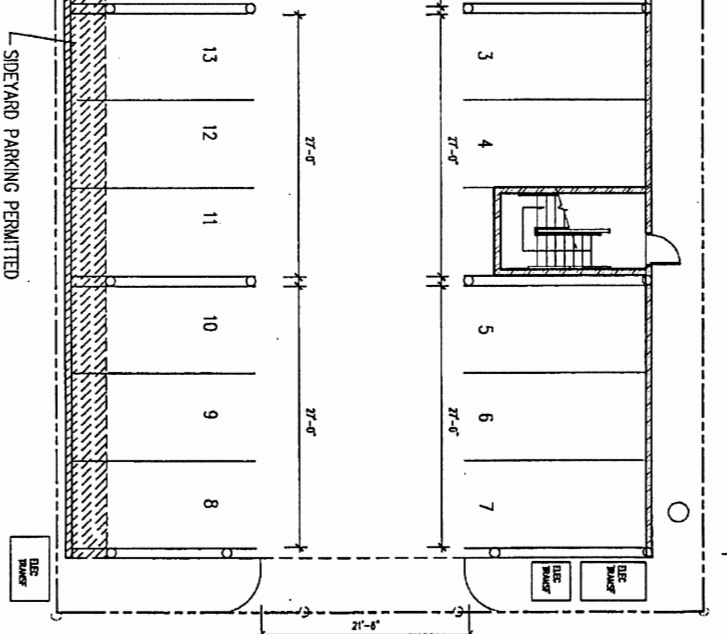
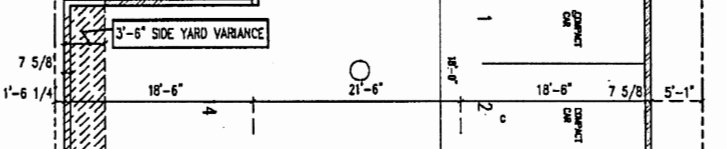
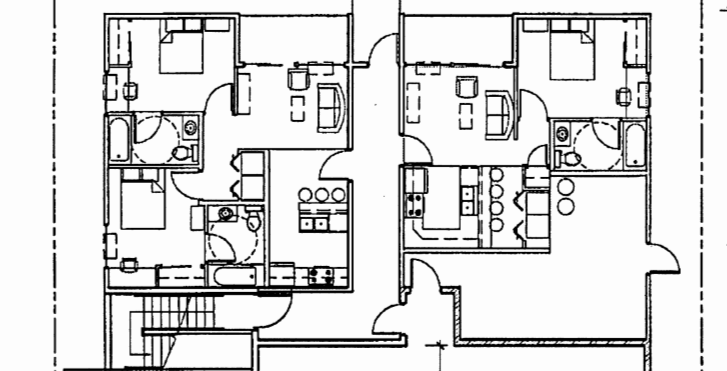
WEST MAIN STREET



EXISTING CONC SIDEWALK



FIRST FLOOR PLAN - SHOWING PARKING & SIDEYARD USAGE  
SCALE 1/8" = 1'-0"



PUBLIC ALLEY

**WAKELAND APARTMENTS**  
NEW CONSTRUCTION

1000 W MAIN STREET  
URBANA, IL

**MSA**

PROFESSIONAL SERVICES

TELECOMMUNICATIONS • RESEARCH  
DEVELOPMENT • ENVIRONMENTAL  
301 E. BRIDGEMAN DRIVE, CHAMPAIGN, IL 61820  
317.235.4775 FAX 317.235.0252  
THE CHAMPAIGN OFFICE  
O & P BUILDING, SUITE 101

Architectural Services

No.	Date	Revisions
1	11.15.12	REVISED PER COMMENTS
2	11.15.12	REVISED PER COMMENTS
3	11.15.12	REVISED PER COMMENTS
4	11.15.12	REVISED PER COMMENTS
5	11.15.12	REVISED PER COMMENTS
6	11.15.12	REVISED PER COMMENTS
7	11.15.12	REVISED PER COMMENTS
8	11.15.12	REVISED PER COMMENTS
9	11.15.12	REVISED PER COMMENTS
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28	11.15.12	REVISED PER COMMENTS
29	11.15.12	REVISED PER COMMENTS
30	11.15.12	REVISED PER COMMENTS

Client	Wakeland
Architect	MSA
Date	11.15.12
Proj. No.	13300000
Sheet	PK.1.1

ADVANTAGE PROPERETIES . C-U, LLC  
406 N. LINCOLN Phone 217-344-0394  
URBANA, IL. 61801 Fax 217-337-0804

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TO: Paul Armstrong, 2/17/12  
Chairman of the Urbana Zoning Appeals Board  
2022 Burlison, Urbana, 61801

From: Howard Wakeland

Re: Variance of 3 1/2 foot along west side of the parking lot at 1003 W. Main a property located in the B3U zoned area in West Urbana

We - Advantage Properties - are building a new apartment building at 1003 W Main in Urbana. In the early planning a parking lot was shown on blueprints extending beyond the allowable building line by code.

As builders we placed our guidance on the Building Inspectors and believed they were in charge of granting permission for such an approval. In January the extent of the parking lot was removed from blueprints that followed. It was well into February that we were informed that this issue needed to be approved by the Urbana Zoning Appeals Board.

We are now seeking a variance of 3 1/2 foot on the west side of the parking lot as originally designed. (See blueprints provided). This came to our attention as we were finalizing the first floor parking area.

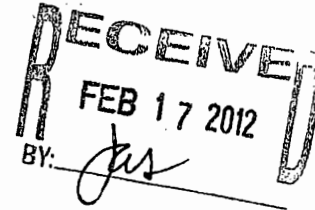
Please note that this specific area borders a property which we presently own. We will be surprised if any one objects to our request as it does not affect anyone else. We will construct any wall or separation the Building Inspectors may require. Copies of earlier blueprints are attached which we were following and making changes needed as we proceeded. You will note the parking extension was first shown on the east side of the building. The Architects changed it to the west side to relieve any neighborhood concern.

Our usual campus construction schedule starts in September which we followed. Then we rent the apartments scheduling them to be finished by August for fall rentals. We need to keep on schedule.

We are hopeful for a favorable decision on the part of the Zoning Appeals Board in it's next meeting on March 23, 2012. If allowed we will be able to stay on schedule in 2012.

Cc: Robert Myers, Community Planning

February 17, 2012



John Schneider  
Steve Cochrane  
City of Urbana  
400 S. Vine  
Urbana, IL 61801

Dear Mr. Schneider and Steve Cochrane,

Thank you for meeting with me this morning regarding the construction project located at 1003 W. Main, Urbana. As we discussed, there is a possibility of locating all 14 parking spaces at the building site with the acquisition of a variance. Should this variance not be attainable, as an alternate plan, we pledge that we will commit the property at 207 N. Gregory, Urbana, to the project to be used as additional parking if necessary. We would greatly appreciate any assistance that you or the City of Urbana could provide in helping us acquire the needed variance.

Once again, thank you very much for working with us on this endeavor.

Sincerely,

  
Craig Wakeland

RECEIVED JAN 20 2012

To: Steve Cochran  
City of Urbana Building Inspector

1/17/12

From: Howard Wakeland

Re: Parking spaces required for 1003 W Main, Urbana

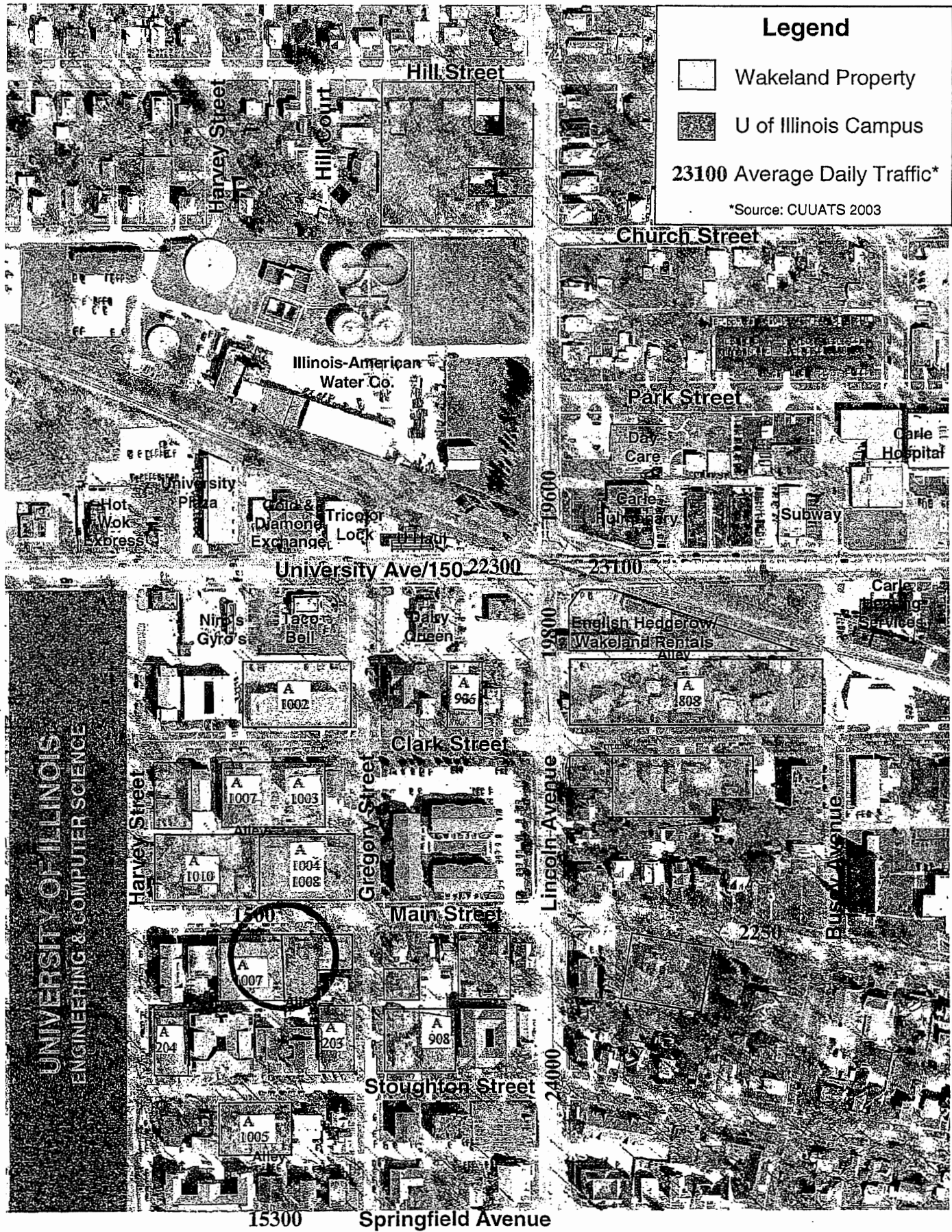
Enclosed are two maps both showing the area of the city in which 1003 W Main is located.

We will use 905 W Main for any overflow spaces we need for the occupants of 1003 W Main. We can accommodate up to 8 to 10 spaces there if needed. We have other locations which we could use but prefer to use 905.

My calculations for distance to the additional lot are –

Width of 205/207 N Gregory lots	66 ft
Width of 807 W Main	66 ft
Width of 809 W Main	66 ft
Width of N Gregory Street	66 ft
Total distance	264 ft

I believe this should meet any additional space we may need



**Legend**

- Wakeland Property
- U of Illinois Campus

**23100 Average Daily Traffic\***

\*Source: CUUATS 2003

UNIVERSITY OF ILLINOIS  
ENGINEERING & COMPUTER SCIENCE

15300 Springfield Avenue

## Wakeland Properties

Lincoln and University Avenue/U of Illinois East Engineering Campus



# EXHIBIT A: Location & Existing Land Use Map

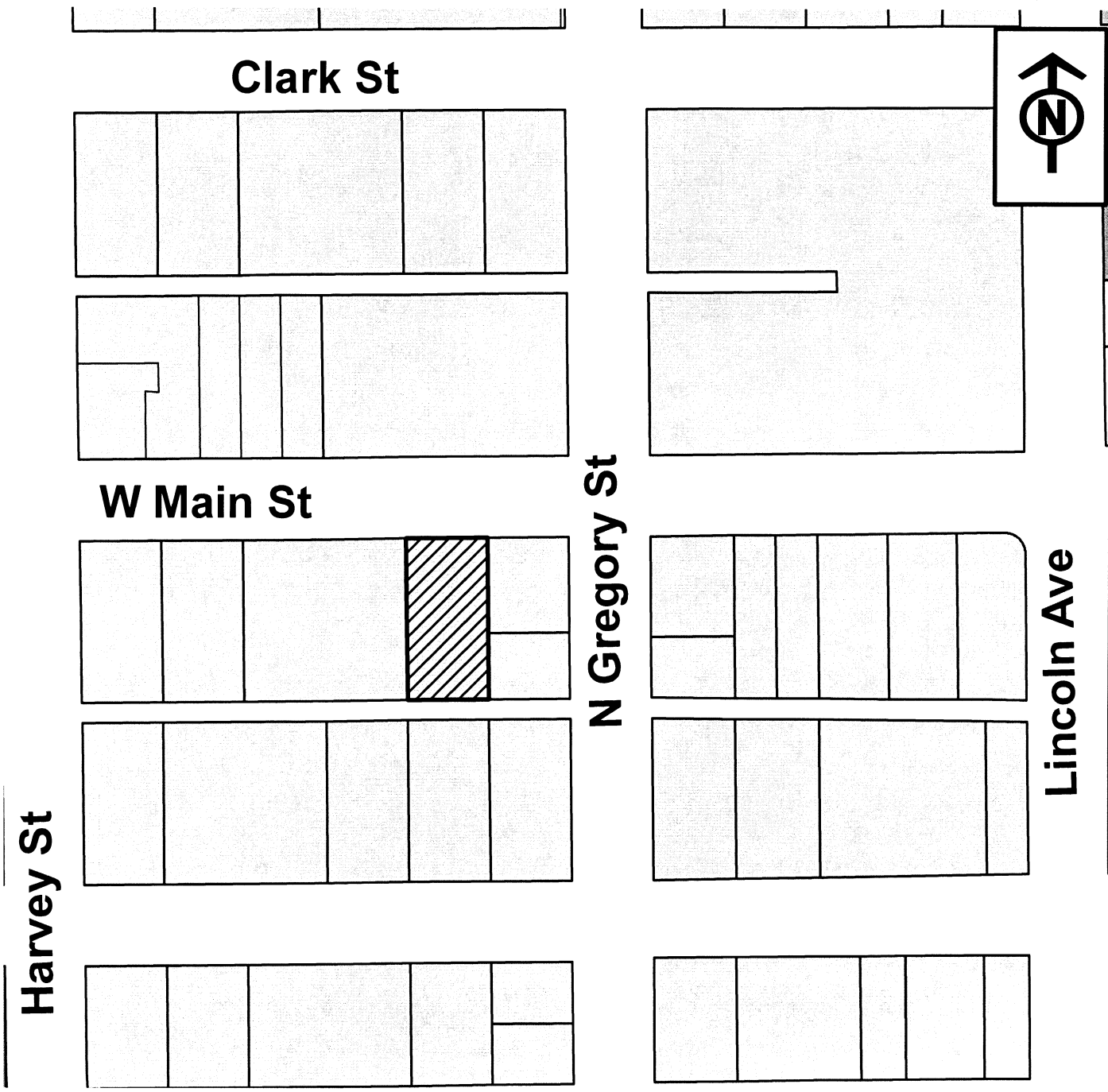


Case: ZBA-2012-MAJ-02 & 03  
Subject: Request for Major Variance  
for Parking & Wall in Required Yard  
Location: 1003 W Main St, Urbana  
Petitioner: Advantage Properties

 Subject Property

*Prepared 03/2012 by Community Development Services - jme*

# EXHIBIT B: Zoning Map

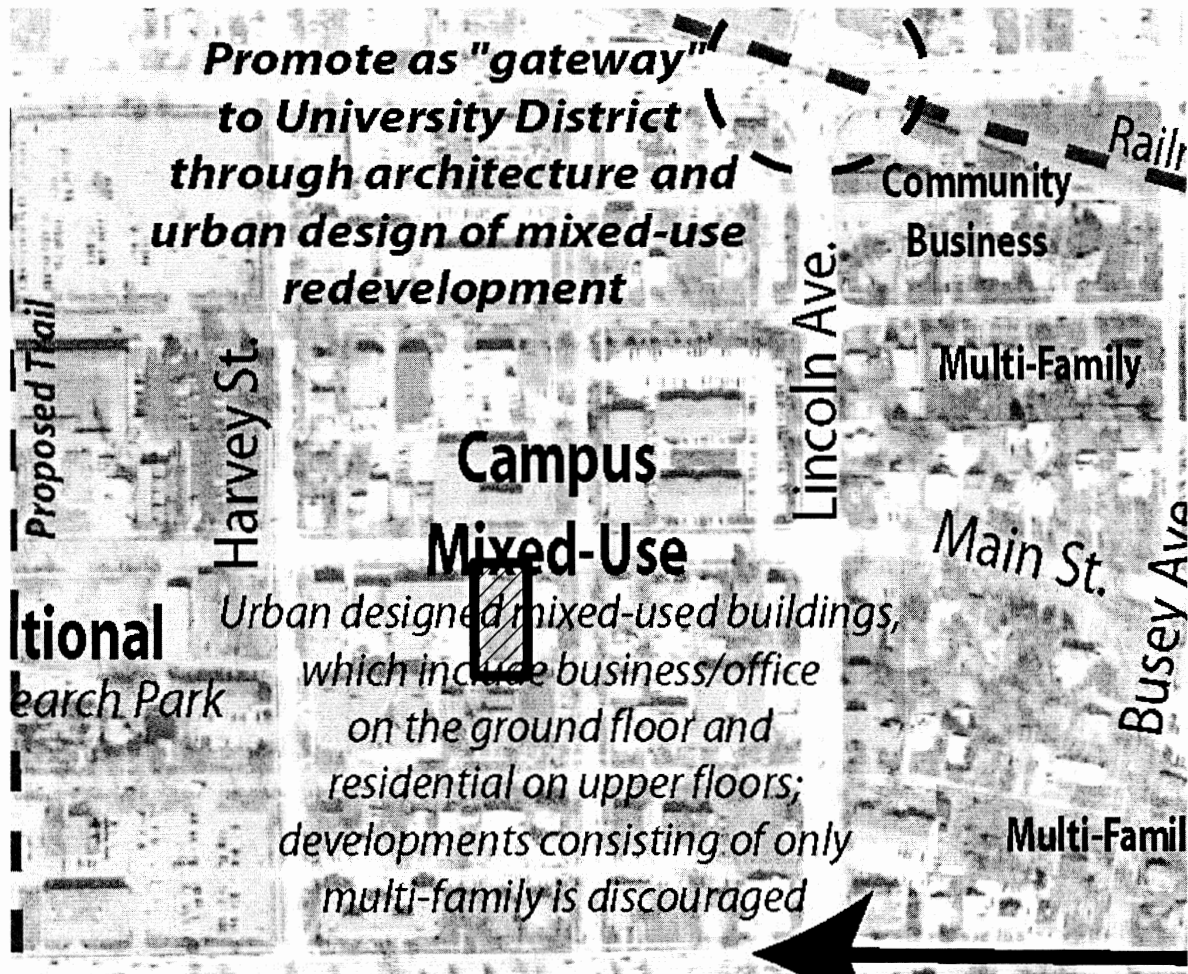


Case: ZBA-2012-MAJ-02 & 03  
 Subject: Request for Major Variance  
 for Parking & Wall in Required Yard  
 Location: 1003 W Main St, Urbana  
 Petitioner: Advantage Properties

 Subject Property  
 B3U



# Exhibit C: Future Land Use Map



Case: ZBA-2012-MAJ-02 & 03  
 Subject: Request for Major Variance for Parking & Wall in Required Yard  
 Location: 1003 W Main St, Urbana  
 Petitioner: Advantage Properties

 Subject Property