



**CITY OF URBANA
ZONING BOARD OF APPEALS
REGULAR MEETING**

DATE: Wednesday, September 18, 2024
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

A. Roll Call and Declaration of Quorum

B. Changes to the Agenda

C. Approval of Minutes

[Minutes](#) from the June 26, 2024 Regular Meeting

D. Written Communications

E. Continued Public Hearings

F. New Public Hearings

[ZBA-2024-MAJ-01](#): A request by Brant Muncaster, on behalf of Gary Luth dba Illinois Farmhouse Alumni Association, for a Major Variance to increase the maximum Floor Area Ratio from 0.50 to 0.73 at 809 West Pennsylvania Avenue in the R-7 (University Residential) Zoning District.

G. Old Business

H. New Business

I. Audience Participation

J. Staff Report

K. Study Session

L. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Email Input

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: Planning@urbanaininois.us. The subject line of the email must include the words "ZONING BOARD OF APPEALS - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Public Hearing

Any person desiring to appear at the public hearing and present testimony may speak during each public hearing at the time they appear on the agenda. This shall not count towards regular Public Input for the meeting. The Public Hearing is an opportunity for comments and questions to be addressed specific to each case. Board or Commission members are permitted to respond and engage during this time and/or the Chairperson may direct the applicant to respond during rebuttal. Comments unrelated to any of the public hearings listed on an agenda should be shared during the Public Input portion of the meeting where Verbal Input guidelines shall apply.

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under “Verbal Input”. Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker’s microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City at least 48 hours in advance using one of the following methods:

Phone: 217.384.2455

Email: hro@urbanaillinois.us

Watching the Meeting via Streaming Services

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaillinois.us/uptv>.

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: June 26, 2024

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

MEMBERS ATTENDING: Joanne Chester, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT: Matt Cho, Ashlee McLaughlin, Harvey Welch

STAFF PRESENT: Marcus Ricci, Planner II; Teri Anzel, Planning Administrative Assistant II

OTHERS PRESENT: Adrianne Kim, Alejandro Lleras Buetti, Simona Lleras Buetti

A. CALL TO ORDER and ROLL CALL

The meeting was called to order at 7:05 p.m. Roll call was taken and a quorum was declared present.

Mr. Rusch nominated Charles Warmbrunn to serve as Acting Chair in the absence of Harvey Welch. Ms. Uchtmann seconded the motion. The motion passed by unanimous voice vote.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF PREVIOUS MINUTES

Minutes of the February 21, 2024 Regular Meeting

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes of the February 21, 2024 regular meeting as written. Ms. Chester seconded the motion. The motion was approved by unanimous voice vote.

D. WRITTEN COMMUNICATIONS

Email from Joanne Budde regarding how the Zoning Board of Appeals Bylaws addresses abstentions in a vote. Mr. Ricci mentioned that the City's Community Development Services Department staff have been reviewing each of their board and commission's bylaws and looking to make revisions to make them more consistent. This task has been put on hold until the new City Attorney, Matt Roeschley, begins his position with the City.

E. CONTINUED PUBLIC HEARINGS

There were none.

F. NEW PUBLIC HEARINGS

ZBA-2024-MIN-02 – A request by Andrew Fell, on behalf of Alejandro & Simona Lleras Buetti, for a Minor Variance to allow a building addition that would encroach five feet into the required 25-foot front yard at 902 East Main Street in the R-3 (Single-and Two-Family Residential) Zoning District.

NOTE: Acting Chair Warmbrunn reviewed the procedure for a public hearing and swore in members of the audience who wished to speak on a case.

Acting Chair Warmbrunn opened Case No. ZBA-2024-MIN-02. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals by stating facts from the written staff report. He gave a brief history of the proposed site. He noted the land uses and zoning of the subject property and of the surrounding properties. He showed the site plan, photos, the existing floor plan, and concept plan for the proposed site. He talked about more details of the proposed expansion. He read the variance criteria and staff findings of how the proposed expansion would relate to each criterion from the written staff report. He reviewed the notification process for this case. He summarized staff findings, and using an aerial photo, he showed the front yard setback of properties along Main Street and Lynn Street. He noted that City staff had no recommendation for the proposed minor variance and that the applicants and a representative of Andrew Fell Architecture was in the audience.

Acting Chair Warmbrunn asked if any members of the Zoning Board of Appeals had questions for City staff.

Mr. Warmbrunn asked if the applicants had requested the proposed addition prior to the sunroom addition, deck and the pool room additions, would staff have recommended that the applicants construct the proposed addition on the west and/or north sides of the house? Mr. Ricci said that he would have recommended they build on the west or the north side.

Mr. Warmbrunn wondered why the City was punishing the applicants for expanding already to the west and north. Mr. Ricci stated that the Zoning Ordinance allows a porch to encroach into a front yard, but not a house or addition onto a house. An open porch does not give off the feeling that it is looming over someone walking by a house; whereas, walls, windows and doors feel like they are more on top of someone walking by. Ideally it would have been better for the applicants to come to City staff back in 2017 before they built any additions and ask how they should go about all of the expansions they wanted.

Mr. Warmbrunn asked if the Zoning Board of Appeals needed to find that Criterion #1 was met in order to approve the variance request. Mr. Ricci explained that there must be a special circumstance or special practical difficulty in order for the Zoning Board of Appeals to approve the variance request, so if the Board approves the request, he asked that they state what the Board determines the special circumstance or special practical difficulty to be for clarity.

Ms. Uchtmann asked about stairs coming out into the front yard setback from the proposed addition. Mr. Ricci replied by reading the section of the Zoning Ordinance that pertains to access to buildings and outdoor living areas being allowed to encroach into the front yard no more than six inches from the front property line. The Zoning Ordinance also states that the porch stairs may encroach a minimum amount required to bring the rise and the run of the stairs up to current building code standards.

Ms. Chester asked if the proposed variance is a minimum deviation from the Zoning Ordinance requirements. Mr. Ricci said yes. The applicants could have asked for a bigger variance to allow more room in the living area and bathroom area spaces; however, they chose to ask for a minimum variance to keep the additional space on the house limited to the current area of the existing porch. Ms. Chester commented that property owners enclosing porch areas to expand their homes is common because porches were constructed close to the sidewalks back in the day.

With there being no further questions for City staff, Acting Chair Warmbrunn opened the public hearing for public input. He invited the applicants to speak.

Adrienne Kim, of Andrew Fell Architecture, and Alejandro and Simona Lleras Buetti, property owners, approached the Zoning Board of Appeals to speak.

Ms. Kim stated that she would answer any questions directed to her from the Board.

Mr. Lleras Buetti thanked the Zoning Board of Appeals for considering their request for a minor variance. He said that he and his wife were surprised that they need a variance to do their project to build an addition to their house, because many of the other properties on their street encroach closer to the street than their house will. Therefore, their special circumstance is that they did not know a variance was required. In addition, they are trying to make improvements to their small house to accommodate kids from a previous marriage coming to live with them.

Mrs. Lleras Buetti stated that their existing bathroom downstairs is being used as a vestibule to hang coats and keep their shoes. They dream of having a vestibule to store these items so they can use the bathroom as a bathroom and to have a larger living room area where all of the family can sit.

Mr. Lleras Buetti added that the existing floor plan of the house has four doors, one in each direction, in many of the rooms. The floor plan makes so there is a lot of walkways but not much usable space.

With there being no further input from the audience, Acting Chair Warmbrunn closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2024-MIN-02 with the following condition:

1. The Addition follow the narrative outlined in the general variance request of Exhibit D, Application. The new addition may not exceed the floor space of the existing structure by any more than 10%.

Ms. Uchtmann seconded the motion. She asked if the Zoning Board members needed to add any additional reasoning as to why they are voting to approve the proposed variance. Mr. Ricci replied no. He said the motion was sufficient. The reason for approval is that this case has a special practical difficulty because the front yard requirements established decades after the house was constructed and there are no other directions to build since other additions have been made to ensure the house would keep up with modern usage standards. This would not be a special privilege because there are already many non-conforming, closed porches in the neighborhood and the proposed addition would not be substantially different or detract from the character of the neighborhood. He also accepted staff's findings on Criterion 3-6 in the written staff report.

Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Rusch	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Ms. Chester	-	Yes

The motion was approved by unanimous vote of 4-0.

G. OLD BUSINESS

There was none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Ricci reported on the following:

- 312 West Illinois Street (*Case No. ZBA-2023-C-06; -MAJ-03; -MAJ-04 and -MIN-3*) – The construction of a duplex is almost completed.

Mr. Warmbrunn expressed concern and inquired about the status of the challenge of the Zoning Board of Appeal's decision to approve a Conditional Use Permit to allow self-storage facility on High Cross Road. He asked specifically if it was taken to court. Mr. Ricci stated that he is not familiar with the status of this property. Mr. Warmbrunn stated that the Zoning Board of Appeals should be given an update on the status of this property, even if it is as simple as this property is in litigation and cannot be discussed. He read that the Plan Commission has rezoned the property from B-3 (General Business) to B-1 (Neighborhood Business) since the Zoning Board of Appeals approved the Conditional Use Permit.

Mr. Warmbrunn continued to say that his understanding is that review and decision-making for future Conditional Use Permits was being taken away from the Zoning Board of Appeals and given to the City Council. Mr. Ricci clarified that the proposed text amendment (Case No. 2484-T-24) would only remove the self-storage facility use as a Conditional Use Permit option in the B-3 Zoning District. It would not be shifting authority to Plan Commission or to City Council. Self-

storage facilities would still be allowed by right in Industrial Zoning Districts. He noted that the proposed text amendment has been tabled.

Mr. Ricci understood Mr. Warmbrunn's concern to be that the Zoning Board of Appeals should be informed of any proposals or updates that affect the Zoning Board of Appeals. Mr. Warmbrunn said that is correct. The Zoning Board of Appeals should be informed about possible changes that would affect the Board so they can form and voice their opinions. Mr. Rusch agreed that staff should give updates on the status of topics that affect the Board. However, the members of the Zoning Board of Appeals should talk to their City Councilperson of their ward if they have concerns or want to voice their opinion(s) on the topic.

Mr. Warmbrunn asked if the City wins the court case, would the property owner be allowed to construct a self-storage facility on High Cross Road? Mr. Ricci said that as long as the court doesn't rule to dismiss the Conditional Use Permit, then the Conditional Use Permit has been approved, and the owner has one year to apply for a building permit. If the owner applies for a building permit within the year from the date of approval, then the property could be used as a self-storage facility. Because of the recent rezoning of the property, the self-storage facility would be considered a legally non-conforming use; therefore, if the self-storage facility was damaged by more than 50%, it would not be allowed to be rebuilt. As a result, the property owner may reconsider building the self-storage facility to begin with.

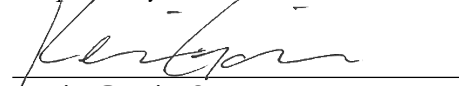
K. STUDY SESSION

There was none.

L. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Marcus Ricci, AICP, Planner II

DATE: September 18, 2024

SUBJECT: **ZBA-2024-MAJ-01:** A request by Brant Muncaster, on behalf of Gary Luth dba Illinois Farmhouse Alumni Association, for a Major Variance to increase the maximum Floor Area Ratio from 0.50 to 0.73 at 809 West Pennsylvania Avenue in the R-7 (University Residential) Zoning District.

Introduction

On behalf of Gary Luth dba Illinois Farmhouse Alumni Association, Brant Muncaster (Reifsteck, Wakefield, Fanning & Company) requests a major variance to increase the maximum Floor Area Ratio (FAR) from 0.50 to 0.73 at 809 West Pennsylvania Avenue.

The Urbana Zoning Ordinance requires the Zoning Board of Appeals (“ZBA”) to review the variance application and hold a public hearing. The Board may recommend approval to City Council by a 2/3 majority vote, or approval with conditions to City Council by a 2/3 majority vote, or deny the request. The Board should either accept the specific staff findings or articulate their own specific findings based on that application’s criteria. Staff recommend the ZBA forward a recommendation to City Council to approve the major variance with one condition.

Background

The three-story brick house on this 21,162 ft² property was built in 1927. The original building was 9,950 ft², and there was also a 1,100 ft² accessory building on the site. In 1979, an addition was made which increased the total area of the house to 12,048 ft², and the accessory building was demolished. It has always served as a fraternity or sorority, and is currently the home of the Farmhouse Fraternity, which was chartered on the University of Illinois campus in 1914. The property owner would like to replace the exterior fire escape stairs on the west (Lincoln Avenue) side of the house with an enclosed stair tower, to provide both safer egress and improved interior circulation for residents. The building is already non-conforming with an FAR of 0.67, 34 percent higher than the maximum 0.50 FAR allowed in the R-7 district. Building an enclosed stair tower would increase the FAR from 0.67 to 0.73, 46 percent higher than the maximum allowed.¹

Description of Site and Area

The property is located at the southeast corner of West Pennsylvania and South Lincoln Avenues.² The chart on the next page identifies the current zoning, and existing and future land use of the site and surrounding properties (see Exhibits A, B, and C).

¹ Urbana Zoning Ordinance, Section VI-4.A. Floor Area and Open Space. Table VI-3. Development Regulations.

² Exhibit A – Location and Land Use; Exhibit E – Site Photos.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-7 (University Residential)	group housing – fraternity	Residential
North	R-2 (Single-Family Residential)	single-family residential	Residential
East	R-1 (Single-Family Residential)	University offices	Residential
South	R-7 (University Residential)	group housing	Residential
West	CRE (Conservation-Recreation-Education)	group housing – dormitory	Institutional

Table 1. Zoning and Land Use

Discussion

The applicant has been working with the property owner on a master plan for modernizing this property. Some renovations were already made during previous phases. As part of this round of renovations, the property owner would like to replace the exterior fire stairs with an enclosed stair tower to provide safer egress and improved interior circulation for residents (see Exhibit D – Application & Floor Plans). The current fire stair is usable but exposed to the elements: the enclosed stair tower would eliminate the risk of slips and falls from rain and ice. According to the applicant:

“Farmhouse wishes to provide safer exiting for the residents by replacing an aged fire escape with an enclosed stair tower providing a fire separated and weather protected way to egress the building. In general fire escape stairs have fallen into disfavor for a variety of reason including: unsightly appearance, possible icing in winter weather, expense of maintenance, unprotected windows next to fire escape in older buildings, and fear of heights raising objection to using fire escape stairs. Currently the second floor undesirably accesses the fire escape by traversing the single story roof on the southwest corner of the building, and then heading west connecting to the fire escape.”

The proposed stair tower would increase the FAR from 0.67 to 0.73: this increase would provide no additional livable space, as it is primarily designed for egress and travel between floor levels. It would be built in the same general location as the existing fire stairs. If the variance is granted, the property would still meet all other development regulations, including minimum required yards and minimum required parking. The applicant considered alternatives that were limited to the interior of the building’s footprint, but those would eliminate bedrooms, study areas, and common spaces. The applicant can provide more details about those alternatives, as they were not detailed in the application.

The zoning requirements for this property – and more specifically, the floor area requirements – have changed several times over the decades. The building was constructed twenty years before zoning was established in the city in 1950: there were initially no lot coverage regulations for this R-1 (One & Two-Family Residence) zoning district property. From 1962 to 1977, the property was zoned R-5 (Fraternities-Sororities), and there were still no lot coverage regulations. From 1979 to 1984, the property was zoned R-6 (High Density Multiple Family Residential), which had a maximum 1.40 FAR; when the addition was built in 1979, the 0.67 FAR was well under that maximum. In 1985, the City created the R-7 (University Residential) zoning district, which had an FAR of 1.40. In 1990, the City reduced the district’s FAR from 1.40 to 0.50, which resulted in 23 of the 41 buildings on R-7-zoned properties (56 percent) being rendered legally nonconforming.³

³ Ordinance No. 9091-62/Plan Case No. 1366-T-90.

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:

1. *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 circumstance in this case is that the building, which was legally conforming when it was originally built and when it was expanded, was rendered legally non-conforming by a zoning amendment passed over sixty years after it was built, as did 22 other buildings in the same zoning district. To provide an enclosed egress would require either a variance or the loss of interior living space, the latter being a practical difficulty for the property owner.

Staff find this this criterion met.

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 situation in this case that is not generally applicable to other structures in this zoning district, as the vast majority of the other 22 buildings do not have an exterior fire stair which would exceed the allowed FAR if it were enclosed.

Staff find this criterion met.

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

The situation was not created by the Petitioner, but by a zoning amendment passed 60 years after the building was constructed. The requested variance would remedy this situation, and allow replacement of the existing fire stair with an enclosed stair tower.

Staff find this criterion met.

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

The proposed stair tower's footprint is around ten percent of the existing building. However, its location along Lincoln Avenue, and the fact that it covers two-thirds of the wall – including the chimney and several windows – means it would be a highly visible change in the view to passersby. To mitigate this change, the applicant has designed the addition to blend into the existing building by using similar building materials, color, and architectural features: brick, stone accents, decorative cornice, parapet style, and windows (Exhibit D – Application – Renderings). It will still be set back over 25 feet from the intersection, so it should not crowd the sidewalk or feel imposing to people walking by. According to the applicant, it will replace an “unsightly” old metal fire stair with a well-constructed addition. Most of the R-7 properties do not have exterior stairs, so enclosing one would

not be out of character. The building's increased FAR may feel less out of character with the neighborhood, as the neighboring Chateau Normand was approved with an FAR of 0.68.⁴

Staff find this criterion partially met.

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

The proposed stair tower would not create a nuisance at this time or in the future. The existing function of the area in question would remain as egress, as it has been for almost a century. The enclosure would merely replace a metal stair with a new, brick stair tower that is compatible with the existing building.

Staff find this criterion met.

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

The requested variance represents generally the minimum deviation from the Zoning Ordinance's requirements to accommodate an enclosed egress for residents. The applicants investigated other options through modifying the interior of the building; all of these resulted in an unacceptable loss of living space. Enclosing the existing egress is the best solution to the problem of providing safer egress.

Staff find this criterion met.

Overall, staff find that five of the six criteria weigh in favor of granting the major variance, and one weighs partially in favor.

Public Notice and Input

Staff published a legal ad in The News-Gazette to notify the public of the request and public hearing 15 days prior to the Zoning Board of Appeals meeting. Staff sent letters to 28 neighboring property owners (within 250 feet of the subject property) notifying them of the request, and posted a public hearing sign on the property. Staff received no public input.

Summary of Findings

On behalf of Gary Luth dba Illinois Farmhouse Alumni Association, Brant Muncaster requests a major variance to increase the maximum Floor Area Ratio (FAR) from 0.50 to 0.73 at 809 West Pennsylvania Avenue.

1. The special circumstance which makes it difficult to comply with the Zoning Ordinance is that a Zoning Ordinance amendment rendered the building legally nonconforming sixty years after it was built.
2. The requested variance will not serve as a special privilege because most of the other buildings rendered legally nonconforming by the 1990 Zoning Ordinance amendment do not have an exterior fire stair which would exceed the allowed FAR if it were enclosed.
3. The requested variance would remedy a situation created by a 1990 Zoning Ordinance amendment.
4. The proposed stair tower would be a highly visible change to the current view to passersby,

⁴ Plan Case No. 2314-PUD-17.

although this change will be mitigated by the work to blend it into the existing building.

5. Replacing the exposed, aging metal fire stair with an enclosed stair tower would not create a nuisance at this time or in the future, as there is no proposed change in the use and minimal change to the footprint established almost a century ago.
6. The variance is the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2024-MAJ-01: a major variance to increase the maximum floor area ratio:

1. Forward the case to City Council with a recommendation to **approve** the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to **approve the variance with certain terms and conditions**; or
3. **Deny** the variance request.

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.

Recommendation

Based on the evidence 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 recommend **APPROVAL** of the proposed Major Variance in case ZBA-2024-MAJ-01 with one condition:

1. Construction must be in general conformance with the attached site plan, entitled “Farmhouse Fraternity – 609 West Pennsylvania Avenue – August 14, 2024” (Attachment 1).

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Variance Application with Site Plan
Exhibit E: Site Photos

cc: Brant Muncaster, RWFC, Applicant
Gary Luth, Illinois Farmhouse Alumni Association, Owner

Exhibit A - Location & Land Use



Case: ZBA-2024-MAJ-01
Subject: Floor-Area Ratio Major Variance
Location: 809 West Pennsylvania Avenue
Applicant: Brant Muncaster, Applicant

/// Subject Property

Natural Resource-based

Residential

Commercial

Industrial

Institutional

Transport

Exhibit B - Zoning



Case: ZBA-2024-MAJ-01
Subject: Floor-Area Ratio Major Variance
Location: 809 West Pennsylvania Avenue
Applicant: Brant Muncaster, Applicant

/// Subject Property

- CRE
- R-2
- R-1
- R-7

Exhibit C - Future Land Use



Case: ZBA-2024-MAJ-01
Subject: Floor-Area Ratio Major Variance
Location: 809 West Pennsylvania Avenue
Applicant: Brant Muncaster, Applicant

/// Subject Property

Exhibit D - Application with Site Plan



APPLICATION FOR ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. For the current fee, please refer to the most recent version of the City's "Schedule of Fees - Excluding Liquor License Fees", which can be found at <http://www.urbanaininois.us/fees>.

The Applicant is also responsible for paying the cost of **legal publication fees**. The News-Gazette will bill the applicant directly. Legal ad publication fees vary from \$75.00 and up.

NOTE: Fields marked with an * must be completed.

NOTE: If additional space is needed to complete any field, please mark "See Attached" and attach the response at the end of this application.

PROPERTY INFORMATION

Address/Location of Subject Site* **809 W. Pennsylvania Avenue**

Parcel/PIN # of Subject Site **93-21-17-352-008**

Lot Size **0.49 acres**

Current Zoning District **R-7 University Residential**

Current Land Use (vacant, residence, grocery, factory, etc)* **Residential- Fraternity**

Proposed Land Use* **Residential - Fraternity**

Legal Description

Lots 27, 28, 29 of University Heights Addition, Book E, Pg. 47

APPLICANT INFORMATION

Name of Applicant* **Brant Muncaster**

Applicant Business Name **Reifsteck Wakefield Fanning**

Applicant Mailing Address

Street # * **909**

Street Name* **Arrow Road**

Apartment #, Suite #, Etc. **Suite 4**

City* **Champaign**

State* **IL**

Zip* **61821**

Applicant Email Address* **bmuncaster@rwf-arch.com**

Applicant Phone* **(847) 902-0662**

Multiple Applicants* No ☒

Yes ☐

NOTE: Please attach documentation of additional applicants names and contact information.

Property Interest of Applicant(s)* **Architect**

Exhibit D - Application with Site Plan

OWNER INFORMATION*



This property has one owner.



This property has multiple owners

NOTE: Please attach documentation of additional owners names and contact information.

Owner Name* **Gary Luth**

Owner Business Name **Illinois Farmhouse Alumni Association**

Owner Mailing Address

Owner Street #* **1450**

Street Name* **N. County Road 2680E**

Owner Apartment #, Suite #, Etc.

Owner City* **Allerton**

State* **IL**

Zip* **61810**

Owner Email Address* **gary.luth@gmail.com**

Owner Phone* **217-493-2258**

CONSULTANT INFORMATION

If you are working with an architect, engineer, surveyor, site planner, or attorney, please fill in their information below.



Architect Name

Elsa Reifsteck

Architect Company

Reifsteck Wakefield Fanning & Company

Architect Mailing Address

909 Arrow Road, Suite 4, Champaign, IL

Architect Email Address

ereifsteck@rwf-arch.com

Phone **(217) 351-4100**



Engineer Name

Engineer Company

Engineer Mailing Address

Engineer Email Address

Phone



Surveyor Name

Surveyor Company

Surveyor Mailing Address

Surveyor Email Address

Phone



Attorney Name

Attorney Company

Attorney Mailing Address

Attorney Email Address

Phone

Exhibit D - Application with Site Plan

REQUEST INFORMATION

Permit Type* **Major Variance**

Purpose for Request* **Variance - Increase in Maximum Required Floor Area Ratio**

I

REQUEST INFORMATION:

Describe in Detail the Purpose for Request:

We request an increase in the maximum FAR from 0.50 to 0.73. The existing building, with the exterior fire escape, currently has an FAR of 0.67. Farmhouse wishes to provide safer exiting for the residents by replacing an aged fire escape with an enclosed stair tower providing a fire separated and weather protected way to egress the building. In general fire escape stairs have fallen into disfavor for a variety of reason including: unsightly appearance, possible icing in winter weather, expense of maintenance, unprotected windows next to fire escape in older buildings, and fear of heights raising objection to using fire escape stairs. Currently the second floor undesirably accesses the fire escape by traversing the single story roof on the southwest corner of the building, and then heading west connecting to the fire escape. The owner would like to alleviate all of these issues by replacing the fire escape with an enclosed stair tower resulting in an FAR of 0.73.

Describe the proposed use and its activities.

The enclosed egress stair addition would be used as an exit stair. It would be located off of the west facade of the existing building.

REASONS FOR VARIANCE:

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.

The current fire escape is properly located remotely from the second existing exit stair. While the fire escape is permitted to be replaced in the exact location and configuration, the owner would like to provide a safer enclosed stair. It should be noted that the building has exceeded the FAR already with the current fire escape, and that the enclosed stair will be designed up to current code requirements for fire separation, tread and riser dimensions, guardrails, etc.

Explain how the variance is necessary due to special conditional relating to the land or structure involved which are not generally applicable to the other property in the same district.

The property is directly on Lincoln Avenue, with the proposed stair facing Lincoln Avenue directly across from Pennsylvania Avenue Residence Hall. As the R-7 is intended to “protect adjacent residential districts from incompatible developments,” allowing a safer enclosed stair to be added along Lincoln Avenue does not seem to violate the original intent of the district. The major difference between this site and other ones in the R-7 district lies in the uses directly next to it. To the South is another R-7 which is non-conforming with the R-7 FAR requirement. To the east is a property zoned as R-1, is owned by the University of Illinois, is used as offices, and has a FAR of 0.92. We were unable to find another property zoned as R-7 which did not directly border a single family residence.

Exhibit D - Application with Site Plan

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

The Farmhouse property had higher FAR [maximum allowed] values in the past. For a period of time prior to 1979, the property was zoned as R-5 with a maximum FAR of 0.90. An addition in 1979 raised the FAR from 0.47 to 0.67. The 1983 zoning ordinance revisions created the R-7 "Dormitory District" with a maximum FAR of 1.40. In 1990 this changed to R-7 "University District" with a maximum FAR of 0.50. Therefore, up until 1990, the property was legally conforming to the FAR requirements. It wasn't until 1990 when a zoning change made the property legally non-conforming to the FAR requirements. This lower value severely restricts the property and doesn't allow adaptation to changing times and codes, when originally it would have had flexibility with the higher FAR values. And while the floor area is expanding, it is only for a stair for safety reasons.

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

While the FAR will be increased, the addition is minimal in size. The addition's design is intended to blend into the existing building, using the same materials and architectural accents & features. These measures include matching the existing brick, stone accents, the decorative cornice, parapet style, and windows. The addition will still be outside the 25' setback, so the views around the intersection will still be quite open. The project would be removing the old fire escape that is not very sightly, thus improving the look of the building and neighborhood. In addition, the building appears smaller than its FAR would suggest. This is because the third floor is 'hidden' within the roof volume, as the dormers suggest. Another item to note is that the addition is on the west side of the property, which is not adjoining the neighborhood. Finally, there are a few non-conforming properties in the neighborhood, including the property directly to the south.

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

The variance will not cause a nuisance as the addition will blend into the existing building as if it was always there. The exiting function of the fire escape is simply being enclosed, which should not create a nuisance adjacent properties.

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

The variance request represents the minimal deviation required to add a safer, enclosed egress stair to the building, a valuable safety feature for the users of the fraternity.

Exhibit D - Application with Site Plan

NOTE: Contact the Planning Division if you need assistance: planning@urbanaininois.us or 217.384.2440.

ATTACHMENTS

Please include any attachments relevant to your request:
supporting documents, site plans, photos, etc.

CERTIFICATION BY THE APPLICANT*



I certify all the information provided in this application and any attachment(s) 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.



I acknowledge that by submitting this application, I am granting permission for City staff to post a temporary yard sign announcing the public hearing to be held for my request on the property. I further acknowledge that my electronic or digital signature on this application has the full legal effect as that of my written signature.

Applicant's Signature*



Date* 8/14/24

PLEASE RETURN THE APPLICATION ONCE COMPLETED TO:

By emailing an pdf copy to Planning@urbanaininois.us

Or

By mailing a paper copy to:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street
Urbana, IL 61801

Exhibit D - Application with Site Plan



August 14th, 2024

Kevin Garcia
Zoning Administrator, Secretary of the Zoning Board of Appeals
Community Development
City of Urbana
400 South Vine Street
Urbana, IL 61801

Project: Farmhouse Fraternity, Renovation & Proposed Enclosed Egress Stair Addition
809 West Pennsylvania Avenue, Urbana, IL 61801

Re: Variance Application and Supporting Documentation

Mr. Garcia,

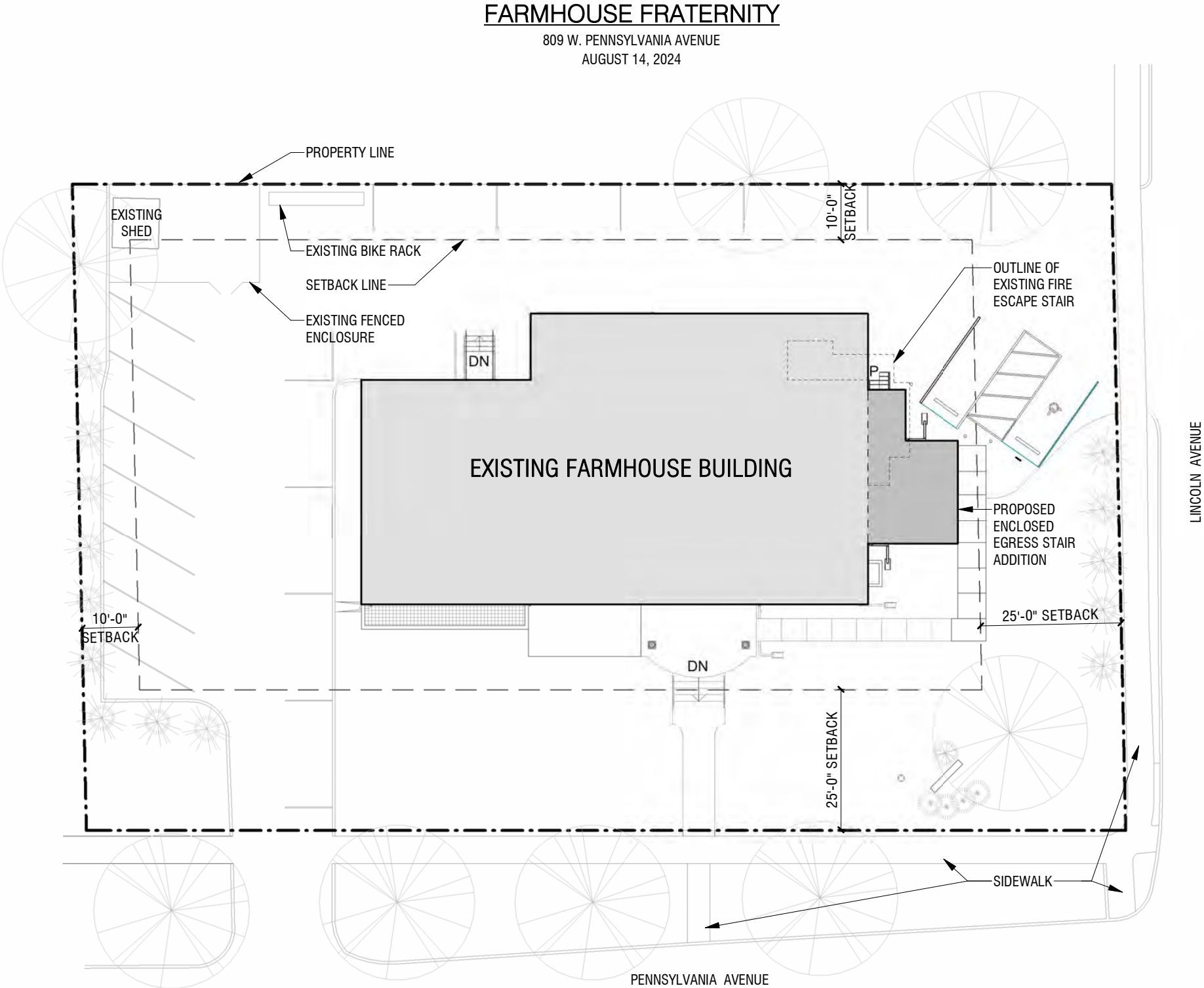
Reifsteck Wakefield Fanning & Co. (RWF) has been commissioned to design Farmhouse's interior renovation and proposed enclosed egress stair addition. The portion of the project that affects zoning is the enclosed egress stair that is proposed to be located on the west side of the building. Farmhouse's property is zoned R-7 University District with a maximum floor area ratio (FAR) of 0.50. Farmhouse's existing building's FAR is currently 0.67 with the egress stair increasing it to 0.73. While Farmhouse has an existing fire escape stair on the west side, fire escapes have fallen out of favor for a few reasons. These reasons include that they are not visually appealing, they provide no protection from an adjacent fire, people with fear of heights will typically avoid them, they don't protect users during inclement weather, they can ice up, and they require regular maintenance to keep them from deteriorating. For these reasons, Farmhouse prefers an enclosed stair. Therefore, Farmhouse wishes to pursue a major zoning variance to allow the increase to the FAR. See attached application. Supporting Documentation includes a proposed site plan, rendering looking south, existing conditions rendering looking southeast, new work rendering looking southeast, existing conditions photos, and floor plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brant Muncaster", is written over a light blue horizontal line.

Brant Muncaster
Reifsteck Wakefield Fanning & Co.

Exhibit D - Variance Application with Site Plan



 **PROPOSED SITE PLAN**
FIRST FLOOR
1" = 20'-0"

202414

Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY

809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



PERSPECTIVE LOOKING SOUTH

202414

Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY
809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



PERSPECTIVE LOOKING SOUTHEAST - EXISTING CONDITIONS

202414



Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY
809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



PERSPECTIVE LOOKING SOUTHEAST - NEW WORK

202414



Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY

809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



EXISTING CONDITIONS, LOOKING EAST AT WEST FACADE

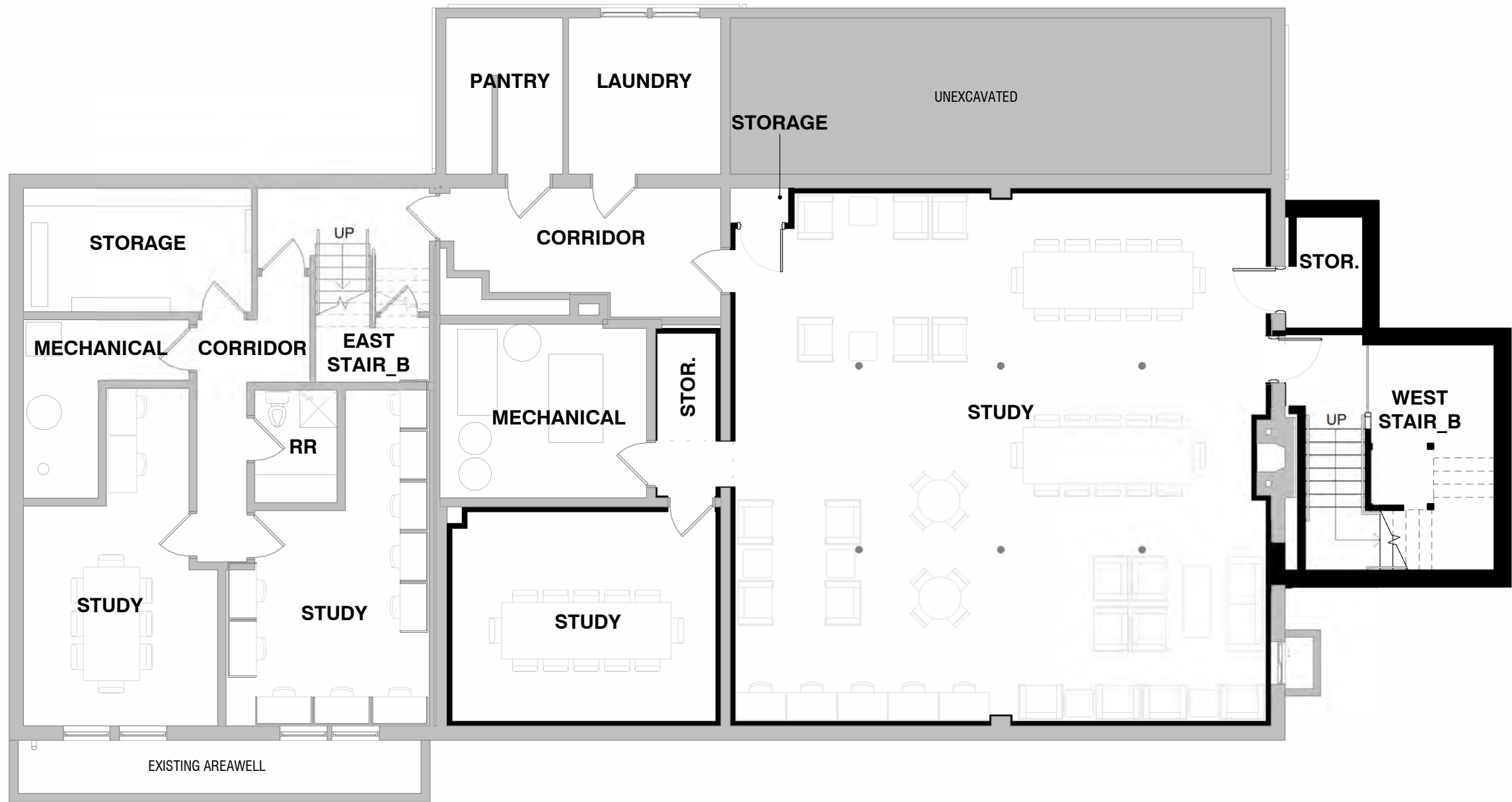


EXISTING CONDITIONS, LOOKING SOUTHEAST

202414

Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY
809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



 **PROPOSED BASEMENT PLAN**
BASEMENT
1/8" = 1'-0"
202414

Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY

809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024

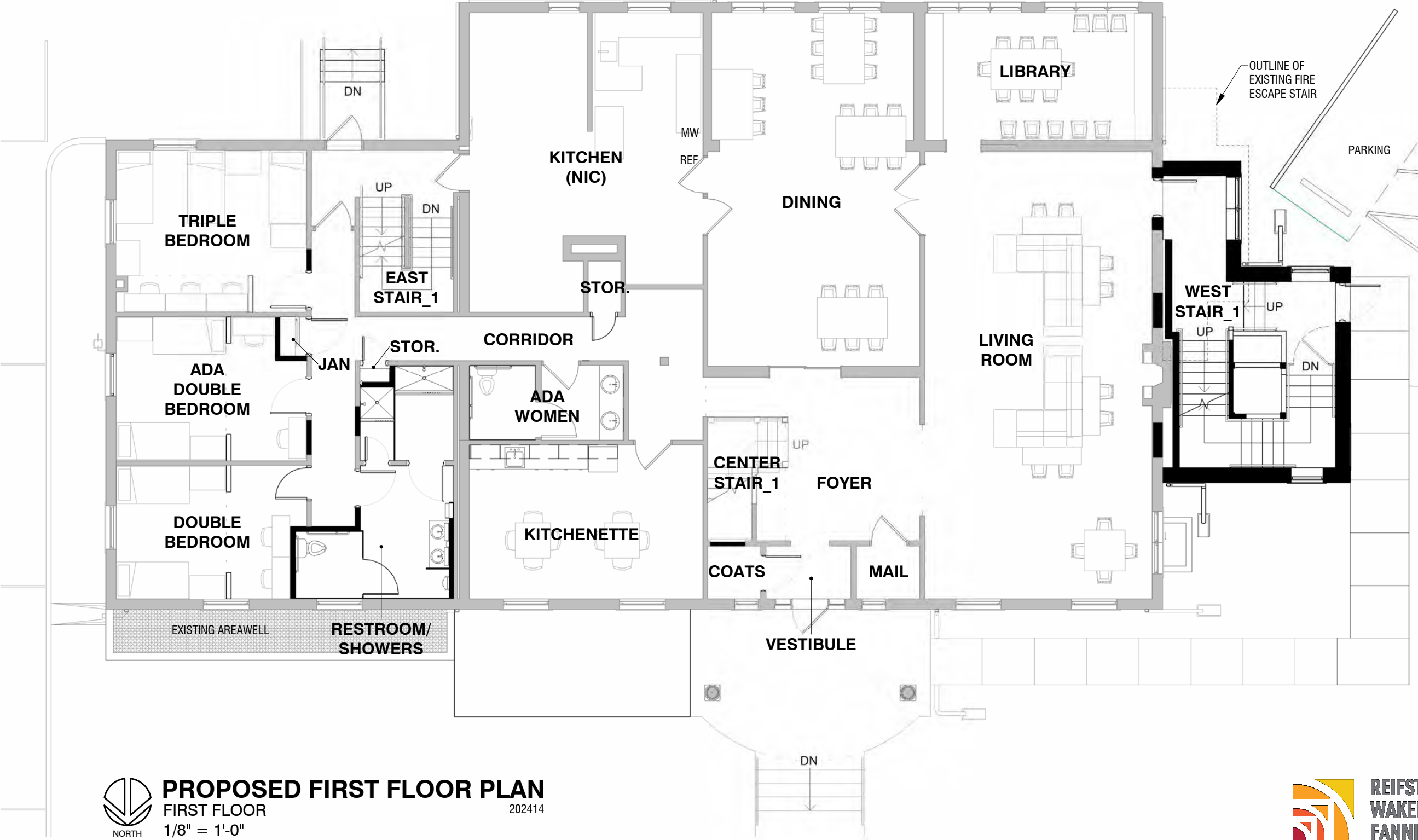
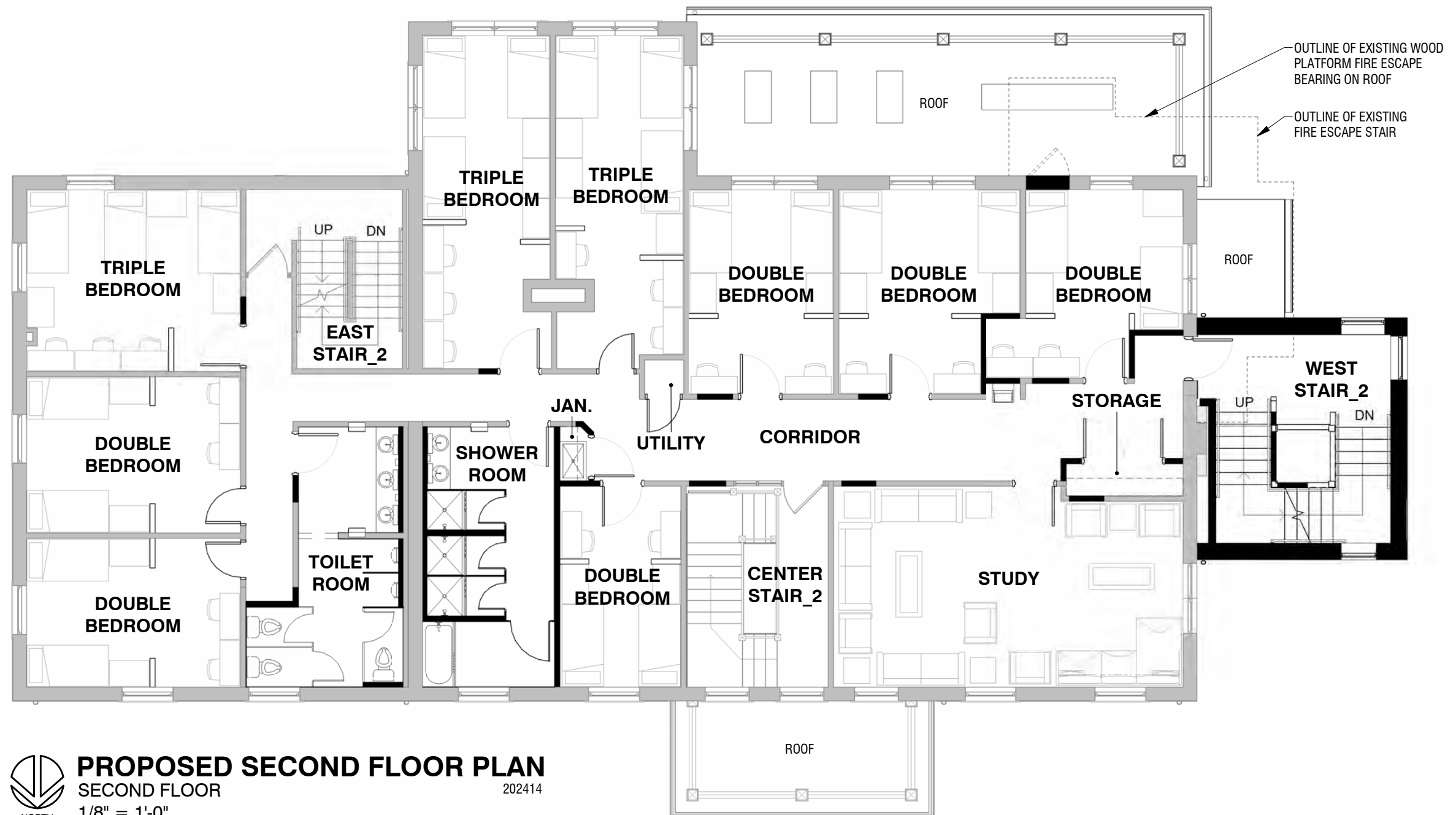


Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY

809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



PROPOSED SECOND FLOOR PLAN

SECOND FLOOR

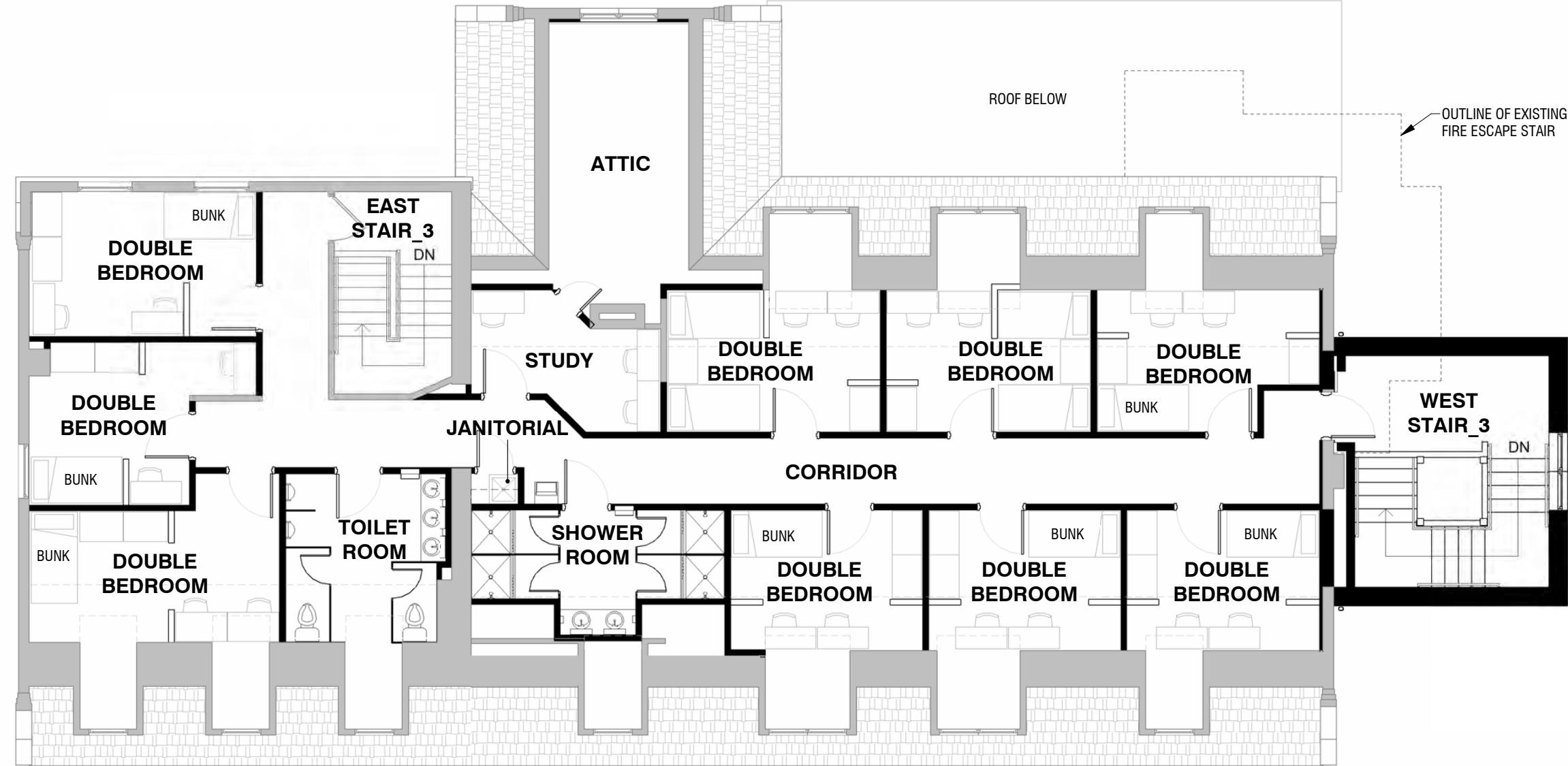
202414

$$1/8'' = 1'-0''$$


**REIFSTECK
WAKEFIELD
FANNING**

Exhibit D - Variance Application with Site Plan

FARMHOUSE FRATERNITY
809 W. PENNSYLVANIA AVENUE
AUGUST 14, 2024



 **PROPOSED THIRD FLOOR PLAN**
THIRD FLOOR
1/8" = 1'-0"
202414

Exhibit E – Site Photos



Figure 1. southwest corner, facing northeast (note fire stair prominence)



Figure 2. southwest corner, facing east (note roof access to fire stair)

Exhibit E – Site Photos



Figure 3. Pennsylvania Avenue, facing south (note fire stair extent)



Figure 4. 1973 aerial (note location of (future?) fire stair)

Exhibit E – Site Photos

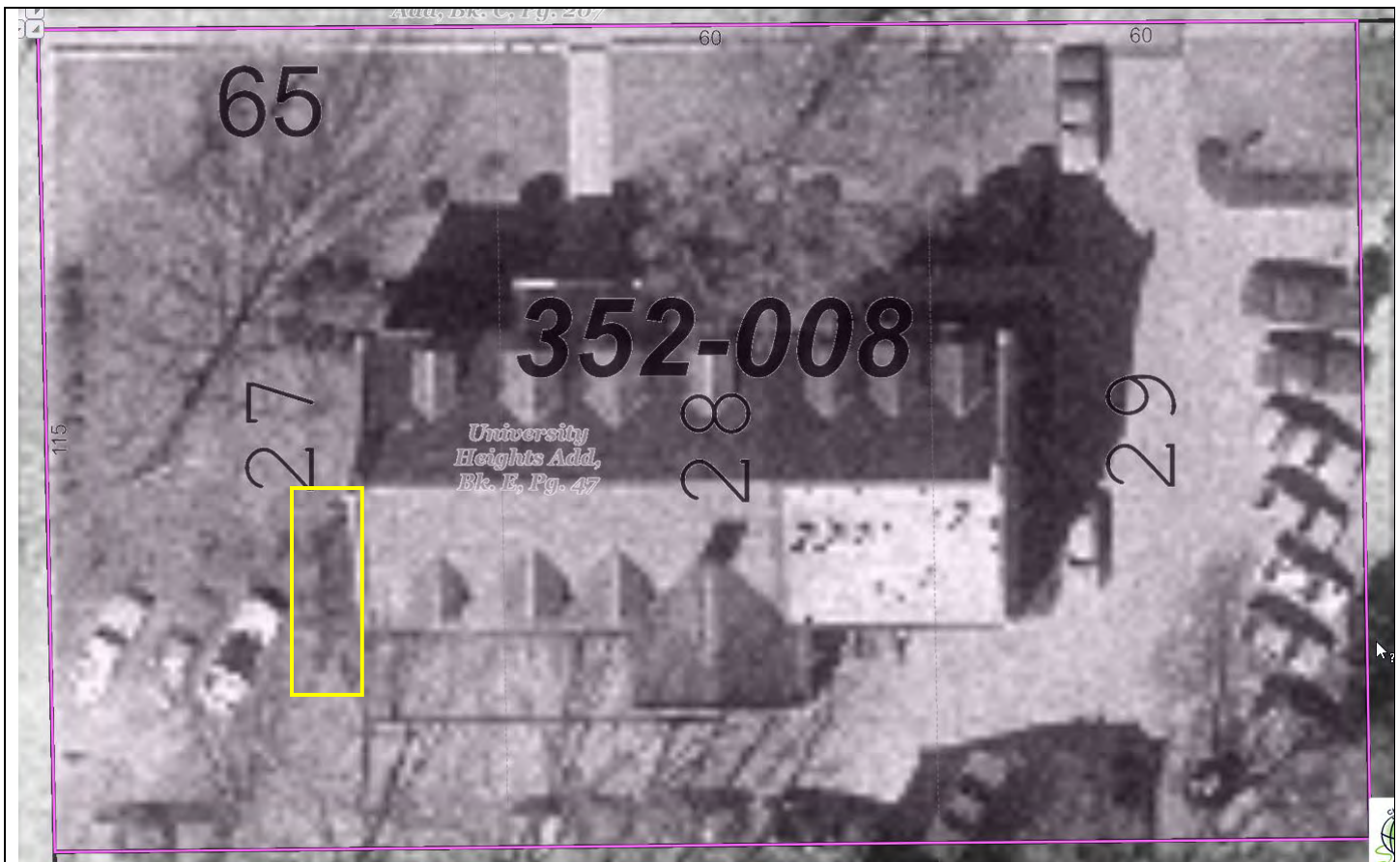


Figure 5. 1988 aerial (note fire stair location)



Figure 6: 2023 aerial (note fire stair location)