



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: December 30, 2015

SUBJECT: **ZBA Case 2015-MAJ-09:** A request by Itai Seggev and Dara Goldman for a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district.

Introduction & Background

Itai Seggev and Dara Goldman are requesting a Major Variance that would allow them to install an accessory off-street parking space within the required front yard setback for their residence at 410 West Florida Avenue. Recently, the City removed the on-street parking along Florida Avenue to redirect traffic and accommodate maintenance needs of the street. The applicants would like the accessory off-street parking space to replace the vehicle parking no longer allowed on Florida Avenue. On-street parking on Florida Avenue will not be replaced until the street can be repaved, which would occur in at least three and up to ten years in the future.

Section VIII-4.J of the Zoning Ordinance allows the creation of up to two accessory off-street parking spaces for a single family home with a requirement that the space not be located in the required front yard. Table VI-3 of the Zoning Ordinance requires an average front yard setback of at least 25 feet in the R-1, Single-Family Residential zoning district. The applicants are seeking a variance to reduce the required front yard setback so they may install an accessory parking space to better accommodate their parking needs in light of the elimination of on-street parking on Florida Avenue.

At their December 16, 2015 meeting, the Urbana Zoning Board of Appeals voted six ayes and zero nays to forward the Major Variance to the City Council with a recommendation for approval.

Description of the Site

The site contains a single-family home with an attached one-car garage along the block of Florida Avenue between Orchard Street and Carle Avenue on the southwest edge of the West Urbana neighborhood. The parcel, totaling 0.157 acres, contains an older, mid-twentieth century home surrounded by other similar single-family homes that are also zoned R-1, Single-Family

Residential. To the south, across Florida Avenue, is open green space and the Orchard Downs University-owned apartment complex.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	R-1, Single-Family Residential	Single-Family Home	Residential
North	R-1, Single-Family Residential	Single-Family Home	Residential
South	CRE, Conservation-Recreation-Education	Greenspace, Multi-Unit Residential	Mixed Residential
East	R-1, Single-Family Residential	Single-Family Home	Residential
West	R-1, Single-Family Residential	Single-Family Home	Residential

Discussion

The applicants are requesting permission to create an accessory off-street parking space because of their property layout and changing conditions on their street. Under previous conditions, the applicants had space available for two vehicles on their property, one in the single-car garage and one in the driveway, in addition to parking along Florida Avenue. During the daytime, the applicants would park one vehicle in the garage and one on the street to allow independent departures and arrivals of both vehicles. On-street parking has recently been prohibited along Florida Avenue. The City removed parking in order to shift traffic patterns due to the condition of the pavement. The City Engineer has stated that on-street parking will not be available until the street has been repaved which could be as long as ten years because of uncertainty in the City’s Capital Improvement Program revenues.

In response to the removal of on-street parking along Florida, the applicants have sought to better accommodate vehicle parking on their property. They are concerned that the layout of their driveway and garage requires stacking of parked vehicles and that movement of one vehicle is inhibited by another. The applicants would like to create an accessory off-street parking space to the east of their current driveway which would be constructed with a gravel surface. The parking space would start at the property line, east of the current driveway, and then veer diagonally to the north and east until reaching a width of eight feet to accommodate a parked vehicle. Section VIII-4.J of the Zoning Ordinance allows the creation of up to two accessory off-street parking spaces for a single-family residence. The spaces may be in addition to the access drive and should be located outside of the required front yard of the property. According to Section VIII-4.J, the surface may be gravel as long as it is contained by curbing or approved landscape edging material.

The existing house on the property was built before the enactment of the current Zoning Ordinance and is legally nonconforming with respect to the setback and front yard. The house is set back 21 feet from the property line, encroaching four feet into the required front yard. Section VI-9.A.9 of the Zoning Ordinance states that in the R-1 district, the required front yard shall be the average depth of the existing buildings on the same block face or 25 feet, whichever is greater. For the block face of the subject property, the average depth of 24 feet of the adjacent homes makes the required front yard 25 feet. If the applicants were to locate an accessory parking space on their property under the existing regulations, it would have to be located behind the house. An accessory parking space in the rear of the property would be infeasible because the narrow side yards of six and eight feet, respectively, provide too little space for any vehicular access. Therefore, the applicants are requesting a Major Variance to the front yard setback per Section XI-3.C.2.(b).1 of the Zoning Ordinance. A reduction in the required front yard would apply only to the placement of an accessory parking space.

The applicants' variance request appears reasonable to accommodate their vehicle parking in response to the elimination of on-street parking. The property is constrained by the lot width and the placement of the house and garage. The location of the accessory space to the east of the driveway would allow either car to exit the driveway without requiring the other car to be moved first. This arrangement would reduce the frequency of cars backing out onto Florida Avenue from this property.

The accessory parking space would not have a significant effect on the character of the neighborhood. There are other examples of nearby homes in the neighborhood with a widened driveway or accessory parking space in their front yard. The applicants have stated that their surrounding neighbors have no opposition to their proposed parking space.

At their December 16, 2105 meeting, the Zoning Board of Appeals discussed the proposed Major Variance. The board adopted the staff findings and approved the Major Variance with a vote of six ayes to zero nays.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria identified in the Zoning Ordinance as they pertain to this case:

- 1. Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The home was purchased when on-street parking along Florida Avenue was allowed. The removal of on-street parking is a special circumstance and the placement of the applicants' house on the lot is a special practical difficulty. The house was built with a one-car garage before the enactment of the current Zoning Ordinance regulation and designation. The house spans almost the entire width of the lot making the rear of the property inaccessible for vehicles. Therefore, any parking space added to the lot would need to be located in the required front yard.

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 proposed variance will not serve as a special privilege because it is due to special circumstances of the property not applicable to other homes in the district. The house was built with very narrow setbacks from the property lines on the east and west sides of the parcel and with only a one-car garage. Adding an accessory parking space outside of the required front yard is not possible. There are varying lot sizes in the nearby and surrounding neighborhood, including properties capable of accommodating additional off-street parking within the confines of existing code.

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

The variance requested is not due to a situation knowingly created by the Petitioner. The City's elimination of parking spaces on Florida Avenue occurred after the Petitioner acquired the property and removes the ability of the applicants to independently use their vehicles. It also makes the accommodation of guests and other visiting vehicles more difficult. The lack of parking spaces on the street makes vehicle parking more burdensome for the homeowners.

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

The property will not alter the essential character of the neighborhood. There are other examples of accessory parking spaces or expanded driveways at nearby houses, both to the east and west of the property. Any other property owners seeking the same variance would be bound by the same rules and process as applied for in this case.

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

The variance would not cause a nuisance to the adjacent property. The proposed parking space would be located further away from the neighboring property to the west than the existing drive. The applicants have stated that their neighbor to the west expresses no opposition to their plans.

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

The requested variance represents the minimum amount of deviation from the requirements in the Zoning Ordinance. In order to allow for an accessory parking space that is independently accessible without relying on another vehicle in the driveway to be moved, the space would have to begin at the property line and then angle outward towards the north and east. Creating the space at the property line requires a reduction in the required front yard setback from 25 to zero feet. Because of the placement of the garage, any vehicle in the accessory space would not be parked any closer to the street than one currently would be if parked in the driveway.

Summary of Staff Findings

1. Itai Seggev and Dara Goldman have requested a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue so they may install an accessory parking space next to the driveway.
2. The site is located in West Urbana, zoned R-1, Single-Family Residential, and designated as Residential in the Urbana Comprehensive Plan.
3. The City's Zoning Ordinance allows the creation of two accessory parking spaces for homes if they are not located in the front yard. The spaces may have a gravel surface if they are properly contained.
4. The proposed variances would reduce the front yard setback requirement from 25 feet to 0 feet and allow an accessory parking space to be located to the east of the existing driveway.
5. Parking spaces along Florida Avenue were recently removed, increasing the need by the applicants for off-street parking. The parking spaces are removed until the street is repaved which will not be able to happen for the next several years.
6. The applicants' property allows for two off-street parking spaces in the existing driveway and attached one-car garage. The vehicle parked in the driveway must be backed out in order to allow the garage-parked vehicle to depart which creates a practical difficulty.
7. The applicants are requesting the variance to allow independent movement of their vehicles. The location of the house does not allow vehicular access to the rear of the property.
8. The proposed variance would contribute to safer traffic flow along Florida Avenue by allowing the applicants to independently back out their vehicles.
9. The proposed variances are requested due to special circumstances of the current placement of the house and the loss of on-street parking. It will not serve as a special privilege and it was not a situation knowingly created by the petitioner. The proposed variance is the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request and will not be a nuisance to the neighborhood.
10. At their December 16, 2015 meeting, the Zoning board of Appeals held a public hearing and unanimously voted to send the Major Variance to the City Council with a recommendation for approval.

Options

The Urbana City Council has the following options in this case:

- a. Approve the variance based on the findings presented herein; or
- b. Approve the variance along with certain terms and conditions. If conditions or findings differ from those recommended in the attached draft ordinance, these should be articulated accordingly; or
- c. Deny the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

A their December 16, 2015 meeting, the Urbana Zoning Board of Appeals voted six ayes and zero nays to recommend **APPROVAL** of the Major Variance to allow a reduction in the required front yard setback requirement from 25 feet to zero feet with the following conditions:

1. There is no more than one accessory off-street parking space created in the front yard setback reduction allowed by the Variance.
2. The accessory parking space surface is paved with an approved surface or properly contained with curbing or approved landscape edging treatment as required in the Zoning Ordinance under Section VIII-4.J.

Attachments:	Exhibit A:	Location & Aerial Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Site Plan
	Exhibit E:	Site Photos and Nearby Examples
	Exhibit F:	Petition for Variance

cc: Itai Seggev and Dara Goldman

ORDINANCE NO. 2016-01-002

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district. / Case No. ZBA-2015-MAJ-09)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Itai Seggev and Dara Goldman have submitted a petition for a major variance to allow a 25 foot reduction in the required front-yard setback and create an accessory off-street parking space at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2015-MAJ-09; 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 December 16, 2015 and voted 6 ayes to 0 nays in Case No. ZBA-2015-MAJ-09 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. Itai Seggev and Dara Goldman have requested a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue so they may install an accessory parking space next to the driveway.

2. The site is located in West Urbana, zoned R-1, Single-Family Residential, and designated as Residential in the Urbana Comprehensive Plan.

3. The City's Zoning Ordinance allows the creation of two accessory parking spaces for homes if they are not located in the front yard. The spaces may have a gravel surface if they are properly contained.

4. The proposed variances would reduce the front yard setback requirement from 25 feet to 0 feet and allow an accessory parking space to be located to the east of the existing driveway

5. Parking spaces along Florida Avenue were recently removed, increasing the need by the applicants for off-street parking. The parking spaces are removed until the street is repaved which will not be able to happen for the next several years.

6. The applicants' property allows for two off-street parking spaces in the existing driveway and attached one-car garage. The vehicle parked in the driveway must be backed out in order to allow the garage-parked vehicle to depart which creates a practical difficulty.

7. The applicants are requesting the variance to allow independent movement of their vehicles. The location of the house does not allow vehicular access to the rear of the property.

8. The proposed variance would contribute to safer traffic flow along Florida Avenue by allowing the applicants to independently back out their vehicles.

9. The proposed variances are requested due to special circumstances of the current placement of the house and the loss of on-street parking. It

will not serve as a special privilege and it was not a situation knowingly created by the petitioner. The proposed variance is the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request and will not be a nuisance to the neighborhood.

10. At their December 16, 2015 meeting, the Zoning board of Appeals held a public hearing and unanimously voted to send the Major Variance to the City Council with a recommendation for approval.

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

Section 1. In ZBA Case Nos. 2015-MAJ-09, the variance requested by Itai Seggev and Dara Goldman to allow a 25 foot reduction in the required front-yard setback for an accessory off-street parking space at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

1. There is no more than one accessory off-street parking space created in the front yard setback reduction allowed by the Variance.
2. The accessory parking space surface is paved with an approved surface or properly contained with curbing or approved landscape edging treatment as required in the Zoning Ordinance under Section VIII-4.J.

The major variance described above shall only apply to the property located at 410 West Florida Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 16 IN BLOCK 6 IN HUBBARD TERRACE, AN ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN PLAT BOOK "D" AT PAGE 3, SITUATED IN CHAMPAGIN COUNTY, ILLINOIS.

PIN: 93-21-17-379-011

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 ____ day of _____, 2016

PASSED by the City Council on this ____ day of _____, 2016.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

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 ____ day of _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district. / Case No. ZBA-2015-MAJ-09) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2016, 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 ____ day of _____, 2016.

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-09
Subject: Front yard setback variance
Location: 410 West Florida Ave.
Petitioners: Itai Seggev and Dara Goldman

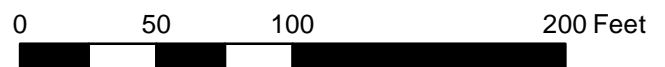


Exhibit B: Zoning Map



Case: ZBA-2015-MAJ-09
 Subject: Front yard setback variance
 Location: 410 West Florida Ave.
 Petitioners: Itai Seggev and Dara Goldman

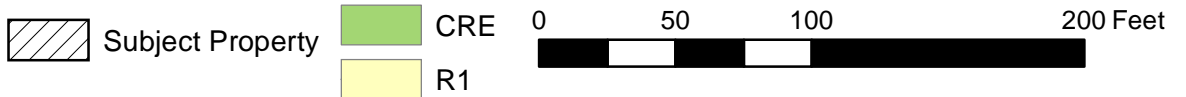
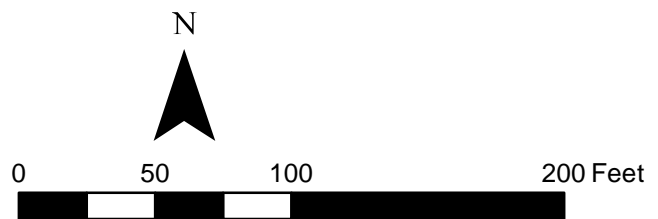


Exhibit C: Future Land Use Map



Case: ZBA-2015-MAJ-09
 Subject: Front yard setback variance
 Location: 410 West Florida Ave.
 Petitioners: Itai Seggev and Dara Goldman

- Residential
- Institutional
- Mixed Residential
- Subject Property



Itai Seggev & Dara Goldman
410 W Florida Ave
Application for Variance, continued.

Answers to section 5.

- a) We wish to widen our driveway approximately 6.5' to the east to allow a car to park on it without blocking the car in the garage. This expansion will be tapered to minimize impact on the lawn while still allowing a car to park to the side without driving on the lawn. See the cyan outline in the photograph below. Because our house is closer to the property line--about 18'--than the prescribed 25' required for R1 zoning, there is no place to add this expansion behind the required setback.
- b) The house is close to the side property lines (6 feet or less on either side, see the black lines on attached photograph). This makes the normal solution of adding a parking area at a point sufficiently recessed impossible. This is not applicable to all the houses in the neighborhood.
- c) The house has had its present geometry since at least the early 1990's, as it still has a grandfathered gravel driveway, and was purchased in its present configuration around 2000. We have been a two-car family since 2012. The fact that the car in the driveway blocks the car in the garage has been a nuisance since, but a relatively minor one as a car could be parked on the street to free up the driveway. With the recent city council vote to remove street parking from Florida, this is no longer possible, and the lack of an appropriate parking spot becomes a significant burden.
- d) Other houses have wide driveways. Most of these are recessed from the property line, but, as can be seen from the photograph, the house immediately to our east has one which is not.
- e) It is a small expansion to our driveway and does not directly impact our neighbors. Our neighbor to the west, Kim Graber, 502 W Florida, has told us she has no objections to our plans.
- f) Yes, this is the minimal deviation. We are angling the expansion to keep as much of the lawn as possible. Moreover, there is a stone footpath leading to our kitchen door immediately to the east of our current driveway, so not all of the expansion is going to replace lawn. The expansion must be to one side and not symmetrical about the north-south centerline of the driveway, as had been suggested at one point, because the garage is extremely narrow. In order to park in it, the car must enter and exit the garage in a straight north-south line. In fact, since the garage tapers towards the rear, all passengers must vacate while the car is on the driveway, and the car must back into the driveway in order for the driver to be able to exit the vehicle. A symmetrical expansion does not solve the problem of the car on the driveway blocking the car in the garage.



Exhibit E: Site Photos and Nearby Examples





116 W. Florida



408 W. Florida



RECEIVED
NOV 23 2015
3:06 PM



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 _____ ZBA Case No. _____

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 major variance for a reduction in the required on the property described below, and in conformity with the plans described on this variance request. Front yard setback from 25 to 0 feet.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Itai Seggev & Dara Goldman Phone: _____
Address (street/city/state/zip code): 410 W Florida Ave, 61801 217-337-5774
Email Address: is@cs.hmc.edu
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner + spouse

2. OWNER INFORMATION

Name of Owner(s): Dara Goldman Phone: _____
Address (street/city/state/zip code): _____
Email Address: _____
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 410 W Florida Ave
PIN # of Location: 93-21-17-379-011
Lot Size: 60 x 115

Current Zoning Designation: **R1**

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

Proposed Land Use: **unchanged**

Legal Description: **Lot 16 in block 6 in Hubbard Terrace, an addition to the city of Urbana, as per Plat recorded in plat book D at page 3, situated in Champaign county, IL**

4. CONSULTANT INFORMATION

N/A

Name of Architect(s):

Phone:

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

Email Address:

Name of Engineers(s):

Phone:

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

Email Address:

Name of Surveyor(s):

Phone:

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

Email Address:

Name of Professional Site Planner(s):

Phone:

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

Email Address:

Name of Attorney(s):

Phone:

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

Email Address:

5. REASONS FOR VARIATION

see attachment for all.

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).

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

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

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.

Stav Jensen
Applicant's Signature

22.11.2015
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

Itai Seggev & Dara Goldman
410 W Florida Ave
Application for Variance, continued.

Answers to section 5.

a) We wish to widen our driveway approximately 6.5' to the east to allow a car to park on it without blocking the car in the garage. This expansion will be tapered to minimize impact on the lawn while still allowing a car to park to the side without driving on the lawn. See the cyan outline in the photograph below. Because our house is closer to the property line--about 18'--than the prescribed 25' required for R1 zoning, there is no place to add this expansion behind the required setback.

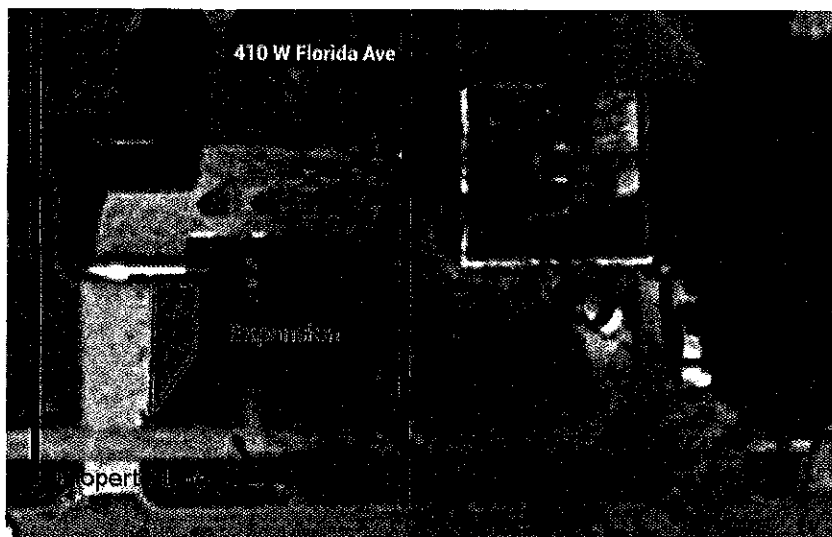
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c) The house has had its present geometry since at least the early 1990's, as it still has a grandfathered gravel driveway, and was purchased in its present configuration around 2000. We have been a two-car family since 2012. The fact that the car in the driveway blocks the car in the garage has been a nuisance since, but a relatively minor one as a car could be parked on the street to free up the driveway. With the recent city council vote to remove street parking from Florida, this is no longer possible, and the lack of an appropriate parking spot becomes a significant burden.

d) Other houses have wide driveways. Most of these are recessed from the property line, but, as can be seen from the photograph, the house immediately to our east has one which is not.

e) It is a small expansion to our driveway and does not directly impact our neighbors. Our neighbor to the west, Kim Graber, 502 W Florida, has told us she has no objections to our plans.

f) Yes, this is the minimal deviation. We are angling the expansion to keep as much of the lawn as possible. Moreover, there is a stone footpath leading to our kitchen door immediately to the east of our current driveway, so not all of the expansion is going to replace lawn. The expansion must be to one side and not symmetrical about the north-south centerline of the driveway, as had been suggested at one point, because the garage is extremely narrow. In order to park in it, the car must enter and exit the garage in a straight north-south line. In fact, since the garage tapers towards the rear, all passengers must vacate while the car is on the driveway, and the car must back into the driveway in order for the driver to be able to exit the vehicle. A symmetrical expansion does not solve the problem of the car on the driveway blocking the car in the garage.



**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: December 16, 2015

DRAFT

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Matt Cho, Ashlee McLaughlin, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED Nancy Uchtmann

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Anel, Administrative Assistant II

OTHERS PRESENT Dara Goldman, Itai Seggev

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:30 p.m. Roll call was taken, and Chair Welch declared that there was a quorum.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the August 19, 2015 regular meeting were presented for approval. Ms. Chester moved to approve the minutes as written. Mr. Cho seconded the motion. The minutes were approved by unanimous voice vote as moved.

4. COMMUNICATIONS

- 2015 Zoning Ordinance Republication
- 2016 Meeting Schedule

NOTE: Chair Welch swore in the members of the audience who indicated that they may give testimony during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2015-MAJ-09 – A request by Itai Seggev and Dara Goldman for a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 West Florida Avenue in the R-1, Single-Family Residential Zoning District.

Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed variance. He gave a brief description of the subject property noting the zoning, current land uses and future land use designation. He reviewed the criteria for approval of a variance from Section XI-3 of the Urbana Zoning Ordinance. He presented City staff's recommendation for approval including two conditions. He mentioned that the applicants were in the audience and available to answer any questions.

Chair Welch opened the hearing up for questions for City staff.

Chair Welch asked if the applicants would be required to pave the entire area or only the accessory parking space if approval was granted. Mr. Marx replied that they would be required to pave the accessory parking space; however, that does not necessarily mean using concrete. They could use a gravel surface as long as it is contained.

Mr. Weisskopf inquired if the applicants were the first residents along Florida Avenue to ask for approval for accessory parking since the on-street parking was removed. Mr. Marx said yes. Mr. Weisskopf stated that he assumed that every property lost a parking spot along Florida Avenue.

With there being no further questions for City staff, Chair Welch opened the hearing for public input.

Itai Seggev, applicant, approached the Zoning Board of Appeals. He explained that they always park both cars in the driveway overnight because of the parking restrictions in part and also because of two accidents that had previously happened within a three-month period. One accident was caused by a drunk driver hitting their vehicle that was parked along Florida Avenue. The other accident involved two cars about ten feet from in front of his home.

He stated that they would use the on-street parking space to temporarily park one car so that the car in the garage could exit the property. Without the on-street parking space, it is now more difficult to move the car parked in the garage.

There were no questions for the applicant.

Chair Welch asked for clarification about whether he should abstain since he lives in the neighborhood. Ms. Pearson replied that there was no conflict as long as he had no financial interest in the case.

Ms. McLaughlin moved that the Zoning Board of Appeals recommend approval of Case No. ZBA-2015-MAJ-09 to the Urbana City Council including the two conditions as recommended by City staff. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Mr. Cho	-	Yes	Mr. McLaughlin	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. Ms. Pearson noted that the case would be forwarded to the Urbana City Council on January 4, 2016.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
Planning Manager
Secretary, Urbana Zoning Board of Appeals