



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
Katherine Trotter, Planner I

**DATE:** June 10, 2021

**SUBJECT:** An Ordinance Approving a Major Variance (Garage at 213 W. Illinois St. / ZBA-2021-MAJ-02)

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### **Introduction**

Gary Apfelstadt requests a variance to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District. The applicant would like to rebuild the existing garage in its current location: four feet from the west property line. This would require a major variance, since the new garage would encroach 11 feet into the required 15-foot front yard.

At the May 19, 2021, meeting, the Zoning Board of Appeals (ZBA) considered the requested variance. The applicant made a statement regarding his request, and no members of the public spoke regarding the case. The ZBA voted with four ayes and one nay to recommend that City Council approve the requested variance as presented in the staff report.

### **Background**

The property at 213 West Illinois Street is in the northeastern portion of the West Urbana Neighborhood. The applicant has owned the property since 2014. According to the applicant, the garage has been on the property for over 100 years. It is deteriorating and needs to be replaced. The lot is a corner lot, with 15-foot required front yards on both Illinois Street and Cedar Street, which the garage faces. The applicant has requested a variance to allow his garage to be rebuilt in the required front yard, four feet from the west property line.

The same variance was applied for last December and was considered by the ZBA at the February 18, 2021, meeting (ZBA-2020-MAJ-09). The ZBA voted, with four ayes and one nay, to forward the case to City Council with a recommendation to approve the requested variance.

At the March 8, 2021, meeting, the City Council considered the requested variance. The City Council voted, with three ayes and four nays, to defeat the Ordinance for the variance. However, the applicant was not given an opportunity to make a statement. He then asked that the case be reconsidered by the City Council. However, the case cannot be reconsidered at City Council once the meeting has been adjourned, so the variance request had to be resubmitted and heard again by the ZBA before going back to City Council.

## Description of Site and Area

The property contains 5,775 square feet of land (50 feet by 115.5 feet) and is located at the southeast corner of West Illinois Street and Cedar Street. Nearby are single-family residences, duplexes, small apartment buildings, and Leal Elementary School to the southwest. All adjacent properties are also zoned R-2, Single-Family Residential.

The following table identifies the current zoning and the existing and future land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

| Location | Zoning   | Existing Land Use                            | Future Land Use                  |
|----------|--|--|----------------------------------|
| Site     | R-2, Single-Family Residential                                   | Duplex Rental                                | Residential                      |
| North    | R-2, Single-Family Residential                                   | Single-Family and Duplex Rentals             | Residential                      |
| South    | R-2, Single-Family Residential                                   | Single-Family Houses and Duplex Rentals      | Residential                      |
| East     | R-2, Single-Family Residential and MOR, Mixed Office Residential | Apartment Buildings and Single-Family Houses | Residential and Central Business |
| West     | R-2, Single-Family Residential                                   | Apartment Buildings and Single-Family Houses | Residential                      |

## Discussion

Table VI-3 of the Zoning Ordinance requires a 15-foot front yard in the R-2 district. The subject lot is a corner lot and is required to have 15-foot front yards on both Illinois Street and Cedar Street. The proposed garage would be rebuilt four feet from the west property line on Cedar Street. The narrow lot width creates a practical difficulty in rebuilding the garage the required 15 feet from the property line. The home currently encroaches seven feet into the required front yard on Cedar Street, and there is a garden in the rear yard that would need to be removed if the garage was built further east.

Staff discussed with the applicant the possibility of reorienting the garage, which would remove the access drive from Cedar Street and add a new entrance off of the public alley on the south side of the property. However, the applicant was concerned that the turning radius from the public alley into the garage would be too tight.

Engineering has also reviewed the requested variance. Simply installing mirrors or windows on the proposed garage would not achieve the desired range of vision. Reorienting the garage off of the alley would not increase safety, and would make it more difficult for residents pulling into or out of the garage. While moving the garage further east would improve the range of vision for drivers, it would result in the removal of the garden and significant paving of the rear yard. The Engineering division has no significant concerns about the placement of the garage that should prevent it from being rebuilt in its existing location.

## Variance Criteria

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

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *The proposed variances 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 lot was platted smaller and narrower than what is now required by the Zoning Ordinance. The lot size and configuration creates a practical difficulty in rebuilding the garage 15 feet from the west property line. The requested variance will not serve as a special privilege because it would allow the garage to be rebuilt in its same location.

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

The situation was not knowingly or deliberately created by the applicant, as the existing garage has been on the property since before the applicant purchased it. The narrow lot width creates a practical difficulty in rebuilding the garage 15 feet from the west property line, and the new garage would be rebuilt in generally the same location.

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

The existing garage has been in place for over 100 years and is consistent with the essential character of the neighborhood. The garage will be rebuilt in generally the same location, and it will be rebuilt in a style that matches the house on the lot.

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

According to the applicant, and City records, there have been no nuisance complaints at 213 West Illinois Street since he purchased it in 2014. The garage has been on the property, in the required front yard, for over 100 years and has not caused issues for the property owner or the adjacent properties. The variance request would allow the garage to be rebuilt further off of the public alley, which may reduce any potential nuisance to the public using the alley.

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

The requested variance would allow for a garage to be built in generally the same location, four feet from the property line. The variance does not represent the minimum deviation from the Zoning Ordinance requirements, as the garage would not be rebuilt as far from the west property line as possible, because the property owner would like to retain the existing garden.

The request is not required to meet all of the variance criteria and this request does not. However, on balance, staff believes that this variance can be granted without any negative impact on the community.

## **Zoning Board of Appeals**

On May 19, 2021, the ZBA discussed the variance request. There was discussion amongst the Board about moving the garage further north and taking driveway access off of the alley. However, Planning staff stated that Engineering has weighed in on the variance request, and reorienting the garage to take access off of the alley would not significantly increase safety for drivers or pedestrians. After hearing no public input for or against the case, the ZBA voted with four ayes and one nay to forward this case to City Council with a recommendation to APPROVE the request, as presented in the staff report.

## **Summary of Findings**

1. Gary Apfelstadt requests a major variance to allow a garage to be reconstructed and encroach 11 feet into the 15-foot required front yard at 213 West Illinois Street in the R-2, Single-Family Residential zoning district.
2. The variance will not serve as a special privilege to the property owner, as the property is a corner lot, and the narrow lot configuration creates a practical difficulty in rebuilding the garage the required 15 feet from the front property line.
3. The variance was not the result of a situation knowingly created by the applicant, as the lot was platted in 1900 to be narrower than required today, and the garage has been on the property since before the applicant purchased it.
4. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location, in a style that matches the home.
5. The variance will not cause a nuisance to adjacent property owners, as the garage has not been a nuisance to them while it has been in the same general location, and the garage will be rebuilt in generally the same location, as far from Cedar Street as practicable.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage would not be rebuilt as far from the property line as possible, because the property owner would like to retain the garden.

## **Options**

The Urbana City Council has the following options in case ZBA-2021-MAJ-02:

1. Approve the Ordinance; or
2. Approve the Ordinance with certain terms and conditions; or
3. Deny the Ordinance.

## **Recommendation**

At the May 19, 2021, meeting, the ZBA voted with four ayes and one nay to forward this case to the City Council with a recommendation to APPROVE the request, as presented in the staff report.

Staff concurs with the ZBA recommendation.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Garage Site Plan  
Exhibit E: Site Photos  
Exhibit F: Public Input Received  
Exhibit G: Zoning Board of Appeals Meeting Minutes  
Exhibit H: Variance Application

cc: Gary Apfelstadt, Property Owner/Applicant

**ORDINANCE NO.** 2021-06-020

**AN ORDINANCE APPROVING A MAJOR VARIANCE  
(Garage at 213 W. Illinois St. / ZBA Case No. 2021-MAJ-02)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**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**, Gary Apfelstadt has submitted a petition for a major variance to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on May 19, 2021, in ZBA Case No. 2021-MAJ-02; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted four (4) ayes and one (1) nay to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major

variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The property is zoned R-2, Single-Family Residential Zoning District.
2. Gary Apfelstadt requests a major variance to allow a garage to be reconstructed in a required front yard, four feet from the west property line at 213 West Illinois Street.
3. The variance will not serve as a special privilege to the property owner, as the property is a corner lot, and the narrow lot configuration creates a practical difficulty in rebuilding the garage the required 15 feet from the front property line.
4. The variance was not the result of a situation knowingly created by the applicant, as the lot was platted in 1900 to be narrower than required today, and the garage has been on the property since before the applicant purchased it.
5. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location, in a style that matches the house on the lot.
6. The variance will not cause a nuisance to adjacent property owners, as the garage has not been a nuisance to them while it has been in the same general location, and the garage will be rebuilt in generally the same location, as far from Cedar Street as practicable.
7. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage would not be rebuilt as far from the property line as possible, because the property owner would like to retain the garden.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. 2021-MAJ-02, the major variance requested by Gary Apfelstadt, to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street, is hereby approved in the manner proposed in the application with the following condition: that the garage generally conforms to the site plan in Attachment A. The major variance described above shall only apply to the property located at 213 West Illinois Street, more particularly described as follows:

The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois.

Commonly known 213 West Illinois Street, Urbana, Illinois 61801  
P.I.N.: 92-21-17-186-001

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

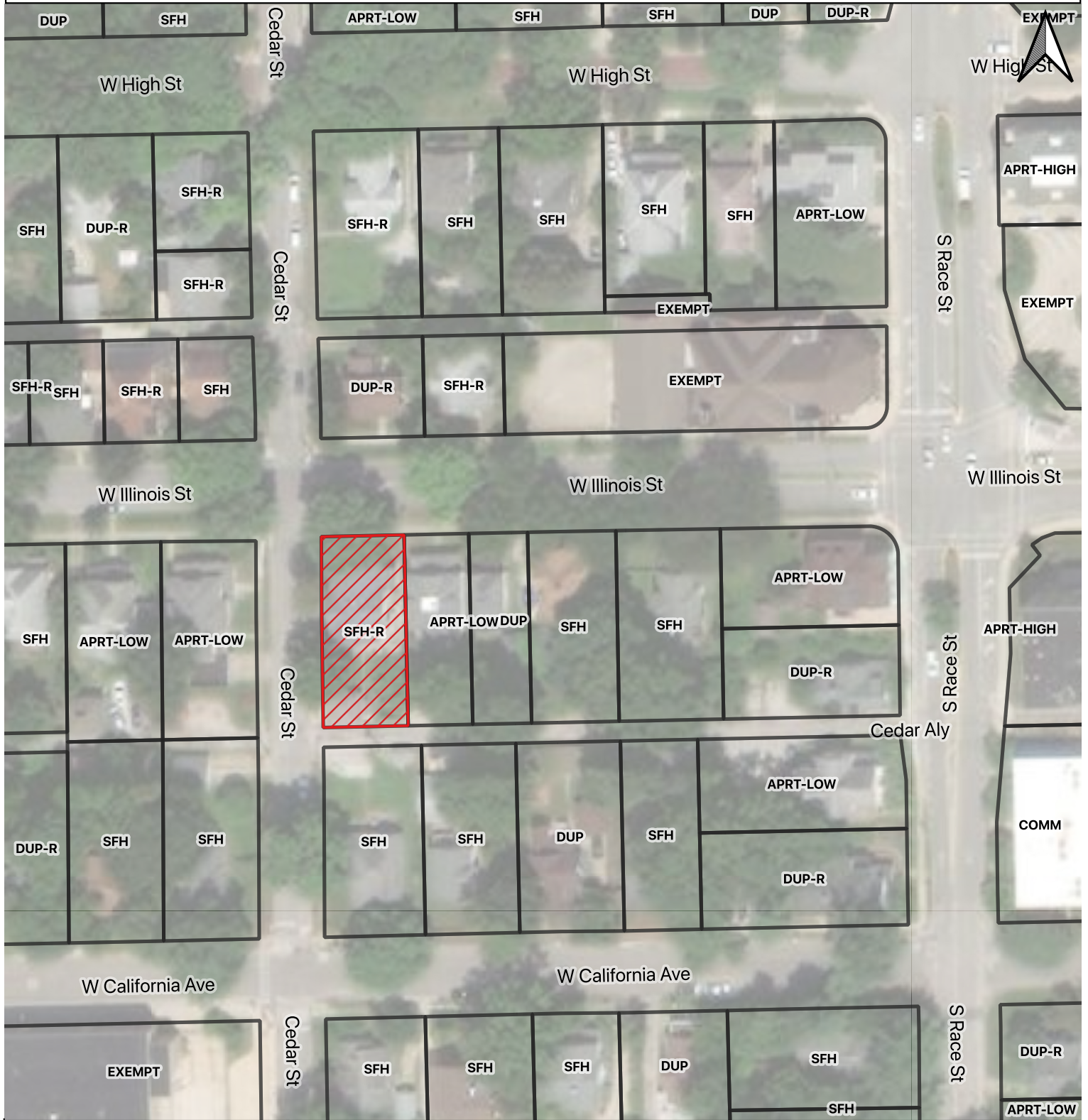


**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving Major Variances (Garage at 213 W. Illinois St. / ZBA-2021-MAJ-02)” 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021.

# Exhibit A - Location and Land Use Map

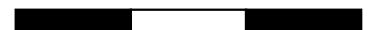


Case No. ZBA-2021-MAJ-02  
 Subject Address Apfelstadt Garage Variance  
 Address 213 W. Illinois St.  
 Petitioner Gary Apfelstadt

## Legend

 Subject Property

0 50 100 150 ft











# Exhibit B - Zoning Map

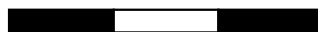


Case No. ZBA-2021-MAJ-02  
 Subject Address Apfelstadt Duplex  
 213 W. Illinois St.  
 Petitioner Gary Apfelstadt

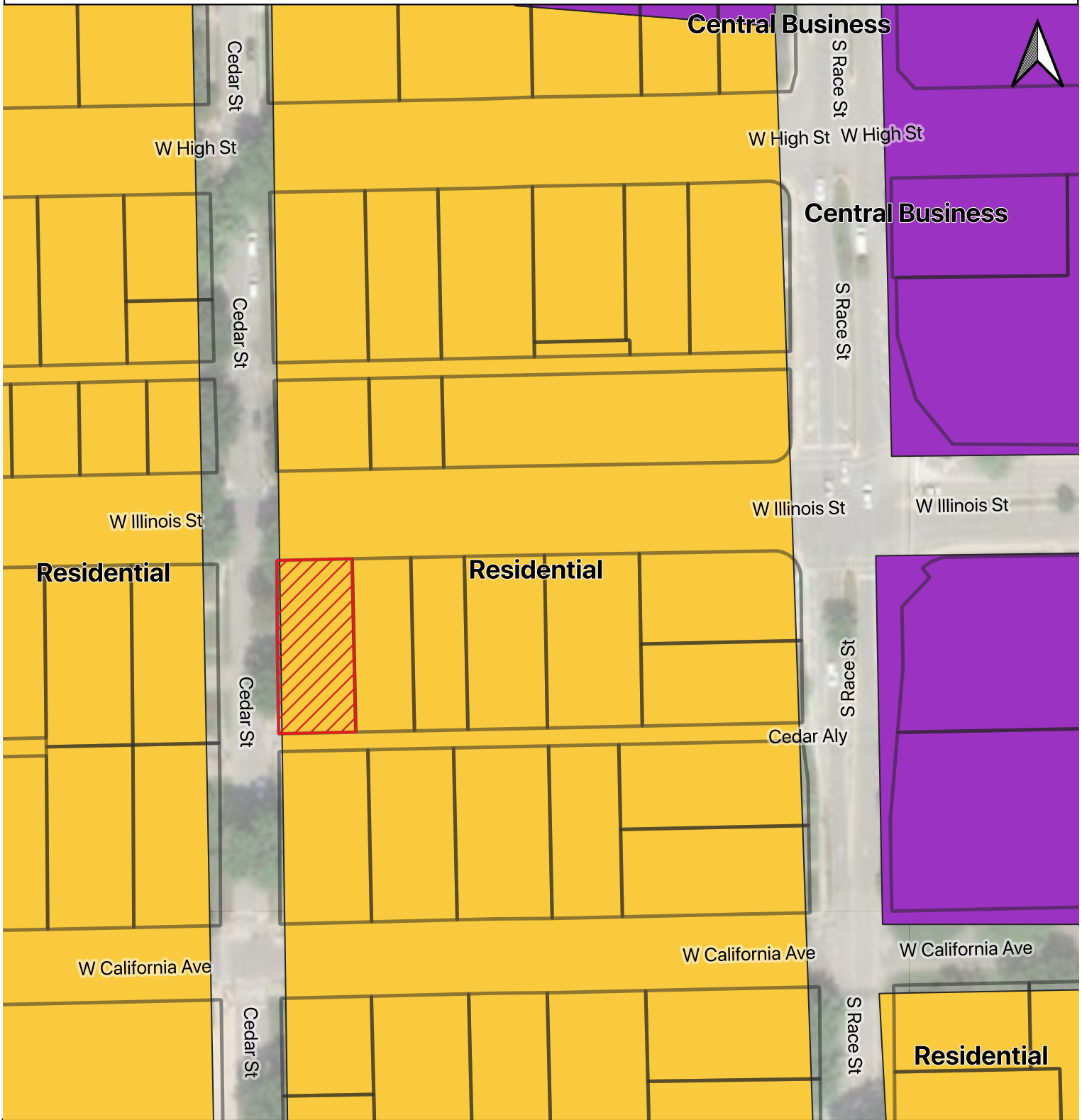
## Legend

-  Subject Property
- Current\_Zoning**
-  B-3
-  B-4
-  CRE
-  MOR
-  R-2
-  R-3
-  R-5

0 50 100 150 ft






# Exhibit C - Future Land Use Map

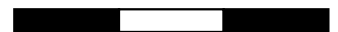


Case No. ZBA-2021-MAJ-02  
 Subject Address Apfelstadt Duplex  
 213 W. Illinois St.  
 Petitioner Gary Apfelstadt

## Legend

-  Subject Property
- Future Land Use**
-  Central Business
-  Residential

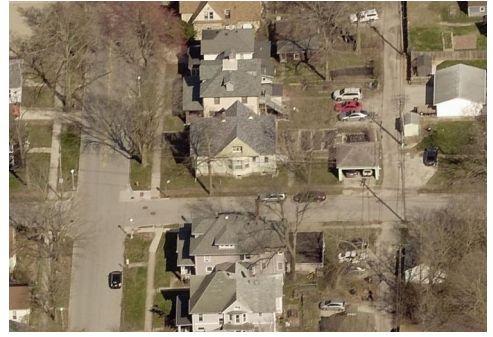
0 50 100 150 ft



213 West Illinois St  
Garage plan views



Viewing North from alley to Illinois St



Viewing East across Cedar St



Current foot print of 20' x 20' garage



Foot print of proposed 24' x 24' garage





**From:** [Rae Spooner](#)  
**To:** [Trotter, Katherine](#)  
**Subject:** Garage  
**Date:** Wednesday, May 05, 2021 10:52:15 AM

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\*\*\* Email From An External Source \*\*\*

Let the garage on Illinois and cedar be rebuilt.  
Rae Spooner

Sent from my iPhone



**From:** [Michael Fuerst](#)  
**To:** [Trotter, Katherine](#)  
**Subject:** Re: 213 W Illinois zoning variance  
**Date:** Wednesday, May 05, 2021 12:12:40 PM

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\*\*\* Email From An External Source \*\*\*

I just received another letter about the proposed variance at 213 W Illinois. Hadn't this been resolved a month or two ago? Unless the nature of the request has changed, rebuilding the garage is on Cedar is still fine with me

Michael Fuerst  


**EXHIBIT G – MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** May 19, 2021

**DRAFT**

**TIME:** 7:00 p.m.

**PLACE:** Zoom Webinar

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**MEMBERS ATTENDING REMOTELY:** Joanne Chester, Ashlee McLaughlin, Adam Rusch, Charles Warmbrunn

**MEMBER ATTENDING AT CITY BUILDING:** Harvey Welch

**MEMBERS EXCUSED:** Matt Cho, Nancy Uchtmann

**STAFF PRESENT:** Marcus Ricci, Planner II; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

**OTHERS PRESENT:** Gary Apfelstadt, James Webster

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

Chair Welch called the meeting to order at 7:00 p.m. Roll call was taken, and he declared a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the February 18, 2021 rescheduled meeting were presented for approval. Mr. Warmbrunn suggested a correction to the minutes on Page 4, Paragraph 4, 1<sup>st</sup> Sentence. It should read as such, “Mr. Warmbrunn asked how many feet there are between the existing garage and the property line on the east side.”

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes as amended. Ms. Chester seconded the motion. Roll call on the motion was as follows:

|                |   |     |             |   |     |
|----------------|---|-----|-------------|---|-----|
| Ms. McLaughlin | - | Yes | Ms. Chester | - | Yes |
| Mr. Warmbrunn  | - | Yes | Mr. Rusch   | - | Yes |
| Mr. Welch      | - | Yes |             |   |     |

The minutes of the February 18, 2021 rescheduled meeting were approved as amended.

#### 4. COMMUNICATIONS

Regarding Case No. ZBA-2021-MAJ-02:

- Email from Rae Spooner in support of the major variance
- Email from Michael Fuerst in support of the major variance

#### 5. CONTINUED PUBLIC HEARINGS

**There were none.**

#### 6. NEW PUBLIC HEARINGS

**ZBA-2021-MAJ-02 – A request by Gary Apfelstadt for a Major Variance to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street in the R-2 (Single-Family Residential) Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-02. Kat Trotter, Planner I, gave the staff report for the case. She explained why the case was coming back before the Zoning Board of Appeals, which was because the applicant was not given an opportunity to speak on behalf of his case to the City Council. She said the purpose for the proposed major variance request was to allow the applicant to rebuild the existing garage in its current location: 11 feet into the required 15-foot front yard. She presented City staff's recommendations for approval. She noted that the applicant was available to answer questions.

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

Ms. McLaughlin asked if the City Council had discussed the case before voting. Ms. Trotter replied yes. The issue at the City Council meeting was that the applicant was not given the opportunity to speak. While there was some discussion by the City Council, no questions were directed to him.

Ms. McLaughlin asked Ms. Trotter to summarize the discussion that led to the City Council denying the case originally. Ms. Trotter stated that the basis for the denial was that the request did not meet the minimum deviation requirement because if the garden were removed then the garage could be built 15 feet from the property line. City staff is in support of the major variance because the new garage would meet all other zoning criteria, and approving the proposed variance would allow the applicant to keep his garden.

Ms. Trotter added that the City's Engineering staff weighed in on a recommendation made by the Zoning Board of Appeals at the first meeting of asking the applicant to install a window or mirrors on the garage to allow the applicant to back out of the garage safer. Engineering staff did not feel that this would make a difference, and they do not have enough concerns about safety to require the applicant to build the new garage further from the property line.

Mr. Warmbrunn stated that he had the same question. Now there are five new members on the City Council, so they may vote differently.

Ms. Chester stated that the new garage would be large but it could still be moved 4 feet closer to the house, which would allow the applicant to back into the alley. Ms. Trotter replied that this was discussed with the Engineering staff, and they did not feel that the safety would be dramatically increased when you have a driveway back out into an alley versus a street because there would still be cars and pedestrians traversing the alley.

Chair Welch opened the hearing for public input. He invited the applicant or the applicant’s representative to speak.

Mr. Apfelstadt, applicant, raised his hand to speak. Chair Welch swore him in. Mr. Apfelstadt noted that the City Council vote was 4 against and 3 in favor of the request. He was not given an opportunity to speak during the City Council meeting but did have the chance to speak to the Council members after the meeting about his reasoning for locating the new garage in the existing footprint.

With regards to moving the new garage closer to the house, there are power poles that encroach into the alley. As a result, the alley has been veering onto people’s property rather than staying in the 12-foot right-of-way. Moving the new garage further towards the house would take up yard space and would be unfavorable to him *and* moving the new garage further to the east would cause the garage to shade where the garden area is located. This would also be unacceptable because they would not be able to have a garden. The existing garage is becoming more dilapidated and needs to be attended to. The location of the existing garage has been perfectly reasonable for the last 100 years. The new requirement for corner lot setbacks is a problem of the Zoning Ordinance being amended in the last 20 years. They are only asking to maintain the footprint of the garage as it currently is while keeping the greenspace and the garden.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motions by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-02 to the City Council with a recommendation for approval as presented in the City staff report. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

|                |   |     |               |   |     |
|----------------|---|-----|---------------|---|-----|
| Ms. Chester    | - | No  | Mr. Rusch     | - | Yes |
| Ms. McLaughlin | - | Yes | Mr. Warmbrunn | - | Yes |
| Mr. Welch      | - | Yes |               |   |     |

The motion passed by a vote of 4 ayes to 1 nay, which is a necessary majority for a major variance. Ms. Trotter stated that Case No. ZBA-2021-MAJ-02 would be forwarded to City Council on June 14, 2021.

**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 7:44 p.m.

Respectfully submitted,

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Kevin Garcia, AICP  
Principal Planner  
Secretary, Urbana Zoning Board of Appeals



## Application for Variance

## ZONING BOARD OF APPEALS

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

**ZBA-2020-MAJ-07**

**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY** **ZBA-2020-MAJ-08**

Date Request Filed 12-03-2020 ZBA Case No. **ZBA-2020-MAJ-09**

Fee Paid - Check No. 7370 Amount \$200.00 Date 12-03-2020

### 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 the following variation (*Describe the extent of the Variation Requested*)

Minimum lot size for duplex, minimum parking space requirement for duplex, & position of garage on lot relative to setback requirements on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Gary Apfelstadt, Claudine Hanson** Phone: **217 552 9105, 217 552 9103**

Address (*street/city/state/zip code*): **3039 N CR 900 E, Dewey IL 61840**

Email Address: **gapfelstadt54@gmail.com chanson2354@gmail.com**

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **Owners**

#### 2. OWNER INFORMATION

Name of Owner(s): **Gary Apfelstadt, Claudine Hanson** Phone: **217 552 9105, 217 552 9103**

Address (*street/city/state/zip code*): **3039 N CR 900 E, Dewey IL 61840**

Email Address: **gapfelstadt54@gmail.com chanson2354@gmail.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: **213 West Illinois Street, Urbana IL 61801**

PIN # of Location: **92-21-17-186-001**

Lot Size: **50 feet x 115.5 feet**

Current Zoning Designation: **R-2 / Application for Conditional Use Permit submitted to list property as Duplex**

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

Proposed Land Use: **Duplex**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

**The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois**

#### **4. CONSULTANT INFORMATION**

**Name of Architect(s):**

Phone:

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

Email Address:

**Name of Engineers(s):**

Phone:

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

Email Address:

**Name of Surveyor(s):**

Phone:

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

Email Address:

**Name of Professional Site Planner(s):**

Phone:

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

Email Address:

**Name of Attorney(s):**

Phone:

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

Email Address:

#### **5. REASONS FOR VARIATION**

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

- a) The existing lot size is smaller than the current lot size requirement for lot in the R-2 zoning district,**
- b) The existing lot has fewer parking spaces than the current requirement for duplex, &**
- c) The existing position of garage on lot relative to setback requirements is closer than setback requirements for corner lot and we plan to replace the old structure with a new garage.**

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 variances are necessary to adjust the current zoning requirements to the existing use and structure of this property and permit replacement of the garage structure. The lot was platted to be smaller than the minimum lot size required by the Zoning Ordinance. The existing duplex has two parking spaces, which is less than the required 4 parking spaces for a duplex (2 per dwelling unit), and a variance is required to provide less than the required amount of parking. The existing garage was built in a (now) required front yard on Cedar Street. A variance is required to allow a new garage to be built in a required front yard, 3 feet from the west property line.**

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

**The home and garage have existed on the property since before we purchased it in 2014. This proposal, combined with the conditional use permit, is for correction of the existing use. When purchased in 2014 from the Darius E Phebus Trust by the current owners, the property was a duplex rental with Unit 1 on first floor, and Unit 2 on second floor. The property was registered as a duplex by Darius Phebus with the Urbana Rental Registration program when it began in 2007. The duplex rental has existed on the property since before we owned it, and it has provided rental housing to the neighborhood. The garage has existed on the property since before 1902.**

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

**This proposal is for correction of the existing use. The current use as a duplex will continue, as it has since before we purchased the property. The duplex use is consistent with the surrounding neighborhood, and many of the structures in the neighborhood have property codes as duplex or multi unit structures. The garage will be built in the style of the 1902 garage structure, and it will generally be in the same location as the existing garage.**

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

**This proposal is for correction of the existing use. The current use as a duplex will continue, as it has since before we purchased the property, where it has not been a nuisance to the neighborhood. The duplex use is consistent with the surrounding neighborhood, and many of the structures in the neighborhood have property codes as duplex or multi unit structures. The garage will be built in the style of the 1902 garage structure.**

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

- a) existing lot size is 5,775 sq ft; current requirement for lot in R-2 is 6,000 sq. ft.
- b) existing parking spaces provided are 2; current requirement for duplex is 4, two per dwelling unit.
- c) existing location of garage is 1 foot from rear ally line and 3 feet from Cedar Street line; current requirement is 18 inches from rear line and 15 feet from Cedar Street line

***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.

*Sgt A. Aufelstalt Alvarado*

Applicant's Signature

*Dec. 3, 2020*

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