



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
Kat Trotter, Planner I

DATE: August 5, 2021

SUBJECT: An Ordinance Approving a Major Variance (Porch at 907 E. Washington St. / ZBA-2021-MAJ-06)

Introduction

David Huber requests a variance to allow a porch to encroach into the required 25-foot front yard at 907 East Washington Street, in the R-3, Single and Two-Family Residential Zoning District. He would like to widen the existing porch, which already encroaches 10 feet, 10 inches into the required front yard. The new porch would be 11 feet wide, but would not encroach any further into the front yard than the existing porch.

At the July 21, 2021, meeting, the Zoning Board of Appeals (ZBA) considered the requested variance. The applicant made a statement regarding his request, and one member of the public spoke in favor of the request. Staff also received eight letters of public input in favor of the request. The ZBA voted with four ayes and zero nays to recommend that City Council approve the requested variance, as presented in the staff report.

Background

The applicant purchased the property in June 2021; however, the house and existing porch have been on the property since 1947. The house encroaches four feet into the 25-foot required front yard, and the porch encroaches 10 feet, 10 inches. Both are considered to be legally nonconforming encroachments. The applicant would like to widen the porch to the east and west edges of the house to be 11 feet wide, while keeping the same encroachment.

Description of Site and Area

The lot at 907 East Washington Street is 6,290 square feet in area, and is located in the Fairlawn Park neighborhood, on the south side of Washington Street, west of Philo Road. Nearby are other residences, and Wiley School to the south. All adjacent properties are also zoned R-3, Single and Two-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
Site	R-3, Single and Two-Family Residential	Residential
North	R-3, Single and Two-Family Residential	Residential
South	R-3, Single and Two-Family Residential	Residential
East	R-3, Single and Two-Family Residential	Residential
West	R-3, Single and Two-Family Residential	Residential

Discussion

The applicant requests the variance to add more outdoor living space on the front porch. The existing porch is four feet, two inches wide and encroaches 10 feet, 10 inches into the required front yard. The applicant would like to expand the porch, awning, and steps to be 11 feet wide, with the same encroachment. The required front yard at 907 East Washington Street is 25 feet.¹

The average front yard depth on the block is skewed by a 75-foot front yard at 905 East Washington Street. If that property were removed from the calculation, the average front yard depth would only be 16 feet. In that case, a variance would not be required, as front steps may encroach up to five feet into a required yard if the building was constructed prior to November 6, 1950. This house was built in 1947. Of the six properties on the block, four front porches or stairs encroach into the required 25-foot front yard. The requested variance would not alter the appearance of the neighborhood or act as a special privilege to the property owner, as several other porches or porch stairs encroach into the required front yard.

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

¹ Table VI-3 of the Urbana Zoning Ordinance, Footnote 9 requires properties in the R-3 District to have a front yard that is equal to the average depth of the existing buildings on the same block face, or 15 feet, whichever is greater, but no more than 25 feet. The average front yard depth on this block of Washington Street is approximately 26 feet, so a 25-foot front yard is required.

The average front yard depth on this block is approximately 26 feet, so the maximum front yard depth of 25 feet is required. The average front yard depth is skewed because of an outlier on the block at 905 East Washington Street. The property has a 75-foot front yard, which increases the front yard requirement for all other properties on the block. If this property were not included in the calculation, the average front yard depth on the block would only be 16 feet, and no variance would be required, as steps are permitted to encroach up to five feet into a required yard.

2. *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 existing porch has been on the property since 1947, where it has encroached 10 feet, 10 inches into the front yard. While several other front porches on the block encroach into the required front yard, this circumstance is not generally applicable to other properties in the R-3 district. The variance would allow the existing porch to be widened, extending the existing encroachment.

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

Since the house and existing porch were built in 1947, and the petitioner bought the property earlier this year, the situation was not created by the petitioner.

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

The widened porch will not alter the essential character of the neighborhood, and will likely enhance the character of the neighborhood by making the porch more useful. The existing porch has been on the property for over 70 years, in the required front yard, long before the applicant purchased it. It currently acts more like a stoop, as it is only four feet wide. Several other front porches on the block encroach into the required front yard, and the requested variance will not allow for a greater encroachment than what is already there. From the street, the house will look essentially the same as it does now, only with a wider front porch.

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

The variance would allow the porch to be widened to the edges of the house and maintain the existing 10 foot, 10 inch encroachment into the required front yard. The porch will not encroach into either side yard and should not create a nuisance for the neighboring properties. Additionally, one neighbor of the property submitted a letter of public input in favor of the requested variance.

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

The variance represents generally the minimum deviation from the Zoning Ordinance requirements, as the porch would be widened but maintain the existing front yard encroachment.

Zoning Board of Appeals

On July 21, 2021, the ZBA considered the variance request. Staff received eight letters of public input prior to the meeting, all in favor of the requested variance. The applicant spoke on behalf of his

project, and one member of the public spoke in favor of the request. After no further discussion, the ZBA voted with four ayes and zero nays to forward the case to City Council with a recommendation to APPROVE the request, with the condition that the porch, awning, and stairs generally conform to the submitted site plan.

Summary of Findings

1. David Huber requests a major variance to allow a porch to encroach 10 feet, 10 inches into the required 25-foot front yard at 907 East Washington Street in the R-3, Single and Two-Family Residential zoning district.
2. The variance will not serve as a special privilege to the property owner, as the porch has been on the property, in the required front yard, since 1947, and other porches on the block encroach into the required front yard.
3. The variance was not the result of a situation knowingly created by the applicant, as the average front yard depth on the block determined the 25-foot front yard requirement, and the applicant bought the property earlier this year.
4. The variance will not alter the essential character of the neighborhood, as the house would essentially look the same as it does now, only with a wider front porch. Several other porches on the block encroach into the required front yard.
5. The variance will not cause a nuisance to adjacent property owners, as the porch would be widened to the edges of the house and would not encroach into either side yard.
6. The variance generally represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the porch would be widened but would maintain the existing 10 foot, 10 inch front yard encroachment.

Options

The Urbana City Council has the following options in Case No. ZBA-2021-MAJ-06:

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

Recommendation

At the July 21, 2021, meeting, the ZBA voted with four ayes and zero nays to forward this case to the City Council with a recommendation to APPROVE the request, with the following condition:

1. That the porch generally conform to the submitted site plan in Ordinance Attachment A.

Staff concurs with the ZBA recommendation.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Existing Site Plan
Exhibit D: Site Photos

Exhibit E: Public Input Received
Exhibit F: Variance Application
Exhibit G: Draft 7/21/21 ZBA Minutes

cc: David Huber, Property Owner/Applicant

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Porch at 907 East Washington Street / ZBA Case No. 2021-MAJ-06)

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

WHEREAS, David Huber has submitted a petition for a major variance to allow a porch to encroach 10 feet, 10 inches into a required 25-foot front yard at 907 East Washington Street; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on July 21, 2021, in ZBA Case No. 2021-MAJ-06; 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 zero (0) nays 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. David Huber requests a major variance to allow a porch to encroach 10 feet, 10 inches into the required 25-foot front yard at 907 East Washington Street in the R-3, Single and Two-Family Residential zoning district.
2. The variance will not serve as a special privilege to the property owner, as the porch has been on the property, in the required front yard, since 1947, and other porches on the block encroach into the required front yard.
3. The variance was not the result of a situation knowingly created by the applicant, as the average front yard depth on the block determined the 25-foot front yard requirement, and the applicant bought the property earlier this year.
4. The variance will not alter the essential character of the neighborhood, as the house would essentially look the same as it does now, only with a wider front porch. Several other porches on the block encroach into the required front yard.
5. The variance will not cause a nuisance to adjacent property owners, as the porch would be widened to the edges of the house and would not encroach into either side yard.
6. The variance generally represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the porch would be widened but would maintain the existing 10 foot, 10 inch front yard encroachment.

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-06, the major variance requested by David Huber, to allow a porch to encroach 10 feet, 10 inches into a required 25-foot front yard at 907 East Washington Street, is hereby approved in the manner proposed in the application with the following condition: that the porch generally conforms to the site plan in Attachment A. The major variance described above shall only apply to the property located at 907 East Washington Street, more particularly described as follows:

Lot 93 of Martha C. Hubbard's Third Addition to the City of Urbana, being a portion of the Northwest Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

Commonly known as 907 East Washington Street, Urbana, Illinois 61801
P.I.N.: 92-21-16-303-004

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

Ordinance Attachment A

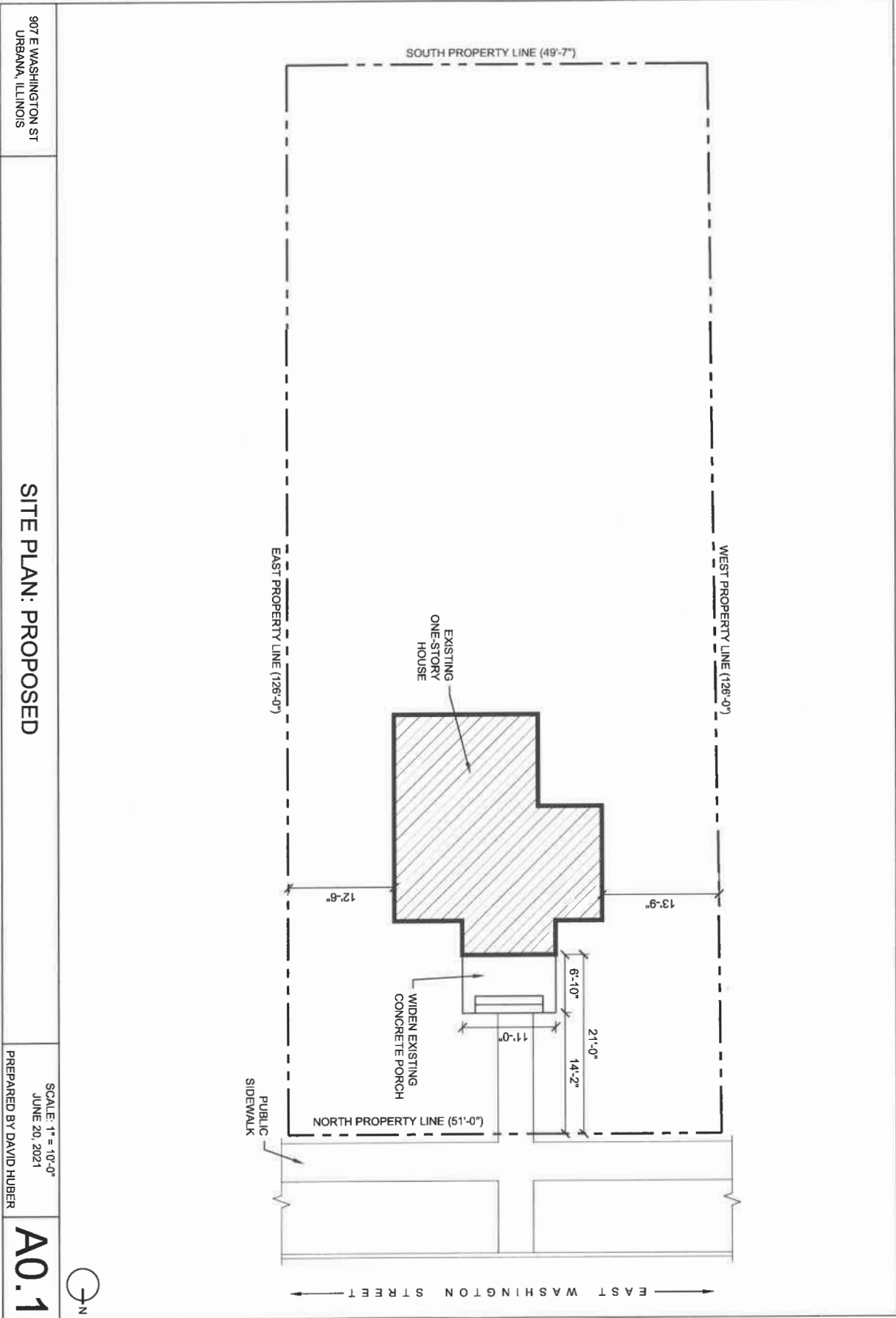



Exhibit A - Location Map



Case No.
Subject
Address
Petitioner

ZBA-2021-MAJ-06
Porch Expansion Major Variance
907 E. Washington St.
David Huber

Legend

 Subject Property
Aerial 2020

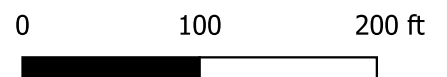
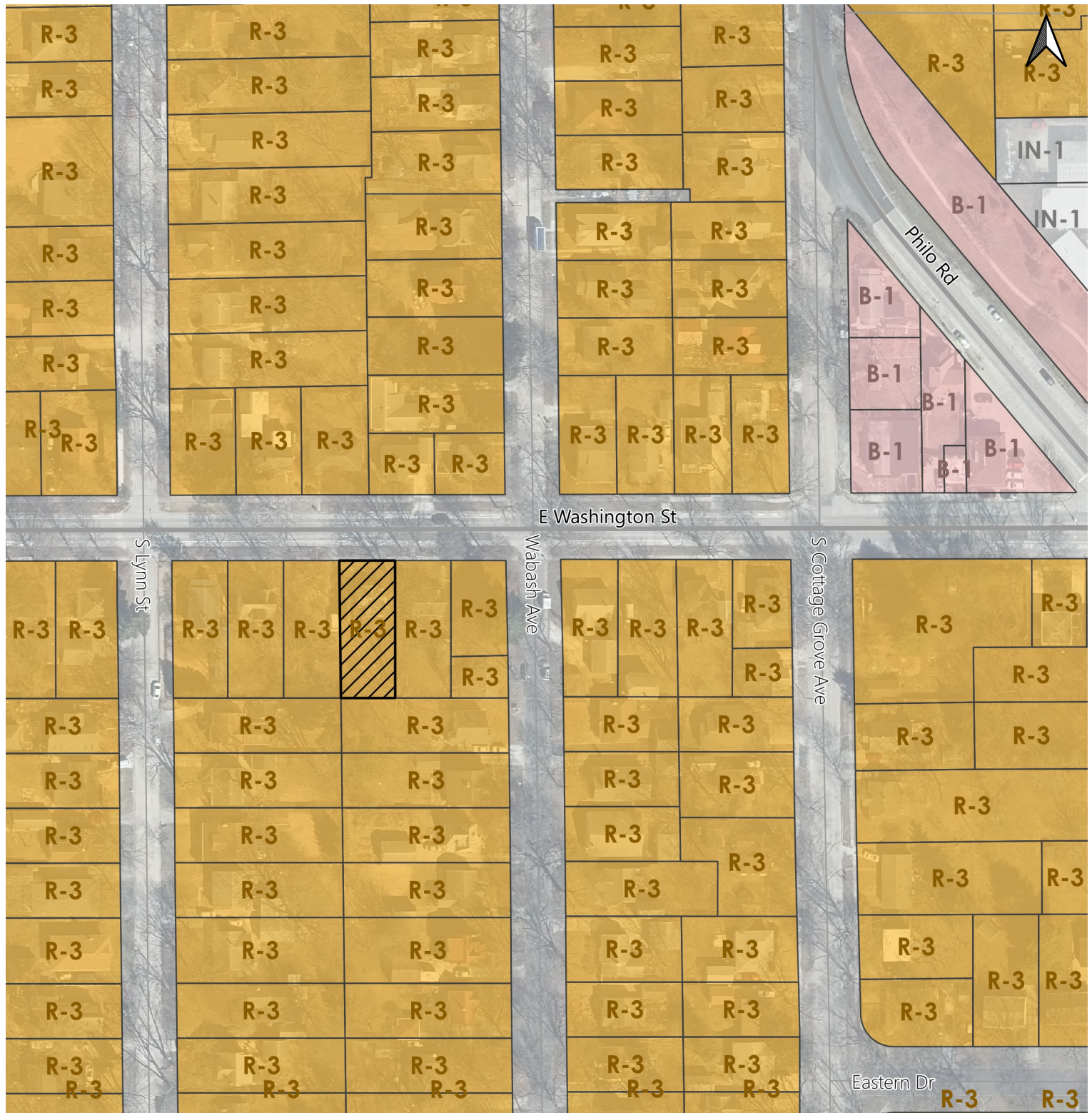


Exhibit B - Zoning Map




Case No.
Subject
Address
Petitioner


ZBA-2021-MAJ-06
Porch Expansion Major Variance
907 E. Washington St.
David Huber

Legend

 Subject Property

Zoning

 B-1

 IN-1

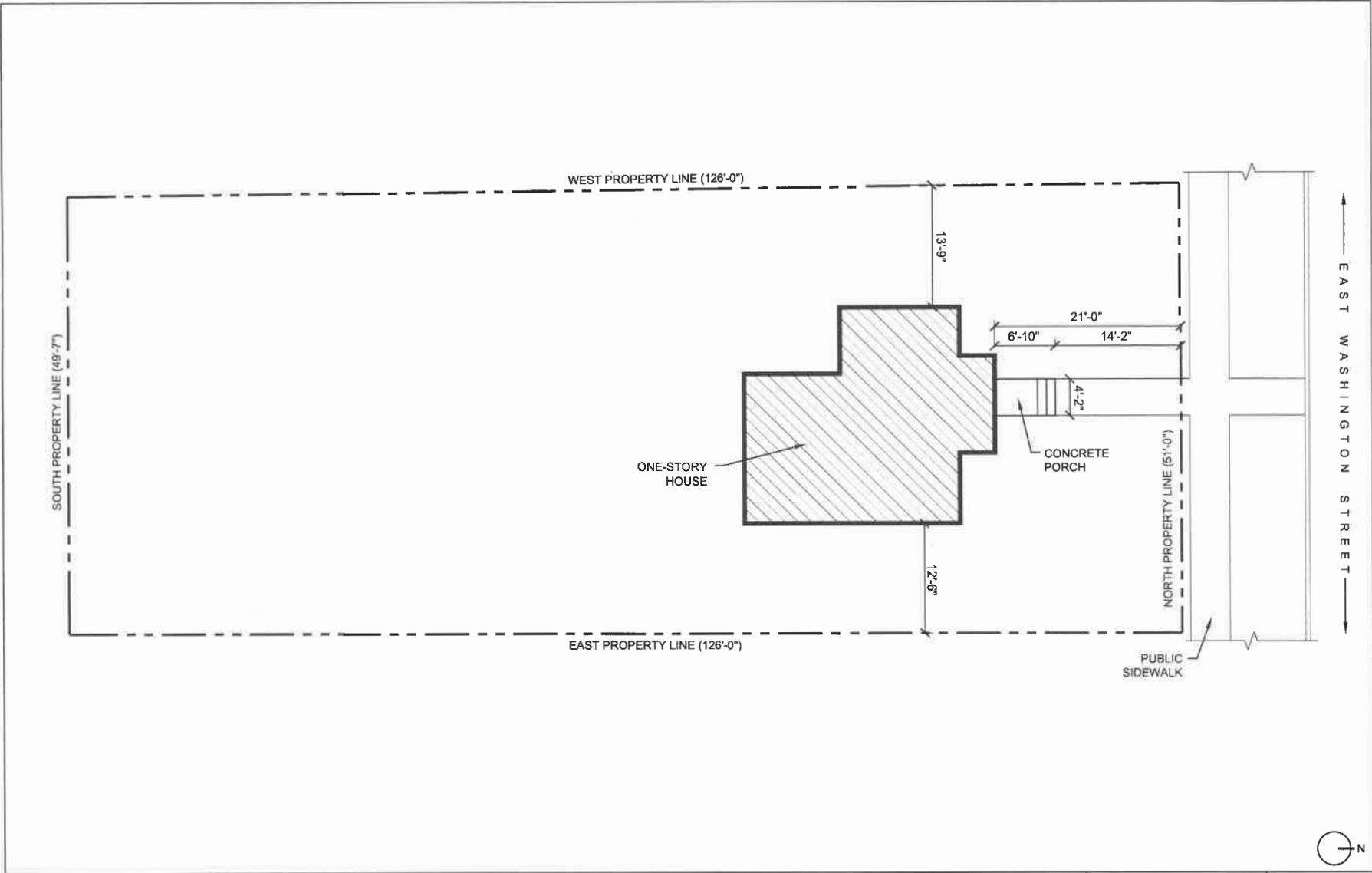
 R-3

Aerial 2020

0 100 200 ft



EXHIBIT C - EXISTING SITE PLAN



907 E WASHINGTON ST
URBANA, ILLINOIS

SITE PLAN: EXISTING

SCALE: 1" = 10'-0"
JUNE 20, 2021
PREPARED BY DAVID HUBER

A0.0

EXHIBIT D – SITE PHOTOS



EXHIBIT E - LETTER OF PUBLIC INPUT

From: [Tom Schroeder](#)
To: [Trotter, Katherine](#)
Subject: Comment on ZBA-2021-MAJ-06
Date: Friday, July 09, 2021 3:36:57 PM

*** Email From An External Source ***

Kat,

If possible, could you have the following submitted as a written comment for the July 21, 2021 meeting of the Zoning Board of Appeals?

RE: ZBA-2021-MAJ-06

As nearby homeowners, we write in support of approving this variance. The existing porch and associated encroachment at 907 East Washington have caused no known problems during our 20+ years in the neighborhood. Without further encroachment, a new porch will simply be an improvement to the property. Converting an unoccupied house into an occupied house will be an improvement to the neighborhood.

As a general comment: We have been very pleased and impressed with the rehab work that David has performed on multiple nearby houses. He has been an asset to the neighborhood by rebuilding eyesore properties into attractive and desirable homes. His reuse of existing structures also helps reduce the environmental impact of housing. We wish him luck and welcome him to the neighborhood.

Thomas & Karla Schroeder
909 S. Lynn St.

From: [Reversearchitect](#)
To: [Trotter, Katherine](#)
Subject: Concerning David Hubers variance request @ 907 E WashingtonSt
Date: Saturday, July 24, 2021 12:47:23 AM

*** Email From An External Source ***

I absolutely support the variance request at
907 E Washington St, Urbana Il, 61801.

- Shane Moon

EXHIBIT G - VARIANCE APPLICATION



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.

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 the following variation (*Describe the extent of the Variation Requested*)
WIDEN EXISTING PORCH, STEPS, AND PORCH COVERING FROM 4'2" TO 11'-0 WHILE MAINTAINING CURRENT SETBACKS on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **David Huber** Phone: **310-567-9397**
Address (street/city/state/zip code): **907 E Washington St Urbana, IL 61801**
Email Address: **davidahuber@gmail.com**
Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **Owner**

2. OWNER INFORMATION

Name of Owner(s): **David Huber** Phone: **310-567-9397**
Address (street/city/state/zip code): **907 E Washington St Urbana, IL 61801**
Email Address: **davidahuber@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: **907 E Washington St**
PIN # of Location: **92-21-16-303-004**
Lot Size: **6,289 sq ft**

Current Zoning Designation: **R-3**

Current Land Use (*vacant, residence, grocery, factory, etc.*): **Residence (single family)**

Proposed Land Use: **Residence (single family)**

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

LOT 93 OF MARTHA C. HUBBARD'S THIRD ADDITION TO THE CITY OF URBANA, BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, 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.

The house, built circa 1947, predates the current zoning ordinance, the adoption of which rendered the house and front porch "legally nonconforming" in the eyes of the city. The primary entrance is located on the front face of the house, which encroaches 4 feet into the setback required by the current zoning ordinance. The steps and stoop permitting access to this entrance encroach 10'-10" into required yard.

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 house, dating from the late 1940s, was constructed 21 feet from front (north) property line and was retroactively deemed "legally nonconforming" with the adoption of zoning ordinance that stipulates front setbacks on this block be 25 feet.

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 was constructed the late 1940s, prior to the adoption of the current zoning ordinance that rendered the house and front porch "legally nonconforming." The petitioner purchased the property in June 2021.

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

The homes in the surrounding neighborhood were by and large constructed prior to the adoption of the current zoning ordinance, and the strict application of the zoning ordinance in no way guarantees the preservation of the "essential character" of the neighborhood. For instance, the petitioner (or anyone else) could, without any variance, demolish the existing house and construct a 30 foot tall, 2,500 square foot chameleon color steel-clad building with an inverted domed roof and a two car garage on the front face of the house... Such a house would not be in line with the character of the neighborhood whatsoever, and yet no explanation or justification would be required. The proposed porch is an alteration to an existing house by a neighborhood resident, as part of an evolving process of change that any (and all) neighborhoods undergo. If a request by a neighborhood resident to increase the comfort and functionality (and enhance the aesthetic qualities) of a front porch (without changing the extent of encroachment into required setback) is overruled by a planning document that by design imposes uniformity across the entire city and thus across neighborhoods of vastly different ages and histories, then is it really the "essential character" of a neighborhood the zoning board of appeals wishes to preserve?

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

The proposed porch, steps, and porch covering are more than 18 feet from neighboring properties to the east and west. The proposed changes will not alter the views or change sun/shadow patterns for the adjacent properties.

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

The proposed porch, steps, and porch covering will not encroach any further into required yard than they currently do.

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

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature

6/21/21

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

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: July 21, 2021

DRAFT

TIME: 7:00 p.m.

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

MEMBERS ATTENDING: Ashlee McLaughlin, Adam Rusch, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Matt Cho

MEMBERS EXCUSED Joann Chester, Nancy Uchtmann

STAFF PRESENT Katherine Trotter, Planner I; Lena Walker, Planning Intern; UPTV Camera Operator

OTHERS PRESENT John Paul Buzard, Andrew Fell, Stephanie Henry, David Huber, Rob McCaulley

COMMUNICATIONS

Communications received for Case No. ZBA-2021-MAJ-06:

- Email from Susan Pryde
- Email from Jessie Stark
- Email from Lara Orr
- Email from Brian Stark
- Email from Lisa Bralts
- Email from Mary Stuart
- Email from Debi DiFonso

NEW PUBLIC HEARINGS

ZBA-2021-MAJ-06 – A request by David Huber for a major variance to allow a porch to encroach 10 feet, 10 inches into the required 25-foot front yard at 907 East Washington Street in the R-3, Single and Two-Family Residential Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-06. Kat Trotter, Planner I, gave the staff report for the case. She began by stating the purpose for the proposed major variance, which is to allow the expansion of the porch and awing to encroach 10 feet, 10 inches into the required front yard. She noted the location of the subject property. She stated the

zoning of the subject property and of the surrounding properties. She discussed the average front yard requirement for the houses on this block. She summarized how the proposed variance would meet the criteria in Section XI-3 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval. She pointed out that the applicant was available to make a statement and answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. Hearing none, Chair Welch opened the hearing for public input. He invited the applicant or the applicant’s representative to speak.

David Huber, applicant, approached the Zoning Board of Appeals to speak. Chair Welch swore him in. Mr. Huber stated that he owns four houses on East Washington Street and lives on the street as well. The renovations that he is doing comes from a place of optimism and not all change is bad change.

Rob McCaulley approached the Zoning Board of Appeals to speak. He stated that he is in favor of Mr. Huber’s work. The work Mr. Huber has done in the neighborhood is stunning and has become a talking point among neighbors.

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.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-06 to the Urbana City Council with a recommendation for approval with the condition that the work be done to generally conform to the plan in the written staff memo. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Ms. Trotter noted that this case would be forwarded to City Council on August 16, 2021.