



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

FROM: Sheila Dodd, Interim Community Development Services Director
Kat Trotter, Planner I

DATE: November 4, 2021

SUBJECT: An Ordinance Approving a Major Variance (Accessory Parking at 1005 Philo Rd. / ZBA-2021-MAJ-07)

Introduction

Robert Wease requests a variance to allow for an accessory parking space to be paved in the required front yard at 1005 Philo Road, in the R-3, Single and Two-Family Residential zoning district. He would like to pave the existing access drive and an additional 18-foot wide accessory parking area. The access drive and parking space would be a combined 27 feet wide, measured from the southeast edge of the existing access drive. Section VIII-4 of the Urbana Zoning Ordinance prohibits parking in required front yards, so a variance is necessary to allow the request.

At the October 19, 2021, meeting, the Zoning Board of Appeals (ZBA) considered the variance. The applicant made a statement regarding his request, and no members of the public spoke at the meeting. Staff received one letter in favor and one letter in opposition to the request. The ZBA voted with four ayes and zero nays to recommend that the City Council approve the requested variance, as presented in the staff report.

Background

The applicant purchased the property in April 2017; however, the house has been on the property since 1961. The house spans the width of the lot, with narrow side yards of roughly five feet on the southeast side and six feet on the northwest side. There is an attached one-car garage and a nine-foot-wide access drive that provide a maximum of two parking spaces for Mr. and Mrs. Wease and any guests they have. The applicant would like to pave an accessory parking area in the required front yard to create space for additional parking and to create a turn-around space, so he can turn around before pulling out onto Philo Road.

Description of Site and Area

The subject property at 1005 Philo Road contains 6,300 square feet and is located in the Champaign-Urbana AMVETS Homestead Association subdivision, south of Washington Street, on the west side of Philo Road. Nearby are other residences; Family Dollar and Boomerang's Bar & Grill are across the street. The adjacent properties to the west and south are zoned R-3, Single and Two-Family Residential, and the adjacent properties to the north and east are zoned B-3, General Business.

The following table identifies the current zoning and the existing 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	B-3, General Business	Commercial
South	R-3, Single and Two-Family Residential	Residential
East	B-3, General Business	Commercial
West	R-3, Single and Two-Family Residential	Residential

Discussion

The applicant requests the variance to add more parking and a turn-around area on his property. The existing access drive is nine feet wide and runs from Philo Road southwest to his one-car garage. Between the one-car garage and the access drive, there is space to park two cars, at most. There is no space to turn around on the narrow access drive, so drivers have to back out onto Philo Road. This is a safety concern for the applicant, as he has difficulty turning his head when backing out. Additionally, the high traffic volumes and number of access drives on Philo Road make it difficult to back out. There are 23 access drives on Philo Road between Washington Street and Fairlawn Drive. Philo Road, between Washington Street and Florida Avenue, sees an average of 7,300 cars per day. This traffic volume can be compared to East Main Street, between Race Street and Vine Street, which sees an average 6,700 trips per day, or East Windsor Road, between Race Street and Philo Road, which sees an average 9,000 trips per day¹. The applicant would like to pave his existing access drive and an additional 18-foot wide accessory parking area. The paved area would provide additional parking and an area for drivers to turn around, so that they are able to pull out headfirst onto Philo Road. Since accessory parking spaces are not permitted in required front yards, a variance is required.²

The accessory parking area would be paved to the front property line and encroach 25 feet into the required 25-foot front yard. The access drive would be widened to 18 feet at Philo Road. The right-of-way in between the front property line and Philo Road is approximately 16 feet, nine inches, so the accessory parking area should not cause visibility issues for drivers. The access drive and parking area would be approximately five feet from the south property line, and 26 feet, six inches from the northwest property line. It should not cause a nuisance to either of the adjacent neighbors. Additionally, both adjacent neighbors have access to their rear and side yards, where there is room for accessory parking. Eleven of the 16 properties on this block of Philo Road have access to either the rear or side yard. Of those eleven properties, ten of them have parking in the rear or side yard. Three properties on the block have legally non-conforming accessory parking in the required front yard. The subject property is one of only five properties along the block that does not have access to the rear or side yard, which significantly limits the possible locations for accessory parking on the lot. The

¹ Illinois Department of Transportation – Traffic Count (2021)

<https://www.arcgis.com/apps/webappviewer/index.html?id=3bea9453ab3d41b18eb5691e6084f9e5>

² Section VIII-4.J prohibits accessory parking in required front yards.

variance to allow for the accessory parking area in the required front yard would not alter the essential character of the neighborhood.

The variance request meets most, if not all, variance criteria, as discussed below. Additionally, Engineering and Building Safety have reviewed the request and have no objections to the accessory parking area. As a condition of approval, the access drive, apron, and driveway would be required to be paved with an approved surface and meet the City of Urbana right-of-way standards

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?*

The house was built in 1961, spanning nearly the entire lot width, so there is no access to the rear or side yards. The one-car garage and narrow driveway limit on-site parking, and there is no on-street parking along Philo Road. There is no space to turn a car around on the property, so backing out onto Philo Road is necessary. The high traffic volume (7,300 ADT) and number of access drives (23) along this block of Philo Road make it difficult to safely back out of the applicant's driveway. Allowing an accessory parking space in the front yard will provide more on-site parking for when the applicant has guests, and would create a turn-around space so that backing out onto the street will not be necessary. If there were access to the rear or side yard, the accessory parking could be paved there, and no variance would be required.

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 house has been on the property since 1961, and the edges of the house are approximately five feet from the side property lines. There is no access to the rear or side yards to pave accessory parking without a variance. Several other properties on the block have access to the rear or side yards, and accessory parking has been paved on nearly all of those lots. The variance would allow for an accessory parking space to be paved in the required front yard; there is no other area on the property where additional parking could go.

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

Prior to speaking with City staff, the applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard. The accessory parking space would be paved in the front yard, but all other Zoning Ordinance requirements would be complied with. Since the house and

access drive were built in 1961, and the petitioner bought the property in 2017, the situation was not created by the petitioner.

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

The accessory parking space will not alter the essential character of the neighborhood. Eleven of the 16 properties on this block of Philo Road have access to either their rear or side yard, and ten of those properties have parking in the rear or side yard, including both neighbors on either side of the applicant's property. Three properties along Philo Road have non-conforming accessory parking in the required front yard, so the additional parking on this property will not be out of place in the neighborhood.

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

The variance would allow an accessory parking space to be paved on the northwest side of the existing driveway. The access drive and accessory parking space will be roughly five feet from the southeast property line, and 26 feet, six inches from the northwest property line. The pavement 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 accessory parking area will be 18 feet wide, which generally represents the minimum deviation from the Zoning Ordinance requirements to meet the desires of the applicant: to provide an additional parking area for occasional guests, and to provide a turnaround area for everyday use. There are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

Zoning Board of Appeals

On October 19, 2021, the ZBA considered the variance request. Staff received two letters of public input prior to the meeting, one in favor of the request and one in opposition to the request. The applicant spoke on behalf of his request, and no members of the public spoke at the meeting. 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 conditions that the accessory parking space will generally conform to the submitted site plan, as shown in Exhibit C, and that the access drive, apron, and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval.

Summary of Findings

1. Robert Wease requests a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road 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 there is no access to the rear or side yards to pave accessory parking without a variance; there is no other area on the property where additional parking could go.
3. The variance was not the result of a situation knowingly created by the applicant, as the

applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard, and the house and existing access drive have been on the property since 1961.

4. The variance will not alter the essential character of the neighborhood as several properties along Philo Road have more than the required amount of parking, and three properties have legally non-conforming accessory parking in the required front yard, so the accessory parking space will not be out of place.
5. The variance will not cause a nuisance to adjacent property owners, as the accessory parking space will not encroach into either side yard, and one neighbor has submitted a letter of public input in favor of the requested variance.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as there are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

Options

The City Council has the following options in Case No. ZBA-2021-MAJ-07:

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

Recommendation

At the October 19, 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 conditions:

1. The accessory parking space will generally conform to the submitted site plan, as shown in Ordinance Attachment A.
2. The access drive, apron, and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval.

Staff concurs with the ZBA recommendation.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Proposed Site Plan
Exhibit D: Site Photos
Exhibit E: Letters of Public Input
Exhibit F: Variance Application
Exhibit G: Draft 10/19/21 ZBA Minutes

cc: Robert Wease, Property Owner/Applicant

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Accessory Parking at 1005 Philo Rd. / ZBA Case No. 2021-MAJ-07)

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, Robert Wease has submitted a petition for a major variance to allow an accessory parking space to be paved in the required front yard at 1005 Philo Road; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on October 19, 2021, in ZBA Case No. 2021-MAJ-07; 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 variance; 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. Robert Wease requests a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road 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 there is no access to the rear or side yards to pave accessory parking without a variance; there is no other area on the property where additional parking could go.
3. The variance was not the result of a situation knowingly created by the applicant, as the applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard, and the house and existing access drive have been on the property since 1961.
4. The variance will not alter the essential character of the neighborhood as several properties along Philo Road have more than the required amount of parking, and three properties have legally non-conforming accessory parking in the required front yard, so the accessory parking space will not be out of place.
5. The variance will not cause a nuisance to adjacent property owners, as the accessory parking space will not encroach into either side yard, and one neighbor has submitted a letter of public input in favor of the requested variance.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as there are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

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-07, the major variance requested by Robert Wease, to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road, is hereby approved in the manner proposed in the application with the following conditions: that accessory parking space will generally conform to the submitted site plan, as shown in Ordinance Attachment A, and that the access drive, apron and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval. The major variance described above shall only apply to the property located at 1005 Philo Road, more particularly described as follows:

Lot 15 of Block 1, Champaign-Urbana AMVETS Homestead Association
Subdivision, as per plat recorded in Plat Book "K" at page 33, situated in Champaign
County, Illinois.

Commonly known as 1005 Philo Road, Urbana, Illinois 61801
P.I.N.: 92-21-16-331-003

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 - Site Plan



Legend

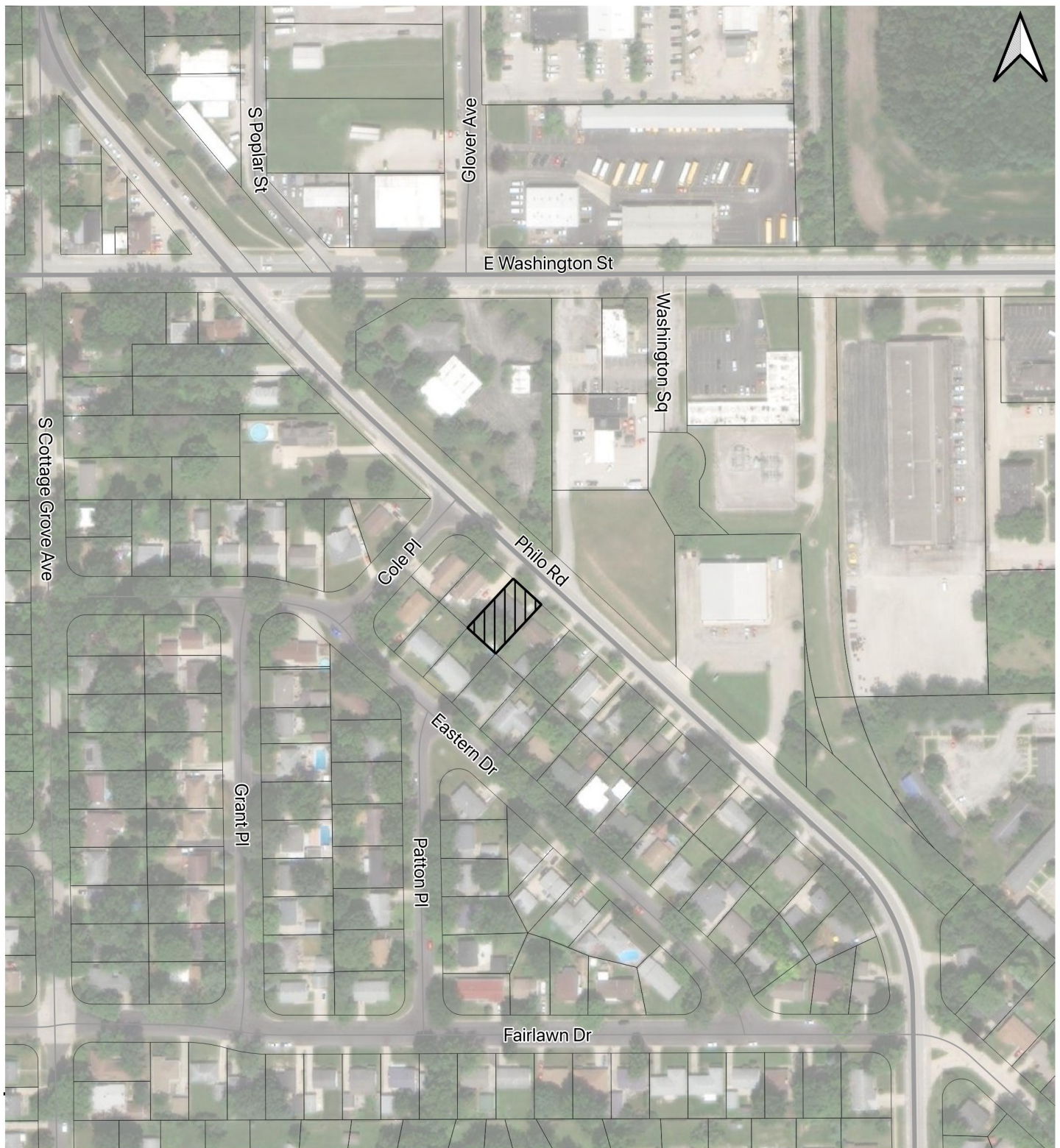
 Proposed Accessory Parking

10
Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



Exhibit A - Location Map



Case No. ZBA-2021-MAJ-07
Subject Wease Driveway Variance
Location 1005 Philo Road
Petitioner Robert & Doris Wease

Legend


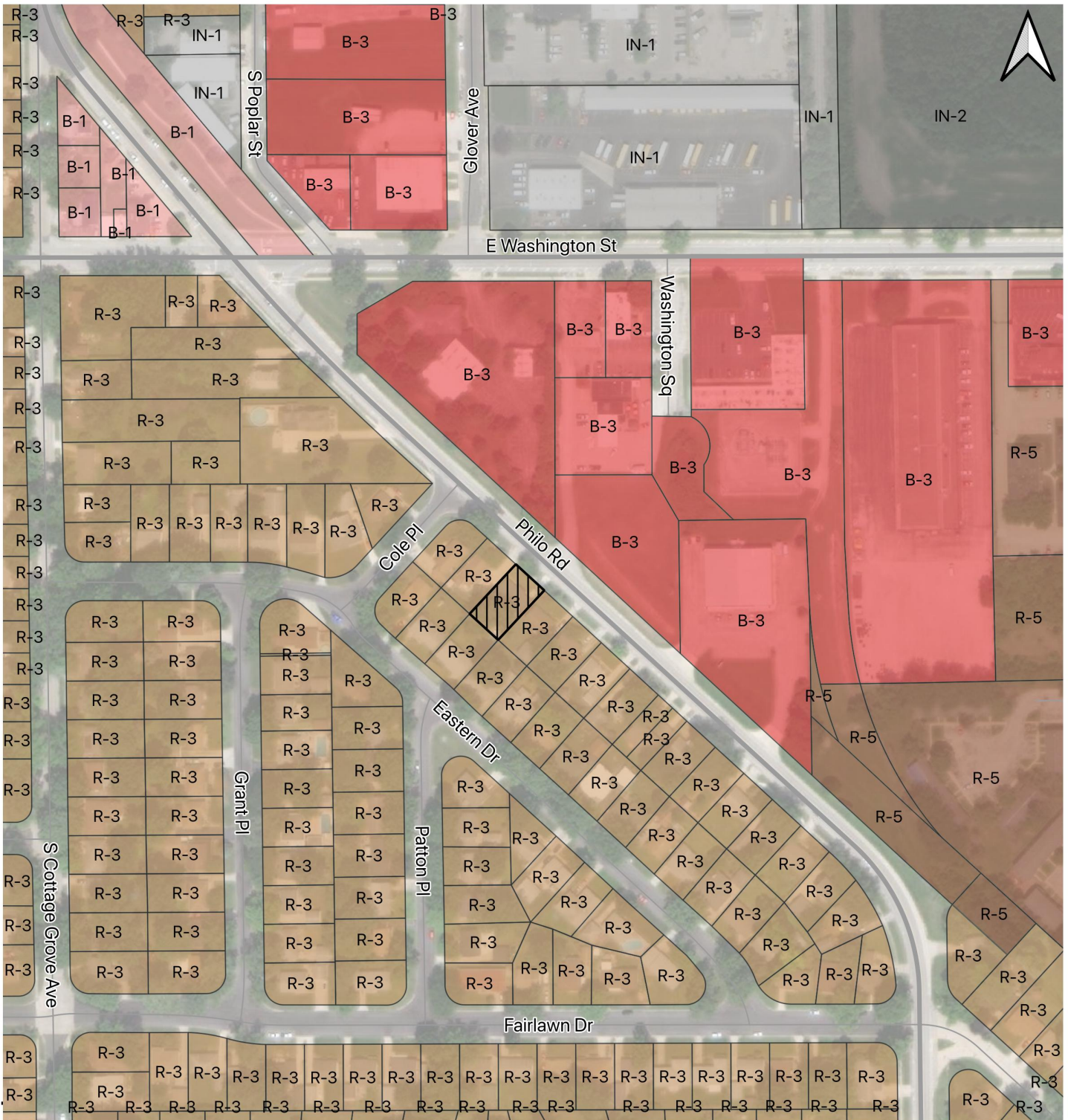
-  Subject Property
- Esri Imagery



Exhibit B - Zoning Map



Case No. ZBA-2021-MAJ-07
 Subject Wease Driveway Variance
 Location 1005 Philo Road
 Petitioner Robert & Doris Wease

Legend

-  Subject Property
-  IN-1
-  IN-2
-  B-1
-  R-3
-  B-2
-  R-5



Exhibit C - Accessory Parking Site Plan



10
Feet

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EXHIBIT D – SITE PHOTOS



From: RONALD BERKMAN / JACQUELINE C.
1003 PHILO RD,
URBANA, IL 61801

To: ROBERT WEASE
1005 PHILO RD,
URBANA, IL 61801

RE: CONCRETE DRIVE INSTALLATION
WE HAVE NO OBJECTION TO THE
INSTALLATION OF A CONCRETE
DRIVEWAY ON YOUR PROPERTY.


Sincerely,
Ronald Berkman
Jacqueline C. Berkman

From: [Judy Gillespie](#)
To: [Trotter, Katherine](#)
Subject: Public hearing major variance
Date: Wednesday, October 20, 2021 3:47:04 PM

*** Email From An External Source ***

Sent from my iPhone I am sending this email to give my thoughts regarding the variance at 1005 Philo Rd. I am concerned about the size that is being requested. If I lived close to that area I would be upset, 27 feet wide seems excessive to me. Seems to me green space is still very important in neighborhoods. Thank you for consideration.

Judy Gillespie

 CITY OF URBANA	<h2 style="margin: 0;">Application for Variance</h2>	<h2 style="margin: 0;">ZONING BOARD OF APPEALS</h2>
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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 09-09-2021 ZBA Case No. ZBA-2021-MAJ-07
 Fee Paid - Check No. 3563 Amount \$200.00 Date 09-09-2021

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*)

VARIANCE TO ALLOW ACCESSORY PARKING IN THE REQUIRED FRONT YARD on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): BOB WEASE Phone: 217-390-7588
 Address (street/city/state/zip code): 1005 PHILO RD.
 Email Address:
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): BOB WEASE Phone: 217-390-7588
 Address (street/city/state/zip code): 1005 PHILO RD.
 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: 1005 S. PHILO RD.
 PIN # of Location: 92-21-16-331-003
 Lot Size: 60' x 105'

Current Zoning Designation: **R-3, SINGLE AND TWO-FAMILY**
Current Land Use (vacant, residence, grocery, factory, etc): **SINGLE-FAMILY RESIDENTIAL**
Proposed Land Use: **SINGLE-FAMILY RESIDENTIAL**
Legal Description (If additional space is needed, please submit on separate sheet of paper):

4. CONSULTANT INFORMATION

CONCRETE
WORK/CONTRACTOR
TO BE DETERMINED

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.

MR. WEASE DOES NOT HAVE ACCESS TO HIS REAR OR SIDE YARD, TO PAVE OR GRAVEL ACCESSORY PARKING ON HIS LOT. HE ONLY HAS A ONE-GAR GARAGE AND NARROW DRIVEWAY NOW, WHICH MAKES IT DIFFICULT/DANGEROUS TO BACK OUT ONTO PHILO ROAD. ADDITIONAL DRIVEWAY SPACE WOULD MAKE IT EASIER/SAFER TO TURN AROUND.

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.

NO ACCESS TO REAR OR SIDE YARDS , BECAUSE THE HOUSE SPANS THE WIDTH OF THE LOT.
HIGH TRAFFIC SPEEDS ON PHILO ROAD AND SEVERAL ACCESS DRIVES ALONG BOTH SIDES OF THE
STREET MAKE BACKING OUT DANGEROUS. THERE IS NO TURN-AROUND ROOM ON THE LOT.

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

~~THE~~ MR. WEASE HAS OWNED THE HOME SINCE APRIL , 2017. THE HOUSE WAS BUILT
IN 1961 .TO SPAN THE WIDTH OF THE LOT, WITH A ONE-CAR DRIVEWAY AND NO ACCESS
TO THE REAR/SIDE YARD. HE WAS UNAWARE OF THE ZONING ORDINANCE REQUIREMENTS
PROHIBITING WIDENING THE DRIVEWAY.

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

BOTH NEIGHBORS ON EITHER SIDE OF THE HOUSE HAVE ACCESS TO THEIR REAR/SIDE
YARDS , AND MANY LOTS ON THE BLOCK HAVE MORE THAN THE REQUIRED AMOUNT OF
PARKING , BOTH ADJACENT NEIGHBORS ARE IN SUPPORT OF THE VARIANCE .

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

THE ACCESSORY PARKING WILL NOT CAUSE A NUISANCE , AS THE ADJACENT PROPERTIES
HAVE ACCESSORY PARKING . BOTH ADJACENT NEIGHBORS ARE IN FAVOR OF THE VARIANCE ,
AND THE PROPOSED PARKING WILL BE ENTIRELY ON THE APPLICANT'S PROPERTY .

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

THE PROPOSED ACCESSORY PARKING WILL BE 27' WIDE , FROM THE EDGE OF THE
EXISTING GRAVEL DRIVEWAY / HOUSE , SPANNING NORTH. THIS IS EQUAL TO THE
45% OF LOT WIDTH MAXIMUM. ALLOWED BY THE ZONING ORDINANCE .

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.

Robert L. Wease
Applicant's Signature

9-9-21
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

EHXIBIT G - DRAFT ZBA Minutes 10/19/2021

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: October 20, 2021

DRAFT

TIME: 7:00 p.m.

PLACE: Zoom Webinar

MEMBERS ATTENDING REMOTELY: Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann,

MEMBERS ATTENDING IN PERSON: Harvey Welch

MEMBERS EXCUSED Matt Cho, Adam Rusch, Charles Warmbrunn

STAFF PRESENT Marcus Ricci, Planner II; Katherine Trotter, Planner I; UPTV Camera Operator

OTHERS PRESENT Robert Wease

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

Chair Welch called the meeting to order at 7:01 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 September 15, 2021 regular meeting were presented for approval. Ms. Chester moved that the Zoning Board of Appeals approve the minutes as written. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The minutes of the September 15, 2021 regular meeting were approved as written.

4. COMMUNICATIONS

- Email from Judy Gillespie regarding Case No. ZBA-2021-MAJ-07

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2021-MAJ-07: A request by Robert Wease for a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road in the R-3, Single and Two-Family Residential Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-07. Kat Trotter, Planner I, introduced the case by stating the purpose for the proposed request, which is to allow an accessory parking space to be paved in the required front yard. She noted the location and gave a brief description of the subject property. She stated the zoning of the property and of surrounding properties. She discussed the proposed accessory parking space and pointed out that 11 of the 16 properties on this block of Philo Road have access to either the rear or side yard, of which 10 have parking in the rear or side yard. Three of the five properties that do not have access or parking in either the rear or side yard have illegally non-conforming accessory parking in their front yard. She reviewed some of the criteria from Section XI-3 of the Urbana Zoning Ordinance and summarized staff findings. She read the options of the Zoning Board of Appeals and presented staff's recommendation for approval with the following conditions:

1. The accessory parking space will generally conform to the submitted site plan, as shown in Exhibit C of the staff report.
2. The access drive, apron and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval.

She stated 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. With there being no questions for City staff from the Board members, Chair Welch opened the hearing for public input. He invited the applicant to speak.

Robert Wease, applicant, stated that he has no other way to put in additional parking.

Ms. Uchtmann asked if the additional space would be for a turn-around or would an additional vehicle be parked there. Mr. Wease replied that he does not plan to park one of his vehicles in the space; however, he has three children and they could use the space to park when they come to visit. He stated that it is a safety issue because it can be difficult to exit his driveway. The additional space would make it easier.

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 motion(s) by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-07 to the Urbana City Council with a recommendation for approval with the following conditions:

1. The accessory parking space will generally conform to the submitted site plan, as shown in Exhibit C of the staff report.
2. The access drive, apron and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval.

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

Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	.	Yes	Ms. Uchtmann	-	Yes

The motion passed by unanimous vote. Ms. Trotter stated that this case would be forward to the Urbana City Council on November 8, 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 7:19 p.m.

Respectfully submitted,

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