

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

**DATE:** May 17, 2023

**APPROVED**

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

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

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

**MEMBERS EXCUSED:** Matt Cho, Ashlee McLaughlin, Adam Rusch

**STAFF PRESENT:** Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; UPTV  
Camera Operator

**OTHERS PRESENT:** Andrew Fell, James Planey

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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 April 19, 2023 regular meeting were presented for approval. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Ms. Chester second the motion. The minutes were approved as written by unanimous voice vote.

**4. CONTINUED PUBLIC HEARINGS**

There were none.

NOTE: Chair Welch swore in members of the audience who wished to speak during a hearing.

## 5. NEW PUBLIC HEARINGS

**ZBA-2023-MAJ-01 – A request by Andrew Fell, on behalf of Jim Planey, to increase the maximum total access drive width to 21 feet (54% of the lot width) at 410 West California Avenue in the R-2 (Single-Family Residential) Zoning District.**

**ZBA-2023-MIN-02 – A request by Andrew Fell, on behalf of Jim Planey, to reduce both required side yards to 3 feet, nine inches (3.75 feet, or 25%) at 410 West California Avenue in the R-2 (Single-Family Residential) Zoning District.**

Chair Welch opened the public hearings for Case No. ZBA-2023-MAJ-01 and Case No. ZBA-2023-MIN-02 simultaneously because they relate to the same property. Marcus Ricci, Planner II, reviewed the written staff report for the Zoning Board of Appeals. He stated that City staff received an email from James Planey after the packet was sent out, which he handed out prior to the start of the meeting. He presented staff's recommendation for denial for both cases.

Chair Welch asked if any members of the Board had questions for staff regarding this case. The Zoning Board of Appeals members asked about the neighbors' opinion and about the shared driveway. Mr. Ricci responded that there was no input from the neighbors. The shared drive is an easement that was recorded in the 1930s and will continue into the future until it is extinguished. The shared driveway stops short about ten feet from the alley. There used to be a shared garage at the end.

Ms. Chester talked about properties being split without being platted. One neighbor would purchase a portion of a property from an adjacent neighbor, and they would record it without getting it platted through the City. She stated that she does not object to the proposed variances.

Mr. Warmbrunn asked about the width of the proposed new driveway. Kevin Garcia, Principal Planner, noted that no official site plan or construction plans have been submitted. Mr. Ricci added that the concept is to have two cars parked side by side in the driveway.

Ms. Uchtmann commented that there is room in the back next to the alley to construct a new garage. The character of the neighborhood is single-family homes with porches and trees.

With there being no further questions for City staff, Chair Welch opened the hearing for input from the audience. He invited the applicant to approach the Board to speak on behalf of his request.

Andrew Fell, applicant, approached the Zoning Board of Appeals to speak. He explained that the variance to reduce the side-yard setbacks is to allow a better house to be constructed on the lot and to allow a front door facing the street. The existing house already encroaches into the side yards. They are only asking for less than 2-½ inches from the existing encroachment. He mentioned that there is a three-foot easement on the east side of the property to allow for the shared driveway.

Staff and the members of the Zoning Board of Appeals members talked about the Open Space Ratio (OSR) and the Floor Area Ratio (FAR) of the lot.

Mr. Fell explained the reasons for the variance to increase the width of the proposed driveway, which included needing a two car curb cut from the street. He further noted the reasons for proposing the garage to be constructed in the front of the lot rather than on the rear of the property off the alley. He pointed out that many of the homes in the neighborhood do not have garages because the homes were constructed before cars were invented.

James Planey, owner of 412 West California Avenue and son of the property owner of 410 West California Avenue, approached the Zoning Board of Appeals to speak. He answered Ms. Chester's question regarding land transfer. He stated that they did not transfer part of his property at 412 to his parents property at 410 because his parents did not want to impact him and his wife in any way (land assessment or mortgage, etc.).

Mr. Warmbrunn asked if the variances were reliant upon each other. Mr. Fell said no.

With there being no additional input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motion(s) of the Board.

Mr. Garcia clarified that the owner is only required by the Zoning Ordinance to provide space for two cars on a single family lot.

Ms. Uchtmann asked if the width of the new driveway is 21 feet. Mr. Fell replied that the new driveway would be 18 feet wide, and the other 3 feet would be for the existing shared drive. He explained that without the variance, they are allowed 45 percent of the lot width for the driveway access, which equals about 17 feet. Three feet of that 17 feet is already being used by the easement for the shared driveway, so that leaves 14 feet for the new driveway in front of the proposed garage. This is not enough space for two cars so they are requesting a major variance to allow the extra feet. Without the variance, he said, there will be more parking on the street.

Mr. Garcia clarified that the Zoning Ordinance uses a percentage of the lot width in calculating driveway width to prevent oversized driveways that do not look nice.

Mr. Fell inquired about the probability of increasing the odds of continuing the case to the next meeting to get a more positive outcome. City staff and the Zoning Board of Appeals members discussed the benefits and drawbacks of continuing the case.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2023-MAJ-01 to the City Council with a recommendation for approval because it meets the criteria. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn stated that the applicant was going to construct a garage whether or not the City approves the major variance. It is only a matter of a few feet, and he did not believe it would be a visual detriment or nuisance to the neighborhood.

Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by a vote of 3-1. Mr. Garcia noted that Case No. ZBA-2023-MAJ-01 would be forwarded to Committee of the Whole on June 5, 2023.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2023-MIN-02. The motion was seconded by Ms. Uchtmann. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by a vote of 3-1.

## **6. UNFINISHED BUSINESS**

There was none.

## **7. NEW BUSINESS**

There was none.

## **8. PUBLIC INPUT**

There was none.

## **9. STAFF REPORT**

There was none.


## **10. STUDY SESSION**

There was none.

## **11. ADJOURNMENT**

Chair Welch adjourned the meeting at approximately 8:19 p.m.

Respectfully submitted,



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