



**CITY OF URBANA
ZONING BOARD OF APPEALS
REGULAR MEETING**

DATE: Wednesday, June 26, 2024
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

A. Roll Call and Declaration of Quorum

B. Changes to the Agenda

C. Approval of Minutes

[Minutes](#) from the February 21, 2024 Regular Meeting

D. Written Communications

[Email](#) from Joanne Budde regarding Bylaws Addressing Abstentions

E. Continued Public Hearings

F. New Public Hearings

[Case](#) No. **ZBA-2024-MIN-02** - A request by Andrew Fell, on behalf of Alejandro and Simona Lleras Buetti, for a Minor Variance to allow a building addition that would encroach five feet into the required 25-foot front yard at 902 East Main Street in the R-3 (Single and Two-Family Residential) Zoning District

G. Old Business

H. New Business

I. Audience Participation

J. Staff Report

K. Study Session

L. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Email Input

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: Planning@urbanailinois.us. The subject line of the email must include the words "ZONING BOARD OF APPEALS - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Public Hearing

Any person desiring to appear at the public hearing and present testimony may speak during each public hearing at the time they appear on the agenda. This shall not count towards regular Public Input for the meeting. The Public Hearing is an opportunity for comments and questions to be addressed specific to each case. Board or Commission members are permitted to respond and engage during this time and/or the Chairperson may direct the applicant to respond during rebuttal. Comments unrelated to any of the public hearings listed on an agenda should be shared during the Public Input portion of the meeting where Verbal Input guidelines shall apply.

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from

the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under “Verbal Input”. Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker’s microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City at least 48 hours in advance using one of the following methods:

Phone: 217.384.2455

Email: Planning@urbanailinois.us

Watching the Meeting via Streaming Services

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanailinois.us/upty>.

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: February 21, 2024

TIME: 7:00 P.M.

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

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

MEMBERS ABSENT: Matt Cho, Adam Rusch

STAFF PRESENT: Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; Teri Andel, Planning Administrative Assistant II

OTHERS PRESENT: Geoff Bant, Dan Gilbert, Darlene Kloeppel

A. CALL TO ORDER and ROLL CALL

Chair Welch called the meeting to order at 7:01 p.m. Roll call was taken, and he declared a quorum present.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF PREVIOUS MINUTES

Minutes of the January 17, 2024 Regular Meeting

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes of the January 17, 2024 regular meeting as written. Mr. Warmbrunn seconded the motion. The motion was approved by unanimous voice vote.

D. WRITTEN COMMUNICATIONS

There were none.

E. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch reviewed the procedure for a public hearing and swore in members of the audience who wished to speak on a case.

F. NEW PUBLIC HEARINGS

ZBA-2024-MIN-01 – A request by Daniel Gilbert and Amanda Ciafone for a Minor Variance to reduce the required front yard from 25 feet to 22 feet at 309 West Michigan Avenue in the R-1 (Single Family Residential) Zoning District.

Chair Welch opened Case No. ZBA-2024-MIN-01. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals by stating facts from the written staff report. He gave a brief history of the proposed site. He noted the land uses and zoning of the subject property and of the surrounding properties. He showed the site plan and photos of the proposed site. He talked about the development regulations, specifically with regards to the front yard setbacks along Michigan Avenue and along Carle Avenue. He discussed the notification process for this case. He summarized staff findings and reviewed the options of the Board members. He presented staff's recommendation for approval of Case No. ZBA-2024-MIN-01 with the following condition:

1. Construction must be in general conformance with the site plan shown in Exhibit D.

He stated that the applicant is 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, Chair Welch opened the public hearing for public input. He invited the applicant to speak.

Dan Gilbert, applicant, approached the Zoning Board of Appeals to speak. He thanked the Zoning Board for considering his request, and he thanked Mr. Ricci for his help preparing this case. He talked about issues his family has encountered with renovating and expanding the existing house. He noted the reasons for locating the garage in the proposed area of the property.

Darlene Kloeppel approached the Zoning Board of Appeals to speak in favor of the proposed case. She stated that she is also representing the neighbor, Marilyn Rinehart, that lives directly south of the subject property. She said that they have been following the construction closely and are happy with the design of the house. They have no objection to the proposed variance.

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

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2024-MIN-01 based on the findings outlined in the written staff memo with the following condition:

1. Construction must be in general conformance with the site plan, marked as Exhibit D.

Ms. Uchtmann seconded the motion. She asked if the Zoning Board members needed to add any additional reasoning as to why they are voting to approve the proposed variance. Mr. Garcia replied no. He said the motion was sufficient.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote of 5-0.

G. OLD BUSINESS

There was none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

There was none.

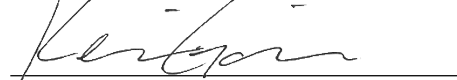
K. STUDY SESSION

There was none.

L. ADJOURNMENT

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals

From: [Andel, Teri](#)
To: [Andel, Teri](#)
Subject: FW: Zoning Board of Appeals - Public Input May 15, 2024
Date: Tuesday, June 18, 2024 10:52:22 AM

From: Joanne Budde <shopgirljb@hotmail.com>
Sent: Thursday, May 9, 2024 5:30 PM
To: !Planning <Planning@urbanailinois.us>
Subject: Zoning Board of Appeals - Public Input May 15, 2024

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

Use caution when clicking on links or opening attachments.

Dear ZBA members:

At a recent meeting, the ZBA discussed that you needed to update your bylaws.

I am not sure at what meeting you will be discussing those bylaws, so I wanted to get my remarks on the record.

When you update your bylaws, please address how to deal with abstentions, and how to count votes.

While the Mayor may rule in certain votes that abstentions count with the majority, that is not mentioned anywhere in the ZBA bylaws, nor in the verbiage of the conditional use permits or special use permits.

In fact, regarding special use permits that must go to the City Council for approval, the ordinance states "In the case of a valid written protest, the special use shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office."

And the ordinance states, with regard to conditional use permits:

"In the case of a valid written protest, the conditional use shall not be authorized except by **a favorable vote of two-thirds of the members of the Zoning Board of Appeals.**"

You need to make it clear what a "favorable" vote is – does it have to be a "yes" vote? If you rule that abstentions count with the majority, does such an abstention count as a "favorable" vote? Also 2/3 of the MEMBERS? All of the members of the ZBA? Or those present, assuming there is a quorum? And does an abstention, like in the Plan Commission, count as a vote, just not an aye or nay?

In the Plan Commission bylaws, they state: An abstention vote shall be recorded as "abstained" and shall not be counted as either an "aye" or "nay". The Chairperson shall not rule that the abstention vote be recorded with the majority or minority.

This implies that an abstention is still logged/counted as a vote, but not counted as an aye or nay.

Why would the City Council have a rule about special use permits, and that same rule NOT apply to the ZBA when deciding conditional use permits?

And why would the Plan Commission bylaws state clearly that abstentions are logged as a vote, but not an aye or nay?

Shouldn't the ZBA play by the same rules as the other two bodies of government who decide on zoning issues?

Thank you,
Joanne Budde
3005 Beringer Circle
Urbana, IL 61802

Under the Illinois Freedom of Information Act (FOIA), any written communication to or from City of Urbana employees, officials or board and commission members regarding City of Urbana business is a public record and may be subject to public disclosure.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Marcus Ricci, AICP, Planner II
DATE: June 26, 2024
SUBJECT: **ZBA-2024-MIN-02:** A request by Andrew Fell, on behalf of Alejandro & Simona Lleras Buetti, for a Minor Variance to allow a building addition that would encroach five feet into the required 25-foot front yard at 902 East Main Street in the R-3 (Single- and Two-Family Residential) Zoning District.

Introduction

On behalf of Alejandro & Simona Lleras Buetti, Andrew Fell requests a minor variance to reduce the required front yard along East Main Street from 25 feet to 20 feet, in the R-3 (Single- and Two-Family Residential) Zoning District, to allow construction of a building addition of the same general size and in the same general location as the existing open porch.

The Urbana Zoning Ordinance requires the Zoning Board of Appeals (“Board”) to review the variance application and hold a public hearing. The Board may approve the request, or approve the request with conditions, or deny the request. The Board should either accept the specific staff findings or articulate their own specific findings based on that application’s criteria.

Staff do not have a recommendation regarding the request.

Background

The existing principal structure on the site was built in 1880; no additional history is on file. It is a two-story brick structure with a metal roof, with four bedrooms and two bathrooms, totaling approximately 1,680 square feet (“sf”). It has an eight-foot deep open porch that runs the length of the front of the house: this open porch legally encroaches into the required 25-foot front yard, in conformance with Section VI-5.B.5 of the Urbana Zoning Ordinance. The applicants added a rear deck and pool room on the north side of the home in 2017-2020, and a 12’ by 18’ sunroom on the west side of the home in 2022.

Description of Site and Area

The property is located at the northeast corner of East Main Street and North Lynn Street. The table on the following page identifies the current zoning, and existing use and future land use designations of the site and surrounding properties (see Exhibits A, B, and C).

Discussion

The applicants want to reconfigure the main floor of their home, returning it closer to the original floorplan and making the existing space and functions more usable (see Exhibit D – Application –

Floor Plan).¹ They request the variance to replace the existing open porch with a building addition, which will add approximately 250 sf of conditioned space. The addition itself would likely: include a portion of the bathroom, add an enclosed vestibule for the main entrance, and expand the living room.

The applicants considered other options for expanding the house on the main floor: the west side has already been expanded to its possible extent, the north side has a deck and enclosed pool, and the east side contains the stairwell to the upper floor and is adjacent to the driveway. According to the applicants, expanding to the south makes the most sense – using the footprint of the existing porch – and restores the original floor plan of the home. The proposed addition would meet all other development regulations in the R-3 zoning district.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-3 (Single- & Two-Family Residential)	Single-family home	Residential
North	R-3 (Single- & Two-Family Residential)	Single-family homes	Residential
East	R-3; B-3 (General Business); B-2 (Neighborhood Business – Arterial)	Single-family homes; Veterinary clinic	Residential
South	R-3; B-1 (Neighborhood Business); CRE (Conservation-Recreation-Education) & R-4 (Medium-Density Multiple-Family Residential)	Single-family homes; Duplexes; Apartments; Antique store; Victory Park	Residential & Park
West	B-3; B-2; R-3 (Single- & Two-Family Residential)	Convenience store, HVAC contractor; Single-family homes; Hair salon; Caterer	Residential

Table 1. Zoning and Land Use

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Board must find, based on the evidence presented, that there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest. In addition to these two findings – special circumstances/practical difficulties and public interest – the Board must consider all six criteria. The following is a review of the criteria, followed by staff analysis for this case:

1. *There are special circumstances or special practical difficulties with reference to the parcel concerned in carrying out the strict application of the ordinance.*

The applicants state that the special practical difficulty of this parcel is meeting the front yard requirement that was adopted decades after all of the buildings on this blockface had been constructed, rendering half of those buildings legally nonconforming.

Staff note that previous decisions made by the applicants – adding a sunroom to the west, and an enclosed pool and deck to the north – lend to the current situation that expansion to the south is the best remaining option.

Staff do not have a finding regarding this criterion.

¹ The original floorplan for the 1880 home may not have included a bathroom on the ground floor. Its location along the west wall cuts into the living room area. Relocation of the bathroom to the south wall – partially in the proposed addition – would increase the living room area.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

This lot is subject to the “minimum front yard average of all front yards on the blockface” requirement that applies to all lots in the R-3 zoning district. The applicants acknowledge that the “average front yard requirement” applies to all of the lots in the district. However, they state that, unlike many other blocks, this blockface contains one lot with a house located much further back than the other houses and that, if that house had been located close to the street like other houses on the block, the variance might not be required, or a smaller variance would have been required.²

Their contention is that these homes were all built prior to the adoption of the Zoning Ordinance, which, in fact, made four of the existing homes legally nonconforming because they were located closer to the street than the “new” zoning ordinance permitted.³

Because staff did not make a finding that there was a special circumstance or practical difficulty for this parcel, staff do not have a finding regarding this criterion of “special privilege.”

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

The applicants purchased the property with the home in its current location, not knowingly realizing that the required front yard was as large as it was, nor knowing that it would prohibit expansion to the south, even on the footprint of the existing porch. The fact that so many nearby homes were as close as they were to the street – some as close as ten feet or less – reinforced this belief that the proximity of homes to the sidewalk in this walkable neighborhood was allowed.

Staff again note that the applicants made additions to the home to the west and north. Staff do not believe that the applicants understood the ramifications this might have for future additions.

Staff find this criterion met.

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

The proposed addition will create an “enclosed living space” on the footprint of the existing open porch, not changing its distance to the street nor altering its contribution to the essential character of the neighborhood. The applicants state that, indeed, this neighborhood’s character is: “houses closer to the street and the character and intimacy that this aspect brings with it. Houses and their public faces being closer to the street are simply more welcoming and inviting.” And they restate that half of the homes on this blockface are closer than now allowed, and that one house would still be closer to the street than this house, if the variance were granted.

Staff find this criterion met.

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

The proposed addition will not alter the overall form of the structure, merely serve to enclose an already existing outdoor living area. It would not create a nuisance at this time or in the future, and

² The front yards of the buildings on this double blockface range from 17’-8” to 27’-4”, plus the 52’-7” outlier of 1002 East Main Street (See Exhibit D – Application – Setbacks). If the house on 1002 East Main had been built 25 feet back, the average front yard would have been 23 feet; if it had been built 22 feet back, the average front yard would have been 22’-7.5” – both of these configurations would have required a one-foot variance. If this had been a *single* blockface instead of a double blockface, the average setback would have been 23 feet, still requiring a 1.5-foot variance.

³ Three homes were built before 1900, three in 1904, and two were built in the 1940’s or earlier.

would actually serve to isolate activities of residents from neighbors, decreasing the possibility of future nuisances.

Staff find this criterion met.

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

The applicants are proposing the addition to accomplish the following goals: generally restoring the original floorplan with a usable living room, which requires relocating the bathroom to another location; and creating an enclosed entry vestibule. The area that the existing front porch occupies is enough to meet these goals; a smaller variance would not be sufficient.

Staff find this criterion met.

Overall, staff find that four of the six criteria weigh in favor of granting the minor variance.

Public Notice and Input

Staff published a legal ad in *The News-Gazette* to notify the public of the request and public hearing 15 days prior to the Zoning Board of Appeals meeting. Staff sent letters to 48 neighboring property owners (within 250 feet of the subject property) notifying them of the request, and posted a public hearing sign on the property. Staff received no public input.

Summary of Findings

On behalf of Alejandro & Simona Lleras Buetti, Andrew Fell requests a minor variance to reduce the required front yard along East Main Street from 25 feet to 20 feet, in the R-3 (Single- and Two-Family Residential) Zoning District, to allow construction of a building addition of the same general size and in the same general location as the existing open porch.

1. The requested variance would remedy a situation not knowingly created by the applicants, as they purchased the property with the house in its current location, not knowing that the required front yard would prohibit expansion to the south.
2. The proposed addition would be consistent with the essential character of the neighborhood: “a neighborhood of houses closer to the street and the character and intimacy that this aspect brings with it.”
3. The proposed addition would not create a nuisance, as it would be no closer to the street than the existing open porch; and would isolate residents’ activities from the neighborhood, reducing the probability of a nuisance.
4. The requested variance is the minimum deviation from the requirements of the Zoning Ordinance necessary to accomplish the desired goals of restoring the original floorplan of the home, keeping the bathroom, and creating a covered entry.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2024-MIN-02: a minor variance to reduce a required front yard:

1. **Approve** the variance as requested based on the findings outlined in this memo; or

1. **Approve the variance with certain terms and conditions;** or
2. **Deny** the variance request.

If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly. As staff did not make findings for two of the criteria, the Board should articulate their findings – or lack thereof – that there are special circumstances or special practical difficulties with reference to the parcel concerned in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest.

Recommendation

Staff do not have a recommendation on the proposed Minor Variance in case ZBA-2024-MIN-02.

Attachments: Exhibit A – Location Map
 Exhibit B – Zoning Map
 Exhibit C – Future Land Use Map
 Exhibit D – Application
 Exhibit E – Site Photos and Aerials

cc: Andrew Fell, Applicant
 Alejandro & Simona Lleras Buetti, Owners

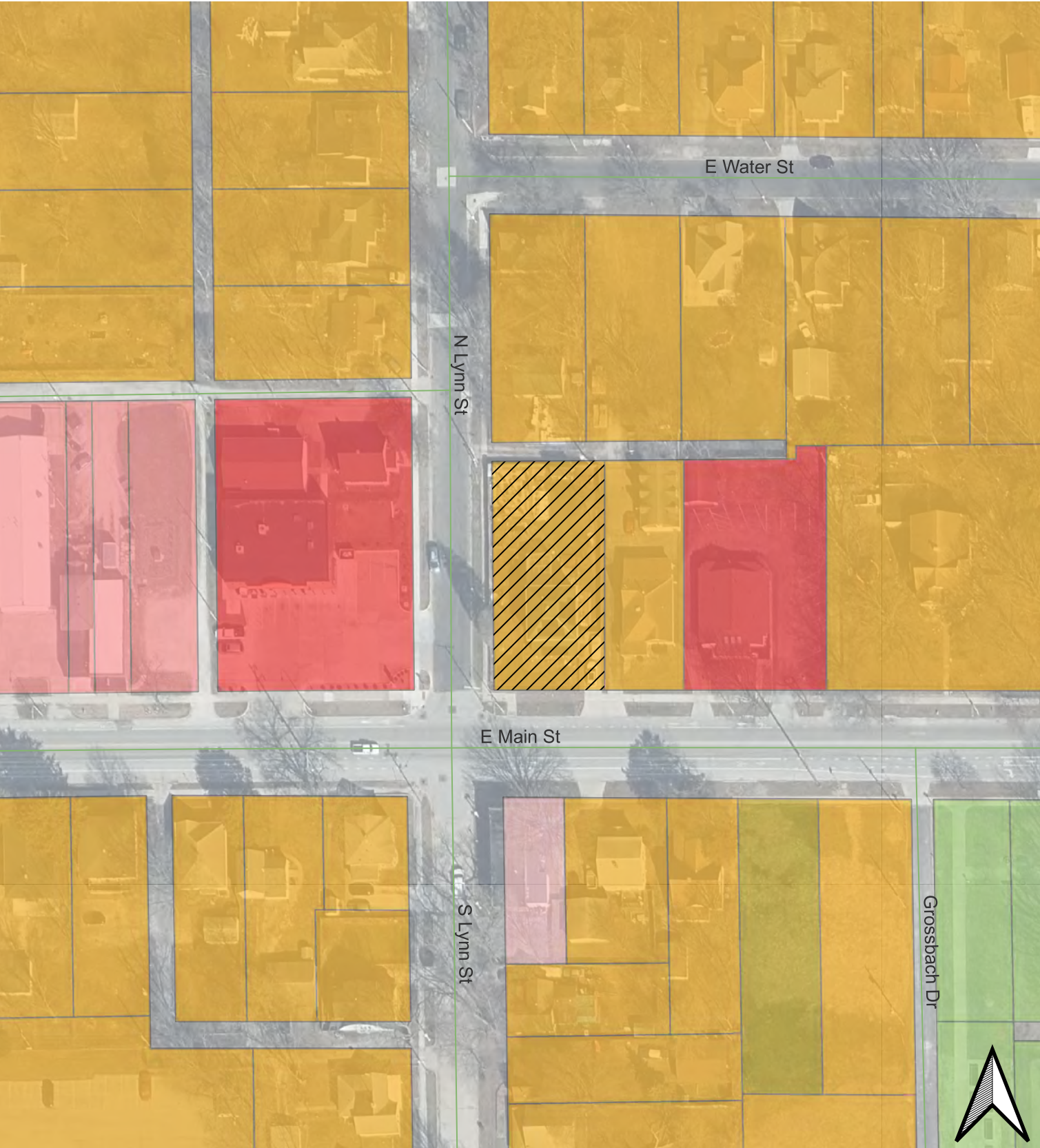
Exhibit A - Location & Land Use



Case: ZBA-2024-MIN-02
Subject: Front Yard Minor Variance
Location: 902 East Main Street
Applicant: Andrew Fell, Applicant

- | | |
|------------------------------|---------------------------|
| Residential | Mass assembly of people |
| Shopping, business, or trade | Natural resources-related |
| Industrial, manufacturing | Vacant |
| Social, institutional | Subject property |

Exhibit B - Zoning



Case: ZBA-2024-MIN-02
Subject: Front Yard Minor Variance
Location: 902 East Main Street
Applicant: Andrew Fell, Applicant






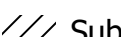

- | | | | |
|---|-----|---|------------------|
|  | B-1 |  | R-3 |
|  | B-2 |  | R-4 |
|  | B-3 |  | Subject Property |
|  | CRE | | |

Exhibit C - Future Land Use



Case: ZBA-2024-MIN-02
Subject: Front Yard Minor Variance
Location: 902 East Main Street
Applicant: Andrew Fell, Applicant

/// Subject property

Exhibit D - Application



APPLICATION FOR ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. For the current fee, please refer to the most recent version of the City's "Schedule of Fees - Excluding Liquor License Fees", which can be found at <http://www.urbanailinois.us/fees>.

The Applicant is also responsible for paying the cost of legal publication fees. The News-Gazette will bill the applicant directly. Legal ad publication fees vary from \$75.00 and up.

*NOTE: Fields marked with an * must be completed.*

NOTE: If additional space is needed to complete any field, please mark "See Attached" and attach the response at the end of this application.

PROPERTY INFORMATION

Address/Location of Subject Site* **902 East Main Street**

Parcel/PIN # of Subject Site **91-21-09-355-11**

Lot Size **70' x 142.66' = 9986.2 s.f.**

Current Zoning District **Choose a Designation from Drop Down List**

R-3

Current Land Use (vacant, residence, grocery, factory, etc)* **Single Family**

Proposed Land Use* **Single Family**

Legal Description

See attached

APPLICANT INFORMATION

Name of Applicant* **Andrew Fell**

Applicant Business Name **Andrew Fell Architecture and Design**

Applicant Mailing Address

Street # * **515**

Street Name* **N Hickory**

Apartment #, Suite #, Etc. **Suite 101**

City* **Champaign**

State* **IL**

Zip* **61820**

Applicant Email Address* **permits@andrewfell,.com**

Applicant Phone* **217-363-2890**

Multiple Applicants* No ☒

Yes ☐

NOTE: Please attach documentation of additional applicants names and contact information.

Property Interest of Applicant(s)* **Other**



Exhibit D - Application

OWNER INFORMATION*



This property has one owner.



This property has multiple owners.

NOTE: Please attach documentation of additional owners names and contact information.

Owner Name* Alejandro Lleras Buetti and Simona Lleras Buetti

Owner Business Name

Owner Mailing Address

Owner Street #* 902

Street Name* E Main

Owner Apartment #, Suite #, Etc.

Owner City* Urbana

State* IL

Zip* 61801

Owner Email Address* alejandrolleras@gmail.com; sbuetti@gmail.com

Owner Phone* (217) 722-0833

CONSULTANT INFORMATION

If you are working with an architect, engineer, surveyor, site planner, or attorney, please fill in their information below.



Architect Name

Andrew Fell

Architect Company

Andrew Fell Architecture and Design

Architect Mailing Address

515 N Hickory, Suite 101, Champaign, IL 61820

Architect Email Address

permits@andrewfell.com

Phone 217-363-2890



Engineer Name

Engineer Company

Engineer Mailing Address

Engineer Email Address

Phone



Surveyor Name

Surveyor Company

Surveyor Mailing Address

Surveyor Email Address

Phone



Attorney Name

Attorney Company

Attorney Mailing Address

Attorney Email Address

Phone

Exhibit D - Application

REQUEST INFORMATION

Permit Type*: **Minor Variance**



Purpose for Request* **Enclose an existing Front Porch**

Describe the proposed use and its activities. In other words, what do you plan to do? Are there existing buildings you will use, change, or demolish? Will you build new buildings? What activities will take place on site, and where? If you're planning a business, what will your hours of operation be?*

See Attached

Appeal, advance to: **Page 6**

Conditional Use Permit, advance to: **Page 7**

Variance, advance to: **Page 8**

Exhibit D - Application

REASONS FOR VARIANCE

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.

See Attached

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.

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

Exhibit D - Application

NOTE: Contact the Planning Division If you need assistance: planning@urbanailinois.us or 217.384.2440.

ATTACHMENTS

Please include any attachments relevant to your request:
supporting documents, site plans, photos, etc.

CERTIFICATION BY THE APPLICANT*

- ☒ I certify all the information provided in this application and any attachment(s) 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.
- ☒ I acknowledge that by submitting this application, I am granting permission for City staff to post a temporary yard sign announcing the public hearing to be held for my request on the property. I further acknowledge that my electronic or digital signature on this application has the full legal effect as that of my written signature.

Applicant's Signature*

Date*

A.T. TM
5.10.24

PLEASE RETURN THE APPLICATION ONCE COMPLETED TO:

By emailing an pdf copy to Planning@urbanailinois.us

Or

By mailing a paper copy to:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street
Urbana, IL 61801

Exhibit D - Application

GENERAL VARIANCE REQUEST

The project under consideration necessitating this Variance Request is to remodel a general area currently occupied by an open front porch. The new Addition will most likely not be the same exact dimensions as the existing porch, but the intent is to generally occupy that space. It would most likely be slightly larger to conform to material dimensions, but will obviously be limited by the Variance.

This is being considered as it adds little (250 s.f.) of space to a modestly sized house. makes the interior environment of the residence much more usable. The request is to reduce the required 25' front yard setback by 20% to a distance of 20'.

This request represents the minimum amount deemed reasonable in order to execute the project. The request to reduce the front yard setback to 20' will actually not effectively alter the current conditions.

The floor plan and existing footprint of the residence make it infeasible to add on in any other direction. To the west already is a Sun Room Addition, to the east is the driveway, and to the north is an existing above ground (permanent) pool on an concrete slab. A floor plan of the existing residence has been included for reference.

The interior physical layout of the residence also predicates the addition on the south side of the house. The current front door opens into a smallish Entry 'Room' which assumably was the Living Room upon initial construction. At some point in the past an oddly configured full bath was added on the west side of the room cutting its usable space to essentially non-existent. The result of that work, made the Living Room shift to the south-east room of the house. This room has another exterior door, the main stairway and the main circulation path cutting thru it – making this room essentially unusable as well.

A portion of this project re-establishes the main first floor organizational scheme and moves the ill placed restroom allowing the Living Room to once again be the Living Room.

A first floor restroom is essential to the living situation in the house. There is only one other bathroom in the house so the one being removed needs to be replaced. The current family has four permanent members and grows to seven for long periods of time, so one bathroom is inadequate.

REASONS FOR VARIATION

1. *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.*

This request is for:

A Minor Variance to reduce the front yard setback by approximately five feet, to a distance of 20'-0". The intent is to 'replace' the existing porch, in a nearly identical footprint, converting it into conditioned space. As stated above, there is no other face of the residence 'open' to

Exhibit D - Application

which we could place an addition. The only possible option would be to add on to the north, but that area is already occupied by a permanent above ground pool structure, and the actual physical ability to access and place a room on the north side is impractical because of the existing floor plan. The kitchen would need to be heavily remodeled to be able to access an addition to the north. The only option to add to the residence is to the south. The Request represents the minimum amount of area practical to gain the spaces and functions desired – most notably a full bath, as there is no other first floor location in which to place it.

2. *Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other properties in the same district.*

This lot is subject to an 'Average Setback Distance' for the block face. The minimum front yard setback is 15' and the maximum is 25'. The block face actually contains two contiguous blocks (the 900 and 1000 East Main Street blocks). Most of the structures measured are relatively close in their setback distances. However, there is one outlier that is included with an existing setback of 54'. This one building skews the average somewhat. Had that one property been constructed more cohesively with its neighbors, we may not even need to submit this Application in order to construct the desired addition.

All of the properties included were constructed prior to the adoption of this Ordinance (I am pretty sure of), which means that fully half of the block face was rezoned as non-conforming. This condition occurs nearly everywhere in the adjacent R-3 Zoning District. The buildings along the block of Lynn Street to the south all seem to violate this requirement to a very large degree, with seemingly no detriment to the neighborhood.

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

The residence was purchased in this configuration. While the purchaser of any property is responsible to be aware of any, and all, requirements, that is not a realistic expectation. It is reasonable to assume that because nearly all other residential structures in the same Zoning District, in the same area, are much closer to the front property line than even 15', that this expansion to the south, bringing it closer to the street as other neighboring houses would be something allowable 'by right'. As stated above there is really no other location on the site in which to locate an addition.

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

The enclosing of the existing porch would not alter at all how close the building structure is to the street, and would not alter its mass. While we are not necessarily keeping the existing footprint, we will be close to it, so the result will be similar to the existing configuration.

Of the eight properties included in the average calculation – four are already in violation of the minimum front yard requirement. So, exchanging an open porch for an enclosed addition will

Exhibit D - Application

not change Neighborhood Character.

Additionally, many of the properties in this Zoning District on adjacent streets are already in violation of the front yard requirement, but in a consistent, harmonious manner. None of those seem to be a detriment to the neighborhood. In fact, just the opposite - this is a neighborhood of houses closer to the street and the character and intimacy that this aspect brings with it. Houses and their public faces being closer to the street are simply more welcoming and inviting.

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

Enclosing of the porch will not have a negative impact on any neighbor. It essentially will not alter the overall form of the structure and will actually move outdoor activities further from the neighbor – so this should be an enhancement to the neighborhood and the direct neighbor.

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

This request represents the minimum deviations from the Zoning Ordinance as necessary to produce an economically viable project.

While the Variance Request could be made for a larger reduction in the setback to create a larger addition, the intent of the project is to rebuild in nearly the same footprint, so the request is only for the amount of space needed to achieve these goals. While it is only one aspect of this project, we need to demolish the existing first floor bathroom in order to gain a reasonably sized Living room. There is no space within the existing first floor footprint in which re-insert a full bathroom, so by necessity, it must go in the addition. Enlarging the Living Room in the proper way (making it a large simple rectangle) leaves very little other space in which to include an Entry, Entry Vestibule inside, and a full bath. This is the minimum amount of space needed to incorporate the desired spaces and functions.

Exhibit D - Application - Setbacks

NOTES:
1. AVERAGE SETBACK FROM EXISTING CONDITIONED SPACES TO SIDEWALK ALONG E MAIN STREET FROM N LYNN STREET TO GROVE AVENUE IS 26'-4 1/2".

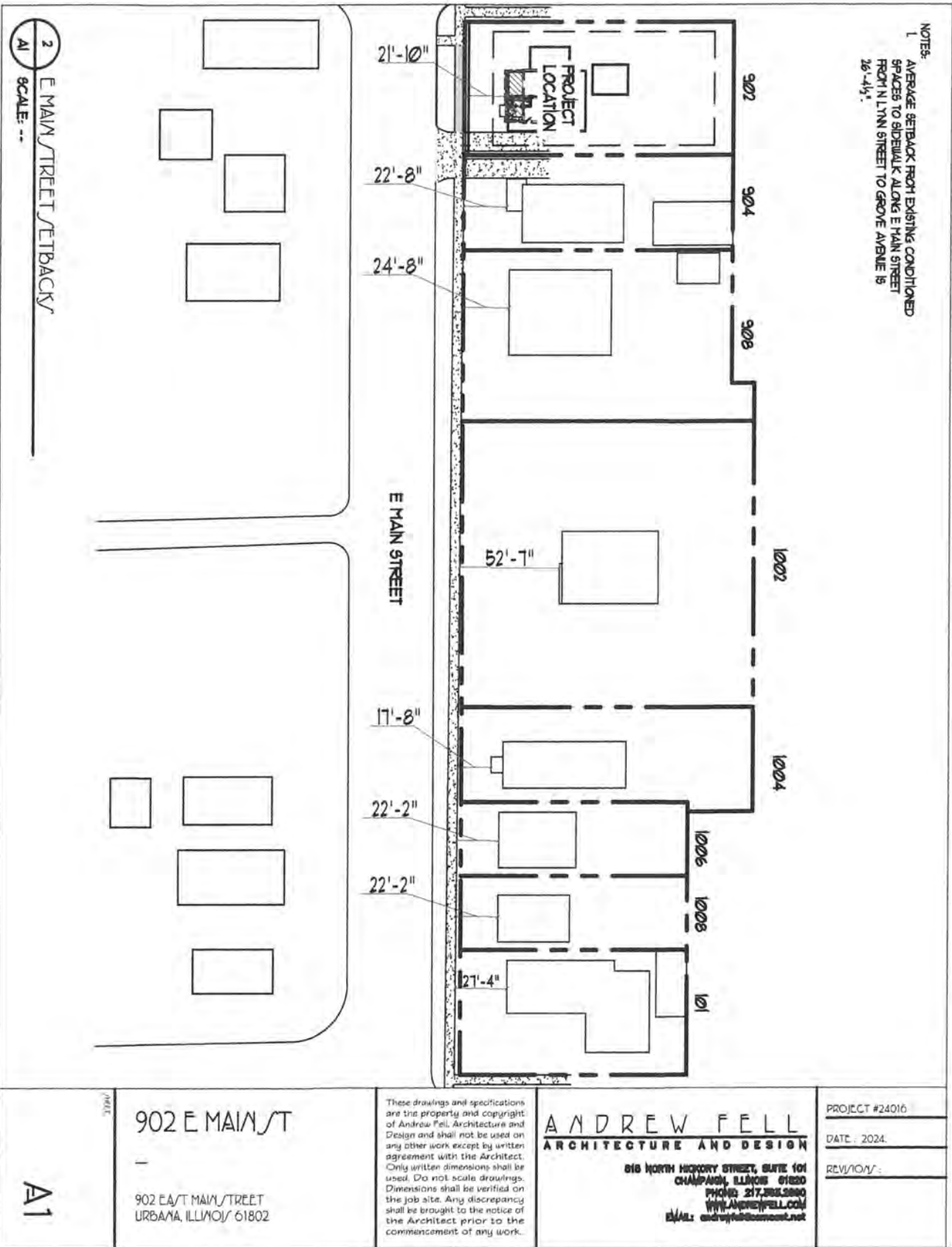
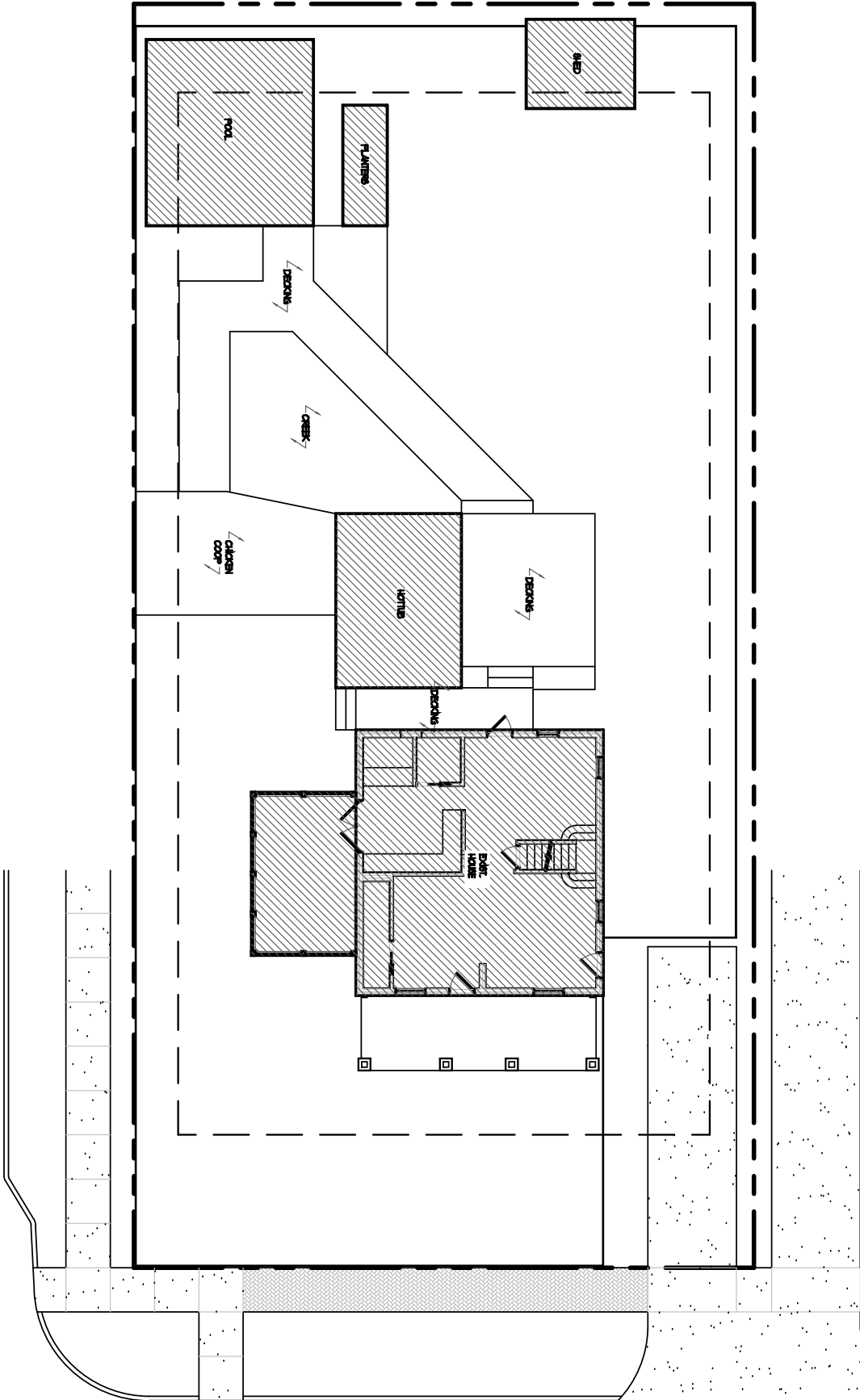


Exhibit D - Application - Site Plan - Current Configuration

2 SITE PLAN
A1 SCALE: 1/8" = 1'-0"



A1

Exhibit D - Application - Concept Plan - not Final Configuration

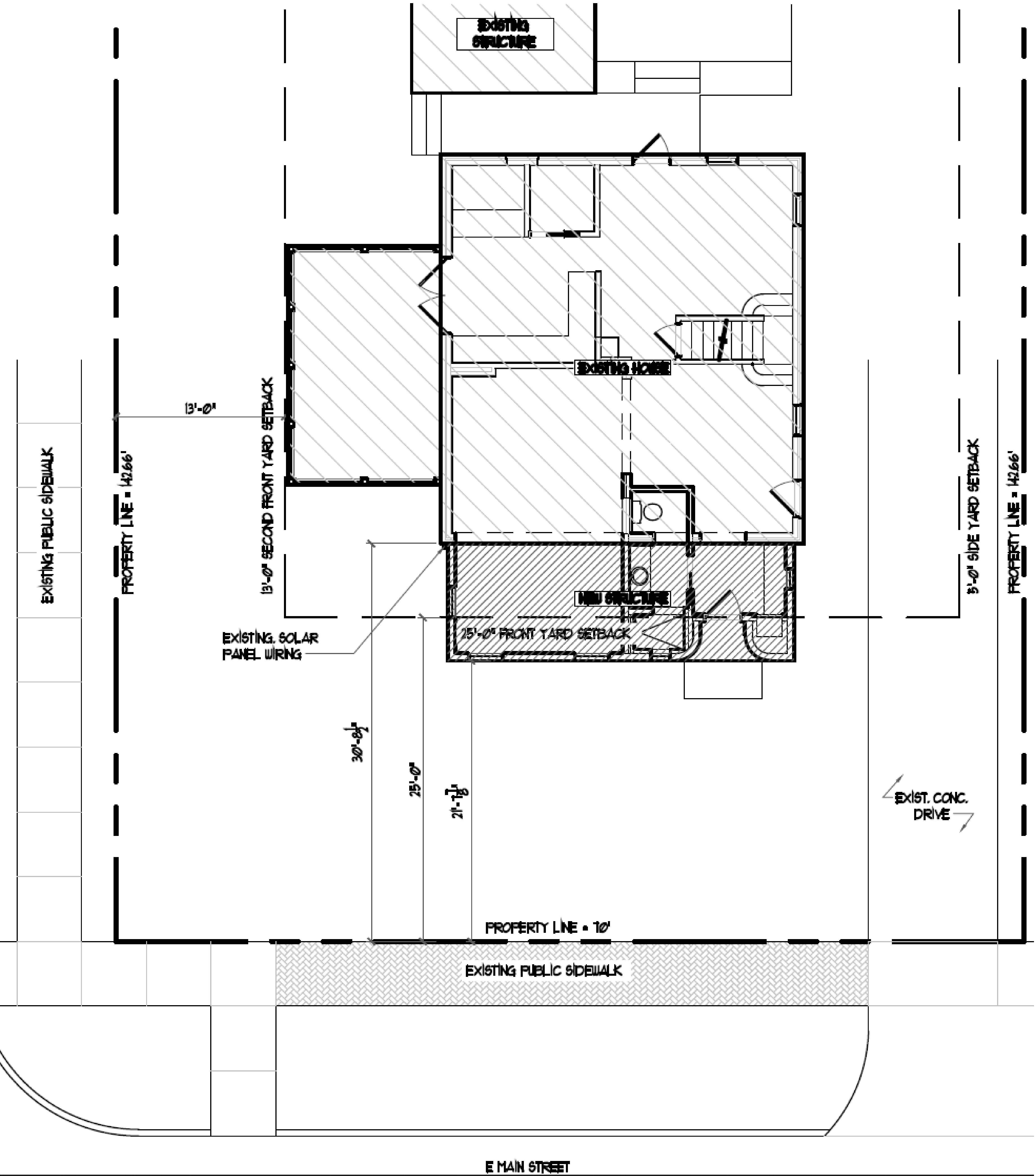


Exhibit E – Site Photos & Aerials



Figure 1. Facing north; subject property on left; note continuous streetface.



Figure 2. Facing northeast; note continuous street face.

Exhibit E – Site Photos & Aerials



Figure 3. Subject property in upper-right; note shallow front yards along blockface.