



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

DATE: Wednesday, May 21, 2025
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](#) of the January 15, 2025 Regular Meeting

[Minutes](#) of the April 9, 2025 Special Meeting

D. Written Communications

E. Continued Public Hearings

F. New Public Hearings

[Case ZBA-2025-C-02](#) - A request by David Huber, on behalf of Middle Group 1003 E Washington, LLC, for a Conditional Use Permit to allow multiple principal structures at 1003 East Washington 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

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://www.urbanail.gov/executive-department/page/urbana-public-television>.

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@urbanail.gov**. 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: 217.384.2440

Email: **Planning@urbanail.gov**

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: January 15, 2025

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 EXCUSED: Matt Cho, Adam Rusch

STAFF PRESENT: Kevin Garcia, Principal Planner and Zoning Administrator; Marcus Ricci, Planner II; Teri Anandel, Planning Administrative Assistant II

OTHERS PRESENT: Geoff Bant, Joanne Budde, David Chang, Andrew Fell, Jonathan Thompson

A. CALL TO ORDER and ROLL CALL

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

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF PREVIOUS MINUTES

Minutes of the September 18, 2024 Regular Meeting

Ms. McLaughlin moved that the Zoning Board of Appeals approve the minutes of the September 18, 2024 regular meeting as written. Ms. Uchtmann seconded the motion. The motion was approved by unanimous voice vote.

D. WRITTEN COMMUNICATIONS

- Email from Bao Bui, applicant for Case No. ZBA-2024-MAJ-03
- Email from Jan Kalmar in opposition of Case No. ZBA-2024-MAJ-03

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-MAJ-03 – A request by Andrew Fell, on behalf of Long Bao Bui, for a Major Variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street in the R-2 (Single-Family Residential) Zoning District.

Chair Welch opened Case No. ZBA-2024-MAJ-03. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals. He reviewed the options of the Zoning Board of Appeals and presented City staff's recommendation for denial.

Mr. Ricci explained the purpose for the proposed major variance and gave a brief history of the proposed site. He showed an illustration of the existing porch versus the proposed porch. He noted the land uses and zoning of the subject property and of the surrounding properties. He showed a rendering of the proposed building with the addition, porch landing and stairs. He discussed the proposed variance and reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He showed photos of other homes on the same block and noted that all but one of them had steps facing the street. He reviewed the notification process for this case. He reviewed the options of the Zoning Board of Appeals again and restated staff's recommendation. He added that if the Zoning Board of Appeals recommended approval of the variance request that they include the condition that, "Construction generally comply with the submitted construction plans".

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

Ms. Chester asked for clarification on the concrete steps down by the sidewalk. Mr. Ricci explained that if the elevation of the porch is higher than the elevation of the sidewalk, without the three or four concrete steps at the sidewalk, the porch steps would need more space and a longer stairway to compensate for the difference in elevations. This means there would be a higher likelihood that the stairway would encroach even more into the minimum front yard.

Ms. Chester noticed that some of the houses in the photos showed a landing before the stairs coming down to the sidewalk, and other homes just have stairs. Is it allowed to have no landing? Mr. Ricci replied that would be a Building Code question.

Ms. Chester noticed that the house to the west of the proposed site is essentially the same, and it has an open porch. She asked if the fact that it is an open porch change anything. Mr. Ricci stated that he would have to check to be sure, but he believes the stairs would be considered legally non-conforming because the combination of porch and stairs goes past the 5 feet that is allowed.

With there being no further questions for City staff, Chair Welch opened the public hearing for public input. He invited the applicant to speak.

Andrew Fell, applicant on behalf of Long Bao Bui, approached the Zoning Board of Appeals to speak. He apologized for having to continue the case from the November meeting. He thanked Mr. Ricci for doing an excellent and thorough job presenting the case to the Board.

Mr. Fell stated that he believed staff's decision to recommend denial of the case is because staff has to follow the Zoning Ordinance. Staff's job is pretty black and white to follow the Ordinance, and the Zoning Board of Appeals' job is to interpret all of the gray areas. If there were not any gray areas, then we would not need the Zoning Board of Appeals.

Mr. Fell went on to state that the issue is we have a house that was built in 1912 and a Zoning Ordinance overlaid on that decades later. He said that by its very nature a zoning ordinance has to be pretty generic in its rulings and what it does and blanketly apply them in places where they should not be applied. This is why we have non-conforming properties. He said his opinion is that this neighborhood [West Urbana] is where the blanket zoning falls apart the most, because we have houses that were built a very long time ago. Some of the houses were built on larger lots and have shared driveways and are already encroaching too far into the required setbacks.

Mr. Fell stated that as a designer they never want to have to come before the Board and ask for a special condition, but this is a case where he feels the decision for the design is appropriate for the house and for the neighborhood. It is clear when looking at the photos of the houses on the block that the proposed house's façade is pretty abrupt and severe. The proposed design is intended to bring the look of the proposed home more into character with the neighborhood.

He pointed out that the encroachment would only be for the stairs. The proposed addition and landing for the porch would meet the setback requirements. They could turn the stairs to face towards the neighbor rather than towards the street; however, he and the property owner both feel that makes the porch become unwelcoming. This also makes visitors have to approach the front stairs to get to the house via the shared driveway, which is also part of the neighbor's property. He said that this is not an appropriate way to treat a neighbor, especially in this neighborhood. He said that he felt this case is a perfect example of why the Zoning Board of Appeals exists.

Mr. Fell addressed the question about a landing being required or not. He explained that the Building Code requires a level landing for 3 feet on each side of a door. He further explained that a person is allowed to have a step down directly onto the landing from the door. He and the property owner choose to design the landing to be the same level as the floor inside the new addition even though having a step down at the door would reduce the encroachment by 12 inches.

Ms. Uchtmann asked if any of the other homes on the block have an enclosed porch or are they mostly all open porches. Mr. Fell recalled that most of the porches are open. There may be one that is enclosed.

Mr. Warmbrunn mentioned the email they received from Jan Kalmar, which states that the proposed variance would create a safety concern for pedestrians as residents in both homes that share the driveway back out with their vehicles. Mr. Fell stated that he did not know if they exited the driveway face forward or if they are back out.

Ms. McLaughlin asked how far it was between the proposed front addition to the sidewalk. Mr. Fell replied that it is 16 feet from the edge of the proposed encroachment to the sidewalk. The sidewalk is 5-foot wide, and there is another 5 or 6 feet from the other side of the sidewalk to the parkway. He said that a parking space is 18 ½ feet long.

Mr. Ricci said that he responded to Ms. Kalmar’s email stating that although the stairs for the porch would be closer to the sidewalk than the existing stairs, the proposed stairs would still be 15 feet from the property line and front sidewalk and 27 feet from the street.

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) by the Zoning Board of Appeals.

Kevin Garcia, Principal Planner and Zoning Administrator, clarified that if the Zoning Board denied the case, it would not be forwarded to Committee of the Whole. The case would then end at the Zoning Board of Appeals level.

Mr. Warmbrunn interpreted that while staff is recommending denial of the variance request, it does still meet some of the criteria. Mr. Garcia explained that the request does not meet the initial criteria, which is whether there is some sort of practical difficulty or a special circumstance. The City does not grant variances because it is something people want to do or even because it is the most beautiful thing to do. The request needs to meet the minimum criteria first of all.

Ms. Uchtmann commented that it does seem from the rendering that it would be a pleasing addition rather than having the plain face of the house facing Washington Street.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2024-MAJ-03 to the City Council with a recommendation for approval with the condition that construction must be in general conformance with the Site Plan that is attached in the written staff report based on the findings outlined in the written staff memo. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn stated that he planned to vote for this to forward it to City Council so they can decide what to do with the case.

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.

Mr. Garcia stated that Case No. ZBA-2024-MAJ-03 would be forwarded to Committee of the Whole on February 3, 2025.

Case No. ZBA-2024-C-01 – A request by Jonathon Thompson, on behalf of RSCC, LLC, for a Conditional Use Permit to allow a fast-food restaurant at 809 West Green Street in the B-1 (Neighborhood Business) Zoning District.

Chair Welch opened Case No. ZBA-2024-C-01. Kevin Garcia, Principal Planner and Zoning Administrator, presented the staff report to the Zoning Board of Appeals. He began by presenting the definition of fast-food restaurant. He stated that the applicant also needs approval of a special use permit for a drive-through in the B-1 (Neighborhood Business) Zoning District, which will have a public hearing at the Plan Commission on January 16, 2025.

Mr. Garcia talked about the location and history of the proposed site. He noted the land use of the surrounding properties. He noted a correction to the written staff report, which states that there will be outdoor seating and restrooms in the building. The applicant works for the developer, Rockford Structures, who is working with Dutch Bros. The applicant has discussed the City's desire for outdoor seating and restrooms for customers with Dutch Bros; however, Dutch Bros has not committed to providing these. He reviewed the zoning and showed photos of the subject property and of the surrounding properties.

Mr. Garcia described Dutch Bros business operation and products. He explained that the original site plan was more auto-oriented, and City staff expressed a desire for a more pedestrian-oriented site plan. He showed the site plan that Dutch Bros submitted in response to their discussions with City staff and talked in great detail about the proposed access (both auto and pedestrian), the layout of the drive-through, parking, open space, and potential future landscaping. He reviewed how the proposed development relates to the 2005 Comprehensive Plan. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He reviewed the options of the Zoning Board of Appeals and stated City staff's recommendation for approval including the following conditions:

1. The development shall generally conform to the submitted site plans; outdoor seating areas shall be included in the final plans.
2. The number of automobile parking spaces shall be ____ at most.
3. At least six bicycle parking spaces be provided.
4. A landscaping plan is required prior to construction. At a minimum, the plan should include some combination of bushes and shrubbery on the western side of the lot, between the right-of-way and the drive-through lanes.
5. Restrooms shall be made available to customers.

Mr. Garcia noted that the applicant was in the audience and available to answer questions.

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

Ms. Uchtmann asked if you place your order while you are in the drive through and then pick up your order at the window. Mr. Garcia said that is his understanding. Dutch Bros staff will come to your car and take your order.

Ms. McLaughlin asked Mr. Garcia to talk more about the relation of providing restrooms for customers if outdoor seating is required. Mr. Garcia recalled that when talking with the City's Building Safety Division Manager, Nick Hanson, he believes it is a requirement for a business who provides outdoor or indoor seating to also provide public restrooms.

Ms. McLaughlin asked if the Zoning Board of Appeals adds this as a condition, does it become a requirement? Mr. Garcia replied yes.

Mr. Warmbrunn asked if we require the developer to provide restrooms, then it would alter the footprint of the building, right? Mr. Garcia stated that they would still need restrooms for their employees. However, if it does require a slight increase in the building footprint, he believes that it would still generally conform to the submitted site plans.

Mr. Warmbrunn asked for clarification on the parking spaces. Are the required parking spaces for the employees or for the employees and for customers? Mr. Garcia estimated that about half of the parking spaces would be for employees. There would be some parking spaces dedicated to customers who order ahead to park and walk to the window to pick up their orders. Mr. Warmbrunn said that he did not see customers coming to the site, parking and walking up to the window to place their orders.

Ms. Uchtmann asked where staff envisions the outdoor seating to be located on the site. Mr. Garcia replied that there is open space in the northwest corner of the proposed site that could be dedicated for outdoor seating.

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

Joanthon Thompson, applicant, approached the Zoning Board of Appeals. He gave a brief history of Rockford Structures and his personal history with the City of Urbana. He stated that working with Mr. Garcia has been fantastic. He said that Mr. Garcia presented the case well to the Zoning Board of Appeals. He agrees with many of the conditions recommended by City staff.

He expressed his concern for the number of parking spaces. If Dutch Bros has 8 employees and there are only 10 parking spaces with 2 dedicated to handicap parking, then there will not be any parking spaces available for customers picking up their call-ahead orders. Dutch Bros would like to have 16 parking spaces. He does not see a negative of having additional parking.

Mr. Thompson said that Dutch Bros would like to have the option of whether they need the outdoor seating or restrooms for the customers rather than it being required to get approval of the Conditional Use Permit. He said that other than parking, outdoor seating and the restrooms, he agrees with the other conditions.

Chair Welch asked if the Zoning Board members had any questions for the applicant.

Ms. Uchtmann asked if the City required outdoor seating and restrooms for the customers, would Dutch Bros decide not to build? Mr. Thompson said that he could not answer the question.

Ms. Uchtmann stated that there is a coffee shop on University Avenue [7 Brew]. She asked if they had restrooms for their customers. Mr. Garcia said that he did not know.

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

Mr. Warmbrunn asked if Dutch Bros does not like the conditions that the City imposes, then they could reapply, correct? Mr. Garcia said yes. Mr. Warmbrunn replied that without knowing what Dutch Bros' intentions are, it is difficult to decide what to do. As long as they can reapply, the Zoning Board of Appeals could approve the case with the conditions recommended by City staff. Mr. Garcia said that if the Zoning Board of Appeals wanted to make a soft motion on the proposed conditional use permit case, then he could try to get an answer from Dutch Bros about the outdoor

seating and public restrooms before the special use permit goes before Committee of the Whole. Mr. Thompson confirmed that he would get an answer from Dutch Bros.

Ms. Chester asked if the Zoning Board of Appeals would need to say anything about the outdoor seating and public restrooms since the special use permit will be going to Plan Commission and decided upon by the City Council. Mr. Garcia said that the Plan Commission case is for a special use permit to allow a drive-through as an accessory use in the B-1 Zoning District. The Zoning Board of Appeals consideration of a conditional use permit includes the drive-through and the fast-food restaurant both. He did not think that the Plan Commission could have conditions requiring public restrooms for an accessory drive-through use.

Mr. Warmbrunn asked if they should say “prefer” rather than “require”. Mr. Garcia said they can use softer language if they want. They could even use “recommend”.

Mr. Warmbrunn asked if Dutch Bros would need to provide public restrooms if they do not have outdoor seating. Mr. Garcia said that he does not see a need for public restrooms if there is not outdoor seating, because without outdoor seating, all customers will be passing through via automobiles, bus, bicycles, walking, etc.

Ms. Chester asked if any other Dutch Bros locations have public restrooms. Mr. Garcia believed that they do because they have s hundreds of other locations. Mr. Thompson said that he does not know, so he cannot speak on behalf of Dutch Bros.

With regards to parking, Ms. Uchtmann stated that they will not only have the employees, but they will also have managers, food inspectors, and code enforcement who will need a place to park.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2025-C-01 with the following conditions:

1. The development shall generally conform to the submitted site plans.
2. The number of automobile parking spaces shall be 16 at most.
3. At least six bicycle parking spaces be provided.
4. A landscaping plan is required prior to construction. At a minimum, the plan should include some combination of bushes and shrubbery on the western side of the lot, between the right-of-way and the drive-through lanes.
5. Strongly recommend that there be outdoor seating and restroom made available to customers in the final plans.

Ms. McLaughlin seconded the motion. Roll call was as follows:

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

The motion passed by unanimous vote.

Chair Welch called for a brief break at 8:27 pm. He reconvened the meeting at 8:30 pm.

G. OLD BUSINESS

There was none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Garcia reported on the following:

- Case No. ZBA-2024-MAJ-01 – Mr. Garcia stated that this case for a major variance to allow an increase in the Floor Area Ratio at 809 West Pennsylvania Avenue was approved by City Council on October 14, 2024.

Mr. Warmbrunn asked about the court case involving the storage units on High Cross Road. Mr. Garcia responded that he believed the judge in the case ruled in favor of the City of Urbana. There was a 15-day period in which the petitioner could submit an appeal. He believes that the petitioner did not appeal, because the conditional use permit had expired due to no work being done to construct the storage units within the past year.

Mr. Warmbrunn asked if the property is now zoned B-1 (Neighborhood Business). Mr. Garcia said yes.

Mr. Warmbrunn asked why the Zoning Board of Appeals was not notified of this decision. Mr. Garcia replied that he technically has not been notified of the final decision. He knew of a preliminary decision on the case.

Mr. Warmbrunn asked if the judge made a ruling or did the parties involved come to an agreement and settled out-of-court. Mr. Garcia said that he believes that the judge made a ruling in the City's favor, so the City prevailed. The applicant had decided not to build before the court case was final.

Mr. Warmbrunn asked about reviewing/updating the bylaws. Mr. Garcia said that staff plans to talk with the new City Attorney when they have more time. Mr. Warmbrunn commented that it seems we are neglecting all of this planning stuff just because of the election coming up. No one wants to hire more staff, so the Planners have time to work on planning things until after the election. He said that Mr. Garcia did not need to comment on this.

Mr. Warmbrunn stated that the City changed the email address format, and he forgot what it is. Is there somewhere that he can find this information? Mr. Garcia said that each member's new email address is their first name, dot, last name, @, urbanail.gov. Ms. Chester said that she waits until the agenda and packet of information is posted on the City's meeting webpage.

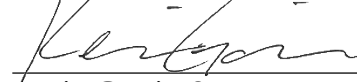
K. STUDY SESSION

There was none.

L. ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals

MINUTES OF A SPECIAL MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: April 9, 2025

TIME: 7:00 P.M.

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

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

MEMBERS EXCUSED: Adam Rusch

STAFF PRESENT: Marcus Ricci, Planner II; Teri Anzel, Planning Administrative Assistant II

OTHERS PRESENT: Zainab Calcuttawala

A. CALL TO ORDER and ROLL CALL

Chair Welch called the meeting to order at 7:02 p.m. Roll call was taken, and a quorum was declared present.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF PREVIOUS MINUTES

There were none.

D. WRITTEN COMMUNICATIONS

- Email from Joanne Budde regarding the court case Beringer Commons Residents vs. the City of Urbana
- Email from Richard Cahill regarding Case No. ZBA-2025-C-01
- Letter from C. K. Gunsalus and Michael W. Walker regarding Case No. ZBA-2025-C-01
- Email from Esther Patt regarding Case No. ZBA-2025-C-01

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-2025-C-01 – A request by Zainab Calcuttawala for a Conditional Use Permit to allow a second principal structure at 602 West High Street in the R-3 (Single- and Two-Family Residential) Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2025-C-01. Marcus Ricci, Planner II, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed conditional use permit, which is to create a second principal structure on the subject property. He stated the history of the property and described the proposed site and the surrounding parcels noting the existing land uses, zoning, and future land use designations of each. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He showed photos looking at the subject property from the west, east, north and south. He reviewed the summary of findings in the written staff report and noted the communications that were received for this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation for approval. He noted that the applicant is in the audience to answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none. Chair Welch opened the public hearing for public input. He invited the applicant to speak.

Zainab Calcuttawala, applicant, approached the Zoning Board of Appeals to speak. She thanked the Zoning Board of Appeals for holding a special meeting. She stated that her main intention is to add a bathroom and kitchen to the overhead space in the garage because her mom is aging and will eventually move to Urbana.

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) by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2025-C-01 as submitted and based on staff's findings. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote of 6-0.

G. OLD BUSINESS

There was none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Ricci reported on the following:

- He stated that he plans to give a brief staff report at the next meeting on the status of all of the previous cases and possibly include photos of what was constructed.
- Mr. Warmbruun inquired about updating the bylaws. Mr. Ricci explained that staff is still on hold for updating the bylaws for each board and commission. He hopes staff will be permitted to work on the bylaws after a new Community Development Services Director is appointed.
- Mr. Warmbrunn stated that he watched the City Council meeting when they considered and denied a major variance (Case No. ZBA-2024-MAJ-03) to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street. He said that at least two Council members used the excuse for denying it based on it setting a precedent. He said that he did not know how the staff and the Zoning Board of Appeals could make it any clearer to the City Council that this particular case would not have set a precedent. So, he asked Mr. Ricci to take note of the Board's failures as well as their wins. Mr. Ricci replied that he considers this case to be a win, because City Council directed staff to prepare a text amendment to the Zoning Ordinance.
- The public hearing for adoption of the *Imagine Urbana* Comprehensive Plan will be held at Plan Commission on April 10, 2025.

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



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: May 21, 2025
SUBJECT: **ZBA-2025-C-02:** A request by David Huber, on behalf of Middle Group 1003 E Washington LLC, for a Conditional Use Permit to allow multiple principal structures at 1003 East Washington Street in the R-3 (Single- and Two-Family Residential) Zoning District.

Introduction

David Huber, on behalf of Middle Group 1003 E Washington, LLC, requests a conditional use permit to build two principal structures – two single homes – on the property. Section V-3.C of the Urbana Zoning Ordinance allows more than one principal structure on a lot with a conditional use permit. The proposed construction would meet all other R-3 development regulations.

The Zoning Board of Appeals (“ZBA”) must review the conditional use permit application and hold a public hearing. The ZBA may vote to approve, approve with conditions, or deny the application. The Board should either accept the specific staff findings or articulate their own specific findings based on the application’s criteria. Staff recommend the ZBA approve the conditional use permit, with one condition, finding that the conditional use criteria have been met.

Background

Description of Site and Area

The site is approximately 6,770 square feet (0.16 acres), and is located on the south side of East Washington Street between Wabash and South Cottage Grove Avenues, in the Middle Urbana Neighborhood (see Exhibit A). The property was platted in 1924. The lot originally held a two-story home that was built in 1931 and had 960 square feet of floor area. The home had been a duplex rental property from 2014 to 2018. Later, it was registered as a “vacant and abandoned property” and deteriorated in condition, receiving at least two neighbor complaints about unkempt conditions and being unsecured. It also received several property maintenance violations which took over a year to correct. The applicant purchased the property in 2024, demolished the home, and wants to build two detached single-dwelling homes.

The surrounding area contains predominantly single homes; there are also some duplexes and some properties with two homes on a single parcel, and a small commercial area to the east. The land to the north, west and southeast is zoned R-3 (Single- and Two-Family Residential); land to the northeast is zoned B-1 (Neighborhood Business) and land on the east side of Philo Road is a mix of B-1, B-3 (General Business), and IN-1 (Light Industrial/Office) zoning. The table below shows the zoning and the future land use designations of the site and surrounding land, from the 2005 Comprehensive Plan (Exhibits B and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-3, Single- and Two-Family Residential	Single home	Residential
North	R-3, Single- and Two-Family Residential & B-1 Neighborhood Business	Single homes, Duplexes, Retail, Restaurant	Residential, Community Business
East	R-3, Single- and Two-Family Residential	Single homes, Duplex	Residential
South	R-3, Single- and Two-Family Residential	Single homes	Residential
West	R-3, Single- and Two-Family Residential	Single homes	Residential

Table 1. Zoning and Land Use

Discussion

The applicant requests a conditional use permit to allow two single homes on the property. If the request is granted, the applicant would build two two-story homes, each with two bedrooms above ground-floor parking and storage (see Exhibit D – Application). Required parking would be provided by one space in the garage and one on the access drive.

The proposal complies with all other R-3 development regulations, including lot area and width, floor area, open space, parking, and yard requirements. If the conditional use permit is approved, the homes would be subject to required building safety and zoning reviews.

Requirements for a Conditional Use Permit

According to § VII-2 of the Urbana Zoning Ordinance, an application for a conditional use permit shall demonstrate the following requirements shown in italics.

- 1. That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience. The application states:

“The requested conditional use would permit the development [of] one additional housing unit in the City of Urbana that: leverages proximity to existing pedestrian, bicycle, and public transit networks (bike lane on Washington Street, MTD bus stop within 120 feet of property at Washington/Cottage Grove), and immediately increases property tax revenue for the city, school district, and other taxing bodies without any direct public investment or abatements. Development on this vacant infill site takes advantage of existing infrastructure. Adding a second unit requires the developer to make a one-time payment of \$1,932 to Urbana-Champaign Sanitary District for future infrastructure construction and maintenance. This particular type of development—two-bedroom single-family houses—is not economically viable to build without spreading the expense of land and site improvements (sewer, utilities, hardscape, landscape) across two houses instead of one. Thus, granting the conditional use permit allows smaller single-family homes to be built that the market would not otherwise provide.”

Staff concur with these statements and find this criterion met.

2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed second dwelling would not be unreasonably detrimental to the neighborhood. The application states:

“The proposed use – two single-family dwellings – is entirely consistent with the land use pattern of the R-3 Single- and Two-Family Residential District. In fact, the property directly west (1001 East Washington Street) has two principal dwelling units on one parcel. Within 1,000 feet of the property there are other examples of two houses on a single lot, including 907 East Washington Street and 804 South Lynn Street. An attached duplex would be permitted on this site were it not for the lot width being 8 feet narrower than the minimum 60-foot requirement for lots platted before December 1970. The lot exceeds the area requirement for duplexes. With regard to the design of the proposed buildings, much study was done to weigh the pros/cons and determine the most appropriate site layout. The front-loaded garages cause the least potential disturbance to neighboring properties (noise, headlights) and eliminate the potential conflict between entering and exiting vehicles if both houses share a single drive. Additionally, front garages allow the homes to take advantage of sun from the south (back of house) and provide a noise buffer between living spaces and the very busy Washington Street. In an effort to reduce the visual prominence of the garage doors on the front elevations, a small portal is placed next to the garage to imply a “front door,” and a second-floor balcony creates a kind of front porch. The decision to place the two homes side by side was motivated by a desire to not create a hierarchy between the units, as in a front-back arrangement. The ten-foot separation between the two houses maintains the minimum separation distance required [by Building Code] between houses on two separate lots (five-foot side yard setback on each lot). This also means that down the road, should someone wish to legally subdivide the property into two separate parcels, the homes would not have to be modified.”

Staff concur with these statements and find this criterion met.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by § VII-3.*

The R-3 Single- and Two-Family Residential District “is intended to provide areas for low-density residential development, including single-family attached and detached dwellings *and two-family dwellings.*” Within a one-block radius of the property, there are at least three properties with two detached dwellings and seven duplexes. The application states:

“The proposed use conforms to all development regulations and standards, including floor area and open space ratios, setbacks, and parking minimums. No relief from any regulations or standards is necessary or desired. The two structures proposed could hypothetically be linked by a three-foot-wide and ten-foot-long “bridge” on the second level and be built by-right as a four-bedroom single-family home with two one-car garages. The difference between this by-right scenario and the proposed project in this application is not in the building itself so much as the occupancy of the building(s): two two-bedroom houses as opposed to a single four-bedroom home.”

Staff concur with these statements and find this criterion met.

Consideration

According to Section XII-2 of the Zoning Ordinance, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Ordinance, including but not limited to the following:

1. Regulation of the location, extent, and intensity of such uses;
2. Requirement of the screening of such uses by means of fences, walls, or vegetation;
3. Stipulation of required minimum lot sizes;
4. Regulation of vehicular access and volume;
5. Conformance to health, safety, and sanitation requirements, as necessary;
6. Increases to the required yards; and
7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).

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 61 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 responses.

Summary of Findings

1. The proposed use would be conducive to the public convenience, as the property is easily accessible by people walking, biking, driving, or taking the bus.
2. The proposed use would not be injurious or detrimental to the neighborhood, as the floorplan orients the garages away from neighboring homes.
3. The proposed use would conform to the regulations and standards of, and preserve the essential character of, the R-3 zoning district.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2025-C-02:

1. **Approve** the conditional use as submitted; or
2. **Approve the conditional use along with any additional conditions and requirements** as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. **Deny** the conditional use as submitted.

Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use in case ZBA-2025-C-02 with one condition: that construction be in general conformance with the submitted site plan.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application for Conditional Use Permit
Exhibit E: Site Photos

Cc: David Huber, dba Middle Group 1003 E Washington, LLC, Property Owner

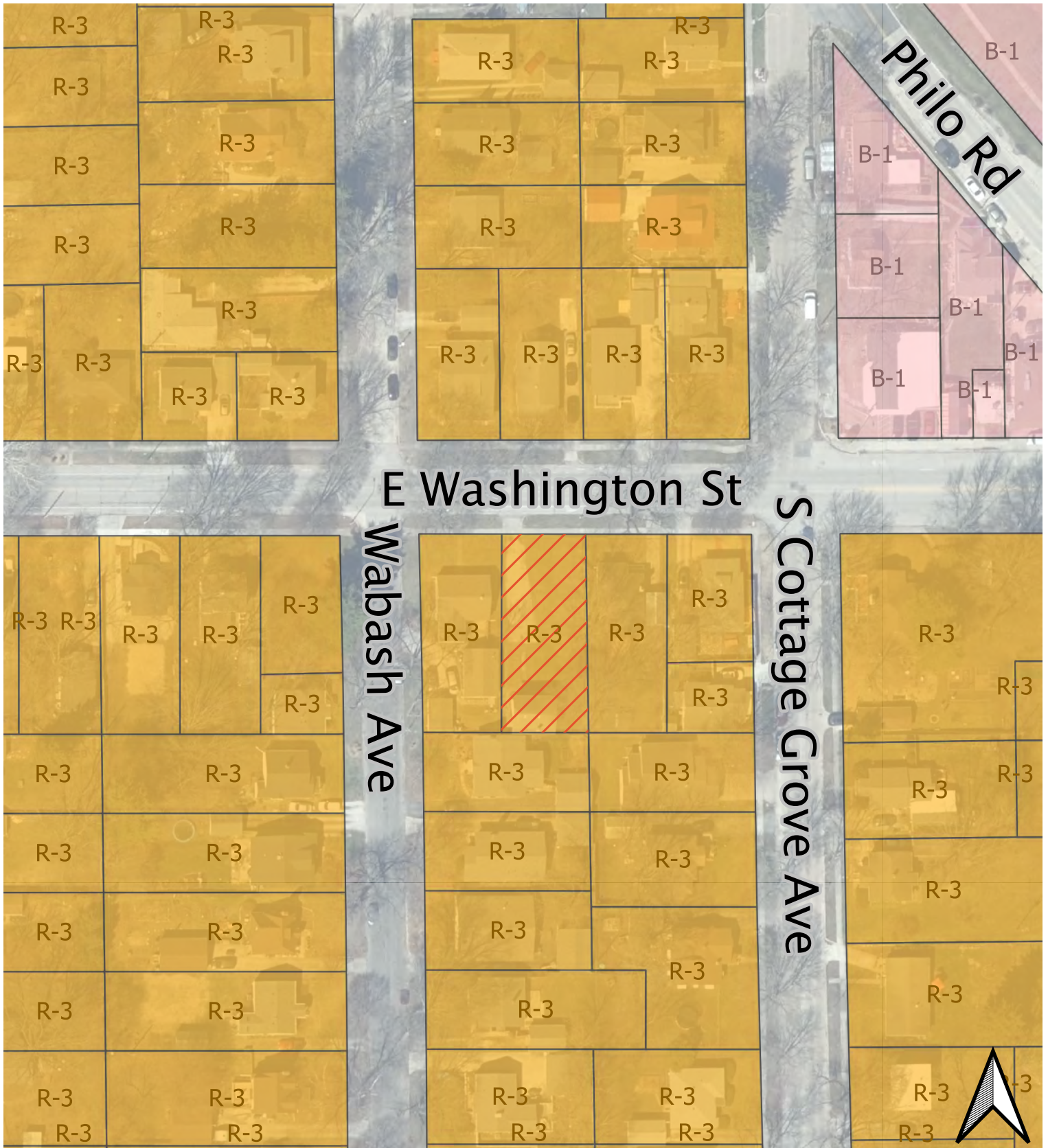
Exhibit A - Location & Land Use



Case: ZBA-2025-C-02
Subject: Huber 2nd Structure
Location: 1003 East Washington Street
Applicant: David Huber dba Middle Group
1003 E Washington St LLC

Subject property
Residential
Commercial
Institutional

Exhibit B - Zoning



Case: ZBA-2025-C-02
 Subject: Huber 2nd Structure
 Location: 1003 East Washington Street
 Applicant: David Huber dba Middle Group
 1003 E Washington St LLC




 Subject Property
 R-3
 B-1

Exhibit C - Future Land Use



Case: ZBA-2025-C-02
Subject: Huber 2nd Structure
Location: 1003 East Washington Street
Applicant: David Huber dba Middle Group
1003 E Washington St LLC




-  Subject Property
-  Residential
-  Community Business

Exhibit D - Application





Navigate to...





VIEW PERMIT

Home / Services / Development Permits / View Permit

 Make a payment

 Request an inspection

 Upload documents

 Leave message

Permit #: CUP25-000002

Project #: 25-000503

Status: Online Application Received

Balance Due: \$0.00

Address: 1003 East Washington Street 

Description: Construction of a second principal dwelling unit



Permit

Reviews

Documents

Inspections

Exhibit D - Application

Permit #:

CUP25-000002

Permit Type:

Conditional Use Permit

Sub Type:

Conditional Use

Issue Date:

Expiration Date:

The application fee must be paid when submitting the application. For the current fee amount, please refer to the most recent version of the City's 'Schedule of Fees - Excluding Liquor License Fees', which can be found at <https://www.urbanainllinois.us/fees> (<https://www.urbanainllinois.us/fees>).

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

If you need assistance completing this form, please contact the Planning Department at Planning@urbanainllinois.us (<mailto:planning@urbanainllinois.us>) or (217) 384-2440.

PROPOSED USE

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 are planning a business, what will your hours of operation be?

Current Zoning District:

R-3 - Single and Two Family Residential

Current Land Use:

Vacant lot

Proposed Use:

Residence

PROPERTY LEGAL DESCRIPTION

A legal description is the geographical description of a real estate property for the purpose of identifying the property for legal transactions such as deeds, mortgages and other legal documents. A legal description will refer to the name of the subdivision and the lot number.

If your legal description is long, please type "See Attached Legal Description," in the Legal Description Provided by Applicant field and upload a separate document with legal description.

Legal Description Provided by Applicant:

Lot Sixty-Nine (69) of Martha C. Hubbard's Third Addition to Urbana, situated in the City of Urbana, in Champaign County, Illinois.

Legal Description attachment:

PERMIT INFORMATION

Purpose for Request:

Exhibit D - Application

To allow a second principal dwelling unit to be built on a lot in the R-3 zoning district.

Number of Applicants:

1

Applicant Name:

David Huber

PROPERTY OWNER INFORMATION

If the applicant is not the sole owner, please attach documentation for contact information including **name, email and phone numbers** of every owner.:

1003_CUP_APPLICATION_NAMES OF OWNERS.pdf

CONSULTANT INFORMATION

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

Architect Name, Email and Phone:

Engineer Name, Email and Phone:

Surveyor Name, Email and Phone:

Site Planner Name, Email and Phone:

Attorney Name, Email and Phone:

REASONS FOR CONDITIONAL USE PERMIT

Below are the criteria that the Zoning Board of Appeals will base their decision on. Your answers should be as detailed as possible.

Explain how the proposed use is conducive to the public convenience at the location of the property. In other words, why is this a good location for what you are proposing, for the overall good of the community and for people coming to the property? Is it easy to get to? Does it fill a need that is missing in the neighborhood? Are there other similar or complementary uses nearby?:

See attached.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare. In other words, how will the building and site design, and the operation of the proposed use be done so they do not cause a nuisance to the neighborhood and the community in general? Will it operate at hours similar to surrounding uses?

Will it generate excessive noise, light, odor, waste, or traffic, and if so, how do you plan to deal with it?:

See attached.

Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located. In other words, how well will the proposed use fit into the neighborhood? Will buildings be similar in size and scale to others in the area? Does the site layout (e.g. location of buildings and parking areas) fit in with surrounding properties?:

See attached.

Exhibit D - Application

ATTACHMENTS

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

1003_CUP_SITEPLAN.pdf

1003_CUP_ELEVATION.pdf

1003_CUP_APPLICATION_ATTACHMENT.pdf

CERTIFICATION

I am:

1. The property owner.

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.

Agree:

Yes

I acknowledge that my electronic or digital signature on this application has the full legal effect as that of my written signature.

Agree:

Yes

I grant permission for City staff to post a temporary yard sign on the subject property announcing the public hearing to be held for my request.

Agree:

Yes

Applicant Signature Upload:

signature.png

Signer Name:

David Huber

Exhibit D - Application

CONDITIONAL USE PERMIT - 1003 E WASHINGTON ST - MARCH 2025 - DAVID HUBER

PROPERTY OWNER:

Middle Group 1003 E Washington St LLC

MEMBERS OF LLC

David Huber (Manager)
david.a.huber@gmail.com
310-567-9397

Peter F. Kunz (Member)
pkunz@miasonline.com
317-919-6234

Exhibit D - Application

CONDITIONAL USE PERMIT - 1003 E WASHINGTON ST - MARCH 2025 - DAVID HUBER

Explain how the proposed use is conducive to the public convenience at the location of the property.

The requested conditional use would permit the development one additional housing unit in the City of Urbana that: leverages proximity to existing pedestrian, bicycle, and public transit networks (bike lane on Washington Street, MTD bus stop within 120 feet of property at Washington/Cottage Grove) and immediately increases property tax revenue for the city, school district, and other taxing bodies without any direct public investment or abatements. Development on this vacant infill site takes advantage of existing infrastructure. Adding a second unit requires the developer to make a one-time payment of \$1,932 to Urbana-Champaign Sanitary District for future infrastructure construction and maintenance.

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Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

The proposed use—two single-family dwellings—is entirely consistent with the land use pattern of the R-3 Single- and Two-Family Residential District. In fact, the property directly west (1001 E Washington St) has two principal dwelling units on one parcel. Within 1,000 feet of the property there are other examples of two houses on a single lot, including 907 E Washington St and 804 S Lynn St. An attached duplex would be permitted on this site were it not for the lot width being 8 feet narrower than the minimum 60 foot requirement for lots platted before December 1970. The lot exceeds the area requirement for duplexes.

With regard to the design of the proposed buildings, much study was done to weigh the pros/cons and determine the most appropriate site layout. The front-loaded garages cause the least potential disturbance to neighboring properties (noise, headlights) and eliminate the potential conflict between entering and exiting vehicles if both houses share a single drive. Additionally, front garages allow the homes to take advantage of sun from the south (back of house) and provide a noise buffer between living spaces and the very busy Washington Street. In an effort to reduce the visual prominence of the garage doors on the front elevations, a small portal is placed next to the garage to imply a “front door” and a second floor balcony creates a kind of front porch. The decision to place the two homes side by side was motivated by a desire to not create a hierarchy between the units, as in a front-back arrangement. The 10-foot separation between the two houses maintains the minimum separation distance required between houses on two separate lots (5-foot side yard setback on each lot). This also means that down the road, should someone wish to legally

Exhibit D - Application

CONDITIONAL USE PERMIT - 1003 E WASHINGTON ST - MARCH 2025 - DAVID HUBER

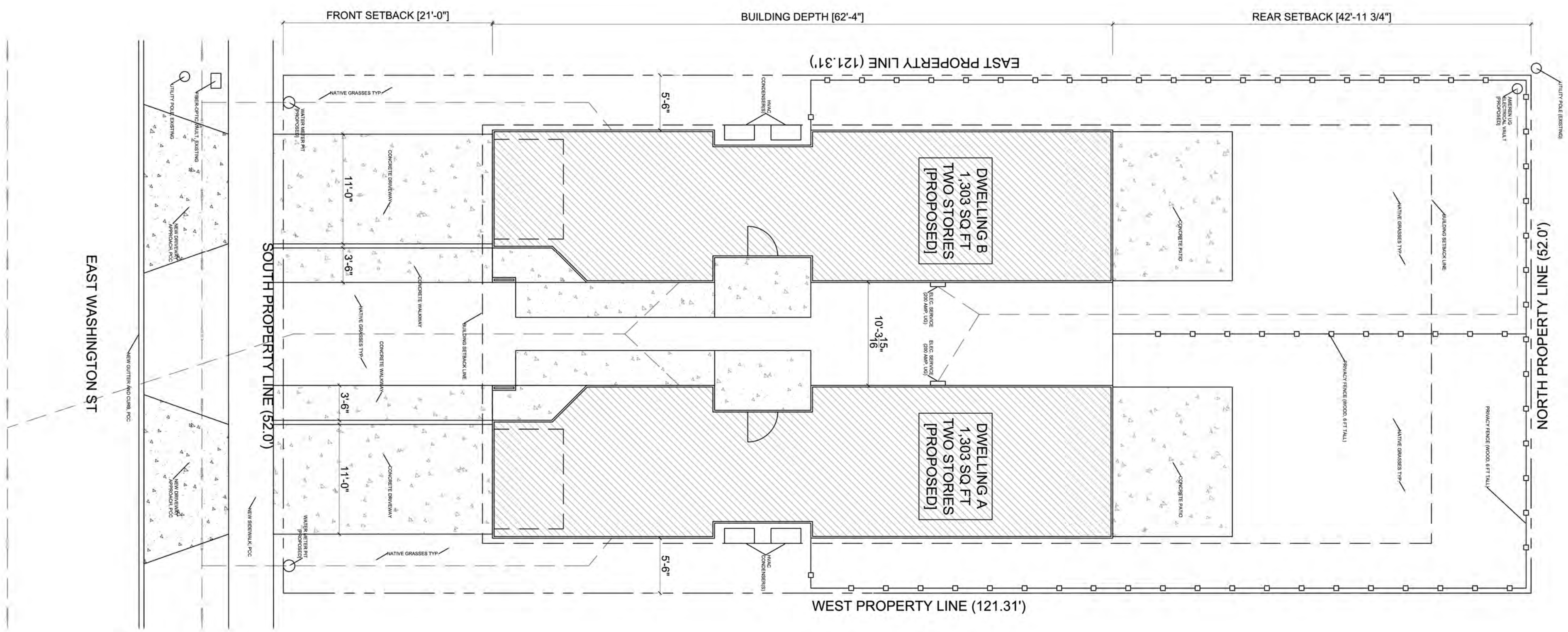
subdivide the property into two separate parcels, the homes would not have to be modified.

Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

The proposed use conforms to all development regulations and standards, including floor area and open space ratios, setbacks, and parking minimums. No relief from any regulations or standards is necessary or desired.

The two structures proposed could hypothetically be linked by a 3 foot wide and 10 foot long “bridge” on the second level and be built by-right as a 4-bedroom single-family home with two one-car garages. The difference between this by-right scenario and the proposed project in this application is not in the building itself so much as the occupancy of the building(s): two two-bedroom houses as opposed to a single four-bedroom home.

Exhibit D - Application



A

SITE PLAN

Scale: 1/8" = 1'-0"



ZONING REQUIREMENTS

ZONING DISTRICT: R-3, SINGLE- AND TWO-FAMILY

LOT AREA: 6,516 SQ FT

FLOOR AREA RATIO

- MAXIMUM: 2,606 SQ FT (.40)
- ACTUAL: 2,606 SQ FT (.40)

OPEN SPACE RATIO

- MINIMUM: 1,040 SQ FT (.4)
- ACTUAL: 2,184 SQ FT (.83)

SETBACKS

- FRONT: 20'-0" MIN / 21'-0" ACTUAL
- SIDE: 5'-0" MIN / 5'-6" ACTUAL
- REAR: 10'-0" MIN / 42'-0" ACTUAL

BUILDING HEIGHT

- MAXIMUM: 35'-0"
- ACTUAL: 25'-6" (TO HIGHEST RIDGE)

PARKING

- REQUIRED: 2 SPACES DWELLING UNIT
- ACTUAL: 4 SPACES

DRIVEWAY MAXIMUM WIDTH: 45% LOT WIDTH (23'-5" OR 11'-2.5" FOR TWO DRIVES)

ZONING RELIEF REQUIRED

CONDITIONAL USE PERMIT TO ALLOW SECOND PRINCIPAL DWELLING UNIT

SHEET TITLE:
Site Plan

PROJECT NAME:
1003 RESIDENCES

PROJECT LOCATION:
1003 E WASHINGTON ST URBANA IL 61801

OWNER/DEVELOPER:
Middle Group 1003 E Washington LLC

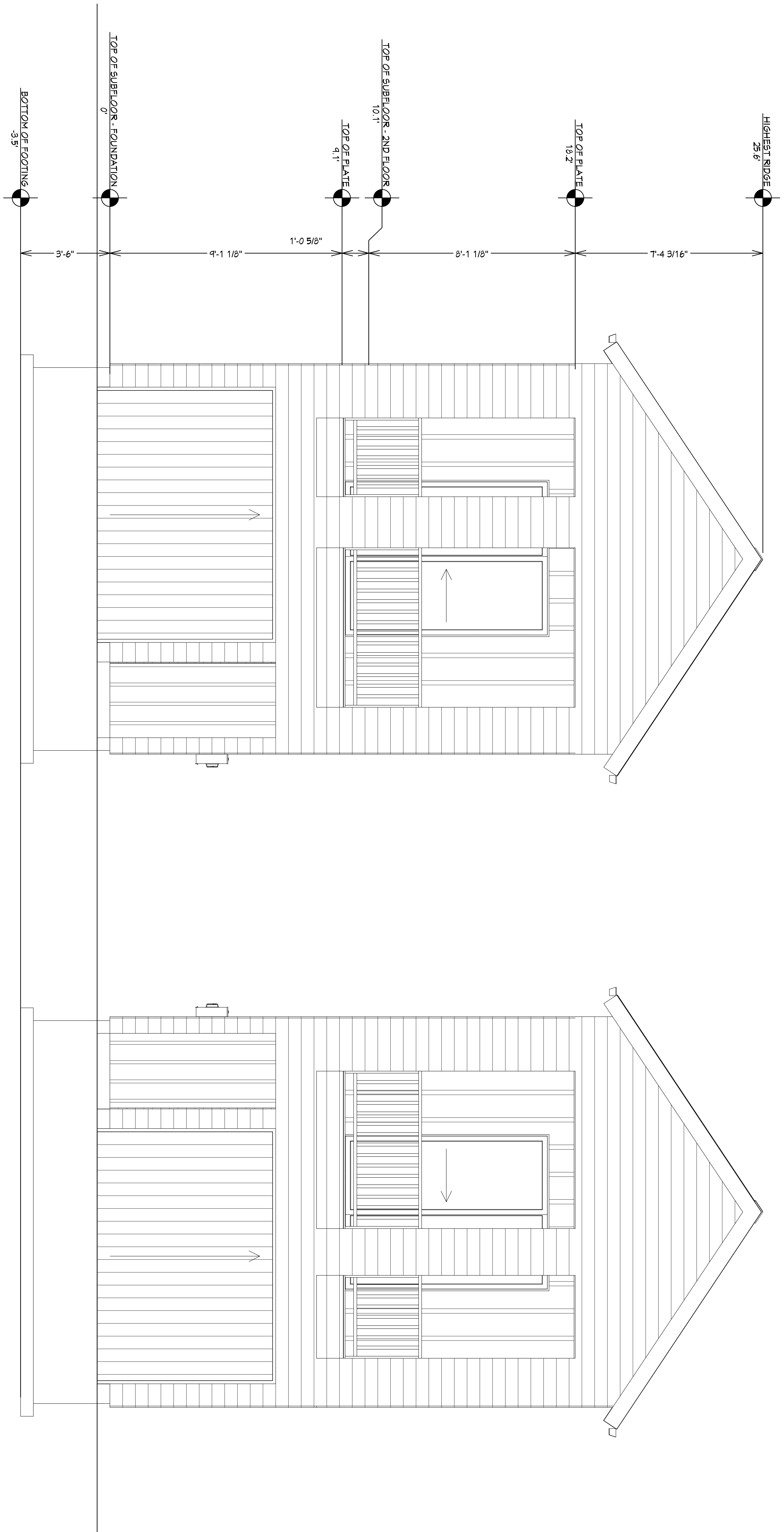
DATE:
3/12/25

SCALE:

SHEET:

P-2

Exhibit D - Application



SHEET:	SCALE:	DATE: 3/12/25	SHEET TITLE: North Elevation	PROJECT NAME: 1003 RESIDENCES	OWNER/DEVELOPER: Middle Group 1003 E Washington LLC
			PROJECT LOCATION: 1003 E WASHINGTON ST URBANA IL 61801		

Exhibit E – Site Photos



Figure 1. From north across East Washington Street.



Figure 2. From north from sidewalk – note second home on 1001 East Washington Street.

Exhibit E – Site Photos



Figure 3. Looking east down East Washington Street.



Figure 4. Looking west down East Washington Street.