

ZONING BOARD OF APPEALS REGULAR MEETING

DATE: Wednesday, December 20, 2023

TIME: 7:00 PM

PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

- A. Call to Order and Roll Call
- B. Changes to the Agenda
- C. Approval of Minutes of Previous Meeting
- D. Continued Public Hearings
- E. New Public Hearings

ZBA-2023-C-07 - A request by Wes Taylor, on behalf of PK Elledge Development, LLC, for a Conditional Use Permit to allow a self-storage facility at 1601 East Colorado Avenue, in the B-3 (General Business) Zoning District.

Requests by Chien-Yu Chen and Pei-Hsiu Tan Regarding 312 West Illinois Street in the R-2 (Single-Family Residential) Zoning District:

ZBA-2023-C-06 - A request for a Conditional Use Permit to allow a duplex.

ZBA-2023-MAJ-03 - A request for Major Variances to reduce the required front yard along Illinois Street from 15 to 9 feet, reduce the minimum open space ratio from 0.4 to 0, and increase the maximum floor area ratio from 0.4 to 0.52.

ZBA-2023-MAJ-04 - A request for Major Variances to reduce the required lot area for a duplex from 6,000 to 3,607 square feet, and reduce the required number of parking spaces for a duplex from four to two.

ZBA-2023-MIN-03 - A request for a Minor Variance to reduce the required front yard along Birch Street from 15 to 12 feet

- F. Unfinished Business
- G. New Business
- H. Public Input
- I. Staff Report
- J. Study Session
- K. 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: <u>Planning@urbanaillinois.us</u>. 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: <u>Planning@urbanaillinois.us</u>

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://urbanaillinois.us/uptv.

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

TO: Urbana Zoning Board of Appeals

FROM: Marcus Ricci, AICP, Planner II

DATE: December 20, 2023

SUBJECT: ZBA-2023-C-07: A request by Wes Taylor, on behalf of PK Elledge Development,

LLC, for a conditional use permit to allow a self-storage facility at 1601 East Colorado

Avenue, in the B-3 (General Business) district..

Introduction

PK Elledge Development requests a conditional use permit to build a self-storage facility at 1601 East Colorado Avenue. Self-storage facilities are allowed by conditional use permit in the B-3 (General Business) district.

The Urbana Zoning Ordinance requires the Zoning Board of Appeals ("ZBA") to review the conditional use permit application and hold a public hearing. The ZBA may vote to approve with conditions, or deny the application. Staff recommend the ZBA approve the conditional use permit, finding that the conditional use criteria have been met.

Background

The property became a lot of record on February 10, 1982, and has been farmed since at least as early as 1940. The applicant is under contract to purchase the property for the proposed self-storage use.

Description of Site and Area

The site is approximately 118,000 square feet, or 2.7 acres, and is located on the south side of Colorado Avenue, east of Philo Road. There are currently no access points to the site; the applicant would need to obtain a right-of-way permit from Urbana Public Works to establish access. The property is currently agricultural. The following chart identifies the current zoning, and existing and future land use of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-3 (General Business)	Agricultural	Community Business
North	B-3 (General Business)	Drug Store; Supported Living	Residential
East	R-2 (Single-Family Residential)	Assisted Living	Community Business
South	R-4 (Medium Density Multi- Family Residential)	Agricultural	Residential
West	B-3 (General Business)	Funeral Home	Residential

Table 1. Zoning and Land Use

Discussion

The applicant's proposed self-storage facility would consist of four one-story buildings containing a total of approximately 324 units, with a mixture of climate-controlled and standard options. The site would be accessible to tenants from 7am-10pm, seven days a week. Nearby businesses are open six or seven days a week with a mix of operating hours: either of daytime (9am-2pm or 9am-5pm) and expanded (8am-9pm). As with standard "automated self-storage facilities," staff would be available to assist tenants during these hours by telephone; there would be no staff on-site. Access would be provided through an automated, secured gate. Tenants would use individual codes enter the facility and drive to their unit to unload and load their items.

The preliminary site plan shows that the development would include four rows of drive-up storage units (each one 20' x 250' x 8'-6") and one building (50' x 110 'x 10') for climate-controlled storage units. The complex would include a mix of drive-up and climate-controlled units, with a mix of 25-sf units and 100-sf units. According to the applicant, no outdoor storage would be permitted, including of motor or recreational vehicles. The site plan shows a stormwater detention pond (175' x 75'). The access drives and parking spaces would be paved; the site plan does not indicate the location of parking spaces, access points, or circulation pattern. The facility would require a solid six-foot-high wood or masonry fence along the east side and a five-foot-deep landscape buffer along the south rear yard, because the adjacent properties are residentially-zoned.

Prior to any construction, the Land Development Code would require the applicant to go through the Minor Development process, since the plans would increase the impervious surface area on site. That process would require a plat of survey and stormwater management plan to be submitted for review by City staff.

The preliminary site plan generally conforms to Urbana's zoning regulations, and any potential issues would be addressed in the final site plans, which would be reviewed by City staff for zoning and building code compliance during the building permit process.

Requirements for a Conditional Use Permit

According to Section 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 facility's location would be convenient to the public to access, as it is located on Colorado Avenue, just one block east of Philo Road. For tenants making minor trips by foot or bicycle, the property is located within one block of transit stations, along a multi-use sidepath, and bicycle-friendly road¹. Many of the administrative activities for the proposed use will be performed online, reducing some traffic to the site.

The application states that the proposed facility will provide a secure location for storage to the neighborhood, which includes multifamily housing developments, single-family homes, and university housing: "it would be a benefit to the community as it will provide a new secure drive-up storage facility, unlike what is currently available in this neighborhood" (Exhibit D).

Without access to any formal market study, it is difficult for staff to evaluate the general demand for self-storage in the area. Earlier this year, the ZBA approved a conditional use permit for an expansion

¹ As shown on Google Maps' Biking layer, which is crowd-sourced from local users.

of a self-storage facility on Philo Road², where the owner reported operating at capacity prior to the expansion. The area surrounding the property includes a variety of housing types, where residents may find nearby storage useful.

Staff has recently heard concerns about the abundance of self-storage units in Urbana. From an economic development perspective, this is due to a combination of demand and the availability of inexpensive land. In the recent proposals considered by the ZBA, as in this case, the land in question has been undeveloped for an extended period of time. Therefore, the concern that the proposed self-storage units would be displacing other viable uses is minimal.

Staff 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 self-storage facility will be automated to operate during the hours of 7am-10pm. The development will have a perimeter fence and security cameras for extra security to the tenants and neighbors. No outdoor storage would be permitted. Due to the nature of a self-storage business, where customers visit units relatively infrequently to deposit or retrieve items, staff do not anticipate a significant increase in traffic relative to the existing businesses and residential uses nearby, and would generate less traffic than other potential uses permitted by right in the B-3 district.

As stated earlier, the proposed facility would be screened from the east residential district with an opaque fence and from the south residential district with a five-foot deep landscape buffer of trees and shrubs. The heights of the proposed single-story buildings should be considered minimal when compared with other buildings that could be built by right, as the B-3 district has no maximum building height. Stormwater, outdoor lighting, and building plans would all be reviewed for code compliance prior to a building permit being issued.

Staff 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.

Staff find the proposed use to be generally compatible with the character of the neighborhood, as the site and nearby property are designated for future Community Business use and contain a variety of personal service, food, and retail uses. The site is one block from the Philo Road Business District, which houses three other self-storage facilities, all with varying types of storage available. The applicant has requested no additional special permits or variances, and the proposed self-storage facility would conform to all other development requirements for the B-3 zoning district.

Staff find this criterion met.

Consideration

According to Section VII-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

² ZBA-2023-C-02: USSS Storage Building CUP – 1808 Philo Road

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 following³:

- 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 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 also sent letters to eight neighboring property owners (within 250 feet of the subject property) notifying them of the request, and posted a public hearing sign on the property. The applicant provided a letter of support from the owners of the neighboring funeral home (Exhibit D).

Summary of Findings

- 1. The proposal would be conducive to the public convenience because it would be located along Colorado Avenue, near the Philo Road Business District, and near residential areas. It has good automobile, pedestrian and bicycle access.
- 2. The proposal would not be a detriment to the district because it would be unlikely to generate significantly more traffic than existing or potential businesses in the area, operating hours are reasonable, physical and surveillance security would be provided, outdoor lighting would be regulated, and screening would be installed as required by ordinance.
- 3. The proposed use would be compatible with existing land uses in the area and comply with regulations for B-3 properties as described in the Zoning Ordinance.

³ Urbana Zoning Ordinance, Section VII-2.E. Conditional Use Procedures.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-C-07:

- 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-2023-C-07, with the following conditions:

- 1. The self-storage facility shall generally conform to the attached concept plan.
- 2. The self-storage facility's operating hours shall be between the hours of 7am-10pm.

Attachments: Exhibit A: Location Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Conditional Use Permit Application

Exhibit E: Concept Plan

Exhibit F: Building Renderings and Site Photos

cc: PK Elledge, LLC, Applicant

Exhibit A - Location & Land Use





Case: Subject: Location: Applicant: ZBA-2023-C-07 Self-Storage Conditional Use Permit 1601 East Colorado Avenue PK Elledge Development, LLC Residential

Shopping, business, or trade

Industrial, manufacturing

Social, institutional

Mass assembly of people

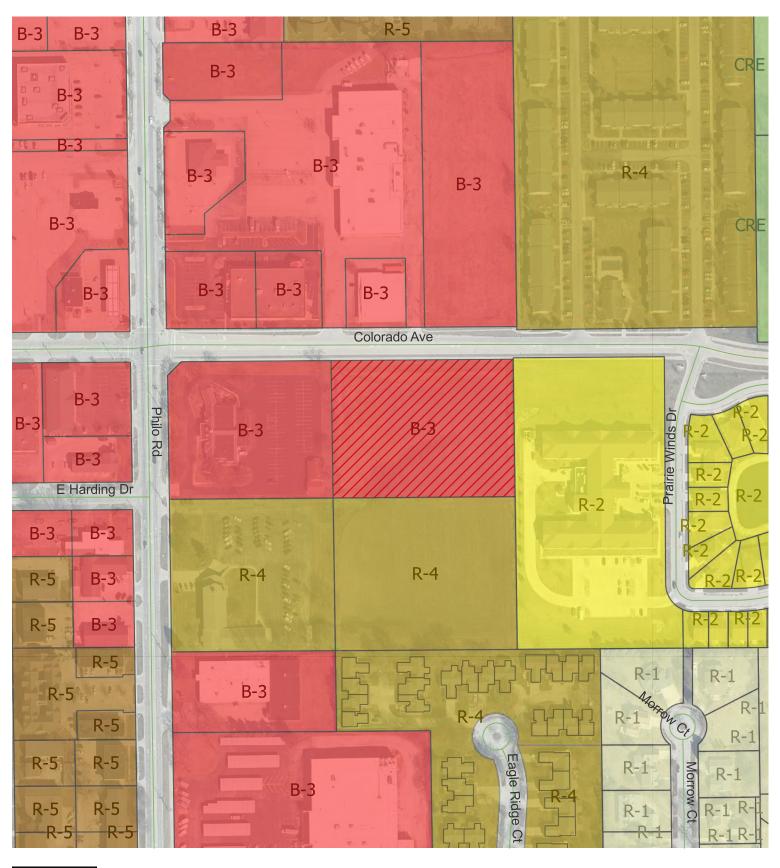
Natural resources-related

Vacant

Vacant

/// Subject Property

Exhibit B - Zoning

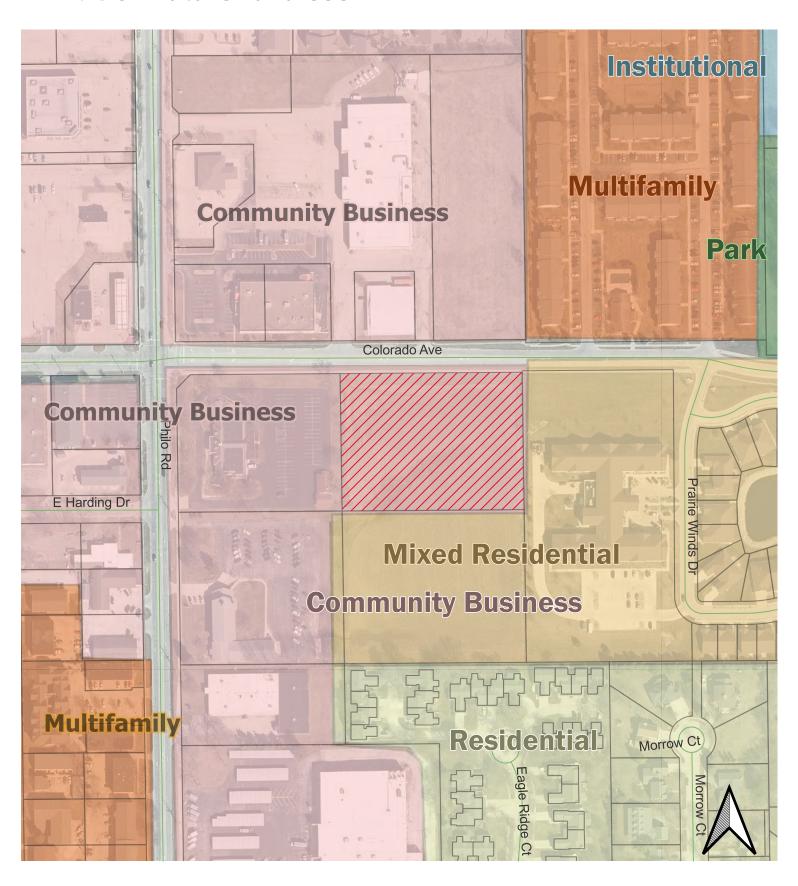




Case: Subject: Location: Applicant: ZBA-2023-C-07 Self-Storage Conditional Use Permit 1601 East Colorado Avenue PK Elledge Development, LLC /// Subject Property R-2
B-3
R-4

R-1 F 10

Exhibit C - Future Land Use



Case: ZBA-2023-C-07

Subject: Self-Storage Conditional Use Permit

Location: 1601 East Colorado Avenue Applicant: PK Elledge Development, LLC

Exhibit D - Conditional Use Permit Application

Permit #:

CUP23-000008

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.urbanaillinois.us/fees (https://www.urbanaillinois.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@urbanaillinois.us (mailto:planning@urbanaillinois.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 Land Use:

Vacant

Proposed Use:

I would like to build a secured self storage development at this lot that is currently vacant. The complex would be automated but the Hours of operation would be 7am to 10pm. There is not any on-site staff planned, but will be available during business hours via phone at our offsite office. There will not be any exterior vehicle storage allowed, nor any exterior storage of any type allowed. The buildings will be attractively designed new pre engineered steel buildings with metal roll up doors. It will be a mix of indoor climate controlled and exterior drive up style units. The parking lot will be comprised of asphalt paved drives.

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:

A PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH ONE-HALF OF THE EAST ONE-HALF OF THE WEST 789.90 FEET OF THE NORTH 661.71 FEET OF THE SOUTH HALF OF THE NORTHEAST

Exhibit D - Conditional Use Permit Application

QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Legal Description attachment:

PERMIT INFORMATION

Number of Applicants:

1

Applicant Name:

PK Elledge Development LLC

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.:

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:

Greg Dollins Mini systems inc.

Engineer Name, Email and Phone:

Merle ingersol Precision engineering

Surveyor Name, Email and Phone:

Merle ingersol Precision engineering

Site Planner Name, Email and Phone:

Attorney Name, Email and Phone:

Kyle Emkes Kyle@mealaw.com 217-356-9500

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.

1. 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?:

The proposed use is conducive to the neighborhood as it will provide a secure location for storage to the neighborhood. The location is in close proximity to many multi family housing developments that have a turn over or tenants and no on-site storage as well as single family homes in the area. It will also be closer to university housing providing secure storage for students attending the university of Illinois. It will be a benefit to the community as it will provide a secure, new, storage facility, unlike what is currently available in this neighborhood and district of Philo road. There are other storage complexes there that are also in the B3 zoning district but they do not offer secure drive up storage.

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Exhibit D - Conditional Use Permit Application

2. 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?: The proposed complex will be automated to operate at the hours of 7am-10pm, the lighting plan will be submitted to city staff during the regular permitting process and approved by them which will fit into the code requirements. The development will be equipped with a fence surrounding the property as well as security cameras to offer extra security to the tenants and neighbors. Self storage complexes of this type and style are typically low impact to the surrounding areas as the tenants don't frequent the units on a regular basis, rather come and go only on occasion. It would present a much lower impact and volume of traffic to the surrounding areas than other neighboring businesses.

3. 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?:

The district in which the proposed development will be located is comprised of one other unsecured outdoor storage facility, as well as an indoor storage facility, restaurants, and shopping centers, as well as multi family housing. Therefore the proposed development will fit in well as it is similar to other neighboring businesses. The other storage complexes are also in the B3 zoning district and we're granted conditional use permits.

ATTACHMENTS

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

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 further 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

Exhibit D - Conditional Use Permit Application - Letter of Support

Renner-Wikoff Chapel

1900 Philo Road • P.O. Box 92 Urbana, Illinois 61803-0092 www.renner-wikoffchapel.com

Phone 217-367-1122

City of Urbana

November 27, 2023

Zoning Board of Review

400 S. Vine St.

Urbana, Illinois 61802

Dear Zoning Board of Review:

We are in full support of storage facilities to the east of our property. We are owners of Renner-Wikoff Chapel, 1900 S. Philo Rd., Urbana. We think that storage facilities would have a small amount of traffic on a daily basis, security, and would not be loud or disruptive to the adjacent property owners or residents. Thank you.

Sincerely,

Matthew W. Schable, Co-owner, Renner-Wikoff Chapel

Stephen M. Ater, Co-owner, Renner-Wikoff Chapel

Steph M. Ster

Serving the Community since 1875

Exhibit E - Concept Plan

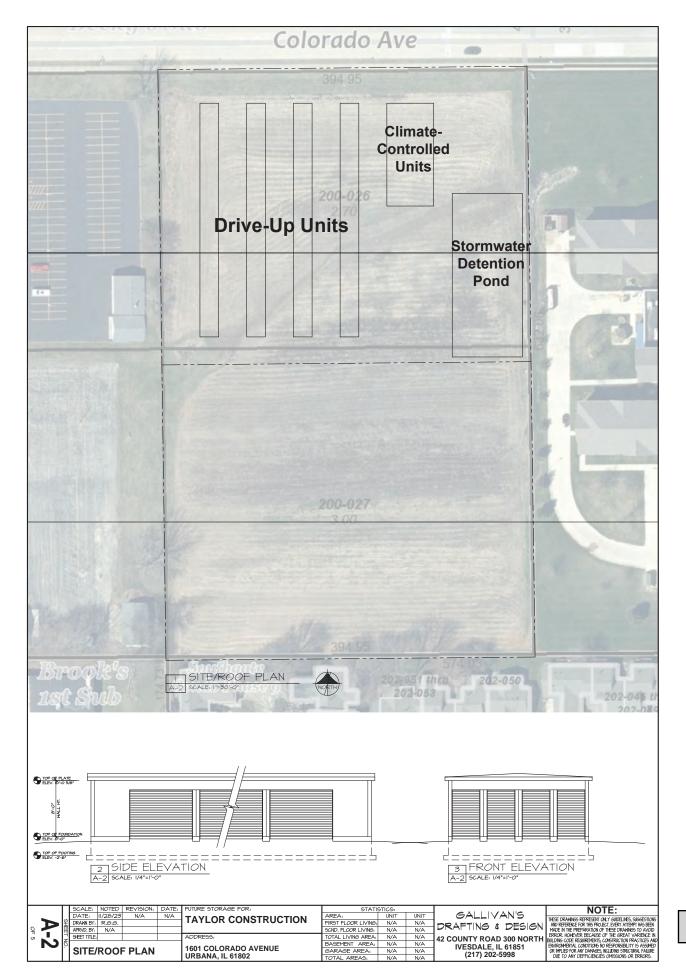


Exhibit E - Concept Plan

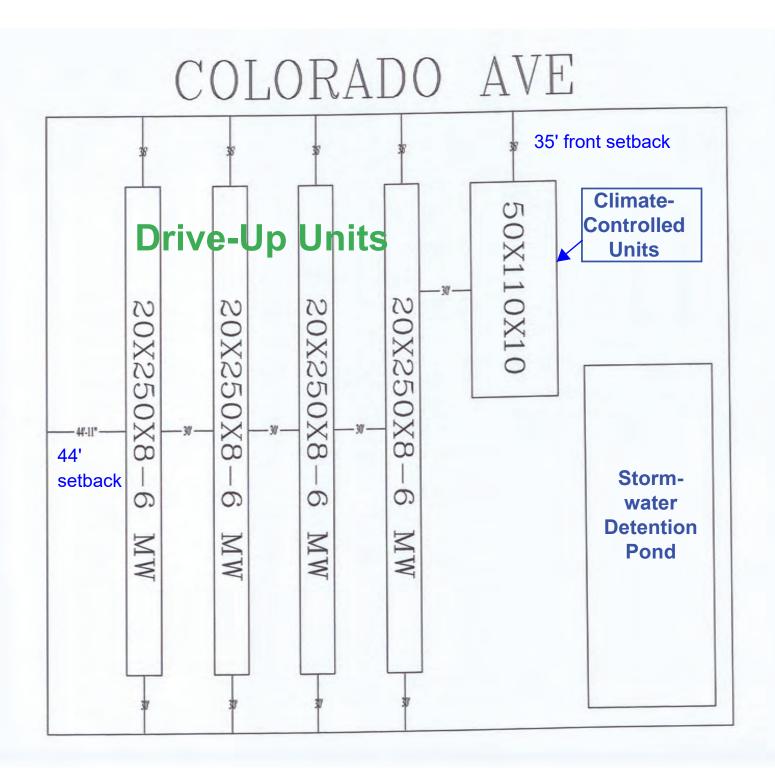


Exhibit F - Building Renderings and Site Photos



Figure 1. Streetview of subject property (Google Streetview, image August 2023)



Figure 2. Aerial view looking south (Eagleview, image December 2021)

Exhibit F – Building Renderings and Site Photos



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

TO: Urbana Zoning Board of Appeals

FROM: Marcus Ricci, AICP, Planner II

DATE: December 20, 2023

SUBJECT: ZBA-2023-C-06: A request by Chien-Yu Chen and Pei-Hsiu Tan for a Conditional

Use Permit to allow a duplex at 312 West Illinois Street in the R-2 (Single-Family

Residential) Zoning District.

ZBA-2023-MAJ-03: A request by Chien-Yu Chen and Pei-Hsiu Tan for Major Variances to reduce the required front yard along Illinois Street from 15 to 9 feet, reduce the minimum open space ratio from 0.4 to 0, and increase the maximum floor area ratio from 0.4 to 0.52 at 312 West Illinois Street in the R-2 (Single-Family Residential) Zoning District.

ZBA-2023-MAJ-04: A request by Chien-Yu Chen and Pei-Hsiu Tan for Major Variances to reduce the required lot area for a duplex from 6,000 to 3,607 square feet, and reduce the required number of parking spaces for a duplex from four to two at 312 West Illinois Street in the R-2 (Single-Family Residential) Zoning District.

ZBA-2023-MIN-03: A request by Chien-Yu Chen and Pei-Hsiu Tan for a Minor Variance to reduce the required front yard along Birch Street from 15 to 12 feet at 312 West Illinois Street in the R-2 (Single-Family Residential) Zoning District.

Introduction

Chien-Yu Chen and Pei-Hsiu Tan request a conditional use permit to allow a duplex, and multiple variances to allow either a single-family home or a duplex at 312 West Illinois Street. The property contains a single-family home which has been condemned and permitted for demolition. The house is legally nonconforming, as it encroaches into the front yards and exceeds both the maximum floorarea ratio and minimum open space ratio. The lot itself is also legally nonconforming due to its size, so any new dwelling would likely require some combination of variances for lot area, yards, open space, floor-area ratio, and parking. For convenience, the variances have been grouped into two sets: one that would be required to allow either a single-family home or a duplex in the same location as the existing house¹, and one with additional variances that would be required specifically to allow a duplex². Separating the cases this way will make it easier to process the cases since some of the requests are contingent upon the Board's vote on the conditional use permit request to allow a duplex.

ZBA-2023-C-06: Duplex Use

Table V-1 of the Urbana Zoning Ordinance allows a duplex with a conditional use permit in the R-2 (Single-Family Residential) zoning district.

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¹ ZBA-2023-MAJ-04 and ZBA-2023-MIN-03

² ZBA-2023-MAJ-03

ZBA-2023-MAJ-03 & ZBA-2023-MIN-03: Reduced Yards, Open Space Ratio, Floor-Area Ratio

Table VI-3. of the Urbana Zoning Ordinance requires principal structures in the R-2 district to have a minimum front yard of 15 to 25 feet, based on the average of the front yards of existing lots on the block face. For this corner lot, the minimum required front yards on both Birch Street (the primary front yard) and West Illinois Street (the secondary front yard) are 15 feet. The proposed duplex would have a nine-foot front yard along Illinois Street – a 40 percent reduction, requiring a major variance – and a 12-foot front yard along Birch Street – a 20 percent reduction, requiring a minor variance. Table VI-3 also requires a minimum open space ratio (OSR) of 0.4 and a maximum floor-area ratio (FAR) of 0.40. The proposed dwelling would have an OSR of 0.0 – a 100 percent reduction, requiring a major variance – and an FAR of 0.52 – a 30 percent increase, requiring a major variance.

ZBA-2023-MAJ-04: Lot Area

Section VI-3.A allows a single-family dwelling on a lot of any size if it was platted prior to 1950, if it meets all other development regulations. Section VI-3.B requires a minimum lot area of 6,000 square feet for duplexes on parcels in the R-2 district that were platted before December 21, 1970. The lot at 312 West Illinois Street has an area of 3,607 square feet, so it has 40 percent less area than required by the Zoning Ordinance. Therefore, a major variance is required to allow a duplex on the lot.

The Urbana Zoning Ordinance requires the Zoning Board of Appeals ("ZBA") to review the conditional use permit application and variance applications and hold a public hearing. For the conditional use permit and the minor variance applications, the Board may vote to approve with conditions, or deny each application. For the major variance applications, the Board may recommend approval to City Council by a 2/3 majority vote, or approval with conditions to City Council by a 2/3 majority vote, or deny the request. In each of the applications, the Board should either accept the specific staff findings or articulate their own specific findings based on that application's criteria.

Staff recommend the ZBA a) approve the conditional use permit and minor variance, and b) forward a recommendation to City Council to approve the major variances.

Background

The applicants purchased the property in 2021 with the intention of converting it back into a duplex, as the existing floor plan led them to believe that that use was permitted. They planned to occupy one-half and rent out one-half. The house was built in 1878 and needed to be renovated. They later learned from their architect and structural engineer that existing termite damage was too extensive to be repaired. The City's Building Official has since condemned the building since it was deemed unsafe, and a demolition permit will be issued. The applicants would like to build a duplex that would not be out of character with the neighborhood.

Description of Site and Area

The property is located at the northeast corner of West Illinois Street and Birch Street. It has a one-and-a-half-story house with a one-car detached garage accessing Birch Street; the garage would remain unaltered. The chart on the next page identifies the current zoning, and existing and future land use of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-2 (Single-Family Residential)	Single-Family Residential	Residential
North	R-2 (Single-Family Residential)	Single- & Two-Family Residential	Residential
East	R-2 (Single-Family Residential)	Single-Family Residential	Residential
South	R-2 (Single-Family Residential)	Single-Family & Multifamily Residential	Residential
West	R-2 (Single-Family Residential)	Single- & Two-Family Residential	Residential

Table 1. Zoning and Land Use

Discussion

The applicants would like to build a two-story duplex of 1,890 sq ft. It would be built on the footprint of the existing one-and-a-half-story house (910 sq ft; Exhibit D). Each of the two dwelling units in the proposed duplex would have a living room, kitchen and half-bath/utility room on the first floor, and two bedrooms and a full bathroom on the second floor (Exhibit D.E – Floor Plan).

The lot was originally part of Lot 19 of the Plat of Roe's Third Addition, platted in 1852. Lot 19 and the other lower-tier lots were originally 62 feet (north-south) by 173.3 feet (east-west) for an area of 10,744 sq ft. The upper-tier lots were 57.9 feet by 115.6 feet for an area of 6,693 sq ft. At some unknown date, the six lower-tier lots were split into thirds to create lots that were 57.9 feet wide, aligned with the lot widths of the upper tier, and creating the current configuration of 3,607 sq ft lots, a lot size that later became nonconforming for any duplex.

Duplex Conditional Use Permit

The property is located in an older residential neighborhood with many other nonconforming lots and uses. The City's "West Urbana Non-Conforming Use Inventory" (1983) shows seven duplexes in a one-block radius, three of which are on lots below the current minimum lot area requirements; other lots may additional nonconformities (minimum yards, floor-area, or open space). The 1983 survey does not show 312 West Illinois Street as a duplex. The applicants submitted a City Historical Survey from the year 2000 suggesting that the existing building had housed a "multi-family" use during the 1950s and again from 1974-1999. Its most recent use in the City's Rental Registration Program was as a single-family residence. A 1975 Certificate of Occupancy did authorize the use of the existing building as a "One or Two-Family Dwelling." Because the most recent use has been as a single-family for longer than six months, any past legally nonconforming use as a duplex in the R-2 zoning district without a conditional use permit has expired.⁴

Development Regulation Variances

<u>Yards.</u> The existing home encroaches into the required 15-foot front yard along Birch Street by three feet, and into the required 15-foot front yard along West Illinois Street by 10 feet, 6 inches.⁵ The applicants request a reduction of three feet for the minimum front yard along Birch Street, which would match the existing conditions, and of nine feet for the minimum front yard along West Illinois Street, which would be slightly less than existing conditions.⁶

³ Exhibit F – Certificate of Occupancy (1975)

⁴ Section X-4, Urbana Zoning Ordinance.

⁵ Exhibit D.B – Current Site Plan

⁶ Exhibit D.C – Proposed Site Plan

The proposed duplex would reduce the existing encroachment by 4 feet, 6 inches.⁷ Many other homes in the surrounding area also predate minimum yard requirements and encroach farther than current regulations would allow, some more so than the proposed duplex. The applicant has demonstrated this with a satellite image showing other setbacks in the area.⁸

Open Space Ratio (OSR). The applicants request the reduction of the minimum required OSR from 0.40 to 0.0, which would be no different than the current OSR of 0.0. The current site layout contains significant areas that would otherwise qualify as open space, but they do not meet the minimum 15-foot-square dimension to be considered "open space." As the proposed site layout is almost identical to the existing site layout, it also has an OSR of 0.0. If the unpaved areas were evaluated without regard to minimum dimensions, the site would provide 1,200 sq ft of open space and yield an OSR of 0.63, well above the minimum required OSR of 0.40.

<u>Floor to Area Ratio (FAR)</u>. The applicants request an increase in the maximum FAR from 0.40 to 0.52. The existing home is 1,468 sq ft, which gives it an FAR of 0.41, slightly exceeding the 0.40 maximum. The proposed duplex would be 1,890 sq ft, which would result in an FAR of 0.52. Although the proposed FAR would deviate more than the existing building from the requirement, the building footprints and massing would be similar. It is likely that many of the buildings in this area that predate the current Zoning Ordinance exceed current FAR regulations.

<u>Parking.</u> The applicants request a reduction in the required parking for a duplex from four spaces to two spaces. The property currently has two spaces: one in a one-car garage, and one in the access drive. The applicants have submitted photos at different times of day to show the availability of street parking on Birch Street, and also mention nearby bus routes. Staff have visited the site several times and have observed very few cars parked on both Illinois and Birch Streets during the day. The property is within the West Urbana Special Parking Zone, where residents may apply for on-street parking permits. The applicants stated they would purchase permits for tenants when requested. Permit data shows just two parking permits issued for the 14 homes on the 300-block of West Illinois Street. It is also worth noting that the property has been used as a duplex in the past, with the current layout: a one-car garage and one parking space in the driveway.

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 duplex's location would be convenient to the public to access, as it is located at the intersection of Birch and West Illinois Streets; the latter a designated Minor Collector and a designated "bicycle-friendly road." There are bus stations within two blocks on both streets, and the property is one block from Leal Elementary School, three blocks from Downtown Urbana, and five blocks from the University of Illinois. It is in the West Urbana Neighborhood, which is known for being one of the most walkable neighborhoods in Urbana.

Staff find this criterion met.

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⁷ Exhibit D.D – Comparison of Current and Proposed Site Plans

⁸ Exhibit D.A – Aerial of Yard Setbacks

⁹ Exhibit D.F – Parking

¹⁰ Exhibit E – Site Photos

¹¹ As shown on Google Maps' Biking layer.

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 duplex would replace a single-family home that has been condemned due to extreme insect damage rendering it unsafe for occupation. The new home will be built on the footprint of the existing home. The proposed use will be similar to the existing use, and would be no more injurious or detrimental to the district or the public welfare.

Staff 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 $\int VII$ -3.

Staff find the proposed duplex to be generally compatible with the character of the neighborhood, which is primarily single-family homes with scattered duplexes and apartment buildings. The site and nearby property are designated for future Residential use.

Staff find this criterion met.

Consideration

According to Zoning Ordinance Section VII-2, 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).

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the

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parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

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

The requested yard, OSR, and FAR variances will not serve as a special privilege because they are necessary due to the extremely small size of the lot, which was platted in 1852, prior to the adoption of the Zoning Ordinance. The lot – and the home built on it in 1878 – became legally nonconforming upon adoption of the Ordinance in 1940 and its subsequent amendments.

Another special circumstance is that the existing house is beyond repair and must be demolished. The requested variances are necessary to allow any dwelling to be built to replace the condemned building, whether it is a single-family home or a duplex.

The parking variance will not serve as a special privilege because the lot is very small, the house had been used as a duplex previously without any known issues, and the amount of parking is similar to several other duplexes in the neighborhood.

Staff find this criterion met.

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

The requested variances are to remedy situations created prior to the applicants' purchase of the home in 2021, at which time they believed the home could be converted back into a duplex. Unbeknownst to the applicants, both the lot and house had become legally nonconforming when the Zoning Ordinance was adopted in 1940, prohibiting them or any future owner from either expanding, conducting major repairs, or replacing the home, unless it was reduced in size and shifted out of the required yards. The requested yard, OSR, and FAR variances would allow for a single-family home or duplex to continue on this substandard lot, and the parking variance would allow the duplex use to be reestablished with two parking spaces, which is the same amount of parking it had when it was a duplex in the past.

Staff find this criterion met.

3. The variances will not alter the essential character of the neighborhood.

The proposed duplex would be consistent with the essential character of the neighborhood, as it would be of similar size and style to nearby conforming – and non-conforming – single-family homes and duplexes.

Staff find this criterion met.

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

Rebuilding the existing single-family home or building a duplex is unlikely to create a nuisance at this time or in the future. The proposed parking variance would not create a nuisance: if more than two parking spaces are ever needed for the residents of the duplex, there is ample on-street permit parking available.

In addition, *not* granting the variances would cause a nuisance to the neighborhood, as it would leave a vacant, essentially undevelopable, lot at a street corner.

Staff find this criterion met.

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

The requested variances will allow rebuilding of the existing single-family home or the proposed duplex in the same location as the existing home, and will bring the property into conformity with the Urbana Zoning Ordinance. The duplex would be larger in area, but its footprint on the lot would be similar. The location along a "bicycle-friendly road" and proximity to transit could reduce the need for motor vehicle ownership and, therefore, additional parking spaces.

Staff find this criterion met.

Public 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 47 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 eight letters of support for the duplex conditional use permit and all variances, three letters of objection for the duplex conditional use permit and all variances.¹²

Summary of Findings

Chien-Yu Chen and Pei-Hsiu Tan request a conditional use permit and one set of major variances to allow a duplex, and one set of major variances and a minor variance to allow either a single-family home or a duplex, at 312 West Illinois Street in the R-2 (Single-Family Residential) zoning district.

For case ZBA-2023-C-06:

- 1. The duplex would be conducive to the public convenience at this location based on its proximity to Downtown Urbana and the University of Illinois, its connectivity with the transit and bicycling network, and its compatibility with the surrounding neighborhood.
- 2. The duplex would not be injurious or detrimental to the surrounding district or the public welfare, as it would conform with the surrounding neighborhood and would comply with the standards and regulations of, and preserve the essential character of, the neighborhood.
- 3. The duplex would be generally compatible with the character of the neighborhood, which is primarily single-family homes with scattered duplexes and apartment buildings.

For cases ZBA-2023-MAJ-03: and ZBA-2023-MIN-03, to allow a single-family home or duplex:

- 1. The variances will not serve as a special privilege to the property owner, as they are necessary due to special circumstances related to the lot's platting in 1852, prior to the adoption of the Urbana Zoning Ordinance in 1940, and the current minimum yard and lot coverage requirements; also, the existing house is condemned and beyond repair.
- 2. The variances are not the result of a situation knowingly created by the applicant, as the legal

¹² Exhibit G – Public Input

- nonconformities started in 1940 when the Ordinance was adopted.
- 3. The variances will not alter the essential character of the neighborhood, as a new single-family home or duplex would be of similar size and style to nearby conforming and non-conforming existing single-family homes and duplexes.
- 4. The variances will not cause a nuisance to adjacent property owners, as it will remain a single-family or duplex use.
- 5. The variances represent the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as the only substantive changes would be an increase in living area, not building footprint.

For case ZBA-2023-MAJ-04, to allow a duplex:

- 1. The variances will not serve as a special privilege to the property owner, as they are necessary due to special circumstances related to the lot's platting in 1852, prior to the adoption of the Urbana Zoning Ordinance in 1940, with its minimum yard and parking requirements.
- 2. The variances are not the result of a situation knowingly created by the applicant, as the legal nonconformities started in 1940 when the Ordinance was adopted.
- 3. The variances will not alter the essential character of the neighborhood, as the replacement single-family home or proposed duplex would be of similar size and style to nearby conforming and non-conforming existing single-family homes and duplexes.
- 4. The variances will not cause a nuisance to adjacent property owners, as it will remain a single-family or duplex use, and result in minimal additional on-street parking.
- 5. The variances represent the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as the only substantive changes would be a minimal increase in on-street parking.

For all cases:

1. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-C-06 – a conditional permit to allow a duplex:

- 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.

The Zoning Board of Appeals has the following options in Case No. ZBA-2020-MAJ-03, major variances to allow a single-family home or duplex:

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- 1. Forward the case to City Council with a recommendation to **approve** the variances as requested based on the findings outlined in this memo; or
- 2. Forward the case to City Council with a recommendation to **approve the variances with certain terms and conditions**. 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; or
- 3. **Deny** the variance requests.

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-MIN-03 – a minor variance to allow a single-family home or duplex:

- 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.

Finally, The Zoning Board of Appeals has the following options in Case No. ZBA-2020-MAJ-04, a major variance to allow a duplex. If the Board denies Case No. ZBA-2023-C-06, it can disregard this case.

- 1. Forward the case to City Council with a recommendation to **approve** the variances as requested based on the findings outlined in this memo; or
- Forward the case to City Council with a recommendation to approve the variances with certain terms and conditions. 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; or
- 3. **Deny** the variance requests.

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-2023-C-06 and the proposed minor variance in case ZBA-2023-MIN-03.

Likewise, staff recommends the Zoning Board of Appeals recommend **APPROVAL** of the proposed Major Variances in cases ZBA-2020-MAJ-03 and ZBA-2020-MAJ-04 to the Urbana City Council.

Attachments: Exhibit A: Location Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Conditional Use Permit and Variances Applications

Exhibit E: Site Photos

Exhibit F: Certificate of Occupancy (1975)

Exhibit G: Public Input

cc: Chien-Yu Chen and Pei-Hsiu Tan, Applicants

Exhibit A - Location & Land Use

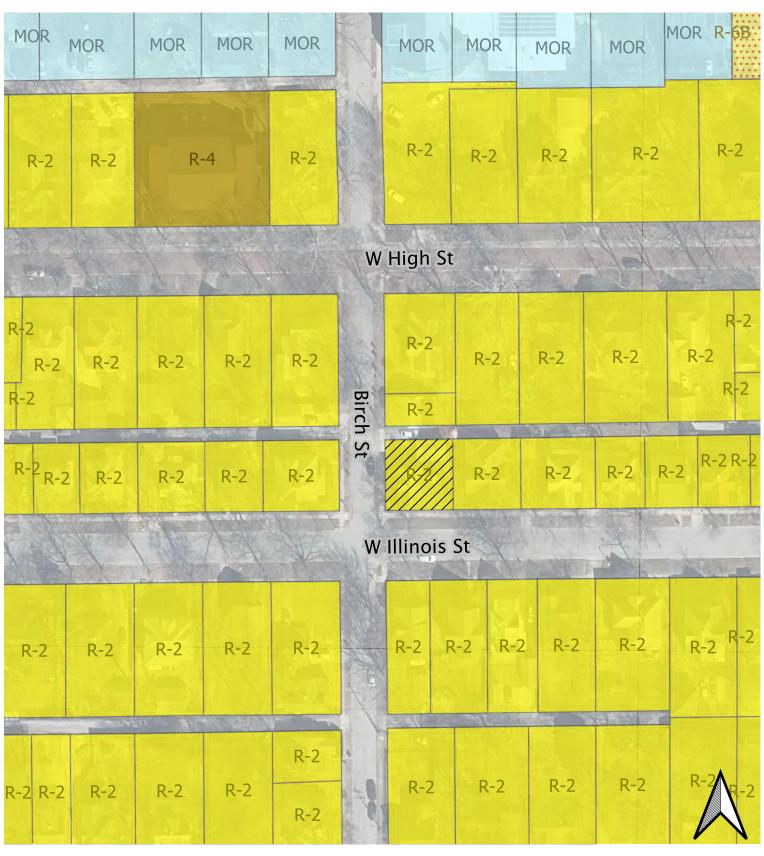




Case: Subject: Location: Applicant: ZBA-2023-C-06, -MAJ-03, -MAJ-04, MIN-03 Duplex Conditional Use Permit & Variances 312 West Illinois Street Chien-Yu Chen & Pei-Hsiu Tan Residential
Shopping, business, or trade
Travel or movement

Mass assembly of people

Exhibit B - Zoning





Case: Subject: Location: Applicant: ZBA-2023-C-06, -MAJ-03, -MAJ-04, MIN-03 Duplex Conditional Use Permit & Variances 312 West Illinois Street Chien-Yu Chen & Pei-Hsiu Tan /// Subject Property

MOR



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Exhibit C - Future Land Use





Case: Subject: Location: Applicant: ZBA-2023-C-06, -MAJ-03, -MAJ-04, MIN-03 Duplex Conditional Use Permit & Variances 312 West Illinois Street Chien-Yu Chen & Pei-Hsiu Tan /// Subject Property

Exhibit D - Application - Conditional Use Permit Application



Application for Conditional Use Permit

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at http://www.urbanaillinois.us/fees for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

	the Request Filed 11-20-2023 ZBA Case No. ZBA-2023-C-00 Paid - Check No. FEE WAIVENOUNT Date			
-	PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION			
A	CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the			
Zc	ning Board of Appeals to permit the following use or construction purpose:			
Со	nstruct a new duplex			
on	the property described below, and in conformity with the plans in the permit application.			
1.	APPLICANT CONTACT INFORMATION			
	Name of Applicant(s): Chien-Yu Chen and Pei-Hsiu Tan Phone: 217-898-9036			
	Address (street/city/state/zip code): 10 Florida Dr. Urbana, IL 61801			
	Email Address: pilgrim.pht@gmail.com			
	Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner			
2.	OWNER INFORMATION			
	Name of Owner(s): Chien-Yu Chen and Pei-Hsiu Tan Phone: 217-898-9036			
	Address (street/city/state/zip code): 10 Florida Dr. Urbana, IL 61801			
	Email Address: pilgrim.pht@gmail.com			
	Is this property owned by a Land Trust? Yes No If yes, please attach a list of all individuals holding an interest in said Trust.			
3.	PROPERTY INFORMATION			
	Location of Subject Site: 312 W. Illinois St			
	PIN # of Location: 92-21-17-138-009			
	Lot Size: 3607			
	Current Zoning Designation: R2			

Exhibit D - Application - Conditional Use Permit Application

Current Land Use (vacant, residence, grocery, factory, etc.: residence

Proposed Land Use: duplex

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

The west 57 feet, 9 inches of lot 19 of James T. Roe's Third Addition to the town(now city) of Urbana as per plat recorded April 23, 1852 in deed record "D", page 281, situated in Champaign County, Illinois.

PIN #: 92-21-17-138-009

Common address: 312 W. Illinois Street, Urbana, Illinois 61801

4. CONSULTANT INFORMATION	α
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Name of Architect(s): Andrew Fell Phone: (217)363-2890

Address (street city/state/zip code):

Email Address:

Name of Engineers(s): Keith Brandau Phone: (217)429-8800#1168

Address (street/city/state/zip code):

Email Address:

Name of Surveyor(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Professional Site Planner(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s): Phone:

Address (street/city/state/zip code):

Email Address:

5. REASONS FOR CONDITIONAL USE PERMIT

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

Please see the attached addendum.

Exhibit D - Application - Conditional Use Permit Application

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.

Please see the attached addendum.

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).

Please see the attached addendum.

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

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

CERTIFICATION BY THE APPLICANT

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

Applicant's Signature
Per Ain Tan

Date

Exhibit D - Application - Conditional Use Permit Application Addendum

5. REASONS FOR CONDITIONAL USE PERMIT

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

We propose constructing a new duplex to replace the current single family housing. The plan address the following aspects:

- Dealing with unrepairable structures: We tried to repair the existing house since it was not in a livable condition. After consultation with an architect and a structural engineer, we believe that replacing the current house with a new structure will be safer and more appealing.
- 2. Diversified Housing Options: The house is in close proximity to the university. Being alumni of UI, we do appreciate the characteristic and the quiet neighborhood Urbana offers. We also understand that apartments might not suit everyone's needs. We hope a duplex would offer living spaces that is similar to a house.
- Enhancing Visual Appeal: The proposal aims to give a face-lift to the residential area, thereby improving the overall visual appearance of the downtown Urbana neighborhood.

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.

After consulting with the structural engineer, Keith Brandau, it has been determined that the current house structure is beyond repair and cannot be renovated to meet livable housing standards because of termite damage. Therefore, our intention is to utilize the existing footprint of the house to build a new and updated structure.

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).

We are aware that the planned proposal will require a few major variances due to the allocated lot size. The major variance application is submitted along with this application. Furthermore, we are optimistic that all other aspects of the project can be undertaken within the established regulations and guidelines.

Exhibit D - Application - Variance Application



Application for Variance

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at http://www.urbanaillinois.us/fees for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY					
D	ate Request Filed 11-20-2023 ZBA Case No. 784-2023-MIN-C				
Fe	re Paid - Check No. 227 Amount \$208.00 Date 08-30-2023				
_					
	PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION				
A	VARIATION is requested in conformity with the powers vested in the Zoning Board of				
	opeals to permit the following variation (Describe the extent of the Variation Requested)				
	uild a duplex on a R2 lot with less than 6000 sqrt, reduce parking space from 4 to 2. FAR to 0.52 and OSR to 0 on the				
pro	operty described below, and in conformity with the plans described on this variance request.				
	er and the same of				
1.	APPLICANT CONTACT INFORMATION				
	Name of Applicant(s): Chien-Yu Chen & Pei-Hsiu Tan Phone: 217-898-9036				
	Address (street/city/state/zip code): 10 Florida Dr. Urbana IL 61801				
	Email Address: pilgrim.pht@gmail.com				
	Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner				
2.	OWNER INFORMATION				
	Name of Owner(s): Chien-Yu Chen & Pei-Hsiu Tan Phone: 217-898-9036				
	Address (street/city/state/zip code): 10 Florida Dr. Urbana IL 61801				
	Email Address: pilgrim.pht@gmail.com				
	Is this property owned by a Land Trust? Yes No If yes, please attach a list of all individuals holding an interest in said Trust.				
3.	PROPERTY INFORMATION				
27	Location of Subject Site: 312 W. Illinois St				
	PIN # of Location: 92-21-17-138-009				
	Lot Size: 3607				

Current Zoning Designation: R2

Current Land Use (vacant, residence, grocery, factory, etc. residence

Proposed Land Use: duplex

Legal Description (If additional space is needed, please submit on separate sheet of paper): The west 57 feet, 9 inches of lot 19 of James T. Roe's Third Addition to the town(now city) of Urbana as per plat recorded April 23, 1852 in deed record "D", page 281, situated in Champaign County, Illinois.

PIN #: 92-21-17-138-009

Common address: 312 W. Illinois Street, Urbana, Illinois 61801

4.	CONSUL	TANT	INFOR	MATION
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Name of Architect(s): Andrew Fell Phone: (217) 363-2890

Address (street/city/state/zip code):

Email Address:

Name of Engineers(s): Keith Brandau Phone: (217) 429-8800 #1168

Address (street/city/state/zip code):

Email Address:

Name of Surveyor(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Professional Site Planner(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s): Phone:

Address (street city/state/zip code):

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel

Please see the attached addendum.

Explain how the variance is necessary due to special conditions relating to the land of structure involved which are not generally applicable to other property in the same district. Please see the attached addendum.
Explain how the variance is <u>not</u> the result of a situation or condition that was knowingly of deliberately created by you (the Petitioner). Please see the attached addendum.
Explain why the variance will <u>not</u> alter the essential character of the neighborhood. Please see the attached addendum.
Explain why the variance will <u>not</u> cause a nuisance to adjacent property. Please see the attached addendum.
Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain. Please see the attached addendum.
OTE: If additional space is needed to accurately answer any question, please attach extra ges to the application.

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

CERTIFICATION BY THE APPLICANT

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

Applicant's Signature

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

Phone: (217) 384-2440 Fax: (217) 384-2367

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

We are applying the following five major variation:

- 1. Constructing a new duplex on a R2 zoned lot smaller than 6,000 sqft.
- 2. Reduce the required parking space for duplex from 4 cars to 2.
- Increase the maximum floor-area ratio (FAR) from 0.4 to 0.52, calculated from proposed living space of 1890 sqft to lot size 3607 sqft.
- 4. Reduce the minimum open-space ratio to 0
- 5. Reduce the front yard setback to 12 feet facing Birch street, and 9 feet facing Illinois St.

All the requested major variances are the direct result of the subject parcel being too small. The requirement for building a duplex in R2 zoning is to have a lot larger than 6000 sqft. The current lot was allocated before 1970 when the zoning requirement was first established. With the small lot size in the downtown area, some of the zoning ordinance is difficult to observe.

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

The allocated lot size is not large enough to meet the zoning requirement established after 1970. We plan to keep the current site layout. But even with the current layout, the proposed variances are necessary.

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

From the Historic Resources Survey Form from City of Urbana(pdf attached), this house has been used as a multi-family property majority of the time since 1955.

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

Most of the houses in the neighborhood has the same lot size with similar structure to the current house. We plan to build the duplex to have the same site layout of the current house to minimize the changes. We attached drawings of current site, proposed site plan, and an overlay comparing the two site plans. Also attached is a satellite view of the 300 block of Illinois St to show how the current house compared to other houses in that area.

Addendum

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

The proposed plan for a duplex will have capacity similar to a single-family housing and should not create more traffic or nuisance than a regular single-family household. We want to emphasize on why we think the reduction in required parking space will not cause nuisance to the neighborhood.

- 1. There is plenty of street parking along Birch street. We have attached photos taken at various time of the day (8am and 4pm on weekday) to illustrate.
- The house is two blocks away from MTD green line bus on Green street, and brown line on Race st. We anticipate that many prospective tenants may choose to reply on the bus as their primary transportation method.

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

We plan to build the duplex according to the current site plan. We are optimistic that all other aspects of the project can be undertaken within the established regulations and guidelines,

Exhibit D - A. AERIAL SHOWING SETBACKS



Exhibit D - B. CURRENT SITE PLAN

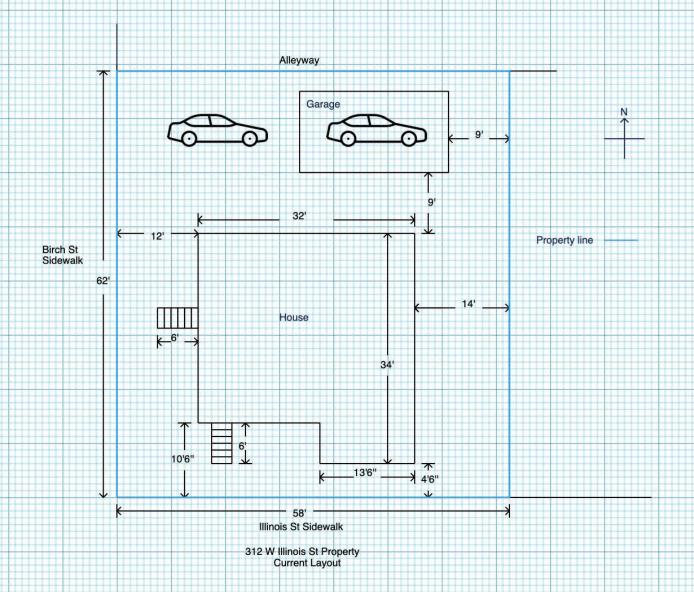


Exhibit D - C. PROPOSED SITE PLAN

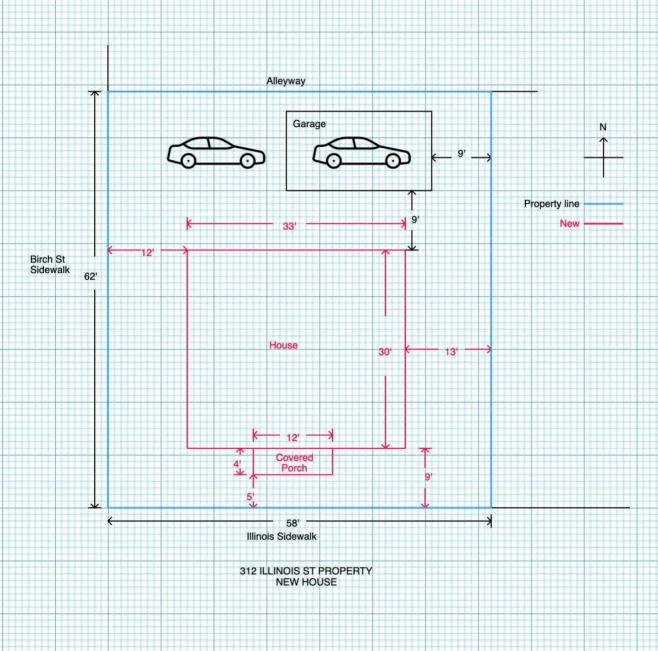


Exhibit D - D. COMPARISON OF CURRENT AND PROPOSED SITE PLANS

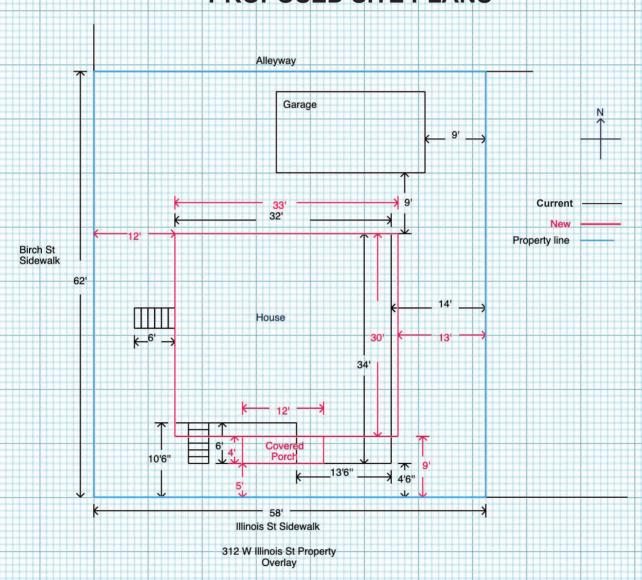


Exhibit D - E. FLOOR PLAN: FIRST STORY

Specifications

Total Living Area: 1890 sq ft

Upper Living Area: 450 sq ft

Main Living Area:

Garage Type: N/A or Unknown

Foundation Types: Basement

Crawlspace

495 sq ft

Slab

Exterior Walls: 2x4

2x6

House Width: 33'

House Depth: 30'

Number of Stories: 2

Bedrooms: 4

Full Baths: 2

Half Baths: 2

Max Ridge Height: 25'3 from Front Door Floor

Level

Primary Roof Pitch: 0

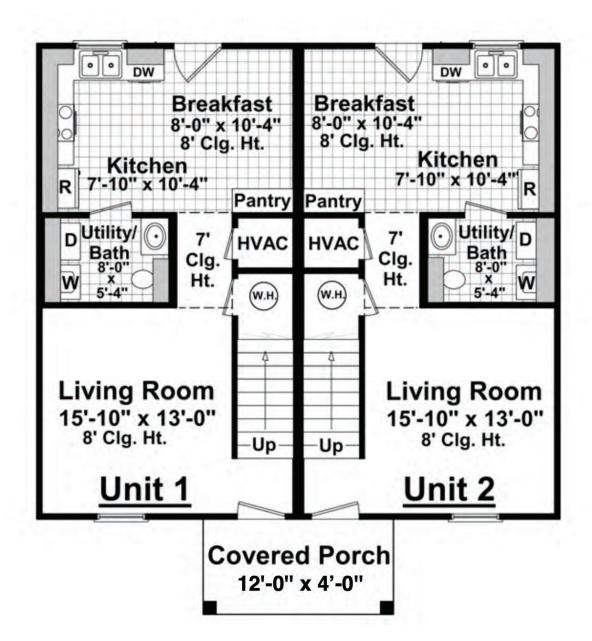
Roof Load: 30 psf

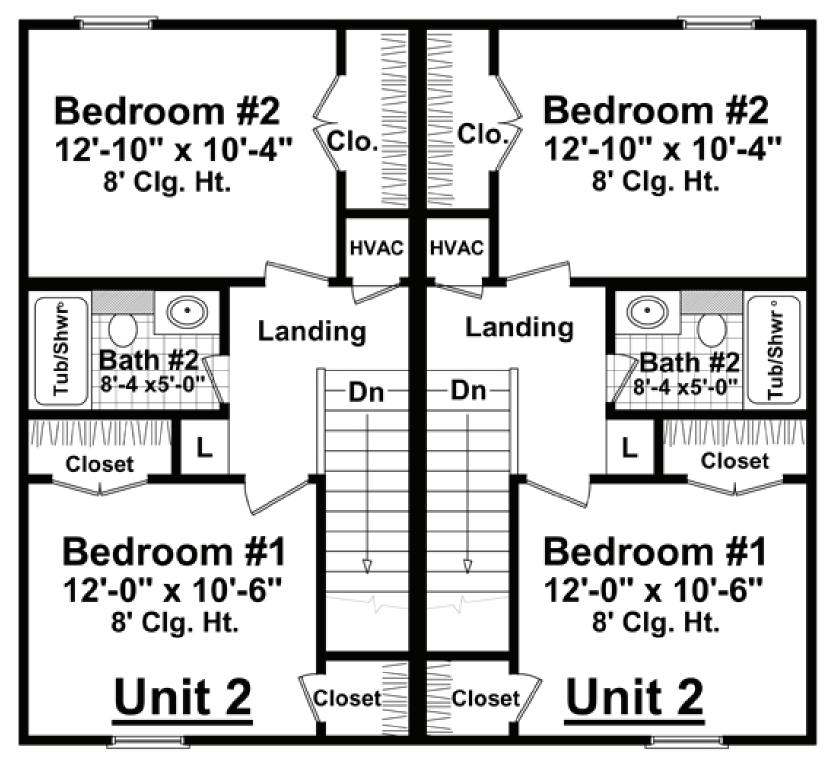
Roof Framing: Unknown

Porch: 72 sq ft

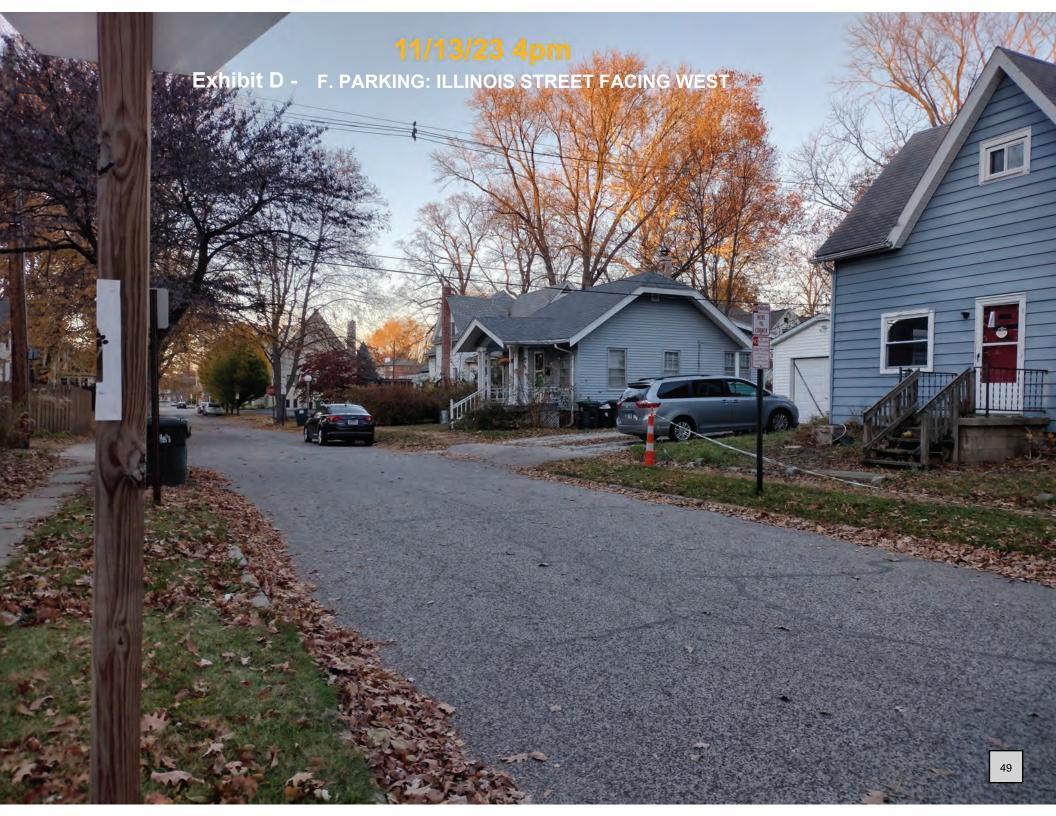
1st Floor Master: Yes

Main Ceiling Height: 8'









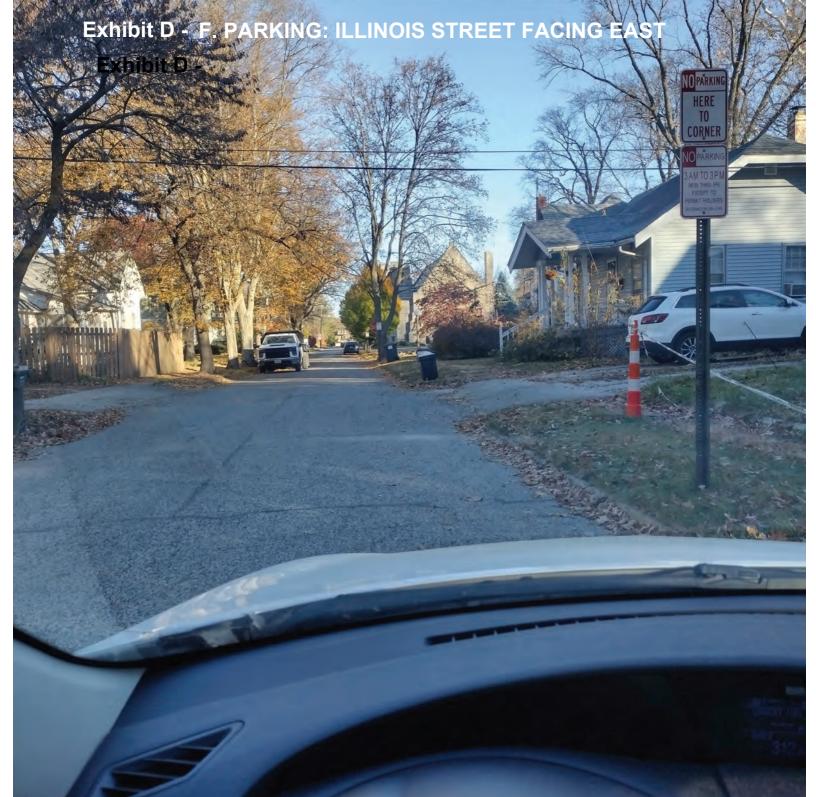


Exhibit D - G. HISTORIC SURVEY (CITY)



HISTORIC PROPERTY NAME	
COMMON/CURRENT PROPERTY NAME	
PROPERTY ADDRESS 312 West Illinois Street	
ASSESSOR'S PARCEL NUMBER 92-21-17-138-009	
OWNER/OCCUPANT Bruce Brodie	
OWNER'S ADDRESS 312 West Illinois Street	
PROPERTY'S HISTORIC USE Single-family & Multi-family Residential & Commercial	
PROPERTY'S CURRENT USE Multi-family Residential	
ARCHITECT'S NAME Unknown	
BUILDER/CONTRACTOR Unknown	
DATE OF CONSTRUCTION 2. 1890	
ARCHITECTURAL STYLE OR VERNACULAR BLDG TYPE Hall & Parlor, ACTERED	PHOTO BY DATE Stacey Newman 3/26/00
FORM PREPARED BY DATE Stacey Newman 3/26/00	VIEW OF PHOTO Front view

PROPERTY DESCRIPTION (GEOGRAPHICAL DATA: LOT SHAPE, LOT DIMENSIONS) The lot dimensions are 57.75 North/South and 115.5 East/West. The house is on a corner lot.

Exhibit D - G. HISTORIC SURVEY

EXTERIOR WALL MATERIAL	ROOF MATERIAL
Brick Stone Wood siding Wood shingles Stucco (historic or modern) Asphalt siding Asbestos siding Concrete block Artificial siding Other	Asphalt shingles Wood shingles Slate shingles Tile shingles Metal Tar Other
ROOF FEATURES	ROOF TYPE
Dormer Um/Finial Bargeboard Belvedere Gablet Parapet Skylight Other	Hip Flat Mansard Gable Shed Hipped Gable Pyramidal Other Intersecting a half quble roof
☐ Pool ☐ Gazebo ☐ Greenl	house
run down. It does not seem to have any	architectural significance.
	Brick Stone Wood siding Wood shingles Stucco (historic or modern) Asphalt siding Concrete block Artificial siding Other ROOF FEATURES Dormer Urn/Finial Bargeboard Belvedere Gablet Parapet Skylight Other Other Green r chimney. The original house is three be fithe front side. None of the house contains

Exhibit D - G. HISTORIC SURVEY
CURRENT DESIGNATIONS

	YES al property Not Eligible YES	NOM District Eligible NO	
STATEMENT OF HISTORIC SIGNIFICANCE This house is a German style Hall and Parlor that has had ma ornamental detailing to the house. Throughout the years abo one family has ever taken the time to make this house their ow vernacular style, but the major alterations make this house a	out 80 people have l wn. The original ho	ived in this house; this is a	large number. No
INFORMATION SOURCES Urbana City Directory Urbana Planning Directory Ohio Inventory Book Sanborn Maps			
Structure Survey			
NTEGRITY	CONDITION		
☐ Unaltered (All or most architectural details present) ☐ Slight modifications (Largely intact, but lacking some details) ☐ Major alterations (All or most architectural details missing)	Good (Sam Poor (Major	Roof, walls and foundation in g e as "Excellent," but in need of roverhaul work required)	The same of the sa
ADDITIONS/ALTERATIONS (Include dates and architects/of There are two additional structure that have been added onto			

Exhibit D - G. HISTORIC SURVEY History of Structure

PREVIOUS OWNERS	DATE(S) OF OWNERSHIP	USE
Deck	1910-1911	Single-family
Purnell	1912-1914	Single-family
Vacant	1915	Vacant
7.1-1-1	1916-1917	Single-family
Forker	1918	Single-family
Bartley	1919-1923	Single-family
Pettit	1924-1926	Single-family Single-family
Hall	1927	
No information	1928-1929	No information
Vacant	1930	Vacant
Goodart	1931	Single-family
Vacant	1932	Vacant
Smith	1933-1935	Single-family
Fehner	1936	Vacant
McGrath	1937	Single-family
Shurts	1938-1944	Single-family
Emmett	1945	Single-family
Gaylord	1946-1947	Single-family
Schroth Beauty Shop	1948-1949	Commercial
No information	1950	No information
Leroy	1951-1954	Single-family
Homer & Moroni	1955	Multi-family
Foster & Weber	1957	Multi-family
Kuhns & McConkey	1958	Multi-family
	1959	Multi-family
Haynes & Vaillancourt	1960	Vacant
Vacant	1961	
Haynes	1962-1964	Single-family
Vacant	1965	Vacant
Hough	1966	Single-family
Tweit	1967-1970	Single-family
Cecil	1071-1973	Single-family
Atterson & Liki	1974	Multi-family
Liki & Velen	1975	Multi-family
Adamchak, Enright & Lester	1976-1977	Multi-family
Dunn, Janowski & Monotoye	1978	Multi-famliy
Mallon & Waterloo	1979-1980	Multi-family
Vana, Carlson, Heinz & Gubista	1981	Multi-family
Andreass & Brown	1982	Multi-family
Hackman & Brown	1983	Multi-family
No information	1987-1994	No information
Smittkamp	1998	Single-family
Lampmon, McCarthy & Pijanowski	1999	Multi-family
Lampinon, McCaruly & Pijanowski		TVICTUL-TAILUTY



PRESERVATION AND CONSERVATION ASSOCIATION HISTORIC PROPERTY INVENTORY

HISTORIC PROPERTY NAME		CURRENT BLACK & WHITE PHOTOGRAPH
COMMON PROPERTY NAME		
PROPERTY LOCATION — STRE 312 West Illinois S		
CITY, TOWN/VICINITY OF Urbana	ASSESSOR'S PARCEL NO. 92-21-17-138-009	
TOWNSHIP Cunningham	COUNTY Champaign	
PRESENT OWNER Brodie-Nagle	PHONE	
STREET & NO./P.O. BOX Box 39		
	TATE ZIP 11inois 61801	
FORM PREPARED BY James N. Foster	DATE 6/85	
PHOTOBY Karen L. Kummer	DATE 3/85	
VIEW northeast	NEG. NO. 39-33,34	
HISTORIC USE residential		
PRESENT USE/OCCUPANT residential	ACREAGE/SQ. FOOTAGE 1270.75	
ARCHITECT/BUILDER		
CONSTRUCTION/MODIFICATIO	ON DATES	
STYLE Gable Front, altere	eđ	

PHYSICAL DESCRIPTION

1½ stories; aluminum siding; irregular plan; asymmetrical facade.

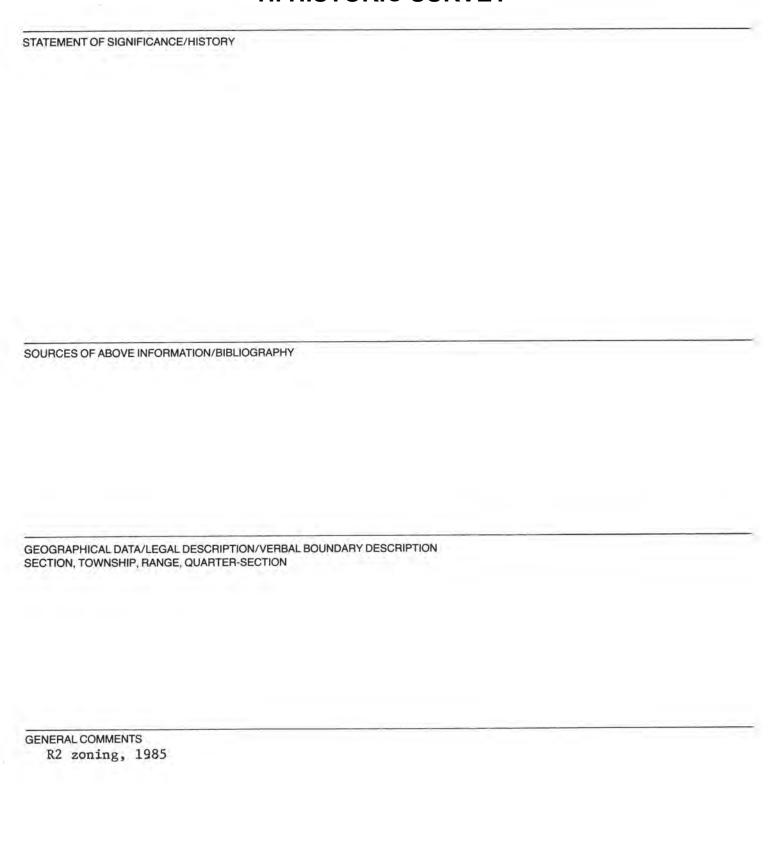
steeply pitched front gable roof with center cross gable on west facade. overhanging boxed eaves. center brick ridge chimney. brick foundation. 1-story projecting gable roof addition on east.

windows: 1/1; aluminum frame.

entry to west with concrete stoop and metal railings. similar entry centered on west facade.

oversized 1-car front gable roof composition shingle garage on northeast.

Exhibit D - H. HISTORIC SURVEY



138-009

Exhibit D - H. HISTORIC SURVEY

312 West Illinois Street



312 W. Illinois St. New Construction Proposal

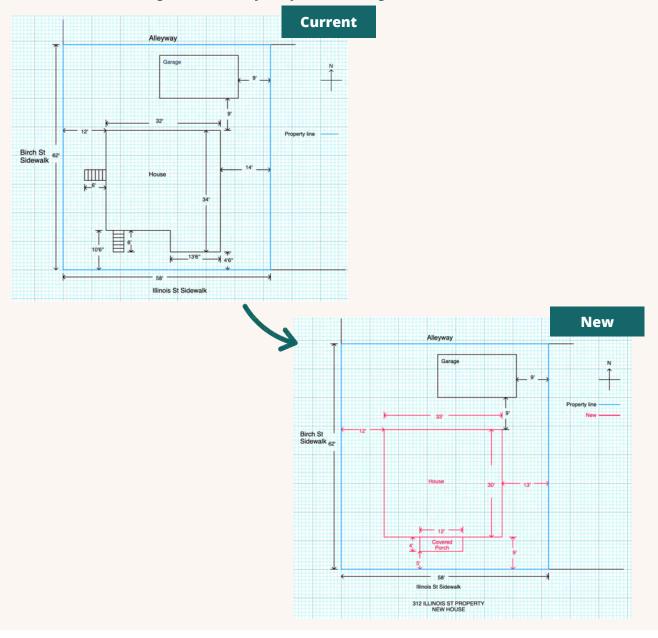
Why are we doing this?

- Current house deteriorated beyond repairable
- Improve visual apperance

Our plan for a new house

- Keep the new site layout as close as possible to current layout
- A two-story duplex, not taller than the current house

Current site layout and proposed layout



312 W. Illinois St. **New Construction Proposal**

Current house exterior and proposed exterior





Contact Info

Pei-Hsiu Tan

pilgrim.pht@gmail.com



217-898-9036

Chien-Yu Chen



torus0@gmail.com



408-838-2948

Exhibit E – Site Photos



Figure 1. W. Illinois & Birch Streets, facing northeast.



Figure 2. Birch Street, facing east.

Exhibit E – Site Photos



Figure 3. Illinois & Birch Streets, facing northeast (closeup).



Figure 4. Illinois Street, facing northwest (note "building condemned" caution tape).

Exhibit F - Certificate of Occupancy (1975)

Of the second	000000000000000000000000000000000000000	
0000000000	CERTIFICATE OF OCCUPANCY CITY OF URBANA, ILLINOIS	000000000000000000000000000000000000000
0000000	THE ISSUANCE OF THIS CERTIFICATE IS FOR THE PROPERTY LOCATED AT 312 West Illinois	0000000
0000000	CONSTRUCTION, IF ANY, AUTHORIZED BY PERMIT NO. 327 But	
0000000	COMPLIES WITH THE REQUIRED PROVISIONS OF THE ISSUED	00000000
1000000	PERMIT.	0000000
MMMMM	THE PROPERTY AS OF THE DATE OF THIS CERTIFICATE IS ZONED R-1 (One and Two Family Residences)	00000000
0000000	THE PERMITTED USE HEREBY AUTHORIZED BY THIS CERTIFICATE IS	0000000
	AND THUS COMPLIES WITH THE 1950 ZONING ORDINANCE	0000000
0000000	(AS AMENDED) OF THE CITY OF URBANA, ILLINOIS. THEREFORE IN ACCORDANCE WITH THE ABOVE PROVISIONS	00000000
0000000	THIS PROPERTY IS DECLARED SUITABLE FOR OCCUPANCY.	00000000
10000000	BUILDING OFFICIAL SEO	00000000
	DATED August 21, 1975	00000000
8	Trend 1890	

- 1. Annie Adams: in favor of duplex permit and variances
- 2. Bruce Adams: in favor of duplex permit and variances
- 3. Meredith Blumthal: in favor of duplex permit and variances
- 4. John Cronan: in favor of duplex permit and variances
- 5. Frithjof Gressman: in favor of duplex, and all variances
- 6. Sylvie Khan: in favor of duplex; would prefer no yard variances
- 7. Liana Merriam: in favor of duplex permit and variances
- 8. Noelyn Stevens: in favor of duplex, and all variances

Opposition to duplex only; not opposed to/in support of single-family:

- 1. Beverly & Peter Fagan: opposed to the duplex permit and duplex variances
- 2. Jo Heiser: opposed to duplex permit and duplex variances; support single-family variances
- 3. Marie-Pierre Lassiva-Moulin: opposed to the duplex permit and duplex variances

Opposition to both duplex and single-family:

- 1. Mary Casey Diana: opposed to the duplex, and all variances [might not be opposed to single-family home variances]
- 2. C.K. Gunsalus: opposed to the duplex, and all variances
- 3. Lois Steinberg: opposed to the duplex, and all variances except for minimum parking

Ricci, Marcus

From: Annie Feldmeier Adams <XX>

Sent: Monday, December 11, 2023 9:37 PM

To: !Planning Cc: Ricci, Marcus

Subject: 312 W Illinois - letter of support for variance

Follow Up Flag: Follow up Flag Status: Flagged

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

Dear City of Urbana,

I want to submit a letter of support for the variance on 312 W Illinois.

- The current structure is lowering our tax base, nearby property values, and is uninhabitable.
- New construction will increase property values.
- Duplexes are more environmentally sustainable and will raise the value of the single homes around
- It is a well documented fact that communities with multifamily dwellings have higher property values than communities without them.
- Allowing more people to buy, rent, and live in Urbana is a good thing for our tax base, restaurants and grocery stores. .
- The location of the property is well situated by numerous bus lanes, bike paths, sidewalks, and is accessible to car sharing. I would encourage the city to allow the owner to have one or no parking structures on the lot to allow for more human living space.
- I would also encourage the city to take this opportunity to invest in repairing the sidewalks around the property, which are currently not ADA-accessible.

Thank you, Annie F. Adams

Annie F. Adams 1506 S Carle Ave Urbana IL 61801 773.513.9252 XX.com

Ricci, Marcus

From: Bruce Adams <XX>

Sent: Tuesday, December 12, 2023 1:57 PM

To: Ricci, Marcus

Subject: Birch and 312 West Illinois Streets Duplex and Variances

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

To whom it may concern:

I am writing to express my support for a zoning variance to build a duplex near Birch and Illinois to replace the current decrepit single-family home. Urbana needs attractive, multi-family housing to attract and keep residents in our community. A two-unit unit building on this lot does that without adversely affecting parking in the neighborhood or property values. And it it replaces an unsightly, if not dangerous rental property.

I urge you to approve this variance request.

Sincerely,

Bruce

--

Bruce Adams 1506 S. Carle Ave. Urbana, IL 61801-4902 ph XX

Ricci, Marcus

From: meredith blumthal <XX>

Sent: Friday, December 15, 2023 11:54 AM

To: !Planning

Subject: 312 West Illinois Street - support for duplex permit and variances

Comments of support for this.

Thanks for checking.

Meredith Blumthal

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>-----
> -----Original Message-----
> From: Ricci, Marcus <mericci@urbanaillinois.us>
> Sent: Monday, December 11, 2023 10:00 AM
> Subject: RE: Variances at 312 West Illinois Street - inquiry
>
```

> Meredith,

> Thank you for your inquiry. The existing home is a legally nonconforming, as it does not meet current (2023) zoning regulations for setbacks (minimum yards), and lot coverage (FAR and OSR). The building has been condemned. Because it is legally nonconforming, they would not be allowed to rebuild even the same house in the same location on the lot, so they are asking for variances to allow *that*, as well as additional variances and a conditional use permit to allow the new building to be a duplex. The house had been used as a duplex during two different periods: in the 1950s and in the 1970s-1990s. The duplex would be almost double the size in *living* area because it will be going from a 1-1/2-story house to a full 2-story house, on the *same footprint* with a one-foot expansion to the east. Would you like to register any comments of support or objection to either the duplex conditional use permit or any of the variances? The full staff report will be available at https://urbana-il.municodemeetings.com/bc-zba/page/zoning-board-appeals-regular-meeting-4 on/after this Friday, December 15.

> Be safe, stay healthy,
 > Marcus
 > > -----Original Message---- > From: meredith blumthal <XX>

-

Hi Marcus,

- > I live across the street, at 313 W. Illinois St. I'm trying to understand the notice we received about these variances. Are they building on the existing footprint, which is already not compliant for even a single family home? Or are they asking for increased area- the ZBA -2023-MAJ-03 and 04 are confusing.
- > When I first read this I thought they were asking for a larger footprint but on second read I'm questioning that and thinking that the current house doesn't even conform and they are trying to rebuild on that footprint? Can you help me better understand the situation. In addition is there any additional information you share what the proposed new duplex would be (side by side or up/down?)

> Kind regards,

> Meredith Blumthal

1

Ricci, Marcus

From: John Cronan <XX>

Sent: Wednesday, December 13, 2023 3:09 PM

To: Ricci, Marcus **Subject:** 312W Illinois

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

I heartily endorse this variance. The property needs help. I thought it might be demolished. I also thought that it was already a duplex due to the two front doors.

John Cronan 305 W. High St

Ricci, Marcus

From: Frithjof Gressmann <XX>

Sent: Sunday, December 10, 2023 5:22 PM

To: Ricci, Marcus

Subject: 312 West Illinois Street - Comment in support of Variance & CUP Request

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

To Whom It May Concern:

I would like to express my support for the conditional use permit and three variances to build a duplex at 312 W Illinois Street.

As a graduate student living in the area, I believe that providing more housing options is of great importance to our community. Therefore, I support the proposed plan to turn a currently condemned building into multi-family housing while preserving the style of the surrounding neighborhood. I am also in support of this proposal since it provides much needed tax revenue for the city and ensures that we use land for housing instead of parking.

Best Regards,

Frithjof Gressmann

Ricci, Marcus

From: Sylvie Khan <XX>

Sent: Monday, December 11, 2023 8:44 AM

To: Ricci, Marcus

Subject: 312 West Illinois Street - support comments for duplex and variances

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

Hi Marcus,

Generally in favor. If they could modify to honor the existing setback rules that would be great. If not, I'm not too worried. It's going to look much better than what is there now.

Sylvie

Sylvie Khan 305 W Illinois +1 XX XX.com Professional Organizer - XX.com

Ricci, Marcus

From: Liana Merriam <XX>

Sent: Monday, December 11, 2023 12:35 PM

To: Ricci, Marcus

Subject: 312 West Illinois Street Duplex Input

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

Hello Mr. Ricci,

I am writing in support of granting the variance requests for the proposed duplex at 312 West Illinois Street. I am always in favor of increasing the types of housing available in this neighborhood. Not everybody can afford, or even wants to own, a three, four, or five bedroom house. Having options for single people or couples such as duplexes and converting houses to one or two-bedroom apartments is a good thing, as it gives housing opportunities to people who might not have otherwise considered the WUNA neighborhood. Additionally, the proposed structure is almost the exact same footprint as the current house and will keep the same number of parking spaces. If the current house with two parking spaces has not been a problem for the past 100+ years, I don't see why rebuilding it in a slightly different shape would be cause for concern. Regarding the property only being able to have two parking spots instead of four, it is quite walkable / bike-able / bus-able to both campus and downtown Urbana, and would be attractive to tenants who do not own a car. I hope you will consider granting the request.

Sincerely, Liana Merriam

Ricci, Marcus

From: Noelyn Stephens <XX>

Sent: Thursday, December 14, 2023 3:01 PM

To: Ricci, Marcus

Subject: 312 West Illinois Street Variance Support

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

Hello,

I am a homeowner in the West Urbana neighborhood (one street over from 312 W. Illinois) and I am in support of the variance and all of the conditional use permit requests that have been made to the city for 312 W. Illinois Street. I am very much in favor of increasing the tax base of our city; more housing means more sources of property taxes!

I am also in support of these requests because I believe this city must use our valuable land for housing and businesses, as opposed to parking spaces for cars. This is a historic neighborhood that has historically had multifamily housing. Allowing the homeowners to replace a condemned home with a duplex is a net benefit for Urbana.

Best, Noelyn Stephens

Ricci, Marcus

From: Beverly Fagan <XX>

Sent: Thursday, December 14, 2023 6:47 PM

To: Ricci, Marcus

Subject: Re: 312 West Illinois Street - comments - No to variances

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*** Email From An External Source ***
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Use caution when clicking on links or opening attachments.

We are opposed to granting the 3 variances requested in order to build the duplex. The lot does not meet the minimum size for a duplex. There is not room for the required parking spaces and they want to extend the house closer to the street.

Beverly Fagan

- > Beverly and Peter Fagan
- > 512 W Nevada
- > On Dec 14, 2023, at 2:28 PM, Ricci, Marcus <mericci@urbanaillinois.us> wrote:

_ _ _

> Beverly,

>

- > Would you please clarify if you are opposed to the variances that would allow a variance, or are you also opposed the variances that would allow the existing single-family home to be built in the same location?
- > Be safe, stay healthy,
- > Marcus

>

>

- > -----Original Message-----
- > From: Beverly Fagan <XX>
- > Sent: Sunday, December 10, 2023 11:24 AM > To: Ricci, Marcus <mericci@urbanaillinois.us>
- > Subject: 312 West Illinois Street comments No to variances

>

- > The lot at 312 W ILLINOIS is too small for a duplex. We oppose the multiple requested variances.
- > Beverly and Peter Fagan
- > 512 W Nevada

>

> Sent from my iPad

Ricci, Marcus

From: Jo Heiser <XX>

Sent: Friday, December 15, 2023 10:39 AM

To: Ricci, Marcus

Subject: 312 West Illinois Street - comments of support for single-family home; opposed to duplex

*** Email From An External Source ***

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Re: Zoning appeal 312 W. Illinois St

We go past this house every time we drive our car out of the alley.

The lot size is too small for this proposed duplex. Plus there will not be enough parking.

Building a single family home on the same footprint as the previous home is appropriate and in fact is perfect.

Jo Heiser

410 W. Illinois St.

Ricci, Marcus

From: Marie-Pierre Lassiva-Moulin <XX>
Sent: Monday, December 11, 2023 1:23 PM

To: Ricci, Marcus

Subject: Re: 312 West Illinois Street: comments of objection to duplex CUP

Hi Marcus,

Thank you for reaching out giving me the chance to clarify my position on this issue.

- 1. Yes, this is indeed for 312 W. Illinois. Thank you for pointing that out.
- 2. I object to a) "the conditional permit to allow a duplex" and b) "the variances to allow a duplex."

Thank you, and be safe and healthy too, Marie-Pierre

On Mon, Dec 11, 2023 at 12:03 Ricci, Marcus <mericci@urbanaillinois.us> wrote:

Marie-Pierre,

The site is actually 312 West Illinois Street, two blocks to the north: do you still want to submit your comments? If so, please clarify which of the items you are objecting to:The existing home is legally nonconforming, as it does not meet current (2023) zoning regulations for setbacks (minimum yards), and lot coverage (FAR and OSR). The building has been condemned. Because it is legally nonconforming, they would not be allowed to rebuild even the same house in the same location on the lot, so they are asking for variances to allow *that*, as well as additional variances and a conditional use permit to allow the new building to be a duplex. The house had been used as a duplex during two different periods: in the 1950s and in the 1970s-1990s.

Are you objecting to:

- a) the conditional permit to allow a duplex?
- b) the variances to allow a duplex?
- c) the variances to allow a single-family home to be rebuilt in the same location, with the same footprint?
- d) all of the above?

Marcus

From: Marie-Pierre Lassiva-Moulin <XX> Sent: Sunday,

December 10, 2023 10:04 PM

To: Ricci, Marcus < <u>mericci@urbanaillinois.us</u>> **Subject:** 312 W Oregon: I oppose the duplex project

Good evening, Marcus,

I am reaching out to you to inform you that I oppose the 312 W Oregon project.

<u>312 W Oregon</u> is family zoning; we cannot set precedent in this issue as it will destroy the neighborhood. We must respect family zoning.

From: <u>Mary Casey Diana</u>
To: <u>Ricci, Marcus</u>

Subject: Re: 312 West Illinois Street - Duplex variance

Date: Monday, December 11, 2023 12:00:11 PM

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

D. all of the above, it sets a precedent for other duplexes, then why not triplexes, etc. Single family homes only

On Dec 11, 2023, at 11:16 AM, Ricci, Marcus < mericci@urbanaillinois.us > wrote:

Good morning, Casey.

Thank you for your comments. Would you please clarify which of the items you are objecting to?

The existing home is legally nonconforming, as it does not meet current (2023) zoning regulations for setbacks (minimum yards), and lot coverage (FAR and OSR). The building has been condemned. Because it is legally nonconforming, they would not be allowed to rebuild even the same house in the same location on the lot, so they are asking for variances to allow *that*, as well as additional variances and a conditional use permit to allow the new building to be a duplex. The house had been used as a duplex during two different periods: in the 1950s and in the 1970s-1990s.

Are you objecting to:

- a. the conditional permit to allow a duplex?
- b. the variances to allow a duplex?
- c. the variances to allow a single-family home to be rebuilt in the same location, with the same footprint?
- d. all of the above?

Marcus Ricci, AICP (he/him/his)

Planner II

----Original Message-----

From: Mary Casey Diana <XX>

Sent: Sunday, December 10, 2023 1:00 PM
To: Ricci, Marcus < mericci@urbanaillinois.us >
Subject: 312 West Illinois Street - Duplex variance

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I oppose this variance; it's a bad idea and sets a bad precedent

Casey Diana

401 W. Vermont Ave

Ricci, Marcus

From: Lois Steinberg <XX>

Sent: Monday, December 11, 2023 5:58 PM **To:** mricci@urbanaillinois.us; Ricci, Marcus

Subject: 312 W. Illinois

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Dear Mr Ricci,

Thank you for your work, time, and attention to the proposal for the lot at 312 W. Illinois. I am opposed to the current plan and variances.

I would love to see something built there, but within the current footprint and no variances except for two cars allowed instead of the required four. However, six feet closer to Illinois, 3 feet closer to Birch is unacceptable.

It would be great to have the architect develop a plan that does not require setbacks. Even better if they were to include solar gain from the south facing side by having more windows and no windows on the north side. There is a lot of smart design these days for tiny homes that creates a lot of space when there is a small lot. Surely the design can improve and come within the boundaries of the property and fit in with the neighborhood. Otherwise it looks like it is on a high dose of steroids with yesteryears flawed design!

High Regards, Lois Steinberg

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Lois Steinberg, Ph.D., CIYT Level 4, C-IAYT Director, Iyengar Yoga Champaign Urbana XX.com, XX.com

C. K. Gunsalus & Michael W. Walker

XX 511 W. High Street Urbana, Illinois 61801

XX

XX

December 11, 2023

Zoning Board of Appeals c/o Marcus Ricci City of Urbana ZBA-2023-MAJ 03, MAJ 04, MIN-03, C-06 312 W. Illinois Street

Dear Members of the Zoning Board of Appeals:

We ask you to deny the major variances for 312 W. Illinois street that would reduce the open space to permit a larger footprint, reduce the required parking, and significantly reduce the required setbacks.

We understand the owners have made efforts to speak to surrounding neighbors and have persuaded many of them of their good will and interest in being good neighbors. We commend the owners for this effort. At the same time, the major variances requested are significant and will affect the built environment in our neighborhood. The proposed building will have much more dominating proportions than at present, and the parking variance will increase an already existing parking shortage.

We oppose these major variances, and ask you to consider carefully whether a duplex can fit on the lot. If a duplex can be constructed while conforming to existing footprint, FAR, and setback requirements, we do not object to the conditional permit for it. At the absolute minimum, the setbacks and FAR should be met to conform with the current zoning of the parcel and the provisions of the zoning ordinance.

Cordially,

Coordially,

Wally

Ricci, Marcus

From: C. K. Gunsalus <XX>

Sent: Thursday, December 14, 2023 6:17 PM

To: Ricci, Marcus

Cc: Michael Walker; !Planning

Subject: Re: 312 West Illinois Street - comments opposed to duplex permit and variances

Thank you very much for seeking clarification! We learned only after sending our letter that the existing home is legally non conforming in its usage as a duplex. We were waiting for the staff memo to send an amended letter. To respond to your question:

We are objecting to:

>

- > Are you objecting to:
- > a)the conditional permit to allow a duplex?

Yes; there hasn't been a legal use as a duplex and there are no good reasons to permit one now. We understand all previous duplexes uses were illegally nonconformist.

> b)the variances to allow a duplex in the existing location?

Yes; it is incompatible with the zoning. Purchasers should be responsible for knowing zoning and abiding by it to keep the playing field level.

> c)the variances to allow a single-family home to be built in the existing location, with the same footprint (but more floor area)?

Yes; the variances requested are major variances that will create a dominant building out of character with the neighborhood and in violation of the ordinances others must follow. The variances requested for the FAR changes are significant.

> d)all of the above?

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Yes.

- > -----Original Message-----
- > From: C. K. Gunsalus <XX>
- > Sent: Monday, December 11, 2023 4:51 PM
- > To: Ricci, Marcus <mericci@urbanaillinois.us>
- > Cc: Michael Walker <XX>
- > Subject: comment on 312 W. Illinois ZBA case

>

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> Dear Mr. Ricci,

>

- > Please accept our comment seeking rejection of the variances requested from the ZBA for 312 W. Illinois Street.
- > We stand ready to answer any questions about our request, should you or the board have them.

>

> Thank you,

>

- > CK Gunsalus & Michael W. Walker
- > 511 W. High Street