



# CITY OF URBANA ZONING BOARD OF APPEALS REGULAR MEETING

**DATE:** Wednesday, May 17, 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**

Minutes from the April 19, 2023 Regular Meeting

**D. Continued Public Hearings**

**E. New Public Hearings**

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

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

**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: [Planning@urbanaininois.us](mailto:Planning@urbanaininois.us). The subject line of the email must include the words "ZONING BOARD OF APPEALS - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

### **Written Input**

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

### **Public Hearing**

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

### **Verbal Input**

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

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

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

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

### **Accommodation**

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

Phone: 217.384.2440

Email: [Planning@urbanaillinois.us](mailto:Planning@urbanaillinois.us)

### **Watching the Meeting via Streaming Services**

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



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### m e m o r a n d u m

**TO:** Zoning Board of Appeals

**FROM:** Marcus Ricci, AICP, Planner II

**DATE:** May 12, 2023

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

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

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### Introduction

On behalf of Jim Planey (410 West California Avenue, LLC), Andrew Fell requests a major variance to increase the maximum total access drive width to 21 feet, and a minor variance to reduce both required side yards to 3 feet, nine inches, at 410 West California Avenue in the R-2, Single-Family Residential, zoning district. This would allow construction of a larger home with a front-facing, two-car garage and access drive onto West California Avenue.

The Urbana Zoning Ordinance limits total access drive width to 45% of a lot's width; in this case, 17.6 feet of access drive for the 39.2-foot-wide lot. Increasing the access drive width from 45% to 54% of the lot width requires a major variance. The applicant also wants the new house to be up to 31.7 feet wide, with east and west side yards of 3.75 feet. The Urbana Zoning Ordinance requires minimum side yards of 5 feet; the proposed 25% yard reduction requires a minor variance.<sup>1</sup>

**Staff recommends denial of the variance requests, as they do not satisfy the variance criteria.**

The Zoning Board of Appeals must review the variance applications and hold a public hearing. The Board may approve, approve with conditions, or deny either or both of the requests; if denied, reasons based on the relevant criteria should be provided.

### Background

The owners of 410 West California Avenue ("410") purchased the property in 2022. The existing two-story house on the lot does not have a garage. The owners want to build a house with a two-car garage (see Exhibit D – Application – Plans). The requested major variance would allow them to access the full width of the proposed two-car garage from the street, which is in better condition and easier to navigate than the one-lane alley at the rear of the property. The requested minor variance would allow them to build a wider house.

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<sup>1</sup> Urbana Zoning Ordinance, Sections VIII-4.F.1 – Access drives; Table VI-3 – Development Regulations.

## Description of Site and Area

The property is 3,890 square feet in area and is located on the north side of West California Avenue, between South McCullough Street and Birch Street (see Exhibit A). The property and adjacent properties are all zoned R-2, Single-Family Residential. Table 1 below identifies the current zoning and the existing and future land uses of the site and surrounding properties (see Exhibits B and C).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	R-2, Single-Family Residential	Single-Family Residential	Residential
North	R-2, Single-Family Residential	Single-Family Residential	Residential
South	R-2, Single-Family Residential	Single-Family Residential	Residential
East	R-2, Single-Family Residential	Single-Family Residential	Residential
West	R-2, Single-Family Residential	Single-Family Residential	Residential

## Discussion

The original 1853 plat created equal-sized lots that were 57.9 feet wide by 115.6 feet deep, six lots wide, between North Street (now McCullough Street) and Brown Street (now Birch Street) and north-south and east-west alleys creating four quadrants of three lots each (see Exhibit E – Plat of James S. Busey’s Addition, 1853). Sometime later, the north-south alley was vacated, adding six feet each to Lots 9 and 10. The one-and-a-half-story house at 410 West California Avenue was built in 1928. It is approximately 1,800 square feet. A 1940 aerial showed that the residents shared a two-car garage with the residents of 408 West California Avenue. In 1942, the two neighbors signed an access easement to create a six-foot-wide shared driveway north to the garage; three feet on each side of the shared property line (see Exhibit D – Application – Easement).

The first-ever 1940 Urbana Zoning Ordinance required a minimum lot frontage of forty feet: the lots created by the original 1853 plat met this requirement. Sometime after the plat was recorded, the then-owners of 410 (Lot 8) gave 28.7 feet width of their lot to the owners of 412 (Lot 7), increasing 412’s lot width to 86.6 feet, and reducing 410’s lot width to 29.2 feet wide. Similarly, 408 West California Avenue (“408”, Lot 6) apparently transferred some lot width to 410, bringing 410 up to its current 39.2-foot lot width. This was most likely done after the houses at 412 and 410 were built, allowing 412 to have a larger lot while not hampering the use of the narrow 26-foot wide house at 410.<sup>2</sup>

If these land transfers occurred before 1940, they would not have been in violation of any zoning regulations; subsequent zoning would then have made the 410 (Lot 8) legally non-conforming. If the land transfers occurred after 1940, they would have been in violation of the City’s zoning ordinance. Without regard to the timing, the transfers narrowed 410’s width to 1.3 feet below the later-required 40-foot lot width, making it legally non-conforming. The zoning ordinance now requires a minimum lot width of 60 feet and minimum side yards of 5 feet.

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<sup>2</sup> Staff could find no records of these mid-century transactions, which is not surprising; at the time, the City did not have a subdivision ordinance, and property owners often simply recorded replats of lots directly with the County Recorder, and without the City’s knowledge.

City Planning staff recommended several alternatives to the owner and applicant prior to their submission of the application that would have required no variance or a lesser variance.

- Option 1: The owner could request to purchase additional lot frontage from the owner of 412 West California, James Planey, the owner's son: this would increase the lot width of 410 West California and allow both a wider building footprint and a wider access drive, and require neither side yard nor access drive variances.
- Option 2: The owner could build a narrower second access drive to the proposed street-loading garage, up to 14.6 feet wide, which could even be widened to the desired 18-foot width if it extended past the 15 foot required front yard: this would require no access drive variance.
- Option 3: The owner could build a detached garage accessed directly from the alley, or an attached or detached garage accessed from the shared access drive: this would require no access drive variance.
- Option 4: The owner could build a narrower and/or deeper house rather than a substantially wider house. The current house is 26.2 feet wide; they could build it three feet wider without any variance. If they needed to build it still larger, they could extend it towards the rear of the lot without any side yard variance, or with a variance of a lower amount.

The applicant's and owner's justifications for the variance are three-fold: the narrowness of the lot; that the City allowed the narrowness of the lot to be created; and that the maximum access drive width should be based on a set width rather than on a percentage of lot width, which penalizes narrow lots.

While the lot is narrower than most, there is no evidence that the City approved the reduction: the land transfers happened decades before the City had a zoning ordinance, subdivision code, or planning and zoning staff. Also, access drives do have stated width requirements of a minimum of 9 feet and a maximum of 35 feet: the lot width percentage maximum is to prevent access drives from dominating the lot frontage, which affects a neighborhood's character. In the end, property owners are responsible for understanding and complying with the regulations that apply to their property: the owner purchased the property and only then inquired how it could be developed.

## 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 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:

1. *Are there any special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance?*

The practical difficulty in this case is the narrowness of the lot: it is 39.2 feet wide, which is narrower than most city lots, including those in older neighborhoods. Coupled with the required five-foot side yards, this leaves a 29-foot wide buildable footprint, which, although it may be smaller than modern standards, is not unreasonably narrow.

The applicant states that the variances should be granted because the narrowness of the lot limits access drive geometry and available buildable width, and that this reduction from the original lot width was allowed by the City. Staff find that the narrow lot – which happened prior to City review of such transactions – is not a significant practical difficulty as it still allows a house to be built with access. In addition, the lot already has an access drive and has access off the rear alley. Staff also provided the owner with at least four options they could pursue that would allow them to meet their needs without requiring variances. These reasons should weigh against granting either the major access drive or minor side yard variances.

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

The applicant states that the requests are not a special privilege because the narrowness of the lot is not generally applicable to other nearby lots: the lot is 39.2-feet wide; the next wider lots are 45 feet (505 Birch Street) and 53.9 feet (410 West California Avenue). Regarding the minor side yard variance, they contend that the narrowness of the lot requires a building footprint larger than the available 29.2 feet, especially given that a two-car garage is typically 24-feet wide. Regarding the major access drive variance, they state that a street-loading attached garage is a better solution than either an attached or detached garage accessed from the alley or the shared access drive.

Staff find that the request may not be considered a special privilege as the lot is narrower than any nearby lot. However, the variances are not necessary to build a reasonably-sized house – the lot width would allow a house three feet wider than the current one – with adequate vehicular access, weighing neutrally or against granting either the major access drive or minor side yard variances.

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

The applicant states that the variances should be granted because the owner did not create the situation or condition, that the situation was created by the “city allowing a lot that is very much too narrow to be platted in the first place, and not allowing for compensation within the Zoning Ordinance.”

Staff agree that the owner did not create the narrow lot, but that condition was in place for decades before they purchased the property. This should weigh neutrally or against granting either the major access drive or minor side yard variances.

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

The applicant states that granting the variances will “have virtually no impact on the neighborhood” and that it will mitigate some conditions by reducing on-street parking and creating newer, more appropriate housing stock.

The neighborhood is characterized by houses that face the street, narrow driveways (often shared between neighboring properties), street parking, and garages behind houses (often accessed from an alley). These elements define the character of the neighborhood. The proposed variances would go against every one of these character-defining traits of the neighborhood: it would place a two-car garage facing the street, with the house hidden behind it; it would remove street parking; and it

would add a wide driveway that would make walking less pleasant in a neighborhood known for “walkability.”

Staff find that this deviation from the character of the neighborhood should weigh heavily against granting the major access drive variance and neutrally for granting the minor side yard variances.

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

The applicant states that granting the access drive variance would reduce the nuisance to the neighbors at 408 because the proposed garage would reduce the use of the shared access drive by residents and guests of 410, reducing the likelihood that vehicles would be blocking the shared access drive.

Staff find that the requested variances would not cause a nuisance to the adjacent property, weighing in favor of granting the major access drive and minor side yard variances.

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

The applicant states that the variance requests are the minimum deviations necessary “to produce an economically viable project,” and have considered other alternatives.

Staff find that there are several alternatives that would comply with the Zoning Ordinance, requiring no variances: purchasing additional lot width (no variances); building a deeper house (no side yard variances); building an alley-loading detached garage, a side-loading garage accessed from the shared access drive, or a street-loading garage with a narrower access drive (no access drive variance). This should weigh against granting either the major access drive or the minor side yard variances.

*Staff would also like to note that “economic viability” of a project is not one of the criteria to consider when granting variances.*

Overall, staff find that three criteria weigh against granting the major access drive variance, two criteria weigh neutrally or against, and one weighs in favor. Staff find that two criteria weigh against granting the minor side yard variance, two weigh neutrally or against, one weighs neutrally, and one weighs in favor.

## **Public Input**

Staff published a legal ad in *The News-Gazette* to notify the public of the request and public hearing fifteen days prior to the Zoning Board of Appeals meeting. Staff also sent letters to 46 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 two comments of support for the requested variances (Exhibit F – Public Comments).

## **Summary of Findings**

1. On behalf of Jim Planey (410 West California Avenue, LLC), Andrew Fell requests a major variance to increase the maximum total access drive width to 21 feet, and a minor variance to reduce both required side yards to 3 feet, nine inches, to allow construction of a larger home with a front-facing, two-car garage and street-loading access drive at 410 West California

Avenue in the R-2, Single-Family Residential, zoning district.

2. The side yard variance allows for a larger house on a lot which has the practical difficulty that it is narrower than any nearby lot. The access drive variance allows for the preferred solution of a street-accessed two-car garage, rather than a garage accessed from the alley or from the shared access drive. The applicant states that the lot narrowness, and their belief that the City permitted the narrowing, is a special circumstance not applicable to other lands, and therefore is not a special privilege. Staff find that, due to the lot narrowness, the variances may not be a special privilege. However, the narrow lot is still buildable and provides adequate vehicular access and, therefore, the variances are not necessary to build a house with adequate access.
3. The applicant states that the City should grant the variances because the City created the situation when it permitted the lot to be narrowed below the minimum width. Staff find that the owner, although they did not create the situation, is responsible for knowing the regulations pertaining to their property.
4. The applicant states that the variances would not alter the essential character of the neighborhood. Staff find that this very walkable neighborhood is characterized by houses facing the street, street parking, and garages behind the houses, and that replacing such a house with one that puts the two-car garage at the street face with the house hidden behind –which would also eliminate street parking spaces – would negatively alter the essential character of the neighborhood.
5. The requested variances would not create a nuisance to the adjacent property.
6. The applicant states that the variances are the minimum deviations possible from the Zoning Ordinance to build an “economically viable project.” Staff find that there are several alternatives that would allow construction of a reasonably-sized house with access without the required variances, and also note that “economic viability” is not one of the criteria to be considered when granting variances.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-MAJ-01 – Access drive width:

1. Approve the variance as requested based on the findings outlined in this memo;
2. Approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
3. Deny the variance request, and if so, articulate findings supporting the denial.

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-MIN-02 – Side yard depth:

4. Approve the variance as requested based on the findings outlined in this memo;
5. Approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
6. Deny the variance request, and if so, articulate findings supporting the denial.

## Recommendation

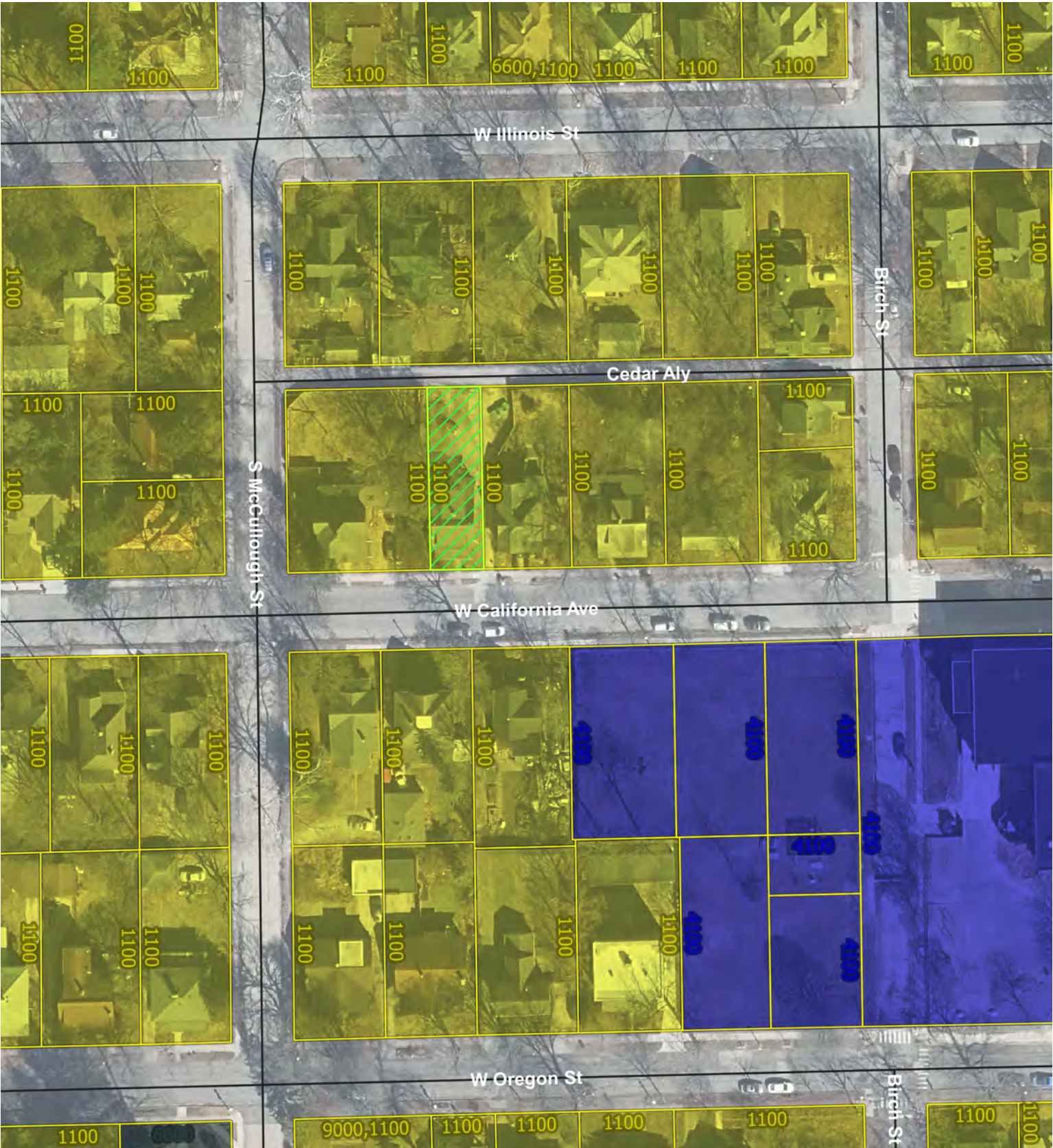
Staff recommends that the Zoning Board of Appeals **DENY** major variance request ZBA-2023-MAJ-01 – Access drive width, based on the findings that the owner should have determined that the lot width would not permit a wider access drive under current regulations, and that there are alternatives that are lesser deviations from the Zoning Ordinance.

Staff recommends that the Zoning Board of Appeals **DENY** minor variance request ZBA-2023-MIN-02 – Side yard depth, based on the findings that the owner should have determined that the lot width would not permit a wider house under current regulations, and that there are alternatives that are lesser deviations from the Zoning Ordinance.


Attachments:   Exhibit A: Location Map  
                      Exhibit B: Zoning Map  
                      Exhibit C: Future Land Use Map  
                      Exhibit D: Variance Application, with Plans and Access Agreement  
                      Exhibit E: Plat of James S. Busey’s Addition, dated 1853  
                      Exhibit F: Public Comments  
                      Exhibit G: Photos

cc:                Andrew Fell, Applicant and Architect  
                      Jim Planey (410 West California Avenue, LLC), Owner


Exhibit A - Location & Land Use




Case: ZBA-2023-MAJ-01 & ZBA-2023-MIN-02  
Subject: Major Variance - Access Drive Width  
& Minor Variance - Side Yards  
Location: 410 West California Avenue  
Applicant: Andrew Fell, on behalf of Jim Blaney  
(410 W California LLC)



Site



Residential



Social, institutional, or infrastructure

075150225

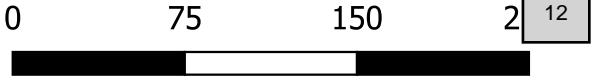
11

# Exhibit B - Current Zoning



Case: ZBA-2023-MAJ-01 & ZBA-2023-MIN-02  
Subject: Major Variance - Access Drive Width  
& Minor Variance - Side Yards  
Location: 410 West California Avenue  
Applicant: Andrew Fell, on behalf of Jim Planey  
(410 W California LLC)

- Site
- CRE
- R-2

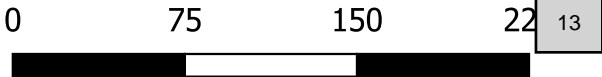


# Exhibit C - Future Land Use



Case: ZBA-2023-MAJ-01 & ZBA-2023-MIN-02  
Subject: Major Variance - Access Drive Width  
& Minor Variance - Side Yards  
Location: 410 West California Avenue  
Applicant: Andrew Fell, on behalf of Jim Planey  
(410 W California LLC)

 Site



# Exhibit D - Application, with Plans and Access Easement



## 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.urbanailinois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 03-31-2023 ZBA Case No. ZBA-2023-MAJ-01 +  
Fee Paid - Check No. 8205 Amount \$200.00 Date ZBA-2023-MIN-02  
03-31-2023

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

1) driveway percentage of lot width (Major Variance), 2) reduce the side yard setbacks to 3.75' (25% reduction = Minor Variance) on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Andrew Fell Phone: 217-363-2890  
Address (street/city/state/zip code): 515 North Hickory, Suite 101, Champaign, IL 61820  
Email Address: permits@andrewfell.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Architect

#### 2. OWNER INFORMATION

Name of Owner(s): 410 West California LLC - Jim planey Phone: 847-612-4135  
Address (street/city/state/zip code): 412 West California Ave, Urbana, Illinois 61801  
Email Address: jplaney@lee-associates.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.*

**Owner is an LLC, not a Land Trust. - MR**

#### 3. PROPERTY INFORMATION

Location of Subject Site: 410 West California Avenue  
PIN # of Location: 92-21-17-178-008  
Lot Size: 38.725' x 115.5' = 3889.86 s.f.

# Exhibit D - Application, with Plans and Access Easement

Current Zoning Designation: R-2

Current Land Use (*vacant, residence, grocery, factory, etc.*): Rental property - house

Proposed Land Use: Single Family House - Owner occupied

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

**See attached**

## 4. CONSULTANT INFORMATION

**Name of Architect(s):** Andrew Fell Architecture and Design

Phone:

Address (*street/city/state/zip code*): 515 North Hickory, Suite 101, Champaign, Illinois 61820

Email Address: [permits@andrewfell.com](mailto:permits@andrewfell.com)

**Name of Engineers(s):**

Phone:

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

Email Address:

**Name of Surveyor(s):** Precision engineering - Merle Ingersoll

Phone: 217-202-8049

Address (*street/city/state/zip code*): P. O. Box 784, Champaign, IL 61824

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.

**Very narrow site limits driveway geometry and buildable width available.**

# Exhibit D - Application, with Plans and Access Easement

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

**See Attached**

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

**See Attached**

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

**See Attached**

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

**See Attached**

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

**See Attached**

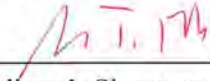
***NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.***

***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.***

# Exhibit D - Application, with Plans and Access Easement

## 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

3.31.23

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

# Exhibit D - Application, with Plans and Access Easement

## Legal Description

410 west California Avenue  
Urbana, Illinois 61801

The East Half of Lot 8 and all of Lot 9 of a subdivision of Outlots 1, 2, 4, and 5 of James S. Busey's Addition of Outlots to Urbana, as per plat recorded in Deed Record "E" at page 218, and the West half of the vacated alley lying on the East side of said Lot 9, situated in Champaign County, Illinois, Except that portion thereof described as follows:

Starting at the center of the vacated alley on the North line of California Street between McCullough Street and Birch Street; thence West 54.05 feet; thence North 117.5 feet; thence 55.35 feet; thence south 117.2 feet to the place of beginning, all situated in the City of Urbana, Champaign county, Illinois

# Exhibit D - Application, with Plans and Access Easement

## 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.*

This request is for:

A Major Variance for a new curb cut driveway width of up to eighteen feet.

and

A Minor Variance to reduce both of the side yard setbacks by 25%.

The driveway request is for a separate curb cut and access drive, not combined with the existing shared curb cut, to accommodate a new driveway up to 18' in width. Note that this request is for a separate curb cut – not an extension of the existing shared curb cut. The intent is for the curb cuts to be separated by several (unknown) feet.

The primary driver of both Variance requests is generated from the narrowness of the platted lot. At one point, this was a standard residential lot in the City of Urbana. This lot was partially subdivided long ago, presumably to provide 412 West California with a larger and more spacious yard.

The result of this re-plat was to create a zoning lot only 38.725' wide (G.I.S. map). The minimum lot width in this Zoning district is 60'. Why a lot was allowed to be platted at more than twenty feet shy of the minimum is not understood. (It is understood that this was done prior to the minimum lot width of 60'. However – the 'principal' of the determination still holds.)

The driveway width variance is to gain appropriate access to a new garage.

The setback variance is to gain a reasonable width with which to design a house.

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

Primarily these are due to the narrow lot condition.

The driveway really cannot be placed elsewhere on the site and be at all functional.

We cannot have drive access off of the existing alley as it is too narrow to turn into a garage without placing the garage very far (more than 20' south) of the alley. This takes up too much site area to be practical.

We cannot 'connect' it to the existing 3' drive easement at the side because that does not produce any workable geometry to get access to a two car garage at 410 West California and leave the legal access for 408 West California.

## Exhibit D - Application, with Plans and Access Easement

A detached garage may be easier to gain access to, but the site is so small and narrow that providing a detached garage with appropriate clearances and geometry for an access drive is even more difficult, than attaching a garage to the house.

The existing setbacks allow for a structure less than 29' wide. This is very difficult – especially in organizing spaces to fit within the allowable FAR and maintain the requisite O.S.R. requirement. A typical garage itself occupies 24', so we are left with an increasingly difficult spatial condition as the buildable area gets narrower.

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

The Drive width request is a direct result of some assumingly unintended consequences of how the ordinance was written. Having a maximum driveway width based solely on a percentage of the lot width is not at all equitable. Our lot, with a width of 38.725' and a 45% of the lot width maximum is only allowed a TOTAL of 17.4' of driveway width. The shared easement already uses 3 of those feet, so we are allowed only a driveway less than 14.5' to access a two car garage.

These conditions are ONLY the result of the City allowing a lot that is very much too narrow to be platted in the first place, and not allowing for compensation within the Zoning ordinance.

A more straight forward approach to a driveway is an actual dimension, not a percentage. A percentage calculation is not workable to solve some conditions (like this one). There is no use for a drive width 'in between' one and two cars. We really need a 2 car driveway, not attached to the shared drive to get access to the new garage. This is ideally 18' in width.

Part of this request is to get enough drive width (and length) to place a car in the driveway (Not in the garage) and not encroach over the sidewalk or the shared drive. We are simply trying to be able to place the owner's vehicles in a garage, and be able to park a vehicle in the driveway (a visitor) without hindering the shared drive condition or public sidewalk.

These are conditions the neighborhood has requested of the City over and over and over again. Granting these variances does exactly what the neighborhood has demonstrated they want – and say they desperately need.

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

The granting of both of these variance requests will have virtually no impact on the neighborhood, except to assist in mitigating some of the existing difficulties. i.e. – we are getting more cars off the street and creating a newer, more robust and appropriate housing stock.

## Exhibit D - Application, with Plans and Access Easement

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

Not sharing a driveway is much less of a nuisance than sharing one.  
There will be two fewer cars needing to find a place to park on the street.  
Neither resident of 410 or 408 will come home to find their neighbor's car blocking the shared drive.

There is mutual ownership of 410 and 412 West California.  
The existing shared curb cut and drive will still be maintained between 410 and 408, so the impact on 408 will be negligible. That property will have its edge condition simply maintained in this project.

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

This request represents the minimum deviations necessary to produce an economically viable project. Smaller, or alternative variances could certainly be requested, but this represents the minimum practical compromise to construct a building that meets any model.

The over riding factor for needing these variances, is that this is a lot that was allowed to be platted in too narrow of a condition. This is clearly demonstrated by the fact that the minimum lot size in the District is 60'. This lot is less than 2/3 of the minimum required width – and the City did that. If this was a 'typically sized lot', we would need no variances.

# Exhibit D - Application, with Plans and Access Easement

**A N D R E W F E L L**

A R C H I T E C T U R E A N D D E S I G N

515 NORTH HICKORY, SUITE 101  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.363.2890  
EMAIL: andrewfell@comcast.net

31MAR23

Nick Olsen  
City of Urbana  
Planning Department  
Urbana, Illinois

RE: Variance Requests  
410 West California  
Urbana, Illinois 61801

Nick,

The following Application is for two Variances. The first is a Major Variance to allow for a separate 18' drive access with correspondingly appropriate curb cut, and a Minor Variance to reduce both side yard setbacks by 25%.

Both of these conditions are a result of the City allowing a lot this narrow to be platted. What was originally a lot 58.75' wide, was re-platted to be only 38.725' wide (G.L./ map).

Current City standards for any lot in this Zoning district is 60'. The City allowed this already sub-standard lot to 'triple down' on their non-conformity and get narrowed to less than 39' wide. We are attempting to mitigate the onerous conditions imposed by the City in the re-plat.

Attached is our supporting material for the case. As always, we are more than happy to review any of this material with you, and potentially vary the nature or extent of our requests.

Thank you and of course, let us know if you have any questions or require any additional information.

Sincerely,



Andrew T. Fell  
**A N D R E W F E L L**  
A R C H I T E C T U R E A N D D E S I G N

**ACCESS EASEMENT**

61

State of New York        )  
County of New York,    ) SS

No. 74368

I, Archibald R. Watson, County Clerk and Clerk of the Supreme Court, New York County, the same being a Court of Record having by law a seal, DO HEREBY CERTIFY, that Barbara C. Mason whose name is subscribed to the annexed deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC acting in and for said County, duly-commissioned and sworn, and qualified to act as such; that he has filed in the Clerk's office of the County of New York a certified copy of his appointment and qualification as a Notary Public for the County of Bronx with his autograph signature; that as such Notary Public he was duly authorized by the laws of the State of New York to protest notes to take and certify depositions, to administer oaths and affirmations, to take affidavits and certify the acknowledgment or proof of deeds and other written instruments for lands, tenements and hereditaments, to be read in evidence or recorded in this State. And further, that I am well acquainted with the handwriting of such Notary Public, or have compared the signature of such officer with his autograph signature filed in my office, and believe that the signature to the said annexed instrument is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, this 27<sup>th</sup> day of Aug. 1942.

(New York Seal)

Archibald R. Watson  
County Clerk and Clerk of the Supreme Court, New York County

Filed for record on the 1st day of September A.D. 1942 at 8:00 o'clock A.M. Doc. 361261.

----- Charles M. Deart ----- Recorder. *74*

**JOINT - DRIVE AGREEMENT**

Joint-drive agreement made and entered into this 13th day of August A.D. 1942, by and between Harlin A. Bickers and Juanita E. Bickers, each in their own right and as husband and wife, as Parties of the First Part and Oscar Steer and Gladys C. Steer, each in their own right and as husband and wife, as Parties of the Second part.

WITNESSETH: Whereas, the parties of the first part are the owners of The East One-half of Lot Eight (8) and all of Lot Nine (9) of a Sub-division of Out Lots 1, 2, 4 and 5 of J.S. Busey's Addition of Out Lots to Urbana, also the West One-half of vacated alley lying on the East side of said Lot Nine (9) except that portion thereof described as follows: Commencing at the center of vacated alley on the North line of California Street between McCullough Street and Birch Street thence West Fifty-four and five hundredths (54.05) feet thence North One Hundred and Seventeen and Thirty-five hundredths (117.35) feet thence East Fifty-five and Thirty-five hundredths (55.35) feet thence South One Hundred and Seventeen and Two tenths (117.2) feet to place of beginning, in the City of Urbana, County of Champaign, State of Illinois, as Joint tenants, and

Whereas, the parties of the second part are the owners of Beginning at the center of vacated alley on the North line of California Street between McCullough Street and Birch Street thence West Fifty-four and Five hundredths (54.05) feet thence North one Hundred Seventeen and Thirty-five hundredths (117.35) feet thence East Fifty-five and Thirty five hundredths (55.35) feet thence South One Hundred Seventeen and Two tenths (117.2) feet to place of beginning, being a portion of the East One-half of Lot Eight (8) and all of Lot Nine (9) and the West One half of vacated alley lying on the East side of said Lot Nine (9) of a subdivision of Out Lots 1, 2, 4 and 5 of J.S. Busey's Addition of Out Lots to Urbana, in the City of Urbana, County of Champaign, State of Illinois as Joint Tenants, and

Whereas, said properties are adjacent to each other, and Whereas, the parties hereto consider that it will be a benefit to the respective owners of said two parcels of land to lay out and jointly maintain a six foot joint driveway between said above described parcels of land from the North line of California Street North a distance of Ninety-six and Thirty-five hundredths (96.35) feet to the South end of the center partition of their joint garages, as now located.

NOW THEREFORE THE PARTIES OF THE FIRST PART for themselves their several heirs, executors, administrators and assigns, in consideration of a like grant, to them by the parties of the second part, do hereby grant to the Parties of the Second Part their heirs and assigns an easement and right of way over and upon the east three feet of their property which is above first described, from the North line of California Street North a distance of Ninety-six and Thirty-five hundredths (96.35) feet to be used jointly by the parties hereto and their heirs and assigns as a joint drive for the mutual benefit of the present and future owners of said properties above described, and

THE PARTIES OF THE SECOND PART for themselves, their several heirs, executors, administrators and assigns, in consideration of a like grant to them by the parties of the first part, do hereby grant to the parties of the First part their heirs and assigns an easement and right of way over and upon the west three feet of their property which is above secondly described, from the North line of California Street North a distance of Ninety-six and Thirty-five hundredths (96.35) feet to be used jointly by the parties hereto and their heirs and assigns as a joint drive for the mutual benefit of the present and future owners of said properties above described.

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

Harlin A. Bickers (SEAL)  
Juanita E. Bickers (SEAL)  
PARTIES OF THE FIRST PART.  
Oscar Steer (SEAL)  
Gladys C. Steer (SEAL)  
PARTIES OF THE SECOND PART.

bub

**ACCESS EASEMENT**

STATE OF ILLINOIS : SS  
CHAMPAIGN COUNTY : SS

I, Hazel E. Nichols, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Harlin A. Bickers and Juanita E. Bickers, each in their own right and as husband and wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 13th day of August A.D. 1942.

(Hazel E. Nichols, Notary Public)  
(Champaign County, Illinois)

Hazel E. Nichols  
Notary Public

STATE OF ILLINOIS : SS  
CHAMPAIGN COUNTY : SS

I, Henry J. Dietz, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Oscar Steer and Gladys G. Steer, each in their own right and as husband and wife personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal, this 19th day of August A.D. 1942.

(Henry J. Dietz, Notary Public)  
(Champaign County, Ill. )

Henry J. Dietz  
Notary Public

Filed for record on the 1st day of September A.D. 1942 at 9:30 o'clock A.M. Doc. 361279.

----- Charles M. Dent Recorder. R/C

THIS AGREEMENT, made and entered into this 1st day of September in the year 1939, by and between Florence S. Nelson and Clarence A. Nelson Champaign of the County of Champaign and State of Illinois, party of the first part, and D. Beatrice Cuhna and Herman L. Cuhna of the County of Champaign and State of Illinois, party of the second part,

WITNESSETH That the said party of the first part hereby sells to the said party of the second part, the following described real estate, to-wit:

Lot Ten (10) in Block Two (2) of J.C. Kirkpatrick's Addition to Urbana, now a part of the City of Champaign, in Champaign County, Illinois, situated in the County of Champaign, in the State of Illinois, for the sum of Four Thousand (\$4,000.00) Dollars.

The Warranty Deed herein provided for is to be executed and placed in escrow with the - on or before - 19- to be held by them and by them delivered upon completion of this contract by second party.

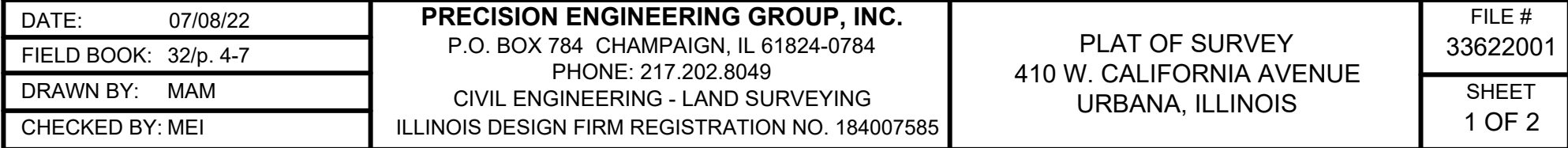
The said party of the first part hereby covenants and agrees to convey the said premises above described to the said party of the second part, by a good and sufficient warranty deed, executed by the party of the first part, together with the consort of said party of the first part in due form of law, which deed shall be delivered to said party of the second part upon payment being made as herein provided, on or before the Completion of Contract. 19

The said party of the first part also agrees on or before the Completion of Contract 19 to furnish to the said party of the second part a complete merchantable abstract of title to said premises, brought down to - certified to by the Champaign County Abstract Company, showing a merchantable title of record in-to the said premises, free and clear of any and all encumbrances save and except and allow the said party of the second part a reasonable opportunity to have said abstract examined, and notify first party of all objections to either said Abstract of title or to said Title. In case said Abstract of Title shall be found defective, then said first party shall have a reasonable time to put same into merchantable condition, but shall not be entitled to further payments hereunder until such defects shall be remedied. The taxes of said premises for the year 19- are to be paid by the said party of the Second part. All special assessments levied against said premises are to be paid as follows: By Second Parties. Insurance in force on said premises is to be assigned to second party at its pro-rata value, and loss clause shall immediately be attached to policies payable to parties hereto as their interests may appear. Possession of said premises is to be delivered to said party of the second part on or before the 1st day of September 1939.

On his part the said party of the second part agrees to pay the said sum of -40.00 Forty Dollars per month Dollars in the manner following: Dollars cash in hand, upon the execution of this agreement, receipt whereof is hereby acknowledged; and the remainder in cash upon the 1st day of each month 19, and on receipt of the deed as herein above provided. All payments not made when due shall bear interest at 7% per annum thereafter.

It is mutually agreed by and between the parties hereto, that the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties; that time is of the essence of this contract, and that either party hereto, who shall fail or refuse to comply with the provisions of this contract, on his part to be performed, shall refund all moneys received hereunder and in addition shall pay to the other party the sum of - Dollars, which sum is hereby fixed and agreed upon as the liquidated damages to be sustained by either party from failure or default upon the part of the other.

File Name: S:\000 Projects\336 James B. Planey\33622001 Planey Lot 8 Survey\CAD\33622001 survey.dwg

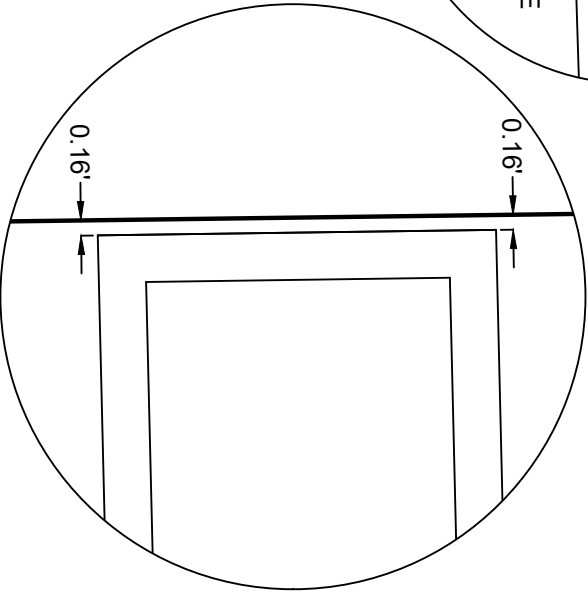


# 410 PLAT OF SURVEY

DATE:	07/08/22
FIELD BOOK:	32/p. 4-7
DRAWN BY:	MAM
CHECKED BY:	MEI

PLAT OF SURVEY  
410 W. CALIFORNIA AVENUE  
URBANA, ILLINOIS

23 of 37



DETAIL 4  
SCALE 1"=2'

# SURVEYOR'S CERTIFICATE

၂၂

DETAIL 4  
SCALE 1"=2'

RETURNED TO:

SPACE RESERVED FOR RECORDER'S STAMP

- I, Meile E. Ingersoll, Jr., being Illinois Professional Land Surveyor Number 035.003202, do hereby certify that at the request of James B. Planey, I have caused a survey to be made and a Plat to be drawn under my direct supervision of the following described tract of land:

A tract of land being part of the Northwest Quarter of Section 17, Township 19 North, Range 9 East, of the Third Principal Meridian, City of Urbana, Champaign County, Illinois, being more particularly described as follows:

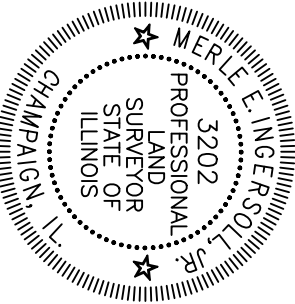
The East Half of Lot 8 and all of Lot 9 of a Subdivision of Outlots 1, 2, 4, and 5 of James S. Busey's Addition of Outlots to Urbana, as per plat recorded in Deed Record "E" at page 218, and the West half of the vacated alley lying on the East side of said Lot 9, situated in Champaign County, Illinois, Except that portion thereof described as follows:

Starting at the center of the vacated alley on the North line of California Street between McCullough Street and Birch Street, thence West 54.05 feet; thence North 117.35 feet; thence East 55.35 feet; thence South 117.2 feet to the place of beginning all situated in the city of Urbana, Champaign County, Illinois

I further certify that I have surveyed the tract of land above described and that the hereon drawn plat is a true representation thereof.

Signed and sealed on this 8th day of July, 2022.

Mertle E. Ingersoll, Jr.  
Illinois Professional Land Surveyor No. 035.003202  
License Expires 11/30/2022





412 PLAT OF SURVEY

SURVEYOR'S NOTES

- 1. Field work for this plat of survey was completed on September 28 and October 2, 2018.
- 2. I set or found the corner monuments as shown on this plat of survey.
- 3. The surveyor did not make an examination or consider environmental subsurface conditions as part of this survey.
- 4. The surveyed tract is located in Zone "X," areas of minimal flood hazard, as shown on the Federal Emergency Management Agency (FEMA) Flood Map Service Center map number 17019C 0427D with effective date October 2, 2013.
- 5. The surveyed tract has direct access to West California Avenue, South McCullough Street, and an alley, dedicated public right-of-ways along its south, west, and north sides, respectively, which are used by the public as roadways.
- 6. Bearings shown on this plat of survey are on the Illinois State Plane, East Zone (NAD 83) coordinate system.
- 7. The surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose. There may exist other documents of record which affect this parcel.
- 8. Not all improvements or structures on property are shown on property surveyed. Only improvements within 5 feet of boundary are part of this survey.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
 ) S.S.  
COUNTY OF CHAMPAIGN )

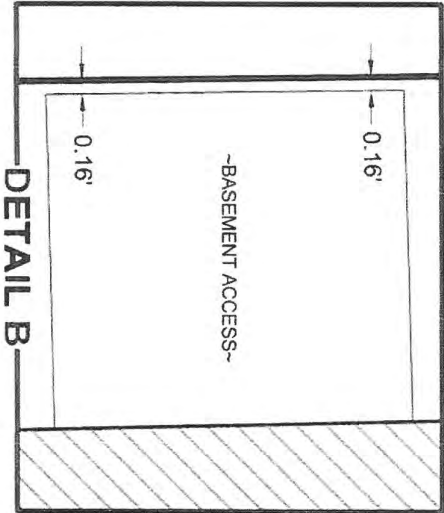
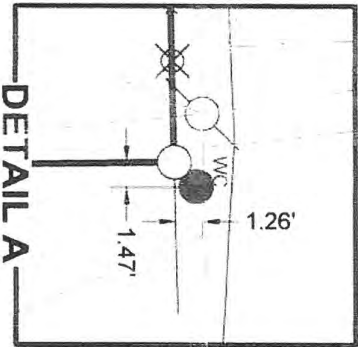
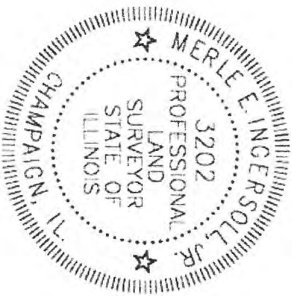
I, Merle E. Ingersoll Jr., being Illinois Professional Land Surveyor 3202, do hereby certify that at the request of the owner, James Planey, I have caused a survey to be made and a plat to be drawn under my direct supervision of the following described tract of land:

Lot 7 and the West 1/2 of Lot 8 of a Subdivision of Outlots 1, 2, 4, and 5 of James S. Busey's Addition of Outlots to the Town of Urbana, as per plat recorded in Deed Record "E" at Page 218, situated in the City of Urbana, in Champaign County, Illinois.

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Signed and Sealed this 23rd day of October, 2018.

Merle E. Ingersoll Jr.  
Illinois Professional Land Surveyor No. 035.003202  
License Expires November 30, 2020



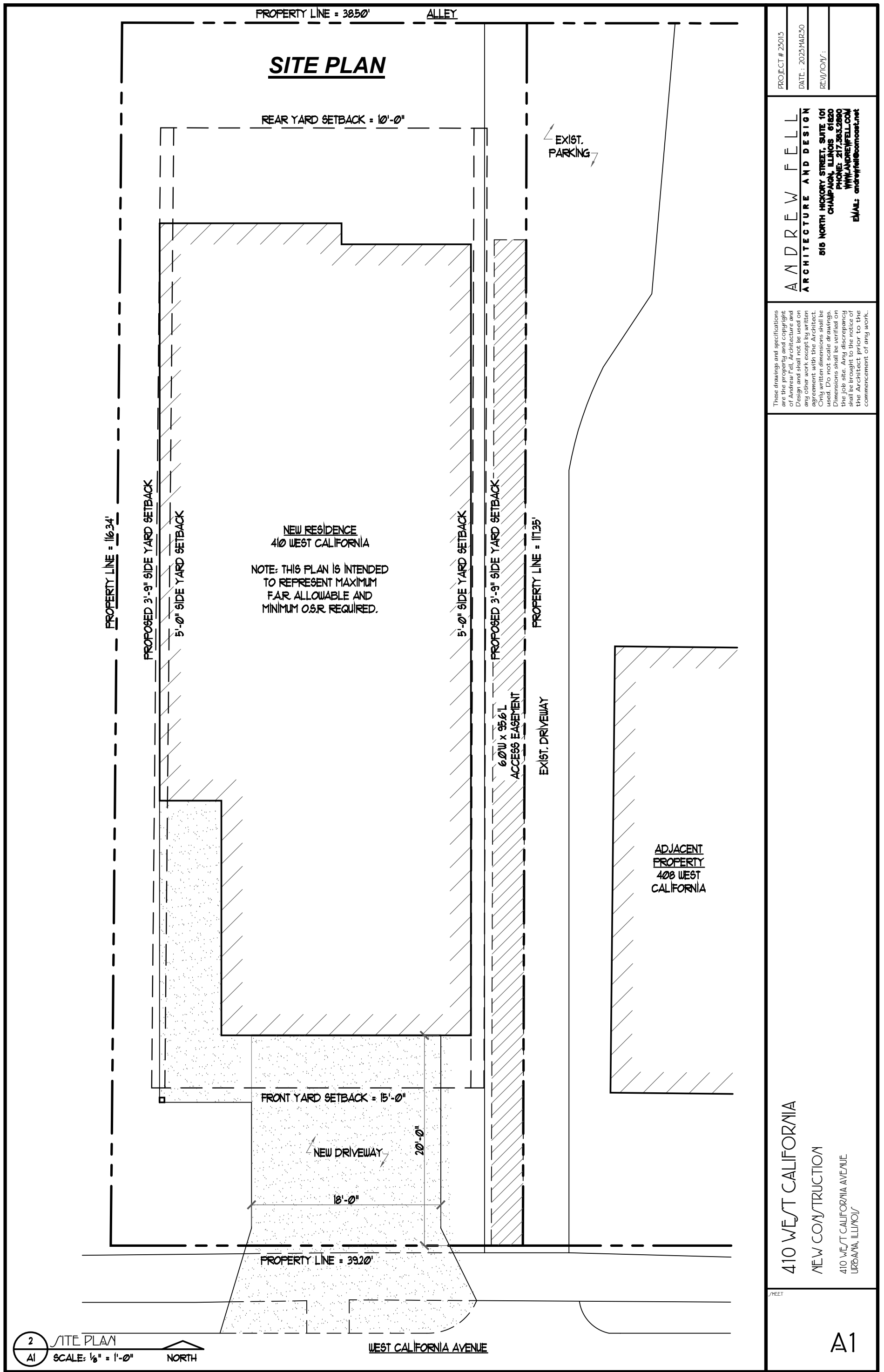
PRESENTED FOR RECORDING BY:

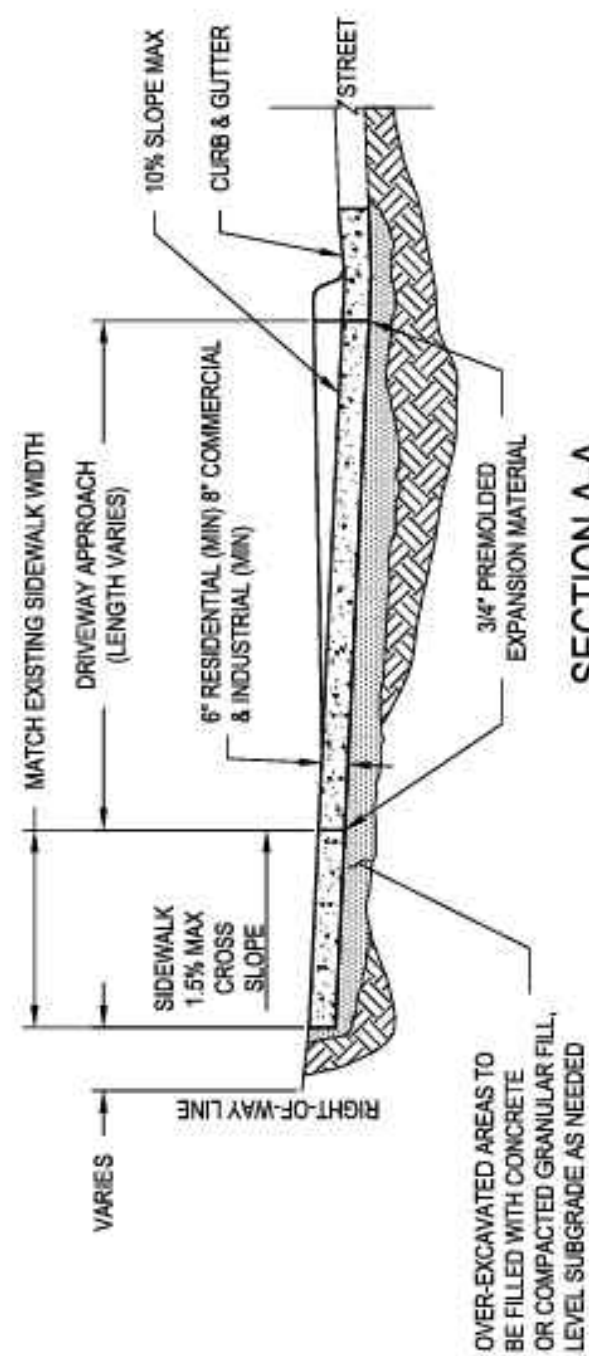
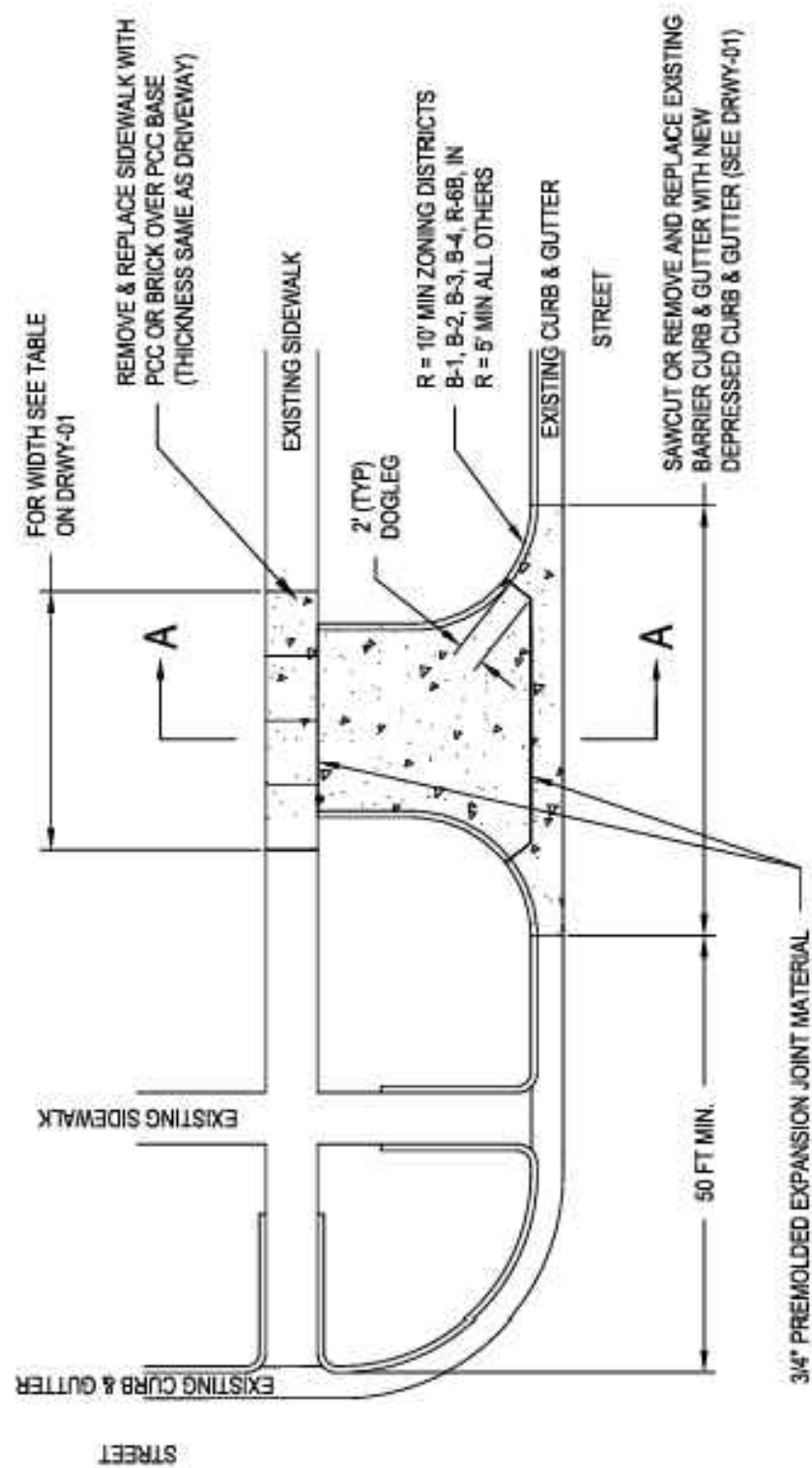
RETURN ORIGINAL TO:  
MSA Professional Services  
201 West Springfield Avenue, Suite 400  
Champaign, IL 61820

SPACE RESERVED FOR  
RECORDER'S STAMP

PROJECT NO. PROJECT DATE F B	1829000 OCT 2018 2296 7/23/2018	SCALE: AS SHOWN DRAWN BY CHECKED BY MEI	NO DATE	REVISION	BY
LOT 7 AND WEST HALF OF LOT 8 JAMES PLANEY CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS					PLAT OF SURVEY
18528000 2 OF 2					

## **Exhibit D - Application, with Plans and Access Easement**





## SECTION A-A

CITY OF URBANA  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

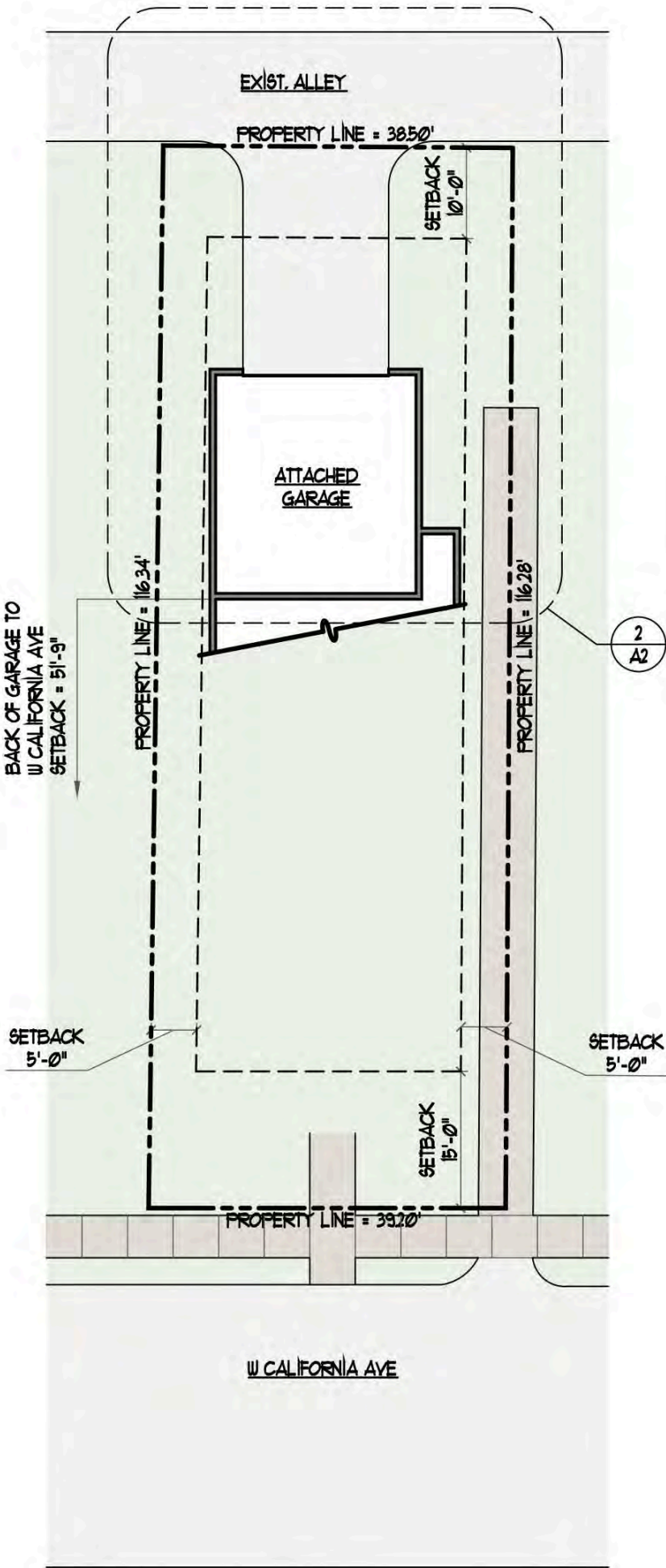
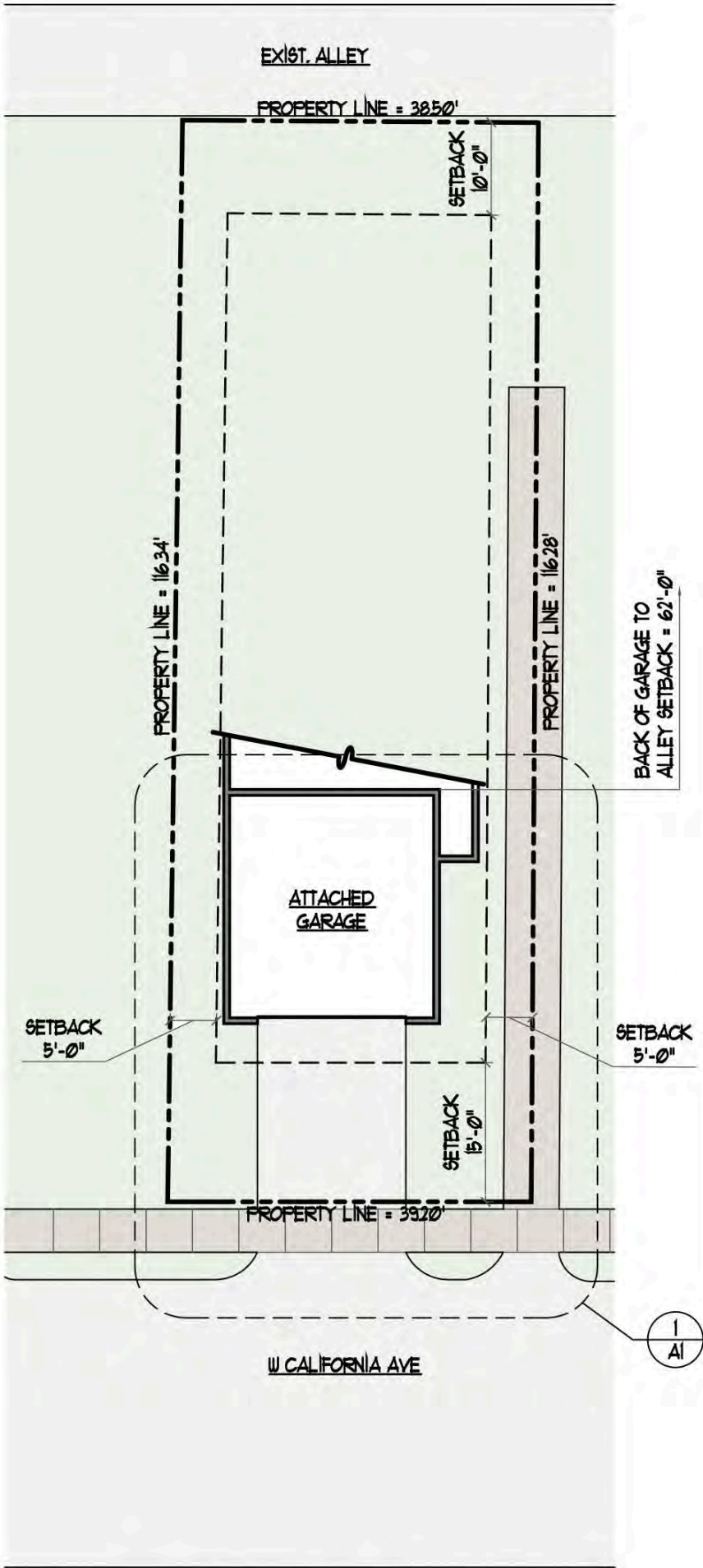


RIGHT-OF-WAY STANDARD DRAWING  
RADIUS PCC DRIVEWAY APPROACH INSTALLATION  
DETAIL DRWY-02

DATE: 01/01/2022

DRAWN BY:  
BEHREVISÉ:  
JANUARY 2021

SITE PLAN WITH PREFERRED AND ALTERNATIVE GARAGE LOCATIONS, VERSION 2



1 KEY PLAN - DRIVE OFF W CALIFORNIA AVE  
T1 SCALE: 1/16" = 1'-0" NORTH

2 KEY PLAN - DRIVE OFF ALLEY  
T1 SCALE: 1/16" = 1'-0" NORTH

410 WEST CALIFORNIA  
NEW CONSTRUCTION

410 WEST CALIFORNIA AVE  
URBANA, ILLINOIS 61801

These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancy shall be brought to the notice of the Architect prior to the commencement of any work.

ANDREW FELL  
ARCHITECTURE AND DESIGN

515 NORTH HICKORY STREET, SUITE 101  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.353.2890  
WWW.ANDREWFEEL.COM  
EMAIL: andrewfell@comcast.net

PROJECT 25015

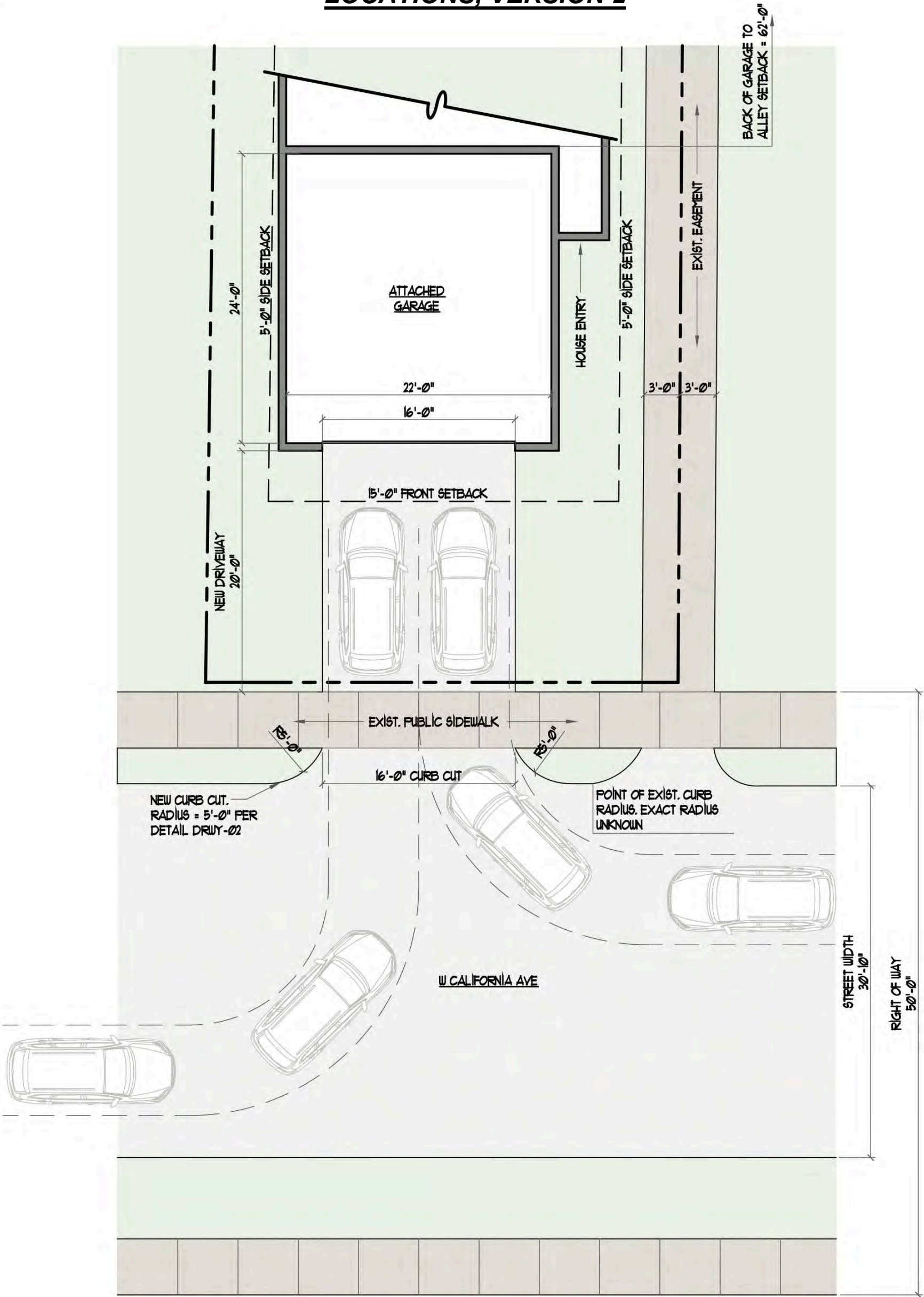
DATE: 2025

REV/NO/1/

T1

Exhibit D - Application, with Plans and Access Easement

**SITE PLAN WITH PREFERRED AND ALTERNATIVE GARAGE LOCATIONS, VERSION 2**



1 GARAGE OFF CALIFORNIA AVE  
AI SCALE: 1/8" = 1'-0" NORTH

A1

410 WEST CALIFORNIA  
NEW CONSTRUCTION

410 WEST CALIFORNIA AVE  
URBANA, ILLINOIS 61801

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ANDREW FELL  
ARCHITECTURE AND DESIGN

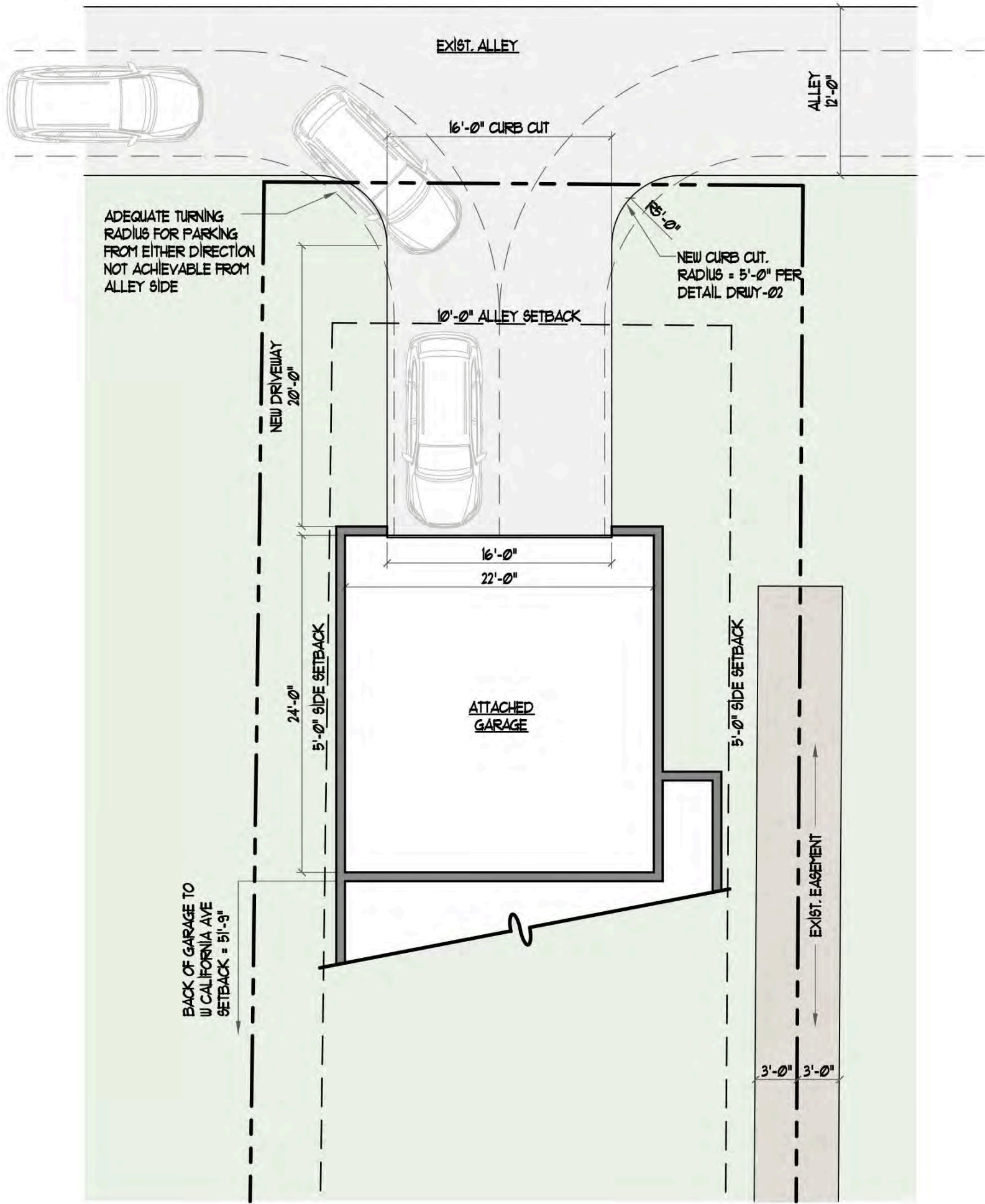
515 NORTH HICKORY STREET, SUITE 101  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.383.2890  
WWW.ANDREWFELL.COM  
EMAIL: andrewfell@comcast.net

PROJECT 25015

DATE: 2023

REV/10/1/

SITE PLAN WITH PREFERRED AND ALTERNATIVE GARAGE LOCATIONS, VERSION 2



2 GARAGE OFF ALLEY  
A2 SCALE: 1/8" = 1'-0" NORTH

A2

410 WEST CALIFORNIA  
NEW CONSTRUCTION

410 WEST CALIFORNIA AVE  
URBANA, ILLINOIS 61801

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ANDREW FELL  
ARCHITECTURE AND DESIGN

515 NORTH HICKORY STREET, SUITE 101  
CHAMPAIGN, ILLINOIS 61820  
PHONE: 217.383.2890  
WWW.ANDREWFELL.COM  
EMAIL: andrewfell@comcast.net

PROJECT 25015

DATE : 2025

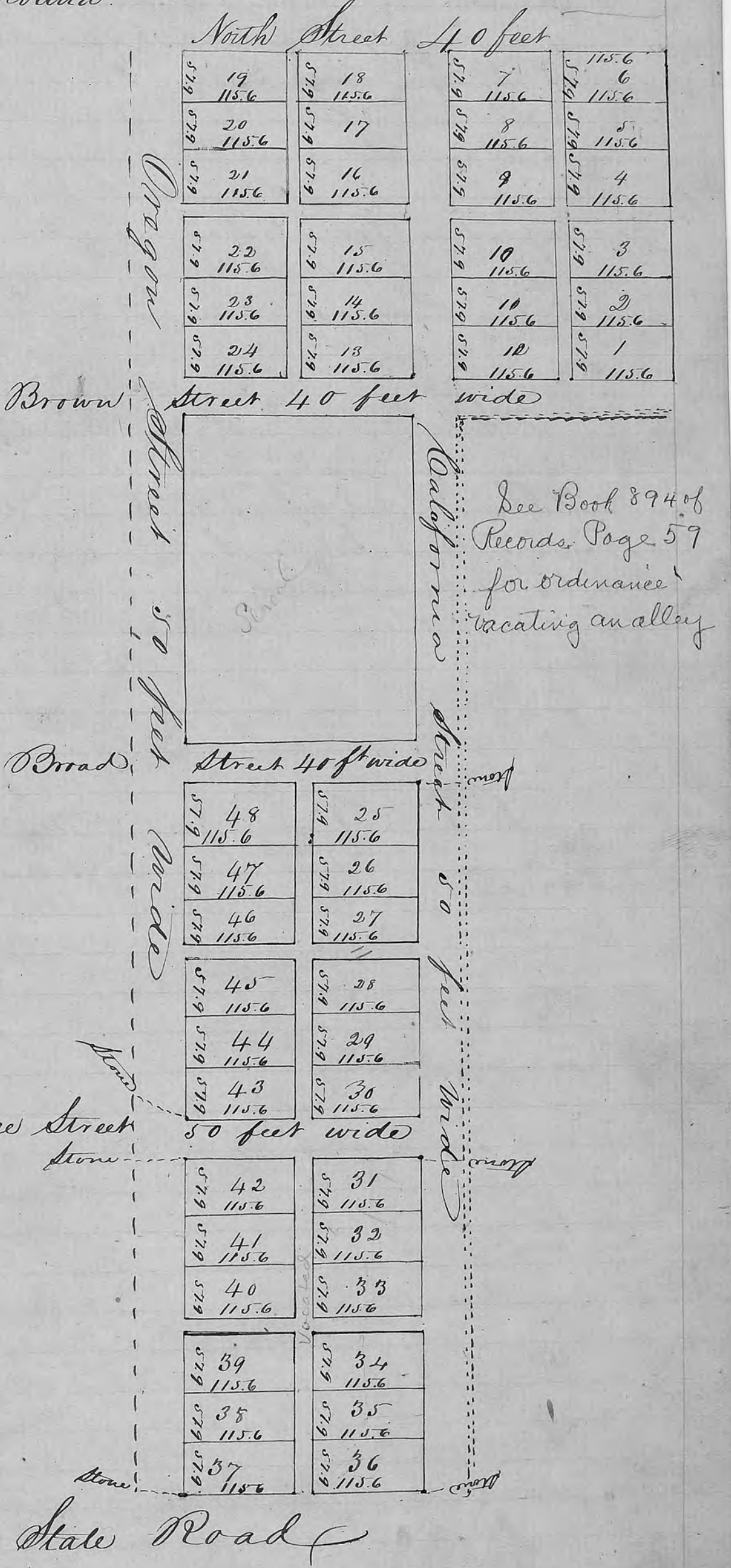
REV/10/1/ :

Subdivision of Out Lots Nos 1, 2, 3, 4 & 5 in James S. Busey's Addition of Out Lots to the Town of Urbana.

State of Illinois  
Champaign County  
I, John S. Busey, County Surveyor of said County, do hereby certify that the above named is a correct Plat of the subdivision of out lots Nos 1, 2, 3, 4, & 5 in James S. Busey's Addition of Out Lots to the Town of Urbana. The exact length and breadth of each lot being marked in feet and inches on said Plat and contain each 24400 Poles.

Given under my hand and this 8th day of

John S. Busey  
County Surveyor



# Exhibit F - Public Comments

**From:** [Casey Smith](#)  
**To:** [IPPlanning](#)  
**Subject:** Support for 410 W California Driveway Variance  
**Date:** Monday, April 17, 2023 9:54:11 AM

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

Use caution when clicking on links or opening attachments.

Greetings-

I'm writing in support of the variance for the additional driveway at 410 W California. Allowing a full street side driveway for 410 will greatly improve the utility and greenspace of a generational family living arrangement for excellent neighbors that have continued a legacy of care for their home and community.

Thank you for your time and consideration!

Best-  
Casey Smith  
507 S. McCullough St

## Exhibit F - Public Comments

409 W. Oregon St.  
Urbana, IL 61801

May 9, 2023

Mr. Marcus Ricci  
Planner II  
City of Urbana  
400 S. Vine St.  
Urbana, IL 61801

Re: ZBA-2023-MAJ-01 and ZBA-2023-MIN-02 at 410 W California Ave.

Dear Marcus and ZBA members,

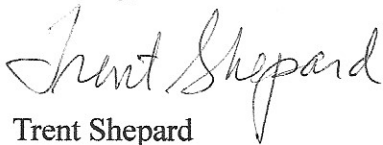
I am the owner of 406, 408 and 410 W. Oregon St., all of which are within 250' of the subject property. I am writing in favor of both variances being granted to Jim Planey.

I've looked at this property from three sides. I have lived within a block of the subject property for 40 years and am very familiar with it. The lot width at my house is 40', so I know the limitations involved in living on an undersized lot. I have a shared driveway at my house and so does my property at 410 W Oregon. I've requested and was granted a variance when I rebuilt my shared garage at the end of my home's shared driveway. I think it's important to make exceptions such as the ones requested in order for this old neighborhood to remain attractive to new construction and homeowners.

The new house with its two driveways will be a positive for this neighborhood. It will look better than the current lot and house do now, easily be more energy efficient, and provide good housing stock for the future. I don't think that the new house being a foot and three inches wider on each side than the maximum width allowed is a big deal. Neither of the houses on either side of 410 is overly close to the current house there.

I'll be pleased if you grant both variances.

Sincerely,



Trent Shepard

## Exhibit F - Public Comments

**From:** [Rob McColley](#)  
**To:** [Ricci, Marcus](#)  
**Subject:** Re: 410 W California  
**Date:** Thursday, May 11, 2023 9:36:54 AM

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

Use caution when clicking on links or opening attachments.

Thanks.

I oppose the variance on safety & aesthetic grounds.

410 W California is accessible from the rear (Cedar Alley) by design. The Leal School playground is across the street. California Avenue was designated a Bike Route by the City of Urbana. Having more cars backing out over the sidewalk and into California Avenue, within 20 paces of that playground, is madness.

Urbana's Garfield Avenue was blocked off at Carle Park because my friend Peter Rutherford was killed there by a hot-rodding teenager while walking home for lunch. He was 7 years old.

I saw Pat Breen die in front of 410 W. California when a different teenager didn't yield at McCullough Street. Paramedics wrapped Breen's broken arm in a clear plastic bubble while he wailed to be allowed to stand. A portion of his skull was missing, and I could see his brain. I was 10. The city subsequently replaced California's yield signs with stop signs.

The charm and property values of Urbana's core neighborhoods are borne of walkability. We are not a community of garage doors. Plenty of subdivisions and exurbs exist which cater to the car-centric lifestyle.

RM  
503 W Illinois

## Exhibit G - Photos



Fig. 1: Looking north from California Ave: 410 on left, 408 on right, shared drive in middle.



Fig. 2: From California Ave.: 412 on left, 410 on right.

## Exhibit G - Photos

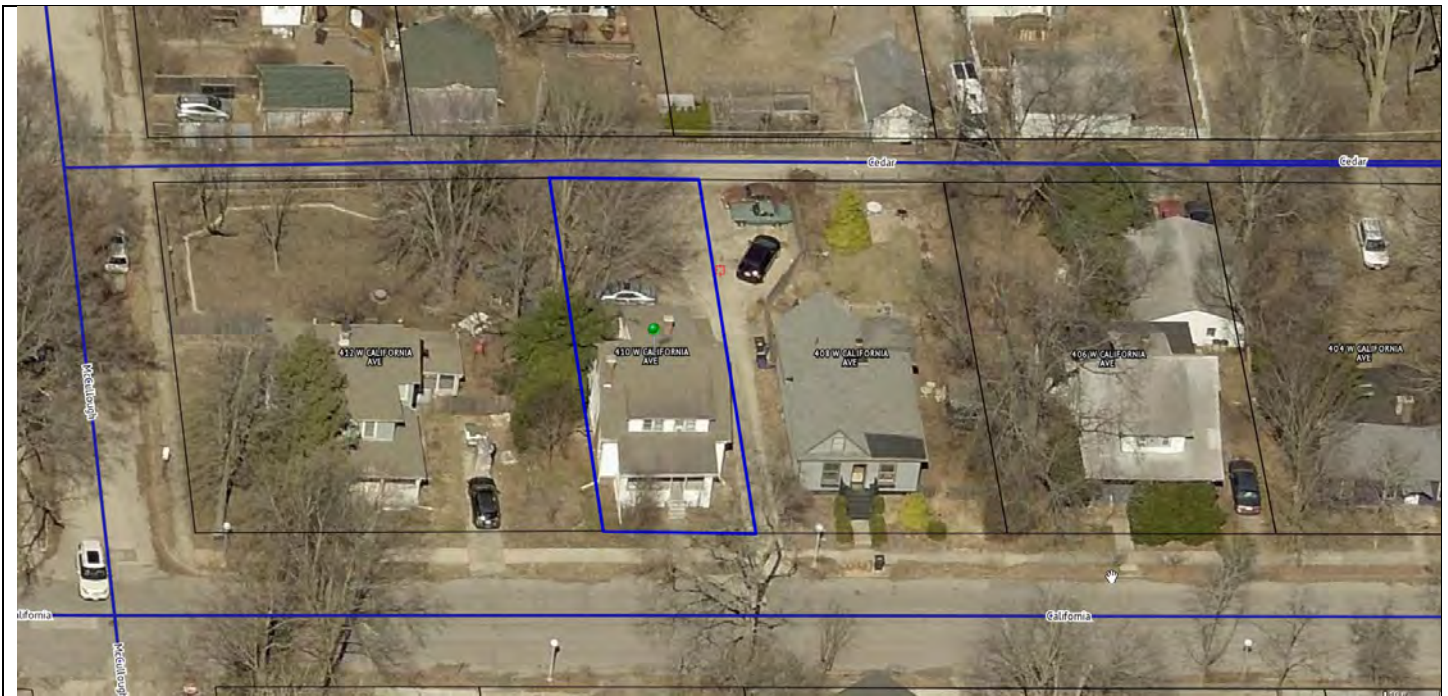


Fig. 3: Aerial looking northeast onto site; note shared access drive, and predominance of front houses and rear garages.



Fig. 4: Aerial looking south onto site; note shared access drive and predominance of front houses and rear garages.

## Exhibit G - Photos



*Fig. 5: Looking south from alley into rear yard: note concrete shared drive and gravel/turf parking area.*



*Fig 6: Looking north from shared drive to alley.*