

DATE: Wednesday, February 21, 2024
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

- A. Roll Call and Declaration of Quorum
- B. Changes to the Agenda
- C. Approval of Minutes

[Minutes](#) of the January 17, 2024 Regular Meeting

- D. Written Communications
- E. Continued Public Hearings
- F. New Public Hearings

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

- G. Old Business
- H. New Business
- I. Audience Participation
- J. Staff Report
- K. Study Session
- L. Adjournment

PUBLIC INPUT

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

Public Input will be taken in the following ways:

Email Input

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: Planning@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: 217.384.2455

Email: hro@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>.

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: January 17, 2024

TIME: 7:00 P.M.

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

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

MEMBERS ABSENT: Matt Cho

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

OTHERS PRESENT: Geoff Bant, Joanne Budde, Andrew Fell, Aaron Haunhorst, Tanner Shiley

A. CALL TO ORDER and ROLL CALL

Chair Welch called the meeting to order at 7:03 p.m. Roll call was taken, and he declared a quorum present.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes of the December 13, 2023 Special Meeting

Mr. Warmbrunn recommended the following changes to the December 13, 2023 Special Meeting minutes:

1. Page 5, First Paragraph, First Sentence should read as, “Ms. Trimble asked why they are not all here at this meeting.”
2. Page 11, Paragraph 5, First Sentence should read as, “Mr. Warmbrunn asked if the reduced site plan, when it goes from 300 units to 270 units, would be reviewed by the City of Urbana for drainage.”

There was discussion relating to the interpretation of what was said in the first sentence on Page 5. The recommendation stands. Ms. McLaughlin moved that the Zoning Board of Appeals approve the

minutes of the December 13, 2023 special meeting as revised. Mr. Rusch seconded the motion. The motion was approved by unanimous voice vote.

Minutes of the December 20, 2023 Regular Meeting

Ms. McLaughlin moved that the Zoning Board of Appeals approve the minutes of the December 20, 2023 regular meeting as written. Mr. Warmbrunn seconded the motion. The motion was approved by unanimous voice vote.

D. WRITTEN COMMUNICATIONS

There were none.

E. CONTINUED PUBLIC HEARINGS

There were none.

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

NOTE: Ms. Uchtmann arrived at 7:09 p.m.

E. NEW PUBLIC HEARINGS

ZBA-2023-MAJ-05 – A request by Andrew Fell, on behalf of Yasmin Bobat, Trustee, for a Major Variance to reduce the required front yard along McCullough Street from 20 feet, 4 inches to 5 feet at 408 West Main Street in the R-4 (Medium Density Multiple Family Residential) Zoning District.

Chair Welch opened Case No. ZBA-2023-MAJ-05. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals by stating facts from the written staff report. He gave a brief history of the proposed site. He noted the land uses, zoning and future land use designations of the subject property and of the surrounding properties. He showed a concept plan and building renderings of the proposed duplex. He talked about the proposed development and the notification process for this public hearing. He summarized staff findings and reviewed the options of the Board members. He presented staff's recommendation for approval of Case No. ZBA-2023-MAJ-05 with the following condition:

1. Construction must be in general conformance with the site plan titled "408 West Main – New Duplex".

He stated that the applicant is available to answer questions.

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

Ms. Chester inquired about parking for the site. Mr. Ricci explained that the owner also owns the property next door at 406 West Main Street, which is a legally non-conforming triplex that did not have any parking on the lot. When the owner renovated 406 West Main Street, they demolished a

garage with one dwelling unit and put in parking with the understanding that the parking would be made available to a newly constructed building at 408 West Main Street.

Ms. Chester asked what would happen if the owner decided to sell one of the properties. Mr. Ricci stated that the Zoning Ordinance allows a property owner to provide parking off-site within 600 feet of their property. He said that there would either need to be an agreement for the parking arrangement included with the sale of the property or the owner of 408 West Main Street would need to find and secure parking elsewhere within 600 feet.

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

Andrew Fell, applicant, approached the Zoning Board of Appeals to speak. He mentioned that both 406 and 408 West Main Street have been tied together in their quest to renovate. They worked with City staff to come to an agreement for keeping 406 West Main Street legally non-conforming while providing parking for 408 West Main Street. He then clarified the reason for the proposed major variance is to extend the west setback out a little to allow them to bring the north side of the proposed building down in order to have room for the driveway so residents can access their parking spaces.

Ms. Uchtmann asked who owns the 10-foot strip near the west property line. Mr. Fell stated that it is part of the right-of-way along McCullough Street. Mr. Ricci agreed.

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

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2023-MAJ-05 to the City Council with a recommendation for approval with the following condition:

1. Construction must be in general conformance with the site plan titled “408 West Main – New Duplex”.

He stated that he was in favor of the motion because he agrees with all 5 points elicited in staff’s Summary of Findings. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote of 6-0. Mr. Ricci noted that Case No. ZBA-2023-MAJ-05 would be forwarded to the Committee of the Whole on February 19, 2024 and to City Council on February 26, 2024.

ZBA-2023-MIN-04 - A request by Tanner Shiley, on behalf of Aaron Haunhorst dba ECI Holdings, LLC, for a Minor Variance to reduce the required rear yard from 10 feet to 7 feet, 6 inches at 805 and 809 Perkins Road in the B-3 (General Business) Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2023-MIN-04. Marcus Ricci, Planner II, presented the written staff report. Mr. Ricci gave a brief history of the proposed site. He noted the location and zoning of the site and of the surrounding properties. He showed photos of the site and briefly talked about the notification process for the public hearing. He reviewed the Summary of Findings, reviewed the options of the Zoning Board of Appeals, and presented staff's recommendation for approval of Case No. ZBA-2023-MIN-04 as presented. He mentioned that the applicant was available to answer questions.

Chair Welch asked if any of the members of the Zoning Board of Appeals had questions for City staff. There were none, so he opened the hearing for public input. He offered the applicants the opportunity to speak. Tanner Shiley and Aaron Haunhorst declined but stated that they were available if the Board had any questions for them.

Andrew Fell approached the Zoning Board of Appeals to speak in favor of the proposed request. He stated that he drives by the subject property every day multiple times. He noticed that over the last year especially since the outdoor structure was getting built that they have cleaned up the entire space by neatly storing materials in the structure.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motions by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2023-MIN-04 based on the Summary of Findings in the written staff report. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

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

F. OLD BUSINESS

There was none.

G. NEW BUSINESS

There was none.

H. AUDIENCE PARTICIPATION

There was none.

I. STAFF REPORT

There was none.

J. STUDY SESSION

There was none.

Ms. Uchtmann inquired if the staff was planning any study sessions on the topic of development of lots. Mr. Ricci replied no. Kimberly Smith, Director of Community Development Services, stated that staff is planning a study session to cover procedures in general and to review the Zoning Board of Appeals Bylaws to be held at a meeting in the near future.

K. ADJOURNMENT

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Marcus Ricci, AICP, Planner II
DATE: February 21, 2024
SUBJECT: **ZBA-2024-MIN-01:** A request by Daniel Gilbert and Amanda Ciafone for a Minor Variance to reduce the required front yard from 25 feet to 22 feet at 309 West Michigan Avenue in the R-1 (Single Family Residential) Zoning District.

Introduction

Daniel Gilbert and Amanda Ciafone request a minor variance to reduce the required front yard along Carle Avenue from 25 feet to 22 feet at 309 West Michigan Avenue in the R-1 (Single Family Residential) Zoning District, to allow construction of a garage.

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

Staff recommend the ZBA approve the minor variance with one condition.

Background

The house at 309 West Michigan Avenue was built in 1926. Its building footprint remained unchanged until recently, when a sunroom was added onto the south side of the house. It is known as the “Dr. H.A Hindman House,” according to a historic resource survey from 2002.¹ The lot was platted in 1914 as part of the Hubbard Trace Subdivision, which required a 75-foot front yard for the fourteen lots along Michigan and Pennsylvania Avenues.² The Michigan Avenue lots also require a 7.5-foot utility easement along the rear (south) property line, requiring any accessory structure to be built closer to the house, and reducing the core area of the back yard.

Description of Site and Area

The property is located on the south side of Michigan Avenue between Carle Avenue and South Race Street.³ The following table identifies the current zoning, and existing and future land use of the site and surrounding properties.⁴ The future land use designation is Residential – Urban Pattern,” identifies the area as “West Urbana,” and lays out four strategies for neighborhood stability, including “preserving the existing zoning protections.”

¹ Exhibit E – Historic Resources Survey Form. The property is not a local Historic Landmark.

² Exhibit G – Plat of Hubbard’s Trace (1914)

³ Exhibit A – Location and Land Use; Exhibit F – Site Photos & Aerials.

⁴ Exhibits A, B – Zoning, and C – Future Land Use.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-1 (Single Family Residential)	Single-family home	Residential
North	R-2 (Single Family Residential)	Single-family homes; one duplex	Residential
East	R-1 (Single Family Residential)	Single-family homes	Residential
South	R-1 (Single Family Residential)	Single-family homes	Residential
West	R-1 (Single Family Residential)	Single-family homes	Residential

Table 1. Zoning and Land Use

Discussion

The applicants want to build a 528 sq ft garage (22 feet by 24 feet), and request a minor variance to locate it three feet closer to Carle Avenue.⁵ They purchased the home in 2019, and have been renovating it in a style to maintain and reflect the character and historic values of the almost 200-year-old home. The renovations include an addition on the south side of the house, facing the rear yard.⁶ The west room of the house is only 17 feet from the west property line, encroaching eight feet into the required 25-foot front yard. The new south addition is 28 feet from the property line.

The proposed garage would be 22 feet from the property line, encroaching 3 feet into the required yard. This location would provide enough clear sky for the garage’s planned roof-mounted solar panels to function reasonably.⁷ The configuration would maintain the house’s historic view of the rear yard and align a proposed sidewalk from the garage to the stoop on the new addition. The applicants have already coordinated tree removal and right-of-way activities with Public Works.

Accessory structures are permitted by right in the R-1 zoning district, and must meet the development regulations required by Table VI-3, including a minimum 25-foot front yard along Carle Avenue and minimum 18-inch setback for accessory structures along the south property line. The garage would meet all other development regulations for the R-1 district.

Variance Criteria

Section XI-3.C.2 of the 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 property concerned, in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated. Other than meeting Criterion 1, there are no other requirements, such as meeting a certain number of criteria.

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

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

The special circumstances of this parcel are the three conditions that together, but not individually, significantly reduce the parcel’s gross area of 16,348 sq ft area to its buildable area of 6,000 sf: the

⁵ Exhibit D – Variance Application – Site Plan.

⁶ Exhibit F – Site Photos & Aerials.

⁷ Exhibit D – Variance Application – Solar Rendering.

75-foot front yard along Michigan, the 25-foot front yard along Carle, and the 7.5-foot rear utility easement.

Staff find this criterion met.

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 requested variance will not serve as a special privilege because there are only four parcels in the city that exhibit the three existing conditions that together create the special circumstances to be addressed by the variance: these are the four corner lots in Hubbard's Trace along Michigan Avenue. There are an additional ten corner parcels that have a 75-foot front yard and 25-foot front yard – two in Hubbard's Trace and eight in the University Heights subdivision to the west – but none of these also require a 7.5-foot rear yard easement.

Staff find this criterion met.

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

The applicants did not create the existing conditions, including the rear yard utility easement.

Staff find this criterion met.

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

The garage would be consistent with the essential character of the neighborhood, which includes other nonconforming homes and garages that encroach into their front yards.⁸ The garage would still be set back further from Carle Avenue than the house and would be smaller than the maximum size allowed for accessory structures (528 sq ft versus 750 sq ft).

Staff find this criterion met.

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

The garage will not create a nuisance because its distance from adjacent intersections and access drives conforms with current access guidelines.⁹ The 7.5-foot utility easement requires it to be further from the rear property line than the typical 18-inch setback for a garage.

Staff find this criterion met.

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

The applicants are requesting the variance to improve the view of their rear yard and reduce impervious area and stormwater runoff. The variance is less than the existing encroachment of the house into the front yard. Staff find that the applicants would be able to build a garage without the requested variance that would meet all development requirements, with a roof-mounted solar energy system, and leave a usable back yard.

⁸ Exhibit D – Variance Application – Comparable Setbacks. Staff found examples of nearby lots whose houses encroached into required front yards, and one where a detached garage encroaches 11 feet into the required front yard.

⁹ Access Management Guidelines for the Urbanized Area (CUUATS, 2013); Utility and Right-Of-Way Permit Standard Details (Urbana Public Works Department, 2022).

Staff find this criterion not met.

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

Public Notice and Input

Staff published a legal ad in The News-Gazette to notify the public of the request and public hearing 15 days prior to the Zoning Board of Appeals meeting. Staff sent letters to 44 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 letters of support.¹⁰ In addition, the applicants distributed letters to the neighbors and received one letter of support.¹¹

Summary of Findings

Daniel Gilbert and Amanda Ciafone request a minor variance to reduce the required front yard along Carle Avenue from 25 feet to 22 feet at 309 West Michigan Avenue in the R-1 (Single Family Residential) Zoning District, to allow construction of a garage.

1. The special circumstances of this parcel are the three conditions that together, but not individually, significantly reduce the parcel's buildable area: the 75-foot front yard along Michigan, the 25-foot front yard along Carle, and the 7.5-foot rear utility easement.
2. The requested variance will not serve as a special privilege because only four parcels in the city exhibit these three conditions.
3. The requested variance would remedy an existing condition of the rear yard utility easement that was not created by the applicants.
4. The accessory structure would be consistent with the essential character of the neighborhood, which includes other garages that encroach into their front yard.
5. The accessory structure will not create a nuisance, as it will conform with current access guidelines and be further from the rear property line than typically required.
6. The variance is not required to build a functional garage with a roof-mounted solar system and still have a usable back yard.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2024-MIN-01: a minor variance to reduce a required front yard:

1. **Approve** the variance as requested based on the findings outlined in this memo; or
1. **Approve the variance with certain terms and conditions;** or
2. **Deny** the variance request.

If the 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.

¹⁰ Exhibit H – Communications

¹¹ Exhibit D – Variance Application – Neighbor Communications

Recommendation

Based on the evidence presented in the discussion above, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed Minor Variance in case ZBA-2024-MIN-01, with one condition:

1. Construction must be in general conformance with the attached site plan.

Attachments: Exhibit A – Location Map
Exhibit B – Zoning Map
Exhibit C – Future Land Use Map
Exhibit D – Variance Application
Exhibit E – Historic Resources Survey Form
Exhibit F – Site Photos & Aerials
Exhibit G – Plat of Hubbard’s Trace (1914)
Exhibit H – Communications

cc: Dan Gilbert & Amanda Ciafone, Applicants/Owners

Exhibit A - Location & Land Use



Case: ZBA-2024-MIN-01
 Subject: Front Yard Minor Variance
 Location: 309 West Michigan Avenue
 Applicant: Daniel Gilbert & Amanda Ciafone





-  Subject Property
-  Residential
-  Shopping, business, or trade
-  Leisure

Exhibit B - Zoning



Case: ZBA-2024-MIN-01
 Subject: Front Yard Minor Variance
 Location: 309 West Michigan Avenue
 Applicant: Daniel Gilbert & Amanda Ciafone





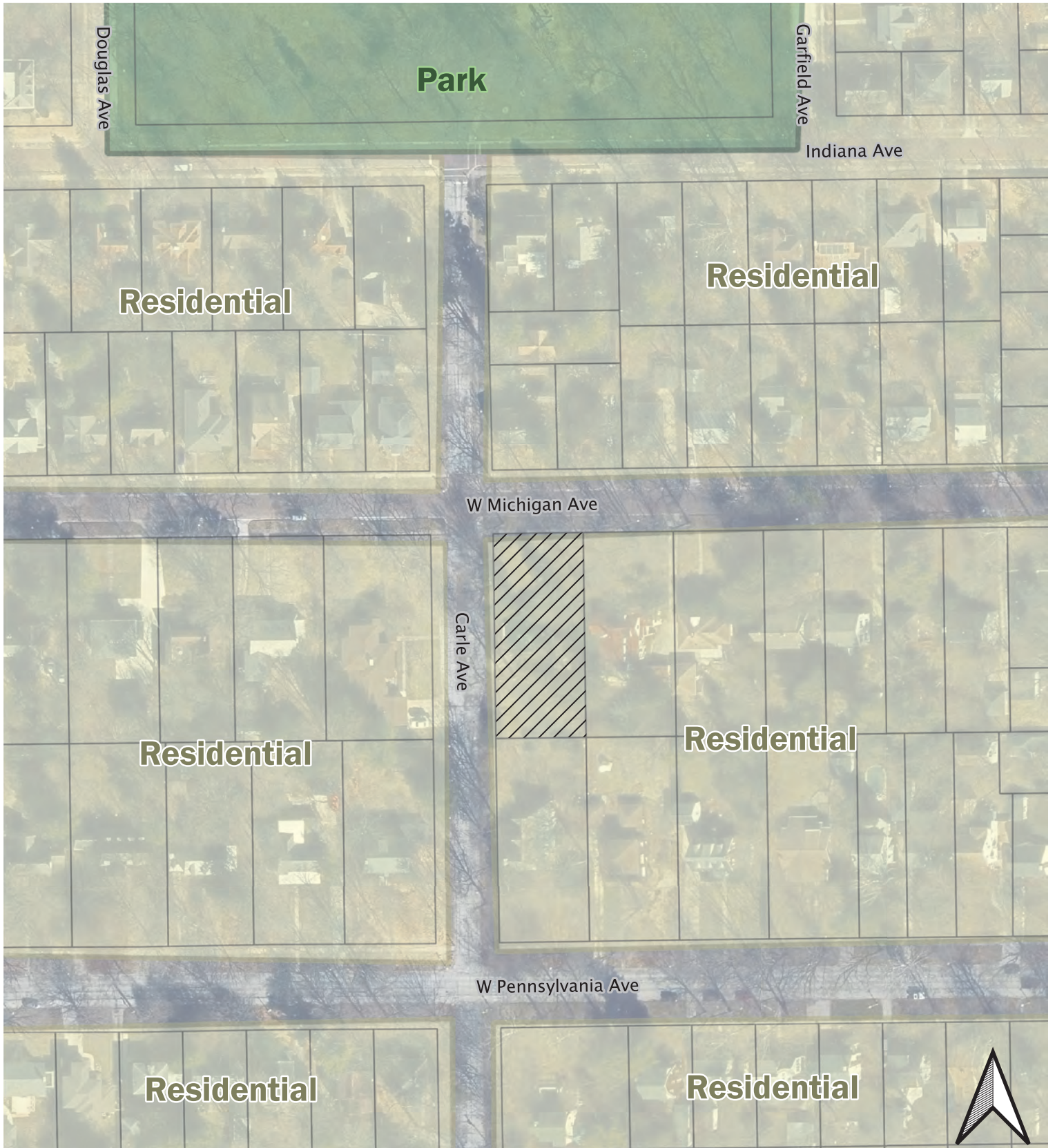
-  Subject Property
-  CRE
-  R-1
-  R-2

Exhibit C - Future Land Use



Case: ZBA-2024-MIN-01
Subject: Front Yard Minor Variance
Location: 309 West Michigan Avenue
Applicant: Daniel Gilbert & Amanda Ciafone

/// Subject Property

Exhibit D - Variance Application



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Permit #: VAR24-000001

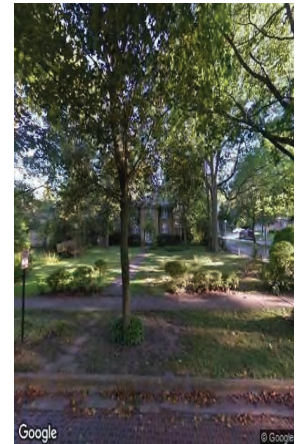
Project #: 24-000040

Status: Online Application Received

Balance Due: \$0.00

Address: 309 West Michigan Avenue 

Description: Request for reduced setback to build detached garage



Permit

Reviews

Documents

Inspections

Permit #:

VAR24-000001

Permit Type:

Variance

Sub Type:

Minor Variance

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

Exhibit D - Variance Application

'Schedule of Fees - Excluding Liquor License Fees', which can be found at <https://www.urbanaininois.us/fees> (<https://www.urbanaininois.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@urbanaininois.us

(<mailto:planning@urbanaininois.us>) or (217) 384-2440.

[Click Here \(https://www.urbanaininois.us/businesses/planning-zoning-forms/variances\)](https://www.urbanaininois.us/businesses/planning-zoning-forms/variances) to see the difference between major and minor variances.

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:

residence

Proposed Use:

We propose to build a one-story 22x24 garage to the south of our house on the corner lot at Michigan and Carle Avenues. The garage will be used to store two vehicles, garden equipment, and bicycles for our family. There will be solar panels on the south side of the roof. We are requesting a minor variance in order to locate the garage 22' east of the property line, instead of the required 25' setback. The garage will complete the extensive renovation and expansion work we have undertaken to make 309 W. Michigan into our family's home. We have communicated with the Urbana Department of Public Works and the City Arborist, and have received permission to undertake the necessary excavation, tree removal and concrete work in the right-of-way west of our property to create an approach to the proposed driveway.

Exhibit D - Variance Application

PROPERTY LEGAL DESCRIPTION

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

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

Legal Description Provided by Applicant:

Lot 7 Block 8 Hubbard Terrace

Legal Description attachment:

PERMIT INFORMATION

Number of Applicants:

2

Applicant Name:

Daniel Gilbert

Applicant Name 2:

Amanda Ciafone

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.:

Exhibit D - Variance Application

CONSULTANT INFORMATION

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

Architect Name, Email and Phone:

Engineer Name, Email and Phone:

Surveyor Name, Email and Phone:

Site Planner Name, Email and Phone:

Attorney Name, Email and Phone:

REASONS FOR VARIANCE PERMIT

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

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:

The placement of the garage is limited by some challenges specific to this parcel. As a corner lot, it has two front yards, each with large required setbacks. Additionally, while most lots allow garages to be built 18" from the rear property line, a 7' 6" easement for storm sewer extends into the southern part of this property, pushing the garage significantly into the lot. Large trees on the east side of the lot make building here substantially more challenging and costly, and would render the planned solar panels substantially less productive.

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:

This proposed position of the garage is in keeping with the position of the house on the lot. The original structure of the 100-year old house is more than 10 feet over the required setback. The proposed garage would extend

Exhibit D - Variance Application

3 feet over. In designing the recent addition to the southern side of the original house, we prioritized designing a structure that would complement the home's defining architectural elements, without extending over the required setback. The addition includes a new side entrance, accessible from Carle Ave. The covered concrete pad leading to this entry is located approximately 28' east of the property line. Locating the entry here facilitates accessibility and approachability of the door to the home for the family and the neighborhood. The proposed garage location allows for direct access via concrete walkway to this entrance. The original house featured an expansive view of the south lawn. By locating the garage 3 feet closer to Carle Avenue than would be permitted without a variance we will be able to better preserve this feature of the updated home. Otherwise, the 7' 6" easement and the 25' setback would push the garage into the center of the backyard. In addition, placing the garage in this location will maximize the effectiveness of the structure's solar panels. In order to show how this is the ideal location for sun exposure we have attached a rendering of the proposed garage location created by the solar installer that shows the existing trees on the south and east sides of the property.

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

The lot's particular characteristics – the two "front" yards, the storm sewer easement, and the existing trees – are not the result of any situation or condition that we created. When purchasing the property we were not aware that a storm sewer easement would prevent us from locating the garage closer to the south property line.

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

This proposed position of the garage constitutes a minor deviation from the ordinance with the aim of maintaining the character of the neighborhood.

Many neighborhood homes on corner lots have detached garages slightly to

Exhibit D - Variance Application

significantly over the setback. Please see the attached document for examples of detached garages with less than 25' setbacks, including homes on Carle and parallel streets between Pennsylvania and Michigan. Attached garages are frequently closer than 25' to the sidewalk or street. There are 3 other houses on our block (Carle between Pennsylvania and Michigan); all have attached garages, and 1 is variant to the setback. In addition, a shorter driveway will allow us to preserve more of the green space that is such an important part of the neighborhood's essential character. The 3-foot variance will result in 66 square feet of preserved yard versus impervious pavement. In addition to the aesthetic value of the resulting green space, the resulting reduction in stormwater runoff will also benefit the neighborhood.

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

Due to the required sewer easement, the proposed garage will be a substantial distance – 7.5 feet – away from the adjacent property line.

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

Yes, this requested variance represents the minimum deviation necessary.

We are requesting the variance just to allow for the construction of the detached garage at the proposed location.

ATTACHMENTS

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

309 Lot Plan and Solar Rendering.pdf

Comparable Garage Setbacks.pdf

CERTIFICATION

I am:

1. The property owner.

Exhibit D - Variance Application

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief.

Agree:

Yes

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

Agree:

Yes

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

Agree:

Yes

Applicant Signature Upload:

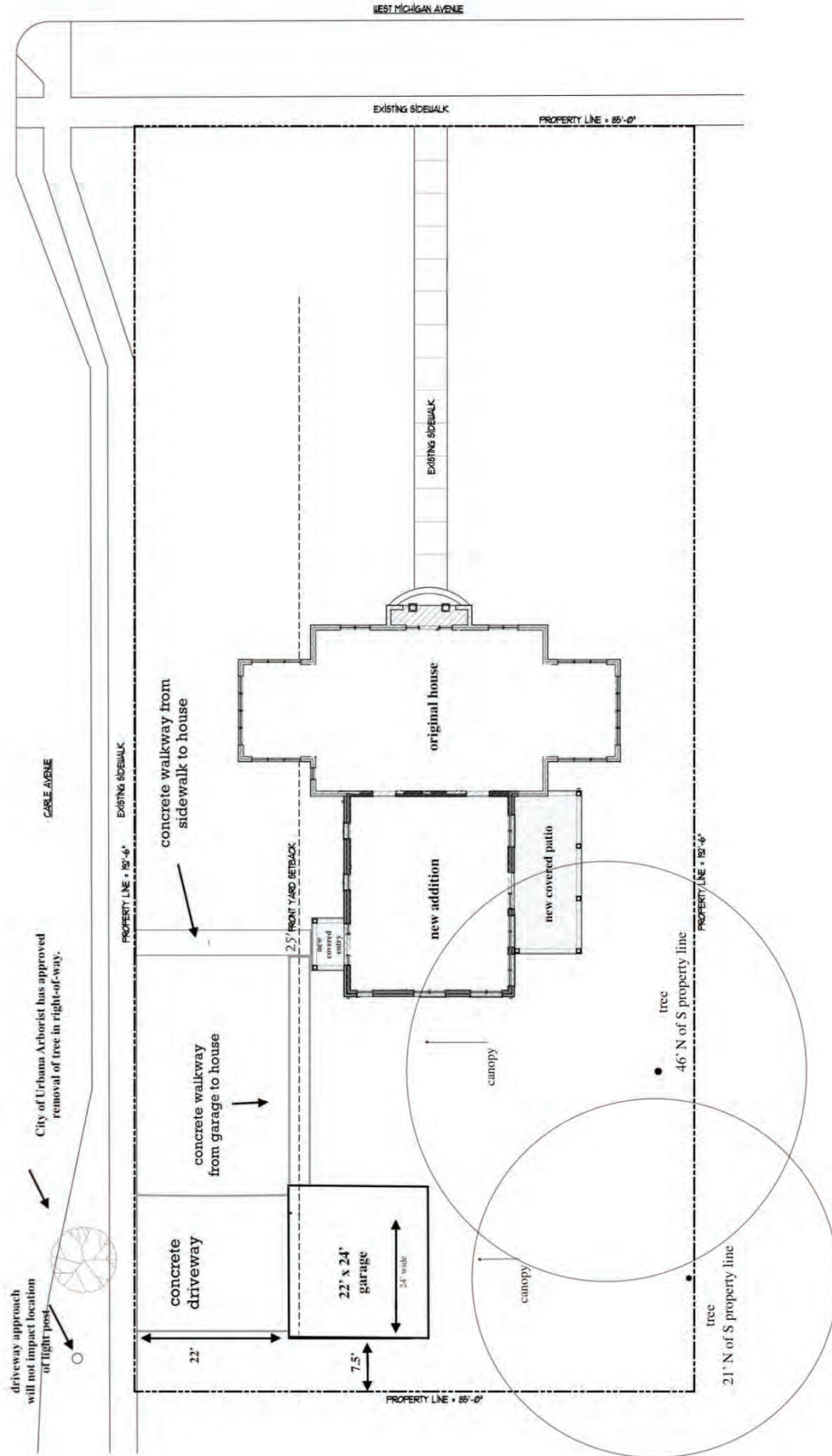
signature.png

Signer Name:

Daniel A. Gilbert

Exhibit D - Variance Application

- Site Plan



Solar rendering:

See your solar design

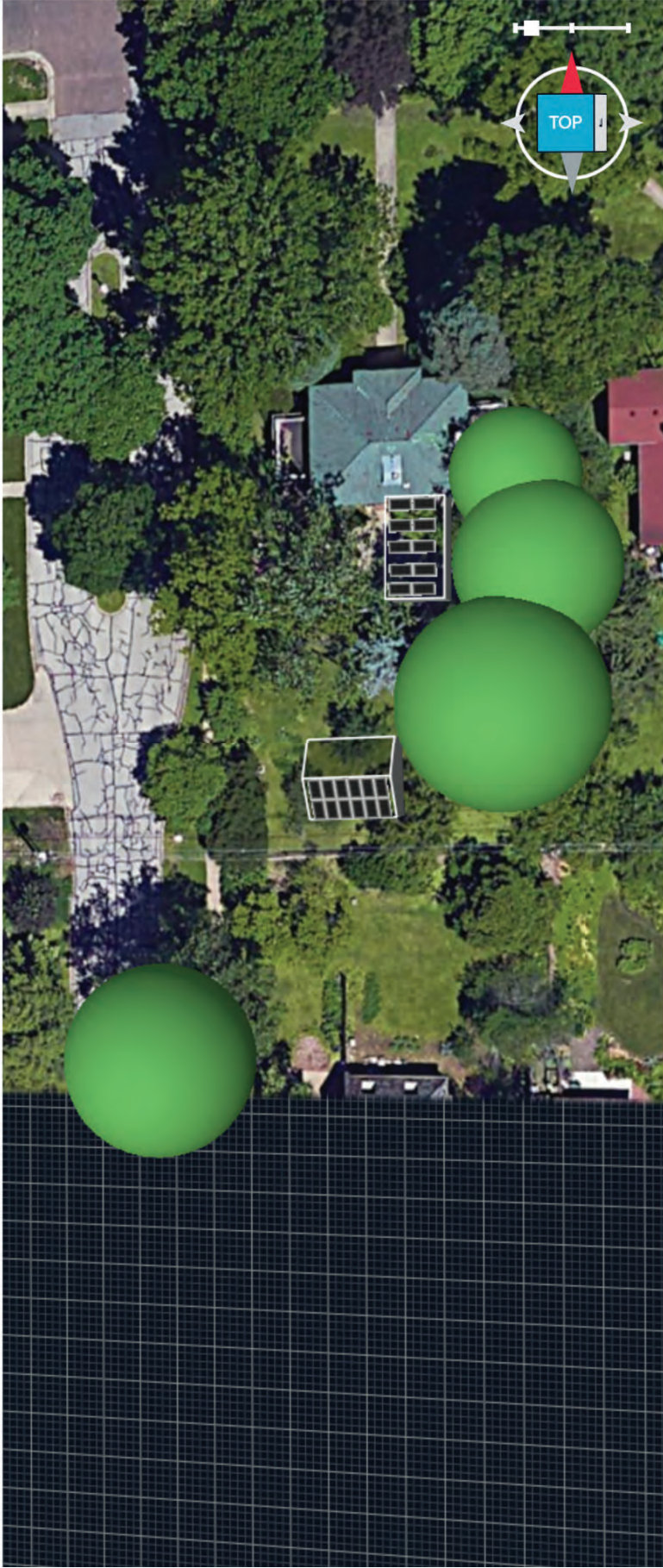


Exhibit D - Variance Application - Comparable Setbacks




R-1 Address	Detached garage setback	Photo
1506 Carle (corner w/W. Delaware)	15' 6"	
1506 S. Orchard (on corner w/ Delaware, off Orchard)	21'	
308 W. Florida (corner w / Carle, off Carle)	23'	

Exhibit D - Variance Application - Comparable Setbacks




<p>511 W. Pennsylvania (corner w/ Orchard, off Orchard)</p>	<p>23' 6"</p>	
<p>R-2 Address</p>	<p>Detached garage setback</p>	<p>Photo</p>
<p>501 W. Illinois (corner w/ McCullough, off McCullough)</p>	<p>18' 5"</p>	
<p>412 W. Washington Ave. (corner with McCullough, off McCullough)</p>	<p>19'</p>	

Exhibit D - Variance Application - Comparable Setbacks




<p>806 S. McCullough St.</p>	<p>19' 2"</p>	
<p>713 W. Oregon Ave. (on corner with Busey, off Busey)</p>	<p>20'</p>	
<p>502 W. Nevada Ave (corner with McCullough, off McCullough)</p>	<p>23' 9"</p>	

Exhibit D - Variance Application - Neighbor Communications

Dear future neighbors,

Thank you for putting up with all the construction commotion at 309 W. Michigan (the brick house on the SE corner of Michigan and Carle). We expect that work on the house will be complete in late spring. We can't wait to be able to move in, and we look forward to properly introducing ourselves to those of you we haven't yet met.

We wanted to let you know about a request we will be filing with the City of Urbana for a minor variance from the Zoning Ordinance in order to locate our garage 3 feet closer to Carle Avenue than otherwise allowed on a corner lot's second front yard. Instead of a 25' driveway we would like to have a 22' driveway.

We are planning to build a one-story, two-car garage, with solar panels installed on the south slope of the roof. The 22' x 24' structure will be located at the southern end of our property. Whereas garages are allowed to be 18" from a property line, due to a city easement for a storm sewer that runs east-west at the south of the property, we must leave 7.5' of clear space between the garage and the southern property line. By placing the garage 22 feet east of Carle Avenue we will be able to:

- maximize the continuous green space in our yard
- limit pavement and stormwater runoff
- achieve optimal location for solar panels
- ensure a clear sidewalk
- maintain a setback consistent with the home and several garages in the neighborhood

Feel free to be in touch with us (Amanda Ciafone 203-988-4687 and Dan Gilbert 203-988-4797) with questions or comments.

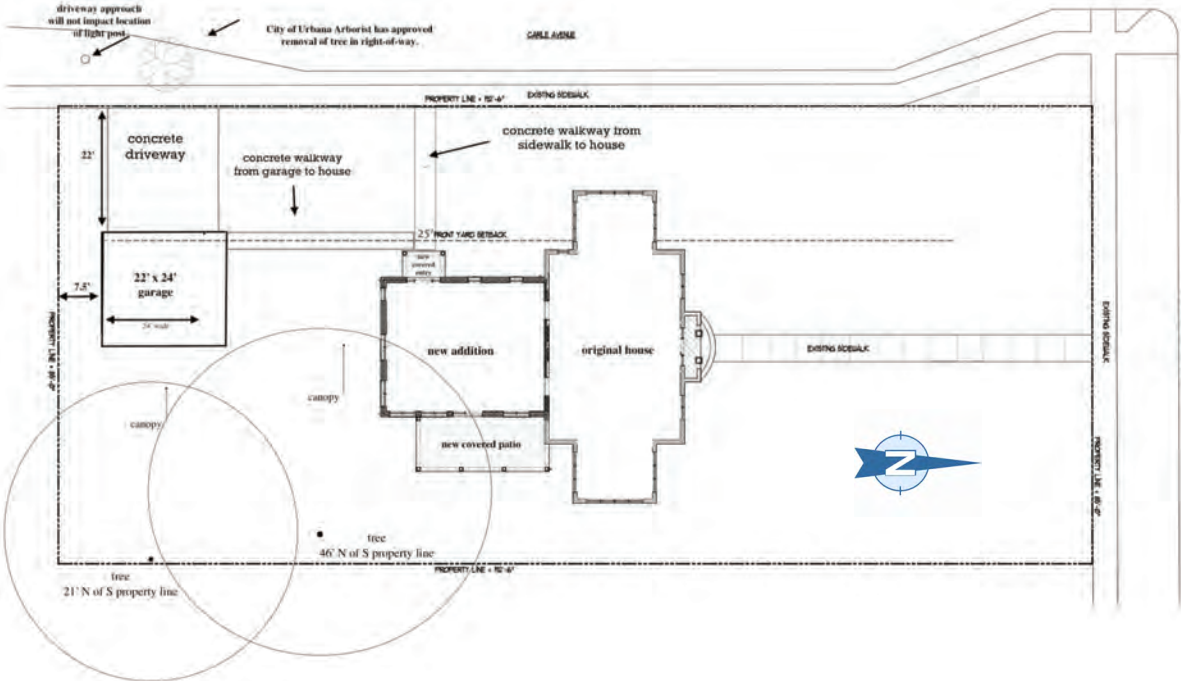


Exhibit D - Variance Application - Neighbor Communications

From: [Amanda Ciafone](#)
To: [Ricci, Marcus](#)
Subject: Fwd: [3]09 Michigan
Date: Thursday, February 1, 2024 3:37:45 PM

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

----- Forwarded message -----

From: <[XX](#)>
Date: Tue, Jan 9, 2024 at 8:23 AM
Subject: [3]09 Michigan
To: <[XX](#)>, <[XX](#)>

Hi Amanda and Dan:

Thanks for your informative flyer about your garage plans. I'm happy to support these. If it matters, you can say that the 402 W. Pennsylvania homeowner is in favor of granting this variance.

Looking forward to having you all as neighbors.

Best,

Andy Gewirth

Exhibit E



HISTORIC RESOURCES SURVEY FORM

HISTORIC PROPERTY NAME The Dr. H.A. Hindman House		
COMMON/CURRENT PROPERTY NAME		
PROPERTY ADDRESS 309 W. Michigan		
ASSESSOR'S PARCEL NUMBER 21 17 380 001 0000		
OWNER/OCCUPANT Scott, Ann Marie		
OWNER'S ADDRESS 309 W. Michigan		
PROPERTY'S HISTORIC USE Single-Family Residence		
PROPERTY'S CURRENT USE Single-Family Residence		
ARCHITECT'S NAME		
BUILDER/CONTRACTOR		
DATE OF CONSTRUCTION 1926		
ARCHITECTURAL STYLE OR VERNACULAR BLDG TYPE Mediterranean	PHOTO BY Kevin G. Butler	DATE March 1, 2002
FORM PREPARED BY Kevin G. Butler	DATE March 13, 2002	VIEW OF PHOTO Front Entrance, Facing North
PROPERTY DESCRIPTION (GEOGRAPHICAL DATA: LOT SHAPE, LOT DIMENSIONS) 309 W. Michigan is located on the Southwest quarter of the block of Third Street and W. Michigan Street. 309 W. Michigan's lot is rectangular in shape measuring 85ft. wide by 192.5ft. deep.		

Exhibit E

History of Structure

CHAIN OF OWNERSHIP OR OCCUPATION

<i>PREVIOUS OWNERS</i>	<i>DATE(S) OF OWNERSHIP</i>	<i>USE</i>
Hindman, H.A.	1926 – 1958	Single-Family Residence
Fatheree, L.L.	1959 – 1960	Single-Family Residence
Scott, J.T.	1961 – 1992	Single-Family Residence
Scott, A.M.	1993 – 2002	Single-Family Residence

Attach additional pages, if necessary

CURRENT DESIGNATIONS

Is property National Register listed?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If yes, is it a...	Individual property <input type="checkbox"/>	District <input type="checkbox"/>
If no, it is...	Not Eligible <input type="checkbox"/>	Eligible <input checked="" type="checkbox"/>
Is property an Urbana local landmark?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

STATEMENT OF HISTORIC SIGNIFICANCE

The property located at 309 W. Michigan is a Mediterranean type building. The property was first lived in by Dr. H.A. Hindman, a prominent local dentist. Dr. H.A. Hindman served on several national dental boards and the University YMCA's board. Dr. H.A. Hindman was actively involved in and recognized by Champaign-Urbana's Boy Scouts.

309 W. Michigan displays the Mediterranean building type of the early twentieth century. The building still has the tile roof characteristic to Mediterranean building types and displays a very ornate entranceway. The building has maintained its integrity very well and has been maintained fairly. The buildings original Mediterranean characteristics are abundant and original to the state street area.

The Dr. H.A. Hindman house brings an ornate building structure and design to Urbana's historic state street area that well represents the persona of its original owner, Dr. H.A. Hindman.

INFORMATION SOURCES

Cunningham Township Tax Assessor's Office: Property Record
 University of Illinois' Map and Geography Library:
 Sidwell Map: 1987
 Sanborn Maps: October 1923, October 1923 – February 1945, 1969
 Urbana City Directory: 1923 – 1984
 The Champaign County Historical Archives: Building Permits
 The News-Gazette, Obituaries: August 14, 1974

Exhibit E

Structure Survey

INTEGRITY <input checked="" type="checkbox"/> Unaltered (All or most architectural details present) <input type="checkbox"/> Slight modifications (Largely intact, but lacking some details) <input type="checkbox"/> Major alterations (All or most architectural details missing)	CONDITION <input type="checkbox"/> Excellent (Roof, walls and foundation in good repair) <input checked="" type="checkbox"/> Good (Same as "Excellent," but in need of some maintenance work) <input type="checkbox"/> Poor (Major overhaul work required)																																		
ADDITIONS/ALTERATIONS (Include dates and architects/contractors, if known) 																																			
CURRENT AND HISTORIC USES <table style="width:100%; border: none;"> <tr> <td style="width:10%; border: none;"><u>Current</u></td> <td style="width:10%; border: none;"><u>Historic</u></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/></td> <td style="border: none;"><input checked="" type="checkbox"/></td> <td style="border: none;">Single-Family Residence</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Multi-Family Residence</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Apartment Building</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Commercial</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Industrial</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Public Building</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Educational Building</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Religious Building</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Vacant</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Other _____</td> </tr> </table>	<u>Current</u>	<u>Historic</u>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Single-Family Residence	<input type="checkbox"/>	<input type="checkbox"/>	Multi-Family Residence	<input type="checkbox"/>	<input type="checkbox"/>	Apartment Building	<input type="checkbox"/>	<input type="checkbox"/>	Commercial	<input type="checkbox"/>	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	<input type="checkbox"/>	Public Building	<input type="checkbox"/>	<input type="checkbox"/>	Educational Building	<input type="checkbox"/>	<input type="checkbox"/>	Religious Building	<input type="checkbox"/>	<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	Other _____	EXTERIOR WALL MATERIAL <input checked="" type="checkbox"/> Brick <input type="checkbox"/> Stone <input type="checkbox"/> Wood siding <input type="checkbox"/> Wood shingles <input type="checkbox"/> Stucco (historic or modern) <input type="checkbox"/> Asphalt siding <input type="checkbox"/> Asbestos siding <input type="checkbox"/> Concrete block <input type="checkbox"/> Artificial siding <input type="checkbox"/> Other _____	ROOF MATERIAL <input type="checkbox"/> Asphalt shingles <input type="checkbox"/> Wood shingles <input type="checkbox"/> Slate shingles <input checked="" type="checkbox"/> Tile shingles <input type="checkbox"/> Metal <input type="checkbox"/> Tar <input type="checkbox"/> Other _____
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<input type="checkbox"/> Other _____																																			
DESCRIBE ABOVE ORNAMENTAL DETAILS <p>The first and second floor windows have wooden shutters. First floor windows display silted arches. Second floor windows display stone lintels and sills. The buildings entranceway is recessed and detailed with a brick semielliptical arch held up by tuscan posts. The doorway has trabeated windows to its sides and the exterior brick walls are patterned in a running bond</p>																																			
OUTBUILDINGS <input type="checkbox"/> Garage <input type="checkbox"/> Carport <input type="checkbox"/> Coach House <input type="checkbox"/> Pool <input type="checkbox"/> Gazebo <input type="checkbox"/> Greenhouse <input type="checkbox"/> Storage Shed <input type="checkbox"/> Other Describe location, construction, and date of detached structures: No outbuildings																																			
ADDITIONAL COMMENTS/FEATURES 																																			

Exhibit F – Site Photos & Aerials



Figure 1. W Michigan & Carle Avenue, facing south.



Figure 2. Carle Avenue, facing southeast (note extensive trees).

Exhibit F – Site Photos & Aerials



Figure 3. West yard, facing south (note flag at NW point of garage location).



Figure 4. Carle Avenue, facing east (note flag at NW point of garage location and extensive trees).

Exhibit F – Site Photos & Aerials



Figure 5. Proposed location of garage.

Exhibit G - Plat of Hubbard's Trace (1914)

State of Illinois :
: as
County of Champaign:

I, Alfred M. Darsly, City Engineer of the City of Urbana, Illinois do hereby certify that at the request of Fred C. Hubbard owner of the South East one quarter of the South West one quarter of Section 17, Twp. 10 N., Range 9 East of the 3rd P. M. have surveyed and subdivided the same into lots, blocks and streets of the size and dimensions shown on the accompanying plat; that said lots are numbered by progressive numbers, the number of each lot being designated thereon by the large figures in the centre of each lot and the length and width of each lot is designated in feet by the small figures adjacent to the lot lines. That said plat gives the names, widths and extent of all streets, the dimensions thereof being designated in feet by the numbers shown thereon.

Alfred M. Darsly,
City Engineer of Urbana, Illinois.

State of Illinois :
: as
County of Champaign:

I, W. E. Atkinson, a notary public in and for said County of Champaign and State of Illinois do hereby that Fred C. Hubbard, personally known to me to be the same person whose name is subscribed to the foregoing instrument of writing appeared before me this day in person and acknowledged that he signed sealed and delivered the said instrument, as his free and voluntary act for the uses and purposes therein set forth.

W. E. Atkinson,
Notary Public.

(W. E. Atkinson, Notary Public)
(Champaign Co. Ill.)

Know all Men by these presents:

That I, Fred C. Hubbard owner of the land described in the accompanying surveyors certificate have caused the same to be surveyed and subdivided in the manner and form as shown on the accompanying plat and I do hereby convey and relinquish to the public all streets in said subdivision within the Corporate limits of the City of Urbana to be used as public highways forever, reserving however to adjacent property owners the trees located on said plat in Carl Avenue between blocks seven and eight.

Witness my hand and seal this 25th day May, 1914.

Fred C. Hubbard
Martha C. Hubbard

State of Illinois :
County of Champaign: as
City of Urbana :

I, C. B. Holmes City Clerk of the City of Urbana, Illinois do hereby certify that the accompanying plat was submitted to and approved by the City Council of the City of Urbana, Illinois at a regular meeting thereof held on the 3rd day of August, 1914, as appears from the records now on file in my office.

In witness thereof I have hereunto set my hand and affixed the corporate seal of said City of Urbana, this 4th day of August, 1914.

C. B. Holmes,
City Clerk.

(Seal of the City of Urbana, Ill.)
(Organized under General Law 1873)
(Chartered 1855)

State of Illinois :
: as
City of Urbana :

Filed in my office this Jun, 1, 1914.

C. B. Holmes,
City Clerk.

Filed for record this August 4th, A. D. 1914 at 11 A. M.

Raymond A. ... Recorder.

Exhibit H - Communications

Ricci, Marcus

From: Andrew Haglund <XX>
Sent: Thursday, February 8, 2024 5:36 PM
To: Ricci, Marcus
Subject: Support for ZBA-2024-MIN-01

*** Email From An External Source ***

Use caution when clicking on links or opening attachments.

I support ZBA-2024-MIN-01

I live at <redacted>.

Thanks,
Andrew Haglund

Exhibit H - Communications

Ricci, Marcus

From: DFairchild Ruggles <XX>
Sent: Tuesday, February 13, 2024 11:34 AM
To: Ricci, Marcus
Cc: Dan Gilbert
Subject: 309 West Michigan Avenue - ZBA-2024-MIN-01 - Support Letter

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

Use caution when clicking on links or opening attachments.

I am writing to express support for the variance requested by Dan Gilbert and Amanda Ciafone at their residence, 309 W Michigan Avenue.

D. Fairchild Ruggles
<address redacted>