



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Kat Trotter, Planner I  
**DATE:** October 15, 2021  
**SUBJECT:** **ZBA-2021-MAJ-07:** A request by Robert Wease for a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road in the R-3, Single and Two-Family Residential Zoning District.

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### Introduction

Robert Wease requests a variance to allow for an accessory parking space to be paved in the required front yard at 1005 Philo Road, in the R-3, Single and Two-Family Residential zoning district. He would like to pave the existing access drive and an additional 18-foot wide accessory parking area. The access drive and parking space would be a combined 27 feet wide, measured from the southeast edge of the existing access drive. Section VIII-4 of the Urbana Zoning Ordinance prohibits parking in required front yards, so a variance is necessary to allow the request.

The Zoning Board of Appeals must review the variance application and hold a public hearing. The Board may recommend approval, approval with conditions, or denial to City Council. Staff recommends the Zoning Board of Appeals make a recommendation to City Council to approve the variance request with two conditions.

### Background

The applicant purchased the property in April 2017; however, the house has been on the property since 1961. The house spans the width of the lot, with narrow side yards of roughly five feet on the southeast side, and six feet on the northwest side. There is an attached one-car garage and a nine-foot-wide access drive that provide a maximum two parking spaces for Mr. and Mrs. Wease and any guests they have. The applicant would like to pave an accessory parking area in the required front yard, to create space for additional parking and to create a turn-around space, so he can turn around before pulling out onto Philo Road.

### Description of Site and Area

1005 Philo Road is 6,300 square feet in area and is located in the Champaign-Urbana AMVETS Homestead Association subdivision, south of Washington Street, on the west side of Philo Road. Nearby are other residences. Family Dollar and Boomerang's Bar & Grill are across the street. The adjacent properties to the west and south are zoned R-3, Single and Two-Family Residential, and the adjacent properties to the north and east are zoned B-3, General Business.

The following table identifies the current zoning and the existing land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Site	R-3, Single and Two-Family Residential	Residential
North	B-3, General Business	Commercial
South	R-3, Single and Two-Family Residential	Residential
East	B-3, General Business	Commercial
West	R-3, Single and Two-Family Residential	Residential

## Discussion

The applicant requests the variance to add additional parking and a turn-around area on his property. The existing access drive is nine feet wide and runs from Philo Road southwest to his one-car garage. Between the one-car garage and the access drive, there is space to park two cars, at most. There is no space to turn around on the narrow access drive, so drivers have to back out onto Philo Road; this is a safety concern for the applicant, as he has difficulty turning his head when backing out. Additionally, the high traffic volumes and number of access drives on Philo Road make it difficult for drivers to back out. There are 23 access drives on Philo Road, between Washington Street and Fairlawn Drive. Philo Road, between Washington Street and Florida Avenue, sees an average 7,300 trips per day. This traffic volume can be compared to East Main Street, between Race Street and Vine Street, which sees an average 6,700 trips per day, or East Windsor Road, between Race Street and Philo Road, which sees an average 9,000 trips per day<sup>1</sup>. The applicant would like to pave his existing access drive and an additional 18-foot wide accessory parking area. The paved area would provide additional parking and an area for drivers to turn around, so that they are able to pull out headfirst onto Philo Road. Since accessory parking spaces are not permitted in required front yards, a variance is required.<sup>2</sup>

The accessory parking area would be paved to the front property line and encroach 25 feet into the required 25-foot front yard. The access drive will not be widened at Philo Road or in the right-of-way. The right-of-way in between the front property line and Philo Road is approximately 16 feet 9 inches, so the accessory parking area should not cause visibility issues for drivers. The access drive and parking area would be approximately five feet from the south property line, and 26 feet 6 inches from the northwest property line; it should not cause a nuisance to either of the adjacent neighbors. Additionally, both adjacent neighbors have access to their rear and side yards, where there is room for accessory parking. Eleven of the 16 properties on this block of Philo Road have access to either the rear or side yard. Of those eleven properties, ten of them have parking in the rear or side yard. Three properties on the block have legally non-conforming accessory parking in the required front yard. 1005 Philo Road is one of only five properties along the block that does not have access to the rear or side yard; this significantly limits the possible locations for accessory parking on the lot. The

<sup>1</sup> Illinois Department of Transportation – Traffic Count (2021)

<https://www.arcgis.com/apps/webappviewer/index.html?id=3bea9453ab3d41b18eb5691e6084f9e5>

<sup>2</sup> Section VIII-4.J prohibits accessory parking in required front yards.

variance to allow for the accessory parking area in the required front yard would not alter the essential character of the neighborhood.

The variance request meets most, if not all, variance criteria, as discussed below. Additionally, Engineering and Building Safety have reviewed the request and have no objections to the accessory parking area. As a condition of approval, the access drive, apron and driveway would be required to be paved with an approved surface and meet the City of Urbana right-of-way standards

## 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 for this case:

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 house was built in 1961, spanning nearly the entire lot width, so there is no access to the rear or side yards. The one-car garage and narrow driveway limit on-site parking, and there is no on-street parking along Philo Road. There is no space to turn a car around on the property, so backing out onto Philo Road is necessary. The high traffic volume (7,300 ADT) and number of access drives (23) along this block of Philo Road make it difficult to safely back out of the applicant's driveway. Allowing an accessory parking space in the front yard will provide more on-site parking for when the applicant has guests, and would create a turn-around space so that backing out onto the street will not be necessary. If there were access to the rear or side yard, the accessory parking could be paved there, and no variance would be required.

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

The house has been on the property since 1961, and the edges of the house are approximately five feet from the side property lines. There is no access to the rear or side yards to pave accessory parking without a variance. Several other properties on the block have access to the rear or side yards, and accessory parking has been paved on nearly all of those lots. The variance would allow for an accessory parking space to be paved in the required front yard; there is no other area on the property where additional parking could go.

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

Prior to speaking with City staff, the applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard. The accessory parking space would be paved in the front yard, but all other Zoning Ordinance requirements would be complied with. Since the house and

access drive were built in 1961, and the petitioner bought the property in 2017, the situation was not created by the petitioner.

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

The accessory parking space will not alter the essential character of the neighborhood. Eleven of the 16 properties on this block of Philo Road have access to either their rear or side yard, and ten of those properties have parking in the rear or side yard, including both neighbors on either side of the applicant's property. Three properties along Philo Road have non-conforming accessory parking in the required front yard, so the additional parking on this property will not be out of place in the neighborhood.

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

The variance would allow an accessory parking space to be paved on the northwest side of the existing driveway. The access drive and accessory parking space will be roughly five feet from the southeast property line, and 26 feet, six inches from the northwest property line. The pavement will not encroach into either side yard and should not create a nuisance for the neighboring properties. Additionally, one neighbor of the property submitted a letter of public input in favor of the requested variance.

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

The accessory parking area will be 18 feet wide, which generally represents the minimum deviation from the Zoning Ordinance requirements to meet the desires of the applicant: to provide an additional parking area for occasional guests, and to provide a turnaround area for everyday use. There are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

## **Summary of Findings**

1. Robert Wease requests a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road in the R-3, Single and Two-Family Residential Zoning District.
2. The variance will not serve as a special privilege to the property owner, as there is no access to the rear or side yards to pave accessory parking without a variance; there is no other area on the property where additional parking could go.
3. The variance was not the result of a situation knowingly created by the applicant, as the applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard, and the house and existing access drive have been on the property since 1961.
4. The variance will not alter the essential character of the neighborhood as several properties along Philo Road have more than the required amount of parking, and three properties have legally non-conforming accessory parking in the required front yard, so the accessory parking space will not be out of place.
5. The variance will not cause a nuisance to adjacent property owners, as the accessory parking space will not encroach into either side yard, and one neighbor has submitted a letter of public input in favor of the requested variance.

6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as there are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2021-MAJ-07:

1. Forward the case to City Council with a recommendation to **approve** the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to **approve the variance with certain terms and conditions**. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variance on findings other than those articulated herein, they should articulate findings accordingly; or
3. **Deny** the variance request; or

## Recommendation

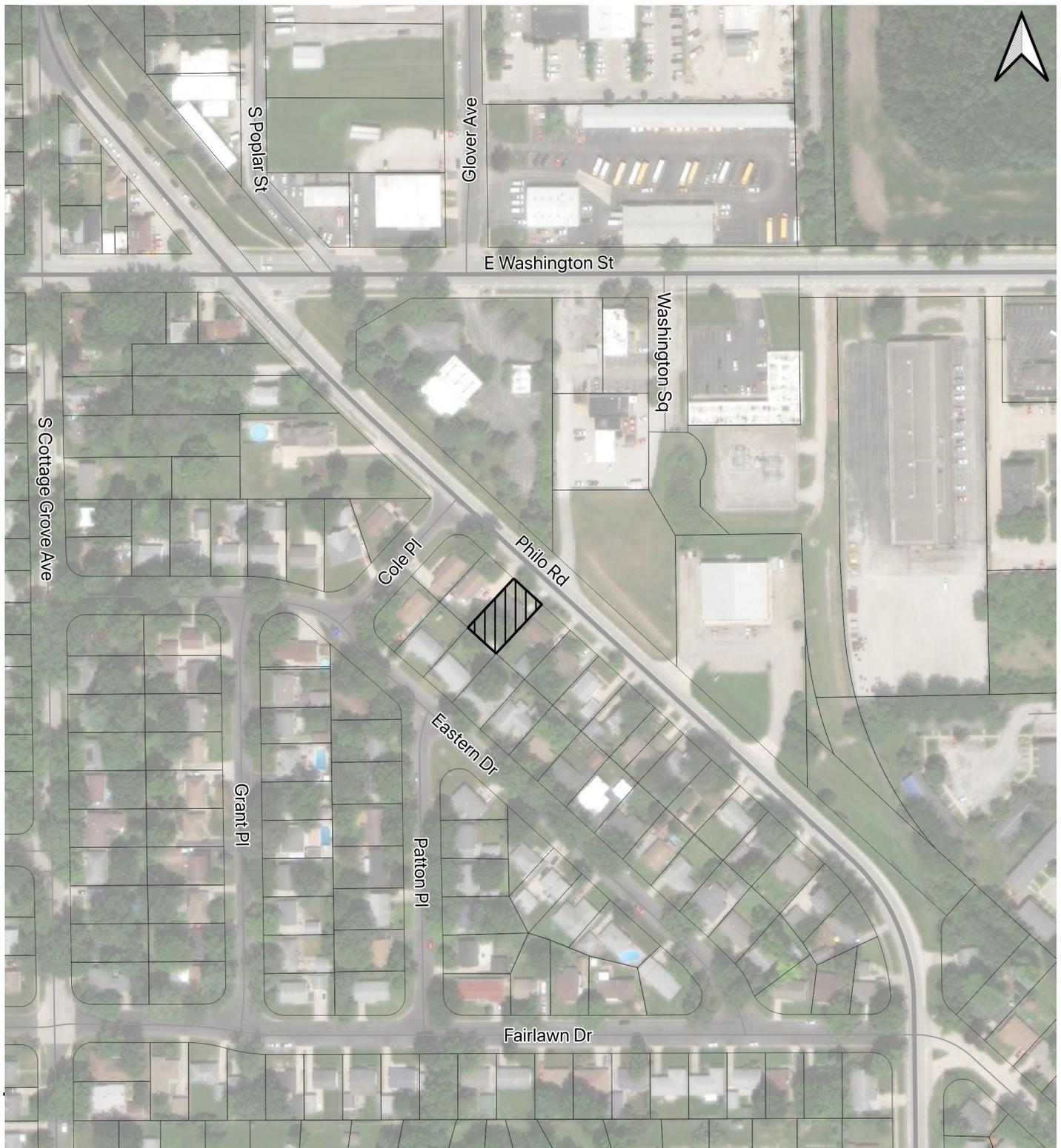
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals recommend **APPROVAL** of the proposed Major Variance in case ZBA-2021-MAJ-07 to the Urbana City Council with the following condition:

1. The accessory parking space will generally conform to the submitted site plan, as shown in Exhibit C.
2. The access drive, apron and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Proposed Site Plan  
Exhibit D: Site Photos  
Exhibit E: Letter of Public Input  
Exhibit F: Variance Application

cc: Robert Wease, Property Owner/Applicant

# Exhibit A - Location Map



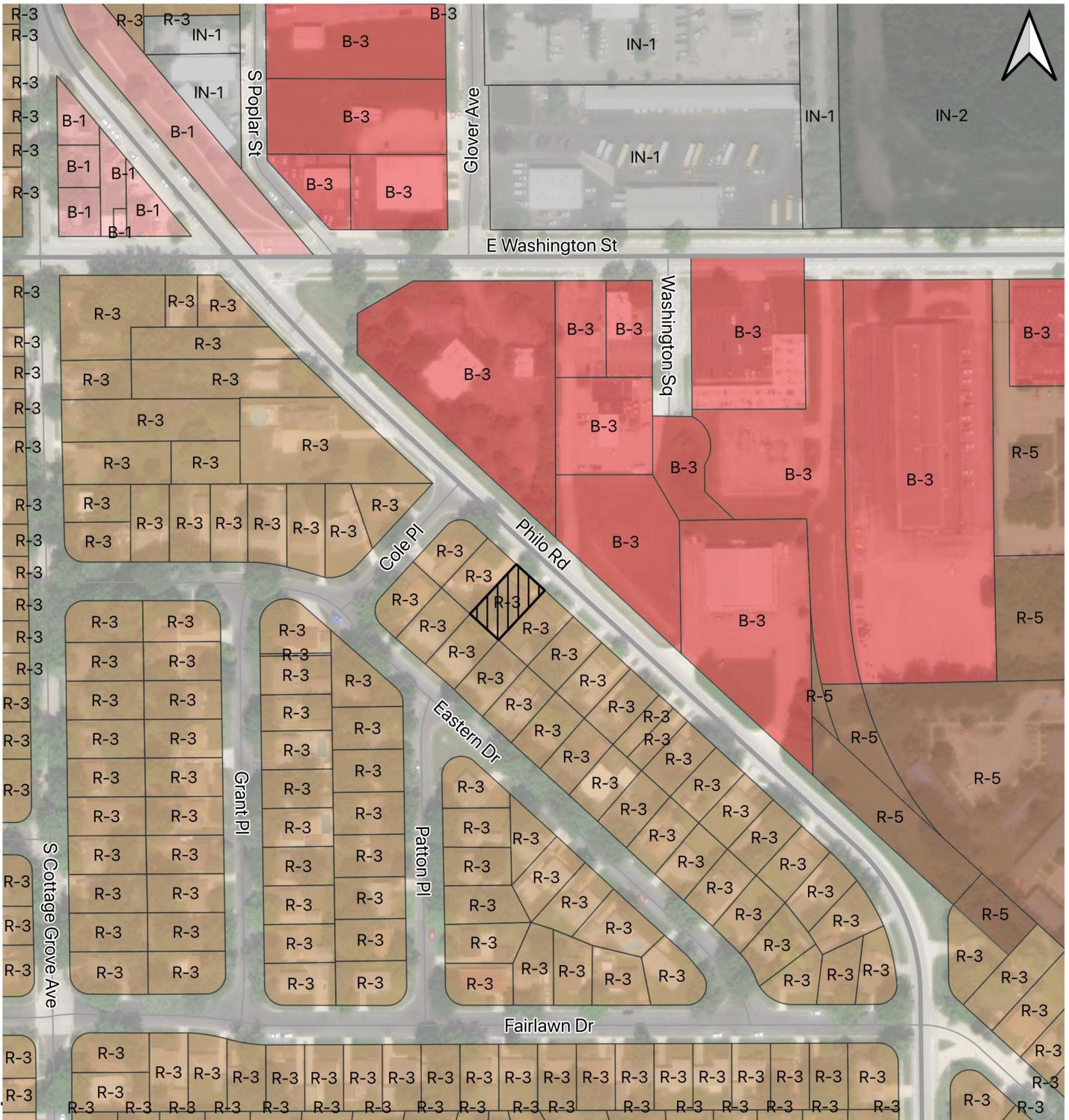
Case No. ZBA-2021-MAJ-07  
Subject Wease Driveway Variance  
Location 1005 Philo Road  
Petitioner Robert & Doris Wease

### Legend

-  Subject Property
- Esri Imagery



# Exhibit B - Zoning Map



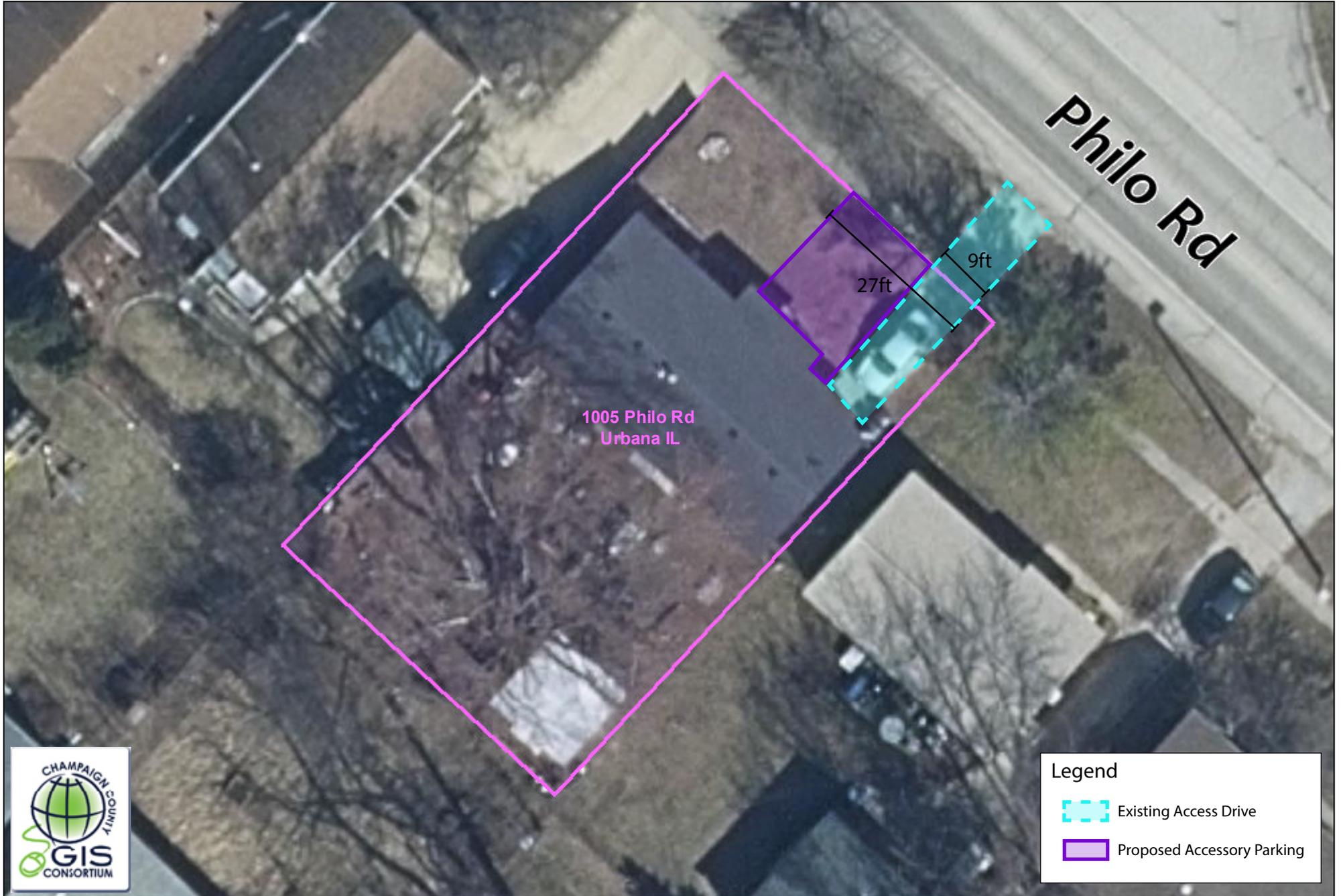
Case No. ZBA-2021-MAJ-07  
 Subject Wease Driveway Variance  
 Location 1005 Philo Road  
 Petitioner Robert & Doris Wease

## Legend

-  Subject Property
-  IN-1
-  IN-2
-  B-1
-  R-3
-  B-2
-  R-5



# GIS Webmap Public Interface Champaign County, Illinois



**Legend**

-  Existing Access Drive
-  Proposed Accessory Parking

10  
Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGISC), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



**EXHIBIT D – SITE PHOTOS**



From: RONALD BERKMAN / JACQUELINE C.  
1003 PHILO RD,  
URBANA, IL 61801

To: ROBERT WEASE  
1005 PHILO RD,  
URBANA, IL 61801

RE: CONCRETE DRIVE INSTALLATION  
WE HAVE NO OBJECTION TO THE  
INSTALLATION OF A CONCRETE  
DRIVEWAY ON YOUR PROPERTY.

Sincerely,  
Ronald Berkman  
Jacqueline C. Berkman

 CITY OF URBANA	<h2 style="margin: 0;">Application for Variance</h2>	<h2 style="margin: 0;">ZONING BOARD OF APPEALS</h2>
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**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.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 09-09-2021 ZBA Case No. ZBA-2021-MAJ-07  
 Fee Paid - Check No. 3563 Amount \$200.00 Date 09-09-2021

**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*)

VARIANCE TO ALLOW ACCESSORY PARKING IN THE REQUIRED FRONT YARD on the property described below, and in conformity with the plans described on this variance request.

**1. APPLICANT CONTACT INFORMATION**

Name of Applicant(s): BOB WEASE Phone: 217-390-7588  
 Address (street/city/state/zip code): 1005 PHILO RD.  
 Email Address:  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

**2. OWNER INFORMATION**

Name of Owner(s): BOB WEASE Phone: 217-390-7588  
 Address (street/city/state/zip code): 1005 PHILO RD.  
 Email Address:

Is this property owned by a Land Trust?  Yes  No  
 If yes, please attach a list of all individuals holding an interest in said Trust.

**3. PROPERTY INFORMATION**

Location of Subject Site: 1005 S. PHILO RD.  
 PIN # of Location: 92-21-16-331-003  
 Lot Size: 60' x 105'

Current Zoning Designation: **R-3, SINGLE AND TWO-FAMILY**  
Current Land Use (vacant, residence, grocery, factory, etc): **SINGLE-FAMILY RESIDENTIAL**  
Proposed Land Use: **SINGLE-FAMILY RESIDENTIAL**  
Legal Description (If additional space is needed, please submit on separate sheet of paper):

**4. CONSULTANT INFORMATION**

CONCRETE  
WORK/CONTRACTOR  
TO BE DETERMINED

**Name of Architect(s):** Phone:  
Address (street/city/state/zip code):  
Email Address:  
**Name of Engineers(s):** Phone:  
Address (street/city/state/zip code):  
Email Address:  
**Name of Surveyor(s):** Phone:  
Address (street/city/state/zip code):  
Email Address:  
**Name of Professional Site Planner(s):** Phone:  
Address (street/city/state/zip code):  
Email Address:  
**Name of Attorney(s):** Phone:  
Address (street/city/state/zip code):  
Email Address:

**5. REASONS FOR VARIATION**

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

MR. WEASE DOES NOT HAVE ACCESS TO HIS REAR OR SIDE YARD, TO PAVE OR GRAVEL ACCESSORY PARKING ON HIS LOT. HE ONLY HAS A ONE-GAR GARAGE AND NARROW DRIVEWAY NOW, WHICH MAKES IT DIFFICULT/DANGEROUS TO BACK OUT ONTO PHILO ROAD. ADDITIONAL DRIVEWAY SPACE WOULD MAKE IT EASIER/SAFER TO TURN AROUND.

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.

NO ACCESS TO REAR OR SIDE YARDS , BECAUSE THE HOUSE SPANS THE WIDTH OF THE LOT.  
HIGH TRAFFIC SPEEDS ON PHILO ROAD AND SEVERAL ACCESS DRIVES ALONG BOTH SIDES OF THE  
STREET MAKE BACKING OUT DANGEROUS. THERE IS NO TURN-AROUND ROOM ON THE LOT.

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

~~THE~~ MR. WEASE HAS OWNED THE HOME SINCE APRIL , 2017. THE HOUSE WAS BUILT  
IN 1961 .TO SPAN THE WIDTH OF THE LOT, WITH A ONE-CAR DRIVEWAY AND NO ACCESS  
TO THE REAR/SIDE YARD. HE WAS UNAWARE OF THE ZONING ORDINANCE REQUIREMENTS  
PROHIBITING WIDENING THE DRIVEWAY.

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

BOTH NEIGHBORS ON EITHER SIDE OF THE HOUSE HAVE ACCESS TO THEIR REAR/SIDE  
YARDS , AND MANY LOTS ON THE BLOCK HAVE MORE THAN THE REQUIRED AMOUNT OF  
PARKING , BOTH ADJACENT NEIGHBORS ARE IN SUPPORT OF THE VARIANCE .

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

THE ACCESSORY PARKING WILL NOT CAUSE A NUISANCE , AS THE ADJACENT PROPERTIES  
HAVE ACCESSORY PARKING . BOTH ADJACENT NEIGHBORS ARE IN FAVOR OF THE VARIANCE,  
AND THE PROPOSED PARKING WILL BE ENTIRELY ON THE APPLICANT'S PROPERTY .

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

THE PROPOSED ACCESSORY PARKING WILL BE 27' WIDE , FROM THE EDGE OF THE  
EXISTING GRAVEL DRIVEWAY / HOUSE , SPANNING NORTH. THIS IS EQUAL TO THE  
45% OF LOT WIDTH MAXIMUM. ALLOWED BY THE ZONING ORDINANCE .

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

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

**CERTIFICATION BY THE APPLICANT**

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

Robert L. Wease  
Applicant's Signature

9-9-21  
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