



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Nick Olsen, Planner I  
**DATE:** February 10, 2023  
**SUBJECT:** **ZBA-2023-C-01:** A request by David Huber for a conditional use permit to allow a second principal structure at 907 East Washington Street in the R-3, Single and Two-Family Residential zoning district.

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### Introduction

David Huber requests a conditional use permit to allow the construction of a second principal structure at 907 East Washington Street. The proposed structure, a single-family home, would be 1,128 square feet; the existing single-family home on the property is 630 square feet. Section V-3 of The Urbana Zoning Ordinance permits more than one principal structure on a lot by conditional use permit if the uses in the structures are allowed in the zoning district. In this case, single-family houses are allowed by right in the R-3 district, so a conditional use permit would be required to have two on the same lot, as the applicant has requested.

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

### Background

The applicant has owned 907 East Washington Street since 2021. He would like to add a second, detached home to the property, south of the existing home. A duplex would typically be permitted by right in the R-3 district, however, the 51-foot lot width is below the minimum required for a duplex.<sup>1</sup> To add a second unit, Mr. Huber has the option of either pursuing a major variance to build a duplex on a lot below the minimum required width, or a conditional use permit to build a detached second unit. He has decided to pursue a second, detached home via conditional use permit, citing design considerations and neighborhood character as factors in making his decision.

### Description of Site and Area

The property is 6,390 square feet and currently contains a 630 square-foot single-family home. It is located on the south side of East Washington Street, between Lynn Street and Wabash Avenue. Adjacent properties to the north, south, east, and west are zoned R-3, Single and Two-Family Residential.

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<sup>1</sup>Urbana Zoning Ordinance Section VI-3.B.

The following table identifies the current zoning and existing land uses of the site 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	Dwelling, Single-Family
North	R-3, Single and Two-Family Residential	Dwelling, Duplex/Single-Family
South	R-3, Single and Two-Family Residential	Dwelling, Single-Family
East	R-3, Single and Two-Family Residential	Dwelling, Single-Family
West	R-3, Single and Two-Family Residential	Dwelling, Single-Family

## Discussion

The applicant requests a conditional use permit to allow the addition of a second single-family home to his property. The conditional use permit procedures are meant to ensure that the proposed use is consistent with the R-3 zoning district.

On lots wider than the subject property, the R-3 district would permit two units on a lot by right in the form of a duplex. The applicant requests a second, detached, 1,128 square-foot unit, desiring to preserve the structure of the existing home as-is, and to keep the scale of the two units in line with the general neighborhood character. An example of the applicant’s concern for neighborhood character can be seen in the significant investments to the exterior of the existing home on the lot he has made since his purchasing it in 2021 (Exhibit D).

Other than the requirement for a conditional use permit, Mr. Huber’s proposal complies with all other R-3 development regulations. With the addition of the proposed second unit, the floor-area ratio would still be within the limit allowed in the district. The preliminary site plan also complies with open space, parking, and setback requirements.

If approved for a conditional use permit, the proposed development would be subject to subsequent building safety and zoning reviews typical for any new construction.

## Requirements for a Conditional Use Permit

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

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

As stated in Mr. Huber’s application, the proposal would create an additional home near bus, bike, and pedestrian networks. The applicant states that he would build the home following current energy-efficiency standards. The applicant also states that it would lead to more efficient infrastructure investment by, “spreading expense of land and site improvements (sewer, utilities, hardscape, landscape) across two housing units.” A new housing unit would also bring additional tax revenue to the City of Urbana, without requiring the City to build or maintain additional infrastructure. Staff find the location of the proposed use conducive to the public convenience.

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

The applicant has designed the proposed site layout to be consistent with R-3 development regulations. Two dwelling units on a lot would typically be permitted by right in the R-3 district as a duplex, though the lot in question is below the minimum required width for a duplex. While the applicant could have applied for a variance to build a duplex, he has instead chosen to pursue two smaller, detached homes to match the scale of other structures in the neighborhood. Staff find the proposal would not be injurious or detrimental to the district or public welfare.

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

Other than the requirement for a conditional use permit, the proposal complies with all development regulations for the R-3 district, including floor area ratio, open space ratio, setbacks, and parking requirements. As stated previously, the applicant has incorporated the scale and design of other homes in the neighborhood into his proposal. Staff find the proposal in conformance with the regulations and character of the district.

## **Consideration**

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

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

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Regulate vehicular access and volume;
4. Require conformance to health, safety, and sanitation requirements as necessary;
5. Any other conditions deemed necessary to affect the purposes of this Ordinance.

## **Summary of Findings**

1. David Huber requests a conditional use permit to allow the construction of a second principal structure (a single-family home) at 907 East Washington Street.

2. The proposed second home on the lot would be conducive to the public convenience by increasing the housing supply within existing infrastructure networks and by bringing added tax revenue to the City.
3. The proposed use would not be a detriment to the R-3 district because the second structure would be residential and designed to match the scale of other homes in the area.
4. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the R-3 zoning district in which it shall be located. The proposed addition would comply with requirements for R-3 properties as laid out in the Zoning Ordinance.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-C-01:

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

## Recommendation

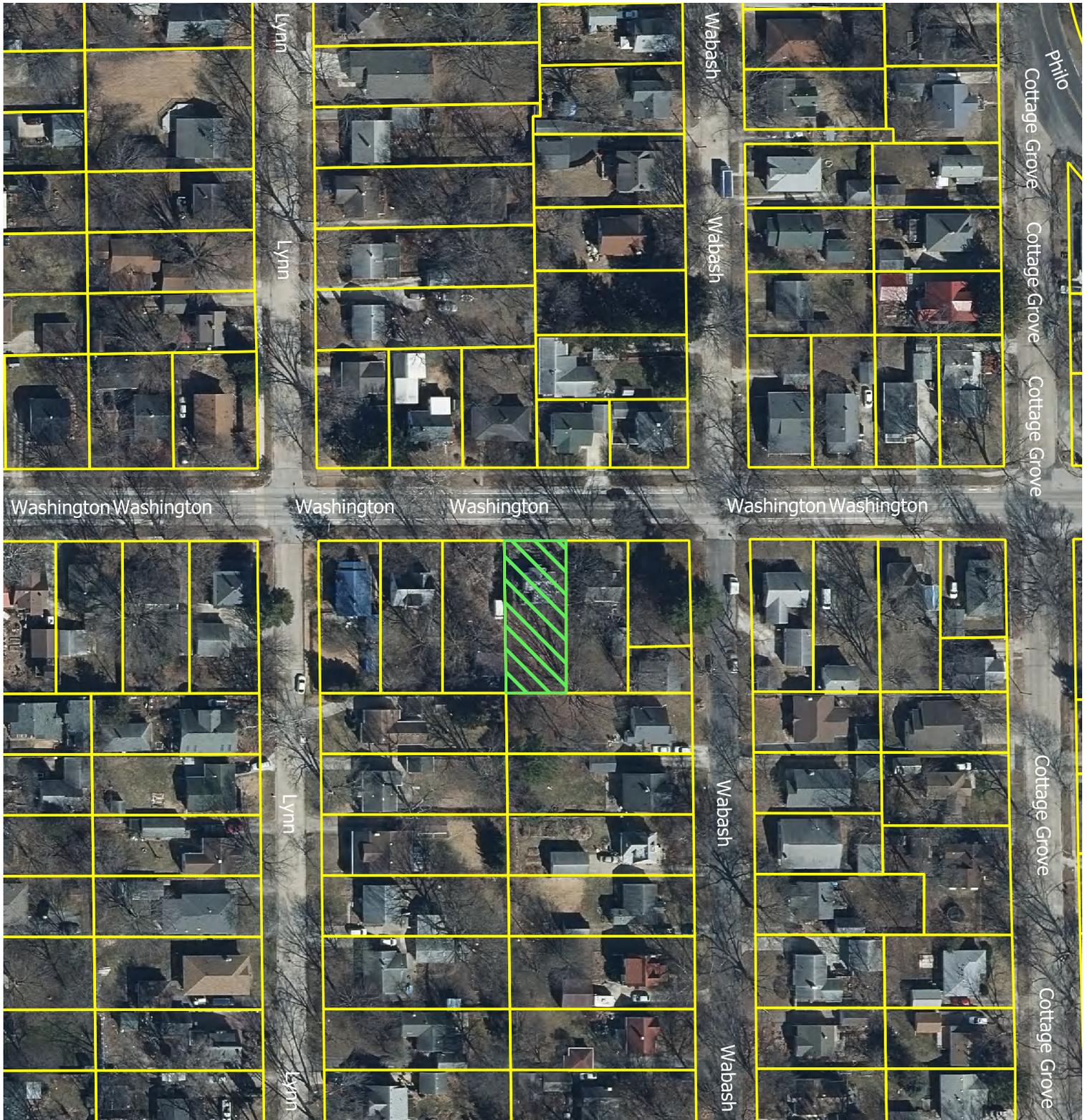
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use in case ZBA-2023-C-01, with the following condition:

1. The second home will generally conform to the submitted site plan, as shown in Exhibit C.

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

cc: David Huber, Property Owner/Applicant

# Exhibit A: Location Map



Case: ZBA-2023-C-01  
Subject: Conditional Use Permit for a Second Dwelling Unit  
Location: 907 East Washington Street  
Applicant: David Huber

## Legend

 SUBJECT PROPERTY

0 100 200 ft



# Exhibit B - Zoning Map



0 100 200 ft



## Legend

-  SUBJECT PROPERTY
-  R-3, Single and Two-Family Residential



Case: ZBA-2023-C-01  
 Subject: Conditional Use Permit for a Second Dwelling Unit  
 Location: 907 East Washington Street  
 Applicant: David Huber



# Exhibit D: Site Photos



SUMMER  
2021



SUMMER  
2022



907 E WASHINGTON ST  
URBANA, ILLINOIS

PROPERTY HISTORY

SCALE: 1" = 10'-0"  
JANUARY 13, 2023  
PREPARED BY DAVID HUBER

A0.2

# Exhibit D: Site Photos (Continued)



# Exhibit E: Application



## Application for Conditional Use Permit

## ZONING BOARD OF APPEALS

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.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 01-13-2023 ZBA Case No. ZBA-2023-C-01  
Fee Paid - Check No. 287 Amount \$175.00 Date 01-13-2023

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following use or construction purpose:

#### SECOND PRINCIPAL DWELLING UNIT

on the property described below, and in conformity with the plans in the permit application.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **DAVID HUBER** Phone: **310-567-9397**  
Address (street/city/state/zip code): **907 E WASHINGTON ST URBANA IL 61801**  
Email Address: **DAVID.A.HUBER@GMAIL.COM**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **OWNER**

#### 2. OWNER INFORMATION

Name of Owner(s): **DAVID HUBER** Phone: **310-567-9397**  
Address (street/city/state/zip code): **907 E WASHINGTON ST URBANA IL 61801**  
Email Address: **DAVID.A.HUBER@GMAIL.COM**

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

#### 3. PROPERTY INFORMATION

Location of Subject Site: **907 E WASHINGTON ST**  
PIN # of Location: **92-21-16-303-004**  
Lot Size: **51' X 125.31' - 6,390 SQ FT**  
Current Zoning Designation: **R-3, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT**

Current Land Use (*vacant, residence, grocery, factory, etc*): RESIDENCE

Proposed Land Use: RESIDENCE

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

**LOT 93 OF MARTHA C. HUBBARD'S THIRD ADDITION TO THE CITY OF URBANA, BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS.**

#### 4. CONSULTANT INFORMATION

**Name of Architect(s):** N/A

Phone:

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

Email Address:

**Name of Engineers(s):** N/A

Phone:

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

Email Address:

**Name of Surveyor(s):** N/A

Phone:

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

Email Address:

**Name of Professional Site Planner(s):** N/A

Phone:

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

Email Address:

**Name of Attorney(s):** DANIEL THIES

Phone: 217-367-1126

Address (*street/city/state/zip code*): 202 Lincoln Square, Urbana, IL 61801

Email Address: DANIELTHIES@WEBBERTHIES.COM

#### 5. REASONS FOR CONDITIONAL USE PERMIT

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

**SEE ATTACHMENT**

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

**SEE ATTACHMENT**

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

**SEE ATTACHMENT**

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

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

**CERTIFICATION BY THE APPLICANT**

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

  
\_\_\_\_\_  
Applicant's Signature

1/13/2023  
Date

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

The requested conditional use would create one additional housing unit in the City of Urbana that: leverages proximity to existing pedestrian, bicycle, and public transit networks (bike lane on Washington Street, MTD bus stop within 400 feet of property at Washington/Cottage Grove); contributes to greenhouse gas emissions by meeting Energy Star Next Gen standards (energy-efficient construction, heat pump cooling/heating/water heating, all-electric appliances, electric vehicle charging capability); increases—immediately—property tax revenue for city, schools, and other taxing bodies without any direct public investment; expands the diversity of housing choices for a growing number of small households by 1) preserving the existing one-bedroom detached house and 2) constructing a new two-bedroom detached house on the property; and boosts affordability and lowers cost of housing unit by spreading expense of land and site improvements (sewer, utilities, hardscape, landscape) across two housing units.

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

The proposed use—a single-family dwelling—is entirely consistent with the land use pattern of the single- and two-family residential district. With regard to the design of the proposed construction, consideration has been given to form and massing to better reflect the character of the district even where the zoning ordinance would allow significant deviation. For instance, the subject property, located within the R-3 zoning district, is regulated by a maximum floor area ratio of 0.40, meaning up to 2,556 square feet of gross floor area is allowed, plus an additional 1,000 square feet for an accessory structure. The existing residence is 630 square feet (FAR=0.10). Together with the new proposed residence (1,128 square feet), the total FAR is only 0.28, which is well below the maximum permitted floor area ratio. By separating the two dwelling units, the footprint and massing of each respective structure resembles more the predominant development pattern of the neighborhood, where most homes range in size between 850-1,150 square feet. The creation of two separate buildings also reduces the length of continuous wall area along adjacent properties.

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

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

OPTION 1

ENLARGED SINGLE-FAMILY HOUSE

MAINTAINS ONE-FAMILY DWELLING IN SINGLE PRINCIPAL STRUCTURE, INCREASES BEDROOMS FROM ONE TO FIVE BEDROOMS, MAXIMIZES SQUARE FOOTAGE

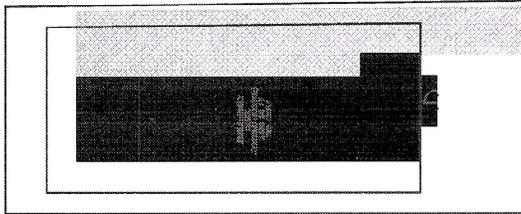
PERMITTED BY RIGHT

SITE AREA 6,390 SQ FT  
SITE DIMENSIONS 51x125 FT

ZONING DISTRICT R-3

DEVELOPMENT STANDARDS

FAR MAX .40 PROPOSED .40  
OSR MIN .40 PROPOSED .75



OPTION 2

ATTACHED DUPLEX

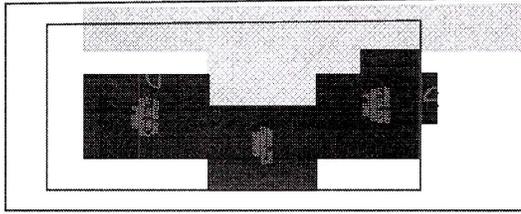
CREATES TWO DWELLING UNITS IN SINGLE PRINCIPAL STRUCTURE  
REQUIRES MAJOR VARIANCE FOR REDUCTION IN MINIMUM LOT WIDTH (51' AS-IS, 60' REQ)

SITE AREA 6,390 SQ FT  
SITE DIMENSIONS 51x125 FT

ZONING DISTRICT R-3

DEVELOPMENT STANDARDS

FAR MAX .40 PROPOSED .27  
OSR MIN .40 PROPOSED .73



OPTION 3

DETACHED DUPLEX

CREATES TWO DWELLING UNITS IN TWO PRINCIPAL STRUCTURES  
REQUIRES CONDITIONAL USE PERMIT (SECOND PRINCIPAL STRUCTURE)

SITE AREA 6,390 SQ FT  
SITE DIMENSIONS 51x125 FT

ZONING DISTRICT R-3

DEVELOPMENT STANDARDS

FAR MAX .40 PROPOSED .28  
CSR MIN .40 PROPOSED .60

