



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: February 11, 2022
SUBJECT: **ZBA-2022-MAJ-01:** A request by David Huber for a major variance to allow an accessory parking space in the required 25-foot front yard at 601 East Washington Street in the R-3, Single and Two-Family Residential Zoning District.

Introduction

David Huber requests a variance to allow an accessory parking space in the required front yard at 601 East Washington Street, in the R-3, Single and Two-Family Residential zoning district. He would like to pave a 15 foot, 6 inch-wide accessory parking area. The access drive and parking space would be a combined 23 feet wide, measured from the west 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 deny the variance request.

Background

The applicant purchased the property in September, 2020; however, the house has been on the property since 1973. There is an attached one-car garage and an eight-foot-wide access drive that combined, provide three stacked parking spaces for the residents of the property. The applicant installed a gravel accessory parking space in the front yard in December, 2020, unaware that the Zoning Ordinance prohibits parking in a required front yard. He now requests a variance to pave that accessory parking area in the required front yard, to add additional parking and turn-around space, which would make pulling out onto Washington Street easier.

Description of Site and Area

601 East Washington Street is 7,050 square feet in area and is located on the south side of Washington Street, west of Philo Road. Nearby are other residences. The adjacent properties to the north, east and west are zoned R-3, Single and Two-Family Residential, and the adjacent properties to the south are zoned R-5, Medium High Density Multiple-Family Residential.

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	R-3, Single and Two-Family Residential	Residential
South	R-5, Medium High Density Multiple Family Residential	Residential
East	R-3, Single and Two-Family Residential	Residential
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 applicant installed a gravel parking space in the required front yard in 2021, unaware of the Zoning Ordinance prohibition against parking in required front yards. The parking space runs along the sidewalk on East Washington Street. Since accessory parking spaces are not permitted in required front yards, a variance is required.¹

On-street parking was removed from East Washington Street in 2010; however, the applicant purchased the property in 2020, so he was aware of the existing parking configuration on-site when he purchased it. The existing access drive is eight feet wide and runs from Washington Street south to a one-car garage. There is space along the access drive to park at least two additional cars, stacked one behind the other, but there is no space to turn around on the narrow access drive. The lot is more narrow than what is currently required by the Zoning Ordinance: it is 52 feet wide, where 60 feet would now be required. However, the access drive runs through the side yard and provides access to the rear yard and garage. The applicant could reasonably create an accessory parking and turn-around space in the rear yard, if the garage were removed.

The applicant cites the location of an oak tree in his application and site plan as a reason that the variance should be granted. However, the oak tree is in the required front yard. It does not interfere with possible access drive/parking configurations, as they would not be permitted in the location of the oak tree without a variance, since it is in the required front yard.

Allowing an accessory parking space in the proposed location would reduce the number of cars backing out onto Washington Street from the property. There is a moderate traffic volume at this location, with an average 4,950 cars passing by per day on Washington Street. This traffic volume can be compared to South Race Street, between Main Street and Washington Street², or East Green Street, between Mathews Avenue and Birch Street³.

¹ Zoning Ordinance Section VIII-4.J prohibits accessory parking in required front yards.

² 4,575 trips per day (Illinois Department of Transportation)
<https://www.arcgis.com/apps/webappviewer/index.html?id=3bea9453ab3d41b18eb5691e6084f9e5>

³ 4,975 trips per day (Illinois Department of Transportation)
<https://www.arcgis.com/apps/webappviewer/index.html?id=3bea9453ab3d41b18eb5691e6084f9e5>

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 would not be widened at Washington Street or in the right-of-way. The right-of-way in between the front property line and Washington Street is approximately 13 feet wide, so the accessory parking area should not cause visibility issues for drivers. The accessory parking space would abut the sidewalk, and there is an existing fence that separates the two. There are nine properties along the block that take access off of East Washington Street. No other houses along this block of East Washington Street have accessory parking in the required front yard; only three houses have space to turn around on their lots, all in the rear yard behind the front face of the house.

Allowing the accessory parking space in its current location does not seem necessary and could be seen as a special privilege since other lots along Washington Street share similar characteristics but do not have parking in the front yard. The subject lot also has been without a parking space for more than 40 years, and for more than 10 years since street parking was removed from Washington Street. The variance would also alter the essential character of the neighborhood by allowing parking in the front yard, right next to the sidewalk. As detailed below, staff finds that the variance request does not meet the variance criteria, and therefore recommends denial of the request.

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 access drive runs along the west side of the house, providing access to the rear yard and one-car garage. There is room on the access drive for at least two cars to park, one behind the other. The lot was platted to be more narrow than what is required by the Zoning Ordinance; however, there is access to the rear yard where additional parking and a turn-around space could be added. In addition, the Zoning Ordinance requires two parking spaces for this parcel, and the parcel has at least three parking spaces already. Therefore, there are no special circumstances or practical difficulties in carrying out the Zoning Ordinance in this case.

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.*

There is access to the rear yard where additional parking and a turn-around space could be added, so the variance would serve as a special privilege. The applicant cites an oak tree on the property; however, it does not interfere with possible access drive or parking configurations. The access drive would not be permitted expand in the direction of the oak tree without a variance, since it would still be in the required front yard. Every other house along this block of Washington Street, including the

lot next door, whose access drive is adjacent to the drive at 601 East Washington Street, shares similar characteristics to the subject lot. Allowing the variance would serve as a special privilege to the property owner.

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

The applicant installed a gravel accessory parking space, unaware that the Zoning Ordinance prohibits parking in required front yards. While the lot was platted and the house was built decades ago, and parking was removed along Washington Street more than 10 years ago, the applicant knew all of that prior to purchasing the property. The variance request is therefore a result of a situation created by the petitioner.

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

The accessory parking space was installed parallel to the sidewalk that runs along East Washington Street. No other properties along this block have parking in the front yard, and the accessory parking space changes the appearance of the house, and the lot, and *does* alter the essential character of the neighborhood. There are no other cars parked parallel to the right-of-way, right next to sidewalk.

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 east side of the existing driveway, up to the sidewalk on Washington Street. A car parked in the parking space would be adjacent to the sidewalk, and may cause a nuisance to adjacent property owners. A car parked in the accessory parking space would have headlights and taillights pointed at the neighboring properties to the east and west, and pointed directly down the sidewalk, which could be a nuisance to people walking by. The existing fence acts as partial screening, but it is 50% transparent (as required by the Urbana Fence Ordinance)⁴, so it does not meet the screening requirements for off-street parking in residential districts⁵.

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

The accessory parking area is 15 feet, 6 inches wide, and abuts the front property line on the north side of the lot. The accessory parking area is located as far into the front yard as possible, so the variance does not represent the minimum deviation from the Zoning Ordinance requirements. The oak tree would need to be removed for the accessory parking space to be located further from the front property line, but a variance would still be required, as it would be located in the required front yard.

⁴ Fence Ordinance Section 7-5.a. requires fences in required front yards to be no taller than four feet, and no more than 50% opaque.

⁵ Zoning Ordinance Section VI-6.B.1.a. requires off-street parking to be screened with landscaping or a solid fence or wall, four to six feet in height.

Summary of Findings

1. David Huber requests a major variance to allow an accessory parking space in the required 25-foot front yard at 601 East Washington Street in the R-3, Single and Two-Family Residential Zoning District.
2. The variance will serve as a special privilege to the property owner, as there is access to the rear yard where accessory parking could be added without a variance, if the garage were removed. All other houses along this block of Washington Street share similar characteristics to the subject property.
3. The variance is a result of a situation created by the applicant, as the applicant was aware of the parking situation on the property.
4. The variance will alter the essential character of the neighborhood, as no other properties along this block have parking in the front yard, and the accessory parking space will change the appearance of the house. There are no other cars parked parallel to the right-of-way, next to the sidewalk.
5. The variance could cause a nuisance to adjacent property owners, as the accessory parking space will be adjacent to the sidewalk, and the adjacent neighbors to the east and west would not be properly screened from a car parked in the accessory parking space.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as the accessory parking area is located as far into the front yard as possible.

Public Input

Staff published a legal ad in the News-Gazette to notify the public of the request and public hearing fifteen days prior to the Zoning Board of Appeals meeting. Staff also sent letters to 40 neighboring property owners notifying them of the request, and posted a public hearing sign on the property. Staff did not receive any public input regarding the requested variance.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2022-MAJ-01:

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 **DENIAL** of the proposed Major Variance in case ZBA-2022-MAJ-01 to the Urbana City Council.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Proposed Site Plan
Exhibit D: Site Photos
Exhibit F: Variance Application

cc: David Huber, Property Owner/Applicant

Exhibit A - Location Map



Case No. ZBA-2022-MAJ-01
Subject Major Variance for Accessory Parking Space
Address 601 East Washington Street
Petitioner David Huber

Legend

-  Subject Property
- Urbana 2020 Aerial



Exhibit B - Zoning Map



Case No. ZBA-2022-MAJ-01
 Subject Major Variance for Accessory Parking Space
 Address 601 East Washington Street
 Petitioner David Huber

Legend

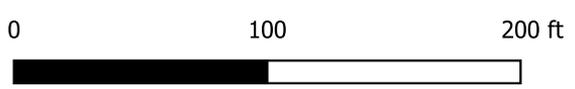
Subject Property

Zoning

R-3

R-5

Urbana 2020 Aerial



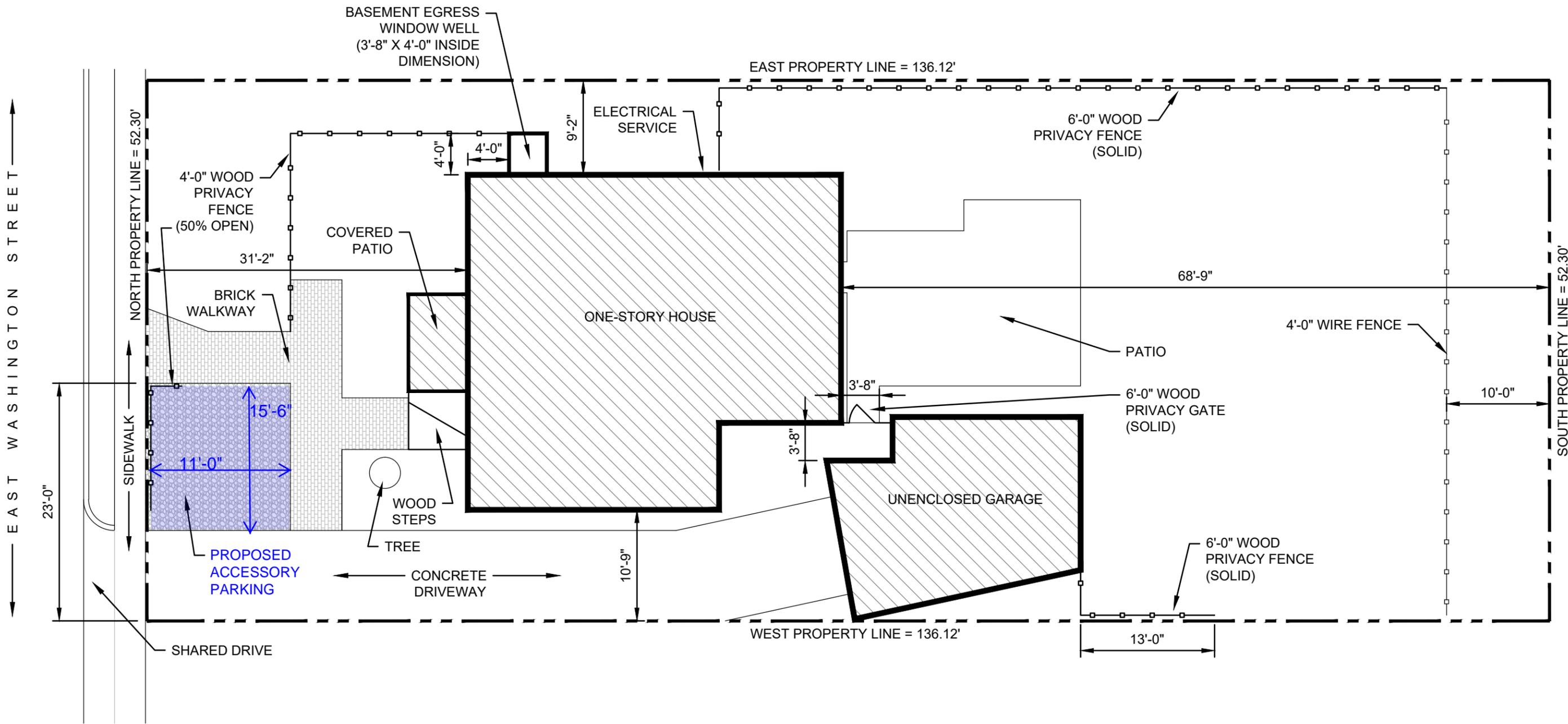


EXHIBIT D - SITE PHOTOS







Application for Variance

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.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 _____ ZBA Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

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*)

_____ on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): _____ Phone: _____
Address (*street/city/state/zip code*): _____
Email Address: _____
Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): _____

2. OWNER INFORMATION

Name of Owner(s): _____ Phone: _____
Address (*street/city/state/zip code*): _____
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: _____
PIN # of Location: _____
Lot Size: _____

Current Zoning Designation:

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

Proposed Land Use:

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

4. CONSULTANT INFORMATION

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.

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.

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

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

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

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

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

1/18/22

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