



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: January 15, 2021

SUBJECT: ZBA-2020-C-05: A request by Gary Apfelstadt for a Conditional Use Permit to allow a duplex at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-07: A request by Gary Apfelstadt to allow a duplex on a lot 50 feet wide and 5,775 square feet in area at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-08: A request by Gary Apfelstadt to reduce the number of parking spaces required for a duplex from four to two at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-09: A request by Gary Apfelstadt to allow a garage to encroach four feet into a required 15-foot front yard at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

Introduction

Gary Apfelstadt requests a conditional use permit and three related variances to allow a duplex at 213 West Illinois Street. The property is zoned R-2, Single-Family Residential. Table V-I of the Zoning Ordinance allows duplexes in the R-2 zoning district with a conditional use permit. The house on the property was already a duplex when the applicant purchased it in 2014; records indicate it had been a duplex for many years prior to the purchase, and has most likely been a duplex since it was built (1919). However, a comprehensive land use inventory conducted by City staff in the 1980s identified the house as a single-family house, so the only zoning records available state that the house is single-family.

Section VI-3.B of the Zoning Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet for duplexes on parcels in the R-2 district that were platted before December 21, 1970. The lot at 213 West Illinois Street is 50 feet wide and has an area of 5,775 square feet, so it is 16.67 percent more narrow and has 3.75 percent less area than required by the Zoning Ordinance. A major variance is therefore required to allow a duplex on the lot.

Table VIII-7 of the Zoning Ordinance requires four parking spaces for a duplex. There are currently two parking spaces on the lot. A major variance is therefore required to reduce the number of parking spaces by 50 percent, from four spaces to two.

The applicant would also like to rebuild the existing garage in its current location, which is in the required front yard, four feet from the west property line. The lot is a corner lot and is required to have a 15-foot front yards on Cedar Street. To rebuild the garage in its current location would

therefore require a major variance, since the garage already encroaches 11 feet into the required 15-foot front yard.

The Zoning Board of Appeals must review the conditional use permit and variance applications and hold a public hearing. The Board may vote to approve, approve with conditions, or deny the conditional use permit request. For the variance requests, the Board may recommend approval, approval with conditions, or denial to City Council.

Staff recommends the Zoning Board of Appeals approve the conditional use permit and make a recommendation to City Council to approve the three variance requests.

Background

213 West Illinois Street is in the northeastern portion of the West Urbana Neighborhood. The applicant has owned the property since 2014, when he purchased the home as a duplex. He was unaware of the non-conforming status of the property. Records show that the home has been a duplex since at least 2007, and probably much longer.

The only zoning records pertaining to the house's use is a memo from 1991. The memo was accompanied by Ordinance Number 9091-75, which identified the house as a single-family home and rezoned the property from R-5, High Density Multiple-Family Residential to R-2, Single-Family Residential as part of the City's actions to implement the Downtown to Campus Plan. Since 1991, no new Certificate of Occupancy or Conditional Use Permit has been approved to allow the duplex use. However, systematic building inspections in 2009 and 2019 list the home as a duplex. The property has also been registered through the rental registration program as a duplex since 2007, and it has been a duplex for as long as the applicant has owned it.

One likely scenario is that staff misidentified the house as a single-family home when they conducted an inventory of all properties in West Urbana in the 1980s, as a precursor to the Downtown to Campus Plan and subsequent rezoning. Given the layout of the house, which has one entrance along Illinois Street and one entrance at the rear, which is not readily identifiable from the right-of-way as an entrance to a separate unit, it would have been easy to misidentify. While the City followed up their land use inventory of West Urbana with letters to property owners to confirm the presumed land use, it is likely that some properties were still misidentified for any number of reasons.

The request for a conditional use permit is an attempt to remedy a situation that was not knowingly created by the petitioner, and the requested major variances would allow the existing duplex to remain as is: on a substandard lot, with two fewer parking spaces than required by the Zoning Ordinance. Neither the exterior of the home itself or the lot will be altered. The applicant has also requested a variance to allow his garage to be rebuilt in a required front yard, four feet from the west property line. The lot is a corner lot, with 15-foot required front yards on both Illinois Street and Cedar Street (which the garage faces).

Description of Site and Area

The property is 5,775 square feet and is located at the corner of West Illinois Street and Cedar Street. Nearby are single-family residences, duplexes and small apartment buildings. All adjacent properties are also zoned R-2, Single-Family Residential.

The following table identifies the current zoning and the existing and future 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	Future Land Use
Site	R-2, Single-Family Residential	Single-Family Home	Residential
North	R-2, Single-Family Residential	Duplex Rental	Residential
South	R-2, Single-Family Residential	Single-Family Home	Residential
East	R-2, Single-Family Residential	Apartment Building, 3-7 Units	Residential
West	R-2, Single-Family Residential	Apartment Building, 3-7 Units	Residential

Comprehensive Plan

In Urbana's 2005 Comprehensive Plan, Future Land Use Map #8 identifies the 700 block of W High Street as an area appropriate for an urban pattern of residential use. The Plan defines "Residential (Urban Pattern)", as areas containing...

...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.

The continued use of the property as a duplex is therefore an appropriate use as identified by the future land use designations in the Comprehensive Plan.

Discussion

The property at 213 West Illinois Street has been a duplex since before the applicant purchased it in 2014, and in 2007, it was registered as having two units through the City's rental registration program. The requested conditional use permit and two of the major variances would allow its continued use as a duplex. The final major variance request would allow the garage to be rebuilt in the same general location as the existing garage, in a required front yard, four feet from the west property line.

Duplex uses in the R-2, Single-Family Residential zoning district require a conditional use permit. The existing duplex does not have a conditional use permit. It is possible that, for some reason, the property owner in 1991 did not correct the use when the Downtown to Campus Plan identified the

property as a single-family home. The requested conditional use permit would allow the existing duplex use to continue. There are other nonconforming duplex and apartment uses adjacent to the property and throughout the surrounding neighborhood. Allowing for the continued duplex use would not alter the character or otherwise be detrimental to the block or to the neighborhood, as the use has existed for over 13 years.

The lot was platted in 1900 to be 50 feet wide and 115.5 feet deep, with a lot area of 5,775 square feet. Section VI-3.B of the Urbana Zoning Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet for duplexes on parcels in the R-2 district that were platted before December 21, 1970. The requested major variance would allow the duplex use on a lot that is 16.67% more narrow and 3.75% smaller than required. Without the requested variance, the lot size and width will not change.

The property has two off-street parking spaces in the existing garage. According to Table VIII-7 of the Urbana Zoning Ordinance, two-family uses (i.e. duplexes) require two off-street parking spaces per dwelling unit. The property contains two separate dwelling units, one on the first floor of the home and one on the second, so four off-street parking spaces would be required. The home has functioned with two dwelling units and two parking spaces for many years. The requested variance would reduce the parking from four off-street spaces to two.

The applicant request another variance to allow the existing garage to be rebuilt in the required front yard, in generally the same location. Table VI-3 of the Urbana Zoning Ordinance requires a 15-foot front yard in the R-2 district. 213 West Illinois Street is a corner lot and is required to have 15-foot front yards on both Illinois Street and Cedar Street. The garage would be rebuilt four feet from the west property line on Cedar Street. The narrow lot configuration creates a practical difficulty in rebuilding the garage 15 feet from the property line. The home encroaches into the required front yard on Cedar Street and is only 8 feet from the property line, and there is a garden in the rear yard that prohibits the garage from being built further west.

Staff discussed the possibility of reorienting the garage with the applicant, which would remove the access drive from Cedar Street, and have the new entrance on the public alley on the south side of the property. However, the applicant was concerned that the turning radius from the public alley into the garage would be too tight.

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.*

The proposed use is a duplex, which the property has been used as for at least the last 13 years, and probably much longer. The property has been registered as a duplex through the rental registration program since 2007, and it provides rental housing, which is conducive to the public convenience due to its proximity to Downtown Urbana and the University of Illinois. The duplex use is also compatible with the surrounding uses on the block, including single-family homes, other duplexes and small apartment buildings.

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 proposed duplex is the same as its current use, which has not been injurious or detrimental to the neighborhood or the public welfare as it has existed to this point. The conditional use permit would make the existing duplex use legal, as it has existed since the applicant has owned the property.

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.*

The proposed duplex use would preserve the essential character of the district, as it would continue to function as it has for many years. The duplex use is consistent with the surrounding area, where other duplexes and small apartment buildings are common. The continued duplex use on the property would conform to the character of the surrounding neighborhood and the R-2 district in general. Additionally, no changes will be made to the home itself.

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. Regulation of the location, extent, and intensity of such uses;
2. Requirement of the screening of such uses by means of fences, walls, or vegetation;
3. Stipulation of required minimum lot sizes;
4. Regulation of vehicular access and volume;
5. Conformance to health, safety, and sanitation requirements, as necessary;
6. Increases to the required yards; and
7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).

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. *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 lot was platted to be smaller and more narrow than what is now required by the Zoning Ordinance. The lot size and configuration creates a practical difficulty in providing the required amount of off-street parking spaces, and in rebuilding the garage 15 feet from the west property line. The requested variances will not serve as a special privilege because they will permit the existing duplex use to continue as it has for many years, and would allow the garage to be rebuilt in the same location as the existing garage.

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

The applicant purchased the house as a duplex in 2014, unaware that the duplex use was potentially nonconforming. There are records of City inspections from 2009 and 2019 acknowledging the house as a duplex, so it was reasonable for the applicant to believe the duplex was allowed. The request for a conditional use permit is an attempt to remedy a situation that was not knowingly created by the petitioner, and the requested major variances would allow for the duplex use to continue on a substandard lot, with two less parking spaces than required by the Zoning Ordinance.

Another variance is requested to allow the garage to be rebuilt in the same general location, four feet from the west property line. The existing garage has been on the property since before the applicant purchased it, and it would be rebuilt in generally the same location. The narrow lot width creates a practical difficulty in rebuilding the garage 15 feet from the west property line, and the situation was not knowingly or deliberately created by the applicant.

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

The duplex use has existed since before the applicant purchased the property and is consistent with the essential character of the neighborhood. The exterior of the house will remain unchanged. There are other nonconforming duplexes and apartments adjacent to the property and in the surrounding area.

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

According to the applicant, and City records, there have been no nuisance complaints at 213 West Illinois Street since he purchased it in 2014. Its continued use as a duplex is unlikely to create a nuisance

at this time or in the future. One of the variance requests would allow the garage to be rebuilt further off of the public alley, which may reduce any potential nuisance to the public using the alley.

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

The requested variances will not alter the size of the structure or the property in any way. The request was made to allow the existing duplex use to continue and to bring the property into conformity with the Zoning Ordinance. The lot width of 50 feet and area of 5,775 square feet will not change if the variance request is granted. Additionally, the garage would be rebuilt as far from the west property line as possible, but it will still be in a required front yard.

Summary of Findings

1. Gary Apfelstadt requests a conditional use permit and three major variances to allow a duplex at 213 West Illinois Street in the R-2, Single-Family Residential zoning district. The Urbana Zoning Ordinance allows duplexes in the R-2 district with a conditional use permit. Section VI-3.B of the Urbana Zoning Ordinance requires a minimum width of 60 feet and a minimum area of 6,000 square feet for lots platted before December 21, 1970. 213 West Illinois Street is 50 feet wide and 5,775 square feet in area.
2. The property has been occupied as a duplex since at least 2014, when the applicant purchased it.

For case ZBA-2020-C-05:

3. The applicant has applied for a conditional use permit to allow 213 West Illinois Street to continue to be used as a duplex.
4. The proposed use would be conducive to the public convenience at this location based on its proximity to Downtown and the University of Illinois, and its compatibility with the surrounding neighborhood.
5. The use would not be injurious or detrimental to the surrounding district or the public welfare, as the existing duplex conforms with the surrounding neighborhood.

For cases ZBA-2020-MAJ-07, ZBA-2020-MAJ-08:

6. The applicant has applied for a major variance to allow a duplex on a lot that is 16.67% narrower and has 3.75% less area, with less than the required off-street parking than is required by the Urbana Zoning Ordinance.
7. The variance will not serve as a special privilege to the property owner, as the lot was platted in 1900 to be smaller and more narrow than required today, and two off-street parking spaces will be provided.
8. The variance was not the result of a situation knowingly created by the applicant.
9. The variance will not alter the essential character of the neighborhood, as the duplex has existed on the property since before the applicant purchased it.
10. The variance will not cause a nuisance to adjacent property owners, as there will be no change

in use or provided parking.

11. The variance represents the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as there will be no changes to the lot size or principal structure.

For case ZBA-2020-MAJ-09:

12. The applicant has applied for a major variance to allow a garage to be reconstructed in a required front yard, four feet from the west property line.
13. The variance will not serve as a special privilege to the property owner, as the narrow lot configuration creates a practical difficulty in rebuilding the garage 15 feet from the front property line.
14. The variance was not the result of a situation knowingly created by the applicant, as the lot was platted in 1900 to be more narrow than required today.
15. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location as the existing garage, four feet from the property line.
16. The variance will not cause a nuisance to adjacent property owners, as the garage will be entirely on the applicant's property as it exists now.
17. The variance represents the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as the garage will be rebuilt as far from the property line as possible, but it will still be in the required front yard.

For all cases:

18. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2020-C-05:

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.

The Zoning Board of Appeals has the following options in Case Nos. ZBA-2020-MAJ-07, ZBA-2020-MAJ-08 and ZBA-2020-MAJ-09:

1. Forward the case to City Council with a recommendation to **approve** the variances as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to **approve the variances with certain terms and conditions**. If the Urbana 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; or

3. **Deny** the variance requests; or

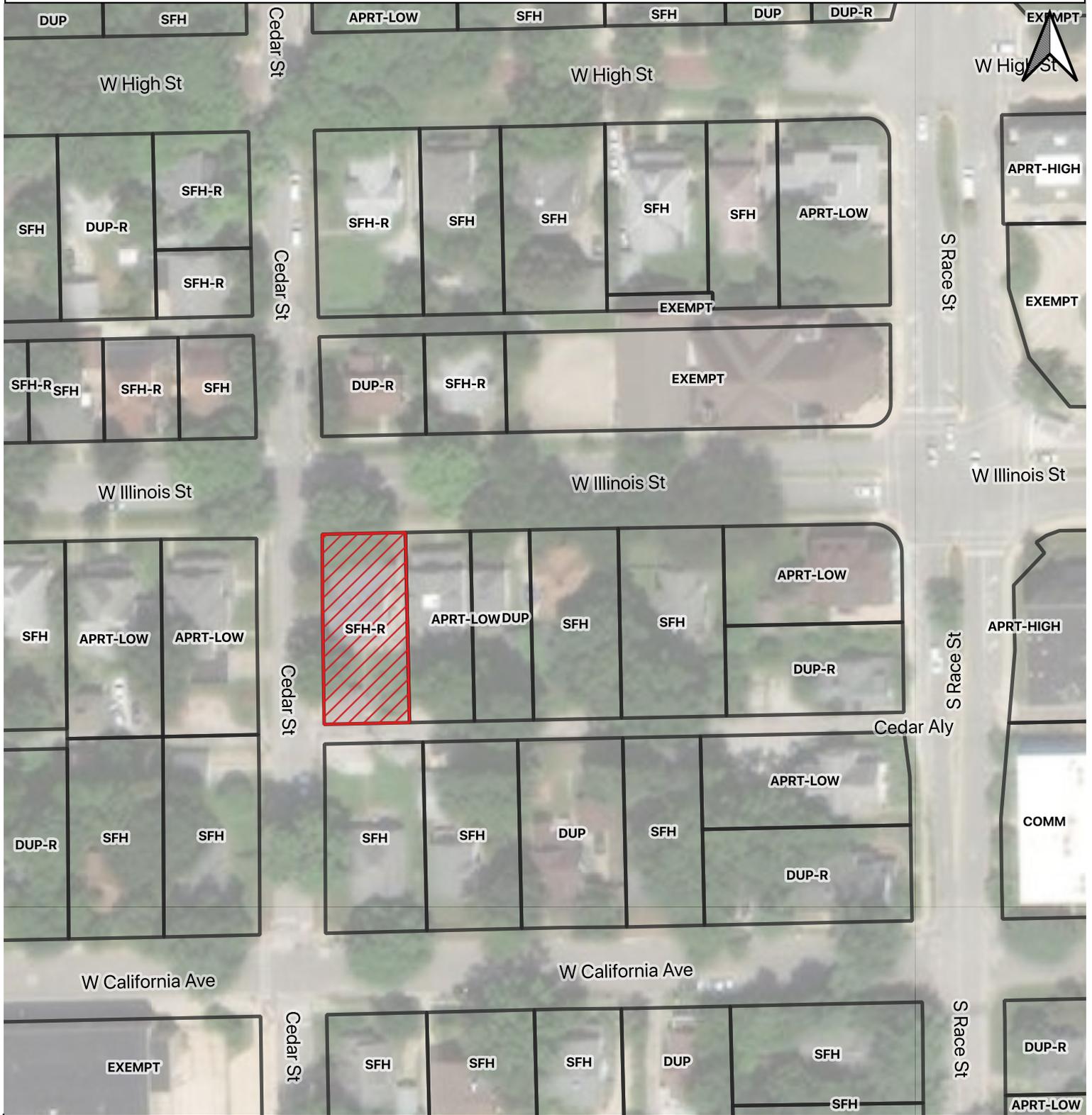
Recommendation

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 **APPROVE** the proposed conditional use in case ZBA-2020-C-05. Staff likewise recommends that the Zoning Board of Appeals recommend **APPROVAL** of the proposed Major Variances in cases ZBA-2020-MAJ-07, ZBA-2020-MAJ-08 and ZBA-2020-MAJ-09 to the Urbana City Council.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Garage Site Plan
Exhibit E: Site Photos
Exhibit F: Public Input Received
Exhibit G: Conditional Use Permit and Variances Application

cc: Gary Apfelstadt, Property Owner/Applicant

Exhibit A - Location and Land Use Map



Case No. ZBA-2020-C-05, ZBA-2020-MAJ-07,
 ZBA-2020-MAJ-08 and ZBA-2020-MAJ-09
 Subject Address Apfelstadt Duplex
 213 W. Illinois St.
 Petitioner Gary Apfelstadt

Legend

 Subject Property

0 50 100 150 ft



Exhibit B - Zoning Map



Case No. ZBA-2020-C-05, ZBA-2020-MAJ-07,
 ZBA-2020-MAJ-08 and ZBA-2020-MAJ-09
 Subject Address Apfelstadt Duplex
 213 W. Illinois St.
 Petitioner Gary Apfelstadt

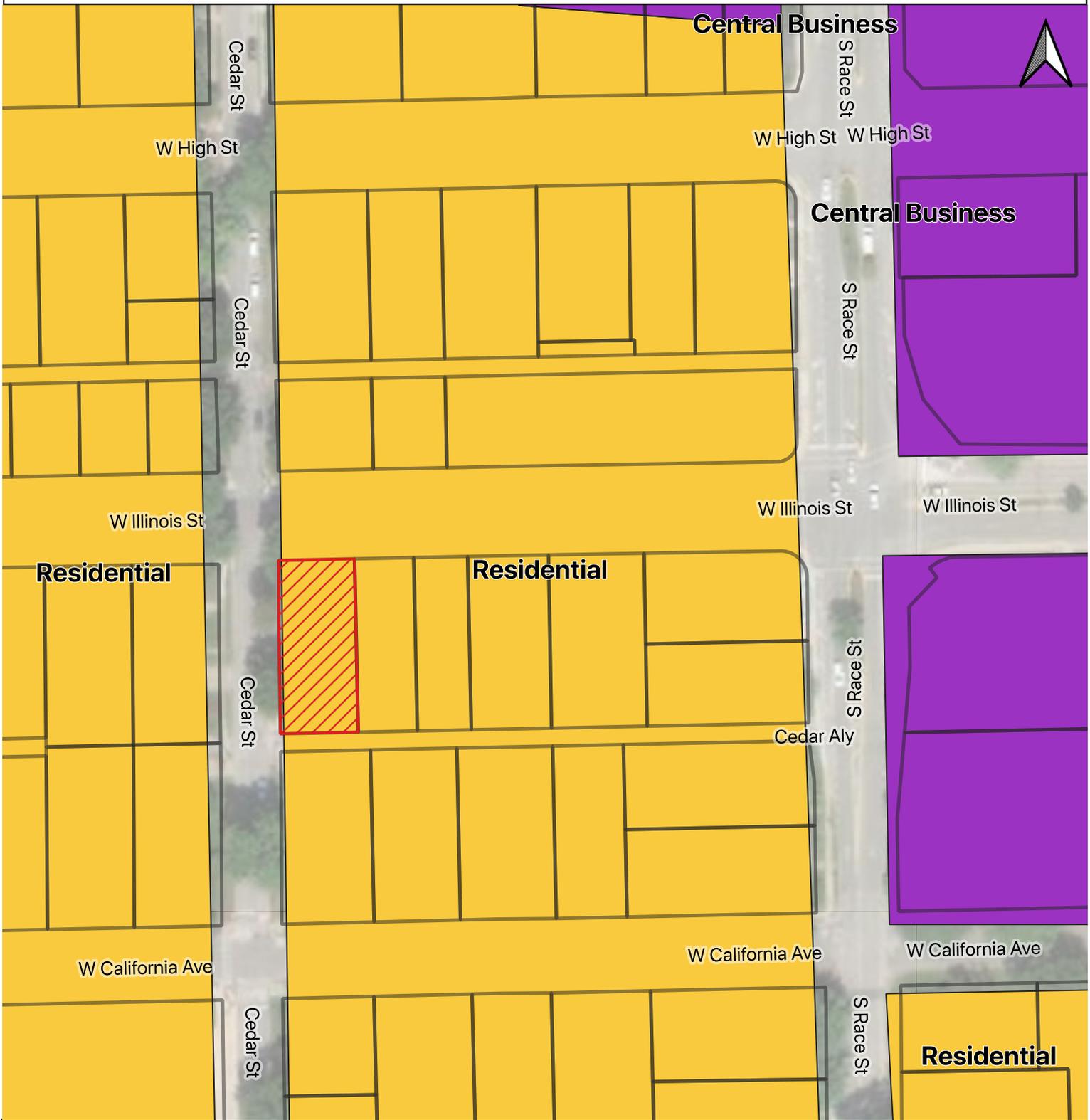
Legend

-  Subject Property
- Current_Zoning**
-  B-3
-  B-4
-  CRE
-  MOR
-  R-2
-  R-3
-  R-5

0 50 100 150 ft



Exhibit C - Future Land Use Map



Case No. ZBA-2020-C-05, ZBA-2020-MAJ-07,
 ZBA-2020-MAJ-08 and ZBA-2020-MAJ-09
 Subject Apfelstadt Duplex
 Address 213 W. Illinois St.
 Petitioner Gary Apfelstadt

Legend

-  Subject Property
- Future Land Use**
-  Central Business
-  Residential

0 50 100 150 ft



213 West Illinois St
Garage plan views



Viewing North from alley to Illinois St



Viewing East across Cedar St



Current foot print of 20' x 20' garage



Foot print of proposed 24' x 24' garage





213 W Illinois zoning variance

Michael Fuerst [REDACTED]

Wed 1/6/2021 5:39 PM

To: Trotter, Katherine <krtrtrotter@urbanillinois.us>;

Categories: PUBLIC INPUT

*** Email From An External Source ***

I own 211 West Illinois

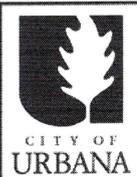
It seems that the variance and use requests for 213 W Illinois are

a) to make an existing use of many years as a duplex official

b) to rebuild an existing garage.

I have no objections to any of the four requests

[REDACTED]



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 12-03-2020 ZBA Case No. ZBA-2020-C-05
Fee Paid - Check No. 7368 Amount \$175.00 Date 12-03-2020

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:

Attached Residential Duplex

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Gary A Apfelstadt, Claudine J Hanson** Phone: **217 552 9105, 217 552 9103**
Address (street/city/state/zip code): **3039 County Road 900 East, Dewey, IL 61840**
Email Address: **gapfelstadt54@gmail.com, chanson2354@gmail.com**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owners**

2. OWNER INFORMATION

Name of Owner(s): **Gary A Apfelstadt, Claudine J Hanson** Phone: **217 552 9105, 217 552 9103**
Address (street/city/state/zip code): **3039 County Road 900 East, Dewey, IL 61840**
Email Address: **gapfelstadt54@gmail.com, chanson2354@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: **213 West Illinois Street, Urbana, IL 61801**
PIN # of Location: **92-21-17-186-001**
Lot Size: **50 feet x 115.5 feet**
Current Zoning Designation: **R-2, Single-Family Residential (1100 - Single Family)**

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

Proposed Land Use: **Duplex**

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

The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois

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 CONDITIONAL USE PERMIT

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

When purchased in 2014 from the Darius E Phebus Trust by the current owners, they said property was a duplex rental with Unit 1 on first floor, and Unit 2 on second floor. The property was registered as a duplex by Darius Phebus with the Urbana Rental Registration program when it began in 2007. The property is not correctly zoned relative to the Urbana Council action to change the neighborhood to R2 single family residence zoning. The duplex rental has existed on the property since before we owned it, and it has provided rental housing to the neighborhood.

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.

This proposal is for correction of the existing use. The current use as a duplex will continue. Many of the structures in the neighborhood have property codes as duplex or multi unit structures. The home has been used as a duplex since before we owned it, and is not detrimental and has not caused a nuisance to the neighborhood.

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).

This proposal is for correction of the existing use. The current use as a duplex will continue, as it has since we before we purchased the property. The duplex use is consistent with the surrounding neighborhood, and many of the structures in the neighborhood have property codes as duplex or multi unit structures.

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

 Nov. 23, 2020

Date



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.

ZBA-2020-MAJ-07

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY **ZBA-2020-MAJ-08**

Date Request Filed 12-03-2020 ZBA Case No. **ZBA-2020-MAJ-09**

Fee Paid - Check No. 7370 Amount \$200.00 Date 12-03-2020

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*)

Minimum lot size for duplex, minimum parking space requirement for duplex, & position of garage on lot relative to setback requirements on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Gary Apfelstadt, Claudine Hanson** Phone: **217 552 9105, 217 552 9103**
 Address (street/city/state/zip code): **3039 N CR 900 E, Dewey IL 61840**
 Email Address: **gapfelstadt54@gmail.com chanson2354@gmail.com**
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owners**

2. OWNER INFORMATION

Name of Owner(s): **Gary Apfelstadt, Claudine Hanson** Phone: **217 552 9105, 217 552 9103**
 Address (street/city/state/zip code): **3039 N CR 900 E, Dewey IL 61840**
 Email Address: **gapfelstadt54@gmail.com chanson2354@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: **213 West Illinois Street, Urbana IL 61801**
 PIN # of Location: **92-21-17-186-001**
 Lot Size: **50 feet x 115.5 feet**

Current Zoning Designation: **R-2 / Application for Conditional Use Permit submitted to list property as Duplex**

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

Proposed Land Use: **Duplex**

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

The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois

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.

- a) The existing lot size is smaller than the current lot size requirement for lot in the R-2 zoning district,**
- b) The existing lot has fewer parking spaces than the current requirement for duplex, &**
- c) The existing position of garage on lot relative to setback requirements is closer than set back requirements for corner lot and we plan to replace the old structure with a new garage.**

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.

The variances are necessary to adjust the current zoning requirements to the existing use and structure of this property and permit replacement of the garage structure. The lot was platted to be smaller than the minimum lot size required by the Zoning Ordinance. The existing duplex has two parking spaces, which is less than the required 4 parking spaces for a duplex (2 per dwelling unit), and a variance is required to provide less than the required amount of parking. The existing garage was built in a (now) required front yard on Cedar Street. A variance is required to allow a new garage to be built in a required front yard, 3 feet from the west property line.

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

The home and garage have existed on the property since before we purchased it in 2014. This proposal, combined with the conditional use permit, is for correction of the existing use. When purchased in 2014 from the Darius E Phebus Trust by the current owners, the property was a duplex rental with Unit 1 on first floor, and Unit 2 on second floor. The property was registered as a duplex by Darius Phebus with the Urbana Rental Registration program when it began in 2007. The duplex rental has existed on the property since before we owned it, and it has provided rental housing to the neighborhood. The garage has existed on the property since before 1902.

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

This proposal is for correction of the existing use. The current use as a duplex will continue, as it has since before we purchased the property. The duplex use is consistent with the surrounding neighborhood, and many of the structures in the neighborhood have property codes as duplex or multi unit structures. The garage will be built in the style of the 1902 garage structure, and it will generally be in the same location as the existing garage.

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

This proposal is for correction of the existing use. The current use as a duplex will continue, as it has since before we purchased the property, where it has not been a nuisance to the neighborhood. The duplex use is consistent with the surrounding neighborhood, and many of the structures in the neighborhood have property codes as duplex or multi unit structures. The garage will be built in the style of the 1902 garage structure.

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

- a) existing lot size is 5,775 sq ft; current requirement for lot in R-2 is 6,000 sq. ft.
- b) existing parking spaces provided are 2; current requirement for duplex is 4, two per dwelling unit.
- c) existing location of garage is 1 foot from rear ally line and 3 feet from Cedar Street line; current requirement is 18 inches from rear line and 15 feet from Cedar Street line

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

Dec. 3, 2020

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