



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members  
**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
Katherine Trotter, Planner I  
**DATE:** March 4, 2021  
**SUBJECT:** An Ordinance Approving a Major Variance (1006 S. Wabash Ave. / ZBA-2021-MAJ-01)

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### Introduction

Deborah Berthold requests a variance to allow a garage to encroach six inches into a required 18-inch setback at 1006 South Wabash Avenue in the R-3, Single and Two-Family Residential Zoning District. The applicant would like to rebuild her existing garage in its current location, in the side yard 12 inches from the south property line. Section VI-5 of the Urbana Zoning Ordinance requires accessory structures in the R-3 District to be located 18 inches from side and rear property lines, as measured from the closest part of the structure. The roof of the existing garage encroaches six inches into the required 18-inch side yard setback. The roof of the new garage would also encroach six inches into the setback, or 12 inches from the south property line. The wall of the garage will be 22 inches from the property line.

At its February 18, 2021 meeting, the Zoning Board of Appeals (ZBA) held a public hearing on this case. No members of the public spoke regarding the case. **The ZBA voted unanimously, with five ayes and zero nays, to recommend that City Council approve the variance, with the condition that the garage generally conforms to the site plan.**

### Background

The applicant has owned the property since 2005, and the garage has been on the property for over 50 years. The applicant has requested a variance to allow her garage to be rebuilt in a required 18-inch side yard setback, 12 inches from the property line. The new garage will be built larger to include a workshop. The workshop space will be used to make stained glass and mosaics. The existing garage is 12.33 feet wide and 20.5 feet long. The new garage would be the same width and 35.5 feet long. The existing garage wall is 22 inches from the property line, and the roof overhang extends 10 inches from the garage wall.

### Description of Site and Area

The property at 1006 South Wabash Avenue is 5,225 square feet in area, and is located in the Fairlawn Park neighborhood, south of Washington Street and west of Philo Road. Nearby are other single-family residences, and Wiley School to the south. All adjacent properties are also zoned R-3, Single and Two-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
Site	R-3, Single and Two-Family Residential	Single-Family
North	R-3, Single and Two-Family Residential	Single-Family
South	R-3, Single and Two-Family Residential	Single-Family
East	R-3, Single and Two-Family Residential	Single-Family
West	R-3, Single and Two-Family Residential	Single-Family

## Discussion

The applicant requested the variance to allow the existing garage to be rebuilt 12 inches from the side property line, in generally the same location. The property is smaller and narrower than what is required by the Zoning Ordinance. The lot is 50 feet wide and 107.5 feet deep, with an area of 5,225 square feet. The narrow lot configuration creates a practical difficulty in rebuilding the garage 18 inches from the property line, and there is a mature tree in the rear yard that precludes the garage from being built further east. The house prohibits the garage from being built further north.

The garage would be rebuilt larger to include a workspace. The new garage would be the same width as the existing garage, but would be longer to make room for the workspace. The dimensions of the new garage would be 12 feet 4 inches by 35 feet 6 inches, with a total area of 437 square feet. The exemption for replacement garages in Section VI.5.9(a) does not apply in this case, due to the narrow lot width and size of the replacement garage. As a result, a variance is needed.

The neighboring garage also encroaches into the required 18-inch setback and is 17 inches from the property line. There will be 39 inches of separation between the two garage walls. Per Building Code, the exterior wall of the new garage will be required to be 1-hour fire-resistance rated, as it would be within five feet of the neighboring garage.

## Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the ZBA to make findings based on variance criteria. The ZBA 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 is smaller and narrower than what is now required by the Zoning Ordinance. The lot size and location of the house and the tree in the backyard create a practical difficulty in rebuilding the garage 18 inches from the south property line. The requested variance will not serve as a special privilege, because these circumstances are not generally applicable to other lots in the neighborhood. The variance would allow the garage to be rebuilt in the same location as the existing garage, which is the most practical place for a garage on this lot.

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

The existing garage has been on the property for 50 years, well before the applicant purchased it. The new garage would be rebuilt in generally the same location. The narrow lot width creates a practical difficulty in rebuilding the garage 18 inches from the side property line, and there is a mature tree in the back yard that precludes the garage from being built further north or east. The situation was not knowingly or deliberately created by the applicant.

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

The garage will not alter the essential character of the neighborhood, as it has existed since before the applicant purchased the property and would be rebuilt in the same location. Detached garages in side yards are common in this neighborhood, and the neighboring property also has a garage that encroaches into the required 18-inch setback. From the street, the garage will look essentially the same as the current garage, and will not alter the character of the property or the neighborhood.

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

According to City records, there have been no nuisance complaints at 1006 South Wabash Avenue since the applicant purchased it in 2005. The added workshop space would be used for making stained glass and mosaics, which should not generate noise or cause a nuisance to the adjacent property. The new garage would be rebuilt with exterior walls that are 1-hour fire-resistance rated, which would help reduce danger from fire to the adjacent garage.

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

The variance represents generally the minimum deviation from the Zoning Ordinance requirements, as the garage would be rebuilt as far from the south property line as possible, while still retaining the mature tree.

## **Zoning Board of Appeals**

On February 18, 2021, the ZBA discussed the variance request. After hearing no public input for or against the case, the ZBA voted unanimously, with five ayes and zero nays, to forward this case to the Urbana City Council with a recommendation to APPROVE the request, with the condition that the garage generally conforms to the submitted site plan.

## Summary of Findings

1. Deborah Berthold requests a major variance to allow a garage to be rebuilt 12 inches from the south property line at 1006 South Wabash Avenue 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 the narrow lot configuration and location of the house and the mature tree in the backyard create a practical difficulty in rebuilding the garage 18 inches from the side property line.
3. The variance was not the result of a situation knowingly created by the applicant, as the garage has been on the property since before the applicant purchased it, and the lot was platted to be narrower than required today.
4. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location, and from the street, the garage would look essentially the same.
5. The variance will not cause a nuisance to adjacent property owners, as the garage will be rebuilt in its same location where it has not been a nuisance, with exterior walls that are 1-hour fire-resistance rated. The workshop space will be used for making stained glass and mosaics, which should not generate noise or cause a nuisance to the adjacent property.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage will be rebuilt as far from the south property line as possible, while still maintaining the mature tree.

## Options

The Urbana City Council has the following options:

1. Approve the Ordinance; or
2. Approve the Ordinance with certain terms and conditions; or
3. Deny the Ordinance.

## Recommendation

At the February 18, 2021 meeting, the ZBA voted with five ayes and zero nays to forward this case to the Urbana City Council with a recommendation to APPROVE the request, with the following condition:

That the garage generally conforms to the site plan in Ordinance Attachment A.

Staff concurs with the ZBA recommendation.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Garage Site Plan  
Exhibit D: Site Photos  
Exhibit E: Zoning Board of Appeals Minutes 2/18/2021 (DRAFT)  
Exhibit F: Variance Application

cc: Deborah Berthold, Property Owner/Applicant

**ORDINANCE NO. 2021-03-010**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(1006 S. Wabash Ave. / ZBA Case No. 2021-MAJ-01)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Deborah Berthold has submitted a petition for a major variance to allow a garage to encroach six inches into a required 18-inch setback at 1006 South Wabash Avenue; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on February 18, 2021, in ZBA Case No. 2021-MAJ-01; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted five (5) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance with one condition; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The property is zoned R-3, Single and Two-Family Residential Zoning District.
2. Deborah Berthold requests a major variance to allow a garage to be rebuilt 12 inches from the south property line at 1006 South Wabash Avenue.
3. The variance will not serve as a special privilege to the property owner, as the narrow lot configuration and location of the house and the mature tree in the backyard create a practical difficulty in rebuilding the garage 18 inches from the side property line.
4. The variance was not the result of a situation knowingly created by the applicant, as the garage has been on the property since before the applicant purchased it, and the lot was platted to be narrower than required today.
5. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location, and from the street, the garage would look essentially the same.
6. The variance will not cause a nuisance to adjacent property owners, as the garage will be rebuilt in its same location where it has not been a nuisance, with exterior walls that are 1-hour fire-resistance rated. The workshop space will be used for making stained glass and mosaics, which should not generate noise or cause a nuisance to the adjacent property.
7. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the garage will be rebuilt as far from the south property line as possible, while still retaining the mature tree.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. ZBA-2021-MAJ-01, the major variance requested by Deborah Berthold, to allow a garage to encroach six inches into a required 18-inch setback at 1006 South Wabash Avenue is hereby approved in the manner proposed in the application with the following conditions: that the garage generally conforms to the site plan in Attachment A. Such attachments are attached hereto and incorporated herein by reference. The major variance described above shall only apply to the property located at 1006 South Wabash Avenue, more particularly described as follows:

Lot 84 of Martha C. Hubbard's Third Addition to the City of Urbana, as per plat recorded in Book "E" at page 201, in Champaign County, Illinois.

Commonly known 1006 South Wabash Avenue, Urbana, Illinois 61801  
P.I.N.: 92-21-16-304-011

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

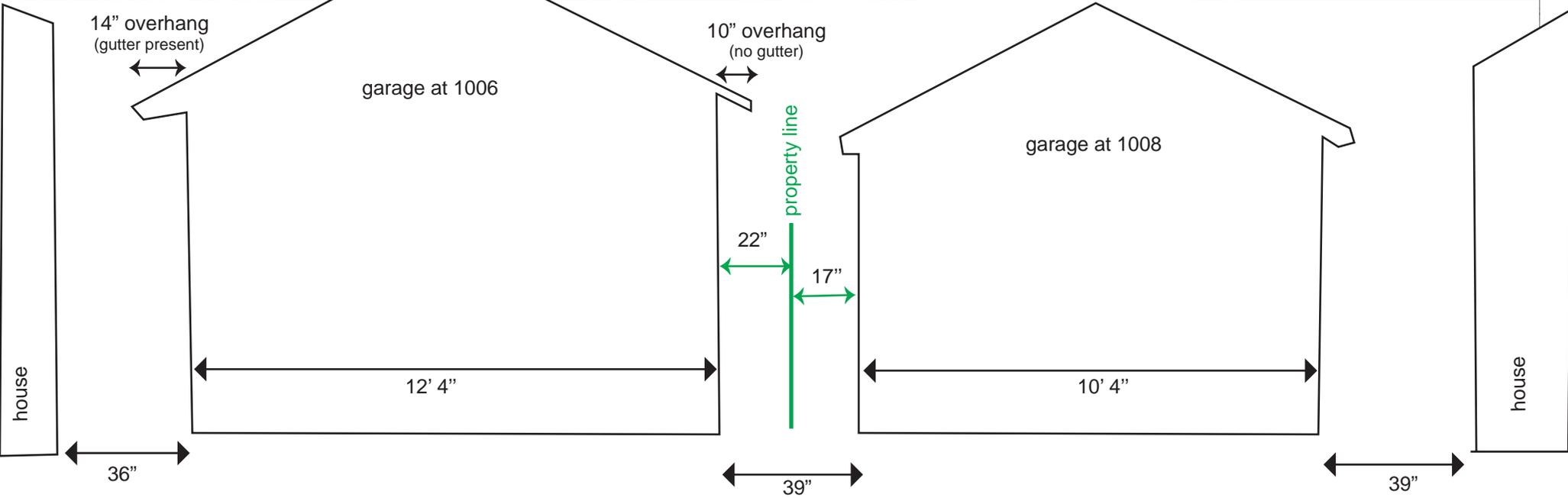
**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

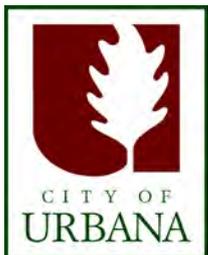
I, Phyllis D. Clark, certify that I am the duly appointed and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving a Major Variance (1006 S. Wabash Ave. / ZBA-2021-MAJ-01)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.





# Exhibit A - Location Map



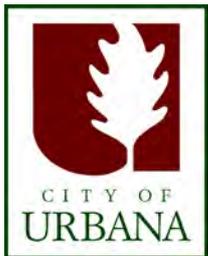
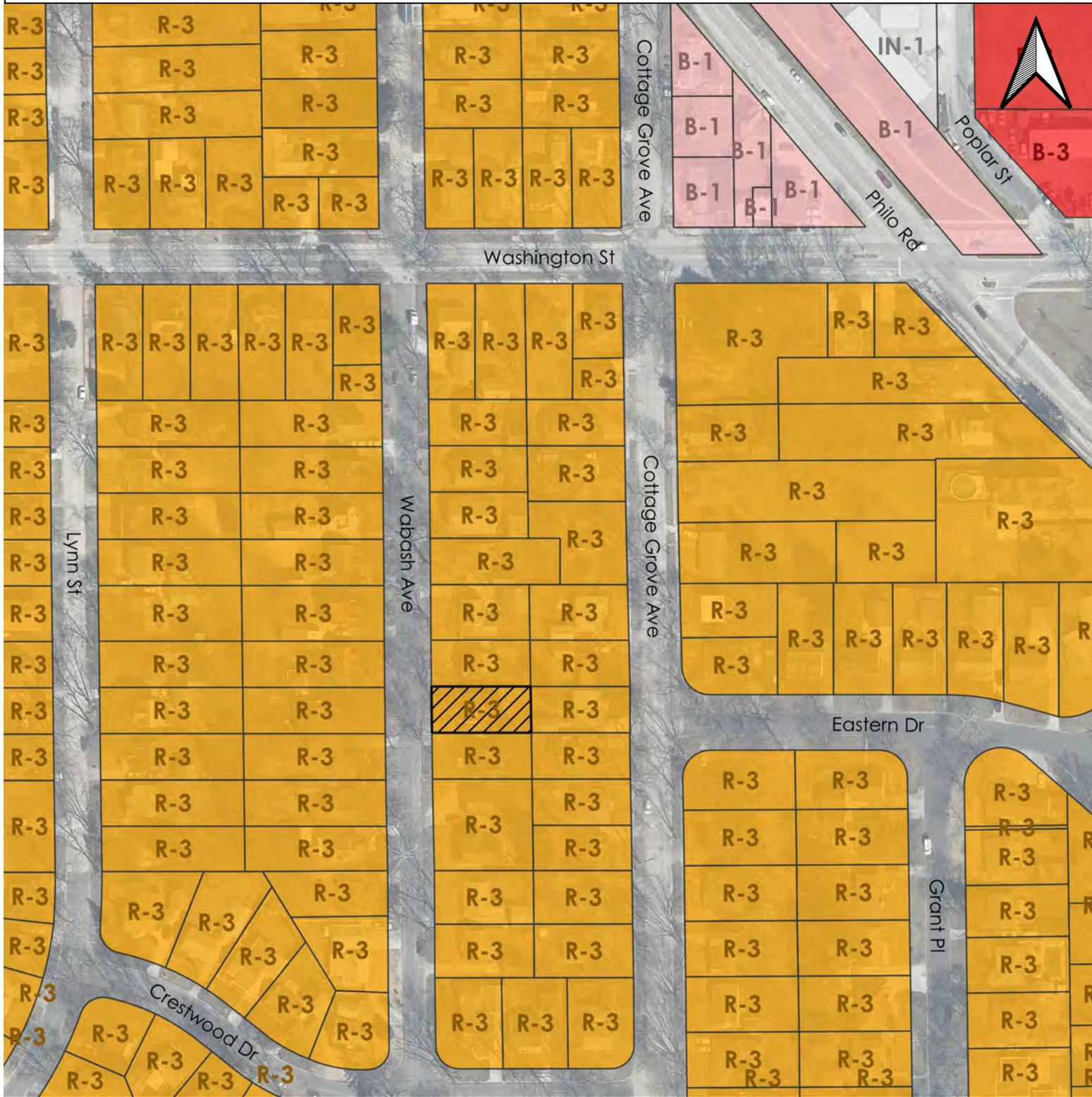
Case No.  
Subject  
Address  
Petitioner

ZBA-2021-MAJ-01  
Berthold Garage  
1006 S. Wabash Ave.  
Deborah Berthold

 Subject Property  
2020 Aerial



# Exhibit B - Zoning Map

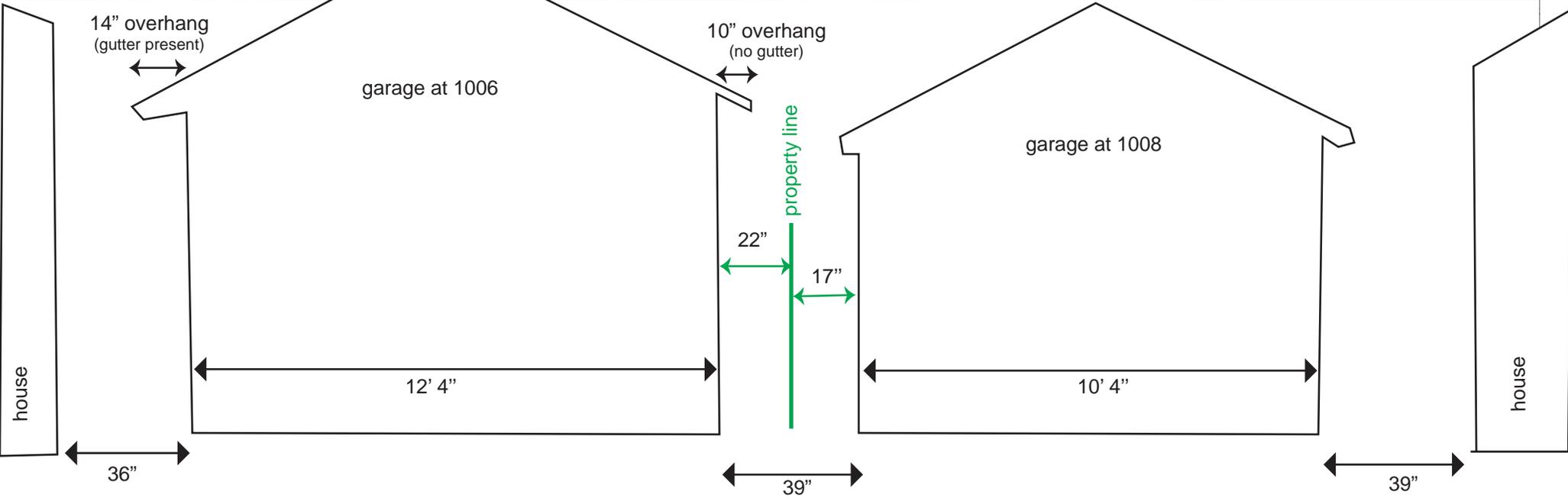


Case No.  
Subject  
Address  
Petitioner

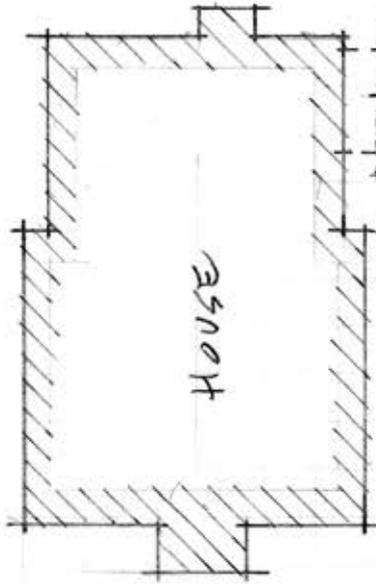
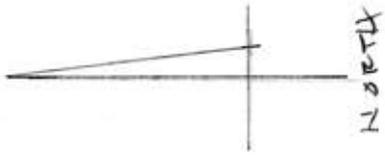
ZBA-2021-MAJ-01  
Berthold Garage  
1006 S. Wabash Ave.  
Deborah Berthold

- Parcels  
 Subject Property  
 Zoning  
 B-1  
 B-3  
 IN-1  
 R-3





PERORAH BERTHOLD RESIDENCE  
1006 S. WABASH AVE.  
URBANA, ILLINOIS



FOOTPRINT OF  
PROPOSED NEW  
GARAGE/STUDIO  
(12'-4" X 35'-6")

EXISTING  
GARAGE

GARAGE

GRAVEL DRIVEWAY

EDGE OF CONC. DRIVEWAY

30 FEET

20

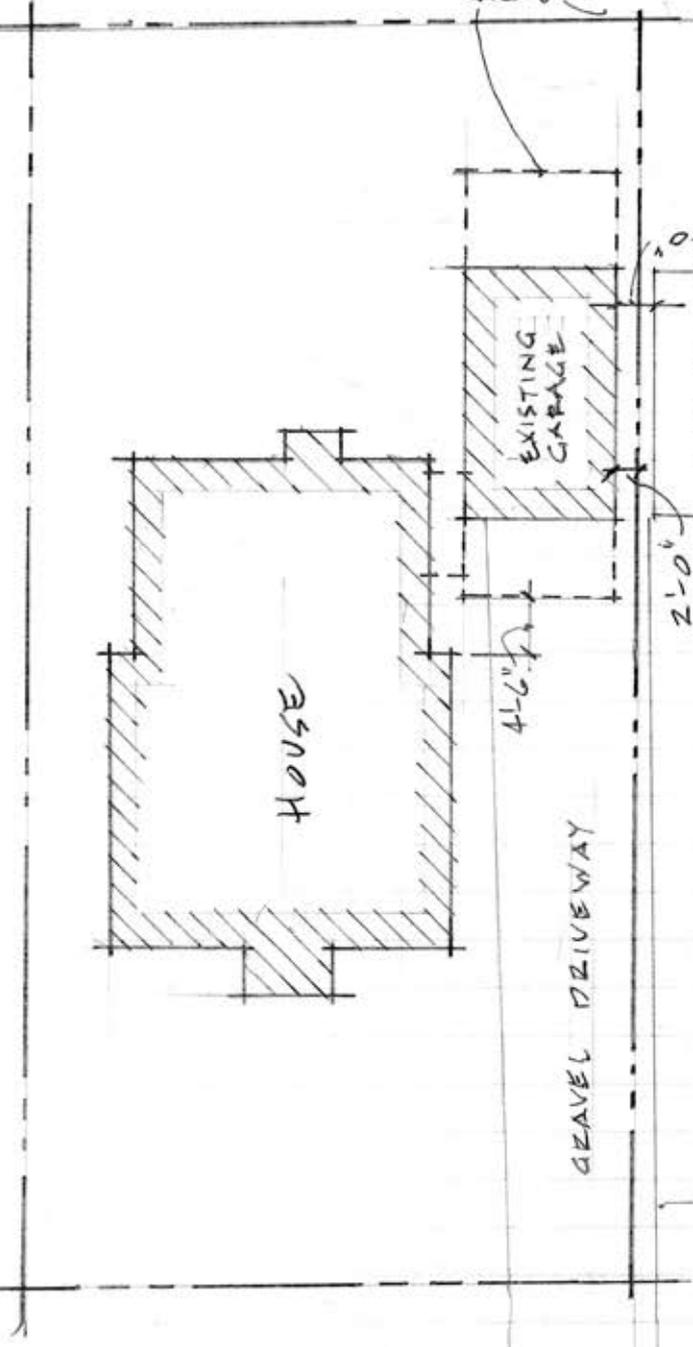
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PROPOSED NEW GARAGE/WORKSHOP

JANUARY 12, 2021

WABASH AVE.





**MINUTES OF A RESCHEDULED MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** February 18, 2021

**DRAFT**

**TIME:** 7:00 p.m.

**PLACE:** Zoom Webinar

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**MEMBERS ATTENDING REMOTELY:** Joanne Chester, Ashlee McLaughlin, Adam Rusch, Charles Warmbrunn

**MEMBER ATTENDING AT CITY BUILDING:** Harvey Welch

**MEMBERS EXCUSED** Matt Cho

**MEMBERS ABSENT** Nancy Uchtmann

**STAFF PRESENT** Kevin Garcia, Principal Planner; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

**OTHERS PRESENT** Gary Apfelstadt, Deborah Berthold

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

Chair Welch called the meeting to order at 7:04 p.m. Roll call was taken, and he declared a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the January 20, 2021 regular meeting were presented for approval. Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes as written. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

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

The minutes of the January 20, 2021 regular meeting were approved as written.

#### 4. COMMUNICATIONS

There were none.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

##### **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.**

Chair Welch opened the public hearing for Case No. ZBA-2020-MAJ-09. Kat Trotter, Planner I, gave the staff report for the case. She explained the purpose for the proposed major variance request, which was to allow the applicant to rebuild the existing garage in its current location; 11 feet into the required 15-foot front yard setback. She noted two email communications were received; one from Michael Fuerst and the second from Jonah Weisskopf, both in favor of the proposed request. She described the location of the subject property noting the zoning and future land use designation of the subject property as well as for the adjacent properties. She showed photos of the existing garage on the site. She reviewed the requirements for a variance from Section XI-3 of the Zoning Ordinance. She summarized staff findings, read the options of the Zoning Board of Appeals for each case, and presented City staff's recommendations for approval. She noted that the applicant was available to answer questions.

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

Ms. Chester questioned the safety of allowing a garage to be rebuilt four feet from the sidewalk. The driver would have no visibility of a pedestrian walking down the sidewalk when the driver backs out of the garage. Ms. Trotter explained that the existing garage has been in its current location for over 100 years, and there have not been any issues from the applicant's position or from any nuisance complaints by the neighbors. Ms. Chester commented that regardless of how many years the garage has been there, it was not safe. She would be okay with the variance request if the vehicular entrance to the garage was located along the alley. Mr. Rusch stated that the tenants would not be able to pull out into the alley without backing into the parking area of the house across the alley. Ms. Trotter noted that the applicant had expressed concern about the turn radius of backing out into a narrow alley if the vehicular access was located along the alley.

Mr. Warmbrunn asked for confirmation that the proposed new garage would be bigger than the existing garage. Ms. Trotter said that was correct. The new garage would be 24' x 24', and the existing garage is 20' x 24'.

Mr. Rusch asked if the proposed foot print of the new garage squared off where the jut was. Ms. Trotter referred the question to the applicant.

Mr. Warmbrunn asked if the garage was rebuilt where the garden currently was located, would it meet the City's setback requirements. Ms. Trotter replied that the garage would have to be moved 11 feet to the east in order to meet the front yard setback requirement.

Mr. Warmbrunn asked how big the garden was. Ms. Trotter referred the question to the applicant.

Ms. McLaughlin asked if the Zoning Board of Appeals could approve the request conditional upon the applicant rebuilding the garage further to the east or were they restricted to approving the request as submitted. Kevin Garcia, Principal Planner, stated that the Zoning Board of Appeals could approve a lesser variance; however, they could not consider a greater variance.

Ms. McLaughlin wondered if there were any perimeters of how close a garage could be constructed near an alleyway in terms of turn radius. Ms. Trotter stated that this would be a question for the City's Public Works Department. With regards to the Zoning Ordinance, the garage would be required to be constructed at least 18 inches from the rear property line.

Mr. Rusch stated that he knows of other garages that were located close to the street similar to the proposed property. Ms. McLaughlin noted that there were many properties in the City that are non-conforming. The time to correct them is when the owners want to rebuild.

Ms. Chester asked if the owner wanted to rebuild using some of the existing structure, would he be allowed to rebuild in the same location. Ms. Trotter replied that there were some caveats to this. If a non-conforming building burnt down more than 50% of its total value, then the building could not be reconstructed. If there was less than 50% damage, then it could be rebuilt with the non-conformity.

Mr. Garcia pointed out that every variance case is brought to the Public Works Department for their input prior to being presented to the Zoning Board of Appeals. The Public Works staff did not express any concern about the location of the garage in this case.

Mr. Rusch did not have concern about a driver backing out of the garage. However, he did understand wanting the owner to rebuild the garage to be more conforming than the existing garage.

Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

Mr. Apfelstadt, applicant, raised his hand to speak. Chair Welch swore him in. Mr. Apfelstadt addressed the issue of safety. He stated that he has owned the property since 2014. Some tenants have vehicles, and some tenants do not. All of the tenants have been made aware of the proximity of the garage to the sidewalk and street. There have been no complaints or incidents of threatening people's safety.

He talked about the caveat of replacing a non-conforming structure without having to replace the entire structure at once. A person could replace one wall at a time without having to bring the structure into legal conformity with the regulations.

He explained that the purpose for making the structure bigger when they rebuild was to make it easier for the tenants to back their vehicles out of the garage onto Cedar Street with regards to visibility. He intends to move the garage layout to be two feet away from the alley. The alley was too narrow for a person to back out of the garage into the alley.

He stated that the garden is a feature that he wants to maintain for his tenants. When tenants do not use the garden, then he maintains it.

He stated that City staff told him that this seemed to be a reasonable variance that would likely be approved.

Mr. Rusch asked if Mr. Apfelstadt intended to have windows in the new garage. Mr. Apfelstadt replied yes on both the north and south sides of the garage.

Mr. Warmbrunn asked how feet there are between the existing garage and the property line on the east side. How big is the garden? Mr. Apfelstadt replied that there is about ten feet between the shed and the eastern property line. The garden is approximately 14 to 16 feet.

Ms. Chester asked if the applicant had considered moving the garage to the east and encroaching into the garden space a few feet to allow more visibility when a tenant pulls out of the garage. Mr. Apfelstadt replied that the dimension of the proposed new garage would already encroach into the garden space. The old shed would be demolished and the garage would encroach to the edge of where the existing shed is to preserve the garden space. There are perennial raspberry bushes that would be destroyed if they encroached more into the garden space.

Mr. Warmbrunn asked if the new dimension would expand the garage from east to west. Mr. Apfelstadt said it would expand in both east to west and north to south. The existing garage is 20' x 20', and the new garage would be 24' x 24'. They would shift the garage four feet to the east and six feet to the north.

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

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2020-MAJ-09 to the Urbana City Council as requested with the recommendation for approval with the condition that the garage generally conform to the plans shown as exhibits in the packet of information and that the garage be reconstructed with a large window on the north facing wall to allow drivers to see pedestrians. Ms. McLaughlin seconded the motion.

Mr. Rusch moved to add a friendly amendment to add that a large window be installed on the north and south facing walls. Ms. McLaughlin seconded the amendment.

Mr. Warmbrunn stated that he could not visualize a driver trying to look over another vehicle to look through a window. Mr. Rusch said that vehicles have windows too. Mr. Warmbrunn said what if it there was a bicyclist. One could look and not see anyone, and then all of a sudden there is a bicyclist coming by. So he did not feel that the windows would effective.

Ms. McLaughlin stated that considering that there have been no complaints or safety issues in the past, it would be hard adding the condition or to deny the request. She understood the effort to add the condition but felt it would be tricky. She noted that she tried to check the access management guidelines for the region. The guidelines are specific to intersection proximity and are minimal to this type of low traffic street.

Ms. Chester stated that a fence would be required to allow for visibility. She wondered if the rules for requiring visibility for a fence could be applied to a garage structure. Mr. Rusch replied that in an ideal world, they would rather see the garage located in a different location on the lot; however, he felt that the existing garage was probably built in the best place it could be allowed to be built without taking up the rest of the yard. It is a precedent that it is there, and people know it as a characteristic of the neighborhood. By allowing the garage to be rebuilt a little bit bigger, it increases the visibility.

There was discussion amongst the Zoning Board of Appeals members about the issue of safety and lack of visibility for a driver exiting the existing or new garage.

Mr. Rusch withdrew his motion and the amendment.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2020-MAJ-09 to the City Council with a recommendation for approval as requested based on the findings outlined in the written staff memo. Mr. Rusch seconded the motion.

Mr. Warmbrunn asked if there was a site plan included in the packet. Ms. Trotter stated that Exhibit D shows Garage Plan Views.

Roll call on the motion was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	No	Ms. McLaughlin	-	Yes
Ms. Rusch	-	Yes			

The motion passed by a vote of 4 ayes to 1 nay, which is a necessary majority for a major variance. Ms. Trotter stated that Case No. ZBA-2020-MAJ-09 would be forwarded to City Council on March 8, 2021.

**ZBA-2021-MAJ-01 – A request by Deborah Berthold for a major variance to allow a garage roof overhang to extend six inches into the 18-inch required setback from the south property line at 1006 South Wabash Avenue in the R-3, Single and Two Family Residential Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-01. Kat Trotter, Planner I, gave the staff report for the case. She explained the purpose for the proposed major variance request, which was to allow the overhang on a garage roof to extend 6” into the required 18” setback from the south property line. She described the location of the subject property noting the zoning and future land use designation of the subject property as well as for the adjacent properties. She showed photos of the existing garage on the site. She reviewed the requirements for a variance from Section XI-3 of the Zoning Ordinance. She summarized staff findings, read the options of the Zoning Board of Appeals for each case, and presented City staff’s recommendations for approval. She noted that the applicant was available to answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none.

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

Ms. Chester moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-01 to the City Council with a recommendation for approval. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Ms. Trotter stated that Case No. ZBA-2021-MAJ-01 would be forwarded to the Urbana City Council on March 8, 2021.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Garcia reported on the following:

- Lily Wilcock – was recently promoted to Planner II. She has been working on updating the City’s Comprehensive Plan.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 8:04 p.m.

Respectfully submitted,

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Kevin Garcia, AICP  
Principal Planner  
Secretary, Urbana Zoning Board of Appeals



# 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.

Deborah Beithold

1-14-2021

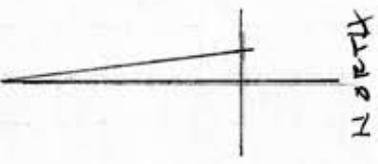
Applicant's Signature

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

PERORAH BERTHOLD RESIDENCE  
1006 S. WABASH AVE.  
URBANA, ILLINOIS



HOUSE

FOOTPRINT OF  
PROPOSED NEW  
GARAGE/STUDIO  
(12'-4" x 35'-6")

4'-6"

EXISTING  
GARAGE

GRAVEL DRIVEWAY

3'-3"

EDGE OF CONC. DRIVEWAY

GARAGE

1'-10"



PROPOSED NEW GARAGE/WORKSHOP

JANUARY 12, 2021

WABASH AVE.

