



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals

**FROM:** Lily Wilcock, Planner I

**DATE:** August 16, 2019

**SUBJECT:** **ZBA-2019-C-03:** A request by Dan Gordon for a Conditional Use Permit to allow a second principal structure containing a second dwelling unit at 308 West California Avenue in the R-2, Single-Family residential zoning district.

**ZBA-2019-MAJ-05:** A request by Dan Gordon for a Major Variance to increase the maximum Floor Area Ratio from 0.4 to 0.51 at 308 West California Avenue in the R-2, Single-Family residential zoning district.

**ZBA-2019-MAJ-06:** A request by Dan Gordon for a Major Variance to allow a principal building to encroach seven feet into the required ten foot rear yard at 308 West California Avenue in the R-2, Single-Family residential zoning district.

**ZBA-2019-MAJ-08:** A request by Dan Gordon for a Major Variance to allow a principal building to encroach four feet into the required five foot side yard at 308 West California Avenue in the R-2, Single-Family residential zoning district.

**ZBA-2019-MAJ-09:** A request by Dan Gordon for a Major Variance to reduce the required parking for two dwelling units from four spaces to two at 308 West California Avenue in the R-2, Single-Family residential zoning district.

**ZBA-2019-MAJ-10:** A request by Dan Gordon for a Major Variance to reduce the required lot width for establishing a duplex on a lot from 60 feet to 58 feet at 308 West California Avenue in the R-2, Single-Family residential zoning district.

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## Introduction

Dan Gordon requests a Conditional Use Permit to allow the existing garage to be used as a second principal structure on his lot at 308 W. California Ave. More than one principal structure on a lot requires a Conditional Use Permit in the R-2, Single-Family Residential zoning district<sup>1</sup>. Mr. Gordon also requests five Major Variances to allow an apartment in the garage.

Staff recommends that the Zoning Board of Appeals continue the cases, in order to collect and address all major variances. Zoning Board of Appeals has the following options:

- Staff and the applicant may present all cases and the Zoning Board of Appeals may hear public input. Zoning Board of Appeals may then continue all cases related to 308 West California Avenue to the next meeting on September 18, 2019.
- Staff and the applicant may present all and the Zoning Board of Appeals may hear public input. Zoning Board of Appeals may decide to discuss the cases and develop a set of findings for each,

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<sup>1</sup> Section V-3.C of the Urbana Zoning Ordinance.

then vote.

## **Background**

Mr. Gordon recently purchased 308 West California Avenue, which contains a house and a garage. The situation was discovered when Mr. Gordon approached a plumber about making repairs to the garage building. The plumber asked that Mr. Gordon talk to the City, and City staff immediately informed Mr. Gordon this structure cannot contain dwelling units. After a systematic inspection, City staff concluded that the previous owner had converted the garage into three single-bedroom apartments without appropriate zoning or building safety approvals. At most, a lot in the R-2 district can have two dwelling units, if a Conditional Use Permit is granted. Mr. Gordon would like to reduce the number of apartments in the garage from three to one. To meet all building safety requirements, it will be expensive to remove two units and convert the garage into a single apartment, but the applicant is willing to work with building safety staff to make the necessary changes. The house will continue to be rented as it has for many years.

The first variance request would increase the maximum floor area ratio allowed on the lot from 0.40 to 0.51. The second variance request would allow the building to remain 2.9 feet from the rear property line. The third variance request would allow the building to remain 0.7 feet from the side property line<sup>1</sup>. The fourth variance request would allow the second dwelling unit without an additional two car parking spaces<sup>2</sup>. The fifth variance request would allow a duplex to be established on a lot whose width is 58 feet, less than the required 60 feet<sup>3</sup>. Without the variances or conditional use permit, the garage could remain, but it could not contain an apartment. Exhibit F includes a decision matrix detailing the potential outcomes should the Zoning Board of Appeals/City Council approve some, but not all, of the requests.

A systematic inspection of the garage was then scheduled. City staff estimate the garage was converted into three apartments in 2011. No building, plumbing, or electrical permits have been issued for the garage since the original Certificate of Occupancy was issued after the garage was properly constructed in 1992. The previous owners registered the house as a rental unit in 2010 under the rental registration program, but never registered any of the garage apartments. If the requests are approved, the one-unit garage apartment would require periodic building inspections and a new Certificate of Occupancy. The City has never received a complaint regarding the apartments at 308 West California Avenue, and therefore had no knowledge of the conversion of the garage and the work being done to the property.

Without the proper zoning and building permits, the garage apartments are not fit for occupancy. All apartments in the garage will be vacant by September 30, 2019. On October 1, 2019, City staff will inspect the garage to ensure the building is vacant. If the Conditional Use Permit and variances are granted, staff would work with Mr. Gordon to retroactively inspect the space to meet all building codes.

## **Description of Site and Area**

The lot at 308 West California Avenue is 6,670 square feet, and is north of Leal Elementary School, on California Avenue between Cedar Street and Birch Street. The property contains a single family home, a two-story garage, a driveway, and a parking pad off of the public alley to the rear of the house. Exhibit E is a boundary survey that shows the configuration of the lot and provides precise locations of the property lines.

The following is a summary of zoning and land uses for the subject site and surrounding area:

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<sup>1</sup> The first three variances refer back to regulations set forth in Table VI-1 in the Urbana Zoning Ordinance.

<sup>2</sup> The fourth variance refers to regulations set forth in Table VIII-1 in the Urbana Zoning Ordinance.

<sup>3</sup> The fifth variance refers to regulations set forth in Section VI-3. B.

Location	Zoning	Existing Land Use	Future Land Use
Site	R-2, Single-Family Residential	Single Family Home	Residential
North	R-2, Single-Family Residential	Single Family Home	Residential
South	CRE, Conservation-Recreation-Education	Leal Elementary School	Residential
East	R-2, Single-Family Residential	Duplex	Residential
West	R-2, Single-Family Residential	Single Family Home	Residential

## Discussion

### Conditional Use Permit

Two dwelling units on one lot is considered a “duplex” whether the units are in one building or two. A garage apartment is considered a second principal structure rather than an accessory structure. In the R-2 district, a Conditional Use Permit (CUP) is required to establish both a duplex and a second principal structure on the lot.<sup>1</sup> If the Conditional Use Permit is granted, Mr. Gordon will be allowed to have one apartment in the garage.

Conditional Use Permits generally have conditions attached to ensure the use is convenient, not detrimental, and ensure conformity with all other regulations. If the CUP were to be considered for approval the following conditions may be considered:

- That the garage building be inspected for all applicable building codes required for the establishment of a dwelling unit.
- That the applicant seek and a new Certificate of Occupancy is issued for the garage to be used as one dwelling unit.

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit (CUP) shall demonstrate the following requirements.

1. That the proposed use is conducive to the public convenience at that location.
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.
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 Section VII-6.

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<sup>1</sup> Per Section V-3.C. of the Zoning Ordinance, a second principal structure on a lot requires a CUP. Per Table V-1, a duplex is permitted in the R-2 zoning district with a CUP.

## **Major Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the variance criteria for major variances for the rear yard, side yard, parking, and lot width.

1. Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?
2. The proposed variances will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof, which is not generally applicable to other lands or structures in the same district.
3. The variance request is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.
4. The variances will not alter the essential character of the neighborhood.
5. The variances will not cause a nuisance to the adjacent property.
6. The variances generally represent the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

## **Major Variance for Floor Area Ratio**

The maximum floor area allowed on the lot based on floor area ratio (FAR) is 2,685 square feet. If granted, the major variance request would allow an extra 765 square feet of floor area on the lot. The FAR includes the square footage of the two-story house and the two-story garage. While garages are typically excluded from FAR calculations, since the entire garage has been converted into living space, it is included in the FAR calculation. That is because the purpose of FAR is to regulate the size and mass of buildings and the intensity of their use. Since garages are typically used for storage, they don't increase the intensity of use on a lot. However, when a garage is converted to living space, it increases the intensity of use and is included in the FAR calculation (more living space means more people can live there). While the mass of the house and the garage is typical of the neighborhood and doesn't seem to be an issue, allowing an extra 765 square feet of living space on the lot exceeds the intensity that FAR is meant to regulate.

The request for an increase in floor area ratio, however, is greater than the minimum deviation necessary. As discussed above, FAR regulates the intensity of the use allowed on a parcel, and in this case, the FAR variance would allow a more intense use (by allowing more living space) than the R-2 district allows.

If the request is denied, the second floor of the garage could be converted from living space to storage, and 825 square feet of living space would be removed, reducing the total floor area and the FAR to 0.39. Or, if the first floor of the garage is converted back to vehicle or other storage, then the FAR would be reduced, and the parking variance may not be needed.

## **Major Variances for Side and Rear Yard**

The variance requests to reduce the required yards would allow the continued use of the garage as living space. A practical difficulty is that when the garage was built, it was considered an accessory structure. Accessory structures can be built up to 18 inches from side and rear property lines, so the garage conformed to the requirements of the Zoning Ordinance. Once the previous owner illegally converted the garage into apartments, it became an illegal second principal structure (illegal both because the use was not allowed and because it did not meet the required yard setbacks for principal structures). Since the garage is already within

the required side and rear yards, it would be impractical to meet the yard requirements if the Conditional Use Permit is granted and the garage is allowed as a second principal structure. Exhibit E, Site Survey, shows the garage to be closer than 18 inches because a small mechanical room to added when the garage was converted to residences. This too would need to be removed if the variance is not granted.

Mr. Gordon has provided a site survey (Exhibit E). The survey notes the garage is 0.7 feet from the side lot line and 2.9 feet from the rear property line. Without this variance, and with all other variances and Conditional Use Permit being approved, the garage will need to be torn down and rebuilt ten feet from the rear property line and five feet from the side property line. Refer to the Decision Matrix (Exhibit F) for outcomes to partial approval, full approval, or denial.

### **Major Variance for Parking**

The variance request would reduce the number of required parking spaces from four to two. At the systematic inspection, staff found that none of the seven tenants living in the garage or the house has a car. Every tenant has a bicycle, walks, and uses transit. The 25-by-30 foot concrete parking area at the rear of the lot can accommodate two cars if any future tenants own cars.

It is possible that a driveway could be added to the lot to create two car parking spaces. Doing so would remove two parking spaces from the on-street parking along California Avenue.

### **Major Variance for Lot Width**

The lot at 308 West California Avenue was originally part of an alley and the adjacent lot. It was created when the area was platted in the 1852. In 1909, the north-south Duck Alley was vacated and six feet went with 308 West California Avenue and another six feet went with 306 West California Avenue. In 1990, the former owner of 308 West California Avenue sold the western six feet of the lot to the owner of 310 West California Avenue without the City's knowledge or approval. The transaction made the lot at 308 West California Avenue nonconforming. The front lot line is 57.78 feet, which is 2.22 feet less than the 60 feet required in the R-2 district and the 60 feet required to establish a duplex on the lot.<sup>1</sup>

The owner could purchase 2.22 feet from an adjacent property owner to widen the lot to the necessary 60 feet, but this may not be possible because the buildings on the adjacent properties are very close to the property lines, and such a sale could inadvertently create nonconforming structures on those lots.

### **Case Summary**

1. The property is zoned R-2, Single-Family Residential;
2. Dan Gordon requests a Conditional Use Permit to allow a second principal structure and a duplex use in the R-2, Single-Family Residential zoning district;
3. Dan Gordon requests multiple major variances to allow a principal structure to encroach 7.1 feet into the required rear yard, to encroach 4.3 feet into the required side yard, allow a floor area ratio of 0.51 which is 27.5% greater than what is allowed, to reduce the parking required from four spaces required to two spaces, and to reduce the lot width required by 2.22 feet which is 3.7% less than what is required;
4. The variances will allow the garage to be used as a dwelling; and
5. The property owner did not deliberately create this situation, as the previous property owner had

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

illegally converted the garage into a dwelling.

## Options

Staff recommends that the Zoning Board of Appeals continue the cases, in order to collect public input and allow staff to further analyze the requests. Zoning Board of Appeals has the following options:

1. Staff and the applicant may present all cases and the Zoning Board of Appeals may hear public input. Zoning Board of Appeals may then continue all cases related to 308 West California Avenue to the next meeting on September 18, 2019.
2. Staff and the applicant may present all and the Zoning Board of Appeals may hear public input. Zoning Board of Appeals may decide to discuss the cases and develop a set of findings for each, then vote.

If the Zoning Board of Appeals, chooses to vote on the Conditional Use Permit, the Zoning Board of Appeals has the following options:

1. Approve the Conditional Use Permit; or
2. Approve the Conditional Use Permit along with any conditions as are appropriate for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the Conditional Use Permit.

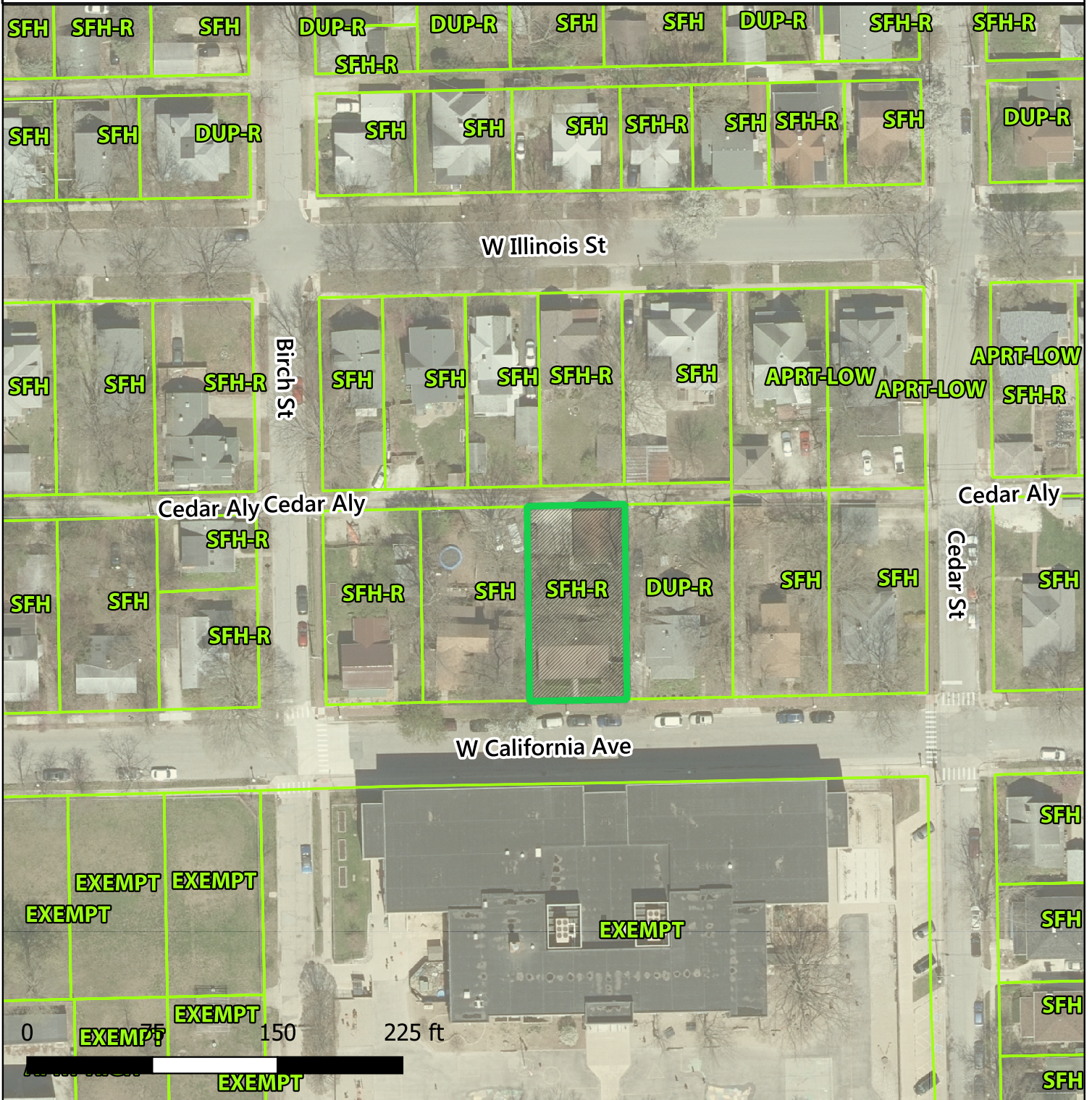
If the Zoning Board of Appeals, chooses to vote on all variances, the Zoning Board of Appeals has the following options for each variance case:

1. Forward the Major Variance request to City Council with a recommendation to approve the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the Major Variance to City Council with a recommendation to approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
3. Deny the Major Variance request, and if so, articulate findings supporting the denial.

Attachments: A: Location and Land Use Map  
B: Zoning Map  
C: Future Land Use Map  
D: Site Photos  
E: Site Survey (Berns, Clancy, and Associates)  
F: Variance Decision Tree  
G: Correspondence against Request  
H: Conditional Use Permit Application  
I: Major Variance Application

cc: Daniel Gordon, Owner/Applicant

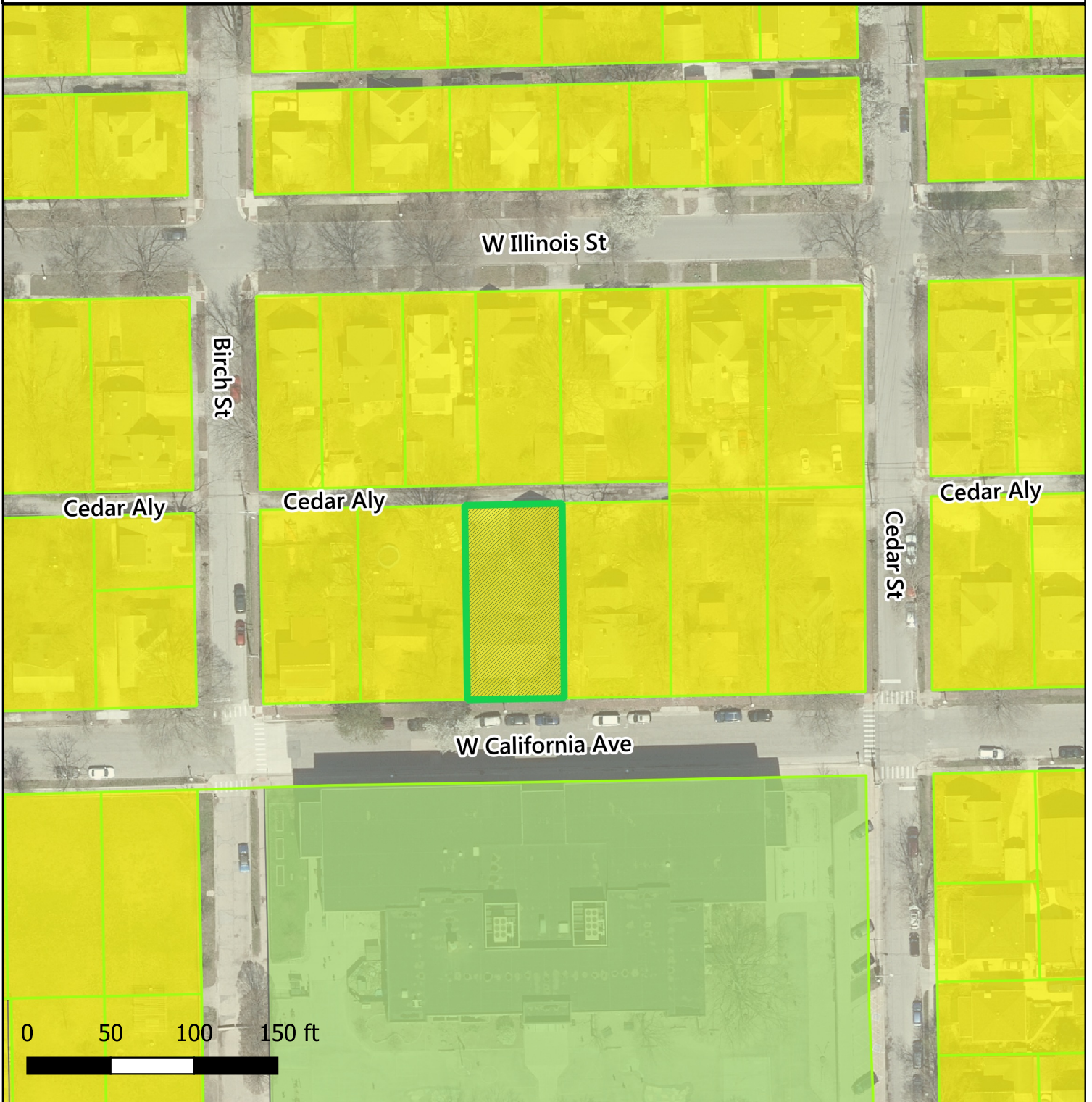
# Exhibit A - Location & Existing Land Use Map



Case: ZBA-2019-C-03; ZBA-2019-MAJ-05; ZBA-2019-MAJ-06  
 Subject: Gordon CUP and MAJ VAR  
 Location: 308 W. California Ave.  
 Petitioner: Dan Gordon



# Exhibit B - Zoning Map



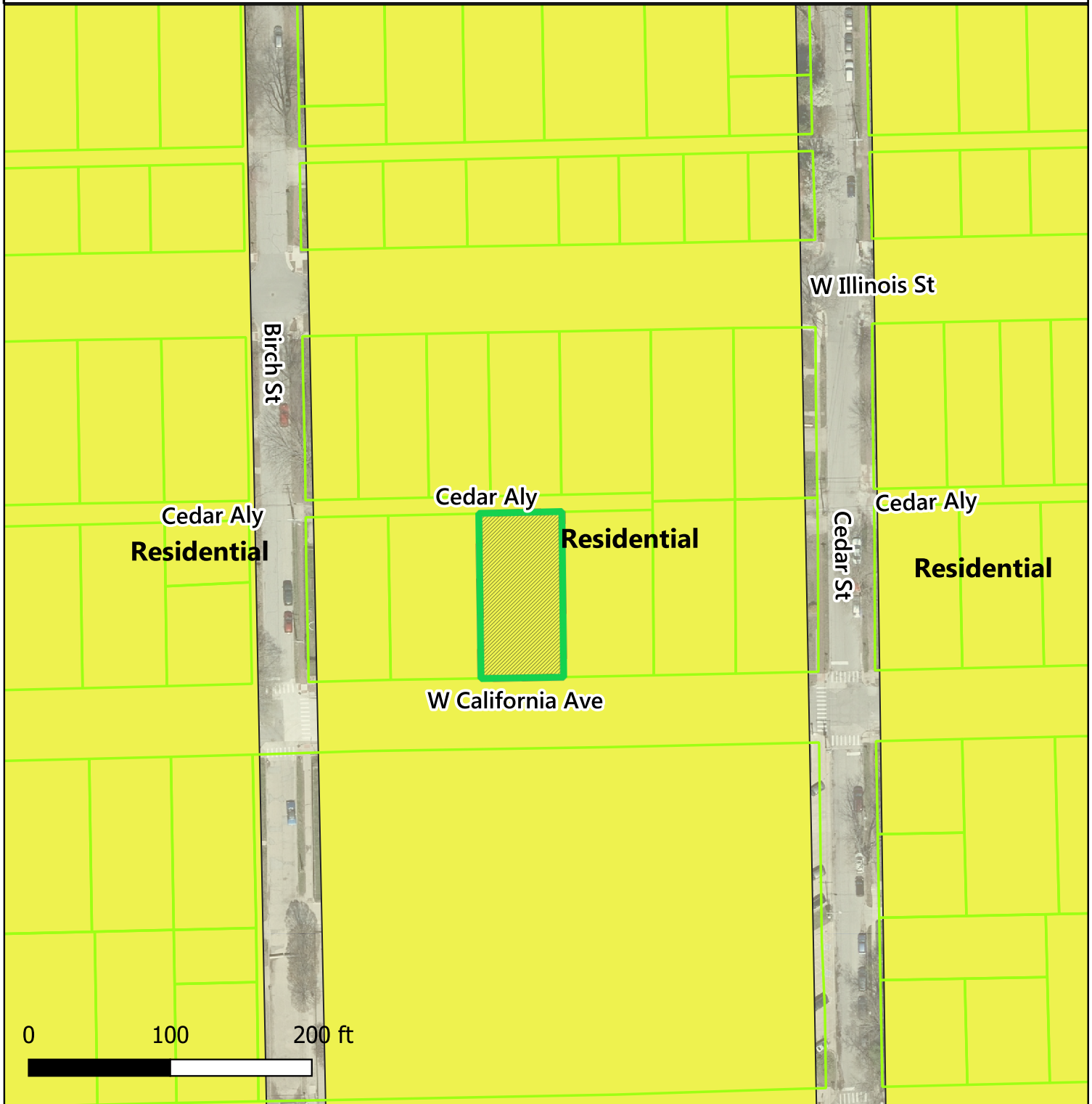
Case: ZBA-2019-C-03; ZBA-2019-MAJ-05; ZBA-2019-MAJ-06  
Subject: Gordon CUP and MAJ VAR  
Location: 308 W. California Ave.  
Petitioner: Dan Gordon

**Current Zoning**  
CRE  
R-2





# Exhibit C - Future Land Use Map



Case: ZBA-2019-C-03; ZBA-2019-MAJ-05; ZBA-2019-MAJ-06  
Subject: Gordon CUP and MAJ VAR  
Location: 308 W. California Ave.  
Petitioner: Dan Gordon

 Residential



**ZBA-2019-MAJ-05, ZBA-2019-MAJ-06, ZBA-2019-MAJ-08,**  
**ZBA-2019-MAJ-09, ZBA-2019-MAJ-10**

**308 W California Avenue - View from Cedar Alley**

A Conditional Use Permit is needed to determine the impact to the neighborhood if the use is granted (Section VII-3 of Urbana Zoning Ordinance). The request would allow two units (a duplex) on this property, which is zoned R-2, Single-Family Residential. The house to be considered one principal structure and the garage, which contains an apartment, to be another principal structure.



Major Variances are requests to deviate from the requirements of the Urbana Zoning Ordinance. The garage was converted into a multi-family building by a previous owner. Building Safety is working with the owner to ensure the safety of tenants. If the request is granted, Building Safety will inspect the structure for a dwelling unit and, upon meeting all building code, be issued a new Certificate of Occupancy.

If the request for a Conditional Use Permit is granted, five variances would be required to keep the garage in its current condition. The garage would be considered a second principal structure, and principal structures are not allowed in required yards. The garage is within the required rear and side yards. The floor-area ratio would also exceed the maximum allowed in the R-2 district.



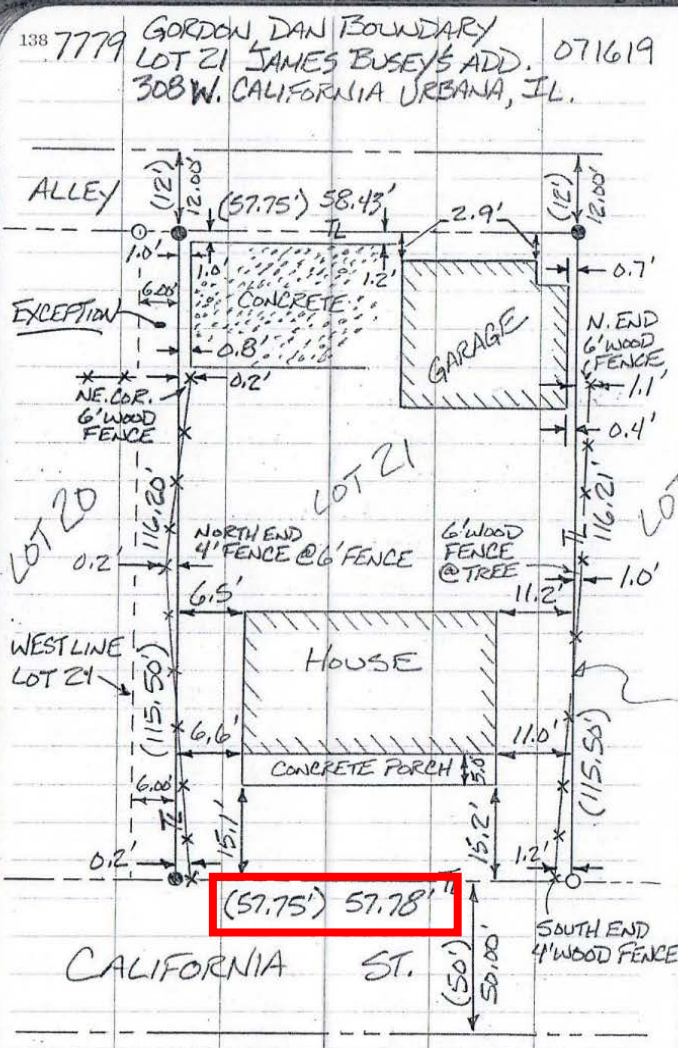
## 308 W California Avenue - Parking

The Zoning Ordinance requires four parking spaces for every duplex (two for each unit). The property has two parking spaces, and if the Conditional Use Permit is approved, two car parking spaces. Off-street parking is very difficult. By providing less parking, none of the tenants that have chosen to rent at this property own cars.



308 W California Avenue - Duplex Width

Per Section VI-3. B. of the Urbana Zoning Ordinance, any lot platted before 1970 must be at least 6,000 square feet and at least 60 feet wide to contain a duplex. This lot is too narrow, and needs a variance.



KW 11

8/1/68 139

NO SCALE

**LEGEND**

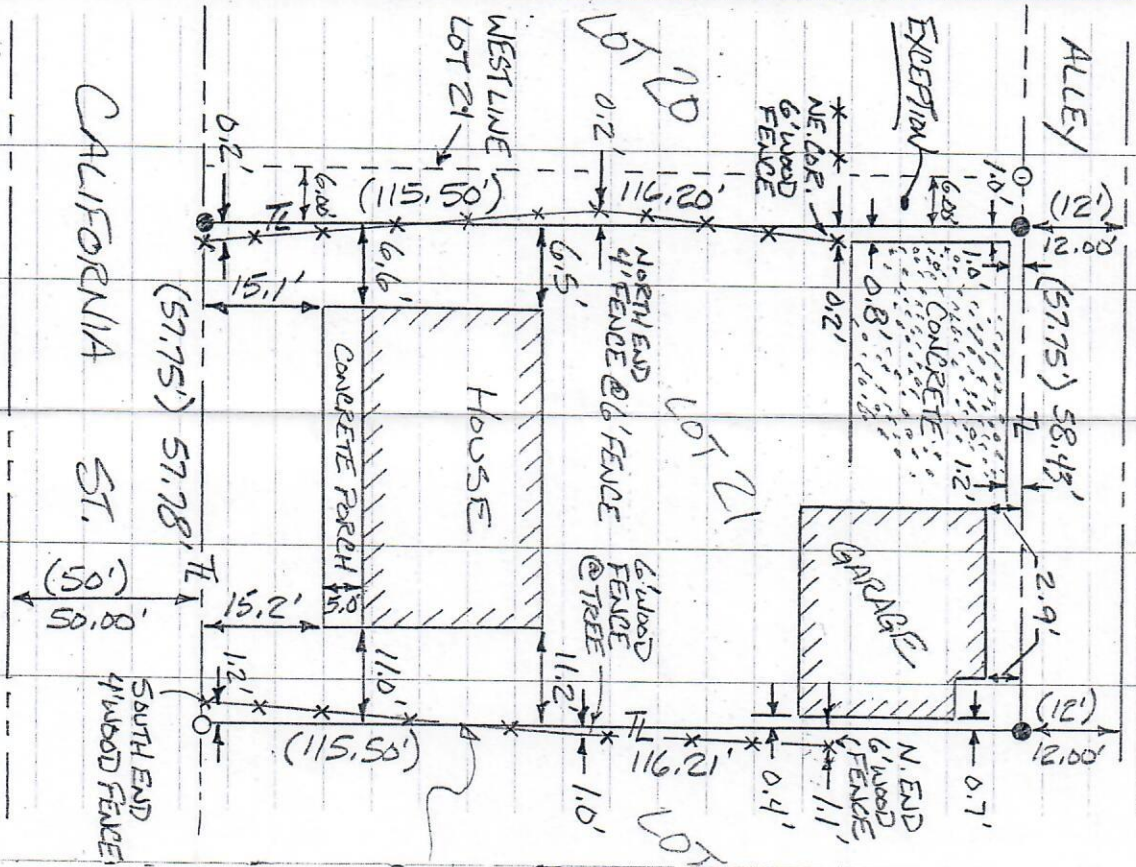
- = FOUND 1/2" DIA. IRON PIPE
- = SET 1/2" DIA. 36" LONG IRON PIPE W/CAP STAMPED "ILS 2006 2207"
- (12) = RECORD DIMENSION
- 12.00' = MEASURED DIMENSION
- TL = TITLE LINE

BCA BERN, CLANCY AND ASSOCIATES ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET • POST OFFICE BOX 755 URBANA, ILLINOIS 61803-0755  
PHONE: (217) 384-1144 • FAX: (217) 384-3355

SHEET 1 OF 1 DATE 07/16/19 JOB: 7779

*Ret in the Room*

138 7779 GORDON DAN BOUNDARY  
 LOT 21 JAMES BUSEY'S ADD. 071619  
 308 W. CALIFORNIA URBANA, IL.



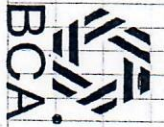
Sub W

8/1/8 139

**LEGEND**

- = FOUND 1/2" DIA. IRON PIPE
- = SET 1/2" DIA. 38" LONG IRON PIPE
- W/BAR STAMPED 1/5 2006. 2207"
- (12) = RECORD DIMENSION
- 12.00 = MEASURED DIMENSION
- TL = TITLE LINE

EAST LINE OF THE WEST HALF  
 12' VACATED ALLEY DATE  
 SEPTEMBER 9, 1903



**BERNS, CLANCY AND ASSOCIATES**  
 ENGINEERS  
 • SURVEYORS • PLANNERS  
 405 EAST MAIN STREET - POST OFFICE BOX 755  
 URBANA, ILLINOIS 61803-0755  
 PHONE: (217) 384-1141 - FAX: (217) 384-3355

SHEET	1	OF	1	DATE	07/16/19	JOB:	7779
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*Return to Berns*

C.U.P.	Approved				Denied	Outcomes
	Rear and Side Yard	Variances		Parking		
		F.A.R.		Lot Width		
						The garage will need to be reconstructed in and another location, or all apartments removed.
						A part of the garage will need to become an attic or car storage.
						Parking pad will need to be expanded to add two parking spaces.
						Owner will need to buy two feet from a neighboring property owner.
						Garage will need to convert first floor to parking. FAR will drop to 0.39. Owner will need to buy two feet from a neighboring property owner.
						Living space from the Garage will need to be removed. A good candidate is reverting the first floor of the garage to car parking.
						Garage will need to convert first floor to parking. FAR will drop to 0.39. Owner will need to buy two feet from a neighboring property owner.
						Living space from the Garage will need to be removed. A good candidate is reverting the first floor of the garage to car parking. Owner will need to buy two feet from a neighboring property owner.

CUP	Variance				Outcomes
	Approved	Denied	Approved	Denied	
	Rear and Side Yard	F.A.R.	Parking	Lot Width	
					<p>Garage will need to be demolished and rebuilt with less living space and within yard setbacks.</p> <p>Owner will need to buy two feet from a neighboring property owner.</p>
					<p>Garage will need to be demolished and rebuilt with less living space and within yard setbacks.</p> <p>Owner will need to buy two feet from a neighboring property owner.</p>
					<p>Garage will need to be demolished and rebuilt with less living space, within yard setbacks, and reconfigured parking.</p>
					<p>Garage will need to be demolished and rebuilt with less living space, within yard setbacks, and reconfigured parking.</p> <p>Owner will need to buy two feet from a neighboring property owner.</p>
					<p>Reverts to one house and a garage that can only house an accessory use.</p> <p>Building Safety will oversee the removal of necessary plumbing to ensure no tenants.</p>
	<p>= Approved</p> <p>= Denied</p>				



**Wilcock, Lily**

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**From:** Trent Shepard <trent.shepard@gmail.com>  
**Sent:** Monday, August 12, 2019 6:45 PM  
**To:** Wilcock, Lily  
**Subject:** 308 W California cases before the ZBA

Dear Lily,

Please share this message with members of the ZBA for their August 21 meeting as I will be out of town on the evening of the hearing.

I have looked through the basics of the request by the new property owner to receive 5 major variances and a conditional use permit for the currently illegal garage/apartments behind the house. I looked at the garage from the alley today.

My guess is that the whole garage was built without a permit. This process seems to work quite well in this neighborhood. I've seen two additions to houses without permits near me. Both were reported to the city and both were either ignored or allowed to remain by city staff. There's currently a structure under construction near me that now has a building permit, but didn't start out that way. The owner/landlord told another neighbor that he intends to live in what he now calls a tool shed when he comes to town. Enforcement of building permit ordinances seems to be lax in my neighborhood, and probably in all of Urbana.

This request is basically asking the city to accept what the previous owner of 308 W California constructed illegally. That immediate area already has problems with parking on unapproved surfaces, garbage lying in bags on the ground today, nuisance weeds and overgrown vegetation. Adding a second legal habitation on this property will not strengthen the already marginal nature of this block.

I think it's a stretch to believe that two off street parking spaces are enough for a good size house and an apartment. Will additional cars be parked on the back yard as at nearby properties, or pay \$130 for an annual street parking permit? My guess is the former.

This garage doesn't look like it has been modified from a garage only structure, so I'm guessing it was built the way it looks, then crammed with renters. If there were no permits for the construction of a garage that I'm guessing doesn't meet the setback requirements for a garage, my recommendation would be for demolition of the garage. The new owner should have been aware of all of the non-conforming uses and setback problems. If the garage had a building permit when it was constructed, it should be allowed to remain as a garage only and the apartment space in the structure used for storage or whatever non-residential use the owner chooses.

I live two blocks from this property and have been trying for years to make this into a nicer neighborhood by doing quality remodeling on my own house and rental properties, with building permits. I think it sets a bad precedent to give major variances for something that was illegal and is not a benefit to this neighborhood.

Trent Shepard  
409 W Oregon St.



## 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 06-18-2019 ZBA Case No. ZBA-2019-C-03  
 Fee Paid - Check No. FEE WAIVED - SEE CASE NOS. ZBA-2019-MAJ-05 and -06  
Amount Date

### 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:

A duplex in R-2 zoning district and a second principal structure

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

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Daniel Gordon** Phone: **217-493-5956**  
 Address (street/city/state/zip code): **709 W Church St, Savoy IL 61874**  
 Email Address: **Dangordon.hi@gmail.com**  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Manager**

#### 2. OWNER INFORMATION

Name of Owner(s): **RSGordon LLC** Phone: **217-493-5956**  
 Address (street/city/state/zip code): **709 W Church St, Savoy IL 61874**  
 Email Address: **Dangordon.hi@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: **308 W California**  
 PIN # of Location: **922117182014**  
 Lot Size: **57.75x115.5**  
 Current Zoning Designation: **R-2**

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

Proposed Land Use: Duplex

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

**LOT 21 EXCEPT THE WEST 6 FEET THERE OF OF JAMES S. BUSEY'S ADDITION TO THE TOWN, NOW CITY OF URBANA, 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.

**THIS CREATES HIGH QUALITY SAFE LIVING FOR STUDENTS OR OTHER RENTERS.**

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.

**FOR A VERY LONG TIME THE PROPERTY HAS BEEN OPERATING WITH SEVERAL DWELLING UNITS. MUCH HIGHER THAN ALLOWED BUT THE TENANTS HAVE BEEN QUIET AND THERE HAVE BEEN NO COMPLAINTS FROM TENANTS OR NEIGHBORS.**

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

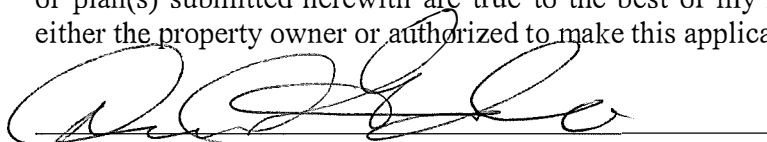
**THE STRUCTURE IS NOT CONFORMING IN THE REAR YARD OF R-2 AND THEREFOR THERE IS AN APPLICATION FOR A MAJOR VARIANCE. THIS STRUCTURE WAS BUILT PRIOR TO PURCHASE. WHEN PURCHASED, i ATTEMPTED TO HAVE SOME WORK DONE TO MAKE REPAIRS AND THE CITY INFORMED ME THAT RATHER THAN A NON-CONFORMING PROPERTY, THE PROPERTY WASS NOT LEGAL. i WOULD LIKE TO DECREASE THE NUMBER OF UNITS AND ASK TO GO DOWN TO TWO DWELLING UNITS ON ONE LOT.**

*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

6-11-19  
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.

**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY**

Date Request Filed 06-18-2019 **ZBA-2019-MAJ-05 2nd structure in rear yard**  
**ZBA Case No.**  
**ZBA-2019-MAJ-06 Increase in FAR**  
 Fee Paid - Check No. 1145 Amount \$200.00 Date 06-17-2019

## 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*)

A principal structure in the rear yard on the property described below, and in conformity with the plans described on this variance request.

### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Daniel Gordon Phone: 217-493-5956  
 Address (street/city/state/zip code): 709 W Church st, Savoy IL 61874  
 Email Address: dangordon.hi@gmail.com  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Manager

### 2. OWNER INFORMATION

Name of Owner(s): RSGordon LLC Phone: 217-493-5956  
 Address (street/city/state/zip code): 709 W Church St, Savoy IL 61874  
 Email Address: dangordon.hi@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: 308 W California  
 PIN # of Location: 922117182014  
 Lot Size: 57.75x115.5

Current Zoning Designation: **R-2**

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

Proposed Land Use: **Duplex**

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

**LOT 21 EXCEPT THE WEST 6 FEET THEREOF, OF JAMES S. BUSEY'S ADDITION TO THE TOWN, NOW CITY, OF URBANA, 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.

**Creates high quality safe living for students or other renter**

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.

**For a very long time, this property has been operating with several dwelling units, Higher than allowed but the tenants have been quiet and there have been no complaints from tenants or neighbors**

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

**The structure is not conforming in the rear yard of R-2, and therefor there is an application for a major variance. The structure was built prior to purchase, When I attempted to make a repair the city informed me that this was not a non-conforming property but rather not legal. I would like to decrease the amount of units and go down to two dwelling units on one lot**

Explain why the variance will not alter the essential character of the neighborhood.  
**this neighborhood has held a long history of have mulitple dwelling structures on one lot. The character of this neighborhood includes safe, clean structures that are built with exceptional quality that comes with using local building codes and permits.**

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

**The current structure has been being used as multiple dwellings and there have been no complaints by neighbors and tenants to my knowledge.**

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

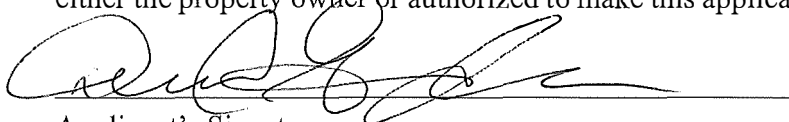
**The variance represents the garae apartment llocation that already exists. I would like to maintain the location of the garage because relocating it would be costly and expensive and would require removing a tree or at least cutting into the roots of the nearest tree which might kill the tree. The movement of the garage might also cover the sewer 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

6-11-19  
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