



## 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  
**FROM:** Sheila Dodd, Interim Community Development Services Director  
Kat Trotter, Planner I  
**DATE:** January 6, 2022  
**SUBJECT:** An Ordinance Approving a Major Variance (Front Porch at 1401 Perkins Road / ZBA-2021-MAJ-08)

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### Introduction

Brian Kesler, on behalf of Angel Corado, requests a variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 East Perkins Road in the R-3, Single and Two-Family Residential zoning district. The property is located in Champaign County, but it is under an active annexation agreement with the City of Urbana and is therefore subject to Urbana's Zoning Ordinance. Porches are permitted to encroach up to 5 feet into a required yard<sup>1</sup>. The porch would be 14 feet wide and would encroach 10 feet into the 25-foot required front yard on North Eastern Avenue, so a variance is necessary to allow the request.

At the December 15, 2021 meeting, the Zoning Board of Appeals (ZBA) considered the variance. The applicant made a statement regarding his request, and no members of the public spoke at the meeting. The ZBA voted with six ayes and zero nays to recommend that City Council approve the requested variance.

### Background

The applicant purchased the property in 2015; however, the house has been on the property since 2010. The previous property owner entered into an annexation agreement with the City of Urbana, approved on August 16, 2010,<sup>2</sup> before the house was built. The annexation agreement was required to allow for a new Urbana & Champaign Sanitary District (UCSD) sanitary sewer connection on the property. The property is a corner lot, located on the southeast corner of Perkins Road and Eastern Avenue, with 25-foot required front yards on both frontages. The required front yards significantly limit the possible locations for a front porch, and the variance would allow the property owner to construct the porch in the required yard, 15 feet from the west property line.

### Description of Site and Area

The property at 1401 East Perkins Road is 12,700 square feet in area and is located in the Eugene L. Randall's Subdivision in Champaign County. There are other residences nearby, and there is a small office building and telecommunications tower across the street to the north. All adjacent properties are zoned County R-3, Two-Family Residential, except for the property immediately south, which is

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<sup>1</sup> Zoning Ordinance Section VI-5.B.5

<sup>2</sup> Ordinance No. 2010-08-069, Document No. 2010R29128

zoned City R-3, Single and Two-Family Residential, under an annexation agreement. The property across the street to the north and east is zoned County R-5, Manufactured Home Park. The Urbana Park District’s Dog Park/Perkins Road Site is also east of the property. It is zoned CRE, Conservation-Recreation-Education, and is within Urbana’s City limits.

The following table identifies the current zoning and the land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>
Site	City R-3, Single and Two Family-Residential	Residential
North	County R-3, Two-Family Residence & County R-5, Manufactured Home Park	Residential, Office & Telecommunications Tower
South	City R-3, Single and Two Family-Residential	Residential
East	County R-3, Two-Family Residence & City CRE, Conservation-Recreation-Education	Residential & Park
West	County R-3, Two-Family Residence	Residential

## **Discussion**

The subject property is a corner lot with 25-foot required front yards on both Perkins Road and Eastern Avenue. The applicant requests the variance to add a porch on the west side of the house, along Eastern Avenue. The front porch would consist of a 14-foot wide concrete patio, measured from the west face of the house toward the west property line. It would be 52 feet long, spanning the front face of the house, with a roof covering the porch and extending south another 26 feet to cover a new concrete driveway.<sup>3</sup>

The subject is one of only two properties along the block that is under an annexation agreement with the City of Urbana, and is therefore required to comply with the Urbana Zoning Ordinance. For 12 of the 23 remaining properties along Eastern Avenue, a front porch like the one proposed would be allowed without a variance.

This block of Eastern Avenue is approximately one-third of a mile long, with front yard depths ranging from seven feet deep to over 200 feet deep. The average front yard depth is skewed by the five 100-foot-plus front yards along the block<sup>4</sup>. If the minimum 15-foot front yard requirement applied to this property, no variance would be required for the front porch. The requested variance to allow the front porch to encroach into the required front yard will not have any negative impact on the surrounding area or alter the essential character of the neighborhood.

<sup>3</sup> Exhibit E – Site Plan

<sup>4</sup> Exhibit D – Eastern Avenue Front Yard Depths

## Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *Are there any special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance?*

The average front yard depth on this block is approximately 65 feet, so the maximum front yard depth of 25 feet is required. However, the front yard depths vary widely across the area, ranging from seven feet deep to over 200 feet deep. The property is also a corner lot, and the required front yards on both frontages significantly limit the amount of buildable area for a front porch. If the minimum 15-foot front yard applied to this property, no variance would be required, as the front porch would be 15 feet from the front property line.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The house has been on the property since 2010. The previous property owner entered into an annexation agreement with the City of Urbana, to allow for a new UCSD sanitary sewer connection, before the house was built. The variance will not serve as a special privilege, as the remainder of the block has not been developed to the standards of the Urbana Zoning Ordinance, and the average front yard depth is skewed by several 100-foot-plus front yards on this block of Eastern Avenue.

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

Prior to speaking with City staff, the applicant was unaware that the Zoning Ordinance would prohibit the proposed porch in the front yard. The front porch would encroach 10 feet into the required 25-foot front yard, but all other Zoning Ordinance requirements would be complied with. The previous property owner entered into an annexation agreement and built the house in 2010, and the petitioner bought the property in 2015, so the situation was not created by the petitioner.

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

The front porch would not alter the essential character of the neighborhood. The surrounding area has not been developed to the standards of the Urbana Zoning Ordinance, as all but two properties are located in unincorporated Champaign County. The 25-foot required front yard is determined by the average front yard depth on the eastern half of this block of Eastern Avenue<sup>5</sup>. This section of the Zoning Ordinance is intended to create a “street wall”, with buildings at similar depths along the block

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<sup>5</sup> Zoning Ordinance Section VI-5.E.1

face. The average front yard is 65 feet; however, the front yard depths on the block range from seven feet to over 200 feet deep. Several houses along the block already encroach into the 25-foot front yard. Allowing the applicant to construct a porch in the required front yard, but still 15 feet from the western property line, will not alter the essential character of the neighborhood.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance would allow a front porch to be installed on the west side of the existing house, where the property fronts onto Eastern Avenue. The porch will not encroach into either side yard and should not create a nuisance for the neighboring properties.

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

The front porch would be 14 feet wide and would encroach 10 feet into the required 25-foot front yard. It does not represent the minimum deviation from the Zoning Ordinance requirements, as a 9-foot-wide porch could be constructed in the same location, without a variance.

## **Zoning Board of Appeals**

On December 15, 2021, the ZBA considered the variance request. The applicant spoke on behalf of his request, and no members of the public spoke at the meeting. After no discussion, the ZBA voted with six ayes and zero nays to forward the case to City Council with a recommendation to APPROVE the request, with the condition that the front porch will generally conform to the submitted site plan, as shown in Exhibit E.

## **Summary of Findings**

1. Brian Kesler, on behalf of Angel Corado, requests a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road 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 remainder of the block has not been developed to the standards of the Urbana Zoning Ordinance, and the average front yard depth is skewed by 100-foot-plus front yards on this block of Eastern Avenue.
3. The variance was not the result of a situation knowingly created by the applicant, as the applicant was unaware that the Zoning Ordinance prohibits front porches in a required front yard, and the house has been on the property since 2010.
4. The variance will not alter the essential character of the neighborhood as several houses along the block encroach into the 25-foot front yard, but that requirement does not apply to properties located in unincorporated Champaign County.
5. The variance will not cause a nuisance to adjacent property owners, as the front porch will be entirely on the applicant's property, and should not affect the adjacent neighbors.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as a 9-foot-wide porch could be constructed in the same location, without a variance.

## **Options**

The City Council has the following options in Case No. ZBA-2021-MAJ-08:

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

## **Recommendation**

At the December 15, 2021 meeting, the ZBA voted with six ayes and zero nays to forward this case to the City Council with a recommendation to APPROVE the request, with the following condition:

1. The front porch will generally conform to the submitted site plan, as shown in Ordinance Attachment A.

Staff concurs with the ZBA recommendation.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Zoning Map – Champaign County  
Exhibit D: Eastern Avenue Front Yard Depths  
Exhibit E: Proposed Site Plan  
Exhibit F: Site Photos  
Exhibit G: Variance Application  
Exhibit H: Draft 12/15/2021 ZBA Minutes

cc: Brian Kesler, Applicant  
Angel Corado, Owner

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Front Porch at 1401 Perkins Road / ZBA Case No. 2021-MAJ-08)**

**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 an application for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Brian Kesler, on behalf of Angel Corado, has submitted a petition for a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on December 15, 2021, in ZBA Case No. 2021-MAJ-08; 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 six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; 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. Brian Kesler, on behalf of Angel Corado, requests a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road 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 remainder of the block has not been developed to the standards of the Urbana Zoning Ordinance, and the average front yard depth is skewed by 100-foot-plus front yards on this block of Eastern Avenue.
3. The variance was not the result of a situation knowingly created by the applicant, as the applicant was unaware that the Zoning Ordinance prohibits front porches in a required front yard, and the house has been on the property since 2010.
4. The variance will not alter the essential character of the neighborhood as several houses along the block encroach into the 25-foot front yard, but that requirement does not apply to properties located in unincorporated Champaign County.
5. The variance will not cause a nuisance to adjacent property owners, as the front porch will be entirely on the applicant's property, and should not affect the adjacent neighbors.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as a 9-foot-wide porch could be constructed in the same location, without a variance.

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

**Section 1.**

In ZBA Case No. 2021-MAJ-08, the major variance requested by Brian Kesler, on behalf of Angel Corado, to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road, is hereby approved in the manner proposed in the application with the following conditions: that the front porch will generally conform to the submitted site plan, as shown in Ordinance Attachment A. The major variance described above shall only apply to the property located at 1401 Perkins Road, more particularly described as follows:

Lot 3 of Eugene L. Randall's Subdivision of Tract Two (2) and Tract Three (3) in Fred C. Carroll's Subdivision of the East One-Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, as per Plat Recorded in Plat Book "G" at Page 112, Situated in Champaign County, Illinois, Except That Part Dedicated for Public Road Purposes in Instrument Recorded August 26, 2010 as Document No. 2010R18934 and Described as Follows:

The North 3.00 Feet of Even Width of Lot 3 of Eugene L. Randalls' Subdivision of Tract 2 and Tract 3 in Fred C. Carroll's Subdivision, as per Plat recorded in Plat Book "G" at Page 112, in Champaign County, Illinois.

Commonly known as 1401 East Perkins Road, Urbana, IL 61802  
P.I.N.: 30-21-09-128-001

**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 \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSTENTIONS:

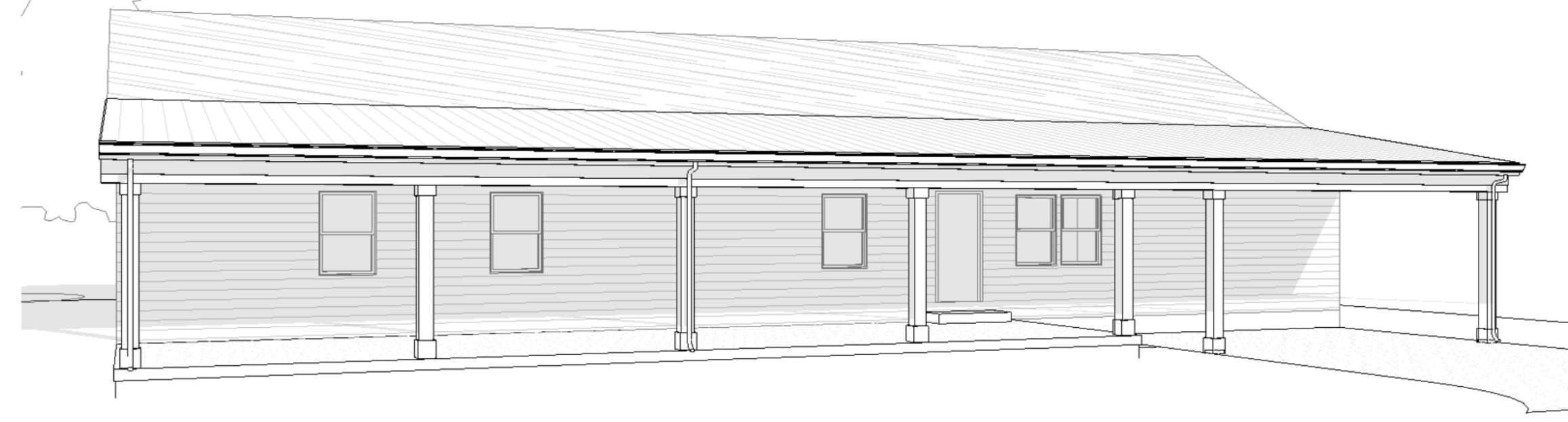
\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2022.

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



# Ordinance Attachment A - Front Porch Site Plan



## PORCH ADDITION

### CORADO RESIDENCE

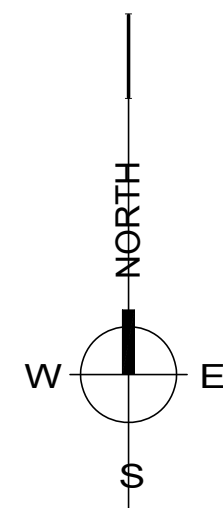
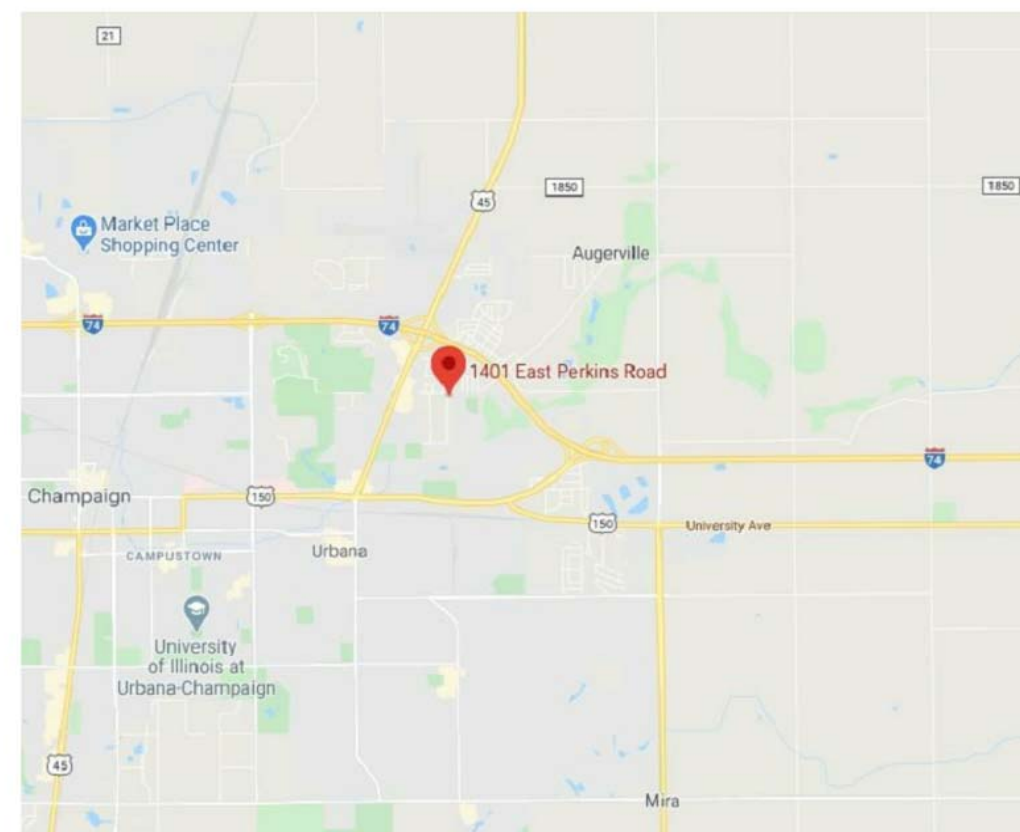
1401 E. PERKINS RD.

URBANA, IL



ARCHITECTURAL EXPRESSIONS, LLP  
113 ILLINI DRIVE, FORSYTH, IL 62535  
PHONE: 217-877-4620 FAX: 217-877-4625  
www.aexllp.com

#### LOCATION MAP



#### INDEX OF DRAWINGS

- 01 - GENERAL  
G001 PROJECT TITLE, DRAWING INDEX, AND LOCATION MAP
- 02 - SITE  
SP101 SITE PLAN
- 04 - ARCHITECTURAL  
A101 FIRST FLOOR & ROOF FRAMING PLANS  
A201 PORCH ELEVATION, SECTION, AND DETAILS

DATE: \_\_\_\_\_  
LIC. EXP. : \_\_\_\_\_

PROJECT IS CURRENTLY LOCATED IN THE COUNTY, HOWEVER, IT IS OUR UNDERSTANDING THAT THIS PROPERTY IS CURRENTLY UNDER AN ANNEXATION AGREEMENT WITH THE CITY OF URBANA.

DATE: \_\_\_\_\_  
LIC. EXP. : \_\_\_\_\_

#### GENERAL PROJECT NOTES

1. STUDS, FLOOR JOISTS, CEILING JOISTS OR RAFTERS SHALL NOT EXCEED THE BORING AND NOTCHING REQUIREMENTS PER THE 2015 INTERNATIONAL RESIDENTIAL CODE.
2. ALL PENETRATIONS AT FLOOR/CEILING LEVEL, SOFFITS, CHASES, ETC. SHALL BE PROPERLY FIRE BLOCKED PER SECTION R302.11(ASTM E-814) OF THE IRC.
3. WALL COVERINGS, CURTAIN WALLS, ROOF COVERINGS, EXTERIOR WINDOWS, SKYLIGHTS, AND EXTERIOR DOORS MUST MEET THE 90 MPH WIND LOAD REQUIREMENT.
4. THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS R402.4.1 THROUGH R402.4.4. THE COMPONENTS OF THE BUILDING THERMAL ENVELOPE AS LISTED IN TABLE R402.4.1.1 SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND CRITERIA LISTED IN TABLE R402.4.1.1.
5. AIR SEALING AND INSULATION SHALL BE CONSIDERED ACCEPTABLE WHEN BLOWER DOOR TESTED BY A CERTIFIED HERS OR BPI RATER. 4 ACH @ 50 PA MAXIMUM.
6. A PERMANENT CERTIFICATE SHALL BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL AND SHALL NOT COVER OR OBSTRUCT THE VISIBILITY OF THE CIRCUIT DIRECTORY LABEL. THE CERTIFICATE SHALL BE COMPLETED BY THE BUILDER AND SHALL LIST THE PREDOMINANT R-VALUES OF INSULATION IN OR ON THE CEILINGS, WALLS, FOUNDATION, FLOOR AND DUCTS OUTSIDE CONDITIONED SPACES. FENESTRATION SHALL HAVE U-FACTORS AND THE SOLAR HEAT GAIN COEFFICIENT LISTED. THE CERTIFICATE SHALL LIST THE TYPES AND EFFICIENCY OF HEATING, COOLING AND SERVICE WATER HEATING EQUIPMENT.
7. ALL MANDATORY ITEMS PER SECTION 403 OF THE IRC. THE BUILDING SHALL BE PROVIDED WITH A WHOLE-HOUSE MECHANICAL VENTILATION DESIGNED IN ACCORDANCE WITH SECTION R403.5.
8. ALL PLATES IN CONTACT WITH CONCRETE (INTERIOR AND EXTERIOR, LOAD BEARING AND NON-LOAD BEARING) SHALL BE PRESSURE TREATED OR DECAY RESISTANT.

DATE: \_\_\_\_\_  
LIC. EXP. : \_\_\_\_\_

PROJECT TITLE, DRAWING INDEX, AND LOCATION MAP

CORADO RESIDENCE

PORCH ADDITION

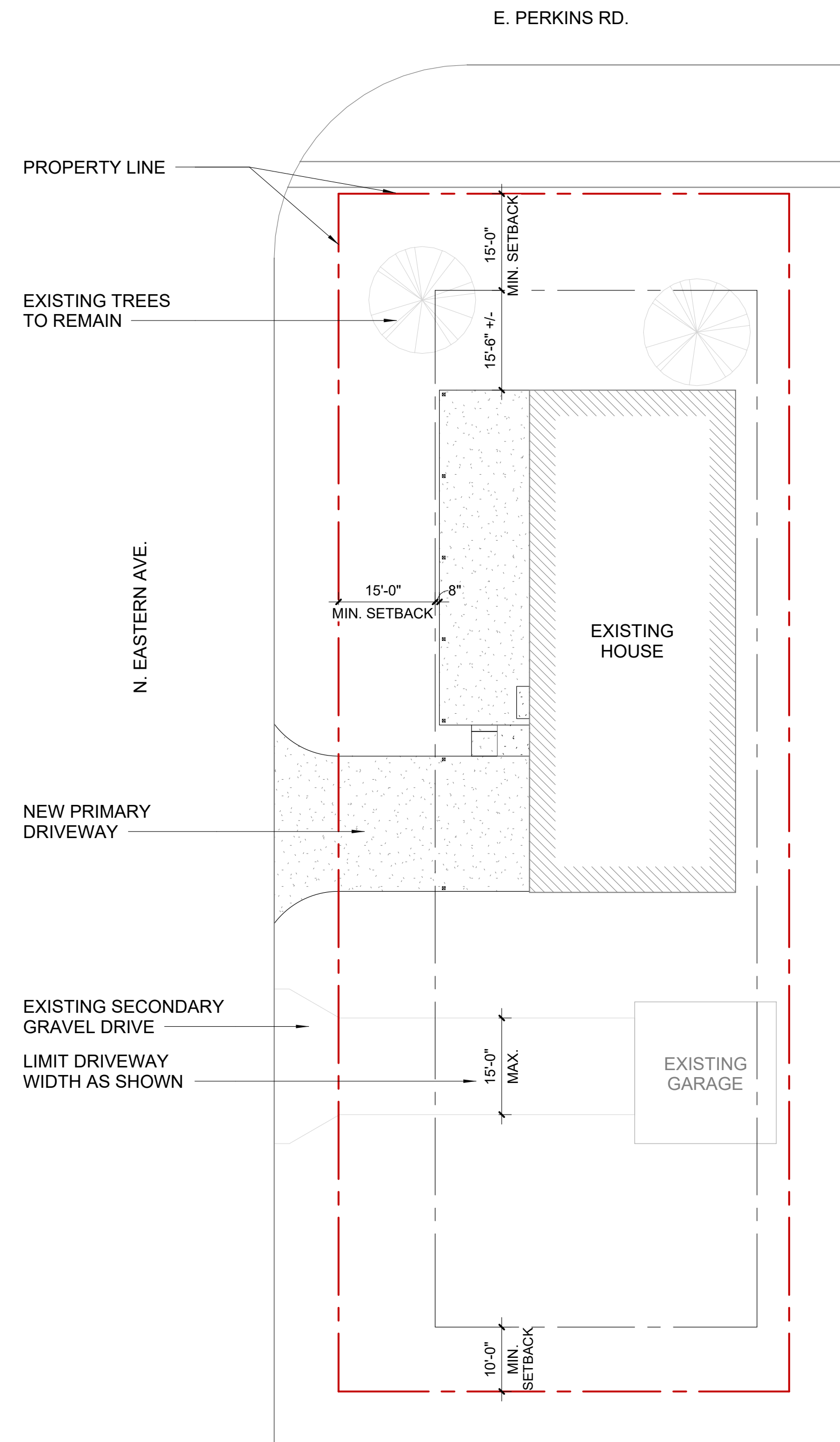
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No.	Description	Date

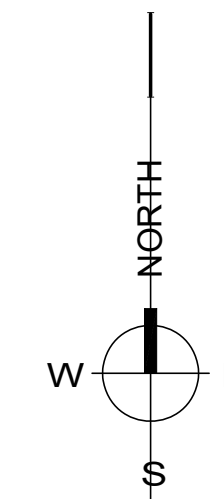
PRELIMINARY

Project Number	6239
Date	08/20/20
Drawn By	MNL
Checked By	BAK

G001



1 SITE PLAN  
1/16" = 1'-0"



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www.aexllp.com

DATE: \_\_\_\_\_  
LIC. EXP.: \_\_\_\_\_

SITE PLAN

**CORADO RESIDENCE**

PORCH ADDITION

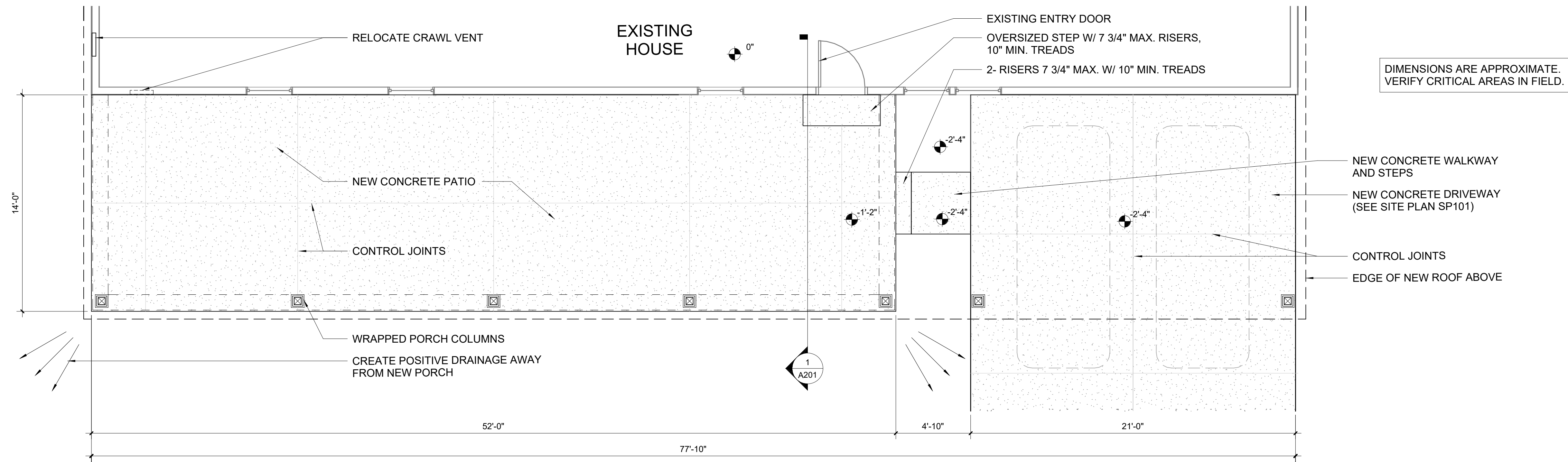
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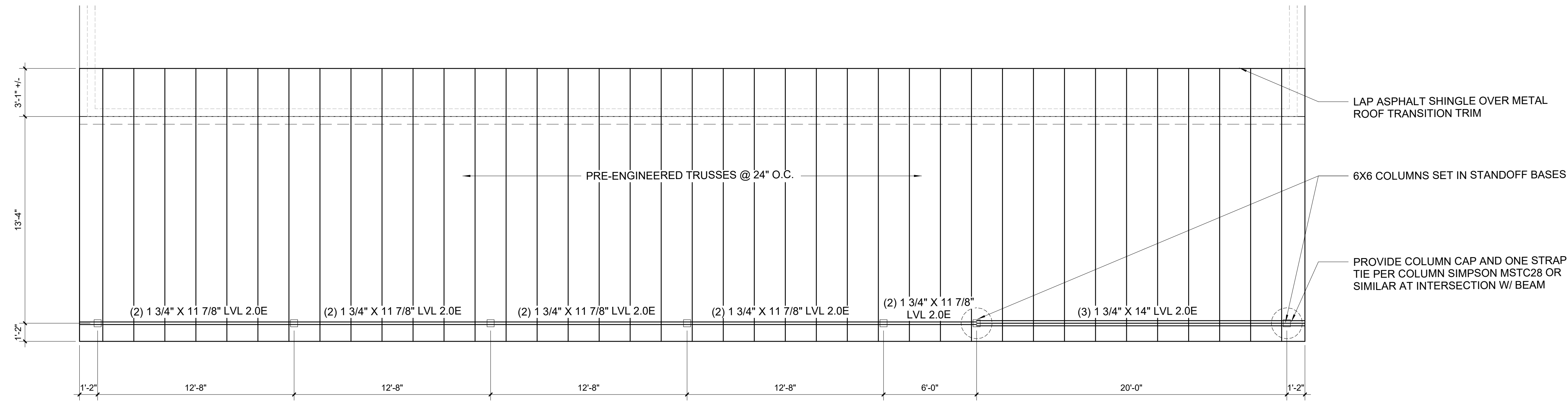
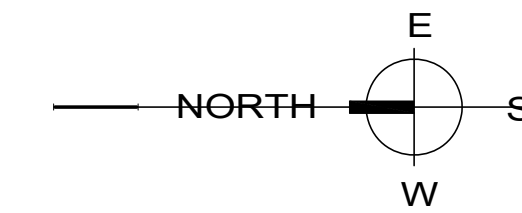
PRELIMINARY

Project Number 6239  
Date 08/20/20  
Drawn By MNL  
Checked By BAK

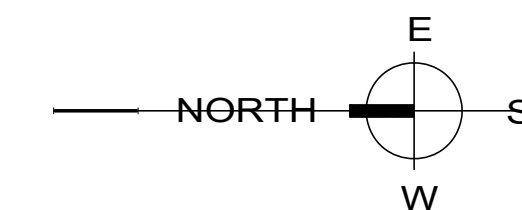
SP101



1 FIRST FLOOR PLAN  
1/4" = 1'-0"



2 FRAMING PLAN  
1/4" = 1'-0"



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DATE: \_\_\_\_\_  
LIC. EXP.: \_\_\_\_\_

FIRST FLOOR & ROOF FRAMING PLANS

CORADO RESIDENCE

PORCH ADDITION

URBANA, IL

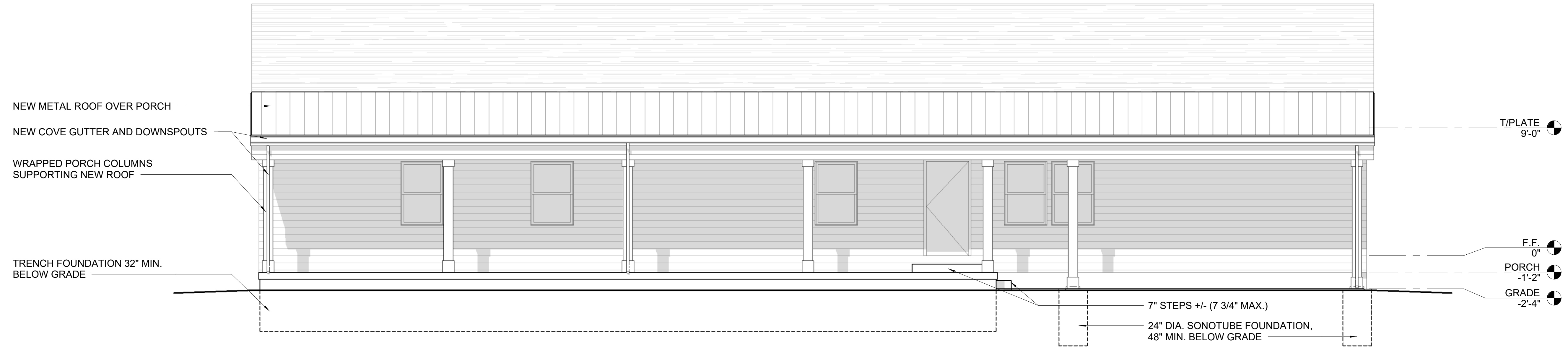
1401 E. PERKINS RD.

No.	Description	Date

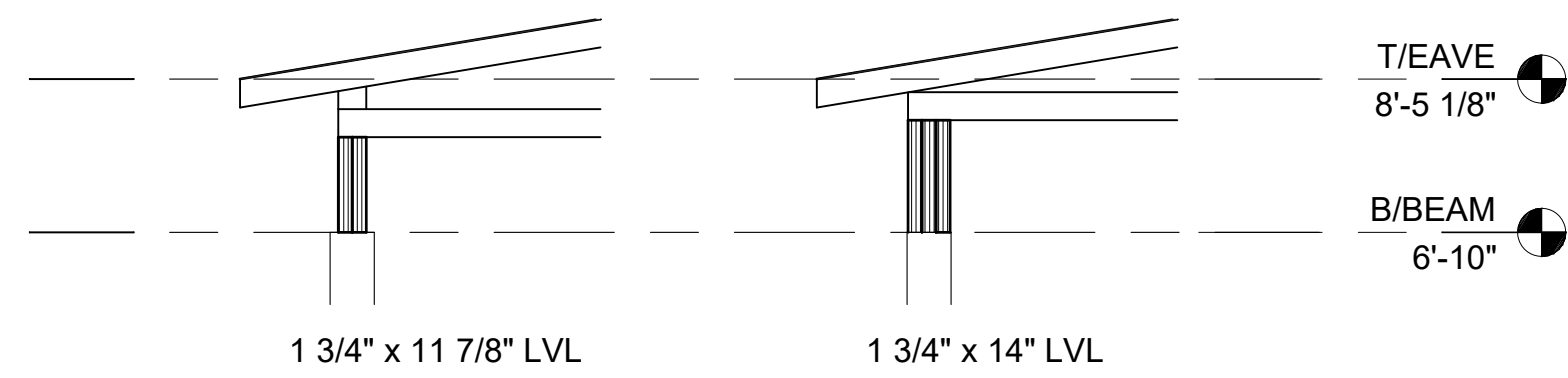
PRELIMINARY

Project Number	6239
Date	08/20/20
Drawn By	MNL
Checked By	BAK

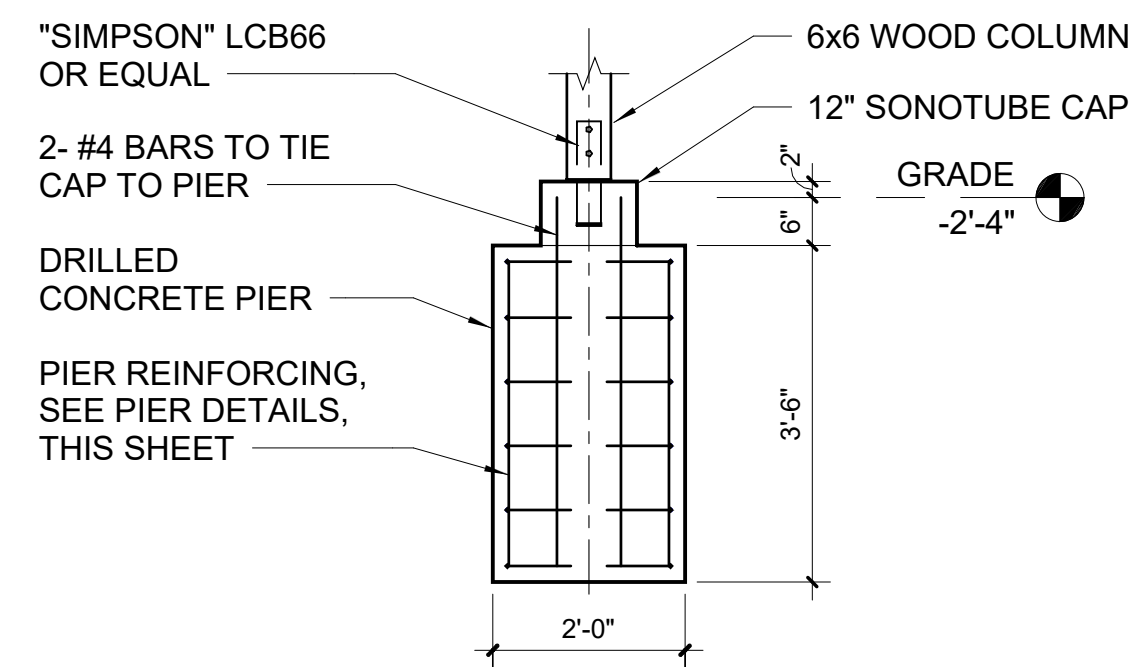
A101



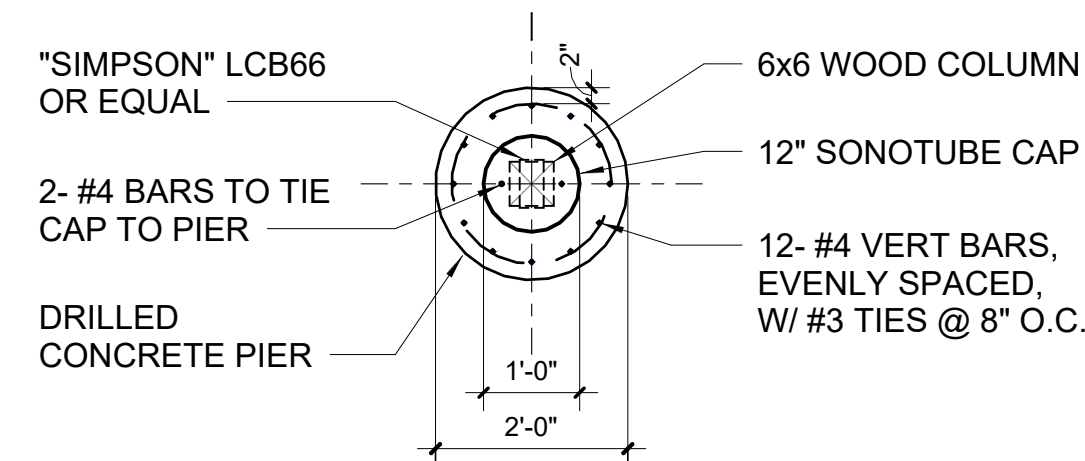
2 WEST ELEVATION  
 1/4" = 1'-0"



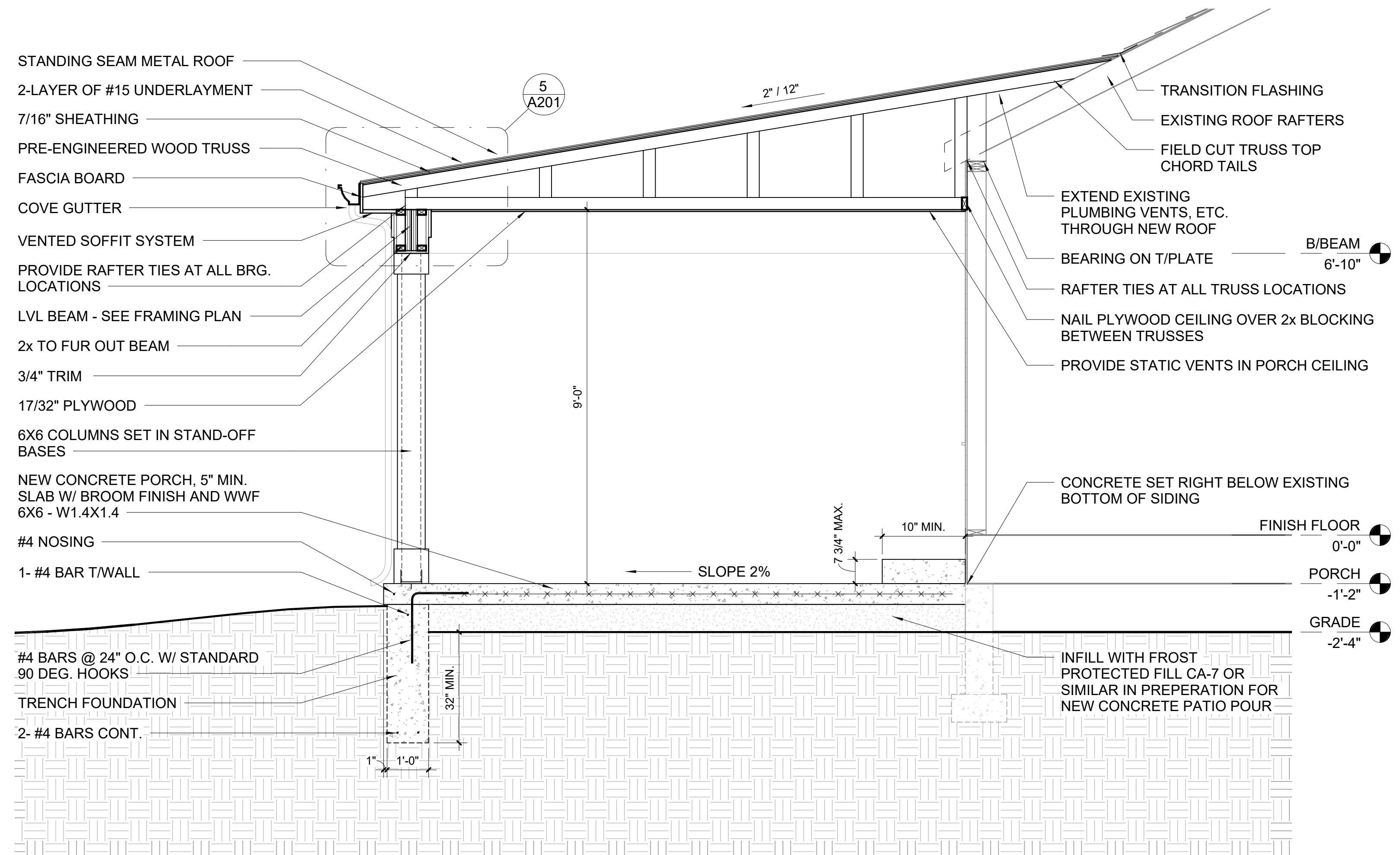
5 BEAM DETAIL  
 1/2" = 1'-0"



4 PIER SECTION  
 1/2" = 1'-0"



3 PIER DETAIL  
 1/2" = 1'-0"



1 PORCH SECTION  
 1/2" = 1'-0"

DATE: \_\_\_\_\_  
 LIC. EXP.: \_\_\_\_\_

PORCH ELEVATION, SECTION, AND DETAILS  
**CORADO RESIDENCE**  
 PORCH ADDITION  
 1401 E. PERKINS RD.  
 URBANA, IL

No.	Description	Date

PRELIMINARY

Project Number	6239
Date	08/20/20
Drawn By	MNL
Checked By	BAK

A201

# Exhibit A - Location Map



**Case No.** ZBA-2021-MAJ-08  
**Subject Location** 1401 E Perkins Rd Porch Variance  
**Petitioner** Brian Kesler (architect) on behalf of Angel Corado

## Legend

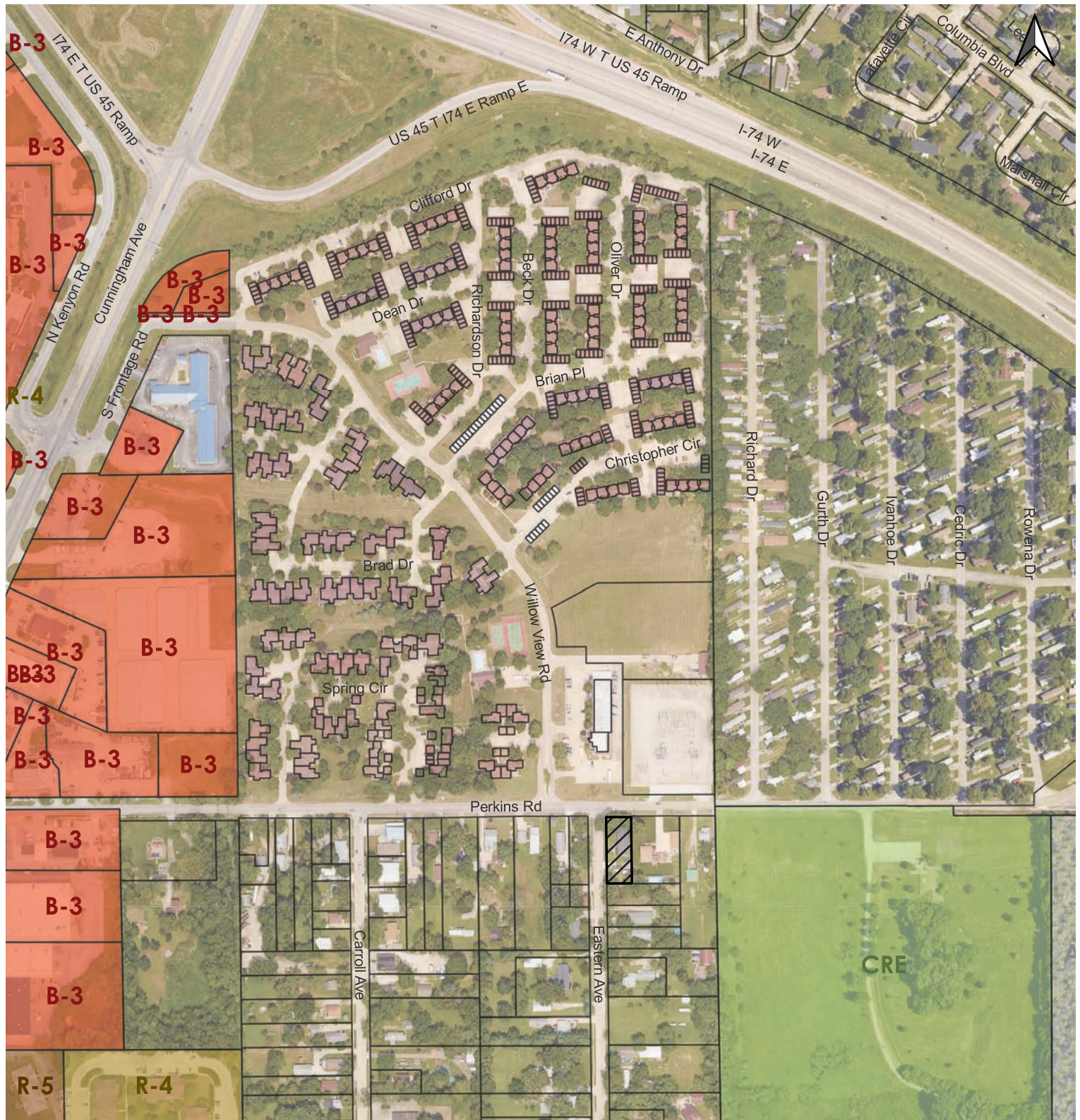
 Subject Property

Google Satellite

0 250 500 ft



# Exhibit B - Zoning Map



Case No. ZBA-2021-MAJ-08  
 Subject Location 1401 E Perkins Rd Porch Variance  
 Location 1401 E Perkins Rd  
 Petitioner Brian Kesler (architect) on behalf of Angel Corado

## Legend

Subject Property

### Zoning

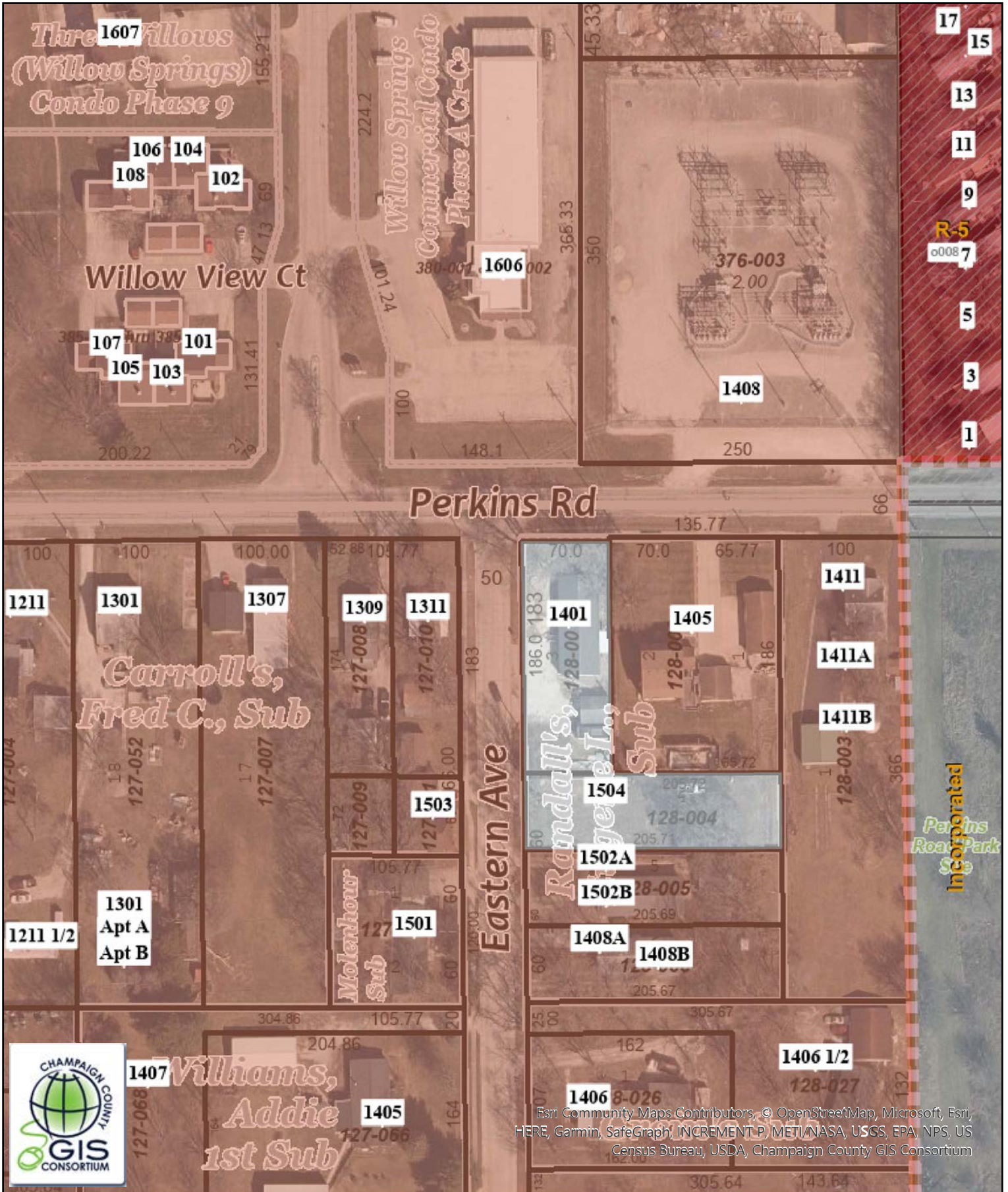
- B-3
- CRE
- R-4
- R-5

Google Satellite

0 250 500 ft



# Exhibit C - Champaign County Zoning Map



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.

80  
ft



# Exhibit D - Eastern Avenue Front Yard Depths





# Exhibit F - Site Photos



# Exhibit G - Variance Application



## 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*)

DECREASING THE REQUIRED FRONT YARD SETBACK FROM 25'-0" TO 20'-0" TO ACCOMMODATE A NEW PORCH on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **BRIAN KESLER (ARCHITECTURAL EXPRESSIONS, LLP)** Phone: **217-378-5300**

Address (*street/city/state/zip code*): **100 N CHESTNUT ST. STE 300, CHAMPAIGN, IL 61820**

Email Address: **BKESLER@AEXLLP.COM**

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **ARCHITECT**

#### 2. OWNER INFORMATION

Name of Owner(s): **ANGEL CORADO** Phone: **217-607-1533**

Address (*street/city/state/zip code*): **1401 E PERKINS RD. URBANA, IL 61802**

Email Address: **ELPROGRESOURBANA@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: **1401 E PERKINS ROAD**

PIN # of Location: **30-21-09-128-001**

Lot Size: **12,669.67 SF**

Current Zoning Designation: **R-3, SINGLE AND TWO-FAMILY RESIDENTIAL**

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

Proposed Land Use: **RESIDENCE**

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

**Sec 09, Twp 19N, Rng 9E**

#### 4. CONSULTANT INFORMATION

**Name of Architect(s):** BRIAN KESLER (ARCHITECTURAL EXPRESSIONS, LLP) Phone: 217-378-5300

Address (*street/city/state/zip code*): 100 N CHESTNUT ST. STE 300, CHAMPAIGN, IL 61820

Email Address: B Kesler@AEXLLP.COM

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

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

Email Address:

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

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

Email Address:

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

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

Email Address:

**Name of Attorney(s):** N/A 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.

**This parcel is a corner lot. Sizeable front yard setbacks decrease the buildable area. Since the property is so long and narrow, adding a covered porch to the existing home is difficult within setback requirements. The average front yard setback is skewed significantly by properties farther down the block which sit on lots upwards of 1 acre.**

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 average front yard setback on this block is artificially high due to properties with homes on upwards of 1 acre. There are a few smaller lots on the block also, where structures are within 10-feet of the front property line, which is more reasonable given their shallow overall depth and smaller area.**

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

**We are requesting this variance prior to construction. The property is not currently impeding on the front yard setback requirement put forth in the Zoning Ordinance.**

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

**The character of this neighborhood is defined by each property's variation from the next. Residences each have different styles, arrangements on their lots, and inconsistent setbacks. This variance will not hinder the character since neither the setback requirement of 25 feet nor the request of 20 feet would perfectly match up other properties throughout the neighborhood.**

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

**Of the three properties on Eastern Ave closest to this residence, two have front yards of approximately 10 feet which is only half the size of the yard variance requested. The third property has a larger front yard setback, but the house is nearly 160 feet from 1401 Perkins. Reducing the yard on the property in question would not intrude upon the neighbors' visibility or character due to the space between the buildings.**

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

**Yes. By reducing the front yard setback requirement to 20 feet, the setback is actually closer to the minimum of 15 feet that would be in effect if other properties farther down the block did not have larger setbacks. This deviation is providing a median setback between the adjacent properties mentioned in the previous response.**

***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.



10/12/21

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

# Exhibit H - Draft ZBA Meeting Minutes

## MINUTES OF A REGULAR MEETING

### URBANA ZONING BOARD OF APPEALS

**DATE:** December 15, 2021

**DRAFT**

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

**PLACE:** Zoom Webinar

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

**MEMBERS ATTENDING IN PERSON:** Harvey Welch

**MEMBERS EXCUSED:** Matt Cho

**STAFF PRESENT:** Marcus Ricci, Planner II, Katherine Trotter, Planner I; UPTV Camera Operator

**OTHERS PRESENT:** Marley Corado, Brian Kesler

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

Chair Welch called the meeting to order at 7:08 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 October 20, 2021 regular meeting were presented for approval. Mr. Rusch moved that the Zoning Board of Appeals approve the minutes as written. Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The minutes of the October 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-2021-MAJ-08: A request by Brian Kesler, on behalf Angel Corado, for a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 East Perkins Road in the R-3, Single and Two-Family Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-08. Kat Trotter, Planner I, introduced the case by stating the purpose for the proposed request and giving a brief background of the property. She noted the location and zoning of the subject property and showed photos of the property. She talked about the proposed porch and showed renderings of the porch addition. She reviewed how the proposed request meets the criteria in Section XI-3 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented staff's recommendation for approval with the following condition:

1. The front porch will generally conform to the submitted site plan, as shown in Exhibit E of the written staff report.

Ms. Trotter stated 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. With there being none, Chair Welch opened the hearing for public input. He invited the applicant to speak.

Brian Kesler, architect for the project, raised his hand to speak and was sworn in by Chair Welch. Mr. Kesler stated that having the additional five feet makes the project viable for the homeowner. Without the five feet, Mr. Kesler stated that the home owner would not have much of a front porch at all. Mr. Kesler appreciated the Zoning Board of Appeals time.

Chairman Welch asked if Marley Corado, applicant, had any information she would like to add. Ms. Corado replied that did not and that she was available for further questioning from the Zoning Board of Appeals members. There were none.

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 motion(s) by the Zoning Board of Appeals.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-08 to the Urbana City Council with a recommendation for approval with the following condition:

1. The front porch will generally conform to the submitted site plan, as shown in Exhibit E of the written staff report.

Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Warnbrunn	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Ms. Utchmann	-	Yes	Mr. Welch	-	Yes

The motion passed by unanimous vote. Ms. Trotter stated that this case would be forwarded to the Urbana City Council on January 10, 2022.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Ms. Trotter reported on the following:

- Major variance for 1005 Philo Road was approved by the Urbana City Council. So, Mr. Wease (applicant) will be able to install an additional parking space and turnaround area.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 7:22 p.m.

Respectfully submitted,

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