

Zoning Board of Appeals
January 13, 2000
Council Chamber, 400 South Vine Street,
Urbana, Illinois 61801

Board Members Present: Anna Merritt, Chairperson
Herb Corten, Charles Warmbrunn,
Paul Armstrong, Jim Fitzsimmons,
Harvey Welch, Darwin Fields

Board Members Absent: None

Staff Present: April D. Getchius, Director/Community Development Serv.
Mary Jo Montgomery, Recording Secretary

I. Call to Order

The meeting was called to order by Chairperson Anna Merritt at 7:30 p.m. and roll call was taken.

II. Approval of Minutes

Three minor corrections to clarify statements were made to the September 30th minutes. Mr. Corten moved the minutes be accepted as corrected. Mr. Fitzsimmons seconded.

Chairperson Merritt swore in the public body testifying before the board.

III. Old Business

No old business

IV. New Business

Case ZBA-99-MIN-2; 604 W. Stoughton. Paul Smith. Request for a minor variance to allow the creation of a zoning lot with less than required lot area.

Ms. April Getchius stated there was a staff error and one of the property owners was not notified of the hearing. A notice was hand delivered to the property owner the day of the meeting. Ms. Getchius requested that the case be continued to January 27th, 2000. Ms. Merritt determined that there would be a quorum the night of January 27th. Mr. Fitzsimmons moved to continue case ZBA-99-MIN-2 until January 27th, 2000. Mr. Welch seconded.

Roll call vote.

<i>Ms. Merritt</i>	<i>aye</i>
<i>Mr. Fitzsimmons</i>	<i>aye</i>
<i>Mr. Corten</i>	<i>aye</i>
<i>Mr. Welch</i>	<i>aye</i>
<i>Mr. Armstrong</i>	<i>aye</i>
<i>Mr. Warmbrunn</i>	<i>aye</i>
<i>Mr. Fields</i>	<i>aye</i>

Motion passed unanimously.

Case ZBA-99-C-7; 709 W. Main. Kevin Hunsinger. Request for a conditional use to allow the establishment of a duplex in the R-2, single family residential zoning district.

Ms. Getchius stated that Mr. Hunsinger is requesting to construct a duplex at 709 W. Main Street. The property is zoned R-2, therefore a duplex is required to have a conditional use permit granted by the Zoning Board of Appeals. Currently the property is vacant. Parking will be located in the rear and the proposed structure will appear as a single-family home. Staff recommends the proposed conditional use permit be granted in case ZBA-99-C-7.

Mr. Corten asked if there were a total of eight parking spaces at the property. Ms. Getchius stated that was correct and that it exceeds the required amount of spaces for the property.

Kevin Hunsinger, the petitioner, stated his intention for the building was to build a townhouse type of structure with two-halves, consisting of living space downstairs and bedrooms upstairs. There would be one common entrance into the front of the structure. Once you are in the foyer, you would have a separate entrance into each unit. He stated he has built similar units in the past. He chose this plan because the buildings look like 1920's type homes, but are multi-family units.

Mr. Corten asked if there would be a back porch on the building. Mr. Hunsinger replied that there is a large open space. His intention is to make it so the occupants can go directly from the garage into the house without having to be outside.

Ms. Getchius handed Mr. Hunsinger a letter opposing his request. Ms. Merritt asked if anyone in the audience would like to speak in opposition to Mr. Hunsinger's request. Mr. Randy Kangas, 804 W. Main, stated that he felt most of the neighbors to this project were not at home since this case came up over the holidays. He feels that more people are opposed than it seems to Mr. Hunsinger's request. Mr. Kangas stated there is a court case over zoning on the 800 block. He felt that by allowing something, not by right, to increase the density in an area that is now under a lawsuit by a developer, is inappropriate. Mr. Kangas does not want to increase the density of his neighborhood. He is concerned with maintaining the single-family dwellings contiguous with the neighborhood to preserve the historic nature of the area. He does not want the area to be

overrun with apartment houses.

Mr. Corten stated that the building directly next to the property is an apartment house. Mr. Kangas stated that it was, but on the other side of the proposed building site is a single-family dwelling. Mr. Corten asked if there were other multi family housing in the area. Mr. Kangas said there were.

Mr. Fitzsimmons asked staff if right allows a duplex in R-2. Ms. Getchius stated that a duplex is allowed in R-3, but in R-2 you must get a conditional use permit.

Ms. Getchius clarified Mr. Kangas' referral to the court case on the 800 block. The case in reference was concerning making an R-2 district an R-4 district. She stated that duplexes are low density residential. Mr. Kangas stated that it is precluded by right, but not precluded completely. Ms. Getchius wanted to clarify the difference between a duplex and multi-family, which is the dispute of the court case down the street.

Mr. Kangas stated that lawsuit should have some bearing on the outcome of the Zoning Board of Appeals decision on this conditional use permit. Mr. Welch stated that the board should not wait on an outcome of the court case.

Mr. Warmbrunn stated that the board ruled on a case on Main Street last year or the year before where the actual lawsuit was across the street. The lawsuit still hasn't been settled. Ms. Getchius stated that there were several variances involved in that case. Mr. Warmbrunn felt the board should go ahead and make a decision. Mr. Fitzsimmons stated that he recalled that particular case was denied. Mr. Fitzsimmons asked Ms. Getchius if there was a rush to make a decision on this case. She stated that it was up to Mr. Hunsinger.

Mr. Hunsinger stated that time is of the essence. He needs to get the building built before the August leasing year. Mr. Fitzsimmons asked if he could wait two weeks. Mr. Hunsinger felt he could. Mr. Hunsinger had two points he wanted to address. He stated that the court case was talking about changing the actual zoning of the area. What he is asking for is something that is allowable in the zoning district by right. The second point he wanted to make was that he felt he was protecting the neighborhood and trying to keep it low density by only building a duplex instead of a multi family apartment complex.

Mr. Corten asked if Mr. Hunsinger owns the lot. Mr. Hunsinger stated that he has the option to buy the lot pending the outcome of the board's decision.

Ms. Phyllis Winters-William, 810 W. Main Street, spoke against the building of the duplex by Mr. Hunsinger. She reiterated the court case on the 800 block of Main Street. Ms. Winters-William stated that part of the charm of Main Street was the older more historical homes. She does not want new construction in the area, especially when it is for multi-family dwellings.

Ms. Getchius recalled that when the other case came through, legal advised the board to act upon the request. She recommended that ZBA approve the conditional use permit for the duplex.

Mr. Warmbrunn moved that the board grant the proposed conditional use permit in ZBA-99-C-7 for the reasons outlined in the summary of staff's findings. Mr. Fitzsimmons seconded. Mr. Warmbrunn stated that in his opinion we are getting a duplex that will abide by all other criteria that we need to establish, to have a duplex on a given lot. He stated that the duplex is the best alternative for the lot.

Roll call vote.

<i>Ms. Merritt</i>	<i>aye</i>
<i>Mr. Fitzsimmons</i>	<i>aye</i>
<i>Mr. Corten</i>	<i>aye</i>
<i>Mr. Welch</i>	<i>aye</i>
<i>Mr. Armstrong</i>	<i>aye</i>
<i>Mr. Warmbrunn</i>	<i>aye</i>
<i>Mr. Fields</i>	<i>aye</i>

Motion passed unanimously.

Case ZBA-99-MAJ-7; 312 W. Oregon. Urbana School District 116. Request for a major variance to reduce the front yard requirement to a zero setback.

Ms. Getchius stated that Leal School renovation is a unique site with unique circumstances. She stated that the renovations were not to increase attendance, but that the building needs to be updated. The school district is planning to expand westward with acquisition of property, but that is for expansion of the site. Staff recommends that this request be granted.

Mr. Corten asked if Birch Street would be closed to the west of Leal. Ms. Getchius stated that there would not be a closing of Birch until the school acquires the land and can proceed with their plans.

Mr. Tom Kamm, Project Architect for Leal School showed the site plan to the board to orient them to the site where the renovations would be done. Mr. Kamm stated that there were three goals for the expansion of the school. First, to get the programmatic space out of the basement. Second, to expand the size of the classrooms. Third, to add a lunch room so that gymnasiums will not be out of service while lunch is set up, served and taken down. Parking is also an issue.

Mr. Corten asked how Mr. Kamm knew if more kids would want to come to the school. Mr. Kamm stated that his designs were based on what the school district and the building committee came up with for a program for the building, which were three classes at each grade level. If they exceed the number of students allowed for the building, the students would have to be

redistributed. Mr. Corten asked about the basement. Mr. Kamm stated that basement would be used for storage and mechanical space only.

Mr. Alfred Hubler, 310 W. California, stated that he is not opposed to the project. He feels it's a good idea. He stated there was a problem with Leal School trash collection. Since the set back is to the street, trash collection is done usually between 2 a.m. and 4 a.m. with disregard to the surrounding neighborhood houses. He asked to have a no noise emission condition between 10 p.m. and 6 a.m. be attached to the variance request. Ms. Getchius said she would take down Mr. Hubler's phone number and contact Public Works department to see what could be done about the problem.

Hillary Lyman, 308 W. California, stated that the trash problem was a concern of hers as well. She does not want to look out her window and see a two-story building. She feels the school could expand to the south instead of building two stories up. She is concerned that when she and her husband leave the area the school will affect the property value of her house.

Mr. Corten moved that the board grant the variance as requested based on staff findings outlined in staff memo. Mr. Welch seconded.

Roll call vote.

<i>Ms. Merritt</i>	<i>aye</i>
<i>Mr. Fitzsimmons</i>	<i>aye</i>
<i>Mr. Corten</i>	<i>aye</i>
<i>Mr. Welch</i>	<i>aye</i>
<i>Mr. Armstrong</i>	<i>aye</i>
<i>Mr. Warmbrunn</i>	<i>aye</i>
<i>Mr. Fields</i>	<i>aye</i>

Motion passed unanimously.

Ms. Getchius stated that council date for that consideration is February 7th, 2000.

Case ZBA-99-C-8; 1304 S. Vine. Children's Advocacy Center. Request for a conditional use permit to allow the establishment of a Children's Advocacy Center in the R-3 single- and two-family residential zoning district.

Ms. Getchius stated the property appears to be a single-family home. The building has been used as a daycare and as a private school in the past. The property is zoned R-3 single- and two-family residential. Champaign County is proposing to use the property as a Children's Advocacy Center. Ms. Getchius stated there is an outstanding issue on this variance. By ordinance, they would be required to have thirteen spaces for parking, so they will be back

before the board for a variance at a later date. Ms. Getchius recommended that ZBA grant the conditional use permit conditioned upon either constructing the 13.6 parking spaces or coming into compliance through the variance procedure.

Mr. Warmbrunn asked if parking should be addressed at this time. Ms. Getchius stated that the board could ask questions about parking and the number of spaces provided currently, but the problem is that as part of a conditional use permit, you can't grant the variance as well. Ms. Merritt asked if that could create a problem. Ms. Getchius stated that board could continue this case until the date of the variance and grant both in the same evening.

Mr. Denny Inman, Co-Administrator of Champaign County and Mr. Mike Williams were asked to speak. Mr. Inman stated that Mr. Williams was available to give an over view of the program and to answer any questions the board might have.

Mr. Warmbrunn asked if two to three staff will be working with the possibility of other organizations joining in. Mr. Williams said that was correct. Mr. Warmbrunn asked what the maximum number of vehicles would be at the property at the same time. Mr. Inman stated that there were two activities that would be taking place at the location. The first activity was the interview process with which there would be the possibility of 5 to 6 people (vehicles) at the facility. The second activity would be a governing board for this program where 6 to 8 people (vehicles) would be at the facility at that time. Mr. Williams stated that staff will work with parents/guardian of the child and the child at the facility. Mr. Warmbrunn asked if 5 to 10 children would be seen a month. Mr. Williams said he hoped it would be less than 5 to 10 children a month. Mr. Inman stated that this is not a sight for the States Attorney's office. The State' Attorney will visit the facility, but his office will not be in the facility. He also stated that no hearings or legal action will be taken in the facility.

Ms. Merritt asked if the board grants the conditional use and the variance request for parking is denied, what will happen to the project. Ms. Getchius stated that if you grant the conditional use conditioned upon granting the parking and find the parking to be inadequate, then the conditional use would be negated.

Mr. Warmbrunn asked if this would go to the City Council. Ms. Getchius stated that the case would go to council. Mr. Warmbrunn asked Mr. Inman if it would benefit him if the board went ahead with one case before the other. Mr. Inman stated it would benefit him since the Children's Advocacy is slated to open March 1st, 2000.

Mr. Gene Weisiger, 2004 Linview Avenue, spoke in opposition to the conditional use request. Mr. Weisiger's main concern was that Champaign County would use the building to house other governmental agencies other than the Children's Advocacy Center. Mr. Inman stated that would not happen. Ms. Getchius stated that the conditional use permit needs to be worded saying that it is for a government building for use as a Children's Advocacy Center so that some other government use is not moved into the facility.

Ms. Getchius stated that the outside of the building would remain the same. The only change that possibly would be made to the exterior would be to add a ramp to satisfy the ADA requirements. Mr. Fitzsimmons asked what the hours of operation would be for the facility. Mr. Williams stated that the hours would be 8 a.m. to 5 p.m.

Mr. Fitzsimmons moved that the board grant the conditional use permit allowing the establishment of a Child Advocacy Center in a government building with the following conditions: 1.) Adequate on site parking plan be developed.
2.) All necessary variance and parking requirements needed to achieve the plan be obtained. Mr. Armstrong seconded.

Roll call vote.

<i>Ms. Merritt</i>	<i>aye</i>
<i>Mr. Fitzsimmons</i>	<i>aye</i>
<i>Mr. Corten</i>	<i>aye</i>
<i>Mr. Welch</i>	<i>aye</i>
<i>Mr. Armstrong</i>	<i>aye</i>
<i>Mr. Warmbrunn</i>	<i>aye</i>
<i>Mr. Fields</i>	<i>aye</i>

Motion passed unanimously.

The next ZBA meeting will be January 27th, 2000. Ms. Getchius asked if the board would be available February 17th, 2000 for a meeting to discuss new cases. Majority would be available.

V. Adjournment

There being no further business to discuss, the meeting was adjourned at 9:35 p.m.

Respectfully submitted:

Mary Jo Montgomery
Recording Secretary