

**MINUTES OF A REGULAR MEETING  
URBANA ZONING BOARD OF APPEALS**

**DATE:** August 30, 2001

**APPROVED**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
400 S. Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Darwin Fields, Joe Schoonover, Charles Warmbrunn, Harvey Welch

**MEMBERS ABSENT** Anna Merritt

**STAFF PRESENT:** Tim Ross, Planner

**OTHERS PRESENT:** Maiko Covington, Adam Schmidt, Gerry Stebbins

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**Mr. Corten nominated Paul Armstrong to be Acting Chair for the meeting. Mr. Warmbrunn seconded the motion. The motion was passed by unanimous vote.**

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

Acting Chair, Mr. Armstrong called the meeting to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Schoonover moved to approve the minutes from the July 26, 2001 meeting. Mr. Corten seconded the motion. The motion carried a unanimous vote.

**4. COMMUNICATIONS**

- Memo from Sylvia and Thomas Guback

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. OLD BUSINESS**

There was none.

**Acting Chair, Mr. Armstrong, swore in members of the audience who were wishing to speak at the meeting.**

**7. NEW PUBLIC HEARINGS**

**ZBA-01-MAJ-12; Request for a major variance to allow the creation of two lots with less than the minimum lot area (43% and 16% reduction) in the R-3, Single and Two-Family Residential Zoning District at 605 South Anderson Street.**

Tim Ross, Planner, began the staff presentation by introducing the major variance and gave a brief background of the case, including a description of the site. He discussed the variance criteria by reviewing the criteria of Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. Mr. Ross read the options of the Zoning Board of Appeals. He stated that based on the findings, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed variance, as requested to the Urbana City Council.

Mr. Corten questioned whether Mr. Ross originated the idea of splitting the lots or if someone else did? Mr. Ross replied that the petitioner applied for the variance.

Mr. Warmbrunn asked if the owner pays taxes for both houses on the property. Mr. Ross replied that there was only one tax parcel, and on that lot, the owner would seemingly receive one tax bill for that property. He mentioned that there was only one owner for that tax parcel. Mr. Corten asked if the owner lived in either of the houses? Mr. Ross replied no.

Mr. Welch questioned how much of the recommendation was based on the promise not to build? If there were no promise to not build, would staff recommendation change? Mr. Ross answered that the staff recommendation would not be substantially different. The City of Urbana was more interested in what effect splitting of the lot would have in terms of anything that could possibly occur on the lot, regardless of construction plans. It would create two lots that would be smaller than the required minimum. Mr. Welch remarked that from that point of view, assuming that nothing else happened, it would be a distinction without a difference because you would not see the property line. The Zoning Board of Appeals would not be doing anything radical even though it is called a major variance. Mr. Ross responded that there would not be a significant impact, as the proposed size for the lots would not allow a duplex without the approval of a variance.

Mr. Corten asked for clarification on how duplexes applied to this case. Mr. Ross replied that duplexes do not really apply to this case. Although duplexes are permitted in the R-3 district, a duplex would not be able to be constructed on this lot without a variance due to the size of the lot being less than 6,000 square feet.

Mr. Warmbrunn commented that building anything besides a single-family home on this property would require a variance because of the size of the property being so small. Mr. Ross remarked that was a fair comment. There would be a limited number of uses permitted for this property due to the lot size.

Gerry Stebbins, of Weiner Companies, manages the property. He commented that he is in favor of the variance for one major reason. If that neighborhood continues to be single-family, then the best that could happen to that lot would be to split it into two lots. A homeowner would pick up either parcel. As it is now with two parcels on one lot, homeowners usually do not want to buy them causing the price of the parcel to go down.

Mr. Warmbrunn asked if the Crawfords own the houses and rent each house to individuals? Mr. Stebbins replied that was correct.

Adam Schmitt, of 604 East Oregon, lives adjacent to the property in question. He does not see any purpose to rezone the lot other than to sell one or both parcels of land. He stated that he was apprehensive about new construction on the land. Mr. Schmitt also was concerned with the reasons for the variation. He felt that the door would be left open for new construction if the property was split and sold to separate individuals. Mr. Warmbrunn responded that the reason for the variance to split the property was because there are two houses on the property.

Mr. Corten asked if new buyers would have to request major variances to build anything on these small sub-sized lots? Mr. Ross replied that was not true. They could still build anything that was permitted by right in the R-3 zone. Mr. Corten asked if that was true even if the lot does not conform to the proper size? Mr. Ross replied that was correct as long as they could meet the setbacks and other requirements.

Gerry Stebbins reapproached the Zoning Board of Appeals. He stated that there was no proposed new construction. There would be no logic in tearing down the existing housing structure to build a duplex. The reason for splitting the land is for the purpose of selling the property. It will be easier to sell if the property is split.

Acting Chair Armstrong noted that the letter from Sylvia and Thomas Guback was in opposition and listed six points of reasoning. Those reasons are:

1. Current landlords are absentee landlords.
2. Substandard lot sizes could adversely affect the appearance and value of the co-owned property next door.
3. Minimum lot sizes should be maintained in the historic area of Urbana.

- 4. Creating two non-conforming lots potentially leads to increased density.
- 5. Because the part of Oregon is a short block and this would lead to extreme and unnecessary crowding in the block.
- 6. Non-conforming use should not be rewarded with legalization.

Mr. Warmbrunn made a motion to approve this case as requested to the Urbana City Council. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Fields	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote.

**ZBA-01-MAJ-13; Request for a major variance to allow a 10-foot encroachment into the required 15-foot front yard setback for the construction of an unenclosed porch addition in the R-2, Single Family Residential Zoning District at 805 South Race Street.**

Mr. Ross presented the staff report. He gave an introduction explaining the case. He reviewed the background including a detailed description of the site and the zoning of the site. Mr. Ross discussed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance related to this case. He reviewed the options of the Zoning Board of Appeals. Mr. Ross stated that based on the findings outlined in the staff report, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed variance, as requested to the Urbana City Council.

Maiko Covington, petitioner, commented that there are no eaves over the front door. In the winter, it is hard to open because of the snow up next to the door. She would like to put a roof over her front door. The best way to blend in with the neighborhood would be to construct an unenclosed porch.

Mr. Fields made a motion to approve the variance to be forwarded to the Urbana City Council. Mr. Corten seconded the motion. The roll call was as follows:

Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Mr. Fields	-	Yes

The motion was passed by unanimous vote.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Ross gave the staff report on the following:

1. The next Urbana Zoning Board of Appeals meeting will be held on September 27, 2001. There is at least one variance likely to come in.
2. The previous variances sent to the Urbana City Council were approved.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:20 p.m.

**Respectfully submitted,**

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**Tim Ross, Planner**  
**Urbana Zoning Board of Appeals**