

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: September 18, 2002

APPROVED

TIME: 7:30 p.m.

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

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

MEMBERS ABSENT Herb Corten, Anna Merritt

STAFF PRESENT: Tim Ross, Senior Planner; Rob Kowalski, Planning Manager; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: Thorpe Facer, Frank Gladney, John Katzenellenbogen, Patrick Roberge, Jeff and Susan Sanford

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

The meeting was called to order at 7:34 p.m. The roll call was taken, and a quorum was declared present.

***Note:** Mr. Warmbrunn moved to nominate Paul Armstrong as Acting Chair in the absence of Chair Merritt. Mr. Schoonover seconded the motion. The motion was passed by unanimous vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved to approve the corrected minutes as of the August 21, 2002 meeting of the Zoning Board of Appeals. Mr. Fields seconded the motion. Those minutes were passed by unanimous vote.

4. COMMUNICATIONS

- ✓ Question Response from Jack Waaler, Urbana City Attorney, regarding the By-Laws

***Note:** Commissioner Welch arrived at 7:39 p.m.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-02-MAJ-8: Request by Patrick Roberge and Ellen Deason for a major variance to decrease the required five-foot side yard setback to one-and-one-half feet and to decrease the required 10-foot rear yard setback to one-and-one-half feet at 705 West Michigan Avenue.

Michaela Bell, Planner, presented the staff report regarding this case. She began with a description of the site and of the surrounding zoning and land uses. She discussed the size of the petitioners dwelling, the setback requirements, the floor area and open space ratio, and the underground utility lines. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. She noted that staff received five letters of support and one letter of protest. Ms. Bell read the options of the Zoning Board of Appeals and gave staff recommendation, which was as follows:

Based on the findings outlined in the written staff report, staff recommended that the Zoning Board of Appeals recommend approval of the major variance along with modifications, to allow the petitioners to decrease the required five-foot side-yard setback to one-and-one-half feet and to decrease the required 10-foot rear-yard setback to five feet, to the Urbana City Council.

Mr. Warmbrunn questioned if staff had looked at the possibility of having the driveway on the east side of the house instead of the west side of the house? Ms. Bell answered that after having received the letter of protest, she went to 705 West Michigan Avenue to research this idea. She found that it would not be possible to have the driveway on the east side of the house because of the fire hydrant, a large tree, and due to the fact that there is not that much room.

Mr. Warmbrunn asked if the Zoning Board of Appeals needed to take into consideration the non-conforming garage that is on the property behind the proposed lot? He felt that because that garage would only be two feet away from the proposed garage, the Zoning Board should consider that distance. Ms. Bell commented that it would create a narrow alleyway if Illinois Power would need to access the utility lines. Mr. Ross added that this would fit under the criterion related to the essential character of the neighborhood and potential nuisance to surrounding properties as well.

Mr. Schoonover inquired if there was a particular reason why the petitioner would need the proposed garage located all the way to the back of the property line? Ms. Bell replied that it was the petitioner's wish to have the proposed garage located near the rear property line.

Mr. Schoonover asked what the distance would be from the dwelling to the front of the proposed garage? Ms. Bell estimated that it would be approximately eighty feet from the back of the home to the proposed garage.

Mr. Armstrong asked if the dotted lines were where the utility easement would run through? Ms. Bell replied that was correct.

Mr. Warmbrunn inquired if the utility easement would be on the petitioner's property or on the property line? Ms. Bell responded that the utility lines were on the petitioner's property.

Mr. Welch commented that in Exhibit E, "Aerial Photo", it appears that an attached structure similar to the proposed garage on the property to the west is sitting on its western property line. Ms. Bell noted that in this exhibit it was hard to see the non-conforming garage to the south of the subject site because of the trees obscuring the view. Mr. Welch assumed that the utility companies navigate around the structure on the property to the west.

Mr. Warmbrunn asked if the total height of the garage would be twelve feet? Ms. Bell replied that it was twelve feet.

Patrick Roberge, the petitioner, and Thorpe Facer, attorney for the petitioner, approached the Zoning Board of Appeals. Mr. Facer clarified that the height of the garage would be sixteen feet at its tallest point. Furthermore, he clarified that the major reason for the request for the setback on the rear property line was to minimize open space where it would be blocked by the proposed new garage as well as the garage on the property behind it and to maximize the open space that would be between the new proposed garage and the house. If the petitioner abided by the setback requirement of ten feet, then there would be 320 square feet of open space behind the proposed garage and would not really do any good. In addition, by having a smaller setback line on the rear of the lot, it would create less need for paving part of the back yard.

Mr. Warmbrunn inquired if the buried utility lines were on the petitioner's property? How far into the property? Would the petitioner be building on top of the buried utility lines? Mr. Roberge answered by saying that when the lines were buried, the line from the pole running eastward along the south portion of the property was enclosed in a four-inch conduit. According to the engineers, he can build the footings within a foot of the trench, because if the utility companies need to work on the lines, then they can disconnect the conduit and pull the wires from either end to work on the line. The wires that lead to the north to the house are not enclosed in conduit. It was recommended by the electrician that he hired that it would not be necessary. Mr. Roberge noted that the utility lines are buried 1.75 feet within his property from the property line.

Mr. Warmbrunn questioned if Mr. Roberge would be satisfied with putting the footings in even though the setback is for one-and-one-half feet? Mr. Thorpe responded that the setback line would actually be measured from the roof overhang of the garage to the property line.

Mr. Warmbrunn inquired if there would be a second story in the proposed garage? Mr. Roberge replied that there would only be rafters to be used for storage. Mr. Warmbrunn inquired about the window as well? Mr. Roberge replied that the window was to conform the proposed garage to the lines of the house.

John Katzenellenbogen, of 704 West Pennsylvania, stated that he was the neighbor directly to the south. He summarized the letter that he sent to staff in support of this proposal. He owns the large garage. He felt that the setbacks that Mr. Roberge was requesting would aesthetically match best with the outlines of his garage.

Mr. Armstrong inquired as to what the height was of his garage? Mr. Katzenellenbogen replied that there is a studio in the attic space of this garage, and he was not sure what the height of his garage was.

Frank Gladney, of 709 West Michigan, spoke in support of the proposed garage. He mentioned the letter he and his wife sent to staff. They live in the property directly to the west of the petitioner. The proposed garage would certainly improve the visual contours of the neighborhood from his prospective. There is a six-foot wooden fence that separates his property from the petitioners. His current garage hugs his south property line very closely. Him and his wife recently had their utility lines buried as well and did not hear any complaints about the utility companies having difficulty accessing the facilities. The petitioners have done a great service to his property and to the neighborhood by razing the previous garage, which was within inches of his property and was not conforming.

Mr. Fields questioned if staff recommendation for the setback requirement of five-feet was for more ease of access to the utility lines? Ms. Bell replied that was correct. Staff was not aware that the utility lines were buried one-and-one-half feet into the property. Mr. Fields stated that he agreed with staff's recommendation of five-feet, because one-and-one-half feet could mean a lot if the petitioner should deviate any from his plans.

Mr. Warmbrunn inquired if there would be power lines between the proposed garage and the garage on the south side for people who live on Pennsylvania Avenue? Ms. Bell replied yes. Those power lines are visible in Exhibit G, "Photos".

Mr. Fields moved that the Zoning Board of Appeals recommend approval of this case and follow staff's recommendation to allow the petitioners to decrease the required five foot yard setback to one-and-one-half feet and to decrease the required 10-foot rear-yard setback to five feet to the Urbana City Council. Mr. Welch seconded the motion. The roll call was as follows:

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

The motion was passed by unanimous vote.

ZBA-02-MIN-3: A request for a minor variance filed by Jeff and Susan Sanford for a 6-foot reduction in the required front yard along the Galena Street frontage at 2904 Susan Stone Drive in the City’s R-2, Single Family Residential Zoning District.

Tim Ross gave the staff report. He stated that the petitioners wished to build a 12-foot by 18-foot sunroom with a 24% reduction in front-yard setback along the Galena Street frontage. Therefore, Jeff and Susan Sanford were requesting a minor variance. He described the site and the zoning and land uses of the surrounding properties. He reviewed the variance criteria that pertained to this case from Section XI-3 of the Urbana Zoning Ordinance. Mr. Ross read the options of the Zoning Board of Appeals, and he noted staff recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance for this case as requested.

Mr. Warmbrunn moved to grant the variance as requested based on the findings outlined in the staff memo. Mr. Fields seconded the motion. The roll call was as follows:

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

The motion was passed by unanimous vote.

7. OLD BUSINESS

Annual Review of By-Laws

Mr. Ross noted that the By-Laws were last updated in 1991. Chair Merritt proposed that it was time to update the by-laws again. Mr. Ross took the changes proposed by the Zoning Board of Appeals and presented them to the City Attorney. The written communication was his response to those changes.

It was agreed by staff and the Zoning Board of Appeals to delay any action regarding the by-laws during this meeting due to the absence of Chair Merritt and Mr. Corten. Mr. Warmbrunn suggested that staff prepare a copy of the by-laws for the Zoning Board of Appeals to act on at the next meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Ross reported on the following:

- ✓ **Next Scheduled Meeting** – The next meeting is scheduled for Wednesday, October 16, 2002. However, there have not been any new cases received as of yet.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Mr. Schoonover moved to adjourn the meeting, and Mr. Warmbrunn seconded the motion. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Tim Ross, Senior Planner
Urbana Zoning Board of Appeals