

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

DATE: January 12, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Nancy Uchtmann, Harvey Welch

STAFF PRESENT: Rob Kowalski, Planning Manager; Paul Lindahl, Planner; Teri Andel, Secretary

OTHERS PRESENT: Dong-Kwan Cho, Jong & Michelle Ham, Yang Hayng-Sing, Rachel Leibowitz, Reverend Donald Mason, Livia McDade, Sun-Jim Park, Esther Patt, Marya Ryan, Christel Spellmeyer, Richard Underwood, Nancy Wehling, James Yoon

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

The meeting was called 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. Warmbrunn moved to approve the minutes from the October 20, 2004 meeting as presented. Mr. Armstrong seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

▶ Letter from Nancy Wehling

- ▶ Letter from Marya Ryan
- ▶ Letter from Scott Cochrane
- ▶ Letter from James Klein
- ▶ Letter from Ronald Cramer
- ▶ Letter from Kevin Hunsinger
- ▶ Proposed Site Plan for the Korean Mission Center

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-04-MAJ-15: A request for a major variance filed by the First Presbyterian Church of Urbana to allow an increase in the maximum allowable Floor Area Ratio (FAR) from 0.70 to 1.19.

Paul Lindahl, Planner, presented this case to the Zoning Board of Appeals. He began by giving a brief description of the proposed site and its surrounding area and noting that the proposed site was located in the MOR, Mixed-Office Residential Zoning District. He explained the intent of the major variance request, which was to allow the church addition to exceed the maximum allowable Floor Area Ratio (FAR) from 0.70 to 1.19. He talked about the review process for the inter-related cases for the proposed church addition, which included two public meetings, the Historic Preservation Commission (HPC) review, the proposed major variance request before the Zoning Board of Appeals (ZBA) at this meeting, and the case to be presented to the Development Review Board (DRB). He discussed the FAR in the MOR Zoning District and reviewed the variance criteria according to Section XI-3 of the Zoning Ordinance that pertained to the case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed variance as requested to the Urbana City Council.

Rob Kowalski, Planning Manager, added that Gary Olsen, architect for the proposed addition, was present at the meeting to answer any questions that the Board might have regarding the Proposed Site Plan and/or the architecture of the proposed addition. He mentioned that there were many members and representatives from the church as well. He showed some of the elevations of the proposed addition using the Elmo equipment.

Chair Merritt called for a break in the meeting at 7:55 p.m. due to the fact that the microphones were not working properly. The meeting was called back to order at 8:00 p.m.

Mr. Warmbrunn inquired if when the MOR Zoning District was created, if there was any acknowledgement of properties of this type or grandfathering of non-conforming status of properties in the district. Mr. Kowalski replied that he was not aware of any properties that had been specifically grandfathered or created as a legally non-conforming use when the MOR Zoning District was created. When the district was created, it was created along with some other zoning districts. There was a large-scale rezoning of many properties. Many properties were downzoned to R-2, Single-Family Residential Zoning District, which created a lot of non-conforming uses in the R-2 District. The MOR Zoning District was set up from scratch. He went on to say that the First Presbyterian Church was really a unique property in the MOR District. There were about 90 properties in the MOR Zoning District, and the church was very different from just about every other property in the district in size, scale and architecture of the building. It might have been argued at the time that the church should not have been included in the MOR Zoning District. Campus Oaks, which is a large condominium development located next door to the church, was not zoned MOR. They are zoned multi-family. He assumed that because Campus Oaks was so massive that it did not fit into the MOR Zoning District.

Mr. Corten asked if parking, drainage, and everything else had been accounted for in the development plans. Mr. Lindahl said yes. The construction plans would have to account for drainage, which would be reviewed by the City Engineer. The gutters would run down into the storm sewers.

Mr. Corten questioned if the basement would be completely dry or would it flood? Mr. Kowalski stated that the church intended to have a finished and useable basement, so it would have to be designed accordingly.

Pastor Don Mason, of the First Presbyterian Church of Urbana, thanked the members of the Zoning Board of Appeals for being present at this meeting, especially since there was a home basketball game for the University of Illinois (U of I). He pointed out there were several members of the First Presbyterian Church of Urbana and the Korean Mission Center of Champaign-Urbana present at the meeting. The First Presbyterian Church of Urbana valued the multi-cultural nature of the community. They also valued the relationship that they had shared for 30 years with the Korean Church of Champaign-Urbana. Over the past 30 years, the two churches have shared space for two completely self-contained congregations. Over the past 10 years, they had begun to share in a number of additional ways. They use the slogan "Two Are Better Than One" when it came to doing the mission of the church. The stewardship of optimal use of the facility was good by making good use of the buildings and the grounds.

Eighteen months ago, the two churches took a new step, which took them to a much deeper level in their relationship with each other. The two congregations signed a covenant to become partners in mission for the indefinite future. The Korean Mission Church was no longer seeking a new location for their own building. After much study and discernment, the two churches signed the covenant to better meet the needs of their own congregations and also the needs of the community.

One specific and tangible outcome of their new relationship was the proposed addition to the church. Two churches sharing together property owned by the First Presbyterian Church of Urbana, however it would be built by, paid for and primarily used by the Korean Mission Church of Champaign-Urbana. They would be sharing a commitment to serve the entire City of Urbana. The two churches chose to stay in the center of town, because they wanted to provide child care on a daily basis, to have 12-step programs meeting in the church, to charter a Boy Scout Troop, to provide a food closet, and a space for civic groups and non-profit organizations to hold meetings at little or no cost. The facility was currently being used day and night, seven days a week. They believed it to be healthy for many people in the congregations to have keys. The two churches believe in the mission that they were tackling together. They felt that each church would be greatly strengthened by the proposed addition.

Pastor Jong Ham, of Korean Mission Church of Champaign-Urbana, stated that he had served the church for 10 years. The two churches shared their buildings, their love and their faith. Since the Korean Mission Church was located in campus town, many people come and go. As a result, the size of the congregation was expanding. Therefore, they need a larger space to maintain their ministry.

James Yoon, of 1804 Winchester in Champaign, mentioned that he had been a member of the Korean Mission Church of Champaign-Urbana for the last 20 years. When the church had started 30 years ago, the congregation was relatively small. However, the congregation had grown in size substantially because of the immense programs that were being offered at the U of I. They currently have between 500 and 600 adults and children in their congregation altogether.

Mr. Yoon mentioned that the Korean Mission Church had used the house at 608 West Green Street for close to 20 years. When the house was deemed unsafe to use, many of their programs were curtailed. Among the leadership of the church, there was a serious discussion of what to do. They had considered whether they should move out of their current location or stay. Then, this creative opportunity came upon them. Being in this unique partnership with mostly a Caucasian congregation was a unique experience for the congregation members of the Korean Mission Church. Some of the members would leave to go back to Korea. They value the experience they get while they are here. So, after a lot of thought, the leadership of the Korean Mission Church decided that they would invest their future in the proposed project, because they are close to campus and near the center of town.

Even though they are not a fully functioning church because of their limited facilities, they also provide another dimension of cultural-like experience in continuing cultural education for larger Korean-American children that grow up in the Twin Cities and the surrounding areas. Once the proposed new addition was constructed, he believed that these types of programs would take on a new height.

Gary Olsen, Managing Architect and owner of Olsen and Associates, noted that he had the privilege of working with two churches at the same time. He handed out larger copies of the site plan to the members of the Zoning Board of Appeals. He would answer any questions that the Zoning Board members had.

Mr. Corten inquired if both congregations currently used the same sanctuary and planned to in the future. Mr. Olsen replied yes.

Mr. Warmbrunn expressed interest about the door that would be on the west side of the proposed addition. Would it be used as a fire escape? Mr. Olsen answered by saying that there would be limited use on this door. It was actually a direct access from the kitchen to the outside.

Mr. Warmbrunn inquired if people would be able to stay up or go downstairs near the other entrances/exits. Mr. Olsen responded by saying that there would be a double-door entry, which would be the front entrance, on the south side of the property. The exit to the north was a single door. Both entrances/exits would have vestibules that would be contiguous with the existing sanctuary. Congregation members could go into the Fellowship Hall after events occur in the sanctuary for some refreshments, etc. Predominantly it would be used by the Korean Mission Church; however, there would be many instances in which both churches could use the Fellowship Hall. The fourth exit would be a stairway going down into the lower level. It would be used as an emergency exit only.

Mr. Warmbrunn asked if Mr. Olsen believed that the trees on the west side could be preserved. Mr. Olsen believed that they could easily preserve the trees. He planned to invite the City Arborist over to the church. Some of the trees should not be preserved, because they were more weed-type of trees. They would trim some of the trees that would be near the construction back so the roots could take any damage that might occur.

Mr. Armstrong asked for clarification of whether the facility was primarily used by the Korean Mission Church or by the First Presbyterian Church. Mr. Olsen stated that the facility was being used for both churches.

Mr. Armstrong wanted to know what impact this might have in terms of the Korean Mission Church growing. Was the proposed addition necessary to accommodate the expected growth? Would the proposed addition be primarily for the existing size of the congregation at this time? Mr. Olsen stated that the rate of growth in the Korean Mission Church was greater than the First Presbyterian Church growth rate. The proposed addition would be a facility that the church could grow into. Everything would be built now to accommodate future growth.

Mr. Armstrong wondered if this was part of a phase plan of some type that might expand into a larger facility down the line. Mr. Olsen said that the only phasing that the churches were planning was in the lower level. They were planning to put in minimal walls now, and over time they would add more walls to create separate classrooms.

Mr. Corten inquired as to how big the membership of the Korean Mission Church currently was. Mr. Ham answered by saying that there were about 500 people in the congregation. Mr. Corten questioned if the congregation consisted of mostly permanent residents or mostly students attending the U of I. Mr. Ham replied that 90% of the congregation was students. Mr. Yoon added that some of the students remain here after graduating and make Champaign-Urbana their home.

Marya Ryan, of 1 Buena Vista Court, noted that she lived essentially across Elm Street from the back of the existing church building. She stated that she served a term on the City Council back in the 1990s and had reviewed a number of variance requests during that period of time. Back then, a petitioner had to establish that there was a hardship in order to get a variance approved. This has changed a little since then, and now a petitioner has to establish that there is a special circumstance. She did notice a special circumstance mentioned in the packet material, and more attention was being paid to the aesthetics, how the elevations would look, and what would happen along Green Street. It did not appear that there was much study of the impact on the Elm Street side or on Buena Vista Court. Buena Vista Court is adjacent to the MOR Zoning District, zoned R-2 (Single-Family Residential), and they were recently designated as a historic district. She was unsure about why the Historic Preservation Commission did not consider the impact of the proposed addition on the Buena Vista Court residents.

Her understanding of a special circumstance was that it would cover things like odd shaped lots or a replacement to an existing structure that was built before zoning laws went into effect. It would not cover someone wanting to have a bigger building within an established zoning district. Although she understood that the church had purchased the property at 608 West Green Street prior to the zoning being changed, she mentioned that could be said of any number of properties across the city. And since it was not grandfathered in, then she was not sure how this would qualify as a special circumstance, because it was really only the fact that the church wanted to be allowed to build a bigger building on a lot than permitted by right.

Her understanding of FAR was that the purpose was to ensure that there was appropriate intensity of usage on the land. If the church was already outgrowing the existing buildings, then she felt that it was outgrowing the neighborhood as well. The impact on the Elm Street side, especially on Sundays and whenever the church holds events through the week, was very intense. The traffic flow skyrockets with parking up and down the street. The parking lot that was built not too long ago relieved some of the parking problem, but not all of it. People will be people, and they want to park as close to the building as possible. Therefore, they would rather park on the street than in the parking lot further away. As a result, the parking lot was being underutilized. This meant that the residents of Buena Vista Court and their guests had to park blocks away.

Certainly whenever a variance to a FAR was made, then the purpose of the zoning designation to some extent was subverted. She felt it would be more constructive for the City to help the church find another place to relocate to or perhaps find a second location where they could run some of their programs and thus alleviate some of the intensity land uses that were occurring rather than encourage the churches expand at the current site, where it was really not an appropriate land use for the MOR Zoning District or for the adjacent R-2 usage.

Mr. Corten questioned if Ms. Ryan did not have in mind that the area would be a highly student-populated area when she moved into this area. Ms. Ryan replied no. In fact, she was a student when she moved into the area.

Mr. Warmbrunn asked if the daycare was in a different lot as opposed to the church. The daycare was adjacent to the Buena Vista Court, not the church, correct? Mr. Lindahl answered by saying that the educational facilities were located across the street from Ms. Ryan's house.

Mr. Warmbrunn questioned why the Buena Vista Court was not included in the historical debate when being reviewed by the Historic Preservation Commission. Mr. Kowalski explained that the zoning analysis was for the lot that the new addition was proposed on. For notification, City staff tried to be pretty liberal about it and notify as far out as possible. So, in measuring from the 250 feet, staff took it from the overall church property. In terms of reviewing proposals that are adjacent to historic landmarks or districts, the Zoning Administrator had interpreted that the proposed site for the new addition was immediately adjacent to the Ricker House and not necessarily Buena Vista Court.

Rachel Leibowitz, of 6 Buena Vista Court, agreed with everything that Ms. Ryan had said. She expressed her concerns that as stated in the written staff report, it said that the variance would not cause a nuisance to the adjacent property and now staff was saying that Buena Vista Court was not considered an adjacent property. All of the residents in Buena Vista Court agreed that they would be affected by this variance, especially if the church was planning on growing. It was a bother to the residents of Buena Vista Court that the street was full of cars or that the parking lots were full of people coming and going all evening. If the proposed new addition was to allow the church to expand, then she believed that would exacerbate the problem.

Ms. Leibowitz mentioned that when Reverend Yoon was going door-to-door speaking to neighbors about their proposed new addition, it was her understanding that one of the church's long range plans was to petition the City of Urbana to close down Orchard Street between Green and Elm Streets. She would be opposed to this as well. The residents of Buena Vista Court would definitely be affected by something like this. If the church believed that they were growing and could not fit into the existing space they have, then the church should look for a larger space on the outskirts of town. There were plenty of empty places available with more than enough parking spaces.

Nancy Wehling, of 2 Buena Vista Court, spoke in opposition of the proposed variance request. In addition to the concerns expressed by her neighbors, she attested to the fact that parking was already a problem in the neighborhood. There were church members who parked on the street, especially in inclement weather, because it was closer to the church. On a number of Sundays, she had seen one or two illegal parked cars along Elm Street. She went on to talk about how Mr. Yoon mentioned that they had a growing congregation. She was positive that parking would become more of a problem as years go by.

Although the public hearing was not addressing the church's long term plans, she stated that at the community meeting between the church and the surrounding neighbors, the church had mentioned plans of eventually tearing down the house at 607 West Elm and putting up another structure in its place with a parking lot adjacent to it. She believed it was time for the church to stop thinking about growing in this neighborhood and find a place that would be more suitable for high-density use.

Esther Patt, of 706 South Coler Avenue, pointed out that there were other issues that needed to be addressed in addition to the fact that the proposed development would be in the MOR Zoning District. Even if the proposed development would be proposed in the R-5, Medium High Density Multiple Family Residential Zoning District, a FAR of 1.19 would not be allowed by right.

She was confused in the staff presentation about how the first floor would meet FAR requirements if there were no plans for the basement. She stated that the proposal was for a building that would be more than three times the total of square footage of the existing building.

Ms. Patt also addressed her concern about changes that had been made regarding major variances. She noted that when the City Council changed the requirement for a variance from hardship to special circumstance, it was motivated by the complaint of unequal application of the law. To try to make it even for petitioners who need variance approvals, the City Council changed it to require that some special circumstances had to exist in order for a variance to be granted. Her understanding of a special circumstance was something that did not apply to every other property on the block. If a variance was granted, it should not be based on the special circumstance being that the property owner wanted to build something bigger than zoning allows. The whole point of zoning was to regulate the size and setbacks of new development. She urged the Zoning Board of Appeals to not grant the proposed variance request based on the special circumstance being that the church wanted to build something bigger than zoning allowed, because that would not be a special circumstance. She did not believe that it would be a good precedent to set.

Mr. Corten asked Ms. Patt if she understood the special circumstance to mean that the building would be massive in the proposed location or that half of the proposed structure would be underground and not show and therefore would not be a detriment to the appearance of the proposed structure. Ms. Patt felt that the special circumstance should be specific to this property that was not true of all other properties. So, if the Zoning Board of Appeals wanted to grant the variance request, then they should come up with a different special circumstance other than the size of the building. If they could not come up with another special circumstance, then they should deny the request.

Mr. Schoonover inquired about the current house. It was shut down by Illinois Power and was determined to have asbestos. Was the cost factor for remodeling the existing house too high?

Christel Spellmeyer, Administrative Assistant for the First Presbyterian Church of Urbana, clarified that in late 2003, Illinois Power had come in to the existing building to investigate a gas leak. With the combination of a gas leak and asbestos in the building, the boiler could no longer be functional. The church brought in A & R Mechanical Contractors, Inc. to estimate the repair costs. A & R Mechanical had stated that with the piping, the duct work, the boiler, the cost of the home and to be able to tear into the certain brick mortar walls to be able to repair the piping and to be able to adjacently fix the walls properly with the new heating system, it could not be done. The church received a temporary variance for one winter. When the variance expired, the Korean Church moved into the house at 607 West Elm Street in the late summer of 2004. At this time, the existing house at 608 West Green Street was to be torn down.

Mr. Kowalski addressed Ms. Patt's confusion about the square footage of the proposed structure and what would be permitted in FAR. The staff report stated that if 608 West Green Street were a vacant lot, the maximum amount of square footage that could be built on a lot in the MOR Zoning District was essentially in neighborhood of 5,985 square feet, which is 70% of 8,550 square feet. The addition for the church would be a total of 10,095 square feet. Half of that would be less than what would be permitted, which again would be 5,985 square feet. The point trying to be made was that half of the proposed new addition would be in the basement below grade, where it would not be visible from the street. Therefore, the proposed new addition would not have a massing impact or visual impact. So, if the proposed new addition were to be built on a slab, it would meet the FAR requirements of the MOR Zoning District.

Mr. Warmbrunn questioned if it would meet the FAR requirements if it were not in the MOR Zoning District. Mr. Kowalski answered by saying that it would depend on what district it would be in. In some of the other zoning districts, it may actually be allowed to have more square footage depending on how big the lot was. The MOR Zoning District caps any lot at the 8,500 square foot rule.

Mr. Kowalski addressed another concern that Ms. Patt had mentioned regarding special circumstances for variance requests. The Zoning Board of Appeals has to make the decision on the degree to which this was a compelling request and a special circumstance. There had been some cases brought to the Zoning Board of Appeals where it was harder to justify a special circumstance with the land, such as a sign variance or someone wanting to enclose a porch. However, it was not an exact science, and it was something for the Zoning Board of Appeals to decide. The City's Legal Department had said that the Zoning Board of Appeals was to consider all of the criteria. Some criteria may be stronger than others. However, the Zoning Board of Appeals did not need to check off each one.

Mr. Warmbrunn inquired if the proposed new addition would be built on two lots. Mr. Kowalski replied by saying that the addition would cross the property line to the east to connect to the existing church building. Mr. Warmbrunn asked if the area that crossed the property line would be considered into the 1.19 variance request. Mr. Kowalski said yes. He explained that any way you look at it; it would be considered a major variance.

Mr. Armstrong pointed out that the uses allowed in the MOR Zoning District and the potential future uses would increase the amount of traffic in the district. It would potentially increase the land use and density in various ways. Was that anticipated as being a problem in the future as development occurs in the MOR Zoning District? MR. Kowalski believed that this was a true statement. When the MOR Zoning District was created, it was intended to allow more commercial and office use in the district. Although they had not really seen these uses to a large extent, however, there were significant restrictions on how big a structure could be built. So, there could be a shoe store, but it would not be as big as Shoe Carnival. Because of the development regulations, he would not anticipate the MOR Zoning District to be so intense that there would be significant traffic problems and density problems. He commented that this might be one of the reasons why they had not seen many proposals for commercial uses or other office uses because of the development regulations being what they are. Ms. Merritt added that parking had always been a problem.

MR. Kowalski went on to say that for multi-family uses, the development across the street, which Dave Barr had built at 611 West Green Street, represented the largest possible structure that could be built in the MOR Zoning District. It was right around the maximum FAR.

Dick Underwood, of 2401 Pond Street, stated that he was a member of the First Presbyterian Church and was on the Joint Building Committee for the church. Others had already talked about the bi-cultural nature of the church. In the United Presbyterian Church, they had been informed that they were unique not only in the State of Illinois, but also in the whole United States. There were one or two other such programs where two linguistically different congregations had joined in one church.

Regarding parking, he was surprised to hear that any congregational member was parking in the street. If they were parking illegal, then he hoped they would get a ticket or get towed away. The church parking lot is never full and was not reserved for only the congregation's use. The parking lots were available for use by the Christian Counseling Center, the Red Cross, the Urbana Park District, and the Mosque.

Regarding the church's long-range plan, Mr. Underwood commented that Presbyterians were well known for making plans for everything. They had all sorts of plans for all sorts of things. It might be more honest to call them dreams rather than plans.

He noted that the church had been on this site for close to 150 years. Anyone who came to build or live near it should have known that it was church property. He had been involved in the planning with the architect, and they had gone through a great deal of effort to try and make the proposed addition blend in with the existing church and to blend in with the community.

Mr. Yoon re-approached the Zoning Board of Appeals. He explained that the two congregations would not be worshipping at the same time. As a leader of the Korean congregation, he frequented the facilities a lot. He had never observed a time, except perhaps on Sunday afternoons when the Korean congregation was there when the parking lot was full. They educate the congregation to make sure that they properly observe parking codes. He mentioned that he was one of the first people to get to church, and he noticed that in the evenings and on Sunday afternoons when the Korean Church holds their services, there were not any open spaces on Elm Street to park. The Korean congregation was large, but not everyone owns a vehicle. He believed that the parking spaces on Elm Street were already taken by residents who live in the neighborhood.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the City Council with a recommendation for approval. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- **Variance request for the Twin City Bible Church** was approved by the City Council.
- **Next Scheduled Meeting** was set for February 16, 2005. He noted the cases that would be brought before the Zoning Board of Appeals at that time.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**