

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

DATE: April 19, 2006

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn

MEMBERS ABSENT Anna Merritt, Harvey Welch

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Gary and Dan Frick

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

Paul Armstrong called the meeting to order at 7:30 p.m. He mentioned that since Chair Merritt was absent, the Board would need to nominate an Acting Chair. Mr. Warmbrunn moved that Mr. Armstrong serve as Acting Chair for this meeting. Mr. Corten seconded the motion. The Zoning Board of Appeals approved the motion by unanimous vote.

Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved that the Zoning Board of Appeals approve the minutes from the March 15, 2006 meeting as presented. Mr. Warmbrunn seconded the motion. The Zoning Board of Appeals approved the minutes as presented by unanimous vote.

4. WRITTEN COMMUNICATIONS

2005 Annual Report of the Zoning Board of Appeals

Acting Chair Armstrong noted that the Board members received their copies of the Annual Report along with the packet of information for the variance case listed under New Public Hearings in the mail.

NOTE: Acting Chair Armstrong swore in members of the audience who planned to testify during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-06-C-01: Request by Olympic Construction for a Conditional Use Permit to establish a “Contractor Shop and/or Showroom” in the B-1, Neighborhood Business Zoning District.

Robert Myers, Planning Manager, presented the variance request case to the Zoning Board of Appeals. He introduced the case by giving a brief background on the history of the proposed site. He showed photos of the site to give the Board members a sense of how the building fits into the context of the adjacent properties. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings, read the options of the Zoning Board of Appeals and presented staff’s recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals approve the proposed conditional use in case ZBA-06-C-01 for the reasons articulated in the written staff report, and with the following condition:

- 1. That any outdoor fabrication, building, or construction related to the petitioner’s business shall be prohibited.*

Ms. Uchtmann asked if the Family Video store next door was closed. Mr. Myers said that was correct. Ms. Uchtmann inquired as to what the future use would be. Mr. Myers replied that he was not aware of any interest in the Family Video site at this time. However, the site was zoned for Neighborhood Business.

Ms. Uchtmann corrected Mr. Myers report regarding the location of the Care Center. She mentioned that it was located to the north of the apartment building on the northwest corner of Fairview and Lincoln Avenues.

Mr. Warmbrunn expressed concern about the hours of operation for Olympic Construction with regards to noise disturbing residential neighbors. Mr. Myers responded by saying that this was something that the Zoning Board of Appeals could reasonably consider, because it relates to the effects on the adjoining properties in the neighborhood.

Mr. Warmbrunn questioned if the condition recommended by staff to prohibit any outdoor fabrication, building, or construction related to the petitioner's business was due to the sharing of the parking spaces with the adjoining Family Video site. Mr. Myers replied that staff recommended the condition due to the noise level and debris that could possibly be created from the use of power tools. Other reasons include storing of materials outside.

Mr. Warmbrunn wondered since staff was concerned with the noise level, should the Board require the petitioner to keep the garage door closed during the day. Mr. Myers commented that if it would not be a hardship on the applicant, then it would not necessarily be a bad idea.

Mr. Corten questioned if there would be any big trucks making deliveries or pickups to/from the proposed site. Mr. Myers referred this question to the petitioner.

With no further questions from the Board for staff, Acting Chair Armstrong opened the public hearing up to hear public testimony.

Gary Frick, owner of Olympic Construction, approached the Zoning Board of Appeals to testify. He gave a brief history of the company. He mentioned that approximately 80% of their work is generated by Carle. Their present business office is located in his home in St. Joseph. They have a warehouse at Own Your Own Storage, which has no water or restrooms.

He pointed out that all of the material is delivered to the job sites. It made more sense to do it this way rather than have the materials delivered at the office or warehouse, and then have his workers move the materials to the job sites. As far as other trucks, tractors, etc., he mentioned that his company was small, and they did not even have backhoes or dump trucks. He employs three other carpenters, and they use pickup trucks.

Regarding the overhead door and the walls of the proposed building, he stated that they added insulation to the block walls on the perimeter of the building for energy conservation. However, it would also dampen the noise of the power tools as well. It would be nice for them to be able to leave the overhead garage door open during the day in the summer time. As far as loud noise, they would have a table saw set up in the building. It might be used three hours a month. It would be more of a repair shop than a construction shop. There would certainly not be any ongoing noise factor that adjoining property owners would have to contend with.

It would be a very intermittent, rarely used shop to store their tools and very few construction supplies. There would be more than enough parking spaces available for his workers and himself. He planned to have a small office in the front portion of the building. The back three-quarters of the building was a large, open work area. There were a couple of small storerooms for tools, etc. Their normal hours of operation are from 7:00 am to 3:30 pm. They sometimes run beyond 3:30 p.m.

Mr. Corten inquired about outdoor lights. Mr. Frick mentioned that there was a pole light on the southeast corner of the property, and it was probably operated by the Family Video store. It was a direct connection to the power lines, so it is on every night. There were also street lights along Fairview Avenue. Mr. Corten questioned whether Mr. Frick planned to add any additional outside lighting or a sign. Mr. Frick said no. As far as he was concerned, the fewer people that know there is a construction office located there, the better. He did plan to make some minor improvements. He wanted to install an awning over the front of the building to keep rain from coming in the front door. He also wanted to have just one color on the east outside wall of the building rather than the three colors that are there now.

Mr. Armstrong questioned how Mr. Frick intended to dispose of any trash or waste. Mr. Frick replied by saying that he would like to have a small dumpster with lids sit outdoors along the south side of the building.

Mr. Armstrong inquired if they would be using any toxic materials such as glue, stains or varnishes. Mr. Frick said that there would be a small amount of these materials used. Again, it would not be an everyday operation.

Mr. Warmbrunn asked if Mr. Frick would have any problem with the Zoning Board of Appeals limiting the hours of using the power tools from 8:00 am to 6:00 pm. Mr. Frick did not have a problem with this, because he would be unhappy if his neighbors operated power tools early in the morning or late at night.

With no further comments from the petitioner or anyone else in the audience, Acting Chair Armstrong closed the public testimony portion of this hearing and opened it up for the Zoning Board of Appeals to debate.

Mr. Schoonover wondered if City staff had heard anything from the adjoining residential neighbor to the west. Mr. Myers replied no. City staff mailed out notices of the meeting to the surrounding neighborhood and posted a sign on the proposed site. They had not heard any concerns or complaints from anyone.

Ms. Uchtmann commented that the proposed use seemed like a good fit, because this corridor of Lincoln Avenue over a period of time would become a commercial area anyway.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-06-C-01 for the reasons articulated in the previous discussions along with the condition recommended by City staff and with the following additional condition: *That power tools are to be operated only between the hours of 8 a.m. to 6 p.m.* Mr. Corten seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous voice vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Mr. Corten moved that the Zoning Board of Appeals adjourn the meeting, and Ms. Uchtmann seconded the motion. The meeting was adjourned at 8:08 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals