

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

DATE: October 18, 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, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Harvey Welch

MEMBERS ABSENT Charles Warmbrunn

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Leon McCulloh, Andy Workman, Marye Yeomans

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

Chair Merritt called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Regarding the minutes of the September 20, 2006 Zoning Board of Appeals meeting, Mr. Corten moved to approve the minutes as written. Mr. Schoonover seconded the motion. The minutes were approved by unanimous vote as presented.

4. WRITTEN COMMUNICATIONS

- Updates to the Zoning Ordinance
- Letter from Kevin G. Price regarding ZBA-06-MIN-02
- Letter from Alberto Gonzalez regarding ZBA-06-MIN-02

- Letter from Betty Schultz regarding ZBA-06-MIN-02
- Letter from Paul ? regarding ZBA-06-MIN-02
- Letter from Carolyn Butterfield regarding ZBA-06-MIN-02
- Letter from Cope Cumpston and Walter Matherly regarding ZBA-06-MIN-02
- Letter from Mary White regarding ZBA-06-MIN-02
- Letter from Marjorie and Ross Veach regarding ZBA-06-MIN-02
- Letter from Michael Meadows regarding ZBA-06-MIN-02
- Letter from Trent Shepard regarding ZBA-06-MIN-02
- Letter from Dan Richards regarding ZBA-06-MIN-02
- Letter from Tom and Joan Nelshopper regarding ZBA-06-MIN-02
- Letter from Carol Ehrhardt regarding ZBA-06-MIN-02
- Letter from Suzy Requarth regarding ZBA-06-MIN-02
- Letter from Robert Anderson regarding ZBA-06-MIN-02
- Letter from Jane Duncan regarding ZBA-06-MIN-02
- Letter from Jennifer Roth and Graham Carl Evans regarding ZBA-06-MIN-02
- Letter from M. Mobin Shorish regarding ZBA-06-MIN-02
- Letter from Cesar Augusto Romero regarding ZBA-06-MIN-02
- Letter from Kathryn Zimmerman regarding ZBA-06-MIN-02
- Letter from Daniel Walsh regarding ZBA-06-MIN-02

NOTE: Chair Merritt swore in members of the audience who might give testimony during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-06-MIN-02 – A minor variance request to allow an enclosed porch to encroach 5.5 feet into the 24.5-foot average front-yard setback at 403 West Oregon Avenue in the R-2, Single-Family Residential Zoning District.

Paul Lindahl, Planner I, presented the staff report for this case to the Zoning Board of Appeals. He began by stating the intentions of the petitioners, Leon and Judith McCulloh, which is to enclose an existing front porch. He talked about the surrounding zoning and land uses for the subject site. He discussed the development regulations for the proposed enclosed porch regarding front-yard setbacks, Floor Area Ratio (FAR), etc. He reviewed the variance criteria according to Section XI-3.C.2.c.3 of the Urbana Zoning Ordinance that pertained to the proposed request. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the findings outlined 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 front-yard setback variance.

Leon McCulloh, petitioner, and Andy Workman, contractor, approached the Zoning Board of Appeals to comment and answer any questions that may be asked by the board members.

Mr. McCulloh stated that in Exhibit G, one can see that the existing slab porch is deteriorating and needs repaired. The existing porch is sloping towards the front and is pulling away from the house leaving gaps between the porch and the house. Also, there are concrete steps leading down the right hand side to the driveway that are in extremely bad condition.

Mr. Corten inquired as to whether the petitioner would replace the concrete slab. Mr. McCulloh answered no. They plan to build around the existing concrete slab. It is too big to try to remove.

Mr. Schoonover asked the contractor to explain how he planned to build around the existing slab. Mr. Workman replied by saying that there has been a lot of water that caused the existing concrete slab to sink and slope towards the front. The petitioner needs bigger gutters with downspouts pointing away from the house. He mentioned that if they moved the concrete slab, then more things might come out that could increase the total cost than what the petitioner wants to spend. They planned to build out from the original porch setting posts into the ground in concrete and insulating underneath. This will keep the water from getting around the existing concrete slab in the future.

Ms. Uchtmann wondered why kind of railing the contractor proposed for the steps and the landing. Mr. Workman stated that he planned to use a vinyl covered composite material for the railing. Ms. Uchtmann commented that the existing railing is wrought iron and more visible from the street. Mr. Workman pointed out that many of the porches in the neighborhood have walls and not hand rails.

Ms. Merritt commented that this technically is not one of the Zoning Board of Appeals' concerns. However, the board members have an aesthetic interest. She understood that there were state and/or maybe even federal laws regarding railings. Mr. Myers noted that there were local codes, in which, in certain circumstances, hand rails are required. It depends on how far the drop off is from the landing to the ground and how many steps there are. Mr. Lindahl added that the City's Building Inspector would have an opportunity to look at the final plan for the railing. He pointed out that the variance request was not for the landing and its railings, but for the encroachment of the enclosure of the porch. Mr. McCulloh commented that there are no railings along the sides of the current sets of steps coming down from the existing porch.

Mr. Corten moved that the Zoning Board of Appeals approve the variance request as being proposed. Mr. Armstrong seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	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. Myers reported on the following:

- Illinois State Legislature passed a law that clarifies what the administrative procedures are concerning zoning cases and changes the period of appeals for text amendments or map amendments.
- Open Meetings Act: The updated information that was passed out at an earlier meeting will go into effect on January 1, 2007. In part, it has to do with being remotely present at meetings, and it also had to do with email exchanges.
- Fuad Handal's Conditional Use Permit: Mr. Handal has applied for a plumbing permit to install the new sewer connection.
- Starbuck's: There is a bit of internal debate within the company. Starbuck's has the same parent company as Radio Shack, and there is concern that they will have some competing products.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:00 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals