

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

**DATE:** December 20, 2006  
**TIME:** 7:30 p.m.  
**PLACE:** Urbana City Building  
City Council Chambers  
400 S. Vine Street  
Urbana, IL 61801

**APPROVED**

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**MEMBERS PRESENT:** Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann,  
Charles Warmbrunn, Harvey Welch  
**MEMBERS ABSENT** Paul Armstrong  
**STAFF PRESENT:** Robert Myers, Planning Manager; Paul Lindahl, Planner I  
**OTHERS PRESENT:** Shawn Luesse

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**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 November 15, 2006 Zoning Board of Appeals meeting, Mr. Corten moved to approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous vote as presented.

**4. WRITTEN COMMUNICATIONS**

There were none.

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. NEW PUBLIC HEARINGS

**ZBA-06-MAJ-05 – Request for a Major Variance filed by Villas at Fairlawn, LLC to construct multi-car garages within the 5-foot setback on the south side of Hollywood Drive (an alley) in the R-5, Medium High Density Multiple Family Zoning District.**

Paul Lindahl, Planner I, presented the staff report for this case to the Zoning Board of Appeals. He began by stating the petitioner's reason for requesting a major variance, which is to allow construction of multi-car garages within the 5-foot setback on the south side of Hollywood Drive. He presented some background information of the proposed site including a brief description of its location, zoning and existing land use as well as that of the surrounding properties.

Mr. Lindahl showed where the proposed multi-car garages would be located on a map and pointed out that access to the garages would be off of Hollywood Drive alley. He talked about the benefits of constructing the garages in these specific areas. He explained that the proposed major variance request is essentially an extension of the entire infill and redevelopment project.

He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is 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 recommend that the City Council approve the proposed major variance along with the following conditions:*

- 1. That the development shall closely resemble the submitted site plan labeled as Exhibit E; and*
- 2. The Zoning Administrator shall have the power to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations including Building, Fire, and Subdivision and Land Development Codes amended to meet the codes and regulations of the City of Urbana.*
- 3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*

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

Mr. Schoonover wondered if Hollywood Drive alley served as an access to the apartment complex to the south as well. Or is there a fence along the south side of the alley. Mr. Lindahl replied that there is a spot on the eastern end where the fence is down and people could walk through, but a car could not get through. There is also a change in grade where the proposed garages would be located.

Mr. Schoonover inquired if the existing garages were also at a zero lot line setback. Mr. Lindahl said that is correct.

Mr. Corten questioned who would be responsible for resurfacing of the alley. Would the City be responsible or is the alley a private drive? Mr. Lindahl stated that the alley is a public drive, so the City of Urbana would be responsible for resurfacing it. However, he is not sure whether or not there is a cost participation agreement with the Villas at Fairlawn, LLC to repave it. This would be a good question for the petitioner.

Mr. Welch asked what would constitute an alley, because this particular alley has the name of "Hollywood Drive". Mr. Lindahl was unsure as to why some alleys have names and others do not. There are other alleys in the City of Urbana that have names as well, such as Crane Alley and Goose Alley.

Mr. Welch wondered if there was any concern about there being more traffic in the alley. He thought that the alley would be crowded. Mr. Lindahl replied that if this were a proposed conditional or special use permit, then City staff would have taken a closer look at this. The alley is one way from west to east. He mentioned that the Villas at Fairlawn in the past have targeted students who can walk, catch the bus or ride their bicycles to the University of Illinois. He did not believe that the traffic pattern would change.

Mr. Corten asked if the alley would remain one-way. Mr. Lindahl said yes.

Ms. Uchtmann commented that most of the streets are squared off. She asked why Hollywood Drive alley was not squared off so that most of the Villas at Fairlawn would not encroach onto the City's alley. Mr. Lindahl responded by saying that if this was a street, then there would be front-yard setback requirements between the building and the street. However, along alleys there are no setback requirements. So, someone could construct a building right up to the edge of an alley. He went on to say that cars are permitted to back in and out of parking spaces along alleys.

Chair Merritt inquired as to whether there would be enough room for people to back out of the proposed garages with vehicles being parked in the provided parking spaces across the alley. Mr. Lindahl responded by saying that there would be enough room, because the alley measures 20 feet wide.

Chair Merritt wondered if the parking spaces would be marked better. Mr. Lindahl understood that the existing pads would be removed, widened and marked better. Chair Merritt pointed out that there would be nineteen uncovered parking spaces rather than eighteen, which is mentioned on page three of the written staff report.

Mr. Warmbrunn inquired about whether the 49 parking spots would meet the parking requirement for the number of buildings that the petitioner plans to construct. Mr. Lindahl replied that the petitioner plans to construct 49 parking spaces in order to meet the requirements of the future buildings and to hopefully add additional parking for the existing buildings. There will still be a shortfall of the amount of parking spaces needed for all the buildings.

Mr. Warmbrunn questioned whether the petitioner would need approval of a variance if they would only construct parking pads rather than build garages. Mr. Lindahl stated that the Villas at Fairlawn, LLC would still need approval of a major variance to allow encroachment of off-street parking into the side-yard setback.

Mr. Warmbrunn had researched the Zoning Ordinance regarding parking and the required setbacks. He read that parking in a required yard requires a minimum space of eighteen inches from the property line. He asked if the petitioner would be allowed to build a garage right up to the property line. Robert Myers, Planning Manager, replied that the section that Mr. Warmbrunn referred to in the Zoning Ordinance talks about open parking lots. If parking is eighteen inches away from the property line, it would allow room for overhang of the front of the vehicle without going over into the neighboring property. There is a section on accessory structures, which is what garages are considered under.

Ms. Uchtmann inquired how maintenance would be done on the garages if they are allowed to be built right up next to the property line. Mr. Lindahl responded by saying that the property owner would need to work with the owner of the neighboring property if maintenance is needed.

Mr. Corten asked who would be responsible for snow removal on Hollywood Drive. Mr. Lindahl replied that it is a City alley, so it would be the City's responsibility to remove snow.

Ms. Uchtmann questioned why the garage is 24 feet long. Is that a standard length for garages? Mr. Lindahl answered by saying that the standard length for parking spaces is 18-1/2 feet, because at one time this was considered to be the basic length of a car. However, some cars, such as Lincolns, Cadillacs and full-size pickup trucks, are longer. There is also the width of the walls to take into consideration, not to mention that most people like to leave themselves enough room when parking in a garage so that they do not bump the wall or so they can walk in front of or around their vehicle.

Mr. Warmbrunn asked if a person could build a garage right on the property line. Mr. Lindahl stated that there is a distinction between garages that are attached to houses and garages that are detached. In residential zones, detached garages of up to 750 square feet can encroach within eighteen inches of the side-yard property line. The idea is to allow room for the drip line. Mr. Warmbrunn wondered if this is pertinent to this particular case, and does the major variance request cover the eighteen inches. Mr. Lindahl said that the major variance covers it.

Mr. Warmbrunn inquired as to how many trees would need to be removed to construct the proposed garages. Mr. Lindahl replied that he has not seen a survey that would show him how many trees would need to be removed. This would be a good question to ask the petitioner.

Chair Merritt opened the hearing up to hear testimony from the public.

Shawn Luesse, representative of Villas at Fairlawn, LLC, approached the Zoning Board of Appeals. He provided some background information as to the purpose for asking for the major variance request. In their initial plans, the proposed garages would have been built in the open areas between the units. After preparing the drawings, he performed a site survey. He discovered that in order to construct the garages in the open areas between the units, the company would have to remove eight to ten fully developed 20 foot or taller trees. This did not seem to be a good solution. They, then, took a look at constructing the garages on the south side of the alley as originally thought before drawing up any plans. They decided it would be a better location for the garages.

The trees that would have to be removed from the proposed location are all scrub trees that are growing in and around the existing fence. These trees are actually destroying the fence.

Mr. Luesse mentioned that the proposed location for the garages are areas where they have had problems with students after school loitering, fighting and writing graffiti on the walls of the adjacent buildings. He believes that by using the area for garages, it might do away with some of these problems.

He mentioned that the Villas at Fairlawn, LLC has entered into an agreement with the City of Urbana to participate in the cost of improving the alley with new sewers underneath the alley and a new hard surface to the alley itself. Currently, water does not drain properly.

The proposed new garages are not a requirement of the already approved conditional use permit. The goal of the infill project is to provide one garage location for every unit; however, this is not a requirement. The company is required to provide new parking for the new units, in terms of new infill, not for the existing units. Given the space they have, the company felt that they could accommodate some of the existing units and that it would alleviate some of the parking problems along Fairlawn Drive.

Mr. Warmbrunn inquired if the design of the proposed garages would have a flat roof. Mr. Luesse explained that all of the garages would have a pitched roof. Mr. Warmbrunn wondered if the pitch would run east and west. Mr. Luesse stated that pitch would run north and south, and there would be gutters to catch anything from falling onto the neighboring property.

Mr. Warmbrunn questioned whether the gutters would hang over onto the neighboring property then with the proposed garages constructed next to the property line. Mr. Luesse pointed out that although they had asked for a major variance to allow a zero-foot setback, they would leave some room between the garages and the property line. The garages that they recently built on the north side of the development are 22.7 feet in depth. The proposed new garages will be

similar. Mr. Myers noted that no part of the garage (i.e. the foundation, eaves or gutters) would be allowed to hang over onto the neighboring property. Ms. Uchtmann exclaimed that there would then be eighteen inches between the garage and the property line. Typically how long is the overhang? Mr. Luesse guessed about six inches.

Mr. Warmbrunn commented that they would be saying that it is okay for the petitioner to build on the edge of an alley as long as nothing hangs over the property line. There is 25 feet for the alley. He stated that he did not like the wording of the proposed major variance request.

Mr. Welch remarked that they could change the wording. However, the ZBA needs to respect the fact that the City of Urbana has cost the petitioner quite a bit of space because of the location of the alley. It is very unusual to have an alley go through someone's property. Alleys are usually located on the edges of property lines, so that the easements would be less intrusive. Therefore, he felt it would be reasonable to allow the petitioner to build right up next to the property line, as long as they respect the property line. The proposed garages would be built next to an adjacent parking lot. It is not as if the garages were being built up against someone's back yard. He felt this to be a practical solution for the unusual circumstances.

Mr. Myers clarified that if a parking lot is open, then it could be constructed as close as eighteen inches from the property line. If it is an accessory building less than 750 square feet, then it could be as close as eighteen inches from the property line. However, the proposed garages are more than 750 square feet in total for an accessory building, so therefore, they must meet the required setback of five feet. As a result, the petitioner is requesting a major variance up to five feet.

He mentioned that they measure from the property line to the eave of a building to prevent water from draining onto a neighboring property. In this case, the petitioner plans to put a gutter on the building.

Mr. Corten wondered if the proposed garages would be heated. Mr. Luesse replied no.

With no further testimony from the public, Chair Merritt closed the hearing for discussion of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals recommend approval of the proposed major variance including the three conditions recommended by City staff to the City Council. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote. Mr. Myers mentioned that the proposed major variance request would be forwarded to a Special City Council on January 8, 2007 along with the Zoning Board of Appeals recommendation.

**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:

- Appeal for 805 West California: City staff has not heard from the petitioner as to whether she plans to remove the concrete pad or to barricade it so no one is able to park their vehicle on it.
- 2007 Schedule of Meetings is available for the Zoning Board of Appeals.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:20 p.m. by unanimous vote.

Respectfully submitted,

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Robert Myers, Secretary  
Urbana Zoning Board of Appeals