

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

**DATE:** April 18, 2007

**APPROVED**

**TIME:** 7:30 p.m.

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

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED:** Anna Merritt, Joe Schoonover, Nancy Uchtmann

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

**OTHERS PRESENT:** Eileen Gebbie, Brigitte Pieke, Danielle Quivey, Clifford Singer, Paul Zindars

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Harvey Welch stated for the record that the property for Case No. ZBA-07-MAJ-03 is located in the vicinity of his office. However, he does not feel that his building would benefit or lose from any decision that the Zoning Board of Appeals would make regarding the case.

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

In the absence of Chair Merritt, Mr. Warmbrunn moved that Paul Armstrong serve as Acting Chair. Mr. Corten seconded the motion. By unanimous agreement of the members present, the motion was approved.

Acting Chair Armstrong called the meeting to order at 7:35 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 January 31, 2007 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.

**NOTE:** Acting Chair Armstrong swore in members of the audience who indicated they might want to speak during the public input portion of the public hearing.

### 6. NEW PUBLIC HEARINGS

**ZBA-07-MAJ-02 – Request filed by Gregory Reynolds for a Major Variance to permit a 3,500 square foot accessory structure at 1714 East Airport Road in the IN, Industrial Zoning District.**

Paul Lindahl, Planner I, presented the staff report to the Zoning Board of Appeals. He stated that the petitioner and his attorney were unable to attend the meeting. If the Zoning Board of Appeals found it necessary to question the petitioner, then they could continue the case to the next scheduled meeting, but if the Board felt comfortable with making a decision based on the evidence provided then he recommended doing so. He continued his presentation by giving a brief background on the history of the pertinent facts leading to the proposed variance request. He noted the zoning and land uses of the proposed property and of the surrounding properties. He summarized staff findings, read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward ZBA-07-MAJ-02 to the Urbana City Council with a recommendation for approval.*

Acting Chair Armstrong asked if the area is rezoned, would the rezoning have any implications on the Zoning Board's recommendation to the City Council for the proposed variance request. Mr. Lindahl said no, it would not. The property is a very large lot, and all of the structures on the lot are far enough from the property that they would not require any setback variances. Also, the Floor Area Ratio (FAR) and Open Space Ratio (OSR) are met as well. So, a rezoning of the property would not affect the Zoning Board's recommendation in any way.

Robert Myers, Planning Manager, pointed out that the City’s Comprehensive Plan designates the future land use of this property as “Residential”. Properties to the west of the site are shown in the Comprehensive Plan to be “Future Regional Business”.

Acting Chair Armstrong opened the hearing to take public input from audience members. With no comments or questions from the audience members, Acting Chair Armstrong closed the public input portion of the hearing and opened it for discussion of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-02 to the City Council with a recommendation for approval. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

**ZBA-07-MAJ-03 – Request for a Major Variance by Brigitte Pieke to allow vehicles to back out onto Springfield Avenue at 311 West Springfield Avenue in the B-2, Neighborhood Business – Arterial Zoning District.**

Jeff Engstrom, Planner I, presented the staff report to the Zoning Board of Appeals. He noted the land uses and zoning of the proposed site and of the surrounding properties. He talked about on-site and on-street parking for the proposed business. He pointed out how the City’s Comprehensive Plan relates to the proposed variance request. He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance that pertains to the case. 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 recommends that the Zoning Board of Appeals recommend approval of the proposed major variance in case ZBA-07-MAJ-03 for the reasons articulated in the written staff report and along with the following conditions:*

- 1. That the development shall closely resemble the submitted site plan shown as Exhibit E in the written staff report;*
- 2. The Zoning Administrator shall be authorized 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, to meet City of Urbana requirements.*
- 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.*

Mr. Corten inquired if parking is allowed on Birch Street. Mr. Engstrom replied yes. Mr. Corten wondered if the petitioner could have her customers park along Birch Street rather than having them park in her driveway. Mr. Engstrom said that customers would be allowed to park on Birch Street, but the Zoning Ordinance requires that the petitioner provide at least one on-site parking space, which is why she needs the approval of the proposed variance request.

Mr. Corten thought the petitioner might be able to put a driveway parallel with Springfield Ave. through her front yard and exit onto Birch Street. Mr. Engstrom replied that parking is not allowed in a required front yard setback.

Acting Chair Armstrong mentioned that it appears that the existing driveway is about 40 feet long. Would this allow cars to park in the driveway in a stacked fashion? Mr. Engstrom said that the length of the driveway is approximate so he is not sure if two cars could park in a stacked fashion in the driveway.

Mr. Warmbrunn questioned what the composition is of the driveway surface. Is it made up of gravel and grass or are there actually two concrete pads? Paul Lindahl, Planner I, explained that he took the site photos for the staff memo. His understanding is that the driveway consists of deteriorated asphalt and gravel. City staff has discussed whether or not they should require the driveway to be resurfaced. Mr. Warmbrunn did not feel that it would follow policy to allow a business use and let them keep the gravel driveway. Mr. Lindahl explained that if a person improves their parking area, then he/she would be required to improve the parking area to a standard that would meet City codes. However, this is not possible, because there is not enough room to provide for the requirements of a business driveway. It also does not make sense to require the land owner to improve the driveway, when the business might not be located there very long. In order to allow the property, which has been zoned B-2, Neighborhood Business-Arterial Zoning District, for a long time, to be reused in an adaptive way, City staff is looking for a low impact solution.

Mr. Warmbrunn wondered if we have a set definition in the Building Code of what a driveway needed to be made of. Mr. Lindahl responded that if the land owner tore down the existing structure and redeveloped the proposed site, then she would be required to provide a parking area according to the standards of the Building Code. Mr. Warmbrunn stated that he thought it might be a safety issue, but if the City staff does not have a problem with the composition of the driveway, then he did not either.

Acting Chair Armstrong inquired as to whether the variance, if approved by the Zoning Board of Appeals and the City Council, would transfer to a new owner or a different use of the property in the future. Mr. Lindahl stated that the Zoning Board of Appeals could make it a condition that approval of the proposed variance is for the proposed use only. Mr. Myers added that it would be reasonable to add that condition because a higher intensity use occupying this property given the parking would be a very different situation.

Acting Chair Armstrong opened the public hearing up to receive comment from audience members.

Brigitte Pieke, the petitioner, stated that her retirement dream is to have a yarn store here. She is willing to answer any questions that the Zoning Board of Appeals may have for her.

Mr. Corten asked if she planned to use the house as it currently is. Ms. Pieke said yes.

Acting Chair Armstrong inquired as to what her intent would be for the driveway. Ms. Pieke pointed out that the driveway is very compact. There is not a lot of loose gravel and it has no pot holes. With regards to stack parking in the driveway, she felt this would not be a problem because she plans to park in a leased parking space elsewhere. It is just one parking space. She also did not feel that the traffic impact of her business would be any different than for the residential use which has been there for years.

With no further comments or questions from members of the audience, Acting Chair Armstrong closed the public input portion of the hearing and opened it up for discussion of the members of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-03 to the City Council with a recommendation for approval including the three conditions recommended by City staff and with the added condition that if the petitioner sells the proposed property then the variance would require reconsideration. Mr. Welch seconded the motion.

Mr. Welch moved to amend the motion to say "... and that the variance would be pursuant to the stated use of the petition for case ZBA-07-MAJ-03". Mr. Warmbrunn seconded the motion to amend. A voice vote was taken on the amendment, and it passed by unanimous vote (4 ayes to 0 nays).

The motion now reads as such: The Zoning Board of Appeals forward case ZBA-07-MAJ-03 to the City Council with a recommendation for approval including the three conditions recommended by City staff and with the added condition that the variance would be pursuant to the stated use of the petition for case ZBA-07-MAJ-03. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

**ZBA-07-MAJ-04 – Request by Habitat for Humanity of Champaign County to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.**

**ZBA-07-MIN-01 – Request by Habitat for Humanity of Champaign County to reduce the west side yard setback from 5 feet to 4 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.**

Both of these cases were heard concurrently because they pertain to the same property.

Jeff Engstrom, Planner I, presented the staff report to the Zoning Board of Appeals. He introduced the case by talking about the proposed major and minor variances. He said that the applicant is Habitat for Humanity which is a not-for-profit organization that assists in creating affordable housing for low-income families. He gave background information on the history of the proposed property. He noted the zoning and current land use of the proposed site and of the surrounding properties. He reviewed the City's Comprehensive Plan goals relevant to the case. He also reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance pertaining to the proposed variances. 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 recommends that the Zoning Board of Appeals recommend approval of the proposed variances in case ZBA-07-MAJ-04 and case ZBA-07-MIN-01 for the reasons articulated in the written staff report.*

Mr. Corten inquired as to whether there were any plans to build a garage in the back. Will there be a way to get to the driveway and will there be a driveway surface? Mr. Engstrom replied that there is a public alley in the back of the property. He said that Habitat Homes are typically built without garages, but that the builder/designer was in the audience and could answer the question more specifically. He believed that the driveway would be surfaced. Mr. Myers added that they would meet whatever the minimum standards are for parking surfaces and for single-family homes.

Acting Chair Armstrong opened the hearing up to input from members of the audience.

Eileen Gebbie, Director of Habitat for Humanity, and Paul Zindars, Construction Manager for Habitat for Humanity, approached the Zoning Board of Appeals.

Ms. Gebbie talked about the "2008 Home Builders Blitz" that Habitat for Humanity plans to hold in Urbana. The goal is to do the blitz in one neighborhood. This is because they have suppliers and contractors moving from house site to house site, and it would be easier to have them all together in the same neighborhood.

Another reason to concentrate their home building is because it makes a profound impact on a neighborhood. During the City of Champaign Blitz, the neighborhood came together with Habitat for Humanity to improve the neighborhood, and they saw the people energized about their neighborhood again.

Mr. Corten mentioned that in some of the other neighborhoods in the City of Urbana there are alleys behind the houses where the mailboxes and garages are located. Is this the intent of this project? Or did Habitat for Humanity plan to mix it up? Mr. Zindars replied that it is about half

and half, but with the proposed property they will definitely have to use the alleyway. There is no option in the front.

Mr. Corten wondered if people would want more privacy with garages sticking out in the front like in many of the newer neighborhoods. Ms. Gebbie felt this is a good point, but the people they serve are poor and generally cannot afford to buy a home except through Habitat for Humanity with no money down, zero interest mortgages, and investment through sweat equity. For these people, it is such an extraordinary luxury to move into the simple, decent homes that Habitat for Humanity builds, even with no garages. They are extremely pleased with the product that Habitat for Humanity is able to offer with the City of Urbana’s partnership.

With no further questions, Acting Chair Armstrong closed the public input portion of the hearing, and he opened the hearing up for discussion by the Zoning Board of Appeals. He suggested that the Zoning Board of Appeals look at the cases separately, since one is for a major variance and would be forwarded to the City Council and the second one is a minor variance that ends with the Zoning Board of Appeals’ decision.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-04 to the City Council with a recommendation for approval based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

Mr. Corten moved that the Zoning Board of Appeals approve case ZBA-07-MIN-01 based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

**Zoning Board of Appeals 2006 Annual Report**

Mr. Lindahl stated that the 2006 annual report provided in their packets lists information on the number and types of cases and their outcome presented to the Zoning Board in 2006. He mentioned that City staff can provide bound copies of the report for anyone who would like one.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- Bella Home Sign Variance was approved by City Council. He commented that after they installed the sign there was a problem with its design in terms of allowing airflow through it. As a result, the sign ended up coming down during a heavy windstorm. They are redesigning the sign in terms of wind load and will reinstall it, but the size or anything else reviewed by the Zoning Board of Appeals will not change.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Mr. Corten moved that the meeting be adjourned and Mr. Welch seconded the motion. By unanimous vote the Zoning Board of Appeals agreed at 8:35 p.m. to adjourn.

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals