

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

DATE: May 16, 2007

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Anna Merritt, Joe Schoonover, Nancy Uchtmann,
Harvey Welch

MEMBERS EXCUSED: Herb Corten, Charles Warmbrunn

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

OTHERS PRESENT: Ben Hoerr, Jim North

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 April 18, 2007 Zoning Board of Appeals meeting, Mr. Welch moved to approve the minutes as written. Mr. Armstrong seconded the motion. The minutes were approved by unanimous vote as presented.

4. WRITTEN COMMUNICATIONS

 Letter from Susan Flickinger

NOTE: Chair Merritt swore in members of the audience who indicated they might want to speak during the public input portion of the hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

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 case is a repeat of the case heard at the previous meeting on April 18, 2007. An error in the legal description needs to be corrected for the case and the public hearing should be held again.

Mr. Lindahl gave a brief introduction and background on the history of the proposed property. He reviewed the variance criteria from Section XI-3.C.3 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals. He 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 Case ZBA-07-MAJ-02 to the Urbana City Council with a recommendation for approval.

Chair Merritt asked if this case is essentially part of an effort to straighten out some things that have happened and are happening at various government levels. Mr. Lindahl said yes. There were a number of different problems which need to be resolved. The accessory building was built across a property line. The owners purchased part of the neighboring property because the accessory building was constructed over the property line without preparing a subdivision plat. There was a single-family home built in an Industrial Zoning District. So we need to clean up the zoning, prepare a subdivision, and obtain a variance for the accessory structure. The final issue is with the legal noticing.

He mentioned that this has been a long standing effort, and staff has been working on resolving these issues for an extended time period. Hopefully, it will all be taken care of in the next month or so.

Chair Merritt wondered if staff foresaw any problems with any of the other steps that need to be taken up with any of the other entities involved. Mr. Lindahl said no. Essentially everything is ready to go. The annexation agreement had already been approved by the Plan Commission and by the City Council. This included the rezoning and the variance for the part of the property that is outside City limits. The Zoning Board of Appeals had already approved the variance for that

portion inside City limits, and the Plan Commission had already approved the rezoning of the portion within City limits as well. Once City Council makes a final determination on the variance and rezoning of the portion inside City limits, City staff will proceed with annexing the portion outside of the City limits. City staff found an error in the legal description, and this set the case back to the place we were last summer regarding the property.

Ms. Uchtmann inquired as to how the accessory building is used.

Mr. Lindahl replied that it is essentially a pole barn/garage, and the owners use it to store vehicles and other items. They also have a workshop in it, but it is only used for personal purposes and not for business purposes.

Robert Myers, Planning Manager, added that staff has spoken with the owners and their attorney several times about the use of the accessory building. The owners maintain that they plan to use it for personal storage only. He pointed out that next door there is a self-storage warehouse business along with other industrial-looking buildings to the west. He did not believe the accessory building is not out of character with the surrounding uses.

Mr. Schoonover moved that the Zoning Board of Appeals forward Case No. ZBA-07-MAJ-02 to the City Council with a recommendation for approval of the requested major variance. Mr. Armstrong seconded the motion. Roll call was as follows:

Mr. Welch	-	Yes	Ms. Uchtmann	-	Yes
Mr. Schoonover	-	Yes	Ms. Merritt	-	Yes
Mr. Armstrong	-	Yes			

The motion was approved by unanimous vote. Mr. Lindahl noted that this case would go before City Council on June 4th.

ZBA-07-MAJ-05 – Request by Vineyard Church for a Major Variance to allow a 126% increase in the display area of an institutional sign at 1500 North Lincoln Avenue in the R-4, Medium Density Multiple-Family Residential Zoning District.

Robert Myers, Planning Manager, presented the staff report to the Zoning Board of Appeals. He introduced the case by explaining the purpose for the proposed major variance, which is to allow a 56.6 square foot wall sign at 1500 North Lincoln Avenue. He discussed the proposed sign and explained where it would be located on the church (see Exhibit F). He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance. He referred to Exhibits H (Site Photos) and F (Picture of Proposed Sign). He noted the options of the Zoning Board of Appeals, and he 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 recommends that the Urbana Zoning Board of Appeals recommend approval of the proposed Major Variance in case ZBA 07-MAJ-05 to the Urbana City Council subject to the following conditions:

1. *That the sign shall closely resemble the submitted sign plan attached as Exhibit F.*
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.*

Chair Merritt inquired as to whether the sign would be lit up in any way. Mr. Myers responded that the sign company, American Dowell Signcrafters, would like to light the sign internally. Chair Merritt asked if they would use neon lighting. Mr. Myers said no, not to his knowledge, and he understood that they would not use external lighting directed at the sign. This would be a good question for the petitioner to answer.

Jim North, of American Dowell Signcrafters, feels that it is important to light the sign due to season changes and night activity at the church to direct traffic into the church building. It could be neon, LED lighting, or soft lighting. They do not want to advertise anything. They only want to identify so they only need secondary lighting.

Mr. Schoonover questioned if they planned to use lighting on the back side of the lettering to give an illusion on the front side. Mr. North explained that there are a number of ways to light a sign. Soft lighting is also known as halo lighting, and it would emanate from behind the lettering. This is the type of lighting that he would recommend the Vineyard Church to use.

Mr. Armstrong asked Mr. North to clarify what he meant by the sign directing traffic. Mr. North stated that the sign would not really direct traffic, but it would be visible to the traffic on Lincoln Avenue and Bradley Avenue. They are asking for a minimal size for the lettering of the sign. Therefore, they would like to be able to light the sign so people can see the sign at night.

Chair Merritt expressed her concern about flashing or glaring lights. Mr. North understands her concerns, and he would not want that type of lighting either. In addition, the Urbana Zoning Ordinance does not allow that type of lighting. He pointed out that lighting from the proposed sign would be nothing compared to the lighting across the street at the gas station.

Ms. Uchtmann inquired as to how tall the lettering would be. Mr. North said that they had calculated the lettering to be 12 to 13 inches. It does not appear to be very big when you are 250 to 300 feet away.

Mr. Welch agreed that the lighting at the Circle K/Marathon gas station across the street is really bright. The proposed sign will be rather dim in comparison. He asked if the church planned to

have the light on all night. Mr. North replied that he is not sure. He did not discuss this point with the Vineyard Church. Mr. Welch did not see a problem even if it is left on.

Mr. Welch moved that the Zoning Board of Appeals support the staff recommendation and forward Case ZBA-07-MAJ-05 to the City Council with a recommendation for approval along with the three conditions as presented by City staff. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes			

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before City Council on June 4, 2007.

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:

- Brigitte Pieke's Major Variance was approved by the City Council.
- Habitat for Humanity of Champaign County Major Variance was approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

May 16, 2007

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals