

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

**DATE:** June 11, 2008

**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:** Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn

**MEMBERS EXCUSED:** Paul Armstrong, Nancy Uchtmann, Harvey Welch

**STAFF PRESENT:** Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Steve Bantz, Mark Dixon, Georgia Morgan, Jenny Park, Terri Smart

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

The meeting was called to order at 7:32 p.m. Roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Since the Zoning Board of Appeals just received a hard copy of the May 21, 2008 minutes prior to the start of the meeting, Chair Merritt deferred the approval of the minutes until the next meeting.

**4. WRITTEN COMMUNICATIONS**

- ◆ Exterior Photos of 202 North Coler Avenue submitted by Robert Myers, Planning Manager, regarding Case No. ZBA-2008-MAJ-06 and Case No. ZBA-2008-MAJ-08
- ◆ Exterior Photos of 2501 South Myra Ridge Drive submitted by Lisa Karcher, Planner II, regarding Case No. ZBA-2008-C-02

## 5. CONTINUED PUBLIC HEARINGS

**ZBA-2008-MAJ-06: A request by Steve Bantz for a major variance to allow vehicles to back out onto a public street at 202 North Coler Avenue in the City's R-4, Medium Density Multiple Family Residential Zoning District.**

**ZBA-2008-MAJ-08: A request by Steve Bantz for a major variance to allow parking to encroach 100% into the required front yard at 202 North Coler Avenue in the City's R-4, Medium Density Multiple-Family Residential Zoning District.**

Robert Myers, Planning Manager, presented the two cases together to the Zoning Board of Appeals. He explained that these two cases were postponed from the May 21, 2008 meeting at the request of the Board members to allow the petitioner an opportunity to attend the meeting and answer any questions they may have.

Mr. Myers stated that since he gave a full presentation at the previous Zoning Board of Appeals meeting regarding the proposed two cases, he would simply give a summary of the information at this meeting. He noted that the applicant was present and available to answer any of the Board members questions.

He described the proposed property and the surrounding adjacent properties by noting their current land uses and zoning designations. Referring to Exhibit A (Location and Existing Land Use map), he showed where the property is located in the City of Urbana. He pointed out that there is no real backyard or side yard to the north. It appears to be a single-family home that was converted into a multi-family apartment building. There are currently five units in the building.

The purpose of the variance request in ZBA Case No. ZBA-08-MAJ-08 is to allow five parking spaces in the driveway. The petitioner is required to provide five parking spaces, one for each unit. He pointed out that there is no other place to provide parking on-site except for in the driveway, which is in the front-yard setback area. He talked about a variance that the previous owner was granted that allowed two vehicles to be parked in the two-car garage and provide two off-site parking spaces. At the time, there were only four units in the building.

Subsequently, one of the property owners converted the garage into a fifth apartment unit. He mentioned that the City staff is currently in the process of trying to get the property into compliance. The current property owner wants to do the same.

Referring to Exhibit C, he showed how the two major variance requests relate to the 2005 Comprehensive Plan. Regardless of what the Comprehensive Plan's land use policy is for the proposed site, the fact is that it is still an existing apartment building, and they are not allowed to park in the front-yard setback or back out onto a street.

Mr. Schoonover questioned whether they took into consideration when getting a permit for the fifth unit that they needed to find alternative parking spaces for the tenants. Mr. Myers explained that the previous property owner did not get a permit for the fifth dwelling unit in the garage. This is what is at issue right now with getting the building into compliance with all the

building and zoning codes. Another option for the petitioner would be to ask for a variance to allow off-site parking, but how realistic is it to expect the tenants to walk back and forth to the parking spaces when there is a concrete pad in the front yard.

Mr. Warmbrunn reviewed the options of the Zoning Board of Appeals, which are as follows: 1) deny the proposed variance request to allow parking encroachment, which would allow five apartment units with no onsite parking; 2) suggest that the petitioner turn the fifth unit back into a garage, which will allow two-onsite parking spaces and require two-offsite parking spaces; and 3) approve the variance request for parking encroachment, which would allow five onsite parking spaces. Mr. Myers replied that if the Zoning Board of Appeals denies the proposed variance request for parking encroachment, then the property would be in violation of not meeting the zoning requirements for parking. The property is in violation now, and that is the reason for the petitioner's request for the two variances. He mentioned that the City can offer suggestions or recommendations for solutions, but the property owner is the one decides what solution to pursue. He added that since it is a major variance request, if the Zoning Board of Appeals denies the request by a two-thirds majority vote, then the request is not forwarded on to the City Council. If the Zoning Board of Appeals recommends approval, then the case is sent to the Urbana City Council, and they make the final decision.

Mr. Warmbrunn asked how many feet wide does the City require for each parking space. Mr. Myers said that one of the sketches shows each space to be 8-1/2 feet wide. Chair Merritt wondered if that would meet the City's regulations. Mr. Myers yes, 8-1/2 feet is the required width for parking. City staff has recommended two conditions for the parking area to be placed on the approval of the proposed variance, which are as such: 1) The parking lot shall be striped and contain wheelstops and 2) The curb cut shall be expanded to allow access to the parking spaces easier. However, he received a phone call from a concerned neighbor that believes striping the parking area would give it less of a single-family feel.

Mr. Warmbrunn questioned whether the parking area is 42-1/2 feet wide to accommodate five cars. Mr. Myers answered by saying that if it is not 42-1/2 feet wide, then it is pretty close. The Zoning Board of Appeals could note this as a condition for approval.

Mr. Warmbrunn inquired as to whether there would be on-street parking on the other side of Coler Avenue, where the tenants of 202 North Coler Avenue would be backing out into. Mr. Myers said yes.

Chair Merritt commented that in affect, while the Zoning Board of Appeals is being asked for a variance to allow parking, they are also being asked to sanction the illegal construction of a number of years ago with the fifth unit. She feels uncomfortable taking on this task. Mr. Myers responded by saying that the City staff is not asking the Zoning Board of Appeals or the City Council to approve the fifth unit. They are simply trying to work with the current owner in bringing the property up to compliance with the building and zoning regulations.

When a previous owner created the violation, it does bring up the questions, "Who do you prosecute? How do you move forward with the prosecution?" Mr. Myers pointed out that parking is not the only violation occurring at this property. There are many building code

violations that need to be addressed as well. The petitioner, Steve Bantz, has applied for a building permit to bring some of these issues into compliance; however, the Building Safety Division has held up issuing the petitioner the building permit until the variance requests have been decided upon, because they do not want the owner to spend a lot of money on the improvements if he cannot get zoning approval for the parking. The number of dwelling units allowed does hinge upon parking.

Mr. Schoonover wondered how many years ago the house was grandfathered in. He knew the owner of the house 15 years ago. Mr. Myers deferred the question to the petitioner at his request.

With no further questions for the City staff by the Zoning Board of Appeals, Chair Merritt opened the hearing up for public comments, issues and/or questions. She swore in members of the audience indicating they may want to speak during the public hearing.

Steve Bantz, petitioner and property owner of 202 North Coler Avenue, stated that he has gathered bits and pieces of information in the past year that he has owned the property. He understood the building to start out as a three-unit apartment building. The actual footprint of the building has not changed since it was built in 1952 or 1953. Sometime in the last 15 to 20 years, the fourth unit was added to the second floor.

When he purchased the property about a year ago, his contractor informed him that one of the units was not in compliance with the City's electrical code. When he applied for an electrical permit, City staff discovered some of the other regulations that the property was violating. He did not know that there were any issues with the parking, because prior to purchasing the home, he contacted the City to see if there were any code violations and was told that there were not. So, this has been a very unpleasant surprise to find out that there is a zoning issue with parking.

Mr. Corten wondered if Mr. Bantz knows of any parking available elsewhere other than right in front of the proposed property on Coler Avenue. Mr. Bantz stated that there is a little bit of street parking. In terms of the history of tenant parking for this property, he believed that they have always parked in the driveway apron since it was built.

Mr. Corten asked if the driveway was made of concrete. Mr. Bantz said yes. It will need to be expanded though.

Mr. Corten inquired as to whether he lives in the apartment building. Mr. Bantz replied no.

Mr. Corten asked if Mr. Bantz rented out all five units. Mr. Bantz said yes.

Mr. Myers clarified that the previous variance for parking was granted in 1984.

Mr. Corten questioned if there had been any complaints about loud parties in the proposed building. Mr. Bantz said no, one of the reasons is because his son lives on the second floor apartment. His son gets his rent subsidized in return for helping him with things like that.

Mr. Corten wanted to know how many people could live in each apartment. Mr. Bantz explained that the apartment at 202A is a one bedroom unit. 202B is a two bedroom unit. 202C is a two bedroom unit. 202D is the second floor apartment and is a two bedroom unit. 202E is an efficiency apartment.

Chair Merritt asked if the sharp angle of the parking space to the south is due to the tree in the front yard. Mr. Bantz replied no. Mr. Corten wondered if Mr. Bantz would be willing to remove the tree. Mr. Bantz said that he would not want to do that, but if the City required it, then he would be willing. However, he believes that they could straighten the space out without having to remove the tree.

Mr. Warmbrunn inquired as to how much room there is from the side of the building to the north property line. Mr. Bantz answered by saying that there is about three to four feet. He referred to a photo that had been submitted by Mr. Myers. The photo shows a bush on the north side of the property. He mentioned that he had the bush removed to allow more room for the tenant who parks on the north end to be able to get in and out. He did not know for sure how many feet were between the building and the north property line.

Mr. Warmbrunn noticed a difference between the sketch and what is shown in the photographs of the driveway. It appears that the first parking spot is about five or six feet further north in the sketch than in the photos. Mr. Bantz assured the Zoning Board of Appeals that the apron does go several feet further north of the building.

Mr. Corten wondered if the tenants were students. Mr. Bantz stated that there are two students, but the other tenants are single, working people.

Mr. Corten asked Mr. Bantz if he would be upset if the Zoning Board of Appeals were to suggest that the fifth unit is not valid, which would reduce the number of required vehicles to four and reduce the number of apartment units to four. This would give him the opportunity to open the garage up again. Mr. Bantz said that it would be a huge financial hit. He wants to work with the City in bringing the property into compliance. He was prepared to have the electrical work done last year. The fifth unit is probably worth \$40,000 to \$50,000.

He suggested that the Zoning Board of Appeals could defer action on this case to take an opportunity to drive by and see the property and driveway. Tenants have been parking as shown in the photographs for 20 years. He feels that it is a good property, and it is an asset to the City of Urbana.

Mr. Warmbrunn commented that he had driven by the property several times prior to the May 15, 2008 meeting. He feels that it looks terrible to have five cars parked as shown in the photographs. He is trying to find justification in 2008 to overrule the decision that was made in 1984 on the previous variance request. He can imagine that parking was approved because the garage was still being used as a garage, and the Zoning Board of Appeals at the time required two off-site parking spaces. Now, the request is for five parking spaces in the front yard. He still does not know the width of the driveway to determine if there is enough room legally for five cars to park there.

In this neighborhood, there are single-family residential dwellings across the street and to the south. If he lived in one of the single-family homes, he would have a problem with five cars being parked in the front yard across the street. Would Mr. Bantz be in favor of providing off-site parking of some sort? Mr. Bantz replied that off-site parking is not that easy to get.

Mr. Warmbrunn remarked that lately the Zoning Board of Appeals has been presented with several cases asking for variances and conditional use permits to allow things that a good realtor should have informed them about prior to purchasing the properties. Mr. Bantz had mentioned that he checked with City staff about any outstanding violations, etc. prior to purchasing the property. He suggested that maybe City staff could create a database that lists code violations, permits and variances that have been issued for properties in the City, if one does not already exist. Then, when a person goes to buy a house, they can go online and click on the database and find out if there will be or have been any problems with the property they are interested in purchasing.

Mr. Bantz commented that he has been trying to work with the City staff. The proposed variance request is an idea that surfaced as a way to bring the property into compliance with the Zoning Ordinance, so he can get on with the life safety issues and bringing the property up to comply with the building code. He reiterated that tenants have been living there and parking like this for probably the last 20 years.

Chair Merritt inquired if the option of providing off-site parking at Glenn Poor's is still available. Mr. Bantz explained that he spoke with the owner, and the owner said he was no longer interested. He expressed his concern about being able to keep the tenants from parking in the driveway.

Mr. Warmbrunn asked staff if the Zoning Board of Appeals denies the proposed variance request to allow parking encroachment, then parking would not be allowed on the property at all, correct? Mr. Myers said that is correct. If the petitioner converted the fifth apartment unit back into a garage, then tenants would still need to have permission to be able to back out of the driveway, because it is not allowed in the R-4, Medium Density Multiple Family Residential Zoning District. In addition, he did not believe that the concrete could be pulled up and removed in the event that the property owner should someday want to convert the garage back into a garage use. As a result, it will be difficult to enforce no parking in the driveway.

Mr. Corten wondered what the problem is with allowing people to back out of multi-family properties, but yet it is permitted with properties that have single-family homes or duplexes on them. Mr. Myers responded by saying that this is a good question. Single-family homes do not create as much traffic than higher density apartment complexes, so it increases the chances of conflicts or accidents happening.

Mr. Corten noticed that it appears to be difficult for tenants to get in and out of their vehicles with how they are parked in the photographs. Mr. Myers stated that 8-1/2 feet is a fairly narrow parking space, but it would just meet the code requirements.

Chair Merritt wondered what would happen if the Zoning Board of Appeals does not approve the variance request for the parking encroachment. Mr. Myers said that the petitioner would then need to find another solution for meeting the zoning requirements. The solution could include the

following: 1) the property owner removing the fifth apartment unit, converting it back into a garage and finding two off-street parking spaces elsewhere, which would comply with the 1984 variance that was granted; 2) the property owner could apply for a separate variance to waive the parking requirements for the property, or 3) the property owner could apply for a separate variance to allow off-site parking for all five spaces. The problem with any of these solutions is that the tenants will need somewhere to park, and if parking is not allowed in the driveway, then it will need to be found or provided off-site, which means it will be hard for the City to enforce tenants not parking in the driveway. Tenants will get tired of walking to and from their vehicles, especially since there is a concrete pad located right in front of the house.

Mr. Corten asked if two cars could still get through on Coler Avenue, even though there is parking on-street. Mr. Myers said that it is possible for two cars to pass each other even with a car parked on one side of the street.

Georgia Morgan, of 804 West Nevada Street, spoke in opposition of the proposed two variance requests. She mentioned that over the past few years she has seen too many yards over rental properties converted to parking spaces. Although this is not what is happening in these two cases, she would hate to think that it has become a trend for owners of rental properties to pave their front yards and then ask for dispensations to make it legal afterwards.

Granting the proposed request will send a message that the City of Urbana is a pushover. It is okay to do what you want, and later come back claiming a hardship. She urged the Zoning Board of Appeals to think long and hard before making a decision.

Mr. Schoonover asked again if every time a property sells, are any non-conforming issues automatically grandfathered in. Or is it grandfathered after a certain period of time has elapsed? Mr. Myers replied that there is not really a set time. Mr. Schoonover feels the fifth apartment unit has been grandfathered even though it was constructed illegally. The previous owner converted the garage without seeking approval from the City of Urbana, and we are just going to let the property owner keep it. He commented that it seems to him that something should have been taken care of. Mr. Myers explained that the fifth unit is not grandfathered. Previously, there were four apartment units there, and according to our records, they are in compliance. Mr. Schoonover remarked that the fifth unit does not exist then. Mr. Myers replied it exists illegally. The property owner and the City staff are trying to bring it into compliance by requesting the proposed variance request. He pointed out that just because the solution to allow two parking spaces in the garage and two off-site parking spaces was approved by the Zoning Board of Appeals in 1984, it does not mean that is the only solution to the problem today.

Mr. Warmbrunn suggested reading the testimonies of Danny Oto and Steve Ross from the minutes of the previous meeting. Chair Merritt did not feel that they could read the minutes from the May 21, 2008 meeting because they had not been approved and had not become part of the record as of yet. Mr. Myers said that the May 21, 2008 Zoning Board of Appeals minutes were considered a communication, and the Board could approve them at the next meeting. Since they are an item under "Written Communications", the Board can make reference to them.

Mr. Warmbrunn explained that he was only attempting to point out that two people spoke out against the proposed variance to allow parking encroachment at the previous meeting. The case was continued to tonight's meeting to allow the petitioner an opportunity to speak in favor of his requests. Mr. Myers stated that because of the continuation anyone who spoke at the previous meeting, their testimony is part of the official record. Even though the minutes have not been approved, it is still part of the record that Mr. Oto and Mr. Ross came and spoke in opposition at the previous meeting.

Mr. Warmbrunn questioned what the proper way to proceed would be...if they do not want the variance to pass, should they move to deny or should they vote down a motion to approve? Mr. Myers explained that according to the Zoning Ordinance, in order for the variance case to allow parking encroachment to be forwarded to the Urbana City Council for their approval, it would require a 2/3 majority of the Zoning Board of Appeals members voting. If a motion to approve does not receive a 2/3 majority vote in favor, then the motion to forward the case would fail. Therefore, the application would fail. However, this would leave the Zoning Board of Appeals without necessarily approving any findings of fact.

So, another way to do this is to make a motion to approve. If a motion to approve does receive a 2/3 majority with findings of fact, then okay. But, if the motion failed, then the Zoning Board of Appeals could come back with a second motion for denial with certain findings of fact included. This way they would have findings of fact for their motion.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2008-MAJ-06 to the Urbana City Council with a recommendation for approval.

Mr. Schoonover asked if this request was not part of the variance request in 1984. Mr. Myers said no. The previous owner did not apply for or receive a variance to allow tenants to back out onto the street. Mr. Schoonover responded by saying that the previous owner did obtain a variance permit to allow two parking spaces in the garage. How did the City expect them to leave without backing out onto the street? Mr. Myers stated that he was not sure if multi-family tenants were allowed to back out onto the street in 1984.

Mr. Corten said that he does not see anyway to handle this to where the tenants do not have to back out. There was discussion about which case they should vote on first. They are both dependent upon each other.

Mr. Warmbrunn seconded the motion. If they approve the variance request to allow backing out onto the street, then no matter what parking solution is presented to them either in the next case or in the future, the property owner will have permission for his tenants to back out.

Roll call on the motion was as follows:

Mr. Corten	-	Yes	Chair Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes

The motion passed by unanimous vote.



Mr. Warmbrunn moved that the Zoning Board of Appeals deny Case No. 2008-MAJ-08, because it is a special privilege, and it is not due to special circumstances. The problem is something that has been created from a deviation from a variance that was granted in 1984 by the Zoning Board of Appeals. Mr. Schoonover seconded the motion.

Mr. Warmbrunn explained that he cannot vote in favor of allowing five cars to park in the front yard. He does not understand the diagram well enough to do so.

Roll call on the motion was as follows:

Mr. Corten	-	Yes	Chair Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes

The motion to deny passed by unanimous vote. Mr. Myers stated that since the case did not get a 2/3 majority vote for approval of the variance, then the case will not be forwarded to the City Council. The application is denied.

## 6. NEW PUBLIC HEARINGS

### **ZBA-2008-C-02: A request for a conditional use permit filed by The Atkins Group to expand the existing daycare at 2501 South Myra Ridge Drive, in the B-3, General Business Zoning District.**

Lisa Karcher, Planner II, presented this case to the Zoning Board of Appeals. She explained the purpose for the request, which is to construct a 12,800 square foot addition to the existing daycare facility. She described the proposed site noting the current land use and zoning of the site itself as well as of the surrounding properties. She gave some background information on the existing daycare, noting its hours of operation, etc. She talked about the proposed Site Plan, which is Exhibit F in the packet of information. She reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance.

Mr. Corten questioned why the five-foot landscape buffer was not built along the northern property line when the daycare facility was originally developed. Ms. Karcher answered that City staff just recently learned that the buffer was not installed but is working with the petitioner to meet that requirement.

Ms. Karcher 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 grant the proposed conditional use in case ZBA-2008-C-02 for the reasons articulated in the written staff report and along with the following conditions:*

1. *The general layout of the site shall be completed in general conformance to the layout depicted in the site plan submitted and attached to the written staff report as Exhibit E.*
2. *A landscape buffer shall be constructed along the northern property line of the development to adequately screen the entire daycare facility from the adjacent residential uses. The landscape buffer shall be included in the final landscape plan. The plan shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

Mr. Schoonover inquired as to whether the landscape buffer on the north side of the property has to be a fence or bushes. Also, is the entire area fenced? Ms. Karcher showed photos of the property to show that the fence goes around the building and fences in the playground area.

Mr. Corten wondered if the children go outside of the fenced in area for any reason. Ms. Karcher deferred this question to the petitioner.

Mr. Warmbrunn asked if the fence is located on the property line. Ms. Karcher stated that when the plans were submitted for a conditional use permit, the fence was shown as being two to three feet off the property line. However, the petitioner has an exact measurement for the Zoning Board of Appeals.

Mr. Warmbrunn questioned if the original conditional use permit granted in 2004 included a playground on the southwest side of the building. Ms. Karcher referred to Exhibit D, which is a copy of the decision sheet from that case. It includes a copy of the Site Plan. The playground is indicated by a square in the upper left corner of the Site Plan.

Mr. Warmbrunn inquired as to whether the petitioner would be eliminating any playground area as well as parking area. Chair Merritt understood from the Site Plan that they would be keeping the original playground and adding a second one. Ms. Karcher pointed out that the daycare would not actually lose any parking. They are just relocating the parking further south.

Mr. Warmbrunn recalled that in 2004, the City did not regulate daycare use because the State of Illinois regulated the operation of daycare facilities. Does the City currently have any regulations stating that there needs to be a certain amount of playground for x number of children? Ms. Karcher replied that the State of Illinois regulates this with daycare facilities. She believed that is the reason the playground is located as close to the north property line as it is to ensure that they have adequate playground area that is required.

Chair Merritt asked what City staff means by “five-foot depth” of landscape buffer. Ms. Karcher explained that it means the buffer should extend five feet deep along the property line. Chair Merritt wondered if the density of the buffer is defined in the Zoning Ordinance. Ms. Karcher said yes. The City has different requirements for buffering based on the zoning districts.

Mr. Warmbrunn questioned if there was a condition on the original conditional use permit requiring a five-foot landscape buffer so the playground would not affect the neighboring

properties. Ms. Karcher noted that it was not a specific condition placed on the conditional use permit. According to the Decision Sheet, Exhibit D, it states the following, *“That the development should be completed in full conformity with all applicable provisions of the Urbana Zoning Ordinance.”* This is a catch all for everything.

Mr. Warmbrunn stated that he drove by the daycare facility and noticed a group of children playing around the picnic tables outside of the fenced area. He recalled that it was the desire of the Zoning Board of Appeals to keep the children fenced in so they would not run out into traffic. Is this something that they should address in the future? Ms. Karcher pointed out that the Zoning Ordinance does not regulate this. The petitioner just came up and told her that she could address this issue.

With no further questions for City staff from the Zoning Board of Appeals members, Chair Merritt opened the hearing up to take public input.

Jenny Park from Meyer, Capel Law Firm mentioned that she is the attorney for The Atkins Group. She introduced Mark Dixon, of the Atkins Group, and Terry Smart, one of the owners of the Little Hearts & Hands daycare facility. She stated that they are available to answer any questions or concerns that the Zoning Board of Appeals may have. She believes that Ms. Karcher presented the information fairly well.

Ms. Smart addressed Mr. Warmbrunn’s concern regarding the group of children he saw playing outside the fence. She noted that they are school-aged children and are allowed by the State of Illinois to be supervised outside of a fenced area. However, she said that the picnic area has been contracted to be fenced in.

Mr. Warmbrunn noticed that they would be adding a new playground on the southwest side of the building. He wondered if the entire west side would be considered playground area as well. Mr. Dixon showed where the fenced in and playground areas would be located on the Site Plan. He explained that the west side of the building would not be a playground area. It is just going to be solid terrain. The fence will prohibit the children from getting back behind there on the north and south sides of the building.

Mr. Dixon answered a previous question about the size of the playground area. He clarified that the Department of Children and Family Services (DCFS) dictates the size of the playground area. Mr. Warmbrunn inquired as to whether DCFS regulates the number of children and what ages you can have. Ms. Smart replied by saying yes. They figure so many square feet per 25% of your maximum capacity.

Mr. Corten noticed that even though they plan to double the number of children at the daycare facility, they only plan to increase staff by 18 workers. How do they explain this? Ms. Smart said that the State also has staff-child ratio. Since the expansion will be for older children, so it takes a lower amount of staff. The really young ones take more staff.

Mr. Schoonover asked what age levels they would provide care for. It would be up to first grade, correct? Ms. Smart stated that they are planning to do Kindergarten and Preschool. They will also have a school-age program for children after school and during the summers.

Mr. Corten moved that the Zoning Board of Appeals approve Case No. ZBA-2008-C-02 as specified in the written staff report along with the two conditions recommended by City staff. Mr. Schoonover seconded the motion. Roll call on the motion was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	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**

There was none.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals