

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

DATE: November 19, 2008
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, Nancy Uchtmann, Harvey Welch
 - MEMBERS EXCUSED** Paul Armstrong, Joe Schoonover, Charles Warmbrunn
 - STAFF PRESENT** Robert Myers, Planning Manager; Rebecca Bird, CD Associate/
Historic Preservation Planner; Teri Anandel, Planning Secretary
 - OTHERS PRESENT** Randy Donoho, Kevin Gaddis
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1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:31 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes of the October 15, 2008 meeting as corrected. Mr. Corten seconded the motion. The minutes were approved by unanimous voice vote.

Chair Merritt had members of the audience expecting to testify at a hearing stand, raise their right hands, and swore them in.

4. WRITTEN COMMUNICATIONS

- ◆ Site Plan regarding Case Nos. ZBA-2008-MAJ-09 and ZBA-2008-MIN-02

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2008-MAJ-09 and ZBA-2008-MIN-02: Amend the previously-approved variances to allow a driveway from Carle Avenue to remain at 401 West Delaware Avenue in the R-1, Single-Family Residential Zoning District.

Rebecca Bird, Associate Planner, presented these two cases together to the Zoning Board of Appeals. She began with a brief introduction and presentation of background information regarding 401 West Delaware Avenue. The reason for the proposed amendment is due to a health condition of one of the residents. The petitioners believe it is necessary to keep a drop off closer to the house for Ms. Wyer, so they would like to keep the curb cut and driveway from Carle Avenue. Ms. Bird noted that there is no sidewalk in this block of Carle Avenue and the City of Urbana has no plans to install a sidewalk. So despite a car parked in the driveway encroaching in the right-of-way, the Urbana's Public Works Director has agreed in this case to allow the curb cut and the driveway to remain because any car parked here wouldn't block a public sidewalk. She reviewed the options of the Zoning Board of Appeals. She then presented the staff recommendations for both cases.

Mr. Corten asked City staff to define what the curb cut is. Does it include the driveway or is it just the curb? Ms. Bird explained that it is the "curb cut" includes the driveway apron up to the property line, which generally is located a foot inside the sidewalk.

Mr. Corten wondered if there was a sidewalk on the other side of Carle Avenue. Ms. Bird said yes, there is.

Chair Merritt questioned whether the petitioner intended to leave a vehicle parked on the concrete pad for any length of time or would it just be used as a drop off? Ms. Bird said that the petitioners want to use it as a drop off. The City considered designate it as "Handicap Only Parking" and posting a sign. However, since it is on private property, the City would not be able to enforce that.

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

Randy Donoho, of 714 South Urbana Avenue, stated that he is the contractor on this project. He noted that the petitioners' vehicles will not extend into the street but just encroach several feet within the right-of-way.

Mr. Corten stated that from the site plan, it appears that the driveway will be 30.5 feet long as opposed to 33.5 feet long. Mr. Donoho stated that this is correct. This is because the existing garage will be extended forward three feet and converted to living area.

Mr. Welch inquired if a corner lot normally is only allowed to have one curb cut. Ms. Bird answered that the Zoning Ordinance allows one curb cut per frontage. Because this is a corner lot, by right the petitioners are allowed to have a driveway on each frontage. The issue here is that because of the three foot building addition, a typical vehicle will extend over the property line several feet. This would be an issue if there was a sidewalk.

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

Mr. Corten	-	Yes	Chair Merritt	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes

The motion passed by unanimous vote. Robert Myers, Planning Manager, noted that since this case is a request for a minor variance, it will not go before the Urbana City Council.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2008-MAJ-09 with a recommendation for approval along with the conditions recommended by City staff as provided in the staff report to the Urbana City Council. Mr. Corten seconded the motion. Roll call on the motion was as follows:

Mr. Corten	-	Yes	Chair Merritt	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote. Mr. Myers noted that this case is expected to go before City Council on December 1, 2008.

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 topics:

- ◆ MOR Zoning District Ordinance: Mr. Myers noted an e-mail from Charles Warmbrunn requesting that City staff review the rules in the MOR Zoning District in terms of noticing. City staff is following up on the ZBA's request to review this. The Board's request is being considered seriously.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals