

MINUTES OF A SPECIAL MEETING

URBANA ZONING BOARD OF APPEALS

DATE: June 10, 2009

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover,
Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

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

OTHERS PRESENT Scott Kunkel

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

The meeting was called to order at 7:30 p.m. Roll call was taken, and a quorum was declared present with all members in attendance.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Armstrong moved that the Zoning Board of Appeals approve the minutes from the April 15, 2009 meeting as presented. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes from the May 20, 2009 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ◆ Letter from Tri Star Marketing, Inc. regarding Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05

Chair Merritt asked that anyone who might want to testify to please stand and raise their right hand. She then swore in those members of the audience.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05: A request by Scott Kunkel for two major variances to exceed the maximum allowable Floor Area Ratio by 19% and reduce the open space to 37% below the minimum required Open Space Ratio, for an existing building at 805 West Green Street and 303 South Busey Avenue, located in the City's R-5 (Medium High Density Multiple-Family Residential) Zoning District.

Lisa Karcher, Planner II, presented these two cases together to the Zoning Board of Appeals. She began with a brief description of the proposed site noting the existing land use, zoning and future land use designation of the subject property and of the surrounding adjacent properties. She showed the site layout submitted by the petitioner. She also showed photographs of how the balconies of the existing building currently look. She discussed floor area ratio (FAR) and open space ratio (OSR) requirements. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed two variance requests. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Regarding Case No. ZBA-2009-MAJ-04:

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 approve the requested major variance in Case No. ZBA-2009-MAJ-04 to allow for a 19% increase in the maximum allowable FAR from 0.90 to 1.07.

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 approve the requested major variance in Case No. ZBA-2009-MAJ-05 to allow for a 37% decrease in minimum allowable OSR from 0.30 to 0.19.

Mr. Schoonover inquired as to whether the balconies were originally screened in or were they screened in at a later date. Ms. Karcher stated that she did not know the answer to this question; however, the petitioner was available to answer questions.

Mr. Corten stated that it is conceivable that the building was designed this way to get in without a need for a variance, and then come back later and say that it would not change anything. Ms. Karcher commented that there are quite a few apartment buildings that have balconies that are walled on both sides and have a railing. It is not typical to see balconies screened in.

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

Scott Kunkel, petitioner, remarked that Ms. Karcher did a good job presenting the case. He is available to answer any questions. Regarding Mr. Schoonover's question, he pointed out that the original permit drawings for the project included the screening of the balconies. They were built that way from the beginning.

Mr. Schoonover noticed that there is a door in each bedroom that exits out onto the balconies as well. Was this also pre-existing? Mr. Kunkel said yes.

With no further testimony from the audience, Chair Merritt closed the public input portion of the hearing and opened it for discussion and/or motions by the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-04 to the Urbana City Council with a recommendation for approval. Mr. Armstrong seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Ms. Uchtmann moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-05 to the Urbana City Council with a recommendation for approval. Mr. Welch seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Robert Myers, Planning Manager, noted that these two cases would go before the City Council on Monday, June 15, 2009.

6. NEW PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Robert Myers, Planning Manager, gave the following staff report:

- ✚ Farewell to Anna Merritt and Herb Corten after 15 years of serving on the Zoning Board of Appeals. He understands this will be their last meeting. He thanked them and all the Board members for their service as volunteers and for their professionalism.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Merritt adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals