

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

DATE: May 25, 2011

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Paul Armstrong
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Paul Tatman

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

Harvey Welch served as Acting Chairperson and called the meeting to order at 7:38 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the May 18, 2011 Zoning Board of Appeals regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as presented. Ms. Harwood seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MAJ-01: 806 and 810 East Perkins Road (TK Service Center and Tatman's Towing) A request by Paul Tatman for a major variance from the minimum side yard setbacks required by Table VI-3 of the Urbana Zoning Ordinance in the B-3, General Business Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He gave background information on the request and the site and explained the reason for the major variance request, which is to subdivide the property and transfer one lot to a new business owner planning to expand. He noted the land uses of the proposed site as well as that of the adjacent properties. He talked about the need for a cross access easement for both lots due to the location of TK Service Center's bay doors. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed major variance. He stated that the petitioner, Paul Tatman, was present and available to answer any questions the Zoning Board members might have. He presented staff's recommendation for approval along with three conditions.

Mr. Warmbrunn asked that if there was only one building on the lot would the petitioner be allowed to subdivide without needing a variance? Mr. Myers replied that is correct. After subdividing the property, both new lots will meet all the zoning development standards like open space ratio and rear and front yard setbacks. A variance is necessary to divide the property because the one corner of each building would be located within the required five-foot side-yard setback.

Ms. Uchtmann asked if the TK Service building is set back far enough to allow for the widening of Perkins Road. Mr. Myers stated that he is not aware of any plans to widen Perkins Road.

Ms. Harwood asked for clarification on the access easement. Mr. Myers referred to the photo on page 4 of the written staff report. As shown, there are bay door on the east side of the TK Service building. In order for cars to enter or exit these bay doors they will need an access easement to drive across the neighboring property (Tatman's Towing, 810 East Perkins Road).

Ms. Harwood asked how the access easement would be shown on the plat. Mr. Myers explained that there are two ways to define easements on plats. City staff is thinking that the best way in this case would be to have a statement on the plat saying that Lots 101 and 102 have full cross access rights for each property. Another way would be to show hatch marks on the plat showing defined areas which could be used by neighbors.

Ms. Harwood inquired as to why the petitioner did not answer the questions on the application. Mr. Myers did not know. He said that in terms of the rationale for the requested variance City staff had several conversations with the petitioner prior to this meeting and well understood why the petitioner felt like a variance is necessary.

There were no further questions for City staff from the Zoning Board of Appeals. Acting Chair Welch opened the hearing for public input.

Acting Chair Welch swore in Paul Tatman.

Mr. Tatman, the applicant and property owner, provided background information on the request. He did not realize that the two buildings were on one lot until he had planned to sell the towing business. Bruce Walden, former City Manger, had approached him years ago and asked him to annex this property into the City’s limits. He can’t recall for certain but believes the City wanted to annex the property over the Big Grove annexation. At the time they discussed annexing the property with industrial zoning. He is only trying to clean up what should have been taken care of years ago. Regarding the easement, he pointed out that all of the properties he owns along this stretch of Perkins Road have cross parking and access easement agreements. The businesses on each property are interconnected. The towing service brings in wrecked or disabled cars, and TK Service repairs them.

There were no questions for the petitioner from the Zoning Board of Appeals.

With no further public input, Acting Chair Welch closed the public input portion of the hearing and opened it to discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2011-MAJ-01 to the City Council with a recommendation for approval and with the conditions as recommended by City staff in the written staff report. Ms. Uchtmann seconded the motion. A roll call vote was taken as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before the City Council on June 6, 2011.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers thanked everyone for the dedication shown in attending a meeting given the tornado warning.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Acting Chair Welch adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals