



Zoning Board of Appeals

2011 Annual Report

Prepared By:

Teri Andel
Planning Secretary

OVERVIEW

In calendar year 2011, the City of Urbana’s Zoning Board of Appeals met six times and considered 6 cases. A summary of past years case activity is below.

Year	Meetings	Cases
2000	10	13
2001	9	23
2002	8	17
2003	9	20
2004	7	19
2005	9	15
2006	10	11
2007	6	13
2008	7	17
2009	5	7
2010	6	7
2011	6	6

This report contains a summary of each case considered in 2011 by case type. Decision sheets, adopted ordinances, and minutes are attached.

Members of the Zoning Board of Appeals:

Paul Armstrong (Chairperson), Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch served on the Zoning Board of Appeals. The member who was reappointed this year was Charles Warmbrunn.

Staff Support to the Zoning Board of Appeals was provided by:

Elizabeth H. Tyler, PhD, FAICP	Director of Community Development Services, Zoning Administrator and City Planner
Robert Myers, AICP	Planning Manager & Secretary of the Zoning Board of Appeals
Jeff Engstrom, AICP	Planner II
Rebecca Bird, AICP	Planner II
Teri Andel	Planning Secretary

2011 Meeting Dates of the Zoning Board of Appeals:

March 30 May 18 May 25 July 20 October 19 December 21

The Zoning Board of Appeals held no meetings in the months of January, February, April, June, August, September or November.

2011 ZONING BOARD OF APPEALS CASE LOG

Total Number of Applications Submitted	6
Number of Cases Heard	5
Number of Cases Withdrawn	2
Number of Cases Continued into 2012	0

APPEAL REQUESTS

Total Number of Appeal Requests Heard	0
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CONDITIONAL USE PERMIT REQUESTS

Total Number of Conditional Use Requests Heard	1
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MINOR VARIANCE REQUESTS

Total Number of Minor Variance Requests Heard	1
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MAJOR VARIANCE REQUESTS

Total Number of Major Variance Requests Heard	4
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CASE SUMMARIES

Appeals

There were none.

Conditional Use Permits

ZBA-2011-C-01

722-726 Killarney Street

A request by Bryan Wilcox for a Conditional Use Permit to allow an “Engineering, Laboratory, Scientific and Research Instruments Manufacturing” use in the B-3, General Business Zoning District.

Case heard and approved by the Zoning Board of Appeals on May 18, 2011 by a vote of 5 ayes – 0 nays. (Document No. 2011R13026)

Minor Variances

ZBA-2011-MIN-01

306 West Nevada Street

A request by Lois Steinberg for a minor variance to construct a building addition which encroaches four inches into a required five-foot side yard setback in the R-2, Single-Family Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on March 30, 2011 by a vote of 4 ayes – 0 nays. (Document No. 2011R08313)

Major Variances

ZBA-2011-MAJ-01

806 and 810 East Perkins Road

A request filed by Paul Tatman for a major variance from the minimum side yard building setbacks required by the Urbana Zoning Ordinance in the B-3, General Business Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on May 25, 2011 by a vote of 4 ayes - 0 nays.

Case heard and approved by City Council on June 6, 2011 by a vote of 7 ayes - 0 nays. (Ordinance No. 2011-06-043)

ZBA-2011-MAJ-02

607 West High Street

A request by Yuchen Lin for a major variance to exceed the Floor Area Ratio for a duplex in the R-2, Single-Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on July 20, 2011 by a vote of 4 ayes – 0 nays.

Case heard and deferred by City Council on August 1, 2011 by a vote of 6 ayes – 0 nays to be heard again on September 6, 2011.

Case was withdrawn by the petitioner prior to September 6, 2011.

ZBA-2011-MAJ-03

1108 West Nevada Street, 1105 and 1107 West Oregon Street

A request by Illinois Properties, LLC for a major variance to reduce the required number of parking spaces for a mixed-use development in the CCD, Campus Commercial Zoning District.

*Case heard and continued by the Zoning Board of Appeals on **October 19, 2011** by a vote of 4 ayes - 0 nays. Case was withdrawn by the petitioner prior to being brought back to the Zoning Board of Appeals for a decision.*

ZBA-2011-MAJ-04

Intersection of East Windsor Road and South Stone Creek Boulevard

A request by Mike Martin, on behalf of the Stone Creek Homeowners Association and the Atkins Group, for two major variances to exceed the maximum number permitted and maximum sign area for three subdivision signs for the Stone Creek Subdivision in the R-2, Single-Family Residential Zoning District.

*Case heard and recommended for approval by the Zoning Board of Appeals on **December 21, 2011** by a vote of 3 ayes - 0 nays.*

*Case heard and approved by City Council on January 9, 2012 by a vote of 5 ayes - 0 nays. (**Ordinance No. 2012-01-004**)*

2011 Zoning Board of Appeals

Decision Sheets / Ordinances (without attachments)

20



2011R13026

**CITY OF URBANA
ZONING BOARD OF APPEALS**

RECORDED ON
07/01/2011 10:16:15AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
RHSPS Fee:
REV FEE:
PAGES 2
PIAT ACT: 0
PIAT PAGE:

DECISION SHEET

**REQUEST FOR CONDITIONAL USE
IN CASE No. ZBA-2011-C-01**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, May 18, 2011 at the City of Urbana Council Chambers, 400 South Vine Street, Urbana, Illinois, at which time and place the Board considered the following request in Case No. ZBA-2011-C-01 for a conditional use pursuant to Section VII-2 and XI-3 of the Urbana Zoning Ordinance.

A request by Bryan Wilcox for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" business to operate at 722-726 Killarney Street (Lincoln Commerce Center) in the B-3, General Business District.

The subject property affected by this case is described more particularly as follows:

- Common Street Address:** 722 – 726 Killarney Street, Lincoln Commerce Center
- Owner of Record:** Bank ILL Trust #031-413-271, c/o Devonshire Realty
- Permanent Parcel No.:** 91-21-05-302-007
- Legal Description:** Lot 2 of the Replat of Lot 2 of Lincoln Centre, Champaign County, Illinois, as per Plat recorded as Document Number 1997R23323, in the Office of the Recorder of Deeds, Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE with CONDITIONS** the requested conditional use to allow a use of "Engineering, Laboratory, Scientific and Research Equipment Manufacturing" and to allow more than one principal building on a single lot, based on the following findings:

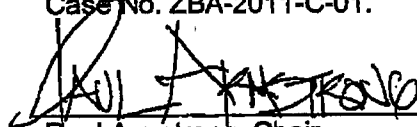
1. The subject property is zoned B-3, General Business. The Urbana Zoning Ordinance allows "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" as a conditional use in the B-3 Zoning District.
2. The proposed use is to be located in an existing building. Only interior renovations are proposed.

3. The proposed use is conducive to the public convenience at the location because it will be located in an area that is developed with compatible commercial uses and is accessible to routes appropriate for customer and delivery vehicles.
4. The proposed use conforms to the applicable regulations and standards of and preserves the essential character of, the zoning district in which it is located.
5. The proposal use will not pose a detriment to the B-3, General Business Zoning District in which it is proposed to be located.

The conditional use was approved with the following **CONDITIONS**:

1. All proposed renovations meet the Urbana Building Code.
2. Appropriate dust collection systems are installed.
3. Appropriate sound absorbing enclosures are installed.

I do hereby affirm that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2011-C-01.



Paul Armstrong, Chair

11 JUNE 2011

Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 South Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE No. ZBA-2011-C-01 - REQUEST FOR A CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:



Jack Waaler, Special Counsel

9 June 2011

Date

Please return original decision sheet to the attention of Rebecca Bird, City of Urbana Community Development Services, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Rebecca Bird, Planner I
Community Development Services, Planning Division
400 South Vine Street, Urbana, IL 61801

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2011R08313

CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR MINOR VARIANCE
IN CASE #ZBA-2011-MIN-01

RECORDED ON
04/26/2011 10:18:08AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
RHSPS Fee:
REV FEE:
PAGES: 2
PLAT ACT: 0
PLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, March 30, 2011 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2011-MIN-01 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Lois Steinberg for a minor variance to construct a building addition which encroaches four inches into a required five-foot side yard at 306 W Nevada Street in the in the R-2, Single-Family Residential Zoning District.

Common Street Address: 306 W Nevada Street, Urbana, IL

Owner of Record: Lois Steinberg

Permanent Parcel Index #: 92-21-17-184-013

Legal Description:

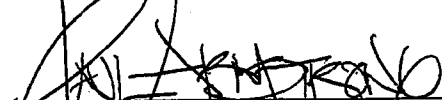
The East 1/2 of Lot 7 of Rollin Whitcomb's subdivision of outlot 9 of James. S. Busey's addition of outlots to the City of Urbana, as shown on a plat recorded in Plat Book "I" at page 162, in the Office of the Recorder of Deeds, Champaign County, Illinois, and the easterly 6.00 feet of even width of the west half of said Lot 7.

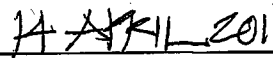
After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. Table VI-3 of the Urbana Zoning Ordinance requires a five-foot side yard in the R-2 Single-Family Residential District.
2. The petitioner is proposing to build an addition that would move the eastern face of the house approximately three feet to the east and would extend four inches into the required five foot side yard.
3. The subject property is unusually narrow, with a lot width of 34.9 feet.

4. The property received a variance in 1999 to reduce the required side yard on the west side from five feet to zero feet to allow construction of an addition on the rear of the house that extended the existing west side wall of the house.
5. In 2004, the City vacated an alley on the west side of 308 W Nevada Street (the other half of the originally platted lot) to allow both lots to have an addition six feet of width. Prior to this, both lots were 28.9 feet in width. Both lots are now 34.9 feet wide.
6. Due to the subject property's unusually narrow width, the proposed variance would not serve as a special privilege and failure to grant the proposed variance would deprive the petitioner of rights commonly enjoyed by other structures in the same district.
7. The situation was not created by the petitioner because the subject lot was created prior to the enactment of the current Urbana Subdivision and Land Development Code in 1982, and the structure was built prior to the enactment of the Urbana Zoning Ordinance in 1950.
8. The proposed addition will not alter the essential residential character of the neighborhood.
9. The proposed variance will not cause a nuisance to adjacent properties.
10. The requested variance is the minimum possible deviation to build the proposed addition to the home.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2011-MIN-01


 Paul Armstrong, Chairperson

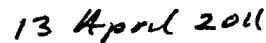

 Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
 CASE# ZBA-2011-MIN-01 - REQUEST FOR MINOR VARIANCE
 APPROVED FOR RECORDING BY:


 Jack Waaler, Special Counsel


 Date

(6)

Please return original decision sheet to the attention of Rebecca Bird, City of Urbana, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

 Rebecca Bird, Planner I
 Community Development Services Planning Division
 400 S. Vine Street Urbana, IL 61801

COPY

Passed: January 9, 2012
Signed: January 10, 2012

ORDINANCE NO. 2012-01-004

AN ORDINANCE APPROVING MAJOR VARIANCES

(To exceed the maximum number permitted and maximum sign area for three subdivision signs for Stone Creek Subdivision near the intersection of E.

Windsor Road and S. Stone Creek Blvd. / Case No. ZBA-2011-MAJ-04)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Mike Martin, on behalf of the Stone Creek Homeowners Association and the Atkins Group, has submitted a petition for two major variances to allow three subdivision identification signs to be installed on the Subdivision's E. Windsor Road frontage in the R-2, Single-Family Residential Zoning District rather than two and to allow one of the signs to measure 47 square feet in area; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on December 21, 2011 and voted 3 ayes and 0 nays to recommend that the Urbana City Council approve the requested variances; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

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WHEREAS, the Urbana City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. Mike Martin, on behalf of Stone Creek Homeowners Association and The Atkins Group, has applied for Major Variances to exceed the number and size of subdivision signs limited by Table IX-8. (Standards for Subdivision Signs) of the Urbana Zoning Ordinance. Table IX-8 limits subdivisions to no more than one sign per major road providing direct access to the subdivision, at no larger than 25 square feet each.
2. The Atkins Group and Stone Creek Homeowners Association are currently improving and beautifying the entrances to Stone Creek Subdivision through extensive landscaping and landscape features, street lights, identification signage, and accent lighting. In Resolution 2011-10-035R, the Urbana City Council approved an Agreement to install and maintain these improvements within City rights-of-way. The three subdivision signs in question are part of this larger project but located outside City rights-of-way.
3. Special circumstances and practical difficulties exist in terms of the number of signs as Stone Creek Subdivision, despite encompassing 480 acres and having a 4.0 linear mile perimeter, is limited to no more than one subdivision sign along both Windsor Road and Route 130 due to transportation access controls. Special circumstances and practical difficulties exist concerning the size of the one sign due to a 240-foot setback of this sign from Windsor Road necessitated by a retention pond.
4. The proposed variances will not serve as a special privilege because the subdivision sign standards in Table IX-8 of the Urbana Zoning Ordinance do not anticipate the needs to properly identify such a large subdivision nor a subdivision sign needing to be set back 240 feet from a roadway.

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5. Rather than by a situation having knowingly been created by the petitioner, the requested variances results from a combination of the size and frontage of Stone Creek Subdivision, the limitations of the Urbana Zoning Ordinance in terms of subdivision signs, placement of a retention pond, and transportation access controls.
6. The variance will neither alter the essential character of the neighborhood nor cause a nuisance to adjacent properties. Two existing subdivision signs will be replaced with three with the third new location measuring only 12 square feet in area. The subdivision signs will be oriented away from residences and from the rear would appear as low stone walls in well-landscaped areas.
7. The variances represent generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. At 12-square feet in area two of the three subdivision signs will be less than half the maximum size permitted by the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In Case No. 2011-MAJ-04, the two major variances requested by Mike Martin, to increase the number of subdivision signs along E. Windsor Road to three, with one subdivision sign measuring up to 47 square feet in area, are hereby approved in the manner proposed in the application and subject to the following conditions:

1. That the number and size of subdivision signs do not exceed those shown in the attached Exhibit E, Site Plans.
2. That the sign locations substantially conform to those shown in the attached Exhibit E, Site Plans.

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The major variances described above shall only apply to the properties located at 2602 S. Stone Creek Blvd., 2671 S Muirfield Place, and 2602 E. Windsor Road, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 1, Lot 2, and Lot G100 of Stone Creek Subdivisions No. 1

Parcel Identification Numbers: 93-21-22-100-005, 93-21-22-453-001, and 93-21-22-375-003

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).


PASSED by the City Council this 9th day of January, 2012.

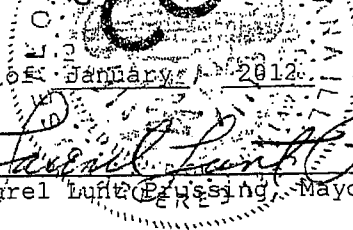
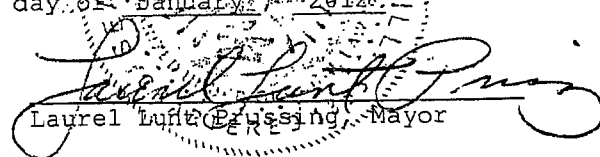
AYES: Bowersox, Lewis, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:

APPROVED by the Mayor this 10th day of January, 2012.


Phyllis J. Clark, City Clerk



Laurel Luffe Prussing, Mayor

COPY

Passed: June 6, 2011
Signed: June 13, 2011

ORDINANCE NO. 2011-06-043

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction of the Required Side Yard Setback Requirement from 5 Feet to 3 Feet at 806 E. Perkins Road, and from 5 Feet to 3 Inches at 810 E. Perkins Road, in the City's B-3, General Business, Zoning District - Case No. ZBA-2011-MAJ-01 / Tatman)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Paul Tatman has submitted a petition for a major variance to allow a reduction in the required side yard setback from five feet to three feet and from five feet to three inches along Perkins Avenue at 806 - 810 E Perkins Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on May 25, 2011 and voted 4 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

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1. The subject property at 806 & 810 E. Perkins Road was developed in unincorporated Champaign County with two principal use buildings in 1975 and 1984/1985.
2. The subject property was annexed into the City of Urbana in 1987 as a legal, nonconforming use under Section V-3.C and Section II-3 (Nonconforming Use) of the Urbana Zoning Ordinance.
3. The petitioner proposes to subdivide the parcel to separate the two existing buildings so that 806 E. Perkins Road (TK Service Center) and 810 E. Perkins Road are located on separate parcels.
4. Should the lot be subdivided, the existing buildings would conform to required front yard and rear yard standards required by Table VI-3 of the Zoning Ordinance, but not side yard setbacks. The minimum required side yard setback in the B-3 Zoning District is five feet.
5. Should the lot be subdivided, the northwest corner of the building at 806 E. Perkins Rd. (TK's Service Center) would be approximately 3 feet from the proposed side yard lot line, and the southwest corner of the building at 810 E. Perkins Rd. would be approximately 3 inches from the same proposed side yard lot line.
6. The requested variance would allow a lot subdivision which would eliminate a use nonconformity in that two principal use buildings would no longer be located on the same lot.
7. The variance and contingent two-lot subdivision would allow transfer of ownership for 810 E. Perkins Rd. (Tatman's Towing) and an anticipated business expansion.
8. Special circumstances and practical difficulties exist for this property in that it was developed in unincorporated Champaign County with two principal use buildings constructed approximately three feet, three inches apart. The Urbana Zoning Ordinance generally only allows one principal use structure per lot by right.
9. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. The variance would not cause the appearance of the two buildings to change.
10. The requested variances represent the minimum deviation from the Zoning Ordinance needed for the subdivision of the lot. The proposed lot line has been located so that only the corner of each building would not conform to the minimum five feet side yard setback required in this B-3 Zoning District.

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11. The petitioner plans to retrofit the two existing buildings to meet Building and Fire Code standards required as a result of the lot subdivision.
12. At their May 25, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve major variance case ZBA-2011-MAJ-01.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Paul Tatman in Case No. ZBA-2011-MAJ-01, is hereby approved to allow a reduction in the required side yard setback from 5 feet to 3 feet and from 5 feet to 3 inches at 806 - 810 E Perkins Road in the manner proposed in the application and subject to the following conditions:

1. The proposed property line shall be located as shown in the attached plat.
2. A cross-access easement for both lots be granted and shown on the subdivision plat.
3. The existing buildings are retrofitted to bring both into conformance with Urbana Fire and Building Codes in terms of construction types, uses, and setbacks.

The major variance described above shall only apply to the property located at 806 - 810 E. Perkins Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

A part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lot 1 of Tatman's Perkin's School Subdivision, as shown on a plat recorded as Document Number 2006R11254 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Parcel Identification Number: 91-21-04-352-032

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance

COPY

shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

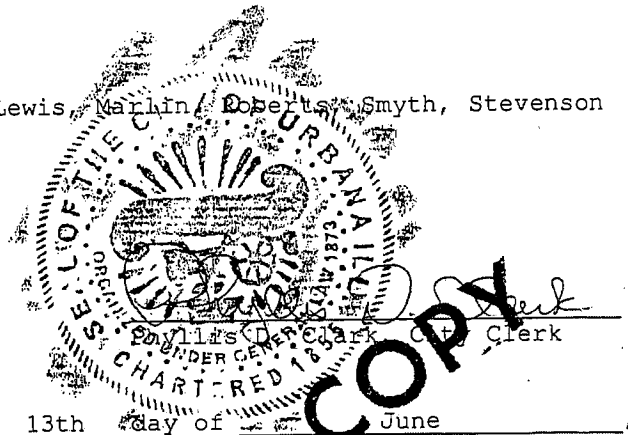
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of June, 2011.

PASSED by the City Council this 6th day of June, 2011.

AYES: Bowersox, Jakobsson, Lewis, ~~Marlin~~, ~~Roberts~~, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 13th day of June, 2011.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

2011 Zoning Board of Appeals
Meeting Minutes

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

DATE: March 30, 2011
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Harvey Welch
STAFF PRESENT	Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Lois Steinberg

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

Chair Armstrong called the meeting 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

The minutes from the November 17, 2010 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Email from William Brown regarding Case No. ZBA-2011-MIN-01
- Note from Rob McClintock regarding Case No. ZBA-2011-MIN-01

Chair Armstrong swore in members of the audience who wished to address the Zoning Board of Appeals regarding the public hearing during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MIN-01: A request by Lois Steinberg for a minor variance to construct a building addition which encroaches four inches into the required five-foot side yard setback at 306 West Nevada Street in the R-2, Single-Family Residential Zoning District.

Rebecca Bird, Planner I, presented this case to the Zoning Board of Appeals. She began by explaining the purpose for the proposed variance request. She described the subject property noting the zoning and current land use as well as that of the adjacent properties. She gave a brief background on the history of 306 and 308 West Nevada Street pointing out that the two lots used to be one parcel. The petitioner received approval for a variance in 1999 which allowed a zero foot side yard setback to construct an addition on the rear of the house. Then, in 2004, the City vacated an alley on the west side of 308 West Nevada Street to increase the width of both lots by six feet. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request. She noted the Summary of Findings in the written staff report. She read the options of the Zoning Board of Appeals and presented staff's recommendation.

Ms. Bird said that City staff came up with an alternative design option to approving the variance. If the petitioner framed the interior entryway into the kitchen, it would prevent the kitchen counters from "bumping out" beyond the wall opening.

Ms. Harwood asked for clarification on the alternative design option. Ms. Bird explained that the entryway is an opening between the kitchen and the adjoining room. If the petitioner built a frame around the entryway like a traditional doorway, it would give her enough room to keep the counter from bumping out, and the variance would not be needed.

Mr. Warmbrunn inquired as to whether the proposed addition would abut up to the previous addition or would it be an addition coming off the original house. Ms. Bird replied that the proposed addition would come off from the original house.

Mr. Warmbrunn wondered if City staff had checked the open space ratio and floor area ratio requirements to see if they were being met. Ms. Bird said yes.

Mr. Warmbrunn noted that the measurements shown on the lot survey provided in the packet does not match the measurements provided in the written staff report. Ms. Bird replied that due to discrepancies she spoke with the City's Engineering Division. The lot dimensions of record are slightly different than the dimensions found in surveying the property in the field. The

property lines found by the survey are correct. The survey was done after the alley was vacated by the City and the property owner was given an extra six feet. Robert Myers, Planning Manager, added that the 34.88' is the width of the lot on paper, and the 35.21' is actually measured on the ground. In older, developed neighborhoods it's not unusual to have minor differences between deeds and surveys.

Mr. Warmbrunn asked if the petitioner now has a six foot setback on the west side of her property, and if so, is the neighbors' driveway now located on her property? Ms. Bird said that she is not sure if there is an agreement for the use of the driveway. She said that the petitioner now also owns the property to the west.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input.

Lois Steinberg, 306 West Nevada Street, stated that she originally planned to apply for a side yard variance for 13 inches. The wall section she had planned was thicker in order to prevent thermal bridging. She is trying to build ecologically. However, her builders were not able to wrap their mind about this so she made design adjustments and was able to pare down the encroachment to 4 inches.

She wants to build the proposed addition because she plans to live in the house as long as possible. The existing kitchen is only big enough for one person, and she constantly bumps her hips between the counter and the refrigerator. The whole house is small and funky. The washing machine is located in the basement, which is accessible only from the outside, and there is no room for a dryer down there. In the proposed design, she would be able to move the washing machine upstairs out of the basement and would have room for a dryer. She mentioned that her guests complain about how small her bathroom is so she would like to have a second bathroom for her guests and her administrative assistant to use. Also, she mentioned that she wants a 30-inch wide range oven instead of the existing 24-inch range oven. She worked with her architect to figure out how to fit this all in a tiny space. If the Zoning Board of Appeals approves her variance request, she will be able to achieve the design that she envisions.

Mr. Armstrong asked if the variance was denied, is it correct that the floor space on the north end of the kitchen would only be 4 feet, eight inches wide? Ms. Steinberg said yes. It will be a small, tight space even with the variance. She is only trying to get the most use out of the space. She pointed out that she will be spending more money than what it would cost her to buy a new house. She loves living on this block in this neighborhood. She has done a lot of improvements to her home. In addition she purchased the house next door and has fixed it up as well. Therefore, she has a lot invested in the area.

Mr. Warmbrunn wondered if the existing driveway was split between 306 and 308 West Nevada. Ms. Steinberg stated that she believes two feet of the driveway is on her property.

Mr. Warmbrunn stated that Ms. Steinberg received approval for a variance request in 1999 to build an addition on to the rear of the house with a zero foot setback. After the construction was finished, the neighbor to the west found it a hardship for Ms. Steinberg to perform maintenance on the west side of her house without coming onto her own property. So, in 2004, the City

solved the problem by vacating the alley west of 308 West Nevada Street and transferring it to the property owner of 308 West Nevada and by adjusting the property line between 308 and 306 West Nevada Street so that Ms. Steinberg would have a six-foot side-yard setback. Mr. Warmbrunn wondered if the vacating of the alley and transferring of property expelled the variance from 1999. In other words, there are no variances or non-conformities on 306 West Nevada Street at this time. Mr. Myers said that based on the survey and assuming alley vacation and dedication of land to 306 West Nevada, he assumes that the west side of the house at 306 West Nevada no longer encroaches in the required side yard setback.

Ms. Uchtmann asked if Ms. Steinberg had considered extending the kitchen addition to the north. Ms. Steinberg responded by saying yes. However, there is a window facing east that she does not want to lose the light.

Ms. Uchtmann questioned how Ms. Steinberg gets to her basement. Ms. Steinberg replied that the basement is accessible through an outside cellar door.

Ms. Uchtmann wondered where the stairway is to the second floor. Ms. Steinberg explained that there is not a second floor.

Ms. Harwood inquired as to whether or not Ms. Steinberg had given any thought to the alternative design that City staff is proposing. Ms. Steinberg said yes, but it is not her design or aesthetics. Just visualizing a doorframe makes her claustrophobic.

Ms. Uchtmann asked if the petitioner would be installing a new front door or if she would be reusing the existing door. Ms. Steinberg replied that nothing is being changed to the front of the house. She stated that she has already compromised a lot from her ideal design, and she kindly asked the Zoning Board of Appeals to grant her variance request.

Ms. Uchtmann questioned if the variance is granted how many feet will it be from the east wall of Ms. Steinberg's house to the house next door at 304 West Nevada Street. Ms. Bird said that she did not have that information.

Mr. Warmbrunn pointed out that in the email communication from Bill Brown, who is the property owner of 304 West Nevada Street, he mentions that the proposed addition would bring a portion of Ms. Steinberg's house approximately 13 feet closer to the northwest corner of his house and back patio. Ms. Steinberg commented that where Mr. Brown's current house ends is where her proposed addition would begin.

There were no further comments or questions from the public.

Chair Armstrong closed the public input portion of the hearing. He then opened the case up for Zoning Board of Appeals discussion and/or motion(s).

Ms. Harwood stated that she did not completely understand the City staff's recommendation. She did not feel that there was compelling arguments for either side. Ms. Bird responded that staff agreed there were not compelling arguments for either side. The proposed addition could

be built without the proposed variance being granted. However, the variance request is only for 4 inches and there would be no great impact on the neighbor to the east. City staff based their recommendation for denial on the basis that there is not strong evidence that the 4 inch variance is necessary.

Chair Armstrong stated that his concern is with the 4-foot, 8-inch wide floor area in front of the sink on the north end of the kitchen addition. He is trying to imagine a sink and work area in that small space. Based on his experience, 4 feet is the absolute bare minimum floor width for a kitchen. If the Zoning Board of Appeals denies the proposed variance, the space would only be 4 feet, 4 inches wide. He feels the proposed variance is the best solution that Ms. Steinberg can come up with for a tiny kitchen. In his view, this warrants the Zoning Board of Appeals granting the proposed variance request.

Ms. Harwood questioned whether granting this variance would limit the neighbor's ability to get a variance approval should he want to expand his home. Ms. Bird answered that she did not believe that it would in this circumstance because the petitioner is only asking for a 4 inch encroachment into a required 5-foot side-yard.

Ms. Steinberg commented that in the 300 Block of Washington Street, a property owner asked for a major variance to be allowed to build a new house on a lot and to keep the existing house to use as a workshop/storage area. The Zoning Board of Appeals approved that variance. It shocked many of the residents in the neighborhood. The residents are again shocked that the City does not want to grant her a variance for 4 inches to expand her home. Her request is so minor that her neighbors are not even attending this meeting.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2011-MIN-01 with the *Findings of fact in Favor of the Proposed Variance* as listed in the written staff report. He did not feel that the discussion regarding the variance that was approved for this property in 1999 is relevant to this variance application. He believes that the 4-inch variance request is reasonable. Ms. Uchtmann seconded the motion.

Ms. Bird asked for clarification on the motion regarding the findings of fact. Did the motion include both the Findings of Fact and the Findings in Favor of Proposed Variance as provided in the staff memo? Mr. Warmbrunn replied that if City staff wanted to include the first set of Findings of Fact, then he did not mind even though he does not feel that the variance that was approved in 1999 and mentioned in #4 of those findings has any relevancy to this case.

Roll call on the motion was as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Chair Armstrong	-	Yes

The motion was granted by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

2010 Zoning Board of Appeals Annual Report

Robert Myers, Planning Manager, presented the 2010 Zoning Board of Appeals Annual Report to the Zoning Board of Appeals. The report includes minutes, ordinances and decision sheets along with a summary of the cases for the year 2010.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

Regarding the Country Financial sign (Case No. ZBA-2010-MAJ-05), the City Council approved the application with the condition that there would be no aluminum wrapping around the pole. Like the Zoning Board of Appeals, they were concerned about drivers backing out onto Cunningham Avenue. The petitioner agreed to not put any skirting around the bottom of the sign to allow for better visibility. The petitioner has up to a year to meet the requirements and conditions of the approved variance, so when the weather warms up they intend to install landscaping and deal with closing the north curb cut. Meanwhile they are using the existing sign and replaced some of the panels. The petitioner plans to take advantage of the variance and modernize the existing sign before the variance approval expires.

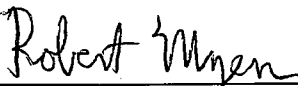
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:28 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: May 18, 2011

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

STAFF PRESENT Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT Paul Myers, Bryan Wilcox

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

Chair Armstrong called the meeting to order at 7:32 p.m. Roll call was taken, and a quorum was declared present with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the March 30, 2011 Zoning Board of Appeals special 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.

Chair Armstrong swore in members of the audience who wished to address the Zoning Board of Appeals regarding the public hearing during this meeting.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-C-01: A request by Bryan Wilcox for a Conditional Use Permit to allow an “Engineering, Laboratory, Scientific and Research Instruments Manufacturing” business to operate at 722-726 Killarney Street (Lincoln Commerce Center) in the B-3, General Business District.

Rebecca Bird, Planner I, presented this case to the Zoning Board of Appeals. She began by stating the reason for the conditional use permit request. She gave a brief background of the proposed site. She noted the zoning, existing land use and the Comprehensive Plan future land use designation of the proposed site as well as that of the surrounding properties. She discussed the plans for the proposed use stating that it would involve an interior remodel of three units in the building to accommodate for a small retail store, a lounge, a kitchen and a conference room available for customers to use. She reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. She presented staff’s recommendation. She pointed out that the petitioner is available to answer any questions.

Ms. Harwood asked if the businesses in the area had a certain time of operation that they have to follow or will they be able to operate any time of the day. Ms. Bird replied that most of the businesses in the neighborhood are not limited. The motel operates 24 hours a day. The church has evening services as well as on the weekends. The restaurant is open late hours. The applicant has expressed that they might want their business to be open up to 24 hours a day, but that does not mean that they would use all of the machinery during that time. They plan to install sound absorption in the areas where the heavy machinery will be located not only to keep the noise level down in the neighborhood but inside the building as well, because they will be providing shared work space for other clients.

Mr. Armstrong inquired as to whether the petitioner would be using any chemicals or hazardous materials. Ms. Bird deferred this question to be answered by the petitioner when he speaks. Mr. Welch pointed out that they would be required to comply with building codes for handling chemicals and hazardous materials. Ms. Bird stated that this is correct. The process would be that they get approval of the conditional use permit, and then submit plans for the renovation, which would include review of building codes and environmental codes that are necessary. Robert Myers, Planning Manager, added that the City’s Building Inspector has been attending staff meetings when they have discussed the proposed conditional use permit and he does not anticipate unusual problems in meeting Building and Fire Codes.

With no further questions for City staff, Chair Armstrong opened the hearing up for public comment.

Bryan Wilcox, petitioner, stated that he is available to answer any questions that the Zoning Board of Appeals may have.

Mr. Armstrong questioned if Mr. Wilcox anticipated any special problems or issues in terms of the facility. Mr. Wilcox mentioned that sound enclosures and a dust collection system will be installed. They do not want to even disturb the interior environment much less than neighbors. They want their business to be an inviting space for clients to come in and work. Any type of heavy machinery making noise will be enclosed, and they will have suitable dust collection installed. As far as fumes from chemicals, they are planning to install a paint hood. The type of hood depends on what type of chemicals their clients would be using. They would just be using water based paints to begin, and then if clients need to use other types of paints they would install whatever system necessary to allow that.

Ms. Uchtmann remarked that the proposed business seems like a good investment for the City of Urbana. Mr. Wilcox responded that they want to help build a strong community, so they plan to be responsible tenants and do what they need to do to keep the noise, fumes and dust levels down.

Mr. Welch asked if the making or manufacturing of prototypes would be occurring occasionally or all the time. Mr. Wilcox explained that in a typical manufacturing environment, manufacturers would not be making prototypes all of the time, but the equipment necessary to make prototypes can be a huge capital investment which would otherwise sit unused most of the time. This is the sort of problem that they are trying to solve. The proposed business would allow these people to buy time for use of the equipment for only what they need. So they do not have capital tied up that is not doing any use for them. He would anticipate that the machines would be running close to capacity. The nature of things being made will be small prototypes of products that they are hoping to develop into something more substantial, so the idea is to give them the opportunity to try these things. As a product developer, he has found that you need the good product to sell the investor, but then you need an investor to build a good product. They are trying to break this cycle.

With no further questions or comments from audience members, Chair Armstrong closed the public input portion of the hearing and opened it up for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2011-C-01 for the reasons articulated in the written staff memo with the following conditions:

1. All proposed renovations meet the Urbana Building Code.
2. Appropriate dust collection systems are installed.
3. Appropriate sound absorbing enclosures are installed.

Ms. Uchtmann seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote.

Case No. ZBA-2011-MAJ-01: Request by Paul Tatman for a Major Variance to allow a reduction in the side yard setbacks to subdivide 806 and 810 East Perkins Road into two parcels.

Rebecca Bird, Planner I, stated that the Planning staff requests that this case be forwarded to the special meeting of the Zoning Board of Appeals scheduled for May 25, 2011. She explained that there was a change in the request, which required the legal ad in the News-Gazette to be re-noticed for the public hearing. The Zoning Board of Appeals then forwarded the case as requested.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

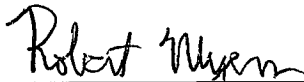
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:59 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: May 25, 2011
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

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.

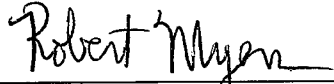
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert Myers". The signature is written in black ink and is positioned above a horizontal line.

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: July 20, 2011
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

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

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

Chair Armstrong called the meeting to order at 7:36 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 25, 2011 Zoning Board of Appeals special meeting were presented for approval. Mr. Warmbrunn asked for a correction to Item 12 on page 4 to read, "*Acting Chair Armstrong Welch adjourned the meeting at 8:07 p.m.*" He then moved to approve the minutes as corrected. Mr. Welch seconded the motion. The minutes were approved by unanimous voice vote as amended.

4. WRITTEN COMMUNICATIONS

The following written communications were distributed at the meeting.

- Email from Katie Hunter regarding Case No. ZBA-2011-MAJ-02

- Email from Michael Plewa regarding Case No. ZBA-2011-MAJ-02
- Revised Sec. 2-4 of the *City Code. Public Meetings.*

Chair Armstrong swore in the audience member who wished to address the Zoning Board of Appeals regarding the public hearing during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MAJ-02: A request by Yuchen Lin for a major variance to exceed the Floor Area Ratio for a duplex to allow existing attic space to be finished and used as living space at 607 West High Street in the R-2, Single-Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He explained the nature of requested major variance and how Floor Area Ratio (FAR) is determined. He gave a brief history on the zoning and duplex use for the proposed site. He showed the changes that the applicant would like to be allowed to make to the second and third (attic) floors of the existing house. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed major variance.

He referred to the written communications that were received. The first one is a letter from the applicant outlining his reasons for the variance request. This letter was included in the packet of information. Also two emails from Katie Hunter and Michael Plewa, opposing the proposed variance, were distributed prior to the meeting. One concern expressed in the two later communications was that by allowing the proposed variance it could invite over-occupancy in the future. What is to prevent a future owner from converting the proposed dining room and study into two bedrooms to rent out? Although he also considered this issue for two reasons he believes it's not a real concern. First, even if the proposed dining room and study were converted into bedrooms in the future, it would still be a four-bedroom unit, which is allowed. The Zoning Ordinance would allow four unrelated people to rent the unit. Second, the owner's request to create a dining room and separate study is credible and reasonable. So it's unlikely that the proposed floor plan would invite over occupancy either now or in the future.

Mr. Myers presented the staff's recommendation noting the two conditions that are being suggested. He explained that because this is not a cut-and-dry case, staff included two sets of findings for the Zoning Board of Appeals' review: one set of findings supports the requested variance and a second set of findings not supporting the requested variance.

Ms. Uchtman inquired as to what is the square footage of the duplex. Mr. Myers answered that each unit is now 1,023 square feet in area. The proposed finishing of the existing attic would add 435 square feet of living space.

Ms. Uchtmann asked about the lot size. Mr. Myers replied that the lot size is 4,772 square feet. It is a small lot, especially for a duplex.

Ms. Uchtmann wondered if the exterior staircase is counted as part of the footprint for the FAR calculation. Mr. Myers replied no. Ms. Uchtmann questioned whether the staircase is far enough away from the property line. Mr. Myers said he doesn't know off hand the distance from the property line; however, he is certain that the staircase is on the petitioner's property as indicated by the site plan.

Ms. Uchtmann stated that many people convert a third floor attic to living space without seeking permission from the City. She wondered why this case came to the attention of the City. Mr. Myers replied that the project is architect designed. The architect is seeking the proper permits. Mr. Myers also pointed out that part of the proposed work would correct at least one building code issue. Previous to the current owner, both dwellings were connected by a door. However, for both building code and occupancy code purposes, duplexes are supposed to be totally separated. The current owner hired the architect to bring the building up to code and to make the expansion, and the architect is trying to do it correctly.

Mr. Warmbrunn calculated the FAR to currently be .43. Is it non-conforming already? Mr. Myers stated that City staff calculated the FAR as just slightly under 0.4. If the proposed attic expansion is approved, then the FAR would definitely be over the 0.4. Mr. Warmbrunn stated that from the dimensions shown in the staff report, he figured the total attic space to be no more than 300 square feet, which is different than what the staff report claims of 435 square feet.

Mr. Warmbrunn asked what the permitted occupancy is based on. Is it based on the number of bedrooms in each unit? Mr. Myers answered that under the Zoning Ordinance definition of family, no more than four unrelated people could live in each unit. More specifically the definition is a family plus no more than three unrelated individuals. A family could be 10 people related by blood, marriage or adoption; or it could be one person. Given the real estate market in this neighborhood, within walking distance of the university, dwellings are often occupied by four unrelated individuals.

Mr. Warmbrunn asked whether legal non-conformities and any grandfathered aspects of properties were made known to buyers at the time of purchase. Mr. Myers said that if potential buyers contact the City prior to purchasing the properties, then City staff will inform them of known legal non-conformities and conditions on the properties. However, notice of specific non-conformities is not attached to deeds or recorded.

Mr. Warmbrunn noticed that Exhibit A shows that there is an apartment complex two doors to the east of the proposed site. How did this specific property become an apartment building with three to seven units? Mr. Myers said that he'd have to research this and report back.

Mr. Warmbrunn wondered if the property owner could convert the duplex back to a single-family home in order to have more room for his family. Mr. Myers said yes.

Mr. Warmbrunn questioned whether the City has ever approved a non-conforming variance or conditional use for a property that is already non-conforming. He commented that seemingly everything about the property is conforming except maybe Open Space Ratio (OSR). The lot size is too small for a duplex, but it has a non-conforming duplex use. Now because we want to have an owner-occupied single family as part of the duplex, we want to increase the duplex on the same small lot. This seems like overkill but it is what they are presented with. Mr. Myers replied that there have been other cases where legally nonconforming properties have applied for and received variances. In this case, the property owner is asking for permission to expand his living space into the existing attic so the exterior of the building will not be changing any.

Mr. Warmbrunn asked if there is a garage or basement on the property. Mr. Myers said no garage but we should ask the applicant's architect whether there's a basement.

Ms. Uchtmann asked if the exterior stairway was added since the petitioner purchased the home. Mr. Myers was not sure when the stairway was built. Ms. Uchtmann commented that if every rental property owner built an exterior stairway then it would cause the whole neighborhood to take on a different look. Mr. Myers added that City staff determined that an additional stairway would not be required to the attic as a consequence of the variance.

Mr. Welch believes that the main point is that there will not be any change to the outside of the building. The purpose of FAR, according to Mr. Myers' presentation, is to keep people from building too far upward and outward, but in this case neither would happen as a result of this variance. The comments made in the written communications are simply speculations about what might happen in the future. He does not think that the Zoning Board can link their decision to what might happen. They have to decide on what is being proposed now. He believes the property owner is making a definite commitment that the second floor and attic will not be easily rented out because the layout takes on the look of a home rather than a rental.

Mr. Armstrong wondered if the property owner converted the house back to a single-family home, would he be allowed to convert the attic into livable space by right. Mr. Myers stated that in that case the owner would still need a variance for FAR in order to extend living space into the attic.

Mr. Armstrong inquired as to what would happen if the property owner used the attic as livable space without improving it. Mr. Myers answered that people use attic space for storage all of the time and sometimes finish the floors and walls for storage. City staff does not count this as floor area because it's not heated or cooled or have other utilities.

With no further questions for City staff, Chair Armstrong opened the hearing to public input.

Russ Dankert, MSA Professional Services, introduced himself as the architect for this project. After being hired to design improvements to the building, he reviewed everything right away including parking requirements, etc. He first determined that the duplex is a non-conforming use for the R-2, Single-Family Residential Zoning District. City staff's research found that conversion to a duplex was approved by the City in 1970. He mentioned that is also when the

original exterior stairway was constructed. They recently replaced some of it with sturdier materials to make it safer.

He noted that the total new area in the attic would be 435 square feet because it includes two dormer windows. Part of the project would also reinforce roof rafters which are really bent. It will be done to a point where there will be more head room, and they can count this space as living space. The property owner, Yuchen Lin, wants to move the two bedrooms into the attic space and turn the existing bedrooms into a dining room and a den. He believes that Mr. Lin will use the space as he intends to in the plans. He pointed out that there is an interior staircase that goes all the way up to the attic. The only thing separating the two units there is a paper wall. This is definitely a code violation that they intend to correct as part of the proposed project.

Mr. Warmbrunn asked if Mr. Dankert felt comfortable with his calculation of 435 square feet. Mr. Dankert said yes. He calculated it three times to make sure it is correct.

Mr. Myers asked Mr. Dankert to clarify whether the existing attic dormers would be expanded or changed as a result of this variance. Mr. Dankert answered the windows which are falling out would be replaced with egress windows. The dormer roofs and walls will not change. There is also a place on the interior that he calls a "head knocker" that would be corrected.

With no other public input, Chair Armstrong closed the public input portion of the hearing and opened it for the Zoning Board of Appeals discussion and/or motion(s).

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2011-MAJ-02 to the City Council with a recommendation for approval as presented in the written staff report including the recommended conditions supporting the variance. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Warmbrunn referred to a handout that the Zoning Board of Appeals received titled "Sec. 2-4. Public Meetings." He asked if the Zoning Board of Appeals was a quasi-judicial board. Mr. Myers replied yes. The Zoning Board of Appeals serves like a court in some cases so the rules are more stringent than with other boards and commissions.

Mr. Warmbrunn stated that in holding public hearings and taking public input, the Zoning Board in the past has always allowed people to speak as long as necessary. Should they change this to meet the Provision #3 on the handout? Mr. Myers said that the best thing is to follow the adopted rules of procedure which lays out how long people have to speak. The Chair has a certain latitude, and he should gauge at the beginning of the public hearing by how many people are in the audience in order to let everyone have time to speak. If there are not very many people in the audience, then there is no harm in letting people testify as longer. However, if the audience is full and people want to speak for twenty minutes each, then there would not be time to let everyone speak who wanted to, and that would be unfair. Another thing to consider is allowing time for people to cross-examine or ask questions of expert witnesses.

Mr. Myers reported on the following:

- Tatman's Variance for 806 and 810 East Perkins Road was approved by the City Council as recommended by the Zoning Board of Appeals. Mr. Myers understands that the petitioner has applied for building permits to make the necessary changes to the two buildings.

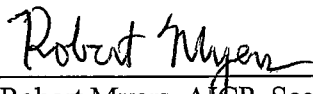
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:34 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: October 19, 2011
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Nancy Uchtmann
STAFF PRESENT	Jeff Engstrom, Planner II; Teri Andel, Planning Secretary; Tom Carrino, Economic Development Manager
OTHERS PRESENT	Andrew Fell, Scott Kunkel

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

Chair Armstrong called the meeting 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

The minutes from the July 20, 2011 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn asked for a correction to Line 3 of the second paragraph from the bottom on page 2: "*findings for the ~~Plan Commission~~ Zoning Board of Appeals' review: ...*". He then moved to approve the minutes as corrected. Ms. Harwood seconded the motion. The minutes were approved by unanimous voice vote as amended.

4. WRITTEN COMMUNICATIONS

The following written communications were distributed at the meeting:

- Letter from Wesley Curtis, Associate University Counsel
- News-Gazette article titled, "*Campus parking permit sales on downward trend?*"
- News-Gazette article titled, "*Campus parking permit sales down over past few years*"

NOTE: Chair Armstrong swore in audience members planning to address the Zoning Board of Appeals regarding the public hearing during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MAJ-03: A request by Illinois Properties, LLC for a major variance to reduce the required amount of parking spaces for a mixed-use development at 1108 West Nevada Street, 1105 and 1007 West Oregon Street in the CCD, Campus Commercial Zoning District.

Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He explained the proposed major variance and that the Zoning Board of Appeals needs a two-thirds majority vote for the application to be forwarded to the City Council. He mentioned the rezoning and special use permit requests that are related to the proposed variance application. The Plan Commission will review both at their next meeting. He noted the location, land use, zoning designations and future land use designations for the proposed site and for surrounding properties. He discussed conformity with the 2005 Comprehensive Plan. He discussed the site design and development regulations including setbacks, Open Space Ratio (OSR), Floor Area Ratio (FAR) and parking requirements. He reviewed the criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed major variance request. He read the options of the Zoning Board of Appeals and presented staff's recommendation.

Chair Armstrong asked what consideration had been given to reducing the parking requirements for developments in the CCD (Campus Commercial District). Is there a difference in the required amount of spaces for apartments that are located very close to campus versus apartments that might be more remote? Mr. Engstrom replied that the Zoning Administrator and City staff are reviewing whether or not the CCD parking requirements for residential are generally too high. The demand for parking on campus has apparently changed since 2001 when the CCD was created.

Mr. Warmbrunn asked if any newly zoned CCD properties would likely be in this same area. Mr. Engstrom responded that this area makes the most sense because it is really the only campus-town type area in Urbana. Most campus businesses are located in the City of Champaign.

Mr. Warmbrunn asked what information City staff used to conclude that students were now bringing fewer cars to campus. Mr. Engstrom clarified that the information primarily came from quotes of University officials in the newspaper articles provided in the packets.

Ms. Harwood questioned whether students are parking in the neighborhoods near campus and riding their bicycles to class. She sees this happen in her neighborhood. Mr. Engstrom said that they do not know.

Ms. Harwood asked if the Gregory Place Development was fully rented out. Do the residents of the Gregory Place park at the Krannert Center? She wanted to know if there was an impact of not having enough parking. Mr. Engstrom pointed out that there was a representative from JSM Development who may be able to answer questions about parking demand for Gregory Place. He believes that all of the parking spaces provided for the Gregory Place are occupied.

Ms. Harwood asked if the University of Illinois leases parking spaces to tenants/residents of any development. Mr. Engstrom stated that off-site parking for Gregory Place is provided by leasing spaces from the University of Illinois.

Mr. Welch remarked that he questions the premise that fewer students are driving. The newspaper articles could be referring to students, workers, visitors, etc. The difficulty of finding a parking spot may decrease that type of need for parking, but it will be different for residents. The proposed reduction is quite striking when comparing with the number of beds/residents. Mr. Engstrom explained that if City staff prepares a Zoning Ordinance text amendment they would look into these statistics more closely.

Mr. Warmbrunn asked where the 11 commercial parking spaces would be located. Mr. Engstrom stated that they have not been designated yet. Mr. Warmbrunn asked if they are only required to provide 2 handicap parking spaces. Mr. Engstrom replied that the number shown on the site plan would meet the City's requirement.

Mr. Warmbrunn referred to the letter they received from Wesley Curtis, Associate University Counsel for the University of Illinois. Is it safe to say that the City of Urbana has a Comprehensive Plan and the University of Illinois has a Master Plan and they are not the same? Mr. Engstrom said yes. The plans conflict for future use of this particular property. The University's Master Plan shows a 17,000 square foot academic facility on the northern half of the proposed site.

Ms. Harwood asked how the City resolves conflicting plans. Mr. Engstrom responded that for properties that the University of Illinois owns, they follow their Master Plan and for properties not owned by the University of Illinois, City staff follows the City's 2005 Comprehensive Plan. The University of Illinois in following their Master Plan can always negotiate with property owners for land purchase.

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

Andrew Fell, architect and applicant, explained that the requested variance would reduce the residential parking for this project to the same as residential parking required in every other district. The CCD Zoning District is the only district with a higher residential parking

requirement. With the higher parking requirement, any developer is almost forced to lease parking off-site from the University because constructing that much onsite parking isn't economically viable.

Ms. Harwood asked if he had any concerns that there will not be enough residential parking. Mr. Fell replied that if there is not enough parking provided, then the residents would have to find parking elsewhere. They are unable to impact the immediate area because all of the on-street parking is short-term metered parking and all of the long-term parking is leased from the University of Illinois. The other option is that the petitioner provides off-street parking within 600 feet of the site. This is unlikely because the University owns almost all nearby land.

Ms. Harwood asked if other apartment buildings have experienced a lack of parking. Mr. Fell responded that he could not speak directly to this. If the Council fails to rezone to CCD, then the parking requirements would be less. JSM fulfills their residential parking requirement for Gregory Place II, which is zoned CCD, by leasing parking from the University.

Ms. Harwood asked City staff how any unmet need for parking would be accommodated, whether on street or elsewhere. Mr. Engstrom answered that the Zoning Board of Appeals needs to determine if there is really a need to provide this much parking. Ms. Harwood responded that the Zoning Board of Appeals can't determine the parking demand.

Mr. Warmbrunn questioned if the reason for the rezoning from R-6, High Density Multiple-Family Residential, to CCD is because of the commercial aspect of the proposed development. Mr. Fell said yes in part. The other part is that it is the vision of the City of Urbana to rezone it away from residential to mixed uses.

Mr. Warmbrunn asked whether they had considered building apartments under the existing R-6 zoning. Mr. Fell said yes, but part of the zoning regulations is that there is a much lower FAR and greater setbacks for the R-6 Zoning District.

Scott Kunkel, of JSM Development, stated that Gregory Place was required through its Special Use Permit to lease parking with the University of Illinois concurrent with the duration of the land lease. So both JSM and the University of Illinois are obligated to provide parking complying with CCD standards. JSM Development has no objections to the proposed rezoning and special use permit requests for this development and supports mixed use at this location. But he has concerns about granting a parking variance. He then reviewed three of the five criteria that are associated with approving a major variance.

Criteria #1 – The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.

This criteria is the one that JSM has the greatest problem with. There are not any special circumstances that JSM can identify or associate with the land or the building. The proposed three lots are all standard size lots for this district and this block. If the available site area is

inadequate for the proposed development, the petitioner has options to either acquire additional land and if that is not possible then they can reduce the project scope. Financial challenges associated with either of these solutions should not be a basis for a variance.

Gregory Place was developed on three identically sized lots in a mirror image of the proposed development. They acquired the amount of parking needed by entering an agreement with the University of Illinois to provide leased parking spaces. JSM made a substantial upfront payment to the University, and they make annual payments to the University as well to provide parking.

The CCD Zoning District affords a number of benefits to a user that the petitioner is really relying on, including reductions in minimum open space ratio, floor area ratio, and building setback requirements, as well as elimination of building height limits. These afford benefits to potential developments but at the same time expect enhanced residential parking. Also the zoning standards encourage commercial development in the CCD by substantially reducing parking for that aspect. So the petitioner is able to leverage the majority of the comparative advantages of the CCD zoning regulations while not wanting to adhere to the one specific disadvantage. Granting a variance would be a special privilege.

Criteria #2 – The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

Mr. Kunkel stated that the exact opposite is true. The proposed major variance request is a direct result of a situation created by the petitioner. The petitioner is requesting the rezoning of the site from R-5 to CCD. He also needs to understand and be willing to accept the disadvantages that might also accrue to him as well. He can elect to reduce the amount of residences and increase commercial space in the project. A lack of financial viability of a development with fewer residences does not mitigate the requirements to abide by the district's regulations.

Criteria #5 – The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

Mr. Kunkel stated that JSM does not feel that any deviation is necessary to build a mixed-use project on the proposed site. The only need for a deviation arises when the desire to include too much residential use in the overall mixed-use component is evident. The petitioner could readily minimize the required deviation to zero by reducing the residential density.

Ms. Harwood asked if he would reduce the parking for Gregory Place if given the option. Mr. Kunkel answered that this is a hard question to answer. JSM weighs this all the time in terms of what role does parking play in their ability to successfully market their units at Gregory Place. They currently only have four vacancies out of several hundred parking spaces between the two developments. There has been a pretty substantial demand for parking. JSM is concerned that their apartments would not rent if they had insufficient parking. They want to insure up front that they have the right mix because it would be difficult to correct later.

Mr. Warmbrunn asked the height of the Gregory Place I and the Gregory Place II buildings. Mr. Kunkel stated that Gregory Place I is four stories tall with the first floor commercial with the

remainder being apartments. Gregory Place II is five stories with three floors of residential. They would have liked to have more residential density on the two sites, but parking was a limiting factor for them because the bulk of the development requirements associated with the CCD District.

Ms. Harwood asked whether students pay higher rent if they have assigned parking. Mr. Kunkel responded no, not in rent, but some are willing to pay additionally for dedicated parking.

Mr. Welch asked how parking is assigned for Gregory Place. Mr. Kunkel explained that they make sure every apartment unit has access to one parking space to begin with, then beyond that it is a first come, first serve basis. They do have a few parking spaces that they hold out as an enticement for commercial marketing.

Mr. Armstrong clarified whether JSM's main concern is with Criteria #1. Mr. Kunkel said that is correct.

There was no further comment or questions from the audience, so Chair Armstrong closed the public hearing and opened it to Board discussion and/or motion(s).

Mr. Warmbrunn asked why the application was brought before the Zoning Board of Appeals prior to rezoning and Special Use Permit approval. He believes the variance request should be heard after other approvals. Mr. Engstrom explained that it is just timing with how the meetings are set up. The Plan Commission meets twice a month, and the Zoning Board of Appeals meets once monthly.

Mr. Warmbrunn questioned whether the Plan Commission would be considering any of the parking issues. Mr. Engstrom replied that the Plan Commission would touch on the parking issue, but the rezoning and Special Use Permit are separate considerations.

Mr. Warmbrunn asked if the City Council would have to approve everything. Mr. Engstrom replied yes.

Mr. Welch agreed with Mr. Warmbrunn. Without rezoning, the variance recommendation would be mute. The Plan Commission should make their recommendation before the Zoning Board of Appeals makes its recommendation.

Mr. Welch moved to continue the case until the City Council takes action on the related rezoning and SUP applications. Ms. Harwood seconded the motion. She also recommended that the City staff follow through with a Zoning Ordinance text amendment reducing the parking requirements in the CCD Zoning District prior to returning to the Zoning Board of Appeals with this application.

Chair Armstrong agreed. By default the Zoning Board of Appeals would be making policy or setting precedent for policy if they recommended approval of the proposed variance based on the assumption that all these things are true. They would be basing a variance on anecdotal

evidence, and staff is unclear what the outcome would be of a parking demand study for this area. In this case the evidence is very cloudy. Therefore, he supports continuing this case.

Roll call on the motion was taken and was as follows:

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

The motion was approved 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

Mr. Warmbrunn moved to adjourn the meeting. Mr. Welch seconded the motion. Chair Armstrong adjourned the meeting at 8:35 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: December 21, 2011
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Stacy Harwood, Nancy Uchtmann
STAFF PRESENT	Robert Myers, Planning Manager
OTHERS PRESENT	Mike Martin

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

Chair Armstrong 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

The minutes from the October 19, 2011 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong swore in Mike Martin who indicated he may give testimony regarding the application.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2011-MAJ-04: A request by Mike Martin on behalf of the Stone Creek Homeowners Association and the Atkins Group for a major variance to allow three subdivision signs (one 47 square feet in area) for the Stone Creek Subdivision along East Windsor Road near its intersection with Stone Creek Boulevard.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He began by explaining the purpose for the proposed variance request. The basis for the request is that Stone Creek Subdivision is 480 acres in area and has a perimeter of 4.0 miles but has limited points of access on major roadways, and thus limited opportunities for subdivision identification signage. Transportation access control standards allow no more than one street per quarter mile on Windsor Road and Route 130. The City's subdivision sign limits don't adequately take into account a subdivision of this size given the limited access points.

The proposed subdivision signs are part of a larger project to beautify the entrances to Stone Creek Subdivision with new landscaping and landscape features, street lights, accent lighting, and subdivision identification signs. Private improvements to be installed in public rights-of-way have been reviewed and approved by the City Council through a license agreement, but the three subdivision signs in question would be located on private property and outside the right-of-way meaning that they would be subject to the Urbana Zoning Ordinance. He spoke about how the proposed variance relates to the sign standards as outlined in Table IX-8 of the Urbana Zoning Ordinance. He reviewed the variance criteria from Section XI-3 of the Zoning Ordinance as they pertain to the proposed case. He presented City staff's recommendation.

Mr. Warmbrunn asked how large the letters for the two small signs would be. Mr. Myers replied that based on the drawings the lettering for two of the three signs would be about 15" or 16" tall. Mr. Warmbrunn asked if the Zoning Ordinance limits the size of lettering in addition to the size of signage. Mr. Myers responded that the Ordinance limits the size of signs but not lettering.

Mr. Warmbrunn asked that if the bike path hadn't taken up adjacent right-of-way space next to the western-most sign on Windsor Road, could the applicant have placed the subdivision sign in the right-of-way there? Mr. Myers responded that he supposed so.

Mr. Warmbrunn asked if the proposed variance is for both the size of the signs and for the number of signs. Mr. Myers responded yes, that technically these are two variances. The Zoning Board could make two separate recommendations to the City Council.

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

Mike Martin, of the Atkins Group, approached the Board to answer any questions they may have.

Chair Armstrong asked Mr. Martin to speak about the number of signs being requested. Mr. Martin replied that one of the signs would be placed at the western most perimeter and would serve as a landscape feature. The other two signs would be placed at the entrance off Windsor Road. They serve as part of a larger improvement to Stone Creek Subdivision.

With no further input from the audience, Chair Armstrong closed the hearing and opened it to Zoning Board of Appeals discussion and/or make motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward a recommendation for approval of Case No. ZBA-2011-MAJ-04 (A) regarding the number of signs along with the conditions as recommended in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward a recommendation for approval of Case No. ZBA-2011-MAJ-04 (B) regarding the size of the larger sign along with the conditions as recommended in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by unanimous vote.

Mr. Myers noted that these two recommendations would be forwarded to the Urbana City Council at a special meeting on Monday, January 9, 2012.

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:

The variance application concerning parking for the Krannert View project is being withdrawn by the petitioner. As suggested by the Zoning Board of Appeals, City staff brought forward a Zoning Ordinance amendment to bring residential parking requirements in the CCD, Campus Commercial District, in line with residential parking requirements in all other zoning districts. The City Council approved the text amendment. As a result, plans for the Krannert View project now meet all parking requirements on-site and without the need for a variance.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:10 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals