

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

**DATE:** June 25, 2014

**APPROVED**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Nancy Uchtmann, Charles Warmbrunn

**MEMBERS EXCUSED** Stacy Harwood, Ashlee McLaughlin, Harvey Welch

**STAFF PRESENT** Kevin Garcia, Planner II; Maximillian Mahalek, Planning Intern; Teri Andel, Planning Secretary

**OTHERS PRESENT** Diana Bubenik, Chifan Cheng

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**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 he declared that there was a quorum present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the May 21, 2014 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

**4. COMMUNICATIONS**

- Email from Laura Huth regarding Case No. ZBA-2014-MAJ-02

NOTE: Chair Armstrong swore in members of the audience who indicated that they may give testimony during the public hearings.

**5. CONTINUED PUBLIC HEARINGS**

**Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District**

Chair Armstrong continued this case to a meeting in the future.

**Case No. ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804-1/2 East Main Street in the B-2, Neighborhood Business-Arterial Zoning District.**

Chair Armstrong opened this public hearing. Maximillian Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He began by explaining the reason for the proposed major variance request, which is to allow an awning to be installed encroaching into the front-yard setback by 11 feet, 4 inches. He described the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He mentioned the benefits of allowing the awning. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed request. He read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval. He stated that the petitioner was available to answer any questions.

Chair Armstrong asked if the Zoning Board of Appeals had any questions for City staff.

Mr. Warmbrunn asked if the proposed canopy would extend to the existing brick wall in front of the subject property. Mr. Mahalek replied that there would be an almost two-foot gap.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input. There was none, so Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-02 to the City Council with a recommendation for approval with the condition as recommended by City staff. Mr. Warmbrunn seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. This case will be forwarded to the City Council on July 7, 2014.

**Case No. ZBA-2014-MAJ-03: A request by Prairie Signs, Inc. for a Major Variance to install a sign that is twenty feet in height onto existing non-conforming sign poles at 1303 East Colorado Avenue in the B-3, General Business Zoning District.**

Chair Armstrong opened this public hearing. Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He began by giving a brief history of the subject property. He explained the reason for the proposed variance request, which is to allow a sign that would be 20 feet in height, four feet over the maximum allowable height. He described the proposed site as well as the adjacent properties noting their current land uses, zoning and future land use designations. He mentioned that there are other existing signs in the area that are 20 feet in height or taller. He showed pictures of the subject property. He talked about the regulations and stated that they were amended in 2009 to improve the aesthetics of signs. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as it pertains to the requested variance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for denial.

Chair Armstrong asked if the Zoning Board of Appeals had any questions for City staff.

Ms. Chester commented that it is difficult to police vacant signs being removed. Has it ever happened that the City has required a property owner to remove the sign and its structure? Mr. Garcia said that he can research this and get back to the Zoning Board of Appeals. He explained that there are two regulations for this type of signs: 1) if the sign is not used for 90 days, then it cannot be re-established as non-conforming and 2) if the sign structure is not used within 6 months, then the sign and its structure is required to be removed. This is hard to enforce, and so it does not always happen. Ms. Chester commented that if the sign and its structure at this location had been removed as was required, then the Zoning Board of Appeals would not be having this discussion. Mr. Garcia said that was correct.

Ms. Uchtmann questioned whether the petitioner could use the existing poles but place the sign at 16 feet rather than 20 feet. Mr. Garcia answered by saying that to meet the City's code, the upper four feet of the existing poles would need to be cut down. So, it would have to be structurally altered which would cost more than just putting a sign on the existing poles. The whole argument for the proposed variance is for the petitioner to be able to use the existing poles to save on the cost of the sign.

Ms. Uchtmann asked if it isn't the use of the sign to advertise the business and make the business more visible from Philo Road and any one travelling down Colorado Avenue. Mr. Garcia said yes. Ms. Uchtmann commented that the higher the sign, the better the visibility. Mr. Garcia replied that is true. Ms. Uchtmann commented on other signs on adjacent properties stating that although the signs are in conformance with City codes, those property owners could request variances for taller signs if this case is approved. Mr. Garcia stated that the property owner of the neighboring dental office expressed concern about the proposed sign setting a precedent.

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

Diana Bubenik, of Prairie Signs, Inc., stated that while the City changed the code in 2009 to veer towards pedestrian traffic, the businesses still want vehicular traffic as well. As she drove around the neighborhood where Dollar Tree is located, she did not see one pedestrian. Dollar Tree is seeking approval of the proposed variance to attract vehicular traffic and to let drivers know where to go.

If the Zoning Board of Appeals is not in favor of the proposed major variance, then they would like to seek approval of a minor variance to allow the sign to be posted at 18 feet. She did not feel that the owner should be penalized for the existing structure not being removed as required. She thought that the City would encourage Dollar Tree to remain in its location since the property was previously vacant for two years rather than penalize them for something the previous owner did. She believes that if Ace Hardware would have left the cabinet of their sign in place and only removed the face, then Dollar Tree would not need a variance, because a face replacement does not require a permit. Cutting the poles down would incur more cost and time, which Dollar Tree did not expect when purchasing the property.

Mr. Warmbrunn wondered if Prairie Signs, Inc. was against cutting the poles. Ms. Bubenik replied that the poles get wider at the bottom and structurally they would have to do a saddle mount where the sign would have to slide over the poles and secure the sign to the poles inside the cabinet. It is really not ideal, but it could be done at a certain expense.

Chair Armstrong swore in Ms. Cheng so she could speak.

Chifan Cheng, of the neighboring dental office, commented that they are happy that Dollar Tree is located next door and wish them success with their business. There is a lot of pedestrian traffic in the area. The City is putting a lot of investment in the area, which is appreciated. Many of the businesses in the area are already complying with the sign regulations. So, they do not agree with the height of the proposed sign. Dollar Tree has a fence in front of their building along Colorado Avenue. They could remove the fence to increase the visibility of a conforming sign.

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

Mr. Warmbrunn moved that the Zoning Board of Appeals deny Case No. ZBA-2014-MAJ-03 because it would create a special circumstance and would serve as a special privilege as discussed in this hearing. Ms. Chester seconded the motion.

Mr. Warmbrunn commented that with regards to a minor variance to allow the sign to be 18 feet in height, he felt that the petitioner should speak with City staff rather than the Zoning Board of Appeals making a decision on it at this time. The City decided in 2009 to start lowering the maximum height of a freestanding sign to change the basic nature of signs throughout the City. The Zoning Board of Appeals needs to support the change.

Ms. Uchtmann felt that allowing the 20-foot sign would set a precedent. Other businesses in the commercial/residential area would want to have the same height in signage which would defeat the City's ability to increase the aesthetics and improve the area.

Ms. Chester remembered the text amendment in 2009. It took a long time to be reviewed and get approved because there were many people who wanted the height to be reduced. She agreed that the Zoning Board of Appeals needed to support the text amendment.

Roll call was as follows:

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

The motion was passed by unanimous vote.

## **6. NEW PUBLIC HEARINGS**

There were none.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Kevin Garcia, Planner II, reported on the following:

- Case No. ZBA-2014-C-03 Kozlowski Daycare – He stated that the petitioners have scheduled a site inspection for Monday, June 30, 2014. If they show they can successfully run a conforming daycare under a home occupation permit with no more than five children, then they will be able to continue their case for a conditional use permit to allow a daycare facility.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

Chair Armstrong adjourned the meeting at 8:22 p.m.

Respectfully submitted,

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Elizabeth H. Tyler, FAICP, Secretary  
Urbana Zoning Board of Appeals