

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

DATE: July 16, 2014

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch
MEMBERS EXCUSED	Charles Warmbrunn
STAFF PRESENT	Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Spencer Vonderheide

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 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 June 18, 2014 regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes of the June 18, 2014 regular meeting as presented. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote.

The minutes from the June 25, 2014 special meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

NOTE: Chair Armstrong swore in the only member of the audience who indicated that he 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

Jeff Engstrom, Interim Planning Manager, gave a brief update for this case. He mentioned that the petitioners had been issued a home occupation permit and were currently operating under it. City staff will allow them to continue to operate within the guidelines of the home occupation permit until the next regular meeting of the Zoning Board of Appeals. Mr. Welch moved to continue this case to the August 20, 2014 regular meeting. Ms. Uchtmann seconded the motion. The Zoning Board of Appeals continued this case by unanimous voice vote.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-04: A request by Spencer Vonderheide for a Major Variance to install an air conditioning unit that will encroach 3 feet, one inch into the required side-yard setback at 211 West Vermont Avenue in the R-1, Single-Family Residential Zoning District.

Chair Armstrong opened this public hearing. Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed major variance. He described the subject property and the surrounding neighborhood and talked about the R-1 Zoning District. He noted that there are many existing non-conforming parcels in the immediate area due to the smaller lot sizes and the setback and width requirements for the R-1 Zoning District. He discussed other possible locations to place the air conditioning unit; however, the best location would be where the petitioner is proposing to place it on the east side of the property. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as it pertains to the proposed major variance request. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with conditions.

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

Ms. Uchtmann asked if it is mechanically possible to locate the air conditioning (AC) unit on the south side of the new deck or would it just be more expensive to do so. Mr. Garcia referred this question to the petitioner to answer.

Ms. Chester stated that she has seen lattice being used to screen AC units rather than vegetation. She did not believe that there would be enough room in this case to allow vegetation screening

seeing that it would only be one foot from the property line if the Zoning Board approves this request. Would it be possible to use lattice to screen the AC unit? Mr. Engstrom replied that screening can also be accomplished with a short wall or fence. It does not have to be vegetation.

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

Spencer Vonderheide, petitioner, approached the Zoning Board of Appeals to answer questions.

Ms. Uchtmann asked the same question as before about the location of the AC unit. Mr. Vonderheide replied that it is mechanically possible. Because the new deck is so low to the ground, it would alter the design of the new deck to locate the AC unit on the south side. The owners wanted the new deck to be inviting. It would be also be more expensive.

He mentioned that he has been working with the neighbors to the east to get their input. He mocked up a cardboard box to serve as a visual for the neighbors to be able to visualize an AC unit being located in that spot. The neighbors said that they would be okay with the unit being located there. If they change their minds after the AC unit is installed, there is the possibility of painting it a different color to help blend it in and make it less noticeable. He talked with some other neighbors in the area who said that some people locate their AC units in their front yards. He did not like this idea because then you have to cover it with a big box, which is less attractive.

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

Ms. Uchtmann moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval with the conditions as recommended by City staff. Ms. McLaughlin seconded the motion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Abstain
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 4 ayes, 0 nays and 1 abstention. This case will be forwarded to the City Council on July 21, 2014.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Case No. ZBA-2014-MAJ-02 regarding an awning at 804-1/2 East Main Street was approved by City Council on July 2, 2014.
- Bed and Breakfast Update – He stated that City staff has been conducting research on air bed and breakfast properties, which allows people to rent out rooms in their homes for extra income. City staff is considering the option to require this type of properties as rental properties. He talked about the distinction between an air bed and breakfast and a full-service bed and breakfast.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:02 p.m.

Respectfully submitted,

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