

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

DATE: September 21, 2016

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Ashlee McLaughlin, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED Joanne Chester, Matt Cho, Nancy Uchtmann

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT Teresa Anderson, Theodore Demin, Jennifer Hixson, Paul Hixson, Yuhana Khan, Jill Mulder

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

Chair Welch called the meeting to order at 7:32 p.m. Roll call was taken, and he declared that there was a quorum of the members present.

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the August 17, 2016 regular meeting were presented for approval. Mr. Warmbrunn suggested a correction to the minutes on Page 5, Item 12. It should read as follows, “~~Acting Chair Warmbrunn~~ Welch adjourned the meeting at 8:18 p.m.” Ms. McLaughlin moved to approve the minutes as corrected. Mr. Weisskopf seconded the motion. The minutes were approved by unanimous voice vote as corrected.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2016-MAJ-10: A request by Paul and Jennifer Hixson for a Major Variance to construct a pergola with solar panels that encroaches 12 inches into the 18-inch required east side yard setback at 209 West Indiana Avenue in the R-2, Single Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose of the Major Variance request. He described the subject property by noting the zoning and existing land uses of the proposed site and of the surrounding adjacent properties. He showed photos of the existing backyard and an illustration indicating where the proposed pergola would be located in relation to the house and garage. He reviewed how the criteria from Section XI-3 of the Urbana Zoning Ordinance pertained to the proposed request. He presented City staff's recommendation for approval with one condition. He mentioned that the applicants and their contractor were in the audience and available to answer any questions.

Chair Welch asked if the members of the Board had questions for City staff.

Mr. Weisskopf asked if a permit was required for an accessory structure. Mr. Marx answered that the variance was to allow the proposed pergola to encroach into the east side yard setback. While there may be permits required for building the pergola, no permits are required from a zoning aspect.

Mr. Warmbrunn questioned why the location of the proposed pergola could not be moved one foot to the west. Mr. Marx explained that it may require the applicants to install two solar panels in one row as opposed to three. They requested three panels across to maximize the amount of sunlight they receive. In addition, they need to be cautious of locating the panels due to the location of the controls. Lastly, they would like to keep the backyard aesthetically pleasing.

Mr. Warmbrunn stated that he could not read the dimension of the poles on the diagram. The dimensions listed state the tallest and lowest points of the poles. Lorrie Pearson, Planning Manager, added that the length and width would be about 16'8" x 16'4".

Mr. Warmbrunn inquired how far away from the garage would the highest point of the pergola be located. Ms. Pearson referred the question to the applicants.

There were no further questions for City staff. Chair Welch opened the hearing for public input.

Jill Mulder, representative of New Prairie Construction, stated that they would not normally need a permit to build a pergola; however, since they are putting a load (solar panels) on top of the pergola, then the City requires a building permit. She already met with the City's Building Inspector, John Patrick Bolger, and he had no problems with the construction plans for the pergola and solar panels.

Paul Hixson, property owner and applicant, explained that the panels at the top would be closer to the garage than the upright pillars that would provide the support. He could not recall the exact measurements. He stated that there is a small flowerbed behind the garage. The first pillar would be approximately one foot away from the flowerbed. The furthest north of the top would be about three feet from the garage to allow room for a person to get in between the garage and the pergola.

Their yard has a certain symmetry to it that they would like to maintain. There is an addition on the west side and with the garage, they form a U-shape. They have a bricked patio that reinforces the shape. They just want to bring the line visually out from the garage. If they shift the pergola over to the west one foot, then it would appear dog-legged and would not get as much sun. So, for both aesthetic and practical reasons they designed the pergola to encroach into the east side yard setback.

He mentioned that he was appreciative to the City of Urbana for having created the initiative that allowed the C-U Solar Program to come forward. The solar panels on the roof of their house have been active for 27 days and have already generated a significant amount of energy. They would like to increase this by installing the proposed pergola and solar panels.

He noted there was a correction to the staff report in that there would be 12 panels instead of 3 panels. He viewed a pergola with solar panels at a house in Champaign and found it attractive. They spoke with 26 of their neighbors and each one supported their proposal.

Mr. Weisskopf wondered how much energy the proposed pergola with 12 panels would generate. Mr. Hixson said that they currently have 18 panels on the roof and along the east side of their house. Adding 12 more panels would give them a total of 30 panels. The existing 18 panels are generating approximately 22 kilowatts of electricity. They believe the total generating capacity of all 30 panels would be in the high 30s.

With there being no further comments or testimony from members in the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-10 to the City Council with a recommendation for approval including the following condition:

- 1. The site be developed in general compliance with the site plan and rendering attached in the staff report.*

Mr. Warmbrunn seconded the motion. Roll call on the motion was as follow:

| | | | | | |
|----------------|---|-----|---------------|---|-----|
| Ms. McLaughlin | - | Yes | Mr. Warmbrunn | - | Yes |
| Mr. Weisskopf | - | Yes | Mr. Welch | - | Yes |

The motion passed unanimously by a vote of 4-0. Ms. Pearson noted that this case would be forwarded to City Council on October 3, 2016.

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 Welch adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
Planning Manager
Secretary, Urbana Zoning Board of Appeals