

**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 Anandel, 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