



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: September 16, 2010

SUBJECT: ZBA-2010-MAJ-04: A major variance request by Philip Kennedy to allow for a 14-foot, 7-inch encroachment into the required 15-foot yard for 902 East Illinois Street.

Introduction

Philip Kennedy wishes to build a front porch at his house at 902 East Illinois Street. The porch will be six feet deep and located at the Illinois Street side of the house. Due to the shallow distance from the house to the property line the stairs would encroach 14 feet, seven inches into the required 15-foot front yard. Table VI-3 of the Urbana Zoning Ordinance states that the minimum required yard in the R-3, Single and Two-Family Residential District is 15 feet. A major variance is required in order to build the porch.

The Urbana Zoning Board of Appeals held a public hearing regarding this case on September 15, 2010. At that meeting the ZBA voted 4 ayes to 0 nays to forward the case to City Council with a recommendation to approve the variance as requested.

Background

The subject property, 902 East Illinois Street is located in the Historic East Urbana Neighborhood, on the northeast corner of Illinois and Lynn Streets, and is zoned R-3, Single and Two-Family Residential. The lot is 52 feet wide along Lynn Street and 108.5 feet along Illinois Street, with an area of 5,649 square feet. It does not conform to current Zoning Ordinance standards for lot width or area, but is considered to be a legal lot of record. There is a shared driveway along the northern edge of the site.

The property contains a small house which is set back 11 feet from the property line along Illinois Street and about 10 feet along Lynn Street, both of which encroach into the required setback lines. The house was built before 1923. Old surveys and recent aerial photographs show that the house had a front porch along Illinois Street which extended about 6 feet from the house and along almost

the entire width of the house. The porch was recently removed prior to the purchase of the property by the applicant.

Adjacent Land Uses, Zoning Designations and Comprehensive Plan Designations

The surrounding area is residential in character, with mostly single family homes and a few duplexes. The houses in the neighborhood are generally older and built on small parcels, many which encroach into the required yard.

Following is a summary of zoning and land uses for the subject site and surrounding property. Exhibits A, B and C further illustrate this information.

Location	Existing Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-3, Single and Two-Family Residential	Single-Family Dwelling	Residential – Urban Pattern
North	R-3, Single and Two-Family Residential	Single-Family Dwellings	Residential – Urban Pattern
South	R-3, Single and Two-Family Residential	Single-Family and Duplex Dwellings	Residential – Urban Pattern
East	R-3, Single and Two-Family Residential	Single-Family Dwellings	Residential – Urban Pattern
West	R-3, Single and Two-Family Residential	Single-Family Dwellings	Residential – Urban Pattern

Discussion

The existing house originally had a front porch along Illinois Street. Recently, the porch was removed and new siding was installed on the house. The house has since been purchased by Philip Kennedy, who wishes to rebuild the porch and stairs in the required yard to access the front door. The front door is over three feet above ground level, and is currently not able to be used, which is a Building Code concern. Since the house encroaches four feet into the required yard, any stairs or porch built to access the front door and correct the code violation would require a variance. Providing access to the front door will improve the usability of the house and make it safer for access and egress in emergency situations. While there is a second entrance in the rear of the house, it is important to maintain access to the front door along the street. In older neighborhoods such as Historic East Urbana, having the main entrance face the street is an important design feature that maintains the character of the area.

The proposed porch would extend six feet from the house and would be twelve feet wide, as shown in Exhibit D-2. The stairs would extend four feet, seven inches from the porch. The building code limits stair risers to 7.75 inches in height, and requires a tread (depth) of ten inches. These code requirements dictate the depth of the staircase; at least five risers would be required and each must be at least ten inches deep. In total, the porch and stairs would extend ten feet, seven inches from the house, for an encroachment of 14 feet, seven inches into the required front yard. This encroachment would leave one foot, five inches of clear space from the sidewalk to the first stair riser. It should be

noted that the sidewalk is four feet wide and is set about 12 feet back from the road. This 12-foot parkway is wider than normal for the neighborhood.

The property is in an older neighborhood with smaller lots. Many homes in the area are built within the required yard. There are other properties nearby that have front porches which extend to within a foot or two of the sidewalk. Until recently, the house had a front porch which extended into the required yard. This previous porch was wider than what is being proposed. There is an existing walkway from the public sidewalk, in line with the front door, which led to the previous porch stairs. The applicant wishes to continue to use this walkway, and has therefore proposed to place the stairway for the new porch in line with the front door, rather than off to the side. By having the stairs in front of the porch rather than off to the side, the applicant will not have to remove one of the large bushes in front of the house.

Section VI-5.B(5) of the Urbana Zoning Ordinance allows for unenclosed porches to encroach into the required yard, but only up to five feet. Since the house itself encroaches four feet into the required yard, this allowance does not facilitate the construction of a porch on the subject property.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance as they pertain to this case:

1. *Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*
2. *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.*

The special circumstances requiring the variance are the location of the existing house within the required front yard and the fact that the floor of the house is raised over three feet from ground level. In order to access the front door, a staircase and landing would need to be placed in the required front yard.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The applicant did not cause the need for a variance. The house was built within eleven feet of the property line many years ago. Since then a required yard of fifteen feet was established. The house originally had a porch in the required yard; this was removed by the previous owner.

4. *The variance will not alter the essential character of the neighborhood.*

Granting the variance would not have a significant impact on the essential character of the neighborhood. There are a number of other homes in the immediate area with porches that extend into the required yard, some of which are shown in Exhibit E. The subject property until recently had a front porch for many years.

5. *The variance will not cause a nuisance to the adjacent property.*

The proposed porch will not increase the intensity of use, and would extend toward the street and away from adjacent properties. The stairs will be set back one foot, five inches from the sidewalk, and will not interfere with the path of travel.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The variance request represents the minimum amount needed to rebuild a front porch in line with the existing path and where the original porch was located.

Summary of Findings

1. The petitioner is proposing to build a front porch and stairway that encroaches 14 feet, seven inches into the required 15-foot front yard at 902 East Illinois Street.
2. The subject property is located in the Historic East Urbana Neighborhood and is zoned R-3, Single and Two-Family Residential.
3. The variance is necessary due to the placement of the house and front door within the required front yard.
4. 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 because there are other properties with similar encroaching front porches in the area.
5. The requested variances represent the minimum deviation from the Zoning Ordinance needed to rebuild a front porch where the original porch was located.
6. Granting the requested variance will improve access and usability of the house and will bring the house into conformance with the Property Maintenance Code.

Options

City Council has the following options regarding Major Variance Case No. ZBA-2010-MAJ-04:

- a. Approve the variance as requested;
- b. Approve the variance subject to certain conditions; or

- c. Deny the variance.

Recommendation

The Urbana Zoning Board of Appeals held a public hearing regarding this case on September 15, 2010. At that meeting the ZBA voted 4 ayes to 0 nays to forward Case No. ZBA-2010-MAJ-04 to City Council with a recommendation to **APPROVE** the variance as requested. Staff concurs with this recommendation.

Memo Prepared By:

Jeff Engstrom, AICP, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Existing Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Variance Application
 Exhibit E: Photos of Site and Nearby Properties

cc: Philip Kennedy
 902 E. Illinois St.
 Urbana, IL 61801

ORDINANCE NO. 2010-09-081

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an Encroachment of 14 Feet, 7 Inches into the Required 15-Foot Front Yard in the City's R-3, Single and Two-Family Residential District at 902 East Illinois Street / Case No. ZBA-2010-MAJ-04)

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 the structure; and

WHEREAS, Philip Kennedy has submitted a petition for a major variance to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required fifteen-foot required front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-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 September 15, 2010 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-3.C.2.d 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:

1. The petitioner is proposing to build a front porch and stairway that encroaches 14 feet, seven inches into the required 15-foot front yard at 902 East Illinois Street.
2. The subject property is located in the Historic East Urbana Neighborhood and is zoned R-3, Single and Two-Family Residential.
3. The variance is necessary due to the placement of the house and front door within the required front yard.
4. 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 because there are other properties with similar encroaching front porches in the area.
5. The requested variances represent the minimum deviation from the Zoning Ordinance needed to rebuild a front porch where the original porch was located.

6. Granting the requested variance will improve access and usability of the house and will bring the house into conformance with the Property Maintenance Code.

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

Section 1. The major variance request by Philip Kennedy, in Case No. ZBA-20109-MAJ-04, is hereby approved to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required 15-foot front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District.

The major variance described above shall only apply to the property located at 902 East Illinois Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 11 in Block 4 in Teddy G. Johnson's Addition to the City of Urbana, as per Plat recorded in Plat Book "C" at Page 44, situated in Champaign County, Illinois.

PIN #: 92-21-16-111-011

Section 2. The 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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and
"nays" being called of a majority of the members of the Corporate Authorities
of the City of Urbana, Illinois, at a regular meeting of said Authorities on
the ____ day of _____, 2010.

PASSED by the Corporate Authorities this ____ day of _____,
2010.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2010.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2010, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (To Allow an Encroachment of 14 Feet, 7 Inches into the Required 15-Foot Front Yard in the City's R-3, Single and Two-Family Residential District at 902 East Illinois Street / Case No. ZBA-2010-MAJ-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2010, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____,
2010

EXHIBIT A: Location & Existing Land Use Map



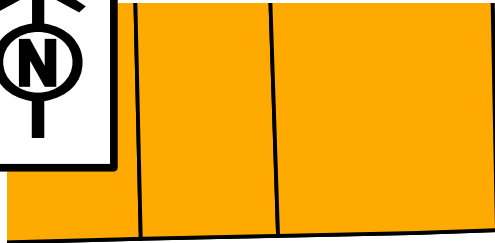
Plan Case: 2010-MAJ-04
Petitioner: Philip Kennedy
Location: 902 East Illinois Street
Description: Request for a Major Variance to encroach 14 feet 7 inches into the required 15-foot front yard along Illinois Street

Prepared 08/10 by Community Development Services - jme

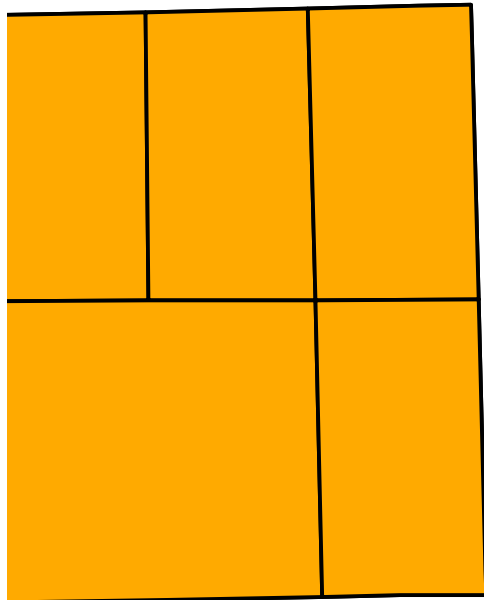


Subject Property

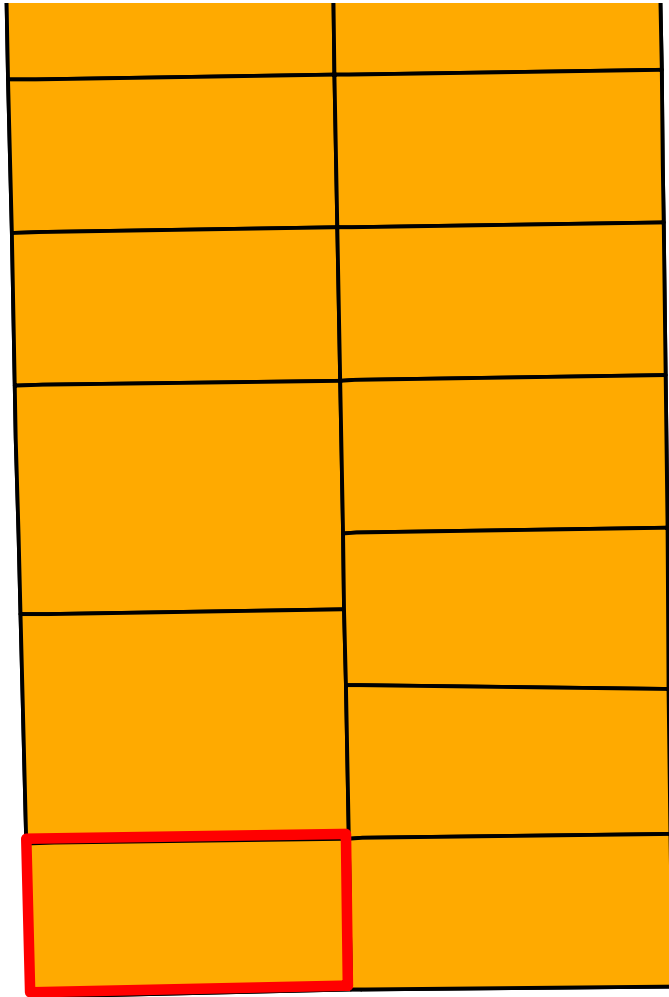
EXHIBIT B: Existing Zoning Map



E High St

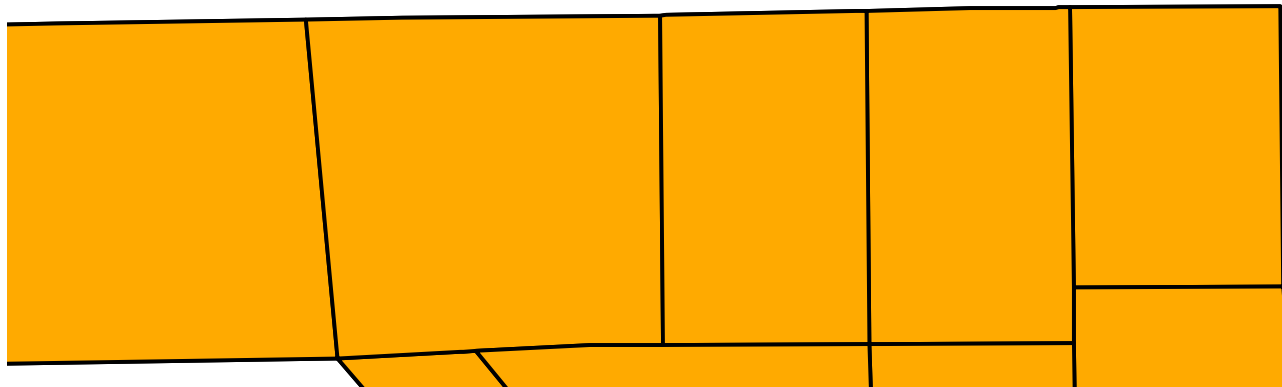


S Lynn St



Johnson Ave

E Illinois St



Plan Case: 2010-MAJ-04
Petitioner: Philip Kennedy
Location: 902 East Illinois Street
Description: Request for a Major Variance to encroach 14 feet 7 inches into the required 15-foot front yard along Illinois Street

Prepared 08/10 by Community Development Services - jme

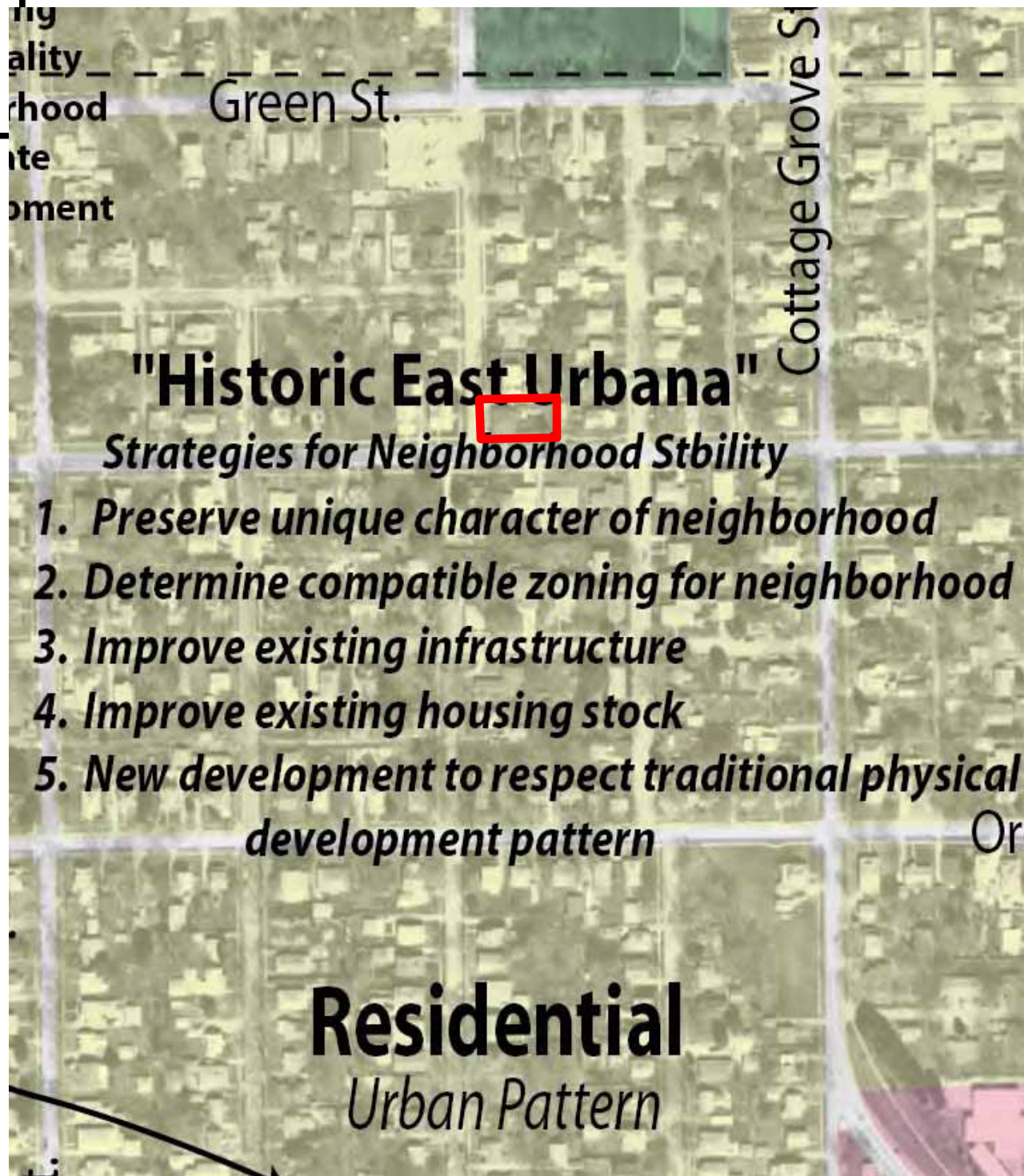


Subject Property



R3

EXHIBIT C: Future Land Use Map



Plan Case: 2010-MAJ-04
Petitioner: Philip Kennedy
Location: 902 East Illinois Street
Description: Request for a Major Variance to encroach 14 feet 7 inches into the required 15-foot front yard along Illinois Street

Prepared 08/10 by Community Development Services - jme



Subject Property



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY AUG 6 2010

Date Request Filed 08-06-2010 ZBA Case No. ZBA-2010-MAJ-04
 Fee Paid - Check No. 11400 Amount \$125.00 Date 08-06-2010

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* FRONT PORCH/13' ENCRoACHMENT on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): PHILIP J. KENNEDY Phone: 217-352-9597
 Address (street/city/state/zip code): 902 E. ILLINOIS ST. URBANA IL 61801
 Email Address: BOOKSTYLE @ YAHOO.COM
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2.

OWNER INFORMATION

Name of Owner(s): PHILIP J. KENNEDY Phone: 217-352-9597
 Address (street/city/state/zip code): 902 E. ILLINOIS ST. URBANA IL 61801
 Email Address: BOOKSTYLE @ YAHOO.COM
 Is this property owned by a Land Trust? Yes No
 If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 902 E. ILLINOIS ST. URBANA IL 61801
 PIN # of Location: 92-21-16-111-011

Lot Size: 108.46 x 52.11 = 5,649 s.f.

Current Zoning Designation: R 3

Current Land Use (*vacant, residence, grocery, factory, etc*): RESIDENCE

Proposed Land Use: RESIDENCE

Legal Description: SINGLE FAMILY HOME

4. CONSULTANT INFORMATION

Name of Architect(s): _____ Phone: _____

Address (*street/city/state/zip code*): _____

Email Address: _____

Name of Engineers(s): _____ Phone: _____

Address (*street/city/state/zip code*): _____

Email Address: _____

Name of Surveyor(s): _____ Phone: _____

Address (*street/city/state/zip code*): _____

Email Address: _____

Name of Professional Site Planner(s): _____ Phone: _____

Address (*street/city/state/zip code*): _____

Email Address: _____

Name of Attorney(s): _____ Phone: _____

Address (*street/city/state/zip code*): _____

Email Address: _____

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

DUE TO THE HISTORIC PLACEMENT OF THE RESIDENCE, THE HOME (AND ANY CONTIGUOUS FRONT PORCH) EXTENDS BEYOND THE 15' SET BACK SUGGESTED/REQUIRED BY STRICT APPLICATION.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

INSTALLING A FRONT PORCH ON THIS STRUCTURE WILL REQUIRE A VARIANCE BECAUSE THE HOUSE WAS HISTORICALLY BEYOND THE 15' CODE REQUIREMENT.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

THE PLACEMENT OF THE HOUSE IS WHAT NECESSITATES THE VARIANCE.

Explain why the variance will not alter the essential character of the neighborhood.

THE STRUCTURE HISTORICALLY HAD A FRONT PORCH, REACHING BACK TO ITS ORIGINAL CONSTRUCTION. THIS VARIANCE WILL BUILD UPON THE ESSENTIAL CHARACTER.

Explain why the variance will not cause a nuisance to adjacent property.

THIS VARIANCE IS A SUFFICIENT DISTANCE FROM ANY ADJOINING LOTS AND FACES THE STREET SIDE OF THE LOT.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

THE PROPOSED FRONT PORCH EXTENDS A MODEST 6' FEET FROM THE FRONT OF THE RESIDENCE. THE STEPS ARE AS COMPACT AS CAN REALISTICALLY BE BUILT.

NOTE: *If additional space is needed to accurately answer any question, please attach extra pages to the application.*

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Philip J. Kennedy
Applicant's Signature

8/6/10
Date

Re: Proposed Front Porch addition to Residence at 902 E. Illinois St., Urbana, Illinois

Based on Residential Building Code 2003 sec. R311.5

requirements for the construction of a front porch on the residence at 902 W. Illinois St in Urbana have been closely followed:

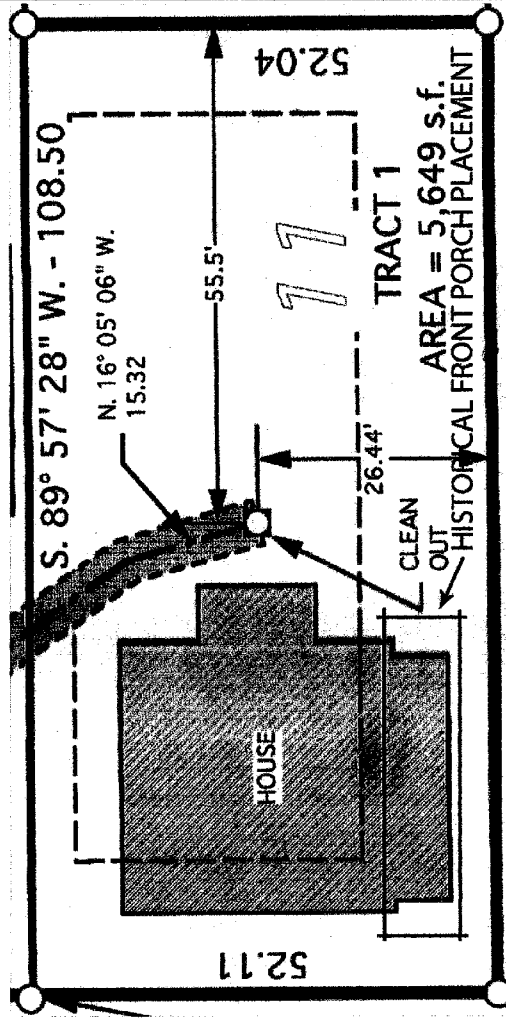
Related to Steps

- ▶ Maximum riser height for stair construction 7 3/4"
- ▶ Minimum tread width for stair construction 10"
- ▶ The greater height of any stair riser must not exceed the smallest riser height by more than 3/8"
- ▶ Maximum riser height 7 3/8"
- ▶ Minimum riser height 7 1/4"
- ▶ This makes the greatest variation 1/8"

Related to Hand Rail

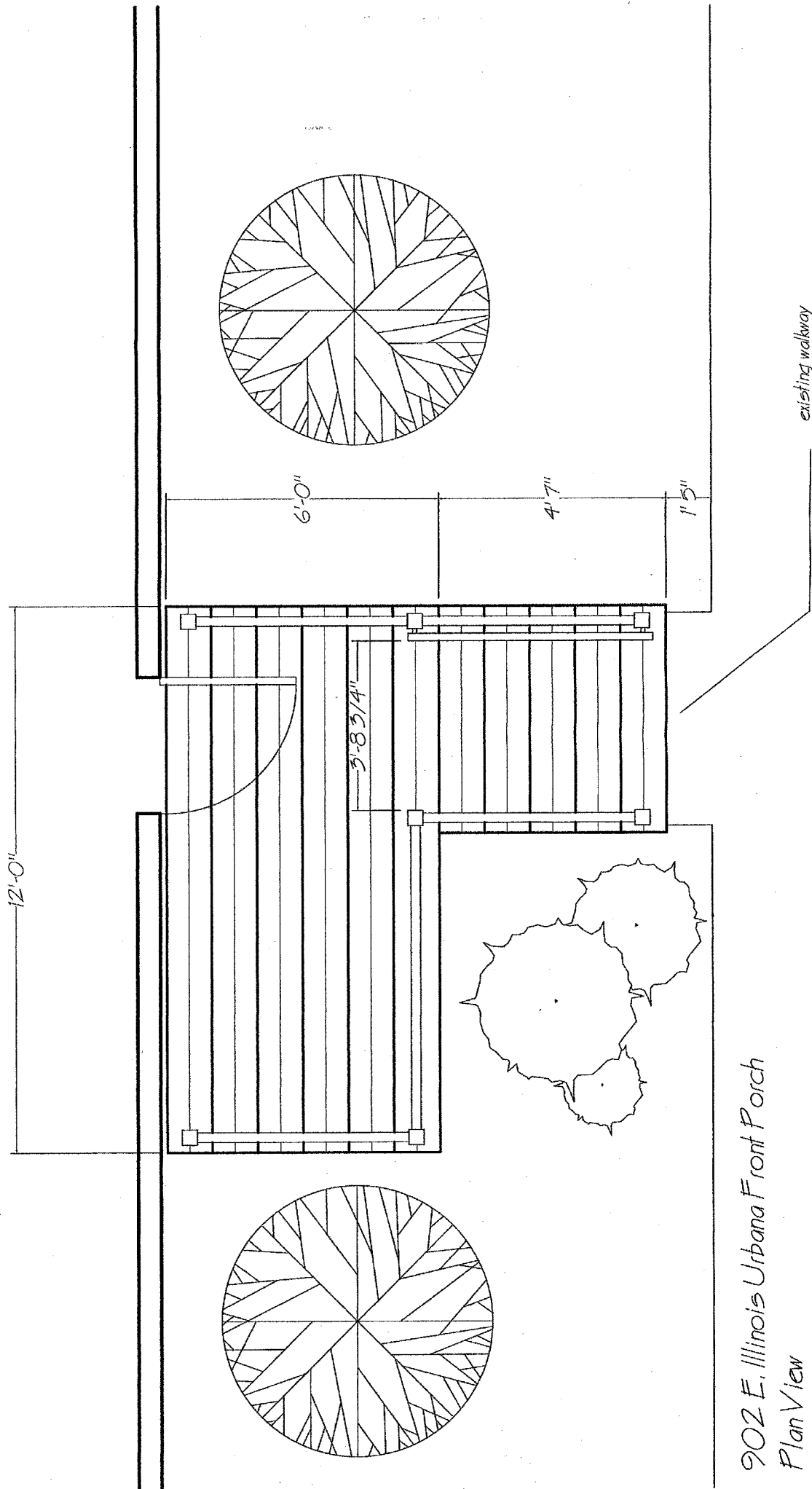
- ▶ There must be at least one hand rail present running the length of the steps for any set of steps longer than four steps
- ▶ Hand rail must not project greater than 4 1/2" away from guard rail
- ▶ Hand rail must be in height greater than 34" and less than 38"
- ▶ Hand rail of a not circular nature must be in circumference greater than 4" and less than 6 1/4"
- ▶ The staircase must provide a minimum of clear width from hand rail to hand rail of 31 1/2"
- ▶ The handrail will be installed to meet this requirement at the time of construction
- ▶ The handrail will be installed to meet this requirement at the time of construction
- ▶ The handrail purchased through the "kit" sold by the local home improvement warehouse meets this requirement
- ▶ The clear width from hand rail to guard rail will be approx. 3' 8 3/4"

Exhibit 1



Historically this residence had a front porch that extended nearly the entire length of the structure on its Illinois St. elevation. The proposed construction intends to replace what previously existed with an updated front porch made from attractive and highly durable materials, primarily composite decking. The new structure will allow enough space for a small table and will be accompanied by professional grade landscaping. All of this is intended to significantly add to the curb appeal of the residence and improve the street scape along this stretch of Illinois street.

Exhibit 2

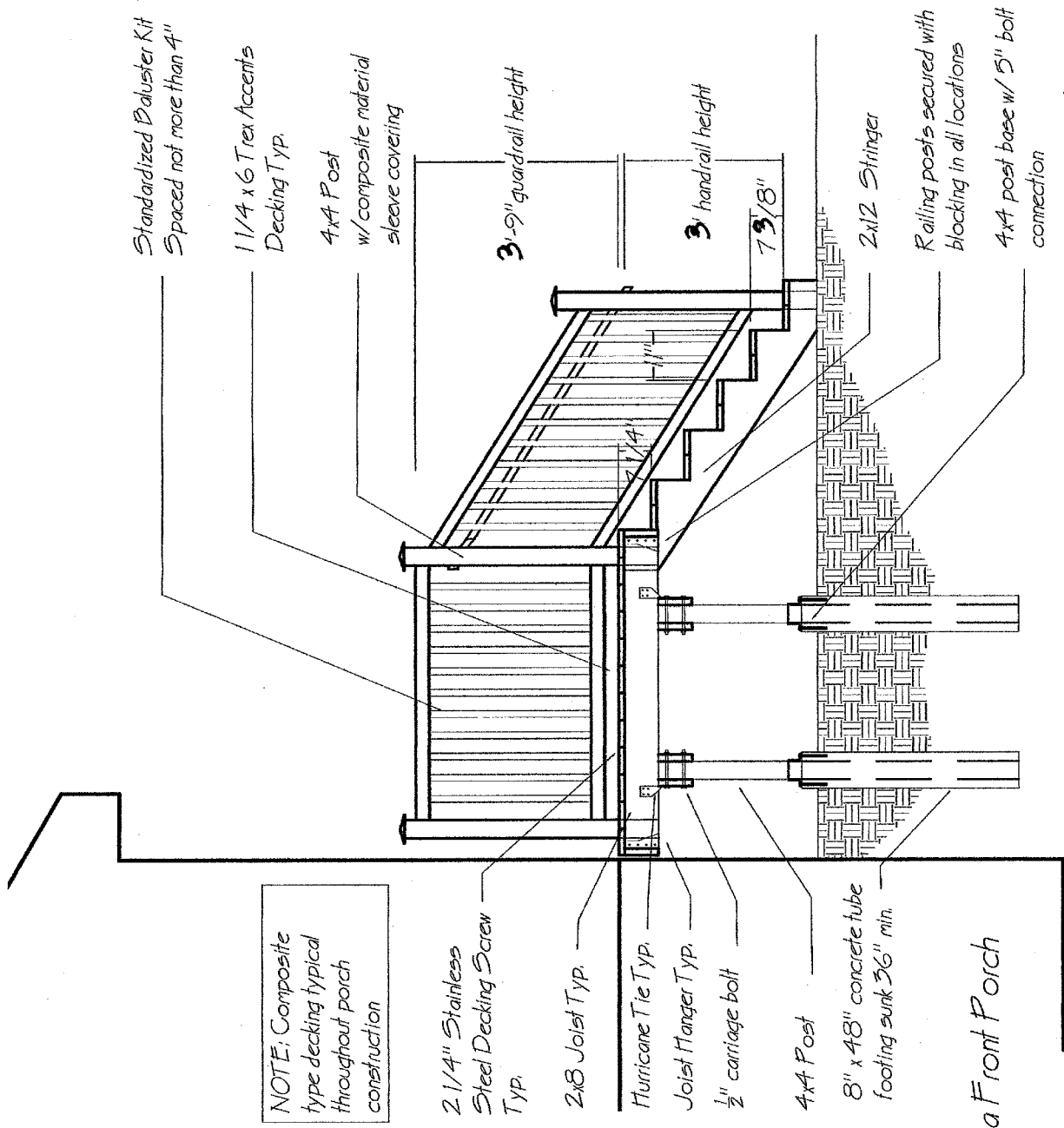


902 E. Illinois Urbana Front Porch

Plan View

scale: 1/2" = 1'

Exhibit 3



Standardized Baluster Kit
Spaced not more than 4"

1 1/4 x 6 Trex Accents
Decking Typ.

4x4 Post
w/ composite material
sleeve covering

3'-9" guard rail height

3' hand rail height

7 3/8"

2x12 Stringer

Railing posts secured with
blocking in all locations

4x4 post base w/ 5" bolt
connection

NOTE: Composite
type decking typical
throughout porch
construction

2 1/4" Stainless
Steel Decking Screw
Typ.

2x8 Joist Typ.

Hurricane Tie Typ.

Joist Hanger Typ.

1/2" carriage bolt

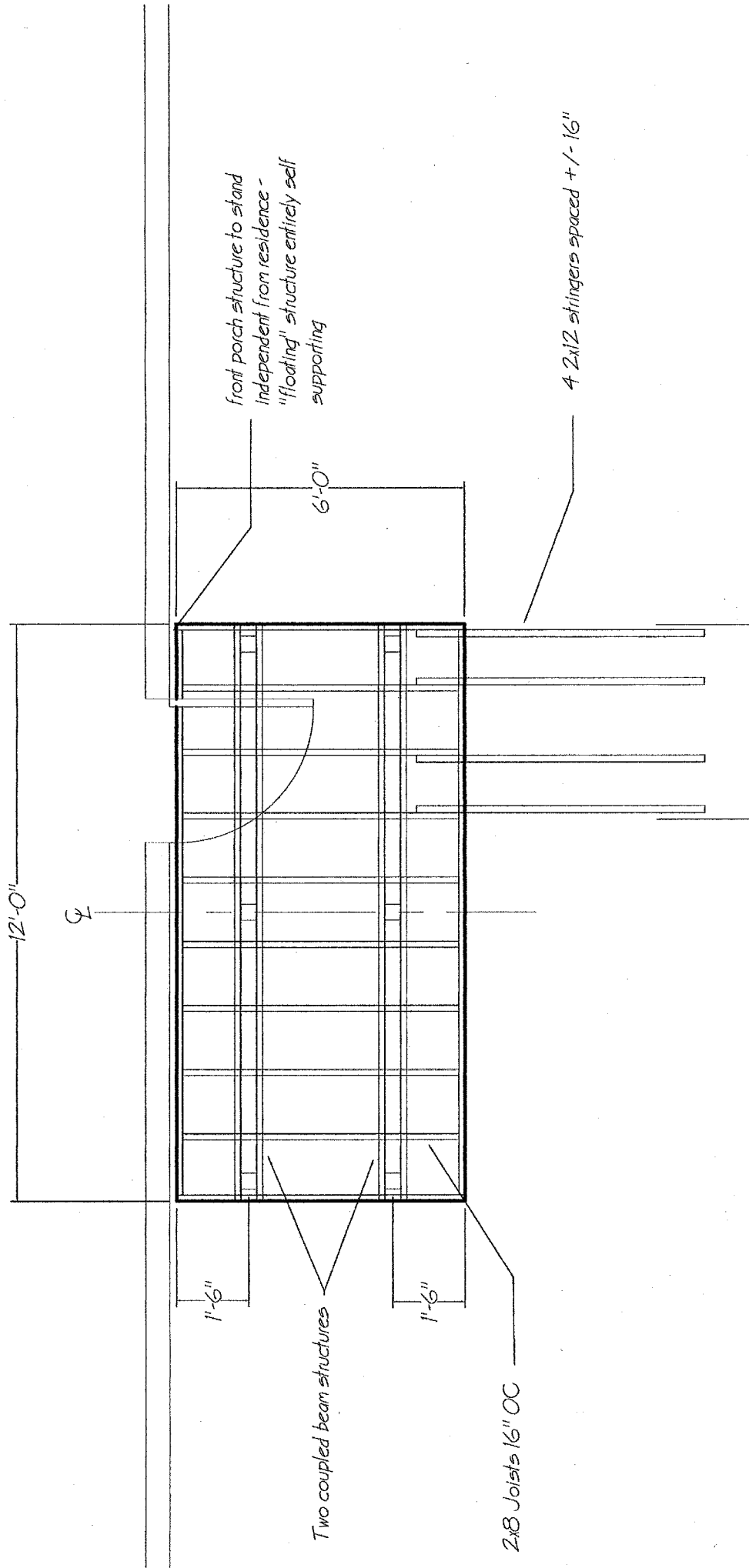
4x4 Post

8" x 48" concrete tube
footing sunk 36" min.

902 E. Illinois Urbana Front Porch

Section View

scale: 1/2" = 1'



902 E. Illinois Urbana Front Porch
Structural View
scale: 1/2" = 1'

Exhibit E: Photos of Site and Nearby Properties



Subject Property (902 E. Illinois St.)



806 E. Illinois St.



808 E. Illinois St.



401 S. Lynn St.

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

DATE: September 15, 2010

DRAFT

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

MEMBERS EXCUSED Harvey Welch

STAFF PRESENT Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT Robert DeAtley, Bryan Johns, Fred Lux

NEW PUBLIC HEARINGS

Case No. ZBA-2010-MAJ-04: A major variance request by Philip Kennedy for a major variance to allow for a 14-foot, 7-inch encroachment into the required 15-foot yard for 902 East Illinois Street in the City's R-3, Single and Two-Family Residential Zoning District.

Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began with a brief background of the proposed site and noted the purpose for the proposed major variance. He stated the land uses, zoning designations and Comprehensive Plan designations of the subject property and of the adjacent properties. He reviewed each variance criteria specified in Section XI-3 of the Urbana Zoning Ordinance as they pertain to this case. He summarized staff findings, read the options of the Zoning Board of Appeals and presented staff's recommendation, which is to forward this case to the City Council with a recommendation for approval.

With no questions for City staff from the Zoning Board of Appeals, Chair Armstrong asked if the applicant if he wished to provide any information to the Board. He indicated he did not.

Mr. Armstrong then opened the hearing for public comment. There was none. Chair Armstrong closed the public input portion of the hearing and opened it to Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2010-MAJ-04 to the Urbana City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before the City Council on Monday, September 20, 2010.