

**CITY OF URBANA
PROPERTY MAINTENANCE CODE BOARD OF APPEALS
WEDNESDAY, MARCH 3, 2004**

MEMBERS PRESENT:

Don Keeler, Bill Rose, Tom Welch, Dick Halberstadt and Gary Stebbins

STAFF PRESENT:

Steve Cochran, Clay Baier and Vivian Petrotte

OTHERS PRESENT:

Jim and Barbara Linder, Owners

CALL TO ORDER:

The meeting was called to order by Gary Stebbins at 4:04 p.m.

APPROVAL OF MINUTES:

Gary Stebbins asked for a motion to approve the minutes of the meeting held Wednesday, August 6, 2003. Bill Rose made the motion to approve the minutes and Gary Stebbins seconded the motion. All agreed and the minutes were not only approved as read, but signed by Donald Keeler.

OLD BUSINESS:

There was no old business

NEW BUSINESS:

The case to be heard was PMCBA-04-V-01; 409 W. Illinois St., Jim and Barbara Linder, Owners.

Gary Stebbins asked for the city's position on this case. Steve Cochran stated that the issue before us now is a result of the homeowner not doing what they proposed to do on the original variance (PMCBA-03-V-03) to get the head room to be what was granted in the variance.

Mr. Stebbins asked if the homeowners would like to make a statement. Mr. Linder handed out some notes. Mr. Halberstadt asked if this was from the original variance. Mr. Linder stated that this was new. He then started by apologizing for not getting all the information the first time around. He didn't realize what a big deal it would be to remove the chimney. He then stated his gratitude and appreciation to Tim Mecum and Corey Ireland for helping him with the bathroom, which is now done. He acknowledges that houses today are not built with chimney's that encroach into the hallway space and knows that this did not encroach until they moved the doorway so that it would be centered on the peak of the roof.

Here are his reasons for asking for another variance:

Number 1 – I'm not trying to get away with some cheap construction that I'm hoisting on a renter or somebody else. It's the hallway to our private bathroom off of our master bedroom, we are the owners and occupants of the home and have been for 30 years and plan to stay there until we retire. It takes us about 2 seconds to get from our bedroom to the bathroom through the hallway. The hallway is not unsafe, not even an inconvenience to us. We've been using it since the first of the year and there is plenty of clearance. The third point is, which he didn't know when he started was the cost benefit. A masonry contractor came out and said that with the work that they would have to do, it would be over \$4,000 and his architect withdrew from the project, a project where he could be liable for the chimney if it collapsed. The final point is that he feels there needs to be some benefit to offset the cost and he

cannot see any benefit. He has used the hallway for years. He showed some digital pictures that show both of them standing beside the chimney

Mr. Halberstadt commented that it may be fine for them but not for a stranger.

Mr. Rose and Mr. Halberstadt had some general questions about the drawings and the architect. Mr. Linder remarked that the architect made the preliminary sketches before he withdrew from the project.

Mr. Stebbins wanted to know if the board/city allowed the variance and someone was hurt, would they be liable? Mr. Cochran stated that he didn't know. That would be an issue for the city's legal department.

Mr. Cochran and Mr. Halberstadt said that we need to think about the people who would use this in the future.

Mr. Stebbins asked if anyone was ready to take a vote. Mr. Rose and Mr. Welch both said that they were not ready, but at this time they would both have to deny the variance, as it was a problem the way it was.

General discussion followed. Mr. Stebbins asked what would happen if they did nothing. Mr. Cochran said that they would need to remove the bathroom. Mr. Halberstadt commented that he understood their dilemma, but that they needed to do what the original variance granted.

Mr. Rose stated that if not, they needed to present other options for the hallway. He also said he would be willing to answer questions, or help them to come up with another solution, but to leave it the way it was is not acceptable.

Mr. Halberstadt made a motion to continue this meeting until May 5th at 4:00, which would give Mr. Linder time to come up with other options to present to the board. Mr. Stebbins seconded the motion and it passed unanimously.

ADJOURNMENT:

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Approved:

Vivian Petrotte

Don Keeler, Secretary

PMCBA:vp