

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

**DATE:** March 20, 2002  
**TIME:** 7:30 p.m.  
**PLACE:** Urbana City Building  
400 S. Vine Street  
Urbana, IL 61801

**APPROVED**

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**MEMBERS PRESENT:** Herb Corten, Darwin Fields, Anna Merritt, Harvey Welch  
**MEMBERS ABSENT** Paul Armstrong, Joe Schoonover, Charles Warmbrunn,  
**STAFF PRESENT:** Tim Ross, Senior Planner; Rob Kowalski, Planning  
Manager; Libby Tyler, CD Director; Teri Hayn, Secretary  
**OTHERS PRESENT:** Cary Bassani, Rich Cahill, Elizabeth Asako and Haruko  
Kinase-Leggett, Esther Patt, David Scheitlin, Erik  
Sorenson, Gail Taylor, Don Wauthier

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

Chair Merritt called the meeting to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Welch moved to approve the minutes from the February 20, 2002 meeting. Mr. Corten seconded the motion. The motion carried by a unanimous vote.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

**ZBA-02-MAJ-02; A request by Haruko Kinase-Leggett and Anthony Leggett for a Major Variance to allow the reduction of a side yard setback from 18 inches to 6 inches to allow for the construction of a new garage at 607 West Pennsylvania.**

Tim Ross, Senior Planner, presented the staff report for this case. He began with a brief introduction and followed with a presentation on the background of the site including a description of the site itself and zoning and land uses of the surrounding properties. Mr. Ross discussed the Variance Criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and stated the staff recommendation, which was as follows:

*Based on the findings outlined in the written staff report, staff recommended that the Urbana Zoning Board of Appeals recommend APPROVAL of the proposed variance, as requested to the Urbana City Council.*

Mr. Corten asked if the garage would be a one-car garage? Mr. Ross replied yes.

Mr. Welch asked if the existing garage was sitting on the east and south property lines? Mr. Ross replied that was correct. Mr. Welch asked if the new garage would just be sitting on the east property line? Mr. Ross answered that the new garage would set back six inches from the east property line. The existing garage is right on the property line.

Mr. Fields moved to forward this case to the Urbana City Council with the recommendation for approval. Mr. Corten seconded the motion. The roll call was as follows:

Mr. Fields	-	Yes	Ms. Merritt	-	Yes
Mr. Welch	-	Yes	Mr. Corten	-	Yes

The motion was approved by unanimous vote.

David Scheitlin, petitioner, requested that this case be presented to the City Council on April 8<sup>th</sup> instead of April 1<sup>st</sup> due to the fact that he would be out-of-town. Ms. Tyler stated that Mr. Scheitlin could submit a written request to Mayor Satterthwaite asking for a continuance to another City Council agenda.

**ZBA-02-MAJ-03; A request for a Major Variance filed by the First Presbyterian Church at 602 West Green Street to allow for the expansion of a parking lot at 508 and 510 West Green Street with a 33% reduction in front yard setback along Orchard Street.**

**ZBA-02-MIN-01; A request for a Minor Variance filed by the First Presbyterian Church at 602 West Green Street in Urbana for a 22% reduction in front yard setback at 507 and 511 West Elm Street.**

Mr. Ross presented the staff report on these two cases together. He began his presentation by giving an explanatory prologue about the petitioner, address of the site, and of the proposal. He reviewed the background by giving a description of the site and explained the surrounding zoning and land uses. Mr. Ross discussed the current parking situation. He went over the Variance Criteria from Section XI-3 of the Urbana Zoning Ordinance as it related to these cases. He read the options of the Zoning Board of Appeals for each case. The staff recommendations for each case were as follows:

***ZBA-02-MIN-1:** Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals APPROVE this case.*

***ZBA-02-MAJ-3:** Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend APPROVAL as requested to the Urbana City Council.*

Mr. Fields questioned how the issue of water drainage would be handled? Mr. Ross answered that the petitioner had submitted the plans to Public Works, and the two were working together. There have been no concerns raised in regards to drainage on that lot.

Don Wauthier, of Berns, Clancy and Associates, represented the petitioner, First Presbyterian Church. He mentioned that the church is in the process of doing some renovations and remodeling at the church, which are a part of the long-range plan that the church has for some improvements at the site. This plan includes adding about fifty parking spaces to the area. With Sunday services and Sunday School along with the other activities that go on, there is a lot of on-street parking. On-street parking does not work out well with rental properties and students, particularly in winter weather.

The First Presbyterian Church has a handshake agreement with the apartment residents to the east to allow some of those residents to park in the parking lot during weekdays when the church would not be using the parking lot. They also have a parking agreement with Red Cross on their lot that is to the north of Elm Street, so that it would not be an empty parking lot from Monday through Saturday every week.

Mr. Wauthier noted that the parking lot was designed with landscaping. The Church is trying to save the trees that are currently there by moving a rare magnolia tree and designing the parking lot to go around the second magnolia tree.

Mr. Wauthier talked about the error that was made when the original construction of the existing parking lot was done. He stated that it was assumed that the contractor measured from the back of the sidewalk. Thus, the parking lot is about a foot off from where it was supposed to be.

Mr. Wauthier talked about the requested setback. He commented that the only impact would be on the church itself, since the frontage on the other side is the church itself.

Mr. Wauthier talked about the storm water detention and drainage. He noted that the improvement plan called for storm water drainage at a construction of a new storm sewer to provide a storm sewer outlet. The church had already talked to the City Engineering Department about the providing some retrofit detention for the existing parking. It is not required but the church will put in retrofit detention to be a good neighbor.

Mr. Wauthier felt that there would not be any impact to the neighborhood and should actually improve traffic conditions along Green Street. All the parking traffic would be on Orchard Street going into the parking lot or be on Elm Street. The church felt these were the minimum variances that are needed to accomplish what they would like to do.

Mr. Corten asked if the long-range plan of the taking over of Orchard Street or the arrangements on Orchard Street would make a big difference? Or is this plan part of that? Mr. Wauthier responded that ultimately the long-range plan would be for the church to acquire Orchard Street. Mr. Corten asked if there was parking along Orchard Street? Mr. Wauthier replied yes.

Gail Taylor, of 307 South Orchard, described where she lived in reference to the proposed site. She was curious about the landscaping that the church was planning to put in on Green Street. What kind of species of plants, the spacing between the plants, and how tall would the plants grow were questions she had for the petitioner. The landscaping will affect the aesthetics of the neighborhood.

Ms. Taylor mentioned that two very viable properties were demolished to make way for this variance. This variance is being asked for after-the-fact. She expressed concerned about setting a precedent for others in the community and about preserving the aesthetics of the neighborhood and the community. She felt it was a backwards process to tear the homes down and then request a variance.

Mr. Wauthier responded that the petitioner has not selected the plant species at this time. The petitioner intends to comply with the Urbana Zoning Ordinance requirements for the screening and to also consult with the City Arborist to see what the arborist recommends. It is the church's desire to have a site that is aesthetically acceptable to the neighborhood.

Ms. Taylor asked how the petitioner could come forward with this variance request if the landscaping was not part of the request? Ms. Tyler replied that there are very specific requirements in the Urbana Zoning Ordinance for spacing and types of shrub and trees. The City Arborist will review the landscaping plans to ensure that they comply. Ms. Tyler stated that on the other point about the precedent, there is a need to distinguish between what the Zoning Ordinance regulates in terms of use versus the variance that was being requested for setback width. The actual use as parking accessory to the church is permitted by right. The petitioner is asking for special permission for the reductions regarding the parking aisles and saving the trees.

Ms. Taylor asked why someone could get a permit from the City to tear down a property and then at a later date come forward to request a variance? Ms. Tyler responded that the City does not prohibit demolitions. However, when a property owner gets ready to rebuild, at that point he needs to comply with the Urbana Zoning Ordinance's use regulations and Development Regulations. Ms. Taylor inquired into whether there will be a point in time when the City will offer public input for tearing down of property? Ms. Tyler replied that historic designations and landmarks have that protection now. The City posts demolition permits on the City's website to allow utility companies to verify clearance and allows some level of salvage from groups like Preservation and Conservation Association (PACA).

Rich Cahill, of 307 South Orchard, mentioned that has lived at this address for fourteen years. There are two rush hours, which are: 1) 10:00 am and 2) 2:00 pm. There is a lot of "creative parking" during rush hours. Although he sees the need for another parking lot, he expressed concern about the screening. He would like to see the plans include some large spruces or pines that would block the east side of the property line.

Mr. Cahill stated that with the demolition of the two houses and the funeral home down the street, the character of Green Street is gone. The screening used on the east property line might help the aesthetics of the area.

Mr. Cahill also expressed concern regarding the future expansion of the First Presbyterian Church. He had heard rumors that the church was planning to take the rest of the houses down to the west on Elm Street. It could be that the Ricker House will be the orphan house on the entire block. That would not be a good neighbor policy.

Mr. Fields moved that the Urbana Zoning Board of Appeals approve case #ZBA-02-MIN-1 for the reasons stated by staff during the report. Mr. Welch seconded the motion. The roll call was as follows:

Ms. Merritt	-	Yes	Mr. Welch	-	Yes
Mr. Corten	-	Yes	Mr. Fields	-	Yes

The motion was passed by unanimous vote.

Mr. Fields moved that the Urbana Zoning Board of Appeals forward case #ZBA-02-MAJ-3 to the Urbana City Council with the recommendation for approval. Mr. Corten seconded the motion. The roll call was as follows:

Mr. Welch	-	Yes	Mr. Corten	-	Yes
Mr. Fields	-	Yes	Ms. Merritt	-	Yes

The motion was passed by unanimous vote.

## 8. NEW BUSINESS

There was none.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Ross gave the staff report on the following:

- ✓ *Unitarian Universalist Church*: He stated that the variance regarding this case was approved by City Council.

## 11. STUDY SESSION

There was none.

## 12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:25 p.m.

**Respectfully submitted,**

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**Tim Ross, Senior Planner**  
**Urbana Zoning Board of Appeals**