

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: April 16, 2003

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Darwin Fields, Anna Merritt, Joe Schoonover, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT None

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Tim Ross, Senior Planner; Michaela Bell, Planner; Teri Anzel, Secretary

OTHERS PRESENT: Peter Baksa, Dave Barr, Doris Barr, Rich Cahill, Liz Cardman, Betsy Cronan, Russ Dankert, Paul Debeuec, Tina Gunsalus, Kerry Helms, Kate Hunter, Nohra Mateus-Pinella, Richard Mohr, Esther Patt, Steve Ross, Matt & Adriana Taylor, Michael Walker, Joan Zagorski, Art Zangerl

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

The meeting was called to order at 7:35 p.m. The roll call was taken, and a quorum was declared present with all the Zoning Board members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the February 19, 2003 meeting were presented. Mr. Corten moved to approve the minutes as presented. Mr. Fields seconded the motion. The minutes were then approved by unanimous vote.

Chair Merritt swore in members of the public audience who were interested in speaking during the public portions of the hearings.

4. WRITTEN COMMUNICATIONS

- ✓ Updated Historic Preservation Commission minutes regarding Case #ZBA-03-MIN-03 and Case #ZBA-03-MIN-04.
- ✓ Letter from Richard B. Cogdal regarding Case #ZBA-03-MIN-03 and Case #ZBA-03-MIN-04.
- ✓ Letter from John Deppe regarding Case #ZBA-03-MIN-03 and Case #ZBA-03-MIN-04.
- ✓ Overview of the Zoning Board of Appeals Annual Report

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-MAJ-02: A request for a major variance by Peter Baksa for a nine-foot reduction in the required 15-foot front yard along Central Avenue at 401 West Park Street in Urbana's R-5, Medium High Density Residential Zoning District.

Tim Ross, Senior Planner, presented this case to the Zoning Board of Appeals. He introduced the case by describing the zoning and land uses of the subject site and of the surrounding properties. He noted that the petitioner, Peter Baksa, intended to establish a two-story, eight-unit apartment building on the subject property and requested the major variance to accommodate the required parking spaces in the eastern front yard. He reviewed the variance criteria that pertained to this case according to Section XI-3 of the Urbana Zoning Ordinance and read the options of the Urbana Zoning Board of Appeals. The staff recommendation was as follows:

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 Zoning Board of Appeals recommend approval of this case as requested to the Urbana City Council with the condition that the landscaping buffer, shown in the Site Plan, be established and maintained as part of the development of the site in accordance with Section VI-5.G. of the Urbana Zoning Ordinance.

Mr. Corten inquired if there would be any access to the second floor for wheelchairs? Mr. Ross replied that there did not appear to be any. He indicated that the parking requirement for the

proposed development would be one handicap parking space, which was shown on the Site Plan. He added that Mr. Baksa might be able to comment on the accessibility question. Ms. Merritt noted that another division of the City would handle accessibility of the apartments. Mr. Ross stated that accessibility was a building code issue and would be handled by the City's Building Safety Division.

Mr. Fields stated his concern regarding variance criteria #2 of Section XI-3 of the Urbana Zoning Ordinance. He stated that he sees this request as a special privilege, and did not see any significant reason to warrant approval. Since the developer would be starting from scratch, he should be able to design a building to fit the parameters set forth in the Zoning Ordinance. There needs to be a basis for varying the zoning regulations. Other than trying to maximize their profit with a second story, he did not see the basis for altering the standards or giving any special consideration to this request. Mr. Ross mentioned that staff was presenting this case as likely being considered a special privilege. The only thing that staff wanted to point out, which related to variance criteria #1 as well, was that it was a corner lot. It does tend to constrain the uses on that property more than other non-corner lots. He stated that he understood Mr. Field's point, and mentioned it is true that other uses could be accommodated on the lot. However, this was what the petitioner had requested and what staff's analysis had shown. Mr. Fields noted that this comes up often with corner lots. This had always been a corner lot, and the developer knew it was a corner lot which, therefore, had certain constraints. He did not see why the developer could not construct a building that conforms to the Urbana Zoning Ordinance.

Mr. Schoonover noted that there would be eight apartment units with only nine parking spaces. Where would visitors park? Mr. Corten corrected him by noting that there would only be eight parking spaces. Mr. Ross answered by saying that the parking requirement was one parking space per unit. Any other parking would have to be accommodated by visitors parking on the street. There is some on-street parking available in the neighborhood.

Russ Dankert, architect of the proposed apartment complex, noted that these would all be one-bedroom apartments. He believed that one car per bedroom was a reasonable parking demand, which was also what the Urbana Zoning Ordinance required. Visitors would be expected to park on the street.

Mr. Dankert noted that they were aware that there would be two sides on the corner lot, both of which would have front yard line dimensions. He would expect the Central Avenue frontage would be secondary to Park Street as far as primary usage. They were requesting to be allowed to use part of the Central setback. He stated that it did not seem extraordinary of a request, but it was up to the Zoning Board of Appeals.

Mr. Corten mentioned that this could be a six-apartment complex as opposed to eight. He inquired if they were pushing it to eight in order to maximize the income from it? Mr. Dankert replied that it was the owner's request to make it an eight-apartment complex. Mr. Corten stated that was what leads to the requested variance. He asked why did they not design the proposed building to meet the allowable requirements to begin with? Mr. Dankert responded that the project that was given to him for this lot was to attempt to put eight units on it. The City

required enough parking, and because of the City requiring eight parking spaces, this variance request was made.

Peter Baksa, owner of the proposed property, mentioned that he had acquired six lots across from Crystal Lake Park last fall and had been trying to figure out a way to develop the area. He used to run in the 5K races that Carle Foundation Hospital use to sponsor. At the end of the race, he would look at the old houses on these lots that were in shambles. He never understood why such a beautiful park was surrounded by such awful real estate. When the lots went on the market, no one wanted to buy them, because the neighborhood was a questionable area. Crystal Lake Park is a treasure and an amazing asset to have this beautiful lake with a boathouse and lovely trees, but people do not want to go to the park, because they are afraid of the neighborhood across the street.

Mr. Baksa mentioned that the proposed apartment complex was one of three phases that he would like to undertake. He wants to develop all seven lots, clean them up, and use landscaping, architectural techniques, and lighting to make the area feel safer. The proposed building is similar to the buildings next to it, but only in appearance. It would be a substantially higher-quality property. There would be cathedral ceilings on the first floor and would be very attractive units that hopefully he would be able to reach to a different demographic and bring them into the neighborhood. If that occurs with the proposed building, then he would like to bring the entire quality up on other things. This first building was an experiment to see if he can reach that different demographic. If he is successful, then he was hoping to move the whole neighborhood in that direction, because he believed that he had a very strong position.

Mr. Baksa noted that the buildings next to the proposed building have eight units each. He planned to landscape, use flags and signage along with other things to encapsulate the seven lots to make them feel like they were "isolated" in a sense and hopefully move in a direction where the rest of the neighborhood follows. He was asking to be able to push the parking into the setback a couple of feet. He intended to landscape around the proposed area. He had discussed with staff putting an arch over the alley to give it a sense of entrance.

Mr. Baksa stated that people do not feel that this is an area to be respected, and he wants to change that. He said that he intends to work with the City of Urbana and with the neighbors. Mr. Baksa noted that he would probably not build a six-unit apartment building, because it does not really make any sense due to the cost of the lots. He would like to build an attractive building and develop the corner with signage and landscaping.

Mr. Corten understood that Mr. Baksa was planning to build similar buildings on the other six lots, and therefore, the same problem would be raised. Mr. Baksa replied that there would be a similar problem on the other side, except on the other corner there would not be this problem. The size of this lot is a little shorter.

Mr. Corten inquired if the area he was referring to was across Central Avenue? Mr. Baksa stated that when you exit the park and look to the right would be the other building and when you look to the left there is a stone apartment building. To the left of the stone apartment building are two old houses that are not habitable. Those are two lots that would be Phase II. If he is successful

at getting this to work and reach to another demographic, then he would like to entertain the possibility of building a larger building or a different sort of building across the street depending on what the City would allow or would work with him on. He was limited by the zoning. All the zoning allows him to build are buildings similar to what is already there. He does not find them attractive either. He noted that it was a balancing act of keeping within the context and the scale of the block. So, what they have done was taking what was already there and use similar lines. He stated that it would be a beautiful building when finished.

Mr. Warmbrunn commented that other apartments on corner lots in that area like on Broadway and University are nonconforming, because they park in front on the street. Mr. Warmbrunn asked if from staff's point of view, the problem is because the lot is a corner lot? Mr. Ross responded that a similar design on a similarly sized non-corner lot would not require a variance. The second front yard on this lot would be considered a side yard on a non-corner lot, and there is more accommodation for parking behind buildings in a side yard than a front yard.

Mr. Schoonover moved that the Zoning Board of Appeals deny the requested variance based on the fact that if the proposed apartment complex would be cut down to a smaller building, then there would be more room and the variance would not be needed. He felt the proposed eight-unit apartment complex would be too much for this particular property. Mr. Fields seconded the motion based on his opinion that the request was a special privilege.

Mr. Warmbrunn stated that he was in favor of granting the variance, because the setback looks like it would be maintained all the way up to the building. It is only a specific parking problem. He would be against the motion.

The roll call was as follows:

Mr. Corten	-	No	Mr. Fields	-	Yes
Ms. Merritt	-	No	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	No	Mr. Welch	-	No
Mr. Armstrong	-	No			

The motion failed due to a 2-5 vote.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the Urbana City Council with the recommendation for approval with the condition that the landscaping buffer be maintained. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Fields	-	No	Ms. Merritt	-	Yes
Mr. Schoonover	-	No	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was passed by a 5-2 vote. Mr. Ross commented that the case would go to the City Council on May 5, 2003.

ZBA-03-MAJ-03: Request by Kerry Helms and Nohra Mateus-Pinilla to allow a three-foot increase of the allowable encroachment into the front-yard setback at 605 East Green Street in Urbana’s R-3, Single and Two-Family Residential Zoning District.

Michaela Bell, Planner, presented the staff report regarding this case to the Zoning Board of Appeals. She began her presentation by describing the requested variance and the purpose for the variance, which was so the petitioner could encroach eight feet into the 15-foot setback to allow for the construction of an unenclosed front porch. She gave a brief description of the subject site and noted the front-yard setbacks of the houses adjacent to the proposed lot on the north and south. She addressed the variance criteria that pertained to this case according to Section XI-3 of the Urbana Zoning Ordinance and read the options of the Zoning Board of Appeals. Staff recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance as requested.

Kerry Helms, petitioner, mentioned that they currently have steps going up to the front of the house. When they bought the house about six years ago, the steps were sinking. Since then, there has been some brickwork on the side that had collapsed. It would be a matter of replacing what was there. The petitioners were hoping to create a porch in front where they could sit outside and enjoy Green Street. They talked to a builder and researched some styles at the library to find a style that fits the style of the house and of the neighborhood.

Mr. Corten inquired if the petitioners planned to enclose the porch? Mr. Helms replied no. They have sort of an enclosed area already and want an open porch in front.

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

Mr. Fields	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was passed by unanimous vote.

ZBA-03-MIN-03: Request to encroach two feet into the required 15-foot front-yard setback on Coler Avenue at 611 West Green Street in Urbana’s MOR, Mixed-Office-Residential Zoning District.

ZBA-03-MIN-04: Request to encroach six feet, three inches into the 25-foot front-yard setback along Green Street at 611 West Green Street in Urbana's MOR, Mixed-Office-Residential Zoning District.

Ms. Bell gave the staff report for these two cases at the same time. She began with an introduction of the two minor variance requests. She gave a brief description of the proposed site and of the surrounding neighborhood. She reviewed the variance criteria that were related to this case according to Section XI-3 of the Urbana Zoning Ordinance. She read the options of the Urbana Zoning Board of Appeals. Staff recommendation was as follows:

ZBA-03-MIN-03: Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance as requested.

ZBA-03-MIN-04: Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance as requested.

Rob Kowalski, Planning Manager, added that because the site was located immediately adjacent to the Nathan Ricker House, which was a Historic Landmark in Urbana, the Historic Preservation Commission had the opportunity to discuss the proposed variances and the proposed land use and offer comments. Ms. Merritt noted that the revised minutes that were handed out prior to the meeting were the set of minutes to use. Mr. Kowalski noted that the Historic Preservation Commission wanted the opportunity to look at the minutes and make sure their comments were conveyed correctly. Staff had sent out a draft set of minutes in the packet before the Historic Preservation Commission had a chance for final comments. The minutes were not dramatically changed.

Mr. Kowalski mentioned that there had not been too many cases in the MOR Zoning District recently. The last case was probably about five or six years ago. Therefore, he reviewed the process for the case. As Ms. Bell had mentioned, there is a Development Review Board, which is a staff level review board of this proposal. The Zoning Ordinance lists 13 different criteria that the Development Review Board would look at including whether or not the proposal was harmonious with the land uses in the neighborhood, how the proposal was designed, how it would affect existing streets and infrastructure, where the parking would be, etc. He reminded the Zoning Board that although they may hear concerns about those issues at this meeting, the requests for this meeting are for the two variances. The requests are to try and add some articulations to the building that would try and make it more compatible with the neighborhood. It was a little different than the previous case, where the developer would not have been able to fit an eight-unit apartment complex on the lot without the variance. In this case, an eight-unit apartment building would still be able to fit on the lot; although it would have to be designed slightly differently.

Mr. Warmbrunn questioned what was pertinent in the Historic Preservation Commission minutes that the Zoning Board should consider? Mr. Kowalski answered by saying that the Historic Preservation Commission was asked to comment on what impact they felt this development would have on the Historic Landmark, in this case the Ricker House. He mentioned that Art Zangerl was present and would talk about what the Historic Preservation Commission talked discussed. Mr. Warmbrunn inquired if that was suppose to affect their decision? Mr. Kowalski replied that it was for their information and for the Zoning Board to use as they see necessary.

Mr. Warmbrunn had read that there would be sixteen bedrooms in the proposed eight-unit apartment building. He realized that the size of the bedrooms was used to determine the number of parking spaces required. He assumed that since there were only eight parking spaces required, then that meant the bedrooms would be less than 150 square feet. Mr. Kowalski commented that the proposed development would meet the requirements for the parking. Mr. Warmbrunn inquired about the handicap parking space. Would it be encroaching into the Coler Avenue side yard? Mr. Kowalski stated that parking was allowed to encroach into the setback if the parking was located behind the building, and in this case, the parking would be behind the building. Mr. Warmbrunn asked even if it was on a corner lot? Mr. Kowalski responded that the hatched space was not considered to be a parking space. Mr. Warmbrunn thought that was the design of handicap parking space in the State of Illinois. Would it be painted on the ground? He did not see the difference between this and the last case they just discussed. Elizabeth Tyler, Director of Community Development Services, stated that it was an interpretation that the Building Inspector makes. He did not consider that portion to be a parking space in terms of encroachment in setbacks. This has been a long-standing interpretation that the Building Inspector has used.

Mr. Warmbrunn inquired if the two-foot setback was on the building only? Ms. Tyler noted that the two-foot setback was shown in the Site Plan as the shaded area on the side, and the entry area along Green Street would be the six-foot, three-inch variance request. Mr. Warmbrunn inquired if the footprint of the building was actually two-feet into the setback or was it something hanging off of the windows? Mr. Kowalski replied that it was sort of a bay window that would run up the side of the building. There are some nuances of the Zoning Ordinance of whether they could be calculated as a bay window and therefore be allowed to encroach into the side-yard setback without a need for a variance. The proposed windows did not follow that nuance of being considered a "bay window", and therefore, staff had to consider it as part of the building. It is the same for the front stoop area. Mr. Dankert, the architect for this project, could describe it better.

Mr. Fields commented that he holds developers to a higher standard than homeowners. When they know that they are buying a corner lot, they know the constraints. He cannot see why they cannot meet the Zoning Ordinance requirements. It is a matter of professionalism. They know their constraints, and that is the challenge to design a building that would fit within, without having to ask to break the rules or get a variance. They have the right to do so, but they are in the business of constructing buildings. He saw it as a special privilege. Mr. Welch inquired if it was the procedure that was setup creating the problem? If there is a procedure, then any deviation from the procedure becomes a special privilege, not because the developer is asking, but because the Zoning Board is granting. The fact that they are the Zoning Board of Appeals,

he felt was to deal with situations. The use of the term “special privilege” was creating a problem, when all it really was the appeal. Mr. Fields commented that was the reason why he holds developers to a higher standard than just a homeowner who comes in and asks for a variance. Mr. Welch agreed with Mr. Fields. However, the more pertinent question would be the affect on the neighborhood rather than getting hung up on the “special privilege” aspect of it. If the 13 criteria are not ranked, then maybe “special privilege” should be eliminated, because if the Zoning Board grants the appeal, then that becomes the “special privilege”.

Mr. Warmbrunn inquired if these cases were before the Zoning Board of Appeals simply because the developer wanted to put “bay windows” on the side and the entrance on the front? Ms. Bell replied that was correct.

Mr. Corten presumed that there was an entrance into the building in the back, because that was where the parking would be? Ms. Bell replied yes.

Mr. Dankert, architect for this project, mentioned that they could put eight apartment units on this lot without any variance. The variance procedure was kind of suggested by City staff. They had suggested that there might be a problem in the original plans with the Ricker House across the street. Staff had asked the developer and himself to review the plans and come back with a different design. The result was that they would provide a little more entrance on the Green Street side, which would require them to get a little closer to Green Street. The bay windows on the side were designed to articulate the side views and make them more interesting. The petitioner also added face brick to the entire building, which was a significant change. They are trying to satisfy the Historic Preservation group and are very sensitive to the Ricker House. This was an important building for the owner, Barr Real Estate. It would be a memorial to the petitioner’s father.

Mr. Corten remarked that he liked the looks of the proposed building. Mr. Dankert appreciated that. It was much plainer on the original plans; however, it did fit in the required property. It would be a very low-density building. The MOR Zoning District is low density. He noted that he was concerned about the MOR Zoning District. He did not believe that the City would get the mixed use that they were hoping to.

Dave Barr, representative of Barr Real Estate, commented that he did not want to have to request any variances. He did not feel that developers should be held to a higher standard, because single-family homeowners have professionals who represent them. Barr Real Estate presented plans to the City about six months ago on a much more simple, basic structure. He was not fully aware of what the requirements were. He was not informed at that time of the process. If there would have been some indication that the proposed would not be favorably received, then they would have tried to do something else. Their intention was to never build something ugly. As a business matter, Barr Real Estate felt that ugly does not rent.

Mr. Barr stated that he had become very educated on the MOR Zoning District. From the feedback they received from City Council and people involved in drawing the MOR Zoning District, he would like to say that it was a flawed process. He could see where there were some goals that the City wanted to accomplish. He did not see how the process achieved those goals.

Mr. Barr mentioned that the variances they were asking for were done as an improvement on the original structure that they submitted. The original structure they submitted was within the confines of what they were allowed in regards to density, number of units, and parking. Staff suggested that they take another look at the original plans and make some changes to the design to improve the look of the building. After doing so, they believed that they were ready for permits to start construction. They found out that there was a process, which they had to go through. Now there is a building season issue. Staff then told them that there should be an entrance off Green Street to keep the building more uniform with the neighborhood. This was where the variance request for the front-yard setback came from. Barr Real Estate made some other changes that were never requested such as all brick siding to help the building fit into the neighborhood. He showed a colored elevation of the proposed building. He added that if it would help they would be willing to build brick corner posts on each side of the sidewalk and run a brick knee wall with wrought iron across the front (one the length of Green Street and one the length of Coler Avenue) with periodic spacings of brick columns with limestone caps. He believed that 5 to 100 years down the road, it would still be a good-looking building.

Mr. Corten inquired if they were planning to have brick from the ground up to second floor? Mr. Barr replied yes, except for the area between the first roofline and the second roofline.

Art Zangerl, Vice Chairman for the Historic Preservation Commission, stated that the Commission did not want to forward a consensus opinion and instead put together their individual comments, which are available in the minutes. He mentioned that he was available for any questions regarding those comments.

Steve Ross, of 609 West Green Street, mentioned that his wife and he are the homeowners of the property immediately to the east of the proposed property. He noted that they are very much affected by this proposal. He asked the Zoning Board of Appeals to reject the two requests for variances for two reasons, which are as follows:

1. The two requests are for a special privilege. There is no special privilege that is not generally applicable to other structures that would cause these variances be granted.
2. There are no special circumstances that would prevent the strict application of the ordinance.

Mr. Ross commented that the proposed apartment complex was simply too big. It would stretch from the east with a minimum seven-foot setback to the minimum setback to the west. If the Zoning Board of Appeals grants the side-yard setback variance, then it would go beyond the minimum setback. From the north, it would stretch from the minimum front-yard setback of 25 feet. Again, with any variance granted, it would protrude that much further toward Green Street. His home has a front-yard setback of approximately 47 feet. The demolished house that was on the proposed lot had a setback of 40 feet. There would be a considerable change in the neighborhood with the proposed setback. In addition, the demolished house was around 2700 square feet and the proposed building would be easily twice that big. Because it would be so big, it would push up against the zoning setbacks. If the apartment complex would be smaller,

then the architectural additives could be added without a problem. He reiterated that he believed that this was a request for a special privilege, and that there are no special circumstances that should cause the Zoning Board to grant these variances.

Mr. Corten commented that the proposed building without the special features (entrance way and windows on the side) would fit without any needed variances. He asked Mr. Ross if the appearance of the building the way it was currently configured was an improvement or would he rather see it much simpler? Mr. Ross replied that the requested variances would improve the appearance of the proposed building; however, it would still not be in character with the rest of the neighborhood.

Adriana Taylor, of 612 West Green Street and owner of the Ricker House across the street from the proposed lot, wanted to make a couple of points. First, the petitioner's appealed to the Zoning Board of Appeals on a number of levels. They mentioned that they were interested in building a memorial. She felt this would be an excellent idea and would be great. The petitioner stated that they originally would not have had to request any variance, because the building that intended to build was within the restrictions. However, they indicated that they changed the design in order to make the building fit with the neighborhood. If the petitioner did not have to build the structure to be more appealing to fit into the neighborhood, then regardless of whether the variance was approved, then the building would not be approved, because of the fact that it would be across from the Historic Landmark and because it would fit into the neighborhood. She thought it was wonderful that the petitioner came up with the idea to redesign the structure so that it would fit into the neighborhood. What she really would like the petitioner to think about was the fact that they should redesign the structure so that it would fit into the neighborhood, but there was not a special circumstance for the City to consider why the building should be larger. She reiterated that the demolished house had a front-yard setback of 40 feet, and the proposed apartment complex would have a front-yard setback of 19 feet.

Ms. Taylor inquired if it was not a big deal for the petitioner to encroach two feet into the Coler Avenue restriction, then can the neighborhood not say that it would not be such a big deal to ask the petitioner to minimize the structure by two feet. It is all about aesthetics.

Tina Gunsalus, of 511 West High Street, noted that she had conflicting feelings about the project. She noted that in the 1970s and 1980s, she was very involved in neighborhood preservation efforts in a variety of neighborhoods. In the 1980s, she served on the Plan Commission. The City has not achieved the goals of the MOR Zoning District, and needs to fix the district.

Ms. Gunsalus commented that the things she objects to are permitted under the MOR Zoning District, and the things that she likes appears to be concessions of the developer at the suggestions of the staff to make it better. She objects to the volume, which is permitted under the ordinance. She likes the design concessions to the flavor of the street. She has children who play on the street behind the proposed lot, and she was not keen on the increased density. She believed that the Barr family should be commended on trying to make the proposal better by making changes to the original plans within the rules that the City of Urbana has.

She stated that the MOR Zoning District was designed for adaptive reuse and to try to encourage people to keep the historic structures and reuse them, to give them permission to do something more intense and business-like on the street and have residential above. It is not working, and she believed that the City needed to revisit the MOR Zoning District. The house that might have been readaptively reused that was previously on the lot is now gone. Her questions are as follows: How do we go forward in a way that recognizes that the staff was trying to make it better, that the developer appears to be responsive, and that Barr Real Estate has the right to build a building of this volume? How do we reduce the negative effects on the neighborhood? She believed that the setbacks were an issue, but then again the variances that were proposed were to try to make the proposal more compatible with the street. What do we do to get the maximum buffering for the neighbors? What do we do to call upon the maximum good will of the developer to make it as compatible as possible with the direction they would like the street to go? Is the choice between original plans or approval of the variances? She believed that the better choice would be the newly submitted plans requesting the variances.

Ms. Gunsalus acknowledged that the Barr family had come forward in response to a kind of vaguely stated intent and tried make the proposal better. It was not how she would have done it, but then again she does not have the money to build apartment buildings nor does she have the passion for it.

Mr. Welch commented that the problem appeared to be the neighbor to the west, the University of Illinois. He noted that he had lived here for 26 years, and it was apparent to him that off campus student housing was moving further and further to the east of Lincoln Avenue. Any prudent developer would try to maximize whatever structure they put on a parcel. The City of Urbana is trying to develop the outlying areas more for families and leaving West Urbana more for developers to develop for students. Ms. Gunsalus asked if Mr. Welch thought that it was part of this had to do with the neighborhood reclaiming it as a residential neighborhood, and that is collective action. Mr. Welch replied that very well may be. He believed that the neighborhood was losing the battle to the dominant, economic power of this community, which are the University of Illinois and its students. He believed that the neighborhood was losing the battle as the City of Urbana pours more money into developing residential areas away from the neighborhood to entice people to move to those areas. The Barr family is doing this because they figure their potential market would be students.

Ms. Gunsalus questioned if the City could do better with the MOR Zoning District, particularly along Green Street by making constructive suggestions to achieve the goals that many people share. Mr. Corten commented that the neighborhood might be able to slow this down.

Rich Cahill, of 307 South Orchard, noted that he lives on the same block as the proposed structure. He stated that the system had failed the Green Street Corridor. The Wikoff Funeral Home was torn down. Now, it is a dirt lot waiting for a zoning change, so the owners can propose to put a big building in there. The Presbyterian Church tore down two houses, and then requested a variance to put up a parking, which still did not have any landscaping to block the cars. Now, there was 611 West Green. People can argue back and forth about the viability of the structure that was there before being demolished. The house was always well kept. A house like that tends to not be a party house, because the apartments were small units. He noted that

605 West Green Street and 611 West Green Street became vacant about the same time. He expressed concern about the owner of 605 West Green Street requesting a variance for that property. Mr. Cahill remarked that as you slowly walk east from the gas stations on Green Street and Lincoln Avenue along Green Street, the 800 Block is kind of a mixed bag, the 700 Block is a mixed bag, the 600 Block is probably the best in some ways, the 500 Block has one face that is all parking lot and there is the hideous condo.

Mr. Cahill questioned if Barr Real Estate was a good neighbor given the economic climate? He had mixed feelings about this proposal.

He noted that he was the President of the Preservation and Conservation Association (PACA) when they took on the Ricker House. Many people felt that they would not be able to sell the Ricker House as a single-family house and were proven wrong. He believed that the residents of West Urbana were taking their neighborhood back.

Mr. Cahill talked about the balconies. He stated that he did not like the balconies sticking out towards Green Street. Parties are usually held on the balconies. That was where the kegs of beer sit out there. Balconies are not an aesthetic feature and are not needed on the building.

He discussed other concerns that he had, which are as follows: 1) the parking lot goes right up to the duplex on the south, 2) assume that the drainage was proper and would not be going to the Ross's yard, and 3) traffic patterns would be an interesting experience by adding eight more vehicles to the street.

There was a request for a quick break at 9:15 p.m. The meeting was recommenced at 9:25 p.m.

Bill Rose, of 207 West Iowa, mentioned that his comments have to do with design and variances. He credited the developer and the architect that this process was undertaken precisely in the combined effort of the developer, the architect, and the City of Urbana to enhance the streetscape to make more of a gesture toward the street. He acknowledged that it was a little late to be talking about those elements on the street that would have been more appropriate had they been picked up. He said this to plant the seed for any future cases, that design elements can be systematized for a given area, such that we move away from design being nothing but subjective.

Mr. Rose noted that there were three prominent elements that 80 to 90% of the properties on Green Street contained that were unfortunately not picked up in the proposed design. The first would be a half story that is a roofscape with signs of life. The second is asymmetry. The third would be a porch with a sheltered entry. He presented pictures of all of the properties on Green Street and pointed out how most of them have these three elements.

He commended the developer and the architect for their efforts that were made toward the street. He wanted to plant the seed for a less subjective and a more objective approach to design issues as they relate to what was being studied.

Mr. Corten noted that he was confused about what Mr. Rose was saying about "subjective" and "objective". He was an engineer, and his definitions do not match what he believed Mr. Rose

was trying to say. Mr. Rose replied that there are patterns in the street that could be picked up, replicated, and reproduced.

Mr. Corten inquired if the photos were of all the properties on West Green Street? Mr. Rose stated that he took a photo of every property along Green Street from Busey Bank to Orchard Street.

Kate Hunter, of 510 West Oregon Street, stated that she would hate to see decisions made based on any kind of feeling that the City of Urbana over the residents are abandoning the neighborhood. She should not have been mentioned and was not pertinent to the case. She noted that she had lived in the neighborhood for 30 years, and the things that she had seen were wonderful. She lives next door to a house that was once three apartments and was converted back to a single-family home. There are residents in the west area that love the neighborhood and would like to fight to keep it as best they can.

Ms. Hunter pointed out that the next building to be built on Green Street that requests a variance would be looking at a closer setback to the street. The average is based on the setbacks of the other homes on the street. If the proposed variance were granted, then it would change the average.

Mr. Welch inquired where she was talking about the setbacks, because the further you go east on Green Street, the setbacks tend to disappear. Ms. Hunter stated that her point was that when the City considers new construction, the required setback is an average of the existing setbacks. If the Zoning Board of Appeals starts making variances that allow a less of a setback, then the next case that comes along, the average would go down, because this case would be figured into the average. Mr. Welch agreed; however, he noted that some of this had already happened to the east. Ms. Hunter stated that it was happening. Mr. Welch commented that it had already happened. Ms. Hunter remarked that it would keep happening unless the Zoning Board closes the door.

Liz Cardman, of 708 West California, mentioned that she was at the meeting to speak as a resident of the City of Urbana and near neighbor of the proposed property and not as a member of the Historic Preservation Commission. She agreed with all the conflicting opinions that had been said. She talked about the implications of continuing to average setbacks and the detrimental effect in an older historic neighborhood does erode away at the setbacks. She noted that she had measured the setbacks of the buildings at the intersection of Green Street and Coler Avenue. She noted those measurements. In that, the requested variance would indeed distract from the essential character of the street.

Ms. Cardman addressed Mr. Welch's comments by saying that there were many people who love the neighborhood. Many of the residents in West Urbana were not students, and they do want to preserve the neighborhood. Mr. Welch remarked that he was only reminding everyone of whom they share the neighborhood with, which is the University of Illinois. The City of Urbana was not their problem. He did not want people to misinterpret his comments as not being sympathetic to them. However, the neighborhood is in a battleground with the needs of the

University of Illinois students. Those students are going to live off campus, and the West Urbana neighborhood is right in the cross hairs. This is a problem, because of "location".

Mr. Barr readdressed the Zoning Board of Appeals. He noted that enjoyed the process of the public hearing. He wished the application process were different. Staff did a lot to make the process go as smoothly as possible. It was not a staff problem. It is a district problem. The MOR Zoning District needs to be rewritten to make it better for the people living there and for the developers that want to build in it. Part of the district was faced with the fact that area has combined needs. It is an area that appeals to graduate and upper class students. As the students get a little older, they tend to move out further into the West Urbana neighborhood to get away from the noise.

People who like living in the neighborhood have an advantage. It is close to the University for those who work there. The Zoning Ordinance should be respective of the needs of both the students and the homeowners in the West Urbana neighborhood. Mr. Barr mentioned that they rent to quality people. They have encountered a mature group that had rented from them in the past on the Urbana side.

Mr. Barr talked about their plans for landscaping and possibility of a wood fence between his property and Mr. Ross's property. There is a big tree on Mr. Ross's property that encroaches into the proposed property. He noted that they would do everything possible to maintain that tree.

He pointed out that a larger structure would be built than what had previously been there. In regards to the setbacks, if Barr Real Estate pulled the bay windows and the entrance facing Green Street out of the design, then they would meet the setback requirements. They believe that the bay windows and the front entrance enhance the project. He mentioned that they have a large landscaping budget for the project, and that they welcome Mr. Ross's input. He noted that part of the deal was that the size of the property was equivalent to one and a half lots. The previous building set all on one lot, leaving half a lot between their property and Mr. Ross's property. He felt the proposed building would be safer than the previous house in respect to the driveway being off Coler Avenue rather than Green Street.

Mr. Barr thanked the Zoning Board for their time.

Mr. Schoonover asked how much the developer had changed the plans for the sides of the proposed building since the original plans were presented? Mr. Barr mentioned that the bay windows were added as a matter to improve the appearance of the building. Ms. Tyler stated the site elevation probably shows the bay windows the best.

Mr. Warmbrunn inquired about the screening for the parking area? Mr. Kowalski replied that additional landscaping would not be required based on the number of parking spaces. Mr. Warmbrunn asked if there would be screening on the south side? Ms. Tyler remarked that would be an issue to discuss at the Development Review Board meeting when reviewing the 13 criteria. Since the petitioner was not requesting a variance on the south side, then it was not an issue for this meeting. However, she noted that staff would accept any ideas from the Zoning Board of

Appeals. Mr. Warmbrunn questioned if the parking lot would be next to the driveway for the residents living in the duplex on the south side? He suggested that the petitioner could move the parking lot two feet further north and put in shrubs in behind the parking barriers. Mr. Dankert stated that they could put a fence along the south property line between the proposed property and the driveway for the duplex. There would not be enough room for anything else. A five or six foot high fence would keep the headlights from shining in neighbor's yard.

Mr. Corten moved that the Zoning Board of Appeals approve the variance as requested for Case #ZBA-03-MIN-03 based on the findings in the staff memo. Mr. Warmbrunn seconded the motion.

Ms. Merritt asked Ms. Tyler to explain the process a little more. Ms. Tyler explained that the way the MOR Zoning District was setup was that the application would be reviewed by the Development Review Board. The approval must be unanimous, and all the members must be present and vote affirmatively. If there are one or more negative votes on the Site Plan, then the case would come before the Zoning Board of Appeals.

She commented that there had been previous work done to improve the MOR Zoning District about four or five years ago. It went to the Plan Commission and did not proceed any further. It remains on staff's work plan to readdress the MOR Zoning District.

The roll call was as follows:

Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Fields	-	No			

The motion was passed by a 6-1 vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the variance request for Case #ZBA-03-MIN-04 as outlined in their discussion based on the findings in the staff memo. Mr. Armstrong seconded the motion. The roll call was as follows:

Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Mr. Fields	-	No
Ms. Merritt	-	Yes			

The motion was passed by a 6-1 vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

Presentation of the 2002 Zoning Board of Appeals Annual Report

Mr. Ross pointed out that he was still in the process of obtaining signed copies of some of the ordinances. He planned to have the final report ready for the next Zoning Board meeting. He briefly summarized the total number of applications for conditional use permits, minor variances and major variances that were heard in 2002.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Ross reported on the following:

- ✓ **Previous Case** regarding the freestanding sign on East Washington Street at the Homerun was approved by the City Council.
- ✓ **Next scheduled meeting** is set for Wednesday, May 21, 2003 pending cases.
- ✓ **Copies of the Republished Zoning Ordinance** were handed out prior to the meeting.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Tim Ross, Senior Planner
Urbana Zoning Board of Appeals