

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: September 17, 2003

APPROVED

TIME: 7:30 p.m.

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

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MEMBERS PRESENT: Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Paul Armstrong, Darwin Fields, Harvey Welch

STAFF PRESENT: Michaela Bell, Planner; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Matthew Ando, Bear & Eleanor Blackmon, Kenny Buhr, Bruce Shurts, Mildred Williams

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

The meeting was called to order at 7:37 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Michaela Bell, Planner, mentioned that the petitioners of Case #ZBA-03-C-04 have requested a continuance for this case. Rob Kowalski, Planning Manager, stated that staff would send out another public notice and place a legal ad when the petitioners were ready for their case to be heard. The Zoning Board of Appeals granted their request for a continuance.

3. APPROVAL OF MINUTES

The minutes from the August 20, 2003 meeting were presented. Mr. Corten moved to approve the minutes as modified. Mr. Schoonover seconded the motion. The minutes were then approved by unanimous vote as modified.

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

4. WRITTEN COMMUNICATIONS

- ✓ Letter and Attachments from Susan & Mark Frobish regarding 306 West Nevada
- ✓ Quit Claim Deed submitted by Eleanor Blackmon regarding ZBA-03-MAJ-05 and ZBA-03-MAJ-06
- ✓ Letter from Debbie Nelson regarding ZBA-03-MAJ-05 and ZBA-03-MAJ-06
- ✓ Letter from James and Tania Stori regarding ZBA-03-05 and ZBA-03-MAJ-06
- ✓ Email from Gustavo Caetano-Anolles regarding ZBA-03-C-04
- ✓ Fax from John and Benita Katzenellenbogen regarding ZBA-03-C-04
- ✓ Letter from Barbara Gladney regarding ZBA-03-C-04

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-C-04: A request by Gloria Caetano-Anolles for a Conditional Use Permit to allow an owner-occupied bed-and-breakfast use in her home at 714 West Michigan Avenue, located in the R-2, Single-Family Residential Zoning District.

This case was continued to the next public hearing of the Zoning Board of Appeals.

ZBA-03-MAJ-05: Request to reduce the front-yard setback from 25' to 5' along Maple Street at 501 East Oregon Street, in Urbana's R-3, Single and Two-Family Residential Zoning District.

ZBA-03-MAJ-06: Request to reduce the rear-yard setback from 10' to 3' at 501 East Oregon Street, in Urbana's R-3, Single and Two-Family Residential Zoning District.

Ms. Bell introduced these two cases together, since they were regarding the same property. She began introducing these cases by describing the variance requests. She noted that the proposed variances were to allow front and rear-yard setback reductions, so that the petitioners could add additional rooms within the home and to add a breezeway that will connect the residence to the existing garage and to expand the garage area. She gave a brief description of the site and summarized the surrounding zoning and land uses for the subject site. Ms. Bell reviewed the Variance Criteria according to Section XI-3 of

the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

ZBA-03-MAJ-05: Staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council with the condition that the improvements be in conformance with the Site Plan, found in Exhibit H.

ZBA-03-MAJ-06: Staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council with the condition that the improvements be in conformance with the Site Plan, found in Exhibit H.

Mr. Schoonover asked if staff called it a front-yard setback along Maple Street because the garage would be facing that way. Ms. Bell stated that the house faces Oregon, but to connect the existing garage to the residence with a breezeway, it would be considered one structure, thus needing the Maple Street front-yard variance.

Mr. Schoonover inquired if it was an adjoining lot? Ms. Bell replied that there was an adjoining lot to the south. Mr. Schoonover questioned if it would always remain adjoining or could the property owner divide it up in the future? Ms. Bell answered by saying that the property owners could in the future decide to sell 704 Maple Street.

Mr. Schoonover asked if the expansion of the garage was constructed, then how far would it be from the lot line itself? Ms. Bell said it would be three feet from the rear lot line. The lot to the south was approximately 7,261 square feet.

Mr. Schoonover inquired if there was any reason why they could not be joined together as a single lot? Ms. Bell remarked that the two lots were considered one zoning lot from a zoning perspective. Mr. Kowalski added that the property owners could replat the two lots into one. However, it was not necessary for them to do that in order to build. It would be an expense, and he did not know what benefit they would get from replatting the properties into one lot.

Eleanor Blackmon, petitioner, noted that they started planning their house addition with three goals in mind, which were as follows: 1) a first-floor bedroom suite, 2) a kitchen close to the driveway, and 3) an enclosed access to the garage for loading and unloading. These amenities would be common in a new subdivision, but the petitioners prefer to retain their location in the older part of town. Their current location has the advantages of being centrally located in town with most services within walking distance. They have a large lot with mature landscaping, and they live in a diverse, stable and traditional neighborhood. They would lose these advantages by building a home in a new subdivision.

Ms. Blackmon stated that corner lots in the older part of town were basically constructed originally with a front-yard and a side-yard setback rather than the two front-yard setbacks required by the current

zoning regulations. Therefore, they cannot connect their existing house to their existing garage without a zoning variance. She asked that the Zoning Board of Appeals consider their variance requests carefully and fairly. She hoped to enjoy new home amenities in their traditional neighborhood.

Mr. Corten moved that the Urbana Zoning Board of Appeals forward Case ZBA-03-MAJ-05 to the Urbana City Council with the recommendation for approval on the basis that the changes conform to the Site Plan in Exhibit H. Mr. Schoonover seconded the motion. The roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes

The motion was passed by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals recommend approval of Case ZBA-03-MAJ-06 to the Urbana City Council as recommended by staff including the condition that the changes conform to the Site Plan in Exhibit H. Mr. Corten seconded the motion. The roll call was as follows:

Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote. Ms. Bell mentioned that these two cases should go to the Urbana City Council on October 1, 2003.

ZBA-03-MAJ-07: Request to reduce the front-yard setback from 15' to 3' for construction of a 50 square foot freestanding sign at 1614 North Lincoln Avenue, in Urbana's B-3, General Business Zoning District.

Ms. Bell gave the staff report for this case to the Zoning Board of Appeals. She presented a brief introduction and background of the proposed variance request. She described the site and noted the zoning and land uses of surrounding properties. She reviewed the Variance Criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertained to this case. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Staff recommended that the Zoning Board of Appeals recommend approval of this variance to the Urbana City Council with the condition that the proposed freestanding monument sign have a maximum area of 50 square feet and a maximum height of seven feet.

Mr. Corten inquired if there were any signs along that area that was similar to the proposed? Ms. Bell replied that the sign for PDQ Printing was placed 3-1/2 feet from the property line and would look similar in size.

Mr. Warmbrunn referred to the picture on the last page of the packet of the proposed sign. He noticed a fire hydrant nearby. He asked if the sign would be far enough away so that it would not effect fire fighting? Ms. Bell stated that the petitioner would have to meet the front-yard setback requirement of 15' on Beverly Drive. Staff did not see the sign as being a hazard.

Mr. Corten moved that this case be forwarded to the Urbana City Council with the recommendation for approval as requested by staff with the condition written into this proposal. Mr. Schoonover seconded the motion. The roll call was as follows:

Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Corten	-	Yes	Ms. Merritt	-	Yes

The motion was passed by unanimous vote. Ms. Merritt noted that this case would go before the Urbana City Council on October 1, 2003.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ **A Study Session** regarding the Moratorium on the M.O.R., Mixed-Office Residential Zoning District will be held on Thursday, September 18, 2003 at the Plan Commission meeting at 7:30 p.m. It will be on the history of the zoning district, what brought about the moratorium, and what changes were being considered. Some text amendments to the M.O.R. Zoning District will be presented at a Plan Commission meeting in October.
- ✓ **Comprehensive Plan Update**. Staff has been preparing maps to present during the second phase of Neighborhood Workshops to give the residents in each neighborhood a chance to look at and give input about the proposed Future Land Use Maps that staff created.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**