

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

DATE: September 15, 2004
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

APPROVED

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

MEMBERS ABSENT Harvey Welch

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner; Teri Anel, Secretary

OTHERS PRESENT: Larry Isaacs

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

The meeting was called to order at 7:29 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. Corten moved to approve the minutes from the August 18, 2004 meeting as presented. Mr. Schoonover seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Letter from George Carlisle

5. CONTINUED PUBLIC HEARINGS

There were none.

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

6. NEW PUBLIC HEARINGS

ZBA-04-MAJ-12: A request to allow a 10-foot (66%) encroachment into the required 15-foot front yard at 703 North Cunningham Avenue.

Paul Lindahl, Planner, presented this case to the Zoning Board of Appeals. He gave a brief description and background of the site and the surrounding properties. He reviewed the variance criteria that pertained to this case. He read the options of the Zoning Board of Appeals and stated staff’s recommendation, which was as follows:

Based on the findings of the variance criteria 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 staff expected the Illinois Department of Transportation (IDOT) to request more of the proposed site to become area for the right-of-way in the future? Ms. Tyler answered by saying that staff did not expect that to happen in this location. She mentioned that there would be a signal light placed at the intersection in the future.

Ms. Merritt questioned if the sign would pose a problem for the future signal light? Ms. Tyler stated that she believed that IDOT had taken what land they needed for the signal light.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the City Council with a recommendation for approval. Mr. Armstrong seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. The variance request would be reviewed by the City Council on October 4, 2004.

ZBA-04-MIN-02: A request by Frederick Enterprises, Inc. for a minor variance to establish a duplex dwelling on a lot of less than 60 feet in width. The property is located at 505 South Urbana Avenue in Urbana’s R-3, Single and Two-Family Residential Zoning District.

Mr. Lindahl introduced the case by describing the proposed site noting the size and zoning of the lot. He reviewed the variance criteria in Section XI-3 of the Urbana Zoning Ordinance that pertained to the proposed minor variance request. He read the options of the Zoning Board of Appeals and noted staff's recommendation, which 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 Urbana Zoning Board of Appeals approve the minor variance.

There was discussion about whether the Zoning Board of Appeals should continue the case due to the absence of the petitioner or a representative for the petitioner. Libby Tyler, Director of Community Development Services, phoned the petitioner, Chet Frederick, and was told that Mr. Frederick had the understanding from his lawyer that his presence was not required at the public hearing.

Mr. Corten wondered where the four parking spaces would be located on the proposed site and where the access would be located to the lot. He suggested that the petitioner submit a layout of the proposed duplex. Mr. Lindahl stated that staff had not received a site plan or layout as of yet. However, the petitioner would have to comply with all of the requirements of the Urbana Zoning Ordinance.

Mr. Corten inquired if there was an alley behind the property. Mr. Lindahl explained that there was an alley behind the property, but that the alley had been vacated and no longer had public access. The existing garage on the property would be demolished. The driveway would access directly in front onto Urbana Avenue.

Ms. Merritt asked if the petitioner had planned to use the driveway of the apartment building to the north? Mr. Lindahl replied that if the petitioner wanted to construct a garage on the rear of the property, then he would have to put in a driveway.

Mr. Corten remarked that he was amazed that this request really came up for consideration by the Zoning Board of Review for a 3-1/4" variance. Ms. Tyler commented that staff had debated whether it was within the staff's power to round that amount. When looking at the percentage, it made sense to bring the minor variance request to the Zoning Board of Appeals. Ms. Merritt noticed that there was a lot of space on the side of the existing house. Mr. Lindahl agreed. He pointed out that the petitioner did not have to supply a garage. The City only required the petitioner to supply off-street parking.

Mr. Corten questioned if the duplex would be one story or two? Mr. Lindahl replied that staff had not seen any plans; therefore, they did not know. The maximum height for a development was 35 feet.

Mr. Warmbrunn inquired as to how an apartment building was allowed next to the proposed site. Ms. Tyler stated that this was a real patchwork of zoning in the area. There were all different zoning designations. At some point, the City would want to address some of those. She

mentioned that there had been a previous request to rezone the proposed property to multi-family zoning, which was denied. The existing house was not in good shape and was not fixable. It needed to be torn down. She pointed out that further east in the Historic East Urbana Neighborhood Area (HEUNA), there were areas that were zoned for apartment use, but were built as single-family use. Therefore, there were many properties in the area that the zoning needed to be corrected.

Mr. Corten questioned if the Zoning Board of Appeals had any input as to start the task of changing the some of the zoning in the area? Ms. Tyler mentioned that the Neighborhood Association for HEUNA had requested some zoning changes, but it was a little further to the east of the proposed site. Staff would like to perform a study.

There was further discussion of whether the Zoning Board of Appeals should continue the case or vote on it. Ms. Tyler pointed out that the Zoning Board of Appeals was not approving the duplex use. By approving the variance request, the Zoning Board of Appeals would be making it permissible for the petitioner to ask the Building Inspector for a permit for a duplex. Mr. Warmbrunn noted that talking with the petitioner would not be able to help the board members answer that question, so there was no need to continue the case.

Mr. Armstrong moved that the Zoning Board of Appeals approve the request for a minor variance with the condition that it meets all the building code requirements in the City of Urbana. Mr. Warmbrunn seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Lindahl reported on the following:

- ZBA-04-MAJ-09 & ZBA-04-MAJ-10 were approved by the City Council on September 7, 2004
- ZBA-04-MAJ-11 was approved by the City Council as well
- The next scheduled meeting was set for October 20, 2004. Ms. Merritt mentioned that she would not be in attendance.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

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