

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

DATE: August 19, 2009
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Harvey Welch
STAFF PRESENT	Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Audra Martin, Jeff Trainor

Lisa Karcher announced that Mayor Prussing on August 17, 2009 appointed Paul Armstrong as the Chair of the Zoning Board of Appeals. The City Council approved the appointment.

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

Chair Armstrong called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present with all members in attendance.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes from the June 10, 2009 special meeting as drafted. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ◆ Photos pertaining to Case No. ZBA-2009-MIN-02

Chair Armstrong asked that anyone who might want to testify to please stand and raise their right hand. He then swore in those members of the audience.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2009-C-01: A request by Audra Martin for a Conditional Use Permit to allow for a confectionery products manufacturing and packaging business to operate in the building at 702-732 Killarney Street (Lincoln Commerce Center) in the B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented this case to the Zoning Board of Appeals. She began by explaining the purpose for the conditional use permit request. She talked about the proposed site and listed the current tenants in the building. She then discussed existing on-site parking. She gave a brief description of the subject property and of the surrounding adjacent properties noting their location on a map and stating the zoning and existing land uses of each.

She talked about the petitioner's existing business, Toffee by Audra, and about the proposed site. She reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals grant the proposed conditional use in Case ZBA-2009-C-01 for the reasons articulated and with the following conditions:

- 1. All proposed renovations meet the Urbana Building Code.*
- 2. All necessary permits/licenses are secured from the Champaign-Urbana Public Health District.*

With no questions for City staff from the Zoning Board of Appeals, Chair Armstrong opened the hearing up for public testimony.

Audra Martin, petitioner, approached the Zoning Board of Appeals to answer any questions they may have.

Mr. Schoonover inquired about the hours of operation. Ms. Martin replied that they would work mostly daytime hours. However, when they get into their peak holiday season, then there may be 12-hour working days. Mr. Schoonover asked for clarification on what time of the day they would start working. Ms. Martin said around 6:00 a.m.

Ms. Uchtmann wondered how long Ms. Martin has been in business. Ms. Martin answered by saying that this will be her fifth year as a corporation. However, she has been making and selling candy for almost seven years.

Chair Armstrong asked for clarification about the petitioner's plans to renovate the existing space. Ms. Martin explained that it is currently a big open warehouse, and she plans to enclose some of the area and provide proper ventilation to accommodate the Champaign-Urbana Public Health code.

With no further testimony from members of the audience, Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motion(s) from the Zoning Board of Appeals.

Mr. Schoonover moved that the Zoning Board of Appeals grant the conditional use permit request along with the additional conditions as recommended by City staff. Ms. Uchtmann seconded the motion. Roll call was taken and was as follows:

Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

Chair Armstrong wished the applicant much luck with their enterprise.

Case No. ZBA-2009-MIN-02: A request by Jeff Trainor for a minor variance to build an addition encroaching 23% into the required 23.9-foot front yard at 201 North McCullough Street in the R-4, Medium Density Multiple-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He explained the reason for the minor variance request. He described the subject site showing an aerial photo of the property. He noted the zoning and existing and future land use designations of the subject property and of the surrounding adjacent properties. He referred to the photos that were handed out prior to the start of the meeting. He indicated on the site plan where the existing section sticks out of the back of the house and where the new addition would be located. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented

during the public hearing, staff recommends that the Zoning Board of Appeals approve Case No. ZBA-2009-MIN-02.

Mr. Schoonover wondered why staff considered this an encroachment into the front-yard setback when the new addition would be located in the back yard behind the house. Mr. Engstrom explained that the Zoning Ordinance defines “front-yard” as any yard that fronts upon a public street. Since this is a corner lot, it has two front yards.

Mr. Warmbrunn commented that the entire house is non-conforming on this particular lot. If a new house were to be built, it would have to be small because of the shape of the property. Mr. Engstrom stated this is true. It is a common problem with older houses on smaller lots, especially corner lots.

Mr. Schoonover inquired about the garage. Mr. Engstrom pointed out that it is a detached garage.

Ms. Uchtmann wondered if the owner was planning to remove the garage. Chair Armstrong said that the petitioner could better answer that question. Ms. Uchtmann asked if there was a sketch of how the proposed changes would look from Stoughton Street. Mr. Engstrom replied that the owner did not submit a sketch. However, he did submit a photo which shows where the addition would be on the house.

With no further questions for City staff, Chair Armstrong opened the hearing up for public testimony.

Jeff Trainor, petitioner, approached the Zoning Board of Appeals. He told the Board members that the garage would stay. There are no plans to remove the carport at this time. He distributed a picture on which he had drawn in the proposed new addition to show the Zoning Board of Appeals how the new addition would appear.

Chair Armstrong questioned if the new addition would have a flat roof. Mr. Trainor said yes. The sketch that is included in the packet of information only shows a vent window on the proposed new addition.

Ms. Uchtmann wondered if in the interest of maintaining the character of the neighborhood, the new addition would have a continued gutter that would match the existing gutter on the house. Mr. Trainor explained that the roof line of the new addition would even out with the roof line of the porch.

Chair Armstrong asked if the subject property fell within any of the Historic Preservation criteria. Mr. Engstrom said no, it does not.

Chair Armstrong felt that the Zoning Board of Appeals should also carefully look at whether the roof would create more watershed problems. Mr. Trainor said that the design of the new addition would address any of these types of issues.

Ms. Uchtmann inquired as to if the carport is non-conforming, then can they allow the carport to remain. Mr. Engstrom said yes. The existing house and carport are legally non-conforming. Chair Armstrong clarified that the petitioner would be able to retain the carport and add the proposed addition, if approved by the Zoning Board of Appeals. Mr. Schoonover pointed out that prior to any construction the petitioner's plans would need to meet Urbana's building codes and regulations.

Mr. Engstrom stated that since the proposed site is within the floodplain, Mr. Trainor will be required to have a hearing with the Boneyard Creek District as well.

With no additional input from the public, Chair Armstrong closed the public input portion of the hearing and opened the hearing to Zoning Board of Appeal's discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2009-MIN-02 with the conditions recommended in the written staff report and presented to the Board during the hearing. Mr. Schoonover seconded the motion.

Roll call on the motion was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Armstrong	-	Yes	Mr. Schoonover	-	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

Lisa Karcher gave the following staff report:

 Results of Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05 (Kunkel FAR and OSR variance requests): The City Council upheld the Zoning Board of Appeals recommendations and approved the two variance requests.

 Next Scheduled Meeting: Ms. Karcher stated that although staff has not received any applications for the next scheduled meeting on September 16, they have had some communication and do expect an application to be submitted before the deadline.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals