

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

DATE: May 16, 2012

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Harvey Welch

MEMBERS EXCUSED Joanne Chester, Charles Warmbrunn

STAFF PRESENT Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT Mike & Maureen Frogley, Carl Hill, Lynn Huffman, Deb Marxmiller, Shawna Waller, Bryan Wenthe

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

Chair Armstrong called the meeting to order at 7:38 p.m. Roll call was taken, and he declared that there was a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the March 28, 2012 Zoning Board of Appeals special meeting were presented for approval. Ms. Harwood moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- 2012 Official Zoning Map
- 2012 Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during the following public hearing.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2012-MIN-02: A request by Fieldcrest Development, LLC for a Minor Variance to allow a reduction in minimum lot size for seven lots located at 3313, 3315, 3401, 3403, 3405, 3407 and 3409 Memory Lane in the South Ridge VI Subdivision in the R-3, Single and Two-Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He began by explaining the proposed minor variance. He described the subject properties noting the zoning, existing land use and future land use designations of the proposed site as well as that for the adjacent properties. He explained that in 2006, the original plan was to construct 14 dwelling units as back-to-back duplexes fronting on both Memory Lane and Myra Ridge Drive. Since then, there has been a drastic change in the housing market, and the petitioners other two-unit attached dwellings are not selling. So the petitioner would like to instead have the option of constructing the same number of dwellings only as detached single-family homes. The purpose of the minor variance is allow a slight reduction in the minimum lot size for single-family residences as opposed to attached two-unit condominiums or duplexes.

Mr. Myers explained alternative options. One suggestion was to shift lot lines a few feet for all the lots and lose one on the end. However, all of the utility lines are already constructed underground so that utilities like sewer, water, and electrical would be out of place. Reconfiguring the underground utilities would increase the cost making the project financially infeasible. He explained how the 2005 Comprehensive Plan relates to the proposed minor variance request. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request.

Ms. Harwood asked if the dwelling units would be the same size as originally planned. The only difference would be that they are detached rather than attached, correct? Mr. Myers deferred this question to the petitioner.

Ms. Uchtmann wondered what the rationale was for the minimum lot size being 6,000 square feet. Mr. Myers replied that 6,000 square feet is a standard for the minimum lot size for a single-family house in the City of Urbana. This standard was adopted so that it could provide some minimal area for side-yards, rear yards, parking, minimum space between neighbors and green space for recreation and utilities.

Ms. Uchtmann inquired as to what size the lots are across Memory Lane. Mr. Myers responded that the lots across Memory Lane meet the 6,000 square foot minimum plus provide extra space.

Chair Armstrong questioned how the ratio of density for this project compares to ratios elsewhere in the community. Mr. Myers answered that the proposed change would not increase the density. The petitioner is still planning to build the same number of units as in the original plans. Chair Armstrong asked if there is a metric by which we can compare the size of these properties to other densities in the community. Mr. Myers replied that he does not have that comparison but could research this question and respond at a future meeting if this would be necessary to make a decision. He noted that older neighborhoods in the City of Urbana that were subdivided in the 1940s and 1950s as single-family lots generally do not meet the existing minimum lot size.

Ms. Harwood asked if a duplex is cheaper to purchase than a single-family home. Mr. Myers deferred this question to the petitioner. He understands from the applicant that his attached units are not selling in this area. He understood that for a nearby two-unit condo took about a year and a half to sell, and the second unit took an additional year to sell.

Ms. Harwood asked if this property is the next area to be developed in this particular subdivision. If so, is this why the utilities are already installed? Mr. Myers stated that this is the next area to be developed, which is why the sewer lateral, electricity and water lines are installed.

With no further questions for City staff, Chair Armstrong opened the meeting up for public input.

Brian Wenthe, of the Fieldcrest Development, and Carl Hill, of Hillshire Development, approached the Zoning Board of Appeals.

Mr. Hill gave a brief history of the South Ridge VI Subdivision. He discussed the original plans for the proposed lots in the subdivision. He explained that these lots were planned for retired seniors and for first time homebuyers. He talked about the park and common grounds and about the future homeowner's association. They could build the duplexes on these lots as originally planned, attach each unit along the rear with screened in porches and still meet the setback requirements. However, it would be like a zero-lot-line development with attached units. They are looking to build something that people will want to buy. They have found that lately people are a bit apprehensive about buying attached units. In order to detach the units, they need approval of the proposed minor variance request.

Mr. Wenthe commented that the size of the proposed units would be around 1,200 to 1,900 square feet with plenty of green space and allow them to stay within the minimal setbacks. Chair Armstrong wondered how this compared to other existing single-family homes in the neighborhood. Mr. Hill replied that the covenants require a single-family home to be at least 1,200 square feet. The overall subdivision is about 4.5 dwelling units per acre. In west and east Urbana, there are lots that are about 3,000 to 5,000 square feet. So in terms of density there is not an issue. It is more about whether the neighbors feel that there is something that might detract from their own properties. He believes that single-family homes would enhance the value of the neighborhood because of the salability.

Mr. Wenthe stated that the size of the proposed units would be slightly smaller than the homes across the street regardless of whether they build them as duplexes or as single-family homes. In order to protect the homeowners across the street and to protect future building in the subdivision, they plan to create units that have nice curb appeal and blend architecturally with the rest of the subdivision.

Ms. Harwood inquired about the housing market. Mr. Wenthe pointed out that he staffed the open houses for the duplex previously mentioned. People commented that they liked the units and would buy one if it was detached and placed on a separate lot.

Ms. Harwood asked if it had anything to do with the nationwide economy. Mr. Hill replied that nationwide, the size of home has decreased due to the economy. Ms. Harwood commented that it sounds like it is a better investment to buy a detached unit. Mr. Hill responded that it appears so at this time. They can only react to the market.

Ms. Uchtmann noticed each end lot is larger than the other lots in the block. What are the square feet of each? Mr. Hill said that the lot on the north end is 86 feet wide, but because of the curve it loses some square footage. The lot on the south end is 80 feet wide, but again because of the curve it is just a little less than 11,000 square feet. He plans to build single-family units or duplex units depending on what fits best into the neighborhood.

Ms. Uchtmann questioned whether the petitioner and developer had considered expanding the lots to be compliant with the minimum lot size required. They would lose some of the size on the end lots but at least more lots would be compliant. Mr. Hill answered yes. They looked at adjusting the lot lines to expand the middle lots, but they discovered the utility lines would be too far off.

Michael and Maureen Frogley, of 3412 Memory Lane, spoke about their concerns with the proposed minor variance request. Mr. Frogley said he had a series of questions he would like answered. He pointed out that if you detach the units, then you in essence would be changing the nature of the yards because they would be smaller. Larger lots usually have larger yards more conducive to families. Mr. Myers offered that the minimum required lot size for single-family lots is 6,000 square feet. The proposed lots would not be much smaller than the minimum required.

Michael Frogley stated that his family lived in an older neighborhood prior to moving onto Memory Lane. Because they had a smaller lot, they tended to go outside their neighborhood to interact. Since moving to Memory Lane, they now feel a sense of community due to spending more time with their neighbors (at block parties, etc.). He fears that their sense of community might change due to the smaller lot sizes being proposed across Memory Lane. Mr. Myers pointed out that this is why neighbors are invited to the public hearing to voice their concerns and express their opinions.

Mr. Frogley asked if there are examples of the back-to-back duplexes in the City of Urbana or in the City of Champaign that he could see what they might look like. Mr. Myers did not know of any off hand.

Mr. Frogley asked if it would be possible to reconfigure the 14 units on the 9 lots and still be able to meet the minimum lot size required. In going from 9 to 14 units, could there be a profit margin that would cover the costs of reconfiguring the utilities? Mr. Myers said that if they moved the lot lines, then the utilities would not match up. The developer did not feel that moving the utilities would be financially feasible. Mr. Frogley believes it would be worthwhile to look into reconfiguring the lots into 14 lots versus 9 lots that would meet the minimum required lot size and yet still have family homes that would preserve the character of the community.

Mr. Frogley noticed that the Zoning Board of Appeals has the option to approve the request along with terms and conditions. Could the Zoning Board of Appeals include a condition that the homes have to be built to a certain size and of a high quality? He is concerned that cheaper, smaller homes would negatively impact the value of his home. Chair Armstrong replied that the Zoning Board of Appeals can place conditions on approval of variance requests. Usually conditions fall within the variance request itself. They cannot stipulate specifically to the developer what they can build as long as they build within the City Code and meet the requirements of the City. However, the Zoning Board of Appeals could add a condition that the development should be in compliance with the character of the neighborhood and/or that it meet similar market conditions. The lots, themselves, will restrict how much land area the developer can build on. The Zoning Board of Appeals is limited in what they can dictate to a developer providing that they are complying with the other legal requirements.

Mr. Frogley would like to know who the petitioner and developer have targeted to purchase the proposed units. He would also like to know the projected resale. Mr. Myers stated that when talking with the petitioner and developer, City staff focused on the minimum lot size rather than whom they were targeting to purchase the units.

Maureen Frogley said that the homes on the east side of Memory Lane are custom built homes. The owners sought out the builders and custom designed their homes. These are not first time homebuyers. They are people who are planting roots and plan to live there for a long time. She pointed out that one of the proposed lots prior to being subdivided is equal in size to one lot on the east side of Memory Lane. She noted that the lots directly across Memory Lane in the middle are 9,600 square feet and the lots on each end range from 10,000 to 13,000 square feet. They are concerned that the homes being proposed to be built will look like little cookie cutter homes that will impact the character of the neighborhood.

Ms. Uchtmann commented that neighbors can look at their property covenants to see what restrictions there are and to see if they can petition changes to the covenant.

Mr. Frogley asked if the petitioner intends to build duplexes on the empty lots on Lexington or does he plan to build single-family homes there as well. Mr. Myers said that he has not heard of any changes to the original plans for that area as of yet.

Ms. Harwood inquired as to when the Frogleys moved into their home. When they purchased the property what were they told was planned to be built on the proposed site? Mrs. Frogley said

that they purchased the vacant lot in 2006 and finally built their home in 2011. They moved in December 2011 and closed on the house March 2012. They understood that either single-family homes or duplexes would be built on the vacant lots across Memory Lane.

Ms. Harwood asked that if the petitioner and developer had followed through with their original plans to construct duplexes, would the Frogleys be content? Mrs. Frogley replied that now the housing market has started to increase, they could build single-family homes on the existing vacant lots without making them smaller. People want green space for their kids to play. However, the petitioner and developer plan to divide each lot and build the smallest house with the minimal amount of green space, which is not what people want.

Shawna Waller, of 3408 Memory Lane, stated that she bought her home in 2006. At the time, Mr. Hill told her that everything in the subdivision would be similar in character. If the proposed lots are built with less than 6,000 square feet, then it would not be similar in character. It will be multiple houses squeezed onto the same size lot as hers. She is concerned that the market value of the proposed homes will affect the property value of her home.

Mr. Hill and Mr. Wenthe re-approached the Zoning Board of Appeals to respond to comments. Mr. Wenthe stated that he discussed with Mr. Hill the different possibilities for designing residential dwelling units on the proposed lots. It is a challenge to design something that will look good in the neighborhood and still function by having a descent yard area. They do not intend to create a detriment to the lots across Memory Lane or take away the sense of community. Instead they are proposing to position the homes on the vacant lots in a way that does create green space for the future homeowners to utilize for recreation.

Existing zero-lot-line homes range in price from \$150,000 to \$180,000. They intend for the proposed dwelling units to sell from \$160,000 to \$200,000. They are looking to stay within the minimal setbacks and abide by the covenants with regards to the size requirements for these lots. The neighbors mentioned that they are concerned about green space. This will be a concern of future buyers as well. With the way the lots are configured, he is looking to utilize more of the side yards for recreation. With a front-to-back duplex, there will not be much of a back yard. With regards to demographics, they see a lot of families looking to purchase homes. Mostly, however, they are seeing a lot of single professionals, married professionals, "empty nesters" and retirees. So, they are targeting multi-generations when designing the proposed lots. The master bedroom will be on the main floor.

Mr. Wenthe commented that he does not build ugly houses. He builds houses that he would want to live in and that others would want to live in. People do not want to live in attached units because of the noise, etc. He explained what he and Mr. Hill have come up with for the design of the homes on the lots. He stated that at this time, there is no intent to divide the vacant lots on Lexington Drive. The market will drive what is built on those lots in the future.

Mr. Welch asked why they do not plan to keep the existing lots intact and build single-family homes instead of subdividing the lots and then building homes. Mr. Wenthe answered that home buyers do not want to purchase homes where the rear yard backs up to another street.

Ms. Uchtmann wondered if two small lots would sell at the same price as one large lot. Mr. Hill said no. One reason they are proposing this is to make the units affordable. He is not making a larger profit by subdividing the lots and building twice as many homes. In fact, by working with Mr. Wenthe, he will make even less of a profit, but it is worth it because Mr. Wenthe likes to build nice projects. They are working together to keep the neighborhood intact. He explained that he has been working on South Ridge Subdivision for about 22 or 23 years, and each phase has been designed and built better. He has lived in three different houses in the neighborhood and plans to continue to live in the subdivision. He believes that Mr. Wenthe is able to continue his dream of having a great community.

Ms. Harwood asked about the utility lines. Are they for duplexes or for single-family homes? Mr. Hill said that they are constructed for zero-lot-line duplexes. The utility lines were installed in 2006. Ms. Harwood said she was curious why neighbors are just now concerned with the lot sizes.

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

Ms. Uchtmann moved that the Zoning Board of Appeals deny Case No. ZBA-2012-MIN-02. The motion failed due to a lack of a second to the motion.

Mr. Welch moved that the Zoning Board of Appeals approve Case No. ZBA-2012-MIN-02. Ms. Harwood seconded the motion. Roll call on the motion was as follows:

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|-------------|---|-----|---------------|---|-----|
| Ms. Harwood | - | Yes | Ms. Uchtmann | - | No |
| Mr. Welch | - | Yes | Mr. Armstrong | - | Yes |

The motion passed by a vote of 3-1.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

- OMA Training Reminder – Mr. Myers reminded the members of the Zoning Board of Appeals to complete the online training required by the State of Illinois if they have not already done so.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Uchtmann moved to adjourn the meeting at 9:08 p.m. Chair Armstrong adjourned the meeting.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals