



2014

URBANA ZONING BOARD OF APPEALS

Annual Report

Prepared By:
Teri Andel
Planning Administrative Assistant I
March 2015

OVERVIEW

In calendar year 2014, the City of Urbana’s Zoning Board of Appeals met 11 times throughout the year and considered 12 cases. A summary of past years case activity is below.

Year	Meetings	Cases
2000	10	13
2001	9	23
2002	8	17
2003	9	20
2004	7	19
2005	9	15
2006	10	11
2007	6	13
2008	7	17
2009	5	7
2010	6	7
2011	6	6
2012	5	10
2013	1	1
2014	11	12

This report contains a summary of the cases considered in 2014. The decision sheets, ordinances and minutes are attached.

In addition to the 12 cases, the Board reviewed an update to their official bylaws on November 19, 2014 and adopted the revised bylaws on December 17, 2014.

Members of the Zoning Board of Appeals

Paul Armstrong (Chairperson), Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch served on the Zoning Board of Appeals. Stacy Harwood resigned from the Board on June 30, 2014. Joanne Chester was re-appointed by the Mayor and City Council on July 7, 2014.

Planning Staff

Elizabeth H. Tyler, PhD, FAICP Director of Community Development Services, Zoning Administrator and City Planner

Jeff Engstrom, AICP Interim Planning Manager

Kevin Garcia, AICP Planner II (*Hired in June, 2014*)

Christopher Marx Planner I (*Hired in October, 2014*)

Teri Andel Planning Administrative Assistant I

2014 ZONING BOARD OF APPEALS CASE SUMMARY

CONDITIONAL USE PERMIT

ZBA-2014-C-01

801 Killarney Street

A request by Elizabeth Hendrick for a Conditional Use Permit to allow the installation and use of a catering kitchen and banquet center within an existing building in the IN-1, Light Industrial/Office Zoning District.

The Zoning Board of Appeals reviewed and approved this request on February 19, 2014 by a vote of 5 ayes – 0 nays. A decision sheet was recorded on March 11, 2014 under Document No. 2014R03726.

ZBA-2014-C-02

2402 Provine Circle

A request by Andrea and A. Bernard Coffey for a Conditional Use Permit to allow an owner-occupied bed and breakfast in the R-2, Single-Family Residential Zoning District.

The Zoning Board of Appeals reviewed and denied this requested on March 19, 2014 by a vote of 6 ayes – 0 nays – 1 abstention. A decision sheet was recorded on April 25, 2014 under Document No. 2014R06635.

ZBA-2014-C-03

211 West High Street

A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a daycare facility in the R-2, Single Family Residential Zoning District.

The Zoning Board of Appeals first opened this case on April 16, 2014 and continued the case to a future meeting. On August 20, 2014, the Board reviewed and denied this request by a vote of 2 ayes – 2 nays.

ZBA-2014-C-04

211 West High Street

A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a daycare facility in the R-2, Single Family Residential Zoning District.

The Zoning Board of Appeals reviewed and approved this request on October 15, 2014 by a vote of 4 ayes – 0 nays. A decision sheet has not been recorded because a Certificate of Occupancy has not been issued due to some improvements that still need to be made to the existing structure.

ZBA-2014-C-05

302 West Florida Avenue

A request by Andrea and Martin Bohn for a Conditional Use Permit to operate an owner-occupied bed and breakfast in the R-1, Single Family Residential Zoning District.

The Zoning Board of Appeals reviewed and approved this request on October 15, 2014 by a vote of 4 ayes – 0 nays. A decision sheet was recorded on February 5, 2015 under Document No. 2015R01893.

ZBA-2014-C-06

1207 East University Avenue

A request by Kevin Modglin on behalf of the Champaign Urbana Mass Transit District (CU-MTD) for a Conditional Use Permit to allow a temporary second principal use of motor bus station on a single lot in the IN-1, Light Industrial/Office Zoning District.

The Zoning Board of Appeals reviewed and approved this request on December 17, 2014 by a vote of 6 ayes – 0 nays. A decision sheet was recorded on January 15, 2015 under Document No. 2015R00791.

MAJOR VARIANCE

ZBA-2014-MAJ-01

907 West Fairview Avenue

A request by Gary Frick for a Major Variance to allow an increase in the Floor Area Ratio (FAR) from 0.30 to 0.47 in the B-1, Neighborhood Business Zoning District.

The Zoning Board of Appeals reviewed this case on April 16, 2014 and recommended approval. The City Council approved the Major Variance on April 21, 2014 by adopting Ordinance No. 2014-04-039.

ZBA-2014-MAJ-02

804-1/2 East Main Street

A request by Faller Custom Builders, LLC for a Major Variance to install a shade awning encroaching eleven feet, four inches into the required front yard setback in the B-2, Neighborhood Business – Arterial Zoning District.

The Zoning Board of Appeals opened this case on June 18, 2014 and continued the case to a future meeting. In a Special meeting held on June 25, 2014, the Board recommended approval. The City Council approved the Major Variance on July 7, 2014 by adopting Ordinance No. 2014-07-064.

ZBA-2014-MAJ-03

1303 East Colorado Avenue

A request by Prairie Signs, Inc. for a Major Variance to install a sign that is twenty feet in height onto existing non-conforming sign poles in the B-3, General Business Zoning District.

The Zoning Board of Appeals opened this case on June 18, 2014 and continued the case to a future meeting. In a Special meeting held on June 25, 2014, the Board denied the request by a vote of 4 ayes to 0 nays.

ZBA-2014-MAJ-04

211 West Vermont Avenue

A request by Spencer Vonderheide for a Major Variance to install an air conditioning unit that will encroach three feet, one inch into the required side-yard setback in the R-1, Single Family Residential Zoning District.

The Zoning Board of Appeals reviewed this case on July 16, 2014 and recommended approval. The City Council approved the Major Variance on July 21, 2014 by adopting Ordinance No. 2014-07-066.

ZBA-2014-MAJ-05

807 South Cottage Grove Avenue

A request by Robert and Betty Swisher for a Major Variance to construct a home addition in alignment with the exterior wall of an existing house that will encroach up to nine feet, eleven inches into the required rear yard setback in the R-3, Single and Two Family Residential Zoning District.

The Zoning Board of Appeals reviewed this case on August 20, 2014 and recommended approval. The City Council approved the Major Variance on September 8, 2014 by adopting Ordinance No. 2014-09-081.

ZBA-2014-MAJ-06

505 North McCullough Street

A request by Bendsen Signs & Graphics for a Major Variance to allow a sign that is eleven feet high and setback eight feet from the right-of-way in the MIC, Medical Institution Campus Zoning District.

The Zoning Board of Appeals reviewed this case on November 19, 2014 and recommended approval. The City Council approved the Major Variance on December 1, 2014 by adopting Ordinance No. 2014-12-111.

MINOR VARIANCE

ZBA-2014-MIN-01

1806-1808 South Anderson Street

A request by Barbara and Susan Farner for Minor Variance to construct a sun room that encroaches no more than four feet, two inches into the required sixteen-foot, eight-inch front yard setback in the R-3, Single and Two Family Residential Zoning District.

The Zoning Board of Appeals reviewed and approved this request on May 21, 2014 by a vote of 5 ayes – 0 nays. A decision sheet was recorded July 2, 2014 under Document No. 2014R11436.

**ORDINANCES
AND
RECORDED
DOCUMENTS**

COPY

ORDINANCE NO. 2014-04-039

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an increase in Floor Area Ratio to 0.47 in the City's B-1, Neighborhood Business District, at 907 W. Fairview Ave / ZBA Case No. 2014-MAJ-01)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Gary Frick of Olympic Construction has submitted a petition for a major variance to allow for construction of an addition which would increase the Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue in the B-1, Neighborhood Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on April 16, 2014 and voted 5 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The petitioner is requesting a major variance to increase the allowed Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue.

2. The proposed variance would allow for an addition to the existing warehouse/office, as shown in the attached site plan.
3. The subject property is located in the B-1, Neighborhood Business Zoning District.
4. The proposed variance would allow for the business to expand and to remain at this location.
5. Per Table VI-3 of the Urbana Zoning Ordinance, the maximum Floor Area Ratio for the B-1 District is 0.30.
6. The variance is necessary due to the configuration of the existing warehouse building on the lot and the fact that the maximum Floor Area Ratio in the B-1 district is lower than almost all other zoning districts.
7. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. There are existing buildings nearby that have a much higher Floor Area Ratio, and the building setback would become more in harmony with the surrounding properties.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to allow the business to expand and remain on this lot.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2014-MAJ-01, the major variance requested by Olympic Construction is hereby approved in the manner proposed in the application.

The major variance described above shall only apply to the property located at 907 West Fairview Avenue, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

Lot 4 of Sarah A. Sim's Addition to the City of Urbana, being a subdivision of part of the North Half of the North Half of the North East 1/4 of the South East 1/4 of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Book "B" at page 284, in Champaign County, Illinois

Parcel No.: 91-21-07-428-007

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of April, 2014.

PASSED by the City Council on this 21st day of April, 2014.

AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS: None

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 28th day of April, 2014.


Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2014-07-064

COPY

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an encroachment of a shade awning into a required front yard in the City's B-2, Neighborhood Business-Arterial District, at 804 ½ East Main Street / ZBA Case No. 2014-MAJ-02)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Faller Custom Builders, LLC has submitted a petition for a major variance to allow a canopy roof to encroach up to 8 feet 10 inches into a required 15 foot front yard setback at 804 ½ East Main Street in the B-2, Neighborhood Business-Arterial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-02; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on June 25, 2014 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The applicant proposes to install a shade awning at 804 ½ East Main Street, located in the B-2 Neighborhood Business, Arterial District;
2. The first floor of the subject property is home to the Kings and Queens Beauty Salon;
3. Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of 15 feet in the B-2, Neighborhood Business-Arterial District;
4. Section VI-5.B.6 of the Urbana Zoning Ordinance allows shade awnings to encroach two feet, six inches into the required minimum setback;
5. The structure found at 804 ½ East Main Street currently encroaches seven feet, four inches into the required front yard along East Main Street;
6. The proposed shade awning would encroach up to eight feet, 10 inches into the required front yard;
7. Due to the subject property's lot and building configuration, the proposed variance would not serve as a special privilege;
8. The applicant states that they believe the proposed shade awning will increase the aesthetic value of the structure, as well as provide comfort the customers patronizing the beauty salon;
9. The situation was not created by the petitioner because the building currently found on the lot was constructed as early as 1915, and has retained its footprint since that time;
10. The proposed addition will not alter the essential residential character of the neighborhood. The installation would enhance cohesion between structures found along East Main Street;

11. Due to the significant setback of the structure found at 804 E. Main Street, as well as the presence of a canopy at 806 E. Main Street, the proposed variance will not cause a nuisance to adjacent properties;
12. The requested variance is the minimum possible deviation required to install the proposed shade awning.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2014-MAJ-02, the major variance requested by Faller Custom Builders, LLC is hereby approved in the manner proposed in the application and subject to the following condition:

1. The shade awning shall be built in conformance with the plans provided by the applicant.

The major variance described above shall only apply to the property located at 804 ½ East Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 16 feet of Lot 7 and the West 6 inches of Lot 6 of Esquire Munhall's Addition (also known as James Munhall's Addition) to the City of Urbana, as per plat recorded in Deed Record 32 at page 487, in Champaign County, Illinois

Parcel Identification Number: 91-21-09-353-015

COPY

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7th day of July, 2014.

PASSED by the City Council on this 7th day of July, 2014.

AYES: Ammons, Jakobsson, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 11th day of July, 2014.


Laurel Luht Prussing, Mayor

COPY

ORDINANCE NO. 2014-07-066

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an encroachment of an air conditioning unit into a required side yard in the City's R-1, Single-Family Residential District, at 211 West Vermont Avenue / ZBA Case No. 2014-MAJ-04)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Spencer Vonderheide has submitted a petition for a major variance to allow an air conditioning unit to encroach up to 3 feet 1 inch into a required 5 foot side yard setback at 211 West Vermont Avenue in the R-1, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on July 16, 2014 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Spencer Vonderheide is applying for a variance to install an air conditioning unit that will encroach three feet, one inch into a required minimum 5-foot side yard at 211 W Vermont Ave.
2. The property is located on Vermont Avenue, between Carle Avenue and Race Street, three-and-a-half blocks south of Carle Park and Urbana High School. The Urbana Comprehensive Plan identifies the future land use as "Residential".
3. The property is zoned R-1, Single-Family Residential District. The R-1 District requires side yards to be five feet wide at a minimum.
4. The proposed relocation of the air conditioning unit to the eastern side yard would result in an encroachment of three feet, one inch, or 62%, into the required side yard.
5. The width of the lot and the existing setbacks create a practical difficulty in carrying out the strict application of the zoning ordinance.
6. The proposed variance is not necessary due to special circumstances of the property.
7. The need for the proposed variance was created by the petitioner to a minor extent, since they chose to relocate the air conditioner to a side yard instead of where it is allowable.
8. The proposed variance will not alter the character of the neighborhood, nor is it likely to cause a nuisance to adjacent properties.
9. The proposed variance represents the minimum possible from Zoning Ordinance requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2014-MAJ-04, the major variance requested by Spencer Vonderheide is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The applicant installs screening, as proposed in the application;
2. The homeowners keep the unit in good working order to reduce noise impacts.

The major variance described above shall only apply to the property located at 211 West Vermont Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 6 in Block 4 of Hubbard Terrace, as per plat recorded in Plat Book "D" at page 3, in Champaign County, Illinois.

Parcel Identification Number: 93-21-17-382-005

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication, in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of July, 2014.

AYES: Brown; Jacobsson; Marlin; Roberts; Smyth

NAYS: Madigan

ABSTAINS:

PASSED by the City Council on this 21st Day of July, 2014.



Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 21st day of July, 2014.



Laurel Lunt Prossing, Mayor

ORDINANCE NO. 2014-09-081

COPY

AN ORDINANCE APPROVING A MAJOR
VARIANCE

(To allow an encroachment of a home addition into a required rear yard in the City's R-3, Single and Two-Family Residential District, at 807 South Cottage Grove Avenue / ZBA Case No. 2014-MAJ-05)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Betty and Robert Swisher have submitted a petition for a major variance to allow an addition that will encroach nine feet, 11 inches into the required 10-foot rear yard setback at 807 S. Cottage Grove Avenue in the R-3, Single and Two-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-05; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on August 20, 2014 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The subject property is located in the R-3, Single and Two-Family Residential District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a rear yard setback of 10 feet in the R-3, Single and Two-Family Residential District;
3. An 11-foot length of the original 1921 house encroaches entirely into the required 10-foot rear yard;
4. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege, as the addition will be located in line with a portion of the home that runs along the subject lot's rear property line;
5. The proposed addition will not alter the essential residential character of the neighborhood, as the existing building extends to the subject lot's west property line, and the addition will improve the home's aesthetic value, as well as enhance its current use as a single-family home;
6. The proposed variance will not cause a nuisance to adjacent properties, as it will not cast a shadow on the home to the west, which is also owned by the petitioners, and is located 21 feet away and across the driveway from the subject house;
7. The requested variance is the minimum possible deviation required to build the proposed addition.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2014-MAJ-05, the major variance requested by Betty and Robert Swisher is hereby approved in the manner proposed in the application and subject to the following condition:

1. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.
2. A drainage easement must be obtained from the lot adjacent to the west, which is home to 1006 E. Washington Street, in order to accommodate drainage along the west elevation of the proposed addition.

The major variance described above shall only apply to the property located at 807 S. Cottage Grove Avenue, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

LOT 10 IN EASTERDAY & BLACKER'S REPLAT OF LOTS 50, 51, 52, 53, 54, 56,
AND 57 OF MARTHA C. HUBBARD'S SECOND ADDITION TO URBANA AS PER PLAT
RECORDED IN PLAT BOOK D AT PAGE 287, SITUATED IN CHAMPAIGN COUNTY,
ILLINOIS.

Parcel Identification Number: 92-21-16-165-020

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 8th day of September, 2014.

PASSED by the City Council on this 8th day of September, 2014.

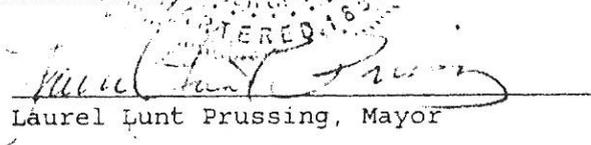
AYES: Brown, Jakobsson, Madigan, Marlin, Smyth

NAYS:

ABSTAINS:

The seal of the City of Urbana, Illinois, is circular with a sunburst design in the center. The words "CITY OF URBANA" are written around the top inner edge, and "ILLINOIS" is at the bottom. The seal is partially obscured by a signature and a line.
Phyllis B. Clark
Phyllis B. Clark, City Clerk

APPROVED by the Mayor this 10th day of September, 2014.

A handwritten signature in black ink, appearing to read "Laurel Lunt Prussing", is written over a horizontal line. Below the line, the name "Laurel Lunt Prussing, Mayor" is printed.
Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2014-12-111

COPY

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Sign 11 Feet in Height and Set Back 8 Feet From the Right-of-Way in the City's MIC, Medical Institutional Campus, at 505 N. McCullough Street / Case No. ZBA-2014-MAJ-06)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Bendsen Signs & Graphics, Inc. has submitted a petition for a major variance on behalf of Carle Hospital to install a freestanding monument sign that would be 11 feet tall and set back 8 feet from the property line in the MIC, Medical Institutional Campus to provide identification and direction; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2014-MAJ-06; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on November 19, 2014 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Bendsen Signs and Graphics, Inc. has applied on behalf of Carle Foundation Hospital to install a freestanding monument sign at 505 North McCullough Street.
2. The proposed sign would be 11 feet tall and set back 8 feet.
3. The site is located in West-Central Urbana and is zoned MIC, Medical Institutional Campus.
4. The Urbana Comprehensive Plan identifies the area as Community Business.
5. The proposed variance is desired due to special circumstances of the parcel being located at a high volume intersection and serving as a southeast entry point for the medical campus.
6. The proposed variance is not due to a situation created by the petitioner.
7. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
8. The proposed variance regarding sign height and setback represents the minimum possible derivation from Zoning Ordinance requirements to re-use the existing sign structure.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Bendsen Signs and Graphics, Inc., in Case No. ZBA-2014-MAJ-06, is hereby approved to allow installation of a freestanding monument sign that would be 11 feet tall and be set back 8 feet from the property line in the MIC, Medical Institutional Campus to provide visible identification and wayfinding on the site, in the manner proposed in the application and subject to the following conditions:

1. That the sign area, height, and setback do not exceed the dimensions shown in the sign plan submitted with the application;

The major variance described above shall only apply to the property located at 505 North McCullough Street, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

Lot 11 of S. H. Busey's Third Addition, as recorded in Deed Record Book 35 at page 128 in the Office of the Recorder of Deeds, Champaign County, Illinois and the south half of the public alley vacated by City of Urbana Ordinance Number 2007-09-095, recorded as Document Number 2008R07554 in the Office of the Recorder of Deeds, Champaign County, Illinois;

EXCEPT the westerly 45 feet thereof. and further excepting that portion of said Lot 11 dedicated to the People of the State of Illinois in a dedication recorded as Document Number 1997R14484 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Parcel Identification Numbers: 91-21-08-327-012

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of December, 2014

PASSED by the City Council on this 1st day of December, 2014.

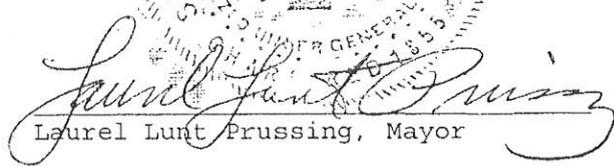
AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Smyth

NAYS: Roberts

ABSTAINS:


Phyllis A. Clark, City Clerk

APPROVED by the Mayor this 3rd day of December, 2014


Laurel Lunt Prussing, Mayor

2



CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-2014-CO-01

2014R03726
REC ON: 03/11/2014 2:35:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 43.00
PAGES 2
PLAT ACT: OPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, October 16, 2013 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2014-CO-01 a request for a Conditional Use Permit pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Elizabeth Hendrick for a Conditional Use Permit to allow the installation and use of a catering kitchen and banquet center within an existing building at 801 Killarney in IN-1 (Light Industrial/Office) Zoning District.

Common Street Address: 801 Killarney, Urbana IL

Owner of Record: Jericho Church

Permanent Parcel Index #: 91-21-05-304-001

Legal Description: Lot 16 in Lincoln Centre in Champaign County, Illinois, as per plat recorded in Plat Book "Z: at page 70, situated in the City of Urbana, in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to direct the Zoning Administrator to **APPROVE** the requested Certificate of Occupancy based on the following findings:

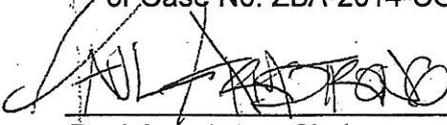
1. The applicant proposes a catering facility and banquet center at 801 Killarney in the IN-1, Light Industrial/Office zoning district. The Urbana Zoning Ordinance allows "Restaurant" as a conditional use in the IN-1 Zoning District.
2. The proposed use is to be located in the existing building at 801 Killarney and with the exception of an outdoor patio, would not make changes to the building's exterior.
3. The proposed use is located near key transportation corridors including Lincoln Avenue and Interstate 74, which will facilitate public access and the delivery of catering products.
4. The proposed use conforms to the applicable regulations and standards of and preserves the essential character of, the zoning district in which it is located.

5. The proposed use will not pose a detriment to the zoning district in which it is proposed to be located.

The conditions for the approval of the issuance of a Conditional Use Permit are as follows:

- (i) Any additional exterior waste disposal containers shall be effectively screened as set forth in Section VI-C of the Urbana Zoning Ordinance and as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator.
- (ii) The owner shall secure permission from the owner of the cemetery property to allow existing parking to continue to encroach onto that property.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2014-CO-01.



Paul Armstrong, Chairperson



Date

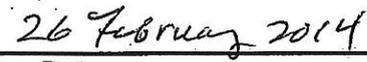
The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE# ZBA-2014-CO-01 - REQUEST FOR CONDITIONAL USE PERMIT
APPROVED FOR RECORDING BY:



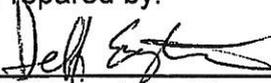
Jack Waaler, Special Counsel



Date

(5) Please return original decision sheet to the attention of Jeff Engstrom, City of Urbana, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:



Jeff Engstrom, Planner II
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

JN



8 1 0 4 8 8 2
Tx:4041603

**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-2014-CO-02**

2014R06635
REC ON: 04/25/2014 3:01:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 43.00
PAGES 2
PLAT ACT: OPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, March 19, 2014 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2014-CO-02 a request for a Conditional Use Permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request Andrea and A. Bernard Coffey for a Conditional Use Permit to allow a three guestroom owner occupied bed and breakfast within an existing home at 2402 Provine Circle in the R-2, Single Family Residential Zoning District.

Common Street Address: 2402 Provine Circle, Urbana IL

Owner of Record: Jericho Church

Permanent Parcel Index #: 93-21-25-480-010

Legal Description:

Lot 66 of University Downs Eleventh Subdivision, as per plat recorded in Plat Book "Y" at page 172, situated in the City of Urbana, in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **six ayes, zero nays, and one abstention**, the Urbana Zoning Board of Appeals **DENY** the requested Conditional Use Permit based on the following findings:

1. The proposed use does not preserve the essential character of the district in which it is located and would be unreasonably injurious and detrimental to the district.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2014-CO-02.


Paul Armstrong, Chairperson


Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE# ZBA-2014-CO-02 - REQUEST FOR CONDITIONAL USE PERMIT
APPROVED FOR RECORDING BY:

Jack Waaler April 3 2014
Jack Waaler, Special Counsel Date

Apply
(g) Please return original decision sheet to the attention of Jeff Engstrom, City of Urbana, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Jeff Engstrom
Jeff Engstrom, Planner II
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

OFFICIAL COPY CHAMPAIGN COUNTY RECORDER INFORMATION PURPOSES/USAGE ONLY



8 1 1 1 0 3 0
Tx:4044091

**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR A MINOR VARIANCE
IN CASE #ZBA-2014-MIN-01**

2014R11436

REC ON: 07/02/2014 10:55:56 AM

CHAMPAIGN COUNTY

BARBARA A. FRASCA, RECORDER

REC FEE: 43.00

PAGES 2

PLAT ACT: OPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, May 21st, 2014 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2014-MIN-01 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Barbara and Susan Farner to grant a Minor Variance to construct a sun room that encroaches no more than four feet, two inches into the required 16-foot, eight-inch front yard at 1808 South Anderson Street in the R-3, Single and Two Family Residential Zoning District.

OFFICIAL COPY CHAMPAIGN COUNTY ZONING BOARD
INFORMATION PURPOSE ONLY

Common Street Address: 1808 South Anderson Street

Owner of Record: Barbara and Susan Farner

Permanent Parcel Index #: 93-21-21-106-006

Legal Description:
Lot 106 of Sunnycrest Inc. 15th Subdivision, as per plat recorded in Plat Book "U" at page 55, situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes and zero nays** the Urbana Zoning Board of Appeals voted to direct the Zoning Administrator to **APPROVE** the requested Minor Variance based on the following findings:

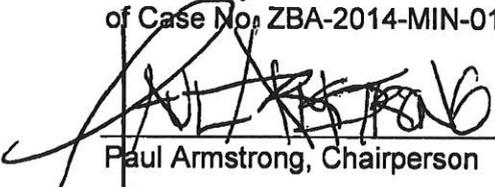
1. Table VI-3 of the Urbana Zoning Ordinance requires a front yard setback equal to the average for the block face, which is 16 feet, eight inches in this location in the R-3 Single and Two-Family Residential District.
2. The applicant proposes to build a sun-room addition in the same location as an existing fenced-in patio, which would encroach up to four feet, two inches into the required front yard along Evergreen Circle.
3. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege.

4. The situation was not created by the petitioner because the subject lot was developed more than 40 years ago.
5. The proposed addition will not alter the essential residential character of the neighborhood.
6. The proposed variance will not cause a nuisance to adjacent properties.
7. The requested variance is the minimum possible deviation to build the proposed addition to the home.

The condition for the approval of the Minor Variance is as follows:

- (i) The addition shall not exceed the 12-foot by 16-foot footprint, as shown in the application.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2014-MIN-01


Paul Armstrong, Chairperson


Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services, located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

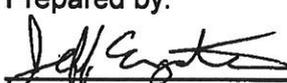
CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE# ZBA-2014-MIN-01 - REQUEST FOR MINOR VARIANCE
APPROVED FOR RECORDING BY:


Jack Waaler, Special Counsel


Date

(9) Please return original decision sheet to the attention of Jeff Engstrom, City of Urbana, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:


Jeff Engstrom, Planner II
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

3N



**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-2014-C-06**

2015R00791
REC ON: 01/15/2015 9:36:32 AM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 43.00
PAGES 3
PLAT ACT: OPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, December 17, 2014 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2014-C-06 a request for a Conditional Use Permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request by Kevin Modglin on the behalf of Champaign Urbana Mass Transit District (CU-MTD) for a Conditional Use Permit to allow a temporary second principal use (Motor Bus Station) on a single lot at 1207 E. University Ave in the IN-1 (Light Industrial/Office) Zoning District.

Common Street Address: 1207 E. University, Urbana, Illinois

Owner of Record: Kevin Modglin

Permanent Parcel Index #: 91-21-09-376-011

Legal Description:

All that piece or parcel of land situated, lying and being a part of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, and being more particularly described as follows, to-wit:
Commencing at an iron pipe survey monument found at the Northeast corner of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence South 02 degrees, 35 minutes, 02 seconds East along the East line of the Southwest Quarter of said Section 9, a distance of 1,678.68 feet to the South right of way line of University Avenue (U.S. Route 150); thence North 89 degrees, 22 minutes, 02 seconds West along the South right of way line of said University Avenue (U.S. Route 150), a distance of 209.85 feet to an iron pipe survey monument reset at the Northwest corner of the Roger Dooley Tract as filed for record as Document Number 96R02026 in the Office of the Recorder of Champaign County, Illinois, and as shown on a survey by Thomas B. Berns, Illinois Professional Land Surveyor No. 2006 on May 31, 1974 for the Point of Beginning; thence South 00 degrees, 36 minutes, 00 seconds West along the West line of said Roger Dooley Tract, a distance of 297.59 feet to an iron pipe survey monument found at the Southwest corner of said Roger Dooley Tract; thence North 89 degrees, 21 minutes, 34 seconds West along the Westerly extension of the South line of said Roger Dooley Tract, a distance of 440.31 feet to an iron pipe survey monument set on the Southerly extension of the East line of Lot 1 of the Minor Plat of part of Lot B and Lot C, Urbana, Illinois, as filed for record as Document Number 99R28859 in the Office of the Recorder of Champaign County, Illinois, thence North 00 degree, 35 minutes, 08 seconds East along the East line of said Lot 1, a distance of 297.54 feet to and iron pipe survey monument found at the Northeast corner of said Lot 1, said iron pipe survey monument also being on the South right of way line of said University Avenue (U.S. Route 150), thence South 89

degrees, 22 minutes, 02 seconds East along the South right of way of said University Avenue (U.S. Route 150), an distance of 440.38 feet to the point of beginning, all as show on Plat of Survey prepared by Thomas. B. Berns, Illinois Professional Land Surveyor No. 2006, President of Berns, Clancy and Associates, P.C. Situated in Champaign County, Illinois.

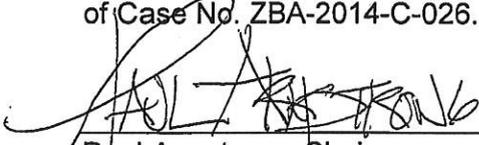
After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **six ayes** and **zero nays** the Urbana Zoning Board of Appeals **APPROVES** the requested Conditional Use Permit based on the following findings:

1. The applicant, Kevin Modglin, proposes a second principal use of a Motor Bus Station in addition to the Construction Yard principal use at 1207 E. University in the IN-1, Light Industrial/Office zoning district.
2. The Urbana Zoning Ordinance allows "Construction Yard" and "Motor Bus Station" as conditional and permitted uses in the IN-1 Zoning District, respectively. The Zoning Ordinance allows a second principle use as a conditional use.
3. The proposed second principal use would allow the Champaign-Urbana Mass Transit District (CU-MTD) to store rural transit vehicles while using a mobile office to serve as a dispatch center. The proposed use is characterized as a "Motor Bus Station" under Table V-I of the Zoning Ordinance.
4. The petitioner is currently operating a Construction Yard at the subject property.
5. The secondary use is temporary and the petitioner requests a time period of 24 months on the application.
6. The proposed use is conducive to the public convenience at this location due to its congruency with the current uses of the property and nearby properties. It is located near existing industrial properties and conveniently offers access to transportation corridors like University Avenue and Interstate 74.
7. The proposed use does not pose a detriment to the zoning district in which it is proposed to be located due to the similarly zoned properties in the area.
8. The proposed use conforms to all of the applicable regulations of the zoning district in which it is located.
9. The proposed use would preserve the essential character of the zoning district in which it is located, if operated properly. Allowing the mobile office and vehicle storage will not greatly increase the intensity of the use and impact on the neighborhood.

The conditions for the approval of the Conditional Use Permit are as follows:

- i. The Conditional Use Permit shall expire after January 12, 2017. The temporary mobile office is installed with all the appropriate electrical, sanitary, water connections, and property line setbacks as indicated in the application.
- ii. The use must conform to all applicable building codes and obtain a Certificate of Occupancy from the Building Safety Division.
- iii. The permit shall conform to the site plan as shown in the application.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2014-C-026.


Paul Armstrong, Chairperson

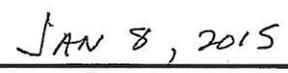

Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

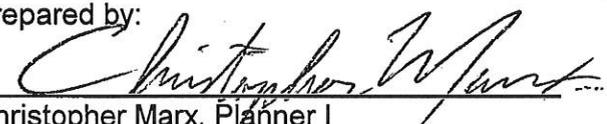
CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE# ZBA-2014-C-06 - REQUEST FOR CONDITIONAL USE PERMIT
APPROVED FOR RECORDING BY:


Jack Waaler, Special Counsel


Date

(G) Please return original decision sheet to the attention of Christopher Marx, City of Urbana, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:


Christopher Marx, Planner I
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

Champaign County Illinois
Barb Frasca
Register of Deeds

This receipt acknowledges that

CITY OF URBANA

has submitted a document to be
officially recorded of type:

DECISIONS

The document was received on:

Jan 15 2015 9:36AM

The document can be identified by
this Transaction Id

4051192

2015R00791

CHECK: 1032 43.00 MIDILLINOISDEVEL

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CITY OF URBANA
ZONING BOARD OF APPEALS



DECISION SHEET

REQUEST FOR A CONDITONAL USE PERMIT
IN CASE #ZBA-2014-C-05

2015R01893
REC ON: 02/05/2015 3:29:10 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 43.00
PAGES 2
PLAT ACT: UPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, October 15th, 2014 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2014-C-05 a request for a Conditional Use Permit pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Andrea and Martin Bohn for a Conditional Use Permit to operate an owner-occupied bed and breakfast at 302 W. Florida Avenue, in the R-1, Single-Family Residential Zoning District.

Common Street Address: 302 W Florida Avenue
Owner of Record: Martin Bohn
Permanent Parcel Index #: 93-21-17-383-014

Legal Description:

Lot 15 in Block 5 of Hubbard Terrace, being an addition to the City of Urbana as recorded in Plat Book "D" at Page 3, situated in Champaign County, Illinois 61801.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes and zero nays** the Urbana Zoning Board of Appeals voted to direct the Zoning Administrator to **APPROVE** the requested Conditional Use Permit based on the following findings:

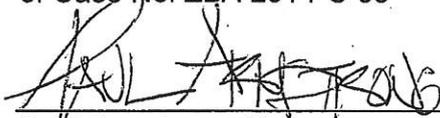
1. The subject property is zoned R-1, Single-Family Residential.
2. The Urbana Zoning Ordinance allows an "Owner-Occupied Bed and Breakfast" as a conditional use in the R-1 zoning district.
3. The proposed use is to be located in the existing house at 302 W. Florida Avenue.
4. The proposed owner-occupied bed and breakfast will only allow a maximum of two guests at any one time.
5. Only one guest of the proposed use at any one time will be allowed to have a vehicle on-site.

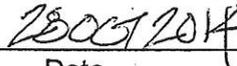
6. The proposed bed and breakfast will not serve any food to guests.
7. The proposed use is conducive to the public convenience at this location, as it is located in a highly accessible neighborhood near the campus of the University of Illinois.
8. The propose use is designed, located, and proposed to operated so that it will not create a nuisance for the neighborhood, nor be a determinant to its surrounding district.
9. The propose use will meet all zoning and building safety code regulations and will preserve the residential character of the property.

The conditions for the approval of the Conditional Use Permit are as follows:

- (i) Only two individual guests will be allowed at any one time.
- (ii) The conditional use shall only be approved for the applicants in this case, and will not be applicable to any future owners or tenants of 302 W. Florida Avenue. The applicants will not be able to utilize this specific conditional use permit in any other property they may move into or purchase.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2014-C-05.


Paul Armstrong, Chairperson

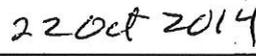

Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

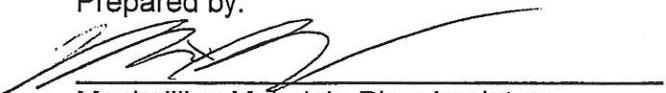
CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET
CASE# ZBA-2014-C-05 - REQUEST FOR A CONDITIONAL USE PERMIT
APPROVED FOR RECORDING BY:


Jack Waaler, Special Counsel


Date

(G) Please return original decision sheet to the attention of Maximillian Mahalek, City of Urbana, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:


Maximillian Mahalek, Planning Intern
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

MEETING MINUTES

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

DATE: February 19, 2014
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch
MEMBERS EXCUSED	Stacy Harwood, Charles Warmbrunn
STAFF PRESENT	Jeff Engstrom, Planner II; Rebecca Nathanson, Planning Intern; Teri Anzel, Planning Secretary
OTHERS PRESENT	Sue Dawson, Elizabeth Hendrick, Steve Pickett

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 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 October 16, 2013 Zoning Board of Appeals regular meeting were presented for approval. Mr. Welch moved to approve the minutes as presented. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

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-2014-C-01: A request by Elizabeth Hendrick for a Conditional Use Permit to allow the installation and use of a catering kitchen and banquet center within an existing building at 801 Killarney in the IN-1, Light Industrial/Office Zoning District.

Chair Armstrong opened this item of business. Rebecca Nathanson, Planning Intern, presented this case to the Zoning Board of Appeals. She began with a brief background noting the location, zoning and current land use of the proposed site and of the adjacent properties. She pointed out that the Zoning Administrator determined that the proposed uses are closest to the restaurant use in the Zoning Ordinance. Restaurants are allowed with approval of a conditional use permit in the IN-1 Zoning District. She reviewed the development regulations for the IN-1 Zoning District including the Floor Area Ratio (FAR), Open Space Ratio (OSR), parking and setback requirements. When discussing parking, she mentioned that 11 of the required parking spaces encroach upon the adjacent property to the east, the Woodlawn Cemetery. The applicant is aware of this issue and is communicating with the owner of the Woodlawn Cemetery to secure permission to continue to use those 11 parking spaces for their business. She then discussed the operation of the catering business and future banquet hall. She reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. She summarized staff's findings and explained how the proposed use relates to Goal 28 of the 2005 Urbana Comprehensive Plan. She presented staff's recommendation.

Chair Armstrong asked if the Zoning Board of Appeals had questions for the Planning staff. There were none. He opened the public hearing up for audience participation.

Steve Pickett, Architect for the Hendrick House, introduced Elizabeth Hendrick (owner) and Sue Dawson (Vice-President of Food Service). Hendrick House has served students as a residential and food service facility for about 60 years. Over these years, Hendrick House has developed a very outstanding food service, which is what has prompted the proposed request.

Chair Armstrong felt that City staff explained the accessibility to the proposed site. How do the applicants see the business as growing in the future outside of the future banquet hall? What impact might the increased growth have on the traffic? Mr. Pickett stated that most of the traffic for the catering use would be residential type vans taking food from the proposed site to other areas in Urbana and Champaign. There would be about 3 to 5 employees that would park their cars in the parking spaces. When the banquet hall opens in 12 to 18 months, it would seat about 95 people. They plan to contact neighboring properties to contract/share parking on their lots. Ms. Dawson added that while they do anticipate expanding their catering business from the proposed location, they do a lot of their catering off-site. Many of their big events would still have to be located off-site because the proposed building is not very big. The future banquet hall use would be for smaller groups such as Rotary luncheons, etc.

With no further questions or comments, Chair Armstrong closed the public input portion of the hearing and opened the hearing for the Zoning Board of Appeals discussion and/or motion(s).

Ms. Uchtmann moved that the Zoning Board of Appeals approve Case No. ZBA-2014-C-01 with the conditions as recommended by City staff. Ms. McLaughlin seconded the motion. There was no discussion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	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

Jeff Engstrom reported on the following:

- Planning Staff Update – He explained that Robert Myers moved to St. Charles County in Missouri. Rebecca Bird moved to Wokingham, England. Aditi Kambuj moved to Seattle, Washington. The City of Urbana is working on hiring new planners to serve the City.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:53 p.m.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: March 19, 2014
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT Paul Armstrong, Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

STAFF PRESENT Elizabeth Tyler, Director of Community Development Services; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT Randy and Ann Blackman, Patricia Brown, A. Bernard and Andrea Coffey, Chris and Kathryn Courtney, Lori Hansen, Michael Kramer, Tina Lamb, Bob and Dee Lambert, Diane Marlin, Matt Rivers, Anthony and Tiffany Rossi, Robin Schingel, Ron and Angela Timmons

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

Chair Armstrong called the meeting to order at 7:31 p.m. Roll call was taken, and he declared that there was a quorum with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the February 19, 2014 Zoning Board of Appeals regular meeting were presented for approval. Mr. Welch moved to approve the minutes as presented. Ms. Harwood seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Petition of Property Owners in Opposition
- Letter from Kathy Aplington

- Email from Ronda Driscoll
- Email from Lori Hansen and Michael Kramer
- Letter from Tina Lamb
- Letter from Matthew and Christine Rivers
- Email from Anthony Rossi and Tiffany Xanos Rossi
- Letter from Scott and Robin Schingel

Chair Armstrong pointed out that there were enough signatures on the petition to make it valid and to require a 2/3 super majority vote, which meant that five of the seven members voting in favor was needed for approval of the Conditional Use Permit request.

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. He, then, explained that although the City values everyone's opinions, each person would be allowed five minutes to ask questions and/or voice their concerns.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-C-02: A request by Andrea and A. Bernard Coffey for a Conditional Use Permit to allow an Owner-Occupied Bed and Breakfast at 2402 Provine Circle in the R-2, Single-Family Residential Zoning District.

Chair Armstrong opened this item of business. Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began by describing the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He defined "owner-occupied bed and breakfast". He talked about the amenities of the proposed owner-occupied bed and breakfast and noted the other bed and breakfast uses that were approved in the past and are located in the City of Urbana. He stated that City staff had received several phone calls and ten letters in opposition. In addition, a petition with signatures of more than 40% of the neighbors in opposition was submitted making it a valid protest which requires a 2/3 majority vote. He discussed the development regulations that relate to the proposed case and addressed some of the concerns of the neighbors with regards to Floor Area Ratio (FAR) and Open Space Ration (OSR).

City staff's main concern is parking. Article VIII of the Urbana Zoning Ordinance requires two parking spaces for the single-family use plus one additional parking space for each additional guest bedroom. In this case, the owners would be required to have five parking spaces. The driveway is wide enough for two cars to be parked side-by-side; however, City staff is not comfortable that the driveway is long enough to accommodate two cars: one parked behind the other without the last car encroaching into the sidewalk area. As a result, City staff asked that if the Zoning Board of Appeals approved the proposed Conditional Use Permit, then to allow only two guest bedrooms.

Mr. Engstrom talked about how the 2005 Comprehensive Plan Goals and Objectives relate to the proposed use. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He stated the conditions that City staff recommended should the Zoning Board of Appeals approve the proposed request and read the options of the Zoning Board of Appeals.

Chair Armstrong asked if there were any questions from the Zoning Board of Appeals for City staff.

Mr. Welch asked what other types of businesses would be allowed in the area. Mr. Engstrom answered by saying that a daycare would be allowed for up to five children with a home occupation permit. Other home occupation uses would include home office, making crafts to sell outside of the home, etc. In general, the residential zoning districts are limited when it comes to business uses being allowed. Mr. Welch stated that in this case, the area is primarily residential where certain business uses are allowed, and there is a clash of interest between the owners and the neighbors. One way to solve this problem would be to have residential zoning that would not allow any home occupation uses. Elizabeth Tyler, Director of Community Development Services, replied that there are very few non-residential uses allowed in the R-2, Single Family Residential Zoning District. She believed the fact that the non-residential uses are only allowed with a Special Use Permit or Conditional Use Permit signifies that these are uses that can be compatible; however, they must meet the three required criteria. Mr. Welch stated that while these uses are not automatically approved; they are also not barred.

Mr. Welch inquired as to how long a guest would be permitted to stay. Mr. Engstrom said that a guest could stay up to 30 consecutive nights. Ms. Chester clarified that if the proposed Conditional Use Permit is granted, then the petitioners could have two or three guests stay for up to a month. Mr. Engstrom said yes.

Mr. Warmbrunn asked City staff to define what is meant in the sentence, "*A bed and breakfast shall be subordinate to the principal use as a single-family dwelling*", which is part of the definition for "owner-occupied bed and breakfast". Mr. Engstrom stated that this means that the bed and breakfast cannot dominate the use of the property. Mr. Warmbrunn asked how this would be measured. Ms. Tyler replied that they measure the total amount of square footage that would be used by the guests as opposed to a single-family home.

Mr. Warmbrunn questioned if there was a minimum size required for guest bedrooms. Mr. Engstrom answered that they are the same for a single-family home. The minimum room size is 80 square feet according to the Building Code.

Ms. Harwood asked how the City would verify whether a bed and breakfast is being owner occupied. Mr. Engstrom stated that City staff checks for the owner occupation exemption in the Tax Assessor's data and perform periodic inspections if there are complaints.

Ms. Harwood inquired about the employee parking. Mr. Engstrom stated that there would not be a requirement for employee parking.

Ms. Harwood wondered if other residents in the neighborhood park encroached into the sidewalk area when they park their vehicles. Is there a parking issue in this neighborhood? Mr. Engstrom

replied that while he was not aware of this being an issue in this neighborhood, it is a parking rule for all areas in the City. The City's Parking Enforcement staff looks for these types of violations and does issue warnings and fines.

Mr. Armstrong questioned how the proposed bed and breakfast use would compare to him having guests stay in his home frequently. Mr. Engstrom answered that although it could be a similar impact on the neighborhood, the City looks at the proposed use because it is a business for profit and they want to make sure that there is no undue burden being put on the neighborhood.

Ms. Harwood wondered how the City handles violations of a Conditional Use Permit of this nature. Would the City investigate complaints and issue warnings? Ms. Tyler explained that City staff could revoke the Conditional Use Permit if the conditions were not being met. If they continued to operate a bed and breakfast without a Conditional Use Permit, then the City would handle it legally.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input. He invited the petitioners to speak.

A. Bernard and Andrea Coffey, of 2402 Provine Circle, approached the Zoning Board of Appeals. Ms. Coffey talked about the 2005 Comprehensive Plan encouraging a mix of land use to achieve a balance and growing community. As long as they abide by the conditions and criteria for a Conditional Use Permit, then any opposition would be anti-growth. She talked about the proposed bed and breakfast and what they intend to offer their guests. Their targeted guests are spiritual leaders and retirees.

Ms. Coffey reviewed the criteria that must be met for a Conditional Use Permit according to Section VII-2 of the City of Urbana's Zoning Ordinance. Following is her explanation for meeting each criterion:

Criteria 1: *That the proposed use is conducive to the public convenience at that location.*

Eco-tourists look for areas like Meadowbrook Park. Meadowbrook Park is one of the largest prairies in the State of Illinois, and there are no places for tourists to stay in the area. Their proposed bed and breakfast would be a great place for eco-tourists to get away to relax and experience nature. Their quiet neighborhood would be an ideal place to get away from the hustle and bustle of the campus and downtown areas and to have the amenity of being located close to Meadowbrook Park. In addition, research shows that when a home is located near a tourist attraction, the property value increases.

Criteria 2: *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

This is their community as well as their neighbors. They would not want to be detrimental to the neighborhood or lower their own property value. The proposed

bed and breakfast use with three guests is not any different than single-family traffic with grown teenagers who drive and own vehicles for each member in the family. They would not allow their guests to stay up late and create a noise nuisance. They will require and instill “quiet time” so guests do not interrupt their sleeping as well as that of the neighbors.

Criteria 3: That the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located, except where such regulations and standards are modified by Section VII-3.

The neighborhood would still be quiet and secluded because that is what their targeted guests will be looking for. They plan to make some minor improvements to their property and to plant some native landscaping but will keep their property in the essential character of the neighborhood.

The proposed bed and breakfast would be open to the public. Residents in the City who do not have enough room in their own homes to host events, such as a Tea Party, would be welcomed to patronize their home.

The image of a bed and breakfast has changed over the years. Bed and breakfast businesses were previously viewed as being boarding homes for stragglers. Nowadays, people primarily between the ages of 40 to 65 prefer to stay at a bed and breakfast.

With regards to experience, Mr. Coffey's mother owns a multi-million dollar hotel in Italy. Her hotel is ranked 4th out of the 29 hotels in their area.

Mr. Coffey stated that he is a retired engineer. He has lived in the neighborhood since 2007. He enjoys his neighbors and does not believe in encroaching on anyone's lives. He is a Christian man who does not drink or smoke. He is willing to fix the driveway issue to accommodate adequate parking. He believed that the neighborhood will continue to grow with Meadowbrook Park. He considers himself a people person and likes to please people, which is what he would like to do if given approval with the proposed bed and breakfast.

Ms. Coffey addressed a concern expressed in one of the letters about people who have children not feeling safe with guests staying in the neighborhood. She pointed out that there are children living in most residential areas. With regards to traffic, one solution would be to post signs indicating children playing. She did not feel this would be an issue because their guests live in residential neighborhoods and already know to watch out for children playing.

Mr. Warmbrunn asked how the petitioners felt about limiting the use to two guest bedrooms. Ms. Coffey said that they prefer three bedrooms. If City staff wants to limit the use to two guest bedrooms due to parking shown in the pictures submitted as part of their application, they could have pulled the first vehicles up about two feet closer to the garage door. The driveway measures 37 feet from the garage door to the sidewalk, so there is enough room to fit two cars stacked in the driveway without encroaching into the sidewalk.

Mr. Warmbrunn inquired about the petitioners' expected three stays per week. Ms. Coffey explained that research says to expect 30% of your total occupancy. Three stays may not mean three people all week. Mr. Coffey added that they would also have the ability to control who registers and whether they have anyone at all. There would only be three guest rooms, so there would not be a flood of people. They would limit one room to one person or to a couple.

Mr. Warmbrunn asked about their anticipated increase in business after the first year also increasing traffic in the neighborhood. Ms. Coffey replied that when talking about the increase in their business, it is similar to a family with three children becoming driving teenagers. The proposed bed and breakfast would be different than a family with three teenagers because the family residents would not have new guests every day. They plan to have "black out days". Mr. Warmbrunn responded that the neighborhood will know how many vehicles there are with a family that has teenagers. Also, the teenagers will know the rules of the neighborhood. With the bed and breakfast, there will be new people driving in the neighborhood for up to 30 days. Ms. Coffey stated that research shows that the length of stay at a bed and breakfast is five nights.

Ms. Harwood asked if they have lived in the house since Mr. Coffey purchased the home. Mr. Coffey said yes.

Ms. Harwood pointed out that many of the letters submitted in opposition stated that there were renters living in the home. Ms. Coffey explained that they rented the house for a couple of years when Mr. Coffey retired. They moved down south, but renting did not work out, so they moved back in. 2402 Provine Circle is their primary residence.

Ms. Harwood inquired as to how much people pay to stay at a bed and breakfast. Ms. Coffey replied that Sylvia's Inn and Heritage House both charge \$125.00 per night, which is the going rate for this community.

Ms. Uchtmann asked if there would be guests staying in their home during black out days. Ms. Coffey said no. She explained that "black out days" are days that they would not accept registrations for people to stay.

Mr. Welch inquired as to whether the petitioners talked with their neighbors about their idea to open a bed and breakfast in their home. Ms. Coffey said yes. No qualms were brought up to them during this time. After receiving their submitted application, City staff recommended to them to speak with the neighbors about their idea. In fact, when speaking to one of their neighbors, they found out that many of the residents in the neighborhood were concerned about their cul-de-sac being built back in the day.

Ms. McLaughlin inquired as to how much of the year they plan to be in operation. Ms. Coffey stated that they may take vacation for a week or two throughout a year. Mr. Coffey added that they may have black out days to provide him some time to perform maintenance on the house as well without guests being there.

Randy Blackmon, of 2404 Provine Circle, spoke in opposition. He expressed his concern about the proposed bed and breakfast causing his property values to decrease and the potential inability to sell his home in the future. Eco-tourism is new and although Meadowbrook Park is an outstanding park, it is highly questionable that it is nationally known.

Another concern is the security of the neighborhood. Mr. Welch mentioned that other home occupation use businesses would be allowed by right, but there is a big difference between a child day care where local residents would be dropping off their children and a bed and breakfast use where transients from elsewhere in the world would be staying while they visit. He likes Mr. Coffey; however, he does not support the idea of a bed and breakfast.

Tiffany Xanos Rossi, of 2401 Provine Circle, read her letter in opposition that was handed out prior to the start of the meeting. The letter talks about her family's concerns with having a bed and breakfast in the neighborhood. After reading the letter, she added that while Ms. Coffey had stated that 2402 Provine Circle is their primary address, she has never seen Ms. Coffey before this meeting.

Angela Timmons, of 2406 Provine Circle, read her letter in opposition. Her letter talks about her family's concerns with the effect a bed and breakfast would have on the property value of their home and with the safety of her children playing in the area with increased traffic/parking and the numerous transients coming and going. She added that the Coffeys talked with them on March 2nd and the application was filed on February 4th, so they feel like they were slightly blind-sided. She also mentioned that the Coffeys house was used as a rental property from the time that she moved into her home in late 2008 until 2013. She pointed out that not every teenager automatically gets a car when they get a driver's license.

Kathryn Courtney, of 2304 Brookens Circle, stated that she and her husband strongly oppose the proposed bed and breakfast. She read her letter in opposition, which expressed concerns about the safety of children playing, the effect of having a commercial business located in the neighborhood, and the immediate impact on her family with the lack of privacy and increased noise. She added that she does not believe that the Coffeys plan to live there, but instead hire a manager to run the bed and breakfast. Her understanding is that the Coffeys live in Gary, Indiana.

Diane Marlin, Alderwoman Ward 7 of the Urbana City Council, stated that she received emails from residents with concerns about the proposed bed and breakfast at 2402 Provine Circle. She was not there to state a position on the case, but instead wanted to pose the following questions/concerns regarding the proposed Conditional Use Permit:

1. The Parking Plan as stated in the application did not appear to be adequate as confirmed by City staff. The property does not provide the required space for five vehicles – two for the owners and three for the guests. The Parking Plan was not drawn to scale and did not represent the actual position of the vehicles. It also mentions parking in the rear of the property. Furthermore, having an employee working up to 30 hours per week would require additional parking on the cul-de-sac adding to whatever congestion there is already.
2. The issue of owner occupancy has been raised again and again. The Urbana City Ordinance requires that the proposed bed and breakfast be owner occupied in this area; however, the application referred to a "resident occupied bed and breakfast". A "resident" may or may not mean the property owner. Several neighbors have testified that the property has been a rental property for the past several years. She has concerns about the owners' intent to actually live in the house as a

- primary residence. If the property had been rented out for the past four or five years, then the owners would have been required to register the property with the City's Rental Registration Property and pay the associated fees.
3. She expressed concern about whether the proposed bed and breakfast would be subordinate to the single-family use of the home. Three of the bedrooms would be rented out and one of the petitioners stated that the library would be used as a quiet retreat. It was even mentioned that other areas of the house would be used as public meeting areas.
 4. Targeted Clientele. The application states that the petitioners would target travelling ministers who want a quiet retreat or possibly athletic coaches and their families. However, the petitioners presented a different intent to market to eco-tourists, which would be a whole different clientele and use of the property.
 5. Bed and Breakfasts are businesses, which is why the City of Urbana requires a motel/hotel license, a Public Health certificate and a Certificate of Occupancy. It is a business that the City of Urbana is responsible for the health and welfare of the travelling public. If liquor would be served, then it would also require a liquor license.

She urged the Zoning Board of Appeals to clear up any questions and inconsistencies as they deliberate on the proposed case. The Board also has the responsibility to be fair to all parties that have an interest in the proposed case.

Michael Kramer, of 2302 Brookens Circle, spoke in opposition. He felt that although a bed and breakfast could be a valuable asset in the community, he did not feel that it would fit in this neighborhood. With the property having been used as a rental property for a long time and with potential issues of foreclosure, it draws suspicion of whether it would be owner occupied. He also did not see Meadowbrook Park bringing in eco-tourism. He requested that the Zoning Board of Appeals deny the proposed application.

Mr. and Mrs. Coffey re-approached to address any issues or concerns that were raised. Ms. Coffey stated that Mr. Coffey purchased the property in 2006. They were married in 2007. Soon afterwards, he injured his back and was disabled for a number of years. They moved down south so that he could receive care. Their last renter moved out in March of 2013. Mr. and Mrs. Coffey have been living there since then. She has seen Ms. Rossi, but they have not spoken. There are no plans to provide parking in the backyard. She talked about Meadowbrook Park and how it is moving toward becoming a national park. Their spiritual friends are looking for a place to stay when travelling. There is evidence to support that bed and breakfast business increase property values.

Mr. Coffey clarified that there are no current plans to provide parking in the backyard. The property was only rented for two years; not five. There will not be any liquor sold in their home. He has four large trees that are mature and cover his backyard. Although he had some financial problems when his back was injured, he has worked through them, and the property is not in fore-closure.

With no further comments or questions from the public audience, Chair Armstrong closed the public input portion of the meeting. He, then, opened the hearing up for Zoning Board of Appeals discussion and/or motion(s).

Ms. Uchtmann felt that if there would be three bedrooms for guests, plus the use of the kitchen, the dining area and the library, then the single-family use would become subordinate to the bed and breakfast use. Ms. Tyler replied that this is something worth looking at. All the factors to be weighed are the layout of the house, the number of vehicles, a wide variety of conditions that the Zoning Board of Appeals can add such as restrictions on occupancy levels, definitions of “owner-occupied” and “subordinate”, and the three criteria required by the Zoning Ordinance. Chair Armstrong wondered if the number of possible conditions that the Board could add it would become burdensome and restrictive. At what point do they stop adding conditions? Ms. Tyler stated that this is a good point. Not only does it become burdensome for the property owner but also for enforcement.

Mr. Welch discussed the differences between the bed and breakfast on Michigan Avenue and the proposed case. The house on Michigan Avenue was a nine-bedroom house; whereas the proposed house has four bedrooms. The property owners of the bed and breakfast on Michigan Avenue came up with off-site parking for their guests. The petitioners in the proposed case proposed that the guests park in their driveway. Whether it would be two extra cars or three extra cars, there would be back and forth comings and goings, and it would change the traffic flow and environment of a neighborhood.

Ms. Chester did not feel that a bed and breakfast in this area would preserve the character of the neighborhood. It would be detrimental because of the parking. The cul-de-sac is very small and does not provide but maybe one parking space on the street. She also didn't believe that property values are enhanced because of a bed and breakfast. Property values in this neighborhood have increased very slowly compared to other areas closer to campus. Landscaping would not change the value of a property by much. She felt it would not be a good idea to allow the proposed bed and breakfast.

Ms. Harwood expressed concern over whether the single-family use or the bed and breakfast would be the subordinate use of the property. It appears to be subjective and no clear way to figure it out. Ms. Tyler stated that in the past, City staff had gone into the home and reviewed the use of each space with the owner and then made a determination about what was preponderant and what was subordinate. Mr. Engstrom added that they could get the measurements and find out the absolute area. However, there are other things to measure (for example, how often is a space being used for the bed and breakfast) so it will be subjective. Ms. Tyler stated that it is similar to the compatibility and the character. There is not a ruler that can measure this. Hopefully, the facts presented and the testimony given by everyone can help serve as a guide in making that determination.

Ms. Chester moved that the Zoning Board of Appeals deny Case No. ZBA-2014-C-02. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn asked if the Zoning Board of Appeals needed to state reasons for denying the case. Ms. Tyler said it would be helpful. They could reference the findings in the written staff report.

Ms. Chester requested a friendly amendment to the motion to state the reason for denying the request was because the proposed bed and breakfast use would not preserve the essential

character of the neighborhood in which it would be located. Ms. Uchtmann seconded the friendly amendment. Roll call on the motion with the amendment was taken and was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Abstain
Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 7 ayes to 0 nays and 1 abstention.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Zoning Map Update – City Council adopted a new zoning map. The Federal Emergency Management Agency (FEMA) has issued new flood maps, so City staff will be pursuing a case to revise the City’s Boneyard Creek District.

Chair Armstrong requested that City staff review where it would be more desirable to have bed and breakfast businesses and to write language into the Urbana Zoning Ordinance to clarify that. Ms. Tyler thought it may be possible to add some text to the owner occupied bed and breakfast to clarify the districts or even help with the measurement of what subordinate would be.

Chair Armstrong pointed out that the other bed and breakfast businesses were approved because of their pedestrian connection especially to campus. Ms. Harwood did not believe that they should eliminate economic opportunities. She did not see much of a difference between a bed and breakfast use and transient renters. Ms. McLaughlin agreed. She liked that it is open-ended. People are interested in more flexible zoning. So, it is good to keep opportunities open. A bed and breakfast use is one that should be reviewed on a case-by-case basis. Had the layout of the neighborhood been slightly different or there were different neighbors living in the area, the case could have gone a different way. Ms. Uchtmann stated that she has lived in the area for 39 years, and there have been various home-based businesses in the area which have been successful. Ms. Tyler stated that recently there was a controversial home occupation use that was proposed. City staff tried to tighten down the limitations on home occupation use as part of the omnibus text amendment to the Urbana Zoning Ordinance; however, City Council excluded this part before approving the rest of the text amendment. They didn’t want to tighten down on the home

occupation uses. The City Council asked City staff to revisit making changes to the Home Occupation Ordinance.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 9:36 p.m.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: April 16, 2014
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch
MEMBERS EXCUSED	Paul Armstrong, Charles Warmbrunn
STAFF PRESENT	Jeff Engstrom, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Gary Frick

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

Harvey Welch served as Acting Chair in the absence of Paul Armstrong. He called the meeting to order at 7:30 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 19, 2014 Zoning Board of Appeals regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as presented. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Jeff Engstrom, Planner II, announced that the petitioners in Case No. ZBA-2014-C-03 had requested that their case be opened and forwarded to the May 21, 2014 meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

Acting Chair Welch swore in the member of the audience who indicated that he may give testimony during the following public hearing.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-01: A request by Gary Frick for a Major Variance to allow an increase in the Floor Area Ratio (FAR) from 0.30 to 0.47 at 907 West Fairview Avenue in the B-1, Neighborhood Business District.

Acting Chair Welch opened this public hearing. Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began by explaining the purpose of the major variance request, which is to allow an increase in the FAR so the petitioner can expand the existing building. The addition would be 36' wide and would extend 36' north from the existing structure. He described the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He talked about the proposed expansion, specifically with regards to parking, existing easements to the site and setback requirements. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to the case. He read the options of the Zoning Board of Appeals and presented staff's recommendation.

Acting Chair Welch asked if the Zoning Board of Appeals had any questions for City staff.

Ms. Chester inquired as to whether the new addition facing Fairview Avenue would have a block front or a metal-skin front. Mr. Engstrom stated that the petitioner was present and would best be able to answer that question.

Ms. Harwood asked if the variance is granted and the petitioner sells the lot after completing the new addition, what concerns would there be in terms of the type of use that could utilize a larger building in the B-1 Zoning District. Mr. Engstrom replied that with this type of building there probably will not be any obnoxious types of uses. It is not conducive to a high traffic or retail use. However, if the variance is approved, it could potentially be a concern in the future.

Ms. Harwood questioned whether it could be turned into a restaurant. Mr. Engstrom answered by saying that it would be easier to tear down the existing building and rebuild than it would be to convert the existing building into a restaurant. If the existing building is torn down, the variance would no longer exist.

Ms. Harwood commented that the FAR requirement is low in the B-1 Zoning District. She wondered why it had not been changed. Mr. Engstrom explained that the FAR requirement has been low since the Urbana Zoning Ordinance was first established. The general allowed uses in the B-1 Zoning District could be things like cafes and stores, which would be higher traffic uses. These uses also have higher parking requirements. By keeping the FAR low, it helps to ensure that nearby residences would not be impacted with high traffic uses or large obnoxious uses. In this case, although the subject property is located in the B-1 Zoning District, it is located along the Lincoln Avenue corridor and could maybe even be rezoned to B-2, Neighborhood Business-Arterial Zoning District, especially since the back of the building faces the residential neighborhood and it is a quiet use.

Ms. Uchtmann asked if City staff had received any objections from the neighbors. Mr. Engstrom said that he received one phone call from a neighbor who lives around the corner on Gregory. The caller inquired about the case, but he did not object to the variance request and is actually in favor of more business in the area.

With no further questions for City staff, Acting Chair Welch opened the hearing up for public input.

Gary Frick, petitioner, stated that his business has been located on the subject property for 8 years. Someday he plans to retire and his sons will take over the business. They do not plan on moving the business elsewhere because it is an ideal location for their type of business and the customers they serve. The expansion would allow them to free up some much needed shop space that is currently being used as storage space.

Ms. Uchtmann asked if he planned to landscape the north side of the proposed new addition. Mr. Frick replied absolutely. The front of the new addition may have a couple of windows, but there would not be any doors. All the doors will be located on the east side. He believed that landscaping dresses up a property.

Mr. Welch inquired as to what type of construction the petitioner does. Mr. Frick stated that they are a small general contracting firm, and their specialty is interior commercial remodels. Ninety-five percent of their work is for Carle and the University of Illinois.

Mr. Welch asked what types of materials are stored in the existing building. Mr. Frick replied metal studs, some dry-wall, sheet panels, plywood, wood studs, insulation, and a lot of tool type storage such as garbage carts that are used on work sites. They do not plan to store more material, but move the existing material to the proposed new addition to free up work/shop space that is needed. They do not expect high volumes of deliveries. Once in a while they get a semi-truck delivery, but they have access off Lincoln Avenue through an easement right to their overhead door. Ms. Chester noted that the existing building was originally constructed to store garbage trucks.

Mr. Frick felt that he has been a good neighbor. He has not heard any complaints about his business in the neighborhood, which tells that they have done their due diligence in keeping their property clean and well maintained. He thanked the Zoning Board of Appeals for their time and City staff for their help.

With no further public input, Acting Chair Welch opened the hearing up for Zoning Board of Appeals discussion and/or motion(s).

Ms. Harwood moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-01 to the Urbana City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was taken and was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Yes
Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes			

The motion was passed by a vote of 5 ayes to 0 nays.

Mr. Engstrom stated that the case would be forwarded to the City Council on Monday, April 21, 2014.

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Acting Chair Welch opened the case and continued it to the May 21, 2014 meeting of the Zoning Board of Appeals at the request of the petitioner. The members of the Zoning Board of Appeals agreed unanimously.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Urbana Bicycle Master Plan Update Public Workshop will be held on April 23, 2014 at the Urbana Middle School beginning at 6:30 p.m.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Uchtman moved to adjourn the meeting at 8:04 p.m. Ms. Harwood seconded the motion. The meeting was adjourned by unanimous voice vote.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: May 21, 2014
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Paul Armstrong, Nancy Uchtmann
STAFF PRESENT	Jeff Engstrom, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Susan Farner

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

Harvey Welch served as Acting Chair in the absence of Paul Armstrong. He called the meeting to order at 7:30 p.m. Roll call was taken, and he declared that there was a quorum present.

Acting Chair Welch swore in the member of the audience who indicated that they may give testimony during the following public hearing.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the April 16, 2014 Zoning Board of Appeals regular meeting were presented for approval. Ms. Harwood moved to approve the minutes as presented. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MIN-01: A request by Barbara and Susan Farner to grant a Minor Variance to construct a sun room that encroaches no more than four feet, two inches into the required 16-foot, eight-inch front yard at 1806-1808 South Anderson Street in the R-3, Single and Two Family Residential Zoning District.

Acting Chair Welch opened this public hearing. Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began by explaining the purpose of the minor variance request, which is to allow the construction of a sunroom addition to encroach within the front yard setback. He described the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He reviewed the variance criteria according to 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 City staff's recommendation.

Acting Chair Welch asked if the Zoning Board of Appeals had any questions for City staff.

Mr. Warmbrunn asked if there would be a door from the sunroom to the outside. Mr. Engstrom referred that question to the petitioner.

With no further questions for City staff, Acting Chair Welch opened the hearing up for public input.

Susan Farner, petitioner, thanked the Zoning Board of Appeals for their time and consideration on this project. The existing door to the outside will remain. The sunroom addition will start on the east side of the existing door and will also have a door to the outside. She and her sister hope that the Zoning Board of Appeals will approve their request.

Ms. Harwood asked if they plan to keep the existing landscaping that is around the fence. Ms. Farner replied that they plan to keep as much of the landscaping as possible. If any is destroyed, they will provide new landscaping around the sunroom.

Ms. Harwood inquired about how high the roofline of the proposed sunroom would be. Ms. Farner answered that the roofline would not be much taller than what the existing roofline of the house is. The sunroom will be standard size.

With no further public input, Acting Chair Welch asked if City staff had any more comments.

Mr. Engstrom noted that staff had mailed out notices of this public hearing to neighbors within 250 feet of the subject property. No one has contacted City staff with any objections.

Acting Chair Welch opened the hearing up for Zoning Board of Appeals discussion and/or motion(s).

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2014-MIN-01 with the condition that the addition shall not exceed the 12-foot by 16-foot footprint, as shown in the application. Mr. Warmbrunn seconded the motion. Roll call on the motion was taken and was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Yes
Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was passed by a vote of 5 ayes to 0 nays.

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Acting Chair Welch continued this case to a meeting in the future as requested by the petitioner. The Zoning Board of Appeals members agreed to the continuance.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Case No. ZBA-2014-MAJ-01 - Olympic Construction Major Variance for an increase in the Floor Area Ratio was approved by the City Council as recommended by the Zoning Board of Appeals.

11. STUDY SESSION

There was none.

May 21, 2014

12. ADJOURNMENT OF MEETING

Ms. Harwood moved to adjourn the meeting at 7:49 p.m. Mr. Warmbrunn seconded the motion. The meeting was adjourned by unanimous voice vote.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: June 18, 2014
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong
MEMBERS EXCUSED	Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
STAFF PRESENT	Kevin Garcia, Planner II
OTHERS PRESENT	None

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

Chair Armstrong called the meeting to order at 7:45 p.m. Roll call was taken, and he declared that there was not a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

Without a quorum present, the minutes were continued to next meeting to be reviewed.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Chair Armstrong continued this case to a meeting in the future.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804-1/2 East Main Street in the B-2, Neighborhood Business-Arterial Zoning District.

Chair Armstrong opened and continued this case to the Special Meeting to be held on Wednesday, June 25, 2014.

Case No. ZBA-2014-MAJ-03: A request by Prairie Signs, Inc. for a Major Variance to install a sign that is twenty feet in height onto existing non-conforming sign poles at 1303 East Colorado Avenue in the B-3, General Business Zoning District.

Chair Armstrong opened and continued this case to the Special Meeting to be held on Wednesday, June 25, 2014.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:47 p.m.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: June 25, 2014

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Stacy Harwood, Ashlee McLaughlin, Harvey Welch
STAFF PRESENT	Kevin Garcia, Planner II; Maximillian Mahalek, Planning Intern; Teri Andel, Planning Secretary
OTHERS PRESENT	Diana Bubenik, Chifan Cheng

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

Chair Armstrong called the meeting to order at 7:32 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 May 21, 2014 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Email from Laura Huth regarding Case No. ZBA-2014-MAJ-02

NOTE: Chair Armstrong swore in members of the audience who indicated that they may give testimony during the public hearings.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Chair Armstrong continued this case to a meeting in the future.

Case No. ZBA-2014-MAJ-02: A request by Faller Custom Builders, LLC to grant a major variance to install a shade awning encroaching 11 feet, four inches into the required front yard at 804-1/2 East Main Street in the B-2, Neighborhood Business-Arterial Zoning District.

Chair Armstrong opened this public hearing. Maximillian Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He began by explaining the reason for the proposed major variance request, which is to allow an awning to be installed encroaching into the front-yard setback by 11 feet, 4 inches. He described the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He mentioned the benefits of allowing the awning. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed request. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval. He stated that the petitioner was available to answer any questions.

Chair Armstrong asked if the Zoning Board of Appeals had any questions for City staff.

Mr. Warmbrunn asked if the proposed canopy would extend to the existing brick wall in front of the subject property. Mr. Mahalek replied that there would be an almost two-foot gap.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input. There was none, so Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-02 to the City Council with a recommendation for approval with the condition as recommended by City staff. Mr. Warmbrunn seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. This case will be forwarded to the City Council on July 7, 2014.

Case No. ZBA-2014-MAJ-03: A request by Prairie Signs, Inc. for a Major Variance to install a sign that is twenty feet in height onto existing non-conforming sign poles at 1303 East Colorado Avenue in the B-3, General Business Zoning District.

Chair Armstrong opened this public hearing. Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He began by giving a brief history of the subject property. He explained the reason for the proposed variance request, which is to allow a sign that would be 20 feet in height, four feet over the maximum allowable height. He described the proposed site as well as the adjacent properties noting their current land uses, zoning and future land use designations. He mentioned that there are other existing signs in the area that are 20 feet in height or taller. He showed pictures of the subject property. He talked about the regulations and stated that they were amended in 2009 to improve the aesthetics of signs. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as it pertains to the requested variance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for denial.

Chair Armstrong asked if the Zoning Board of Appeals had any questions for City staff.

Ms. Chester commented that it is difficult to police vacant signs being removed. Has it ever happened that the City has required a property owner to remove the sign and its structure? Mr. Garcia said that he can research this and get back to the Zoning Board of Appeals. He explained that there are two regulations for this type of signs: 1) if the sign is not used for 90 days, then it cannot be re-established as non-conforming and 2) if the sign structure is not used within 6 months, then the sign and its structure is required to be removed. This is hard to enforce, and so it does not always happen. Ms. Chester commented that if the sign and its structure at this location had been removed as was required, then the Zoning Board of Appeals would not be having this discussion. Mr. Garcia said that was correct.

Ms. Uchtmann questioned whether the petitioner could use the existing poles but place the sign at 16 feet rather than 20 feet. Mr. Garcia answered by saying that to meet the City's code, the upper four feet of the existing poles would need to be cut down. So, it would have to be structurally altered which would cost more than just putting a sign on the existing poles. The whole argument for the proposed variance is for the petitioner to be able to use the existing poles to save on the cost of the sign.

Ms. Uchtmann asked if it isn't the use of the sign to advertise the business and make the business more visible from Philo Road and any one travelling down Colorado Avenue. Mr. Garcia said yes. Ms. Uchtmann commented that the higher the sign, the better the visibility. Mr. Garcia replied that is true. Ms. Uchtmann commented on other signs on adjacent properties stating that although the signs are in conformance with City codes, those property owners could request variances for taller signs if this case is approved. Mr. Garcia stated that the property owner of the neighboring dental office expressed concern about the proposed sign setting a precedent.

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

Diana Bubenik, of Prairie Signs, Inc., stated that while the City changed the code in 2009 to veer towards pedestrian traffic, the businesses still want vehicular traffic as well. As she drove around the neighborhood where Dollar Tree is located, she did not see one pedestrian. Dollar Tree is seeking approval of the proposed variance to attract vehicular traffic and to let drivers know where to go.

If the Zoning Board of Appeals is not in favor of the proposed major variance, then they would like to seek approval of a minor variance to allow the sign to be posted at 18 feet. She did not feel that the owner should be penalized for the existing structure not being removed as required. She thought that the City would encourage Dollar Tree to remain in its location since the property was previously vacant for two years rather than penalize them for something the previous owner did. She believes that if Ace Hardware would have left the cabinet of their sign in place and only removed the face, then Dollar Tree would not need a variance, because a face replacement does not require a permit. Cutting the poles down would incur more cost and time, which Dollar Tree did not expect when purchasing the property.

Mr. Warmbrunn wondered if Prairie Signs, Inc. was against cutting the poles. Ms. Bubenik replied that the poles get wider at the bottom and structurally they would have to do a saddle mount where the sign would have to slide over the poles and secure the sign to the poles inside the cabinet. It is really not ideal, but it could be done at a certain expense.

Chair Armstrong swore in Ms. Cheng so she could speak.

Chifan Cheng, of the neighboring dental office, commented that they are happy that Dollar Tree is located next door and wish them success with their business. There is a lot of pedestrian traffic in the area. The City is putting a lot of investment in the area, which is appreciated. Many of the businesses in the area are already complying with the sign regulations. So, they do not agree with the height of the proposed sign. Dollar Tree has a fence in front of their building along Colorado Avenue. They could remove the fence to increase the visibility of a conforming sign.

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

Mr. Warmbrunn moved that the Zoning Board of Appeals deny Case No. ZBA-2014-MAJ-03 because it would create a special circumstance and would serve as a special privilege as discussed in this hearing. Ms. Chester seconded the motion.

Mr. Warmbrunn commented that with regards to a minor variance to allow the sign to be 18 feet in height, he felt that the petitioner should speak with City staff rather than the Zoning Board of Appeals making a decision on it at this time. The City decided in 2009 to start lowering the maximum height of a freestanding sign to change the basic nature of signs throughout the City. The Zoning Board of Appeals needs to support the change.

Ms. Uchtmann felt that allowing the 20-foot sign would set a precedent. Other businesses in the commercial/residential area would want to have the same height in signage which would defeat the City's ability to increase the aesthetics and improve the area.

Ms. Chester remembered the text amendment in 2009. It took a long time to be reviewed and get approved because there were many people who wanted the height to be reduced. She agreed that the Zoning Board of Appeals needed to support the text amendment.

Roll call was as follows:

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

The motion was passed by unanimous vote.

6. NEW PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Kevin Garcia, Planner II, reported on the following:

- Case No. ZBA-2014-C-03 Kozlowski Daycare – He stated that the petitioners have scheduled a site inspection for Monday, June 30, 2014. If they show they can successfully run a conforming daycare under a home occupation permit with no more than five children, then they will be able to continue their case for a conditional use permit to allow a daycare facility.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:22 p.m.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: July 16, 2014

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch
MEMBERS EXCUSED	Charles Warmbrunn
STAFF PRESENT	Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Spencer Vonderheide

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 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 June 18, 2014 regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes of the June 18, 2014 regular meeting as presented. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote.

The minutes from the June 25, 2014 special meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

NOTE: Chair Armstrong swore in the only member of the audience who indicated that he may give testimony during the public hearings.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Jeff Engstrom, Interim Planning Manager, gave a brief update for this case. He mentioned that the petitioners had been issued a home occupation permit and were currently operating under it. City staff will allow them to continue to operate within the guidelines of the home occupation permit until the next regular meeting of the Zoning Board of Appeals. Mr. Welch moved to continue this case to the August 20, 2014 regular meeting. Ms. Uchtmann seconded the motion. The Zoning Board of Appeals continued this case by unanimous voice vote.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-04: A request by Spencer Vonderheide for a Major Variance to install an air conditioning unit that will encroach 3 feet, one inch into the required side-yard setback at 211 West Vermont Avenue in the R-1, Single-Family Residential Zoning District.

Chair Armstrong opened this public hearing. Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed major variance. He described the subject property and the surrounding neighborhood and talked about the R-1 Zoning District. He noted that there are many existing non-conforming parcels in the immediate area due to the smaller lot sizes and the setback and width requirements for the R-1 Zoning District. He discussed other possible locations to place the air conditioning unit; however, the best location would be where the petitioner is proposing to place it on the east side of the property. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as it pertains to the proposed major variance request. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with conditions.

Chair Armstrong asked the Zoning Board of Appeals members if they had any questions for City staff.

Ms. Uchtmann asked if it is mechanically possible to locate the air conditioning (AC) unit on the south side of the new deck or would it just be more expensive to do so. Mr. Garcia referred this question to the petitioner to answer.

Ms. Chester stated that she has seen lattice being used to screen AC units rather than vegetation. She did not believe that there would be enough room in this case to allow vegetation screening seeing that it would only be one foot from the property line if the Zoning Board approves this request. Would it be possible to use lattice to screen the AC unit? Mr. Engstrom replied that screening can also be accomplished with a short wall or fence. It does not have to be vegetation.

With no more questions for City staff, Chair Armstrong opened the hearing up for public input.

Spencer Vonderheide, petitioner, approached the Zoning Board of Appeals to answer questions.

Ms. Uchtmann asked the same question as before about the location of the AC unit. Mr. Vonderheide replied that it is mechanically possible. Because the new deck is so low to the ground, it would alter the design of the new deck to locate the AC unit on the south side. The owners wanted the new deck to be inviting. It would be also be more expensive.

He mentioned that he has been working with the neighbors to the east to get their input. He mocked up a cardboard box to serve as a visual for the neighbors to be able to visualize an AC unit being located in that spot. The neighbors said that they would be okay with the unit being located there. If they change their minds after the AC unit is installed, there is the possibility of painting it a different color to help blend it in and make it less noticeable. He talked with some other neighbors in the area who said that some people locate their AC units in their front yards. He did not like this idea because then you have to cover it with a big box, which is less attractive.

With no additional audience input, Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval with the conditions as recommended by City staff. Ms. McLaughlin seconded the motion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Abstain
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 4 ayes, 0 nays and 1 abstention. This case will be forwarded to the City Council on July 21, 2014.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Case No. ZBA-2014-MAJ-02 regarding an awning at 804-1/2 East Main Street was approved by City Council on July 2, 2014.
- Bed and Breakfast Update – He stated that City staff has been conducting research on air bed and breakfast properties, which allows people to rent out rooms in their homes for extra income. City staff is considering the option to require this type of properties as rental properties. He talked about the distinction between an air bed and breakfast and a full-service bed and breakfast.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:02 p.m.

Respectfully submitted,



Elizabeth H. Tyler, FAICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: August 20, 2014

APPROVED

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn

MEMBERS EXCUSED Paul Armstrong, Harvey Welch

STAFF PRESENT Jeff Engstrom, Interim Planning Manager; Max Mahalek, Planning Intern; Teri Andel, Planning Secretary

OTHERS PRESENT Tamara Chaplin, Randall Elliot, Michelle Kozlowski, Susan Kozlowski, Lauren Senoff, Bob Swisher, George Uricoechea

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

In the absence of Paul Armstrong, Charles Warmbrunn served as Acting Chairperson. He called the meeting to order at 7:35 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 July 16, 2014 regular meeting were presented for approval. Ms. Uchtmann recommended changing the word "treating" to "painting" on Page 3, Paragraph 5, Line 5. With no objection, a vote was taken and the minutes were approved by unanimous voice vote as amended.

4. COMMUNICATIONS

- Email from Andy Lenkaitis regarding Case No. ZBA-2014-C-03
- Email from Kate Hunter regarding Case No. ZBA-2014-C-03

NOTE: Acting Chair Warmbrunn swore in members of the audience who indicated that they may give testimony during the public hearings.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2014-C-03: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Acting Chair Warmbrunn reopened this case. Jeff Engstrom, Interim Planning Manager, presented this case to the Zoning Board of Appeals. He began with a description of the subject property and stated the zoning, existing land use and future land use designation of the proposed site as well as that of the surrounding adjacent properties. He talked about the proposed daycare facility use noting the intended hours of operation and the total square feet that would be used in the home for the daycare. He, then, reviewed the Site Plan. He discussed the two types of day care according to the Urbana Zoning Ordinance and noted their differences. He also discussed how the regulations for a daycare facility in the Zoning Ordinance compare to the regulations required by the Department of Children and Family Services (DCF). He noted the conditional use permits that were previously approved for other daycare facilities in the City of Urbana since 1993. He talked about the development regulations and parking requirements for a daycare facility and reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation that if the Board should approve the request that they include six conditions as outlined in the written staff report. He mentioned that City staff received two communications regarding the proposed request.

Acting Chair Warmbrunn asked if any of the Zoning Board of Appeals members had questions for City staff.

Ms. Uchtmann asked for verification on which property Mr. Lenkaitis, who submitted an email in favor of the proposed request, owns. Mr. Engstrom stated that he owns 207 West High Street even though in his email he signed it as being the property owner of 209 West High Street. The owner of 209 West High Street is George Uricoechea.

Ms. McLaughlin stated that the concern seems to be mainly about the parking issue. What are the alternative options for this issue? Mr. Engstrom stated that City staff was looking at the area trying to see if there were any options for the petitioner to provide another drive for drop-offs and pick-ups. Without moving the electrical pole guide wire, they did not see any other options.

Ms. McLaughlin inquired about the visitor parking for the apartment complex nearby. Mr. Engstrom replied that he did not know what the number of visitor parking spaces are for the apartment complex; however, he was certain that there are enough parking spaces for the tenants. He added that in terms of number of trips per day on the street, the proposed daycare would be similar. Ms. McLaughlin wondered since the drop off times were so short, then how would they be able to compare the parking impact with another use. Mr. Engstrom stated that it is difficult to compare. He mentioned that he performed a survey back in April by counting the number of cars driving on the street and the result was one car about every three minutes.

Ms. Uchtmann asked how many parking spaces would be required for staff and where will the staff parking be located. Mr. Engstrom said that they would be required to have three parking

spaces for two staff, and it will be located in the driveway by the garage. Since the daycare staff is also the residents of the single-family home use, the shared driveway will only be used as much as a residential use.

Ms. Chester asked if the conditional use permit, if approved, would go with the applicant or the property. Mr. Engstrom replied the property. Ms. Chester questioned if someone else rents the property after the applicant moves out would they be allowed to open a daycare facility. Mr. Engstrom said yes as long as they abide by the conditions and the site plan. However, the applicants are looking at buying the property.

Ms. Chester mentioned that she drove by the subject property on the way to the meeting, and it is a very narrow street. Mr. Engstrom agreed. He noted that there is only parking allowed on one side of the street.

Chair Warmbrunn inquired as to if the Zoning Board denies the proposed request, would the applicants be allowed to continue with their current daycare business under the Home Occupation Permit. Mr. Engstrom replied yes. However, they would only be able to have up to five children rather than the 12 children they are requesting permission for. City staff is recommending that if the Zoning Board allows the conditional use permit, that they place a condition allowing no more than 7 children. Ms. McLaughlin stated that her understanding is that the additional 4 or 5 children would be before and after school. Mr. Warmbrunn responded that it does not make a difference if a child is full-time or part-time. Mr. Engstrom said that is correct because it would still result in the same number of drop-offs and pick-ups.

Mr. Warmbrunn asked if the bathroom was included in the total square feet for the sleeping area. Mr. Engstrom replied that the drawing is out of scale, but that would be a good question for the applicant.

With no further questions for City staff, Acting Chair Warmbrunn opened the hearing up for public input.

Susan Kozlowski and Michelle Kozlowski, applicants, approached the Zoning Board of Appeals.

~~Ms. Susan Kozlowski talked about the before and after school clients and noted that they~~ currently do not have any before school children. They have one parent who would like the Kozlowski's to watch her two sons after school two days a week. She explained that her daughter, Michelle, would pick the boys up from school and walk them to the daycare. The only traffic would be when the boys' Mom picks them up after she gets off work.

She mentioned that there would be less traffic than anticipated because they have families with more than one child. While each child would be counted as one of the children allowed, the number of drop-offs and pick-ups would be less.

She stated that when it comes to DCF ruling, no matter what, an at home daycare cannot have more than 5 children under 30 months in age. It is also true that only so many can be under 14 months old.

She recently was informed during a surprise visit that DCF changed her total number of children allowed from 7 during the day and 4 after school to 8 during the day and 3 after school because her granddaughter who resides there just had a birthday. The owner's children are included in the total number of children allowed.

She has letters in support of the proposed daycare facility including one from her landlord. There are also letters from families that are or have been clients of theirs.

With regards to the drawing of the layout of the first floor where the daycare use would occupy, she stated that the drawing is not to scale. The bathroom is not counted in the square footage of the sleeping room. However, the measurements are correct. The DCF representative, who just performed a surprise visit, also measured the rooms to verify that they are correct.

She previously ran a daycare for 6-1/2 years in a different location in the City of Urbana without knowing they needed zoning permission. She had previously asked DCF and the Child Care Resource Center (CCRC) if they knew of any other procedures or regulations, and they did not know that the City had its own regulations.

She mentioned that this is the only income for their family of four. They keep their rates low because they know that there are financial struggles and want to help other families out. She went to school and earned a degree in Early Childhood Development and Early Education. She does this as a living as well as to make a difference with children.

They have talked with their neighbor, Mr. Uricoechea, who lives at 209 West High Street to assure him that there would not be a negative impact on him from the daycare business. There was one incident when a parent parked in the driveway rather than on the street, but assured him it would not happen again.

They are trying to comply with all of the code requirements. Although they have more to do, they have made lots of improvements to the property. Their first priority was to make the inside of the home safe for the daycare children.

Ms. Uchtmann asked if they had operated a daycare at this location for 6-1/2 years. Ms. Kozlowski said no. ~~They rented a different place for several years when out of the blue the~~ landlord announced that he was selling the property. Then, they moved into another place and lived there for a short period of time because it did not work out for them or for the daycare business.

Acting Chair Warmbrunn inquired the applicant to describe how children would get from their parked vehicles on Cedar Street inside to the daycare when it is the middle of winter and snowing outside. Ms. Susan Kozlowski explained that the parents would park on Cedar Street and put their flashers on. There is a gate in the fence going from the backyard to Cedar Street. Her and her daughter will even get the children from the cars if need be.

George Uricoechea, of 209 West High Street, lives next door east of the Kozlowskis' daycare. He admitted that in the beginning he was unsure about the proposition of a daycare being located next to his home. The Kozlowski's have done a wonderful job. They are very kind and easy to talk to and work with. So, he endorsed the support of the daycare facility request.

Ms. McLaughlin wondered if he had been impacted by any parking issues as of yet. Mr. Uricoechea replied no.

Tamara Chaplin, of 209 West California Street, expressed her concerns about there being no drive-in drop-off/pick-up area with regards to safety and traffic congestion. She also expressed her concern about the conditional use permit being for the property and not the applicant. Although the Kozlowski's seem to be responsible, caring people, the next people who might rent the subject property may not be as considerate and have the best interest of the neighborhood at heart. She recommended postponing this hearing until after the Kozlowski's purchase the subject property.

Lauren Senoff, of 308 West Illinois Street, felt moved to hear that the intent and integrity of the petitioners is sincere. She is opposed to the increase in the number of children allowed. Illinois Street is a speedway so when someone turns the corner there is very little room. She expressed concern that once they change the ordinance, the City would not be quick to change it back if problems arise.

With no further input, Acting Chair Warmbrunn closed the public input portion of the hearing. He, then, opened the hearing for additional comments from City staff.

Mr. Engstrom suggested that the Zoning Board of Appeals could limit the number of trips rather than limiting the number of children. Mr. Warmbrunn asked how it would be monitored, and Mr. Engstrom replied the same way the City would enforce the limit on the number of children allowed, which would be from neighbors calling in complaints. Ms. Kozlowski stated that it would be feasible; however, she did not feel that it would be much different than counting heads. If their request is denied and they are only allowed to have five children, then they will not be buying the property because they will not be able to afford it.

Discussion ensued between the Board members of limiting the number of children versus limiting the number of trips. Ms. Chester stated that the concern is with the number of children. The use of the properties in the neighborhood and the fragility of the block affect the property values. When something delicately shifts the balance of the block, then it can change the character of the area.

Ms. Kozlowski wondered how a daycare with a limited amount of children would differ from a large family. There are a few houses already on the block that house multiple students. Students use to rent the house that she currently lives in and left it in bad shape when they moved out. Would it not be better to have a family who is trying to operate a home business than to have students? Ms. Chester replied that the Kozlowski's request for an increase in children takes the use to a higher level than just a home business.

Ms. Uchtmann asked if approving the proposed conditional use permit request would open up applications for other day care facilities in the neighborhood. Mr. Engstrom replied that the DCF and other agencies do not let daycare owners know of the City's zoning requirements. The City is not able to constantly look up all the daycare business to make sure that they have the right approvals. If City staff becomes aware of them, then we will ask them to go through the process.

Ms. McLaughlin moved that the Zoning Board of Appeals approve the proposed case subject to the conditions as presented by City staff.

Ms. Uchtmann raised a question about the condition that “No more than seven children shall be allowed on-site at any one time.” Does this mean that they could have more children than seven? If two children leave, then two more could come later? Mr. Engstrom said yes. The condition places a limit on the number of children at one time rather than the total number of children registered by business. The intent of the City Engineer was to limit the number of drop-offs and pick-ups to no more than seven per day. Somehow it was translated into the condition that there be “No more than seven children shall be allowed on-site at any one time.”

The motion failed due to lack of a second.

Ms. Chester stated that she did not feel that they should talk about drop-offs and pick-ups. It should be based on the number of registered children allowed. Discussion followed on how to word a motion.

Acting Chair Warmbrunn asked Ms. Uchtmann to take over as Acting Chair. She agreed.

Mr. Warmbrunn then moved that the Zoning Board of Appeals approve Case No. ZBA-2014-C-03 with the following conditions: 1) No more than a total of seven children or dependent adults including those of the proprietor during all or part of a day of a commercial nature of a type commonly called day nurseries, nursery schools or private kindergartens which provide essential personal care, protection, supervision and training of preschool or school-aged children or dependent adults; and Conditions 2-6 as recommended in the written staff report.

Ms. McLaughlin commented that this would only allow the applicant to have five children in addition to the two children that reside in the house. Mr. Engstrom said that is correct, which is not the intent of the City Engineer.

The motion failed due to lack of a second.

Mr. Warmbrunn resumed the role of Acting Chairperson.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2014-C-03 subject to the following conditions: 1) No more than seven children shall be at the daycare facility on a given day (not including dependents of the occupants); and Conditions 2-6 as recommended in the written staff report. Ms. Uchtmann seconded the motion.

Ms. McLaughlin stated that she based her motion on the City Engineer’s intent for the number of trips.

Roll call was taken and was as follows:

Ms. Chester	-	No	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes

The motion failed by a 2-2 vote.

Mr. Engstrom asked that the Board articulate the reasons for denying the request.

Ms. Chester stated that the proposed use is designed, located and proposed to be operated so that it would be detrimental to the zoning district in which it is located due to the potential for excessive street parking and loading. The proposed use would not preserve the essential character of the zoning district in which it would be located. Ms. Uchtmann added that the proposed use could potentially change the character of the neighborhood.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-05: A request by Robert and Betty Swisher for a major variance to construct a home addition in alignment with the exterior wall of an existing house that will encroach up to nine feet, 11 inches into the required rear yard at 807 South Cottage Grove Avenue in the R-3, Single and Two-Family Residential Zoning District.

Chair Armstrong opened this public hearing. Max Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He gave a brief background of the proposed site. He explained the purpose for the proposed variance request and noted the zoning, existing land use and future land use designations of the proposed site as well as for the surrounding adjacent properties. He discussed the proposed expansion in detail. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented the City staff recommendation for approval with conditions.

Acting Chair Warmbrunn asked if the Zoning Board of Appeals members had any questions for City staff. There were none, so he opened the hearing up for public input.

Bob Swisher, applicant, and Randall Elliot, General Contractor, approached the Zoning Board of Appeals.

Mr. Swisher talked about how the proposed expansion would be a space for his wife to primarily read and sew. He talked about their plans and the process they have followed. He stated that they would like to be able to put windows in on the west side, because his wife had already purchased the windows.

Mr. Elliot talked more about the process. He did not believe that the proposed expansion would disturb the neighborhood; rather instead, it will improve the existing house.

Ms. Uchtmann asked for clarification on what the actual size of the expansion would be. Mr. Elliot answered that it would be 24'2" x 10'8". They want to keep the roof overhang 1" less than the property line.

Ms. Uchtmann inquired why City staff is requesting no windows be allowed on the west side. Mr. Elliot replied that the fire code states that windows can be no closer than three feet from the property line. Mr. Swisher added that without the windows there will be no natural light in the room. There are already three windows along the west wall of the house, so what would be the harm of allowing three more windows?

Mr. Warmbrunn questioned where the water would go because he did not see any gutters in the proposal. Would the water run off onto the neighboring property? Do they plan to line the roofline of the proposed expansion with the roofline of the existing part of the house on the west side? Mr. Elliott said yes, that is how the plans are drawn. Mr. Swisher added that they had a driveway constructed between the subject property and the property they own on the west side. There is an incline for natural drain off from rainfall. The house next door drains off into the driveway out onto Washington Street. His sump pump goes south through his property to the neighboring driveway. So, there will be no gutters.

There were no further comments or questions from the public, so Acting Chair Warmbrunn closed the public input portion of the hearing and opened it up for discussion and/or additional questions for City staff.

Ms. McLaughlin questioned if the Zoning Board of Appeals could override the fire codes with regards to allowing windows. Mr. Engstrom said no. There is a Building Safety Code Board of Appeals that would consider a request to allow windows on the west wall.

Mr. Warmbrunn asked about City staff's thoughts with regards to the rainwater draining onto the neighboring property. What if the Swishers did not own the neighboring property? Mr. Engstrom stated that it is a concern; however, it sounds like there is an existing swale. One way to deal with it might be to create a drainage easement. The Zoning Board of Appeals could add this as a condition of approval for the proposed variance.

Mr. Warmbrunn questioned if the drainage easement would be included if the Swishers decided to sale the adjoining property to the west. Mr. Engstrom said yes.

Acting Chair Warmbrunn entertained a motion. Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-05 to the City Council with a recommendation for approval including the conditions as recommended by City staff and with the condition that the petitioners provide an easement to clarify that drainage from the subject property addition will fall on the property to the west. Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. The motion will be forwarded to the City Council.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- Case No. ZBA-2014-MAJ-04 regarding an air conditioning unit be allowed to encroach into the side-yard setback at 211 West Vermont Avenue was approved by the City Council.
- Max Mahalek, Planning Intern, will be returning back to school and will not be around as much. We appreciate all of his help over the summer.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 9:23 p.m.

Respectfully submitted,



Jeff Engstrom, AICP
Interim Planning Manager
Secretary, Urbana Zoning Board of Appeals

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

DATE: October 15, 2014

APPROVED

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Paul Armstrong, Ashlee McLaughlin, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED Joanne Chester, Nancy Uchtmann

STAFF PRESENT Jeff Engstrom, Interim Planning Manager; Max Mahalek, Planning Intern; Teri Andel, Planning Secretary

OTHERS PRESENT Joyce Bluhm, Andrea Bohn, Daniel Brant, Mark and Ann Fredricksen, Sarah Gerth, Kevin Koontz, Michelle Kozlowski, Susan Kozlowski, Jeff and Amber Nugent, Margaret Otto, Grace and William Schoedel, Lauren Senoff, April Shumard, Marcus and Arnetha Truss, George Urichoechea

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

Chair Armstrong called the meeting to order at 7:32 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 August 20, 2014 regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote as moved.

4. COMMUNICATIONS

- Packet of email communications received in support of Case No. ZBA-2014-C-04 submitted by Susan Kozlowski

5. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Armstrong swore in members of the audience who indicated that they may give testimony during the public hearings. He asked that anyone who speaks to sign in and state their name.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-C-04: A request by Susan and Michelle Kozlowski for a Conditional Use Permit to establish a Daycare Facility at 211 West High Street in the R-2, Single-Family Residential Zoning District

Chair Armstrong opened the public hearing. Jeff Engstrom, Interim Planning Manager, presented this case to the Zoning Board of Appeals. He began by stating that this is a revised request to allow up to 10 children during the busiest times and the petitioner has requested that if granted, the conditional use permit would not be transferrable to any other operators than the petitioners. He talked about the subject property noting the zoning and future land use designation of the site and of the surrounding properties. He noted the hours of operation, the total square footage of the house that the petitioner use for the daycare use. He mentioned that the petitioners are licensed by the State of Illinois and are regulated by several agencies.

He stated that seven conditional use permits have been issued since 1993 for day care facilities. He discussed the development regulations and parking requirements for the daycare use. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He presented the options of the Zoning Board of Appeals and presented City staff's recommendation for approval subject to conditions as stated in the written staff report dated October 10, 2014.

Chair Armstrong asked the Zoning Board of Appeals members if they had any questions for City staff.

Mr. Warmbrunn wondered if City staff changed their minds about allowing the conditional use permit to be tied to the petitioner and not the property. Mr. Engstrom said yes. The Zoning Administrator made that determination.

Mr. Warmbrunn expressed confusion about the number of children allowed. Condition #1 states, "*No more than eight client children shall be allowed on-site during school hours and no more than ten at any time.*" Are the petitioner's children included in these totals? Mr. Engstrom said that this is what the Department of Children and Family Services (DCFS) allows, and it does take into account the petitioner's children; they are separate from the count because they will be in school during the day and participate in after-school programs on most days.

Mr. Warmbrunn asked if the City staff had a change in heart with regards to the number of children allowed because a smaller number was recommended in the original case. Mr. Engstrom replied that City staff is looking mostly at the impact of the number of vehicle trips, which has always been seven.

Mr. Welch stated that there will be some neighbor that will have to enforce the staggered drop off and pick up times. Do we really want to have this as a condition? Having raised children, nothing works on that kind of clockwork. Mr. Engstrom replied that the only way a problem will be brought to City staff's attention is if a neighbor calls and complains about it. If a neighbor calls and complains, then City staff could go out and watch the times. Chair Armstrong said that the City has the option to not set a certain amount of time of drop offs and pickups and wait to see if there is a problem, then do something. Mr. Engstrom said yes it would have the same response. Chair Armstrong said instead of adding a condition that the City cannot regulate, why not wait until a problem arises. Ms. McLaughlin added that her understanding is that the condition is a result of previous concerns about traffic and parking volumes, so the condition is just to make everyone aware that 10-minute drop off and pickup times are going to be general practice. All concerns of the zoning regulation violations are brought to City staff's attention by neighbor complaints. Chair Armstrong replied that given the streets are not very wide and potentially a lot of traffic in the neighborhood, the fundamental concern is does the City impose regulations that become difficult to regulate. At what point does the City say that it is a problem?

There were no more questions for City staff. Chair Armstrong opened the public input portion of the hearing.

Susan and Michelle Kozlowski, petitioners, approached the Zoning Board of Appeals to speak. Ms. Susan Kozlowski handed out a packet of emails in support of her conditional use permit request. She began by stating that she now has five parking spaces off her driveway with the change in the design. They provide a service to the families in the area by doing something they love. She considers their daycare to be a high-rated daycare because they have never had a complaint against them. They have always passed all of their surprise inspections with above average rating and some of their practices have been used to train other people in the daycare field.

They are not babysitters, but instead are child-care providers. They constantly attend continued education and training with a minimum of 30 hours each. Their clients bring business to local shops and stores because it is easier to pick up their child(ren) and shop here in Urbana than to drive home and take the risk of their child(ren) falling asleep in the vehicle on the drive home.

There was a previous daycare in the neighborhood located a few houses away for over 20 years. The woman who ran the daycare recently retired and leaving a needed gap for daycare service in the neighborhood. Many families like having a daycare in the neighborhood so their child(ren) can walk their after school.

There are several families on a waiting list wanting to use their daycare. They have been approached by seven different families who are in the foreign language department at the University of Illinois. They speak their native languages of Italian, Persian, Mandarin and Portuguese languages at home, but want someone to help teach their children the English language and possibly some English customs. Many daycares do not provide this service, but they do.

They have done everything that the City has asked of them for the last five months. However, they feel that they have been getting punished. Decisions are being made for other businesses

either not requiring or being overlooked of special permits because the City of Urbana does not want to lose the possibility of those businesses coming to town. She and her daughter view daycares as important businesses.

There have been seven conditional use permit issued for daycares since 1993. Only three of them were in-home daycares, yet there are over 60 licensed daycares in the City of Urbana. This does not count the licensed exempt daycares or the other daycares that choose not to be in the referral system. DCFS and Child Care Resource were not aware of City zoning and that zoning can stipulate how many children are in daycares.

In the five and a half months in this location, they have received no complaints or disruptions due to traffic. Many people in the audience want the daycare to succeed. Many clients have been with them since they started up a daycare six years ago. They love the community and the neighborhood they moved into. It is close to the Urbana Free Library and to where her father lives, whom she takes care of.

Her grandchildren (Michelle's children) are both in middle school and are very active. Chris is 13 years old and does not count towards the number of children because of his age. Stephanie is 11 years old. If they are home, it is either on days when the school is closed or the last half hour of the daycare's hours of operation. Michelle Kozlowski added that when the kids are at home, they are upstairs in their rooms or in the front room most of the day and both areas are off limits to the daycare use.

Susan Kozlowski stated that they do not want any signage because it is their home as well. The non-transferrable is important to them. She does not want someone else to be able to use her permit to have a daycare and dirty their reputation because of something that the new daycare may do in the future.

She stated that she would answer any questions from the Zoning Board of Appeals. There were none.

Chair Armstrong stated that comments from audience members would be limited to five minutes each due to the number of people wishing to speak. He reminded the audience that it is not in the purview of the Zoning Board of Appeals to be for or against daycares. This case is about whether or not the location meets the requirements for a daycare.

Grace Schoedel approached to testify to the Zoning Board of Appeals. She rides her bicycle down Cedar Street three mornings a week on her way to the Phillips Center, and she has never seen a traffic problem there, especially in the last several months. She knows the Kozlowski family and feels that having the daycare in the neighborhood would be a real asset for the community. She encouraged the Zoning Board of Appeals to support the proposed conditional use permit request.

George Urichoechea approached to testify to the Zoning Board of Appeals. He lives directly next door to the Kozlowski family and has been watching closely. He and his family are thrilled to have the Kozlowski family living next door and feel that they would be losing as well if the Zoning Board denies the proposed request. The Kozlowski family and their home daycare add value to the neighborhood.

He goes to work every morning between 6:30 am and 8:00 am, he has never noticed any traffic congestion. He urged the Zoning Board of Appeals to support the home daycare center. Having the conditional use permit expire if the Kozlowski's move or close their daycare only makes their case stronger. He has heard all of the arguments against and has not heard one yet that persuades him to not support the Kozlowski family.

Lauren Senoff approached to testify to the Zoning Board of Appeals. Originally she was opposed to the home daycare center use being allowed at the subject property based on the Zoning Ordinance. She did not want it to become a property that would change the zoning for the neighborhood. With the condition that if the Kozlowski family vacates the property, then the property goes back to single-family without business, she now has no problem with allowing the home daycare center.

Mark and Ann Fredricksen approached to testify to the Zoning Board of Appeals. Mr. Fredricksen stated that they currently have their daughter in daycare with the Kozlowski's. They are looking to buy a house in the neighborhood so they will be able to walk their daughter to daycare. Ms. Fredricksen added that if the Zoning Board of Appeals does not pass the proposed conditional use permit request, then they are not sure if they want to move to a town that does not support home daycares in residential neighborhoods.

Margaret Otto approached to testify to the Zoning Board of Appeals. She has known the Kozlowski's for six to seven years, and she spoke on behalf of their character. They have the highest ethical standards of anyone she knows. They are strong Christians, loving people and love kids. Anyone would be glad to have the Kozlowski's as neighbors. With regards to traffic, she walks in the immediate area and has never noticed any problems.

Daniel Brant approached to testify to the Zoning Board of Appeals. He mentioned that his daughter has attended the Kozlowski's daycare since January. He talked about how conscientious the Kozlowski's have been about their impact on the neighborhood and proactive in telling the parents where to park on Cedar Street. He always notices that the other parents of children in the daycare are respectful of the parking rules and of the neighborhood as well. He encouraged the Zoning Board of Appeals to approve the proposed conditional use permit.

April Shumard approached to testify to the Zoning Board of Appeals. She stated that she is employed at the daycare by the Kozlowski's. She parks along Cedar Street after 9:00 am. She has noticed that the parents are in and out quite quickly when dropping off and picking up their children. She encouraged the Zoning Board of Appeals to approve the proposed case.

Sarah Gerth approached to testify to the Zoning Board of Appeals. Her daughter is six months old and attends the Kozlowski's daycare. It is convenient for her to have her daughter in a daycare close to where she works. The Kozlowski's are very loving people, and her daughter is learning so much from them. She urged the Zoning Board of Appeals to approve the proposed conditional use permit.

Jeff Nugent approached to testify to the Zoning Board of Appeals. His daughter goes to the Kozlowski's daycare. He commented that he does not even know very many of the other parents

in the audience. Because of the staggered drop off and pick up times, he has not met or seen the other parents before. He has never noticed any traffic congestion.

Kevin Koontz approached to testify to the Zoning Board of Appeals. He mentioned that he works in the city with police training. His five year old son has been attending the Kozlowski's daycare since he was six months old. The Kozlowski's have taught his son so much such as counting, shapes, colors, writing his name, etc. His younger son, who is 16 months old, currently attends the daycare. The things his sons have learned from the Kozlowski's are priceless.

With regards to traffic and parking, the Kozlowski's have been in business in the proposed location for the last five months and there has not been any congestion or detriment to the neighborhood. If the past is any inclination of the future, then he would take into consideration that there have not been any complaints. He strongly urged the Zoning Board of Appeals to approve the proposed request.

Arnetha Truss approached to testify to the Zoning Board of Appeals. She stated that she works for the DCFS, which is located around the corner from the Kozlowski's daycare. It is a blessing to have the daycare so close where she can just drop in to see how everything is going and to check on her child. She has never noticed a problem with traffic or parking. The location of the daycare is a plus for the community and for the people who work in the area. She asked the Zoning Board of Appeals to approve the proposed request.

Marcus Truss approached to testify to the Zoning Board of Appeals. He stated that he also works for DCFS. Many times people will ask him where his children go to daycare and he tells them that he takes his kids to "Miss Sue" and "Miss Michelle". People joke with the Kozlowski's that they always have DCFS in their home, and it is true because the Kozlowski's watch their kids. With regards to traffic congestion, the construction in the neighborhood causes more problems than do the parents dropping off or picking up their children.

There were no further comments from the members of the audience. Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for Zoning Board of Appeals discussion and/or motion(s).

Mr. Welch questioned whether or not all of the conditions were really necessary. It seems to be micro-managing. If the proposed use is a state licensed daycare, then the number of children is regulated by the State of Illinois. The City of Urbana does not supersede state regulations and restrictions, correct? Mr. Engstrom replied no. The Zoning Board of Appeals could reduce the number of children if they so desired, but City staff is recommending the number allowed by the state. Mr. Welch stated that he does not believe in micro managing.

Mr. Welch moved that the Zoning Board of Appeals strike conditions 1 thru 4. Ms. McLaughlin seconded the motion.

Mr. Warmbrunn asked for clarification on how many children the state allows. Mr. Engstrom stated that the State of Illinois is allowing the daycare to have 8 children during the day and 10 children before and after school hours.

A voice vote was taken, and the motion passed unanimously.

Ms. McLaughlin moved that the Zoning Board of Appeals grant the conditional use permit in Case No. ZBA-2014-C-04 subject to conditions 5 thru 8 as recommended by City staff. Mr. Warmbrunn seconded the motion. Roll call was taken and was as follows:

Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by unanimous vote.

Case No. ZBA-2014-C-05: A request by Andrea and Martin Bohn for a Conditional Use Permit to operate an owner-occupied bed and breakfast at 302 West Florida Avenue in the R-1, Single-Family Residential Zoning District.

Chair Armstrong opened this hearing. Maximillian Mahalek, Planning Intern, presented this case to the Zoning Board of Appeals. He began with a brief explanation for the conditional use permit request. He described the subject property noting the zoning, current use and future land use designation as well as for the surrounding adjacent properties. He talked more in detail about the proposed air bed and breakfast with regards to the number of guests at one time, parking arrangements and the expected impact on the neighborhood. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation for approval.

Chair Armstrong asked if the Zoning Board of Appeals had any questions for City staff.

Mr. Warmbrunn noticed that both the Summary of Findings and the Staff Recommendation state that only two individual guests will be allowed at one time; however, there is no recommendation restricting only one guest at a time to have a vehicle. Mr. Engstrom replied that City staff did not feel that they needed to impose this restriction because there is enough room for the second guest to have a vehicle as well.

Mr. Warmbrunn asked if it would be the same with regards to serving food. Mr. Engstrom said yes. It would be up to the petitioner to decide whether or not they want to serve food.

With no more questions for City staff, Chair Armstrong opened the hearing up for public input.

Andrea Bohn, petitioner, expressed her appreciation for the opportunity to apply and for the hearing to review and decide on her case. She stated that her husband travels quite a bit, and as a result it is one of the reasons she enjoys being an airbnb host. It is fun to have interesting people stay in her house and have nice chats with. They only had one guest in 2013 because they were in the process of checking out airbnb. They have had quite a busy time since the beginning of 2014. They have a high rating on airbnb.com. She wondered if she needed to do anything to meet the City of Urbana's code requirements, so she called and talked to City staff. She discovered that City staff had just started working on these issues.

One concern that communities have of airbnb's is that very valuable living space is now being taken up by airbnb guests. There are lots of places where people are finding it to be quite lucrative to rent out individual rooms rather than make an apartment or a house available for families that need the space. This does not seem to be an issue in the City of Urbana.

The question here is does the use of her property as an airbnb impact the nature of the neighborhood. It is a big house with five bedrooms and it is just her and her husband living there with one car and one motorbike. Having one or two guests staying with them does not have that much impact. None of the neighbors have complained to them about the airbnb.

Chair Armstrong wondered how long they have guests. Ms. Bohn replied about 70% of the time.

There was no further input from members of the audience. So, Chair Armstrong closed the public input portion of the hearing and opened the case up for discussion and/or motion(s).

Mr. Warmbrunn inquired about how the research was going on airbnbs. Mr. Engstrom stated that City staff sees it as a marketing tool. We are taking it on a case by case basis. Some have longer term rentals that act more like borders than a bed and breakfast, so the City is requiring them to register their properties as rentals. Some of the airbnbs are more intensely used, such as the proposed case, so they requested the Bohn's to apply for a conditional use permit.

Mr. Warmbrunn wondered if the Zoning Board of Appeals would see more conditional use permit requests for airbnbs. Mr. Engstrom replied that the Zoning Board of Appeals would probably not see too many. City staff will keep an eye on them. The proposed airbnb is the only one that seems to be occupied most of the time. Mr. Mahalek added that he does a weekly update on airbnbs in the City of Urbana. It is more of a seasonal thing.

Mr. Welch moved that the Zoning Board of Appeals approve ZBA-2014-C-05 with the conditions as recommended by city staff. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Ms. McLaughlin	-	Yes

The motion passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- **Case No. ZBA-2014-MAJ-05** – A request to allow a new addition on the house at 807 South Cottage Grove to encroach 100% into the rear-yard setback was approved by City Council.

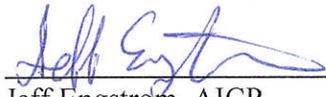
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:53 p.m.

Respectfully submitted,



Jeff Engstrom, AICP
Interim Planning Manager
Secretary, Urbana Zoning Board of Appeals

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

DATE: November 19, 2014

APPROVED

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED There were none.

STAFF PRESENT Jeff Engstrom, Interim Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT Jason Tompkins

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 he declared that there was a quorum with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the October 15, 2014 regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as drafted. Mr. Welch seconded the motion. The minutes were approved by unanimous voice vote as moved.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Armstrong swore in the one member of the audience who indicated that he may give testimony during the public hearing. He asked that anyone who speaks to sign in and state their name.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-MAJ-06: A request for a Major Variance by Bendsen Signs & Graphics to allow a sign that is 11 feet high, and setback 8 feet from the right-of-way at 505 North McCullough Street in the MIC, Medical Institution Campus Zoning District.

Chair Armstrong opened the public hearing. Jeff Engstrom, Interim Planning Manager, introduced Christopher Marx, Planner I, as the newest member on the Planning Division staff. Mr. Marx, then, presented the case to the Zoning Board of Appeals. He began by talking about where the sign would be located. He described the subject property as well as the surrounding adjacent properties noting their zoning, current uses and future land use designations. He discussed the purpose and importance of the proposed sign. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He summarized staff findings, reviewed the options of the Plan Commission and presented City staff's recommendation for approval. He stated that he would answer any questions and pointed out that there was a representative for the petitioner in the audience.

Chair Armstrong asked if there were any questions for City staff.

Mr. Warmbrunn wondered where the sign would actually be located. One photo illustrates that the sign would be on the west side of the pine tree and another photo indicates it would be on the east side. Also, are they measuring eight feet from the sidewalk for the setback? Mr. Marx responded stating that the sign would be setback eight feet from where the property line and the right-of-way meet. Mr. Engstrom added that the Site Plan, which shows the setback distances, is more accurate in illustrating the location of the proposed sign than the other photo.

Mr. Warmbrunn wondered how people would see the sign if it is located behind the pine tree. Would they remove the tree? Mr. Engstrom said that would be a question for the applicant.

Mr. Warmbrunn asked if the applicant moved the sign back to 15 feet from the property line in order to have a larger sign, would they then be able to use larger letters as well. Mr. Marx answered that it might be possible but it would depend on the visibility from the street.

There were no further questions for City Staff. Chair Armstrong, then, opened the hearing up for public input.

Jason Tompkins, General Manager of Bendsen Signs & Graphics, thanked City staff for their help throughout this process and thanked the Zoning Board of Appeals for reviewing the proposed major variance request. He mentioned that his company has the privilege of working with Carle on all of their signage needs. Over the last two to three years, they have been working with Carle on a two-fold project. First, Carle changed their logo, so Bendsen Signs has been implementing the new logo into news signs on Carle's campuses. The second part of the

project is trying to improve wayfinding on their campuses. Directing people efficiently and safely is a big challenge. One solution is through signage. They have been installing replacement signs which so far have only required regular sign permits. However, the proposed sign is the last sign, and it requires approval of a major variance request.

When you look at Carle's campus on University Avenue and the way it lays out, to the west of McCullough there is a lot of activity with the main entrance into the hospital as well as the entrance to the Emergency Room. Traffic is not only vehicular but also foot traffic. The goal behind the proposed sign is to catch the traffic going from the east to the west. If they miss the turn at McCullough, then it sends more traffic to the west. The sign is intended to get people to turn right or left depending on where they need to go and to reduce the amount of traffic going into the heart of Carle's campus. This can only be done if the lettering is visible enough to traffic. They feel that a smaller sign may create safety hazards because the lettering would be too small for traffic to read.

He talked about the construction of the sign. He pointed out that only the lettering would light up at night. This minimizes the amount of light being emitted from the sign.

To answer the question about the location of the proposed sign, he reiterated what Mr. Engstrom said in that the sign would be located where it is indicated on the Site Plan. Carle Hospital plans to relocate the pine tree to another location. He talked about the effects of moving the sign back further to allow them to have a bigger sign, but the sign would then be located in the parking lot and the extensions that hold the street lights would hamper the visibility of the sign. He pointed out that the proposed sign meets the requirements for the square footage allowed.

Mr. Warmbrunn asked how far away Mr. Tompkins expected people to be able to read the sign when approaching the intersection. Mr. Tompkins said that people should be able to read it from 100-150 feet away. The letter height will be approximately 6 inches tall. He does not expect the sign to catch all of the traffic, but it should catch most.

Ms. Chester inquired about the location of the sign. Usually wayfinding signs are located a block before. By the time a person sees the sign, they will almost be at the intersection and won't be able to do much. Mr. Tompkins replied that if Carle owned the property a block away, then it would be ideal to have the proposed sign a block away. They feel it is better to have the proposed sign than nothing at all directing traffic.

Carle has tried to direct people with some temporary wayfinding signage. It has helped a little so they are hoping a permanent larger wayfinding sign will catch more people. Carle is starting to bring in people from outside of the Champaign-Urbana area, so hopefully the proposed sign will be able to direct those people that are not familiar with the campus.

Ms. Uchtmann wondered if the proposed sign would also direct traffic to the parking garage entrance along Park Street. Mr. Tompkins responded saying that there is secondary signage planned for Park Street that will direct traffic to the parking garage on the Park Street side. Ms. Uchtmann commented that if Carle directed traffic to turn on McCullough to the Park Street entrance of the parking garage, then there would not be as much congested traffic at the main

entrance of the hospital. Mr. Tompkins stated that this may be something Carle looks into further in the future.

There were no further comments or questions from the audience, so Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann moved that the Zoning Board of Appeals forward Case No. ZBA-2014-MAJ-06 to the City Council with a recommendation for approval for the major variance to allow a sign that is 11 feet tall and setback 8 feet from the property line. Mr. Welch seconded the motion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

Update on the Zoning Board of Appeal’s Official Bylaws

Chair Armstrong opened this item for review. Jeff Engstrom, Interim Planning Manager, presented the proposed bylaw amendments to the Zoning Board of Appeals. He stated that the City Attorney has advised City staff that all of the boards and commissions should amend their bylaws in order to address some administrative rulings regarding the Illinois Open Meetings Act. He talked about the proposed changes. He explained the process for amending the bylaws.

Chair Armstrong asked if the Board members had any questions for City staff.

Mr. Warmbrunn inquired as to whether it was just the Zoning Board of Appeals that was being asked to amend their bylaws or if every board and commission was expected to do so as well. Mr. Engstrom answered saying that every board and commission was being asked to amend their bylaws.

Mr. Warmbrunn wondered how citizens are supposed to address an issue at the City Council meetings that are not on the agendas. Mr. Engstrom said that he did not know if the amendments were being added to the City Council.

Mr. Warmbrunn commented that the proposed amendment does not really affect the Zoning Board of Appeals, because they listen to whomever for however long they want to talk about

their issues. Mr. Engstrom replied that it only affects "Audience Participation"; not public input during public hearings.

Mr. Warmbrunn expressed his concern about Article V. Section 4.10 and 11. He does not recall ever giving an opponent in a case the opportunity for rebuttal, and the petitioner/applicant a third chance to speak. Mr. Engstrom responded that Steps 10 and 11 usually do not happen but they have been in the rules. It won't hurt to leave them in the bylaws. It will probably be best to give people the opportunity to rebut and make final statements.

Mr. Warmbrunn asked about "personal interest" when members need to recuse themselves. If a board member lives within the required notification distance of a case, would that be enough to disqualify that board member? Mr. Engstrom replied no. A board member only needs to recuse him/herself if they have a financial interest or a material interest in the case or subject property.

Mr. Warmbrunn stated that their public hearings are considered to be a legal process. They do not regularly have a City attorney attend their meetings. It would be beneficial to have someone who understands the legal ease to attend contentious cases. Mr. Engstrom replied that when City staff knows that a case will be controversial, they ask for legal advice or even ask the City Attorney to attend the meeting. But in general, we do not have the City Attorney attend every single meeting of every single board or commission. If there is a legal question that arises during a public hearing, the board has the ability to continue the case to allow City staff time to get an answer from the City Attorney.

Chair Armstrong felt that giving the Chair the discretion the ability to limit Audience Participation and having it in writing in the bylaws is a good thing. As for Steps 10 and 11, he has not experienced these steps being used in a public hearing. He assumes that they are listed in Robert's Rules of Order. If they leave Steps 10 and 11 in the bylaws as protocol, then he feels it would be fine. Therefore, he did not see any problems with adopting the proposed bylaw changes.

Mr. Welch moved that the Zoning Board of Appeals continue the consideration of the amendments to the bylaws to the next regular meeting. Ms. Uchtmann seconded the motion. The motion was passed by unanimous voice vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

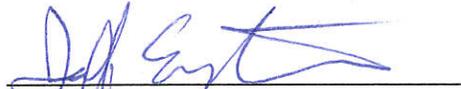
There was none.

November 19, 2014

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:10 p.m.

Respectfully submitted,



Jeff Engstrom, AICP
Interim Planning Manager
Secretary, Urbana Zoning Board of Appeals

December 17, 2014

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

DATE: December 17, 2014

APPROVED

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED There were none.

STAFF PRESENT Jeff Engstrom, Interim Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT Drew Bargmann, Kevin and Tina Modglin

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

Chair Armstrong called the meeting to order at 7:31 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 November 19, 2014 regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote as moved.

4. COMMUNICATIONS

- ZBA Brochure with 2015 Schedule of Meetings

5. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Armstrong swore in the one member of the audience who indicated that he may give testimony during the public hearing. He asked that anyone who wished to speak to sign in and state their name prior to speaking.

NOTE: Ms. Chester arrived at 7:34 p.m. All members of the Zoning Board of Appeals are now present.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2014-C-06: A request by Kevin Modglin on the behalf of the Champaign Urbana Mass Transit District (CU-MTD) for a Conditional Use Permit to allow a temporary second principal use of motor bus station on a single lot at 1207 East University Avenue in the IN-1, Light Industrial/Office Zoning District.

Chair Armstrong opened the public hearing. Christopher Marx, Planner I, presented the case to the Zoning Board of Appeals. He began by talking about the subject property and the purpose for the proposed conditional use permit. He noted the current zoning and land use of the proposed site as well as for each of the surrounding properties. He talked more in detail about the proposed use as a motor bus station explaining the number of vehicles in the fleet and the hours of operation. He pointed out that the subject property is currently used for parking vehicles and storing trailers as well. He presented City staff's recommendation for approval. He stated that he would answer any questions and pointed out that there was a representative for the petitioner in the audience.

Chair Armstrong asked if there were any questions for City staff. There were none, so Chair Armstrong opened the hearing up for public input.

Kevin Modglin, one of the owners of the subject property, approached the Zoning Board of Appeals to speak. He mentioned that CU-MTD asked them if CU-MTD could use their property as a temporary motor bus station while their facility is being renovated. He believed it would be convenient for CU-MTD and does not feel that it would be a problem sharing the property.

There were no further comments or questions from the audience, so Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann wondered about the neighbor to the south who had expressed concerns to City staff. What were the concerns of that neighbor? Mr. Marx replied that there was one neighbor to the south of the subject property who called with concerns of noise and light pollution from adding the proposed use to the site. The neighbor stated that he would attend this meeting. City staff mailed him a copy of the written staff report. He was not present at the meeting.

Ms. Uchtmann asked if fencing would be required. Jeff Engstrom, Interim Planning Manager, said that the property already contains the required screening.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2014-C-06 subject to the four conditions recommended in the written staff report. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

7. OLD BUSINESS

Update on the Zoning Board of Appeal's Official Bylaws

Chair Armstrong re-opened this item for review. Jeff Engstrom, Interim Planning Manager, presented the proposed bylaw amendments to the Zoning Board of Appeals.

Chair Armstrong asked if there was any discussion by the Zoning Board of Appeals members. There was none. He clarified that the major change was in the underlined section on Page 4. Mr. Engstrom said that was correct.

Mr. Warmbrunn moved that the Zoning Board of Appeals adopt the Rules of Procedure as proposed on 11/19/2014. Mr. Welch seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Ms. Chester	-	Yes

The motion was approved by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- Case No. ZBA-2014-MAJ-06 – City Council approved this case. Per Council's direction, City staff is working with Carle Hospital to find a better overall wayfinding for their campus.

December 17, 2014

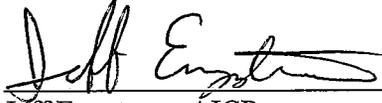
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Engstrom", written over a horizontal line.

Jeff Engstrom, AICP
Interim Planning Manager
Secretary, Urbana Zoning Board of Appeals