

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

DATE: January 20, 2021

APPROVED

TIME: 7:00 p.m.

PLACE: Zoom Webinar

MEMBERS ATTENDING REMOTELY: Joanne Chester, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn

MEMBER ATTENDING AT CITY BUILDING: Harvey Welch

MEMBERS ABSENT Matt Cho

STAFF PRESENT Kevin Garcia, Principal Planner; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

OTHERS PRESENT Gary Apfelstadt, Mick Wolf

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

Chair Welch called the meeting to order at 7:00 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

Mr. Garcia noted that Case No. ZBA-2020-MAJ-09 would not be heard due to an error in the legal ad. Planning staff would re-advertise the legal ad and the Zoning Board of Appeals would consider the case at the February 17, 2021 regular meeting.

3. APPROVAL OF THE MINUTES

The minutes from the December 16, 2020 regular meeting were presented for approval. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

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

The minutes of the December 16, 2020 regular meeting were approved as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2020-C-05 – A request by Gary Apfelstadt for a Conditional Use Permit to allow a duplex at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-07 – A request by Gary Apfelstadt to allow a duplex on a lot 50 feet wide and 5,775 square feet in area at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-08 – A request by Gary Apfelstadt to reduce the number of parking spaces required for a duplex from four to two at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

ZBA-2020-MAJ-09 – A request by Gary Apfelstadt to allow a garage to encroach four feet into a required 15-foot front yard at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District. *{This case was continued to the February 17, 2021 meeting.}*

Chair Welch opened the public hearing for Case Nos. ZBA-2020-C-05, ZBA-2020-MAJ-07 and ZBA-2020-MAJ-08 simultaneously since they relate to the same property. He restated that Case No. ZBA-2020-MAJ-09 would be continued to the next regular meeting of the Zoning Board of Appeals due to an error in the legal ad.

Kat Trotter, Planner I, gave the staff report for the cases. She explained the purpose for the proposed conditional use permit and two variances requests, which are to allow a duplex on a lot which is smaller than required by the Zoning Ordinance and to allow a reduction in the number of required parking spaces. She stated the location of the subject property, described the lot and talked about the duplex use. She noted the zoning and future land use designation of the subject property as well as for the adjacent properties. She showed photos of the existing buildings on the site. She reviewed the requirements for a conditional use permit from Section VII-2 of the Zoning Ordinance and the requirements for a variance from Section XI-3 of the Zoning Ordinance. She summarized staff findings, read the options of the Zoning Board of Appeals for each case, and presented City staff's recommendations for approval of all three cases. She noted that the applicant was available to answer questions.

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

Ms. Chester felt that the issue with the parking was tied to the garage variance, which the Zoning Board of Appeals would not be considering until the February 17, 2021 meeting.

Mr. Rusch asked how the issue with the duplex use come into question. Ms. Trotter explained that the first case submitted was for the garage to be rebuilt in the front yard setback. At the same time, the applicant had applied for a building permit to do internal renovations of the house, which is when City staff discovered that the house was being used as a duplex. The duplex use was never legalized by the City of Urbana. So, the City is requiring the applicant to obtain approval for the duplex to make it a legal use.

Ms. Chester stated that she researched the tax records with Cunningham Township and noted that the house was constructed and used as a single-family house. A previous owner must have converted it into a duplex without informing the City. She felt that the use of the house tied into the number of parking spaces. Ms. Trotter stated that regardless of whether or not the garage is rebuilt, there are two existing parking spaces on site. One of the variance requests being considered at this public hearing was to allow a reduction in the required number of parking spaces from four spaces to two.

Ms. Chester asked if people are allowed to park in front of the house on Illinois Street. Mr. Warmbrunn said no. Mr. Rusch agreed. He said that a person could park on Illinois Street a block before this one, but that the street begins to narrow down on this block to allow for a median. He added that there was room for about three cars off Cedar Street and more parking was available across Cedar Alley.

Ms. Chester asked how wide Cedar Street was. Mr. Rusch stated that it was fairly narrow; however, it was not frequently travelled. The majority of the traffic was from parents parking along Cedar Street to pick up their children from Leal School.

Ms. Uchtmann asked if the two existing parking spaces were in the garage. Ms. Trotter replied yes. Ms. Uchtmann asked when the garage was built.

Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

Mr. Apfelstadt, applicant, raised his hand to speak. Chair Welch swore him in. Mr. Apfelstadt stated that he was the current owner of 213 West Illinois Street. The house appears to have been built before 1897, and the garage was constructed between 1897 and 1902 according to the Sanborn maps.

Ms. McLaughlin asked if City staff had received any complaints about parking issues in or around this property. Ms. Trotter stated that there have been no complaints about parking at 213 West Illinois Street. The email communication received from Michael Fuerst, which was in the packet of information, stated that he had no objections to any of the four requests.

Ms. Uchtmann asked how many bedrooms were in the existing house. Mr. Apfelstadt replied that there are two apartments. The first floor apartment has two bedrooms, and the second floor apartment has two bedrooms.

Ms. McLaughlin asked if the applicant had any concerns about the number of parking spaces or was two parking spaces enough. Mr. Apfelstadt replied that two parking spaces have been adequate. It provides one parking space per apartment. If a tenant has more than one vehicle,

then they refer the tenant to obtain a parking permit to allow the tenant to park one vehicle on the street nearby.

Ms. McLaughlin acknowledged that there was not much space to provide additional parking spaces on the subject property. Would the Zoning Board of Appeals need to consider the amount of paved space on the lot should the applicant wish to increase the number of parking spaces on site? Ms. Trotter stated that she did not calculate the Open Space Ratio (OSR) for this particular property. One of the factors in the variance requests was the narrow lot size, which creates a practical difficulty in providing more than the necessary amount of parking. This also factors in to the discussion about Case No. ZBA-2020-MAJ-09, which would be discussed at the February 17, 2020 regular meeting of the Zoning Board of Appeals. Mr. Rusch added that there was space to provide two additional parking spaces; however, the applicant would have to remove a large garden and doing so would remove all of the green space on the property.

Mr. Apfelstadt pointed out that the one variance was to reduce the number of required parking spaces from four spaces to two spaces. The variance for the garage, which was not under consideration at this meeting, would not be changing the number of parking spaces. The proposed new garage would be the same size as the existing garage. So, the variance for the number of parking spaces is needed the same as the variance for the reduction in lot width and the duplex use were in order to bring the property into legal conformity.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motions by the Zoning Board of Appeals.

Ms. Chester did not feel that the garage could be rebuilt in the same spot because it was located too close to the sidewalk and created safety issues when a person backs out of the garage.

Ms. McLaughlin stated that with there being street parking available and given that the area was known as being walkable and accessible to many destinations by either walking, bicycling or mass transit, she was not concerned about there only being two parking spaces. There have not been any note-worthy complaints about parking issues over the years since it became used as a duplex. She did not want to increase the paved surface area on the property.

Mr. Rusch agreed it would be beneficial to not have any more paved area on the block. All of the properties on this block, except for one, are used as duplexes or cooperative housing. Preserving green space is a good thing.

Ms. Uchtmann moved that the Zoning Board of Appeals approve Case No. ZBA-2020-C-05 as requested. Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Mr. Rusch moved that the Zoning Board of Appeals forward Case Nos. ZBA-2020-MAJ-07 and ZBA-2020-MAJ-08 to the City Council with a recommendation for approval as requested. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote. Ms. Trotter stated that Case Nos. ZBA-2020-MAJ-07 and ZBA-2020-MAJ-08 would be forwarded to City Council on February 8, 2021.

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 Welch adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Kevin Garcia, AICP
Principal Planner
Secretary, Urbana Zoning Board of Appeals