

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: February 15, 2023

APPROVED

TIME: 7:00 p.m.

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

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

MEMBERS ABSENT: Matt Cho

STAFF PRESENT: Nick Olsen, Planner I; Marcus Ricci, Planner II; UPTV Camera Operator

OTHERS PRESENT: David Huber, Susan Pryde, Candace Ziegler

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

Chair Welch called the meeting to order around 7:05 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the November 16, 2022 regular meeting were presented for approval. Ms. McLaughlin moved that the Zoning Board of Appeals approve the minutes as written. Mr. Rusch seconded the motion. The minutes were approved as written by unanimous voice vote.

4. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch swore in members of the audience who wished to speak during a hearing.

5. NEW PUBLIC HEARINGS

ZBA-2023-C-01 – A request by David Huber for a Conditional Use Permit to allow a second principal structure at 907 East Washington Street in the R-3 (Single and Two-Family Residential) Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2022-C-01. Nick Olsen, Planner I, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose for the proposed conditional use permit and by giving a brief background on the regulations in the Zoning Ordinance for allowing a second principal structure on a proposed lot. He noted that he received three emails in support of the proposed variance since the meeting packet had been sent, and they are from Evan Alvarez, Lisa Bralts, and Hunter DiFonso. He showed location and zoning maps of the subject property and noted the zoning of the proposed property and of the adjacent properties. He showed the site plan and discussed where the second structure would be located on the lot. He summarized how the proposed conditional use permit request relates to the requirements in Section VII-2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation for approval. He noted that the applicant was available to answer questions.

Chair Welch asked if any members of the Board have questions for staff regarding this case.

Ms. Uchtmann asked if the proposed plans would meet the parking requirements. Mr. Olsen replied yes, it would meet the parking requirements. The Zoning Ordinance requires two parking spaces per unit for a total of four parking spaces. There is ample space on the lot to provide four parking spaces.

Mr. Warmbrunn asked if it would be stacked parking and if the vehicles would be backing out onto the street. Mr. Olsen said yes to both. He stated that the Zoning Ordinance allows parking in an access drive to back out onto the street.

With there being no further questions, Chair Welch opened the hearing for input from the audience. He invited the applicant to approach the Board to speak and swore him in.

David Huber, applicant, approached the Zoning Board of Appeals to answer any questions.

Mr. Warmbrunn asked how the applicant envisioned the parking. Mr. Huber said that stacked parking is permitted and is the predominant parking for the neighborhood since most properties have a single driveway. The new spaces could be used as turn-arounds. He mentioned that, in this neighborhood, there is not a heavy reliance on vehicles. Also, there are not many attached garages; most are detached single garages.

Mr. Warmbrunn asked if the tenants in Unit A would be parking in the new spur so tenants of Unit B would be able to access the driveway to their home. Mr. Huber replied that the Zoning Ordinance does not require this concept and he does not police his tenants. At the same time, he is not planning to invest \$180,000.00 in constructing a second unit that is not marketable because it has poor or no parking available. He intends to rent to people who do not rely on vehicles.

Mr. Warmbrunn asked if the driveway measured 12-3/4' wide. Mr. Huber said it measures 3'3" wider than the minimum required for a driveway. Mr. Warmbrunn asked how tenants of Unit B would get in/out if a vehicle for a tenant living in Unit A is parked in the way. Mr. Huber replied that the Zoning Ordinance does allow stacked parking and his plans meet the requirements for parking in the Zoning Ordinance. Staff confirmed this. If there is an issue with the parking between the tenants, then it would be something that would have to be worked out by the tenants. Ms. McLaughlin added that it was outside the scope of the Zoning Board of Appeals consideration.

Ms. Uchtmann asked if Unit B is required to have two exits. Mr. Huber replied no. However, every bedroom is required to have an egress window. He noted that there will be a second door on the south side, which is not shown in the plans.

Ms. Chester arrived to the meeting at 7:26 p.m.

Susan Pryde approached the Zoning Board of Appeals to speak in favor. She stated that she is a firm believer of infill and smaller homes. She mentioned that she lives in the small home next door to the proposed site. There is a need for small homes.

Ms. Pryde stated that Mr. Huber does good work and is very responsible and considerate of the neighborhood. She supports him being allowed to have a second unit.

Candace Ziegler approached the Zoning Board of Appeals to speak on the proposed conditional use permit. She pointed out that the new spur or parking pavement faces her family room, so if tenants park there, the headlights would shine into her home. She asked that the applicant be required to install a privacy fence between the two properties.

Ms. Ziegler expressed concern about the final grade of the proposed site. With the construction of a second structure, she stated that she is worried it would cause flooding on her property.

Mr. Huber re-approached the Board to address Ms. Ziegler's concerns. He stated that there would be a fence separating the new parking spur from Ms. Ziegler's property to prevent headlights from shining into her home. In fact, he stated that he is not opposed to having a fence along the entire east property line.

Mr. Huber noted that he is not allowed to cause drainage to flow onto neighboring properties. He has a rain garden in the right-of-way and to the east of the driveway. The driveway is permeable so it absorbs the rainwater rather than dispersing it off site.

Ms. Uchtmann asked if the Zoning Board of Appeals could add language to require fencing between the parking spur and the neighbor's property. Mr. Olsen replied that fencing is shown on the Site Plan for this location, so the Zoning Board of Appeals could add a condition that approval of the conditional use permit be in conformance to the Site Plan.

Mr. Warmbrunn asked the applicant for confirmation that he was acceptable to providing a fence along the eastern property line. Mr. Huber said that he was in favor of it. Ms. McLaughlin felt this was outside the scope of the Zoning Board of Appeals to require a fence on private property. Ms. Chester added that a six-foot length fence as indicated on the Site Plan should block the

headlights. Also, there may be trees on the property line that would make it difficult for the applicant to install a fence. She could not support requiring the applicant to provide a fence the entire length of the eastern property line. Ms. McLaughlin agreed. Ms. Uchtmann added that the neighbor could always construct a fence on her property.

Mr. Ricci stated that conditions should be about making sure the proposal fulfills the criteria, not additional amenities. The proposed Conditional Use Permit is about adding a second principal structure. The parking requirements will be met and will have appropriate screening for the headlights.

With there being no further questions for the applicant and there being no other audience members, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motion(s) of the Board.

Mr. Warmbrunn asked for confirmation that the Zoning Board of Appeals has no jurisdiction to regulate parking on a private residential property. Mr. Olsen explained that the Zoning Ordinance does regulate parking design depending on the type of use in terms of access drive width. As far as single family or duplex use, the Zoning Ordinance does allow parking provided to be met by stacked spaces in an access drive, so the proposed Site Plan meets the requirement for four spaces in this case. This could create a practical problem that would need to be worked out between the tenants of both units.

Mr. Warmbrunn asked if there are any known properties that have two homes on one lot this small. Mr. Ricci and Mr. Olsen gave examples of other similar properties.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2022-C-01 with the condition that the second structure would generally conforms to Exhibit C, Site Plan, of the written staff report. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote.

6. UNFINISHED BUSINESS

There was none.

7. NEW BUSINESS

There was none.

8. PUBLIC INPUT

Mr. Huber asked if there was a way to inform the neighbors or provide more detailed information for the neighbors when cases arise. Mr. Ricci stated that a letter is sent to neighbors with a link to a website where they can find additional information. Mr. Olsen said that he

would not be opposed to providing Site Plans for cases prior to packets being posted. He pointed out that the letters mailed to the neighbors do provide a case manager's name and contact information so anyone may contact them prior to the meeting.

9. STAFF REPORT

Ms. Uchtmann stated that she did not receive any notice in her personal email or something to remind her to check her city email account. Mr. Rusch noted that had similar issues to begin with; however, he worked with City staff and now emails are forwarded from his City email account to his personal email account. Mr. Welch said his City email account is forwarded to his personal email as well. Mr. Olsen stated that he would let Teri Andel, Planning Administrative Assistant, know that Ms. Uchtmann was still having problems.

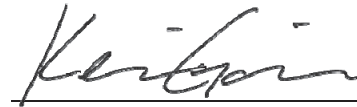
10. STUDY SESSION

There was none.

11. ADJOURNMENT

Chair Welch adjourned the meeting at approximately 8:01 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Garcia", is written over a horizontal line.

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