

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

**DATE:** July 17, 2019

**APPROVED**

**TIME:** 7:00 p.m.

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

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**MEMBERS PRESENT** Matt Cho, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS ABSENT** Joanne Chester

**STAFF PRESENT** Lorrie Pearson, Deputy Director of Community Development/Zoning Administrator; Lily Wilcock, Planner I; Teri Andel, Planning Administrative Assistant II

**OTHERS PRESENT** Gustavo Bautista, JoAnn Carter, Ernest Mosley

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**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**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the June 19, 2019, regular meeting were presented for approval. Ms. McLaughlin moved to approve the minutes as written. Mr. Rusch seconded the motion. The minutes were approved by unanimous voice vote as written.

**4. COMMUNICATIONS**

- Revised Staff Finding and Proposed Conditions for Case No. ZBA-2019-C-02
- Letters of Support for Case Nos. ZBA-2019-C-02, ZBA-2019-MAJ-03 and ZBA-2019-MAJ-04 from the following people:
  - Bryan McMullan
  - Christopher Palmer
  - Charles Sgeuski
  - Nancy Mendez

- Bobby Johnson
- Roberto Chapa, Jr.
- Serlena Reed
- James Pelmore
- Samathie Young
- Ora Pettigrew
- Melvin Caston, Jr.
- Kyan O'Bannon
- Anthonella Issantu
- George Edwards
- Nicole Parker
- Edward DeAtley
- Aaron Moser
- Dexter Stone
- Cleomagdalene Harris
- Mary Huff
- Connie Hugger
- List of Signatures of Neighbors Opposing Case Nos. ZBA-2019-C-02, ZBA-2019-MAJ-03 and ZBA-2019-MAJ-04 submitted by Ernest Mosley

**NOTE:** Chair Welch swore in members of the audience who indicated that they might give testimony during a public hearing.

## **5. CONTINUED PUBLIC HEARINGS**

### **ZBA-2019-C-02 – A request by Gustavo Bautista for a Conditional Use Permit to allow a Contractor Shop at 802 North Goodwin Avenue in the B-1, Neighborhood Business Zoning District.**

Chair Welch reopened the public hearing for this case and opened the public hearing for related cases #ZBA-2019-MAJ-03 and ZBA-2019-MAJ-04, which are New Public Hearings. Lily Wilcock, Planner I, presented the staff report for the three cases. She began by explaining the purpose for each request and described the subject property.

Mr. Cho arrived at 7:05 p.m.

Ms. Wilcock continued with the staff presentation by reviewing the requirements in Section VII-2 of the Urbana Zoning Ordinance for a conditional use permit and noted that City staff revised their findings and suggested conditions for approval of the conditional use permit. These were handed out prior to the start of the meeting. She reviewed the criteria in Section XI-3 of the Urbana Zoning Ordinance for a major variance. She read the options of Zoning Board of Appeals for each case and presented the staff recommendation for approval of each case including the revised conditions for approval of the conditional use permit.

Lorrie Pearson, Deputy Director of the Community Development Services Department/Planning Manager, noted the handout of communications received in support of the three proposed requests.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none, so he opened the hearing for public input. He invited the applicant to speak on behalf of his requests.

Gustavo Bautista, applicant, approached the Zoning Board of Appeals. He mentioned that he lives in the community and has for 15 years. He believes in the community and has volunteered by electrically wiring about ten homes for Habitat for Humanity. His electrical business consists of clients calling him to go to their homes so he will not have any clients come by his office. His family and business have outgrown their home, so he needs an office space to do paperwork and store some materials. No materials would be stored outside. He has been making improvements to the property at 802 North Goodwin Avenue.

Ernest Mosley approached the Zoning Board of Appeals to speak in opposition. He stated that he did not want a business with a lot of vehicles being parked at the proposed location for safety reasons. He mentioned that he talked with other neighbors in the area and submitted a list of names of residents who were also opposed to the proposed business use.

Ms. Uchtmann inquired if he believed there would be more than three vehicles parked on the subject property. Mr. Mosely replied yes because the owner had already parked several vehicles, a trailer and a dump truck on the site.

Ms. Uchtmann asked if it was possible that Mr. Bautista had all of those vehicles there for the remodeling of the building. Mr. Mosley said no. Mr. Bautista did not remodel the building because the previous owners had remodeled it.

Ms. Wilcock noted that City staff became aware of the dump truck and notified Mr. Bautista that it was not allowed. Mr. Bautista then removed the dump truck from the property within 12 – 24 hours. He is currently in good standing with the City regulations regarding the dump truck.

Mr. Rusch asked Mr. Bautista what the purpose was for the dump truck being there. Mr. Bautista replied that he had planned to haul in some gravel and landscape the property. When City staff notified him about the dump truck being illegal, he also found out about needing approval of the conditional use permit to operate his business and the major variance requests for parking. He had the dump truck removed immediately and it has not been there since. When there were several vehicles parked there, it was because they were moving the business into the building. He has two trucks and an enclosed trailer that he uses for performing jobs.

Ms. Uchtmann asked Mr. Mosley if the City controlled future violations, would that give him peace. Mr. Mosley commented that the City had not responded to prior complaints in the neighborhood. Ms. Pearson assured the Zoning Board and the public that if anyone called about a violation, then City staff would inspect the property. If City staff found any violations, then the applicant could lose his conditional use permit and the applicant would not be allowed to operate his business.

Mr. Welch asked Mr. Mosley if he was opposed to any business being located on the subject property or if he was only opposed to this business. Mr. Mosley replied that he was not opposed to business; however, he was opposed to a business that has many vehicles being parked on the property.

Mr. Bautista re-approached the Zoning Board of Appeals. He mentioned that Mr. Mosely had contacted him about selling barbeque sandwiches on the proposed site during the weekends. Mr. Bautista had told Mr. Mosley that he would not be permitted to do that anymore because he purchased the property and did not want to be held liable if someone fell and got hurt.

He understood Mr. Mosely's concern about vehicles parked on the property being broken into, but this could happen anywhere even in the best of neighborhoods. He is not concerned with this happening because the police patrol the area on a regular basis. He has spoken with many of the residents in the neighborhood, and they are excited to see his business move in at this location.

JoAnn Carter approached the Zoning Board of Appeals to speak. She stated that she was not opposed or in favor of the proposed requests. She was opposed to having big trucks in the neighborhood especially down the street from the school. She asked if the property owner would be required to post signs saying the name of the business and "No Parking or No Trespassing or Private Property". She mentioned that there is a construction business located one corner down the street, and there have been no problems with that business.

Mr. Rusch wondered if the big trucks were work trucks for the business or if they might have been companies making improvements to the property. Ms. Carter replied that they were work trucks, but they come and go and are not parked at the site anymore.

Ms. Uchtmann asked if Ms. Carter would be comfortable with the business if the Zoning Board of Appeals required the owner to post some signs. Ms. Carter said that she would be comfortable with that but she was more concerned with large trucks being parked on the property.

Mr. Bautista re-approached to speak. He noted that he parked his van with the company logo on it at the proposed site so that people in the neighborhood would know that the property was no longer vacant. One Sunday, he decided to go to the office and do some work. He noticed a lot of vehicles parked on his property, so he asked them to stop parking there. He has limited parking at the site and if other people park their vehicles there, then where will he park his van and trailer on his property?

Mr. Welch asked when Mr. Bautista purchased the property. Mr. Bautista said it was about four weeks ago. Some renovations had been made by the previous owner; however, he had put in a new floor and drywall, painted, hung new blinds and put in some planters outside. There were some trucks that visited the site to help with the renovations that will no longer be visiting the site.

With no further comments or questions from public 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. Uchtmann assumed that there was a lot of traffic when the proposed site was used as a gas station. Ms. Wilcock stated that was correct, and there are no complaints on file when it was used as a gas station. There was further discussion about the property being used as a gas station.

Ms. McLaughlin wondered if it was within the purview of the Zoning Board of Appeals to determine what types of vehicles use any property. Ms. Pearson said that they could have discussion and place conditions on the size of the vehicles because it is a conditional use permit for a contractor’s shop.

Mr. Rusch asked if the applicant would be in violation of the conditional use permit if there were more than three vehicles parked at the proposed site. Ms. Pearson replied that any additional vehicles over three would probably be blocking the legal parking spaces, in a drive aisle or an area that a firetruck might need to get to, so they would be limited to three spaces.

Mr. Cho questioned if there is a parking requirement in the B-1 Zoning District. Ms. Wilcock answered yes. The parking requirements are the same for the B-1, B-2 and B-3 Zoning Districts.

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2019-C-02 including the following conditions:

1. The proposed parking, fences and storage area must be constructed to conform to the attached site plan and specifications of the Zoning Ordinance.
2. The applicant is granted variances or otherwise meets the zoning requirements for parking.

Mr. Cho seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2019-MAJ-03 to the City Council with a recommendation for approval as requested based on the findings outlined in the written staff memorandum. Ms. Uchtmann 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	Mr. Cho	-	Yes

The motion was approved by unanimous vote.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2019-MAJ-04 to the City Council with a recommendation for approval as requested based on staff’s findings in the written memorandum. Mr. Rusch seconded the motion.

Ms. Uchtmann wondered if it would be possible to add a condition to require the property owner to post a sign stating “No Trespassing or No Parking”. Ms. Pearson stated that the Zoning Board of Appeals can place conditions on a major variance. Since the conditional use permit had already been approved, she did not know how the Board could place the condition on it now.

Mr. Welch commented that the petitioner had stated that he would do what was necessary to have harmonious relations within the neighborhood. While it would be in his best interest, he trusted the applicant to post such sign without requiring him to do so.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Ms. Wilcock noted that Case No. ZBA-2019-MAJ-03 and Case No. ZBA-2019-MAJ-04 would be forwarded to City Council on Monday, August 5, 2019.

**6. NEW PUBLIC HEARINGS**

**ZBA-2019-MAJ-03 – A request by Gustavo Bautista for a Major Variance to allow a reduction in the number of parking spaces required for a Contractor Shop at 802 North Goodwin Avenue in the B-1, Neighborhood Business zoning district.**

**ZBA-2019-MAJ-04 – A request by Gustavo Bautista for a Major Variance to allow parking in the required front yard at 802 North Goodwin Avenue in the B-1, Neighborhood Business zoning district.**

Chair Welch opened the public hearing for these cases with ZBA-2019-C-02 under Continued Public Hearings. Please see that section for minutes.

**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 7:58 p.m.

Respectfully submitted,

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Lorrie Pearson, AICP  
Planning Manager  
Secretary, Urbana Zoning Board of Appeals