

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** September 19, 2018

**APPROVED**

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

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

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**MEMBERS PRESENT** Joanne Chester, Matt Cho, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED** Ashelee McLaughlin

**STAFF PRESENT** Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II

**OTHERS PRESENT** Clare Barkley, Claire Branigan, Kate Hunter, Jo Kibbee, James A. May, Esther Patt, Lance Schideman, Lesen Schideman, Luke Schideman, Leslie Sherman, Jonah Weisskopf

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

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

Chair Welch welcomed Adam Rusch as the newest member on the Zoning Board of Appeals.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the July 18, 2018, regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as written. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote as written.

**NOTE:** Nancy Uchtmann arrived at the meeting.

**4. COMMUNICATIONS**

Emails received by the Planning staff regarding Case No. ZBA-2018-C-06:

- Fleck, Margaret
- Plewa, Michael and Elizabeth
- Shepard, Trent

Letters received during the public hearing for Case No. ZBA-2018-C-06:

- Hunter, Kate
- Patt, Esther

## 5. CONTINUED PUBLIC HEARINGS

There were none.

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

## 6. NEW PUBLIC HEARINGS

**ZBA-2018-C-06: A request for a Conditional Use Permit by Lance and Lesen Schideman to allow a Duplex Dwelling at 610 West Oregon Street in the R-2, Single Family Residential Zoning District.**

Chair Welch opened the public hearing for this case.

Marcus Ricci, Planner II, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed Conditional Use Permit, which is to remove the nonconforming duplex status and to allow the expansion of the living area of the second floor unit into the existing attic. He handed out a revised current floor plan for the second floor of the structure. He noted the zoning, existing land uses and Future Land Use designations of the subject property and of the adjacent properties. He talked about the percentage of lots in the immediate area that are used as duplexes. He discussed potential conditions that could be placed on the approval of the proposed Conditional Use Permit and reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with the following two conditions:

1. Modifications to the existing structure generally conform with the building plan and elevation in Exhibit D entitled "610 W Oregon Proposed 3<sup>rd</sup> Floor Plan" and "Primary West Elevations" submitted with the application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

Should the Zoning Board of Appeals wish to place an additional condition to address concerns regarding occupancy, staff recommended the following modification to the first condition:

1. Modifications to the existing structure generally conform with the building plan and elevation in Exhibit D entitled "610 W Oregon Proposed 3<sup>rd</sup> Floor Plan" and "Primary West Elevations" submitted with the application and revised to indicate a maximum of three bedrooms for the upper dwelling unit.

He noted that the applicants were in the audience to speak and answer questions.

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

Ms. Uchtmann noticed from the front view of the property, there is a vehicle parked to the left of the driveway. She asked if this parking area was legal and if the property provided enough green space in the front yard. Mr. Ricci responded that the minimum requirement for the Open Space Ratio (OSR) is 0.7. The applicants are providing .96 of the area as open space, so they are providing more than what is required.

Ms. Chester gave some brief history on the property. It was constructed as a single-family house in 1908 and was converted to a duplex in the 1940s. Mr. Rusch asked if a single family home was allowed to be converted into a duplex in 1940. Mr. Ricci replied that the zoning permitted a conversion by right.

With no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to approach the dais to speak.

Lance, Lesen and Luke Schideman, applicants, approached the Zoning Board of Appeals to speak in favor of their request.

Mr. Luke Schideman stated that he lives in Unit B of the proposed structure. Ms. Schideman talked about their proposed plans to convert the four-bedroom house into six bedrooms. They have received a lot of positive feedback from residents in the neighborhood.

Ms. Chester inquired about the sidewall height in the finished attic. Mr. Lance Schideman said that the proposed sidewall would be between four and five feet. The roof has some different pitches so there is some variation depending on where one is standing. They considered the variation in height when drawing out the layout of the attic. According to the International Building Code, the minimum dimension needed is seven feet, and the proposed plans meet that requirement. The dormer over the stair area will also increase the height for that area.

Mr. Warmbrunn questioned how tall the ceiling is in the bathroom. Mr. Lance Schideman answered that the ceiling above the shower would be capped at 8 feet in height. It would slope down to four or five feet near the edges.

Mr. Warmbrunn asked for clarification regarding Mr. Schideman's statement in his letter about being okay with only having one bedroom in the attic. Mr. Lance Schideman replied that they preferred to have two bedrooms and felt that would be the best use; however, if it would be better for neighborhood relations, then they would accept only being allowed one bedroom.

Claire Branigan approached the Zoning Board of Appeals to speak in favor of the proposed Conditional Use Permit request. She stated that she is the current tenant on the first floor of the subject property. She felt that the Schideman's were great landlords. She fully supports their request to expand into the attic and provide their son with more living space.

Jonah Weisskopf approached the Zoning Board of Appeals to speak in favor of the proposed request. Chair Welch swore in Mr. Weisskopf. Mr. Weisskopf stated that he is also a landlord in the neighborhood and a realtor as well. He supports the proposed project. He supports and encourages landlords to invest in their properties and felt that by allowing these types of minor projects, the City would also be encouraging landlords to invest in their properties, which makes their properties and students safer. It also allows City staff to go inside these types of properties to see if the properties are being maintained up to code. In addition, any improvements will raise

the assessable tax base. He believed that if the City did not try to encourage growth and development and to accommodate an ever-increasing student body, then it would strangle Urbana's ability as a City to grow.

Esther Patt approached the Zoning Board of Appeals to speak in opposition. She stated that she disagreed with Mr. Weisskopf's comments. She read a letter that she wrote and submitted it for the record.

Leslie Sherman approached the Zoning Board of Appeals to speak in opposition. She talked about homes in the neighborhood that had once been rental properties and were converted back to single-family homes. She encouraged the Zoning Board of Appeals to respect the existing zoning and deny the proposed request. If, however, the Zoning Board of Appeals decides to approve the request, she asked that they restrict the use to three bedrooms. Parking is already an issue in the area. Allowing the expansion could add to the number of people who needing parking permits to park on the street.

Kate Hunter approached the Zoning Board of Appeals to speak in opposition. She read a letter that she wrote and submitted for the record.

Jo Kibbee approached the Zoning Board of Appeals to speak in opposition. She talked about how the neighborhood had changed since her family purchased their home in 1985. She expressed concern about the proposed project setting a precedent for what might happen with other large single family homes in the neighborhood that are for sale.

Jim May approached the Zoning Board of Appeals to speak in opposition. He talked about the deterioration of the homes between West Main Street and West Washington Street. He expressed his concerns of rental properties encroaching into the single-family neighborhood.

The Schideman Family (Lance, Lesen, and Luke) re-approached the Zoning Board to address some of the concerns expressed by the neighbors.

Ms. Schideman stated that they do not plan to redevelop the site. Instead, they plan to invest in the existing historical home. About setting a precedent, very few duplexes in the area have an attic to expand into additional living space. She mentioned that they have been speaking with Ms. Darling, the next-door neighbor, about the location of the windows and the options of using muddled glass and locating the windows by the stairs. They were not asking to change the designated use of their property. They planned to continue using the existing building as a duplex. There is ample space on the property for parking so it would not spill out onto the street. As for encouraging housing to bring children back into the neighborhood, it will be more affordable for a family with children to rent a four bedroom duplex unit than to purchase a house in the neighborhood. They had discussed safety issues with the inspectors in the City's Building Safety Division. Building codes require them to provide smoke detectors and make other improvements concerning wiring and other things to the whole house. So by doing this project, they will be increasing the safety of the whole house.

Mr. Lance Schideman mentioned that they rented a house as graduate students while attending the University of Illinois. They now own that home and rent it out to other people who are graduate students or young professionals. They are not absentee landlords as they live in the community and plan to live here for the long haul. They hope to be a solution to the issue in the

neighborhood rather than adding to the problems. They have the same goal as their neighbors, which is to have a great neighborhood in the West Urbana area. Although there may be differences on how to achieve that, they are willing to work with the neighbors, the City and everyone involved.

Mr. Rusch inquired about the condition of the attic when the Schidemans purchased the property. Mr. Lance Schideman explained that the attic had a set of stairs going up to it, a floor and roofing panels. It was a typical unfinished attic. They had spoken with City staff about the possibility of expanding into the attic prior to purchasing the home. He noted that the only work that has been done involves demolition and they did not need a permit to do that. They are not trying to hide anything or do work without the City's knowledge. He stated that their children would be living in the duplex when they go to the University of Illinois so improvements will be done to ensure that it is as safe as the house they live in.

Ms. Uchtmann remarked that when looking at the side of the house, it appeared that part of the porch was removed to expand a room in the house. Ms. Schideman replied that they have not changed anything. However, they thought maybe the house was designed to face the side rather than the front of the lot. Ms. Uchtmann expressed concern about this setting a precedent for other owners who would like to remove the porch to add an extra room inside their homes. Then, the neighborhood loses the front facades of the homes in the neighborhood. Over time, this will contribute to the decay of the neighborhood. Mr. Lance Schideman stated that the space is part of the living room area and not a bedroom. They are not planning to make any changes to that portion of the house. It is in their best interest to keep the ambiance of the street and of their home. They want their property to be the nice place where people want to come live and enjoy the character that is already there. Ms. Chester stated that when she looked at a Sanborn picture of the house, it showed the porch to be circular.

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

Chair Welch appreciated the concerns of the people who spoke in opposition; however, he felt the big problem in this neighborhood did not come from individual projects like the one in this case, but rather from the giant neighbor to the west whose campus and other footprint constantly changes. This has residual spillover effect into the neighborhoods. The closer the neighborhood is to the giant, the bigger the problems they have. He mentioned that his mother-in-law lost her home to eminent domain by the University of Illinois due to the demographic changes in the area. Other residents in his mother-in-law's neighborhood tried to hold on and resist what became somewhat an inevitable movement. West Main Street was once the edge of Urbana where the more well-to-do citizens lived. The University of Illinois was a lot further to the west. As the University and the campustown area expanded, there became a collision. While everything should be done to preserve neighborhoods, sometimes people lose sight of change. Forty years ago, West Urbana area was more desirable for single-families because Yankee Ridge Subdivision and Stone Creek Subdivision did not exist. He suspected that forty years from today, this neighborhood would look different again.

Ms. Chester stated that when she was the Cunningham Township Assessor she kept track of the turnover of owner occupied homes to non-owner occupied and vice versa. Over a period of five years, it would break even.

Mr. Rusch felt offended by the discriminatory comments against students. He mentioned that he came to Urbana as a graduate student. He rented a room in a house, and then purchased his first home and now owns a second home. He and his wife live in the area because they want to raise their family in this neighborhood. He did not believe it to be a bad thing to have rental properties in the neighborhood. He liked that the subject property would be an owner occupied rental property. Any time someone is willing to invest money into improving a house in the City of Urbana, he is interested in seeing that happen. Obviously, the City has to look at the circumstances. The circumstances in this case are that the subject property has been used as a duplex since the 1940s, and it will continue to be used as a duplex by right regardless of what other people think. By right, there could be up to four unrelated people in each unit. There could be a family of six people live in either unit. There are some properties being used outside of the legal requirements in the neighborhood. The Schidemans want to invest money into bringing the existing building into compliance with regards to building codes, safety, and zoning. This speaks very highly of the Schidemans.

Mr. Warmbrunn stated that the issue is not whether we think this case would set a precedent about other homes on the block being turned into duplexes, but whether we want this property to come into conformance with the building and zoning codes or not. What kind of conditions does the City want to place if approved?

Mr. Cho moved that the Zoning Board of Appeals grant approval of Case No. ZBA-2018-C-06 with the following conditions:

1. Modifications to the existing structure generally conform with the building plan and elevation in Exhibit D entitled “610 W Oregon Proposed 3<sup>rd</sup> Floor Plan” and “Primary West Elevations,” submitted in the application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Mr. Rusch	-	Yes
Ms. Uchtmann	-	No	Mr. Welch	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Cho	-	Yes

The motion passed by a vote of 5 to 1.

Ms. Uchtmann asked that the City limit people being able to provide additional parking in their front yards. As the density in a neighborhood increases, more property owners want to do this. She felt it to be detrimental to the character of the neighborhood. She wondered if there was already zoning regulations in the Zoning Ordinance that permits or prohibits parking in the front yards. Ms. Pearson said yes. Planning staff would prepare a memo and email it to the Board members.

Mr. Cho inquired as to when and how often the Zoning Ordinance is updated to streamline confusion and history of issues. It appeared there were things that needed to be cleared up. Lorrie Pearson, Planning Manager, explained that while we do not have a major rewrite of the Zoning Ordinance planned anytime soon, the Planning staff tries to do small cleanups every year or so to make things smoother. If there are larger, more substantial items, then they are done as

individual cases as needed. If there are certain things that the Board would like to see updated, then Planning staff can add them to the long list they have and do a cleanup when time is available.

The Board and Planning staff discussed procedures about potential applicants discussing future plans for their properties. They also discussed the change in demographics.

**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 8:38 p.m.

Respectfully submitted,

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