

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

DATE: June 20, 2018

DRAFT

TIME: 7:00 p.m.

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

MEMBERS PRESENT Ashlee McLaughlin, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED Joanne Chester, Matt Cho, Nancy Uchtmann

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant II

OTHERS PRESENT Andrew Fell, Sam Giglio

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 May 16, 2018, regular meeting were presented for approval. Ms. McLaughlin moved to approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

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-03: A Conditional Use Permit request by Carol Osgood to allow a second principal structure on her property at 603 East Oregon Street in the R-3, Single and Two-Family Residential Zoning District.

ZBA-2018-MAJ-08: A Major Variance request by Carol Osgood for a reduction in the required eastern side yard setback from five feet to zero feet at 603 East Oregon Street in the R-3, Single and Two-Family Residential Zoning District.

ZBA-2018-MAJ-09: A Major Variance request by Carol Osgood for a reduction in the required southern rear yard setback from ten feet to zero feet at 603 East Oregon Street in the R-3, Single and Two-Family Residential Zoning District.

Chair Welch opened the public hearing for these cases.

Christopher Marx, 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 major variance requests, which is to allow a separate living unit to the upper level of her garage. He described what classifies a structure to be considered a dwelling unit. He noted the location and existing land use of the subject property as well as that for the surrounding adjacent properties. He explained the difference between an accessory structure and a principal structure. He reviewed the requirements in Section VII-2 of the Urbana Zoning Ordinance for a conditional use permit and the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals for each type of case and presented City staff's recommendation of approval of the Conditional Use Permit with the following conditions:

1. The apartment is confined to the existing garage.
2. The existing garage is granted major variances to permit its encroachment as a principal structure into the required side and rear yards.
3. The garage improvements generally conform with the site plan in Exhibits C and D, dated June 1, 2018, in the memorandum of Case No. ZBA-2018-C-03, submitted in the application.
4. The structure conforms with all applicable zoning and building safety codes in the City.

He suggested a change to Condition #3 from the staff memo to add Exhibit C as well.

Mr. Marx presented City staff's recommendation to the City Council of approval of the two Major Variances with the following condition:

1. The encroachments are only permitted for the existing garage.

He noted that the applicant was in the audience and available to answer questions from the Zoning Board of Appeals members.

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

Mr. Welch asked for confirmation that there would not be any major difference in the appearance of the site after the changes were made to turn the upper level of the garage into a separate living unit from its existing footprint. Mr. Marx explained that the requests were a result of a change to the status of the existing garage from an accessory use to a principal use.

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

Carol Osgood, applicant, approached the Zoning Board of Appeals to speak. She stated that her requests came about from thinking about her future and wanting to stay in her home as she grows older. In the future, the separate living unit would be used for a caregiver to live. In the meantime, she would rent out the space to bring in extra income if needed.

Mr. Warmbrunn asked if the stairs would be located inside the garage. Ms. Osgood said yes. The only difference to the structure would be to add a door to the outside.

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.

Ms. McLaughlin moved that the Zoning Board of Appeals grant approval of the Conditional Use Permit in Case No. ZBA-2018-C-03 as requested based on the findings outlined in the written staff memo with the following conditions:

1. The apartment is confined to the existing garage.
2. The existing garage is granted major variances to permit its encroachment as a principal structure into the required side and rear yards.
3. The garage improvements generally conform with the site plan in Exhibits C and D, dated June 1, 2018, in the memorandum of Case No. ZBA-2018-C-03, submitted in the application.
4. The structure conforms with all applicable zoning and building safety codes in the City.

Mr. Weisskopf seconded the motion.

Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward a recommendation of approval to the City Council for the two Major Variances in Case No. ZBA-2018-MAJ-08 and Case No. ZBA-2018-MAJ-09 with the following condition:

1. The encroachments are only permitted for the existing garage.

Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote.

Mr. Marx noted that this recommendation would be forwarded to the City Council at their meeting on July 9, 2018. Ms. Pearson added that this meeting would be a special City Council meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Pearson announced that Christopher Marx was leaving the City of Urbana to move to another community. Mr. Marx stated that it had been a pleasure working for the City of Urbana.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 7:24 p.m.

Respectfully submitted,

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