Zoning Board of Appeals

2010 Annual Report

Prepared By:

Teri Andel
Planning Secretary

OVERVIEW

In calendar year 2010, the City of Urbana's Zoning Board of Appeals met six times and considered 7 cases. A summary of past years case activity is below.

Year	Meetings	Cases
2000	10	13
2001	9	23
2002	8	17
2003	9	20
2004	7	19
2005	9	15
2006	10	11
2007	6	13
2008	7	17
2009	5	7
2010	6	7

This report contains a summary of each case considered in 2010 by case type. Decision sheets, adopted ordinances, and minutes are attached.

Members of the Zoning Board of Appeals

Paul Armstrong (Chairperson), Stacy Harwood, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch served on the Zoning Board of Appeals. Joe Schoonover resigned from the Board in January, 2010. The members who were reappointed this year were Paul Armstrong, Nancy Uchtmann, and Harvey Welch. Stacy Harwood was appointed to serve as a member on the Zoning Board on August 16, 2010.

Staff Support to the Zoning Board of Appeals was provided by:

Elizabeth H. Tyler, PhD, FAICP	Director of Community Development Services, Zoning Administrator and City Planner
Robert Myers, AICP	Planning Manager & Secretary of the Zoning Board of Appeals
Lisa Karcher, AICP	Planner II
Jeff Engstrom, AICP	Planner II
Rebecca Bird	Planner I
Teri Andel	Planning Secretary

2010 Meeting Dates of the Zoning Board of Appeals:

March 17 April 21 July 21 August 18 September 15 November 17

The Zoning Board of Appeals held no meetings in the months of January, February, May, June October or December.

2010 Zoning Board of Appeals Case Log

Total Number of Applications Submitted	7
Number of Cases Heard	7
Number of Cases Withdrawn	0
Number of Cases Incomplete	0

APPEAL REQUESTS

Total Number of Appeal Requests Heard	0

CONDITIONAL USE PERMIT REQUESTS

Total Number of Conditional Use Requests Heard	1

MINOR VARIANCE REQUESTS

Total Number of Minor Variance Requests Heard	2

MAJOR VARIANCE REQUESTS

Total Number of Major Variance Requests Heard	4

CASE SUMMARIES

Appeals

There were none.

Conditional Use Permits

ZBA 2010-C-01

506 East Anthony Drive

A request by Robert DeAtley for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" use and more than one principal structure or building on a single parcel of land in the B-3, General Business Zoning District.

Case heard and approved by the Zoning Board of Appeals on August 18, 2010 by a vote of 5 ayes – 0 nays. (Document No. 2010R21826)

Minor Variances

ZBA 2010-MIN-01

1506 South Orchard Street

A request by Martha Wagner-Weinberg for a minor variance to build an addition encroaching up to 5 feet into a required 25-foot front yard in the R-1, Single-Family Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on April 21, 2010 by a vote of 4 ayes – 0 nays. (Document No. 2010R11528)

ZBA 2010-MIN-02

See Major Variance Case No. ZBA-2010-MAJ-02

Major Variances

ZBA-2010-MAJ-01

304 West Washington Street

A request filed by Jeff and Sandy Yockey to exceed the maximum square footage allowed for accessory buildings in the R-2, Single Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on March 17, 2010 by a vote of 3 ayes - 0 nays.
Case heard and approved by City Council on April 19, 2010 by a vote of 4 ayes - 3 nays. (Ordinance No. 2010-04-021)

ZBA 2010-MAJ-02

702-710 West Main Street

A request by St. Patrick Catholic Church for a Major Variance from Section IX-4.B of the Urbana Zoning Ordinance to allow an additional freestanding sign. This case began as a major variance, but then was reviewed as a minor variance.

Case heard and approved by the Zoning Board of Appeals on July 21, 2010 by a vote of 4 ayes – 0 nays. (Document No. 2010R21825)

ZBA 2010-MAJ-03
101 West Windsor Road
A request by Clark-Lindsey Village for a Major Variance to install a monument sign at the Race Street entrance of Clark-Lindsey Village located in the R-3, Single and Two-Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on August 18, 2010 by a vote of 5 ayes - 0 nays.
Case heard and approved by City Council on September 20, 2010 by a vote of 7 ayes - 0 nays. (Ordinance No. 2010-09-078)

ZBA 2010-MAJ-04
902 East Illinois Street
A request by Phillip Kennedy for a Major Variance to allow for a 14-foot, 7-inch encroachment into the required 15-foot yard in the R-3, Single and Two-Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on September 15, 2010 by a vote of 4 ayes - 0 nays.
Case heard and approved by City Council on September 20, 2010 by a vote of 7 ayes - 0 nays. (Ordinance No. 2010-09-081)

ZBA 2010-MAJ-05
608 North Cunningham Avenue
A request by Bendsen Signs & Graphics, Inc. for a Major Variance to allow a sign that is 18'6" high, 90 square feet in area and set back 5 feet from the property line in the B-3, General Business Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on November 17, 2010 by a vote of 5 ayes - 0 nays.
Case heard and approved by City Council on December 6, 2010 by a vote of 7 ayes - 0 nays. (Ordinance No. 2010-12-110)

2010 Zoning Board of Appeals

Decision Sheets / Ordinances (without attachments)

JN

2010R11528 2
2010R11528
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06/09/2010 09:15:24AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
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REV FEE:
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CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR MINOR VARIANCE
IN CASE #ZBA-2010-MIN-01

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, April 21, 2010 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **#ZBA-2010-MIN-01** a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Martha Wagner Weinberg for a minor variance to build an addition encroaching up to 5 feet into a required 25-foot front yard at 1506 S. Orchard Street in the R-1, Single-Family Residential District

Common Street Address:	1506 S Orchard Street, Urbana, IL
Owner of Record:	Martha Wagner Weinberg
Permanent Parcel Index #:	93-21-17-378-011

Legal Description:

Lot 11 Hubbard Terrace, a subdivision to the City of Urbana, situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance on the condition that the addition shall be constructed in general conformance to the site play layout submitted as part of the application and attached to the staff memorandum and based on the following findings:

1. Table VI-3 of the Urbana Zoning Ordinance requires that front yards in the R-1 Single-Family Residential District be based on the average of the existing setbacks on the block face, but that number cannot be more than 60 feet or less than 25 feet;

2. The petitioner is proposing to build an addition in line with front wall of the existing house to allow for interior wheelchair mobility;

3. The petitioner is proposing to build an entryway vestibule to provide handicapped accessibility;

4. Section VI-5.B.5 of the Urbana Zoning Ordinance allows structures for handicapped accessibility to encroach into the required setback;

5. The existing house encroaches approximately 4.7 feet into the required front yard;

6. The subject property is a corner lot. The Urbana Zoning Ordinance, in Section VI-5.E, requires lots having frontage on two streets to have a required front yard on each frontage.

7. The proposed location for the addition is approximately 20.3 feet from the property line and would not extend beyond the current façade;

8. Allowing the proposed addition would not serve as a special privilege as the house is on a corner lot with two 25-foot required front yards;

9. Allowing the proposed addition would not alter the essential character of the neighborhood nor cause a nuisance to the adjacent properties.

10. The requested variance represents the minimum possible derivation from the Zoning Ordinance necessary to accommodate the request.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2010-MIN-01

Paul Armstrong, Chairperson — Date: 4/24/2010

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

CASE# ZBA-2009-MIN-02 - REQUEST FOR MINOR VARIANCE

APPROVED FOR RECORDING BY:

Jack Waaler, Special Counsel — Date: 29 April 2010

(9) Please return original decision sheet to the attention of Rebecca Bird, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Rebecca Bird, Planner I
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

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2010R21825 2
2010R21825
RECORDED ON
09/22/2010 12:58:46PM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
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CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR MINOR VARIANCE
IN CASE #ZBA-2010-MAJ-02

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, April 21, 2010 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **#ZBA-2010-MAJ-02** a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

Request for a Minor Variance by St. Patrick Catholic Church to allow a combined sign area of 27.6 square feet at 702 West Main Street in the R-4, Medium Density Multiple-Family Residential zoning district.

Common Street Address:	702 West Main, Urbana, IL
Owner of Record:	St. Patrick Catholic Church
Permanent Parcel Index #:	91-21-08-358-013

Legal Description:

Lot 5 and Lot 12 of Col. M.W. Busey's Heir's Addition, situated in the City of Urbana, in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance on the condition that the sign area, height and monument size do not exceed the dimensions shown in the sign plan submitted with the application and that the sign is set back at least eight feet from the property lines, based on the following findings:

1. St. Patrick Church is requesting a variance to install a monument sign at the corner of Main Street and Coler Avenue which would increase the site's combined sign area to 27.6 square feet.

2. The proposed sign would be 18.7 feet in area on a monument structure that is 14 feet wide and four feet, four inches tall.

3. The church's current signage is not clearly visible to drivers on Coler Avenue or Main Street.

4. The site is located in west Urbana and is zoned R-4, Medium Density Multiple-Family Residential District.

5. The Urbana Comprehensive Plan identifies the area as Residential-Urban Pattern.

6. The proposed variance is desired due to special circumstances of a large site that is only allowed a total of 25 square feet of signage.

7. The proposed variance is not due to a situation created by the petitioner.

8. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.

9. The proposed variance represents the minimum possible derivation from Zoning Ordinance requirements to install a sign that is visible from the street.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2010-MAJ-02

PAUL ARMSTRONG 9 SEPT 2010

Paul Armstrong, Chairperson Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

CASE# ZBA-2010-MAJ-02 - REQUEST FOR MINOR VARIANCE

APPROVED FOR RECORDING BY:

Jack Waaler 3 Sept 2010

Jack Waaler, Special Counsel Date

(9) Prepby + Please return original decision sheet to the attention of Jeff Engstrom, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Jeff Engstrom, Planner I
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

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2010R21826 4
2010R21826
RECORDED ON
09/22/2010 12:58:47PM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
RHSPS Fee:
REV FEE:
PAGES 4
PIAT ACT: 0
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CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR CONDITIONAL USE
IN CASE No. ZBA-2010-C-01

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, August 18, 2010 at the City of Urbana Council Chambers, 400 South Vine Street, Urbana, Illinois, at which time and place the Board considered the following request in Case No. ZBA-2010-C-01 for a conditional use pursuant to Section VII-2 and XI-3 of the Urbana Zoning Ordinance.

A request filed by Robert DeAtley for a Conditional Use Permit to allow a use of "Engineering, Laboratory, Scientific and Research Equipment Manufacturing" and to allow more than one principal building on a single lot at 506 E Anthony Drive, within Urbana's B-3, General Business Zoning District.

The subject property affected by this case is described more particularly as follows:

Common Street Address: 506 East Anthony Drive

Owner of Record: Archeorent LLC of Urbana

Permanent Parcel No.: 91-21-05-277-003

Legal Description: Lot 3 in Harry Gill Second Subdivision, as per plat recorded in plat book "Z" at page 244, situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE with CONDITIONS** the requested conditional use to allow a use of "Engineering, Laboratory, Scientific and Research Equipment Manufacturing" and to allow more than one principal building on a single lot, based on the following findings:

1. Creative Thermal Solutions proposes to construct a research park with five buildings at 506 East Anthony Drive, to be used as "Engineering, Laboratory, Scientific and Research Instruments Manufacturing".

2. The proposal would not pose a detriment to the B-3, General Business zoning district.

3. The proposed conditional use will be conducive to the public convenience by allowing for the use of a vacant parcel in a location consisting of similar uses.

4. The City Engineer has reviewed and approved the site access provisions.

5. The proposal preserves the essential character of the district because this type of light industrial/office use is in keeping with other general uses in the near vicinity.

6. The development will meet or exceed all of the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required yards, and the required amount of parking will be provided.

7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as "Regional Business".

The conditional use was approved with the following **CONDITIONS**:

1. That the development shall generally conform to the submitted site plan attached as Exhibit F, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan may require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.

2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

I do hereby affirm that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2010-C-01.

Paul Armstrong, Chair — Date: 9 SEP 2010

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 South Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

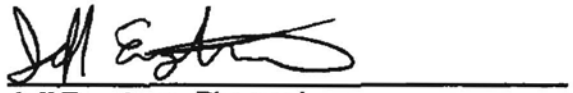
CASE No. ZBA-2010-C-01 - REQUEST FOR A CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:

Jack Waaler, Special Counsel — Date: 7 Sept 2010

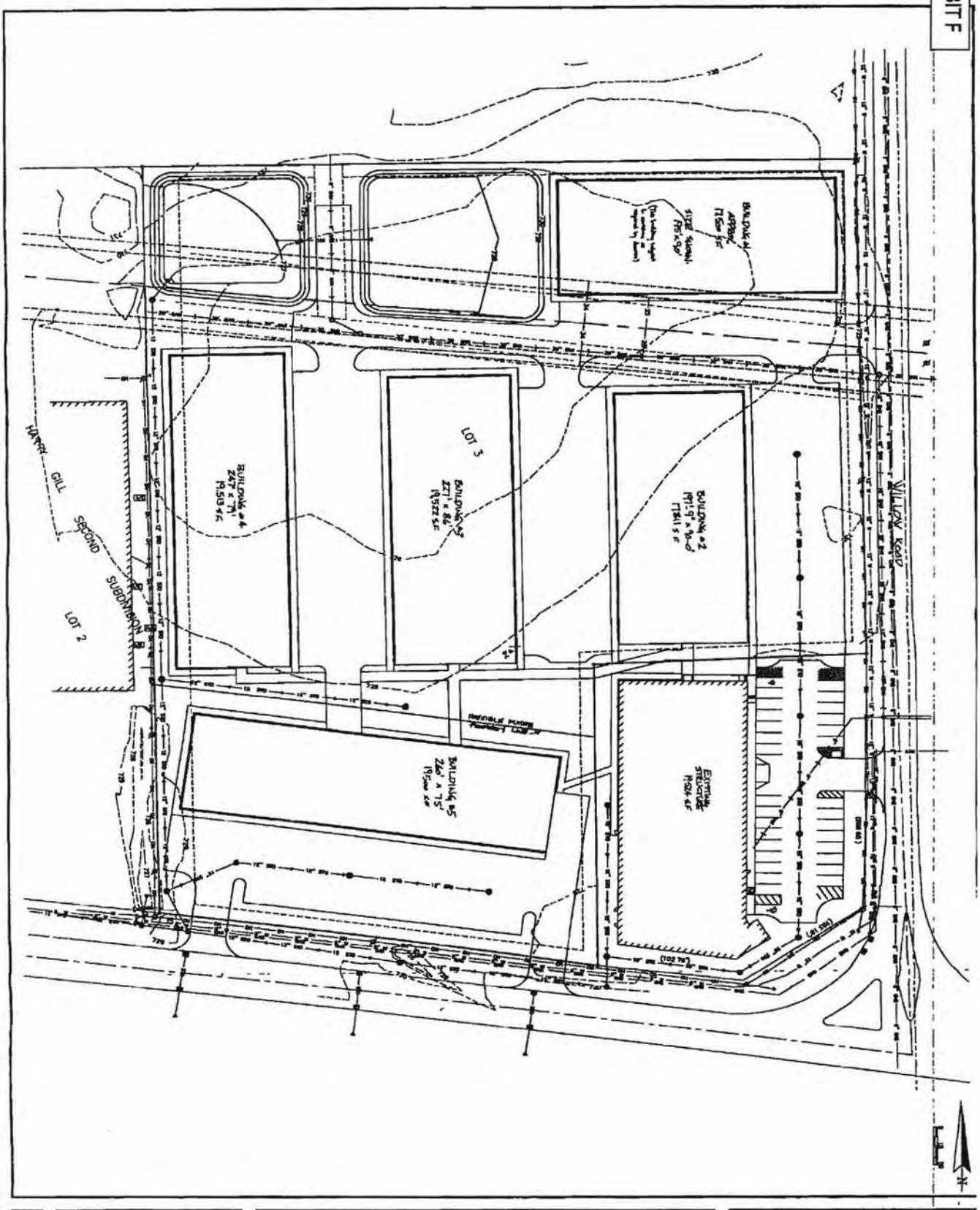
Please return original decision sheet to the attention of Jeff Engstrom, City of Urbana Community Development Services, 400 South Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:



Jeff Engstrom, Planner I
Community Development Services, Planning Division
400 South Vine Street, Urbana, IL 61801

EXHIBIT F



SHEET 3 OF 1

PROJECT NO | DATE | FILE
CHECKED BY | DRAWN BY | CHECKED

REV	DATE	BY	REVISIONS
1	6-28-10		Road alignment

SITE DEVELOPMENT PLAN

HDC ENGINEERING

COPY

Passed: April 19, 2010
Signed: April 26, 2010

ORDINANCE NO. 2010-04-021

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Exceed the Maximum Square Footage Allowed for Accessory Buildings in the R-2, Single-Family Residential Zoning District / 304 W. Washington Street - Case No. ZBA-2010-MAJ-01)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Jeff and Sandy Yockey have submitted a petition for a major variance to exceed the maximum allowed 750 square feet of accessory buildings for a single-family residence located at 304 W Washington Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on March 17, 2010 and voted 3 ayes and 0 nays to recommend approval of the requested variance to the Corporate Authorities; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

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1. The subject property is located at 304 West Washington Street and is located in the R-2, Single Family Zoning District.

2. There is an existing single-family home and garage on the property.

3. The applicant desires to construct a new single-family home and to convert the existing home to an accessory structure for storage use.

4. The kitchen and/or bathroom must be removed from the existing house in order to be considered an accessory structure.

5. Conversion of the existing house to an accessory structure for storage results in a total square footage (999 sq. ft.) for accessory structures that exceeds the maximum square footage (750 sq. ft.) allowed by 33%.

6. The applicant has applied for a major variance to exceed the maximum square footage allowed for accessory buildings so that a new single-family dwelling can be constructed and the existing home converted to an accessory building.

7. The proposed single-family home will be more consistent with the size and setback of surrounding residential homes in the area than is the existing house.

8. Reuse of the existing house as an accessory structure, as opposed to tearing the structure down to comply with the Zoning Ordinance, would limit waste and reduce use of additional materials.

9. Granting the variance could cause future enforcement needs related to the potential use of the accessory structure (existing house) as a dwelling unit.

10. Granting the requested variance will result in a higher building coverage of the lot than typically found on the block.

11. The requested variance will not alter the essential character of the neighborhood and will not cause a nuisance to adjacent property.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Jeff and Sandy Yockey, in Case No. ZBA-2010-MAJ-01, is hereby approved to increase the maximum allowed square footage of accessory buildings from 750 square feet to 999 square

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feet, in the manner proposed in the application, and contingent upon complying with the following conditions:

1. That the subject lot be developed for single-family use in conformance with all other applicable regulations in the Urbana Zoning Ordinance.

2. That the kitchen in the existing single-family dwelling be removed. The removal of the kitchen is to be documented in the Property Maintenance File and a revised Certificate of Occupancy issued.

3. That the two structures intended to be used as detached accessory structures be used only for storage or parking. This is to be documented in the Property Maintenance File and on the Certificate of Occupancy.

Section 2. The major variance described above shall only apply to the property located at 304 W Washington Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of Linstrum's Replat of Lots 20 and 21 of a Subdivision of Outlot 9 of James S. Busey's Addition of Outlots to the Town of Urbana, now City of Urbana, as per plat recorded in Book "D" at page 277, in Champaign County, Illinois.

PIN: 92-21-17-185-015

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 19th day of April, 2010.

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PASSED by the City Council this 19th day of April,
2010.

AYES: Gehrig, Lewis, Smyth, Stevenson

NAYS: Bowersox, Marlin, Roberts

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 26th day of April,
2010.

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Laurel Lunt Prussing, Mayor

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Passed: September 20, 2010
Signed: September 29, 2010

ORDINANCE NO. 2010-09-078

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the Allowed Area and Total Number for Institutional Signs in the City's R-3, Single- and Two-Family Residential Zoning District, from 59.8 Square Feet to 74.8 Square Feet at 101 W. Windsor Road / Case No. ZBA-2010-MAJ-03)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Clark-Lindsey Village, Inc., property owner, has submitted a petition for a major variance to allow a 15 square foot institutional monument sign on their Race Street frontage in the R-3, Single and Two-Family Residential Zoning District to identify the entrance to a new health facility on the site; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-03; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on August 18, 2010 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

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WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Clark-Lindsey Village, located at 101 W. Windsor Road, is an institutional property in the R-3, Single and Two-Family Residential Zoning District.

2. Section IX-4. General Sign Allowances, states "In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum combined sign size of 25 square feet total."

3. Clark-Lindsey Village, Inc. is requesting a variance to install a monument sign along Race Street to identify the entrance to the Renewal Therapy Center which would increase the site's combined sign area to 74.8 square feet and the total number of signs to three.

4. The proposed sign would be 15 feet in area (5 feet wide by 3 feet tall) on a monument structure that is 4 feet wide and one foot tall.

5. The site is located in south Urbana and is zoned R-3, Single and Two-Family Residential.

6. The Urbana Comprehensive Plan identifies the area as Multi-Family Residential.

7. The retirement community's current signage is not sufficient for drivers on Race Street.

8. The proposed variance is desired due to special circumstances of a large site that is only allowed a total of 25 square feet of signage.

9. The proposed variance is not due to a situation created by the petitioner.

10. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.

11. The proposed variance represents the minimum possible derivation from Zoning Ordinance requirements to install a sign that is visible from the Race Street.

12. At their August 18, 2010 meeting, the Zoning Board of Appeals voted unanimously to recommend that City Council approve major variance case ZBA-2010-MAJ-03.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Clark-Lindsey Village, Inc., in Case No. ZBA-2010-MAJ-03, is hereby approved to allow a 15 square foot institutional sign which would increase the total area for all signs on the property up to 74.8 square feet and increase the total number of signs on the property to three, in the manner proposed in the application and subject to the following conditions:

1. That the sign area, height and monument size do not exceed the dimensions shown in the sign plan submitted with the application.

2. That the sign is located on the property as shown in the site plan submitted with the application.

The major variance described above shall only apply to the property located at 101 W Windsor Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Tract 7 of McCullough's Plat of Survey of the Northeast Quarter of Section 29, Township 19 North, Range 9 East of the Third Meridian, recorded in Book "X" of Plats at Page 38 as Document 71R13121, situated in Champaign County, Illinois.

Parcel Identification Numbers: 91-21-29-200-008 and 93-21-29-200-009

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of September, 2010

COPY

PASSED by the City Council this 20th day of September, 2010.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

Deputy Clerk

APPROVED by the Mayor this 20th day of September, 2010.

COPY

Laurel Lunt Prussing, Mayor

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Passed: September 20, 2010
Signed: September 29, 2010

ORDINANCE NO. 2010-09-081

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an Encroachment of 14 Feet 7 Inches into the Required 15-Foot Front Yard Setback in the City's R-3, Single- and Two-Family Residential, Zoning District at 902 East Illinois Street / Case No. ZBA-2010-MAJ-04)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Philip Kennedy has submitted a petition for a major variance to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required fifteen-foot required front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on September 15, 2010 and voted 4 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

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WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The petitioner is proposing to build a front porch and stairway that encroaches 14 feet, seven inches into the required 15-foot front yard at 902 East Illinois Street.

2. The subject property is located in the Historic East Urbana Neighborhood and is zoned R-3, Single and Two-Family Residential.

3. The variance is necessary due to the placement of the house and front door within the required front yard.

4. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties because there are other properties with similar encroaching front porches in the area.

5. The requested variances represent the minimum deviation from the Zoning Ordinance needed to rebuild a front porch where the original porch was located.

6. Granting the requested variance will improve access and usability of the house and will bring the house into conformance with the Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Philip Kennedy, in Case No. ZBA-20109-MAJ-04, is hereby approved to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required 15-foot front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District.

The major variance described above shall only apply to the property located at 902 East Illinois Street, Urbana, Illinois, more particularly described as follows:

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LEGAL DESCRIPTION: Lot 11 in Block 4 in Teddy G. Johnson's Addition to the City of Urbana, as per Plat recorded in Plat Book "C" at Page 44, situated in Champaign County, Illinois.

PIN #: 92-21-16-111-011

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 20th day of September, 2010.

PASSED by the City Council this 20th day of September, 2010.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 29th day of September, 2010.

COPY

Laurel Lunt Prussing, Mayor

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Passed: December 6, 2010
Signed: December 13, 2010

ORDINANCE NO. 2010-12-110

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the Allowable Area from 50 Square Feet to 90 Square Feet, Height from 16 Feet to 18.5 Feet, and Decrease the Required Front Yard Setback from 15 Feet to 5 Feet in the City's B-3, General Business, Zoning District at 608 North Cunningham Avenue, Case No. ZBA-2010-MAJ-05)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Tom Lessaris, property owner, has submitted a petition for a major variance to re-use and modify a sign that would become 18.5 feet tall, 90 square feet in area and set back 5 feet from the property line in the B-3, General Business Zoning District to identify a new business on the site; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-05; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on November 17, 2010 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance subject to certain conditions; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

COPY

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Bendsen Signs has applied on behalf of Tom Lessaris to re-use an existing nonconforming sign at 608 North Cunningham Avenue.

2. The proposed sign would be 18 feet, six inches tall and 90 square feet in area. The existing setback of five feet would not change.

3. The site is located in central Urbana and is zoned B-3, General Business.

4. The Urbana Comprehensive Plan identifies the area as Regional Business.

5. The proposed variance is desired due to special circumstances of an irregularly-shaped lot with a building that encroaches into the front yard.

6. The proposed variance is not due to a situation created by the petitioner.

7. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.

8. The proposed variance regarding sign height and setback represents the minimum possible derivation from Zoning Ordinance requirements to re-use the existing sign structure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The major variance request by Tom Lessaris, in Case No. ZBA-2010-MAJ-05, is hereby approved to allow re-use and modification of a sign that would become 18.5 feet tall, 90 square feet in area and set back 5 feet from the property line in the B-3, General Business Zoning District to identify a new business on the site, in the manner proposed in the application and subject to the following conditions:

1. That the sign area, height, and setback do not exceed the dimensions shown in the sign plan submitted with the application;

COPY

2. That the poles supporting the rebuilt sign not be wrapped.

The major variance described above shall only apply to the property located at 608 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing at the Southeast corner of the property described in Quit Claim Deed, wherein Paul G. Busey is Grantor and Helen W. Loeb is Grantee, dated March 10, 1948, and recorded in the Recorder's Office of Champaign County, Illinois, as Document No. 425463, on March 16, 1947, and recorded therein in Book 289 at page 603, thence West on South line of said property described, to the east boundary of Cunningham Road, thence Southwest a distance of 278.6 feet, thence East a distance of 376.86 feet, to a point where the North line of proposed Park Street intersects the West line of proposed Maple Street, thence North 255.98 feet along the West line of said proposed Maple Street, thence West 116 feet to the point of beginning.

EXCEPT that part conveyed to the State of Illinois by Trustee's Deed recorded April 25, 1984 in Book 1358 at page 424 as document no. 84R6505, in Champaign County, Illinois.

Parcel Identification Numbers: 91-21-08-426-004 and 91-21-08-426-005

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of December, 2010

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PASSED by the City Council this 6th day of December, 2010.

AYES: Bowersox, Jakobsson, Lewis, Mai Tan, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

Deputy Clerk

APPROVED by the Mayor this 13th day of December, 2010.

COPY

Laurel Lunt Prussing, Mayor

2010 Zoning Board of Appeals

Meeting Minutes

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **March 17, 2010** **APPROVED**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Nancy Uchtmann
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Stuart Martin, Robert Nemeth, Jeff and Sandy Yockey

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

Chair Armstrong called the meeting to order at 7:37 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes from the August 19, 2009 regular meeting as drafted. Mr. Welch seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

Regarding Case No. ZBA-2010-MAJ-01:

- Letter from Stuart Martin
- Letter from Robert Nemeth
- Letter from Gale Walden
- Letter from Tom Faux

Other Communications:

- Approved Text Amendments to the Urbana Zoning Ordinance
- Who's Who in Government

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong asked that anyone who might want to testify to please stand and raise their right hand. He then swore in those members of the audience.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-MAJ-01 – A request by Jeff and Sandy Yockey to exceed the maximum square footage allowed for accessory buildings at 304 West Washington Street in the R-2, Single Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He introduced the case by stating the purpose for the proposed major variance, which is to allow the petitioners to keep the existing house and garage as accessory storage buildings after a new house has been constructed on the lot. He described the site by noting the zoning designation and land use of both the site and surrounding properties. He referred to the letters (see Written Communications) handed out prior to the meeting. He reviewed how the proposed variance relates to the variance criteria outlined in Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Urbana Zoning Board of Appeals and presented staff's recommendation, which was as follows:

> *Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward Case No. ZBA-2010-MAJ-01 to the Urbana City Council with a recommendation for approval with the following conditions:*
>
> 1. *That the subject lot be developed for single-family use in conformance with all other applicable regulations in the Urbana Zoning Ordinance.*
> 2. *That the kitchen in the existing single-family dwelling be removed. The removal of the kitchen is to be documented in the Property Maintenance File and a revised Certificate of Occupancy issued.*
> 3. *That the two structures intended to be used as detached accessory structures be used only for storage or parking. This is to be documented in the Property Maintenance File and on the Certificate of Occupancy.*

Mr. Myers mentioned that the applicants were in the audience to answer any specific questions. He stated that he would be willing to answer any questions from the Board.

Mr. Warmbrunn stated that in one of the written communications the Board received Mr. Nemeth addresses an issue with the carport and the differences between the original floor/site plan dimensions and those shown in the site plan attached to the written staff report.

Mr. Myers explained that the site plan in the packet of information is a revised plan. In the original site plan, City staff pointed out to the applicants that the porte cochere appeared to be too close to the property line. The applicants had their architect change the plans to conform to the setback requirements in the Zoning Ordinance.

He pointed out that in order for City staff to approve any house plans, the plans would have to conform to City regulations. So if the columns of the carport are too close to the side-yard property line then the columns would either need to be moved back or the carport would need to be removed from the plans.

Mr. Warmbrunn recalled a concern that the proposed screened in porches could be turned into rooms of the house. He asked if the applicants would need a variance to do this. Mr. Myers said that the home owners would need to obtain permission from the City in order to do so. From his analysis of the plans, if the proposed screened porches were enclosed and became living area it would then change the floor area of the house, and the house would no longer be in conformity with the Floor Area Ratio (FAR) regulations.

Mr. Warmbrunn wondered if the City has regulations on what is stored in an accessory building, whether it is heated or not, etc. Mr. Myers responded that unless it presents a nuisance or fire hazard, the City of Urbana does not get into the issue of what is being stored.

Chair Armstrong asked hypothetically if another property owner was to build over time a series of out buildings that covered a major portion of their lot, would this be something that City staff would recognize immediately. Or would it occur overtime and be so subtle that it could slip under the radar? Mr. Myers replied that City staff has been talking about this very issue. If a person wants to build an accessory building such as a garage or a shed that is larger than say 10 feet by 10 feet, they would need to submit a sketch or site plan for their property that shows all of the out buildings and the house, so that City staff can insure that the shed wouldn't exceed the floor area ratio requirements.

Mr. Warmbrunn inquired as to if the petitioners demolished the garage if it would then become a minor variance. Mr. Myers used a calculator and then said that is correct.

Chair Armstrong asked if the existing house is on a slab and not on a basement or foundation. Mr. Myers said that his understanding is that it's a slab. He mentioned that City staff also checked the height of the existing house, and it would not exceed the height requirement for accessory structures.

With no further questions for City staff from the Zoning Board of Appeals, Chair Armstrong opened the hearing up for public input.

Jeff and Sandy Yockey, petitioners, approached the Board. Mr. Yockey commented that they like living in this neighborhood and in this community. They moved into the existing house in August, 2009 and are very excited about the ability to build on the site. They talked with City staff after taking time and having an architect draw up a site plan. There were only about three issues that City staff told them they needed to change.

From his understanding, the floor area ratio includes covered porches. The proposed new house will be just over 2,000 square feet and the porches will be about 300 square feet. The total square footage, including the first floor, second floor and the porches, meets the Zoning Ordinance requirements. So even if a future homeowner wanted to enclose the porches at some point and make them living area, the porches would already meet the requirements of the floor area ratio.

Mr. Warmbrunn inquired as to whether they use the garage to park their vehicles. Mr. Yockey responded by saying not yet. They are currently using it for storage because they have four people living in the existing 700 square foot house.

Mr. Warmbrunn asked if the Yockeys planned to continue to heat the existing house once the new house was constructed. Also did they plan to keep running water to it? Mr. Yockey said that he did not want to heat it or have running water to it.

Chair Armstrong wondered what made them decide to keep the existing house as an accessory structure rather than selling the existing house and having the new owner move it or tearing the house down and reusing some of the materials. Mrs. Yockey explained that they hope to be involved in the building process. They will continue to live in the house while the new house is being built. If they were to remove the house, then they would need to find another place to live until the new house was constructed.

Mr. Welch commented that it seems like a big switch from being used as a house to being used as a storage structure. A house is built differently than a storage structure. He wondered if shutting off the heat and running water might cause maintenance issues in the future. Mr. Yockey said that was a good question. He plans to keep a good roof on the building and keep all the windows intact.

Mr. Welch stated that it would probably be difficult to tear the building down after the new house was constructed because there would not be much room to do so. Mr. Yockey explained that it would have to come down piece by piece.

Mr. Welch noted that there will not be much room for the children to play. Mr. Yockey replied that they only live one block away from Carle Park.

Mr. Welch wondered if keeping the existing house as a storage structure might make it more difficult to sell the property in the future. Mr. Yockey stated that there is no easy solution. He and his family hope to live in the neighborhood for many years. They may eventually decide to tear the existing house down themselves. One of the advantages of using the existing house for

storage is that if they had to replace it with a new storage structure, then they would have to meet setback requirements.

Ms. Yockey pointed out that the content of most of the written communications expresses concerns about the new house – its size, the carport, drainage or something else. The proposed new house meets all of the City of Urbana zoning requirements. The focus of the proposed variance is more properly the two accessory buildings.

She also mentioned that they just spent money on putting a new roof on the existing garage and painted it. So, they do not want to tear it down. Mr. Yockey added that their goal is to take care of the structures so they would fit in and blend with the house.

Stuart Martin, of 302 West Washington Street, approached the Zoning Board of Appeals. He mentioned that he lives next door and that one of the written communications is a letter he wrote and submitted expressing his objections of the proposed variance. He stated that Mr. Myers had addressed many of his concerns during his staff presentation.

He understands the Yockey's desire to build a new, larger house having raised two children in an 850 square foot home himself. The plans for the proposed new house look great; however, with the existing and new house on the lot, the amount of roof surface requiring drainage will shed a lot of water which now soaks in the ground. Another concern is about the future use of the existing house if the Yockeys move. The new owners might have other intentions for the use of the existing house. Therefore, he requested that the amenities such as plumbing and gas hookup for a furnace be cut off and permanently disabled. He is talking about either severing the lines outside or filling the drains with concrete. He has no desire to see the property next door turned into a multi-family lot. He prefers to see green space because that is what the neighborhood is about. Of the five letters that City staff received, three of them are from neighbors who live in the immediate area and have adjoining properties.

Robert Nemeth approached the Zoning Board of Appeals. He mentioned that he co-owns a rental house about 40 yards to the east of the proposed site along with Mr. Martin. With regards to removing the kitchen to ensure that the building will only be used for storage once the new house is constructed, it would be very easy for a person to plug in appliances to substitute for a kitchen. He recommended that the City require the Yockeys to sever the outside lines to the existing house. He commented about the size of the yard. He pointed out that there would be very little yard left once the new house is built. It will barely meet the open space ratio requirements. From the street side, this would not make that much difference, but from the two adjoining lots the proposed property will appear to have high density. He mentioned that he deals with mold and moisture problems at the Building Research Council at the University of Illinois. It will probably become a maintenance problem if they remove the heating system. The existing house is built with a slab on grade. Moisture comes up through the slab. The petitioners will have to run de-humidifiers or take some other preventative measures otherwise it will become an issue. If the petitioners wanted to remove the existing structure, he did not feel it would be as much of an issue as people think. First, it is a very small house, and secondly, they could probably work with Mr. Martin to have temporary access across the back of his lot to remove the demolition debris.

Chair Armstrong inquired as to where the existing utility lines run into the property. Would construction of the new house require altering of these lines? Mr. Myers replied that he did not know where the utilities currently come from. This is something the petitioners would need to work out with their architect.

Chair Armstrong questioned if there were any City regulations regarding heating a storage unit. Mr. Myers said that heating of a garage or storage structure is allowed. He explained that just having heating alone or a kitchen alone or a bathroom alone does not make a house, but when you combine the three then it becomes a house. The petitioners could take out elements to disable it from being used as living quarters or being considered a house. He believes the safest thing to do is to remove the kitchen and the heating. This would allow the petitioners to use the bathroom, which is not unusual to have in a storage structure, especially if they do woodworking, etc.

The Yockeys re-approached the Board to comment on some of the concerns that were mentioned. Mr. Yockey stated that they are willing to take the recommendation of whatever it takes to make the existing house an accessory structure. They had all the utility companies survey the lot. The water, gas and sewer all run within five feet of the east side property line. No lines run across the middle of the property, so the foundation of the proposed new house would not affect the utilities. Water and drainage are issues that they will address because no one wants a wet basement. They have already spoken with Steve Cochran, Building Inspector for the City of Urbana, and have included some solutions into their plans. It is their desire to have a carport and will make sure that it meets City requirements.

Ms. Yockey reiterated that this meeting is not about the carport and whether it fits. That is for the review of their building plans by Mr. Cochran. They took their building plans around and showed their neighbors even though they were not required to do so. She felt like the concerns about the proposed new house were a distraction. She pointed out that they do not want to do anything that is offensive to the neighborhood because they love the neighborhood.

There were no further comments or questions from the audience. Chair Armstrong closed the public input portion of the hearing and opened it up for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn inquired about the procedure for zoning violations. How will City staff know if the existing house is used as living quarters after the proposed new house is built? Does the City encourage citizens to report their neighbors if they suspect anything? Mr. Myers explained that there are two systems for insuring compliance. The City has been doing ongoing inspections of rental units for years. Now with the rental registration program, the City has been able to accelerate those inspections so that they occur on a more regular basis. The second system is inspections on a complaint basis. If City staff receives a complaint about a particular problem or possible violation then they will investigate.

Mr. Warmbrunn wondered if removing the kitchen would be a sufficient restriction for approval of the proposed variance as opposed to cutting the water off. He feels cutting the power off

should be the owners' decision. Heating and cooling should be at the owners' discretion as well so that the City would not impose a condition that could cause maintenance issues in the future. Mr. Myers agrees that power is customary for storage buildings. If the Zoning Board of Appeals does not feel that simply removing the kitchen would be enough, then they could make additional conditions to place on the variance. Mr. Warmbrunn feels that removing the kitchen would be enough because the neighbors will know if they see people living in it and can complain to the City.

Mr. Welch thought the Board only needed to stipulate that whatever disabling would be done would be enough to have the structure conform as an accessory building. As for the future, no one is concerned about the present owners using the existing structure as living quarters. The Urbana Zoning Ordinance prohibits the existing structure from being used as a rental unit once the proposed new house is built so they do not need to apply any additional conditions other than "the structures and the use of the property will comply with all other applicable zoning provisions." Like any law, this would depend on the neighbors reporting any nonconforming uses. He does not believe that the Board needs to spell out that the owners cannot violate the Zoning Ordinance. The Board could tell the Yockeys to remove the kitchen or simply to meet the requirements of an accessory building. Rather than specifically telling them what to disable, just tell them to disable it so it cannot be used as a livable unit.

Chair Armstrong agreed with Mr. Welch. Some people might want to have their washer and dryer located in their garage. This would require plumbing and power utilities, but it would not mean that the garage would be livable. He would not know how to phrase it if they got more specific than what Mr. Welch suggested. Mr. Welch added that the Board could just follow staff's recommendation and forward it to the City Council. Mr. Myers noted that City Council could impose additional limitations if they feel it is necessary.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2010-MAJ-01 to the Urbana City Council with a recommendation for approval including the conditions as recommended by City staff in the written staff report. Mr. Welch seconded the motion. Roll call was taken and was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was approved by unanimous vote.

Mr. Myers clarified that "removal of the kitchen" does not just mean taking out the refrigerator and stove. The kitchen must be disabled. The City's Building Safety Division has dealt with this many times before and knows what would need to be done to remove a kitchen. He stated that this case would go before the City Council on April 5, 2010.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

2009 Annual Report

Mr. Myers referenced the table in the front of the annual report showing that the number of cases has diminished over the years. Aside from 2009 when there was less development than normal, the fact that City staff has been methodically reviewing and amending the Zoning Ordinance can probably account for some of the decline in variance cases. Chair Armstrong commented that the Zoning Board of Appeals had noted in past years there were many cases of similar nature coming before them. He applauds City staff for looking at those issues.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Robert Myers

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **April 21, 2010** **APPROVED**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
STAFF PRESENT	Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Brett Paul, David Seyler

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

Chair Armstrong called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the March 17, 2010 Zoning Board of Appeals regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as drafted. Mr. Welch seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong asked that anyone who might want to testify to please stand and raise their right hand. He then swore in those members of the audience.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-MIN-01 – A request by Martha Wagner Weinberg for a minor variance to build an addition encroaching up to 5 feet into a required 25-foot front yard at 1506 South Orchard Street in the R-1, Single-Family Residential Zoning District.

Rebecca Bird, Planner I, presented this case to the Zoning Board of Appeals. She began by explaining the purpose for the proposed minor variance which is to allow a building addition to be wheelchair accessible. She briefly described the proposed site noting the zoning and current land uses as well as that for the adjacent surrounding properties. She discussed the setback requirements for front yards in the R-1 Zoning District. She reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance. She presented staff's recommendation, which was as follows:

> Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve Case No. ZBA-2010-MIN-01 with the following conditions:
>
> 1. The addition shall be constructed in general conformance to the site plan layout submitted as part of the application and attached to the written staff report.

With no questions from the Zoning Board of Appeals for City staff, Chair Armstrong opened the hearing to public input.

Ms. Uchtmann asked what the roofline would be like on the addition. Dave Seyler, builder for the proposed project, stated that the roofline would tie in with the original roofline on the existing house so it would appear to have been built at the same time.

Ms. Uchtmann asked if the addition would attach to the garage. Mr. Seyler said no. There will be about four feet separation between the house addition and garage. As the plans are drawn the addition will mimic the existing porch. There are two dormers over the porch, and there will be dormers over the addition to match.

With no further questions or comments from the audience, and with no further comments from City staff, Chair Armstrong closed the public input portion of the hearing and opened the case to discussion and/or a motion.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2010-MIN-01 with the condition as recommended by City staff in the written staff report. Mr. Welch seconded the motion.

Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

City staff reported on the following:

- Yockey Major Variance was approved by the City Council on April 19, 2010. The City Council modified two conditions. In addition to removing the kitchen, all the bathroom fixtures other than the sink must be removed from the existing house. They also placed a condition that the building cannot be expanded, reconstructed or rebuilt unless it conforms to the Urbana Zoning Ordinance.
- Bike to Work Day is scheduled for Tuesday, May 4, 2010. Everyone is encouraged to register to ride their bikes to work that day.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Robert Myers

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **July 21, 2010** **APPROVED**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
STAFF PRESENT	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Patricia Justice

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

Chair Armstrong called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the April 21, 2010 Zoning Board of Appeals regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as drafted. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-MAJ-02: A request by St. Patrick Catholic Church for a Major Variance from Section IX-4.B of the Urbana Zoning Ordinance to allow an additional freestanding sign at 702-710 West Main Street.

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He began by giving a brief explanation for the proposed request. He pointed out that although the case started as a major variance request, after City staff calculated the final dimensions (height and square footage) of the proposed sign, they determined that this is in fact a minor variance.

He talked about the location of the proposed sign, noting the current land uses of the site and of the surrounding properties. He discussed how the Urbana Zoning Ordinance sign regulations relate to the proposed minor variance. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

> Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve Case No. ZBA-2010-MAJ-02 subject to the following conditions:
>
> 1. That the sign area, height and monument size do not exceed the dimensions shown in the sign plan submitted with the application.
> 2. That the sign is set back at least eight feet from the property line.

With no questions from the Zoning Board of Appeals for City staff, Chair Armstrong opened the hearing for public input. He asked that if the one individual in the audience would like to speak to please stand and raise her right hand. He then swore her in.

Patricia Justice, of 3500 South Vine Street, represented the petitioner, Will Justice, who is her son. She read a letter from her son stating why he could not attend the meeting and his appreciation to City staff for helping him fill out the variance application.

With no further questions or comments from the audience, and with no further comments from City staff, Chair Armstrong closed the public input portion of the hearing and opened the case for discussion and/or a motion.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2010-MAJ-02 as a minor variance with the two conditions as recommended by City staff in the written staff report. Mr. Welch seconded the motion.

Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Vacancies on the Zoning Board of Appeals – City staff is still looking for Urbana citizens to serve on the Urbana Zoning Board of Appeals. If anyone is interested in serving, please contact the Mayor's office.
- Institution Uses Located in Residential Neighborhoods – City staff would like to research this, especially in terms of signage, and create a text amendment that would address this issue.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Robert Myers

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **August 18, 2010** **APPROVED**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
STAFF PRESENT	Jeff Engstrom, Planner I; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Robert DeAtley, Bryan Johns, Fred Lux

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

Chair Armstrong called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present with all members present.

He then welcomed Stacy Harwood to the Zoning Board of Appeals.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the July 21, 2010 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as drafted. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Thank You Note from William Justice regarding Case No. ZBA-2010-MAJ-02

Chair Armstrong swore in members of the audience who wished to address the Zoning Board of Appeals regarding any of the public hearings during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-C-01: A request by Robert DeAtley for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" use and more than one principal structure or building on a single parcel of land at 506 East Anthony Drive in the B-3, General Business Zoning District.

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He began with a brief introduction stating the purpose of the conditional use permit request. He described the zoning and current land use of the proposed site and of the surrounding properties. He referred to the proposed Site Plan when discussing the proposed expansion. Requirements for conditional use permits as stated in Section VII-2 of the Zoning Ordinance were discussed. City staff's recommendation is to approve the proposed conditional use permit with the following conditions:

1. That the development generally conform to the submitted site plan attached to the written staff report as Exhibit F, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan may require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.

2. That the development meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

With no questions for City staff from Zoning Board members, Chair Armstrong opened the hearing for public input.

Robert DeAtley, Barber & Associates, stated that he represented the petitioner, Pega Hrnjak, and would answer any questions that the Zoning Board of Appeals may have.

Chair Armstrong asked if the multiple buildings would be built all at once or over a period of time. Mr. DeAtley replied that Building No. 2 shown on the proposed Site Plan would be under construction as soon as possible. Building No. 3 is expected to follow with about a one month lag. In their development agreement with the City of Urbana, they committed to constructing one building per year over a period of 5 years. However, the owner hopes to construct the buildings faster than this.

Chair Armstrong asked whether there was a potential for creating hazardous materials. Mr. DeAtley explained that all of the research is contained within chambers in the existing building. There is no hazardous work. They focus primarily on air conditioning related products.

Ms. Harwood asked if they are already constructing Building 2. Mr. DeAtley said that the parking lot is under construction. It was paved last week. They were advised last week by the City that they could proceed with the construction of the parking lot but not the buildings.

Ms. Uchtmann inquired if they were using permeable parking so there would not be so much drainage going into the sewer system and overloading it. She also asked if the parking requirement was being reduced. Mr. DeAtley answered that the parking lot is constructed of concrete. The Zoning Ordinance requires one parking space per 1,000 square feet of warehouse, which equals 23 required parking spaces. The owner believes that he will need around 40 parking spaces, so there will be slightly more than 40 parking spaces plus two handicapped and two bicycle spaces per building. The owner has not looked into permeable paving; however, storm water is handled with a detention pond. Mr. Engstrom added that most of the storm water goes into the pond and either evaporates or is soaked into the ground. If there is a major downpour, then it would go into the storm system.

With no further questions, Chair Armstrong closed the public input portion of the hearing and opened it for discussion and/or motion(s) by the Zoning Board of Appeals. He reminded the Board members that they are considering two Conditional Use requests in this case.

Mr. Welch moved that the Zoning Board of Appeals approve Case No. ZBA-2010-C-01 as recommended by City staff including the condition that the development shall generally conform to the submitted site plan and follow all applicable Urbana codes. Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Ms. Harwood	-	Yes
Mr. Armstrong	-	Yes			

The motion passed by unanimous vote.

Case No. ZBA-2010-MAJ-03: A request by Clark-Lindsey Village for a Major Variance to install a monument sign at the Race Street entrance of Clark-Lindsey Village located at 101 West Windsor Road in the R-3, Single and Two-Family Residential Zoning District.

Rebecca Bird, Planner I, presented this case to the Zoning Board of Appeals. She began by stating the purpose for the proposed major variance. She discussed the zoning and current land use of the subject site and of the surrounding properties. She discussed how Section IX-4.B of the Urbana zoning Ordinance pertains to the proposed request for a monument sign. She reviewed the variance criteria from Section XI-3 of the Zoning Ordinance. City staff's recommendation was to recommend approval of the variance to the City Council subject to the follow two conditions:

1. That the sign area, height and monument size do not exceed the dimensions shown in the sign plan submitted with the application.

2. That the sign is located on the property as shown in the site plan submitted with the application.

Mr. Warmbrunn asked why the sign is single-sided facing the street rather than double-sided facing north-south. Did City staff impose this on the petitioner? Ms. Bird responded that this is the proposal submitted by the petitioner. City staff did not recommend that the sign be single-sided or that it face west.

Mr. Warmbrunn wondered if City staff would be opposed to a double-sided sign facing north-south. Ms. Bird replied no.

Mr. Warmbrunn noticed that one part of the written staff report says that there will not be an increase in the use of the property; however, another part says that the Renewal Therapy Unit will have visitors. Is the new unit for outsiders and not for people who live there? Ms. Bird explained that the Alzheimer's Skilled Care Unit is currently located where the proposed Renewal Therapy Unit will be. The Renewal Therapy Unit will serve people who are residents of the Clark-Lindsey Village as well as members of the public. The petitioner has only submitted an application for the proposed sign and not for an increase in the use of the property. Mr. Warmbrunn asked if there is an increase in use, then the City will review parking requirements when an application for that has been submitted. Ms. Bird said yes.

Ms. Uchtmann inquired whether the proposed sign would match the existing gateway sign. Ms. Bird said no.

Ms. Harwood questioned why the Zoning Board of Appeals is reviewing a sign variance when the future use has not been reviewed or approved. Ms. Bird answered that the petitioner has only applied for a sign variance. She believes that the change in use meets the requirements of the agreement that the Clark-Lindsey Village has with the City of Urbana. We may only see the changes when the petitioner submits building permit applications. City staff would evaluate the building permit applications for the intensity of the use and to see if it still meets the parking requirements.

Ms. Harwood asked what sign regulations are in place regarding shape, color, materials, lighting, etc. Ms. Bird pointed out that there are not generally standards for sign aesthetics. There are regulations restricting lighting. Jeff Engstrom, Planner I, added that the City recently adopted a text amendment to the Urbana Zoning Ordinance to regulate the intensity of lighting on signs.

With no further questions for City staff, Chair Armstrong opened the hearing for public input.

Bryan Johns, Landscape Architect for Clark-Lindsey Village, and Fred Lux, Director of Environmental Services for Clark-Lindsey Village, approached the Urbana Zoning Board of Appeals to answer any questions that they may have.

Mr. Warmbrunn asked if the petitioner wanted people to park in the parking area off Race Street to avoid outsiders from entering through the main door. Mr. Johns explained that they want to change the entry for the new use because the activity will be a little different than from the other sections of the facility. Mr. Lux added that it will be more of a convenience for the people coming to Clark-Lindsey Village for the Renewal Therapy Unit.

Mr. Warmbrunn wondered what their thoughts were in selecting the proposed sign. Mr. Johns stated that there are mature plants that they want to preserve. Clark-Lindsey Village is known for the landscaping on its grounds and many residents choose to live their because of their landscape, so they do not want to alter the plant material. However, they still want people to be able to find where to park for the Renewal Therapy Center.

Mr. Warmbrunn felt that many people will not see the proposed sign until after they pass by it. Mr. Johns said that they anticipate most of their traffic to come from the north.

Mr. Warmbrunn inquired as to whether the petitioner plans to move the Employee parking to another location. Mr. Johns said yes. They anticipate that there will only be about three people coming to the Renewal Therapy Center at one time. They will keep the handicap parking as it currently is.

Ms. Harwood questioned why they are unable to turn the sign to face north-south. Mr. Johns explained that the sign is located fairly close to the property line. The existing tree and street light would block the south side of the sign. There is a hedge on the north side that blocks the view of the cars that would also block the view of the sign from the north.

Ms. Harwood wondered how the proposed sign would fit in with the existing landscape. The other signs have more of a brick, permanent look. Mr. Johns explained that they wanted to make the proposed sign a minimal size and be unobtrusive. They do not want to bring a lot of attention to the structure, and they plan to add some plant material around the sign to soften it. Mr. Lux pointed out that they are not looking to use the sign for advertisement, but rather as a directional sign instead to show people where to park.

Ms. Harwood inquired as to why the petitioner is asking for a sign variance before obtaining building permits. Mr. Lux stated that they have the building permit for the minor remodel. Mr. Johns added that in terms of the health center, they are not changing the number of beds. They are just reallocating space. Business is changing for nursing homes, and one of the ways that Clark-Lindsey Village plans to make that change is by offering a Renewal Therapy Center.

Mr. Welch offered a point of clarification by saying that the remodel is already allowed. They are only coming to the Zoning Board of Appeals for the sign variance because that is all they need.

With no further audience testimony, Chair Armstrong closed public input and entertained Zoning Board of Appeals discussion and motions.

Ms. Uchtmann moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval with the conditions as recommended by City staff. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Harwood	-	Yes	Mr. Armstrong	-	Yes
Ms. Uchtmann	-	Yes			

The motion was passed by unanimous vote.

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 Armstrong adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **September 15, 2010** **APPROVED**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Harvey Welch
STAFF PRESENT	Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Philip Kennedy, Victor Tousigant

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

Chair Armstrong called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the August 18, 2010 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn noted a typographical error on page 3, second paragraph, second line. It should read: *"parking lot ~~in~~ is under construction."* He then moved to approve the minutes as corrected. Ms. Uchtmann seconded the motion. The minutes were approved as amended by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-MAJ-04: A major variance request by Philip Kennedy for a major variance to allow for a 14-foot, 7-inch encroachment into the required 15-foot yard for 902 East Illinois Street in the City's R-3, Single and Two-Family Residential Zoning District.

Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began with a brief background of the proposed site and noted the purpose for the proposed major variance. He stated the land uses, zoning designations and Comprehensive Plan designations of the subject property and of the adjacent properties. He reviewed each variance criteria specified in Section XI-3 of the Urbana Zoning Ordinance as they pertain to this case. He summarized staff findings, read the options of the Zoning Board of Appeals and presented staff's recommendation, which is to forward this case to the City Council with a recommendation for approval.

With no questions for City staff from the Zoning Board of Appeals, Chair Armstrong asked if the applicant wished to provide any information to the Board. He indicated he did not.

Mr. Armstrong then opened the hearing for public comment. There was none. Chair Armstrong closed the public input portion of the hearing and opened it to Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2010-MAJ-04 to the Urbana City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before the City Council on Monday, September 20, 2010.

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 Armstrong adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: **November 17, 2010** **DRAFT**

TIME: **7:30 p.m.**

PLACE: **Urbana City Building**
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	None
STAFF PRESENT	Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Ginger Fisher, Tom Lessaris, Jason Tompkins

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

Chair Armstrong called the meeting to order at 7:31 p.m. Roll call was taken, and a quorum was declared present with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the September 15, 2010 Zoning Board of Appeals regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as presented. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Zoning Ordinance 2010 Republication
- Photo of the Proposed Sign for Case No. ZBA-2010-MAJ-05

Chair Armstrong swore in members of the audience who wished to address the Zoning Board of Appeals regarding the public hearing during this meeting.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2010-MAJ-05: Request for a Major Variance by Bendsen Signs & Graphics, Inc. to allow a sign that is 18'6" high, 90 square feet in area and set back 5 feet from the property line at 608 North Cunningham Avenue in the B-3, General Business Zoning District.

Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed major variance request. He pointed out the zoning and land uses of the proposed site and of the surrounding properties. He discussed the proposed changes to the existing sign which is currently nonconforming with the Urbana Zoning Ordinance. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as they pertain to the proposed case. He read the options of the Zoning Board of Appeals and presented staff's recommendation.

Mr. Welch asked if City staff's concerns were with the message board. Mr. Engstrom explained that City staff recommends approval of the height and setback of the proposed sign. However, the maximum area of a freestanding sign allowed is 50 square feet. The top part of the sign, which would say *"Country. Insurance & Financial Services"*, measures 5 feet x 10 feet. So, the message board just below the top part of the sign will bring the area of the sign up to 90 square feet which is why the petitioner needs a variance for the area of the sign. The concern is not per se that it's a message board, but that reuse of the existing sign canopy alone would take up the entire 50 square foot sign maximum, meaning that the new message board would exceed the maximum. On the other hand, the existing sign already has a message board, and the applicants would be installing a new one with modern technology.

Mr. Welch commented that he did not understand why City staff could not take a position on the area of the sign. Mr. Engstrom responded that regulations allow nonconforming signs to be used as is, but if the sign is modified then it must be made to conform with the Zoning Ordinance. This is intended to gradually reduce the number of sign nonconformities across the City. In this case, the petitioner wishes to reuse the sign and make some changes, so they need approval of a variance to allow the sign to remain nonconforming. City staff felt that although the total area being proposed doesn't strictly meet the variance criteria in the Zoning Ordinance, the new sign area would be less of a nonconformity than the existing sign, and it would also support a new tenant for a long vacant building.

Mr. Warmbrunn wondered if the message board measures 4 feet x 10 feet to equal the additional 40 square feet. Mr. Engstrom said no. The message board itself actually will measure 3.5 x 7.5

feet, which equals 26.25 square feet; however, there is extra area that is included in the measurement due to the way the City measures signs.

Mr. Warmbrunn wondered where the edge of the building is in the diagram. He asked with regards to parking because he is concerned about the bottom of the existing sign being enclosed, and concerned about people parking in the three spaces in front of the building not being able to see when backing out. Mr. Engstrom stated that this is a concern even though the sign is set back five feet from the property line and the sidewalk is another eight to ten feet from the curb. There will be some visibility.

Mr. Warmbrunn asked if anyone has considered moving the sign closer to the building where the dumpsters are located in Exhibit D. Since the petitioner is planning to cut the top of the existing sign off he did not see where they would be having a lot of financial savings. Mr. Engstrom mentioned that this would be something for the petitioner to consider. He imagined the cost would be significant.

Mr. Welch agreed with Mr. Warmbrunn about the sign in its current location limits visibility to drivers backing out of the three parking spaces. However, moving the sign closer to the building would probably create a traffic hazard in and of itself because it would divert the attention of drivers looking for this business way off the road.

Ms. Uchtmann inquired if City staff counted the address as part of the square footage of the sign. Mr. Engstrom replied no. The Zoning Ordinance allows lettering up to a certain height to state the address of a business.

Ms. Harwood questioned how the proposed changes would help save electricity. Mr. Engstrom commented that this would be a question for the petitioner to answer.

Ms. Harwood wondered if City staff had a preference of monument signs versus pole signs for this particular area. Mr. Engstrom answered by saying that the City has an inducement for true monument signs. These types of signs have a larger sign allowance of 75 square feet of area. However, the City does not have a preference between monument signs and pole signs.

Ms. Harwood talked more about the visibility when drivers back out of the three parking spaces. Mr. Engstrom mentioned that he visited the site and was able to see to back out of one of the spaces.

Mr. Warmbrunn inquired as to whether there was additional parking for this site. Mr. Engstrom pointed out that there are several uses on the property. The north part of the property includes both office and warehouse. On the south edge of the property is a tavern/bar. Both businesses share the main parking spaces in the middle.

Mr. Warmbrunn asked if the Zoning Board was to consider having two businesses on the same lot. Mr. Engstrom answered no.

Ms. Uchtmann agreed that a monument sign would obscure the visibility of bicycle riders and people walking on the sidewalk when drivers back out. Mr. Engstrom commented that it is a tradeoff between a more modern looking sign and visibility.

Ms. Harwood noticed that Walgreens has poles on their sign at the corner of Cunningham and University Avenues. Is a pole sign not considered a modern sign? Mr. Engstrom explained that the existing sign with three poles extending through the cabinet and capped by spheres is not a modern look. In general, signs are going more towards the monument look.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input.

Jason Tompkins, Bendsen Signs & Graphics, Inc., thanked the Zoning Board of Appeals for hearing the proposed case and thanked City staff for their professionalism in working through the process. He gave a brief background on the history of Bendsen Signs & Graphics, Inc. He introduced Tom Lessaris, property owner, and Ginger Fisher, Bendsen Signs & Graphics, Inc. – Champaign Office.

He mentioned that the property has a unique shape. One of his client's goals is to bring attention to the business. They feel that the sign should be located near the entrance to the property and near the entrance to the building.

The current sign has a very unique look to it. Country Financial is trying to reuse as much of the existing sign structure that they can to save financially and to try to improve the overall appearance of the property. One improvement is changing the face of the 50 square foot sign from "Arrow Glass" to "Country Financial."

He stated that Mr. Engstrom gave a good job laying out the arguments and reasoning for the height and setback of the sign. Regarding the area of the sign, the current message board is manual. Bendsen has been very proactive in the last ten years in working with electronic reader boards. In addition to improving the appearance of a property, a LED sign is safer because the message can be changed electronically from inside the office versus having someone manually change the letters. LED signs are also more energy efficient. The proposed sign will take approximately 89 cents per day to operate; whereas, the fluorescent lamps in the existing sign will cost around $3.00 to $4.00 per day to run.

Mr. Tompkins discussed the pole cover. They decided to wrap the existing poles with decorative aluminum pole covers. Doing so will give the sign a more monument style look and make the existing sign more aesthetically pleasing.

Mr. Warmbrunn asked Mr. Tompkins to address the concern of drivers not having proper visibility to back out of the three parking spaces in front of the building. Mr. Tompkins stated that this was discussed during a meeting with City staff. The intention is to reduce use of the three parking spaces directly in front of the office building. However, if the Zoning Board of Appeals feels it is still a concern and that they need to place a condition on the approval of the variance, there are several options. One is to do away with the pole cover. It is purely

decorative. It will not affect how the sign is supported. Another option is to make three individual pole covers with gaps between them.

Mr. Warmbrunn questioned whether the sign would need all three poles to support it. Mr. Tompkins explained that in order to reuse the top cabinet sign, it would be best to have the three poles because all three poles extend through the large cabinet sign.

Mr. Warmbrunn wondered if the petitioner would consider permanently giving up the three parking spaces in front of the office building. Mr. Tompkins deferred the question to the property owner. Mr. Lessaris stated that other people involved in owning the property do not want to give up the three parking spaces at this time. In the spring, they plan to install planter boxes in those three spaces to prevent parking in the future.

Robert Myers, Planning Manager, noted that the proposed property is located in one of the City's tax increment finance (TIF) districts. The City has been working in TIF Districts, in cooperation of property owners, to close curb cuts that are too wide or unused. Having too wide or too many curb cuts allows drivers to enter and exit in a way that impedes traffic flow. However, this property is located along a state highway. A permit for a curb cut from the Illinois Department of Transportation (IDOT) allows a property owner certain access rights that can't just be taken away. The City works cooperatively with property owners on correcting curb cuts.

Mr. Tompkins commented about the area of the sign not being reduced in area to the new maximum area. Bendsen's intention is to make the sign look like it was always intended to be that way and not a mistake. The electronic board could be smaller. However, one concern is that a smaller LED sign would throw the entire sign out of balance. In the sign industry, there is a certain degree of style that needs to be taken into consideration. They do not want an ugly sign. At the end of the day, they will have their name on the sign, so they have a vested interest in it.

Mr. Warmbrunn wondered why they decided to leave the sign at 18 feet, six inches. Could they slide the sign cabinet down to 16 feet or would it bring the LED sign too low to the ground? Mr. Tompkins believed it would bring the LED sign too close to the ground and create more of a visual obstruction than the pole cover. They have found that a driver looking slightly up tends to see the sign better. Also, the poles extending through the sign cabinet are smaller in diameter than the poles supporting the sign cabinet from below. Quite a bit of modification would be necessary to slide the sign down and he does not feel the sign cabinet would survive.

Ms. Harwood stated that knowing that the property owner has a desire to not use the three parking spaces eventually, the proposed design of the sign makes sense. However, if they continue to use the three parking spaces, then the proposed design does not make sense. She wondered how real is the idea of reducing the parking space use and transforming that space. Mr. Tompkins responded that the owner intends to install planter boxes in the three parking spaces so that no one will be able to park on the north side of the sign.

Mr. Tompkins went on to say that they did a cost study on relocating the sign. It will be a significant expense partly because they would want to bury the power underground that would be

going to the sign. Regarding the message center, there will only be one color used: amber. It will dim automatically at night to reduce glare.

Ms. Uchtmann asked if the message would be time and temperature. Mr. Tompkins replied that they could display time and temperature on the message board in a rotation of messages. Mr. Myers commented that financial institutions like this often display time, temperature, and stock quotes on their message boards.

Mr. Myers explained his thinking on the application. The Zoning Ordinance says that if non-conforming signs are modified, then they must be brought into conformity with current sign standards. However, bringing this particular sign into conformity is very difficult due to its location, and moving the sign presents other problems due to site constraints. When the sign was first installed, the sign height most likely conformed to the Zoning Ordinance. Last year, the City's sign code was changed to reduce the maximum height from 25 feet to 16 feet, so long as the sign is set back 15 feet from the front property line. If a sign is located closer to the property line, then it would need to be a true monument sign with a maximum height of 8 feet. But doing that wouldn't work in this case due to arrangement of parking and building setback. So it seems like every way they looked to find solutions they ran into difficulties. Regarding the wrap portion of the sign, the Zoning Ordinance does not regulate this. As long as the wrap is not a hazard, the City can only make suggestions or recommendations. In this case, it would be better to not have the wrap on the bottom of the proposed sign to allow for better visibility when backing out of the three parking spaces onto a state highway. Ultimately, the best solution would be to remove the curb cut and discontinue the use of the three parking spaces on the north side of the sign.

There was discussion on whether the Zoning Board of Appeals could attach a condition regarding the reduction of the use of the three parking spaces to a motion or if they could even base a decision on safety issues. Mr. Myers stated that the Zoning Board of Appeals could place such a condition in a motion if it is related to the sign variance request. Mr. Welch believes that the Zoning Board of Appeals cannot make conditions based on whether safety is an issue; it has to be based on the zoning. If the Board feels it is unsafe, then they should deny the entire request.

Mr. Tompkins stated that the property owner and Bendsen Signs are willing to not wrap the poles if that is what the City wants to allow for better visibility. Ms. Uchtmann wondered if without the wrap, if the conclusion is that three parking spaces would be safe.

Mr. Myers pointed out a factor not included in previous analysis. Signs need to be set back at least eight feet from the front property line for drivers pulling onto streets to be able to see. But this is a highly unusual case where cars have been backing out onto a street. Because of the backing, wrapped poles would block visibly for drivers until the rear of the car extends onto the street. So the combination of backing and wrapped poles would definitely increase the existing hazard. Consequently he feels like the ZBA will need to address this as part of their motion.

Mr. Welch preferred that they eliminate the parking spaces on the north side of the sign; otherwise, they may end up with an ugly sign because even if Bendsen Signs painted the existing

sign or not, it is not aesthetically pleasing. Ms. Harwood feels that parking is a problem regardless of the sign.

Chair Armstrong believed that the Zoning Board was trying to solve problems that they cannot solve as a board. The issue of backing out onto a major street, especially a state highway, is a safety issue that has to be dealt with from that perspective. If Mr. Welch is correct in his assessment, then the Zoning Board of Appeals' authority is limited to the specifics of the zoning and the signage requirements. Then the Zoning Board of Appeals cannot technically solve the problem of the backing into traffic. However, since they are aware that the sign could be a visibility issue it would be appropriate for the Board to add a condition to the request which would either address the parking itself or that would make another recommendation relative to wrapping the poles. The recommendation would have to go to the City Council. The City Council can then weigh these other issues in this case.

Mr. Tompkins pointed out one last technical point. When talking about the five foot setback, it is measured up to the edge of the "Country" sign cabinet and not the edge of the pole wrap.

Ms. Harwood moved that the Zoning Board of Appeals forward Case No. ZBA-2010-MAJ-05 to the City Council with the recommendation for approval with the condition that parking is not allowed on the north side of the sign and with the condition recommended by City staff that the sign area and height do not exceed the dimensions shown in the sign plan submitted with the application. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was approved by unanimous vote.

Mr. Myers noted that this case will be forwarded to the Urbana City Council on December 6, 2010.

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 Armstrong adjourned the meeting at 8:50 p.m.

Respectfully submitted,

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Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals