



Zoning Board of Appeals

2012 Annual Report

Prepared By:

*Teri Andel
Planning Administrative Assistant I*

OVERVIEW

In calendar year 2012, the City of Urbana’s Zoning Board of Appeals met five times and considered 10 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
2011	6	6
2012	5	10

This report contains a summary of each case considered in 2012 by case type. Decision sheets, adopted ordinances, and minutes are attached.

Members of the Zoning Board of Appeals:

Paul Armstrong (Chairperson), Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch served on the Zoning Board of Appeals. Joanne Chester was appointed by the City Council on May 7, 2012 to serve as a member of the Zoning Board of Appeals.

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 and Secretary of the Zoning Board of Appeals
Jeff Engstrom, AICP	Planner II
Rebecca Bird, AICP	Planner II
Teri Andel	Planning Administrative Assistant I

Aditi Kambuj joined the Planning Division Staff on September 4, 2012 as Planner I.

2012 Meeting Dates of the Zoning Board of Appeals:

February 15

March 21

March 28

May 16

September 19

The Zoning Board of Appeals held no meetings in the months of January, April, June, July, August, October, November or December.

2012 ZONING BOARD OF APPEALS CASE LOG

Total Number of Applications Submitted	10
Number of Cases Heard	9
Number of Cases Withdrawn	1
Number of Cases Continued into 2012	0

APPEAL REQUESTS

Total Number of Appeal Requests Heard	0
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CONDITIONAL USE PERMIT REQUESTS

Total Number of Conditional Use Requests Heard	1
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MINOR VARIANCE REQUESTS

Total Number of Minor Variance Requests Heard	2
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MAJOR VARIANCE REQUESTS

Total Number of Major Variance Requests Heard	6
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CASE SUMMARIES

Appeals

There were none.

Conditional Use Permits

ZBA-2012-C-01

1910 Kathryn Street

A request by Disabled Citizens Foundation for a Conditional Use Permit to allow a "Community Living Facility, Category II" in the R-2, Single-Family Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on February 15, 2012 by a vote of 3 ayes – 0 nays. (Document No. 2012R07008)

ZBA-2012-C-02

2702 Boulder Drive

A request by the Atkins Group for a Conditional Use Permit to allow a radio station and tower within the B-3, General Business Zoning District.

This case was withdrawn by the petitioner.

Minor Variances

ZBA-2012-MIN-01

401 West Green Street

A request by Bohdan Rudawski for a Minor Variance to allow porch stairs to encroach up to one foot into the required ten-foot front-yard setback along the Green Street frontage in the MOR, Mixed Office Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on February 15, 2012 by a vote of 3 ayes – 0 nays. (Document No. 2012R07007)

ZBA-2012-MIN-02

3313, 3315, 3401, 3403, 3405, 3407 and 3409 Memory Lane

A request by Fieldcrest Development, LLC for a Minor Variance to allow a reduction in minimum lot size for seven lots located in the South Ridge VI Subdivision in the R-3, Single and Two-Family Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on May 16, 2012 by a vote of 3 ayes – 1 nay. (Document No. 2012R18438)

Major Variances

ZBA-2012-MAJ-01

401 West Green Street

A request by Bohdan Rudawski for a Major Variance to rebuild porch stairs which encroach up to three feet into the required ten-foot front-yard setback along the Birch Street frontage in the MOR, Mixed Office Residential District.

Case heard and recommended for approval by the Zoning Board of Appeals on February 15, 2012 by a vote of 3 ayes – 0 nays.

Case heard and approved by City Council on March 5, 2012 by a vote of 7 ayes – 0 nays. (Ordinance No. 2012-03-023)

ZBA-2012-MAJ-02

1003 West Main Street

A request by Advantage Properties for a Major Variance to construct a building wall which encroaches up to three feet six inches into a required five-foot side yard setback in the B-3U, General Business – University Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on March 28, 2012 by a vote of 4 ayes – 0 nays.

Case heard and approved by City Council on April 2, 2012 by a vote of 6 ayes – 0 nays. (Ordinance No. 2012-04-036)

ZBA-2012-MAJ-03

1003 West Main Street

A request by Advantage Properties for a Major Variance to install an accessory parking lot which encroaches up to three feet six inches into a required five-foot side yard setback in the B-3U, General Business – University Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on March 28, 2012 by a vote of 4 ayes – 0 nays.

Case heard and approved by City Council on April 2, 2012 by a vote of 6 ayes – 0 nays. (Ordinance No. 2012-04-036)

ZBA-2012-MAJ-04

1008-1012 West University Avenue and 508 North Goodwin Avenue

A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required side yard setbacks of 17 and 20 feet.

Case No. ZBA-2012-MAJ-05: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required rear yard setbacks of 22 and 25 feet.

Case heard and recommended for approval by the Zoning Board of Appeals on September 19, 2012 by a vote of 4 ayes – 0 nays.

Case heard and approved by City Council on October 15, 2012 by a vote of 6 ayes – 0 nays. (Ordinance No. 2012-10-098)

ZBA-2012-MAJ-05

1008-1012 West University Avenue and 508 North Goodwin Avenue

A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required rear yard setbacks of 22 and 25 feet.

Case heard and recommended for approval by the Zoning Board of Appeals on September 19, 2012 by a vote of 4 ayes – 0 nays.

Case heard and approved by City Council on October 15, 2012 by a vote of 6 ayes – 0 nays. (Ordinance No. 2012-10-098)

ZBA-2012-MAJ-06

604 North Cunningham Avenue

A request by Andrew Fell for a Major Variance to construct a canopy which encroaches up to three feet, eight inches into the required front yard setback in the B-3, General Business Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on September 19, 2012 by a vote of 4 ayes – 0 nays.

Case heard and approved by City Council on October 1, 2012 by a vote of 5 ayes – 0 nays. (Ordinance No. 2012-10-092)

2012 Zoning Board of Appeals

Decision Sheets / Ordinances



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**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR MINOR VARIANCE
IN CASE #ZBA-2012-MIN-01**

2012R07007
REC ON: 03/22/2012 11:03:00 AM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 25.00
PAGES 2
PLAT ACT: 0PLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, February 15, 2012 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2012-MIN-01 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Bohdan Rudawski for a minor variance to allow porch stairs to encroach up to one foot into the required ten-foot yard along the Green Street frontage at 401 W. Green St in the MOR, Mixed Office Residential District.

Common Street Address: 401 West Green Street, Urbana, IL

Owner of Record: Bohdan Rudawski

Permanent Parcel Index #: 92-21-17-133-005

Legal Description:

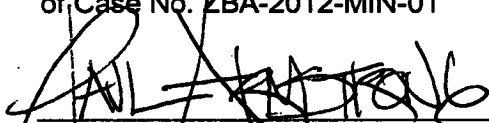
Lot 25 in James T. Roe's 4th Addition to Urbana, as per plat recorded in Deed Record "E" at page 461 situated in Champaign County Illinois.

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 **three ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. The petitioner is requesting a minor variance to allow the replacement of existing porch stairs which encroach up to one foot into the required ten-foot front yard along the Green Street frontage at 401 West Green Street.
2. The porch and porch stairs are deteriorated and need to be replaced or extensively repaired.
3. The subject property is located in the Mixed Office Residential Zoning District.

4. Per Table VI-3 and Section VI-5.B.5 of the Urbana Zoning Ordinance, the minimum required setback in this case is 10 feet from the front yard property line.
5. The variance is necessary due to the location of the existing porch stairs within the required front yard.
6. 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 the neighborhood was historically developed to have similar front porches with front porch stairs "facing" the street.
7. The requested variance represents the minimum deviation from the Zoning Ordinance needed to rebuild the front porch stairs where the existing porch stairs are located.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2012-MIN-01


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-2012-MIN-01 - REQUEST FOR MINOR VARIANCE
APPROVED FOR RECORDING BY:


Jack Waaler, Special Counsel



Date

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

Prepared by:



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

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CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-2012-C-01

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, February 15, 2012 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case 2012-C-01 a request for a conditional use permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request filed by Developmental Services Center for a Conditional Use Permit to allow the establishment of a "Community Living Facility, Category II" in the R-2, Single-Family Residential Zoning District at 1910 Kathryn Street.



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Tx:4008525

2012R07008

REC ON: 03/22/2012 11:03:00 AM

CHAMPAIGN COUNTY

BARBARA A. FRASCA, RECORDER

REC FEE: 25.00

PAGES 2

PLAT ACT: 0 PLAT PAGE:

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

Common Street Address: 1910 Kathryn Street

Owner of Record: Ms. Cherry Boland-Williams

Permanent Parcel No: 93-21-21-280-013

Legal Description: Lot 19 of Prairie Winds Subdivision as per Plat Recorded April 1, 2005 at the Champaign County Recorder of Deeds Office as Document Number 2005R08364, and 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 **three ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested conditional use permit based on the following findings:

- 1) The proposed use as a Community Living Facility, Category II is conducive to the public convenience at the location because it will provide a residence for individuals with developmental disabilities in a typical residential setting and unrestrictive environment consistent with their needs and desires. The proposed use will also allow for re-use of a house that has not been fully occupied for some time.
- 2) The use is generally compatible with the surrounding residential neighborhood that is still under development. The use is designed, located, and proposed to be operated so that it will not be injurious or detrimental to the neighborhood or the R-2 district. There will be adequate parking supplied for the proposed use. A van that will be used to transport residents will be parked inside of the garage overnight. The home will function similar to a single-family home with a large family, and will not create more traffic than the previously approved adult daycare use.

- 3) The proposed use is consistent with the general purpose and intent of the R-2 Single-Family Residential Zoning District. The Zoning Ordinances Sec. IV-2. J states:

"The Residential Districts generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses."

The proposed use is a low-intensity use compatible with the residential uses on adjacent properties. The proposed use would conform to all setbacks and development regulations of the R-2 district in which it is located. This use should not detrimentally alter the developing character of the surrounding neighborhood or impair the activities of its neighbors.

The **CONDITIONS** of approval for the use are as follows:

1. No more than eight residents shall reside in the house at any time;
2. The facility shall meet all applicable Illinois Department of Human Services requirements for a Community Integrated Living Arrangement (CILA) and
3. The use must conform to all applicable zoning and building codes.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2012-C-01.

PAUL ARMSTRONG
Paul Armstrong, Chairperson

25 FEB 2012
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- ZBA-2012-C-12 - REQUEST FOR CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:

Jack Waaler
Jack Waaler, Special Counsel

21 February 2012
Date

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, AICP, Planner II

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Tx:4013561

CITY OF URBANA
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR MINOR VARIANCE
IN CASE #ZBA-2012-MIN-02

At a duly called meeting of the Urbana Zoning Board of Appeals; a public hearing was held on Wednesday, May 16, 2012 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2012-MIN-02 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Fieldcrest Development, LLC for a minor variance to allow a reduction in minimum lot size for seven lots in the R-3, Single- and Two-Family Residential Zoning District, 3313, 3315, 3401, 3403, 3405, 3407, and 3409 Memory Lane in the South Ridge VI Subdivision.

2012R18438
REC ON: 07/26/2012 08:38:00 AM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 25.00
PAGES 2
PLAT ACT: OPLAT PAGE:

Common Street Address: 3313, 3315, 3401, 3403, 3405, 3407, and 3409 Memory Lane, Urbana, IL

Owner of Record: Carl Hill

Permanent Parcel Index #: 93-21-28-426-002, 93-21-28-426-003, 93-21-28-426-004, 93-21-28-426-005, 93-21-28-426-006, 93-21-28-426-007, and 93-21-28-426-008

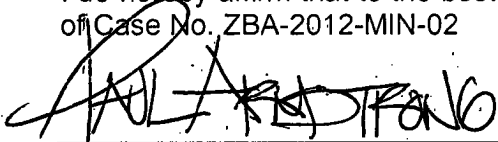
Legal Description:
Lots 619, 620, 621, 622, 623, 624, and 625 of South Ridge VI Subdivision, located in the Southeast Quarter of Section 28, Township 19 North, Range 9 East, of the 3rd P.M., all situated within the City of Urbana, Champaign County, Illinois.

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 **three ayes, one nay, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

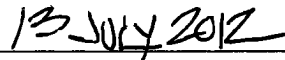
1. Table VI-3 of the Urbana Zoning Ordinance requires a minimum lot size of 6,000 square feet in area in the R-3 Single- and Two-Family Residential District.
2. The petitioner is proposing to subdivide seven lots in South Ridge VI Subdivision, located between Myra Ridge Drive and Memory Lane between Marc Trail and Horizon Lane.
3. The subject lots were originally configured for duplexes with one unit to face Myra Ridge Drive and one unit to face Memory Lane.

4. The existing subject lots are 11,661.6 square feet in area.
5. The collapse in the housing market has resulted in little demand for new duplexes, thereby making the existing configuration of the subject lots obsolete.
6. The subject lots were platted for a type of housing which is not marketable in the current housing market, therefore making the lots difficult to develop.
7. As the subject lots are already platted in the existing configuration, granting the proposed variance would not serve as a special privilege.
8. The proposed variance would not alter the essential character of the neighborhood as the petitioner is intending to build essentially the same units on the lots, but with a detached configuration instead of attached. Instead of seven duplexes, the petitioner is requesting permission to build fourteen single-family houses.
9. The proposed variance will not cause a nuisance to adjacent properties.
10. The requested variance is the minimum possible deviation to allow the subdivision to be replatted for single-family houses rather than seven duplexes.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2012-MIN-02



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-2012-MIN-02 - REQUEST FOR MINOR VARIANCE
APPROVED FOR RECORDING BY:



Jack Waaler, Special Counsel



Date

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

Prepared by:



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

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Passed: March 5, 2012
Signed: March 6, 2012

ORDINANCE NO. 2012-03-023

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To rebuild porch stairs which encroach up to three feet into the required ten-foot setback along the Birch Street frontage at 401 West Green Street /
Case No. ZBA-2012-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, Bohden Rudawski has submitted a petition for a major variance to allow existing porch stairs which encroach into the required ten-foot front yard along the Birch Street frontage to be rebuilt in their existing location at 401 West Green Street in the MOR, Mixed Office Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2012-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 February 15, 2012 and voted 3 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; 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. The applicant applied to the Zoning Board of Appeals for a Minor Variance to allow replacement in kind of the Green Street porch stairs. The Zoning Board of Appeals approved that Minor Variance at their February 15, 2012 meeting.
2. The petitioner is requesting a major variance to allow the replacement of existing porch stairs which encroach up to three feet into the required ten-foot building setback along the Birch Street frontage at 401 West Green Street.
3. The porch and porch stairs are deteriorated and need to be replaced or extensively repaired.
4. The subject property is located in the Mixed Office Residential Zoning District. Per Table VI-3 and Section VI-5.B.5 of the Urbana Zoning Ordinance, the minimum required setback in this case is 10 feet from the front yard property line along Birch Street.
5. The variance is necessary due to the location of the existing porch stairs within the required setback.
6. The applicant did not cause the need for a variance. The porch stairs were built within seven feet of the Birch Street property line many years ago.
7. 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 the neighborhood was historically developed to have similar front porches with front porch stairs "facing" the street.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to rebuild the front porch stairs where the existing porch stairs are located.

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9. At their February 15, 2012 meeting, the Zoning Board of Appeals held a public hearing and voted three ayes and zero nays to forward the Major Variance to the City Council with a recommendation for approval.

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

Section 1. In Plan Case No. 2012-MAJ-01, the major variance requested by Bohden Rudawski to reconstruct existing porch stairs encroaching into the required ten-foot setback along the Birch Street frontage, is hereby approved in the manner proposed in the application.

Section 2. The major variance described above shall only apply to the property located at 401 West Green Street, Urbana, Illinois, more particularly described as follows:

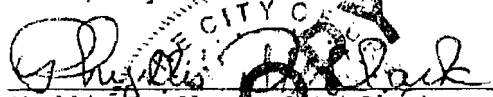
LEGAL DESCRIPTION:

Lot 25 in James T. Roe's 4th Addition to Urbana, as per plat recorded in Deed Record "E" at page 461 situated in Champaign County Illinois. Parcel Identification Number: 92-21-17-133-005

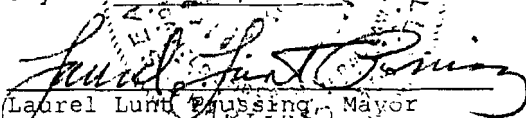
Section 3. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled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

PASSED by the City Council this 5th day of March, 2012 .

AYES: Bowersox, Jakobsson, Lewis, Roberts, Smyth, Stevenson, Prussing
NAYS:
ABSTAINS:



Phyllis A. Clark, City Clerk



Laurel Lunt Prussing, Mayor

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APPROVED by the Mayor this 6th day of March, 2012 .

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ORDINANCE NO. 2012-04-036

AN ORDINANCE APPROVING MAJOR VARIANCES

(Encroachment of a building wall and accessory parking into a required side yard in the City's B-3U, General Business - University District, at 1003 W. Main Street / ZBA Case Nos. 2012-MAJ-02 and 2012-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, Advantage Properties has submitted a petition for two major variances to allow a building wall and accessory parking to encroach up to 3 feet 6 inches into a required 5 foot side yard setback at 1003 W. Main Street B3-U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2012-MAJ-02 and 2012-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 March 28, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; 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

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. Advantage Properties is applying for variances to allow a 9-foot tall, fire-rated masonry wall and accessory parking lot to encroach up to 3 feet 6 inches into a required minimum 5-foot side yard at 1003 W Main Street.
2. The property is zoned B-3U, General Business -University District.
3. The property is located in the north campus area and within walking distance of the University of Illinois' engineering campus. The Urbana Comprehensive Plan identifies the future land use as "Campus Mixed-Use".
4. Table VIII-2 of the Urbana Zoning Ordinance requires a minimum parking module width of 58 feet 6 inches when installing 90 degree parking, Table VI-3 requires a minimum five-foot side yard setback for building walls, and Section VIII-4.F of the Urbana Zoning Ordinance prohibits parking in required yards in B-3U zoning districts.
5. The proposed variance from Table VI-3 of the Urbana Zoning Ordinance, to allow a wall to encroach 3 feet 6 inches into a required 5-foot side yard setback, is necessary to comply with the parking lot width requirements of Table VIII-2 of the Urbana Zoning Ordinance, as well as an International Building Code requirement to construct a fire-rated wall to separate parking underneath a building and adjoining buildings.
6. The proposed variance from Section VIII-4.F of the Urbana Zoning Ordinance is to allow an accessory parking lot to encroach up to 3 feet 6 inches into a side yard setback, as required by Table VI-3 of the Urbana Zoning Ordinance.
7. The lot width of 66 feet 4½ inches is a practical difficulty in carrying out the strict application of the zoning ordinance because the parking and setback standards mandate a minimum of 68 feet 8 inches for minimum compliance.
8. The proposed variances are necessary due to special circumstances of the property being the lot width in relation to the minimum development requirements for zoning and building codes. Purchase of additional land

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from neighboring properties was not possible because they are fully constructed to minimum setbacks.

9. The need for the proposed variances was not created by the petitioner, given the existing lot width verses minimum zoning standards.
10. The proposed variances will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties. The property adjoining the encroachment is also owned by the applicant and used as an apartment building of similar height, scale, and setbacks. The proposed 9-foot tall masonry wall will screen the parking encroachment from the street and neighboring property to the west. Although a ground floor fire wall will encroach into the required 5-foot side yard, the second and third storey side wall will comply with the setback requirement.
11. The proposed variances represent the minimum possible from Zoning Ordinance requirements. Although a ground floor fire wall will encroach into the required 5-foot side yard, the second and third storey side wall will comply with the setback requirement. The proposed 18 inch masonry wall setback from the west property line would leave no more than a half an inch to spare for the remainder of the project to comply with other zoning and building code requirements.

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

Section 1. In ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03, the two major variances requested by Advantage Properties are hereby approved in the manner proposed in the application and subject to the following conditions:

1. That construction closely conform to the attached site plan.

The major variances described above shall only apply to the property located at 1003 W. Main Street, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

Lot 2 in Block 48 in the Seminary Addition to Urbana, being a part of the Southeast Quarter of the Southeast Quarter of Section 7 in Township 19 North, Range 9 East of the 3rd P.M. in Champaign County, Illinois.

Parcel Identification Number: 91-21-07-482-006

Section 2. The Urbana 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).

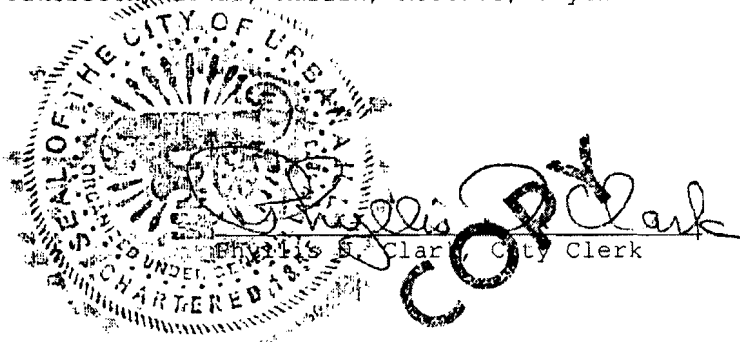
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of April, 2012

PASSED by the City Council on this 2nd day of April, 2012.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:



APPROVED by the Mayor this 4th day of April, 2012.

Laurel Lunt Prussing
 Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2012-10-092

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Encroachment of a canopy roof into a required front yard in the City's B-3, General Business District, at 604 N. Cunningham Ave / ZBA Case No. 2012-MAJ-06)

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, Tin Roof Tavern has submitted a petition for a major variance to allow a canopy roof to encroach up to 3 feet 8 inches into a required 12 foot 6 inch front yard setback at 604 North Cunningham Avenue in the B3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2012-MAJ-06; 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 19, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve 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

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

COPY

1. The subject property is located in the B-3, General Business Zoning District.
2. The petitioner is requesting a major variance to add a canopy that would extend 3 feet, 8 inches into the required 12 foot, 6 inch front yard setback at 604 North Cunningham Avenue.
3. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the minimum required setback for a canopy is 12 feet, six inches from the property line.
4. The proposed variance would allow for a covered walkway to access a new outdoor seating area, as shown in the attached site plan.
5. The proposed variance would allow for the reopening and enhancement of a vacant business space, adding to the vitality of the area.
6. The variance is necessary due to the location of the existing building within one foot of the required front yard, and the position of the door on the west side of the building.
7. 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 the neighborhood is a high-traffic commercial corridor with no residences.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to provide a covered path from the door to the proposed outdoor seating area.

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

Section 1. In ZBA Case No. 2012-MAJ-06, the major variance requested by Tin Roof Tavern is hereby approved in the manner proposed in the application and subject to the following condition:

1. That the applicant consult with City staff regarding new replacement fencing planned to be installed in front of the business along Cunningham Avenue.

The major variance described above shall only apply to the property located at 604 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

COPY

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 Number: 91-21-08-426-004

Section 2. The Urbana 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 1st day of October, 2012

PASSED by the City Council on this 1st day of October, 2012.

AYES: Bowersox-Johnson, Lewis, Marvin, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 3rd day of October, 2012.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2012-10-098

AN ORDINANCE APPROVING MAJOR VARIANCES

(Encroachment into the minimum required side yard and rear yard setbacks in the City's B-3, General Business Zoning District, at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue / ZBA Case Nos. 2012-MAJ-04 and 2012-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, Bainbridge Communities Acquisition II LLC has submitted a petition for two major variances regarding side and rear yard setbacks to allow an infill redevelopment of a 3.09-acre property located at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2012-MAJ-04 and 2012-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 September 19, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; 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

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

1. A Special Use Permit was approved on July 9, 2007 (Ordinance No. 2007-07-071) and amended on August 4, 2008 (Ordinance No. 2008-08-080) along with two major variances on July 9, 2007 (Ordinance No. 2007-07-072) and November 26, 2007 (Ordinance No. 2007-11-132) to allow for the subject site to be developed with a five-story, mixed-use building with commercial on the ground floor and four floors of apartments with interior parking on two levels. The subject request represents an update to these previously granted approvals.
2. On September 6, 2012, the Plan Commission voted six ayes and zero nays to forward a Special Use Permit application for this project to City Council with a recommendation for approval.

COPY

3. The petitioner proposes to construct a five-story building with approximately 2,000 square feet of ground floor retail space, 197 residential units marketed primarily toward university students, and an attached six-level parking structure with 336 parking spaces accessed off of Goodwin Avenue and an additional 14 parking spaces located behind the retail space, to be accessed from University Avenue.
4. Sections VI-5.F.3 and VI-5.G.1 of the Zoning Ordinance require the side and rear yard setbacks for residential buildings in the B-3 zoning district be increased by three feet for every ten feet the building is over 25 feet in height.
5. Per Table VI-3 and Section VI-5.F.3 of the Urbana Zoning Ordinance, the minimum required side yard setback in this case is 17 feet. Per Table VI-3 and Section VI-5.G.1 of the Urbana Zoning Ordinance, the minimum required rear yard setback in this case is 22 feet.
6. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.F.3 (Side Yard Setbacks) to encroach up to 7 feet into the required side yard setback of 17 feet.
7. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.G.1 (Rear Yard Setbacks) to encroach up to 12 feet into the required rear yard setback of 22 feet for the apartment building and up to 5 feet into the required rear yard setback of 22 feet for the parking garage.
8. The subject property contains a vacant commercial building, an industrial building, and two undeveloped lots.
9. The subject property is located in the B-3, General Business Zoning District.
10. The proposed redevelopment project is in compliance with the 2005 Urbana Comprehensive Plan and the University Avenue Corridor Study.
11. The variances are necessary due to the irregular shape of the lot, with a diagonal railroad right-of-way along the northern boundary and two frontages, one each on University Goodwin Avenues.
12. Granting the requested variances would not have a negative impact on the character of the neighborhood as it would be similar in scale and massing to many of the surrounding buildings and would be in keeping with the commercial character of the University Avenue corridor. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district.
13. The requested variances would not cause a nuisance to adjacent properties. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district. The railroad ROW to the north precludes development in that direction.
14. The requested variances represent the minimum deviation from the Zoning Ordinance needed to accommodate this project.

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

Section 1. In ZBA Case Nos. 2012-MAJ-04 and 2012-MAJ-05, the two major variances requested by Bainbridge Communities Acquisition II, LLC are hereby approved in the manner proposed in the application and subject to the following condition:

1. That construction closely conform to the site plan attached as Attachment A.

The major variances described above shall only apply to the property located at 1008, 1010, and 1012 West University Avenue, and 508 North Goodwin Avenue Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

THE EAST 135 FEET OF LOT 1, AND ALL OF LOTS 9, 11 AND 12, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 10 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 1, EXCEPT THE EAST 135 FEET, AND ALSO EXCEPT THE SOUTH 48 FEET OF THE WEST 134.62 FEET THEREOF, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN Nos:

91-21-07-431-023, 91-21-07-431-019, 91-21-07-431-007, 91-21-07-431-021

Section 2. The Urbana 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 15th day of October, 2012

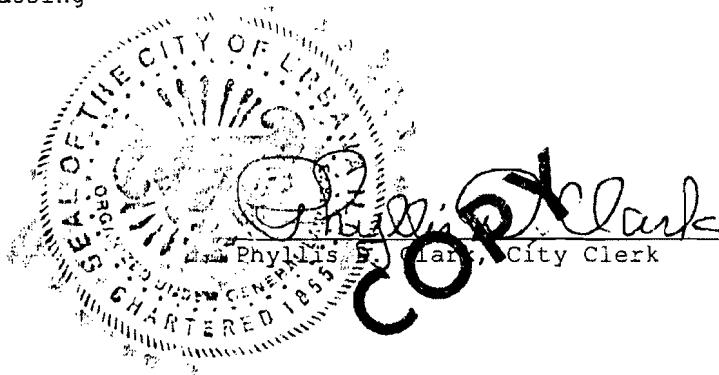
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PASSED by the City Council on this 15th day of October,
2012.

AYES: Bowersox-Johnson, Jakobsson, Lewis, Marlin, Smyth,
Mayor Prussing

NAYS:

ABSTAINS:



APPROVED by the Mayor this 22nd day of October, 2012.

Laurel Lurt Prussing
Laurel Lurt Prussing, Mayor

2012 Zoning Board of Appeals
Meeting Minutes

February 15, 2012

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

DATE: February 15, 2012
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Harvey Welch
MEMBERS EXCUSED	Nancy Uchtmann, Charles Warmbrunn
STAFF PRESENT	Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Cherry Boland-Williams, Will Logan, Dale Morrissey, Patty Walters

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

Chair Armstrong called the meeting to order at 7:32 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 December 21, 2011 Zoning Board of Appeals regular meeting were presented for approval. Mr. Welch moved to approve the minutes as presented. Ms. Harwood seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during any of the public hearings this evening.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2012-C-01: A request by Disabled Citizens Foundation for a Conditional Use Permit to allow a “Community Living Facility, Category II” at 1910 Kathryn Street in the R-2, Single-Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He began by explaining the purpose for the proposed variance request, which is to use the existing structure at 1910 Kathryn Street as a “community living facility, category II”. He briefly talked about the Disabled Citizens Foundation (DCF) and showed photographs of both the interior and exterior of the home under consideration. He mentioned a court case that resulted in the communities of Champaign, Savoy, Mahomet, Urbana and Champaign County together creating standard categories for group housing. The communities decided that they all needed to find a way to allow group housing in a way that would be compatible with single family neighborhoods, so they adopted the “Community Living Facility” as a type of dwelling. He read the definition of “Community Living Facility” in the Urbana Zoning Ordinance. The definition specifically includes people with developmental disabilities living in a home on a permanent basis. This is different from an emergency shelter, home for adjustment, or residential recovery. Those residential arrangements are not community living facilities.

Mr. Myers noted that the home meets the current standards for open space ratio (OSR), floor area ratio (FAR), setbacks, and other development standards. With a few minor changes to the interior, the existing house could meet the State Fire Marshall’s requirements and qualify as a Community Integrated Living Arrangement (CILA) under state licensing requirements. He discussed the proposed use in relation to the 2005 Urbana Comprehensive Plan, the current zoning and current land uses of the proposed site and of the surrounding properties. He summarized City staff’s analysis of the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He pointed out the options of the Zoning Board of Appeals and presented staff’s recommendation along with three conditions.

The Zoning Board of Appeals inquired as to how City staff came up with “eight” residents in Condition No. 1. Were the neighbors notified? Does Urbana have similar facilities elsewhere?

Mr. Myers explained that the Urbana Zoning Ordinance limits “community living facility, category II” to no more than eight residents. Owners of properties within 250 feet of this property were notified of the public hearing. The applicants currently operate a similar group home elsewhere in Urbana, and they should be able to answer any specific questions about that home.

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

Dale Morrissey, Chief Executive Officer of Developmental Services Center (DSC) and President of the Disable Citizens Foundation (DCF), explained that DCF owns the properties that DSC operates their services in. He introduced Patty Walters, Executive Vice President of Consumer Services for DSC.

Mr. Morrissey related the mission of DSC. They operate seven homes in the City of Champaign, the City of Urbana and the Village of Rantoul that vary in size from five to eight residents. One of the homes in Urbana is located on Scovill Street, and it has been in operation for 20 years. The second home in Urbana is located on Hartle Avenue and has been in operation for 22-1/2 years. They also operate a 24-bed supported apartment facility on Kerr Avenue, which has been in operation for 22 years. They support over 100 people in individual apartments throughout Champaign and Urbana. He stated that there is a waiting list, and they want to continue to serve the community. He pointed out that the existing home now has eight individual bedrooms and already has accessibility. They will have to install additional fire protection between the first floor and the second floor in order to meet the State's requirements for a group living facility. Otherwise the design of the home is extremely well suited to the needs of the proposed group home. In fact they would like to use the design for future group homes, regardless of the outcome here tonight.

Ms. Harwood wondered what was meant by a group home ideally having fewer residents. Mr. Morrissey explained that he meant that normally having four to five residents as opposed to eight means there is less potential conflict between residents. However, the design of this house helps substantially because not only will each resident have their own bedroom, but the existing six bathrooms will easily accommodate everyone.

Ms. Harwood asked who would live in the home and the level of care or supervision that they would receive. Ms. Walters explained that the residents who live in these types of homes are typically higher functioning adults. Several of them have jobs in the community. Mr. Morrissey added that there will be a mix of residents living in the facility. Some will be able to function mostly on their own and others will need more assistance. The object is to teach the residents to be partially independent. Some residents will eventually be able to move into an individual apartment, but other residents will continue to reside in a group facility permanently. Ms. Walters pointed out that there is a two-page fact sheet included in the packet on this case which explains more about this question.

Chair Armstrong asked if staff would live on the premises. Mr. Morrissey said no. They tried that many years ago, but found that staff would bring their own personal issues into the facility, so now they rotate staff 24 hours a day. At least one staff member will be onsite at all times, day and night. Ms. Walters and Mr. Morrissey talked about the staff that DSC provides and the training that they require.

Chair Armstrong inquired as to the ages of the residents. Ms. Walters replied that the youngest can be 18 and can live in the facility indefinitely. The average age of a resident is 40 to 45 years old. Mr. Morrissey stated that many residents have families that are involved, but there are some

residents who have no family and so the home and staff becomes their family. Essentially everyone lives in the home as a family.

Chair Armstrong asked if anyone else in the audience wished to speak concerning this case, either for or against.

Will Logan, of 2004 East Colorado Avenue, commented that although this would be a great service to the community; he is opposed to this use at this location. He expressed his concerns about any business being located in a residential neighborhood causing an increase in traffic and decreasing the property values of the homes in that neighborhood. His home has decreased in value \$30,000 since purchased a few years ago and doesn't want new uses permitted which would contribute to the decline. He and his wife moved from Homer, Illinois, where there were no zoning and development controls, to the house where they live now, because the subdivision covenants in place help protect against uses out of character with single-family residences. He asked how the City could allow up to eight people to reside in the home if the subdivision covenants allow no more than four unrelated individuals.

The Zoning Board of Appeals asked City staff to respond to the question about subdivision covenants. Mr. Myers explained that subdivision covenants are private agreements between two private parties and are not enforced by the City. Thankfully the applicants are aware of the subdivision covenants and have consulted their attorney. From the fact that they then proceeded with the Conditional Use Permit application, that indicates that they feel comfortable with their legal standing regarding the subdivision covenants. But that's a private agreement between two private parties.

With no additional comments or input from the audience, Chair Armstrong closed the public hearing.

Chair Armstrong then opened the hearing up for Zoning Board of Appeals discussion and/or motion(s).

Ms. Harwood moved that the Zoning Board of Appeals approve Case No. ZBA-2012-C-01 with the conditions and findings provided in the memorandum. Mr. Welch seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote.

Case No. ZBA-2012-MAJ-01: A request by Bohdan Rudawski for a Major Variance to rebuild porch stairs which encroach up to three feet into the required ten-foot front-yard setback along the Birch Street frontage at 401 West Green Street in the MOR, Mixed Office Residential District.

Case No. ZBA-2012-MIN-01: A request by Bohdan Rudawski for a Minor Variance to allow porch stairs to encroach up to one foot into the required ten-foot front-yard setback along the Green Street frontage at 401 West Green Street in the MOR, Mixed Office Residential Zoning District.

Rebecca Bird, Planner II, presented these two cases together to the Zoning Board of Appeals. She stated that the intention of the proposed two variance requests is to replace two existing front porch staircases at 401 W. Green Street. One set of stairs encroach in the Green Street front yard setback, and the other set of stairs encroaches in the Birch Street front yard setback. She showed photos of the existing wrap-around porch. She noted the zoning, current land uses and Comprehensive Plan future land use designations of the property and of the surrounding properties. She explained that the applicant believes the steps must be replaced rather than repaired given their deteriorated condition and cost considerations.

She mentioned several alternatives considered which would allow replacement and meet the zoning requirements. The first alternative would be for the stairs to be pushed back and inset in the porch floor. The second alternative would be to remove the porch stairs on Birch Street and turn the new stairs sideways along Green Street to keep them out of the front-yard setback. Neither alternative is very practical. This is an older established neighborhood and front porches and stairs facing the streets are an intrinsic part of the character of the neighborhood. City staff feels that it is reasonable for the owner to replace the stairs in their existing locations.

Ms. Bird gave an overview of similar variance requests. In 2009, the Zoning Boards of Appeals heard a variance request to replace an existing garage in its existing location that encroached into the side-yard setback. City staff found this to be common in the older neighborhoods, so they created a text amendment to allow garages to be replaced up to six inches from the property line. The Zoning Administrator considers the replacement of porches and stairs to be a similar situation and is considering a future text amendment to allow property owners to replace porches and stairs in their existing locations.

She briefly reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed variance requests. She read the options of the Zoning Board of Appeals and presented staff's recommendation.

The Zoning Board of Appeals questioned whether any owner would have to request a variance to replace their steps that encroached into the setback. Are the stairs in code violation? Were the plans reviewed by another Board or Commission? If the applicant changes his mind and wants to build the porch and steps differently, then would he need to request another variance?

Ms. Bird answered that under existing zoning requirements, the replacement of the porch and stairs would need approval of variances in order to be rebuilt in their existing locations. This is the reason why the Zoning Administrator is considering creating a text amendment to allow replacement in kind without variances. There are many other homes of the same age in the neighborhood, and those properties could likewise benefit from an ordinance revision.

Concerning any code violations, Ms. Bird said that while they would not be condemned, the porch and stairs are unsafe and need to be replaced. The proposed property is zoned MOR, Mixed Office Residential, which allows projects meeting certain requirements to be reviewed administratively. The plans were not substantial enough to require the MOR Development Review Board approval.

Ms. Bird continued that if the applicant changes his mind and wants to build the porch and stairs differently and the plans encroach less, then he would not need to bring this case back to the Zoning Board of Appeals. However, if he wanted a larger encroachment into the setback, then he would need to return for approval.

Chair Armstrong commented that even if the property owner wanted to encroach into the setback more than requested, it would probably have negligible consequences because the stairs have always been there and it would not be perceived as a significant change from the existing conditions. The other aspect he weighs when reviewing cases such as this is the difference between a minor and major variance. Because the porch stairs encroach into the setback more on the Birch Street side, which triggers a major variance, and that there are two sets of stairs, he would possibly be inclined to say that they should allow the replacement of the stairs on Green Street and not on Birch Street. However, since the stairs along Birch Street have existed for a long time, it seems to him this would be quibbling.

Mr. Welch moved that the Zoning Board of Appeals approve Case No. ZBA-2012-MIN-01. Ms. Harwood seconded the motion.

Mr. Myers asked for clarification whether the motion included was intended to include approval for handrails to encroach as part of newly constructed stairs. Ms. Bird said yes. The Zoning Board could specifically cite handrails too. The members of the Zoning Board felt it was unnecessary as long as standard building codes for stair construction is met. Even adding a third handrail down the middle of the stairs would have very little impact.

A roll call vote on the motion was taken as follows:

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

The motion was passed by unanimous vote.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-01 to the Urbana City Council with a recommendation for approval.

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

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

The motion was passed by unanimous vote.

Mr. Welch asked City staff when the Zoning Administrator would plan to create a text amendment regarding the replacement of porches and stairs. Mr. Myers replied that it will require some research to determine the average porch stair encroachment so it will take a few months to create a Zoning Ordinance text amendment.

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:

- ✓ The State of Illinois passed new amendments to the Illinois Open Meetings Act which requires all elected and appointed officials to complete online training. The training takes about an hour and must be completed by the end of the calendar year. Board and commission members have the option of either taking the training on their own or during a group session which City staff will be setting up. At the end of the training, each board/commission member will be able to print out a certificate of completion, which must be kept on hand at the City Building.
- ✓ The Urbana City Council approved the variances for the Stone Creek Subdivision signs as recommended by the Zoning Board of Appeals.

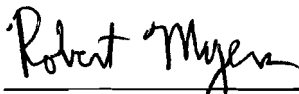
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Harwood moved to adjourn the meeting. Mr. Welch seconded the motion. Chair Armstrong adjourned the meeting at 8:53 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

March 21, 2012

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: March 21, 2012

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Charles Warmbrunn

MEMBERS EXCUSED Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Harvey Welch

STAFF PRESENT Robert Myers, Planning Manager

OTHERS PRESENT There were none.

CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Acting Chairperson Warmbrunn called the meeting to order at 7:30 p.m. Roll call was taken, and he declared that there was not a quorum present.

NEW PUBLIC HEARINGS

ZBA Case No. 2012-MAJ-02: A request by Advantage Properties for a Major Variance to construct a building wall which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

ZBA Case No. 2012-MAJ-03: A request by Advantage Properties for a Major Variance to install an accessory parking lot which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

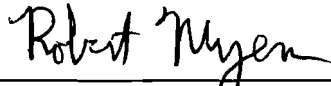
Robert Myers, Planning Manager, requested that both cases be continued to a Special Meeting on Wednesday, March 28, 2012. Mr. Warmbrunn agreed.

March 21, 2012

ADJOURNMENT OF MEETING

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert Myers". The signature is written in a cursive style with a horizontal line underneath it.

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A SPECIAL MEETING

URBANA ZONING BOARD OF APPEALS

DATE: March 28, 2012
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Stacy Harwood
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Brian Conway, Russell Dankert, Howard Wakeland

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.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the February 15, 2012 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

The minutes from the March 21, 2012 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during any of the public hearings this evening.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2012-MAJ-02: A request by Advantage Properties for a Major Variance to construct a building wall which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

Case No. ZBA-2012-MAJ-03: A request by Advantage Properties for a Major Variance to install an accessory parking lot which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

Robert Myers, Planning Manager, presented these two cases to the Urbana Zoning Board of Appeals. He gave a brief explanation for the proposed two variances. Because the proposed site is 66 feet in width, it cannot conform to both the minimum parking module width requirement of 58 feet 6 inches and the building setback requirement of five feet on each side of the property. He noted the zoning, existing land uses and future land use designations of the proposed site and of the surrounding properties. He talked about the B-3U, General Business – University, Zoning District. He explained that the applicant is required to provide a fire wall to contain any flames in the event of a fire from spreading to the neighboring properties.

He discussed some alternative options that the applicant has and stated why these options are not feasible. They are as follows:

1. Remove the parking on the west side and provide it off-site. The drawback would be the inconvenience to the tenant to carry groceries from off-site.
2. Provide parallel parking on one side of the lot. The problem with this alternative is that tenants would have to back out of the lot into the alley to exit.
3. Provide angle parking. Again they would have the same issue of the tenants having to back out of the lot into the alley to exit.

Mr. Myers pointed out that the applicant has begun construction of footings, etc. with the approval of City staff. He showed photos of the site indicating the distance between the proposed site and the properties to the east and west. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertain to the proposed major variances. He presented City staff's recommendation of approval.

Questions were raised regarding the fire wall. How tall will the firewall be? Is a fire wall required for the east side as well as the west side? If so, wouldn't this 'box in' the parking area where a person could only enter through the vehicle entrance on the south side? Would the applicant be required to construct a fire wall if the parking area met the five-foot side-yard requirements? Mr. Myers answered that fire walls are required for both the east and west sides of

the property. They will be approximately nine feet in height. The only point of vehicular access will be on the south side of the property. He is not sure at what distance the firewall would not be required.

A question arose regarding the second and third floors encroaching into the setback as well. Mr. Myers referred this question to the petitioner and his architect.

Ms. Uchtmann commented that the applicant purchased the lot knowing it was only 66 feet in width. The applicant could have planned a development that accommodated for the width. Mr. Myers responded that the applicant has two alternatives, which are to 1) ask for a variance or 2) provide off-site parking. If the City does not grant the variance requests, the applicant will still be allowed to construct the apartment building. He will just have to provide some parking off-site to meet the parking requirements.

There were no further questions for City staff, so Chair Armstrong opened the hearing up for public input and/or questions.

Russ Dankert, architect for the project, and Howard Wakeland, applicant, approached the Zoning Board of Appeals to answer questions that were referred by City staff.

Mr. Dankert addressed the question regarding the second and third floor encroaching into the setback. He stated that they would not encroach and would meet the required setback.

He explained that they are only asking for the parking extension. If the variance requests are approved, the fire wall would be constructed at 3 feet, 6 inches into the required five-foot side-yard setback. They have not made a decision about whether they should leave the top of the parking area open or if they should enclose it to protect the vehicles better. The open design would allow a fire to escape without going across to the neighboring properties.

Chair Armstrong asked Mr. Dankert to illuminate some of the considerations of Plan B, which would be to relocate an aisle of the parking to another location. What implications would this have on the building design? Mr. Dankert pointed out that the applicant owns property around the proposed site that could be used for parking. The property directly to the east off Main Street could be demolished and turned into parking even though it is not favorable. The applicant has indicated that he would provide parking off-site if needed to move forward with the proposed development.

Brian Conway, of Advantage Properties (applicant), pointed out that in the block to the north and the block to the south, the owner owns approximately 272 parking spaces of which 69 are currently not rented. The trend now is less cars on campus.

With there being no further questions or comments from members of the public, Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-02 to the City Council with a recommendation for approval as outlined 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 approved by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-03 to the City Council with a recommendation for approval as recommended by City staff. Mr. Welch seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Mr. Myers noted that these two cases would be forwarded to the Urbana City Council on Monday, April 2, 2012.

Mr. Wakeland commented that the original intent of the B-3U Zoning District was to try and get tax money coming into the City. He feels that the City made a wise choice by rezoning this area to B-3U and that the intent has been achieved.

6. NEW PUBLIC HEARINGS

There were none.

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:

- ✓ **Open Meetings Act Training** - The State of Illinois requires all elected and appointed officials to complete online training on the Open Meetings Act. The training takes about an hour and must be completed by the end of the calendar year. At the end of the training, each board/ commission member will be able to print out a certificate of completion, which must be filed with the City Building. If a board/commission member does not have access to a computer, the City will be providing a session for that member to come to the City Building and complete the training.

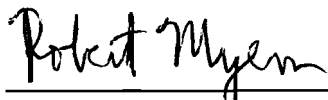
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Uchtmann moved to adjourn the meeting. Chair Armstrong adjourned the meeting at 8:25 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

May 16, 2012

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

DATE: May 16, 2012
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Stacy Harwood, Nancy Uchtmann, Harvey Welch
MEMBERS EXCUSED	Joanne Chester, Charles Warmbrunn
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Mike & Maureen Frogley, Carl Hill, Lynn Huffman, Deb Marxmiller, Shawna Waller, Bryan Wenthe

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

Chair Armstrong called the meeting to order at 7:38 p.m. Roll call was taken, and he declared that there was a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the March 28, 2012 Zoning Board of Appeals special meeting were presented for approval. Ms. Harwood moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- 2012 Official Zoning Map
- 2012 Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during the following public hearing.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2012-MIN-02: A request by Fieldcrest Development, LLC for a Minor Variance to allow a reduction in minimum lot size for seven lots located at 3313, 3315, 3401, 3403, 3405, 3407 and 3409 Memory Lane in the South Ridge VI Subdivision in the R-3, Single and Two-Family Residential Zoning District.

Robert Myers, Planning Manager, presented this case to the Zoning Board of Appeals. He began by explaining the proposed minor variance. He described the subject properties noting the zoning, existing land use and future land use designations of the proposed site as well as that for the adjacent properties. He explained that in 2006, the original plan was to construct 14 dwelling units as back-to-back duplexes fronting on both Memory Lane and Myra Ridge Drive. Since then, there has been a drastic change in the housing market, and the petitioners other two-unit attached dwellings are not selling. So the petitioner would like to instead have the option of constructing the same number of dwellings only as detached single-family homes. The purpose of the minor variance is allow a slight reduction in the minimum lot size for single-family residences as opposed to attached two-unit condominiums or duplexes.

Mr. Myers explained alternative options. One suggestion was to shift lot lines a few feet for all the lots and lose one on the end. However, all of the utility lines are already constructed underground so that utilities like sewer, water, and electrical would be out of place. Reconfiguring the underground utilities would increase the cost making the project financially infeasible. He explained how the 2005 Comprehensive Plan relates to the proposed minor variance request. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request.

Ms. Harwood asked if the dwelling units would be the same size as originally planned. The only difference would be that they are detached rather than attached, correct? Mr. Myers deferred this question to the petitioner.

Ms. Uchtmann wondered what the rationale was for the minimum lot size being 6,000 square feet. Mr. Myers replied that 6,000 square feet is a standard for the minimum lot size for a single-family house in the City of Urbana. This standard was adopted so that it could provide some minimal area for side-yards, rear yards, parking, minimum space between neighbors and green space for recreation and utilities.

Ms. Uchtmann inquired as to what size the lots are across Memory Lane. Mr. Myers responded that the lots across Memory Lane meet the 6,000 square foot minimum plus provide extra space.

Chair Armstrong questioned how the ratio of density for this project compares to ratios elsewhere in the community. Mr. Myers answered that the proposed change would not increase the density. The petitioner is still planning to build the same number of units as in the original plans. Chair Armstrong asked if there is a metric by which we can compare the size of these properties to other densities in the community. Mr. Myers replied that he does not have that comparison but could research this question and respond at a future meeting if this would be necessary to make a decision. He noted that older neighborhoods in the City of Urbana that were subdivided in the 1940s and 1950s as single-family lots generally do not meet the existing minimum lot size.

Ms. Harwood asked if a duplex is cheaper to purchase than a single-family home. Mr. Myers deferred this question to the petitioner. He understands from the applicant that his attached units are not selling in this area. He understood that for a nearby two-unit condo took about a year and a half to sell, and the second unit took an additional year to sell.

Ms. Harwood asked if this property is the next area to be developed in this particular subdivision. If so, is this why the utilities are already installed? Mr. Myers stated that this is the next area to be developed, which is why the sewer lateral, electricity and water lines are installed.

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

Brian Wenthe, of the Fieldcrest Development, and Carl Hill, of Hillshire Development, approached the Zoning Board of Appeals.

Mr. Hill gave a brief history of the South Ridge VI Subdivision. He discussed the original plans for the proposed lots in the subdivision. He explained that these lots were planned for retired seniors and for first time homebuyers. He talked about the park and common grounds and about the future homeowner's association. They could build the duplexes on these lots as originally planned, attach each unit along the rear with screened in porches and still meet the setback requirements. However, it would be like a zero-lot-line development with attached units. They are looking to build something that people will want to buy. They have found that lately people are a bit apprehensive about buying attached units. In order to detach the units, they need approval of the proposed minor variance request.

Mr. Wenthe commented that the size of the proposed units would be around 1,200 to 1,900 square feet with plenty of green space and allow them to stay within the minimal setbacks. Chair Armstrong wondered how this compared to other existing single-family homes in the neighborhood. Mr. Hill replied that the covenants require a single-family home to be at least 1,200 square feet. The overall subdivision is about 4.5 dwelling units per acre. In west and east Urbana, there are lots that are about 3,000 to 5,000 square feet. So in terms of density there is not an issue. It is more about whether the neighbors feel that there is something that might detract from their own properties. He believes that single-family homes would enhance the value of the neighborhood because of the salability.

Mr. Wenthe stated that the size of the proposed units would be slightly smaller than the homes across the street regardless of whether they build them as duplexes or as single-family homes. In order to protect the homeowners across the street and to protect future building in the subdivision, they plan to create units that have nice curb appeal and blend architecturally with the rest of the subdivision.

Ms. Harwood inquired about the housing market. Mr. Wenthe pointed out that he staffed the open houses for the duplex previously mentioned. People commented that they liked the units and would buy one if it was detached and placed on a separate lot.

Ms. Harwood asked if it had anything to do with the nationwide economy. Mr. Hill replied that nationwide, the size of home has decreased due to the economy. Ms. Harwood commented that it sounds like it is a better investment to buy a detached unit. Mr. Hill responded that it appears so at this time. They can only react to the market.

Ms. Uchtmann noticed each end lot is larger than the other lots in the block. What are the square feet of each? Mr. Hill said that the lot on the north end is 86 feet wide, but because of the curve it loses some square footage. The lot on the south end is 80 feet wide, but again because of the curve it is just a little less than 11,000 square feet. He plans to build single-family units or duplex units depending on what fits best into the neighborhood.

Ms. Uchtmann questioned whether the petitioner and developer had considered expanding the lots to be compliant with the minimum lot size required. They would lose some of the size on the end lots but at least more lots would be compliant. Mr. Hill answered yes. They looked at adjusting the lot lines to expand the middle lots, but they discovered the utility lines would be too far off.

Michael and Maureen Frogley, of 3412 Memory Lane, spoke about their concerns with the proposed minor variance request. Mr. Frogley said he had a series of questions he would like answered. He pointed out that if you detach the units, then you in essence would be changing the nature of the yards because they would be smaller. Larger lots usually have larger yards more conducive to families. Mr. Myers offered that the minimum required lot size for single-family lots is 6,000 square feet. The proposed lots would not be much smaller than the minimum required.

Michael Frogley stated that his family lived in an older neighborhood prior to moving onto Memory Lane. Because they had a smaller lot, they tended to go outside their neighborhood to interact. Since moving to Memory Lane, they now feel a sense of community due to spending more time with their neighbors (at block parties, etc.). He fears that their sense of community might change due to the smaller lot sizes being proposed across Memory Lane. Mr. Myers pointed out that this is why neighbors are invited to the public hearing to voice their concerns and express their opinions.

Mr. Frogley asked if there are examples of the back-to-back duplexes in the City of Urbana or in the City of Champaign that he could see what they might look like. Mr. Myers did not know of any off hand.

Mr. Frogley asked if it would be possible to reconfigure the 14 units on the 9 lots and still be able to meet the minimum lot size required. In going from 9 to 14 units, could there be a profit margin that would cover the costs of reconfiguring the utilities? Mr. Myers said that if they moved the lot lines, then the utilities would not match up. The developer did not feel that moving the utilities would be financially feasible. Mr. Frogley believes it would be worthwhile to look into reconfiguring the lots into 14 lots versus 9 lots that would meet the minimum required lot size and yet still have family homes that would preserve the character of the community.

Mr. Frogley noticed that the Zoning Board of Appeals has the option to approve the request along with terms and conditions. Could the Zoning Board of Appeals include a condition that the homes have to be built to a certain size and of a high quality? He is concerned that cheaper, smaller homes would negatively impact the value of his home. Chair Armstrong replied that the Zoning Board of Appeals can place conditions on approval of variance requests. Usually conditions fall within the variance request itself. They cannot stipulate specifically to the developer what they can build as long as they build within the City Code and meet the requirements of the City. However, the Zoning Board of Appeals could add a condition that the development should be in compliance with the character of the neighborhood and/or that it meet similar market conditions. The lots, themselves, will restrict how much land area the developer can build on. The Zoning Board of Appeals is limited in what they can dictate to a developer providing that they are complying with the other legal requirements.

Mr. Frogley would like to know who the petitioner and developer have targeted to purchase the proposed units. He would also like to know the projected resale. Mr. Myers stated that when talking with the petitioner and developer, City staff focused on the minimum lot size rather than whom they were targeting to purchase the units.

Maureen Frogley said that the homes on the east side of Memory Lane are custom built homes. The owners sought out the builders and custom designed their homes. These are not first time homebuyers. They are people who are planting roots and plan to live there for a long time. She pointed out that one of the proposed lots prior to being subdivided is equal in size to one lot on the east side of Memory Lane. She noted that the lots directly across Memory Lane in the middle are 9,600 square feet and the lots on each end range from 10,000 to 13,000 square feet. They are concerned that the homes being proposed to be built will look like little cookie cutter homes that will impact the character of the neighborhood.

Ms. Uchtmann commented that neighbors can look at their property covenants to see what restrictions there are and to see if they can petition changes to the covenant.

Mr. Frogley asked if the petitioner intends to build duplexes on the empty lots on Lexington or does he plan to build single-family homes there as well. Mr. Myers said that he has not heard of any changes to the original plans for that area as of yet.

Ms. Harwood inquired as to when the Frogleys moved into their home. When they purchased the property what were they told was planned to be built on the proposed site? Mrs. Frogley said

that they purchased the vacant lot in 2006 and finally built their home in 2011. They moved in December 2011 and closed on the house March 2012. They understood that either single-family homes or duplexes would be built on the vacant lots across Memory Lane.

Ms. Harwood asked that if the petitioner and developer had followed through with their original plans to construct duplexes, would the Frogleys be content? Mrs. Frogley replied that now the housing market has started to increase, they could build single-family homes on the existing vacant lots without making them smaller. People want green space for their kids to play. However, the petitioner and developer plan to divide each lot and build the smallest house with the minimal amount of green space, which is not what people want.

Shawna Waller, of 3408 Memory Lane, stated that she bought her home in 2006. At the time, Mr. Hill told her that everything in the subdivision would be similar in character. If the proposed lots are built with less than 6,000 square feet, then it would not be similar in character. It will be multiple houses squeezed onto the same size lot as hers. She is concerned that the market value of the proposed homes will affect the property value of her home.

Mr. Hill and Mr. Wenthe re-approached the Zoning Board of Appeals to respond to comments. Mr. Wenthe stated that he discussed with Mr. Hill the different possibilities for designing residential dwelling units on the proposed lots. It is a challenge to design something that will look good in the neighborhood and still function by having a descent yard area. They do not intend to create a detriment to the lots across Memory Lane or take away the sense of community. Instead they are proposing to position the homes on the vacant lots in a way that does create green space for the future homeowners to utilize for recreation.

Existing zero-lot-line homes range in price from \$150,000 to \$180,000. They intend for the proposed dwelling units to sell from \$160,000 to \$200,000. They are looking to stay within the minimal setbacks and abide by the covenants with regards to the size requirements for these lots. The neighbors mentioned that they are concerned about green space. This will be a concern of future buyers as well. With the way the lots are configured, he is looking to utilize more of the side yards for recreation. With a front-to-back duplex, there will not be much of a back yard. With regards to demographics, they see a lot of families looking to purchase homes. Mostly, however, they are seeing a lot of single professionals, married professionals, "empty nesters" and retirees. So, they are targeting multi-generations when designing the proposed lots. The master bedroom will be on the main floor.

Mr. Wenthe commented that he does not build ugly houses. He builds houses that he would want to live in and that others would want to live in. People do not want to live in attached units because of the noise, etc. He explained what he and Mr. Hill have come up with for the design of the homes on the lots. He stated that at this time, there is no intent to divide the vacant lots on Lexington Drive. The market will drive what is built on those lots in the future.

Mr. Welch asked why they do not plan to keep the existing lots intact and build single-family homes instead of subdividing the lots and then building homes. Mr. Wenthe answered that home buyers do not want to purchase homes where the rear yard backs up to another street.

Ms. Uchtmann wondered if two small lots would sell at the same price as one large lot. Mr. Hill said no. One reason they are proposing this is to make the units affordable. He is not making a larger profit by subdividing the lots and building twice as many homes. In fact, by working with Mr. Wenthe, he will make even less of a profit, but it is worth it because Mr. Wenthe likes to build nice projects. They are working together to keep the neighborhood intact. He explained that he has been working on South Ridge Subdivision for about 22 or 23 years, and each phase has been designed and built better. He has lived in three different houses in the neighborhood and plans to continue to live in the subdivision. He believes that Mr. Wenthe is able to continue his dream of having a great community.

Ms. Harwood asked about the utility lines. Are they for duplexes or for single-family homes? Mr. Hill said that they are constructed for zero-lot-line duplexes. The utility lines were installed in 2006. Ms. Harwood said she was curious why neighbors are just now concerned with the lot sizes.

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

Ms. Uchtmann moved that the Zoning Board of Appeals deny Case No. ZBA-2012-MIN-02. The motion failed due to a lack of a second to the motion.

Mr. Welch moved that the Zoning Board of Appeals approve Case No. ZBA-2012-MIN-02. Ms. Harwood seconded the motion. Roll call on the motion was as follows:

Ms. Harwood	-	Yes	Ms. Uchtmann	-	No
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by a vote of 3-1.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

- OMA Training Reminder – Mr. Myers reminded the members of the Zoning Board of Appeals to complete the online training required by the State of Illinois if they have not already done so.

May 16, 2012

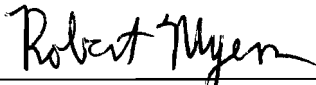
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Uchtmann moved to adjourn the meeting at 9:08 p.m. Chair Armstrong adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert Myers". The signature is written in black ink and is positioned above a horizontal line.

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: September 19, 2012
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

DRAFT

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Stacy Harwood, Harvey Welch
MEMBERS EXCUSED	Nancy Uchtmann, Charles Warmbrunn
STAFF PRESENT	Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Mike Augustine, Andrew Fell, Chuck Hijab, Patrick Moone

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 he declared that there was a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the May 16, 2012 Zoning Board of Appeals regular meeting were presented for approval. Ms. Harwood asked for a correction to the spelling of her name under “Members Present”. She then moved to approve the minutes as corrected. Mr. Welch seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

Newly approved ordinances to add to the Urbana Zoning Ordinance for reference:

- Ordinance No. 2012-05-049 approving the split of the Industrial Zoning District into IN-1, Light Industrial/Office, and IN-2, Heavy Industrial, Zoning Districts.

- Ordinance No. 2012-08-084 establishing standards for “Firearm Store” and “Private Indoor Firing Range”.

5. CONTINUED PUBLIC HEARINGS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during the following public hearing.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2012-MAJ-04: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required side yard setbacks of 17 and 20 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

Case No. ZBA-2012-MAJ-05: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required rear yard setbacks of 22 and 25 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

Rebecca Bird, Planner II, presented these two cases together to the Urbana Zoning Board of Appeals. She explained the purpose for each variance request and briefly described the proposed development. She pointed out that there would be retail and a leasing office on the ground floor with all the amenities such as the club room, study room, exercise/fitness room available on the other levels in the buildings along University Avenue. The residential component of the project would be five stories high, and a parking garage would be accessed off Goodwin Avenue.

She presented the current zoning, existing land use and future land use designations of the proposed site and of the adjacent neighboring properties. She mentioned that the petitioner is also asking for a Special Use Permit to allow the residential use in a commercial zoning district, which the Plan Commission has already reviewed and forwarded a recommendation for approval to the Urbana City Council.

Using the site plan provided in the written staff report, she explained what City staff has determined to be the front-yard, side-yards and rear-yard under Zoning Ordinance definitions. She discussed how the goals and objectives from the 2005 Urbana Comprehensive Plan relate to the proposed development. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the project. She read the options of the Urbana Zoning Board of Appeals and presented City staff’s recommendation.

Chair Armstrong asked for any questions from the Board members for City staff. Questions were as follows:

What impact would the proposed development have on any future redevelopment of adjacent commercial properties? Ms. Bird answered that if the properties develop under B-3 zoning and as commercial, then they would be required to have a minimum five foot side-yard and ten foot rear-yard setbacks. If they provide residential components and the redeveloped properties would surpass 25-feet in height, then there would be an increase in both of the setback requirements.

Ms. Bird noted that the owner of Hot Wok had phoned and expressed some concerns about the proposed development potentially blocking sunlight. The owner of Cocina Real had no concerns and actually felt that the proposed development would be good for the neighborhood and for his business as well.

Would approving the proposed major variances cause adjacent property owners to lose out on the ability to get variances for setbacks on their properties if they redevelop? Robert Myers, Planning Manager, said no. The City has to review each variance application on a case-by-case basis with each having a unique set of facts.

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

Michael Augustine, of Bainbridge Communities, LLC, gave a brief background of the company and its history of developing student apartment housing. He presented images of Campus Circle, an existing Bainbridge development in Tallahassee, Florida that is similar to what they are proposing in this project.

Patrick Moone, of Farnsworth Group, stated that he would answer any questions concerning engineering and site planning.

Would the proposed development be constructed for the University of Illinois? Mr. Augustine said no. They would construct the building to cater to university students, but there is no affiliation. He noted that anyone could live in the proposed units.

Why are they requesting the variances? Mr. Augustine said that the variances are for the residential component of the development. In order to get a sizable enough project that would make sense and due to the irregular shaped lot and site constraints, they have to build up. The additional height causes them to need variances for the side-yard and rear-yard setbacks.

Was there any consideration to purchase some of the railroad right-of-way? Mr. Augustine answered yes. They reached out to the railroad early on in the planning process. The railroad company expressed that they would likely not be interested in conveying any part of the right-of-way. However, they potentially offered an easement agreement, which would not help with the setbacks.

Why is the driveway from University Ave. through the building as opposed to around the building? Mr. Augustine replied that this is part of the design element of the project. This design provides a more symmetrical appearance. The tunnel is a result of meeting the fire truck height requirements to access the back of the property.

With no further input, Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motions by the Urbana Zoning Board of Appeals.

Ms. Chester moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-04 to the City Council with a recommendation for approval. Mr. Welch added “to allow a major variance to encroach up to 10 feet within the minimum required side-yard setbacks of 17 and 20 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue”. Ms. Harwood seconded the motion. Roll call on the motion for Case No. ZBA-2012-MAJ-04 was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by unanimous vote.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-05 to the City Council with a recommendation for approval to allow a major variance to encroach up to 10 feet within the minimum required rear-yard setbacks at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue. Ms. Harwood seconded the motion. Roll call on the motion for Case No. ZBA-2012-MAJ-05 was as follows:

Ms. Harwood	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. Mr. Myers noted that these two cases would be forwarded to the Urbana City Council on October 15, 2012.

Case No. 2012-MAJ-06: A request by Andrew Fell for a Major Variance to construct a canopy which encroaches up to three feet, eight inches into the required front yard setback at 604 North Cunningham Avenue in the B-3, General Business Zoning District.

Robert Myers, Planning Manager, presented this case to the Urbana Zoning Board of Appeals. He described the site context and the purpose for the major variance request. He presented the current zoning, existing land use and future land use designation of the site and of the adjacent neighboring properties. Using the site plan, he explained to the Zoning Board of Appeals that the Tin Roof Tavern would like to provide an outdoor seating area on the north side of the building. They would like to install an awning or canopy between the exterior door facing Cunningham Ave., the awning wrapping around the northwest corner of the building and to the new outdoor seating area. Because the northwest corner of the building is located right at the minimum front yard setback, a canopy extending from the building must encroach within the setback. The owner’s representative has indicated they would like to keep part of the existing outdoor patio area for additional seating but remove the existing six-foot fence enclosure now in the front yard setback and replace with a lower fence. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertain to this case. He read the options of

the Zoning Board of Appeals and presented City staff's recommendation. Chair Armstrong opened the hearing up for questions from the Board members for City staff.

Will Tin Roof Tavern keep the existing fence? Mr. Myers answered that while the business wants to keep part of the front patio area intact, the owner's representative could speak to the design of the replacement fence. It would need to comply with the fence code which is not part of the Zoning Ordinance.

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

Andrew Fell, project architect, clarified that the purpose for the variance request is to relocate the majority of the beer garden to the north side of the building where it is quieter and away from the street. There are two doors that access the building. The door on the north side is the main entrance into the building. The door on the west side serves as a controlled access to the beer garden. Tin Roof Tavern intends to keep some of the existing beer garden along Cunningham Avenue. However, the existing fence will come down and be replaced with a low brick wall with a wrought iron fence on top of it.

Has the business owner considered switching the main entrance with the door leading to the beer garden? Mr. Fell stated that with the current interior layout of the building it would not be a feasible option. The bar now backs up to the north wall of the building.

Would an awning extending from only half of the building front look strange? Mr. Fell replied no, because visually the building appears to be two separate buildings. A future tenant of the second building may decide to continue the awning, but that will be up to that tenant. They will put in a new sign using the existing sign posts.

What will the canopy look like? Mr. Fell explained that the main part of the beer garden on the north side will have brick columns with a low brick wall and a fence across it with a metal roof on top of it. They plan to continue the metal canopy roof around to the front of the building where the controlled access to the beer garden is located. The front canopy will be supported off the building and the beer garden canopy will be supported off the ground. Although the City's Building Code will treat them differently, the canopies will be constructed of the same materials.

With no further questions for the applicant, Chair Armstrong asked for any public input on this case. Hearing none, Chair Armstrong entertained a motion from the Board.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-06 for a major variance to construct a canopy which encroaches up to three feet, eight inches into a required front yard at 604 North Cunningham Avenue to the City Council with a recommendation for approval, consistent with the City staff's recommendation. Ms. Chester seconded the motion.

There was discussion by the Zoning Board of Appeals as to whether the redesign of the fence could or should be made part of the motion. Does the Zoning Board of Appeals have the ability to add such a condition? Mr. Myers explained that if the Zoning Board of Appeals finds a

rational relationship between the variance request and the need to condition with the fence design, then the Zoning Board of Appeals could add a condition. He mentioned that the petitioner will have to meet the fence code when replacing the fence regardless of whether the Zoning Board of Appeals recommends a condition or not.

Does the existing patio encroach into the front yard setback? Mr. Myers responded that the existing patio is within the required setback. The existing fence appears to not comply with the City’s fence code.

Mr. Myers asked Andrew Fell if it would be acceptable to the petitioner to include a condition that the six-foot fence be removed and replaced by some other type of fence? Mr. Fell replied yes, it would be acceptable, because they plan to remove the fence anyway.

Ms. Harwood moved a friendly amendment to the motion to include a condition that the petitioner or owner of the business consult with City staff on the redesign of the fence. Mr. Welch seconded the motion to amend. Chair Armstrong asked for the motion with the friendly amendment be read into record. Roll call on the motion was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes	Ms. Harwood	-	Yes

Mr. Myers noted that this case would be forwarded to the Urbana City Council on October 1, 2012.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

- OMA Training Reminder – Mr. Myers thanked the members of the Urbana Zoning Board of Appeals for completing the online Open Meetings Act training that is required by the State of Illinois.

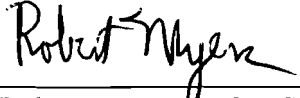
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Armstrong adjourned the meeting at 9:12 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert Myers". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals