



# **Zoning Board of Appeals**

## **2013 Annual Report**

*Prepared By:*

*Teri Andel  
Planning Administrative Assistant I  
April 8, 2014*



## OVERVIEW

In calendar year 2013, the City of Urbana’s Zoning Board of Appeals met one time on October 16, 2013 and considered one case. 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
2013	1	1

This report contains a summary of the case considered in 2013. The Decision sheet and minutes are attached.

### **Members of the Zoning Board of Appeals:**

Paul Armstrong (Chairperson), Joanne Chester, Stacy Harwood, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch served on the Zoning Board of Appeals. Ashlee McLaughlin was appointed by the City Council on April 15, 2013 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 <i>{Resigned in October, 2013 and moved to St. Charles County, Missouri.}</i>
Jeff Engstrom, AICP	Planner II
Rebecca Bird, AICP	Planner II <i>{Resigned in November, 2013 and moved to Wokingham, England}</i>
Aditi Kambuj	Planner I <i>{Resigned in October, 2013 and moved to Seattle, Washington}</i>
Teri Andel	Planning Administrative Assistant I

## 2013 ZONING BOARD OF APPEALS CASE LOG

<b>Total Number of Applications Submitted</b> .....	1
Number of Cases Heard .....	1
Number of Cases Withdrawn .....	0
Number of Cases Continued into 2014 .....	0

### APPEAL REQUESTS

<b>Total Number of Appeal Requests Heard</b> .....	0
--	---

### CERTIFICATE OF OCCUPANCY REQUESTS

<b>Total Number of Certificate of Occupancy Requests Heard</b> .....	1
--	---

### CONDITIONAL USE PERMIT REQUESTS

<b>Total Number of Conditional Use Requests Heard</b> .....	0
---	---

### MINOR VARIANCE REQUESTS

<b>Total Number of Minor Variance Requests Heard</b> .....	0
--	---

### MAJOR VARIANCE REQUESTS

<b>Total Number of Major Variance Requests Heard</b> .....	0
--	---

## CASE SUMMARIES

### Appeals

There were none.

### Certificate of Occupancy

**ZBA-2013-CO-01**

*1008 North Goodwin Avenue*

A request by Otto Baum Company, Inc. for a Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse, at 1008 North Goodwin Avenue in the B-3, General Business Zoning District.

*Case heard and approved by the Zoning Board of Appeals on October 16, 2013 by a vote of 5 ayes – 0 nays. (Document No. 2014R03725)*

### Conditional Use Permits

There were none.

### Minor Variances

There were none.

### Major Variances

There were none.

# **2013 Zoning Board of Appeals**

## **Decision Sheet**



CITY OF URBANA  
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR CERTIFICATE OF OCCUPANCY  
IN CASE #ZBA-2013-CO-01

**2014R03725**  
REC ON: 03/11/2014 2:35:00 PM  
CHAMPAIGN COUNTY  
**BARBARA A. FRASCA, RECORDER**  
REC FEE: 43.00  
PAGES 3  
PLAT ACT: OPLAT PAGE:

At a duly called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, October 16, 2013 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2013-CO-01 a request for a Certificate of Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

**A request by Otto Baum Company, Inc. for a Certificate of Occupancy to locate within and share an existing, nonconforming Construction Yard, and replace an existing warehouse, at 1008 N. Goodwin Ave. in the B-3 (General Business) Zoning District.**

**Common Street Address:** 1008 N Goodwin Avenue, Urbana IL  
**Owner of Record:** Felmley Dickerson Co.  
**Permanent Parcel Index #:** 91-21-07-280-001

**Legal Description:**

Commencing 30 feet East and 507.5 feet North of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 7 in Township 19 North, Range 9 East of the Third Principal Meridian, thence East 814.99 feet, thence North 347.86 feet, thence West 817.71 feet to the East line of Goodwin Avenue, thence South along the East line of Goodwin Avenue 344.93 feet to the Place of Beginning, in Champaign County, Illinois, EXCEPT the following:

Beginning at a point 507.5 feet North and 286.35 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian and running thence East 558.64 feet to a survey stake, thence North a distance of 347.86 feet to a survey stake, thence West a distance of 561.36 feet to a survey stake located 265.35 feet East of the East line of Goodwin Avenue, thence South parallel to the East line of Goodwin Avenue, a distance of 345.93 feet, more or less, to the Place of Beginning, in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to direct the Zoning Administrator to **APPROVE** the requested Certificate of Occupancy based on the following findings:

1. The property at 1008 N Goodwin Avenue has been used by Felmley Dickerson Company as a construction yard since at least 1950 when the property was located in unincorporated Champaign County.

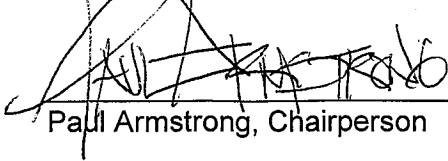
2. The 1957 Urbana Zoning Map shows the subject property located within the City of Urbana and zoned I-1, Light Industrial District.
3. The subject property is currently zoned B-3 (General Business District), and Table V-1 (Table of Uses) of the Urbana Zoning Ordinance prohibits construction yards in B-3 Zoning Districts.
4. Section X-3.A of the Urbana Zoning Ordinance permits addition of one nonconforming use to another nonconforming use when authorized by a Certificate of Occupancy as issued by the Zoning Administrator and when directed by the Zoning Board of Appeals.
5. Section X-3.B of the Urbana Zoning Ordinance permits an enlargement of a nonconforming use of a building when authorized by a Certificate of Occupancy as issued by the Zoning Administrator and when directed by the Zoning Board of Appeals.
6. Otto Baum Company, Inc., a masonry contractor, is proposing to locate with the owner and current occupant, Felmley Dickerson at this address and share the construction yard, occupying two buildings, and replacing and enlarging the existing warehouse to use for storage.
7. The subject property is located to the north of Martin Luther King Junior Elementary School and to the west of King Park in a predominantly R-2, Single-Family Residential neighborhood.
8. Addition of Otto Baum Company's use as a construction yard is equally appropriate as the existing use for the district in which it is located.
9. Addition of Otto Baum Company as a second nonconforming use would not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district given the level of truck traffic and visual screening of outdoor storage.
10. Replacement of the existing warehouse will be as compatible with the neighborhood as the present use and will visually improve the property.

**The conditions for the approval of the issuance of a Certificate of Occupancy are as follows:**

- (i) All construction material-related traffic, pick-ups and deliveries shall be restricted to between Monday and Friday and between 9:00 am and 2:00 pm. Consultation with the designated staff at Urbana School District 116 Administration and the Martin Luther King Jr. Elementary School shall be made for deviation from this schedule.
- (ii) The perimeter of the subject property shall be effectively screened in conformance with the standards set forth in Section VI-6 E. *Outdoor Storage Screening* of the Urbana Zoning Ordinance as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator. The screening on the eastern boundary of the subject property shall be such that it ensures a visual barrier between King Park and the subject property.
- (ii) A minimum of six paved parking spaces shall be provided onsite, of which one space shall comply with ADA requirements.

- (iii) All the existing gravel drive aisles shall be resurfaced with additional gravel to eliminate irregularities, pits and water pooling on the surface and shall meet the requirements of Section VIII-3 of the Urbana Zoning Ordinance to ensure the driveways perform as originally designed.

I do hereby affirm that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2013-CO-01

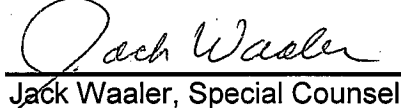
  
Paul Armstrong, Chairperson

6 FEB 2014  
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-CO-01 - REQUEST FOR CERTIFICATE OF OCCUPANCY  
APPROVED FOR RECORDING BY:

  
Jack Waaler, Special Counsel

3 February 2014  
Date

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

Prepared by:

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



**2013 Zoning Board of Appeals  
Meeting Minutes**

October 16, 2013

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

**DATE:** October 16, 2013

**APPROVED**

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

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

---

**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED** Stacy Harwood, Nancy Uchtmann

**STAFF PRESENT** Robert Myers, Planning Manager; Aditi Kambuj, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT** Terry Baum, Aaron Moser, Bridgette LeSure

---

**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 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 September 19, 2012 Zoning Board of Appeals regular meeting were presented for approval. Ms. Chester moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were approved by unanimous voice vote.

**4. WRITTEN COMMUNICATIONS**

- Revised Staff Recommendation for Case No. ZBA-2013-CO-01

## 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

There were none.

## 7. OLD BUSINESS

There was none.

## 8. NEW BUSINESS

**Case No. ZBA-2013-CO-01: A request by Otto Baum Company, Inc. for a Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse, at 1008 North Goodwin Avenue in the B-3, General Business Zoning District.**

Chair Armstrong opened this item of business. Aditi Kambuj, Planner I, presented this case to the Zoning Board of Appeals. She began with a brief explanation for the proposed Certificate of Occupancy request and history of the petitioner, Otto Baum Company, Inc. She described the subject property and the adjacent properties noting the land use, current uses and future land uses. She showed photos of the subject property from all directions. She reviewed the criteria from Section XI-6 of the Urbana Zoning Ordinance that the proposed request must meet in order to obtain approval from the Zoning Board of Appeals. She stated that in speaking with the Principal of the Martin Luther King, Jr. School, the Principal voiced concerns about truck traffic and potential conflicts during school hours. As a result, City staff's recommendation includes a condition that restricts the hours of traffic with regards to construction material-related pick-ups and deliveries. She read the options of the Board and presented the revised staff recommendation, which was handed out prior to the start of the meeting.

Chair Armstrong opened the case up for Zoning Board of Appeals questions to City staff.

Ms. Chester asked if the hedgerow along the east side is part of the subject property or part of King Park. Would the petitioner still be required to provide screening in addition to the hedgerow? Ms. Kambuj replied that it is part of the park. City staff would require the petitioner to provide more screening.

Mr. Warmbrunn asked about the restriction on the hours of operation. Ms. Kambuj responded that the petitioner has agreed to restrict traffic during the hours from 9:00 a.m. to 2:00 p.m.

Mr. Warmbrunn commented that it seems like there should be more than six parking spaces required for all of the properties and buildings. Ms. Kambuj replied that the City is requiring six parking spaces for the Otto Baum business use and buildings only. This does not include the Felmley-Dickerson business use.

Chair Armstrong inquired about the status of the King Park Neighborhood Development Plan. The Plan calls for a public recreation use of the proposed site. Robert Myers, Planning Manager, stated that the King Park Plan was folded into the Comprehensive Plan. In terms of implementing the King Park Plan, it is contingent on the Urbana Park District making an offer to purchase property that is available. While the Urbana Park District is still interested in purchasing the proposed land, it is not something that they are able to act on immediately.

Chair Armstrong explained the procedure for the meeting and invited the audience to speak.

Terry Baum, petitioner, replied to the concern regarding restricted hours of traffic. They only anticipate one delivery per month on a large truck or trailer. They are willing to work out a plan with the school administrator so they do not disturb the school's operation or activities.

Bridgette LeSure, of 1101 North Harvey Street, stated that she has lived in the neighborhood for 11 years. She does not have any problems with the Otto Baum Company, Inc. However, she has issues with the Felmley-Dickerson Company not maintaining their property. The grass is overgrown and they have open trailers stored on the property. Mr. Baum replied that they intend to keep the yard clean and organized. This is a residential area, so they will be extra careful in how they maintain their yard.

Mr. Warmbrunn questioned if the language in Condition #2 was strict enough to get good screening on the east side by the Urbana Park District. Mr. Myers replied that the proposed language should cover it. However, if the Zoning Board of Appeals wanted to they could add additional language to specify the importance of screening from the residential neighborhood. Different types of screening suitable for providing a visual barrier were then discussed.

Chair Armstrong closed the item of New Business and opened the meeting up for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2013-CO-01 with the conditions recommended by City staff in their revised Staff Recommendation with the following additional language for Condition #2: *The screening plan for the eastern boundary of the property must provide a visual barrier for the park.* Mr. Welch seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was approved by unanimous vote.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Robert Myers reported on the following:

- 2012 Annual Report – He briefly summarized the report.
- New Member Introductions – He introduced Ashlee McLaughlin and Joann Chester as the newest members of the Zoning Board of Appeals.
- Farewells – He announced that Aditi Kambuj and he had resigned from the City of Urbana. He is starting a new position in St. Charles County, Missouri. Ms. Kambuj has accepted a position at the City of Seattle in Washington.

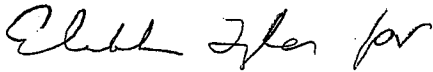
**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

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

Respectfully submitted,



---

Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals