



Zoning Board of Appeals

2009 Annual Report

Prepared By:

*Teri Andel
Planning Secretary*

OVERVIEW

In calendar year 2009, the City of Urbana’s Zoning Board of Appeals met five times and considered 7 cases. A summary of past years case activity is below.

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

This report contains a summary of each case considered in 2009 by case type. Decision sheets, adopted ordinances, and minutes are attached.

Members of the Zoning Board of Appeals included:

Paul Armstrong, Herb Corten, Anna Merritt, (chairperson), Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch. Herb Corten and Anna Merritt resigned at the end of their terms on June 30, 2009. Paul Armstrong was appointed by Mayor Prussing to serve as Chairperson, and the City Council approved the appointment on August 17, 2009.

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

Libby 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
Lisa Karcher, AICP	Planner II
Rebecca Bird	Planner I
Jeff Engstrom, AICP	Planner I
Teri Andel	Planning Secretary

2009 Meeting Dates of the Zoning Board of Appeals:

March 18 April 15 May 20 June 10 August 19

The Zoning Board of Appeals held no meetings in the months of January, February, July, September, October, November or December.

2009 Zoning Board of Appeals Case Log

Total Number of Applications Submitted	9
Number of Cases Heard	7
Number of Cases Withdrawn	2
Number of Cases Incomplete	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	1
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MAJOR VARIANCE REQUESTS

Total Number of Major Variance Requests Heard	5
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CASE SUMMARIES

Appeals

There were none.

Conditional Use Permits

ZBA-2009-C-01

702-732 Killarney Street (Lincoln Commerce Center)

A request filed by Audra Martin to all for a confectionery products manufacturing and packaging business to operate in a building in the B-3, General Business Zoning District.

Case heard and request granted by the Zoning Board of Appeals on [August 19, 2009](#) by a vote of 4 ayes - 0 nays. ([Document No. 2009R27996](#))

Minor Variances

ZBA 2009-MIN-01

714 West California Avenue

A request filed by Kevin and Julia Webster for a minor variance to establish a lot in the R-7, University Residential Zoning District with a minimum width of 58 feet.

Case Withdrawn

ZBA 2009-MIN-02

201 North McCullough Street

A request filed by Jeff Trainor for a minor variance to build an addition encroaching 23% into the required 23.9-foot front yard in the R-4, Medium Density Multiple Family Residential Zoning District.

Case heard and approved by the Zoning Board of Appeals on [August 19, 2009](#) by a vote of 4 ayes - 0 nays. ([Document No. 2009R27283](#))

ZBA 2009-MIN-03

1506 South Orchard Street

A request filed by Martha Wagner Weinberg for a minor variance to allow construction of an entry vestibule that would encroach up to 3 feet into the required 18-foot front yard setback along Orchard Street in the R-1, Single-Family Residential Zoning District.

Case Withdrawn

Major Variances

ZBA 2009-MAJ-01

2710 and 2810 South Philo Road

A request by the Atkins Group, Inc. to revise an approved major variance allowing an electronic message board display to change no more than once every ten seconds in the B-3, General Business Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on [March 18, 2009](#) by a vote of 6 ayes - 1 nay.

Case heard and approved by City Council on April 6, 2009 by a vote of 6 ayes - 1 nay. ([Ordinance No. 2009-04-030](#))

ZBA 2009-MAJ-02

2710 and 2810 South Philo Road

A request by the Atkins Group, Inc. to revise an approved major variance allowing an electronic message board display to be multi-colored in the B-3, General Business Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on [March 18, 2009](#) by a vote of 6 ayes - 1 nay.

Case heard and approved by City Council on April 6, 2009 by a vote of 6 ayes - 1 nay. ([Ordinance No. 2009-04-031](#))

ZBA 2009-MAJ-03

1011 West Clark Street

A request by Howard Wakeland for a major variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street in the B-3U, General Business-University Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on [April 15, 2009](#) by a vote of 7 ayes - 0 nays.

Case heard and approved by City Council on May 4, 2009 by a vote of 5 ayes - 2 nays. ([Ordinance No. 2009-05-044](#))

ZBA 2009-MAJ-04

805 West Green Street and 303 South Busey Avenue

A request by Scott Kunkel for a major variance to allow for an increase in the maximum allowable Floor Area Ratio (FAR) of 0.90 to 1.07 (19% increase) in the R-5, Medium-High Density Multiple Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on [June 10, 2009](#) by a vote of 7 ayes - 0 nays.

Case heard and approved by City Council on June 15, 2009 by a vote of 5 ayes - 0 nays. ([Ordinance No. 2009-06-067](#))

ZBA 2009-MAJ-05

805 West Green Street and 303 South Busey Avenue

A request by Scott Kunkel for a major variance to allow for a decrease in the minimum allowable Open Space Requirement (OSR) from 0.30 to 0.19 in the R-5, Medium-High Density Multiple Family Residential Zoning District.

Case heard and recommended for approval by the Zoning Board of Appeals on [June 10, 2009](#) by a vote of 7 ayes - 0 nays.

Case heard and approved by City Council on June 15, 2009 by a vote of 5 ayes - 0 nays. ([Ordinance No. 2009-06-068](#))

2009 Zoning Board of Appeals

Decision Sheets / Ordinances (without attachments)

2



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2009R27283

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CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

REC FEE: 25.00

RHSPS Fee:

REV FEE:

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**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

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

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, August 19, 2009 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2009-MIN-02 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request by Jeff Trainor for a minor variance to build an addition encroaching 23% into a required 23.9-foot front yard at 201 N McCullough Street in the R-4, Medium Density Multiple Family Residential District

Common Street Address: 201 N McCullough Street, Urbana, IL

Owner of Record: Jeff Trainor

Permanent Parcel Index #: 91-21-08-363-021

Legal Description:

Commencing at the Southeast corner of Lot 1 of C.R. Griggs Addition to Urbana, Illinois, running thence along the north line of Stoughton Street south 73 degrees 41 minutes west 107 feet, thence north 1 degree 00 minutes east 70.06 feet, thence east 101.47 feet to the west line of McCullough Street, thence 40 feet on the west line of McCullough Street to the place of beginning, being a part of Lot 1 of C.R. Griggs Addition to Urbana as per plat recorded in Deed Record 32 at page 488, situated in Champaign County, Illinois.

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

1. Table VI-3 of the Urbana Zoning Ordinance requires that front yards in the R-4 District shall be no less than the average depth of the existing front yards of for lots on the block face. The average depth of front yards on the block face is 23.9 feet;
2. The petitioner is proposing to build an addition within an existing attached carport that currently encroaches 5.4 feet into the required front yard;
3. The minimum setback of the house along Stoughton Street is 7.9 feet. The average setback on the block face is 23.9 feet;

4. The proposed location for the addition is 18.5 feet from the property line and would not extend beyond the current façade;
5. Allowing the proposed addition would not serve as a special privilege as the house is on a trapezoidal-shaped, small corner lot with a relatively deep setback requirement;
6. Allowing a portion of the existing carport to be enclosed would not alter the essential character of the neighborhood nor cause a nuisance to the adjacent properties.
7. The requested variance represents the minimum possible derivation from the Zoning Ordinance necessary to accommodate the request.

I do hereby affirm, that to the best of my knowledge, the foregoing is a true and accurate record of Case No. ZBA-2009-MIN-02


Paul Armstrong, Chairperson

15 SEP 2009
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-2009-MIN-02 - REQUEST FOR MINOR VARIANCE

APPROVED FOR RECORDING BY:


Jack Waaler, Special Counsel

1 SEPTEMBER 2009
Date

⑤ Please return original decision sheet to the attention of Jeff Engstrom, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:


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

20



2009R27996

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CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 25.00
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**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR CONDITIONAL USE
IN CASE No. ZBA-2009-C-01**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, August 19, 2009 at the City of Urbana Council Chambers, 400 South Vine Street, Urbana, Illinois, at which time and place the Board considered the following request in Case No. ZBA-2009-C-01 for a conditional use pursuant to Section VII-2 and XI-3 of the Urbana Zoning Ordinance.

A request filed by Audra Martin for a Conditional Use Permit to allow a confectionery products manufacturing and packaging business to operate at 708 Killarney Street (Lincoln Commerce Centre), within Urbana's B-3, General Business Zoning District.

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

Common Street Address: 702-732 Killarney Street

Owner of Record: BankIllinois Trust #031-413-271

Permanent Parcel No.: 91-21-05-302-007

Legal Description: Lot 2 of the Replat of Lot 2 of Lincoln Centre, Champaign County, Illinois, as per Plat recorded as Document No. 97R23323, situated in Champaign County, Illinois.

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

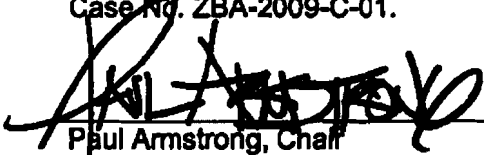
1. The subject property is zoned B-3, General Business. The Urbana Zoning Ordinance allows "confectionery products manufacturing and packaging uses" as a conditional use in the B-3 Zoning District.
2. The proposed confectionery products manufacturing and packaging use is to be located in an existing building. Only interior renovations are proposed.
3. The proposed use is conducive to the public convenience at the location because it will be located in an area that is developed with compatible commercial uses and is accessible to routes appropriate for delivery vehicles.

4. The proposed use conforms to the applicable regulations and standards of and preserves the essential character of, the zoning district in which it is located.
5. The proposal use will not pose a detriment to the B-3, General Business Zoning District in which it is proposed to be located.

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

1. All proposed renovations meet the Urbana Building Code.
2. All necessary permits/licenses are secured from the Champaign-Urbana Public Health District.

I do hereby affirm that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2009-C-01.



Paul Armstrong, Chair

11-17-2009

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 South Vine Street, Urbana, Illinois.

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

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

CASE No. ZBA-2009-C-01 - REQUEST FOR A CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:



Jack Waaler, Special Counsel

10 September 2009

Date

(9)

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

Prepared by:



Lisa Karcher, Planner II
Community Development Services, Planning Division
400 South Vine Street, Urbana, IL 61801

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Passed: April 6, 2009

ORDINANCE NO. 2009-04-030

AN ORDINANCE AMENDING ORDINANCE NO. 2008-03-017 CONCERNING THE APPROVAL OF A MAJOR VARIANCE

(To Revise Conditions for Display Frequency,
2710 South Philo Road / Case No. ZBA-2009-MAJ-01)

WHEREAS, the City Council has heretofore adopted Ordinance No. 2008-03-017 on April 7, 2008 approving a major variance to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the southeast corner of Windsor and Philo Roads in the B-3, General Business Zoning District and more commonly known as 2710 South Philo Road (ZBA Case No. ZBA-2008-MAJ-01); and

WHEREAS, unforeseen issues have arisen causing The Atkins Group, petitioners of variance approved in Ordinance No. 2008-03-017, to request a revision to the conditions of the approved major variance relating to sign area and total number of signs; and

WHEREAS, said revisions were presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-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 March 18, 2009, concerning the proposed revisions to the conditions of approval for the major variance and voted 6 ayes and 1 nay to recommend approval of the revised conditions to the Urbana City Council; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend Ordinance No. 2008-03-017 adopted on April 7, 2008 to remove the four

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conditions specified in said ordinance and replace with the conditions as provided in Section 1 herein.

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

Section 1. Ordinance No. 2008-03-017 is hereby amended by replacing the four conditions of said Ordinance with the following four conditions:

1. That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering ("Option A") submitted with the application dated Feb. 24, 2009.

2. That the variance for display frequency is approved for the proposed shopping center sign with LED display on Lot 201 ("Option A").

3. That the shopping center sign on Lot 201 ("Option A") will conform to the other requirements of Urbana Zoning Ordinance Section IX-4.D.3 which prohibit animation, flashing, or scrolling of electronic message board (LED) displays.


4. That the Pines at Stone Creek Commons Shopping Center shall be limited to a total of two freestanding shopping center signs. The locations shall be limited to the areas of Lots 201 and 208 of Pines at Stone Creek Commons Subdivision as depicted on the subdivision plat recorded March 30, 2007.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication

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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 6th day of April,
2009.

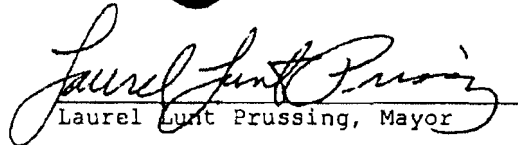
AYES: Barnes, Bowersox,  Gehrig, Lewis, Smyth, Stevenson

NAYS: Roberts

ABSTAINS:

APPROVED by the Mayor this 9th day of April

2009.


Laurel Lunt Prussing, Mayor

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Passed: April 6, 2009

ORDINANCE NO. 2009-04-031

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-03-018
CONCERNING THE APPROVAL OF A MAJOR VARIANCE**

**(To Revise Conditions for Display Color,
2710 South Philo Road / Case No. ZBA-2009-MAJ-02)**

WHEREAS, the City Council has heretofore adopted Ordinance No. 2008-03-018 on April 7, 2008 approving a major variance to allow an Electronic Message Board (LED) Sign to be multi-colored at the southeast corner of Windsor and Philo Roads in the B-3, General Business Zoning District and more commonly known as 2710 South Philo Road (ZBA Case No. ZBA-2008-MAJ-02); and

WHEREAS, unforeseen issues have arisen causing The Atkins Group, petitioners of variance approved in Ordinance No. 2008-03-018, to request a revision to the conditions of the approved major variance relating to sign area and total number of signs; and

WHEREAS, said revisions were presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-MAJ-02; 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 March 18, 2009, concerning the proposed revisions to the conditions of approval for the major variance and voted 6 ayes and 1 nay to recommend approval of the revised conditions to the Urbana City Council; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend Ordinance No. 2008-03-018 adopted on April 7, 2008 to remove the four conditions specified in said ordinance and replace with the conditions as provided in Section 1 herein.

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

Section 1. Ordinance No. 2008-03-018 is hereby amended by replacing the four conditions of said Ordinance with the following four conditions:

1. That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering ("Option A") submitted with the application dated Feb. 24, 2009.
2. That the variance for display color is approved for the proposed shopping center sign with LED display on Lot 201 ("Option A").
3. That the shopping center sign on Lot 201 ("Option A") will conform to the other requirements of

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Urbana Zoning Ordinance Section IX-4.D.3 which prohibit animation, flashing, or scrolling of electronic message board (LED) displays.

4. That the Pines at Stone Creek Commons Shopping Center shall be limited to a total of two freestanding shopping center signs. The locations shall be limited to the areas of Lots 201 and 208 of Pines at Stone Creek Commons Subdivision as depicted on the subdivision plat recorded March 30, 2007.

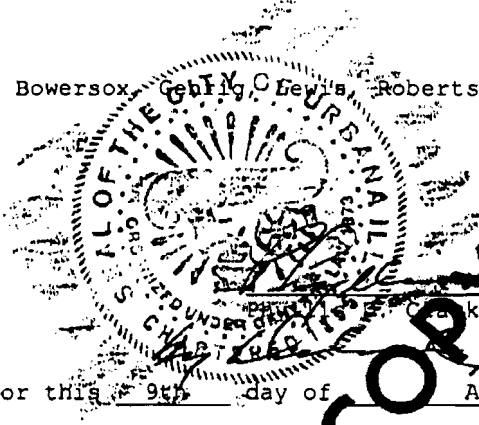
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes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

PASSED by the City Council this 6th day of April, 2009.

AYES: Barnes, Bowersox, Gehrig, Grew, Roberts, Stevenson

NAYS: Smyth

ABSTAINS:



[Signature]

City Clerk

APPROVED by the Mayor this 9th day of April, 2009.

[Signature]

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2009-05-044

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(Reduction of the Front Yard Setback in the City's B-3U,
General Business - University District, from 15 ft. to 5 ft.
at 1011 West Clark Street / Case No. ZBA-2009-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 the structure; and

WHEREAS, Howard Wakeland has submitted a petition for a major variance to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot required front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-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 April 15, 2009 and voted 7 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

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

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

1. Howard Wakeland is applying for a variance to encroach ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street.
2. The petitioner plans on demolishing the existing structures and building a 14 to 18-unit apartment building on the site.
3. The site is located in the north campus area and is zoned B-3U, General Business -University District.
4. The Urbana Comprehensive Plan identifies the area as Campus Mixed-Use.

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5. The proposed variance is not necessary to achieve the desired amount of parking.
6. The size of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
7. The proposed variance is desired due to special circumstances of the property being a corner lot with two required front yards.
8. The proposed variance is due to the petitioner's desire to match the existing ten-foot encroachment immediately south of the subject property, and to allow for parking to be contained entirely underneath the building footprint.
9. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
10. The proposed variance represents the minimum possible from Zoning Ordinance requirements to match the existing ten-foot encroachment immediately south of the subject property.

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

Section 1. The major variance request by Howard Wakeland, in Case No. ZBA-2009-MAJ-03, is hereby approved to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District, subject to the following conditions:

1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.
2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.

The major variance described above shall only apply to the property located at 1011 West Clark Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 26 of Jonathan N. Houser's Heirs Subdivision of Lot 24 and the East 251 feet of Lot 25 in M.W. Busey's Heirs Addition to Urbana, and Lots 1, 2, and 3 of Block 44 and Lot 6 in Block 45 of Seminary Addition, as per plat recorded in Plat Book "A" at Page 340, situated in Champaign County, Illinois.

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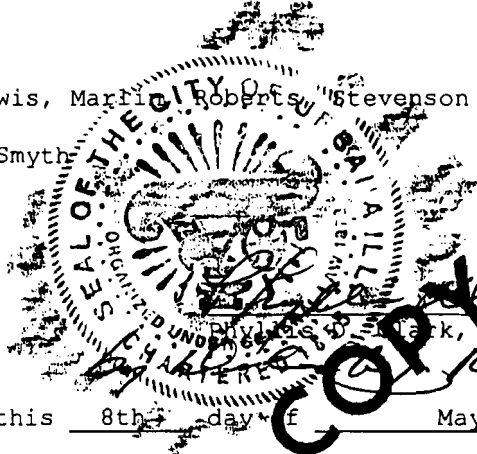
PIN #: 91-21-07-481-001

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 4th day of May, 2009.

PASSED by the City Council this 4th day of May, 2009.

AYES: Gehrig, Lewis, Marris, Roberts, Stevenson
NAYS: Bowersox, Smyth
ABSTAINS:



[Signature]
City Clerk
[Signature]
Deputy Clerk

APPROVED by the Mayor this 8th day of May, 2009.

[Signature]
Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2009-06-067

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AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in Maximum Allowable Floor Area Ratio (FAR) from 0.90 to 1.07 in the R-5, Medium High Density Multiple-Family Residential Zoning District / 805 West Green Street and 303 South Busey Avenue - Case No. ZBA-2009-MAJ-04)

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

WHEREAS, Scott Kunkel on behalf of Stephen R. Hartman, property owner, has submitted a petition for a major variance to increase the maximum allowable FAR from 0.90 to 1.07 in the R-5, Medium High Density Multiple-Family Residential Zoning District to allow for the enclosure of 84 existing balconies of the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on June 10, 2009 and voted 7 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

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

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

1. The petitioner is proposing to enclose 84 existing balconies at the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue.
2. The subject property is located in a developed area and is zoned R-5, Medium High Density Multiple-Family Residential.
3. To allow for the enclosure of the balconies, two major variances have been requested. Major Variance Case ZBA-2009-MAJ-04 will allow for a 19% increase in the maximum allowable Floor Area Ratio from 0.90 to 1.07. Major Variance Case ZBA-2009-MAJ-05 will allow for a 37% decrease in minimum allowable Open Space Requirement from 0.30 to 0.19.
4. The enclosure of the balconies is proposed to better meet current tenant demands and thereby increase the marketability of the apartment units by providing usable closet space and providing for increased natural light and ventilation.
5. 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 they would not allow for the extension of the buildings beyond the existing building envelope.
6. The requested variance represents the minimum deviation from the Zoning Ordinance to allow for all 84 of the balconies to be enclosed.

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

Section 1. The major variance request by Scott Kunkel, in Case No. ZBA-2009-MAJ-04, is hereby approved to increase the maximum allowable FAR from 0.90 to 1.07 in the R-5, Medium High Density Multiple-Family Residential Zoning District to allow for the enclosure of 84 existing balconies of the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue, in the manner proposed in the application.

COPY

The major variance described above shall only apply to the property located at 805 West Green Street and 303 South Busey Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The south 114.67 feet and the west 40 feet of the north 130 feet of Lot 2 in Sims Addition of Outlots and the east 39 feet of Lot 3 in Sims Addition of Outlots; all in the City of Urbana, Champaign County, Illinois.

Parcel Index Number: 92-21-17-103-019

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

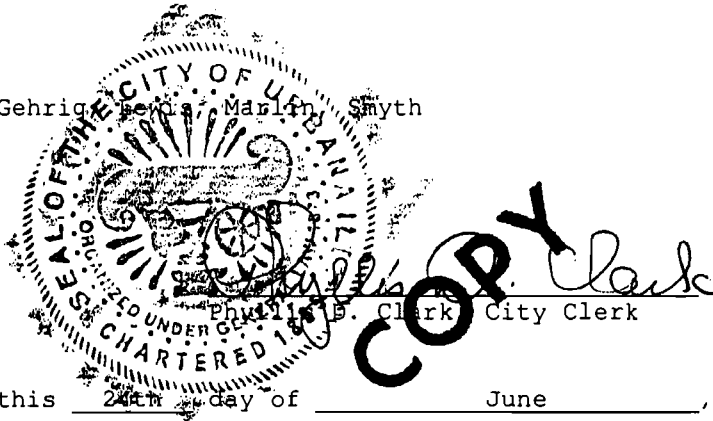
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 15th day of June, 2009.

PASSED by the City Council this 15th day of June, 2009.

AYES: Bowersox, Gehrig, Hendon, Marlin, Smyth

NAYS:

ABSTAINS:



APPROVED by the Mayor this 24th day of June, 2009.

Signature of Charles A. Smyth
Laurel Lunt Prussing, Mayor
By: Charles A. Smyth, Mayor Pro-tem

ORDINANCE NO. 2009-06-068

COPY

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Decrease in Minimum Allowable Open Space Requirement (OSR) from 0.30 to 0.19 in the R-5, Medium High Density Multiple-Family Residential, Zoning District / 805 West Green Street and 303 South Busey Avenue - Case No. ZBA-2009-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, Scott Kunkel on behalf of Stephen R. Hartman, property owner, has submitted a petition for a major variance to decrease the minimum allowable OSR from 0.30 to 0.19 in the R-5, Medium High Density Multiple-Family Residential Zoning District to allow for the enclosure of 84 existing balconies of the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-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 June 10, 2009 and voted 7 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

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

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

1. The petitioner is proposing to enclose 84 existing balconies at the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue.
2. The subject property is located in a developed area and is zoned R-5, Medium High Density Multiple-Family Residential.
3. To allow for the enclosure of the balconies, two major variances have been requested. Major Variance Case ZBA-2009-MAJ-04 will allow for a 19% increase in the maximum allowable Floor Area Ratio from 0.90 to 1.07. Major Variance Case ZBA-2009-MAJ-05 will allow for a 37% decrease in minimum allowable Open Space Requirement from 0.30 to 0.19.
4. The enclosure of the balconies is proposed to better meet current tenant demands and thereby increase the marketability of the apartment units by providing usable closet space and providing for increased natural light and ventilation.
5. 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 they would not allow for the extension of the buildings beyond the existing building envelope.
6. The requested variance represents the minimum deviation from the Zoning Ordinance to allow for all 84 of the balconies to be enclosed.

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

Section 1. The major variance request by Scott Kunkel, in Case No. ZBA-2009-MAJ-05, is hereby approved to decrease the minimum allowable OSR from 0.30 to 0.19 in the R-5, Medium High Density Multiple-Family Residential Zoning District to allow for the enclosure of 84 existing balconies of the Busey Court Apartment Complex located at 805 West Green Street and 303 South Busey Avenue, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 805 West Green Street and 303 South Busey Avenue, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

The south 114.67 feet and the west 40 feet of the north 130 feet of Lot 2 in Sims Addition of Outlots and the east 39 feet of Lot 3 in Sims Addition of Outlots; all in the City of Urbana, Champaign County, Illinois.

Parcel Index Number: 92-21-17-103-019

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 15th day of June, 2009.

PASSED by the City Council this 15th day of June, 2009.

AYES: Bowersox, Gehring, Lewis, Marlin, Smyth

NAYS:

ABSTAINS:



COPY
Charles A. Smyth
City Clerk

APPROVED by the Mayor this 24th day of June, 2009.

Laurel Lunt Pussing
Laurel Lunt Pussing, Mayor

By: Charles A. Smyth, Mayor Pro-tem

**2009 Zoning Board of Appeals
Meeting Minutes**

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

DATE: March 18, 2009
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED There were none.

STAFF PRESENT Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT Jenny Park, Jane Solon

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes of the November 19, 2008 meeting as presented. Mr. Corten seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ◆ Updated staff report regarding revisions to the conditions in the staff recommendation
- ◆ 2008 Republished Zoning Ordinance

NOTE: Chair Merritt asked that anyone who might want to testify to please stand and raise their right hands. She then swore in members of the audience who wished to speak.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2009-MAJ-01: Request by the Atkins Group, Inc. to revise an approved major variance allowing an electronic message board display to change no more than once every ten seconds, at 2710 and 2810 South Philo Road in the B-3, General Business Zoning District.

Case No. ZBA-2009-MAJ-02: Request by the Atkins Group, Inc. to revise an approved major variance allowing an electronic message board display to be multi-colored, at 2710 and 2810 South Philo Road in the B-3, General Business Zoning District.

Robert Myers, Planning Manager, presented these two cases together to the Zoning Board of Appeals. He explained that the proposed two variance requests are actually modifications to two variances approved in 2008. He gave a brief description noting the current zoning, existing land use and future land use designation of the proposed site as well as of the surrounding properties.

Mr. Corten asked for clarification about the area on the southwest corner of Windsor and Philo Roads marked as “mixed residential” in Exhibit D, Future Land Use Map. Is the University of Illinois is moving out of this area? Mr. Myers said no. This property may be owned by the University of Illinois Foundation and may be developed as residential at some point in the future.

Mr. Myers continued with the staff presentation. He pointed out that the shopping center buildings don’t face Windsor Road or Philo Road. They are more interior oriented. Consequently, the businesses don’t have the same visibility as a typical shopping center.

Mr. Corten wondered why the shopping center entrance on Windsor Road did not have a sign. Mr. Myers stated that the petitioners could answer this question. He explained that the Atkins Group designed the shopping center sign to be placed at the intersection. There is actually a sign easement that is on the Busey Bank property where the first shopping center sign will be located.

Mr. Myers talked about the previous variance requests that were approved for one LED display sign. Now that the shopping center has been constructed, the petitioner realizes that it was a mistake to limit themselves to one sign. A second sign is needed to help direct patrons to the businesses in the rear of the property.

He also pointed out that in the previous case from 2008, the wrong exhibit was attached to the staff report. They should have attached an illustration showing the height of the sign to be 113 square feet rather than 78.5 square feet. As a result, the City Council approved the two variances with the condition that the size of the sign conform to the attached wrong exhibit.

Mr. Myers stated that the petitioner is not asking for any changes to the variance standards themselves. They are only asking for relief from the restrictions that were placed as conditions for approval of the variances. Chair Merritt asked for clarification on what the Zoning Board of Appeals should be considering. Mr. Myers explained that the petitioner is asking for a sign measuring 113 square feet in size rather than 78.5 square feet and to be able to have a second shopping center sign on the property.

Mr. Warmbrunn inquired whether the second sign would be 113 square feet as well. Mr. Myers replied that the petitioners would need to meet the sign code as stated in the Zoning Ordinance. So, the sign could be up to 150 square feet in size.

Mr. Warmbrunn pointed out that the amended size of the sign is not in either recommendation by staff. He recommended that the Zoning Board mention the size in the motion and conditions. He also noticed that the revised conditions that were handed out prior to the start of the meeting refer to the two cases in 2008. This needs to be changed to 2009.

He wondered why they needed condition #4 for Case No. ZBA-2009-MAJ-01 if they are only increasing the size of the sign allowed. Mr. Myers stated that it is necessary because the petitioners are asking for two signs instead of one. Mr. Warmbrunn asked if the petitioners needed to ask for two signs in both variance requests. Mr. Myers explained that the reason City provides two recommendations, one for each variance, is to give the Zoning Board of Appeals the opportunity to approve one request and reject the other if so desired. The Board should vote on the two variance requests in separate motions.

Mr. Warmbrunn commented that this is where the Zoning Board of Appeals is confused. Chair Merritt agreed. She pointed out that for Case No. ZBA-2009-MAJ-01 on the handout with the revised conditions, it states "*display frequency*" which is not the essence of what they are considering. They are considering an increase in the size of the sign. Mr. Myers stated that Case No. ZBA-2009-MAJ-01 deals with the display frequency. Mr. Warmbrunn questioned whether they are opening up the previously approved two variance requests from 2008 to amend them. Mr. Myers replied that the petitioners are requesting that the conditions on the previously two variance requests be modified. Mr. Warmbrunn wondered if the Zoning Board of Appeals is against the increase in the size of the sign or the second sign, then would voting for denial erase the approval obtained in 2008. Mr. Myers responded that if the proposed variances are not approved, then the petitioners would still have the approval from the previous variance requests in 2008.

Chair Merritt pointed out that if the essence of what the Zoning Board of Appeals is reviewing and deciding on is to increase the size of the sign and to allow a second sign, then it should say that instead of "*display frequency*" and "*display color*". Mr. Myers noted that both the increase of the size of the sign and allowing a second sign are incorporated into the recommended revised conditions. Mr. Warmbrunn said that the recommended revised conditions are the same for both variance requests. Both requests are mentioned in the proposed conditions, so if he approves the increase in the size of the sign on Lot 201, but disapproves of the second sign being constructed on Lot 208, then he would have to deny both since they are both mentioned in the proposed conditions for each case. Mr. Myers commented that is why they are recommended conditions and that the Zoning Board of Appeals can change the language of the proposed conditions.

Ms. Uchtmann mentioned that Condition #3 should state "*Lot 208*". The shopping center sign on Lot 201 was already talked about in Condition #1. Mr. Myers said that is not accurate. When reading Condition #3, it states that the sign on Lot 201 should conform to the Zoning Ordinance and that animated, flashing and scrolling signs are prohibited. City staff did not want to open the door to these other types of signs that are prohibited.

Mr. Warmbrunn asked for clarification as to which case refers to the addition of the second sign on Lot 208. Mr. Myers explained that the petitioners applied in their application to have a second sign on Lot 208. Recommended Condition #4 of both variance cases would allow the second sign. Mr. Warmbrunn reiterated that the recommended conditions are the same for both variance cases. The only difference is that Case No. ZBA-2009-MAJ-01 says "*display frequency*" and Case No. ZBA-2009-MAJ-02 says "*display color*". Mr. Myers said that is correct. Mr. Warmbrunn said he did not see where they were asking for an additional sign, which is the critical part of the discussion. Mr. Myers said that Condition #4 on both votes would allow a second shopping center sign.

Mr. Warmbrunn understood it to be that the Zoning Board of Appeals was reviewing the entire two variance requests again. Case No. ZBA-2009-MAJ-01 deals with the display frequency and Case No. ZBA-2009-MAJ-02 deals with the display color. Chair Merritt added that if the Board votes in favor of the two variance requests, in that process they also approve the 113 square foot sign and the construction of the second sign on Philo Road. Mr. Myers said yes.

Mr. Warmbrunn stated that he thought they had already approved the display color and frequency in the previous two cases in 2008. Chair Merritt pointed out that the proposed two variance requests just correct some things that were overlooked in the previous two related cases. Mr. Myers referred to Exhibit H, Ordinance No. 2008-03-017 and Ordinance No. 2008-03-018. In the Ordinances, Condition #1 states the following, "*That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.*" The submitted plan was the wrong one, so they needed to come back to the Zoning Board of Appeals to get approval of the correct plan.

Ms. Uchtmann questioned whether the petitioners had submitted another site plan to deal with the size issue. Mr. Myers said yes. Ms. Uchtmann suggested that Condition #1 then read as follows, "*That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering submitted with the application dated February 24, 2009.*" Otherwise, it could mean the original application. Chair Merritt agreed that it might add some clarification.

Mr. Warmbrunn stated that he did not understand if the City changes one part of the ordinance how the rest of the ordinance stands. In the explanation of the original staff report, City staff mentioned that there is a 78.7 square foot sign and this would create a 90% reduction in the amount of signage, which is good for public interest. Now, that 90% will be reduced with the increase of the size of the sign on Lot 201, and it will be reduced even more with the construction of the second sign. Mr. Myers stated that this is what the Zoning Board of Appeals is being asked to weigh...whether it's a reasonable condition for approval of the variance.

Mr. Warmbrunn inquired as to whether the original ordinances would be come voided with the approval of the two proposed variance requests. Mr. Myers replied that they would adopt a new ordinance with modified conditions, and they would attach the site plan labeled "Option A".

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

Jenny Park, of Meyer Capel, and Jane Solon, of the Atkins Group, spoke on behalf of the petitioner, the Atkins Group.

Ms. Solon addressed a question asked by Mr. Corten regarding the possible placement of a sign at the curb-cut along Windsor Road. She noted that the Atkins Group has looked at the visibility of a sign and where most of the traffic transverses to see where the best location would be. They also want to keep the landscape uncluttered from having lots of signs. This is the reason they originally asked for an electronic message board. Mr. Corten remarked that this is a good idea.

Ms. Park elaborated on the confusion of the Zoning Board members regarding the purpose of the proposed two variances. The Atkins Group wants a modification of the variances that were granted in 2008. However, the City of Urbana's Zoning Ordinance does not compensate for modifications being brought before the Zoning Board of Appeals. This is why City staff wanted to bring two new variances that are essentially the same variances that were approved in 2008 only with two conditions being modified. Consequently, the Atkins Group drafted the application to ask for modifications of the two variances rather than asking for two whole new variances.

Mr. Armstrong recalled that when the first variances came before the Zoning Board of Appeals the argument was by placing the one sign at the corner of Windsor and Philo Roads, it would have the maximum visibility. The primary purpose of the sign was to provide motorists with information about what the shopping plaza contains. Now, there is an argument that there is need for a second sign at the entrance of Philo Road presumably so people know where the entrance is. He asked why the second shopping center sign needs to be a similar message board sign.

Ms. Solon responded that the Atkins Group would like to have the flexibility to have the second sign be an electronic message board. They are not saying that they will have a message board for the second sign. It all depends on how the area is developed, how many stores and what types of tenants they get. If they do not have some flexibility, then they will be back asking for a modification of a modification of a variance, and it will be even more confusing. She asked the Zoning Board of Appeals to take into consideration the kind of developments that the Atkins Group builds. They would not construct anything that would be tasteless or would not fit with the concept of the community feel for what they want for that part of town and that development.

Ms. Park added that they are not saying that they will have two identical signs one on Philo Road and one on the corner. The request to construct a second sign came about because patrons have been saying that they did not know where to turn to go to find that business. The second sign will meet all of the codes in the Zoning Ordinance.

Mr. Corten inquired whether the Atkins Group would come back in two or three more years after more businesses are developed asking for more signage for their patrons as well. Mr. Welch said

that this would not necessarily happen. The message board sign on the corner will change messages to advertise different businesses in the development.

Ms. Park said that the Atkins Group wants the flexibility to be able to determine what would best fit with the atmosphere of the shopping center. They are a quality shopping center, so they would not construct something like the one at Lincoln Square. They want the sign to be attractive to the quality of tenants that they are trying to attract.

Mr. Warmbrunn asked if the Atkins Group has done a new study to determine that this is the best location for the second sign. Ms. Solon replied that they need signs in both locations to adequately let people know where The Pines is located and to advertise for the current and future tenants.

Mr. Warmbrunn expressed his concern about giving the petitioner an open-ended ability to construct any kind of sign on Lot 208. Mr. Myers pointed out that the second sign would have to meet all the sign code requirements. It could be up to 150 square feet in area.

Mr. Warmbrunn commented that it could end up being the largest sign on the site if the City does not set any perimeters. Ms. Solon responded that it was safe to say that if the sign was a LED sign, then it would not be 150 square feet in size.

Mr. Corten stated that the proposed second sign would be a freestanding sign. Ms. Solon said that is correct.

Ms. Uchtmann questioned whether the motion needed to state the largest size of the freestanding sign or does it not matter because the Zoning Ordinance allows a sign up to 150 square feet. Ms. Park reassured her that the Atkins Group was not going to go above what the Zoning Ordinance allows, which is 150 square feet.

Mr. Warmbrunn voiced his concern about the Atkins Group having free reign because they cannot commit at this time as to what size the second sign would be. Ms. Park replied that she would not call it free reign because the City has limited through the Zoning Ordinance how large a freestanding sign can be. Given the quality of the shopping center, the Atkins Group is not going to construct a huge sign because it would be an eyesore of the shopping center.

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

Mr. Warmbrunn recommended the following changes to the proposed conditions:

ZBA-2009-MAJ-01:

Condition #1 – Define shopping center sign as being Option A

Condition #2 – Define shopping center sign as being Option A

Condition #3 – Define shopping center sign as being Option A

Condition #4 – State that the shopping center should be limited to a total of two signs (Option A and a second sign should be no larger than Option A) ...

ZBA-2009-MAJ-02:

Have all four conditions the same as Case No. ZBA-2009-MAJ-03

Ms. Park commented that by limiting the size of the second sign to 113 square feet, then they are limiting the Atkins Group to having it be an LED sign, because that is the only thing that would allow for that size to get all of the tenants on the sign. Chair Merritt pointed out that they have been discussing LED signs all along with display frequency and color. Ms. Park stated that was for the first sign. The second sign has never been represented as being an LED sign. The Atkins Group would like the flexibility. If the Zoning Board of Appeals reduce and limit the size of the second sign, then it will force the sign to be a LED sign. This could cause the Atkins Group to come back to request another modification in the future.

Mr. Schoonover commented that it sounds like the petitioner wants one LED sign with the flexibility to construct a second sign as they see fit. It seems like the second sign should be considered at a future time because the Zoning Board does not know what the Atkins Group wants and the Atkins Group does not know at this time what they want for the second sign. Ms. Park pointed out that they do know that they need a second sign. They were hoping that as long as they met the codes in the Zoning Ordinance, then they would not need to come back before the Zoning Board of Appeals. Mr. Myers stated that if the second sign is approved through the proposed variance requests, then the petitioner would not need a variance granted for the size of the sign as long as the sign conforms to the Zoning Ordinance requirements.

Ms. Merritt did not see why they needed to add language about the second sign being no larger than Option A in Condition #4. Mr. Myers said that it is something Mr. Warmbrunn wanted to add. Mr. Warmbrunn recalled that Ms. Solon and Ms. Park both stated that they would probably not construct a sign 150 square feet in size. People are telling the Atkins Group that they need a second sign, when they don't even have the first sign constructed yet. So, how do they know they need a second sign? What can the petitioner do by right?

Mr. Myers explained that under the Zoning Ordinance, two shopping center signs are allowed per street frontage of more than 300 feet. So for this development, the Atkins Group could have six-150 square foot shopping center signs. Instead the Atkins Groups is agreeing to place limitations of having two signs, one would be 113 square feet and the second could be up to 150 square feet in size.

Mr. Warmbrunn commented that it is now a question of whether the petitioner needs two signs and should the Zoning Board let the petitioner have free reign on the second sign. They already changed what would be allowed by right in the Zoning Ordinance by approving the previous two variance requests in 2008. He is not against the second sign. He just wants to define what could be built.

Mr. Welch said that the Board would not be giving the petitioner free reign because the second sign is allowed by right. He feels that the Board is treading on slippery ground because the petitioner is allowed to have six – 150 square foot signs, and the Board is trying to tell the petitioner what to do with the second sign.

Ms. Merritt inquired about the petitioner's rights. If the City gives the petitioner permission to construct the one sign, could the Atkins Group change their minds and construct the six 150 square foot signs that they originally would be allowed by right to construct. Mr. Myers responded that if they constructed six shopping center signs on the property as allowed by the Zoning Ordinance, they would violate the conditions of the two previously-approved variances. That means they couldn't take advantage of the variances.

Mr. Myers said that he senses that the Board will need to modify the wording of the proposed variance conditions in order for them to be clear for everyone. He suggested that the Zoning Board of Appeals take a five minute recess to allow him time to revise the recommended conditions in writing to reflect the changes that were mentioned. This way Board members could vote on the exact wording in writing.

Chair Merritt called a recess at 8:42 p.m.

The Zoning Board of Appeals meeting was reconvened at 8:55 p.m.

Mr. Myers handed out revised recommended conditions which included the following changes sought by the Zoning Board of Appeals.

In ZBA Case No. 2009-MAJ-01 (display frequency), the proposed revised conditions are:

1. That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering ("Option A") submitted with the application dated Feb. 24, 2009.
2. That the variance for display frequency is approved for the proposed shopping center sign with LED display on Lot 201 ("Option A").
3. That the shopping center sign on Lot 201 ("Option A") will conform to the other requirements of Urbana Zoning Ordinance Section IX-4.D.3 which prohibit animation, flashing, or scrolling of electronic message board (LED) displays.
4. The Pines at Stone Creek Commons Shopping Center shall be limited to a total of two freestanding shopping center signs. The locations shall be limited to the areas of Lots 201 and 208 of Pines at Stone Creek Commons Subdivision as depicted on the subdivision plat recorded March 30, 2007.

In ZBA Case No. 2009-MAJ-02 (display color), the proposed revised conditions are:

1. That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering ("Option A") submitted with the application dated Feb. 24, 2009.
2. That the variance for display color is approved for the proposed shopping center sign with LED display on Lot 201 ("Option A").

- 3. That the shopping center sign on Lot 201 (“Option A”) will conform to the other requirements of Urbana Zoning Ordinance Section IX-4.D.3 which prohibit animation, flashing, or scrolling of electronic message board (LED) displays.
- 4. The Pines at Stone Creek Commons Shopping Center shall be limited to a total of two freestanding shopping center signs. The locations shall be limited to the areas of Lots 201 and 208 of Pines at Stone Creek Commons Subdivision as depicted on the subdivision plat recorded March 30, 2007.

Mr. Armstrong moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-01 (display frequency) to the City Council with a recommendation for approval, including the four conditions provided in the revised handout just received. Mr. Corten seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	No
Mr. Welch	-	Yes			

The motion passed by a vote of 6 – 1.

Mr. Armstrong moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-02 (display color) to the City Council with a recommendation for approval, including the four conditions provided in the revised handout just received. Mr. Corten seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	No
Mr. Welch	-	Yes			

The motion was passed by a vote of 6 – 1.

Mr. Myers noted that these two cases would go before the City Council on April 6, 2009.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

2008 Zoning Board of Appeals Annual Report

Robert Myers, Planning Manager, presented the report to the Zoning Board of Appeals. He commented that the report includes approved minutes and ordinances. These are helpful to have as a reference because almost everything provided in Board packets are draft and proposed versions.

Mr. Warmbrunn commended City staff for a job well done in getting the garage replacement text amendment and the MOR text amendment presented to and approved by the City Council in a very timely fashion. These two text amendments fix some of the problems that were detected as applications were brought before the Zoning Board of Appeals.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

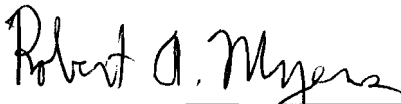
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: April 15, 2009

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED There were none.

STAFF PRESENT Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT Sarah Scott, Janet Torres, Howard Wakeland

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Robert Myers, Planning Manager, handed out a revised copy of the minutes. The revised minutes includes the conditions that Mr. Myers modified during the public hearing at the last meeting.

Other necessary corrections noted included the following:

- ◆ Page 8 – Second Paragraph – Last Sentence: Remove “I” and capitalize the “t” in “that” so the sentence reads as such: *“That way Board members could vote on the exact wording in writing.”*
- ◆ Page 5 – Fourth Paragraph – Second Sentence to the Last: “original” should be “originally”

Mr. Corten moved that the Zoning Board of Appeals approve the minutes as amended. Ms. Uchtmann seconded the motion. The minutes were then approved by unanimous voice vote as amended.

4. WRITTEN COMMUNICATIONS

- ◆ Handout submitted by Howard Wakeland of photos of other properties he owns
- ◆ Brochure of rentals properties submitted by Howard Wakeland that he owns
- ◆ Figure VIII-1. Parking Modules with Flexible Aisle Widths of the Urbana Zoning Ordinance submitted by City staff

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

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2009-MAJ-03: A request by Howard Wakeland for a major variance to encroach 10 feet into the required 15 foot front-yard setback along Harvey Street in the B-3U, General Business-University Zoning District.

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He explained the reason for the proposed variance request. He gave a brief description of the proposed site as well as for the adjacent properties noting their current zoning, existing land uses, and future land use designations. He discussed the character of the engineering campus area and the B-3U, General Business Zoning District. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Staff recommends that the Urbana Zoning Board of Appeals review and consider the findings presented in the written staff report and any additional evidence provided at the public hearing, along with any additional information that may be required in order to make a final decision on Case Number ZBA-2009-MAJ-03.

Should the Zoning Board of Appeals decide to forward the case to the Urbana City Council with a recommendation for approval, staff recommends the approval be subject to the following conditions:

1. *That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.*

2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.

Robert Myers, Planning Manager, distributed a copy of Figure VIII-1 (Parking Modules with Flexible Aisle Widths) of the Urbana Zoning Ordinance. He pointed out that what the petitioner is proposing is shown on the bottom of the handout. The ordinance shows that the minimum module width for this particular angle of parking stalls is 55 feet, six inches. What it comes down to is whether the Zoning Board of Appeals wants the parking to be totally underneath the building or a building on stilts with parked cars extending out from underneath the building. (Parked cars can encroach in the setback but buildings cannot.) A few other options exist. Mr. Wakeland could provide some off-site parking or cut the number of dwelling units in half to lower the number of required parking spaces.

Mr. Armstrong noticed a discrepancy between the 14-foot, 5 inch aisle width in the parking plan provided in the packet versus the 14-foot, 6 inch aisle width shown in tonight's handout. He also expressed concern about the back up distance for vehicles. Mr. Engstrom explained that the plans they are reviewing are sketches for illustration purposes. When the petitioner's architect or engineer draws up plans for building permit approval, City staff will insure that the parking conforms to the City's requirements.

Chair Merritt asked if the 55-foot, 6 inch module width can be accommodated on the proposed site. Mr. Myers said yes if the proposed variance is approved. Or if a variance isn't approved, it could be accommodated if parked cars could extend out from underneath the building.

Mr. Engstrom noted that in terms of the actual module width it might have to be less than 60 degrees. If the parking angle is 57 degrees, then it probably would meet the 55 feet, 6 inch minimum module width requirement.

Mr. Warmbrunn inquired as to whether any of the proposed 18 parking spaces would be designed for handicap parking. Mr. Engstrom replied that two of the parking spaces would need to be designated for accessible parking. This leaves 16 spaces on site. The petitioner can also provide parking spaces off-site as well.

Mr. Warmbrunn asked if the Zoning Board of Appeals should be concerned with off-site parking. Mr. Engstrom said that the petitioner does own several properties in the area, and the petitioner has indicated that there are some free spaces in the parking lots associated with those properties.

Mr. Corten commented that the lot is very long and narrow. By allowing new buildings to be constructed now, the City would be cementing the design for the lots for the next 40 to 50 years. He wondered if the Plan Commission had reviewed this issue. Is there any thinking about widening these lots by making two lots out of three? Mr. Myers answered that there is a couple of possible solutions. The first would be to consolidate lots. In this case, a higher-density building exists next door. Consolidation would be quite costly to purchase and tear down to

expand the property in question. The other possibility is for the Zoning Board of Appeals to ask the Plan Commission to reconsider setbacks in the B-3U Zoning District. This building setback question has cropped up several times.

With no further questions from the Zoning Board of Appeals for City staff, Chair Merritt opened the public hearing up for comments and questions from the audience.

Howard Wakeland, petitioner, addressed the parking issue. He stated that the submitted parking plan is a concept, not the finalized plan. Parking must be accurate and meet the City's standards. Parking can be whatever angle necessary to accommodate what they need. If they do not get enough parking spaces on the proposed site, then they have over 150 other parking spaces on the same block that there are extra parking spaces available in to provide off-site parking. Parking is not something that they should be arguing about at this meeting. He will work out the details with the Building Safety Division should the Zoning Board of Appeals grant approval of the variance.

He explained the handout with the photos of other properties. He mentioned that his business has grown to be a fairly sizable housing operation. They have 12 apartment buildings with approximately 400 students. They try to make the apartments something that people would really like to live in. His philosophy about what their attitude is with regards to constructing apartment buildings is as follows:

- Never try to build an apartment building on a lot that is not zoned for apartments;
- Build only one- and two-bedroom units, because they feel they can control and manage them much better than three and four bedroom units;
- Buy no properties east of Lincoln Avenue, due to the politics;
- Provide a bathroom for every bedroom;
- Only construct interior staircases, to keep them cleaner – no leaves or mud;
- Provide basic needs – laundry stall, microwave, refrigerator, furniture, and phone and internet access;
- Build bedrooms with a desk/office area;
- Provide security outside and inside;
- Provide parking;
- Provide bicycle storage in the newer buildings; and
- Provide convenient waste removal.

Mr. Wakeland stated that the bottom line is that he would like to know the extent of the building footprint for the new building. The footprint will depend upon what they do with the parking. He asked the Zoning Board of Appeals to not get hung up on the width of the parking aisle, because it is all a matter of mathematics and working it out. He wants to use more space on the lot. The proposed schematic is just that. He did not want to prepare detailed drawings and then ask for a variance. Instead he wanted to get approval of a variance first. He explained that about three years ago, he had a complicated case where he lost about \$100,000 between losing a season of building and blueprints and architects, etc. He does not want to go through that experience again.

The B-3U Zoning District is a very good zoning district. The City created the B-3U zoning district to increase occupancy near the University of Illinois campus. In addition, the demolition of an “animal house” and construction of an apartment building in its place generally increases the amount of real estate taxes by eight times. Campus housing has changed a lot over the years. Apartment buildings with small bedrooms and no study areas, and units that do not have a bathroom per bedroom, are less desirable and harder to rent. These amenities raise the price of apartments.

If the Zoning Board of Appeals grants the proposed variance, then everyone wins. The City gets more tax revenue and the students/tenants will get more usable living space. He provides good management. His apartments have no police calls at all, and the Student Tenant Union has not received one student complaint about his apartments in 15 years.

Mr. Corten asked if he has ever had a student fall off a balcony. Mr. Wakeland said no, because they prefer their apartment buildings to not have balconies. The reasons being because people can fall off the balconies, balconies weather very badly regardless of how well they are built, and residents tend to store bicycles, wood, chairs, etc. on balconies.

Mr. Schoonover inquired about the off-site parking that Mr. Wakeland has available. Are they vacant lots or do they already have buildings on them? Mr. Wakeland responded that they have three other properties on the block which have parking underneath the buildings. There are a few extra parking spaces available on these lots. They also have an additional property off-site where there are extra parking spaces available. Across the street, they own a property with even more extra parking spaces. So, within 600 feet they could probably accommodate another eight or ten vehicles if needed.

Mr. Schoonover asked if providing off-site parking for the proposed development would take away from the required parking spaces for the other properties. Mr. Wakeland said no.

Mr. Myers clarified that the building just south of the proposed site received a setback variance due to parking underneath the building. He questioned whether the unused spaces are really available. Even if they are actually empty, these parking spaces are still included in the minimum number of required parking spaces for that property and cannot be used as off-site parking spaces for the proposed development.

Mr. Wakeland remarked that whenever a property owner allows off-site parking on another property to justify a project, the property owner of the off-site parking lot has to sign those parking spaces over to the use on the other lot in the deed. In other words, for the extra parking spaces to be used, they will be real spaces legally bound for use at the other location.

Mr. Corten wondered if any of the properties mentioned were just parking lots or do they all have buildings on them. Mr. Wakeland replied that all of the parking lots he mentioned are connected to existing apartment buildings. However, if they need six or eight more parking spaces, then he will be able to find them.

Mr. Warmbrunn asked for clarification about what Mr. Wakeland is seeking a variance for. Is the extra five feet for the footprint of the apartment structure? Does the parking go hand in hand with the variance? Mr. Wakeland responded that the variance will be for the footprint of the building, not the parking. Once the Board decides exactly what they want, then they will justify the parking by the number of spaces that they can put underneath the proposed building. If they need additional parking spaces, then they will go to their other lots where extra parking spaces are available and assign them to the proposed building.

Mr. Corten questioned whether the laundry room shown on the Preliminary Line Drawing would be accessible from the hallway. Mr. Wakeland answered that each apartment unit would have a separate laundry room inside the unit.

Mr. Welch reminded the Zoning Board of Appeals that whatever the petitioner builds will have to comply with all the other ordinances. In a way, it seems that the Board is trying to micromanage the proposed development. Mr. Wakeland just simply needs the Board to let him know what the dimensions can be for the proposed new building, and he will come up with plans for the parking that will comply with the City's requirements. As mentioned when Mr. Wakeland previously tried to get a variance after creating final plans, his ideas were denied and it cost him money for drawings. This time, if he knows what the boundaries are for the proposed site then he can work within those boundaries and meet City Code. Mr. Wakeland is right in that the Zoning Board of Appeals does not need to be concerned with the number of parking spaces at this hearing other than to say that if the variance is granted, he must comply with building safety codes, traffic flow, etc., which he would have to do anyway. Therefore, he felt that the Board should either take questions and/or comments from other members of the audience or vote on the case. Many developers are trying to get more and more people into smaller spaces. The University of Illinois is knocking down dormitories. Mr. Wakeland is committing himself to staying on the west side of Lincoln Avenue. If the setback goes a little beyond what is required, then it would not alter a neighborhood where people live for a long period of time. He feels that the Board members can be a little bit trusting in this particular area because some of the concerns that exist in other neighborhoods are not the same here. The residents are not the same over a long period of time, because they are all transient, and no one will notice if the building sticks out a little further. Mr. Welch felt that it is a reasonable request to merely let the petitioner know what his boundaries are. Mr. Wakeland commented that Mr. Welch's summary was well done. If the proposed variance request is approved, then the next step would be to hire an architect.

With no further comments or questions from audience members, Chair Merritt closed the public input portion of the hearing. She then opened the hearing to Board discussion and/or motion(s).

Mr. Myers clarified that Mr. Wakeland could change the angle of the parking some to make the module width somewhat narrower, but he could not lop off ten feet by changing the angle of the parking. That's why just changing the angle of the parking spaces won't resolve the setback issue. Chair Merritt pointed out that this is something Mr. Wakeland would have to work out after the variance has been approved or denied.

Mr. Schoonover moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-03 to the City Council with a recommendation for approval along with the two conditions as recommended by City staff. Mr. Corten seconded the motion.

Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on May 4, 2009.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Robert Myers said that the City Council approved the new conditions for the Pines at Stone Creek sign variances, as recommended by the Zoning Board of Appeals.

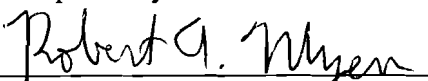
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: May 20, 2009

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Herb Corten, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED Anna Merritt, Joe Schoonover, Nancy Uchtmann

MEMBERS UNEXCUSED Paul Armstrong

STAFF PRESENT Lisa Karcher, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT Brianna Kneller, Scott Kunkel

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

The meeting was called to order at 7:41 p.m. Roll call was taken, and a quorum was not present.

Mr. Warmbrunn moved that Harvey Welch serve as Acting Chairperson in the absence of Anna Merritt. Mr. Corten seconded the motion. Roll call on the motion was taken and was approved unanimously.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

In the absence of a quorum, the minutes from the April 15, 2009 meeting could not be reviewed.

4. WRITTEN COMMUNICATIONS

- ◆ Letter from Tri Star Marketing, Inc. regarding Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05: A request by Scott Kunkel for two major variances to exceed the maximum allowable Floor Area Ratio by 19% and reduce the open space to 37% below the minimum required Open Space Ratio, for an existing building at 805 West Green Street and 303 South Busey Avenue, located in the City's R-5 (Medium High Density Multiple-Family Residential) Zoning District.

Acting Chairperson Welch opened this agenda item. Mr. Corten moved that the Zoning Board of Appeals continue Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05 to the next regular meeting which is scheduled for June 17, 2009. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Mr. Corten	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

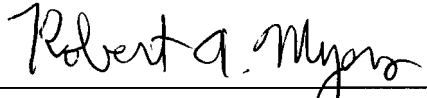
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Mr. Warmbrunn moved to adjourn at 7:46 p.m., and Mr. Corten seconded the motion. The meeting was adjourned by unanimous voice vote.

Respectfully submitted,

Handwritten signature of Robert A. Myers in cursive script.

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: June 10, 2009

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover,
Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

STAFF PRESENT Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri
Andel, Planning Secretary

OTHERS PRESENT Scott Kunkel

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Armstrong moved that the Zoning Board of Appeals approve the minutes from the April 15, 2009 meeting as presented. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes from the May 20, 2009 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ◆ Letter from Tri Star Marketing, Inc. regarding Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05

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

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05: A request by Scott Kunkel for two major variances to exceed the maximum allowable Floor Area Ratio by 19% and reduce the open space to 37% below the minimum required Open Space Ratio, for an existing building at 805 West Green Street and 303 South Busey Avenue, located in the City's R-5 (Medium High Density Multiple-Family Residential) Zoning District.

Lisa Karcher, Planner II, presented these two cases together to the Zoning Board of Appeals. She began with a brief description of the proposed site noting the existing land use, zoning and future land use designation of the subject property and of the surrounding adjacent properties. She showed the site layout submitted by the petitioner. She also showed photographs of how the balconies of the existing building currently look. She discussed floor area ratio (FAR) and open space ratio (OSR) requirements. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed two variance requests. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Regarding Case No. ZBA-2009-MAJ-04:

Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve the requested major variance in Case No. ZBA-2009-MAJ-04 to allow for a 19% increase in the maximum allowable FAR from 0.90 to 1.07.

Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve the requested major variance in Case No. ZBA-2009-MAJ-05 to allow for a 37% decrease in minimum allowable OSR from 0.30 to 0.19.

Mr. Schoonover inquired as to whether the balconies were originally screened in or were they screened in at a later date. Ms. Karcher stated that she did not know the answer to this question; however, the petitioner was available to answer questions.

Mr. Corten stated that it is conceivable that the building was designed this way to get in without a need for a variance, and then come back later and say that it would not change anything. Ms. Karcher commented that there are quite a few apartment buildings that have balconies that are walled on both sides and have a railing. It is not typical to see balconies screened in.

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

Scott Kunkel, petitioner, remarked that Ms. Karcher did a good job presenting the case. He is available to answer any questions. Regarding Mr. Schoonover's question, he pointed out that the original permit drawings for the project included the screening of the balconies. They were built that way from the beginning.

Mr. Schoonover noticed that there is a door in each bedroom that exits out onto the balconies as well. Was this also pre-existing? Mr. Kunkel said yes.

With no further testimony from the audience, Chair Merritt closed the public input portion of the hearing and opened it for discussion and/or motions by the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-04 to the Urbana City Council with a recommendation for approval. Mr. Armstrong seconded the motion. Roll call on the motion was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was approved by unanimous vote.

Ms. Uchtmann moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-05 to the Urbana City Council with a recommendation for approval. Mr. Welch seconded the motion. Roll call on the motion was as follows:

Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was approved by unanimous vote.

Robert Myers, Planning Manager, noted that these two cases would go before the City Council on Monday, June 15, 2009.

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

Robert Myers, Planning Manager, gave the following staff report:

- ✦ Farewell to Anna Merritt and Herb Corten after 15 years of serving on the Zoning Board of Appeals. He understands this will be their last meeting. He thanked them and all the Board members for their service as volunteers and for their professionalism.

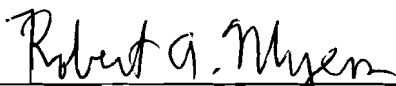
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

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

DATE: August 19, 2009

DRAFT

TIME: 7:30 p.m.

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

MEMBERS PRESENT	Paul Armstrong, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn
MEMBERS EXCUSED	Harvey Welch
STAFF PRESENT	Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT	Audra Martin, Jeff Trainor

Lisa Karcher announced that Mayor Prussing on August 17, 2009 appointed Paul Armstrong as the Chair of the Zoning Board of Appeals. The City Council approved the appointment.

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes from the June 10, 2009 special meeting as drafted. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ◆ Photos pertaining to Case No. ZBA-2009-MIN-02

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

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Case No. ZBA-2009-C-01: A request by Audra Martin for a Conditional Use Permit to allow for a confectionery products manufacturing and packaging business to operate in the building at 702-732 Killarney Street (Lincoln Commerce Center) in the B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented this case to the Zoning Board of Appeals. She began by explaining the purpose for the conditional use permit request. She talked about the proposed site and listed the current tenants in the building. She then discussed existing on-site parking. She gave a brief description of the subject property and of the surrounding adjacent properties noting their location on a map and stating the zoning and existing land uses of each.

She talked about the petitioner's existing business, Toffee by Audra, and about the proposed site. She reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals grant the proposed conditional use in Case ZBA-2009-C-01 for the reasons articulated and with the following conditions:

- 1. All proposed renovations meet the Urbana Building Code.*
- 2. All necessary permits/licenses are secured from the Champaign-Urbana Public Health District.*

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

Audra Martin, petitioner, approached the Zoning Board of Appeals to answer any questions they may have.

Mr. Schoonover inquired about the hours of operation. Ms. Martin replied that they would work mostly daytime hours. However, when they get into their peak holiday season, then there may be 12-hour working days. Mr. Schoonover asked for clarification on what time of the day they would start working. Ms. Martin said around 6:00 a.m.

Ms. Uchtmann wondered how long Ms. Martin has been in business. Ms. Martin answered by saying that this will be her fifth year as a corporation. However, she has been making and selling candy for almost seven years.

Chair Armstrong asked for clarification about the petitioner’s plans to renovate the existing space. Ms. Martin explained that it is currently a big open warehouse, and she plans to enclose some of the area and provide proper ventilation to accommodate the Champaign-Urbana Public Health code.

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

Mr. Schoonover moved that the Zoning Board of Appeals grant the conditional use permit request along with the additional conditions as recommended by City staff. Ms. Uchtmann seconded the motion. Roll call was taken and was as follows:

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

The motion was approved by unanimous vote.

Chair Armstrong wished the applicant much luck with their enterprise.

Case No. ZBA-2009-MIN-02: A request by Jeff Trainor for a minor variance to build an addition encroaching 23% into the required 23.9-foot front yard at 201 North McCullough Street in the R-4, Medium Density Multiple-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He explained the reason for the minor variance request. He described the subject site showing an aerial photo of the property. He noted the zoning and existing and future land use designations of the subject property and of the surrounding adjacent properties. He referred to the photos that were handed out prior to the start of the meeting. He indicated on the site plan where the existing section sticks out of the back of the house and where the new addition would be located. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request. He read the options of the Zoning Board of Appeals and presented staff’s recommendation, which is as follows:

Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented

during the public hearing, staff recommends that the Zoning Board of Appeals approve Case No. ZBA-2009-MIN-02.

Mr. Schoonover wondered why staff considered this an encroachment into the front-yard setback when the new addition would be located in the back yard behind the house. Mr. Engstrom explained that the Zoning Ordinance defines "front-yard" as any yard that fronts upon a public street. Since this is a corner lot, it has two front yards.

Mr. Warmbrunn commented that the entire house is non-conforming on this particular lot. If a new house were to be built, it would have to be small because of the shape of the property. Mr. Engstrom stated this is true. It is a common problem with older houses on smaller lots, especially corner lots.

Mr. Schoonover inquired about the garage. Mr. Engstrom pointed out that it is a detached garage.

Ms. Uchtmann wondered if the owner was planning to remove the garage. Chair Armstrong said that the petitioner could better answer that question. Ms. Uchtmann asked if there was a sketch of how the proposed changes would look from Stoughton Street. Mr. Engstrom replied that the owner did not submit a sketch. However, he did submit a photo which shows where the addition would be on the house.

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

Jeff Trainor, petitioner, approached the Zoning Board of Appeals. He told the Board members that the garage would stay. There are no plans to remove the carport at this time. He distributed a picture on which he had drawn in the proposed new addition to show the Zoning Board of Appeals how the new addition would appear.

Chair Armstrong questioned if the new addition would have a flat roof. Mr. Trainor said yes. The sketch that is included in the packet of information only shows a vent window on the proposed new addition.

Ms. Uchtmann wondered if in the interest of maintaining the character of the neighborhood, the new addition would have a continued gutter that would match the existing gutter on the house. Mr. Trainor explained that the roof line of the new addition would even out with the roof line of the porch.

Chair Armstrong asked if the subject property fell within any of the Historic Preservation criteria. Mr. Engstrom said no, it does not.

Chair Armstrong felt that the Zoning Board of Appeals should also carefully look at whether the roof would create more watershed problems. Mr. Trainor said that the design of the new addition would address any of these types of issues.

Ms. Uchtmann inquired as to if the carport is non-conforming, then can they allow the carport to remain. Mr. Engstrom said yes. The existing house and carport are legally non-conforming. Chair Armstrong clarified that the petitioner would be able to retain the carport and add the proposed addition, if approved by the Zoning Board of Appeals. Mr. Schoonover pointed out that prior to any construction the petitioner's plans would need to meet Urbana's building codes and regulations.

Mr. Engstrom stated that since the proposed site is within the floodplain, Mr. Trainor will be required to have a hearing with the Boneyard Creek District as well.

With no additional input from the public, Chair Armstrong closed the public input portion of the hearing and opened the hearing to Zoning Board of Appeal's discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2009-MIN-02 with the conditions recommended in the written staff report and presented to the Board during the hearing. Mr. Schoonover seconded the motion.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lisa Karcher gave the following staff report:

- ✦ Results of Case No. ZBA-2009-MAJ-04 and Case No. ZBA-2009-MAJ-05 (Kunkel FAR and OSR variance requests): The City Council upheld the Zoning Board of Appeals recommendations and approved the two variance requests.

- ✦ Next Scheduled Meeting: Ms. Karcher stated that although staff has not received any applications for the next scheduled meeting on September 16, they have had some communication and do expect an application to be submitted before the deadline.

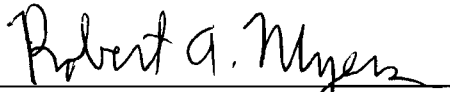
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Merritt adjourned the meeting at 8:05 p.m.

Respectfully submitted,



Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals