

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

DATE: February 16, 2022

APPROVED

TIME: 7:00 p.m.

PLACE: Zoom Webinar

MEMBERS ATTENDING REMOTELY: Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann

MEMBERS ATTENDING IN PERSON: Harvey Welch

MEMBERS EXCUSED: Matt Cho. Charles Warmbrunn

MEMBERS ABSENT: Joanne Chester

STAFF PRESENT: Nick Olsen, Planner I; Katherine Trotter, Planner I; UPTV Camera Operator

OTHERS PRESENT: Cindy Elston, David Huber, Phillip & Joy Owen

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

Chair Welch called the meeting to order at 7:04 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the December 15, 2021 regular meeting were presented for approval. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes

The minutes of the December 15, 2021 regular meeting were approved as written.

4. COMMUNICATIONS

The following communications were received after the packet was distributed:

CASE No. ZBA-2022-MAJ-01

- Email from Ben Mueller
- Email from Patricia Smith
- Email from Yudhi Soetono
- Email from Gary & Tracy Wszalek

CASE No. ZBA-2022-C-01

- Letter from Jack Smart

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2022-MAJ-01: A request by David Huber for a major variance to allow an accessory parking space in the required 25-foot front yard at 601 East Washington Street in the R-3, Single and Two-Family Residential, Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2022-MAJ-01. Kat Trotter, Planner I, introduced the case by stating the purpose for the proposed request and giving a brief background of the property. She noted the location and zoning of the subject property and showed photos of the property. She talked about the proposed accessory parking space. She reviewed how the proposed request meets the criteria in Section XI-3 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented staff's recommendation for denial. Ms. Trotter stated that the applicant was available to answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. With there being none, Chair Welch opened the hearing for public input. He invited the applicant to speak.

David Huber, applicant, raised his hand to speak in favor of his request. Chair Welch swore him in. Mr. Huber explained that while the accessory parking space does not need to exist, it provides convenience due to the lack of street parking along Washington Street. He noted that the closest street parking available is along Grove Street on the other side of Washington Street. He stated that the proposed accessory parking space would allow two cars to coexist without one car having to back out. The subject property is a rental property. It is a deficit for properties on this street as parking is limited. His neighbors regularly park on Grove Street; however, there is not a crosswalk on Washington Street to allow people to safely cross. He stated that he felt the creation of the accessory parking space was largely a matter of creating convenience that is commiserate with being able to overhaul homes like this. He owns four houses on this street and has agreements to purchase two more. He talked about the marketability issues of houses on this

street, stating that it is difficult due to the parking and maneuvering of vehicles. He asked, how do we make it viable to bring houses that are unoccupied onto the market and make them livable and bring them up to a safe, comfortable standard?

Mr. Rusch asked how Mr. Huber learned that the accessory parking space was out of compliance. Mr. Huber replied that he was notified by City staff. The parking space had existed for about one year before it was caught. He stated that a car is not parked there at all times. The accessory parking space existed prior to him purchasing the property.

Mr. Huber stated that planning can be a grey thing, as opposed to other codes. When the accessory parking was constructed, the total width was within the maximum standards for a driveway. Ms. Trotter clarified that an access drive must “access” a parking space that is in a legal spot on a property. Because the accessory parking space is within the front yard, it is not considered a legal parking space.

Mr. Rusch asked if the request is denied, would the owner be allowed to continue to have gravel in the space or would he need to remove the gravel. Ms. Trotter replied that because it is functionally a parking space, it would then be used as a parking space. If the request is denied, then City staff would require the owner to remove the gravel. There was discussion about the type of gravel that would be allowed for a parking space.

Ms. Uchtmann asked if Mr. Huber would be requesting similar variances for his other properties on the street. Mr. Huber stated no, two of his four properties are on corner lots. Mr. Huber added that there is an existing storm sewer adjacent to the driveway approach that would make it difficult to widen the driveway if allowed.

Ms. Uchtmann asked if Mr. Huber had considered demolishing the unenclosed garage to create parking for four or five vehicles. Mr. Huber said no, because the design of the house was built upon certain history from the 1940s. A University of Illinois student renovated the property in the 1970s and part of the renovations included planting of an array of numerous trees in the back yard, and constructed the carport.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. McLaughlin asked if similar variance requests had been received. Ms. Trotter said that City staff has received very few requests for accessory parking spaces, none of which were located on this street.

Mr. Huber asked what constituted a legal parking space in the front yard. Ms. Trotter explained that an access drive is a driveway that is accessing a legal parking space. Parking spaces are permitted in the side and rear yards. Front yards are considered any space in front of the face of the house, and parking is not allowed in front yards.

Mr. Rusch asked Ms. McLaughlin what her thoughts were. Ms. McLaughlin stated that she felt conflicted. She felt the accessory parking space was a privilege even though every site is unique and there are always reasons to make exceptions.

Mr. Rusch asked what happens to the illegal parking space if the request is denied. Ms. Trotter stated that she would defer to the Zoning Administrator to make the decision as to whether the gravel would need to be removed. If someone continued to park in the space, it would be a violation of the Zoning Ordinance and subject to a fine.

Mr. Rusch stated that the gravel could be considered landscaping in the front yard. The owner now has the understanding that if the request is denied and someone parks in the spot, he could have to pay a fine. Ms. Trotter replied that if someone put in this much gravel for landscaping and/or to allow a turn around space, it would not be in compliance with the Zoning Ordinance as it would be considered an expansion of the driveway, which is not allowed. A turn around space on this street would be considered a privilege as no other properties have one.

Ms. McLaughlin asked if there is a difference between a turn around space and a parking space. Ms. Trotter said no.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2022-MAJ-01 to the Urbana City Council with a recommendation for approval with the condition that the proposed accessory parking space generally conform to the site plan. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Rusch	-	Yes	Ms. McLaughlin	-	No
Ms. Uchtmann	-	No	Mr. Welch	-	No

The motion was denied for a lack of affirmative votes.

ZBA-2022-C-01 – A request by Joy Owen for a conditional use permit to allow an accessory dwelling unit at 2504 Fieldcrest Drive located in the R-2, Single-Family Residential, Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2022-C-01. Kat Trotter, Planner I, introduced Nick Olsen as the newest Planner for the City of Urbana. Mr. Olsen presented this case to the Zoning Board of Appeals. He began by noting the purpose for the proposed conditional use permit, which is to allow an accessory dwelling addition for the daughter, Joy Owen, to reside in. He gave a brief description of the site, noting its location, zoning, and existing land use. He discussed the approximate size of the lot and showed photos of the proposed site. He summarized staff findings, read the options of the Zoning Board of Appeals, and presented staff’s recommendation for approval. He stated that he would answer any questions from the Board.

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

Ms. Uchtmann asked if the proposed accessory dwelling unit would be considered an addition to the home. Is the reason the Zoning Board is reviewing it because the addition would have an exterior entrance? Mr. Olsen confirmed that because it will have an exterior door, it has to be considered an additional unit, making the house a duplex use and prompting the requirement for a conditional use permit.

With there being no additional questions from the Board members for City staff, Chair Welch opened the public hearing for public input. He invited the applicants to address the Zoning Board of Appeals.

Phillip Owen and Joy Owen, applicants, stated that they were available to answer any questions the Board may have.

Cindy Elston raised her hand to speak in opposition, and Chair Welch swore her in. She asked if the unit would be able to be rented in the future. Mr. Olsen said yes, it would be rentable. Ms. Elston expressed her concern about this.

Ms. Elston expressed concern about the exterior door being proposed on the north side of the property generating noise, traffic and the reduction of her property value. Otherwise, she stated that she did not have an issue with the proposed addition.

Chair Welch swore in Ms. Owen so she could respond to Ms. Elston's concerns. Ms. Owen stated that she understood Ms. Elston's concern with the addition being rentable. She stated that she intends to live in the addition. When her parents can no longer live in the main part of the house, she hopes her brother and his family will live there. So, it will not be rented out for at least 40 years.

Ms. Owen explained that the exterior entrance would not be located in the required 5-foot setback. There would be an entrance to the addition from the existing garage, which is where 99% of the traffic would occur.

Chair Welch swore in Mr. Owen so he could address Ms. Elston's concerns. He stated that Ms. Elston was a wonderful neighbor, and they do not want to disturb her in any way. There is a practical impediment to renting the proposed addition in that the utilities will be shared by both the primary structure and the proposed addition. While it would not be impossible to rent it, sharing the utilities would create an impediment.

Mr. Welch asked for clarification on the access to the proposed addition. Mr. Owen explained that there would be access to the primary house through the garage, and they anticipate a door from the garage to the proposed addition.

Mr. Rusch asked if there was direct access from the proposed addition to the main part of the house, would they still need a conditional use permit. Ms. Trotter said yes because the two units would be functionally independent.

Ms. McLaughlin asked if the two units could be sold separately. Mr. Olsen replied no because the utilities are shared.

Mr. and Mrs. Owen thanked the Zoning Board of Appeals for their time.

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

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2022-C-01. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

Mr. Rusch	-	Yes	Ms. Uchtmann	-	Yes
Ms. McLaughlin	-	Yes	Mr. Welch	-	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

Ms. Trotter reported on the following:

- Major variance for 1005 Philo Road was approved by the Urbana City Council. So, Mr. Wease (applicant) will be able to install an additional parking space and turnaround area.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:17 p.m.

Respectfully submitted,



Kevin Garcia, AICP
 Principal Planner and Zoning Administrator
 Secretary, Urbana Zoning Board of Appeals