

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

**DATE:** September 15, 2021

**APPROVED**

**TIME:** 7:00 p.m.

**PLACE:** Zoom Webinar

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**MEMBERS ATTENDING REMOTELY:** Joanne Chester, Adam Rusch, Charles Warmbrunn

**MEMBERS ATTENDING IN PERSON:** Harvey Welch

**MEMBERS ABSENT:** Ashlee McLaughlin, Matt Cho

**MEMBERS EXCUSED:** Nancy Uchtmann

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

**OTHERS PRESENT:** Nakia McFarland

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

Chair Welch called the meeting to order at 7:01 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 July 21, 2021 regular meeting were presented for approval. Mr. Rusch moved that the Zoning Board of Appeals approve the minutes as written. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Mr. Welch	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Rusch	-	Yes	Ms. Chester	-	Yes

The minutes of the July 21, 2021 regular meeting were approved as written.

**4. COMMUNICATIONS**

There were none.

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. NEW PUBLIC HEARINGS

### **ZBA-2021-C-02 – A Request by Nakia McFarland for a conditional use permit to allow a home daycare at 1506 Ogelthorpe Avenue in the R-2, Single-Family Residential Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-C-02. Kat Trotter, Planner I, introduced the case and gave a brief background of the subject property. She noted the location and zoning of the subject property and talked about the existing home daycare use. She showed photos of the subject property. She summarized staff findings, read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with the following three conditions: *1) The daycare will be limited to 20 visits per day (child drop-off and pick-up count as two visits); 2) All drop-offs/pick-ups shall take place in the owner's driveway or immediately in front of the house. No loading/unloading will be permitted in the alley. The applicant shall not petition the Traffic Commission for a dedicated drop-off/pick-up zone; and 3) The conditional use permit shall expire upon transfer of the property, or after six (6) verifiable nuisance complaints within a twelve-month period related to the operation of the daycare, as determined by the Zoning Administrator.* She 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.

Mr. Rusch asked what the reasoning was for restricting the applicant to not petition the Traffic Commission for a dedicated drop-off/pick-up zone and why would the applicant want one. Ms. Trotter stated that this was a specific recommendation by the Homeowner's Association because they had some concern about congestion in the alley-way.

With there being no further questions from the Board members, Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

Nakia McFarland, applicant, raised her hand to address the Board members about her applications. Chair Welch swore her in. Ms. McFarland stated that she loves her neighborhood. She apologized for not knowing that she needed to apply for a home occupation permit and a conditional use permit. She loves the families that she takes care of and would be very appreciative to be allowed to continue.

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.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2021-C-02 with the following conditions: *1) The daycare will be limited to 20 visits per day (child drop-off and pick-up count as two visits); 2) All drop-offs/pick-ups shall take place in the owner's driveway or immediately in front of the house. No loading/unloading will be permitted in the alley. The applicant shall not petition the Traffic Commission for a dedicated drop-off/pick-up*

zone; and 3) *The conditional use permit shall expire upon transfer of the property, or after six (6) verifiable nuisance complaints within a twelve-month period related to the operation of the daycare, as determined by the Zoning Administrator.* Ms. Chester seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Rusch	-	Yes	Mr. Welch	-	Yes

The motion 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**

Kat Trotter gave a report on the following:

- Lorrie Pearson tendered her resignation effective Tuesday, September 14, 2021. Sheila Dodd will serve as the Interim Community Development Services Director.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 7:15 p.m.

Respectfully submitted,

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