

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** May 19, 2021

**APPROVED**

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

**PLACE:** Zoom Webinar

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

**MEMBER ATTENDING AT CITY BUILDING:** Harvey Welch

**MEMBERS EXCUSED:** Matt Cho, Nancy Uchtmann

**STAFF PRESENT:** Marcus Ricci, Planner II; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

**OTHERS PRESENT:** Gary Apfelstadt, James Webster

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

Chair Welch called the meeting to order at 7:00 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 February 18, 2021 rescheduled meeting were presented for approval. Mr. Warmbrunn suggested a correction to the minutes on Page 4, Paragraph 4, 1<sup>st</sup> Sentence. It should read as such, “Mr. Warmbrunn asked how many feet there are between the existing garage and the property line on the east side.”

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes as amended. Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The minutes of the February 18, 2021 rescheduled meeting were approved as amended.

#### 4. COMMUNICATIONS

Regarding Case No. ZBA-2021-MAJ-02:

- Email from Rae Spooner in support of the major variance
- Email from Michael Fuerst in support of the major variance

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**ZBA-2021-MAJ-02 – A request by Gary Apfelstadt for a Major Variance to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street in the R-2 (Single-Family Residential) Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-02. Kat Trotter, Planner I, gave the staff report for the case. She explained why the case was coming back before the Zoning Board of Appeals, which was because the applicant was not given an opportunity to speak on behalf of his case to the City Council. She said the purpose for the proposed major variance request was to allow the applicant to rebuild the existing garage in its current location: 11 feet into the required 15-foot front yard. She presented City staff's recommendations for approval. She noted 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.

Ms. McLaughlin asked if the City Council had discussed the case before voting. Ms. Trotter replied yes. The issue at the City Council meeting was that the applicant was not given the opportunity to speak. While there was some discussion by the City Council, no questions were directed to him.

Ms. McLaughlin asked Ms. Trotter to summarize the discussion that led to the City Council denying the case originally. Ms. Trotter stated that the basis for the denial was that the request did not meet the minimum deviation requirement because if the garden were removed then the garage could be built 15 feet from the property line. City staff is in support of the major variance because the new garage would meet all other zoning criteria, and approving the proposed variance would allow the applicant to keep his garden.

Ms. Trotter added that the City's Engineering staff weighed in on a recommendation made by the Zoning Board of Appeals at the first meeting of asking the applicant to install a window or mirrors on the garage to allow the applicant to back out of the garage safer. Engineering staff did not feel that this would make a difference, and they do not have enough concerns about safety to require the applicant to build the new garage further from the property line.

Mr. Warmbrunn stated that he had the same question. Now there are five new members on the City Council, so they may vote differently.

Ms. Chester stated that the new garage would be large but it could still be moved 4 feet closer to the house, which would allow the applicant to back into the alley. Ms. Trotter replied that this was discussed with the Engineering staff, and they did not feel that the safety would be dramatically increased when you have a driveway back out into an alley versus a street because there would still be cars and pedestrians traversing the alley.

Chair Welch opened the hearing for public input. He invited the applicant or the applicant’s representative to speak.

Mr. Apfelstadt, applicant, raised his hand to speak. Chair Welch swore him in. Mr. Apfelstadt noted that the City Council vote was 4 against and 3 in favor of the request. He was not given an opportunity to speak during the City Council meeting but did have the chance to speak to the Council members after the meeting about his reasoning for locating the new garage in the existing footprint.

With regards to moving the new garage closer to the house, there are power poles that encroach into the alley. As a result, the alley has been veering onto people’s property rather than staying in the 12-foot right-of-way. Moving the new garage further towards the house would take up yard space and would be unfavorable to him *and* moving the new garage further to the east would cause the garage to shade where the garden area is located. This would also be unacceptable because they would not be able to have a garden. The existing garage is becoming more dilapidated and needs to be attended to. The location of the existing garage has been perfectly reasonable for the last 100 years. The new requirement for corner lot setbacks is a problem of the Zoning Ordinance being amended in the last 20 years. They are only asking to maintain the footprint of the garage as it currently is while keeping the greenspace and the garden.

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 motions by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-02 to the City Council with a recommendation for approval as presented in the City staff report.

Mr. Rusch seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	No	Mr. Rusch	-	Yes
Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by a vote of 4 ayes to 1 nay, which is a necessary majority for a major variance. Ms. Trotter stated that Case No. ZBA-2021-MAJ-02 would be forwarded to City Council on June 14, 2021.

**ZBA-2021-MAJ-04 – A request by New Lincoln Square, LLC, represented by James Webster, for a Major Variance to allow two electronic message boards to change message frequency up to once per minute on an existing shopping center sign at 201 East Green Street in the B-4 (Central Business) Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2021-MAJ-04. Marcus Ricci, Planner II, gave the staff report for the case. He began by stating that the proposed major variance request was to allow a change in the message frequency of the Lincoln Square signs from one message per three minutes to one message per minute. He noted the location of the electronic message board signs. He gave a brief history of the signs. He noted the zoning and Future Land Use designation of the property as well as for the adjacent properties. He showed images of the existing sign and of the replacement sign. He explained the traffic light cycle timing and speed limit calculations to explain that a driver is likely to see up to two messages if the frequency is changed to one message per minute. He reviewed the criteria for a variance request. He read the options of the Zoning Board of Appeals and presented staff's recommendation for approval with the following condition: *The existing signs on the exterior of Lincoln Square, including the Illinois and Green Street shopping signs, be in compliance prior to the installation of the replacement electronic message board.* He 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. There were none.

Mr. Welch asked if there were signs with the same frequency elsewhere in the City of Urbana. Mr. Ricci replied no. The electronic message board sign located at the Pines Shopping Center was granted a variance in 2009 to allow a message every 10 seconds.

Mr. Rusch asked what the frequency of messages was for the Methodist Church. Mr. Ricci replied one message per three minutes.

Mr. Welch asked if the other signs at Lincoln Square were out of compliance. Mr. Ricci said that City staff would be working with the applicant to make sure that signs advertising tenants that were no longer located in the mall be removed.

Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

Jim Webster, applicant, raised his hand to speak. Mr. Welch swore him in. Mr. Webster stated that he had been involved with the mall for 20 years, and it was challenging with economics and commerce. They were focusing on reinventing the mall and creating more transparency for the tenants. There are nearly 40 tenants at the mall. They also want to display more messages about events at the mall and more community events. The new signs would be from American Dowell, and the signs would be monitored and regularly updated.

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 motions by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2021-MAJ-04 to the City Council with a recommendation for approval with the following condition: *The existing signs on the exterior of Lincoln Square, including the Illinois and Green Street shopping signs, be in compliance prior to the installation of the replacement electronic message board.* Ms. McLaughlin seconded the motion.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Ms. Trotter stated that Case No. ZBA-2021-MAJ-04 would be forwarded to the Urbana City Council on June 14, 2021.

**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**

Chair Welch adjourned the meeting at 7:44 p.m.

Respectfully submitted,

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