

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** January 17, 2018

**APPROVED**

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

**PLACE:** City Council Chambers, 400 South Vine Street, Urbana, IL 61801

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**MEMBERS PRESENT** Joanne Chester, Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

**STAFF PRESENT** Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant II

**OTHERS PRESENT** Avital Livny, Ben Miller

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**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 with all members present.

**2. CHANGES TO THE AGENDA**

There were none.

**NOTE:** Chair Welch swore in members of the audience who indicated that they might give testimony during the public hearing.

**3. APPROVAL OF THE MINUTES**

The minutes from the December 20, 2017, regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as drafted. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as written.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

**Case No. ZBA-2017-C-03 – A request for a Conditional Use Permit by Ben Miller and Avital Livny to allow a second principal structure on their property at 1208 South Vine Street in the R-3, Single and Two-Family Residential Zoning District.**

Chair Welch re-opened this case. Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by describing the subject property noting its current zoning, existing land use and future land use designation as well as that for the surrounding adjacent properties. He explained the purpose for the proposed Conditional Use Permit. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for the Board to grant the request with conditions.

Chair Welch asked if any Board members had questions for the Planning Staff.

Mr. Weisskopf asked if the Conditional Use Permit would stay with the land if the current owners should ever decide to sell. Mr. Marx replied that the Conditional Use Permit would stay with the use as long as there would continue to be two principal structures on the property.

With no further questions for staff, Chair Welch then opened the hearing for public input. He invited the applicants to speak.

Avital Livny and Benjamin Miller, applicants, approached the Zoning Board of Appeals to speak in favor of their proposed request. Ms. Livny stated that the current structure is not sound and would need to be demolished. She explained that the purpose for a second residential use would be to create something more accessible and allow Ben's father to stay with them while he is ill. Later it would serve as a space where family could come and stay for longer periods of time. Mr. Miller added that his father's brain cancer makes it plausible that in the future his father would become wheel chair bound and not be able to stay with them without approval of the Conditional Use Permit.

With no additional audience to provide comments or ask questions, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for the Board's discussion and/or motion(s).

Mr. Marx suggested that to simplify the first condition, it should perhaps say, "The new structure generally conforms with a footprint of approximately 1,500 square feet for the structure to ensure that the proposed structure was built as proposed as presented in the application."

Ms. Uchtmann asked if the setbacks on the east and north sides would be conforming. Mr. Marx replied yes. There would be a setback of 22 feet to the north and 10 feet to the east, which both meet the setback requirements for the R-3 Zoning District.

Ms. McLaughlin moved that the Zoning Board of Appeals grant the Conditional Use Permit in Case No. ZBA-2017-C-03 for the reasons articulated in the written staff memo and with the following conditions:

1. The new structure generally conforms with a footprint of approximately 1,500 square feet as presented in the application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes			

The motion was approved by unanimous vote.

## **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**

There was none.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 7:24 p.m.

Respectfully submitted,

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Lorrie Pearson, AICP  
Planning Manager  
Secretary, Urbana Zoning Board of Appeals