

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

DATE: July 20, 2016

APPROVED

TIME: 7:30 p.m.

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

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- MEMBERS PRESENT** Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch
- MEMBERS EXCUSED** Joanne Chester
- STAFF PRESENT** Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II
- OTHERS PRESENT** Robert Devine, Andrew Fell, Guy Hampel
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1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:35 p.m. Roll call was taken, and he declared that there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the June 15, 2016 regular meeting were presented for approval. Ms. McLaughlin moved to approve the minutes as written. Mr. Cho seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

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

6. NEW PUBLIC HEARINGS

ZBA-2016-MIN-02 – A request by Robert Devine for a Minor Variance to allow an increase in the maximum allowed Floor Area Ratio (FAR) from 0.9 to 0.93 at 804 West Green Street in the R-5, Medium-High Density Multiple Family Residential District.

ZBA-2016-MAJ-08 – A request by Robert Devine for a Major Variance to allow a reduction in the required Open Space Ratio (OSR) from 0.3 to 0.25 at 804 West Green Street in the R-5, Medium-High Density Multiple Family Residential District.

Case No. ZBA-2016-MAJ-08 was withdrawn by the applicant prior to the meeting. Chair Welch opened the public hearing for Case No. ZBA-2016-MIN-02.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by clarifying that the legal ad referred to 804 West Green Street. The written staff memorandum refers to both 804 and 806 West Green Street, which were two properties combined into one and now have one parcel index number. He stated the intent of the proposed minor variance. He gave a brief description of the proposed site and of the surrounding properties noting their zoning and future land use designations. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the proposed variance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval. He noted that the petitioner and his architect were in the audience to answer questions.

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

Mr. Warmbrunn inquired about the difference between a garage and a storage building with regards to zoning. Lorrie Pearson, Planning Manager, answered that if the property had a single-family home or duplex, then the proposed detached structure would be exempted from the Floor Area Ratio (FAR); however, because there is an existing apartment building, then it is included in the FAR.

Mr. Warmbrunn questioned if the Zoning Board should be concerned about access to the proposed structure. Ms. Pearson responded that since the applicant would not be storing vehicles in the proposed storage building, then City staff was not overly concerned; however, if the Zoning Board wanted they could add a condition that the applicant needed to get an access easement.

Mr. Warmbrunn asked if the canopy would be 9 feet or 10 feet. Mr. Marx said it would be 10 feet. The canopy and space beneath the canopy are not to be considered in the calculation for the FAR.

Mr. Warmbrunn asked if the Zoning Board should be concerned about what type of surface is below the canopy. Mr. Marx said not in this case. The pavement will not make up 50% of the open space area.

Mr. Cho wondered if they should have the condition recommended by City staff requiring the applicant to get approval for a Boneyard Creekway permit, since he is required to get that anyway. Mr. Marx explained that this condition was meant to tie the variance to this particular proposal and not used for any other purpose.

Mr. Warmbrunn inquired about the height of the proposed storage building. Ms. Pearson replied that the architect was available to answer that question. Mr. Warmbrunn expressed concern about the Site Plan being weak, especially since City staff recommended a condition that "*the site be developed in general conformance with the attached site plan.*" He inquired about the height of the canopy to the height of the roof of the building to the size of the garage door as to whether a truck could back up to it. Mr. Marx showed Exhibit A105, which shows the elevations of the building. This exhibit was not included in the packet of information sent to the Board members. Ms. Pearson stated that the Board could expand the condition to include Exhibit A105. Mr. Warmbrunn commented that his main concern is with the size and functionality of the proposed structure. Since the Board members were not provided a copy of Exhibit A105 in their packet, he felt it should be made part of the condition.

Ms. Uchtmann stated that she walked back to the site. Given the way the sidewalk is constructed in the back of the property, it will not be used for vehicles. They may be able to take a golf truck back there but not a vehicle.

With there being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant and his architect to approach the Zoning Board of Appeals to speak and to answer questions.

Robert Devine, owner and applicant, and Guy Hampel, architect, approached the Zoning Board of Appeals.

Mr. Hampel stated that the height of the proposed storage building would be approximately 10 feet. It would be about 8-1/2 feet to the bottom of the canopy. The canopy would be metal.

Ms. McLaughlin asked for them to elaborate on their answer to Part 5 of Question 5 in the application. Mr. Hampel stated that they meant to say "*minimize the restriction of views of the Boneyard Creek from other properties.*"

Mr. Warmbrunn asked if the building size was 32' x 24' and what the applicant intended to store in the proposed building. Mr. Hampel replied that the size was correct. Mr. Devine added that he planned to store 18 sets of condensing units and blower coil units to replace all of the units in the existing apartment building. He also received several requests from his tenants to store their personal belongings until they can move in when the lease begins in the fall.

Mr. Welch asked if the proposed storage would only be serving the existing apartment building on the lot. Mr. Devine said yes. He did not intend to park any vehicles other than a lawn mower. He plans to have a large garage door to make it easier to move bigger furniture (i.e. couches) in and out.

Mr. Devine went on to say that he has an agreement with Circle K to maintain the back part of their property in exchange for access to the back part of his lot. If this agreement falls through at some point in the future, then they can bring delivery trucks through their main parking lot and carry items back to the storage garage.

With no further comments or questions, Chair Welch closed the public input portion of the hearing. He, then, opened it for discussion and/or motion(s) by the Board members.

Mr. Cho moved that the Zoning Board of Appeals approve Case No. ZBA-2016-MIN-02 as recommended by City staff, including the two conditions to read as such,

1. *The site is developed in general conformance with the attached site plan and elevations.*
2. *The proposal is issued a Boneyard Creekway permit.*

Ms. Uchtmann seconded the motion.

Mr. Warmbrunn asked for clarification on whether elevations in the motion included Exhibit A105. Ms. Pearson replied yes.

Roll call was as follows on the motion:

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

The motion passed by a vote of 6-0.

ZBA-2016-MAJ-06 and ZBA-2016-MAJ-07 – A request by Andrew Fell, on behalf of Sohail Chaudry, for two Major Variances to allow a reduction in the required side yard setback from 10 feet to 7 feet at 708 West Green Street and 710 West Green Street in the MOR, Mixed Office Residential Zoning District.

Chair Welch opened the public hearing for these two cases together since they related to the same development project. Christopher Marx, Planner I, presented the staff report for these two cases to the Zoning Board of Appeals. He gave a brief history of the proposed properties. He talked about the storm sewer line that was discovered after the owner purchased the two lots. He explained the purpose of the two major variance requests. He reviewed the criteria from Section XI-3 of the Urbana Zoning Ordinance as they pertain to the proposed requests. He mentioned that during the MOR Development Review Board meeting, the Board noted that a narrow shared pathway could provide an aesthetic value for a public space for the buildings’ tenants. He stated

the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval for each case.

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

Ms. Uchtmann questioned if 11 parking spaces were enough to meet the parking requirements. Mr. Marx replied yes. Lorrie Pearson, Planning Manager, added that the Zoning Ordinance requires one parking space for each one or two bedroom unit.

With there being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to approach the Zoning Board of Appeals to speak and to answer questions.

Andrew Fell, architect for the development project, approached the Zoning Board of Appeals to speak. He recapped why the project was before the Zoning Board of Appeals again. In an effort to be the best neighbor they could, they chose not to use the front-yard variances that were previously approved due to the amount of opposition heard from the surrounding neighbors. So, they made changes to the proposed development. As a result, they found that they still needed side-yard setback variances for each property. They decided to have the reduced setbacks along the common lot line so as to not have a negative impact on the neighboring properties. He stated that the probability of selling 708 and 710 West Green Street separately is almost zero because of the restrictions on easements due to the storm sewer line. Ms. Uchtmann thanked him for increasing the front-yard setback to 25 feet. It will make the property more valuable.

With no further comments or questions, Chair Welch closed the public input portion of the hearing. He, then, opened it for discussion and/or motion(s) by the Board members.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-06 and Case No. ZBA-2016-MAJ-07 to the City Council with a recommendation for approval as recommended by City staff, including the following condition, “*The site is developed in general compliance with the Site Plan and with the application as approved by the City’s MOR Development Review Board*”. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote. Ms. Pearson stated that these two cases would be forwarded to City Council on August 1st.

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

Acting Chair Warmbrunn adjourned the meeting at 8:33 p.m.

Respectfully submitted,

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