

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

DATE: April 20, 2016

APPROVED

TIME: 7:30 p.m.

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

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, Administrative Assistant II; Brad Bennett, Assistant City Engineer

OTHERS PRESENT Brian Adams, Carolyn Baxley, Richard Cahill, Sohail Chaudhry, Caroline Coulston, Peter Coulston, Robert E. DeAtley, Andrew Fell, Linda Lorenz, Diane Marlin, Sarah McEvoy, Kara McKinn, Dan Newman, Esther Patt, Michael Plewa, Dennis Roberts, Steve Ross, Lois Steinberg, Michael Walker, Karl Weingartner

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

Chair Welch called the meeting to order at 7:30 p.m. Roll call was taken, and Chair Welch declared that there was a quorum with all members present.

2. CHANGES TO THE AGENDA

Chair Welch proposed that the Zoning Board of Appeals review and consider Case No. ZBA-2016-MAJ-05 first on the agenda under New Public Hearings. Ms. Chester made a motion to reflect this proposal. Ms. Uchtmann seconded the motion. The motion was approved by unanimous voice vote.

3. APPROVAL OF THE MINUTES

The minutes from the March 16, 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

Regarding Case Nos. ZBA-2016-MAJ-02, -03 and -04, the following communications were received:

- Urbana Subdivision Ordinance – Section 21-38. Right-of-way and easement dedications
- Proposed Site Plan, revised (A2.B, A1.B, A2.A and A1A)
- Setback Distances on 700 Block of West Green Street
- Proposed Redevelopment with 20-Foot Setback
- Email from Bev Fagan
- Email from Karen Fresco
- Email from Thomas Garza of PACA
- Email from C.K. Gunsalus and Michael Walker
- Email from Lois Kain
- Email from Kyle Kroha
- Email from T.J. and Louise Kuhny
- Email from Stuart Martin
- Email from Mary Beth Allen
- Email from Bev Fagan #2
- Email from Kate Hunter
- Email From Ed Maclin
- Email from Sarah McEvoy
- Email from Kara McKinn
- Email from Melissa Muckenhirn
- Email from Michael Plewa with attachment
- Email from Michael Plewa #2
- Email from Rebecca Stumpf and John Polk
- Email from Kevin Price
- Email from Tom Rauchfuss
- Email from Trent Shepard
- Email from Leslie Sherman
- Email from Lois Steinberg
- Email from James Stori
- Email from Steven and Stephanie Sutton
- Email from Sandra Volk
- Email from Eunice Weech

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-MAJ-05 – A request by Robert DeAtley, Barber & DeAtley, Inc., for a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed variance. He gave a brief description of the proposed site and of the surrounding properties. 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 with one condition. He noted that the applicant was available to answer questions.

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

Ms. Uchtmann inquired about the measurements of the existing monument sign. Mr. Marx replied that the height of the posts for the existing sign is 8 feet. He is not sure about the width of the sign.

Ms. Uchtmann asked if the proposed sign would be the same distance from the sidewalk. Mr. Marx stated that the proposed sign would be set back further from the sidewalk.

Ms. Uchtmann wondered why the oak trees were originally planted along this area at the taxpayer's expense. Mr. Marx explained that the trees were planted to celebrate the Bi-Centennial of America in 1976. Ms. Uchtmann expressed concern over the trees being cut down. Mr. Marx explained that Urbana Tree Ordinance does not allow the removal of trees in the City right-of-way for development. The Ordinance only allows the removal of trees in the right-of-way if they present a danger to public safety. The reason in this case to remove two of the trees would be because of the Illinois Department of Transportation and the City of Urbana's requirements for safe traffic flow into and out of the proposed site. Ms. Pearson added that the removal of the trees was related to the drive aisles and not the proposed sign.

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

Robert DeAtley approached the Zoning Board of Appeals to speak. He stated that he had worked with the franchisee to find a suitable location and they settled on the proposed site. With regards to the trees, the tree on the east end is diseased and not doing well. Also, the trees are currently blocking visibility to existing access aisles.

Mr. Cho inquired as to who the franchisee was. Mr. DeAtley replied that the franchisee did not wish to share that information at this time. However, the proposed major variance is an important part of the franchisee moving forward with their development.

With no further comments or questions, Chair Welch closed the public input portion of the hearing. He, then, opened it for additional questions for City staff or discussion by the Board members.

Ms. Uchtmann made a recommendation that if the Zoning Board of Appeals approve the variance, then they place a condition requiring the franchisee to protect the existing oak tree and if it doesn't thrive, then to replace it. Ms. Pearson stated that this is already a requirement of Urbana's Tree Policy.

Mr. Cho moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-05 to the City Council with a recommendation for approval as recommended by City staff. Ms. Chester seconded the motion. Roll call was as follows on the motion:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes			

The motion passed by a vote of 6-1. Ms. Pearson noted that the case would be forwarded to the Urbana City Council on May 2, 2016.

ZBA-2016-MAJ-02: A request by Andrew Fell for a Major Variance to allow a reduction in the required side yard setback from 7 feet to 5 feet at 708 West Green Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2016-MAJ-03: A request by Andrew Fell for a Major Variance to allow a reduction in the required front yard setback from 25 feet to 15 feet at 708 West Green Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2016-MAJ-04: A request by Andrew Fell for a Major Variance to allow a reduction in the required front-yard setback from 25 feet to 15 feet at 710 West Green Street in the MOR, Mixed Office Residential Zoning District.

Chair Welch opened the hearing for these three cases together since they are related.

Christopher Marx, Planner I, gave the staff report for the three cases to the Zoning Board of Appeals. He explained the purpose for each major variance request. He described the proposed sites and the adjacent surrounding properties.

He talked about an existing municipal storm sewer line that runs under the eastern portion of 708 West Green Street. This storm sewer line predates most of the existing City ordinances with regards to public utilities and stormwater management, and it exists without an easement protecting it from any new development. This storm sewer line reduces the allowed buildable area at 708 West Green Street.

He talked about the requirements for front yard and side yard setbacks in the MOR, Mixed Office Residential Zoning District. He mentioned that the petitioner originally asked for a reduction in the front-yard setbacks from 25 feet to 15 feet for both properties. Due to City staff receiving a significant amount of concerns from the residents in the neighborhood regarding the front-yard setbacks, the applicant has altered his request to allow a reduction from the required 25 feet to 20 feet in the front-yard setbacks for both properties. This means that Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 would now be considered minor variances rather than major variances. The Zoning Board of Appeals would have the final vote on either approving or denying each case.

Mr. Marx reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance and how they pertain to the proposed variances. He read the options of the Zoning Board of Appeals and presented City staff's recommendations for approval of each variance request. He mentioned that the petitioner and property owner are both available to answer any questions.

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

Mr. Cho wondered what affect the stormwater sewer pipe will have on other properties now that it is known. Mr. Marx replied that it would be premature for him to comment because it could affect properties differently. For example, the pipe may run under a corner of one property but under a building on another property. Lorrie Pearson, Planning Manager, added that the Planning staff just found out about the storm sewer pipe as a result of this application and it is something the City will need to look into. For 708 and 710 West Green Street, it presents a hindrance for developing the lots because it reduces the amount of buildable area.

Mr. Warmbrunn asked why the MOR Development Review Board had not reviewed the proposed development for the two lots prior to the Zoning Board of Appeals review. Ms. Pearson explained that the applicant submitted the variance request applications first so he would have a good understanding of the footprint in which they could design a building. It was not in the purview of the Zoning Board of Appeals to consider the full design of the proposed development when reviewing variances but that the MOR Development Review Board would review the detailed design.

Mr. Warmbrunn inquired if there were any owner-occupied homes on this block. Mr. Marx stated that the Zoning Ordinance does not distinguish owner-occupied versus tenant-occupied when considering development regulations.

Mr. Warmbrunn asked if the Utility Map that was handed out as part of the updated information was created after City staff found out about the storm sewer pipe. Brad Bennett, Assistant City Engineer, replied that because of the age of the storm sewer pipe, there is no recorded easement for it; and therefore, it would not show up on a title search. Public Works staff has known about the pipe for a long time. It is one of the original storm sewers constructed in the City of Urbana. He believed that the reason the pipe takes a strange path might be because it was a creek that was closed in to build out the area. Generally, nowadays, they follow the street grid pattern.

Ms. Chester commented that when she first read the written staff memo, she was shocked by the City staff's recommendation, because she recalled that one of the important concerns addressed by the creation of the MOR District was to maintain the visual site line of setbacks along the street. She stated that the petitioner altering his request to reduce the two front-yard variances from 15 feet to 20 feet is better. Mr. Marx explained that City staff took into consideration the hardship of non-buildable area due to the storm sewer pipe. Ms. Pearson reminded everyone that this was a chance for technical questions and not discussion.

Mr. Cho asked if the Zoning Board of Appeals was allowed to talk about the MOR requirements. Ms. Pearson replied that the two properties are located within the MOR Zoning District. The purview of the Zoning Board of Appeals is to consider the variance requests for the setbacks within the district, but not to get into the MOR Design Guidelines, which comes under the

purview of the MOR Development Review Board. Ms. Uchtmann stated that she disagreed because they are also talking about the parking constraints and how many parking spaces would be needed, it does affect the square feet for building.

There were no further questions for City staff. Chair Welch opened the public input portion of the hearing. He asked if the petitioner and property owner would like to speak.

Andrew Fell (Applicant and Architect for the Development Project) and Sohail Chaudhry (Property Owner) approached the Zoning Board of Appeals to testify.

Mr. Fell clarified that the centerline of the storm sewer is about 11 feet from the property line and angles a little to the west as it goes north. Because the storm sewer pipe is about 7 feet in diameter, they are almost 14-1/2 feet to the west edge of the sewer line. The City's Engineering staff is requiring a 10-foot distance away from the storm sewer. As a result, the minimum setback on the east side of 708 West Green Street would be 24 feet, 6 inches.

In the process of purchasing the lots, they did not discover the storm sewer because there is no recorded easement for it and it was not found in any title search or deed work. He relies on a survey to find things like this when he designs buildings. The general public does not have access to the storm sewer maps of the City. Until he requests it, he does not have this information, and he had not requested this information at the time when he submitted the applications for each variance request because he had not started the design of the buildings.

When he discovered the storm sewer pipe, he began looking for other ways to develop the property to attempt not to request any variances. One way was to combine the lots and build one building instead of two buildings; however, in the MOR District, they would be constrained by a maximum lot size. This means that they could only construct a building a third smaller than the size of two buildings, so it is in the developer's interest to keep the lots separate.

The variances they are asking for are the minimum amount they can use to create a functioning building. They reduced the front yard setback variances from 15 feet to 20 feet because City staff informed them that there had been many communications in opposition of the front yard setbacks. They are willing to do this to appease the City staff, the Zoning Board of Appeals and the neighboring residents.

Mr. Fell ended by saying that the storm sewer pipe goes diagonally under some people's properties. If City staff does not deal with this immediately, he believed that this could present a legal issue for some property owners against the City. So, he encouraged City staff to proactively do warn the property owners that are affected and maybe even get it entered into their deeds, because this will be a problem someday.

Mr. Chaudhry encouraged the Zoning Board of Appeals to approve their requests for the variances. He would be happy to answer any questions.

Chair Welch asked if there was anyone who wished to speak in favor of the proposed variances. There were none, so he opened the hearing for people who wished to speak in opposition.

Esther Patt approached the Zoning Board of Appeals to speak. She began by asking for clarification on what was being requested. Ms. Pearson explained that the original applications for reduction in the front-yard setbacks at 708 and 710 West Green Street were to allow a reduction from the required 25 feet to 15 feet. This would require a major variance for each property. City staff noticed the hearing for major variances. Since then, the applicant has requested a lesser setback of 20 feet, instead of 15 feet, that now makes both front-yard setback requests minor variances. The Zoning Board has the ability to review and consider lesser variance requests without re-notification as part of the public hearing process. Ms. Patt questioned whether this would violate the Open Meetings Act. Ms. Patt stated that she suspects the applicant is willing to alter the front yard setback requests because the minor variances do not go to the City Council and there would be no public input.

She continued with talking about the reason for setback requirements, which is to protect the site view of the neighboring properties. The 700 Block of Green Street has a very clear even sight line. Because of the location of the proposed two properties, allowing the development of two buildings to stick out even five feet closer to the street will alter the look of the block.

She commented that every structure on this block is a single-family home whether it is listed as a rental property or not. She talked about the two owner-occupied homes on the 600 Block of Green Street, one of which is the Nathan Ricker House. She encouraged the Zoning Board of Appeals to not just look at the current developers proposed investment but to look at the investment of the property owners in the neighborhood. She asked that the Zoning Board of Appeals deny the proposed variance requests.

Carolyn Baxley approached the Zoning Board of Appeals. She handed out copies of Ordinance No. 9091-59 (regarding the MOR Zoning District) and photos of properties on 506 West Elm Street. She believed that the Zoning Board of Appeals should consider the MOR Zoning District and the purpose for which it was established. There have been recent cases, including the proposed cases, that are in direct opposition to the intent of the MOR Zoning District. She talked about 506 West Elm Street and how it affected the neighborhood. While the proposed front-yard setback requests would not be as extreme as 506 West Elm Street, it will interrupt the block face and affect property values in other areas. It is not incumbent upon the City of Urbana to compensate the developer for the storm sewer pipe by changing the ordinance or looking the other way and not applying the ordinance as it was written. She believed that the Zoning Board of Appeals only had the option to deny the variance requests, whether major or minor, in order to respect the intent of the MOR Zoning District.

Dan Newman approached the Zoning Board of Appeals. He asked for clarification as to whether the storm sewer pipe affected 710 West Green Street. Mr. Marx replied no, that it only runs under 708 West Green Street. Mr. Newman commented that there is no real case for seeking a front-yard variance for 710 West Green Street.

He noticed that the application stated the average front-yard setback is 30 feet 11-3/4 inches. Ms. Pearson replied that is an error. The applicant did not calculate the average depth correctly because he did not take into consideration that the setback for any property that is intended to be demolished is 15 feet. This would make the average setback of the block less than what the applicant stated in the application, but more than 25 feet.

He discussed his issues with the proposed variances. They were as follows:

- 1) Zoning is a contract between a city and its residents. He felt that the variances being requested would break the rules or contract.
- 2) There needs to be a beautiful corridor between campus and Downtown Urbana. He would like to see a tree-lined corridor consistent with Phase 5 of the MCORE project, in which the City is using a grant to build bike lanes and encourage more walking and biking traffic on Green Street. He showed pictures of how he would see the corridor. He believed that the setback requirements in the MOR Zoning District were not generous enough. He showed pictures of properties protruding into required setbacks and how they affect the character of their neighborhoods.
- 3) Making a short-term business case does not justify a violation of zoning. The Zoning Board of Appeals should not be considering the financial situation of the developer. He disagreed that 25 foot setbacks are not cost effective or not financially viable. There are two ways for a developer to make money: 1) slow way – where the developer maintains their property and invests in visual amenities for the neighborhood and 2) fast way – makes the neighborhood less beautiful by making buildings much larger and eliminating yard space and green space. Mr. Newman understands one reason for having zoning in the City of Urbana is to prevent the fast way for developers to make money.

Kara McKinn approached the Zoning Board of Appeals. She read her email that was submitted prior to the start of the meeting. She expressed her concern about how City staff overrides the Zoning Ordinance for people looking to make a buck in her neighborhood. She requested that the Zoning Board of Appeals deny the proposed variances.

Sarah McEvoy approached the Zoning Board of Appeals. Chair Welch swore her in. She stated that the development regulations of the MOR Zoning District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and scale of future developments in the district. She felt that the architect needed to redesign the buildings being proposed and abide by the rules or regulations. She encouraged the Zoning Board of Appeals to deny the proposed variance requests.

Linda Lorenz approached the Zoning Board of Appeals. She would like the Zoning Board of Appeals to take into consideration that the residents live in the West Urbana Neighborhood for a reason. She does not want the beauty to be destroyed.

Steve Ross approached the Zoning Board of Appeals. Chair Welch swore him in. Mr. Ross expressed his concerns of how the variance will alter the essential character of the neighborhood. The proposed development would alter the character of the street.

Yesterday, the applicant said he needed a minimum 15-foot setback and today he stated a minimum of 20 feet. Mr. Ross believed that a functioning building could be designed and constructed with a 25-foot front-yard setback.

Michael Plewa approached the Zoning Board of Appeals to speak. He protested that the Zoning Board of Appeals review Case No. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 as minor variances. He believed that this is an incorrect procedure and that the petitioner should submit new applications.

He discussed the intention of the MOR, which is to encourage adaptive re-use of existing structures. The proposed development would not re-use the existing structures without reducing the developer's profit, but it is not the function of the Zoning Board of Appeals to consider the developer's economic viability. The City does not guarantee absentee landlords profits on their properties.

He agreed with Mr. Newman in that Green Street and Elm Street corridors are in the Downtown to Campus Plan. There are all kinds of structures hidden underground. Because of a lack of due diligence as a commercial developer, the applicant is asking for a variance. It is not the function of the City to have to pay for the destruction and reduction of the Zoning Ordinance for their lack of due diligence.

He mentioned the attachment to one of his email communications that was submitted prior to the start of the meeting. The attachment is an article about West Urbana being selected by the American Planning Association in 2007 as one of 10 Great Neighborhoods in America. He pointed out that the City of Urbana is the only neighborhood in the State of Illinois south of Interstate 80 that has received this award. We did not get this award because of absentee landlords, but because of owner occupied individuals and citizens, who together created the Downtown to Campus Plan and the MOR Zoning District. So, he requested that the Zoning Board of Appeals reject the variance requests.

Richard Cahill approached the Zoning Board of Appeals. He stated that it was very disheartening to see the intent of the MOR Zoning District being ignored by City staff. He agreed that it is a violation of the Open Meetings Act to change the case from a major variance to a minor variance.

He talked about the development of the property behind his property and how it has affected him and the neighborhood. The proposed development of 708 and 710 West Green Street would alter the character of the neighborhood. Although Mr. Fell would create a nice design, he felt that the development would violate the intent of the MOR Zoning District. There are families that live in the neighborhood that would be affected by the proposed redevelopment.

Michael Walker approached the Zoning Board of Appeals. He mentioned the email that he and his wife had submitted and was handed out prior to the start of the meeting. He pointed out that if the applicant abided by the required 25-foot setback, it would already be altering the character of the block because they would not be reusing the existing buildings and the proposed apartment buildings would be taller. He encouraged the Zoning Board of Appeals to deny the variance requests.

Brian Adams approached the Zoning Board of Appeals. He expressed his disagreement with approving the proposed variances. He felt that the streetscape concept in historic old neighborhoods is important. Any sort of tinkering of the setbacks would go against the MOR Zoning District.

Karl Weingartner approached the Zoning Board of Appeals. He stated that he wants to preserve the character of the neighborhood. He believed that future apartment buildings should be compatible with properties in the surrounding area that are single-family homes. The proposed apartment buildings should not detract from sight line of the other properties on the block.

With no additional comments from the public audience in opposition, Chair Welch invited the applicant to respond.

Mr. Fell re-approached the Zoning Board of Appeals. He clarified that this is not a hardship that the property owner is imposing upon himself. They did not know about the storm sewer pipe until after the owner purchased the property.

While 708 and 710 West Green Street are located in the MOR Zoning District, it is not really a MOR discussion. If the properties were located in a R-6 Zoning District, he would still be applying for the same variance requests. They intend to build everything else by right in the MOR Zoning District.

He pointed out that the reason for asking for a front-yard setback reduction at 710 West Green Street was to make both properties be consistent to lessen the impact on the neighborhood.

Mr. Warmbrunn asked if the storm sewer pipe did not exist would they be able to construct the development without any variances. Mr. Fell said yes. It was their intent to develop the two properties without variances until they discovered the storm sewer pipe.

Ms. Uchtmann commented that she noticed the proposal was to be able to construct a six-unit apartment building on each lot. It appeared to her that the City was not supposed to increase the density in the MOR. Mr. Fell responded that by right they could build a six-unit apartment building.

There was no further input, so Chair Welch closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motions by the Zoning Board of Appeals.

Chair Welch commented that they are the Zoning Board of Appeals. In the Zoning Ordinance, there are mechanisms for appeal. Therefore, they are allowed leeway to make decisions based on appeals; otherwise, there would be no need for the Board. City staff would merely refer to the Zoning Ordinance and if a proposal did not fit the regulations and requirements, it would not be allowed.

He also commented about the Open Meetings Act. He believed that it was primarily directed at bodies conducting business in private that should be conducted in public. They had proceeded during this meeting in a public hearing and listening to the public's comments and complaints. Due to the change in a petition from a major to minor variance, the Zoning Board of Appeals could have requested the applicant to submit a new application, and held the meeting at a later date. He did not see how doing so would have changed the concerns of the residents. The only difference is the procedure that follows as to whether the case would be forwarded to City Council with a recommendation or whether final decision was made by the Zoning Board of Appeals.

Mr. Cho commented that there was great input received by the public; however, the Board has to consider zoning. The storm sewer pipe creates a special circumstance, which is why the Zoning Board of Appeals exists. The applicant changing his request to change the setback from 15 feet to 20 feet only helps resolve some of the concern of the neighbors.

Ms. Uchtmann moved that the Zoning Board of Appeals deny the proposed variance requests. She explained her reasons for denial is based on that the requests are not compatible with the MOR Design Guidelines and denial is a request of neighborhood and community members. The motion failed by a lack of a second.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-02 to the City Council with a recommendation for approval. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Mr. Cho	-	Yes			

The motion was approved by a vote of 6-1. Ms. Pearson stated that this case would be forward to the City Council on May 2, 2016.

Mr. Cho moved that the Zoning Board of Appeals approve Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 amending the setback from 15 feet to 20 feet. Mr. Weisskopf seconded the motion. Ms. Pearson pointed out that City staff had recommended two conditions be placed on approval of the variance requests. She read the conditions as proposed. Mr. Cho withdrew his motion.

Mr. Cho moved that the Zoning Board of Appeals approve Case Nos. ZBA-2016-MAJ-03 and ZBA-2016-MAJ-04 amending the setback from 15 feet to 20 feet and including the two conditions as recommended by City staff. Mr. Weisskopf seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	No	Mr. Cho	-	Yes
Ms. McLaughlin	-	No			

The motion was passed by a vote of 4-3. The validity of the approval of the motion was questioned. Chair Welch pointed out that a minor variance only requires a majority vote in favor, not a super majority.

Ms. Uchtmann asked City staff to look into holding a discussion and seeing a modification to how the average setbacks are calculated. Instead of using the setback of an existing structure, the City staff is currently allowed to figure the setback of a property to be 15 feet if the property owner intends to demolish the structure. This drastically changes the outcome of the average setback required. Ms. Pearson stated that City staff will look into this. Mr. Welch added that this would have to be addressed by a different body than the Zoning Board of Appeals.

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 9:43 p.m.

Respectfully submitted,

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