

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

DATE: August 19, 2015

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

MEMBERS EXCUSED There were none.

STAFF PRESENT Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II

OTHERS PRESENT Bill Craig, Lori Garrett, Beth Hoag, John Hoagland, Marc Klingshirn

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

Chair Welch called the meeting to order at 7:33 p.m. Roll call was taken, and Chair Welch declared that there was a quorum with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the June 17, 2015 regular meeting were presented for approval. Mr. Warmbrunn suggested a correction on Page 11 to reflect that Chair Armstrong adjourned the meeting rather than Acting Chair Welch as written. He moved to approve the minutes as amended. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote as moved.

4. COMMUNICATIONS

There were none.

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

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2015-MIN-02 – A request by Carol Westerman to grant a Minor Variance to create a lot that is 4,053 square feet in area at 2510 South Vine Street in the R-3, Single and Two Family Residential Zoning District; and

ZBA-2015-MIN-03 – A request by Carol Westerman to grant a Minor Variance to create a lot with a street frontage of 34.1 feet at 2510 South Vine Street in the R-3, Single and Two Family Residential Zoning District.

Chair Welch opened the public hearings for these cases.

Kevin Garcia, Planner II, presented these two cases to the Zoning Board of Appeals. He explained the purpose for the proposed variance requests, which is to reduce the minimum lot size and minimum lot width so the applicant would be able to divide the property into two separate lots. He gave a brief description of the subject property as well as for the surrounding adjacent properties by noting the zoning and current land uses of each. He reviewed how the proposed requests related to the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendations for approval of each variance request.

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

Ms. Chester stated that it is currently a condominium. By dividing the lots, would they become zero lot line duplexes? Mr. Garcia stated that this was correct. Ms. Chester wondered why the applicant wanted to change the status of the type of property it is. Mr. Garcia replied that the applicant would like to be able to sell the units with individual lots rather than a common element.

Mr. Warmbrunn inquired about the procedure to divide property. Mr. Garcia explained that if a property meets the minimum requirements of the Zoning Ordinance, then the owner would be able to split the property into common lot line dwelling units. Ms. Pearson added that a subdivision application would be required, but it would be fairly minimal.

Mr. Warmbrunn stated that if they grant the requests, then they would be creating two properties. Would they be 2510A and 2510B or would one of them become a 2512? Do both of the variance requests relate to only one of the properties? Mr. Garcia stated that the northern lot is the only property that would need the variances. The southern lot meets the minimum requirements. Ms. Pearson stated that her understanding was that the addresses for each are currently 2510A and 2510B and that it would remain that way; however, she deferred the question to the applicant.

With no further questions for City staff, Chair Welch opened the hearing for public input.

Bill Craig, of Remax Realty Associates, approached the Zoning Board of Appeals members to speak. Chair Welch swore him in.

Mr. Craig mentioned that when the applicant’s family first purchased the property, it was considered a duplex. They converted the property into condominiums some years ago. The applicant wants to sell the property and potential buyers are having difficulty getting financing for a two-unit condo. They now have a buyer in place; however, a requirement for the buyer’s financing is that the property has to be a zero lot line. This is happening in the real estate industry lately.

Ms. Uchtmann asked why it is more difficult to get financing for condominiums. Mr. Craig explained that because there was no budget or homeowner’s association, lenders want to see it be changed to zero lot line properties.

With no further input from the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Ms. Chester moved that the Zoning Board of Appeals approve Case No. ZBA-2015-MIN-02 and Case No. ZBA-2015-MIN-03. Ms. Uchtmann seconded the motion. Roll call was as follows:

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

The motion passed by unanimous vote.

ZBA-2015-MAJ-08 – A request by Lori Garrett for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard in the R-3, Single Family and Two-Family Residential Zoning District at 701 East Elm Street. *[The legal publication for this case gave notice of a greater encroachment of 21 feet, 3 inches.]*

Chair Welch opened the public hearing for this case.

Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed variance request, which is to allow the applicant to build a garage and breezeway. He gave a brief description of the subject property, specifically noting two well-established walnut trees that the City Arborist felt would likely be damaged from the proposed driveway and garage footing. He talked more about the two main issues, which were the variance request itself and the potential harm that the variance request, if granted, could have on the two trees. He reviewed how the proposed major variance relates to the variance criteria in Section XI-3 of the Urbana Zoning Ordinance.

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

Ms. Uchtmann asked if there was an alley separating this lot from the lots to the south. Mr. Garcia replied that there was a former alley. He was not sure if it had been vacated, but there

was no pavement or gravel. He added that the applicant wanted to have the garage close to the house so she would not have to shovel a long walk.

Mr. Warmbrunn questioned how the right-of-way is measured. Mr. Garcia explained that it varies. The Public Works Department has right-of-way files that Planning staff uses as well as lot lines on maps that we have to determine right-of-way areas for properties. Absent having a survey of the land performed, there is no way to get an exact measurement of where a right-of-way starts and ends.

Ms. Uchtmann wondered if the original intent of the alley was to provide a driveway to the homes. Mr. Garcia assumed that the alley was to provide access to the rear of the properties. Ms. Chester stated that this area of town was platted before the turn of the century and people did not have cars at that time.

Mr. Cho asked if one of the walnut trees was sick. Mr. Garcia did not know the answer, but he mentioned that the City Arborist felt the trees were valuable.

Mr. Cho questioned if there was an existing driveway along the eastern side of the house. Mr. Garcia said yes, it is about ten feet wide. Mr. Cho asked if the existing driveway would continue to be used if they grant the variance. Mr. Garcia said yes. It would be used for a second car the applicant owns.

Mr. Weisskopf inquired how the value of the trees was estimated. Mr. Garcia answered that the City has an inventory of all the trees in Urbana and based on the species and age of the tree and the diameter of the trunk, a value is estimated. The value is based on the green infrastructure benefits.

With no further questions for City staff, Chair Welch opened the hearing for public input.

Lori Garrett, applicant, approached the Zoning Board of Appeals to speak. Chair Welch swore her in.

Ms. Garrett spoke about issues she has had with the black walnut trees. She explained the discussions she had with Mike Brunk, City Arborist, about the options available to minimize impacts on the walnut trees. She then discussed the alleyway behind her property.

Ms. Uchtmann asked who mows the alleyway. Ms. Garrett replied that she and her neighbor both do.

Ms. Garrett then described some surrounding properties. She concluded by stating her reasons for wanting a garage in the proposed location.

With no further input from the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-08 to the Urbana City Council with a recommendation for approval including the conditions as recommended by City staff.

Mr. Garcia suggested a correction to the dollar amount stated in the recommendation. It should be \$3,417, not \$3,714. Mr. Warmbrunn accepted the correction. Ms. Chester seconded the motion. Roll call was as follows:

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

The motion passed by unanimous vote.

Ms. Pearson noted that this case would be forwarded to the Urbana City Council as recommended by the Zoning Board of Appeals on Tuesday, September 8, 2015.

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 8:21 p.m.

Respectfully submitted,

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