

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

APPROVED

DATE: June 26, 2024

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

MEMBERS ATTENDING: Joanne Chester, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn

MEMBERS ABSENT: Matt Cho, Ashlee McLaughlin, Harvey Welch

STAFF PRESENT: Marcus Ricci, Planner II; Teri Anzel, Planning Administrative Assistant II

OTHERS PRESENT: Adrianne Kim, Alejandro Lleras Buetti, Simona Lleras Buetti

A. CALL TO ORDER and ROLL CALL

The meeting was called to order at 7:05 p.m. Roll call was taken and a quorum was declared present.

Mr. Rusch nominated Charles Warmbrunn to serve as Acting Chair in the absence of Harvey Welch. Ms. Uchtmann seconded the motion. The motion passed by unanimous voice vote.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF PREVIOUS MINUTES

Minutes of the February 21, 2024 Regular Meeting

Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes of the February 21, 2024 regular meeting as written. Ms. Chester seconded the motion. The motion was approved by unanimous voice vote.

D. WRITTEN COMMUNICATIONS

Email from Joanne Budde regarding how the Zoning Board of Appeals Bylaws addresses abstentions in a vote. Mr. Ricci mentioned that the City's Community Development Services Department staff have been reviewing each of their board and commission's bylaws and looking to make revisions to make them more consistent. This task has been put on hold until the new City Attorney, Matt Roeschley, begins his position with the City.

E. CONTINUED PUBLIC HEARINGS

There were none.

F. NEW PUBLIC HEARINGS

ZBA-2024-MIN-02 – A request by Andrew Fell, on behalf of Alejandro & Simona Lleras Buetti, for a Minor Variance to allow a building addition that would encroach five feet into the required 25-foot front yard at 902 East Main Street in the R-3 (Single-and Two-Family Residential) Zoning District.

NOTE: Acting Chair Warmbrunn reviewed the procedure for a public hearing and swore in members of the audience who wished to speak on a case.

Acting Chair Warmbrunn opened Case No. ZBA-2024-MIN-02. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals by stating facts from the written staff report. He gave a brief history of the proposed site. He noted the land uses and zoning of the subject property and of the surrounding properties. He showed the site plan, photos, the existing floor plan, and concept plan for the proposed site. He talked about more details of the proposed expansion. He read the variance criteria and staff findings of how the proposed expansion would relate to each criterion from the written staff report. He reviewed the notification process for this case. He summarized staff findings, and using an aerial photo, he showed the front yard setback of properties along Main Street and Lynn Street. He noted that City staff had no recommendation for the proposed minor variance and that the applicants and a representative of Andrew Fell Architecture was in the audience.

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

Mr. Warmbrunn asked if the applicants had requested the proposed addition prior to the sunroom addition, deck and the pool room additions, would staff have recommended that the applicants construct the proposed addition on the west and/or north sides of the house? Mr. Ricci said that he would have recommended they build on the west or the north side.

Mr. Warmbrunn wondered why the City was punishing the applicants for expanding already to the west and north. Mr. Ricci stated that the Zoning Ordinance allows a porch to encroach into a front yard, but not a house or addition onto a house. An open porch does not give off the feeling that it is looming over someone walking by a house; whereas, walls, windows and doors feel like they are more on top of someone walking by. Ideally it would have been better for the applicants to come to City staff back in 2017 before they built any additions and ask how they should go about all of the expansions they wanted.

Mr. Warmbrunn asked if the Zoning Board of Appeals needed to find that Criterion #1 was met in order to approve the variance request. Mr. Ricci explained that there must be a special circumstance or special practical difficulty in order for the Zoning Board of Appeals to approve the variance request, so if the Board approves the request, he asked that they state what the Board determines the special circumstance or special practical difficulty to be for clarity.

Ms. Uchtmann asked about stairs coming out into the front yard setback from the proposed addition. Mr. Ricci replied by reading the section of the Zoning Ordinance that pertains to access to buildings and outdoor living areas being allowed to encroach into the front yard no more than six inches from the front property line. The Zoning Ordinance also states that the porch stairs may encroach a minimum amount required to bring the rise and the run of the stairs up to current building code standards.

Ms. Chester asked if the proposed variance is a minimum deviation from the Zoning Ordinance requirements. Mr. Ricci said yes. The applicants could have asked for a bigger variance to allow more room in the living area and bathroom area spaces; however, they chose to ask for a minimum variance to keep the additional space on the house limited to the current area of the existing porch. Ms. Chester commented that property owners enclosing porch areas to expand their homes is common because porches were constructed close to the sidewalks back in the day.

With there being no further questions for City staff, Acting Chair Warmbrunn opened the public hearing for public input. He invited the applicants to speak.

Adrienne Kim, of Andrew Fell Architecture, and Alejandro and Simona Lleras Buetti, property owners, approached the Zoning Board of Appeals to speak.

Ms. Kim stated that she would answer any questions directed to her from the Board.

Mr. Lleras Buetti thanked the Zoning Board of Appeals for considering their request for a minor variance. He said that he and his wife were surprised that they need a variance to do their project to build an addition to their house, because many of the other properties on their street encroach closer to the street than their house will. Therefore, their special circumstance is that they did not know a variance was required. In addition, they are trying to make improvements to their small house to accommodate kids from a previous marriage coming to live with them.

Mrs. Lleras Buetti stated that their existing bathroom downstairs is being used as a vestibule to hang coats and keep their shoes. They dream of having a vestibule to store these items so they can use the bathroom as a bathroom and to have a larger living room area where all of the family can sit.

Mr. Lleras Buetti added that the existing floor plan of the house has four doors, one in each direction, in many of the rooms. The floor plan makes so there is a lot of walkways but not much usable space.

With there being no further input from the audience, Acting Chair Warmbrunn closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2024-MIN-02 with the following condition:

1. The Addition follow the narrative outlined in the general variance request of Exhibit D, Application. The new addition may not exceed the floor space of the existing structure by any more than 10%.

Ms. Uchtmann seconded the motion. She asked if the Zoning Board members needed to add any additional reasoning as to why they are voting to approve the proposed variance. Mr. Ricci replied no. He said the motion was sufficient. The reason for approval is that this case has a special practical difficulty because the front yard requirements established decades after the house was constructed and there are no other directions to build since other additions have been made to ensure the house would keep up with modern usage standards. This would not be a special privilege because there are already many non-conforming, closed porches in the neighborhood and the proposed addition would not be substantially different or detract from the character of the neighborhood. He also accepted staff's findings on Criterion 3-6 in the written staff report.

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

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|---------------|---|-----|--------------|---|-----|
| Mr. Rusch | - | Yes | Ms. Uchtmann | - | Yes |
| Mr. Warmbrunn | - | Yes | Ms. Chester | - | Yes |

The motion was approved by unanimous vote of 4-0.

G. OLD BUSINESS

There was none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Ricci reported on the following:

- 312 West Illinois Street (*Case No. ZBA-2023-C-06; -MAJ-03; -MAJ-04 and -MIN-3*) – The construction of a duplex is almost completed.

Mr. Warmbrunn expressed concern and inquired about the status of the challenge of the Zoning Board of Appeal's decision to approve a Conditional Use Permit to allow self-storage facility on High Cross Road. He asked specifically if it was taken to court. Mr. Ricci stated that he is not familiar with the status of this property. Mr. Warmbrunn stated that the Zoning Board of Appeals should be given an update on the status of this property, even if it is as simple as this property is in litigation and cannot be discussed. He read that the Plan Commission has rezoned the property from B-3 (General Business) to B-1 (Neighborhood Business) since the Zoning Board of Appeals approved the Conditional Use Permit.

Mr. Warmbrunn continued to say that his understanding is that review and decision-making for future Conditional Use Permits was being taken away from the Zoning Board of Appeals and given to the City Council. Mr. Ricci clarified that the proposed text amendment (Case No. 2484-T-24) would only remove the self-storage facility use as a Conditional Use Permit option in the B-3 Zoning District. It would not be shifting authority to Plan Commission or to City Council. Self-

storage facilities would still be allowed by right in Industrial Zoning Districts. He noted that the proposed text amendment has been tabled.

Mr. Ricci understood Mr. Warmbrunn's concern to be that the Zoning Board of Appeals should be informed of any proposals or updates that affect the Zoning Board of Appeals. Mr. Warmbrunn said that is correct. The Zoning Board of Appeals should be informed about possible changes that would affect the Board so they can form and voice their opinions. Mr. Rusch agreed that staff should give updates on the status of topics that affect the Board. However, the members of the Zoning Board of Appeals should talk to their City Councilperson of their ward if they have concerns or want to voice their opinion(s) on the topic.

Mr. Warmbrunn asked if the City wins the court case, would the property owner be allowed to construct a self-storage facility on High Cross Road? Mr. Ricci said that as long as the court doesn't rule to dismiss the Conditional Use Permit, then the Conditional Use Permit has been approved, and the owner has one year to apply for a building permit. If the owner applies for a building permit within the year from the date of approval, then the property could be used as a self-storage facility. Because of the recent rezoning of the property, the self-storage facility would be considered a legally non-conforming use; therefore, if the self-storage facility was damaged by more than 50%, it would not be allowed to be rebuilt. As a result, the property owner may reconsider building the self-storage facility to begin with.

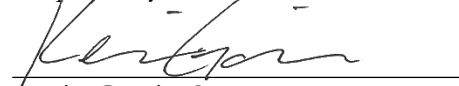
K. STUDY SESSION

There was none.

L. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals