

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

APPROVED

DATE: December 20, 2023

TIME: 7:00 P.M.

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

MEMBERS ATTENDING: Joanne Chester, Ashlee McLaughlin, Adam Rusch, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED: Matt Cho, Nancy Uchtmann

STAFF PRESENT: Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner and Zoning Administrator; Marcus Ricci, Planner II; David Wesner, City Attorney

OTHERS PRESENT: Geoff Bant, Joanne Budde, Chien-Yu Chen, Dan Davis, Christy Donovan, Frithjof Gressmaivv, Grace Harshbarger, Jeff Harshbarger, Igor Kalnin, Dannie Otto, Kris Pendl, Lauren Senoff, Evelyn Shapiro, Noelyn Stephens, Wes Taylor

A. CALL TO ORDER and ROLL CALL

Chair Welch called the meeting to order at 7:00 p.m. Roll call was taken, and he declared a quorum present.

B. CHANGES TO THE AGENDA

There were none.

Chair Welch swore in members of the audience who wished to speak on a case.

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

Ms. Chester moved to approve the minutes of the previous meeting. Ms. McLaughlin seconded the motion. The motion was approved by unanimous voice vote.

D. CONTINUED PUBLIC HEARINGS

There were none.

E. NEW PUBLIC HEARINGS

ZBA-2023-C-07 – A request by Wes Taylor, on behalf of PK Elledge Development, LLC, for a Conditional Use Permit to allow a self-storage facility at 1601 East Colorado Avenue, in the B-3 (General Business) Zoning District.

Chair Welch opened Case No. ZBA-2023-C-07. He reviewed the procedure for a public hearing.

Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals. He gave a brief history of the proposed site. He noted the land uses, zoning and future land use designations of the subject property and of the surrounding properties. He showed photos of the subject property and a Concept Plan of the proposed self-storage facility. He talked about the proposed development. He reviewed the criteria for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He presented staff's recommendation for approval of Case No. ZBA-2023-C-07 with the following conditions:

1. The self-storage facility shall generally conform to the concept plan attached to the application.
2. The self-storage facility's operating hours shall be between the hours of 7 am – 10 pm.

He stated that the applicant is available to answer questions.

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

Mr. Warmbrunn asked if there was a fence around the entire property [in the proposed plans]. Mr. Ricci said yes. Mr. Warmbrunn noticed that one side is a solid six-foot fence. He asked about the other three sides. Mr. Ricci replied that it depends on what the applicant wanted to provide. He explained that a fence is not required on the other three sides. It is only required on the east side because of the R-2 differing zoning district. The property to the south is zoned R-4, so it requires a five-foot landscape buffer.

Mr. Warmbrunn asked how deep the average stormwater detention pond would be. Mr. Ricci said that this would be calculated by the City Engineer based on the impervious area that would be drained off the site prior to and after development. The applicant has pre-calculated that this size should meet it; however, it has not been reviewed by the City Engineer.

Mr. Warmbrunn asked if the detention pond should be fenced off so no children have access. Mr. Ricci explained that the City's newly adopted Manual of Practice prohibits the fencing off of detention ponds. He stated that they are only concerned with the application meeting the Zoning Ordinance requirements at this point. All of the other building codes and engineering codes would be taken up by the relevant City agencies.

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

Wes Taylor, applicant, approached the Zoning Board of Appeals to speak on behalf of his application. He addressed Mr. Warmbrunn's question by stating that they intend to install a fence all around the property. The fence on the east side would be a different style than what they propose

for the north, south and west sides. They would also install a landscape buffer on the south side as required.

He stated that the detention would be a dry basin, so there will not be water continuously in the detention area. It will be meant to handle any storm water that runs through the property. He explained that while the Assisted Living Facility to the east has their own detention pond, the townhouses to the west does not have a drainage system so stormwater runs through a swale to the proposed site, and he would be required to manage that stormwater as well.

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

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2023-C-07 with the following conditions:

1. The self-storage facility shall generally conform to the concept plan attached to the application.
2. The self-storage facility's operating hours shall be between the hours of 7 am – 10 pm.

Ms. McLaughlin seconded the motion.

Kevin Garcia, Principal Planner, asked the Board to provide some findings of fact.

Mr. Rusch stated that the reason for his motion to approve are as follows:

1. The proposed use is conducive to the public convenience at the location. It will serve people who want this kind of business.
2. The proposed facility is designed, located and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located.
3. The proposed use conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.

Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Rusch	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was passed by unanimous vote.

Requests by Chien-Yu Chen and Pei-Hsiu Tan Regarding 312 West Illinois Street in the R-2 (Single-Family Residential) Zoning District:

ZBA-2023-C-06 - A request for a Conditional Use Permit to allow a duplex.

ZBA-2023-MAJ-03 - A request for Major Variances to reduce the required front yard along Illinois Street from 15 to 9 feet, reduce the minimum open space ratio from 0.4 to 0, and increase the maximum floor area ratio from 0.4 to 0.52.

ZBA-2023-MAJ-04 - A request for Major Variances to reduce the required lot area for a duplex from 6,000 to 3,607 square feet, and reduce the required number of parking spaces for a duplex from four to two.

ZBA-2023-MIN-03 - A request for a Minor Variance to reduce the required front yard along Birch Street from 15 to 12 feet.

Chair Welch opened the public hearing for all four cases together, since they are related. Marcus Ricci, Planner II, presented the written staff report. Mr. Ricci reviewed each case and how it relates to the Zoning Ordinance requirements. He showed plans of the existing site and the proposed site, and showed floor plans for the proposed duplex. He presented a history of the existing property and existing structure. He talked about the setbacks, the open space ratio (OSR), and the floor area ratio (FAR) for the proposed duplex. Mr. Ricci explained the request for reduced parking. He showed photos that the applicant supplied to show that street parking is not fully-occupied.

Mr. Ricci reviewed criteria according to Section VII-2 of the Urbana Zoning Ordinance that pertains to conditional use permits, and explained how the proposed request meets the criteria. He then reviewed the criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertains to variances, and explained how the requests meet the criteria.

He described the public input process, and indicated that staff received eight letters of support, three letters of objection to all requests, and three letters objecting to the duplex-related requests. He stated that there were revised letters and new letters that he had distributed at the beginning of the meeting.

Mr. Ricci summarized the staff findings and presented staff's recommendation for approval of the conditional use and major and minor variance requests in Case Nos. ZBA-2023-C-06, ZBA-2023-MAJ-03, ZBA-2023-MAJ-04 and ZBA-2023-MIN-03. He mentioned that the applicant was available to answer questions.

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

Ms. Chester stated that, in this neighborhood, there were a number of homes that had been converted into duplexes or triplexes, and were required to be converted back to single-family houses. She asked if the owner of a single-family home in the area could apply for a conditional use permit [to create a duplex]. Mr. Ricci said yes, because a duplex is permitted with approval of a conditional use permit in the R-2 (Single Family Residential) Zoning District.

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

Chien-Yu Chen, applicant, approached the Zoning Board of Appeals to speak. He asked Ms. Chester to clarify about duplexes being required to convert back to single-family homes. Mr. Garcia clarified that Ms. Chester was referring to an effort back in the 1980s where the Planning staff surveyed all of the houses in the neighborhood and required property owners of illegally-converted duplexes or more units to return back to single-family use.

Mr. Chen stated that he is seeking approval of his requests so he can build a duplex by law that would meet the standards for a duplex. The proposed duplex would be built on the same footprint as the existing structure, with a full two-story construction.

Dan Davis approached the Zoning Board of Appeals to speak in favor of the requests. He commented that the existing structure is an eyesore, and with the caution tape, it is not great for property values of surrounding properties. This is an opportunity to significantly improve the neighborhood. The proposed duplex will have a porch, which improves street appearance on Illinois Street. He stated that he supports the proposal and all of the variances. The current structure is an embarrassment as it is, and the proposed duplex will provide needed density. It would be owner-occupied, which is a benefit. It is not any bigger than nearby homes and not overshadowing any neighbors. So, he strongly encouraged the Zoning Board members to approve the project.

Dannie Otto approached the Zoning Board of Appeals to speak. Chair Welch swore in Mr. Otto. Mr. Otto stated that he has watched the existing structure on the subject property decay over the years. In recent years, it has been vacant and then have short-term renters and then become vacant again. He mentioned that as a hobby, he has restored and renovated eight homes, and he thought that he had never seen a home that could not be salvaged until he and two other people (one being a contractor) saw the extensive termite damage and realized that the termite damage was too extensive and there was no place to start a renovation.

He stated that after seeing what the applicant is proposing, he feels that the proposed duplex would fit into the scheme of the neighborhood. He stated that he measured the setbacks of the houses on the block; many were only four feet less from the front property line than is being proposed. He talked about parking being an issue; however, the applicant intends to use the garage for parking spaces. He encouraged the Zoning Board of Appeals members to grant the applicant's requests.

Kevin Garcia, Principal Planner and Zoning Administrator, read a letter in opposition that was handed to staff at the beginning of the meeting. The letter was from Lauren Senoff,

Evelyn Shapiro approached the Zoning Board of Appeals to speak in opposition. She expressed concern about the number of variances and about whether it will be an owner-occupied duplex. She stated that she believes that the garage would be used as a ceramics studio, not for parking, so there would only be one parking space. She asked how many parking spaces are available along Birch Street. At the direction of Chair Welch, Mr. Ricci responded that he thought there were four parking spaces north of Illinois, and there are approximately six parking spaces on the south side of Birch Street. Ms. Shapiro stated that it is not safe to park your vehicle on Illinois Street because of how fast people drive down the street.

She talked about the bump out of the enclosed porch. She mentioned that the sidewalk obstruction has been a huge issue with not having an egress in front of the house and on the corner. She said that she would support single-family but not the duplex.

Mr. Chen reapproached the Zoning Board of Appeals to respond. He stated that he lives about one mile south of the subject property on Race Street and Florida Avenue. He intends to use part of the building as a studio; not the garage. With regards to parking, he said that there are four parking spaces along Birch Street and four or five parking spaces on Illinois Street. The only time he noticed many cars parked along Birch Street is on Sunday mornings when people are going to church.

Mr. Warmbrunn asked for clarification on the use of the garage. Mr. Chen said that he plans to use the garage for parking. Mr. Chen said that he intends to use one of the units of the duplex as his personal studio. Mr. Warmbrunn said that the applicant would need to use the garage for parking one vehicle and the space in front of the garage as a second parking space. Mr. Chen said he intends to use the garage for parking.

Ms. Shapiro reapproached the Zoning Board of Appeals. She stated that it is surprising to her that he intends to live nearby and use one unit of the proposed duplex as a studio. Is it still considered an owner-occupied duplex if he does not live in the building? Ms. McLaughlin asked staff if the duplex being owner-occupied was a condition of the approval of a Conditional Use Permit. Mr. Garcia said no. The application does state that the proposed duplex will be owner-occupied, so this is irrelevant.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motions by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2023-C-06 based on the Summary of Findings in the written staff report. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

Mr. Rusch	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes			

The motion passed by a vote of 5-0.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2023-MIN-03 based on staff findings and based on the proposed duplex being in conformance with other properties in the neighborhood.

Kim Smith, Director of Community Development Services, called point of order. She requested that the Board vote on the cases in order as they appear on the agenda.

Ms. McLaughlin moved to strike her motion for Case No. ZBA-2023-MIN-03.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2023-MAJ-03 to the City Council with a recommendation for approval based on staff findings and on its conformity with the essential character of the existing neighborhood. Mr. Warmbrunn seconded the motion. Mr. Welch noted that approval would require a 2/3 majority vote of the Board members. Roll call was as follows:

Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by unanimous vote.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2023-MAJ-04 to the City Council with a recommendation for approval based on the Summary of Findings outlined in the written staff report. Ms. McLaughlin seconded the motion.

Ms. McLaughlin stated that she believes that increased density is appropriate for this area given the location and the good accessibility to walking, biking and transit in the area as well as conformity with surrounding properties.

Mr. Rusch stated that he lives two blocks away and has never seen a lack of parking on Illinois Street. With there being four parking spaces on Birch Street and an additional four to six parking spaces if you go past High Street towards Green Street, he felt that there was sufficient parking available.

Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Rusch	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by unanimous vote. Mr. Garcia stated that Case Nos. ZBA-2023-MAJ-03 and ZBA-2023-MAJ-04 would be forwarded to Committee of the Whole on January 16, 2024.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2023-MIN-03 as outlined and based on the Summary of Findings in the written staff report. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

Mr. Rush	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes			

The motion passed by unanimous vote.

Ms. Smith called a point of order regarding the approval of minutes. Minutes were not specifically listed on the agenda and were not included in the packet on the website; therefore, nothing was approved as minutes in this meeting. The minutes will be listed on the next meeting agenda and will be included in the next packet for approval by the Board.

F. UNFINISHED BUSINESS

There was none.

G. NEW BUSINESS

There was none.

H. PUBLIC INPUT

Joanne Budde approached the Zoning Board of Appeals to speak. She spoke about Case No. ZBA-2023-C-05 regarding the approval of a Conditional Use Permit for a self-storage facility at 205 North

High Cross Road. She said that the only logical and legal action for the Zoning Board of Appeals to take is to rescind their motion from November 15, 2023 to reopen the case and instead insert their findings of fact from October 18, 2023 for their denial into the record. She said that the process has been flawed from the beginning, and it looks like everyone is making up rules as they go along. She said she realized that it is very unusual for the Zoning Board of Appeals to have disagreements on how to vote, so she is sure that this is all new ground for them. She recapped her interpretation of the steps of the case that occurred. She urged the Zoning Board of Appeals to rescind their motion from November 15, 2023 to reopen the case and instead insert their findings of fact from October 18, 2023 for their denial into the record. She asked if the City Attorney had issued a response regarding the Zoning Board of Appeal's invalid vote on December 13, 2023. Ms. Smith replied that a letter was sent to the Zoning Board of Appeals and to City Council earlier in the day. If Ms. Budde gives her email address to City staff, then we can send the letter to her.

Mr. Rusch stated that he received the letter today and wanted this to be reflected in the minutes. Ms. Budde asked if the homeowners had to wait until the minutes of this meeting were made available to get a copy of the City Attorney's letter. Ms. Smith called point of order. This item on the agenda is for taking public comments. If Ms. Budde or other homeowners would like a copy of the letter, they can provide their email addresses and City staff will forward the letter to them.

I. STAFF REPORT

There was none.

J. STUDY SESSION

There was none.

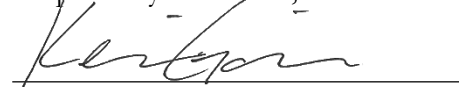
Mr. Warmbrunn requested that the Zoning Board of Appeals review their bylaws. Mr. Garcia said that it is in the works and City staff will be presenting the bylaws for the Board's review in the near future.

Mr. Warmbrunn asked if a Conditional Use Permit is different for a business than it is for a resident. Mr. Garcia said no. Mr. Warmbrunn talked about the language for "need" of a proposed use on the application. He noticed that one recent application had it and another did not. Mr. Garcia stated that City staff would look at the language in the application.

K. ADJOURNMENT

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals