CITY OF URBANA

ZONING BOARD OF APPEALS
REGULAR MEETING

DATE: **Wednesday, January 20, 2021**

TIME: **7:00 P.M.**

PLACE: **Urbana City Council Chambers - Due to COVID-19, this meeting will be held via Zoom Webinar**

REVISED AGENDA

1. **Call to Order, Roll Call & Declaration of Quorum**

2. **Changes to the Agenda**

3. **Approval of Minutes of Previous Meeting**

   Minutes from the December 16, 2020 Regular Meeting

4. **Communications**

5. **Continued Public Hearings**

6. **New Public Hearings**

   ZBA-2020-C-05 – A request by Gary Apfelstadt for a Conditional Use Permit to allow a duplex at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

   ZBA-2020-MAJ-07 – A request by Gary Apfelstadt to allow a duplex on a lot 50 feet wide and 5,775 square feet in area at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

   ZBA-2020-MAJ-08 – A request by Gary Apfelstadt to reduce the number of parking spaces required for a duplex from four to two at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

   ZBA-2020-MAJ-09 – A request by Gary Apfelstadt to allow a garage to encroach four feet into a required 15-foot front yard at 213 West Illinois Street in the R-2, Single-Family Residential Zoning District.

7. **Old Business**

8. **New Business**

9. **Audience Participation**

10. **Staff Report**

11. **Study Session**

Persons with disabilities needing special services or accommodations for this meeting should contact the City of Urbana's Americans with Disabilities Coordinator at 384-2466.

12. Adjournment

NOTE: Please note that the details of a request or application related to an agenda item may change during the public review process. For example, a Major Variance case may be revised to require only a Minor Variance, which may be approved by the ZBA.

January 20, 2021

INSTRUCTIONS ON HOW TO JOIN THE MEETING and HOW TO PROVIDE INPUT

Zoning Board of Appeals Meeting on Wednesday, January 20, 2021

Anyone can watch the meeting on streaming services or UPTV. You can attend virtually via Zoom webinar if you wish to provide public input during the meeting. If you attend the meeting via Zoom webinar, please turn off any sound from other sources such as UPTV, as there will be a lag in the audio. The meeting will be recorded by the City as part of the record. The recorded video will be available on the City's website by noon on the following Friday.

Providing Public Input by Email:

Staff asks that you submit your written public comments by email by 5:00 pm (Central Time) on Tuesday, January 19th to Planning@urbanaillinois.us so that it can be included as communications and become part of the official record of the meeting. Due to the high volume of emails, please put ZONING BOARD OF APPEALS - PUBLIC INPUT and the meeting date in the subject line.

Providing Public Input from a computer browser or the Zoom app on a mobile device:

You will be able to use a phone to call in:

- **Call 1-312-626-6799.**
- **You will be asked to enter the Webinar ID number, which is 82532344774 followed by the # key.**
- **All callers are muted by default. If you wish to speak, please "raise your hand" by pressing *9 once (this toggles the raise/lower hand option. When called on by the chair or host by your phone number, you will be unmuted and you should state your name for the record per city code*. When you finish speaking, the host will "lower your hand" and mute you - there is no need to press any more buttons.**

You will be able to use a computer to address the Zoning Board of Appeals:

- **Join the Zoom meeting here: https://us02web.zoom.us/j/82532344774**
- **Make sure you have a microphone on your computer if you wish to speak. Please identify yourself with first and last name in Zoom for the record. FCC Guidelines will be followed.**
- **Public participants will be muted during public input. If you wish to speak, please "raise your hand" using the option at the bottom of the screen.**
- **When called on by the chair or host, you will be unmuted and you should state your first and last name for the record per city code."**
- **Video will remain off for all members of the public, even while they are speaking.**

*Public Meetings - Ordinances No. 2011-05-033 & 2019-08-051. ILCS 120/2.06(g)

Persons with disabilities needing special services or accommodations for this meeting should contact the City of Urbana's Americans with Disabilities Coordinator at 384-2466 or TTY at 384-2447.

PUBLIC INPUT GUIDELINES

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Zoom Webinar Participant

Click on the link listed in the agenda to join the Webinar. You must provide your name and email address in order to join the Webinar. If you wish to speak during Public Input, "raise your hand" and wait to be called on by the meeting host. You must state your first and last name for the meeting record. Participants will be muted except when they are called on to speak; video will remain off for all members of the public when speaking.

Telephone Participant

Call the phone number listed on the Agenda. Enter the Webinar ID followed by the # key. All callers are muted by default. If you wish to speak, "raise your hand" by pressing *9 once. When you are called on by the host or presiding officer you will be un-muted. You must state your first name and last name for the meeting record.

Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: Planning@urbanaillinois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Audience Participation

Protocol for Public Input is one of respect for the process, and respect for others. Ridicule, obscene or profane language, lack of respect for others, and personal attacks are not acceptable behavior. Public Input shall not be used to air personal grievances. Speakers should address all comments to the public body as a whole and not to individual members or City staff.

Public comment shall be limited to no more than four (4) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. All public comments should be addressed to the public body as a whole. A person may participate and provide Public Input once

during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

Accommodation

If an accommodation is needed to participate in a Plan Commission meeting, please contact the Planning Division staff at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2440
- Email: Planning@urbanaillinois.us

*In order to maintain reasonable decorum at a meeting, the presiding officer or any member of the public body may call a speaker "out of order". The presiding officer of the meeting shall have the authority to provide a verbal warning to a speaker who uses abusive, harassing, threatening, or defamatory language, or who engages in disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting. If the speaker refuses to cease such remarks or conduct after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via email to the public body for inclusion in the meeting record.

***Definitions of Types of Language and Conduct That May Warrant Verbal Warning:**

"Abusive" means harsh, violent, profane, or derogatory language which would demean the dignity of an individual or which is intended to humiliate, mock, insult or belittle an individual.
https://www.lawinsider.com/dictionary/abusive-language

"Harassing" means to annoy or bother someone in a constant or repeated way; to make repeated attacks on another person.
https://www.learnersdictionary.com/definition/harass

"Threatening" means to say that you will harm someone or do something unpleasant or unwanted especially in order to make someone do what you want.
https://www.learnersdictionary.com/definition/threaten

"Defamatory" means a statement or communication that tends to harm a person's reputation by subjecting the person to public contempt, disgrace, or ridicule, or by adversely affecting the person's business. A statement that is likely to lower that person in the estimation of reasonable people and in particular to cause that person to be regarded with feelings of hatred, contempt, ridicule, fear, or dislike.

Black's Law Dictionary (11th ed. 2019)

Citations that Authorize the Presiding Officer to Bar Offensive Language During Public Comment:

The following citations provide the legal basis for adopting UCC Section 2-5(b)(1)(d) that allows the presiding officer of a City Council, Committee of the Whole, or a City-sponsored board or commission regulate "abusive, harassing, threatening, or defamatory language" during public comment. The following Attorney General binding opinions and case law essentially classify abusive, "harassing, threatening and defamatory language as "manner", not "content", of speech that can be reasonably regulated under the First Amendment. UCC Section 2-5(c) (Ordinance No. 2020-09-049. Attorney General binding opinion numbers 2019 PAC 59187, 2018 PAC 55462, 2016 PAC 45349;
Milestone v. City of Monroe, Wisconsin, 665 F.3d 774, 783-784 (7th Cir. 2011); *Vega v. Chicago Board of Education*, 338 F.Supp.3d 806, 811 (N.D. Ill. 2018); *Sandefur v. Vill. of Hanover Park*, 862 F.Supp.2d 840, 847 (N.D. Ill. 2012); *I.A. Rana Enterprises, Inc. v. City of Aurora*, 630 F.Supp.2d 912, 920-923 (D.C. N.D. 2009).