

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

DATE: September 16, 2020

DRAFT

TIME: 7:00 p.m.

PLACE: Zoom Webinar

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

MEMBER ATTENDING AT CITY BUILDING: Harvey Welch

MEMBERS EXCUSED: Matt Cho

STAFF PRESENT: Kevin Garcia, Principal Planner; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

OTHERS PRESENT: Matt Deering, Jonathon Rudin, Scott Stough

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

Chair Welch called the meeting to order at 7:01 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the August 19, 2020 regular meeting were presented for approval. Mr. Rusch moved that the Zoning Board of Appeals approve the minutes as written. Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

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

The minutes of the August 19, 2020 regular meeting were approved as written by unanimous vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2020-MAJ-04 – A request by Stough Real Estate Holdings, LLC for a Major Variance to allow two commercial wall signs in a zoning district that does not allow commercial wall signs at 907 North Lincoln Avenue in the R-5, Medium-High Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Kat Trotter, Planner I, gave the staff report for the case. She began by stating the purpose of the proposed Major Variance, which is to allow two commercial wall signs in the R-5 (Medium-High Multiple Family Residential) Zoning District. She noted the location, zoning and future land use designation of the proposed site and the uses of nearby properties. She noted that the applicant had previously been granted a Special Use Permit to allow a new plasma collection facility development and a Major Variance to allow a freestanding sign. She talked about the proposed two wall signs. She reviewed the criteria for a Major Variance from Section XI-3 of the Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with the following condition: *The proposed wall signs shall generally conform to the attached sign plans in Exhibit C of the written staff report.*

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none.

There being no questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to speak on behalf of his request.

Matt Deering, of Meyer Capel Law Office and legal representative for the applicant, raised his hand to speak. Chair Welch swore him in. Mr. Deering stated that he would answer any questions that the Zoning Board of Appeals members had.

Scott Stough, applicant, raised his hand to speak. Chair Welch swore him in. Mr. Stough thanked Ms. Trotter for her presentation.

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

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2020-MAJ-04 to the Urbana City Council with a recommendation for approval with the following condition: *The proposed wall signs shall generally conform to the sign plans in Exhibit C of the written staff report.* Mr. Rusch seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote. Ms. Trotter noted that this recommendation would be forwarded to the City Council on September 28, 2020.

ZBA-2020-MIN-01 – A request by Stoller Law, on behalf of Jonathan Rudin, for a Minor Variance to reduce the minimum required street frontage from 30 feet to 26 feet, to allow for a Common-Lot-Line subdivision at 3110 Chatham Drive in the R-4, Medium Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Kat Trotter, Planner I, gave the staff report for the case. She began by explaining the purpose for the proposed minor variance, which is to reduce the minimum required street frontage from 30 feet to 26 feet to allow a Common-Lot-Line subdivision. She stated the location, zoning and future land use designation of the subject property as well as for the adjacent properties. She showed a photo of the existing structure on the lot and how the subdivision would affect the property. She reviewed how the proposed major variance relates to the criteria from Section XI-3 of the Urbana Zoning Ordinance. She read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval with the following condition: *That the proposed subdivision generally conform to the attached site plan in Exhibit C of the written staff report.*

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none.

There being no questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant or the applicant’s representative to speak.

Jonathan Rudin, applicant, raised his hand to speak to the Board. Chair Welch swore him in. Mr. Rudin thanked the City for reviewing his request and he stated that he would answer any questions that the Board has for him.

Ms. Uchtmann asked what the advantage would be to the owners for having a common-lot-line division. Mr. Rudin replied that they would like to have separate utility and tax bills and to have the option to sell the duplex off by unit.

Ms. Chester asked if he currently received one utility bill for the duplex or a utility bill for each unit. Mr. Rudin stated that he currently has two water and two electric bills. He just had work done so that he would have two sewer bills.

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

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2020-MIN-01 as requested based on the findings outlined in the written staff report. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote. Mr. Garcia noted that Case No. ZBA-2020-MAJ-03 would be forwarded to the Urbana City Council on Tuesday, September 8, 2020.

7. OLD BUSINESS

Review of Annual Bylaws

Chair Welch opened this item on the agenda. Mr. Garcia presented an update since the Zoning Board’s original review of the bylaws occurred in February, 2020. He has since spoken with the City’s Legal Division about the Board’s concerns. Curt Borman, Assistant City Attorney, had informed him that the Board should not undertake any business without a quorum present, which includes opening a public hearing. Therefore, they would not need to add a requirement that any Board member who had not attended a previous meeting without a quorum to review the minutes of that meeting prior to voting on what had been presented.

Mr. Rusch asked if there is not a quorum at any future meeting, then the Board is not allowed to hear input from an applicant or public member. Mr. Garcia said that is correct. Even if an applicant has come in from another state.

Mr. Warmbrunn asked if the initial change was to allow members to remote in to a meeting. Mr. Garcia said that is correct. He said that since it had been a few months since the Board discussed the initial change, he could send out the bylaws with that initial change and the Board could review them prior to their next meeting.

Mr. Warmbrunn asked if the only reason the Board meets via Zoom now is because the Governor of Illinois issued an Executive Order due to COVID-19 to allow boards and commissions to meet remotely. The Zoning Board of Appeal’s bylaws would not allow the Board to meet via Zoom without that Executive Order, correct? Mr. Garcia said that is correct. The changes that were discussed back in February were to allow members to remote in to a meeting as long as there was still a quorum physically present at the meeting.

Mr. Warmbrunn wondered if it was easier to set up a Zoom meeting versus having a member call in via phone. Jason Liggett, UPTV Manager, replied that it easy for them to setup a phone call or Zoom session. Mr. Warmbrunn asked if they should adjust the language to allow for Zoom sessions. Mr. Garcia recalled that the language was general and included video conference.

Chair Welch agreed that staff put something in writing before the next meeting so he continued this item to the next regular meeting.

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 7:38 p.m.

Respectfully submitted,

Kevin Garcia, AICP
Principal Planner
Secretary, Urbana Zoning Board of Appeals