

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: February 17, 2005

PLACE: 1776 East Washington Street
Meeting Room 1

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : John Hall, Jeffrey Roseman, Susan Monte

OTHERS PRESENT : JoAnne Wozniak, Lou Wozniak, Brian Luckenbill, Frank Palmer, Herb Schildt, Kathleen Weckel, Mike Messmer, Debbie Messmer, Elmer Freese, Esther Freese, Janet Francisco, Charles Francisco, John Sapp, Warren Rittenhouse, Mary L. Gannaway, Jim Gannaway, Jeff Roloff, Don Wauthier, Jim Ploeger, Ron Meyer, Mike Helregel, Sandy Helregel, John Jay, Wilbur Street, Wes Meyers, John Collins, William Campo, Jeryl Ploeger, Bernard Coffey

1. Call to Order

The meeting was called to order at 6:33 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 462-V-04: Petitioner: Louis and JoAnn M. Wozniak Request to authorize the construction and use of a dwelling on a lot in the CR-Conservation Recreation Zoning District with the following variances: A. An average lot width of 160 feet instead of the required 200 feet minimum average lot width; and B. that does not abut a public street right of way no private accessway but has access to CR 2425N by means of a shared

easement of access that is 60 feet wide. Location: The East 5.56 acres of an existing 23.16 acre tract that borders the north side of the Sangamon River and is partially located in the West ½ of the West ½ of the East ½ of the fractional Section 2 of Mahomet Township and also partially located in both the South ½ of the southwest 1/4 of the Southeast 1/4 and the South ½ of the Southeast 1/4 of the Southwest 1/4 of Section 35 of Newcomb Township and is commonly known as a residential lot at 401C CR 2425N, Mahomet.

Mr. Hall distributed a Supplemental Memorandum dated February 17, 2005 for the Board's review. He said that the memorandum includes additional comments which have been received from Mr. Holt and Ms. Snowden which appear to be re-statements of previous evidence and a Revised Draft Finding of Fact. A copy of a memorandum from Cornbelt Fire Protection District Chief John Jay that was provided in Case 302-V-01 is included in the distributed memorandum dated February 17, 2005. Case 302-V-01 involved a request for variances on new lots proposed to be newly divided without direct street access. In the memorandum Chief Jay recommended a turnaround and bringing the shared driveway up to Newcomb Road District Standards. He noted that no such memorandum has been received in this case. He said that a possible condition of approval has been included in the memorandum but he stressed that the condition has not been reviewed by Mr. Roseman or the Assistant State's Attorney and it has been suggested to him, in more than one occasion, that whatever the Board returns in this case could more than likely result in a court case. He said that he is uneasy with a condition that the Assistant State's Attorney has not had an opportunity to review. The Revised Draft Finding of Fact includes a new Item #13.H.3 which indicates that on February 17, 2005, John Hall, Associate Planner verified that (a) the existing private street appeared to be no less than 11 feet wide between the subject property (Tract B) and CR 2425N; (b) the trees on the petitioners property appeared to have been trimmed to provide the minimum clearance required by the Cornbelt Fire Protection District; and (c) the petitioner's property (both Tract A and Tract B) did not appear to be clearly signed with its rural address in plain sight as required by the Cornbelt Fire Protection District. He reviewed Item # 13.N, which illustrate some relationships between the requested variance and public health, safety and welfare.

Mr. Louis Wozniak questioned why the new information was recently added to the Finding of Fact when staff has had three months to prepare for this case.

Mr. Hall stated that the new information was added to the Finding of Fact because this is the first chance that he had to add the new information.

Mr. Wozniak requested permission to record the public hearing and the ability to address any objections or concerns which are received during the hearing.

Ms. Griest granted Mr. Wozniak permission to record the public hearing and requested that he keep notes of his questions and when he is called again he can express his comments. She requested that these comments are addressed in an orderly manner.

Mr. Wozniak requested that the determination at tonight's hearing be the final determination and requested that the case not be continued to a later date.

Ms. Griest explained that Mr. Wozniak can make such a request but it is the Board's discretion whether to continue the case or take final action.

Mr. Wozniak stated that it is his understanding that he can request a final determination at tonight's meeting.

He questioned if this case would be conducted under Robert's Rules.

Ms. Griest stated that the Board does conduct the hearing according to Robert's Rules.

Mr. Wozniak requested that the final vote be conducted under a secret ballot.

Ms. Griest stated that the Board does not use a secret ballot because the vote is a matter of public record and the votes are required to be recorded by the way each member votes.

Mr. Wozniak distributed a multi-page handout to the Board (petitioner's handout) for review and explained that he titled his presentation "Opportunist." He read brief summaries of several items from the Revised Draft Summary of Evidence, dated February 11, 2005, that are briefly summarized on page one of petitioner's handout. Mr. Wozniak also noted that he is a registered/professional engineer who has completed a substantial amount of surveying therefore when he indicated that the width of Tract B was 160 feet it is indeed that measurement. The new survey indicates 160.00 feet therefore the Board may rely on every number which is presented at tonight's hearing. He said that there are more than .76 acres of Tract B which is located outside of the floodplain.

Mr. Wozniak explained that he had engaged his neighbors in an email discussion about the road as was previously requested by the Board and referred to page two of Petitioner's handout for an example of the messages.

Mr. Hall informed Mr. Wozniak that it is his understanding that the Board can continue this case with a majority vote of the Board members present therefore if he would like to change what is included in his presentation then now is the time to do so. Mr. Wozniak requested that the Board concede to his request and make a final determination at tonight's hearing rather than granting a continuance. Mr. Wozniak acknowledged that the last continuance gave him the opportunity to review new material and he thanked the Board for that opportunity.

Mr. Wozniak read an e-mail between himself and Ms. Snowden indicating that Mr. Hult would like to speak with Mr. Wozniak (page 2 of petitioner's handout). Mr. Wozniak replied via email that he would prefer not to converse with anyone concerning the property prior to a final determination but he did agree that they should begin discussions regarding the road, as directed by the Zoning Board of Appeals. Mr. Wozniak explained that due to previous, non-productive meetings held between the neighbors in regard to the road maintenance he decided to e-mail them a message.

Mr. Wozniak submitted a petition (pages 19 and 20 of petitioner's handout) with nine signatures of property owners located on or near 401 CR 2425N, Mahomet which do not object to the granting of the requested variances for the purpose of obtaining a building permit on Tract B. Mr. Wozniak explained that the lot numbers indicated on page 20 of petitioner's handout are included on the map on page six of petitioner's handout and there are four lot owners that share the private drive

who are opposed to the requested variances.

Mr. Wozniak said that at the November 9, 2004 public hearing Ms. Ann Good testified in behalf of Ms. Eades, owner of Lot 5, against the requested variances and does not feel that this is appropriate because he does not know why Ms. Eades is opposed to the variances.

Mr. Wozniak explained that Mr. Dunlap told him that he was not opposed to the variances but would not sign the petition.

Mr. Wozniak also explained that he was aware that Franciso and Snowdon/ Hult were opposed to the variances.

Mr. Wozniak explained that Ms. Good and Ms. Eade's properties will not be affected by the additional traffic generated by an additional house. Mr Wozniak also explained that of the four lot owners that are opposed to the variances only Snowdon and Hult own land which will be subject to additional traffic.

Mr. Wozniak explained that in his opinion the majority of lot owners were not opposed to the variances and most of those lot owners did own land over which the easement is located and would be subject to additional traffic.

Mr. Wozniak further explained that the four lot owners whom he was aware were opposed to the variances all had five acre lots and none of them had children.

Mr. Wozniak explained that Ms. Good's property is located two tracts from the targeted property (Tract B) by which a home was constructed without a building permit on a lot which is similar to the subject property.

Mr. Wozniak also explained that Ms. Good sold Mr. Jahn the property for his home in 1988 but she had stated at the last hearing that she did not want to live like sardines.

Mr. Wozniak explained that Ms. Good had testified that she is happy with the present condition of the road and indicated that mature trees would need to be destroyed for property access although there is an approximate 30 foot opening available for access. He said that due to the result of Ms. Good's objections to the dimensions of the subject property he was required to spend \$600 for a survey.

Mr. Wozniak reviewed the Surveyor's Report and Exhibit III (page 4 of petitioner's handout) illustrating a block diagram (cross section) of Tract B indicating .76 acres for buildable area outside of the floodplain.

Mr. Wozniak then reviewed the Response to Reply by Phil Hult and Gail Snowdon regarding Case 462-V-04 (page 5 of petitioner's handout). Mr. Wozniak reviewed a letter dated January 29, 2005, which he had written to Mr. Paul Phillips, Armstrong Construction, (page 6A of petitioner's handout). In the letter Mr. Wozniak reviewed his understanding that in order to settle a lawsuit over a house previously constructed in this development Mr. Phillips had paid Mr. Hult approximately \$20,000 and then graded the shared private street. In the letter Mr. Wozniak had asked for Mr. Phillips' signature if Mr. Phillips agreed with Mr. Wozniak's understanding regarding the lawsuit and the signature of Paul Phillips is on the letter. Mr. Wozniak explained that the

house was already built and wondered why Mr. Hult had filed the lawsuit.

Mr. Wozniak continued with his review of the Response to Reply by Phil Hult and Gail Snowdon. Mr. Wozniak also referred to page 21 of petitioner's handout that illustrated his understanding of the proposed special condition that would require a turnaround to be constructed on the Wozniak property. Mr. Wozniak questioned the utility of the proposed turnaround.

Mr. Wozniak continued with his review of the Response to Reply by Phil Hult and Gail Snowdon and explained that the purchase of Tract B included the purchase of an easement of access over the property currently owned by Snowdon and Hult. Mr. Wozniak referred to page 6B of petitioner's handout that includes photographs of the private drive at various locations and explained that in these photos the roadway easement is most open except for the Ploeger fence in the third photo and an old farm fence in the fifth photo.

Mr. Wozniak then referred to page 7 of petitioner's handout and explained that Mr. Hult and Ms. Snowdon have significantly encroached into the road easement. He explained that the private road was 16 feet wide originally and that, over time, grading only the center of the roadway has allowed grass to grow over the edge of the roadway and Hult and Snowdon have expanded their yard into the easement. Mr. Wozniak also explained that Mr. Hult has installed four stakes in the ground at the edge of the gravel pavement and explained that in previous testimony Mr. Hult had explained that a careening Air Express delivery truck had run over one of these stakes. Mr. Wozniak also explained that Mr. Hult and Ms. Snowden have also planted pampas grass and evergreens in the easement and explained that the pampas grass and evergreens now hinder the visibility along the easement and the four driven posts are safety hazards and will without doubt result in road kills or a potential accident. Mr. Wozniak explained that the poor visibility is a problem for children walking to school and his own vehicle has come within six inches of being hit by a truck. Referring to page 7A of petitioner's handout Mr. Wozniak showed photographs illustrating how the pampas grass and evergreens hinder visibility at the corner. Mr. Wozniak explained that in his opinion the encroachment into the easement by vegetation at this corner is the safety problem with the private road.

Mr. Wozniak continued with his review of the Response to Reply by Phil Hult and Gail Snowdon and referred to page 5 paragraph 3 as noted on page 5 of petitioner's handout in which Mr. Hult and Ms. Snowdon claimed the need for variance should have been addressed when Tract B was purchased. Mr. Wozniak explained that Tract B was purchased from someone else who had sold the property to Mr. Belscamper and that as Mr. Wozniak recalls, Mr. Belscamper had already started digging trenches on the property. Mr. Wozniak referred to page 18 of petitioner's handout which is a copy of an email exchange between Mr. Wozniak and his son. The email indicates that Mr. Louis J. Wozniak recalls that the whole foundation had been trenched for the Belscamper house but he could not recall if there had been any concrete placed.

Continuing with his review of the Response to Reply by Phil Hult and Gail Snowdon, Mr. Wozniak explained that Mr. Hult indicated during his previous testimony that Tract A and Tract B were not separate lots on the tax roll. Mr. Wozniak reviewed a letter from Curt Deedrich, Chief County Assessment Officer, dated January 24, 2005, (page 17 of petitioner's handout) that explains the tax parcels. Mr. Wozniak stated that he did not request this combination and therefore paid the tax bill that was sent to him by Champaign County.

Mr. Wozniak addressed the suggestion in the Response to Reply by Phil Hult and Gail Snowdon that Tract B could alternatively be used for hunting. Mr. Wozniak explained that there are families with children within 100 feet of the parcel and he would not consider such an option.

Mr. Wozniak then addressed the road project estimate by Philip Hult (page 8 of petitioners handout) which included his proposal for road improvement, neighbor e-mail response results, individual discussion results and a tally to date. Mr. Wozniak disagreed with Mr. Hult's approximate cost of \$250,000 to upgrade the private shared drive to public road standards and estimated that it would cost \$600,000 when the cost of the bridge is taken into account. Mr. Wozniak then explained his own proposal to improve the private shared drive to a minimum 10 feet wide oil and chip surface and the estimate is \$45,000 to \$50,000. Mr. Wozniak then reviewed email responses from certain neighbors stating their preference in regards to road improvements. In Mr. Wozniak's opinion, when the cost of upgrading the existing private shared drive is taken into account there is not much support for making it into a public road.

Mr. Wozniak then reviewed the Response to Hult/ Snowdon statement of 2/17/05 (page 9 of petitioner's handout). Mr. Wozniak explained that subsequent to the last meeting a developer contacted him indicating that he would be interested in purchasing his 160 acre tract (see page 10 of petitioner's handout and a large fold out map of the proposed Thornewood Subdivision) for development. He said that he did meet with the developer to review his proposal but declined his offer due to the developer's lack of environmental regard.

Ms. Griest stated that she appreciates Mr. Wozniak's regard for the environment but the 160 acre parcel, even though it is in common ownership, is not relevant to this case.

Mr. Wozniak stated that the 160 acre tract is indeed relevant to the case. He said that he did not originally plan to develop upon the 160 acres but if it is the only alternative which would allow his son the opportunity to build his home near his parents then he will do so. In reference to on page 11 of petitioner's handout he said that one home would not be feasible to expand the road for access therefore he would be required to develop several homes and that therefore the granting of the variance for Tract B would be the least intrusive way of keeping everyone happy.

Mr. Wozniak returned to his review of the Response to Hult/ Snowdon statement of 2/17/05 (page 9 of petitioner's handout) and explained that he already owned an easement for Tract B over the Hult/ Snowdon property. Mr. Wozniak also explained that because of the trenches on the Belscamper property and the fact that three more lots were able to build he had no idea the lot was not a good lot.

Mr. Wozniak then reviewed the tax assessments on his land in both Mahomet Township and Newcomb Township on page 9 of petitioner's handout. Mr. Wozniak explained that the assessment on the seven acres in Newcomb Township does not include any farmland assessment (see copy of email on page 9A of petitioner's handout) and five acres is farmed.

Mr. Wozniak continued with his review of the Response to Hult/ Snowdon statement of 2/17/05 (page 12 of petitioner's handout) and referred to page 13 of petitioner's handout. Mr. Wozniak

explained that the original Tract A was smaller than the existing Tract A and the original easement was different than the existing easement as indicated on page 13. Mr. Wozniak also explained that Mr. Trautman had originally begun selling land in five acre chunks but discovered that the alignment of the original easement did not yield enough land above the floodplain. Mr. Wozniak claimed there were approximately three other five acre tracts laid out east of Tract B long before Mr. Belscamper vacated the development.

Mr. Wozniak explained that Mr. Trautman approached the Wozniaks and asked if they would be willing to buy a couple more acres and they said sure because they wanted a little more top land anyway. Mr. Wozniak explained that within the same day and the same hour that he and his wife transferred their existing parcel to Mr. Trautman then Mr. Trautman transferred the new parcel, including the additional acreage, back to the Wozniaks. Mr. Wozniak stated that if the Real Estate Transfer Taxes were not paid then he does not feel responsible because an attorney was involved in the entire transaction and it was his responsibility to record the appropriate paperwork. Mr. Wozniak explained that after the purchase of the enlarged Tract A Mr. Trautman offered to sell the Wozniaks the Belscamper land and they bought it as an investment.

Mr. Wozniak reviewed the photographs of the old road and new road on page 13 of petitioner's handout and its alignment and the letter from Mr. Belscamper, dated January 24, 2005 (page 14 of petitioner's handout). Mr. Wozniak also reviewed the survey by Vail H. Moore, Registered Illinois Land Surveyor, (page 15 of petitioner's handout). Mr. Wozniak reviewed a letter dated February 7, 2005, submitted by himself and Mrs. Wozniak (page 16 of petitioner's handout) which explain their view of the events that took place during the sale of the Tract B.

In conclusion, Mr. Wozniak stated that only one of the six easement owners oppose the requested variance and the majority of lot owners have no objections to the variance and prefer the shared private road over the cost of a public road and therefore Mr. Wozniak feels it is unfair to deny his request. Mr. Wozniak also feels that the Ordinance is counter-productive and delays the process.

Mr. Wozniak reasserted that he and his wife had an investment expectation with Tract B and request that the Board approve their request.

Jo Ann M. Wozniak stated that she believes that the basis behind Mr. Hult's opposition is that he desires to own the tract which is adjacent to his property. The desired tract is owned by Mr. Trautman and is unavailable for purchase therefore he desires to make it difficult for anyone else to develop in the area along the shared drive.

Chief John Jay, Cornbelt Fire Protection District thanked the staff for keeping the fire protection district up to date on any zoning requests within the fire protection district. He thanked the Zoning Board of Appeals for their efforts. He said that he has received several calls regarding the road in question although it is not the only road in the county which is privately owned. He said that the Cornbelt Fire Protection District drafted an ordinance in 1996 and that ordinance did not deal with roads but with driveways. He said that it is very difficult to gain access to these private driveways therefore it is very difficult to deliver services to residences along these private accessways. He said that due to the ordinance the fire protection district has been involved in some road issues which is inappropriate. He said that the ordinance is currently in a process of change because the 10 feet wide roadway is not adequate because the NFPA requires a 20 foot wide road access. He

said that many years ago he traveled the subject road and if it had not been for the four wheel drive vehicle that he was in he would not have been able to exit the road. There is only one solution to the road problem and that is for the residents to bring the road up to standards. He discussed this road with the township road commissioner and was informed that if the residents would bring the road up to standards the township would take over the road and maintain it but the residents have chosen not to do so. He said that unfortunately the township nor the county nor the fire protection district is going to bring the road to standards. He said that the Zoning Board of Appeals cannot correct the road problem nor can the zoning office therefore it is left up to the residents. He said that he has documentation which indicates that the residents were given improper information from a previous staff member of the zoning office in that the county has the authority to condemn the private road as being unsafe. He checked with the County Engineer regarding this misconception and he confirmed that the county cannot condemn this private driveway. He said that his fire protection district will attempt to service the residents along the private driveway but the fire protection district will not bring the road up to standards to do so. He said that he cannot believe that the residents are not concerned about each other or their own families in that they do not desire to improve the road to receive services. The responsibility of bringing the road up to standards falls upon the residents of the area and until they collectively come up with a solution they must face the consequences. The fire protection district will attempt to access the road for emergency services but it does prove difficult and may at times be impossible.

The Board recessed at 8:04 p.m.

The Board resumed at 8:14 p.m.

Ms. Griest stated that Mr. Wozniak had previously requested that final action be determined at this hearing. She said that Administrative Proceedings of the Zoning Ordinance Section 9.1.F(2) indicates that determinations of the Board, at the request of the applicant, shall be decided within two regular meetings of the Board, after the Board has received all information it has requested.

Mr. Jay added that the decision in this case makes little difference to him because either approval or denial of this case does not correct the road problem. He said that the addition of a cul-de-sac, constructed to standards, does not correct the road problem but a cul-de-sac along with bringing the road up to standards would be wonderful.

Mr. Jim Ploeger, who resides at 401-M County Road 2425N, Mahomet stated that he signed the petition not objecting to the Wozniak's request but he now understands this to be a complex issue.

He said that he purchased his property in 1993 and constructed a home in 1999. They purchased the lot because they wanted to live in the country and not in a subdivision type atmosphere. He said that within the last month he personally has hauled in 168 tons of gravel to improve the road. He said that he would not like to see the variance granted if it opens the door to additional lots being developed. He enjoys the privacy and would like to see it maintained and he believes that the ten people involved with the road should be able to come to some type of an agreement to upgrade it to standards. Mr. Ploeger added that he did not think that 11, 12, 14, or 15 people would enhance the area in any way, shape, or form.

Mrs. Jeryl Ploeger, who resides at 401-M County Road 2425N, Mahomet thanked the Board for the opportunity to voice their concerns regarding the Wozniak's request. She said that she does not believe that the road is an issue. She said that when they purchased their property they

desired to build their home beside a beautiful lake in a country setting and would like to see the area remain the same. She said that they do not desire to see any more houses built in the area. She said that she does use caution in approaching the curve on the shared private driveway. Mrs. Ploeger believed it is a great place to live and knows there are people who cannot afford to upgrade the shared private drive and she wants to keep the country setting.

Ms. Griest asked Mr. Hall if anyone who accesses their property through this easement desired to build or rebuild a home would they be required to appear before this Board for a variance.

Mr. Hall stated that if someone was required to rebuild their home they would be required to obtain a Zoning Use Permit but they would not be required to obtain a variance for access.

Mr. Hall stated that the limitation on rebuilding applies to non-conforming structures and not non-conforming lots.

Mr. Bluhm questioned Mr. Jay if the comment included in the Draft Finding of Fact that one more house would not make a difference is accurate.

Mr. Jay stated that for all practical purposes he would stand by this statement. He said that one house will not have an adverse affect on the area. The only good that could happen with the addition of a new home would be that it would add one more person to assist with the cost of upgrading the road.

Mr. Goldenstein asked Mr. Hall if this area was originally set up as five acre tracts.

Mr. Hall stated that he is unaware of how this area was originally setup but at this time any land divisions that happened after 1993 has to comply with the Plat Act. Tract B was created prior to 1993 and that is why the variance could be granted as requested.

Mr. Bluhm asked if any further of division of any of the other tracts could happen.

Mr. Hall stated that this is true but any further division must be approved by Mahomet because the area is within their one and one-half mile jurisdiction but Mahomet has informed the County that this tract was created before it was included in their jurisdiction and they would honor it. He said that he is unaware if anyone knows if more tracts like this have been created and have not been brought to our attention. He said that he included a possible condition of approval in the February 17, 2005, Supplemental Memorandum regarding public health, safety or welfare. He said that the special condition could be problematic with the permitting process and the Board may determine that it may not be worthwhile.

Ms. Griest stated that the question on the floor is does the Board desire to consider conditions and are they material enough to warrant continuation and review by the Assistant State's Attorney's Office or does the Board desire to make a final determination without the condition.

Mr. Steeves asked if the condition is trying to solve the road issue by restricting what can be done on Tract A or B by fixing the road problem.

Mr. Hall stated that the condition does not begin to fix the road problem but it does provide a turn-

around for perhaps a cul-de-sac. He said that Mr. Wozniak's testimony indicated some of the road issues and the condition does not begin to rectify those issues. He said that the road continues to become more narrow as it traveled.

Ms. Griest stated that the existing easement is not on Tract A nor B and the condition would ask that an additional 60 foot would be added to Tract A and B.

Mr. Hall clarified that the additional 60 foot would only be added to the Northeast corner of Tract A. He said that the idea is to take the 60 foot easement and add another 60 foot of easement which would give a 120 foot turn-around area.

Mr. Irle stated that the State's Attorney's Office should have the opportunity to review the proposed condition for the sake of staff and the petitioner. He said that he personally would not want a cul-de-sac on his lot for the benefit of all of the other neighbors who have not fulfilled their obligation for the easement. He said that in the interest of safety the cul-de-sac is a necessity for a group of people who obviously cannot get along.

Mr. Irle moved, seconded by Mr. Goldenstein to continue Case 462-V-04, Louis and Jo Ann M. Wozniak to April 14, 2005.

Case 476-S-04: Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request to authorize the expansion and use of a self-storage warehouse, not providing heat and utilities to individual units, as a Special Use in the AG-2, Agriculture Zoning District. Location: 2.9 acre tract of land in the West ½ of the West ½ of the NW 1/4 of Section 25 of Hensley Township and that is located on the west side of CR 1100E (Prospect Avenue) and adjacent to the south right of way line of Interstate 57 and that is commonly known as an existing self-storage warehouse located at 4201 North Prospect Avenue, Champaign.

Case 482-V-04: Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request: Subject to approval as a Special Use in the AG-2, Agriculture Zoning District in related Case 476-S-04, authorize the expansion and use of an existing self-storage warehouse, not providing heat and utilities to individual units, with the following variance as amended on February 3, 2005: The self-storage warehouse is proposed to be located 6 feet from the rear lot line instead of the minimum otherwise required distance of 20 feet. Location: See Case 476-S-04.

Mr. Hall distributed a Supplemental Memorandum dated February 17, 2005, for the Board's review. The Supplemental Memorandum includes a new site plan received on February 9, 2005 and a letter dated February 15, 2005 from Brian T. Schurter. He said that although Hensley Township does not have frontal protest rights the Hensley Township Plan Commission considered the cases and have provided their comments to the Board. Hensley Township's opposition stems from three (3) issues. The first issues has to do with the issue regarding the storage of commercial vehicles at the warehouse. The second issue has to do with the maintenance of the overpass embankment in that the proposed buildings would eliminate the access and the Township would be unable to maintain the overpass embankment as needed. The third issue is in regard to maintenance of the drainage easement that flows through the property. The letter

indicates that a dispute has occurred over maintenance of the easement and has resulted in litigation by the landowner in the past. The proposed building would only make it more difficult for the Township to maintain the good flow of drainage.

Mr. Wilbur Street, agent for Mr. Johnson and Ms. Schneider addressed the three issues mentioned in Mr. Schurter's letter. He said that the first issue is a non-issue in that Mr. Johnson has previously stated that a tenant's lease will be terminated if they do not follow the rules of the facility. Mr. Johnson does not have a long term lease agreement with the buses and if they are performing activities which are not allowed then they will be asked to remove the buses from the facility. He said that the revised plan indicates a substantial front yard setback therefore the embankment is not being affected by the proposed building. He said that a piece of Prospect Ave, extended, still exists and enables the township to access and maintain the embankment if required. He said that in response to the third issue regarding the drainage easement, Mr. Johnson has improved the property and the drainage easement and will continue the maintenance of both. He said that since the last meeting regarding this case he has been driving past the facility on his way home and each night there has been a County Sheriff's vehicle parked on the property monitoring the traffic.

Mr. Irle stated that he agrees with Mr. Street's comments regarding Mr. Johnson's improvement of the property although the township indicates that they require a larger easement for maintenance. He said that if Mr. Johnson intends on taking care of commercial buses then this is an issue which must be addressed by this Board.

Mr. Street stated that Mr. Johnson indicated that if the commercial buses are an issue then he can terminate any month to month lease that he has with the company.

Mr. Irle stated that three days after the last meeting he witnessed a service washing the buses at the facility.

Mr. Street stated that he will speak to Mr. Johnson.

Mr. Wes Meyers deferred comment at this time.

Ms. Mary Gannaway, who resides at 4006 N. Prospect Av, Champaign stated that she lives across the road from the subject property. She said that Mr. Johnson first indicated that the facility would house motor homes although the facility is mostly being utilized by commercial buses. She said that several times a week the buses are washed by a service at the facility. She said that she is concerned with the increased traffic which will be created by the expansion and the effect on agricultural traffic. She asked where the stormwater detention basin would be located on the property.

Mr. Hall stated that no detention basin is required at this time. He said that the stormwater detention basin was indicated due to testimony from the previous case which referred to the old stormwater policy but under the new stormwater policy it is not required.

Ms. Gannaway thanked the Board for their time and indicated that she and her sister oppose the proposed expansion.

Mr. John Collins, Hensley Township Plan Commission representative stated that their main objection regarding the proposed expansion is that this is a commercial use of this property in the AG-2 District. He said that the storage of commercial property and the creation of an office is a commercial use for the subject property. He said that access to the property for maintenance of the embankment is by an existing driveway which is utilized by the storage facility. He said that the larger easement is requested so that the township can access the area and maintain any problems which occur with the existing drainage.

Ms. Griest asked Mr. Collins if the Commission defined the width of the requested larger easement.

Mr. Collins stated that they would like to have at least 40 feet from the centerline of the ditch for the easement. He said that there is an existing field tile which runs through the middle of the easement.

Mr. Street stated that he has a document from the Illinois Department of Transportation which indicates the position of the culvert. He said that IDOT defines the easement as 30 feet, each side of a position determined by the culvert itself. He said that with his calculations, using IDOT's offsets, he has determined that they have 36 feet from the center of the easement.

Mr. Irle questioned what the measurement was from the centerline of the ditch.

Mr. Street stated that as the ditch exists it varies. He said that Mr. Johnson will accommodate the township if they require a larger easement.

Mr. Irle asked Mr. Collins if 36 feet was adequate.

Mr. Collins stated that the township could accept the 36 feet.

Mr. Bluhm asked if a condition would be warranted for ingress and egress for Hensley Township.

Mr. Hall stated that conditions are not recommended unless warranted. He said that a condition could be possible for maintenance of the embankment. He said that he is not aware of how the embankment compares to the property line.

Mr. Street stated that the property line falls on the west side of the ditch and runs along the embankment. He said that there is adequate room, approximately 60 feet, for access to maintain the embankment.

Mr. Goldenstein asked Mr. Street if they would have a problem with a condition regarding ingress and egress.

Mr. Street stated that if a condition is required then Mr. Johnson will agree.

Mr. Bluhm stated that if Mr. Johnson would agree then he would like to see a condition granting an ingress/egress right to the township for maintenance of the embankment.

Mr. Street stated that such a condition would not be a problem although the township has been maintaining the embankment prior to Mr. Johnson's purchase with no problems.

Ms. Gannaway stated that Mr. Johnson purchased the land from her grandfather's estate therefore the he has owned the property for years.

Mr. Steeves questioned if the office is considered a commercial use.

Mr. Hall stated that it is his understanding that the office is intended to be the management office for the facility. He said that if some other use wanted to rent a room in the office as a rental office for another business, as long as it is a minor component, the Zoning Ordinance would not prohibit this activity. He said that the Zoning Ordinance would prohibit the use of the entire office building or 51% for other uses because it would constitute two separate uses on the same lot. He said that in regard to the office building, the only concern that he would have is whether the Board desires to ensure that the office building is used 100% for the management of the self-storage building.

Mr. Goldenstein stated that at the previous hearing Mr. Johnson indicated that the office building would be utilized for his own private use.

Mr. Hall stated that Mr. Johnson did testify that the office building would be utilized for his own private use but Mr. Johnson may not always own this property and the Zoning Ordinance would not prohibit someone renting a room for office space. He said that if a condition is imposed then the condition would run with the property.

Mr. Bluhm asked if a condition should be imposed regarding maintenance of the buses.

Mr. Hall stated that this is an enforcement issue which has no good solution. He said that he is unsure if washing a bus or recreational vehicle is a violation of the ordinance. He said that if the Board desires to prohibit this practice then a condition must be on the Special Use.

Mr. Bluhm stated that the request is for a self-storage warehouse not providing heat or utilities. He said that water is a utility.

Mr. Goldenstein asked Mr. Irle where the water was coming from when he witness the washing of the commercial buses.

Mr. Irle stated that it appeared that the water hose and electrical lines came from the building but without an onsite inspection during this occurrence it is hard to be certain.

Mr. Hall stated that he is unaware if there are hookup outlets to the outside of the building.

Mr. Street stated that there no outside hose or electrical hookups on the facility.

Ms. Griest questioned Mr. Street if he considered water as a utility.

Mr. Street did not comment.

Mr. Steeves questioned if the office is considered separate from the warehouses since it will more than likely have electrical and water hookups.

Mr. Irle stated that the distinction is providing utilities to the rental units.

Mr. Goldenstein stated that the original plan provided electricity to the outdoor lighting and overhead doors only therefore why is water even an issue since it will not be provided to the rental units.

Mr. Hall stated that water was available for maintenance of the property and not to individual units. He said that water availability to each storage unit would be a violation. He said that Jamie Hitt, Zoning Officer did attempt to visit the site but was unable get inside therefore she needs to revisit the site for a compliance inspection.

Mr. Bluhm stated that he was uncomfortable in making a final determination for this case if electrical outlets and water bibs are available to each unit.

Mr. Irle stated that when the case was initially presented the facility was only for additional motor home storage and not commercial activity. He said that the testimony which has been received and by his own witness that commercial activities are indeed taking place at the facility. He said that it would be beneficial if the Board had a clear definition of commercial activity. He said that if Mr. Johnson is not going to abide by the original plan then he is skeptical about making a determination at tonight's hearing.

Mr. Hall asked Mr. Irle to be specific about his concerns.

Mr. Irle stated that he is concerned about the commercial buses frequently coming and going and the commercial activity at the facility.

Ms. Griest stated that the Board's perception of the request was personal use individual self-storage and not storage for commercial activity that might come and go.

Mr. Irle stated that this is a high profile area and the commercial use will impact the traffic pattern. He said that Mr. Johnson has done a wonderful job cleaning up the property but adding another commercial building with commercial buses should be limited.

Mr. Hall asked Mr. Irle if he is concerned with frequency of use or use of the buses as a commercial enterprise. He noted that if a condition is made that no commercial use is allowed then anyone who wishes to store a piece of equipment which is not used often will be prohibited from doing so.

Mr. Irle stated that originally Mr. Johnson anticipated that the buses would only be stored at the facility but it appears that the buses are being frequently utilized and are requiring a washing service. He said that he is not aware of what the definition of a commercial activity is for this particular variance but perhaps the activity should be clarified.

Mr. Irle moved, seconded by Mr. Goldenstein to extend the public hearing to 10:30 p.m.

The motion carried by voice vote.

Mr. Hall stated that the Board appears to be concerned with the frequency of use of the buses and not that the buses are being used at a different location for commercial purposes.

Mr. Irlle stated that Mr. Hall is correct. He said that the language does not give the Board the definition of the use nor its frequency. He said that in clarifying the definition will make it fair to Mr. Johnson and anyone else who owns the property in the future.

Mr. Hall stated that this is a unique situation and it would make sense to propose a condition.

Ms. Griest stated that any servicing of the vehicles upon the property would constitute commercial activity.

She said that she had envisioned that the buses would only be stored and would perhaps leave the facility once a day.

Mr. Street stated that effective enforcement of the frequency of the storage garages will be difficult for staff.

He said that staff could enforce a condition prohibiting commercial storage and only allowing personal storage at the facility.

Mr. Steeves stated that a site inspection and final definition of what constitutes commercial activity is required prior to a final determination.

Mr. Street stated that he would cooperate with staff and schedule a site inspection of the subject property.

Mr. Steeves moved, seconded by Mr. Bluhm to continue Case 482-V-04 and Case 476-S-04 to April 28, 2005. The motion carried by voice vote.

Mr. Bluhm moved, seconded by Mr. Goldenstein to hear New Public Hearing Case 453-AM-04: William and Peggy Campo prior to Continued Public Hearing Case 475-AT-04. The motion carried by voice vote.

Case 475-AT-04: Petitioner: Zoning Administrator. Request: Amend Section 9.1.5 through 9.1.10 and Section 9.3. A. Adjust the parameters of minor and major variance classifications; B. Clarify the presiding authority for each variance classification; C. Restrict hearing officer duties; D. Remove option of appealing a hearing officer decision to the ZBA; E. Broaden requirements regarding maintenance of minutes and public records to include hearing officer; and F. Make editorial changes to improve clarity.

Ms. Monte reviewed the response received from Assistant States Attorney Joel Fletcher regarding a staff inquiry concerning portions of the proposed text amendment. She said that Assistant State Attorney Fletcher agrees that a hearing officer decision may not be appealed to the ZBA and that this is consistent with the County Code (55 ILCS 5/5-12015). She said the County Code states that a determination made by a hearing officer constitutes a final administrative decision which is subject to judicial review according to

the provisions of the Administrative Review Law, just as appeals from the ZBA are handled. She said that the proposed text amendment includes corrections in Sections 9.1.5 through 9.1.9 in order to disallow the appeal of a hearing officer decision to the ZBA.

Ms. Monte said that Assistant State Attorney Mr. Fletcher advises that the text amendment should include a provision that the County Board pass a specific resolution in order to identify a specific time period that the hearing officer may preside. She said that Paragraph 9.1.5.(B) includes that proposed text.

Ms. Monte summarized the proposed text amendment changes that further restrict a hearing officer duties as follows: (1) the County Board must pass a resolution stating a specific time when the hearing officer may be utilized; (2) the definition of a minor variance is modified to include only those variance requests that deviate more than 10 percent but not exceeding 25 percent from numerical regulations or standards of the Zoning Ordinance; and (3) a hearing officer may preside over a minor variance provided that no other zoning request is requested concurrently on the same site.

Mr. Steeves requested clarification regarding how a minor variance is defined.

Mr. Herb Schildt questioned the appeal process for a party requesting a minor variance from a hearing officer.

Ms. Monte responded that a determination of a hearing officer is appealed based on the 'Administrative Review Law' procedures established by the Illinois state statute. She said that the appeal process of a determination of a hearing officer is the same as the appeal process of a determination by the ZBA.

Mr. Schildt stated his concern that the only recourse available for an appeal to a hearing officer decision is through the Courts. He asked how a hearing officer's conflict of interest would be handled.

Mr. Roseman stated that existing zoning provisions allow that up to three hearing officers may be appointed by the County Board. If one hearing officer has a conflict of interest then one of the other hearing officers would preside over a minor variance request.

Ms. Griest stated that each hearing officer would be required to file a statement of economic interest with the County Clerk, and that information is made available for public review upon request.

Mr. Schildt stated his remaining concern that requests for a minor variance, though not large in scope, should receive the same consideration as other zoning requests and be considered by the ZBA and not one hearing officer.

Mr. John Sapp stated that he is concerned that the right of appeal of a hearing officer decision is available to a person requesting a minor variance is limited.

Mr. Bluhm moved, seconded by Mr. Goldenstein to extend the public hearing to 11:00 p.m. The motion carried by voice vote.

Mr. John Jay said he believes that a person's due process rights will be diminished with the proposed utilization of a hearing officer. He stated his concern that the County should not absorb the cost of utilizing

a hearing officer because of the township hearings required in conjunction for the Comprehensive Zoning Review project.

Mr. Irle said that the proposed utilization of a hearing officer to consider certain minor variance requests would be beneficial to the County because ZBA members have time constraints due to the regular ZBA case load in addition to hearings for the Comprehensive Zoning Review. He said a person requesting a simple minor variance would not have to wait as long a time to receive a public hearing if a hearing officer is utilized on a limited basis.

Mr. Bluhm said that the actual number of minor variance cases to be considered by a hearing officer will be low if the experience of the past two years is typical. He said that during the last two-year period a total of only 11 minor variance cases were considered that would qualify for review by a hearing officer.

Mr. Irle moved, seconded by Mr. Goldenstein to extend the public hearing to 11:15 p.m. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Goldenstein to accept the Finding of Fact. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Steeves to close the public hearing for Case 475-AT-04. The motion carried by voice vote.

Determination for Case 475-AT-04:

Mr. Goldenstein moved, seconded by Mr. Bluhm that pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance text amendment requested in Case 465-AT-04 should be enacted by the County Board.

The roll was called:

Bluhm-yes	Goldenstein-yes	Irle-yes
Miller-absent	Schroeder-yes	Steeves-no
Griest-yes		

6. New Public Hearings:

Case 453-AM-04: Petitioner: William and Peggy Campo. Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to B-3, Highway Business. Location: A .62 acre tract of land located in the N ½ of the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 34 of Somer Township and located approximately one-half mile east of Illinois Route 45 on the south side of Oaks Road (CR 1900N) and known as the business located at 2305 East Oaks Road, Urbana.

Mr. Hall stated that this case is pursuant to an enforcement action. The property recently sold and

a complaint was received in January, 2004, that an auto repair business was operating at this location and staff contacted the landowner. The owners of the property have determined that they would like to continue operation of an auto repair business and it is undetermined whether the existing use is a minor or major automobile repair shop but a map amendment is required in either case. Two of the business districts in the Ordinance only allow minor auto repair (B-1 Rural Trade Center and B-2 Neighborhood Business) and B-2 only allows it as a Special Use Permit. B-3 and B-4 General Business allow both minor and major auto repair. The request is proposed with B-3 Highway Business because it is the lowest classification that allows both minor and major auto repair and it is not clear why this property was zoned AG-2 Agriculture and not B-1 Rural Trade Center. He said that it is assumed that the property was vacant when zoning was established which would help explain why no one requested B-1. He said that staff has tried to coordinate this with the City of Urbana and it is known that the City of Urbana is not happy with straight B-3 zoning and the County would also probably not be happy with straight B-3 zoning at this location. He said that conditional zoning has been approved on other properties when faced with uses which existed prior to the adoption of zoning but this is not the case here. He said that he is interested to see if the neighbors would feel that B-1 zoning would be appropriate for this location. He said that he and Jamie Hitt, Zoning Officer visited the site and determined that a lot of screening must be put into place with the existing use.

Mr. Irle stated that to the west side of the building there is an enclosure and trailer and questioned if a home occupation would be applicable.

Mr. Hall stated that a Supplemental Memorandum dated February 17, 2005, was distributed to the Board for review. The memorandum includes additional correspondence opposing the request and a review of the existing site development for conformance with the Ordinance.

Mr. Irle questioned if B-3 Highway Business zoning is the only way to accommodate the entire scope of the business.

Mr. Hall stated that it is unclear. He said that the definition of major auto repair begins with general repair and a lot of what he would consider as general repair would classify as minor auto repair.

Mr. Irle stated that from a casual inspection of the property it would not be clear to him which classification would be applicable. He said that there are some other issues which are present on the property which have nothing to do with an auto repair business but these issues can be addressed at a later date.

Mr. Hall stated that the only issues which were viewed by staff other than autos requiring repair was the storage of, what appeared to be, firewood which for a commercial activity requires screening.

Mr. Irle stated that he viewed appliances and burning barrels on the property.

Mr. Hall stated that Mr. Campo is in the process of discussing with the operator of the facility to see if the minor or major auto repair classification is required.

Mr. Irle asked if the City of Urbana's Comprehensive Plan indicates that this area is mostly planned as residential.

Mr. Hall stated that the City of Urbana's Comprehensive Plan calls for the area to be residential although this is a rather important road and asked the City if would it be reasonable to have some scale of business use along the arterial road for neighborhood business.

Mr. Irle stated that it seems that it would make sense to place a B-3, Highway Business zoning less than 3/4 of mile from Illinois Route 45.

Mr. William Campo, the petitioner, stated that he purchased the property in December, 2003. He said that he purchased the property with the understanding that it was commercial property. He said that screening is definitely required for cars awaiting repairs. The operation is under the category of minor repair but how this is defined is not an issue on which he would speculate. He said that perhaps B-3 zoning is overkill as far as what is required for zoning but since the definition of minor and major auto repair is so vague it was better to cover all of the bases.

Ms. Griest asked Mr. Campo if the property was under a commercial listing with the realty company but no certification was provided to indicate that the property was zoned commercial.

Mr. Campo stated that Ms. Griest was correct.

Mr. Irle asked Mr. Campo if he owned the business.

Mr. Campo stated that he owns the land and the building. He said that he purchased the property with the intention of obtaining a tenant. He said that no mention was made by the listing agent that the existing fabrication shop was being operated under a Special Use Permit.

Mr. Brian Luckenbill, who resides at 2405 E. Oaks Rd, Urbana stated that the subject property is approximately 280 feet to the west of his property. He said that any business zoning would be inconsistent with the current development as well as the planned development in accordance with the City of Urbana's Comprehensive Plan. He said that the area, as it is developed, is primarily residential and farmland. He submitted photographs of the area and a signed petition by area property owners as evidence. He said that 100% of the property owners within this area do oppose any permanent zoning changes to this property as indicated in the petition and personal letters. The property has been zoned as AG-2 since 1973 and has only been operated as a business under a Special Use Permit. He said that it is his understanding that property owners which have property adjacent to the subject property also have protest rights therefore their signatures are included in the petition. He said that his concern along with his neighbors is not with the existing business, although the tenant does lease the building, but with the proposed rezoning and the potential business which could be allowed to operate at this location. He said along with all the other beautiful homes which exist in this area he and his wife just completed their dream home therefore they do not feel that the proposed business zoning is compatible.

Mr. Irle asked Mr. Luckenbill if the tenant of the property has been a good neighbor.

Mr. Luckenbill stated that the greater importance to the neighbors and himself is that the zoning remain AG-2 and not B-3 as requested on the petition. He said that he personally does not know the tenant of the property and is unaware of any problems. He questioned what will happen when the present tenant moves out of the building and perhaps another tenant wants to occupy the property for a nightclub, which would be allowed "by-right" in B-3.

Mr. Frank Palmer, who resides at 2413 E. Oaks Rd, Urbana stated that approximately three years ago this property was a collapsed facility which was abandoned by an elderly family. He said that he purchased the property by settling the nursing home fees and spent in excess of \$30,000 renovating the property to its present state. He said that his son-in-law, Brian Luckenbill, built their home on the property. He said that this is a town and country area comprised mostly of agricultural and residential properties. He said that the proposed B-3, Highway Business zoning is totally out of character with the area. The future is very much a part of his opposition to the request because once rezoning takes place it opens up the door for other businesses to conceivably end up in the area. He said that there are three high intensity lights along the east side of the property and they do not blend well with the existing residences. The existing business should not have been allowed in the first place because two people have been victimized because it was misrepresented and rezoning the property would not rectify the mistake.

Mr. Mark Weckel, who resides at 2007 E. Oaks Rd, Urbana stated that during his discussion, regarding this request, with various neighbors it is apparent that no one supports the proposed rezoning. He said that the area is residential and will probably continue to expand as a residential area. He said that his father owns the farm ground which is across the road from the subject property.

Ms. Griest informed Mr. Weckel that the signed petition does not satisfy the protest right requirements. She said that formal letters of protest must be submitted to the appropriate entities. She suggested that he and his neighbors contact Mr. Hall for instructions on how to appropriately file letters of protest.

Mr. Bernard Coffey, who resides at 2305 E. Oaks Rd, Urbana stated that he is the tenant of the property and operates an automotive repair business at the location. He said that he has lived in Illinois since 1986 and can certainly sympathize with his neighbors. He said that he enjoys his work and has been involved in the automotive repair business for approximately 30 years. He said that his business was originally located at 810 Dennison, Champaign but it was very congested. He mainly does minor repairs to automobiles and does not work on heavy vehicles. He said that he appreciates that fact that his neighbors are concerned about their neighborhood and how the requested rezoning will effect their properties although his business is how he makes his living. He stated that he also appreciates that his neighbors indicated by a personal visit that they are not against him personally or his existing business but by what the proposed rezoning could bring to the area in the future.

Mr. Irle stated that it is obvious that Mr. Coffey does have a good relationship with his neighbors. He asked Mr. Coffey if his business would fall into the category of Minor Automobile Repair rather than Major Automobile Repair.

Mr. Coffey stated that his business would fall into the category of Minor Automobile Repair. He

said that he worked on the Alaskan Pipeline and does have extensive experience with heavy equipment but those days are over.

Mr. Hall stated that Minor Automobile Repair is not allowed in the AG-2 zoning district. Mr. Steeves asked if the existing business is an illegal use.

Mr. Hall stated that the existing business is an illegal use.

Mr. Mike Messmer, who resides at 3011 E. Oaks Rd, Urbana stated that the proposed rezoning will leave the door wide open for unwanted businesses in a residential area. He said that he is not concerned with the existing business but with what the proposed rezoning will bring to the area in the future.

Ms. Debbie Messmer, who resides at 3011 E. Oaks Rd, Urbana stated that she is opposed to the request. She said that the classification of B-3, Highway Business would allow the potential for future businesses. She said that along with herself and her husband the neighbors have utilized Mr. Coffey's services and do not oppose his existing business.

Mr. Don White, who resides at 1415 Raintree Woods Dr, Urbana stated that he is a member of the Urbana Plan Commission. He said that he is struck by the fact that someone has purchased the property without checking the zoning assuming that the existing use is legal but when this new owner finds out that it is not legal requests that the County make it right. He said that it is obvious that the building does not conform to the front setback. He said that if the request is approved it will allow for not only a new building for new uses which will run with the land. He said that he is concerned with the precedence that will be set if approved therefore he requests that the Board enforce the present zoning rather than changing the zoning to correct an illegal use.

Mr. Jeff Roloff, who resides at 3412 N. High Cross Rd, Urbana stated that he opposes the request due to the businesses which would be allowed to legally operate under the B-3 designation.

Mr. Ron Meyer, who resides at 2812 E. Oaks Rd, Urbana stated that he opposes the request. He said that he does sympathize with Mr. Coffey but not for Mr. Campo. He said that Mr. Campo is a real estate agent himself and should have known to confirm the zoning of the property prior to purchasing it.

Mr. Ken Mathis, Somer Township Supervisor stated that he serves on the City of Urbana's Long Range Planning Commission and the proposed rezoning does not conform to that plan.

Mr. Hall explained that full protest rights only apply to property owners which have land that directly abuts the property proposed for rezoning, which is only two individuals, Mr. Weckel and Mr. Christians. He said that based on the testimony received from Mr. Coffey the designation for the business will be minor auto repair and since this has been a long standing business perhaps a restricted B-1 zoning designation could be proposed for this property rather than B-2, Highway Business.

Mr. Irle stated that the petitioner should have the opportunity to retract the application and resubmit his request as B-1, Rural Trade Center although he is not sure of the success of the

request.

Mr. Hall stated that he would like to present this information to Mr. Roseman, Zoning Administrator.

Ms. Griest stated that it appears that the neighbors do not have a problem with the current business which is located on the property therefore a restricted B-1 zoning may be appropriate. The testimony which was received by the neighbors indicates that they are more concerned with the type of business which would be allowed in the future with the B-2 designation rather than with the existing use.

Mr. Bluhm moved, seconded by Mr. Steeves to continue Case 453-AM-04 to the May 12, 2005, meeting. The motion carried by voice vote.

Case 488-AT-05: Petitioner: Zoning Administrator. Request to amend Sections 8, 9 and 10 of Champaign County Flood Hazard Area Ordinance: A. Amend the Ordinance to include a Table of Contents; B. Renumber Section 9 to Section 8; C. Renumber Section 10 to Section 9; and D. Amend Section 10 to re-establish filing fees for various flood hazard services required under the Ordinance

No Discussion. Case withdrawn by Jeff Roseman, Zoning Administrator.

7. Staff Report

None

8. Other Business

None

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting adjourned at 11:15 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

