

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61801

**DATE:** March 17, 2005

**PLACE:** 1776 East Washington Street  
Meeting Room 1

**TIME:** 6:30 p.m.

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Doug Bluhm, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder, Roger Miller

**MEMBERS ABSENT :** Dennis Goldenstein

**STAFF PRESENT :** John Hall, Connie Berry

**OTHERS PRESENT :** David Borchers, Lynn Borchers, Gary O. Brummet, Dan Ginther

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**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 (October 19, 2000)**

Mr. Bluhm stated the minutes indicate that Mr. Irle was absent from the meeting therefore his "yes" vote should be removed from Case 259-AM-00.

**Mr. Irle moved, seconded by Mr. Steeves to approve the October 19, 2000, minutes as amended. The motion carried by voice vote.**

**Mr. Bluhm moved, seconded by Mr. Steeves to rearrange the docket and hear Case 479-S-04: Gary Brummet, DVM, d.b.a. A & E Animal Hospital; and Case 480-V-04: Marilyn Jeakins, prior to the continued public hearings. The motion carried by voice vote.**

**5. Continued Public Hearing**

**Case 455-AM-04 Petitioner: David and Lynn Borchers Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to B-4, General Business. Location: A 26,524 square foot tract in the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 8 of Champaign Township that abuts the west side of Staley Road and is located approximately 1/4 mile north of the intersection of Staley Road and Illinois Route 10 and that is commonly known as a house at 205 South Staley Road, Champaign.**

**Case 473-V-04 Petitioner: David and Lynn Borchers Request to authorize the separate use of a nonconforming lot that is in common ownership with all adjacent land and that is without either a connected public sanitary sewer system or a connected public water supply system and with an area of 26,524 square feet instead of the required 30,000 square feet in the AG-2, Agriculture District. Location: (See Case 455-AM-04)**

**Case 457-AM-04 Petitioner: David and Lynn Borchers Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to B-4, General Business. Location: Lots 1 and 2 of the James W. Townley Subdivision that are commonly known as two vacant lots at 211 & 215 South Staley Road, Champaign.**

**Case 458-S-04 Petitioner: David and Lynn Borchers Request to authorize the establishment and use of more than two principal structures. Location: (See Case 457-AM-04)**

Ms. Griest called Case 455-AM-04; Case 473-V-04; Case 457-AM-04; Case 458-S-04; and New Public Hearing Case 492-S-05 concurrently.

Mr. Hall distributed Supplemental Memorandums dated March 17, 2005 for Case 455-AM-04; Case 456-AM-04; Case 457-AM-04; Case 473-V-04; Case 458-S-04 and Case 492-S-04, for the Board's review. He said that the Supplemental Memorandum for Case 492-S-05 includes a revised site plan received March 16, 2005; a schematic plan of warehouse (barn) indicating general use; a letter dated March 16, 2005, from David Borchers which addresses waste disposal for the property; a letter dated March 14, 2005, from Mr. Joseph Trautman, an adjacent landowner; and a Revised Draft Summary of Evidence. He said that the Supplemental Memorandum for Case 458-S-04, includes a Preliminary Summary of Evidence; a Revised Site Plan dated March 16, 2005, (reducing the amount of buildings and the amount of buildable area proposed in the special use case); the Preliminary Traffic Impact Analysis for Case 298-S-01; Preliminary Traffic Impact Analysis for Case 323-S-01; Draft minutes of the September 30, 2004, meeting; Approved minutes of December 30, 2004, meeting; and the letter dated March 14, 2005, from Mr. Joseph Trautman. He said that the combined Supplemental Memorandum for Case No.'s: 455-AM-04; 456-AM-04; and 457-AM-04 includes the letter dated March 14, 2005, from Mr. Joseph Trautman and Revised Draft Findings of Fact for Cases 455-AM-04 and 457-AM-04. The Findings have been updated to include the withdrawal of Case 456-AM-04 and replaced with Case 492-S-05. He said that the Supplemental Memorandum for Case 473-V-04 includes as attachments the letter from Mr. Joseph Trautman and a Revised Draft Summary of Evidence. He said that he has provided all of the information which has been received to date for Case 492-S-05, and given the scale of development which is proposed upon this site the Board could request a Traffic Impact Analysis if desired but it is very modest scale of development and maybe ready for final action at tonight's meeting. He said that Case 458-S-04 is not ready for approval at tonight's meeting because the Board has not had adequate time to review the Summary of Evidence prior to tonight.

Mr. David Borchers requested that no action be taken on Cases 455-AM-04; 457-AM-04; 458-S-04; and 473-V-04, until the Board has had adequate time to review the information which has been submitted to date.

Mr. Hall stated that percolation test results have been received regarding Case 458-S-04, but no comments have been received from the Champaign County Department of Health.

Mr. Borchers stated that he will submit the test results to the Champaign County Department of Health. He said that he submitted a revised site plan for Case 492-S-05 which indicates the Type D Screening and the removal of storage racks and relocation of a dumpster; job trailer and equipment. He noted that he desires to comply with the Board's wishes.

Ms. Griest asked if the storage which is indicated on the revised site plan is open storage.

Mr Borchers stated that it will be open storage. He said that the storage racks at the northeast corner of the warehouse will moved and 350 feet of Type D Screening will be constructed to the north and to the west. He said that a job trailer and several pieces of an aerial lift is located on the outlot but they will be relocated behind the screening.

Mr. Bluhm questioned if the open storage could be used for materials, equipment, etc.

Mr. Hall stated yes. He said the only provision regarding materials is that they be stored and kept in good shape. He said that this is somewhat of an enforcement issue but metal can be stored outside on a temporary basis. He said that if Mr. Borchers desires to store equipment behind the screening then he can.

Mr. Borchers stated that if the job lift or job trailer is being used on a site then it will not be present upon the property but when it is not being utilized it will be stored behind the screening.

Mr. Hall stated that vehicles which are being stored on site do not have to be screened unless they are within 100' of a building restriction line of a residential lot with an existing dwelling. He said that outdoor storage of the job lift and the job trailer do have a more restrictive screening requirement. The screening which is proposed on the revised site plan should meet the requirements but if it is discovered at a later date that more screening is required then it will have to be installed. He noted that there is no urgency in a final approval at tonight's hearing although he would imagine that Mr. Borchers would appreciate a decision. He said that the Board may desire to review all of the information for all of the proposed cases and grant a final determination during one meeting.

Mr. Borchers asked if there were setback requirements for the Type D Screening.

Mr. Hall stated that there are no setback requirements for the Type D Screening.

Mr. Dan Ginther, who resides at 106 S. Staley, Champaign asked if there was a setback requirement for the truck parking on the south side of the storage building . He said that there is a 1000# propane tank which is not indicated on the revised site plan. He said that the Preliminary Memorandum dated March 11, 2005 includes a Draft Summary of Evidence and Item #9 should include the definition of a warehouse. He said that he was unsure if the term, "warehouse" is appropriate in this situation. He said that the site plan

indicated a heated storage area and asked if there were any other propane tanks stored upon the property which are not on the site plan. He asked if there would be a resident living on the property and what the hours of operation would be for the business. He said that the existing building was once a horse stable and questioned if it is truly adaptable to this business. He said that he was concerned with the entry doors in relation to the indicated parking locations. He said that the house has an attached garage and asked what would be stored within the garage.

Mr. Hall stated that normally propane tanks are not required to be indicated on a site plan but it is a good idea to include it in this case. He said that the definition of a "warehouse" could be included in Item #9 of the Summary of Evidence for Case 492-S-05. He read the definition as stated in the Zoning Ordinance. He said that it is permissible to have a tenant in the house but they would be required to be engaged in the business. He said that there is five feet setback from the side or rear lot lines for truck parking and the parking which is proposed on the south side must be on a graveled surface.

Mr. Ginther asked if the open space which is indicated on the site plan is for more storage.

Mr. Hall stated that this is why a site plan for a special use case is very important. He said that this site plan indicates open space and that is exactly what should be there is open space. He said that there maybe at times a vehicle parked there for a temporary time but there is no paving therefore no parking is allowed and any change would require a new special use authorization.

Mr. Ginther asked if IDOT will require any changes to the driveway.

Mr. Hall stated that no comments have been received to date from IDOT. He said that his understanding is that this is not the kind of use which IDOT would view as a high traffic generator but written verification is required. He requested that Mr. Ginther review the minutes from the September 30, 2004 meeting and inform staff of any changes.

Ms. Griest asked if a permit would be required by IDOT.

Mr. Borchers stated that he received a packet from IDOT which includes the required information which must be submitted if any changes are proposed. He said that an application which includes the changes must be submitted to IDOT for approval. He said that any proposed changes would be in regard to the five acres to the south but no changes are proposed for the subject property in regard to Case 492-S-05. He said that the current driveways are acceptable to IDOT and he does not plan to change them.

Ms. Griest asked Mr. Borchers to clarify the hours of operation for the business.

Mr. Borchers stated that normal hours of operation are 7:00 a.m. to 4:30 p.m., six days per week but start time in the summer months is generally 6 a.m. He said that if a job site is far away it is very possible to have an employee arrive at the business at 4:30 a.m. to begin loading equipment and materials. He added that in this same instance it is possible that the employees may not arrive back to the business site before 8:00 p.m. but again it depends the job site location. He said that the racks are to be relocated at the offset area to the back of the building. He said that the grassy area where the man lifts are currently located will be moved and the area will remain vacant.

Ms. Griest asked if the racks will be against the building or located somewhere in the designated storage area.

Mr. Borchers stated that there are racks against the building and also in the designated storage area.

Ms. Griest questioned the truck parking area.

Mr. Borchers stated that there is an existing 5 foot, split rail fence which extends around the outlot where the truck parking will be located. He said that if the site plan needs to indicate the split rail fence then he will amend the site plan. He indicated that there is also a fence which runs approximately 50 feet along the edge of the paving.

Mr. Hall stated that the indication of the split rail fence on the site plan is not necessary.

Ms. Griest asked Mr. Borchers if the truck parking is strictly limited only for the business.

Mr. Borchers stated yes.

Mr. Bluhm questioned if the employees were to park along the north end of the building.

Mr. Borchers stated yes. He said that parking is also available at the house.

Mr. Bluhm asked Mr. Borchers if the employees would enter the building through the overhead doors or through the small door.

Mr. Borchers stated that it depends on which part of the building that they are going to but truthfully they will probably enter into the building through the overhead door. He said that he will discuss this issue with the employees and they will be informed of the proper parking and entrance practices.

Ms. Griest asked if the employees could park in the storage area if space was available.

Mr. Hall stated yes.

Mr. Bluhm stated that he is more concerned with the employees parking on the grass.

Mr. Borchers stated that the garage which is attached to the house is heated and materials are stored within it to keep them from freezing. He said that there are two-30# propane tanks which are stored in the non-heated part of the large building for the equipment. He said that the 1000# propane tank is located between the building and the allocated parking spaces.

Mr. Bluhm questioned if the designated office building is going to be used as an office building or as a residence.

Mr. Borchers stated that he does not intend upon having an on-site resident.

Mr. Bluhm asked Mr. Hall if an employee could rent the house.

Mr. Hall stated that Mr. Borchers could have an employee live in the home. He said that the important thing is that whoever is living in the home is part of the business. He noted that an onsite caretaker or watchman could live in the home but Mr. Borchers would need to prove that this is the situation if questioned.

Mr. Ginther questioned how many businesses would be operating out of this contracting business.

Ms. Griest stated that this is a single contractor use for Borchers Decorating. She said that the Board is not considering this site for multiple businesses.

Mr. Bluhm stated that previous testimony indicated that Mr. Borchers brother-in-law was storing equipment at the site.

Mr. Borchers stated that any equipment which is not involved in his business will be removed from the site.

Mr. Hall stated that no comments have been received from the City of Champaign regarding this case but they do have the right to comment.

Mr. Steeves stated that he is confused and questioned if action is taken on Case 492-S-05 at tonight's hearing if it would have an impact on the other cases.

Mr. Hall stated that Case 492-S-05 could have final action taken at tonight's hearing independent of the other cases. He said that the only relationship between Case 492-S-05 and the others is that the site plan does provide for a detention basin serving the property to the south. He said that the detention basin is an accessory use and if the case to the south of the subject property in Case 492-S-05 is denied then a detention basin will not be required. He said that he agrees that these cases are very confusing and keeping one case separate from the other is a challenge. He said that he could understand why the Board may not want to make a final decision on Case 492-S-05 at tonight's hearing until they can become more clear on what this case involves versus the special use case next to it. He said that if Case 492-S-05 is approved at this hearing then the site plan which indicates the detention basin would be required subject to approval of the other case.

Mr. Borchers stated that an amended site plan was submitted for the five acres therefore less detention will be required. He said that five buildings are proposed but perhaps only two will actually be built therefore the detention basin will be designed as required.

Ms. Griest stated that she is concerned about the Board approving one case without thorough review of the other cases. She said that she would like to see what the detention basin is being use for before the Board states that it is the best use of the land.

Mr. Bluhm stated that Mr. Borchers testified that the site plan may not include five buildings therefore the detention basin may be placed differently.

Mr. Hall stated that the site plan leaves the opportunity to place a detention basin at the west end of the property.

Mr. Bluhm stated that the petitioner would benefit in keeping the detention basin on the same lot at the

building as opposed to placing it on a second lot.

Mr. Steeves questioned if there would be a significant impact to the business if no action was taken on Case 492-S-05 at tonight's hearing.

Mr. Borchers stated no.

Ms. Griest questioned the use of the vacant ground.

Mr. Borchers stated that the vacant ground will be farmed. He said that approximately 150 feet at the west end of Lots 1 and 2 will also be farmed.

Mr. Hall questioned the Board if the fact that a large part of the vacant lot (Lot 3) is to be farmed is an important issue which should be a condition for site plan approval.

Mr. Steeves stated that it is only an important issue if it will become an extension of the storage.

Mr. Hall stated that it will not become an extension of the storage because it is not indicated on the site plan.

Ms. Griest stated that she is more concerned that the vacant area not become overgrown with noxious weeds and that the area is maintained.

Mr. Steeves stated that he would prefer to wait for the final vote on Case 492-S-05 until all of the cases are reviewed and ready for action.

Mr. Bluhm questioned what type of an agreement would Mr. Borchers need for connection to the water company.

Mr. Borchers stated that the water connection is within 400 feet of the property.

Mr. Bluhm stated that Mr. Borchers should contact the water company and obtain in writing what type of an agreement would be necessary for connection.

Mr. Borchers stated that he will contact the water company. He said that he will also have the Department of Health's report regarding the perc tests.

Mr. Hall asked the Board if they would like to see a more detailed explanation of the types of waste water systems which are proposed for the site. He said that whichever system is determined the petitioner will be required to obtain the County Health Department's approval.

Mr. Bluhm stated that if a letter from the County Health Department indicates that they are satisfied with the chosen system then he is satisfied.

Ms. Griest stated that if the Board would recommend approval of the map amendment it would be forwarded to the County Board therefore the petitioner would want to have the best information available for success.

Mr. Hall stated that during a prior case near the subject property a letter from the County Health Department, versus a schematic plan, was the only information submitted.

Mr. Bluhm stated that if a system can be designed and approved by the County Health Department which can handle the capacity by the buildings indicated on the site plan then this Board should be satisfied.

Mr. Hall stated that this will change some of items in the Finding of Fact because at this point it was drafted indicating that there was not enough information to comply with the policies. He said that if comments are received from the County Health Department indicating that the system is feasible the findings will be made positive.

Mr. Steeves questioned if agriculture is allowed on a lot which is zoned B-4.

Mr. Hall stated yes.

Mr. Bluhm questioned if the City of Champaign protested the proposed rezoning.

Mr. Hall stated yes.

Mr. Bluhm stated that perhaps the City of Champaign should be contacted to clarify that the previously requested rezoning case had been withdrawn.

Mr. Hall stated that he encouraged Mr. Borchers to contact the City of Champaign staff when the comments from the County Health Department were received to see if they would change their protest.

**Mr. Steeves moved, seconded by Mr. Irlle to continue Cases 455-AM-04; 473-V-04; 457-AM-04; 458-S-04; and 492-S-05 to the May 26, 2005 meeting. The motion carried by voice vote.**

## 6. New Public Hearings

Case 492-S-05 Petitioner: **David and Lynn Borchers, d.b.a. Borchers Decorating Request to authorize the establishment of a Contractor's Facility with Outdoor Storage and Operations in the AG-2, Agriculture Zoning District. Location: Lot 3 of the James W. Townley Subdivision that is commonly known as a house at 203 South Staley Road, Champaign.**

Ms. Griest called Case 492-S-05; 455-AM-04; Case 473-V-04; Case 457-AM-04; and Case 458-S-04 concurrently.

Case 479-S-04 Petitioner: **Gary Brummet, DVM, d.b.a. A&E Animal Hospital Request to authorize the expansion and use of an existing veterinary hospital where animals are kept temporarily outside of the kennel as a Special Use in the AG-2, Agriculture Zoning District. Location: A 2.2 acre tract of land in the North ½ of the North ½ of the Northeast ¼ of Section 27 of Urbana Township and that is commonly known as the A&E Animal Hospital located at 3003 East Windsor Road, Urbana.**

Mr. Hall stated that after the legal advertisement had been placed and the memo was near completion staff was notified that the subject property was near to becoming annexed into the City of Urbana. He said that on March 10, 2005, the City of Urbana Planning Commission recommended approval of an annexation agreement and is to be considered on April 4, 2005 by the Urbana City Council. He said that he discussed this issue with Dr. Brummet and he indicated that he anticipates that the annexation will be approved. Mr. Hall recommended that this case be continued to June 16, 2005 to give Dr. Brummet adequate time to work through the proposed annexation with the City of Urbana. He said that upon notification that the subject property has been annexed the Board could dismiss Case 479-S-04. The legal advertisement has been placed therefore no fees would be refunded to the Petitioner.

Mr. Bluhm asked what would happen if there were problems with the annexation and Dr. Brummet desired to begin construction of the building.

Mr. Hall stated that this is why he recommended the continuance to June 16<sup>th</sup>. He said that the continued date is within the 100 day allowance and if the annexation does not occur the case can be heard by this Board on June 16<sup>th</sup>.

Dr. Gary Brummet, DVM stated that he concurs with Mr. Halls' recommendation of a continuance date to June 16, 2005.

**Mr. Irle moved, seconded by Mr. Miller to continue Case 479-S-04 to the June 16, 2005, Zoning Board of Appeals meeting. The motion carried by voice vote.**

**Case 480-V-04 Petitioner: Marilyn Jeakins Request to authorize the following variances in the AG-1, Agriculture Zoning District: A) the use of a lot that averages 175 feet in width in lieu of the minimum required average lot width of 200 feet; and B) the reconstruction of a nonconforming dwelling with the following variances in relation to U.S. Route 136 (a major street): (1) a setback of 40 feet from the centerline of U.S. Route 136 instead of the required setback of 85 feet; and (2) a front yard of zero feet instead of the minimum required front yard of 35 feet. Location: a 1.272 acre tract of land in the Southwest 1/4 of the Southwest 1/4 of Section 35 of Harwood Township, commonly known as the residence at 2222 CR 3000N, Gifford.**

Mr. Hall stated that the Petitioner notified staff that during this past week her child required surgery and is unable to attend tonight's meeting. He said that he informed Ms. Jeakins that a continuance could be requested and she requests such a continuance so that she can attend the meeting. He said that there is no urgency with this case because at the time of application she required a Zoning Use Permit to rebuild a shed that had been blown down by high winds and that permit was granted. He recommended that the Board continue this case to May 12, 2005.

Mr. Bluhm questioned if the surveyor caused the non-conformance.

Mr. Hall stated that the surveyor laid out the land but at the time the survey was submitted as part of Zoning Use Permit 195-97-01, which was erroneously approved. He said that during review of the Zoning Use Permit 259-04-02, for the shed it was identified that the subject property is located in the AG-1, Zoning District and not the AG-2, as previously thought, and that the lot has an average lot width of only 175.67 feet which is less than the 200 feet minimum average lot width

required in the AG-1 District. The lot does meet all other zoning requirements. The Petitioner determined that there was no land available for purchase to increase the average lot width and made application for the variance. He said that Zoning Use Permit 259-04-02 to authorize reconstruction of the shed was authorized upon application for variance.

Mr. Bluhm stated that this situation has occurred before with this surveyor and recommended that staff send him a copy of the lot requirements in Champaign County.

Mr. Hall stated that the surveyor is reputable and is in contact with staff on a weekly basis to assure compliance.

**Mr. Steeves moved, seconded by Mr. Schroeder to continue Case 480-V-04, to the May 12, 2005, Zoning Board of Appeals meeting. The motion carried by voice vote.**

7. Staff Report

Mr. Hall distributed a card from Mr. John Jay, Champaign County Board member, complimenting the Zoning Board of Appeals and the Department of Planning and Zoning staff.

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 8:52 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals



