

AS APPROVED SEPTEMBER 28, 2006

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: July 27, 2006

PLACE: Lyle Shields Meeting Room  
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Dennis Goldenstein, Debra Griest, Joseph L. Irle, Melvin Schroeder

MEMBERS ABSENT : Doug Bluhm, Roger Miller, Richard Steeves

STAFF PRESENT : John Hall, Leroy Holliday, J.R. Knight

OTHERS PRESENT : Catherine Clinebell, Harris McKinney, Marjorie McKinney, Ron Hall, Janet Hall, Blake Weaver, Steve Orenic, Sherri Orenic, Myrna Orenic, Julie Hughes, Ray Hughes, Michael Tague, Ted Rund, Steve Bozdech, Karen Bozdech, Nathan Montgomery, Glenn Stanko

1. Call to Order

The meeting was called to order at 7:05 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

None

6. New Public Hearings

Case 506-AM-05 Petitioner: Ted Rund Request to amend the Zoning Map to change the zoning district designation from B-3, Highway Business Zoning District to B-4, General Business Zoning

1 **District.** Location: **Lots 15 and 16 in Stern’s Industrial Subdivision that are commonly known as the**  
2 **Salt and Light Building at 1512 W. Anthony Drive, Champaign.**

3  
4 Mr. Hall distributed to the Board a Supplemental Memorandum dated July 27, 2006, and a handout  
5 including all of the photographs which were submitted by Mr. Hubert Woolen, who resides at 2206 Walters  
6 Drive, Champaign. He said that additional items which have been included in the Supplemental  
7 Memorandum are the Revised Draft Finding of Fact and additional attachments establishing that the Salt  
8 and Light Ministry is an eleemosynary use. He said that staff conducted an analysis of the lot area, height,  
9 placement and site development regulations under the current zoning, proposed zoning and with the actual  
10 property and building which are located on the subject property. He said that staff compared the parking

11 and  
12 that analysis identified two new pieces of information which the Petitioner is not aware of. He said that the  
13 drop-off area that have been added on the west side of the building and the sorting and drop-off area that  
14 has been added to the east side of the building are new outdoor storage areas and there are no non-  
15 conforming rights associated with those areas and these areas must be screened. He said that a fair  
16 analysis would indicate that both outdoor storage areas utilizes what historically had been parking areas and  
17 this is deficient in parking but it does have non-conforming rights. He noted that the Zoning Ordinance  
18 establishes that if a location is only non-conforming in respect to parking then in every other respect the  
19 location is like a brand new use. He said that the Zoning Ordinance does not distinguish between  
20 conforming and non-conforming parking unless there is a reduction and those two outdoor storage areas  
21 seems to reduce the amount of parking that has been there historically. He said that either the site plan  
22 requires revision and those outdoor storage areas revised so that there is no loss in parking or there will be a  
23 variance required for the parking. He said that the annotated site plan which was included in the  
24 Supplemental Memorandum dated July 27, 2006, documents all of those non-conforming parking spaces so  
25 that everyone knows what staff is referring to when they are discussing previous non-conforming parking  
26 rights and how the outdoor storage reduces those rights. He said that all new information has been  
27 underlined in the Revised Draft Finding of Fact and staff summarized all of the letters which were included  
28 in the Preliminary Memorandum dated July 21, 2006. He said that it may well be that some of the  
29 conditions have changed since the letters were submitted but none the less these letters are in the file for this  
30 case. He said that also added to the Revised Draft Finding of Fact is the documentation of the decision that  
31 this is an eleemosynary use and why the rezoning is necessary. He stated that due to the new information  
32 regarding the required variances he would not recommend final action on this case tonight.

33  
34 Ms. Griest asked the Board if there were any questions for Mr. Hall.

35  
36 Mr. Goldenstein stated that the photographs indicate items being stored outside and asked if this was the  
37 norm.

38  
39 Mr. Hall stated that he does not believe that there are items stored outside all of time. He said that recently  
40 he has driven by the subject property did and not witness this type of storage. He said that the neighbors  
41 have indicated that scenes like those in the photographs are very common over the weekend but perhaps  
42 these items are cleaned up on Monday and items are dropped off again on the next weekend.

43  
44 Mr. Goldenstein asked if this practice is a Nuisance Ordinance violation.

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Mr. Hall stated that this is a violation of the Nuisance Ordinance but staff would be required to establish how long these conditions exist. He said that this is also a violation of the Zoning Ordinance and the outdoor storage areas should be screened. He said that if the area was screened and sheltered then it might not be a Nuisance Ordinance violation given that it is of a very temporary nature.

Mr. Goldenstein asked if a permit would be required for the additional roof area.

Mr. Hall stated yes. He said that the additional roof area would probably also take up parking area therefore adding the need for a variance. He said that the Petitioner will need to give this situation careful thought before they decide how they would like to proceed.

Mr. Irle asked Mr. Hall how recent was his visit to the subject property.

Mr. Hall stated that he visited the site around June 19<sup>th</sup>.

Mr. Irle stated that last night he visited the subject property and there was a huge pile of items located on the east side of the building. He asked if the large items are normally dropped off on the east side of the building.

Mr. Hall stated yes. He said that the other storage area is on the west side of the building but it is a much smaller area and is always open for clothing drop off. He said that the east side drop area is for household items.

Mr. Ted Rund, owner of the subject property asked Mr. Hall what designates the amount of parking spaces that are required for the use.

Mr. Hall stated that the Zoning Ordinance is structured so that parking requirements for a business use are computed as follows: gross area divided by 200 square feet, subtracting for any mechanical spaces. He said that the Supplemental Memorandum dated July 27, 2006, indicates that this is the same requirement of 47 spaces whether the subject property remains as B-3, Highway Business or is approved as B-4, General Business. He said that Section 8 of the Zoning Ordinance states that if a use is only nonconforming in respect to parking then it will be like a regular use in all other respects. He said that with the exception of the storage areas this is the same parking (35 spaces) that was present at the adoption of zoning.

Mr. Rund asked if it made a difference if the building was utilized for warehousing rather than office space.

Mr. Hall stated no. He said that the City of Champaign does have such a provision but the County does not.

Mr. Rund stated that he drove by the subject property on Wednesday and vehicles were parked in the church lot at 1:00 p.m. but by 3:09 p.m. the vehicles were gone. He said that the crowd was present because Salt and Light distributes free food on Wednesdays and for two hours there is an issue with parking. He said that the church encourages people to park in their parking lot during these free giveaways. He said that a car was parked in the road and he requested that they move their car to a different location. He said that they are

1 trying to address the problem of parking.

2  
3 Ms. Griest asked the Board and staff if there were any additional questions for Mr. Rund and there were  
4 none.

5  
6 Mr. Ray Allen Hughes, who resides at 2205 Walters Drive, Champaign distributed photographs of the  
7 subject property to the Board for review. He stated that he would like to submit the photographs as evidence  
8 for the case. He said that he has been a neighbor to the subject property for many years and prior to Salt and  
9 Light's tenancy. He said that when Salt and Light came in to the neighborhood they were glad to have them  
10 as neighbors but they have grown to a point so fast that people must park in the street to visit the facility.  
11 He said that no parking occurs on the east side of the building because the lot is full of debris and has been  
12 there for months. He said that he has contacted the Planning and Zoning Department several times to file a  
13 complaint regarding the debris but no response has been received to date. He said that he has discussed the  
14 issue of people leaving items and garbage at all hours of the day with Salt and Light and they indicated that  
15 they would install cameras. He said that he contacted Salt and Light several times regarding the camera  
16 installation and was finally informed that Salt and Light does not have the money to install such a system.  
17 He said that Salt and Light informed him that he should contact the Sheriff's office when people leave their  
18 garbage at the facility so that a formal record is filed. He said that he has called the police several times  
19 regarding this issue and has even gone as far as confronting people during their drop off to see if the items  
20 are donations or garbage. He said that during the garbage drop offs he records the license plate number of  
21 the vehicle and reports it to the Sheriff's office although the Sheriff's office does not follow up on the  
22 complaint and at one point the junk freezer which was dropped off at the facility sat at the facility for a long  
23 time. He said that children play and people rummage through the garbage and the donations all of the time.  
24 He said that when Salt and Light is present at the facility they do clean up the facility as fast as they can but  
25 they do not address the east side of the building. He said that as soon as the people from Salt and Light  
26 leave more donations and garbage are dropped off and left uncovered. He said that when it rains the  
27 donations are wet and some of the garbage travels on to the street. He said that at times during the give-  
28 away days you cannot turn onto Walters Drive from Anthony Drive nor can you go down the alley because  
29 of the traffic and the parking. He said that the third commercial land use goal described in Item #22 of the  
30 Revised Draft Finding of Fact dated July 27, 2006, indicates the following: Commercial areas designed to  
31 promote compatibility with non-commercial uses and at the same time provide ease of access. He said that  
32 several letters of opposition have been sent to the Planning and Zoning Department indicating that there is a  
33 conflict and safety issues exist. He said that the third commercial land use goal is not met due to the letters  
34 and testimony from residents of the neighborhood which is zoned for Single Family Residence. He read  
35 text from the Preliminary Memorandum dated July 21, 2006, Attachment Items 7 and 8 regarding the Salt  
36 and Light facility

37  
38 Mr. Hall noted that Attachment Items 7 and 8 was not written by staff but was submitted by the Petitioner  
39 with his Text Amendment application.

40  
41 Mr. Hughes read the fourth general land use goal. He said that the proposed use is not compatible with his  
42 neighborhood. He said that the proposed use also does not conform to the third general land use goal nor  
43 does it conform to Policy 7.3 or 3.7 of the Land Use Goals and Policies. He noted that the site plan attached  
44 to the Preliminary Memorandum does not include the 14 foot loading dock which leaves only two feet of

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1 space between the structure and the alley. He said that the additional structures which have been erected on  
2 the property are also not shown on the site plan. He said that the Petitioners indicate that they are good  
3 people with a good cause and that they are trying to be good neighbors but the pictures indicate differently.  
4 He said that just because a use is a good cause does not make it right.

5  
6 Ms. Griest asked the Board if they had any questions for Mr. Hughes.

7  
8 Mr. Irle asked Mr. Hughes if when the new tenants first occupied the building if everything was acceptable.

9  
10 Mr. Hughes stated that when the new tenants first occupied the building everything was acceptable. He said  
11 that they did not have a problem with parking or traffic.

12  
13 Mr. Irle stated that basically Salt and Light is a victim of its own success.

14  
15 Mr. Hughes stated that Mr. Irle was correct. He said that they are successful and it is out of control. He said  
16 that he suggested that Salt and Light needs to have someone at the facility 24 hours per day for intake of  
17 donations. He said that they have had three years to work on these issues. He said that he has personally  
18 spoken to Mr. Nathan Montgomery, Director of Salt and Light about his concerns and has tried to be a good  
19 neighbor to Salt and Light. He said that a lot of people drop off items to Salt and Light which are not  
20 worthy of being a donation and would be considered garbage but rather than paying someone to haul it away  
21 they drop it off at Salt and Light although on the other hand some people do drop off nice items. He said  
22 that one of the problems of dropping off great stuff is that it is allowed to set out in the rain until someone  
23 cleans it up. He said that there have been occasions when people will pull up to the facility at 1:00 a.m. to  
24 rummage through the items which have been dropped off. He said that he reports this practice to the  
25 Sheriff's office.

26  
27 Mr. Irle stated that when he drove past the facility he witnessed more items setting along the east side of the  
28 building than what is indicated in the pictures. He asked Mr. Hughes if his pictures were indicating a typical  
29 day or just what was there on the day that he took the pictures.

30  
31 Mr. Hughes stated that his pictures were of the west side of the building and he was trying to indicate how  
32 the facility looks on average.

33  
34 Mr. Irle stated that it appeared to him that almost the entire east parking lot was full of drop off items.

35  
36 Mr. Hughes stated that the drop offs on the east side take up about 1/3 of the back of the parking lot and the  
37 dumpster takes up one parking space. He said that people could still park in the east parking lot. He noted  
38 that one of his neighbors on Roland Drive has had their house on the market for approximately one year. He  
39 said that he believes that one of the reasons that they have not been able to sell their home is due to the  
40 presence of Salt and Light and the craziness that surrounds it.

41  
42 Mr. Hall stated that he agrees with Mr. Hughes in that the submitted site plan was not thorough. He said  
43 that there is a loading dock on the north side of the building and it is too close to the lot line but it was  
44 authorized by a variance.

1  
2 Mr. Mike Tague, Attorney for the property owner Ted Rund, stated that every time that there has been a  
3 complaint brought to the attention of the Petitioner there has been action taken to address the issues. He said  
4 that they will obtain documentation in writing from the adjacent church regarding the allowance of parking.  
5 He said that he and his clients believe that the number of parking spaces relative to the peak period uses is  
6 somewhat a “red herring” because they do have the parking lot located at the church to accommodate the  
7 clientele. He said that the issue of getting the clientele to utilize the church parking lot has been addressed  
8 by having people with orange vests to direct traffic to the church’s parking lot. He said that a revised site  
9 plan will be submitted and whatever is needed for the outdoor storage areas to comply they will be screened  
10 or covered. He said that during distribution days the clientele and staff numbers do increase therefore  
11 increasing the need for the additional parking at the church. He said that there was an indication that the  
12 County Sheriff’s office was thumbing their nose but that is not correct. He said that he will obtain records  
13 from the Sheriff’s office for the record to show how many complaint calls have been made by the neighbors  
14 and the timely manner in which the Sheriff’s office responded. He said that he and the Petitioner are  
15 comfortable with staff’s representation in the Preliminary Memorandum dated July 21, 2006, although they  
16 would like to submit additional documentation to the Board for review prior to their review of the Finding of  
17 Facts to clarify those particular issues.

18  
19 Ms. Griest asked the Board if they had any questions for Mr. Tague.

20  
21 Mr. Goldenstein asked Mr. Tague why it was necessary that all of the distribution has to be completed in  
22 one afternoon. He asked if the distribution could be split up into different days versus one afternoon  
23 therefore not creating a madhouse.

24  
25 Mr. Tague stated that Mr. Montgomery will need to address such a suggestion.

26  
27 Mr. Goldenstein suggested some type of guidelines so that if the clientele does not comply with the parking  
28 rules the distribution of food and other items will be ceased.

29  
30 Mr. Irle stated that Mr. Tague has indicated that his clients have tried to accommodate all of the problems  
31 that have come to light although it appears that his clients have not been very successful in doing so. He  
32 said that getting the clientele to comply with the rules and regulations regarding parking is problematic but  
33 there is no excuse for the exterior storage area that is no more than a garbage pile which keeps growing in  
34 size. He said that there has to be some sort of rules in concrete to enforce this sort of dumping and to keep  
35 the pile cleaned up.

36  
37 Mr. Tague stated that Mr. Irle had the opportunity to drive past the facility one day and on that day the  
38 outdoor storage area was a mess. He said that Mr. Hughes took pictures of a typical day and submitted  
39 those photographs as evidence and Mr. Hall drove past the facility and witnessed a typical day. He clarified  
40 that his client is Mr. Ted Rund and not Salt and Light Ministry. He said that they have a lease which  
41 indicates that they must comply with the County’s Ordinances but perhaps they should revise the lease  
42 listing specific rules regarding the issues which have been brought forward. He said that he believes that he  
43 and the Petitioner have influence over the tenant in informing them that they will have to move their facility  
44 to a different location if they do not comply with the County’s Zoning Ordinance. He said that they will

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1 work through the mitigation of nuisances and if necessary they will submit a new lease agreement with  
2 conditional addendums. He said that Mr. Rund does not want his property trashed and he does not enjoy  
3 receiving complaints from the neighbors. He said that an option that is available to Mr. Rund is annexing  
4 his property in to the City of Champaign which would solve the zoning issues with the County. He said that  
5 by annexing into the City of Champaign an additional city tax would be created which the charity would end  
6 up bearing. He said that they would like to work with a solution that solves the problem whether it is with  
7 trash or parking. He said that Mr. Rund is willing to place restrictions and covenants in the lease indicating  
8 that if the tenant does not comply they are in breach of the lease and the tenant will be evicted. He said that  
9 from the landlord's perspective, he would like to see Salt and Light stay at the property and not annex to the  
10 City of Champaign. He said that if Mr. Rund does annex the property in to the City of Champaign and Salt  
11 and Light decides to move to a different location he has an additional problem to deal with. He said that the  
12 complaints from the neighbors, although possibly being biased, are taken into account although the  
13 Petitioner realizes that the comments from the Board regarding the condition of the property are not biased  
14 and should not be taken lightly.

15  
16 Mr. Schroeder stated that it appears that Salt and Light needs to be aware of what is being dropped off and  
17 the difference between usable items and garbage. He said that a simple solution would be that the items be  
18 sorted each day so that the garbage is eliminated on a daily basis.

19  
20 Mr. Irlle stated that he was very surprised by the pile of items and garbage on the property. He said that for  
21 someone who is requesting a rezoning it would have seemed appropriate to have this pile cleaned up just in  
22 case someone would be driving by to view the property's conditions.

23  
24 Ms. Griest stated that Mr. Hughes commented that there were some safety concerns regarding the  
25 accessibility of the piles of items on the subject property and accessibility to those items for rummaging  
26 during all hours of the day. She encouraged Mr. Tague to include something in their plan which would  
27 discourage this type of practice.

28  
29 Mr. Tague stated that one of the areas where one of the piles is located is a gated area which could and  
30 should be closed and padlocked. He said that he agrees that the pile should not exist and if it isn't there then  
31 safety becomes a non-issue.

32  
33 Mr. Goldenstein stated that Mr. Hughes indicated that a freezer sat on the subject property for a long period  
34 of time. He said that it is possible for kids to climb into a freezer and then have the door close.

35  
36 Mr. Tague stated that a provision will have to be made so that items such as refrigerators or freezers must  
37 be disabled so that this type of situation could not happen. He said that they will address these issues.

38  
39 Mr. Nathan Montgomery, Director of Salt and Light Ministry stated that Mr. Hughes is the only neighbor of  
40 Salt and Light that has confronted him with any conditions that may exist at the facility. He said that as a  
41 result of Mr. Hughes' concerns he has tried to do a number of different things to rectify those issues. He  
42 said that the petition which was submitted as evidence was distributed to the residents of Dobbins Downs  
43 and only 12 signatures were obtained. He said that he traveled around the neighborhood to speak to some of  
44 the neighbors to hear what their concerns were regarding Salt and Light and discovered that some of the

1 elderly neighbors were totally unaware of what Salt and Light was therefore he is not sure if they even knew  
2 why they were signing the petition. He said that Salt and Light has more clientele in the neighborhood than  
3 residents who signed the petition. He said that the Dobbins Downs area is a very needy area and Salt and  
4 Light does serve several people in the neighborhood therefore he believes that the counter petition which  
5 will be submitted at the next meeting will be a better reflection of the support by the neighborhood.  
6 Mr. Montgomery said that one of the major issues which have drawn a lot of concern is the drop off bins. He  
7 said that six to seven days per week he and other volunteers are at Salt and Light to empty the bins so that  
8 nothing is left unattended outside of the building. He said that the local police department has warned  
9 several people about rummaging through the bins and signs have been placed on the bins prohibiting items  
10 to be left outside of the bins. He said the placement of cameras would help curtail a lot of the dumping and  
11 rummaging issues but the camera installation is a cost issue. He said that the east side of the building is  
12 cleaned up almost every day although the west side of the building, where the two bins are located, is a  
13 mess. He said that the east side of the building has a gate which can be locked and occasionally a 40 yard  
14 roll off dumpster is ordered to clean up items that are not usable and that was last done in May. He said that  
15 a regular 6-yard dumpster is located on the property and is picked up weekly and at times it appears that  
16 there is a huge accumulation of items to be discarded. He said that the two sheds that are located on the east  
17 side of the building do not take up any parking spaces and are located on the sidewalk area along the side of  
18 the building. He said that the pile of items on the west side of the building does take up some of the parking  
19 spaces but it is not usually an issue because they do utilize the adjacent church's parking lot. He said that  
20 Salt and Light is only open for distribution on Monday and Wednesday during the hours of 1 p.m. to 5 p.m.  
21 He said that Monday is not a very hectic day but Wednesday is very hectic. He said that to help mitigate the  
22 traffic issues on Wednesday's distribution day traffic cones are placed to keep people from parking along  
23 the side of the street. He said that he would ask people to move their vehicles if they blocked the street or  
24 alley. He said that people do walk across the street although the only thing that Salt and Light can do is  
25 make them aware of the dangers and they have been pretty responsive. He said that Salt and Light is not  
26 perfect and if someone desires to set up a camera and wait for an opportunity to snap a picture of something  
27 then they will find that opportunity because things do get dropped off at the facility. He said that yesterday  
28 Mr. Woolen was outside with his camera waiting for the right opportunity to snap a photograph of a  
29 situation that he himself was trying to rectify in regard to parking. He said that Salt and Light has retrofitted  
30 one of the bins with a drop off window rather than a door which opens and shuts and the other bin will be  
31 fitted with this type of window as well which will make it more difficult for people to get in to the bins to  
32 rummage through the items.

33  
34 Mr. Montgomery stated that the two issues which appear to be the major concerns are the traffic/parking  
35 issue and the drop off areas. He said that Salt and Light has two paid employees but most of the help that  
36 the charity receives is through volunteers. He said that he and the operations manager trade off on the  
37 weekends to clean up the drop off sites so that the neighbor's concerns are accommodated. He said that  
38 there appears to have been quite a gap in time for the complaints because a lot of the complaints were  
39 received during the fall and then again in the spring. He said that the spring and summer months are some of  
40 the busiest months for Salt and Light because they receive a huge amount of drop off items and people  
41 require more food due to their kids being out of school but during the fall and winter months the drop off  
42 amounts decrease substantially and the need for additional food is not as great. He said that the only  
43 conversation that he has had with Mr. Woolen is when he visited him at his home to discuss his concerns  
44 and at that time Mr. Woolen informed him that he was going to let things go to see what happens. He said



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1 that it appears that there are only two angry neighbors regarding Salt and Light and not the entire  
2 neighborhood.

3  
4 Ms. Griest asked the Board if they had any questions for Mr. Montgomery.

5  
6 Mr. Goldenstein asked Mr. Montgomery if there was a reason why all of the food needed to be distributed in  
7 one afternoon.

8  
9 Mr. Montgomery stated that when Salt and Light originally opened their doors they distributed food on  
10 Wednesday and Saturday and what they found was that only ½ of the number people came in on Saturday as  
11 did on Wednesday. He said that for financial reasons they decided to distribute the food on one day rather  
12 than trying to purchase food for both days plus obtaining volunteers for both days was an issue. He said that  
13 in regard to traffic the one day distribution is only troublesome for approximately two hours for the whole  
14 week.

15  
16 Mr. Irle asked Mr. Montgomery what his actual title was for Salt and Light.

17  
18 Mr. Montgomery stated that he is the Executive Director for Salt and Light Ministry.

19  
20 Mr. Irle asked Mr. Montgomery what the target area is for their ministry.

21  
22 Mr. Montgomery stated that their main target area is Champaign-Urbana and some outlying areas of  
23 Champaign County. He said that they have had some people come to the facility which are located outside  
24 of Champaign County but they are referred to resources within their own community.

25  
26 Mr. Irle asked Mr. Montgomery if there is someone present at the facility six days per week.

27  
28 Mr. Montgomery stated that he is at the facility five days per week and visits the site on weekends to check  
29 the bins.

30  
31 Mr. Irle asked Mr. Montgomery what the hours of operation were for the employees.

32  
33 Mr. Montgomery stated that the hours of operation are 9 a.m. to 5 p.m. Monday thru Friday. He said that  
34 there are set times for people to drop off large items and those hours are Tuesday and Thursday, 10 a.m. to 4  
35 p.m. He said that the problem that they are experiencing currently is that people are not respecting the drop  
36 off hours although the proposed cameras should help rectify that problem. He said that research has been  
37 completed on the camera installation but the funds are not currently available to Salt and Light.

38  
39 Mr. Irle asked if the bins located on the west side of the building are just for drop off of clothes.

40  
41 Mr. Montgomery stated yes. He said that the bins are for clothes only.

42  
43 Mr. Irle asked Mr. Montgomery if a lot of just plain garbage is dropped off.

44

1 Mr. Montgomery stated that this spring and summer a lot of just plain garbage has been dropped off. He said  
2 that he believes that a lot of the additional amounts of drop off items are a result of the Goodwill Store  
3 eliminating their collection bins. He said that many people prefer to drop off their items to a charity which  
4 will give the items to the needy rather than to an establishment that sells the items to the needy.  
5

6 Mr. Irle asked Mr. Montgomery if Salt and Light has considered not having a drop off point and requiring  
7 people to come inside the facility to drop off items. He said that other similar organizations appear to have  
8 the same problem with people dropping off garbage rather than reusable items.  
9

10 Mr. Montgomery stated that unfortunately even though the Goodwill Store has gotten rid of their bins and  
11 requires people to come into the building to drop off items they still have people dropping off items at their  
12 door step. He said that the people who are dropping off garbage are not going to respect any signs that are  
13 placed on the bins. He said that they will have to rely on the local police and Sheriff's office to crack down  
14 on those people that are breaking the law and dumping their garbage.  
15

16 Mr. Irle asked Mr. Montgomery when the items are sorted.  
17

18 Mr. Montgomery stated that the clothes go into one storage area in the building. He said that shelving is  
19 available for miscellaneous items and it is very easy to identify what is junk and what is reusable. He said  
20 that from August to March a regular sized dumpster is more than enough to keep up although in the spring  
21 and summer there is an influx of donations and the larger roll-off dumpster is required. He said that they  
22 may receive a refrigerator and a couch which are not in very good shape and then receive other similar items  
23 therefore requiring Salt and Light to order a larger roll-off dumpster for their disposal. He said that the pile  
24 which is currently located on the east side of the building is probably one of the largest piles that has ever  
25 existed. He said that the pile is gated and is not visible from either of the residences or from Walters Drive  
26 and the only way that it is visible is through the entry to Salt and Light Ministry or the alley.  
27

28 Mr. Irle asked Mr. Montgomery if the pile on the east side is always gated and locked.  
29

30 Mr. Montgomery stated yes. He said that the only time that the pile is not locked is on Monday evening  
31 because the company which they use for trash pick up comes to the facility very early on Tuesday morning.  
32 He said that they haven't had any problems with people dumping on the east side of the building.  
33

34 Mr. Irle asked Mr. Montgomery if everything that is on the east side is what was dumped on the west side of  
35 the building.  
36

37 Mr. Montgomery stated yes. He said that there is a stack of pallets and a stack of recycled cardboard on the  
38 east side as well as some fair type games that were donated. He said that the roll offs are placed in this area  
39 also so that they can be filled with items that cannot be reused.  
40

41 Mr. Irle stated that it appears that many of the items are being handled twice in that they are moved from the  
42 west side to the east side and then to the dumpster.  
43

44 Mr. Montgomery stated that they do handle the items more than once and this is due to the fact that the

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1 garbage company does not like to leave the dumpsters at an open location for a long period of time. He said  
2 that they have had youth groups come to the facility and pick up trash along the street where Mr. Woolen  
3 and Mr. Hughes resides, the church parking lot, the alley and around the building. He said that in trying to  
4 be good neighbors they keep the trash picked up although this appears to go unnoticed.

5  
6 Mr. Irle asked Mr. Montgomery what types of items are actually distributed on Wednesdays.

7  
8 Mr. Montgomery stated clothes and food. He said that originally food was the primary need but anymore it  
9 is clothing and furniture. He said that Salt and Light is open on Monday for distribution of clothing and  
10 furniture and Wednesday for food and clothing. He said that more people try to get all of their needed items  
11 on one day therefore Wednesday is their bigger day. He said that a line is formed for food and a line is  
12 formed for clothing but generally most people will get in the clothing line first and then get in line for the  
13 food.

14  
15 Mr. Irle asked if the Northside Church of Christ utilizes the facility.

16  
17 Mr. Montgomery stated yes. He said that one of the members is a regular volunteer with Salt and Light. He  
18 said that the church allows Salt and Light to use their parking lot during regular distribution or any special  
19 events. He said that they try to make people more aware of the rules for parking and access to Salt and Light  
20 and have even distributed papers explaining these rules.

21  
22 Mr. Irle asked Mr. Montgomery if the church is a passive supporter of the facility.

23  
24 Mr. Montgomery stated yes because not only do they allow Salt and Light to utilize their parking lot during  
25 days of distribution but they are also a monthly financial supporter.

26  
27 Ms. Griest asked Mr. Montgomery how large the clientele base was for Salt and Light.

28  
29 Mr. Montgomery stated that on an average Wednesday, Salt and Light will feed approximately 130 families  
30 between the hours of 1 p.m. to 5 p.m. He said that last Wednesday, Salt and Light fed 172 families. He said  
31 that the first two hours of the distribution day is extremely busy and then by 3 p.m. the traffic slows down  
32 and the parking spaces along Salt and Light are more than sufficient.

33  
34 Ms. Griest asked Mr. Montgomery how long a family will visit the facility during any distribution day.

35  
36 Mr. Montgomery stated that if the family is only visiting the facility for food they could be in and out within  
37 fifteen minutes but if they are there for food and clothing their visit could extend to thirty minutes. He said  
38 that Salt and Light has distributed food to 130 families within the first hour of the distribution day.

39  
40 Ms. Griest asked Mr. Montgomery if everyone who receives food receives the same selection of items or do  
41 they chose their own items.

42  
43 Mr. Montgomery stated that everyone receives the same selection of food and the amount is based on  
44 household size. He said that the items are prebagged and ready for pickup therefore the time is mostly for

1 standing in line and signing in.

2  
3 Ms. Griest asked Mr. Montgomery if the same clientele comes to Salt and Light week after week.

4  
5 Mr. Montgomery stated yes. He said that currently they are keeping track of the number of different  
6 households that are served as well as the number of visits that the household makes to Salt and Light. He  
7 said that the household is eligible every thirty days but Salt and Light provides the household with one  
8 week's worth of food. He said that if Salt and Light does not have the funds to provide one week's worth of  
9 food and the items are more supplemental the household can come back to Salt and Light more regularly.

10  
11 Ms. Griest asked Mr. Montgomery if she was correct in understanding that Salt and Light is feeding between  
12 130 to 172 families depending upon the time of year and those families are only eligible once per month.

13  
14 Mr. Montgomery stated that it depends because Salt and Light has two ways in which they distribute the  
15 food. He said that one way that they distribute the food is when Salt and Light is able to purchase the food  
16 they provide three meals per day for one week, based on family size. He said the charity is supported by  
17 donations therefore the funds available for purchase of the food fluctuates or they are able to take food  
18 which is donated or obtained through the commodity program which makes the food more supplemental  
19 which means that every family obtains the same food in one bag. He said that if a family receives a week's  
20 worth of food they can only obtain it every thirty days but if the distribution is more supplemental and is not  
21 based on family size the family can return the following week.

22  
23 Ms. Griest asked Mr. Montgomery if Salt and Light could expand its distribution hours on Wednesday so  
24 that the clientele is not concentrating on the 1 p.m. to 5 p.m. time period or is it his opinion that it won't  
25 make a difference and the line will be present during the first hour that the distribution begins.

26  
27 Mr. Montgomery stated that at the beginning of the distribution the madhouse situation occurred because  
28 people were afraid that Salt and Light would run out of food to distribute but now they realize that this is not  
29 the case and many of the clientele will line up for the clothing first and then step into the food line. He said  
30 that the clothing area is first come first serve therefore many people desire to step into that line first because  
31 they know that the food is available when they are finished. He said that he does not believe that extending  
32 the hours for the food will mitigate the problem because there is always going to be that first hour rush.

33  
34 Ms. Griest asked Mr. Montgomery if all of the debris and drop offs are cleaned up everyday.

35  
36 Mr. Montgomery stated that everyday during the week and at least one day on the weekend someone tries to  
37 come in and clean up the drop offs. He said that sometimes if everything is cleaned up on a Saturday there  
38 may not be anything to pick up on Monday although if people decide to drop off items on Saturday evening  
39 Monday morning's pile may be huge. He said that regardless of the time that they clean up something else  
40 will be dropped off and no items are ever left out for any extended amount of time. He said that he did have  
41 a freezer with a detached lid dropped off and because the freezer was so heavy it was not moved inside  
42 immediately. He said that he has four children and understands the safety concerns with the children in the  
43 neighborhood.

44

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- 1 Ms. Griest asked Mr. Montgomery if he stated that Salt and Light is storing some items outside along the  
2 east side of the building.  
3
- 4 Mr. Montgomery stated yes. He said that Salt and Light is awaiting the arrival of a large roll off so that  
5 those items can be disposed of. He said that depending upon how the donations go the one roll off may be  
6 sufficient until next spring.  
7
- 8 Ms. Griest asked Mr. Montgomery if Salt and Light had other storage options for these items rather than  
9 outside.  
10
- 11 Mr. Montgomery stated no. He said that the inside of the building is so overwhelmed by wonderful  
12 donations that there is no place to put the bad donations other than the gated area. He said that there is a  
13 fence on along the back side of the outside storage area and a fence with a locked gate on the front side.  
14
- 15 Ms. Griest stated that if Salt and Light is going to continue with the outside storage that perhaps it should be  
16 screened.  
17
- 18 Mr. Hall stated that there are no options for screening. He said that a Type D, 8 foot high, opaque screen is  
19 required.  
20
- 21 Ms. Griest noted that outside storage is not encouraged.  
22
- 23 Mr. Montgomery stated that outside storage has never been their desire but it has been a matter of necessity.  
24 He said that they need to get this area cleaned up because they are having a children's event on August 12<sup>th</sup>  
25 and this event will take place in this outside area.  
26
- 27 Ms. Griest suggested that Mr. Montgomery work with Mr. Hall to mitigate the outdoor storage issue.  
28
- 29 Mr. Irle stated that it is not acceptable to have any refuse on the ground. He asked Mr. Montgomery how  
30 long Salt and Light has been at this location.  
31
- 32 Mr. Montgomery stated that Salt and Light has been at this location for approximately two and one-half  
33 years.  
34
- 35 Mr. Irle asked Mr. Montgomery how long he has been with Salt and Light Ministry.  
36
- 37 Mr. Montgomery stated that he is one of the four area men that helped start the ministry.  
38
- 39 Mr. Irle asked Mr. Montgomery if Salt and Light has any kind of database to track the clientele.  
40
- 41 Mr. Montgomery stated that they do maintain a database on the clientele. He said that this database allows  
42 them to print out a list of the last date of service for each individual family.  
43
- 44 Mr. Irle asked if Salt and Light mails any documentation to the clientele.

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44

Mr. Montgomery stated no. He said that in order for Salt and Light to be a commodity program and to receive a certain amount of food free each month they must fill out a form for each family.

Mr. Irle asked if the computer classes have started at Salt and Light.

Mr. Montgomery stated that the computer lab will be located in the front office space utilizing donated computers and materials. He said that the classes have not started yet because they are awaiting the hookup of electrical outlets. He said that the lab will be an off-hour event and will only handle eleven clients. He said that basically the lab will be training in Microsoft Office, resume writing, basically equipping the clients for better jobs. He said that the University of Illinois students have become more and more involved and the amount of volunteers will help alleviate some of the burdens of trying to take care of all of these different services.

Mr. Irle asked Mr. Montgomery if the United Way has given any assistance with the services.

Mr. Montgomery stated that United Way has not assisted financially although Salt and Light did recently receive a grant that was through the United Way but funded by the government for emergency food and shelter program. He said that they were a primary referral site for the United Way during the hurricane Katrina efforts and the refugee relocation.

Ms. Griest asked the audience if anyone else would like to sign the witness register at this time to present testimony regarding Case 506-AM-05.

Mr. Hughes submitted two additional photographs of the Salt and Light facility as evidence. He said that many possible solutions have been discussed but nothing has been resolved. He said that people are still parking in the church parking lot, the street and the alley. He said that it would be great if the subject property was annexed in to the City of Champaign because the City of Champaign has nuisance fines for garbage and the neighbors would have some sort of recourse.

Mr. Rund stated that he does feel for the neighbors and would be willing to pay for the cameras himself. He said that he would like to personally meet with Mr. Hughes and Mr. Woolen to discuss their concerns so that he can rectify the problems.

Mr. Hall stated that unless there is nothing in the parking areas he cannot see how there won't be a need for a variance for parking. He asked the Board how they would react to a variance for parking given all of the discussion regarding traffic. He said that the parking at the church is only mitigation and does not change the need for a variance. He said that a roll off dumpster, outside storage, and drop off bins takes up parking space when the facility is already not offering enough parking space. He said that if there is anything outside the building it would take up area that was previously available for parking.

Mr. Irle stated that any variance for parking that the Board may consider would require a sunset clause so that it wouldn't be there forever.

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1 Ms. Griest stated that the Zoning Ordinance requires that Salt and Light provides 47 parking spaces and  
2 currently they only have 35 parking spaces available.

3  
4 Mr. Hall stated that the refuse is more of a concern than the traffic.

5  
6 Mr. Goldenstein stated that it appears that most of the refuse consists of broken furniture and is just being  
7 dumped at this location for free therefore placing the burden of disposal on Salt and Light.

8  
9 Ms. Griest stated that rather than granting Salt and Light a variance for the outside collection sites would be  
10 to require the elimination of the outdoor collection sites which would be two fold in solving some of the  
11 traffic problems and collection points.

12  
13 Mr. Hall stated that once people realize that they can drop items off at the facility they will drop it off and it  
14 will always be a problem whether there are designated drop off bins or not.

15  
16 Mr. Irle stated that the gated area could be the drop off area that would only be open during times of  
17 operation and inaccessible when the facility is closed.

18  
19 Ms. Griest stated that this would secure the area to keep people from rummaging through the donated items  
20 yet it would not prevent drop off of those donations. She asked the Board if they were interested in  
21 entertaining a variance for parking.

22  
23 Mr. Irle stated that yes. He asked if the Petitioner is interested in obtaining a variance for parking.

24  
25 Mr. Hall stated that the Petitioner probably disagrees with the need for a variance but if the Zoning  
26 Administrator is going to require it they will utilize the church parking lot. He asked the Board if they  
27 would be interested in authorizing such a variance.

28  
29 Mr. Goldenstein stated that he would like to see the distribution dates spread out to a couple of days rather  
30 than one day. He said that if everyone receives the same items in their bag it shouldn't make any difference  
31 when it is distributed therefore eliminating the madhouse situation for the first two hours.

32  
33 Mr. Irle stated that a condition requiring that the granted variance for parking would be withdrawn if the  
34 lease with this present tenant is terminated.

35  
36 Mr. Hall stated that a condition could be placed on a variance if the Board finds the condition reasonable.

37  
38 Ms. Griest stated that she would like the opportunity to review parking solutions and she would be interested  
39 in granting a variance if it eliminated the on-street and alley parking. She said that if the only people that  
40 were using the authorized parking spaces were the only people parking on the site then she would entertain  
41 considering a variance for fewer parking spaces. She said that the Board could require all kinds of things in  
42 regard to the parking spaces but enforcement is an additional issue. She said that an alternative is that the  
43 map amendment and variance is denied and the tenant is either forced to move to a different location or the  
44 property owner annexes in to the City of Champaign. She said that she would like to see a solution that

1 resolves the problems and does not just shift them off to someone else.

2  
3 Mr. Hall stated that he agrees with Mr. Hughes in that the City of Champaign has greater resources for  
4 enforcement than the County. He said that a use like this will have enforcement issues and the  
5 neighborhood would be better off if the subject property was annexed in to the City of Champaign.

6  
7 **Mr. Schroeder moved, seconded by Mr. Irlle to continue Case 506-AM-05, Ted Rund to September 28,**  
8 **2006. The motion carried by voice vote.**

9  
10 **Mr. Schroeder moved, seconded by Mr. Irlle to recess the July 27, 2006, meeting for a five minute**  
11 **break. The motion carried by voice vote.**

12  
13 **The Board recessed at 8:40 p.m.**  
14 **The Board resumed at 8:50 p.m.**

15  
16  
17 **Case 544-V-06 Petitioner: Myrna Orenic and Stephen and Karen Bozdech Request: Part A:**  
18 **Authorize the use of a nonconforming lot of record without a connected public water supply system**  
19 **and without a connected public sanitary sewer system and with a lot area of 23,175 square feet**  
20 **and an average lot width of approximately 72 feet in lieu of the required minimum lot area of 30,000**  
21 **square feet and the required minimum average lot width of 150 feet, in the R-1 Single Family Zoning**  
22 **District; and Part B: Authorize the use of a nonconforming lot of record without a connect public**  
23 **water supply system without a connected public sanitary sewer system and with a lot area of 22,181**  
24 **square feet and an average lot width of approximately 75 feet in lieu of the required minimum lot**  
25 **area of 30,000 square feet and the required minimum required lot width of 150 feet, in the R-1 Single**  
26 **Family Zoning District. Location: Part A: Lot 34 of the Spring Lake Subdivision and commonly**  
27 **known as the vacant lot at 1705 W Northshore Dr, Mahomet; and Part B: Lot 35 of the Spring Lake**  
28 **Subdivision and commonly known as the house at 1707 W Northshore Dr, Mahomet.**

29  
30 Mr. Hall stated that when the variance application was originally taken in staff had only been discussing Lot  
31 34 with Mrs. Orenic’s son and did not make the connection that if there is one nonconforming lot of record  
32 which requires a variance there has to be another lot also. He said that Mr. and Mrs. Bozdech received very  
33 late notice of the case and were contacted on the same day as when the legal advertisement was published.  
34 He said that Mr. and Mrs. Bozdech’s application has not yet been submitted to staff and was anticipating  
35 requesting a continuation of this case.

36  
37 Mr. Goldenstein asked if all of the lots in the subdivision are zoned for single family residences.

38  
39 Mr. Hall stated yes.

40  
41 Mr. Goldenstein asked if at some point were all of the lots nonconforming.

42  
43 Mr. Hall stated that all of the lots are still nonconforming but this is an instance of a vacant lot that is next to  
44 a lot that is not vacant. He said that the other nonconforming lots were grandfathered but Lot 34 and 35



1 were in common ownership when the Zoning Ordinance changed therefore requiring the variances.

2  
3 Ms. Griest stated that the lots are not currently in common ownership due to a sale in 2005.

4  
5 Mr. Hall stated that Ms. Griest was correct. He said that Mrs. Orenic’s son called the office in January,  
6 2005, and at the time staff was just answering his inquiry and he was advised that a variance would be  
7 required and that it may be a difficult variance to receive. He said that it is unknown if Mrs. Orenic had  
8 already purchased the lot at the time of her son’s inquiry or not.

9  
10 Ms. Griest asked if either of the two petitioners owned the two lots in common ownership or are they both  
11 new parties to the two lots.

12  
13 Mr. Hall stated that the two petitioners are new parties to the two lots which were purchased from an estate.

14  
15 Mr. Griest informed the audience that this is an Administrative Case and as such the County allows anyone  
16 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of  
17 hands for those who would like to cross examine and each person will be called upon. She requested that  
18 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that  
19 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
20 state their name before asking any questions. She noted that no new testimony is to be given during the  
21 cross examination.

22  
23 Mr. Blake Weaver, attorney for Mrs. Orenic stated that Mrs. Orenic was a long time resident in the state of  
24 Texas and moved to the area last year. He said that Mrs. Orenic’s son and his family live in the Spring Lake  
25 Subdivision and she desired to live near her son. He noted that Mrs. Orenic is 77 years old, widowed and in  
26 poor health therefore her son Steve Orenic purchased Lot 34 for his mother from the estate of Walter H.  
27 Saathoff, Jr. in February, 2005. He said that a contractor was contacted to locate a house on the property  
28 and plans were also made for a contractor to install an aerobic septic system to handle the sewage because  
29 both water and sewage are not available to the subdivision. He said that the Champaign County Health  
30 Department issued a permit for the proposed septic system and at that point Mr. Orenic contacted the  
31 Planning and Zoning Department to obtain a building permit.

32  
33 Mr. Weaver stated that the Spring Lake Subdivision was platted in 1956 and approved by the County. He  
34 said that the largest part of the Spring Lake Subdivision was 75 single family lots which surrounded Spring  
35 Lake. He said that it appears that Mr. Saathoff acquired title to Lot 35 in 1964 and suspects that shortly  
36 thereafter a home was constructed on the lot. He said that it appears that Mr. Saathoff acquired Lot 34 in  
37 1975 therefore one of the transactions was completed prior to adoption of the County Zoning Ordinance and  
38 one after adoption. He said that two amendments to the County Zoning Ordinance were approved which  
39 require the Petitioners to seek the requested variances. He said that it is his understanding that Lot 34 was  
40 nonconforming to its width but was conforming to its area but the second modification of the ordinance  
41 required that in rural R-1 districts that the lot size be increased from 20,000 square feet to 30,000 square feet  
42 and the average lot width was increased to 150 feet. He said Lot 34 would not be appropriate under the  
43 current zoning but because most of those lots have been built upon or have not been owned in common  
44 ownership they were nonconforming lots of record. He said that normally when a lot is purchased in a

1 subdivision which has existed for 50 years it is assumed that it is a lawful, legal lot and at the time that the  
2 contract for purchase was entered in to with Mr. Orenic he was not aware that there was common ownership  
3 of Lot 34 and Lot 35. He said that he did not discover that a common ownership of Lot 34 and Lot 35  
4 existed until the closing for Lot 34 occurred and he would not have realized any issue with respect to lot size  
5 because the lots retained independent permanent index numbers. He said that in October 4, 2005 Mr. Orenic  
6 went to the Planning and Zoning Department to obtain a building permit for his mother's home and  
7 discovered that the variance was required prior to issuance of a Zoning Use Permit. He said that they still  
8 intend to build a home on the vacant lot. He said that the submitted site plan is not exact in that the home  
9 that she intends to build is smaller and will leave additional setback distances on the lot. He said that all of  
10 the lots in the subdivision are serviced by wells and a multiflow system has been approved by the County  
11 Health Department for permitting.

12

13 Ms. Griest asked if the Board had any questions for Mr. Weaver and there were none.

14

15 Ms. Griest asked if staff had any questions for Mr. Weaver and there were none.

16

17 Ms. Griest asked if anyone in the audience had any questions for Mr. Weaver and there were none.

18

19 Ms. Myrna Orenic, who resides at 1609 Point Dr, Mahomet declined to speak at this time and requested that  
20 her son speak on her behalf.

21

22 Mr. Steve Orenic, who resides at 1609 Point Drive, Mahomet stated that he resides on Lot 46 in the Spring  
23 Lake Subdivision. He said that he desired to have his mom live near him due to her mobility problems. He  
24 said that the home that they have chosen to build is a very nice home and a home that the homeowner's  
25 association would be very proud to have in their subdivision. He said that the bank has appraised the home  
26 at 190 thousand dollars therefore it is very much in line with the other homes that exist in the subdivision  
27 currently. He said that Lot 34 is in common with some of the other lots in the subdivision in regard to  
28 frontage. He said that they do not plan to intrude on the neighbor's view of the lake and will place the new  
29 home closer to the road so that it does not abut so close to Mr. and Mrs. Bozdech's home. He said that his  
30 mom is placing a lot of her life savings in to the lot and it would be sad if she could not construct her home  
31 on it. He clarified that when they went to purchase the lot they knew that Lot 34 and 35 were in common  
32 ownership but was unaware of the rule regarding division of the lots from the common ownership status. He  
33 said that he does not believe that Mr. and Mrs. Bozdech knew the rules regarding the common ownership  
34 status. He said that there was concern about the type of home that his mother intended to construct and it  
35 was rumored that she intended to build a manufactured home or place a mobile home on the lot. He said  
36 that the home that is to be placed on the lot will be on a foundation and built onsite.

37

38 Ms. Griest asked if the Board had any questions for Mr. Orenic and there were none.

39

40 Ms. Griest asked if staff had any questions for Mr. Orenic.

41

42 Mr. Hall stated that included in the mailing packet there is a recorded plat of survey which indicates that Mr.  
43 Bozdech's house which is located on Lot 35 is approximately 4.9 feet from the common property line with  
44 Lot 34 and it should be 10 feet from the property line therefore a variance is required. He asked Mr. Orenic

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1 if his mother would be opposed to the granting of such a variance for Mr. and Mrs. Bozdech.

2  
3 Mr. Orenic stated that his mother would not oppose such a variance for Mr. and Mrs. Bozdech.

4  
5 Mr. Hall stated that Case 544-V-06 needs to be readvertised to indicate the variance for Lot 35.

6  
7 Mr. Irle asked if the Bozdech's home is less than five feet to the property line then what is the measurement  
8 from the property line to the house on the other side.

9  
10 Mr. Orenic stated that he is unaware of that measurement.

11  
12 Ms. Griest stated that staff can obtain this measurement for the Board.

13  
14 Ms. Griest asked the Board if there were any additional questions for Mr. Orenic and there were none.

15  
16 Ms. Griest asked staff if there were any additional questions for Mr. Orenic and there were none.

17  
18 Ms. Griest asked the audience if there were any questions for Mr. Orenic and there were none.

19  
20 Mr. Steve Bozdech, who resides at 1707 North Shore Drive, Mahomet requested that Case 544-V-06 be  
21 continued to a later date. He said that he will contact Mr. Hall in the near future to submit his application.

22  
23 Mr. Irle asked Mr. Bozdech if the proposed location of the neighboring house is satisfactory.

24  
25 Mr. Bozdech stated that at this time he is not opposed to the proposed location of Mrs. Orenic's home. He  
26 said that his main concern is protecting his property. He said that he did not have a survey completed on his  
27 property and only discovered the situation with his home and the property line when he reviewed Mrs.  
28 Orenic's survey. He said that he will do whatever it takes to get this situation cleared up.

29  
30 Ms. Griest asked the Board if they had any questions for Mr. Bozdech and there were none.

31  
32 Ms. Griest asked if staff had any questions for Mr. Bozdech and there were none.

33  
34 Ms. Griest asked the audience if anyone had any questions for Mr. Bozdech and there were none.

35  
36 Ms. Catherine Clinebell, who resides at 1703 W. North Shore Drive, Mahomet stated that she does not  
37 object to anyone owning a home. She asked if Mrs. Orenic's home would be placed in line with the other  
38 homes along the street. She said that it is her understanding that Mrs. Orenic desires to place a modular  
39 home on the vacant lot.

40  
41 Ms. Griest stated that the County has not adopted a building code therefore the Board cannot consider the  
42 type of home that is being proposed to be built on the lot during the variance deliberation. She said that  
43 testimony has been received at tonight's hearing indicating that the proposed home is not a modular home.

- 1 Mr. Hall stated that the County does have a minimum setback standard but there is no maximum setback
- 2 requirement. He said that Mr. Steve Orenic testified that the proposed home will be closer to the street than
- 3 the other existing homes as a way of mitigating the closeness of the Bozdech home to the lot line. He said
- 4 that based on Mrs. Clinebell's concern perhaps Mr. Orenic can adjust the home's position.
- 5
- 6 Ms. Clinebell stated that if the home is closer to the road it will cut off the view of the other homes.
- 7
- 8 Mr. Hall stated that from a public safety standpoint it would be better for it to have at least 20 feet between
- 9 homes. He said that Mr. Bozdech's home is only four feet from the lot line.
- 10
- 11 Ms. Clinebell stated that this is why the former owner never placed a home on the vacant lot.
- 12
- 13 Ms. Griest asked the Board if they had any questions for Ms. Clinebell and there were none.
- 14
- 15 Ms. Griest asked if staff had any questions for Ms. Clinebell and there were none.
- 16
- 17 Ms. Griest asked if the Petitioners had any questions for Ms. Clinebell.
- 18
- 19 Mr. Blake Weaver indicated the placement of the proposed home on a copy of the plat for Spring Lake
- 20 Subdivision.
- 21
- 22 Ms. Griest stated that since the case has been requested for a continuance perhaps Mr. Weaver and Ms.
- 23 Clinebell can discuss her concerns regarding the placement of the proposed home.
- 24
- 25 Mr. Weaver stated that the Petitioner would be very happy to discuss the placement of the home with both
- 26 the neighbors to alleviate any problems.
- 27
- 28 Ms. Griest asked if anyone in the audience had any questions for Ms. Clinebell and there were none.
- 29
- 30 Mr. Harris McKinney, who resides at 1704 North Shore Dr, Mahomet stated that he has no objections to a
- 31 home being placed on Ms. Orenic's lot. He said that he is concerned about the placement of the home
- 32 because if it is set to the front of the lot it will look out of place with the rest of the homes in the area and
- 33 will block the view for Ms. Clinebell and the Bozdechs. He said that he lives across the street and the
- 34 proposed home would not affect his view of the street.
- 35
- 36 Ms. Griest asked the Board if they had any questions for Mr. McKinney.
- 37
- 38 Mr. Irlle asked if the covenants of the Spring Lake Subdivision restrict the placement of a home.
- 39
- 40 Mr. McKinney stated that he does not belong to the Spring Lake Subdivision Homeowner's Association
- 41 therefore he does not know what the covenants restrict.
- 42
- 43 Ms. Griest asked if staff had any questions for Mr. McKinney and there were none.
- 44

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1 Ms. Griest asked the Petitioners if they had any questions for Mr. McKinney and there were none.

2  
3 Ms. Griest recalled Blake Weaver to the witness stand.

4  
5 Mr. Irle asked Mr. Weaver if the covenants of the Spring Lake Subdivision restrict the placement of the  
6 home.

7  
8 Mr. Weaver stated that the restrictions that he is aware of are in the covenants of the subdivision and are  
9 included on the deed previous to Ms. Orenic's deed. He said that the previous deed indicates that residences  
10 which are larger than 900 square feet are the required use of the lots. He said that he is not aware of any  
11 other restrictions with respect to the physical improvements of the lots.

12  
13 Mr. Irle asked Mr. Weaver if there was any text included in the covenants which restricts the placement of a  
14 home on the lots.

15  
16 Mr. Weaver stated no.

17  
18 Ms. Griest stated that the aerial photograph indicates that none of the homes in the area are evenly aligned  
19 but it is the nature and the character of the subdivision.

20  
21 Mr. Goldenstein asked Mr. Weaver if the proposed placement would only be equal to the width of a home.

22  
23 Mr. Weaver stated that the proposed home is to be located equal to the front of the house on Lot 33 and to  
24 the back of the house on Lot 35. He said that this placement would appear to nicely line up with Ms.  
25 Clinebell's home as far as how the other homes are placed in reference to the lake. He said that the  
26 proposed home would be a little further away from the lake with respect to the house on Lot 35 but it will be  
27 equivalent to the home on Lot 33.

28  
29 Mr. Orenic stated that he would rather have the proposed home closer to the lake and directly in line with  
30 the other houses but Mr. Bozdech's home is so close to the property line that they hated to place the new  
31 home right next to his home. He said that if Mr. Bozdech does not mind having the proposed home so close  
32 to his home then the alignment issue will be resolved.

33  
34 Ms. Griest suggested that the Petitioners discuss the placement of the home with the other neighbors and  
35 return to the Board with a resolution.

36  
37 Ms. Griest stated that staff anticipates one of the cases which has been included on the docket for August 31,  
38 2006, will request a continuance therefore a continued case could be placed on the docket to fill the vacancy.  
39 She informed the Petitioners that their case will be the final case of the evening and the Rural Residential  
40 Overlay case which is also scheduled for the August 31<sup>st</sup> meeting will not be expeditious. She said that there  
41 is a possibility that the agenda could be arranged so that their case is heard prior to the RRO but she cannot  
42 make any guarantees in advance.

43  
44 Mr. Hall stated that he will speak to the Petitioner whose case is anticipated to be requested for a

1 continuance and will suggest that he make this request at the August 17<sup>th</sup> meeting.

2  
3 Ms. Griest stated that Case 544-V-06 can be continued to August 31, 2006, anticipating sufficient time to  
4 hear the case and if sufficient time is not allowed the Board will continue the case to the October 12, 2006,  
5 meeting.

6  
7 **Mr. Goldenstein moved, seconded by Mr. Irle to continue Case 544-V-06, Myrna Orenic and Stephen**  
8 **Bozdech to August 31, 2006. The motion carried by voice vote.**

9  
10  
11 **Case 558-AT-06 Petitioner: Zoning Administrator Request: 1. Amend paragraph 4.2.1C to allow**  
12 **“mortuary or funeral home” in the AG-2 District as a second principal use on a lot on which there is a**  
13 **cemetery when the lot is under common management; 2. Amend Section 5.2 to change “mortuary” to**  
14 **be “mortuary or funeral home”; 3. Amend Section 5.2 to add “mortuary or funeral home” as a**  
15 **Special Use Permit in the AG-2 District with a footnote specifying that a mortuary or funeral home is**  
16 **only allowed in the AG-2 District as a second principal use on the same lot as a cemetery and the lot**  
17 **must be under common management; and 4. Add standard conditions for “mortuary or funeral**  
18 **home” as a Special Use Permit in the AG-2 District.**

19  
20 Mr. Hall distributed a letter from Attorney Glen A. Stanko dated July 27, 2006, to the Board for review. He  
21 stated that Mr. Stanko represents Midwest Group of Illinois, LLC, which owns the one cemetery and funeral  
22 home that is located in the County and is asking for such a use as proposed in the text amendment. He said  
23 that this is a text amendment which was presented earlier and was included with Case 523-AT-05 Part B, but  
24 when it was first advertised all of the complexity was not included in the legal advertisement. He said that  
25 the Zoning Ordinance does not allow two principal uses in any rural district and there is no zoning district  
26 which authorized both a cemetery and mortuary. He said that it does not seem like an unusual request to  
27 have a funeral home on the same property as a cemetery therefore this text amendment has been presented  
28 for the Board’s recommendation. He said that the only standard condition that might be helpful is when a  
29 mortuary is proposed on a property in which there is no public sanitary sewer and the Board should make it  
30 clear up front that a permit from the Champaign County Health Department will be required. He said that  
31 the condition would read as follows:

32  
33       If the subject property is not connected to a connected public sanitary sewer system the application  
34 for Special Use Permit shall include a letter from the Champaign County Health Department  
35 certifying that based on a review of information submitted by the petitioner the proposed onsite  
36 wastewater treatment and disposal system would meet the requirements of the Champaign County  
37 Health Ordinance.

38  
39 He said that a crematorium is included in the definition of a cemetery in the Zoning Ordinance. He said that  
40 the new owners anticipate adding on to the existing mausoleum although parking remains an issue. He said  
41 that stormwater management may be required if a building addition and a parking area is added to the  
42 property. He noted that Mr. Stanko’s letter should be added as Item #2 of the Documents of Record.

43  
44 Mr. Glenn Stanko spoke on behalf of his client, Midwest Group of Illinois, LLC. He said that his client

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1 explained the consolidation of funeral and burial services at one location is a trend in the industry and is  
2 appreciated by families. He said that he was available to answer any questions.

3  
4 **Mr. Goldenstein moved, seconded by Mr. Irle to adopt the Summary of Evidence, Finding of Fact and**  
5 **Documents of Record as amended. The motion carried by voice vote.**

6  
7 **Mr. Irle moved, seconded by Mr. Goldenstein to close the public hearing for Case 558-AT-06. The**  
8 **motion carried by voice vote.**

9  
10 Ms. Griest informed the Petitioner that it is at his discretion whether the Board moves to a final  
11 determination with the present Board or request that the case be continued until all Board members are  
12 present.

13  
14 Mr. Hall requested that the Board proceed.

15  
16 **Final Determination for Case 558-AT-06:**

17  
18 **Mr. Goldenstein moved, seconded by Mr. Irle that pursuant to the authority granted by Section 9.2 of**  
19 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
20 **determines that the Zoning Ordinance Amendments requested in Case 558-AT-06 should be enacted**  
21 **by the County Board.**

22  
23 **The roll was called:**

24			
25	<b>Bluhm-absent</b>	<b>Goldenstein-yes</b>	<b>Irle-yes</b>
26	<b>Miller-absent</b>	<b>Schroeder-yes</b>	<b>Steeves-absent</b>
27	<b>Griest-yes</b>		
28			

29  
30 **7. Staff Report**

31  
32 None

33  
34 **8. Other Business**

35  
36 None

37  
38 **9. Audience Participation with respect to matters other than cases pending before the Board**

39  
40 None

41  
42 **10. Adjournment**

43  
44 The meeting adjourned at 10:00 p.m.

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Respectfully submitted

Secretary of Zoning Board of Appeals



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