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3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7  
8  
9 **DATE: September 15, 2011**

**PLACE: Lyle Shields Meeting Room**  
**1776 East Washington Street**

10  
11 **TIME: 7:00 p.m.**

**Urbana, IL 61802**

12  
13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Roger Miller, Melvin Schroeder,  
14 Eric Thorsland, Paul Palmgren, Brad Passalacqua

15  
16 **MEMBERS ABSENT :** None

17  
18 **STAFF PRESENT :** Connie Berry, John Hall

19  
20 **OTHERS PRESENT :** J.R. Howe, Randall Brown, David Rogers, Tracy Doxtator, Chris  
21 Doxtator, Brenda Rogers, Les Cotton, Thomas Martin, Monica  
22 Martin, Chad May, Carl Webber, Deb Hummel, Judith Hummel, John  
23 Hummel, Mark Hummel, Randall L Brown, Matthew Savage,  
24 Timothy Heard, Cameron Gordon, Billy Aceto, Thomas Mann, Roger  
25 Eaton, Tammy Roberts, Shirley House, Bryan Bradshaw, R.J. Eaton

26  
27  
28 **1. Call to Order**

29  
30 The meeting was called to order at 7:03 p.m.

31  
32 **2. Roll Call and Declaration of Quorum**

33  
34 The roll was called and a quorum declared present.

35  
36 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the  
37 witness register. He reminded the audience that when they sign the witness register they are  
38 signing an oath.

39  
40 **3. Correspondence**

41  
42 None

43  
44 **4. Approval of Minutes (June 30, 2011 and September 1, 2011)**

45  
46 Mr. Thorsland informed the Board that the September 1, 2011, minutes will not be approved tonight  
47 but will be placed on the September 29, 2011, agenda for approval.

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1 **Mr. Courson moved, seconded by Mr. Palmgren to approve the June 30, 2011, minutes as**  
2 **submitted. The motion carried by voice vote.**

3  
4 **5. Continued Public Hearing**

5  
6 **Case 691-S-11 Petitioner: Pastor David L. Rogers and Apostolic Life UPC Church, LLC**  
7 **Request to authorize (1) The Apostolic Life UPC Church as a special use and (2) the**  
8 **establishment and use of a “Residential Recovery Center” as a second special use on the same**  
9 **land, in the AG-2 Agriculture Zoning District. Location: Lot 3 of the Almar First Subdivision**  
10 **in the Northeast Quarter of Section 3 of Urbana Township and commonly known as the**  
11 **Apostolic Life UPC Church located at 2107 High Cross Road, Urbana.**

12  
13 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County  
14 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will  
15 ask for a show of hands for those who would like to cross examine and each person will be called  
16 upon. He requested that anyone called to cross examine go to the cross examination microphone to  
17 ask any questions. He said that those who desire to cross examine are not required to sign the  
18 witness register but are requested to clearly state their name before asking any questions. He noted  
19 that no new testimony is to be given during the cross examination. He said that attorneys who have  
20 complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

21  
22 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the  
23 witness register. He reminded the audience that when they sign the witness register they are  
24 signing an oath.

25  
26 Mr. Thorsland asked if the Petitioner desired to make a statement outlining the nature of their request  
27 before introducing evidence.

28  
29 Pastor David Rogers, who resides at 1802 N. Concord Lane, Urbana, Illinois, stated that he is the  
30 pastor of Apostolic Life UPC Church, LLC. He said that he is speaking in favor of the granting of  
31 the special use permit for this case. He said that this year Apostolic Life/Vida Apostolica will be  
32 celebrating 20 years administering the service in Champaign-Urbana and the community. He said  
33 that in several previous hearings at the County and city levels provided information and facts about  
34 the ministry of Lifeline connect in association with the church. He said that they have provided  
35 testimony from numerous men who have been enrolled in the program and who have greatly  
36 benefited by it. He said that they have answered many questions regarding the program and it is not  
37 their intention to present redundant information or be repetitious during this meeting. He said that  
38 they have worked with the County’s Planning and Zoning Department and have addressed all of their  
39 questions and as a result of that cooperation there has been overwhelming majority of those who

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1 have supported the purpose and the mission of Lifeline Connect. He said that every vote concerning  
2 the text amendment to the Zoning Ordinance which made a provision for such a residential recovery  
3 center was a unanimous “yes”. He said that we are now requesting a special use permit and their  
4 intentions are to comply with the Zoning Ordinance. He said that they are not requesting a waiver of  
5 any standard conditions.

6  
7 Pastor Rogers stated that to their knowledge they have submitted to Champaign County Planning and  
8 Zoning all of the required information and research concerning the application for the Special Use  
9 Permit and have submitted the required fee. He said that if this request is permitted, they will  
10 comply with all of the appropriate building codes, storm water drainage requirements, sewer system  
11 requirements, etc.

12  
13 Pastor Rogers stated that to specifically address some concerns brought before the Board at the last  
14 public hearing and by correspondence to Director John Hall (namely Attachment A) they submit the  
15 following: Concern Number 1 Drainage, the proposed increased use provided by the special use  
16 permit and proposed future expansion/construction will not adversely impact the neighborhood for  
17 the following reasons: (quoting from Attachment B-1 of the BKB Engineering/Drainage Review of  
18 New Building & Parking Lot Expansion dated July 26, 2011), “the proposed site improvements will  
19 not have a negative impact on the property (referring to 2103 N High Cross Road) for any storm  
20 event up to and including a 50 year storm. All drainage from the proposed development area will be  
21 captured by the proposed dry detention basin and slowly released to the existing storm sewer flowing  
22 to the west. For the same reason, no additional drainage will be introduced into the existing  
23 agricultural swale as a result of the proposed development.” Pastor Rogers stated that this conforms  
24 to the code requirements and they have not altered any of the natural flow of storm water since their  
25 occupancy which was in February, 1999. He said that while they did add some fill dirt to level an  
26 area for a small recreational field, in doing so they did not redirect any storm water flow.

27  
28 Pastor Rogers continued with concern Number 2, compliance to Standard Condition #4 which states  
29 the following: a. a responsible and qualified staff person must be onsite to provide supervision 24  
30 hours per day, seven days per week; and b. all onsite food service shall be compliant with the  
31 Champaign County Health Ordinance; and c. the Residential Recovery Center must be operated in  
32 conformance with *Alcoholism and Other Drug Abuse and Dependency Act, (20ILCS301)* including  
33 obtaining an required license. He said that they have already provided testimony that they are  
34 complying and will continue to comply with the standard condition and records submitted to the  
35 Champaign County Planning and Zoning Department and the Champaign County Zoning Board of  
36 Appeals and the Champaign County Board support this. He said that included in the record is a letter  
37 dated September 3, 2010, from Director Theodora Benion of the Illinois DHS-Division of  
38 Alcoholism and Substance Abuse stating, “department staff have determined that you are not  
39 engaged in activities requiring Licensing under 77IL.Code 2060, Alcoholism and Substance Abuse

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1 Treatment and Intervention Licenses.” He said that they have also provided copies of  
2 correspondence with Sarah Michaels of the Champaign County Health Department in regards to  
3 compliance with condition Number 4b of the Zoning Ordinance concerning the Residential Recovery  
4 Center.  
5

6 Pastor Rogers continued with concern Number 3, Septic System, two existing septic systems located  
7 on their property are properly maintained and are operating adequately. He said that any additional  
8 septic system installation would meet all of the specifications and requirements of the Champaign  
9 County Health Department, State and local codes, and the standard conditions of the Champaign  
10 County Zoning Ordinance regarding Residential Recovery Centers and referred to the attachment  
11 from J & S Wastewater Systems. He said that Attachment A of the Supplemental Memorandum  
12 dated September 9, 2011, is a letter from Mr. John Hummel to Director John Hall regarding his  
13 concerns about the septic system. Pastor Rogers stated that in paragraph two under concern Number  
14 1, Mr. Hummel states the following: To the contrary, testimony was given that the food preparation  
15 would be in the church kitchen, but no ‘church kitchen’ is evident on the Site Plan and assuming that  
16 a kitchen exists in the present church property. Pastor Rogers stated that Mr. Hummel’s statement in  
17 his letter indicates that their testimony was not truthful. Pastor Rogers stated that his testimony was  
18 that the meals are prepared in the church kitchen and would be prepared in the church kitchen by the  
19 residents themselves which will comply with the public health department. He said that there is no  
20 assumption whether there is a kitchen or not because there is a kitchen. He said that Mr. Hummel  
21 was concerned that additional meals prepared in the kitchen by residents of the proposed expansion  
22 would be an additional load to the septic system, which is true, but in relation to the changing  
23 population of the church and the use of the kitchen presently they could add 80 people to the church  
24 population and they would use the kitchen also. He said that if they add a few men to prepare their  
25 meals for their consumption it is not going to significantly increase the load anymore than it would if  
26 they added 80 people to the congregation.  
27

28 Pastor Rogers continued with their concern Number 4, Parking, they would like to make it a matter  
29 of record that since their occupancy in February, 1999 there has been no additional parking added.  
30 Concern Number 5, the MTD sign, since the ZBA regular meeting of June 30, 2011, they worked  
31 with the Engineering Department of the MTD and they relocated the bus pick-up loading sign to the  
32 church property. He said that this was in response to a concern brought up by neighbors at the June  
33 30<sup>th</sup> hearing.  
34

35 Pastor Rogers stated that in conclusion he would urge the Board to grant this special use permit  
36 based on the following: 1. They have submitted all of the required information and fee; and 2. They  
37 have given documentation and testimony supporting their intentions to be mindful of all of the issues  
38 or concerns of their neighbors; and 3. When it is time for them to request an actual building permit  
39 for any expansion in relation to the Residential Recovery Center they will again address any and all

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1 concerns. He said that they have spent thousands of dollars for engineering reviews, professional  
2 consultation, professional soil analysis, and many hours addressing this request.

3  
4 Pastor Rogers asked that the documentation submitted be sufficient evidence of their willingness to  
5 comply to the requirement of Champaign County Planning and Zoning, the Champaign County  
6 Zoning Board of Appeals, and the Champaign County Board and to abide harmoniously with their  
7 neighbors.

8  
9 Pastor Rogers stated that their attorney, Mr. Carl Webber, is present tonight and he is prepared to  
10 make comments and answer any legal questions that the Board may have and Mr. Brian Bradshaw of  
11 BKB Engineering is present and is prepared to speak.

12  
13 Pastor Rogers requested permission to respond to any concerns that are brought to the floor tonight.

14  
15 Pastor Rogers submitted his prepared statement as a Document of Record.

16  
17 Mr. Thorsland asked the Board if there were any questions for Pastor Rogers and there were none.

18  
19 Mr. Thorsland asked if staff had any questions for Pastor Rogers and there were none.

20  
21 Mr. Thorsland asked the audience if anyone desired to cross examine Pastor Rogers and there was no  
22 one.

23  
24 Mr. Thorsland called Mr. John Hall to address to the Board.

25  
26 Mr. Hall stated that there is no new information for the Board tonight regarding this case. He said  
27 that Pastor Rogers did submit a letter from J & S Wastewater Systems dated September 13, 2011,  
28 and copies were distributed to the Board for review. He said that the letter indicates the following:  
29 after reviewing several different designs J & S Wastewater Systems is in the process of designing a  
30 system that will utilize an aerobic treatment and/or sand filter followed by a low pressure pipe  
31 subsurface absorption field. The design will retain the treated effluent on the property. A permit  
32 application shall be submitted to the Champaign County Health Department once the design has been  
33 completed.

34  
35 Mr. Hall stated that the Board had asked for a clarification of the actual proposed septic system and  
36 he will leave it to the Board members to decide if the letter from J & S Wastewater clarifies the  
37 system adequately but in his mind the Board could request additional information. He said that  
38 while the letter does establish that the design will retain the treated effluent on the property that is not  
39 the same thing as having an approved system ready to be installed. He said that the neighbors were

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1 concerned about whether the effluent would be discharged to the surface or carried away in storm  
2 water and if that is the case Mr. Bryan Bradshaw has indicated in writing that storm water will not  
3 flow to the east from the proposed addition.

4  
5 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

6  
7 Mr. Thorsland called Randall Brown, who resides at 2408 North High Cross Road, Urbana, Illinois,  
8 to testify.

9  
10 Mr. Randall Brown, who resides at 2408 North High Cross Road, Urbana, Illinois, asked if there was  
11 any way that the Ordinance could be made legible for the common person to understand. He asked  
12 the Board who he could ask to have the Ordinance updated.

13  
14 Mr. Thorsland asked Mr. Brown if he is discussing the entire Ordinance or the portion for this case.

15  
16 Mr. Brown stated the entire Ordinance. He said that he does not understand how staff or the Board  
17 can do their job with the Ordinance in its current form. He said that there are so many amendments  
18 to the Ordinance which have not been added that what he states today may not be effective today.  
19 He said that it is important that the common person should be able to read an Ordinance and try to  
20 understand it and in this case he does not and many of things that he has said the Board may disagree  
21 with because of a misinterpretation.

22  
23 Mr. Brown stated the in his discussion with the ZBA on July 15, 2010, relative to the previous Case  
24 668-AT-10, he raised the issue of use on the property. He said that he is totally satisfied that the  
25 church has seriously considered special uses in a logical sequence to avoid problems. He said that  
26 what is still amiss in this is the lack of address or mention of the remaining accessory uses being  
27 performed from the site. He said that these accessory uses were previously discussed and they are  
28 non-compliant uses consisting of yard work, auto detailing, construction and clean-up and moving  
29 services. He said that although the Board considers these as “reasonable” and not worthy of  
30 consideration as a principal use but today there is no mention of those uses or how they should be  
31 handled.

32  
33 Mr. Brown stated that as he sees it, if he were to run a business out of his home he would need to  
34 follow the specific Ordinance rules relative to the Rural Home Occupation. He said that he would  
35 argue that the same requirement would apply to the Recovery Center family as defined in the  
36 Ordinance relative to gain and support of the Recovery Center. He said that there are specific rules  
37 pertaining to the Rural Home Occupation, the public deserves a complete analysis and appropriate  
38 authorization of each non-compliant use on this property. He said that he would recommend that the  
39 proposal be amended to address the criteria for which those activities may legally continue or

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1 whether these accessory uses fall under the limiting rules of Rural Home Occupation.

2  
3 Mr. Brown stated that in the last meeting on this case the issue of gender exclusion was glossed over  
4 as haphazard when, in fact, it is a violation of the *Fair Housing Act* as well as the 14<sup>th</sup> Amendment.  
5 He said that the proponent's public webpage discloses gender exclusion in its purpose statement.  
6 He said that the statement can be found at the proponent's website:  
7 [www.lifelineconnect.org/multipage.php?id=4372](http://www.lifelineconnect.org/multipage.php?id=4372).

8  
9 Mr. Brown stated that if this special use is authorized in its current form the County may be at risk  
10 for litigation for approving a known gender discriminatory use. He said that this means that any new  
11 authorized special use must demand there be no gender issue relative to admission or occupation of a  
12 Residential Recovery Center. He said that compliance is a must and without reconsideration.

13  
14 Mr. Brown stated that he would like to recommend that these issues be discussed at length. He said  
15 violation of the law is tort. He said that the citizens of Champaign County deserve the Board's  
16 diligence in this matter. He said that there are now more than a dozen neighbors opposed to the  
17 development of this center and he urged the Board to act carefully as this measure is far from ready  
18 for the Board's full review.

19  
20 Mr. Thorsland asked the Board if there were any questions for Mr. Brown.

21  
22 Mr. Courson asked Mr. Brown to indicate what part of the 14<sup>th</sup> Amendment addresses discrimination  
23 on the basis of sex.

24  
25 Mr. Brown stated that he does not have the 14<sup>th</sup> Amendment in front of him.

26  
27 Mr. Courson asked Mr. Brown if he read the 14<sup>th</sup> Amendment.

28  
29 Mr. Brown stated that he did read it. He said that there was a special case concerning a woman who  
30 sued and won the case regarding discrimination.

31  
32 Mr. Courson stated that Mr. Brown is making a statement regarding the 14<sup>th</sup> Amendment and there is  
33 nothing in the 14<sup>th</sup> Amendment regarding discrimination of sex or anything to do with housing. He  
34 said that the *Fair Housing Act* indicates that it is applicable to treatment centers. He said that the  
35 men are not in an apartment building but are in a treatment center.

36  
37 Mr. Brown stated that staff has defined that this falls under the *Fair Housing Act*.

38  
39 Mr. Courson requested that Mr. Brown submit documentation regarding his testimony for the

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1 Board's review.

2

3 Mr. Brown stated that he would be happy to bring the documentation to the next meeting.

4

5 Mr. Thorsland asked the Board if there were any additional questions for Mr. Brown and there were  
6 none.

7

8 Mr. Thorsland asked if staff had any questions for Mr. Brown and there were none.

9

10 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Brown and there was no  
11 one.

12

13 Mr. Thorsland called Mr. Mark Hummel to testify.

14

15 Mr. Mark Hummel, who resides at 2103 North High Cross Road, Urbana, Illinois, stated that his  
16 residence is directly across from the subject property. He said that the information submitted, such  
17 as the waste treatment system, does not provide enough detail. He said that it has been indicated that  
18 they are completing studies to determine the design. Mr. Hummel stated that the public and the  
19 Board require the design with actual numbers as they relate to the property in question. He said that  
20 there may be possibilities to get this in a way that it needs to happen but the information submitted  
21 by BKB Engineering regarding storm water management and retention shows that the outlet is far  
22 below what the code requires and the discharge needs to go into a larger pipe. He said that as to  
23 whether or not the discharge can go into a culvert that goes to the Saline Branch, the size of the  
24 culvert needs to be determined. He said that if the culvert is smaller than what the discharge basin  
25 needs then it needs to be replaced to allow this to discharge in the manner that code calls for.

26

27 Mr. Hummel stated that a full detailed site plan needs to be submitted indicating measurements from  
28 spot to spot. He said that there were at least three different items that he saw in the special use  
29 criteria for there to be a special use permit in an area and the area must be benefitted by the special  
30 use. He said that the Pastor and the other people that are for the special use have stated that the men  
31 that are being helped are not from this area or very few are from the area therefore there is no direct  
32 need in this spot. He said that if there were residents from the neighborhood then yes it would be  
33 needed in this spot. He said that if it was something that would greatly improve the living conditions  
34 of the people in the neighborhood such as an amusement park or something that someone would  
35 want to take their children to and enjoy or something that all of the neighbors in the area could enjoy  
36 then that would greatly benefit the neighborhood. He said that if the Board is not looking at the code  
37 and looking at the specific reason why a special use can be granted then he does not believe that  
38 anything else matters because we haven't established that a special use is even an option in this area  
39 because it does not have to be located here.



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Mr. Hummel stated that he has not seen a current survey of the actual plot and an actual survey of the property should be required. He said that there are maps that indicate numerous things but he does not believe that they are current because when you look at them things do not appear to be the same. He said that he is not a surveyor although he does believe that an actual survey of the property should be required and reviewed. He said that he is questioning whether there is enough elevation to get from the basin to the culvert.

Mr. Hummel stated that the new information which was received within the last few days, which is not enough time for anyone to speak with anyone or obtain any opinions, still requires a great amount of detail.

Mr. Thorsland asked the Board if there were any questions for Mr. Hummel and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Hummel and there were none.

Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hummel and there was no one.

Mr. Thorsland called Mr. John Hummel to testify.

Mr. John Hummel, who resides at 504 East Mumford Drive, Urbana, stated that he is Mark Hummel's father. He said that he had been out of town therefore the materials which arrived at his home on Saturday did not find their way to him until today therefore his comments will be brief. He said that he is a registered professional engineer and while he was on the faculty at the University of Maryland he taught a drainage course therefore he does have some background in that area.

Mr. Hummel stated that he would second what Mark Hummel previously indicated about the storm water and the sanitary systems. He asked why we cannot see one map with the sanitary and sewer information on it with technical detail as to elevations, depths, size of structures, the type of pumps utilized, the flows, etc. He said that a good elevation cannot be rendered of what is being proposed without the information to review. He said that Pastor Rogers has indicated that they have spent a lot of money on this project therefore they should demand this information so that the Board can make their decision. He said that he is not very pleased with the following statement from Bryan Bradshaw: If the existing storm sewer system would surcharge the storm water would overflow to the land to the east to the existing swale around the house, Mark Hummel's residence. He said that by the time the system surcharges the storm water to the existing swale that swale will already be flowing over in Mark's backyard.

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1 Mr. Hummel stated that everyone knows what the weather is like in the area and how sporadic it can  
2 be at times therefore is a 50-year storm adequate for the design of storm water. Mr. Hummel stated  
3 that some jurisdictions are considering a 100-year storm as being adequate which drastically affects  
4 the size of a detention system required for storm water. He said that there is no comprehensive,  
5 detailed plan addressing the storm water and septic system.

6  
7 Mr. Hummel asked how many special uses can be placed on one property because it looks like the  
8 Board is allowing the piggy-backing of special use on top of special use. He said that it appears that  
9 when the Board allows such piggy-backing it gets away from the concept of good zoning. He said  
10 that zoning is to consider the clientele or residents of the County and provide good zoning so that the  
11 value of everyone's property is maintained and the allowance of this use is a move in the wrong  
12 direction.

13  
14 Mr. Hummel stated that he spoke to a real estate agent regarding the proposed use and the agent  
15 indicated that they would have to disclose that information to any potential buyer of a property in  
16 that area which is a negative impact on the value of the area's properties.

17  
18 Mr. Hummel stated that a berm was added to the property within the past ten years which redirected  
19 surface flow further south from the subject property which means that not only does it flow from the  
20 subject property but also from the adjacent field to the south into his son's backyard. He said that it  
21 used to flow across the subject property to the swale mentioned in Bryan Bradshaw's letter. He said  
22 that changing the flow is strictly illegal under the Illinois Drainage law but it was done and nothing  
23 has been indicated as to addressing that violation.

24  
25 Mr. Hummel stated that food has to be prepared somewhere and his previous question was not  
26 whether there was a kitchen but whether the septic system is designed to handle the current kitchen  
27 usage and the additional usage by the proposed expansion. He said that without a detailed plan the  
28 Board cannot make a determination.

29  
30 Mr. Hummel stated that granting the special use will result in devaluation of surrounding property  
31 and reduced tax revenues to the County and it might also result in litigation. He said that the lack of  
32 a comprehensive design for the storm water and sewage brings into question the suitability of the  
33 property for the intended use.

34  
35 Mr. Thorsland reminded the Board that the real estate agent's information is second hand therefore it  
36 will not be allowed at this time.

37  
38 Mr. Hummel stated that he could obtain the real estate agent's information in writing if the Board  
39 would prefer.

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1  
2 Mr. Thorsland asked the Board if there were any questions for Mr. Hummel and there were none.  
3  
4 Mr. Courson asked Mr. Hummel if he had completed any calculations for the storm water runoff for  
5 the subject property.  
6  
7 Mr. Hummel stated that he has not.  
8  
9 Mr. Courson asked Mr. Hummel if when he asked the real estate agent about the subject property and  
10 the proposed special use was the agent concerned that the property would be next to a rehabilitation  
11 center or that the increase in the size of the rehabilitation center would affect the property value. He  
12 said that currently there is a rehabilitation center operating in the church.  
13  
14 Mr. Hummel stated that the rehabilitation center is operating illegally because it has not been  
15 approved.  
16  
17 Mr. Courson asked Mr. Hummel if the agent's concern was that the center was located on the subject  
18 property or that an expansion of the current center was proposed.  
19  
20 Mr. Thorsland requested that the conversation discontinue regarding the real estate agent's  
21 statements because those statements are second hand. He said that hopefully at some point the Board  
22 will have a qualified person to present testimony regarding the pending affects of the proposed  
23 expansion on property values.  
24  
25 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hummel and there  
26 were none.  
27  
28 Mr. Thorsland asked if staff had any questions for Mr. Hummel.  
29  
30 Mr. Hall pointed out that the State's Attorney has informed him that the size of the current  
31 residential recovery activities operating within the church are small enough that the County should  
32 not make a case out of it because there is some justification for the church to argue, as they have, that  
33 it is merely an accessory use. He said that the County made a decision that the use would not be  
34 treated as a violation and would be allowed to continue and could continue forever and Champaign  
35 County would not turn it into a violation. He said that churches do have certain rights, unlike  
36 residences and businesses, and that is the law of the land and is the situation here.  
37  
38 Mr. Hummel stated that he has read the code therefore he would agree that it is not illegal but it is  
39 also not legal.

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2  
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hummel and there was no  
4 one.  
5  
6 Mr. Thorsland called Mr. Chad May to testify.  
7  
8 Mr. Chad May declined to testify at this time.  
9  
10 Mr. Thorsland called Mr. Thomas Martin to testify.  
11  
12 Mr. Thomas Martin declined to testify at this time.  
13  
14 Mr. Thorsland called Mr. Les Cotton to testify.  
15  
16 Mr. Les Cotton declined to testify at this time.  
17  
18 Mr. Thorsland called Mr. Randall Brown to testify.  
19  
20 Mr. Randall Brown declined to testify at this time.  
21  
22 Mr. Thorsland called Mr. R.J. Eaton to testify.  
23  
24 Mr. R.J. Eaton declined to testify at this time.  
25  
26 Mr. Thorsland asked the Board if they would like to hear comments from Bryan Bradshaw.  
27  
28 Mr. Thorsland called Carl Webber to testify.  
29  
30  
31 Mr. Carl Webber, attorney for the petitioner, stated that it is interesting that there have been a  
32 number of time periods with the subject area and one was with Pyramid Paper which was busy, retail  
33 and commercial and the next was the church and the next was the fill, not a berm, and the next was a  
34 two-car garage which was built by the neighbor on his property. He said that not during any of these  
35 events was there any discussion regarding drainage issues and certainly there was no issue of  
36 drainage when the neighbor wanted to add to the impervious area by constructing a two-car garage.  
37 He said that it is clear that the land that the fill was placed upon was to benefit the entire area and as  
38 Mr. Bradshaw will indicate if it did anything it slowed the flow but most likely did nothing. Mr.  
39 Webber stated that the drain which is located at the northeast corner of the neighbor's property is

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1 pretty old and by merely replacing the old concrete drain with a few holes in it with a new drain  
2 might be of some help. He said that to help the current circumstance with drainage is not the reason  
3 why the petitioner is before the Board tonight and the petitioner suggests that there is not a problem  
4 and that no one has mentioned it until now. He said that it is his responsibility to assure the Board  
5 that the project will be taken care of so that the requested project will not make anything any worse  
6 and may make some things better. He said that the septic system is being planned and will be onsite.  
7  
8

9 Mr. Webber stated that under the County Ordinance a detention basin is required if the impervious  
10 area is increased by 20% or additional impervious area of 10,000 square feet. He said that the  
11 petitioner is planning to add 10,000 square feet which is one-half of the percentage and has suggested  
12 that even though they are right at the edge rather than arguing about it they will install a detention  
13 basin. He said that he has a feeling that this basin will benefit the entire area and it is not required  
14 and he did not see a detention basin installed when the neighbors put in their new garage. He said  
15 that he and the petitioner wanted to speak with the neighbors about the proposed detention basis but  
16 when they attempted to reach the neighbors they left messages that were not returned and that may be  
17 because the father was out of town. He said that this is not a *Fair Housing Act* issue and he has  
18 attended a number of seminars regarding the *Fair Housing Act* and the Board will find that if  
19 someone is considered a disabled person then reasonable accommodation is allowed. He said that  
20 under the *Fair Housing Act* it is not allowed for a landlord to indicate that they could not rent to  
21 someone because they are quadriplegic. He said that the landlord would have to do reasonable things  
22 to try to take into consideration the renter's problem and make accommodations. He said that  
23 reasonable things in the Recovery Center's circumstances, especially where there is a disability,  
24 would include the allowance of single sex projects and the threat of litigation would be welcomed.  
25 He said that there is a suggestion that there are a number of accessory uses and there are not and staff  
26 has addressed this suggestion many times. He said that what the petitioner is requesting is an  
27 accessory use and they are trying to cooperate in doing it as the County requires them to do it. He  
28 said that the details will be submitted because a zoning use permit cannot be issued until they  
29 indicate the various requested things and currently with 300 people on each Sunday they do not have  
30 any issues with the septic system. He said that an additional septic system is proposed therefore it is  
31 hard to imagine that there will be any issues with the proposed expansion.  
32

33 Mr. Webber stated that the petitioner is simply being faced with the issue of "not in my backyard."  
34 He said that the detention basin as suggested by the engineer will indeed meet the code for a 50-year  
35 event and again they are on the edge of not needing to install the detention basin at all but they are  
36 going to do it. He said to say that they are on the very edge of having to do it at all and that it should  
37 be twice as big appears to be an overkill argument. He said that he would be glad to speak to the real  
38 estate agent regarding their concern regarding property value. He said that neither he nor the  
39 petitioner are allowed to contact the Board because they are in a judicial capacity however they

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1 would invite the Board to visit the site in a procedurally proper manner.

2

3 Mr. Webber stated that he visited the site today. He said that the Board will find that there is a swale  
4 on the neighbor's property that he would presume has existed for a long time along the property line  
5 and the neighbor's new garage is about 100 feet from the subject property's line and the house is  
6 about 130 feet from the subject property's line. He said that the only berm that he witnessed is the  
7 berm in the back corner of the neighbor's property that seems to have been built to keep the water on  
8 the subject property.

9

10 Mr. Webber stated that Mr. Brown requested an amendment to the Ordinance which was just very  
11 carefully drafted and unanimously approved by the County Board. He said that if some of the things  
12 that the church is doing on the subject property is improper then he is sure that staff would have  
13 informed them of such.

14

15 Mr. Thorsland asked the Board if there were any questions for Mr. Webber and there were none.

16

17 Mr. Thorsland asked if staff had any questions for Mr. Webber and there were none.

18

19 Mr. Thorsland called Mr. Bryan Bradshaw to testify.

20

21 Mr. Bryan Bradshaw, engineer with BKB Engineering, stated that he was hired by the petitioner to  
22 review drainage. He said that his review is equivalent to a feasibility study which is a typical  
23 engineering practice in that it is a preliminary look and he has completed enough calculations to  
24 determine if the detention basin will work and it is his determination that it will work. He said that  
25 he has taken spot elevations at the existing property and has reviewed the storm sewers and the storm  
26 sewer inverts and he used the Champaign County GIS contours, which are two foot contours, to  
27 define the watersheds and complete enough designs to indicate that the detention basin at this  
28 location will work.

29

30 Mr. Bradshaw stated that a six-inch outlet for the basin with a watershed of this size is typical and  
31 over a course of 15 years he has probably designed over 50 of these therefore his determination is  
32 based off of that experience. He said that the elevation differential between the finished floor  
33 elevation of the proposed building and their outlet is approximately 8 feet which is pretty substantial  
34 for Champaign County therefore the outlet at this basin will not be a problem. He said that Mr.  
35 Hummel discussed the issue of water around his house and if the storm sewer would discharge the  
36 open ditch around Mr. Hummel's house may have additional capacity but the capacity of an open  
37 ditch is substantially greater than an 8 to 12-inch storm sewer. He said that there was some  
38 discussion regarding a 50-year storm versus a 100-year storm event. He said that a 50-year storm  
39 meets the County's Stormwater Management plan and a 100-year storm event is not twice as big as a

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1 50-year storm and is probably only in the order of 10 to 20% larger. He said that the detention basin  
2 is required to have freeboard which is basically the differential between the high water elevation of a  
3 50-year storm and the top of the bank and typically a 100-year storm will be contained within that  
4 freeboard area. He said that he has reviewed the fill area and he would not classify the fill area as a  
5 berm and it is his estimation that the fill area did not re-direct storm water flows and he believes that  
6 the flows went to the east and will continue to go to the east. He said that he is not sure why Mr.  
7 Hummel believes that the flows were re-directed but it is Mr. Bradshaw's opinion that they were not.

8  
9 Mr. Thorsland asked the Board if there were any questions for Mr. Bradshaw.

10  
11 Mr. Courson asked Mr. Bradshaw if he provided a complete site plan to the petitioner after he took  
12 the elevations.

13  
14 Mr. Bradshaw stated that the site plan that he submitted to the petitioner is the site plan that is  
15 included in the memorandum. He said that he has completed enough calculations that are not shown  
16 on the overall drainage area map to know that the detention basin will work. He said that he  
17 designed the basin to have the capacity of 3,000 cubic feet at a depth of 3 feet and since there is  
18 plenty of differentials in grades the outlet will work.

19  
20 Mr. Thorsland asked the Board if there were any additional questions for Mr. Bradshaw and there  
21 were none.

22  
23 Mr. Thorsland asked if staff had any questions for Mr. Bradshaw and there were none.

24  
25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Bradshaw.

26  
27 Mr. Mark Hummel asked Mr. Bradshaw if he indicated that flows are directed to the east therefore it  
28 is clear that the flows are flowing into his backyard.

29  
30 Mr. Bradshaw stated yes, but the filling of that area did not change the direction of the water flow.

31  
32 Mr. Hummel stated that Mr. Bradshaw's testimony indicated that it did direct it to the east and it has  
33 to go to the northeast for it to go where it needs to go.

34  
35 Mr. Bradshaw stated that the water flow goes east around the fill area.

36  
37 Mr. Hummel stated that the water flow goes east of the fill area and around the building rather than  
38 to the north.

39

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- 1 Mr. Bradshaw stated that obviously there is a building there so obviously the storm water cannot go  
2 through the building but around the building to the southeast and then on to the east.  
3
- 4 Mr. Hummel asked Mr. Bradshaw if he checked the elevation of the parking lot versus the elevation  
5 to the west because the parking lot is higher than the small swale in the back of his property which is  
6 to handle the water off of the back of his property and not the whole nine acres.  
7
- 8 Mr. Bradshaw stated that he took the elevation of the manhole which is located at the northwest  
9 corner of Mr. Hummel's property and is one to one-and-one half feet lower than the ground elevation  
10 of his property next to it.  
11
- 12 Mr. Hummel asked Mr. Bradshaw if he took elevations at the back of his property and if it is above  
13 or below.  
14
- 15 Mr. Bradshaw stated no.  
16
- 17 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Bradshaw.  
18
- 19 Mr. Carl Webber asked Mr. Bradshaw if the fill affected Mr. Hummel's property.  
20
- 21 Mr. Bradshaw stated that the fill would not have negatively impacted Mr. Hummel's property. He  
22 said that Mr. Hummel could possibly make the argument that it slowed the water down because the  
23 slope of the plateau could slow the water down versus what was there before which was a six foot  
24 differential. He said that the entire area is at 1% grade which would slow down the water which is  
25 probably a negligible effect but the result is that it would not have increased the flow.  
26
- 27 Mr. Webber asked Mr. Bradshaw to indicate the basis for his suggestion that this was fill and not a  
28 berm.  
29
- 30 Mr. Bradshaw stated that it does not meet the definition of a berm as he understands it. He said that  
31 it is more of a fill area and in his opinion a berm would be a mound of dirt that would impede the  
32 flow of water and this does not impede the flow of water.  
33
- 34 Mr. Webber asked if it were a berm who would be complaining.  
35
- 36 Mr. Bradshaw stated that probably the upstream neighbors would complain and certainly if there was  
37 a mound of dirt on the site that would be impeding the flow as it goes from west to east then it would  
38 back water up but it would not have a major impact on the downstream and it would probably be  
39 beneficial to the downstream neighbors.



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1

2 Mr. Webber asked Mr. Bradshaw to describe if there is a coefficient that's considered with gravel  
3 versus solid.

4

5 Mr. Bradshaw stated that if you use the rational method there is a C-factor that would be typically  
6 used and a gravel parking lot would have a C-factor of .5 and an asphalt or concrete parking lot  
7 would have a coefficient of .9 which would result in outflows of almost double. He said that the  
8 majority of the church parking lot is gravel with some concrete as well.

9

10 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Bradshaw.

11

12 Mr. John Hummel stated that he agrees with Mr. Bradshaw in that it is not a berm but a fill area. He  
13 said that he does not agree with Mr. Bradshaw's statement regarding the change in flow because if  
14 you review the watershed the area to the south as well as the portion of the church property south of  
15 the fill area the total flow comes down towards his son's property. He said that prior to the berm the  
16 area could all drain in a northeast manner across the parking lot and meet the swale closer to the  
17 northern most west corner of his son's property and now it all dumps into his backyard. He asked  
18 Mr. Bradshaw if he is still claiming that the fill did not affect the flow.

19

20 Mr. Bradshaw stated yes. He said that this is not the forum to do it but he would be happy to sit  
21 down with Mr. John Hummel to go over the engineering details. He said that he disagrees with Mr.  
22 Hummel because if there wasn't any fill and you could imagine the building that is directly east of  
23 the fill area and go directly south of the building there is grass area which is approximately 100' x  
24 100'. He said that the grass area is an area that was not filled and is natural ground and it still  
25 contains the low area as it would reach the parking lot. He said that it is easier to sit down and  
26 indicate this on a map rather than explaining it.

27

28 Mr. Hummel stated that the nice concrete berms might have something to do with the flow of the  
29 water.

30

31 Mr. Bradshaw stated that he is sure that it does.

32

33 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Bradshaw.

34

35 Pastor Rogers stated that Page 2 of the July 26, 2011, letter from Mr. Bradshaw indicates that all  
36 drainage from the proposed development area will be captured by the proposed dry detention basin  
37 and slowly released to the existing storm sewer flowing to the west and for the same reasons, no  
38 additional drainage will be introduced into the existing agricultural swale as a result of the proposed  
39 development.

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Mr. Courson stated that it is his interpretation of the map that the addition of the detention basin should lessen the amount of water that would travel in the future to the neighbor's property.

Mr. Bradshaw stated that Mr. Courson's interpretation is correct.

Mr. Thorsland asked if there were any further questions for Mr. Bradshaw and there were none.

Mr. Thorsland stated that the Board will take a ten minute break at this time.

**The Board recessed at 8:15p.m.**

**The Board resumed at 8:22 p.m.**

Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present testimony regarding this case and there was no one.

Mr. Randall Brown requested the opportunity to cross examine Pastor Rogers.

Mr. Thorsland allowed Mr. Brown to cross examine Pastor Rogers. He reminded Mr. Brown that the cross examination can only pertain to previous testimony.

Mr. Brown asked Pastor Rogers if the drainage issue is something that could be worked out between the church and the Hummels which would satisfy them in mitigating the flow of water onto their property.

Mr. Thorsland informed Pastor Rogers that he can answer Mr. Brown's question if he desires but he did not testify about any interaction between the church and the Hummel's regarding the drainage issue.

Pastor Rogers stated that by complying with all of the code requirements, any future expansion in relation to the Residential Recovery Center related to the special use permit, that they are, as verified by Mr. Bradshaw, benefitting the entire area in regards to drainage. He said that the church and Mr. Hummel have been neighbors since 1999 and they have never had any discussions regarding drainage until these hearings began.

Mr. Thorsland asked the audience if anyone desired to cross examine Pastor Rogers and there was no one.

Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present

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1 testimony regarding this case and there was no one.

2

3 Mr. Thorsland closed the witness register.

4

5 Mr. Thorsland asked the Board if there was any additional information that the Board would like to  
6 review or if there were any questions for staff.

7

8 Mr. Courson stated that even with all of the information that has been provided it would be nice to  
9 see a final site plan with elevations to help the Board visualize things a little better. He said that  
10 from the information provided he sees no reason to require this prior to final action. He said that  
11 from his experience in doing this type of work the addition of the detention basin should help  
12 alleviate any drainage problems going to the east.

13

14 Ms. Capel stated that one of the standard conditions is that the wastewater system be adequate  
15 although the Board has not seen an analysis of the existing waste water system and the proposed  
16 waste water system. She asked if it would be appropriate to consider a condition regarding a detailed  
17 plan verifying that the waste water system will meet the condition.

18

19 Mr. Thorsland stated that the Preliminary Memorandum dated June 24, 2011, includes a soil  
20 analysis.

21

22 Mr. Hall stated that he was curious if Mr. Steve Johnson will continue to work on the waste water  
23 system and will it be designed shortly or was it the hope of the applicant that his letter would address  
24 the Board's concerns for now. He said that he has no idea when a zoning use permit application will  
25 be submitted therefore if the letter does answer the Board's concerns then that is fine. He said that  
26 having the engineer design a detention system and plan all of the elevations two years prior to  
27 construction is financially painful and having someone design the septic system two years prior to  
28 the construction is probably also expensive.

29

30 Ms. Capel stated that she did not realize that construction was two years away.

31

32 Mr. Hall stated that it is not known how far away the construction is going to be.

33

34 Ms. Capel stated that she assumes that the proposed construction is the reason for the special use  
35 request.

36

37 Mr. Hall stated that many applicants would rather go to the expense of designing the actual storm  
38 water drainage plan shortly before they are ready to build and the Board has generally been flexible  
39 in that regard if they believed that feasibility had been proven. He said that in regards to the waste

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- 1 water system if it is designed then it is ready to go at any time but the County Health Department  
2 does not like to approve things until they are ready to go into the ground.  
3
- 4 Mr. Passalacqua stated that the County Health Department has their own design specifications. He  
5 asked if the County Health Department will review the existing septic system for the church.  
6
- 7 Mr. Hall stated that as far as he knows they would need some justification if they thought it had been  
8 improperly modified or disturbed and he is not aware of that being the situation. He said that Pastor  
9 Rogers checked with Ms. Sarah Michaels regarding using the kitchen in the church.  
10
- 11 Mr. Passalacqua asked if it is known whether or not this is the existing septic system when the  
12 building was utilized for Pyramid Paper.  
13
- 14 Mr. Hall stated that he does not know. He said that the building was converted to a church in the  
15 early 90's when septic systems were approved by the State of Illinois and it is unknown if there are  
16 records on the existing system. He said that the Board could ask Mr. Rogers if there have been any  
17 issues with the existing septic system.  
18
- 19 Mr. Passalacqua stated that he would like to know if the system was designed for a church or for the  
20 25 employees of Pyramid Paper.  
21
- 22 Mr. Courson agreed with Mr. Passalacqua. He said that the Board has not considered whether the  
23 existing system was designed for a low use business or a high use business or if it will be adequate.  
24
- 25 Mr. Passalacqua stated that the waste water system for a residence is a simple checklist with  
26 parameters indicating whether or not it will be adequate. He said that he is not as concerned with the  
27 new waste water system because they will meet the criteria in order to get the permit from the health  
28 department but the Board should obtain some information regarding the existing system.  
29
- 30 Mr. Thorsland requested that Pastor Rogers address the Board regarding the existing system.  
31
- 32 Mr. Passalacqua asked Pastor Rogers if he was aware if the waste water system was installed for the  
33 church or is it the system that was installed for Pyramid Paper.  
34
- 35 Pastor Rogers stated that there were two septic systems on the property when they purchased it in  
36 1999 and those systems have not been modified or altered at all.  
37
- 38 Mr. Passalacqua asked Pastor Rogers to confirm that the existing systems were not designed for the  
39 current use.

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1  
2 Pastor Rogers stated no. He said that Pyramid Paper had a kitchen/snack area for the employees.

3  
4 Mr. Passalacqua asked Pastor Rogers if he knew how many people Pyramid Paper employed.

5  
6 Pastor Rogers stated no. He said that they have had no problems with the septic system and they  
7 have them maintained and treated as recommended by professionals.

8  
9 Mr. Passalacqua asked Pastor Rogers if J & S Wastewater Systems serviced the existing systems.

10  
11 Pastor Rogers stated no. He said that Gulliford Septic Service serviced the existing systems.

12  
13 Mr. Thorsland asked Pastor Rogers if there were two systems.

14  
15 Pastor Rogers stated yes.

16  
17 Mr. Thorsland asked Pastor Rogers if he knew when the existing systems were installed.

18  
19 Pastor Rogers stated no. He said that he has had discussions with Mr. Jeff Blackford from the Public  
20 Health Department and he has had discussions with Steve Johnson with J & S Wastewater Systems  
21 regarding the existing and proposed systems. He said that their intentions are not to spend \$400  
22 thousand dollars to construct a building, additional parking and install utilities and not have a sewer  
23 system that is adequate for the intended use. He said that it is a matter giving the Board enough  
24 confirmation that they will comply so that the Board can approve the special use permit so that they  
25 can finish their fundraising or financing.

26  
27 Mr. Passalacqua stated that he is not casting doubt regarding compliance but he is concerned that the  
28 capacity of the septic systems is not known.

29  
30 Pastor Rogers stated that there is a difference between a residence which would use a system  
31 continuously for 24 hours and a activity like a church which operates only one or two days. He said  
32 that Jeff Blackford could provide those differences for the Board.

33  
34 Mr. Thorsland read the following proposed special condition for Pastor Rogers:

35  
36 12.A. A complete storm water drainage plan that conforms to the requirements of the Storm  
37 water Management Policy shall be submitted and approved as part of the Zoning Use  
38 Permit Application and all required certifications shall be submitted after  
39 construction prior to issuance of the Zoning Compliance Certificate.

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B. Regarding State of Illinois accessibility requirements:

(1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and *Illinois Environmental Barriers Act*.

(2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and *Illinois Environmental Barriers Act*.

C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Residential Recovery Center dormitory until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

Pastor Rogers stated that he is comfortable with the conditions. He said that their hope is that the evidence that has been submitted would give a green light for the Board to approve the Special Use Permit so that they could proceed obtaining expenditures for architects, site plans, drainage, etc.

Mr. Hall stated that the nature of this case is that the Board is approving two things. He said that in order to approve the Residential Recovery Center the Board is approving the church as it sits right now. He said that currently the church is nonconforming and the only way that the Board can approve the Residential Recovery Center is to approve the church therefore if the Board has any doubts about the church now is the time to address those concerns and as much as the petitioner may not want to hear this information it is a fact. He said that this has been a church for a long time and if he was aware of any problems he would have mentioned them to the Board. He said that the ZBA approved the Apple Dumpling when it burned and there was testimony during that case and the Board reviewed traffic considerations and the Board thought it was fine. He said that he cannot imagine that there are any underlying traffic problems related to the church but now is the time to discuss those things. He said that it is a fine point but it is important for the Board to understand that point before it takes action rather than afterwards.

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1 Mr. Thorsland asked the Board if there were any questions for Pastor Rogers and there were none.

2  
3 Mr. Thorsland asked if staff had any questions for Pastor Rogers and there were none.

4  
5 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

6  
7 Mr. Thorsland stated that as a matter of housekeeping the following items should be added to the  
8 Documents of Record: 3. written statement from John Hummel submitted at the June 30, 2011,  
9 meeting; and 4. written statement from Carroll Goering submitted by Betty Ujhelyi at the June 30,  
10 2011, meeting; and 5. Supplemental Memorandum dated June 30, 2011, with attachments; and 6.  
11 Supplemental Memorandum dated September 9, 2011, with attachments; and 7. written statement  
12 from Randall Brown submitted at the September 15, 2011, meeting; and 8. Letter from J & S Waste  
13 Water dated September 13, 2011; and 9. Written statement from Pastor Rogers submitted at the  
14 September 15, 2011, meeting.

15  
16 Mr. Hall stated that nothing past the June 30, 2011, Supplemental Memorandum has been added to  
17 the Summary of Evidence. He said that there have been changes to the site plan that was attached to  
18 the September 9, 2011, Supplemental Memorandum that indicates things in a different location than  
19 they were previously. He said that even though the petitioner would like to receive final action and  
20 the Board would like to move this case off of the docket he cannot stress enough that he could not  
21 imagine taking action on this case tonight without updating the Summary of Evidence. He  
22 said that especially given the difference in opinion between two professional engineers and uses that  
23 have been long neighbors yet now there are issues.

24  
25 Mr. Courson stated that he would like to see a better site plan. He said that he understands that  
26 things could easily be moved around to improve the site plan but he understands why it is designed  
27 as it is because it is to minimize cost. He said that with the proposed retention basin being where  
28 it is if the flow was desired to be cut it would be relocated to the southeast corner of the parking lot  
29 and the parking lot would be re-graded to flow into the retention basin. He said that redirecting the  
30 pipe around and through the parking lot would, in his opinion, almost eliminate all water coming off  
31 of the property.

32  
33 Mr. Thorsland stated that a new site plan indicating not just the retention basin but also the locations  
34 of the existing and proposed septic systems should be submitted for the Board's review.

35  
36 Mr. Passalacqua stated that he is not sure how difficult it would be to obtain but he would like the  
37 professional who services the existing septic system to indicate in writing whether the existing  
38 septic system is a residential unit or a commercial unit. He said that he would also like the letter to  
39 indicate the capacity of the existing system and whether or not there have been any reported

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1 problems with the system and that the system is what would be installed for a church.

2  
3 Mr. Thorsland informed Pastor Rogers that the Board is requesting a detailed site plan that indicates  
4 the location of the current system along with the current drainage plan and the proposed location of  
5 the new waste water system. He said that the plan should include a notation or letter from the  
6 professional who services the current waste water system regarding the existing system's  
7 functionality.

8  
9 Mr. Passalacqua stated that by reviewing the submitted elevations it appears that 2103 North High  
10 Cross Road, Urbana is naturally in a hole.

11  
12 Mr. Thorsland agreed with Mr. Passalacqua's statement.

13  
14 Mr. Passalacqua stated that the east property line of 2103 North High Cross Road is the lowest spot  
15 at 716'.

16  
17 Mr. Bradshaw stated that Mr. Passalacqua is correct.

18  
19 Pastor Rogers stated that the site plan submitted by BKB Engineering does not indicate the existing  
20 septic systems however the site plan that the petitioner submitted with the special use permit  
21 application does.

22  
23 Mr. Thorsland stated that the site plan submitted by the petitioner does not indicate the detention  
24 basin. He asked the Board if the site plan indicates the detention basin as well.

25  
26 Mr. Hall stated that the most simple thing that the Board can require for a special use permit is to  
27 have one site plan that has everything on it.

28  
29 Mr. Thorsland stated that if there is anything that the petitioner may desire to do in the near future  
30 then the site plan should indicate those future plans because if it is not on the site plan the petitioner  
31 will have to come back before the Board for approval of those future plans.

32  
33 Mr. Hall stated that the septic systems indicated on the May 13, 2011, site plan are very accurate but  
34 what is missing is the storm water detention system. He said that he understands why the systems  
35 are on separate plans and the Board has approved things in the past where there were two things on  
36 separate sheets but that always make staff's job more difficult. He said that he does not believe that  
37 it is too much to ask to have one complete detailed site plan for the Board's review.

38  
39 Mr. Thorsland requested a continuance date.



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Ms. Capel asked if the case could be continued to October 13<sup>th</sup>.

Mr. Hall stated that the cemetery case has been floating on the docket for almost a year and he can touch base with the petitioner but he is pretty certain that they are flexible. He said that the October 13<sup>th</sup> meeting has the variance case and the interpretation case and was supposed to have the cemetery case.

Ms. Capel stated that this case could be continued to December 15<sup>th</sup>.

Mr. Thorsland asked Mr. Hall if staff had everything for the cemetery case to move forward. He said that staff has not placed the legal advertisement for the cemetery case yet. He said that one short week prior to October 13<sup>th</sup> the Board will be reviewing the wind farm case and he can almost guarantee the Board that whatever goes out in the mailing for this case for the October 13<sup>th</sup> meeting will only be what the petitioner submits. He said that staff will do whatever they can do but staff has been having meetings every week for the past month and their back is up against the wall.

Mr. Thorsland asked if the 100-day limit is an issue for this case.

Mr. Webber requested the opportunity to address the Board.

Mr. Thorsland granted Mr. Webber's request.

Mr. Carl Webber suggested the possibility of addressing the issue tonight in a manner that it be contingent upon having a staff approval of a final document and if staff finds that there is any issue with the final document would allow it to be heard again. He said that it is clear that the two site plans need to be combined into one complete site plan.

Mr. Thorsland stated that the notation from the current waste water system professional is required. He said that he understands that the petitioner desires to move forward as soon as possible and the Board would be more than happy to open up some of the meetings that are coming up.

Mr. Randall Brown requested the opportunity to address the Board.

Mr. Thorsland granted Mr. Brown's request.

Mr. Randall Brown stated that earlier during this hearing the Board was going to refer an issue to the State's Attorney.

9-15-11

1 Mr. Thorsland stated that the Board satisfied the issue.

2

3 Mr. Courson stated that the Board discussed referring the issue of sexual discrimination and the *Fair*  
4 *Housing Act* to the State's Attorney.

5

6 Mr. Brown stated that issue was not settled and he requested that the Board receive an opinion from  
7 the State's Attorney.

8

9 Mr. Hall stated that it is up to the Board but he has no doubt about Mr. Webber's testimony  
10 regarding the *Fair Housing Act* but the Board does have the right to request an opinion from its own  
11 counsel.

12

13 Mr. Brown stated that he would appreciate it if the Board would request the State's Attorney's  
14 opinion.

15

16 Mr. Hall stated that the Board could add an extra meeting on November 3<sup>rd</sup> or December 1<sup>st</sup>.

17

18 Mr. Thorsland asked the Board if they agreed to scheduling a special meeting on November 3<sup>rd</sup>.

19

20 The Board agreed with scheduling a special meeting on November 3<sup>rd</sup>.

21

22 **Mr. Courson moved, seconded by Ms. Capel to schedule a special meeting on November 3<sup>rd</sup>**  
23 **and to continue Case 691-S-11 to the November 3<sup>rd</sup> meeting. The motion carried by voice vote.**

24

25 **6. New Public Hearings**

26

27 None

28

29 **7. Staff Report**

30

31 **A. August 2011, Monthly Report**

32

33 Mr. Hall stated that at the end of tomorrow staff will know whether or not the department has a new  
34 planner. He said that it will be a couple of weeks before the new planner will be on board but  
35 hopefully things will get easier.

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37 **8. Other Business**

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39 **A. Review of the docket**

9-15-11

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Mr. Hall stated that staff will need to add up the number of meetings which have been and are yet to be held this year. He said that staff needs to make sure that we stay within budget. He said that the fiscal year ends at the end of November so hopefully we will be in good shape until that time.

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

None

**10. Adjournment**

**Mr. Courson moved, seconded by Mr. Schroeder to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 9:05 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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