

1  
2  
3  
4 **AS APPROVED JULY 25, 2013**

5 **MINUTES OF REGULAR MEETING**

6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

7 **1776 E. Washington Street**

8 **Urbana, IL 61802**

9  
10 **DATE: April 11, 2013**

**PLACE: John Dimit Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

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

13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Roger  
14 Miller

15  
16 **MEMBERS ABSENT :** Brad Passalacqua

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

19  
20 **OTHERS PRESENT :** Matt Warren, Katie Warren, Keith Padgett, John Murphy

21  
22  
23  
24 **1. Call to Order**

25  
26 The meeting was called to order at 7:00 p.m.

27  
28 **2. Roll Call and Declaration of Quorum**

29  
30 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

31  
32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
33 sign the witness register for that public hearing. He reminded the audience that when they sign the  
34 witness register they are signing an oath.

35  
36 **3. Correspondence**

37  
38 None

39  
40 **4. Approval of Minutes (January 31, 2013, February 14, 2013 and February 28, 2013)**

41  
42 Mr. Thorsland entertained a motion to approve the January 31, 2013, February 14, 2013 and February 28,  
43 2013, minutes.

44  
45  
46 **Ms. Capel moved, seconded by Mr. Palmgren to approve the January 31, 2013, February 14, 2013,**  
47 **and February 28, 2013, minutes.**

1  
2 Mr. Thorsland asked the Board if there was any discussion, notes or addendums required for the minutes.

3  
4 Ms. Capel stated that on page 20, line 37 the word “laboratory” should be corrected to state “lavatory”.

5  
6 Mr. Thorsland asked the Board if there were any additional corrections and there were none.

7  
8 **The motion carried by voice vote.**

9  
10 Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 732-AT-12 as the last case of the  
11 meeting.

12  
13 **Ms. Capel moved, seconded by Mr. Palmgren to re-arrange the agenda and hear Case 732-AT-12 as**  
14 **the last case of the meeting. The motion carried by voice vote.**

15  
16 **5. Continued Public Hearing**

17  
18 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
19 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**  
20 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**  
21 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**  
22 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**  
23 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**  
24 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**  
25 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**  
26 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**  
27 **members who are residents of the property when the HOME OCCUPATION is operating but who**  
28 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**  
29 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**  
30 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**  
31 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**  
32 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**  
33 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**  
34 **in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)**  
35 **Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and**  
36 **replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with**  
37 **tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase**  
38 **“and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS**  
39 **5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace**  
40 **with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert**  
41 **“licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber**

1 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less  
2 than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)  
3 Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall  
4 be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)  
5 Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that  
6 does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add  
7 subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL  
8 HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after  
9 September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any  
10 MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for  
11 a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be  
12 used provided that the total number of vehicles are not more than 10 and no more than 3 may be  
13 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)  
14 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the  
15 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in  
16 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may  
17 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new  
18 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of  
19 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of  
20 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES  
21 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor  
22 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and  
23 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons  
24 and onsite employees shall be screened; and also provide that loading berths are not required for  
25 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase  
26 “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase  
27 “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)  
28 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street  
29 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs  
30 in any yard within 1,000 feet of certain specified uses of surrounding property.

31  
32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
33 sign the witness register for that public hearing. He reminded the audience that when they sign the  
34 witness register they are signing an oath.

35  
36 Mr. Thorsland called Mr. John Hall to testify.

37  
38 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated April 11, 2013, to the  
39 Board for review. He said that the memorandum simplifies the definition of equipment and the light shading  
40 indicates the changes that are proposed tonight. He said that equipment does not include motor vehicles or  
41 licensed semitrailers or licensed pole trailers or hand tools or bench tools or tools mounted on a table or

1 wheel barrows or similar tools. He said that equipment does include any motorized or non-motorized device  
2 or implement, trailers, except for licensed semitrailers and licensed pole trailers, devices mounted on trailers,  
3 and any agriculture equipment used for non-agricultural uses. He said that instead of trying to list all of the  
4 things that could be equipment it was easier to indicate things that are not considered equipment. He said  
5 that the memorandum that went out in the mailing included a discussion about the limit on equipment  
6 attachments although we have gotten along just fine since 1993 without discussing equipment attachments  
7 therefore he is comfortable to simply say that equipment attachments may be kept in outdoor storage and/or  
8 used outdoors. He said that the equipment will need to be screened, just like everything else in outdoor  
9 storage, and he is comfortable proceeding with no limit. He said that if the Board puts a limit on the number  
10 of equipment attachments that could be stored outside then the case will need to be re-advertised.

11  
12 Mr. Hall stated that the memorandum dated April 5, 2013, reviewed the number of Rural Home Occupations  
13 since 2000. He said that there were 48 Rural Home Occupation applications received since 1/1/2000 and of  
14 those 48 only 10% or 5 had more than two vehicles. He said that the review indicates that this issue does not  
15 come up very often but it is an issue where there are hundreds of questions. He said that the rules that have  
16 been added, as encouraged by the public, are good because there is not much that is not defined as to how  
17 these rules are supposed to be applied.

18  
19 Mr. Hall stated that there are two attachments to the April 11, 2013, memorandum. He said that the current  
20 Rural Home Occupation Application is the last attachment and item #8 of the application requests that the  
21 applicant describe any commercial vehicle(s) to be kept on site (make, model, and license #). He said that  
22 item #8 is not a very good way to ask such a question for the existing Ordinance. He said that the first  
23 attachment to the new memorandum, page B-1, indicated the revised item 8 of the RHO Application. He  
24 said that revised item #8.a requests that the applicant identify all vehicles to be used in the home occupation  
25 that will be on-site at anytime and identify any vehicles that are either a truck tractor and/or a vehicles with  
26 tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq). He said that the  
27 application will request the make, model, year, color and license #. He said that item #8.b. requests that the  
28 applicant list all other vehicle(s) and licensed semitrailers and licensed pole trailers used in the home  
29 occupation that will be on-site at anytime and to identify the make, model, year, color, license #, and gross  
30 vehicle weight for each. He said that any vehicle that weighs more than 15,000 pounds or any combination  
31 of vehicle and equipment that weighs more than 15,000 pounds should be screened, and that is an existing  
32 requirement that has not changed. He said that item #8.c. requests that the applicant indicate how many  
33 employee vehicles and/or patron vehicles may be on-site at anytime.

34  
35 Mr. Hall stated that a new item #9 on the Rural Home Occupation Application requests that the applicant  
36 identify all equipment used in the Rural Home Occupation that will be on-site and stored outdoors at  
37 anytime. He said that only equipment that will be outdoors, whether it is being used or stored, is to be  
38 indicated and not any equipment that is being stored indoors should be included. He said that the same  
39 request is for new item #10 although the applicant is to identify all equipment attachments used in the Rural  
40 Home Occupation that will be on-site and stored outdoors at anytime. He said that if the Board chooses to  
41 place a limit on the number of equipment attachments then they should be listed but if there is no limit then

1  
2 it does not need to be included although there must be some way to alert applicants that anything that is  
3 stored outside must be screened.  
4  
5 Mr. Hall stated that there is no pressing need for the Board to take action tonight. He said that staff is  
6 proposing to list a new item #11 to the Rural Home Occupation Application as follows: Please list all home  
7 occupation activities that will be occurring outdoors on the property and indicate where the activities will be  
8 occurring on the site plan. He said that there are a lot of things that the current application overlooks and  
9 that is understandable because the application was created in 1993 which was before the County had any  
10 experience with these kinds of standards. He said that if this case is continued to a later date the Board can  
11 either add a limit on the number of equipment attachments or not and staff can submit a completed new  
12 Rural Home Occupation Application. He said that he has always wanted to have a handout with an example  
13 site plan but doing an example site plan for a Rural Home Occupation really takes a lot of time so that you  
14 make sure that nothing has been omitted and everything which needed to be included is included. He said if  
15 the Board desires to have an example site plan then he will be happy to work on it. He said that it would be  
16 a good idea to show the County Board that we have an example plan to distribute to all applicants and that  
17 the ZBA has reviewed and approved this example plan.  
18  
19 Mr. Thorsland asked Mr. Hall if new item #10 is necessary if the Board decides to not place a limit on  
20 equipment attachments.  
21  
22 Mr. Hall stated that the application should at least call out whether equipment attachments are going to be  
23 stored outdoors.  
24  
25 Mr. Thorsland asked Mr. Hall if someone completes this application and three years later their equipment  
26 needs change would they be required to amend the application.  
27  
28 Mr. Hall stated yes. He said that this is the most difficult part about a Rural Home Occupation because one  
29 that is successful and growing will change.  
30  
31 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.  
32  
33 Mr. Courson asked Mr. Hall if there should be any restrictions on lighting. He said that the Board places  
34 restrictions on lighting in a Special Use Permit and he could see a home occupation installing big halogen  
35 lights out back for security. He asked if ADA requirements will apply.  
36  
37 Mr. Hall stated that ADA applies now for everything that is new and typically we have no problems with  
38 new structures meeting the ADA requirements and staff does contact Don Gamble at the Capital  
39 Development Board a lot. He said that the Zoning Ordinance does not discuss the ADA but it is something  
40 that would ideally be included on the handout as another thing that applies. He said that he would not  
41 propose to write it into the Ordinance because Champaign County has never actually adopted it to that extent

1 because it applies whether or not it is in the Ordinance. He said that it would be good to document the ADA  
2  
3 requirement in the handout to make folks aware of the requirements but if they are not adding anything new  
4 then the ADA would not apply.

5  
6 Mr. Thorsland stated that the ADA is a moot point because it is a State requirement anyway.

7  
8 Mr. Hall stated that he would really like to see the handouts as part of this case so that the ZBA has reviewed  
9 them and indicated their approval. He said that Mr. Dillard is very unhappy with the current Rural Home  
10 Occupation handout and Mr. Hall could not tell him that the ZBA approved the handout because that is not  
11 true.

12  
13 Mr. Thorsland proposed that the Board review the handout during the review of this case. He said that he  
14 agreed with Mr. Courson's concern about outdoor lighting therefore could it be a requirement for the  
15 applicant of any new RHO to indicate any proposed outdoor lighting on the site plan and that it should  
16 comply with the Special Use Permit standard regarding lighting.

17  
18 Mr. Hall stated that technically this would be something that would need to be advertised and his position on  
19 something like this is that it could always be advertised as a new part but the entire case would have to be re-  
20 advertised. He said that this case would need to be continued to a later date and who knows if the County  
21 Board would omit that part during their review.

22  
23 Mr. Thorsland stated that the addition of a lighting requirement would make it consistent with the Special  
24 Use Permits that the Board reviews. He said that some of the larger Rural Home Occupations border on a  
25 Special Use Permit.

26  
27 Mr. Courson stated that he is only referring to outdoor lighting within the screened area.

28  
29 Mr. Thorsland stated that there are some lighting installations within the screened area that can be just as  
30 atrocious.

31  
32 Mr. Hall stated that this issue is tricky but it is up to the Board.

33  
34 Mr. Courson stated that having special lighting on a Special Use Permit is somewhat inconsistent with by-  
35 right uses. He said that with a by-right use someone could install whatever type of lighting that they desire  
36 on their property but a Special Use Permit requires a specific lighting requirement. He said that agricultural  
37 use could have any kind of lighting that they want because he has a large agricultural machine shed near his  
38 Special Use Permit property and the lighting on the agricultural shed illuminates a lot of Hensley township  
39 although Mr. Courson's lighting for his special use had to be full cut-off. He said that it appears that the  
40 County is picking on Special Use Permit applicants in regards to lighting requirements. He said that he  
41 understands that the County is trying to prevent light pollution but if it is not going to apply to everyone then

1 it should not apply to only certain people.  
2  
3  
4 Mr. Hall stated that his concern is that a Rural Home Occupation is by-right and picking out one by-right for  
5 a lighting requirement is a recipe for failure at the County Board. He said that the only thing that he could  
6 think of that is almost in between a Special Use Permit and by-right is a Minor Rural Specialty Business and  
7 even that could have lighting issues but again it is by-right.  
8  
9 Mr. Thorsland stated that perhaps no lighting restrictions are necessary at all.  
10  
11 Mr. Hall stated that Mr. Courson's initial point was that if there is going to be an outdoor storage or outdoor  
12 work area which clearly will not happen anywhere other than a Rural Home Occupation then a lighting  
13 standard should apply to only that area. He said that this standard may be acceptable and appreciated by any  
14 neighbor.  
15  
16 Mr. Thorsland stated that the Ordinance would specify that in the outdoor screened storage and work area a  
17 specific type of lighting will be authorized.  
18  
19 Mr. Courson stated that the lighting should be folded into the screening requirements so that the lights are  
20 not atrocious to the neighbors.  
21  
22 Mr. Hall stated that he does not believe that this is an unreasonable request.  
23  
24 Mr. Thorsland asked the Board if they were happy with the modified attachments.  
25  
26 Mr. Courson stated yes, as long as there are lighting requirements included for the screened area.  
27  
28 Mr. Thorsland asked the Board if they had any additional comments regarding the information included in  
29 the memorandums. He said that he would like to review the revised application if possible and he agrees to  
30 include a restriction on lighting in the outdoor storage area.  
31  
32 Ms. Capel asked Mr. Hall to clarify if there are two backhoes on a semitrailer then there are two pieces of  
33 equipment plus a trailer.  
34  
35 Mr. Hall stated yes.  
36  
37 Mr. Thorsland stated that the equipment count could go up on a Rural Home Occupation for short term  
38 because a piece of equipment was unloaded from a trailer.  
39  
40 Mr. Hall stated that the applicant will need to keep track of the number of pieces of equipment allowed and  
41 even if there is a violation it is assumed that it is a short term thing that would be corrected soon.

1  
2 Mr. Thorsland entertained a motion to continue Case 732-AT 12 to June 13, 2013, meeting.

3  
4  
5 **Mr. Courson moved, seconded by Ms. Capel to continue Case 732-AT-12 to the June 13, 2013,**  
6 **meeting. The motion carried by voice vote.**

7  
8 **Case 735-S-12 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**  
9 **Request to authorize the use of existing multiple principal buildings on the same lot in the I-1 Light**  
10 **Industry Zoning District as a Special Use. Location: Lot 2 of Stahly Subdivision in the Southeast**  
11 **Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany**  
12 **Court, Champaign.**

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

22  
23 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
24 sign the witness register for that public hearing. He reminded the audience that when they sign the  
25 witness register they are signing an oath.

26  
27 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

28  
29 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that he is a principal partner with TC  
30 Management, LLC, which is the company that owns the property located at 309 Tiffany Court, Champaign.  
31 He said that one of the two issues which brought him before the Board is the fact that they had an existing  
32 nonconforming second building that was present when they purchased the property last year. He said that  
33 they finished and enclosed the building transforming it into storage units. He said that at the last meeting the  
34 Board gave direction regarding some future events and parking issues for the property and they promptly  
35 addressed those issues and presented the results to staff.

36  
37 Mr. John Hall, Zoning Administrator, stated that there is no new information for this case tonight. He said  
38 that there are two proposed special conditions indicated on page 22 of 28 of the Summary of Evidence. He  
39 said that the proposed special conditions remain unchanged and are as follows:

- 40  
41 **A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay**



1           **the fee for the Zoning Use Permit Application received on January 23, 2013.**

2           The above special condition is required to ensure the following:

3           **That applicable permit fees are paid in a timely manner and to ensure that the permit is**  
4           **reviewed and issued in a timely manner.**

5  
6           **B.     The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**  
7           **proposed Special Use Permit until the petitioner has demonstrated that the proposed**  
8           **Special Use complies with the Illinois Accessibility Code.**

9  
10           The special condition stated above is necessary to ensure the following:

11  
12           **That the proposed Special Use meets applicable state requirements for accessibility.**

13  
14           Mr. Hall asked Mr. Murphy if he had contacted Mr. Gamble at the Illinois Capital Development Board  
15           regarding accessibility.

16  
17           Mr. Murphy stated yes.

18  
19           Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

20  
21           Mr. Thorsland asked Mr. Murphy if there were any questions for Mr. Hall and there were none.

22  
23           Mr. Thorsland asked the Board if there were any questions for Mr. Murphy and there were none.

24  
25           Mr. Thorsland asked Mr. Murphy if he agreed to the proposed special conditions.

26  
27           Mr. Murphy stated that he agreed to the proposed special conditions.

28  
29           Mr. Thorsland entertained a motion to approve the two proposed special conditions as read.

30  
31           **Mr. Courson moved, seconded by Mr. Miller to approve the proposed special conditions as read. The**  
32           **motion carried by voice vote.**

33  
34           Mr. Thorsland noted that there were no additions to the Documents of Record.

35  
36           **Finding of Fact for Case 735-S-12:**

37  
38           From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
39           735-V-12 held on February 14, 2013, and April 11, 2012, the Zoning Board of Appeals of Champaign  
40           County finds that:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**1. The requested Special Use Permit IS necessary for the public convenience at this location.**

Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this location because the gymnastics center serves an audience which were originally part of a YMCA program which no longer exists. She said that the storage units will provide additional income for the owners and allows a defunct building to be used. She said that both uses are by-right uses in the I-1 District.

Mr. Palmgren stated that the petitioners will be able to use what was previously considered a blighted building.

**2. The requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:**

**a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Mr. Courson stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

**b. Emergency services availability is ADEQUATE.**

Ms. Capel stated that emergency services availability is ADEQUATE.

**c. The Special Use WILL be compatible with adjacent uses.**

Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses.

**d. Surface and subsurface drainage will be ADEQUATE.**

Mr. Miller stated that surface and subsurface drainage will be ADEQUATE.

**e. Public safety will be ADEQUATE.**

Mr. Courson stated that public safety will be ADEQUATE.

**f. The provision for parking will be ADEQUATE.**

1 Ms. Capel stated that the provision for parking will be ADEQUATE.

2  
3 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
4 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in  
5 which it shall be located or otherwise detrimental to the public health, safety, and welfare.  
6  
7

8 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**  
9 **DOES conform to the applicable regulations and standards of the DISTRICT in which**  
10 **it is located.**  
11

12 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
13 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.  
14

15 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**  
16 **DOES preserve the essential character of the DISTRICT in which it is located because:**  
17 **a. The Special Use will be designed to CONFORM to all relevant County**  
18 **ordinances and codes.**  
19

20 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and  
21 codes.  
22

23 **b. The Special Use WILL be compatible with adjacent uses.**  
24

25 Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.  
26

27 **c. Public safety will be ADEQUATE.**  
28

29 Mr. Courson stated that public safety will be ADEQUATE.  
30

31 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
32 DOES preserve the essential character of the DISTRICT in which it is located.  
33

34 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS**  
35 **in harmony with the general purpose and intent of the Ordinance because:**  
36

37 **a. The Special Use is authorized in the District.**  
38

39 **b. The requested Special Use Permit IS necessary for the public convenience at this**  
40 **location.**  
41

1 Ms. Capel stated that the requested Special Use permit IS necessary for the public convenience at this  
2 location.

3  
4 **c. The requested Special Use Permit, subject to the special conditions imposed  
5 herein, is so designed, located, and proposed to be operated so that it WIL NOT  
6 be injurious to the district in which it shall be located or otherwise detrimental  
7 to the public health, safety, and welfare.**

8  
9 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
10 is so designed, located, and proposed to be operated so that it WIL NOT be injurious to the district in which  
11 it shall be located or otherwise detrimental to the public health, safety, and welfare.

12  
13 **d. The requested Special Use Permit, subject to the special conditions imposed  
14 herein, DOES preserve the essential character of the DISTRICT in which it is  
15 located.**

16  
17 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
18 DOES preserve the essential character of the DISTRICT in which it is located.

19  
20 Mr. Thorsland stated that the requested Special Use Permit, subject to the Special Conditions imposed herein  
21 IS in harmony with the general purposed and intent of the Ordinance.

22  
23 **5. The requested Special Use IS NOT an existing nonconforming use.**

24  
25 **6. The special conditions imposed herein are required to ensure compliance with the  
26 criteria for Special Use Permits and for the particular purposes described below:**

27  
28 **A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner  
29 shall pay the fee for the Zoning Use Permit Application received on January 23,  
30 2013.**

31 The above special condition is required to ensure the following:  
32 **That applicable permit fees are paid in a timely manner and to ensure that the  
33 permit is reviewed and issued in a timely manner.**

34  
35 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for  
36 the proposed Special Use Permit until the petitioner has demonstrated that the  
37 proposed Special Use complies with the Illinois Accessibility Code.**

38 The special condition stated above is necessary to ensure the following:  
39 **That the proposed Special Use meets applicable state requirements for  
40 accessibility.**

41

1 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
2 of Fact as amended.

3  
4 **Mr. Courson moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record  
5 and Findings of Fact as amended. The motion carried by voice vote.**

6  
7 Mr. Thorsland entertained a motion to move to the Final Determination.

8  
9  
10 **Mr. Palmgren moved, seconded by Mr. Courson to the move to the Final Determination. The motion  
11 carried by voice vote.**

12  
13 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one  
14 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination  
15 with the present Board or continue the case until the vacant seat is filled.

16  
17 Mr. Murphy requested that the current Board proceed to the Final Determination.

18  
19 **Final Determination for Case 735-S-12:**

20  
21 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals  
22 finds that, based upon the application, testimony, and other evidence received in this case, the  
23 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted  
24 by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use  
25 requested in Case 735-S-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant  
26 TC Management, LLC to authorize the use of existing multiple principal buildings on the same lot in  
27 the I-1 Light Industry Zoning District as a Special Use subject to related Case 744-V-13, on the  
28 following property: Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign  
29 Township and commonly known as the buildings at 309 Tiffany Court, Champaign. Subject to the  
30 following conditions:**

31  
32 **A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner  
33 shall pay the fee for the Zoning Use Permit Application received on January 23,  
34 2013.**

35 The above special condition is required to ensure the following:  
36 **That applicable permit fees are paid in a timely manner and to ensure that the  
37 permit is reviewed and issued in a timely manner.**

38  
39 **B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for  
40 the proposed Special Use Permit until the petitioner has demonstrated that the  
41 proposed Special Use complies with the Illinois Accessibility Code.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

The special condition stated above is necessary to ensure the following:  
**That the proposed Special Use meets applicable state requirements for accessibility.**

Mr. Thorsland requested a roll call vote:

<b>Palmgren-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
<b>Miller-yes</b>	<b>Passalacqua-absent</b>	<b>Thorsland-yes</b>

Mr. Hall informed the petitioners that they have a received an approval for Case 735-S-12 and staff will be in touch regarding any additional paperwork.

Mr. Thorsland entertained a motion to re-arrange the agenda and hear new public hearing Case 744-V-13 as the next case.

**Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear new public hearing Case 744-V-13 as the next case. The motion carried by voice vote.**

**Case 736-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1 Zoning District. Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to public water supply, but without a connected public sanitary sewer system and created after September 21, 1993. Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet. Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet on the subject property described below. Location: Lot 7 of Block 2 of B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.**

**Case 737-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1 Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993. Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet. Part C. Variance for a depth of 75 feet in lieu of the minimum required 80 feet on the subject property. Location: Lot 7 of Block 2 of B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.**

Mr. Thorsland called Cases 736-V-12 and 737-V-12 concurrently.

1 Mr. Thorsland informed the audience that Cases 736-V-12 and 737-V-12 are Administrative Cases and as  
2 such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time  
3 he will ask for a show of hands for those who would like to cross examine and each person will be called  
4 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any  
5 questions. He said that those who desire to cross examine are not required to sign the witness register but  
6 are requested to clearly state their name before asking any questions. He noted that no new testimony is to  
7 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the  
8 ZBA By-Laws are exempt from cross examination.

9  
10  
11

12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
13 sign the witness register for that public hearing. He reminded the audience that when they sign the  
14 witness register they are signing an oath.

15

16 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

17

18 Ms. Katie Warren, who resides at 107 East Scarborough, Sidney, stated that at the last public hearing the  
19 Board requested that she submit the septic inspection report and she has submitted that report to staff.

20

21 Mr. Thorsland asked the Board if there were any questions for Ms. Warren and there were none.

22

23 Mr. Thorsland asked if staff had any questions for Ms. Warren and there were none.

24

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

26

27 Mr. Thorsland called John Hall to testify.

28

29 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated April 11, 2013,  
30 for the Board's review. He said that the new memorandum includes the septic tank inspection report by  
31 Berg Tanks. He said that the Supplemental Memorandum dated April 5, 2013, proposed a special condition  
32 regarding the filing of a miscellaneous document so that in the future someone doesn't purchase the property  
33 without being aware that a variance was granted to authorize the creation of the lots and that there were  
34 concerns regarding whether the existing septic systems can be replaced because the lots are so small.

35

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

37

38 Mr. Thorsland called Matthew Warren to testify.

39

40 Mr. Matthew Warren, who resides at 107 Scarborough, Sidney, stated that he had no new information to add  
41 at this time.

1  
2 Mr. Thorsland asked the Board if there were any questions for Mr. Warren and there were none.

3  
4 Mr. Thorsland asked if staff had any questions for Mr. Warren and there were none.

5  
6 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Warren and there was no one.

7  
8 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
9 regarding these cases and there was no one.

10  
11 Mr. Thorsland closed the witness register.

12  
13 Mr. Kass stated that the new Supplemental Memorandum dated April 11, 2013, proposes the following new  
14 Item 7.I to the Summary of Evidence as follows: I. The septic tank inspection report prepared by Shaun  
15 Deck of Berg Tanks dated March 8, 2013, regarding the septic system that serves the home at 317  
16 Independence Street, Dewey, indicates the following: (1) the size of the tank is 1,000 gallons and is located  
17 25 feet from the house on the south side of the house; and (2) the type of drainage is a field tile; and (3) the  
18 home is vacant; and (4) the inlet tee/baffle and outlet tee/baffle are acceptable; and (5) no water was  
19 observed flowing back into the tank from lateral field; and (6) the system function is acceptable; and (7) the  
20 tank was pumped; and (8) one, septic tank previously served both homes, however, each home is now served  
21 by separate tanks; and (9) the tank that serves the home at 318 Railroad Street, Dewey, was pumped a month  
22 ago; and (10) both tanks seem to be working, but there is no guarantee on system life.

23  
24 Mr. Thorsland asked the Board if there were any questions regarding the proposed new evidence and there  
25 were none.

26  
27 Mr. Thorsland read the proposed special condition as follows:

- 28
- 29 **A. Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners shall file**
- 30 **a miscellaneous document with the Champaign County Recorder of Deeds that**
- 31 **documents the following:**
  - 32 **(1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize**
  - 33 **the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer’s Addition in the**
  - 34 **Northwest Quarter of Sections 34 of East Bend Township.**
  - 35 **(2) Because of the size of each new lot there are concerns whether a replacement**
  - 36 **wastewater (septic) system can be installed on either lot in the future.**
  - 37 **(3) Any new wastewater (septic) system will need to be authorized by the**
  - 38 **Champaign County Health Department**
  - 39 **(4) For further information interested parties should contact the Champaign**
  - 40 **County Department of Planning and Zoning.**

41 The special condition stated above is required to ensure the following:



1                                   **That potential buyers of the properties are aware of how the lots were created**  
 2                                   **and the possible limitations regarding the replacement of wastewater systems on**  
 3                                   **the properties.**

4  
 5 Mr. Thorsland asked the petitioners if they agreed to the special condition as read.

6  
 7 Mr. and Mrs. Warren indicated that they did agree to the special condition as read.

8  
 9 Mr. Thorsland entertained a motion to approve the special condition as read.

10  
 11 **Mr. Miller moved, seconded by Mr. Palmgren to approve the special condition as read. The motion**  
 12 **carried by voice vote.**

13  
 14 Mr. Thorsland stated that a new item #7 should be added the Documents of Record indicating the following:  
 15 Supplemental Memorandum for Cases 736-V-12 & 737-V-12 dated April 11, 2013, with attachments.

16  
 17 **Finding of Fact for Cases 736-V-12 and 737-V-12:**

18  
 19 From the documents of record and the testimony and exhibits received at the public hearing for zoning cases  
 20 736-V-12 and 737-V-12 held on February 28, 2013, and April 11, 2013, the Zoning Board of Appeals of  
 21 Champaign County finds that:

- 22           **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
 23           **structure involved, which are not applicable to other similarly situated land and**  
 24           **structures elsewhere in the same district.**

25  
 26 Mr. Courson stated that Special conditions and circumstances DO exist which are peculiar to the land or  
 27 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the  
 28 same district because both homes were constructed prior to the adoption of zoning which would have given  
 29 guidance for placement of the structures.

30  
 31 Ms. Capel stated that a lot which is 15,015 square feet for one house is not conforming much less for two  
 32 houses.

33  
 34 Mr. Thorsland stated that no additional land is available for purchase to increase the lot area for either parcel.

35  
 36 Mr. Kass read the Board’s findings as follows:

- 37  
 38                                   •       **Both homes were constructed prior to zoning which would have given guidance**  
 39                                   •       **on the placement of the homes**  
 40                                   •       **The 15,015 square feet is non-conforming even with one house**  
 41                                   •       **No additional land is available to purchase to increase the area of the lots**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.**

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because it will prevent the two homes from being sold separately.

Mr. Kass read the Board’s finding as follows:

- **It will prevent the two homes from being sold separately**

**3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the existing situation was created in 1970. The homes were constructed on a single lot prior to the adoption of the Zoning Ordinance in 1973.

Mr. Thorsland stated that the two homes and the lot pre-date zoning.

Ms. Capel stated that the petitioners purchased a nonconforming lot with two nonconforming dwellings that were constructed prior to the adoption of the zoning in 1973.

Mr. Kass read the Board’s findings as follows:

- **The petitioners unknowingly purchased a nonconforming lot that was developed prior to the adoption of zoning in 1973**

Mr. Thorsland asked if the finding adequately addresses the Board’s intentions for Finding #3.

Mr. Hall stated that the finding is accurate but it is just not a nonconforming lot but it has two nonconforming uses.

Mr. Kass read the revised finding for Finding #3 as follows:

- **The petitioners purchased a nonconforming lot with two nonconforming dwellings that were developed prior to the adoption of zoning in 1973.**

Ms. Capel asked staff if this situation would have occurred if the petitioners were trying to sell the parcel as

1 a whole in lieu of dividing it.

2  
3 Mr. Hall stated that it depends whether not the person purchasing the property required a mortgage.

4  
5 Mr. Thorsland asked if this was information that the realtor should have been aware of.

6  
7 Mr. Hall stated that ideally this situation should have been addressed prior to the purchase by the petitioners.

8  
9 **4. The requested variance, subject to the proposed condition, IS in harmony with the**  
10 **general purpose and intent of the Ordinance.**

11  
12 Mr. Thorsland stated that the requested variance, subject to the proposed condition, IS in harmony with the  
13 general purpose and intent of the Ordinance because it allows the use of two existing dwellings to occupy  
14 two individual lots and a condition for the replacement of wastewater systems has been imposed to the  
15 variance.

16  
17 Mr. Hall stated that the special condition isn't about the wastewater systems but merely is a condition that  
18 makes future buyers aware of possible replacement of the wastewater systems.

19  
20 Mr. Palmgren asked staff when the new septic regulations were to go into effect.

21  
22 Mr. Hall stated that the new regulations were supposed to go into effect in January although it hasn't  
23 happened yet. He said that it hasn't happened because some of the issues, such as with this case, are so  
24 complicated.

25  
26  
27 Mr. Kass stated that he spoke to Mike Flannigan, Champaign County Health Department, about this and he  
28 did not seem very confident that the regulations will take effect within the year.

29  
30 Ms. Capel stated that the Board should add that the use is authorized in the District.

31  
32 Mr. Kass read the Board's findings as follows:

- 33
- 34 • **It allows the use of two existing dwellings to occupy individual lots**
- 35 • **A condition making future buyers aware of possible replacement wastewater**
- 36 **limitations.**
- 37 • **The use is authorized in the R-1 District.**
- 38

39 **5. The requested variance, subject to the proposed condition, WILL NOT be injurious to**  
40 **the neighborhood or otherwise detrimental to the public health, safety, or welfare.**

41

1 Mr. Miller stated that the requested variance, subject to the proposed condition, WILL NOT be injurious to  
2 the neighborhood or otherwise detrimental to the public health, safety, or welfare because the petitioner is  
3 not changing the placement of the existing dwellings.

4  
5 Mr. Thorsland stated that the fire protection district and the township highway commissioner have been  
6 notified and no comments or concerns have been submitted.

7  
8 Ms. Capel stated that approving the variance would promote occupancy of a vacant dwelling.

9  
10 Mr. Kass read the Board’s findings as follows:

- 11
- 12 • **The petitioner is not changing the placement of the existing homes**
- 13 • **Both the fire protection district and the road commissioner have been notified**
- 14 **and no comments were received.**
- 15 • **Approving the variance could promote occupancy of the vacant dwelling**
- 16

17 **6. The requested variance, subject to the proposed condition, IS the minimum variation**  
18 **that will make possible the reasonable use of the land/structure.**

19  
20 Ms. Capel stated that the requested variance, subject to the proposed condition, IS the minimum variation  
21 that will make possible the reasonable use of the land/structure because staff calculated the minimum  
22 variance required and this is it.

23  
24 Mr. Kass read the Board’s finding as follows:

- 25
- 26 • **Staff calculated the minimum variance required and this is it.**
- 27

28 **7. The special condition imposed herein is required for the particular purposes described**  
29 **below:**

30  
31 **A. Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners**  
32 **shall file a miscellaneous document with the Champaign County Recorder of**  
33 **Deeds that documents the following:**

- 34 (1) **Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to**  
35 **authorize the creation of two lots out of Lot 7 of Block 2 of B.R.**  
36 **Hammer’s Addition in the Northwest Quarter of Sections 34 of East**  
37 **Bend Township.**
- 38 (2) **Because of the size of each new lot there are concerns whether a**  
39 **replacement wastewater (septic) system can be installed on either lot in**  
40 **the future.**
- 41 (3) **Any new wastewater (septic) system will need to be authorized by the**

**Champaign County Health Department**

**(4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

The special condition stated above is required to ensure the following:

**That potential buyers of the properties are aware of how the lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.**

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

**Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained motion to move to the Final Determination for Cases 736-V-12 and 737-V-12..

**Ms. Capel moved, seconded by Mr. Palmgren to move to the Final Determination for Cases 736-V-12 and 737-V-12. The motion carried by voice vote.**

Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one Board member and one vacant seat therefore it is at their discretion whether to move to a final determination with the present Board or continue the case until the vacant seat is filled.

Mr. and Mrs. Warren requested that the current Board proceed to the Final Determination.

**Final Determination for Cases 736-V-12 and 737-V-12:**

**Mr. Courson moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and that pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the requested variance requested in Cases 736-V-12 and 737-V-12 are hereby GRANTED WITH CONDITIONS to the petitioners Matthew and Katie Warren to authorize the following in the R-1 Single Family Residence Zoning District:**

**Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.**

**Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55**



1  
2 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.  
3  
4 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that the two buildings existed at the time  
5 of purchase and it appears that the builders did not comply with the 20 foot space requirement between the  
6 two buildings. He said that the two buildings are only 16 feet apart currently and even though they do not  
7 meet the County's requirements it does provide adequate area for emergency vehicle access. He said that in  
8 regards to the 22 parking space issue their tenant, operator of the gymnastics center, is using the space to  
9 create a safe traffic flow through the parking lot. Mr. Murphy stated that their parking needs are less than  
10 maybe other businesses would have because the traffic involved would include drop-off and pick-up of  
11 children before and after their gymnastics classes. He said that currently the parking appears to be more than  
12 adequate to accommodate the gymnastics business.  
13  
14 Mr. Thorsland asked the Board if there were any questions for Mr. Murphy and there were none.  
15  
16 Mr. Thorsland asked if staff had any questions for Mr. Murphy and there were none.  
17  
18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Murphy.  
19  
20 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he agreed with Mr. Murphy's  
21 plan for the parking spaces as long as there is not a random event that would cause vehicles to be parked  
22 along Tiffany Court.  
23  
24 Mr. Thorsland requested that Mr. Padgett sign the witness register so that he can present his testimony at that  
25 time rather than during cross examination of Mr. Murphy.  
26  
27 Mr. Padgett agreed.  
28  
29 Mr. Thorsland asked if staff had any new information to add at this time.  
30  
31 Mr. Hall stated no.  
32  
33 Mr. Thorsland asked Mr. Murphy if he would like to add any additional testimony at this time.  
34  
35 Mr. Murphy stated no.  
36  
37 Mr. Thorsland asked the Board if there were any questions at this time.  
38  
39 Mr. Courson asked staff if the larger building was permitted with the County.  
40  
41 Mr. Kass stated yes. He said that the larger building received a Zoning Use Permit in 1983 although the

1 permit cannot be located on micro-film.  
2  
3 Mr. Thorsland asked the Board if there were any additional questions and there were none.  
4  
5 Mr. Thorsland called Keith Padgett to testify.  
6  
7 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he just wanted to make sure  
8 that during a large event at the gymnastics center that vehicles would not be parked along Tiffany Court. He  
9 said that the road district welcomes the petitioners to the community.  
10  
11 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.  
12  
13 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.  
14  
15 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.  
16  
17 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time and there was no  
18 one.  
19  
20 Mr. Thorsland closed the witness register.  
21  
22 Mr. Thorsland stated that Item #12 on page 12 of the Draft Summary of Evidence indicates one proposed  
23 special condition as follows:  
24  
25 **A. No parking shall occur within the public right-of-way.**  
26  
27 The above special condition is required to ensure the following:  
28  
29 **That parking within the public right-of-way does not become a problem and to reflect**  
30 **the comments made by the Champaign Township Highway Commissioner at the**  
31 **February 14, 2013, public hearing for related Case 735-S-12.**  
32  
33 Mr. Thorsland asked staff if the April 11, 2013, public hearing date should be included in the special  
34 condition since Mr. Padgett testified tonight as well.  
35  
36 Mr. Hall stated that he does not believe that the insertion of April 11, 2013, is necessary but it is up to the  
37 Board.  
38  
39 Mr. Thorsland asked the Board if they would like to insert April 11, 2013, and they indicated that they did  
40 not.  
41



1 Mr. Thorsland asked Mr. Murphy if he agreed to the proposed special condition.

2  
3 Mr. Murphy stated that agreed to the proposed special condition.

4  
5 Mr. Thorsland entertained a motion to approve the proposed special condition.

6  
7 **Mr. Courson moved, seconded by Mr. Miller to approve the proposed special condition as read. The**  
8 **motion carried by voice vote.**

9  
10 Mr. Thorsland noted that there were no additions to the Documents of Record.

11  
12 Mr. Thorsland asked staff if any new items of evidence, based on tonight’s testimony, need to be added to  
13 the Summary of Evidence.

14  
15 Mr. Hall stated that Item 11.B. could be revised to indicate that Mr. Padgett also attended and testified at the  
16 April 11, 2013, public hearing.

17  
18 Mr. Thorsland asked the Board and staff if there were any other additions to the Summary of Evidence and  
19 there were none.

20  
21 **Finding of Fact for Case 744-V-13:**

22  
23 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
24 744-V-13 held on April 11, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 25  
26 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
27 **structure involved, which are not applicable to other similarly situated land and**  
28 **structures elsewhere in the same district.**

29  
30 Mr. Miller stated that Special conditions and circumstances DO exist which are peculiar to the land or  
31 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the  
32 same district because the buildings were previously constructed and out of compliance originally. He said  
33 that the petitioner indicated that the existing structures will not impede public safety.

34  
35 Ms. Capel stated that additional parking would result in additional impervious area which would exacerbate  
36 drainage issues which already exist in the subdivision.

37  
38 Mr. Courson stated that the building was permitted therefore it appears that the zoning office at the time  
39 allowed the building to be build out of compliance.

40  
41 Ms. Capel stated that the building was not originally built out of compliance because the second building

1 was an accessory structure and there were no regulations for open space at that time. She said that it was the  
2 conversion which caused the building to be out of compliance.

3

4 Mr. Thorsland asked Mr. Courson if he wanted to add his statement or leave it out.

5

6 Mr. Courson stated that he will not add his statement to the Finding.

7

8 Mr. Kass read the Board’s findings as follows:

9

- 10 • **The buildings were previously constructed and were out of compliance originally**
- 11 • **Additional parking would result in additional impervious area which would exacerbate**
- 12 **the existing drainage issues in the subdivision**

13

14

- 15 2. **Practical difficulties or hardships created by carrying out the strict letter of the**
- 16 **regulations sought to be varied WILL prevent reasonable or permitted use of the land**
- 17 **or structure or construction.**

18

19 Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the  
20 regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or  
21 construction because one of the issues was the additional parking and the additional impervious area and it  
22 would make the property unusable therefore the smaller building would need to be demolished.

23

24 Mr. Kass read the Board’s findings as follows:

25

- 26 • **Additional parking would result in greater impervious area and the smaller building**
- 27 **would have to be demolished.**

28

- 29 3. **The special conditions, circumstances, hardships, or practical difficulties DO NOT**
- 30 **result from actions of the applicant.**

31

32 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
33 result from actions of the applicant because the property was set up as it was when the petitioners purchased  
34 it.

35

36 Mr. Thorsland stated that the site plan was established before the petitioners purchased the property.

37

38 Mr. Kass read the Board’s findings as follows:

39

- 40 • **The site plan was already established before the petitioners purchased the property.**

41

1           **4.       The requested variance, subject to the proposed special condition, IS in harmony with**  
2           **the general purpose and intent of the Ordinance.**

3  
4 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with  
5 the general purpose and intent of the Ordinance because both are by-right uses in the I-1 District.

6  
7 Mr. Kass read the Board’s findings as follows:

- 8
- 9           •       **Both proposed uses are by-right uses in the I-1 District.**

10  
11           **5.       The requested variance, subject to the proposed special condition, WILL NOT be**  
12           **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
13           **welfare.**

14  
15 Mr. Palmgren stated that the requested variance, subject to the proposed special condition, WILL NOT be  
16 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the  
17 building is being repurposed and is an upgrade to the neighborhood. He said that no additional impervious  
18 area will be required if the variance is granted.

19  
20 Mr. Miller stated the petitioner has demonstrated that the open space between buildings is adequate for  
21 emergency services and public access.

22  
23 Ms. Capel stated that the special condition ensures that parking will not occur in the public right-of-way of  
24 Tiffany Court and there is an indication from the neighbors that they will allow parking on their property if  
25 overflow parking is required.

26  
27 Mr. Kass read the Board’s findings as follows:

- 28
- 29           •       **The building is being repurposed and is an upgrade to the neighborhood**
- 30           •       **No additional impervious area will be required if the variance is granted**
- 31
- 32           •       **The petitioner has demonstrated that the open space between the two buildings is**
- 33                   **adequate for public safety access**
- 34           •       **The special condition ensures that parking will not occur in the public right-of-way**
- 35           •       **Neighbors have offered to accommodate overflow parking**
- 36

37           **6.       The requested variance, subject to the proposed condition, IS the minimum variation that will**  
38           **make possible the reasonable use of the land/structure.**

39  
40 Mr. Miller stated that the requested variance, subject to the proposed condition, IS the minimum  
41 variation that will make possible the reasonable use of the land/structure because additional land is not

1 available for purchase and the petitioner has demonstrated that additional land is not required to  
2 accommodate the required parking spaces.

3  
4 Mr. Kass read the Board’s findings as follows:

- 5 • **Additional land is not available for purchase to accommodate the required parking**
- 6 • **The petitioner has demonstrated that the existing parking is adequate and there is no**
- 7 **need for the minimum required 54 parking spaces.**

8  
9 **7. The special condition imposed herein is required for the particular purpose described below:**

10  
11 **A. No parking shall occur within the public right-of-way.**

12 The above special condition is required to ensure the following:

13 **That parking within the public right-of-way does not become a problem and to reflect**  
14 **the comments made by the Champaign Township Highway Commissioner at the**  
15 **February 14, 2013, public hearing for related Case 735-S-12.**

16  
17 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
18 of Fact as amended.

19  
20 **Ms. Capel moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of Record**  
21 **and Findings of Fact as amended. The motion carried by voice vote.**

22  
23 Mr. Thorsland entertained a motion to move to the Final Determination for Case 744-V-13.

24  
25 **Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for Case 744-V-**  
26 **13. The motion carried by voice vote.**

27  
28 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one  
29 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination  
30 with the present Board or continue the case until the vacant seat is filled.

31  
32 Mr. Murphy requested that the current Board proceed to the Final Determination.

33  
34 **Final Determination for Case 744-V-13:**

35  
36 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals**  
37 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
38 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**  
39 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**  
40 **Champaign County determines that the Variance requested in Case 744-V-13 is hereby GRANTED**  
41 **WITH CONDITIONS to the petitioners TC Management LLC to authorize:**

- 1       A.     **Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in**
- 2             **related zoning Case 735-V-12.**
- 3       B.     **Variance for an open space depth of 16 feet between the two principal building in**
- 4             **related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20**
- 5             **feet.**

6  
7       **Subject to the following special condition:**

- 8
- 9       A.     **No parking shall occur within the public right-of-way.**
- 10            The above special condition is required to ensure the following:
- 11            **That parking within the public right-of-way does not become a problem and to reflect**
- 12            **the comments made by the Champaign Township Highway Commissioner at the**
- 13            **February 14, 2013, public hearing for related Case 735-S-12.**

14  
15     Mr. Thorsland requested a roll call vote.

16			
17	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Capel-yes</b>
18	<b>Courson-yes</b>	<b>Passalacqua-absent</b>	<b>Thorsland-yes</b>
19			

20     Mr. Hall informed the petitioners that they have received an approval for Case 744-V-13.

21  
22     Mr. Thorsland stated that the Board will now hear continued cases 736-V-12 and 737-V-12.

23  
24  
25  
26     **7.     Staff Report**

27  
28     None

29  
30     **8.     Other Business**

31       **A.     Review of Docket**

32     Mr. Kass stated that Case 733-AT-12 will was recommended for enactment by the ZBA and by ELUC and  
33     will be on the April 18, 2013, County Board agenda. He said that Cases 734-AT-12 and 743-AT-12 were  
34     recommended for enactment by the ZBA therefore they are on the May 9, 2013, ELUC agenda for  
35     consideration.

36  
37     Mr. Kass stated that since the last public hearing there has been no new zoning case applications submitted.

38  
39       **B.     December 2012, January, February 2013 Monthly Reports**

40  
41     Mr. Hall stated that the December 2012, January, February 2013 Monthly Reports are posted on the County

1 website for review.

2 **C. April 25, 2013, Meeting Time: 6:30 p.m.**

3  
4 Mr. Thorsland reminded the Board that the April 25, 2013, meeting will begin at 6:30 p.m. He said that he  
5 will not allow any repetitive testimony from any witnesses at this meeting so that the case can move forward.

6  
7 Mr. Miller stated that he did not remember fuel tanks being included on the site plan for Case 731-S-12.

8  
9 Mr. Hall asked if there are new fuel tanks currently on the property.

10  
11 Mr. Miller stated yes.

12  
13 Mr. Kass stated that he needs to complete a site visit on the Warner property prior to the next hearing.

14  
15 **9. Audience Participation with respect to matters other than cases pending before the Board**

16  
17 None

18  
19 **10. Adjournment**

20  
21 Mr. Thorsland entertained a motion to adjourn the meeting.

22  
23 **Ms. Capel moved, seconded by Mr. Miller to adjourn the meeting at 8:48 p.m. The motion carried by**  
24 **voice vote.**

25  
26 The meeting adjourned at 8:48 p.m.

27  
28  
29 Respectfully submitted

30  
31  
32  
33 Secretary of Zoning Board of Appeals

34  
35  
36