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4 **MINUTES OF REGULAR MEETING**

6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

7 **1776 E. Washington Street**
8 **Urbana, IL 61802**

10 **DATE: June 11, 2015**

PLACE: Lyle Shield's Meeting Room
1776 East Washington Street

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

Urbana, IL 61802

14 **MEMBERS PRESENT:** Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

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16 **MEMBERS ABSENT :** Cathe Capel, Debra Griest

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18 **STAFF PRESENT :** Connie Berry, John Hall, Susan Chavarria

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20 **OTHERS PRESENT :** Corbitt Griffith, Yvonne Griffith

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23 **1. Call to Order**

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

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

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29 The roll was called and a quorum declared present with two members absent and one vacant seat.

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

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35 **3. Correspondence**

36
37 None

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39 **4. Approval of Minutes**

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41 None

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43 **5. Continued Public Hearing**

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45 None

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47 **6. New Public Hearings**

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1 **Case 803-V-15 Petitioner: Corbitt and Yvonne Griffith Request to authorize the following Variance**
2 **in the R-1 Single Family Residence Zoning District: A detached shed with a side yard of 2 feet in lieu**
3 **of the minimum required 5 feet. Location: Lot 23 in Block 6 of the Edgewood Subdivision in Section**
4 **10 of Urbana Township and commonly known as the residence at 307 E Dodson Drive, Urbana.**
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6 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
7 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
8 of hands for those who would like to cross examine and each person will be called upon. He requested that
9 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
10 those who desire to cross examine are not required to sign the witness register but are requested to clearly
11 state their name before asking any questions. He noted that no new testimony is to be given during the cross
12 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
13 from cross examination.
14

15 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
16 the witness register for that public hearing. He reminded the audience that when they sign the witness
17 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
18 time.
19

20 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding their request.
21

22 Mrs. Yvonne Griffith, who resides at 307 E. Dodson Drive, Urbana, stated that approximately 15 years ago
23 she and her husband moved to the subject property and within one or two years they had a shed built by a
24 person who owned a shed making business in St. Joseph. She said that at the time of the construction of the
25 shed she and her husband were not aware that they needed a permit for the shed. She said that she and her
26 husband believed that since the shed was not attached to the house a permit was not required. She said that
27 when they applied for a permit for their proposed sunroom they found out that the shed is closer to the
28 property line than what is preferred. She said that staff came to their property to view the shed's location
29 and saw that moving the shed, which is 15 years old with an attached porch, would destroy it. She said that
30 there is no possible way to get large equipment in the back yard to even attempt moving the shed. Mrs.
31 Griffith stated that the only other location for the shed is at the south end of the property but there is a utility
32 pole with a transformer at that location and the transformer has caught on fire twice since the time that they
33 have lived at the property, so with this concern they decided to put the shed in its current location. She said
34 that there is also a large tree on their property with the septic system in front of the tree which also restricts
35 placement of the shed. She said that once they discovered that the shed was in violation they immediately
36 came to the office to apply for a variance which is why they are present tonight.
37

38 Mr. Thorsland asked Ms. Griffith if the permit for the sunroom is what actually started this process. He said
39 that in reviewing the photographs of the property it is pretty apparent that the shed is pinned in on the

1 property therefore Mr. and Mrs. Griffith will either need to remove the large mature tree or place the shed on
2 the septic system.
3
4 Mrs. Griffith stated that her husband visited each neighbor who adjoined their property as well as those who
5 were outside of that boundary to explain their situation and not one neighbor had any concerns regarding the
6 variance. She submitted a letter signed by all of the neighbors that Mr. Griffith visited indicating that the
7 neighbors had no objections to the location of the shed or the requested variance.
8
9 Mr. Passalacqua asked Mrs. Griffith if the pole actually caught on fire or did the transformer blow up.
10
11 Mrs. Griffith stated that the last time the transformer blew up the Edge-Scott Fire Department came to the
12 property because the wires were burning.
13
14 Mr. Thorsland stated that the event must have been quite a sight.
15
16 Mrs. Griffith stated that she and her husband have kept the shed in good condition and they recently had a
17 new roof and gutters placed on it and had the shed repainted.
18
19 Mr. Thorsland asked the Board if there were any additional questions for Mrs. Griffith and there were none.
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21 Ms. Thorsland asked if staff had any questions for Mrs. Griffith and there were none.
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23 Mr. Thorsland asked the audience if anyone desired to cross examine Mrs. Griffith and there was no one.
24
25 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
26 testimony and there was no one.
27
28 Mr. Thorsland closed the witness register.
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30 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record as follows: Letter
31 from adjacent neighbors, submitted by Mr. and Mrs. Griffith at the June 11, 2015, public hearing.
32
33 Mr. Thorsland asked the Board if any special conditions were required for this case and the Board indicated
34 that there were none.
35
36 **Finding of Fact for Case 803-V-15:**
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38 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
39 803-V-15 held on June 11, 2015, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because of the mature tree and the need for access to the transformer on the pole limits placement of the shed.

Mr. Thorsland stated that the location of the septic system on the lot restricts the shed’s location.

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.

Mr. Randol 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 the layout of the land, the septic system location on the lot restricts the building’s location, a mature tree exists and the need for access to the transformer on the pole limits placement.

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

Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the petitioners were unaware of the required setback and when the petitioners found out that they were in violation they took action and did not avoid it.

Mr. Thorsland stated that the house was constructed prior to the adoption of the Zoning Ordinance and the shed was constructed after the adoption of the Zoning Ordinance by a professional who apparently was not aware that a Zoning Use Permit was required for construction of the detached shed.

4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.

Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because the Board has evidence that indicates that the neighbors are in agreement.

Mr. Thorsland noted that Mr. Passalacqua’s statement might be better under Finding of Fact #5.

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Mr. Thorsland stated that this allows the preservation of an existing structure and a mature tree and will keep the septic tank location free of structures.

5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because of evidence of agreement by the neighbors.

Mr. Thorsland stated that the fire protection district and the township highway commissioner were notified and no response was received.

6. The requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

7. No special conditions are hereby imposed.

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended for Case 803-V-15.

Ms. Lee moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended for Case 803-V-15. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 803-V-15.

Mr. Passalacqua moved, seconded by Ms. Lee to move to the Final Determination for Case 803-V-15. The motion carried by voice vote.

Mr. Thorsland informed Mr. and Mrs. Griffith that currently the Board has one vacant Board seat and two absent Board members therefore it is at their discretion to either continue Case 803-V-15 until a full Board is present or request that the present Board move to the Final Determination. He informed Mr. and Mrs. Griffith that four affirmative votes are required for approval.

Mr. and Mrs. Griffith requested that the present Board move to the Final Determination.

1 **Final Determination for Case 803-V-15:**

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3 **Mr. Passalacqua moved, seconded by Mr. Randol that the Champaign County Zoning Board**
4 **of Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
5 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
6 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals**
7 **of Champaign County determines that the Variance requested in Case 803-V-15 is hereby GRANTED**
8 **to the petitioners Corbitt and Yvonne Griffith to authorize the following variance in the R-1**
9 **Residential Zoning District:**

10
11 **A detached shed with a side yard of 2 feet in lieu of the minimum required 5 feet.**

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13 Mr. Thorsland requested a roll call vote:

14			
15	Lee-yes	Passalacqua-yes	Randol-yes
16	Capel-absent	Griest-absent	Thorsland-yes
17			

18 Mr. John Hall, Zoning Administrator, informed Mr. and Mrs. Griffith that they have received approval for
19 their request and staff will send out the appropriate paperwork as soon as possible. He noted that if Mr. and
20 Mrs. Griffith has any questions they should not hesitate to call the office.

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22 **7. Staff Report**

23
24 None

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26 **8. Other Business**

27 A. Review of Docket

28
29 Mr. Thorsland informed the Board that the next meeting consists of the Hudson cases. He stated that he was
30 not present at the last meeting for these cases therefore he would appreciate a copy of the draft minutes for
31 review.

32
33 Ms. Lee informed the Board that her surgery has been scheduled therefore she will not be attending the June
34 25, 2015, public hearing.

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

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38 None

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1 **10. Adjournment**

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3 Mr. Thorsland entertained a motion to adjourn the meeting.

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5 **Mr. Passalacqua moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by**
6 **voice vote.**

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8 The meeting adjourned at 7:20 p.m.

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11 Respectfully submitted

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16 Secretary of Zoning Board of Appeals

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