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3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61801**

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9 **DATE: April 14, 2016**

PLACE: John Dimit Meeting Room
1776 East Washington Street

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

Urbana, IL 61802

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13 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Jim Randol, Marilyn Lee

14
15 **MEMBERS ABSENT :** Brad Passalacqua, Eric Thorsland

16
17 **STAFF PRESENT :** Lori Busboom, Susan Chavarria, John Hall

18
19 **OTHERS PRESENT :** Christina Schultz, Bill Schultz, Rod Vanous, Ellen Vanous

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22 **1. Call to Order**

23
24 The meeting was called to order at 7:00 p.m.

25
26 Mr. Hall stated that due to the absence of Mr. Thorsland the Board needs to appoint a Chair for tonight's
27 meeting.

28
29 **Ms. Lee moved, seconded by Mr. Randol to appoint Catherine Capel as the Chair for the April 14,**
30 **2016, meeting. The motion carried by voice vote.**

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

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34 The roll was called and a quorum declared present with two members absent.

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36 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
37 witness register for that public hearing. She reminded the audience that when they sign the witness register
38 they are signing an oath.

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40 **3. Correspondence**

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42 **None**

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44 **4. Approval of Minutes**

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46 **None**

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48 **5. Continued Public Hearing**

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None

6. New Public Hearings

Case 823-S-15 Petitioner: William and Christina Schultz, d.b.a. A1 Pavement Maintenance, d.b.a. BillyCo Properties, LLC. Request: Authorize a Contractor’s Facility with Outdoor Storage and Outdoor Operations as a Special Use in the B-4, General Business Zoning District with the following waivers: Part A: A waiver for a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance. Part B: A waiver for a rear yard of 0 feet in lieu of the minimum required 20 feet as per Section 5.3 of the Zoning Ordinance. Location: A 2.13 acre tract comprised of Lots 4 and 5 of Van Winkle Subdivision in the Northeast Quarter of the Northeast Quarter of Section 33 of Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the contractor business A1 Pavement Maintenance, 3809 North Cunningham Avenue, Urbana, Illinois.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath.

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

Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

Ms. Christina Schultz, who resides at 3809 N. Cunningham Ave, Urbana, stated that the request indicates Part A: a waiver for a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance and Part B: A waiver for a rear yard of 0 feet in lieu of the minimum required 20 feet as per Section 5.3 of the Zoning Ordinance. She requested clarification of Part A. and Part B.

Mr. William Schultz, who resides at 3809 N. Cunningham Ave, Urbana, stated that they have measured it several times and we have 28 feet from the fence to the building.

Ms. Capel stated that she believes that the waiver is in regard to the stockpiled material and not the building.

1 Ms. Schultz stated that the memorandum indicates that they had installed buildings on the property before
2 without an approved permit. She said that the buildings were storage units/pods and a carport. She said that
3 she and her husband were not aware of the need for a permit for these structures because they were not
4 permanent structures and could be moved at any given time. She said that after being notified that they were
5 in violation she applied for a permit and paid the required fees.
6

7 Mr. Schultz stated that they store items in the pods and they were not aware that a permit was required for
8 the pods.
9

10 Ms. Schultz stated that the memorandum makes it sound as if they are regular violators, which is not the
11 case.
12

13 Mr. Schultz stated there are piles of dirt in the back, as indicated in the photographs, and the piles of dirt
14 were given to them by the state and his company uses the dirt for preparation of their asphalt driveway jobs.
15 He said that if the dirt needs to be moved then they will do so.
16

17 Ms. Capel called John Hall to testify.
18

19 Mr. John Hall, Zoning Administrator, stated that Parts A and B were advertised in error because waivers are
20 not what are required but actual variances and the case may need to be re-advertised for this reason alone. He
21 said that if the stockpiles can be moved to meet the 10 feet requirement from the property line then that is the
22 petitioner's choice. He said that staff dealt with what was in front of them.
23

24 Mr. and Mrs. Schultz stated that they understood staff's position because the County's rules are the rules that
25 they must follow.
26

27 Mr. Hall stated that Ms. Chavarria prepared the annotated aerial photograph so that everyone could gain a
28 sense of what an actual site plan would have to show and at this point he would recommend that the case be
29 re-advertised as soon as possible. He asked the Board if the case is re-advertised, do they want the petitioner
30 to submit a better site plan prior to the Board taking action or would the Board want to require a special
31 condition requiring a complete site plan prior to compliance. He said that if the Board requires a complete
32 site plan, staff would be happy to work with the petitioner. He said that preparing a complete site plan
33 provides the petitioner with knowledge as to what the Ordinance requires. He said that the Board can either
34 request the complete site plan from the petitioners before this case comes back to the Board or if the Board
35 believes that the case is ready for final action then a special condition could be prepared tonight.
36

37 Ms. Capel stated that it was her understanding that the case had to be re-advertised.
38

39 Mr. Hall stated that there is a technical difference between a variance and a waiver and his advice would be
40 that the petitioner's case should be re-advertised. He said that staff has not received any calls about this case
41 therefore it is not like adjacent neighbors are sitting out there with great concerns and frankly it is the

1 Department of Planning and Zoning that is concerned more than anyone else. He said that the reason why
2 this needs to be re-advertised is due to staff error. He said that if this case were continued it could come
3 back to this Board on May 12, 2016. He said that it is up to the Board and it does not appear to be a big
4 issue with the petitioners as we are not asking them to change their operations and they may continue to
5 operate. He said that the biggest concern is what it would take for the Board to be comfortable for final
6 action and if the Board would be more comfortable in continuing this case to the May 12th meeting the Board
7 can be assured of having an accurate legal advertisement and receiving an accurate site plan.

8
9 Mr. Schultz stated that for the last three days they have been cleaning the property and it is spotless.

10
11 Ms. Capel informed Mr. Schultz that if the stockpile is moved to a location to be compliant, 10 feet from the
12 property line, then no variances would be required.

13
14 Mr. Schultz stated that the stockpile will be moved. He said that it would only take them 3 or 4 hours to do
15 it.

16
17 Mr. Hall stated that once the screening is installed and the huge stockpile is relocated the petitioner must
18 decide if 10 feet from the property line would work for their operation.

19
20 Mr. Schultz stated that a 10 feet side yard is not a problem because Ehler's Trailer Park is purchasing six
21 loads of the stockpile dirt tomorrow therefore a lot of it will be gone.

22
23 Ms. Schultz asked staff about the temporary stockpile outside of the fence. She said that the stockpile is
24 temporary because it is recyclable material and since they work on the weekend, and the recycling plant does
25 not the stockpile builds until they are able to take the recyclable material to the plant.

26
27 Mr. Hall stated that when the case is re-advertised the request could include a variance for that screening
28 with the Board's understanding that this is a temporary stockpile. He said that a temporary stockpile is
29 difficult to enforce but if the Board believes that this is a reasonable request then something could be worked
30 out. He said that currently the case is not advertised with any variance for screening so with what is
31 currently before the Board they could not approve temporary stockpiles.

32
33 Mr. Schultz stated that they could just move the temporary stockpile.

34
35 Mr. Hall stated that he is not aware of any complaints to staff about the temporary stockpile or screening. He
36 said that the Board is not here to impose unnecessary burdens on the petitioner but the property does need to
37 be brought into compliance.

38
39 Mr. Randol asked if a variance is needed regardless of whether the temporary stockpile is inside or outside of
40 the fence. He said that a 10 foot variance is not required on the fence if the stockpile is outside.

1 Mr. Hall stated that if the stockpile that is outside is not going to be screened then it needs a variance for
2 screening. He said that the stockpile that is inside, it doesn't matter whether it is temporary or not as long as
3 it is 10 feet from the fence.

4
5 Mr. Randol stated that it still has to be screened, regardless.

6
7 Mr. Hall stated yes. He said that with the south fence, which is not really on the property line, the stockpile
8 could be placed against the fence as long as it is screened.

9
10 Mr. DiNovo asked Mr. Hall to clarify the situation with the vehicles parked against the fence line on the
11 north property line.

12
13 Mr. Hall stated that any vehicle must be 5 feet from the side lot line. He said that there are a lot of things
14 like this that must be discussed with the petitioner. He said that if the vehicles must be parked against the
15 property line because the 5 feet is needed to move around equipment then that should also be included in the
16 re-advertisement. He said that if the petitioner can live with parking the vehicles 5 feet from the property
17 line then no variance will be required.

18
19 Mr. DiNovo stated that he would like to have a complete site plan. He said that a complete site plan would
20 make it a lot easier for the Board to make their determination.

21
22 Mr. Schultz stated that he totally understands what staff and the Board are stating but they are a construction
23 company and no one visits their property. He said they do allow Serve-Pro to park on their lot during the day
24 if they need to.

25
26 Ms. Griest noted to Mr. Hall that she will not be attending the May 12th meeting. She said that she
27 understands the petitioner's anxiety about waiting but she does agree that the petitioners learn so much and it
28 is valuable to them to be able to have that time to discuss their future and what they are going to do and how
29 they need to use the site. She said that the petitioners would greatly benefit in preparing their own site plan
30 so that they have a clear understanding of what is allowed and what they need to do in the future on their
31 property. She said that the petitioner's property is in an industrialized area and it is a good location for this
32 particular business but the Board has seen someone's business in the perfect location yet they do not
33 understand how to make it work within the requirements of the Zoning Ordinance. She said that she would
34 like the petitioners to have the opportunity to work with staff on their own site plan so that all of their needs
35 are taken care of and prevent them from having to revisit the Board in one or two years. She said that the
36 petitioners have no restrictions in continuing to operate their business while the hearing process is continued.
37 She said that if the petitioners receive a variance for the 0 feet setbacks on the stockpile that will give them
38 the latitude to use that space but they would not be required to use that space.

39
40 Mr. DiNovo stated that the special use permit is based on an authoritative site plan that is entered into the
41 case record. He said that he would prefer that the case be continued and the prospect may be that the

1 petitioners arrange things so that no variance is required at all therefore they would not need to come back
2 before this Board. He said that the petitioners may decide that they do want one or more of these variances.
3 He said that the complete site plan is important so that the Board can completely agree on what is being
4 allowed.

5
6 Ms. Lee agreed with Mr. DiNovo regarding the need for the case to be continued to a later date.
7

8 Mr. Hall stated there are two Board members who will not be present at the May 12th meeting but if the other
9 five Board members attend there will be more than enough necessary to take action. He said that the
10 meeting could be continued to May 12th but he is not sure if the petitioner will have their complete site plan
11 ready within the next few days so that staff knows what to include in the legal advertisement. He said that
12 the legal advertisement has to be no less than 15 days and no more than 30 days before May 12th. He said
13 that if the petitioner is starting to get busy they may want to continue their case to the May 26th hearing so
14 that they have more time to prepare the complete site plan.
15

16 Mr. Schultz stated that they are swamped right now but whether they request to continue the case on May
17 12th or May 26th it won't matter.
18

19 Mr. Randol stated that this hearing will not have any impact on the petitioner's business operation so the
20 case could be continued until fall.
21

22 Mr. Hall stated that currently the 100-day limit is July 14th, unless the Board suspends the 100-day rule. He
23 said that he realizes that July 14th is probably the worst time of the year for the petitioner. He noted that the
24 Board never asks someone to stop their business operation and if it is better for them to return before the
25 Board at a slower time of the year then the Board can accommodate that request.
26

27 Mr. Randol stated that it depends on the petitioner's timeframe more than the Board's.
28

29 Mr. Schultz stated that if the variances are approved they would not need to move that much dirt because
30 they have already moved most of it.
31

32 Ms. Capel stated that a complete site plan still needs to be submitted and the petitioner needs to decide on
33 the screening to the south.
34

35 Mr. Schultz stated that they are already going to do the south fence and have moved everything that they can
36 except for the concrete barriers which they will take care of tomorrow.
37

38 Ms. Lee asked Mr. Schultz to indicate their least busy time of the year is.
39

40 Ms. Schultz stated that it will not matter when the hearing is scheduled.
41

1 Mr. Schultz stated that they will be in attendance when the Board decides to continue the hearing. He said
2 that they just want to get this done and get the building complete. He said that it looks terrible right now and
3 he wants everything to look nice when you drive past the property.

4
5 Ms. Schultz stated that as of now they have put a hold on the building.

6
7 Mr. Schultz stated that they cancelled the permit for the building when they found out that they needed this
8 hearing.

9
10 Mr. Hall stated that staff could consider that permit if the petitioners are willing to abide by the Zoning
11 Board.

12
13 Mr. Schultz stated that he and his wife will do whatever the Board tells them what they can do.

14
15 Ms. Schultz asked Mr. Hall to clarify the statement regarding lighting.

16
17 Mr. Hall stated that the Zoning Ordinance was amended to require special use permits to always use a certain
18 kind of lighting on the exterior. He said that going back to how long the petitioners have been on their
19 property, if they have ever added any new exterior lighting that lighting should be full cut-off. He said that if
20 no new lighting has been added or will be added then whatever is currently on the property is nonconforming
21 and is fine. He said that the Ordinance only talks about any lighting required when a special use permit is
22 needed. He said that this would be something that will only apply in the future when the petitioners need to
23 replace their lights. He said that full cut-off light fixtures are easy to find and the petitioners will need to
24 remember this requirement when replacing their exterior lighting in the future.

25
26 Ms. Schultz asked Mr. Hall if the slats in the fence are only required up to the front of the building or are the
27 slats required for the entire perimeter of the property.

28
29 Mr. Hall stated that the slats in the fence are required at the entire perimeter where the outdoor storage is
30 located. He said that the slats could be placed in the fence along the right-of-way, as long as they are not in
31 the visibility triangle of the driveway. He said that rather than having the fence on the inner part of the
32 property the petitioner could just install the slats where the exterior storage is located, whichever works best
33 for the petitioner.

34
35 Ms. Schultz stated that they did not want to install the slats in the front.

36
37 Mr. Hall stated that new fencing will then be required to screen the exterior storage on the south. He asked
38 the Board if they would be open to temporary stockpiles on the south without screening.

39
40 Mr. Randol stated that he does not have a problem with it. He said that the petitioners indicated that they
41 bring in the temporary stockpiles on the weekends and then dispose of it the following week.

- 1
2 Mr. Hall stated that the understanding would be that at the end of the season no stockpiles may be present on
3 the property without screening.
4
5 Ms. Schultz stated that she understands.
6
7 Mr. Schultz stated that the bad thing about being at this location is that it is not unusual for someone to
8 dump stockpiles where they are not supposed to be dumped. He said that he still takes care of the disposal of
9 the stockpile because it is on their property.
10
11 Mr. Hall stated that the Board might be willing to re-advertise the case but that will require the petitioners to
12 come back.
13
14 Mr. DiNovo stated that it seems that the stockpile storage is an issue within the City of Urbana's ETJ. He
15 asked if staff could get any expression or views from the City of Urbana regarding this issue.
16
17 Mr. Hall stated that he would agree that outdoor screening is one of staff's tougher enforcement issues in that
18 area. He said that staff sent notice to the City of Urbana regarding this case and no comments were received.
19
20 Mr. DiNovo stated that if no protest was received from the City of Urbana then the issue is silent.
21
22 Mr. Hall stated that there are some issues which appear to merely be outdoor storage issues in that part of the
23 County and there are a lot more difficult issues which staff has wrestled with at a staff level.
24
25 Mr. DiNovo stated that he is not making objections to anything but was just thinking that this is something
26 that is more common within the City of Urbana's ETJ and he is surprised that they did not voice an opinion.
27
28 Mr. Hall stated that staff received no comments from the City of Urbana but they are one municipality who
29 does not hesitate in sharing their concerns with staff.
30
31 Ms. Griest asked if the temporary storage always consists of recyclable materials used in the operation or is it
32 brush, gravel or ground asphalt.
33
34 Ms. Schultz stated that the material is from a ripped out driveway or road and they have to stockpile it on the
35 property because the recycling plant is not open on the weekends. She said that the stockpile mainly consists
36 of asphalt and concrete.
37
38 Ms. Griest stated that she has no objection to a temporary stockpile as long as the stockpile is not there year
39 around. She said that perhaps the Board could propose a special condition regarding the temporary stockpile.
40
41 Mr. Randol stated that the petitioners easily have room inside the fenced area to place the recyclable

1 materials that are compiled on the weekends.

2

3 Mr. Schultz stated yes.

4

5 Mr. Randol asked if the temporary stockpile could be placed in that area to prevent other people from
6 dumping on the property. He said that many times people see that a pile has already been started so they
7 decide that they can just add to it. He said that the petitioners would not be under the gun so fast to get rid of
8 the temporary stockpile if they placed it in the location that is already fenced.

9

10 Mr. Schultz stated that the stockpile is located outside of the fence but if he has to go to the trouble of
11 installing a fence he will have S & K Fence Company install the new fence on the other property line
12 therefore making them 100 feet from that property line.

13

14 Ms. Griest stated that the stockpile would not be 100 feet from the property line but would be inside the
15 fence.

16

17 Mr. Schultz stated yes, the stockpile would be inside of the fenced area. He said that if he moves the fence
18 there will be more than enough room and the fence with the green slats would be on the other side of the
19 stockpile.

20

21 Mr. Randol stated that if the petitioners return before this Board with a complete site plan, the Board could
22 place stipulations for completion in 90 days so that the petitioners do not feel like they are under the gun
23 during their busiest time of the year.

24

25 Mr. Schultz stated that he appreciates the Board's consideration.

26

27 Mr. Hall stated that the site plan should indicate the petitioner's decisions regarding whether they are going
28 to keep the vehicles 5 feet from the north property line, move the fence down around the south stockpiles or
29 add new fence with the slats to the middle of site, etc. He said that when all of these decisions are made the
30 petitioners can submit the site plan to staff for review and staff can prepare the new legal advertisement.

31

32 Mr. Schultz stated that he would appreciate it if the Board could continue the hearing to July 14th.

33

34 Mr. Randol stated that continuing the case to the July 14th meeting would give the petitioners more time to
35 prepare the site plan rather than rushing around.

36

37 **Mr. Randol moved, seconded by Ms. Griest to continue Case 823-S-15 to the July 14, 2016, meeting.**
38 **The motion carried by voice vote.**

39

40 Mr. Hall informed the petitioners that staff will be in touch with them regarding the new site plan.

41

1
2 **Case 826-V-16** Petitioner: **Rodney and Ellen Vanous** Request: **Authorize the following variance in the**
3 **AG-2, Agriculture Zoning District: A detached shed with a rear yard of 2 feet 6 inches in lieu of the**
4 **minimum 10 feet for accessory structures.** Location: **Lot 34 of the Willowdale 2nd Subdivision in**
5 **Section 11 of St. Joseph Township and commonly known as the residence at 1699 Willow Park St, St.**
6 **Joseph, Illinois.**

7
8 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
9 witness register for that public hearing. She reminded the audience that when they sign the witness register
10 they are signing an oath.

11
12 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
13 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
14 hands for those who would like to cross examine and each person will be called upon. She requested that
15 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
16 those who desire to cross examine are not required to sign the witness register but are requested to clearly
17 state their name before asking any questions. She noted that no new testimony is to be given during the
18 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
19 exempt from cross examination.

20
21 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.

22
23 Mr. Rodney Vanous, who resides at 1699 Willow Park St, St. Joseph, asked if the 10 foot requirement is due
24 to the need for access to the utilities, if required.

25
26 Mr. Hall stated yes, that is the purpose of the requirement.

27
28 Mr. Vanous stated that the Zoning Ordinance was adopted in 1973 and the shed was built after that time. He
29 said that it appears that the existing shed was built in violation of the Zoning Ordinance when it was built by
30 the previous owners. He said that he desires to replace the old shed with a new shed and there will be two
31 feet added to both sides. He said that staff asked him if he could relocate the shed but he discussed two
32 issues with Ms. Chavarria. He said that the site plan indicates that the leach field is along one side of the
33 shed and the dotted line on the diagram indicates that it floods very easily on the property. He said that he
34 has received letters of support from the neighbors to the south and west and he submitted those letters to Ms.
35 Chavarria. He said that when J.U.L.I.E. flags the lot for any activity they never place any flags in the
36 easement area. He said that granting the variance will not be injurious to the neighborhood. He said that if
37 he placed the shed on the north side of his property it would block the view of the traffic coming from
38 County Road 1700N. He said that the old shed already existed on the property and the only thing that he
39 wants to do is replace it with a new shed. He said that the shed was constructed in the 70's and it has never
40 been a problem with the neighborhood before so he does not see why a new shed would be a problem now.
41 He said that he really has no room to work in relocating the shed and after checking with professionals he

1 was told that he should never construct anything on the leach field.

2

3 Ms. Capel asked the Board if there were any questions for Mr. Vanous.

4

5 Ms. Lee asked staff if the shed is located in the R-1 or AG-2 District.

6

7 Mr. Hall stated that the shed is technically located within the residential portion which has a side yard of 5
8 feet but the lot overall is primarily AG-2. He said that the case was advertised with the side yard for the AG-
9 2 District but since it is in the R-1 District it is only a variance of 2 feet 6 inches in lieu of the minimum
10 required 5 feet for accessory structures. He said that staff tries to be as conservative as possible in the legal
11 advertisement so that the case does not have to be re-advertised and in case a neighbor was concerned about
12 this staff was being as restrictive as possible. He said that staff has not received any calls against this
13 variance and there are no outstanding issues with this request.

14

15 Mr. DiNovo stated that there are discrepancies between the GIS parcel layer and what is drawn on the
16 adopted zoning map. He said that given that the subdivision was platted in 1972, when the zoning map was
17 finalized, it would not be unreasonable in his estimation to interpret the zoning map to be such that the R-1
18 District corresponds to the east line of the subdivision.

19

20 Mr. Vanous asked staff why their lot does have two different zoning designations.

21

22 Mr. Hall stated that Mr. Vanous does have a valid question. He said that it goes back to when the
23 subdivision was platted, prior to the adoption of the Zoning Ordinance. He said that to be fair, the Zoning
24 Ordinance had been under development for some time prior to its adoption on October 10, 1973. He said
25 that for some reason, the lines in the subdivision did not match, which is why Ms. Chavarria asked the
26 petitioner if he could possibly get within 5 feet from the lot line so no variance would be required, but Mr.
27 Vanous had reasons why he could not be 5 feet from the lot line. He said that this is one of the problems with
28 the Zoning Ordinance and it is the rule until it is changed therefore this is why there is a variance process
29 available.

30

31 Mr. DiNovo stated that at the time when the zoning map was prepared there was limited information which
32 is why the Zoning Ordinance provides for granting interpretations about the map.

33

34 Mr. Vanous asked if the zoning for his lot could be changed in the future.

35

36 Mr. Hall stated that the zoning could be changed but it is not an easy process, in fact, the variance is the
37 easiest way to accommodate the property owner.

38

39 Mr. DiNovo asked Mr. Vanous if he knew where the southwest property pin is located.

40

41 Mr. Vanous stated that there is not a property pin but there is a cement stone dividing the properties. He said

1 that the pin may be underneath the cement stone.

2
3 Ms. Chavarria stated that two new Documents of Record were submitted tonight by Mr. Vanous. She said
4 that new item #3 is a letter from the neighbor to the west and new item #4 is a letter from the neighbor to the
5 south and both letters voice support of the variance request. She said that Mr. Ribbe, neighbor to the west,
6 requested that the County review the boundary lines for the zoning of the property.

7
8 Mr. DiNovo asked Mr. Vanous if the new shed will be built on a slab or skids.

9
10 Mr. Vanous stated that the new shed will be built on wooden skids so that it can be moved if required.

11
12 Ms. Capel asked the Board if there were any additional questions for Mr. Vanous and there were none.

13
14 Ms. Capel asked the audience if anyone desired to present testimony regarding this case and there was no
15 one.

16
17 Ms. Capel asked the audience if anyone desired to cross examine Mr. Vanous and there was no one.

18
19 Ms. Capel closed the witness register.

20
21 **Finding of Fact for Case 826-V-16:**

22
23 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
24 826-V-16 held on April14, 2016, 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. Randol 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 of the location of the leach field and the flood area of the lot.

- 33
34 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
35 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
36 **the land or structure or construction.**

37
38 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
39 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
40 or construction because of the location of the leach field and the flood area of the lot.

41

1 Ms. Capel stated that the property owner would be unable to replace the old shed.

2

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

5

6 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
7 result from actions of the applicant because the property was already developed when the petitioner
8 purchased the property.

9

10 Ms. Griest stated that the lot is only .37 acres in size.

11

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

14

15 Ms. Griest stated that the requested variance IS in harmony with the general purpose and intent of the
16 Ordinance because two letters of support have been received from the two adjoining neighbors.

17

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

20

21 Ms. Griest stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
22 detrimental to the public health, safety, or welfare because there is adequate separation from other structures
23 for air movement and there are no known utilities in the area.

24

25 Mr. DiNovo stated that the structure will be movable.

26

27 Ms. Capel stated that no comments have been received from the fire protection district.

28

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

31

32 Ms. Griest stated that the requested variance IS the minimum variation that will make possible the
33 reasonable use of the land/structure.

34

35 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
36 Fact as amended.

37

38 **Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record and**
39 **Findings of Fact as amended. The motion carried by voice vote.**

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41 Ms. Capel entertained a motion to move the Final Determination for Case 826-V-16.

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Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 826-V-16. The motion carried by voice vote.

Ms. Capel informed the petitioners that currently the Board has two absent Board members therefore it is at their discretion to either continue Case 826-V-16 until a full Board is present or request that the present Board move to the Final Determination. She informed the petitioners that four affirmative votes are required for approval.

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

Final Determination for Case 826-V-16:

Ms. Griest moved, seconded by Mr. Randol 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 pursuant to the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 826-V-16 is hereby GRANTED to the petitioners Rodney and Ellen Vanous to authorize the following variance in the AG-2 Agriculture Zoning District:

A detached shed with a rear yard of 2 feet 6 inches in lieu of the minimum required 10 feet for accessory structures.

Ms. Capel requested a roll call vote:

The roll was called as follows:

Lee – yes	Passalacqua – absent	Randol – yes
Thorsland – absent	Griest – yes	DiNovo – yes
Capel – yes		

Mr. Hall informed the petitioners that they have received an approval of their request and staff will send out the appropriate paperwork as soon as possible. He said that since the new shed is less than 150 square feet no Zoning Use Permit is required for its construction.

7. Staff Report

None

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8. Other Business

A. Review of Docket

Mr. Hall stated that the County will be faced with new challenges within the coming year in regards to compliance with the stormwater program and if the ZBA Docket gets any more than the current 14 pending cases the Board may need to stretch these cases out, taking more time. He said that within the next year it would be nice to have some of Ms. Chavarria’s time to work on the MS4 Program but it will not be her main responsibility that will still be the ZBA. He said that during the summer we may have to use more of Ms. Chavarria’s time than what we actually wanted to do. He said that Ms. Chavarria’s main responsibility is and will always be to the ZBA but we have a really challenging time right now with our stormwater program. He said the EPA has politely asked the County when they are going to get things done and thus far the County has not received a violation notice. He said that he plans to discuss this issue with the Environment and Land Use Committee.

Ms. Lee noted that her anticipated hand surgery will be on June 1st but nothing has been scheduled yet.

Ms. Griest reminded staff that she will be absent from the May 12th meeting.

Mr. DiNovo reminded staff that he will be absent from the May 26th meeting.

Ms. Berry stated that Mr. Thorsland will also be absent from the May 26th meeting.

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

None

10. Adjournment

Ms. Capel entertained a motion to adjourn the meeting.

Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:06 p.m.

Respectfully submitted

ZBA

AS APPROVED JUNE 30, 2016

4/14/16

1 Secretary of Zoning Board of Appeals