

**Brookens Administrative  
Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

## **CASE 863-V-16**

*SUPPLEMENTAL MEMORANDUM #1*  
*April 27, 2017*

**Petitioners: Scott Blakeney, Derek Wagner, and Tyler Wakefield**

**Request: Authorize the following Variance in the R-1 Single Family Residence Zoning District for an existing residence and existing garage and a proposed patio and a proposed detached shed and unauthorized earth fill, all located in an existing storm water drainage easement:**

**Part A. Authorize a variance from Section 4.2.2D. of the Champaign County Zoning Ordinance that no use shall be established, construction undertaken, nor fill placed in any recorded drainage or utility easement.**

**Part B. Authorize the following Variance from the Champaign County Storm Water Management and Erosion Control Ordinance:**

- 1. Authorize a variance from Section 6.1 A. requiring that no fill shall be placed nor grade altered in such a manner to create a nuisance.**
- 2. Authorize a variance from Section 6.3 G. prohibiting the destruction or obstruction of the operation of a storm water drainage system or storm water storage area.**
- 3. Authorize a variance from Section 9.1 E. for a freeboard of 0 feet in lieu of a freeboard of one foot.**
- 4. Authorize a variance from Section 9.1 C.1. for a release rate for the 50-year precipitation event far in excess of the maximum otherwise allowed that would be no greater than the rate of discharge from a 5-year return period precipitation event and an assumed row crop agricultural land cover.**
- 5. Authorize a variance from Section 9.1 C.2. for a release rate for frequent storm events that exceeds the maximum otherwise allowed that would be no greater than the rate of discharge from 1-year, 2-year, and 5-year return period precipitation events and an assumed row crop agricultural land cover.**

**Subject Property: Lot 100 in Rolling Hills Estates V Subdivision in Section 12, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, and commonly known as the residence at 2312 Pheasant Ridge Road, Mahomet.**

**Site Area: 16,280 square feet (0.37 acre)**

**Time Schedule for Development: Existing and in use**

**Prepared by: Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **STATUS**

An email from neighbor Kevin Schwenk was received on April 21, 2017. Mr. Schwenk is opposed to the variances requested for the subject property.

An email from Tom Overmyer, PE, President of Phoenix Consulting Engineers, was received on April 26, 2017. Mr. Overmyer recommends additional drainage analysis prior to making a determination on the variance.

## **ATTACHMENTS**

- A Email from neighbor Kevin Schwenk was receive on April 21, 2017, with attachments:
- 1 Invoice dated June 3, 1999 from Raup Construction, Inc.
  - 2 Invoice dated July 20, 1999 from Raup Construction, Inc.
  - 3 Invoice dated June 15, 1999 from Turner's Lawn Grading
  - 4 Undated bid from Turner's Lawn Grading for west side ditch
  - 5 Undated bid from Turner's Lawn Grading for east side of drive
  - 6 Undated bid from Turner's Lawn Grading for cleaning out trees behind house
  - 7 Invoice dated July 13, 2010 from Jackson Excavating for rip rap delivery
  - 8 2 aerial photos of subject property, undated
  - 9 Signed note from Scott Blakeney to Kevin Schwenk, undated
- B Email from Tom Overmyer, PE, President of Phoenix Consulting Engineers, received on April 26, 2017

**Susan Burgstrom**

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**From:** Kevin Schwenk <kevin@deansblueprint.com>  
**Sent:** Thursday, April 20, 2017 7:20 PM  
**To:** John Hall  
**Cc:** Susan Burgstrom  
**Subject:** Re: Mahomet Drainage  
**Attachments:** BLAKENEY\_NOTE\_5-5-16.pdf;  
SCHWENK\_INVOICES\_EROSION\_CONTROL\_RIDGE\_CREEK\_LOT-4.pdf; Blakeney\_1.pdf;  
Blakeney\_2.pdf

Hello John,

We received the Public Notice for the Blakeney's SIX zoning variances that will be petitioned April 27, 2017. It looks to me that SIX laws have been broken! Correct me if I'm wrong. Hopefully the County has a good lawyer and engineer on their side because Blakeney is dug in like a Groundhog!

I've attached for the record my receipts for previous erosion control work on my Lot-4 property. We had 110.5 tons of rip rap hauled in at our expense of \$8,900.00. This work was done prior to Blakeney filling the retention area. Our subdivision had experienced large rains in 1999, and the amount of water that flowed from Rolling Hills Sub can be tremendous. The Shallenberger's 9' high Allen-Block retaining wall eventually collapsed from the amount of water that flowed between our properties.

Have also attached aerial photos that clearly show where Blakeney completely filled the retention pond and area surrounding their whole property. Deliberately and intentionally done without prior professional engineering!

Also attached is the note written and signed by Scott Blakeney saying that he would, "Do whatever it takes to take care of any damages".

The note was stuck in my front door after he or someone he hired cut down a 25' section of privacy landscaping. Whatever it takes must have meant to him 2/3's, because that's all he would pay for reimbursement of damages when presented with the invoice from the landscape company I had to hire. I just want the County Zoning Board to be aware that Scott Blakeney will be all nice and shake hands, say he wants to be a good neighbor and comply with your ordinances but, in fact, "He will do whatever it takes to keep that fill dirt in there"!

Please advise us if we would be prudent in having legal council present at this public hearing.

Unfortunately, I have a prior business commitment out of state next week and will be unable to attend, although my wife and concerned, affected, adjacent property owners will be present to oppose these variances.

Thank you,

Kevin D. Schwenk, Pres.  
Dean's Superior Blueprint, Inc.  
404 E. University Ave.

**RECEIVED**  
APR 21 2017  
CHAMPAIGN CO. P & Z DEPARTMENT

Raup Construction, Inc.

P.O. Box 45  
Thomasboro, IL 61878

# Invoice

DATE	INVOICE #
6/3/99	R99021

<b>BILL TO</b>
Kevin Schwenk 1207 N Charter Oak Circle Mahomet, IL 61853

RECEIVED

APR 21 2017

CHAMPAIGN CO. P & Z DEPARTMENT

P.O. NO.	TERMS	PROJECT
	Net 15	

QUANTITY	DESCRIPTION	RATE	AMOUNT
<i>West side</i>	14.5 tons rock @ 12.00 per ton	174.00	174.00
	14 tons rock @ 12.00 per ton	168.00	168.00
<i>East side</i>	15 tons rock @ 12.00 per ton	180.00	180.00
	14.5 tons rock @ 12.00 per ton	174.00	174.00
	14.5 tons rock @ 12.00 per ton	174.00	174.00
			528.00
			<i>Half is 264.</i>
			<i>pd 6-7</i>
		<b>Total</b>	<b>\$870.00</b>



**CHARLES RAUP**  
**P.O. BOX 45**  
**THOMASBORO, IL 61878**

# INVOICE

**Invoice No:**  
**Date: 07-20-99**  
**TERMS: NET 15**

**To: Kevin Schwenk**  
**1207 N Charter Oak Circle**  
**Mahomet, IL 61853**

**Ship To:**

**RECEIVED**

**APR 21 2017**

**CHAMPAIGN CO. P & Z DEPARTMENT**

QUANTITY	DESCRIPTION	RATE	AMOUNT
23.8	Tons rip rap	15.70	373.66
1	Tandem load black dirt	150.00	150.00
<b>TOTAL DUE</b>			<b>523.66</b>

*pd. 7-20*

**Make checks payable to: Charles Raup**  
**If you have any questions concerning this invoice, call (217) 643-2997**

**THANK YOU FOR YOUR BUSINESS!**











RECEIVED  
APR 21 2017  
CHAMPAIGN CO. P & Z DEPARTMENT



2312 Pheasant Ridge Rd

RECEIVED

APR 21 2017

CHAMPAIGN CO. P & Z DEPARTMENT

This is your neighbor

Scott could you please

call me at 217-714-2490

Want to do whatever

it takes to take care  
of any damages

Very Sorry

Scott  
Blakenev

RECEIVED

APR 21 2017

CHAMPAIGN CO. P & Z DEPARTMENT

**Susan Burgstrom**

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**From:** Tom Overmyer <tovermyer@phoenix-ce.com>  
**Sent:** Wednesday, April 26, 2017 8:32 AM  
**To:** Susan Burgstrom  
**Cc:** Eric PCE  
**Subject:** Re: Blakeney

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

RECEIVED  
APR 26 2017  
CHAMPAIGN CO P & Z DEPARTMENT

Susan

We have discussed the items with Scott and he has authorized us to analyze the items presented in my earlier email. We will need 30 days to perform the work and submit to the County for comments.

Thanks

Tom

**Thomas L Overmyer, PE**

President  
Phoenix Consulting Engineers, Ltd  
421 E Main Street, PO Box 1187  
Mahomet IL 61853  
P 217-586-1803 Ext 1 : C 217-840-7235

On Wed, Apr 26, 2017 at 8:26 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Thanks Tom and Eric.

John Hall responded with the following: I don't think they need to be there but what would be helpful are the following:

- (1) an email from Tom stating that their client has in fact authorized them to proceed with an analysis of the changes to be made; and
- (2) an estimate from Tom for when he could get a revised proposal to us for review so that Mr. Blakeney and the Board will know how long the case will need to be continued.

Thanks,  
Susan

**Susan Burgstrom, AICP, PCED**  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: [217-384-3708](tel:217-384-3708)  
F: [217-819-4021](tel:217-819-4021)

**From:** Tom Overmyer [mailto:[tovermyer@phoenix-ce.com](mailto:tovermyer@phoenix-ce.com)]  
**Sent:** Wednesday, April 26, 2017 8:06 AM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Cc:** Eric PCE <[ehewitt@phoenix-ce.com](mailto:ehewitt@phoenix-ce.com)>  
**Subject:** Blakeney

Susan

We have reviewed John's email regarding other options that need to be evaluated prior to making a determination on the variance. We agree with John's recommendation to delay action on the variance until other options have been analyzed by Phoenix Consulting Engineers and reviewed by the County officials.

At our meeting today we discussed the following items:

1. Raising the overflow berm to create more storage volume. The as-built top of berm elevation appears to be lower than the original design.
2. Remove the culvert installed in the side yard drainage way.
3. Remove some fill material and regrade to reestablish some of the storage volume.
4. Relocate the portable shed to the original agreed location.
5. Possible landscape retaining walls to create lawn terracing to create more storage volume.

Our goal is to limit flows going over the overflow berm and provide maximum storage volume while allowing the owner the use of his yard in a joyful manner.

Please let us know if we should attend the meeting on the 27th to provide support for delaying any action.

Thanks  
Tom

**Thomas L Overmyer, PE**

President  
Phoenix Consulting Engineers, Ltd  
421 E Main Street, PO Box 1187  
Mahomet IL 61853  
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