



CASE NO. 792-V-14 REACTIVATED
SUPPLEMENTAL MEMORANDUM #12
May 18, 2017

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 74 parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4.1 of the Zoning Ordinance.

Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces (including 27 onsite and 47 offsite parking spaces) as required by Section 7.4 of the Zoning Ordinance.

Part C. Variance for allowing at least 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet per Section 7.4.1.B. of the Zoning Ordinance.

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Ct, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

At the March 16, 2017 public hearing:

- P&Z Staff distributed a Privileged and Confidential Memorandum dated March 7, 2017, from the State's Attorney's Office to the Board. The Board had requested the State's Attorney's opinion regarding the Board requiring the curb replacement as a condition of approval of the variances. Mr. Hall stated that the State's Attorney has indicated that the curb replacement seems to be a logical part of this case and the replacement of the curb could be included as a

special condition of approval. He said that the State's Attorney recommended that the Board makes sure that the findings are very clear as to why the curb is related to those findings.

- Mr. Frazier testified regarding progress made on the case; see the Petitioner's Testimony section below for a summary.
- Public comments were received from Lloyd Allen, Keith Padgett, Caleb Burton, and Steve Koester; see the Public Comments section below for a summary.

On May 8, 2017, Susan Burgstrom drove by the property and noted no changes to the exterior structure, parking, curb replacement and the vegetable oil storage tanks since the March 16, 2017, public hearing.

CURB REPLACEMENT STATUS

The following evidence will be added to the Summary of Evidence under Item 7.D.:

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - D. Regarding Part C of the Variance as originally advertised, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
 - (6) At the March 16, 2017, public hearing, Mr. Frazier submitted a curb replacement plan for 310 Tiffany Court, which he has testified he is willing to replace.
 - a. On March 17, 2017, Susan Burgstrom emailed the curb replacement plan to individuals who would be involved in approving the curb design and construction. She copied the email to P&Z Staff; Mr. Frazier; Mr. Frazier's attorney Kent Follmer; Mr. Frazier's engineer Eric Hewitt; Champaign County Highway Engineer Jeff Blue, and Champaign Township Highway Commissioner Keith Padgett.
 - b. On March 20, 2017, Jeff Blue, County Highway Engineer, sent an email to the same people stating that the curb replacement plan meets the County Standards.
 - c. On March 20, 2017, Champaign Township Highway Commissioner Keith Padgett sent an email stating that the curb replacement plan was what was necessary to receive Champaign County Engineering approval, and that Mr. Frazier's approved contractor would need to send notice for request of inspection time and date to Champaign County.
 - d. On March 21, 2017, Susan Burgstrom asked Keith Padgett for clarification on what a contractor needs to be "approved". Mr. Padgett responded, "The contractor chosen by Mr. Frazier can be approved thru the Champaign Township Road District office by the Highway Commissioner Keith Padgett. Champaign County Engineering has given that approval to the Township. When Mr. Frazier hires the contractor, he should call 217-352-0321 and make contact with Highway Commissioner. Need to make sure they have proper equipment for project."

- e. On March 22, 2017, Susan Burgstrom sent an email to Mr. Frazier and Mr. Follmer stating, "The contractor you choose for the curb replacement must be approved by Champaign Township Highway Commissioner. Champaign County Engineering has given that approval authority to the Township. You can contact him at the Champaign Township Road District office: Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, IL 61822, 217-352-0321."
- f. On March 22, 2017, Zoning Administrator John Hall requested that the curb replacement plan include a statement that the replacement will be consistent with standard IDOT specifications. In an email received March 24, 2017, Eric Hewitt, Engineer with Phoenix Consulting Engineers, submitted the revised curb replacement plan with the requested statement.
- g. On March 24, 2017, Susan Burgstrom received an email from Keith Padgett that the Township gave its ok for the curb replacement plan as revised. The email string also included approval of the revision by Jeff Blue.
- h. At a site visit on May 9, 2017, Susan Burgstrom noted that no changes had been made to the curb.

PETITIONER'S TESTIMONY FROM MARCH 30, 2017 PUBLIC HEARING

The following testimony will be added to the Summary of Evidence under Item 9.E.(14):

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:

E. At the June 30, 2016, public hearing, Mr. Frazier submitted a signed contract between Isaacs Properties and Frazier Properties for the purchase of a portion of the property located north of the subject property.

(14) At the March 16, 2017, public hearing, Mr. Frazier testified the following:

- a. There is a plan and a contract that has been submitted to the City of Champaign. He said that the City of Champaign has approved the plan and it is not hypothetical, and they are moving forward. He said that he has spent \$6,000 for engineering costs for the plan and has had costs with the City of Champaign, so this is not hypothetical, but is reality and it isn't something that he has made up in his mind. He said that he has a \$40,000 contract to purchase the property and the property owner is going to want his money and Mr. Frazier is willing to pay him the money, but he cannot pay the property owner until the City of Champaign has this finished. He said that John Hall probably has a better idea than anyone as to what it takes the City of Champaign to do what needs to be done. He said that once everything is finalized, the property becomes his property and it is attached to his existing property. He said that he is not trying to slow things down, but is waiting on the City of Champaign to do what they need to do in their time, not his time.

- b. Mr. Fell is his architect and Eric Hewitt with Phoenix Engineers is his engineer. He said that he has produced drawings from the architect for handicap accessibility and he is waiting for approval from the Board for those plans. He said that Mr. Hall has placed stipulations in the approval, and once the ramp is approved the construction can begin as long as it meets all accessible and construction requirements. He said that he could not begin construction of the accessible ramp until someone tells him to go do it because it meets all of the applicable requirements. He said that he has measured everything and it appears that everything will work, but he cannot start the project until he receives approval to do so.
- c. He is agreeable in replacing the curb and Ms. Burgstrom should have an email from Eric Hewitt regarding the curb replacement plan.
- d. He is purchasing the property regardless of the outcome of this case. He said the property would be his and if it is deemed not suitable, it will still be his property.

PROPERTY ACQUISITION STATUS

The following evidence will be added to the Summary of Evidence under Item 9.E.(15):

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- E. At the June 30, 2016, public hearing, Mr. Frazier submitted a signed contract between Isaacs Properties and Frazier Properties for the purchase of a portion of the property located north of the subject property.
- (15) On May 1, 2017, Susan Burgstrom emailed Mr. Frazier and Mr. Follmer requesting an update on any changes/progress. She copied Jeff Blue, Eric Hewitt, Keith Padgett, and City of Champaign Planner Jeff Marino.
- a. On May 2, 2017, City of Champaign Planner Eric Van Buskirk emailed Susan Burgstrom with an update on the minor subdivision approval for the north lot. The City is waiting for information from the petitioner so they can record the minor plat.
- b. On May 3, 2017, Kent Follmer, Attorney for Mr. Frazier, emailed Susan Burgstrom, John Hall, Robert Frazier, and Eric Hewitt the following update: "I spoke with Eric H., Robert F. and Brian Schurter. I have reviewed emails between Eric, Andrew and the city. The city is now requiring a fire separation code evaluation in regard to approval of the plat; the drawings are being revised again due to the ten foot rule. Robert is getting bids for the curb work. I previously wrote a contract to purchase the land from Isaacs after obtaining the legal description of the tract Robert is buying and emailed that to Issac's lawyer Brian Schurter. I met with Brian in my office. Brian wants to make changes to the contract to protect his client. I have been waiting on Brian for several days now. The contract will be contingent upon city approval, and I am contemplating other contingencies

to protect Robert. We will get this moving. Some cases are just difficult. This is one. More info will follow. Thanks for your patience.”

PUBLIC COMMENTS FROM MARCH 30, 2017 PUBLIC HEARING

The following will be entered into the Summary of Evidence under Item 11.K.:

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

K. Several adjacent business owners testified at the March 16, 2017, public hearing; the following is a summary of their comments:

- (1) Mr. Lloyd Allen, 3222 Stoneybrook Drive, Champaign, stated that it is hard to believe that the Board is considering out of county parking, because the Board has no rules set up on how they will ever handle it. He said that Mr. Frazier currently rents storage spaces for a new tenant’s business and since there are so many employees who show up for work, they have to rent space from the property owner to the south to park their vehicles. He said that this case has gone on way too long and he believes that the Board has been too forgiving, because the Board has repeatedly asked for things to be done and it has taken two years for us to get to this point. He said that upon numerous times, Mr. Frazier has indicated that he will remove the oil tanks, but they are still there today.
- (2) Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his office is located at 3900 Kearns Road, Champaign. He said that in relation to the curb, he is not in constant contact but is in regular contact with Jeff Blue, Champaign County Highway Engineer. Mr. Padgett said that Mr. Blue informed him that his township’s project review might have to be put on hold due to the County having their own projects going. Mr. Padgett said that he believes that the County Engineer will be able to have someone inspect the curb as it is replaced. He said that someone with the County Engineer will review and approve the plan and the contractor for the replacement of the curb so that a good result is achieved in the end. Mr. Padgett stated that the season for pouring concrete has actually already started. He said that we do not want to get into a situation again where we are entering November; therefore, he would like to have the curb replaced as soon as possible and not later than summer.
- (3) Mr. Caleb Burton, who resides at 2063 Shady Rest Road, Monticello, stated that Mr. Allen pretty much touched on everything. He said that this case has been going on for over two years and each time when Mr. Frazier shows up at a meeting, he is given a long laundry list for things to submit to the Board. He said that Mr. Frazier is good at providing just enough information to satisfy the Board and they kick the can to continuing the case even longer. Mr. Burton stated that there is no inclination that there is a contract in place and the City of Champaign Manager indicated that he is speaking directly with Mr. Isaacs regarding his property and it appears that everything is contingent upon whether Mr. Frazier buys the property. Mr. Burton stated that Mr. Frazier has submitted draft or preliminary drawings and it is easy to have someone prepare those drafts,

but the Board needs something with teeth. He said that at one time Andrew Fell was involved, but there has not been any additional information submitted which indicates that he is still involved. Mr. Burton stated that Mr. Frazier illegally built the front porch addition, which requires a variance for setback, and a variance is required for parking. He said that Mr. Frazier currently has two tenants that are leasing an area from Mr. Burton and Mr. Koester, because there is not enough room on Mr. Frazier's property for parking.

- (4) Mr. Steve Koester, who resides at 1919 N. Old Route 47, Monticello, and owns the property located at 305 Tiffany Court, Champaign, stated that he wonders how we ended up with an individual who has been given so much latitude. He said that the packet indicates that Mr. Frazier has hired an attorney who has promised to starting coming to the meetings if a continuance is granted tonight. Mr. Koester asked where the attorney was two years ago when this case began. Mr. Koester stated that there has to be a time when reasonable people draw a line and states that this has to end. He said that he and Mr. Burton attend the meetings and they drive from Monticello to Urbana time after time to attend the meetings. He said that Mr. Frazier has been late for meetings and has even missed meetings, and he has spoken harshly to the Board, yet the Board grants continuance after continuance for this case. He urged the Board to take a vote, yea or nay, but get this case resolved. He thanked the Board for their time and their service.

OUTSTANDING CONSIDERATIONS

Staff believes that there is sufficient evidence to make a determination on all parts of the requested variance, contingent upon approval of the proposed special conditions listed below. More specifically, the conditions establish deadlines for the following:

- purchase of the adjacent property;
- subdivision plat approval by the City of Champaign;
- curb replacement;
- applying for required permits through the P&Z Department for previous unpermitted construction and proposed changes to the property;
- compliance with Illinois Accessibility Code requirements; and
- required Change of Use Permits for the facility's uses.

SPECIAL CONDITIONS

Proposed Special Conditions have not changed since the March 16, 2017, public hearing, with the exceptions of requiring a copy of the executed contract signed by both parties be submitted to the Zoning Administrator in condition A(3), and adding the Curb Replacement Plan to the approved Site Plan in condition H.

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required 74 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was**

approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.

- (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.
- (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.
- (4) Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. **Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:**

- (1) **The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the**

Champaign Township Highway Commissioner and the Champaign County Engineer.

- (2) **No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.**
- (3) **The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.**
- (4) **The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.**
- (5) **The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.**
- (6) **The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**
- (7) **Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
- (1) The Change of Use Permit shall be for the following:**
 - a. any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. all second floor areas; and**
 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. replacement of the street curb on Tiffany Court; and**
 - e. the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. the establishment of additional parking provided on the property to the north.**
 - (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
 - (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.**
 - (4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.**
 - (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.**
 - (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:**
 - a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and**
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of**

- that written acceptance shall have been submitted to the Zoning Administrator; and
- c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.

- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.

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

That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. Regarding rental space on the subject property:

- (1) Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.
- (2) Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

G. The Petitioner shall not allow on-street parking on Tiffany Court.

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

That local parking regulations are obeyed.

H. The Site Plan received on <DATE> is the official site plan for approval in Case 792-V-14, and includes the following:

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)

- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- Curb Replacement Plan received March 24, 2017

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

ATTACHMENTS

- A Curb replacement plan for 310 Tiffany Court received via email from Mr. Frazier at the March 16, 2017 public hearing
- B Email with attached curb replacement plan from Susan Burgstrom sent March 17, 2017
- C Email from Jeff Blue, County Highway Engineer, received March 20, 2017
- D Email from Champaign Township Highway Commissioner Keith Padgett, received March 20, 2017
- E Email string between Susan Burgstrom and Keith Padgett dated March 21, 2017
- F Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated March 22, 2017
- G Email from Eric Hewitt Engineer with Phoenix Consulting Engineers, received March 24, 2017, with attachment:
 - Revised curb replacement plan
- H Email from Keith Padgett to Susan Burgstrom received March 24, 2017
- I Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated May 1, 2017
- J Email string between City of Champaign Planner Eric Van Buskirk and Susan Burgstrom dated May 2, 2017 through May 4, 2017
- K Email from Attorney Kent Follmer received May 3, 2017
- L Approved minutes from March 16, 2017 public hearing
- M Summary of Evidence, Findings of Fact and Final Determination dated May 18, 2017

Susan Burgstrom

From: Robert Frazier <lexillini@gmail.com>
Sent: Thursday, March 16, 2017 8:02 PM
To: Susan Burgstrom
Subject: Fwd: Curb replacement
Attachments: 15SUR050 - Curb Replacement Exhibit.pdf

Sent from my iPhone

Begin forwarded message:

RECEIVED

MAR 16 2017

CHAMPAIGN CO. P & Z DEPARTMENT

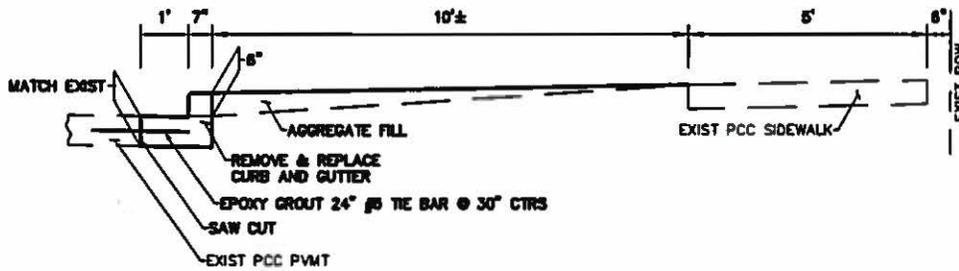
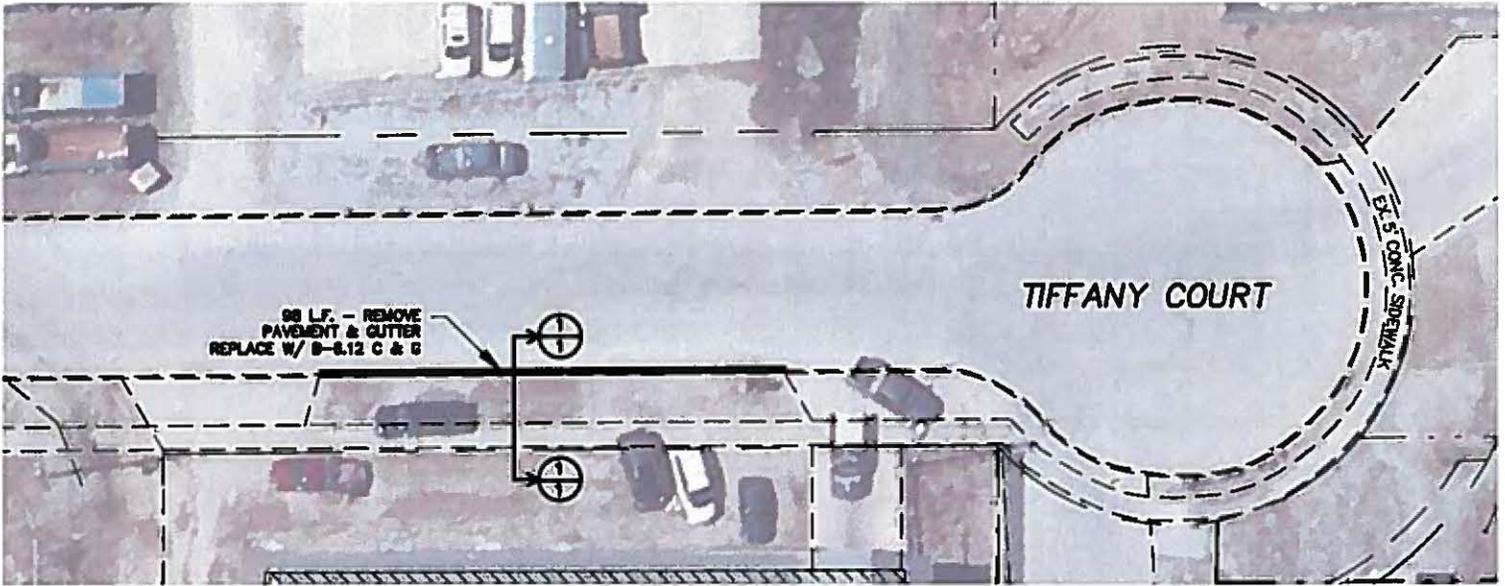
From: Eric Hewitt <ehewitt@phoenix-ce.com>
Date: March 16, 2017 at 11:05:52 AM CDT
To: Robert Frazier <lexillini@gmail.com>
Cc: Tom Overmyer <tovermyer@phoenix-ce.com>
Subject: Curb replacement

Robert,

We have prepared and are providing you with the necessary curb replacement drawing - see attached.

Let us know if you have nay questions.

Eric E. Hewitt, PLS
Phoenix Consulting Engineers, LTD
421 E. Main St., PO Box 1187
Mahomet, IL 61853
217-586-1803
217-840-9129 (cell)



CURB & GUTTER REPLACEMENT
SCALE: 1/8"=1'

RECEIVED

MAR 16 2017

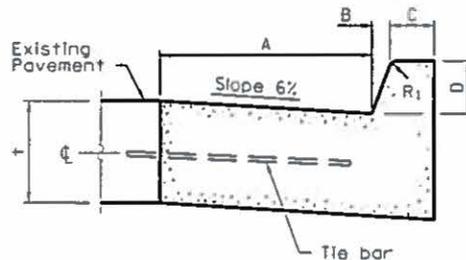
CHAMPAIGN CO P & Z DEPARTMENT

BARRIER CURB

IDOT HIGHWAY STANDARD 608001-06

TABLE OF DIMENSIONS
BARRIER CURB

| TYPE | A | B | C | D | R ₁ |
|-----------|-------|------|-------|-------|----------------|
| B-6.06 * | 6 | 1 | 6 | 6 | 1 |
| (B-15.15) | (150) | (25) | (150) | (150) | (25) |
| B-6.12 | 12 | 1 | 6 | 6 | 1 |
| (B-15.3) | (300) | (25) | (150) | (150) | (25) |
| B-6.18 | 18 | 1 | 6 | 6 | 1 |
| (B-15.45) | (450) | (25) | (150) | (150) | (25) |
| B-6.24 | 24 | 1 | 6 | 6 | 1 |
| (B-15.60) | (600) | (25) | (150) | (150) | (25) |
| B-9.12 | 12 | 2 | 5 | 9 | 1 |
| (B-22.30) | (300) | (50) | (125) | (225) | (25) |
| B-9.18 | 18 | 2 | 5 | 9 | 1 |
| (B-22.45) | (450) | (50) | (125) | (225) | (25) |
| B-9.24 | 24 | 2 | 5 | 9 | 1 |
| (B-22.60) | (600) | (50) | (125) | (225) | (25) |



GENERAL NOTES

The bottom slope of combination curb and gutter constructed adjacent to pcc pavement shall be the same slope as the subbase or 6% when subbase is omitted.

t = Thickness of pavement.

Longitudinal joint tie bars shall be No. 6 (No. 19) at 24 (600) centers in accordance with details for longitudinal construction joint shown on Standard 42000.

A minimum clearance of 2 (50) between the end of the tie bar and the back of the curb shall be maintained.

The dowel bars shown in construction joints will only be required for monolithic construction. See Standard 606301 for details of corner islands.

All dimensions are in inches (millimeters) unless otherwise shown.



Phoenix Consulting Engineers, Ltd.
Professional Design Firm No. 184.005835
421 E. Main Street • Mahomet, IL 61853
Ph 217-586-1803 • Fax 217-586-6757

CHAMPAIGN TOWNSHIP
CHAMPAIGN COUNTY

CURB REPLACEMENT PLAN

15SUR050

3/16/2017

Susan Burgstrom

From: Susan Burgstrom
Sent: Friday, March 17, 2017 7:37 AM
To: Frazier, R; Kent Follmer; Jeff Blue; Keith Padgett; Eric Hewitt (ehewitt@phoenix-ce.com)
Cc: John Hall; Connie Berry
Subject: 310 Tiffany Court curb replacement
Attachments: 15SUR050 - Curb Replacement Exhibit.pdf

Good morning everyone,

At last night's ZBA meeting, Mr. Frazier submitted the attached curb replacement plan for 310 Tiffany Court, which he has stated he is willing to replace. The purpose of this email is to start the conversation about the curb replacement design and start everyone on the same page. The Zoning Department really has no role in the approval and construction process from here, other than to be kept in the loop and to know when construction is complete. Mr. Frazier has been told that getting the curb replaced sooner rather than later would make his continued variance hearing less complicated.

One of the proposed special conditions of approval for his still undecided zoning variance case is the following:

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:**
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.**
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.**
 - (3) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.**
 - (4) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.**
 - (5) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.**
 - (6) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**

- (7) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

While the Zoning Department and ZBA cannot force Mr. Frazier to replace the curb, it is within ZBA's purview to include the above special condition of approval for consideration by the petitioner. The petitioner must agree to all special conditions or they cannot be included, but the case is not yet to the point of getting his agreement and finalizing the conditions. I just want to facilitate getting this aspect of the situation sorted out so that if Mr. Frazier desires, he can show some progress on this before his next hearing date, which is scheduled for May 25, 2017.

Mr. Frazier, I would appreciate updates on this process at your convenience.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Burgstrom

From: Jeff Blue
Sent: Monday, March 20, 2017 11:32 AM
To: Susan Burgstrom; Frazier, R; Kent Follmer; Keith Padgett; Eric Hewitt (ehewitt@phoenix-ce.com)
Cc: John Hall; Connie Berry
Subject: RE: 310 Tiffany Court curb replacement

RECEIVED

MAR 20 2017

CHAMPAIGN CO. P & Z DEPARTMENT

The attached curb replacement plan meets the County Standards.

Jeff Blue

From: Susan Burgstrom
Sent: Friday, March 17, 2017 7:37 AM
To: Frazier, R <lexillini@gmail.com>; Kent Follmer <kent@follmerlaw.com>; Jeff Blue <jblue@co.champaign.il.us>; Keith Padgett <highwaycommissioner@champaigntownship.com>; Eric Hewitt (ehewitt@phoenix-ce.com) <ehewitt@phoenix-ce.com>
Cc: John Hall <jhall@co.champaign.il.us>; Connie Berry <cberry@co.champaign.il.us>
Subject: 310 Tiffany Court curb replacement

Susan Burgstrom

From: highwaycommissioner@champaigntownship.com
Sent: Monday, March 20, 2017 1:54 PM
To: Jeff Blue
Cc: Susan Burgstrom; Frazier, R; Kent Follmer; Eric Hewitt (ehewitt@phoenix-ce.com); John Hall; Connie Berry
Subject: RE: 310 Tiffany Court curb replacement

Thank You Jeff for the confirmation.

Susan. This is the information needed to have the curb replaced with Champaign County Engineering approval. Notice for request of inspection time and date to be forwarded to Champaign County by Mr. Frazier's approved contractor.

Keith Padgett
Highway Commissioner
Champaign Township
Road District
3900 Kearns Drive
Champaign, IL 61822
217-352-0321

RECEIVED
MAR 20 2017
CHAMPAIGN CO. P & Z DEPARTMENT

On 2017-03-20 11:32, Jeff Blue wrote:

- > The attached curb replacement plan meets the County Standards.
- >
- > Jeff Blue

Susan Burgstrom

From: highwaycommissioner@champaigntownship.com
Sent: Tuesday, March 21, 2017 8:35 AM
To: Susan Burgstrom
Cc: Jeff Blue
Subject: Re: 310 Tiffany Court curb replacement

Hello Susan.

The contractor chosen by Mr. Frazier can be approved thru the Champaign Township Road District office by the Highway Commissioner Keith Padgett. Champaign County Engineering has given that approval to the Township.

When Mr. Frazier hires the contractor the should call 217-352-0321 and make contact with Highway Commissioner. Need to make sure they have proper equipment for project.

Thank You

Keith Padgett
Highway Commissioner
Champaign Township
Road District
3900 Kearns Drive
Champaign, Il 61822
217-352-0321

RECEIVED
MAR 21 2017
CHAMPAIGN CO. P & Z DEPARTMENT

On 2017-03-21 06:50, Susan Burgstrom wrote:
> What does the contractor need to be "approved"?
>
> Thanks,
> Susan

Susan Burgstrom

From: Susan Burgstrom
Sent: Wednesday, March 22, 2017 7:51 AM
To: Robert Frazier; Kent Follmer
Cc: John Hall
Subject: 310 Tiffany Court curb replacement

Mr. Frazier,

The contractor you choose for the curb replacement must be approved by Champaign Township Highway Commissioner. Champaign County Engineering has given that approval authority to the Township. You can contact him at the Champaign Township Road District office:

Keith Padgett
Champaign Township Highway Commissioner
3900 Kearns Drive
Champaign, IL 61822
217-352-0321

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Burgstrom

From: Eric Hewitt <ehewitt@phoenix-ce.com>
Sent: Friday, March 24, 2017 8:21 AM
To: Jeff Blue; Keith Padgett
Cc: Susan Burgstrom; Tom Overmyer; Robert Frazier
Subject: Re: 310 Tiffany Court curb replacement
Attachments: 15SUR050 - Curb Replacement Exhibit REV 03222017.pdf

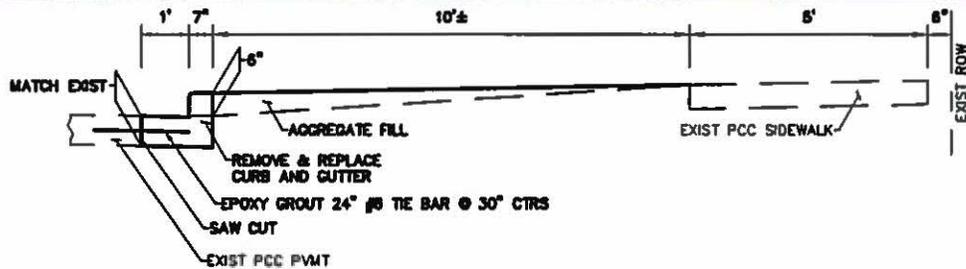
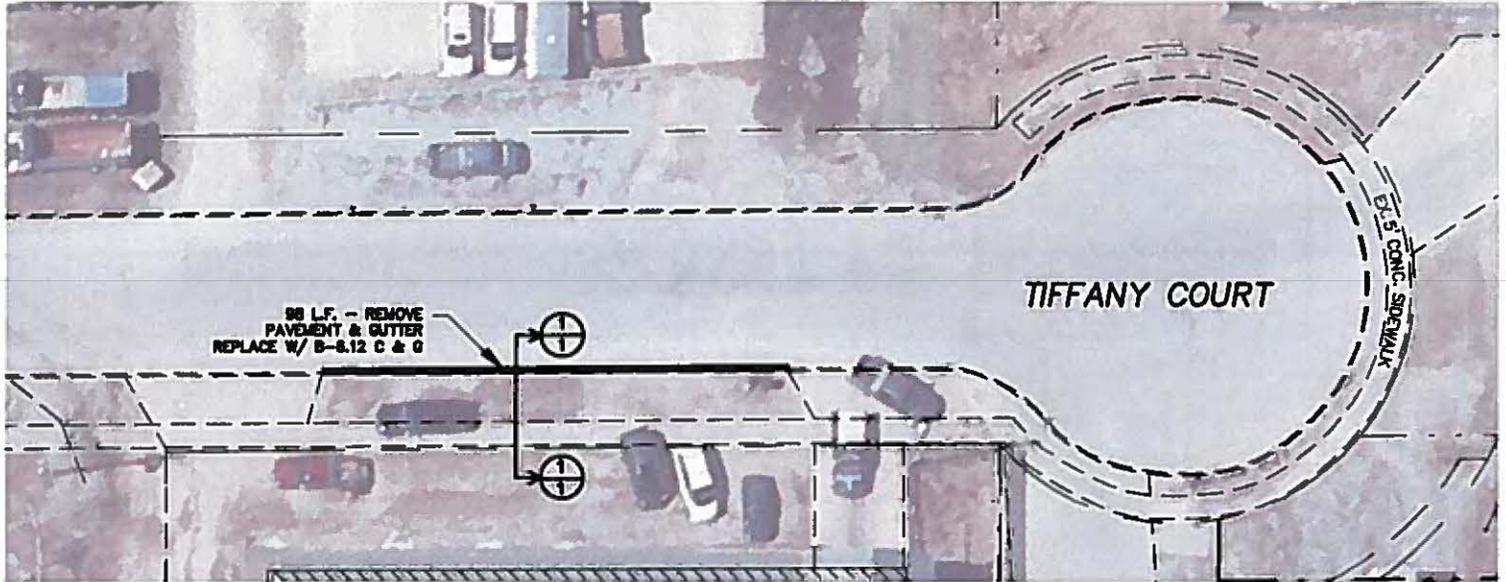
Jeff and Keith,

Attached is the curb replacement plan sheet for your review and re-approve.

Thanks,

Eric E. Hewitt, PLS
Phoenix Consulting Engineers, LTD
421 E. Main St., PO Box 1187
Mahomet, IL 61853
[217-586-1803](tel:217-586-1803)
[217-840-9129](tel:217-840-9129) (cell)

RECEIVED
MAR 24 2017
CHAMPAIGN CO. P & Z DEPARTMENT

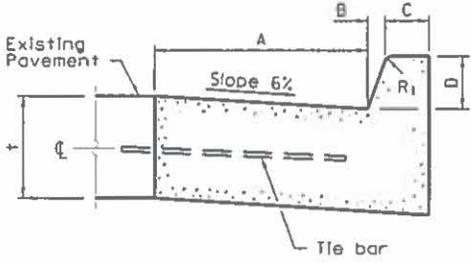


1 CURB & GUTTER REPLACEMENT
SCALE: 1/4"=1'

BARRIER CURB
IDOT HIGHWAY STANDARD 606001-06

TABLE OF DIMENSIONS
BARRIER CURB

| TYPE | A | B | C | D | R ₁ |
|-----------|-------|------|-------|-------|----------------|
| B-6.06 * | 6 | 1 | 6 | 6 | 1 |
| (B-15.15) | (150) | (25) | (150) | (150) | (25) |
| B-6.12 | 12 | 1 | 6 | 6 | 1 |
| (B-15.3) | (300) | (25) | (150) | (150) | (25) |
| B-6.18 | 18 | 1 | 6 | 6 | 1 |
| (B-15.45) | (450) | (25) | (150) | (150) | (25) |
| B-6.24 | 24 | 1 | 6 | 6 | 1 |
| (B-15.60) | (600) | (25) | (150) | (150) | (25) |
| B-9.12 | 12 | 2 | 5 | 9 | 1 |
| (B-22.30) | (300) | (50) | (125) | (225) | (25) |
| B-9.18 | 18 | 2 | 5 | 9 | 1 |
| (B-22.45) | (450) | (50) | (125) | (225) | (25) |
| B-9.24 | 24 | 2 | 5 | 9 | 1 |
| (B-22.60) | (600) | (50) | (125) | (225) | (25) |



GENERAL NOTES

The bottom slope of combination curb and gutter constructed adjacent to pcc pavement shall be the same slope as the subbase or 6% when subbase is omitted.

t = Thickness of pavement.

Longitudinal joint tie bars shall be No. 6 (No. 19) at 24 (600) centers in accordance with details for longitudinal construction joint shown on Standard 420001.

A minimum clearance of 2 (50) between the end of the tie bar and the back of the curb shall be maintained.

The dowel bars shown in contraction joints will only be required for monolithic construction.

See Standard 606301 for details of corner islands.

All dimensions are in inches (millimeters) unless otherwise shown.

PORTLAND CEMENT CONCRETE CURB & GUTTER NOTES

CONCRETE CURB AND GUTTER SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" IN ILLINOIS, ADOPTED JANUARY 1, 2016.

RECEIVED

MAR 24 2017

CHAMPAIGN CO. P & Z DEPARTMENT



Phoenix Consulting Engineers, Ltd.
Professional Design Firm No. 184.005835
421 E. Main Street • Mahomet, IL 61853
Ph 217-586-1803 • Fax 217-586-6757

CHAMPAIGN TOWNSHIP
CHAMPAIGN COUNTY

CURB REPLACEMENT PLAN

15SUR050

3/16/2017

Susan Burgstrom

From: highwaycommissioner@champaigntownship.com
Sent: Friday, March 24, 2017 12:50 PM
To: Jeff Blue
Cc: 'Eric Hewitt'; Susan Burgstrom; Tom Overmyer; Robert Frazier
Subject: RE: 310 Tiffany Court curb replacement

Seeing as the County Engineer has given it a ok, so does the Township - Ok.

Keith Padgett
Highway Commissioner
Champaign Township
Road District
3900 Kearns Drive
Champaign, IL 61822
217-352-0321

RECEIVED
MAR 24 2017
CHAMPAIGN CO. P & Z DEPARTMENT

On 2017-03-24 09:52, Jeff Blue wrote:
Looks good to me.

Jeff

FROM: Eric Hewitt [mailto:ehewitt@phoenix-ce.com]
SENT: Friday, March 24, 2017 8:21 AM
TO: Jeff Blue <jblue@co.champaign.il.us>; Keith Padgett <highwaycommissioner@champaigntownship.com>
CC: Susan Burgstrom <sburgstrom@co.champaign.il.us>; Tom Overmyer <tovermyer@phoenix-ce.com>; Robert Frazier <lexillini@gmail.com>
SUBJECT: Re: 310 Tiffany Court curb replacement

Jeff and Keith,

Attached is the curb replacement plan sheet for your review and re-approve.

Thanks,
Eric E. Hewitt, PLS
Phoenix Consulting Engineers, LTD
421 E. Main St., PO Box 1187
Mahomet, IL 61853
217-586-1803 [4]
217-840-9129 [5] (cell)

Susan Burgstrom

From: Susan Burgstrom
Sent: Monday, May 01, 2017 3:55 PM
To: Frazier, R; Kent Follmer
Cc: Jeff Blue; Eric Hewitt (ehewitt@phoenix-ce.com); John Hall; Connie Berry; 'highwaycommissioner@champaigntownship.com'; Jeff J Marino
Subject: 310 Tiffany Court zoning case 792-V-14

Mr. Frazier and Mr. Follmer,

Could I bother you for a quick email update on any changes/progress made that impacts the zoning case since the March 16, 2017 ZBA hearing? I would appreciate a response this week if possible.

Your next hearing is on Thursday, May 25, 2017, at 7 p.m.

Any materials you would like the ZBA to get in their mailed packet need to be submitted to me no later than COB Tuesday, May 9th.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802
P: 217-384-3708
F: 217-819-4021

Susan Burgstrom

From: Eric VanBuskirk <eric.vanbuskirk@champaignil.gov>
Sent: Thursday, May 04, 2017 8:55 AM
To: Susan Burgstrom
Subject: RE: Update on Tiffany Court

RECEIVED

MAY 04 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Susan, I'm sorry I didn't see this till now.

The architectural analysis is just for the building to the north. As far as I am aware, there is no annexation petition being considered at this time.

evb

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Tuesday, May 02, 2017 1:58 PM
To: Eric VanBuskirk <eric.vanbuskirk@champaignil.gov>
Subject: RE: Update on Tiffany Court

Is Frazier applying for annexation, or is the fire rating/architectural analysis still just for the lot to the north?

From: Eric VanBuskirk [mailto:eric.vanbuskirk@champaignil.gov]
Sent: Tuesday, May 02, 2017 1:37 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Cc: Jeff J Marino <Jeff.Marino@champaignil.gov>; John Hall <jhall@co.champaign.il.us>
Subject: RE: Update on Tiffany Court

We had provided comments on March 21 and those were addressed with the exception of additional information needed to do the architectural evaluation.

There was some confusion about what was needed for that review which (I hope) we resolved today.

I have no information about the timeframe for providing that information.

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Tuesday, May 02, 2017 1:34 PM
To: Eric VanBuskirk <eric.vanbuskirk@champaignil.gov>
Cc: Jeff J Marino <Jeff.Marino@champaignil.gov>; John Hall <jhall@co.champaign.il.us>
Subject: RE: Update on Tiffany Court

Thanks Eric and Jeff. Can you share how long it has been since that information was requested, and when you are expecting a response?

Susan

From: Eric VanBuskirk [mailto:eric.vanbuskirk@champaignil.gov]
Sent: Tuesday, May 02, 2017 1:29 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Cc: Jeff J Marino <Jeff.Marino@champaignil.gov>
Subject: Update on Tiffany Court

Hi Susan,

Jeff Marino wanted me to send along a status update for the Tiffany Ct. subdivision.

We are waiting on an architectural evaluation to determine the fire rating for the existing building and whether there is adequate separation between the proposed property line and the building.

We are also waiting on legal documents (Owners Certificate, Tax Certificate, etc.) needed prior to recording the minor plat.

If you have any questions please let me know.

Eric Van Buskirk

Associate Planner
City of Champaign, Illinois
Planning and Development Department

217.403.8800

eric.vanbuskirk@champaignil.gov

RECEIVED

MAY 02 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: Kent Follmer <kent@follmerlaw.com>
Sent: Wednesday, May 03, 2017 4:20 PM
To: Susan Burgstrom
Cc: John Hall; Robert Frazier; Eric Hewitt
Subject: Re: 310 Tiffany Court zoning case 792-V-14

RECEIVED
MAY 03 2017
CHAMPAIGN CO. P & Z DEPARTMENT

I spoke with Eric H. Robert F. and Brian Schurter. I have reviewed emails between Eric, Andrew and the city. The city is now requiring a fire separation code evaluation in regard to approval of the plat; the drawings are being revised again due to the ten foot rule. Robert is getting bids for the curb work. I previously wrote a contract to purchase the land from Isaacs after obtaining the legal description of the tract Robert is buying and emailed that to Issac's lawyer Brian Schurter. I met with Brian in my office. Brian wants to make changes to the contract to protect his client. I have been waiting on Brian for several days now. The contract will be contingent upon city approval, and I am contemplating other contingencies to protect Robert. We will get this moving. Some cases are just difficult. This is one. More info will follow. Thanks for your patience.

Very Truly Yours,

Kent Follmer
Follmer Law Office
1717 Philo Road #16
Urbana, IL 61802-6099
217 367-2424
www.follmerlaw.com

On Mon, May 1, 2017 at 3:54 PM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:
Mr. Frazier and Mr. Follmer,

Could I bother you for a quick email update on any changes/progress made that impacts the zoning case since the March 16, 2017 ZBA hearing? I would appreciate a response this week if possible.

Your next hearing is on Thursday, May 25, 2017, at 7 p.m.

Any materials you would like the ZBA to get in their mailed packet need to be submitted to me no later than COB Tuesday, May 9th.

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)

AS APPROVED MAY 11, 2017

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

| | | | |
|--------------|-----------------------|---------------|------------------------------------|
| DATE: | March 16, 2017 | PLACE: | John Dimit Meeting Room |
| | | | 1776 East Washington Street |
| TIME: | 7:00 p.m. | | Urbana, IL 61802 |

MEMBERS PRESENT: Frank DiNovo, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT : Catherine Capel

STAFF PRESENT : Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT : Robert Frazier, Lloyd Allen, Steve Koester, Caleb Burton, Keith Padgett

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

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

3. Correspondence

None

4. Approval of Minutes (October 13, 2016 and January 26, 2017)

Mr. Thorsland entertained a motion to approve the October 13, 2016 and January 26, 2017, minutes.

Ms. Lee requested that the Board approve the October 13, 2016 and January 26, 2017, separately, because she did not attend the January 26, 2017, meeting.

Mr. Thorsland entertained a motion to approve the October 13, 2016, minutes.

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Ms. Griest moved, seconded by Mr. Randol, to approve the October 13, 2016, minutes.

Mr. Thorsland asked the Board if there were any corrections or additions required for the October 13, 2016, minutes and there were none.

The motion carried by voice vote.

Mr. Thorsland entertained a motion to approve the January 26, 2017, minutes.

Ms. Griest moved, seconded by Mr. Randol to approve the January 26, 2017, minutes.

Mr. Thorsland asked the Board if there were any corrections or additions required for the January 26, 2017, minutes and there were none.

The motion carried by voice vote with one member abstaining.

Mr. Thorsland requested that staff, the Board and the audience speak loudly and directly into the microphone so that all of the testimony can be clearly heard on the audio recording and entered into the transcribed minutes. He noted that everyone should check their microphone when they speak to make sure that their microphone is turned on, green indicator light, and working.

5. Continued Public Hearing

Case 792-V-14 (Reactivated) Petitioner: Robert Frazier Request to authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District: Part A. Variance for 62 parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4.1 of the Zoning Ordinance. Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces(including 27 on-site and 47 off-site parking spaces) as required by Section 7.4 of the Zoning Ordinance. Part C. Variance for allowing 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance. Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance; and Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet as per Section 7.4.1.B. of the Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.

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

Mr. Thorsland informed the audience that Case 792-V-14 is an Administrative Case and as such, the County

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

8
9 Mr. Thorsland asked the petitioner if he would like to make a statement regarding his case.

10
11 Mr. Robert Frazier, who resides at 3909 Farmington Drive, Champaign, and whose business address is 310
12 Tiffany Court, Champaign, declined to speak at this time.

13
14 Mr. Thorsland asked Mr. John Hall, Zoning Administrator, to review the new information with the Board.

15
16 Mr. John Hall, Zoning Administrator, distributed Supplemental Memorandum #11 dated March 16, 2017, to
17 the Board for review. He stated that the City of Champaign has assigned a subdivision case number for the
18 creation of the proposed lot. He said that the Board might recall the proposed special condition requiring the
19 purchase of the land, which is involved in the subdivision case. He said that Attachment A to Supplemental
20 Memorandum #11 is the Minor Plat application submitted to the City of Champaign on March 13, 2017. He
21 said that Attachment B to Supplemental Memorandum #11 is a Draft Combined Subsidiary Drainage Plat
22 and Parking Plan for the proposed Replat of Lot 7. He said that staff has not added any new conditions and
23 has only revised the Special Conditions of Approval so that the petitioner will have a clearer idea of what is
24 required.

25
26 Mr. Hall stated that staff distributed a Privileged and Confidential Memorandum dated March 7, 2017, from
27 the State's Attorney's Office to the Board, for review. He said that the Board requested the State's
28 Attorney's opinion regarding the Board requiring the curb replacement as a condition of approval of the
29 variances. Mr. Hall stated that the State's Attorney has indicated that the curb replacement seems to be a
30 logical part of this case and the replacement of the curb could be included as a special condition of approval.
31 He said that the State's Attorney recommended that the Board makes sure that the findings are very clear as
32 to why the curb is related to those findings. Mr. Hall stated that staff expected to receive a memorandum
33 like this from the State's Attorney and in fact received it. He said that staff distributed copies of the
34 memorandum to the Board and requested that all copies be returned to staff prior to exiting the meeting,
35 because the memorandum is only communication between the State's Attorney's Office and the Board and is
36 not available for public review.

37
38 Ms. Lee asked Mr. Hall to indicate why proposed Special Condition A.(1), indicated on page 2 of
39 Supplemental Memorandum #11, indicates the following: unless the Zoning Administrator determines that a
40 different number of spaces are required.

41
42 Mr. Hall stated that the statement in Special Condition A.(1) is not new and has been part of the special
43 condition from day one. He said that going into the future, the petitioner would have to submit a Change of
44 Use Permit each time he has a new rental client and that client may change the number of parking spaces, but
45 as long as the proper number of spaces are available, staff will not make a problem for the petitioner.

46

1 Ms. Lee stated that Special Condition C.(4) on page 3 of Supplemental Memorandum #11, indicates that
2 both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect
3 the reconstruction of the street curb at appropriate stages of reconstruction. She said that Special Condition
4 C.(5) indicates that only the approval by the Champaign Township Highway Commissioner is necessary. She
5 asked Mr. Hall why approval from the County Engineer is not required.
6

7 Mr. Hall stated that he normally takes a suspenders and belt approach for these types of things, but in regards
8 to the final decision on the as-built drawings he knows that that Champaign Township Highway
9 Commissioner will ask the Champaign County Engineer about that; therefore, he decided to keep it short
10 rather than adding it into the condition.
11

12 Ms. Lee asked Mr. Hall why Special Condition A.(3) on page 2 of Supplemental Memorandum #11,
13 provides 12 months for the petitioner to complete the purchase of adjacent land necessary for the required
14 number of parking spaces. She asked Mr. Hall why 12 months.
15

16 Mr. Hall stated that as long as the purchase contract remains in place and the spaces are available he could
17 not justify a shorter amount of time. He said that there are some things that need completed within a shorter
18 amount of time, such as the replacement of the curb. He said that he recommended that the curb be replaced
19 within 180 days and he is requiring that the accessible ramp be placed within 180 days. He said that the
20 reason for the ramp is because the existing building is currently in violation with the accessibility code and
21 he wants to have the ramp placed as soon as possible or the second floor needs to be decommissioned. He
22 said that the Board seems to be willing to go with the second floor plan; therefore, the ramp has to be placed
23 as soon as possible. He said that he wants to make sure that the curb is replaced in plenty of time before the
24 12 months is up. He said that it is quite possible that weather will intervene, depending on when things get
25 started, and right now 180 days seems to be possible, but beyond 180 days, we could get into another
26 weather situation.
27

28 Ms. Lee stated that she sent a memorandum to Ms. Burgstrom indicating that two winters have already
29 passed regarding the curb replacement and if the case is continued to May or June, within six months from
30 then we could have snow flying for the third season. Ms. Lee thanked Mr. Hall for his critique of her
31 questions.
32

33 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall regarding Supplemental
34 Memorandum #11, and there were none.
35

36 Mr. Thorsland called Lloyd Allen to testify.
37

38 Mr. Lloyd Allen, who resides at 2232 Stoneybrook Drive, Champaign and owns the property located at 4400
39 W. Springfield Ave, Champaign, stated that it is hard to believe that the Board is considering out of county
40 parking, because the Board has no rules set up on how they will ever handle it. He asked what will happen if
41 someone comes in a month from now and they too do not have enough onsite parking, but they are willing to
42 use a different business property that they own, which is located six blocks down the road, for their parking.
43 He said that the Board is setting a precedent by ever having offsite parking, be it in the County or out of the
44 County. He said that the current rules require that the parking must be onsite and does not state that the
45 required parking can be on another lot or anywhere else. He asked why the Board is trying to bend the rules
46 and re-establish precedent for someone who has violated the rules regarding new construction without proper

1 approvals and not notified the County regarding new tenants, etc. He said that some of the numbers should
2 have changed by tonight, because Mr. Frazier currently rents storage spaces for a new tenant's business and
3 since there are so many employees who show up for work, they have to rent space from the property owner
4 to the south to park their vehicles. He said that he is sure that the Board was not notified about this new
5 tenant or his parking arrangements. He said that this case has gone on way too long and he believes that the
6 Board has been too forgiving, because the Board has repeatedly asked for things to be done and it has taken
7 two years for us to get to this point. He said that upon numerous times, Mr. Frazier has indicated that he will
8 remove the oil tanks, but they are still there today. He said that he is not sure if anyone has actually seen an
9 actual contract for purchase of the additional land for the required parking. He said that at one time Mr.
10 Frazier indicated that he had the property rented, but we found out that the lease had already expired.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Allen, and there were none.

13
14 Mr. Thorsland stated that the Board would question Mr. Frazier about the new tenant mentioned in Mr.
15 Allen's testimony. He asked Mr. Hall if the City of Champaign issuing a case number for the subdivision
16 implies that there is a contract for sale of the property.

17
18 Mr. Hall stated that it implies that the petitioner and the owner of the property have submitted a Plat of
19 Subdivision and he thought that the Board had received a copy of the draft contract for purchase. He said
20 that while working on the newest memorandums, he and Ms. Burgstrom realized that Parts B and C of this
21 variance are actually only intended to be temporary parts until the new lot is created and purchased, at which
22 point, those parts are not necessary and will no longer apply. He said that if this case has final action, the
23 Board wants to make sure and include that modification to Parts B and C, because they are not intended to be
24 necessary past the acquisition of the extra land.

25
26 Mr. Allen asked Mr. Hall how the County would control anything that the City of Champaign may require
27 on the lot in the future and if it does not meet the County's rules.

28
29 Mr. Hall stated that he is not interested in what the City of Champaign requires as long as they approve the
30 plat of subdivision and the petitioner keeps the City of Champaign happy with how that property is being
31 kept and used. He said that as long as the number of parking spaces are there and it meets the number of
32 parking spaces required, then that is what is relevant for County zoning. He said that if issues come up it
33 would be up to the City of Champaign to deal with those issues. He said that if the number of parking
34 spaces were reduced for some reason then that would be an enforcement issue with the County. He said that
35 there is never a guarantee that every zoning approval will be met, but that is why staff is in the office on a
36 daily basis. He said that he is happy with the progress that has been made since there is now a Plat of
37 Subdivision submitted to the City of Champaign for review and approval. He said that the Plat of
38 Subdivision has not received an approval yet and it has not been recorded yet, and the property has not been
39 purchased yet, but that is why staff placed those extra details on the special conditions.

40
41 Mr. Thorsland stated that precedent is a weird thing as it relates to zoning, because each case is unique. He
42 said that the Board does think about things that they do in the past as an example, the Board has had a case
43 where patrons for an event center were bused to the event center property so that they did not park their cars
44 at the event center. He said that the Board did not specify where the patrons had to park their cars in order to
45 get to the bus, because the Board's concern was the event center site. He said that for this case, the Board is
46 very specific about the number of required parking spaces, as indicated on the site plan, in the special

1 conditions. He said that the two conditions regarding the onsite and offsite parking numbers goes away once
2 the two lots become one lot. He said that it may be clunky but not completely out of realm of the power of
3 the Board to do that, and as Mr. Hall has stated, most zoning compliance with the Board's approval has to do
4 with enforcement. He said that enforcement stems from staff receiving calls from the public indicating that
5 they are not sure if the activities on a property are in compliance. He said that he is certain that people will
6 pay attention and will call staff if the property is not being used well, and he is certain that staff will visit the
7 property to verify. He said that it appears that the acquisition for the purchase of the adjacent property is
8 moving along and he hopes that it all happens, because it would make this case easier.

9
10 Mr. Allen stated that at the last hearing he questioned the outline of everything and the elevation difference
11 between Mr. Frazier's property and Mr. Isaac's property. He said that on the east side where the concrete is
12 taken back to the power pole, the Board requested a drawing indicating how the hill and the drainage would
13 be addressed in this area. He said that it was his understanding that the drawing was to be submitted to the
14 Board for review at this public hearing.

15
16 Mr. Thorsland stated that the drainage in this area was supposed to be included in the engineering drawing.

17
18 Mr. Hall stated that he does remember the discussion, but he does not remember the Board requesting
19 engineering drawings. He said that page 4 of Supplemental Memorandum #11, Special Condition E.
20 includes all of the things that have to be documented in the Change of Use Permit. He said that Special
21 Condition E (1) e. is as follows: the completion of earthwork and regrading necessary for installation of new
22 pavement on the east side of the subject property. He said that if this case is approved, there will need to be
23 a Change of Use Permit applied for within 30 days of the approval of Case 792-V-14, and one of the things
24 that needs to be detailed in that Change of Use Permit are the details in Special Condition E (1) e. and if
25 those details are not included, then the variance is void.

26
27 Mr. Hall stated that Special Condition E(6) indicates that a final Compliance Certificate shall be received
28 within 12 months of the approval of Case 792-V-14, but the Zoning Administrator shall not issue a final
29 Zoning Compliance Certificate for the property until the following has occurred:. He said that Special
30 Condition E(6)c. states that the petitioner shall have relocated the used vegetable oil tanks and any necessary
31 earthwork, and new pavement shall have been installed to facilitate vehicular movement around the east end
32 of the subject property. He said that short of having a note on the plan, Special Condition E (6) c. is
33 enforceable and if that is not done within 12 months, the variance is void. He said that ideally, the Board
34 would require engineering drawings, but it was not made clear at the last meeting and this is how staff has
35 tried to deal with it.

36
37 Mr. Thorsland stated that Special Condition E (1) e. states that the completion of earthwork and regrading
38 necessary for installation of new pavement on the east side of the subject property. He said that this detail
39 has to be done within 30 days of the approval of Case 792-V-14, but the work has to be done within 12
40 months. He said that this is a special condition that the petitioner has to agree to and it will be an
41 enforcement issue.

42
43 Mr. Hall stated that given the grades involved, he does not see anything that is infeasible there. He said that
44 there is a cost and there will be a long-term cost for property maintenance, but he believes that it can be
45 done, but if it cannot then the Board needs to know sooner rather than later.

46

1 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Allen and there were none.

2
3 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Allen and there was no one.

4
5 Mr. Thorsland called Keith Padgett to testify.

6
7 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his office is located at 3900
8 Kearns Road, Champaign. He said that in relation to the curb, he is not in constant contact but is in regular
9 contact with Jeff Blue, Champaign County Highway Engineer, regarding a road project that Mr. Padgett has
10 in his township. Mr. Padgett said that Mr. Blue informed him that his township's project review might have
11 to be put on hold due to the County having their own projects going. Mr. Padgett said that he believes that
12 the County Engineer will be able to have someone inspect the curb as it is replaced. He said that someone
13 with the County Engineer will review and approve the plan and the contractor for the replacement of the
14 curb, because someone like "Jim and Bob" cannot do the work as it has to be someone who does this type of
15 work on a regular basis so that a good result is achieved in the end.

16
17 Mr. Thorsland asked Mr. Padgett if he was comfortable with the contractor that is approved.

18
19 Mr. Padgett stated that the County Engineer has to approve the people that will install the curb.

20
21 Mr. Thorsland stated that the State's Attorney has indicated that it is within the ZBA's power to require the
22 curb's replacement. He said that the proposed special conditions would ensure that the curb would be
23 replaced. He asked Mr. Padgett if he would want to make the time-period for replacement of the curb to be
24 180 days.

25
26 Mr. Padgett stated that the weather has been a little strange, but the season for pouring concrete has actually
27 already started. He said that we do not want to get into a situation again where we are entering November;
28 therefore, he would like to have the curb replaced as soon as possible and not later than summer. He said not
29 that the replacement of the curb has to come first, but it would eliminate a lot of trouble. He said that the
30 contractors are going to get busy and even though this is a small project, it is a needed project, but
31 contractors will have to be persuaded to contract for a 100 foot curb over a four mile project. He said that
32 the County Engineer might be able to get someone to do it before they are too busy.

33
34 Mr. Thorsland agreed. He said that it is probable that the contractors already have their work lined up for the
35 summer, which may be a contributing reason why staff allowed 12 months for completion. He said that the
36 season for concrete is a lot longer than it used to be.

37
38 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett.

39
40 Ms. Lee asked Mr. Padgett if Mr. Frazier had contacted him regarding the curb replacement.

41
42 Mr. Padgett stated that Mr. Frazier has not contacted him.

43
44 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Padgett and there was no one.

45
46 Mr. Thorsland called Caleb Burton to testify.

1
2 Mr. Caleb Burton, who resides at 2063 Shady Rest Road, Monticello, stated that Mr. Allen pretty much
3 touched on everything. He said that this case has been going on for over two years and each time when Mr.
4 Frazier shows up at a meeting, he is given a long laundry list for things to submit to the Board. He said that
5 Mr. Frazier is good at providing just enough information to satisfy the Board and they kick the can to
6 continuing the case even longer. Mr. Burton stated that there is no inclination that there is a contract in place
7 and the City of Champaign Manager indicated that he is speaking directly with Mr. Isaacs regarding his
8 property and it appears that everything is contingent upon whether Mr. Frazier buys the property. Mr.
9 Burton stated that Mr. Frazier has submitted draft or preliminary drawings and it is easy to have someone
10 prepare those drafts, but the Board needs something with teeth. He said that at one time Andrew Fell was
11 involved, but there has not been any additional information submitted which indicates that he is still
12 involved. Mr. Burton stated that Mr. Frazier illegally built the front porch addition, which requires a variance
13 for setback, and a variance is required for parking. He said that Mr. Frazier currently has two tenants that are
14 leasing an area from Mr. Burton and Mr. Koester, because there is not enough room on Mr. Frazier's
15 property for parking. Mr. Burton stated that after two years, nothing has changed on the Frazier property but
16 here we are.

17
18 Mr. Thorsland asked Mr. Burton if the two tenants who are renting space for parking from Mr. Burton and
19 Mr. Koester are doing business in Mr. Frazier's defined storage areas or in the retail areas.

20
21 Mr. Burton stated that one of the tenants is located in the area that was going to be deconstructed, the area that
22 tied the two buildings together, but that area now has a new garage door and the tenant is running his
23 electrical contractor's business. He said that the other tenant is a landscaper and he is not sure if he is
24 running his business in a mini-warehouse or somewhere else on Mr. Frazier's property.

25
26 Mr. Thorsland stated that this would be another question for Mr. Frazier.

27
28 Mr., Hall asked Mr. Burton to indicate what type of vehicles are being parked on his property.

29
30 Mr. Burton stated that there are large company trucks, cars and personal vehicles. He said that the electrical
31 contractor's bucket truck is stored inside, but the electrical contractor has a pickup truck, regular sized vans
32 and personal vehicles. He said that they had a lease agreement for "x" amount of dollars and the electrical
33 contractor requested that the lease agreement area be doubled due to his need for additional parking for his
34 employees.

35
36 Mr. Hall stated that there apparently has been a change in tenants. He asked Mr. Burton if he could indicate
37 the number of employees that park on his property for each of those uses.

38
39 Mr. Burton stated that the electrical contractor parks at least six personal vehicles on the leased area.

40
41 Mr. Thorsland asked Mr. Burton if the tenant involved in landscaping also parks employee vehicles on the
42 leased area.

43
44 Mr. Burton stated that he is not sure about the landscaper, because he has a mobile trailer, equipment trailers
45 and a pickup truck. He said that he is not sure whether the landscaper has employees. He said that they
46 lease parking area for the long vehicles, so six spaces are really 12 spaces.

1
2 Mr. Thorsland asked Mr. Burton to indicate the number of provided parking spaces for the tenants.

3
4 Mr. Burton stated that he does not remember the exact number, but it is approximately 100 yards by 50 feet.
5 He said that they lease the tenant a fair amount of area for parking.

6
7 Mr. Thorsland asked Mr. Burton if he is not opposed to renting space to Mr. Frazier's tenants.

8
9 Mr. Burton stated that Mr. Frazier's tenants contacted them directly and they agreed to lease space to them.

10
11 Mr. Thorsland stated that he understands Mr. Burton's frustration regarding the amount of time that this case
12 has taken, and the Board does make incremental progress on large informational requests. He said that the
13 Board stopped the case and the petitioner paid the fee to reactivate the case. He said that the Board does
14 everything that they can to be as fair to everyone involved and there may have been some times when it
15 appears that the Board is not being very fair to anyone other than the petitioner. He said that, in the end, the
16 Board does the best job that they can that is hopefully fair to everyone who is party to the case, and that
17 includes the petitioner. He said that the Board has been harsh on some of the requests for the petitioner and
18 the special conditions are very rigid, should they be approved and accepted, with some real time lines.

19
20 Mr. Burton stated that, in all due respect, the special conditions have no teeth. He said that the special
21 conditions have been discussed for two years. He said that Mr. Frazier was supposed to have all of his
22 information to the Board by a said date, and we are still here tonight.

23
24 Mr. Thorsland stated that the said date was not a special condition, but was a request. He said that once the
25 special conditions are part of the real case they become an enforcement issue, and they will be enforced.

26
27 Mr. Hall asked Mr. Burton if Mr. Frazier's tenants indicated why they needed to lease an area for parking on
28 Mr. Burton's property.

29
30 Mr. Burton stated that they pay rent to park their vehicles on his property, even though their rent with Mr.
31 Frazier is inclusive of parking. He said that when someone rents an apartment they expect to be able to park
32 their car at that same location.

33
34 Mr. Hall asked Mr. Burton if the tenants informed him that there was not enough available parking space on
35 Mr. Frazier's property for them to park their vehicles.

36
37 Mr. Burton stated yes.

38
39 Mr. Thorsland stated that the Board would discuss this issue with Mr. Frazier.

40
41 Mr. DiNovo asked Mr. Burton when the leases for parking started.

42
43 Mr. Burton stated that approximately four or five months ago, the electrical contractor and the landscaper
44 started leasing space from him for parking. He said that the landscaper started leasing space before the
45 electrical contractor.

46

1 Mr. Thorsland stated that he has been past the subject property and it appears that there is new construction
2 occurring enclosing the middle part.

3 Mr. Burton stated that it was his understanding that the middle part was to be removed. He said that at one
4 time, there was a tenant who operated a car speaker operation, but they have since vacated the property. He
5 said that there is a food truck service in the larger area.

6
7 Mr. Thorsland asked Mr. Burton if any other tenants on Mr. Frazier's property have requested a lease for
8 parking on Mr. Burton's property.

9
10 Mr. Burton stated that the tenants have changed several times. He said that in the draft of the replat there is
11 an area indicated as temporary ingress/egress. He asked why the temporary ingress/egress is not required to
12 be a permanent access. He said that he recently purchased a property that was three parcels and one of the
13 parcels was landlocked. He said that he had to create a permanent easement for the landlocked parcel so that
14 if he sells the back property but kept the front two properties, the owner of the back property could have
15 legal access.

16
17 Mr. Thorsland asked staff if there is an explanation as to why the ingress/egress are indicated as temporary.

18
19 Ms. Burgstrom stated that according to emails between the City of Champaign and Eric Hewitt, the wording
20 on the replat is temporary wording for a long-term situation. She said that the string of emails are included
21 as an attachment to Supplemental Memorandum #10, dated March 8, 2017.

22
23 Mr. Burton stated that he purchased a property that had an existing billboard upon it and he was required to
24 draw up a permanent easement that allowed the billboard company access.

25
26 Mr. Thorsland asked Mr. Hall if the Board could request a permanent easement.

27
28 Mr. Hall stated that the Board could impose any condition that the Board feels is necessary, but the City of
29 Champaign is very happy with the easement as it is described on the plat. He said that the easement is not a
30 County issue and is a City of Champaign issue and the City of Champaign is satisfied with it.

31
32 Ms. Burgstrom stated that the string of emails included in Supplemental Memorandum #10 includes a
33 question from Jeff Marino, Senior Planner with the City of Champaign to Eric Hewitt, Phoenix Consulting
34 Engineers, states the following: "when you say "temporary", are you talking long term, or are you thinking
35 something shorter?" Ms. Burgstrom stated that Mr. Hewitt's response to Mr. Marino is as follows: "Yes, a
36 long term temporary. Meaning if and when Lot 7B is leveled and completely redeveloped the easements
37 would no longer be available."

38
39 Mr. Burton stated that Mr. Frazier's masterplan is contingent upon a property that is yet to be purchased. He
40 reminded the Board that the last time that this property was discussed Mr. Frazier had a lease agreement that
41 he had defaulted upon and lied to the Board about it. He said that Mr. Frazier is now indicating that he will
42 purchase the property, but he has not yet done so.

43
44 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Burton and there were none.

45
46 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Burton. He reminded the audience

1 that they could only ask questions regarding Mr. Burton's testimony and no new testimony can be given at
2 this time.

3 Mr. Robert Frazier asked Mr. Burton if he gave permission to his tenants to lease space on his property.

4
5 Mr. Burton stated yes.

6
7 Mr. Frazier asked Mr. Burton why he indicates that the landscape person is Mr. Frazier's tenant.

8
9 Mr. Burton stated that it is his understanding that the landscape person is Mr. Frazier's tenant.

10
11 Mr. Frazier stated that the landscape person has only discussed leasing space on Mr. Frazier's property and is
12 not currently a tenant.

13
14 Mr. Thorsland informed Mr. Frazier that he is presenting testimony and at the appropriate time, the Board
15 will discuss the landscape operation with Mr. Frazier.

16
17 Mr. Frazier asked Mr. Burton if any of Mr. Frazier's other tenants have approached him regarding leasing
18 space for parking.

19
20 Mr. Burton stated that this same incidence occurred with the mini-warehouse tenants, because they assumed
21 that they could park on Mr. Burton's property, because there was not enough room for parking on Mr.
22 Frazier's property. He said that the addition that Mr. Frazier constructed does not allow enough room for
23 two vehicles to pass. He said that at the last hearing, the Board discussed the issue regarding proper access
24 for emergency vehicles during an emergency event, but nothing has been done. He said that he and Mr.
25 Koester have not installed a fence on their property, because they do not want it damaged by Mr. Frazier's
26 tenant's vehicles. He said that he does not know how emergency vehicles will be able to get down the
27 access if there is a fire.

28
29 Mr. Thorsland asked Mr. Burton if he and Mr. Koester have considered constructing a fence on their
30 property, but decided against it because they were afraid that it would be damaged.

31
32 Mr. Burton stated yes.

33
34 Mr. Thorsland asked the Board, staff and the audience if there were any additional questions for Mr. Burton
35 and there were none.

36
37 Mr. Thorsland called Steve Koester to testify.

38
39 Mr. Steve Koester, who resides at 1919 N. Old Route 47, Monticello, and owns the property located at 305
40 Tiffany Court, Champaign, stated that he has seen the Board enough that he feels that everyone is inner-
41 connected. He said that Mr. Allen and Mr. Burton have done a good job discussing all of the issues, but he
42 wonders how we ended up with an individual who has been given so much latitude. He said that the packet
43 indicates that Mr. Frazier has hired an attorney who has promised to starting coming to the meetings if a
44 continuance is granted tonight. Mr. Koester asked where the attorney was two years ago when this case
45 began. He said that he was shown a drawing prepared by Andrew Fell, but he is in the construction business
46 and he is very familiar with a plan prepared by Andrew Fell, although the plan that he reviewed for this case

1 is not a typical Andrew Fell plan. He said that the Board was assured that the submitted plan was only a
2 temporary plan, yet Andrew Fell has not attended any more meetings. Mr. Koester stated that there has to be
3 a time when reasonable people draw a line and states that this has to end. He said that he and Mr. Burton
4 attend the meetings and they drive from Monticello to Urbana time after time to attend the meetings. He
5 said that Mr. Frazier has been late for meetings and has even missed meetings, and he has spoken harshly to
6 the Board, yet the Board grants continuance after continuance for this case. He said that two, if not three
7 times, it appeared that the case was ready for a final vote, but was turned around by County or City staff and
8 the vote was not taken. He said that he is getting older and he does not know how many years he has left on
9 this earth, but he does not want to be dealing with this when he meets his maker. He urged the Board to take
10 a vote, yea or nay, but get this case resolved. He thanked the Board for their time and their service.

11
12 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Koester.

13
14 Mr. Hall stated that staff has been in contact with Mr. Fell recently and it is true that Mr. Fell has been asked
15 to do nothing more at this point. He said that the drawings that the Board has received in this case are far
16 better than most drawings than what the Board normally sees and he does not know why that is, but so far
17 the quality of drawings is much better than what the Board normally receives for review. He said that
18 Champaign County has not seen fit to adopt a building code so staff does not enforce a building code. He
19 said that the County does not care what someone builds his or her building out of, and the County does not
20 care what it looks like when it is done, and does not especially care whether it is maintained very well, as
21 long as it does not become a dangerous structure. He said that for this project he believes there should be
22 more care required than usual, especially when a ramp is proposed to be constructed to the second floor. He
23 said that a ramp such as this is allowed under the *Illinois Accessibility Code*, but the ramp must be safe and
24 the posts must support the loads that it is supposed to support or it does not meet the *Illinois Accessibility*
25 *Code*. He said that Special Condition E. on page 4 of Supplemental Memorandum #11, indicates items that
26 need to be submitted with the Change of Use Permit within 30 days of the approval of Case 792-V-14. He
27 said that item E.(4) indicates the following: The petitioner shall provide framing plans for the proposed
28 interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed
29 Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the
30 actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during
31 construction as required to document compliance with the framing plans. He said that item E.(5) states the
32 following: All necessary construction required to make the second floor accessible shall be completed within
33 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make
34 the second floor accessible within 180 days shall void the approval of Case 792-V-14. He said that he does
35 not know what else we can do to assure that there is a sound usable ramp constructed to the second floor. He
36 said that he does hear the complaints of the neighbors and he understands their concerns and it does not
37 mean that the Board has to approve the proposed special conditions, but it is the best that we can do at a staff
38 level.

39
40 Mr. Koester asked if the Board would vote tonight.

41
42 Mr. Thorsland stated that once the approves the special conditions and the case is finalized, the clock starts
43 ticking if the special conditions are not complied with then staff, the neighbors and the Board will make it
44 known and enforcement will begin.

45
46 Mr. Koester stated that being neighbors of Mr. Frazier for many years makes them skeptical and they have

1 experienced what Mr. Frazier has done on his property. He said that he does not need to be hit over the head
2 twice to realize what everyone is dealing with.

3 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Koester and there
4 were none.

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

7
8 Mr. Thorsland called Robert Frazier to testify.

9
10 Mr. Robert Frazier, owner of the property located at 310 Tiffany Court, stated that there is a plan and a
11 contract that has been submitted to the City of Champaign. He said that the City of Champaign has
12 approved the plan and it is not hypothetical, and they are moving forward. He said that he has spent \$6,000
13 for engineering costs for the plan and has had costs with the City of Champaign, so this is not hypothetical,
14 but is reality and it isn't something that he has made up in his mind. He said that he has a \$40,000 contract
15 to purchase the property and the property owner is going to want his money and Mr. Frazier is willing to pay
16 him the money, but he cannot pay the property owner until the City of Champaign has this finished. He said
17 that John Hall probably has a better idea than anyone as to what it takes the City of Champaign to do what
18 needs to be done. He said that once everything is finalized, the property becomes his property and it is
19 attached to his existing property. He said that he is not trying to slow things down, but is waiting on the City
20 of Champaign to do what they need to do in their time, not his time.

21
22 Mr. Thorsland asked Mr. Frazier if he had a date for the case.

23
24 Mr. Frazier stated that he does not have a date for the case, because Mr. Hewitt, his engineer, is handling
25 things with the City of Champaign.

26
27 Mr. Thorsland asked Mr. Frazier if Mr. Fell is still his engineer.

28
29 Mr. Frazier stated that Mr. Fell is his architect and Eric Hewitt with Phoenix Engineers is his engineer. He
30 said that he has produced drawings from the architect for handicap accessibility and he is waiting for
31 approval from the Board for those plans. He said that Mr. Hall has placed stipulations in the approval, and
32 once the ramp is approved the construction can begin as long as it meets all accessible and construction
33 requirements. He said that he could not begin construction of the accessible ramp until someone tells him to
34 go do it because it meets all of the applicable requirements. He said that he has measured everything and it
35 appears that everything will work, but he cannot start the project until he receives approval to do so.

36
37 Mr. Frazier stated that he is agreeable in replacing the curb and Ms. Burgstrom should have an email from
38 Eric Hewitt regarding the curb replacement plan. He said that he has the email on his phone and he would
39 be happy to forward it to staff tonight so that the Board can review it. He said that he does not have 100%
40 control over his tenants and he does not have any powers to prevent his tenants from leasing land from an
41 adjacent neighbor for their parking. He said that he could inform his tenants that he and his adjacent
42 neighbor are total enemies and the adjacent neighbor would like to see him six foot in the ground than talk to
43 him.

44
45 Mr. Thorsland stated that, at this point, Mr. Frazier should stop his testimony regarding his tenants leasing
46 land from the adjacent neighbor and his relationship with the neighbor.

1
2 Mr. Passalacqua stated that he does not believe that anyone on the Board has a problem with Mr. Frazier's
3 tenants communicating with the neighbors, but the Board does have a problem with Mr. Frazier not
4 providing enough parking spaces for his tenants.

5
6 Mr. Frazier stated that he told the tenant that he has 86 parking spaces.

7
8 Mr. Passalacqua informed Mr. Frazier that the Board does not know if there are 86 parking spaces, because
9 we have been pushing pencils around for two years and he does not have 86 parking spaces.

10
11 Mr. Frazier stated that he actually has 74 parking spaces.

12
13 Mr. Passalacqua stated that he does not believe that Mr. Frazier has 74 parking spaces either. He said that he
14 has lived here all of his life and he has been to the property and he believes that there might be twelve
15 parking spaces. He said that he agrees that the Board received testimony tonight that he agrees with, because
16 rather than going forward in the right direction for this case, Mr. Frazier continues to make it more difficult
17 because he keeps changing things. He asked Mr. Frazier if, since the beginning of this case, he has changed
18 and/or modified the size and shape of the building.

19
20 Mr. Frazier stated no.

21
22 Mr. Passalacqua informed Mr. Frazier that he is not telling the truth, because he has seen the modifications
23 with his own eyes.

24
25 Mr. Frazier stated that he has only installed a garage door.

26
27 Mr. Passalacqua stated that Mr. Frazier is leasing space to tenants that he has not leased to before.

28
29 Mr. Frazier stated okay, but no one has told him that he cannot lease space to anyone.

30
31 Mr. Passalacqua stated that he agrees with that, but instead of chipping away at things so that this will work
32 for Mr. Frazier, and the Board really wants it to work, Mr. Frazier is not making it easy. He said that rather
33 than Mr. Frazier working on things that the County requires, he continues to place more stuff in front of the
34 Board.

35
36 Mr. Frazier disagreed with Mr. Passalacqua. He said that everyone has his or her own opinion, so thank God
37 we are a free society.

38
39 Mr. Thorsland asked Mr. Frazier to indicate what type of contract did he take to the City of Champaign and
40 does staff have a copy of that contract indicating that Lot 7A will become part of Mr. Frazier's property.

41
42 Mr. Frazier stated that he thought staff had a copy of the contract, but if they do not he can submit it as soon
43 as possible.

44
45 Ms. Burgstrom stated that, assuming this is the same contract sent to the City of Champaign during the June
46 30th ZBA meeting, staff had a draft agreement for purchase/contract for sale between Isaac Properties and

1 Frazier Properties. She said that the contract was sent from the Tummeleson, Bryan and Knox law firm and
2 the draft contract has spaces to fill in and no signatures. She said that the contract is to come in to effect
3 within 30 days of the approval of the plat by the City of Champaign.

4
5 Mr. Frazier stated that the bank is involved and the legal descriptions of the properties were required to be
6 inserted into the contract.

7
8 Ms. Lee asked Mr. Frazier if both parties have signed the contract.

9
10 Mr. Frazier stated yes.

11
12 Ms. Lee asked Mr. Frazier to provide the date that the contract was signed by all parties.

13
14 Mr. Frazier stated that he could not provide the date that the contract was signed by all parties.

15
16 Mr. Thorsland asked Mr. Frazier if he knew when the City of Champaign would complete their approval of
17 the plat.

18
19 Mr. Frazier stated no.

20
21 Mr. Hall stated that the City of Champaign would not approve the plat until the lot complies with zoning and
22 the lot cannot comply with zoning until this case is finished, thus the City of Champaign is not holding
23 anything up, but this case is. He said that until this case is finalized, the City of Champaign could not move
24 ahead.

25
26 Mr. Randol stated that this information was stated at the last public hearing.

27
28 Mr. Hall thanked Mr. Randol for pointing that out.

29
30 Ms. Burgstrom stated that the contract was signed by Mr. Frazier on November 4, 2015, and sent to Frazier
31 Properties from Attorney Brian Schurter on June 8, 2016.

32
33 Ms. Lee asked Ms. Burgstrom if staff had the final contract signed by all parties.

34
35 Ms. Burgstrom stated no. She said that the contract that staff has currently only has the signatures of Larry
36 and Dan Isaacs with no date provided, and Robert Frazier on November 4, 2015. She said that Attorney
37 Brian Schurter stated the following: "It is my understanding that we will be closing this matter within 30
38 days upon receipt of the survey obtained by Robert Frazier."

39
40 Mr. Thorsland stated that he assumes that the survey has been completed, otherwise, Mr. Frazier would not
41 have something to provide to the City of Champaign.

42
43 Mr. Frazier stated that Mr. Thorsland is correct. He said that he is purchasing the property regardless of the
44 outcome of this case. He said the property would be his and if it is deemed not suitable, it will still be his
45 property.

46

1 Mr. Thorsland stated that he agrees that Mr. Frazier's tenants are free to speak and rent space from the
2 adjacent neighbors for parking of their vehicles. He asked Mr. Frazier if the electrical contractor is one of
3 Mr. Frazier's tenants.

4
5 Mr. Frazier stated yes.

6
7 Mr. Thorsland stated that the electrical contractor conducts activities in the center of the complex.

8
9 Mr. Frazier stated yes, and he has installed the new garage door at that location.

10
11 Mr. Thorsland asked Mr. Frazier if the area in the front had a car speaker business, but they have sent left
12 and a food truck business is now in that location.

13
14 Mr. Frazier stated yes.

15
16 Mr. Thorsland asked Mr. Frazier if the food truck business employees park on Mr. Frazier's property.

17
18 Mr. Frazier stated yes.

19
20 Mr. Thorsland asked Mr. Frazier to indicate where the food truck business parks their company trucks on the
21 property.

22
23 Mr. Frazier stated that the food trucks are parked inside of the building.

24
25 Mr. Thorsland asked Mr. Frazier if the landscape business is a tenant of Mr. Frazier's.

26
27 Mr. Frazier stated that the landscape business is not a tenant, but they would like to be a tenant.

28
29 Mr. Thorsland stated that Mr. Frazier has testified that the landscape business is not a tenant and does not
30 conduct any activity on Mr. Frazier's property, although they do rent space from the adjacent neighbor.

31
32 Mr. Frazier stated that Mr. Thorsland was correct.

33
34 Mr. Thorsland asked Mr. Frazier if Eric Hewitt, Engineer with Phoenix Engineering, is the engineer that he
35 is currently using for a lot of his required work.

36
37 Mr. Frazier stated yes,

38
39 Mr. Thorsland asked Mr. Frazier if he has received any bids for the curb replacement.

40
41 Mr. Frazier stated that there is a concrete person across the street, an adjacent neighbor, who would like to
42 complete the work for the curb replacement, if possible.

43
44 Ms. Burgstrom asked Mr. Frazier if there are any estimates for replacement of the curb.

45
46 Mr. Frazier stated that they are working on obtaining estimates.

1
2 Mr. Thorsland asked Mr. Frazier if he realizes that if the Board takes final action on this case tonight, he
3 would have 30 days to have everything in order and submitted.

4
5 Mr. Frazier stated that he does not believe that 30 days is a reasonable amount of time, but the Board will
6 require what they want to.

7
8 Mr. Thorsland stated that the Board might be inclined to allow 180 days for some of the work, but that too is
9 a short amount of time and if those things are not completed the variance would become void.

10
11 Mr. Frazier stated that he is aware that he has a lot of work to do in order to satisfy all of the requirements
12 and if the Board approves the variance, and it is found that he is out of compliance, then he will be in
13 trouble.

14
15 Mr. Thorsland stated that the east side of the property has concrete and gravel and it is not large enough to
16 create the required space. He said that the special condition requires the completion of earthwork and
17 regrading necessary for installation of new pavement on the east side of the subject property. He asked Mr.
18 Frazier if there has been any activity by the engineer or the architect regarding the east side.

19
20 Mr. Frazier asked Mr. Thorsland to explain what the Board wants regarding the east side, is it drawings.

21
22 Mr. Thorsland asked Mr. Frazier if he has or will be moving dirt, installing concrete, etc.

23
24 Mr. Frazier stated that he would like to put in concrete on the east side, but it needs to have some sort of
25 drainage pipe, because there is a lot of water from the neighbor's properties that drains onto his property. He
26 said that the east side is always muddy and perhaps a culvert or heavy pipe could be installed to collect the
27 water before concrete could be poured over it. He said that perhaps it would be better to install the pipe in
28 the ground with heavy-duty rock around it so that the water could seep down. He said that during heavy
29 rains the water really flows in large quantities.

30
31 Ms. Lee asked Mr. Frazier if the curb/gutter replacement drawing is for the one that he removed from the
32 township road.

33
34 Mr. Frazier stated that the replacement curb would be on the township road until the City of Champaign
35 annexes the property.

36
37 Ms. Lee asked Mr. Frazier if he has shared the curb/gutter replacement drawings with Mr. Padgett.

38
39 Mr. Frazier stated no.

40
41 Mr. Thorsland noted that tonight is the first time that anyone has seen the curb/gutter replacement drawings.
42 He said that he is confident that if staff had the curb drawings that they would have included it in the mailing
43 packet for the Board's review.

44
45 Mr. Frazier stated that he has asked Mr. Hewitt several times to send the curb replacement drawings to staff
46 and the Board. He said that Mr. Hewitt has been working on the real issues for the property so that this

1 variance can be approved and not on the replacement of a curb.

2
3 Ms. Lee stated that, in her opinion, the curb replacement does not hinge on anything else that may or may not
4 occur on the property; therefore, that replacement could have occurred months ago. She said that she would
5 like to see Mr. Frazier replace the curb as soon as possible and it doesn't make any difference whether there
6 are enough parking spaces on the property or not. She said that curb needs to be replaced. She said that the
7 two vegetable oil tanks do not pertain to any parking spaces and they could be removed at any time, but they
8 have not been removed.

9
10 Mr. Frazier stated that it is difficult to move the tanks during the winter.

11
12 Ms. Lee reminded Mr. Frazier that this is not the only winter that this Board has been through regarding this
13 case. She said that she would like to see action on this regardless of the season, a reasonable person would
14 have replaced the curb long before now, and the vegetable oil tanks would have been removed.

15
16 Mr. Frazier apologized to Ms. Lee and stated that he is only one person and not a team of people. He said
17 that he does everything himself and he has many tenants and issues that he has to deal with on a day-to-day
18 basis. He said that he is not stating that the Board's requests are less than anyone else's request, but he is
19 only one person.

20
21 Ms. Lee stated that all of the issues are a result of Mr. Frazier's actions and he had someone remove the curb
22 and the Board has the duty to require Mr. Frazier to replace the curb. She said that destruction of
23 government property is a crime and she has repeated this at every meeting. She said that Mr. Frazier needs
24 to submit the curb replacement drawing to the County Engineer for review and approval now and not three
25 months from now. She said that this Board requires movement regarding the curb replacement. She said
26 that she is only one member of this Board, but there is a word called cooperation, which is reacting to a
27 situation in a prompt manner, and regarding these two projects, she has not seen cooperation from Mr.
28 Frazier.

29
30 Mr. Frazier stated that Ms. Lee's point is well taken and he completely understands.

31
32 Mr. Thorsland stated that he is sure that Ms. Lee speaks for what many of the Board members feel, but he
33 will not speak for them. He said that he agrees with Ms. Lee and the Board has discussed replacement of the
34 curb for a long time and Mr. Frazier has received strong words from the Board regarding the curb. He said
35 that it took a long time before Mr. Frazier admitted that he had someone remove the curb and he tried to
36 remain vague about that for as long as possible. He said that everything that Ms. Lee indicated about the
37 curb and the vegetable tanks is completely true and the testimony from the neighbors that is also true. He
38 said that the Board does provide a list of items for Mr. Frazier to do and he only provides the Board with just
39 enough information to continue. He said that he is sure that Mr. Frazier, the Board and the neighbors are
40 becoming frustrated and are tired of kicking the can, but the person with the most control over how long this
41 case goes on is Mr. Frazier. He said that the case had to be re-activated because Mr. Frazier did not show up
42 at the meeting and he was in control of that situation. He said that Mr. Frazier is in control of this situation
43 and is also in control when there is a new tenant, a new garage door appears, or when something is done on
44 north side of the building when the Board is on the east side, and then when the Board is on the west side of
45 the building and something is done on the south side of the property. He said that it is very difficult for the
46 Board to continue trying to come up with what they used to call homework, which are now assignments that

1 were due yesterday. He said that it is hard to keep the Board satisfied with any progress because the goal
2 changes and the fundamental nature of the case is sometimes so fluid that it is hard to keep up. He
3 apologized for not disclosing the fact that one thing cannot get done until something else is done, because
4 this is a very big multi-layered onion of stuff that is constantly being pulled apart and put back together.
5

6 Mr. Hall stated that he gave Mr. Frazier a set of the latest site plan. He asked Mr. Frazier to indicate the
7 location of the electrical contractor's lease on page A2.
8

9 Mr. Frazier stated that he could possibly show Mr. Hall where the electrical contractor's lease space is
10 located, but he is not sure that he can just describe the location.
11

12 Mr. Hall stated that page A2 indicates the interior rental spaces. He said that there are rental spaces in the
13 west part of the building and there is rental space on the north side where the gym used to be and there is
14 rental space in the former bus garage.
15

16 Mr. Frazier stated that the electrician leases space, which is left of the ramp, near the stairs where rental
17 space is indicated on the plan.
18

19 Mr. Hall stated that one thing that will be critical in going into the future is that, if more rental space is
20 created by removing storage units, this will change the parking requirements. He said that it sounds like Mr.
21 Frazier is staying within the rental space as defined on page A2, but he is trying to get an idea why the
22 electrician is renting space on the property to the south.
23

24 Mr. Frazier stated that he does not know. He said that he told the electrician that he could only provide
25 parking for one car or possibly two cars or one truck, but it is possible that he could give him more. Mr.
26 Frazier said that the electrician told him not to worry about it, because he would go talk to Mr. Frazier's
27 neighbor. Mr. Frazier told the electrician that the neighbor will not rent space to him, but he came back
28 indicating that he made a deal with the neighbor and he is paying the neighbor rent to park on his property.
29 Mr. Frazier asked Mr. Hall what he is supposed to do if a tenant does this, because he does not want to tell
30 someone that they cannot be a tenant if they lease parking space from the adjacent neighbor. He said that he
31 is confused why Mr. Burton would rent space to one of his tenants, especially with all of the things that Mr.
32 Burton has testified about at these hearings against him. He said that he knew that this subject would come
33 up at this meeting and he informed the electrician about the troubles that he is having with the Board and the
34 type of troubles that his leasing parking area from the adjacent neighbor would create.
35

36 Mr. Thorsland stated that this Board has been very fair to Mr. Frazier and had done everything possible to try
37 to resolve this case; therefore, this Board has not caused Mr. Frazier any trouble.
38

39 Mr. Frazier stated that he only meant the trouble regarding parking space and he does not understand why his
40 tenant does not park on his property. He said that if someone leases space from him and then leases space
41 from one of the adjacent neighbors, he does not have any power to prevent them from doing that.
42

43 Ms. Burgstrom asked Mr. Frazier to indicate how many parking spaces he currently has on the property.
44

45 Mr. Frazier stated that he has 74 parking spaces. He said that the electrician is located in one of the spaces
46 that used to be the old Lex Bus bay. He said that one bay is empty and the other bay will be used for the

1 handicapped ramp for the second building. He said that the new garage door is left of the ramp and the
2 building that the ramp goes in has a regular little door that goes up and around to access the two storage units
3 on the second floor. He said that the area where the garage door was installed is not newly created and has
4 been there for many years. He said that during the LEX Bus days, there were two garage doors in this area
5 and the only thing that has changed is that he replaced one of the doors.
6

7 Mr. Thorsland requested the audience to maintain a low-key conversation, because the audio in the John
8 Dimit Room is very poor and additional background noise makes it difficult for staff to transcribe accurate
9 minutes.
10

11 Mr. Thorsland stated that Mr. Frazier has established that he does have a new tenant, an electrician, who
12 does rent space from the adjacent landowner. He said that Mr. Frazier also indicated that currently, the
13 landscaper is not one of his tenants. Mr. Thorsland stated that Mr. Frazier has indicated that the vegetable
14 tanks are still on the subject property and the curb has not been replaced.
15

16 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Frazier.
17

18 Mr. Passalacqua asked Mr. Frazier why the minor plat application was only submitted to the City of
19 Champaign three days ago.
20

21 Mr. Frazier stated that the minor plat application was submitted prior to three days ago.
22

23 Mr. Passalacqua stated that the received stamp on the plat indicates March 13, 2017.
24

25 Mr. Frazier stated that the minor plat application might have been approved on March 13th, but it was
26 submitted a long time ago.
27

28 Mr. Passalacqua stated that the date next to the applicant's signature is also March 13, 2017.
29

30 Mr. Frazier stated that he would have to speak with Eric Hewitt, because he is the person who submitted the
31 application.
32

33 Mr. Passalacqua stated that the application included in the mailing packet has a date stamp and signature
34 date of March 13, 2017.
35

36 Mr. Frazier stated that his attorney provided the application.
37

38 Mr. Passalacqua stated that the application was submitted to the City of Champaign three days ago, although
39 this was something that Mr. Frazier proposed at the last meeting, which was 60 days ago. He said that he
40 understands that Mr. Frazier is a busy person, but Mr. Passalacqua is also busy as he runs a business and he
41 goes crazy. He said that obtaining approval from the City of Champaign is one of the biggest items on Mr.
42 Frazier's plate.
43

44 Mr. Frazier stated that he agreed that the approval from the City of Champaign is a bigger item than the curb
45 replacement, but it depends on who he talks to.
46

1 Mr. Passalacqua stated that Mr. Frazier continues to indicate that he is working in haste, but the
2 documentation before the Board tonight indicates differently.

3
4 Mr. Frazier stated that he has the engineers, two attorneys, an architect and the City of Champaign involved
5 in this case. He said that Mr. Passalacqua indicates that he is in business; therefore, end of discussion,
6 because he knows what it is like.

7
8 Mr. Passalacqua stated that he does know what it is like and when he is asked to do something, he starts the
9 process the next day. He said that he is not seeing the haste that Mr. Frazier indicates that he has been
10 referring to, because this case began in 2014. He said that he is trying to figure out why the Board is still
11 here two and one-half years later and has appeared to go backwards.

12
13 Mr. Frazier stated that he has had multiple ideas on how to do this and the Board did not like any of them.

14
15 Mr. Thorsland stated that we have not exactly gone backwards, but in what seems to be a full circle.

16
17 Mr. Frazier stated that Mr. Isaacs knew the position that he was in and was willing to sell Mr. Frazier
18 property, which is worth \$500,000, in order to help Mr. Frazier justify coming before the Board today. Mr.
19 Frazier stated that he agreed to Mr. Isaacs' offer, because he wants to satisfy the Board. He said that the City
20 of Champaign recently told him that they do not want to divide the two north buildings, but would approve a
21 smaller purchase. Mr. Frazier stated that he contacted Mr. Isaacs and told him what the City of Champaign
22 indicated and offered Mr. Isaacs more than what the bottom lot was worth so that he can get everyone
23 satisfied, and Mr. Isaacs agreed. Mr. Frazier stated that this is a business deal, which is why it has taken so
24 long. He said that luckily Mr. Isaacs agreed with Mr. Frazier's offer, otherwise he would be sitting with his
25 pants down being spanked harder than it is being spanked right now. He said that he now has a property and
26 there has been money exchanged, attorneys and the City of Champaign involved. He said that he is sure that
27 all of his neighbors hate the idea that this is going to happen, but it is going to happen.

28
29 Mr. Thorsland stated that the most recent Subsidiary Drainage Plat received on March 15, 2017, indicates a
30 date of preparation of March 1, 2017.

31
32 Ms. Lee asked Mr. Passalacqua if he is questioning the signature date on the Minor Plat Application, which
33 is included in Supplemental Memorandum #11.

34
35 Mr. Passalacqua stated yes.

36
37 Ms. Lee showed Mr. Frazier the document.

38
39 Mr. Frazier stated that the attorney signed the application, and that is the fun thing in working with attorneys,
40 you never know which attorney is going to do what and sign what document.

41
42 Ms. Lee asked Mr. Frazier if it is his attorney's signature on the Minor Plat of Subdivision Application.

43
44 Mr. Frazier stated yes, it is the signature of his attorney.

45
46 Ms. Lee asked Mr. Frazier to indicate the name of his attorney.

1
2 Mr. Frazier stated that Clive Follmer is his attorney, he is incorrect, and Kent Follmer is his attorney.
3 Ms. Lee asked Mr. Frazier if the signature on the Minor Plat of Subdivision Application is Kent Follmer.
4
5 Mr. Frazier stated yes.
6
7 Ms. Burgstrom stated that it appears to be Eric Hewitt's signature, Mr. Frazier's engineer, on the Minor Plat
8 of Subdivision Application and not Kent Follmer's signature. She said that she can assure the Board that she
9 calculated the east side of the bus garage and her calculations required 86 parking spaces and 7 of those 86
10 spaces are for the space being rented out for the electrical contractor.
11
12 Mr. Frazier stated that he should actually be required to do less, because one of the spaces that used to be for
13 the bus service is being utilized for the ramp.
14
15 Ms. Burgstrom took the space for the ramp into consideration during her calculation.
16
17 Mr. Frazier stated that if staff would follow the guidelines of the City of Champaign, which Ms. Burgstrom
18 did not, the 86 parking spaces minus the 15% waiver, 13 parking spaces, for multiple uses, he would only be
19 required to have 73 parking spaces to satisfy the City of Champaign.
20
21 Ms. Burgstrom stated that the correct number of parking spaces required, using the City of Champaign's
22 guidelines, would be 74.
23
24 Mr. Frazier stated that he does have 74 parking spaces on his property.
25
26 Ms. Burgstrom stated that the most recent site plan indicates 76 parking spaces on the subject property.
27
28 Mr. Thorsland stated that until the City of Champaign annexes the property into the City of Champaign, the
29 Board could not apply the 15% reduction for required parking. He asked Mr. Frazier if he understands that.
30
31 Mr. Frazier stated that he understands that the Board can throw a wrench in this whole thing.
32
33 Mr. Thorsland stated that no one is throwing wrenches here.
34
35 Mr. Thorsland asked the Board and staff if there are any additional questions for Mr. Frazier. He said that
36 Mr. Frazier's attorney has requested a continuance date for this case.
37
38 Mr. Frazier stated that at the last meeting Mr. Hall discussed with the Board that if this meeting does not go
39 smoothly, then the Board would take Mr. Frazier to court due to Mr. Frazier being out of compliance.
40
41 Mr. Thorsland stated that in theory, Mr. Frazier is out of compliance currently, but he is not sure that anyone
42 on this Board said that they would take Mr. Frazier to court.
43
44 Mr. Frazier stated that he took it almost as a threat, that the Board would take him to court for being out of
45 compliance and not cooperating with the Board. He said that he hired an attorney to, basically, be an
46 intermediary, because he is doing a poor job talking to the Board. He said that he needs a middle ground

1 person, because each side is taking things incorrectly; therefore, a mediator is required.

2
3 Mr. Thorsland asked Mr. Frazier if there is a reason why his attorney is not present tonight.

4
5 Mr. Frazier stated that his attorney requested a continuance due to his anticipated absence.

6
7 Ms. Burgstrom stated that Mr. Follmer explained that he has been extremely occupied with other cases and
8 he has only had a chance today to review the case. Mr. Follmer indicated that he would not be able to attend
9 tonight's meeting.

10
11 Mr. Thorsland asked Mr. Frazier if, for the record, he feels that the Board has threatened him.

12
13 Mr. Frazier stated yes.

14
15 Mr. Thorsland asked Mr. Frazier to provide an example of a time when the Board threatened him.

16
17 Mr. Frazier stated that the record speaks for itself and he is not going to discuss it now. He said that the
18 Board could discuss this issue with his attorney, because it is all written down.

19
20 Mr. Thorsland stated that he would like Mr. Frazier to provide an example of when or how this Board ever
21 threatened him. He said that it might surprise Mr. Frazier, but his case is not the only case that this Board
22 considers.

23
24 Mr. Frazier asked Mr. Thorsland if, any phrases that included the word court, or the State's Attorney, have
25 ever been mentioned by this Board.

26
27 Mr. DiNovo stated that this kind of conversation is not helpful and the Board should move forward.

28
29 Mr. Thorsland stated that he would like confirmation from Mr. Frazier that the reason he would like the
30 Board to grant a continuance is so that his attorney can be present at the next meeting to represent him. He
31 said that he would not disagree that Mr. Frazier having an attorney to represent him at the next meeting is a
32 bad idea. He said that, in all fairness, he understands why the attorney would want to get up-to-date on this
33 lengthy and complicated case. He said that it is a good idea for Mr. Frazier to have someone assist Mr.
34 Frazier with communicating to the Board. He said that the Board has received poor drawings before with
35 other cases, but that is not the case with Mr. Frazier and the Board understands that this service does not
36 come free. He asked the Board if they are agreeable to continuing the case to a later date so that Mr. Frazier's
37 attorney may attend to represent Mr. Frazier. He asked Mr. Frazier if his attorney will be able to work on his
38 case and would have the ability to schedule a meeting date so that Mr. Follmer could attend.

39
40 Mr. Frazier stated that he does want Mr. Follmer to attend the next scheduled meeting.

41
42 Mr. Thorsland asked Mr. Frazier if Mr. Follmer decides not to speak for Mr. Frazier at the meeting, then
43 why should the Board grant a continuance so that he could do work in advance of the meeting.

44
45 Mr. Frazier stated that if Mr. Follmer could not attend the meeting, he would at least be able to prepare
46 documentation for that hearing. He said that most attorneys would rather work behind the scenes rather than

1 in front. He said that, on a regular basis, Mr. Follmer could discuss all of the progress and documentation
2 regarding this case with Mr. Hall and Ms. Burgstrom, even what is decided tonight. He said that if there is
3 anything that Mr. Hall disagrees with he could discuss it with Ms. Burgstrom and she could send Mr.
4 Follmer an email. He said that he would imagine that Mr. Follmer would suggest that Mr. Frazier do this or
5 that, but he does not believe that Mr. Hall has any legal right for that to come out of his mouth. He said that
6 this is what attorneys do, they advise you to either sit and listen to what the Board and staff is saying or not
7 to sit there. He said that currently he does not have an advisor and he needs one, because this has become
8 very complicated and it is legal. He said that Mr. Hall has discussed this case with the State's Attorney;
9 therefore, he is going to talk to an attorney.

10
11 Mr. Thorsland stated that by nature it is very common for staff to seek guidance from the State's Attorney.

12
13 Mr. Frazier stated that staff is talking to an attorney for advice and it has been placed on record by Mr. Hall
14 that what was discussed with the State's Attorney will not be available for the public's review, which
15 includes Mr. Frazier. He said that there are discussions occurring that he does not even know about.

16
17 Mr. Thorsland stated that no one is arguing with Mr. Frazier's right to represent him and no one is arguing
18 Mr. Frazier's right to request a continuance because Mr. Frazier's attorney is not present. He said that
19 Mr. Frazier has a reasonable reason to request a continuance date and it may help everyone with moving
20 forward with this case. He said that he is only one member of this Board and it is up to the entire Board as to
21 whether or not to grant a continuance or move forward. He said that he is not willing to continue the
22 meeting tonight to finalize the case tonight, because this will not be an easy case when it comes to working
23 through the findings. He asked the Board to indicate their thoughts regarding granting a continuance so that
24 Mr. Frazier's attorney can get up to speed on the case. He said that by Mr. Frazier having an attorney, the
25 case may go faster than without an attorney, but currently the fashion that has been done in the past is
26 obviously not working. He asked the Board if they are willing to grant a continuance for Case 792-V-14.
27 He said that someone would be upset if the Board denies the case without good reason and someone else
28 may be upset if the Board approves the case without good reason, and the word court would probably come
29 up. He said that nothing in this case is easy or straightforward, but the Board needs to make a decision as to
30 whether or not they are willing to grant a continuance so that Mr. Frazier's attorney could get up-to-date and
31 hopefully be present at the next meeting.

32
33 Mr. DiNovo stated that he does not feel a great need for additional evidence in this case, unless he is missing
34 an outstanding piece of information. He said that either way this case goes, the Finding of Fact needs to be
35 formulated with care and it would be beneficial if the Board members had an opportunity to review the
36 criteria and think about what those findings should look like and come prepared to really take advantages of
37 the "because" clauses.

38
39 Mr. Randol stated that he would like to have another meeting, but he does not want to rehash the same
40 testimony from everyone. He said that tonight has pretty much been the same testimony that the Board has
41 heard during previous meetings; therefore, he would like to come to the next meeting without any more
42 testimony and do what our job is. He said that the Board needs to prepare the findings and decide yes or no.

43
44 Mr. Thorsland agreed, however, he cannot deny new testimony, but he can stop repetitive testimony. He
45 said that tonight there was not a lot of repetitive testimony, but brief, updated testimony. He said that he
46 appreciates it very much when witnesses keep their testimony brief, because due to the nature of what the

1 Board does, he cannot close the witness register tonight. He said that he would like a big block of time to
2 exercise the “because” clauses and work on the nuts and bolts of the finding. He said that it is not
3 uncommon for the Board to have a small block of time to hack through the Findings of Fact for big cases,
4 and he does not want that to happen with this case. He requested the Board’s input.
5

6 Ms. Griest stated that she concurs with what the other Board members have stated, but she would like to add
7 a few things. She said that she does feel that this is the first meeting where we have not have significant
8 change to the proposal, as in, the number of parking spaces did not change due to the result of new
9 revelations. She said that in itself has caused this to be exacerbated beyond comprehension. She said that
10 she does believe, and she would strongly appreciate, if Mr. Frazier is represented by counsel and, if this case
11 is continued, that the attorney speaks to and advises Mr. Frazier at the next meeting. She said that she could
12 not tell Mr. Frazier that he has to bring his attorney to the next meeting, but she does believe that it would be
13 in Mr. Frazier’s best interest. She said that, in her opinion, often times what the Board communicates
14 through the testimony that is received and the Board’s response, the message that is heard is by the petitioner
15 and the audience members is different than what the legal implications of what those comments are. She
16 said that Mr. Frazier mentioned that he felt a threat of legal action, but Ms. Griest remembers that
17 conversation and staff was counseling her as to what the steps were if the Board chose to take final action
18 and it went to enforcement proceedings. She said that no threat was made towards Mr. Frazier or a the
19 Board threatening legal action, but was only advice from staff coaching her as to what the ramifications of
20 what the action would be, based upon the question that she asked staff. She said that an attorney would have
21 clearly understood the conversation and would have not have felt threatened as Mr. Frazier indicated that he
22 did feel. Ms. Griest apologized for Mr. Frazier feeling that threatened, because that was not the intention of
23 the Board or staff. She said that she will say this publically and during this meeting, that John Hall does
24 everything that he can possibly do for anyone who comes to him and asks him for help, whether it be one of
25 the Board members, a petitioner, or someone voicing a complaint. She said that if this case is continued, she
26 really hopes that Mr. Frazier is represented by counsel who is up to speed and is prepared to advise Mr.
27 Frazier as to what the Board is talking about at that moment and as this goes forward.
28

29 Ms. Lee stated that she has voted a couple of times to not continue this case, but she did talk to a staff
30 member who is not present tonight, and she realized that it is not fair to the neighbors because that doesn’t
31 help them at all. She said that it would really be nice if before the next public hearing, if this case were
32 continued, that Mr. Frazier has the curb replaced and the vegetable oil tanks removed from the property. She
33 said that this would be less that the Board and the attorney has to discuss at the next meeting and it would be
34 less special conditions that Mr. Frazier and the Board has to deal with. She said that she is not demanding
35 these things to be done, but it would really be nice.
36

37 Mr. Frazier asked Ms. Lee to indicate how long he will have between meetings, six days, three months, or
38 six months.
39

40 Mr. Passalacqua stated that the Board is not ordering Mr. Frazier to do any work on his property and there
41 are no threats or lawsuits being discussed, but Ms. Lee is only indicating that there are things that need to be
42 done and if they were done it would be less to talk about at the next meeting.
43

44 Mr. DiNovo stated that should the Board choose to take action that is adverse to Mr. Frazier’s desire he is
45 going to want his attorney to be fully apprised as to what happens next. He said that it is in Mr. Frazier’s
46 best interest to have his attorney present at the next meeting.

1
2 Mr. Frazier stated that Mr. Allen has sued him many times therefore, he has a lot of experience with the
3 courtroom and how people see you.
4
5 Ms. Lee stated that she would like to opportunity to visit the subject property to view everything first hand,
6 but she would definitely call Mr. Frazier before she came.
7
8 Mr. Hall asked Mr. Frazier if he had any concerns related to Ms. Lee visiting the property.
9
10 Mr. Frazier stated that he would like to have Ms. Lee visit the property, but he understands that she will want
11 to visit the vegetable tanks and he is concerned about her safety. He said that he does not want her to slip
12 and fall.
13
14 Ms. Lee stated that perhaps staff could visit the property at the same time.
15
16 Mr. Frazier stated that Mr. Hall or Mr. Passalacqua could possibly visit the property with Ms. Lee.
17
18 Mr. Thorsland stated that he would really appreciate the Board determining a continuance date.
19
20 Mr. Frazier asked the Board and staff if he could replace metal siding that is blowing off one of the mini-
21 warehouses. He asked if it would be a problem to fix the siding. He said that Mr. Randol indicated that it
22 appeared that something was going on, but he had removed an old outside staircase the Mr. Hall did not
23 approve.
24
25 Mr. Thorsland stated that the Board could not say whether Mr. Frazier should or should not replace siding.
26 He said that Mr. Frazier would have to decide for himself whether the Board had the impression that he was
27 doing something outside of ordinary maintenance. He said that if Mr. Frazier has a question as to whether a
28 permit is required for anything that he would like to do on the property, he should call staff.
29
30 Ms. Burstrom stated that if someone called the office indicating that they needed to replace siding that was
31 blowing off their building, staff would indicate that no permit is required because the Zoning Ordinance does
32 not regulate siding replacement.
33
34 Mr. Hall stated that the memorandum indicated a continuance date of June 15th.
35
36 Mr. Thorsland stated that he would like to have a large empty time slot for this case.
37
38 Mr. Hall stated that June 15th is open or staff could reschedule the cases scheduled for May 25th, and he
39 believes that May 25th is the earliest continuance date that should be considered. He asked Ms. Burgstrom if
40 staff had promised the May 25th hearing date to that petitioner.
41
42 Ms. Burstrom stated that she has indicated to the petitioner that it is likely that they will be heard on May
43 25th.
44
45 Ms. Griest stated that it is likely that she will be absent from the June 15th meeting. She said that Mr.
46 Thorsland is also noted on the docket as being absent from this meeting.

1
2 Mr. Thorsland stated that it is very probable that he will be absent from the June 15th meeting, although he
3 could also be absent for the June 29th meeting. He said that it is important, that as much as possible, a full
4 Board is present for the next hearing for this case.

5
6 Mr. Thorsland entertained a motion to continue Case 792-V-14 to the May 25th meeting.

7
8 **Ms. Lee moved, seconded by Mr. Randol, to continue Case 792-V-14 to the May 25th meeting. The**
9 **motion carried by voice vote.**

10
11 Mr. Thorsland thanked the audience members for attending tonight’s meeting.

12
13 **6. New Public Hearings**

14
15 None

16
17 **7. Staff Report**

18
19 None

20
21 **8. Other Business**

22 A. Review of Docket

23
24 Mr. Thorsland stated that, before leaving tonight, the Board should return the State’s Attorney’s Opinion to
25 Ms. Burgstrom.

26
27 Mr. Thorsland noted that Mr. DiNovo is scheduled to be absent on March 30, 2017, is this still accurate.

28
29 Mr. DiNovo stated that it is likely that he will attend.

30
31 **9. Audience Participation with respect to matters other than cases pending before the Board**

32
33 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that Mr. Frazier felt threatened
34 when someone mentioned the word “court”. Mr. Padgett stated that his name was included in that
35 conversation and he was asked why he has not replaced the curb. He indicated that he would rather see this
36 procedure go through, in lieu of the township having to replace the curb and then to take Mr. Frazier to court
37 for the costs incurred.

38
39 Mr. Thorsland thanked Mr. Padgett for the clarification.

40
41 **10. Adjournment**

42
43 Mr. Thorsland entertained a motion to adjourn the meeting.

44
45 **Ms. Griest moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**

46

1 The meeting adjourned at 9:07 p.m.

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5 Respectfully submitted

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10 Secretary of Zoning Board of Appeals

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05/18/17 REVISED DRAFT

792-V-14 REACTIVATED

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{May 25, 2017}***

Petitioner: Robert Frazier

Request: Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:

- Part A. Variance for 74 parking spaces in lieu of the minimum required 86 parking spaces (including 27 onsite and 47 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.
- Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4 of the Zoning Ordinance; Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- Part C. Variance for allowing 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance; Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
- Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, October 27, 2016, March 16, 2017, and May 25, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns the subject property.
2. The subject property is a 1.19 acre tract of land on Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - (1) As discussed in Supplemental Memorandum #3 dated October 22, 2015, the Petitioner seeks to annex the subject property into the City of Champaign. He has been informed by the City and the County that the property must be in compliance with Champaign County ordinances before it can be annexed to the City.
 - (2) In an email received July 18, 2016, Mr. Andrew Fell, architect contracted by Mr. Frazier, stated “At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.”
 - (3) In an email received March 6, 2017, Eric Hewitt stated that they hoped to submit a draft replat of the north parking area (Lot 7A) for consideration and subdivision approval by the City of Champaign the week of March 6. At this time, Mr. Frazier is not submitting a proposal for annexation of 310 Tiffany Court to the City; it is not clear if he intends to apply for annexation in the future.
 - a. The City of Champaign assigned case number PL17-0010 on March 14, 2017.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.19 acre tract and is currently zoned I-1 Light Industry. Land use is a combination of storage facilities and multi-tenant offices.
 - B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
 - C. Land to the north is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:

A. Previous Zoning Use Permits on the subject property are as follows:

- (1) Zoning Use Permit # 219-86-02 issued on August 7, 1986 authorized construction of mini warehouse facilities.
- (2) Zoning Use Permit # 166-96-01 issued on June 17, 1996 authorized construction of an addition to an existing mini-warehouse building.
- (3) Zoning Use Permit # 280-99-01 issued on October 8, 1999 authorized placement of a wall sign on an existing building.
- (4) Zoning Use Permit # 351-02-03 issued on January 10, 2003 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.
- (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated April 14, 2011, in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.

B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:

- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium).
- (2) Adding a wrap-around covered porch to provide covering for the exterior entrances.
- (3) Removing a portion of a bus maintenance garage.
- (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
- (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.

Item 5 - continued

C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014.

- (1) Regarding the building on the subject property, the Annotated Site Plan indicates the following:
 - a. The building addition authorized in Zoning Use Permit #351-02-03 on January 10, 2003 is indicated with hatching (diagonal lines) and labeled "NEW OFFICES- SALES ROOM" (totaling 4,950 square feet in area) that is still used as offices and "NEW STORAGE" (totaling 2,375 square feet in area) that has been converted to a gymnasium.
 - b. Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.
 - c. A portion of the building indicated as "warehouse" is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The "warehouse" is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The "warehouse" is 2,664 square feet in area. The "warehouse" occupies land area that was previously used for a loading berth and six parking spaces.
 - d. The middle portion of the building is indicated as "EXIST'G STOR" and was authorized in Zoning Use Permit # 166-96-01 on June 17, 1996 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - e. The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on August 7, 1986. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property, the Annotated Site Plan indicates the following:
 - a. The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - b. The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- (3) Based on the information in the Site Plan received July 17, 2014, staff calculated the minimum required parking spaces as 67.

Item 5. - continued

- D. A Revised Site Plan, received March 30, 2015, indicates the following uses and proposed parking spaces:
- (1) 29 parking spaces around the eastern “Existing Storage” area, including 2 handicap accessible spaces;
 - (2) Existing upstairs storage, 1,500 square feet, in middle existing storage building;
 - (3) 10 inside parking spaces in “New Garage”, 2,805 square feet;
 - (4) 1 handicap accessible parking space south of the “New Garage”;
 - (5) Upstairs executive office for President of Frazier Properties – 300 square feet;
 - (6) New 5 feet wide concrete handicap access to front offices;
 - (7) 9 parking spaces on west side of west offices building;
 - (8) Storm Sewer near Tiffany Court entrance;
 - (9) 32 additional parking spaces on the property to the north of subject property, as indicated in the lease with property owner;
 - (10) More detailed floor plan of west office building, including measurements, uses, and number of employees for each establishment; and
 - (11) Cross-section of accessible parking for west offices.
 - (12) In a letter sent by staff to Mr. Frazier on September 17, 2015, staff calculated the following 58 minimum required parking spaces based on the Revised Site Plan received March 30, 2015, which is a decrease from the 67 spaces staff originally estimated based on the information in the Site Plan received July 17, 2014.
 - a. Required parking spaces for 4,950 square feet of office space in the west wing (less 153 square feet for two restrooms, per ZUPA #351-02-03) at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.e.) equals 24 spaces.
 - b. Required parking spaces for 53 self-storage units (all on ground floor) if required at one parking space per 3 self-storage units equals 18 spaces.
 - c. Required parking spaces for company storage and garage spaces if required at one per each 3 employees (per Zoning Ordinance 7.4.1D.1.) equals 1 space.
 - d. Required parking spaces for visitors and company vehicles are assumed to be included in the parking for the office space.

Item 5.D.(12) - continued

- e. Required parking spaces for the 15' x 30' (450 square feet) upstairs Frazier properties executive office lounge at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.e.) equals 3 spaces.
 - f. Required parking spaces for the 25' x 95' (2,375 square feet) Silver Back Barrel Club (strength conditioning and rehabilitation space) at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.b.i.) equals 12 spaces.
- E. Staff received a preliminary site plan from Andrew Fell Architecture on March 7, 2016. Upon review, staff identified approximately 20 items that would need to be verified, revised, and/or expanded upon in order for the site plan to meet the requirements established by the ZBA at the September 10, 2015 hearing. Staff provided the list of required revisions to Mr. Frazier and Mr. Fell via email on March 8, 2016. The revised Site Plan indicates the following uses and proposed parking spaces:
- (1) Existing west office building, no uses or interior measurements provided;
 - (2) Upstairs executive office for President of Frazier Properties – approximately 300 square feet;
 - (3) Existing middle building, no uses or interior measurements provided;
 - (4) Existing upstairs storage in middle existing storage building – 1,500 square feet;
 - a. This revised site plan shows 11 ten feet by ten feet self-storage units connected by a 32 inch wide interior corridor on the west side. It is unclear if these units have been constructed or if they are proposed.
 - (5) Existing east building, no uses or interior measurements provided;
 - (6) 47 proposed parking spaces, including 2 handicap accessible spaces; note that this revised site plan includes many parking spaces that staff considers infeasible and staff requested that the consultant review and revise the site plan to show only feasible parking.
 - (7) 9 parking spaces in the former bus garage, 2,805 square feet;
 - (8) 2 handicap accessible parking spaces east of the middle building; note that 1 accessible parking space east of the office building was on the March 30, 2015 site plan but is not shown on this revised site plan.
 - (9) 6 parallel parking spaces on west side of the west offices building;
 - (10) Existing 5 feet wide concrete access to front offices with one ramp (accessibility compliance not verified by petitioner);
 - (11) “Sewer System” (septic) located on the north side of the west offices;
 - (12) Storm Sewer near Tiffany Court entrance; and
 - (13) Two access drives on west end of building, 20 feet wide each.

Item 5.E. - continued

- (14) Based on the revised Site Plan received March 7, 2016, there are 11 storage units upstairs in the middle building. It is not clear if these are existing or proposed, but this use will require 4 parking spaces in addition to the 58 calculated based on the March 30, 2015 revised site plan, for a total of 62 required spaces.
 - a. Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces in the proposed north lot will be sufficient to comply with minimum parking requirements.
 - (15) On March 8, 2016, Mr. Frazier responded to staff's list of Site Plan deficiencies via email with the following: "I want to keep garage and move Bud's Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval."
- F. The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicates the following:
- (1) Lot 7A (orange area) is 12,487 square feet and has 34 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means "if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available."
 - (3) Lot 7B contains a "temporary parking lot easement for the benefit of Lot 7A" which contains 3 of the 34 proposed parking spaces.
 - (4) The proposed north lot is located within the City of Champaign. In expectation of annexing the subject property to become one lot with the north parking lot, the City of Champaign has reviewed this preliminary lot for conformance with their Ordinances and found that it meets their requirements, per the email received from Eric Hewitt on March 8, 2016.
- G. A revised site plan titled "310 Tiffany Court Addition" was received from Andrew Fell Architecture on March 21, 2016 that indicated the following:
- (1) The building area on the subject property is not a single building as was required by Zoning Use Permit #166-96-01 on June 17, 1996 and had been shown on all other plans received to date. The plan received on March 21, 2016 indicates that the eastern portion of the building area is actually a separate building and is not connected to the remainder of the building area. The eastern building is all self-storage warehouse space and does not constitute a second principal building on the property.
 - (2) The number of existing self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated:

Item 5.G.(2) - continued

- a. The south end of the eastern building is divided into eight small self-storage units rather than two units and therefore requires an additional two parking spaces.
 - b. Previously, the second floor self-storage area in the middle of the property was thought to contain no more than 12 self-storage units which would have required a total of 4 parking spaces. However, the plan received on March 21, 2016 indicates there are 44 existing self-storage units on the second floor but one unit is proposed to be replaced by a proposed interior stair. The resulting 43 self-storage units on the second floor self-storage area in the middle of the complex require a total of 15 additional parking spaces rather than the previous estimate of 4 parking spaces.
 - c. The second floor in the western portion of the main building is indicated as having 14 self-storage units which require a total of 5 additional parking spaces.
 - d. The western portion of the main building also has a small mezzanine that appears to be less than 1,000 square feet in area and has two self-storage spaces and requires a total of one additional parking space.
 - e. In total, the additional self-storage units that appear on the revised plan received March 21, 2016 require an additional 23 parking spaces in addition to the 58 required parking spaces that were previously identified in a letter sent by staff to the petitioner on September 17, 2015, for a total of 81 required parking spaces, an increase of 19 from the March 7, 2016 revised site plan.
 - f. The number of feasible parking spaces on the subject property appears to be less than previously thought. However, even if there are at least 32 feasible parking spaces on the subject property as previously thought, when combined with the 34 parking spaces proposed to be constructed on the additional land proposed to be purchased to the north, the resulting total number of parking spaces will only be 66 parking spaces, which is 15 spaces less than required.
- (3) Both the existing and the proposed site plan are not in compliance with the Illinois Accessibility Code for the following reasons:
- a. The second floor self-storage area in the middle of the complex exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. This portion of the building area was authorized as only a single story in Zoning Use Permit #166-96-01 on June 17, 1996 and the exterior stairway does not appear in aerial photographs of the property from 2002 and 2005.
 - b. The western portion of the building complex also has a second floor that is much larger than previously indicated in this public hearing and the second floor exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. The western portion of the building area was authorized in Zoning Use Permit #351-02-03 on January 10, 2003 and was authorized to be only a single story.

Item 5.G.(3) - continued

- c. The subject property has no accessible parking spaces and no accessible pathway and no accessible entrance.
 - d. Note that the Illinois Accessibility Code requires 4 of the 81 parking spaces to be accessible.
 - e. One restroom in the western portion of the building complex is proposed to be enlarged so as to be accessible; however, it is not clear that only one accessible restroom is all that is required.
- (4) On the Proposed Site Plan there is no mention of replacement of the street curb that was removed without authorization from the Champaign Township Highway Commissioner.
- (5) On the Proposed Site Plan there is no mention of the proposed adjacent parking to the north.
- (6) Regarding the feasibility of the parking areas indicated on both the existing and proposed site plan received March 21, 2016 (Note: This analysis is meant to assist or supplement the work by Andrew Fell Architecture.):
- a. Regarding parking on the west side of the building:
 - (a) The proposed site plan indicates a clearance of 17 feet between the west property line and steps on the west side of the building. A minimum clearance of 19 feet would be required to accommodate the minimum required 9 feet width for a parking space and the generally accepted best practice minimum width of 10 feet for a one way traffic aisle. These steps were not yet constructed when the Zoning Administrator visited the property in June 2014. Removal of the steps would result in an overall clearance of 20 feet.
 - (b) The ramp on the northwest corner of the west building aligns with an existing curb cut but would conflict with a traffic aisle. The ramp appears to be a feature leftover from the previous use of the property for LEX transportation and the ramp does not appear to be necessary at this time.
 - (c) Removal of both the ramp and the steps on the west side of the building would allow up to seven parking spaces on the west side of the building.
 - (d) At the February 12, 2015 public hearing, the petitioner testified that since the building was built, the parking was as indicated in the photographs (perpendicular to the building) and not as in the plan (parallel with a traffic aisle). However, aerial photos from 2005 and 2008 clearly show parallel parking on the west side of the building.
 - b. Regarding the courtyard space between the east building and the middle building:

Item 5.G.(6)b. - continued

- (a) This space is 56 feet wide and the proposed site plan includes only one row of perpendicular parking with a total of 13 parking spaces and a walkway along the east building.
 - (b) However, if the east walkway were reduced to no more than 3 feet wide, a row of parallel parking spaces could be included that would allow up to a total of 5 additional parking spaces with a 21 feet wide traffic aisle.
 - (c) Six of the perpendicular parking spaces could be converted and improved into three accessible parking spaces.
 - (d) The above revisions could provide a possible total of 15 parking spaces in this courtyard.
- c. It may be possible to create at least one accessible parking space in the vicinity of the bus garage.
 - d. The above changes, in addition to the 8 parking spaces indicated on the east and south of the east building on the proposed site plan, would result in a total of 31 parking spaces.
 - e. It may be possible to add up to six additional parking spaces at the east edge of the subject property with the addition of required paving and a variance to allow parking next to the lot line.
- (7) Regarding the bus garage:
- a. The petitioner stated in an email dated March 8, 2016 to Senior Planner Susan Burgstrom that he wanted to keep the bus garage and move the arborist's vehicles into the garage which is big enough to hold the arborist's vehicles.
 - b. 2 to 3 of the former LEX buses still remain in the bus garage even though the petitioner testified at the February 12, 2015 public hearing that the buses would be sold and that he could remove the buses on February 13, 2015 if need be.
 - c. The arborist's vehicles consisting of a bucket truck, a stake truck with trailer mounted chipper, and a pickup with trailer currently occupy the courtyard space between the east building and the middle building. This space could otherwise accommodate up to 15 parking spaces.
 - d. In an email received June 21, 2016, Mr. Fell stated that all buses have been removed from the property and the tree service tenant has moved to a different location.

Item 5.G. - continued

- (8) Regarding access to the dumpster and emergency vehicle access to the subject property:
- a. Garbage truck access to the subject property has been discussed in the public hearing and was mentioned in the September 17, 2015 letter by Senior Planner Susan Burgstrom.
 - b. The dumpster is located in the southeast corner of the property.
 - c. The site plan received on March 7, 2016 indicates that the south wall of the middle portion of the building is 13 feet 9 inches from the south lot line. Note that the exterior stair encroaches into that separation.
 - (1) At the June 30, 2016 public hearing, Mr. Frazier testified that he moved the steps inside, thus providing more access for vehicular traffic and the fire trucks.
 - d. The National Fire Protection Association recommends a minimum width of 20 feet for fire lanes to provide fire truck access and fire lanes are to be marked and kept clear of parked vehicles at all times.
 - e. A fire lane that is adequate for fire truck access should also provide adequate access for a garbage truck.
 - f. The subject property does not appear to provide adequate access for either a garbage truck or a fire truck.
 - g. Removal of the exterior stairway on the south side of the middle building will improve access but not provide the minimum recommended width of 20 feet. "No parking" signs may also help reduce obstructions by other vehicles.
- H. A revised site plan was received from Andrew Fell Architecture on May 25, 2016 that focused on accommodating the required number of parking spaces on the subject property and the proposed north parking lot property, and indicates the following:
- (1) 40 spaces on the subject property, including:
 - a. 6 parallel spaces on the east end;
 - b. 2 parallel spaces on the south end of the east building directly in front of 8 mini-storage units;
 - c. 17 spaces (13 head-in, 4 parallel) in between east and middle buildings; this area is currently covered in wood chips;
 - d. 4 head-in spaces, including 1 handicap accessible space, on the south side of the bus garage directly in front of the bus garage area that is proposed to house the arborist's vehicles;
 - e. 6 parallel spaces along the currently unpaved north side of the building; and
 - f. 5 parallel spaces along the west side of the west building.

Item 5.H - continued

- (2) 34 head-in spaces on the proposed new lot north of the subject property, including:
 - a. 10 spaces on the subject property's north property line; and
 - b. 24 spaces on the north side of an existing concrete driveway.

- (3) Staff provided the following comments and concerns to Mr. Fell and the Petitioner via email on June 6, 2016:
 - a. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
 - b. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide.
 - c. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked.
 - d. Where will the parking for the arborist occur? If the arborist is to park in the bus garage, there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property.
 - e. The existing ramp at the northwest corner of the building (adjacent to the overhead door) must be removed for the proposed parking to be feasible. Add a note regarding removal of the ramp.
 - f. The steps on the west side of the west building must be removed so as to create a minimum 10 feet wide traffic aisle along the west side of the property. Add a note indicating that the steps will be removed.
 - g. Add a note specifying the removal of the remainder of the street curb that has already been partially removed and the installation of a replacement barrier-type curb subject to review, inspection, and approval by the Champaign County Township Highway Commissioner.
 - h. Please add notes to the effect that all parking spaces and traffic aisles will be Portland cement concrete and that wood chip surface will be replaced with Portland cement concrete and that concrete will be added on the east side of the east building to provide at least a 10 feet traffic aisle adjacent to proposed parking spaces 1 - 6.
 - i. Parking spaces 30 - 35 on the north side of the property are problematic due to the insufficient width of the traffic aisle and, even if a 9 feet wide aisle were acceptable there is no information regarding the proposed direction of travel and there is insufficient turning radius at the northeast corner of the east building to allow access from the east. Without these six parking spaces there will be an insufficient number of parking spaces.

Item 5.H.(3) - continued

- j. There are an insufficient number of accessible parking spaces.
 - k. If this drawing is supposed to be to scale, could you revise the scale to a bar format so that if we need to print in different sizes the scale can still be used?
- I. An email with attached revised site plan was received from Andrew Fell Architecture on June 21, 2016 and indicates the following:
- (1) The proposed number of parking spaces (74) has not changed from the May 25, 2016 revised site plan.
 - (2) There are now 2 accessible parking spaces on the south side of the bus garage area. This is less than the 3 spaces required by the Illinois Accessibility Code for parking lots with up to 75 spaces. Illinois Capital Development Board approval for this and other accessibility concerns will be required as a special condition.
 - (3) All concerns specified in staff's June 6, 2016 email to Mr. Fell and Mr. Frazier have been addressed, as follows:
 - a. Parallel spaces are 9 feet wide by 22 feet deep.
 - b. LEX buses have been removed.
 - c. The arborist has moved to a different location.
 - d. There is a notation that the ramp at the northwest corner of the building will be removed.
 - e. There is a notation that the stairs on the west side of the building will be removed.
 - f. There is a notation regarding the curb: "Remove existing street curb and install new barrier-type curb. Verify with Champaign County Township Highway Commissioner."
 - g. There is a notation regarding the wood chip area between the east and middle buildings: "Remove existing wood chips and pour Portland cement concrete."
 - h. There is a notation that "all parking spaces and traffic aisles will be Portland cement concrete."
 - i. The six parallel spaces on the north side of the middle building have a proposed one-way traffic aisle that begins with an access drive from the proposed north parking lot, runs east along the north side of the property, then along the east end of the property, then out to Tiffany Court along the south existing traffic aisle.

Item 5. - continued

- J. The second floor plans are not part of the Revised Site Plan received June 21, 2016. Mr. Fell provided the following information via email on June 22, 2016: “We are still considering all the options for the second floor. The State has determined that if the second floor is over 1,000 square feet it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 square feet. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements. At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading.”
- K. In an email received July 18, 2016, from Andrew Fell Architecture, Mr. Fell provided the following information:
- (1) We are working on addressing the items in your letter of July 6.
 - (2) The intent will be to install a ramp and walkway connecting the two upper floor areas to make the second floor accessible.
 - (3) Additionally, as far as I know the CDB does not review drawings for private projects. They will review certain accessibility questions, but that is all. I am not sure how I get any approval documentation from them for the building/parking. etc.
 - (4) Mr. Frazier is working on an additional access easement to gain some additional parking area.
 - (5) At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.
- L. A revised site plan was received from Andrew Fell Architecture on September 27, 2016, which shows the following updates:
- (1) Sheet A1 shows the overall site plan for the subject property and the north lot.
 - a. 16 on-site and 46 off-site parking spaces are proposed, for a total of 62 spaces including 4 accessible parking spaces.
 - b. No parking is proposed for the west or east sides of the property.
 - c. A note states that existing stairs on the west side will be removed, and that the street curb will be constructed.
 - d. Additional area has been added to the north lot for spaces 34 through 46.
 - e. Emergency vehicle turning radii indicate sufficient room for larger vehicles when maneuvering around the southeast and northeast corners of the buildings.
 - f. A sidewalk is shown connecting the south side parking spaces with the west building entrance.

Item 5.L. - continued

- (2) Sheet A2 shows the existing first floor areas and dimensions.
 - a. The former bus garage has a proposed accessible ramp to the second floor of the west building; the rest of the garage has been annotated as rental space. No ramp connection is shown to the second floor of the middle building.
 - (3) Sheet A3 shows the existing second floor areas and dimensions.
 - a. 43 storage units are shown on the second floor of the middle building, with one staircase accessing that area on the south interior part of the building.
 - b. 15 storage units are shown on the second floor of the west building, with three possible means of egress: a set of stairs in the main office area (south end); a set of stairs in the former gym (north end); and a set of stairs adjacent to the storage units (west side).
 - c. The second floor loft above the former gym shows three rental spaces.
 - d. The second floor rental spaces and west building storage units are connected via an accessible corridor that leads to the accessible ramp in the former bus garage.
 - (4) Sheet A4 shows the first floor plan for the east and middle storage unit buildings.
 - (5) Sheet A5 shows enlargements of the 2 bathrooms, the first floor former garage space, and the north end of the west building.
 - a. Part 2A5 indicates a 5 feet wide accessible ramp to the second floor, and rental space for the remainder of the former bus garage.
 - b. Part 4A5 shows the following:
 - (a) An overhead door east of the former bus garage that opens to the former gym in the west building.
 - (b) The ramp west of the overhead door on the west side of the west building has a note that it will be removed.
 - (6) Sheet A6 includes Part 2A6, which shows an enlargement of the first floor of the west building and Part 4A6 which shows an enlargement of the second floor storage units in the middle building.
 - (7) Sheet A7 shows an enlargement of the second floor west building.
 - (8) Based on the September 27, 2016 revised site plan, staff calculated 89 required parking spaces, an increase of 8 from the March 21, 2016 revised site plan. This increase is due to a difference in square footage between the two revised site plan.
- M. In an email to Andrew Fell and Robert Frazier dated October 6, 2016, Susan Burgstrom requested additional information about the revised Site Plan received September 27, 2016 regarding:
- (1) Verifying several measurements on Sheet A1;

Item 5.M. - continued

- (2) The requested variance based on this revised Site Plan would have to be amended to include smaller parking spaces;
 - (3) The changes to the revised Site Plan will require additional parking spaces;
 - (4) Relocation of accessible parking space #56 would be better than current proposed location;
 - (5) The existing ramp and stairs on the west side do not need to be removed if they are not proposing any required parking on the west side;
 - (6) The ramp calculations in the former bus garage appear to have an error;
 - (7) Whether the proposed accessible ramp could connect to the second floors of both buildings, not just the west building;
 - (8) Whether Mr. Frazier intends to further subdivide the former gym rental space;
 - (9) A reminder that the ZBA is very focused on the Tiffany Court curb replacement.
- N. A revised Site Plan was received via email on October 17, 2016, with the following additional information:
- (1) Sheet A1 shows the overall site plan for the subject property and the north lot.
 - a. 27 on-site and 49 off-site parking spaces are proposed, for a total of 76 spaces, including 4 accessible parking spaces.
 - b. 13 parallel parking spaces were added surrounding the easternmost building; and
 - c. There are notes showing the existing stairs will remain on the west side of the office building.
 - d. All handicap accessible parking spaces are now near entrances on the subject property; 1 space was previously located in Lot 1A, which was fairly distant from any entrance.
 - (2) Sheet A2 shows the existing first floor areas and dimensions.
 - a. The former bus garage has a proposed accessible ramp to the second floor of the west building.
 - b. A ramp connection to the second floor of the middle building is now shown, making all second floor areas accessible.
 - c. The ramp elevations have been corrected.
 - d. One storage unit has been added next to the staircase in the middle building, for a total of 65 first floor storage units.
 - e. The area immediately west of the proposed ramp to the second floor is now shown as “public access” rather than “rental space.”

Item 5.N. - continued

- (3) Sheet A3 shows the existing second floor areas and dimensions.
 - a. The second floor loft above the former gym shows two rental spaces with a note “rental spaces at loft are part of existing rental space below.” There is a third “rental space” on the second floor of the former bus garage with the note “rental space (as part of rental space below).”
 - b. The second floor rental spaces, west building storage units, and middle building storage units are connected via an accessible corridor that leads to the accessible ramp in the former bus garage.
 - c. The proposed ramp to the second floor has been corrected to indicate the proper ramp length; a cross section of the ramp is now provided on Sheet A3.
 - (4) Sheets A4 through A7 show enlargements of parts of Sheet A1, with the same new details that are shown on Sheet A1 received October 17, 2016.
 - (5) Based on the October 17, 2016 revised Site Plan, staff calculated the following 86 parking spaces, an increase from 81 spaces calculated based on the March 21, 2016 revised site plan:
 - a. Note that in previous calculations, staff had separated out the different self-storage areas (i.e. 1st floor east, middle building 2nd floor, etc.), which resulted in 89 required spaces. For the calculations based on the October 17, 2016 revised site plan, staff aggregated the number of self-storage units, which reduced the total required parking spaces from 89 to 86.
 - (a) 41 spaces for 123 storage units; and
 - (b) 45 spaces for the estimated 9,000 square feet of executive office, and rental spaces.
 - b. The petitioner still seeks to apply the City’s ‘Collective Parking Provision’ which would reduce the required number of parking spaces to 74.
- O. The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:
- (1) Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means “if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available.”
 - (3) Lot 7B contains a “temporary parking lot easement for the benefit of Lot 7A” which contains 3 of the 47 proposed parking spaces.

Item 5.O - continued

- (4) In an email to Attorney Kent Follmer dated February 22, 2017, Susan Burgstrom stated, “there appears to be inadequate vehicle circulation space for the parking spaces east of the existing septic system. It seems that they would only be feasible if the existing cross hatched area is extended to have the 26 feet width (rather than necking down to only 11 feet in width) or if there is an easement onto Lot 7B for the benefit of the Frazier property. John Hall recommends that something be done or there needs to be an explanation of how the traffic circulation is supposed to work in the event that a fence is erected along that property line.”
- (5) Staff notes the following differences between the most recent revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
- a. The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - b. The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.
- P. In an email received February 22, 2017, Eric Hewitt provided a draft of the minor subdivision Replat of Lot 7A of Replat of Lot 5 of Stahly Subdivision dated February 20, 2017. Mr. Hewitt stated in the email, “We (Phoenix and Isaacs attorney-Brian Schurter) are working to get this submitted to the City of Champaign for approval and recording.”
- Q. In an email from Eric Hewitt to Jeff Marino and copied to Susan Burgstrom, received March 1, 2017, Mr. Hewitt provided the same draft Replat dated February 20, 2017, and asked Mr. Marino how soon a subdivision case number could be assigned.
- (1) In an email dated March 6, 2017, to Susan Burgstrom, Mr. Hewitt stated that he had heard from Mr. Marino and that a case number could be assigned with just the application, prints of the plat and fee. He added, “we are attempting to get that to the City this week. Have to get with Isaacs first since they are the owner of the land.”
 - (2) The City of Champaign assigned case number PL17-0010 on March 14, 2017.
- R. In an email received March 13, 2017, Eric Hewitt forwarded a copy of the Minor Plat application submitted to the City of Champaign on March 13, 2017.
- S. In an email received March 15, 2017, Eric Hewitt provided a Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7, which included the following:
- (1) The plat shows 49 proposed parking spaces, consistent with the Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017.
 - (2) Drainage appears to flow generally southwest toward Tiffany Court. There is a note stating that storm water detention facilities for subject lot are existing and located upon adjacent Lot 6 to the west.

Item 5.S. – continued

- (3) In the email, Mr. Hewitt states, “I believe the County had a concern with the parking lot traffic east of the existing septic system. I previously looked at this and made sure there was 23' for two way traffic there but overlooked what was happening at the septic system. A small "corner cut" will be necessary there and it is marked in red on the attached version of the combination subsidiary drainage plat and parking lot plan. Jeff, please expect that to be a change on the final version of the final plat.”
- T. The structures on the subject property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- U. Regarding how the petitioner has carried out this variance case:
- (1) The original variance application was received on July 17, 2014, and the public hearing opened on February 12, 2015, and was continued to May 14, 2015. Several neighboring property owners attended the February 12, 2015. At that meeting, Mr. Frazier stated there was a second floor in the building but John Hall, the Zoning Administrator, stated that none of the plans that had been submitted for the building indicated a second floor. The Zoning Board of Appeals advised Mr. Frazier to provide a very accurate site plan for all levels of the building at the next hearing and the Zoning Administrator suggested that the plan be prepared by an architect so that issues related to accessibility could be addressed.
 - (2) Several neighboring property owners attended the May 14, 2015, public hearing but the petitioner failed to appear. The Zoning Board of Appeals dismissed the case in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
 - (3) The Zoning Administrator mailed the petitioner a Notice of Dismissal on May 15, 2015, as required by the Bylaws.
 - (4) The petitioner reactivated the variance case on May 30, 2015, in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
 - (5) The reactivated case opened at the September 10, 2015, public hearing. Several neighboring property owners attended the September 10, 2015, meeting. Mr. Frazier stated during cross examination that a lease under which he had secured additional off-site parking on an adjacent property had been canceled. The canceling of the lease had not previously been disclosed by Mr. Frazier. The Zoning Board of Appeals also again advised Mr. Frazier to acquire the services of an architect to prepare a very accurate site and floor plan for the property. The case was continued to October 29, 2015.
 - (6) At the October 29, 2015 ZBA meeting, several neighboring property owners attended the meeting but the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - a. Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.

Item 5.U.(6) – continued

- b. There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.

- (7) Following the October 29, 2015, public hearing staff contacted all parties in attendance at previous hearings for this case and it was determined that a hearing on January 28th would not work. Staff requested availability from the same parties, and all indicated that March 24, 2016 would be feasible.

- (8) A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 7, 2016, and a later revision was received on March 21, 2016. The revised site plan received on March 21, 2016 is reviewed in greater detail elsewhere in this Summary of Evidence but some of the most significant problems revealed in that plan were the following:
 - a. The number of self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated; and
 - b. The unauthorized or unpermitted second floor areas are not in compliance with the Illinois Accessibility Code which would normally require elevators to make the second floor areas accessible; and
 - c. The existing clearance on the west side of the west building is not adequate to allow parallel parking and a traffic aisle on this side of the building and the ramp on the northwest corner of the west building will also conflict with parallel parking and a traffic aisle.

- (9) A proposed north parking lot site plan with 34 proposed parking spaces created by Eric Hewitt of Phoenix Consulting Engineers was received on March 8, 2016.

- (10) In Supplemental Memorandum #7 dated June 24, 2016, staff stated:
 - a. “Staff members believe that Mr. Frazier is in receipt of all requests for information regarding what the ZBA needs to finalize consideration of Case 792-V-14. Staff has followed up via letter or email after every public hearing to provide Mr. Frazier with a punch list of items and a deadline by which those items should be provided if he wants them considered for the next hearing. Staff has also discussed requirements with Mr. Frazier by phone and email, and has collaborated on his behalf with the City of Champaign.
 - b. Mr. Frazier has taken positive steps by hiring Andrew Fell Architecture to design his parking areas and working with the City of Champaign on what they might require for annexing his property. However, we are still not in receipt of a comprehensive site plan of existing and proposed conditions that is necessary for case approval. The petitioner’s failure to provide this after repeated requests over the last 18 months should again be considered in whether the Board continues the case or denies it.”

Item 5.U. – continued

- (11) In Supplemental Memorandum #8 dated September 21, 2016, staff stated, “Staff recommends denial because the petitioner has not provided sufficient information to support the variance criteria requirements. No new information has been received since an email from Architect Andrew Fell on July 18, 2016.”
 - (12) In Supplemental Memorandum #9 dated October 20, 2016, staff stated,
 - a. “The Petitioner and contracted architect Andrew Fell submitted a revised Site Plan received September 27, 2016, as well as information about the Capital Development Board review process. The Petitioner and contracted architect Andrew Fell submitted another revised Site Plan, received October 17, 2016, based on preliminary comments from staff.”
 - b. “Significant progress has been made. However, no update has been received regarding the engineering plans and details for the Tiffany Court curb replacement nor the approval of the proposed north parking lot by the City of Champaign.”
 - (13) The petitioner hired Attorney Kent Follmer, who responded on the deadline of February 21, 2017, for the information requested by the ZBA at the October 27, 2016 public hearing. Mr. Follmer requested a 60 to 90 day continuance, citing the following reasons:
 - a. Mr. Frazier is negotiating the purchase of Lot 7A with Isaacs properties in coordination with the City of Champaign;
 - b. Mr. Follmer is new to the case, and would appreciate time to get up to speed on the case.
 - c. Mr. Hewitt is working on a replat of Lot 7A to submit to the City of Champaign for subdivision approval.
 - d. In Supplemental Memorandum #10 dated March 9, 2017, staff stated, “Given the new information and documented progress from Mr. Follmer and Mr. Hewitt, staff is prepared to recommend a continuance of the March 16, 2017, public hearing for this case.”
- V. The required variance is as follows:
- (1) Part A. Variance for 74 parking spaces in lieu of the minimum required 86 parking spaces (including 27 onsite and 47 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.
 - (2) Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4 of the Zoning Ordinance.
 - a. Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
 - (3) Part C. Variance for allowing at least 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

Item 5.V.(3) - continued

- a. Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- (4) Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
- (5) Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding the proposed variance:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):

- (1) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (2) “CANOPY” is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
- (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
- (9) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.

Item 6.A. - continued

- (10) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT -OF -WAY line.
 - (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (14) "WAREHOUSE" is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
 - (15) "WAREHOUSE, SELF-STORAGE" is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
 - (16) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (17) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the

Item 6.C.(1) - continued

Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9.D.2.
- D. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
- F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
- G. Regarding the parking requirements for a self-storage warehouse:
- (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance.

Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph

Item 6.G.(2) - continued

7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. In a letter received May 25, 2016, Andrew Fell requests a reduced minimum number of required parking spaces.
 - (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together. Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time.
 - (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- J. All required off-street parking spaces must be located on the same lot or tract of land as the use served according to section 7.4.1.B of the Zoning Ordinance.
- K. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- L. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- M. Minimum dimensions of a parking space are 9 feet by 20 feet, per Section 7.4.1 of the Zoning Ordinance.
 - (1) The City of Champaign minimum parking space requirements are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign's dimensional requirements is acceptable, the revised Site Plan received October 17, 2016, and the draft of the minor subdivision Replat of Lot 7A of Replat of Lot 5 of Stahly Subdivision dated February 20, 2017, show adequate parking space dimensions.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

Item 7. - continued

- A. The Petitioner has testified on the application, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**
- B. Regarding Parts A, B and C of the Variance, for 74 parking spaces in lieu of the minimum required 86 parking spaces, with 27 provided onsite and 47 provided on an adjacent lot to be purchased by the petitioner:
- (1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement between the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking on-site.
 - (2) Based on the Site Plan dated July 17, 2014, the 2,664 square feet “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit.
 - a. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - b. The Revised Site Plan received on March 30, 2015 indicates this area as a “garage” that totals 2,805 square feet.
 - c. The revised Site Plan received on March 8, 2016 indicates this area as 9 parking spaces with 12 feet of clearance to access those spaces.
 - d. On March 8, 2016, Mr. Frazier responded via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
 - e. The Revised Site Plan received on October 17, 2016, indicates the former bus garage will become a mix of “rental space” and “public access” instead of a parking area.
 - (3) Testimony by adjacent landowners and one business owner who rents space in the subject building indicates that not all parking spaces on the subject property are reliably available for parking due primarily to inadequate access that is quite often blocked (see Section 11.F. of the revised Summary of Evidence dated June 24, 2016).
 - (4) Adjacent landowners have testified that vehicles parking on the west side of the subject property quite often park over the public sidewalk (see Section 11.F. of the revised Summary of Evidence dated June 24, 2016).
 - a. The Revised Site Plan received on October 17, 2016 indicates that parking will be removed from the west side.
 - (5) Mr. Frazier seeks to purchase approximately 0.3 acres from the property owner to the north in order to provide 49 additional parking spaces. That proposed lot is

Item 7.B.(5) - continued

- within the City of Champaign and the parking design has received preliminary approval from the City.
- a. Susan Burgstrom sent Mr. Frazier an email on October 13, 2015 which specified recommendations regarding the purchase of the additional parking area (see Attachment H to Supplemental Memo #4).
 - b. Susan Burgstrom sent Mr. Frazier an email on October 20, 2015 which specified next steps required before the purchase and possible annexation to the City could occur (see Attachment H to Supplemental Memo #4).
 - c. Supplemental Memo #3 dated October 22, 2015 was prepared for the October 29, 2015 ZBA meeting and provided a status update about parking requirements, the potential purchase of additional parking area north of the subject property, and next steps the petitioner would need to take (see Attachment I to Supplemental Memo #4).
- (6) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- (7) At the March 24, 2016 public hearing:
- a. Mr. Passalacqua stated that the City of Champaign had a conditional approval if everything else was brought into compliance. He said that the City of Champaign would not approve anything that Mr. Frazier is proposing unless he had compliance with the Champaign County Zoning Board of Appeals.
- (8) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
- a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (9) Based on the revised Site Plan received May 25, 2016, staff still cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- a. On June 6, 2016, staff sent the petitioner and Mr. Fell comments and requested a revised site plan regarding the May 25, 2016 site plan via email.

Item 7.B. - continued

- (10) Based on the revised Site Plan received June 21, 2016, the Petitioner proposes 40 parking spaces on the subject property and 34 spaces on the proposed north lot. This is 4 more than the minimum required if the ZBA accepts the 70 spaces calculated in Item 7.B.(8)a.
- (11) Based on the revised Site Plan received October 17, 2016, the Petitioner proposes a total of 76 parking spaces, with 27 of them provided onsite and 49 provided in an adjacent lot.
- (12) The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:
 - a. Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.
 - b. Staff notes the following differences between the most recent revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
 - (a) The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - (b) If the ZBA approves the use of City of Champaign's 'Collective Parking Provision' for this case, the petitioner would require 74 spaces rather than 86 spaces, of which 47 are proposed for Lot 7A.
 - (c) The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.
- C. Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
 - (1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.
- D. Regarding Part C of the Variance as originally advertised, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
 - (1) The revised Site Plan received October 17, 2016, shows all parking spaces removed from the west side of the subject property. If the ZBA approves this revised Site Plan, Variance Part C is no longer necessary.
 - (2) At the September 10, 2015 ZBA meeting:
 - a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission:
 - (a) Mr. Keith Padgett stated that Champaign Township needs the curb replaced and he hopes that this is involved in the Board's final

Item 7.D.(2)a. - continued

decision. He said that the curb has been cut and people drive across it all day long. He said that he does wonder what damages are being done to utilities in this area that do not have a concrete surface over the top for protection. He said that no damage may be occurring, but if there is damage, who will be held responsible for that damage.

- (b) Mr. Frazier said that he admits that he did cut the curb and if the rules indicate that the curbs must be replaced and the original parallel parking scheme has to be followed then he will obviously do that. He said that a better alternative for parking would be if he purchased that area rather than leasing it but he must know if purchasing that property is acceptable by the Board.
- (3) At the March 24, 2016 ZBA meeting:
- a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission, Mr. Hall stated the following:
 - (a) The street curb has not yet been replaced. He stated that there is no single drawing that shows the entire property that is proposed. He believes this Board should require a single site plan with both the existing lot and the existing land that is proposed for purchase.
 - (b) There should be no curb replaced until there is a drawing showing what is going to be done. The drawing has to be reviewed by the Champaign Township Highway Commissioner and approved, preferably in writing. He stated that when that curbing is replaced, there should be extensive coordination with the Champaign Township Highway Commissioner to allow him to see the construction as it is occurring. He stated that at the end, Champaign Township Highway Commissioner gets to accept or reject that curb.
 - b. Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his jurisdiction only goes from sidewalk to sidewalk but part of that area is gone without permission, a permit, or a request. He said that when the curb is replaced he would like to know about it. He said that his engineering comes from Champaign County and everything has to be built to the specifications that the Champaign County engineer requires, which is also what the state requires.
 - c. Mr. Thorsland asked Mr. Frazier if he took out the curb himself or did he hire someone to do it. Mr. Frazier stated that he hired someone to take out the curb. Mr. Thorsland asked Mr. Frazier if he had a record of that service that could be entered as evidence. Mr. Frazier stated he can check. Mr. Thorsland asked Mr. Frazier if he checked with the township when he had the curb removed. Mr. Frazier stated no, because he did not realize that he had to but he understands that it is a poor excuse for breaking the law. Mr. Thorsland stated that the Board will require that the curb be replaced meeting today's requirements.

Item 7.D. - continued

(4)

At the October 26, 2016, ZBA meeting:

- a. Mr. Thorsland stated that the Board has been very patient and clear and one point that the Board has repeated numerous times to Mr. Frazier is the replacement of the curb on Tiffany Court. Mr. Thorsland stated that the Board has not seen any information regarding the replacement of the curb, such as, bids regarding the curbs replacement. Mr. Thorsland stated that the curb was removed and it is still gone and Mr. Frazier has made it clear that he is responsible for the curb's removal.
- b. Mr. Frazier stated that he has never indicated that he will not replace the curb.
- c. Mr. Frazier stated that he understands that the curb is an issue, but he does not understand if curbs are part of the ZBA's venue. He said that it is obvious that the Board is making it part of the zoning case, but he has never heard of a curb being part of zoning. He said that if Champaign Township had a problem with the curb then it would have been a civil action rather than a zoning action. He said that if zoning wants to get into the business of curbs then he would replace the curb in the same condition that he tore it out.
- d. Mr. Thorsland stated that at the beginning of tonight's public hearing regarding this case he provided very clear information to Mr. Frazier. He said that he wants to see real progress related to the replacement of the curb and evidence that he has contacted the appropriate people for that replacement. Mr. Thorsland said that he would like to see evidence that Mr. Frazier has gone to the trouble of providing adequate parking.
- e. Mr. Frazier stated that he does not feel that replacement of the curb is a zoning issue. He asked when a curb replacement became a zoning issue, because this is the Zoning Board of Appeals. Mr. Frazier requested text from the Zoning Ordinance that indicates that the curb will require replacement, because if there is no such text, an attorney is going to say that the ZBA has no basis in requiring the curb's replacement during this case. He said this Board is fixating on the replacement of a curb.
- f. Ms. Griest stated that where the curb replacement becomes an issue related to zoning is that the original approved site plan for the development of this property included the curb being present. She said that Mr. Frazier deviated from the original site plan that was approved which makes him non-compliant; therefore, it becomes an issue for this Board. She said that everyone can sit in this room and bicker about this all night long, but it is not going to get Mr. Frazier anywhere. She said that the way that the building was designed without the overhang was part of his original approval.
- g. Mr. Frazier stated that he has told the Board many times that he has no problem with replacing the curb. He asked Mr. Hall why he does not believe that Mr. Frazier desires to replace the curb.
- h. Mr. Hall stated that he does not believe that Mr. Frazier desires to replace the curb because he hasn't done so.

Item 7.D. - continued

- (5) Staff requested a legal opinion from the State's Attorney's Office regarding whether the ZBA has the discretion to include the curb replacement as a special condition of approval for the variance case.
- a. On March 9, 2017, staff received the legal opinion from Assistant State's Attorney Jacob Croegaert. While the document is subject to attorney-client privilege, the following is a summary of his comments:
 - (a) The Zoning Board of Appeals may include the special condition requiring replacement of the curb.
 - (b) Similar court cases establish some general guidelines for including a special condition: a condition should be related to zoning considerations (and probably to the variance at issue), should be consistent with the county Zoning Ordinance; and, if the condition is freely accepted and the variance is acted on by the petitioner, the petitioner cannot then argue against the condition.
 - (c) Given that the record is clear that the petitioner illegally destroyed the curb, requiring its replacement as a condition in order to prevent the continuation of unlawful parking at the property is appropriate. Restoring the right-of-way to its designed state, and preventing parking along the west edge of the property, also serves several general goals of the Zoning Ordinance as stated in Section 2.0.
 - (d) If the ZBA sees fit to impose the condition to replace the curb, that condition is consistent with the county's zoning ordinance, directly related to zoning considerations, and related to the requirements and/or effects of the variance itself.
- (6) At the March 16, 2017, public hearing, Mr. Frazier submitted a curb replacement plan for 310 Tiffany Court, which he has testified he is willing to replace.
- a. On March 17, 2017, Susan Burgstrom emailed the curb replacement plan to individuals who would be involved in approving the curb design and construction. She copied the email to P&Z Staff; Mr. Frazier; Mr. Frazier's attorney Kent Follmer; Mr. Frazier's engineer Eric Hewitt; Champaign County Highway Engineer Jeff Blue, and Champaign Township Highway Commissioner Keith Padgett.
 - b. On March 20, 2017, Jeff Blue, County Highway Engineer, sent an email to the same people stating that the curb replacement plan meets the County Standards.
 - c. On March 20, 2017, Champaign Township Highway Commissioner Keith Padgett sent an email stating that the curb replacement plan was what was necessary to receive Champaign County Engineering approval, and that Mr. Frazier's approved contractor would need to send notice for request of inspection time and date to Champaign County.
 - d. On March 21, 2017, Susan Burgstrom asked Keith Padgett for clarification on what a contractor needs to be "approved". Mr. Padgett responded, "The

Item 7.D.(6) - continued

contractor chosen by Mr. Frazier can be approved thru the Champaign Township Road District office by the Highway Commissioner Keith Padgett. Champaign County Engineering has given that approval to the Township. When Mr. Frazier hires the contractor, he should call 217-352-0321 and make contact with Highway Commissioner. Need to make sure they have proper equipment for project.”

- e. On March 22, 2017, Susan Burgstrom sent an email to Mr. Frazier and Mr. Follmer stating, “The contractor you choose for the curb replacement must be approved by Champaign Township Highway Commissioner. Champaign County Engineering has given that approval authority to the Township. You can contact him at the Champaign Township Road District office: Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, IL 61822, 217-352-0321.”
- f. On March 22, 2017, Zoning Administrator John Hall requested that the curb replacement plan include a statement that the replacement will be consistent with standard IDOT specifications. In an email received March 24, 2017, Eric Hewitt, Engineer with Phoenix Consulting Engineers, submitted the revised curb replacement plan with the requested statement.
- g. On March 24, 2017, Susan Burgstrom received an email from Keith Padgett that the Township gave its ok for the curb replacement plan as revised. The email string also included approval of the revision by Jeff Blue.
- h. At a site visit on May 9, 2017, Susan Burgstrom noted that no changes had been made to the curb.

- E. Regarding Part C of the Variance, for allowing at least 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served:
 - (1) The subject property does not have sufficient area for the required parking spaces.
 - (2) On March 1, 2015, Mr. Frazier leased parking space from Isaacs Properties on adjacent property 306 Tiffany Court. The gravel area on the southwest corner of the Isaacs property holds 32 vehicles according to Mr. Frazier. The contract ends on February 28, 2016, but can be extended at Mr. Frazier’s option until February 28, 2018.
 - (3) The leased parking is within the City of Champaign corporate limits. Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City would require subdivision approval in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015, that City subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet City regulations for parking (see Attachment F from Supplemental Memo 1 dated May 6, 2015). Rob Kowalski sent a follow-up email on June 2, 2015 indicating that the owner to the north has sufficient parking for their own use in addition to what they are leasing to Mr. Frazier.

Item 7.E.(3) - continued

He recommended adding a Special Condition that any required parking provided off-site and in the City shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface. Staff has added this proposed Special Condition to this revised Summary of Evidence.

- (4) At the September 10, 2015 ZBA meeting:
- a. Regarding parking spaces for the existing and proposed uses on the subject property:
 - (a) Mr. Steve Koester testified that his business address is located at the Stahly Industrial Park at 305 Tiffany Court and he jointly owns 314 Tiffany Court which is located on the south side of Mr. Frazier's property. He said that he did have a discussion with Mr. Isaacs who is the person who leased Mr. Frazier the 19 spaces that were previously discussed at the hearing and Mr. Isaacs indicated that he did cancel the lease on the 19 parking spaces.
 - (b) Mr. Frazier testified that the lease is good for six months and the check has already been approved and paid for in cash therefore the lease is enforced for six months. He said that if after six months the landlord decides to not renew the lease then that is his decision. He stated that the payments are made for six months as he has the option of a six month or yearly lease. He said that he paid for a six month lease in full and Mr. Hall probably has record of that.
 - (c) Mr. Hall stated that the lease agreement states the following: "The Lessee agrees to pay as rent for said premises the sum of \$1,500 per year beginning on the 1st day of March, 2015 to the 28th day of February, 2016." He asked Mr. Frazier if there is another agreement which allows him to pay for this lease in six month terms.
 - (d) Ms. Griest stated that the lease does state that it begins on March 1, 2015 and today's date is September 10th therefore the lease is currently in default.
 - (e) Mr. Frazier said that it is possible to make the north area accessible and he can talk to the architect about that possibility. Mr. Frazier stated that there are cases when there have been vehicles parked there and as far as access through the neighbor's property then the answer would be yes. Mr. Frazier stated that he is willing to work with an architect to make sure that the property is in compliance with the rules.
 - (f) Regarding the unpermitted bus garage that may be removed in order to reduce required the parking minimum, Mr. Frazier stated that he had built a garage for LEX buses for when LEX was in business and that garage is currently vacant. He said that he has already taken half of the garage down and it is not closed in due to the pending decision that this Board will make. He said that he is comfortable taking the rest of the building down and going back to the original building that was

Item 7.E.(4)a.(f) - continued

granted over 20 years ago by Champaign County. He said that if we are talking about a simple wooden structure with some metal on the roof then he is willing to remove it.

- (5) The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicated 34 parking spaces on the proposed north parking lot.
 - a. The parking plan came with an email that stated, "Lot 7A is the land Mr. Frazier is looking at acquiring. The plan has a parking lot containing 34 spaces and has preliminary staff approval by the City of Champaign.
- (6) At the March 24, 2016 public hearing, the following evidence was provided regarding parking spaces for the existing and proposed uses on the subject property:
 - a. Mr. Hall stated that on the east side of the property, there is room for some parking spaces but there also needs to be a traffic aisle and all of that needs to be paved.
- (7) The revised Site Plans received May 25, 2016, and June 21, 2016 indicate 40 spaces on the subject property and 34 parking spaces on the proposed north parking lot.
 - a. Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.
- (8) The revised Site Plan received September 27, 2016, indicates 16 spaces on the subject property and 46 spaces on the proposed north parking lot. The required variance description was revised and re-advertised on October 12, 2016.
- (9) The revised Site Plan received October 17, 2016, indicates 27 spaces on the subject property and 49 spaces on the proposed north parking lot.
- (10) The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:
 - a. Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.
 - b. Staff notes the following differences between the most recent revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
 - (a) The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - (b) If the ZBA approves the use of City of Champaign's 'Collective Parking Provision' for this case, the petitioner would require 74 spaces rather than 86 spaces, of which 47 are proposed for Lot 7A.
 - (c) The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.

Item 7. - continued

- F. Regarding Part E of the proposed variance, for parking spaces that are smaller than the minimum required by the Zoning Ordinance:
- (1) In an email received October 6, 2016, Andrew Fell states that the revised Site Plan received September 27, 2016 uses City of Champaign minimum parking space requirements, which are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign's dimensional requirements is acceptable, the most recent revised Site Plan received October 17, 2016, shows adequate parking space dimensions.
 - (2) The revised Site Plan received October 17, 2016, shows that parking on the subject property reflect improvement toward compliance with Zoning Ordinance requirements and recommendations by the Scott Fire Protection District.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.”**
 - B. Regarding Part A of the Variance, for 74 total parking spaces (including 27 onsite and 47 offsite parking spaces) in lieu of the minimum required 86 parking spaces:
 - (1) Without the proposed Variance, the Petitioner would have to provide 12 additional parking spaces, which is equivalent to decommissioning 36 of the 123 storage units, or demolishing 2,400 square feet of office/rental space, or a combination of these two approaches.
 - C. Regarding Part B of the Variance, for 27 on-site parking spaces in lieu of the minimum required 86 total parking spaces:
 - (1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.
 - (2) Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
 - D. Regarding Part C of the Variance, for allowing at least 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served:
 - (1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.

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- E. Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements.
- F. Regarding Part E of the Variance, for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet:
- (1) Without the proposed variance, the Petitioner would not be able to fit the number of parking spaces shown on the revised Site Plan received October 17, 2016, which would increase the required variance for number of parking spaces provided.
- G. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.
- (1) Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1C.3. and therefore a self-storage warehouse could be considered as an “establishment other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. At the March 24, 2016 public hearing:
- (1) Mr. Hall believes this Board should see a copy of the signed contract, have that in the file, and the signed contract should have a condition to make the Board aware if the contract is void at any time within a 72 hour period of it being voided.
 - (2) Mr. Hall recommended that the Board should not take action until we see the actual plat document that has been verified by City of Champaign staff to be complete, and in fact received before the application of the subdivision plat approval so that the Board absolutely knows there has been an application for plat approval. He stated that City staff is willing to hold that application for up to 12 months, which tells him that this thing is going to be finished within 12 months.
- I. In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.

Item 8.I. - continued

- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case, the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
- (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (3) Based on revised staff calculations for the October 17, 2016, revised site plan, 86 parking spaces are required. The petitioner still seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 74.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**
 - B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.
 - C. At the October 29, 2015 ZBA meeting, the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - (1) Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
 - (2) There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
 - D. At the March 24, 2016 public hearing:
 - (1) Mr. Hall stated that what especially concerns him is that we have extensive second floor construction in complete violation of the Illinois Accessibility Code. He stated that Mr. Frazier will not get a permit from the Zoning Department until the Capital Development Board has signed off completely on this. He added that if Mr. Frazier can come to some agreement with the Capital Development Board allowing the second floor rental areas to remain, he could add the necessary parking by acquiring more land from Isaacs going on the south edge of the property all the way back and hopefully tying in with the parking that is already on the east side.

Item 9.D.(1) - continued

This would provide space for at least smaller vehicles a way to circumnavigate the whole property; he believes 14 spaces can fit in there. Mr. Hall stated that he would like to see this Board require the minimum number of parking spaces, and that would require this to be expanded.

- E. At the June 30, 2016 public hearing, Mr. Frazier submitted a signed contract between Isaacs Properties and Frazier Properties for the purchase of a portion of the property located north of the subject property.
- (1) The contract states that Mr. Frazier will have a survey prepared by an Illinois licensed surveyor for the agreed property which is the subject of this sale.
 - a. The cover letter for the contract signed by Attorney Brian T. Schurter of Tummelson Bryan and Knox LLP states that it is Mr. Schurter's understanding that the matter would be closed within 30 days of receipt of the survey obtained by Robert Frazier.
 - b. To date, there is no recorded survey at the Champaign County Recorder of Deeds.
 - (2) After the June 30, 2016 public hearing for this case, staff sent the petitioner a letter dated July 6, 2016, outlining what items would be necessary for the ZBA to be able to make a decision on the proposed variance.
 - (3) On July 18, 2016, Andrew Fell, the architect contracted by the petitioner, sent an email in response to the July 6, 2016 letter.
 - (4) On September 8, 2016, staff sent a reminder email to the petitioner and Mr. Fell that the next hearing would be on September 29, 2016 and that the petitioner needed to send the requested information.
 - (5) A revised Site Plan was received from Andrew Fell on September 27, 2016, which showed significant progress in providing sufficient information for the ZBA to make a decision on this case.
 - (6) A revised Site Plan was received from Andrew Fell on October 17, 2016, which showed additional progress in providing sufficient information for the ZBA to make a decision on this case.
 - (7) Regarding compliance with the Illinois Accessibility Code:
 - a. In an email received September 23, 2016, Architect Andrew Fell stated that he double-checked with the Capital Development Board the morning of September 23, 2016, and they told him that they do not review drawings for private projects.
 - b. In an email to Andrew Fell dated September 23, 2016, Susan Burgstrom responded that the subject property is still subject to the Illinois Accessibility Code and Environmental Barriers Act. She asked Mr. Fell, as a licensed architect in Illinois, if he would be willing to sign and seal a Statement of Compliance regarding accessibility.

Item 9.E.(7) - continued

- c. In an email received September 23, 2016, Andrew Fell responded that he can add such a statement to any new construction documents, adding that what the ZBA has for review are “Design Development” drawings, which do not have enough information on them to place the compliance statement. Further, he cannot provide that statement for existing work for the entire property. A more exhaustive survey of the property would be necessary, and such a process falls outside the scope of work for which he was contracted.
 - d. The revised Site Plan received October 17, 2016, shows all second floor areas to be accessible via the proposed ramp in the former bus garage.
- (8) On October 28, 2016, staff sent an email with attachments to Mr. Frazier, copied to architect Andrew Fell, listing the documentation requested by ZBA members and staff at the June 30, 2016, public hearing (Supplemental Memo #10 Attachment A). The packet included all previous ZBA and staff requests for information sent to Mr. Frazier since June 2014. Given the hearing continuance date of March 16, 2017, the ZBA established a deadline of February 21, 2017 for Mr. Frazier to provide the materials.
 - (9) Attorney Kent Follmer was hired by Mr. Frazier to act as his agent in resolving the zoning issues for 310 Tiffany Court. Staff received a letter from Mr. Follmer on February 21, 2017, which requested a 60 to 90 day continuance of the March 16, 2017 public hearing (Supplemental Memo #10 Attachment B). He provided several reasons for the proposed continuance, including the fact that Mr. Frazier is negotiating the purchase of Lot 7A with Isaacs properties in coordination with the City of Champaign. The letter included a Preliminary Site Plan dated February 9, 2016, and an updated Preliminary Site Plan dated September 8, 2016, that includes additional land acquisition. A string of emails between Eric Hewitt of Phoenix Consulting Engineers and City of Champaign Planner Jeff Marino dated between November 10, 2015, and March 8, 2016, was also included to document discussion about the proposed north lot acquisition.
 - (10) Staff contacted Eric Hewitt via email on February 22, 2017. Mr. Hewitt stated that he is working on a replat of Lot 7A through the City and also stated that Mr. Frazier intends to purchase Lot 7A. Mr. Hewitt provided a Draft Final Plat of Lot 7A (Supplemental Memo #10 Attachment C), which had not yet been submitted for subdivision approval to the City.
 - (11) On February 28, 2017, Mr. Hewitt copied the Zoning Department on an email to Jeff Marino at the City of Champaign Planning Department (Supplemental Memo #10 Attachment D). The email included the draft final plat of the replat of Lot 7A and asked Mr. Marino how soon a subdivision case number could be assigned.
 - a. In an email received on March 6, 2017, Mr. Hewitt told Susan Burgstrom that Mr. Marino could assign the case number with just the application, prints of the plat and fee, and that he is trying to get that to the City this week.
 - b. The City of Champaign assigned case number PL17-0010 on March 14, 2017.
 - (12) In an email received March 13, 2017, Eric Hewitt forwarded a copy of the Minor Plat application submitted to the City of Champaign on March 13, 2017.

Item 9.E. - continued

- (13) In an email received March 15, 2017, Eric Hewitt provided a Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7, which included the following:
- a. The plat shows 49 proposed parking spaces, consistent with the Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017.
 - b. Drainage appears to flow generally southwest toward Tiffany Court. There is a note stating that storm water detention facilities for subject lot are existing and located upon adjacent Lot 6 to the west.
 - c. In the email, Mr. Hewitt states, "I believe the County had a concern with the parking lot traffic east of the existing septic system. I previously looked at this and made sure there was 23' for two way traffic there but overlooked what was happening at the septic system. A small "corner cut" will be necessary there and it is marked in red on the attached version of the combination subsidiary drainage plat and parking lot plan. Jeff, please expect that to be a change on the final version of the final plat."

(14) At the March 16, 2017, public hearing, Mr. Frazier testified the following:

- a. There is a plan and a contract that has been submitted to the City of Champaign. He said that the City of Champaign has approved the plan and it is not hypothetical, and they are moving forward. He said that he has spent \$6,000 for engineering costs for the plan and has had costs with the City of Champaign, so this is not hypothetical, but is reality and it isn't something that he has made up in his mind. He said that he has a \$40,000 contract to purchase the property and the property owner is going to want his money and Mr. Frazier is willing to pay him the money, but he cannot pay the property owner until the City of Champaign has this finished. He said that John Hall probably has a better idea than anyone as to what it takes the City of Champaign to do what needs to be done. He said that once everything is finalized, the property becomes his property and it is attached to his existing property. He said that he is not trying to slow things down, but is waiting on the City of Champaign to do what they need to do in their time, not his time.
- b. Mr. Fell is his architect and Eric Hewitt with Phoenix Engineers is his engineer. He said that he has produced drawings from the architect for handicap accessibility and he is waiting for approval from the Board for those plans. He said that Mr. Hall has placed stipulations in the approval, and once the ramp is approved the construction can begin as long as it meets all accessible and construction requirements. He said that he could not begin construction of the accessible ramp until someone tells him to go do it because it meets all of the applicable requirements. He said that he has measured everything and it appears that everything will work, but he cannot start the project until he receives approval to do so.

Item 9.E.(14) - continued

- c. He is agreeable in replacing the curb and Ms. Burgstrom should have an email from Eric Hewitt regarding the curb replacement plan.
 - d. He is purchasing the property regardless of the outcome of this case. He said the property would be his and if it is deemed not suitable, it will still be his property.
- (15) On May 1, 2017, Susan Burgstrom emailed Mr. Frazier and Mr. Follmer requesting an update on any changes/progress. She copied Jeff Blue, Eric Hewitt, Keith Padgett, and City of Champaign Planner Jeff Marino.
- a. On May 2, 2017, City of Champaign Planner Eric Van Buskirk emailed Susan Burgstrom with an update on the minor subdivision approval for the north lot. The City is waiting for information from the petitioner so they can record the minor plat.
 - b. On May 3, 2017, Kent Follmer, Attorney for Mr. Frazier, emailed Susan Burgstrom, John Hall, Robert Frazier, and Eric Hewitt the following update: "I spoke with Eric H., Robert F. and Brian Schurter. I have reviewed emails between Eric, Andrew and the city. The city is now requiring a fire separation code evaluation in regard to approval of the plat; the drawings are being revised again due to the ten foot rule. Robert is getting bids for the curb work. I previously wrote a contract to purchase the land from Isaacs after obtaining the legal description of the tract Robert is buying and emailed that to Issac's lawyer Brian Schurter. I met with Brian in my office. Brian wants to make changes to the contract to protect his client. I have been waiting on Brian for several days now. The contract will be contingent upon city approval, and I am contemplating other contingencies to protect Robert. We will get this moving. Some cases are just difficult. This is one. More info will follow. Thanks for your patience."

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **"By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area."**
 - B. Regarding the requested Variance:
 - (1) Regarding Part A of the Variance, for 74 total parking spaces (including 27 onsite and 47 offsite parking spaces) in lieu of the minimum required 86 spaces: the requested variance provides 12 fewer parking spaces, equivalent to 86% of the minimum required, for a variance of 14%.
 - (2) Regarding Part B of the Variance, for 27 parking spaces in lieu of the minimum required 86 parking spaces (including 27 onsite and 47 offsite parking spaces): the requested variance provides 31% of the minimum required spaces, for a variance of 69%.

Item 10.B.(2) - continued

- a. Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- (3) Regarding Part C of the Variance, for allowing 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served: the requested variance is 55%.
 - a. Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
 - (4) Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
 - (5) Regarding Part E of the Variance, for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet: the requested width is 94% of the minimum required, for a variance of 6%, and the requested length is 93% of the minimum required, for a variance of 7%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably, the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated, “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”
 - (3) 41 of the 86 required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
 - (4) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case, the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

Item 10.C.(4) - continued

- c. Based on the revised Site Plan from Andrew Fell received October 17, 2016, staff calculated 86 minimum required parking spaces; the petitioner seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 74.
- D. Regarding Parts B and C of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie required on-site parking. Presumably, the parking regulation is intended to ensure that there is a clear distinction for each property's parking requirements, and to lessen and avoid congestion in the street by the provision of a minimum number of onsite parking spaces.
- E. Regarding Part D of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably, the front setback and front yard are intended to ensure the following:
 - a. Adequate separation from roads.
 - b. Allow adequate area for road expansion and right-of-way acquisition.
 - c. Parking, where applicable.
 - (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.
- F. Regarding Part E of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the minimum parking space size requirements. Presumably, the minimum width and length of a parking space are intended to ensure the following:
 - a. Sufficient area for vehicles to maneuver and park safely.
 - b. A standardized measurement that can be a baseline for compliance.
 - (2) Zoning Case 89-AT-75 was approved on May 20, 1975, which added the specific measurements of 9 feet by 20 feet for parking spaces. While there was no reason given for the change in the case file, it was noted that these measurements would meet or exceed what the City of Champaign and City of Urbana had established as their minimum requirements.
 - (3) In an email received October 6, 2016, Andrew Fell states that the revised Site Plan received September 27, 2016 uses City of Champaign minimum parking space requirements, which are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign's dimensional requirements is acceptable, the revised Site Plan received September 27, 2016 shows adequate parking space dimensions.
- G. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”**
- B. The Township Highway Commissioner has been notified of this variance and had the following comments:
- (1) At the February 12, 2015 public hearing, Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that from sidewalk to sidewalk is the jurisdiction of Champaign Township. He is concerned that there has been approximately 100 feet of the barrier curb removed without permission, notice of removal, or granting of permit therefore Champaign Township has lost about 100 feet of barrier curb.
 - (2) In an email received April 30, 2015, Mr. Padgett indicated the following:
 - a. Champaign Township Road District has no problem with parking spaces on Mr. Frazier’s property as long as they do not extend over the pedestrian sidewalk.
 - b. The missing curb and the driving over unprotected utilities in the area between the sidewalk and the street is still an issue. He suggested that six inches of concrete poured in this area would be acceptable.
 - c. He would like to see the Township reimbursed for the replacement of the curb at some time since the Township Road District did not remove it nor did they approve its removal.
 - (3) At the September 10, 2015 public hearing, Mr. Padgett stated that the downfall has been cut off of the curb but the base and the flag are still there. In order to replace the curb, everything has to be torn out so that one solid unit can exist so that when he plows snow the top of the curb isn’t broken off.
 - (4) At the June 30, 2016 public hearing, Mr. Padgett testified that he had not heard from Mr. Frazier regarding replacement of the curb on Tiffany Court.
 - (5) At the October 27, 2016 public hearing, Mr. Padgett said that it is his understanding that if the Tiffany Court area is annexed into the City of Champaign a curb will be required, and if it remains in Champaign Township, he would like to see it replaced.
- C. The Scott Fire Protection District has been notified of this variance but no comments have been received.
- D. City of Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the city in addition to any applicable County regulations. Rob Kowalski, Assistant Director of

Item 11.D. - continued

Planning and Development for the City of Champaign, responded in an email received May 1, 2015 that city subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet city regulations for parking (Supplemental Memo 1, Attachment F).

- E. The nearest building on neighboring property is approximately 125 feet from the shared property line.
- F. Several adjacent business owners testified at the February 12, 2015 public hearing:
- (1) Mr. Lloyd Allen owns the property at 4400 West Springfield Avenue, beside Mr. Frazier's property. He is opposed to approving the variances because of parking concerns, Mr. Frazier cutting sidewalk and curbs out, and removing "No Parking" signs. Mr. Allen submitted photos of parking issues at the hearing, which were entered as a Document of Record.
 - (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated concerns about access to his own property by emergency vehicles, delivery trucks and employees. He also stated that Mr. Frazier's customers who park on the west side of the property cover the sidewalk and sometimes park in the cul-de-sac, which is a no parking zone. He stated that Mr. Frazier does not have enough land to support what he has going on there. Mr. Koester stated that he has had many cases of people parking on his south lot, south of Mr. Frazier's property, to go to the mini-warehouses and Mr. Frazier's garbage service parks on Mr. Koester's property to dump Mr. Frazier's dumpster. Mr. Koester stated that he just acquired the property to the south of Mr. Frazier's building and the property was really cheap. Mr. Koester stated that the reason why he was able to purchase the property at such a low price was due to the history of Mr. Frazier's property but the property was also available for Mr. Frazier's purchase so that he could expand. Mr. Koester stated that the closing price for the property was \$125,000 and Mr. Frazier's best move would have been to have purchased the property to the south so that he could run the kind of operation that Mr. Frazier proposes because it would have given him adequate area to meet the County's parking requirements and would not need the requested variances. Mr. Koester stated that he will not lease the property to Mr. Frazier.
 - (3) Mr. Caleb Burton, whose business is located at 314 Tiffany Court, has concerns about the 10 foot drive Mr. Frazier has for his property. He stated that he has seen vehicles blocking the front yard, making Mr. Frazier's property inaccessible and that Mr. Frazier's clients use Mr. Burton's service entrance daily. Mr. Burton is also concerned about how Mr. Frazier poured concrete that drains south and nothing was done to taper the drainage or direct it to the street therefore it drains onto Mr. Burton's property.
 - (4) Mr. Andrew Tunstall operates a chiropractic, exercise and rehabilitation facility in one of the offices at the west end of Mr. Frazier's property. He stated that his clients have complained about the parking. His clients cannot access the area Mr. Frazier identified as overflow parking back by the mini storage units.

Item 11.F.(4) - continued

His actual gym site is 2,375 square feet in area and he has two additional therapy rooms and a reception area that take up an additional 1,025 square feet. On a typical slow night between 3 and 6 PM he will see 4 to 6 people but on a busy night he may see up to 16 people; he has the operation set up to accommodate up to 24 people at one time.

- a. Mr. Tunstall is no longer a tenant at 310 Tiffany Court; his former space is advertised for rent as of March 8, 2016. This will not impact the parking space requirement because the minimum is based on a calculation of office square footage that is not specific to his business type.

G. At the September 10, 2015 public hearing, Mr. Koester, owner of the property south of the subject property and co-owner of the property north of the subject property, stated that he has been frustrated by the use of his property as access for the tenants traveling to the rear of Mr. Frazier's property and he has had discussions with Mr. Frazier about this issue. He said that they have discussed the relocation of the buses and the last time that he knew there were still buses on the property, although Mr. Frazier testified at the previous meeting that the buses would be gone within two weeks. Mr. Koester stated he would like to build a fence but the property owner to the north built a very nice fence, which Mr. Koester constructed, and it has been destroyed by Mr. Frazier's tenants, therefore he is sure that any improvements that he makes on that side would suffer the same consequences.

H. Several adjacent business owners testified at the March 24, 2016 public hearing:

- (1) Mr. Lloyd Allen, 4400 West Springfield Avenue, owns the building across the street from 310 Tiffany Court. He stated that he has been involved in this from day one, and still does not think this should be allowed. You have someone who repeatedly adds on, builds on, without checking to see if it is even legal. Mr. Allen referred to the fire trucks discussion, and commented that not only do the fire trucks not have access to Mr. Frazier's property; his customers cannot access his property. He stated that he saw someone try to get in there about 3 weeks ago and they could not get in, back in, to unload without driving on the property to the south. He stated that just as Mr. Frazier's buses cannot get out of the property without driving on the property to the south, his own tenant does not have enough access on the south side to get to the space he uses.
- (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated that there have been no changes or improvements to the subject property and the frustration level is getting to its peak as Mr. Koester is still dealing with Mr. Frazier's tenants parking on Mr. Koester's property. He said that Mr. Frazier's tenants are dumping their garbage in Mr. Koester's dumpsters. He said that if you have ever heard of having a bad neighbor, well he has one. Mr. Koester stated that he is going to install a fence down the property line and hopefully the buses will be relocated before the fence is constructed. He said that he does realize that there will probably be damage and run over and that type of thing but he is willing to put with that so that the buses are out of there. He said that typically Mr. Frazier's employees and tenants will pull beside the paved area and park out in the street on Mr. Koester's property along the north side of his lot.

Item 11.H. - continued

- (3) He said that anytime a vehicle is parked on the south side of the building no one can get in or out of the property. He said that they are installing a fence along the south property to keep Mr. Frazier's tenants and employees from crossing over onto Mr. Burton's property. Mr. Burton stated that he has a dumpster located at the rear of his property and it is not unusual for Mr. Frazier's tenants to use that dumpster. He stated that if he installs a fence along his property and there was a fire on the Frazier property the fire truck would either have to sit on his property and spray over the fence or they would need to drag vehicles out of the way to access the Frazier property.
- I. At the March 24, 2016 public hearing, Mr. Hall recommended that the Board require the dumpster to be moved up to the west side of the middle portion of the building. Mr. Hall intends to contact the fire protection district to make sure they know the access limitations on this property.
- (1) Staff contacted the Bondville Fire Department on April 5, 2016. Bondville Fire operates under contract with Scott FPD to serve 310 Tiffany Court. In a phone call received April 7, 2016, Bondville Fire Chief Adam Shaw indicated that they need at least 12 feet of access width for their trucks.
- J. Several adjacent business owners testified at the October 27, 2016 public hearing:
- (1) Mr. Caleb Burton, 2063 Shady Rest Road, Monticello, stated that he owns the property to the south and west of the subject property. He said that there is a lot of concern regarding the additional concrete that will be placed on Mr. Frazier's property and whether or not more detention will be installed for storm water drainage. He said that Tiffany Court already experiences flooding and he is concerned that if more concrete is placed on Mr. Frazier's property there will be more water going into the cul-de-sac. He said that the architectural plans were great because they do depict a lot of things, although in an email from Mr. Fell, he indicated that the plans are for the Board's review are more "Design Development" drawings and they don't have enough information in them to place the compliance statement on them. Mr. Burton stated that the Board has been requesting complete documents for two years, and two years later Mr. Frazier continues to play a cat and mouse game and only gives the Board enough to justify one continuance after another. Mr. Burton stated that on October 6, 2016, Ms. Burgstrom requested more information, much of it repetitive, in an email to Mr. Frazier and Mr. Fell. He said that this is the same information that has been requested from Mr. Frazier during the last two years. Mr. Burton stated that it appears that Mr. Frazier is working on additional access from the adjacent property so that additional parking can be gained. Mr. Burton stated that all of the additional required parking that has been proposed by Mr. Frazier is all speculation. Mr. Burton stated that the Board needs to know if the City of Champaign is going to grant approval of the division of Mr. Isaac's property. Mr. Burton stated that there are so many unknowns. Mr. Burton stated that at a previous meeting it was realized that Mr. Frazier had a one-year lease on that same property. Mr. Burton said that Mr. Frazier made a payment for the first six months and then defaulted on a \$1,500 second installment for the last six months of the contract. Mr. Burton said that Mr. Frazier is now proposing a \$400,000 purchase of that same land which seems unbelievable when he didn't pay the \$1,500. Mr. Burton asked the Board if they would just be taking Mr. Frazier's word that he is purchasing the additional property and then continue the case to yet another meeting so that he can provide proof of funding.

Item 11.J.(1) - continued

Mr. Burton asked the Board if enforcement action would be taken if Mr. Frazier does not comply with Special Condition A(4). Mr. Burton stated that he owns two properties in the vicinity of Mr. Frazier's property and the Board appears to be setting a precedent that the owners can do what they want out there and the County will deal with you later. He said that Mr. Frazier requires many variances and the Board is only focusing on two of them. Mr. Burton stated that from his standpoint, if Mr. Frazier is granted the variances, Mr. Burton would do whatever he wants on his properties, and if he requires a variance for any of those things, he will apply for them later and he will reference the precedence that was created during these hearings.

- (2) Mr. Steve Koester, whose business is located at 305 Tiffany Court, Champaign, stated that he is not going to continue to beat the same mule tonight. He said that he and the other property owners care about their neighborhood and Mr. Frazier has violated many of the ordinances and rules over and over again. He said that he has previously testified that he would like to keep Mr. Frazier's people/clients off of Mr. Koester's property. He said that there has been meeting after meeting after meeting and mandate after mandate after mandate about Mr. Frazier's property and it appears that it is about time to get something done. He said that it has been indicated by Mr. Frazier that an elevator is too expensive to install for accessibility to the second floor, but it is not cost prohibitive to purchase additional land at \$400,000. Mr. Koester stated that he is involved in some development and he does do some contracting and he recognizes that there is a lot of money that must be spent to make the property compliant. He said that he has great respect for Mr. Fell, but he does not believe that he has been fully engaged with this project because the plans do not fully reflect what the neighbors are seeing. Mr. Koester stated that in regards to this variance case, everyone is almost at the end of the second year and it appears that this will continue into its third year. He said that he has invested a lot of time with his attendance to these hearings and he will testify that he has been to more of the meetings than he ever anticipated at the beginning. He said that enough is enough because nothing has changed during this entire process and the conditions on the property are deteriorating, as the buildings are not being maintained. He said that Mr. Frazier's uses are still encroaching upon Mr. Koester's property. He asked where we go from here because this has been a long, long process.
- (3) Mr. Lloyd Allen, 3222 Stoneybrook Drive, Champaign, stated that he is the person who submitted the photographs of Mr. Frazier's property that were distributed to the Board for review. He noted that he did not step on Mr. Frazier's property while he took the pictures. He said that the first picture indicates the back of the building, but his copy of the drawing does not indicate any arrows pointing down along the existing concrete. Mr. Allen asked why the drawings only indicate the existing concrete and does not show the drainage area that must be cut down or anything else that is required to be done. He asked the Board if the drawing is to be considered the official site plan. Mr. Allen stated that the Board has asked for an official site plan numerous times and it appears that the Board still has not received one. Mr. Allen stated that all of the documentation continuously discusses the need for an official site plan. Mr. Allen asked the Board to indicate how many site plans must be received and reviewed before they are approved. Mr. Allen stated that photograph #3 indicates the bio-diesel tanks. He said that at the second public hearing, Mr. Frazier testified that the bio-diesel would be removed within the next couple of weeks, although the photograph dated October

Item 11.J.(3) - continued

26, 2016, indicates otherwise. Mr. Allen stated that Mr. Frazier also indicated that the buses would be gone. Mr. Allen stated that photograph #4 indicates the septic tank for the building that Mr. Frazier is considering purchasing and also the building that he is not going to take on. Mr. Allen stated that he does not believe that the Champaign County Public Health Department will allow someone else's septic tank to be located on someone else's property. He said that if Mr. Frazier is purchasing the property then the septic tank would have to be moved for that farthest east building. He said that if they are making driveways lower than the building for head-in parking, that will be at quite a slope and it will create a water pit. He said that photograph #5 indicates how Isaacs' tenants are currently using the property. He said that Mr. Frazier would be able to dictate how the property will be used in the future if he purchases the property, but photograph #5 shows how it is used now. Mr. Allen stated that the next two photographs indicate the slope and the drop where Mr. Frazier proposes an easement. He said that the photograph indicated as the proposed north parking lot, shows vehicles being parked on the sidewalks. He said that it is unknown whether these vehicles belong to clients of Mr. Frazier or not, but the Board previously discussed the issue of vehicles being parked on the sidewalks with Mr. Frazier. Mr. Allen stated that photograph #8 indicates one of Mr. Frazier's tenants parked on Mr. Koester and Mr. Burton's property while they were apparently accessing their rental unit. Mr. Allen stated that he has seen Mr. Frazier pull into Mr. Koester's driveway with his trailer attached and then backed into his own building. Mr. Allen stated he has been involved in construction nearly his whole life and he has dealt with Andrew Fell and if he attempts to submit this plan to any city for review it would be rejected for not having enough information. He said that there is not enough information on the plan in regards to ADA because, as an example, there are no banisters indicated for the second floor. He said that the submitted plan is a big improvement in comparison to what we previous had but, if this was a drawing that a contractor would use for construction, it has a long way to go. He noted that no civil drawings have been submitted either. Mr. Allen asked if it is the ZBA's responsibility for life safety. Mr. Allen stated that a lot seems to be based on the purchase of the other property. He said that the notes from previous meetings indicated that Mr. Frazier had a previous option for purchase.

K. Several adjacent business owners testified at the March 16, 2017, public hearing; the following is a summary of their comments:

- (1) Mr. Lloyd Allen, 3222 Stoneybrook Drive, Champaign, stated that it is hard to believe that the Board is considering out of county parking, because the Board has no rules set up on how they will ever handle it. He said that Mr. Frazier currently rents storage spaces for a new tenant's business and since there are so many employees who show up for work, they have to rent space from the property owner to the south to park their vehicles. He said that this case has gone on way too long and he believes that the Board has been too forgiving, because the Board has repeatedly asked for things to be done and it has taken two years for us to get to this point. He said that upon numerous times, Mr. Frazier has indicated that he will remove the oil tanks, but they are still there today.
- (2) Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his office is located at 3900 Kearns Road, Champaign. He said that in relation to the

Item 11.K. - continued

curb, he is not in constant contact but is in regular contact with Jeff Blue, Champaign County Highway Engineer. Mr. Padgett said that Mr. Blue informed him that his township's project review might have to be put on hold due to the County having their own projects going. Mr. Padgett said that he believes that the County Engineer will be able to have someone inspect the curb as it is replaced. He said that someone with the County Engineer will review and approve the plan and the contractor for the replacement of the curb so that a good result is achieved in the end. Mr. Padgett stated that the season for pouring concrete has actually already started. He said that we do not want to get into a situation again where we are entering November; therefore, he would like to have the curb replaced as soon as possible and not later than summer.

- (3) Mr. Caleb Burton, who resides at 2063 Shady Rest Road, Monticello, stated that Mr. Allen pretty much touched on everything. He said that this case has been going on for over two years and each time when Mr. Frazier shows up at a meeting, he is given a long laundry list for things to submit to the Board. He said that Mr. Frazier is good at providing just enough information to satisfy the Board and they kick the can to continuing the case even longer. Mr. Burton stated that there is no inclination that there is a contract in place and the City of Champaign Manager indicated that he is speaking directly with Mr. Isaacs regarding his property and it appears that everything is contingent upon whether Mr. Frazier buys the property. Mr. Burton stated that Mr. Frazier has submitted draft or preliminary drawings and it is easy to have someone prepare those drafts, but the Board needs something with teeth. He said that at one time Andrew Fell was involved, but there has not been any additional information submitted which indicates that he is still involved. Mr. Burton stated that Mr. Frazier illegally built the front porch addition, which requires a variance for setback, and a variance is required for parking. He said that Mr. Frazier currently has two tenants that are leasing an area from Mr. Burton and Mr. Koester, because there is not enough room on Mr. Frazier's property for parking.
- (4) Mr. Steve Koester, who resides at 1919 N. Old Route 47, Monticello, and owns the property located at 305 Tiffany Court, Champaign, stated that he wonders how we ended up with an individual who has been given so much latitude. He said that the packet indicates that Mr. Frazier has hired an attorney who has promised to starting coming to the meetings if a continuance is granted tonight. Mr. Koester asked where the attorney was two years ago when this case began. Mr. Koester stated that there has to be a time when reasonable people draw a line and states that this has to end. He said that he and Mr. Burton attend the meetings and they drive from Monticello to Urbana time after time to attend the meetings. He said that Mr. Frazier has been late for meetings and has even missed meetings, and he has spoken harshly to the Board, yet the Board grants continuance after continuance for this case. He urged the Board to take a vote, yea or nay, but get this case resolved. He thanked the Board for their time and their service.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:

- A. The Petitioner has testified on the application: **“Upgrades and allowing of variance will provide strong and ensured growth to Stahly subdivision by providing a safe and inviting place for small business to grow and contribute to the local economy.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required 74 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

Item 13. Proposed Special Conditions. - continued

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:**
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.**
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.**
 - (3) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.**
 - (4) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.**
 - (5) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.**
 - (6) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**
 - (7) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

Item 13. Proposed Special Conditions. - continued

- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
- (1) The Change of Use Permit shall be for the following:**
 - a. any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. all second floor areas; and**
 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. replacement of the street curb on Tiffany Court; and**
 - e. the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. the establishment of additional parking provided on the property to the north.**
 - (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
 - (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.**
 - (4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.**
 - (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.**
 - (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:**
 - a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and**
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and**
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and**

Item 13. Proposed Special Conditions. - continued

- d. **the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and**
 - e. **the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.**
- (7) **Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

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

That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. **Regarding rental space on the subject property:**

- (1) **Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.**
- (2) **Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

G. **The Petitioner shall not allow on-street parking on Tiffany Court.**

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

That local parking regulations are obeyed.

H. **The Site Plan received on <DATE> is the official site plan for approval in Case 792-V-14, and includes the following:**

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)
- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- Curb Replacement Plan received March 24, 2017

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan
2. Preliminary Memorandum dated January 22, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
3. Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
4. Email from Robert Frazier received March 18, 2015, with attachments:
 - A Signed lease for parking spaces
 - B Image of parking area
5. Revised Site Plan received March 30, 2015
6. Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015
7. Email from Rob Kowalski, City of Champaign, received May 1, 2015
8. Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
9. Supplemental Memorandum #1 dated May 6, 2015, with attachments:
 - A Email from Robert Frazier received March 18, 2015, with attachments
 - B Revised Site Plan received March 30, 2015
 - C Email from Keith Padgett, Champaign Township Highway Commissioner, received April 30, 2015
 - D Approved minutes from February 12, 2015 ZBA hearing
 - E Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
 - F Email from Rob Kowalski, City of Champaign, received May 1, 2015
 - G Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
 - H Revised Draft Summary of Evidence dated May 6, 2015
10. Supplemental Memorandum #2 dated July 8, 2015, with attachments:
 - A Revised annotated Summary of Evidence dated July 8, 2015
 - B Email from Rob Kowalski, City of Champaign, received June 2, 2015
 - C Revised Site Plan received March 30, 2015
 - D Annotated Diagram of West Parking Area dated July 8, 2015
 - E Site Plan received July 17, 2014
11. Memo regarding September 2, 2015 ZBA meeting dated September 2, 2015
12. Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing

Documents of Record. - continued

13. Handout of the revised site plan received March 30, 2015
14. Approved minutes from September 10, 2015
15. September 17, 2015 letter to petitioner from Susan Burgstrom
16. October 13, 2015 and October 20, 2015 emails to petitioner from Susan Burgstrom
17. Supplemental Memo #3 dated October 22, 2015
18. Approved minutes from October 29, 2015
19. Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
20. Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
21. Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
22. Email from Robert Frazier received March 8, 2016
23. Revised Summary of Evidence dated March 16, 2016
24. Supplemental Memo #4 dated March 16, 2016, with attachments:
 - A Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
 - B Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
 - C Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
 - D Email from Robert Frazier received March 8, 2016
 - E Approved minutes from September 10, 2015
 - F Approved minutes from October 29, 2015
 - G Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing
 - H September 17, 2015 letter to petitioner from Susan Burgstrom
 - I October 13, 2015 and October 20, 2015 emails to petitioner from Susan Burgstrom
 - J Supplemental memo #3 dated October 22, 2015
 - K Revised Summary of Evidence dated March 16, 2016
25. Supplemental Memo #5 dated March 18, 2016
26. Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
27. Supplemental Memo #6 dated March 22, 2016, with Attachment:
 - A Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
28. A handout of 14 staff photographs of subject property dated March 8, 2016 distributed at the March 24, 2016 public hearing
29. Draft minutes from March 24, 2016
30. Letter to Mr. Frazier dated April 1, 2016

Documents of Record - continued

31. Email #1 from Andrew Fell Architecture received April 1, 2016
32. Email #2 from Andrew Fell Architecture received April 1, 2016
33. Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
34. Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
35. Email to Mr. Frazier and Mr. Fell sent June 6, 2016
36. Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
37. Email from Andrew Fell received June 22, 2016
38. Supplemental Memo #7 dated June 24, 2016, with Attachments:
 - A Letter to Mr. Frazier dated April 1, 2016
 - B Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
 - C Email to Mr. Frazier and Mr. Fell sent June 6, 2016
 - D Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
 - E Email from Andrew Fell received June 22, 2016
 - F Draft minutes from March 24, 2016
 - G Email #1 from Andrew Fell Architecture received April 1, 2016
 - H Email #2 from Andrew Fell Architecture received April 1, 2016
 - I Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
 - J Revised Summary of Evidence dated June 24, 2016
39. Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
40. Supplemental Memo #8 dated September 21, 2016, with attachments:
 - A Letter to Mr. Frazier dated July 6, 2016
 - B Email from Andrew Fell Architecture received July 18, 2016
 - C Email to Mr. Frazier and Mr. Fell sent September 8, 2016
 - D Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
 - E Approved minutes from June 30, 2016 ZBA hearing
 - F Revised Summary of Evidence dated September 28, 2016
41. Supplemental Memo #9 dated October 20, 2016, with attachments:
 - A Email string between Architect Andrew Fell and Susan Burgstrom, September 22-27, 2016
 - B Revised Site Plan received September 27, 2016
 - C Revised Site Plan received October 17, 2016
 - D Email to Andrew Fell and Robert Frazier from Susan Burgstrom, dated October 6, 2016
 - E Email string between Andrew Fell and Susan Burgstrom, October 6-7, 2016
 - F Legal advertisement (revised) printed in the October 12, 2016 News Gazette
 - G Revised Summary of Evidence dated October 27, 2016

Documents of Record - continued

42. Email from Susan Burgstrom to Mr. Frazier dated October 28, 2016, with attachments:
- Letter from John Hall dated June 26, 2014
 - Letter from Susan Burgstrom dated March 11, 2015
 - Letter from Susan Burgstrom dated September 17, 2015
 - Letter from Susan Burgstrom dated April 1, 2016
 - Letter from Susan Burgstrom dated July 6, 2016
43. Email from Follmer Law Offices received February 21, 2017, with attachments:
- Cover letter from Kent Follmer dated February 21, 2017
 - Preliminary “Site Plan” of Lot 7A dated February 9, 2016
 - Revised Preliminary “Site Plan” of expanded Lot 7A dated September 8, 2016
 - Email string between Tummelson, Bryan and Knox LLP; Phoenix Consulting Engineers; City of Champaign; dated November 10, 2015 to March 8, 2016
44. Email from Eric Hewitt, Phoenix Consulting Engineers, received February 22, 2017, with attachment:
- Draft Final Plat for Replat of Lot 7 of Replat of Lot 5, Stahly Subdivision dated February 20, 2017
45. Email string between Eric Hewitt, Jeff Marino, and Susan Burgstrom dated February 28, 2017 to March 6, 2017, with same Draft Final Plat dated February 20, 2017, attached
46. Supplemental Memo #10 dated March 8, 2017, with attachments:
- A Email from staff to Mr. Frazier dated October 28, 2016, with attachments:
- Letter from John Hall dated June 26, 2014
 - Letter from Susan Burgstrom dated March 11, 2015
 - Letter from Susan Burgstrom dated September 17, 2015
 - Letter from Susan Burgstrom dated April 1, 2016
 - Letter from Susan Burgstrom dated July 6, 2016
- B Email from Follmer Law Offices received February 21, 2017, with attachments:
- Cover letter from Kent Follmer dated February 21, 2017
 - Preliminary “Site Plan” of Lot 7A dated February 9, 2016
 - Revised Preliminary “Site Plan” of expanded Lot 7A dated September 8, 2016
 - Email string between Tummelson, Bryan and Knox LLP; Phoenix Consulting Engineers; City of Champaign; dated November 10, 2015 to March 8, 2016
- C Email from Eric Hewitt, Phoenix Consulting Engineers, received February 22, 2017, with attachment:
- Draft Final Plat for Replat of Lot 7 of Replat of Lot 5 of Stahly Subdivision dated February 20, 2017
- D Email string between Eric Hewitt, Jeff Marino, and Susan Burgstrom dated February 28, 2017 to March 6, 2017, with same Draft Final Plat dated February 20, 2017, attached
47. Email from Eric Hewitt, Phoenix Consulting Engineers, received March 13, 2017, with attachment:
- A City of Champaign Minor Plat Application
48. Email from Eric Hewitt, Phoenix Consulting Engineers, received March 15, 2017, with attachment:
- A Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7

Documents of Record - continued

49. Supplemental Memo #11 dated March 16, 2017, with attachments:
- A Email from Eric Hewitt, Phoenix Consulting Engineers, received March 13, 2017, with attachment: City of Champaign Minor Plat Application
 - B Email from Eric Hewitt, Phoenix Consulting Engineers, received March 15, 2017, with attachment: Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7
50. Curb replacement plan for 310 Tiffany Court received via email from Mr. Frazier at the March 16, 2017, public hearing
51. Supplemental Memo #12 dated May 18, 2017, with attachments:
- A Curb replacement plan for 310 Tiffany Court received via email from Mr. Frazier at the March 16, 2017 public hearing
 - B Email with attached curb replacement plan from Susan Burgstrom sent March 17, 2017
 - C Email from Jeff Blue, County Highway Engineer, received March 20, 2017
 - D Email from Champaign Township Highway Commissioner Keith Padgett, received March 20, 2017
 - E Email string between Susan Burgstrom and Keith Padgett dated March 21, 2017
 - F Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated March 22, 2017
 - G Email from Eric Hewitt Engineer with Phoenix Consulting Engineers, received March 24, 2017, with attachment:
 - Revised curb replacement plan
 - H Email from Keith Padgett to Susan Burgstrom received March 24, 2017
 - I Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated May 1, 2017
 - J Email string between City of Champaign Planner Eric Van Buskirk and Susan Burgstrom dated May 2, 2017 through May 4, 2017
 - K Email from Attorney Kent Follmer received May 3, 2017
 - L Approved minutes from March 16, 2017 public hearing
 - M Summary of Evidence, Findings of Fact and Final Determination dated May 18, 2017

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **792-V-14** held on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, October 27, 2016, March 16, 2017, and May 25, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* 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:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 74 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking**

spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.

- (4) Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property except as may be required in emergencies.

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:
 - (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
 - (3) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
 - (4) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.
 - (5) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.

- (6) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**
- (7) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
 - (1) The Change of Use Permit shall be for the following:**
 - a. any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. all second floor areas; and**
 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. replacement of the street curb on Tiffany Court; and**
 - e. the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. the establishment of additional parking provided on the property to the north.**
 - (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
 - (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.**
 - (4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois**

Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.

- (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.**
- (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:
 - a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and**
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and**
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and**
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and**
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.****
- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

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

That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. Regarding rental space on the subject property:

- (1) Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.**
- (2) Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

G. The Petitioner shall not allow on-street parking on Tiffany Court.

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

That local parking regulations are obeyed.

H. The Site Plan received on <DATE> is the official site plan for approval in Case 792-V-14, and includes the following:

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)
- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- Curb Replacement Plan received March 24, 2017

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

FINAL DETERMINATION

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/HAVE NOT}* been met, and 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 Variance requested in Case **792-V-14** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Frazier** to authorize the following variances in the I-1 Light Industry Zoning District:

- Part A. Variance for 74 parking spaces in lieu of the minimum required 86 parking spaces (including 27 onsite and 47 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.**
- Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4 of the Zoning Ordinance; Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.**
- Part C. Variance for allowing 47 off-street parking spaces on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance; Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.**
- Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.**
- Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) The Petitioner shall maintain the required 74 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**

- (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, **and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator,** all within 12 months of the Final Determination in this Case 792-V-14.
 - (4) Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.
- B. No vehicles may park on the west side of the subject property except as may be required in emergencies.
- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
 - (3) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
 - (4) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.
 - (5) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.
 - (6) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway

Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.

- (7) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**
- D. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**
- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
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 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
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 - f. the establishment of additional parking provided on the property to the north.**
 - (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
 - (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.**
 - (4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.**
 - (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.**

- (6) **A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:**
- a. **the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and**
 - b. **the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and**
 - c. **the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and**
 - d. **the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and**
 - e. **the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.**
- (7) **Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

F. Regarding rental space on the subject property:

- (1) **Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.**
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- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- Curb Replacement Plan received March 24, 2017

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date