

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61802

DATE: May 25, 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, Kent Follmer, Keith Padgett

1. Call to Order

The meeting was called to order at 7:04 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

None

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 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 on-site and 47 off-site parking spaces) as required

1 **by Section 7.4 of the Zoning Ordinance. Part C. Variance for allowing 47 off-street parking spaces**
2 **on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or**
3 **tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance. Part D.**
4 **Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and**
5 **Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front**
6 **yard of 25 feet as required by Section 5.3 of the Zoning Ordinance; and Part E. Variance for parking**
7 **spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20**
8 **feet as per Section 7.4.1.B. of the Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the**
9 **Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX**
10 **building located at 310 Tiffany Court, Champaign.**

11
12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
13 the witness register for that public hearing. He reminded the audience that when they sign the witness
14 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
15 time.

16
17 Mr. Thorsland informed the audience that Case 792-V-14 is an Administrative Case and as such, the County
18 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
19 a show of hands for those who would like to cross-examine and each person will be called upon. He
20 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
21 He said that those who desire to cross-examine are not required to sign the witness register but are requested
22 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
23 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
24 exempt from cross-examination.

25
26 Mr. Thorsland asked the petitioner if he would like to make a statement regarding his case.

27
28 Mr. Kent Follmer, attorney for Robert Frazier, stated that he has been an attorney located in Urbana for over
29 29 years. Mr. Follmer distributed a packet of information for the Board and staff to review. He said that he
30 has had the pleasure of digging into this case, which has been before this Board for a very long time. He said
31 that he is sure that everyone in attendance tonight believes that this case has been before this Board for too
32 long, and he would agree.

33
34 Mr. Follmer stated that it is his desire to facilitate to end this case. He said that he has visited the site, had
35 discussions with Mr. Frazier, Mr. Fell and Mr. Hewitt and he has spoken with County staff. He said that he
36 has read the history and the transcripts, but he feels that he has only touched the surface and he would like to
37 be part of the effort to end this matter. He said that he was retained by Mr. Frazier to assist him in
38 purchasing the property to the north of the subject property. He said that an email from Eric VanBuskirk,
39 Associate Planner with the City of Champaign, is included in the distributed packet indicating a status
40 update. Mr. Follmer read text from the email as follows: The City of Champaign is currently processing the
41 Minor Plat for Replat of Lot 7 of Replat of Lot 5 of Stahly Subdivision. Our Legal Department is currently
42 reviewing the Owner's Certificate, School District Statement, and Declaration of Ownership and we expect
43 comments to be returned to Mr. Frazier's attorney on Tuesday. If there are comments or revisions needed,
44 those will be completed at that time. Once the legal documents have been finalized and the City receives a
45 Recording Agent Designation Letter, the plat and all documents can be signed and sent out for recording.
46 Mr. Follmer stated that once the recording occurs Mr. Frazier will actually own the property to the north, but

1 it has not been a simple process. He said that Mr. Frazier has the situation where the lot is subject to
2 easements, the septic system is under concrete, and there is an ingress/egress easement. Mr. Follmer said that
3 once Mr. Frazier receives approval from the City of Champaign, Mr. Follmer anticipates some tweaking to
4 the Owner's Certificate, and it will be done.

5
6 Mr. Follmer stated that the sales contract was signed today, but due to Mr. Schurter, attorney for Mr. Issacs,
7 having concerns regarding the sales contract, it has taken time to get to this point. Mr. Follmer said that the
8 sales contract is complex and is contingent upon approval from the City of Champaign; therefore, he is
9 preparing certificates for Robert Frazier for a property not owned by Mr. Frazier. Mr. Follmer stated that
10 Mr. Frazier has and will be spending thousands of dollars to bring himself into compliance. Mr. Follmer
11 stated that Mr. Frazier has not done everything right, and at one time, he operated a bus company on the
12 subject property, which may be part of the reason why there is some difficulty with some neighbors. Mr.
13 Follmer clarified that there are no more buses coming and going on the property and the use of the property
14 is strictly limited at this point, and Mr. Frazier does not need the number of parking spaces that the Zoning
15 Ordinance requires. Mr. Follmer stated that Mr. Frazier has retained his services and he intends to help Mr.
16 Frazier communicate with staff, and together we can create a checklist and timetable so that this can be
17 completed.

18
19 Mr. Follmer stated that the first page of the contract provides information regarding the parties involved. He
20 said that the contract is being prepared prior to the plat being approved and recorded; therefore, the contract
21 is contingent. He said that the contract would not be executed if the City of Champaign does not approve the
22 plat, but he has received emails from the City of Champaign staff that the plat is approved pending legal
23 review. Mr. Follmer stated that the contract indicates that closing shall occur within 30 days of City of
24 Champaign approval. He said that this is going to occur and it will occur soon. He said that if he receives
25 comments later next week, he can finalize things and have them recorded within 10 days, and close within
26 30 days after that. He said that it is his understanding that once Mr. Frazier is the new owner of Lot 701,
27 Parts B and C will need to be modified to some extent or eliminated. Mr. Follmer said that at some point,
28 there is a lot of information that he would like to discuss with staff, but during the past few weeks his focus
29 has been on acquiring the land, preparing the owner's certificate and getting the minor plat approved. He
30 said that over the past several days, he has spent time digesting the current information and he has a couple
31 of ideas that he would like to discuss with staff, but he does not believe that now is the time to have that
32 discussion. He said that he truly believes that after a few short meetings there will be a short checklist with a
33 reasonable timeframe. He said that completing everything that the County is requiring is going to be an
34 expensive proposition and he has discussed this issue with Mr. Frazier. He said that completing everything
35 within 180 days is doable and currently Mr. Frazier is in the process of obtaining estimates for the curb
36 replacement. He said that he and Mr. Frazier understand that having the contractor for replacement of the
37 curb approved by the County is a high priority. Mr. Follmer stated that he would like to discuss the ramp
38 and the concrete space to the west of the property with staff. He said that it is his understanding that they are
39 still awaiting approval of the ramp design, but he is not up-to-date on the information that Mr. Fell is waiting
40 on before the ramp can be constructed. He said that Mr. Frazier intends to do everything that he can to
41 comply with the County requirements and Mr. Follmer will assist him in doing so.

42
43 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Follmer.

44
45 Mr. Thorsland asked Mr. Follmer if the proposed ramp is a design approved by the state.

46

1 Mr. Follmer stated that he does not know as he is just now becoming familiar with the case. He said that his
2 focus has been on the contract and preparing the owner's certificate. He said that he did read a transcript that
3 indicated that Mr. Fell was awaiting approval of his design for the ramp.

4
5 Mr. Passalacqua stated that he does not remember reviewing any plans for the ramp.

6
7 Mr. Hall stated that staff has seen schematic information on the ramp and it appears that the slope and length
8 of the ramp are compliant with the *Illinois Accessibility Code*. He said that what is more critical is to know
9 that the ramp will support the loads that it needs to support, and in that respect, staff is awaiting framing
10 plans for the ramp to review. He said that Mr. Fell should contact staff if he is waiting for information from
11 the Department of Planning and Zoning, but Mr. Hall is not aware that staff needs to provide anything.

12
13 Mr. Thorsland stated that Sheets A.2 and A.7 indicate a rough view of a ramp without a lot of detail.

14
15 Mr. Passalacqua stated that Sheets A.2. and A.7 were submitted back in October and do not indicate details
16 of the ramp's construction.

17
18 Mr. Thorsland stated that perhaps there is some confusion with the architect thinking that he requires
19 information from staff. Mr. Thorsland stated that it is not staff's job or the Board's job to indicate the
20 engineering requirements for the ramp. He said that the Board and staff must defer to the *Illinois*
21 *Accessibility Code* in regards to the ramp's design and compliance. He said that perhaps Mr. Fell reached
22 out to the state to discuss the construction of the ramp, but the architect or engineer must design the ramp to
23 meet the *Illinois Accessibility Code*. He said that the Board does not often have ramps of this type come
24 across their desks; therefore, it is up to Mr. Follmer and his client to make sure that the ramp design,
25 compliant with the *Illinois Accessibility Code*, is submitted to staff for review.

26
27 Mr. DiNovo stated that he spent a good part of the day reviewing the minutes for this case. He said that the
28 Preliminary Memorandum stated that the original Zoning Use Permit issued in 1986 was written for a zoning
29 lot comprised of Lots 3 and 4 of the Stahly Subdivision. He asked if Lots 3 and 4 were in common
30 ownership in 1986.

31
32 Ms. Burgstrom stated that Lots 3 and 4 were in common ownership in 1986.

33
34 Mr. DiNovo asked Ms. Burgstrom to indicate when Lot 3 was sold.

35
36 Ms. Burgstrom stated that she would have to research that information.

37
38 Mr. Hall asked Mr. DiNovo to indicate the location of this information in the Summary of Evidence.

39
40 Mr. DiNovo stated that the information is not located in the Summary of Evidence, but it is located in the
41 Preliminary Memorandum.

42
43 Ms. Burgstrom asked Mr. DiNovo to indicate his overall concern.

44
45 Mr. DiNovo stated that he is trying to understand if those two lots were in common ownership by the
46 petitioner in 1986 and were still in common ownership today, there would not be a necessity for a variance;

1 therefore, it goes to the criteria regarding whether or not the hardship was self-created. He said that he spent
2 time in the Champaign County Recorder's Office and he could not find a deed conveying ownership from
3 Mr. Frazier to anyone. He said that he does not know the history of the ownership of the property, and he
4 cannot tell if there was an action that constituted self-infliction of the hardship.

5
6 Mr. Thorsland asked Mr. DiNovo to clarify the location of Lot 3.

7
8 Mr. DiNovo stated that Lot 3 is to the south.

9
10 Mr. Hall stated that Mr. Frazier never owned Lot 3, but had a lease on Lot 3 with the owner when the lot
11 house Lex Express and that was not until sometime after the year 2000.

12
13 Mr. DiNovo stated that the notion that these two lots together comprised a zoning lot for Zoning Use Permit
14 219-86-02 is in error.

15
16 Mr. Hall stated yes.

17
18 Ms. Lee asked if Mr. Frazier sold off some of the property after he acquired it.

19
20 Mr. Hall stated no.

21
22 Mr. Thorsland stated that Mr. Frazier never owned both lots. He said that Mr. Frazier owned one lot and
23 leased the lot to the south from the owner.

24
25 Mr. Thorsland asked Ms. Lee if she would like clarification from Mr. Frazier.

26
27 Ms. Lee stated yes.

28
29 Mr. Thorsland called Robert Frazier to the witness microphone.

30
31 Mr. Robert Frazier, owner of 310 Tiffany Court, Champaign, stated that Steve Koester currently owns Lot 3,
32 but prior to Mr. Koester's purchase, Mr. Frazier leased the property for approximately 20 years from a man
33 who is now deceased. Mr. Frazier stated that after the owner's passing, the owner's grandson took over the
34 property and sold it to Mr. Koester. Mr. Frazier stated that he never physically owned the property.

35
36 Mrs. Lee asked Mr. Frazier if he previously owned and sold land that is adjacent from the subject property.

37
38 Mr. Frazier stated that the only land that he has ever owned along Tiffany Court is the land that is subject to
39 this case.

40
41 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Frazier and there
42 were none.

43
44 Mr. Thorsland stated that the Board heard Mr. Follmer discuss the pending sale of the lot and it does make
45 some big changes to the variance case. He said that the Board appreciates Mr. Follmer's attempt in getting
46 the City of Champaign to move as far along as possible for tonight's meeting, and it sounds like the sale is

1 very close to being completed. He asked the Board and staff if there were any questions for Mr. Follmer.

2
3 Mr. Follmer stated that he could add a couple of things to point out some of the problems and delays. He
4 said that a number of revisions were required on the plat, such as the engineer had originally designed Lot
5 701 (originally known as Lot 7A) to be within five feet of the building to the north because of the zero
6 setback allowed in the industrial district. He said that the engineer was either unaware or had forgotten that
7 there are building codes which prohibit the property line to be within 10 feet. He said that the City of
8 Champaign was interested in having a Fire Separation Code evaluation, which, just within the last two or
9 three weeks, required further engineering and architectural work. He said that these things were going on
10 while he was drafting the sales contract and the owner's certificate. He said that the owner's certificate is
11 somewhat complex, such as, Paragraph 9 relates to the ingress/egress easement; and Paragraph 10 relates to
12 the parking lot easement. He said that he would be working with the legal department for the City of
13 Champaign in adding legal language to be included in Paragraph 10. He said that there is a septic system
14 easement, and all of these things require some back and forth discussion between himself and the City of
15 Champaign's legal department. He said that Paragraph 12 relates to the City of Champaign's request to
16 include language indicating that, in the event that Lot 702 (originally known as Lot 7B) is redeveloped,
17 although Mr. Follmer believes that language needs to be defined given the fact that Lot 702 is the larger tract
18 to the north where the two larger buildings are located, all of the easements will be vacated. He said that the
19 vacation of the easements raises different issues, because if Isaacs Properties redevelops Lot 702, then the
20 easements will be vacated and Mr. Frazier will be out of compliance. Mr. Follmer stated that if Mr. Frazier
21 were out of compliance he would be unable to control the acts of others. Mr. Follmer stated that he does
22 anticipate some minor revisions to the owner's certificate and the plat and only wanted to give the Board an
23 idea of what has been going on during the past few days. Mr. Follmer stated that he almost has all of his
24 revisions done and will discuss those revisions with the City of Champaign's legal department. Mr. Follmer
25 stated that Paragraph 13 of the owner's certificate relates to the vacation of an existing easement on the
26 original plat designed for utilities, but is no longer necessary based on the current and anticipated use of the
27 property. He said that this process has been complex, but he believes that he and his client are at the top of
28 the hill and ready to coast down, perhaps.

29
30 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Follmer.

31
32 Ms. Lee stated that she has a problem with the criteria included in the Finding of Fact related to specials
33 conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant. She
34 said that item 9.E on page 3 of Supplemental Memorandum #12, dated May 18, 2017, indicates that special
35 conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.
36 She said that she does not agree, because all of the requested variances are due to the actions of Mr. Frazier.
37 She said that she has a hard time dealing with this criteria and she will need convinced that Mr. Frazier did
38 not cause the need for the variances.

39
40 Mr. Hall stated that item 9.E on pages 3 and 4 of Supplemental Memorandum #12, dated May 18, 2017, is
41 evidence that has been provided for this case and staff is not recommending that the evidence is adequate for
42 the finding that 9.E requires, but it is evidence that is relevant. He said that it is up to this Board to
43 determine whether they can arrive at the final finding.

44
45 Mr. DiNovo asked if all of the construction without an approved Zoning Use Permit is relevant to this
46 criteria and should be discussed under item 9. E.

1
2 Mr. Hall stated that the Board does need to discuss the construction with an approved Zoning Use Permit.
3 Ms. Burgstrom stated that the information in the memorandum is only part of item #9.E and is not all of item
4 9. She said that the newest memorandum only provides new information and the actual Summary of
5 Evidence has all of the information regarding the criteria that Ms. Lee is concerned about.

6
7 Mr. Thorsland asked Ms. Lee if Ms. Burgstrom's information assisted Ms. Lee with her concerns regarding
8 item 9.E.

9
10 Ms. Lee stated that it did help, but she still has concerns about actions of the applicant.

11
12 Mr. Thorsland stated that when the Board finally gets the Finding of Fact, Ms. Lee could state her concerns.
13 He noted that if there are things that should be added to the Summary of Evidence, then now is the time to
14 add them.

15
16 Mr. Thorsland called Robert Frazier to testify.

17
18 Mr. Robert Frazier stated that the discussions are about things that have occurred over the last 20 years and it
19 is not as if he went to the property overnight and did this. He said that the storage areas on the second floor
20 began as tiny sheds and then he added another one, and another one, and just kept adding on and it wasn't
21 anything that was done on purpose. He said that he did not believe that anyone would care if he were
22 building a square box on the second floor inside of his building. He said that he did apply for a Zoning Use
23 Permit for the bus building, but he never got it. He said that the overhang on the front of the building was
24 purely constructed for aesthetics and to keep people out of the weather. He said that he did not intend to
25 have exceeded the need for a building permit and if he had not used wooden 6" x 6", posts he would not be
26 here. He said that if he had constructed a regular awning the construction would not have been an issue, so
27 call it his stupidity, but it was not done intentionally.

28
29 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Frazier or Mr. Follmer and there
30 were none.

31
32 Mr. Thorsland called Keith Padgett to testify.

33
34 Mr. Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, stated
35 that he does not have any new information, but he would still like to see the curb replaced.

36
37 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett.

38
39 Mr. Passalacqua asked Mr. Padgett if he is on board with the curb replacement plan.

40
41 Mr. Padgett stated that this is the first time that he has seen the curb replacement plan, but a curb is a curb
42 and he would expect Mr. Frazier to construct the same type of curb that he removed. He said that as long as
43 the curb is inspected, approved and poured we should move on.

44
45 Mr. Passalacqua stated that he thought he had read where Mr. Padgett agreed with the curb replacement plan.

46

1 Mr. Padgett stated that the barrier curb design came from the County and Mr. Frazier should build the
2 replacement curb per those approved plans.

3 Ms. Lee asked Mr. Padgett if he is waiting on Mr. Frazier to submit a contractor for approval so that the
4 work can begin.

5
6 Mr. Padgett stated that the County has a list of contractors that they like to use, but Mr. Frazier indicated that
7 he had a neighbor who could pour the curb. Mr. Padgett stated that the name of the neighbor should be
8 submitted to the County to see if he is approved to complete the work, and if he is, Mr. Frazier should get the
9 curb poured to meet the plan specifications. Mr. Padgett said that sometimes contractors are able to pour
10 concrete patios and such, but they may not be qualified to pour a concrete road or curb.

11
12 Mr. Frazier asked Mr. Padgett if he could recommend a contractor for the curb replacement.

13
14 Mr. Padgett stated that he would not recommend a contractor, because whoever he recommends will charge
15 him a certain amount of money and if Mr. Frazier believes that the fee is too high he will be mad at Mr.
16 Padgett. He informed Mr. Frazier that he should look in the Yellow Pages of the phone book and choose a
17 licensed contractor.

18
19 Mr. Thorsland agreed with Mr. Padgett. He said that Mr. Padgett indicated that the County has a list of
20 contractors and if the person that Mr. Frazier picks is approved with the County, then he could move forward
21 with the curb replacement.

22
23 Mr. Frazier stated that it is news to him that there is a list of approved contractors for the County. He said
24 that obtaining the list would save him a lot of time in finding a contractor that the County will approve for
25 replacement of the curb.

26
27 Mr. Thorsland stated that Mr. Frazier should contact Mr. Blue regarding the list.

28
29 Mr. Padgett stated that a true contractor is going to be someone who has a building with their name on the
30 front of the building with workers who come in and out every day. He said that a true contractor doesn't just
31 have his name on the side of his truck and pours concrete. He said that Mr. Frazier needs to pick an
32 established contractor who has done this for a while.

33
34 Mr. Thorsland stated that it is as simple as Mr. Frazier picking an approved contractor who can properly
35 pour the curb for Champaign Township and County approval. He said that the design of the accessible ramp
36 is not the Board's job, staff's job, or the County's job. He said that Mr. Frazier needs to find someone to
37 design the ramp and have it approved by the state.

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

40
41 Mr. DiNovo asked Mr. Padgett if there are or were signs along Tiffany Court prohibiting parking.

42
43 Mr. Padgett stated that during a previous case hearing for a gymnasium business in this area, it was
44 determined that it wasn't handy to have people parking along Tiffany Court. He said that there are several
45 large vacant lots where off-street parking could occur.

46

1 Mr. DiNovo asked Mr. Padgett if it is illegal to park along Tiffany Court. He asked if the status of Tiffany
2 Court is that no parking is allowed.

3 Mr. Padgett stated that he does not know if there is a sign that officially indicates no parking along Tiffany
4 Court. He said that he would have to go to the County to obtain such signs, but there never has been a
5 problem because Tiffany Court has been open enough for people to get in and out without calling in
6 complaints.

7
8 Mr. Thorsland asked Mr. Padgett if he is the responsible party for installing “No Parking” signs along
9 Tiffany Court.

10
11 Mr. Padgett stated that he is the responsible party for installing signs, but such a request has to go through
12 the County Engineer and a traffic count survey would be completed.

13
14 Mr. Thorsland asked Mr. Padgett if such a survey has occurred during his tenure.

15
16 Mr. Padgett stated no.

17
18 Mr. DiNovo asked Mr. Padgett that as of right now, it is not illegal to park along Tiffany Court.

19
20 Mr. Padgett stated that as far as he knows it is not illegal to park along Tiffany Court.

21
22 Mr. Frazier stated that it is not legal to park along Tiffany Court, but Steve Koester parks trucks and forklifts
23 there. He said that Tiffany Court is used by multiple businesses for loading and unloading. He said that
24 there are signs indicating “No Parking” on the west side of Tiffany Court near the gym. He said that he
25 rarely sees clients of the gym parking along the street. He said that during the morning hours, Steve Koester
26 uses Tiffany Court for loading and unloading near the cul-de-sac. He said that he used to park buses along
27 the street, but not anymore.

28
29 Mr. Padgett stated that he will go to Tiffany Court to view the “No Parking” signs, because he was not aware
30 that they were there.

31
32 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett and there were none.

33
34 Mr. Thorsland stated that everyone listed on the witness register has testified. He said that the Board could
35 work through the special conditions of approval with the petitioner, but Mr. Follmer has given the
36 impression that he does not want to finalize the case tonight. He said that some of the special conditions
37 would change once Mr. Frazier purchases the lot. He asked Mr. Follmer to indicate why he is requesting a
38 continuance.

39
40 Mr. Follmer stated that one final continuance would allow for the recording of the minor plat and the deed
41 and allow County staff to determine what changes would be appropriate with respect to what exactly will be
42 needed after recording of the deed. He said that he would like the opportunity to discuss the case with staff
43 and hopefully come to a complete agreement regarding some of the more complicated matters and present a
44 proposed resolution to the Board. He said that this case is complicated enough that it would warrant a good
45 meeting between himself, his client and staff to resolve some of the complicated matters and save a lot of
46 time for the Board. He said that he would like to have a complete understanding of what is required from

1 Mr. Frazier and Mr. Frazier would like to present a timeline as to when he can complete the items on the list.
2 He said that there are some technical items that he has concerns about that are not worthy of wasting the
3 Board's time this evening. He said that a meeting between himself and staff would be worthwhile and he
4 apologized for not having done this by now, but he has not been twiddling his thumbs either.

5
6 Mr. Thorsland asked Mr. Follmer if he has had enough time to grasp all of the issues regarding this case.

7
8 Mr. Follmer stated yes. He said that he would like to have time to talk to staff about some of the
9 complexities. He said that his focus has been mainly on the minor plat and the changes that will occur after
10 Mr. Frazier's purchase of the property, and how that purchase will affect many of the issues. Mr. Follmer
11 said that he would contact the architect and request additional information regarding the ramp frame design.
12 He said that he believes that it would be time well spent if there could be one more meeting so that he can
13 present an overall plan as to how to bring this property into compliance, and be specific on these variances
14 and get all of the outstanding Zoning Use Permits on file.

15
16 Mr. Thorsland stated that this is a reasonable position for someone who is new to the case. He said that the
17 Board has been working on this case for two years and the Board has continuously requested details from
18 Mr. Frazier. He said that the Board has provided Mr. Frazier with a punch list of things to do and Mr.
19 Frazier has incrementally moved forward with some of these things, sometimes with big steps and some
20 small. Mr. Thorsland stated that there is frustration from the Board for a request to continue this case again,
21 although he understands Mr. Follmer's position. He said that he appreciates that Mr. Follmer is now on
22 board with this case and the Board has seen more focus on things tonight. He said that there is a long set of
23 special conditions and a pending acquisition for the adjacent lot that would take care of a lot of the language
24 in the variance request. He requested the Board's input regarding Mr. Follmer's request for a continuance.

25
26 Mr. Passalacqua stated that this is like déjà vu . He said that the Board needs to highlight the special
27 conditions, and he has no problem with a continuance request for the case unless there is another meeting
28 and only half of the special conditions are satisfied. He said that if there is going to be another meeting, then
29 the Board should address all of the special conditions and everything else that is required. He said that over
30 the last two-year period, the Board only receives half of one required item at every meeting and we are no
31 further ahead. He said that if the Board kicks this case down the road again, then the following information
32 must be provided at that next meeting, such as, an architectural design of the stairs/ramp and removal of the
33 oil tanks, etc. He said that the Board should take the time tonight to review the special conditions to make
34 sure that Mr. Follmer is up-to-date.

35
36 Mr. DiNovo stated that if the Board takes the time tonight to review the special conditions and any other
37 required information from the petitioner, then the Board should also indicate the items that they do not need
38 to see. He said the framing design for the ramp does not need the Board's review, because the Zoning
39 Administrator is qualified to deal with it. He said that just because some of the information is outstanding
40 does not mean that the Board is required to review all of it.

41
42 Mr. Passalacqua stated that he is not necessarily indicating that the Board needs to review the print, but he is
43 stipulating that the ramp design needs approval. He said that he agrees with Mr. DiNovo, in that he
44 personally does not need to see the blueprint, but he does need a guarantee that the construction of the ramp
45 is per the approved plan.

1 Mr. Thorsland stated that he would like to review the special conditions and reference what may change
2 when the purchase of the lot is completed. He said that the timeline for some of the required items might not
3 be agreeable to the petitioner. He said that it appears that Mr. Follmer is in agreement with the proposed
4 timelines, but if his assumption is incorrect then Mr. Follmer should indicate such tonight. He said that the
5 Board will not be seeking the petitioner's agreement or disagreement for the special conditions tonight, but
6 would like to know what parts the petitioner does not agree with so that it can be the focus of staff dialogue.
7 He said that the Board would like to know if the petitioner or the architect has contacted the Capitol
8 Development Board regarding the ADA requirements for the ramp.

9
10 Mr. Passalacqua stated that Mr. Frazier needs to contact County approved concrete contractors regarding the
11 curb replacement, because the Board is continuously told that the petitioner is going to do it. He said that to
12 date, the Board has not received any information regarding an approved concrete contractor that is going to
13 build the replacement curb per the approved specifications.

14
15 Mr. Thorsland stated that Mr. Padgett has clearly testified that Mr. Frazier can contact the Champaign
16 County Highway Department Engineer for a list of approved contractors who have completed work before
17 for the County.

18
19 Mr. Passalacqua stated that even if the contractor that Mr. Frazier chooses is not on the County's approved
20 list, as long as the contractor has the approved specifications for the curb replacement and they construct the
21 curb per those specifications, then the curb will be approved.

22
23 Mr. Thorsland stated that Mr. Frazier needs to find a contractor that will build the curb per the approved plan
24 and get it done.

25
26 Ms. Lee stated that if Mr. Frazier obtains an approved contractor, it is possible that the curb could be
27 replaced prior to the next meeting. She said that the curb replacement is now in Mr. Frazier's ballpark.

28
29 Mr. Thorsland stated that if the Board agrees to grant a continuance of this case, a picture of the new curb
30 would be a benefit. He said that the Board has continuously asked Mr. Frazier to take as many steps as
31 possible.

32
33 Ms. Griest stated that if the Champaign County Engineer approves the contractor for the curb replacement,
34 then she is good with that decision. She said that having bid and built things within the governmental
35 process there are requirements for those contractors that not every other private contractors needs to meet.
36 She said that there are minimum insurance requirements, liability issues, and perhaps the project, since it is a
37 public entity curb, may be subject to prevailing wages. She said that she does not care who the contractor is
38 as long as the County Engineer determines that the contractor meets all of the requirements, and if there is a
39 special condition that requires this, than that is all she needs. She said that Mr. Frazier can proceed in
40 obtaining his approved contractor outside of this meeting and the Board does not need to see the contractor's
41 name or pedigree.

42
43 Mr. Thorsland stated that it is not the Zoning Board of Appeals' job to find or approve the contractor for the
44 curb replacement, nor is it the Board's job to approve the curb replacement specifications and plan. He said
45 that it is the Board's job to state the special conditions and assure that Mr. Frazier agrees with them and at
46 that point, it is an enforcement issue. He said that the special conditions begin on page 6 of the

1 Supplemental Memorandum #12 dated May 18, 2017, and the special conditions are not being reviewed
2 tonight for Mr. Frazier's approval, but are being reviewed as a dialogue indicating that Mr. Frazier is aware
3 of the special conditions.

4
5 Mr. Thorsland read Special Condition A. as follows:
6

7 **A. The Petitioner shall continuously provide the required number of parking spaces as**
8 **follows:**

- 9 **(1) The Petitioner shall maintain the required 74 parking spaces in accord with the**
10 **Purchase Contract (agreement) for adjacent land that was approved in this**
11 **Case 792-V-14 unless the Zoning Administrator determines that a different**
12 **number of spaces are required.**
13

14 Mr. DiNovo stated that there is a problem, because the site plan indicates 76 parking spaces and four of
15 those spaces are located in an easement that could possibly go away. He said that if the four spaces go away,
16 then there are only 72 parking spaces, which is two parking spaces short of what is required in the variance.
17 He said that the special condition indicates that the petitioner shall maintain the required parking spaces in
18 accord with the Purchase Contract (agreement), which includes the easement then we should contemplate
19 that four of those spaces will go away. He said that if four parking spaces goes away due to the easement
20 then the special condition should indicate the following: The petitioner shall maintain the required 72
21 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this
22 Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.
23 He asked staff to indicate the number of required parking spaces that was published.
24

25 Mr. Hall stated that staff re-advertised the case with 74 required parking spaces. He said that the re-
26 advertisement occurred after the re-activation of the case.
27

28 Mr. Thorsland stated that some of input was provided indicating that the City of Champaign's guideline
29 regarding the 80% threshold.
30

31 Mr. Hall asked Mr. DiNovo if he is questioning the parking spaces on the west side of Lot 701.
32

33 Mr. DiNovo stated yes. He said that there are four parking spaces indicated within the easement, and if Lot
34 702 is developed, the access would be through that easement, which would eliminate four of the parking
35 spaces for Lot 701.
36

37 Ms. Griest stated that those parking spaces are not located on the property that Mr. Frazier is planning to
38 purchase, but are located on the easement for access for the other lot.
39

40 Mr. Follmer stated that once the plat is recorded, much of Special Condition A and its sub-paragraphs would
41 change. He said that he anticipates that things will be simplified within the next few weeks. He said that
42 he can fully understand and appreciate the Board wanting to inquire about some of these details, such as
43 Special Condition A.1. Mr. Follmer asked the Board to indicate which Purchase Contract Special Condition
44 A.1. is referring to. He said that the Purchase Agreement that he wrote does not mention anything about
45 parking spaces, but does refer to a parking lot easement. He said that Mr. Frazier will own Lot 701 which, in
46 Mr. Follmer's opinion, will change all of the wording in Special Condition A. He said that he would be

1 happy to go through all of the special conditions, and he does realize that he has jumped into this a little late
2 and does understand the frustrations of the Board and staff regarding this case. He said that he would like
3 the opportunity to meet with staff so that this process is simplified, and address some of his questions and
4 concerns so that an agreement between both parties can be presented to the Board for their next meeting
5 regarding this case.

6
7 Mr. Thorsland stated that the Zoning Administrator could determine that fewer spaces are required after the
8 sale.

9
10 Mr. DiNovo stated that if a variance is granted for 74 parking spaces, then there has to be 74 parking spaces.

11
12 Mr. Thorsland stated unless the number of required parking spaces changes to 72.

13
14 Mr. DiNovo asked Mr. Thorsland to indicate how the number of parking spaces would change to 72.

15
16 Mr. Thorsland asked if the four parking spaces are located in the easement for the benefit of Lot 701. He
17 asked if the parking spaces are within Lot 701 or outside of the property that Mr. Frazier is purchasing.

18
19 Mr. Frazier stated that the four parking spaces are located on Lot 701 in an easement for the benefit of access
20 for Lot 702.

21
22 Mr. DiNovo stated that the plat indicates that the parking spaces are on Lot 702.

23
24 Mr. Follmer stated that the temporary parking lot easement is west of Lot 701 for the benefit of Lot 701.

25
26 Mr. Thorsland stated that the area could be taken away from Lot 701 if Lot 702 is developed.

27
28 Mr. Follmer stated that the City of Champaign requires a provision that if Lot 702 is re-developed Mr.
29 Frazier will be out of compliance, because all of the easements would be vacated. He said that there are a
30 number of legal issues that need to be resolved and requested that the Board allow him time to get these legal
31 issues resolved so that the deed can be recorded.

32
33 Mr. Frazier stated that he was originally going to purchase the entire building, but the City of Champaign did
34 not want to break the lot into two lots and wanted to keep it as one lot. He said that the one lot has to touch
35 Tiffany Court; therefore, there is an easement provided on his property (Lot 701) so that the other property
36 (Lot 702) touches Tiffany Court.

37
38 Mr. DiNovo stated that the Purchase Agreement indicates that Isaac Properties desires to retain an easement
39 for ingress and egress and an easement for parking on said proposed Lot 701.

40
41 Mr. Follmer stated that we are talking about two different things. He said that what Mr. Frazier is referring
42 to is the subject of two weeks of emails and frustration with the City of Champaign that an easement had to
43 be provided at the southern end of Lot 701 so that Lot 702 would touch Tiffany Court. He said that this is a
44 different issue than the parking lot easement for the four parking spaces that Mr. DiNovo was discussing is
45 owned by the owner of Lot 702 and not Lot 701.

46

1 Mr. Thorsland stated that the easement for the four parking spaces could go away if Lot 702 is re-developed
2 and would be less than what is approved in the variance.

3
4 Mr. DiNovo stated the easiest way to get around this is to re-publish the variance case with 72 required
5 parking spaces in lieu of 74 parking spaces.

6
7 Mr. Follmer agreed.

8
9 Ms. Burgstrom stated the Draft Plat received March 15, 2017, was the most recent version that staff had until
10 tonight. She said that Mr. Follmer distributed a new Draft Plat dated April 13, 2017, which was included in
11 his distributed packet. She noted that at the bottom of the Draft Plat dated April 13, 2017, there is very small
12 print indicating that Lot 701 is 16,412 square feet, but the March 15, 2017, Draft Plat indicates that Lot 701
13 is 17,904 square feet. She said that a difference of 1,500 square feet for Lot 701 would require five fewer
14 parking spaces.

15
16 Mr. Follmer stated that the square footage revision was due to the required change in the northern property
17 line to comply with the 10 feet required setback for the building.

18
19 Mr. Thorsland stated that the March 15, 2017, Plat indicates a deadhead so that people can back out of their
20 parking spot. He said that the deadhead touches the five feet demarcation that Mr. Follmer indicated the
21 City of Champaign did not like. He said that the plat that Mr. Follmer distributed tonight indicates no
22 building; therefore, it is assumed that there is five feet left because they said they wanted ten feet from the
23 building. He said that if ten feet is used, the minimum five feet radius of the deadhead would be lost. He said
24 that there are two deadheads at the end of the parking rows, which means the change in square footage does
25 not change the number of spaces, but the ability to turn the car is lost, which takes away the ability for a car
26 to turn around without trespassing on the neighboring lot.

27
28 Mr. DiNovo stated that the site plan indicates a 20 feet wide travelway.

29
30 Mr. Thorsland stated that the March 15th site plan indicates a 23 feet wide travelway on the northern lot. He
31 asked Mr. Frazier why the two plans are different.

32
33 Ms. Griest asked Ms. Burgstrom if the required number of parking spaces is based upon the buildings and
34 not the square footage of the additional lot. She asked how the change in the lot's square footage would
35 change the number of required parking spots if the number of required parking spaces is based upon the
36 buildings.

37
38 Ms. Burgstrom stated that the number of required parking spaces is based upon the building area, which is
39 currently 74, if we go by the City of Champaign's way of doing things. She said that Paragraph 7.4.1 of the
40 Zoning Ordinance discusses the required number of parking spaces and the required maneuvering area, thus
41 totaling 300 square feet. She said that if the parking lot is being reduced, then so is the maneuvering area and
42 the number of parking spaces available on that lot.

43
44 Ms. Griest stated that earlier Ms. Burgstrom stated that because the space that was available for parking is
45 being reduced, then the number of required spaces would be reduced from 74 to 68.

46

- 1 Mr. Thorsland stated that only 68 spaces will be available by cutting the space down.
2
- 3 Ms. Burgstrom stated that they are still required to have 74 parking spaces.
4
- 5 Mr. Thorsland stated that they lose the ability to have 300 square feet for the lot.
6
- 7 Mr. DiNovo stated that the March 15, 2017, plat indicates a strip that is 31.59 feet wide, but the April 15,
8 2017, plat indicates the strip to be only 26.44 feet wide.
9
- 10 Mr. Thorsland asked Mr. DiNovo if he was talking about the easement.
11
- 12 Mr. DiNovo stated that he is talking about the narrow part of the lot.
13
- 14 Mr. Frazier stated that to ease Mr. DiNovo's mind and satisfy the ZBA, he could add five parallel parking
15 spaces on Tiffany Court.
16
- 17 Mr. DiNovo stated that we are going from 31 feet to 26 feet; therefore, losing five feet. He said that the
18 travelway would go from 23 feet to 18 feet, which is pretty marginal.
19
- 20 Mr. Frazier stated that he appreciates Mr. DiNovo's concern, but in reality, no one is going to park in any of
21 these spots regardless of the amount of concrete poured or signage or striping installed. He said that he only
22 requires 10 parking spaces, and will never use 74, 64, 54 or 44 spaces, and he knows this because he has
23 been at this location for 30 years and is there every day of the year. He said that he understands that there are
24 guidelines, which he must follow, and he is attempting to meet those guidelines.
25
- 26 Mr. Follmer stated that, perhaps the case should be re-published so that Mr. Frazier is able to reduce the
27 number of spaces as stated in the application for variance. He said that it doesn't change the number
28 required by the Zoning Ordinance, but changes the number of parking spaces that Mr. Frazier is requesting
29 the variance for. He said that after Mr. Frazier spends the money to acquire the northern property and
30 receives all of the required approvals from the City of Champaign, Mr. Frazier might require less than 74
31 parking spaces. He said that the City of Champaign's legal department is currently reviewing everything and
32 he anticipates receiving feedback from them on Tuesday.
33
- 34 Ms. Burgstrom asked Mr. Follmer if he plans on having a revised site plan, based on the smaller lot,
35 prepared by Eric Hewitt or Andrew Fell, indicating fewer parking spaces so that staff and the Board has a
36 site plan that can be reviewed and approved based on the square footage that is consistent.
37
- 38 Mr. Follmer stated yes. He said that he intends to bring the revised site plan to the requested meeting with
39 staff, and it is his intent to have Mr. Hewitt and Mr. Fell available by phone or their presence so that we can
40 hammer through this and come up with a proposal that makes sense for everybody.
41
- 42 Mr. DiNovo stated that dimension change has to be resolved. He said that there are four parking spaces in
43 the easement and the Board could approach this in one of two ways. He said that the Board could determine
44 that since the four spaces are not permanent, they do not count, or in the event that the four parking spaces
45 go away, Mr. Frazier will have to make some type of an adjustment at that point and time and not worry
46 about it. He asked if the ZBA is willing to accept the fact that there are four parking spaces that may go away

1 some day which would create an issue that must be dealt with at that time.

2
3 Ms. Lee asked staff to indicate the timeline for re-advertisement after the meeting between all entities has
4 occurred.

5
6 Ms. Burgstrom stated that generally, there are five days between the time that the re-advertisement is sent
7 and printed, but since this case would be re-advertised in the News Gazette, the timeline is a little bit
8 quicker.

9
10 Mr. Thorsland asked Ms. Burgstrom to indicate the number of days prior to the meeting that the re-
11 advertisement has to be in print.

12
13 Ms. Burgstrom stated 15 days prior to the meeting.

14
15 Mr. Thorsland stated that Mr. Frazier testified at a previous meeting that there are five parallel parking
16 spaces, located at the front of the building, that he would not install, but tonight Mr. Frazier has indicated the
17 he will install the five parallel parking spaces if the four parking spaces within the easement area should ever
18 go away. Mr. Thorsland stated that perhaps a special condition could indicate that should the four parking
19 spaces within the easement are no longer available, five parallel parking spaces will be required to be located
20 at the front of the building. He said that the five parking spaces can be contingent based on the loss of the
21 easement that is for the benefit of Lot 701. He said that this does not address the concern that Ms. Griest
22 previously stated.

23
24 Ms. Griest stated that her concern has been resolved.

25
26 Mr. Thorsland stated that it is possible that the parking space and the easement concerns are resolved during
27 the requested meeting between staff, Mr. Follmer, Mr. Fell, Mr. Hewitt and Mr. Frazier and the case could
28 be re-advertised. He said that Mr. Follmer is still hashing through things with the City of Champaign's legal
29 department and it may necessitate re-advertisement of the number of parking spaces requested in the
30 variance.

31
32 Ms. Griest stated that it is important to note that 74 parking spaces is not an arbitrary number that the Board
33 picked out because someone requested it, but based upon calculations and the Board being able to bring the
34 number down to the absolute minimum size possible to comply with the Ordinance by utilizing the City of
35 Champaign's guidelines. She said that she would have difficulty in ratcheting the number down just because
36 someone asked for it because she would have no basis to justify it.

37
38 Mr. Thorsland stated that rather than ratcheting down the number, perhaps the Board could provide a
39 possibility for alternate spaces. He said that the required number of parking spaces is actually 86 parking
40 spaces and the 74 parking spaces is based upon the City of Champaign's parameters. He said that no
41 variance would be required if 86 parking spaces were available.

42
43 Mr. DiNovo stated that this whole thing about the City of Champaign's parking standards was an argument
44 made by Mr. Fell, but it has no significance. He said that the ZBA has no authority over the City of
45 Champaign's regulations or policies and the ZBA is here to enforce the policies of the Champaign County
46 Board. He said that whatever the number of parking spaces determined by this Board is based upon whether

1 or not the Board finds that it is an acceptable number and there is nothing magic about the number 74.

2
3 Mr. Frazier stated that he understands Mr. DiNovo's statement, but the City of Champaign is on 50% of his
4 property's sides, all of the north and east sides, and the City of Champaign has no problem annexing his
5 property, and frankly, he would like to see all of Tiffany Court annexed into the City of Champaign because
6 he needs a sewer system out there.

7
8 Mr. DiNovo stated that if an annexation agreement with the City of Champaign was still in the picture, then
9 he would agree with Mr. Frazier, but it has been taken off the table. He said that he is only indicating that
10 the number 74 is not a magic number for the number of required parking spaces.

11
12 Mr. Thorsland stated that perhaps Mr. Follmer now understands why the Board has been here for two years.
13 He said that every time the Board determines the number of required parking spaces, things go sideways. He
14 said that Mr. Follmer has explained to the Board how everything is in play and, hopefully, Mr. Follmer can
15 maintain a dialogue with staff so that case can be more concrete with fluid detail for the Board at its next
16 meeting.

17
18 Mr. Passalacqua agreed with Mr. Thorsland and requested that a date be set for a meeting between staff, Mr.
19 Follmer, Mr. Frazier, Mr. Fell and Mr. Hewitt, because the only thing that is occurring tonight is more
20 talking.

21
22 Mr. Thorsland stated that Mr. Passalacqua originally requested the Board to review the special conditions
23 with the petitioner and his counsel.

24
25 Mr. Passalacqua stated that Mr. Follmer has insisted that he requires a meeting with staff to review the
26 special conditions and the laundry list of items to be addressed and Mr. Passalacqua will take Mr. Follmer's
27 word that this meeting will occur in a productive manner. He said that there are no new special conditions at
28 this time and there may be fewer special conditions after the meeting between all entities. He said that
29 currently the discussions are doing nothing but wasting everyone's time and requested that a continuance
30 date be determined for this case. He asked staff for a realistic time for a meeting with Mr. Follmer.

31
32 Mr. Hall stated that staff is not the limiting factor in regards to such a meeting. He said that staff is available
33 five days per week, eight hours per day, and many times in during the evening hours. He said that staff has
34 spent more hours on this case than they have spent on any other zoning case and to come here tonight and
35 find out that the required number of parking spaces cannot be agreed upon is almost more than he can
36 tolerate, but what he can tolerate is not relevant. He said that staff has put in more time than they should
37 have already, but they are willing to put in twice that if people are present to ask relevant questions and do
38 things.

39
40 Mr. Passalacqua requested a relevant time for this meeting.

41
42 Mr. Follmer stated that as soon as City of Champaign issues their approval of the plat.

43
44 Mr. Passalacqua stated that he has no idea when that will be; therefore, he needs a timeline.

45
46 Mr. Hall stated that the whole point of the special conditions is so that the petitioner does not need the City

1 of Champaign's action before this Board takes action. He said that he cannot describe how much time staff
2 has put in on these conditions that will allow the petitioner to gain approval without doing a darn thing other
3 than applying for a plat with the City of Champaign, which has been done, and a signed contract for
4 purchase. He said that staff is happy to see a signed contract for purchase, because it has been needed since
5 day one. Mr. Hall said that the County Engineer has delegated to the Champaign Township Highway
6 Commissioner the authority to accept the contractor that will replace the curb per the approved engineering
7 drawings and complete the project.

8
9 Mr. Follmer stated that he understands Mr. Hall's frustration, but until he has an understanding and approval
10 from the City of Champaign, it is unknown how that approval will dictate the number of spaces that the
11 petitioner can achieve. He said that we have discussed the reduced parking lot for Lot 701, which is a
12 perfect example of why he should receive feedback from the City of Champaign on Tuesday.

13
14 Mr. Thorsland stated that what we are down to is not the number of parking spaces required on the lot,
15 because staff has made that information very clear. He said that the Board is aware of the amount of
16 variance requested and the fluid part is the details of the easement that Mr. Follmer has not received
17 information about from the City of Champaign. He said that Mr. Follmer desires to argue for his client so
18 that he does not lose compliance when the City of Champaign comes back with their feedback. He said that
19 the contract of sale is a welcome addition, but it puts a few things that previously were not talked about in
20 play. Mr. Thorsland stated that Mr. Follmer's involvement is a welcome addition to this process, as he will
21 bring a tighter focus to the request.

22
23 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Case 792-V-14 to the August 31, 2017,**
24 **meeting. The motion carried by voice vote.**

25
26 Mr. DiNovo stated that it is the nature of a subdivision plat approval, as in zoning cases, where issues come
27 up that are not anticipated, and at some level staff should expect to identify things to be done that had not
28 been previously thought about it. He said that the plat is a moving target until the day of approval.

29
30 Mr. Thorsland stated that the Board looks forward to a more timely and concrete progress well before
31 August 31st so that the case can be re-advertised. He said Mr. Follmer should check with staff regarding the
32 timelines for submission of information prior to the re-advertising deadline. He said that the Board does not
33 want information submitted on the night of the meeting, but received in the mailing packets prior to the
34 meeting for review so that this case can be finalized.

35
36 **6. New Public Hearings**

37
38 None

39
40 **7. Staff Report**

41
42 None

43
44 **8. Other Business**

45 A. Review of Docket

46

1 Ms. Griest stated that she will attend the June 15, 2017, meeting.

2

3 Mr. Thorsland stated that he will be absent from the June 15, 2017, meeting.

4

5 Mr. Hall stated that Ms. Burgstrom has received a reply from the representative for Loral Park, Cases 854-S-
6 16 and 844-V-16, who has requested a continuance to the July 13, 2017, meeting. He said that the July 13th
7 meeting could be problematic due to anticipated new information, but that is the date that has been
8 requested. He said that even though a continuance to July 13th could be problematic, it is the longest date
9 that the cases could be continued.

10

11 **Ms. Griest moved, seconded by Mr. Passalacqua, to continue Case 854-S-16 and 855-V-16 to the July**
12 **13, 2017, meeting. The motion carried by voice vote.**

13

14 Mr. Passalacqua stated that he would like to make a general statement with regard to all cases and no case in
15 particular. He said that it may only be coincidental that the Board has just spoke about this case tonight, but
16 it is his intention to begin and finish every case on the first night that it is presented to the Board. He said
17 that it is his belief that this is one of the biggest problems with any entity like the ZBA when cases get
18 extended out so long. He said that he appreciates the amount of endless hours that staff puts into a case, but
19 the case heard tonight was going nowhere.

20

21 Mr. Hall stated that every time a case comes to the Board it is staff's intent to have it ready for final action.

22

23 Mr. Passalacqua stated that he is not insinuating that staff is the problem.

24

25 Ms. Griest noted that she agreed with the proposed special conditions for tonight's case as they provided the
26 latitude to move forward.

27

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

29

30 None

31

32 **10. Adjournment**

33

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

35

36 **Ms. Griest moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
37 **vote.**

38

39 The meeting adjourned at 8:35 p.m.

40

41

42 Respectfully submitted

43

44

45 Secretary of Zoning Board of Appeals

46