

## **CASES 878-V-17 and 882-V-17**

**SUPPLEMENTAL MEMORANDUM #1  
AUGUST 3, 2017**

**Petitioner: Philip Fiscella**

**Request: Authorize the following Variances in the CR Conservation Recreation Zoning District:**

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

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

**CASE 878-V-17: Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the required minimum 200 feet, and with a minimum lot area of 0.5 acre in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.**

**CASE 882-V-17: Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of the Zoning Ordinance.**

**Subject Property:**

**For Case 878-V-17: the west 150 feet of Lot 9 in Wildwood Acres Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township.**

**For Case 882-V-17: the complete Lot 9 in Wildwood Acres Subdivision**

**Site Area: Case 878-V-17 = 0.5 acre; Case 882-V-17 = 1.2 acres**

**Time Schedule for Development: As soon as possible**

**Prepared by: Susan Burgstrom  
Senior Planner**

**John Hall  
Zoning Administrator**

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### **STATUS**

In an email received July 25, 2017, Carol Brockman, daughter of adjacent neighbors J.R. and Sue Brockman, provided a supplement to her parents' original statement that was provided in the Preliminary Memorandum. They provide further testimony as to why they oppose construction on the subject property.

### **ATTACHMENTS**

- A Email received July 25, 2017 from Carol Brockman

## Susan Burgstrom

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**From:** Carol Brockman <lcbrock@visi.com>  
**Sent:** Tuesday, July 25, 2017 2:54 PM  
**To:** Susan Burgstrom  
**Subject:** Re: Property at 2500N Mahomet  
**Attachments:** Brockman supplemental response to Fiscella Variance Application

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

Hi Susan,

After having a chance to review Mr. Fiscella's variance application, my parents would like to submit a supplement to their July 13, 2017 statement. I have attached that. If they need to sign it, they could come in tomorrow before my mom has to check in (12:45pm) for her eye surgery at Carle.

Please let me know if there are any questions.

Thank you,

Carol

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JUL 25 2017

CHAMPAIGN CO P & Z DEPARTMENT

Cases 878-V-17 and 882-V-17  
Supplement to Jones Ray and Sue Brockman's Statement  
to  
Fiscella Application for Variance

Now that we have had an opportunity to review the particulars of Mr. Philip Fiscella's Application for Variance, we would like to comment further and object to statements made by Mr. Fiscella in his support of the Variance Criteria.

We are the owners of Lot 8 and the ½ of Lot 9 (rear portion) that are adjacent to the ½ of Lot 9 that Mr. Fiscella seeks variances. We are long-time residents of Champaign County, having moved to the area in 1950 and raised our 4 children here. We purchased our present property in 1997. The only real properties that we have ever purchased have been for our single-family homes.

We are neither land speculators nor flippers.

We were attracted to this particular property, because it is a beautiful property in a small housing group with a rural character, where we have plenty of open space around the homes built here. We did not want to be in a town setting, where the lots are smaller and neighboring houses are built much closer together.

We bought Lot 8, which has our house and a large front yard. We have been avid gardeners and another attraction of the property being offered was that ½ of the neighboring lot could be purchased for that purpose. It has been our understanding that neither ½ of Lot 9 could have housing structures placed upon them. That has been the case for the many years that we have lived here. The front ½ of Lot 9 has been maintained by our neighbor, Brian Wattles. Perhaps Mr. Fiscella doesn't consider the lot particularly natural nor scenic, but to those of us in the neighborhood, it is.

The variances requested would create a structure placement that is out of character with our neighboring parcels. **Mr. Fiscella is requesting a 50% reduction from the current zoning minimum for lot area. He is not asking for 5% or 10%; he is asking that it be cut in half. He is also requesting that the minimum lot width be reduced 29.5%. Again, a considerable reduction.** Lot 7 and Lot 8 are large lots and have homes facing west and set back considerably from Wildwood Drive, which was one of the main reasons we bought our property in the first place. The placement of Mr. Fiscella's proposed structure will mean that the front of our house will face the back of Mr. Fiscella's structure. Having the front of one home face the rear of an adjoining lot's structure is out of character with our neighborhood and inappropriate.

In Mr. Fiscella's response to 7A of the Variance Criteria, he maintains that the vast majority of lots with homes in the subdivision are smaller than the parcel in question. In fact, the six lots east of Wildwood Drive are large lots. These include lots 7, 8, 9 (original), 10, 11 and 12, which are nearly double the size of the lot that Mr. Fiscella seeks to develop.

In 7B, Mr. Fiscella states that our property is not for sale. Mr. Fiscella has not approached us with an offer to sell, and we are the owners of the other undeveloped half lot (9). My understanding is that Mr. Fiscella offered to sell Mr. Wattles the ½ lot 9 property for \$29,000, a price that he could not accept. Mr. Fiscella acquired the property through a sale of the property for non-payment of taxes. Our ½ of Lot 9 is taxed at \$635.98 per year. If

Mr. Fiscella paid 3-4 years of back taxes for the other ½ Lot 9, then he paid somewhere in the range of \$1800-2400. An offer of \$29,000 is not reasonable.

In 7C, Mr. Fiscella states that he was 'surprised' that the parcel is too small to build on. Mr. Fiscella is a sophisticated real estate professional. Mr. Fiscella holds himself out as a Vice President of Fiscella Building Services, Inc., a broker of Abe Lincoln Realty and Managing Director of Finch Management, LLC. Mr. Fiscella is not a naïve buyer. With his background, it is disingenuous to claim a lack of knowledge. He didn't do his homework on this property and/or he chose to gamble, to take a risk. He shouldn't be rewarded for that speculation by being granted variances. In fact, when Mr. Fiscella informed Sue Brockman that he had bought the property, and she told him that it was not a buildable property, he replied that "there were ways to get around that."

If Mr. Fiscella is granted the variances and allowed to place a housing structure on ½ of a designated parcel, are we and other owners in our neighborhood going to be allowed to subdivide our parcels and have 2 houses on each parcel--thereby creating a denser and more heavily trafficked neighborhood? That is not consistent with the character of this rural neighborhood. It is not why our neighbors and we chose to live in this small community, approximately 5 miles outside of the town of Mahomet.

Section 7E is to describe factors that would ensure that granting the variances would not be injurious to the neighborhood or public safety. In response to that, Mr. Fiscella maintains that Wildwood Drive is basically a driveway only one car in width. That 'driveway' is a street that has to handle 2 way traffic, providing ingress and egress to the properties in the neighborhood. Mr. Fiscella's property development would just add to the amount of traffic the 'driveway' would have to bear. Mr. Fiscella also states that no additional hazard will be created by allowing a small reduction in the sight triangle on this corner. That does not take in consideration that there are no streetlights in this neighborhood.

Finally, while the Soil Evaluation Report outlines the minimum requirements for placement of the leach field and septic system, it fails to consider that Mr. Fiscella's leach field is to be placed immediately adjacent to our front yard. We object to having a neighbor's 'sewage treatment facility' next to our front yard. It is a tortured placement and further demonstrates that trying to fit a well, septic system, leach field, house and garage on this curved, front portion of a half lot is inappropriate and inconsistent with the neighborhood and accordingly, does not justify the grant of variances to effect this.

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JUL 25 2017

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