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3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 **1776 E. Washington Street**

7 **Urbana, IL 61801**

8
9 **DATE: August 31, 2017**

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

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

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

15
16 **MEMBERS ABSENT :** Eric Thorsland

17
18 **STAFF PRESENT :** Connie Berry, Susan Burgstrom, John Hall

19
20 **OTHERS PRESENT :** Lloyd Allen, Kent Follmer, Robert Frazier, Keith Padgett

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22
23 **1. Call to Order**

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

26
27 Mr. Hall informed the Board that due to the absence of Eric Thorsland, Chair, an Acting Chair needs to be
28 appointed for tonight's meeting.

29
30 **Mr. Passalacqua moved, seconded by Mr. DiNovo, to appoint Debra Griest as Acting Chair for**
31 **tonight's meeting. The motion carried by voice vote.**

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

34
35 The roll was called and a quorum declared present with one member absent.

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

40
41 **3. Correspondence**

42
43 None

44
45 **4. Approval of Minutes (June 15, 2017)**

46
47 Ms. Capel stated that the even numbered pages for the Draft June 15, 2017, minutes were missing from the
48 copy that was included in the mailing packet, and the Board has not had sufficient time to review the

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1 complete set of the minutes that was distributed tonight. She recommended that the June 15th minutes be
2 placed on the September 14, 2017, agenda for approval.

3
4 Ms. Griest entertained a motion to defer approval of the June 15th minutes until the September 14, 2017,
5 meeting.

6
7 **Ms. Capel moved, seconded by Mr. Randol to defer approval of the June 15, 2017, minutes until the**
8 **September 14, 2017, meeting. The motion carried by voice vote.**

9
10 **5. Continued Public Hearing**

11
12 **Case 792-V-14 (Reactivated) Petitioner: Robert Frazier Request to authorize the following Variance**
13 **from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District: Part A.**
14 **Variance for 70 parking spaces in lieu of the minimum required 93 parking spaces (including 30 on-**
15 **site and 40 off-site parking spaces) as required by Section 7.4.1 of the Zoning Ordinance. Part B.**
16 **Variance for 30 on-site parking spaces in lieu of the minimum required 93 parking spaces as required**
17 **by Section 7.4 of the Zoning Ordinance; Part B of the variance is only intended to apply in the short**
18 **term and will expire upon the purchase of the additional land. Part C. Variance for allowing 40 off-**
19 **street parking spaces on an adjacent lot in lieu of requiring all 93 off-street parking spaces to be**
20 **located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning**
21 **Ordinance; Part C of the variance is only intended to apply in the short term and will expire upon**
22 **purchase of the additional land. Part D. Variance for a setback of 50 feet and a front yard of 20 feet**
23 **between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet**
24 **and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance;**
25 **and Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of**
26 **the minimum required 9 feet by 20 feet as per Section 7.4.1.B. of the Zoning Ordinance. Location: Lot**
27 **4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and**
28 **commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

29
30 Ms. Griest informed the audience that anyone wishing to testify for any public hearing tonight must sign the
31 witness register for that public hearing. She reminded the audience that when they sign the witness register
32 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

33
34 Ms. Griest informed the audience that Case 792-V-14 is an Administrative Case and as such, the County
35 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask
36 for a show of hands for those who would like to cross-examine and each person will be called upon. She
37 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
38 She said that those who desire to cross-examine are not required to sign the witness register but are requested
39 to clearly state their name before asking any questions. She noted that no new testimony is to be given
40 during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-
41 Laws are exempt from cross-examination.

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Mr. Passalacqua stated that the description that Ms. Griest read into the record is from the Supplemental Memorandum, although the description of the case indicated on the front page of the Revised Draft Summary of Evidence, Finding of Fact and Final Determination is different. He asked staff to indicate which description is correct.

Ms. Griest agreed with Mr. Passalacqua and asked Mr. Hall to indicate which description is the most accurate.

Mr. John Hall, Zoning Administrator, stated that the description on the Revised Summary of Evidence, Finding of Fact and Final Determination is the correct version. He read the accurate description as follows: Part A. Variance for 70 parking spaces in lieu of the minimum required 93 parking spaces (including 30 on-site and 40 off-site parking spaces) as required by Section 7.4.1 of the Zoning Ordinance. He said that since the last public hearing regarding Case 792-V-14, staff re-advertised it, and at that time staff believed that the request was for 65 spaces in lieu of the 89 required parking spaces, which would be a variance of 24 spaces. He said that the plan has been revised since the re-advertisement, and 93 parking spaces are required, based on the new plan, and 70 parking spaces are being proposed reducing the amount of variance and no re-advertisement is required again. He said that at the last hearing, the variance request was for 74 parking spaces in lieu of 86, which was a smaller amount of variance. He said that at that hearing, there were questions raised about the four spaces located in the easement, and other things transpired since that hearing to increase the amount of variance, which is why the case was re-advertised on August 16th, but then after August 16th things changed yet again. He said that the Board could take final action on this case tonight, because it is within the bounds of the most recent legal re-advertisement and all of the outstanding issues have been addressed.

Ms. Griest asked Mr. Hall if the description that she read was the description that was advertised.

Mr. Hall stated yes.

Ms. Griest stated that if the Board is going with the new numbers, they are reducing the amount of variation that was advertised.

Mr. Hall stated yes, at least on the basis of the proposed plan. He said that he has expressed some doubts from day one about all the parking spaces on that proposed plan, so it remains to be seen what the Board thinks. He said that at this point, the difference in the number of parking spaces is less than what was advertised.

Ms. Griest asked Mr. Hall if he had additional information to share with the Board.

Mr. Hall stated that the way that the case is described in the Summary of Evidence, staff did finally get language inserted indicating that Parts B and C are interim variances and once the property has been acquired

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1 to the north, Parts B and C are no longer necessary. He said that it is his understanding that the plat has been
2 approved and is just going through the process of being recorded, so the conveyance/purchase of the land has
3 not happened yet so Parts B and C are still required. He said that good progress has been made since the last
4 public hearing and it appears that everything is moving along nicely.

5
6 Ms. Griest asked the Board if there were any questions for Mr. Hall and there were none.

7
8 Ms. Griest asked the petitioner if he or his representative would like to make a statement regarding this case.

9
10 Mr. Robert Frazier, who resides at 3909 Farmington Drive, Champaign, stated that he is the owner of the
11 business located at 310 Tiffany Court, Champaign. He said that his attorney is present tonight to address any
12 of the Board's questions and concerns. He thanked the Board for their time and patience during this process
13 that has taken over two and one-half years, and he looks forward to hearing the Board's feedback for a
14 conclusion tonight. He said that he also hopes that the final determination is good.

15
16 Mr. Kent Follmer, attorney for Mr. Frazier, stated that his office is located at 1717 Philo Road, Urbana. He
17 said that he would like to indicate the status of the land purchase. He said that the original contract that was
18 signed some time ago provides that within 30 days after the replat is approved by the City of Champaign and
19 recorded at the County, the closing will occur. He said that it is apparent from the documents presented that
20 the City of Urbana has reviewed and approved those documents and the documents are awaiting final
21 signatures. He said that he anticipates the plat being recorded within a few days and a closing date scheduled
22 for September 12, 2017. He said that Mr. Frazier has made a tremendous amount of progress with his
23 architect and engineer and the current drawings reflect what would be appropriate and he seconds Mr.
24 Frazier's comment regarding his appreciation for the time spent by the Board and staff. He said that Ms.
25 Burgstrom has provided tremendous help with this project.

26
27 Ms. Griest informed Mr. Follmer that he indicated that the City of Urbana is reviewing the plat, but it is the
28 City of Champaign.

29
30 Mr. Follmer apologized for his error and indicated that the plat is being reviewed by the City of Champaign.

31
32 Ms. Griest asked the Board and staff if there were any questions for Mr. Frazier or Mr. Follmer.

33
34 Mr. DiNovo asked Mr. Frazier if the agreement with Keith Padgett, Champaign Township Highway
35 Commissioner, with respect to the replacement of the curb, will be memorialized in a counter-signed
36 agreement or do they not intend to go beyond the memorandum.

37
38 Mr. Frazier stated that no one has indicated that an extra agreement is necessary between Mr. Padgett,
39 Champaign Township Highway Commissioner and himself. He said that the document that has already been
40 signed is rock solid, and if the Board approves the case, he only has a certain amount of time to replace the
41 curb. He said that he and Mr. Padgett have met personally on the subject property and they see eye to eye as

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1 to what Mr. Padgett expects and Mr. Frazier has no questions or concerns regarding what Mr. Padgett wants
2 regarding replacement of the curb. He said that he knows of no other legal documents, that he knows of, that
3 they need to sign.

4
5 Ms. Lee stated that testimony has been received indicating that Mr. Frazier's clients and customers park on
6 adjacent property owners' property. She asked Mr. Frazier if he would be opposed to indicating designated
7 parking areas for his tenants and their customers in his lease agreements.

8
9 Mr. Frazier stated that he would not have a problem indicating that information in his lease agreements.

10
11 Ms. Griest asked the Board and staff if there were any additional questions for Mr. Frazier and there were
12 none.

13
14 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Frazier and there was no one.

15
16 Ms. Griest called Lloyd Allen to testify.

17
18 Mr. Lloyd Allen, who resides at 3222 Stoneybrook Drive, Champaign, stated that in February he voiced his
19 concern about the hill on the east end and he thought that his concern was going to be addressed. He said
20 that it appears that concrete will be poured right up to the property line, so what are they doing with the hill
21 to prevent washout and even being able to pour concrete there. He said that he thought that the drainage
22 going through that area was also going to be addressed as well, but he has not seen information covering that
23 concern. He said that the Champaign Fire Department has provided their requirements for a turning radius
24 for their fire trucks, but the radius on the drawing is beyond the property line. He asked if there is enough
25 room to maneuver the fire truck or not. He said that the wall to wall turning radius is indicated at 44 feet,
26 seven inches, but he does not see how that is accurate.

27
28 Ms. Griest asked Mr. Allen to indicate the area that he is discussing on the drawing.

29
30 Mr. Allen explained the location of the area on the drawing.

31
32 Ms. Burgstrom also indicated the drawing and the area of Mr. Allen's concern on the projector screen.

33
34 Mr. Hall stated that they will assume that the information on the drawing is correct. He said that the first
35 responder for the subject property is not the Champaign Fire Department, but is Bondville Fire Protection
36 District. He said that staff has contacted the Bondville Fire Protection District Chief and he indicated that
37 they have no concerns.

38
39 Ms. Burgstrom stated that Bondville Fire Protection District contracts with Scott Fire Protection District in
40 serving the subject property.

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1 Mr. Hall stated that even though Mr. Allen's testimony is true, he is not sure how relevant it is since the
2 subject property is not served by the Champaign Fire Protection District.

3

4 Mr. Allen stated that if the information is not relevant, it should not be indicated on the plan.

5

6 Mr. Hall stated that staff did not request this information, so he does not know why it is shown on the
7 drawing.

8

9 Mr. DiNovo stated that he does not know if the information is irrelevant, but the standard is binding and it is
10 a relevant consideration.

11

12 Ms. Griest stated that the architect, Mr. Fell, may have used that standard because it was the only published
13 standard that he had available at the time.

14

15 Mr. Allen stated that the drawing proposes to change the front parking spaces to be one way. He said that
16 safety has been addressed on the west end parking area since day one, and now, in Champaign County,
17 permanent parking is going to be allowed in the road right-of-way. He said that people who park in those
18 two spaces will be opening their doors into the street, and people will end up parking on the sidewalk so that
19 they can get away from the piles of snow. He said that if we are concerned about safety, he does not
20 understand how that can be allowed. Mr. Allen asked if the prints before the Board are the prints that will be
21 signed and stamped for approval.

22

23 Mr. Hall stated yes.

24

25 Mr. Allen stated that these drawings would be stamped by the Board for approval.

26

27 Ms. Griest stated that these are the prints, if the case is approved, they will be the binding prints.

28

29 Mr. Allen asked Ms. Griest if the architect would stamp his prints, rather than just submitting an unstamped
30 set.

31

32 Ms. Griest stated that the Board does not require a stamped set of prints.

33

34 Ms. Burgstrom stated that Mr. Fell is willing to sign off on any new areas in terms of accessibility, but since
35 he was not the architect for the original structures, he cannot sign off accessibility features and other things
36 that staff may look for when requesting an architect's signature.

37

38 Mr. Allen asked if the Board is going to approve parking that is not under county jurisdiction on the lot that
39 is proposed to be purchased. He asked the Board if they are willing to set a precedence of allowing parking
40 in the city versus the County, because the County has never allowed this before.

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1 Mr. DiNovo stated that the County allowed the Hideaway at the Woods, located near Mahomet, when they
2 expanded to a bar. He said that this was before Mahomet converted from a dry (no liquor sales) village to a
3 wet (allowing liquor sales) village status. He said that the Village of Mahomet annexed all the restaurant,
4 except the bar, so that the owners of the Hideaway at the Woods could obtain a liquor license from the
5 County, and the required parking spaces for the bar were in the Village of Mahomet.

6
7 Mr. Allen stated that one of the questions posed to Mr. Frazier was if he could show evidence that the
8 request will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or
9 welfare. He said that this case has gone on for almost three years and he has not seen any evidence provided
10 by Mr. Frazier answering the question. He said that the Board should stick to the Ordinance requirements.
11 He said that from day one, the neighbors have posed opposition against the requests by Mr. Frazier, and have
12 attended the meetings indicating that opposition, and there has only been one person indicating their support.
13 He said that he would like to think that this country is still a democracy and that it is run by a democracy so
14 that the many can overrule the minority. He asked Mr. Hall to indicate his definition of a licensed contractor
15 for replacement of the curb, and are they required to be approved by the Illinois Department of
16 Transportation (IDOT).

17
18 Mr. Hall stated that he believes that all we need is a contractor who is acceptable to Mr. Padgett, Champaign
19 Township Highway Commissioner, and if Mr. Padgett requires that the contractor be IDOT approved, then
20 that is what it is.

21
22 Mr. Allen asked Mr. Hall if this is a township curb or an IDOT curb.

23
24 Mr. Hall stated that it is a township curb.

25
26 Mr. Allen asked if the contractor will be required to pay prevailing wage, etc.

27
28 Ms. Griest stated that whether the contractor pays prevailing wage or not is not part of this Board's purview.

29
30 Mr. Allen stated that it is within Mr. Padgett's.

31
32 Ms. Griest stated that Mr. Allen is correct that the prevailing wage requirement is up to Mr. Padgett, but Mr.
33 Frazier is hiring the contractor to replace the township curb, and not the township.

34
35 Mr. Allen stated that the County had to approve the drawings and final plans for the replacement curb.

36
37 Ms. Griest stated yes, but the prevailing rate may not apply and that is a legal question for an attorney, as it is
38 outside of the Board's purview.

39
40 Ms. Griest asked the Board and staff if there were any questions for Mr. Allen and there were none.

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1 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Allen, and there was no one.

2

3 Mr. Allen commended Ms. Burgstrom and Mr. Hall's work on this project.

4

5 Ms. Griest agreed with Mr. Allen.

6

7 Ms. Lee stated the replacement curb and the contractor is to be approved by Mr. Padgett, Champaign
8 Township Highway Commissioner, but Mr. Padgett has testified that he checks with the Champaign County
9 Highway Engineer for approval. She said that the approval is not only up to Mr. Padgett, but also the
10 County Engineer.

11

12 Mr. Hall stated that Jeff Blue, Champaign County Highway Engineer, has indicated that he is leaving the
13 approval of the contractor up to Champaign Township, even though there will be some County oversight
14 regarding the construction.

15

16 Ms. Griest called Keith Padgett to testify.

17

18 Mr. Keith Padgett, Champaign Township Highway Commissioner, whose office address is 3900 Kearns
19 Drive, Champaign, stated that it is possible that he will be the inspector for the curb replacement, because
20 the County Engineer has large projects in the County and this curb replacement is a small deal in comparison
21 to the County's projects. He said that there is a contractor across the street from Mr. Frazier, and it is
22 possible that he could pour quality concrete for the project in increments for approval, and then perhaps
23 finalize the curb replacement per the approved specifications. He said that he met with Mr. Frazier about the
24 replacement barrier curb on Tiffany Court, and Mr. Frazier agreed to replace that barrier curb. He said that
25 vehicles, including buses, would go in and out of the property and would travel on what used to be a 4 inch
26 thick sidewalk, currently required to be 6 inches thick, and is now graveled. He said that the sidewalk needs
27 to be replaced to meet today's requirements, but his recommendation is that the replacement sidewalk be 8
28 inches thick, because it is now going to be used as a road.

29

30 Ms. Griest asked the Board if there were any questions for Mr. Padgett.

31

32 Mr. DiNovo asked Mr. Padgett if he has any objection to the proposed parking in the road right-of-way.

33

34 Mr. Padgett stated that he doesn't know if parking is allowed in the road right-of-way anywhere else, but if
35 the barrier curb is replaced and he can get his snowplow through the street, then he is pretty much out of it.
36 He said that if the barrier curb is replaced, it will keep vehicles from jumping the curb, but it looks like cars
37 have been parking in there for quite a while anyway.

38

39 Mr. Hall asked Mr. Padgett if he has any concerns about the height of the barrier curb.

40

41 Mr. Padgett stated that the height of the curb is required to be 9-10 inches and if it is any higher, a trip hazard

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1 is created. He asked Mr. Hall if he believes that the curb should be made 10-11 inches, because he doesn't
2 see any reason why it couldn't be made higher.
3
4 Mr. Hall stated that perhaps a fence could be constructed to serve as a barrier.
5
6 Mr. Padgett stated that he doesn't believe that a fence is necessary, because he doesn't know how often a
7 vehicle will be parked there, but it will be good to at least have the curb there.
8
9 Mr. Hall asked Mr. Padgett if he is suggesting that the curb be the same height as the parking level.
10
11 Mr. Padgett stated yes.
12
13 Mr. Passalacqua stated that the curb should not be higher than the parking level, because it will hold water.
14
15 Mr. Hall asked if the use of bollards was an option.
16
17 Mr. Passalacqua stated no.
18
19 Ms. Griest asked the Board if there were any questions for Mr. Padgett and there were none.
20
21 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Padgett and there was no one.
22
23 Mr. Hall recommended that when the Board reviews the proposed special conditions, that Special Condition
24 C. regarding the curb, includes specific language that refers to Mr. Padgett's email of August 24th indicating
25 the requirement for an 8-inch sidewalk and parking pavement is referenced.
26
27 Ms. Griest closed the witness register.
28
29 Ms. Griest asked Mr. Frazier if, after hearing witness testimony, he had anything to add.
30
31 Mr. Frazier stated no.
32
33 Ms. Lee recommended that the language regarding the relocation of the oil tanks should be revised to
34 indicate that the oil tanks should be permanently removed from the present premises and the property that is
35 not yet acquired. She said that she e-mailed this recommendation to Ms. Burgstrom today because she does
36 not like the word relocated being used in the language. She said that relocating the tanks could mean that
37 Mr. Frazier only had to move them six feet on the same premises.
38
39 Mr. Hall stated that the Board did not specify that the oil tanks had to be removed from the premises, but if
40 that is what the Board wants then that is fine. He said that if the oil tanks do not interfere with the number of
41 parking spaces or the parking access, he doesn't see how they are related to the variance for parking.

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2 Mr. DiNovo asked if the recycling of vegetable oil is an allowed accessory use.
3
4 Mr. Hall stated yes, as far as he knows.
5
6 Mr. DiNovo asked Mr. Hall to indicate how the recycling of vegetable oil is and incidental accessory use to
7 mini-warehouses.
8
9 Ms. Griest stated that the vegetable oil is being stored on the premises.
10
11 Mr. DiNovo stated that he did not agree. He said that a person utilizing a storage facility would not expect
12 to see vegetable oil recycling happening as an accessory use.
13
14 Mr. Hall stated that the property was in the I-1 district and it has been occurring for a very long time.
15
16 Mr. DiNovo asked staff if the recycling of vegetable oil is allowed as a principal use in the I-1 district.
17
18 Ms. Griest stated that she assumed that the tanks were going away rather than being relocated.
19
20 Mr. Randol stated that at a previous meeting, Mr. Frazier stated he no longer recycled vegetable oil and
21 would agree to remove the tanks.
22
23 Ms. Griest stated that there is not another exterior location on the site where the tanks could be relocated.
24
25 Ms. Griest called Mr. Frazier and Mr. Follmer to the witness microphone.
26
27 Ms. Lee stated that Special Condition 6.E(c) indicates the following: the petitioner shall have relocated the
28 used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to
29 facilitate vehicular movement around the east end of the subject property. Ms. Lee stated that she would like
30 to change the language, “shall have relocated the used vegetable oil tanks” to ‘will permanently remove the
31 used vegetable oil tanks.’
32
33 Mr. Frazier stated that he is a businessman, and for 15 years he has collected oil from area restaurants and
34 produced bio-diesel for use in his buses; it was an ecological, good thing to do. He said that he does not
35 operate the bus business any longer, but there are people who still do this. He said that when people
36 purchase their fuel they are purchasing vegetable oil, and the fuel pump always indicates that that it is 10%
37 or more of bio-something in their fuel. He said that he understands that Ms. Lee does not like the tanks being
38 outside and neither does he, because during the winter months he has issues with the oil freezing, so he
39 cannot operate the recycling process. He said that he would like to move the tanks inside one of his heated
40 storage units, because it would be a controlled environment and would not be unsightly. He said that there
41 were six tanks, but three of them have been removed and the three that remain are currently empty. He said

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1 that if the Board feels that they can tell him what he can do as a business person, which is illegal, and even
2 though the Illinois Environmental Protection Agency (IEPA) has inspected them and indicated that there was
3 no problem with the tanks, then he is willing to do whatever the Board wants him to do so that this case can
4 be finalized tonight.

5
6 Mr. DiNovo stated that he doesn't see anything in the Zoning Ordinance that allows anything like this in the
7 I-1 zoning district. He said that Animal and Marine Fats and Oils Manufacturing and Packaging is allowed
8 in the I-2 zoning district by a special use permit. He said the Vegetable Fats and Oils Manufacturing &
9 Packaging is permitted in the I-2 zoning district by-right. He said that none of the chemical uses are
10 permitted in I-1 and the Zoning Ordinance does not allow this type of activity in the I-1 zoning district, and
11 there is no other activity for which the vegetable oil recycling would be accessory. He said that, regardless
12 of the outcome of the variance, the oil tanks need to be removed because they are illegal.

13
14 Mr. Frazier stated that there is a fuel tank farm on an adjacent property that holds millions of gallons of fuel.

15
16 Ms. Griest noted that the fuel farm has a different zoning classification than Mr. Frazier's property.

17
18 Mr. Frazier stated that he does not see himself any different than any restaurant in town that places their used
19 grease in an outside container, and oil trucks remove the grease from those tanks. He said that he is not
20 manufacturing anything on his property, but he is a holding facility for the oil.

21
22 Ms. Griest stated that the tanks are the subject of a proposed special condition, and Mr. Frazier now knows
23 some of the Board member's thoughts about those tanks.

24
25 Ms. Griest stated that she would like to review the proposed special conditions with Mr. Frazier and the
26 Board.

27
28 Mr. DiNovo stated that the two parking spaces located in the right-of-way do not qualify as off-street parking
29 spaces, because they are required to be on the subject property. He asked if those two parking spaces are
30 addressed by Parts B and C.

31
32 Ms. Burgstrom stated that the two parking spaces in the curb area have been included as off-street/off-site
33 parking and are part of the 40 for Part C.

34
35 Mr. DiNovo asked if these are not entirely interim and will continue.

36
37 Ms. Burgstrom stated yes.

38
39 Ms. Griest asked the Board if there were any additional questions prior to review of the special conditions.

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41 Ms. Capel requested the location of the tanks.

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Ms. Griest stated that the tanks are located where parking spaces 37 and 38 are proposed on the drawing, which is at the north end of the farthest east building.

Mr. Frazier stated that Ms. Griest was correct. He said that if the case is approved the tanks will not be at that location, because of the required parking.

Ms. Griest stated that she will read the proposed special conditions and Mr. Frazier or Mr. Follmer should indicate any concerns or oppositions that they may have.

Ms. Lee asked if there was language in the special conditions regarding the leases. She said that Mr. Frazier testified that he would not have an objection to it.

Ms. Griest stated that the proposed special conditions will be reviewed one by one, and if that information is not included, Ms. Lee should remind the Board and staff so that it can be included as a special condition.

Ms. Griest read proposed special condition A.

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 70 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 provide a copy of the recorded Minor Plat approval to the Zoning Administrator and 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,**

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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.

Ms. Griest stated that the following statement in A (1) was vague and nonspecific: unless the Zoning Administrator determines that a different number of spaces are required.

Mr. Randol asked what would change the Zoning Administrators mind regarding the number of required parking spaces.

Ms. Capel stated that a change of use of the property could.

Ms. Griest stated that if use of the property changed, the case would automatically be reviewed.

Mr. Hall stated that in an instance where the Board has a special condition requiring 70 spaces, that special condition should recognize that if the use changes to where more than 70 spaces are required, the special condition no longer applies.

Mr. DiNovo stated that it is essential that the determination as to whether the required number of parking spaces should be reduced is made by the Zoning Administrator and not by the property owner.

Ms. Griest concurred with Mr. DiNovo, and found the wording to be problematic.

Mr. Hall stated that another thing in that sentence that is problematic is the reference to the approved purchase contract. He said that there never was an approved purchase contract and at the last public hearing, Mr. Follmer did submit the purchase contract, but it was not approved. He said that the purchase contract should be added as a Document of Record as follows: Purchase Contract for adjacent land, submitted on May 25, 2017.

Ms. Griest stated that she has no problem with the required number of parking spaces being reduced, but if the number increases, she does not want the special condition to be worded so that the petitioner has an

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1 open-ended number without having to come back before this Board. She said that the Board would approve
2 the petitioner to only have 70 parking spaces when a higher number may be required.

3
4 Mr. Hall stated that the Board is not capping the number of required parking spaces at 70. He said that if the
5 uses change such that the required number of parking spaces is increased from 93 to something greater, then
6 this variance doesn't hold.

7
8 Ms. Griest stated that is what she thought, but the special condition does not say that.

9
10 Ms. Lee stated that Special Condition F. indicates the following: Regarding rental space on the subject
11 property: (1) Any change of tenant in any space indicated as "rental space" on Sheets A1 and A2 of the
12 approved site plan shall be authorized by an approved Change of Use Permit. She said that the special
13 condition does talk about change of use.

14
15 Ms. Capel stated that the required spaces are in accord with the facility, not the use. She noted that the ZBA
16 does not hear Change of Use permits.

17
18 Ms. Griest stated that the Board does not hear change of use permits, but the use could change requiring a
19 new variance, and she is sure that staff would apprise Mr. Frazier of that. She said that Special Condition A
20 (1) seemed vague and she was uncomfortable with it.

21
22 Mr. Hall stated that the special condition could be revised to indicate: unless the Zoning Administrator
23 determines that a greater number of spaces are required, based on a change in use.

24
25 Ms. Griest agreed.

26
27 Mr. Hall read revised Special Condition A (1) as follows:

- 28
29 **(1) The Petitioner shall maintain the required 70 parking spaces in accord with the**
30 **Purchase Contract (agreement) for adjacent land submitted on May 25, 2017,**
31 **in this Case 792-V-14 unless the Zoning Administrator determines that a greater**
32 **number of spaces are required based on a change in use.**

33
34 Ms. Griest stated that the revised special condition indicates that if a greater number of parking spaces were
35 required and were not made available, the property owner would be in violation and would have to return to
36 the Board.

37
38 Ms. Lee asked Mr. Hall how the case would be affected if Mr. Frazier decided to sell the adjacent land that is
39 included in the purchase contract.

40
41 Mr. Hall stated Mr. Frazier would be violating the terms of the special conditions.

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1
2 Ms. Griest asked Mr. Frazier if he agreed to the revised version of Special Condition A.

3
4 Mr. Frazier stated that he agreed to the revised version of Special Condition A.

5
6 Ms. Griest stated that original Special Condition B. was stricken and the remaining special conditions will be
7 renumbered.

8
9 Ms. Griest read Special Condition B., as follows:

- 10
11 **B. Within six months of the Final Determination in this Case 792-V-14, the**
12 **petitioner shall reconstruct the Tiffany Court curb that was previously**
13 **removed without the approval of the Champaign Township Highway Commissioner**
14 **as follows:**
- 15 (1) **The petitioner shall provide engineering drawings and relevant specifications**
16 **of the proposed replacement curb and any necessary patching of pavement**
17 **prepared by an Illinois Licensed Professional Engineer, and shall submit the**
18 **drawings for approval to both the Champaign Township Highway**
19 **Commissioner and the Champaign County Engineer.**
- 20
21 (2) **No reconstruction shall occur until the petitioner has secured the approval of**
22 **the engineering drawings from both the Champaign Township Highway**
23 **Commissioner and the Champaign County Engineer, including any changes or**
24 **modifications that may be required to the engineering drawings.**
- 25
26 (3) **No reconstruction shall occur until the petitioner has provided documentation to**
27 **the Zoning Administrator that a licensed contractor, approved by the**
28 **Champaign Township Highway Commissioner and the Champaign County**
29 **Engineer, will do the reconstruction.**
- 30
31 (4) **The petitioner shall remove any remnant of those portions of the street curb that**
32 **were previously removed without the approval of the Champaign Township**
33 **Highway Commissioner, per the approved engineering drawings and**
34 **specifications, prior to reconstruction of the curb.**
- 35
36 (5) **The petitioner shall ensure that both the Champaign Township Highway**
37 **Commissioner and the Champaign County Engineer shall inspect the**
38 **reconstruction of the street curb at appropriate stages of reconstruction.**
- 39
40 (6) **The petitioner shall provide as-built engineering drawings by an Illinois**
41 **Licensed Professional Engineer that documents the actual reconstruction of the**

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1 street curb, and shall submit the as-built drawings for approval by the
2 Champaign Township Highway Commissioner.

3
4 (7) The petitioner shall secure the written acceptance of the reconstructed curb and
5 any required pavement patching by the Champaign Township Highway
6 Commissioner and a copy of that written acceptance shall be provided to the
7 Zoning Administrator.

8
9 (8) Failure to reconstruct the Tiffany Court curb and receive the written acceptance
10 of the reconstructed curb by the Champaign Township Highway Commissioner
11 in the manner described in 1-6 above within 180 days of the approval of Case
12 792-V-14 shall void the approval of Case 792-V-14.

13
14 This special condition stated above is to ensure the following:

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

17
18 Ms. Griest stated that there were a couple mentions that the Champaign County Highway Engineer was
19 participating but was going to delegate the approval process to the Champaign Township Highway
20 Commissioner. She asked Mr. Hall if this would impact the language in any of the special conditions under
21 B.

22
23 Ms. Lee stated that it only effects Special Condition B (5).

24
25 Mr. Hall stated that that Special Condition B (5) should remain as written. He said that the Board knows
26 what is proposed now and what is supposed to happen, and that everyone has signed off on that proposal, but
27 it remains to be seen, whether it will truly happen as proposed. He said that if there are any changes to the
28 proposal, Mr. Blue, Champaign County Highway Engineer, will be notified to determine if those changes are
29 acceptable.

30
31 Ms. Griest asked if specific sign-offs from the Champaign County Highway Engineer will still be required.

32
33 Mr. Hall stated that if anything changes, then the Champaign County Highway Engineer will need to sign-off
34 on those changes. He said that this is what has already been done for what has been proposed and if the
35 Board removes that language it will not be there in case there are any changes later. He said that he is not
36 encouraging changes, but nothing goes 100% as the Board sees it last.

37
38 Mr. DiNovo stated that according to Mr. Padgett’s testimony, this would be a very low priority for the
39 Champaign County Highway Engineering department, in terms of inspection. He said that he wonders if
40 Champaign County Highway Engineer and the Board would be satisfied with Mr. Padgett conducting the
41 final inspection.

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Ms. Griest agreed. She said that the Champaign County Highway Engineer is within his right to delegate and accept Mr. Padgett’s inspection and approval of the replacement curb.

Ms. Lee stated that she has a problem with it. She said that Special Condition B (5) indicates that the Champaign County Highway Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction. She said that in legal language the word “shall” means that it is mandatory. She recommended that “shall” be replaced to “may”.

Mr. DiNovo stated that the only necessary change to B (5) is remove the word “shall” and change “inspect” to “inspects”.

Mr. Lloyd Allen requested the opportunity to add a comment.

Ms. Griest called Mr. Allen to the cross-examination witness microphone.

Mr. Lloyd Allen stated that in the architecture engineering world, a firm will indicate that they will conduct an inspection, but they will delegate one of their representatives to complete the inspection and the architectural/engineering firm is still responsible for the final inspection sign-off.

Mr. DiNovo recommended the following revision to Special Condition B (5):

(5) The petitioner shall ensure that reconstruction of the street curb is inspected at appropriate stages of reconstruction in a manner acceptable to the Champaign County Highway Engineer.

Mr. DiNovo said that if the Champaign County Highway Engineer decides that the inspection can be delegated to the Champaign Township Highway Commissioner, then that is a manner acceptable to the Champaign County Highway Engineer.

Mr. Hall stated that he will propose a new Special Condition B (8) and existing B (8) will become new Special Condition B (9).

Mr. Hall proposed a new Special Condition B (8) as follows:

(8) Paving shall also be installed for parking spaces 69 and 70 and the sidewalk shall be removed and replaced with paving as per the August 24, 2017, email from the Champaign Township Highway Commissioner.

Mr. Hall stated that Special Condition B (9) should be revised as follows:

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(9) Failure to reconstruct the Tiffany Court curb and associated parking area, and receive the written acceptance of the reconstructed curb and parking area by the Champaign Township Highway Commissioner in the manner described in 1-8 above, and submit a copy of the signed contract to the Zoning Administrator within 180 days, and with construction complete within 270 days of the approval of Case 792-V-14, shall void the approval of Case 792-V-14.

Mr. Hall asked Mr. Padgett if 180 days is adequate.

Mr. Padgett stated that if the licensed contractor is approved the reconstruction would be a four step process that needs to be inspected at all stages. He said that this could happen quickly and hopefully before 180 days, because winter weather is closing in.

Mr. Hall stated that winter weather is closing in and realistically concrete shouldn't be poured in December.

Mr. Padgett stated the concrete should be poured before Thanksgiving.

Mr. Hall stated that the replacement curb could have already happened.

Mr. Padgett agreed.

Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to revised Special Condition B.

Mr. Frazier stated that he has no issue with the language in Special Condition B., but he is concerned about the timeframe for the curb replacement. He said that he is at the mercy of contractors who are busy and they are not going to drop their other projects to do the curb replacement. He said that the project is not what the contractor will consider a large project, even though it will probably cost him over \$20,000. He said that he has received an estimate from Anderson Brothers, and their bid was \$10,000 for the curb replacement and another \$10,000 for the 8-inch sidewalk and the additional parking. He said that the Board has indicated that they would like to have this project completed before Christmas along with the \$30,000 purchase of the adjacent land. He said that he would like to have at least a window of opportunity until Spring, in case everything doesn't go as planned. He said that his best estimate for a timeframe is 240 days, which will give him until May to have everything replaced and inspected. He said that it is doubtful that a contractor will pour concrete in December, January, or March, so the Board is not really giving him 180 days, but is giving him 90 days to get this project completed. He said that he is going to be stuck, because if he can't get his contractors to quickly do the job, he is out of compliance. He said that, with the 180 days, he feels as though he is putting his head on the chopping block with winter coming on and no one knows what kind of weather we will experience this winter. He requested that the Board allow him until May 2018 to complete the required project. He said that he can tell his contractors a specific date that he needs this done so that he is the first person on their work list in the spring.

ZBA

AS APPROVED JANUARY 25, 2018

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1 Mr. Randol asked staff if there could be something to the effect that the work contract had to be signed
2 within 180 days and the project completed by May 1, 2018. He said that this would be a definite
3 commitment that the work will be done by whomever and a date certain as to the project's completion.

4
5 Mr. Hall read the following revision to Special Condition B (9):

6
7 **(9) Failure to construct the Tiffany Court curb and associated parking area, and**
8 **receive the written acceptance of the reconstructed curb and parking area**
9 **by the Champaign Township Highway Commissioner in the manner described**
10 **in 1-8 above, and submit a copy of the signed contract to the Zoning**
11 **Administrator within 180 days, and with construction complete within 270 days**
12 **of the approval of Case 792-V-14, shall void the approval of Case 792-V-14.**

13
14 Ms. Griest asked Mr. Frazier if he agreed with revised Special Condition B (9).

15
16 Mr. Frazier agreed.

17
18 Ms. Griest asked Mr. Padgett if he agreed with revised Special Condition B (9).

19
20 Mr. Padgett stated that he would agree to the timeframe indicated in revised Special Condition B (9). He
21 said that the curb has already been gone for three winters.

22
23 Mr. Passalacqua asked Mr. Hall if he is going to require a signed copy of the contract between Mr. Frazier
24 and his chosen contractor for the project.

25
26 Mr. Hall stated yes.

27
28 Mr. Passalacqua asked Mr. Frazier what will happen when this area has a typical March or April, because
29 this year Mr. Passalacqua did not work all of March. He asked Mr. Frazier if he is going to come to the
30 Zoning Administrator and indicate that he was sorry, but he hasn't had time to get the project completed. Mr.
31 Passalacqua reminded Mr. Frazier that he has had a long time to get this done and he now wants more time
32 to do it. He said that the Board has been requesting that the curb be replaced from day one, and it still isn't
33 done. He said that he too is a contractor, just like Mr. Frazier, and they both understand that it rains in
34 March and April so he can see Mr. Frazier indicating that he is not going to meet the deadline for the project
35 to be complete. He said that the contractor cannot help what the weather does, and even if Mr. Frazier tells
36 his concrete contractor that the Board required him have the concrete poured before this date and it
37 continuously rains, the contractor will not do it.

38
39 Ms. Griest noted that Mr. Frazier has until the end of May.

40
41 Mr. Passalacqua stated that he understands the timeframe, but it isn't that easy.

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Ms. Griest stated that she understood the point that Mr. Passalacqua was indicating.

Mr. Passalacqua noted that the concrete could have been poured anytime this year, because the weather was such that the concrete almost dried when it was coming out of the truck. He said that he understands what Mr. Frazier feels is reasonable, but he opposes that request.

Mr. Frazier stated that the approval of the plan indicates less of a curb for replacement due to the turn-around.

Mr. Passalacqua stated that he understands Mr. Frazier's position, but Mr. Passalacqua opposes that extension because Mr. Frazier has already had enough time to have this done.

Mr. Frazier stated that if his own people could pour the concrete curb, it would be done tomorrow.

Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to revised Special Condition B (9).

Mr. Frazier and Mr. Follmer agreed to revised Special Condition B.

Ms. Griest noted that Mr. Frazier must submit the signed contract with the contractor for replacement of the curb to the Zoning Administrator within 180 days of approval of Case 792-V-14.

Mr. Frazier stated that he understood the requirement in the condition.

Ms. Griest read proposed Special Condition C. as follows:

- C. **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.

Ms. Griest asked Mr. Frazier if they agreed to Special Condition C.

Mr. Frazier stated that he agreed to Special Condition C. and he understood that he had to comply with both the County and the City of Champaign regarding any parking requirements.

Mr. DiNovo stated that what Special Condition C. means is that if the City of Champaign Zoning

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1 Administrator contacts the Champaign County Zoning Administrator that the special condition has not been
2 complied with the City of Champaign or the County, there is a problem.

3
4 Ms. Griest read proposed Special Condition D., previously C., as follows:
5

6 **D. The petitioner shall apply for an “initial” Change of Use Permit within 30 days of the**
7 **approval of Case 792-V-14 subject to the following:**

8 **(1) The Change of Use Permit shall be for the following:**

- 9 a. any building area that was not previously authorized by a Zoning Use
- 10 Permit; and
- 11 b. all second-floor areas; and
- 12 c. the removal of any remnant of those portions of the street curb that were
- 13 previously removed without the approval of the Champaign Township
- 14 Highway Commissioner; and
- 15 d. replacement of the street curb on Tiffany Court; and
- 16 e. the completion of earthwork and regrading necessary for installation of
- 17 new pavement on the east side of the subject property; and
- 18 f. the establishment of additional parking provided on the property to the
- 19 north.

20
21 **(2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for**
22 **any building area that was not previously authorized by a Zoning Use Permit.**

23
24 **(3) Failure to apply for a Change of Use Permit within 30 days of approval of Case**
25 **792-V-14 or failure to include in the Change of Use Permit all of the items listed**
26 **in item D. (1) in this special condition shall void the approval of Case 792-V-14.**

27
28 **(4) All necessary construction required to make the second floor accessible shall be**
29 **completed within 180 days and shall be documented by an approved partial**
30 **Zoning Compliance Certificate and failure to make the second floor accessible**
31 **within 180 days shall void the approval of Case 792-V-14.**

32
33 **(5) A final Zoning Compliance Certificate shall be received within 12 months of the**
34 **approval of Case 792-V-14, but the Zoning Administrator shall not issue a final**
35 **Zoning Compliance Certificate for the property until the following has**
36 **occurred:**

- 37 a. the Zoning Administrator shall have inspected the property and
- 38 determined that it complies with the Illinois Accessibility Code; and
- 39 b. the Champaign Township Highway Commissioner shall have accepted
- 40 the reconstructed street curb in writing and a copy of that written
- 41 acceptance shall have been submitted to the Zoning Administrator; and

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- 1 c. the petitioner shall have relocated the used vegetable oil tanks and any
- 2 necessary earthwork and new pavement shall have been installed to
- 3 facilitate vehicular movement around the east end of the subject
- 4 property.
- 5 d. the petitioner shall have completed any required earthwork and
- 6 construction of new pavement for the new parking area on the property
- 7 to the north, subject to any required permits from the City of
- 8 Champaign and the petitioner shall provide copies of said approved
- 9 permits to the Zoning Administrator; and
- 10 e. The Final Plat of Subdivision shall have been duly approved and filed
- 11 with the Recorder of Deeds.

12

13 **(6) Failure to receive a final Zoning Compliance Certificate that includes all of the**

14 **requirements listed in item D. (5) of this special condition within 12 months of**

15 **approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

16

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

18 **That the proposed use meets applicable state requirements for accessibility in a**

19 **timely and safe manner.**

20

21 Mr. Hall stated that Mr. Follmer shared his concern about the expense of the two platform lifts that will be

22 necessary for accessibility and requested 180 days to be relaxed. Mr. Hall stated that since the Board has

23 changed the timeframe for the curb replacement to 270 days, he would recommend that the timeframe for

24 accessibility also be changed to 270 days.

25

26 Mr. Hall stated that Special Condition D. (4) should read as follows:

27

28 **(4) All necessary construction required to make the second floor accessible shall be**

29 **completed within 270 days and shall be documented by an approved partial**

30 **Zoning Compliance Certificate and failure to make the second floor accessible**

31 **within 270 days shall void the approval of Case 792-V-14.**

32

33 Mr. Follmer stated that conversation that he had with Mr. Hall included a more distant timeframe, because

34 Mr. Frazier was not going to be able to afford the installation of both lifts, because those numbers would

35 exceed \$50,000-\$70,000. He said that it is a financial issue and Mr. Frazier would like to be able to do this

36 in stages and install the first lift within 12 months and the second lift within 24 months. He said that it is

37 more financial reality than anything else and is the best way to go, and although the lift would be available

38 for the tenants, it is an expensive proposition and whatever the Board can do in extending the timeframe

39 would be appreciated.

40

41 Mr. Hall stated that his concern with this request is that whatever upstairs area that would be served by the

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1 lift cannot be authorized for occupancy until the lift is in place, and that language should be added.

2
3 Ms. Griest asked Mr. Hall if none of the second floor is authorized for occupancy until at least the first lift is
4 installed, that would give them partial occupancy authority. She asked if there is a mechanism that can be
5 utilized to specifically delineate what can and cannot be authorized. She said that Mr. Frazier previously
6 testified that not being able to lease the second floor was a financial hardship, but legally he cannot access
7 that second floor until it is accessible. She asked if there was a way that he could achieve partial use of the
8 second floor, or is it a case of all or nothing.

9
10 Mr. Hall stated that it is up to Mr. Frazier to decide which lift he would install first, but the Capitol
11 Development Board has required two lifts for two distinctly separate areas; therefore, Mr. Frazier needs to
12 decide which lift he wants to install first, and which one he can wait to install in two years. He said that he is
13 okay with leaving that flexibility up to Mr. Frazier, but it is an enforceable requirement and he will not be
14 allowed to use the second-floor spaces until they are accessible.

15
16 Ms. Griest stated that the consequence for attempting to use that second-floor area without the accessibility
17 is that the approval of the entire case is voided.

18
19 Mr. DiNovo stated that the Board has no flexibility, because the Board has no discretion with the *Illinois*
20 *Accessibility Act*.

21
22 Ms. Lee asked if Mr. Frazier could be penalized if he does not comply with the *Illinois Accessibility Act*.

23
24 Ms. Griest stated yes.

25
26 Mr. DiNovo stated that it is a very harsh law that was adopted by an overwhelming majority of the
27 legislature and no one has ever suggested moderating it.

28
29 Mr. Frazier stated that page A3 indicates that the building closest to Tiffany Court measures 1,300 square
30 feet. He asked Mr. Hall if he eliminated 300 square feet of the upstairs, would he still be required to install
31 the lift, because the requirement is only for anything over 1,000 square feet.

32
33 Ms. Griest stated that this is a question for the Illinois Capitol Development Board.

34
35 Mr. Hall stated that this determination should come from the Illinois Capitol Development Board, in writing.
36 He said that if the Illinois Capitol Development Board is okay with it, then he is very okay with it.

37
38 Mr. Frazier asked if there is a lift, would he be able to finish the entire second floor.

39
40 Ms. Griest stated no, because it would require additional parking and he would have to come back before the
41 Board for another variance.

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Mr. Hall stated that the one lift is for the middle building’s upstairs portion and the other lift is for the western building. He said that if the Illinois Capitol Development Board agrees to decommissioning some of the upstairs portion in the western building so that the lift is not required, he would need that in writing as well.

Mr. Frazier asked Mr. Hall why he would spend \$30,000 for 300 square feet that would only gain him \$22 per month. He said that the second-floor will either be developed or not, and if he could eliminate square footage to less than 1,000 square feet then he would not need to be install a lift.

Mr. Hall stated that he would require that determination from the Illinois Capitol Development Board.

Mr. Frazier stated that the Illinois Capitol Development Board has already allowed two lifts in the two buildings.

Mr. Hall stated that he is okay with allowing the 365 days, as long as the Board is, and if Mr. Frazier can obtain a written determination from the Illinois Capitol Development Board that eliminating 300 square feet, reducing the total square footage to less than 1,000 square feet, does not require a lift, then he will document and agree to it.

Mr. DiNovo stated that he does not believe that there needs to be any change in the text of the special condition or it could be eliminated, because Special Condition 5. (a) states the following: the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code. He said that Special Condition D. (4) could be eliminated.

Mr. Hall agreed.

Ms. Griest called for a five-minute recess.

The Board recessed at 8:47 p.m.

The Board resumed at 8:52 p.m.

Ms. Griest stated that the Board has decided to strike Special Condition D. (4), with the proviso that Special Condition 5. (a) covers the Illinois Accessibility Code, and if Mr. Frazier fails to comply with that code he would have no use of the second floor, or if he uses the second floor and does not comply with the code Case 792-V-14 would be void.

Mr. Hall agreed with Ms. Griest’s statement.

Ms. Lee asked if Mr. Frazier is being forced to install the first lift within 12 months.

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1 Ms. Griest stated that for Mr. Frazier to be able to use the second floor, he would have to comply with the
2 Capitol Development Board's determination for that area. She said that in the event that the 12-month
3 period ends and Mr. Frazier has not gained compliance, the Zoning Compliance Certificate would not
4 include that second-floor area.

5
6 Mr. Frazier asked why.

7
8 Ms. Griest stated that staff will not issue a Zoning Use Permit for the second floor when it is not in
9 compliance.

10
11 Mr. Hall stated that Mr. Frazier is not authorized to use the second floor, and that is up to Mr. Frazier, but
12 within 12 months the second floor must be made compliant.

13
14 Ms. Griest stated that if the second floor is not made compliant, then Mr. Frazier is prohibited from using it.

15
16 Mr. Hall stated that regarding authorization for utilizing the second-floor area, Mr. Frazier will only obtain
17 that authorization once he has made it compliant with the Accessibility Code and that must happen no longer
18 than 12 months. He said that if Mr. Frazier decides to use the second-floor area while not being in
19 compliance, then that is at his own risk, and if the Capitol Development Board comes down on him, Mr.
20 Hall's protection would be that he did not authorize the use of the second floor, but after 12 months it must
21 be accessible or Mr. Frazier is not using it. He said that if Mr. Frazier continues to use the second-floor area
22 without being in compliance, then enforcement will occur.

23
24 Ms. Griest stated that the Zoning Compliance Certificate would be issued without use of the second-floor.

25
26 Mr. Hall stated that the bottom line is that after 12 months and he knows that Mr. Frazier is renting the
27 second-floor area and it is not compliant for accessibility, Mr. Frazier will not receive a compliance
28 certificate for any part of it.

29
30 Mr. Frazier stated that compliance shall occur within 12 months and not 180 days.

31
32 Ms. Griest stated yes.

33
34 Mr. Passalacqua stated that if Mr. Frazier is using the second floor he is not in compliance with the state and
35 he doesn't have authorization from the County.

36
37 Mr. Frazier stated that it isn't like there are 50 people renting space on the second floor. He said that the
38 second-floor area has been there for years.

39
40 Mr. Hall stated that he wanted to make the Board aware that Special Condition D. (4) d. talks about adding
41 the paving and doing any necessary earthwork to add the paving on the east end of the building. He said that

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1 Mr. Allen testified that there is nothing on the drawings describing the degree of work necessary to do that.
2 He said that he is aware of long standing drainage complaints in the Tiffany Court area and drainage
3 improvements would be a part of that paving, but staff has not had an opportunity to spend a lot of time as to
4 what is necessary back there. He said that the condition is there and he wants to make sure that Mr. Frazier
5 is aware of it and that the Board is happy with the condition as written.

6
7 Mr. Passalacqua asked Mr. Hall if Mr. Padgett’s recommendation of the pavement being 8-inches thick.

8
9 Mr. Hall stated that he does not believe that the Board can require the pavement to be 8-inches thick, but
10 theoretically it should be 8-inches thick in order to support a firetruck.

11
12 Mr. DiNovo asked Mr. Hall if there were engineering drawings for Stahly Subdivision which indicate how
13 the drainage was supposed to work.

14
15 Mr. Hall stated no.

16
17 Mr. DiNovo stated that *Illinois Drainage Law* requires that water from upstream be accepted and conveyed.
18 He said that he can imagine that the minimum that could happen back there is an inverted crown to convey
19 the runoff down the length of the concrete from the north side to the south side.

20
21 Mr. Hall stated that if you think about how high the property is to the east, and these are all under individual
22 different ownerships, and there has never been a comprehensive drainage plan. He said that this project will
23 not fix all the drainage problems out there and it may add to those problems, but to fix the drainage problems
24 in Stahly Subdivision and all the properties to the east would be a huge undertaking.

25
26 Ms. Lee asked Mr. Hall what he means by indicating “any required earthwork” in the special condition.

27
28 Mr. Hall stated that vehicles will travel back there and in this zoning district the driveway must be concrete;
29 therefore, Mr. Frazier will have to do whatever he must do to be able to install the concrete for the vehicles
30 to travel on. He said that there is a grade change of four or five feet along the property line and there is
31 going to have to be some earthwork.

32
33 Ms. Lee asked if Mr. Hall is talking about the new parking area that Mr. Frazier is going to purchase or the
34 parking area on Mr. Frazier’s present property.

35
36 Mr. Hall stated that it is the area on the drawing where the fire trucks are indicated.

37
38 Ms. Griest stated that the area is on the east end of the parcel, which would be the very back and there is a
39 ditch and the pavement does not go to the property line, but the drawing indicates that the pavement will go
40 to the property line for use by the vehicles.

41

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1 Ms. Lee asked why the special condition indicates any required permits from the City of Champaign.

2

3 Mr. DiNovo stated that this part of the site is not located in the City of Champaign.

4

5 Ms. Griest stated that she thought Mr. Hall was discussing D. (4). c.

6

7 Mr. Hall stated that Ms. Griest is correct, and apologized for his error.

8

9 Ms. Griest read Special Condition D. (4) c. as follows: the petitioner shall have relocated the used vegetable
10 oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular
11 movement around the east end of the subject property. She said that Special Condition D. (4). d. discusses
12 the new parking area and the City of Champaign permits. She said that she understands how confusing this
13 can be, because there are multiple parking areas for the site.

14

15 Ms. Lee stated that the special condition should indicate that the petitioner shall permanently remove the
16 used vegetable oil tanks, not relocate them.

17

18 Mr. DiNovo asked Mr. Hall if the fire protection district has indicated that they require concrete paving,
19 because the Board does not customarily require concrete paving.

20

21 Mr. Hall stated that in the industrial zoning districts all parking areas must be paved with an all-weather,
22 dustless material, which means concrete, asphalt, or oil and chip. He said that white rock or any other type
23 of gravel are not dustless materials.

24

25 Ms. Lee asked Mr. Hall how he would like to change the special condition.

26

27 Mr. Hall stated that he does not see how he could change the special condition and not create new problems,
28 because a complete drainage plan, prepared by a licensed engineer, would be required. He said that he is
29 willing to leave the type of material up to Mr. Frazier, but that area must be accessible by vehicles over an
30 all-weather, dustless material.

31

32 Mr. DiNovo stated that if all of this was permitted by-right the Board would have no basis to require an
33 engineering plan regarding drainage and the parking variance cannot be used as leverage imposing an
34 engineering design requirement that doesn't otherwise exist.

35

36 Ms. Griest stated when it is not under the parking area.

37

38 Mr. DiNovo stated that the connection is not clear enough yet, but he does not feel that the variance is a basis
39 for the Board to impose a condition that doesn't really mitigate the impact of the variance.

40

41 Mr. Hall stated that there is clear access on the north and the south, but the intent is to have access on the

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1 east side, because there are parking spaces there and vehicles must be able move through there, and there
2 could be a fire in that area. He said that this condition is not a new addition.

3
4 Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to revised Special Condition D.

5
6 Mr. Frazier and Mr. Follmer indicated that they agreed to revised Special Condition D.

7
8 Ms. Griest read proposed Special Condition E. as follows:

9
10 **E. Regarding rental space on the subject property:**

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

16
17 The special condition above is to ensure the following:

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

21
22 Ms. Griest asked staff if they have a list of the tenants and has anything recently changed.

23
24 Mr. Hall stated that, except for the chiropractor area, he does not know if anything has changed since the last
25 update regarding the tenants, and he does not know if there is a new tenant in that chiropractor area. He said
26 that staff used the tenant information that they had at the time.

27
28 Ms. Griest asked Mr. Frazier if he had changed tenants.

29
30 Mr. Frazier stated yes, because he does operate a self-storage business and he may change tenants every day
31 of the week.

32
33 Ms. Griest stated that she is not discussing the self-storage business area, but the rental spaces. She said that
34 page A1 indicates “existing rental and main office space”, but the buildings behind are indicated as “self-
35 storage buildings”.

36
37 Mr. Frazier asked if Ms. Griest is indicating one area as rental and the other as retail.

38
39 Ms. Griest stated that Mr. Frazier is not operating a retail business.

40
41 Mr. DiNovo stated that the Board is using that word because that is how it is delineated in the Ordinance.

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Mr. Follmer stated that it is confusing, but the use is as specified on pages A1 and A2.

Mr. Frazier asked if he would not be able to lease the office area, because it isn't indicated as rental space on pages A1 and A2.

Mr. Follmer stated that indicating the change of use in lieu of a change of tenant would make more sense, because Mr. Frazier could have one chiropractor moving into rental space where a previous chiropractor was located.

Ms. Griest stated that Mr. Follmer's scenario would not be a change of use.

Mr. Follmer agreed, but the special condition indicates any change of tenant, which does appear to be very burdensome on Mr. Frazier.

Mr. Hall stated that it is burdensome, because staff needs to know when there is a change in tenant. He said that he does not want to leave it up to Mr. Frazier when he thinks there is a change in use, it is the Zoning Administrator's decision.

Mr. DiNovo stated that this requirement has been in the Zoning Ordinance since October 10, 1973, and when there is a change in tenant, a new Change of Use is required. He suggested that the following revision to E. (1): Any change of tenant in any space, other than self-storage spaces, indicated on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.

Mr. Follmer stated that he would assume that when Mr. Frazier supplies a change of tenant, staff will want to know the nature of use. He said that he has not come across many cases where the property owner must notify the County every time there is a change of tenant.

Ms. Griest stated that this is a unique and complex use.

Mr. Frazier asked if he should not be treated any different than anyone else.

Ms. Griest stated no, but this case is different.

Mr. Frazier stated that because this case is different, he is under different rules. He asked if Mr. Allen notifies the County when he changes tenants in his building.

Ms. Griest stated that the Zoning Ordinance requires it.

Mr. Follmer stated that if the notification could be tied to a change of use and tie into the definition of that in the Ordinance, then Mr. Frazier would not have any wiggle room in disclosing the change in use.

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Ms. Lee stated that it gets down to the question of what Mr. Frazier considers a change in use and what Mr. Hall, Zoning Administrator, considers a change in use, which is why there is the language that we have.

Mr. Follmer stated that Mr. Frazier has no problem with complying with any reasonable definition of change of use and that could be included in the special condition, and there would be no wiggle room for Mr. Frazier to not disclose the change of use and if it is part of the special condition then he has the duty to notify, and that would be perfectly acceptable. He said that any definition of change of use could be used from the Ordinance.

Ms. Lee asked Mr. DiNovo if this would conflict with what Mr. DiNovo indicated is in the Zoning Ordinance.

Mr. DiNovo stated that there are requirements that change, based on the specific use of the property. He said that if Mr. Frazier took an office space and leased it to someone for retail sales, more off-street parking would be required, and it is possible that the use is not allowed in the zoning district.

Mr. Hall noted that retail sales are not allowed in the I-1 zoning district. He said that the intent of this is to not do anything that is not already in the Ordinance, and Mr. Frazier is supposed to have every change of use approved by a Change of Use, and that is something that does not happen as often as it should, and is part of the problem that lead to the need for this variance.

Mr. Frazier asked Mr. Hall if the notification of change in use is related to an application.

Mr. Hall stated that the fee for a Change of Use is \$65, and the County is not going to require a Change of Use Permit every time there is a change in tenants, but he does need to let staff know so that it can be determined if a Change of Use Permit is necessary.

Mr. Follmer asked Mr. Hall if he is indicating that Mr. Frazier would notify him about a new tenant that is operating the same type of business without a change of use and the County contacts the tenant to determine the nature of the business. He said that this requirement violates contractual obligations between the landowner and the tenant and their right to privacy. He said that the law is in place and he understands the initial reason for this is because Mr. Frazier allowed a change of use without a permit and that was a long time ago. Mr. Follmer stated that Mr. Frazier understands the importance of following law and regulation, including the Zoning Ordinance, and if Mr. Frazier is simply required to comply with the laws of the existing Ordinance, things will be fine. He said that to notify the County of the name of any new tenant is going to trigger a series of initial questions and inquiries and more clerical staff when there is no change of use. He said that a minor modification to the special condition would be appreciated, because to notify the County of every change in tenant is unusual, to say the least, and approaches some legal issues that he does not want to get into. He said that he only wants to get the case approved at the level of everyone's satisfaction.

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1 Ms. Griest stated that if these were standalone buildings it would probably be less convoluted, but when a
2 building stands alone on a single parcel and it changes its use, a change of use must be filed. She said that
3 she would concur with Mr. Follmer in that if there is a chiropractor as one of Mr. Frazier's tenants and he no
4 longer leases the rental space and a new chiropractor leases the rental space; this is probably not a change of
5 use. She said that there are other uses that are not as straightforward and may appear to be the same and they
6 are not. She said that the Board is trying to make sure that Mr. Frazier is not caught in an unfortunate
7 situation where Mr. Frazier did not believe that there was a change of use, but later to find out that it really
8 was.

9
10 Mr. Follmer asked if the special condition could recite the definitions included under the I-1 Zoning District
11 so that it would be very clear that if Mr. Frazier intends to lease to a new tenant for a use that is not listed
12 would require a Change of Use Permit.

13
14 Ms. Griest stated that if the use is not allowed in the I-1 Zoning District, then Mr. Frazier is not allowed to
15 lease to that tenant to begin with.

16
17 Mr. Follmer asked for clarification of the reporting requirement for a change in tenant.

18
19 Ms. Griest stated that the different uses have different parking demands and requirements.

20
21 Mr. Hall stated that some of those uses may not be allowed in the I-1 zoning district at all.

22
23 Ms. Griest stated that we are only discussing 6 units.

24
25 Mr. Frazier stated that there are 8 units, unless he decided to rent out his office and then there are 9 units.

26
27 Mr. Follmer asked if the special condition could be as simple as when there is a change in use that they
28 notify the County.

29
30 Ms. Griest stated that if Mr. Frazier decided to lease out his office area for rental space, a change of use
31 would be required.

32
33 Mr. Follmer stated that the special condition should indicate any change in use and not any change in tenant.
34 He said that he understands notifying the County for a change in use, but not for a change in tenant.

35
36 Mr. DiNovo stated that the problem is, if the Table of Allowed Uses in the Zoning Ordinance was so cut and
37 dried, anyone looking at it would not know if their business qualified in one of the use categories, but there
38 are a lot of business that do not fit in these categories. He said that there are a lot of businesses out there that
39 must be analyzed to determine what it does. He said that there may be a service business that is permissible
40 under an office, but there is a certain amount of retail sales associated with it, and those retail sales may or
41 may not be considered as an accessory use, depending on how much sales occur.

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1
2 Mr. Hall stated that a perfect example is the Silverback Barrell Club, which was first reported as a
3 chiropractor office, but professional offices are not allowed in the I-1 zoning district and that chiropractic
4 office was not permitted as a chiropractic office, and was allowed to remain as something else. He said that
5 his intent is not to create problems, and he will bend over backwards to help the petitioner, such as, when
6 Mr. Frazier previously indicated that one of his tenants was not a painter, but was an artist studio. He said
7 that staff is not trying to create problems, but are trying to prevent them and he is okay with requiring a
8 Change of Use Permit for a change of use and if there is a use that isn't authorized, staff can deal with it
9 then. He said that staff is only trying to be helpful with the special conditions, but if Mr. Frazier does not
10 want the help, then we will back off.

11
12 Mr. Follmer stated that Mr. Frazier would agree to that change for the special condition and they do
13 appreciate his help.

14
15 Ms. Griest noted that Mr. Frazier would be better served if he would check with the Department of Planning
16 and Zoning staff regarding any use before he leases to a new tenant. She said that this would prevent Mr.
17 Frazier from getting into a situation where he leases a space to a tenant who is not allowed to operate in the
18 I-1 district.

19
20 Mr. Follmer stated that if there is a change in use between the tenants, Mr. Frazier would certainly notify
21 staff to obtain consent for the use prior to leasing to that tenant.

22
23 Mr. Frazier stated that if he leased space to a photographer and when that lease was done, another
24 photographer called to lease that location. He asked why he needed to call to gain permission for a
25 photographer when he already had a photographer leasing that rental space; he said that it seems repetitious.

26
27 Mr. Hall stated that with the Board's permission Special Condition E. (1) should be revised as follows:

28
29 **(1) Any change of use shall be authorized by an approved Change of Use Permit.**

30
31 Mr. Hall stated that the revised special condition ends the discussion and the special condition does nothing
32 more than what the Ordinance requires and staff will deal with any problems.

33
34 Mr. Frazier stated that he agreed with the revision to Special Condition E. (1).

35
36 Ms. Lee stated that the language that she proposed regarding the leases would fit better with Special
37 Condition F.

38
39 Ms. Griest stated that a separate special condition will be proposed regarding the leases.

40
41 Ms. Lee asked if the Board should revise Special Condition E. (2).

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Ms. Griest stated that Special Condition E. (2) relates to when a self-storage space converts to a rental space, and a Change of Use Permit would be required.

Mr. Frazier stated that self-storage tenants generally come to the unit to unload their items and they may not return for months, but rental space tenants will be at the property every day.

Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to revised Special Condition E.

Mr. Frazier and Mr. Follmer indicated that they agreed to revised Special Condition E.

Ms. Griest read proposed Special Condition F. as follows:

F. 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.

Mr. DiNovo stated that proposed Special Condition F. should be revised to indicate that the petitioner should do whatever is in his power that his tenants and their customers do not park along Tiffany Court. He said that the Board would like the leases to include a clause indicating that no parking shall occur on Tiffany Court. He noted that it is not illegal to park on Tiffany Court.

Ms. Griest stated that there are two “No Parking” signs on Tiffany Court.

Ms. Lee stated that the leases could include language indicating that there will be no on-street parking on Tiffany Court or on adjacent properties not owned by the petitioner.

Mr. DiNovo stated that he does not know if Mr. Frazier could stop people from parking on adjacent properties or along Tiffany Court.

Ms. Lee stated that the language in the leases could indicate this requirement.

Mr. Follmer stated that the current language in the special condition could create the appearance of a possible violation for which he has no control. Mr. Follmer stated that there will be plenty of empty spaces all the time and there should not be a problem with the language in the leases. He asked if the language should be included in all leases, self-storage and rental space, or just the rental space leases.

Ms. Griest stated that the language should be included in both leases, because testimony has been received indicating an issue with tenants and their customers parking on adjacent properties not owned by Mr. Frazier. She said that perhaps rather than “shall not allow” the special condition should prohibit on-street

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1 parking on Tiffany Court and adjacent properties.

2

3 Mr. Follmer agreed to Ms. Griest's recommendation.

4

5 Ms. Lee stated that perhaps the leases should include areas where the tenants are allowed to park.

6

7 Ms. Griest stated that she does not care whether Mr. Frazier tells his tenant or not, but they are not allowed
8 to park there.

9

10 Mr. Frazier stated that he has a rental tenant who has entered into an agreement with S & K Fencing to park
11 their vehicles on the S & K Fencing property, and Mr. Frazier has no control over this situation.

12

13 Mr. DiNovo stated that the leases should be clear that the parking spaces are not allowed to be leased to non-
14 tenants of the building.

15

16 Mr. Frazier stated that when the tenant signed the lease he was informed that there are three parking spaces
17 available for his rental space, so the tenant went to S & K Fencing and signed a lease for additional parking
18 spaces on the S & K property. He said that there are 6 or 7 trucks at that location every day and they walk
19 back and forth from one property to the other all day long and he can't control it. Mr. Frazier stated that he
20 informed the tenant in the beginning that he could not do that. He said that he does agree with the no
21 parking requirement along Tiffany Court, but the United Parcel and Federal Express trucks park there for
22 deliveries and he doesn't mind it, because it is a busy street and that is what happens.

23

24 Ms. Griest asked Mr. Hall how the Board would appropriately address this situation.

25

26 Mr. Lloyd Allen stated that he does not know how this Board will control the monetary deals that tenants
27 make with adjacent property owners regarding parking. He said that the real issue before the Board is
28 prohibiting parking on Tiffany Court.

29

30 Ms. Griest stated that testimony has been received several times from adjacent property owners about Mr.
31 Frazier's tenants parking on their parcels without permission or an agreement.

32

33 Ms. Lee stated that, to prevent tenants from parking on adjacent properties without permission, each lease
34 should contain language indicating where parking is allowed on Mr. Frazier's property.

35

36 Mr. Frazier stated that a lot of this is with people, students, who have never been on Tiffany Court and are
37 not aware of the difference between one building and another; therefore, they innocently park in the wrong
38 areas.

39

40 Ms. Griest stated that the testimony did not refer to incidental visitors to the subject property, but the actual
41 tenants and their associates, many of them being commercial tenants, who repeatedly park on Tiffany Court,

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1 or adjacent properties not owned by Mr. Frazier.

2
3 Mr. Follmer stated that after this project is complete, there should be no more issues regarding parking,
4 because there will be plenty of parking spaces available.

5
6 Ms. Griest read revised Special Condition F. as follows:

7
8 **F. The Petitioner shall stipulate in all lease agreements that there will be no**
9 **On-street parking on Tiffany Court or unauthorized parking on adjacent**
10 **Properties not owned by the petitioner.**

11
12 The special condition stated above is necessary to ensure the following:

13 **That local parking regulations are obeyed.**

14
15 Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to revised Special Condition F.

16
17 Mr. Frazier and Mr. Follmer agreed to revised Special Condition F.

18
19 Mr. Passalacqua asked Mr. Frazier if he agreed to permanently removing the used vegetable oil tanks. He
20 asked Mr. Frazier if he agreed to that special condition.

21
22 Mr. Frazier stated that he does not agree with the requirement, but he did agree to the special condition. He
23 said that he makes \$100,000 per year from the oil and he has been doing this for fifteen years and it is legal.
24 He said that he agreed to the special condition so that this process can be done, but he still believes that what
25 he was doing with the oil is a perfectly legal business.

26
27 Ms. Griest noted that the Board is stipulating that parking spaces 69 and 70 are not on-street parking on
28 Tiffany Court. She said that they are located in the right-of-way, but they are not on the curb.

29
30 Ms. Griest read proposed Special Condition G. as follows:

31
32 **G. The Site Plan received on August 24, 2017, is the official site plan for approval in Case**
33 **792-V-14, and includes the following:**

- 34
- 35 • **Sheet A1: Site Plan**
 - 36 • **Sheet A2: Existing First Floor Plan: Entire Complex**
 - 37 • **Sheet A3: Existing Second Floor Plan: Entire Complex**
 - 38 • **Sheet A4: Enlarged First Floor Plan at Two Story Storage Building**
 - 39 • **Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)**
 - 40 • **Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at**
Two Story Storage Building

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- 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.

Ms. Griest asked Mr. Frazier and Mr. Follmer if they agreed to Special Condition G.

Mr. Frazier and Mr. Follmer stated that they agreed to Special Condition G.

Ms. Griest asked the Board if there were any additional special conditions required, and there were none.

Ms. Griest asked Mr. Frazier and Mr. Follmer if there were any additional special conditions required, and there were none.

Ms. Griest stated that the following document was added to the Documents of Record: Purchase Contract for adjacent land, submitted on May 25, 2017. Ms. Griest asked the Board and staff if there were any required changes or additions to the Documents of Record and there were none.

Ms. Lee stated that she would like to place on record, her disagreement with the petitioner's statement regarding that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Ms. Griest entertained a motion to adopt the Summary of Evidence and Documents of Record, as amended.

Ms. Capel moved, seconded by Mr. DiNovo to adopt the Summary of Evidence and Documents of Record, as amended. The motion carried by voice vote, with one opposing vote.

Findings of Fact for Case 792-V-14:

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, May 25, 2017, and August 31, 2017, the Zoning Board of Appeals of Champaign County finds that:

1. **Special conditions and circumstances DO 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.**

Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or

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1 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
2 the same district because the land has been developed extensively, large buildings have been through a
3 lot of different uses, and there is currently insufficient parking for the current uses.

4
5 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
6 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
7 **structure or construction.**

8
9 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the
10 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
11 structure or construction because of the complex nature of the structure layout and varied uses.

12
13 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
14 **from actions of the applicant.**

15
16 Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO
17 NOT result from actions of the applicant because the petitioner has not altered the boundaries of
18 the subject property or rendered any part of it unusable.

19
20 Ms. Lee opposed Mr. DiNovo’s finding.

21
22 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony**
23 **with the general purpose and intent of the Ordinance.**

24
25 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in
26 harmony with the general purposed and intent of the Ordinance because the parking provided under the
27 terms of the requested variance will correspond generally to the parking requirements of the City of
28 Champaign, which borders the site on 2 sides.

29
30 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be**
31 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
32 **welfare.**

33
34 Ms. Capel stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL
35 NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare
36 because given the conditions, the safety of the site will be improved, the curb will be replaced, and
37 emergency vehicle access will be improved.

38
39 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum**
40 **variation that will make possible the reasonable use of the land/structure.**

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1 Mr. DiNovo stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the
2 minimum variation that will make possible the reasonable use of the land/structure because the petitioner
3 has made a good faith effort to acquire as much additional land as possible to minimize the need for the
4 variances.

5
6 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
7 **PARTICULAR PURPOSES DESCRIBED BELOW:**

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

- 10 (1) **The Petitioner shall maintain the required 70 parking spaces in accord with the**
11 **Purchase Contract (agreement) for adjacent land submitted on May 25, 2017, in**
12 **this Case 792-V-14 unless the Zoning Administrator determines that a greater**
13 **number of spaces are required based on a change in use.**
- 14
15 (2) **The Petitioner shall notify the Zoning Administrator within three business days in**
16 **the event that the Purchase Contract (agreement) for adjacent land that was**
17 **submitted on May 25, 2017, in this Case 792-V-14 becomes void for any reason**
18 **whether by fault of the petitioner or by fault of the owner of the adjacent**
19 **land. Failure to maintain the Purchase Contract and/ or to comply with the three-**
20 **day notice requirement shall void the approval of Case 792-V-14 immediately upon**
21 **the Zoning Administrator receiving a written confirmation of non-compliance with**
22 **the Purchase Contract from the owner of the adjacent land.**
- 23
24 (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive**
25 **subdivision plat approval from the City of Champaign in Plat Review Case No.**
26 **PL17-0010 and immediately thereafter the petitioner shall provide a copy of the**
27 **recorded Minor Plat approval to the Zoning Administrator and complete the**
28 **purchase of adjacent land necessary for the required number of parking spaces as**
29 **indicated in the approved site plan for this Case 792-V-14, and a copy of the**
30 **executed contract signed by both parties shall be submitted to the Zoning**
31 **Administrator, all within 12 months of the Final Determination in this Case 792-V-**
32 **14.**
- 33
34 (4) **Failure to receive plat approval and file the plat with the Champaign County**
35 **Recorder of Deeds and complete the purchase of the adjacent land within 12**
36 **months of the Final Determination in this Case 792-V-14 shall void the approval of**
37 **Case 792-V-14 so long as the subject property remains subject to the Champaign**
38 **County Zoning Ordinance.**

39
40 The special condition stated above is to ensure the following:

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

- B. 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 Highway 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 Highway Engineer, including any changes or modifications that may be required to the engineering drawings.**
 - (3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.**
 - (4) 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.**
 - (5) The petitioner shall ensure that reconstruction of the street curb is inspected at appropriate stages of reconstruction in a manner acceptable to the Champaign County Highway Engineer.**
 - (6) 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.**
 - (7) 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.**
 - (8) Paving shall also be installed for parking spaces 69 and 70 and the sidewalk shall**

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be removed and replaced with paving as per the August 24, 2017, email from the Champaign Township Highway Commissioner.

- (9) Failure to reconstruct the Tiffany Court curb and associated parking area, and receive the written acceptance of the reconstructed curb and parking area by the Champaign Township Highway Commissioner in the manner described in 1- 8 above and submit a copy of signed contract to the Zoning Administrator within 180 days and with construction complete within 270 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.

- C. 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.

- D. 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.

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- 1 (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case
- 2 792-V-14 or failure to include in the Change of Use Permit all of the items listed in
- 3 item D. (1) in this special condition shall void the approval of Case 792-V-14.
- 4
- 5 (4) A final Zoning Compliance Certificate shall be received within 12 months of the
- 6 approval of Case 792-V-14 but the Zoning Administrator shall not issue a final
- 7 Zoning Compliance Certificate for the property until the following have occurred:
- 8 a. the Zoning Administrator shall have inspected the property and determined
- 9 that it complies with the Illinois Accessibility Code; and
- 10 b. the Champaign Township Highway Commissioner shall have accepted the
- 11 reconstructed street curb in writing and a copy of that written acceptance
- 12 shall have been submitted to the Zoning Administrator; and
- 13 c. the petitioner shall have permanently removed the used vegetable oil tanks
- 14 and any necessary earthwork and new pavement shall have been installed to
- 15 facilitate vehicular movement around the east end of the subject property;
- 16 and
- 17 d. the petitioner shall have completed any required earthwork and
- 18 construction of new pavement for the new parking area on the property to
- 19 the north, subject to any required permits from the City of Champaign and
- 20 the petitioner shall provide copies of said approved permits to the Zoning
- 21 Administrator; and
- 22 e. the Final Plat of Subdivision shall have been duly approved and filed with
- 23 the Recorder of Deeds.
- 24
- 25 (5) Failure to receive a final Zoning Compliance Certificate that includes all of the
- 26 requirements listed in item D. (4) of this special condition within 12 months of
- 27 approval of Case 792-V-14 shall void the approval of Case 792-V-14.
- 28

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.

E. Regarding rental space on the subject property:

- 33 (1) Any change of use shall be authorized by an approved Change of Use Permit.
- 34
- 35 (2) Any change of self-storage space to rental space shall be authorized by an
- 36 approved Change of Use Permit.
- 37
- 38

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.

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F. The Petitioner shall stipulate in all lease agreements there will be no on-street parking on Tiffany Court or unauthorized parking on adjacent properties not owned by the petitioner.

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

That local parking regulations are obeyed.

G. The Site Plan received on August 24, 2017, 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.

Ms. Griest entertained a motion to approve the Findings of Fact as amended.

Mr. Randol moved, seconded by Ms. Capel, to approve the Findings of Fact, as amended. The motion carried by voice vote, with one opposing vote.

Ms. Griest stated that currently the Board has one member absent; therefore, it is at the petitioner’s discretion to either continue Case 792-V-14 until a full Board is present or request that the present Board move to the Final Determination. She informed the petitioner that four affirmative votes are required for approval.

Mr. Frazier requested that the present Board move to the Final Determination for Case 792-V-14.

Final Determination for Case 792-V-14:

Ms. Capel moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted

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1 by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of
2 Champaign County determines that:

3 The Variance requested in Case 792-V-14 is hereby GRANTED WITH CONDITIONS to the
4 petitioner Robert Frazier to authorize the following variances in the I-1 Light Industry Zoning
5 District:

6 Part A. Variance for 70 parking spaces in lieu of the minimum required 93 parking
7 spaces (including 30 onsite and 40 offsite parking spaces) as required by
8 Section 7.4.1 of the Zoning Ordinance.
9

10 Part B. Variance for 30 on-site parking spaces in lieu of the minimum required 93
11 parking spaces as required by Section 7.4 of the Zoning Ordinance; Part B of
12 the variance is only intended to apply in the short term and will expire upon
13 the purchase of the additional land.
14

15 Part C. Variance for allowing 40 off-street parking spaces on an adjacent lot in lieu
16 of requiring all 93 off-street parking spaces to be located on the same lot or
17 tract of land as the use served, as required by Section 7.4.1 of the Zoning
18 Ordinance; Part C of the variance is only intended to apply in the short term
19 and will expire upon the purchase of the additional land.
20

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

26 Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6
27 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B.
28 of the Zoning Ordinance.
29

30 SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

31
32 A. The Petitioner shall continuously provide the required number of parking spaces as
33 follows:

34 (1) The Petitioner shall maintain the required 70 parking spaces in accord with the
35 Purchase Contract (agreement) for adjacent land submitted on May 25, 2017, in
36 this Case 792-V-14 unless the Zoning Administrator determines that a greater
37 number of spaces are required based on a change in use.
38

39 (2) The Petitioner shall notify the Zoning Administrator within three business days in
40 the event that the Purchase Contract (agreement) for adjacent land that was

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submitted on May 25, 2017, 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 provide a copy of the recorded Minor Plat approval to the Zoning Administrator and 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. 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 Highway 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 Highway Engineer, including any changes or modifications that may be required to the engineering drawings.

(3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.

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- 1 (4) The petitioner shall remove any remnant of those portions of the street curb that
- 2 were previously removed without the approval of the Champaign Township
- 3 Highway Commissioner, per the approved engineering drawings and
- 4 specifications, prior to reconstruction of the curb.
- 5
- 6 (5) The petitioner shall ensure that reconstruction of the street curb is inspected at
- 7 appropriate stages of reconstruction in a manner acceptable to the Champaign
- 8 County Highway Engineer.
- 9
- 10 (6) The petitioner shall provide as-built engineering drawings by an Illinois Licensed
- 11 Professional Engineer that documents the actual reconstruction of the street curb,
- 12 and shall submit the as-built drawings for approval by the Champaign Township
- 13 Highway Commissioner.
- 14
- 15 (7) The petitioner shall secure the written acceptance of the reconstructed curb and
- 16 any required pavement patching by the Champaign Township Highway
- 17 Commissioner and a copy of that written acceptance shall be provided to the
- 18 Zoning Administrator.
- 19
- 20 (8) Paving shall also be installed for parking spaces 69 and 70 and the sidewalk shall
- 21 be removed and replaced with paving as per the August 24, 2017, email from the
- 22 Champaign Township Highway Commissioner.
- 23
- 24 (9) Failure to reconstruct the Tiffany Court curb and associated parking area, and
- 25 receive the written acceptance of the reconstructed curb and parking area by the
- 26 Champaign Township Highway Commissioner in the manner described in 1- 8
- 27 above, and submit a copy of signed contract to the Zoning Administrator within 180
- 28 days, and with construction complete within 270 days of the approval of Case 792-V-
- 29 14, shall void the approval of Case 792-V-14.
- 30
- 31 C. Any required parking provided in the City of Champaign shall be in compliance with the
- 32 requirements of the City of Champaign Zoning Ordinance for off-street parking,
- 33 including parking on an improved surface, and shall be subject to any required permits
- 34 from the City of Champaign.
- 35
- 36 D. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the
- 37 approval of Case 792-V-14 subject to the following:
- 38 (1) The Change of Use Permit shall be for the following:
- 39 a. any building area that was not previously authorized by a Zoning Use
- 40 Permit; and
- 41 b. all second-floor areas; and

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- 1 c. the removal of any remnant of those portions of the street curb that were
- 2 previously removed without the approval of the Champaign Township
- 3 Highway Commissioner; and
- 4 d. replacement of the street curb on Tiffany Court; and
- 5 e. the completion of earthwork and regrading necessary for installation of new
- 6 pavement on the east side of the subject property; and
- 7 f. the establishment of additional parking provided on the property to the
- 8 north.
- 9
- 10 (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any
- 11 building area that was not previously authorized by a Zoning Use Permit.
- 12
- 13 (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case
- 14 792-V-14 or failure to include in the Change of Use Permit all of the items listed in
- 15 item D. (1) in this special condition shall void the approval of Case 792-V-14.
- 16
- 17 (4) A final Zoning Compliance Certificate shall be received within 12 months of the
- 18 approval of Case 792-V-14 but the Zoning Administrator shall not issue a final
- 19 Zoning Compliance Certificate for the property until the following have occurred:
- 20 a. the Zoning Administrator shall have inspected the property and determined
- 21 that it complies with the Illinois Accessibility Code; and
- 22 b. the Champaign Township Highway Commissioner shall have accepted the
- 23 reconstructed street curb in writing and a copy of that written acceptance
- 24 shall have been submitted to the Zoning Administrator; and
- 25 c. the petitioner shall have permanently removed the used vegetable oil tanks
- 26 and any necessary earthwork and new pavement shall have been installed to
- 27 facilitate vehicular movement around the east end of the subject property;
- 28 and
- 29 d. the petitioner shall have completed any required earthwork and
- 30 construction of new pavement for the new parking area on the property to
- 31 the north, subject to any required permits from the City of Champaign and
- 32 the petitioner shall provide copies of said approved permits to the Zoning
- 33 Administrator; and
- 34 e. the Final Plat of Subdivision shall have been duly approved and filed with
- 35 the Recorder of Deeds.
- 36
- 37 (5) Failure to receive a final Zoning Compliance Certificate that includes all of the
- 38 requirements listed in item D. (4) of this special condition within 12 months of
- 39 approval of Case 792-V-14 shall void the approval of Case 792-V-14.
- 40

41 E. Regarding rental space on the subject property:

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(1) Any change of use 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.

F. The Petitioner shall stipulate in all lease agreements there will be no on-street parking on Tiffany Court or unauthorized parking on adjacent properties not owned by the petitioner.

G. The Site Plan received on August 24, 2017, 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 Two Story Storage Building
- 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

Ms. Griest requested a roll call vote.

The vote was called as follows:

| | | |
|--------------------|-------------------|--------------|
| DiNovo – yes | Passalacqua – yes | Randol – yes |
| Thorsland – absent | Capel – yes | Lee – no |
| Griest – yes | | |

Mr. Hall informed Mr. Frazier that he has received an approval for Case 792-V-17 and Ms. Burgstrom will be contacting him regarding any final paperwork. He said that Mr. Frazier should contact staff regarding any questions.

6. New Public Hearings

None

7. Staff Report

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1 None

2

3 **8. Other Business**

4 **A. Review of Docket**

5

6 Ms. Lee stated that she previously asked staff about a business, Prairie States Warehouse, which is located
7 across the section from her residence in South Homer Township. She said that staff previously indicated
8 that a Zoning Use Permit had been submitted and approved for an agricultural building to be used for the
9 storage of farm machinery. Ms. Lee asked staff if the property owners have applied for a Special Use Permit
10 for their business.

11

12 Ms. Burgstrom stated that she does have a pending draft application documentation on file, but she has not
13 received any additional information.

14

15 Ms. Lee stated that the property is being developed for a fertilizer sales operation and there are trailers on the
16 property with Prairie State Warehouse written on them, and bins have been constructed to store fertilizer.
17 She said that the building is not just for storing farm machinery.

18

19 Ms. Griest asked the Board if there are any future absences that should be documented, and there were none.

20

21 **9. Audience participation with respect to matters other than cases pending before the Board**

22

23 None

24

25 **10. Adjournment**

26

27 The meeting adjourned at 10:00 p.m.

28

29

30

31 Respectfully submitted

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36 Secretary of Zoning Board of Appeals

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