

AS APPROVED MARCH 1, 2018

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: September 28, 2017

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Debra Griest, Jim Randol, Eric Thorsland, Brad Passalacqua

MEMBERS ABSENT : Frank DiNovo, Marilyn Lee

STAFF PRESENT : Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT : Phil Fiscella, Ray Brockman, Sue Brockman, Tim Asire, David Kunde, Sara Kunde

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

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

3. Correspondence

None

4. Approval of Minutes (August 17, 2017)

Mr. Thorsland stated that the August 17, 2017, minutes were not included in the mailing packet and cannot be approved at this public hearing.

5. Continued Public Hearing

Cases 878-V-17 Petitioner: Philip Fiscella Request to authorize the use of a proposed lot in the CR Conservation Recreation Zoning District with an average lot width of 141 feet in lieu of the required

1 **minimum 200 feet, and with a minimum lot area 0.5 acre in lieu of the minimum required 1 acre, per**
 2 **Section 5.3 of the Zoning Ordinance. Location: The west 150 feet of Lot 8 in Wildwood Acres**
 3 **Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in**
 4 **Newcomb Township.**

5
 6 **Case 883-V-17 Petitioner: Philip Fiscella Request to authorize a proposed division of a lot less than**
 7 **five acres in area on a property in the CR Conservation Recreation Zoning District, per Section 5.4.2**
 8 **A.3 of the Zoning Ordinance. Location: Lot 9 in Wildwood Acres Subdivision in Section 36,**
 9 **Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township.**

10
 11 Mr. Thorsland informed the audience that Cases 878-V-17 and 882-V-17 are Administrative Cases and as
 12 such the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time
 13 he will ask for a show of hands for those who would like to cross-examine and each person will be called
 14 upon. He requested that anyone called to cross-examine go to the cross-examination microphone to ask any
 15 questions. He said that those who desire to cross-examine are not required to sign the witness register but
 16 are requested to clearly state their name before asking any questions. He noted that no new testimony is to
 17 be given during the cross- examination. He said that attorneys who have complied with Article 7.6 of the
 18 ZBA By-Laws are exempt from cross-examination.

19
 20 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
 21 the witness register for that public hearing. He reminded the audience that when they sign the witness
 22 register they are signing an oath.

23
 24 Mr. Thorsland asked the petitioner if he would like to make a statement regarding the request.

25
 26 Mr. Philip Fiscella, who address is 505 W. Green, Champaign, stated that since the last public hearing he
 27 discovered additional documents, which were included in the mailing packet. He said that he did find out
 28 that the original developer of the subdivision, Harold Madden, sold the east and west portions of the lot in
 29 question to two separate individuals in 1969. He said that it is his understanding that Lot 8 and the east half
 30 of Lot 9 together forms one conforming parcel that is currently under common ownership, and those parcels
 31 cannot be separated under the current zoning. He said that the current owners of the other half of the lot do
 32 not desire to purchase the subject property and are not willing and are unable to sell any portion of their lot
 33 to him. He said that it is his understanding that because the subject property was a separate parcel in 1969,
 34 was then sold for taxes, and is legally under separate ownership, there is not a way for him to use the parcel
 35 for anything other than agriculture, which does not fit the character of the neighborhood.

36
 37 Mr. Fiscella stated that the property has been transferred over the years by a wide variety of situations. He
 38 said that Ms. Burgstrom had discovered a set of covenants that indicated Lot 9 as a lot split in half, but the
 39 original developer sold each half to separate owners, and during some point in the 1970s the lots were owned
 40 by one owner and then sold off separately again. He said that, due to a scrivener’s error, the subject property
 41 was accidentally transferred to Mr. Colclasure, who did not actually have the right to sell it to anyone. Mr.

1 Fiscella said that the true owner of the subject property was long gone, the lot became ownerless, the real
2 estate taxes went on paid; they were thus sold during the County tax sale, which is how he gained title.

3
4 Mr. Fiscella stated that his hope for the property is to purchase a new modular home to place on the property,
5 and it would be one of the nicer homes in the neighborhood because it would be new. He said that the new
6 home would have plenty of room to meet all required setbacks and it would be consistent with the character
7 of the neighborhood. He said that the property with the new home would be sold to house a family that
8 would be paying real estate taxes to the County. He said that the only other alternative for the lot is to leave
9 it undeveloped and plant sweet corn next spring, but the best use for the lot and the neighborhood would be
10 to have a home on the lot.

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

13
14 Mr. Passalacqua stated that during the last meeting there was discussion regarding selling the lot to one of
15 the adjacent neighbors. He asked Mr. Fiscella if he has had any progress regarding a sale of the lot to a
16 neighbor.

17
18 Mr. Fiscella stated that he had one call and he honestly dropped the ball because he received the call when he
19 was very busy. He said that the call indicated that the caller did not have the means to pay \$30,000 asking
20 price for the lot, which is consistent with the sale price for other lots in the area, and was only interested in
21 paying \$4,000. He said that he is not interested in selling the lot for \$4,000, but he could consider a contract
22 sale.

23
24 Ms. Burgstrom pointed out that on page 9 of 23, Section C. discusses the lot areas in Wildwood Acres
25 Subdivision. She said that this information should be underlined in red.

26
27 Mr. Thorsland informed Mr. Fiscella that a septic permit must be approved by the Champaign County Public
28 Health Department and he may find that approval of the permit may prove difficult due to the wet areas.

29
30 Mr. Fiscella stated that he did discuss the septic system with the gentleman at the Champaign County Public
31 Health Department and a soil study was completed indicating that the very worst scenario would be that a
32 tile would be required to be tied into the septic system for a sump pump for the house.

33
34 Mr. Thorsland stated that there must be adequate room for a replacement septic system should one be
35 required.

36
37 Mr. Fiscella stated that the gentleman at the Champaign County Public Health Department indicated that he
38 had ample room on the lot for a replacement septic system.

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40 Mr. Thorsland asked Mr. Fiscella if he had written documentation regarding these findings by the
41 Champaign County Public Health Department.

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Ms. Burgstrom stated that this information is included in the packet.

Mr. Randol asked Mr. Fiscella if he would place the modular home on the property to sell or would he consider having the home as a rental property.

Mr. Fiscella stated that he did have a friend who appeared interested in buying the property and renting out the home, but that friend purchased a different property and was no longer interested. He said that he is involved in the rental property business, but if he placed a new home on the property, the real money would be in selling it. He said that most people in the Mahomet area are more interested in owning their own homes in lieu of renting.

Mr. Thorsland stated that Mr. Fiscella agreed to the special conditions at the last public hearing.

Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony regarding this case.

Mr. David Kunde, who resides at 505F CR 2500N, Mahomet, stated that he reviewed the location where Mr. Fiscella intends to install a septic system. He said that the Donovans, who reside across the road on Lot 4, installed a new septic system and it didn't work and they ended up having to put in a special tank with a drainage system run across the road and down the south side of the road into the commons. He said that the Donovans are on the west side of the road and directly across from the subject property.

Mr. Thorsland asked Mr. Kunde if this was the original system that was installed.

Mr. Kunde stated that the original home on their lot burned and the Donovans built a new home on the same foundation which required a new septic system and that system did not work.

Mr. Thorsland asked Mr. Kunde if he knew when the new system was installed.

Mr. Kunde stated that he does not know what year it was, but it has been a while.

Mr. Thorsland stated the installation of that septic system was before the septic system guidelines have gotten tougher and that is not a process that this Board has any control over. He said that Mr. Fiscella indicated that he had someone from the Champaign County Public Health Department come to the property and determine whether it was suitable. He said that Mr. Fiscella received a written statement regarding the suitability of the subject property for a septic system and a replacement septic system and that statement is included as a Document of Record. He said that if the system does not work, Mr. Fiscella will have to do whatever he had to do to make it work, and that supervision is done by the Champaign County Public Health Department.

1 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Kunde and there was no one.

2
3 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Kunde and there were none.

4
5 Mr. Thorsland asked the audience if anyone desired to sign the witness register to provide testimony
6 regarding this case, and there was no one.

7
8 Mr. Thorsland asked the Board if they had any additional questions for Mr. Fiscella and there were none.

9
10 Mr. Thorsland stated that the Board will move to the Findings of Fact for Cases 878-V-17 and 882-V-17.

11

12 **FINDINGS OF FACT FOR CASES 878-V-17 AND 882-V-17:**

13
14 **From the documents of record and the testimony and exhibits received at the public hearing for**
15 **zoning cases 878-V-17 and 882-V-17 held on August 3, 2017, and September 28, 2017, the Zoning**
16 **Board of Appeals of Champaign County finds that:**

- 17
18 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
19 **structure involved, which are not applicable to other similarly situated land and**
20 **structures elsewhere in the same district.**

21
22 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
23 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
24 the same district, because the property was split in 1966, before zoning, and there has been an interesting
25 process of ownership ending in a scrivener’s error that left the property to a tax sale.

26
27 Mr. Thorsland stated that the variance brings the lot into compliance.

- 28
29 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
30 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
31 **structure or construction.**

32
33 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
34 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
35 structure or construction because the lot is not buildable with the variance.

- 36
37
38 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
39 **from actions of the applicant.**

40
41 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
42 NOT result from actions of the applicant because all circumstances leading to the division of this lot

1 requiring the variance were pre-existing to the present owner.

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4 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony**
5 **with the general purpose and intent of the Ordinance**
6

7 Ms. Capel stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in
8 harmony with the general purpose and intent of the Ordinance because the variance is not prohibited by
9 the Zoning Ordinance.

10
11 Mr. Thorsland stated that it will increase the permissible options on the property.

12
13
14 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL NOT be**
15 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
16 **welfare.**
17

18 Mr. Thorsland stated that the variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION,
19 WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or
20 welfare because the Champaign County Public Health Department determined that the lot can fit a septic
21 system on it, and the variance will allow for a home site in a residential neighborhood, despite the fact
22 that it may remove some greenspace.

23
24 Mr. Randol stated that it will make the property usable with the variance in lieu of a vacant lot.

25
26 Ms. Griest stated that the subject property is 1,000 square feet larger than 6 of the lots in the subdivision.

27
28 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum**
29 **variation that will make possible the reasonable use of the land/structure.**
30

31 Mr. Thorsland stated that the requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the
32 minimum variance that will make possible the reasonable use of the land/structure.

33
34 **7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE**
35 **PARTICULAR PURPOSES DESCRIBED BELOW:**
36

37 **A. Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a**
38 **miscellaneous document with the Champaign County Recorder of Deeds that**
39 **documents the following:**

- 40 **(1) A variance was granted in Zoning Case 878-V-17 to authorize a lot less than**
41 **one acre in area.**
42

- 1 (2) Because of the size of the lot, there are concerns whether a replacement
- 2 wastewater (septic) system can be installed on the lot in the future.
- 3
- 4 (3) Any new wastewater (septic) system will need to be authorized by the
- 5 Champaign County Health Department.
- 6
- 7 (4) For further information interested parties should contact the Champaign
- 8 County Department of Planning and Zoning.
- 9

10 The special condition stated above is required to ensure the following:

11 That potential buyers of the property are aware of how the lot was created
12 and the possible limitations regarding the replacement of wastewater systems
13 on the property.

14
15 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
16 of Fact for Cases 878-V-17 and 883-V-17, as amended.

17
18 Ms. Capel moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record,
19 and Findings of Fact for Cases 878-V-17 and 882-V-17, as amended. The motion carried by voice
20 vote.

21
22 Mr. Thorsland entertained a motion to move to the Final Determination for Cases 878-V-17 and 882-V-17.

23
24 Mr. Passalacqua moved, seconded by Mr. Randol, to move to the Final Determination for Cases 878-
25 V-17 and 882-V-17. The motion carried by voice vote.

26
27 Mr. Thorsland informed the petitioner that currently the Board has two members absent; therefore, it is at
28 the petitioners' discretion to either continue Cases 878-V-17 and 882-V-17 until a full Board is present or
29 request that the present Board move to the Final Determination. He informed the petitioner that four
30 affirmative votes are required for approval.

31
32 Mr. Fiscella requested that the present Board move to the Final Determination.

33
34 **FINAL DETERMINATION FOR CASE 878-V-17:**

35
36 Mr. Passalacqua moved, seconded by Ms. Capel, that the Champaign County Zoning Board of
37 Appeals finds that, based upon the application, testimony, and other evidence received in this case,
38 that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
39 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals
40 of Champaign County determines that:

1 The Variance requested in Case 878-V-17 is hereby GRANTED WITH CONDITIONS to the
2 petitioner, Philip Fiscella, to authorize the following variance in the CR Conservation Recreation
3 Zoning District:

4
5 Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the
6 minimum required 200 feet, and with a minimum lot area of 0.5 acre in lieu of the
7 minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

8
9 **SUBJECT TO THE FOLLOWING CONDITION:**

- 10
- 11 **A. Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a**
- 12 **miscellaneous document with the Champaign County Recorder of Deeds that**
- 13 **documents the following:**
 - 14 (1) A variance was granted in Zoning Case 878-V-17 to authorize a lot less than
 - 15 one acre in area.
 - 16
 - 17 (2) Because of the size of the lot, there are concerns whether a replacement
 - 18 wastewater (septic) system can be installed on the lot in the future.
 - 19
 - 20 (3) Any new wastewater (septic) system will need to be authorized by the
 - 21 Champaign County Health Department.
 - 22
 - 23 (4) For further information interested parties should contact the Champaign
 - 24 County Department of Planning and Zoning.

25
26 Mr. Thorsland requested a roll call vote.

27
28 The roll was called as follows:

29	Randol – yes	Capel – yes	DiNovo – absent
30	Griest – yes	Lee – absent	Passalacqua – yes
31	Thorsland - no		

32
33
34 **FINAL DETERMINATION FOR CASE 882-V-17:**

35
36 Ms. Griest moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals
37 finds that, based upon the application, testimony, and other evidence received in this case, that the
38 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted
39 by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of
40 Champaign County determines that:

1 **The Variance requested in Case 882-V-17 is hereby GRANTED to the petitioner, Philip Fiscella, to**
2 **authorize the following variance in the CR Conservation Recreation Zoning District:**

3
4 **Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of**
5 **the Zoning Ordinance.**

6
7 Mr. Thorsland requested a roll call vote:

8
9 The roll was called as follows:

11 Lee – absent	11 Passalacqua – yes	11 Randol – yes
12 Capel – yes	12 DiNovo – absent	12 Griest – yes
13 Thorsland -yes		

14
15 Mr. Hall informed Mr. Fiscella that he has received an approval for both requests, and staff will be in
16 contact regarding and final paperwork. He said that Mr. Fiscella should call staff with any questions.

17
18 **6. New Public Hearings**

19
20 **Case 883-FV-17 Petitioner: Tim Asire Request to authorize the following Variance from the**
21 **Champaign County *Special Flood Hazard Ordinance*: Authorize the construction and use of two**
22 **additions to a dwelling in which the top of the lowest floor of the addition is 8.5 inches above the**
23 **Base Flood Elevation instead of 1.0 feet above the Base Flood Elevation. Location: Lot 27 of the**
24 **Meadows Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal**
25 **Meridian in Newcomb Township, commonly known as the residence at 2610 Appaloosa Lane,**
26 **Mahomet.**

27
28 Mr. Thorsland informed the audience that Case 883-FV-17 is an Administrative Case and as such the County
29 allows anyone the opportunity to cross-examine any witness. He said that at the proper time he will ask for a
30 show of hands for those who would like to cross-examine and each person will be called upon. He requested
31 that anyone called to cross-examine go to the cross-examination microphone to ask any questions. He said
32 that those who desire to cross-examine are not required to sign the witness register but are requested to
33 clearly state their name before asking any questions. He noted that no new testimony is to be given during
34 the cross- examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
35 exempt from cross-examination.

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

40
41 Mr. Thorsland asked the petitioner if he would like to make a statement regarding the request.

1
2 Mr. Tim Asire, who resides at 2610 Appaloosa Lane, Mahomet, stated that his home was built in 1978 and it
3 was originally constructed too low and the Department of Planning and Zoning required the house to be
4 compliant so that contractor jacked the house up to the level that was approved in 1978. He said that in
5 2005, he constructed an addition to his home and went through this same process, Case 527-FV-05, and
6 received approval. He said that at the time of the previous variance, elevations were required and it was
7 discovered that the home was constructed 3.5 inches too low. He said that currently he is requesting the
8 same variance so that he can construct another addition to the home and have the addition at the same level
9 as the rest of the house. He said that the square footage of the house indicated in the memorandum, over
10 5,000 square feet, is incorrect, because the square footage is approximately 2900 square feet. He said that
11 when he applied for the permit for the new addition, he was very surprised that he had to go through this
12 process again, but he does understand the reasoning now. He said that if possible, his goal would be to put
13 on record that any additional construction would be permissible if it is constructed at the same level as the
14 home. He said that he does anticipate further construction, but as his family continues to grow it could be
15 possible and he would prefer to not have to go through this process again.

16
17 Mr. Hall stated that the Board cannot by-pass FEMA regulations.

18
19 Mr. Thorsland stated that the Board cannot override accessibility requirements, public health requirements or
20 FEMA regulations.

21
22 Mr. Asire stated that he understood.

23
24 Mr. Thorsland stated that during a special use permit the applicant is asked to indicate any future
25 construction, but that may not be possible for this case.

26
27 Mr. Hall stated that if Mr. Asire would like to inflate the amount of construction that he would like to do
28 now, and the Board would allow it, then that would be one way to do that. He said that he does not how Mr.
29 Asire would be able to forecast future construction.

30
31 Mr. Passalacqua stated that the Board always approves the submitted site plan and if there is no revised site
32 plan, how could the Board approve such a request.

33
34 Mr. Hall stated that the site plan would have to be amended before the Board could take action.

35
36 Mr. Thorsland asked Mr. Asire if he desired to make the addition larger, he could indicate such tonight.

37
38 Mr. Asire asked the Board, if the construction is not located in the floodplain he would not be required to
39 obtain a variance.

40
41 Mr. Hall stated that if the construction is not located in the mapped floodplain, then no variance would be

1 required.

2

3 Mr. Asire stated that the last variance that he obtained was not necessary.

4

5 Mr. Hall stated no, the floodplain maps have changed since his last variance. He said that Mr. Asire's last
6 case was in 2005, and in 2012, the department received new maps that changed a lot of properties in the
7 County. He said that even based on the new floodplain maps, both new additions are located within the
8 mapped floodplain.

9

10 Mr. Asire asked Mr. Hall if he applied for a permit for construction outside of the mapped floodplain, then
11 no variance would be required.

12

13 Mr. Hall stated that Mr. Asire was correct.

14

15 Mr. Asire stated that, due to Mr. Hall's clarification, he does not need to revise the current site plan. He said
16 that it was his understanding that the new map indicated that the floodplain was closer to his home.

17

18 Mr. Hall stated that in 2005 the construction was located in the mapped floodplain, but in 2012 it is not.

19

20 Ms. Burgstrom stated that she did not review the 1984 floodplain map.

21

22 Mr. Hall stated that he understands why Ms. Burgstrom did not review the 1984 floodplain map because, due
23 to the new 2012 maps, the 1984 maps are not used.

24

25 Mr. Asire requested a copy, via email, indicating the mapped floodplain on the 1984 map and the mapped
26 floodplain on the 2012 map.

27

28 Ms. Burgstrom stated that she would send Mr. Asire the requested maps.

29

30 Mr. Asire stated that knowing what he does now, he is good and no changes to the site plan are necessary.

31

32 Mr. Passalacqua asked Mr. Asire if the floodwater has ever reached his home.

33

34 Mr. Asire stated that the water does come up in the pasture, but never to the house. He said that item #14 of
35 the Summary of Evidence indicated circumstances which justify the variance. He said that item #14 reads as
36 follows: The Petitioner has testified on the application: "The Board of Appeals has previously established its
37 'Findings of Facts' on 4-13-06 that adding on to this house cannot be located outside of the floodplain;
38 would result in exception hardship without a variance; relief requested is the minimum necessary; will not
39 result in any additional threats or nuisance; will not result in additional public expense; circumstances are
40 unique and do not set a pattern inconsistent with the NFIP." He said that he is not doing anything different
41 than before, and probably even less.

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Ms. Burgstrom stated that the 2003 aerial with the floodplain indicated is at a smaller scale, but it looks similar.

FINDINGS OF FACT FOR CASE 883-FV-17:

From the documents of record and the testimony and exhibits received at the public hearing for zoning Case 883-FV-17 held on **September 28, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity CANNOT be located outside the floodplain.

Mr. Passalacqua stated that the development CANNOT be located outside the floodplain, because the addition would not be functional elsewhere.

2. An exceptional hardship WOULD result if the floodplain variance were not granted.

Mr. Randol stated that an exceptional hardship WOULD result if the floodplain variance were not granted, because if the variance were not granted, the petitioner would not be able to construct the needed expansion.

3. The relief requested IS the minimum necessary.

Mr. Randol stated that the relief requested IS the minimum necessary, because any larger construction would expand into the flood zone.

Mr. Hall stated that the variance is related to the height above the Base Flood Elevation. He said that the amount of construction and extension into the floodplain is a consideration, but the variance is really about the 3.5 inches difference and Mr. Asire’s reasonable desire to not have steps on the interior of the home.

Mr. Thorsland stated that the variance allows the addition to be on the same level as the remainder of the existing house and keep it consistent with the 2005 approved variance.

4. The requested floodplain variance WILL NOT result in any additional threat to public health and safety or creation of a nuisance.

Mr. Thorsland stated that the requested floodplain variance WILL NOT result in any additional threat to public health and safety or creation of a nuisance, because all precautions will be taken in a fashion similar to the earlier construction and will add no additional risk.

1 **5. The requested floodplain variance WILL NOT result in additional public expense for flood**
2 **protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public**
3 **facilities.**

4
5 Ms. Capel stated that the requested floodplain variance WILL NOT result in additional public expense for
6 flood protection, rescue or relief operations, policing, ore repairs to roads, utilities, or other public facilities,
7 because it is a minimum incursion into the flood zone, it is adequately vented, and makes no significant
8 change to the use of the property or the flow of water.

9
10 **6. The applicant’s circumstances ARE unique and DO NOT establish a pattern inconsistent**
11 **with the National Flood Insurance Program.**

12
13 Mr. Thorsland stated that the applicant’s circumstances ARE unique and DO NOT establish a pattern
14 inconsistent with the National Flood Insurance Program.

15
16 **7. All other required state and federal permits HAVE been obtained.**

17
18 Mr. Thorsland stated that all other required state and federal permits HAVE been obtained.

19
20 Mr. Hall stated that regarding Mr. Asire’s earlier concern about the 2005 decision and what had
21 currently changed. Mr. Hall said that in 2005, staff had a printed floodplain map at a scale of 1” equals
22 2,000 feet, and the map included in the memorandum is at scale of 1” equals 100 feet. He said that in
23 2005, staff did not have a digitized layer of the floodplain map and only had the floodplain map at a
24 scale of 1” equals 2,000 feet, which is a difference. He said that in 2005, staff drafted the lot layout as
25 best they could, at a scale of 1” equals 2,000 feet, and the lots located in the Meadows Subdivision are
26 only 200 feet wide; therefore, on a scale of 1” equals 2,000 feet is less than one-quarter of an inch and
27 within that area staff attempts to measure where the house fits in regard to the mapped floodplain. He
28 said that it was a very conservative approach, unless you are a bad drafter and then it is a rotten
29 approach, so this new approach is very precise and staff has better information. He said that the precise
30 digitized layer allows staff to have better measurement.

31
32 Ms. Griest stated that improved technology has changed the approach for this type of manner and the
33 digitized maps are more specific.

34
35 Mr. Hall stated that with the direction that FEMA is going regarding the cost of flood insurance, the new
36 maps are essential.

37
38 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record, and
39 Findings of Fact, as amended.

40
41 **Mr. Randol moved, seconded by Ms. Capel, to adopt the Summary of Evidence, Documents of**

1 **Record, and Findings of Fact for Case 883-FV-17, as amended. The motion carried by voice vote.**

2
3 Mr. Thorsland entertained a motion to move to the Final Determination for Case 883-FV-17.

4
5 **Mr. Randol moved, seconded by Ms. Capel, to move to the Final Determination for Case 883-FV-17.**
6 **The motion carried by voice vote.**

7
8 Mr. Thorsland informed the petitioner that currently the Board has two members absent; therefore, it is at
9 the petitioners’ discretion to either continue Case 883-FV-17 until a full Board is present or
10 request that the present Board move to the Final Determination. He informed the petitioner that four
11 affirmative votes are required for approval.

12
13 Mr. Asire requested that the present Board move to the Final Determination.

14
15 **FINAL DETERMINATION FOR CASE 883-FV-17:**

16
17 **Ms. Capel moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
18 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
19 **requirements of Section 11 C. of the Champaign County *Special Flood Hazard Areas Ordinance:***

20
21 **Authorize the construction and use of two additions to a dwelling in which the top of**
22 **the lowest floor of the addition is 8.5 inches above the Base Flood Elevation instead**
23 **of 1.0 feet above the Base Flood Elevation.**

24
25 Mr. Thorsland requested a roll call vote.

26
27 The roll was called as follows:

28			
29	DiNovo – absent	Griest – yes	Lee – absent
30	Passalacqua – yes	Randol – yes	Capel – yes
31	Thorsland – yes		

32
33 Mr. Hall informed Mr. Asire that he has received recommendation of approval from this Board. He said that
34 this case can be forwarded to the Environment and Land Use Committee (ELUC) for either the
35 October meeting, which is next Thursday, October 5th and Mr. Asire’s case would be the only item on the
36 agenda, or the case could be heard the November ELUC meeting. He said that Ms. Burgstrom has discussed
37 this question with Mr. Asire and he indicated that he was agreeable to his case being heard at the November
38 9th ELUC meeting. He asked Mr. Asire if he was still comfortable with his case being forwarded to ELUC
39 for their November 9th meeting.

40
41 Mr. Asire stated that he is agreeable to the case being heard at the November 9th ELUC meeting.

1
2 Mr. Hall thanked Mr. Asire and noted that staff will be in contact regarding the ELUC meeting, and staff is
3 available to answer any questions or concerns that Mr. Asire may have regarding his case or permitting.
4

5 **7. Staff Report**

6 None
7

8 **8. Other Business**

9 **A. Review of Docket**
10

11 Mr. Thorsland stated that the Board should inform staff of any known absences from future meetings.
12

13 Ms. Capel stated that she will be absent from the October 26th meeting.
14

15 Ms. Griest stated that she will be absent from the October 26th and November 30th meetings.
16

17 Mr. Thorsland stated that he will be absent for the November 16th and November 30th meeting.
18

19 Mr. Randol stated that he will be absent from the November 16th meeting.
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 Mr. Thorsland entertained a motion to adjourn the meeting.
28

29 **Ms. Griest moved, seconded by Ms. Capel, to adjourn the meeting. The motion carried by voice vote.**
30

31 The meeting adjourned at 8:04 p.m.
32

33 Respectfully submitted
34
35
36
37

38 Secretary of Zoning Board of Appeals
39