

AS APPROVED JULY 25, 2019

1
2
3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 **1776 E. Washington Street**

7 **Urbana, IL 61801**

8
9 **DATE: June 13, 2019**

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

10
11 **TIME: 6:30 p.m.**

Urbana, IL 61802

13 **MEMBERS PRESENT:** Tom Anderson, Ryan Elwell, Marilyn Lee, Jim Randol, Larry Wood, Frank
14 DiNovo

15
16 **MEMBERS ABSENT:** None

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

19
20 **OTHERS PRESENT:** Richard Brown, John Bell

22 **1. Call to Order**

23
24 The meeting was called to order at 6:30 p.m.

25
26 **2. Roll Call and Declaration of Quorum**

27
28 The roll was called, and a quorum declared present.

29
30 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
31 witness register for that public hearing. He reminded the audience that when they sign the witness register
32 they are signing an oath.

33
34 **3. Correspondence**

35
36 None

37
38 **4. Approval of Minutes (June 28, 2018, March 14, 2019, May 16, 2019)**

39
40 Mr. Elwell entertained a motion to approve the June 28, 2018, minutes, as submitted.

41
42 **Mr. Randol moved, seconded by Ms. Lee, to approve the June 28, 2018, minutes.**

43
44 Mr. Elwell asked the Board if there were any corrections or additions to the June 28, 2018, minutes, and
45 there were none.

46
47 **The motion carried by voice vote.**

48
49 Mr. Elwell entertained a motion to approve the March 14, 2019, minutes.
50

1 Ms. Lee noted that she does not feel that page 21 of the March 14th minutes correctly indicates what
2 occurred at the meeting. She said that she distinctly remembers Mr. DiNovo requesting a special meeting on
3 April 11th so that the Board could review the Land Resource Management Plan (LRMP), and she was
4 adamant that she did not want such a meeting on April 11th. She said that a motion to designate the April
5 11th meeting for the Board's review of the LRMP was passed with her opposing vote. Ms. Lee stated that
6 the draft minutes indicate that the meeting was to be held in May, and that was not the case, because the
7 April 11th meeting was cancelled because Mr. DiNovo indicated that he was not prepared to have the study
8 session.

9
10 Ms. Burgstrom stated that Line 1 on page 21 indicates Mr. DiNovo's suggestion to have the LRMP Study
11 Session on April 11th or May 16th.

12
13 Ms. Lee stated that there was a motion approved to hold the meeting on April 11th and the minutes do not
14 reflect that motion, and of course she voted in opposition of the motion.

15
16 Mr. Elwell entertained a motion to approve the March 14, 2019, minutes pending Ms. Lee's suggested
17 corrections.

18
19 **Ms. Lee moved, seconded by Mr. Anderson, to approve the March 14, 2019, minutes, pending Ms.**
20 **Lee's suggested corrections.**

21
22 Mr. DiNovo stated that normally if the correction was only editorial he would vote in favor of the motion,
23 but since there is a huge contradiction, the Board should not approve the minutes until staff has the
24 opportunity to recheck the audio and confirm what actually transpired.

25
26 Ms. Lee stated that there is no doubt in her mind that the motion was for April 11th, because the April 11th
27 meeting was cancelled and when she called staff to question why the meeting was cancelled, she was
28 informed that Mr. DiNovo was not prepared to have the study session on that night.

29
30 Mr. DiNovo stated that the problem is that the draft minutes contribute Ms. Lee as making the motion for
31 the Special LRMP Study Session meeting to be held on May 30th. He said that staff needs to confirm the
32 motion and who initiated it. He recommended that the Board defer action on the minutes until staff has the
33 opportunity to review the audio and confirm the text of the motion, otherwise he does not know what change
34 the Board is making.

35
36 Ms. Lee stated that she does not believe that she is wrong, because there was never a motion made for May
37 30th. She said that the motion was for April 11th and she was the only member who voted in opposition.

38
39 Mr. DiNovo stated that there is a motion on the floor to approve the March 14th minutes, and unless Ms. Lee
40 withdraws her motion, the Board needs to move forward.

41
42 Mr. Elwell asked the Board how they would like to proceed with the motion on the floor.

43
44 **The motion carried by voice vote, with one opposing vote.**

45
46 Mr. DiNovo noted that the Board just voted to approve an open-ended amendment with no specific
47 language to replace what is currently indicated in the draft minutes, and no one knows what the

1 amended minutes are going to indicate.

2

3 Mr. Elwell entertained a motion to approve the May 16, 2019, minutes, as submitted.

4

5 **Mr. DiNovo moved, seconded by Ms. Lee, to approve the May 16, 2019, minutes.**

6

7 Mr. Elwell asked the Board if there were any corrections or additions to the May 16, 2019, minutes, and
8 there were none.

9

10 **The motion carried by voice vote.**

11

12 **5. Continued Public Hearing**

13

14 None

15

16 **6. New Public Hearings**

17

18 **Case 940-V-19 Petitioner: Eastern Prairie Fire Protection District, via agents Richard Brown and**
19 **John Bell Request to authorize the following Variances in the I-2 Heavy Industry Zoning District:**
20 **Part A. Authorize a variance for an existing non-conforming structure with a setback of at least 41**
21 **feet from the street centerline of Wilber Avenue with a front yard of at least 3 feet, and a setback of**
22 **43 feet from the street centerline of North Fifth Street with a front yard of 1 foot, in lieu of the**
23 **minimum required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance;**
24 **and Part B. Authorize a variance for an existing non-conforming structure with a side yard of 5 feet**
25 **in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance; and Part C.**
26 **Authorize a variance for an addition to an existing non-conforming structure with a setback of 41 feet**
27 **from the street centerline of Wilber Avenue with a front yard of 3 feet, in lieu of the minimum**
28 **required 55 feet setback and 25 feet front yard, per Section 5.3 of the Zoning Ordinance; and Part D.**
29 **Authorize a variance for an addition to an existing non-conforming structure with a side yard of 1**
30 **foot in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning Ordinance; and Part E.**
31 **Authorize a variance for an addition to an existing non-conforming structure encroaching on the**
32 **visibility triangle of a corner lot, per Section 4.3.3 F. 1. of the Zoning Ordinance; Part F. Authorize a**
33 **variance for parking 0 feet from the front lot line on both Wilber Avenue and North Fifth Street, and**
34 **0 feet from the rear and side lot lines, in lieu of the minimum distance of 10 feet from any front lot line**
35 **and 5 feet from any side or rear lot line, per Section 7.4.1 A. 3. Of the Zoning Ordinance. Location: A**
36 **13,100 square feet tract comprised of Lots 1, 2, 11, and 12 of the Wilber Heights Subdivision in the**
37 **Southeast Quarter of the Southwest Quarter of Section 31, Township 20N, Range 9E in Somer**
38 **Township and commonly known as the Eastern Prairie Fire Protection District Station with an**
39 **address of 424 Wilber Avenue, Champaign.**

40

41 Mr. Elwell informed the audience that Case 940-V-19 is an Administrative Case and as such, the County
42 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
43 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
44 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
45 questions. He said that those who desire to cross-examine are not required to sign the witness register
46 but are requested to clearly state their name before asking any questions. He noted that no new
47 testimony is to be given during the cross-examination. He said that attorneys who have complied with

1 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

2
3 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
4 the witness register for that public hearing. He reminded the audience that when they sign the witness
5 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
6 there was no one.

7
8 Mr. Elwell asked the petitioners if they would like to make a statement regarding their request.

9
10 Chief Jason Brown, Eastern Prairie Fire Protection District, stated that the fire station is located at 424
11 Wilber Avenue, Champaign. He said that reason for the variance request is to provide the capability of
12 constructing a new fire station because their current building is at capacity with all of their equipment,
13 which consists of three fire engines, one command vehicle, one all-terrain vehicle, and one trailer which
14 houses several other pieces of equipment for firefighting. He said that they are out of space and the 10
15 foot door height of the existing building does not accommodate most of the current fire trucks because
16 they are taller than 10 feet in height. He said that they could custom order a new fire truck that is shorter
17 than 10 feet, but custom orders are very expensive. He said that for several years they have considered
18 looking for different locations, but the cost of relocation and construction of a new structure is not within
19 their current budget.

20
21 Mr. Elwell asked the Board if there were any questions for the petitioners.

22
23 Mr. DiNovo asked Mr. Brown to describe the type of construction for the new building.

24
25 Mr. Brown indicated that the new structure would be a Morton style type building.

26
27 Ms. Lee stated that based on the data, the fire station was constructed in 1961, so it is not surprising that
28 a larger building is required to accommodate the size of modern equipment.

29
30 Mr. Brown stated that the building to the east was constructed in 1961, but he is not sure when the
31 building to the west was constructed.

32
33 Mr. Hall stated that the memorandum indicates that the proposed construction is an addition to the
34 existing building, but Mr. Brown has indicated a new building during his testimony. Mr. Hall asked Mr.
35 Brown if the new construction is for a new building or an addition.

36
37 Mr. Brown stated that the new construction is for an addition that will connect to the current building.

38
39 Mr. DiNovo asked Mr. Brown if the original building was permitted by the City of Champaign in 1961.

40
41 Mr. Brown stated that he does not know the answer to Mr. DiNovo's question, and if had to guess he
42 would say no.

43
44 Mr. DiNovo stated that the City of Champaign had jurisdiction at that time, but he is not sure if they
45 were issuing permits in the unincorporated areas.

46
47 Mr. Brown stated that it is his understanding that the reason why the fire station is in its current location

1 is because of the housing that was developed in that area. He said that the Champaign Fire Station
2 would not respond to this area, so the members of the neighborhood built the fire station and created the
3 department.

4
5 Mr. Randol stated that was a common practice during that era, and it was also common for the City of
6 Champaign to not go outside of their limits.

7
8 Mr. Anderson asked Mr. Brown if the new addition would have an identifying name on it. He said that
9 currently there is no identification that the current structure houses the Eastern Prairie Fire Protection
10 District. He said that there are large potholes in the street and he does not know how they get fire
11 engines in and out of the building.

12
13 Mr. Brown stated that there will be a sign on the new building. He said that there used to be a sign on
14 the second story of the existing building, just below the windows, but it was never replaced. He said that
15 at the base of their flag pole is a plaque that indicates that they are the Eastern Prairie Fire Protection
16 District. He said that they have spoken with IDOT because it is their understanding that they front a
17 state road, but they have been informed that the state is not interested in fixing the road or spending any
18 money on it at all for maintenance. He said that generally, they travel from Fifth Street to Wallace
19 Avenue to respond to emergency calls.

20
21 Mr. Anderson asked Mr. Brown if they will need take out the grassy area with the mailbox to
22 accommodate the new addition. He asked if the entire area in front of the lot would be concrete.

23
24 Mr. Brown stated yes, concrete or asphalt. He said that there will be no grass on the front section of the
25 property other than on the corner of Wilber and Fifth Street.

26
27 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Brown, and there
28 were none.

29
30 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 940-V-19.

31
32 **Mr. Randol moved, seconded by Mr. Anderson, to move to the Findings of Fact for Case 940-V-19.**
33 **The motion carried by voice vote.**

34
35 **FINDINGS OF FACT FOR CASE 940-V-19:**

36 **From the documents of record and the testimony and exhibits received at the public hearing for**
37 **zoning case 940-V-19 held on June 13, 2019, the Zoning Board of Appeals of Champaign County**
38 **finds that:**

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

42
43 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or
44 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
45 the same district because the property as a whole in the community was developed in 1924 when there

1 were smaller homes and smaller fire protection vehicles. He said that currently the fire protection
2 district does not accommodate that type of situation or modern fire protection equipment.

3
4 Mr. DiNovo stated that the original structures were constructed well in advance of the adoption of the
5 Zoning Ordinance.

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

10
11 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
12 regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or
13 structure or construction because the lots are dimensioned to accommodate the 1920's single family
14 homes, and applying the standards of the I-2 Heavy Industry Zoning District to small tracts of land lots
15 leaves an unreasonably small buildable area for expansion of the fire protection district's structure.

16
17 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
18 **from actions of the applicant.**

19
20 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
21 result from actions of the applicant because the conditions all pre-existed the adoption of the Zoning
22 Ordinance, and the buildings were placed there for public service.

23
24 **4. The requested variance IS in harmony with the general purpose and intent of the**
25 **Ordinance.**

26
27 Mr. DiNovo stated that the requested variance IS in harmony with the general purpose and intent of the
28 Ordinance because it allows a needed improvement to an important public service.

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

32
33 Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
34 detrimental to the public health, safety, or welfare because the street size is ample and the lot under the
35 new request will be ample for the size they need to accommodate parking.

36
37 **6. The requested variance IS the minimum variation that will make possible the reasonable**
38 **use of the land/structure.**

39
40 Mr. DiNovo stated that the requested variance IS the minimum variation that will make possible the
41 reasonable use of the land/structure because the existing buildings are what they are, and the addition
42 needs to be contiguous to the existing buildings.

43
44 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

45
46 Mr. Elwell entertained a motion to approve the Findings of Fact, as amended.

47

1 Ms. Lee moved, seconded by Mr. Randol, to approve the Findings of Fact, as amended. The
2 motion carried by voice vote.

3
4 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
5 of Fact, as amended.

6
7 Ms. Lee moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
8 Record, and Findings of Fact, as amended. The motion carried by voice vote.

9
10 Mr. Elwell entertained a motion to move to the Final Determination for Case 940-V-19.

11
12 Ms. Lee moved, Mr. Randol seconded, to move to the Final Determination for Case 940-V-19. The
13 motion carried by voice vote.

14
15 **FINAL DETERMINATION FOR CASE 940-V-19:**

16
17 Mr. Wood 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 for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
20 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
21 Appeals of Champaign County determines that:

22
23 The Variance requested in Case 940-V-19 is hereby GRANTED to the petitioners, Eastern Prairie Fire
24 Protection District, via agents Richard Brown and John Bell, to authorize the following variance in
25 the I-2 Heavy Industry Zoning District:

26
27 Part A. Authorize a variance for an existing non-conforming structure with a setback of at
28 least 41 feet from the street centerline of Wilber Avenue with a front yard of at least
29 3 feet, and a setback of 43 feet from the street centerline of North Fifth Street with a
30 front yard of 1 foot, in lieu of the minimum required 55 feet setback and 25 feet
31 front yard, per Section 5.3 of the Zoning Ordinance.

32
33 Part B. Authorize a variance for an existing non-conforming structure with a side yard of 5
34 feet in lieu of the minimum required 20 feet, per Section 5.3 of the Zoning
35 Ordinance.

36
37 Part C. Authorize a variance for an addition to an existing non-conforming structure with a
38 setback of 41 feet from the street centerline of Wilber Avenue with a front yard of 3
39 feet, in lieu of the minimum required 55 feet setback and 25 feet front yard, per
40 Section 5.3 of the Zoning Ordinance; and

41
42 Part D. Authorize a variance for an addition to an existing non-conforming structure with a
43 side yard of 1 foot in lieu of the minimum required 20 feet, per Section 5.3 of the
44 Zoning Ordinance.

45
46 Part E. Authorize a variance for an existing non-conforming structure encroaching on the
47 visibility triangle of a corner lot, per Section 4.3.3 F.1. of the Zoning Ordinance.

1 **Part F. Authorize a variance for parking 0 feet from the front lot line on both Wilber**
 2 **Avenue and North Fifth Street, and 0 feet from the rear and side lot lines, in lieu of**
 3 **the minimum distance of 10 feet from any front lot line and 5 feet from any side or**
 4 **rear lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.**

5
6 Mr. Elwell requested a roll call vote.

7
8 The vote was called as follows:

9			
10	Anderson – yes	DiNovo – yes	Lee – yes
11	Randol – yes	Wood – yes	Elwell – yes

12
13 Mr. Elwell informed the petitioners that they have received an approval for their request.

14
15 **7. Staff Report**

16
17 Ms. Burgstrom informed the Board that, due to Zoning Officer Jamie Hitt’s retirement on June 28th, the
18 Department of Planning and Zoning will be accepting applications to fill the vacant position. She requested
19 that the Board mention the opening to any qualified candidate who would like to apply and be considered for
20 this opening. Ms. Burgstrom noted that there is also still an opening for the ZBA.

21
22 Ms. Lee asked staff if applications have been received for the Zoning Officer position.

23
24 Mr. Hall stated that currently, three applications have been received.

25
26 **8. Other Business**
27 **A. Review of Docket**

28
29 Mr. Elwell stated that he would be absent from the June 27th meeting.

30
31 Mr. Hall stated that since Case 940-V-19 was concluded tonight and staff has no new cases advertised for
32 the June 27th meeting. He said that there were two cases previously scheduled for the June 27th meeting, but
33 staff determined that those two cases were no longer necessary, and those cases were withdrawn. He
34 recommended that the Board should vote to cancel the June 27th meeting.

35
36 **Mr. Randol moved, seconded by Ms. Lee, to cancel the June 27, 2019, meeting. The motion carried**
37 **by voice vote.**

38
39 Ms. Lee noted that the July 11th meeting has been cancelled as well.

40
41 **9. Audience participation with respect to matters other than cases pending before the Board**

42
43 None

44
45 **10. Adjournment**

46
47 Mr. Elwell entertained a motion to adjourn the meeting.

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Ms. Lee moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 7:02 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals