

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61802

DATE: September 15, 2022**PLACE:** Shields-Carter Meeting Room
1776 East Washington Street**TIME:** 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Tom Anderson, Nolan Herbert, Thaddeus Bates, Larry Wood,
Jim Randol**MEMBERS ABSENT:** Lee Roberts**STAFF PRESENT:** John Hall, Susan Burgstrom, Isaak Simmers**OTHERS PRESENT:** Deanna Zehr, Madeline Supp, Jeff Jenkins Jr., Jeff Jenkins, Marly Corado,
Angel Corado, Justin Leerkamp, Scott Walker, MaryAnn Walker, Janice
Walker, John Slade, Velta Brownfield, Allyson Francois, Jamie Burke,
Yancy Burke**1. Call to Order**

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None**4. Minutes- August 11, 2022**

Mr. Elwell asked if there was any discussion on the August 11, 2022 minutes. Seeing none, he entertained a motion to approve the August 11, 2022 minutes.

Mr. Randol moved, seconded by Mr. Bates, to approve the August 11, 2022 minutes. The motion carried by voice vote.

5. Audience participation with respect to matters other than cases pending before the Board

Mr. Elwell asked if there was any audience participation with respect to matters other than cases pending before the Board.

Justin Leerkamp introduced himself and said he was from Sidney, IL. He said he sent an email earlier that week to the Staff asking if remote testimonials were allowed during ZBA cases. He said Ms. Burgstrom got back to him right away and indicated that it was not permitted currently. He said he understood the

1 pandemic situation was different and there would have to be a change to the ZBA bylaws to allow that to
 2 happen. Ms. Burgstrom indicated that the change could be in front of the Board in October. He said it
 3 would have probably been more appropriate for him to come to that meeting, but he did not know what
 4 October would bring in terms of his work schedule. He said he wanted to come tonight to put a face behind
 5 that request and would be brief with his reasons. He said they heard him speak before and the Board
 6 already knew which cases he would come back and testify for again. He said there were experts who lived
 7 distances away that could testify. He said he knew they could send electronic communication to the Board,
 8 but it would not be the same as being able to ask questions and interact with the experts. He said he
 9 understood that it could open a can of worms and take a lot of consideration if the Board wanted to
 10 implement that change to allow that type of testimony. He said he was not thinking about the local person
 11 who could already attend the meeting in his mind. He said it could also be used for cases where individuals
 12 do not want to be in a public setting for various reasons. He said that was his request and he was not trying
 13 to push along anything. He just wanted to put a face to the request he sent a couple of days ago.

14
 15 Mr. Elwell thanked Mr. Leerkamp for his statement and asked for any discussion from the Board.

16 17 **6. Continued Public Hearings**

18 19 **CASE 057-V-22**

20 Petitioner: **Angel Corado**

21
 22 Request: **Authorize a variance for the construction and use of an accessory structure with an**
 23 **average height of 17 feet and 9 inches in lieu of the maximum allowed average height**
 24 **of 15 feet in the R-3 Two-Family Residence Zoning District, per Section 5.3 of the**
 25 **Champaign County Zoning Ordinance**

26
 27 Location: **A 0.46 acre lot that is the South Half of Lot 38 in Fred C. Carroll's Subdivision of the**
 28 **East Half of the Northwest Quarter of the East Half of Section 9, Township 19, Range**
 29 **9 East of the Third Principal Meridian in Urbana Township, commonly known as the**
 30 **residence with an address of 1206 Carroll Ave, Urbana**

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

35
 36 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County
 37 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
 38 for a show of hands from those who would like to cross-examine, and each person will be called upon.
 39 He said that those who desire to cross-examine do not have to sign the Witness Register but will be
 40 asked to clearly state their name before asking any questions. He noted that no new testimony is to be
 41 given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the
 42 ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the
 43 nature of their request prior to introducing evidence.

44
 45 Mr. Elwell asked Mr. Corado to please state his name and address before beginning his testimony.

46
 47 Angel and Marly Corado said their address was 1401 E Perkins Road, Urbana, Illinois. Ms. Corado said
 48 they went ahead and contracted an architect so they could tell them what they could do to alleviate the
 49 water runoff onto the neighbors' properties. She said that the architect's plan was just given to them and

1 emailed to the Staff. She said since they just received the plan, they needed to still get a cost estimate and
2 potential timeline.

3
4 Mr. Elwell asked if there were any questions from the Board.

5
6 Mr. Herbert asked where their eight-inch tile was dumping into. He asked if they tied into the street.

7
8 Ms. Corado said essentially what she had was what the Board had. She said they just received the plans
9 so any question that was not answered in the given material they would have to get back to the Board on.

10
11 Mr. Hall said the way he understood the plan was the downspouts emptied into a storm sewer that goes
12 underground. He said there was a storm sewer on the north side and the south side. He said each of the
13 storm sewers go underground and empty into a yard drain. He said it was not a solid storm sewer, it was
14 perforated in a trench that has been backfilled with granular bedding. He said the thinking being that it
15 would act sort of like a French drain, the granular bedding could hold so much volume which at a certain
16 point would bubble up and relieve the pressure of the water. He said he did not know what frequency of
17 storm. He said one change he would recommend for the plan was to move the north drain to a 45-degree
18 angle on the interior of the lot because the ground slopes in from the southeast to the northwest. He said
19 from what he understood, what they were trying to do here was try and maximize the retention of the
20 water on site as much as possible without having a retention basin. He said he saw an earlier plan where
21 the engineer carried the storm sewer all the way out to the street. He said there is a storm sewer currently
22 in the street it would have needed to be tied into. He personally questioned if that much effort was
23 necessary. He said the engineer came up with this alternative which would be much less expensive. He
24 said the water should not even go onto the neighboring property during relatively small rain events but
25 there would be enough rainfall during the large events and that was why he would recommend moving
26 the north yard drain so it would be directed more towards the interior of the lot.

27
28 Mr. Herbert asked if they knew how many gallons the French drain could hold.

29
30 Mr. Hall said they did not ask the engineer to submit any calculations.

31
32 Mr. Herbert felt he needed to see that to know how much water the drain could hold before the water
33 bubbled up. He said if the ground was already wet there, then in general they would have a hard time
34 leaching more water into the ground.

35
36 Mr. Hall said that was why the perforated pipe under drain trench was going to be better than a solid storm
37 sewer but yes, at a certain point the volume of the granular bedding would be limited. He said he did not
38 know what the volume was. He said the Ordinance did not have a standard for something like that. He
39 said the normal design standard for on-site conveyance would be a five-year event, or a three-and-a-half-
40 inch rainfall approximately. He said at this point it was not required to meet their storm water ordinance
41 but just attempt to minimize the impact on their neighbors. He said the Board could require the design to
42 hold the runoff from a five-year event. He said he did not know how big that would be and the Board
43 might want to continue the case to see if that was even feasible.

44
45 Mr. Herbert said an attempt was great, but they need to be successful in their attempt or else it would just
46 be a very expensive attempt that accomplished little or nothing. He asked if the whole 108 feet run was
47 all yard drain.

48
49 Mr. Hall said that was his understanding.

1 Mr. Herbert said the way he was reading it there was an eight-inch piping dumping into the end.
2
3 Mr. Hall said there was a note near the scale saying “108 linear feet of eight-inch pipe trench underdrain,
4 see detail sheet 2”, so that note tells us that it was the whole length.
5
6 Mr. Herbert said he was sorry and read that wrong.
7
8 Mr. Wood asked Mr. Hall if the plan could withstand a three-and-a-half-inch rain.
9
10 Mr. Hall said no, that was not what he said. He said their stormwater requirements would normally require
11 something like this to be designed for the five-year event, but he did not have that as a set requirement for
12 this plan. He said it may be that the engineer had already designed it to that. He did not know.
13
14 Mr. Randol asked about the drain on the Northeast corner and bringing it back toward the middle of the
15 yard.
16
17 Mr. Hall said yes, the northwest corner.
18
19 Mr. Herbert confirmed the northwest corner of the yard.
20
21 Mr. Randol said okay.
22
23 Mr. Herbert said he wanted to know what volume of water the plan was engineered to. He asked if they
24 only had the drawing and not any data on what the drawing was engineered to.
25
26 Ms. Corado said right, what the ZBA had in front of them was all the information they had. She said if the
27 Board wanted them to ask more questions of the engineer they could. She said they have not gotten to the
28 cost of it because they just received it and that would be something taken into consideration.
29
30 Mr. Anderson asked what the proposed garage was going to be used for.
31
32 Ms. Corado said they discussed that during their last meeting and the garage was going to be for storage
33 of personal vehicles and equipment.
34
35 Mr. Anderson said he was concerned about the neighbors’ concerns about the junk in the yard. He asked
36 if the shed was the solution to that problem.
37
38 Ms. Corado said yes, it would alleviate some of that material, but the main objective was to store their
39 vehicles. She said the ZBA asked how they could minimize the water runoff, which is why they came
40 back with the plan drawn by the architect. She said they still had questions for him as well and will
41 continue to ask them.
42
43 Mr. Elwell asked to remind him if the new driveway to the proposed garage was going to extend through
44 where the existing garage was.
45
46 Ms. Corado said that was correct. She said the existing garage will be removed and the driveway will lead
47 right to the back.
48
49 Mr. Elwell asked Mr. Hall if there would be any issue with having the drain located close to the drive.

1 Mr. Herbert asked what the north and south setbacks were to the property line.
2
3 Ms. Burgstrom said six feet to the north and six feet to the south.
4
5 Mr. Hall said the proximity of the drive to the yard drain was something the petitioner should think about.
6 He said he would not think they would want the yard drain right next to the driveway. He said it was
7 something that would need to be considered.
8
9 Mr. Elwell asked if there were any other questions from the Board.
10
11 Mr. Herbert said he would like to see more information in addition to the drawing as to what it was doing.
12
13 Ms. Corado asked like what.
14
15 Mr. Herbert said like what volume it was engineered to and how deep was the pipe. He said he wanted to
16 make sure the drain was not getting water into the neighboring properties with only six feet in between.
17
18 Ms. Corado asked if Mr. Herbert wanted to know how deep the pipe was and if it was six feet, then he
19 would want to see it lower than that.
20
21 Mr. Herbert said no, he just wanted to see how it was engineered.
22
23 Ms. Corado confirmed that he wanted to see more detailed plans.
24
25 Mr. Herbert said yes.
26
27 Ms. Corado said okay.
28
29 Mr. Hall said there was a clean out at the east end of the building and the invert, or the low point at which
30 the storm sewer enters that cleanout, is at 101. He said the north side was about half a foot above grade
31 and the south side was about a foot below grade. He said that was the invert and if it was an eight-inch
32 pipe then the top of the pipe would be close to the surface of the ground. He said not at the east end. He
33 said the inverted drain was about four feet below grade at the west end so while there would not be much
34 storage at the east end, the volume would increase all the way to the west.
35
36 Mr. Wood asked if the 3.7% was the grade of the pipe, the drop, which ought to move plenty of water.
37
38 Mr. Hall said yes.
39
40 Mr. Bates spoke without turning on his mic.
41
42 Mr. Wood said yes, it was an attempt to consolidate the water in one spot and to keep it from affecting
43 their neighbor's yard.
44
45 Mr. Hall said to slow it down.
46
47 Mr. Elwell said it sounded like there was going to be a couple of questions to be put together to have the
48 petitioners bring to their engineer. He wanted to list them out to be clear. He asked if Mr. Bates would
49 like to restate his question.

1 Mr. Bates asked how many gallons of water the proposed site plan would hold. He said that should be
2 simple to answer.
3
4 Mr. Hall said that would be simple unless the answer was not what the ZBA would want. He asked if they
5 knew how much they would want it to hold.
6
7 Mr. Bates said he had no agenda, but it was all going to run into one spot in the yard.
8
9 Mr. Hall said yes, but that spot is four feet below grade and before it bubbled out of the clean out it was
10 going to fill up a two-foot-wide trench.
11
12 Mr. Bates said that was his question, how many gallons would it hold before the water would bubble up
13 out of the fill up.
14
15 Mr. Hall said okay, and they could come back with that answer.
16
17 Mr. Bates asked if that met the three and a half inch, five-year rain.
18
19 Mr. Hall asked if that was what they wanted to make the standard for this case.
20
21 Mr. Bates said if that was what the standard has been, then that was what they should go with. He wanted
22 to make sure the proposed system was not going to bubble out whenever they had a half inch of rain. He
23 said his concern was the Corados would spend the money and the neighbors would still be upset because
24 the engineered plan was unsuccessful.
25
26 Mr. Herbert wanted to know what the plan was engineered to originally. He said there had to be some sort
27 of data that went along with the proposed plan.
28
29 Mr. Hall said if the engineer was given a standard that they needed to prove they met, then they would
30 have gotten that information. He said they did not have a standard, so the Staff did not give a standard. He
31 said they just were given a kind of rule of thumb approach, and this is what was drawn up.
32
33 Mr. Herbert said he understood that, but the engineer had to draw the plan to something, a one-inch rain
34 or a three-inch rain. He wanted to know what it was engineered to or else there would be no reason to get
35 an engineer even involved.
36
37 Mr. Elwell said well then maybe the ZBA needed to give that standard first.
38
39 Mr. Herbert said or see what it was already drawn to so they could understand what they already had in
40 front of them before they go and try and modify what should be done. He said they should understand
41 what has already been done.
42
43 Mr. Elwell said he agreed but also wanted to say something like the Board felt a five-year rain event was
44 the standard. He said from all he knew the drawing could already be drawn to accommodate that.
45
46 Mr. Wood said he also felt it would be helpful to know what the plan was drawn to or what the engineer
47 had in mind. He said the other issue that bothered him there was both yard drains come up on either side
48 of the existing house and close to the house on the north side. He said he did not know what that distance
49 was, but it may be prudent to not have the drain put up there, or just continue the run on down to the road.

1 He suggested a small pipe to just take water off the top in case of a strong rainfall to get the water into the
2 storm sewer.
3
4 Mr. Herbert said or make it drain all the way to the front yard, so it was not running across the neighbor's
5 yard.
6
7 Mr. Wood said if it was going to the front yard on the south side it would be going through their gravel
8 driveway.
9
10 Mr. Elwell asked what the Board felt about Mr. Hall's recommendation about moving the north drain
11 inward about 45 degrees toward the center of their lot.
12
13 Mr. Hall said instead of having the storm sewer running straight to the edge of the building, it would angle
14 in 45 degrees into the lot.
15
16 Mr. Wood said he understood and thought it would be fine for the north lot, but it would move the water
17 closer to the existing house. He said water and foundations do not go well together.
18
19 Mr. Randol asked if their property was on a sanitary sewer or septic tank.
20
21 Mr. Wood asked if the STO annotation on the plan was a storm sewer.
22
23 Mr. Hall said yes, STO was a storm sewer, but he did not know if Carroll addition was on a sanitary sewer
24 or not. He said the petitioner might know. He asked the petitioner if they were connected to the sewer.
25
26 Ms. Corado said yes they were.
27
28 Mr. Hall said okay.
29
30 Mr. Randol said he was just curious to see if there was any chance of leach field getting into the system
31 and dumping into the back of the yard.
32
33 Mr. Hall said there should not be because they were connected to the sewer so there was no active septic
34 system on their lot and any other septic system should be far enough away to not be an issue.
35
36 Mr. Elwell said the questions were what the standard the original proposed plan was drawn to and
37 suggested a five-year event as the standard. He said he did not want to impose something too harsh on the
38 petitioners. He asked Mr. Hall if that would be an appropriate standard for this case.
39
40 Mr. Hall said sure, it could be used as the standard but as for being too harsh...
41
42 Mr. Elwell continued that he did not want to be overly burdensome on the petitioners but wanted to be
43 sure what they were implementing was effective in protecting their neighbors from excessive water runoff.
44
45 Mr. Wood wanted to know what the OH was referring to on the site plan.
46
47 Mr. Herbert said it was overhead utility poles, and Mr. Hall agreed.
48
49 Mr. Bates wanted to know if they were moving water to somewhere that would move water to neighboring

1 properties quicker at higher volumes. He said if water was coming out of the north drain, picture a garden
2 hose, would the water flow away to the other house.

3
4 Mr. Hall said that was the way the ground sloped so that would be the way the water flowed, but in this
5 area the ground was nearly flat and that was why he was thinking if they moved the yard drain further to
6 the interior, given the flatness everybody was going to get water in an event like that, period.

7
8 Mr. Bates said he agreed but asked if they would be technically speeding it up.

9
10 Mr. Hall said he spoke with Ms. Burgstrom about the location of the building on the property. He said he
11 did not believe the plan showed the garage as far east as it could be placed on the lot. He said that concern
12 could be addressed by placing the proposed garage no more than twenty feet from the east lot line. He
13 said if they moved the out-drain outlet with the garage to the east, then it would be further away from
14 those neighboring dwellings.

15
16 Mr. Elwell asked if there was any reason why the garage was not closer to the east property line.

17
18 Ms. Corado said not on their end, no. She asked if they were saying move it further east from where it
19 currently would sit. She said they would be fine with doing that.

20
21 Mr. Randol asked how far the proposed garage from the east property line was.

22
23 Ms. Corado said the requirement was at least five feet so they could put it five feet from the property line.

24
25 Mr. Elwell asked Mr. Hall if that would affect the cleanouts or make the flow lower.

26
27 Mr. Hall said the cleanouts could still be there but would recommend the structure be at least ten feet from
28 that lot line. He said pushing any building up to five feet, although they could do that, is not something he
29 would do if they did not have to.

30
31 Mr. Randol asked if there was nothing to the east of their property.

32
33 Mr. Hall said that was correct.

34
35 Mr. Randol said so by having everything moved farther back then there would not be affecting anything
36 behind them.

37
38 Mr. Hall said right.

39
40 Mr. Elwell asked if that would be the third item to request, how far to the east the structure could be
41 placed.

42
43 Mr. Randol said he would like to know that because he wanted to make sure they were doing everything
44 to keep as much water from affecting their neighbors as possible. He liked the idea of moving the shed
45 back and moving the drain more towards the center of the property.

46
47 Mr. Hall reminded the Board that if the proposed building was within the height limit, then they would
48 not even be having the hearing. He said in that respect, putting a building this size on this property is not
49 seen as a problem in the Zoning Ordinance, the height was why they were having the public hearing.

1 Mr. Wood said an intermediate solution could be instead of running two lines, just connecting those two
2 lines in the back, and leading one pipe out. He said eight inches would still handle the level of water they
3 would need. He said they could put in six-inch piping and could run a million of gallons a day through it
4 without any pressure and that should handle more than enough water. He said if the engineer wanted to
5 make it an eight-inch than that would be fine. He said it would be a little more expensive than this but not
6 as expensive as running two.

7
8 Mr. Elwell asked if there were any questions from the Board or Staff.

9
10 Mr. Hall said the traditional method of connecting a drain to the storm sewer would require building a
11 manhole for that connection. He said he did not know how much a manhole would cost but would imagine
12 it would cost thousands of dollars just on its own. He said the petitioner already said they needed to
13 consider how much the current plan was going to cost. He said the original system did have a manhole
14 and that full length of pipe, so if that was what the Board wants then that should be what the Board asks
15 for.

16
17 Mr. Herbert asked if someone at the last hearing said the storm water drains were already overtasked as
18 they were. He said if that was the case, then he felt the water should stay on the property as it stands.

19
20 Mr. Hall said the current approach to things like this would be to try and keep the water on the property
21 as much as possible and in Champaign County it is always a challenge because all our soils are wet year
22 around to begin with. He said that would be the best practice approach.

23
24 Mr. Elwell asked Mr. Herbert what would happen if the petitioners returned and said the plan was designed
25 for a quarter of an inch.

26
27 Mr. Herbert said a quarter of an inch was not going to work.

28
29 Mr. Elwell said he wanted to avoid coming to that conclusion during the next hearing and sending them
30 back again for another revised plan. He said if they could just recommend a standard that night then they
31 could avoid that because they already knew the expectation.

32
33 Mr. Herbert asked if they needed a perc test.

34
35 Mr. Hall said a perc test measures how quickly soil accepts water, or how quickly water soaks into the
36 soil.

37
38 Mr. Herbert said if the ground was already too wet, then there could not be a leach field in certain areas.
39 He said the soil just would not absorb any more water. He said they could not engineer anything unless
40 they know the soil could even take water, otherwise you might as well just put a rain barrel out there.

41
42 Mr. Hall said a rain barrel would only take so much before it spilled over to the surface of the ground.

43
44 Mr. Herbert said they would be doing the same thing here if they did not know how it was engineered.

45
46 Mr. Elwell asked if there were any more questions from the Board. Seeing none, he asked if anyone wanted
47 to cross-examine the witness and if so to please raise their hand. Seeing no one, he thanked the petitioners
48 for their testimony.

49

1 Ms. Corado said thank you.

2

3 Mr. Elwell asked if there was anyone else who wanted to testify in this case and if so please come to the
4 microphone.

5

6 Scott Walker lives at 1201 Carroll Ave, which is across the street from the subject property. Mr. Walker
7 said his mother lived on the north side of the subject property and it was basically the bottom of the road.
8 He said the subject property had a crawlspace in it that was a belly crawl because when they put it in they
9 hit water. He said his parents' house stuck three feet out of the ground because they hit water when they
10 were putting the basement in. He said there was only one drain on the entire section of road from the hill
11 to the south to almost the other end of the street before you would find another drain. He said the only
12 drain was directly in front of his mother's house, or kind of between here and the center. He said the land
13 between his mother's property and the subject property floods all the time; when they get an inch and a
14 half to two inches of rain they were slopping in water walking through there. He said the backyards are
15 unusable when they have rain. He said it basically turned into a mud pit. He understood that there needed
16 to be a standard and the Board was going to find out that information, but they needed to make sure
17 whatever it is was a properly functioning system. He said their only option following that point would be
18 a courtroom, which would be thousands of dollars and years of going back and forth fighting. He said it
19 was important that whatever goes in there needs to work. He said water was a major issue in the center,
20 in his parent's house, and their house being at the bottom of the hill. He said he knew the subject property
21 and knew the guy who built it and has been in the house and crawlspace. He said he worked on that house
22 and even built the current garage that was there, framed it. He said he grew up there most of his life living
23 next door to that house. He said the Dubsons were the ones who built that house. He said you hit water
24 when you dig a hole and there was no way around it. He said if what was proposed did not work, then
25 there was nothing the ZBA would be able to do at that point and their only option to fix it would be through
26 a courtroom. He said that was pretty much all he had to say.

27

28 Mr. Elwell thanked Mr. Walker and asked if there were any questions from the Board or Staff. He asked
29 if anyone would like to cross-examine the witness and if so to please raise their hand.

30

31 Mr. Randol said he had one question. He asked if moving the garage further to the east property line would
32 help to alleviate some of the water.

33

34 Mr. Walker said that part of the road was basically flat right there and moving that building around was
35 not going to do much in his mind. He said he was at the limits of what the setbacks were. He said he was
36 a contractor by trade and a 1,000 square foot roof and a one-inch rain moves 600 gallons of water. He said
37 they could google that. He said he does not remember how large their proposed building was, but 1,000
38 square feet moves 600 gallons; moves a lot of rain quick. He said he has lived there since he was ten years
39 old, and it would always flood in front of his parents' house. His neighbor would always be out there
40 making sure the drain was clear because it was the only one on the street. He said they hit quicksand when
41 putting the basement in on the southeast corner of his mother's house. He said her basement was wet every
42 time it rains. He said they do have a sump pump and all that, but it cannot handle what was there. He said
43 the size of the metal building, even if moved back, most likely that entire back will be rocked for the
44 driveway so there would be no grass or dirt to even absorb it. He said once that gets packed down it would
45 just shed the water like concrete. He said it would not make sense to put that building back there and not
46 rock that entire area. He said a perc test was not going to do too well because when you dig down you hit
47 water unless they did it at a time when the ground was dry.

48

49 Mr. Wood asked where all the water runs and if it was to the north.

1 Mr. Walker said yes, the back north quarter of the lot where they previously had a jungle-gym catches a
2 lot of the water. He said they could walk around his mother's garage, and they could see where it was
3 eroding the foundation. He said the dirt was being washed away on the north side and exposing the
4 foundation to damage. He said it was flat there and there was nowhere else for it to go. He said her
5 basement was useless and that was just from a normal rain. He reiterated that if it was going to happen
6 then the engineering of the drain needed to be right because fighting it after the fact would cost everyone
7 money, money that he was sure no one has.

8
9 Mr. Bates wanted to confirm that if the building was just two-foot lower then they would not be having
10 this discussion.

11
12 Mr. Hall said that was correct.

13
14 Mr. Bates said so no matter what the water level was they could still have a garage with the same surface
15 area and if the building was just two-foot lower it would be within code and would not need to do anything
16 with the drains, so they were going above and beyond in this case.

17
18 Mr. Hall said right and to the extent the trench drain accepts water from the soil, that was lowering the
19 water in general so there are a lot of things to keep track of.

20
21 Mr. Elwell asked if there were any further questions for the witness. He asked if anyone else would like
22 to cross-examine this witness. Seeing no one, he thanked Mr. Walker and asked if anyone else would like
23 to testify in this case. Seeing no one, he entertained a motion to close the Witness Register.

24
25 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register. The motion carried by**
26 **voice vote.**

27
28 Mr. Elwell requested the petitioners to come back to the microphone. He said it sounded like there were
29 a couple of questions that needed to be answered before the case came back. He asked Mr. Hall if there
30 was a good day for the petitioners to return.

31
32 Mr. Hall said he recommended that they should not come back any sooner than October 27, 2022. He said
33 he wanted to make sure the engineer has enough time to answer the questions and he was skeptical that
34 those could be answered by October 13, 2022. He said or they might be answered on October 13, 2022
35 and they would all like to get answers before the meeting, so that was why he recommended October 27,
36 2022.

37
38 Mr. Elwell asked the petitioners if October 27, 2022 was agreeable.

39
40 Ms. Corado said yes.

41
42 Mr. Elwell asked if the Staff had a clear understanding of their homework.

43
44 Ms. Burgstrom said yes.

45
46 Ms. Corado confirmed it would be October 27, 2022 at 6:30pm.

47
48 Mr. Elwell said correct.

49

1 Mr. Hall said he was not clear on something and would just like to confirm that the Board was not asking
2 for any design event, they just want to know the volume the current system was designed for.

3
4 Mr. Herbert said they already paid the engineer to come up with something and he just wanted to know
5 what that something was.

6
7 Mr. Hall said okay and wanted to confirm that they wanted to move the building further back to the east
8 property line.

9
10 Mr. Herbert asked if he was talking about keeping the structure ten feet away from the property line.

11
12 Mr. Hall was talking about a difference of about fifty feet, or in other words when looking at the original
13 plan they had at the first meeting had the building moved fifty feet back to the east from where it was
14 shown on the engineer’s drawing.

15
16 Mr. Bates wanted to confirm they were not seeing the east property line on the engineer’s drawing.

17
18 Mr. Hall said that was correct, what was shown was a very small part of the site.

19
20 Mr. Herbert said moving it back was fine, but the Board needed to start first with what the plan was
21 engineered to and then discuss the setback at the next hearing.

22
23 Mr. Hall said he was right, and they could make that decision quickly.

24
25 Mr. Randol thought the further back it would go the less of an impact it would have on the neighboring
26 structures. He asked why the petitioners chose to put the proposed structure in that location.

27
28 Ms. Corado said that was just where the engineer drew it and they would have no issue moving it back
29 farther.

30
31 Mr. Randol said thank you.

32
33 Mr. Elwell asked Mr. Hall if that clarified things.

34
35 Mr. Hall said yes.

36
37 Mr. Elwell entertained a motion to continue Case 057-V-22 to October 27, 2022.

38
39 **Mr. Bates moved, seconded by Mr. Wood, to continue Case 057-V-22 to October 27, 2022. The**
40 **motion carried by voice vote.**

41
42 **7. New Public Hearings**

43
44 **Case 035-AM-21**

45 **Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC**

46
47 **Request: Amend the Zoning Map to change the zoning district designation from the AG-1**
48 **Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in**
49 **order to operate the proposed Special Use with waivers in related Zoning Case 036-**

S-21.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

Case 036-S-21

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC

Request: Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 40 home sites in a manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8% of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.

Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Section 6.2.2 E.5. for all existing and proposed home sites.

Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.

Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

Case 041-V-22

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHC

Request: Authorize a variance for a 9.68 acres lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

Mr. Elwell asked Mr. Jenkins to come to the testimony microphone and state his name and address before he began.

Jeffery Jenkins said his address was 13426 Maverick Rd, Marion, IL. He said he has tinnitus and was a carpenter since he was twelve years old. He said he was going to have to strain to hear the Board well and was sorry about it. He said he started in construction when he was twelve and helped his dad. He said they did everything; electrical, plumbing, sewer water, etc. He said that was all he knew before he went to college and got an engineering degree. He said he started his own company after that. He said he did remodel but originally started building homes, eventually ending up in the mansions. He said he purchased a mobile home community while he was doing that, a large one in Lake Bluff, Illinois. He said he changed

1 that community that had eight and ten widens in it. He said he eventually turned it around and won best
2 mobile home community award from public health. He said that unfortunately put him on the map and he
3 was comfortable for life, but the billionaires came after him because that was their pocket change or write
4 offs because they buy those things up like crazy. He said they made him an offer and he retired at forty-
5 nine. He said he went to southern Illinois after that and bought a horse ranch. He said he bought a small
6 community down there after some years went by and that was where he lived. He said his son was working
7 for Jimmy Johns, his son was sitting right behind him. He said his son was a salesman for Jimmy Johns
8 before he was going to sell and get rid of their sales staff, which would be his son. He said his son asked
9 if they could go into the mobile home community industry. He told his son to come up and they would
10 look around. He said the first one they looked at was the community located on the west end of town that
11 had potholes in it that archeologists were probably down in, and just looked like a den of inequity. He said
12 he does not believe it was there anymore. He said it was probably gone because it was not on the map. He
13 said they ended up there off 2300 North at what was called Country Manor at the time, kind of had a
14 nursing home sound to it. He said it was rough and the roads were built out of asphalt milling. He said
15 you cannot build roads with asphalt milling. He said you can finish a road with asphalt milling but it had
16 no base, which was the reason for the potholes all around the community. He said that was also why the
17 road slumped in the middle, which was virtually a ditch.

18
19 Mr. Jenkins said he looked past that because it was easy enough to fix with semi loads of stone to build it
20 back up and get it crowned to the road. He said but what he was really focused on was the sewer and water
21 system. He said that was what either makes it or breaks it in a place like that. He said he had a horrible
22 sewer and water system at his previous community, a three-quarter horsepower well and sixty-five homes
23 up north in Lake Bluff. He said he also had old sewer lines and was digging all the time trying to repair.
24 He said he started looking at this new sewer system, sewer treatment plant, it was ahead of its time today.
25 He said Charles Hepler was the original owner of the property and all the land surrounding it. He said he
26 sold the remaining twenty acres of the property less than a year ago. He said Charles Hepler had a dream
27 and that was to build a community that was second to none. He said he started with the sewage treatment
28 plant. He held up a site plan of Charles's original drawing which was done by Chandler Parsons. He said
29 he did not know if any of the Board or Staff knew Chandler Parsons, but he was local. He said that Charles
30 originally wanted 136 homes and if the Board could notice where the sewer treatment plant is on the site
31 plan, he had three sand filtration systems which were designed to handle forty homes each. He said they
32 were thirty by thirty and included a septic tank fourteen feet deep and over eight feet wide per tank, three
33 tanks. He said they had two chambers in them; one for the raw sewage, and one for the clean water which
34 went directly into the sand filtration system. He said it was rough and not taken care of at the time but that
35 was an easy fix. He said the crazy thing was he had all the septic tanks for the 120 homes. He said the
36 thirty-by-thirty-foot sand filtration field that was out there right now was so extensive through the four
37 feet of sand filtration stone that evaporation exceeds discharge. He said when it got through four feet of
38 the sand filtration stone it went to a drain that heads to a ditch. He said before it got to the ditch it would
39 pass through a chlorination tank. He said there was no water in the chlorination tank. He said there was
40 no drainage because the sewer treatment plant was so extensive that the evaporation exceeded discharge.
41 He said it was way overkill for twelve homes. He said it was built for forty homes. He said all the sewer
42 pipe was eight inch with five manholes, for twelve homes. He said there are five manholes that were all
43 stubbed out to his future drain.

44
45 Mr. Jenkins said all the eight-inch pipe was Schedule 80. He said the sewer pipe put in today has such thin
46 walls and works just fine but not Charles Hepler. He said he did Schedule 80 throughout the whole place
47 and that sewer treatment plant would outlive all their grandkids. He said the water system at the north end
48 of the community was done by Wes Meyers at Farnsworth and was his first job he ever had. He said he
49 worked for him and said by the way it was 1972 when Charles Hepler built the community. He began

1 speaking about the water system and said there was a well house there. He said it was a very extensive
2 well house that had a seven-horsepower pump inside it. He said a seven-horsepower pump could manage
3 400 gallons a minute. He said that was just crazy. He said of course Charles was thinking big all along
4 and everything he put in was overkill. He said right next to the well was a 3,600-gallon storage tank. He
5 asked the Board to notice the waterline going through the north side of the homes and said it was a
6 Schedule 80 six-inch line whose purpose was to run along 2300 North and continue to that road he added
7 to the east. He said that was going to extend down past that road and serve the roadway all the way through.
8 He said there was 2,000 gallons in that six-inch line extending through his community. He said one of the
9 waivers, or concerns the County has, was a concern over 150 gallons per home. He said 150 times twenty
10 was 3,000 gallons which they had double that now. He said this was Charles's intent to get forty done but
11 unfortunately he went and got old. He said Charles Hepler was a brilliant man but unfortunately he was
12 too kind. He said when he bought the property, the rents in that place were \$180 so it could not afford
13 itself. He said he does not believe Charles ever made a dime on the property. He said a combination of the
14 sewer treatment plant and water filtration system was like a mint baseball card to him. He said if they had
15 to build something that extensive today, it would cost way over a million dollars. He said he saw a
16 goldmine there and said he could build around this, so he and his son went for it. He said it took eight
17 months of negotiating and they finally ended up paying full price, which was only \$135,000, but it could
18 not even pay for that.

19
20 Mr. Jenkins said he went in there on top of that awful milling that was put on grade. He said to keep in
21 mind that when he dug down, he dug down everywhere. He said it looked like the sewer line ran from
22 manhole to manhole all the way around, no. He said he stubbed out and there were three discharges, there
23 were three flows in this and the reason being was the whole perimeter of that sewage had a stub out for
24 the next road for the future. He said he dug and found all of those things and unfortunately had to dig a
25 lot of the property all over the place. He said he was planning for the future. He said Rick Wolken, Road
26 Commissioner for Somer Township, was a great guy and was right down the road from him so he
27 introduced himself to him and asked Rick what he should do about the awful roads. He said he dug around
28 one of the manholes and it was over five feet deep. He wanted to know what was going on there because
29 it was all black soil. He said as they all knew in the 1800's the land was a swamp at one time before the
30 Amish put the drainage ditches in, from what he understood. He said he could be wrong, but it was brilliant
31 because it was twenty foot deep before they finally found clay. He said he could not build a road on top
32 of five feet of black soil. He said they must lock it in somehow by using road pack. He said Rick said that
33 road pack was the answer. He said that was how all the roads were done around here. He said they must
34 pack it down using layers of road pack and run over it to pack it down. He said that road 200 feet to the
35 east was like concrete. He said he put five semi loads of road pack in there when he started on the new
36 road. He said he got approval from Rick for the curb cut and for the culvert. He said he only went 100
37 foot with the semi, so he was building it up and building it up more in the center. He said it was a little bit
38 on the rough side after building 100 feet and then another 100 feet the next day. He said he was going to
39 use his utility tractor on the third day, but Rick was already out there using his big tractor to pack it down
40 to grade and crowning the road for him. He said Rick made it perfect, rock solid and beautiful. He said
41 the road pack was called CA6 but road pack was the nickname for it. He said he did the whole interior to
42 their community two years ago and went through there with a blade to crown all the roads this year. He
43 said he knew it did not look like a million bucks now, but it was way better than what it used to be.

44
45 Mr. Jenkins said the teardrop shape created in the center of the cul-de-sac was just growth. He said the
46 traffic pattern was going to stay gravel, but the grass was going to start creeping. He said it was a circle at
47 one time and if they went out there and stuck a shovel down in the grass, they would hit stone. He said he
48 could clean that back up and make it round, but it did not seem to be a subject. He said the traffic in the
49 community was not busy. He said they might see a car pull out every half hour, so he did not understand

1 the point of getting a twenty-foot road in there. He said he understood there were rules. He said when he
2 surmised the road to the east, he wanted it twenty feet wide. He said there was not heavy traffic and he
3 did not feel that a twenty-four-foot road width was necessary. He passed out a picture to all the Staff and
4 Board members showing the width of 2300 North to be nineteen feet seven and a quarter inches across.
5 He said Rick said it was okay to do a twenty-foot road there which is why he did the twenty-foot road
6 there. He said he was the guru in his eyes and God love him for all the things he did for him. He said he
7 was going to start and skim through the waiver parts to hopefully get everyone home quicker. He said he
8 asked Michael Flanagan at Public Health if he could get a permit for twenty homes because the systems
9 present were overkill for just twelve homes, and he was told yes. Mr. Jenkins apologized for not knowing
10 how extensive the permitting process was in Champaign County. He said the community he built in Lake
11 Bluff was done only by himself. He said there were not any permits for the rebuilding of the sixty-five-
12 home community. He said there was also no building inspector for his nine-home community down in
13 Marion, Illinois either. He said all he had to do was build it and they would eventually get down there to
14 measure it and then tax him accordingly. He said that was his history but prior to that he said he was
15 building homes. He said when he was building a 12,800 square foot home you see the inspector many
16 times and something that insane has so many load bearing spots that change during the process of
17 construction he swore he would never do another one again. He said that was the worst one and the last
18 one he ever did. He said it did win home of the year in 1990 in the Chicagoland area. He said he was very
19 fortunate that his dad taught him well.

20
21 Mr. Jenkins continued to waiver Part B. He said the site plan was done by Wes and he thought he did a
22 terrific job on it. He said it was all pretty much spot on. He pointed to the site with the lot numbers and
23 said they could see that lots two and three got awfully close together. He said the reason for that being lot
24 3 was already there and there was a tree in the back of lot 2, about eight feet to the north of the corner of
25 the home. He said putting the home on the other side of that tree would crowd the water storage tank. He
26 said that was the reason they avoided the tank and put the home on lot 2 where it was now. He said
27 additionally there was a manhole there which made it pinch in there. He said he measured between the
28 two homes that day and they were sixteen feet seven inches away from each other and there was a propane
29 tank in the center. He said lot 13 went in when they purchased the property as his son's home/office. He
30 said his son was the manager there from day one. He said they wanted to build a model home across the
31 street for the future, so people could see it and maybe one day sell homes if they were able to buy the
32 perimeter property going along the outside. He said that was his second purchase and he believed there
33 was a drawing of that also in the packet. He said it was 4.67 acres originally and then he purchased five
34 acres along the perimeter. He said he wanted five acres exactly. He said he wished now it was the 5.3
35 acres to make it the ten acres, but he was not aware the ten-acre rule existed. He spoke about the residence
36 that was originally built by Charles Hepler to be his home with his wife, Peggy. He said they built that
37 house for themselves but eventually got a divorce and no longer live there. He said Charles is still alive
38 and now lived down in Florida while Peggy was still around there locally somewhere. He said the well
39 house was two feet from the line and the pressure tank could be seen under the tree. He said there were
40 water and electrical lines running around through there and putting a fence there would be difficult. He
41 said he would hate to drill a hole because there was no documentation of where anything was for that area.
42 He said additionally the Board could see the garage saddling the property line which was Charles's original
43 storage garage. He said that garage was on his property by a foot which he did not care about. He said the
44 encroachment was not an issue for him, but he could hardly put a fence there. He said the people there
45 now keep to themselves and he hardly ever saw them. He said they mow the grass in the back and take
46 care of the trees that are on his property. He said he did not care because that was not his use even though
47 it was clearly marked by stakes. He felt it was not necessary to have a screened fence in between for
48 residential property but he would do it if that was what the Board required but it would awfully darn funny.
49

1 Mr. Jenkins continued to Part D saying the 8% gross area for recreation could be seen on Wes's drawing.
2 He said it was that 170 by 238 feet dedicated to just recreation space. He said he wanted to touch upon
3 something else and drew attention to the gravel road to the East. He said there was a five-foot area that
4 was grass which was his buffer zone from the farmland. He said that land was farmed by Rick Wolken up
5 until this year. He also farmed the excess property he owned as well. He said he does not know who
6 farmed the land now since Rick sold it, but he wanted it to now stop being in production. He said after
7 that stops they will have a ton of area for recreation, more than they would ever need. He said his
8 community was amazing and they work together to take care of the property extensively. He said he was
9 proud of that. He said the Staff seems to have already resolved Part E in the site plan drawing. He said he
10 does not get the setback of eleven feet in lieu of fifteen feet in Part F. He said he has a twenty-foot road
11 on the east end and another additional twelve feet to the front of the home. He said each home has two
12 parking spaces. He said the hitch on lot 16 was not removed because of the cease-and-desist letter. He
13 wanted the Board to keep in mind that there was an additional twelve feet there after the twenty-foot-wide
14 road. He said that was a lot of gravel and it was extensive, so he really did not understand the need for
15 Part F. He said each one of the new lot properties have twenty-five feet in between. He wanted to mention
16 that the setback for lot 2 was sixteen feet seven inches in reference to Part G. He said the real concern was
17 the south back corner of lot 2 but does not seem to be that extensive to him but was ultimately up to the
18 Board. He said he was going to skip Part H because he did not get the nine feet in lieu of ten feet for lot
19 3. He said he wanted the Board to keep in mind that he was twelve years old in 1968 and he remembered
20 in 1964 when everyone had to have a concrete patio. He said that was the thing before 1980 when everyone
21 started building decks. He said he had three crews going in the 1980s building decks all over town in the
22 Chicagoland area. He said decks replaced patio and it seemed to him that Part J requiring 160 square feet
23 of outdoor living space was referring to a patio which could be outdated. He said he had to believe that
24 the outdoor living space would include decks. He said that three quarters of the homes in his community
25 already have far more than 160 feet. He said he would be happy to do additional work if the home only
26 had a four-by-four landing with some stairs. He said he already covered the material for Part K which was
27 noted in one of the drawings that the teardrop shaped cul-de-sac got close to nineteen feet at one point. He
28 said he did not know if he ever saw two vehicles on the cul-de-sac at the same time, but the grass has crept
29 onto the gravel.

30
31 Mr. Jenkins continued with materials and the grading in reference to Part L. He referred to Wes's drawing
32 and wanted the Board to look at lot 16, the south one. He said they could see it was 729 feet above sea
33 level. He asked the Board to look at lot 5 and go just a little southwest of lot 5 to see 726 feet above sea
34 level. He said that was very true and they would see that from the water flow in the community. He said
35 there were railroad ties just south of lot 5 that were put in. He said lot 5 kept complaining to him the first
36 year he owned the property that every time it rained, the backyard was a swamp. He said no kidding
37 because they had a three-foot runoff from lot 15 down to lot 5 and the railroad ties dammed it up. He said
38 there was no reason for any of the railroad ties to be there so that and all the underbrush was coming out
39 of there. He said his goal when it came to the materials was the asphalt milling but first, he had to solve
40 the potholes because he could not put milling over a road with potholes still in it. He said milling was a
41 nice finish, but it needed integrity underneath it. He said he was waiting before milling everything to make
42 the community look like a million bucks. He said after that was done, the nineteen-foot issue in the cul-
43 de-sac would be solved because the milling would choke it back. He continued to Part M, walkways. He
44 said his only stipulation with the walkways was he understood the two-foot walkways from the parking
45 spots to the door. He said some people have landscaped with flowerbeds and steps going up to their deck.
46 He said they have sort of a flavor to it, and he would have to rip it out to put a two-foot-wide sidewalk in
47 to get to their deck. He said his twelve residents have been there, some of them, for twenty years and were
48 really set in their ways. He said however he would do that if that was something the Board wanted. He
49 would have to pack the soil with road pack to get the slab to stay on top of grade and if he started to dig

1 down, he would find all kinds of stuff and he would just rather not open that can of worms. He said they
2 were talking about a community that was over fifty years old and he was going to find old phone lines,
3 everything that no one knew existed down there. He said the best thing to do if the Board was okay with
4 it was to just get road pack in there from the roadways up to their decks and front door and elevate the
5 slab before grading it off with some stone pea gravel on each side or something decorative. He said the
6 limestone in the area was white and a pretty stone. He said he already touched on the extensive storage in
7 the community. He said they have 5,000 gallons of storage all day every day for as long as he has been
8 there, so Part N was not an issue whatsoever.
9

10 Mr. Jenkins said about Part O, the last part, that he had a very helpful contact through Ameren named
11 Abby Schneider. He said he thought the absolute world of Abby and she was probably only twenty-six
12 years old. He said she was so good and so intense about her job and if you called her tomorrow she would
13 probably be there within the hour. He said she was just one of those kinds of people and she took care of
14 everybody. He said that Abby would be on it if there was ever an electric issue going on in his community.
15 He said lot 7 had a grounding issue at the transformers. He said by the way there were four transformers,
16 and everything was underground, so they get his caution with the underground stuff. He said Ameren was
17 out there for two days trying to trace it and found it on the third day. He said it was the tenant's fault who
18 lived on lot 7 and Ameren just left without charging anything. He said they just left because they were
19 glad the issue was not with their transformer. He said they were very extensive out there and he was very
20 proud of them. He said they were super easy to work with and very professional. He said he had all the
21 information the Board could ever want to ask him about the community and said he would pass it back to
22 them.
23

24 Mr. Elwell thanked Mr. Jenkins and asked if there were any questions from the Board.
25

26 Mr. Wood asked what about the electric system that Mr. Jenkins felt he did not feel necessary to comply
27 with. He said the latest edition of the NEC code was for 2020.
28

29 Mr. Jenkins said Ameren was very extensive there and they just added a new transformer for lots 15 and
30 16. He said it was one he has never seen before, like a round tube - modern day stuff. He said Abby
31 Schneider was very extensive regarding that stuff and there was no issue anywhere regarding that stuff.
32

33 Mr. Elwell called on Ms. Burgstrom.
34

35 Ms. Burgstrom said Staff went ahead and kept waivers Part N and Part O in because they did not have
36 proof of the pressure per inch of the water and did not have proof of the National Electric Code
37 compliance, even though Ameren said everything was fine. She said that was why those waivers were in
38 there.
39

40 Mr. Jenkins said he would love for someone to just call Abby and she would give any information the
41 Board could possibly want, or even if the Board wanted him to call Abby and ask for a detailed report of
42 Ameren's transformers and their locates. He said she would be happy to do that he was sure.
43

44 Mr. Herbert said Ameren would have to be on code from the transformer to the line. He said that he was
45 more talking about from the meter to the house. He said that was what the waiver was more encompassing.
46 He said everything from the meter to the line would already have to be up to code.
47

48 Ms. Burgstrom said that was their presumption as well but the part from the meter to the house was just
49 something they could not be sure about.

1 Mr. Jenkins said Ameren would not put a meter in unless a direct burial was seen. He said they want a
2 visual all the way up to the two-inch line that came out of the bottom of the home that goes up to the meter
3 panel.

4
5 Mr. Herbert asked where the meters are located.

6
7 Mr. Jenkins said it was directly between lots 15 and 16. He asked Mr. Herbert to see the line on the site
8 plan between the two lots and said both panels were at the end of the line. They could see the white box
9 on the aerial. He said they were usually between two homes and two meters per.

10
11 Mr. Herbert said okay, that was what he was asking.

12
13 Mr. Wood said the waiver confused him because it had to do with the latest addition to the NEC code. He
14 said the latest version of the NEC code just became available September this year, so it was just out. He
15 wanted to know how they would judge if it met all the code or not.

16
17 Ms. Burgstrom said that was a good question.

18
19 Mr. Jenkins said Abby Schneider.

20
21 Mr. Wood asked if that included the wire to the house, to the meter, throughout the houses in addition to
22 that.

23
24 Ms. Burgstrom said all they had where the specifics was that statement being in the Zoning Ordinance, so
25 she would assume it covered everything throughout the house, but she did not have the specifics written
26 in the Ordinance to say that.

27
28 Mr. Wood asked if the County approved the wiring that was already there. He asked if there was a process
29 to go through where that would be reviewed.

30
31 Mr. Hall said the idea was the developer would hire an engineer that would certify all that. He said
32 presumably every new home put out there would follow the NEC code and presumably would have an
33 engineer certifying that everything from the panel to the house also met the NEC code. He said that was
34 how they certify everything meets the NEC code. He said obviously they could not do that for the existing
35 homes so the Staff would recommend a waiver for that, but any new home would need to meet the
36 standards.

37
38 Mr. Herbert said he thought that was where he was sidetracked as well. He said all the new construction
39 needed to meet the code.

40
41 Mr. Hall said the gravel lane on the east side does not meet the code. He asked if that was going to be
42 acceptable to the Board or does that have to be increased to the twenty-four feet that the Ordinance
43 required. He said those were the kind of issues that the Board needed to work through. He said regarding
44 the streets, in the other plan Ms. Burgstrom prepared the existing street needed to connect to the new street
45 to conform to the Ordinance which meant lots 17 through 20 need to be moved so there can be a connection
46 there.

47
48 Mr. Randol said that was good for safety.

49

1 Mr. Jenkins said the reason he did not want to put the road in there was there was a dumpster at the end
2 of that spur. He said he called it a spur. He said he does not want to do speedbumps in his community
3 because he hated them. He said if they extended all the way around he would have to install speedbumps
4 because people would just zip down through there. He said he speculated calling the east road Walnut
5 Grove Road and that was why he did not want to do that. He said he wanted to get in contact with the
6 postal system to rename the road with the cul-de-sac Walnut Circle, Walnut Spur, and then Walnut Grove
7 Road and give each lot addresses. He said they drop mail off to mailboxes at each individual home. He
8 also added that at every lot in front there was a light pole that went on every night. He said they would
9 never know that driving through during the day, but the entire community gets lit up at night by the black
10 light poles.

11
12 Mr. Herbert said he did not think the roads being connected was a bad thing and as far as the nineteen feet,
13 that is no wider than a county road with a heck of a lot more traffic on it in his opinion.

14
15 Mr. Randol said he would agree. He said it was already there and was wider than some rural roads, but
16 they do need to connect with the road on the east side.

17
18 Mr. Herbert said that was a fine idea.

19
20 Mr. Randol said and everything new needed to be up to code.

21
22 Mr. Elwell asked Mr. Randol if he would have what Mr. Jenkins called the spur be enlarged to twenty-
23 four feet.

24
25 Mr. Randol said where it dead ends needed to continue to meet the north-south road.

26
27 Mr. Elwell asked if the spur was twenty-four feet.

28
29 Ms. Burgstrom and Mr. Jenkins said no, it was around twenty.

30
31 Mr. Herbert said he felt it could continue with the twenty feet all the way through as a width. He said he
32 did not see a reason to extend it all the way to twenty-four feet in this case. He said that road was only
33 servicing half the homes in the park. He said the shorter width would be adequate, but they would still
34 need to connect.

35
36 Mr. Elwell asked how he felt about any new roads and if they should comply.

37
38 Mr. Wood asked if they were going to have one section only be nineteen feet and make the other section
39 twenty-four feet.

40
41 Mr. Herbert said it was an extension of an existing road at that point and would not be a “new road” per
42 se. He said he was not bulldozing through there to put a new road in, just extending an existing road. He
43 asked how wide the existing east lane was.

44
45 Mr. Jenkins said everything was twenty feet.

46
47 Mr. Wood asked if that had access to 2300 North.

48
49 Mr. Jenkins said yes, and 2300 North was nineteen feet seven inches and a quarter across.

1 Mr. Herbert said he would consider nineteen feet throughout the park to be sufficient road width in this
2 case. He said the car would only be around eight foot wide and would give plenty of space left over to let
3 a car pass.
4

5 Mr. Wood said like what Mr. Jenkins testified to, the grass was encroaching the road, so the road was
6 wider than what was shown there.
7

8 Mr. Randol said then he could take the tractor, blade it up and clean it out of there.
9

10 Mr. Anderson said he had a simple question. He asked if the house Charles built for himself was also
11 connected to the park's septic system.
12

13 Mr. Jenkins said he was told it was but after investigating the manhole he saw there were only two parts
14 instead of three, influent and effluent, so actually it was a no. He said it was not tied into the home.
15

16 Mr. Wood wanted to confirm that property was not owned by Mr. Jenkins.
17

18 Mr. Jenkins said it is independent and the things he heard were speculative and turned out being not true.
19

20 Mr. Wood said that residential house was not owned by Mr. Jenkins and instead owned by someone else.
21

22 Mr. Jenkins said yes, by someone else.
23

24 Mr. Wood said okay.
25

26 Mr. Anderson asked if lot 17 would be lost if the new spur road was put in.
27

28 Mr. Jenkins said yes so twenty-five feet south of lot 20 would become the new lot 20. He said the lots
29 would shift down for that accommodation.
30

31 Mr. Anderson asked if Mr. Jenkins thought the lighting issue sited in his packet was sufficiently taken
32 care of.
33

34 Mr. Jenkins said he did not understand.
35

36 Ms. Burgstrom clarified lighting as in the electrical code not being compliant.
37

38 Mr. Jenkins said that Abby from Ameren would be happy to clear up any questions the Board has
39 regarding the electric.
40

41 Mr. Herbert asked if that held a lot of bearing, the electrical code. He said any new additions here on out
42 would have to comply and Ameren would make sure of that.
43

44 Mr. Jenkins said right, Ameren would not go forward unless it was okay to do so. He said Abby was
45 extensive about the four lot, four lot, two lot which was hard for electricians to work with. He said but
46 that was what she liked, 200-amp service.
47

48 Mr. Wood just wanted to clarify the waiver was for the existing electrical in place and not the new
49 construction.

1 Ms. Burgstrom said correct.

2

3 Mr. Wood said okay.

4

5 Mr. Elwell entertained a motion for a seven-minute recess.

6

7 **Mr. Bates moved, seconded by Mr. Wood, to have a seven-minute recess. The motion carried by**
8 **voice vote.**

9

10 Mr. Anderson asked what Mr. Jenkins thought about the no parking signs.

11

12 Mr. Jenkins said every home in the community has two car parking and everybody utilized that. He said
13 when he first purchased the property there was a car that just died in the middle of the road that was just
14 sitting there for months. He said of course that was not acceptable and it has since been moved. He said
15 the residents of the community are very acceptable to seeing the community looking better. He said he
16 would add additional parking if he had to but for the most part no one parked on the street.

17

18 Mr. Anderson thought the no parking signs seemed silly.

19

20 Mr. Jenkins said a good point would be there really was no visitor parking. He said if someone does stop
21 by, they usually park behind the vehicles already utilizing the two car parking spots per home. He said if
22 a person was only parked there for an hour or so it would not affect anything because of the low traffic
23 flow through the community.

24

25 Mr. Anderson asked if emergency vehicles would have enough room to get where they need to be.

26

27 Mr. Jenkins said they would with nineteen to twenty feet throughout. He said there was a fire hydrant
28 located in the cul-de-sac. He said it was a cute little thing but there is one there available so the fire
29 department would probably hook on to that. He said he has never seen two houses across the street from
30 one another with an extra car parked at which he thought was what the Board was getting at. He said it
31 just has never happened.

32

33 Mr. Anderson said the guy in the back row was shaking his head in disagreement.

34

35 Mr. Jenkins asked if the Staff knew what he was getting at.

36

37 Mr. Simmers said he thought he was referring to the gentleman sitting in the back row of the audience
38 shaking his head when Mr. Jenkins mentioned if emergency vehicles had enough room for access.

39

40 Mr. Jenkins said that man had a lease coming up.

41

42 Mr. Randol asked if he maintained the snow on the roads during the winter or if the road commissioner
43 did that.

44

45 Mr. Jenkins said the road commissioner comes in when the snow got extensive. He said most of the
46 residents in the community take it upon themselves and help their neighbors. He said Rick was there if
47 they needed him and he was only a mile away. He said the only time that someone was in the way with
48 that kind of set up was the guy sitting in the back making gestures.

49

1 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked if anyone would like
2 to cross-examine the witness and if so to raise their hand. Seeing no one, he thanked Mr. Jenkins for his
3 testimony. He called Deanna Zehr to testify next.

4
5 Ms. Zehr said her address was 1532 B County Road 2300 North. She said she just had some questions
6 regarding some waivers and most of them have probably already been answered or brought up, but she
7 wanted to bring them up again. For Parts F, G, and H concerning fire and privacy, she wanted to know if
8 the proposed distance between the existing homes created a fire safety issue. She also wanted to know if
9 Part I meant they did not need to anchor the homes to a concrete pad and if that would cause a safety issue
10 when tornadoes hit the area like they do in central Illinois. She asked if a professional was contacted to
11 address the safety concerns. She said for Part K, would there still be ample space for the access of
12 emergency vehicles if cars were parked on one or both sides of the street. She said for Part M, how would
13 he be providing for handicap accessible lots if the walkways were not paved. She said for Part N, if the
14 current water system was done away with, what would be put in its place and how would he provide clean
15 water with enough water pressure for all units. She asked how this would affect the current wastewater
16 system and did it have a large enough capacity for keeping up with the additional mobile homes and would
17 there be a certified operator for it. She said for Part O, what was the reasoning for not complying to local
18 electrical codes which could put residents and surrounding neighbors at risk for fire. She said that covered
19 the waivers and she has not heard anything about the actual zoning of the mobile home park.

20
21 Mr. Elwell asked if here were any questions for the witness.

22
23 Mr. Wood asked if the existing mobile homes were anchored.

24
25 Ms. Zehr said she did not know and was just addressing the waiver Mr. Jenkins was asking for to not
26 anchor them. She said she did not know if the waivers applied to the new homes going in or were they
27 just for the ones existing. She said she did not know and was unsure about the waivers.

28
29 Ms. Burgstrom said regarding the Part I waiver, the phrasing withing the Zoning Ordinance spoke about
30 having ground anchors along with everything else listed in that sentence for part I, but Mr. Jenkins was
31 not asking for a waiver from ground anchors. She said they just cannot prove that there were not concrete
32 slabs under the existing sites and that was why Staff added that waiver.

33
34 Mr. Herbert said it was his understanding that most of the waivers only applied to the existing homes. He
35 said he does not believe they were talking about making any setbacks smaller, it was making the setbacks
36 on some of the existing homes acceptable.

37
38 Ms. Zehr said okay.

39
40 Mr. Herbert said the required setbacks would still apply to the new home lots.

41
42 Ms. Zehr confirmed the waivers were for the existing homes.

43
44 Mr. Herbert said that was correct. He said the waivers were there because for some of the cases the Board
45 could not prove the existing homes were already up to code or not.

46
47 Mr. Elwell said going forward everything would have to conform.

48
49 Ms. Zehr said the lot was not zoned for adding more mobile homes. She said it was her understanding that

1 he could not add more homes to that park and the units that go out must stay the same as the units that
2 were originally there. She said in other words if a single was taken out, they could not replace it with a
3 doublewide in.
4

5 Mr. Wood said he cannot add any more units to it right now because he did not have a license for more
6 than twelve. He said he would assume that was probably in the works to update that.
7

8 Mr. Elwell asked if he heard testimony that he did get approved for more home lots.
9

10 Ms. Burgstrom said she could clarify that. She said the State of Illinois issued a license that allowed twenty
11 sites several years back but then they retracted that and said he could only have twelve sites. She said at
12 this point with the State of Illinois he is allowed to have twelve and it was the same for Champaign
13 County's purposes as well. She said part of the case for Champaign County rules is that he wanted to
14 increase to twenty sites. She said he will not only have to do that through Champaign County, but through
15 the State as well.
16

17 Mr. Wood asked if he had to get it approved at the State level first.
18

19 Ms. Burgstrom said she does not believe it would matter first or second, it just must happen. She said it
20 looked like he was starting here and will have to go to the State to get that level of approval as well.
21

22 Mr. Herbert asked if Ms. Zehr saw an issue with the nineteen-foot roads. He was assuming she lived in
23 the park.
24

25 Ms. Zehr said no she did not live in the mobile home park. She said she lived further east down the road.
26 She said she was the second house on the north side of the road off Route 45.
27

28 Mr. Herbert said okay.
29

30 Ms. Zehr said people do not park on 2300 North and her concern was safety.
31

32 Mr. Herbert said overflow parking would have to resort to roadside parking if the two home parking spots
33 were not available.
34

35 Ms. Zehr said the few times she had driven through there had cars parked on the roadside, but she could
36 not say how often that was.
37

38 Mr. Elwell asked if the Board got her questions answered.
39

40 Ms. Zehr said she was curious about the next steps in the process of changing the zoning or changing the
41 permit.
42

43 Ms. Burgstrom said the process in Champaign County at the County level would be that there is a request
44 for a map amendment, Case 035, and that has to go through the ZBA and two other subsets of the County
45 Board; ELUC and the full County Board, to be rezoned to R-5 manufactured home park. She said that was
46 the rezoning part of it. She said the Special Use Permit part, Case 036, has all the waivers in it which gets
47 approved there by the ZBA. She said the variance was about having more than three acres of best prime
48 farmland. She said that part would not be necessary if the rezoning happens, but if that does not happen,
49 then it would be required to make it a legal lot that Mr. Jenkins has purchased.

1 Ms. Zehr said okay.
2
3 Mr. Elwell asked if Ms. Zehr had any more questions.
4
5 Ms. Zehr said not at this time, thank you.
6
7 Mr. Elwell asked if anyone would like to cross-examine the witness.
8
9 Mr. Jenkins said he would like to answer and rebuke some things the witness said.
10
11 Mr. Elwell asked if anyone else would like to testify in this case. Seeing no one he asked Mr. Jenkins to
12 come back up.
13
14 Mr. Jenkins said to clarify in the documentation the Board was limiting singlewide homes to sixteen by
15 sixty-eight on lots 17 through 20. He said that was in the paperwork. He said that answers her question,
16 “are 100 doublewides going in” and if it was going to creep up a quarter mile to her down the road behind
17 another house. He said he was licensed with potable water with the EPA and for operating a sewer
18 treatment plant. He said he was the operator, and he was all in one. He said Ameren would be happy to
19 give the Board an engineering report of all of that for Part O. He said that was all.
20
21 Mr. Elwell asked if there were any questions from the Board or Staff.
22
23 Mr. Wood said he thought the previous person that testified was talking about if one of the original homes
24 were removed than you could not replace it with a doublewide.
25
26 Mr. Jenkins said he was not into that, and the lots were all singlewide.
27
28 Ms. Burgstrom said per the Ordinance when you bring in a home to replace a home, because they were
29 nonconforming, you could not increase the nonconformity by increasing the size of what was already
30 there. She said she believed that was what Ms. Zehr was referring to when she said bring a doublewide to
31 replace a singlewide.
32
33 Mr. Jenkins said permits were required for the deconstruction and construction of a mobile home contrary
34 to what he believed before and had to run through the Staff no matter what he does. He said he was good
35 with that and has done it all his life.
36
37 Mr. Wood asked if all the manufactured homes came in as a single piece.
38
39 Mr. Jenkins said yes.
40
41 Mr. Wood asked what construction was there when all they had to do was sit it upon a concrete pad.
42
43 Mr. Jenkins said how deep the concrete pad was and how deep the anchor to the concrete pad. He said
44 they could not even imagine how many homes he has set but there is a way. He said he was kind of anal
45 in whatever he does and there was a way to do it. He said there was a local guy that taught lessons for
46 setting homes and he disagreed in many ways, especially with the tiedowns. He said the tiedowns for a
47 mobile home must be vertical to make each independent. He said if they were horizontal, they would slack
48 off and it will move during a tornado, guaranteed. He said they would have a chance of sticking if they
49 were vertical, four on each side. He said that was the way it should be and maybe he should teach the

1 class.
2
3 Mr. Elwell asked if there were any other questions from the Board or Staff.
4
5 Mr. Hall said something the Board should consider, going back to all new must meet the ordinance, lots
6 15 and 16 do not meet the Ordinance regarding separation from the gravel lane. He said in fact people
7 were already residing in lot 15. He asked if the Board wanted 15 to be relocated to meet the new
8 requirements or was that going to be included as a waiver. He said he was assuming the Board did not
9 want to make those folks get out of their house while it was being located but that was what the Staff
10 needs to know.
11
12 Mr. Herbert asked if the front setback was the issue, and all the other yard setbacks were adequate.
13
14 Mr. Hall said he believed so, yes.
15
16 Mr. Jenkins said lot 15 was 50 foot off the road.
17
18 Mr. Hall said he was talking about the proximity to the new gravel lane. Mr. Hall asked how far the house
19 was from the gravel lane in lot 15.
20
21 Mr. Jenkins asked if he was talking about lot 16.
22
23 Mr. Hall said he was talking about lot 15. He asked how far the structure was from the new road he built.
24
25 Mr. Jenkins said 12 feet.
26
27 Mr. Hall said okay, it is supposed to be 15 so that was a waiver the Board was inclined to probably approve,
28 or does the Board want that home to be relocated.
29
30 Mr. Hall said if we made then move the home, then Mr. Jenkins would have to move the pad and all the
31 anchors. He did not think that was a good idea and it was going to be a waiver.
32
33 Mr. Randol said he would have to change everything as if it were coming in new so agreed with Mr. Hall.
34
35 Mr. Hall said he understood that and that was why he was asking.
36
37 Mr. Randol said he did not have a problem with that but everything else had to conform, everything from
38 lot 16 and back.
39
40 Mr. Hall said lot 16 was not anchored and was just sitting there for the time being.
41
42 Mr. Jenkins said it still had a hitch on it that needed to be taken off and he was going to do that before he
43 received the cease and desist. He said 16 would be twelve feet away like 15, but the rest would be fine.
44 He said there was plenty of room for that.
45
46 Mr. Randol said the one anchored down was fine but everything else had to be moved back three feet to
47 make fifteen feet.
48
49 Mr. Elwell said so starting with lot 16 then.

1 Mr. Randol said that was correct.
2
3 Mr. Bates asked if that was all placed prior to the Staff's knowledge. He said he did not want to set the
4 precedent of going and building something and then expecting the ZBA to conform because the structure
5 was already there.
6
7 Mr. Hall said that was what they were just discussing about lot 15.
8
9 Mr. Bates said that was where he was at. He did not want to set that precedent.
10
11 Mr. Randol said he does not know about setting the precedent but that was why the Board allowed for
12 variances.
13
14 Mr. Bates said they also had the Zoning Ordinance to follow and lot 15 was new construction and could
15 have followed. He said that was his point. He said he understood lots 1 through 12 but did not understand
16 lot 15.
17
18 Mr. Jenkins said it would be easier to widen the road three feet from the east side in front of 15 and 16.
19
20 Mr. Randol said that would be easier than relocating.
21
22 Mr. Jenkins said if it satisfied the code and was what the Board wanted.
23
24 Mr. Hall asked if Mr. Jenkins was planning to oil and chip all the new road.
25
26 Mr. Jenkins said yes, in time. He said the pothole issues need to be resolved before he did that. He said he
27 could not put road pack on milling. He said the base was already down and would keep sinking until he
28 rectified the hole.
29
30 Mr. Hall said his question was about the new road he constructed; was he going to apply oil and chip
31 finish on it.
32
33 Mr. Jenkins said yes.
34
35 Mr. Hall said okay. He asked when.
36
37 Mr. Jenkins said he thought the timeline was in the papers provided by the Staff also. He asked Ms.
38 Burgstrom if there was a time limit in the packet on the milling and the pavement materials.
39
40 Mr. Hall said he thought the road pack had to do with the existing road in the existing park. He said his
41 question was only about the new road. He said the Staff did not have a site plan that calls out oil and chip
42 road. He said they have a site plan that said gravel.
43
44 Mr. Jenkins said right.
45
46 Mr. Hall said and the site plan cannot be approved that says gravel.
47
48 Mr. Jenkins said when there were no potholes on that it was ready. He said yes and if the Board wanted
49 to set a limit he was fine with it.

1 Mr. Hall said he just wanted to make sure when the Board acts on this case that it was very clear the new
2 road was going to be oil and chip as required. He said it was going to have a waiver for width apparently,
3 leaving it twenty foot wide. He said he wanted a site plan that called it out and changes to the road that
4 the Board has discussed that night as far as connecting the spur to the new road, shifting the sites to the
5 south and showing site 16 through 20 would meet the fifteen-foot separation from the drive. He said
6 knowing even though site 15 may not, that has not been decided. He said the Staff will need an updated
7 site plan that documents all these things before the Board can act on this.

8
9 Mr. Jenkins said he understood.

10
11 Mr. Randol said Mr. Jenkins said it was possible to move the road as opposed to moving the trailer.

12
13 Mr. Jenkins said he had a five-foot buffer there and if that was what the Board wanted, then there would
14 be a three-foot jog.

15
16 Mr. Randol asked if there was a limit to how close the road could be to the property line.

17
18 Mr. Hall said he did not think so. He said the only limit was the proximity of the home to the property
19 lines.

20
21 Mr. Herbert said he would rather see a five-foot buffer there himself than three.

22
23 Mr. Randol said he agreed but was curious if there was a limit to where the street could be to the property
24 line.

25
26 Mr. Herbert asked Mr. Jenkins if he was talking about asphalt millings on top of the road pack, or oil and
27 chip. He said that was two different things.

28
29 Mr. Jenkins said asphalt milling.

30
31 Mr. Herbert said okay so only asphalt milling on top.

32
33 Mr. Jenkins said right.

34
35 Mr. Herbert said so that is not the same as oil and chip and that is what 2300N was made of.

36
37 Mr. Jenkins said whatever the Board thinks, he will do.

38
39 Mr. Wood asked if they should make a condition saying that should happen within one year because it
40 was getting kind of late in the year to put down oil and chip now.

41
42 Mr. Hall said sure, and he was not suggesting it had to be done this fall. He said the only point he was
43 making was they needed an updated site plan that calls that out.

44
45 Mr. Jenkins said he could certainly have it done this fall.

46
47 Mr. Hall said pardon.

48
49 Mr. Jenkins said the oil and chip down on the new road.

1 Mr. Elwell entertained a motion to close the Witness Register.

2
3 **Mr. Herbert moved, seconded by Mr. Randol, to close the Witness Register. The motion carried by**
4 **voice vote.**

5
6 Mr. Elwell said it sounded like the Board is having Mr. Jenkins return with an updated site plan showing
7 the necessary changes the Board has discussed that evening. He asked Mr. Hall if that was going to be
8 another October 27th meeting.

9
10 Mr. Hall said he recommends they go to December 1, 2022 to give the petitioner enough time. He said
11 there was a lot of work on the site plan that should have already been done.

12
13 Mr. Elwell asked Mr. Jenkins if December 1, 2022 worked for returning with an updated site plan.

14
15 Mr. Jenkins said yes, but the only oil and chip was the east road.

16
17 Mr. Hall said he was not suggesting that it needs done by December 1, 2022, only that he has a site plan
18 that reflected it would be.

19
20 Mr. Jenkins said sure, he could have that done right away. He said his only stipulation was the new road
21 had to settle first, which would take a while before messing with it.

22
23 Mr. Elwell entertained a motion to continue Case 035-AM-21 to December 1, 2022.

24
25 **Mr. Randol moved, seconded by Mr. Herbert, to continue Case 035-AM-21 to December 1, 2022.**
26 **The motion carried by voice vote.**

27
28 **8. Staff Report - None**

29
30 **9. Other Business**

31 **A. Review of Docket**

32
33 Mr. Elwell said he had one thing he wanted to say. He said his little one came home from school and
34 was very proud her class was doing the Pledge of Allegiance prior to school. He said she asked him if
35 the Board did the pledge at the meeting, and he told her no. He said she asked him why and he did not
36 have a good reason as to why not. He asked Staff if there was any reason why they could not at the
37 beginning of the meeting.

38
39 Mr. Hall said he did not know and was going to have to check with the State's Attorney Office. He
40 said it was customary for the County Board to say the pledge at the full County Board meeting, not
41 committee meetings. He said he did not know why it was not stated at the ZBA meeting but it could
42 be the nature of the ZBA hearing made saying the pledge not suitable. He said he does not know but
43 would want to check and get back to him on that.

44
45 Mr. Elwell said he would love to give her an answer why, so thank you. He asked the Board if there
46 were any absences coming up.

47
48 Mr. Bates asked if there were any meetings in November.

1 Mr. Elwell said he did not believe so.
2
3 Mr. Hall said for some reason they did not schedule a regular meeting on November 10, 2022.
4
5 Ms. Burgstrom said it would not have been the standard date because it was not the second full week
6 of the month.
7
8 Mr. Hall said okay.
9
10 Ms. Burgstrom said if they wanted a special meeting on November 10, 2022 than they could.
11
12 Mr. Bates said no he just saw a gap in the schedule and wanted to make sure.
13
14 Mr. Herbert said he was okay with no meetings in November.
15
16 Mr. Bates said no meeting November.
17
18 Mr. Hall said they had a lot of cases involving continuances and Staff was aware they were going to
19 be receiving significant zoning cases soon. He said with the lack of a meeting in November, he
20 predicted the Staff will wonder come December's meeting. He said right now looking at the Docket,
21 if someone sent an application in tomorrow, they would be scheduled on December 1, 2022.
22
23 Mr. Elwell entertained a motion to extend the meeting by five minutes.
24
25 **Mr. Bates moved, seconded by Mr. Wood, to extend the meeting by five minutes. The motion**
26 **carried by voice vote.**
27
28 Mr. Hall said but even if they had a meeting in November now it was not going to move up any of the
29 cases they had already. He said he could not see a November meeting as being necessary.
30
31 Mr. Elwell said it does not sound like there were any absences coming up.
32
33 **10. Adjournment**
34
35 Mr. Elwell entertained a motion to adjourn.
36
37 **Mr. Bates moved, seconded by Mr. Herbert, to adjourn the meeting. The motion carried by voice**
38 **vote.**
39
40 The meeting adjourned at 9:35 PM.
41
42 Respectfully Submitted
43
44
45
46 Secretary of the Zoning Board of Appeals
47
48
49