

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61801

**DATE:** February 03, 2005

**PLACE:** 1776 East Washington Street  
Meeting Room 1

**TIME:** 6:33 p.m.

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Roger Miller

**MEMBERS ABSENT :** Melvin Schroeder

**STAFF PRESENT :** John Hall, Connie Berry

**OTHERS PRESENT :** David Kunde, Timothy Woodard, Cindy Woodard, Don Wauthier, William Innes, David Atchley, Gary Hentges, Eric Thorsland, Lisa Haynes, Harold Lawler, Justin Kneeland, Larry Knox, Hal Barnhart, Roger Meyer, Andrew Hasdal, Tom Cafcas, Carl Breedlove, Steve O'Connor

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**1. Call to Order**

The meeting was called to order at 6:33 p.m.

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

The roll was called and a quorum declared present. Melvin Schroeder was absent.

**3. Correspondence**

None

**4. Approval of Minutes**

Mr. Bluhm moved, seconded by Mr. Goldenstein to approve the December 30, 2004 minutes as submitted. The motion carried by voice vote.

**5. Continued Public Hearing**

**Case 459-AM-04 Petitioner: Tim and Cindy Woodard and Chris Creek. Request to amend the zoning map to allow for the development of 10 single family residential lots, (as amended on November 24, 2004) in the CR-Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 40 acre tract of land in the Northeast 1/4 of the Northwest 1/4 of Section 36 of Newcomb Township and fronts on the south side of CR 2500N and on the west side of CR 550 E at the intersection**

## of CR 2500N and CR 550E.

Mr. Hall distributed a Supplemental Memorandum dated February 03, 2005 for the Board's review. He said that attached to the memorandum is a letter dated, February 1, 2005 from the Champaign County Fire Chiefs Association. He said that the letter is not specific to this individual case nor is it specific to any pending case but it does state that the CCFCA requests that the County add a requirement that subdivisions of 5 or more units that are more than 1000 feet from a hydrant be required to provide a dry hydrant and impounded water supply as well as associated access points. He said that the information will be provided with all RRO cases with more than 5 lots so that the Board can review. The memorandum also reviews the Illinois Livestock Management Facilities Act. He said that he received a telephone call regarding a livestock facility which is close by to the subject property therefore he included a table to illustrate that the minimum separations required by the act. He said that the livestock facility which he was contacted about is already one-half mile from any populated area therefore the RRO does not affect that operation. The engineer has submitted a new plan, received January 10, 2005, indicating six lots clustered around a cul-de-sac fronting on CR 550E and four large lots proposed to have centralized driveways to minimize access points onto the existing roads. The large lots and the cul-de-sac have been located such that the areas with significant archeological resources are centralized and every lot has ample buildable area without intruding on those archeological areas. He said that the new plan includes a table which indicates the buildable lot area outside of those areas. He said that actual soil investigations were conducted on the property and Sarah Michaels, County Health Department, was contacted regarding the results. The soils were not good enough to be called ideal but a leach field could be placed on each of these lots with no problems. He said that the memorandum includes an Attachment F., comparing this site to common site conditions in Champaign County and those are summarized in the Summary of Evidence. He said that one should not confuse these ratings with determinations of how suitable it is, it is just a rating of common conditions. He reviewed Attachment G. Summary of Site Comparisons for Factors Relevant to Development Suitability. The lots have been arranged so that there is ample buildable area outside of the 100 year floodplain. He said that a good deal of this property is within the floodplain but every lot does have one full acre which is outside of the floodplain. Staff received a letter dated January 13, 2005 from Dr. John Schmale and Joyce Schmale addressing their concerns regarding drainage, traffic and environmental land impacts. He said that there is a proposed condition restricting construction within the archeological areas requiring that an easement, recorded on the final plat, be dedicated to the Illinois Historic Preservation Agency. He said that another part of the condition prohibits the Zoning Administrator from issuing a Zoning Use Permit in those areas unless the requirements of the Illinois Historic Preservation Agency have been complied with. He noted that a letter from Mr. David Kunde, who resides at 505F County Road 2500N, Mahomet was submitted to staff prior to tonight's meeting. The letter included concerns which Mr. and Mrs. Kunde had regarding the proposed RRO and photographs of 2500N during heavy rains.

Mr. David Kunde, who resides at 505F County Road 2500N, Mahomet declined to testify at this time.

Mr. Carl Breedlove, who resides at 2474 CR 550E, Dewey stated that his property is across the road and somewhat south the subject property. He said that he is concerned with the livestock facility information which was included in the last memorandum. He said that at times he had 30 head of cattle grazing across from the subject property and is concerned if this RRO will restrict him from having more cattle. He said that he is not opposed to the development of housing but if it is going to effect his livelihood then his opinion may change. He said that he has lived on his property for approximately 40 years and the drainage at CR 550E ponds and has no outlet.

Mr. Steeves questioned Mr. Breedlove what was the largest amount of cattle that he has had at his facility at one time.

Mr. Breedlove stated that he has had 45 to 50 cattle at one time.

Ms. Griest asked Mr. Hall to clarify whether Mr. Breedlove's farming operation will be restricted or impacted by the placement of a residential area near his facility.

Mr. Hall stated that Mr. Breedlove's facility is already within one half mile from a subdivision which is located on the other side of the Sangamon River. He said that if this RRO is approved it would result in more neighbors who could complain about odor but it will have no affect in regards to the requirements of the Illinois Livestock Management Facilities Act should Mr. Breedlove choose to expand to more than 50 cattle.

Mr. Eric Thorsland, who resides at 480 E County Road 2500N, Mahomet stated that he observed the flooding of 2500N and during the last flood ten homes would have been cut off from access which raises safety aspects. He said that 2500N flooded completely and the fire protection department is located in Mahomet. The typical traffic pattern for anyone who wishes to go anywhere is to travel west to Route 47 and then to Mahomet rather than traveling to 600E, which would more than double the travel time. He said that when 2500N floods it is not a one or two day ordeal but a 14 day ordeal. He said that the traffic on 2500N has increased and recently an incident occurred which involved his farm sign being destroyed. He said that the road is currently capable of handling the existing traffic but the traffic which will be generated from the proposed subdivision will increase the traffic which will require road improvements and the incurred costs will be passed along to the taxpayers. He said that approximately 1/4 of the area is involved in agriculture and the increased traffic will impact those farming operations.

Ms. Lisa Haynes, who resides at 480E County Road 2500N, Mahomet stated her objections to the statement that the 10 houses will not make a large impact in the traffic. She distributed a copy of an article from "The Agri-News" which discusses how changing land use patterns are contributing to flooding. She said that LURP 1.4.2 states that non-agricultural land use will not be permitted if it would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure. She said that this subdivision will be damaging agriculture in every case, in fact every house which is placed in a rural subdivision damages agriculture. She said that a subdivision of this type in the rural area is a conflict with agriculture because despite the protection that the farmers have neighbors complain about odors, etc. She read a quote from Benjamin Franklin regarding agriculture.

Mr. Tim Woodard stated that during the rain which occurred during the week of January 13, 2005 the bridge located on 2500N did flood and was completely submerged. He said that the engineer which originally designed the bridge did not design it out of the flood plain. He submitted photographs of the subject property and the bridge located on 2500N and of County Road 550E. He said that it was obviously an historic event with the amount of water which flowed through this area but with the exception of 2500N the subject property and CR 550N remained dry. He said that the bridge located on CR 2550N was also under water and yet there are two new subdivisions along that road. He said that he is building his own home across the road from the subject property and desires that the project in question becomes successful because he does not desire

to live beside junk.

Ms. Haynes stated that she has photos of water standing on CR 550E on that date and would e-mail those photos to Mr. Hall tomorrow.

The consensus of the Board was to allow Ms. Haynes the opportunity to e-mail the photos to Mr. Hall as evidence.

Mr. David Atchley, Civil Engineer for HDC Engineering, stated that the traffic concerns are addressed in Mr. Hall's memorandum. He said that during his research of the floodplain information he received information regarding the bridge on CR 2500N. He said that whomever designed the bridge which is located on 2500N only accounted for the Big Ditch and did not account for the back water flow from the Sangamon River therefore designed it 8 to 10 feet lower than what should have been required. He said that the soil tests indicate that the soils are adequate for septage and disposal as well as adequate water availability. He said that this is one of the better RRO applications which he has dealt with through HDC because it appears to meet all of the requirements for approval.

Mr. Harold Lawler, who resides at 2471 CR 550E, Dewey stated that he is concerned with flooding, traffic and safety. He said that he owns land on two sides of the proposed development and is concerned that he may own an attractive nuisance in that his land is woodland. He said that he would like to request that a fence be required on the west and south sides of the proposed development as well as some sort of arrangement to drain the water to the north rather than allowing it to drain across his property.

Mr. Goldenstein asked Mr. Lawler on which two sides of the development did he own land.

Mr. Lawler explained that his land bordered the west and south side of the proposed RRO.

Mr. Steeves questioned Mr. Lawler what type of fence he would like to see required.

Mr. Lawler stated that he would like some type of fence which would defer children from trespassing.

Ms. Griest stated that new information has been received at tonight's meeting and she would like to see this information incorporated into the finding before the Board moves toward a final determination. She questioned the Board if there were any other issues which remain unresolved that the Board would like clarified.

Mr. Bluhm stated that he would like information regarding response time from the fire protection district if 2500N is inaccessible.

Mr. Hall stated that he is unaware of the response time but he will check with the fire protection district to see if they have that information available.

Mr. Bluhm questioned if a fencing requirement could be imposed on an RRO.

Mr. Hall stated that if the Board determined that a fencing requirement is warranted then the Board could require it.

Mr. Goldenstein questioned the feasibility of draining the water to the north.

Mr. Hall stated that the lots on the west are all five acres or larger and that draining the water to the north would be changing the natural drainage. He said that if the Board believes that it is warranted then the engineer can investigate.

Mr. Bluhm stated that the buildable area is to the east of the lots therefore the western portion of the lots will be grass areas which will slow down the water.

Mr. Hall stated the grass will slow down the water and this is the natural flow of the drainage. He said that if the Cornbelt Fire Protection District does not have a response time is there any other issue which should be requested. He said that a previously approved RRO, which was located on "best prime" farmland with similar drainage conditions and where a bridge flooded the travel time for the fire protection district and therefore a dry hydrant was required. He said that this RRO is not located on "best prime" farmland therefore there is a different standard of approval.

Mr. Bluhm asked if an existing dry hydrant is located within one mile of the proposed subdivision could the fire protection district access it for use if the bridge on 2500N is flooded. He stated that he would like information from the fire protection district as to whether they could actually pump water from the flooded area rather than traveling to the nearest dry hydrant.

Mr. Hall stated that there is a lot of work which needs to be completed before this RRO appears before the Board again. He said that the Board has a full docket and April 14, 2005 is the next available date for this continued case.

**Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 459-AM-04: Tim and Cindy Woodard and Chris Creek to April 14, 2005.**

Mr. Hall stated that it is understanding that a full Board will not be present at the April 14, 2005 meeting therefore March 31, 2005 would be a more appropriate continuance date.

**Mr. Bluhm and Mr. Goldenstein withdrew their original motion for a continuance to April 14, 2005.**

**Mr. Bluhm moved, seconded by Mr. Irle to continue Case 459-AM-04: Tim and Cindy Woodard and Chris Creek to March 31, 2005. The motion continued by voice vote.**

**Case 468-AM-04 Petitioner: The Knox Family Trust One, U/A/D, 12/11/90 and Larry Knox, Trustee. Request to amend the Zoning Map to allow for the development of 6 single family residences on 7 lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 10.45 acre tract of land located in the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 21 of East Bend Township and that fronts on the east side of both Greenwood Drive and CR 850E and the north side of CR 3200N and is located approximately one half mile west of the intersection**

**of CR 3200N and CR 900E.**

Mr. Hall distributed a Supplemental Memorandum dated February 03, 2005, for the Board's review. He stated that the Supplemental Memorandum dated January 27, 2005, included new summary statements which were added to the Summary of Evidence for all consideration related to suitability.

Mr. Roger Meyer, Engineer/Surveyor for the Knox Family Trust stated that traffic has been a concern regarding the proposed subdivision. He said that Item# 16.F.2 indicates that CR 900E has an approximate 375 ADT which includes existing traffic from the existing subdivision. He said that 3200 N acts as residential street and most farming traffic would utilize 900E for travel. He said that a road width of 18 feet should not restrict development at this location.

Mr. Knox stated that he did not have any new information to add but if the Board had any questions he would be happy to address those questions.

Ms. Griest informed Mr. Knox that one member of the Board is absent from tonight's meeting and upon completion of the Finding of Fact he will be questioned if he would like the Board to make its final determination or wait until a full Board is present.

Mr. Bluhm questioned if the LESA score was completed on Lots 1, 2, 3 and 4 and not only on the 10.45 acres.

Mr. Hall stated that Mr. Bluhm was correct.

Mr. Bluhm stated that the LESA is based on soil type 146B although the soil map indicates 146B2. He said that 146B2 has a much greater slope than 146B therefore 146B2 would not have as good productivity. He questioned if this would change the LESA score.

Ms. Griest questioned if the LESA is based on the soil chemistry versus the soil productivity.

Mr. Wauthier stated that the LESA score would not change in the use of 146B2 versus 146B.

**Finding of Fact for Case 468-AM-04:**

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on November 9, 2004, January 13, 2005 and February 03, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed site is well suited for the development of 6 residences and is used in the most efficient way.

Mr. Goldenstein stated that the proposed site is well suited for the development of 6 residences and is used in the most efficient way because it is a continuation or extension of an existing subdivision and appears to have adequate drainage due to the recent addition of outlets to the property which also assists with the suitability of the soils for septic systems.

Mr. Bluhm stated that the proposed site is well suited for the development of 6 residences and is used in the most efficient way because the proposed lots sizes average less than the maximum allowable average lot size for "best prime" farmland. He said that the proposed development will add only a 13% increase in traffic on CR 3200N despite the public street being a long cul-de-sac with the only outlet to the east.

Mr. Irle stated that the proposed site is well suited for the development of 6 residences and is used in the most efficient way because comparing the site to other sites within Champaign County this site compares to ideal or much better than typical and more or less typical for all factors considered including flood hazard, septic suitability, emergency services, LESA score, effect of nearby farms, adequacy of roads, availability of water, drainage, and the effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitats. He said that despite more than 50% of the site has low potential for septic tank leach fields based on the natural suitability of the soil.

Ms. Griest stated that no portion of the proposed site is located in the Special Flood Hazard Area and it is in close proximity to emergency services.

2. Development of the Proposed Site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture.

Mr. Irle stated that the development of the Proposed Site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture because as required by LURP 1.4.2 the development does not appear to have significant impact on local farm operations or the agricultural drainage systems or rural roads and as required by LURP 1.5.2 the site is well suited overall and there are no major defects and not clearly inadequate in even one respect despite an increase in traffic of 13% on CR 3200N.

Mr. Goldenstein stated that the development of the Proposed Site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture because there is no known livestock management facility within one mile of the property.

Mr. Hall noted that an Item #6 should be added to the Documents of Record indicating receipt of the letter of February 01, 2005 from the Champaign County Fire Chiefs Association.

**Mr. Irle moved, seconded by Mr. Goldenstein to adopt the Summary of Evidence, Finding of Fact and Documents of Record as amended. The motion carried by voice vote.**

**Mr. Irle moved, seconded by Mr. Miller to close the public hearing for Case 468-AM-04: Knox Family Trust One, U/A/D, 12/11/90, and Larry Knox, Trustee. The motion carried by voice vote.**

Ms. Griest questioned Mr. Knox if he would like the Board to complete the Final Determination with the present Board or wait until a full Board is present.

Mr. Knox requested that the Board complete its Final Determination at tonight's meeting.

**Determination of Case 468-AM-04:**

**Mr. Bluhm moved, seconded by Mr. Goldenstein that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Map Amendment requested in Case 468-AM-04 should be enacted by the County Board as proposed.**

**The roll was called:**

<b>Irle-yes</b>	<b>Miller-yes</b>	<b>Schroeder-absent</b>
<b>Steeves-yes</b>	<b>Griest-yes</b>	<b>Bluhm-yes</b>
<b>Goldenstein-yes</b>		

**6. New Public Hearings**

Case 474-V-04 Petitioner: Robert L. and Marilyn J. Innes. Request to authorize the use of an existing storage shed in the AG-1, Agriculture Zoning District with the following variances: 1) the shed is located 18 feet from the front property line along CR 1100N (a township road) instead of the minimum required distance of 25 feet; and 2) the shed is located 48 feet from the centerline of CR 1100N (a township road) instead of the minimum required distance of 55 feet. Location: A two acre tract of land that is located in the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 8 of Philo Township and that is located in the southeast corner of the intersection of CR 1100N and CR 1350E and that is commonly known as a residence at 1153 CR 1100N, Philo.

Mr. Hall stated that this case is related to a Zoning Use Permit Application that was submitted by the petitioners in August, 2004. He said that during review of the site plan staff identified that a detached accessory structure (shed) had been constructed without a permit and was located within the setback. He said that Paragraph 12.2.1C of the Zoning Ordinance prohibits the issuance of a Zoning Use Permit when an outstanding violation exists on a lot except when the Zoning Use Permit is the sole impediment to correcting the violation. The petitioners added the shed to the permit and submitted a letter dated 9/13/04 stating that they would abide by any finding of the ZBA with regard to the shed variance. Upon receipt of the letter the Zoning Administrator approved the Zoning Use Permit subject to the final determination in the variance case. He said that this is a relatively minor variance of 13% on setback and 28% on front yard.

Mr. William Innes, brother of Robert Innes stated that his brother recently had surgery and was unable to attend tonight's meeting. He said that the shed is set in concrete but the Innes' will comply with the findings of this Board. He noted that the sunroom is complete.

Ms. Griest stated that if the shed was not set in concrete then it would not have been an issued because it could have been moved.

Mr. Hall stated that Ms. Griest was correct. He said that there are no obvious problems created at this location by the shed and it meets all of the other requirements of the zoning district.

**Finding of Fact for Case 474-V-04:**

From the documents of record and the testimony and exhibits received at the public hearing conducted on February 03, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances do exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Goldenstein stated that special conditions and circumstances do exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land and structures elsewhere in the same district because the building has a concrete foundation and could not be readily moved.

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.

Mr. Bluhm stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction because the shed would need to be moved from its concrete footings and the construction of new concrete footings would be an additional cost for the petitioners.

3. The special conditions, circumstances, hardships, or practical difficulties do result from actions of the applicant.

Mr. Irle stated that the special conditions, circumstances, hardships, or practical difficulties do result from the actions of the applicant because the applicant failed to properly investigate setback requirements.

Mr. Bluhm stated that the shed is placed on concrete footings which makes the shed difficult to relocate.

4. The requested variance is in harmony with the general purpose and intent of the Ordinance.

Mr. Irle stated that the requested variance is in harmony with the general purpose and intent of the Ordinance because the variance is minimal and has no apparent effects on the surrounding environment or other safety factors.

5. The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Goldenstein stated that the requested variance will not be injurious to the neighborhood or

otherwise detrimental to the public health, safety, or welfare because the shed exists on a location in a rural area and it will not increase traffic patterns or sight hazards.

- 6. The requested variance is the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Bluhm stated that the requested variance is the minimum variation that will make possible the reasonable use of the land/structure because the addition of property is not possible to the north of the shed.

**Mr. Irle moved, seconded by Mr. Goldenstein to adopt the Summary of Evidence, Finding of Fact and Documents of Record as amended. The motion carried by voice vote.**

**Mr. Bluhm moved, seconded by Mr. Irle to close the public hearing for Case 474-V-04: Robert and Marilyn Innes. The motion carried by voice vote.**

Ms. Griest informed Mr. Innes that a full Board is not present at tonight’s meeting therefore it is a the Petitioner’s discretion as to whether the Board would take a final vote or continue the hearing to a later date when a full Board is present.

Mr. Innes stated that in representation of his brother, Robert Innes, he would like the Board to proceed with the final determination.

**Final Determination for Case 474-V-04:**

**Mr. Irle moved, seconded by Mr. Goldenstein the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9C have been met, and pursuant to the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance, determines that the variance requested in Case 474-V-04 is hereby granted to the petitioners, Robert and Marilyn Innes, to authorize the use of an existing storage shed in the AG-1, Agriculture Zoning District with the following variances:**

- (1) the shed is located 18 feet from the front property line along CR 1100N ( township road) instead of the minimum required distance of 25 feet; and
- (2) the shed is located 48 feet from the centerline of CR 1100N (a township road) instead of the minimum required distance of 55 feet.

The roll was called:

Miller-yes	Schroeder-absent	Griest-yes
Bluhm-yes	Goldenstein-yes	Irle-yes
Steeves-yes		

The Board recessed at 8:27

The Board resumed at 8:37 p.m.

Case 476-S-04 Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request to authorize the expansion and use of a self-storage warehouse, not providing heat and utilities to individual units as a Special Use in the AG-2, Agriculture Zoning District. Location: A 2.9 acre tract of land in the W ½ of the W ½ of the NW 1/4 of Section 25 of Hensley Township and that is located on the west side of CR 1100E (Prospect Avenue) and adjacent to the south right of way line of Intersection 57 and that is commonly known as an existing self-storage warehouse located at 4201 North Prospect Av, Champaign.

**Case 482-V-04 Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request: Subject to approval as a Special Use in the AG-2, Agriculture Zoning District in related Case 476-S-04, authorize the expansion and use of an existing self-storage warehouse, not providing heat and utilities to individual units, with the following variances: (A) the self storage warehouse is proposed to be located 6 feet from the rear lot line instead of the minimum otherwise required distance of 20 feet; and (B) the dry bottom stormwater detention basin is proposed to be located with the following variances: 1) the basin is proposed to be located 12 feet from the front property line Prospect Avenue (an urban arterial street) instead of the minimum distance of 30 feet; and 2) the basin is proposed to be located 69 feet from the centerline of Prospect Avenue (an urban arterial street) instead of the minimum required distance of 75 feet. Location: A 2.9 acre tract of land in the W1/2 of the W1/2 of the NW1/4 of Section 25 of Hensley Township and that is located on the west side of CR 1100E (Prospect Avenue) and adjacent to the south right of way line of Interstate 57 and that is commonly known as an existing self-storage warehouse located at 4201 North Prospect Avenue, Champaign.**

Ms. Griest called Case 476-S-04 and Case 482-V-04 concurrently.

Mr. Hall distributed a Supplemental Memorandum dated February 03, 2005 for Case 476-S-04 and Case 482-V-04, Preliminary Draft Finding of Fact for the Board's review. He stated that during his review of the original site plan he discovered that there was problem along the frontage of Interstate I-57, the setback for a major street. The Petitioner had completed the application following the guidance from the previous case but the Stormwater Management Policy has been amended therefore no detention basin is required for this site. He said that a revised site plan was distributed to the Board members for review. He noted that the Supplemental Memorandum also includes correspondence from an adjacent neighbor.

Mr. Irle questioned the circumstances of the complaints which were received in regard to the existing business.

Mr. Hall stated that staff had received inquiries regarding Suburban Express buses going in and out of the existing self-storage warehouse as well as some mini-buses which are parked outside all night. He said that he questioned Mr. Johnson about the buses being stored overnight and he immediately corrected the situation by ceasing such practices. Mr. Hall stated that the storage of commercial vehicles does not appear to be a violation of the Ordinance. He said that the comings and goings of the commercial vehicles could become a problem but currently no violation is apparent. The Board could establish any kind of limits that the Board deems reasonable in the

context of a Special Use.

Mr. Irle stated that the storage of commercial vehicles does not appear to be a violation of the Ordinance but he has observed a commercial cleaning service maintaining the commercial buses therefore some commercial activity is occurring on the site. He said that he has also observed a water hose and cord coming from one of the storage units.

Mr. Hall stated that Ms. Hitt, Zoning Officer visited the subject property for a compliance inspection but was unable to check each individual unit for electrical availability.

Mr. Steeves questioned if there was a written difference between storage and overnight parking.

Mr. Hall questioned why such a prohibition on storage would be placed on anything whether it was done by a commercial agency or a private individual.

Mr. Steeves stated that during the previously approved case one of the biggest issues was the traffic. He said that with this being storage units it was considered that the traffic would not be much but buses would generate additional traffic.

Mr. Lester Johnson stated that Mr. Irle was correct in his observance of the commercial buses being parked on the property. He said that a commercial cleaning service did come to the site and washed the buses but he immediately ceased that activity. He said that they have a waiting list for openings at the storage units for large motor homes. The four buses which are stored at the site are mainly utilized on the weekends for seasonal trips to Chicago. He said that the other units are utilized for personal storage of boats, motor homes and campers. He said that he personally has a unit at the site which he only visits 6 to 8 times a year. He visits the site everyday and if the weather permits he will work on the outside areas of the property but during that time he may not see any visitors.

Mr. Goldenstein questioned the use of the proposed office.

Mr. Johnson stated that the proposed office is for his personal use to oversee the business.

Mr. Bluhm questioned Mr. Johnson if the office space would be leased out to anyone else.

Mr. Johnson stated that it is only for his personal use.

Mr. Bluhm questioned if there would be residence within the office.

Mr. Johnson stated that there would not be a residence at the site.

Mr. Bluhm stated that there are currently 15 units and the expansion would create 18 buildings.

Mr. Johnson stated that he was correct.

Mr. Bluhm stated that the only concern he had was that during his visit he observed a gas can at the northeast corner of the units.

Mr. Johnson stated that he was unaware of the gas can situation and guaranteed that it will be removed.

Mr. Bluhm complimented Mr. Johnson in regard to the aesthetics of the property.

Mr. Wilbur Street declined to speak.

Ms. Lucinda Schneider stated that currently all existing units are full and 11 people are on the waiting list for units.

Mr. Bluhm questioned if the buses utilize one or two units.

Ms. Schneider stated that the buses occupy four units.

Mr. Goldenstein questioned if the people on the waiting list have boats or motor homes.

Ms. Schneider stated that she believes that one person is waiting for a unit for boat storage on the others own motor homes and campers.

Mr. Wes Meyers, Engineer for Vegrzyn, Sarver and Associates stated that this requested use is a logical use for the balance of the property to maximize the land area beyond the obvious continuance and consistency of the expansion of the existing mini-warehouse facility. He said that those of the Board which have observed the property realize that the property is physically land-locked. He said that the traffic which will be generated by the expansion will not even come close to the traffic which will be generated by the new Wal-Mart. He said that they did respond to the issues raised by Mr. Hall in regard to setback and detention basin. The building was shifted into an "L" shape and it has been considered that within the triangle formed by the "L" shaped building to make a personal storage unit for Mr. Johnson.

Mr. Hall stated that after review of the revised site plan he noticed that the front yard setback was indicated as 30 feet but it actually scaled to be 35 feet and the requirement is 35 feet.

Ms. Griest stated that if corrections are required on the site plan then final action cannot be taken tonight.

Mr. Hall stated that if the Board desired to take final action at tonight's meeting then an allowance could be made for the revised site plan. He said that this request is located within a township which has a planning commission and they should be allowed adequate time to submit comments.

Mr. John Collins, Representative of Hensley Township Planning Commission requested an opportunity to review the revised site plan. He said that he was concerned with the apparent dispatch of the bus service from the property which appears to constitute commercial uses. He said that he is concerned with the proposed office and the traffic which is generated from the daily use of that office. He requested that the Hensley Township Planning Commission have an opportunity to review the proposal and discuss it at its next meeting.

Mr. Wilbur Street, Agent for Lester Johnson and Engineer for Vegrzyn, Sarver and Associates stated that there is no long term agreement with the bus service. He said that the buses are there on a month to month basis and if they do not adhere to the rules then they are not allowed to use the site. He clarified that a bus station is not being operated at the site and are only storing the buses within the units. The traffic should not be a concern because some of the people who store property within the units visit the site approximately two times per year.

Mr. Irle questioned Mr. Street if the proposed building will be identical to the existing building.

Mr. Street stated that the building would be identical to the existing building.

Ms. Griest questioned Mr. Collins if the Hensley Planning Commission could review the information and make a recommendation at their next meeting.

Mr. Collins stated that it would be possible for the Commission to review the information and make a recommendation at their next meeting. He said that after the review and recommendation is made it would be forwarded to the Hensley Township Board for a review and vote.

**Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 482-V-04 and Case 476-S-04: Lester Johnson, Lucinda Schneider and Wilbur Street, agent to February 17, 2005. The motion carried by voice vote.**

7. Staff Report

None

8. Other Business

None

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting adjourned at 9:13 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals



