

***EXCERPT OF APPROVED NOVEMBER 3, 2011, MINUTES REGARDING
CASE 691-S-11***

1 **5. Continued Public Hearing**

2

3 **Case 691-S-11 Petitioner: Pastor David L. Rogers and Apostolic Life UPC Church, LLC Request to**
4 **authorize (1) The Apostolic Life UPC Church as a special use and (2) the establishment and use of a**
5 **“Residential Recovery Center” as a second special use on the same land, in the AG-2 Agriculture**
6 **Zoning District. Location: Lot 3 of the Almar First Subdivision in the Northeast Quarter of Section 3**
7 **of Urbana Township and commonly known as the Apostolic Life UPC Church located at 2107 High**
8 **Cross Road, Urbana.**

9

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

18

19 Mr. Thorsland asked if the Petitioner desired to make a statement outlining the nature of their request.

20

21 Pastor David Rogers, who resides at 1802 North Concord Lane, Urbana, stated that he is speaking on behalf
22 of Lifeline-connect Ministry which is supported by the Apostolic Life Church located at 2107 High Cross
23 Road. He said that to their knowledge and the best of their ability they have submitted to Director Hall all of
24 the required information and research concerning the application for a Special Use Permit for a Residential
25 Recovery Center.

26

27 Pastor Rogers stated that at the September 15, 2011, ZBA meeting he was instructed to do some homework
28 and provide to Director Hall and the Board a detail of a proposed septic system for a proposed expansion and
29 assessment of existing septic systems and provide to Director Hall and the Board a revised site plan that
30 would include the proposed septic system. He said that these tasks have been completed and some of the
31 information will be provided tonight and referred to by the speakers.

32

33 Pastor Rogers stated that as mentioned before in the previous hearing, they have every intention to meet all
34 of the standard conditions of the Zoning Ordinance concerning Residential Recovery Centers. The ministry
35 of Lifeline-connect Residential Recovery Center, under such a special use permit would not significantly
36 increase the intensity of the use. He said that the special use would allow the ministry to continue providing
37 the benefits to their community and would allow their organization to assist more people in their struggles
38 against substance abuse and addictions.

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1 Pastor Rogers stated that at every public meeting including County Board, the ZBA, the Urbana City
2 Council, the City of Urbana Planning Commission, the Champaign City Council and the City of Champaign
3 Planning Commission every vote was unanimously “yes” in favor of adding the text amendment. He said
4 that this indicates, I believe, a desire of all the members to those governing boards and councils that voted to
5 see this RRC continue to provide a vital service to those in need.
6
7 Pastor Rogers stated that he would like to briefly address some statements contained in correspondence
8 received by Director Hall and distributed to the Board and the public. He said that the paragraph 3 of the
9 letter dated October 27, 2011 submitted by John Hummel indicates the following: “during the meeting Pastor
10 Rogers and/or his counsel Carl Webber) stated that the work was done prior to the Apostolic Life UPC
11 Church’s establishment on the property in 1999.” Pastor Rogers stated that during that meeting he spoke
12 about some fill used to level an area for a recreational field and he stated the following: “We have not altered
13 any of the natural flow of storm water since our occupancy on February, 1999. While we did add some fill
14 dirt to level and area for a small recreational field, in doing so, we did not redirect any storm water flow.”
15
16 Pastor Rogers stated that paragraph 4 of Mr. Hummel’s same letter states, “Since 1999, the southeast parking
17 lot has been enlarged and the area south of the utility shed has been filled. The fill added to the south and
18 west of the utility shed has redirected surface flow to the southern edge of the church property and prevented
19 north-eastward flow from the field to the south from entering the church property.”
20
21 Pastor Rogers stated that Mr. Hummel’s statements are incorrect because they did not enlarge the southeast
22 parking lot and the gravel parking lot was already there. He said that the southern one-quarter of the parking
23 lot was covered in vegetation, grass and weeds, due to the lack of traffic and/or weed control. He said that
24 they raked and dressed the lot and established the corners with some additional rock. He said that the area
25 south of the utility shed has had no fill added since our ownership and they have not done any work that
26 redirects or prohibits surface flow onto the church property.
27
28 Pastor Rogers stated that also in paragraph 4 of Mr. Hummel’s letter there is mention of an embankment
29 being removed although Pastor Rogers does not know of any embankment existing and certainly has no
30 knowledge of any embankment being removed. Pastor Rogers stated that paragraph 4 also indicates that
31 added curbing along the southern edge of the parking lot has changed the point of entry of surface flow into
32 the backyard of 2103 N. High Cross Road. He said that this is incorrect because there is no curbing along
33 the southern edge of the parking lot and only spaced bumper blocks exist. He said that they have not
34 changed the point of entry of surface flow into the 2103 N. High Cross Road property and the water has
35 always had a point of entry onto that property.
36
37 Pastor Rogers stated that the last paragraph on page 2 of the same letter from Mr. Hummel states that the
38 establishment of a Residential Recovery Center at 2107 High Cross Road will intensify or make worse the
39 surface water management. Pastor Rogers stated that this is incorrect because the engineering firm, BKB

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1 Engineering, has designed a storm water management plan for the site that will have no negative impact in
2 the neighborhood and, in fact, will improve the storm water management. He said that Brian Bradshaw of
3 BKB Engineering, who supplied the site plan, is present tonight and is prepared to address and questions.
4

5 Pastor Rogers stated that Steve Johnson of J & S Wastewater Inc., is here to speak and address any questions
6 concerning the proposed septic system and the existing septic systems. Pastor Rogers said that he has
7 provided Director Hall and the Board with a letter from Steve Johnson and some documentation concerning
8 any maintenance that has been done to the existing septic systems. Pastor Rogers stated that the
9 documentation from Gulliford's Sewer Service indicates service rendered, maintenance provided, and
10 findings by service personnel. He said that they have only has one of the septic systems serviced as a
11 preventative maintenance and not due to malfunction. He said that also indicated in the documentation is the
12 size of the septic tank that is pumped, which is 1,000 gallons. He said that the Board should keep in mind
13 that there are two existing septic systems in use.

14 Pastor Rogers noted that their attorney, Carl Webber, is also present tonight to address any legal concerns
15 that the Board may have regarding the requesting use.
16

17 Pastor Rogers requested the opportunity to speak again regarding any concerns that may be brought into
18 discussion. He said that there are several members of their staff, former and current residents and other
19 supporters present tonight and they are ready to give brief presentations on behalf of the approval of the
20 request which is before the Board.
21

22 Pastor Rogers stated that in conclusion they sincerely request approval of the request for the special use so
23 that they may continue the operation of the Residential Recovery Center as part of the church's ministry and
24 so that they can move forward. He thanked the Board for their time and consideration.
25

26 Mr. Thorsland asked the Board if there were any questions for Pastor Rogers and there were none.
27

28 Mr. Thorsland asked if staff had any questions for Pastor Rogers and there were none.
29

30 Mr. Thorsland asked the audience if anyone desired to cross examine Pastor Rogers and there was no one.
31

32 Mr. Thorsland requested that Mr. John Hall address the Board.
33

34 Mr. John Hall, Zoning Administrator distributed a new Supplemental Memorandum dated November 3,
35 2011, to the Board for review. He said that the new supplemental memorandum includes the following
36 attachments: 1. Letter from John Hummel, received October 31, 2011; and 2. Letter from John Hummel,
37 received November 1, 2011; and 3. Letter from John Hummel, received November 1, 2011; and 4. Letter
38 from Mark Hummel, received November 1, 2011; and 5. Septic system plan, received November 2, 2011.
39

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1 Mr. Hall stated that the septic system is a much different septic system than had been described previously
2 and is designed by Steve Johnson.
3
4 Mr. Hall continued to list the attachments: 6. Letter from Carl Webber, received November 3, 2011; and 7.
5 Comprehensive site plan, received November 3, 2011. Mr. Hall stated that the new comprehensive site plan
6 was prepared by BKB Engineering indicating the proposed detention basin as well as the revised septic
7 system. He said that Attachment 8. Shapland Construction survey of subject property, received November
8 3, 2011, was approximately prepared in 1975 and documents elevations at the time of completion. He said
9 that Attachment 9. Impervious surface illustration, dated November 3, 2011, was prepared by staff. He said
10 that in the mailing for this meeting staff included a letter from Tom Berns in 1984. He said that the
11 illustration documents the amount of impervious area that either existed or was anticipated in 1984 and is
12 indicated in orange and there are two blue areas. He said that the blue areas are the new impervious areas
13 since 1984 and the large impervious area was approved by the County and has a catch basin in the middle
14 which carries some portion of the drainage to the west. He said that the only other expansion is to the south
15 parking lot and the illustration indicates staff's estimate of the expansion based on the 1988 aerial
16 photograph. He said that the expansion is approximately 15,000 square feet and it is unknown as to when it
17 occurred but it occurred prior to the time when the Apostolic Church first occupied the property. He said
18 that prior to 2002 when churches were required to obtain special use permits, it is known that the parking lot
19 had been expanded but did not require any detention because it is 15,000 square feet and was constructed
20 when churches were by-right. He said that staff is not aware of any unauthorized expansion of the
21 impervious area on the property. He continued to attachment 10. Drainage plan from Case 502-S-84 (2
22 different scales); and 11. Finding of Fact and Final Determination for Case 668-AT-10. He said that
23 previously the Board had approved all of the Documents of Record for Case 668-AT-10, the amendment
24 which authorized this use, into Case 691-S-11. He said that under Item #14 on pages 32 thru 37 of the
25 Finding of Fact for Case 668-AT-10, staff intends to add all of the testimony regarding this kind of use and
26 how important it is and by doing this the Board has not had to take as much testimony during this hearing.
27 He said that he would recommend that the Board keep this information in the finding for Case 692-S-11, but
28 it is ultimately up to the Board whether to do so or not. He said that even working as much overtime that
29 staff has been doing in the Department of Planning and Zoning staff has not been able to get the Finding of
30 Fact for this case ready for a determination. He said that he stopped working on this case at 3p.m. today so
31 that he could ready for the wind farm and if he had kept working this case would still not be ready for final
32 action tonight.
33
34 Mr. Hall stated that at the last public hearing the Board requested a determination from the State's Attorney
35 regarding claims made by Mr. Randall Brown about the risks that the County would incur if the Board
36 approved the requested special use permit. Mr. Hall said that the State's Attorney's staff has also been
37 working a lot of overtime lately they did not get a formal opinion written up for the Board's request although
38 they did send him an e-mail that he can read to the Board. He said that if the e-mail is sufficient then we can
39 let it go at that but if the Board requires a formal determination from the State's Attorney then that will have

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1 to come at a later date. He said that recently the State's Attorney determined that in this case there is some
2 risk of being sued from either side of the question. He said that two sets of claimants would have potential
3 claims of unlawful discrimination. He said that the petitioner could potentially sue if the petition is denied
4 due to unlawful discrimination based on handicap status under the *Fair Housing Act*, but on the other hand a
5 potential female plaintiff could sue claiming unlawful discrimination based on gender. He said that the
6 State's Attorney was not able to find enough case law on this issue to be able to make a firm
7 recommendation but there is risk either way and the Board should make their determination as they see fit.
8 Mr. Hall stated that if the Board requires additional information regarding this issue then he can attempt to
9 obtain that information but the previously mentioned information is all that staff and the State's Attorney
10 could provide the Board with tonight.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
13

14 Ms. Capel asked Mr. Hall if the case was continued would it be ready for final determination at that point.
15

16 Mr. Hall stated that if the case was continued for at least one week it should be ready for final action.
17

18 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.
19

20 Mr. Thorsland called Mr. Bryan Bradshaw to testify.
21

22 Mr. Bryan Bradshaw, who resides at 725 CR 2200N, Champaign, stated that he has been hired by the
23 Apostolic Life Church as the site engineer for the project. He said that he has over 15-years experience in
24 land development design from complex projects such as the new Meijer's store in the Chicago suburbs to the
25 20-acre Boulder Ridge Subdivision in Champaign to more straight forward project such as the new indoor
26 soccer facility located on Willow Road in Urbana.
27

28 Mr. Bradshaw stated that from a drainage standpoint this property is about as simple and straight forward as
29 it gets. He said that since the last meeting he has submitted preliminary drainage plan and since then the
30 church as instructed him to exceed the minimum requirements to further mitigate any possible drainage
31 issues. He said that the plan that was submitted tonight indicates a detention basin with a designed capacity
32 of a 100-year storm in lieu of a 50-year storm as indicated on the previous plan. He said that the capacity has
33 been increased by over 40% and the basin has been extended to the south to intercept as much overflow as
34 possible. He said that the new basin will capture 100% of the new impervious area and additional .6 acres of
35 water. He said that the new basin will improve the drainage conditions for the downstream properties. He
36 said that at the last meeting the fill area which is located west of the utility shed was discussed. He said that
37 in an effort to compare the current grades with the historic drainage patterns that he obtained a 1975
38 topographic map prepared by Bill Sheridan, a licensed land surveyor, and the survey is part of the site plan
39 that was submitted for the Pyramid Paper Company. He said that the historic swale location is indicated on

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1 the plan and is shown to be justified and 20 feet south and a total length of 100 feet. He said that the
2 adjustment of the swale occurs completely within the church's property. He said that the fill area is located
3 100 feet north of the Hummel property and the on-site fill does not impede any surface drainage from the
4 upstream farm field to the south and the on-site fill does not modify the water surface point of entry for any
5 downstream property.

6
7 Mr. Bradshaw stated that a letter written to Mr. John Hall from Mr. John Hummel dated October 27, 2011,
8 discusses the fill area in addition to others. Mr. Bradshaw said that there are several points of disagreement
9 with the letter and Pastor Rogers has mentioned several of those disagreements. Mr. Bradshaw stated that no
10 fill was added to the south of the utility shed and the grades have not been revised along the east edge of the
11 property. He said that the revised grades shown on the Champaign GIS are the result of different datum and
12 levels of accuracy. He said that the existing contours of the entire site vary greatly between the 2005 and
13 2008 contours therefore no real comparison can be made between the two. Mr. Bradshaw stated that no
14 curbing is present along the east side of the property and the fill area does not violate the *Illinois Drainage
15 Law*.

16
17 Mr. Bradshaw stated that at the last meeting he made an open invitation to speak with the Hummel family at
18 any time in his office to discuss drainage issues of the site. He said that since the Hummel family has not
19 accepted his offer to date he would like to extend that same invitation again tonight outside of this public
20 hearing.

21
22 Mr. Thorsland asked the Board if there were any questions for Mr. Bradshaw and there were none.
23

24 Mr. Thorsland asked if staff had any questions for Mr. Bradshaw.
25

26 Mr. Hall stated that he and Mr. Bradshaw discussed the fact that the 12-inch storm sewer that is being
27 proposed to connect to the detention basin apparently discharges to the surface of the ground to the west.
28 Mr. Hall stated that his concern is that if special concern is not taken with the outlet the addition of the
29 detention basin could actually exacerbate the erosion. He asked Mr. Bradshaw if he believes that adequate
30 control of the erosion at the outlet could be successful.

31
32 Mr. Bradshaw stated yes. He said that he spoke to the owner of the property which the outlet discharges to
33 and Pastor Rogers and the church has agreed to add rip rap to the location as part of the special use
34 requirement. He said that the church received verbal approval from the property owner to have access to the
35 site to install those improvements.
36

37 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Bradshaw.
38

39 Mr. Don Wauthier approached the cross examination microphone.

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1 Mr. Carl Webber indicated his objection to Mr. Wauthier representing the opposition. Mr. Webber stated
2 that he works for the firm that provided an opinion as to drainage for the manifest in title and the opinion has
3 been distributed to the Board for review. He said that it is a complete conflict of interest for Mr. Wauthier
4 and his company, who provided the church with an opinion regarding drainage, to represent someone who is
5 complaining about the drainage.

6
7 Mr. Thorsland explained that this period is only for cross examination and Mr. Wauthier is only allowed to
8 ask questions about Mr. Bradshaw's testimony. Mr. Thorsland said that at this time he will allow Mr.
9 Wauthier the opportunity to cross examine Mr. Bradshaw although if it appears that Mr. Wauthier is
10 presenting testimony or is leading Mr. Bradshaw he will stop Mr. Wauthier just as he has stopped others.

11
12 Mr. Wauthier stated that he has a couple of questions regarding the plan that he reviewed tonight. He said
13 that the plan indicates that the stormwater detention basin outlet is to be connected to an 8-inch diameter
14 storm sewer. He asked Mr. Bradshaw if the capacity of the 8-inch storm sewer was adequate.

15
16 Mr. Bradshaw stated yes.

17
18 Mr. Wauthier asked Mr. Bradshaw if the existing 12-inch storm sewer has adequate capacity to provide
19 stormwater drainage for the entire site for and the lands that are connected to it.

20
21 Mr. Bradshaw stated that he did not complete a study regarding such.

22
23 Mr. Wauthier stated that Mr. Bradshaw's testimony was that the proposed stormwater detention basin will
24 resolve any drainage issues.

25
26 Mr. Bradshaw stated that he did not testify to such.

27
28 Mr. Wauthier asked Mr. Bradshaw if his testimony is that he is providing a stormwater detention basin to
29 resolve stormwater runoff from the watershed that is directed to it.

30
31 Mr. Bradshaw stated yes, for new development.

32
33 Mr. Wauthier asked Mr. Bradshaw if he completed an evaluation of the downstream stormwater drainage
34 system to determine whether or not it is adequate for the proposed basin that is going to be connected to it.

35
36
37 Mr. Webber objected to Mr. Wauthier's question to Mr. Bradshaw. He said that this is not a question about
38 the current drainage and any questions regarding the current drainage is in direct conflict with his firm's
39 prior determination. He said that this is not question about the current status of the building and the only

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1 thing that is in question is whether the small proposed addition will be addressed. He said that if Mr.
2 Wauthier would like to address how the petitioner suggested how they will handle the drainage off of the
3 small addition then he will withdraw his objection.

4
5 Mr. Thorsland requested that Mr. Wauthier only address the testimony that Mr. Bradshaw has presented. He
6 said that he does not believe that Mr. Bradshaw provided testimony regarding the existing drainage but did
7 provide testimony regarding the new development.

8
9 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Bradshaw at this time and there
10 was no one.

11
12 Mr. Thorsland called Mr. Carl Webber to testify.

13
14 Mr. Carl Webber, legal counsel for the petitioner, stated that he appreciates the Board's consideration. He
15 said that the Board received a copy of his letter to Mr. Hall and the State's Attorney regarding the *Fair*
16 *Housing Act*. He said that he appreciates the fact that the State's Attorney has suggested that the raised
17 concern regarding the *Fair Housing Act* is not a reason to not move forward. He said that the petitioner has
18 presented a number of examples of where single gender facilities are more successful although some believe
19 that there may not be a direct difference but most believe that single gender facilities are better and none
20 believe that a combined facility is better. Mr. Webber submitted, as a Document of Record, a letter from
21 Michael Dye, CADC, NCAC II, with the Genesis Process Organization, regarding gender separated
22 facilities.

23
24 Mr. Webber read Mr. Dye's letter as follows: I have worked in the addiction recover field for 32 years and
25 have directed and designed recovery programs in the U.S. and abroad. Most all addiction recovery programs
26 are gender specific and coed programs have a high attrition and relapse rate. It is in the best interest of the
27 clients to be gender separated.

28
29 Mr. Webber stated that his letter to Mr. Hall and the State's Attorney addressed the question regarding the
30 14th Amendment which had already been addressed at the last meeting. He said that the 14th Amendment
31 addresses action by a state or subsidiary thereof and the Board is not making the suggestion that this facility
32 should be coed but is allowing a facility that allows 25 residents. He said that if the facility had the room he
33 believes that the petitioner would like to provide a separate facility for women and men. He said that the
34 problem is that one facility for twelve men and twelve women is not possible because it doesn't work. He
35 said that the Board has heard testimony regarding this issue time after time and it has been stated that there is
36 a tremendous advantage for the people in the program to connect to other people in the program and with a
37 group of 25 people of their own gender there is a chance that can indeed connect. He said that the suggestion
38 that they divide the facility between twelve men and twelve women would unfortunately not work for that
39 needed connection.

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1 Mr. Webber stated that even if the procedure of having one facility for twelve men and twelve women the
2 cost of doing it would require additional funding of over \$37,000 but the main cost would be over \$160,000
3 in additional annual staffing fees which would create more people and more parking. He said that if there is
4 a concern about the amount of activity that currently exists then such a change to the facility would only
5 exacerbate the increase in activity. He said that as the Board may have seen in the numerous quotes that he
6 had in his letter to Mr. Hall and the State's Attorney he believes that there are a lot of reasons why these
7 facilities are gender specific. He said that there is a very substantial reason why the petitioner cannot, on
8 this site, have two facilities because the Ordinance limits the locations therefore if the petitioner cannot have
9 this use at this site then he is not sure that it can be done anywhere in the County. He said that the petitioner
10 believes that it is appropriate to have the facility designed as it is and the issue of safety goes beyond whether
11 a bullet goes by your head or you can count on the possibility of being rehabilitated. He said that in order to
12 have good and effective programs they are almost all gender specific and that is just the way it is. He
13 submitted a cost estimate as a Document of Record indicating a list of expenses that would incur if the
14 proposed dorm would be men and women and if women were enrolled in the residential program.
15

16 Mr. Webber stated that he understands that when they started this question there were issues which must be
17 addressed such as drainage and septic and he believes that they have addressed those issues. He said that in
18 regards to septic the petitioner agreed with Mr. Hall that prior to obtaining a Zoning Use Permit rather than
19 waiting until the end of the construction they will show that the new septic system will work. Mr. Webber
20 stated that the petitioner has been in the chicken and the egg situation where they cannot obtain the
21 Champaign County Public Health Department opinion until they provide the application and the application
22 is not submitted to the Champaign County Public Health Department until the approval from the County is
23 obtained. He said that the petitioner is going to short-cut that situation by agreeing that before they obtain
24 their building permit they will assure the County that the new septic system will work. He said that the
25 petitioner has done everything that they can do to indicate that the new septic system will work and a
26 continuing increase of some modest amount of effluent each day will be better for the septic system than
27 having a lot of use on Sunday and none for six days. He said that septic systems work better if they have
28 continuous flow.
29

30 Mr. Webber stated that the way that the addition has been designed the Stormwater Policy does not require
31 that the petitioner does anything. He said that they will be a conforming building and use so that at the time
32 that they build the new property they have the 10,000 square foot exception and as long as they keep it under
33 10,000 square feet they are a reasonable exception to the Stormwater Policy. He said that even though they
34 are an exception the petitioner has agreed that they will address the runoff from all 10,000 square feet of the
35 addition therefore they will have a 100% addressing not at the level of the 50-year runoff that is required in
36 the County Ordinance but at a 100-year runoff. He said that if the petitioner designs it the way that has been
37 presented to the Board tonight they will detain more than the 10,000 square foot addition runoff and only
38 improve the system and if someone is complaining about that then they have another agenda because the
39

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1 agenda cannot be drainage. He said that the issue is not how we are today. He said that if today the
2 petitioner has caused problems then perhaps someone has a civil action against the petitioner that has never
3 been brought to the petitioner's attention. He said that the farmer, which is next door to the subject property,
4 has never complained and there are no other complaints filed against the petitioner but now it is handy, as an
5 excuse, to be complaining about the proposed project.

6
7 Mr. Webber stated that based upon what he has learned by speaking to other people and hearing discussion
8 the only evidence that the Board has is testimony that the drainage area was not adversely effected and if
9 they had added some fill upstream from the neighbor that would tend to slow down the rate of flow and not
10 increase the rate of flow. He said that if the Board reviews the 2005 aerial photograph it does appear that
11 there is a little bump on the west side of the complainant's property. He said that the only testimony that has
12 been given is that the bump was not there in the 2002, although the bump is not apparent in the 2008 aerial
13 photograph. He said that the systems used in designing the aerial photographs between 2005 and 2008 are
14 different systems. He said that there is a suggestion that there is a two foot rise and if the Board reviews the
15 2005 aerial there is a distance between the topographic lines indicated as 716 and 718. He said that he is not
16 sure how much distance is between the two lines but the aerial photograph would suggest that in an area
17 used as a parking lot in 10 or 20 feet the elevation went up 2 feet which is highly unlikely.

18
19 Mr. Webber stated that there was some concern regarding where the tile empties into the field to the south.
20 He said that when the subdivision was developed there was an easement given to put a tile across and
21 emptied into the middle of the property to the south and that is not uncommon. He said that over the years it
22 has become somewhat eroded and at the request of John Hall it would be appropriate for the petitioner to add
23 concrete and rip rap at that site to protect any further erosion. He said that he would argue that if they are
24 going to slow the water down there will be less erosion but he understands that one can argue either way
25 therefore they agreed to Mr. Hall's request. He said that the petitioner is a non-for-profit organization which
26 is trying to build this facility and they do not have money to throw around but if Mr. Hall believes that the
27 placement of rip rap is an appropriate thing to do then they will do it. He said that the petitioner is paying
28 for detention, the acreage where the detention will be placed, the detention basin and the requested rip rap.

29
30 Mr. Webber stated that this is no longer a drainage issue but an issue about whether a Residential Recovery
31 Center should be located on this site and he pleads with the Board to allow this to happen. He said that the
32 Board has the opinion from Tom Berns to Al Miller indicating, at that time, there were, in their opinion, no
33 troubles. He said that the petitioner has not heard anything from anyone that there are difficulties caused
34 since then therefore he again would suggest that drainage is not the issue and the issue is whether on this 4+
35 acre property the petitioner can add 10,000 square feet of impervious surface in order to provide for this
36 Residential Recovery Center. He said that hopes that the Board will agree that the request is a reasonable
37 thing to do.

38
39 Mr. Thorsland asked the Board if there were any questions for Mr. Webber and there were none.

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1 Mr. Thorsland asked if staff had any questions for Mr. Webber and there were none.
2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Webber and there was no one.
4
5 Mr. Thorsland called Mr. Don Wauthier to testify.
6
7 Mr. Don Wauthier, Engineer with Berns, Clancy and Associates.
8
9 Mr. Webber stated that if the Board is going to allow Mr. Wauthier to present testimony in a manner that he
10 and the petitioner believes is improper would it be possible for the entire room to see what he is doing.
11
12 Mr. Thorsland stated that the nature of the hearing is that the Board allows public participation or public
13 testimony and Mr. Webber may object to what is presented and he can cross examine Mr. Wauthier but the
14 cross examination must only be based on Mr. Wauthier's testimony. Mr. Thorsland stated that this is a
15 public hearing therefore the Board will allow the public to speak. He said that if Mr. Wauthier desires to
16 speak as a member of the public then is allowed that courtesy. Mr. Thorsland stated that the Board
17 understands Mr. Webber's concern. He informed Mr. Webber that he and the petitioner may position
18 themselves so that may clearly observe Mr. Wauthier's presentation.
19
20 Mr. Thorsland asked Mr. Wauthier to position himself so that everyone in the room could view his
21 presentation.
22
23 Mr. Wauthier thanked the Board for allowing him the opportunity to provide information regarding the
24 subject property. He said that hopefully he can clarify some of the issues that are involved in this case. He
25 said that as Mr. Webber has previously mentioned, Mr. Wauthier's firm, Berns, Clancy and Associates, was
26 involved in the review of stormwater drainage issues at this site in 1984. He said that at that time Mr. Berns
27 issued an opinion letter, which is now more than 25 years old, that the stormwater drainage system proposed
28 for the development at that time could provide an adequate level of service and drainage for that site. Mr.
29 Wauthier stated that this letter was provided in support of a hearing before construction occurred but
30 unfortunately what was being proposed and discussed in front of the ZBA never got built which changes
31 things. He said that obviously if the opinion is that what is being proposed will be adequate when it is built
32 and it doesn't actually get built the opinion changes to not adequate.
33
34 Mr. Wauthier stated that his firm has copies of the 1976 site plan and the design analysis for the storm sewer.
35 He said that he plans to walk the Board through what the conditions are for this site. Mr. Wauthier said that
36 the original site that the stormwater drainage was related to is indicated in the green area on the aerial photo
37 exhibit prepared by Berns, Clancy and Associates which was submitted as a Document of Record. He said
38 that the area outlined in green is what was more or less originally constructed in the first couple of phases
39

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1 with the storm sewer outlet that goes with it. He said that the storm sewer was designed for something
2 between a 2-year and 5-year storm event for that area. He said that subsequently as other additions occurred
3 including in 1984 was construction of the building that was approved by the ZBA, indicated in pink on the
4 aerial photograph. He said that after the case, what was to be done with drainage was that the parking lot
5 area would be drained into the 12-inch diameter storm sewer. He said that the gravel area parking lot was to
6 be re-graded to drain north and west but that never occurred and so as a result the testimony and opinion in
7 1984 was that there would be minimal impact to the downstream landowners. He said that since the 12-inch
8 line was not being modified there was not going to be any change to the outlet conditions the stormwater was
9 going to be directed to the 12-inch line and whatever needed to stay and wait and provide by way of onsite
10 retention/detention was going to stay on site therefore there would be no adverse impacts to the east or to the
11 west. He said that this would provide adequate drainage with some informal onsite stormwater
12 retention/detention in whatever fashion that happened would provide adequate drainage for the site. He said
13 that subsequently the large parking lot has also been connected to the 12-inch line and the gravel parking lot
14 has been added. He said that when it is reviewed as to what is connected to the 12-inch storm sewer today,
15 which does not include a big section that has an 8-inch inlet and outlet line, handles the flow when there is a
16 minor amount of flow. He said that when the calculations and analysis are completed, which he has done, it
17 is discovered that the storm sewer now has the capacity to handle less than the one-year storm for the
18 watershed area that is connected to it. He said that once you get above the one-year storm the system
19 becomes overloaded and over and flow must be addressed because some of the flow will go into the storm
20 sewer but other parts will go over land. He said that the contours are clear indicating that the over land flow
21 will continue down the driveway and out and then down the road side ditch to the cross-road culvert at High
22 Cross Road. He said that the gravel parking lot area was not graded to drain north and west because it never
23 occurred or if it did occur it has since been re-graded to take that back out and it also drains to the east and is
24 not connected to the storm sewer system.

25
26 Mr. Wauthier stated that when the elevations are reviewed the elevation for the inlet is approximately four
27 feet higher than the elevation of the other inlet, invert wise. He said that if the storm sewer system gets
28 surcharged it is actually possible for the storm water to bubble up the other way. He said that the elevation
29 differences are even more severe when you get to the inlet at an elevation of 719 and an inlet at 724, as
30 indicated by Mr. Bradshaw. He said that if the 12-inch storm sewer is surcharged water can actually
31 backflow and flow east towards the Hummel property which is what he believes is actually occurring. He
32 said that there is a drainage problem occurring and it is not a problem that can be resolved because it can be
33 fixed.

34
35 He said that the other element of this issue has to do with the overall watershed. He said that there is a 15-
36 inch diameter, corrugated metal pipe culvert under High Cross Road in front of the Hummel property. He
37 said that if you include the storm sewer area there is about 13 acres draining to the 15-inch pipe and diverts
38 out of the water shed. He said that if you delete the flow that the 12-inch storm sewer is going to handle then
39 it is discovered that the remainder of the flow handles about a 9 month storm. He said that any storm bigger

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1 than a 9-month storm will involve ponding in the Hummel's yard and overflow of the township road which
2 is a significant concern. He said that this is an issue that the Hummel family has discussed with this Board
3 previously and without having a full understanding of the analysis regarding the addition of fill he is not sure
4 that the Hummel family understood what was actually happening. He said that this situation is not a
5 situation that cannot be resolved but it is a significant issue because if there is a culvert only can provide a 9-
6 month storm flow capacity there will be flooding next door. He said that unfortunately when you add up the
7 impervious and hard-surfaced/rock area that is indicated inside the pink area on the map plus along the south
8 edge there is over an acre of hard-surface ground that for the most part was never intended to flow towards
9 the Hummel property. He said that this is what the 1984 designed plan was which was to have it go north
10 and west and not towards the Hummel property.

11
12 Mr. Wauthier stated that he just saw the storm water detention basin system design tonight and it certainly
13 appears to be able to handle the kind of issues or could be suitable for the site for the proposed improvement,
14 for just those existing conditions. He said that the new design does not resolve the fact that the 1984 plan
15 was not implemented and that is where the drainage problem comes from. He said that there was no
16 stormwater management plan in 1984 and there was no Stormwater Management Ordinance. He said that
17 the stormwater management plan was never implemented and he is not sure why. He said that in regards to
18 the overall 13 acre shed new development has occurred since 1984. He said that there has been hard surface
19 added to the roadway and the residential area therefore it is up to over 40% hard surface for this watershed
20 and yet the township road culvert has never been changed. He said that it doesn't take a rocket scientist to
21 know that at 13 acre watershed that is 45% hard surfaced is not good because something is going to happen.
22 He said that if further development is to occur it must occur in a matter that will not aggravate the existing
23 drainage problem and that the existing drainage problem be resolved. He said that it appears that the high
24 water surface of the proposed stormwater detention basin is going to be two or three feet higher than the rim
25 of the inlet that is proposed. He said that the basin is at an elevation of 721 or 722 and 719 is the rim of the
26 inlet for the 8-inch line. He said that if the 12-inch is full, which means that the 8-inch cannot flow, the
27 water come out of the basin flow to the inlet and squirt up out of the top of the rim. He said that it is 722 on
28 one end and 719 on the other and the water will flow straight to the Hummel's property. He said that
29 without doing a full analysis to understand the system he does not know that it can be said that it will not add
30 to the flow that is traveling towards the Hummel property.

31
32 Mr. Thorsland asked the Board if there were any questions for Mr. Wauthier.
33
34 Mr. Courson stated that these problems occur now and if the request was denied the problems would
35 continue to exist and drainage issues would not be resolved.

36
37 Mr. Wauthier stated yes.
38
39 Mr. Courson asked Mr. Wauthier if the additional work that is proposed would help alleviate some of the

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1 drainage issues.

2

3 Mr. Wauthier stated that the proposed design would not resolve the existing drainage issues.

4

5 Mr. Courson stated that he did not ask if the proposed design would resolve the existing drainage issues but
6 would it make the drainage better.

7

8 Mr. Wauthier stated that if the proposed work was properly designed and constructed then it could make the
9 drainage issues better but he does not know if that will be the case. He said that if the water surface
10 elevation at the basin is higher than the rim of the inlet that it is connecting to and the downstream storm
11 sewer system is already overloaded the water will add to the flow.

12

13 Mr. Courson stated that it will not add anymore than what is already existing.

14

15 Mr. Wauthier stated maybe and maybe not.

16

17 Mr. Courson asked Mr. Wauthier to locate the Hummel property.

18

19 Mr. Wauthier indicated on the location of the Hummel property on the aerial photograph.

20

21 Mr. Courson asked Mr. Wauthier if he would agree that the Hummel residence was built at the bottom of a
22 swale.

23

24 Mr. Wauthier stated that he would agree that the residence is at the edge of a swale.

25

26 Mr. Courson stated that before all of the development the natural flow of the water would have flowed right
27 through the Hummel property. He said that the house was built at the bottom of a natural drainage swale.

28

29 Mr. Wauthier stated that it wasn't built at the bottom of a natural drainage swale but was built at the side of a
30 natural drainage swale.

31

32 Mr. Courson stated that anyone who builds a structure in a swale should expect water to flow across the
33 front.

34

35 Mr. Wauthier stated that none of the construction was built in what would have been the natural swale.

36

37 Mr. Courson stated that if the yard gets water in it you would expect water to flow through the swale.

38

39 Mr. Wauthier stated yes.

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1 Mr. Passalacqua stated that it appears that the Hummel's property was divided knowing that it had a wet
2 corner because it appears to be twice the size as the neighboring lots. He asked Mr. Wauthier if the culvert
3 pre-dates the home on the Hummel's property. He said that based upon the lay of the land it appears that the
4 culvert existed before the house was built.
5
6 Mr. Wauthier stated that he cannot say with any certainty that the culvert pre-dates the house but he can
7 indicate that the culvert existed in 1976 because his firm has field survey data for the culvert in 1976.
8
9 Mr. Passalacqua asked Mr. Wauthier if he was hired, in his professional capacity, to help design the existing
10 house would he have suggested that the house be located on the southern portion of the lot.
11
12 Mr. Wauthier stated yes.
13
14 Mr. Thorsland asked the Board if there were any additional questions for Mr. Wauthier and there were none.
15
16 Mr. Thorsland asked if staff had any questions for Mr. Wauthier and there were none.
17
18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wauthier.
19
20 Mr. Thorsland called Mr. Carl Webber. He informed Mr. Webber that his cross examination can only be in
21 regards to Mr. Wauthier's testimony and no new testimony will be allowed.
22
23 Mr. Carl Webber, legal counsel for the petitioner, stated that Mr. Wauthier suggested that the opinion by
24 Tom Berns', was in Case 582-S-04.
25
26 Mr. Wauthier stated that he does know what the case number was but he does know that it was a case in
27 1984.
28
29 Mr. Webber asked Mr. Webber if he reviewed the handout that was available to everyone which related to
30 Case 502-S-84 indicated the proposed new building.
31
32 Mr. Wauthier stated that he has not reviewed the handout.
33
34 Mr. Webber asked Mr. Wauthier if he knew if Mr. Berns' opinion was based upon a request in Case 502-S-
35 84 to build the proposed building.
36
37 Mr. Wauthier stated that the opinion was provided in response to a zoning case to construct an additional
38 structure.
39

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1
2 Mr. Webber asked Mr. Wauthier if the building was constructed.
3
4 Mr. Wauthier stated that he does believe that the building was constructed and is indicated in the pink area
5 on the submitted map.
6
7 Mr. Webber stated that the proposed new building is 90 feet by 48 feet to the north of the existing
8 warehouse. He asked Mr. Wauthier if his opinion is based upon the fact that the new warehouse was built.
9
10 Mr. Wauthier stated that his opinion is based upon what exists currently.
11
12 Mr. Webber asked Mr. Wauthier if the opinion in 1984, suggesting that certain things were required, was
13 based upon the assumption that this building would be built.
14
15 Mr. Wauthier stated that he does not know.
16
17 Mr. Webber stated that Mr. Wauthier does not know the basis for this document that his firm drafted.
18
19 Mr. Thorsland suggested that the parties involved get together outside of the public hearing to work out the
20 issues at hand rather than during cross examination. He said that this is quasi-legal but not a trial. He said
21 that there have been efforts by the Apostolic Church to meet with Mr. Hummel and it would be nice for the
22 efforts to be satisfied. He said that the case will be continued because staff has been overwhelmed with
23 other work and the Board does not have a final determination at this time. He said that there are other names
24 on the witness register awaiting the opportunity to address the Board. He strongly encouraged that both
25 parties meet to resolve the drainage issues. He said that he does not believe that the petitioner is responsible
26 for the inadequacy of the township road culvert and the testimony has wandered off the path of the zoning
27 case before the Board.
28
29 Mr. Hall stated that the information that is being received tonight is very important. He said that we do not
30 have an engineer on staff and he would not pretend to be an engineer. He said that staff's intention was to
31 have Bryan Bradshaw's engineering design reviewed by a licensed professional engineer at such time as it is
32 submitted. He said that it is at the discretion of this Board to require an approved engineering design before
33 approving the special use permit. He said that based on what Mr. Wauthier presented tonight this is literally
34 what the Ordinance calls a drainage system of unusual conditions. He said that if what the Board has heard
35 tonight is true there is no limit to what the petitioner will have to pay for engineering review of this design
36 because we have no idea how complicated this is going to be to resolve until there is a resolution. He said
37 that this is a serious problem because this is the tile that the petitioner is proposing to outlet the new basin to
38 and he does not see how the Board can really consider the basin that has been proposed until they have a
39 response. He said that the response is not going to happen tonight and the Board could sit here until

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1 midnight and there is not going to be any answer on this issue.

2
3 Mr. Hall stated that he does not mean to interrupt Mr. Webber and he has every right to ask his questions but
4 this has put the Board in a very difficult position.

5
6 Mr. Webber stated that the fancy document that has been put forth was not created this afternoon. He said
7 that he and the petitioner could have been consulted and why they were not is unknown.

8
9 Mr. Hall informed Mr. Webber that his comment is not relevant.

10
11 Mr. Thorsland informed Mr. Webber that at this time is at the cross examination table and is not allowed to
12 present new testimony.

13
14 Mr. Webber asked if and when he and the petitioner are able to meet with Mr. Wauthier and Mr. Hummel is
15 the petitioner responsible to address the current status or are they responsible to show that their requested
16 addition will actually result in an approved situation rather than a worse situation.

17
18 Mr. Thorsland stated that this will be up to staff and the Board. He said that he would like to see an answer
19 to the drainage issues but that answer is not going to come tonight.

20
21 Mr. Thorsland asked Mr. Webber if he had any further questions for Mr. Wauthier based on his testimony.

22
23 Mr. Webber stated no.

24
25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wauthier and there was no one.

26
27 Mr. Thorsland called Mr. John Hummel to testify. He said that Mr. Hummel has previously presented
28 testimony regarding this case therefore he encouraged Mr. Hummel to only add new testimony.

29
30 Mr. John Hummel, who resides at 504 East Mumford, Urbana, stated that he is a registered professional
31 engineer and he is the father of Mark Hummel who resides at 2103 North High Cross Road, Urbana. He said
32 that Pastor Rogers read most of his letter dated October 27, 2011, therefore he will not read it again. He said
33 that Mr. Wauthier's comments essentially underline what he and his son have been trying to tell the Board
34 during the last couple of hearings that there is a drainage problem at the subject property. He said that it is
35 their opinion that additional development of a 24/7 dormitory in a low use AG-2 district is an increase in
36 density and is something that belongs in the AG-2 district. He said that he applauds Mr. Hall's suggestion
37 that the case be continued to a later date. He said that he and his son are willing to meet with the petitioner
38 and his representatives to seek a solution to the drainage issues.

39

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1 Mr. Thorsland asked the Board if there were any questions for Mr. Hummel and there were none.
2
3 Mr. Thorsland asked if staff had any questions for Mr. Hummel and there were none.
4
5 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hummel and there was no one.
6
7 Mr. Thorsland called Mr. Mark Hummel to testify.
8
9 Mr. Mark Hummel, who resides at 2103 North High Cross Road, Urbana, stated that he and his family are
10 the only residents downstream and they are willing to come to some kind of resolution. He said that the
11 Zoning Ordinance has clear steps that deal with drainage therefore he believes that the Board should take a
12 moment to review those steps. He said that the Ordinance, in regards to stormwater management, also
13 indicates that the drainage needs to be fixed before more happens.
14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Hummel and there were none.
16
17 Mr. Thorsland asked if staff had any questions for Mr. Hummel and there were none.
18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hummel.
20
21 Mr. Thorsland called Carl Webber to the cross examination microphone.
22
23 Mr. Webber asked Mr. Hummel if he built the home.
24
25 Mr. Hummel stated no.
26
27 Mr. Webber asked Mr. Hummel if he knew when the home was built.
28
29 Mr. Hummel stated that he did not know when his home was built.
30
31 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Hummel and there was no
32 one.
33
34 Mr. Thorsland called R.J. Eaton to testify.
35
36 Mr. R.J. Eaton declined to testify.
37
38 Mr. Thorsland called Mr. Thomas Martin.
39

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1 Mr. Thomas Martin declined to testify.
2
3 Mr. Thorsland called Les Cotton to testify.
4
5 Mr. Les Cotton declined to testify.
6
7 Mr. Thorsland called John Grubb.
8
9 Mr. John Grubb declined to testify.
10
11 Mr. Thorsland called Steve Johnson.
12
13 Mr. Steve Johnson stated that he had no new information to add but would answer any questions that the
14 Board or staff may have.
15
16 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Johnson and there were none.
17
18 Mr. Thorsland called Randall Brown to testify.
19
20 Mr. Randall Brown, who resides at 2408 North High Cross Road, Urbana, thanked Mr. Courson for pointing
21 out his error regarding the 14th Amendment. He said that there has been a lot of discussion about the
22 drainage plan, etc, but the main focus is still about the use of the property. He said that in his last testimony
23 he mentioned fair treatment under the Ordinance for a private business versus a church business. He said
24 that this is a very important thing because the Zoning Administrator has glossed over this without
25 considering the rights of individuals versus the rights of the church. He said that by omitting the third
26 special use associated with the property, if enacted, the amendment violates the Zoning Ordinance relative to
27 Rural Home Occupation. He said that we, the general public, deserve a complete analysis and appropriate
28 authorization of each special use on this property. He said that there is a third special use and it is not listed
29 on the amendment therefore we must wake up and get it resolved because he is tired about having to come
30 before the Board to complain about use. He asked why he has to continually attend these meetings because
31 someone cannot identify what is truly going on at the subject property.
32
33 Mr. Brown stated that he feels that the special use permit is flawed because the third use is not discussed.
34 He said that the church is running a business and it needs to be stopped. He said that the case should be
35 thrown out and a new case filed.
36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Brown and there were none.
38
39 Mr. Thorsland asked if staff had any questions for Mr. Brown and there were none.

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1 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Brown.
2
3 Mr. Thorsland called Pastor Rogers to the cross examination microphone.
4
5 Pastor Rogers asked Mr. Brown to indicate the third use that he refers to as a business.
6
7 Mr. Brown stated that he has referred to the business at every meeting. He said that Lifeline-connect's
8 website offers services for yard clean-up, construction, and roofing. He said that even though it is a 501-C-3
9 it is still a business and there is nothing on the application that describes this third special use and it has to
10 stop. He said that tonight the case should be thrown out due to the drainage issues and the omitted third
11 special use.
12
13 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Brown and there was no one.
14
15 Pastor Rogers asked Mr. Thorsland if Mr. Webber could address Mr. Brown's comments.
16
17 Mr. Thorsland called Mr. Webber.
18
19 Mr. Webber stated that not only is it the church's strong opinion that the services that are offered is to help
20 support the facility, consisting of a simple accessory use to the church, County staff has also offered this
21 opinion. He said that after reviewing several similar cases he finds the opinion to be supported.
22
23 Mr. Thorsland asked the Board if there were any questions for Mr. Webber and there were none.
24
25 Mr. Thorsland asked if staff had any questions for Mr. Webber and there were none.
26
27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Webber and there was no one.
28
29 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
30 testimony regarding Case 691-S-11.
31
32 Mr. Thorsland called Brenda Rogers to testify.
33
34 Ms. Rogers, Administrative Director for Lifeline-connect, stated that they have fundraisers and there is no
35 charge for the services that are offered although they do accept donations. She said that the fundraiser
36 teaches the residents in the program a trade or offers them work. She said that someone may call requesting
37 to have their yard raked or whatever type of service that they need completed. She said that it is no different
38 than a youth group would do a car wash and is just a fundraiser of 501-C-3, not-for-profit. She said that the
39

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1 fundraiser incorporates very few hours and she would like to see more in the future but it is not a business.
2 She said that there is tremendous support from the public and they are glad to offer a donation for the
3 program.

4
5 Mr. Thorsland asked the Board if there were any questions for Ms. Rogers.
6

7 Mr. Passalacqua asked Ms. Rogers if the website indicates that the services offered are by-donation only.
8
9 Ms. Rogers stated yes.

10
11 Mr. Thorsland asked if staff had any questions for Ms. Rogers and there were none.
12

13 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Rogers.
14

15 Mr. Thorsland called Mr. Randall Brown to the cross examination microphone.

16
17 Mr. Brown asked Ms. Rogers if the activity involves more than one person parking on the property.
18

19 Ms. Rogers stated that if the residents travel to a location they are with R.J.Eaton in the church van.
20

21 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Rogers and there was no one.
22

23 Mr. R. J. Eaton requested the opportunity to address the Board.
24

25 Mr. Thorsland called R. J. Eaton to testify.
26

27 Mr. R.J. Eaton, who resides at 2107 North High Cross Road, Urbana, stated that the program has never done
28 a fundraiser on the property and no one comes to the property for services.
29

30 Mr. Thorsland asked the Board if there were any questions for Mr. Eaton and there were none.
31

32 Mr. Thorsland asked if staff had any questions for Mr. Eaton and there were none.
33

34 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Eaton and there was no one.
35

36 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
37 regarding Case 691-S-11 and there was no one.
38

39 Mr. Thorsland closed the witness register.

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1 Mr. Thorsland stated that this case will not be completed at tonight's hearing therefore the Board should
2 consider a continuance date. He said that the Board would like information regarding whether or not the 12-
3 inch drainage tile is adequate or whether the outlet basin could be relocated. He again encouraged all parties
4 to make an attempt to work out their private issues outside of the public hearing so that the Board may utilize
5 their time in completing this case. He asked the Board if there was any additional information required from
6 staff or the petitioner.

7
8 Mr. Hall asked if the Board is indicating that when the case comes back before them the Board wants to
9 know that there is an adequate drainage outlet for the detention basin that is part of the proposal meaning
10 that there has been engineering analysis done to verify that it is an adequate outlet. He asked if this is the
11 information that the Board will require prior to taking final action.

12
13 Mr. Passalacqua stated that it was mentioned that this is a unique drainage situation. He asked who the
14 responsible party is for the existing under-road culvert that pre-dates 1976.

15
16 Mr. Hall stated that township highway commissioner is responsible for that culvert and the under-road
17 culvert is not the problem. He said that the problem, as he understands it, is that it is assumed that the
18 existing tile will accept the flow from the basin.

19
20 Mr. Passalacqua stated that Bryan Bradshaw testified that this issue has not been addressed.

21
22 Mr. Hall stated no, because the Board has not requested for such extensive engineering.

23
24 Mr. Passalacqua stated that he would like a third party engineer to determine whether or not what is being
25 added to the existing condition will work.

26
27 Mr. Hall stated that the only way to do that is to require a design that a third party consultant can review. He
28 said that this will be a lot more investment than the petitioner wanted to do but obviously it will need to be
29 done at some point. He said that an alternative would be to determine if there is a different outlet which may
30 work.

31
32 Mr. Passalacqua asked how much of the responsibility can be assigned to the petitioner and how much of the
33 responsibility is placed on the person who lives on the property that has the existing conditions.

34
35 Mr. Hall stated that the Board has been informed by a practicing engineer that the outlet that is proposed for
36 the basin, Don Wauthier has indicated that he has completed the calculations and Mr. Bradshaw indicated
37 that he has not done any calculations, will not work as it proposed. He said that the Board needs to know
38 that the outlet will work or that there is an alternative outlet that is not so problematic. He said that this is

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1 not related to the other property except to the extent that if the outlet doesn't work there will be more flow
2 going to the other property. He said what is being described as a detention basin would not actually function
3 as a detention basin. He said that Carl Webber is accurate in stating that the petitioner is not proposing to
4 add more than 10,000 square feet but he believes that there is enough evidence of inadequate drainage
5 conditions on this property that the Board should not approve even 1,000 square feet without knowing that it
6 won't do more damage.

7
8 Mr. Carl Webber stated that perhaps the best approach would be to install a new 6-inch tile along the
9 existing drainage easement to drain the new basin to assure that there is adequate flow from the basin that
10 will not only address this question but improve the entire situation.

11
12 Mr. Courson stated that calculation would be required to indicate that a 6-inch tile would be adequate. He
13 said that he does not believe that a 6-inch tile would be adequate for a basin of this size or would address all
14 of the existing drainage issues.

15
16 Mr. Webber stated that they would install a new drainage tile that would drain the new basin and assure the
17 Board that the new basin drains properly so that, at minimum, not hurting things but helping.

18
19 Mr. Courson recommended that the petitioner does everything possible to alleviate existing drainage
20 problems on the property.

21
22 Mr. Hall stated that the situation that he just described would ultimately end up draining through a farm field
23 swale and the Board would need confirmation that draining through the farm field swale would not be
24 exacerbating existing problems. He said that either way when the petitioner returns before this Board there
25 are serious issues which must be made clear.

26
27 Mr. Webber stated that they will certainly address all of these issues and they would appreciate appearing
28 before the Board again as soon as possible.

29
30 Mr. Thorsland asked the Board if there were any further suggestions for the petitioner.

31
32 Ms. Capel asked if the Board will require that the drainage plan be reviewed by a third party consultant.

33
34 Mr. Hall stated that it is up to the Board and it has to be done eventually.

35
36 Ms. Capel stated that it would make more sense to have the review completed now.

37
38 The Board agreed that the drainage plan should be reviewed by a third party consultant.

***EXCERPT OF APPROVED NOVEMBER 3, 2011, MINUTES REGARDING
CASE 691-S-11***

1 Mr. Thorsland requested a continuance date.

2

3 Mr. Hall stated that he cannot believe that the answers that are required will be available until the second
4 week of January, 2012. He said that staff is not aware of a specific date for that meeting but the Board can
5 continue the case to the second meeting in January and as soon as the date is identified notice is sent to
6 everyone that attended tonight's meeting related to this case.

7

8 **Ms. Capel moved, seconded by Mr. Courson to continue Case 691-S-11, to the second meeting in**
9 January, 2012. The motion carried by voice vote.