

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

**DATE: July 11, 2013 PLACE: Lyle Shields Meeting Room
1776 East Washington Street
TIME: 7:00 p.m. Urbana, IL 61802**

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Alan Singleton, Elista Dimitrova, Khalid Hussain

1. Call to Order

The meeting was called to order at 7:01 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent and one vacant Board seat.

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

3. Correspondence

None

4. Approval of Minutes (May 1, 2013)

Mr. Thorsland requested that the Board continue its review of the submitted minutes and delay the approval of the May 1, 2013, minutes until the July 25, 2013, meeting. He said that the May 1, 2013, minutes will be heavily scrutinized therefore he would like to make sure that the Board has had adequate time to review the minutes for edits or corrections.

Mr. Thorsland entertained a motion to place the May 1, 2013, minutes on the July 25, 2013, agenda for approval.

Ms. Capel moved, seconded by Mr. Palmgren to place the May 1, 2013, minutes on the July 25, 2013, agenda for approval. The motion carried by voice vote.

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2 Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 754-V-13, KH Farms, Inc. with
3 owner Khalid Hussain prior to Case 757-AT-13, Zoning Administrator.

4
5 **Ms. Capel moved, seconded by Mr. Courson to rearrange the agenda and hear Case 754-V-13, KH**
6 **Farms, Inc. with owner Khalid Hussain prior to Case 757-AT-13, Zoning Administrator. The motion**
7 **carried by voice vote.**

8
9 Mr. Thorsland called Case 754-V-13.

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11
12 **5. Continued Public Hearing**

13
14 **Case 757-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
15 **Champaign County Zoning Ordinance as follows: Part A. Adopt an updated Flood Insurance Study**
16 **with an effective date of October 2, 2013; and Part B. Adopt updated Digital Flood Insurance Rate**
17 **Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new**
18 **maps can be viewed at www.illinoisfloodmaps.org; and Part C. Adopt a new Special Flood Hazard**
19 **Area Ordinance based on the minimum requirements of the National Flood Insurance Program**
20 **(NFIP) and the State of Illinois.**

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

25
26 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

27
28 Mr. John Hall, Zoning Administrator, recommended that the Board do the same with this case that they did
29 with Case 754-V-13 which is to work through the findings so that it is ready for final approval at the next
30 meeting. He said that pages of evidence could be added indicating all of the good stuff that this amendment
31 will do but frankly even by the next meeting staff will not have had time to do that. He said that he wanted
32 the Board to know that there are still many problems with the model ordinance but we simply have to adopt
33 it and then continue to work on the problems. He said that one problem in the model ordinance is in regards
34 to the crawlspace requirements. He said that recently the office had a permit submitted which indicated that
35 the existing grade was no more than one foot below the base flood elevation and that the building could not
36 be located outside of the mapped floodplain. He said that the flood waters are only one foot in depth but the
37 flood requirements still require that flood vents be installed. He said that he does not agree that flood vents
38 are necessary but FEMA does not listen to the Champaign County Zoning Administrator. He said that staff

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1 will continue to work on issues like this and there may be another round of amendments after this case is
2 adopted. He said that he has found that the state employees who are responsible for making sure that the
3 County is meeting FEMA requirements are very reasonable, if you take the time to work with them.

4
5 Mr. Hall stated that there are things that he hopes we can change about this ordinance once it gets in place
6 but staff and the Board are not going to have time to make all of those changes right now. He said that as it
7 stands right now the model ordinance is much better than the current ordinance therefore we are not making
8 things worse and are making things better and we intend to make it even more better in the future. He said
9 that staff needs to get handouts prepared but staff has not had time to do that as part of this amendment. He
10 said that when the handouts are ready for review staff will present them to the ZBA for review to make sure
11 that they are not misleading and that they do their job.

12
13 Mr. Hall stated that the Board received a Draft Finding of Fact in their mailing packets for review. He said
14 that staff didn't find that the proposed amendment was terribly relevant to the LRMP and the best that staff
15 can say is that it will help achieve the purpose of the Ordinance and help improve the Ordinance. He said
16 that staff has a couple of ways that the amendment will improve the Ordinance and that information will help
17 in determining what properties will be subject to the floodplain regulations. He said that the amendment will
18 update the existing Special Flood Hazard Area Ordinance and will meet state and federal requirements in
19 order to allow Champaign County to continue participation in the National Flood Insurance Program. He
20 said that he will leave it up to Board whether they want to put something in the Finding of Fact that makes it
21 clear that there are other improvements that can and should be made in the future but given the pressing need
22 to get it adopted the Zoning Board of Appeals did not take the time to do that at this time. He said that since
23 time is so pressing perhaps the Board should keep this as simple as possible and take up those issues at a
24 later date.

25
26 Mr. Thorsland stated that the Board could create a Finding #4 to indicate that while excellent the model
27 ordinance could be improved to best suit Champaign County's unique characteristics.

28
29 Mr. Kass stated that the Board could insert that the Ordinance could be improved at a later date to reflect the
30 unique characteristics of Champaign County.

31
32 Mr. Hall stated that it should be noted that this is an improvement to the existing ordinance.

33
34 Mr. Kass stated that Finding #4 could indicate the following: While this is an improvement over the existing
35 Special Flood Hazard Area Ordinance the model ordinance could use improvements at a later date.

36
37 Mr. Hall stated that staff will work on new Finding #4 and include it for the Board's review at a later date.
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- 1 Mr. Passalacqua asked Mr. Hall if it is the Zoning Board of Appeals who is the responsible party to ensure
2 federal compliance.
3
- 4 Mr. Hall stated that it is up to the Zoning Administrator to ensure compliance.
5
- 6 Ms. Capel stated that this is a federal guideline which is being adopted into a county ordinance.
7
- 8 Mr. Hall stated that it is a federal guideline written into a state model ordinance that the County must adopt
9 and they allow the County to make several changes to help the County's citizens.
10
- 11 Mr. Passalacqua stated that when a label is placed upon the property the homeowner can insure that property
12 properly.
13
- 14 Mr. Thorsland stated that the Summary Finding of Fact should be reviewed by the entire Board for
15 discussion at the July 25th meeting.
16
- 17 Mr. Passalacqua asked Mr. Hall what substantial changes can be made to the Ordinance if we have to make
18 sure that it follows the federal guidelines.
19
- 20 Mr. Hall stated that it is a matter of discussing them with the state.
21
- 22 Mr. Passalacqua stated that they are not going to allow the County to strike the requirement of flood vents in
23 a crawlspace.
24
- 25 Mr. Hall stated that they might if it is limited to those instances when the existing grade is no more than one
26 foot below the base flood elevation. He said that he does not believe that it has occurred to them that they
27 are not accomplishing anything when there is only one foot except making more problems and it is their
28 view that a little more fill should be brought in to solve the problem. He said that this is just an example of a
29 phone call that staff has into the State office and they have not had time to reply but perhaps they will have
30 time to apply by the next meeting.
31
- 32 Mr. Passalacqua asked Mr. Hall if the maps will be revised.
33
- 34 Mr. Hall stated yes. He said that on July 17, 2012, he approved a Zoning Use Permit for a house that was on
35 a major drainage ditch and using the current maps with a scale it was determined to be outside of the mapped
36 floodplain. He said that shortly thereafter the new flood maps were received but the old flood maps were the
37 adopted maps for the County at the time of approval. He said that on July 17, 2013, the construction must be
38 completed, and it is, and a Zoning Compliance Inspection is required. He said that the new flood maps

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1 indicate that the house is located within the floodplain.

2
3 Mr. Passalacqua asked Mr. Hall if the subject property has a history of getting wet.

4
5 Mr. Hall stated that staff will discover that when the elevation information is completed because staff was
6 originally concerned about connection to the floodplain. He said that conditions were placed on the Zoning
7 Use Permit to ensure that the construction is above the base flood elevation and that it was built properly.

8
9 Mr. Passalacqua asked Mr. Hall if since the property is now located in the floodplain on the new maps if the
10 homeowners will take a hit on their insurance.

11
12 Mr. Hall stated that he doubts that it will make a change because the property always went to the center of
13 the ditch and there was always a part of the property that was located in the floodplain. He said that staff
14 required elevations to prove that the construction was above so it depends on the finance company. He said
15 that the area that the property is located in is an area with very large mortgages therefore it is almost certain
16 that the homeowner will need to obtain flood insurance. He said that in instances like this the new flood
17 maps will be problematic for existing homeowners in the County.

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

20
21 Mr. Thorsland entertained a motion to continue Case 757-AT-13 to the July 25, 2013, meeting.

22
23 **Mr. Courson moved, seconded by Ms. Capel to continue Case 757-AT-13 to the July 25, 2013, meeting.**
24 **The motion carried by voice vote.**

25
26 **6. New Public Hearings**

27
28 **Case 754-V-13 Petitioner: KH Farms, Inc. with owner Khalid Hussain Request to authorize the**
29 **following in the AG-1 Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the**
30 **minimum required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the**
31 **minimum required 200 feet. Location: Lot 1 of KH Farms Subdivision in the Southwest Quarter of**
32 **Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N,**
33 **Champaign.**

34
35 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
36 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
37 of hands for those who would like to cross examine and each person will be called upon. He requested that
38 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that

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1 those who desire to cross examine are not required to sign the witness register but are requested to clearly
2 state their name before asking any questions. He noted that no new testimony is to be given during the cross
3 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
4 from cross examination.

5
6 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
7 sign the witness register for that public hearing. He reminded the audience that when they sign the
8 witness register they are signing an oath.

9
10 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

11
12 Mr. Alan Singleton, attorney for the petitioner, stated that Mr. Hussain is the owner of KH Farms, Inc.,
13 which is actually the petitioner in this case. He said that Mr. Hussain will not speak this evening unless the
14 Board has specific questions.

15
16 Mr. Singleton stated that in 2005 Mr. Hussain purchased property which included the subject property and
17 the property located to the west. He said that the historic farm house was in drastic need of repair and the
18 historic barn and metal machine shed required remodeling as well. Mr. Singleton stated that Mr. Hussain
19 purchased the home with the mindset that he would remodel it and make it his family home and Mr. Hussain
20 invested thousands of dollars in remodeling the barn and the house. He said that Mr. Hussain installed new
21 flooring in the house as well as new plumbing, roof, and kitchen. He said that Mr. Hussain enclosed the
22 open back porch and constructed a second story porch on top and he also constructed a new open front
23 porch. Mr. Singleton stated that staff has indicated that a Zoning Use Permit and fees were required for the
24 new construction therefore Mr. Hussain will submit that application and fees as soon as possible.

25
26 Mr. Singleton stated that Mr. Hussain has spent a substantial amount of money remodeling the barn. He said
27 that unfortunately due to Mr. Hussain's family situation, he manages a motel in Rantoul where he resides at
28 with his wife, Mr. Hussain is unable to reside at the subject property. Mr. Singleton stated that Mr. Hussain
29 decided that he would sell the property and contacted Nick Taylor at Remax Realty, for assistance with the
30 sale. Mr. Singleton stated that the historic barn was sold to the neighbor to the west of the subject property
31 and it was assumed that the sale was permitted under a plat act exception. He said that when Mr. Hussain
32 subsequently attempted to sell the home and entered into a sales contract it was discovered that there was a
33 zoning issue which must be remedied therefore the buyer backed out of the sales contract. Mr. Singleton
34 stated that the realtor indicated that the subject property's zoning issue must be cleared up prior to any
35 further progress on a sale therefore the Village of Bondville was contacted to obtain written approval of the
36 division of the property. Mr. Singleton stated that Bondville indicated that they did not have an issue with
37 the division therefore a subdivision plat was approved by Bondville and is included in the Board's packet for
38 review. He said that in order to get everything cleaned up a variance is required by the County for lot size

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1 and lot width.

2

3 Mr. Singleton stated that during his discussions with staff the subject of the septic system was mentioned.
4 He said that he did determine the location of the septic tank on the property and Mr. Hussain believes, but is
5 not positive, that the laterals run to the north. Mr. Singleton noted that the septic tank is indicated on the
6 subdivision plat.

7

8 Mr. Singleton stated that currently the house is vacant and it is located in a beautiful location. He said that
9 basically the area has two houses with a historic barn situated between them. He said that the area is very
10 peaceful but when a house is vacant in a rural area it is open to intrusion and vandalism. He said that Mr.
11 Hussain would like to have the home occupied as a single family residence and owned by someone who
12 could maintain and respect it.

13

14 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.

15

16 Mr. Thorsland asked if staff had any questions for Mr. Singleton and there were none.

17

18 Mr. Thorsland asked Mr. Hussain if he had any information to add and he did not.

19

20 Mr. Thorsland called John Hall.

21

22 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated July 11, 2013, to the
23 Board for review. He said that the new memorandum includes proposed evidence and revisions and a
24 special condition. He said that the proposed evidence, Item 5.B.(1) is in regard to the additions of the home
25 with no Zoning Use Permit and Item 7 indicates that there are no records regarding the existing septic system
26 on the subject property. He said that the new memorandum includes a revision to Item 8.D. regarding the
27 purchase of additional land and expansion of the lot. He read revised Item 8.D. as follows: Regarding the
28 purchase of addition land and expansion of the lot: (1) The petitioner has not pursued purchasing additional
29 land in order to meet the minimum lot area or width requirements; and (2) 90 feet of additional width is
30 needed for the lot to meet the minimum required lot width of 200 feet; and (3) 0.076 acre of land is needed
31 to meet the minimum required lot area of 1 acre; and (4) Expanding the lot to the north would increase the
32 area of the lot, but would not increase the width of the lot; and (5) Expanding the lot to the east would
33 require taking agricultural land out of production; and (6) Regarding expansion of the lot to the west: (a)
34 Expanding the lot to the west is feasible, and the petition may be able to purchase enough land to meet the
35 average lot width and lot area requirements; and (b) There is an existing barn on the property to the west that
36 is approximately 90 feet from the shared property line. It is possible that expanding 90 feet could result in
37 the barn being on the property line, or very close to it; and (c) the area to the west may not be adequate for a
38 septic system because it appears to have been an area for animal grazing in the past and the soils are likely

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1 compacted, and may not accommodate a septic system. He said that Item 8.F should be deleted. He said
2 that the following special condition is proposed:

- 3
4 **A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning**
5 **Use Permit Application (ZUPA) for any previous renovations that may have expanded**
6 **the footprint of the existing home.**

7 The above special condition is required to ensure the following:

8 **To ensure compliance with the *Zoning Ordinance* requirements.**
9

10 Mr. Hall stated that Mr. Singleton did submit an e-mail regarding record of the existing septic system, as
11 attached to the new Supplemental Memorandum, for the Board's review. Mr. Hall stated it is up to the
12 Board whether or not to include the proposed special condition but a ZUPA is required and the fees will not
13 be substantial. He said that it is his view that the proposed special condition is not harmful but it is up to the
14 Board and obviously the petitioner has to agree to the condition.

15
16 Mr. Passalacqua asked Mr. Hall if a report regarding the sanitary system is necessary.

17
18 Mr. Hall stated that under the terms of the Ordinance, it is his view that the Board does not need a report on
19 the sanitary system. He said that the lot is very close to being one acre which is the most critical part of the
20 minimum lot requirement.

21
22 Mr. Passalacqua asked if the new sanitary regulations would require a report.

23
24 Mr. Hall stated that the new regulations have not been adopted and even if they had been the property is still
25 almost one acre.

26
27 Mr. Passalacqua asked if the new sanitary regulations would only apply to new systems.

28
29 Mr. Hall stated that if the new regulations were in place then this case might merit a little more scrutiny but
30 they have not been adopted. He said that the property is almost one acre therefore it would be hard to
31 believe that a septic system could not be placed on the property.

32
33 Mr. Passalacqua stated that it would be up to the buyer to have a septic report generated therefore he is fine
34 with that.

35
36 Mr. Thorsland asked Mr. Hall if staff is positive that all of the laterals are located on the subject property.

37
38 Mr. Hall stated that no one knows where the laterals are actually located.

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Mr. Thorsland stated that presumably a Zoning Use Permit will be applied for therefore it is up to the Board whether or not to include the proposed special condition.

Mr. Passalacqua asked Mr. Hall if the Zoning Use Permit requires a septic inspection.

Mr. Hall stated no.

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

Mr. Thorsland asked the Board if there were any questions for Mr. Hussain and there were none.

Mr. Hall stated that he trusts that the Board saw the note included in the Preliminary Memorandum dated July 5, 2013, regarding the legal notice error.

Mr. Thorsland stated yes, but the Board could work through the Summary of Evidence and Findings of Fact tonight and complete the Final Determination at the next meeting. He said that the proposed evidence from the Supplemental Memorandum can be added to the Summary of Evidence.

Mr. Passalacqua asked staff if the petitioner is aware of legal notice error and that the Final Determination cannot take place at tonight's meeting.

Mr. Kass stated that the petitioner is aware of the situation.

Mr. Thorsland stated that he agrees with the inclusion of the proposed special condition A. He asked the Board if a condition should be made regarding a septic inspection.

Mr. Passalacqua stated that no special condition should be required regarding a report for the existing septic system.

Mr. Thorsland read the proposed special condition as follows:

- A. **Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning Use Permit Application (ZUPA) for any previous renovations that may have expanded the footprint of the existing home.**
The above special condition is required to ensure the following:
To ensure compliance with the *Zoning Ordinance* requirements.

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1 Mr. Thorsland asked the petitioner if he agreed to the special condition.

2

3 Mr. Singleton, attorney for the petitioner, indicated that the petitioner does agree to the special condition as
4 read.

5

6 Mr. Thorsland entertained a motion to approve the special condition as read.

7

8 **Mr. Passalacqua moved, seconded by Mr. Palmgren to approve the special condition as read. The**
9 **motion carried by voice vote.**

10

11 Mr. Thorsland stated that new Item #7 should be added to the Documents of Record as follows:
12 Supplemental Memorandum dated July 11, 2013 with attachments.

13

14 **Findings of Fact for Case 754-V-13:**

15

16 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
17 754-V-13 held on July 11, 2013 and July 25, 2013, the Zoning Board of Appeals of Champaign County finds
18 that:

19

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

23

24 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land
25 or structure involved, which are not applicable to other similarly situated land and structures elsewhere in
26 the same district because the previous owner subdivided the property without proper authorization.

27

28 Mr. Thorsland stated that the right of way for County Road 1700N causes the lot area to be less than one
29 acre. He said that the land to the west is a logical choice for expansion but it has been sold.

30

31 Mr. Kass read the Board's findings as follows:

- 32 • **The previous owner subdivided the property without proper authorization**
- 33 • **The right of way for County Road 1700N causes the lot area to be less than one acre**
- 34 • **The land to the west would be a logical choice for expansion but it has been sold.**

35

36 The Board agreed.

37

- 38 **2. Practical difficulties or hardships created by carrying out the strict letter of the**

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1 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
2 **the land or structure or construction.**

3
4 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
5 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land
6 or structure or construction because the width requirement does not affect the functionality of the lot with
7 the house on it.

8
9 Mr. Thorsland stated that without the variance the property owner would be unable to obtain a Zoning Use
10 Permit.

11
12 Ms. Capel stated that without the variance the property cannot be sold and/or financed.

13
14 Mr. Kass read the Board’s findings as follows:

- 15
16 • **The width requirement doesn’t affect the functionality of the lot with the house on it.**
17 • **Without the variance the property owner would not be able to receive a Zoning Use**
18 **Permit.**
19 • **Without the variance the property cannot be sold and/or refinanced.**

20
21 The Board agreed.

22
23 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
24 **result from actions of the applicant.**

25
26 Mr. Courson stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
27 result from actions of the applicant because the petitioner sold the lot with the barn to the neighbor with
28 the understanding that it was permissible to do so per the advice of his real estate attorney. He said that the
29 appearance of two Permanent Index Numbers gave the appearance of two legal lots, particularly the lot that
30 is the subject of this case.

31
32 Mr. Thorsland stated that the petitioner assumed the one acre lot was indeed one acre without taking the
33 right-of-way for CR 1700N into account.

34
35 Mr. Kass read the Board’s findings as follows:

- 36
37 • **The petitioner sold the lot with the barn on it to an adjacent landowner with the**
38 **understanding that it was permissible to do so per the advice of his legal counsel.**

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- 1 • **The two PINs gave the appearance of two legal lots, particularly the lot that is the**
- 2 **subject of this case.**
- 3 • **The petitioner assumed the one acre lot was indeed one acre without taking the right-**
- 4 **of-way for CR 1700N into account.**

5
6 The Board agreed.

- 7
- 8 **4. The requested variance, subject to the proposed special condition, WILL NOT be**
- 9 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
- 10 **welfare.**

11
12 Mr. Courson stated that the requested variance, subject to the proposed special condition, WILL NOT be
13 injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the
14 small amount of variance allows for the home to be used and sold on this property which otherwise may not
15 be able to be sold if the variance is not granted.

16
17 Ms. Capel stated that expansion of the lot is not feasible.

18
19 Mr. Kass read the Board’s findings as follows:

- 20
- 21 • **The small amount of variance still allows for the home to be used and sold on this**
- 22 **property. Which without the variance this may not be possible.**
- 23 • **Expansion of the lot is not feasible.**

24
25 The Board agreed.

- 26
- 27 **5. The requested variance, subject to the proposed special condition, WILL NOT be**
- 28 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
- 29 **welfare.**

30
31 Mr. Passalacqua stated that the requested variance, subject to the proposed special condition, WILL NOT be
32 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because there
33 will be no change to traffic, fire or flood from current use.

34
35 Mr. Thorsland stated that the petitioner’s point of having a vacant property is not desirable for the health,
36 safety, and welfare of the neighborhood.

37
38 Mr. Palmgren stated that letters of support have been received from neighboring landowners and the Village

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1 of Bondville has granted subdivision approval for the subject property.

2
3 Mr. Kass read the Board’s findings as follows:

- 4
- 5 • **No change to traffic, public service usage, or flood hazards.**
- 6 • **The petitioner’s point of having a vacant property is not desirable for the health, safety,**
- 7 **and welfare of the neighborhood.**
- 8 • **Letters of support have been received from neighboring landowners.**
- 9 • **The Village of Bondville has granted subdivision approval for the subject property.**

10
11 The Board agreed.

- 12
- 13 **6. The requested variance, subject to the special condition, IS the minimum variation that**
- 14 **will make possible the reasonable use of the land/structure.**

15
16 Mr. Thorsland stated that the requested variance, subject to the special condition, IS the minimum variation
17 that will make possible the reasonable use of the land/structure.

- 18
- 19 **7. The special condition imposed herein is required for the particular purpose described**
- 20 **below:**

- 21
- 22 **A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a**
- 23 **Zoning Use Permit Application (ZUPA) for any previous renovations that may**
- 24 **have expanded the footprint of the existing home.**

25 The above special condition is required to ensure the following:

26 **To ensure compliance with the *Zoning Ordinance* requirements.**

27
28 Mr. Hall stated that staff had discussed the idea of a condition that would have the case essentially decided
29 at tonight’s public hearing if staff does not receive any calls before July 19th. He said that if calls were
30 received by July 19th then the case would come back on the next meeting date. He said that the reason why
31 staff did not propose this condition is how can the Board make a final determination and provide for the
32 case to be re-opened. He said that he hates to have the petitioner come back to another meeting with a 99%
33 likelihood that there is no need.

34
35 Mr. Passalacqua stated that the only reason why the Board would change their opinion is if there was some
36 sort of striking new evidence.

37
38 Mr. Hall stated that the Board cannot make a decision if someone within that 15 day period had a question

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1 regarding the request.

2

3 Mr. Thorsland stated that it is called a legal notice for a reason.

4

5 Mr. Passalacqua asked Mr. Hall if, in order for the Board to make its Final Determination, is the petitioner's
6 attendance necessary.

7

8 Mr. Hall stated that the petitioner's presence at the meeting is up to the Board. He said that according to the
9 By-laws someone needs to present but the Board can always waive that requirement.

10

11 Mr. Thorsland stated that the main reason why someone should be in attendance is because if there is not a
12 full Board in attendance the petitioner can request that the case be continued until a full Board is present.

13

14 Mr. Passalacqua stated that if the petitioner agrees and the Board has not received any new evidence by July
15 19th then he sees no reason why the petitioner should be present.

16

17 Mr. Hall stated that, in his mind, Mr. Passalacqua's statement is entirely reasonable.

18

19 Mr. Passalacqua asked Mr. Singleton if he agreed.

20

21 Mr. Singleton asked Mr. Passalacqua to explain the purpose of the condition.

22

23 Mr. Passalacqua stated that for simplicity and the petitioner's convenience the Board is proposing that the
24 petitioner does not need to attend the next public hearing for the Board's Final Determination of this case.

25

26 Mr. Thorsland stated that the Board will entertain a motion to continue this case the July 25th meeting to
27 complete the minimal amount time required for the Final Determination. He said that the case would be
28 placed as the first case on the docket.

29

30 Mr. Singleton stated that he will attend the next meeting .

31

32 Mr. Thorsland entertained a motion to continue Case 754-V-13 to the July 25, 2013, meeting.

33

34 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 754-V-13 to the July 25, 2013, meeting.**
35 **The motion carried by voice vote.**

36

37 Mr. Thorsland stated that due to the case load the Board had considered changing the time of the July 25th
38 meeting to 6:30.

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1
2 Mr. Passalacqua stated that with his current work schedule it would be very difficult for him to be in
3 attendance at 6:30.

4
5 Mr. Thorsland stated he agreed with Mr. Passalacqua.

6
7 Mr. Courson asked Mr. Hall if he anticipates final determination for any of the other cases on the July 25th
8 docket.

9
10 Mr. Hall stated that Case 757-AT-13 has to be decided at the July 25th meeting. He said that Case 760-V-13,
11 based on the roaring success that Sangamon Valley has had with previous cases, should be finalized at the
12 meeting.

13
14 Mr. Passalacqua stated that it is his impression that Case 760-V-13 may be controversial.

15
16 Mr. Hall stated that he was impressed during the last variance of the amount of evidence to support the
17 location.

18
19 Mr. Thorsland stated that the Board will now hear Case 757-AT-13, Zoning Administrator.
20

21
22
23 **7. Staff Report**

24
25 None

26
27 **8. Other Business**

28
29 Mr. Passalacqua requested an update on the Denny Anderson property.
30

31 Mr. Kass stated that after it was apparent that Mr. Anderson was ignoring his phone calls staff visited the
32 property in April which was approximately two weeks after the deadline. He said that Mr. Anderson has
33 started to remove a portion of the wall and the long narrow shed that was up against the fence has been
34 removed. Mr. Kass stated that the materials which were being stored inside of the long narrow shed were
35 now being stored in the larger shed.

36
37 **A. Review of Docket**
38

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1 Mr. Kass stated that staff reviewed some of the information required for Cases 731-S-12 and 747-AM-13,
2 Warner Brothers Inc., and even though it is difficult to determine how much time each case will take he does
3 not believe that they will take a lot of time at the next meeting
4

5 Mr. Kass said that Cases 758-AM-13 and 759-S-13, Charles Jesse, require a lot of information for review
6 therefore he expects those cases to be continued to a later date. He said that Mr. Jesse does have an engineer
7 involved therefore kudos to Mr. Jesse.
8

9 Mr. Kass stated that Case 760-V-13, Sangamon Valley Public Water District should be completed at the next
10 meeting.
11

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

13
14 None
15

16 **10. Adjournment**

17
18 Mr. Thorsland entertained a motion to adjourn the meeting.
19

20 **Ms. Capel moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
21 **vote.**
22

23 The meeting adjourned at 8:03 p.m.
24
25
26

27 Respectfully submitted
28
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31

32 Secretary of Zoning Board of Appeals
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ZBA

AS APPROVED SEPTEMBER 26, 2013

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