

1 none.

2

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

4

5 **5. Continued Public Hearing**

6

7 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
 8 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
 9 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
 10 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
 11 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
 12 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
 13 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
 14 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
 15 **driveway separation between driveways in the same development; (4) require minimum driveway**
 16 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
 17 **(5) require for any proposed residential lot not served by a public water supply system and that is**
 18 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
 19 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
 20 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
 21 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
 22 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
 23 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
 24 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
 25 **the agency response.**

26

27 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of the request.

28

29 Mr. John Hall, Zoning Administrator, requested that Case 685-AT-11 be continued to the April 30, 2015,
30 meeting.

31

32 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the April 30, 2015, meeting.

33

34 **Ms. Lee moved, seconded by Mr. Randol to continue Case 685-AT-11 to the April 30, 2015, meeting.**
35 **The motion carried by voice vote.**

36

37 **6. New Public Hearings**

38

39 **Case 792-V-14 Petitioner: Robert Frazier Request to authorize the following Variance from the**
 40 **Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District. Part A. Variance for**
 41 **48 parking spaces as required by Section 7.4 of the Zoning Ordinance. Part B. Variance for a setback**

1 of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the
2 minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by
3 Section 5.3 of the Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the Southeast
4 Quarter of Section 8 of Champaign Township and commonly known as the former LEX building
5 located at 310 Tiffany Court, Champaign.
6

7 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
8 the witness register for that public hearing. He reminded the audience that when they sign the witness
9 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
10 time.
11

12 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
13

14 Mr. Hall informed the Board that the petitioner had not arrived to the meeting yet therefore the Board may
15 want to rearrange the agenda and hear Case 793-S-14 as the first case of the meeting.
16

17 **Ms. Lee moved, seconded by Mr. Passalacqua to rearrange the agenda and hear Case 793-S-14 as the**
18 **first case of the meeting. The motion carried by voice vote.**
19

20 Mr. Thorsland informed the Board that Mr. Frazier had just arrived therefore he would entertain a motion to
21 return to the original order of the agenda and hear Case 792-V-14 at this time.
22

23 **Ms. Lee moved, seconded by Mr. Passalacqua to return to the original order of the agenda and hear**
24 **Case 792-V-14 at this time. The motion carried by voice vote.**
25

26 Mr. Robert Frazier, owner of 310 Tiffany Court, Champaign, stated that he purchased the property over 15
27 years ago and at that time he constructed a building which only had a standard two foot overhang. He said
28 that the entrances had no protection from snow, rain or wind therefore he built a roof over the sidewalk in
29 front of the building for protection from the weather but evidently the roof is in violation with the setbacks
30 and requires a variance. He said that it has come to his attention that parking is also an issue on the property.
31

32 Mr. Frazier stated that for over twelve years he operated a business called LEX at the property and he had
33 many more employees, traffic and buses than what he has now. He said that he is requesting a variance for
34 parking because the County's ordinance is requiring 50 some spaces and he only has 40 some spaces. He
35 said that he has been at this location for 20+ years and he has never seen more than 20 cars at one time at the
36 property and currently he only sees 10 cars per day.
37

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

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 asked the Board if there were any questions for Mr. Frazier.

7
8 Ms. Lee asked Mr. Frazier why he constructed the bus garage without obtaining a Zoning Use Permit.

9
10 Mr. Frazier stated that during that period of time his mind was elsewhere.

11
12 Ms. Lee asked Mr. Frazier why, after being notified by staff, he did not obtain a Zoning Use Permit for the
13 construction that took place in 2014.

14
15 Mr. Frazier stated that Mr. Hall did contact him about the construction.

16
17 Mr. John Hall, Zoning Administrator, stated that Mr. Frazier's employee did submit a Zoning Use Permit
18 Application for the conversion of the use and it entailed extensive coordination with the Illinois EPA and
19 other agencies and it was never completed before the business, LEX, ended. He said that the Zoning Use
20 Permit was submitted late.

21
22 Ms. Lee asked Mr. Hall if the Zoning Use Permit Application was for the prior year's construction or the
23 construction completed in 2014.

24
25 Mr. Hall stated that he is discussing the construction of the bus garage that was completed in prior years. He
26 said that the application was submitted after the fact and after staff had contacted them and it was an
27 extensive application. He said that staff never got the extensive application reviewed completely before the
28 business went out of business.

29
30 Ms. Lee asked Mr. Hall if he had any information regarding a 2014 permit application.

31
32 Mr. Hall stated yes. He said that after staff contacted Mr. Frazier, staff received a Zoning Use Permit
33 Application with a site plan in a timely fashion and at that time staff informed Mr. Frazier that a variance
34 was required for the roof addition. He said that in both instances the Zoning Use Permit Application did
35 come after the fact but did come in very short order and review of those applications is the reason why we
36 are here tonight.

37
38 Mr. Passalacqua asked Mr. Hall to indicate the stage of construction when Mr. Frazier was notified that any
39 further construction should proceed at his own risk because a variance was required.

40
41 Mr. Hall stated that the roof/covered porch was almost completed.

1

2 Mr. Passalacqua stated that the roof/covered porch is complete at this time.

3

4 Mr. Hall stated yes. He said that the case is arriving at the Board late because staff was operating with a
5 part-time planner for the last year and due to the background information regarding the LEX property he did
6 not give this case to staff's new senior planner until after she was actually designated as the senior planner.
7 He said that it is staff's fault why this case is before the Board so late and not due to anything on Mr.
8 Frazier's part.

9

10 Mr. Passalacqua stated that the construction was started before receiving approval.

11

12 Mr. Hall stated yes, construction was started and essentially 90% completed prior to obtaining approval from
13 the County.

14

15 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Frazier and there
16 were none.

17

18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Frazier and there was no one.

19

20 Mr. Thorsland called Lloyd Allen to testify.

21

22 Mr. Lloyd Allen, who resides at 3222 Stoneybrook Drive, Champaign, stated that he owns the property at
23 4400 W. Springfield Ave, Champaign, which is located beside Mr. Frazier's property. He said that for
24 various reasons he is totally opposed to allowing the variances to be approved. He said that the County's
25 system has worked for numerous years and even by allowing the variances Mr. Frazier still does not have
26 enough space in the front for the vehicles to park. He said that currently the tenants park on the sidewalk
27 that is present for people to walk upon therefore with the porch addition the sidewalk is hindered. He said
28 that the sidewalk was put there for the public to use and existed when the subdivision was developed. He
29 said that the bus garage/warehouse was built and still exists without a permit from the County. He said that
30 Mr. Frazier has repeatedly done things to the property without obtaining permits such as, cutting the
31 sidewalk and curbs out, removing "No Parking" signs, and has testified that he has done all of this for the
32 betterment and to improve property values. Mr. Allen stated that if Mr. Frazier was ever worried about
33 property values he would have never parked junk buses on the property for several years.

34

35 Mr. Allen stated that Mr. Frazier had previously made a statement that he never had problems with parking
36 before because he had leased the space up front where he had the junk parking and where all of his
37 employees parked. Mr. Allen said that there is a problem with parking in that because Mr. Frazier has one
38 tenant whose clients totally park in the street, a cul-de-sac that is designated for no parking. Mr. Allen said
39 that when Mr. Frazier had his buses there was still a parking problem because Mr. Frazier would park the
40 buses in the street and other businesses could not get large trucks through due to the buses being parked on
41 both sides.

1
2 Mr. Allen stated that the Zoning Ordinance has been in existence for numerous years and he sees no reason
3 to change the Ordinance and set precedence for future violations to occur.
4
5 Mr. Thorsland asked the Board if there were any questions for Mr. Allen and there were none.
6
7 Mr. Thorsland asked if staff had any questions for Mr. Allen.
8
9 Mr. Hall asked Mr. Allen if he observed any problems with people using the subject property having to park
10 on the street prior to the start of the LEX business.
11
12 Mr. Allen stated that prior to the start of the LEX business Mr. Frazier leased property from him which had a
13 very large parking area and at that time it was Bright Ideas. Mr. Allen said that Mr. Frazier went across and
14 built a building, which he received a permit for, and has completed additional construction without a permit.
15 Mr. Allen stated that the construction that Mr. Frazier has completed has created issues regarding
16 accessibility and a gas meter is located in the front which is a trip hazard to the public.
17
18 Mr. Hall stated that when LEX started and there was access from both lots, side by side, there was plenty of
19 parking area.
20
21 Mr. Allen stated no, because the buses were being parked on both sides of the street.
22
23 Mr. Hall asked Mr. Allen, if prior to that, there had been any parking problems that were noticed prior to the
24 LEX business.
25
26 Mr. Allen stated that he was not there prior to Mr. Frazier constructing the other building. Mr. Allen said
27 that when he purchased 4400 W. Springfield, Mr. Frazier was leasing space off of him and when his lease
28 was up is when Mr. Frazier built the other building at 310 Tiffany Court and is when the parking issues
29 started.
30
31 Ms. Lee asked Mr. Allen if the parking issues started when Mr. Frazier built the building that he did not
32 obtain a permit for.
33
34 Mr. Allen stated that in 2001 Mr. Frazier constructed the first building with a permit. He said that the
35 warehouse building which was constructed for the LEX business has been altered without permits. He said
36 that Mr. Frazier is installing concrete driveways with no consideration of where the water is going and is
37 forcing it onto adjacent properties requiring those owners to install storm drains to direct the water.
38
39 Mr. Passalacqua asked Mr. Allen where the curb cut is located.
40
41 Mr. Allen stated that the curb which existed since the creation of the subdivision was in front of the building

1 and now it has been taken out.
2
3 Mr. Thorsland stated that removal of the curb is what allows the cars to pull right off the street and up to the
4 building across the sidewalk.
5
6 Mr. Allen stated that Mr. Thorsland is correct. He said that currently there is a section of gravel that is in
7 between the street, gravel, sidewalk and concrete driveway. He said that they are driving through the gravel
8 which brings it onto the street which creates issues.
9
10 Mr. Passalacqua asked if the Champaign Township Road Commissioner has commented on the curb
11 removal.
12
13 Mr. Hall stated that he is sure that those comments will be received tonight.
14
15 Mr. Thorsland asked the Board if there were any additional questions for Mr. Allen and there were none.
16
17 Mr. Thorsland asked if staff had any additional questions for Mr. Allen and there were none.
18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Allen.
20
21 Mr. Robert Frazier requested the opportunity to cross examine Mr. Allen.
22
23 Mr. Thorsland informed Mr. Frazier that the cross examination must be limited to only things that Mr. Allen
24 has testified about and no new evidence.
25
26 Mr. Frazier asked Mr. Allen if he is complaining about the curb being removed on Tiffany Court.
27
28 Mr. Allen stated yes.
29
30 Mr. Frazier asked Mr. Allen if gravel is being taken from his property onto the street.
31
32 Mr. Allen stated yes.
33
34 Mr. Frazier asked Mr. Allen if he had gravel in his parking lot and does it go onto the street at times.
35
36 Mr. Allen stated that he does have gravel on his parking lot and it does go onto the street at times but he is
37 not the one who cut the curb out.
38
39 Mr. Frazier stated that we are not here due to the curb being removed.
40
41 Mr. Thorsland reminded Mr. Frazier that he can only ask Mr. Allen questions regarding his testimony and

1 nothing more. He informed Mr. Frazier that the entirety of his case has to do with the property therefore if
2 the curb is part of the property the subject of removing that curb will come up.
3
4 Mr. Frazier stated that Mr. Allen indicated that he is pouring concrete and pushing water off onto adjacent
5 properties.
6
7 Mr. Allen stated that he did indicate that concrete driveways are being constructed and the water is flowing
8 onto adjacent neighbors.
9
10 Mr. Frazier asked Mr. Allen how the water flowed before from his property.
11
12 Mr. Allen stated that Mr. Frazier should know since he is pouring the concrete.
13
14 Mr. Thorsland informed Mr. Frazier that he is very strict in regards to cross examination because it will
15 never generate into an argument. He said that the Board will request that Mr. Frazier come back to the
16 testimony microphone to discuss the installation of concrete driveways and how it may have changed the
17 water flow and about the removal of the curb. He said that Mr. Allen testified that water appears to be
18 moving towards the neighbor's properties therefore the Board will question Mr. Frazier about this concern.
19 He informed Mr. Frazier that the public hearing is recorded by two different systems and copies of the
20 minutes will be available for review. He said that cross examination is a very limited process and it is not an
21 argument but an opportunity to ask a question to the witness regarding what they testified about and that is it.
22
23 Mr. Frazier asked Mr. Allen how often he sees cars being parked on the street.
24
25 Mr. Allen stated that there are a couple of evenings where the entire street and the cul-de-sac have cars
26 parked on them, including Mr. Frazier's. He said that Mr. Frazier parks on the street and the sidewalk and
27 he cannot park on his own property because there are not enough spaces available. Mr. Allen submitted
28 photographs of his parking concerns for the Board's review.
29
30 Mr. Frazier asked Mr. Allen to indicate what time of day and what days he is discussing.
31
32 Mr. Passalacqua stated that the photographs that were submitted as evidence indicate the date and time and
33 Mr. Frazier will have an opportunity to review those photographs shortly.
34
35 Mr. Thorsland stated that Mr. Allen testified that there were cars in the street and he has submitted
36 photographs to substantiate his testimony. He said that unless Mr. Frazier has a relevant question regarding
37 Mr. Allen's testimony the cross examination period is over. He said that he is very particular about cross
38 examination and he will not allow arguments to occur. He guaranteed Mr. Frazier that the Board will not
39 finalize this case tonight and that everyone will have another opportunity to present testimony.
40
41 Mr. Allen stated that Mr. Frazier has indicated that he has 48 parking spaces. He said that some of the

1 spaces that were listed have no access.

2

3 Mr. Thorsland stated that these will be questions that he is sure the Board will ask Mr. Frazier about this
4 concern.

5

6 Mr. Thorsland called Steve Koester to testify.

7

8 Mr. Steve Koester, owner of 305 Tiffany Court, Champaign, stated that his property is located on the north
9 side of Mr. Frazier's property and he also owns half of the property, along with Mr. Caleb Burton, that is
10 along the south side of Mr. Frazier's property. He said that the problem that occurred in the past, especially
11 when the buses were running, was that many, many times Mr. Koester's employees would have to call the
12 Champaign County Sheriff to have them come and relocate buses out of the middle of the road. He said that
13 he thought that the issue with the buses in the road would go away when LEX went away and he turned his
14 head when curbs were being cut and "No Parking" signs were removed so that the buses could park in the
15 street. He said that he has current photographs of buses on the property and it appears that Mr. Frazier is
16 going back into the bus business. He said that if this continues he will have a Sheriff's office representative
17 attend a meeting to discuss the multiple situations that Mr. Koester has had due to the street being blocked.
18 He said that an emergency vehicle would not be able to get to Mr. Koester's property, delivery trucks are
19 delayed, and employees are unable to access his property to report to work because his property is on the
20 north side of the subdivision. He said that the street, curbs, and sidewalks and all of the other infrastructure
21 was in place when he moved there over 20 years ago and to his knowledge no one ever gave permission for
22 anyone to remove any of the improvements that were inherent in the original subdivision. He said that he
23 has been very cautious on his property to make sure that all of the drainage has stayed intact and he was
24 shocked to see some of the things that have gone on. He said that with the buses going away he thought that
25 things would go back to normal and he want to get along with all of his neighbors but this has not been very
26 possible. He said that with the situation that Mr. Frazier has going on with this building, a full-size vehicle
27 cannot park in one of the parking spaces on the west side of his building, which is the entrance, without the
28 back end being on the sidewalk. He said that Mr. Frazier is very negligent to assure that his car is not clear
29 of the sidewalk, therefore how would we expect any of his patrons or tenants to be also. Mr. Koester
30 submitted photographs regarding his concerns.

31

32 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Koester.

33

34 Mr. Hall asked Mr. Koester if he could review what concerns he has today in regards to Mr. Frazier's
35 customers parking or not parking in the street. He said it appears that when customers park on the west side
36 of the building they are parking over the sidewalk. He asked Mr. Koester if there are parking situations still
37 in the street.

38

39 Mr. Koester stated yes. He said that one of the pictures shows a customer's vehicle parked in the cul-de-sac.
40 He said that he personally saw the customer walk into one of the businesses that Mr. Frazier is currently
41 leasing to. He said that he has seen as many as five or six vehicles parked in the cul-de-sac portion of the

1 street which makes it virtually impossible for a semi-truck or Fed-Ex delivery to occur to his property. Mr.
2 Koester stated that he has no objection to Mr. Frazier running his businesses and he believes that Mr. Frazier
3 should be free to do so but Mr. Frazier does not have enough land to support what he has going on there.
4 Mr. Koester stated that he believes that there are at least ten businesses operating on that little lot and Mr.
5 Frazier has built all of the buildings for mini-warehouses but he doesn't have enough room to support them.
6 Mr. Koester stated that he operates one business on his eleven acre property and it is amazing how many
7 parking spaces that his employees fill up and how many spaces his equipment fills up.

8
9 Mr. Hall asked Mr. Koester when he sees people parking on the street has he checked to see if there is
10 parking available on the Frazier property or are they parking in the street as a matter of personal
11 convenience.

12
13 Mr. Koester stated that he has not interviewed any of the people parking in the street but there used to be
14 "No Parking" signs on both sides of the street all the way back to the cul-de-sac and to Springfield Avenue.
15 He said that many of the "No Parking" signs have been removed.

16
17 Mr. Hall asked Mr. Koester if he has noticed a lot of vehicles on the Frazier property.

18
19 Mr. Koester stated yes. He said that the photographs indicate a bus, backhoe, and other pieces of equipment
20 which occupy the spaces that Mr. Frazier has indicated for parking although Mr. Koester stated that he does
21 not believe they are parking spaces but storage spaces. Mr. Koester stated that he has had many cases of
22 people parking on his south lot, south of Mr. Frazier's property, to go to the mini-warehouses and Mr.
23 Frazier's garbage service parks on Mr. Koester's property to dump Mr. Frazier's dumpster.

24
25 Mr. Hall asked Mr. Koester if the space on the west side, 20 feet of clearance, is adequate area to have a row
26 of parallel parking and a traffic aisle.

27
28 Mr. Koester stated that if reconfigured it is potentially adequate but one of the photographs indicates at least
29 six vehicles that were parked in front of Mr. Frazier's building and three of those vehicles were parked on
30 the sidewalk and one entirely blocked the sidewalk and that vehicle belonged to Mr. Frazier.

31
32 Mr. Passalacqua asked Mr. Hall to indicate how many Zoning Use Permits for businesses have been
33 approved for Mr. Frazier's property. He said that Mr. Koester testified that there may be ten businesses
34 operated on the property.

35
36 Mr. Hall stated that there could be but the key thing is that there is only one building and it is divided into
37 different uses and he doesn't expect that his office knows everything that is going on there. He said that the
38 only uses that staff is aware of are the self-storage warehouses and the offices on the west side. He said that
39 when someone adds a new use, whether it is construction or not, they are supposed to check with the office
40 to make sure that they meet all of the County's requirements. He said that he has no belief or expectation
41 that businesses will check with us that often but sooner or later it eventually catches up with the property

1 owner.

2
3 Mr. Passalacqua asked Mr. Hall if the parking space requirements are based on square footage of the
4 building and not each use that is going on inside of the building.

5
6 Mr. Hall stated that the parking requirements are sometimes based on the amount of building area for that
7 use but as the memorandum reviewed when it comes to parking areas for warehouses it reverts to the
8 industrial standard which is based on the number of employees. He said that one aspect of this case is if this
9 Board believes that Zoning Administrators have been using an improper standard for self-storage parking it
10 would be relevant to this case.

11
12 Mr. Passalacqua stated that his question is more along the lines of whether we have a tally sheet as to how
13 many parking spaces are required for each use going on inside of the building. He said that such a tally sheet
14 could exceed the number of parking spaces indicated by staff which was one spot for every three units.

15
16 Mr. Hall stated that one space for every three units was for the self-storage. He said that the office area is
17 one space per every 200 square feet and it is his understanding that there is no office space for Mr. Frazier
18 and the ten businesses that he may or may not be running. He said that if in fact there is some amount of
19 office area for Mr. Frazier then that is information that staff does not have and that information could add
20 additional parking requirements. He said that sometimes it is a challenge for staff to obtain all of the
21 information that they are supposed to receive.

22
23 Mr. Passalacqua stated that there is a number of spaces that staff would like to see and obviously there are
24 not enough for that therefore is there a shortfall for the number of required spaces and perhaps more are
25 required than what was previously suggested.

26
27 Mr. Hall stated that since this is a variance case the Zoning Board of Appeals has the power than what staff
28 has on a daily zoning administration basis. He said that our parking requirements are simply parking
29 requirements and there is also an overall average of 300 square feet per space and he believes that the 48
30 spaces are adequate. He said that this is not to say that the parking is accessible parking, convenient parking
31 or that it follows best practice in the way it is laid out but when there is a variance the Board can set a
32 standard. He said that when the Board reviews the parking that Mr. Frazier has indicated on his submitted
33 plan, if the Board agrees with Mr. Koester and Mr. Allen that some of those parking spaces should not be
34 counted, then the Board should indicate such at the public hearing.

35
36 Mr. Passalacqua stated that the reflection on the drawing indicates the parking spaces as parallel and the
37 photographs that were submitted do not indicate vehicles parked in a parallel fashion.

38
39 Mr. Hall stated that he believes that the orientation of the parked vehicles is due to the removal of the curb.
40 He said that if there were a barrier curb present there would be no parking like that shown in the
41 photographs.

1

2 Ms. Lee stated that Mr. Koester indicated that there were ten businesses being operated on Mr. Frazier's
3 property. She asked Mr. Koester if he could indicate what types of businesses are included in those ten.

4

5 Mr. Koester stated that he does not know all of the businesses but along the front of the building there is a
6 gym and three or four other small businesses which occupy space in the building. He said that Mr. Frazier
7 operates a bio-fuel plant, a rental business where Mr. Frazier rents properties and a lot of tenants come and
8 go from that location, and the bus service. Mr. Koester stated that he lost count of how many business he
9 just indicated but he knows that Mr. Frazier has a multitude of uses going on at the property. Mr. Koester
10 stated that he just acquired the property to the south of Mr. Frazier's building and the property was really
11 cheap. Mr. Koester stated that the reason why he was able to purchase the property at such a low price was
12 due to the history of Mr. Frazier's property but the property was also available for Mr. Frazier's purchase so
13 that he could expand. Mr. Koester stated that the closing price for the property was \$125,000 and Mr.
14 Frazier's best move would have been to have purchased the property to the south so that he could run the
15 kind of operation that Mr. Frazier proposes because it would have given him adequate area to meet the
16 County's parking requirements and would not need the requested variances. Mr. Koester stated that
17 sometimes a business owner has to invest in a business to operate the business properly and Mr. Frazier has
18 too small of a lot to operate everything that he is operating currently.

19

20 Mr. Thorsland asked Mr. Koester if Mr. Frazier approached him and indicated interest in leasing part of all
21 of the newly acquired property would Mr. Koester be willing to honor his request.

22

23 Mr. Koester stated that he will not lease the property to Mr. Frazier.

24

25 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Koester and there
26 were none.

27

28 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Koester.

29

30 Mr. Thorsland called Robert Frazier to the cross examination microphone and reminded him that he can only
31 ask Mr. Koester questions regarding his testimony and no new testimony can be presented.

32

33 Mr. Robert Frazier stated that the submitted photographs do not indicate any vehicles parked on the street
34 but only on the sidewalk. He asked Mr. Koester to explain what the semi-trucks and forklifts are doing on
35 the cul-de-sac every morning.

36

37 Mr. Thorsland reminded Mr. Frazier that he cannot present new testimony at this time.

38

39 Mr. Frazier stated that Mr. Koester indicated in his testimony that Mr. Frazier does all of the parking on the
40 street and he is just asking Mr. Koester to indicate whose semi-trucks and forklifts are parked on the street
41 every morning.

1

2 Mr. Thorsland informed Mr. Frazier that when he comes back up to the witness microphone he can discuss
3 other instances of street parking by other businesses but he cannot discuss this issue now.

4

5 Mr. Frazier asked Mr. Koester to show him the photograph indicating vehicles on the street.

6

7 Mr. Thorsland informed Mr. Frazier that he has the pictures that the Board reviewed and the photographs do
8 indicate one vehicle on the sidewalk.

9

10 Mr. Frazier stated that the vehicle is on the sidewalk but is not in the street. He said that no buses are
11 indicated in the street but on his own personal property.

12

13 Mr. Thorsland stated that the photographs were not submitted to show cars and buses parked on the street
14 but were submitted to indicate the parking in general on Mr. Frazier's property.

15

16 Mr. Frazier informed Mr. Koester that LEX is no longer in business and the only buses that he still owns are
17 the three buses parked on his personal property and those buses are also for sale.

18

19 Mr. Thorsland informed Mr. Frazier that he can discuss the LEX operation when he is called back to the
20 witness microphone.

21

22 Mr. Thorsland called Caleb Burton to testify.

23

24 Mr. Caleb Burton, whose business is located at 314 Tiffany Court, Champaign, stated that the biggest issue
25 he has with Mr. Frazier's property is that there is a 20 foot front yard that Mr. Frazier is requesting from the
26 south side of Mr. Frazier's building to Mr. Burton's property line and the building has a ten foot porch
27 leaving only a ten foot drive. Mr. Burton stated that typically, and he and Mr. Frazier have discussed this
28 issue, there is a vehicle, bus, parked within the front yard which makes the back portion of Mr. Frazier's
29 facility inaccessible. He said that since Mr. Frazier's property is inaccessible Mr. Frazier and his clients use
30 Mr. Burton's service entrance daily. Mr. Burton stated that he and Mr. Frazier had a conversation recently
31 regarding Mr. Frazier's attempt to remove a bunch of dirt in between the mini-warehouses and he
32 encroached and made a mess of Mr. Burton's property. Mr. Burton stated that he requested that Mr. Frazier
33 re-grade the property to rectify the mess that was made. Mr. Burton stated that the concrete that Mr. Frazier
34 poured drains south and nothing was done to taper the drainage or direct it to the street therefore it drains
35 onto Mr. Burton's property.

36

37 Mr. Thorsland asked Mr. Burton if the concrete is centered on the south lot line.

38

39 Mr. Burton stated that Mr. Frazier's concrete goes north and south.

40

41 Mr. Passalacqua asked Mr. Burton to indicate the nature of his business.

1
2 Mr. Burton stated that he operates S&K Home Improvements and Exteriors and the business is operated
3 where the LEX bus storage used to be located.
4
5 Mr. Thorsland asked Mr. Burton if when he reviews the aerial and sees a building on the south lot it is the
6 building where S&K Home Improvements and Exteriors is located.
7
8 Mr. Burton stated yes.
9
10 Mr. Thorsland asked Mr. Burton if the aerial photograph that indicates two vehicles on the south side of the
11 property line are two buses which appear to be located on Mr. Burton's property.
12
13 Mr. Burton stated yes, the two buses are located on S&K's property. He said that the photograph doesn't
14 indicate the newly constructed roof areas which will indicate how much more inaccessible the lot is.
15
16 Mr. Thorsland asked Mr. Burton if the location of the buses is where his property access is located.
17
18 Mr. Burton stated yes. He said that where the buses are on the aerial is where the access for their trucks and
19 trailers is located.
20
21 Mr. Thorsland asked if staff had any questions for Mr. Burton.
22
23 Mr. Hall asked Mr. Burton if during the past week traffic cannot drive along the south portion of the Frazier
24 property to access the parking that is on the east side.
25
26 Mr. Burton stated that typically they cannot because there is a car, construction truck or bus parked there. He
27 said that where he built the roof structure over the south end a bus cannot make the corner when turning
28 towards the bus garage. Mr. Burton stated that Mr. Frazier has a ten foot lane to turn a 50 foot bus therefore
29 every time Mr. Frazier is on S&K's property.
30
31 Mr. Hall stated that sometimes people are blocking the access and sometimes it is the buses themselves that
32 are the problem.
33
34 Mr. Burton stated yes.
35
36 Mr. Hall asked Mr. Burton if when the trash is picked up on the Frazier property if the trucks have to get off
37 of the property to get to the dumpsters.
38
39 Mr. Burton stated that typically the trash trucks have to pull onto S&K's service drive and back onto Mr.
40 Frazier's property.
41

1 Mr. Thorsland asked Mr. Burton if the dumpster for Mr. Frazier is on the back of his property.

2
3 Mr. Burton stated yes. He said that S&K has a dumpster on the back of their lot that is at least 10 feet off of
4 the property line and Mr. Frazier has a dumpster that is adjacent to their dumpster. He said that typically
5 there is a vehicle there and Mr. Frazier's dumpster is inaccessible to not only to the trash truck but also to
6 people leasing the mini-warehouses therefore those people park on S&K's lot and walk to their unit or they
7 park on the street.

8
9 Mr. Hall asked Mr. Burton if people parking in the street or on S&K's lot to access their warehouse unit has
10 occurred recently.

11
12 Mr. Burton stated yes.

13
14 Mr. Hall asked Mr. Burton if this has occurred in 2015.

15
16 Mr. Burton stated yes. He said that the lady who has the photography business has complained that there is
17 no parking available on Mr. Frazier's lot therefore she and her clients have to either park in the street or on
18 S&K's property and walk to her business.

19
20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Burton.

21
22 Mr. Robert Frazier asked Mr. Burton if his property is higher than S&K's property.

23
24 Mr. Thorsland informed Mr. Frazier that Mr. Burton did not testify about elevations therefore such a
25 question is not allowed.

26
27 Mr. Frazier stated that Mr. Burton testified that water drains onto his property from Mr. Frazier's property.

28
29 Mr. Thorsland informed Mr. Frazier that he can ask Mr. Burton if water runs onto his property from Mr.
30 Frazier's property.

31
32 Mr. Frazier asked Mr. Burton if water runs onto his property because Mr. Frazier's property is higher than
33 Mr. Burton's property.

34
35 Mr. Burton stated yes.

36
37 Mr. Frazier asked Mr. Burton to indicate the last time that he saw a bus moved on Mr. Frazier's property.

38
39 Mr. Burton stated that the last time a bus was moved was within the last four or five weeks.

40
41 Mr. Frazier asked Mr. Burton if he would believe him if he told him that the last time a bus was started and

1 moved was December 31, 2014.

2

3 Mr. Burton stated yes.

4

5 Mr. Frazier stated that he will say that Mr. Burton was telling the truth in that sometimes buses are moved
6 around and were parked on the street. He said that the buses are going to be gone because they are to be sold
7 and they are parked on his property therefore the buses will no longer be an issue.

8

9 Mr. Frazier asked Mr. Burton if he was driving up to his property and Mr. Burton's property a person would
10 notice that Mr. Burton's property is gravel and Mr. Frazier's property has concrete. He asked Mr. Burton if
11 he was a layman could he distinguish whose property is what and where he should park. He asked Mr.
12 Burton if he has "No Parking" signs on his property.

13

14 Mr. Burton stated that he would be able to tell because he has purchased a 2' x 3' sign that indicates the
15 business' name and states that the entrance is for trucks and trailers only and underneath that sign is a "No
16 Parking" sign which was supplied by Reynolds Towing. He said that the sign sits on the corner of their
17 property line to clearly indicate their location. He said that there is another sign on the property which
18 indicates that the dumpster is only for S&K and a "No Parking" sign is located in that area as well.

19

20 Mr. Frazier stated that if there was an unauthorized car on the S&K property it could be towed.

21

22 Mr. Burton stated yes, but typically the people leasing the mini-warehouses are there for a very short time so
23 he has never had anyone towed yet.

24

25 Mr. Frazier stated that he understands that Mr. Burton has the right to have people's vehicles towed if they
26 are parking in a "No Parking" area but typically he does not do it.

27

28 Mr. Burton stated yes.

29

30 Mr. Thorsland asked Mr. Keith Padgett, Champaign Township Highway Commissioner, if he would like to
31 sign the witness register to present testimony regarding this case.

32

33 Mr. Padgett stated that he signed the attendance sheet and did not realize that he needed to sign the witness
34 register as well. He said that he would like to sign the witness register so that he could address the Board
35 with his concerns.

36

37 Mr. Thorsland called Keith Padgett to testify.

38

39 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that from sidewalk to sidewalk is
40 the jurisdiction of Champaign Township. He said that the subdivision was developed 20 years ago and at
41 that time he was not the Champaign Township Highway Commissioner therefore he does not know the depth

1 of the sidewalk but he does know the code currently and the aprons and sidewalks are requested to be six
2 inches thick. He said that he has had issues in other subdivisions where people park moving vans on
3 sidewalks and it breaks due to the weight load and residents request that the sidewalk be repaired for the
4 safety of pedestrians. He said that the thickness of the sidewalk on Mr. Frazier's property is unknown but
5 now vehicles cross the sidewalk because of the removal of the barrier curb. He said that there has been 100
6 feet of the barrier curb removed without permission, notice of removal, or granting of permit therefore
7 Champaign Township has lost 100 feet of barrier curb. He said that unless Mr. Frazier lives forever and
8 owns the property forever, when the new owner owns the property the new owner is going to request
9 Champaign Township to replace a curb that Champaign Township did not remove.

10
11 Mr. Padgett stated that the street is of regulation size and it had no parking on the street because it is an
12 industrial area and the street must be snow plowed. He said that the snow plows are 11 feet on a truck that is
13 30 feet long and weighs 80,000 pounds and the township does not need parking along the road so that they
14 can get in and out in a timely manner to do the rest of the township. He said that he would like to know what
15 is going to happen with the vehicles parking on the sidewalk and breaking the sidewalk and if the case is not
16 approved the curb needs to be replaced.

17
18 Mr. Thorsland asked Mr. Padgett if the street had "No Parking" signs and if so were they removed.

19
20 Mr. Padgett stated that he does not have a visual recollection of the "No Parking" signs but he suspects that
21 there are still signs on the other side of the street that have not been removed. He said that he could check
22 with the County because they have an inventory of signs and posts that are placed in the County. He said
23 that if the other owners of properties in the subdivision remember signs then he would suspect that the signs
24 had existed.

25
26 Mr. Thorsland asked Mr. Padgett if the "No Parking" signs are the responsibility of the township.

27
28 Mr. Padgett stated that the signs are the responsibility of the township because the township has jurisdiction
29 from sidewalk to sidewalk.

30
31 Mr. Thorsland stated that Mr. Padgett indicated that he could check with the County.

32
33 Mr. Padgett stated that the County does the engineering for the township.

34
35 Mr. Passalacqua asked Mr. Padgett if could estimate the replacement cost of 100 feet of curb.

36
37 Mr. Padgett stated that he does not have a replacement cost for the curb but he would imagine that it is not
38 cheap because you would have to dig out into the street because the curb could be connected to tie bars
39 below the street.

40
41 Mr. Passalacqua asked Mr. Padgett if the portion that was removed included the curb and drain or was it just

1 the curb.

2

3 Mr. Padgett stated that there was a gutter along the side and it is typically called a barrier curb which has a
4 90 degree angle top and the flag which is what carries the water to the catch basins.

5

6 Mr. Passalacqua asked if the curb was the only portion removed.

7

8 Mr. Padgett stated that it was the curb that was taken and he would suspect that a professional outfit
9 removed it. He said that the curbs are poured and when the houses are constructed and they decide where
10 the garage will be located they cut the curb.

11

12 Mr. Passalacqua asked Mr. Padgett if the wall of the curb has been milled.

13

14 Mr. Padgett stated yes. He said that regarding the water that goes down the curb, when you build on a
15 property the roof, sidewalk and driveway is impervious area and that water runs off into the street and the
16 rest of the yard is supposed to be able to pull in the water for a certain percentage of your property so that it
17 feeds the aquifer, etc. but it has a place to soak in. He said that when someone builds curb to curb and then
18 places more parking on top, the water is sent to the street because the space for the water to soak back in the
19 earth has been limited.

20

21 Mr. Thorsland asked Mr. Padgett if there was grass between the curb and the sidewalk before the curb was
22 removed.

23

24 Mr. Padgett stated that more than likely there was but with this being an industrial area it could have been
25 some sort of gravel or sand. He said that when he tries to plow this area he has to be able to get up and down
26 the street and when there are vehicles in the road there is not much room for an 11 foot plow to maneuver.

27

28 Mr. Thorsland asked the Board if there were any additional questions for Mr. Padgett.

29

30 Mr. Lee asked Mr. Padgett if he could give the Board a range of the cost for replacement of the curb.

31

32 Mr. Padgett stated that it would probably be between \$5,000 and \$10,000 but he honestly does not know
33 because it depends on which contractor you use to install it.

34

35 Mr. Thorsland asked staff to contact Jeff Blue, Champaign County Highway Engineer, to obtain an idea of
36 the cost of replacement.

37

38 Mr. Padgett stated that the back of the curb was probably 12 inches thick therefore it was built to last a very
39 long time and now that it is gone it won't break off easily.

40

41 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett.

1
2 Mr. Robert Frasier asked Mr. Padgett if he recalls 30 feet of curb being taken out at the S&K property.
3
4 Mr. Thorsland informed Mr. Frazier that Mr. Padgett did not testify about any curbs being removed from the
5 S&K property.
6
7 Mr. Padgett stated that he became the Champaign Township Highway Commissioner in 2008 therefore he
8 has no prior knowledge of what happened prior to 2008.
9
10 Mr. Frazier asked Mr. Padgett if he recalls the curb being cut five years ago.
11
12 Mr. Padgett stated that he does believe that the curb was cut five years ago and believes it has been more
13 recent. He asked Mr. Frazier if he cut the curb and if he did when did he do it.
14
15 Mr. Thorsland stated that asking Mr. Frazier if he cut the curb and if so, when did he cut it is a question that
16 the Board will ask Mr. Frazier.
17
18 Mr. Frazier stated that curbs are built and curbs are cut which is why curbs are installed in a development
19 and then as develop comes the curbs are cut to allow access back into the street.
20
21 Mr. Padgett stated that Mr. Frazier may be correct but wouldn't permission need to be granted to cut the
22 curb.
23
24 Mr. Thorsland stated that Mr. Padgett's question to Mr. Frazier is a valid point and the Board will add that
25 question to their list.
26
27 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Padgett and there
28 were none.
29
30 Mr. Thorsland called Mr. Frazier to the witness microphone.
31
32 Mr. Thorsland asked Mr. Frazier if he cut the curb in front of the building to create the head-in parking and if
33 so when did he cut it.
34
35 Mr. Frazier stated that he did cut the curb on Tiffany Court several times. He said that he cut the curb 15
36 years ago when he built the building and 10 years ago when he added a south entrance to the building and 5
37 years ago on the south property that is now owned by Steve Koester and Caleb Burton.
38
39 Mr. Thorsland asked Mr. Frazier if he contacted the Champaign Township Highway Commissioner
40 requesting permission to cut the curb.
41

- 1 Mr. Frazier stated that he does not remember ever contacting Champaign Township about cutting the curb.
2
- 3 Mr. Thorsland asked Mr. Frazier if he just cut the curb and paid for it.
4
- 5 Mr. Frazier stated yes.
6
- 7 Mr. Thorsland asked Mr. Frazier if he had receipts to confirm the dates that he cut the curb.
8
- 9 Mr. Frazier stated yes.
10
- 11 Mr. Thorsland asked Mr. Frazier if there were "No Parking" signs along parts of the curb that were removed.
12
- 13 Mr. Frazier stated that there are "No Parking" signs and testimony has indicated that he removed the signs
14 but he does not recall taking the signs down and had no reason to take them down because he does not want
15 people parking the street either blocking access to his property. He said that the testimony was a one sided
16 point of view.
17
- 18 Mr. Thorsland asked Mr. Frazier if he installed the gravel that is between the cut curb and the building.
19
- 20 Mr. Frazier stated that since day one there has always been gravel between the curb and the sidewalk.
21
- 22 Mr. Thorsland asked Mr. Frazier if he is installing or has installed concrete.
23
- 24 Mr. Frazier stated that gravel turns to mud and to remedy that he is replacing the gravel with concrete and he
25 is not changing the direction of the flow of water or how the gravel was placed.
26
- 27 Mr. Thorsland stated that he would agree, unless Mr. Frazier is doing something drastic, that a non-
28 permeable surface is being installed where a permeable surface existed. He said that the County has a
29 percentage of non-permeable area versus permeable on a lot.
30
- 31 Mr. Hall stated that the County has no regulations regarding the incremental site improvements made in a
32 subdivision that does have storm water detention.
33
- 34 Mr. Frazier stated that the answer is simply that if there is a problem with the water flowing the way it
35 always flowed he can install a curb but the water flows to the street naturally.
36
- 37 Mr. Thorsland asked Mr. Frazier if he were to install a curb along the south property line it would stop Mr.
38 Frazier from parking anything there because people could not get to the back if a vehicle was there.
39
- 40 Mr. Frazier stated that an eight foot high fence could be installed and he would not be opposed to blocking
41 the access from one piece of property and another. He said that someone else's property is not his property

1 and no one, include Mr. Frasier, should be allowed to trespass. He said that he is not here to defend crossing
2 over onto another property.

3

4 Mr. Thorsland asked Mr. Frazier if he has an office in the building that is his business.

5

6 Mr. Frazier stated yes.

7

8 Mr. Thorsland asked Mr. Frazier how many businesses he has operating on the property currently.

9

10 Mr. Frazier stated that he has four other businesses and mini-warehouses therefore five in total.

11

12 Mr. Thorsland stated that the gymnastics business is probably the one that produces the most traffic.

13

14 Mr. Frazier stated that he has not seen that many vehicles for the gymnastics business but if Mr. Thorsland is
15 indicating that the total number of cars is more than any of the other businesses then yes, that would be true.
16 He said that there are additional parking spaces for those additional cars if they show up.

17

18 Mr. Thorsland stated that the Board will need to ask that particular business to indicate their hours of
19 operation and when they hold their sessions.

20

21 Mr. Thorsland asked the Board if there were any additional questions for Mr. Frazier.

22

23 Mr. Passalacqua asked Mr. Frazier when he decides that he is going to apply for a Zoning Use Permit and
24 when he is not because Mr. Frazier knows about permits and has applied and received them in the past. He
25 asked Mr. Frazier what drove him to not obtain a permit for the improvement to the front of the building.

26

27 Mr. Frazier stated that he looked at the setback of a building to be a solid wall and not a canopy or overhang.
28 He said that he did not build a wall but extended the existing overhang therefore the only question in his
29 mind is what is considered the overhang. He asked if an overhang width is two feet or five feet and the
30 answer that he obtained from staff was that the posts were considered where the line for setback would be
31 considered. He said that he could cut down the supporting posts and make the canopy self-supporting from
32 the building itself. He said that he did not believe that extending the overhang was a problem and that the
33 posts in the ground to support were a problem therefore he did not apply for a permit.

34

35 Mr. Passalacqua stated that Mr. Frazier didn't check for the need for a permit but just went ahead and did it.
36 He said that even after staff contacted Mr. Frazier informing him that the extension of the overhang was in
37 violation he continued to complete the project.

38

39 Mr. Frazier stated that when he was informed that the overhang extension could not be approved the project
40 was pretty much complete at that point. He said that the inside of the canopy was not finished and it is still
41 not finished but the outside is done and it looks nice.

1

2 Mr. Passalacqua stated that he is not attacking the aesthetics of the canopy because it does look good but it
3 does not meet the requirements of the Ordinance and there are a lot of other issues on the property which do
4 not meet the Ordinance. He asked Mr. Frazier if the pictures indicate trucks parked over the sidewalk or on
5 the sidewalk and is it not his truck that is parked on the sidewalk. He asked Mr. Frazier if the garbage truck
6 has to park onto the neighboring property to access the dumpster on Mr. Frazier's property because his lane
7 is full.

8

9 Mr. Frazier stated that the picture indicating the truck is his truck which is located on his property. He said
10 that the truck is parked on the driveway that was approved years ago as a driveway.

11

12 Mr. Passalacqua stated that the picture indicates that the truck is on the driveway but is across the sidewalk.

13

14 Mr. Frazier stated that he was unloading material when the photograph was taken.

15

16 Mr. Passalacqua stated that the Board has received testimony that the vehicles park on the sidewalk very
17 often and not just when material is being unloaded. He said that one photograph indicates a white car parked
18 on the sidewalk.

19

20 Mr. Frazier stated that the photograph does indicate that there is a white car parked on the sidewalk but he
21 has parked in the same spot for over 20 years. He said that he has leased that parking spot out to someone
22 else and they are parked on the sidewalk but he hasn't said anything about them parking there because he
23 parked in that same space when he had the LEX business. He said that he has never seen the garbage truck
24 parked on S&K's property to access his dumpster but if Mr. Koester and Mr. Burton are indicating that the
25 truck does, then he will call the company and request that the driver uses the nice concrete road. He said that
26 he would like to see some sort of barrier and additional signage so that people understand that there are
27 different businesses in the subdivision now. He said that for over 20 years he rented the property where
28 S&K Home Improvement is located and it has only been within the last few months that the ownership
29 changed and the business use changed. He said that he is all for indicating the separation of the businesses
30 and since the new owner operates a fencing company it would be a simple task for the owner to install a
31 fence any time that he desires or a new curb could be installed to solve the problem. He said that it was his
32 understanding that the issue for this hearing was the parking and the overhang and not the property lines.

33

34 Mr. Passalacqua stated that he is just trying to give Mr. Frazier the opportunity to answer the questions that
35 he was trying to answer at the cross examination microphone.

36

37 Mr. Frazier stated that Mr. Koester parks semi-trucks in the cul-de-sac every morning at 7:00 a.m. He said
38 that if the Board is present at that time they will observe semi-trucks and forklifts taking up the entire cul-de-
39 sac and it has occurred for many years and he has never complained because Mr. Koester has the right to run
40 his business off of Tiffany Court for a short period of time. He said that Mr. Koester's operations on his
41 property or on Tiffany Court do not bother him but obviously Mr. Frazier's operations bother Mr. Koester.

1
2 Mr. Frazier stated that he does not tell Mr. Tunstall, owner of the gym business, to park his vehicle or his
3 clients' vehicles on Tiffany Court because he provides parking for anyone who visits his property. He said
4 that he only has four other small businesses which consist of one person each. He said that none of the
5 businesses have a large clientele. He said that Mr. Tunstall's business is not a gym because Mr. Tunstall is a
6 chiropractor and he deals with people that have bad backs, etc. He said that Mr. Tunstall has a special
7 clientele that requires special weight lifting, therefore he does not appeal to the masses that would attend a
8 gym. He said that at any one time he may only have six vehicles present for the gym and before Mr. Tunstall
9 leased the space he was informed that there is ample parking on the property and no parking is allowed on
10 Tiffany Court. He said that if additional parking is required there is additional parking area behind the
11 warehouses. Mr. Frazier stated that to his knowledge no one is parking on the street for the gym. He said
12 that he believes that he is being wrongly accused about the parking issue and he is not accusing anyone else
13 either. He said that for the record, if gravel is carried out into the street he cleans it up with his broom and
14 shovel.

15
16 Ms. Lee asked Mr. Frazier to indicate the other businesses that are not his.

17
18 Mr. Frazier stated the one business consists of a painter who uses the space as an office for paperwork. He
19 said that one photographer leases space to print photographs and the other photographer photographs babies.
20 He said that the photographers will have their vehicles and perhaps one other for a client with a baby. He
21 said that he has a car for his business and he has one employee that works at the office.

22
23 Ms. Lee stated that one witness indicated that Mr. Frazier has a rental business at the property and that
24 clients come to the property to submit their rent.

25
26 Mr. Frazier stated that Frazier Properties is a rental business and occasionally people do come to the office to
27 submit their rent payments.

28
29 Ms. Lee asked Mr. Frazier if he was operating a bio-fuel business at the property.

30
31 Mr. Frazier stated that he is not operating a bio-fuel business on the property. He said that he does store
32 collected oil from restaurants and a truck will come to the property to take out the oil.

33
34 Ms. Lee asked Mr. Frazier if the three buses are the only buses that he owns currently and if those three
35 buses are for sale.

36
37 Mr. Frazier stated yes. He said that at one time he had 50 buses on the property but he downsized the bus
38 company to a five bus business called Illini Tours. He said that as of December 31, 2014, he decided that he
39 was going to concentrate on real estate and end the bus company therefore selling the buses but to date it is
40 true that he has three left.

41

- 1 Ms. Lee asked Mr. Frazier if he operates any other type of business on his property other than the rental and
2 oil collection.
3
- 4 Mr. Frazier stated no. He said that the buses will be sold and he could move them if need be but since they
5 are stationed and on his own property he did not believe that there was a problem. He said that the buses are
6 stored inside the building.
7
- 8 Mr. Passalacqua stated that the print dated December 16, 2002, indicates that the parking spots are parallel at
9 the location of the covered porch although the photographs indicate that the vehicles are parked
10 perpendicular.
11
- 12 Mr. Frazier stated that ever since the building was built the parking was as indicated in the photographs and
13 not as it is indicated on the site plan. He asked Mr. Frazier if he enforces parallel parking and not
14 perpendicular on the property.
15
- 16 Mr. Frazier stated that he is not enforcing parallel parking on the property but he could if he needs to. He
17 said that the parking spaces are granted for that area in a parallel position to the building and not
18 perpendicular position to the building.
19
- 20 Mr. Randol stated that he is interested in the grease recycling operation. He asked Mr. Hall if this use is
21 acceptable or approved by the County.
22
- 23 Mr. Frazier stated that he was granted permits by the State of Illinois and the Illinois EPA. He said that no
24 permits were required by Champaign County.
25
- 26 Mr. Randol asked Mr. Frazier how the recycled oil is stored on the property.
27
- 28 Mr. Frazier stated that the oil is stored in 1,000 gallon plastic tanks.
29
- 30 Mr. Hall asked Mr. Frazier to indicate the square footage of the office area utilized for Frazier Properties and
31 where it is located in the building.
32
- 33 Mr. Frazier stated that the office area, consisting of 3,500 square feet, for Frazier Properties is located on the
34 south side of the first building.
35
- 36 Mr. Hall asked Mr. Frazier if the first building was constructed in 2003 and Mr. Joe Coble was the architect.
37
- 38 Mr. Frazier stated yes.
39
- 40 Mr. Hall stated that during staff's analysis of parking, not knowing that Mr. Frazier had office space in the
41 first building, staff used the entire area of the building assuming that it was totally office space therefore staff

1 did not overlook anything. He asked Mr. Frazier to indicate the storage area for the restaurant grease.
2
3 Mr. Frazier stated that the grease which is for recycling is stored on the northeast side of the building.
4
5 Mr. Hall asked Mr. Frazier to indicate the square footage of the grease storage area.
6
7 Mr. Frazier stated that the grease storage area is approximately 500 square feet.
8
9 Mr. Hall asked Mr. Frazier how soon he could move the buses from the property.
10
11 Mr. Frazier stated tomorrow.
12
13 Mr. Hall stated that Mr. Frazier indicated that two of the buses are stored indoors therefore he assumes that
14 the third bus is stored outdoors.
15
16 Mr. Frazier stated that there are three buses on the property and two of the buses are in the building and the
17 third is half-way in the building and half-way out of the building.
18
19 Mr. Thorsland asked Mr. Frazier if the farthest east building with the white roof is the mini-storage area.
20
21 Mr. Frazier stated yes.
22
23 Mr. Thorsland asked Mr. Frazier if there was a fence or curb, could he make the turn when pulling out the
24 buses.
25
26 Mr. Frazier yes. He said that he can turn the corner but he does not want the buses to turn the corner because
27 he does not want the buses.
28
29 Mr. Thorsland stated that he understands that the buses are a temporary situation and he is sure that it will
30 resolve itself as soon as Mr. Frazier finds a buyer for the buses. He said that Mr. Hall's question regarding
31 the recycling business for the restaurant grease will have an effect on how many parking spaces are required.
32 He said that he is sure that Mr. Frazier believes that the Board is asking a lot of questions that are not
33 relevant to the porch addition and the required parking. He informed Mr. Frazier that everything is relevant
34 to the required parking because there are conflicting guidelines as to how many spots are needed. He said
35 that all of the testimony tonight has be in regards to cars, trucks, buses and parking which is why the Board
36 is asking so many questions about cars, trucks, buses and parking. He said that what would help the Board is
37 a simple sketch of all of the structures on the property and an indication of what type of business is occurring
38 in each structure. He said that with this sketch the Board would have a better idea of where all of the uses
39 are taking place.
40
41 Mr. Hall asked Mr. Frazier if there is a second level in the building.

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Mr. Frazier stated that there has always been a second level in the building.

Mr. Hall stated no. He said that none of the plans that were submitted to the Department of Planning and Zoning indicated a second floor. He said that the Board understands that the second floor requires even more parking spaces therefore instead of a sketch, the Board should request that Mr. Frazier have an architect prepare a set of plans for this building that indicates all of the floor space utilized by Frazier Properties, and all of the customers. He said that the set of plans would also demonstrate whether or not the property is compliant with the ADA or not, because staff has lost track of its compliance due to all of the improvements with the concrete installation. He said that it is impossible for staff to give the Board an accurate report on what parking is required if we don't even know that there is a second floor and its size and use. He requested that the plan indicates individual self-storage spaces so that the Board knows where they are located.

Mr. Passalacqua stated that on the northwest corner of the previously mentioned drawing indicates that the septic system will be installed by the plumbing contractor. He said that the new plan must indicate the location of the septic system.

Mr. Hall stated that the septic system is indicated on the most recent plan.

Mr. Passalacqua asked Mr. Hall if the septic system is located in a highly traveled area.

Mr. Hall stated that the septic system is not supposed to be located in a highly traveled area but who knows.

Mr. Passalacqua stated that the Board needs to be assured of the location of the septic system.

Mr. Thorsland informed Mr. Frazier that he needs to work with staff to make sure that he meets the requirement by the Board to submit a very accurate site plan indicating all levels of the building and all uses on the property. He said that he would advise that no new changes be made to the property until the case is finalized. He said that once the accurate site plan is submitted, staff can determine the number of required parking spaces for the property.

Mr. Thorsland called Andrew Tunstall to testify.

Mr. Andrew Tunstall, who resides at 412 East Tomaras, Savoy, stated that he operates a chiropractic, exercise and rehabilitation facility which is strength and conditioning. He said that his business is a little bit like an open gym component but not to the scale or scope of Gold's Gym or The Refinery.

Mr. Thorsland apologized for his assumption that it was a gymnasium. He said that close to the subject property there is a gymnastics facility.

- 1 Mr. Tunstall stated that the gymnastics facility is directly across the street from the subject property but his
2 operation has no relation to that facility.
3
- 4 Mr. Thorsland asked Mr. Tunstall if the clients of the gymnastics facility are overflowing onto the subject
5 property or in the cul-de-sac.
6
- 7 Mr. Tunstall stated that the gymnastics facility appears to have ample parking.
8
- 9 Mr. Thorsland asked Mr. Tunstall how many clients he typically sees on any given day.
10
- 11 Mr. Tunstall stated that typically on a slow night between 3:00 and 6:30 p.m. he will see 4 to 6 people but on
12 a busy night he may see up to 16 people but only on one night has he seen 16 people.
13
- 14 Mr. Thorsland asked Mr. Tunstall if his clients have ever complained about the parking.
15
- 16 Mr. Tunstall stated yes. He said that Mr. Frazier did make it very clear that parking was not allowed in the
17 cul-de-sac but he has seen his clients park there.
18
- 19 Mr. Thorsland stated that he is glad to hear that Mr. Frazier made the parking requirements very clear. He
20 asked Mr. Tunstall if his clients have ever used the overflow parking in the back near the mini-storage units.
21
- 22 Mr. Tunstall stated that his clients cannot get to that area and that area was part of where Mr. Frazier was
23 going to expand. Mr. Tunstall stated that all of his current parking is across the front side of the building and
24 the idea was that eventually there would be additional parking although it has not come true yet but Mr.
25 Frazier has done a lot of work on this portion of the property.
26
- 27 Mr. Thorsland asked Mr. Tunstall why he cannot access the rear portion of the property.
28
- 29 Mr. Tunstall stated that there are either the workers or a bus parked there and it is hard to get around them.
30 He said that Mr. Frazier referred to the area between the warehouse banks to be overflow parking.
31
- 32 Ms. Lee asked Mr. Tunstall to indicate the square footage of the space that he occupies.
33
- 34 Mr. Tunstall stated that he occupies approximately 3,400 square feet.
35
- 36 Ms. Lee asked Mr. Tunstall to indicate his hours of operation.
37
- 38 Mr. Tunstall stated that his operation is open Monday thru Thursday 9:00 a.m. to 8:00 p.m. and Friday 9:00
39 a.m. to 5:30 p.m. and Saturday 3:00 p.m. to 6:00 p.m.
40
- 41 Mr. Hall stated that for Board members who are keeping track, staff previously believed that the gym only

1 occupied 2,375 square feet which would require 24 parking spaces but testimony indicated 3,400 square feet
2 therefore 7 additional spaces are required.

3
4 Mr. Tunstall stated that the area that is his actual gym site, where the strength conditioning and rehabilitation
5 takes place is 2,375 square feet, but he has two additional therapy rooms and a reception area which takes up
6 the additional 1,025 square feet.

7
8 Mr. Hall stated that nothing can take the place of an accurate site plan and hopefully one will be on the
9 horizon soon. He asked Mr. Tunstall where the future additional parking was to be located.

10
11 Mr. Tunstall stated that the additional parking was to be between the warehouse storage areas on the other
12 side of the property.

13
14 Mr. Hall stated that this area is already designated for parking therefore he does not know how additional
15 parking could be created.

16
17 Mr. Thorsland asked Mr. Tunstall if he means that the additional parking would be across Tiffany Court.

18
19 Mr. Tunstall stated no.

20
21 Mr. Thorsland asked Mr. Tunstall if he means behind the mini-warehouses to the east.

22
23 Mr. Tunstall stated that between the two sections of the building is where the additional parking was to be
24 located.

25
26 Mr. Hall asked Mr. Tunstall if the presence of 16 clients of the gym was just a special event or did it just
27 happen that everyone was there that day.

28
29 Mr. Tunstall stated that it was not during any particular event and was just a peak time. He said that the way
30 that he has the operation set up it can accommodate up to 22 to 24 people at one time. He said that he
31 limited memberships because he did not want to get too busy for the amount of space that he had available.

32
33 Mr. Hall stated that at this point staff was using the standard of 1 space per 200 square feet for the gym but
34 gyms are one of those things that have a more complicated approach to parking. He said that if Mr. Tunstall
35 has an agreement where he hopes to have as many as 24 clients, then that is a greater parking requirement
36 than what staff calculated. He said that through the course of this public hearing Mr. Tunstall will need to
37 talk to Mr. Frazier and establish the maximum amount of clientele he desires because that number will have
38 a great bearing on the amount of parking that Mr. Frazier needs. Mr. Hall stated that he is not sure that
39 everyone's needs can be accommodated but it must be known what those needs are.

40
41 Mr. Tunstall stated that he got a lot busier faster than he initially expected.

1
2 Mr. Hall stated that normally that is a good thing but parking is still an issue.
3
4 Mr. Thorsland asked if staff had any additional questions for Mr. Tunstall and there were none.
5
6 Mr. Thorsland asked the Board if there were any additional questions for Mr. Tunstall and there were none.
7
8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Tunstall and there was no one.
9
10 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
11 regarding Case 792-V-14 and there was no one.
12
13 Ms. Lee requested that Mr. Thorsland asked the audience if anyone else is present who operates a business at
14 the subject property and there was no one.
15
16 Mr. Thorsland informed Mr. Frazier that the Board would like to have an accurate idea of all of the separate
17 businesses on the subject property. He said that the plan should include the mini-storage warehouse units,
18 the interior spaces that are leased or vacant, parking for the buses, the gym, the photography/graphics
19 operations, the second story, and the recycling operation. He said that Mr. Frazier should work with staff
20 regarding any questions. Mr. Thorsland stated that he intends to request a continuance to April 16th which is
21 not very far away but it is not next week therefore Mr. Frazier should have adequate time to obtain the
22 required information.
23
24 Mr. Hall recommended that the case be continued to the May 14th meeting.
25
26 Mr. Passalacqua asked Mr. Hall if there is an Ordinance concern regarding the vegetable oil storage.
27
28 Mr. Hall stated that the only concern is to know how to determine the parking requirements but other than
29 that he has no concern. He said that he does not know how much additional information the Board may
30 want to evaluate regarding how accessible parking areas on the subject property really are, but if Mr. Frazier
31 is going to go to the trouble of hiring a design professional or architect to draw an accurate plan, that plan
32 should give the Board all of the information that is required. He said that the plan should indicate the
33 number of parking spaces and if the parking spaces are readily accessible as they should be.
34
35 Mr. Passalacqua asked Mr. Hall if the oil recycling business requires a separate loading berth.
36
37 Mr. Hall stated that under the terms of the Ordinance if Mr. Frazier has the access that he needs as well as
38 meeting all of the other parking requirements then that is what is critical.
39
40 Mr. Passalacqua state that he is just trying to give Mr. Frazier more information for drawing the plan and he
41 would not feel comfortable in having a parking spot being the spot in front of the door where the vegetable

1 oil is stored.

2

3 Mr. Hall stated that unless there is some special arrangement that assures that this will not be a problem and
4 the Board is willing to accept that special arrangement then it won't be a problem.

5

6 Mr. Thorsland stated that staff has requested that the case be continued to the May 14th meeting which is the
7 100-day limit. He informed the audience that the full packet will be sent to anyone who signed the witness
8 register and the mailing is also available on the County website the Friday before the meeting.

9

10 Mr. Thorsland informed Mr. Frazier that he needs to present as much information as possible which includes
11 talking to his tenants to find out if they have one or five employees because the numbers are all part of the
12 parking equation. He said that the overhang is a big issue, because it affects parking and this case will boil
13 down to how many uses are being utilized on this property and whether or not enough parking is available.

14

15 Ms. Lee stated that the handicap parking spaces will take up more area than regular parking spaces would
16 take up.

17

18 Mr. Thorsland stated that there is some question whether or not this development would need to be sent to
19 the Capital Development Board for a recommendation whether handicap parking is required. He asked Mr.
20 Frazier if he has handicap parking at this time.

21

22 Mr. Frazier stated that handicap parking is included on the original plans.

23

24 Mr. Thorsland stated that it is indicated on the original plans but is it present on the property.

25

26 Mr. Frazier stated yes.

27

28 Mr. Passalacqua stated that the new plan needs to indicate the exact location of the septic system.

29

30 Mr. Frazier stated that the original plan indicates the location of the septic system.

31

32 Mr. Passalacqua stated that the area that he sees on the plan indicates that the septic system is outside of the
33 property line. He asked Mr. Frazier to clarify the location of the septic system.

34

35 Mr. Frazier stated that the septic system is located on the north side of the building and is completely on his
36 property.

37

38 Mr. Passalacqua asked Mr. Frazier if the septic system is driven on.

39

40 Mr. Frazier stated no. He said that the Board is reviewing an architecturally designed plan for when the
41 building was constructed but he can break it down to how each individual space is being used. He said that

1 the only thing that is different is that instead of the building being Bright Ideas, which was originally a retail
2 store, the building has been broken up into four different businesses. He said that instead of one business it
3 became LEX, Bright Ideas and Frazier Properties and now it is one business owned by Mr. Frazier and four
4 individual businesses. He said that the mini-warehouses have always been there and nothing has changed.

5
6 Mr. Thorsland stated that the site plan needs to include each individual business and the second level of the
7 building and its use.

8
9 Mr. Frazier stated that there has always been a second level on the middle mini-warehouse building.

10
11 Mr. Thorsland stated again that the new professionally designed plan needs to include everything about each
12 building and indicate the uses in those buildings and on the property. He said that if Mr. Frazier has any
13 questions regarding any of the required information for the next meeting he should contact staff. He asked
14 Mr. Frazier if he would be available on May 14, 2015.

15
16 Mr. Frazier stated that he would be available on May 14, 2015.

17
18 Mr. Thorsland entertained a motion to continue Case 792-V-14 to the May 14, 2015, public hearing.

19
20 **Mr. Passalacqua moved, seconded by Mr. Randol to continue Case 792-V-14 to the May 14, 2015,**
21 **public hearing. The motion carried by voice vote.**

22
23 Mr. Thorsland stated that the Board will take a ten minute recess at this time.

24
25 **The Board recessed at 8:20 p.m.**

26 **The Board resumed at 8:30 p.m.**

27
28 **Case 793-S-14 Petitioner: Lawrence Johnson and Fuad Handal Request: 1) Authorize a kennel as a**
29 **Special Use on 1.8 acres located in the AG-1, Agriculture Zoning District; and 2) Authorize the**
30 **following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the**
31 **Zoning Ordinance: a. Any outdoor animal exercise and/or training area shall be 200 feet from any**
32 **adjacent residential structure and/or use and shall have a noise buffer of evergreen shrubs or trees a**
33 **minimum of four feet in height installed separating the exercise and/or training area from any**
34 **adjacent residential structure and/or use. Measurements shall be made from the lot line of an**
35 **adjacent residential structure and/or use; and b. Maintain a side yard setback and a rear yard setback**
36 **of 200 feet. Location: A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5,**
37 **Township 19N, Range 8E. in Champaign Township with an address of 1211 North Staley Road,**
38 **Champaign.**

39
40 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
41 the witness register for that public hearing. He reminded the audience that when they sign the witness

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
2 time.

3
4 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
5 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
6 of hands for those who would like to cross examine and each person will be called upon. He requested that
7 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
8 those who desire to cross examine are not required to sign the witness register but are requested to clearly
9 state their name before asking any questions. He noted that no new testimony is to be given during the cross
10 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
11 from cross examination.

12
13 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

14
15 Mr. Lawrence Johnson, who resides at 1211 North Staley Road, Champaign, stated that he desires to operate
16 an in-home kennel for the neighborhood and the surrounding areas. He said that the kennel would be good
17 for the community.

18
19 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated February 12, 2015, for
20 the Board's review. He said that the memorandum summarizes Ms. Chavarria's contacts with the
21 Champaign-Urbana Public Health Department regarding their recommendations to protect the septic system
22 on the property. He said that several comments have been received from the Homeowner's Association
23 across the street. He said that a letter dated February 6, 2015, from Jeff Marino, Senior Planner for the City
24 of Champaign, indicates the City of Champaign's staff position regarding the kennel. Mr. Marino indicated
25 that it is staff's position that approval of the requested Special Use Permit is not appropriate. Mr. Hall stated
26 that the City of Champaign's position is based on what they expect surrounding land use to be if the subject
27 property is ever annexed in to the City of Champaign, but it is not clear if that it will happen anytime soon.
28 He said that there is a subdivision directly across the street from the subject property and the play kennel that
29 is directly west of the house complies for the separation distance from the nearest residential structure but it
30 is still less than 200 feet from the residential property lines across the street. He said that the small play area
31 is completely screened by the house and clearly it is a different situation than the larger area where the fence
32 was installed for the outdoor play area which is much closer to the residences and the residential property
33 lines. He said that a separate handout was distributed to the Board for review. He said that the separate
34 handout includes emails from residents of the West Ridge Subdivision.

35
36 Mr. Thorsland asked the Board if there were any questions for Mr. Johnson.

37
38 Mr. Passalacqua asked Mr. Johnson if the kennel is currently in operation.

39
40 Mr. Johnson stated yes. He said that he trains dogs at the subject property and kenneled a few dogs during
41 the holidays.

1
2 Mr. Thorsland asked Mr. Johnson if he contacted staff regarding any required permits or guidance.
3
4 Mr. Johnson stated no.
5
6 Mr. Thorsland stated that the Board will request a better site plan indicating the location of the septic system
7 and information regarding when the septic system was checked. He said that the Board received a few
8 pictures regarding the placement of the kennel operation inside the house. He said that a floor plan of the
9 house indicating the living space and the kennel operation would be appropriate for the Board's review. He
10 asked Mr. Johnson if there are any additional employees for the kennel.
11
12 Mr. Johnson stated that currently he is the only employee for the kennel.
13
14 Mr. Thorsland asked Mr. Johnson if there will be additional employees in the future.
15
16 Mr. Johnson stated that if he receives enough business then he may consider an additional employee but
17 currently it is just him operating the kennel.
18
19 Mr. Thorsland informed Mr. Johnson that during the Special Use Permit review the Board recommends that
20 the petitioner not only indicate the current plans but also to include any future plans for the proposed use so
21 that the petitioner does not have to come back before the Board to request permission later. He informed
22 Mr. Johnson that if he desires to construct a sign, an additional exercise area, etc., then that information
23 needs to be disclosed during this hearing so that the Board can include it in their recommendation. Mr.
24 Thorsland stated that he does not expect the Board to finalize this case tonight therefore he would like hear
25 public testimony and provide Mr. Johnson with as much information as possible so that Mr. Johnson can get
26 back before the Board as soon as possible.
27
28 Mr. Thorsland asked the Board if there were any questions for Mr. Johnson.
29
30 Ms. Lee asked Mr. Thorsland if there was only one additional handout tonight.
31
32 Mr. Thorsland stated yes.
33
34 Mr. Passalacqua asked Mr. Johnson if he is a veterinarian or does he have any credentials or certificates.
35
36 Mr. Johnson stated that he is a certified dog trainer.
37
38 Mr. Thorsland asked Mr. Johnson if the any of the neighbors or the West Ridge Homeowner's Association
39 have contacted him regarding the kennel or their concerns.
40
41 Mr. Johnson stated that no one has contacted him about the kennel and he actually kenneled some of the

1 neighbor's pets.

2
3 Mr. Thorsland informed Mr. Johnson that it would be beneficial if he could contact some of those clients and
4 have them either come to the meeting in support of his request or they could send staff an email regarding
5 their support or concerns regarding the kennel.

6
7 Mr. Randol asked Mr. Johnson if he resided at the subject property.

8
9 Mr. Johnson stated yes.

10
11 Mr. Randol asked Mr. Johnson if someone is always on site with the animals.

12
13 Mr. Johnson stated that his operation is not like a regular kennel where the dogs are left alone because he
14 lives on the property. He said that he is with the dogs all of the time and his own dogs reside at the property
15 as well.

16
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Johnson and there was no one.

18
19 Mr. Thorsland called Jeff Turner to testify.

20
21 Mr. Jeff Turner, who resides at 4102 Rayburn Court, Champaign, stated that his property backs up to
22 Boulder Ridge Drive which is one of the two entrances to the West Ridge/Boulder Ridge development. He
23 said that his property is located on the north side of the development. Mr. Turner stated that there is already
24 a dog kennel operation in the area that is located approximately 2,000 feet north of Boulder Ridge Drive on
25 Staley Road and during nice weather when he is outside working in his yard he can hear the dogs at the
26 kennel property. He said that the operation to the north is ten times farther from the subdivision than the
27 proposed kennel operation so he opposes the new kennel.

28
29 Mr. Thorsland asked Mr. Turner if he has heard any of the dogs from the kennel which is across the road
30 from the subdivision.

31
32 Mr. Turner stated that he has not been working in the yard since October but if he had heard any dogs he
33 would have probably attributed the noise to the existing kennel further north on Staley Road. He said that
34 with the houses configured as they are in the subdivision, sounds can bounce around therefore it is hard to
35 tell where noise is coming from. He may have heard Mr. Johnson's dogs and not known the source.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Turner.

38
39 Mr. Randol asked Mr. Turner if he knows the number of dogs at the kennel to the north.

40
41 Mr. Turner stated no, but he would guess five or six or even more.

1
2 Mr. Randol asked Mr. Turner if he knows what type of business the kennel to the north is operating.
3
4 Mr. Turner stated that the only thing that he knows about the operation is that it houses dogs.
5
6 Mr. Passalacqua stated that he understood that the kennel to the north is a research facility and the dogs are
7 residents of the operation and it is only partially utilized.
8
9 Mr. Hall stated that the operation to the north is a nonconforming facility and during the early years with
10 zoning the County was in court over the use. He said that the facility has every right to be there and he has
11 no idea how large it is but it is a nonconforming facility and it can operate there as long as it remains in
12 operation.
13
14 Mr. Passalacqua asked Mr. Hall if the facility is an agricultural use.
15
16 Mr. Hall stated no, dogs are not considered agriculture.
17
18 Mr. Passalacqua stated that the facility is not a kennel but is a feed research facility.
19
20 Mr. Hall stated that it is still not considered an agricultural use.
21
22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Turner.
23
24 Mr. William Goldshlag, who resides at 1329 West Ridge Lane, Champaign, asked Mr. Turner if he heard the
25 barking of dogs in the summer and fall when it was warm outside.
26
27 Mr. Turner stated yes. He said that he would hear the dogs anytime from April until October.
28
29 Mr. Goldshlag asked Mr. Turner if the barking from the northern facility is more pronounced in the summer
30 months than in the winter months.
31
32 Mr. Turner stated that he could indicate such but he is not outside very much during the winter other than to
33 run from the front door to the mailbox and back to the front door.
34
35 Mr. Goldshlag stated that he is trying to suggest that the amount of barking that would have come from the
36 new facility would be lower due to the cold weather.
37
38 Mr. Thorsland stated that Mr. Turner testified that he could not specifically define where any of the barking
39 was coming from when he would hear it but assumed it was from the kennel to the north.
40
41 Mr. Goldshlag stated that he was just trying to say that winter months with the cold weather outside would

1 be a factor for the barking to be much less.

2

3 Mr. Thorsland stated that most people would assume that fact.

4

5 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Turner and there was no one.

6

7 Mr. Thorsland called Laura Schwenker to testify.

8

9 Ms. Laura Schwenker, who resides at 1308 Farley Lane, Champaign, stated that she did send an email that
10 was included in the Board packet. She said that she can address the dog facility that is located on North
11 Staley to some degree and even though she is not positive what it is she would guess that there are 10 to 15
12 of the same type of dogs there and it is her assumption that it is a breeding facility. She said that when she
13 drives past the facility in the morning the dogs are located in their multiple runs and they are barking loudly
14 at each other and traffic. She said that during the summer months when her windows are open she hears the
15 dogs barking from that facility, or at least she assumes they are from that facility, but she does not know for
16 sure. She said that she can only imagine that during the summer months with a dog kennel being across the
17 road from the West Ridge Subdivision that the dog noise would be louder. She said that she would assume
18 that traffic going past the kennel would excite some of the dogs and they would begin barking. She said that
19 some dogs, maybe not all, are more prone to excitement by pedestrians, bikers, children, etc. She said that
20 there is a walking path along Staley Road that is great for exercise and biking and that traffic could excite the
21 dogs. She said that trees could be a noise and visual barrier so that the dogs do not get excited when
22 pedestrians and bikers are going past the kennel property.

23

24 Mr. Thorsland stated that a lot of Ms. Schwenker's concerns were mentioned in her email to staff. He asked
25 Ms. Schwenker if there was any additional testimony that she would like to present.

26

27 Ms. Schwenker stated no.

28

29 Mr. Thorsland stated that the memorandum indicated that three years ago the Average Daily Trips on Staley
30 Road was over 6,000 vehicles per day and not all of the vehicles are small vehicles. He asked Ms.
31 Schwenker if she heard Mr. Johnson indicate that his personal dogs are at the facility currently.

32

33 Ms. Schwenker stated that she did hear Mr. Johnson testify that his personal dogs are at the facility currently.

34

35 Mr. Thorsland asked Ms. Schwenker if she has heard anything from Mr. Johnson's property.

36

37 Ms. Schwenker stated no.

38

39 Mr. Thorsland asked Ms. Schwenker if all of the noise that she has heard is coming from the facility located
40 to the north of the subdivision.

41

- 1 Ms. Schwenker stated yes.
2
- 3 Mr. Thorsland asked Mr. Randol if has any information regarding the facility to the north.
4
- 5 Mr. Randol stated that the facility on North Staley Road is a feed research operation.
6
- 7 Mr. Thorsland stated that the facility to the north is a nonconforming operation and can stay there until it
8 ceases to exist. Mr. Thorsland stated that some people will tend to ask why Mr. Johnson's facility is
9 necessary when there is already a facility on North Staley Road but such a statement is not true because the
10 facility to the north is not the type of facility where people can take their dogs to kennel them.
11
- 12 Mr. Randol stated that it was his intention to indicate that the facility to the north and Mr. Johnson's facility
13 are two different types of operations and are not related in any way.
14
- 15 Mr. Passalacqua stated that just because there are dogs at both locations the two uses cannot be compared at
16 all. He said that the facility to the north has been in existence for 20 or 30 years and if the people in the
17 neighborhood can hear the dogs then he feels sorry for them but the facility was there prior to the
18 subdivision. He said that he has not heard about any complaints being filed regarding the facility to the
19 north. He said that he does not like it when people come before the Board after the fact because Mr. Johnson
20 should have contacted the County regarding any required permitting.
21
- 22 Ms. Schwenker stated that she does not object to the kennel across the street or the boarding or dog training
23 of the dogs at the facility but she does object to no noise abatement measures being required for the facility.
24
- 25 Mr. Thorsland stated that the Board will take her objections in to consideration and will determine the need
26 for the noise abatement.
27
- 28 Mr. Hall stated that currently there is no time limit imposed regarding the amount of time that the dogs could
29 be supervised outside. He asked Ms. Schwenker to indicate the amount of time that she would find
30 acceptable for the dogs to be supervised outside.
31
- 32 Ms. Schwenker stated that it would be depend on the amount of dogs. She asked if Mr. Hall is talking about
33 the supervision of one dog or fifty dogs.
34
- 35 Mr. Hall stated that the number of dogs would be a critical factor.
36
- 37 Ms. Schwenker stated that she cannot answer Mr. Hall's question until she knows the number of dogs that
38 Mr. Johnson intends to board.
39
- 40 Mr. Hall stated that at this time we know that the number is 15 dogs but we need to know if that includes all
41 of the dogs on the property at one time, both the client's dogs and Mr. Johnson's dogs. He said that if there

1 were dogs in two different areas it is given that the dogs in the separate areas will bark at each other
2 therefore there is a lot of detail involved in this case.

3
4 Ms. Schwenker stated that she is a dog and animal lover and dogs need to be outside to exercise much like
5 children - the more fresh air the better - but are we discussing one dog outside or twenty dogs outside for five
6 hours. She said that twenty dogs outside at one time without any noise abatement is not acceptable. She
7 said that it is her understanding that the petitioners do not desire any type of noise abatement and that is the
8 portion of the request that she is objecting to.

9
10 Mr. Thorsland asked Ms. Schwenker if dogs are allowed within the subdivision.

11
12 Ms. Schwenker stated yes.

13
14 Mr. Thorsland asked Ms. Schwenker if the dogs bark within the subdivision.

15
16 Ms. Schwenker stated yes and she does not object to it.

17
18 Mr. Thorsland stated that he understands because it is the nature of a dog to bark.

19
20 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Schwenker and there were none.

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

23
24 Mr. Thorsland called William Goldshlag to testify.

25
26 Mr. William Goldshlag, who resides at 1329 West Ridge Court, Champaign, stated that his home is very
27 close to the proposed kennel and just around the corner. He said that his primary concern is with the noise
28 and the request to not erecting noise barriers for the kennel. He said that the subdivision is at the very edge
29 of Champaign therefore the winds that come from the fields are much stronger than the winds that people in
30 town receive and those winds carry a lot of noise. He said that the kennel to the north of the subdivision
31 illustrates how far the winds carry the noise. Mr. Goldshlag stated that he is familiar with the kennel to the
32 north because he jogs past it and when he passes the dogs become agitated. He said that if one dog sees him
33 and begins barking the other dogs bark as well. He said that there is a pedestrian path across from the
34 proposed kennel and he expects the same thing to occur when someone passes it. He expects more foot
35 traffic on the pedestrian path across from the proposed kennel because it is not only used by joggers but also
36 by families with small children in carriages. He said that there is a newly constructed playground to the
37 north of the subdivision and the walk path is the only way to access the playground from the adjacent
38 Sawgrass Subdivision. He said that he has a direct visual from his home and he sees people walking with
39 their children taking them to the playground and back and he expects that the dogs will spot the pedestrians
40 and begin barking.

41

1 Mr. Goldshlag stated that the nature of the kennel business would be to bring strange dogs into the same
2 facility therefore getting the animals more excited with pedestrians, cars, etc. therefore producing more noise
3 in general. He said that there are a lot of dogs in his subdivision and probably more than half of the
4 homeowners have dogs and those dogs do bark sometimes and no one complains. He said that placing
5 fifteen dogs which have been taken away from their owners and putting them in a small fenced area when
6 they are scared will entice them to bark at pedestrians and traffic therefore increasing the noise issue. He
7 said that the subject property is located on agricultural land but the subdivisions across the road are densely
8 populated with families. He said that when the Board considers if the subject property is appropriate for the
9 requested business the Board must realize that even though it is occupied for agriculture it is still located 100
10 feet from a densely populated neighborhood.

11
12 Mr. Thorsland asked Mr. Goldshlag if it would alleviate some of his concerns if some sort of very defined
13 times were applied to the business regarding when the dogs could be outside.

14
15 Mr. Goldshlag asked who would enforce those times.

16
17 Mr. Thorsland stated that the Board defines the rules when the dogs can be outside and if complaints are
18 received the Department of Planning and Zoning will contact the petitioner and if the issue continues the
19 Special Use Permit will be taken away.

20
21 Mr. Goldshlag stated that frankly he does not want this to become a case like Mr. Frazier's in which the
22 petitioner does something and a lot of people must suffer and the Board is attempting to mitigate the
23 problems. He said that currently the business just started operation and it has been very cold outside
24 therefore not many dogs have been at the kennel. He said that people have not had the chance to experience
25 the business at full capacity. He said that he does not want the Board to require particular times because he
26 does not believe that they are very enforceable and it would just become a big nuisance.

27
28 Mr. Thorsland asked Mr. Goldshlag if the required barriers that are for a typical kennel are more what he
29 would be happy with.

30
31 Mr. Goldshlag stated that he would be happy if the kennel was moved towards the back of the property as far
32 away from the road as possible and if the visual and noise barriers were required. He said that this property
33 used to be a farmstead and there are warehouses in the back of the property and it is his understanding that
34 one of the buildings is to be demolished. He said that he is not sure if Mr. Johnson will be utilizing the other
35 building but with due diligence Mr. Johnson should be able to construct a kennel where the dogs will not be
36 agitated by the traffic on the road, both pedestrian and vehicular.

37
38 Mr. Hall asked Mr. Goldshlag if he would still be concerned about the noise if the dogs were only housed in
39 the house.

40
41 Mr. Goldshlag stated that he tried to examine some of the evidence presented in the package. He said that

1 the layout of the house is very inaccurate because the dimensions do not add up and is grossly inaccurate.
2 He said that it is his opinion that the house is very small to house 15 dogs plus someone living there plus a
3 space to groom and take care of the dogs; he does not believe that it is large enough to house 15 animals
4 most of the day. He said that he is afraid that the operation will inevitably spill into the outside kennels
5 because there will not be adequate space for the dogs inside.
6

7 Mr. Thorsland stated that the Board has requested that a better site plan be submitted.
8

9 Mr. Hall asked Mr. Goldshlag if he has viewed the photographs that are included in the Supplemental
10 Memorandum dated February 12, 2015.
11

12 Mr. Goldshlag stated that he has not reviewed the Supplemental Memorandum dated February 12, 2015.
13

14 Mr. Thorsland stated that he will make sure that Mr. Goldshlag has an opportunity to review the
15 memorandum.
16

17 Mr. Goldshlag stated that the reason why he is concerned about the noise is because he had a chance to
18 review some of the responses by the petitioner on the variance application regarding how he would mitigate
19 the noise. He said that when the petitioner was asked whether or not the Special Use will be injurious to the
20 District in which it shall be located, or otherwise detrimental to the public welfare, the petitioner indicated
21 that the property is zoned AG-1, therefore it could be used as a farm, or to keep other livestock. Dogs are
22 cleaner than livestock that are kept in barns or pastures like cows and pigs that create smells that go beyond
23 the perimeter of the property. Mr. Goldshlag stated that he does not believe that Mr. Johnson or Mr. Handal
24 would sincerely do their best effort to protect the neighbors from noise and he also believes that the noise
25 would affect both the neighborhood's comfort and property values of the adjacent houses.
26

27 Mr. Thorsland stated that the subject property is not farmed but it was not long ago that where the
28 subdivision is located was farmland and the subject property sat very far away from Champaign. He noted
29 that since the property is zoned AG-1 it is very possible that the subdivision could have a very different type
30 of operation adjacent next to it. He said that as an owner of a farm that has housed pigs in the past it is his
31 opinion that dogs would be better than pigs. He said that he does not believe that the petitioner was trying to
32 be facetious in his answers but was pointing out that the subject property is located near a very densely
33 populated subdivision but the AG-1 zoning begins across the road and agricultural land could be used for
34 many different uses by right. He noted that there is a *Right to Farm* in the County and the State of Illinois
35 therefore the petitioner could have 200 cattle or pigs on the subject property and neither one of those uses
36 would require review by this Board.
37

38 Mr. Goldshlag stated that we are not hearing a petitioner for a swine farm.
39

40 Mr. Thorsland stated that Mr. Goldshlag is correct and he should be very happy about that point. He said
41 that the Board is going to work with the noise barrier and it appears that the waiver of the barrier is the most

1 concern and the distance of the exercise/training area from any adjacent residential structure. He asked the
2 audience to keep in mind that the members of the Board do hail from the unincorporated areas of Champaign
3 County and not one of the members are unfamiliar how the wind blows from the rural area. He said that the
4 adjacent subdivision is on the edge of the unincorporated area and the subject property is in the
5 unincorporated area and unfortunately the barrier is very small between the two.
6

7 Ms. Lee asked Mr. Goldshlag to clarify which facility he was discussing when he spoke about the dogs
8 barking at him when he jogs.
9

10 Mr. Goldshlag stated that he was discussing the research facility.
11

12 Ms. Lee asked Mr. Goldshlag if the dogs bark at him from this facility when he jogs past it.
13

14 Mr. Goldshlag stated that it is winter time and the kennel is not in full operation yet and only a couple of
15 dogs are present outside but during the summer months he expects more dogs to be outside. He said that he
16 does not want the petitioner to go through more expense and have the operation go any further and then the
17 complaints start. He said that the reason why the County has zoning rules is to foresee situations before they
18 occur. He said that he has not been disturbed to the point where he will file a complaint with the Board yet
19 and he does not want to get to the point either. He requested that the Board also looks into whether the
20 square footage of the house is appropriate for housing this many dogs.
21

22 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Goldshlag and there
23 were none.
24

25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Goldshlag and there was no one.
26

27 Mr. Thorsland called Mr. Fuad Handal to testify.
28

29 Mr. Thorsland stated that Mr. Handal has left the meeting.
30

31 Mr. Thorsland called Mr. Johnson to the witness microphone.
32

33 Mr. Lawrence Reginald Johnson, stated that he generally goes by the name "Reggie" when addressed. He
34 said that he sees people walking and jogging every day on the walk path in the subdivision and there are
35 dogs that live in the subdivision which are near the walk path and they bark at everyone who passes by. He
36 said he has lived at the subject property for over one year and he has his personal dogs and other peoples'
37 dogs and he has not witnessed any of the dogs on his property bark at anyone. He said that he always
38 supervises his dogs and the dogs are not left outside for hours at a time unsupervised. He said that the dogs
39 do go out to exercise but he is with them the entire time.
40

41 Mr. Johnson stated that the facility that is north of the subject property and the subdivision has

1 approximately 50 dogs. He said that he does not want 50 dogs at his facility and he does not intend to ever
2 have that many dogs at his facility.
3
4 Ms. Lee asked Mr. Johnson how many dogs he personally owns that are at the facility currently.
5
6 Mr. Johnson stated that he personally owns six dogs and they are all male.
7
8 Mr. Thorsland asked Mr. Johnson if the 15 dogs that he indicated would be housed at the property includes
9 his six personal dogs.
10
11 Mr. Johnson stated yes.
12
13 Mr. Thorsland asked Mr. Johnson if he would agree to a condition on the permit indicating that no more than
14 15 dogs, including Mr. Johnson's personal dogs, could be at the facility at any one time.
15
16 Mr. Johnson stated yes.
17
18 Mr. Thorsland asked Mr. Johnson if he would agree to a condition that the front exercise area could only be
19 used for no more than 15 dogs under the supervision of Mr. Johnson or a worker.
20
21 Mr. Johnson stated yes. He said that he does not trust people's dogs because they may unlock the gate or
22 climb over the fence therefore it is his experience that they have to be supervised at all times. He noted that
23 he did receive his license from the State of Illinois. He said that the State inspectors came to the property
24 and performed an inspection and issued his license.
25
26 Mr. Thorsland stated that the Board would like to have a copy of the license issued by the State of Illinois
27 and any other certifications that Mr. Johnson may have. He said that the Board would like to have a
28 complete floor plan of the house indicating the use of each location in the house. He said that the barrier is a
29 concern, so the petitioners may consider the slates that go into the chain link fence that create a visual
30 barrier. He said that there is a ditch by the subject property but there are some very narrow plantings that
31 could be installed. He asked Mr. Johnson if he would agree to install a sound or visual barrier on the front
32 side of the property if the Board required it as a condition.
33
34 Mr. Johnson stated yes. He said that he and Mr. Handal installed the fence and began the kennel operation
35 before they were aware that they were required to obtain a Special Use Permit from the County. He said that
36 once they found out that they needed a Special Use Permit they submitted the application immediately. He
37 said that they were under the impression that since they were in the country they didn't need anything other
38 than approval from the State of Illinois.
39
40 Mr. Thorsland stated that the situation is understandable and in all his years on the Board the most important
41 thing that County does not do and will probably never have a budget to do is communicate to the public what

1 the Zoning Board of Appeals does and what the public needs to do to meet the County's requirements. He
2 said that the Board cannot imagine what everyone wants to do or what people think they get to do which is
3 why the Board exists. He said that the Board appreciates the fact that as soon as the petitioners knew what
4 they needed to do they applied for the Special Use Permit and paid the applicable fees.

5

6 Mr. Passalacqua asked if the location of the front fence is compliant.

7

8 Mr. Hall stated that he does not know what compliance Mr. Passalacqua is interested in.

9

10 Mr. Passalacqua stated that the fence appears to be too close to the road.

11

12 Mr. Hall stated that the fence can be at the property line.

13

14 Mr. Passalacqua stated that the location of the poles and the fence is permissible.

15

16 Mr. Hall stated yes.

17

18 Mr. Lee asked if permissible means the line of the road right-of-way.

19

20 Mr. Hall stated yes.

21

22 Mr. Thorsland noted that someone could put their fence right up to the sidewalk.

23

24 Mr. Thorsland stated that it appears that the petitioners are willing to work with the Board and staff to do
25 what they can do to obtain approval and to work with the neighbor's concerns. Mr. Thorsland stated that
26 currently the main concerns from the neighbors are visual and noise barriers. He said that it is the winter
27 months therefore everyone has their windows and doors closed so we anticipate everyone to have more
28 activity which includes Mr. Johnson's business. He said that the Board would like to get this case resolved
29 so that everyone is comfortable and before Mr. Johnson gets moving along any further. He said that the
30 Board cannot make Mr. Johnson do anything but can request that he does not take in more business than he
31 already has until the case is resolved.

32

33 Mr. Johnson stated that he understands the Board's request.

34

35 Mr. Thorsland requested a copy of any documentation regarding Mr. Johnson's certification as a state
36 certified trainer. He said that Mr. Johnson should call Ms. Chavarria regarding any information regarding the
37 septic system. He said that the Board is not requiring an architectural drawing but a better drawing of the
38 property and the interior of the house and its use would be appreciated. He said that the petitioners should
39 think about the future and include any visions that they may have.

40

41 Mr. Johnson stated that any visions or dreams that he has for the future could not occur on the subject

1 property because it is too small.
2
3 Mr. Thorsland stated that the Board should know about any demolition of existing buildings and what would
4 be located in that vacant location.
5
6 Mr. Johnson stated that he does not own the property therefore he will need to contact Mr. Handal regarding
7 the septic system.
8
9 Mr. Thorsland stated that the Board needs to know the location of the septic system and when it was checked
10 and by whom.
11
12 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony
13 regarding this case and there was no one.
14
15 Ms. Lee asked Mr. Johnson if he ever takes his own dogs along the sidewalk outside of the fenced area.
16
17 Mr. Johnson stated that he does not because he does not have insurance for that area. He said that he only
18 has insurance for the subject property therefore everything he does happens on the property.
19
20 Mr. Thorsland stated that the Board would love to see a copy of that insurance policy.
21
22 Mr. Johnson stated that he will submit it to staff.
23
24 Mr. Thorsland asked the petitioner if he would be available for a continuance date of April 16, 2015.
25
26 Mr. Johnson stated yes.
27
28 Mr. Thorsland entertained a motion to continue Case 793-S-14 to the April 16, 2015, meeting.
29
30 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 793-S-14, to the April 16, 2015,**
31 **meeting.**
32
33 Mr. Goldshlag requested the opportunity to cross examine Mr. Johnson.
34
35 Mr. Thorsland called Mr. Goldshlag to the cross examination microphone.
36
37 Mr. William Goldshlag asked Mr. Johnson to indicate the indoor square footage which is available for the
38 kennel.
39
40 Mr. Johnson stated that he does not know the exact square footage of the area but he uses the first floor
41 which has one room which is approximately 16' x 20' and the other room is smaller.

1
2 Mr. Thorsland stated that dimensions of the interior of the house are on the drawing that Mr. Johnson
3 submitted to staff.
4
5 Mr. Goldshlag stated that he realizes that the dimensions are on the drawing but the dimensions do not add
6 up which is why he is double checking the dimensions.
7
8 Mr. Johnson stated that the dogs are housed in crates and kennels in the house. He said that he lets the dogs
9 out to exercise every other hour so that they are not cooped up in the crates and kennels for several hours at a
10 time. He said that he is always outside with the dogs during their exercise time. He said that the dogs do
11 sleep in their crates and kennels at night and the dogs do sleep all night.
12
13 Mr. Thorsland asked Mr. Johnson if he releases all of the dogs outside at once or does he release them in
14 shifts for exercise time.
15
16 Mr. Johnson stated that he exercises the dogs in shifts. He said that the dogs that get along are allowed to go
17 out together under his supervision. He said that there may be a time when he only exercises one dog outside
18 and there may be other times when there are two or three dogs outside for exercise under his supervision.
19
20 Mr. Goldshlag asked Mr. Johnson how often he takes the dogs outside.
21
22 Mr. Johnson stated that he exercises the dogs every other hour during the day which, depending upon the
23 weather, would be between six and eight times per day.
24
25 Mr. Goldshlag asked Mr. Johnson if he would train dogs with behavioral issues and if so does he believe that
26 he has enough space for 15 dogs with behavioral issues.
27
28 Mr. Johnson stated that when he trains dogs with behavioral issues he will have the owner bring the dog to
29 him and he will work with the owner and the dog and then have the owner take the dog home. He said that
30 dogs with serious behavioral issues do not come to his facility because he does not take aggressive dogs.
31
32 Mr. Thorsland asked Mr. Johnson if he has a form that clients must complete when they bring their dogs to
33 the facility.
34
35 Mr. Johnson stated yes. He said that he keeps record of their shots.
36
37 Mr. Thorsland stated that he would appreciate a copy of the form submitted as evidence for Board review.
38 He said that if the kennel has guidelines or rules that are presented to the owners the Board would also
39 appreciate the ability to review that information as well.
40
41 Mr. Passalacqua asked Mr. Johnson if he has a flyer or website which describes his services.

1
2 Mr. Johnson stated that he does have a flyer that he can submit. He said that normally people call him due to
3 word of mouth.
4
5 Mr. Passalacqua stated that anything that Mr. Johnson can add regarding his business and its services would
6 be helpful for the Board’s review.
7
8 Mr. Thorsland stated that he assumes that the flyer indicates the hours of operation and when animals are
9 accepted. He said that he also assumes that clients do not drop off their dogs at 10:00 p.m.
10
11 Mr. Johnson stated that sometimes people will drop off their dogs during an emergency situation.
12
13 Mr. Thorsland asked Mr. Johnson to indicate his normal non-emergency hours.
14
15 Mr. Johnson stated that his regular hours of operation are 7:00 a.m. to 7:00 p.m.
16
17 Mr. Thorsland stated that as much information that Mr. Johnson can provide the Board the better. He
18 recommended that Mr. Johnson discuss any questions or concerns with Ms. Chavarria prior to the next
19 meeting for this case.

20
21 **The motion carried by voice vote.**

22
23 Mr. Thorsland entertained a motion to extend the meeting to 10:00 p.m.

24
25 **Ms. Capel moved, seconded by Ms. Lee to extend the meeting to 10:00 p.m. The motion carried by**
26 **voice vote.**

27
28
29 **Case 794-S-14 Petitioner: Premier Cooperative, Inc. with board members Greg Miller, William**
30 **Stierwalt, Kim Jolley, Kenneth Hieser, Stephen Hettinger, Pat Feeney, James Kleiss, Douglas**
31 **Hansens, John Murray, Dwight Huffstutler, Maury Busboom and corporate officers Roger Miller,**
32 **General Manager and James Deters, Chief Financial Officer. Request: 1) Authorize construction of**
33 **two 24,000 gallon bulk fuel storage tanks in the B-1, Rural Trade Center Zoning District; and 2)**
34 **Authorize the following waiver to the standard conditions of the “Gasoline and Volatile Oils Storage**
35 **in the B-1 and B-3 Districts” Special Use as per Section 6.1.3 of the Zoning Ordinance: Gasoline and**
36 **Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from the R District or any**
37 **Residential, Institutional, or Public Assembly Use.” Location: A 8.19 acre tract in the South Half of**
38 **the Southwest Quarter of Section 17, Township 20N, Range 9E, in Somer Township and commonly**
39 **known as Premier Cooperative at 1711 East Leverett Road, Champaign.**

40

1 **Case 797-AM-15 Petitioner: Premier Cooperative, Inc. with board members Greg Miller, William**
2 **Stierwalt, Kim Jolley, Kenneth Hieser, Stephen Hettinger, Pat Feeney, James Kleiss, Douglas**
3 **Hansens, John Murray, Dwight Huffstutler, Maury Busboom and corporate officers Roger Miller,**
4 **General Manager and James Deters, Chief Financial Officer. Request to amend the Zoning Map to**
5 **change the zoning district designation from AG-2, Agriculture Zoning District to the B-1, Rural Trade**
6 **Center Zoning District in order to operate the proposed Special Use in related Case 794-S-14.**
7 **Location: A 8.19 acre tract in the South Half of the Southwest Quarter of Section 17, Township 20N,**
8 **Range 9E, in Somer Township and commonly known as Premier Cooperative at 1711 East Leverett**
9 **Road, Champaign.**

10
11 Mr. Thorsland called Cases 794-S-14 and 797-AM-15 concurrently.

12
13 Mr. Thorsland informed the audience that Case 794-S-14 is an Administrative Case, and as such the County
14 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
15 show of hands for those who would like to cross examine and each person will be called upon. He requested
16 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
17 that those who desire to cross examine are not required to sign the witness register but are requested to
18 clearly state their name before asking any questions. He noted that no new testimony is to be given during
19 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
20 exempt from cross examination.

21
22 Mr. Thorsland asked the petitioners if they would like to make a statement regarding their case.

23
24 Mr. David Kieffer, Fuel Manager for Premier Cooperative Inc., stated that he is present tonight to request
25 that the subject property be rezoned from AG-2 to B-1 to allow for the construction of a bulk fuel facility.
26 He said that the facility will be a benefit for their local patrons which are the local farmers in the area but
27 will also help reduce the amount of traffic on the roads that are currently required to travel to northern and
28 southern portions of the County for fuel. He said that to accommodate their dry area they are requesting the
29 ability to construct a couple of tanks in the middle of where Premier Cooperative does business.

30
31 Mr. Passalacqua asked Mr. Kieffer if the bulk fuel facility is for Premier Cooperative's vehicles or retail sale
32 for other agricultural operations.

33
34 Mr. Kieffer stated that the purpose for the bulk facility is for retail sale to other agricultural operations.

35
36 Ms. Lee stated that the residences are less than 500 feet from the location of the proposed fuel tanks. She
37 said that recently the County has had tornadoes and the tanks are located southwest of the residence. She
38 asked Mr. Kieffer if they could relocate the fuel tanks to maintain the required 500 foot distance.

39
40 Mr. Kieffer stated yes. He said that initially when they submitted the drawing they were indicating where
41 they might construct the tanks due to wind reasons going in and out of the building. He said that the tanks

1 will be relocated to meet the requirement and it is not an issue.

2

3 Mr. Thorsland stated that if the tanks are to be relocated a new drawing will need to be submitted to staff for
4 review.

5

6 Mr. Kieffer stated that he will submit a new drawing indicating the new location.

7

8 Mr. Hall asked Mr. Kieffer if he is indicating that they can meet the 500 foot setback.

9

10 Mr. Kieffer stated yes they can meet the 500 foot setback therefore they do not require the waiver.

11

12 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Kieffer and there
13 were none.

14

15 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kieffer and there was no one.

16

17 Mr. Thorsland called Mr. Seth Rients to testify.

18

19 Mr. Seth Rients, who resides at 1807 E. Leverett Road, Champaign, stated that his home is indicated in the
20 photographs included in the packet. He said that the memorandum indicates that there will be an
21 environmental assessment completed but he has not seen this study yet.

22

23 Mr. Kieffer stated that the environmental assessment is currently being prepared. He said that their
24 environmental consultant is present tonight at the meeting. He said that part of it had to do with the drainage
25 assessment that had to be completed as well and the paperwork for the drainage assessment were not
26 received until the 4th or 5th of February therefore some of that is still being drawn up. He said that they are
27 requesting the rezoning portion of their request so that they can move forward with the rest of it as they see
28 fit. He said that there will be a full Spill Prevention Control and Countermeasure (SPCC) Plan provided
29 before construction.

30

31 Mr. Thorsland called Jeff Breen to testify.

32

33 Mr. Jeff Breen, Fixed Asset Manager for Premier Cooperative, Inc., who resides at 308 E. Marshall, Tolono,
34 stated that he is present tonight to answer any questions that Mr. Kieffer may not be able to answer.

35

36 Mr. Thorsland stated that the Board has heard testimony indicating that the tanks can be relocated to
37 eliminate the need for Part B. of Case 794-S-14. He said that the Board and staff will need to review the
38 new site plan as soon as possible.

39

40 Mr. Breen stated that he can have the new site plan available as early as tomorrow.

41

1 Mr. Thorsland stated that the Board will attempt to fit Case 794-S-14 into the docket as soon as possible. He
2 asked Mr. Breen if he anticipates having the SPCC Plan prior to the next meeting.
3
4 Mr. Breen stated yes.
5
6 Mr. Thorsland asked staff and the Board if there were any questions for Mr. Breen and there were none.
7
8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Breen and there was no one.
9
10 Mr. Thorsland called Karl Newman to testify.
11
12 Mr. Karl Newman, who resides at 1821 Robert Drive, Champaign, stated that he is the Senior Project
13 Manager for GEOCON Professional Services, LLC. and is the environmental consultant for Premier
14 Cooperative. He said that if the Board will remember he sat before the Board for Premier Cooperative's
15 Apex facility at Tolono but the facility at Leverett is smaller. He said that what he will be preparing is a
16 SPCC Plan which is a written document that Premier will have in place at the facility before it goes into
17 operation and it is basically a plan to prevent spills from the facility. He said that in the unlikely event if
18 there is a spill, proper procedures will respond to it, including proper notifications to necessary state and
19 federal agencies. He said that the plan is not an environmental assessment as such but it is a plan that will be
20 in place after construction of the facility and prior to placement and operation to try to prevent any spills of
21 oil from the facility.
22
23 Mr. Thorsland stated that the plan will be similar to the one prepared for the Tolono facility.
24
25 Mr. Newman stated yes. He said that generally for a bulk storage facility, which is what this project will be,
26 those types of facilities which have more the 1,320 gallons of storage are required by federal regulation to
27 have this type of plan. He said that the construction and permitting of the facility are handled by the Office
28 of the State Fire Marshal and Premier will certainly have to go through those hoops to get the facility
29 constructed.
30
31 Mr. Thorsland stated that he would anticipate increased traffic due to delivery of the bulk fuel to the facility
32 and the outgoing sales of the fuel. He asked Mr. Newman if he had any idea of the amount of increase for
33 traffic.
34
35 Mr. Newman stated that he would not have an answer to Mr. Thorsland's question regarding the increase in
36 traffic.
37
38 Mr. Thorsland asked staff and the Board if there were any questions for Mr. Newman and there were none.
39
40 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Newman and there was no one.
41

- 1 Mr. Thorsland called David Kieffer back to the witness microphone to address his question regarding
2 anticipated increased traffic.
3
- 4 Mr. Kieffer stated that additional traffic will be about four trucks per day. He said that he currently has
5 vehicles stationed at this location for the fuel division therefore it will not increase much. He said that the
6 four trucks would be coming in to fill the facility and as far as going out of the facility they already do. He
7 said that transportation on the County's roads would decrease because he is taking those trucks and either
8 going to the Tolono facility or going all the way up to their Ford County-Elliott location. He said that he is
9 trying to keep fuel for the farmer's roughly in the Champaign-Urbana area therefore not requiring them to
10 travel north or south but overall there will be less traffic countywide.
11
- 12 Mr. Thorsland stated that it sounds like it would be a wash because the trucks that are stationed at Leverett
13 travel somewhere to get filled anyway.
14
- 15 Mr. Kieffer stated that roughly it would be four additional semi-loads per day coming off of the interstate.
16
- 17 Mr. Passalacqua asked Mr. Kieffer if the trucks that he is discussing are Premier Cooperative's trucks and
18 not clients.
19
- 20 Mr. Kieffer stated yes. He said that the trucks are Premier Cooperative's trucks or a vendor that hauls for
21 Premier Cooperative and nobody can legally dispense from the Leverette location other than Premier
22 Cooperative.
23
- 24 Mr. Thorsland asked staff and the Board if there were any questions for Mr. Kieffer and there were none.
25
- 26 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kieffer and there was no one.
27
- 28 Mr. Thorsland noted that the revised site plan should be submitted to staff as soon as possible.
29
- 30 Mr. Thorsland stated that the Preliminary Memorandum dated February 5, 2015, includes the Draft Finding
31 of Fact for Case 797-AM-15. He said that the Board can review the entire finding or move directly to the
32 Summary Finding of Fact.
33
- 34 Mr. Passalacqua stated that the Board should move to the Summary Finding of Fact because the new site
35 plan will not change any of the LRMP Goals and Policies.
36
- 37 Mr. Thorsland noted that a new item #7 should be added to the Documents of Record as follows:
38 Supplemental Memorandum with attachments for Case 794-S-14 dated February 12, 2015.
39
- 40 Mr. Hall stated that this finding is identical to the finding for the Tolono facility although the site plans are
41 much different. He said that staff found no differences for the findings, therefore the Board can invest as

1 much time that the Board deems necessary.

2

3 Ms. Lee asked Mr. Hall when the Tolono facility case was completed.

4

5 Mr. Hall stated that the Tolono facility case was completed in 2012.

6

7 Mr. Thorsland stated that the Board spent a lot of time on the Tolono case and the Board received very good
8 information regarding their spill response and all of this came from authorities higher than the ZBA and
9 Premier met all of their requirements. Mr. Thorsland stated that the Board can move to adopt the Finding of
10 Fact, Documents of Record and Summary Finding of Fact as written because he saw nothing different than
11 what the Board received previously.

12

13 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary
14 Finding of Fact for Case 797-AM-15.

15

16 **Mr. Passalacqua moved, seconded by Mr. Randol to adopt the Finding of Fact, Documents of Record
17 and Summary Finding of Fact for Case 797-AM-15. The motion carried by voice vote.**

18

19 Mr. Passalacqua stated that it is very unfortunate that the Board does not have the revised plan.

20

21 Mr. Thorsland stated that it is unfortunate but it is important for the Board to have it so that everyone knows
22 what is being approved.

23

24 Mr. Thorsland entertained a motion to move to the Final Determination for Case 797-AM-15.

25

26 **Ms. Capel moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 797-AM-
27 15.**

28

29 Mr. Thorsland informed the petitioners that currently the Board has one vacant Board seat and one absent
30 Board member therefore it is at their discretion to either continue Case 797-AM-15 until a full Board is
31 present or request that the present Board move to the Final Determination. He informed the petitioners that
32 four affirmative votes are required for approval.

33

34 Mr. Breen requested that the present Board move to the Final Determination.

35

36 **Final Determination for Case 797-AM-15:**

37

38 **Mr. Passalacqua moved, seconded by Mr. Randol that pursuant to the authority granted by Section
39 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
40 determines that the Zoning Ordinance Amendment requested in Case 797-AM-15 should BE
41 ENACTED by the County Board in the form attached hereto.**

1
2 Mr. Thorsland requested a roll call vote.

3
4 The roll was called as follows:

5			
6	Randol-yes	Capel-yes	Griest-absent
7	Lee-yes	Passalacqua-yes	Thorsland-yes
8			

9 Mr. Hall informed the petitioners that they have received a recommendation for approval therefore Case 797-
10 AM-15 will be forwarded to the Champaign County Environment and Land Use Committee for their March
11 5, 2015, meeting.

12
13 Mr. Thorsland stated that the Board needs to continue Case 794-S-14 to a later meeting.

14
15 Mr. Hall stated that the Board could continue Case 794-S-14 to the February 26, 2015, meeting.

16
17 Mr. Thorsland stated that later during this meeting the Board will be posed a question whether to begin the
18 February 26, 2015, meeting at 6:00 p.m. or 6:30 p.m. He said that the agenda for the February 26, 2015,
19 meeting is very busy. He said that he assumes that Premier Cooperative will have the revised site plan to
20 staff quickly therefore he would entertain a motion to continue Case 794-S-14 to the February 26, 2015,
21 meeting.

22
23 **Mr. Passalacqua moved, seconded by Mr. Randol to continue Case 794-S-14 to the February 26, 2015,**
24 **meeting. The motion carried by voice vote.**

25
26 Mr. Thorsland entertained a motion to begin the February 26, 2015, meeting at 6:00 p.m.

27
28 **Mr. Randol moved, seconded by Ms. Capel to begin the February 26, 2015, meeting at 6:00 p.m. The**
29 **motion carried by voice vote.**

30
31 **7. Staff Report**

32
33 None

34
35 **8. Other Business**

36 A. Review of Docket

37
38 Mr. Thorsland informed the Board that the February 26, 2015, meeting will be a very busy meeting.

39
40 **9. Audience Participation with respect to matters other than cases pending before the Board**

41

1 None

2

3 **10. Adjournment**

4

5 Mr. Thorsland entertained a motion to adjourn the meeting.

6

7 **Ms. Capel moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**

8

9 The meeting adjourned at 9:53 p.m.

10

11

12

13 Respectfully submitted

14

15

16

17

18 Secretary of Zoning Board of Appeals

19

20

21