

CASE NO. 792-V-14 REACTIVATED

SUPPLEMENTAL MEMORANDUM #7

June 24, 2016

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Ct, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

This memorandum reviews new evidence included in the Summary of Evidence dated June 24, 2016:

- Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
- Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
- Email #1 from Andrew Fell Architecture received April 1, 2016
- Email #2 from Andrew Fell Architecture received April 1, 2016
- Curb and gutter design from Keith Padgett, Champaign Township Highway Commissioner received April 4, 2016
- Email from Andrew Fell received June 22, 2016
- Draft minutes from March 24, 2016

REVISED MINIMUM PARKING REQUIREMENTS

In a letter received May 25, 2016, Andrew Fell requests a reduced minimum number of required parking spaces. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.

The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals. Should the ZBA approve the proposed 70 spaces, they may determine that Variance Part A will no longer be necessary because the most recent site plan received June 21, 2016 allocates 74 parking spaces.

REVISED SITE PLAN RECEIVED JUNE 21, 2016

A revised site plan was received from Andrew Fell Architecture on May 25, 2016. The revised site plan mainly addressed minimum parking requirements. Staff noted a number of concerns via email on June 6, 2016, and another revised site plan addressing those concerns was received on June 21, 2016. The most recent site plan does not include second story floor plans or identify existing and proposed building uses. Nonetheless, staff considers the revised site plan to answer all concerns identified in the June 6, 2016 email to Andrew Fell and the petitioner. Please see Item 5.L. on Page 14 in the Summary of Evidence dated June 24, 2016.

The most recent site plan received June 21, 2016 shows a 10 feet wide traffic aisle on the west side of the west building. Should the ZBA approve the proposed site plan, they may determine that Variance Part C is no longer necessary.

As of June 22, 2016, we do not have documentation from the Illinois Capital Development Board regarding accessibility concerns, other than an email from Andrew Fell received April 1, 2016 that states the second floor must be accessible. Staff received an email from Andrew Fell on June 22, 2016, with updated information on accessibility: "We are still considering all the options for the second floor. The State has determined that if the second floor is over 1,000 square feet it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 square feet. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements. At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading."

STAFF RECOMMENDATIONS

Staff members believe that Mr. Frazier is in receipt of all requests for information regarding what the ZBA needs to finalize consideration of Case 792-V-14. Staff has followed up via letter or email after every public hearing to provide Mr. Frazier with a punch list of items and a deadline by which those items should be provided if he wants them considered for the next hearing. Staff has also discussed requirements with Mr. Frazier by phone and email, and has collaborated on his behalf with the City of Champaign.

Mr. Frazier has taken positive steps by hiring Andrew Fell Architecture to design his parking areas and working with the City of Champaign on what they might require for annexing his property. However, we are still not in receipt of a one-page, comprehensive site plan of existing and proposed conditions that is necessary for case approval. The petitioner's failure to provide this after repeated requests over the last 18 months should again be considered in whether the Board continues the case or denies it.

SPECIAL CONDITIONS

Conditions A through F are the same as they were in Supplemental Memo #5 dated March 18, 2016.

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. **Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. **A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:

That the proposed uses meet applicable state requirements for accessibility.

Staff proposes new Special Condition G:

- G. **The Petitioner will not allow on-street parking on Tiffany Court.**

The special condition stated above is necessary to ensure the following:

That local parking regulations are obeyed.

ATTACHMENTS

- A Letter to Mr. Frazier dated April 1, 2016
- B Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
- C Email to Mr. Frazier and Mr. Fell sent June 6, 2016
- D Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
- E Email from Andrew Fell received June 22, 2016
- F Draft minutes from March 24, 2016
- G Email #1 from Andrew Fell Architecture received April 1, 2016
- H Email #2 from Andrew Fell Architecture received April 1, 2016
- I Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
- J Revised Summary of Evidence dated June 24, 2016

Champaign
County
Department of

**PLANNING &
ZONING**

**Brookens
Administrative Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

April 1, 2016

Mr. Robert Frazier
310 Tiffany Court
Champaign, IL 61822

RE: Case 792-V-14

Mr. Frazier:

At the March 24, 2016 Zoning Board of Appeals Meeting, the Board continued your case to June 30, 2016. Based on discussion at the meeting, you are responsible for completing the following items prior to your next hearing:

1. Relocate all buses from the Tiffany Court property unless even more parking is proposed to make up for the area occupied by the buses.
2. Secure comments from Illinois Capital Development Board (CDB) regarding accessibility.
3. Verify with Jeff Marino at the City of Champaign and secure an email with his response that the second floor areas are acceptable to the City or whether any changes are necessary.
4. If necessary, meet with Planning & Zoning to discuss proposed changes.
5. Have your engineer prepare a new parking plan for the north property that provides all of the additional parking that is required.
6. Secure comments from the Fire Protection District (FPD) regarding access by fire trucks and also check with Jeff Marino with the City of Champaign.
7. Submit to Planning & Zoning a copy of the purchase agreement for the north parking area, including all of the items discussed in the March 18, 2016 memo, and including any revisions necessary to provide additional parking.
8. Make any necessary revisions to building plans and site plan, including parking areas) based on the following:
 - a. Capital Development Board accessibility requirements;
 - b. Fire Protection District comments;
 - c. City of Champaign comments;
 - d. Identify where the arborist vehicles will be parked to ensure that arborist parking is considered in the site plan; and
 - e. Your final decision regarding the steps and the ramp on the west side of the building; dumpster relocation; removal of the exterior stair; adding pavement where required; any required expansion of the proposed north parking area and land purchase.

FILE COPY

9. **SUBMIT A COMPREHENSIVE SITE PLAN WITH ALL OF THE RELEVANT PROPERTY (EXISTING & PROPOSED) ON ONE SHEET AND INDICATE AND NUMBER EACH PARKING SPACE.**
10. Prepare a scaled engineering/architecture drawing of the proposed removal and reconstruction of the curb and sidewalk, including adequate detail drawings, that has been coordinated with the rest of the site plan and submit to Planning & Zoning, County Engineer, and Keith Padgett for comments and then revise as needed.
11. Upon approval of scaled engineering/architecture drawing of proposed curb and sidewalk reconstruction, construct the curb and sidewalk but coordinate extensively with both Planning & Zoning and Keith Padgett to ensure that adequate inspections are made during construction.
12. Secure Keith Padgett's and Jeff Blue's written acceptance of reconstructed curb and sidewalk.
13. No later than **June 3, 2016**, apply to the City of Champaign for subdivision approval including submission of a completed Plat of Subdivision and provide copies of plan and application to Champaign County.

Staff hopes that the June 30th meeting will bring final action for your case and we will do our utmost to help you achieve that. In order for this to be possible, **every item listed above needs to be complete and any documentation submitted to our office no later than Friday, June 3, 2016.**

Please feel free to contact me at 384-3708 or schavarr@co.champaign.il.us.

Sincerely,



Susan Chavarria
Senior Planner

FILE COPY

A N D R E W F E L L
A R C H I T E C T U R E A N D D E S I G N

515 NORTH HICKORY, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.363.2890
EMAIL: andrewfell@comcast.net

24MAR16

Jusan Chavarria
Senior Planner
Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 East Washington
Urbana, Illinois 61802

RE: Parking Count Determination
310 Tiffany Court
Champaign, Illinois 61822

Jusan,

We have laid out the parking for this development with respect to the space count requirements set by your offices including the additional lot to the north of the site.

Because the complex has multiple users, we feel it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces) Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces. The plan as shown provides 74 total spaces.

Before we continue to address any additional items concerning this development, I believe we need to resolve this major issue first.

Please contact me if you have any questions or need any other information

Sincerely,

Andrew T. Fell AIA
ATF:st

A N D R E W F E L L
A R C H I T E C T U R E A N D D E S I G N

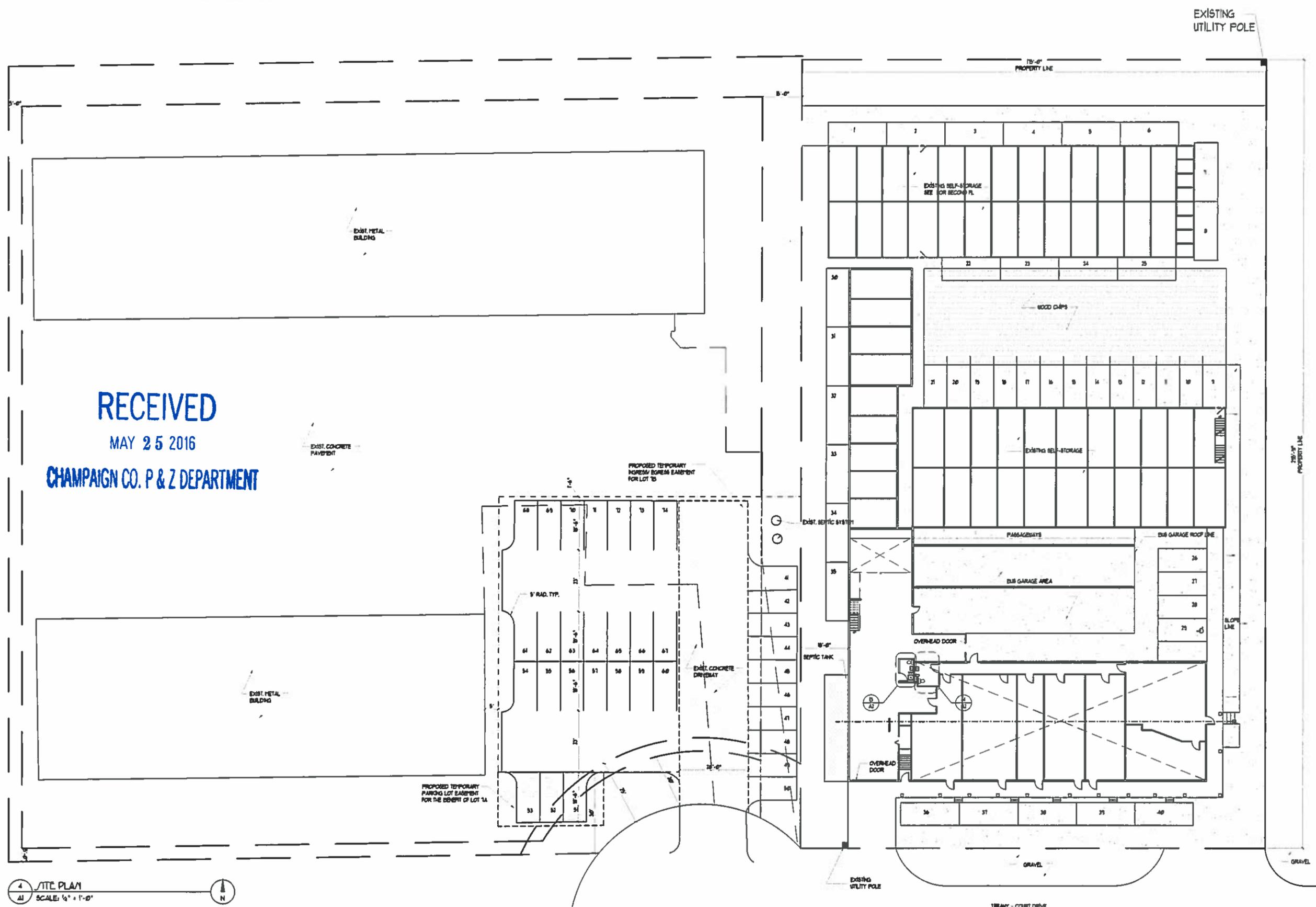
enc.
Xc: R. Frazier

RECEIVED

MAY 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT

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RECEIVED
 MAY 25 2016
 CHAMPAIGN CO. P & Z DEPARTMENT

PROJECT # 10020
 DATE: 2/24/16
 REVISED:

ANDREW FELL
 ARCHITECTURE AND DESIGN
 615 NORTH HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.353.2890
 WWW.ANDREWPELL.COM
 EMAIL: andrewfell@comcast.net

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310 TIFFANY CT.
 CHAMPAIGN, ILLINOIS 61822

4 SITE PLAN
 A1 SCALE: 1/4" = 1'-0"
 N

A1

Susan Chavarria

From: Susan Chavarria
Sent: Monday, June 06, 2016 1:08 PM
To: 'andrewfell@comcast.net'
Cc: Frazier, R; John Hall
Subject: parking layout for 310 Tiffany Court

FILE COPY

John has had a chance to review the May 23, 2016 Site Plan we received on May 25, 2016, and has the following comments:

1. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
2. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide.
3. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked.
4. Where will the parking for the arborist occur? If the arborist is to park in the bus garage there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property.
5. The existing ramp at the northwest corner of the building (adjacent to the overhead door) must be removed for the proposed parking to be feasible. Add a note regarding removal of the ramp.
6. The steps on the west side of the west building must be removed so as to create a minimum 10 feet wide traffic aisle along the west side of the property. Add a note indicating that the steps will be removed.
7. Add a note specifying the removal of the remainder of the street curb that has already been partially removed and the installation of a replacement barrier-type curb subject to review, inspection, and approval by the Champaign County Township Highway Commissioner.
8. Please add notes to the effect that all parking spaces and traffic aisles will be Portland cement concrete and that wood chip surface will be replaced with Portland cement concrete and that concrete will be added on the east side of the east building to provide at least a 10 feet traffic aisle adjacent to proposed parking spaces 1 - 6.
9. Parking spaces 30 - 35 on the north side of the property are problematic due to the insufficient width of the traffic aisle and, even if a 9 feet wide aisle were acceptable there is no information regarding the proposed direction of travel and there is insufficient turning radius at the northeast corner of the east building to allow access from the east. Without these six parking spaces there will be an insufficient number of parking spaces.
10. There are an insufficient number of accessible parking spaces.
11. If this drawing is supposed to be to scale, could you revise the scale to a bar format so that if we need to print in different sizes the scale can still be used?

In order for the ZBA members to have this in their meeting packet, please submit a revised Site Plan no later than June 20, 2016.

Susan Chavarria

From: andrewfell@comcast.net
Sent: Tuesday, June 21, 2016 3:17 PM
To: Susan Chavarria
Cc: Frazier, R; John Hall
Subject: Re: parking layout for 310 Tiffany Court
Attachments: 16_06_21 Site Plan Model (1).pdf

RECEIVED

JUN 21 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Susan,
Attached is a revised site plan addressing your concerns. I believe all are resolved with our additional comments in red below.

Of course, let me know if you have any questions or need any additional information.

thanks- Andrew

From: "Susan Chavarria" <schavarr@co.champaign.il.us>
To: "andrewfell@comcast.net" <andrewfell@comcast.net>
Cc: "R Frazier" <lexillini@gmail.com>, "John Hall" <jhall@co.champaign.il.us>
Sent: Monday, June 6, 2016 1:08:18 PM
Subject: parking layout for 310 Tiffany Court

John has had a chance to review the May 23, 2016 Site Plan we received on May 25, 2016, and has the following comments:

1. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
2. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide. Spaces and aisles have been dimensioned. The parallel spaces are typically 8'-9" wide and 18'-6" deep. Parallel spaces are 9' wide x 22' deep
3. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked. Lex buses have been removed.
4. Where will the parking for the arborist occur? If the arborist is to park in the bus garage there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property. The arborist has moved.
5. The existing ramp at the northwest corner of the building (adjacent to the overhead door) must be removed for the proposed parking to be feasible. Add a note regarding removal of the ramp.
6. The steps on the west side of the west building must be removed so as to create a minimum 10 feet wide traffic aisle along the west side of the property. Add a note indicating that the steps will be removed.
7. Add a note specifying the removal of the remainder of the street curb that has already been partially removed and the installation of a replacement barrier-type curb subject to review, inspection, and approval by the Champaign County Township Highway Commissioner.

8. Please add notes to the effect that all parking spaces and traffic aisles will be Portland cement concrete and that wood chip surface will be replaced with Portland cement concrete and that concrete will be added on the east side of the east building to provide at least a 10 feet traffic aisle adjacent to proposed parking spaces 1 - 6.
9. Parking spaces 30 - 35 on the north side of the property are problematic due to the insufficient width of the traffic aisle and, even if a 9 feet wide aisle were acceptable there is no information regarding the proposed direction of travel and there is insufficient turning radius at the northeast corner of the east building to allow access from the east. Without these six parking spaces there will be an insufficient number of parking spaces. We have adjusted some parking in the lot to the north to provide a one way accessible to these parallel spaced and show their exiting path to the north-east side of the property.
10. There are an insufficient number of accessible parking spaces. We have added one accessible space that shares an access aisle with the other accessible space.
11. If this drawing is supposed to be to scale, could you revise the scale to a bar format so that if we need to print in different sizes the scale can still be used? A graphic scale has been added to the drawing.

In order for the ZBA members to have this in their meeting packet, please submit a revised Site Plan no later than June 20, 2016.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

From: andrewfell@comcast.net [mailto:andrewfell@comcast.net]
Sent: Wednesday, May 25, 2016 8:23 AM
To: Susan Chavarria
Cc: Frazier, R
Subject: parking layout

Susan,
Please reference the attached Site Plan and letter regarding the parking.

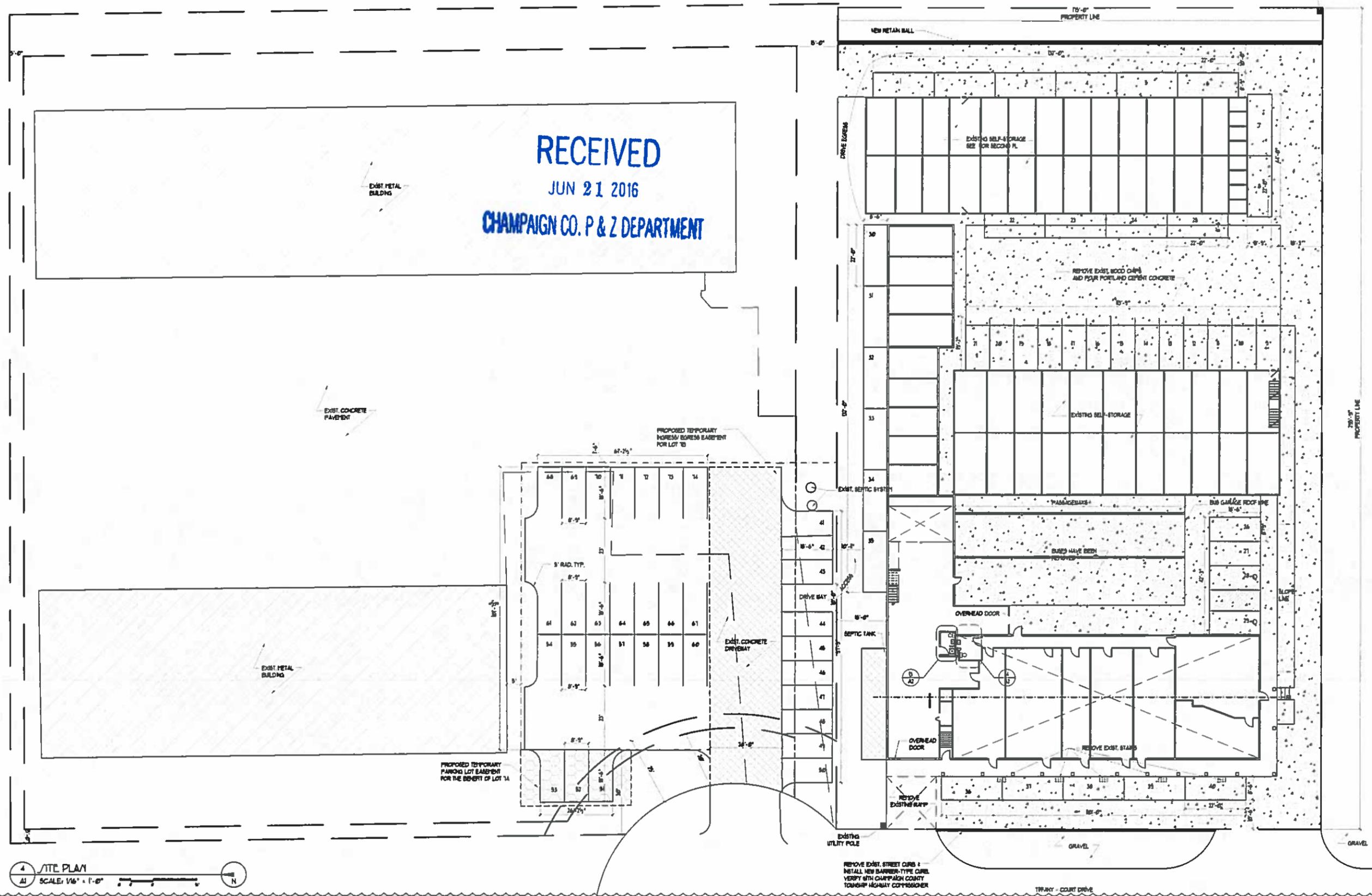
Let me know if you have any questions or require any additional information at this time.

thank you
Andrew Fell



NOTE:
1. ALL PARKING SPACES AND TRAFFIC ANBLES
WILL BE PORTLAND CEMENT CONCRETE.

RECEIVED
JUN 21 2016
CHAMPAIGN CO. P & Z DEPARTMENT



PROJECT # 10020
DATE: 2/24/10
REV/POD/J
REV: 10/06/21

ANDREW FELL
ARCHITECTURE AND DESIGN
515 NORTH HICKORY STREET, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.243.2890
WWW.ANDREWPELL.COM
EMAIL: andrewfell@comcast.net

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310 TIFFANY CT.
310 TIFFANY CT.
CHAMPAIGN, ILLINOIS 61822

A1

Susan Chavarria

From: andrewfell@comcast.net
Sent: Wednesday, June 22, 2016 9:31 AM
To: John Hall
Cc: Susan Chavarria; Frazier, R
Subject: Re: parking layout for 310 Tiffany Court

John,
We are still considering all the options for the second floor. The State has determined that if the second floor is over 1,000 s.f. it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 s.f. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements.

At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading.

thanks - Andrew

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JUN 22 2016

CHAMPAIGN CO. P & Z DEPARTMENT

From: "John Hall" <jhall@co.champaign.il.us>
To: "andrewfell@comcast.net" <andrewfell@comcast.net>, "Susan Chavarria" <schavarr@co.champaign.il.us>
Cc: "R Frazier" <lexillini@gmail.com>
Sent: Wednesday, June 22, 2016 8:42:37 AM
Subject: RE: parking layout for 310 Tiffany Court

The second floor uses are relevant to establishing the parking requirements so the second floor plan is necessary and will also be part of the "Approved Plan".

The ZBA will greatly appreciate the progress shown in just this first floor plan.

I noticed there are some new unlabeled spaces on the first floor plan that seem to relate to the second floor plan.

If the second floor plan is not quite ready for distribution now it could be distributed at the meeting or any time prior to the meeting. And if there are still important decisions to be made on the second floor it would be fine to not submit that plan until Mr. Frazier has made all of those decisions.

John Hall

From: andrewfell@comcast.net [mailto:andrewfell@comcast.net]
Sent: Wednesday, June 22, 2016 7:59 AM
To: Susan Chavarria
Cc: Frazier, R; John Hall
Subject: Re: parking layout for 310 Tiffany Court

We did not include the second floor plan as I thought this was solely dealing with the parking issue.

From: "Susan Chavarria" <schavarr@co.champaign.il.us>
To: "andrewfell@comcast.net" <andrewfell@comcast.net>
Cc: "R Frazier" <lexillini@gmail.com>, "John Hall" <jhall@co.champaign.il.us>

Attachment F: Draft Minutes from March 24, 2016 included separately

Susan Chavarria

From: andrewfell@comcast.net
Sent: Friday, April 01, 2016 7:50 AM
To: Susan Chavarria
Subject: Re: Frazier accessibility - updated contact info

yes - thanks - I had submitted the questions to Felicia Burton.

Basically we are asking that since he has equivalent storage units in the ground level, do the ones on the second floor need to be accessible.

Andrew

From: "Susan Chavarria" <schavarr@co.champaign.il.us>
To: "andrewfell@comcast.net" <andrewfell@comcast.net>
Sent: Thursday, March 31, 2016 11:27:35 AM
Subject: Frazier accessibility - updated contact info

RECEIVED
APR 01 2016
CHAMPAIGN CO. P & Z DEPARTMENT

Hi Andrew,

I wanted to pass on updated contact information for the Illinois Capital Development Board since Doug Gamble retired at the end of 2015. Felicia Burton's contact card is attached. It is my understanding that Mr. Frazier or a consultant of his submitted a question to the Capital Development Board regarding accessibility requirements.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Chavarria

From: andrewfell@comcast.net
Sent: Friday, April 01, 2016 1:34 PM
To: Susan Chavarria
Subject: Re: follow-up to 3/24/16 ZBA meeting - Case 792-V-14

RECEIVED

APR 01 2016

CHAMPAIGN CO. P & Z DEPARTMENT

FYI - The State says the second floor has to be accessible.

Andrew

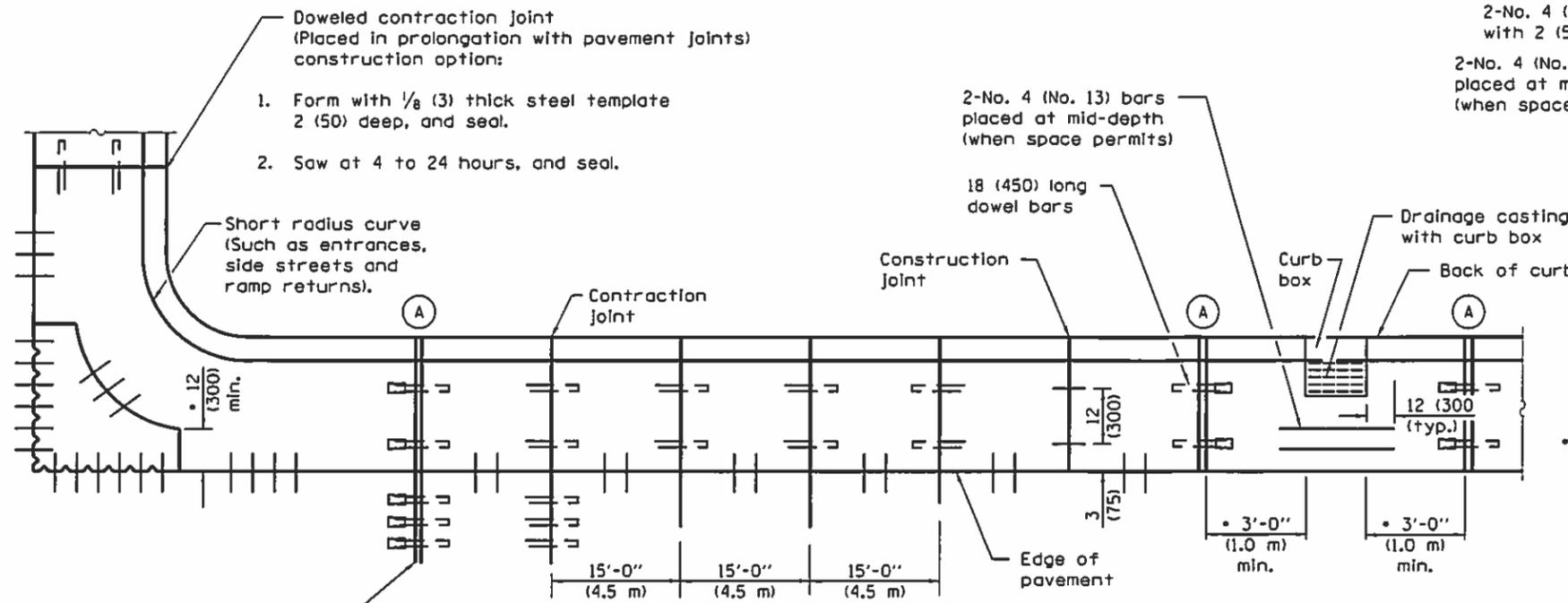
From: "Susan Chavarria" <schavarr@co.champaign.il.us>
To: "R Frazier" <lexillini@gmail.com>
Cc: andrewfell@comcast.net, "Eric Hewitt (ehewitt@phoenix-ce.com)" <ehewitt@phoenix-ce.com>, "Jeff 'Marino'" <jeff.marino@ci.champaign.il.us>
Sent: Friday, April 1, 2016 11:04:47 AM
Subject: follow-up to 3/24/16 ZBA meeting - Case 792-V-14

Mr. Frazier,

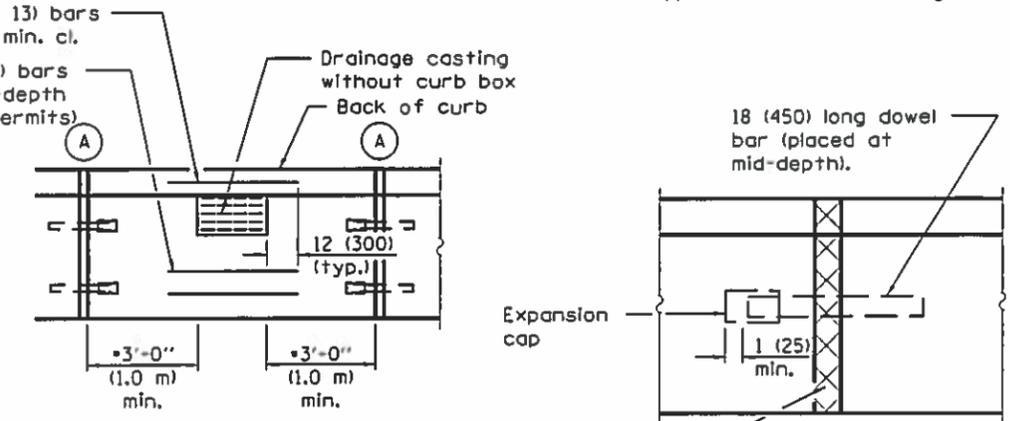
Please find attached a letter detailing what the ZBA requires for your June 30th hearing. Please note that all items need to be submitted to the Zoning office no later than Friday, June 3, 2016. A hard copy of this letter was also sent to 310 Tiffany Court today.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us



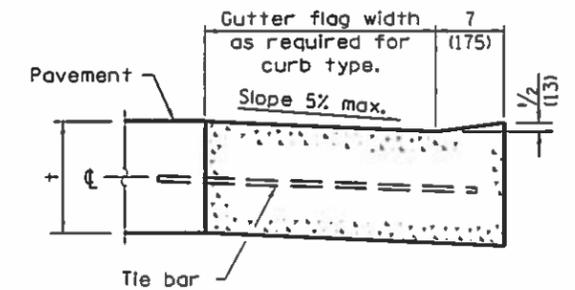
PLAN
ADJACENT TO PCC PAVEMENT OR PCC BASE COURSE



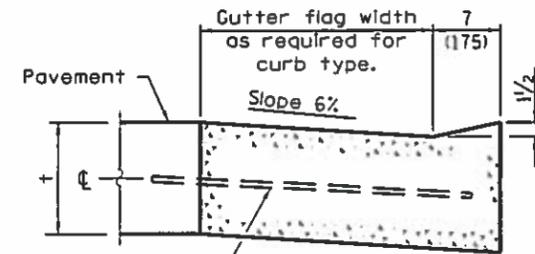
DETAIL A
EXPANSION JOINT

This dimension shall be adjusted to align with joint on the adjacent pavement

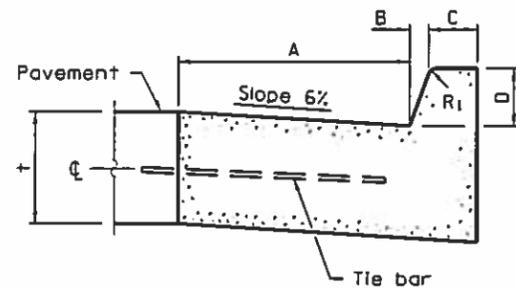
Full depth & width 1 (25) - thick (min.) preformed expansion joint filler.



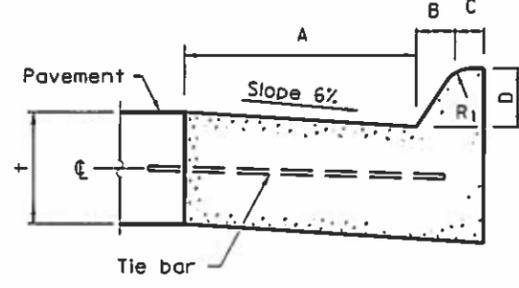
DEPRESSED CURB ADJACENT TO CURB RAMP ACCESSIBLE TO THE DISABLED



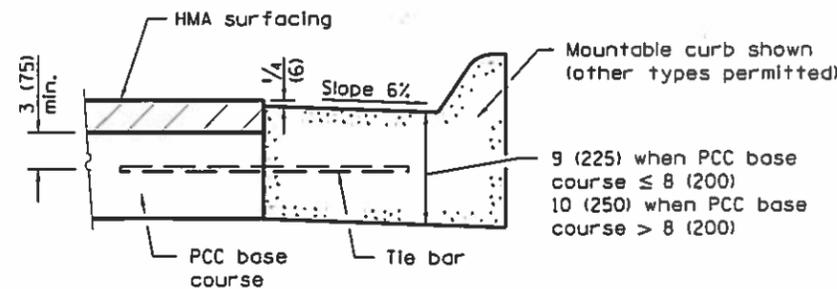
DEPRESSED CURB (TYPICAL)



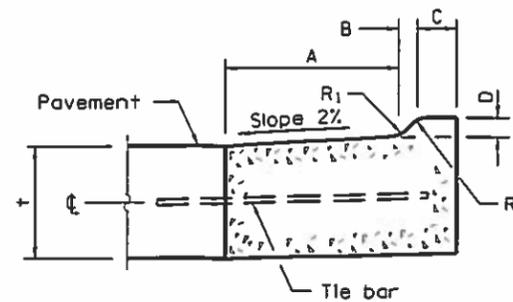
BARRIER CURB



MOUNTABLE CURB



ADJACENT TO PCC BASE COURSE WITH HMA SURFACING



M-2.06 (M-5.15) and M-2.12 (M-5.30)

TYPE	A	B	C	D	R ₁
B-6.06 * (B-15.15)	6 (150)	1 (25)	6 (150)	6 (150)	1 (25)
B-6.12 (B-15.3)	12 (300)	1 (25)	6 (150)	6 (150)	1 (25)
B-6.18 (B-15.45)	18 (450)	1 (25)	6 (150)	6 (150)	1 (25)
B-6.24 (B-15.60)	24 (600)	1 (25)	6 (150)	6 (150)	1 (25)
B-9.12 (B-22.30)	12 (300)	2 (50)	5 (125)	9 (225)	1 (25)
B-9.18 (B-22.45)	18 (450)	2 (50)	5 (125)	9 (225)	1 (25)
B-9.24 (B-22.60)	24 (600)	2 (50)	5 (125)	9 (225)	1 (25)

* For corner islands only.

TYPE	A	B	C	D	R ₁	R ₂
M-2.06 (M-5.15)	6 (150)	2 (50)	4 (100)	2 (50)	3 (75)	2 (50)
M-2.12 (M-5.30)	12 (300)	2 (50)	4 (100)	2 (50)	3 (75)	2 (50)
M-4.06 (M-10.15)	6 (150)	4 (100)	3 (75)	4 (100)	3 (75)	NA
M-4.12 (M-10.30)	12 (300)	4 (100)	3 (75)	4 (100)	3 (75)	NA
M-4.18 (M-10.45)	18 (450)	4 (100)	3 (75)	4 (100)	3 (75)	NA
M-4.24 (M-10.60)	24 (600)	4 (100)	3 (75)	4 (100)	3 (75)	NA
M-6.06 (M-15.15)	6 (150)	6 (150)	2 (50)	6 (150)	2 (50)	NA
M-6.12 (M-15.30)	12 (300)	6 (150)	2 (50)	6 (150)	2 (50)	NA
M-6.18 (M-15.45)	18 (450)	6 (150)	2 (50)	6 (150)	2 (50)	NA
M-6.24 (M-15.60)	24 (600)	6 (150)	2 (50)	6 (150)	2 (50)	NA

GENERAL NOTES

The bottom slope of combination curb and gutter constructed adjacent to pcc pavement shall be the same slope as the subbase or 6% when subbase is omitted.

† = Thickness of pavement.

Longitudinal joint tie bars shall be No. 6 (No. 19) at 24 (600) centers in accordance with details for longitudinal construction joint shown on Standard 420001.

A minimum clearance of 2 (50) between the end of the tie bar and the back of the curb shall be maintained.

The dowel bars shown in contraction joints will only be required for monolithic construction.

See Standard 606301 for details of corner islands.

All dimensions are in inches (millimeters) unless otherwise shown.

RECEIVED

APR 04 2016

CHAMPAIGN CO. P & Z DEPARTMENT

DATE	REVISIONS
1-1-15	Added B-6.06 (B-15.15) barrier curb and gutter to table (corner islands only).
1-1-13	Added general note regarding requirement for dowel bars.

CONCRETE CURB TYPE B AND COMBINATION CONCRETE CURB AND GUTTER
(Sheet 1 of 2)

STANDARD 606001-06

Illinois Department of Transportation

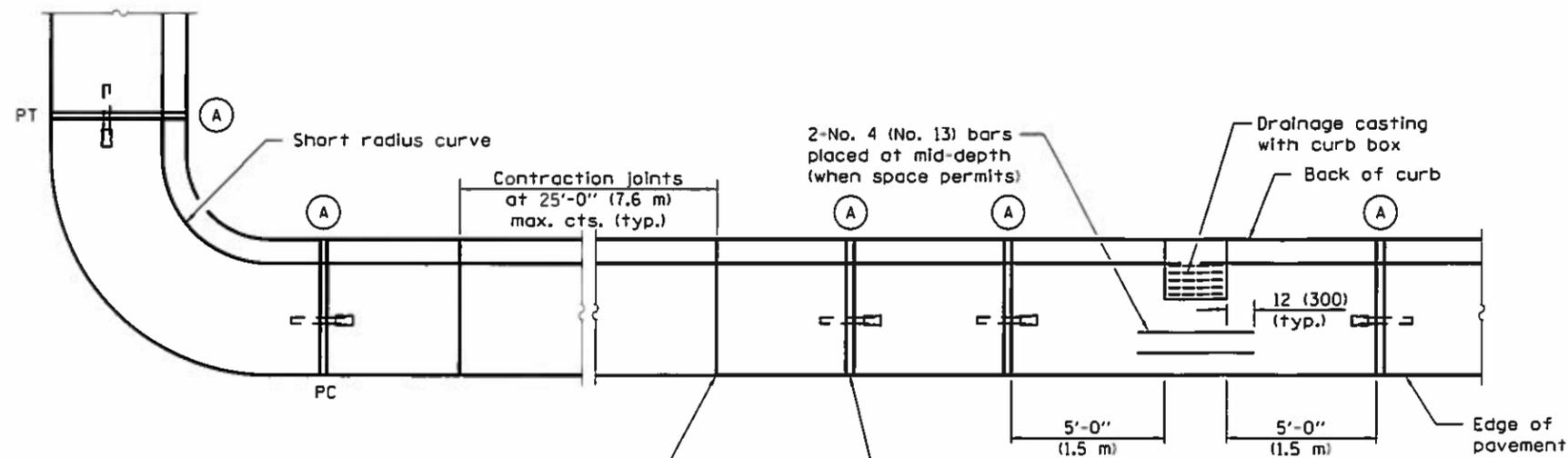
PASSED January 1, 2015

ISSUED 1-1-16

ENGINEER OF POLICY AND PROCEDURES

APPROVED January 1, 2015

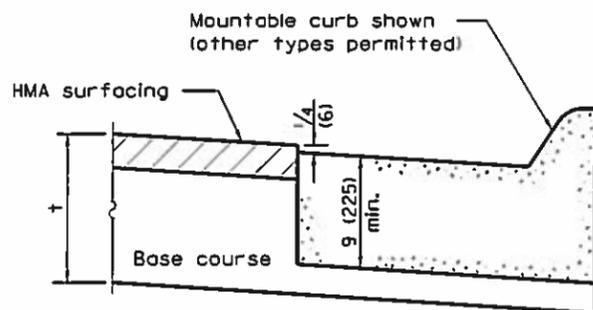
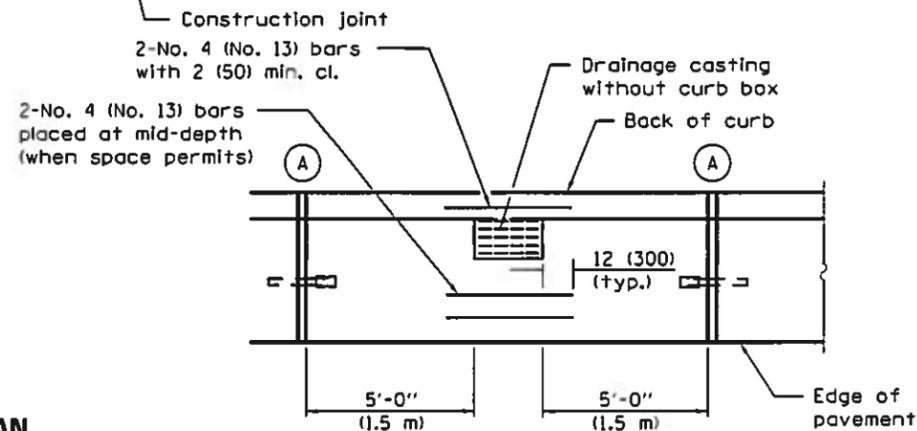
ENGINEER OF DESIGN AND ENVIRONMENT



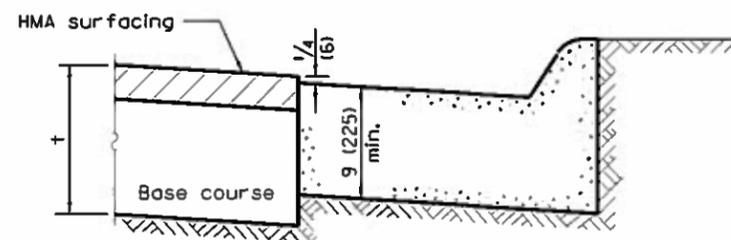
Undoweled contraction joint (typ.) construction options:

1. Form with 1/8 (3) thick steel template 2 (50) deep, and seal.
2. Saw 2 (50) deep at 4 to 24 hours, and seal.
3. Insert 3/4 (20) thick preformed joint filler full depth and width.

PLAN

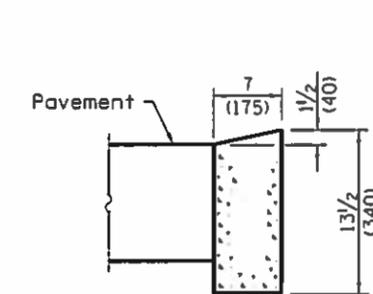


ON DISTURBED SUBGRADE

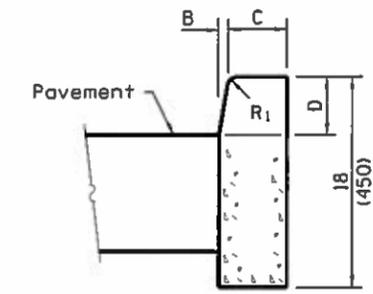


ON UNDISTURBED SUBGRADE

ADJACENT TO FLEXIBLE PAVEMENT

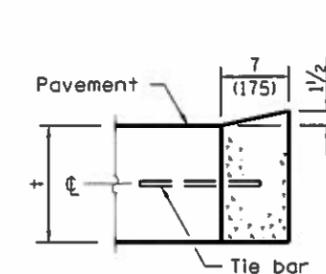


DEPRESSED CURB

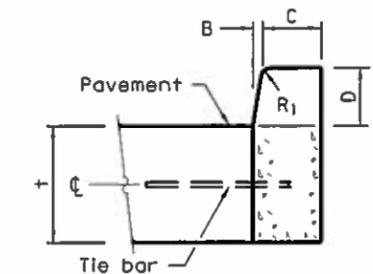


BARRIER CURB

ADJACENT TO FLEXIBLE PAVEMENT



DEPRESSED CURB



BARRIER CURB

ADJACENT TO PCC PAVEMENT OR PCC BASE COURSE

CONCRETE CURB TYPE B

**CONCRETE CURB TYPE B
AND COMBINATION
CONCRETE CURB AND GUTTER**
(Sheet 2 of 2)

STANDARD 606001-06

Illinois Department of Transportation

PASSED January 1, 2015
Michael Beard
 ENGINEER OF POLICY AND PROCEDURES

APPROVED January 1, 2015
[Signature]
 ENGINEER OF DESIGN AND ENVIRONMENT

ISSUED 1-1-97

06/24/16 REVISED DRAFT

792-V-14 REACTIVATED

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{ June 30, 2016 }***

Petitioner: Robert Frazier

Request: Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:

Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016 and June 30, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns the subject property.
2. The subject property is a 1.19 acre tract of land on Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - (1) The Petitioner seeks to annex the subject property into the City of Champaign. The petitioner has been informed by the City and the County that the property must be in compliance with Champaign County ordinances before it can be annexed to the City.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.19 acre tract and is currently zoned I-1 Light Industry. Land use is a combination of storage facilities and multi-tenant offices.
 - B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
 - C. Land to the north is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. Previous Zoning Use Permits on the subject property are as follows:
 - (1) Zoning Use Permit # 219-86-02 issued on August 7, 1986 authorized construction of mini warehouse facilities.
 - (2) Zoning Use Permit # 166-96-01 issued on June 17, 1996 authorized construction of an addition to an existing mini-warehouse building.
 - (3) Zoning Use Permit # 280-99-01 issued on October 8, 1999 authorized placement of a wall sign on an existing building.

- (4) Zoning Use Permit # 351-02-03 issued on January 10, 2003 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.
 - (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated April 14, 2011 in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.
- B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:
- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium);
 - (2) Adding a wrap-around covered porch to provide covering for the exterior entrances;
 - (3) Removing a portion of a bus maintenance garage.
 - (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
 - (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.
- C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014. The Annotated Site Plan indicates the following:
- (1) Regarding the building on the subject property:
 - a. The building addition authorized in Zoning Use Permit #351-02-03 on January 10, 2003 is indicated with hatching (diagonal lines) and labeled "NEW OFFICES- SALES ROOM" (totaling 4,950 square feet in area) that is still used as offices and "NEW STORAGE" (totaling 2,375 square feet in area) that has been converted to a gymnasium.

- b. Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.
 - c. A portion of the building indicated as “warehouse” is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” is 2,664 square feet in area. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - d. The middle portion of the building is indicated as “EXIST’G STOR” and was authorized in Zoning Use Permit # 166-96-01 on June 17, 1996 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - e. The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on August 7, 1986. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property:
- a. The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - b. The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- D. A Revised Site Plan, received March 30, 2015, indicates the following uses and proposed parking spaces:
- (1) 29 parking spaces around the eastern “Existing Storage” area, including 2 handicap accessible spaces;
 - (2) Existing upstairs storage, 1,500 square feet, in middle existing storage building;
 - (3) 10 inside parking spaces in “New Garage”, 2,805 square feet;
 - (4) 1 handicap accessible parking space south of the “New Garage”;
 - (5) Upstairs executive office for President of Frazier Properties – 300 square feet;
 - (6) New 5 feet wide concrete handicap access to front offices;
 - (7) 9 parking spaces on west side of west offices building;

- (8) Storm Sewer near Tiffany Court entrance;
 - (9) 32 additional parking spaces on the property to the north of subject property, as per lease with property owner;
 - (10) More detailed floor plan of west office building, including measurements, uses, and number of employees for each establishment;
 - (11) Cross-section of accessible parking for west offices.
- E. Staff received a preliminary site plan from Andrew Fell Architecture on March 7, 2016. Upon review, staff identified approximately 20 items that would need to be verified, revised, and/or expanded upon in order for the site plan to meet the requirements established by the ZBA at the September 10, 2015 hearing. Staff provided the list of required revisions to Mr. Frazier and Mr. Fell via email on March 8, 2016. The revised Site Plan indicates the following uses and proposed parking spaces:
- (1) Existing west office building, no uses or interior measurements provided;
 - (2) Upstairs executive office for President of Frazier Properties – approximately 300 square feet;
 - (3) Existing middle building, no uses or interior measurements provided;
 - (4) Existing upstairs storage in middle existing storage building – 1,500 square feet;
 - a. This revised site plan shows 11 ten feet by ten feet self-storage units connected by a 32 inch wide interior corridor on the west side. It is unclear if these units have been constructed or if they are proposed.
 - (5) Existing east building, no uses or interior measurements provided;
 - (6) 47 proposed parking spaces, including 2 handicap accessible spaces; note that this revised site plan includes many parking spaces that staff considers infeasible and staff requested that the consultant review and revise the site plan to show only feasible parking.
 - (7) 9 parking spaces in the former bus garage, 2,805 square feet;
 - (8) 2 handicap accessible parking spaces east of the middle building; note that 1 accessible parking space east of the office building was on the March 30, 2015 site plan but is not shown on this revised site plan.
 - (9) 6 parallel parking spaces on west side of the west offices building;
 - (10) Existing 5 feet wide concrete access to front offices with one ramp (accessibility compliance not verified by petitioner);
 - (11) “Sewer System” (septic) located on the north side of the west offices;

- (12) Storm Sewer near Tiffany Court entrance; and
 - (13) Two access drives on west end of building, 20 feet wide each.
 - (14) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces in the proposed north lot will be sufficient to comply with minimum parking requirements.
 - (15) On March 8, 2016, Mr. Frazier responded to staff's list of Site Plan deficiencies via email with the following: "I want to keep garage and move Bud's Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval."
- F. The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicates the following:
- (1) Lot 7A (orange area) is 12,487 square feet and has 34 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means "if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available."
 - (3) Lot 7B contains a "temporary parking lot easement for the benefit of Lot 7A" which contains 3 of the 34 proposed parking spaces.
 - (4) The proposed north lot is located within the City of Champaign. In expectation of annexing the subject property to become one lot with the north parking lot, the City of Champaign has reviewed this preliminary lot for conformance with their Ordinances and found that it meets their requirements as per the email received from Eric Hewitt on March 8, 2016.
- G. The structures on the subject property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- H. The required variance is as follows:
- (1) Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.
 - (2) Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
 - (3) Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

- (4) Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.
- I. Regarding how the petitioner has carried out this variance case:
- (1) The original variance application was received on July 17, 2014, and the public hearing opened on February 12, 2015, and was continued to May 14, 2015. Several neighboring property owners attended the February 12, 2015. At that meeting Mr. Frazier stated there was a second floor in the building but John Hall, the Zoning Administrator, stated that none of the plans that had been submitted for the building indicated a second floor. The Zoning Board of Appeals advised Mr. Frazier to provide a very accurate site plan for all levels of the building at the next hearing and the Zoning Administrator suggested that the plan be prepared by an architect so that issues related to accessibility could be addressed.
 - (2) Several neighboring property owners attended the May 14, 2015, public hearing but the petitioner failed to appear. The Zoning Board of Appeals dismissed the case in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
 - (3) The Zoning Administrator mailed the petitioner a Notice of Dismissal on May 15, 2015, as required by the Bylaws.
 - (4) The petitioner reactivated the variance case on May 30, 2015, in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
 - (5) The reactivated case opened at the September 10, 2015, public hearing. Several neighboring property owners attended the September 10, 2015, meeting. Mr. Frazier stated during cross examination that a lease under which he had secured additional off-site parking on an adjacent property had been canceled. The canceling of the lease had not previously been disclosed by Mr. Frazier. The Zoning Board of Appeals also again advised Mr. Frazier to acquire the services of an architect to prepare a very accurate site and floor plan for the property. The case was continued to October 29, 2015.
 - (6) At the October 29, 2015 ZBA meeting, several neighboring property owners attended the meeting but the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - a. Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.

- b. There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
- (7) Following the October 29, 2015, public hearing staff contacted all parties in attendance at previous hearings for this case and it was determined that a hearing on January 28th would not work. Staff requested availability from the same parties, and all indicated that March 24, 2016 would be feasible.
- (8) A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 7, 2016, and a later revision was received on March 21, 2016. The revised site plan received on March 21, 2016 is reviewed in greater detail elsewhere in this Summary of Evidence but some of the most significant problems revealed in that plan were the following:
- a. The number of self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated; and
- b. The unauthorized or unpermitted second floor areas are not in compliance with the Illinois Accessibility Code which would normally require elevators to make the second floor areas accessible; and
- c. The existing clearance on the west side of the west building is not adequate to allow parallel parking and a traffic aisle on this side of the building and the ramp on the northwest corner of the west building will also conflict with parallel parking and a traffic aisle.
- (9) A proposed north parking lot site plan with 34 proposed parking spaces created by Eric Hewitt of Phoenix Consulting Engineers was received on March 8, 2016.

- J. A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 21, 2016 that indicated the following:
- (1) The building area on the subject property is not a single building as was required by Zoning Use Permit #166-96-01 on June 17, 1996 and had been shown on all other plans received to date. The plan received on March 21, 2016 indicates that the eastern portion of the building area is actually a separate building and is not connected to the remainder of the building area. The eastern building is all self-storage warehouse space and does not constitute a second principal building on the property.
- (2) The number of existing self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated:
- a. The south end of the eastern building is divided into eight small self-storage units rather than two units and therefore requires an additional two parking spaces.

- b. Previously, the second floor self-storage area in the middle of the property was thought to contain no more than 12 self-storage units which would have required a total of 4 parking spaces. However, the plan received on March 21, 2016 indicates there are 44 existing self-storage units on the second floor but one unit is proposed to be replaced by a proposed interior stair. The resulting 43 self-storage units on the second floor self-storage area in the middle of the complex require a total of 15 additional parking spaces rather than the previous estimate of 4 parking spaces.
 - c. The second floor in the western portion of the main building is indicated as having 14 self-storage units which require a total of 5 additional parking spaces.
 - d. The western portion of the main building also has a small mezzanine that appears to be less than 1,000 square feet in area and has two self-storage spaces and requires a total of one additional parking space.
 - e. In total, the additional self-storage units that appear on the revised plan received March 21, 2016 require an additional 23 parking spaces in addition to the 58 required parking spaces that were previously identified in a letter sent by staff to the petitioner on September 17, 2015, for a total of 81 required parking spaces.
 - f. The number of feasible parking spaces on the subject property appears to be less than previously thought. However, even if there are at least 32 feasible parking spaces on the subject property as previously thought, when combined with the 34 parking spaces proposed to be constructed on the additional land proposed to be purchased to the north, the resulting total number of parking spaces will only be 66 parking spaces, which is 15 spaces less than required.
- (3) Both the existing and the proposed site plan are out of compliance with the Illinois Accessibility Code for the following reasons:
- a. The second floor self-storage area in the middle of the complex exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. This portion of the building area was authorized as only a single story in Zoning Use Permit #166-96-01 on June 17, 1996 and the exterior stairway does not appear in aerial photographs of the property from 2002 and 2005.
 - b. The western portion of the building complex also has a second floor that is much larger than previously indicated in this public hearing and the second floor exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. The western portion of the building area was authorized in Zoning Use Permit #351-02-03 on January 10, 2003 and was authorized to be only a single story.

- c. The subject property has no accessible parking spaces and no accessible pathway and no accessible entrance.
 - d. Note that the Illinois Accessibility Code requires 4 of the 81 parking spaces to be accessible.
 - e. One restroom in the western portion of the building complex is proposed to be enlarged so as to be accessible; however, it is not clear that only one accessible restroom is all that is required.
- (4) On the Proposed Site Plan there is no mention of replacement of the street curb that was removed without authorization from the Champaign Township Highway Commissioner.
- (5) On the Proposed Site Plan there is no mention of the proposed adjacent parking to the north.
- (6) Regarding the feasibility of the parking areas indicated on both the existing and proposed site plan received March 21, 2016 (Note: This analysis is meant to assist or supplement the work by Andrew Fell Architecture.):
- a. Regarding parking on the west side of the building:
 - (a) The proposed site plan indicates a clearance of 17 feet between the west property line and steps on the west side of the building. A minimum clearance of 19 feet would be required to accommodate the minimum required 9 feet width for a parking space and the generally accepted best practice minimum width of 10 feet for a one way traffic aisle. These steps were not yet constructed when the Zoning Administrator visited the property in June 2014. Removal of the steps would result in an overall clearance of 20 feet.
 - (b) The ramp on the northwest corner of the west building aligns with an existing curb cut but would conflict with a traffic aisle. The ramp appears to be a feature leftover from the previous use of the property for LEX transportation and the ramp does not appear to be necessary at this time.
 - (c) Removal of both the ramp and the steps on the west side of the building would allow up to seven parking spaces on the west side of the building.
 - (d) At the February 12, 2015 public hearing, the petitioner testified that since the building was built, the parking was as indicated in the photographs (perpendicular to the building) and not as in the plan (parallel with a traffic aisle). However, aerial photos from 2005 and 2008 clearly show parallel parking on the west side of the building.
 - b. Regarding the courtyard space between the east building and the middle building:

- (a) This space is 56 feet wide and the proposed site plan includes only one row of perpendicular parking with a total of 13 parking spaces and a walkway along the east building.
- (b) However, if the east walkway were reduced to no more than 3 feet wide, a row of parallel parking spaces could be included that would allow up to a total of 5 additional parking spaces with a 21 feet wide traffic aisle.
- (c) Six of the perpendicular parking spaces could be converted and improved into three accessible parking spaces.
- (d) The above revisions could provide a possible total of 15 parking spaces in this courtyard.
- c. It may be possible to create at least one accessible parking space in the vicinity of the bus garage.
- d. The above changes, in addition to the 8 parking spaces indicated on the east and south of the east building on the proposed site plan, would result in a total of 31 parking spaces.
- e. It may be possible to add up to six additional parking spaces at the east edge of the subject property with the addition of required paving and a variance to allow parking next to the lot line.
- (7) Regarding the bus garage:
- a. The petitioner stated in an email dated March 8, 2016 to Senior Planner Susan Chavarria that he wanted to keep the bus garage and move the arborist's vehicles into the garage which is big enough to hold the arborist's vehicles.
- b. 2 to 3 of the former LEX buses still remain in the bus garage even though the petitioner testified at the February 12, 2015 public hearing that the buses would be sold and that he could remove the buses on February 13, 2015 if need be.
- c. The arborist's vehicles consisting of a bucket truck, a stake truck with trailer mounted chipper, and a pickup with trailer currently occupy the courtyard space between the east building and the middle building. This space could otherwise accommodate up to 15 parking spaces.
- (8) Regarding access to the dumpster and emergency vehicle access to the subject property:
- a. Garbage truck access to the subject property has been discussed in the public hearing and was mentioned in the September 17, 2015 letter by Senior Planner Susan Chavarria.

- b. The dumpster is located in the southeast corner of the property.
 - c. The site plan received on March 7, 2016 indicates that the south wall of the middle portion of the building is 13 feet 9 inches from the south lot line. Note that the exterior stair encroaches into that separation.
 - d. The National Fire Protection Association recommends a minimum width of 20 feet for fire lanes to provide fire truck access and fire lanes are to be marked and kept clear of parked vehicles at all times.
 - e. A fire lane that is adequate for fire truck access should also provide adequate access for a garbage truck.
 - f. The subject property does not appear to provide adequate access for either a garbage truck or a fire truck.
 - g. Removal of the exterior stairway on the south side of the middle building will improve access but not provide the minimum recommended width of 20 feet. "No parking" signs may also help reduce obstructions by other vehicles.
- K. A revised site plan was received from Andrew Fell Architecture on May 25, 2016 that focused on accommodating the required number of parking spaces on the subject property and the proposed north parking lot property, and indicates the following:
- (1) 40 spaces on the subject property, including:
 - a. 6 parallel spaces on the east end;
 - b. 2 parallel spaces on the south end of the east building directly in front of 8 mini-storage units;
 - c. 17 spaces (13 head-in, 4 parallel) in between east and middle buildings; this area is currently covered in wood chips;
 - d. 4 head-in spaces, including 1 handicap accessible space, on the south side of the bus garage directly in front of the bus garage area that is proposed to house the arborist's vehicles;
 - e. 6 parallel spaces along the currently unpaved north side of the building; and
 - f. 5 parallel spaces along the west side of the west building.
 - (2) 34 head-in spaces on the proposed new lot north of the subject property, including:
 - a. 10 spaces on the subject property's north property line; and
 - b. 24 spaces on the north side of an existing concrete driveway.
 - (3) Staff provided the following comments and concerns to Mr. Fell and the Petitioner via email on June 6, 2016:

- a. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
- b. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide.
- c. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked.
- d. Where will the parking for the arborist occur? If the arborist is to park in the bus garage there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property.
- e. The existing ramp at the northwest corner of the building (adjacent to the overhead door) must be removed for the proposed parking to be feasible. Add a note regarding removal of the ramp.
- f. The steps on the west side of the west building must be removed so as to create a minimum 10 feet wide traffic aisle along the west side of the property. Add a note indicating that the steps will be removed.
- g. Add a note specifying the removal of the remainder of the street curb that has already been partially removed and the installation of a replacement barrier-type curb subject to review, inspection, and approval by the Champaign County Township Highway Commissioner.
- h. Please add notes to the effect that all parking spaces and traffic aisles will be Portland cement concrete and that wood chip surface will be replaced with Portland cement concrete and that concrete will be added on the east side of the east building to provide at least a 10 feet traffic aisle adjacent to proposed parking spaces 1 - 6.
- i. Parking spaces 30 - 35 on the north side of the property are problematic due to the insufficient width of the traffic aisle and, even if a 9 feet wide aisle were acceptable there is no information regarding the proposed direction of travel and there is insufficient turning radius at the northeast corner of the east building to allow access from the east. Without these six parking spaces there will be an insufficient number of parking spaces.
- j. There are an insufficient number of accessible parking spaces.

- k. If this drawing is supposed to be to scale, could you revise the scale to a bar format so that if we need to print in different sizes the scale can still be used?
- L. An email with attached revised site plan was received from Andrew Fell Architecture on June 21, 2016 and indicates the following:
- (1) The proposed number of parking spaces (74) has not changed from the May 25, 2016 revised site plan.
 - (2) There are now 2 accessible parking spaces on the south side of the bus garage area. This is less than the 3 spaces required by the Illinois Accessibility Code for parking lots with up to 75 spaces. Illinois Capital Development Board approval for this and other accessibility concerns will be required as a special condition.
 - (3) All concerns specified in staff's June 6, 2016 email to Mr. Fell and Mr. Frazier have been addressed, as follows:
 - a. Parallel spaces are 9 feet wide by 22 feet deep.
 - b. Lex buses have been removed.
 - c. The arborist has moved to a different location.
 - d. There is a notation that the ramp at the northwest corner of the building will be removed.
 - e. There is a notation that the stairs on the west side of the building will be removed.
 - f. There is a notation regarding the curb: "Remove existing street curb and install new barrier-type curb. Verify with Champaign County Township Highway Commissioner".
 - g. There is a notation regarding the wood chip area between the east and middle buildings: "Remove existing wood chips and pour Portland cement concrete".
 - h. There is a notation that "all parking spaces and traffic aisles will be Portland cement concrete".
 - i. The six parallel spaces on the north side of the middle building have a proposed one-way traffic aisle that begins with an access drive from the proposed north parking lot, runs east along the north side of the property, then along the east end of the property, then out to Tiffany Court along the south existing traffic aisle.
- M. The second floor plans are not part of the Revised Site Plan received June 21, 2016. Mr. Fell provided the following information via email on June 22, 2016: "We are still considering all the options for the second floor. The State has determined that if the

second floor is over 1,000 square feet it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 square feet. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements. At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading.”

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding the proposed variance:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):

- (1) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (2) “CANOPY” is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
- (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
- (9) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT -OF -WAY line.

- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (12) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (13) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (14) “WAREHOUSE” is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
 - (15) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
 - (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.

- b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9.D.2.
- D. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
- F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
- G. Regarding the parking requirements for a self-storage warehouse:
- (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject

property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. As per a letter sent by staff to Mr. Frazier on September 17, 2015, staff calculated the following 58 minimum required parking spaces based on the Revised Site Plan received March 30, 2015, which is a decrease from the 67 spaces staff originally estimated:
- (1) Required parking spaces for 4,950 square feet of office space in the west wing (less 153 square feet for two restrooms as per ZUPA #351-02-03) at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.e.) equals 24 spaces.
 - (2) Required parking spaces for 53 self-storage units (all on ground floor) if required at one parking space per 3 self-storage units equals 18 spaces.
 - (3) Required parking spaces for company storage and garage spaces if required at one per each 3 employees (as per Zoning Ordinance 7.4.1D.1.) equals 1 space.
 - (4) Required parking spaces for visitors and company vehicles are assumed to be included in the parking for the office space.
 - (5) Required parking spaces for the 15' x 30' (450 square feet) upstairs Frazier properties executive office lounge at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.e.) equals 3 spaces.
 - (6) Required parking spaces for the 25' x 95' (2,375 square feet) Silver Back Barrel Club (strength conditioning and rehabilitation space) at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.b.i.) equals 12 spaces.
- J. Based on the revised Site Plan from Andrew Fell received March 7, 2016, there are 11 storage units upstairs in the middle building. It is not clear if these are existing or proposed, but this use will require 4 parking spaces in addition to the 58 calculated above.
- K. In a letter received May 25, 2016, Andrew Fell requests a reduced minimum number of required parking spaces.
- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.

(2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

- L. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- M. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- N. Minimum parking from the front property line in the I-1 Light Industry District is established in section 7.4.1 of the Zoning Ordinance as 10 feet.
- O. All required off-street parking spaces must be located on the same lot or tract of land as the use served according to section 7.4.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**
 - B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
 - (1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement between the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking on-site.
 - (2) The 2,664 square feet “warehouse” shown in the Site Plan dated July 17, 2014 is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces. The Revised Site Plan received on March 30, 2015 indicates this area as a “garage” that totals 2,805 square feet. The revised Site Plan received on March 8, 2016 indicates this area as 9 parking spaces with 12 feet of clearance to access those spaces. On March 8, 2016, Mr. Frazier responded via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
 - (3) Testimony by adjacent landowners and one business owner who rents space in the subject building indicates that not all parking spaces on the subject property are

reliably available for parking due primarily to inadequate access that is quite often blocked (see Section 11.F. of this revised Summary of Evidence dated June 24, 2016).

- (4) Adjacent landowners have testified that vehicles parking on the west side of the subject property quite often park over the public sidewalk (see Section 11.F. of this revised Summary of Evidence dated June 24, 2016).
- (5) Mr. Frazier seeks to purchase approximately .3 acres from the property owner to the north in order to provide 34 additional parking spaces. That proposed lot is within the City of Champaign and the parking design has received preliminary approval from the City. He plans to annex the subject property to the City of Champaign.
 - a. Susan Chavarria sent Mr. Frazier an email on October 13, 2015 which specified recommendations regarding the purchase of the additional parking area (see Attachment H to Supplemental Memo #4).
 - b. Susan Chavarria sent Mr. Frazier an email on October 20, 2015 which specified next steps required before the purchase and possible annexation to the City could occur (see Attachment H to Supplemental Memo #4).
 - c. Supplemental Memo #3 dated October 22, 2015 was prepared for the October 29, 2015 ZBA meeting and provided a status update about parking requirements, the potential purchase of additional parking area north of the subject property, and next steps the petitioner would need to take (see Attachment I to Supplemental Memo #4).
- (6) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- (7) At the March 24, 2016 public hearing:
 - a. Mr. Passalacqua stated that the City of Champaign had a conditional approval if everything else was brought into compliance. He said that the City of Champaign would not approve anything that Mr. Frazier is proposing unless he had compliance with the Champaign County Zoning Board of Appeals.
- (8) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.

- b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (9) Based on the revised Site Plan received May 25, 2016, staff still cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- a. On June 6, 2016, staff sent the petitioner and Mr. Fell comments and requested a revised site plan regarding the May 25, 2016 site plan via email.
- (9) Based on the revised Site Plan received June 21, 2016, the Petitioner proposes 40 parking spaces on the subject property and 34 spaces on the proposed north lot. This is 4 more than the minimum required if the ZBA accepts the 70 spaces calculated in Item 7.B.(8)a.
- C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.
- D. Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
- (1) The existing parking lot on the west side of the offices was constructed in a manner different from the approved site plan from Zoning Use Permit #351-02-03. That approved site plan included five parallel spaces adjacent to the offices, with no 5 foot covered walkway between them. Had they been constructed as per the approved site plan and without the walkway, there would have been 15 feet of space between the parallel parking and the front property line, thus requiring no variance.
- (2) At the September 10, 2015 ZBA meeting:
- a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission:
- (a) Mr. Keith Padgett stated that Champaign Township needs the curb replaced and he hopes that this is involved in the Board's final decision. He said that the curb has been cut and people drive across it all day long. He said that he does wonder what damages are being done to utilities in this area that do not have a concrete surface over the top for protection. He said that no damage may be occurring, but if there is damage, who will be held responsible for that damage.
- (b) Mr. Frazier said that he admits that he did cut the curb and if the rules indicate that the curbs must be replaced and the original parallel parking scheme has to be followed then he will obviously do

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that. He said that a better alternative for parking would be if he purchased that area rather than leasing it but he must know if purchasing that property is acceptable by the Board.

- (3) The revised Site Plan received March 7, 2016 indicates six parallel parking spaces along the covered walkway, which would negate the need for Part C of the Variance if a 10 foot wide travel aisle could fit between the west property line and the parallel spaces west of the west building.
- (4) At the March 24, 2016 public hearing:
- a. Mr. Hall stated the following:
- (a) The street curb has not yet been replaced. He stated that there is no single drawing that shows the entire property that is proposed. He believes this Board should require a single site plan with both the existing lot and the existing land that is proposed for purchase.
- (b) He did not realize that there had been steps constructed on the west side; those steps, small though they are, reduce the clearance between the front of the building and the property line. With the steps that are currently there, you cannot fit the parallel parking and a traffic aisle on the west side. He recommends that the Board have those steps removed. He said that at the north end of the proposed parallel parking and traffic aisle there is a ramp from the days when it was LEX. That ramp is going to encroach into the traffic aisle and into the parking; he believes the Board should have that ramp removed.
- (c) There should be no curb replaced until there is a drawing showing what is going to be done. The drawing has to be reviewed by the Champaign Township Highway Commissioner and approved, preferably in writing. He stated that when that curbing is replaced, there should be extensive coordination with the Champaign Township Highway Commissioner to allow him to see the construction as it is occurring. He stated that at the end, Champaign Township Highway Commissioner gets to accept or reject that curb.
- (d) To be fair, the Zoning Ordinance does not specify the minimum width of traffic aisles, but he recommends that the Board not accept the traffic aisle as proposed at 8 feet 6 inches wide.
- b. Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his jurisdiction only goes from sidewalk to sidewalk but part of that area is gone without permission, a permit, or a request. He said that when the curb is replaced he would like to know about it. He said that his engineering comes from Champaign County and everything has to be built to the specifications that the Champaign County engineer requires, which is also what the state requires.

c. Mr. Thorsland asked Mr. Frazier if he took out the curb himself or did he hire someone to do it. Mr. Frazier stated that he hired someone to take out the curb. Mr. Thorsland asked Mr. Frazier if he had a record of that service that could be entered as evidence. Mr. Frazier stated he can check. Mr. Thorsland asked Mr. Frazier if he checked with the township when he had the curb removed. Mr. Frazier stated no, because he did not realize that he had to but he understands that it is a poor excuse for breaking the law. Mr. Thorsland stated that the Board will require that the curb be replaced meeting today's requirements.

(5) The revised Site Plan received May 25, 2016 regarding west end parking is the same as the revised plan received March 21, 2016, except the newer plan does not have two proposed parking spaces on the ramp in front of the overhead door.

(6) The revised Site Plan received June 21, 2016 shows a travel aisle that is 10 feet wide next to 5 proposed parallel parking spaces. If the ZBA approves this travel aisle width, they could determine that Variance Part C is no longer necessary.

E. Regarding Part D of the Variance, for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served:

- (1) The subject property does not have sufficient area for the required minimum parking spaces.
- (2) On March 1, 2015, Mr. Frazier leased parking space from Isaacs Properties on adjacent property 306 Tiffany Court. The gravel area on the southwest corner of the Isaacs property holds 32 vehicles according to Mr. Frazier. The contract ends on February 28, 2016, but can be extended at Mr. Frazier's option until February 28, 2018.
- (3) The leased parking is within the City of Champaign corporate limits. Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the City in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015 that City subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet City regulations for parking (see Attachment F from Supplemental Memo 1 dated May 6, 2015). Rob Kowalski sent a follow-up email on June 2, 2015 (Attachment B of this memo) indicating that the owner to the north has sufficient parking for their own use in addition to what they are leasing to Mr. Frazier. He recommended adding a Special Condition that any required parking provided off-site and in the City shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface. Staff has added this proposed Special Condition to this revised Summary of Evidence.
- (4) At the September 10, 2015 ZBA meeting:

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- a. Regarding parking spaces for the existing and proposed uses on the subject property:
- (a) Mr. Steve Koester testified that his business address is located at the Stahly Industrial Park at 305 Tiffany Court and he jointly owns 314 Tiffany Court which is located on the south side of Mr. Frazier's property. He said that he did have a discussion with Mr. Isaacs who is the person who leased Mr. Frazier the 19 spaces that were previously discussed at the hearing and Mr. Isaacs indicated that he did cancel the lease on the 19 parking spaces.
 - (b) Mr. Frazier testified that the lease is good for six months and the check has already been approved and paid for in cash therefore the lease is enforced for six months. He said that if after six months the landlord decides to not renew the lease then that is his decision. He stated that the payments are made for six months as he has the option of a six month or yearly lease. He said that he paid for a six month lease in full and Mr. Hall probably has record of that.
 - (c) Mr. Hall stated that the lease agreement states the following: "The Lessee agrees to pay as rent for said premises the sum of \$1,500 per year beginning on the 1st day of March, 2015 to the 28th day of February, 2016." He asked Mr. Frazier if there is another agreement which allows him to pay for this lease in six month terms.
 - (d) Ms. Griest stated that the lease does state that it begins on March 1, 2015 and today's date is September 10th therefore the lease is currently in default.
 - (e) Mr. Frazier said that it is possible to make the north area accessible and he can talk to the architect about that possibility. Mr. Frazier stated that there are cases when there have been vehicles parked there and as far as access through the neighbor's property then the answer would be yes. Mr. Frazier stated that he is willing to work with an architect to make sure that the property is in compliance with the rules.
 - (f) Regarding the unpermitted bus garage that may be removed in order to reduce required the parking minimum, Mr. Frazier stated that he had built a garage for LEX buses for when LEX was in business and that garage is currently vacant. He said that he has already taken half of the garage down and it is not closed in due to the pending decision that this Board will make. He said that he is comfortable taking the rest of the building down and going back to the original building that was granted over 20 years ago by Champaign County. He said that if we are talking about a simple wooden structure with some metal on the roof then he is willing to remove it.

- (5) The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016 indicated 34 parking spaces on the proposed north parking lot.
- a. The parking plan came with an email that stated “Lot 7A is the land Mr. Frazier is looking at acquiring. The plan has a parking lot containing 34 spaces and has preliminary staff approval by the City of Champaign.
- (6) At the March 24, 2016 public hearing, the following evidence was provided regarding parking spaces for the existing and proposed uses on the subject property:
- a. Mr. Hall stated that on the east side of the property, there is room for some parking spaces but there also needs to be a traffic aisle and all of that needs to be paved.
- (7) The revised site plans received May 25, 2016 and June 21, 2016 indicate 40 spaces on the subject property and 34 parking spaces on the proposed north parking lot.
- a. Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.”**
- B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
- (1) Without the proposed Variance, the Petitioner would have to demolish at least 3,000 square feet of existing buildings and/or covered areas to meet the parking requirements.
- (2) If ZBA approves of the Revised Site Plan received June 21, 2016 and the Petitioner purchases the proposed 34-space north parking lot, they could determine that Part A of the Variance is no longer necessary.
- C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements, and that would not provide enough area for the required parking spaces.

D. Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:

(1) Without the proposed Variance, the Petitioner would have to either provide no adjacent parking for the office tenants and their clients or reconfigure the parking to provide fewer spaces than what is currently available.

(2) if ZBA approves of the Revised Site Plan received June 21, 2016 which provides a 10 feet wide travel aisle between the west property line and the proposed parallel parking on the west side of the west building, they could determine that Part C of the Variance is no longer necessary.

E. Regarding Part D of the Variance, for allowing at least 34 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served:

(1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.

(2) Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.

F. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

G. At the March 24, 2016 public hearing:

(1) Mr. Hall believes this Board should see a copy of the signed contract, have that in the file, and the signed contract should have a condition to make the Board aware if the contract is void at any time within a 72 hour period of it being voided.

- (2) Mr. Hall recommended that the Board should not take action until we see the actual plat document that has been verified by City of Champaign staff to be complete, and in fact received before the application of the subdivision plat approval so that the Board absolutely knows there has been an application for plat approval. He stated that City staff is willing to hold that application for up to 12 months, which tells him that this thing is going to be finished within 12 months.

H. In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.

- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.

- (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**
- B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.
- C. At the October 29, 2015 ZBA meeting, the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
- (1) Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
- (2) There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
- D. At the March 24, 2016 public hearing:
- (1) Mr. Hall stated that what especially concerns him is that we have extensive second floor construction in complete violation of the Illinois Accessibility Code. He stated that Mr. Frazier will not get a permit from the Zoning Department until the Capital Development Board has signed off completely on this. He added that if Mr. Frazier can come to some agreement with the Capital Development Board allowing

the second floor rental areas to remain, he could add the necessary parking by acquiring more land from Isaacs going on the south edge of the property all the way back and hopefully tying in with the parking that is already on the east side. This would provide space for at least smaller vehicles a way to circumnavigate the whole property; he believes 14 spaces can fit in there. Mr. Hall stated that he would like to see this Board require the minimum number of parking spaces, and that would require this to be expanded.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area.”**
- B. Regarding the requested Variance:
- (1) Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces: the requested variance provides 10 fewer parking spaces, equivalent to 82% of the minimum required, for a variance of 18%.
 - (2) Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
 - (3) Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet: the requested variance is 100%.
 - (4) Regarding Part D of the Variance, for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served: the requested variance is 100%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated that “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”

- (3) Eighteen of the 58 required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
- (4) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

D. Regarding Part B of the Variance:

- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:
 - a. Adequate separation from roads.
 - b. Allow adequate area for road expansion and right-of-way acquisition.
 - c. Parking, where applicable.
- (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.

E. Regarding Part C of the Variance:

- (1) The Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
 - a. Safer access to and from the property for both road users and clients;
 - b. Adequate room for infrastructure maintenance and expansion.
 - c. At the September 10, 2015 ZBA meeting, neighbor Lloyd Allen distributed photos showing how congested Tiffany Court and the subject property can be with clients, business vehicles, and other traffic (see Attachment F to Supplemental Memo #4). He stated that the buses were there for a good period of time and people are always parking in the driveway so anyone else has to use the entrance on the property to the south to travel to the back of the property. He said that the landscaper tenant parks in front of the one building every day and night and he literally has to drive into the drive from

the parking lot to the south. He said that someone is always parked on the concrete.

- F. Regarding Part D of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie required on-site parking. Presumably the parking regulation is intended to ensure that there is a clear distinction for each property's parking requirements and available spaces on each property.
 - a. Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- G. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”**
 - B. The Township Highway Commissioner has been notified of this variance and had the following comments:
 - (1) At the February 12, 2015 public hearing, Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that from sidewalk to sidewalk is the jurisdiction of Champaign Township. He is concerned that there has been approximately 100 feet of the barrier curb removed without permission, notice of removal, or granting of permit therefore Champaign Township has lost about 100 feet of barrier curb.
 - (2) In an email received April 30, 2015, Mr. Padgett indicated the following:
 - a. Champaign Township Road District has no problem with parking spaces on Mr. Frazier's property as long as they do not extend over the pedestrian sidewalk.
 - b. The missing curb and the driving over unprotected utilities in the area between the sidewalk and the street is still an issue. He suggested that six inches of concrete poured in this area would be acceptable.
 - c. He would like to see the Township reimbursed for the replacement of the curb at some time since the Township Road District did not remove it nor did they approve its removal.

- (3) At the September 10, 2015 public hearing, Mr. Padgett stated that the downfall has been cut off of the curb but the base and the flag are still there. In order to replace the curb, everything has to be torn out so that one solid unit can exist so that when he plows snow the top of the curb isn't broken off.
- C. The Scott Fire Protection District has been notified of this variance but no comments have been received.
- D. City of Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the city in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015 that city subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet city regulations for parking (see Supplemental Memo 1, Attachment F).
- E. The nearest building on neighboring property is approximately 125 feet from the shared property line.
- F. Several adjacent business owners testified at the February 12, 2015 public hearing:
- (1) Mr. Lloyd Allen owns the property at 4400 West Springfield Avenue, beside Mr. Frazier's property. He is opposed to approving the variances because of parking concerns, Mr. Frazier cutting sidewalk and curbs out, and removing "No Parking" signs. Mr. Allen submitted photos of parking issues at the hearing, which can be found in Attachment E.
- (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated concerns about access to his own property by emergency vehicles, delivery trucks and employees. He also stated that Mr. Frazier's customers who park on the west side of the property cover the sidewalk and sometimes park in the cul-de-sac, which is a no parking zone. He stated that Mr. Frazier does not have enough land to support what he has going on there. Mr. Koester stated that he has had many cases of people parking on his south lot, south of Mr. Frazier's property, to go to the mini-warehouses and Mr. Frazier's garbage service parks on Mr. Koester's property to dump Mr. Frazier's dumpster. Mr. Koester stated that he just acquired the property to the south of Mr. Frazier's building and the property was really cheap. Mr. Koester stated that the reason why he was able to purchase the property at such a low price was due to the history of Mr. Frazier's property but the property was also available for Mr. Frazier's purchase so that he could expand. Mr. Koester stated that the closing price for the property was \$125,000 and Mr. Frazier's best move would have been to have purchased the property to the south so that he could run the kind of operation that Mr. Frazier proposes because it would have given him adequate area to meet the County's parking requirements and would not need the requested variances. Mr. Koester stated that he will not lease the property to Mr. Frazier.

- (3) Mr. Caleb Burton, whose business is located at 314 Tiffany Court, has concerns about the 10 foot drive Mr. Frazier has for his property. He stated that he has seen vehicles blocking the front yard, making Mr. Frazier's property inaccessible and that Mr. Frazier's clients use Mr. Burton's service entrance daily. Mr. Burton is also concerned about how Mr. Frazier poured concrete that drains south and nothing was done to taper the drainage or direct it to the street therefore it drains onto Mr. Burton's property.
- (4) Mr. Andrew Tunstall operates a chiropractic, exercise and rehabilitation facility in one of the offices at the west end of Mr. Frazier's property. He stated that his clients have complained about the parking. His clients cannot access the area Mr. Frazier identified as overflow parking back by the mini storage units.

His actual gym site is 2,375 square feet in area and he has two additional therapy rooms and a reception area that take up an additional 1,025 square feet. On a typical slow night between 3 and 6 PM he will see 4 to 6 people but on a busy night he may see up to 16 people; he has the operation set up to accommodate up to 24 people at one time.

- a. Mr. Tunstall is no longer a tenant at 310 Tiffany Court; his former space is advertised for rent as of March 8, 2016. This will not impact the parking space requirement because the minimum is based on a calculation of office square footage that is not specific to his business type.

- G. At the September 10, 2015 public hearing, Mr. Koester, owner of the property south of the subject property and co-owner of the property north of the subject property, stated that he has been frustrated by the use of his property as access for the tenants traveling to the rear of Mr. Frazier's property and he has had discussions with Mr. Frazier about this issue. He said that they have discussed the relocation of the buses and the last time that he knew there were still buses on the property, although Mr. Frazier testified at the previous meeting that the buses would be gone within two weeks. Mr. Koester stated he would like to build a fence but the property owner to the north built a very nice fence, which Mr. Koester constructed, and it has been destroyed by Mr. Frazier's tenants, therefore he is sure that any improvements that he makes on that side would suffer the same consequences.

- H. Several adjacent business owners testified at the March 24, 2016 public hearing:

- (1) Mr. Lloyd Allen, 4400 West Springfield Avenue, owns the building across the street from 310 Tiffany Court. He stated that he has been involved in this from day one, and still does not think this should be allowed. You have someone who repeatedly adds on, builds on, without checking to see if it is even legal. Mr. Allen referred to the fire trucks discussion, and commented that not only do the fire trucks not have access to Mr. Frazier's property; his customers cannot access his property. He stated that he saw someone try to get in there about 3 weeks ago and they could not get in, back in, to unload without driving on the property to the south. He stated that just as Mr. Frazier's buses cannot get out of the property without driving on the property to the south, his own tenant does not have enough access on the south side to get to the space he uses.

- (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated that there have been no changes or improvements to the subject property and the frustration level is getting to its peak as Mr. Koester is still dealing with Mr. Frazier's tenants parking on Mr. Koester's property. He said that Mr. Frazier's tenants are dumping their garbage in Mr. Koester's dumpsters. He said that if you have ever heard of having a bad neighbor, well he has one. Mr. Koester stated that he is going to install a fence down the property line and hopefully the buses will be relocated before the fence is constructed. He said that he does realize that there will probably be damage and run over and that type of thing but he is willing to put with that so that the buses are out of there. He said that typically Mr. Frazier's employees and tenants will pull beside the paved area and park out in the street on Mr. Koester's property along the north side of his lot.
- (3) He said that anytime a vehicle is parked on the south side of the building no one can get in or out of the property. He said that they are installing a fence along the south property to keep Mr. Frazier's tenants and employees from crossing over onto Mr. Burton's property. Mr. Burton stated that he has a dumpster located at the rear of his property and it is not unusual for Mr. Frazier's tenants to use that dumpster. He stated that if he installs a fence along his property and there was a fire on the Frazier property the fire truck would either have to sit on his property and spray over the fence or they would need to drag vehicles out of the way to access the Frazier property.
- I. At the March 24, 2016 public hearing, Mr. Hall recommended that the Board require the dumpster to be moved up to the west side of the middle portion of the building. Mr. Hall intends to contact the fire protection district to make sure they know the access limitations on this property.
- (1) Staff contacted the Bondville Fire Department on April 5, 2016. Bondville Fire operates under contract with Scott FPD to serve 310 Tiffany Court. In a phone call received April 7, 2016, Bondville Fire Chief Adam Shaw indicated that they need at least 12 feet of access width for their trucks.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioner has testified on the application: **“Upgrades and allowing of variance will provide strong and ensured growth to Stahly subdivision by providing a safe and inviting place for small business to grow and contribute to the local economy.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in**

this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.

- (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
- (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
- (4) Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:

That the proposed uses meet applicable state requirements for accessibility.

- G. The Petitioner will not allow on-street parking on Tiffany Court.**

The special condition stated above is necessary to ensure the following:

That local parking regulations are obeyed.

DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan
2. Preliminary Memorandum dated January 22, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
3. Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
4. Email from Robert Frazier received March 18, 2015, with attachments:
 - A Signed lease for parking spaces
 - B Image of parking area
5. Revised Site Plan received March 30, 2015
6. Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015
7. Email from Rob Kowalski, City of Champaign, received May 1, 2015
8. Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
9. Supplemental Memorandum #1 dated May 6, 2015, with attachments:
 - A Email from Robert Frazier received March 18, 2015, with attachments
 - B Revised Site Plan received March 30, 2015
 - C Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015
 - D Approved minutes from February 12, 2015 ZBA hearing
 - E Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
 - F Email from Rob Kowalski, City of Champaign, received May 1, 2015
 - G Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
 - H Revised Draft Summary of Evidence dated May 6, 2015
10. Supplemental Memorandum #2 dated July 8, 2015, with attachments:
 - A Revised annotated Summary of Evidence dated July 8, 2015
 - B Email from Rob Kowalski, City of Champaign, received June 2, 2015
 - C Revised Site Plan received March 30, 2015
 - D Annotated Diagram of West Parking Area dated July 8, 2015
 - E Site Plan received July 17, 2014
11. Memo regarding September 2, 2015 ZBA meeting dated September 2, 2015
12. Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing

13. Handout of the revised site plan received March 30, 2015
14. Approved minutes from September 10, 2015
15. September 17, 2015 letter to petitioner from Susan Chavarria
16. October 13, 2015 and October 20, 2015 emails to petitioner from Susan Chavarria
17. Supplemental Memo #3 dated October 22, 2015
18. Approved minutes from October 29, 2015
19. Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
20. Email from Eric Hewitt with attachment:
Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
21. Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
22. Email from Robert Frazier received March 8, 2016
23. Revised Summary of Evidence dated March 16, 2016
24. Supplemental Memo #4 dated March 16, 2016, with attachments:
 - A Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
 - B Email from Eric Hewitt with attachment:
Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
 - C Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
 - D Email from Robert Frazier received March 8, 2016
 - E Approved minutes from September 10, 2015
 - F Approved minutes from October 29, 2015
 - G Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing
 - H September 17, 2015 letter to petitioner from Susan Chavarria
 - I October 13, 2015 and October 20, 2015 emails to petitioner from Susan Chavarria
 - J Supplemental memo #3 dated October 22, 2015
 - K Revised Summary of Evidence dated March 16, 2016

25. Supplemental Memo #5 dated March 18, 2016

26. Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016

27. Supplemental Memo #6 dated March 22, 2016, with Attachment:
A Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
28. A handout of 14 staff photographs of subject property dated March 8, 2016 distributed at the March 24, 2016 public hearing
29. Draft minutes from March 24, 2016
30. Letter to Mr. Frazier dated April 1, 2016
31. Email #1 from Andrew Fell Architecture received April 1, 2016
32. Email #2 from Andrew Fell Architecture received April 1, 2016
33. Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
34. Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
35. Email to Mr. Frazier and Mr. Fell sent June 6, 2016
36. Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
37. Email from Andrew Fell received June 22, 2016
38. Supplemental Memo #7 dated June 24, 2016, with Attachments:
 - A Letter to Mr. Frazier dated April 1, 2016
 - B Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
 - C Email to Mr. Frazier and Mr. Fell sent June 6, 2016
 - D Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
 - E Email from Andrew Fell received June 22, 2016
 - F Draft minutes from March 24, 2016
 - G Email #1 from Andrew Fell Architecture received April 1, 2016
 - H Email #2 from Andrew Fell Architecture received April 1, 2016
 - I Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
 - J Revised Summary of Evidence dated June 24, 2016

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **792-V-14** held on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, and June 30, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of**

approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:

That the proposed uses meet applicable state requirements for accessibility.

- G. The Petitioner will not allow on-street parking on Tiffany Court.**

The special condition stated above is necessary to ensure the following:

That local parking regulations are obeyed.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **792-V-14** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Frazier** to authorize the following variances in the I-1 Light Industry Zoning District:

- Part A. Variance for 28 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.**
- Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.**
- Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.**
- Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The Petitioner shall continuously provide the required number of parking spaces as follows:
 - (1) The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of****

approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:

That the proposed uses meet applicable state requirements for accessibility.

- G. The Petitioner will not allow on-street parking on Tiffany Court.**

The special condition stated above is necessary to ensure the following:

That local parking regulations are obeyed.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date