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2
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7
8
9 **DATE: December 08, 2016**

PLACE: Jennifer Putman Meeting Room

1776 East Washington Street

Urbana, IL 61802

10
11 **TIME: 6:30 p.m.**

12
13 **MEMBERS PRESENT:** Frank DiNovo, Debra Griest, Brad Passalacqua, Jim Randol, Eric Thorsland

14
15 **MEMBERS ABSENT :** Catherine Capel, Marilyn Lee

16
17 **STAFF PRESENT :** Lori Busboom, Susan Burgstrom, John Hall

18
19 **OTHERS PRESENT :** Pat Fitzgerald

20
21
22 **1. Call to Order**

23
24 The meeting was called to order at 6:30 p.m.

25
26 **2. Roll Call and Declaration of Quorum**

27
28 The roll was called and a quorum declared present with two members absent.

29
30 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
31 the witness register for that public hearing. He reminded the audience that when they sign the witness
32 register they are signing an oath.

33
34 **3. Correspondence**

35
36 None

37
38 **4. Approval of Minutes**

39
40 None

41
42
43 **5. Continued Public Hearing**

44
45 None

46
47
48 **6. New Public Hearings**

1
2 **Case 854-S-16** Petitioner: **ILUR Loral Park MHP, including principals David Reynolds, RV Horizons**
3 **General Manager, Jack Baczek, Manager of Coupling Investments, LLC and Patrick Fitzgerald,**
4 **agent on behalf of ILUR Loral Park MHP, LLC. Request to authorize the expansion of an existing,**
5 **nonconforming Manufactured Home Park with 34 existing manufactured homes sites and an**
6 **additional 4 proposed manufactured home sites as a Special Use Permit in the R-5 Manufactured**
7 **Home Park Zoning District, subject to the variance requested in Case 855-V-16 and subject to an**
8 **interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the required**
9 **waivers mentioned in the full legal advertisement. Location: A tract of land in the Northwest Quarter**
10 **of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township,**
11 **commonly known as Loral Park Manufactured Home Park, with an address of 31 Fern Street,**
12 **Urbana.**

13
14 **Case 855-V-16:** Petitioner: **ILUR Loral Park MHP, including principals David Reynolds, RV Horizons**
15 **General Manager, Jack Baczek, Manager of Coupling Investments, LLC and Patrick Fitzgerald,**
16 **agent on behalf of ILUR Loral Park MHP, LLC. Request to authorize the use and expansion of an**
17 **existing, nonconforming Manufactured Home Park in the R-5 Manufactured Home Park Zoning**
18 **District, subject to the request for Special Use Permit approval and waivers in related Case 854-S-16**
19 **and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject**
20 **to the following required variance: Part A: Authorize a side yard of 6 feet and a rear yard of 0 feet**
21 **for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15**
22 **feet side yard and 15 feet rear yard as per Zoning Ordinance Section 6.2.2 C.2.; and Part B.:**
23 **Authorize a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required**
24 **55 feet setback and 25 feet front yard as per Zoning Ordinance Section 4.3.2. for manufactured home**
25 **site number 1.; and Part C: Authorize a rear yard of 10 feet in lieu of the minimum required 15 feet as**
26 **per Zoning Ordinance Section 6.2.2 C.2. for manufactured home site numbers 17 and 19; and Part D:**
27 **Authorize the placement of an existing manufactured home located in a utility easement in lieu of the**
28 **requirement that no construction shall take place in a recorded utility easement as per Section 4.2.2D.**
29 **for manufactured home site number 17. Location: A tract of land in the Northwest Quarter of Section**
30 **5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, commonly**
31 **known as Loral Park Manufactured Home Park, with an address of 31 Fern Street, Urbana.**

32
33 **Case 862-I-16** Petitioner: **ILUR Loral Park MHP, including principals David Reynolds, RV Horizons**
34 **General Manager, Jack Baczek, Manager of Coupling Investments, LLC and Patrick Fitzgerald,**
35 **agent on behalf of ILUR Loral Park MHP, LLC. Request: As authorized in Section 4.1.6, interpret**
36 **the existing boundaries of the R-5 Manufactured Home Park Zoning District of an existing,**
37 **nonconforming Manufactured Home Park, subject to the request for Special Use Permit approval and**
38 **waivers in related Case 854-S-16, and subject to the variance requested in related Case 855-V-16.**
39 **Location: A tract of land in the Northwest Quarter of Section 5, Township 19 North, Range 9 East of**

1 **the Third Principal Meridian in Urbana Township, commonly known as Loral Park Manufactured**
2 **Home Park, with an address of 31 Fern Street, Urbana.**

3
4 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
5 the witness register for that public hearing. He reminded the audience that when they sign the witness
6 register they are signing an oath.

7
8 Mr. Thorsland informed the audience that Cases 854-S-16, 855-V-16 and 862-I-16 are Administrative Cases
9 and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the
10 proper time, he will ask for a show of hands for those who would like to cross-examine and each person will
11 be called upon. He requested that anyone called to cross-examine go to the cross-examination microphone
12 to ask any questions. He said that those who desire to cross-examine are not required to sign the witness
13 register but are requested to clearly state their name before asking any questions. He noted that no new
14 testimony is to be given during the cross-examination. He said that attorneys who have complied with
15 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

16
17 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

18
19 Mr. Patrick T. Fitzgerald, attorney with Meyer, Capel Law Office, stated that he is appearing before the
20 Board tonight on behalf of his clients, ILUR Loral Park MHP, LLC. He said that his client acquired a
21 mobile home park located in northeast Urbana in April 2016. He said that the mobile home park is the
22 subject matter for the Preliminary Memorandum dated December 1, 2016, and the Supplemental
23 Memorandum dated December 8, 2016, that were prepared by the Department of Planning and Zoning staff.

24
25 Mr. Fitzgerald stated that, in a nutshell, his client acquired the mobile home park and they are interested in
26 bringing the mobile home into compliance with the Champaign County Zoning Ordinance. He said that he
27 was hired by the petitioners to work with the Champaign County Planning and Zoning staff to determine
28 what approvals would be required to bring the park into compliance. He said that on several separate
29 occasions he met with Mr. Hall and Ms. Burgstrom and they were incredibly helpful in navigating the
30 policies and procedures of Champaign County. He requested the Board's support regarding the matters
31 which are before them, and indicated that he was available to address any questions that the Board may
32 have.

33
34 Mr. Thorsland thanked Mr. Fitzgerald for his kind words regarding staff.

35
36 Mr. John Hall, Zoning Administrator, stated that staff has concerns related to the condition of some of the
37 existing homes in the mobile home park. He said that he hopes that, for someone who is a new owner of the
38 park that is attempting to bring it into compliance, the new owner will desire to replace some of the homes.
39 He said that Ms. Burgstrom has completed some research regarding the homes located in the mobile home

1 park and she found that the County Clerk has information as to when the homes were established. He said
2 that it would benefit everyone if the new owner could replace some of the older homes, as they can.
3
4 Mr. Passalacqua asked Mr. Hall if the mobile homes were owned by individuals or the mobile home park.
5
6 Mr. Hall stated that it is his understanding that the homes are owned by the park.
7
8 Mr. Thorsland asked Mr. Fitzgerald to indicate if the homes are owned by individuals or the park.
9
10 Mr. Fitzgerald stated that some of the homes are owned by the park and some of the homes are owned by
11 private parties who rent the lot that their home is located upon.
12
13 Mr. Thorsland asked Mr. Fitzgerald if he had a breakdown as to how many homes were owned by the park
14 and how many homes were owned by private parties.
15
16 Mr. Fitzgerald stated that he does not have that information tonight. He said that staff had previously
17 requested that information and he forwarded that request to his clients. He said that a special condition
18 requiring submittal of that information could be proposed.
19
20 Mr. Passalacqua stated that if the park does not own the homes, he would imagine that the contract would
21 have some sort of requirement regarding maintenance of the home located on the park's lot.
22
23 Mr. Hall stated that he is not suggesting any more special conditions than what is absolutely necessary, but
24 it would benefit the park if some of these homes could be replaced, but at this point that cannot happen.
25
26 Mr. Passalacqua stated that the neighboring mobile home park is very nice.
27
28 Mr. Thorsland asked Mr. Hall if there is a cutoff date as to whether a mobile home can be replaced or not.
29
30 Mr. Hall stated that the cutoff date only applies to mobile homes that are outside of a mobile home park.
31
32 Mr. Thorsland stated that there is a cutoff date for privately owned mobile homes, but since no information
33 has been received regarding what homes are owned privately versus the park, it would be impossible to
34 propose any special condition regarding replacement.
35
36 Mr. Fitzgerald stated that proposed a special condition E. indicates that his clients will ensure that the
37 emergency access on Fern Street remains unobstructed on both sides of the locked gate. He said that his
38 clients intend to ensure that the emergency access on the east side of Fern Street remains unobstructed;
39 however, his clients do not own the emergency access on the west side of Fern Street, as it is owned by the

1 adjacent landowner. He said that his clients will be happy to report any obstruction on the west side of the
2 fence, but they have no ability to control that obstruction. He said that his clients are happy to comply with
3 special condition E. in regards to the east side only, but it is impossible for them to guarantee compliance on
4 the west side, because it is something that his clients do not own.

5
6 Mr. Passalacqua stated that during a previous case the same special condition was required for the owners of
7 the west side.

8
9 Mr. Hall stated that, if this case is approved, the special condition E. can be revised to only indicate that
10 emergency access on Fern Street remains unobstructed on the east side of the locked gate.

11
12 Mr. Passalacqua asked staff if there is a separation distance within the park.

13
14 Mr. Hall stated yes, but this park is nonconforming.

15
16 Mr. Thorsland stated that any new homes will need to comply with any separation requirements.

17
18 Mr. Hall stated that any of the new homes that are proposed will require waivers.

19
20 Mr. Thorsland asked if those waivers are for every direction of the new homes.

21
22 Mr. Hall stated yes.

23
24 Ms. Burgstrom stated that the original concrete pads met the State of Illinois standards at the time, homes
25 placed on them since then have sometimes been larger than the original homes, making the separation less.

26
27 Mr. DiNovo stated that the site plan shows a notch where the property line extends down to the south line of
28 the quarter section, but he cannot find any reference in the legal description that includes that notch. He
29 asked staff and Mr. Fitzgerald if they had any legal description that references the notch of land.

30
31 Mr. Hall stated that this has been a question from day one and staff was under the impression that it would
32 be resolved before tonight. He said that if the site plan is not accurate and no notch actually exists, then the
33 site plan needs to be revised, but the tax map actually indicates the notch. He said that more information is
34 required regarding this issue.

35
36 Mr. Passalacqua stated that if the notch does not exist the variance for lot 35 could change.

37
38 Mr. Hall stated yes, it could change the usable area for Lot 35 or it could eliminate Lot 35. He said that the
39 preliminary work was completed based on the information that was provided at the time, but he agrees that

1 there appears to be a discrepancy.

2

3 Mr. Fitzgerald submitted a copy of the petitioner's title commitment from Chicago Title Company dated
4 April 8, 2016, as a Document of Record. He said that the title commitment shows a second tract which
5 appears to be an easement which is over the south 19 feet of the west 1,473 feet of the east 1,503 feet of the
6 north half of the north half of said Section 5.

7

8 Mr. DiNovo indicated the location of the described easement is east of Lot 1 and indicated the described
9 easement on the aerial.

10

11 Mr. Fitzgerald stated that his clients would be happy to have the property platted by a surveyor. He said that
12 the Chicago Title Insurance Commitment is what he was presented by his clients.

13

14 Mr. DiNovo asked Mr. Fitzgerald if there is a deed referenced in the title commitment.

15

16 Mr. Fitzgerald stated that he is sure that there is a deed for the property, but until three minutes ago, he was
17 not aware that this was an issue.

18

19 Ms. Burgstrom stated that the description sounds like the same one that staff used along with a virtual
20 survey.

21

22 Mr. DiNovo stated that the description does not describe the drawing.

23

24 Ms. Burgstrom agreed. She said that perhaps a new survey is required.

25

26 Mr. DiNovo stated that he is not sure that a new survey is required, but we need to decide what the legal
27 description is.

28

29 Mr. Thorsland asked Mr. DiNovo to indicate what evidence he would need to satisfy his concern.

30

31 Mr. DiNovo stated that he does not see any reason to doubt the legal description indicated in the title
32 commitment. He said that he is open to other evidence that would show him that there is another legal
33 description. He said that the documents which were for the 1973 court case is not what is before this Board
34 on the drawing. He said that the notch is not there, and there is a strip of land that is on the south
35 side of the two lots with duplexes that is included in the legal description.

36

37 Mr. Thorsland asked Mr. Fitzgerald if he could provide additional information that would clarify the
38 Board's concern regarding the legal description.

39

- 1 Mr. Fitzgerald stated that he will obtain additional information that will help clarify the issue.
2
- 3 Mr. Thorsland stated that Lot 35 could be greatly affected without the clarification.
4
- 5 Mr. DiNovo stated that he is not confused about where the corners are for the property, but he does not have
6 a legal description which describes the plan.
7
- 8 Mr. Hall stated that staff would be happy to discuss this further with Mr. Fitzgerald outside of the public
9 hearing. He said that he is wondering if the virtual survey identified the section line correctly, because the
10 old GIS map identifies the section line differently. He said that he is not sure which one is correct, but
11 there is a notch there that is not described correctly.
12
- 13 Mr. DiNovo stated that this is the shape that the legal description describes so whether it is a little further
14 north or south is irrelevant.
15
- 16 Mr. Hall disagreed. He said that if the section line is indicated incorrectly then there is more that needs
17 corrected.
18
- 19 Mr. Fitzgerald stated that this question can be answered and it is incumbent upon the petitioner to obtain the
20 answer and submit it to the Board.
21
- 22 Mr. DiNovo stated that he does not know how the Board can make a determination without a proper legal
23 description, because we do not know the magnitude of the variances and waivers.
24
- 25 Mr. Thorsland asked Mr. DiNovo if he wants a full survey required.
26
- 27 Mr. DiNovo stated that the Board needs to know what the full legal description actually is.
28
- 29 Ms. Griest asked if the legal description included in the title commitment and the deed is the actual legal
30 description.
31
- 32 Mr. Fitzgerald stated that it is the legal description, but how does it lay out.
33
- 34 Ms. Griest stated that there is nothing in the legal description which indicates a notch. She said that she had
35 the same concern as Mr. DiNovo and she did not know how the Board could take action until this concern is
36 clarified. She said that the parcel shows it as a somewhat rectangular parcel with a section out and an
37 easement on the south side, but the site plan displays it differently. She said that an accurate site plan is
38 imperative in determining what variances and waivers are necessary. She said that if Mr. Hall is correct in
39 thinking that the section lines are off, then there are more issues than originally believed. She said that

1 regardless as to how this is resolved, there is an issue which requires clarification.
2
3 Mr. Thorsland stated that perhaps without the required clarification, this may be a good stopping place.
4
5 Mr. Passalacqua stated that without the clarification, Lot 35 and the open space may go away.
6
7 Mr. Hall stated that the petitioner needs to have the opportunity to present clarification. He said that he
8 would like to review the interpretation with the Board.
9
10 Ms. Griest stated that she would like the Board to identify all of the issues which need to be resolved before
11 adjourning so that petitioner knows what is required prior to the next meeting.
12
13 Mr. Thorsland stated that the legal description needs to be depicted better on the plan so that the Board
14 knows what variance and waivers are and are not required.
15
16 Mr. DiNovo stated that he would like to nail down whether the entire park is connected to sanitary sewer.
17 He said that he is confused about the status of the little building. He said that the petitioner's statement in
18 regards to the yard variance for the little building indicated that without the variances, the park would have
19 to run without an onsite management office. He said that in one area the small building is indicated as a
20 storage building, but one of the waivers describes the small building as an on-site management office. He
21 asked Mr. Fitzgerald if there is an onsite management office currently or not.
22
23 Mr. Fitzgerald stated that it is his understanding that, at one time, there was an on-site management office,
24 but currently the small building is not being used as an on-site management office.
25
26 Mr. DiNovo stated that the loss of an on-site management office is not justification for a variance.
27
28 Mr. Fitzgerald stated that the fact that the small building ceased to be used as an on-site management office
29 after the petitioner purchased the property and that they would like to revert the small building back to an
30 on-site management office is a relevant justification for the variance.
31
32 Ms. Griest stated that she did not realize that they were proposing an on-site management office either and
33 that the request was for off-site management.
34
35 Mr. Fitzgerald stated that they would like on-site management.
36
37 Ms. Burgstrom stated that this assumption was developed due to a sign on the door of the small building
38 that indicated that the office for Loral Park was combined with the Northwood Mobile Home Park office.
39 She said that if Mr. Fitzgerald has conflicting information indicating that the petitioners do intend in turning

1 the small building back into an office, then she would appreciate Mr. Fitzgerald indicating such.

2
3 Mr. Fitzgerald stated that the petitioners would like the opportunity to convert the small building back into a
4 management office.

5
6 Mr. DiNovo stated that in relation to the Zoning Ordinance requirement of a finding that practical
7 difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent
8 reasonable and otherwise permitted use of the land or structures or construction on the lot, the petitioner
9 stated the following: "A strict interpretation of the density ordinance will deny Champaign County citizens
10 of potential affordable housing options and will potentially result in additional urban sprawl. A strict
11 interpretation of the setback ordinances will result in (i) a family losing their current residence; and (ii) the
12 current mobile home park office being relocated offsite which will impose a hardship on current mobile
13 home park residents." He said that if there is no current on-site office, then he would presume that it would
14 prevent the current off-site office from being located on-site.

15
16 Mr. Thorsland stated that item 13.P states the following: Without Part P. of the proposed waivers, for a
17 Manufactured Home Park that provides an off-site management office in lieu of an on-site Management
18 Office: The petitioners would have to staff the existing former office at Loral Park.

19
20 Mr. Fitzgerald stated that his client's desire is to attempt to bring a park that has been out of compliance
21 for many years into compliance with the County's Zoning Ordinance. He said that they are happy to
22 identify any issues that are out of compliance in the park and bring those issues into compliance. He said
23 that when he returns to the Board, he will have answers regarding the legal description and the onsite
24 management office.

25
26 Ms. Burgstrom stated that the City of Urbana contacted staff today regarding fire protection in terms of the
27 location of fire hydrants in the park. She said that she identified three fire hydrants, but none of those
28 hydrants were on-site. She said that there are four home sites that are not protected by fire hydrants. She
29 said that if Mr. Fitzgerald has more information regarding fire hydrants then that could eliminate the waiver
30 in Part K. in Case 854-S-16.

31
32 Mr. Fitzgerald stated that he will check in to that.

33
34 Mr. Thorsland stated that Part F. of Case 854-S-16 exempts existing homes, but any homes, new and used,
35 that will replace those existing homes will have to comply with the National Electrical Code. He asked the
36 Board if they desired more information regarding the existing homes and the Board indicated that they did
37 not. He asked the Board if there were any questions regarding the expansion of the park.

38
39 Mr. Thorsland asked the Board if they desired additional information other than what has been previously

1 discussed.
2
3 Mr. Passalacqua asked if the entire park is connected to sanitary sewer.
4
5 Mr. Thorsland stated that included in the distributed Supplemental Memorandum dated December 8, 2016,
6 is an email dated November 30, 2016, from Rick Hafer, LEHP, Illinois Department of Public Health,
7 Champaign Regional Office, that indicated the following: "For the last 15 years or so I have not observed or
8 been made aware of septic issues at Loral. In 1972 IEPA issued permit #1972-HB-140 for a sewer main to
9 serve as many as 40 sites and I have operated with the impression that all sites were served by this main. I
10 went out to Loral yesterday to perform the annual license inspection and did not observe any evidence
11 otherwise." Mr. Thorsland stated that it is not known if the homes that are located in the center of the park
12 are connected to public sanitary sewer.
13
14 Mr. Fitzgerald stated that he will discuss this issue with his clients and he will return to the Board with an
15 answer to their question regarding the sanitary connection for the park.
16
17 Mr. Thorsland asked Mr. Fitzgerald if he and his clients have reviewed and discussed the proposed special
18 conditions of approval.
19
20 Mr. Fitzgerald stated that he and his clients have reviewed and discussed the proposed special conditions of
21 approval and the clients have indicated that they are comfortable with those special conditions.
22
23 Mr. DiNovo asked if all of the fees included in proposed special condition H. are the fees that would
24 normally be calculated anyway.
25
26 Mr. Hall stated yes. He said that those fees were included because this is such a confusing situation.
27
28 Mr. DiNovo stated that he asked that question, because he is confident that this Board cannot waive any fees
29 that are required by the Zoning Ordinance. He said that there may be a typo, because a Change of Use
30 Permit is \$65, not \$66.
31
32 Mr. Hall stated that there are different fees. He said that one is for a Change of Use without construction
33 and the other is a Change of Use with construction.
34
35 Mr. Passalacqua stated that the map dated 8/7/72, included as Attachment G does not indicate the notch.
36
37 Mr. Hall stated that the 1972 map is only a Northern Illinois Water Corporation drawing.
38
39 Mr. Fitzgerald asked if the Board would rather have a memorandum that addresses all the questions posed

1 tonight submitted to staff so that it could be included in the next mailing, or would the Board prefer that he
2 personally submits those answers at the next public hearing.
3

4 Mr. Thorsland stated that the consensus of the Board is that they would prefer that Mr. Fitzgerald submits
5 a memorandum to staff so that it could be included in the next mailing related to these cases. He said that
6 information that the Board can review prior to a meeting is always the preferred practice.
7

8 Mr. Passalacqua stated that he is comfortable with fire access, but the problem is the property line
9 information in regards to the expansion and the sanitary connection information. He said that the older units
10 are there and they are what they are.
11

12 Mr. Hall asked the Board if they were comfortable with the density.
13

14 Mr. Passalacqua stated that if the property line is as it appears to be then they will be fine, but if it not as it
15 appears then the petitioners will lose one lot.
16

17 Mr. Thorsland asked the Board about the open space.
18

19 Mr. Passalacqua asked Mr. Hall why the open space is required.
20

21 Mr. Hall stated that it is a requirement of the Zoning Ordinance and is meant to be a recreational space.
22

23 Mr. DiNovo stated that the open space is probably only relevant for small children, unless there is a
24 basketball court in place for the older kids. He asked Mr. Hall to explain the reason for the two year
25 requirement for development.
26

27 Mr. Hall stated that it is a precedent that was use in the past, since 1973, and it doesn't put a great rush on
28 the petitioners to have it completed in one year.
29

30 Mr. DiNovo stated that he did not know why it wasn't the same as the time period for a Certificate of
31 Compliance.
32

33 Mr. Hall stated that Mr. DiNovo is correct, but this would grant one extra year. He said that if the Board
34 does not agree then the Board can lower it to one year.
35

36 Mr. DiNovo stated that one year is administratively easier to keep track of.
37

38 Mr. Passalacqua stated that the Board needs to figure out if the open space is even available.
39

1 Mr. Fitzgerald stated that he will discuss whether one year is sufficient with his client, but he will disclose
2 that the conversation that he had with his client was regarding the special use as it was drafted, which
3 indicated completion in two years.
4
5 Mr. Thorsland asked Mr. DiNovo if there was a particular reason why he is opposed to the two year
6 completion requirement.
7
8 Mr. DiNovo stated no, but it is very hard to keep track of all of this kind of stuff.
9
10 Mr. Randol stated that our staff is responsible enough to keep track of these things.
11
12 Mr. DiNovo stated that the only thing that the Zoning Ordinance states is that there has to be a recreational
13 area. He said that the Zoning Ordinance does not specify how those recreational areas have to be developed.
14 He said that in the past, the Board has interpreted that they have to be developed somehow; however, just
15 mowing grass cannot be the only recreational area as it is just a lawn. On the other hand, the Board
16 cannot require a lot of development, but enough to indicate that there is a recreational area. He said that
17 maybe the petitioners would like to come back with some idea as to how they would want to establish the
18 recreational area.
19
20 Mr. Hall stated that he would like to know to what degree the Board is willing to require for the recreational
21 area and what degree the petitioner is willing to provide in regards to the recreational area.
22
23 Mr. Randol stated that this is why the two-year time period should stand so that the petitioners have time to
24 establish the entire park.
25
26 Mr. Fitzgerald stated that he will take back the Board's concerns and questions to his client for discussion,
27 but he would like to know if there is anything else that the Board would like to see that would be better
28 received by the County.
29
30 Mr. Thorsland stated that the Board would like to see what the petitioner's idea of developed means rather
31 than the Board dictating what it should be.
32
33 Mr. Fitzgerald stated that if the Board has knowledge of something that has worked really well, he will take
34 that information back to his clients.
35
36 Mr. Passalacqua stated that as far as he is concerned, a park bench and a garbage can be a recreational area.
37 He said that a place where a mom and dad can take their kids to play with their toys while they relax on the
38 bench is a recreational area. He said that he is not going to make the petitioners install a swimming pool,
39 tennis court and a basketball hoop, but if they want to make the park more marketable, then they may want

1 to do those things. He said that he is comfortable with the scenario that he previously indicated as a
2 recreational area.

3
4 Ms. Griest stated that she is comfortable with an area with grass that is mowed and a sign indicating that it
5 is public space.

6
7 Mr. Thorsland stated that the Board could spend a lot of time correcting things that are not specific in the
8 Ordinance, but not tonight.

9
10 Mr. Fitzgerald stated that staff has been incredibly helpful and his client's intent is to clean up the area and
11 make it so that the community and the County finds it acceptable.

12
13 Mr. DiNovo stated that in the past, a picnic table and swing set was required in the recreational area, but
14 it is up to the petitioners as to what they want to propose for the open space.

15
16 Ms. Griest stated that she would rather see the gate at the emergency access entrance go away.

17
18 Mr. Passalacqua stated that if the gate would be removed if it needed to be.

19
20 Ms. Griest noted that a discussion regarding the gate occurred during a previous case.

21
22 Mr. Fitzgerald asked Ms. Griest why the gate is there.

23
24 Ms. Griest stated that the gate is to keep people from driving on that road because the road was unimproved
25 at a level that would not accommodate the amount of traffic that would travel upon it; therefore, the gate
26 was installed to stop the traffic. She noted that if the fire protection needs to go through the locked gate they
27 will drive right through it.

28
29 Ms. Griest stated that the two aerials that are dated 1973 and 2014 indicate a 30 foot area between the
30 southern boundary and the northern boundary that is part of the Urbana corporate area. She said that
31 she believes that the 30 feet has been incorporated into the plan, but the petitioners do not own it. She said
32 that the title work runs along the municipal boundary and it is possible that the aerial is incorrect.

33
34 Mr. DiNovo stated that the 30 feet is located on the south side of the section line, but the legal description
35 leaves out the 19 feet strip altogether.

36
37 Mr. Hall stated that when he was reviewing the tax map, the middle of the section was not where the Urbana
38 corporate boundary is located, but is actually south of there.

39

- 1 Ms. Griest asked if the 30 feet is a utility easement for the Ameren transmission line.
2
- 3 Ms. Burgstrom stated that staff would have to verify that information.
4
- 5 Ms. Griest stated that if it is the same easement that runs through her property, the easement is 30 feet on
6 each side of the line.
7
- 8 Mr. DiNovo stated that the 30 feet might have been intended for an extension of Beeson Drive.
9
- 10 Ms. Griest stated that the Board needs to know the exact shape of the subject property. She said that if it is
11 any help to staff or the petitioner, the Ameren transmission line easement was recorded in 1953 and it
12 is available at the Champaign County Recorder's Office.
13
- 14 Mr. Fitzgerald stated that he will clarify the shape of the property. He said that he is surprised that he is at
15 this point without having this issue resolved. He apologized to the Board for taking up their time on a cold
16 Thursday night when he and his clients do not have all of their ducks in a row.
17
- 18 Mr. Passalacqua stated that the Board is used to these types of situations. He said that he would like to have
19 a statement in writing indicating whether or not the petitioners intend to have on-site management. He said
20 if the petitioners do not have it now, but intend to have it later, then it should be included in this special use.
21
- 22 Ms. Griest stated that the petitioners can have on-site management at any time, but they require the waiver
23 if they do not intend to ever have it.
24
- 25 Mr. Passalacqua stated that Mr. Fitzgerald needs to clarify if they intend to have it or not.
26
- 27 Mr. Passalacqua asked Mr. Fitzgerald if any new lights are proposed.
28
- 29 Mr. Fitzgerald stated that no new lights are being proposed.
30
- 31 Mr. Passalacqua stated that if any new lights are proposed, the petitioners will need to include them in this
32 special use permit. He said that anything that the petitioners would like to do on the property should be
33 included on the site plan.
34
- 35 Ms. Griest noted that Mr. Fitzgerald could contact the Eastern Prairie Fire Protection Chief, Mike Kobel,
36 and he could provide a map that indicates the location of the fire hydrants in that area. She said that Mr.
37 Kobel may be able to work with the petitioners in obtaining an additional fire hydrant if desired.
38
- 39 Mr. DiNovo stated that there are two parking spaces indicated for every home, and a special condition has

1 been proposed regarding the prohibition of on-street parking. He said that he is confident that there are
2 more than two vehicles per home at the park. He said that it is easy to say that there will not be any on-
3 street parking permitted, but it would be helpful if the petitioners could indicate how they plan to alleviate
4 the lack of available parking. He said that the Zoning Ordinance was adopted before we had all kinds of
5 blended families, etc. and when he visited the park he found it hard to drive his Prius down the road due to
6 the vehicles parked along Fern Street.

7
8 Ms. Griest stated that the petitioners do have room for designated parking.

9
10 Mr. Hall stated that the petitioners do have room for designated parking, but it would take away from the
11 recreational area.

12
13 Mr. Passalacqua stated that most mobile home parks do have an overflow parking area designated within the
14 park.

15
16 Mr. Hall asked the Board if they would want to not prohibit all on-street parking, but designate where it can
17 and cannot occur.

18
19 Mr. DiNovo stated that at this point he is just requesting the petitioner's thoughts. He said that he is not
20 convinced that prohibiting on-street parking is a practical requirement.

21
22 Mr. Passalacqua stated that he has visited the adjoining mobile home park during the morning and during
23 mid-afternoon and the residents do not park on the street, but that mobile home park has on-site
24 management.

25
26 Mr. DiNovo stated given the different market segments that these mobile home parks are serving, it would
27 be very difficult to serve that market without providing additional parking.

28
29 Mr. Fitzgerald stated that he and his clients will look into that.

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

32
33 Mr. Hall noted that Mr. Fitzgerald is an attorney; therefore, he cannot be cross-examined.

34
35 Mr. Fitzgerald asked Mr. Thorsland if he would entertain a motion for a continuance.

36
37 Mr. Thorsland stated that a motion for continuance is up to the Board. He asked staff for a continuance date
38 recommendation.

39

1 Mr. Hall asked Mr. Fitzgerald if he had an idea as to when he could obtain all of the answers to the Board's
2 questions. He said that the property line issue may take some time to resolve.

3
4 Mr. Fitzgerald stated that if there is any title action that needs to be completed, it could be awhile. He
5 would only be speculating on a continuance date. He said that his clients already own the property;
6 therefore, it isn't like the closing is contingent upon this Board's determination.

7
8 Mr. Fitzgerald stated that a continuance to a meeting in April would be fine.

9
10 Mr. Thorsland entertained a motion to suspend the 100-day rule for a continuance date and continue Cases
11 854-S-16, 855-V-16 and 862-I-16 to the tentative April 13, 2017, meeting.

12
13 **Ms. Griest moved, seconded by Mr. Passalacqua, to suspend the 100-day rule for a continuance date.**
14 **The motion carried by voice vote.**

15
16 Mr. DiNovo stated that he was hoping that the Board could finalize the interpretation case tonight.

17
18 Mr. Thorsland asked the Board for their thoughts regarding the interpretation case.

19
20 Mr. DiNovo stated that the difficulty here is that the mapping protocol was to match the district boundaries
21 up to the street center line or property lines. He said that at the time of adoption of the Zoning Ordinance
22 there was not a modern tax atlas available, so they did not have access to accurate parcel boundaries
23 in large parts of the county, including this particular area, and even when they were platted there was no
24 data. He said that the relevance of the quote from Mr. Goodell during the December 16, 1971, meeting of
25 the Champaign County Zoning Commission and Planning and Zoning Committee's public hearing, Mr.
26 Goodell likely brought their attention to the property lines. He said that staff does not have any access to
27 documents that were probably in the Regional Planning Commission's (RPC) staff's hands, but it is highly
28 suggestive that the RPC staff knew where the property lines were. He said that another way that they might
29 have drawn the map would have been along Fern Street.

30
31 Mr. Passalacqua stated that if they drew the map along Fern Street, they probably used the centerline, which
32 is our current problem.

33
34 Mr. DiNovo stated that if the dimension is actually scaled off it comes out to about 280 feet, which would
35 put it right between Fern Street and the north property line. He said that the problem is that the most
36 inaccurate information on the maps is the cultural information that is on the USGS topographic versions,
37 because it is plus or minus 50 feet. He said that absent any compelling reason to believe that the line was
38 drawn where it seems to have been drawn, it makes the most sense to say that it was drawn to conform to
39 the property line.

1
2 Mr. Hall stated yes, if their intention was to follow the property line. He said that the question is whether
3 they were they following the property line or not, because they certainly were not following the centerline
4 of Fern Street.

5
6 Mr. DiNovo stated that it appears to be following the north edge of Fern Street, but it is not precise.

7
8 Mr. Passalacqua stated that for purposes of the case it would be simpler to include the property as drawn in
9 the R-5 zoning district.

10
11 Mr. Hall stated that in that case there would be no rezoning and the district could be re-established by
12 interpretation.

13
14 Mr. DiNovo stated that if there is no compelling reason to go one way or another, then he would lean
15 towards the way that provides the simplest result.

16
17 **Mr. DiNovo moved, seconded by Ms. Griest, to interpret the zoning district boundary line to conform**
18 **with the north boundary line of the subject property. The motion carried by voice vote.**

19
20 **Mr. Passalacqua moved, seconded by Ms. Griest, to continue Case 855-V-16 to the tentative April 13,**
21 **2017, meeting. The motion carried by voice vote.**

22
23 **7. Staff Report**

24
25 Mr. Hall asked the Board if they would like to submit a comment regarding the fact that the ZBA was
26 required to relocate tonight's meeting to the Jennifer Putman Meeting Room. He said that the Regional
27 Planning Commission's Labor Negotiations Committee does not schedule their meetings, but just takes over
28 meeting rooms when necessary.

29
30 Ms. Griest asked Mr. Hall why the Labor Negotiations Committee could not use the Jennifer Putman
31 Meeting Room for their meetings.

32
33 Mr. Hall stated that he cannot tell the Labor Negotiations Committee to use the Jennifer Putman Meeting
34 Room.

35
36 Mr. Passalacqua stated that the Jennifer Putman Meeting Room is absolutely useless to the ZBA. He said
37 that the Board would have been in a real fix if it had been any other meeting than this one where the Board
38 only had one petitioner.

39

1 Ms. Griest that the Jennifer Putman Meeting Room is not adequate for ZBA meetings.

2
3 Mr. DiNovo asked Mr. Hall if the Board could ask him to draft a letter for the Chair's signature, which
4 indicates the Board's objection in having its meetings relocated. He said that this Board serves the general
5 public that has an interest in the cases that come before us.

6
7 Mr. Thorsland stated that if all of the ZBA Board members had been present tonight there would not have
8 been enough chairs.

9
10 Mr. DiNovo stated that a formal objection is in order.

11
12 Mr. Hall stated that he would like to have the Board's objection on record, because there is a very good
13 chance that this situation will continue to occur and there may be less chance of that happening if the
14 objection goes on record. He asked the Board if they would like Mr. Thorsland to sign the letter as Chair of
15 the Zoning Board of Appeals on behalf of the entire Board members and the Board agreed.

16
17 **8. Other Business**

18 A. Review of Docket

19
20 Mr. Thorsland requested that a full Board be present for the March 16th meeting.

21
22 B. Approval of 2017 ZBA Calendar

23
24 Ms. Griest stated that the 2017 ZBA Calendar includes a blue box indicating when the ZBA meetings will
25 be held in the Lyle Shields Meeting Room. She said that if the Board is not allowed to meet in the Lyle
26 Shields Meeting Room, then the blue box should be removed from the calendar.

27
28 Mr. Hall stated that the blue box never occurs on any date on the calendar.

29
30 Mr. Passalacqua stated that the presence of the blue box provides the option of holding the ZBA in the Lyle
31 Shields Meeting Room.

32
33 Mr. Hall stated that Ms. Griest has a good point in that if the ZBA meetings will not be held in the Lyle
34 Shields Meeting Room, then why is it necessary in the legend.

35
36 Ms. Busboom stated that the blue box is included in the legend because that is where the ZBA meetings are
37 supposed to be held.

38
39 Mr. Hall stated that staff hopes that one day the ZBA meetings will return to the Lyle Shields Meeting

1 Room, but for now, perhaps it would be best to strike the blue box from the legend and add it back if the
2 Board is ever allowed to hold its meetings in the Lyle Shields Meeting Room.

3
4 Mr. Passalacqua stated that he does not see anything wrong with the inclusion of the blue box on the
5 calendar and desires to keep it there in case it is needed in the future.

6
7 Mr. DiNovo agreed with Mr. Passalacqua.

8
9 Mr. Thorsland stated that perhaps the blue box should just be on the 2017 calendar and if nothing changes
10 for 2018, then blue box could be removed.

11
12 Mr. DiNovo stated that if the calendar is distributed to the general public then perhaps the blue box
13 should be removed to avoid confusion.

14
15 Mr. Hall stated that the calendar is distributed to the general public and is indicated on the County website.

16
17 Mr. DiNovo stated that he would like to keep the 2017 ZBA Calendar as it was submitted to the Board.

18
19 Mr. Thorsland entertained a motion to approve the 2017 ZBA Calendar as submitted.

20
21 **Mr. Passalacqua moved, seconded by Mr. Randol, to approve the 2017 ZBA Calendar as submitted.**
22 **The motion carried by voice vote.**

23
24 Mr. Thorsland requested that the Board indicate any known absences in 2017.

25
26 Mr. Passalacqua stated that he would be absent from the January 26th meeting.

27
28 Ms. Griest stated that she would be absent from the February 16th and the April 27th meetings.

29
30 Mr. Thorsland stated that it is possible that he would be absent from the June 15th meeting.

31
32 **9. Audience Participation with respect to matters other than cases pending before the Board**

33
34 None

35
36 **10. Adjournment**

37
38 Mr. Thorsland entertained a motion to adjourn the meeting.

39

1 **Ms. Griest moved, seconded by Mr. Passalacqua, to adjourn the meeting. The motion carried by voice**
2 **vote.**

3
4 The meeting adjourned at 7:50 p.m.

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6
7
8 Respectfully submitted

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13 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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