

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61802

DATE: August 25, 2022**PLACE:** Shields-Carter Meeting Room
1776 East Washington Street**TIME:** 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Tom Anderson, Nolan Herbert, Thaddeus Bates, Larry Wood, Jim Randol**STAFF PRESENT:** John Hall, Susan Burgstrom, Stephanie Berry**OTHERS PRESENT:** Gayle McKay, Rochelle Funderburg, William Cope, Gerald Marshall, Steven Schott, Mabel Schott, Kyle Trevena, Danielle Trevena**1. Call to Order**

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None**4. Minutes - July 28, 2022**

Mr. Elwell asked if there was any discussion on the July 28, 2022 minutes. Seeing none, he entertained a motion to approve the July 28, 2022 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the July 28, 2022 minutes. The motion carried by voice vote.

5. Audience Participation with respect to matters other than cases pending before the Board - None**6. Continued Public Hearings - None****7. New Public Hearings****Case 056-S-22****Petitioner:** Bill Cope and Mary Kalantzis, d.b.a Prairie Glass House, LLC**Request:** Authorize the expansion of the Special Use Permit approved in Case 935-S-19 for a combination "Private Indoor Recreational Development" and "Outdoor

1 **Commercial Recreational Enterprise” to include a proposed detached accessory**
2 **pavilion on land in the AG-2 Agriculture Zoning District.**

3
4 Location: **A 17.2 acre tract that is in the East Half of the Northeast Quarter of the Northwest**
5 **Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal**
6 **Meridian in Somer Township, and commonly known as the residence at 4018 North**
7 **Lincoln Avenue, Champaign.**

8
9 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
10 the witness register for that public hearing. He reminded the audience that when they sign the witness
11 register, they are signing an oath.

12
13 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County
14 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
15 for a show of hands from those who would like to cross-examine, and each person will be called upon.
16 He said that those who desire to cross-examine do not have to sign the Witness Register, but will be
17 asked to clearly state their name before asking any questions. He noted that no new testimony is to be
18 given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the
19 ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the
20 nature of their request prior to introducing evidence.

21
22 William Cope, 4018 North Lincoln Avenue, Champaign, said he would like to construct a pavilion
23 structure for the use of a wedding reception site on his land. He said a little bit of context about the land,
24 it is a fragment of the old Big Grove and has a really beautiful delicate landscape, so it would be a very
25 nice place to have such a structure. He said he has engaged an architect, Jeffery Poss, who is the former
26 head of Architecture at the University of Illinois, and he is building a very beautiful simple design,
27 which will make the most of the fact that it’s in a forest. He said they had surveyors from Berns, Clancy,
28 and Associates build a map of every single tree on the site and some of the trees are 150 to 200 years
29 old; there is a beautiful stand of white oaks. He said they need parking spaces and all those kind of
30 requirements, and Mr. Poss has done a design where he has very carefully made a detailed plan where
31 anything they do respects the trees that are already there, but some trees will have to go. He said they are
32 trying to focus on the trees that have been damaged in recent years from the emerald ash borer, which
33 has done a lot of damage to the ash trees and the pine wilt disease has created a problem with the white
34 pines. He said Mr. Poss has tried to build a design that would have a minimal impact on the
35 environment; it is essentially about the environment. He has been away for a while now and he
36 unfortunately only got to speak with his good neighbor, Gayle McKay, this afternoon, so his apologies
37 to Ms. McKay and he knows she has some concerns about the parking being near her house. He doesn’t
38 have a lot of options for parking because of the way the trees are, and he actually had a USDA grant
39 where he got a forestry expert to give him advice about the management of the forest and he reported on
40 that earlier in the year. He said the forestry expert had told him to not park where they had previously
41 been parking, because they were parking on 150-year-old oak tree roots, so they have tried to find a
42 place where there would be minimal impact on the trees based on this consultant’s report on the forest.
43 Berns, Clancy, and Associates surveyed hundreds of trees they put on the survey to try and avoid that
44 damage. He does sympathize with Ms. McKay’s concern about parking, and he suggested to Ms.
45 McKay today about a visual separation; they are happy to do whatever it takes for her to be happy at her
46 house as well, so he thinks those are the main aspects of this case from his point of view. He asked if
47 there was anything else the Board or staff wanted to know, or anything he should have filled in more
48 details about.

1 Mr. Elwell thanked Mr. Cope and asked if there were any questions from the Board.
2
3 Mr. Wood asked Mr. Cope if he was planning on putting in an additional driveway and if that was where
4 most of the trees were going to come down along that additional driveway to provide space for parking.
5
6 Mr. Cope said yes, and he didn't mention that part of the property is a former tree farm, so it is a set of
7 trees in straight rows that are too close together and about a third of them were white pines and about a
8 third of them were ash trees, and they all have been damaged, so in the old tree farm, they are going to
9 carefully remove the damaged trees and try to preserve the best ones. He said the tree farm was planted
10 27 years ago, so all those trees are 27 years old now, which is not 150 years old like the other trees, but
11 there are quite a few of them that are worth preserving.
12
13 Mr. Wood asked him once they take down those trees will there be any trees remaining between his
14 property and his neighbor's property.
15
16 Mr. Cope said yes, although six, eight, ten, or 12 parking spaces would still be in a line of sight with Ms.
17 McKay's house out of the 79 proposed parking spaces on the site plan, but there are some trees along the
18 boundary and the parking spaces are kind of irregular to avoid trees that need to be preserved, so there
19 will be quite a few trees, but a number of the parking spaces will be visible from Ms. McKay's house,
20 but he would be very happy to put a visual separation there – whatever is required. He said they don't
21 have a lot of room to put parking spaces in other places without doing some sort of damage to the forest,
22 so his main concern with the forestry consultant and the survey that Berns, Clancy, and Associates did
23 was to preserve the forest the best they can.
24
25 Mr. Wood asked if he would object to putting some kind of wooden privacy fence between him and his
26 neighbor's property.
27
28 Mr. Cope said no, not at all, he would be very happy to do that, but Ms. McKay might not be happy with
29 that, so he is happy to negotiate. He apologized since he only saw Ms. McKay this afternoon since he
30 has been away, but he wants to come up with a solution that she is happy with.
31
32 Mr. Elwell asked if there were any other questions from the Board.
33
34 Mr. Wood said it was mentioned that there is going to be a new septic system and asked where it would
35 be located.
36
37 Mr. Cope said the septic system has to be above the flood zone; he had a septic consultant contractor
38 come out from Redbud Septic and identify a place which is suitable above the flood zone on the north
39 side of the property.
40
41 Mr. Wood said that would be some walk from the pavilion there.
42
43 Mr. Cope said there would have to be a pump that pushes the sewage there, because the building itself is
44 going to be on piers, so the floor is above the 100-year flood level by one or two feet, he thinks it is or
45 whatever the requirement is. He said if and when there is a flood, and he has lived there for 16 years and
46 has only ever seen one flood, it wasn't that high to be quite frank, but nevertheless to be above the 100-
47 year flood zone, they are going to build a lightweight structure, which will be built on piers, so the water
48 will flow through underneath. He said the structure itself is in the flood zone, but they are going to push
49 the sewage out to a point above the flood zone.

1 Mr. Wood asked if it was to the northwest.
2
3 Mr. Cope said it would be to the north; they have identified a clear location where it would be possible
4 to do that.
5
6 Mr. Anderson asked what he was going to do with the concrete building on the property.
7
8 Mr. Cope asked if he meant the house.
9
10 Mr. Anderson said yes.
11
12 Mr. Cope said it would remain there because he lives in the house.
13
14 Mr. Anderson referred to the site plan on Attachment A and said there are approximately 900 trees. He
15 asked him what he was going to do with the trees they remove.
16
17 Mr. Cope said the trees they remove are mostly already damaged. He said the tree farm part had 3,400
18 trees, but he has taken down hundreds of ash trees and there are still more ash trees to take down
19 because of the emerald ash borer. He said they chip the trees they remove and use some of them for
20 firewood, because what does someone do with dead trees, they try to dispose of the dead trees in a
21 sensible way. He said these trees are the ones that are 27 years old, so they are not massive trees, but
22 some of them are pretty big.
23
24 Mr. Anderson asked him if he was going to have transportation for the full length of the parking lot to
25 bring people to the pavilion.
26
27 Mr. Cope said it is not a long walk, so even the farthest parking space away would only be 100 yards or
28 so, it wouldn't even be 100 yards. He said they are going to put the disabled parking spaces near the
29 pavilion itself and then presumably people would park relatively close and walk. He said the farthest
30 parking space away would not be a very long walk and it is in a forest, so it is a beautiful walk.
31
32 Mr. Anderson asked if he had started any clearing for construction.
33
34 Mr. Cope said no, the only thing he has been doing continuously is pulling out trees and he is always
35 behind. He guesses he has probably pulled out 100 to 120 of the ash trees, which have been destroyed by
36 the emerald ash borer, and strangely some of the white pines have been affected by the pine wilt and
37 others haven't, so when they are affected, he has gradually been trying to take them out. He said they try
38 to burn the white pines.
39
40 Mr. Wood asked Ms. Burgstrom if they had previously split this up into several different lots at one
41 point, and he believes the house and event center are on two separate lots.
42
43 Ms. Burgstrom said correct; several years back when Mr. Cope was here for the original event center
44 permission, they did the Rural Residential Overlay that added a total of five lots. She said that Mr. Cope
45 has decided to not go that route, and they are down to the lot that has the detached garage on it and the
46 lot that has the event center on it.
47
48 Mr. Cope said exactly, it will just be two lots.
49

1 Mr. Wood said they are not dealing with a lot that has the residence on it.
2
3 Ms. Burgstrom said the pavilion is on the same lot as the main residence.
4
5 Mr. Wood said okay.
6
7 Mr. Elwell asked if four accessible parking spaces were sufficient for 100 parking spaces.
8
9 Ms. Burgstrom said yes.
10
11 Mr. Cope said they are not envisioning this being for big events, they are envisioning around 150
12 people.
13
14 Mr. Wood asked him how much he was going to elevate the pavilion since this was going to be in the
15 floodplain.
16
17 Mr. Cope said they are going to elevate the pavilion one or two feet above the 100 year flood level,
18 which is a 721 Base Flood Elevation if he isn't wrong and is based off the advice from the engineers
19 who have done the engineering work for them from Berns, Clancy, and Associates.
20
21 Mr. Elwell asked if there were any other questions from the Board.
22
23 Mr. Randol asked him what his plan was for traffic entering North Lincoln Avenue whenever people are
24 leaving. He said that he doesn't foresee a problem with traffic entering, because it is not going to be a
25 very heavy traffic all at one time, but when an event is over with, then there would be a lot of people
26 leaving at one time.
27
28 Mr. Cope said one of the fortunate accidents is that North Lincoln Avenue has a right-of-way that was
29 made double width for it to sometime in the future become a dual carriageway with four lanes, so there
30 is a lot of visual clearance. He said when somebody exits there is a wide area of grass where the other
31 half of the road could go before reaching the current road. He said there would be very good visuals in
32 terms of safety for anybody exiting and seeing one another there, so he feels that is a good thing. He said
33 there are some nasty curves on North Lincoln Avenue; there was a terrible accident not too long ago
34 where a father was driving with his children and got killed on the curve, but they are fortunately located
35 on a straight stretch. He said some people that live locally are not happy with North Lincoln Avenue,
36 because it has huge ditches on both sides and sharp curves. He said already there has been a terrible
37 mortality there, but fortunately where they are located is beyond those curves and on a straight stretch of
38 the road, so he thinks it is a lot safer than the half mile down the road, which is a death trap; that is a
39 different story.
40
41 Mr. Randol asked him what time of the day he anticipated having these events there or has he thought
42 about that and is it weekdays, weeknights, or mostly weekends.
43
44 Mr. Cope said it would only be weekends mostly and only on Saturday mostly. He said the reality of it is
45 that he happens to live there now, and he doesn't want to do events too often; he just wants to do it
46 enough and doesn't want to do something too intensive, so it would be Saturday nights mostly. He said
47 weddings typically begin at two or three in the afternoon and go until ten p.m., 11p.m., or midnight. He
48 said they are conscious of the fact there should be no noise after 10p.m., which he thinks is a perfectly
49 fair requirement. He said very rarely do weddings go after midnight and often finish at 10p.m. or

1 11p.m., but in any event they would make sure there was no noise after 10p.m.
2
3 Mr. Elwell asked Ms. Burgstrom if there were any drainage issues with the parking spaces in front of
4 Ms. McKay's property.
5
6 Ms. Burgstrom said given that they had an engineer on board with designing this area, staff thinks that it
7 would be okay and there is the flood zone of course, but it seems like they are planning sufficiently for
8 that.
9
10 Mr. Wood said it is all going to slope into the Saline Branch Drainage Ditch on the east side.
11
12 Ms. Burgstrom said right.
13
14 Mr. Wood said there would be more than enough capacity to handle most rainfalls. He asked if the
15 heavy traffic comes down from the north of him with all the industry to the south of him.
16
17 Mr. Cope said it does and asked him if meant the trucks from SuperValu.
18
19 Mr. Wood said yes, truck traffic.
20
21 Mr. Cope said Olympian Drive has an exit onto Interstate 57, so a lot of traffic coming from there now
22 comes down Olympian Drive. He said it was a big truck that unfortunately ran into the car that killed the
23 father and the children survived. He said trucks go at tremendous speeds around those very sharp bends
24 and it worries him. He said what the trucks are doing now, and he doesn't know whether the GPS is
25 directing them that way, but North Lincoln Avenue has more curves making it a longer distance than
26 Olympian Drive; he thinks the trucks' GPS is directing them across Olympian Drive and down Lincoln
27 Avenue even though it is longer. He said it would be shorter for the trucks to go Interstate 57 to
28 Interstate 74 to get to SuperValu, but they are taking the longer route for whatever reason the GPS has;
29 they are sending the vehicles down Lincoln Avenue, so there are a lot of trucks now. He said the truck
30 traffic is mostly during the day on weekdays and not on Saturday nights, so the times they are talking
31 about may have a little bit of extra vehicle traffic but are not the times when there is a lot of truck traffic.
32
33 Mr. Wood said right now the truck traffic is probably being rerouted a lot to avoid the construction
34 there.
35
36 Mr. Cope said yes, could be.
37
38 Mr. Wood said he would expect that because anything coming in from there and leaving there is usually
39 coming in from another area.
40
41 Mr. Cope said that is probably true.
42
43 Mr. Elwell asked if there were any other questions from the Board.
44
45 Mr. Randol referred to the parking spaces that were located in the floodplain and asked Mr. Cope if he
46 was going to elevate the parking spaces by bringing in backfill dirt to bring the parking spaces above the
47 floodplain or is it going to remain how it is.
48
49 Mr. Cope said they are not planning to do that. He said he has lived there for 16 years and there has

1 never been water there, but he knows exactly what Mr. Randol is saying; the Saline Branch Drainage
2 Ditch is very deep at this point and the water flows off quickly, so he was trying not to put backfill dirt
3 in a flood zone, which is not a good idea from an engineering point of view. He said some of the parking
4 would be in the flood zone and some of it would not be.

5
6 Mr. Wood asked if he would be providing any drainage into the Saline Branch Drainage Ditch to take
7 off any heavy rainfalls.

8
9 Mr. Cope said they could and would if that is what the engineers require; they are trying to minimize
10 hard surfaces there, so there will be drainage from the roof, and they are going to put a deck there
11 because they don't particularly want people walking on the ground there; it is prairie in the flood zone
12 area where it does get muddy at various times. He said the roof will catch the rainfall and will have to be
13 disposed of somehow; they do have a pond, so they could probably put the rain runoff from the roof into
14 the pond. He said they are planning on having gravel parking and a gravel driveway, but they have been
15 required to put a hard driveway from the edge of the road to the point of the gravel driveway, then they
16 are going to do a hard surface near the pavilion where the disabled parking spaces are. He said the rest
17 of it will be gravel and they are hoping there is not too much of it, so there won't be a lot of rain runoff
18 from the parking lot and the driveway.

19
20 Mr. Bates asked if the hard driveway or surface is concrete or paved.

21
22 Mr. Cope said yes it will be paved in two places, the first one will be immediately when you come off
23 Lincoln Avenue until they reach their property, and the second area will be a circle driveway where the
24 disabled parking is near the pavilion.

25
26 Mr. Bates asked if the parking lot will be gravel.

27
28 Mr. Cope said yes.

29
30 Mr. Bates asked if the parking lot was the closest part to the Saline Branch Drainage Ditch.

31
32 Mr. Cope yes, so from a theoretical point of view he gathered that gravel is nonpermeable as concrete is,
33 but they have to take that into account.

34
35 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
36 anyone would like to cross-examine this witness. Seeing no one, he asked if anyone else would like to
37 testify in this case.

38
39 Gayle McKay, 4102 North Lincoln Avenue, Champaign, said she lives northeast of Mr. Cope's
40 property. She said her main concern is about the parking lot, because they are putting the parking area
41 15 feet from her property line, and she believes they are supposed to be 100 feet plus any type of fence
42 or anything else that is supposed to be there not visible from a house or community. She said the other
43 problem with the parking lot is the noise, and the north facing parking spaces are directed right towards
44 her house and that is the part of the house where she spends most of her time. She has two windows on
45 that side of her house, which are her living room and dining room areas, so she is going to be bothered
46 by the lights, noise, and traffic from the main driveway, because people will have to go down the main
47 driveway to drop off people at the pavilion and circle back around to go back up the driveway to find a
48 parking space. She said there are 96 parking spaces and thinks that is a little bit much; again, she feels
49 like there are different options that could be available since there is so much land there. She feels like

1 part of the parking lot by her house could be moved further south and doesn't feel like there needs to be
2 two driveway lanes, because their present driveway is visible from her deck and front porch. She said
3 the trees there are not side-by-side, they are tree trunks and in the winter she can even see vehicles
4 coming down North Lincoln Avenue, so she has no problem seeing them come down their driveway
5 during the spring, fall, and winter until summertime when the trees are in full bloom and the weeds are
6 grown. She feels like there are different options available than putting the parking lot 15 feet from her
7 property line and her house is only 67 feet from her property line, so within 82 feet she is going to have
8 this noise and the glare of the lights. She feels it is going to hamper the property value, because who
9 would want to buy a house in the country with a parking lot 82 feet from their house. She said even if
10 Mr. Cope put a fence up, someone is not buying a house in the country to look at a fence. She said those
11 are her main concerns and she feels like there are different options for the parking lot. She said they
12 already had a waiver in the back of the property with a setback of 30 feet knowing it was 100 feet, but
13 she didn't really mind that exception because it is all grass when she looks out her window, so there is
14 not a facility being used, but she is always going to be looking out and seeing a gravel parking lot with
15 this. She said there are trees, but like she had said before she can see part of their driveway now, so she
16 doesn't think she is going to have any problem seeing most of that parking lot. She said those are her
17 main concerns and she doesn't know how else to express her dismay.

18

19 Mr. Elwell thanked Ms. McKay and asked if there were any questions from the Board.

20

21 Mr. Bates asked Mr. Hall if the 100-foot setback is the language from the driveway to the property line;
22 he guesses he is missing that definition.

23

24 Ms. Burgstrom said that could be found in the Outdoor Commercial Recreational Enterprise under event
25 center where there is a standard condition.

26

27 Mr. Bates asked if that was from the driveway.

28

29 Ms. McKay referred to page seven of 27 from Attachment B in the Preliminary Draft.

30

31 Mr. Bates said that he is with Ms. Burgstrom there and understands the event center, but it's not from
32 the driveway, correct.

33

34 Mr. Anderson asked if they could speak into their microphones.

35

36 Ms. McKay said this parking area is for any number of vehicles and the parking area is for more in
37 Section 7.4.1 C.4 on page seven of 27 from Attachment B in the Preliminary Draft. She said they were
38 already given a waiver on the north and south boundary of 30 feet when there was a 100 foot
39 requirement previously.

40

41 Mr. Herbert asked if her house was the building to the north.

42

43 Ms. McKay referred to the site plan and said she is in the northeast where those two little squares are
44 coming off North Lincoln Avenue.

45

46 Mr. Herbert asked her if her house was the north building and if her garage was the south building.

47

48 Ms. McKay said yes.

49

1 Mr. Herbert asked her what she would rather see there if the parking lot was left alone.
2
3 Ms. McKay said nothing – the trees.
4
5 Mr. Bates said she had told the Board that she was not seeing trees already.
6
7 Ms. McKay said there are trees there now, but they are not thick trees because she can see part of their
8 driveway as it is situated now. She said in the late fall, winter, and early spring, she can see cars coming
9 down North Lincoln Avenue, because the trees are just tree trunks with no leaves on them and someone
10 can see and walk underneath the trees.
11
12 Mr. Herbert asked her if she was requesting a six foot tall wooden privacy fence.
13
14 Ms. McKay said that is not going to be acceptable because of the parking lot being within 15 feet of her
15 property line. She said someone that wants to live out in the country doesn't want to buy a house that
16 has a privacy fence 15 feet beside them. She is worried about her property value because she is getting
17 older and is going to have to be selling her house and going to a facility to live, so she needs as much
18 money from it as she can, and she feels like this is going to decrease the value.
19
20 Mr. Bates said he was not finding it and asked if the setback was to the driveway or facility.
21
22 Ms. Burgstrom said they generally include the event center area, because the original event center space
23 was both indoor and outdoor, and so it included everything.
24
25 Mr. Bates said that included the parking area.
26
27 Ms. McKay said it does say parking areas; it doesn't say building on your A. section, right.
28
29 Ms. Burgstrom said that is a little different than the section she is talking about; Mr. Cope received a
30 waiver back in 2018 she believes it was. She said where there is a 200-foot separation required to an
31 adjacent residential property; Mr. Cope got a waiver from that, so he could be quite a bit closer, and she
32 thinks it was within 30 feet if she recalls.
33
34 Ms. McKay said yes, 30 feet. She said the back of her house is located 100 feet from their properties'
35 north and south property line.
36
37 Ms. Burgstrom said yes.
38
39 Mr. Elwell asked Ms. McKay if she was familiar with the six-foot-tall evergreen type greenscape.
40
41 Ms. Burgstrom asked if he meant arborvitae.
42
43 Mr. Elwell said yes.
44
45 Ms. Burgstrom said or some type, they normally do the Norway spruce trees.
46
47 Ms. McKay asked how long it would take for those trees to grow and how many trees are they going to
48 have to plant in order to block the view.
49

1 Ms. Burgstrom said the requirement is the trees planted start out at least four feet tall and should be six
2 feet tall within two years.
3
4 Ms. McKay said the vehicle headlights would be a direct hit towards her house with trees four feet tall.
5
6 Ms. Burgstrom said it would take a while.
7
8 Ms. McKay said yes.
9
10 Mr. Wood said it would be hard to fit something like that when the parking lot comes right up to the
11 edge of the property line.
12
13 Ms. McKay said they are going to have lights for the parking area itself, so she is going to have a glare
14 from those lights besides the vehicle headlights.
15
16 Mr. Herbert asked if it would be a lit parking lot.
17
18 Ms. Burgstrom said the parking lot will not be lit according to Mr. Cope.
19
20 Ms. McKay said okay, because right now there is up lighting from some of the trees and Edison lights
21 hanging from the trees.
22
23 Mr. Herbert said he would think some sort of greenscape would fit the environment area better than a six
24 foot tall wooden privacy fence.
25
26 Ms. McKay said if they put a berm in, then think about how much dirt they would have to haul in.
27
28 Mr. Herbert said he was talking about some sort of trees or vegetative growth.
29
30 Ms. McKay said yes, but how long would it take for that to grow.
31
32 Mr. Herbert said if it were next to his house, he would prefer to see vegetative growth than a six-foot-tall
33 wooden privacy fence; it would be more natural especially living within trees, but he sees where she is
34 coming from on that.
35
36 Ms. McKay thanked him and said if they moved the parking area further south, then they could put the
37 greenery to block the view from her house.
38
39 Mr. Wood said there is a lot of space on the west side of that driveway where they could put a fair
40 amount of parking there along the edge of the road.
41
42 Ms. McKay said there is farmland on the south side, so she doesn't know.
43
44 Mr. Wood said it looked like it is all trees on that side.
45
46 Ms. McKay asked if he meant along Mr. Cope's driveway.
47
48 Mr. Wood said yes, along the west side of the driveway instead of the east side of the driveway.
49

- 1 Ms. McKay said yes, that is what she is saying; she thinks the current driveway could be done wider, so
2 they could have two-way traffic going down the current driveway, then they really wouldn't need a
3 second driveway. She said if they had parking off the existing driveway that would give her a little more
4 distance between the parking area and their property lines.
5
- 6 Mr. Randol said he would like to see something different done so that parking isn't coming up so close
7 to the property line, because there is a lot of space there.
8
- 9 Ms. McKay said she thinks there are different options available.
10
- 11 Mr. Randol said there is a lot of space on the southwest side of the proposed driveway and North
12 Lincoln Avenue. He asked Ms. Burgstrom if the proposed driveway turns in for the parking lot and if the
13 current driveway is a private driveway that runs way back, then there is grass and wooded area between
14 them.
15
- 16 Ms. McKay said yes, the current driveway goes to their house.
17
- 18 Ms. Burgstrom said the current driveway goes back to the main house and the detached garage.
19
- 20 Mr. Wood said that is currently in existence.
21
- 22 Mr. Randol said yes.
23
- 24 Mr. Wood said they could put all this parking in close proximity to this driveway, but just on this side
25 because it would still be in the footprint area.
26
- 27 Mr. Randol said they have all this area in here and over here too.
28
- 29 Mr. Wood said if he put the parking in this area then he doesn't have to.
30
- 31 Mr. Randol said Mr. Cope is not going to have to raise that part of the flood zone or that parking lot
32 anyhow.
33
- 34 Mr. Wood said as long as it's got good drainage.
35
- 36 Mr. Randol said yes.
37
- 38 Mr. Wood said it is only down two feet from up here.
39
- 40 Mr. Randol said exactly, there is a lot of room there and it would be closer to the pavilion and
41 everything.
42
- 43 Ms. McKay said yes, because the edge of the parking lot is probably a third to a quarter of a mile from
44 the pavilion site.
45
- 46 Mr. Bates asked Ms. Burgstrom if Ms. McKay's home was at a higher elevation than the proposed
47 driveway and parking area.
48
- 49 Ms. McKay said yes.

1 Mr. Bates asked Ms. Burgstrom if any water and drainage issues were going to be below her.
2
3 Ms. Burgstrom said yes.
4
5 Ms. McKay said yes.
6
7 Mr. Bates said he just wants to make sure they're all on the same page. He said any proposed changes to
8 the landscape or drainage would increase potential issues for Mr. Cope's home.
9
10 Ms. McKay said that Mr. Cope has a pond in front of their home.
11
12 Mr. Wood said any drainage would flow directly to the east.
13
14 Mr. Herbert said the water is all going this way.
15
16 Mr. Bates said that all of the water is going straight to the river.
17
18 Mr. Wood said into the Saline Branch Drainage Ditch; just need a few good drain tiles.
19
20 Mr. Bates said the southeast edge of the pond is in the Saline Branch Drainage Ditch.
21
22 Mr. Elwell said it sounds like to him that is where the westernmost driveway is 15 feet from Ms.
23 McKay's property line.
24
25 Ms. McKay said the eastern.
26
27 Mr. Bates said the eastern.
28
29 Mr. Elwell said correct, the eastern driveway. He said from the testimony he has heard tonight there are
30 more tree issues on the east side of the property, making it easier to put the parking area on that side.
31
32 Mr. Herbert asked if the Board could have Mr. Cope come back up to the testimony microphone to talk
33 about that.
34
35 Mr. Elwell said the Board can, but he needs to still ask for cross-examination and then they could ask
36 Mr. Cope to come back up. He said that he is trying to put on the table what their problem is that they
37 need to work through, so the easternmost driveway is going to be too close to Ms. McKay's property or
38 very close to her property.
39
40 Ms. McKay said yes, 15 feet from her property line.
41
42 Mr. Elwell said that Ms. McKay was not really on board with the fence or greenscape. He asked the
43 Board if Mr. Cope could flipflop the proposed east driveway to make it a proposed west driveway.
44
45 Ms. McKay said she sees what he is saying, the in drive could be the out drive and the out drive could be
46 the in drive.
47
48 Mr. Elwell said right, and in all fairness, he has not driven out there to look at the trees and stuff like
49 that, but he would be interested in asking Mr. Cope to come back up to the testimony microphone to see

1 what the difference would be. He said if the driveways were flipped to where the proposed easternmost
2 driveway is now actually the current westernmost driveway and asked Ms. McKay if that is a solution
3 she could be on board with.

4
5 Ms. McKay asked if the parking was remaining there.

6
7 Mr. Elwell said the parking in his mind would be something similar to what is described on the current
8 site plan.

9
10 Ms. McKay said the parking area is the problem with all the headlights coming directly at her house and
11 that is the part of her house that she really lives in. She thinks the property value would decrease with
12 the parking lot being 15 feet from their property line out in the country.

13
14 Mr. Elwell said would the greenscape deaden some of that.

15
16 Ms. McKay said it is going to take around six years for the greenscape to reach six to eight feet in
17 height.

18
19 Mr. Randol said greenscape doesn't fill in overnight or in a year.

20
21 Ms. McKay said they are not going to wait that long to have events there.

22
23 Mr. Randol said when the Seymour Fire Department built their new fire station, they had to put trees
24 north of their parking lot and they did them according to the zoning regulations; it took ten years for
25 those trees to fill in, so the headlights didn't shine in the residences. He said after ten years it's great, but
26 the first five to seven years they had to deal with it, so they have to keep that in mind when they are
27 talking about having greenscape put in.

28
29 Mr. Wood said if they move to the west side of that driveway, then he suggests they move it down, so it
30 is right across from the pavilion. He said the south section of the parking would be two feet into the
31 floodplain, but so is the rest of the parking that is already there. He said if they take the north section and
32 move it over across from the pavilion, that would shorten the walk.

33
34 Ms. McKay said she sees what he is saying. She said make the north parking area double and take some
35 of the parking area away from what is closest to her house.

36
37 Mr. Wood said yes.

38
39 Ms. McKay said yes that is another option, she just thinks there are other options available and could be
40 looked at a little better because she doesn't think this is acceptable.

41
42 Mr. Elwell said he thinks they can come to a happy medium.

43
44 Ms. McKay said she is sure they can, but it is going to take compromise on all sides.

45
46 Mr. Elwell said right and asked if there were any other questions from the Board.

47
48 Ms. McKay said she had one other concern about signage and if there could be some type of signage,
49 because pre-pandemic she had people coming down her driveway, and unfortunately most of them

1 turned around in her front yard and left ruts, so if there could be better signage directing people where
2 the place is. She said Pear Tree Estates has signage on Mattis Avenue and that is nice with the signage
3 there, so she is concerned about people coming down the wrong driveway.

4
5 Mr. Elwell asked Ms. Burgstrom if there was signage there currently.

6
7 Ms. McKay said there is no signage.

8
9 Ms. Burgstrom said there is no signage.

10
11 Mr. Herbert asked if they were using it as an event center now or pre-pandemic.

12
13 Ms. McKay said yes, pre-pandemic they were having weddings and different events out there.

14
15 Mr. Elwell asked if it was a requirement to have a signage.

16
17 Ms. Burgstrom said it is not a requirement to have signage unless the Board makes a special condition
18 requiring Mr. Cope to have signage. She said that is something the Board had done for Pear Tree Estates
19 was to have signage at least half mile away, and other signage to help with directions and keeping
20 people off adjacent residential properties.

21
22 Mr. Bates asked if the setback referred to the property line or the building.

23
24 Mr. Hall asked if he was referring to the setback in Section 6.1.3 B. (2.) under Outdoor Commercial
25 Recreational Enterprise.

26
27 Mr. Herbert asked what page they were reading from.

28
29 Ms. McKay referred to page six of 27 from Attachment B in the Preliminary Draft.

30
31 Mr. Hall referred to Section 6.1.3 and asked Mr. Bates if that was the section he was referring to.

32
33 Mr. Bates said he is just trying to figure out if the setback is from the property line or facility.

34
35 Mr. Hall said no, it is from a residential use, which technically would be a problem for them, and it's to
36 the nearest part of the event center use.

37
38 Mr. Bates said that is not the driveway or is it.

39
40 Mr. Hall said the driveway is part of the use, so it would include the parking area and driveways.

41
42 Mr. Bates said that makes sense.

43
44 Mr. Elwell asked how much distance there was between the proposed driveway and current driveway.

45
46 Mr. Bates said if he was looking at the site plan correctly, then the setback is 15 feet from the property
47 line.

48
49 Ms. McKay said that is correct.

1 Mr. Hall asked the proposed driveway and what.
2
3 Mr. Elwell referred to a map.
4
5 Mr. Hall said that is not the site plan.
6
7 Mr. Bates asked what the distance was then.
8
9 Ms. Burgstrom referred to Supplemental Memorandum #1, which is the blue packet.
10
11 Mr. Hall asked if he meant between the two driveways.
12
13 Mr. Bates asked about the distance from the proposed parking area to Ms. McKay's property line.
14
15 Mr. Hall said it is less than 100 feet, it looks like it is a little more than 50 feet.
16
17 Mr. Bates said what is required.
18
19 Mr. Hall asked Ms. Burgstrom what was required in Mr. Cope's previous Special Use Permit.
20
21 Ms. Burgstrom said the waiver allowed up to 30 feet from the property line.
22
23 Ms. McKay said that was on the north and south property line.
24
25 Ms. Burgstrom said on the north and south property line; she is glad Ms. McKay is here to remind her of
26 these things and thanked her.
27
28 Ms. McKay said yes, it has been many years.
29
30 Mr. Herbert said the north and south property line.
31
32 Ms. McKay said where her garage is there is parking maybe 20 to 50 feet from her garage. She said the
33 area that is grass and has trees, that is what they were using pre-pandemic for parking. She doesn't have
34 the Supplemental Memorandum #1, she referred to a little piece of paper.
35
36 Mr. Herbert said he had it pulled up on satellite, but he doesn't see any parking whatsoever on the
37 satellite imagery.
38
39 Ms. McKay said she doesn't mind it because it's all grass underneath the big oak trees there.
40
41 Mr. Bates said it's all oak trees.
42
43 Mr. Herbert asked if there was currently parking on the grass.
44
45 Ms. McKay said yes, that is what they had been using, but now Mr. Cope is proposing gravel.
46
47 Mr. Herbert asked if the parking on the grass was south of her garage.
48
49 Ms. McKay said yes that whole area there is above the floodplain. She said she doesn't mind looking out

1 at the grass – it is a nice view.
2
3 Mr. Herbert said that is understandable.
4
5 Ms. McKay said the back of her house is her kitchen, so she is only bothered by the headlights when she
6 is in her kitchen, because there are no other windows on the south side of her house, but her dining room
7 area would bother her.
8
9 Mr. Elwell asked if there were any other question for this witness.
10
11 Mr. Herbert asked her if the southwest corner of her property line would be the closest point to the
12 parking area.
13
14 Ms. McKay asked if he meant the proposed parking area.
15
16 Mr. Herbert said yes the proposed parking area.
17
18 Ms. McKay said it’s straight east.
19
20 Mr. Herbert said the closest point to the proposed parking area.
21
22 Ms. McKay said the proposed parking area is straight east because there is a tree with a red flag on it
23 now that she can see from inside her house.
24
25 Mr. Herbert asked if her house was straight east of the proposed parking area.
26
27 Ms. McKay said yes and the garage as well; the little line is her house and driveway.
28
29 Mr. Elwell asked if there were any other questions for this witness from the Board or Staff. Seeing none,
30 he asked if anyone would like to cross-examine this witness. Seeing no one, he thanked Ms. McKay.
31
32 Ms. McKay thanked the Board for listening and trying to understand her predicament, she appreciates it.
33
34 Mr. Elwell asked Mr. Cope if he would be willing to come back up to the testimony microphone and
35 state his name and address.
36
37 William Cope said his address is 4018 North Lincoln Avenue, Champaign.
38
39 Mr. Elwell thanked Mr. Cope and said the Board has had some discussion about the parking area, but
40 they have a couple of questions, and he will start with his question. He asked if the west part of the
41 property was still in the tree farm area.
42
43 Ms. Cope asked him which property he was referring to. He said the property to the west – yes.
44
45 Mr. Elwell asked if there were issues with trees to the west compared to trees to the east; like more
46 towards Ms. McKay’s property.
47
48 Mr. Cope said the situation with the trees are broadly similar on the west side, because it was a tree
49 farm; however, this is going to be a different lot – lot two. He said they are trying to keep the event

1 center restricted to lot one, so lot two is going to be in the revised proposal for the subdivision, because
2 there are only two lots.

3

4 Mr. Herbert asked where the definition of lot one and lot two was.

5

6 Mr. Cope said they're marked on the survey, so the property line for lot two is actually the center of the
7 current driveway, and they will see toward the end it heads off toward the south property line.

8

9 Mr. Bates asked which diagram this was.

10

11 Mr. Cope referred to Attachment C from the Preliminary Draft.

12

13 Mr. Herbert said lot two is on the west side of his current driveway.

14

15 Mr. Cope said yes.

16

17 Mr. Herbert said lot one is everything to the east of the current driveway.

18

19 Mr. Cope said yes, exactly.

20

21 Mr. Hall said everything is relative, but he believes it wouldn't be difficult if the Board believes the
22 parking lot would be better on the west side of the existing driveway; he can't see why it would be a
23 difficult matter to shift that lot line. He believes the City of Urbana would allow that as an
24 administrative thing and they could check into how difficult that would be. He said lot two would still
25 retain frontage on North Lincoln Avenue, so it would still be a good zoning lot, but he believes that lot
26 line could be shifted west some to provide some parking west of the existing driveway.

27

28 Mr. Cope said he thinks they are right at the threshold of what the City of Urbana allows for the size of
29 lot two. He said the other thing they are trying to avoid is building a second driveway, because the
30 existing driveway is already there, so the reason for having the property line in the middle of the existing
31 driveway is it will be a shared driveway for lots one and two. He said if they were to push the driveway
32 over, as he understands it, they were working hard to make sure lot two was the minimum size and there
33 was the question of the driveway. He has no problems with having parking on the west side and
34 changing the current site plan; he understands exactly what Ms. McKay is saying. He said maybe he is
35 speaking out of turn, and this may be a terrible solution, but he is thinking if both sides were zoned for
36 the event center, then he wouldn't mind having parking on the west side. He said Jeffery Poss has
37 numbered all the trees on the site plan and it is the same on the other side. He said they could do the
38 same on the other side and come up with a design, but they would need permission to have parking on
39 that west side in lot two – he would be quite happy to do that.

40

41 Mr. Hall said he thinks it would be best to readvertise with changes like that, because now they are
42 talking about a different legal description if they move onto lot two and asked Ms. Burgstrom if that was
43 correct.

44

45 Ms. Burgstrom said that is correct.

46

47 Mr. Hall said that is all doable, but it's going to take some time to revise the site plan, then they can
48 readvertise the legal description for whenever the Board wants to continue this case.

49

Mr. Cope said the only thing about it is, it has cost a lot of money to get to this point and he wouldn't

1 mind doing it eventually. He said if it is a long, drawn-out process, he would prefer to try a version of
2 this current site plan first, and if they can come to a compromise with this current version of the site
3 plan, then that is better than a long, drawn-out process with another meeting. He said there are other
4 options here, but they all have disadvantages, so he is thinking that one option could be staying within
5 lot one, because lot one is both lot one and an outlot. He said on the current site plan there is an area
6 where a white oak tree is numbered 744 and there are a lot of other trees in around it, which they didn't
7 map because it wasn't in the area they were working with, but there are other trees there as well. He said
8 if they look at where the words are on the current site plan says overflow parking with 11 to 14 parking
9 spaces; there is an area over there where the ash trees have been very badly damaged and they could
10 possibly put parking spaces there, but they hadn't envisioned that on this current site plan. He said there
11 are alternatives, which for him to get the architect to reconceive the parking area would not be as big of
12 a job as trying to think about how to deal with the west side on lot two. He said that getting Berns,
13 Clancy, and Associates to map all the things and the architect to do this has been a big trouble already,
14 but that is fine, he is happy to come to a compromise, then on the other hand, he is happy to build
15 whatever visual separations are required. He said the Board can see where the trees are marked with
16 numbers on the site plan; there are a lot of trees there already, but if it involves putting four foot tall
17 greenscape with already mature four foot tall greenscape to satisfy the visual separation, if he has to buy
18 big trees, then he can buy big trees. He said he is happy to build a fence, so he completely takes Ms.
19 McKay's point into consideration about wanting a visual separation and is prepared to commit to doing
20 that.

21
22 Mr. Bates said he missed the overflow parking conversation and asked Mr. Cope if he could give him a
23 reference.

24
25 Mr. Cope referred to Attachment A from Supplemental Memo #1 with the black and white site plan and
26 asked him if he saw the wording that says turf overflow parking.

27
28 Mr. Herbert said okay.

29
30 Mr. Cope said where the words say turf overflow parking, and crushed stone drive and parking is written
31 on this site plan, that is where a group of ash trees have been very badly damaged. He said this area is all
32 in the flood zone.

33
34 Mr. Bates asked him if he was referring to the top part of the current site plan.

35
36 Mr. Cope said yes exactly, they could possibly push the parking area over to there, but they haven't
37 mapped it there, because it wasn't a part of their original thinking. He said there is an area there where
38 the ash trees have been very badly damaged and need to come out, so it could be cleared. He said up in
39 this other spot to the east of white oak tree numbered 744 on the current site plan there is a stand of
40 ancient white oak trees, which are very beautiful. He said there are other alternatives with lot one;
41 however, by the time they are over there, they are actually in the outlot and putting parking in the outlot
42 is a problem. He said lot one is essentially the area where the pavilion and deck are, but beyond that
43 their property runs across to the other side of the Saline Branch Drainage Ditch.

44
45 Mr. Bates asked him what the total number of parking spaces were on the current site plan.

46
47 Mr. Cope said 79 parking spaces.

48
49 Mr. Bates said 79 parking spaces.

1 Mr. Cope said yes.
2
3 Mr. Bates asked him if the amount of parking spaces required were based off of the square footage of
4 the pavilion.
5
6 Mr. Cope said he thinks the 79 parking spaces are more than they actually need.
7
8 Ms. Burgstrom said it is much more than what is needed, because he has a capacity maximum of 150
9 guests, so he is required to have 30 parking spaces per the Zoning Ordinance.
10
11 Mr. Bates asked why they can't omit the parking spaces directly adjacent to Ms. McKay's property.
12
13 Mr. Cope said that is a good idea and they could do that.
14
15 Mr. Bates said to eliminate any headlight traffic.
16
17 Mr. Cope said yes.
18
19 Mr. Bates said if they're exceeding the number of parking spaces, then why not omit the ones that are
20 along Ms. McKay's property line.
21
22 Mr. Cope said he would be happy to do that.
23
24 Mr. Bates asked if that would suffice.
25
26 Mr. Cope said if the Board tells them how many parking spaces they should eliminate.
27
28 Mr. Bates said he doesn't know what that number is, but the headlights going into Ms. McKay's house
29 seem to be the issue.
30
31 Mr. Cope said yes, so if they eliminated those 20 or 30 parking spaces on the east side of the proposed
32 driveway, then no vehicles would ever point into Ms. McKay's house. He said that would keep all the
33 vehicles at a distance from her house and they could do a visual separation as well. He said they will do
34 whatever is required from the Board.
35
36 Mr. Bates said if they place greenscape along Ms. McKay's property line on Mr. Cope's side of the
37 property, that will eliminate the vehicles facing the direction of her house and meets the setbacks.
38
39 Mr. Cope said they could do that.
40
41 Mr. Elwell said he thinks that would be a good idea.
42
43 Mr. Cope said that is a very good idea.
44
45 Ms. Burgstrom asked Mr. Hall if he had any concerns.
46
47 Mr. Hall said his only concern was that is a major change to the current site plan.
48
49 Mr. Herbert said he thinks the Board and staff need to see an updated site plan.

1 Mr. Hall thanked him and said that is what he was thinking.
2
3 Mr. Cope said they could do that.
4
5 Mr. Herbert said if they could come to an agreement and then see an updated site plan, that would be a
6 step in the right direction.
7
8 Mr. Randol said if they were going to see an updated site plan, then he would like to see lot one, two,
9 and outlot one outlined, so they could tell exactly where the lots are located in relation to what is going
10 on, other than just the words being on the current site plan; it doesn't tell him where those lots are.
11
12 Mr. Hall said there is a line, but again, he would have to understand which line it is.
13
14 Mr. Randol said okay.
15
16 Mr. Hall said it could be made much clearer.
17
18 Mr. Cope said it is the fine line down the middle of the driveway, then cuts across beside Ms. McKay's
19 garage, but it could be made clearer.
20
21 Mr. Herbert asked him if his garage was already on lot two.
22
23 Mr. Cope said yes.
24
25 Mr. Herbert said okay.
26
27 Mr. Elwell said it looks like the Board is in agreement with seeing an updated site plan. He said
28 hopefully it is not going to cost them an arm and a leg to show these 25 or however many parking spaces
29 removed on the east side of the proposed driveway. He would encourage them to have some sort of a
30 greenscape plan to show Ms. McKay when they come back at the next meeting.
31
32 Mr. Cope said there are actually 30 parking spaces on the east side of the proposed driveway. He said if
33 they were to eliminate all the parking spaces on the east side of the proposed driveway or nearly all of
34 them, because they might leave some of the parking spaces down at the south end. He said what if they
35 were to eliminate the 25 parking spaces on the east side of the driveway to 54 parking spaces from 79
36 parking spaces. He asked if they were required to have 55 parking spaces.
37
38 Ms. Burgstrom said they were required to have 30 parking spaces.
39
40 Mr. Cope said 30 parking spaces, well in that case if they were to eliminate all the parking spaces on the
41 east side of the proposed driveway, that means all the vehicles headlights would ever do is push their
42 headlights towards the west. He asked the Board what if he were to do that, because that's something he
43 could just ask them to redo on the current site plan to that effect.
44
45 Mr. Anderson said he would like for Mr. Cope to consider moving all the parking spaces to the west
46 where the current driveway is located.
47
48 Mr. Elwell asked him if he meant to move the parking spaces or remove them.
49

1 Mr. Anderson said moving the parking spaces west to where the current driveway is located already.
2
3 Mr. Herbert asked if that would put half the parking spaces on lot one and the other half on lot two.
4
5 Ms. Burgstrom said if the parking spaces were kept on the east side of the existing driveway, they would
6 all be on lot one.
7
8 Mr. Cope said yes.
9
10 Ms. Burgstrom said then the issue of lot two would not be there.
11
12 Mr. Cope said okay.
13
14 Mr. Herbert said they could move some of the parking spaces to the area where it says crushed stone on
15 the existing driveway and the tree area is numbered from 200 to 218 on the current site plan.
16
17 Mr. Cope said yes, that is another possibility as well. He said in other words they could put parking
18 spaces on just one side of the road as angled parking spaces on the east side of the existing driveway. He
19 would be happy to make compromises, so they can go ahead and do something. He said this change to
20 the current site plan has the advantage of not building other roads, so there are some positive sides to it
21 as well.
22
23 Mr. Elwell asked him if he would be willing to come up with a greenscape plan for not the entire span
24 kind of thing, but just to give the Board and Ms. McKay an idea when they come back.
25
26 Mr. Cope said of course, and he is happy to do that, they can do a greenscape plan for the property lines
27 in that corner of Ms. McKay's property – not a problem.
28
29 Mr. Elwell asked if there were any other questions from the Board.
30
31 Mr. Herbert asked if the Board could ask Ms. McKay if she would be in agreeance with that.
32
33 Mr. Elwell said yes, they would ask her. He asked Mr. Hall when he thought the Board would be able to
34 revisit this case looking at the docket.
35
36 Mr. Hall said that he was going to leave that up to the Board, because the next three meetings were
37 already full meetings and he knows that based on the cases in those meetings, so this is a matter of
38 maybe having to have some late meetings if they continue this case – it's best to be honest. He said if
39 they are going to see this case before December 1, 2022, the Board is going to have to make the decision
40 about which of these meetings have room on it, because he doesn't see any of them having room.
41
42 Ms. Burgstrom said the month of November has no meetings at this point because of holidays. She said
43 if the Board were to want to do a special meeting, which is up to them, then November 10, 2022, would
44 be one date that this meeting room would be available that they know of, otherwise, the next meeting
45 wouldn't be until December 1, 2022.
46
47 Mr. Cope said he didn't know if he could interrupt now, but he would be happy to go with any of the
48 suggestions that the Board has made, so if they were to say it has to be like this, then he would be happy
49 to run with any of those suggestions.

1 Mr. Elwell said his thought process is if they were to ask Ms. McKay to come back up to the testimony
2 microphone and for the Board to describe again what they were just talking about with removing those
3 30 parking spaces on the far east side of the proposed driveway and ask her if she would be in agreement
4 with removing those parking spaces and entertain the greenscape.
5

6 Mr. Hall asked him what he was asking, because he doesn't understand what he is talking about for
7 greenscaping in that area. He said until the Board sees another plan, the Board themselves don't know
8 what they are approving for greenscape.
9

10 Mr. Elwell said right, and what he was trying to say is he doesn't know if this would take too much time
11 if they have something similar to what they had agreed on for the PV Solar Farms with spruce or
12 Norway spruce trees.
13

14 Mr. Bates said if there was no additional driveway built, is there a requirement for anything if Mr. Cope
15 places the parking spaces along the existing driveway, then does Mr. Cope have to do anything. He said
16 that everything they are looking at is a proposed change to the landscape.
17

18 Mr. Cope said to follow up on that point, he would be happy to remove the newly proposed driveway
19 entirely and put angle parking on the east side of the existing driveway.
20

21 Mr. Bates said does that make sense.
22

23 Mr. Cope said he would be more than happy to do that if that is what the Board agreed to and if Ms.
24 McKay was happy with that.
25

26 Mr. Bates asked if Mr. Cope even needed the Board's approval.
27

28 Mr. Elwell said yes for the parking area.
29

30 Mr. Bates said Mr. Cope does to add existing parking, so no matter what the Board does, then Mr. Cope
31 would still need additional approval – okay.
32

33 Mr. Hall said that is his understanding, but he thought the Board would want some kind of a greenscape
34 where that parking area is.
35

36 Mr. Bates asked if it was required.
37

38 Mr. Elwell said that was his thought process.
39

40 Mr. Hall replied that was up to the Board.
41

42 Mr. Bates said he thought that Mr. Cope had said they had to have greenscape between the housing and
43 parking area for an event center.
44

45 Mr. Hall said the 200 feet setback requirement was waived in the previous Special Use Permit for
46 having a separation of only 30 feet. He said if that parking is removed then there is nothing within about
47 100 feet.
48

49 Mr. Bates said they are three times what the existing Special Use Permit is.

1 Mr. Hall said yes but this is a huge expansion of the Special Use Permit.
2
3 Mr. Bates said they didn't intend for them to expand that much more.
4
5 Mr. Hall said yes.
6
7 Mr. Bates said sure, and he is comfortable with a November meeting in order to not hold up progress,
8 but it would be great if they could come to a conclusion tonight, and like Mr. Hall said, it is going to be
9 very difficult without a revised site plan.
10
11 Mr. Cope said he would be happy to remove the newly proposed driveway entirely and put parking on
12 the existing driveway and whatever greenscape separation is required.
13
14 Mr. Hall asked him if he meant adding parking along his existing driveway to make up for the parking
15 along the proposed driveway.
16
17 Mr. Cope said yes, to remove the proposed driveway entirely.
18
19 Mr. Hall said that is a different plan.
20
21 Mr. Bates said sure.
22
23 Mr. Hall said that is a completely different plan than removing just those 30 parking spaces completely.
24
25 Mr. Cope said okay, he is just trying find something.
26
27 Mr. Herbert asked how much of the proposed driveway and parking spaces would be removed then. He
28 referred to the tree numbered 162 on the site plan and asked if north of that tree were the parking spaces
29 that would be removed. He guesses this is where a new proposed site plan would be a benefit. He said
30 all of those parking spaces from wherever he is planning north on the proposed driveway would now be
31 moved west onto his existing driveway and asked how that works.
32
33 Mr. Randol said whenever they get this revised site plan where they are looking at all these parking
34 spaces and everything, and asked Ms. Burgstrom if she could put it up on the projector, so they could
35 put it up on the screen for everybody to see what they are all talking about and are all on the same page.
36
37 Ms. Burgstrom said yes.
38
39 Mr. Bates said literally and figuratively.
40
41 Mr. Randol said yes.
42
43 Mr. Elwell said the date was November 10, 2022.
44
45 Ms. Burgstrom said November 10, 2002 is a possible date.
46 Mr. Cope said he is afraid he is not in the country on November 10, 2022 – sorry about that.
47
48 Ms. Burgstrom said okay, so the next available date would be December 1, 2022.
49

- 1 Mr. Cope asked if nothing could be done with this site plan in terms of agreeing on amendments to the
- 2 current site plan.
- 3
- 4 Ms. Burgstrom said the Board has to approve the site plan and that is what they don't have completely
- 5 here; they need a site plan that looks completely different. She said that is what makes it difficult for the
- 6 Board to do something tonight.
- 7
- 8 Mr. Elwell said he thinks they are very close, but they need to have that in their hands.
- 9
- 10 Mr. Cope said okay.
- 11
- 12 Mr. Randol said he doesn't believe anybody has any concerns about anything other than the parking as
- 13 far as the site plan. He said the loading berth is not an issue because no one brought it up, so if they can
- 14 resolve all the parking issues with a new site plan, that should take care of it.
- 15
- 16 Mr. Elwell said he would anticipate this being a quicker conclusion.
- 17
- 18 Mr. Hall said he would just offer this; if there is an absolutely firm and clear commitment to remove all
- 19 the parking on the east side of the proposed driveway nearest to Ms. McKay's property and then if the
- 20 Board doesn't require any greenscaping plan, this is something in his mind he doesn't know what the
- 21 Board wants, but if the Board thinks that creating a 100 foot separation for the expanded Special Use
- 22 plan is adequate, again, it is three times what it was previously. He would like to know what Ms. McKay
- 23 thinks about that plan, and if that works, that could be done tonight and there would be no flexibility;
- 24 there would be no parking within 100 feet – period.
- 25
- 26 Mr. Cope said he would be more than happy to do that.
- 27
- 28 Mr. Bates asked if they could call Ms. McKay back up to the testimony microphone and ask her if that is
- 29 agreeable terms with some greenscape.
- 30
- 31 Ms. Burgstrom said the greenscape would be something that is required to go to another meeting.
- 32
- 33 Mr. Bates asked if there was greenscape on the 30-foot setback currently, so basically all the Board is
- 34 asking is to remove the parking spaces on the east side of the proposed driveway.
- 35
- 36 Mr. Elwell said correct.
- 37
- 38 Mr. Bates said okay, yes.
- 39
- 40 Mr. Cope said okay, and he would be more than happy to do that.
- 41
- 42 Mr. Elwell asked if there were any further questions for Mr. Cope.
- 43
- 44 Mr. Bates said just to be clear, all the parking will be moved to the existing driveway that's in place and
- 45 there will be no proposed driveway.
- 46
- 47 Mr. Elwell said that is not correct.
- 48
- 49 Mr. Bates said okay.

1 Mr. Elwell said that would require a revised site plan.
2
3 Mr. Cope said that removing all the parking on the proposed driveway, which is on the east side of the
4 existing driveway – so there is no parking.
5
6 Mr. Herbert said removing the east side and west side of the proposed driveway; the whole proposed
7 driveway will be gone.
8
9 Discussion between the Board and staff members at this point was not audible enough to be transcribed.
10
11 Mr. Elwell said in his mind this is what the problem is that someone comes in parks right here....
12
13 Ms. Burgstrom said they were saying two different things, but this area here is now gone.
14
15 Mr. Cope said yes.
16
17 Ms. Burgstrom said that Mr. Herbert just referred to both sides of the proposed driveway, but she
18 doesn't think that is correct.
19
20 Mr. Bates said if it is acceptable to remove the east side of the proposed driveway, then he agrees with
21 that.
22
23 Mr. Cope said to remove everything except this; whatever way he doesn't mind.
24
25 Mr. Elwell said yes, they still move this part.
26
27 Mr. Herbert said what he just brought up was taking all of these parking spaces off and making these
28 spots.
29
30 Mr. Bates said they have to have a whole new landscape because there are trees there.
31
32 Mr. Cope said sorry folks.
33
34 Mr. Bates said because he is agreeable to it.
35
36 Mr. Elwell asked Mr. Anderson if all of these parking spaces will be removed.
37
38 Mr. Herbert said there would still be parking on the west side, but not the east side of the proposed
39 driveway.
40
41 Mr. Bates asked Mr. Hall if he was counting parking spaces and if it would give Mr. Cope enough
42 parking spaces if the whole east side of the proposed driveway was removed.
43
44 Mr. Hall said yes removing those 57 parking spaces would give Mr. Cope enough required parking
45 spaces.
46
47 Mr. Anderson said it would require the removal of several trees.
48
49 Ms. Burgstrom said staff has to transcribe minutes, and multiple side discussions are not working for

1 that purpose. She asked if they are talking about removing the entirety of the proposed driveway on the
2 east side, so that all the parking spaces on the west side and east side of the proposed driveway, or just
3 the east side of the proposed driveway are removed.
4
5 Ms. McKay said not the entirety.
6
7 Mr. Herbert said he thought that is what the understanding was.
8
9 Mr. Elwell said just the east facing of the proposed driveway.
10
11 Mr. Bates said just the east side of the proposed driveway.
12
13 Ms. Burgstrom said just the east facing parking spaces of the proposed driveway.
14
15 Mr. Hall asked if it was possible to get the site plan on the projector screen.
16
17 Mr. Cope said he is happy to do either of those things – whatever the Board decides.
18
19 Mr. Elwell said it sounds like one they can take care of tonight versus the other one would be at the
20 December 1, 2022, meeting.
21
22 Mr. Cope asked what the other would be.
23
24 Mr. Elwell said the other one being at the December 1, 2022, meeting, so if any parking spaces are
25 added to the existing driveway, that is going to kick them onto the December 1, 2022, meeting.
26
27 Mr. Cope said of course, let’s not do that and just delete what is there.
28
29 Mr. Elwell said if they delete the proposed driveway, they could probably take care of this case tonight.
30
31 Mr. Cope said whatever the Board needs to delete, and he would be perfectly happy with that.
32
33 Mr. Hall asked if they were talking about deleting all of this.
34
35 Mr. Elwell said he would prefer to delete this.
36
37 Mr. Hall said that was not how he took it.
38
39 Mr. Herbert said that was how he took it; he agreed with Mr. Hall, that was not how he took it either.
40
41 Mr. Cope said whatever the Board says, and thinks is appropriate, he is happy to delete one side of the
42 proposed driveway or both. He told Ms. McKay they must get her input as well, but let’s work out what
43 it is first.
44
45 Ms. McKay said maybe she won’t agree to that.
46
47 Mr. Cope said maybe she doesn’t.
48
49 Mr. Herbert asked if they could delete the whole proposed driveway for now and move on with the rest

1 of it.
2
3 Mr. Bates said no they can't, because they would have to redesign the new parking spaces on a revised
4 site plan.
5
6 Mr. Herbert asked if that gave Mr. Cope enough parking spaces.
7
8 Mr. Cope said he has enough parking spaces on the south end already if he only needs 30 parking
9 spaces.
10
11 Mr. Herbert said any additional parking would have to come back before the Board for a Special Use
12 Permit.
13
14 Mr. Hall said yes.
15
16 Mr. Herbert said if they left all those parking spaces off the site plan from the tree numbered 162 to the
17 north, that would allow Mr. Cope to start construction to the south of the tree numbered 162 and any
18 additional parking beyond that to the north would have to come back for a Special Use Permit approval.
19 He asked if that was something the Board could do without altering the current site plan, because the
20 current site plan as it stands from the tree numbered 162 and anything south of that would be in
21 agreeance, and anything north of the tree numbered 162 would be removed from the site plan for now.
22 He said that would give Mr. Cope the approval to start construction and he already has enough parking
23 spaces, so anything beyond that he thinks is in agreement and asked if there was any input.
24
25 Mr. Elwell said they are removing the east proposed driveway and parking completely.
26
27 Mr. Herbert said that would allow Mr. Cope to get started on his project and all the parking to the south
28 of the tree numbered 162 meets the required 30 parking spaces. He said any additional parking spaces
29 added along the proposed driveway or anything else that is not on the current site plan would need to
30 come back for approval from the Board. He said that would remove all the parking spaces from any
31 vehicles pointing their headlights or taillights into Ms. McKay's house other than in traffic and out
32 traffic.
33
34 Mr. Elwell said Mr. Cope would be willing to delete that.
35
36 Mr. Herbert said that could be settled tonight.
37
38 Ms. McKay said yes.
39
40 Mr. Bates asked the proposed driveway or parking.
41
42 Mr. Elwell said the proposed driveway and parking.
43
44 Mr. Herbert said for now, but anything other than what is currently on the site plan would have to come
45 back to the Board for approval.
46
47 Mr. Cope said he would be happy with that, and Ms. McKay would be happy too.
48
49 Mr. Herbert said there would be no additional greenscape, just deleting all that for now – anything else

1 would have to have the Board's approval.
2
3 Ms. McKay asked to look on his current site plan and said all of this would be deleted.
4
5 Mr. Herbert said he was talking about drawing a line on the current site plan and all these parking spaces
6 would be removed, that keeps everything away from her house. He said all of this parking area on the
7 current site plan would stay the same, but any other additional parking added to the current site plan that
8 is not approved would have to come back for the Board's approval.
9
10 Ms. McKay said okay, so between Mr. Cope and her, they could talk about some type of greenscape
11 without having to have the Board involved.
12
13 Mr. Cope said he would do that anyhow.
14
15 Mr. Elwell asked if the Board was in agreement. He told Mr. Cope from what he understands, the east
16 side of the proposed driveway would be removed from the current site plan.
17
18 Mr. Cope said yes, right.
19
20 Ms. McKay said the parking spaces near her house.
21
22 Mr. Cope said no, everything north of the tree numbered 162 on the current site plan.
23
24 Ms. McKay said yes, north of that.
25
26 Mr. Cope said yes that is right.
27
28 Ms. McKay said he would still need to have a driveway to have parking further south.
29
30 Mr. Cope said yes.
31
32 Mr. Elwell said correct.
33
34 Mr. Cope said the parking would end there.
35
36 Mr. Elwell said only if Mr. Cope is in agreement with that.
37
38 Mr. Herbert said the current site plan as it stands tonight other than that change has to stand.
39
40 Mr. Elwell said correct.
41
42 Mr. Herbert said without any more Board approval.
43
44 Mr. Elwell said correct and if there was any potential parking in the future, then they could come back
45 and revisit it. He asked Ms. McKay if there was any cross-examination of Mr. Cope. Seeing none, he
46 asked Ms. McKay if she would like to testify again.
47
48 Ms. McKay said she thinks she and Mr. Cope have come to an agreement if they remove those parking
49 spaces to north of the parking area on the current site plan, then she would be in agreeance with that and

1 just have the parking area nearest to the pavilion with the little access road coming off the existing
2 driveway.
3
4 Mr. Elwell said okay and asked her if she was in agreement.
5
6 Ms. McKay said if they remove all the parking spaces to the north.
7
8 Mr. Elwell said okay.
9
10 Ms. McKay said from where that little crossroad is at on the current site plan.
11
12 Mr. Elwell said correct.
13
14 Ms. McKay said wherever the tree numbered 162 on the current site plan is at because her glasses are
15 not that strong, and she can't see the tree numbered 162.
16
17 Mr. Cope referred to the tree numbered 162 on the current site plan.
18
19 Ms. McKay said she sees the tree numbered 162 now and asked if that would not be parking then.
20
21 Mr. Cope said yes.
22
23 Mr. Elwell said okay and thinks they are all in agreement – awesome.
24
25 Mr. Randol said they would keep the overflow parking in the grass on the current site plan.
26
27 Mr. Elwell said correct.
28
29 Ms. McKay said as grassland.
30
31 Mr. Elwell said yes.
32
33 Mr. Randol said yes.
34
35 Mr. Cope said that will stay as grassland.
36
37 Mr. Elwell said the only change to the current site plan is the removal of the east proposed driveway
38 north of the tree numbered 162.
39
40 Ms. McKay said yes, and the tree numbered 162 would not be included.
41
42 Mr. Elwell asked if anyone would like to cross-examine Ms. McKay. Seeing no one, he thanked Ms.
43 McKay.
44
45 Ms. McKay thanked the Board.
46
47 Mr. Elwell entertained a motion to close the Witness Register for Case 056-S-22.
48
49 **Mr. Wood moved, seconded by Mr. Randol, to close the Witness Register for Case 056-S-22. The**

1 **motion carried by voice vote.**

2

3 Ms. McKay thanked the Board.

4

5 Mr. Cope thanked everybody, and it was much appreciated.

6

7 Mr. Elwell said they weren't done yet. He said the Board had just come to a solution, so they are going
8 to have to continue with the Findings of Fact. He asked if there were any special conditions for this case.

9

10 Mr. Herbert said the special condition would be to remove all the parking spaces north of the tree
11 numbered 162 on the current site plan.

12

13 Mr. Elwell said that is what they have already discussed.

14

15 Mr. Hall said he thinks there has been enough discussion tonight that should appear in the minutes about
16 the change to the current site plan, so if the Board is comfortable without having a special condition that
17 makes that explicit, he is comfortable with that, but if the Board wants a special condition, then they can
18 prepare one.

19

20 Mr. Elwell said he thinks he would almost insist on it, because they don't have an updated site plan in
21 hand, and it has all been discussion.

22

23 Mr. Herbert said it is in the minutes of agreeance from both parties. He said the Board and Mr. Cope
24 have both agreed, and it is in the minutes both ways – it's more work.

25

26 Mr. Hall said the key thing is all the parking spaces are being removed north of the tree numbered 162
27 on the current site plan.

28

29 Mr. Herbert said they have a benchmark as long as they don't remove the tree numbered 162.

30

31 Mr. Elwell asked if the Board doesn't see a reason to add that as a special condition.

32

33 Mr. Randol said he doesn't think they need to do a special condition.

34

35 Mr. Hall said his understanding is that they no longer need special condition H, which calls for
36 screening.

37

38 Mr. Randol said that is exactly right.

39

40 Mr. Elwell asked if any other special conditions were no longer needed.

41

42 Ms. Burgstrom said she thought there was talk of wanting signage.

43

44 Mr. Hall said he thought there was an intent to add some kind of signage, so people know that Ms.
45 McKay's driveway is not the entrance to the event center.

46

47 Mr. Randol said he thinks there should be a special condition for some type of signage that meets code.

48

49 Ms. Burgstrom said she had a draft written down but not typed yet. She said the petitioner shall install

1 directional signage for the event center along North Lincoln Avenue in coordination with the City of
2 Urbana.

3
4 Mr. Hall said that didn't include telling people that Ms. McKay's driveway is not the entrance to the
5 event center.

6
7 Ms. Burgstrom said true.

8
9 Mr. Randol said yes.

10
11 Mr. Herbert said if they had an entrance here and asked Mr. Cope what he was calling the event center.

12
13 Mr. Cope said the site is called Prairie Glass House.

14
15 Mr. Herbert said if they had a sign saying Prairie Glass House with an arrow on it, that would solve all
16 issues of which driveway to turn into.

17
18 Mr. Cope said yes, they will do that if it is required.

19
20 Mr. Elwell asked Mr. Cope to come back up to the testimony microphone and told him to please answer
21 in the affirmative if he agrees after he reads each Special Condition for Case 056-S-22 from Attachment
22 B, page 19 of 27 in the Preliminary Memorandum, as follows:

23
24 **PROPOSED SPECIAL CONDITIONS OF APPROVAL**

25
26 **12. Regarding proposed special conditions of approval:**

- 27 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
28 **proposed expansion to the Private Indoor Recreational Development/Outdoor**
29 **Commercial Recreational Enterprise until the petitioner has demonstrated that the**
30 **proposed Special Use complies with the Illinois Accessibility Code.**

31
32 **The special condition stated above is required to ensure the following:**

33 **That the proposed Special Use meets applicable State requirements for**
34 **accessibility.**

35
36 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.

37
38 Mr. Cope agreed.

- 39
40 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
41 **issue a Zoning Compliance Certificate on the subject property until the lighting**
42 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

43
44 **The special condition stated above is required to ensure the following:**

45 **That exterior lighting meets the requirements established for Special Uses in**
46 **the Zoning Ordinance.**

47 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.

48
49 Mr. Cope agreed.

1 C. All onsite Special Use activities shall be in compliance at all times with the
2 Champaign County Health Ordinance, the Champaign County Liquor Ordinance,
3 and the Champaign County Recreation and Entertainment Ordinance.
4

5 The special condition stated above is required to ensure the following:

6 That the proposed Special Use is in ongoing compliance with all applicable
7 County requirements.
8

9 Mr. Hall told Mr. Elwell that it seems like they have seen this before, but to him not mentioning the
10 Zoning Ordinance and Nuisance Ordinance leaves out two of their most important ordinances, so he has
11 got no alternative but to add the Zoning Ordinance and the Nuisance Ordinance.
12

13 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
14

15 Mr. Cope agreed.
16

17 D. The Petitioner shall ensure that the guests are made aware of the County Ordinance
18 prohibiting nuisance noise past 10 pm and that the use of the facility requires
19 compliance to avoid complaints from neighboring residences. Music and other
20 nuisance noise shall not be audible at the property line past 10 pm.
21

22 The special condition stated above is required to ensure the following:

23 That events held on the subject property adequately consider neighbors.
24

25 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
26

27 Mr. Cope agreed.
28

29 E. This special use permit does not authorize onsite food preparation or the
30 construction of any food preparation area or kitchen.
31

32 The special condition stated above is required to ensure the following:

33 To protect public health.
34

35 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
36

37 Mr. Cope agreed.
38

39 F. Within one year of approval of zoning case 056-S-22, the petitioners shall install a
40 new septic system as approved by the Champaign County Health Department. If
41 the septic system is not installed and approved by the Health Department within one
42 year, the Special Use Permit shall be suspended until the septic system has been
43 installed and approved by the Health Department, and the following documentation
44 shall be submitted to the Zoning Administrator:

45 (1) A true and correct copy of an approved COUNTY Health Department
46 PERMIT for construction of the private sewage disposal system.
47

1 (2) A true and correct copy of the COUNTY Health Department Certificate of
2 Approval for the private sewage disposal system shall be submitted to the
3 Zoning Administrator prior to the use of any new septic system.
4

5 The special condition stated above is required to ensure the following:
6 Any new septic system is in compliance with the Champaign County Zoning
7 Ordinance.
8

9 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
10

11 Mr. Cope agreed.
12

13 G. This Special Use Permit shall expire if no events are held during any consecutive
14 365-day period.
15

16 The special condition stated above is required to ensure the following:
17 To provide both a sense of continuity and a sense of closure to the neighbors.
18

19 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
20

21 Mr. Cope agreed.
22

23 Mr. Elwell said that special condition H was no longer needed, and renumbered condition I to condition
24 H as follows:
25

26 H. No building construction is permitted in proposed Outlot 1.
27

28 The special condition stated above is required to ensure the following:
29 That no event center construction occurs in the CR Conservation Recreation
30 Zoning District.
31

32 Mr. Elwell asked Mr. Cope if he was in agreement with that special condition.
33

34 Mr. Cope agreed.
35

36 Mr. Hall mentioned having the new special condition.
37

38 Mr. Elwell said for the sign.
39

40 Mr. Hall said for the signage.
41

42 Mr. Elwell said yes, and Mr. Cope has already agreed to the following as new condition I:
43

44 I. The petitioner shall install directional signage for the event center along North
45 Lincoln Avenue in coordination with the City of Urbana.
46

47 The special condition stated above is required to ensure the following:
48 To ensure that visitors do not confuse the driveway to Prairie Glass House
49 with neighboring driveways.

1 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
2 Findings of Fact for Case 056-S-22.

3
4 Mr. Hall said they hadn't done the Finding of Fact yet.

5
6 Mr. Elwell said he was right; they need to move to the Findings of Fact.

7
8 **Mr. Bates moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 056-S-22.**
9 **The motion carried by voice vote.**

10
11 Mr. Elwell said that he would be reading the Finding of Fact for Case 056-S-22 from Attachment B,
12 page 22 of 27 in the Preliminary Memorandum, as follows:

13
14 **FINDING OF FACT FOR CASE 056-S-22**

15 From the documents of record and the testimony and exhibits received at the public hearing for zoning
16 case **056-S-22** held on **August 25, 2022**, the Zoning Board of Appeals of Champaign County finds that:

17
18 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
19 **location because:**

20
21 Mr. Bates said the requested Special Use Permit IS necessary for the public convenience at this location
22 because: the subject property has a manmade pond, natural wooded areas, and a former tree farm. He
23 said the petitioner continues to maintain this rural, wooded environment, and clients seek this same
24 environment for their special events. He said the subject property has been in use as an event center for
25 several years.

26
27 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
28 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL***
29 ***NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the**
30 **public health, safety, and welfare because:**

31
32 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
33 **location has *{ADEQUATE / INADEQUATE}* visibility.**

34
35 Mr. Wood said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
36 visibility.

37
38 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

39
40 Mr. Bates said the emergency services availability is ADEQUATE because: the subject property is
41 located approximately 3.4 road miles from the Eastern Prairie Fire Protection District station; the
42 approximate travel time is seven minutes. He said notification of these cases were sent to the FPD Chief,
43 and no comments have been received.

44
45 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

46
47 Mr. Randol said the Special Use WILL be compatible with adjacent uses because: no complaints have
48 been received regarding the proposed expansion to the Special Use Permit.

49

1 Mr. Elwell said no current complaints because there has been a complaint.

2

3 Mr. Randol said yes but it has been eliminated.

4

5 Mr. Elwell said they were able to work it out.

6

7 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

8

9 Mr. Randol said the surface and subsurface drainage will be ADEQUATE because: no existing
10 structures are in the Special Flood Hazard Area and the proposed pavilion would require a Floodplain
11 Development Permit. He said the proposed pavilion does not trigger the need for storm water
12 management, because all drainage leads toward the Saline Branch Drainage Ditch.

13

14 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

15

16 Mr. Herbert said the public safety will be ADEQUATE because: the petitioner checked with the Eastern
17 Prairie Fire Protection District about the proposed development, and no comments have been received.

18

19 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

20

21 Mr. Bates said the provisions for parking will be ADEQUATE because: the revised site plan from
22 tonight’s discussion that was received May 18, 2022.

23

24

25 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
26 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be
27 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
28 and welfare.

29

30 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
31 ***HEREIN*} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
32 **DISTRICT in which it is located.**

33

34 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
35 *IMPOSED HEREIN* DOES conform to the applicable regulations and standards of the DISTRICT in
36 which it is located.

37

38 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
39 ***HEREIN*} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
40 **it is located because:**

41

42 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
43 **County ordinances and codes.**

44

45 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
46 codes.

47

48 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

49

50 Mr. Randol said the Special Use WILL be compatible with adjacent uses.

1 c. Public safety will be *{ADEQUATE / INADEQUATE}*.

2
3 Mr. Randol said the Public safety will be ADEQUATE.

4
5 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
6 *IMPOSED HEREIN* DOES preserve the essential character of the DISTRICT in which it is located.

7
8 **4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
9 ***HEREIN* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance**
10 **because:**

11
12 a. The Special Use is authorized in the District.

13
14 b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience
15 **at this location.**

16
17 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this
18 location.

19
20 c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS*
21 *IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it
22 *{WILL / WILL NOT}* be injurious to the district in which it shall be located or
23 otherwise detrimental to the public health, safety, and welfare.

24
25 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
26 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be
27 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
28 and welfare.

29
30 d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS*
31 *IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the
32 **DISTRICT in which it is located.**

33
34 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
35 *IMPOSED HEREIN* DOES preserve the essential character of the DISTRICT in which it is located.

36
37 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
38 *IMPOSED HEREIN* IS in harmony with the general purpose and intent of the Ordinance.

39
40 **5. The requested Special Use *IS NOT* an existing nonconforming use.**

41
42 **6. *THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE***
43 ***COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE***
44 ***PARTICULAR PURPOSE.***

45
46 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
47 Findings of Fact for Case 056-S-22, as amended.

48
49 **Mr. Bates moved, seconded by Mr. Herbert, to adopt the Summary of Evidence, Documents of**

1 **Record, and the Findings of Fact for Case 056-S-22, as amended. The motion carried by voice**
2 **vote.**

3
4 Mr. Elwell told Mr. Cope there was a full Board present tonight and entertained a motion to move to the
5 Final Determination for Case 056-S-22.

6
7 **Mr. Wood moved, seconded by Mr. Bates, to move to the Final Determination for Case 056-S-22.**
8 **The motion carried by voice vote.**

9
10 Mr. Elwell said that he would be reading the Final Determination for Case 056-S-22 from Attachment B,
11 page 26 of 27 in the Preliminary Memorandum, as follows:

12
13 **FINAL DETERMINATION FOR CASE 056-S-22**

14 **Mr. Wood moved, seconded by Mr. Bates, that the Champaign County Zoning Board of Appeals**
15 **finds that, based upon the application, testimony, and other evidence received in this case, the**
16 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
17 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

18
19 **The Special Use requested in Case 056-S-22 is hereby GRANTED WITH SPECIAL**
20 **CONDITIONS to the applicants, Bill Cope and Mary Kalantzis, d.b.a Prairie Glass House,**
21 **LLC, to authorize the following:**

22
23 **Authorize the expansion of the Special Use Permit approved in Case 935-S-19 for a**
24 **combination “Private Indoor Recreational Development” and “Outdoor Commercial**
25 **Recreational Enterprise” to include a proposed detached accessory pavilion on land in the**
26 **AG-2 Agriculture Zoning District.**

27
28 Mr. Randol said they need to note that item H would be omitted and item I would become item H.

29
30 Mr. Elwell said they would add a new item I for the sign.

31
32 Mr. Wood said for the signage.

33
34 Mr. Randol said right.

35
36 Mr. Elwell requested a roll call vote.

37
38 The vote was called as follows:

39 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**
40 **Elwell- yes Wood – yes Bates- yes**

41
42 **The motion carried.**

43
44 Mr. Elwell congratulated Mr. Cope on receiving his seven affirmative votes for Case 056-S-22. He said
45 the P & Z Staff would be in touch with him with further information.

46
47 Mr. Cope thanked the Board and staff for their help.

48
49 Mr. Randol thanked him for being a cooperative petitioner.

1 **Mr. Randol moved, seconded by Mr. Wood to have a five minute recess. The motion carried by**
2 **voice vote.**

3
4 Mr. Elwell called the meeting back to order.

5
6 **Case 066-S-22**

7 Petitioner: **Crossroads Grooming and Boarding Inc.**

8
9 Request: **Authorize a Kennel as a Special Use Permit in the B-4 General Business Zoning**
10 **District, with the following waiver:**

11
12 **Authorize a waiver from Section 6.1.3 of the Zoning Ordinance for the following:**

13 **Part A: Authorize an outdoor animal exercise area with a six-foot-tall wood**
14 **privacy fence in lieu of the minimum required exercise area that has a**
15 **six-foot-tall wire mesh fence.**

16 **Part B: Authorize an outdoor animal exercise without a noise buffer of**
17 **evergreen shrubs or trees a minimum of four feet in height in lieu of**
18 **the minimum required noise buffer of evergreen shrubs or trees.**

19 **Part C: Authorize a side yard of 118 feet in lieu of the minimum required 200-**
20 **foot side yard.**

21 **Case 071-V-22**

22 Request: **Authorize the following variance for the kennel proposed as a Special Use Permit**
23 **in related Case 066-S-22:**

24
25 **Authorize a variance for no loading berth in lieu of the minimum required one**
26 **loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.**

27
28 Location: **A 3.07-acre tract in the Northeast Quarter of the Northeast Quarter of Section 33,**
29 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer**
30 **Township, and commonly known as Crossroads Grooming & Boarding with an**
31 **address of 1805 E Olympian Rd, Urbana.**

32
33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. He reminded the audience that when they sign the witness
35 register, they are signing an oath.

36
37 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County
38 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
39 for a show of hands from those who would like to cross-examine, and each person will be called upon.
40 He said that those who desire to cross-examine do not have to sign the Witness Register, but will be
41 asked to clearly state their name before asking any questions. He noted that no new testimony is to be
42 given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the
43 ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the
44 nature of their request prior to introducing evidence.

45
46 Rochelle Funderburg stated she was a lawyer with Meyer Capel located at 306 West Church Street,
47 Champaign, and she represents the applicant/owner, Danielle Trevena, sitting to her left in this matter
48 with Crossroads Grooming & Boarding Inc. She said her client is asking for the Special Use Permit and
49 variance based upon the fact that this business has been at its present location for quite some time, and it

1 is her understanding that it started out as a veterinary hospital that was at this location site prior to the
2 adoption of the Zoning Ordinance in 1973, thereafter it was grandfathered in as a nonconforming use.
3 She said in 2010 it stopped being a veterinary hospital and became a kennel or boarding facility, which
4 triggered the need for the Special Use Permit, but the prior owner of the kennel at that time didn't apply
5 for the Special Use Permit and simply continued to operate as a business. She said her client was
6 working for the prior owner and acquired this business in 2019, and at that time Ms. Trevena had
7 received some complaints about barking dogs, then it came to the County's attention that she needed a
8 Special Use Permit, which is why they are here tonight before this Board. She said the County suggested
9 or required Ms. Trevena to make some improvements or changes to address the barking dog complaints,
10 which she has undertaken, and then to submit the application that is before the Board tonight. She said
11 the mitigation efforts that Ms. Trevena has already undertaken are that she is limiting the amount of time
12 the dogs have activity time, maintaining a smaller outdoor activity area that is surrounded by a six foot
13 tall wooden privacy fence, and she is not allowing the dogs to run in a larger fenced part of the property
14 that is closer to the residential area.

15
16 Ms. Funderburg said this is kind of an unusual situation because the facility which houses the kennel is
17 the back of this lot and there happens to be a residential rental unit that is not associated with her
18 business on the front of the property, and that is the source of some of the complaints regarding the
19 barking. She said in fact the residential rental unit is about 240 feet to the northwest of the subject
20 business. She said they are asking for the Special Use Permit; the staff has already come out and looked
21 at the facility and site, and they have made a number of suggestions, which her client is perfectly willing
22 to abide by. She said those include things such as the dogs not being outside between the hours of
23 10p.m. and 7a.m., that no dog shall be outside other than for intermittent periods of exercise and such
24 periods of exercise shall be supervised by the kennel owner or a representative of the kennel owner, that
25 barking dogs shall be promptly brought inside, and Ms. Trevena has agreed to abide by all of those
26 conditions. She said with regard to the loading berth condition there has never been a loading berth at
27 that location, although she understands that because of the way the property is zoned, that one loading
28 berth is required. She said that they don't need a loading berth and there is frankly no location to put it
29 in, because there is not enough room with the way the buildings are structured and where the doors are
30 located. She said they are asking for a variance for the loading berth's requirement as well; they are not
31 asking to change in any way the physical location, so they don't have a site plan or anything to submit,
32 because there will be no construction. She said if the Board has any questions she would be happy to
33 answer them and of course her client is here if they need specific information from her as well.

34
35 Mr. Elwell thanked Ms. Funderburg and asked if there were any questions from the Board.

36
37 Mr. Wood asked if they were referring to the residence on the north side or south side of Olympian Road
38 that is to the west of them. He said Olympian Road is on the north side of their property and the
39 residence they were referring to is to the northwest of that property. He asked if it was on the north side
40 or south side of Olympian Drive because there are two residences there he believes.

41
42 Ms. Funderburg said it is on the north side.

43
44 Mr. Wood said the north side.

45
46 Ms. Funderburg said yes.

47
48 Mr. Wood said okay and asked how far it was from the kennel.

49

1 Ms. Burgstrom said staff can't divulge for complainant reasons which house that is, but it is at least 400
2 feet from the kennel use.

3
4 Mr. Wood said the variance for the side yard of 118 feet, that is on the south side of the property and
5 doesn't have anything to do with the barking complaints.

6
7 Ms. Burgstrom said that is correct.

8
9 Mr. Wood referred to the loading berth issue and said the Board had already approved no loading berth
10 for the Champaign County Humane Society when they moved out to the west side of Champaign. He
11 asked if that was the Champaign County Humane Society.

12
13 Ms. Burgstrom said yes.

14
15 Mr. Wood said they are just unloading cats and dogs, right.

16
17 Ms. Burgstrom said exactly.

18
19 Mr. Elwell asked them if they could remind him when this changed from a veterinary clinic to the
20 grooming and boarding.

21
22 Ms. Funderburg said 2010 is her understanding.

23
24 Mr. Elwell said okay and asked if there were any other questions from the Board or staff. Seeing none,
25 he asked if anyone would like to testify in this case. Seeing an individual from the audience, he told
26 them they would need to sign the Witness Register, and to please state their full name and address.

27
28 Steven Schott, 1702 East Olympian Road, said he was one of the houses that has complained; he is the
29 one on the northwest end from the dog kennel. He said about two years ago it started with lots of dogs
30 barking and they bark at different times of the day and night – they go constant. He said his house sits
31 back on almost two acres that is surrounded by trees and a cornfield between them and the kennel. He
32 said the duplex across the street has made complaints as well, but not to Mr. Campo, the Zoning Officer
33 for P & Z.

34
35 Ms. Schott said and the reason being is because they...

36
37 Mr. Elwell said that Ms. Schott needs to state her name and address as well.

38
39 Mabel Schott, 1702 East Olympian Road, said the neighbors across the street, they talk about the dogs
40 barking all the time and the only reason they don't say anything is because they rent from Jerry, so the
41 neighbors are not going to get into this, they are going solo on this trying to get the noise contained. She
42 said the dogs start barking when Ms. Trevena or staff opens the grooming and boarding anywhere from
43 between 6:30 to 7:00 in the morning until 6:00 to 7:00 at night – there is no given time. She said at first
44 it was a lot of dogs and then when she complained, Ms. Trevena told her to talk to her attorney, which
45 she did. She said her attorney wanted to know when the dogs were barking specifically; a person can't
46 tell when a bunch of dogs are specifically going to bark. She said they have lived there for 20 years and
47 have never complained and had nothing to say about it, because she does animal rescue. She said it is
48 continual barking and it doesn't matter where they go on their property, they could be eating dinner, in
49 the kitchen, or the living room, and it is constant barking; it just echoes down through there. She has

1 texted Ms. Trevena and sometimes she gets a reply and sometimes she doesn't. She said for the most
2 part the dogs are just constantly barking and that is not how she should have to live from sunup to
3 sundown. She wishes they could somehow buffer the sound between the wall off the road and their
4 property, that would stop this whole problem – something to stop the sound. She said that is pretty much
5 her issue.

6
7 Mr. Schott said he can hear the barking from his garage, which is 100 feet off the road. He can hear the
8 barking all the way to the back of his yard, which is almost two acres. He said the dogs bark all the time
9 and wake him up; the building itself is a metal building and it is not soundproofed, so when the dogs
10 bark, it echoes.

11
12 Ms. Schott said they understand that the dogs go out and play, because they have done it for the last 20
13 years, but it has become an actual problem these last two years. She had never had a problem with the
14 barking when the previous owners had it, but in the last two years it has been constant barking and that
15 is not how a person should have to live. She can't even open her windows and has to keep everything
16 shut up.

17
18 Mr. Schott said they can't sit on the deck.

19
20 Ms. Schott said they can't do anything, it is just bark, bark, bark, and how long can a person actually
21 deal with keeping a peace of mind.

22
23 Mr. Schott said that he has a list of when the dogs bark and how long they bark starting from June 19.

24
25 Ms. Schott said they have sent recordings.

26
27 Mr. Schott said they have sent recordings, and this is how many times the dogs barked, day after day
28 after day.

29
30 Ms. Schott said she started recording in July 2021.

31
32 Mr. Schott said his first recording started on June 8, 2022.

33
34 Ms. Schott said she was talking about within the last year.

35
36 Mr. Schott said yes.

37
38 Ms. Schott said they actually start taping it and sending it to Mr. Campo from P & Z, because the dogs
39 just won't quit barking. She said Ms. Funderburg had said it has been there since 1950, it's so old it
40 shouldn't even be there still anyway.

41
42 Mr. Elwell thanked her and asked if there were any more questions from the Board. Seeing none, he said
43 they had mentioned Ms. Trevena soundproofing or putting some kind of barrier up since they are able to
44 hear the dogs barking from the back of their property. He said that is a pretty good distance away and it
45 is hard for him to think of an outdoor barrier that would stop the barking if they were still able to hear it
46 at the back of their property.

47
48 Ms. Schott said they are not asking for anything to change except for something to block the sound from
49 the barking dogs.

1 Mr. Schott said it is not necessarily the dogs outside, but it is when the dogs are in the building as well.
2 He said the building is an old metal building and they could soundproof the walls, shut the doors and
3 windows, and they wouldn't hear it.
4

5 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
6 anyone would like to cross-examine this witness.
7

8 Mr. Wood asked Mr. and Ms. Schott if their property was surrounded by trees and is it just to the west of
9 the cornfield on the north side of Olympian Road.
10

11 Mr. Schott said yes they are.
12

13 Ms. Schott said they are completely covered by trees and have let every tree grow up over the course of
14 20 years along their fence line to block out the IL Route 45 traffic, which it does.
15

16 Mr. Schott said the trees outline their property line so there are a lot of trees all the way around them.
17

18 Mr. Elwell asked if there were any further questions from the Board or Staff for these witnesses. Seeing
19 none, he thanked the Mr. and Ms. Schott. He asked if anyone else would like to testify in this case.
20 Seeing no one, he entertained a motion to close the Witness Register for Cases 066-S-22 and 071-V-22.
21

22 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register for Cases 066-S-22 and**
23 **071-V-22. The motion carried by voice vote.**
24

25 Mr. Elwell asked if someone could help him understand Part C for Case 066-S-22. He said where it says
26 the side yard of 118 feet in lieu of the minimum required 200 feet; he is having difficulty picturing that
27 all on one side yard.
28

29 Mr. Wood said that is on the south side of the property, which bears no relationship to the noise issue.
30

31 Mr. Elwell said right.
32

33 Mr. Wood said that it has been like that forever as far as he knows.
34

35 Mr. Herbert ask Mr. Hall if there was anything in the Zoning Ordinance about sound regulations for any
36 type of dog kennel or anything.
37

38 Mr. Hall said no, apparently the Zoning Ordinance authors thought that maintaining at least a 200 foot
39 separation between a kennel and the nearest residential use would solve all the problems. He said they
40 all know that barking carries a long distance, and he is intrigued by the neighbor's claim that this old
41 metal building; the sound reverberates and when the windows are open it is like a little amplifier – that
42 could be. He isn't an acoustician and doesn't know how to control sound, but he thinks if the noise is
43 ever going to be solved then somebody with some know how is going to have to do it. He said again, the
44 Zoning Ordinance only requires a 200-foot separation and that is really the tough part of this request,
45 because they meet that separation on that side times two.
46

47 Mr. Randol said he thinks with these special conditions that are listed, that should eliminate a lot of the
48 noise. He said the dogs are supposed to have someone with them all the time and if a dog barks, they are
49 supposed to take them inside.

1 Mr. Hall said maybe that special condition could be improved, because that special condition only really
2 talks about barking while outside and the neighbors believe that the barking from inside is also a
3 problem because of the nature of the building.
4

5 Mr. Elwell asked if they had evidence that the building is not improved upon.
6

7 Mr. Hall said that they have no evidence about the building.
8

9 Mr. Elwell said he guesses in his mind the building has been like that for a lot of years and he knows
10 that the kennel he picked his dog up from today was really loud when he walked in. He can understand
11 needing to have something, but when there are a bunch of dogs there is going to be barking. He doesn't
12 think it would be reasonable to expect a huge capital investment on soundproofing even if there was
13 such an insulation or whatever. He doesn't know if he could tell them they would need foam boards all
14 over this entire building kind of thing. He asked how they would legislate that and have they in the past.
15

16 Mr. Hall said that he has never had a situation like this, and he thinks the Board would have to have
17 some level of confidence that applying foam board or whatever on the inside of the metal building
18 would help. He said if the Board feels strongly that should be a requirement and he doesn't see any
19 reason why they couldn't do that, again, he thinks they would be in a stronger position if they had a
20 knowledgeable person about building science provide an expert opinion. He knows that in the past there
21 was a bar close to this area along Route 45, that had continued noise problems and finally the County
22 Board made them hire an engineer to provide soundproofing expertise and that stopped the noise
23 problem. He said it was a metal building and they had to put in some masonry walls to better absorb the
24 sound or at least not be transmitted to the outdoors like the neighbors have suggested this building does.
25 He said again, that bar had an expert opinion in that case and they suggested and made the applicant find
26 an expert. He said the Board may enjoy knowing that it was Dr. Paul Schomer, but that is what
27 happened in that case.
28

29 Mr. Wood asked if the Board could require something like that in this situation where none of the
30 zoning requirements seem to be enough.
31

32 Mr. Hall said the Board has to make the findings about public, he can never remember the exact
33 wording.
34

35 Mr. Elwell said public health and safety.
36

37 Mr. Hall said shall not otherwise be detrimental to public health, safety, and welfare. He said the
38 ordinance is one thing, but that finding, he believes is a bit more constraining. He said the Board is not
39 just finding that they meet the requirements of the ordinance, but that it wouldn't be detrimental to
40 public health, safety, and welfare.
41

42 Mr. Wood said but the Board doesn't know that.
43

44 Mr. Hall asked they don't know what.
45

46 Mr. Wood said the Board doesn't know that it is creating a health problem.
47

48 Mr. Hall said he doesn't think that is limited to health; he thinks public welfare is nuisance also – it's not
49 creating a nuisance. He said at least that is his understanding of welfare.

1 Mr. Randol asked if there is a limit as to how many dogs can be housed in a kennel situation.
2
3 Mr. Hall said they have no limit, but he is wondering if the Department of Agriculture has a limit. He
4 thinks the Department of Agriculture has some authority over kennels.
5
6 Mr. Randol said but zoning does not.
7
8 Mr. Bates said it says six or more dogs defines a kennel, but it doesn't have any cap.
9
10 Mr. Randol said but it doesn't have a maximum limit.
11
12 Mr. Bates said correct.
13
14 Mr. Randol said this is an existing structure that has been there a number of years, and he doesn't feel
15 the Board can enforce someone to say they have to add two inches of Styrofoam into the walls or
16 something like that. He said the Board doesn't know if that would work, so he doesn't think the Board
17 could do that in his opinion.
18
19 Mr. Elwell said that he guesses for him if the neighbors are at the back of their property and they are still
20 hearing the dogs barking, they heard testimony that there was a six-foot fence. He said that he doesn't
21 know if the six-foot fence was going towards the Schott's property or not.
22
23 Mr. Wood said he thinks the fence is for control purposes, not necessarily for noise mitigation.
24
25 Mr. Elwell said right, but if it is going through a fence, across a street, and to the back of a two acre
26 property.
27
28 Ms. Burgstrom said the fence is on the west side of the building and it somewhat goes on the north as
29 well; it is kind of in the northwest corner of the building.
30
31 Mr. Bates said if he is reading Part A correctly, it is currently a wooden privacy fence as opposed to a
32 wire mesh fence.
33
34 Ms. Burgstrom said yes, a wire mesh fence.
35
36 Mr. Bates said it should be more of a wall.
37
38 Ms. Burgstrom said yes.
39
40 Mr. Bates said he wants to put that into the record that fence is actually a physical wall as opposed to a
41 wire mesh fence that would allow sound to travel through.
42
43 Mr. Wood said he wouldn't have an issue with the wooden fence versus a wired mesh fence; he doesn't
44 know if that makes that much difference. He said Part B is the only part he is concerned about and asked
45 if an actual noise buffer is required for noise mitigation or is that only if it is within less than 200 feet.
46
47 Mr. Hall asked what the question was about noise mitigation.
48
49 Mr. Wood said on Part B it says authorize an outdoor animal exercise without a noise buffer of

1 evergreen shrubs and trees. He asked if that was only required if the residential area is within 200 feet.
2
3 Mr. Hall said no.
4
5 Mr. Herbert said he doesn't think it has any bearing of how far anything is; he thinks it is asking for a
6 noise buffer in general.
7
8 Mr. Hall said that was his understanding.
9
10 Mr. Herbert said this is asking to waive that noise buffer, correct.
11
12 Mr. Hall said yes, and again a buffer of trees and shrubs does little to nothing to buffer noise in his
13 opinion.
14
15 Mr. Herbert said or just house rabbits to bark at.
16
17 Mr. Elwell said if the Board required something to this structure, because Part B is just talking about the
18 outdoor animal exercise, so if the Board sees fit, then there would need to be another special condition
19 for the indoor kennel.
20
21 Mr. Elwell asked how the Board would like to proceed and he personally doesn't think it is prudent of
22 them to require anything to be done to retrofit the building that have been used for this type of business
23 for at least the last decade to decade and a half. He said it sounded like to him that the attorney walked
24 through the special conditions, and they have already agreed to the special conditions. He asked the
25 Board if they should move to the special conditions.
26
27 Mr. Herbert asked what the internal building conditions are – what are they talking about; can he ask
28 about that.
29
30 Mr. Elwell asked Danielle Trevena to please state her name and address.
31
32 Danielle Trevena, 505 Tamula Drive, Mahomet, said the building that the Schott's are referring to is just
33 a metal shell with individual kennels for the dogs that are held in that building.
34
35 Mr. Herbert asked her if the dogs in that building were kept there year-round and does she have a heat
36 source. He asked what the purpose of an uninsulated building was.
37
38 Ms. Trevena said when she took over that was what was already there. She said that it is heated and
39 there is a large a/c unit and fans that she uses to keep the dogs cool in the summer and warm in the
40 winter, but other than that she puts pillows in the doggy doors to help keep it warm in the winter.
41
42 Mr. Herbert asked her if it was insulated.
43
44 Ms. Trevena said no.
45
46 Mr. Herbert asked if that was a pretty big heat or power bill.
47
48 Ms. Trevena said that she actually rents, so she doesn't cover the power bill, it is tied into the rent that
49 she pays, but yes it is.

1 Mr. Bates asked her if she had documented instances where she has actually brought animals indoors
2 that were barking outside.

3
4 Ms. Trevena asked if he could repeat himself.

5
6 Mr. Bates asked her if she had documented instances where an animal was outside barking where she
7 actually brought them indoors because of that.

8
9 Ms. Trevena said not necessarily, the cameras that she has onsite would see her walking the dogs back
10 inside, that would pretty much be it.

11
12 Mr. Bates said he guesses that is what he is asking, so that is documentation that she has something that
13 shows she is retrieving an animal that is consistently barking and holding up to these special conditions.

14
15 Ms. Trevena said correct.

16
17 Ms. Funderburg said that Ms. Trevena did install cameras to kind of help her see what was going on
18 outside and to locate any problems, so she could address those problems.

19
20 Mr. Bates asked if there was a staff member onsite 24 hours a day.

21
22 Ms. Trevena said no.

23
24 Ms. Funderburg said with regard to the special conditions, she did go over those with her client and she
25 is perfectly willing to abide by those; they are happy to do that. She said they understand that this is a
26 business and has been there a long time, but they want to be as good of neighbors as they can and so
27 they are happy to comply with the conditions that the staff has recommended.

28
29 Mr. Elwell asked if there were any other questions from the Board or Staff.

30
31 Mr. Hall said the attorney just said they agree with the special conditions, so he doesn't see a need to go
32 over those.

33
34 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 066-S-22 and 071-V-22.

35
36 Mr. Herbert asked if they continue to get complaints on the barking – what happens then. He said that
37 wouldn't be abiding by the special conditions.

38
39 Mr. Hall said that if they continue to get complaints about barking that goes on for a while, not just an
40 intermittent bark here and there, but barking that goes on for a while, not knowing if that dog is inside or
41 outside, that would appear to be a violation of the condition, but again, the special conditions that they
42 proposed only deal with outdoor barking. He said if they are getting complaints about barking and it
43 turns out the barking is coming from inside.

44
45 Mr. Herbert said that is probably a tougher deal.

46
47 Mr. Hall said frankly that would be a grey area because they have no condition at this point about
48 controlling the barking dogs when they are inside the kennel. He said if they go out there from having
49 valid complaints and they can hear the barking, as the Zoning Administrator, if they get a log showing

1 the barking that is going on, then at a certain point after so much data like that, they just turn it over to
2 the State’s Attorney and let them figure out what to do with it.

3
4 Mr. Bates said that would be whether it’s inside or outside, right.

5
6 Mr. Hall said yes, either way. He said it is conceivable this could be approved as a Special Use Permit.
7 He said it is conceivable they could be complying with the condition that is in here, but it is also
8 conceivable that they could get enough complaints that they refer it to the State’s Attorney’s Office.

9
10 Mr. Elwell said he had a motion to move to the Findings of Fact for Cases 66-S-22 and 071-V-22. He
11 entertained a second to the motion.

12
13 Mr. Randol seconded.

14
15 Mr. Elwell said that he believes he gave the first motion.

16
17 Mr. Randol said he thought he asked for the motion. He said he will make motion to accept the
18 Preliminary Draft, Documents of Record, and move to the Findings of Fact for Cases 066-S-22 and 071-
19 V-22.

20
21 Mr. Elwell said then Mr. Roberts had seconded that and asked him if that was correct.

22
23 Mr. Roberts said yes.

24
25 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
26 **Record, and move to the Findings of Fact for Cases 066-S-22 and 071-V-22. The motion carried by**
27 **voice vote.**

28
29 Mr. Elwell said he would be reading the Finding of Fact for Cases 066-S-22 and 071-V-22 from
30 Attachment D, page 24 of 30 in the Preliminary Memorandum, as follows:

31
32 **FINDINGS OF FACT FOR CASES 066-S-22 AND 071-V-22**

33 From the documents of record and the testimony and exhibits received at the public hearing for zoning
34 case **066-S-22** held on **August 25, 2022**, the Zoning Board of Appeals of Champaign County finds that:

35
36 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
37 **location because:**

38
39 Mr. Wood said the requested Special Use Permit IS necessary for the public convenience at this location
40 because: the facility has been on the subject property since the 1950’s starting out as veterinary clinic
41 and he believes in the last 20 or so years it has been running as a kennel.

42
43 **2. The requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
44 ***HEREIN* is so designed, located, and proposed to be operated so that it *{WILL NOT /***
45 ***WILL}* be injurious to the district in which it shall be located or otherwise detrimental to**
46 **the public health, safety, and welfare because:**

47
48 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
49 **location has *{ADEQUATE / INADEQUATE}* visibility because:**

1 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
 2 visibility because: no development is proposed in that area and therefore there is no anticipated increase
 3 in traffic.

4
 5 **b. Emergency services availability is {ADEQUATE / INADEQUATE} because:**

6
 7 Mr. Randol said the emergency services availability is ADEQUATE because: the subject property is 3.2
 8 miles from the Carroll Fire Department and no objections have been received from their Fire Chief.

9
 10 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**

11
 12 Mr. Wood said the Special Use WILL be compatible with adjacent uses because: the facility has been on
 13 the subject property since the 1950's and the petitioner has undertaken some mitigation measures to
 14 reduce noise from the kennel.

15
 16 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

17
 18 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the subject property
 19 is not in a Special Flood Hazard Area. He said the facility is exempt from the Storm Water Management
 20 and Erosion Control Ordinance because no new development is proposed.

21
 22 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

23
 24 Mr. Randol said the public safety will ADEQUATE because: the subject property is 3.2 miles from the
 25 Carroll Fire Station and notice was sent to the Fire Chief and no objections or comments of any type
 26 have been received.

27
 28 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

29
 30 Mr. Wood said the provisions for parking will be ADEQUATE because: the number of available
 31 parking spaces complies with the Zoning Ordinance.

32
 33 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 34 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be
 35 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 36 and welfare.

37
 38 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 39 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
 40 **DISTRICT in which it is located.**

41
 42 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 43 *IMPOSED HEREIN* DOES conform to the applicable regulations and standards of the DISTRICT in
 44 which it is located.

45
 46 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 47 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
 48 **it is located because:**

- 1 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
 2 **County ordinances and codes.**

3
 4 Mr. Wood said the Special Use will be designed to CONFORM to all relevant County ordinances and
 5 codes.

- 6
 7 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

8
 9 Mr. Wood said the Special Use WILL be compatible with adjacent uses.

- 10
 11 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

12
 13 Mr. Wood said the Public safety will be ADEQUATE.

14
 15 Mr. Wood said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 16 *IMPOSED HEREIN* DOES preserve the essential character of the DISTRICT in which it is located
 17 because:

- 18
 19 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED*
 20 *HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance
 21 because:

- 22
 23 **a. The Special Use is authorized in the District.**

- 24
 25 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience**
 26 **at this location.**

27
 28 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this
 29 location.

- 30
 31 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
 32 ***IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it**
 33 ***{WILL / WILL NOT}* be injurious to the district in which it shall be located or**
 34 **otherwise detrimental to the public health, safety, and welfare.**

35
 36 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 37 *IMPOSED HEREIN* is so designed, located, and proposed to be operated so that it WILL NOT be
 38 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 39 and welfare.

- 40
 41 **d. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
 42 ***IMPOSED HEREIN}* {DOES / DOES NOT} preserve the essential character of the**
 43 **DISTRICT in which it is located.**

44
 45 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 46 *IMPOSED HEREIN* DOES preserve the essential character of the DISTRICT in which it is located.

47
 48 Mr. Randol said the requested Special Use Permit *SUBJECT TO THE SPECIAL CONDITIONS*
 49 *IMPOSED HEREIN IS* in harmony with the general purpose and intent of the Ordinance.

1 **5. The requested Special Use *IS* an existing non-conforming use.**

2
3 Mr. Hall stated he believed that was wrong; it is not an existing non-conforming use. He said it is an
4 existing unauthorized use, so it is not an existing non-conforming use.

5
6 Mr. Randol asked him how he said that; it is not.

7
8 Mr. Hall said it is not non-conforming; it did not exist as a kennel when the Zoning Ordinance was
9 adopted. He said sorry he didn't catch that before it came to the Board.

10
11 **5. The requested Special Use *IS NOT* an existing non-conforming use.**

12
13 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
14 of Fact for Cases 066-S-22 and 071-V-22, as amended.

15
16 Mr. Randol said the Board needs to go through the special conditions.

17
18 Mr. Hall said the Board needs to go through the waiver of standard conditions.

19
20 Mr. Elwell said okay and continued reading the Finding of Fact for Cases 066-S-22 and 071-V-22 from
21 Attachment D, page 25 of 30 in the Preliminary Memorandum, as follows:

22
23 **6. *SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***

24
25 **A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
26 **Ordinance for an outdoor animal exercise area with a six-foot-tall wood privacy**
27 **fence in lieu of the minimum required exercise area that has a six-foot-tall wire**
28 **mesh fence:**

29
30 **(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of**
31 **the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the**
32 **neighborhood or to the public health, safety, and welfare because:**

33
34 Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning
35 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
36 because: the wood privacy fence is intended to help secure the dogs and to help buffer noise during
37 outdoor activity time, not eliminate it.

38
39 **(2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar**
40 **to the land or structure involved, which are not applicable to other similarly**
41 **situated land and structures elsewhere in the same district because:**

42
43 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
44 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
45 the same district because: there is a large yard surrounding the fenced activity area that serves as a buffer
46 between neighboring properties, which are over 200 feet away.

- 1 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 2 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
 3 **or otherwise permitted use of the land or structure or construction because:**
 4

5 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
 6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 7 structure or construction because: without the proposed waiver, the petitioners would have the expense
 8 of removing a fairly new privacy fence to put in a wire mesh fence.
 9

- 10 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 11 **/ DO NOT} result from actions of the applicant because:**
 12

13 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 14 from actions of the applicant because: the petitioner was not aware of the kennel standard conditions
 15 when they installed the wood privacy fence.
 16

- 17 **(5) The requested waiver {IS / IS NOT} the minimum variation that will make**
 18 **possible the reasonable use of the land/structure.**
 19

20 Mr. Wood said the requested waiver IS the minimum variation that will make possible the reasonable
 21 use of the land/structure.
 22

- 23 **B. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
 24 **Ordinance for an outdoor animal exercise without a noise buffer of evergreen**
 25 **shrubs or trees a minimum of four feet in height in lieu of the minimum required**
 26 **noise buffer of evergreen shrubs or trees:**
 27

- 28 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of**
 29 **the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
 30 **neighborhood or to the public health, safety, and welfare because:**
 31

32 Mr. Randol said the waiver IS in accordance with the general purpose and intent of the Zoning
 33 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
 34 because: the petitioner has already implemented noise mitigation measures.
 35

- 36 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
 37 **to the land or structure involved, which are not applicable to other similarly**
 38 **situated land and structures elsewhere in the same district because:**
 39

40 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
 41 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 42 the same district because: the animals are not allowed to exercise in the larger yard surrounding the
 43 fenced activity area, so this larger yard creates a buffer between the fenced activity area and neighboring
 44 properties.
 45

- 46 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 47 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
 48 **or otherwise permitted use of the land or structure or construction because:**

1 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
2 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
3 structure or construction because: without the proposed waiver, the petitioners would have the expense
4 of planting evergreen trees when there is already a deciduous screening around the perimeter of the
5 subject property.

6
7 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
8 **/ DO NOT} result from actions of the applicant because:**

9
10 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
11 from actions of the applicant because: the petitioner was not aware of the kennel standard conditions.

12
13 **(5) The requested waiver {IS / IS NOT} the minimum variation that will make**
14 **possible the reasonable use of the land/structure.**

15
16 Mr. Wood said the requested waiver IS the minimum variation that will make possible the reasonable
17 use of the land/structure.

18
19 Mr. Randol moved to extend the meeting by 15 minutes.

20
21 Mr. Elwell asked if he could have until 9:45p.m.

22
23 Mr. Randol said until 9:45, that will square it away.

24
25 Mr. Elwell entertained a second to the motion.

26
27 Mr. Wood seconded the motion.

28
29 **Mr. Randol moved, seconded by Mr. Wood, to extend the meeting until 9:45p.m. The motion**
30 **carried by voice vote.**

31
32 Mr. Elwell continued reading the Finding of Fact for Cases 066-S-22 and 071-V-22 from Attachment D,
33 page 26 of 30 in the Preliminary Memorandum, as follows:

34
35 **C. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
36 **Ordinance for a side yard of 118 feet in lieu of the minimum required 200-foot side**
37 **yard.**

38
39 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent of**
40 **the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
41 **neighborhood or to the public health, safety, and welfare because:**

42
43 Mr. Wood said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance
44 and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because:
45 the requested waiver is 59% of the minimum required for a waiver of 41% and it's been in existence like
46 that for the last 70 years, but he is not sure how long that business was there on the south side of it.

- 1 **(2) Special conditions and circumstances {DO / DO NOT} exist which are peculiar**
 2 **to the land or structure involved, which are not applicable to other similarly**
 3 **situated land and structures elsewhere in the same district because:**

4
 5 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 7 the same district because: the subject property was created prior to adoption of the kennel land use in
 8 Zoning Case 219-AT-99, which was approved on September 19, 2000. He said the side yard for this
 9 waiver is the south yard, and complaints about barking were coming from the northwest.

- 10
 11 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 12 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
 13 **or otherwise permitted use of the land or structure or construction because:**

14
 15 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
 16 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 17 structure or construction because: without the proposed waiver, the facility would not be allowed on the
 18 subject property.

- 19
 20 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
 21 **/ DO NOT} result from actions of the applicant because:**

22
 23 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 24 from actions of the applicant because: the petitioner was not aware of the kennel standard conditions
 25 prior to this case.

- 26
 27 **(5) The requested waiver {IS / IS NOT} the minimum variation that will make**
 28 **possible the reasonable use of the land/structure because:**

29
 30 Mr. Randol said the requested waiver IS the minimum variation that will make possible the reasonable
 31 use of the land/structure.

32
 33 **7. Regarding the variance:**

- 34
 35 **a. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the**
 36 **land or structure involved, which are not applicable to other similarly situated land**
 37 **and structures elsewhere in the same district because:**

38
 39 Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or
 40 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 41 the same district because: the business has not needed a loading berth for its operation.

- 42
 43 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
 44 **regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
 45 **otherwise permitted use of the land or structure or construction because:**

46
 47 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 48 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 49 structure or construction because: without the proposed variance, the petitioner would have to go to the

1 expense of constructing a loading berth when they do not believe one is necessary for their operation
2 when dealing with dogs.

3
4 **c. The special conditions, circumstances, hardships, or practical difficulties {DO / DO
5 NOT} result from actions of the applicant because:**

6
7 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
8 from actions of the applicant because: the petitioner was not aware of the loading berth requirement prior
9 to this case and does not anticipate a need for a loading berth.

10
11 **d. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS
12 NOT} in harmony with the general purpose and intent of the Ordinance because:**

13
14 Mr. Randol said the requested variance *SUBJECT TO THE PROPOSED CONDITION* IS in harmony
15 with the general purpose and intent of the Ordinance because: off-street loading berths are presumably
16 required to minimize congestion on the street when deliveries are made. The petitioner does not
17 anticipate deliveries at this site that need a loading berth due to the size of the property.

18
19 **e. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {WILL /
20 WILL NOT} be injurious to the neighborhood or otherwise detrimental to the public
21 health, safety, or welfare because:**

22
23 Mr. Wood said the requested variance *SUBJECT TO THE PROPOSED CONDITION* WILL NOT be
24 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
25 relevant jurisdictions have been notified of this case, and no comments have been received.

26
27 **f. The requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS
28 NOT} the minimum variation that will make possible the reasonable use of the
29 land/structure.**

30
31 Mr. Wood said the requested variance *SUBJECT TO THE PROPOSED CONDITION* IS the minimum
32 variation that will make possible the reasonable use of the land/structure.

33
34 **8. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
35 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
36 PARTICULAR PURPOSES.**

37
38 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate
39 until the petitioner has demonstrated that any new or proposed exterior lighting on
40 the subject property will comply with the lighting requirements of Section 6.1.2.**

41
42 **The special condition stated above is required to ensure the following:**
43 **That the proposed use is in compliance with the Zoning Ordinance.**

- 44
45 **B. Outdoor activity shall be limited in the following manner:**
46 **(1) No dog shall be outside between the hours of 10:00 p.m. and 7:00 a.m.**
47 **(2) No dog shall be outside other than for intermittent periods of exercise and**
48 **such periods of exercise shall be supervised by the kennel owner or**
49 **representative.**

1 (3) Barking dogs shall be promptly brought inside.

2
3 The special condition stated above is required to ensure the following:

4 To ensure that kennel operations minimize impact on the neighbors.

5
6 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
7 of Fact for Cases 066-S-22 and 071-V-22, as amended.

8
9 Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
10 Record, and Findings of Fact for Cases 066-S-22 and 071-V-22, as amended. The motion carried
11 by voice vote.

12
13 Mr. Elwell entertained a motion to move to the Final Determination for Case 066-S-22.

14
15 Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 066-S-
16 22. The motion carried by voice vote.

17
18 Mr. Elwell said he would be reading the Finding of Fact for Case 066-S-22 from Attachment D, page 29
19 of 30 in the Preliminary Memorandum, as follows:

20
21 **FINAL DETERMINATION FOR CASE 066-S-22**

22 Mr. Randol moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals
23 finds that, based upon the application, testimony, and other evidence received in this case, the
24 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
25 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

26
27 The Special Use requested in Case 066-S-22 is hereby GRANTED WITH SPECIAL
28 CONDITIONS to the applicant, Crossroads Grooming & Boarding Inc, to authorize the
29 following:

30
31 Authorize a Kennel as a Special Use Permit in the B-4 General Business Zoning District,
32 subject to the following waivers:

33
34 Authorize a waiver from Section 6.1.3 of the Zoning Ordinance for the following:

35
36 Part A: Authorize an outdoor animal exercise area with a six-foot-tall wood privacy
37 fence in lieu of the minimum required exercise area that has a six-foot-tall wire mesh
38 fence.

39
40 Part B: Authorize an outdoor animal exercise without a noise buffer of evergreen
41 shrubs or trees a minimum of four feet in height in lieu of the minimum required noise
42 buffer of evergreen shrubs or trees.

43
44 Part C: Authorize a side yard of 118 feet in lieu of the minimum required 200-foot side
45 yard.

46
47 Mr. Elwell requested a roll call vote.

48
49 The vote was called as follows:

50 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**

1 Elwell- yes Wood – yes Bates- yes

2
3 **The motion carried.**

4
5 Mr. Elwell congratulated Ms. Trevena on receiving her seven affirmative votes on Case 066-S-22. He
6 said P & Z Staff would be in touch with them with further information.

7
8 Mr. Randol told him that he isn't done yet and to look on the back page – page 30 of 30.

9
10 Mr. Elwell entertained a motion to move to the Final Determination for Case 071-V-22, as amended.

11
12 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 071-V-**
13 **22, as amended. The motion carried by voice vote.**

14
15 Mr. Elwell said he would be reading the Finding of Fact for Case 071-V-22 from Attachment D, page 30
16 of 30 in the Preliminary Memorandum, as follows:

17
18 **FINAL DETERMINATION FOR CASE 071-V-22**

19 **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
20 **finds that, based upon the application, testimony, and other evidence received in this case, the**
21 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
22 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

23 **The Variance requested in Case 071-V-22 is hereby GRANTED to the applicant,**
24 **Crossroads Grooming & Boarding, to authorize the following variance for the kennel**
25 **proposed as a Special Use Permit in related Case 066-S-22:**

26
27 **Authorize a variance for no loading berth in lieu of the minimum required one loading**
28 **berth, per Section 7.4.1 C.5. of the Zoning Ordinance.**

29
30 Mr. Elwell requested a roll call vote.

31
32 The vote was called as follows:

33 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**
34 **Elwell- yes Wood – yes Bates- yes**

35
36 **The motion carried.**

37
38 Mr. Elwell congratulated Ms. Trevena on receiving her seven affirmative votes on Case 071-V-22. He
39 said P & Z Staff would be in touch with them with further information.

40
41 **8. Staff Report - None**

42
43 **9. Other Business**

44 **A. Review of Docket**

45 **10. Adjournment**

46
47 Mr. Elwell entertained a motion to adjourn the meeting.

48

1 **Mr. Randol moved, seconded by Mr. Roberts, to adjourn the meeting. The motion carried by**
2 **voice vote.**

3
4 The meeting adjourned at 9:40p.m.

5
6 Respectfully Submitted

7
8

9
10 Secretary of the Zoning Board of Appeals

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