

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: June 16, 2005

PLACE: 1776 East Washington Street
Meeting Room 1

TIME: 7:05 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : Dennis Goldenstein

STAFF PRESENT : John Hall, Jeff Roseman, Connie Berry, Jamie Hitt

OTHERS PRESENT : Les Johnson, Lucinda Schneider, Ed Schaller, Wilbur Street, Mary Gannaway, Brian Schurter, David Borchers, David Ginther, Lynn Borchers, Jim Gannaway

1. Call to Order

The meeting was called to order at 7:05 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

Mr. Irle moved, seconded by Mr. Schroeder to approve the November 13, 2003 and March 17, 2005 as submitted. The motion carried by voice vote.

Mr. Steeves moved, seconded by Mr. Schroeder to rearrange the agenda and hear Cases 455-AM-04; 473-V-04; 457-AM-04; 458-S-04; 492-S-05, David and Lynn Borchers prior to Cases 476-S-04; 482-V-04; 501-AA-05: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. The motion carried by voice vote.

5. Continued Public Hearing

Case 476-S-04 Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request to authorize the expansion and use of a self-storage warehouse, not providing heat and utilities to individual units, as a Special Use in the Ag-2, Agriculture Zoning District. The property is also the subject of a variance in a related zoning case, Case 482-V-

04. Location: The subject property is a 2.9 acre tract of land in the West ½ of the W ½ of the NW ¼ of Section 25 of Hensley Township and that is located on the west side of CR 100E (Prospect Avenue) and adjacent to the south right of way line of Interstate 57 and that is commonly known as an existing self-storage warehouse located at 4201 North Prospect Avenue, Champaign.

Case 482-V-04 Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. **Request:** Subject to approval as a Special Use in the AG-2, Agriculture Zoning District in related Case 476-S-04, and as amended on February 03, 2005, authorize the expansion and use of an existing self-storage warehouse, not providing heat and utilities to individual units, that is proposed to be located 6 feet from the rear lot line instead of the minimum otherwise required distance of 20 feet. **Location:** (See Case 476-S-04)

Ms. Griest called Cases 476-S-04; 482-V-04; and 501-AA-05 concurrently.

Mr. Roseman distributed a Supplemental Memorandum dated June 16, 2005, regarding Case 501-AA-05. He said that Mr. Johnson's position is that the electrical outlets and incandescent light fixtures do not constitute providing utilities. He said that after review of the hearing minutes for Case 355-S-02 and Zoning Use Permits 83-03-01, and the Zoning Officer's initial zoning compliance inspection report he determined that this type of lighting and electrical outlets were not allowed at this facility therefore a violation letter was sent to the owners. He said that the approval of the Zoning Use Permit 83-03-01 was subject to compliance with the following three conditions: 1) No heat, electrical outlets or regular incandescent lighting can be installed in the storage units; 2) Reasonable exterior lighting must be provided and utilized for safety consideration but must not result in more than minimal glare onto adjacent roadways; and 3) The relocated driveway entrance must be concrete. He said that if the Board should decide to modify his decision then he would recommend that in the future the Board specify the limits of utilities permitted in such units as a Special Condition by requiring each applicant submit an interior layout with any proposed utility service that may be provided in these facilities.

Mr. Bluhm requested that the Board review any pictures which were taken at the site during the compliance inspection. He asked Mr. Hall if each unit had incandescent lighting.

Mr. Roseman distributed the pictures for the Board's review.

Mr. Hall stated that he accompanied Ms. Hitt, Zoning Officer, during her visit to the site and witnessed that the last nine units did have incandescent lighting but the first six units were built with fluorescent lighting. He said that the only outlets which were apparent were the outlets on the ceiling. He said that the overhead door operator plugs into a dual receptacle and one of those receptacles is for the overhead door operator plug and the other receptacle plug is open.

Ms. Griest stated that previously there was discussion that due to the nature and the size of the client base for motor homes that there was an additional need for a single outlet to plug their auxiliary systems into, if they were to service that client market.

Mr. Steeves stated that the extra outlet on the dual receptacle could be utilized for that need. Mr. Hall stated that all of the wiring is in conduit.

Mr. Steeves stated that availability to a water source was also discussed at the last hearing.

Mr. Hall stated that there is no water available at the site.

Mr. Irle asked if Case 482-V-04, authorizing the expansion and use of an existing self-storage warehouse was for the nine units which do not have a permit.

Mr. Hall stated that the nine units were authorized in Case 355-S-02. He said that somehow during construction all fifteen units were constructed rather than just the approved first six units. He said that a permit application was made on the additional nine units and the approval of that application is pending the Board's decision of Case 501-AA-05.

Mr. Les Johnson, who resides at 1706 W. Springfield Av, Champaign stated that he had no additional comments. He said that he thought that the original permit was for all fifteen units starting with the first six and continued with the other nine units. He said that once the error was discovered he came into the Planning and Zoning Office and applied for a Zoning Use Permit for the other nine units.

Ms. Griest asked staff if they had any questions for Mr. Johnson and staff did not.

Mr. Griest asked if there was any cross-examination from anyone who had signed the witness register for Mr. Johnson. No response was received.

Ms. Griest asked the Board if they had any other questions for Mr. Johnson and they did not.

Ms. Lucinda Schneider, who resides at 1706 W. Springfield Av, Champaign stated that she had no additional comments.

Mr. Wilbur Street with Vegrzyn, Sarver and Associates, agent for Mr. Johnson stated that they are ready to build. He said that they gave the township more of an easement than they had requested and if the site is visited the Board will find that the slope is in ivy and no mowing or maintenance is required.

Ms. Griest asked staff if they had any questions for Mr. Street and staff did not.

Mr. Griest asked if there was any cross-examination from anyone who had signed the witness register for Mr. Street. No response was received.

Ms. Griest asked the Board if they had any other questions for Mr. Street and they did not.

Ms. Griest called Mr. Ed Schaller to testify.

Mr. Ed Schaller, who resides at 602 E. California, Urbana stated that he is a certified electrician and a close friend of Mr. Johnson. He said that perhaps a condition could be set up that when the

outlets are being rented for motor homes or any vehicle which requires a trickle charge a GFI (Ground Fault Interrupter) could be placed in the units. He said that the units which are being utilized for personal storage would not have the GFI outlets. He said that if the units are no longer required to have a trickle charge outlet then the owner will be responsible for removing the outlet. He said that it is a inconvenience for the tenant to have to take out the battery unit from the motor home so that they can charge it at home. He said that the motor homes are made to be trickle charged regularly and to keep those units in functioning order then a trickle charge outlet is required. He said that Mr. Johnson will definitely lose business if a trickle charge outlet is not available for the motor homes.

Ms. Griest asked if the parcel owner would pay the entire electrical cost of the trickle charge outlets and would not be individually metered.

Mr. Schaller stated that the parcel owner would pay the entire electrical cost and there would be no separate meters.

Mr. Bluhm asked if there was a way to directly wire a trickle charger into the junction box so that this is the only function that it can serve. He said that he is not willing to place an outlet or a light bulb in the unit which could make it inhabitable.

Mr. Schaller asked if the Board would approve a breaker box which could be locked and reduce it to 15 amp breakers.

Mr. Bluhm stated that there is still a way to wire into the box.

Ms. Griest asked Mr. Schaller if the motor homes actually contain the trickle charger.

Mr. Schaller stated that the trickle charge unit is built into the motor home and a plug connects it to the power source. He said that the minimum amperage which could be utilized is 15 amp.

Ms. Griest asked if there was a way that the outlets could be locked so that only the warehouse owner would have access to the master lock which would release them for use.

Mr. Schaller stated that a locked outlet is what he was previously alluding to.

Mr. Hall stated that the outlet for utilization of a trickle charger could be added when necessary and removed when no longer needed and for anyone going to this much trouble could notify the department when this practice will take place.

Ms. Griest asked if this would be an enforcement nightmare.

Mr. Schaller stated that it could be treated as an honor system.

Mr. Bluhm stated that during the approval of the original case there was direct testimony which indicated that the garage door would be directly wired and not connected with a plug in. He said that Mr. Johnson agreed to this condition and therefore the honor system went out the window.

Mr. Irle stated that the Board allowed this because the basic definition is self-storage warehouse and allowed the owner to have electricity to the overhead doors to provide a service to the motor home owners but only if the garage doors was hard wired.

Ms. Griest stated that the Board's expectation is that a circuit box is located in the ceiling and the garage door is hard wired.

Mr. Hall asked if good electrical practice would be that if a person was to hard wire a motor, such as the garage door opener, would it be hard wired to a disconnect switch.

Mr. Schaller stated that he was correct but the Underwriter Labs (UL) does not allow hard wiring for the garage door opener.

Mr. Irle stated that the Petitioner could indicate that it would be a hardship, in cost, to hard wire the garage door openers. He said that for the first time tonight testimony has been received indicating that the owner would lose business if a trickle charge was not available to the tenants.

Mr. Schaller stated that the Board must keep in mind that these units are not for personal storage exclusively but also for motor homes, travel trailers or boats.

Mr. Bluhm stated that someone could have a twenty foot motor home for the unit and have a meth lab behind it if an outlet is available.

Mr. Hall asked if the trickle charge is truly needed or is a mere convenience for the tenant.

Mr. Schaller stated that it is needed especially in the winter because the battery cannot sit in the unit for six months and stay charged.

Mr. Hall stated that one alternative may be that there might be outlets which are locked and only accessible by the manager and the manager has a jumper device for the motor homes.

Mr. Bluhm stated that the motor homes have four to six batteries and the outlet would trickle charge the batteries for the generator not the motor.

Mr. Johnson stated that the outlet for the door opener is sixteen feet in the air therefore making it difficult for anyone to just plug something in for use. He said that there will be no residences or businesses in the units because he checks each unit.

Ms. Griest stated that the Board's concern is not limited to what he is currently doing but what allowed use stays with the property if he would no longer own it.

Ms. Griest asked the audience if there was any cross-examination from anyone who had signed the witness register for Mr. Johnson or Mr. Schaller.

Mr. Wilbur Street asked Mr. Johnson if the plugs were cut off of the garage door opener cord if it would void the warranty.

Mr. Johnson stated that it is very possible.

Mr. Street stated that the outlets can be locked down to limit access.

Mr. Schaller stated that a single shot bull's-eye outlet could be installed. He said that basically it would be hard wiring the garage door opener without whacking off the plug and voiding the warranty. He said that it would be a permanent installation which would require a special tool to remove the protective cover or plug lock down.

Ms. Griest asked if a garage door opener if available which could be hard wired into the power source.

Mr. Bluhm stated that such a garage door opener is available.

Mr. Schaller stated that Mr. Bluhm was correct but it is not the type which are already installed in the units.

Mr. Bluhm stated again that the original approval of the case was that the owner would purchase equipment which would be hard wired.

Mr. Miller asked Mr. Schaller if the protective cover or plug lock down is a common, commercial device or homemade, modified device.

Mr. Schaller stated that the lock downs are available.

Mr. Bluhm stated that the bull's-eye plug and lock downs would eliminate the problem with the hard wiring of the existing garage door openers but there still is an issue of the trickle charge outlet. He said that the light fixtures are still an issue because there are four light fixtures in each unit.

Mr. Schaller stated that fluorescent lighting was not installed in the units because the fluorescent lights only work when the temperature is approximately 55 degrees. He said that if fluorescent lighting is required then a cold start ballast, which is very costly, will need to be purchased for each light. He said that in order to save money the incandescent light fixtures were used.

Mr. Bluhm asked if there is an incandescent fixture available which cannot be accessible. He said that if such a device is available then he would not have a problem with the light bulb fixture over the fluorescent lighting.

Mr. Schaller stated that such a device is available but nothing is permanent.

Mr. Street stated that if someone wants to access the electricity bad enough then there is always a way.

Mr. Irle stated that the Board is trying to work with the petitioner's mistakes. He said that the Board was very clear in the final determination of what was allowed and required. He said that during the construction of the units those allowances and requirements were ignored therefore this Board is now trying to bend over backwards to accommodate the petitioner so that the units can

still stay marketable. He said that at no time during the hearing for the first phase of the storage units were trickle chargers mentioned.

Mr. Hall asked Mr. Schaller what the trade name was for the lockable outlet accessed only by the petitioner. He said that he would like to know what type of outlet he is inquiring about when he calls a supplier for information.

Mr. Schaller stated that it would be a key switch which would control power to the outlet. He noted the key is not a universal key.

Ms. Griest ask if there was any cross-examination for anyone who had signed the witness register for Mr. Schaller. No response was received.

Ms. Griest called Ms. Mary Gannaway to testify.

Ms. Mary Gannaway, who resides at 4006 N Prospect, Champaign stated that when I-57 was constructed it created a water drainage problem and asked if the petitioner would be responsible if a drainage problem occurred during grading for the building.

Mr. Hall stated that the building should not affect the drainage and presumably they would use good erosion control during construction, as per the County's regulations.

Mr. Street stated that the existing box culvert can handle the flow of the water. He said that there will be no appreciable difference to the drainage on this site due to the buildings. He said that the site is currently drained towards the ditch and it will remain to drain toward the ditch.

Mr. Gannaway asked if the units are primarily for motor homes and boats.

Mr. Johnson stated that she was correct.

Ms. Gannaway asked Mr. Hall how the buses were washed if no water was available at the site.

Mr. Hall stated that the was not present during the washing of the buses.

Mr. Johnson stated that the service had a portable water tank. He said that he personally has a 100 gallon water tank which he waters the trees with on the site. He noted that the buses are gone and will not be back.

Ms. Gannaway asked if any vehicles will be allowed to park outside of the units during use of the motor homes or boats or will the vehicles be parked in the unit during that use. She asked if there would be a condition on the special use that no outside storage is allowed.

Mr. Hall stated that outdoor storage is not prohibited by the Zoning Ordinance but it is not proposed as part of this special use permit therefore outside storage should not be occurring because Mr. Johnson did not include it in his request for the special use permit.

Mr. Johnson stated that when a tenant picks up their motor home they will either take their other

vehicle with them or park it within the unit. He said that normally anyone taking a boat has to have their vehicle to pull it.

Ms. Griest asked if a special condition should be included with the special use permit approval indicating the no outside storage is allowed.

Mr. Hall stated that currently it is not included as a condition because the understanding is that everything is done according to the testimony and evidence given. He said that if the Board feels that this is a significant enough concern that outside storage is not allowed in the future then a condition should be proposed.

Ms. Griest asked the Board if they had any other questions for Ms. Gannaway and they did not.

Ms. Griest asked staff if they had any questions for Ms. Gannaway and staff did not.

Ms. Griest asked if there was any cross-examination from anyone who had signed the witness register for Ms. Gannaway. No response was received.

Ms. Griest called Mr. Brian Schurter to testify.

Mr. Brian Schurter, Attorney representing Hensley Township and the Hensley Township Planning Commission stated that there is concern regarding commercial development in an agricultural area and would like to delay the final determination as long as possible. He said that the township is concerned with the increased traffic which will be produced by the business and therefore opposes the request. He noted that testimony has been received that the units would not be able to be filled if a trickle charge outlet was not available although testimony from the February 3, 2005, hearing indicates that all the units were full and a waiting list of eleven prospective tenants existed.

Mr. Irle stated that a representative from the Hensley Township Planning Commission was present at the last hearing and the petitioner has met all of the specific concerns which were discussed at that meeting.

Mr. Schurter stated that Mr. Irle was correct but there is still the concern of commercial development in an agricultural area.

Mr. Street stated that the site is not suitable for agricultural use because the site is backfilled with debris from the construction of I-57.

Ms. Griest announced that this concludes the witness register and asked the members of the audience if there was anyone else who would like to sign the witness register and provide testimony regarding these cases.

No response was received.

Mr. Bluhm moved, seconded by Mr. Steeves to grant a ten minute recess. The motion carried by voice vote.

The Board recessed at 8:50 p.m.

The Board resumed at 9:03 p.m.

Ms. Griest stated that all three of the cases are related and she would like to have firm solutions to the issues which have been brought to the Board's attention. She said that the issues are: 1) lighting; 2) trickle charge outlet; 3) overhead door connection to the power source. She asked Mr. Hall if these are issues which require further investigation by staff with review of the possibilities which allow the Board to condition these uses that would allow a trickle charge in the same manner of a specific use as a garage door opener and condition it to a level that would not constitute providing utilities within the unit. She asked if this would be possible without creating an enforcement nightmare.

Mr. Hall stated that he would like the owner to propose specific modifications to the following concerns of the Board: 1) overhead door opener hard wired to the power source or a bull's-eye outlet with lock down; 2) if the Board desires a condition for the trickle charge outlet then the petitioner should provide, in writing, a solution so that staff can review and consider any enforcement issues which may occur; 3) the issue of lights has been addressed indicating that a proposal should be made to limit access to the incandescent lamps.

Ms. Griest stated that she was fairly comfortable with the fluorescent fixtures which were hard wired but she understands that there is an additional cost to purchase a ballast which would operate in cold weather. She said that she is not supportive of the incandescent just because they are less expensive.

Mr. Steeves stated that he can understand from the Petitioner's point but the burden is on him to resolve the problem which the Board is up against. He said that there are ways that the Petitioner can meet the standards and conditions therefore he must come to staff with those proposals. He said that the condition indicated that no utilities would be available therefore it is up to the petitioner to satisfy that condition and prove that no utilities are available.

Mr. Hall asked if it is the Board's intent that if there are any future units that the overhead door opener will be hard wired.

Ms. Griest stated that it was the expectation that the original units would be hard wired but the Petitioner chose to ignore that expectation.

Mr. Hall stated that presumably the trickle charge provision and the lighting should be treated the same way.

Mr. Miller stated that there must be some type of incandescent fixture which can be unaccessible and tamper proof.

Mr. Hall stated that it is up to the Petitioner to propose an acceptable, unaccessible fixture for review rather than the Board indicating that the lighting must be of a certain type.

Mr. Miller stated that Mr. Hall was correct.

Mr. Irle stated that the original approval specifically spelled out the requirements and the Petitioner chose to deviate without approval. He said that the Petitioner markets the units as motor home

and RV/Boat rental units. He said that there are fifteen units which do not really have access to the trickle charge outlet but the next eighteen would have access to the trickle chargers. He said that the next eighteen units would be built with fluorescent lighting, hard wired garage door openers and hard wired trickle charge outlets. He said that the current fifteen units would require retro-engineering and he does not believe that the Board would need to allow trickle chargers in those units because the new eighteen units could be marketed with that attribute. He said that the issue of incandescent lighting must still be addressed.

Ms. Griest asked Mr. Irle if he is opposed to allowing the Petitioner to retro-fit the existing units with trickle charging in the existing unit, if they come up with a proposal which is suitable for the new units.

Mr. Irle stated that he not opposed if a suitable proposal is presented for review.

Mr. Hall stated that whatever is proposed for this property must be something which can be done in another location therefore why wouldn't the petitioner be allowed to have the trickle charge in every unit.

Ms. Griest stated that in Case 501-AA-05, the Zoning Administrator's ruling is consistent with the Board's original intent in the original zoning case. She asked what the Board needs to do with 501-AA-05, if they chose to modify the original intent for the original fifteen units to allow the petitioner to install the trickle charge outlet. She asked if in allowing this modification would the Board be over-riding the Administrative ruling or amending the ruling to give the Petitioner new lenience.

Mr. Hall stated that he believes that the Board would be over-ruling the Administrative ruling. He said that the original condition was that the overhead door operators must be hard wired and Mr. Roseman's determination was that the same. He said that based on the testimony which was received the Board may be willing to accept something other than hard wiring for the existing operators therefore over-ruling the Zoning Administrator's decision.

Ms. Griest stated that the Board would be over-ruling the Zoning Administrator's decision because the Board is changing it's original expectation and not because the Administrator interpreted the Board's ruling differently than was intended. She said that she is hesitant to make a decision until the issues are resolved and consistency is proven for all of the units.

Mr. Hall stated that when it comes right down to it the important issue is that the Board is "assured".

Mr. Steeves stated that his understanding of Case 501-AA-05 was that they Petitioner was asking for an appeal from the conditions which were set in the original approval, therefore his answer to 501-AA-05 would be "no". He said that if the trickle charge is allowed then the Board is changing the condition but the hard wiring concept is totally differently.

Ms. Griest stated that the Board is still adhering to their original intent but are providing additional alternatives to the Petitioner to accomplish the Board's intent. She said that the Board appears to be willing to obtain some additional alternatives to accomplish the original intent of the conditions

but are requesting that the Petitioner to come up with those alternatives and submit them in writing to staff and the Board for review. She informed Mr. Johnson that he is required to submit, in writing, the solution that make these services limited to only to the original intent that the Board specified and to make them completely and totally inaccessible to the tenant's discretion in their use. She said that if a trickle charge outlet is provided he must be in control of that outlet and the tenant cannot adapt the outlet for any other purpose and if the tenant has lighting it is inaccessible for them to retro-fit it to be anything other than providing security lighting within the unit for access.

She said that this information must be placed in a specific format as to how these issues will be addressed and a solution accomplished. She stated that the same information will be required for the existing units, which he has elected not to hard wire the garage door operator, and how he plans to either replace them with new hard wired units and remove the receptacles or secure those accesses so that the tenants do not have access to re-engineer those outlets for a different use.

Mr. Street stated for his own clarification that the Board desires specific information regarding the following: 1) the incandescent lights need to be either locked down or changed to flourescent; and 2) a key type switch must be installed for the future electrical outlets; 3) the lock down "bull's-eye" safety for the existing electrical outlets would satisfy the Board. He said that existing units require retro-engineering. He said that he will have this information submitted by an electrical engineer.

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

Ms. Griest stated that the existing and future units must meet the original intent. She requested that the Board receive either an example or photo of the key type switch and the other alternatives.

Mr. Hall stated that this information must be specific information which staff can accept and that Mr. Johnson is willing to accept.

Mr. Schaller stated that the new building will have a separate circuit. He said that one circuit will be for the lights and garage door operators and the second circuit will be for the trickle charger outlet which will be affixed to a breaker. He said that the breaker would be on an off position and only activated by Mr. Johnson. He asked if there was any way that Mr. Johnson could start the second building contingent upon approval of these cases by the Board.

Ms. Griest stated that the Board is unwilling to allow construction until these cases reach a final determination.

Mr. Hall stated that if the information is received by mid-July then it is possible that these cases could be continued to the August 11, 2005, meeting.

Mr. Steeves moved, seconded by Mr. Bluhm to continue Cases 476-S-04; 482-V-04; and 501-AA-05: Lester Johnson, Lucinda Schneider and Wilbur Street, agent to the August 11, 2005, Zoning Board of Appeals meeting. The motion carried by voice vote.

Case 455-AM-04 Petitioner: David and Lynn Borchers. Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to B-4, General Business.

Location: A 26,524 square foot tract in the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 8 of Champaign Township that abuts the west side of Staley Road and is located approximately 1/4 mile north of the intersection of Staley Road and Illinois Route 10 and that is commonly known as a house at 205 South Staley Road, Champaign.

Case 473-V-04 Petitioner: David and Lynn Borchers. Request to authorize the separate use of a nonconforming lot that is in common ownership with all adjacent land and that is without either a connected public sanitary sewer system or a connected public water supply system and with an area of 26,524 square feet instead of the required 30,000 square feet in the AG-2, Agriculture District. Location: (See Case 455-AM-04)

Case 457-AM-04 Petitioner: David and Lynn Borchers. Request to amend the zoning map to change the zoning district designation from AG-2, Agriculture to B-4, General Business. Location: Lot 1 and 2 of the James W. Townley Subdivision that are commonly known as two vacant lots at 211 & 215 South Staley Road, Champaign.

Case 458-S-04 Petitioner: David and Lynn Borchers. Request to authorize the establishment and use of more than two principal structures pursuant to Case 457-AM-04. Location: (See Case 457-AM-04).

Case 492-S-05 Petitioner: David and Lynn Borchers. Request to authorize the establishment of a Contractor's Facility with Outdoor Storage and Operations in the AG-2, Agriculture Zoning District. Location: Lot 3 of the James W. Townley Subdivision that is commonly known as a house at 203 South Staley Road, Champaign.

Ms. Griest called Cases 455-AM-04; 473-V-04; 457-AM-04; 458-S-04; and 492-S-05, David and Lynn Borchers concurrently.

Mr. Hall distributed a Supplemental Memorandum dated June 16, 2005 for Case 473-V-04 for the Board's review. He also distributed Land Use Goals and Policies Worksheet dated June 16, 2005 for the Board's review during Case 455-AM-04. He said that since the last meeting regarding Case 492-S-05, an inquiry was received about sales of vehicles that have occurred on the property. These sales are discussed in Item 12.J. of the Revised Draft Summary of Evidence.

Ms. Griest informed the audience that as a result of a recent court case the ZBA now allows cross-examination of any witness who gives testimony. She said that the cross-examination is limited to those who have an interest in the case. She said that the Board is still awaiting a full interpretation as to what criteria that interest has to meet therefore at this meeting witness cross-examination will be allowed but will be limited to anyone who has signed the witness register.

Ms. Griest called Mr. David Borchers to testify.

Mr. David Borchers, who resides at 2691 CR 425E, Mahomet stated that he owns the property located at 203, 205, 211 and 215 S. Staley Road, Champaign. He said that he has begun the process of installing the required screening by planting 25 pine trees, ten foot apart. He said that he is trying to comply in advance and has removed a job trailer from the site. He met with the City

of Champaign and during the meeting they indicated that they were interested in annexing his property and the adjacent property to the north into the City of Champaign. He said that the City of Champaign's reasoning for wanting to annex is to obtain a 1276 foot long easement for a road between the two properties. Mr. Borchers stated that he met with Mark Dixon, Architect for the Atkin's Group, the adjacent landowner, and Mr. Dixon indicated that he will produce drawings to present to the City of Champaign. Mr. Borchers stated that he would rather not annex into the city limits but if he agrees to the annexation the City of Champaign will grant sewer hookup.

Ms. Griest asked if the easement would be entirely on the Borchers' property or would be split between the two parcels.

Mr. Borchers stated that the easement would consist of 30 feet from his property and 30 feet from the Atkin's Group property. He said that he would be required to remove the screening if the easement is granted. He said that he did submit a "perc test" to the Public Health Department with locations of the septic systems. He said that he has not received any comments from the Public Health Department to date.

Ms. Griest asked if the percolation tests which he submitted to the Public Health Department and the locations of the septic systems were based upon the designs which were presented to the Board.

Mr. Borchers stated that Ms. Griest was correct.

Ms. Griest asked if the City of Champaign would support a zoning classification change if he entered into a pre-annexation agreement.

Mr. Borchers stated that she was correct but sewer will not be provided.

Mr. Hall stated that the watershed which the property is located cannot be connected to sewer hookup except by the main that is intended to come up Rising Road. He asked if the City of Champaign was anticipating that the only way that Mr. Borchers' property could be connected is by coming up the easement which will be provided in the pre-annexation agreement.

Mr. Borchers stated that the Sanitary District has not indicated what direction they are headed. He said that the City of Champaign would like to have the pre-annexation agreement in place by this summer. He said that he has already submitted all of the required information requested by the City of Champaign and is awaiting the Atkin's Group to submit their proposal.

Ms. Griest asked Mr. Borchers if it was reasonable to believe that he did not expect final action tonight because additional time is required to finalize his agreements with the City of Champaign.

Mr. Borchers stated that he would like to have a decision at tonight's meeting regarding Case 492-S-05, 203 S. Staley. He said that he would rather stay within the County's zoning and does not wish to annex into the City of Champaign. He said that if the Board decides to hold off on a final determination until a later date then that is fine but he would prefer a final determination for Case 492-S-05.

Ms. Griest asked staff if they had any questions for Mr. Borchers and staff did not.

Ms. Griest asked if anyone else had questions for Mr. Borchers.

Ms. Griest asked the Board if they had any other questions for Mr. Borchers and they did not.

Ms. Griest called Mr. Daniel Ginther to cross-examine Mr. Borchers.

Mr. Daniel Ginther, who resides at 106 S. Staley Rd, Champaign asked Mr. Borchers how many total employees will be located at the facility.

Mr. Borchers stated that in total there will be approximately 22 total employees for the site. He said that very rarely will all of the employees be on the site at once. He said that there will be 4 to 5 employees at the site each day but it really depends on the job schedule.

Mr. Ginther asked Mr. Borchers how many businesses will be operating on the site.

Mr. Borchers stated that he has his business and his brother-in-law stores his equipment at the site.

Mr. Bluhm stated that the City of Champaign indicated that it maybe three years before Lot 1 and 2 are annexed but it may be that they want to get it annexed sooner so that they can get the sewer in.

Mr. Borchers stated that the City of Champaign is indicating three years but Mark Dixon of the Atkin's Group has discussed this issue with the Sanitary District and they indicated that it may be eight years. He said that six months ago the City of Champaign wouldn't even consider annexation but now suddenly they are pushing for it which makes him wonder if the Atkin's Group is considering development on their property.

Mr. Hall asked Mr. Borchers asked if he believed that the Atkin's Group's development would follow shortly after the construction of the street.

Mr. Borchers stated that Mr. Dixon has indicated that the Atkin's Group has no plans to develop on the property but he does not understand the sudden interest in annexation if there are no plans.

Mr. Hall stated that if the trees for the screening is removed to build a street and construction occurs north of his property which would take the place of the screening it could be that the screening is not required.

Ms. Griest stated that the March 17, 2005, minutes indicate that Mr. Borchers testified that any equipment which is not involved in his business would be removed from the site. She said that Mr. Borchers testified at tonight's hearing that his brother-in-law was still storing his equipment on the property and is intending to continue this practice.

Mr. Borchers stated that his brother-in-law is still storing his equipment on the property but it will be removed. He said that he would like the opportunity to give his brother-in-law 60 to 90 days notice.

Mr. Bluhm stated that Mr. Borchers' brother-in-law's equipment should be removed from the property as originally discussed.

Ms. Griest called Mr. Daniel Ginther to testify.

Mr. Daniel Ginther stated that he lives across from the 203 South Staley Road site. He said that he has counted fifteen vehicles traveling in and out of the property on any given day. He said that there are more than two businesses on the property and asked what an automobile mechanic, electrician and masonry business have in common because these businesses are all operated out of the warehouse. He said that many times there are vehicles parked on the grass area which are for sale and asked what would stop an individual from bringing trucks up to this grassy area indicating that they are for sale but never actually selling those trucks but intending to just store them in the grassy location. He said that he would appreciate it if the Board would not allow any outside storage on the property.

Ms. Griest asked staff if they had any questions for Mr. Ginther and staff did not.

Ms. Griest asked if anyone else had questions for Mr. Ginther.

Ms. Griest asked the Board if they had any other questions for Mr. Ginther and they did not. Mr. Borchers stated to Mr. Ginther that he would not place cars in the grassy area for storage purposes. He said that he and some of his employees have sold a few of their personal vehicles in the grassy area. He said that if this is a violation then he apologizes and was unaware that this was not allowed. He said that he does have a mechanic on the site and the mechanic does have a few buddies which like to come out to the site and visit. He said that the electrical contractor is a close friend who comes to the site and helps bid jobs practically everyday.

Ms. Griest asked if there were any members of the audience who have not signed the witness register but would like to do so at this time. No response was received therefore she asked the Board how they would like to proceed.

Mr. Irle stated that the Petitioner would like final action on 492-S-05 but asked if there was an issue regarding the detention basin for the other cases which would essentially affect Case 492-S-05.

Mr. Hall stated that at this time it is indicated that a detention basin is required.

Ms. Griest stated that this is the reason why the Board did not desire to take action on Case 492-S-05 because it included the mapping out of the detention basin without knowing what the other parcels were going to do.

Mr. Irle stated that for this reason all of the cases should be continued.

Mr. Hall stated that the detention basin can only be on this property because it is not really being treated as a basin, a pond is allowed in the AG-2 zoning district. He said that the basin should not be treated the same way as the parking lot for the business development next door because that

would be mixing different uses on one lot which is not permissible in the AG-2 zoning district. He said that the detention basin is something that we should encourage therefore whether the detention basin gets built on this site or not it does not impact any part of the contractor's facility.

Ms. Griest stated that the Board understands that the detention basin is not part of the contractor's facility but if Case 492-S-05 is approved with the expectation that the detention basin is constructed then it gives a somewhat of a implicit approval that the other parcels have the right to use the detention basin.

Mr. Hall stated that Mr. Borchers would not be in violation of the special use permit if the basin did not get built on the site.

Mr. Bluhm stated that he would like to see all of the cases continued until all the issues are rectified with the City of Champaign. He said that if the petitioner decides not to annex the City of Champaign's protest will still be valid.

Ms. Griest stated that the City of Champaign's protest was on the map amendment cases and not the special use case. She said that the City of Champaign's protest still stands for Cases 455-AM-04 and 457-AM-04.

Mr. Bluhm stated that initially the City of Champaign protested the rezoning for this particular use.

Mr. Hall stated that the City of Champaign provided protest rights for a blanket rezoning to the I-1, Light Industry zoning district and did not mention the contractor's facility. He said that the City of Champaign receives every mailing which goes out and should be aware that the case was withdrawn and was replaced with a special use permit and no comments have been received. He said that in the overall site plan for Lot 3, which was included with the March 17, 2005, memorandum, the detention basin is indicated with dash lines.

Mr. Irle asked Mr. Hall if once the City of Champaign begins a project, such as this, do they stop mid-stream or continue the project until completed.

Mr. Hall stated that it was not known when the City of Champaign will move on this project.

Mr. Irle stated that the City of Champaign would probably want to get an agreement in place as soon as possible. He said that it might make sense for the Board to hold off on a final determination until an agreement is made.

Mr. Hall stated that putting a street along the north edge will not effect the setbacks for a non-conforming building. He said that another reason to wait would be see if the site plan could be revised to accommodate a street.

Mr. Steeves stated that he understood that the Atkin's Group hasn't agreed to anything to date either.

Mr. Bluhm stated that no one as agreed to anything to date.

Mr. Hall stated that the City of Champaign has been short on staff for the past couple of months although they recently hired a person who could possibly be working on this project.

Mr. Irle stated that he would rather be cautious and continue these cases to a later date. He said that this will give the Board an opportunity to see what type of agreement is made with the City of Champaign.

Mr. Borchers stated that from the ZBA's point of view he believes that he had better wait for a final determination on all cases.

Mr. Hall asked what additional information the Board would like to review.

Mr. Bluhm stated that a copy of the pre-annexation agreement would be beneficial and an indication as to whether the agreement was approved or denied.

Mr. Irle stated that he would like Mr. Hall to contact the City of Champaign Planner which is assigned to this project to see if he can obtain any additional information.

Mr. Irle moved, seconded by Mr. Steeves to continue Cases 455-AM-04; 457-AM-04; 458-S-04; 473-V-04; and 492-S-05 to the September 15, 2005, Zoning Board of Appeals meeting. The motion carried by voice vote.

6. New Public Hearings

Case 501-AA-05 Petitioner: Lester Johnson, Lucinda Schneider and Wilbur Street, agent. Request: Appeal of Zoning Administrator's decision regarding electrical outlets and lighting in Self Storage Warehouse without heat or utilities to individual units. Location: (See Case 476-S-04).

7. Staff Report

None

8. Other Business

None

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

None

10. Adjournment

The meeting was adjourned at 9:35 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

