

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: January 20, 2011

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Roger Miller, Eric Thorsland, Paul Palmgren

MEMBERS ABSENT : Melvin Schroeder

STAFF PRESENT : Connie Berry, John Hall

OTHERS PRESENT : Herb Schildt, Sherry Schildt

1. Call to Order

The meeting was called to order at 6:33 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

3. Correspondence

None

4. Approval of Minutes (December 16, 2010 and January 6, 2011)

Mr. Courson moved, seconded by Mr. Miller to approve the December 16, 2010 and January 6, 2011, minutes as submitted. The motion carried by voice vote.

5. Continued Public Hearing

Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3G as follows: A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots less than five acres in area in the AG-1 and AG-2 Zoning Districts; and B. Require fencing that is higher than four feet tall to be at least 50% transparent when located in the following areas: (1) In Residential Zoning Districts, all fencing that is in the front yard; and (2) On residential lots less than five acres in area in the AG Districts, only fencing between the dwelling and the

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1 **driveway within 25 feet of the dwelling. C. Increase the maximum allowed height of all fencing to**
2 **allow up to three inches of ground clearance.**

3
4 Mr. Hall stated that there are no new changes since the Supplemental Memorandum dated December 30,
5 2010. He said that revised fencing diagrams were attached to the memorandum illustrating the version that
6 the Board had discussed at the December 16, 2010, public hearing. He requested final action for Case 665-
7 AT-10, at tonight's public hearing.

8
9 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
10 regarding Case 665-AT-10 and there was no one.

11
12 Mr. Thorsland closed the witness register.

13
14 Mr. Thorsland stated that January 20, 2011, should be added to the first paragraph on Page 1 of the Finding
15 of Fact.

16
17 Mr. Thorsland said he would entertain a motion to adopt the Finding of Fact for Case 665-AT-10.

18
19 **Mr. Miller moved, seconded by Mr. Courson to adopt the Finding of Fact for Case 665-AT-10. The**
20 **motion carried by voice vote.**

21
22 Mr. Thorsland said he would entertain a motion to adopt the Summary of Evidence, Documents of Record
23 and Finding of Fact as amended.

24
25 **Mr. Miller moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record**
26 **and Finding of Fact as amended. The motion carried by voice vote.**

27
28 Mr. Thorsland said he would entertain a motion to close the public hearing for Case 665-AT-10.

29
30 **Ms. Capel moved, seconded by Mr. Palmgren to close the public hearing for Case 665-AT-10. The**
31 **motion carried by voice vote.**

32
33 Mr. Thorsland informed the petitioner that one Board member was absent from tonight's meeting therefore it
34 is at his discretion to either continue Case 665-AT-10 until a full Board is present or request that the present
35 Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are
36 required for approval.

37
38 Mr. Hall requested that the present Board move forward to the Final Determination.

39
40 **Final Determination for Case 665-AT-10:**

41
42 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of**

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1 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
2 determines that the Zoning Ordinance Amendment requested in Case 665-AT-10 should BE
3 ENACTED by the County Board in the form attached hereto.

4
5 The roll was called:

6			
7	Courson-no	Miller-yes	Palmgren-yes
8	Schroeder-absent	Capel-yes	Thorsland-yes
9			

10 Mr. Hall stated that Case 665-AT-10 will be forwarded to the Committee of the Whole in February.

11
12 **Case 666-AT-10 Petitioner: Champaign County Zoning Administrator Request to amend the**
13 **Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1. to clarify**
14 **that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in**
15 **either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

16
17 Mr. Hall stated that there are no new changes since the Supplemental Memorandum dated December 30,
18 2010. He said that the Board should add January 20, 2011, to the list of meeting dates included in the first
19 paragraph on Page 1 of the Finding of Fact.

20
21 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
22 regarding Case 666-AT-10 and there was no one.

23
24 Mr. Thorsland closed the witness register.

25
26 Mr. Hall stated that at the last meeting staff distributed an example of revised Subsection 6.1 to the Board for
27 review.

28
29 Mr. Miller asked Mr. Hall if he was requesting final action for Case 666-AT-10 at tonight's public hearing.

30
31 Mr. Hall stated yes.

32
33 Mr. Thorsland said he would entertain a motion to adopt the Summary of Evidence, Documents of Record
34 and Finding of Fact for Case 666-AT-10.

35
36 **Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
37 **Record and Finding of Fact as amended. The motion carried by voice vote.**

38
39 Mr. Thorsland said he would entertain a motion to close the public hearing for Case 666-AT-10.

40
41 **Ms. Capel moved, seconded by Mr. Courson to close the public hearing for Case 666-AT-10. The**
42 **motion carried by voice vote.**

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1
2 Mr. Thorsland informed the petitioner that one Board member was absent from tonight's meeting therefore it
3 is at his discretion to either continue Case 666-AT-10 until a full Board is present or request that the present
4 Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are
5 required for approval.

6
7 Mr. Hall requested that the present Board move forward to the Final Determination.
8

9 **Final Determination for Case 666-AT-10:**

10
11 **Mr. Miller moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of the**
12 **Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
13 **determines that the Zoning Ordinance Amendment requested in Case 666-AT-10 should BE**
14 **ENACTED by the County Board in the form attached hereto.**

15
16 The roll was called:

17			
18	Miller-yes	Palmgren-yes	Schroeder-absent
19	Capel-yes	Courson-yes	Thorsland-yes
20			

21 Mr. Hall stated that Case 666-AT-10 will be forwarded to the Committee of the Whole in February.
22

23 **6. New Public Hearings**

24
25 None

26
27 **7. Staff Report**

28 **A. December, 2010 Monthly Report**

29
30 Mr. Hall distributed the December, 2010 Monthly report to the Board for review. He noted that it appears
31 that December was a very slow month but in retrospect it was no slower than December, 2009. He said that
32 at the end of December, 2010 there were seven cases pending but two of those cases were cases that should
33 have been dropped from the docket. He said that one of those dropped cases was a case that was pending in
34 December, 2009. He said that there will probably be three record setting low years for zoning cases in a row.
35 He said that one new case was filed in January, 2011 therefore things are happening and if things go well at
36 the February Committee of the Whole meeting three new text amendment cases that will be coming before
37 the ZBA in the very near future.

38
39 **8. Other Business**

40
41 Mr. Thorsland stated that staff distributed a ZBA Member Contact List for review. He requested that the
42 Board verify the information and notify staff of any changes.

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1
2 Mr. Hall distributed the current docket to the Board for review. He said there is a variance case scheduled
3 for the February 17, 2011, public hearing and normally the Board would not schedule a variance as the only
4 case for a public hearing. He said that it may be necessary to continue Case 675-AT-10 to the February 17th
5 meeting but he is hoping that this is not the case. He said that the question arises if the Board should
6 schedule an entire ZBA meeting for one variance case. He said that the variance for Case 678-V-10 is for an
7 existing building that was built without a permit and the Board may require an entire meeting or a substantial
8 portion of the meeting for that case. He said that another variance case is scheduled for the March 10th
9 public hearing which also has a whole meeting to itself and has a similar situation as Case 678-V-10. He
10 asked if the Board believes that a variance case, which involves an existing building that was constructed
11 without a permit, justifies one entire meeting for that case only or would the Board prefer to combine the two
12 variance cases into one meeting. He said that a three hour meeting would be a full meeting for two such
13 cases and the hearings for both cases would probably have to be cut short in order to give both cases
14 adequate time at the meeting.

15
16 Mr. Courson asked Mr. Hall if Case 677-V-10 involves the same location as a previous case with the
17 petitioner.

18
19 Mr. Hall stated yes.

20
21 Mr. Courson stated that he would like to hear Case 677-V-10 and Case 678-V-10 on separate meeting dates.

22
23 Mr. Hall stated that the cases could be combined to the same night although one of the cases will probably
24 only be opened and continued to a later date. He said that the facts between the two cases are very different
25 and there is a lawsuit against the builder for Case 678-V-10.

26
27 Mr. Thorsland stated that he agrees with Mr. Courson in regards to hearing Case 677-V-10 and Case 678-V-
28 10 on separate meeting dates.

29
30 Mr. Palmgren stated that he would be absent from the February 3, 2011, meeting.

31
32 Mr. Miller stated that he would be absent from the February 17, 2011, meeting.

33
34 **9. Audience Participation with respect to matters other than cases pending before the Board**

35
36 None

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38 **10. Adjournment**

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40 **Ms. Capel moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
41 **vote.**

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1 The meeting adjourned at 7:03 p.m.

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6 Respectfully submitted

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11 Secretary of Zoning Board of Appeals

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SUBJECT TO APPROVAL

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