

AS APPROVED MAY 16, 2019

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: April 25, 2019

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Frank DiNovo, Ryan Elwell, Marilyn Lee, Larry Wood

MEMBERS ABSENT: Tom Anderson and Jim Randol

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: William Cope

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 with two members absent.

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

3. Correspondence

None

4. Approval of Minutes (February 28, 2019)

Mr. Elwell entertained a motion to approve the February 28, 2019, minutes.

Mr. Wood moved, seconded by Mr. DiNovo to approve the February 28, 2019, minutes.

Mr. Elwell asked the Board if there were any additions or corrections required to the February 28, 2019, minutes, and there were none.

The motion carried by voice vote.

5. Continued Public Hearing

None

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6. New Public Hearings

Case 931-AM-19 Petitioner: **William Cope and Mary Kalantzis** **Request to amend the Zoning Map to allow for the development of 5 single family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance. Location: A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.**

Case 932-S-19 Petitioner: **William Cope and Mary Kalantzis** **Request to authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO. Location: A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.**

Mr. Elwell informed the audience that Case 932-S-19 is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands for those who would like to cross-examine, and each person will be called upon. He requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions. He said that those who desire to cross-examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was no one.

Mr. Elwell asked the petitioner if he would like to make a statement regarding his requests.

Mr. William Cope, who resides at 4018 North Lincoln Avenue, Champaign, stated that approximately 30 years ago, he and his wife moved to the area to work at the University of Illinois. He said that they discovered the subject property, which is a remnant of the old Big Grove with one of the last largest Red Oak trees, determined to be 350 years old, in the County. He said that a portion of the property consists of a tree farm that was established 25 years ago, although Mr. Cope and his wife have thinned out some of those trees. He said that he and his wife, a previous dean at the University of Illinois, constructed a home in the forested area, and they held several private functions at their home. He said that one of their friends requested that they allow a wedding to be held on their property and they agreed, which triggered them to believe that perhaps they should use the property as more of a public place, so they obtained several Temporary Use Permits for events. He said that the structure started out as a home, although it is very large and has open patios that feature the landscape. He said that 10 or 12 years ago they obtained

1 rezoning of the property, but they did not follow through with the process of obtaining the required
2 subdivision. He noted that due to the forested areas, the structures or events are not visible from the
3 road, and they are just down the road from Prairie Fruits Farm, which also features its natural landscape.
4

5 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cope.
6

7 Mr. DiNovo asked why the property was down-zoned in Case 579-AM-07 and what advantage did it
8 gain the Copes.
9

10 Mr. Cope stated that he is unsure, and the late Tom Berns of Berns, Clancy, & Associates, was heavily
11 involved. He said that he was very new to the United States at the time and he did not understand the
12 purpose of Case 579-AM-07 either, but perhaps staff could enlighten everyone.
13

14 Mr. John Hall, Zoning Administrator, stated that at the time, the zoning districts did not line up with the
15 lots planned for the subdivision, so a rezoning was required to ensure that each lot was one zoning
16 district. He said it was Mr. Berns' recommendation to rezone the property to CR, Conservation-
17 Recreation, because it was part of the old Big Grove and had an established tree farm. He said that as
18 the Zoning Administrator, he believes that the property is more valuable as CR, Conservation-Recreation
19 rather than AG-2, Agriculture, and it was a simple way to resolve the zoning for the various lots that
20 were being proposed. He said that the Zoning Ordinance did not anticipate lots that are split zoned, and
21 it is not what the Ordinance clearly states, but it does make everything much easier when each lot is
22 clearly one zoning district.
23

24 Mr. Wood asked if Mr. Cope's home and the garage with the residence existed at that time, or were they
25 constructed after the zoning case.
26

27 Mr. Hall stated that they were constructed after the zoning case was reviewed.
28

29 Mr. DiNovo asked if the property to the west had always been zoned AG-2.
30

31 Mr. Hall stated that he has not had time to research the history of the property to the west, but he
32 assumes that it had always been zoned AG-2.
33

34 Mr. Cope stated that the parcel had the type of soil that was not very productive, which is the reason why
35 they established the tree farm, which provided more continuity of the property as it was now a forest. He
36 said that the tree farm was planted in 1994, but before that it was cornfield that did not prove to be very
37 productive due to the low lying areas.
38

39 Ms. Lee asked Mr. Cope to indicate when he acquired the property.
40

41 Mr. Cope stated that they acquired the property in 2006, but the closing did not occur until early January
42 2007.
43

44 Ms. Lee asked if flooding occurs on the property.
45

1 Mr. Cope stated that part of the property is located in the flood zone, although very little flooding occurs
2 on the property itself, but it is along the drainage ditch and the stream does get pretty high at times. He
3 noted that much of the property is above the 100-year flood elevation.
4

5 Mr. Wood stated that a section of the property was taken for the expansion of Lincoln Avenue. He
6 asked if the residence to the northeast has a driveway that goes across Mr. Cope's land has a written
7 agreement to use that access.
8

9 Mr. Cope stated that there is no agreement, because it has never been a problem. He said that those
10 residents do not have to cut across the corner of his property, but they always have, and he and his wife
11 have never worried about it.
12

13 Mr. DiNovo asked Mr. Cope to indicate the maximum number of guests for an event.
14

15 Mr. Cope stated that when they use the house, only 70 guests can be accommodated, but they could have
16 a tent placed on the property to accommodate more. He said that the wedding events are generally 200
17 guests, but again, the house itself is only suitable for 70 guests. He said that they generally have small
18 events, but if need be, they could offer a tent to be placed on the grass.
19

20 Mr. DiNovo stated that he is always concerned about any piece of real estate that doesn't have clear
21 ownership and use of the outlots. He asked what advantage there is to setting aside outlots at all rather
22 than having them be part of Lot 3.
23

24 Mr. Hall stated that he believes that the reason why Mr. Berns suggested Outlot 5A was so that the
25 owner of Lot 5 could obtain financing without having to purchase flood insurance. He said that some
26 part of Outlot 5A is below the base flood elevation, and the thinking was to minimize the need for flood
27 insurance, and Mr. Berns was probably anticipating an amendment to the flood map, but that was never
28 finalized. He said that regarding Outlot 4A, Mr. Cope's events are held mostly indoors and that is not
29 allowed in the CR Conservation Recreation Zoning District, so some part of the property needed to be
30 rezoned. He said that as the Zoning Administrator, he felt that some part of the property should be in the
31 CR Zoning District, and that is what led his recommendation to Mr. Cope to have Outlot 4A so that
32 Outlots 4A and 5A could retain their CR Zoning District designation, and he could proceed with his
33 request for the event center on Lot 4. He said that as he understands it, Mr. Cope does use some of the
34 land that would actually be located on Outlots 4A and 5A, but that use is for the outdoor recreation. He
35 said that the outlots were to assist with achievement of Mr. Cope's requested use and still stay within the
36 constraints of the Zoning Ordinance. He said that if the Board would feel better to rezone everything to
37 the AG-2, Agriculture Zoning District, then that would make things easier for Mr. Cope, but he would be
38 surprised if the Board felt that would be a better approach.
39

40 Ms. Lee asked Mr. Hall why he indicated that the Board may not want to rezone the entire property to
41 AG-2, Agriculture.
42

43 Mr. Hall stated that the CR Zoning District is the one zoning district where the fine parameters are
44 clearly outlined in the Zoning Ordinance. He said that the CR District is located around and near the
45 major streams and intended to accommodate most of the floodplain area, and even though Outlots 4A

1 and 5A do not encompass the floodplain area, they do encompass the floodway, which is the most
2 critical part of the floodplain.

3
4 Mr. Lee asked if there was a status regarding septic system availability on the poorer soils of the
5 property.

6
7 Mr. Hall stated that part of the subdivision process requires sending the results of the soil investigation
8 to the health department. He said that the Rural Residential Overlay (RRO) process is not the
9 subdivision process and is only a zoning process, and no additional information has been received
10 regarding the subdivision.

11
12 Mr. DiNovo stated that the current septic system is located on Sawmill soil which has very low
13 suitability for a leach field.

14
15 Mr. Wood stated that the current septic system does not have a leach field because it is an aeration
16 system.

17
18 Mr. DiNovo stated that he understood the status of the current septic system, but it could not be
19 enlarged. He said that it may be prudent to have a design of the septic system in hand prior to approval
20 of the new special use permit so that it does not become an administrative issue in the future.

21
22 Mr. Hall stated that Mr. DiNovo's concern regarding the septic system is more suited to Cases 934-AM-
23 19 and 935-S-19.

24
25 Mr. Wood stated that Case 935-S-19 includes a special condition regarding the septic system.

26
27 Mr. Hall agreed, and during Cases 931-AM-19 and 932-S-19, staff only addressed the septic systems for
28 the other lots.

29
30 Mr. DiNovo agreed. He said that the one thing that concerns him about creating commons and outlots is
31 that there is potential for future headaches, because if the lot becomes orphaned or conveyed as a
32 detached lot, it could become involved in the tax sale with a buyer, etc., and this is why he prefers real
33 estate arranged so that it is less likely to occur. He said that the outlots could be created, or zone the
34 stream corridor to AG-2 Agriculture or split CR.

35
36 Mr. Wood stated that flood insurance is irrelevant because there are only a few feet of difference
37 between the mapped floodplain and anywhere that a building would be constructed. He said that anyone
38 who builds out there should purchase flood insurance regardless.

39
40 Mr. DiNovo stated that the current flood maps are pretty good and there shouldn't be any issue with
41 anyone obtaining a mortgage if the back of the lot is in the floodplain.

42
43 Mr. Hall stated that the current flood insurance rates are fairly high and will probably increase.

44
45 Mr. DiNovo stated that the property is still located in Zone C, and what matters is the flood insurance

1 rate map and the parcel boundaries are beside the point. He said that the point with flood insurance is
2 the location of the building site versus the mapped floodplain. He said that the bigger problem is the
3 underlying zoning, and what uses in AG-2 that do not require permanent structures, and nothing is going
4 to be constructed in the floodway.

5
6 Mr. Elwell asked Mr. Cope to indicate where the event parking is located.

7
8 Mr. Cope stated that the parking is located at the north end of the site, where they have mowed under
9 some very large White Oak trees and created a walk path through the forested area from the parking area
10 to the house. He said that they routinely have people drop off guests at the house and then proceed to
11 park their vehicles in the designated area. He noted that there are handicapped parking areas near the
12 house.

13
14 Mr. Wood stated that the parking is addressed in Cases 934-AM-19 and 935-S-19. He said that the
15 memorandum indicates that the parking is located in Lot 5 which would continue to be under Mr. Cope's
16 ownership and Lots 1 and 2 are to be sold in the future. He said that 100 parking spaces have been
17 allocated and his only concern is the type of surface for the parking area, and what happens when the
18 area is wet.

19
20 Mr. Cope stated that a large portion of the grassed parking area is above the flood zone and it such a
21 beautiful area that it would be a shame to pave it.

22
23 Mr. DiNovo stated that the parking plan is complicated in this instance because Oak trees are extremely
24 sensitive to soil compaction, so the parking would need to be arranged in such a way that it would stay
25 outside of the drip line of the mature trees.

26
27 Mr. Cope stated that there is a lot of space away from the four Oak trees, and the parking is occasionally
28 and not on a daily use; therefore, the compaction would be minimal. He said that there is ample area for
29 the parking to be away from the trees.

30
31 Mr. DiNovo asked staff if they had determined the minimum amount of required parking spaces.

32
33 Ms. Burgstrom stated that the questions regarding parking are related to the cases regarding the event
34 center and not the RRO, although they are interrelated, and requested that the Board address those
35 questions during the event center cases. She said that staff did do the analysis for the parking and a
36 minimum of 100 parking spaces would be required with four accessible spaces included.

37
38 Ms. Lee asked if 100 parking spaces would require a maximum of 300 guests for each event.

39
40 Ms. Burgstrom stated yes. She said that she had not verified a maximum of 300 guests with Mr. Cope,
41 but they did discuss an estimated maximum number of guests. She asked Mr. Cope if they would ever
42 exceed 300 guests at any given event.

43
44 Mr. Cope stated no. He said that a maximum number of 300 guests is acceptable because they normally
45 have less than that, and the event center is not for big events.

1
2 Mr. Hall asked Mr. DiNovo if his question was more towards the following: If there were only 150
3 guests, what is the minimum number of parking spaces required by the Zoning Ordinance, which is far
4 fewer than 100.

5
6 Ms. Burgstrom stated that the Zoning Ordinance requires 1 parking space per five attendees for indoor
7 events, and 1 parking space per three attendees for outdoor events.

8
9 Mr. Cope stated that there is only one flat space close to the home that surprisingly happens to be near
10 the floodplain and stream, for the location of a limited sized tent for the guests.

11 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Cope, and there were
12 none.

13
14 Mr. Elwell stated that since there are no audience members, he closed the witness register.

15
16 Mr. Hall stated that regarding Cases 931-AM-19 and 932-S-19, the previously approved RRO was
17 approved before the Land Resource Management Plan (LRMP) existed, so the analysis for that RRO did
18 not include the LRMP. He said that the proposed RRO is the first time that the Board has had the LRMP
19 and this RRO involves land cover that was especially pertinent to Objective 8.6., which discusses how
20 the County values the remnants of pre-settlement land cover and the kinds of care that will be taken
21 when people want to develop in that land cover. He said that Lot 5 has the highest quality land cover
22 similar to the old Big Grove, and Mr. DiNovo has indicated that the parking should stay out of the drip
23 line of the mature Oak trees, but if Lot 5 is sold sometime in the future, it could be anticipated that a
24 home would be constructed, and one would hope that the new owner would try to preserve as many of
25 the old Oak trees as possible. He said that for Objective 8.6, on these large lots where there is no major
26 intrusion or apparent harm, staff did not want to indicate that the proposed amendment would HELP
27 ACHIEVE Objective 8.6 but made a recommendation that it would NOT IMPEDE the achievement of
28 Objective 8.6. He said that the only way to do better than would NOT IMPEDE would be to enter the
29 realm of trying to minimize harm to the old Oaks, and if there had been smaller lots proposed in the area
30 of the old Oaks, then staff would probably have had a lower recommendation of would NOT IMPEDE
31 because that would conflict with the LRMP. He said that he wanted to flag Objective 8.6 for the Board
32 members and when it is all said and done, the ZBA had their chance to review that and the Board made
33 the decision that works for the Board. He said that it is apparent that Mr. Cope does have strong feelings
34 about the property, but Mr. Cope may not own the property forever and the Board needs to consider that
35 during their review. He said that the event center could well be in the hands of a different owner in the
36 future even after Lot 5 is sold, and the Board should remember that during their review and determine an
37 alternative parking area in case Lot 5 is sold.

38
39 Mr. DiNovo stated that clearly, the context of the Special Use Permit for the event center has to be
40 addressed. He said that in 2002, the ZBA attempted to comprehensively amend the Zoning Ordinance,
41 the County Board at the time indicated that there was no interest in using the Zoning Ordinance to force
42 people to protect habitat or natural areas and doing so was not a proper use of the County's police power.
43 He asked Mr. Hall if he believes that the County Board's position has changed regarding informing
44 people that they could not develop a piece of property for the purpose of preserving a natural area.

45

1 Mr. Hall stated that the LRMP makes it very clear that if someone is requesting a discretionary approval
2 on land that has this type of land cover, then they have to meet these standards, and it could be logically
3 determined that what Mr. Cope is proposing would nearly meet the LRMP standards because he is
4 proposing large lots where even if someone took out the biggest Oak they would probably not cut down
5 the rest of the Oak trees as they are part of the beauty of the property. He said that normally in zoning,
6 staff has to determine a worst case analysis, but staff also has to be somewhat realistic, and if they had a
7 greater number of small lots proposed for the area, then Objective 8.6 is an area which the Board would
8 have to make a recommendation because of what the LRMP indicates. He said that he does not know
9 what the County Board would be willing to do, but he knows what the Board has to deal with in this
10 case.

11
12 Mr. Wood stated that Lots 3, 4 and 5, and the outlots will remain in common ownership at this time, and
13 Lots 3 and 4 must be separate lots due to the existence of two residences. He said that to assure the
14 protection of existing habitat, then Lots 4, 5 and the outlots should be combined into one lot so that no
15 portion of it could be resold for construction of another home within that natural habitat, although he
16 does not know if that would meet the standard of the LRMP.

17
18 Mr. Hall stated that his concern is that in removing Lot 5, Mr. Cope has always had one lot in that area
19 and he assumes that they realize that it is one of the most beautiful areas in Champaign County for a
20 rural house, but one day they may decide to sell it. He said that in regard to the event center, even if Lot
21 5 was eliminated, the occasional parking could still occur in the area of the old Oak trees, and the Board
22 would need to determine if that meets the LRMP for discretionary decisions in areas like this, and he still
23 believes that the Board would be looking at NOT IMPEDE. He noted that Mr. Cope has never indicated
24 that he did not want Lot 5, and he would assume that he would want it as part of the development.

25
26 Mr. DiNovo stated that it appears that the northern part of Lot 3 could be divided from the southern part
27 of Lot 3 by creating the southern portion as a flag lot, thus creating an additional lot.

28
29 Mr. Hall stated that Mr. DiNovo is correct, and it is clear that a lot on the west side of the road is simply
30 not the same thing as a lot where Lot 5 is located.

31
32 Mr. Wood stated that if two lots are created out of Lot 3, then more trees would be torn out.

33
34 Mr. Hall stated that those trees are not valued the same way in the LRMP as the trees that are located on
35 Lot 5.

36
37 Ms. Burgstrom asked Mr. Cope if he was going to say something about Lot 5.

38
39 Mr. Cope stated that Lot 5 is a distinct space and it does have more open space for a home without
40 touching any of the existing trees. He said that the Ash trees on Lot 4 were badly damaged by the
41 Emerald Ash Borer and the parking could be located on Lot 4 because of the Ash trees being badly
42 damaged. He said the Lot 5 has its own feel to it as a space which is different from the other lots.

43
44 Mr. DiNovo stated that it would be possible to add a special condition to specify buildable area on Lot 5
45 and the specific area where a house could be constructed in the future. He said that a 50' x 120' area

1 could be indicated that could include the septic system. He said that the recommendation of NOT
2 IMPEDE for Objective 8.6 is appropriate.

3
4 Mr. Elwell asked the Board how they would like to proceed.

5
6 Mr. DiNovo stated that he is inclined to deal with Case 934-AM-19 first. He asked staff if they were
7 anticipating action tonight.

8
9 Ms. Burgstrom stated that staff did not anticipate action tonight due to the Board having a bare quorum,
10 and the information packet for Cases 934-AM-19 and 935-S-19 were only distributed today. She said
11 that the general public has not been made aware that the packet for these cases became available online
12 today, but they are aware of the legal ad that was placed in the News Gazette. She said that the cases
13 could be introduced, and staff could answer any questions that the Board may have and will oblige the
14 Board in any way that they want to discuss the cases.

15 Mr. DiNovo asked which cases are actually open at this time.

16
17 Mr. Elwell stated that Cases 931-AM-19 and 932-S-19 are currently open for discussion.

18
19 Mr. DiNovo asked if it would be inappropriate to open Case 934-AM-19.

20
21 Mr. Hall stated that Case 934-AM-19 could be opened, but it would be helpful for everyone if the Board
22 would specify which case they were discussing so that staff knows how the discussion relates to the
23 findings. He said that the Board could certainly have all four cases open, and he agrees with Mr. DiNovo
24 in that there is so much interplay that it would be helpful to have all of Mr. Cope's cases open at the
25 same time.

26
27 **Mr. DiNovo moved, seconded by Mr. Wood, to open Cases 934-AM-19 and 935-S-19 for discussion**
28 **only. The motion carried by voice vote.**

29
30 **Case 934-AM-19 Petitioner: William Cope and Mary Kalantzis Request to amend the Zoning Map to**
31 **change the zoning district designation from the CR Conservation Recreation Zoning District to the**
32 **AG-2 Agriculture Zoning District in order to establish and operate the proposed Special Use in**
33 **related Case 935-S-19. Location: A 17.2 acre tract that is approximately in the East Half of the**
34 **Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the**
35 **Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North**
36 **Lincoln Avenue, Champaign.**

37
38 **Case 935-S-19 Petitioner: William Cope and Mary Kalantzis Request to authorize the establishment**
39 **and use of an Event Center as a combination "Private Indoor Recreational Development" and**
40 **"Outdoor Commercial Recreational Enterprise" as a Special Use on land that is proposed to be**
41 **rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation**
42 **Zoning District in related Zoning Case 934-AM-19. Location: A 17.2 acre tract that is approximately**
43 **in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North,**
44 **Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the**
45 **residence at 4018 North Lincoln Avenue, Champaign.**

1
2 Mr. Elwell informed the audience that Case 935-S-19 is an Administrative Case and as such, the County
3 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
4 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
5 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
6 questions. He said that those who desire to cross-examine are not required to sign the witness register
7 but are requested to clearly state their name before asking any questions. He noted that no new
8 testimony is to be given during the cross-examination. He said that attorneys who have complied with
9 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.
10
11 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
12 the witness register for that public hearing. He reminded the audience that when they sign the witness
13 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
14 there was no one.
15
16 Mr. Elwell asked the petitioner if he would like to make a statement regarding the requests.
17 Mr. Cope stated that there is complete visual separation between the parking area and the neighbors to
18 the north because the garage and house provides separation, and the area designated for the parking is a
19 convenient open area at the moment.
20
21 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cope.
22
23 Mr. DiNovo asked Mr. Cope if he had been in discussions with the City of Urbana regarding the
24 proposed subdivision.
25
26 Mr. Cope stated yes.
27
28 Mr. DiNovo asked Mr. Cope if the City of Urbana was aware of the event center and had no objections.
29
30 Mr. Cope stated that the City of Urbana was aware of the event center and they voiced no objections.
31
32 Mr. DiNovo stated that the rezoning appears to be consistent with the City of Urbana's Comprehensive
33 Plan and in some ways, it is a return to the previously existing zoning pattern, and he is not seeing
34 anything problematic, except to the extent that Champaign County's AG-2 Zoning District allows a wide
35 range of commercial uses by special use permit and he wonders if the City of Urbana really appreciates
36 that fact, but that is their concern. He asked if the Board could anticipate receipt of a detailed site plan
37 specifying the location of 100 parking spaces.
38
39 Ms. Burgstrom stated that she did complete the analysis, although she did not include it in the mailing
40 packet, because of how variable it could be. She said that she did an informal analysis for the event
41 center, one with the RRO and one without, and she was able to accommodate 105 parking spaces
42 entirely outside of the mapped floodplain that would only take up part of Lots 5 and 5A.
43
44 Mr. DiNovo asked if the handicapped parking spaces would be located on Lot 3, which has a separate
45 principal use. He asked if the boundary of the Special Use Permit for the event center would include Lot

1 3.

2

3 Ms. Burgstrom stated yes, but she is not distinguishing a difference for Lot 3 given that it is the same
4 thing as Lot 4, which has potential parking areas, the residence, and the event center.

5

6 Mr. Wood stated that if Lot 3 was sold separately, it would have to be changed.

7

8 Mr. DiNovo stated that the dwelling on Lot 4 is the proprietor's dwelling for the event center, although
9 that is not the case for Lot 3. He said that the Board has allowed parking on adjacent lots that are not
10 part of the special use permit, such as in Case 792-V-14 where a separate parcel was going to be leased.

11

12 Ms. Burgstrom stated that in Case 792-V-14 the off-site land was leased at one time during the case
13 process, although it was discovered that the petitioner stopped paying the lease money and the lease was
14 determined to be void.

15

16 Mr. DiNovo asked if leased off-site land was permissible.

17

18 Ms. Lee asked why the parking spaces are indicated on Lot 3 if they could be located on Lot 4.

19

20 Ms. Burgstrom stated that currently, the only concrete or paved areas on the subject property are the circle
21 drive at the front of the residence, and a small area in front of the second residence. She said that putting
22 accessible parking markings on the circle drive in front of the house is less desirable than having them in an
23 area where there is already concrete paving.

24

25 Ms. Lee asked if the area on Lot 3 that has the concrete paving could be made part of Lot 4, thus resolving
26 the issue of having parking on a separate lot.

27

28 Ms. Burgstrom asked Ms. Lee if she is suggesting that the concrete area that is front of the residence on Lot
29 3, could be become part of Lot 4.

30

31 Ms. Lee stated that Attachment 3 includes a map, but it is hard to see the location of the residence on Lot 3.
32 She said that Attachment 3 does indicate the four accessible parking spaces.

33

34 Mr. Hall stated that the residence is south of the parking spaces, and an easy solution would be to add a
35 special condition indicated that if Lot 3 has separate ownership than Lot 4, then new accessible parking
36 spaces must be built on Lot 4.

37

38 Ms. Burgstrom noted that the concrete that is available in front of the garage is insufficient in length for
39 accessible parking, but this is an issue that could be resolved during permitting. She said that the length of
40 that concrete is only 15 feet versus what is required for accessible parking, thus more pavement would be
41 required.

42

43 Mr. DiNovo stated that upon approval of the subdivision, the garage/residence will become a principal
44 structure rather than an accessory structure. He asked staff if the garage/residence has the sufficient rear
45 yard for a principal structure.

1
2 Mr. Hall stated staff will check the rear yard for that structure.
3
4 Mr. DiNovo stated that if the rear yard is not adequate, a variance would be required.
5
6 Ms. Burgstrom stated that the Preliminary Plat, Attachment B. for Cases 931-AM-19 and 932-S-19,
7 indicates a 25 or 30 feet rear yard, but staff will verify that measurement and if the rear yard is not sufficient
8 a variance would be required.
9
10 Mr. DiNovo stated that if the scale is true, it appears that the structure is at least 25 feet from the rear
11 property line.
12
13 Ms. Burgstrom noted that the required rear yard in AG-2 is 20 feet.
14
15 Mr. Elwell asked the Board if there were additional questions or concerns, and if not, how would they like to
16 proceed.
17
18 Mr. DiNovo stated that the subdivision plat from Berns, Clancy & Associates appears to indicate that no
19 variance is required for the garage/residence on Lot 3. He asked if the special use permit for the event
20 center would have a time limit for the installation of the new septic system.
21
22 Mr. Hall stated that Special Condition G for Case 935-S-19 addresses the new septic system. He said that
23 Special Condition G. is the same special condition that was included in the approval of the recently
24 approved event center located near Flatville.
25
26 Ms. Burgstrom stated that the special conditions for Case 935-S-19 are included in the Preliminary
27 Memorandum dated April 25, 2019, beginning at the bottom of page 5.
28
29 Mr. Wood stated that a new septic system is required for Lot 3 as well, because it is currently Lot 3 and Lot
30 4 shares the septic system located on Lot 4.
31
32 Ms. Burgstrom asked Mr. Cope if he had any new information regarding the new septic systems for the
33 individual lots as well as the event center.
34
35 Mr. Cope stated that he had no new information, but the people that originally installed the existing septic
36 system were supposed to come to the property last week, although they failed to do so. He said that he does
37 have contact information for another contractor, although he has not spoken with them yet. He said that he
38 had hoped to have all this sorted out before this meeting, but was unsuccessful.
39
40 Ms. Burgstrom stated that if the Board would like additional information regarding the septic systems,
41 Attachment F. for Cases 934-AM-19 and 935-S-19 indicates an email from Michael Flanagan,
42 Environmental Program Coordinator, Champaign-Urbana Public Health District, stating that he provided the
43 original onsite approval for what is currently on the subject property, and the approval letter at the time; a
44 letter dated March 3, 2017, to Mr. Cope indicating that the current onsite sewage disposal system may not be
45 adequate to serve the gatherings that may be regularly occurring at the subject property. She said that Mr.

1 Flanagan's email indicates to Mr. Cope that if he continues to develop an event center on the subject
2 Property, he should be aware that the system that he has currently has was not designed for that use, thus
3 would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act. She
4 said that while staff does not have the exact information regarding what is required and what is proposed,
5 the Board should rest assured that Michael Flanagan is heavily involved in the conversations regarding the
6 appropriate septic system being installed, and staff will reflect those requirements in the special conditions
7 of approval.

8
9 Mr. DiNovo stated that he would feel more comfortable if the Board had a workable design that would be
10 compliant, and that task would be at the top of his homework list for the petitioner. He asked staff to
11 indicate the Board's responsibility under state law, to ensure that accessible toilets are available
12 for all events on the subject property for public assemble use.

13
14 Mr. Hall stated that it is a gray area.

15
16 Ms. Burgstrom stated that for a public facility, even for one that is being renovated, at least one accessible
17 toilet facility is required, but with no renovation proposed, there is a gray area.

18
19 Mr. Elwell entertained a motion for a short recess.

20
21 **Mr. Wood moved, seconded by Ms. Lee, to grant a five minute recess. The motion carried by voice**
22 **vote.**

23
24 The Board recessed at 7:46 p.m.

25 The Board resumed at 7:55 p.m.

26
27 Mr. DiNovo stated that he would like to see if the Board could resolve the previous question, because the
28 zoning itself creates the need and the Board is authorizing the Change of Use of the building, so the ZBA has
29 some responsibility regard ADA compliance. He said that he is not sure if the state architect could quickly
30 respond to a question around.

31
32 Mr. Hall asked Mr. DiNovo if he is talking about the issue of accessible toilets.

33
34 Mr. DiNovo stated yes.

35
36 Mr. Hall stated that staff is of the opinion that since there is no new construction, the *Illinois Accessibility*
37 *Code* does require at least one accessible toilet facility, and there is at least one toilet which is accessible, but
38 that can be verified as part of the permitting process. He said that the special condition indicating
39 compliance with the *Illinois Accessibility Code* already covers that, and as a practical matter, Mr. Cope
40 already has an accessible restroom in the house, and if the cases are continued, staff can verify that.

41
42 Mr. DiNovo stated that the proposed special condition regarding compliance with the *Illinois Accessibility*
43 *Code* is sufficient.

44
45 Mr. Elwell asked the Board that since there is a bare quorum of the Board, should any additional discussion

1 regarding these cases be postponed until June 27th, so that the absent Board members could be part of any
2 new discussions, or should they continue to the Findings of Fact tonight.

3
4 Ms. Lee stated that the cases should be continued due to the absence of two critical Board members, and the
5 fact that the information for Cases 934-AM-19 and 935-S-19 was only available to the Board and the public
6 today. She said that a continuance would provide an opportunity for public input.

7
8 Mr. Elwell asked Mr. Hall if the four cases could be continued to the June 27th meeting.

9
10 Mr. Hall stated yes, if all four cases were continued to the June 27th meeting, they would be the only cases
11 on that docket date.

12
13 Ms. Burgstrom noted that Mr. DiNovo has indicated that he would be absent from the June 27th meeting.

14
15 Mr. DiNovo stated that he will confirm whether he will be absent from the June 27th meeting.

16
17 Mr. Hall stated that the four cases could be continued to the May 30th meeting, because Case 939-AV-19,
18 Charles Breen, will hopefully be resolved without the need for a public hearing. He said that Eastern Prairie
19 Fire Protection District is also scheduled to be heard at the May 30th meeting.

20
21 Ms. Burgstrom stated that the Eastern Prairie Fire Protection District building is located in Wilbur Heights,
22 and the lots in that area have unique situations. She said that the Easter Prairie Fire Protection District does
23 require variances for an expansion to the fire station, and they would like to take advantage of a timely
24 construction schedule. She said that she does not anticipate their case being very complex, so it is possible
25 that Mr. Cope's cases could be continued to the same night.

26
27 Mr. Hall asked Ms. Burgstrom if it was advisable to have five cases scheduled for one meeting night.

28
29 Ms. Burgstrom stated that Mr. Cope's cases are really only one case, due to how the cases are interlaced,
30 but advertised as four cases, but that is only her opinion.

31
32 Mr. DiNovo asked staff if Case 939-AV-19 is an administrative case, why is it on the docket.

33
34 Mr. Hall stated that Case 939-AV-19 is on the docket in case anyone objects to the request and it turns into a
35 full variance, at which time it would be heard in a timely fashion.

36
37 Mr. DiNovo asked Mr. Hall if he had any reason to believe that the Administrative Variance would evolve
38 into a full variance.

39
40 Mr. Hall stated no.

41
42 Mr. DiNovo stated that he agreed with Ms. Burgstrom regarding Mr. Cope's cases being continued to the
43 May 30th meeting. He said that five cases sound like a lot, but in this case, it would be practical.

44
45 Mr. Hall stated that five cases on one night does sound like a lot, and he would anticipate a large turnout for

1 Eastern Prairie's variance requests. He said that the Board would have to decide whether the public for the
2 Eastern Prairie case would have to sit through the public input and Board's review of Mr. Cope's four cases
3 or whether Mr. Cope would have to sit through the public input and Board review for the case involving
4 Eastern Prairie Fire Protection District. He said that the problem with having five cases for one three-hour
5 meeting is that someone is going to have to sit here for a very long time.

6
7 Mr. Cope stated that he would be out of the country on June 27, 2019, but he could arrange to have a
8 representative at the meeting.

9
10 Ms. Burgstrom stated that Mr. Cope or his agent/representative must be present at the meeting.

11
12 Mr. Hall asked Mr. Cope if he would be available for the May 30th meeting.

13
14 Mr. Cope stated that he would not be available for the May 30th or June 27th meeting, because he would be
15 out of the country during both of those times.

16
17 Mr. Hall stated that Mr. Cope's cases could be continued to July 25th, or even a later meeting so that he could
18 be present during the meeting. He said that the Board could waive their by-laws for a 100-day continuance if
19 Mr. Cope required more time so that he could attend.

20
21 Mr. Cope stated that July 25th should work, and it is important that he attends the meeting to answer
22 questions and address concerns from the Board and public.

23
24 **Mr. DiNovo moved, seconded by Ms. Lee, to continue Cases 931-AM-19, 932-S-19, 934-AM-19, and**
25 **935-S-19, William Cope and Mary Kalantzis to the July 25, 2019, meeting. The motion carried by**
26 **voice vote.**

27
28 Ms. Burgstrom requested that the Board either return their mailing packets regarding Mr. Cope's cases to
29 staff or keep their packets in a safe location at home so that they can bring them to the July 25th meeting.

30
31 Ms. Lee stated that she would like to keep her packet for further review, and she would bring it with her to
32 the July 25th meeting.

33
34 **7. Staff Report - None**

35
36 **8. Other Business**

37 **A. Review of Docket**

38
39 Mr. DiNovo asked staff to indicate the status of the following cases: 881-S-17, Steve Gilbert; and 792-V-
40 14, Robert Frazier.

41
42 Ms. Burgstrom stated that Case 881-S-17 for Steve Gilbert has been referred to the State's Attorney for the
43 issues which remain on the property, and staff has not heard any new information since.

44
45 Mr. Hall stated that staff is still working on Case 792-V-14 and it is not to the point where the case needs to

1 be referred to the State’s Attorney, but a deadline is fast approaching.

2
3 Ms. Lee asked staff to indicate the status of the event center which is in operation north of Urbana.

4
5 Mr. Hall stated that we are now in a new planting season and staff is still working through the issues, but it
6 is unknown how things will work out at this point. He said that he is currently involved in several large
7 projects which are taking up a lot of his time in the office, such as the MS4 Annual Report with a deadline
8 of June 4th, and a new Notice of Intent for the MS4 Program, and these things are a priority.

9
10 Mr. Wood noted that his vacation time has changed; therefore, he would be attending the June 13th meeting,
11 but would be absent from the July 25th meeting.

12
13 Mr. Elwell noted that he would be absent from the June 27th meeting.

14
15 **9. Audience participation with respect to matters other than cases pending before the Board**

16
17 None

18
19 **10. Adjournment**

20
21 Mr. Elwell entertained a motion to adjourn the meeting.

22
23 **Mr. DiNovo moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**

24
25 The meeting adjourned at 8:09 p.m.

26
27 Respectfully submitted

28
29
30 Secretary of Zoning Board of Appeals