

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: December 12, 2019**

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

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

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Tom Anderson, Ryan Elwell, Marilyn Lee, Jim Randol, Lee Roberts, Larry Wood

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Connie Berry, Susan Burgstrom, John Hall

**OTHERS PRESENT:** Manuel Enriquez, Janette Stone, Leland Morrissey, Susie Roderick, Derrick Garrett, Judy Swartzendruber, David Swartzendruber, Richard Grant, Jim Wilson, Ramiro Apolonio, Alan Perkinson

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**1. Call to Order**

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

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

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register 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: October 31, 2019 and November 14, 2019**

Mr. Elwell entertained a motion to approve the October 31, 2019, minutes.

**Mr. Wood moved, seconded by Mr. Randol, to approve the October 31, 2019, minutes.**

Mr. Elwell asked the Board if there were any required additions or corrections to the October 31, 2019, and there were none.

**The motion carried by voice vote.**

Mr. Elwell entertained a motion to approve the November 14, 2019, minutes.

1 **Ms. Lee moved, seconded by Mr. Randol, to approve the November 14, 2019, minutes.**

2  
3 Mr. Elwell asked the Board if there were any required additions or corrections to the November 14, 2019,  
4 minutes, and there were none.

5  
6 **The motion carried by voice vote.**

7  
8 **5. Continued Public Hearing**

9  
10 **Case 960-S-19** Petitioner: **Travis Heath Request to authorize a Special Use Permit for construction of**  
11 **an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District.** Location: **An**  
12 **18.93 acre tract that is part of the West Half of the Northeast Quarter and part of the Northwest**  
13 **Quarter of the Southeast Quarter of Section 23, Township North, Range 7 East of the Third Principal**  
14 **Meridian in Newcomb Township, and commonly known as the vacant tract just west of the residence**  
15 **with an address of 485 CR 2675N, Mahomet.**

16  
17 Mr. Elwell informed the audience that Case 960-S-19 is an Administrative Case and as such, the County  
18 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask  
19 for a show of hands for those who would like to cross-examine, and each person will be called upon. He  
20 requested that anyone called to cross-examine go to the cross-examination microphone to ask any  
21 questions. He said that those who desire to cross-examine are not required to sign the witness register  
22 but are requested to clearly state their name before asking any questions. He noted that no new  
23 testimony is to be given during the cross-examination. He said that attorneys who have complied with  
24 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

25  
26 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
27 the witness register for that public hearing. He reminded the audience that when they sign the witness  
28 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register  
29 and there was no one.

30  
31 Ms. Burgstrom informed the Board that the petitioner has requested a continuance for his case to allow  
32 time for his engineer to finalize the required documentation for staff and the Board’s review. She said  
33 that the Board could vote to continue Case 960-S-19 now and determine a date certain during the review  
34 of the docket.

35  
36 Mr. Elwell entertained a motion to continue Case 960-S-19 to a date determined by the Board during the  
37 review of the docket.

38  
39 **Mr. Wood moved, seconded by Mr. Randol, to continue Case 960-S-19 to a date determined by the**  
40 **Board during the review of the docket. The motion carried by voice vote.**

41  
42 **6. New Public Hearings**

43  
44 **Case 965-V-19** Petitioner: **Manuel Enriquez Request to authorize a variance for a lot area of 6,600**  
45 **square feet (0.15 acre) and an average lot width of 50 feet in lieu of the minimum required 10,000**  
46 **square feet (0.23 acre) in area and 100 feet average lot width in the I-1 Light Industry Zoning District,**

1 **per Section 5.3 of the Champaign County Zoning Ordinance. Location: Lots 203 and 204 of the**  
2 **Wilbur Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31,**  
3 **Township 20N, Range 9E, in Somer Township and commonly known as the residence with an address**  
4 **of 205 Paul Avenue, Champaign.**  
5

6 Mr. Elwell informed the audience that Case 965-V-19 is an Administrative Case and as such, the County  
7 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask  
8 for a show of hands for those who would like to cross-examine, and each person will be called upon. He  
9 requested that anyone called to cross-examine go to the cross-examination microphone to ask any  
10 questions. He said that those who desire to cross-examine are not required to sign the witness register  
11 but are requested to clearly state their name before asking any questions. He noted that no new  
12 testimony is to be given during the cross-examination. He said that attorneys who have complied with  
13 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.  
14

15 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
16 the witness register for that public hearing. He reminded the audience that when they sign the witness  
17 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register  
18 and there was no one.  
19

20 Mr. Elwell asked the petitioner if he would like to provide a statement regarding his request.  
21

22 Mr. Manuel Enriquez, who resides at 1307 Garden Lane, Champaign, stated that he recently purchased  
23 the property and he would like tear down the existing trailer and construct a new building for his  
24 business.  
25

26 Mr. Elwell asked the Board if there were any questions for Mr. Enriquez.  
27

28 Ms. Lee asked Mr. Enriquez if this would be a full-time business.  
29

30 Mr. Enriquez stated yes.  
31

32 Ms. Lee stated that no restroom or septic system is being proposed for the new building, which does not  
33 seem logical for a full-time business.  
34

35 Ms. Burgstrom stated that this issue was researched by staff today because the subject property abuts the  
36 City of Champaign, which has an agreement with the Urbana-Champaign Sanitary District (UCSD) to  
37 require annexation when anyone desires to make a new connection to UCSD network. She said that Mr.  
38 Enriquez would like to keep the existing septic system, although staff is unsure of its condition or age.  
39 Ms. Burgstrom stated that if it is proven that the existing septic system is not working, then Mr.  
40 Enriquez would like the opportunity to install a new septic system rather than annexing into the City of  
41 Champaign. She said that UCSD's requirement for annexation is 200 feet, and at this point Mr.  
42 Enriquez is over 400 feet; therefore, staff does not believe that Mr. Enriquez would be required to annex  
43 into the City of Champaign and would be able to obtain the required septic permits from the Health  
44 Department. She said that for commercial structures the International Building Code applies, and a  
45 restroom is required for employees. She said that compliance with the International Building Code is  
46 reviewed at the permitting stage, and staff would like to address the question of a restroom and septic

1 system during that process. She said that staff respectfully requests that the Board review the variance  
2 request only and allow staff to address the requirements of the International Building Code during the  
3 permitting process.

4  
5 Mr. Elwell asked the Board if there were additional questions for Mr. Enriquez.

6  
7 Mr. Anderson stated that he visited the subject property and was amazed by the number of cars that were  
8 just sitting around. He asked Mr. Enriquez to explain the process when a vehicle is delivered to his  
9 business for repair. He asked Mr. Enriquez if someone delivers a vehicle to his business, do they pull it  
10 into the building for that repair, and when the repair is finished, the owner is notified that the vehicle  
11 needs to be picked up. He asked Mr. Enriquez to indicate what happens if the vehicle repair is not  
12 completed on the same day, where the car goes.

13  
14 Mr. Enriquez stated that if the vehicle requires additional parts, it could be one or two days for them to  
15 arrive, so the vehicle will be pulled out of the building and parked outside until the parts arrive. He said  
16 that when he has all of the parts to repair the vehicle, it will be pulled back into the building for service  
17 completion.

18  
19 Mr. Anderson stated that the documentation indicates that Mr. Enriquez intends to use the rear portion of  
20 the subject property to store vehicles.

21  
22 Mr. Enriquez stated that his intention is to have the vehicles that are operable parked in the front of the  
23 property, but the vehicles that are not operable will be stored in the back of the property so that he does  
24 not have to deal with the difficulties of moving them. He said that at times it may take three to five men  
25 to move an inoperable vehicle and when he has the opportunity to work on the vehicle it would take the  
26 same amount of men to get it into the building for service.

27  
28 Mr. Anderson stated that there is only ten feet of clearance between the proposed building and the  
29 adjacent property. He asked Mr. Enriquez if ten feet is enough room to manipulate an inoperable vehicle  
30 from the front to the rear of the property.

31  
32 Mr. Enriquez stated yes, because a normal garage door is only seven feet wide.

33  
34 Mr. Anderson asked Mr. Enriquez to identify the round structure in the back yard.

35  
36 Mr. Enriquez stated that the round structure is an old pool that will be removed.

37  
38 Mr. Anderson asked Mr. Enriquez if it was an above or inground pool.

39  
40 Mr. Enriquez stated that it is a plastic above ground pool.

41  
42 Mr. Anderson asked Mr. Enriquez if he had enough room in the back yard to store eight or ten vehicles.

43  
44 Mr. Enriquez stated yes.

45  
46 Mr. Randol asked Mr. Enriquez if all of the vehicles indicated in the photographs included in

1 Attachment H. were his personal vehicles.

2  
3 Mr. Enriquez stated that the Dodge Dakota is his personal vehicle and the other vehicle was serviced and  
4 picked up on Saturday. He said that the other vehicles in the photographs are owned by the adjacent  
5 neighbor where he currently works.

6  
7 Mr. Randol noted that the vehicles owned by the neighbors appear to be inoperable.

8  
9 Mr. Elwell asked the Board and staff if there were additional questions for Mr. Enriquez, and there were  
10 none.

11  
12 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Enriquez.

13  
14 Ms. Burgstrom explained that for cross-examination there is a difference between participating in cross-  
15 examination and being a witness; therefore, if someone signs the witness register, they are intending to  
16 provide new testimony on their own behalf, but if someone intends to cross-examine a witness, they are  
17 only allowed to ask the witness questions regarding their current testimony. She said that during cross-  
18 examination, no additional questions or testimony will be allowed. She informed the audience that, at  
19 this time, the Board is only allowing cross-examination, but witnesses with new testimony will be called  
20 upon later during the meeting.

21  
22 Mr. Leland Morrissey, who resides at 208 Paul Avenue, Champaign, stated that he owns the property  
23 across the street which is next to Mr. Enriquez's adjacent neighbor with all of the vehicles. Mr.  
24 Morrissey stated that Mr. Enriquez mentioned that he worked at the shop across the street, and he asked  
25 Mr. Enriquez if he plans to have his property look like his current employer's property.

26  
27 Mr. Enriquez stated that he and the owner of the property across the street are both master mechanics,  
28 who work in the same shop, and the reason why he wants his own shop is so that they can separate their  
29 shops and services. He said that by having separate properties, there will be less cars sitting around  
30 waiting to be serviced, and by having two separate properties they will each have their own customers  
31 and will be able to service the cars faster so that they are not just sitting around. He said that the vehicles  
32 that are his customer's vehicles will be located on his property, and the other vehicles will remain on the  
33 adjacent property.

34  
35 Mr. Morrissey stated that currently, the street is a one-way road due to the number of cars parked along  
36 the street from the current business.

37  
38 Mr. Enriquez agreed.

39  
40 Ms. Burgstrom requested that comments like Mr. Morrissey's regarding the vehicles parked in the road  
41 be saved for the witness testimony portion of the meeting.

42  
43 Mr. Morrissey stated that he is asking Mr. Enriquez about the previously mentioned parking in the front  
44 of the adjacent property and if there will be parking in the front of the subject property when the new  
45 building is constructed.

46

1 Mr. Enriquez stated that he understands that all of the cars have to be gone.

2  
3 Mr. Morrissey stated that the case documents indicate that there will be no parking allowed in the front  
4 of the building.

5  
6 Mr. Enriquez stated that Mr. Morrissey was correct.

7  
8 Mr. Elwell asked if anyone else desired to cross-examine Mr. Enriquez, and there was no one.

9  
10 Mr. Anderson stated that the parking up front should be clarified because the special condition only  
11 indicates no parking in the Paul Avenue right-of-way shall occur. He asked if parking could occur  
12 between the proposed building and where the Paul Avenue right-of-way starts.

13  
14 Ms. Burgstrom asked the Board to review Attachment C. Annotated 2017 Aerial. She said that Paul  
15 Avenue has a 66 feet right-of-way and the half right-of-way from the street centerline the front property  
16 line of Mr. Enriquez's property is 33 feet and is indicated on the Annotated 2017 Aerial. She said that  
17 the special condition requires that no parking shall occur within that area, including customers parking  
18 their vehicles or vehicles awaiting repair. She said that Mr. Enriquez's parking of vehicles and storing  
19 of vehicles requiring repair would have to be within the yellow lines indicated on the Annotated 2017  
20 Aerial, and the Zoning Ordinance does not allow parking within 10 feet of the front property line and 5  
21 feet from the side and rear property lines. She said that Mr. Enriquez would not be able to fit any  
22 vehicles along the side of the proposed building, and he would only have 15 feet for parking in the front  
23 of the new building, although a garage door will be at that location and there will not be very much room  
24 to put anything in that front yard. She said that all storage will have to be located in the rear of the  
25 property.

26  
27 Mr. Anderson stated that 15 feet is the answer.

28  
29 Ms. Burgstrom stated that Mr. Enriquez has 15 feet in front of the proposed building to park cars.

30  
31 Mr. Anderson stated that if Mr. Enriquez allows room for the door into the garage, then that would take  
32 up a couple of spaces.

33  
34 Ms. Burgstrom stated that Mr. Anderson was correct, and if those were to be called parking spaces for  
35 clients, they would be required to be 20 feet in length; therefore, Mr. Enriquez would need to park cars  
36 sideways in order to fit them within a very limited space in the front.

37  
38 Mr. Anderson stated that it is apparent that other people in the neighborhood are not following the  
39 regulations of the Zoning Ordinance.

40  
41 Ms. Burgstrom stated that many of the people in the Wilbur Heights neighborhood have not followed the  
42 regulations of the Zoning Ordinance regarding no parking in the street right-of-way, and it is a very  
43 common problem that does not receive a lot of attention from the township due to their ability to keep  
44 cars out of that right-of-way.

45  
46 Mr. Anderson asked if the Board could require Mr. Enriquez to not park in the street right-of-way even

1 though the lot next to him does not have to follow the County's regulations because it is located within  
2 the City of Champaign.

3  
4 Ms. Burgstrom stated that even though the adjacent property is located in the City of Champaign, the  
5 road right-of-way is not; it is under the jurisdiction of Somer Township, with the exception of Wilbur  
6 Avenue, which has a different jurisdiction for maintenance. She said that the Board is able to require the  
7 special condition and Mr. Enriquez has to agree to it, and unfortunately it is true that he may be the only  
8 person on the entire block or the entire street that has that requirement, because the other folks parking in  
9 the street right-of-way do not have a special case approved by this Board.

10  
11 Ms. Lee stated that the special condition indicates the following: "The Petitioner will not allow parking  
12 in the Paul Avenue right-of-way." She said that the special condition does not address the other things  
13 that were mentioned during Ms. Burgstrom's previous comments.

14  
15 Mr. Anderson stated that Ms. Lee is referring to the five feet allowance within the property line.

16  
17 Ms. Burgstrom stated that within the property line, it could be specified that people can park wherever  
18 they want on these other lots, but because of the specific use that Mr. Enriquez has requested with this  
19 zoning case before the Board, there are certain restrictions involved.

20  
21 Mr. Elwell stated that the special condition does not express those restrictions.

22  
23 Ms. Burgstrom stated that the Board can revise the special condition.

24  
25 Mr. Elwell asked if a handicapped parking space is required.

26  
27 Ms. Burgstrom stated yes, a 16' x 16' parking space is required for any business.

28  
29 Mr. Elwell noted that it was previously stated that Mr. Enriquez only had 15 feet in the front.

30  
31 Ms. Burgstrom stated that Mr. Elwell was correct, but it could be worked out somehow by an engineer  
32 or architect regarding where the stripping can be placed so that it would work for this area.

33  
34 Mr. Elwell asked if the handicapped parking would be reviewed during the permitting process.

35  
36 Ms. Burgstrom stated yes. She said that a common special condition could be proposed indicating that  
37 the petitioner must comply with the accessibility requirements, but that review would be completed  
38 during the permitting process.

39  
40 Mr. Elwell asked the Board if there were any additional questions for Mr. Enriquez or staff, and there  
41 were none.

42  
43 Mr. Elwell called Jeanette Stone to testify.

44  
45 Ms. Janette Stone, who resides at 207 Paul Avenue, Champaign, stated that she is present tonight to  
46 support Mr. Enriquez's request. She said that her children recently sold the property and it is a part of

1 what she would call a family compound, and Mr. Enriquez is currently making arrangements to purchase  
2 the other two properties addressed as 207 Paul Avenue. She said that there is a fully functioning septic  
3 system located at 207 Paul Avenue and there are two concrete slabs on the property, one for the original  
4 house and the other for a garage that was removed, but the property would well serve the parking  
5 requirements for Mr. Enriquez's proposed use.

6  
7 Ms. Burgstrom stated that if Mr. Enriquez purchases the property known as 207 Paul Avenue, then the  
8 variance would become unnecessary because the four lots would be combined under one owner and  
9 would meet the needs for the proposed use, but since there staff has not received any purchase  
10 agreements or final documents for the purchase, the variance must be heard and determined by this  
11 Board.

12  
13 Ms. Stone stated that the lots were never separated and are surrounded by a six foot stockade fence, and  
14 her son always referred to the lots as the family compound.

15  
16 Mr. Elwell asked Ms. Stone if her children were the current owners of 207 Paul Avenue.

17  
18 Ms. Stone stated that she owns 207 Paul Avenue, but Manuel, who is part of their extended family, owns  
19 205 Paul Avenue.

20  
21 Mr. Elwell asked Ms. Stone when the sale of 207 Paul Avenue would occur.

22  
23 Ms. Stone stated that the sale would occur within the next year.

24  
25 Mr. Elwell asked if there would be any way to fast track the sale.

26  
27 Ms. Stone stated that she could sign a document indicating that the sale is in motion.

28  
29 Ms. Burgstrom stated that the Board is required to deal with the facts at hand, but if there is a sale of 207  
30 Paul Avenue to Mr. Enriquez, then that would take care of the variance and would make it unnecessary  
31 at that time, but at this time a verbal agreement for the sale is not beneficial for this case.

32  
33 Ms. Lee asked Ms. Stone if a written contract is currently in place for the sale.

34  
35 Ms. Stone stated no, only a verbal agreement.

36  
37 Mr. Elwell asked the Board and staff if there were any additional questions for Ms. Stone, and there  
38 were none.

39  
40 Mr. Elwell asked the audience if anyone desired to cross-examine Ms. Stone, and there was no one.

41  
42 Mr. Elwell called Derrick Garrett to testify.

43  
44 Mr. Derrick Garrett, who resides at 2308 N. Second Street, Champaign, stated that his property's back  
45 yard backs up to the trailer property and he can look over his fence and see into the trailer property's  
46 back yard. He said that since Mr. Enriquez has owned the subject property, he has only mowed the yard



1 one time. He said that the neighbors have had to deal with the cars from the other property being parked  
2 in the street, and the swimming pool that is on the subject property is still sitting there with stagnant  
3 water and bugs in it. He said that there are tires and oil around the shop on the other property and it  
4 would be more of a nuisance to the neighborhood in having another shop operated by the same people,  
5 because there will be more parking, traffic and junk issues. He said that there cannot be work orders on  
6 all of the cars that are sitting there, because with an average mechanic's shop the vehicle is brought to  
7 the shop, serviced and picked up, but these cars never leave. He said that he would rather not see the  
8 subject property being used for the petitioner's intent because it will only cause more havoc to the  
9 neighborhood. He said that the neighborhood is already bad enough and it needs to be cleaned up and  
10 allowing more businesses like this will continue to depreciate the real estate values for the neighboring  
11 properties.

12

13 Mr. Elwell asked the Board and staff if there were any questions for Mr. Garrett.

14

15 Mr. Elwell asked Mr. Garrett to indicate his thoughts about the allowance of parking in the rear yard of  
16 the subject property, especially in the area of the existing swimming pool.

17

18 Mr. Garrett stated that it wouldn't be so bad if the cars did not stay there forever, because if they do,  
19 there will be rodents living in the vehicles, water standing in tires and opened trunks of the vehicles,  
20 which will cause more bugs and mosquitos, and feral animals. He said that if the property was a junk  
21 yard, then everyone would know it and would know what to expect of such a use, but this is supposed to  
22 be an automotive repair shop, not a junk yard.

23

24 Mr. Elwell asked Ms. Burgstrom if the parking area would have a surface, such as, rock, concrete, etc.,  
25 or would it just be grass.

26

27 Ms. Burgstrom stated that the only required paved area is for compliance with the ADA requirements,  
28 but grass can be located in the rear yard for parking.

29

30 Mr. Garrett stated that a fence was required for the property across the road, but they still park in the  
31 road.

32

33 Ms. Burgstrom explained that the auto repair use is a by-right use in the I-1, Light Industry zoning  
34 district, and the requested variance is not for the proposed auto repair shop itself but is for the lot size  
35 and the average lot width, and even though it may be difficult, everyone needs to remember this during  
36 their testimony. She said that as part of the building permit process, staff will take the comments  
37 provided tonight into consideration as to whether or not there are special conditions that can be put upon  
38 the petitioner to try and make things better.

39

40 Mr. Garrett stated that the repair shop that was constructed a few years ago behind those properties has  
41 been no problem because they bring the vehicles in and they get them back out in a timely manner, and  
42 they have sufficient parking on their property and does not cause any issues for the neighborhood. He  
43 said that the other business, where Mr. Enriquez is a partner, is a mess and is full of vehicles and causes  
44 the vehicles parked in the street. He said that when a wrecker service delivers a new vehicle to the  
45 property, there is literally nowhere for the wrecker to unload the vehicle on the property.

46

1 Mr. Elwell asked the Board and staff if there were any questions for Mr. Garrett, and there were none.

2  
3 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Garrett, and there was no one.

4  
5 Mr. Elwell called Leland Morrissey to testify.

6  
7 Mr. Leland Morrissey, who resides at 208 Paul Avenue, Champaign, stated that he is concerned that the  
8 proposed business will be operated like the one that is across the street, which Mr. Enriquez is a partner  
9 of. He said that it is difficult to determine how many vehicles are across the street because there are so  
10 many of them on the property. He said that the partners do not abide by the parking regulations currently  
11 and he doubts that they will abide by them with the new business either, thus continuing to park in the  
12 street. He asked if there were any regulations regarding vehicles parked on the grass that leak oil and  
13 transmission fluid.

14  
15 Mr. Elwell asked the Board and staff if there were any questions for Mr. Morrissey, and there were none.

16  
17 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Morrissey.

18  
19 Ms. Janette Stone asked Mr. Morrissey if his concern regarding vehicles in the grass includes his own  
20 chasse which is parked in his front yard.

21  
22 Mr. Elwell informed Ms. Stone that she is adding testimony which is not allowed during cross-  
23 examination. He informed Ms. Stone that if she desired to present additional testimony, then she could  
24 request to be recalled to the witness microphone.

25  
26 Mr. Elwell asked the audience if anyone else desired to sign the witness register and present testimony  
27 regarding this case.

28  
29 Mr. Elwell called Susie Roderick to testify.

30  
31 Ms. Susie Roderick, who resides at 311 Paul Avenue, Champaign, stated that she owns the property at  
32 201 Paul Avenue, Champaign. She said that the current auto repair business has vehicles in front of the  
33 house at 201 Paul Avenue, and for over one year her son has been trying to sell the 201 Paul Avenue  
34 property, but when someone visits the property, they see the mess in front of it and they walk away. She  
35 said that there are vehicles from the other auto repair business parked up and down the street on both  
36 sides and in the ditches. She said that due to the vehicles in the street and ditches, the neighborhood  
37 currently has a water drainage issue and the neighbors have been unsuccessful in getting anyone to do  
38 anything about it. She said that tiles have been broken and blocked by these vehicles, and with a similar  
39 business across the street, another proposed on the west side of the subject property, it is a ridiculous  
40 notion to allow yet another auto repair business on the east side. She said that she is ashamed to have  
41 anyone drive down her street to visit her home and something needs to be done. She said that a fence  
42 was installed, and they were supposed to park all of the vehicles behind it, but there are cars around the  
43 fence there are still vehicles parked on both sides of the road. She said that she is very disgusted by the  
44 fact that they cannot get anything done out there about the messes and the parking in the road. She said  
45 that she is opposed to allowing a building for auto repair on the subject property because the  
46 neighborhood is already surrounded by this use and it is out of control, and she hopes that the Board

1 does not allow this use.

2  
3 Mr. Elwell asked the Board and staff if there were any questions for Ms. Roderick, and there were none.

4  
5 Mr. Elwell asked the audience if anyone desired to cross-examine Ms. Roderick, and there was no one.

6  
7 Ms. Roderick agreed with Mr. Garrett's comment about the cars being brought onto the properties, but  
8 none of the cars are ever seen going off of the property. She asked why so many cars were necessary on  
9 the property and what do they do with them.

10  
11 Ms. Burgstrom asked Mr. Enriquez to return to the witness microphone.

12  
13 Ms. Burgstrom asked Mr. Enriquez if he plans to store vehicles that he does not intend to repair in order  
14 to use them for parts during the repair of other cars.

15  
16 Mr. Enriquez stated no, because he is not proposing a junk yard but an auto repair shop. He said that if a  
17 customer brings in their vehicle for repair diagnostics and they decide not to fix it, they have three days  
18 to pick up the vehicle and take it to their property or the junk yard. He said that he cannot keep the  
19 vehicles because he would not have the titles for the vehicle; therefore, the customer is required to pick  
20 up the vehicle. He said that sometimes the customer disappears or does not have the time to pick up the  
21 vehicle, causing it sit on the property for some time.

22  
23 Ms. Burgstrom asked Mr. Enriquez if he plans to acquire vehicles and repair them for sale at the  
24 property.

25  
26 Mr. Enriquez stated that his business is only for repairing vehicles, not selling them.

27  
28 Ms. Burgstrom asked Mr. Enriquez to explain how his business is different from the business across the  
29 street.

30  
31 Mr. Enriquez stated that at the current facility there are two master mechanics in one shop, but if he is  
32 able to have his own repair shop, there will be less cars on the current property and he will have room to  
33 put the cars for repair in the rear portion of his property. He said that he does not desire to have the mess  
34 that currently exists with the other property.

35  
36 Mr. Elwell asked Ms. Burgstrom to define what a by-right use truly means, because it might provide the  
37 audience with information as to what the Board is reviewing. He said that there has been testimony from  
38 the neighbors, and even though it is well noted by the Board, it cannot be considered for the variance.

39  
40 Ms. Burgstrom stated the Zoning Ordinance includes land uses that are called "by-right" because they  
41 are allowed to occur within a certain zoning district with no special permission from this Board or the  
42 County Board. She said that in the I-1 Light Industrial Zoning District, an auto repair shop is allowed by  
43 right and does not need a special use permit or any other sort of permit that would be beyond a basic  
44 zoning use permit to construct the building. She said that Mr. Enriquez is allowed to apply for his  
45 building permit and construct the building without any approvals from this Board, but he does require a  
46 variance for average lot width and lot area because he purchased a lot from someone who should not

1 have sold the lots separately. She said that the Zoning Board's job tonight is to look at the variance as  
2 presented and not the use that Mr. Enriquez is proposing.

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

5  
6 Ms. Lee stated that the special condition should be revised to make it more specific regarding the  
7 parking near the front property line along Paul Avenue.

8  
9 Mr. Elwell asked Ms. Lee if she had any suggested revisions to the special condition.

10  
11 Ms. Lee stated that Ms. Burgstrom discussed five feet in addition to the right-of-way where there could  
12 be no parking.

13  
14 Ms. Burgstrom stated that parking is not allowed in the Paul Avenue right-of-way or within 10 feet of  
15 the front property line.

16  
17 Ms. Lee stated that the language indicating that no parking is allowed within 10 feet of the front property  
18 line should be added to the special condition.

19  
20 Ms. Burgstrom stated that the language could be included in the special condition, but it is clearly  
21 written in Section 7. of the Zoning Ordinance. She said that if the Board desires to revise the special  
22 condition, then staff will draft the language tonight for the Board's approval. She noted that the Zoning  
23 Administrator could also indicate a special condition regarding parking or other concerns on the  
24 approved zoning use permit.

25  
26 Ms. Lee stated that the special condition should be revised to indicate that no parking is allowed within  
27 10 feet of the front property line. She said that the special condition would make it perfectly clear that  
28 no parking is allowed in that area.

29  
30 Ms. Burgstrom revised the special condition as follows:

- 31  
32 **A. The Petitioner will not allow parking in the Paul Avenue right-of-way or within 10**  
33 **feet of the front property line.**

34  
35 The special condition stated above is required to ensure the following:

36 **To maximize safety for residents and business clients.**

37  
38 Ms. Lee agreed to the revision.

39  
40 Mr. Randol asked Ms. Burgstrom to clarify the issue regarding the septic system. He asked if the Board  
41 could approve the variance with no existing or proposed septic system.

42  
43 Ms. Burgstrom stated that there is a septic system on the subject property, and if the Board approves the  
44 variance tonight, the zoning use permit review process requires staff to determine how the petitioner  
45 would provide the required restroom, per the requirements of the International Building Code, because  
46 the proposed use is a business. She said that the building permit review process will determine if the

1 petitioner has a serviceable septic tank on the property, and the condition of the septic tank must be  
2 certified by a licensed professional. She said that if the professional determines that the septic system  
3 does not work, then Mr. Enriquez would have to apply for a new septic system with the Public Health  
4 Department and that agency would figure out what could be done on the 6,600 square feet lot. She said  
5 that if the Public Health Department determined that the septic system was not serviceable, then Mr.  
6 Enriquez's only option would be to seek annexation into the City of Champaign, but there are no  
7 guarantees.

8  
9 Mr. Elwell noted that Ms. Stone testified that the property that Mr. Enriquez will be purchasing in the  
10 future does have a serviceable/working septic system.

11  
12 Ms. Burgstrom agreed.

13  
14 Ms. Lee stated that a verbal contract is not the same as a written contract, and when there is real estate  
15 for sale above a certain dollar figure, a written contract is required, otherwise it is not enforceable.

16  
17 Ms. Burgstrom noted that Ms. Stone testified that she has a working septic system on her property,  
18 which is the portion that she plans to sell to Mr. Enriquez. She noted that there is a septic system on 205  
19 Paul Avenue, although staff is not sure of its condition or age.

20  
21 Mr. Randol asked if there was a timeframe as to when the septic system issue would need to be settled.

22  
23 Ms. Burgstrom stated that the septic system issue would not allow Mr. Enriquez to obtain occupancy of  
24 the building unless he can show staff that he has a functioning restroom which is connected to an  
25 approved septic system. She said that Mr. Enriquez may be able to construct the building, but he would  
26 not be able to operate inside the building until the restroom and septic system issues are satisfied within  
27 the one year period that a zoning use permit allows.

28  
29 Mr. Elwell read the special condition as follows:

- 30  
31 **A. The Petitioner will not allow parking in the Paul Avenue right-of-way or within 10**  
32 **feet of the front property line.**

33  
34 The special condition stated above is required to ensure the following:  
35 **To maximize safety for residents and business clients.**

36  
37 Mr. Elwell asked Mr. Enriquez if he agreed to special condition A, as amended.

38  
39 Mr. Enriquez stated that he agreed to special condition A, as amended.

40  
41 Mr. Elwell entertained a motion to approve special condition A, as amended.

42  
43 **Mr. Randol moved, seconded by Mr. Wood, to approve special condition A, as amended. The**  
44 **motion carried by voice vote.**

45  
46 Mr. Elwell asked the Board how they would like to proceed.

1  
2 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact for Case 965-V-19.**  
3 **The motion carried by voice vote.**

4  
5 **FINDINGS OF FACT FOR CASE 965-V-19:**  
6

7 **From the documents of record and the testimony and exhibits received at the public hearing for**  
8 **zoning case 965-V-19 held on December 12, 2019, the Zoning Board of Appeals of Champaign**  
9 **County finds that:**

- 10  
11 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**  
12 **involved, which are not applicable to other similarly situated land and structures elsewhere**  
13 **in the same district.**  
14

15 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or  
16 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
17 the same district because the lot sizes were created prior to the adoption of zoning for a specific purpose  
18 that no longer exists.  
19

- 20 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**  
21 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**  
22 **structure or construction.**  
23

24 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the  
25 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
26 structure or construction because the existing lot sizes were designed too small to do anything. He said  
27 that by combining the lots and allowing variances, a new building could be constructed that would  
28 hopefully improve the aesthetics of the area.  
29

- 30 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**  
31 **from actions of the applicant.**  
32

33 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
34 result from actions of the applicant because the area of the subject property is a pre-existing condition  
35 prior to the adoption of zoning.  
36

- 37 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in harmony**  
38 **with the general purpose and intent of the Ordinance.**  
39

40 Mr. Wood stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS in  
41 harmony with the general purpose and intent of the Ordinance because the variance will allow a  
42 normally permitted use of the property.  
43

- 44 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be**  
45 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
46 **welfare.**

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Mr. Randol stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the area on all three sides is already light industrial, and there have been no objections from the highway department or the fire department.

Ms. Lee stated that the proposed special condition will ensure public safety.

**6. The requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum variation that will make possible the reasonable use of the land/structure,**

Mr. Randol stated that the requested variance, SUBJECT TO THE PROPOSED CONDITIONS, IS the minimum variation that will make possible the reasonable use of the land/structure because of the small lot size and lack of available adjacent property at this point in time.

**7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

**A. The Petitioner will not allow parking in the Paul Avenue right-of-way or within 10 feet of the front property line.**

The special condition stated above is required to ensure the following:  
**To maximize safety for residents and business clients.**

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

**Ms. Lee moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended. The motion carried by voice vote.**

Mr. Elwell entertained a motion to move to the Final Determination for Case 965-V-19.

**Mr. Wood moved, seconded by Ms. Lee, to move to the Final Determination for Case 965-V-19. The motion carried by voice vote.**

**FINAL DETERMINATION FOR CASE 965-V-19:**

**Mr. Wood moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:**

**The Variance requested in Case 965-V-19 is hereby GRANTED WITH CONDITIONS to the petitioner, Manuel Enriquez, to authorize the following variance in the I-1 Light Industry Zoning District:**

1 **Authorize a variance for a lot area of 6,600 square feet (0.15 acre) and an average lot width of**  
2 **50 feet in lieu of the minimum required 10,000 square feet (0.23 acre) in area and 100 feet**  
3 **average lot width in the I-1 Light Industry Zoning District, per Section 5.3 of the Champaign**  
4 **County Zoning Ordinance.**

5  
6 ***SUBJECT TO THE FOLLOWING CONDITION:***

7  
8 **A. The Petitioner will not allow parking in the Paul Avenue right-of-way or within 10**  
9 **feet of the front property line.**

10  
11 Mr. Elwell requested a roll call vote.

12  
13 The roll call vote was as follows:

14	15 <b>Anderson – yes</b>	16 <b>Lee – yes</b>	17 <b>Randol – yes</b>
18	19 <b>Roberts – yes</b>	20 <b>Wood – yes</b>	21 <b>Elwell – yes</b>

22 Mr. Randol explained to the audience that the Board does listen to their concerns and objections, but there  
23 are certain times when those concerns and objections may have nothing to do with the request, such as  
24 tonight with this variance, that is before the Board for a determination. He said that at times, a petitioner’s  
25 request is much like a double edged sword, because the Board’s responsibility is to review the request and  
26 facts as they are presented and base their determination on those facts.

27 **Case 966-S-19 Petitioner: Gary Perkinson, d.b.a. All Creation Landscapes, Inc. and David**  
28 **Swartzendruber. Request: Authorize a Contractor’s Facility with Outdoor Storage and Outdoor**  
29 **Operations, in addition to an existing single-family dwelling, as a Special Use in the AG-1,**  
30 **Agriculture Zoning District. Location: A 4.37 acre tract in the Northeast Quarter of the Southeast**  
31 **Quarter of Section 15, Township 20N, Range 8 East of the Third Principal Meridian in Hensley**  
32 **Township with an address of 2129 CR 1000E, Champaign.**

33 Mr. Elwell informed the audience that Case 966-S-19 is an Administrative Case and as such, the County  
34 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask  
35 for a show of hands for those who would like to cross-examine, and each person will be called upon. He  
36 requested that anyone called to cross-examine go to the cross-examination microphone to ask any  
37 questions. He said that those who desire to cross-examine are not required to sign the witness register  
38 but are requested to clearly state their name before asking any questions. He noted that no new  
39 testimony is to be given during the cross-examination. He said that attorneys who have complied with  
40 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

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

45 Mr. David Swartzendruber, who resides at 2129 County Road 1000E, Champaign, stated that he and his  
46 wife, Judy Swartzendruber, are the owners of the subject property and it has been their home since 1992.



1 He said that he and his wife love the location, the home, and the entire property which consists of 4.3  
2 acres with many trees and hedges and approximately two acres of grass to mow. He said that it is  
3 unfortunate that he must admit that he is 81 years old and the onset of spinal stenosis decreases his  
4 ability to properly maintain the property; it is almost impossible for him to do the trimming of the hedges  
5 and trees that are required. He said that he and his wife were trying to determine if they should downsize  
6 and move from their property, so they had realtors visit the property. He said that when the realtors  
7 asked them if they were happy at this location and they responded yes, and the realtors suggested that if  
8 they wanted to continue living at the subject property that they should consider hiring someone to do the  
9 work that he was no longer able to do, such as the maintenance of the trees and hedges. Mr.  
10 Swartzendruber stated that he and his wife considered the realtor's comments and while at church they  
11 met and became friends with Gary Alan Perkinson, who happens to be the owner of All Creation  
12 Landscapes, Inc. He said that during the past year, he had two maintenance jobs on the subject property  
13 that he absolutely could not do, such as tree trimming and the damage that a ground hog created along  
14 the paving stones on the patio, and Mr. Perkinson came to the property and beautifully took care of their  
15 maintenance needs. Mr. Swartzendruber stated that while Mr. Perkinson was at the property, he  
16 expressed curiosity about the existing farm buildings on the property. He said that when he showed Mr.  
17 Perkinson the buildings, he informed Mr. Perkinson that he would be willing to make the buildings  
18 available to him for his landscape operation and it appeared to be a mutual benefit to them both. He said  
19 that he was able to offer Mr. Perkinson more space than he currently had at his present location for  
20 equipment storage, and the rental amount would be considerably less than what Mr. Perkinson was  
21 currently paying. He said that the allowance of having the ability to have Mr. Perkinson utilize the farm  
22 buildings would provide Mr. Swartzendruber with assistance for the general maintenance that the  
23 property requires. He said that they wanted to make sure that what they were proposing to do would be  
24 copesetic and inline with the laws of the County, and when he visited the Champaign County  
25 Department of Planning and Zoning, he was informed that a Special Use Permit approved by this Board  
26 would be required. He said that a benefit to the allowance of the Special Use Permit would be that Mr.  
27 Perkinson, a friend who cares about them, would be in and out of the property daily and would be able to  
28 make sure that they were okay, and it would allow him and his wife to stay in their home. He said that  
29 they do have some questions and concerns regarding some of the requirements, such as the location of  
30 the parking, the location of material storage, and the location and type of screening.

31  
32 Mr. Elwell asked the Board if there were any questions for Mr. Swartzendruber.

33  
34 Mr. Tom Anderson stated that would also like to know where the screening is required, because he has a  
35 suggestion that may negate the need for it.

36  
37 Mr. Elwell asked Ms. Burgstrom to address Mr. Anderson's concern.

38  
39 Ms. Susan Burgstrom stated that Contractor's facilities, such as the one proposed, require a Type D  
40 screen to cover any of the outdoor storage areas that are visible within 1,000 feet of residences. She said  
41 that there is a church near the subject property, and when she parked in the church parking lot, there is a  
42 small window where she could view what is proposed as the outdoor storage area located between the  
43 two sheds on the subject property. She suggested that some sort of evergreen screening that would  
44 mature to eight feet in height be planted toward the right-of-way line of the road that would sufficiently  
45 screen the view of that outdoor storage area. She said that John Hall, Zoning Administrator, was  
46 concerned about Thoroughbred Acres, which is located south and east of the subject property. She said

1 that the bottom photograph on page 5 of Attachment G indicates the view of the subject property from  
2 the intersection at Churchill Downs Drive and Mattis Avenue, and the closest residence in Thoroughbred  
3 Acres is just north of the stop sign in the photograph. She said that if you were in the yard of the nearest  
4 residence, you would be able to see a little bit of the outdoor storage area behind the white building on  
5 the subject property that is indicated in that same photograph, and a couple of evergreen trees would  
6 assist with screening in that area as well. She said that there is a residence north of the subject property,  
7 which is the top photograph on page 4 of Attachment G, and the view of the subject property from that  
8 residence's driveway does not appear to be an issue due to the existing vegetation, and the shed itself  
9 provides adequate screening.

10  
11 Mr. Anderson stated that if Mr. Perkinson would park the vehicles and equipment systematically behind  
12 the shed that he is not using, it would clearly block the view from the residence at Thoroughbred Acres  
13 Subdivision and would block the view from the residence to the north of the subject property. He said  
14 that if Mr. Perkinson or his employees remove a truck or piece of equipment from the shed, they could  
15 pull another vehicle into the shed.

16  
17 Ms. Burgstrom stated that Mr. Perkinson indicated that he may have a temporary mulch pile; therefore,  
18 staff must make sure that anything that Mr. Perkinson places in the outdoor area is adequately screened.

19  
20 Mr. Anderson stated that he assumes that the mulch that is brought onto the subject property would leave  
21 in the same truck, thus eliminating the need to load, unload, and reload it again.

22  
23 Ms. Burgstrom stated that it is her understanding that, on occasion, there will be a mulch stockpile on  
24 the subject property. She said that crops will screen the outdoor storage during part of the year, but due  
25 to what the ordinance indicates, there still must be adequate screening in those two areas of concern.

26  
27 Mr. Anderson stated that if the petitioners stay within the yellow line indicated on Attachment C, they  
28 would not be able to park in front of the shed because that is the location of the door for entry and  
29 exiting the shed. He said that the only decent place to park is behind the other building, which would  
30 hide the view from the Hindu Temple.

31  
32 Ms. Burgstrom stated that the only area that can be viewed from the Hindu Temple is that thin area  
33 between the two sheds on the subject property.

34  
35 Mr. Anderson stated that parking could be prohibited in that area and the petitioner could be required to  
36 park behind the shed.

37  
38 Mr. Swartzendruber stated that the Hindu Temple is unlike a church where people congregate for  
39 fellowship and then leave together. He said that when there is an event at the Hindu Temple, there is a  
40 stream of vehicles that go in and out of the property and there have only been a couple of times when he  
41 had observed people outside of the temple.

42  
43 Ms. Lee asked Mr. Swartzendruber if he owned the surrounding farmland.

44  
45 Mr. Swartzendruber stated no.

1 Mr. Elwell asked Mr. Swartzendruber if he would agree to plant the screening in the required areas.

2  
3 Mr. Swartzendruber stated that there is a heavy row of what he calls fire bush in the front and north side  
4 of the property along the driveways. He said that on the north side of the property there are Blue Spruce  
5 and Poplar trees. He asked if he could plant more fire bush on the north side of the driveway because  
6 they grow fairly quickly and are very thick, and the existing fire bushes are currently 10 to 12 feet in  
7 height.

8  
9 Ms. Burgstrom stated that there is a Zoning Administrator Interpretation that defines a Type D screen.  
10 She said that the Zoning Administrator at the time of this interpretation determined that a Type D screen  
11 consisting of a Norway Spruce vegetative screen must be planted within six months of approval of a case  
12 and must be four to six feet high at the time of planting; and if the recommended spacing of a single row  
13 of the selected species will not provide 50% screen in 2 years, then the screen must be planted in  
14 staggered rows. She said that the Zoning Administrator is willing to work with the type of species of the  
15 vegetative screening as long as it meets the required planting and maturity heights, and this is something  
16 that we can discuss with John Hall. She said that as long as there is an agreement for screening, there  
17 may not be a problem.

18  
19 Mr. Wood asked Ms. Burgstrom to indicate the amount of screening, linear feet, is being requested.

20  
21 Ms. Burgstrom stated that she has not taken any measurements of the area required for screening, but  
22 Mr. Swartzendruber's testimony indicated that the fire bush could be extended from the north side of the  
23 driveway to the existing fire bush, although she is not sure if that much is necessary. She said that it is  
24 possible that half of that distance, extended to the driveway, may be sufficient for the screening from the  
25 Hindu Temple. She said that very little screening is required on the west end and it is possible that a few  
26 of the same bushes could cover that area as well.

27  
28 Mr. Elwell asked Mr. Swartzendruber if Mr. Hall disagreed to the planting of the fire bush, would he  
29 agree to plant the required Type D screening.

30  
31 Mr. Swartzendruber stated yes.

32  
33 Mr. Anderson stated that this use was portrayed as an arrangement that may only last eight or so years;  
34 therefore, it appears that planting evergreens is a worthless requirement.

35  
36 Mr. Swartzendruber stated that he will agree to whatever is necessary for approval.

37  
38 Mr. Anderson stated that it appears that there would be one private vehicle that sits at the property for  
39 most of the day, and that vehicle could be hidden behind the other shed, and on the occasion when there  
40 is more than one vehicle at the property, it could also be parked behind the shed.

41  
42 Ms. Burgstrom stated that the vehicles would have to be eight feet tall to work as screening, but the  
43 landowner does own a motor home that could be parked in the area of the outdoor storage, and that  
44 would work for screening.

45  
46 Mr. Anderson agreed.

1  
2 Ms. Burgstrom stated that an additional variance would be required to waive the screening requirement  
3 for the outdoor storage, but that would be another case, a separate legal advertisement, notices mailed,  
4 and additional fees to the petitioner.  
5

6 Ms. Lee stated that page 1 of the Preliminary Memorandum indicates the following: “Rather than  
7 having the two principal uses, which is not allowed in the AG-1 zoning district, the existing residence  
8 would be considered a caretaker’s facility for the business, which would classify the landscaping  
9 business as a single principal use.” She said that if you consider the fact that the landowners do not have  
10 any interest or stake in the landscaping business, it contradicts the previous statement.  
11

12 Ms. Burgstrom stated that this is something that she and Mr. Hall discussed because it is something  
13 where staff is trying to fit a square peg in a round hole. She said that the Zoning Ordinance does not  
14 allow these two uses to be compatible unless we do it with the caretaker’s dwelling and whether the  
15 landowners are caretakers of the business or not, this is the way that John Hall, Zoning Administrator,  
16 interpreted this situation. She said that staff feels comfortable in adding the caretaker’s dwelling to this  
17 case so that it makes it compatible with the Zoning Ordinance.  
18

19 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Swartzendruber, and  
20 there were none.  
21

22 Mr. Elwell called Gary Alan Perkinson to testify.  
23

24 Mr. Gary Alan Perkinson, who resides at 1109 White Oak Road, Mahomet, stated that the tree species  
25 for the required screening can be hashed out with Mr. Hall. He said that the possible variance that Ms.  
26 Burgstrom mentioned was for the south side of the far western portion of the subject property. He said  
27 that he could provide influence on what might be the proper plantings for that area, but they will comply  
28 with whatever is required. He said that Mr. Anderson made a good point about the longevity of the  
29 business being at the property, and the burden of installing screening given the limited view from the  
30 properties to the south and east and given the amount of existing foliage on the Swartzendruber’s  
31 property. He said that, for what it is worth, Mr. Swartzendruber had mentioned to him that there was a  
32 business on the far east side of Urbana that used burning bush or a like species for their screening. He  
33 said that the mulch pile is only one truck load, 80 cubic yards, and is used as clients require it for their  
34 properties. He said that the mulch pile would be located in an area that will hopefully be screened or in  
35 an area where people are not particularly looking for it. He said that there is perhaps the need for one  
36 parking space that is accessible and in compliance with the Illinois Accessibility Code. He asked Ms.  
37 Burgstrom if they needed ADA compliance in front of the building even though it is used strictly for  
38 storage and they do not operate on the subject property; they complete jobs on their client’s property.  
39

40 Ms. Burgstrom stated that staff believes that ADA compliance is required, but they can check into it  
41 further. She said that there is a special condition that indicates that the Zoning Administrator shall not  
42 issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Contractor’s Facility  
43 with Outdoor Storage and Operations until the petitioner has demonstrated that the proposed Special Use  
44 complies with the Illinois Accessibility Code. She said that staff does believe that one paved accessible  
45 space is necessary.  
46

1 Mr. Perkinson asked if the accessible space had to be paved.

2  
3 Ms. Burgstrom stated that it must be a hard surface, which could be asphalt, and must include the  
4 required signage. She said that staff will complete further research because it is an expense to the  
5 petitioner, but staff is required to review the Illinois law and do nothing other than obey it.

6  
7 Mr. Perkinson stated that they do intend to obey the law, which is why they are before this Board  
8 tonight. He said that initially they did not believe that they needed to go through any approvals, but we  
9 are before the Board tonight because Mr. Swartzendruber continued to think about it and began inquiring  
10 about any approvals necessary from the County.

11  
12 Mr. Elwell informed Mr. Perkinson that the ADA compliance is not only for clients but is also for  
13 potential employees.

14  
15 Mr. Perkinson stated that he does not discriminate, however the nature of the work does not allow that  
16 type of employee. He said that if the accessible parking space is required then he will comply, but if it is  
17 allowed to be varied from the letter of the law then so be it, and if it is not then he had no issue with it.  
18 He said that as a father of a disabled child, he understands that there all kinds of disabilities, but what he  
19 is saying is that, for this case, the need for parking eliminates employees that have that need, and since  
20 no clients come to the property, that portion is also gone. He said that he will install it if he needs to, but  
21 there is no reason for it to be there other than for ADA compliance.

22  
23 Ms. Burgstrom stated that staff will do additional research regarding the need for the accessible parking  
24 space.

25  
26 Ms. Lee asked stated that page 11 of 22 of the Finding of Fact indicates that no restrooms are proposed  
27 for the contractor's facility. She said that during the previous case, the petitioner was required to have a  
28 restroom and she asked if this facility is also required to have a restroom.

29  
30 Ms. Burgstrom stated no, because the previous case was for a new commercial building which involves  
31 the International Building Code. She said that for this case, there are no proposed structures.

32  
33 Mr. Randol asked if there was a need for a portable potty house, and if not, what is the petitioner's plan  
34 if an employee is in need of a restroom.

35  
36 Mr. Perkinson stated that since they function off of the property, they would continue with the same  
37 practice that they do currently; employees come prepared when they report for work and if there is a  
38 need then that need is satisfied off the property or prior to returning to the facility. He said that currently  
39 they have indoor and outdoor storage at a rental facility and the same practice for restroom needs is  
40 followed.

41  
42 Ms. Burgstrom stated that there is no requirement for a restroom facility for this special use permit.

43  
44 Mr. Perkinson stated that Mr. Randol does make a good point.

45  
46 Mr. Elwell asked the Board if there were any additional questions for Mr. Perkinson.

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Mr. Anderson asked staff if a variance would be available for the screening.

Ms. Burgstrom stated yes, but that request would be under a different case that would require a legal advertisement, notices mailed, and additional fees to the petitioner.

Mr. Elwell asked staff if there were any questions for Mr. Perkinson, and there were none. Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Perkinson, and there was no one.

Ms. Burgstrom asked the Board if they desired to revise the special condition regarding screening, or does the Board agree with leaving it up to staff and the petitioners decided what type of vegetation is required.

Mr. Randol stated that he trusts that staff will work out the required type of vegetation to satisfy the screening requirement.

Mr. Elwell stated that he does not think that screening is absolutely needed, except that it is required by the Ordinance, but the least that the petitioner is required to do, the better. He said that the type of screening should be left up to the discretion of the Zoning Administrator.

Mr. Elwell stated that the Board will now review the proposed special conditions with the petitioners.

Mr. Elwell read special condition A. as follows:

**A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 966-S-19 by the Zoning Board of Appeals.**

The above special condition is required to ensure the following:  
**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

Mr. Elwell asked the petitioners if they agreed to special condition A.

Mr. Perkinson stated that they agreed to special condition A.

Mr. Elwell read special condition B.

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

The special condition stated above is required to ensure the following:  
**That the proposed uses are in compliance with the Zoning Ordinance.**

Mr. Elwell asked the petitioners if they agreed to special condition B.

1 Ms. Burgstrom noted that the exterior lighting is only applicable to the business and does affect any  
2 lighting for the residential area.

3  
4 Mr. Perkinson stated that they agreed to special condition B.

5  
6 Mr. Elwell read special condition C.

7  
8 **C. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**  
9 **Compliance Certificate for the proposed Contractor’s Facility with Outdoor Storage**  
10 **and Operations until the petitioner has demonstrated that the proposed Special Use**  
11 **complies with the Illinois Accessibility Code.**

12  
13 The special condition stated above is required to ensure the following:

14 **That the proposed Special Use meets applicable state requirements for**  
15 **accessibility.**

16  
17 Mr. Elwell asked the petitioners if they agreed to special condition C.

18  
19 Mr. Perkinson stated that they agreed to special condition C.

20  
21 Mr. Elwell read special condition D.

22  
23 **D. The petitioners must plan sufficient evergreen screening on the subject property to**  
24 **screen the Special Use Permit outdoor storage area. Per standard practice, a**  
25 **Norway Spruce vegetative screen must be planted within six months of approval of**  
26 **approval of Case 966-S-19 and must be:**  
27 **(1) four to six feet high at the time of planting; and**  
28  
29 **(2) if recommended spacing of a single row of the selected species will not provide**  
30 **50% screen in 2 years, then the screen must be planted in staggered rows.**

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

33 **To promote public health, safety, and general welfare that is a purpose of the**  
34 **Zoning Ordinance.**

35  
36 Mr. Hall entered the meeting.

37  
38 Ms. Burgstrom explained that the standard practice does indicate Norway Spruce, but the Board has  
39 received input from a landscape professional that there are other types of species that may serve the same  
40 purpose. She asked Mr. Hall if special condition D. should be revised to indicate such or should staff  
41 work with the petitioner after the case has been determined.

42  
43 Mr. Hall stated that he is open to other species.

44  
45 Mr. Anderson stated that the large trees and the fire bushes already provide adequate screening, and from  
46 the northeast and southeast angles the sheds are hardly visible.

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Ms. Lee stated that the text, “evergreen” and “Norway Spruce” should be stricken.

Mr. Hall stated that the trees in the photographs would not be considered as screening in any other instance and it appears to be a single row of deciduous trees with a few evergreens as well. He said that many times if a petitioner submits signed statements from residents within the 1,000 foot buffer indicating that they are fine with the existing screening, staff would accept that, and those statements only apply to those neighbors and creates a situation for complaints in the future. He said that if the Board believes that the existing screening is adequate, then it could serve as such until complaints are received and then there would need to be extra screening, but a complaint may never be received. He said that with the existing trees, the only additional screening would be some supplemental screening, but again, the existing vegetation is not what is required in all other instances.

Mr. Elwell asked Mr. Perkinson if there was a complaint in the future, would he still be agreeable with installing the evergreen trees.

Mr. Perkinson stated that they would be compliant with what this Board requires, with the exception that he requests that there would be an open conversation regarding the species that would be planted. He said that whether it is a striking evergreen, burning bush, or dogwood trees, they would all be deciduous and would provide an adequate screen and are being used in other parts of the County to do the exact same thing.

Mr. Hall stated that he is open to other evergreen species, and during the solar farm hearings, the Board found out that the NRCS has recommended plantings for deciduous screens which involve more rows because when those plants lose their leaves, it takes more of them to provide adequate screening. He said that if the NRCS has recommendations for deciduous screening, then he would agree to it, and the special condition should be revised indicating the screening does not have to be Norway Spruce but should be a species of evergreen as required by the Zoning Ordinance. He said that the special condition could also be modified indicating that it would applicable if the Department of Planning and Zoning received complaints regarding insufficient screening.

Mr. Elwell asked if the special condition should indicate adequate screening, because it must be four to six feet high at the time of planting and provide a 50% screen in 2 years.

Ms. Lee stated that she would use the word sufficient in lieu of adequate.

Mr. Elwell stated that he would like the special condition to indicate wording that makes it clear that the petitioner does not have to incur the added expense of additional screening at this time, but if a complaint is received regarding the screening, then they must comply with a recommended vegetative screen by the Zoning Administrator or NRCS.

Mr. Randol asked Mr. Perkinson if he knew the distance from the street to the buildings that he would be utilizing.

Mr. Perkinson stated that it is approximately 120 feet from the east end of the first building to the street.



1 Mr. Hall stated that a previous Zoning Administrator provided an interpretation indicating that evergreen  
2 species provided adequate screening. He recommended that the text, "sufficient vegetative screening"  
3 would be adequate for this special condition, and the text, "within six months of approval" should be  
4 removed because the screening is only required if a complaint is received regarding the outdoor storage.  
5

6 Ms. Burgstrom revised special condition D. as follows:  
7

8 **D. Should the Department of Planning and Zoning receive a complaint about**  
9 **insufficient screening, the petitioners must plant sufficient vegetative screening on**  
10 **the subject property to screen the Special Use Permit outdoor storage area. Per**  
11 **standard Department practice, a sufficient vegetative screen must be planted and**  
12 **must be:**

13 (1) **four to six feet high at the time of planting; and**  
14

15 (2) **if recommended spacing of a single row of the selected species will not**  
16 **provide 50% screen in 2 years, then the screen must be planted in staggered**  
17 **rows.**  
18

19 The above special condition is required to ensure the following:

20 **To promote public health, safety, and general welfare that is a purpose of the**  
21 **Zoning Ordinance.**  
22

23 Mr. Elwell read revised special condition D. and asked Mr. Perkinson if he agreed.  
24

25 Mr. Perkinson stated that he agreed to revised special condition D.  
26

27 Mr. Elwell entertained a motion to approve the special conditions, as amended.  
28

29 **Mr. Randol moved, seconded by Mr. Wood, to approve the special conditions, as amended. The**  
30 **motion carried by voice vote.**  
31

32 Mr. Elwell stated that a new item #6 should be added to the Documents of Record as follows: #6  
33 Photograph of subject property submitted by David Swartzendruber at the December 12, 2019, meeting.  
34

35 Mr. Elwell asked the Board how they would like to proceed.  
36

37 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence and Documents of**  
38 **Record, as amended, and move to the Findings of Fact for Case 966-S-19. The motion carried by**  
39 **voice vote, with one opposing vote.**  
40

41 **FINDINGS OF FACT CASE 966-S-19:**  
42

43 **From the documents of record and the testimony and exhibits received at the public hearing for**  
44 **zoning case 966-S-19 held on December 12, 2019, the Zoning Board of Appeals of Champaign**  
45 **County finds that:**  
46

47 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

1  
2 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this  
3 location.

4  
5 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
6 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**  
7 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**  
8 **public health, safety, and welfare because:**

9 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
10 **ADEQUATE visibility.**

11  
12 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has  
13 ADEQUATE visibility.

14  
15 **b. Emergency services availability is ADEQUATE.**

16  
17 Mr. Randol stated that emergency services availability is ADEQUATE.

18  
19 **c. The Special Use WILL be compatible with adjacent uses.**

20  
21 Mr. Randol stated that the special Use WILL be compatible with adjacent uses.

22  
23 **d. Surface and subsurface drainage will be ADEQUATE.**

24  
25 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.

26  
27 **e. Public safety will be ADEQUATE.**

28  
29 Mr. Randol stated that public safety will be ADEQUATE.

30  
31 **f. The provisions for parking will be ADEQUATE.**

32  
33 Mr. Randol stated that the provisions for parking will be ADEQUATE.

34  
35 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**

36  
37 Mr. Randol stated that the property IS WELL SUITED OVERALL for the proposed improvements.

38  
39 **h. Existing public services ARE available to support the proposed SPECIAL USE**  
40 **without undue public expense.**

41  
42 Mr. Randol stated that existing public services ARE available to support the proposed SPECIAL USE  
43 without undue public expense.

44

- 1           **i. Existing public infrastructure together with the proposed development IS adequate**  
2           **to support the proposed development effectively and safely without undue public**  
3           **expense.**  
4

5 Mr. Randol stated that existing public infrastructure together with the proposed development IS adequate  
6 to support the proposed development effectively and safely without undue public expense.  
7

8 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
9 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be  
10 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,  
11 and welfare.  
12

- 13 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
14 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**  
15 **DISTRICT in which it is located.**  
16

17 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
18 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in  
19 which it is located.  
20

- 21 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
22 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**  
23 **is located because:**

- 24           **a. The Special Use will be designed to CONFORM to all relevant County ordinances**  
25           **and codes.**  
26

27 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
28 and codes.  
29

- 30           **b. The Special Use WILL be compatible with adjacent uses.**  
31

32 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.  
33

- 34           **c. Public safety will be ADEQUATE.**  
35

36 Mr. Wood stated that public safety will be ADEQUATE.  
37

38 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
39 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.  
40

- 41 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
42 **HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

- 43           **a. The Special Use is authorized in the District.**  
44

45 Mr. Wood stated that the Special Use is authorized in the District.  
46

1       **b.     The requested Special Use Permit IS necessary for the public convenience at this**  
2       **location.**

4 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this  
5 location.

7       **c.     The requested Special Use Permit, *SUBJECT TO THE SPECIAL CONDITIONS***  
8       ***IMPOSED HEREIN*, is so designed, located, and proposed to be operated so that it**  
9       ***WILL NOT* be injurious to the district in which it shall be located or otherwise**  
10       **detrimental to the public health, safety, and welfare.**

12 Mr. Wood stated that the requested Special Use Permit, *SUBJECT TO THE SPECIAL CONDITION*  
13 *IMPOSED HEREIN*, is so designed, located, and proposed to be operated so that it *WILL NOT* be  
14 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,  
15 and welfare.

17       **d.     The requested Special Use Permit, *SUBJECT TO THE SPECIAL CONDITIONS***  
18       ***IMPOSED HEREIN*, DOES preserve the essential character of the DISTRICT in**  
19       **which it is located.**

21 Mr. Wood stated that the requested Special Use Permit, *SUBJECT TO THE SPECIAL CONDITIONS*  
22 *IMPOSED HEREIN*, DOES preserve the essential character of the DISTRICT in which it is located.

24 Mr. Wood stated that the requested Special Use Permit, *SUBJECT TO THE SPECIAL CONDITIONS*  
25 *IMPOSED HEREIN*, IS in harmony with the general purpose and intent of the Ordinance.

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

29 **6.     *THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE***  
30 ***COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE***  
31 ***PARTICULAR PURPOSES DESCRIBED BELOW:***

33 **A.     A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
34 **966-S-19 by the Zoning Board of Appeals.**

36 The above special condition is required to ensure the following:

37       **The establishment of the proposed use shall be properly documented as**  
38       **required by the Zoning Ordinance.**

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

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

45       **That the proposed uses are in compliance with the Zoning Ordinance.**

46

1           C.     **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**  
 2                   **Compliance Certificate for the proposed Contractor’s Facility with Outdoor**  
 3                   **Storage and Operations until the petitioner has demonstrated that the proposed**  
 4                   **Special Use complies with the Illinois Accessibility Code.**

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

7                   **That the proposed Special Use meets applicable state requirements for**  
 8                   **accessibility.**

9  
 10          D.     **Should the Department of Planning and Zoning receive a complaint about**  
 11                   **insufficient screening, the petitioners must plant sufficient vegetative screening on**  
 12                   **the subject property to screen the Special Use Permit outdoor storage area. Per**  
 13                   **standard Department practice, a sufficient vegetative screen must be planted and**  
 14                   **must be:**

15               (1)     **four to six feet high at the time of planting; and**

16  
 17               (2)     **if recommended spacing of a single row of the selected species will not**  
 18                   **provide 50% screen in 2 years, then the screen must be planted in staggered**  
 19                   **rows.**

20  
 21          The above special condition is required to ensure the following:

22                   **To promote public health, safety, and general welfare that is a purpose of the**  
 23                   **Zoning Ordinance.**

24  
 25          Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings  
 26          of Fact, as amended.

27  
 28          **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**  
 29          **Record, and Findings of Fact, as amended. The motion carried by voice vote, with one opposing**  
 30          **vote.**

31  
 32          Mr. Elwell entertained a motion to move to the Final Determination for Case 966-S-19.

33  
 34          **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 966-S-19.**  
 35          **The motion carried by voice vote.**

36  
 37          **FINAL DETERMINATION FOR CASE 966-S-19:**

38  
 39          **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**  
 40          **finds that, based upon the application, testimony, and other evidence received in this case, the**  
 41          **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**  
 42          **by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

43  
 44               **The Special Use requested in Case 966-S-19 is hereby GRANTED WITH SPECIAL**  
 45               **CONDITIONS to the applicants, Gary Perkinson, d.b.a. All Creation Landscapes, Inc., and**  
 46               **David Swartzendruber, to authorize the following as a Special Use on land in the AG-1**  
 47               **Agriculture Zoning District:**

1  
2 **Authorize a Special Use Permit for a Contractor’s Facility with outdoor storage and**  
3 **outdoor operations in addition to an existing single-family dwelling in the AG-1**  
4 **Agriculture Zoning District.**

5  
6 ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***  
7

- 8 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
9 **966-S-19 by the Zoning Board of Appeals.**
- 10  
11 **B. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning**  
12 **Compliance Certificate until the petitioner has demonstrated that any new or**  
13 **proposed exterior lighting on the subject property will comply with the lighting**  
14 **requirements of Section 6.1.2.**
- 15  
16 **C. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**  
17 **Compliance Certificate for the proposed Contractor’s Facility with Outdoor**  
18 **Storage and Operations until the petitioner has demonstrated that the proposed**  
19 **Special Use complies with the Illinois Accessibility Code.**
- 20  
21 **D. Should the Department of Planning and Zoning receive a complaint about**  
22 **insufficient screening, the petitioners must plant sufficient vegetative screening on**  
23 **the subject property to screen the Special Use Permit outdoor storage area. Per**  
24 **standard Department practice, a sufficient vegetative screen must be planted and**  
25 **must be:**
  - 26 **(1) four to six feet high at the time of planting; and**
  - 27
  - 28 **(2) if recommended spacing of a single row of the selected species will not provide**  
29 **50% screen in 2 years, then the screen must be planted in staggered rows.**
  - 30

31 Mr. Elwell requested a roll call vote.

32  
33 The roll call vote was as follows:

34	<b>Anderson – yes</b>	<b>Lee – no</b>	<b>Randol – yes</b>
35	<b>Roberts – yes</b>	<b>Wood – yes</b>	<b>Elwell - yes</b>

36  
37  
38 **7. Staff Report - None**

39  
40 **8. Other Business**

41 **A. Review of Docket**  
42

43 Mr. Hall reminded the Board that there is no second meeting in December and the Board would meet again  
44 on January 16, 2020.

45  
46 Ms. Burgstrom stated that the Board voted to continue Case 960-S-19, but chose to determine a date  
47 certain during the review of the docket. She said that currently new cases would be docketed for February

1 because January’s meetings are pretty full. She recommended that Case 960-S-19 be continued to the  
2 February 13<sup>th</sup> meeting.

3  
4 **Ms. Lee moved, seconded by Mr. Wood, to continue Case 960-S-19 to the February 13, 2020, meeting.**  
5 **The motion carried by voice vote, with one opposing vote.**

6  
7 **B. Approval of 2020 ZBA Calendar**

8  
9 Mr. Elwell entertained a motion to approve the 2020 ZBA Calendar.

10  
11 **Mr. Randol moved, seconded by Mr. Wood, to approve the 2020 ZBA Calendar. The motion carried**  
12 **by voice vote, with one opposing vote.**

13  
14 **9. Audience participation with respect to matters other than cases pending before the Board**

15  
16 None

17  
18 **10. Adjournment**

19  
20 Mr. Elwell entertained a motion to adjourn the meeting.

21  
22 **Mr. Wood moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**  
23 **vote.**

24  
25 The meeting adjourned at 8:35 p.m.

26  
27 Respectfully submitted

28  
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31  
32 Secretary of Zoning Board of Appeals

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