

AS APPROVED OCTOBER 26, 2006

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: August 17, 2006

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : Joseph Irle

STAFF PRESENT : John Hall, Leroy Holliday, J.R. Knight

OTHERS PRESENT : Carroll E Goering, John Primmer, Al Brooks, Angie Fred, Mike Insana, Lee Sentman, Debbie Insana, Don Wauthier, Steve Willard, Nancy Boyd, George Boyd, Lydia Nuesmeyer, Anthony Becker, Amy Podlasek, Tom Turino, Guadalupe Guzman, Steve Wayman, Steve Willard

1. Call to Order

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

Mr. Hall noted that Ms. Griest, Chairman was absent therefore the Board will need to appoint an acting Chairperson for tonight's meeting.

Mr. Steeves moved, seconded by Mr. Miller to appoint Mr. Bluhm to serve as acting Chairman of the Zoning Board of Appeals for the August 17, 2006, meeting. The motion carried by voice vote.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

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Case 498-S-05 Helen Willard and Steven and Shirley Willard; and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Ruedi. Request to authorize the establishment and use of the following as a Special Use in the AG-2, Agriculture Zoning District: Part A. A Private Indoor Recreational Development. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of Newcomb Township and located east of CR 550 E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.

Ms. Monte stated that this case was continued at the May 11, 2006, Zoning Board of Appeals meeting, at which time, concurrently, a rezoning request was heard and a recommendation for denial was determined. She said that the rezoning request, Case 497-AM-05, was forwarded to the Environment and Land Use Committee to be heard at their June 12th meeting. She said that ELUC deferred a recommendation for Case 497-AM-05, to allow the Zoning Administrator to investigate a possible expansion of authorized uses in the CR district to allow the requested use in Case 498-S-05. She said that at the August 14, 2006, ELUC meeting, the Zoning Administrator made a recommendation for no text amendment and the Committee upheld that recommendation. She said that Case 497-AM-05, was again deferred to allow ELUC the opportunity to review the ZBA minutes regarding Case 497-AM-05 and Case 498-S-05. She said that no action is expected from the ZBA at tonight’s meeting and staff would recommend that Case 498-S-05, be continued to September 14, 2006, to allow sufficient time for ELUC to make their recommendation on Case 497-AM-05.

Mr. Bluhm asked the Board if they had any questions for Ms. Monte and there were none.

Mr. Bluhm asked if staff had any questions for Ms. Monte and there were none.

Mr. Bluhm asked the Petitioner if he had any questions for Ms. Monte and there were none.

Mr. Steve Willard, who resides at 552 CR 2425N, Dewey stated that originally he only desired to have three to five acres rezoned but staff recommended that the entire 29 acre parcel be included in the rezoning request.

Mr. Bluhm asked the Board if they had any questions for Mr. Willard and there were none.

Mr. Bluhm asked if staff had any questions for Mr. Willard and there were none.

Mr. Steeves moved, seconded by Mr. Schroeder to continue Case 498-S-05 to the November 16, 2006, ZBA meeting. The motion carried by voice vote.

6. New Public Hearings

Case 545-V-06 John Primmer Request to authorize the construction and use of a detached garage with a setback of 40 feet instead of the required setback of 55 feet in respect to Hickory Lane, a local

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1 street, in the R-1, Single Family Residence Zoning District. Location: Lot 66 of Spring Lake
2 Subdivision, commonly known as the residence at 1620 Hickory Lane, Mahomet.

3
4 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
5 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of
6 hands for those who would like to cross examine and each person will be called upon. He requested that
7 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
8 those who desire to cross examine are not required to sign the witness register but are requested to clearly
9 state their name before asking any questions. He noted that no new testimony is to be given during the cross
10 examination.

11
12 Mr. Hall stated that the Petitioner contacted staff regarding building the proposed garage. He said that
13 during review of the site plan staff identified that a variance was necessary prior to the issuance of a Zoning
14 Use Permit. He said that Chris Doenitz, the Mahomet Township Highway Commissioner did contact staff
15 and indicated that he has no objections to the variance request.

16
17 Mr. Steeves asked why an annotated site plan was prepared and where was the actual location of the garage.

18
19 Mr. Hall stated that the annotated site plan was prepared because the Petitioner's site plan, although very
20 detailed, was inaccurate in the way that the lot was shaped. He said that the dimensions are fairly accurate
21 but staff did identify that the garage did require a greater variance than what the Petitioner originally
22 thought.

23 Mr. Steeves stated that if the Board determines the variance by the annotated site plan the proposed garage
24 appears to be located on top of the septic system.

25
26 Mr. Hall stated that staff has double checked the measurements and they are accurate. He said that as to
27 whether the location of the septic field is accurate on the petitioner's site plan is undetermined. He said that
28 the annotated only indicates what information staff has available and the location of the septic field is not
29 known. He said that the Board may want to clarify if the proposed garage will be placed on top of the septic
30 field.

31
32 Mr. Bluhm asked the Board if they had any additional questions for Mr. Hall and there were none.

33
34 Mr. John Primmer, who resides at 1620 Hickory Lane, Mahomet stated that he has an aerated septic system
35 which goes to a storm drain that is located on the edge of the property. He said that a row of pine trees will
36 be next to the garage and a mature maple tree is to the back of the garage.

37
38 Mr. Steeves asked Mr. Primmer if his site plan or the annotated site plan was more accurate.

39
40 Mr. Primmer stated that when the lot was surveyed the lot line was determined to be on the east side of the
41 pine trees therefore his site plan is more accurate.

42
43 Mr. Hall asked Mr. Primmer if could provide staff with a copy of the survey.

44

- 1 Mr. Primmer stated that he was not given a drawing of the survey. He said that another problem is as he
- 2 discussed with Mr. Doenitz that the Hickory Lane has been moved by people driving around the bushes on
- 3 the west side and Hickory Lane is now four to five feet onto Mr. Primmer's property and creates an
- 4 appearance that the garage will be closer to the lot line that what is actually true.
- 5
- 6 Mr. Goldenstein asked Mr. Primmer when the survey was completed.
- 7
- 8 Mr. Primmer stated that the survey was completed last spring.
- 9
- 10 Mr. Miller asked Mr. Primmer who completed the survey.
- 11
- 12 Mr. Primmer stated that Rex Bradfield completed the survey.
- 13
- 14 Mr. Steeves stated that the discrepancy between where the actual lot line is located and what the property
- 15 looks like could make a big difference in the variance.
- 16
- 17 Mr. Hall asked if the property pins were identified when Mr. Doenitz visited the property.
- 18
- 19 Mr. Primmer stated yes.
- 20
- 21 Mr. Steeves asked Mr. Primmer if his site plan is utilized then the trees behind the proposed garage will be
- 22 as close to the garage as possible.
- 23
- 24 Mr. Primmer stated that there will be approximately four to six feet between the building and the trees. He
- 25 said that the trees are 25 to 30 years old.
- 26
- 27 Mr. Steeves asked Mr. Primmer how far the septic system will be from the garage.
- 28
- 29 Mr. Primmer stated that the septic system will be five to six feet in front of the garage.
- 30
- 31 Mr. Miller asked Mr. Primmer if his drawing is not to scale but if, for all practical purposes, the layout is
- 32 accurate.
- 33
- 34 Mr. Primmer stated that the neighbors appear to object to his request because they have the impression that
- 35 he is building the garage to store his father's camper. He said that his father has Alzheimer's and is living at
- 36 their residence and the camper will probably be sold. He said that the proposed garage will have siding and
- 37 will match his home and will have 8-1/2 foot walls.
- 38
- 39 Mr. Bluhm asked if the Board had any additional questions for Mr. Primmer and there were none.
- 40
- 41 Mr. Bluhm asked if staff had any questions for Mr. Primmer and there were none.
- 42
- 43 Mr. Bluhm asked if anyone from the audience had any questions for Mr. Primmer and there were none.
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1 Ms. Lydia Nuesmeyer, who resides at 1618 W Hickory Lane, Mahomet stated that she lives directly to the
2 east of Mr. Primmer's residence. She said that she and the other neighbor's that she has spoken to about Mr.
3 Primmer's requested variance do not object since the proposed garage will match the existing home.
4
5 Mr. Bluhm asked the Board if they had any questions for Ms. Nuesmeyer and there were none.
6
7 Mr. Bluhm asked if staff had any questions for Ms. Nuesmeyer and there were none.
8
9 Mr. Bluhm asked the Petitioner if he had any questions for Ms. Nuesmeyer and there were none.
10
11 Mr. Bluhm asked the audience if anyone had any questions for Ms. Nuesmeyer and there were none.
12
13 Mr. Al Brooks, who resides at 1626 Hickory Lane, Mahomet stated that he owns lots 62 and 63 of Spring
14 Lake Subdivision. He said that lots 62, 63, 64 and 65 are located on the cul-de-sac and are some of the
15 smallest lots on the lake. He said that he had completed a property exchange with his neighbor so that the
16 neighbor could build an addition. He said that he has had several offers on his vacant lot and he is
17 concerned about the congestion of the area and how the proposed garage will affect the market value of his
18 vacant lot.
19
20 Mr. Hall recommended that Mr. Brooks check with the Department of Planning and Zoning prior to a sale of
21 Lot 62. He said that Lot 63 appears to be nonconforming in regard to lot area and his instinct tells him that
22 Lot 62 cannot be used separately from Lot 63 without a variance.
23
24 Mr. Brooks stated that he would like to review an original survey of Lot 66. He said that there have been a
25 lot of discrepancies on the actual property lines in the subdivision and he would like to make sure that the
26 garage will not obscure the view and hinder appearance of the cul-de-sac.
27
28 Mr. Bluhm asked the Board if they had any questions for Mr. Brooks and there were none.
29
30 Mr. Bluhm asked if staff had any questions for Mr. Brooks.
31
32 Mr. Hall stated that the right of way width on Hickory Lane is 30 feet so the right of way is 30 feet less than
33 what would normally be expected.
34
35 Mr. Goldenstein asked Mr. Hall what was the width of Hickory Drive.
36
37 Mr. Knight stated that he did not measure Hickory Drive during his site visit but he would suppose that it is
38 approximately 60 feet wide.
39
40 Mr. Don Wauthier, Engineer for Berns, Clancy and Associates, Village Engineer for the Village of
41 Mahomet, asked Mr. Brooks if he had sold a portion of his lot to his neighbor.
42
43 Mr. Brooks stated that 30 years ago some sort of land swapping took place prior to his ownership.
44

1 Mr. Wauthier cautioned Mr. Brooks that land swapping would require a subdivision with the Village of
2 Mahomet and would require approval.
3
4 Mr. Primmer stated that the existing attached garage is not long enough to accommodate their current
5 vehicles and that is why he would like to build the garage.
6
7 Mr. Bluhm asked the Board if they had any additional questions for Mr. Primmer and there were none.
8
9 Mr. Bluhm asked staff if they had any questions for Mr. Primmer and there were none.
10
11 Mr. Bluhm asked if anyone from the audience had any questions for Mr. Primmer and there were none.
12
13 Mr. Bluhm closed the witness register.
14
15 Mr. Goldenstein asked Mr. Hall if he had a recommendation for the Board.
16
17 Mr. Hall stated that if the Board has some reservations the Board could require as a condition for the Zoning
18 Use Permit that a drawing from the surveyor will be required to verify the setback.
19
20
21 Mr. Goldenstein stated that there is a big difference between the Petitioner's site plan and his interpretation
22 of where the lot lines are located and staff's interpretation therefore an accurate setback is in question.
23
24 Mr. Knight stated that the shape of the lot on the annotated site plan is more accurate to what is shown on
25 the tax map and the southern lot line is at a more acute angle than what is shown on Mr. Primmer's site plan.
26 He said that the reason why the proposed garage is moved on the annotated site plan is because the way the
27 lines are drawn and the existing garage is located the proposed garage could not have been located where
28 Mr. Primmer indicated on his plan.
29
30 Mr. Steeves asked Mr. Knight if the trees are still on the left hand side of the garage.
31
32 Mr. Knight stated yes.
33
34 Mr. Steeves asked Mr. Knight if the proposed garage is in front of the shed or to the side of the shed.
35
36 Mr. Knight stated that the proposed garage would be in front of the shed because the tax map indicates that
37 the proposed garage could not be placed as noted on Mr. Primmer's site plan.
38
39 Mr. Miller stated that he is concerned about where the building will actually be located and requested
40 pictures of the existing lot and a copy of the survey completed by Mr. Bradfield. He said that if a copy of
41 the survey is not available the Board would benefit from photographs of where the pins are clearly located
42 and the proposed site of the garage. He said that he would like to see how the proposed garage would be
43 positioned with the existing shed.
44

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1 Mr. Primmer stated that the angle of the garage will actually look a lot farther away from the house because
2 it will be lined up with the trees. He said that the only problem is the northwest corner of the garage which
3 will be close to the lot line. He said that a 15 foot variance is requested although a 10 foot variance is all
4 that is truly required.

5
6 Mr. Hall stated that Mr. Primmer has testified that over the years past the road has been shifted five feet. He
7 said that the lot layout that is on the land use map is from the GIS data where they have done visual overlays
8 over the actual land use but the Sidwell Tax Atlas indicates that it should be a straight line therefore there
9 could be a five foot discrepancy but the only way to verify that shift is to have a licensed surveyor prepare a
10 survey that would depict that shift.

11
12 Mr. Bluhm stated that if Mr. Bradfield completed the survey then it is very possible that he has a copy of the
13 drawing.

14
15 Mr. Hall stated that it is very possible that Mr. Primmer may have paid for the corners of the lot to be
16 marked without an actual plat being part of the services. He said that it is conceivable that there was not a
17 request for a drawing.

18
19 Mr. Wauthier stated that there are many times when a survey is not documented with a plat because it would
20 add costs. He said that many times when someone requests a survey to find the property markers for the
21 construction of a fence a drawing is not requested but usually the person is given a choice as to whether they
22 want a drawing or not.

23
24 Mr. Steeves asked Mr. Primmer if he was given the option of having a plat drawn of his property.

25
26 Mr. Primmer stated that he assumed that Mr. Bradfield would give him some sort of a drawing of his
27 findings but perhaps Mr. Bradfield assumed that finding the location of the markers is all that he needed to
28 provide.

29
30 Mr. Bluhm asked if staff would like to have a survey prior to the Board making a determination.

31
32 Mr. Hall stated that if the Board desires to continue the case then a surveyor's document should be required.

33
34 Mr. Goldenstein asked Mr. Wauthier, in his professional opinion, if over a thirty year period could a road
35 shift five feet.

36
37 Mr. Wauthier stated that he would doubt that the road would shift five feet in 30 years but it could if gravel
38 was placed around a curve incorrectly. He said that it is likely that Mr. Bradfield made field notes for the lot
39 and he might be able to draw a plat indicating where the lot lines are and where the road is located from the
40 field notes.

41
42 Mr. Steeves stated that he would like to have a drawing of where the lot lines are actually located and the
43 specific location of the proposed garage.

44

1 Mr. Primmer stated that he is concerned about the time lapse between obtaining the survey and obtaining
2 approval for his proposed garage.

3
4 Mr. Bluhm stated that the case could be continued to September 14th, if the documentation could be
5 provided to the Board for final determination.

6
7 Mr. Miller asked Mr. Primmer if the length of the proposed garage could be altered. He said that currently
8 the proposed garage is 26' x 44' but is there a chance that a smaller garage could satisfy his needs.

9
10 Mr. Primmer stated that he would like to store his boat and vehicle in the garage therefore requiring the 44
11 foot length. He said that he could move the garage to the north a few more feet.

12
13 **Mr. Steeves moved, seconded by Mr. Goldenstein to continue case 545-V-06 to the September 14,**
14 **2006, ZBA meeting. The motion carried by voice vote.**

15
16 Ms. Griest arrived at the meeting.

17
18 **Case 546-AM-06 Deborah and Michael Insana Request to amend the Zoning Map to allow for the**
19 **development of 9 single family residential lots in the AG-2, Agriculture Zoning District, by adding the**
20 **Rural Residential Overlay (RRO) Zoning District. Location: An approximately 24 acre tract of land**
21 **located in the Southwest Quarter of Section 35 of Somer Township and located on the North side of**
22 **Airport Road approximately 400 feet east of High Cross Road.**

23
24 Mr. Hall clarified that the case was advertised as an RRO for 9 single family residential lots recognizing that
25 the property could be divided in to as many as three lots without RRO approval. He said that the proposed
26 subdivision is proposed to include 12 buildable lots therefore in total there are 12 lots but only 9 of the lots
27 require RRO approval. He said that the western portion of the site has been reviewed by the Board before
28 during a proposed special use case which was withdrawn although this case is for the entire tract.

29
30 Mr. Steeves stated that during review of the previous special use case for the western portion of this site the
31 Board heard many comments from the neighbors regarding water and drainage issues. He asked if anything
32 has been done to resolve the water issues.

33
34 Mr. Hall stated that the water problem was an existing water problem and with or without development there
35 is a water problem which exists. He said that the Petitioner is present tonight to explain what she intends to
36 do to alleviate the water problems.

37
38 Mr. Bluhm asked the Board if they had any additional questions for Mr. Hall and there were none.

39
40 Ms. Deborah Insana, who resides at 1104 Oak Creek Rd, Mahomet stated that she is aware that the street in
41 front of the property floods during rain events. She said that they also intend to live on the property and
42 have tried to do everything that they can do in making their plan to resolve the flooding issues. She said that
43 none of the property that is proposed for development would be affected by the flooding. She said that they
44 have a proposal for a stormwater detention pond to catch all of the water that comes off of the property and

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1 some of the surrounding area as well. She said that the detention pond will be developed as a natural habitat
2 which is different than most of the detention ponds in which the homeowner's association maintains control
3 over it. She said that she has been working with Kevin Donahue at the Soil and Water Conservation District
4 to prepare a plan for the pond in which no chemical maintenance will be required. She said that she spoke
5 to the Gale Jamison, City of Urbana Engineer, about the type of detention pond that is proposed and he had
6 no issues with the pond and was interested to see how well it worked.

7
8 Mr. Bluhm asked the Board if they had any questions for Ms. Insana.

9
10 Mr. Steeves asked Ms. Insana the size and depth of the detention pond.

11
12 Ms. Insana stated that the pond would encompass approximately one acre of surface water at a depth of four
13 feet. She said that it has been determined that the detention pond would have additional storage for an
14 additional four feet of water that will not be needed because that much water will not come off of the
15 property.

16
17 Mr. Bluhm asked Ms. Insana if the outflow from the pond would be to the road ditch.

18
19 Ms. Insana stated yes. She said that there is a sand layer therefore it is expected that there could be several
20 100-year storms and the water will still not reach the outflow pipe.

21
22 Mr. Bluhm asked Ms. Insana if the Somer Township Highway Commissioner had been contacted.

23
24 Ms. Insana stated no. She said that she has been speaking to the City of Urbana since the property is located
25 within their one and one-half mile jurisdiction.

26
27 Mr. Bluhm stated that any type of drainage outlet into the road ditch requires approval from the township
28 road commissioner.

29
30 Mr. Hall stated that the plan shows that the overflow is approximately 26 feet from the road right of way
31 therefore he does not see a problem.

32
33 Mr. Bluhm stated that if the overflow pipe is to discharge into the road ditch the road commissioner has to
34 approve it.

35
36 Mr. Hall stated that if the overflow pipe goes to the road ditch then the Somer Township Highway
37 Commissioner will need to approve the connection to the ditch.

38
39 Mr. Miller asked Ms. Insana how she would access the property which is intended for her residence.

40
41 Ms. Insana stated that she would have access to her property through the 60 foot right way located on the
42 northwest side of the cul-de-sac.

43
44 Mr. Goldenstein asked Ms. Insana if there would be any kind of fence around the detention pond to keep

1 kids out of the pond.
2
3 Ms. Insana stated that a split rail fence is proposed. She said that trees will also be planted.
4
5 Mr. Bluhm asked Mr. Hall if the Zoning Ordinance required any type of fence.
6
7 Mr. Hall stated that it was determined that ponds and detention basins in the AG districts do not need the
8 vertical barrier because rural areas have more hazardous areas than ponds. He said that if the pond was
9 within 200 feet of a residential district then a vertical barrier would be required but this is not the case with
10 the subject property.
11
12 Mr. Schroeder stated that most people install fences for their own liability issues.
13
14 Mr. Steeves asked Mr. Hall which lots would be excluded from the RRO.
15
16 Mr. Hall stated that lots 12, 11 and 1 have road frontage without the new street therefore presumably they
17 would be the lots which would be excluded from the RRO.
18
19 Mr. Goldenstein stated that lot 13 is only proposed for the detention pond.
20
21 Mr. Hall stated yes. He said that lot 13 is not proposed to be a building lot.
22
23 Ms. Griest asked if at some point the Board would discuss the factors related to lot size and suitability for
24 septic. She said that the lots appear to be somewhat smaller than what is the norm in the rural area.
25
26 Mr. Hall stated that the developer is proposing to extend public water and in the AG-2 district when a
27 central water supply is available the minimum lot size is 20,000 square feet.
28
29 Mr. Miller asked if sewer service would be extended to the lots as well.
30
31 Mr. Hall stated no.
32
33 Mr. Bluhm asked if the Board had any additional questions for Ms. Insana and there were none.
34
35 Mr. Bluhm asked if staff had any additional questions for Ms. Insana and there were none.
36
37 Mr. Carroll Goering, who resides at 2606 North High Cross Rd, Urbana stated that he owns the property
38 which runs from the Saline Ditch to Airport Road and abuts the east side of High Cross Road. He said that
39 he has owned and lived on his property for 29 years and will be within 300 feet of the new proposed
40 development. He said that he support the proposed Brickhouses Road Subdivision. He said that Mr. and
41 Mrs. Insana have been courteous to the neighbors and have kept them informed of their plans and those
42 plans include an upscale development which will enhance the neighborhood. He said that flooding has been
43 a well known problem in the area and it has been made worse due to the University of Illinois Brownfield
44 Woods Natural Area. He said that the new subdivision with its detention pond will help slow down some of

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1 the flooding problems that the neighborhood experiences. He said that the previous proposal for the Hindu
2 Temple would have included a paved parking lot which would have dumped more water on the
3 neighborhood therefore the proposed development is a great alternative for the property. He said that he is
4 concerned about one of the covenants of the proposed subdivision regarding the prohibition of animals. He
5 said that some of the neighbors have animals and he hopes that the new owners of these lots understand that
6 they live in a rural area and a rooster crowing at 5:00 a.m. is the norm. He said that as long as the new
7 owners understand that the rural residents have their way of life which includes animals then he welcomes
8 them to the neighborhood.

9
10 Mr. Bluhm asked the Board if they had any questions for Mr. Goering.

11
12 Ms. Griest asked Mr. Goering if he had any concerns regarding the overflow water draining into the road
13 ditch.

14
15 Mr. Goering stated that if the detention pond overflows it will run to the Saline Ditch and he is not
16 concerned with the road ditch.

17
18 Mr. Schroeder stated that the Board appreciates Mr. Goering's comments because it is unusual for the Board
19 to hear positive comments from an existing neighbor when a new neighbor is proposing such a development.

20
21 Mr. Bluhm asked if staff had any questions for Mr. Goering and there were none.

22
23 Mr. George Boyd, who resides at 3705 East Airport Road, Urbana stated that he lives approximately one-
24 quarter mile east of the subject property. He said that he agrees with Mr. Goering and is in favor of the
25 proposed subdivision. He said that he does not live directly in Mr. Goering's neighborhood but he would
26 guess that the development would decrease the flooding that occurs during a major rainfall and would be an
27 asset to the community.

28
29 Mr. Bluhm asked the Board if they had any questions for Mr. Boyd.

30
31 Ms. Griest asked Mr. Boyd if he had any concerns regarding the overflow water draining into the road ditch.

32
33 Mr. Boyd stated no. He said that the water has been draining into the road ditch forever and it would be
34 lessened and slowed down by the proposal.

35
36 Mr. Bluhm asked the Board if they had any additional questions for Mr. Boyd and there were none.

37
38 Mr. Bluhm asked if staff had any questions for Mr. Boyd and there were none.

39
40 Mr. Tom Turino, who resides at 2902 North High Cross Road, Urbana stated that he lives adjacent to the
41 proposed subdivision and is concerned with the drainage that will come from lots 6 and 7. He said that
42 when he tried to install a leach field system on his property he was informed that the tests indicated that the
43 soil was too wet therefore he had to install a mechanical system. He asked where the runoff for the
44 mechanical systems would flow. He said that he does not support the proposed subdivision due to the

1 additional traffic which will be generated on High Cross Road and the safety of children which will be
2 waiting for buses along this road.

3
4 Mr. Bluhm asked the Board if they had any questions for Mr. Turino and there were none.

5
6 Mr. Bluhm asked if staff had any questions for Mr. Turino and there were none.

7
8 Mr. Steve Wayman, who resides at 3313 East Airport Road, Urbana stated that he owns the property directly
9 to the south of the proposed subdivision and he does support the proposed subdivision. He said that there is
10 a 24 inch below road drainage duct which goes between his home and a neighboring property which does
11 handle a large degree of water but when it does not the water will travel over the road. He said that there is
12 a lot of disrepair of the culverts at the intersection of High Cross and Airport Road and the allowance of
13 repair would help route the water towards the river. He said that he would like to be assured that any dirt
14 that is removed from the low ground is going to be placed on the high ground so that the condition is not
15 made any worse than it already is. He said that he was assured that the detention pond will be held at 680
16 feet mean sea level.

17
18 Mr. Steeves asked Mr. Wayman if the drainage duct was a tile or a culvert.

19
20 Mr. Wayman stated that it was a culvert which has open access on both ends.

21
22 Ms. Griest asked Mr. Wayman if water flows over the road when the tile is inadequate.

23
24 Mr. Wayman stated yes. He said that during a previous rain event the water was 8-inches over the road and
25 the water was not flowing from the subject property.

26
27 Ms. Griest asked Mr. Wayman if the detention would be helpful in solving the flooding problems of the
28 neighborhood.

29
30 Mr. Wayman stated yes.

31
32 Ms. Griest asked Mr. Wayman if he had any concerns regarding the overflow draining into the road ditch.

33
34 Mr. Wayman stated no. He said that it would be nice if the drainage district could become involved and
35 improve the maintenance of the culverts, etc.

36
37 Mr. Bluhm asked if an active drainage district existed in the area.

38
39 Mr. Wayman stated that the Saline Drainage District exists in the area.

40
41 Ms. Griest asked Mr. Wayman if there was a drainage district easement between lots 4 and 5 of Leonard's
42 Farmette Subdivision.

43
44 Mr. Wayman stated that he does not know but he would cooperate in the installation of a 24-inch or 36-inch

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1 extension all the way through the 500 feet and this extension would improve many other landowners'
2 properties. He said that there is an under-maintained 24" duct which goes on both sides of High Cross Road
3 and approaches the river. He said that a lot of the problems would be cured if some type of maintenance
4 was given to the existing tiles.

5
6 Mr. Bluhm asked the Board if they had any questions for Mr. Wayman and there were none.

7
8 Mr. Bluhm asked if staff had any questions for Mr. Wayman and there were none.

9
10 Mr. Schroeder asked Mr. Hall if he was aware of what happened to the Soil Conservation Plans that were
11 prepared on these areas.

12
13 Mr. Hall stated that there was testimony received on the previous case regarding plans for improvement but
14 he was not given any plans to review.

15
16 Mr. Anthony Becker, who resides at 3205 East Airport Road, Urbana stated that his property is located on
17 Lot 2 of the Leonard's Farmette Subdivision. He said that he supports the subdivision as a development but
18 he is concerned about the conflict with the new neighbors and any existing animals which are in the
19 community. He said that his major concern is the flooding. He said that the existing 24-inch culvert does
20 contain some of the flood water but when it cannot the water does flow onto his property and his adjacent
21 neighbors. He said that Mr. Wayman's and Mr. Goering's properties are much higher than his therefore
22 they are not as concerned about the flooding as he is. He said that the drainage district needs to install much
23 larger culverts between High Cross Road and Airport Road and the ditches need to be cleaned out and
24 redone. He said that the culvert which is located on Mr. Ray Elliott's property must be made larger to
25 prevent blockage of the flow of water. He said that flooding is an issue for him because if the water is too
26 deep he cannot get in or out of his house with his wheelchair. He said that a lot of his land has been flooded
27 and a lot of the water did come from across the street but it appears that the proposed detention pond will
28 alleviate some of the flooding issues in the area.

29
30 Mr. Bluhm asked the Board if they had any questions for Mr. Becker.

31
32 Ms. Griest asked Mr. Becker if he had any concerns regarding the overflow draining into the road ditch.

33
34 Mr. Becker stated that he does have concerns regarding the overflow draining into the road ditch. He said
35 that many times the majority of the water which is in the road ditch is the water which floods his property.

36
37 Ms. Griest asked Mr. Becker if the detention pond would improve the situation or exacerbate the problem.

38
39 Mr. Becker stated that it would probably improve the situation if the pipe would go to the river.

40
41 Ms. Griest asked Mr. Becker if he knew the elevation of his property.

42
43 Mr. Becker stated that he would estimate that the elevation of his property is approximately 688 feet MSL
44 which is one foot below the level of the proposed detention pond.

1
2 Mr. Bluhm asked the Board if they had any additional questions for Mr. Becker and there were none.
3
4 Mr. Bluhm asked if staff had any questions for Mr. Becker and there were none.
5
6 Mr. Becker stated that there has been a lot of erosion along the river from the drainage pipes and those
7 drainage pipes are deteriorating and falling into the river after each flood event.
8
9 Mr. Guadalupe Guzman, who resides at 3205 East Airport Road, Urbana stated that he is against the
10 proposed development.
11
12 Mr. Bluhm asked the Board if they had any questions for Mr. Guzman and there were none.
13
14 Mr. Bluhm asked if staff had any questions for Mr. Guzman and there were none.
15
16 Mr. Bluhm closed the witness register.
17
18 Mr. Bluhm asked for comments from the Board.
19
20 Mr. Bluhm stated that he is concerned about where the outflow pipe comes out of the pond in relation to the
21 drawing. He said that he would like to have a letter from the township road commissioner indicating his
22 approval of the overflow into the road ditch.
23
24 Ms. Griest stated that there maybe some conflict as to whether the Somer Township Road Commissioner or
25 the Urbana Township Road Commissioner should be contacted.
26
27 Mr. Hall stated that the subject property is located in Somer Township although the Urbana Township Road
28 Commissioner maintains Airport Road. He said that it may be advisable to obtain comments from both road
29 commissioners regarding the overflow into the road ditch.
30
31 Mr. Goldenstein requested comments from the Saline Drainage District regarding the 24-inch culvert.
32
33 Mr. Bluhm stated that he would like to see where the 24-inch culvert is located and have it indicated on the
34 map.
35
36 Ms. Griest stated that testimony was received during the previous case regarding the subject property that
37 the flood water comes from various sources.
38
39 Mr. Bluhm stated that the Board must remember that the subject property does not abut High Cross Road.
40
41 Mr. Hall stated that the City of Urbana is reviewing the plat therefore they will investigate the adequacy for
42 emergency services.
43
44 Ms. Griest asked Mr. Hall when comments from the City of Urbana will be received.

1
2 Mr. Hall stated that the Petitioner would probably desire to receive approval from this Board prior to
3 continuing with the subdivision process with the City of Urbana. He said that if the Board has concerns then
4 comments can be requested from the City of Urbana.
5
6 Ms. Griest stated that it would assure the Board that they were in harmony with the City of Urbana and not
7 recommending something different than what the City of Urbana would expect to see in this area.
8
9 Mr. Goldenstein asked if the fire hydrants would also be connected to the central water supply.
10
11 Mr. Knight stated that a fire hydrant is indicated on the plat on the frontage of lot 3.
12
13 Mr. Bluhm asked Mr. Knight if Brickhouses Road comes out where the wooded plat is located on the south
14 side of Airport Road.
15
16 Mr. Hall stated that he will have to report back to the Board at a later date.
17
18 Mr. Bluhm stated that he would like to see where the location of the cul-de-sac road is located in
19 relationship to the lot to the south. He said that there are two sets of storm sewer drains located on
20 Brickhouses Road and he would guess that those drains will flow into the road ditch.
21
22 Ms. Insana stated that all of the water which flows from the street will run into the stormwater drain and into
23 the swale to the stormwater detention pond. She said that the high end of the property is to the north
24 therefore all of that water will drain into the street and into the detention pond. She said that the only water
25 which leaves the subject property would be the water which is located on the back of lot 4 and it will drain
26 down to the property on the east side of lot 4. She said that they have attempted to capture all of the
27 rainwater that would fall upon the property. She said that the water comes out of the outlet pipe at a rate of
28 five cubic feet per second and the 24-inch culvert can handle water up to 30 cubic feet per second so a huge
29 amount of volume is not being added but holding it back so that the culvert can handle it later. She said that
30 the cul-de-sac is not mapped across from the adjacent driveway but it is near the driveway.
31
32 Mr. Goldenstein asked Ms. Insana if there were any major tiles located on the subject property which will
33 require rerouting.
34
35 Ms. Insana stated that they have asking and poking around for major tiles and they have not found any major
36 tiles to date.
37
38 Mr. Goldenstein asked staff if an infrared photograph would indicate major tiles.
39
40 Mr. Hall stated that it is possible.
41
42 Mr. Miller stated that he believed that the infrared maps are available through the Soil and Water
43 Conservation District office for a fee.
44

1 Mr. Hall asked the Board if they would like to require an infrared map for the major tiles.

2
3 Mr. Bluhm stated that the Board attempts to make every effort in discovering any existing tiles which are
4 present on the property and assure that the tiles will not be interrupted and will be rerouted if incurred.
5

6 Ms. Insana stated that if any tiles are discovered they will be rerouted.
7

8 Mr. Goldenstein asked if any percolation tests have been completed.
9

10 Mr. Hall stated that soil evaluations have been completed and the letter from the County Health Department
11 indicates that most of the lots will be able to use regular subsurface systems.
12

13 **Mr. Goldenstein moved, seconded by Ms. Griest to continue Case 546-AM-06 to the October 26, 2006**
14 **ZBA meeting. The motion carried by voice vote.**
15

16
17 **7. Staff Report**

18
19 None
20

21 **8. Other Business**
22

23 Mr. Goldenstein stated that he will be absent from the September 28, 2006, ZBA meeting.
24

25 **9. Audience Participation with respect to matters other than cases pending before the Board**
26

27 None
28

29 **10. Adjournment**
30

31 The meeting adjourned at 9:27 p.m.
32

33
34 Respectfully submitted
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38

39 Secretary of Zoning Board of Appeals
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