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4 **MINUTES OF REGULAR MEETING**

6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

7 **1776 E. Washington Street**
8 **Urbana, IL 61801**

10 **DATE: June 26, 2014**

PLACE: Lyle Shield’s Meeting Room
1776 East Washington Street

11
12 **TIME: 7:00 p.m.**

Urbana, IL 61802

14 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
15 Eric Thorsland

17 **MEMBERS ABSENT :** Roger Miller

19 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall

21 **OTHERS PRESENT :** Dennis Wandell, Lucy Whalley, Breanna Pedigo, Keith Pedigo, Delaney
22 Pedigo, Charles Stites, Mary Ellen Stites

23
24
25 **1. Call to Order**

26
27 The meeting was called to order at 7:01 p.m.

28
29 **2. Roll Call and Declaration of Quorum**

30
31 The roll was called and a quorum declared present with one member absent.

32
33 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. He reminded the audience that when they sign the witness
35 register they are signing an oath.

36
37 **3. Correspondence**

38
39 None

40
41 **4. Approval of Minutes (May 29, 2014)**

42
43 Mr. Thorsland entertained a motion to approve the May 29, 2014, minutes as submitted.

44
45 **Mr. Passalacqua moved, seconded by Mr. Randol to approve the May 29, 2014, minutes as submitted.**

46
47 Mr. Thorsland asked the Board if there were any additions or corrections to the minutes and there were
48 none.

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The motion carried by voice vote.

5. Continued Public Hearing

None

6. New Public Hearings

Case 778-S-14 Petitioner: Charles and Mary Ellen Stites Request to authorize continued use of a Major Rural Specialty Business in the CR District on the following property as previously approved for a limited time in Special Use Permit 610-S-08. Location: A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.

Mr. Thorsland 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.

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

Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

Mr. Charles Stites, who resides at 1161 CR 2400E, St. Joseph, stated that he and his wife, Mary Ellen Stites, own River Bend Wild Game and Sausage Company. He said that five years ago they went through the Special Use Permit process and tried to make conditions at their facility that were suitable for the way the property was zoned and allow them to do business with minimum impact on the area and the surroundings. He said that at that time the ZBA indicated that they wanted to approve the use with a five year contingency that they could revisit the case so that if there were any special conditions that were outlined five years ago

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1 that were or weren't working the ZBA could revisit those conditions at the end of that five years. He said
2 that the special conditions that were approved five years ago have proven to be effective and was conditions
3 that he and his wife were able to deal with.

4
5 Mr. Thorsland asked the Board if there were any questions for Mr. Stites.

6
7 Ms. Lee stated that the memorandum indicates that Mr. Stites was supposed to apply for a Special Use
8 Permit by November 15, 2013, although it appears that he waited until March 31, 2014. She asked Mr.
9 Stites if there was a reason why he waited so long to apply.

10
11 Mr. Stites stated that last fall he received a letter from the Department of Planning and Zoning indicating that
12 there was language in the original document from five years ago that had conflicting dates and that one of
13 those dates was April 1, 2014.

14
15 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites and there were none.

16
17 Mr. Thorsland called John Hall to testify.

18
19 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 26, 2014,
20 and the approved Findings of Fact for Case 610-S-08 for the Board's review. He said that staff thought that
21 the Board should have at least the first two findings from the previous case because those are the two
22 findings that the Board has to construct for each case. He said that Finding #1 is necessarily a specific
23 finding that the Board creates each time and in Finding #2 the Board added a lot of information based on the
24 facts of the case. He said that whatever the Board decides for this case staff thought that the Board should
25 have the previous findings in front of them so that whatever the changes the Board feels are necessary could
26 be added. He said that Findings #3, #4 and #5 are typically just yes, no, will, will not, and the Board can
27 easily work through those with this case. He said that the special conditions are included in the Preliminary
28 Memorandum dated June 20, 2014, and staff has not included special conditions that related to proposed
29 construction because there is no proposed construction for this special use permit and everything that was
30 authorized to be built was built therefore the only special conditions included were those that have to do with
31 ongoing operations. He said that Finding #1 relates to item #7 in the Summary of Evidence and Finding #2
32 relates to item #8 in the Summary of Evidence.

33
34 Ms. Lee asked Mr. Hall if there will be an expiration date for this special use permit as well.

35
36 Mr. Hall stated no. He said that no expiration date is proposed because none of the special conditions
37 suggest that an expiration date is necessary but it is entirely up to the Board.

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- 1 Ms. Lee stated that an expiration date would not be necessary unless Mr. and Mrs. Stites cease to own the
2 property.
3
- 4 Mr. Hall stated that Ms. Lee was correct.
5
- 6 Mr. Thorsland asked Ms. Lee if she was satisfied with the explanation from the petitioner regarding the date
7 differences in the memorandums.
8
- 9 Ms. Lee stated that she was just wondering if the date in November was when staff wanted the application so
10 that the Board could act on it before the date in April.
11
- 12 Mr. Hall stated that the original condition was complicated and he would be happy to review the letter in the
13 file but as he recalls the required date for application was in April and Mr. Stites submitted his application in
14 March so he is completely satisfied.
15
- 16 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.
17
- 18 Mr. Thorsland requested that Mr. Stites return to the witness microphone.
19
- 20 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites from staff or the Board.
21
- 22 Mr. Thorsland asked Mr. Stites if he had received any complaints from neighbors that may have not been
23 reported to staff since the special use was granted.
24
- 25 Mr. Stites stated that he did have two conversations with his neighbor. He said that one conversation took
26 place a couple of years ago during the firearm deer season when he was out by the woodpile collecting wood.
27 Mr. Stites said that his neighbor informed him that he was noticing an odor and requested that he check the
28 smokehouse. Mr. Stites stated that he informed the neighbor that he was not using the smokehouse and that
29 the only smoke odor that he had noticed was coming from another neighbor who was burning trash and
30 brush. Mr. Stites said that either last winter or the winter before he received a letter from a neighbor
31 indicating that the sign for River Bend Wild Game and Sausage Company had been damaged and that the
32 sign had obscured their vision while pulling out of their driveway. Mr. Stites said that his neighbor
33 requested that when he replaces the sign that he considers their visibility concern therefore when he replaced
34 the sign he investigated the neighbor's complaint and agreed that it could have interrupted their vision to the
35 south. Mr. Stites stated that when he replaced the sign he made sure that it was placed in a location that
36 would not interfere with the neighbor's visibility.
37
- 38 Mr. Thorsland asked Mr. Stites if any of the complaints were submitted to staff.

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2 Mr. Stites stated that he had not received any communication from staff indicating that they had received any
3 complaints.

4
5 Mr. Thorsland stated that the Preliminary Memorandum dated June 20, 2014, indicates that no complaints
6 have been received. He asked Mr. Hall if the Preliminary Memorandum was still current.

7
8 Mr. Hall stated that no complaints were received except for the two complaints that were received
9 immediately after approval of the special use permit and staff believes that both of those complaints were
10 resolved and staff has not received any communication from the complainants since. He said that he did
11 receive a call yesterday from a neighbor who had not previously submitted any complaints regarding the
12 petitioner but did have concerns regarding the current special use permit.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Stites and there were none.

15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites and there was no one.

17
18 Mr. Thorsland called Dennis Wandell to testify.

19
20 Mr. Dennis Wandell, who resides at 1161 CR 2400E, St. Joseph, stated that he and his wife live directly
21 north of the subject property and their building is approximately five feet from their property line. He said
22 that some good things have happened since the last hearing and he would like to thank the Board and Mr.
23 Stites. He said that he does not receive the septic smell anymore because Mr. Stites installed a new septic
24 system with a lift station and they do not find deer parts on their property anymore and they are happy about
25 that as well. He said that he and his wife do not smell the stench of decaying meat anymore because Mr.
26 Stites keeps the deer part barrels inside the building.

27
28 Mr. Wandell stated that on November 17, 2012, there was a strong odor of cooking sausage and his wife
29 mentioned that in her garden room she could smell wet garbage or some kind of a metallic smell coming
30 from the south. He said that the problems that are not addressed or new items which need to be considered
31 will be discussed tonight. He said that the 8 foot fence has not been completed. He said that on days of the
32 deer hunt River Bend Wild Game and Sausage Company works late because the hunters have to have
33 something done with their deer and that is fine but he and his wife were wondering if there could be set
34 hours of operation during the rest of the season because during this time there are a number of truck doors
35 slamming and it gets pretty noisy.

36
37 Mr. Wandell stated that he does have a concern about the lighting for the subject property. He said that
38 when the new building was built there were no new lights for awhile but then very bright lights, comparable

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1 to those on a school or fire station building, were installed. He said that the lights on the house and the shop
2 were also increased to a point that they are really bright. He said that he and his wife enjoy the night and
3 watching the stars therefore they are hopeful that something can be done about the light intrusion. He said
4 that one other issue is the cooling units and even though they are inside, the windows are always open and
5 the noise that the compressors make is heard. He requested that the Board consider requiring another
6 expiration date for this special use permit, perhaps in five years, to make sure that there are no problems and
7 if there are they can be rectified at that time.

8
9 Mr. Wandell stated that he has recently retired from his business and began keeping a log regarding any
10 concerns that he and his wife had about the subject property and the odors. He said that on November 12,
11 2012, he spoke with Mr. Stites about an odor and Mr. Stites indicated that he was not cooking any sausage at
12 that time and that perhaps it was their wood stove that he was smelling. Mr. Wandell stated that he has a
13 fireplace and he knows of others that have a wood stove and the odor was not the kind of odor, cooked meat,
14 normally emitted from either one of those items.

15
16 Mr. Wandell stated that he worked in the landscape business for many years and he worked around many
17 residences and he would smell a perfume odor from the dryer vents but recently he and his wife have been
18 getting a very strong perfume type odor and when he asked Mr. Stites about the odor he did not respond.
19 Mr. Wandell stated that he assumed that the odor was being caused by the cleaning of the chimney for the
20 smoker because Mr. Stites testified at the last hearing they would receive a whiff now and then, which is
21 fine, but when Mr. Wandell and his wife continuously smell the odor during the morning hours it is
22 intrusive. He asked the Board if they would like to have the log as evidence.

23
24 Mr. Hall stated that Mr. Wandell should read the log in to the record.

25
26 Mr. Wandell stated that he can read the log but he understands that the Board is busy.

27
28 Mr. Thorsland stated that by reading the log the text will be incorporated in to the minutes.

29
30 Mr. Wandell read the log as follows: November 8, 2012: Heavy Odor; November 17, 2012, 11:00 a.m.:
31 strong sausage cooking odor at Lucy's garden room strong rotten odor like wet garbage and slightly metallic.
32 Occurred for several days; November 25, 2012, 10:00 a.m.: heavy odor; November 28, 2012, 5:30 a.m.:
33 heavy odor; November 29, 2012: morning odor; November 30, 2012, all morning odor. I talked to Chuck
34 about this odor. I ask that he check his air cleaning equipment when he has the time. He said no cooking
35 since November 29, 2012. Chuck said that it was his wood stove that was making the odor. He has made
36 this same claim in the past. December 11, 2012: morning odor; January 3, 2013, 9:00: heavy odor; January
37 12, 2013: odor so strong this morning Lucy observed it inside the office; January 25, 2013, at 2:00 p.m.:
38 return from Kentucky vacation, strong odor until 5:30 p.m.

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Mr. Hall stated that Mr. Wandell has mentioned three types of odors in the log, a metallic odor, a rotten odor and a strong perfume odor but he has not heard him say the odor of smoking sausage.

Mr. Wandell stated that every heavy odor that he is speaking about, other than the perfume odor, is in relation to the odor of smoking sausage.

Mr. Hall asked Mr. Wandell if that was by memory or was it actually noted in the log.

Mr. Wandell stated that it was by memory because he did not take the time for each entry to write down that the odor smelled like meat cooking. He said that all of the heavy odors refers to sausage cooking.

Mr. Wandell continued reading the logs as follows: April 30, 2013: the odors of cooking sausage returning. 5:20 a.m. to leaving at 8:20 a.m. odor. There seems to be a very strong smell of laundry dryer freshener. Way too much for simply doing clothes. March 13, 2014, 10:00 a.m.: strong sausage cooking odor in office and shed; March 14, 2014: strong perfume odor in office and shed; March 15, 2014, 3:00 p.m.: heavy perfume odor at area east of office as I started burning white pine branches from winter ice and snow damage. When I started burning weathervane on shed showed wind out of the east and it remained that way until about 4:30 p.m. I quit burning about 6:00 p.m.; April 9, 2014, 9:00 p.m.: same old heavy perfume odor in office area.

Mr. Wandell stated that there are two types of odors that they deal with currently, the heavy perfume odor which is like what people put in their dryers and the heavy odor of sausage cooking.

Mr. Thorsland requested that the log be submitted as a Document of Record.

Ms. Griest asked Mr. Wandell if, after he spoke to Mr. Stites about the odor and Mr. Stites indicated that the odor was coming from an adjacent neighbor burning trash and debris, had he checked to see if an adjacent neighbor was actually burning anything.

Mr. Wandell stated that Mr. Stites did not tell him that an adjacent neighbor was burning.

Ms. Griest stated that she thought that she heard Mr. Wandell indicate such during the reading of the log.

Mr. Wandell stated that on November 30, 2013, he spoke to Mr. Stites about the odor and Mr. Stites indicated that it was his wood stove that was making the odor and that he hadn't cooked since November 28th. Mr. Wandell stated that there was no conversation related to a neighbor burning.

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- 1 Ms. Griest stated that perhaps she was mistaken. She asked Mr. Wandell if he had ever checked out the
2 possibility of anyone else burning something in the area therefore producing an odor.
3
- 4 Mr. Wandell stated no.
5
- 6 Mr. Thorsland asked the Board if there were any additional questions for Mr. Wandell.
7
- 8 Mr. Randol asked Mr. Wandell to indicate how close his personal structures are to the property line.
9
- 10 Mr. Wandell stated that they have three buildings on their property.
11
- 12 Mr. Randol asked Mr. Wandell to indicate how close those structures were to the property line.
13
- 14 Mr. Wandell stated that the closest structure, the office/guest house, is probably 40 to 50 feet from the
15 property line.
16
- 17 Mr. Thorsland asked if staff had any questions for Mr. Wandell.
18
- 19 Mr. Hall stated that he is disappointed that a log was evidently required by Mr. Wandell but he never called
20 the office.
21
- 22 Mr. Wandell stated that Mr. Hall was correct.
23
- 24 Mr. Hall asked Mr. Wandell why he never called the office about the odor that he was obviously
25 experiencing.
26
- 27 Mr. Wandell asked Mr. Hall if he is asking why he never called the office.
28
- 29 Mr. Hall stated yes.
30
- 31 Mr. Wandell stated that in 2008 he was given the impression that he and his wife didn't really matter
32 therefore why suffer more abuse.
33
- 34 Mr. Hall stated that he is sorry that Mr. Wandell received that impression.
35
- 36 Mr. Thorsland stated that the reason why the Board includes special conditions in a case is because they
37 anticipate a lot of their work to be driven by complaints from someone because staff and the Board can't
38 drive out to the property all of the time. He said that the previous case was a very complex case which was

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1 evident by the number of special conditions that were placed upon it. He said that since Mr. Wandell felt the
2 need to construct a log and there was a time when the odor was going on for a long time it would have been
3 an important time for Mr. Wandell to have called the office to report the occurrences so that someone from
4 the office could have gone out to the property to check out the complaint. He said that he was not the chair
5 of the ZBA at that time but he was a member of the ZBA during 2008 and the ZBA does as much as possible
6 to make sure that not one of the witnesses felt as though they were being abused. He said that they took a lot
7 of time with the previous special use case for this petitioner, which Mr. Wandell knows because he was
8 present, and the Board was not particularly delicate with the petitioner either due to the volume of conditions
9 that were placed on the approval and the fact that we are here tonight after five years. He said that he is glad
10 that Mr. Wandell kept a log of the concerns but as a citizen of the County if he feels the need to call the
11 office then he should definitely call the office next time.
12

13 Mr. Wandell stated that when he would call the office Mr. Hall would indicate that he needed to come out
14 although there is a very good chance that when Mr. Hall got to the property there would not be an odor
15 therefore causing a wasted trip. He said that Mr. Hall has to verify the complaint and this problem occurred
16 before the previous case came before the Board. He said that when he called Mr. Hall about the odor due to
17 the barrels sitting outside with deer parts in them and Mr. Hall came out to the property to witness the
18 complaint personally. He said that the intermittent problems regarding odor are hard to verify unless the
19 staff can come out within the next hour after calling the office.
20

21 Mr. Thorsland stated that as a personal observation of living in the country, when he left his home this
22 morning someone in the neighborhood decided that a giant pile of wet leaves was a perfect thing to burn
23 therefore everyone in the area was given the opportunity to smell those leaves burning. He said that it is part
24 of country life to smell the burning of limbs, leaves, etc. He said that he appreciates the fact that Mr.
25 Wandell kept a log regarding his concerns and that the log has been submitted as a Document of Record.
26

27 Ms. Griest stated that when the Board heard this case in 2008 the Board was pretty tough on this petitioner,
28 as the Board is with most, by the volume of special conditions that were imposed on the petitioner based on
29 the concerns that Mr. Wandell expressed at the hearing. She said that she is sorry that Mr. Wandell felt
30 diminished or under-valued during the public hearing process because that is never the Board's intent. She
31 said that at the risk of doing that again, she asked Mr. Wandell why his log does not begin until November 8,
32 2012. She asked Mr. Wandell if he had no concerns between 2008 and that time during 2012 or what
33 changed during that period.
34

35 Mr. Wandell stated that he was busy running his business and he spent a lot of his time doing that therefore
36 he did not have a chance to write all of his concerns down. He said that he regrets not taking the time to start
37 the log sooner.
38

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- 1 Mr. Thorsland asked Mr. Wandell if he would categorize the submitted log as typical for any period from
2 when the special use permit was approved until today.
3
- 4 Mr. Wandell stated yes, but bear in mind that this was over a three year period and not an everyday
5 occurrence.
6
- 7 Mr. Randol asked Mr. Wandell if he kept the log mainly during the time when Mr. Stites was processing the
8 meat.
9
- 10 Mr. Wandell stated that it is his understanding that Mr. Stites freezes and processes the meat during the year
11 and cooks the sausage throughout the year.
12
- 13 Mr. Randol asked Mr. Wandell to describe the metallic smell.
14
- 15 Mr. Wandell stated that the metallic smell was his wife's description.
16
- 17 Mr. Randol stated that he has never smelled a metal that has an offensive smell to it.
18
- 19 Mr. Thorsland reminded Mr. Randol and the Board that smells are subjective to each individual.
20
- 21 Mr. Thorsland asked Mr. Wandell if he would like to add any further testimony.
22
- 23 Mr. Wandell stated no.
24
- 25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wandell and there was no one.
26
- 27 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
28 regarding Case 778-S-14 and there was no one.
29
- 30 Mr. Thorsland closed the witness register.
31
- 32 Mr. Thorsland called Charles Stites to the witness microphone to address the Board.
33
- 34 Mr. Thorsland asked the Board if there were additional questions for Mr. Stites.
35
- 36 Ms. Griest asked Mr. Stites if they smoke meat throughout the year or only during the hunting season.
37
- 38 Mr. Stites stated that the times that they process, smoking of the meat, would occur from the beginning of

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1 archery season which is October 1st until they get done processing all of the boneless meat into the sausage
2 which generally has been the month of April. He said that with the number of deer that comes in during
3 hunting season the volume of meat is too great to cook and make into sausage therefore they freeze that meat
4 and thaw it out as they process the product into sausage. He said that this process occurs after hunting
5 season in the middle of January until April.
6

7 Ms. Griest stated that there has been some mention of a wood burning stove. She asked Mr. Stites if he had
8 a wood burning stove on the property used for heating purposes and if so where is it located, what is it
9 designed to heat and what is Mr. Stites using for the fuel source in the wood burning stove.
10

11 Mr. Stites stated that there are two wood burning stoves on the property. He said that one of the wood
12 burning stoves is located in the shop area of River Bend Wild Game and Sausage Company and is used for
13 heating that area. He said that there is no other heating in the refrigerated areas of the building therefore the
14 wood stove would run from the time that it gets cool in the fall until it warms back up in the spring. He said
15 that the wood stove will run through the night but will be choked down enough so that pipes do not freeze
16 and it is bearable out there. He said that there is another wood stove that they use in the house and when
17 they first moved out to the property they used it very often but now it is easier to use the electric ceiling heat
18 and the wood stove is used when it gets really cold plus it feels good to have the fire going. He said that the
19 fuel source is normal hardwood and the last couple of years he has had a customer who cuts down trees and
20 he generally brings Mr. Stites a trailer load of wood. He said that other wood that he may burn is from trees
21 that fall on his property such as black cherry, maple and locust.
22

23 Ms. Griest asked Mr. Stites if any of the exhaust from the wood stoves would put off a perfumed aroma
24 which would account for the dryer sheet odor that has been reported.
25

26 Mr. Stites stated that there is no product or wood being used that has any kind of perfumed odor at all other
27 than the hand soap that they might use. He said that his wife does use some stuff for the laundry that does
28 indeed have a perfumed odor and he too can smell it outside of the house. He said that if the dryer is running
29 in the house he can smell the perfume odor as well when he goes up to the front door.
30

31 Mr. Thorsland asked Mr. Stites if the lighting that was mentioned in previous testimony was recently
32 installed or did it exist before the previous special use permit case.
33

34 Mr. Stites stated that there is one exterior light which is on the east side of the cooler that they hang deer in
35 that has not changed other than changing it with a like kind since they started doing their operation as a
36 home occupation. He said it's a regular wall mount 70 watt sodium light like you can buy at Menards and it
37 has not changed. He said that when he built the metal building in which a portion is used for a cooler for the
38 bone barrels he had an electrician put in a light that is the same type as the light on the hanging cooler and

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1 there is one that faces toward the north and two that face toward the east. He said that he found that those
2 lights would broadcast out and he had a problem that when the cooler would kick on in the shed the lights
3 would shut off due to a voltage drop and the electrician could not figure out the issue therefore they were
4 replaced with LED lights which are sconces that shine down. He said that the lights are like the ones that
5 would be over the doorway of a building and most of the light is directed downward and goes out about 30 to
6 40 feet. He said that after the building was built he installed the sodium lights and after a year or two the
7 lights were replaced with the down facing lights.

8
9 Mr. Thorsland asked Mr. Stites if he would consider the replacement lights to be full cut-off lights or did the
10 literature indicate that they were full cut-off lights.

11
12 Mr. Stites stated that he does not know what full cut-off means exactly.

13
14 Mr. Thorsland stated that it means that no light goes to the side. He said that if this was a brand new case
15 and Mr. Stites was building something new the Ordinance requires that all lighting be full cut-off to prevent
16 glare onto adjacent properties and the wattage is limited. He said that any lighting that Mr. Stites had before
17 would not be subject to the amended Ordinance but perhaps there is a way that Mr. Stites could investigate
18 the lighting to see if it does indeed trespass onto adjacent properties. He said that with new special use
19 permits screening is required to prevent light trespass. He said that the lighting appears to fall into the realm
20 of what is asked for but it would be helpful if Mr. Stites would investigate the lighting concern to see if some
21 wattage exchange or shielding is necessary. He said that the LED lights are really great because they do not
22 draw any insects but they are really bright.

23
24 Mr. Stites stated that he has an asphalt driveway that runs east and west and the lights do not illuminate the
25 driveway and it is dark when he walks from the building to the house. He said that the lights do not shine
26 out to the property lines.

27
28 Mr. Hall asked Mr. Stites if the replacement lights are wall mounted.

29
30 Mr. Stites stated that the lights are wall mounted and are just above where the 10 foot garage doors are
31 located and the lights shine downward.

32
33 Mr. Hall stated that in the past we have had people experiment with an aftermarket shroud that goes around
34 the light and the thing with full cut-off lights is that it positions the lamp above the edge of the fixture so that
35 unless someone at some distance is below the fixture they cannot see the lamp. He said that he does not
36 know how much the shrouds cost but he does not believe that they are too expensive and they tend to work
37 unless the building is light in color and then they have the opposite affect and make the light more intense.
38 He said that if Mr. Stites' building is not light colored he might consider these shrouds which would solve

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1 Mr. Wandell's concern. He said that Mr. Stites indicated that he replaced the light fixtures approximately
2 two years after the building was constructed in 2009 or 2010. Mr. Hall noted that the Ordinance was
3 amended in August of 2010 and there should have been something included in the amendment regarding
4 special uses that were already in place. He said that previous special use petitioners who add new lighting
5 would have no way of knowing about the new requirement for full cut-off but nonetheless it is up to the
6 Board. He said that he would be happy to research our files to see if we have the names of the shrouds that
7 have been utilized during other projects.

8
9 Mr. Hall stated that when the Board is ready he has some questions for Mr. Stites regarding the smoker.

10
11 Mr. Passalacqua stated that the Board received testimony regarding noise from the compressors. He asked
12 Mr. Stites if he could hear the compressors in his own house.

13
14 Mr. Stites stated no.

15
16 Mr. Passalacqua asked Mr. Stites to explain the layout of the building which houses the compressors. He
17 said that testimony indicates that the building is open.

18
19 Mr. Stites stated that when they moved into the property in 1992 there was an existing 24' x 30' detached
20 garage and onto that was a metal lean-to that was built along the north and west sides of the garage. He said
21 that the refrigeration units for the operation are stored within the lean-to except for the refrigeration unit for
22 the bone barrel building. He said that on the north side the shed is built like a metal pole barn with a metal
23 roof and sides but the west side is built more like a house that was built in the 70's with black fiber board
24 and masonite siding. He said that there are some windows in the west side of the building and they are the
25 kind that can be cranked open and indeed when it is warm it becomes hot in the shed and he will open the
26 windows to let air flow come in so that the units can operate more efficiently.

27
28 Mr. Passalacqua asked Mr. Stites if they have hours of operation where people can drop off their deer.

29
30 Mr. Stites stated yes. He said that during the hunting season they are opened Monday through Friday 5 p.m.
31 to 8 p.m., and 9 a.m. to 5 p.m. on Saturday and 2 p.m. to 5 p.m. on Sunday. He said that during the warm
32 weather months when it is imperative that the hunter gets their deer cooled down properly they will go ahead
33 and take deer up to 8 or 9 p.m. but that is during the archery season when it is one or two hunters who may
34 come in. He said that during the firearm season when most of the deer come in during a very short period of
35 time they will generally shut down around 6 or 7 p.m.

36
37 Ms. Lee asked Mr. Stites if he knows the distance between his house and the shed with the windows that
38 houses the compressor units.

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Mr. Stites stated that he does not know the exact measurement but he would estimate that the distance between that part of the operation and his house is very similar to the distance from the building to the neighbors to the north's house and his personal house may be closer.

Ms. Lee asked Mr. Stites to indicate how much of the fence is incomplete at this point.

Mr. Stites stated that when the special use permit was approved five years ago they had a six foot high board fence between their property and the property to the north which extended east several feet. He said that after review of the special conditions Mr. Hall suggested that there was not enough vegetative screening to the east therefore a screening fence was needed and at that time he asked if he could construct an 8 foot fence therefore he did place the screening from the six foot fence to the road to the east. He said that there is some section that has six foot panels and another section that has 8 foot panels.

Ms. Griest asked Mr. Stites if the fence is now complete but some of it is 6 foot tall and some is 8 foot tall.

Mr. Stites stated that next to the road near the right-of-way there is approximately 16 feet that has the posts but not the fence panels but there is vegetative screening, evergreens, which are taller than him at that location. He said that it is one of those things that needs to be done but there should not be any disturbance from lights or sound near the road that would make him out of compliance.

Ms. Griest asked Mr. Stites if the area by the road without the two or three fence panels is the only area that does not have actual fencing and the rest of the area has fencing and may have vegetation.

Mr. Stites stated that there is vegetation on the property to the north near the property line and the 8 foot fence is right next to it.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites.

Ms. Lee asked Mr. Stites if the fence extends to the west property line.

Mr. Stites stated no. He said that the fence goes from the building all the way to the east because at the time the issue was noise and lights from vehicles entering the driveway that would shine on to the neighboring property.

Mr. Passalacqua asked Mr. Stites if there was some sort of scrubbing device on the discharge from the smoker and the cooker.

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1 Mr. Stites stated that after the special conditions for the previous case he investigated the possibility of
2 finding something that would resolve the concerns. He said that they purchased a system from a company in
3 Oregon that has an electrostatic deionizer and any particulate matter that goes through that is burnt like a bug
4 zapper and following that is a pleated paper filter and 4 inches of activated charcoal and every bit of air that
5 goes through the smokehouse goes through that machine and he cannot operate the smokehouse without
6 having that machine on.

7
8 Mr. Passalacqua asked Mr. Stites if the deionizer is a maintenance item and has it been maintained.

9
10 Mr. Stites stated yes. He said that the paper filter is changed monthly because they get wet and they need to
11 catch the particulate matter that escapes the electrostatic deionizer. He said that the activated charcoal has to
12 be replaced as well.

13
14 Ms. Lee asked Mr. Stites to indicate how far the neighbor's house is from the business building.

15
16 Mr. Stites stated that there are two buildings on the neighbor's property that appear to be residences although
17 one used to be the residence but they moved it from the location of the new house to a location which is
18 directly north of his building and their residence is north and west of the building.

19
20 Mr. Hall asked Mr. Stites how often the activated charcoal needs replaced.

21
22 Mr. Stites stated that it depends upon the use. He said that it is suggested that it is checked every month or
23 so for the type of operation that he has.

24
25 Mr. Hall asked Mr. Stites to explain how the activated charcoal is tested to make sure that it is still active.

26
27 Mr. Stites stated that if he were outside and he was able to smell the odor coming from the smokehouse at a
28 level that seems like it is not being filtered then the charcoal needs replaced. He said that he tries to be pro-
29 active and maintains the equipment to avoid issues.

30
31 Mr. Hall asked Mr. Stites if there was a warranty for the electrostatic deionizer.

32
33 Mr. Stites stated that he is sure that there is a warranty but he does not have any idea of the time period.

34
35 Mr. Hall stated that the submitted log indicates odors and perhaps if it had been started earlier there may
36 have been more notes about odor complaints. He asked Mr. Stites if given the dates and what he recalls with
37 weather patterns is there anything that may explain why there were so many days with more odor than what
38 the neighbor believed there should have been.

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Mr. Stites stated that he does not know how the odor could have been from the smokehouse because if the wind is from the west, which is predominant, he is going to smell it from 20 feet away as he walks back and forth from the shop. He said that other than a faint whiff, as if you stuck your nose right under the exhaust on the side of the building, you can't smell it on the property. He said that he is as cognizant about that as Mr. Wandell is because he knows the issues that they have had in the past and he does not want to cause any more fuel for the fire.

Mr. Stites stated that he is interested to know if the reference from Mr. Wandell regarding the lighting which supposedly comes from Mr. Stites property is from the new building. Mr. Stites stated that the lighting has not changed since they have been doing anything out there. He said that Mr. Hall suggested the block out shields for the building but if those are not the lights that Mr. Wandell is concerned about he does not want to purchase something that is not going to resolve Mr. Wandell's concerns. He said that it may be if a light that is on the new building is placed on the shop it might alleviate his concerns. He said that this is the first time that he has heard any complaints about lighting and he has tried to be compliant with the County and as accommodating to the neighbors as he can.

Mr. Thorsland stated that he will call Mr. Wandell back to the witness microphone to discuss the lighting concerns.

Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Stites and there were none.

Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites and there was no one.

Mr. Thorsland requested that Mr. Wandell go to the witness microphone but informed him that he can decline to testify if desired.

Mr. Wandell stated that the lots are very long and narrow and the lights on the new building are very bright and he mentions those lights because he and his wife like to take walks at night when the moon is out. He said that the lights that are on the house are very bright and have been changed and do not appear to be average 100 watt bulbs. He said that the lights on the new pole building are high in the air and broadcast further out.

Mr. Thorsland asked Mr. Wandell if he is indicating that the lights on the original building are okay but the lights on the new building are the ones at issue.

Mr. Wandell stated yes, the lights on the new building and the house are the lights that cause great concern

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1 and the lights on the house appear to be different than they used to be.

2
3 Mr. Thorsland asked the Board and staff if they had any questions for Mr. Wandell and there were none.

4
5 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wandell and there was no one.

6
7 Mr. Thorsland called Mr. Stites to the witness microphone.

8
9 Mr. Stites stated that he heard Mr. Wandell's concerns about the sconce type lights on the new building and
10 if they are an issue then he will review any information that Mr. Hall can provide regarding shields for those
11 lights. He said that the lights were purchased from Tepper Electric therefore perhaps they have options as
12 well. He said that when the lights were purchased they looked at all of the options available that would suit
13 their needs for illuminating the area around the building but not be visible for miles. He said that if the light
14 is blinding then that is something that he will remedy. He said that the three lights on the house have not
15 been changed and they are 100 watt incandescent lights that provide light at the front porch and the garage
16 area. He said that the 70 watt sodium light has always been there and the bulb was only changed because it
17 burned out once.

18
19 Mr. Randol stated the site plan indicates a proposed 40' x 60' building. He asked Mr. Stites if this is the
20 building with the lighting concerns or is it the building labeled for the business.

21
22 Mr. Stites stated that the site plan that Mr. Randol is reviewing is from the previous case. He said that there
23 should be a more recent site plan in the packet.

24
25 Mr. Thorsland noted that the previous case occurred five years ago and only a few of the Board members
26 were present for the previous case therefore they are more familiar with the case. He said that it is important
27 that all of the Board members are up to speed with the current case.

28
29 Mr. Randol asked Mr. Stites if the newer shed is the one with the lighting that is in question.

30
31 Mr. Stites stated yes. He said that there is one light on the north side and there are two lights on the east side
32 and to comply with trying to stay out of the floodplain the proposed building on the previous site plan the
33 building was running north or south or east and west, he can't remember at this time, but its current location
34 is running at an angle which is the same as the house.

35
36 Ms. Lee asked Mr. Stites if the new building which was constructed at an angle is where the compressors are
37 located.

38

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1 Mr. Stites stated that the new building in question has a walk-in cooler and there is a condensing unit that
2 sits beside it and both of those items are within the building. He said that this particular cooler unit will only
3 run during deer season which is October 1st to mid-January. He said that even though they were allowed to
4 have a window air conditioner to keep the area cool they decided that a window unit was not the best option
5 so they decided to install the compressor unit. He said that the compressor unit cannot be heard outside of
6 the building because the shed is fully insulated and lined with metal. He said that the compressor units that
7 are of concern are located in the lean-to along the north and west side of the shop building.

8
9 Mr. Thorsland asked if staff had any further questions for Mr. Stites and there were none.

10
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stites and there were none.

12
13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites and there was no one.

14
15 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
16 testimony for Case 778-S-14 and there was no one.

17
18 Mr. Thorsland closed the witness register at this time.

19
20 Mr. Hall stated that he has no additions although hearing the comments about the air cleaner for the smoker
21 he can imagine beefing it up with some condition regarding proper maintenance. He said that if this case is
22 continued he can imagine some minor changes there but he does not know what the Board is going to do
23 other than what had been done for odor concerns.

24
25 Mr. Passalacqua stated that looking at the special conditions for the case in 2008 it appears that the
26 Department of Planning and Zoning was given the criteria or tools to address a complaint although even
27 though there is a submitted log tonight no complaints were voiced. He said that it isn't like staff did not
28 address any odor or lighting concerns it was not addressed because no complaints were being received.

29
30 Mr. Hall stated that the he hopes that the Board saw that in January 2009 staff did receive a complaint about
31 odor and staff went out to follow up on the complaint and to a certain extent there is a timing issue because
32 by the time that staff got to the property the odor was very faint and in their opinion did not constitute an
33 actionable complaint. He said that staff did find out later that there was a delay in receipt of the electrostatic
34 deionizer from Oregon and Mr. Stites could not get it installed. He said after the electrostatic deionizer was
35 hooked up no complaints were received and all problems appeared to be resolved. He said that he can
36 appreciate that in the beginning Mr. Wandell probably became frustrated about calling with complaints that
37 were happening at that time and staff would get to the property as soon as possible and once staff did drop
38 everything in the office that they were doing and went out to visit the property but that is not something that

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1 can occur every time a complaint is received.
2
3 Mr. Passalacqua asked Mr. Hall if it would be possible for staff to visit the property during the full swing of
4 business in the fall.
5
6 Mr. Hall stated that staff could do that if it would help. He said that he is willing to do that but he does not
7 know what that means for the special use except that staff could verify whether or not the odor is at a
8 magnitude to determine that it is a problem. He asked Mr. Passalacqua what he would like staff to do at the
9 point of determination that the odor is an issue.
10
11 Mr. Passalacqua stated that if in fact the scrubber is advertised to clean the matter and elements that cause
12 the odor then that would be the first step in assuring that the scrubber is working and if it isn't then it either
13 needs maintained or replaced.
14
15 Mr. Thorsland stated that if it is a piece of equipment that isn't doing what it was advertised to do what is the
16 Board supposed to do about it other than require that the technology needs to be updated.
17
18 Mr. Passalacqua stated that in the 2008 case the petitioner was required to install a device that would clean
19 the air and if the device is not doing what it is required to do then the device either needs replaced or
20 repaired to do what it is required to do. He said that he is not against the business by any means and it
21 sounds as though Mr. Stites is trying to make his business in compliance with the Ordinance but he would
22 not want to live beside it either if the odor became a continuous nuisance. He said that the tools for staff
23 were there during the first approval although the tools cannot be used if staff is not made aware of any
24 issues. He said that the majority of the complaint appears to be odor and there are also concerns voiced
25 about noise and lighting.
26
27 Mr. Thorsland asked Mr. Passalacqua if staff needs to take the time to beef up the special condition. He said
28 that there is no immediate need to complete this case this evening therefore if the Board would like to have
29 some additional strength added to the special condition then staff could do so.
30
31 Mr. Passalacqua stated that he is not saying that staff needs to visit the property every month but perhaps the
32 next time that Mr. Stites plans to cook sausage a site visit could be scheduled. He said that he is not aware
33 of the relationship between the neighbors but perhaps they could get together to brainstorm about the
34 concerns and present suggestions as to how to remedy those concerns. He said that it sounds like the fence
35 needs to be completed unless it will present the same issues as the previous location of the sign. He said that
36 perhaps a site visit and a maintenance schedule would be beneficial to determine if the activated charcoal is
37 doing its job although he does not know how to tell if it is or isn't.
38

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1 Mr. Hall stated that going out at the beginning of every season at the height of smoking the meat to have
2 staff verify what the situation is a great idea. He requested that Mr. Wandell call every time he has a
3 complaint because the two instances of complaints after the special use permit was approved were
4 investigated and it was very helpful and staff is willing to do that and eventually he would hope that they can
5 get all of the bugs out of the system.

6
7 Mr. Passalacqua asked how staff would abate the complaint that a livestock operation was broadcasting
8 odor.

9
10 Ms. Griest noted that a livestock operation is considered agriculture and is exempt.

11
12 Mr. Passalacqua asked how staff would abate odor for a different case.

13
14 Mr. Hall stated that what he would like the Board to consider is at what point does this situation become
15 serious enough that he is either authorized to inform Mr. Stites that he has to stop smoking the meat until he
16 acquires a new device or stop smoking meat until he receives a new authorization from the Zoning Board of
17 Appeals. He said that staff needs clear guidance as to when this becomes a big problem but going out every
18 year to complete a site visit and following up on any complaint are great ideas.

19
20 Mr. Passalacqua stated that it may be that the device is not performing properly and the complaint dates have
21 something to do with the wind being out of the right direction.

22
23 Mr. Thorsland stated that part of one of the complaints did relate to wind direction. He said that as he
24 recalled the times of smoking the meat did have to do with the wind direction so that it did not affect the
25 neighbor to the south but perhaps that did not become part of any special conditions.

26
27 Mr. Passalacqua asked if there were neighbors on either side of the property.

28
29 Mr. Hall stated yes but the neighbors to the south are not as close. He said that it is unfortunate that in this
30 location that the two dwellings are very close and they are located in a river valley therefore the odor is going
31 to hang around.

32
33 Ms. Lee asked if Mr. Stites has the times that he completed the smoking of the meat so that it could be
34 compared to the times that are indicated on Mr. Wandell's log.

35
36 Mr. Thorsland stated that the times might be somewhat hard to pin due to wind direction. He said that Mr.
37 Stites made an effort to smoke the meat, before there were scrubbers were installed, when the wind was not
38 towards the north.

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1
2 Ms. Griest stated that it is important to note that the Board reviewed the scrubber technical material very
3 thoroughly and even the material indicated that it is not guaranteed to remove all odors. She said that unless
4 the County invests in an electronic nose to determine the level of odor there is no other way to determine
5 what the level is at that time. She said that odor is a personal preference and what she may smell versus
6 what someone else might smell is not objective because our bodies function differently. She said that the
7 only true test would be an electronic test. She said that she would like Mr. Hall to review the list that Mr.
8 Wandell cited because she does not believe that any of those instances were from the Wandell's residence
9 itself and were from the office/garden room area and the home was the Board's primary objective.
10
11 Mr. Thorsland stated that the Wandell's office building/garden room is very close to the line and the house is
12 more centered on the property.
13
14 Ms. Griest stated that she recalls that the house and office/garden room are approximately 20 to 30 feet apart.
15
16 Mr. Hall stated that perhaps the Board requires a demonstration of the air cleaning unit.
17
18 Ms. Griest asked if the Board would be taking a field trip to the site.
19
20 Mr. Hall stated yes.
21
22 Mr. Thorsland stated that the Board did have the manual or brochure for the air cleaning unit and it was
23 considered to be "top of the line" at the time.
24
25 Ms. Griest stated that as she recalls it was one of the most premier products available at the time but even the
26 special conditions indicate that the Board did not expect to eliminate all odors.
27
28 Mr. Passalacqua asked if anyone knows how the odors from Herriott's Columbia Street Roastery or Kraft
29 Foods are handled because residential areas are nearby.
30
31 Mr. Hall stated that he is not familiar with any of those standards and both of those things, in his opinion, are
32 controlled as well as the odors in this case are controlled.
33
34 Mr. Passalacqua stated that he thought that there may be a comparable City of Champaign ordinance.
35
36 Ms. Lee stated that Allen's Meat Locker is within close proximity of the subject property although she is not
37 sure if they smoke any of their meats. She said that she would think that Allen's Meat Market has meat for
38 sale as retail therefore they are a different aspect but she would think that they would have some

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1 requirements.

2
3 Mr. Randol stated that if the Board has the guidelines for when this use was first established and no
4 complaints have been received since approval then there should be no issue. He said that Mr. Stites is not
5 burning leaves but is burning wood therefore it could be compared to Lil' Porgy's or any of the other
6 smokehouses in town therefore if nothing else is going on he is not in favor of doing anything any different
7 than perhaps a yearly visit.

8
9 Mr. Thorsland stated that he agrees with the annual visit and perhaps some sort of log regarding maintenance
10 of the scrubber unit.

11
12 Ms. Lee stated that over the years she has driven past the subject property several times and she has never
13 smelled any odors coming from the property. She said that if there is a southwest wind, which would be
14 prevailing, she would believe that the neighbors to the northwest would smell odors from the subject
15 property at their residence which is fairly close by.

16
17 Mr. Thorsland stated that he would like to see some language regarding the scrubbing unit and some sort of
18 log regarding maintenance indicating when the charcoal and filters were changed.

19
20 Mr. Hall clarified that the smoking is not burning wood but is actually a liquid that is applied in the
21 smokehouse.

22
23 Mr. Thorsland stated that this is not like Lil' Porgy's and as he recalls there is heat applied to the meat and at
24 some point, which is a short period of time, there is a liquid flavoring applied. He said that this is not a 12
25 hour pig roast that is going on in the back of the shop but is a heat process and then the flavor is infused and
26 the unit was installed to take care of that short period of time when the flavoring is infused.

27
28 Ms. Griest stated that she is not in favor of adding an additional special condition but she is less in favor of
29 restricting this to a five year renewal. She said that having participated in the previous case and seeing the
30 performance of this petitioner, as compared to other petitioners that the Board has seen over time, she
31 believes that this petitioner has done a marvelous job on compliance. She said that the fact that there were
32 no complaints directly to the petitioner or to the zoning office that were not specifically addressed or
33 resolved cannot be faulted on behalf of the petitioner, regardless of who the petitioner may be. She said that
34 she would be reluctantly willing to support continuing this case and adding a special condition monitoring
35 maintenance and she would need to eliminate the five year renewal. She said that if adding the maintenance
36 monitoring requirement is the price that has to be paid for eliminating the five year renewal requirement then
37 she will support continuing the case to a later date. She said that she believes that the Board could simply
38 ask the petitioner to send in the maintenance records and the petitioner would comply instead of adding

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1 another condition. She said that a visit can be scheduled if need be but if Mr. Hall requires an enforcement
2 tool then she will stand behind that 100% if it is actually something that can or should be enforced but the
3 idea of no odor is not an option for enforcement.

4
5 Mr. Thorsland stated that currently the consensus of the Board is to have an annual check on the entirety of
6 the smoke/odor removal and perhaps some suggested language regarding a maintenance log. He said that as
7 he previously stated he does not believe that the case needs to be finished tonight.

8
9 Ms. Lee stated it will take at least 30 minutes for staff to get to the property and so much can change in 30
10 minutes time.

11
12 Mr. Thorsland suggested to the audience that if they believe that there is something happening on the subject
13 property that appears wrong then a phone call to the zoning department should occur and staff can decide
14 whether or not to send someone to the subject property to investigate the complaint. He said that no one will
15 know about what is going on if a phone call is not made to the zoning office.

16
17 Mr. Thorsland entertained a motion to continue Case 778-S-14 to the August 14, 2014, meeting.

18
19 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Case 778-S-14 to the August 14, 2014,**
20 **meeting. The motion carried by voice vote.**

21
22 Mr. Thorsland stated that the Board will take a five minute break.

23
24 **The Board recessed at 8:40 p.m.**

25 **The Board resumed at 8:46 p.m.**

26
27 **Case 779-S-14 Petitioner: Keith Pedigo Request to authorize a Special Use Permit for the conversion**
28 **of an existing single family residence to a two family residence in the R-2, Single Family Residence**
29 **Zoning District that is also the subject of related Case 780-V-14. Location: Lot 6 in Block 2 of**
30 **Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott**
31 **Township and commonly known as the residence at 202 South Sheridan Street, Seymour.**

32
33 **Case 780-V-14 Petitioner: Keith Pedigo Request to authorize the following variance for an existing**
34 **single family residence on a corner lot in the R-2, Single Family Zoning District: 1) a proposed porch**
35 **with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots**
36 **defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining**
37 **points along said street right-of-way lines 50 feet from the nearest point of intersection; and 2) a**
38 **proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25**

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1 **feet; and 3) a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum**
2 **required 25 feet; and 4) an existing nonconforming side yard of 6 feet in lieu of the minimum required**
3 **10 feet for both the dwelling and the garage. Location: Lot 6 in Block 2 of Commissioner's Addition**
4 **to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly**
5 **known as the residence at 202 South Sheridan Street, Seymour.**
6

7 Mr. Thorsland informed the audience that these are Administrative Cases and as such the County allows
8 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
9 of hands for those who would like to cross examine and each person will be called upon. He requested that
10 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
11 those who desire to cross examine are not required to sign the witness register but are requested to clearly
12 state their name before asking any questions. He noted that no new testimony is to be given during the cross
13 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
14 from cross examination.
15

16 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
17 the witness register for that public hearing. He reminded the audience that when they sign the witness
18 register they are signing an oath.
19

20 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
21

22 Mr. Keith Pedigo, who resides at 202 S. Sheridan Street, Seymour, stated that he and his wife purchased the
23 house seven years ago and there is a lot of room inside but what he did not know is that they do not have a
24 lot of room outside, which seems to be the problem. He said that the yard extends past his property line and
25 that is an area that he has been taking care of but it appears that he has been naïve and the lot does not go
26 where he believed it did. He said that the house is large inside with an open basement but the main problem
27 is that the yard is not large enough for current septic standards and according to the information before the
28 Board tonight he does not have enough room for the current system. He said that if the Board has to go by
29 the numbers then it appears that the possibility of a duplex is over and if the Board has to deny his request
30 then that is fine. He said that he is fairly certain that his current septic field does go past the property line but
31 he is not certain. He said that the neighbors who received the notice that was sent out were trying to decide
32 what he was doing along South Street and he believes that it is the fact that the house is already too close to
33 South Street and the porch that they desire to attach to the house will be straight off of South Street and will
34 not be any further to the north of the house. He said that his request is pretty straight forward but he would
35 like to ask the Board one question and that is whether or not everything would be fine and dandy for a
36 duplex if Seymour installed a public sewer system.
37

38 Mr. Thorsland stated that the County Health Department regulates the septic system and not the Board. He

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1 said that the Board only reviews the property for adequate room for the required septic system.

2
3 Mr. Pedigo stated that the all of the neighbors to the north, northwest and southwest have properties that
4 encroach into the visibility triangle. He said that the Summary of Evidence indicates that the most recent
5 ADT data is 175 near the subject property. He said that he believes that 175 is very high because there are
6 only 375 people who live in Seymour therefore the data is indicating that more than half of the town drives
7 past his house every day and that certainly is not accurate.

8
9 Mr. Thorsland asked the Board if there were any questions for Mr. Pedigo.

10
11 Mr. Randol asked Mr. Pedigo to indicate the dimension from the front of his house to the street line.

12
13 Mr. Pedigo stated that he believes that it is 14 or 16 feet. He said that the end of the proposed porch will be
14 six feet off of the property line.

15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Pedigo and there was no one.

17
18 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated June 26, 2014, to the
19 Board for review. He said that included with the Supplemental Memorandum is an email from Mr. Pedigo
20 indicating that he had arranged to have the septic tank pumped but they could not find the septic tank when
21 they were there and will continue to work on that issue. Mr. Hall said that the last attachment is a diagram
22 that Ms. Chavarria made which is based on the information provided by Mike Flanagan, Champaign County
23 Public Health Department. Mr. Hall said that according to Mr. Flanagan this property has a 50' x 55' area
24 on the south where you would expect a septic system would be located or could be located but we are more
25 interested in knowing if a new system could fit on the property. He said that in order for Mr. Flanagan to
26 approve a septic system on this property he would require soil data from three spots and he was only
27 provided data on one spot. Mr. Hall said that based upon the one soil data investigation Mr. Flanagan
28 determined that a curtain drain would be required and the curtain drain can be no closer than 10 feet to the
29 leach field so you start out with a 50' x 55' area and quickly narrow it down to a 23.5' x 27' septic field and
30 using the most technology that would result in the smallest leach field he would have to invest in an aeration
31 tank not just a septic tank. Mr. Hall said that an aeration tank costs a lot more than a septic tank and has
32 costs of operation because it is processing the waste and hopefully being able to install the septic field as
33 high in the soil profile as possible so that it is getting the best soil for the smallest system. He said that the
34 house, as it currently sits, would require 155 linear feet of this low profile stuff that Mr. Flanagan assumed
35 because it gives the smallest required area. He said that 155 linear feet is required but staff could only get
36 148 linear feet on the property by using all of the requirements that staff had. He said that regarding the
37 curtain drain, if Mr. Pedigo could obtain permission from the highway commissioner and the neighbors he
38 could put the curtain drain right up to the property line provided that they let him do whatever excavation

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1 that he needs to do. He said that the curtain drain would add another 8' and the trenches for the septic field
2 material would require 9 feet on-center spacing. He said that using actual dimensions and not going by the
3 aerial and putting the curtain drain on the property line Mr. Pedigo might be able to install another run of this
4 trench material therefore he might be able to install a new system to serve the three bedroom but using this
5 technology there is no way Mr. Pedigo could install a septic system for a four bedroom duplex. He said that
6 he does not know if a sand filter would help and he doesn't know if they allow surface discharging sand
7 filters anymore but it is something that Mr. Pedigo could investigate with Mike Flanagan and ask him if
8 there are other options that would require less area. Mr. Hall said that at this point it is up to the Board but
9 he does not see how Mr. Pedigo is going to get a septic system on the property for a duplex, at least not with
10 the information that is before us today.

11
12 Mr. Thorsland noted that to be clear the Champaign County Health Department has to sign off on the septic
13 system.

14
15 Mr. Hall stated that the Health Department would need to sign off on a new septic system or any other
16 significant change. He said that what the Board requires for the special use permit is up to the Board but
17 normally the Board would require the Health Department's sign off.

18
19 Mr. Thorsland asked Mr. Hall if the Board's job would be much easier if public sewer was available.

20
21 Mr. Hall stated that he is assuming that it would make the Board's job easier.

22
23 Mr. Randol stated that the Seymour Water District is pursuing grants and the whole scope of installing a
24 public sewer system has been in process for three or four years. He said that public sewer in Seymour is
25 going to happen but he cannot indicate when it will happen. He said that it all leads back to the EPA's
26 requirements and the Seymour Water Board is hoping that they will have something definite in five years or
27 at least that is their goal.

28
29 Ms. Lee asked Mr. Hall how much a curtain drain costs.

30
31 Mr. Hall stated that he is not sure but he does not believe that it is greatly expensive.

32
33 Ms. Lee asked if the curtain drain would cost at least \$1000.

34
35 Mr. Hall stated that he is fairly sure that it would because you would have to trench all the way around it.

36
37 Ms. Lee asked Mr. Hall to indicate the type of the other system that might be available.

38

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1 Mr. Hall stated that the other system that he discussed was an aeration system or multi-flow type unit.

2

3 Ms. Lee asked if an aeration system would cost \$10,000.

4

5 Mr. Hall stated that an aeration system is very expensive. He said that Mr. Pedigo will need to have a
6 sewage ejector in the basement to get the waste up to the elevation of the septic system.

7

8 Mr. Pedigo stated that he has already purchased a sewage ejector and it is sitting in his basement waiting for
9 installation.

10

11 Mr. Randol stated that the house directly south of Mr. Pedigo's property has a multi-flo system and that
12 property has less yard and space than Mr. Pedigo's property. He said that the system is new and they ran the
13 discharge to the storm drain. He said that at the far northeast corner of that block away a multi-flo system
14 was discovered to be having issues and he found that it was over the water main and the highway
15 commissioner ran a line to the street so that the system could discharge into the storm drain system. He said
16 that there is a way for Mr. Pedigo to get rid of the discharge if he pursues an aeration system.

17

18 Mr. Hall stated that the rules for an aeration system changed in February 2014. He asked Mr. Pedigo if he
19 discussed an aeration system with Mr. Flanagan.

20

21 Mr. Pedigo stated that he did discuss an aeration system with Mr. Flanagan and he indicated that it would be
22 the best way to go if you have limited space.

23

24 Mr. Hall asked Mr. Pedigo if Mr. Flanagan discussed having an aeration system that fed into a leach field.

25

26 Mr. Pedigo stated that he mentioned a traditional system but when they discussed the limited space he said
27 that a traditional system was not an option.

28

29 Mr. Hall stated that he was curious if Mr. Flanagan mentioned that it would be possible to have an aeration
30 system that discharged to the surface of the ground.

31

32 Mr. Pedigo stated that he does not think that Mr. Flanagan knew of that. Mr. Pedigo stated that he spoke to a
33 neighbor that did that and she did not know the specifics but she indicated that she did not believe that there
34 was much of a septic system on her property at all.

35

36 Mr. Hall stated that if the neighbor's system was installed prior to February 2014 then that is probably what
37 she has but systems like that cannot be installed currently unless the property owner can prove that such a
38 system is the only feasible approach. He said that just going through the process of proving that it is the only

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1 feasible approach costs money. He said that he does not know what the Board will suggest that Mr. Pedigo
2 should do but Mr. Pedigo could talk to Mr. Flanagan or his installer.
3
4 Mr. Pedigo stated that he does not have an installer in mind yet.
5
6 Ms. Lee asked if there was a difference between an aeration system and a multi-flo system.
7
8 Mr. Hall stated that an aeration system and multi-flo system are one in the same. He said that this system
9 uses an aeration system to feed into a leach field rather than an aeration system that just discharges to the top
10 of the ground.
11
12 Mr. Passalacqua stated that Multi-flo or Jet are brand names but they are all aeration systems. He said that
13 his discharges into the leach field that has an overflow at the end and he has never seen anything come out of
14 the overflow. He noted that he has a lot of leach field area and only two people in his household but he does
15 not know if it is true or not but the discharge is supposed to be clear water.
16
17 Ms. Griest asked Mr. Hall if the width of the lot is 50 feet or 55 feet. She said that the lot for the visibility
18 triangle diagram appears to be 50 feet and the lot on the diagram for the septic appears to be 55 feet. She
19 requested clarification.
20
21 Mr. Hall stated that the 50 feet indicated on the visibility triangle diagram is the visibility triangle itself. He
22 said that the lot is 55 feet wide.
23
24 Mr. Randol stated that regarding the ADT data, there are probably not 10 cars per day that goes around the
25 corner where Mr. Pedigo resides because no matter whether you go south or west you are one block from a
26 corn field.
27
28 Mr. Thorsland noted that the traffic data comes from some mathematical formula and he is not that worried
29 about the ADT. He said that the two cases should be separated because the visibility triangle for the porch is
30 a fairly straight forward variance case. He said that the case regarding the request for the duplex cannot be
31 decided upon tonight because the petitioner needs to discover where the septic system is located. He
32 suggested that the petitioner use a tile probe to find the septic system.
33
34 Mr. Randol stated that there is a possibility that the septic tank is located on the neighbor's property. He said
35 that both of those homes were close family and it was not unusual for those homes to have a shared well and
36 septic tank. He said that part of the leach field could be on the neighbor's property therefore Mr. Pedigo
37 should not be shy in investigating his neighbor's property for the location of his system.
38

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1 Mr. Thorsland stated that the Board requires additional information.

2

3 Ms. Lee stated that there have been cases where septic systems are located underneath garages.

4

5 Mr. Thorsland stated that nothing is surprising with these small towns. He said that he personally would like
6 to have more information regarding Case 779-S-14. He asked Mr. Hall if the cases could be separated and
7 how does one have anything to do with the other.

8

9 Mr. Hall suggested that the Board not make a determination on the variance until the Board decides the
10 special use because in case the special use does get approved, approving the variance at the same time makes
11 it very clear that the variance is anticipating a duplex.

12

13 Mr. Randol asked Mr. Hall if the porch is part of the duplex.

14

15 Mr. Hall stated that the house without the porch needs a variance and approving the variance at the same
16 time makes it clear that the Board approved the variance for a duplex and not just for a single family home.
17 He said that it is a fine point but from the Zoning Administration perspective it makes all of the difference in
18 the world.

19

20 Ms. Griest stated that the fine point being if the structure were destroyed at a later date and time they might
21 need to come back and get a variance for the house.

22

23 Mr. Hall stated that it is even possible for a neighbor to take issue with the duplex if there was any question
24 whether this was a variance considered a duplex or a single family home.

25

26 Ms. Lee stated that without knowing where the septic system is located Mr. Pedigo could discover that it is
27 located under where the proposed porch is to be located.

28

29 Mr. Pedigo stated that it is impossible that the septic system is located where the porch is proposed because
30 grade goes uphill to where his sewer drain is located.

31

32 Mr. Randol asked Mr. Pedigo where the drain goes through the wall.

33

34 Mr. Pedigo stated that the drain goes through the southwest corner of the wall.

35

36 Mr. Randol stated that the system could be under the driveway or the garage. He said that the porch is to be
37 located at the northwest corner.

38

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1 Mr. Pedigo asked the Board or staff to clarify what his current septic system has to do with the porch
2 because according to Mr. Flanagan until the current system fails he has no laws requiring the location.

3
4 Mr. Hall stated that Mr. Flanagan is going by his regulations and the Board has to follow their regulations
5 and in approving the duplex the Board has to find that it doesn't create any problems for public health and
6 safety and at this point approving a doubling of the septic load without even knowing if there is a septic tank
7 would be irresponsible.

8
9 Mr. Pedigo stated that certainly the determination of the fact that he can have an upgraded system is based on
10 the square footage of the yard and if it is inadequate then there is no reason to move forward.

11
12 Mr. Hall stated that staff's determination is based on the information provided by Mr. Flanagan and whether
13 or not Mr. Pedigo can have an upgraded system is entirely up to Mr. Flanagan. Mr. Hall stated that this is
14 what is difficult about a case like this because staff is trying to provide the best information we can to the
15 Board and Mr. Flanagan is simply enforcing his ordinance and until he is presented with a permit he cannot
16 do much. He said that staff was willing to take the time to draw the illustration so that the Board has some
17 ideas whether this is going to work or not.

18
19 Mr. Thorsland stated that he understands Mr. Pedigo's frustration because he has a perfectly functioning
20 system now and as far as he knows the system could be located on the entire lot except for where the house
21 is but the Board does not know its exact location. He said that if the Board approves the duplex they have to
22 assure that there is adequate room for a replacement unit in case the existing unit fails. He said that the
23 Board just reviewed a previous case and the site plan indicated a space where a new system could be built
24 and this is something that the Board does for every case to assure that the use can properly function for many
25 years. He said that at this stage the Board does not have enough information about what is on the property
26 now to further discuss the case. He said that he does not want to go too far down the path to find out that
27 there is an adequate system that goes underneath everything else on the property or extends into the
28 neighbor's yard and that information would be helpful for the Board's consideration. He said that if it is in
29 the neighbor's yard and the Board approved the duplex request knowing this information and the neighbor's
30 yard explodes due to over use then the Board will have approved a duplex on this lot which has somehow
31 affected the neighbor. He said that he hopes that Mr. Pedigo has a great neighbor if that is the case but it is a
32 known fact that neighbors do not always get along therefore it would be nice to know what the current
33 situation is before we go any further with the special use.

34
35 Mr. Hall stated that whoever Mr. Pedigo has to help him locate the tank there is always a risk of damaging
36 the system. He said that if the system is damaged Mr. Pedigo will be required to repair the entire system to
37 the new standards therefore Mr. Pedigo should have confidence in whoever he has locating the tanks so that
38 he does not inadvertently have to do something even without having a duplex. He said that he has been told

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1 that this is a tricky practice.

2
3 Ms. Lee asked Mr. Hall to indicate the difference in the previous aeration requirements and the current
4 aeration requirements.

5
6 Mr. Hall stated that it is his understanding that a surface discharging aeration unit cannot be installed now if
7 one was not on the property previously although there is a way to justify it economically but he does not
8 recall if that is for entirely new systems or replacing old systems. He said that the intent is to stop surface
9 discharging and that is not due to any concern about public health but is related to water quality. He said that
10 Illinois has been the last state to come into line with what the USEPA wants in that regard. He said that our
11 Department of Public Health has fought for years to continue allowing these systems so that the people in
12 Illinois had a viable alternative but they are not going to be able to continue doing that and will have to
13 develop community systems because it will be the only real alternative in the future.

14
15 Mr. Randol stated that Mr. Flanagan has indicated that he has to look at requests as case by case issues
16 therefore he would not rule out the possibility of him working with Mr. Pedigo to determine some type of
17 system that can be upgraded. He said that the other systems have probably been failing which makes a
18 difference but Mr. Randol knows that Mr. Flanagan has been working on case by case issues when problems
19 arise.

20
21 Mr. Thorsland stated that perhaps the question to Mr. Flanagan should be if a duplex was on the lot now
22 what type of system would he recommend and is that something that Mr. Pedigo could pursue. He suggested
23 that Mr. Pedigo have someone assist him with finding his current system and then speak with Mr. Flanagan
24 about what options he may have so that the Board has something to work with for the duplex request and
25 then the variance case will fold into that nicely.

26
27 Mr. Hall asked Mr. Pedigo if the porch that he has purchased is on the property currently.

28
29 Mr. Pedigo stated that the porch is currently sitting at Wonderful World of Homes in Mahomet.

30
31 Mr. Hall asked Mr. Pedigo if it is a problem to keep the porch at that location.

32
33 Mr. Pedigo stated that it is somewhat stuck there currently because there are other things that need to be
34 moved on their property but the porch does need to be moved soon, which will be in his yard.

35
36 Mr. Randol noted that Wonderful World of Homes is going out of business therefore they want to get the lot
37 emptied.

38

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- 1 Mr. Hall stated that if it is a real hardship then perhaps the Board could give Mr. Pedigo some guidance on
2 what to do with the porch in the mean time.
3
- 4 Mr. Randol stated that he would not have a problem with separating the two cases and moving forward with
5 the variance request for the porch. He said that the description of the case reads that the variance is for an
6 existing single family residence on a corner lot.
7
- 8 Mr. Thorsland agreed. He requested that Mr. Hall explain his concern about approving it in this form and
9 then approving the special use for a duplex with the porch.
10
- 11 Mr. Randol stated that there is a chance that Mr. Pedigo won't be able to move forward with his duplex
12 request due to the septic system in which case the porch will just be sitting there in limbo.
13
- 14 Ms. Griest asked Mr. Hall if it would be feasible to go ahead and approve the porch on the single family
15 residence and then advertise a second variance case for the property to be authorized as a duplex at no
16 additional cost to the petitioner so that we can pull these two cases apart and make it clear for anyone who
17 would revisit the cases that when the Board approved the case for a duplex that the Board also included a
18 variance in case the structure needs to be rebuilt.
19
- 20 Mr. Hall stated that we would allow the porch to be stored on the property but his concern was whether or
21 not that would cause any undue weathering. He said that the porch just sitting on the property is perfectly
22 fine because we do that all of the time and his concern was that once Mr. Pedigo takes the porch out of
23 storage that he would want to have it connected to the house in a weather tight manner as it is supposed to
24 be.
25
- 26 Ms. Griest stated that Mr. Pedigo has already purchased the porch and is not taking it back to the seller if his
27 request is denied whereas if the case were denied he may not complete the purchase contract.
28
- 29 Mr. Hall stated that his presumption is that if this is nothing more than a variance for the porch and a single
30 family home then he sees no reason why that would not be approved and then converting it to a duplex is a
31 completely different matter and re-advertising it at no cost to the petitioner is going beyond the Ordinance
32 but if that is what the Board wants he is willing to do it. He said that approving a variance for a single
33 family home at one meeting and then approving a special use permit to make it a duplex at the next meeting,
34 he would urge the Board not to do that without re-advertising. He said that this type of matter is not a
35 benefit that is granted by the Ordinance but if that is what the Board thinks is reasonable then that is what he
36 will do.
37
- 38 Mr. Randol stated that he would be in favor of re-advertising and letting them proceed with the fact that they

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1 want to place a porch on a single family dwelling.
2
3 Mr. Thorsland stated that the Board has heard staff's concerns but he is not uncomfortable with continuing
4 forward with the variance case because he does not believe that it is in play with the septic which is the
5 driver for the duplex case. He said that he would flip a coin to decide whether or not the duplex can be
6 approved until the Board finds out about the septic or a public sewer system is available. He said that if
7 there is some period of time in between the two cases, two or three years, and the Board comes back and
8 approves the duplex this single family home with a porch does not cause the same sort of conundrum that
9 doing it a month apart from each other would cause.
10
11 Mr. Hall stated that it may not sound logical but he would not have the same concerns then.
12
13 Mr. Thorsland stated that he completely understands staff perspective. He said that he understands the
14 situation with Wonderful World of Homes and the fact that they want to get the lot cleared. He asked Mr.
15 Pedigo if he owns the porch currently.
16
17 Mr. Pedigo stated yes.
18
19 Mr. Thorsland stated that it could be argued that for some economical benefit to the petitioner that the cases
20 need to be separated. He said that the Board would probably agree that approving the porch for a single
21 family home is probably not dependent upon any other conditions than the visibility triangle.
22
23 Ms. Lee asked Mr. Hall if the only reason why he does not want to do the porch case now and then the
24 duplex case at the next meeting is the re-advertising or is there anything else.
25
26 Mr. Hall stated that if he were back at the beginning he might have revised the legal advertisement for the
27 variance to include the proposal for a duplex because if you have a building that is a single family home and
28 it is nonconforming you can't make it into a duplex without approving a variance for a duplex because
29 making it into a duplex makes it more nonconforming than if it is just a single family home. He said that it
30 is a complicated issue and writing legal advertisements to make that clear is just a challenge and the re-
31 advertising is the easiest thing to do in this instance. He said that the Board would approve the variance
32 request for a single family home and if there is reason to believe that the duplex is feasible he would say then
33 advertise the variance for the duplex but if that is years in the future then he thinks that it could just be the
34 special use permit. He said that mostly this is an issue of not creating any legal problems that someone could
35 challenge and he is completely serious that converting a single family home to a duplex when the single
36 family is nonconforming must be dealt with somehow. He said that this is an issue that does not happen
37 very frequently but it is an issue that came up in another instance at the office recently which is why he is
38 sensitive to it now and he hates to see the Board do something when he is not comfortable about how that all

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1 works out. He said that clearly re-advertising is easier and if the Board is ready to take action on this
2 variance tonight then that would be the easiest thing to do.

3
4 Mr. Thorsland asked Mr. Hall if the Board looks at it as a single family home for the variance for the porch
5 and it should be approved does it make more significantly noncompliant.

6
7 Mr. Hall stated no.

8
9 Mr. Thorsland stated that he is happy to go forward with the variance case if the rest of the Board is
10 comfortable as well. He said that if the Board is uncomfortable now is the time to discuss it.

11
12 The consensus of the Board was to move forward with Case 780-V-14.

13
14 Mr. Thorsland stated that he would like to add that the petitioner has possession of the porch and it is located
15 at a different location.

16
17 Mr. Hall asked if that information was relevant to granting the variance.

18
19 Mr. Thorsland stated probably not.

20
21 Ms. Capel stated that the information is already implied in the Summary of Evidence under Item #7.D.(3).

22
23 Mr. Thorsland stated that there are no new Documents of Record.

24
25 **Findings of Fact for Case 780-V-14:**

26
27 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
28 780-V-14 held on June 26, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 29
30 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
31 **involved, which are not applicable to other similarly situated land and structures elsewhere in**
32 **the same district.**

33
34 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
35 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
36 same district because the lot sizes in Seymour are extremely narrow and this lot is only 55 feet wide. The
37 existing home already encroaches on the visibility triangle however there is at least 15 feet between the edge
38 of the pavement and the right-of-way line.

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Ms. Capel stated that the purchased porch railings are less than 50% opaque.

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

Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because the limited size of the corner lot prevents them from altering their home and would prevent the addition of the porch without the variance.

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the lot and the home existed prior to the adoption of zoning on October 10, 1973.

4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.

Ms. Capel stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because it conforms to the general layout of the neighborhood.

Mr. Thorsland stated that the lot to the south has a similar configuration and lot usage.

5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because it conforms with other residences in the area.

Ms. Capel stated that the Township Highway Commissioner and the Fire Protection District have been provided notice of the variance and no comments have been submitted.

Ms. Griest stated that each of the streets involved dead end within one block of the residence.

6. The requested variance IS the minimum variation that will make possible the reasonable use of

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1 **the land/structure.**

2
3 Ms. Griest stated that the variance IS the minimum variation that will make possible the reasonable use of
4 the land/structure.

5
6 **7. No special conditions are hereby imposed.**

7
8 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
9 of Fact as amended.

10
11 **Ms. Griest moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record
12 and Findings of Fact as amended. The motion carried by voice vote.**

13
14 Mr. Thorsland entertained a motion to move to the Final Determination for Case 780-V-14.

15
16 **Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination for Case 780-V-14. The
17 motion carried by voice vote.**

18
19 Mr. Thorsland informed the petitioner that one Board member was absent therefore it is at his discretion to
20 either continue Case 780-V-14 until a full Board is present or request that the present Board move forward to
21 the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

22
23 Mr. Pedigo requested that the present Board move to the Final Determination.

24
25 **Final Determination for Case 780-V-14:**

26
27 **Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of
28 Appeals finds that, based upon the application, testimony, and other evidence received in this case,
29 that the requirements for approval in Section 9.1.9.C. HAVE been met, and pursuant to the authority
30 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals
31 of Champaign County finds that the variance requested in Case 780-V-14 is hereby GRANTED to
32 petitioner Keith Pedigo to authorize the following variances in the R-2 Residential Zoning District:**

33 **Part 1. A setback which falls within, in lieu of outside of, the visibility triangle
34 established for corner lots defined as the area bounded by the street right-of-
35 way lines of corner lots and a straight line joining points along said street right-
36 of-way lines 50 feet from the nearest point of intersection.**

37
38 **Part 2. A front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25**

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1 feet.

2
3 **Part 3. A front yard facing South Street of 14.5 feet in lieu of the minimum required 25**
4 **feet.**

5
6 **Part 4. A side yard of 6 feet in lieu of the minimum required 10 feet for both the**
7 **dwelling and the garage.**

8
9 Mr. Thorsland requested a roll call vote.

10
11 The roll was called as follows:

12			
13	Capel-yes	Lee-yes	Miller-absent
14	Passalacqua-yes	Randol-yes	Griest-yes
15	Thorsland-yes		
16			

17 Mr. Hall informed Mr. Pedigo that he has received approval of the variance request and staff will contact
18 him regarding the required paperwork for the porch.

19
20
21 Mr. Thorsland requested a date for continuance of Case 779-S-14.

22
23 Mr. Hall recommended that Case 779-S-14 be continued to the August 14, 2014, meeting.

24
25 Mr. Thorsland asked Mr. Pedigo if he would be available on August 14, 2014.

26
27 Mr. Pedigo stated yes.

28
29 Mr. Thorsland entertained a motion to continue Case 779-S-14 to the August 14, 2014, meeting.

30
31 **Ms. Griest moved, seconded by Ms. Lee to continue Case 779-S-14 to the August 14, 2014, meeting.**
32 **The motion carried by voice vote.**

33
34 **8. Staff Report**

35
36 Mr. Hall stated that the Department of Planning and Zoning now has two interns assisting with enforcement
37 cases with good results.

38

6-26-14

1 **8. Other Business**

2 **A. Review of Docket**

3
4 Ms. Griest stated that she will be absent from the July 17, 2014, meeting

5
6 Ms. Capel stated that she will be absent from the August 14, 2014, meeting.

7
8 Mr. Thorsland stated that Mr. Miller has been habitually absent from the meetings. Mr. Thorsland stated
9 that he has ceased making phone calls or sending notes to Mr. Miller regarding his attendance because the
10 efforts were not gaining any results. Mr. Thorsland stated that Mr. Miller's term ends November 30, 2014,
11 therefore he would encourage members of the Board to encourage others to apply. He said that the Board
12 could remove Mr. Miller from his seat, as the By-laws allow, but it probably would not make a big
13 difference in having a seat filled for a few months. Mr. Thorsland stated on record that Mr. Miller has been
14 very inconsistent in attendance to the meetings for the past year or so and that absence has been a detriment
15 to the Board. He said that there have been times when the Board has been very tight on a quorum which is
16 unfair to the petitioners because they have paid money to be before this Board and worry whether or not they
17 will have four affirmative votes due to a perpetually absent member.

18
19 **9. Audience participation with respect to matters other than cases pending before the Board**

20
21 None

22
23 **10. Adjournment**

24
25 Mr. Thorsland entertained a motion to adjourn the meeting.

26
27 **Ms. Griest moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice vote.**

28
29 The meeting adjourned at 9:47 p.m.

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35 Respectfully submitted

ZBA

AS APPROVED JULY 31, 2014

6-26-14

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2 Secretary of Zoning Board of Appeals
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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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