

CASE NO. 792-V-14 REACTIVATED

SUPPLEMENTAL MEMORANDUM #8

September 21, 2016

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Ct, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

Staff recommends denial because the petitioner has not provided sufficient information to support the variance criteria requirements. No new information has been received since an email from Architect Andrew Fell on July 18, 2016 (Attachment B).

The following evidence has been added as Item 9.E.:

- E. After the June 30, 2016 public hearing for this case, staff sent the petitioner a letter dated July 6, 2016, outlining what items would be necessary for the ZBA to be able to make a decision on the proposed variance (Attachment A).
 - (1) On July 18, 2016, Andrew Fell, the architect contracted by the petitioner, sent an email in response to the July 6, 2016 letter (Attachment B).

- (2) On September 8, 2016, staff sent a reminder email to the petitioner and Mr. Fell that the next hearing would be on September 29, 2016 and that the petitioner needed to send the requested information (Attachment C). No response has been received to date.

SPECIAL CONDITIONS

Conditions A through G are the same as they were in Supplemental Memo #7 dated June 24, 2016.

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. **Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

D. A Change of Use Permit must be approved for each change of use on the subject property.

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

E. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.

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

That the proposed uses meet applicable state requirements for accessibility.

G. The Petitioner will not allow on-street parking on Tiffany Court.

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

That local parking regulations are obeyed.

ATTACHMENTS

- A Letter to Mr. Frazier dated July 6, 2016
- B Email from Andrew Fell Architecture received July 18, 2016
- C Email to Mr. Frazier and Mr. Fell sent September 8, 2016
- D Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
- E Approved minutes from June 30, 2016 ZBA hearing
- F Revised Summary of Evidence dated September 28, 2016

July 6, 2016

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Mr. Robert Frazier
310 Tiffany Court
Champaign, IL 61822

RE: Case 792-V-14

FILE COPY

Mr. Frazier:

At the June 30, 2016 Zoning Board of Appeals Meeting, the Board continued your case to September 29, 2016. **Chairman Thorsland indicated that this is to be the final list of items given to you to complete and that the Board needs all of this information in order to begin to make a determination. You are responsible for completing the following items no later than September 8, 2016:**

1. Contact the Illinois Capital Development Board (CDB).
 - a. Submit an architectural drawing of all levels of all buildings on the subject property to CDB for their review.
 - b. Acquire written documentation from CDB regarding accessibility requirements for number of parking spaces; second floor access requirements in the case you do not install an elevator; and any other accessibility concerns they identify.
 - c. Submit a copy of their findings to the Zoning Department.
 - d. Resolve all issues they identify and submit approval documentation from CDB.
2. Revise your official site plan as needed. The site plan must mitigate any issues identified by the Illinois Capital Development Board, Bondville Fire Protection District, City of Champaign Planning Department, Champaign Township, Champaign County Zoning Board of Appeals, and the Zoning Department. The following details must be included in the site plan, which can be larger than 11x17 as long as a legible copy can be created on 11x17 for distribution:
 - a. The site plan can be more than one page, and staff offers the following possible format:
 - First page: first floor plan and the site plan showing all land area (existing lot and the proposed purchase to the north) and the proposed improvements (parking areas, curb replacement, accessible parking, etc.)
 - Second page: second floor plan
 - Additional pages may contain more details
 - b. How you will decommission all but 1,000 square feet on the second floor (in order to not have to install an elevator) – these areas can only be used as “archival storage” as per the Illinois Accessibility Code. Please see the “DECOMMISSIONING” section at the end of this list.
 - c. Redesigned parking for at least 57 spaces. Please see the “PARKING REQUIREMENTS” section at the end of this list.

- d. Sufficient handicap accessible spaces as required by the Illinois Accessibility Code: For 51-75 required parking spaces, 3 of them must be accessible spaces.
 - e. Depict both the north lot and the subject property;
 - f. All floors of all buildings – not just the business areas;
 - g. Dimensions of all buildings for each floor;
 - h. Dimensions of individual office spaces in the west building;
 - i. Distance between all buildings and the property line;
 - j. Separation distance between all buildings on the property;
 - k. Width of all access drives at the narrowest point on each side of the buildings;
 - l. All uses of each floor of each building;
 - m. How all buildings are connected (i.e. how do you access second story areas, can second floor areas in west building be accessed from the second floor of the middle self-storage areas);
 - n. Ensure sufficient turning radius for emergency vehicles at each corner of the property and for any access points, including between the north parking area and the subject property;
 - o. Curb replacement must be depicted;
 - p. Location of dumpster, septic, and any other structures that will remain on the property;
 - q. What type of surface will be on the septic field;
 - r. Remove the speckled concrete layer – it makes the plan difficult to read.
 - s. Correct the scale bar to be equivalent to the text scale.
3. Have your engineer prepare a Plat of Subdivision for the north lot, including any engineering drawings and other elements as required by the City of Champaign. Jeff Marino's phone is 217-403-8800. We recommend that you apply for subdivision approval with the City of Champaign before the September 29, 2016 ZBA meeting, which is consistent with the current proposed conditions of approval for your variance.
 4. Have your engineer draw up engineering plans and details for the curb replacement. The drawings must be of a quality that could be used for a bidding process.
 - Mr. Padgett indicated that a barrier curb is what should be installed, and any existing curb base must be removed before constructing a new curb. We sent you a copy of IDOT specifications for curbs on May 4, 2016 via email. Mr. Padgett also provided more details on the original construction of the curb as per the Final Plat of Stahly Subdivision dated 8/8/86 and received July 1, 2016; this information is enclosed with this memorandum.
 - Submit your engineering plans and details to the Zoning Department for review, and we will distribute them to the County Engineer and Mr. Padgett for their approval. We will notify you and your engineer when the documents are approved.
 - Construction should only begin once the plans and details are approved and there has been adequate coordination for inspection.

5. The Zoning Department will contact Adam Shaw, Bondville Fire Protection District (FPD) Chief, regarding access by emergency vehicles to the subject property and any issues they feel you may need to address.
6. Verify with Jeff Marino at the City of Champaign and secure a letter or email with his response that the City has no issues with the Site Plan in terms of City Ordinance requirements since you plan to annex the property.

DECOMMISSIONING SECOND FLOOR AREAS

Staff contacted Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board, to seek clarification on the 1,000 square feet of functional space maximum on the second floor areas. It was determined that the Illinois Accessibility Code will require you to have no more than 1,000 square feet of functional space total for second floor areas on the property. This space would include your office, mini storage areas, corridors, as well as personal storage areas not used in the business.

Any 2nd floor space in excess of the 1,000 square feet of functional space can be used for “archival storage”. Ms. Burton defined “archival storage” as “any storage area which is intended for the maintenance of unused records such as “dead files.” Ms. Burton said that John Hall makes the determination about how areas outside of the 1,000 square feet should be decommissioned.

John Hall is going to recommend the following for ZBA members to consider in addition to Ms. Burton’s input:

- All 2nd floor areas outside the 1,000 square feet of functional space must be made inaccessible and cannot even be used for “archival storage” unless all individual storage area walls are removed and the “archival storage” area is one large space.
- Add a special condition that the Zoning Administrator shall be allowed access to any part of the building at least once each year in order to verify that those 2nd floor areas are not being accessed or made usable. This special condition should be applicable to all of the “excess” 2nd floor areas in the entire building.

PARKING REQUIREMENTS

Obviously, decommissioning greatly reduces the number of minimum parking spaces required for the uses on your property. Here are the revised calculations based on the June 21, 2016 parking plan and the March 21, 2016 site plan information about the second floor areas:

1st floor west wing office space = 30 spaces
6 storage units upstairs in west wing (assuming 50 s.f. each) = 2 spaces
534 s.f. west wing upstairs office = 3 spaces
1st floor storage units = 63 units / 3 = 21 spaces
Employee spaces = 1
TOTAL = 57

Should the ZBA decide to accept the City of Champaign’s Collective Parking Provision as described in Andrew Fell’s letter received May 25, 2016, the number of parking spaces could be reduced by 15% to 49 spaces. We recommend that your site plan for

the next hearing show the 57 required spaces and if the ZBA approves your providing only 49 spaces in total, then your engineer may revise the Plat of Subdivision to either include less land or simply show fewer parking spaces.

Three of the 57 parking spaces must be handicap accessible.

The six parallel parking spaces must be removed from the north side of the buildings on the site plan.

Any travel lanes around the building must be at least 10 feet wide, and ideally at least 12 feet wide if emergency vehicles are to be able to access all sides of the property. Turning radius on each corner around the buildings and within the north lot must also be sufficient. There must be sufficient room for vehicles to park and maneuver when pulling in and out of the parking spaces.

ADDITIONAL REQUIRED ACTIONS PRIOR TO FINAL DETERMINATION OF ZONING CASE 792-V-14

John Hall, Zoning Administrator, is going to recommend to the ZBA that they not make a final determination on this case until the following activities are complete:

- a. All second floor areas except for the 1,000 square feet functional space allowed as per the Illinois Accessibility Code must be decommissioned to the satisfaction of the Zoning Administrator.
- b. The curb on Tiffany Court that you partially removed must be replaced to the satisfaction of the Zoning Administrator, County Highway Engineer, and Champaign Township.

Note that annexation cannot occur until the County Zoning Board of Appeals approves any required variance and you make any necessary changes to the property (including decommissioning of excess 2nd floor areas, replacing the street curb, adding accessible parking spaces, and passing an accessibility inspection by the Zoning Administrator) and you complete the subdivision plat approval process with the City of Champaign.

Staff hopes that the September 29, 2016 meeting will bring final action for your case and we will do our utmost to help you achieve that. In order for this to be possible, **every item listed above needs to be complete and any documentation submitted to our office no later than Thursday, September 8, 2016.** Based on the discussion at the June 30th meeting, I believe it is a good possibility that your case will be denied at the next hearing and forwarded to the State's Attorney for enforcement proceedings unless these items are completed. We recommend that Mr. Fell or any other engineer/architect who creates your plans/designs/plat of survey attend the next meeting.

Please feel free to contact me at 384-3708 or schavarr@co.champaign.il.us.

Sincerely,



Susan Chavarria
Senior Planner

Susan Chavarria

From: andrewfell@comcast.net
Sent: Monday, July 18, 2016 11:55 AM
To: Susan Chavarria
Cc: Frazier, R; John Hall
Subject: Re: follow up letter from 6/30/16 Zoning meeting

RECEIVED

JUL 18 2016

CHAMPAIGN COUNTY PLANNING DEPARTMENT

Ms Chavarria,
We are working on addressing the items in your letter of July 6.

The intent will be to install a ramp and walkway connecting the two upper floor areas to make the second floor accessible.

Additionally, as far as I know the CDB does not review drawings for private projects. They will review certain accessibility questions, but that is all. I am not sure how I get any approval documentation from them for the building/parking. etc.

Mr Frazier is working on an additional access easement to gain some additional parking area.

At this point I also believe that Mr Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.

Thank you
Andrew Fell

From: "Susan Chavarria" <schavarr@co.champaign.il.us>
To: "R Frazier" <lexillini@gmail.com>
Cc: andrewfell@comcast.net, "John Hall" <jhall@co.champaign.il.us>
Sent: Wednesday, July 6, 2016 9:41:07 AM
Subject: follow up letter from 6/30/16 Zoning meeting

Mr. Frazier,

Please find attached a follow up letter based on discussion at the June 30, 2016 ZBA meeting. Staff has listed all necessary items and a deadline of September 8, 2016. I will also send you a paper copy in today's mail.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Chavarria

From: Susan Chavarria
Sent: Thursday, September 08, 2016 9:01 AM
To: 'andrewfell@comcast.net'; Frazier, R
Cc: John Hall
Subject: upcoming Zoning hearing
Attachments: Frazier LETTER based on ZBA 070516 signed.pdf

The next hearing for Case 792-V-14 is scheduled for September 29th at 7 pm. I have attached the July 6th letter which lists the information the ZBA needs to move forward with your case. Please recall that today is the date by which I need all the information so that the ZBA members have it in their mailing. Case denial is likely if they get new information distributed the day of the meeting rather than having it in their packet.

Susan Chavarria, AICP, PCED

Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

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Cc: Frazier, R <lexillini@gmail.com>; John Hall <jhall@co.champaign.il.us>
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To: "R Frazier" <lexillini@gmail.com>
Cc: andrewfell@comcast.net, "John Hall" <jhall@co.champaign.il.us>
Sent: Wednesday, July 6, 2016 9:41:07 AM
Subject: follow up letter from 6/30/16 Zoning meeting

**TUMMELSON
BRYAN
&
KNOX
LLP**

ATTORNEYS AT LAW

George G. Bryan
E. Phillips Knox
Helen F. Grandone
Brian T. Schurter
Richard M. Joy
Stephen J. LeSueur
Deborah Frank Feinen

Hurshal C. Tummelson
(1923-2008)

June 8, 2016

Frazier Properties
310 Tiffany Court
Champaign, IL 61822
Attn: Aurora

Re: Isaacs Properties to Frazier Properties

Dear Aurora:

Enclosed please find a signed contract for the portion of property located at 306 Tiffany Court in Champaign. It is my understanding that we would be closing this matter within 30 days of receipt of the survey obtained by Robert Frazier.

If I am incorrect in this assumption, please let me know. Otherwise, if you have any questions, please do not hesitate to contact me.

Very truly yours,



Brian T. Schurter

BTS/sl

Enclosures

RECEIVED

JUN 30 2016

CHAMPAIGN CO. P & Z DEPARTMENT

115 North Broadway Avenue
P.O. Box 99
Urbana, Illinois 61803-0099
www.tbklaw.com
Fax 217.367.2555
Phone 217.367.2500

CONTRACT FOR SALE OF REAL ESTATE

THIS AGREEMENT, made and entered into this ____ day of October, 2015, by and between Isaacs Properties, as Seller, and, Robert Frazier, as Buyer.

WITNESSETH:

1. That if the Buyer shall first make the payments and perform the covenants hereinafter mentioned to be made and performed, Seller agrees to convey and assure to Buyer merchantable title, in fee simple, free of encumbrances (except as hereinafter provided) by good and sufficient Warranty Deed, the premises described as:

See Exhibit A attached hereto

Commonly known as: Part of

_____, Champaign, Illinois

Subject to real estate taxes for the year 2015 and subsequent years; covenants, conditions, restrictions and easements, apparent or of record; all applicable zoning laws and ordinances.

and in consideration thereof Buyer agree to pay to Seller at Tummelson Bryan & Knox Law Offices, Urbana, Illinois, or at such other place or places as may be designated in writing by Seller, the total sum of TWELVE THOUSAND DOLLARS AND NO CENTS (\$12,000.00) at the time and in the manner following:

The sum of \$1000.00 earnest money deposited to the Tummelson Bryan & Knox Trust Account upon execution of this Contract, to be delivered to Seller at the time of delivery of possession and closing. The balance of \$11,000.00, less credits herein provided for, at the time of the closing.

2. Real estate taxes apportioned up to the date of closing shall be Seller's expense. The proration thereof shall be calculated upon the basis of the most current tax information including confirmed multipliers. Transfer tax and all special assessments which are a lien upon the real estate as of the date of the Contract shall be Seller's expense. All such taxes and special assessments shall

from any further liability to Buyer in connection therewith.

3. Possession of said premises shall be delivered to Buyer upon closing of the transaction which shall occur within 30 days of the completion of the survey identified in paragraph 9.

4. Seller agrees, on or before a reasonable time, to furnish to the Buyer a commitment for Owners Title Insurance Policy in the amount of the purchase price, subject only to the usual and customary exceptions contained therein, and free and clear of any and all encumbrances except any mortgage now on said real estate, which said mortgage shall be paid by Seller on or before the date of delivery of deed. Buyer shall have a reasonable time to have said commitment for title insurance examined, and in the event of defects affecting the merchantability of said title being found, Seller shall have a reasonable time to make said title merchantable. Seller shall give Buyer credit against the purchase price for any recording fees which are the responsibility of the Seller and for the cost of the premium for owner's policy and for one-half of the search charge.

5. In the event of the failure of Buyer to make any of the payments or perform any of the covenants or agreements herein provided for after such payment be due or after the time such act should be performed, Seller may serve written notice of default upon Buyer and if such default is not corrected within ten (10) days thereafter, this Contract shall terminate and the Seller may retain the earnest money as liquidated damages sustained or, in the alternative, pursue any other remedies in law or equity. In the event of default by the Seller to perform any of its agreements herein provided for, Buyer may terminate this Contract, have the earnest money returned to Buyer, or, at Buyer' option, pursue any other remedies in law or equity.

6. It is understood that the condition of any building or improvement upon said premises is known to, and the said improvements as in their present condition are accepted by Buyer.

7. Notices to either party shall be mailed, certified mail as follows:

If to Seller: Isaacs Properties

With copy to: Brian T. Schurter
 Tummelson Bryan & Knox, LLP
 115 North Broadway Avenue
 Urbana, Illinois 61801

If to Buyer: Robert Frazier

With copy to: _____

8. Seller warrants that no notice from any city, village or other governmental authority of a code violation has been issued and received by the owner or his agent in the past three years.

9. Buyer agrees, at Buyer's expense, to have a survey prepared by an Illinois licensed surveyor for the agreed property which is the subject of this sale. In the event the Parties cannot agree to property to be surveyed, then this contract shall be null and void. As part of the survey, the Parties agree that an easement will be included for ingress and egress over the paved portion of the property being transferred for Seller's benefit which shall run with the land

in perpetuity. The legal description of the easement shall be set forth as part of the survey being performed by the Buyer. In the event the Parties cannot agree to easement to be surveyed, then this contract shall be null and void. The Buyer shall pay for the cost of recording the survey.

10. The Buyer agrees that in addition to the easement for ingress and egress which is to be included in the deed, the deed will also include a restriction that no building or structure of any kind may be built or constructed on the property.

11. No items of personal property are included in this sale.

12. Seller represents that it is not a "foreign person" subject to income tax withholding pursuant to the Foreign Investment in Real Property Tax Act.

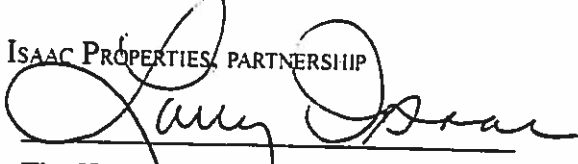
13. This contract contains the entire agreement between the parties and no oral representations, warranties or covenants exist other than those specifically herein set forth. This Contract shall not be modified, altered or amended, except by written instrument executed by the parties hereto.

14. Time of performance shall be of the essence of this agreement and all conditions thereof, and the same shall be binding upon the successors and assigns of the respective parties and shall apply to each and all of the parties regardless of the use of the singular term.

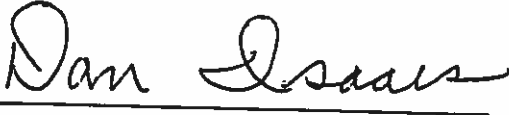
IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals the day and year first above written.

"SELLER "

ISAAC PROPERTIES PARTNERSHIP

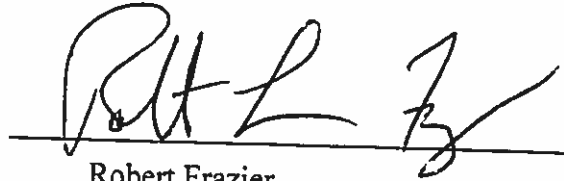


The Kay Isaacs Trust under
Testamentary Trust Agreement



Hometown Holdings, LLC,
an Illinois Limited Liability Company

"BUYER"



Robert Frazier

11.4.15

Prepared by:

Brian T. Schurter

TUMMELSON BRYAN & KNOX, LLP

P.O. Box 99

Urbana, IL 61803-0099

Ph. (217) 367-2500

Fax: (217) 367-2555

ARDC# 6238044

EXHIBIT A

Legal Description*

Lot _____, located in the City of Champaign, in
Champaign County, Illinois.

Part of PIN:

*The full legal description shall be included upon the completion of the survey in Paragraph 8 of the Contract for Sale of Real Estate.

ZBA

AS APPROVED AUGUST 11, 2016

6/30/16

1 Mr. Thorsland asked the Board if there were any additions or corrections to the minutes and there were
2 none.

3
4 **The motion carried by voice vote.**

5
6 **5. Continued Public Hearing**

7
8 **Case 792-V-14 (REACTIVATED) Petitioner: Robert Frazier Request to authorize the following**
9 **variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District:**
10 **Part A. Variance for 48 on-site parking spaces in lieu of the minimum required 67 parking spaces as**
11 **required by Section 7.4 of the Zoning Ordinance; and Part B. Variance for a setback of 50 feet and a**
12 **front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum**
13 **required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3**
14 **of the Zoning Ordinance; and Part C. Variance for parking 0 feet from the front property line in lieu**
15 **of the minimum required 10 feet from the front property line as required by Section 7.4.1 of the**
16 **Zoning Ordinance; and Part D. Variance for allowing at least 19 off-street parking spaces on an**
17 **adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of**
18 **land as the use served, as required by Section 7.4.1 of the Zoning Ordinance. Location: Lot 4 of the**
19 **Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly**
20 **known as the former LEX building located at 310 Tiffany Court, Champaign.**

21
22 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
23 the witness register for that public hearing. He reminded the audience that when they sign the witness
24 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
25 time.

26
27 Mr. Thorsland informed the audience that Case 792-V-14 is an Administrative Case and as such the County
28 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
29 show of hands for those who would like to cross examine and each person will be called upon. He requested
30 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
31 that those who desire to cross examine are not required to sign the witness register but are requested to
32 clearly state their name before asking any questions. He noted that no new testimony is to be given during
33 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
34 exempt from cross examination.

35
36 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.

37
38 Mr. Robert Frazier stated that his address is 310 Tiffany Court, Champaign. He said that he had no
39 additional comments regarding his case at this time.

40
41 Mr. Thorsland asked staff if there was any new information to share with the Board.

ZBA

AS APPROVED AUGUST 11, 2016

6/30/16

1
2 Mr. John Hall, Zoning Administrator, stated that there was no new information for the Board.
3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Frazier.
5
6 Mr. Randol asked Mr. Frazier to indicate the address for his residence.
7
8 Mr. Frazier stated that the address for his residence is 3909 Farmington Drive, Champaign.
9
10 Mr. Thorsland stated that staff mailed a letter dated April 1, 2016, to Mr. Frazier indicating items which
11 required completion prior to this hearing. He reviewed the items with Mr. Frazier.
12
13 Mr. Thorsland item #1: Relocate all buses from the Tiffany Court property unless even more parking is
14 proposed to make up for the area occupied by the buses. He asked Mr. Frazier if the buses have been
15 relocated.
16
17 Mr. Frazier stated that the buses have been removed from the property and they will never return.
18
19 Mr. Thorsland read item #2: Secure comments from Illinois Capital Development Board (CDB) regarding
20 accessibility. He said that there has been some interaction with the CDB regarding the second floor and the
21 need for an elevator. He asked Mr. Frazier if he had any additional information to share with the Board
22 regarding item #2.
23
24 Mr. Frazier stated that the expense of installing an elevator is cost prohibitive therefore he will keep the
25 second floor at 1,000 square feet.
26
27 Mr. Thorsland stated that the complete site plan should indicate a good depiction of the second floor. He
28 read item #3: Verify with Jeff Marino at the City of Champaign and secure an email with his response that
29 the second floor areas are acceptable to the City or whether the changes are necessary. He asked Mr. Frazier
30 if he has an email from Jeff Marino to share with the Board tonight.
31
32 Mr. Frazier stated that he hasn't dealt with that because he is not in the City of Champaign.
33
34 Mr. Thorsland stated that this is one of the items that the Board requested in April.
35
36 Mr. Thorsland asked Mr. Frazier if he has been working with staff regarding the items listed in the letter.
37
38 Mr. Frazier stated yes.
39
40 Mr. Thorsland read item #5: Have your engineer prepare a new parking plan for the north property that
41 provides all of the additional parking that is required. Mr. Thorsland stated that the Board will address this

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1 item later during the hearing. He read item #6: Secure comments from the fire protection district regarding
2 access by fire trucks and also check with Jeff Marino with the City of Champaign. He asked Mr. Frazier if
3 comments have been received from the fire protection district.
4

5 Ms. Chavarria stated that on April 5, 2016, she spoke with Chief Adam Shaw, Scott Fire Protection District,
6 and he indicated that there are no concerns as long as they have 12 feet of access width for their trucks.
7

8 Mr. Thorsland read item #7: Submit to Planning & Zoning a copy of the purchase agreement for the north
9 parking area, including all of the items discussed in the March 18, 2016, memorandum, and including any
10 revisions necessary to provide additional parking. He asked Mr. Frazier to indicate the progression of this
11 item.
12

13 Mr. Frazier stated that he submitted a copy of the contract to the Board in November, 2015. He said that it
14 has been platted and approved by the City of Champaign. He said that he hasn't gone any further with the
15 plan until he knows if the space is going to be required by the County.
16

17 Mr. Hall stated that it has not been approved by the City of Champaign.
18

19 Ms. Chavarria clarified that staff did receive a contract for real estate but there are areas that are not
20 completed.
21

22 Mr. Thorsland stated that Mr. Frazier has indicated that he has talked to the City of Champaign and they
23 have indicated that it is fine, but staff indicates that things are only in process.
24

25 Mr. Frazier stated that he has submitted the drawings which he has mapped out and the City of Champaign
26 gave a preliminary approval. He said that he has not finalized anything because he doesn't know if he will
27 need to if he reduces the square footage of the storage area.
28

29 Ms. Chavarria read a cover letter dated June 08, 2016, in the file: "Please find enclosed a signed contract for
30 the portion of the property located at 306 Tiffany Court, Champaign. It is my understanding that we will be
31 closing this matter within 30 days of receipt of the survey obtained by Robert Frazier." She said that there
32 are a few dates which require completion, but it is a signed contract.
33

34 Mr. Frazier stated that the property is no longer rented because he has a signed contract. He said that he will
35 have to do the final paperwork and sign the check when he receives the City of Champaign's approval.
36

37 Mr. Thorsland read item #8: Make any necessary revisions to building plans and site plan, (including
38 parking areas) based on the following: a. Capital Development Board accessibility requirement; and b. Fire
39 Protection District comments; and c. City of Champaign comments; and d. Identify where the arborist
40 vehicles will be parked to ensure that arborist parking is considered in the site plan; and e. Your final
41 decision regarding the steps and ramp on the west side of the building; dumpster relocation; removal of the

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1 exterior stair; adding pavement where required; any required expansion of the proposed north parking area
2 and land purchase.

3
4 Mr. Thorsland stated that staff has received comments from the fire protection district and the petitioner is
5 working towards receiving written comments from the City of Champaign.

6
7 Mr. Frazier stated that the arborist's vehicles are gone.

8
9 Mr. Thorsland stated that there are steps located on the west and south sides and a ramp on the north side. He
10 said that all of these structures travel into the building. He said that the plan does not indicate a 12 foot
11 access as required by the fire protection district. He said that along with the existence of the ramp, if
12 vehicles are parked on the north side, no 12 foot access exists for fire protection vehicles. He said that the
13 steps on the southwest corner also interfere with that 12 foot access. He said that testimony was received
14 from an adjacent landowner regarding a proposed fence along the south side.

15
16 Mr. Frazier stated that the tightest spot, which is 15 feet, is at the middle building. He said the first building
17 has an overhang of 15 feet, but without the overhang there is enough room.

18
19 Mr. Thorsland stated that something that has to be considered is that the slope and steps exist and if a fence
20 is installed and vehicles are parked along the north side of the building, an access of 12 feet does not exist
21 for the fire protection district to access either side of the building to get to the back.

22
23 Mr. Frazier stated that the fire protection district would have adequate room on the south side of the building
24 because there is approximately 15 foot of access there.

25
26 Mr. Thorsland stated that the Board wants an accurate measurement.

27
28 Mr. Frazier stated that the architect has provided every measurement that is possible.

29
30 Mr. Thorsland asked Mr. Frazier about the ramp that is located on the northwest portion of the building.

31
32 Mr. Frazier stated that the ramp has always been there and was there on Day 1.

33
34 Mr. Thorsland stated that many people have things that existed on Day 1 but that does not mean that they are
35 allowed.

36
37 Mr. Frazier stated that the ramp is necessary to access the building.

38
39 Mr. Thorsland asked Mr. Frazier how the ramp affects the fire protection district's access. He said that there
40 is a septic tank in the area of the access.

41

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1 Mr. Frazier stated that the area with the septic tank will be opened up because of his purchase of the
2 additional land. He said that he may not need the additional parking if he reduces the square footage. He
3 said that he has been waiting on confirmation from Mr. Hall regarding the need to reduce the square footage
4 or additional parking area.

5
6 Mr. Thorsland stated that he would like to verify that a minimum of 12 feet is available for the fire
7 protection district's access. He said that if there are items in the way on the property the Board must know
8 what Mr. Frazier's plan is for dealing with those items.

9
10 Mr. Thorsland read item #9: Submit a comprehensive site plan with all of the relevant property (existing and
11 proposed) on one sheet and indicate and number each parking space. He asked the Board if they believe that
12 they have received a site plan that the Board can work with.

13
14 Mr. Passalacqua stated no.

15
16 Mr. Thorsland stated that during multiple meetings the Board has requested a comprehensive site plan that
17 was complete but such a plan has not been received. He said that the current site plan does not indicate
18 things that may prevent access to the back and the front, especially near the fence. He said that as one Board
19 member he would indicate that the current site plan is better than anything else that the Board has received
20 and Mr. Fell is probably doing everything that he can. Mr. Thorsland stated that it would be helpful if Mr.
21 Fell could attend one of the ZBA meetings so that he can directly hear from the Board as to what is required.
22 Mr. Thorsland stated that the complete site plan needs to have up-to-date, dimensional information, inside
23 and outside of the buildings, for the Board's review. He said that the complete site plan needs to be at a
24 readable scale.

25
26 Ms. Chavarria stated that she has a larger version of the current site plan.

27
28 Mr. Thorsland appreciated Ms. Chavarria's comment and the current site plan is a start but there will be
29 another meeting and a complete site plan in a size that the Board can review would be helpful.

30
31 Mr. Passalacqua asked if the area near the septic tanks, round circles on the site plan, is indicated as having a
32 width of 10'-2". He said that if that is the case it is non-compliant.

33
34 Mr. Thorsland stated that he assumes that the area is that width continues to the back to the property that Mr.
35 Frazier is intending to purchase.

36
37 Mr. Frazier stated that the measurements were indicated to see if they were plausible, but if the Board is
38 indicating that 10'-2" is not compliant then he will have to talk to his neighbor to see if he can buy 1-8"
39 more of his property.

40
41 Ms. Lee corrected Mr. Frazier by indicating that it is 1'-10" that is required not 1'-8".

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1
2 Mr. Passalacqua stated that the site plan should have everything that exists and is proposed on the subject
3 property. He said that he visited the property the other day and saw that there was some work going on along
4 the south side of the building.
5
6 Mr. Frazier stated that, as per the Board's request, he was removing the outside steps.
7
8 Ms. Chavarria stated that the steps have been made into an interior staircase.
9
10 Mr. Frazier stated that he moved the steps inside thus providing more access for vehicular traffic and the fire
11 trucks.
12
13 Mr. Thorsland stated that he wants to see the 15 foot access depicted on the complete site plan. He said that
14 the Board does not have a good idea of any of the dimensions therefore the complete site plan should be
15 readable. He said that he would like to see the length of the slope and the location of the steps indicated.
16 He said that more detail is required on the site plan.
17
18 Mr. Frazier stated that he would like all of the required information indicated in an email or letter. He said
19 that they have scaled everything that was requested on the current site plan and there should be no guess
20 work by the Board.
21
22 Mr. Thorsland stated that Mr. Frazier has focused well on the parking lot and that is appreciated.
23
24 Mr. Hall stated that when staff spoke to the fire protection district the response was a 12 foot lane but he
25 does not remember Chief Shaw indicating that he required a 12 foot lane around all sides of the building.
26
27 Ms. Chavarria confirmed Mr. Hall's statement.
28
29 Mr. Hall stated that a fire truck cannot get to the north side of the building because it could not get through
30 going around the south or the west because everything is too tight.
31
32 Mr. DiNovo stated that the turning radius on the northeast corner connecting into the new parking lot is
33 unworkable.
34
35 Mr. Hall stated that it is not clear if the fire protection district would require that, so it is critical to verify
36 their requirement.
37
38 Mr. Thorsland stated that he believes that the Board would like to have a 12 foot access around the entire
39 building so that if something does occur, the fire protection district has no issue. He said that the north side
40 might become less important simply because those parking spots may not be required but then again, an
41 updated site plan could reflect that decision. He said that Mr. Fell indicated in an email that the potential for

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1 all customers to be at all the businesses at one time is unlikely and requested that the Board approve 85% of
2 the required parking spaces. He said that the current parking requirement is based on the current information
3 that the Board has received regarding the building. He said it has never been completely clarified as to what
4 businesses are located on the property and their square footage. He said that Mr. Frazier has indicated
5 tonight that the buses have been removed and the arborist is no longer on the property. He asked the Board
6 how they feel about reducing the required parking area based on Mr. Fell's assumption.
7

8 Mr. Frazier stated that the reason why Mr. Fell said that was because if he purchases the additional property
9 and it is approved by the City of Champaign, he can be annexed into the city and will no longer be under the
10 County's jurisdiction. He said that according to the City of Champaign, their rules are that if he has a multi-
11 use facility he can reduce the number of parking spaces by 15%.
12

13 Mr. Thorsland requested feedback from the Board regarding this issue.
14

15 Mr. DiNovo stated that he would like the fire protection district to receive a complete site plan, as requested
16 by the Board numerous times, which would provide guidance so that can actually approve it.
17

18 Mr. Thorsland stated that he does not want the fire protection district involved in what this Board approves,
19 but he would like them to verify adequate access for their services. He said that he would like Mr. Frazier to
20 indicate all of the uses on the property and the amount of square footage allocated for those uses, so that the
21 Board can determine the required number of parking spaces. He said that after the Board has the number of
22 required parking spaces determined, the Board can decide if they too would reduce that number by 15%. He
23 said that the number of accessible spaces has not been resolved either.
24

25 Mr. Chavarria stated that if 75 spaces are required then 3 accessible spaces are required but if more than 75
26 parking spaces are required, and the original number was 82 parking spaces, then 4 accessible spaces are
27 required. She said that currently only 2 accessible parking spaces are indicated on the site plan.
28

29 Ms. Chavarria asked Mr. Frazier to indicate the square footage of the second floor for the west building and
30 the building where he just installed the interior staircase.
31

32 Mr. Frazier stated that the square footage for the second floor for the west building is 700 square feet, as it is
33 not as developed as the middle building.
34

35 Ms. Chavarria asked Mr. Frazier to indicate the square footage for the second floor for the middle building
36 that is used for storage.
37

38 Mr. Frazier stated that the second floor square footage for the middle building is 2,000 square feet.
39

40 Mr. Passalacqua stated that accessibility is required for anything over 1,000 square feet.
41

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- 1 Mr. Frazier stated that he will lose 1,200 square feet of usable space.
2
- 3 Ms. Chavarria asked Mr. Frazier if the square footage of each unit on the second floor is the same size.
4
- 5 Mr. Frazier stated that the storage units in the middle building are 5' x 5' and the storage units in the west
6 building are 5' x 10'.
7
- 8 Mr. Thorsland stated that the two sizes are not indicated on the site plan, and that is required.
9
- 10 Mr. Frazier stated that this information is indicated on another drawing that has been submitted to staff.
11
- 12 Ms. Chavarria stated that a detailed floor plan dated March 21st was part of the previous permutation of the
13 site plan and it does show how many units are on the second floor.
14
- 15 Mr. Frazier stated that the 5' x 5' storage units are much like a closet and the 5' x 10' units are much like a
16 walk-in closet.
17
- 18 Mr. Hall stated that an additional special condition maybe necessary to make it absolutely clear that existing
19 second floor space exceeds 1,000 square feet. He asked how the second story will be made unusable. He
20 said that the entire second floor in the middle building will not be usable.
21
- 22 Mr. Frazier stated that just 1,000 square feet of the middle building will not be usable.
23
- 24 Mr. Hall stated that the second floor areas are both within the same building.
25
- 26 Mr. Frazier stated that you cannot access one building from the other.
27
- 28 Mr. Hall stated that the Board will need something in writing from the Capital Development Board (CDB)
29 because the way he reads the CDB's standards the 1,000 square feet applies to each building. He said that
30 the 1,000 square feet applies to the west building and the middle building.
31
- 32 Mr. Frazier asked Mr. Hall if there were three buildings that were not attached the 1,000 square foot
33 requirement would apply to each building. He said that he would like more clarification so that he
34 understands if there is a problem.
35
- 36 Mr. Hall stated that Mr. Frazier will need to be very clear as to how all second floor areas will be
37 permanently deactivated and that could be as far as removing all interior walls.
38
- 39 Mr. Frazier stated that he does not know if he will have to go to that extreme but if he has to, then he will.
40
- 41 Mr. Randol stated that if the area is to be deactivated then there can't be any interior walls.

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1
2 Mr. Frazier stated that he would assume that he could use the area for his own personal use.
3
4 Mr. Passalacqua stated that Mr. Frazier will need to indicate how he will use the area for personal use.
5
6 Mr. Frazier stated that he understands the Board's concern regarding how he will keep the public out of his
7 own personal storage area.
8
9 Mr. Hall stated that when Mr. Frazier talks to the CDB about the 1,000 square feet he needs to find out if it
10 needs to be accessible if he is using for his own personal use.
11
12 Mr. Frazier stated that he doesn't see why it would need to be accessible.
13
14 Mr. DiNovo asked Mr. Frazier if he has talked to the CDB personally.
15
16 Mr. Frazier stated no, and he is not sure if Mr. Fell has either.
17
18 Mr. Thorsland asked Mr. Frazier if it would be possible to have Mr. Fell attend the next public hearing
19 regarding this case.
20
21 Mr. Frazier stated that he cannot speak for Mr. Fell.
22
23 Mr. Thorsland asked Mr. Frazier if it is a reasonable expectation that Mr. Fell could attend the next public
24 hearing.
25
26 Mr. Frazier stated that he could ask Mr. Fell if he would attend the next public hearing. He said that Mr. Fell
27 has responded to all staff emails; therefore, if staff would request his attendance he would assume that Mr.
28 Fell would attend.
29
30 Mr. Thorsland read item #10: Prepare a scaled engineering/architecture drawing of the proposed removal
31 and reconstruction of the curb and sidewalk, including adequate detail drawings, that has been coordinated
32 with the rest of the site plan and submit to Planning & Zoning, County Engineer, and Keith Padgett for
33 comments then revise as needed. Mr. Thorsland stated that the Supplemental Memorandum dated June 24,
34 2016, has information regarding the curb and Mr. Padgett is present tonight to submit testimony. He asked
35 Mr. Frazier if he has discussed the curb with Mr. Padgett and Mr. Blue.
36
37 Mr. Frazier stated no. He said that Mr. Padgett has supplied the required plans for the replacement curb and
38 if those plans are approved by the County Engineer, he will proceed with the curb's replacement.
39
40 Ms. Lee asked Mr. Frazier if he has discussed the curb with Mr. Padgett.
41

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1 Mr. Frazier stated no.

2

3 Ms. Lee asked Mr. Frazier if his architect had spoken with Mr. Padgett.

4

5 Mr. Frazier stated no.

6

7 Mr. DiNovo stated that he does not know what the attached drawings are, because they are not a design and
8 they are not a plan. He said that he believes that the drawings are standard IDOT details that are published
9 for reference.

10

11 Mr. Thorsland stated that the letter indicates three items which suggest that Mr. Frazier contact Mr. Padgett
12 regarding the replacement curbs and Mr. Frazier has not done so.

13

14 Mr. Thorsland read item #13: No later than June 3, 2016, apply to the City of Champaign for subdivision
15 approval including submission of a completed Plat of Subdivision and provide copies of plan and application
16 to Champaign County. He asked Mr. Frazier to indicate the status of item #13.

17

18 Mr. Frazier stated that if he applied for the Plat of Subdivision with the City of Champaign and the County
19 ZBA indicates that he requires two more additional feet, it puts him in limbo. He said that he does not know
20 if what he proposes to the County ZBA is acceptable or not, and if his proposal is not acceptable then why
21 would he purchase the land. He said that he would like to see something from the County which indicates
22 that his proposal is acceptable and that he should purchase the additional land.

23

24 Mr. DiNovo stated that the ZBA has given Mr. Frazier ample opportunity to pull a rabbit out of his hat and
25 show the ZBA some magical way how he could fit all of the required parking spaces on his property. He
26 said that unless a significant amount of additional land is made available, he does not see anything that
27 resembles access for the fire protection district.

28

29 Mr. Frazier stated that if the ZBA agrees to the 15% reduction in parking and the reduction of 1,000 square
30 feet then there is more than enough square footage versus parking. He said that there are 70 plus parking
31 spots on the property currently and those are not all needed.

32

33 Mr. Thorsland asked Mr. Frazier to indicate how many businesses are on the property currently.

34

35 Ms. Capel asked Mr. Frazier to also indicate how many vacant spaces are available for rent.

36

37 Mr. Frazier stated that there are five businesses located in the front building.

38

39 Ms. Capel asked Mr. Frazier if there is room for any more businesses.

40

41 Mr. Frazier stated no. He said that there are 100 mini-warehouses on the property.

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1
2 Mr. Thorsland asked Mr. Frazier if the mini-warehouses are Mr. Frazier's personal business.

3
4 Mr. Frazier stated that the mini-warehouses are available for rent by individuals and businesses.

5
6 Mr. Randol asked Mr. Frazier if the businesses rent the space for storage only and not for operation.

7
8 Mr. Frazier stated that they rent the mini-warehouse units for storage only. He said that there are only five
9 businesses that rent the units for storage and they are located in the first building in what he would call the
10 commercial end of the storage units.

11
12 Mr. Thorsland stated that the Board has had many storage facilities before them and parking is always an
13 issue. He said that the Board had informed Mr. Frazier many times that staff has many examples of the type
14 of site plan that the Board requires for review. He asked Mr. Frazier if he has visited the Department of
15 Planning and Zoning office so that he could review any of the examples. He said that the examples may
16 indicate to Mr. Frazier that he is trying to put too much on his lot.

17
18 Mr. Frazier stated that he did reduce the storage.

19
20 Mr. Thorsland stated that the Board needs to know if the buildings are attached or detached. He informed
21 Mr. Frazier that the Board has no authority to waive any of the CDB's requirements. He said that the Board
22 will be in trouble if it approves a use that does not comply with the CDB's requirements.

23
24 Mr. Frazier stated that he fully understands that the Board wants to approve a plan so that they do not get
25 hooked on down the road.

26
27 Mr. Thorsland stated that the Board has been very patient and has worked very hard to inform Mr. Frazier as
28 to what he needs to do to move forward with this request. He said that it would be helpful for Mr. Fell to
29 attend the next public hearing with a complete site plan that is large enough for the Board to actually review.
30 He said that Mr. Frazier has made progress but he is not done. He said that based on the current information,
31 if Mr. Frazier wants a decision tonight, it is probable that Mr. Frazier will not receive a positive outcome.
32 He said that this case should be further along than it is and the letter specifically indicated what the Board
33 required and even though Mr. Frazier has worked on some things, he hasn't worked on others. He said that
34 each time that there is a break between meetings there are new ideas and something begins to occur on the
35 property, which brings up new questions at the public hearing. He said that when there are new questions,
36 there are new answers, and that is what takes a long time. He said that each one of these meetings costs the
37 County money and Mr. Frazier money, but this process takes time. He informed Mr. Frazier that the Board
38 really needs him to complete the homework. He said that the site plan needs to show dimensions, current
39 and future uses, and access per the fire protection district's requirements. He said that even if there is a
40 hammerhead turn-around it would be better than nothing at this point.

41

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1 Ms. Griest stated that the site plan must include the dimensions and layout of the second floors for each
2 building. She said that she does not care if the second floor includes 10 square feet; it must be on the site
3 plan.

4
5 Mr. Thorsland stated that he wants to see the 1,000 square feet that Mr. Frazier plans to use, whether or not
6 the buildings are attached or detached and how Mr. Frazier will make the buildings compliant with the
7 CDB's requirements. He said that he would like to see an email exchange or document from the CDB which
8 clearly states whether the buildings are compliant. He said that the CDB will need to know if the buildings
9 touch or not. He said that he would like to know that the fire protection district's trucks have access to all
10 structures if necessary. He said that it is unknown what the fire protection district would do if vehicles are
11 parked in an area that the fire protection district requires access to for an emergency. He said that it is not
12 fair to Mr. Frazier's clients if they do not have adequate fire protection. Mr. Thorsland stated that the Board
13 knows what a good site plan should look like because they have received and reviewed numerous ones. He
14 suggested that he and Mr. Fell set up an appointment with staff to review approved site plans that indicate all
15 uses, dimensions, parking, etc. He said that the Board would like to be able to discuss the site plan with the
16 person who prepared it. Mr. Thorsland informed Mr. Frazier that the number one thing that he needs to
17 submit to the Board is a complete site plan and the Board has repeatedly requested this at numerous
18 meetings. He said that the issue for parking is still in the air because the Board does not have a grasp on
19 what is going on at the property.

20
21 Mr. DiNovo stated that the ZBA cannot use the 15% reduction on parking because that is an argument in
22 favor of a variance. He said that there is not enough room for parking, because the travel lane is only 18
23 feet wide and with a 9 foot vehicle there is only 9 feet left, which is not adequate for fire protection vehicles.

24
25 Mr. Thorsland stated that Mr. Frazier needs to figure out the parking issue without the parking spaces on the
26 north.

27
28 Mr. Passalacqua stated that it doesn't make sense for people to be driving over the septic system.

29
30 Mr. Thorsland stated that there is no parking over the septic system now.

31
32 Mr. Frazier stated that the area over the septic system is vacant. He said that if parking is not allowed at that
33 location, then no parking will be allowed anyway. He said that all parking will be located on the front or
34 north side. He said that there may only be one or two vehicles per day for the mini-warehouse storage units.
35 He said that the front building will generally only have four or five cars per day because the businesses are
36 small, isolated businesses owned by individuals who do not have retail sales.

37
38 Mr. Thorsland stated that if there are only four or five individuals per day visiting the businesses, there is
39 still a problem because there are only five parking spots available.

40
41 Mr. Frazier stated that there are 30 parking spots on the north side that could easily be used for these visitors

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- 1 and they could walk to the building. He said that when he rented the north side there may have only been
2 one or two cars parked there at any one time.
3
- 4 Mr. Thorsland asked Mr. Frazier if there are storage units on the north side.
5
- 6 Mr. Frazier stated that there are individual businesses on the north side.
7
- 8 Mr. Thorsland asked Mr. Frazier if there are individual businesses north of the septic system.
9
- 10 Mr. Frazier stated that this area is for the storage units. He said that you cannot access that area from the
11 north side.
12
- 13 Mr. Randol asked Mr. Frazier how the tenants access the storage units.
14
- 15 Mr. Frazier stated that the storage units are accessed from the south side.
16
- 17 Mr. DiNovo asked staff if the dashed lines on the site plan are an indication of where the right-of-way is
18 located. He said that it appears that there are four or five parking spaces located in the right-of-way.
19
- 20 Mr. Hall stated yes, and the City of Champaign said okay.
21
- 22 Mr. Frazier stated that if the ZBA and the City of Champaign both agree, then he will buy the north property.
23
- 24 Mr. Thorsland stated that the Board is not going to tell Mr. Frazier whether he should or should not purchase
25 the north property.
26
- 27 Mr. Frazier stated that it was his understanding that if he satisfies this Board with the south side and he
28 purchases the north side for parking, he can go into the City of Champaign.
29
- 30 Mr. Thorsland stated that he does not understand why the City of Champaign indicated that it was okay for
31 someone to park in the right-of-way.
32
- 33 Mr. DiNovo asked Mr. Frazier if he had any approval from the City of Champaign in writing.
34
- 35 Ms. Chavarria stated that staff has had several communications with the City of Champaign but she cannot
36 testify that they have approved parking inside of the right-of-way, but they have indicated that they have a
37 general approval, not a final approval, for the north lot.
38
- 39 Mr. Thorsland stated that the City of Champaign has approved the lot or the indicated parking spaces.
40
- 41 Mr. Hall stated that it is his understanding that the City of Champaign has approved both, although he does

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1 not have an email in his hand indicating such. He said that he would like to know that since the north area
2 has not changed since the plan on March 8th, when will the Board be able to see a Plat of Subdivision so that
3 they know that Mr. Frazier has hired an engineer to prepare the plat.

4
5 Mr. Frazier stated that he has submitted everything that the Board requested in regards to the drawing.

6
7 Mr. Hall stated that the drawing is not a Plat of Subdivision. He said that a Plat of Subdivision is the
8 drawing that Mr. Frazier will submit to the City of Champaign for their approval.

9
10 Mr. Frazier asked Mr. Hall if the site plan that was submitted was sufficient.

11
12 Mr. Hall stated that he is not discussing a site plan that indicates a parking layout but an actual Plat of
13 Subdivision that provides for the division of the land.

14
15 Mr. Frazier stated that he does not buy property everyday so he does not know the procedure.

16
17 Mr. Hall stated that he hopes that Mr. Frazier has talked to the City of Champaign to find out what their
18 requirements are because at every meeting Mr. Frazier informs the Board that he has talked to them.

19
20 Mr. Thorsland asked Mr. Frazier if he has talked to the City of Champaign about a Plat of Subdivision.

21
22 Mr. Frazier stated that he will get a Plat of Subdivision.

23
24 Mr. Thorsland suggested that Mr. Frazier moves toward getting it.

25
26 Mr. Frazier stated that a Plat of Subdivision does cost more money. He said that he has already spent over
27 \$2,000 to get the Board what has been approved by the City of Champaign. He said that if he spends \$2,000
28 more, the Board could indicate that they have decided that his plan will not work.

29
30 Mr. Thorsland asked Mr. Hall what will happen if the Board denies Mr. Frazier's case tonight.

31
32 Mr. Hall stated that staff has been so gracious as to not sent a Notice of Violation to Mr. Frazier but if the
33 ZBA denies this case tonight, he would imagine that within one month the case will be referred to the State's
34 Attorney with fines up to \$500 per day for each and every day possible.

35
36 Mr. Thorsland informed Mr. Frazier that it is in his best interest to get this done. He said that no questions
37 from this Board have arisen about the additional lot and he suggested that Mr. Frazier contact the City of
38 Champaign about a Plat of Subdivision, because without that additional lot there is no question that this use
39 cannot happen because it is not just 15% but over half of his required parking. He said if Mr. Frazier is
40 serious about doing all of this without a denial then he should do what this Board requests.

41

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1 Mr. Frazier asked Mr. Thorsland if he is confirming that, if Mr. Frazier gets a Plat of Subdivision approved
2 by the City of Champaign, he will not be denied by this Board.

3
4 Mr. Thorsland stated that he cannot confirm that, but without the Plat of Subdivision approval from the City
5 of Champaign, approval will be difficult. He said that Mr. Frazier has too many uses operating on the lot
6 and this would not be the first occasion when the Board has required that a building or use be reduced or
7 totally removed from the property.

8
9 Mr. Frazier stated that he will purchase the property.

10
11 Mr. Thorsland stated that he is not telling Mr. Frazier to purchase the property, but he is telling Mr. Frazier
12 that he needs to sit down and decide what he needs to do.

13
14 Mr. DiNovo suggested that Mr. Frazier needs to work backwards and figure how many usable parking
15 spaces currently exist and then determine how much square footage can be used in conjunction with those
16 existing parking spaces.

17
18 Mr. Frazier stated that there are 74 total parking spaces minus the six spaces that the Board does not want,
19 will leave 68 parking spaces.

20
21 Mr. Thorsland stated that Mr. Frazier will be shy one handicapped parking space.

22
23 Ms. Chavarria stated that there are two handicapped parking spaces currently and for up to 75 there needs to
24 be three. She said that four handicapped parking spaces are required if there are more than 75.

25
26 Mr. Frazier stated that if the 15% reduction is applied to the 68 parking spaces there will only be 50 parking
27 spaces required.

28
29 Mr. Randol reminded Mr. Frazier that the option for the 15% reduction is with the City of Champaign and
30 not the County.

31
32 Mr. Frazier stated that from all of his discussions with the City of Champaign, the properties located on
33 Tiffany Court will be annexed into the City of Champaign within one to two years.

34
35 Mr. DiNovo stated that Mr. Frazier could decommission parts of his buildings to accommodate the 66
36 parking spaces. He said that in theory the current square footage is supported by 77 parking spaces.

37
38 Mr. Thorsland stated that he does not mean to sound fastidious, but he would like to say that this Board is
39 tired of playing games with this case. He said that he feels like that at every meeting there is a moderate
40 amount of surprise and wonder as to what is actually happening on the property. He said that generally this
41 Board has been very good in trying to figure out how to work things out and they have not shut anyone

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1 down, but the Board is very frustrated with the progress on this case. He said that the end of his term on this
2 Board is November 30, 2017, and he would like to see this case finalized before that date.

3
4 Mr. Thorsland informed Mr. Frazier that the Board would like to see a complete site plan. He said that Mr.
5 Frazier's personal purchase decisions are under his own domain and how he operates his business is up to
6 him. He said that the formula for the required amount of parking spaces is easily answered by staff and
7 examples of a complete site plan can be provided by staff. He said that he would like to receive additional
8 comments from the fire protection district regarding adequate access to the buildings. He said that the CDB
9 is a fixed object that the Board cannot change. He said that he is not sure if the 1,000 square feet is for all
10 three buildings or for each individual building. He said that curbing needs to be depicted on the site plan
11 because it has to be put back.

12
13 Mr. DiNovo stated that the standard specifications show barrier and depressed curbs. He said that it is up to
14 the township as to what type of curb needs to be constructed.

15
16 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Frazier and there
17 were none.

18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Frazier and there was no one.

20
21 Mr. Thorsland called Keith Padgett to testify.

22
23 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he resides at 1 Lyndhurst
24 Place, Champaign. He said that the Champaign Township shed is located at 3900 Kearns, Champaign.

25
26 Mr. Thorsland asked Mr. Padgett if he has spoken with Mr. Frazier regarding the type of curb that required
27 to be constructed.

28
29 Mr. Padgett stated that he has not heard from Mr. Frazier. He said that he did visit the Champaign County
30 Highway Department to obtain curb specifications. He said that there are different types of curbs, but the
31 curb that was removed was a barrier curb. He said that a barrier curb keeps vehicles and snowplows on the
32 road. He said that the township only requests that Mr. Frazier replaces the curb with the type of curb that
33 was previously there.

34
35 Mr. Thorsland asked Mr. Padgett if the township had a photograph or drawing of what type of curb
36 previously existed at Tiffany Court.

37
38 Mr. Padgett stated no.

39
40 Mr. Thorsland stated that Mr. Padgett should inform staff and Mr. Frazier as to what type of curb is to be
41 reconstructed. He said that from Mr. Padgett's testimony, it appears that a barrier curb is desired.

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- 1
2 Mr. Padgett stated that the curb was constructed and removed prior to his tenure. He said that there is an
3 existing curb in the rest of the street and the curb that was removed was similar to what remains.
4
- 5 Mr. Thorsland stated that he would like to have some type of communication, in the form of a document, to
6 Mr. Frazier or staff indicating the type of curb that should be reconstructed.
7
- 8 Mr. DiNovo stated that this is an engineering question because curbs are normally poured as a unit. He said
9 that pouring a 6" x 6" area on top of the concrete will not be sufficient.
10
- 11 Mr. Padgett stated that Mr. DiNovo is correct. He said that the surface will be taken down to its original
12 grade and tie bars will be installed. He said that the curb could be as wide as 12 inches from the backstop to
13 where it meets the road, and the height is probably 6 inches high and 6 inches thick from the downfall of the
14 curb.
15
- 16 Mr. DiNovo asked Mr. Padgett if the township would be will to do the work if they were compensated.
17
- 18 Mr. Padgett stated that the township does not do this type of work and they contract it out through the
19 County Engineering office. He said that the township does not get involved in something that is supposed to
20 last.
21
- 22 Mr. Thorsland asked Mr. Padgett if the township has a contractor that normally does this type of work.
23
- 24 Mr. Padgett stated that the Champaign Township employees do not do this type of work because they mostly
25 plow snow and mow grass. He said that they use contractors through the County. He said that Mr. Frazier
26 could work through a contractor who is experience in this type of work.
27
- 28 Mr. Thorsland asked Mr. Padgett if Champaign Township and County will just choose a contractor to
29 complete the work.
30
- 31 Mr. Padgett stated that a large job will receive bids for completion but a small job can be completed by a
32 contractor that Champaign Township normally uses. He said that he is reluctant in recommending his
33 contractor to Mr. Frazier because as soon as he is not happy with the cost of the job, he could blame Mr.
34 Padgett because he is the person who recommended the contractor.
35
- 36 Mr. Thorsland stated that the issue could be taken out of the hands of Mr. Frazier and Champaign Township
37 through the bidding process.
38
- 39 Mr. Padgett stated that the curb will be inspected by the County Engineers once it is completed.
40
- 41 Mr. DiNovo noted that there is a width limit for the entrance and he is not sure if vehicles will be able to

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1 maneuver in and out of the entrance.

2

3 Mr. Hall stated that Mr. Frazier's engineer should prepare of set of drawings of what Mr. Frazier is
4 proposing and have Mr. Padgett review it with the County Engineer. He said that if Mr. Padgett and the
5 County Engineer approve the drawings Mr. Frazier can have the curb replacement constructed per those
6 standards, and if Mr. Frazier is incapable of doing that then he is in violation. He said that he would not
7 want to see the Department of Planning and Zoning or Mr. Padgett burdened with getting approval of the
8 replacement curb because this is Mr. Frazier's responsibility.

9

10 Mr. Thorsland stated that he understands that this is Mr. Frazier's responsibility, but the Board has to make
11 sure that the buttons are pushed so that Mr. Frazier will get this process started.

12

13 Mr. Capel stated that it is not anyone's responsibility, other than Mr. Frazier, to get the buttons pushed in
14 getting this started.

15

16 Mr. Thorsland stated that he is frankly done with this case.

17

18 Mr. Hall stated that the Board could deny this case tonight and staff could begin enforcement action
19 tomorrow.

20

21 Mr. Thorsland stated that he is the one who continued the case when Mr. Frazier did not attend, giving Mr.
22 Frazier the benefit of doubt that there was an unforeseen emergency or something. He asked the Board for
23 additional comments.

24

25 Ms. Lee stated that she a made a comment at the last hearing indicating that she did not want to see the snow
26 fly again with no curb installed. She said that six months from July 1st is January 1st and there will be snow
27 flying again and there still may not be a replacement curb.

28

29 Mr. Thorsland asked Ms. Lee if the Board should give Mr. Frazier a list and send him home and if it is not
30 completed by the time he comes back the Board should vote.

31

32 Ms. Lee stated that the Board has been dealing with an unknown amount of businesses on the property and
33 no forward movement on the curb replacement. She said that it appears that this case is not moving forward
34 because the Board is dealing with the same issues over and over again. She asked Mr. Thorsland if the
35 Board will continue this case to yet another meeting and then still not have everything that is required for a
36 final vote.

37

38 Mr. DiNovo stated that it is the petitioner's responsibility to convince the Board.

39

40 Mr. Thorsland repeated that list of items that Mr. Frazier needs to present to the Board prior to the next
41 meeting. He said that a comprehensive site plan should be submitted. He said that Mr. Frazier can work

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1 with staff to find out what a comprehensive site plan really is and what it should include. He said that a Plat
2 of Subdivision for the parking lot which is approved by the City of Champaign. He said that a real depiction
3 of what businesses currently exist on the property, including a list of name and the amount of square footage
4 that they occupy. He said that he would like a copy of dialogue between Mr. Frazier and the CDB regarding
5 the 1,000 square feet and is it per building or all buildings on the subject property. He said that based upon
6 the dialogue between the CDB and Mr. Frazier, a realistic number of parking spaces should be indicated on
7 the complete site plan. He said that a detailed replacement curb plan should be submitted to staff and the
8 Board which has been approved by Champaign Township and the County Engineer.

9
10 Ms. Capel stated that a plan regarding any decommissioning should be submitted to staff and the Board.

11
12 Mr. DiNovo asked if the Board will have an opportunity to vote for a continuance of this case.

13
14 Mr. Thorsland stated that he will make a motion for a continuance of this case during a later time in the
15 hearing. He said that a decision to grant a continuance or not is up to the Board.

16
17 Ms. Chavarria stated that after each ZBA meeting regarding this case, and this is the sixth meeting, staff has
18 made a point to make a very clear list of what is expected. She said that she has seven items that Mr.
19 Thorsland verbally listed, and six of those seven items have been repeatedly been on the previous lists
20 provided to Mr. Frazier.

21
22 Mr. Padgett stated that Stark Construction has completed contract work for the township, but they are too big
23 for a project like this.

24
25 Mr. Thorsland stated that Mr. Frazier can decide who he want to contract for the curb replacement.

26
27 Mr. Padgett stated that it is a busy time of the year for most contractors and it will be difficult to find
28 someone who can squeeze this project into their schedule. He said that the telephone book is full of
29 contractors who complete concrete work and Mr. Frazier can obtain bids from each of them. He said that the
30 township requires the curb, and he believes that the City of Champaign will require it too, so Mr. Frazier
31 should get on this so that the replacement curb can be taken off of the list of things to complete.

32
33 Ms. Lee asked Mr. Padgett if the township will want to oversee and approve who does the work.

34
35 Mr. Padgett stated that Mr. Frazier could receive bids and submit them to the township for review. He said
36 that the township can indicate whether any of the contractors are anyone that the township has used before
37 for concrete work.

38
39 Mr. Chavarria asked Mr. Padgett to indicate what will happen with the curb replacement if the Board denies
40 this case and it becomes an enforcement case with the State's Attorney.

41

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1 Mr. Padgett stated that if the township is required to replace the curb and use a contractor approved by the
2 County, the township would have to sue Mr. Frazier for damaging township property.
3
4 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Padgett and there
5 were none.
6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett.
8
9 Mr. Frazier stated that Mr. Padgett indicated that the curb was removed before his tenure. He asked Mr.
10 Padgett when he became the Champaign Township Highway Commissioner.
11
12 Mr. Padgett stated that he became the Champaign Township Highway Commissioner in September of 2008
13 and he does not know when the curb was removed.
14
15 Mr. Frazier asked Mr. Padgett if there were any other curbs on Tiffany Court that were removed.
16
17 Mr. Thorsland informed Mr. Frazier that Mr. Padgett did not present testimony regarding other curbs. He
18 informed Mr. Frazier that he can only ask Mr. Padgett questions about testimony that he has presented.
19
20 Mr. Frazier stated that he only wanted to ask Mr. Padgett if there were any other curbs along Tiffany Court
21 that had been removed.
22
23 Mr. Thorsland stated that he isn't exactly sure when Mr. Frazier removed the curb and only during the last
24 hearing did Mr. Frazier finally indicate that he had someone take out the curb.
25
26 Mr. Frazier stated again, that he only wanted to ask Mr. Padgett if he knew if and when other curbs had been
27 removed.
28
29 Mr. Thorsland stated that he has informed Mr. Frazier that he cannot ask Mr. Padgett that question;
30 therefore, if that is Mr. Frazier's only question for Mr. Padgett, the cross examination is complete.
31
32 Mr. Thorsland called Steve Koester to testify.
33
34 Mr. Steve Koester declined to testify until the pending seventh meeting for this case.
35
36 Mr. Thorsland called Caleb Burton to testify.
37
38 Mr. Caleb Burton declined to testify.
39
40 Mr. Thorsland asked the Board or staff had any additional information to add for this case.
41

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1 Ms. Chavarria stated that in her letter to Mr. Frazier she will indicate the need for a complete site plan and
2 she has approximately ten bulleted points that she will include under that item. She said that she will include
3 the need for a Plat of Subdivision, not just the preliminary plat that was received on March 8th.

4
5 Mr. DiNovo stated that the Plat of Subdivision should include any engineering drawings indicating
6 compliance with ADA.

7
8 Ms. Chavarria stated that Mr. Frazier should indicate a detailed depiction of businesses lease space that
9 operates on the property.

10
11 Ms. Griest stated that a specific list indicating the names of the businesses and the amount of square footage
12 that they occupy is required as well.

13
14 Ms. Chavarria stated that the way that staff calculates parking is based on whether the use is industrial or
15 business. She said that knowing the current snapshot of businesses when it has changed three or four times
16 already makes it a moving target each time staff attempts to review the parking requirements. She suggested
17 that staff calculates for the mini-storage and the office space, as that will allow staff to estimate 200 square
18 feet per one parking space independent of what type of business that occupies the west building.

19
20 The Board agreed with staff's plan for calculation.

21
22 Ms. Capel stated that the depiction of the first building's first floor could actually have twice the amount of
23 rentable space.

24
25 Ms. Chavarria stated that the Board requires written CDB documentation indicating what is required for
26 ADA compliance for everything on the property including: second-story accessibility, parking, the
27 difference between 1,000 square feet for all buildings or 1,000 square feet per building and how the
28 connections are made.

29
30 Mr. Thorsland stated that the site plan should include the answers provided by the CDB regarding Mr.
31 Frazier's questions.

32
33 Mr. DiNovo stated that he would like a dated architectural plan and a response from the CDB to the effect
34 that the dated architectural plan complies with the accessibility requirements. He said that if it takes several
35 attempts for compliance then that is too bad.

36
37 Ms. Chavarria stated that a specific and detailed curb plan that has been approved by both Champaign
38 Township and the County Highway Engineer shall be submitted.

39
40 Mr. Hall stated that the plan shall be completed by an Illinois Licensed Engineer.

41

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1 Ms. Chavarria stated that documentation from the fire protection district indicating their recommendations
2 for what is needed so that they can provide emergency services. She said that it would be very helpful if the
3 fire protection district could visit the property with the complete site plan in hand.

4
5 Ms. Chavarria stated that Mr. Frazier needs to provide an explanation as to how he will decommission an
6 area in excess of 1,000 square feet on the second floor.

7
8 Mr. Passalacqua stated that it appears to him that Mr. Frazier is not hearing the Board. He said that many of
9 the items that the Board has continuously requested from Mr. Frazier have not been submitted and he is sure
10 that there are a lot of reasons as to why those items have not been submitted. He said that it is his
11 impression that Mr. Frazier is under the assumption that if he places a check mark beside every box on the
12 list that he will have a slam dunk. Mr. Passalacqua stated that the list of required items is only a list of
13 things that are needed so that the Board can begin to make decisions. He said that he does not want Mr.
14 Frazier to have this false sense that if he submits a complete site plan that he will gain approval.

15
16 Mr. Frazier stated that he has tried to do everything that the Board has requested.

17
18 Mr. Passalacqua stated that he has but he isn't done yet. He said that in October, Mr. Frazier was informed
19 that there will be money spent, square footage lost and there will be sacrifices and Mr. Frazier agreed that
20 this will happen.

21
22 Mr. Frazier stated that he has lost \$20,000 in income and he has paid approximately \$2,000 for the drawings
23 of the north lot that was approved by the City of Champaign and he has paid the architect \$3,000 for a
24 drawing of all of the buildings. He said that he has gotten rid of the buses and the arborist. He said that he
25 has done what the Board wants him to do.

26
27 Mr. Passalacqua stated that if Mr. Frazier would attend other case hearings he would find that the Board does
28 not like to deny a case and the Board will work with people to the extent to make it work. He said that he
29 understands that Mr. Frazier has spent money but Mr. Frazier needs to go to the office and review complete
30 and approved site plans. He said that the site plan that was submitted to the Board for review is terrible.

31
32 Mr. Frazier stated that he has spent over \$5,000 on those pieces of paper that were prepared by licensed
33 professionals.

34
35 Mr. Thorsland recommended that Mr. Frazier contact staff and work with them regarding the complete site
36 plan and the list of items that will be sent by letter and he assumes email.

37
38 Ms. Chavarria stated that she always sends the list of required items to the petitioners by letter or email and
39 sometimes both.

40
41 Mr. Frazier stated that he will do his best to achieve the list of items and hopefully this will be the beginning

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1 of the end. He said that he would like to say that he is being picked on for the removal of the curb because
 2 there are multiple places on Tiffany Court that have had the curb removed and no one has said one word
 3 about those areas. He said that across the street from his property there has been at least 30 feet of curb
 4 removed.

5
 6 Mr. Passalacqua stated that Mr. Frazier's complaint regarding additional curb removal is outside of this
 7 Board's venue.

8
 9 Mr. Frazier stated that there is supposed to be a one-half acre retention pond on Tiffany Court and S&K
 10 Fence uses that area for parking.

11
 12 Mr. Thorsland stated that since that property is located in the City of Champaign, Mr. Frazier should voice
 13 his complaint to them.

14
 15 Mr. Thorsland stated that he appreciates the fact that Mr. Frazier witnessed other people removing the curb
 16 so he thought it was okay to do it as well. He said that Mr. Frazier is before this Board tonight and the only
 17 curb that the Board can address is the one that Mr. Frazier removed.

18
 19 Mr. Frazier stated that the only reason why he is before this Board tonight is because his neighbors
 20 complained about his operation. He said that he didn't complain about his neighbors.

21
 22 Mr. Thorsland requested a continuance date recommendation from staff.

23
 24 Mr. Hall stated that the 100 day limit for continuance is September 15th but the Board could suspend the 100
 25 day limit and continue Case 792-V-14 to the September 29th meeting. He said that the September 15th
 26 meeting has a full docket but the September 29th meeting has no meetings on the docket.

27
 28 Mr. Thorsland entertained a motion to continue suspend the 100 day limit for continuance and continue Case
 29 792-V-14 to September 29th.

30
 31 **Mr. Randol moved, seconded by Ms. Capel to suspend the 100 day limit for continuance and continue**
 32 **Case 792-V-14 to September 29th. The motion carried with one opposing vote.**

33
 34 Mr. Thorsland stated that the Board will take a five minute recess.

35
 36 **The Board recessed at 8:05 p.m.**

37 **The Board resumed at 8:10 p.m.**

38
 39
 40 **6. New Public Hearings**

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09/29/16 REVISED DRAFT

792-V-14 REACTIVATED

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{ September 29, 2016 }***

Petitioner: Robert Frazier

Request: Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:

Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, and September 29, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns the subject property.
2. The subject property is a 1.19 acre tract of land on Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - (1) As discussed in Supplemental Memorandum #3 dated October 22, 2015, the Petitioner seeks to annex the subject property into the City of Champaign. The petitioner has been informed by the City and the County that the property must be in compliance with Champaign County ordinances before it can be annexed to the City.
 - (2) In an email received July 18, 2016, Mr. Andrew Fell, architect contracted by Mr. Frazier, stated "At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time".
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.19 acre tract and is currently zoned I-1 Light Industry. Land use is a combination of storage facilities and multi-tenant offices.
 - B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
 - C. Land to the north is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. Previous Zoning Use Permits on the subject property are as follows:
 - (1) Zoning Use Permit # 219-86-02 issued on August 7, 1986 authorized construction of mini warehouse facilities.

- (2) Zoning Use Permit # 166-96-01 issued on June 17, 1996 authorized construction of an addition to an existing mini-warehouse building.
 - (3) Zoning Use Permit # 280-99-01 issued on October 8, 1999 authorized placement of a wall sign on an existing building.
 - (4) Zoning Use Permit # 351-02-03 issued on January 10, 2003 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.
 - (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated April 14, 2011 in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.
- B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:
- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium);
 - (2) Adding a wrap-around covered porch to provide covering for the exterior entrances;
 - (3) Removing a portion of a bus maintenance garage.
 - (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
 - (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.
- C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014. The Annotated Site Plan indicates the following:
- (1) Regarding the building on the subject property:

- a. The building addition authorized in Zoning Use Permit #351-02-03 on January 10, 2003 is indicated with hatching (diagonal lines) and labeled “NEW OFFICES- SALES ROOM” (totaling 4,950 square feet in area) that is still used as offices and “NEW STORAGE” (totaling 2,375 square feet in area) that has been converted to a gymnasium.
 - b. Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.
 - c. A portion of the building indicated as “warehouse” is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” is 2,664 square feet in area. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - d. The middle portion of the building is indicated as “EXIST’G STOR” and was authorized in Zoning Use Permit # 166-96-01 on June 17, 1996 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - e. The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on August 7, 1986. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property:
- a. The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - b. The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- D. A Revised Site Plan, received March 30, 2015, indicates the following uses and proposed parking spaces:
- (1) 29 parking spaces around the eastern “Existing Storage” area, including 2 handicap accessible spaces;
 - (2) Existing upstairs storage, 1,500 square feet, in middle existing storage building;
 - (3) 10 inside parking spaces in “New Garage”, 2,805 square feet;
 - (4) 1 handicap accessible parking space south of the “New Garage”;

- (5) Upstairs executive office for President of Frazier Properties – 300 square feet;
 - (6) New 5 feet wide concrete handicap access to front offices;
 - (7) 9 parking spaces on west side of west offices building;
 - (8) Storm Sewer near Tiffany Court entrance;
 - (9) 32 additional parking spaces on the property to the north of subject property, as per lease with property owner;
 - (10) More detailed floor plan of west office building, including measurements, uses, and number of employees for each establishment;
 - (11) Cross-section of accessible parking for west offices.
- E. Staff received a preliminary site plan from Andrew Fell Architecture on March 7, 2016. Upon review, staff identified approximately 20 items that would need to be verified, revised, and/or expanded upon in order for the site plan to meet the requirements established by the ZBA at the September 10, 2015 hearing. Staff provided the list of required revisions to Mr. Frazier and Mr. Fell via email on March 8, 2016. The revised Site Plan indicates the following uses and proposed parking spaces:
- (1) Existing west office building, no uses or interior measurements provided;
 - (2) Upstairs executive office for President of Frazier Properties – approximately 300 square feet;
 - (3) Existing middle building, no uses or interior measurements provided;
 - (4) Existing upstairs storage in middle existing storage building – 1,500 square feet;
 - a. This revised site plan shows 11 ten feet by ten feet self-storage units connected by a 32 inch wide interior corridor on the west side. It is unclear if these units have been constructed or if they are proposed.
 - (5) Existing east building, no uses or interior measurements provided;
 - (6) 47 proposed parking spaces, including 2 handicap accessible spaces; note that this revised site plan includes many parking spaces that staff considers infeasible and staff requested that the consultant review and revise the site plan to show only feasible parking.
 - (7) 9 parking spaces in the former bus garage, 2,805 square feet;
 - (8) 2 handicap accessible parking spaces east of the middle building; note that 1 accessible parking space east of the office building was on the March 30, 2015 site plan but is not shown on this revised site plan.
 - (9) 6 parallel parking spaces on west side of the west offices building;

- (10) Existing 5 feet wide concrete access to front offices with one ramp (accessibility compliance not verified by petitioner);
 - (11) “Sewer System” (septic) located on the north side of the west offices;
 - (12) Storm Sewer near Tiffany Court entrance; and
 - (13) Two access drives on west end of building, 20 feet wide each.
 - (14) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces in the proposed north lot will be sufficient to comply with minimum parking requirements.
 - (15) On March 8, 2016, Mr. Frazier responded to staff’s list of Site Plan deficiencies via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
- F. The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicates the following:
- (1) Lot 7A (orange area) is 12,487 square feet and has 34 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means “if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available.”
 - (3) Lot 7B contains a “temporary parking lot easement for the benefit of Lot 7A” which contains 3 of the 34 proposed parking spaces.
 - (4) The proposed north lot is located within the City of Champaign. In expectation of annexing the subject property to become one lot with the north parking lot, the City of Champaign has reviewed this preliminary lot for conformance with their Ordinances and found that it meets their requirements as per the email received from Eric Hewitt on March 8, 2016.
- G. In an email received July 18, 2016, from Andrew Fell Architecture, Mr. Fell provided the following information:
- (1) We are working on addressing the items in your letter of July 6.
 - (2) The intent will be to install a ramp and walkway connecting the two upper floor areas to make the second floor accessible.
 - (3) Additionally, as far as I know the CDB does not review drawings for private projects. They will review certain accessibility questions, but that is all. I am not sure how I get any approval documentation from them for the building/parking. etc.

- (4) Mr. Frazier is working on an additional access easement to gain some additional parking area.
- (5) At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.
- H. The structures on the subject property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- I. The required variance is as follows:
- (1) Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.
 - (2) Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
 - (3) Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.
 - (4) Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.
- I. Regarding how the petitioner has carried out this variance case:
- (1) The original variance application was received on July 17, 2014, and the public hearing opened on February 12, 2015, and was continued to May 14, 2015. Several neighboring property owners attended the February 12, 2015. At that meeting Mr. Frazier stated there was a second floor in the building but John Hall, the Zoning Administrator, stated that none of the plans that had been submitted for the building indicated a second floor. The Zoning Board of Appeals advised Mr. Frazier to provide a very accurate site plan for all levels of the building at the next hearing and the Zoning Administrator suggested that the plan be prepared by an architect so that issues related to accessibility could be addressed.
 - (2) Several neighboring property owners attended the May 14, 2015, public hearing but the petitioner failed to appear. The Zoning Board of Appeals dismissed the case in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
 - (3) The Zoning Administrator mailed the petitioner a Notice of Dismissal on May 15, 2015, as required by the Bylaws.

- (4) The petitioner reactivated the variance case on May 30, 2015, in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
- (5) The reactivated case opened at the September 10, 2015, public hearing. Several neighboring property owners attended the September 10, 2015, meeting. Mr. Frazier stated during cross examination that a lease under which he had secured additional off-site parking on an adjacent property had been canceled. The canceling of the lease had not previously been disclosed by Mr. Frazier. The Zoning Board of Appeals also again advised Mr. Frazier to acquire the services of an architect to prepare a very accurate site and floor plan for the property. The case was continued to October 29, 2015.
- (6) At the October 29, 2015 ZBA meeting, several neighboring property owners attended the meeting but the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - a. Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
 - b. There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
- (7) Following the October 29, 2015, public hearing staff contacted all parties in attendance at previous hearings for this case and it was determined that a hearing on January 28th would not work. Staff requested availability from the same parties, and all indicated that March 24, 2016 would be feasible.
- (8) A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 7, 2016, and a later revision was received on March 21, 2016. The revised site plan received on March 21, 2016 is reviewed in greater detail elsewhere in this Summary of Evidence but some of the most significant problems revealed in that plan were the following:
 - a. The number of self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated; and
 - b. The unauthorized or unpermitted second floor areas are not in compliance with the Illinois Accessibility Code which would normally require elevators to make the second floor areas accessible; and
 - c. The existing clearance on the west side of the west building is not adequate to allow parallel parking and a traffic aisle on this side of the building and the ramp on the northwest corner of the west building will also conflict with parallel parking and a traffic aisle.

- (9) A proposed north parking lot site plan with 34 proposed parking spaces created by Eric Hewitt of Phoenix Consulting Engineers was received on March 8, 2016.
- J. A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 21, 2016 that indicated the following:
- (1) The building area on the subject property is not a single building as was required by Zoning Use Permit #166-96-01 on June 17, 1996 and had been shown on all other plans received to date. The plan received on March 21, 2016 indicates that the eastern portion of the building area is actually a separate building and is not connected to the remainder of the building area. The eastern building is all self-storage warehouse space and does not constitute a second principal building on the property.
 - (2) The number of existing self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated:
 - a. The south end of the eastern building is divided into eight small self-storage units rather than two units and therefore requires an additional two parking spaces.
 - b. Previously, the second floor self-storage area in the middle of the property was thought to contain no more than 12 self-storage units which would have required a total of 4 parking spaces. However, the plan received on March 21, 2016 indicates there are 44 existing self-storage units on the second floor but one unit is proposed to be replaced by a proposed interior stair. The resulting 43 self-storage units on the second floor self-storage area in the middle of the complex require a total of 15 additional parking spaces rather than the previous estimate of 4 parking spaces.
 - c. The second floor in the western portion of the main building is indicated as having 14 self-storage units which require a total of 5 additional parking spaces.
 - d. The western portion of the main building also has a small mezzanine that appears to be less than 1,000 square feet in area and has two self-storage spaces and requires a total of one additional parking space.
 - e. In total, the additional self-storage units that appear on the revised plan received March 21, 2016 require an additional 23 parking spaces in addition to the 58 required parking spaces that were previously identified in a letter sent by staff to the petitioner on September 17, 2015, for a total of 81 required parking spaces.
 - f. The number of feasible parking spaces on the subject property appears to be less than previously thought. However, even if there are at least 32 feasible parking spaces on the subject property as previously thought, when combined with the 34 parking spaces proposed to be constructed on the

additional land proposed to be purchased to the north, the resulting total number of parking spaces will only be 66 parking spaces, which is 15 spaces less than required.

- (3) Both the existing and the proposed site plan are out of compliance with the Illinois Accessibility Code for the following reasons:
 - a. The second floor self-storage area in the middle of the complex exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. This portion of the building area was authorized as only a single story in Zoning Use Permit #166-96-01 on June 17, 1996 and the exterior stairway does not appear in aerial photographs of the property from 2002 and 2005.
 - b. The western portion of the building complex also has a second floor that is much larger than previously indicated in this public hearing and the second floor exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. The western portion of the building area was authorized in Zoning Use Permit #351-02-03 on January 10, 2003 and was authorized to be only a single story.
 - c. The subject property has no accessible parking spaces and no accessible pathway and no accessible entrance.
 - d. Note that the Illinois Accessibility Code requires 4 of the 81 parking spaces to be accessible.
 - e. One restroom in the western portion of the building complex is proposed to be enlarged so as to be accessible; however, it is not clear that only one accessible restroom is all that is required.
- (4) On the Proposed Site Plan there is no mention of replacement of the street curb that was removed without authorization from the Champaign Township Highway Commissioner.
- (5) On the Proposed Site Plan there is no mention of the proposed adjacent parking to the north.
- (6) Regarding the feasibility of the parking areas indicated on both the existing and proposed site plan received March 21, 2016 (Note: This analysis is meant to assist or supplement the work by Andrew Fell Architecture.):
 - a. Regarding parking on the west side of the building:
 - (a) The proposed site plan indicates a clearance of 17 feet between the west property line and steps on the west side of the building. A minimum clearance of 19 feet would be required to accommodate the minimum required 9 feet width for a parking space and the generally accepted best practice minimum width of 10 feet for a one way traffic aisle. These steps were not yet constructed when the

Zoning Administrator visited the property in June 2014. Removal of the steps would result in an overall clearance of 20 feet.

- (b) The ramp on the northwest corner of the west building aligns with an existing curb cut but would conflict with a traffic aisle. The ramp appears to be a feature leftover from the previous use of the property for LEX transportation and the ramp does not appear to be necessary at this time.
 - (c) Removal of both the ramp and the steps on the west side of the building would allow up to seven parking spaces on the west side of the building.
 - (d) At the February 12, 2015 public hearing, the petitioner testified that since the building was built, the parking was as indicated in the photographs (perpendicular to the building) and not as in the plan (parallel with a traffic aisle). However, aerial photos from 2005 and 2008 clearly show parallel parking on the west side of the building.
- b. Regarding the courtyard space between the east building and the middle building:
- (a) This space is 56 feet wide and the proposed site plan includes only one row of perpendicular parking with a total of 13 parking spaces and a walkway along the east building.
 - (b) However, if the east walkway were reduced to no more than 3 feet wide, a row of parallel parking spaces could be included that would allow up to a total of 5 additional parking spaces with a 21 feet wide traffic aisle.
 - (c) Six of the perpendicular parking spaces could be converted and improved into three accessible parking spaces.
 - (d) The above revisions could provide a possible total of 15 parking spaces in this courtyard.
- c. It may be possible to create at least one accessible parking space in the vicinity of the bus garage.
- d. The above changes, in addition to the 8 parking spaces indicated on the east and south of the east building on the proposed site plan, would result in a total of 31 parking spaces.
- e. It may be possible to add up to six additional parking spaces at the east edge of the subject property with the addition of required paving and a variance to allow parking next to the lot line.
- (7) Regarding the bus garage:

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- a. The petitioner stated in an email dated March 8, 2016 to Senior Planner Susan Chavarria that he wanted to keep the bus garage and move the arborist's vehicles into the garage which is big enough to hold the arborist's vehicles.
 - b. 2 to 3 of the former LEX buses still remain in the bus garage even though the petitioner testified at the February 12, 2015 public hearing that the buses would be sold and that he could remove the buses on February 13, 2015 if need be.
 - c. The arborist's vehicles consisting of a bucket truck, a stake truck with trailer mounted chipper, and a pickup with trailer currently occupy the courtyard space between the east building and the middle building. This space could otherwise accommodate up to 15 parking spaces.
 - d. As per an email received June 21, 2016, Mr. Fell stated that all buses have been removed from the property and the tree service tenant has moved to a different location.
- (8) Regarding access to the dumpster and emergency vehicle access to the subject property:
- a. Garbage truck access to the subject property has been discussed in the public hearing and was mentioned in the September 17, 2015 letter by Senior Planner Susan Chavarria.
 - b. The dumpster is located in the southeast corner of the property.
 - c. The site plan received on March 7, 2016 indicates that the south wall of the middle portion of the building is 13 feet 9 inches from the south lot line. Note that the exterior stair encroaches into that separation.
(1) At the June 30, 2016 public hearing, Mr. Frazier testified that he moved the steps inside, thus providing more access for vehicular traffic and the fire trucks.
 - d. The National Fire Protection Association recommends a minimum width of 20 feet for fire lanes to provide fire truck access and fire lanes are to be marked and kept clear of parked vehicles at all times.
 - e. A fire lane that is adequate for fire truck access should also provide adequate access for a garbage truck.
 - f. The subject property does not appear to provide adequate access for either a garbage truck or a fire truck.
 - g. Removal of the exterior stairway on the south side of the middle building will improve access but not provide the minimum recommended width of 20 feet. "No parking" signs may also help reduce obstructions by other vehicles.

- K. A revised site plan was received from Andrew Fell Architecture on May 25, 2016 that focused on accommodating the required number of parking spaces on the subject property and the proposed north parking lot property, and indicates the following:
- (1) 40 spaces on the subject property, including:
 - a. 6 parallel spaces on the east end;
 - b. 2 parallel spaces on the south end of the east building directly in front of 8 mini-storage units;
 - c. 17 spaces (13 head-in, 4 parallel) in between east and middle buildings; this area is currently covered in wood chips;
 - d. 4 head-in spaces, including 1 handicap accessible space, on the south side of the bus garage directly in front of the bus garage area that is proposed to house the arborist's vehicles;
 - e. 6 parallel spaces along the currently unpaved north side of the building; and
 - f. 5 parallel spaces along the west side of the west building.
 - (2) 34 head-in spaces on the proposed new lot north of the subject property, including:
 - a. 10 spaces on the subject property's north property line; and
 - b. 24 spaces on the north side of an existing concrete driveway.
 - (3) Staff provided the following comments and concerns to Mr. Fell and the Petitioner via email on June 6, 2016:
 - a. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
 - b. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide.
 - c. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked.
 - d. Where will the parking for the arborist occur? If the arborist is to park in the bus garage there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property.
 - e. The existing ramp at the northwest corner of the building (adjacent to the overhead door) must be removed for the proposed parking to be feasible. Add a note regarding removal of the ramp.

- f. The steps on the west side of the west building must be removed so as to create a minimum 10 feet wide traffic aisle along the west side of the property. Add a note indicating that the steps will be removed.
 - g. Add a note specifying the removal of the remainder of the street curb that has already been partially removed and the installation of a replacement barrier-type curb subject to review, inspection, and approval by the Champaign County Township Highway Commissioner.
 - h. Please add notes to the effect that all parking spaces and traffic aisles will be Portland cement concrete and that wood chip surface will be replaced with Portland cement concrete and that concrete will be added on the east side of the east building to provide at least a 10 feet traffic aisle adjacent to proposed parking spaces 1 - 6.
 - i. Parking spaces 30 - 35 on the north side of the property are problematic due to the insufficient width of the traffic aisle and, even if a 9 feet wide aisle were acceptable there is no information regarding the proposed direction of travel and there is insufficient turning radius at the northeast corner of the east building to allow access from the east. Without these six parking spaces there will be an insufficient number of parking spaces.
 - j. There are an insufficient number of accessible parking spaces.
 - k. If this drawing is supposed to be to scale, could you revise the scale to a bar format so that if we need to print in different sizes the scale can still be used?
- L. An email with attached revised site plan was received from Andrew Fell Architecture on June 21, 2016 and indicates the following:
- (1) The proposed number of parking spaces (74) has not changed from the May 25, 2016 revised site plan.
 - (2) There are now 2 accessible parking spaces on the south side of the bus garage area. This is less than the 3 spaces required by the Illinois Accessibility Code for parking lots with up to 75 spaces. Illinois Capital Development Board approval for this and other accessibility concerns will be required as a special condition.
 - (3) All concerns specified in staff's June 6, 2016 email to Mr. Fell and Mr. Frazier have been addressed, as follows:
 - a. Parallel spaces are 9 feet wide by 22 feet deep.
 - b. Lex buses have been removed.
 - c. The arborist has moved to a different location.
 - d. There is a notation that the ramp at the northwest corner of the building will be removed.

- e. There is a notation that the stairs on the west side of the building will be removed.
 - f. There is a notation regarding the curb: “Remove existing street curb and install new barrier-type curb. Verify with Champaign County Township Highway Commissioner”.
 - g. There is a notation regarding the wood chip area between the east and middle buildings: “Remove existing wood chips and pour Portland cement concrete”.
 - h. There is a notation that “all parking spaces and traffic aisles will be Portland cement concrete”.
 - i. The six parallel spaces on the north side of the middle building have a proposed one-way traffic aisle that begins with an access drive from the proposed north parking lot, runs east along the north side of the property, then along the east end of the property, then out to Tiffany Court along the south existing traffic aisle.
- M. The second floor plans are not part of the Revised Site Plan received June 21, 2016. Mr. Fell provided the following information via email on June 22, 2016: “We are still considering all the options for the second floor. The State has determined that if the second floor is over 1,000 square feet it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 square feet. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements. At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading.”

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
 - (1) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (2) “CANOPY” is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
 - (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
 - (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.

- (5) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) "LOT LINES" are the lines bounding a LOT.
- (8) "PARKING GARAGE or LOT" is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
- (9) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT -OF -WAY line.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (14) "WAREHOUSE" is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
- (15) "WAREHOUSE, SELF-STORAGE" is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (16) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9.D.2.
- D. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
- F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such

PARKING SPACE for every 200 square feet of floor area or portion thereof.

- G. Regarding the parking requirements for a self-storage warehouse:
- (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. As per a letter sent by staff to Mr. Frazier on September 17, 2015, staff calculated the following 58 minimum required parking spaces based on the Revised Site Plan received March 30, 2015, which is a decrease from the 67 spaces staff originally estimated:
- (1) Required parking spaces for 4,950 square feet of office space in the west wing (less 153 square feet for two restrooms as per ZUPA #351-02-03) at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.e.) equals 24 spaces.
 - (2) Required parking spaces for 53 self-storage units (all on ground floor) if required at one parking space per 3 self-storage units equals 18 spaces.
 - (3) Required parking spaces for company storage and garage spaces if required at one per each 3 employees (as per Zoning Ordinance 7.4.1D.1.) equals 1 space.
 - (4) Required parking spaces for visitors and company vehicles are assumed to be included in the parking for the office space.
 - (5) Required parking spaces for the 15’ x 30’ (450 square feet) upstairs Frazier properties executive office lounge at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.e.) equals 3 spaces.

- (6) Required parking spaces for the 25' x 95' (2,375 square feet) Silver Back Barrel Club (strength conditioning and rehabilitation space) at one parking space per 200 square feet (as per Zoning Ordinance 7.4.1 C.3.b.i.) equals 12 spaces.
- J. Based on the revised Site Plan from Andrew Fell received March 7, 2016, there are 11 storage units upstairs in the middle building. It is not clear if these are existing or proposed, but this use will require 4 parking spaces in addition to the 58 calculated above.
- K. In a letter received May 25, 2016, Andrew Fell requests a reduced minimum number of required parking spaces.
- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
- (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- L. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- M. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- N. Minimum parking from the front property line in the I-1 Light Industry District is established in section 7.4.1 of the Zoning Ordinance as 10 feet.
- O. All required off-street parking spaces must be located on the same lot or tract of land as the use served according to section 7.4.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**
- B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
- (1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to

accommodate any significant parking because of the minimum separation requirement between the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking on-site.

- (2) The 2,664 square feet “warehouse” shown in the Site Plan dated July 17, 2014 is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces. The Revised Site Plan received on March 30, 2015 indicates this area as a “garage” that totals 2,805 square feet. The revised Site Plan received on March 8, 2016 indicates this area as 9 parking spaces with 12 feet of clearance to access those spaces. On March 8, 2016, Mr. Frazier responded via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
- (3) Testimony by adjacent landowners and one business owner who rents space in the subject building indicates that not all parking spaces on the subject property are reliably available for parking due primarily to inadequate access that is quite often blocked (see Section 11.F. of this revised Summary of Evidence dated June 24, 2016).
- (4) Adjacent landowners have testified that vehicles parking on the west side of the subject property quite often park over the public sidewalk (see Section 11.F. of this revised Summary of Evidence dated June 24, 2016).
- (5) Mr. Frazier seeks to purchase approximately .3 acres from the property owner to the north in order to provide 34 additional parking spaces. That proposed lot is within the City of Champaign and the parking design has received preliminary approval from the City. He plans to annex the subject property to the City of Champaign.
 - a. Susan Chavarria sent Mr. Frazier an email on October 13, 2015 which specified recommendations regarding the purchase of the additional parking area (see Attachment H to Supplemental Memo #4).
 - b. Susan Chavarria sent Mr. Frazier an email on October 20, 2015 which specified next steps required before the purchase and possible annexation to the City could occur (see Attachment H to Supplemental Memo #4).
 - c. Supplemental Memo #3 dated October 22, 2015 was prepared for the October 29, 2015 ZBA meeting and provided a status update about parking requirements, the potential purchase of additional parking area north of the subject property, and next steps the petitioner would need to take (see Attachment I to Supplemental Memo #4).
- (6) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.

- (7) At the March 24, 2016 public hearing:
- a. Mr. Passalacqua stated that the City of Champaign had a conditional approval if everything else was brought into compliance. He said that the City of Champaign would not approve anything that Mr. Frazier is proposing unless he had compliance with the Champaign County Zoning Board of Appeals.
- (8) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
- a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (9) Based on the revised Site Plan received May 25, 2016, staff still cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.
- a. On June 6, 2016, staff sent the petitioner and Mr. Fell comments and requested a revised site plan regarding the May 25, 2016 site plan via email.
- (10) Based on the revised Site Plan received June 21, 2016, the Petitioner proposes 40 parking spaces on the subject property and 34 spaces on the proposed north lot. This is 4 more than the minimum required if the ZBA accepts the 70 spaces calculated in Item 7.B.(8)a.
- C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.
- D. Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
- (1) The existing parking lot on the west side of the offices was constructed in a manner different from the approved site plan from Zoning Use Permit #351-02-03. That approved site plan included five parallel spaces adjacent to the offices, with no 5 foot covered walkway between them. Had they been constructed as per the approved site plan and without the walkway, there would have been 15 feet of

space between the parallel parking and the front property line, thus requiring no variance.

- (2) At the September 10, 2015 ZBA meeting:
 - a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission:
 - (a) Mr. Keith Padgett stated that Champaign Township needs the curb replaced and he hopes that this is involved in the Board's final decision. He said that the curb has been cut and people drive across it all day long. He said that he does wonder what damages are being done to utilities in this area that do not have a concrete surface over the top for protection. He said that no damage may be occurring, but if there is damage, who will be held responsible for that damage.
 - (b) Mr. Frazier said that he admits that he did cut the curb and if the rules indicate that the curbs must be replaced and the original parallel parking scheme has to be followed then he will obviously do that. He said that a better alternative for parking would be if he purchased that area rather than leasing it but he must know if purchasing that property is acceptable by the Board.
- (3) The revised Site Plan received March 7, 2016 indicates six parallel parking spaces along the covered walkway, which would negate the need for Part C of the Variance if a 10 foot wide travel aisle could fit between the west property line and the parallel spaces west of the west building.
- (4) At the March 24, 2016 public hearing:
 - a. Mr. Hall stated the following:
 - (a) The street curb has not yet been replaced. He stated that there is no single drawing that shows the entire property that is proposed. He believes this Board should require a single site plan with both the existing lot and the existing land that is proposed for purchase.
 - (b) He did not realize that there had been steps constructed on the west side; those steps, small though they are, reduce the clearance between the front of the building and the property line. With the steps that are currently there, you cannot fit the parallel parking and a traffic aisle on the west side. He recommends that the Board have those steps removed. He said that at the north end of the proposed parallel parking and traffic aisle there is a ramp from the days when it was LEX. That ramp is going to encroach into the traffic aisle and into the parking; he believes the Board should have that ramp removed.
 - (c) There should be no curb replaced until there is a drawing showing what is going to be done. The drawing has to be reviewed by the Champaign Township Highway Commissioner and approved, preferably in writing. He stated that when that curbing is replaced,

there should be extensive coordination with the Champaign Township Highway Commissioner to allow him to see the construction as it is occurring. He stated that at the end, Champaign Township Highway Commissioner gets to accept or reject that curb.

- (d). To be fair, the Zoning Ordinance does not specify the minimum width of traffic aisles, but he recommends that the Board not accept the traffic aisle as proposed at 8 feet 6 inches wide.

- b. Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his jurisdiction only goes from sidewalk to sidewalk but part of that area is gone without permission, a permit, or a request. He said that when the curb is replaced he would like to know about it. He said that his engineering comes from Champaign County and everything has to be built to the specifications that the Champaign County engineer requires, which is also what the state requires.

- c. Mr. Thorsland asked Mr. Frazier if he took out the curb himself or did he hire someone to do it. Mr. Frazier stated that he hired someone to take out the curb. Mr. Thorsland asked Mr. Frazier if he had a record of that service that could be entered as evidence. Mr. Frazier stated he can check. Mr. Thorsland asked Mr. Frazier if he checked with the township when he had the curb removed. Mr. Frazier stated no, because he did not realize that he had to but he understands that it is a poor excuse for breaking the law. Mr. Thorsland stated that the Board will require that the curb be replaced meeting today's requirements.

- (5) The revised Site Plan received May 25, 2016 regarding west end parking is the same as the revised plan received March 21, 2016, except the newer plan does not have two proposed parking spaces on the ramp in front of the overhead door.

- (6) The revised Site Plan received June 21, 2016 shows a travel aisle that is 10 feet wide next to 5 proposed parallel parking spaces. If the ZBA approves this travel aisle width, they could determine that Variance Part C is no longer necessary.

- E. Regarding Part D of the Variance, for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served:
 - (1) The subject property does not have sufficient area for the required minimum parking spaces.

 - (2) On March 1, 2015, Mr. Frazier leased parking space from Isaacs Properties on adjacent property 306 Tiffany Court. The gravel area on the southwest corner of the Isaacs property holds 32 vehicles according to Mr. Frazier. The contract ends on February 28, 2016, but can be extended at Mr. Frazier's option until February 28, 2018.

- (3) The leased parking is within the City of Champaign corporate limits. Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the City in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015 that City subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet City regulations for parking (see Attachment F from Supplemental Memo 1 dated May 6, 2015). Rob Kowalski sent a follow-up email on June 2, 2015 (Attachment B of this memo) indicating that the owner to the north has sufficient parking for their own use in addition to what they are leasing to Mr. Frazier. He recommended adding a Special Condition that any required parking provided off-site and in the City shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface. Staff has added this proposed Special Condition to this revised Summary of Evidence.
- (4) At the September 10, 2015 ZBA meeting:
- a. Regarding parking spaces for the existing and proposed uses on the subject property:
 - (a) Mr. Steve Koester testified that his business address is located at the Stahly Industrial Park at 305 Tiffany Court and he jointly owns 314 Tiffany Court which is located on the south side of Mr. Frazier's property. He said that he did have a discussion with Mr. Isaacs who is the person who leased Mr. Frazier the 19 spaces that were previously discussed at the hearing and Mr. Isaacs indicated that he did cancel the lease on the 19 parking spaces.
 - (b) Mr. Frazier testified that the lease is good for six months and the check has already been approved and paid for in cash therefore the lease is enforced for six months. He said that if after six months the landlord decides to not renew the lease then that is his decision. He stated that the payments are made for six months as he has the option of a six month or yearly lease. He said that he paid for a six month lease in full and Mr. Hall probably has record of that.
 - (c) Mr. Hall stated that the lease agreement states the following: "The Lessee agrees to pay as rent for said premises the sum of \$1,500 per year beginning on the 1st day of March, 2015 to the 28th day of February, 2016." He asked Mr. Frazier if there is another agreement which allows him to pay for this lease in six month terms.
 - (d) Ms. Griest stated that the lease does state that it begins on March 1, 2015 and today's date is September 10th therefore the lease is currently in default.
 - (e) Mr. Frazier said that it is possible to make the north area accessible and he can talk to the architect about that possibility. Mr. Frazier

stated that there are cases when there have been vehicles parked there and as far as access through the neighbor's property then the answer would be yes. Mr. Frazier stated that he is willing to work with an architect to make sure that the property is in compliance with the rules.

- (f) Regarding the unpermitted bus garage that may be removed in order to reduce required the parking minimum, Mr. Frazier stated that he had built a garage for LEX buses for when LEX was in business and that garage is currently vacant. He said that he has already taken half of the garage down and it is not closed in due to the pending decision that this Board will make. He said that he is comfortable taking the rest of the building down and going back to the original building that was granted over 20 years ago by Champaign County. He said that if we are talking about a simple wooden structure with some metal on the roof then he is willing to remove it.
- (5) The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016 indicated 34 parking spaces on the proposed north parking lot.
 - a. The parking plan came with an email that stated "Lot 7A is the land Mr. Frazier is looking at acquiring. The plan has a parking lot containing 34 spaces and has preliminary staff approval by the City of Champaign.
 - (6) At the March 24, 2016 public hearing, the following evidence was provided regarding parking spaces for the existing and proposed uses on the subject property:
 - a. Mr. Hall stated that on the east side of the property, there is room for some parking spaces but there also needs to be a traffic aisle and all of that needs to be paved.
 - (7) The revised site plans received May 25, 2016 and June 21, 2016 indicate 40 spaces on the subject property and 34 parking spaces on the proposed north parking lot.
 - a. Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, "**Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.**"

- B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
- (1) Without the proposed Variance, the Petitioner would have to demolish at least 3,000 square feet of existing buildings and/or covered areas to meet the parking requirements.
 - (2) If ZBA approves of the Revised Site Plan received June 21, 2016 and the Petitioner purchases the proposed 34-space north parking lot, they could determine that Part A of the Variance is no longer necessary.
- C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements, and that would not provide enough area for the required parking spaces.
- D. Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
- (1) Without the proposed Variance, the Petitioner would have to either provide no adjacent parking for the office tenants and their clients or reconfigure the parking to provide fewer spaces than what is currently available.
 - (2) if ZBA approves of the Revised Site Plan received June 21, 2016 which provides a 10 feet wide travel aisle between the west property line and the proposed parallel parking on the west side of the west building, they could determine that Part C of the Variance is no longer necessary.
- E. Regarding Part D of the Variance, for allowing at least 34 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served:
- (1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.
 - (2) Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.
- F. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

- G. At the March 24, 2016 public hearing:
- (1) Mr. Hall believes this Board should see a copy of the signed contract, have that in the file, and the signed contract should have a condition to make the Board aware if the contract is void at any time within a 72 hour period of it being voided.
 - (2) Mr. Hall recommended that the Board should not take action until we see the actual plat document that has been verified by City of Champaign staff to be complete, and in fact received before the application of the subdivision plat approval so that the Board absolutely knows there has been an application for plat approval. He stated that City staff is willing to hold that application for up to 12 months, which tells him that this thing is going to be finished within 12 months.
- H. In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**
 - B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.

- C. At the October 29, 2015 ZBA meeting, the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
- (1) Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
 - (2) There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
- D. At the March 24, 2016 public hearing:
- (1) Mr. Hall stated that what especially concerns him is that we have extensive second floor construction in complete violation of the Illinois Accessibility Code. He stated that Mr. Frazier will not get a permit from the Zoning Department until the Capital Development Board has signed off completely on this. He added that if Mr. Frazier can come to some agreement with the Capital Development Board allowing the second floor rental areas to remain, he could add the necessary parking by acquiring more land from Isaacs going on the south edge of the property all the way back and hopefully tying in with the parking that is already on the east side. This would provide space for at least smaller vehicles a way to circumnavigate the whole property; he believes 14 spaces can fit in there. Mr. Hall stated that he would like to see this Board require the minimum number of parking spaces, and that would require this to be expanded.
- E. At the June 30, 2016 public hearing, Mr. Frazier submitted a signed contract between Isaacs Properties and Frazier Properties for the purchase of a portion of the property located north of the subject property.
- (1) The contract states that Mr. Frazier will have a survey prepared by an Illinois licensed surveyor for the agreed property which is the subject of this sale.
 - a. The cover letter for the contract signed by Attorney Brian T. Schurter of Tummelson Bryan and Knox LLP states that it is Mr. Schurter's understanding that the matter would be closed within 30 days of receipt of the survey obtained by Robert Frazier.
 - b. To date, there is no recorded survey at the Champaign County Recorder of Deeds.
 - (2) After the June 30, 2016 public hearing for this case, staff sent the petitioner a letter dated July 6, 2016, outlining what items would be necessary for the ZBA to be able to make a decision on the proposed variance.
 - (3) On July 18, 2016, Andrew Fell, the architect contracted by the petitioner, sent an email in response to the July 6, 2016 letter.
 - (4) On September 8, 2016, staff sent a reminder email to the petitioner and Mr. Fell that the next hearing would be on September 29, 2016 and that the petitioner needed to send the requested information. No response has been received to date.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area.”**
- B. Regarding the requested Variance:
- (1) Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces: the requested variance provides 10 fewer parking spaces, equivalent to 82% of the minimum required, for a variance of 18%.
 - (2) Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
 - (3) Regarding Part C of the Variance, for parking 0 feet from the front property line in lieu of the minimum required 10 feet: the requested variance is 100%.
 - (4) Regarding Part D of the Variance, for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served: the requested variance is 100%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated that “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”
 - (3) Eighteen of the 58 required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
 - (4) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign.

Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.

- b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- D. Regarding Part B of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:
 - a. Adequate separation from roads.
 - b. Allow adequate area for road expansion and right-of-way acquisition.
 - c. Parking, where applicable.
 - (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.
- E. Regarding Part C of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
 - a. Safer access to and from the property for both road users and clients;
 - b. Adequate room for infrastructure maintenance and expansion.
 - c. At the September 10, 2015 ZBA meeting, neighbor Lloyd Allen distributed photos showing how congested Tiffany Court and the subject property can be with clients, business vehicles, and other traffic (see Attachment F to Supplemental Memo #4). He stated that the buses were there for a good period of time and people are always parking in the driveway so anyone else has to use the entrance on the property to the south to travel to the back of the property. He said that the landscaper tenant parks in front of the one building every day and night and he literally has to drive into the drive from the parking lot to the south. He said that someone is always parked on the concrete.
- F. Regarding Part D of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie required on-site parking. Presumably the parking regulation is intended to ensure that there is a clear distinction for each property's parking requirements and available spaces on each property.

- a. Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces will be sufficient to comply with minimum parking requirements.

G. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

A. The Petitioner has testified on the application: **“Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”**

B. The Township Highway Commissioner has been notified of this variance and had the following comments:

(1) At the February 12, 2015 public hearing, Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that from sidewalk to sidewalk is the jurisdiction of Champaign Township. He is concerned that there has been approximately 100 feet of the barrier curb removed without permission, notice of removal, or granting of permit therefore Champaign Township has lost about 100 feet of barrier curb.

(2) In an email received April 30, 2015, Mr. Padgett indicated the following:

a. Champaign Township Road District has no problem with parking spaces on Mr. Frazier’s property as long as they do not extend over the pedestrian sidewalk.

b. The missing curb and the driving over unprotected utilities in the area between the sidewalk and the street is still an issue. He suggested that six inches of concrete poured in this area would be acceptable.

c. He would like to see the Township reimbursed for the replacement of the curb at some time since the Township Road District did not remove it nor did they approve its removal.

(3) At the September 10, 2015 public hearing, Mr. Padgett stated that the downfall has been cut off of the curb but the base and the flag are still there. In order to replace the curb, everything has to be torn out so that one solid unit can exist so that when he plows snow the top of the curb isn’t broken off.

(4) At the June 30, 2016 public hearing, Mr. Padgett testified that he had not heard from Mr. Frazier regarding replacement of the curb on Tiffany Court.

- C. The Scott Fire Protection District has been notified of this variance but no comments have been received.
- D. City of Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the city in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015 that city subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet city regulations for parking (see Supplemental Memo 1, Attachment F).
- E. The nearest building on neighboring property is approximately 125 feet from the shared property line.
- F. Several adjacent business owners testified at the February 12, 2015 public hearing:
- (1) Mr. Lloyd Allen owns the property at 4400 West Springfield Avenue, beside Mr. Frazier's property. He is opposed to approving the variances because of parking concerns, Mr. Frazier cutting sidewalk and curbs out, and removing "No Parking" signs. Mr. Allen submitted photos of parking issues at the hearing, which can be found in Attachment E.
 - (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated concerns about access to his own property by emergency vehicles, delivery trucks and employees. He also stated that Mr. Frazier's customers who park on the west side of the property cover the sidewalk and sometimes park in the cul-de-sac, which is a no parking zone. He stated that Mr. Frazier does not have enough land to support what he has going on there. Mr. Koester stated that he has had many cases of people parking on his south lot, south of Mr. Frazier's property, to go to the mini-warehouses and Mr. Frazier's garbage service parks on Mr. Koester's property to dump Mr. Frazier's dumpster. Mr. Koester stated that he just acquired the property to the south of Mr. Frazier's building and the property was really cheap. Mr. Koester stated that the reason why he was able to purchase the property at such a low price was due to the history of Mr. Frazier's property but the property was also available for Mr. Frazier's purchase so that he could expand. Mr. Koester stated that the closing price for the property was \$125,000 and Mr. Frazier's best move would have been to have purchased the property to the south so that he could run the kind of operation that Mr. Frazier proposes because it would have given him adequate area to meet the County's parking requirements and would not need the requested variances. Mr. Koester stated that he will not lease the property to Mr. Frazier.
 - (3) Mr. Caleb Burton, whose business is located at 314 Tiffany Court, has concerns about the 10 foot drive Mr. Frazier has for his property. He stated that he has seen vehicles blocking the front yard, making Mr. Frazier's property inaccessible and that Mr. Frazier's clients use Mr. Burton's service entrance daily. Mr. Burton is also concerned about how Mr. Frazier poured concrete that drains south and

nothing was done to taper the drainage or direct it to the street therefore it drains onto Mr. Burton's property.

- (4) Mr. Andrew Tunstall operates a chiropractic, exercise and rehabilitation facility in one of the offices at the west end of Mr. Frazier's property. He stated that his clients have complained about the parking. His clients cannot access the area Mr. Frazier identified as overflow parking back by the mini storage units.

His actual gym site is 2,375 square feet in area and he has two additional therapy rooms and a reception area that take up an additional 1,025 square feet. On a typical slow night between 3 and 6 PM he will see 4 to 6 people but on a busy night he may see up to 16 people; he has the operation set up to accommodate up to 24 people at one time.

- a. Mr. Tunstall is no longer a tenant at 310 Tiffany Court; his former space is advertised for rent as of March 8, 2016. This will not impact the parking space requirement because the minimum is based on a calculation of office square footage that is not specific to his business type.

- G. At the September 10, 2015 public hearing, Mr. Koester, owner of the property south of the subject property and co-owner of the property north of the subject property, stated that he has been frustrated by the use of his property as access for the tenants traveling to the rear of Mr. Frazier's property and he has had discussions with Mr. Frazier about this issue. He said that they have discussed the relocation of the buses and the last time that he knew there were still buses on the property, although Mr. Frazier testified at the previous meeting that the buses would be gone within two weeks. Mr. Koester stated he would like to build a fence but the property owner to the north built a very nice fence, which Mr. Koester constructed, and it has been destroyed by Mr. Frazier's tenants, therefore he is sure that any improvements that he makes on that side would suffer the same consequences.

- H. Several adjacent business owners testified at the March 24, 2016 public hearing:

- (1) Mr. Lloyd Allen, 4400 West Springfield Avenue, owns the building across the street from 310 Tiffany Court. He stated that he has been involved in this from day one, and still does not think this should be allowed. You have someone who repeatedly adds on, builds on, without checking to see if it is even legal. Mr. Allen referred to the fire trucks discussion, and commented that not only do the fire trucks not have access to Mr. Frazier's property; his customers cannot access his property. He stated that he saw someone try to get in there about 3 weeks ago and they could not get in, back in, to unload without driving on the property to the south. He stated that just as Mr. Frazier's buses cannot get out of the property without driving on the property to the south, his own tenant does not have enough access on the south side to get to the space he uses.
- (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated that there have been no changes or improvements to the subject property and the frustration level is getting to its peak as Mr. Koester is still dealing with Mr. Frazier's tenants parking on Mr. Koester's property. He said that Mr. Frazier's tenants are dumping their garbage in Mr. Koester's dumpsters. He

said that if you have ever heard of having a bad neighbor, well he has one. Mr. Koester stated that he is going to install a fence down the property line and hopefully the buses will be relocated before the fence is constructed. He said that he does realize that there will probably be damage and run over and that type of thing but he is willing to put with that so that the buses are out of there. He said that typically Mr. Frazier's employees and tenants will pull beside the paved area and park out in the street on Mr. Koester's property along the north side of his lot.

- (3) He said that anytime a vehicle is parked on the south side of the building no one can get in or out of the property. He said that they are installing a fence along the south property to keep Mr. Frazier's tenants and employees from crossing over onto Mr. Burton's property. Mr. Burton stated that he has a dumpster located at the rear of his property and it is not unusual for Mr. Frazier's tenants to use that dumpster. He stated that if he installs a fence along his property and there was a fire on the Frazier property the fire truck would either have to sit on his property and spray over the fence or they would need to drag vehicles out of the way to access the Frazier property.
- I. At the March 24, 2016 public hearing, Mr. Hall recommended that the Board require the dumpster to be moved up to the west side of the middle portion of the building. Mr. Hall intends to contact the fire protection district to make sure they know the access limitations on this property.
 - (1) Staff contacted the Bondville Fire Department on April 5, 2016. Bondville Fire operates under contract with Scott FPD to serve 310 Tiffany Court. In a phone call received April 7, 2016, Bondville Fire Chief Adam Shaw indicated that they need at least 12 feet of access width for their trucks.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“Upgrades and allowing of variance will provide strong and ensured growth to Stahly subdivision by providing a safe and inviting place for small business to grow and contribute to the local economy.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**

- (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
- (4) **Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. **Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. **A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

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

That the proposed uses meet applicable state requirements for accessibility.

- G. **The Petitioner will not allow on-street parking on Tiffany Court.**

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

That local parking regulations are obeyed.

DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan

2. Preliminary Memorandum dated January 22, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

3. Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester

4. Email from Robert Frazier received March 18, 2015, with attachments:
 - A Signed lease for parking spaces
 - B Image of parking area

5. Revised Site Plan received March 30, 2015

6. Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015

7. Email from Rob Kowalski, City of Champaign, received May 1, 2015

8. Paving Plan and Profile for Stahly Subdivision, received August 12, 1986

9. Supplemental Memorandum #1 dated May 6, 2015, with attachments:
 - A Email from Robert Frazier received March 18, 2015, with attachments
 - B Revised Site Plan received March 30, 2015
 - C Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015
 - D Approved minutes from February 12, 2015 ZBA hearing
 - E Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
 - F Email from Rob Kowalski, City of Champaign, received May 1, 2015
 - G Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
 - H Revised Draft Summary of Evidence dated May 6, 2015

10. Supplemental Memorandum #2 dated July 8, 2015, with attachments:
 - A Revised annotated Summary of Evidence dated July 8, 2015
 - B Email from Rob Kowalski, City of Champaign, received June 2, 2015
 - C Revised Site Plan received March 30, 2015
 - D Annotated Diagram of West Parking Area dated July 8, 2015
 - E Site Plan received July 17, 2014

11. Memo regarding September 2, 2015 ZBA meeting dated September 2, 2015

12. Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing

13. Handout of the revised site plan received March 30, 2015
14. Approved minutes from September 10, 2015
15. September 17, 2015 letter to petitioner from Susan Chavarria
16. October 13, 2015 and October 20, 2015 emails to petitioner from Susan Chavarria
17. Supplemental Memo #3 dated October 22, 2015
18. Approved minutes from October 29, 2015
19. Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
20. Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
21. Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
22. Email from Robert Frazier received March 8, 2016
23. Revised Summary of Evidence dated March 16, 2016
24. Supplemental Memo #4 dated March 16, 2016, with attachments:
 - A Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
 - B Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
 - C Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
 - D Email from Robert Frazier received March 8, 2016
 - E Approved minutes from September 10, 2015
 - F Approved minutes from October 29, 2015
 - G Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing
 - H September 17, 2015 letter to petitioner from Susan Chavarria
 - I October 13, 2015 and October 20, 2015 emails to petitioner from Susan Chavarria
 - J Supplemental memo #3 dated October 22, 2015
 - K Revised Summary of Evidence dated March 16, 2016
25. Supplemental Memo #5 dated March 18, 2016
26. Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
27. Supplemental Memo #6 dated March 22, 2016, with Attachment:
 - A Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
28. A handout of 14 staff photographs of subject property dated March 8, 2016 distributed at the March 24, 2016 public hearing
29. Draft minutes from March 24, 2016

30. Letter to Mr. Frazier dated April 1, 2016
31. Email #1 from Andrew Fell Architecture received April 1, 2016
32. Email #2 from Andrew Fell Architecture received April 1, 2016
33. Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
34. Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
35. Email to Mr. Frazier and Mr. Fell sent June 6, 2016
36. Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
37. Email from Andrew Fell received June 22, 2016
38. Supplemental Memo #7 dated June 24, 2016, with Attachments:
 - A Letter to Mr. Frazier dated April 1, 2016
 - B Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
 - C Email to Mr. Frazier and Mr. Fell sent June 6, 2016
 - D Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
 - E Email from Andrew Fell received June 22, 2016
 - F Draft minutes from March 24, 2016
 - G Email #1 from Andrew Fell Architecture received April 1, 2016
 - H Email #2 from Andrew Fell Architecture received April 1, 2016
 - I Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
 - J Revised Summary of Evidence dated June 24, 2016
39. Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
40. Supplemental Memo #8 dated September 21, 2016, with Attachments:
 - A Letter to Mr. Frazier dated July 6, 2016
 - B Email from Andrew Fell Architecture received July 18, 2016
 - C Email to Mr. Frazier and Mr. Fell sent September 8, 2016
 - D Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
 - E Approved minutes from June 30, 2016 ZBA hearing
 - F Revised Summary of Evidence dated September 28, 2016

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 792-V-14 held on February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, and September 29, 2016, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**

- (4) Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

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

That the proposed uses meet applicable state requirements for accessibility.

- G. The Petitioner will not allow on-street parking on Tiffany Court.**

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

That local parking regulations are obeyed.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 792-V-14 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Frazier** to authorize the following variances in the I-1 Light Industry Zoning District:

- Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.**
- Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.**
- Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.**
- Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.**
 - (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of**

approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

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

That the proposed uses meet applicable state requirements for accessibility.

- G. The Petitioner will not allow on-street parking on Tiffany Court.**

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

That local parking regulations are obeyed.

Case 792-V-14 REACTIVATED

06/24/16 REVISED DRAFT

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The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date