

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: July 26, 2018

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

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Ryan Elwell, Debra Griest, Marilyn Lee

MEMBERS ABSENT : Frank DiNovo, Brad Passalacqua, Jim Randol

STAFF PRESENT : Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT : Laura Ehmen, Daniel Ehmen, Taylor Ehmen, Mark Pflugmacher, Justin Einck, Fred Einck, Eunice Ehmen, Vincent Hock, Holly Labisky

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present, with three members absent.

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

3. Correspondence

None

4. Approval of Minutes: June 28, 2018

Ms. Capel stated that the June 28, 2018, minutes have not been completed and will be placed on a future agenda for approval.

5. Continued Public Hearing

None

6. New Public Hearings

1 **Case 909-S-18** Petitioner: **Fred and Justin Einck d.b.a. Fred's Plumbing, Heating, Air Conditioning**
2 **and Electric, Inc. Request to authorize a Contractor's Facility with Outdoor Storage and Outdoor**
3 **Operations as a Special Use in the AG-1 Agriculture Zoning District, subject to the variance**
4 **requested in related Case 910-V-18. Location: A 2-acre tract that is Lot 1 of the Final Plat of**
5 **Eichhorst Subdivision approved by the Champaign County Board on March 27, 2018, in the**
6 **Southwest Quarter of the Southwest Quarter of Section 18 of Township 20 North, Range 9 East of**
7 **the Third Principal Meridian in Somer Township, and commonly known as a part of the farm field**
8 **east of the Illinois Department of Transportation maintenance facility located at 160 East Leverett**
9 **Road, Champaign.**

10
11 **Case 910-V-18** Petitioner: **Fred and Justin Einck d.b.a. Fred's Plumbing, Heating, Air Conditioning**
12 **and Electric, Inc. Request: Part A. Authorize a variance for 0 loading berths in lieu of the minimum**
13 **required 2 loading berths for commercial and industrial uses in the AG-1 Agriculture Zoning**
14 **District, per section 7.4.2 D. of the Champaign County Zoning Ordinance, subject to the request for**
15 **Special Use Permit approval in related Case 909-S-18. Part B. Authorize a variance from the**
16 **Champaign County Stormwater Management and Erosion Control Ordinance, which requires a**
17 **Stormwater Drainage Plan and review for more than one acre of impervious area on a lot that is 2**
18 **acres in area. Location: A 2-acre tract that is Lot 1 of the Final Plat of Eichhorst Subdivision**
19 **approved by the Champaign County Board on March 27, 2018, in the Southwest Quarter of the**
20 **Southwest Quarter of Section 18 of Township 20 North, Range 9 East of the Third Principal Meridian**
21 **in Somer Township, and commonly known as a part of the farm field east of the Illinois Department**
22 **of Transportation maintenance facility located at 160 East Leverett Road, Champaign.**

23
24 Ms. Capel informed the audience that Cases 909-S-18 and 910-V-18 are Administrative Cases and as
25 such, the County allows anyone the opportunity to cross-examine any witness. She said that at the
26 proper time, she will ask for a show of hands for those who would like to cross-examine and each person
27 will be called upon. She requested that anyone called to cross-examine go to the cross-examination
28 microphone to ask any questions. She said that those who desire to cross-examine are not required to
29 sign the witness register but are requested to clearly state their name before asking any questions. She
30 noted that no new testimony is to be given during the cross-examination. She said that attorneys who
31 have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

32
33 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. She reminded the audience that when they sign the witness
35 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
36 and there was no one.

37
38 Ms. Capel asked the petitioners if they desired to make a statement regarding their requests.

39
40 Mr. Justin Einck, who resides at 2961 CR 700E, Fisher, stated that they are requesting a variance for the

1 required loading berth because they will not be unloading anything at the shop. He said that they have a
2 forklift to unload the delivery trucks and that will occur on the concrete driveway. He said that the
3 special use permit is being requested so that they can locate their business at this location.
4

5 Ms. Capel stated that Part B. of the variance requests that the petitioners be exempted from the
6 Champaign County Stormwater Management and Erosion Control Ordinance requirements. She said
7 that she understands why the petitioners are requesting the variance for the required loading berth, but
8 she does not understand why the petitioners feel that they should be exempted from the Champaign
9 County Stormwater Management and Erosion Control Ordinance.
10

11 Mr. Einck stated that the entire lot will be covered in gravel, which the County indicates as being
12 impervious, although they feel differently. He said that they have been given two acres and they need to
13 have as much room as possible to operate their business on the property.
14

15 Ms. Capel asked Mr. Einck if he had knowledge about how the two acres drains.
16

17 Mr. Einck stated that the topographical map indicates that the lot drains to the northeast.
18

19 Ms. Capel asked Mr. Einck if the lot draining into the field will be a problem for the farmer.
20

21 Mr. Einck stated no.
22

23 Ms. Capel asked the Board and staff if there were any questions for the petitioner.
24

25 Mr. Hall asked Mr. Einck if he had any concern that the surface drainage would create any issues in the
26 field; it is very flat, and it doesn't seem likely that there will be any concentrated ponding that would
27 create a problem. He asked Mr. Einck if he had talked to the farmer about their proposal.
28

29 Mr. Einck stated that they have spoken with Mr. Eichhorst, previous owner of the subject property, and
30 he understands what they are proposing on the two acres. He said that the Illinois Department of
31 Transportation garage, which is on a graveled lot as well, is near the subject property and Mr. Eichhorst
32 knows that their entire lot drains towards his field and he has always just dealt with it.
33

34 Mr. Hall asked Mr. Einck if the same situation is likely to occur from his lot.
35

36 Mr. Einck stated no, because they will have green areas and a fence around the perimeter of their lot. He
37 said that he does not see a real rush of water coming from his property.
38

39 Mr. Hall stated that during the past year, the Board has heard a couple of cases where neighbors were
40 very unhappy about the way that the roof drainage was directed onto their property. He asked Mr. Einck

1 if he knew which way his roof would drain, and does he see any issues with it.

2
3 Mr. Einck stated that the building will be placed on the west side of the lot, which runs north/south, and
4 there will be a 15 feet grass easement that still belongs to Mr. Eichhorst that they will maintain. He said
5 that the map indicates a tower site which is straight north of the subject property, and IDOT has
6 purchased the area to the north of the tower site extending to the interstate for expansion of their
7 maintenance facility, and they have begun to fence and gravel the entire area. He said that their building
8 will be against the fence of the IDOT property and it will have the entire east side for drainage.

9
10 Ms. Griest asked Mr. Einck to indicate their outdoor storage.

11
12 Mr. Einck stated that they are a plumbing company and they have pull behind job trailers. He said that
13 there may be some piping that is left over from jobs that will be placed behind the building so that it is
14 not visible, but the trailers will be visible.

15
16 Mr. Hall stated that there is a wash bay indicated on the floor plan for the building. He asked Mr. Einck
17 if all washing of the vehicles and trailers will be conducted inside of the building.

18
19 Mr. Einck stated yes.

20
21 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Einck, and there was no one.

22
23 Ms. Capel asked Mr. Hall if there was a provision regarding screening.

24
25 Mr. Hall stated that the screening provision is part of Special Condition D. He said that the special
26 condition requires a Type D screen along the east property line and east of the access drive.

27
28 Ms. Capel reviewed the Special Conditions with the petitioner. She informed Mr. Einck that he must
29 indicate if he agrees or disagrees with each proposed special condition.

30
31 Ms. Capel read Special Condition A.

32
33
34 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
35 **proposed Contractors Facility (with or without Outdoor Storage and Operations)**
36 **until the petitioner has demonstrated that the proposed Special Use complies with**
37 **the Illinois Accessibility Code.**

38
39 The special condition stated above is necessary to ensure the following:
40 **That the proposed Special Use meets applicable state requirements for**

1 accessibility.

2
3 Ms. Capel asked Mr. Einck if he agreed with Special Condition A.

4
5 Mr. Einck indicated that the he agreed with Special Condition A.

6
7 Ms. Capel read Special Condition B.

8
9 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
10 **issue a Zoning Compliance Certificate on the subject property until the lighting**
11 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

14 **That exterior lighting for the proposed Special Use meets the requirements**
15 **established for Special Uses in the Zoning Ordinance.**

16
17 Ms. Capel asked Mr. Einck if he agreed with Special Condition B.

18
19 Mr. Einck indicated that the he agreed with Special Condition B.

20
21 Ms. Capel read Special Condition C.

22
23
24 **C. The owners of the subject property hereby recognize and provide for the right of**
25 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
26 **Resolution 3425.**

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

28 **Conformance with LRMP Policy 4.2.3.**

29
30 Ms. Capel asked Mr. Einck if he agreed with Special Condition C.

31
32 Mr. Einck indicated that the he agreed with Special Condition C.

33
34 Ms. Capel read Special Condition D.

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37 **D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
38 **proposed Contractors Facility until the petitioner has demonstrated that a Type D**
39 **screen has been installed inside the south property line to the east of the access drive**

1 **and along the east property line, to screen the proposed uses from adjacent**
2 **residential properties, as indicated on the approved Site Plan.**

3
4 The above special condition is required to ensure the following:

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

7
8 Mr. Hall stated that, “as indicated on the approved Site Plan,” should be stricken from Special Condition
9 D., because the screening is not indicated on the site plan and is why Special Condition D. is necessary.

10
11 Ms. Capel asked Mr. Einck if he agreed with amended Special Condition D.

12
13 Mr. Einck indicated that the he agreed amended with Special Condition D.

14
15 Mr. Hall read Special Condition E.

16
17 **E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
18 **authorizing occupancy of the proposed building until the Zoning Administrator has**
19 **received a certification of inspection from an Illinois Licensed Architect or other**
20 **qualified inspector certifying that the new building complies with the following**
21 **codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008**
22 **or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
23 **Plumbing Code.**

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

25 **New buildings shall be in conformance with Public Act 96-704.**

26
27 Ms. Capel asked Mr. Einck if he agreed with Special Condition E.

28
29 Mr. Einck indicated that the he agreed with Special Condition E.

30
31 Ms. Griest stated that due to the nature of the petitioner’s business, a licensed plumbing, heating, air
32 conditioning, and electric agency, they could provide their own certification under their licensure
33 indicating compliance with Public Act 96-704.

34
35 Mr. Hall stated that Ms. Griest’s statement seems reasonable, but regarding the oil separator, the State of
36 Illinois inspector likes to ensure compliance with an inspection.

37
38 Ms. Griest stated that she wanted the petitioner to understand that they did not need to hire an outside
39 licensed contractor to indicate compliance with Public Act 96-704. She said that it is not necessary for

1 the petitioner to incur the additional expense.

2
3 Mr. Hall stated that Ms. Griest’s statement appears reasonable.

4
5 Ms. Capel entertained a motion to approve the special conditions as amended.

6
7 **Mr. Elwell moved, seconded by Ms. Lee, to approve the special conditions as read. The motion**
8 **carried by voice vote.**

9
10 Ms. Capel stated that there are no new Documents of Record.

11
12 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony
13 regarding the two cases, and there was no one.

14
15 Ms. Capel stated that the Board will now review the Findings of Fact for Cases 909-S-18 and 910-V-18.

16
17 **FINDINGS OF FACT FOR CASES 909-S-18 and 910-V-18:**

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19 **From the documents of record and the testimony and exhibits received at the public hearing for**
20 **zoning cases 909-S-18 and 910-V-18 held on July 26, 2018, the Zoning Board of Appeals of**
21 **Champaign County finds that:**

22
23 **1. The requested Special Use Permit IS necessary for the public convenience at this location**

24
25 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
26 location because the subject property is located on Leverett Road, approximately 0.9 road miles
27 northeast of the I-57 interchange at Market Street.

28
29 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
30 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
31 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
32 **public health, safety, and welfare because:**

33
34 **a. The street has ADEQUATE traffic capacity and the entrance location has**
35 **ADEQUATE visibility.**

36
37 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has
38 ADEQUATE visibility.

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40 **b. Emergency services availability is ADEQUATE.**

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Ms. Griest stated that emergency services availability is ADEQUATE.

c. The Special Use WILL be compatible with adjacent uses.

Mr. Elwell stated that the Special Use WILL be compatible with adjacent uses.

d. Surface and subsurface drainage will be ADEQUATE.

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

e. Public safety will be ADEQUATE.

Mr. Elwell stated that public safety will be ADEQUATE.

f. The provisions for parking will be ADEQUATE.

Mr. Elwell stated that the provisions for parking will be ADEQUATE.

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

Ms. Griest stated that the property IS WELL SUITED OVERALL for the proposed improvements because it is adjacent to other commercial uses, and is located on Leverett Road, approximately 0.9 road miles northeast of the I-57 interchange at Market Street.

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

Mr. Elwell stated that existing public services ARE available to support the proposed SPECIAL USE without undue public expense.

i. Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

Ms. Griest stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense because the site is located in a developed business area.

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS

1 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
2 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
3 and welfare.
4

5 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
6 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
7 **DISTRICT in which it is located.**
8

9 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
10 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
11 which it is located.
12

13 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
14 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
15 **is located because:**
16

17 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
18 **and codes.**
19

20 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances
21 and codes.
22

23 **b. The Special Use WILL be compatible with adjacent uses.**
24

25 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.
26

27 **c. Public safety will be ADEQUATE.**
28

29 Mr. Elwell stated that public safety will be ADEQUATE.
30

31 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
32 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.
33

34 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
35 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**
36 **because:**
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38 **a. The Special Use is authorized in the District.**

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

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

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

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

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

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

Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

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

Ms. Capel stated that the requested Special Use IS NOT an existing nonconforming use.

- 6. Regarding the variance:**

- a. Special conditions and circumstances DO 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.**

Ms. Griest stated that special conditions and circumstances DO 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 the road improvements in the area contribute to the drainage capacity that is already there.

- b. Practical difficulties or hardships created by carrying out the strict letter of the**

1 regulations sought to be varied WILL prevent reasonable or otherwise permitted
2 use of the land or structure or construction.

3
4 Ms. Griest stated that practical difficulties or hardships created by carrying out the strict letter of the
5 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
6 structure or construction.

7
8 Ms. Capel stated that adding the loading berth is unnecessary construction because there is adequate
9 space for unloading on the property. She said that adding the engineering review of the Stormwater
10 Management would increase the cost significantly to the land owner.

11
12 Mr. Hall stated that there does not appear to be any existing drainage issues that need engineering.

13
14 c. The special conditions, circumstances, hardships, or practical difficulties DO NOT
15 result from actions of the applicant.

16
17 Mr. Elwell stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
18 result from actions of the applicant.

19
20 Ms. Capel stated that the property does not appear to have any drainage uses.

21
22 Ms. Griest stated that no part of the subject property is located within the mapped floodplain.

23
24 Mr. Hall stated that this is a requirement in the ordinance that needs modified, because it is clear that the
25 petitioner will be able to move materials without a dock.

26
27 Ms. Griest stated that when the petitioner unloads the materials with the forklift, they will be receiving
28 those materials on a flatbed trailer and not an enclosed trailer; therefore, a loading berth is not necessary.
29 She said that for safety purposes, a flatbed trailer must be unloaded on a solid surface and not a loading
30 dock. She said that the nature of their business precludes the use of a loading dock and requires surface
31 loading and unloading.

32
33 d. The requested variance IS in harmony with the general purpose and intent of the
34 Ordinance.

35
36 Ms. Griest stated that the requested variance IS in harmony with the general purpose and intent of the
37 Ordinance because there is excellent road access and other commercial operations in the area.

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

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Mr. Elwell stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because there is excellent road access and other commercial operations in the area.

- f. The requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.**

Ms. Capel stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Contractors Facility (with or without Outdoor Storage and Operations) until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.

- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:
That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- C. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:
Conformance with LRMP Policy 4.2.3.

- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**

1 **proposed Contractors Facility until the petitioner has demonstrated that a Type D**
 2 **screen has been installed inside the south property line to the east of the access drive**
 3 **and along the east property line, to screen the proposed uses from adjacent**
 4 **residential properties.**

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

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

9
 10 **E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 11 **authorizing occupancy of the proposed building until the Zoning Administrator has**
 12 **received a certification of inspection from an Illinois Licensed Architect or other**
 13 **qualified inspector certifying that the new building complies with the following**
 14 **codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008**
 15 **or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
 16 **Plumbing Code.**

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

18 **New buildings shall be in conformance with Public Act 96-704.**

19
 20 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
 21 of Fact for Cases 909-S-18 and 910-V-18, as amended.

22
 23 **Ms. Lee moved, seconded by Mr. Elwell to adopt the Summary of Evidence, Documents of Record**
 24 **and Findings of Fact, as amended. The motion carried by voice vote.**

25
 26 Ms. Capel entertained a motion to move to the Final Determinations for Cases 909-S-18 and 910-V-18.

27
 28 **Ms. Griest moved, seconded by Ms. Lee, to move to the Final Determination for Cases 909-S-18**
 29 **and 910-V-18. The motion carried by voice vote.**

30
 31 Ms. Capel informed the petitioners that currently the Board has three members absent; therefore, it is at the
 32 petitioners' discretion to either continue Case 909-S-18 and 910-V-18 until a full Board is present or request
 33 that the present Board move to the Final Determinations. She informed the petitioners that four affirmative
 34 votes are required for approval.

35
 36 Mr. Hall noted that there was not a lot of discussion during the Finding of Fact, but if the Board is inclined
 37 to not support the request, then those concerns should have been discussed during the Finding of Fact so that
 38 the petitioner has an idea of the potential outcome of vote taken tonight. He said that staff was taken by
 39 surprise during the final vote for Case 895-AT-18, because there were no negative findings and yet there

1 were two negative votes during the final determination’s roll call vote. He said that the text amendment was
 2 still able to proceed with a positive recommendation. He said that since there is a bare quorum of the Board
 3 present tonight, a positive outcome would require four affirmative votes for the four Board members present
 4 tonight. He informed Mr. Einck that it is reasonable to request a vote tonight, but he, himself, had a very bad
 5 surprise at the last meeting and once the Board makes a decision, the case cannot come back unless there is a
 6 significant change.

7
 8 Ms. Lee noted that there were no negative findings for Cases 909-S-18 and 910-V-18, which is a factor in
 9 itself.

10
 11 Mr. Hall stated that one would think so, but he was very burned during the final vote for the text amendment,
 12 so he is sensitive to that right now.

13
 14 The petitioners requested that the present Board proceed to the Final Determinations for Cases 909-S-18 and
 15 910-V-18.

16
 17 **FINAL DETERMINATION FOR CASE 909-S-18:**

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 19 **Ms. Griest moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds**
 20 **that, based upon the application, testimony, and other evidence received in this case, the requirements**
 21 **of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section**
 22 **9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

23 **The Special Use requested in Case 909-S-18 is hereby GRANTED WITH SPECIAL**
 24 **CONDITIONS to the applicants, Fred and Justin Einck, d.b.a. Fred's Plumbing, Heating, Air**
 25 **Conditioning and Electric, Inc., to authorize the following as a Special Use on land in the AG-1**
 26 **Agriculture Zoning District:**

27
 28 **Authorize a Special Use Permit for a Contractor’s Facility with outdoor storage and outdoor**
 29 **operations in the AG-1 Agriculture Zoning District.**

30
 31 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 32
 33 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed**
 34 **Contractors Facility (with or without Outdoor Storage and Operations) until the petitioner**
 35 **has demonstrated that the proposed Special Use complies with the Illinois Accessibility**
 36 **Code.**
 37
 38 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a**
 39 **Zoning Compliance Certificate on the subject property until the lighting specifications in**
 40 **Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

- 1
- 2 **C. The owners of the subject property hereby recognize and provide for the right of agricultural**
- 3 **activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- 4
- 5 **D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
- 6 **proposed Contractors Facility until the petitioner has demonstrated that a Type D screen**
- 7 **has been installed inside the south property line to the east of the access drive and along the**
- 8 **east property line, to screen the proposed uses from adjacent residential properties.**
- 9
- 10 **E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing**
- 11 **occupancy of the proposed building until the Zoning Administrator has received a**
- 12 **certification of inspection from an Illinois Licensed Architect or other qualified inspector**
- 13 **certifying that the new building complies with the following codes: (A) the 2006 or later**
- 14 **edition of the International Building Code; (B) the 2008 or later edition of the National**
- 15 **Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

16 Ms. Capel requested a roll call vote.

17

18 The roll was called as follows:

19

20	Lee – yes	Passalacqua – absent	Randol – absent
21	Elwell – yes	DiNovo – absent	Griest – yes
22	Capel – yes		

23

24 **FINAL DETERMINATION FOR CASE 910-V-18:**

25

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

31

32 The Variance requested in Case 910-V-18 is hereby GRANTED to the applicant, Fred and Justin
33 Einck, d.b.a. Fred's Plumbing, Heating, Air Conditioning and Electric, Inc., to authorize the following

1 **variance in the AG-1 Agriculture Zoning District:**

2

3 **Part A: Authorize a variance for 0 loading berths in lieu of the minimum required 2 loading**
4 **berths for commercial and industrial uses in the AG-1 Agriculture Zoning District, per**
5 **section 7.4.2 D. of the Champaign County Zoning Ordinance, subject to the request for**
6 **Special Use Permit approval in related Case 909-S-18.**

7

8 **Part B: Authorize a variance from the Champaign County Stormwater Management and**
9 **Erosion Control Ordinance, which requires a Stormwater Drainage Plan and**
10 **review for more than one acre of impervious area on a lot that is 2 acres in area.**

11

12 Ms. Capel requested a roll call vote.

13

14 The roll was called as follows:

15

- | | | | |
|----|---------------------|-----------------------------|------------------------|
| 16 | Lee – yes | Passalacqua – absent | Randol – absent |
| 17 | Elwell – yes | DiNovo – absent | Griest – yes |
| 18 | Capel – yes | | |

19

20 Mr. Hall informed the petitioner’s that they have received approvals for both cases. He noted that Ms.
21 Burgstrom will be in contact regarding final paperwork, and if the petitioners have any questions they should
22 contact the office.

23

24 **Case 911-V-18 Petitioner: Laura Ehmen, agent for Eunice Ehmen, with Taylor Ehmen and**
25 **Roderick Beyers. Request to authorize a variance in the AG-1 Agriculture Zoning District for the**
26 **creation of a lot on best prime farmland that is 3.961 acres in lieu of the maximum area of 3 acres**
27 **for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning**
28 **Ordinance. Location: Part of a 76.87-acre tract of land located in the Northwest Quarter of the**
29 **Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal**
30 **Meridian in St. Joseph Township, with an address of 2071 Homer Lake Road, St. Joseph.**

31

32 Ms. Capel informed the audience that Case 911-V-18 is an Administrative Case and as such, the County
33 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will
34 ask for a show of hands for those who would like to cross-examine, and each person will be called upon.
35 She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
36 questions. She said that those who desire to cross-examine are not required to sign the witness register
37 but are requested to clearly state their name before asking any questions. She noted that no new

1 testimony is to be given during the cross-examination. She said that attorneys who have complied with
2 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

3
4 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
5 the witness register for that public hearing. She reminded the audience that when they sign the witness
6 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
7 and there was no one.

8
9 Ms. Capel asked the petitioners if they desired to make a statement regarding their request.

10
11 Mr. Danny Ehmen, who resides at 2049 CR 1850N, St. Joseph, stated that he is present tonight to
12 represent the petitioners. He said that this tract of land has been in the Ehmen family since 1945. He
13 said that Eunice Ehmen has decided to sell the homestead and relocate to town. He said that Eunice has
14 decided to sell the 3.961 acres including the homestead to his daughter Taylor, and another relative
15 intends to purchase the farmland that Mr. Ehmen currently farms. He said that nothing is really
16 changing as he will still farm the farmland and his daughter Taylor will be purchasing the existing
17 homestead consisting of 3.961 acres.

18
19 Ms. Capel asked the Board and staff if there were any questions for Mr. Ehmen, and there were none.

20
21 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Ehmen, and there was no one.

22
23 Ms. Capel stated that there are no special conditions.

24
25 Ms. Capel stated that the Board will move to the Findings of Fact.

26
27
28 **FINDINGS OF FACT FOR CASE 911-V-18:**

29 From the documents of record and the testimony and exhibits received at the public hearing for zoning
30 case **911-V-18** held on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

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

34 Ms. Lee stated that special conditions and circumstances DO exist which are peculiar to the land or
35 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
36 the same district because these buildings existed prior to 1973 and with it being a flag lot, additional
37 acreage is added to this parcel.

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

4 Mr. Elwell stated that practical difficulties or hardships created by carrying out the strict letter of the
 5 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 6 structure or construction.

7 Ms. Griest stated that without the variance, existing lawn or trees must be removed from the homestead
 8 area.

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

11 Ms. Griest stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
 12 result from actions of the applicant because this is a 5th generation family farmstead.

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

15 Ms. Griest stated that the requested variance IS in harmony with the general purpose and intent of the
 16 Ordinance because it preserves existing farmland and two family members will benefit from this lot
 17 creation.

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

20 Mr. Elwell stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
 21 detrimental to the public health, safety, or welfare.

22 Ms. Griest stated that the drainage district, the highway/township, and the fire department were notified,
 23 and no comments or concerns were received.

24 **6. The requested variance IS the minimum variation that will make possible the reasonable**
 25 **use of the land/structure.**

26 Mr. Elwell stated that the requested variance IS the minimum variation that will make possible the
 27 reasonable use of the land/structure.

28 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

29 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of

1 Fact for Case 911-V-18, as amended.

2 **Ms. Griest moved, seconded by Mr. Elwell, to adopt the Summary of Evidence, Documents of Record,**
3 **and Findings of Fact for Case 911-V-18, as amended. The motion carried by voice vote.**

4 Ms. Capel entertained a motion to move to the Final Determination for Case 911-V-18.

5 **Ms. Lee moved, seconded by Ms. Griest, to move to the Final Determination for Case 911-V-18. The**
6 **motion carried by voice vote.**

7 Ms. Capel informed the petitioners that currently the Board has three members absent; therefore, it is at the
8 petitioners’ discretion to either continue Case 911-V-18 until a full Board is present or request that the
9 present Board move to the Final Determination. She informed the petitioners that four affirmative votes are
10 required for approval.

11
12 Mr. Ehmen requested that the present Board proceed to the Final Determination for Case 911-V-18.

13
14 **FINAL DETERMINATION FOR CASE 911-V-18:**

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

20 **The Variance requested in Case 911-V-18 is hereby GRANTED to the petitioners, Laura Ehmen,**
21 **agent for Eunice Ehmen, Taylor Ehmen, and Roderick Beyers, to authorize the following variance in**
22 **the AG-1 Agriculture Zoning District:**

23
24 **Authorize a variance in the AG-1 Agriculture Zoning District for the creation of a lot on**
25 **best prime farmland that is 3.961 acres in lieu of the maximum area of 3 acres for lots with**
26 **soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning**
27 **Ordinance.**

28
29 Ms. Capel requested a roll call vote.

30
31 The roll was called as follows:

32
33 **DiNovo – absent Griest – yes Lee – yes**
34 **Passalacqua – absent Randol – absent Elwell – yes**
35 **Capel – yes**

1
2 Mr. Hall informed the petitioner's that they have received an approval for their variance request. He noted
3 that Ms. Burgstrom will be in contact regarding final paperwork, and if the petitioners have any questions
4 they should contact the office.
5
6

7 **Case 912-S-18 Petitioner: Mark and Krisi Pflugmacher Request to authorize a Special Use Permit**
8 **for construction of an artificial lake of approximately 6 acres in area in the CR Conservation**
9 **Recreation Zoning District, per Section 5.2 of the Zoning Ordinance. Location: A minimum of 35**
10 **acres in the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of**
11 **Section 19 of Township 21 North, Range 8 East of the Third Principal Meridian in Condit**
12 **Township.**
13

14 **Case 913-V-18: Petitioner: Mark and Krisi Pflugmacher Request to authorize a variance for a**
15 **proposed lot without access to a street consisting of solid ground passable to emergency vehicles,**
16 **no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the**
17 **Zoning Ordinance. Location: A minimum of 35 acres in the South Half of the Northeast Quarter,**
18 **and the North Half of the Southeast Quarter of Section 19 of Township 21 North, Range 8 East of**
19 **the Third Principal Meridian in Condit Township.**
20

21 Ms. Capel informed the audience that Case 912-V-18 is an Administrative Case and as such, the County
22 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will
23 ask for a show of hands for those who would like to cross-examine, and each person will be called upon.
24 She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
25 questions. She said that those who desire to cross-examine are not required to sign the witness register
26 but are requested to clearly state their name before asking any questions. She noted that no new
27 testimony is to be given during the cross-examination. She said that attorneys who have complied with
28 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.
29

30 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
31 the witness register for that public hearing. She reminded the audience that when they sign the witness
32 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
33 and there was no one.
34

35 Ms. Capel asked Mr. Pflugmacher if he desired to make a statement regarding the requests.
36

37 Mr. Mark Pflugmacher, who resides at 203A West Shelly Drive, Thomasboro, stated that he and his wife
38 own 120 acres located northwest of Fisher and they desire to construct a home and a six-acre lake on the
39 property. He said that, in order to get to the location where they intend to construct their home, they
40 must cross the Lower Big Slough Drainage Ditch, so they will need to build a bridge to cross it.

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Ms. Capel stated that the reason for the variance is because, to access the desired location for the home, the petitioners will need to cross the bridge over drainage ditch.

Ms. Capel asked the Board and staff if there were any questions for Mr. Pflugmacher.

Mr. Hall stated that he had no questions. He said that there are several proposed special conditions, and the key special condition is the coordination with the drainage district regarding how close the lake can be to the drainage ditch, any outlet to the ditch from the lake, and the location of any abutment for the proposed bridge. He said that staff received a letter from the drainage district indicating that they are comfortable with the proposal, although the special condition will remain as part of the case approval. He said that the drainage district letter does not indicate anything regarding the proximity of the lake to the ditch, so before any construction of the bridge or lake could occur, staff would need written approval from the drainage district referring to the most recent plan for the lake and the engineering plans for the bridge.

Mr. Pflugmacher stated that the letter from the drainage district indicates that they have reviewed the plans for the bridge and the lake and both appear to have been designed properly.

Mr. Hall stated that he assumes that the lake will outlet directly into the ditch. He asked Mr. Pflugmacher if the lake will have a surface overflow.

Mr. Pflugmacher stated that there will not be a dam that is over six feet tall. He said that there is a natural area where they will have an overflow into the property and then it will eventually go into the Lower Big Slough.

Mr. Hall stated that there is no construction proposed inside of the drainage ditch.

Mr. Pflugmacher stated no, they will be using existing structures.

Mr. Hall stated that staff needs to know that the drainage district is approving however close the lake is proposed to the ditch. He said the Soil and Water Conservation District Report mentioned a distance of 36 feet, but staff asked them to indicate the basis for the 36 feet and the SWCD could not recall. He said that the Board has had instances in the past where folks excavated closer to a drainage ditch than the drainage district wanted, so staff needs to know that the drainage district is okay with that.

Mr. Pflugmacher stated they will actually be more than 60 feet from the bank of the ditch. He said that he is one of the commissioners for the drainage district, and the only thing that the other two commissioners were concerned about was how he would get an excavator across there, sediment removal causing seepage and a blowout. He said that the lake will not be above the bank of the ditch.

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Mr. Hall asked Mr. Pflugmacher to indicate the 60 feet separation from the lake to the top of the bank of drainage ditch on the site plan.

Mr. Pflugmacher stated that he will indicate that on the site plan. He asked Mr. Hall if he still needed approval from the drainage district in writing.

Mr. Hall stated yes, because the previous letter does not address their concerns.

Ms. Griest asked Mr. Hall that she is concerned about the division of the acreage into two lots with a minimum of 35 acres each, and she would like to make sure that the new driveway remains in joint ownership with the back lot. She said that it is important that access to the back lot is not by an easement. She said that the drawings do not indicate anything about access to the back lot, but the driveway to the back portion needs to be in joint ownership with the back portion and not through an easement of access.

Mr. Pflugmacher asked Ms. Griest if she wants something in writing indicating that the back lot will have clear access.

Ms. Griest stated yes. She said that she wondered if there needs to be a special condition regarding the back lot's access, so that the requirements are clear when the two lots are created.

Mr. Hall agreed with Ms. Griest, because the way that the variance is worded, that would not have to be the case. He said that he will compose a special condition regarding Ms. Griest's concern for the petitioner's consideration.

Ms. Capel asked the Board and staff if there were any additional questions for Mr. Pflugmacher and there were none.

Ms. Capel asked the audience if anyone desired to cross-examine Mr. Pflugmacher, and there was no one.

Ms. Capel called Vincent Hock to testify.

Mr. Vincent Hock, who resides at 2638 CR 600E, Mahomet, stated that he is present tonight as the Condit Township Supervisor and as a landowner. He said that he needs to be careful with his testimony because he is the township supervisor who must sign off on the request and he is a landowner in Condit Township, and he must separate his testimony between the two. He said that he was notified of the requests on July 11th, which is when the township received the notice indicating the two requests, although after reading the memorandum it appears that the requests started in August 2015. He said that

1 after reading the information provided by staff and being intimately familiar with the subject property,
2 which is just one small farm away from his property that has a four and one-half acre pond with a dam.
3 He said that his pond/dam drains the acreage to the north and west to County Road 600E. He said that
4 there are a number of issues that he has encountered with the dam that was built in 1968 and it has cost
5 him a fortune to rebuild it a few times. He said that he is extremely concerned about the design and
6 construction of the proposed pond and dam; for example, a six-acre dam, using an average of 10 feet
7 deep is considered 60-acre feet, and he won't go into how this is calculated but the information is
8 available online. He said that a six-acre pond/dam will hold 19,551,018 gallons of water, which is not a
9 trivial amount of water. He said that if the lake is filled to capacity a two-inch rain would equate to one-
10 acre feet of water, which will amount to 325,851 gallons of water flowing out of the lake. He said that
11 he did not build a lake, but the lake was built as a dam that is almost 20 or 30 feet high; therefore, it
12 contains runoff water from fields to the north. He said that there is a 30-inch overflow pipe which
13 directly leads to a huge 12-inch tile that goes down and empties into the Big Ditch. He said that within
14 20 to 30 minutes of a heavy two-inch rain, the amount of water that comes into their dam will overflow.
15 He said that the dam was built with a safety so that house does not flood, so the water goes over the
16 safety and flows to the south, and since the water does not have a lot of force at that point, there is not a
17 lot of erosion and it doesn't hurt the field and will eventually drain down into the soil bed or drain into
18 the Big Ditch.

19
20 Mr. Hock stated that without seeing the actual construction plan it is difficult to know how high the
21 elevation of the proposed lake would be above the Big Ditch. He noted that the Champaign County Soil
22 and Water Conservation District (CCSWCD) Report from Jonathon Manuel was not signed. He said
23 that the CCSWCD had concerns regarding the soil types, which are clays and silts that are erodible and
24 have severe limitations for the development in its natural and unimproved state. Mr. Hock stated that he
25 would assume that the people who will be constructing the pond/dam would have to ensure that there
26 would not be any wetness or ponding south of the lake, which would cause soil erosion into the Big
27 Ditch. He said that he has only had tonight to review the information provided by staff, but at first
28 glance he did notice that the CCSWCD Report was not signed, and that is important.

29
30 Mr. Hock stated that he is familiar with the old bridge and attempts by Myron Isaac, the landowner to the
31 south, to improve the bridge so that current farm equipment can cross the bridge. He said that the
32 current bridge was built many years ago and it may only be a steel railroad trolley, but it has been
33 functional, although he has not been across it for many years. He said that he is not opposed or
34 unopposed at this point regarding the division of the land, because they meet the ordinance requirement
35 of 35 acres, although he would like to see more information related to the road and how it is proposed to
36 get back out to County Road 700E. He said that if he was on the Zoning Board of Appeals (ZBA), he
37 could not approve this request without reviewing the amount of sedimentation and drainage control that
38 will go into the Big Ditch. He said that if a two-inch rain is received, which has been very common, the
39 water is over six inches above the 30-inch safety pipe for his dam and it does cause erosion. He said that
40 in knowing the soil types, he would like to see the full plans for the construction of the lake and how the

1 water will flow into the crop land or sediment plain. He said that the problem with several two or four-
2 inch rains is that the soil becomes saturated and there is no place for the water to go other than to the Big
3 Ditch. He said that distance from the Big Ditch would be an issue and what would they do with the
4 sediment between the Big Ditch and the edge of the lake. He said that there really needs to be signed off
5 document from the CCSWCD and from IDNR regarding the proposed bridge. He said that the road
6 needs to be reviewed, especially if the property owner to the south is bringing in farm equipment which
7 weighs over 100,000 pounds on the road for access to their fields.

8
9 Mr. Hock stated that he works for the U.S. Army Corps of Engineers in Champaign although he does not
10 get into land permits or dam safety. He said that he does not believe that the U.S. Army Corps of
11 Engineers would not get involved in issuing a permit for a dam, because the usual size for that process is
12 25 acres or above. He said that the property owner will need to contact the Rock Island District
13 regarding the floodplain, and as a landowner near the subject property, he would like to see the proposed
14 plan and what the U.S. Army Corps of Engineers said about the floodplain.

15
16 Mr. Hock stated that as the Condit Township Supervisor he would want to see the same kinds of things
17 as a landowner. He said that he spoke to Ron Scudder, Condit Township Highway Commissioner, and
18 he agreed that the construction of the lake, even if it floods and adds over 300,000 gallons of water to the
19 Big Ditch, will be a problem for the landowner, and would not impact the township's role for
20 maintaining CR 700E. He said that the bridge that crosses the Big Ditch will flood after several two or
21 three-inch rains and they have seen instances when the water will touch the bottom of the bridge, but it
22 has never gotten over the top of the bridge. He said that if the new lake is constructed it will help control
23 drainage runoff from the north, but it could impact the drainage to the west and Isaacs would get the
24 brunt of it. He said that anything that would add half a million gallons to the Big Ditch during a big rain
25 event could impact the bridge on CR 600E. He said that without the plans and details of the proposed
26 lake, the height, depth and impacts are unknown. He said that normally, everything is measured from
27 the centerline of a ditch, so if the lake is 60 feet from centerline of the ditch, it is not much. He said that
28 downstream part of his dam is one-eighth of a mile from the centerline of the Big Ditch, and once the
29 water goes over the safety pipe it has a chance to spread out. He said that in the 1990s there was a 500-
30 year flood and literally put four feet of water down below, because it came straight across from the north
31 and down to the dam where it exceeded one foot and put four feet of water in the lower 40 acres which
32 made it and the Big Ditch at the same level. He said that the owners are very good people and he knew
33 Kristy's father, Joe Warner, very well, but it is pre-mature to approve a special use permit for this
34 proposed use until a 50% plan review of the dam and lake construction is submitted for review, and the
35 U.S. Army Corps of Engineers uses 500- year flood data as a benchmark. He said that a few years ago
36 he raised his dam several feet to help control the runoff, but he does have a safety. He said that he would
37 like to see if the lake is just flat or will it have a safety overflow, which it should, but there could be a
38 number of 24" to 36" overflow pipes directed into the Big Ditch that would require authorization from
39 the drainage district. He said that this is why the plans are important, and the bridge would need to be
40 built to handle the weight of current farm equipment.

1
2 Mr. Hall stated that he wrote a letter to the petitioners in 2014, but this case literally started tonight, and
3 as the township supervisor and an adjacent landowner, Mr. Hock received notice. Mr. Hall stated that
4 the hydrologic design of the lake will have to comply with the Storm Water and Erosion Control
5 Ordinance requirements, which will limit the release for anything that is a 50-year storm or less and will
6 greatly reduce the overflow from a 50-year storm or less, and the overflow will have to pass a 100-year
7 storm. He said that normally the petitioner's engineer will submit the engineering design and the County
8 will have its consulting engineer review that design for conformance. He said that neighbors are not
9 included in the engineering review, but the engineering plans are a matter of public record and Mr. Hock
10 is welcome to review those plans at any time. He said that normally those kinds of things are done
11 outside of the public hearing because the ZBA members are not engineers. He said that IDNR will have
12 to sign-off on any encroachment into the floodway and the U.S. Army Corps of Engineers may have a
13 concern that the east abutment of the bridge is in a mapped wetland, but that is something that the
14 property owner will have to work out with the U.S. Army Corps of Engineers. He said that there are no
15 standards for the structural capacity of the bridge and it is up to the petitioner to decide the intended
16 weight loads that will ever cross the bridge. He said that if Mr. Hock would like to be kept apprised of
17 the review of the Stormwater Drainage Plan regarding the design of the lake, staff can notify Mr. Hock
18 and he can come to the office to review those documents. He said that the floodway design for the bridge
19 is also a public record and Mr. Hock is welcome to review that design at any time. He said that anything
20 less than whatever is greater than a 50-year storm, there will be less water entering the Big Ditch. He
21 said that he did not measure the tributary area that drains to the lake, but he doubts that it is more than
22 just a few hundred acres, and he does not know if Mr. Pflugmacher has an idea of how much area drains
23 to the lake.

24
25 Mr. Hock stated that going straight north of his dam over 400 acres is drained, and they are only one
26 small farm from the proposed lake.

27
28 Mr. Hall stated that if you go very far west the water is drained into the Sangamon River.

29
30 Mr. Hock agreed. He said that, as a landowner, he is concerned with what happens to the north end of
31 his dam during heavy rains, which is approximately 30 acres north of them on the east side. He said that
32 if the proposed lake would overflow and would run past the neighbors onto his ground, he would have
33 more issues because he could not accept more sediment than he already receives. He said that he would
34 like to be kept abreast about the progress of this request. He said that he is not sure that the subject
35 property is considered a wetland, because when he applied for an Environmental Quality Improvement
36 Plan (EQIP) with CCSWCD and USDA-FSA, which took over one year, and if they find one wet spot
37 they challenge the request.

38
39 Ms. Burgstrom stated that she worked with Mr. Manuel regarding the Natural Resource Report, and at
40 that time Mr. Manuel was having computer glitches, so Mr. Manuel agreed to provide an unsigned

1 preliminary report to include in the mailing and promised to provide the signed version shortly.
2
3 Mr. Hock stated that Mr. Manuel indicated in his report that a complete Erosion and Sedimentation Plan
4 should be developed and implemented. He said that he would change the word “should” to “must”
5 because this is not a six-acre pond but is a lake near the Big Ditch and he would like to see the details on
6 it.
7
8 Ms. Capel asked the Board and staff if there were any questions for Mr. Hock and there were none.
9
10 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Hock, and there was no one.
11
12 Mr. Hock stated that the lake could be designed and engineered correctly, but he and the township would
13 like to be kept abreast of the progress.
14
15 Ms. Capel called Holly Labisky to testify.
16
17 Ms. Holly Labisky, who resides at 1904 Hemlock Drive, Champaign, stated that she was present tonight
18 to represent her father, Ronald Labisky, who is an adjacent landowner to the subject property. She said
19 that Mr. Hock is her neighbor to the west and she too is concerned with drainage issues regarding the
20 proposed lake’s construction. She said that her family is not opposed to the request, but they do request
21 that a full engineering report be submitted and approved prior to granting the special use permit.
22
23 Mr. Hall asked Ms. Labisky if she could provide any additional information regarding Mr. Labisky’s
24 concerns.
25
26 Ms. Labisky stated that Mr. Hock has voiced many of the same concerns that her father has regarding the
27 proposed lake. She said that her father has spent a lot of time and money in working with the drainage
28 issues that they have on their current property. She said that the heavy rains that have been discussed are
29 a concerning factor, and even though they are not opposed to the proposed construction of the lake, they
30 would like to make sure that all of the “t’s” are crossed and all of the “i’s” are dotted and that everything
31 has been thoroughly reviewed so that not only their land is protected, but also the land of their neighbors.
32
33 Mr. Hall stated that all documents that are submitted for the engineering review, are a matter of public
34 record, and anyone is welcome to come to the office to review those documents. He said that normally,
35 the engineering plans are submitted after the special use permit is approved and staff can answer
36 questions at that time. He said that the petitioner has agreed to construct the lake according the County’s
37 Storm Water Management and Erosion Control Ordinance and as long as that is done, then that is what
38 the requirement is.
39
40 Ms. Labisky stated that the information provided tonight was not available for her father’s review, but

1 when her father requested that she be here tonight he instructed her to make sure that everything is being
2 done according to proper procedure.
3
4 Ms. Capel asked the Board and staff if there were any questions for Ms. Labisky, and there was no one.
5
6 Ms. Capel asked the audience if anyone desired to cross-examine Ms. Labisky, and there was no one.
7
8 Ms. Capel asked the audience if anyone desired to sign the witness register to submit testimony
9 regarding this case, and there was no one.
10
11 Ms. Griest stated that in looking at the Summary of Evidence, in particular item 5.A. (c)., indicating that
12 an existing residence located approximately 430 feet west of the ditch did not appear on Champaign
13 County aerial photos until 2014, and had an agricultural exemption from applying for a permit. She
14 asked Mr. Hall if this residence was located on the Labisky parcel or the subject property.
15
16 Mr. Hall stated that the existing residence is located on the 120 acres.
17
18 Ms. Griest asked Mr. Hall, what will happen when the lake is constructed, and another residence is
19 located on the 120 acres.
20
21 Mr. Hall stated that the 120 acres must be divided, and each parcel must be 35 acres or more.
22
23 Ms. Griest asked Mr. Hall if the division will be perpendicular.
24
25 Mr. Hall stated yes.
26
27 Ms. Griest stated that she is trying to find a photograph or drawing indicating where the existing
28 residence is located.
29
30 Ms. Burgstrom stated that Attachment B., the original site plan, date stamped as June 26, 2018, indicates
31 a diamond shaped structure which is just to the left of the pond excavation, and that is the structure that
32 is being referred to.
33
34 Ms. Griest asked if theoretically the pond will be on both lots.
35
36 Mr. Hall stated yes, that is very likely.
37
38 Ms. Griest stated that the diamond shaped structure is right against the pond.
39
40 Mr. Hall stated that currently the land is under one ownership and will stay under one ownership, but

1 because there is an existing dwelling and a proposed dwelling, they must be on two separate lots.

2
3 Ms. Griest stated that the tracts will have to transect the ditch for both tracts so that there is a road
4 frontage of some minimal width for the driveway.

5
6 Ms. Capel asked the Board and staff if there were questions for Mr. Pflugmacher, and there were none.

7
8 Ms. Capel stated that the Board will now review the special conditions with the petitioner.

9
10 Ms. Capel read Special Condition A. as follows:

- 11
12 A. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue**
13 **a Zoning Compliance Certificate on the subject property until the lighting**
14 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

15
16 The special condition stated above is required to ensure the following:

17 **That exterior lighting for the proposed Special Use meets the requirements**
18 **established for Special Uses in the Zoning Ordinance.**

19
20 Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition A.

21
22 Mr. Pflugmacher stated that he agreed with Special Condition A.

23
24 Ms. Capel read Special Condition B. as follows:

- 25
26 B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the**
27 **proposed driveway and/or proposed bridge and/or the proposed lake until all relevant**
28 **and required state and federal permits and reviews have been completed and copies of**
29 **all required state permits have been submitted as part of the Floodplain Development**
30 **Permit application.**

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

33 **The construction of the lake and access bridge conform to the requirements of**
34 **the Champaign County Special Flood Hazard Areas Ordinance.**

35
36 Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition B.

37
38 Mr. Pflugmacher stated that he agreed with Special Condition B.

39
40 Ms. Capel read Special Condition C. as follows:

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- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**
 - (1) **The proximity of the lake to the drainage ditch; and**
 - (2) **Any lake outlet to the drainage ditch; and**
 - (3) **The proposed locations of abutments for the proposed bridge.**

The above special condition is required to ensure the following:
The construction of the lake and access bridge conform to the requirements of the relevant Drainage District.

Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition C.

Mr. Pflugmacher stated that he agreed with Special Condition C.

Ms. Capel read Special Condition D. as follows:

- D. **A complete Storm Water Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process for the lake and all required certifications shall be submitted after construction of the lake prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:
The construction of the lake conforms to the requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.

Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition D.

Mr. Pflugmacher stated that he agreed with Special Condition D.

Ms. Capel read Special Condition E. as follows:

- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

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The above special condition is required to ensure the following:

That all structures on the subject property have the required Zoning Use Permits.

Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition E.

Mr. Pflugmacher stated that he agreed with Special Condition E.

Mr. Hall read new Special Condition F.

F. The driveway to the proposed dwelling shall be contained in the new lot for the the proposed dwelling.

The above special condition is required to ensure the following:

That the new lot complies with Zoning Ordinance requirements regarding driveway location.

Ms. Capel asked Mr. Pflugmacher if he agreed with Special Condition F.

Mr. Pflugmacher stated that he agreed with Special Condition F.

Mr. Pfulgmacher stated that the National Wetlands Inventory satellite aerial indicates a better picture of the subject property than the preliminary site plan.

Ms. Burgstrom stated that the most recent site plan indicates a connecting accessway to both residences.

Mr. Hall stated that is desirable and necessary during construction, but the new special condition is for the new driveway and making sure that it is part of the new lot.

Mr. Pflugmacher stated that the driveway going to the proposed house will not be connected to the driveway to the existing cabin.

Ms. Capel entertained a motion to approve the Special Conditions as amended.

Ms. Griest moved, seconded by Mr. Elwell, to approve the Special Conditions as amended. The motion carried by voice vote.

Ms. Capel noted that there are no new Documents of Record.

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Ms. Capel stated that the Board will now move to the Findings of Fact for both cases.

FINDINGS OF FACT FOR CASE 912-S-18:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **912-S-18** held on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

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

Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this location, because the special use is only for the lake, which is proposed to be for private use.

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

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

Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

b. Emergency services availability is ADEQUATE.

Ms. Griest stated that emergency services availability is ADEQUATE, because the Sangamon Valley Fire Protection District has provided requirements necessary for the fire apparatus to access the site.

c. The Special Use WILL be compatible with adjacent uses.

Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

d. Surface and subsurface drainage will be ADEQUATE.

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE, because the Drainage District and the Illinois Department of Natural Resources will be involved in lake construction requirements.

1 e. Public safety will be ADEQUATE.

2
3 Mr. Elwell stated that public safety will be ADEQUATE.

4
5 f. The provisions for parking will be ADEQUATE.

6
7 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
8 CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that
9 it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to
10 the public health, safety, and welfare.

11
12 3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
13 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the
14 DISTRICT in which it is located.

15
16 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
17 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
18 which it is located.

19
20 3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
21 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it
22 is located because:

23 a. The Special Use will be designed to CONFORM to all relevant County ordinances
24 and codes.

25
26 Mr. Elwell stated that the Special Use will be designed to CONFORM to all relevant County ordinances
27 and codes.

28
29 b. The Special Use WILL be compatible with adjacent uses.

30
31 Mr. Elwell stated that the Special Use WILL be compatible with adjacent uses.

32
33 c. Public safety will be ADEQUATE.

34
35 Mr. Elwell stated that public safety will be ADEQUATE.

36
37 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
38 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

39
40 4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED

1 **HEREIN, IS** in harmony with the general purpose and intent of the Ordinance because:

2 **a. The Special Use is authorized in the District.**

3
4 **b. The requested Special Use Permit IS necessary for the public convenience at this**
5 **location.**

6 Ms. Griest stated that the Special Use Permit IS necessary for the public convenience at this
7 location.

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

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

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

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

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

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

29
30 Ms. Capel stated that the Special Use IS NOT an existing nonconforming use.

31
32 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE**
33 **PARTICULAR PURPOSES DESCRIBED BELOW:**

34
35 **A. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
36 **issue a Zoning Compliance Certificate on the subject property until the lighting**
37 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

38
39 The special condition stated above is required to ensure the following:

40 **That exterior lighting for the proposed Special Use meets the requirements**

established for Special Uses in the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the proposed driveway and/or proposed bridge and/or the proposed lake until all relevant and required state and federal permits and reviews have been completed and copies of all required state permits have been submitted as part of the Floodplain Development Permit application.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the Champaign County Special Flood Hazard Areas Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**

- (1) **The proximity of the lake to the drainage ditch; and**
- (2) **Any lake outlet to the drainage ditch; and**
- (3) **The proposed locations of abutments for the proposed bridge.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the relevant Drainage District.

- D. **A complete Storm Water Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process for the lake and all required certifications shall be submitted after construction of the lake prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the lake conforms to the requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.

- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

The above special condition is required to ensure the following:

That all structures on the subject property have the required Zoning Use Permits.

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F. The driveway to the proposed dwelling shall be contained in the new lot for the new dwelling.

The above special condition is required to ensure the following:

The new lot complies with Zoning Ordinance requirements regarding driveway location.

FINDINGS OF FACT FOR CASE 913-V-18:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **913-V-18** held on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances DO 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.

Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or structure, because the drainage channel completely transects the parcel.

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

Ms. Griest stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction, because the drainage channel completely transects the parcel, and without the variance, the back portion of the lot, which is the only portion above the floodplain, cannot be utilized.

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

Ms. Griest stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from action of the applicant, because the drainage ditch was constructed many years ago.

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

Ms. Griest stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance, because it is necessary to provide access to the rear portion of the lot, which is above the floodplain.

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

3 Ms. Griest stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
4 detrimental to the public health, safety, or welfare, because the Condit Township Road Commissioner had no
5 comment, the Sangamon Valley Fire Protection District submitted a letter regarding bridge capacity
6 necessary for fire protection equipment, and the Drainage District and IDNR will participate in designing any
7 modifications to drainage.

8 **6. The requested variance IS the minimum variation that will make possible the reasonable**
9 **use of the land/structure.**

10 Ms. Griest stated that the requested variance IS the minimum variation that will make possible the
11 reasonable use of the land/structure, because there is no other alternative to the variance to be able to
12 utilize the rear portion of the lot, which is outside the floodplain.

13 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED**

14
15 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
16 of Fact, as amended, for Cases 912-S-18 and 913-V-18.

17
18 **Mr. Elwell moved, seconded by Ms. Griest, to adopt the Summary of Evidence, Documents of**
19 **Record, and Findings of Fact, as amended, for Cases 912-S-18 and 913-V-18. The motion carried**
20 **by voice vote.**

21
22 Ms. Capel entertained a motion to move the Final Determinations for Cases 912-S-18 and 913-V-18.

23
24 **Ms. Griest moved, seconded by Mr. Elwell, to move to the Final Determinations for Cases 912-S-**
25 **18 and 913-V-18. The motion carried by voice vote.**

26
27 Ms. Capel informed the petitioner that currently the Board has three members absent; therefore, it is at Mr.
28 Pflugmacher’s discretion to either continue Cases 912-S-18 and 913-V-18 until a full Board is present or
29 request that the present Board move to the Final Determinations. She informed the petitioner that four
30 affirmative votes are required for approval.

31
32 Mr. Pflugmacher informed the Board that he and his wife have owned this property for 10 years and they
33 didn’t just jump into this proposal. He said that they have studied how to lay out the property, which is why
34 they went with the cabin first, and they decided that this is where they wanted to live and where they wanted
35 to build their home. He said that he is a farmer and he is trying to conserve farmland and gain income from
36 the property, but this is the place where he wants to live and raise his family. He said that he wants to treat

1 his neighbors right and will discuss the plan with the neighbors, and once the engineering plan is completed
2 he will share it with his neighbors for review. He said that he is completely neighborly with this project and
3 it is not his intent to be a bad neighbor.

4
5 Mr. Pflugmacher requested that the present Board proceeds to the Final Determinations for Cases 912-S-18
6 and 913-V-18.

7
8 **FINAL DETERMINATION FOR CASE 912-S-18:**

9
10 **Ms. Griest moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds**
11 **that, based upon the application, testimony, and other evidence received in this case, the requirements**
12 **of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section**
13 **9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

14
15 **The Special Use requested in Case 912-S-18 is hereby GRANTED WITH SPECIAL**
16 **CONDITIONS to the applicants, Mark and Kristi Pflugmacher, to authorize the following**
17 **as a Special Use on land in the CR Conservation Recreation Zoning District:**

18
19 **Authorize a Special Use Permit for construction of an artificial lake of approximately**
20 **6 acres in area in the CR Conservation Recreation Zoning District, per Section 5.2 of**
21 **the Zoning Ordinance.**

22
23 ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

- 24
25 **A. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
26 **issue a Zoning Compliance Certificate on the subject property until the lighting**
27 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- 28
29 **B. The Zoning Administrator shall not authorize a Floodplain Development Permit for**
30 **the proposed driveway and/or proposed bridge and/or the proposed lake until all**
31 **relevant and required state and federal permits and reviews have been completed**
32 **and copies of all required state permits have been submitted as part of the**
33 **Floodplain Development Permit application.**
- 34
35 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
36 **issue a Zoning Compliance Certificate on the subject property until the petitioner**
37 **has received written approval from the Lower Big Slough Drainage District for the**
38 **following:**
 - 39 **(1) The proximity of the lake to the drainage ditch; and**
 - 40 **(2) Any lake outlet to the drainage ditch; and**

- 1 (3) **The proposed locations of abutments for the proposed bridge.**
- 2
- 3 D. **A complete Storm Water Drainage Plan that conforms to the requirements of the**
- 4 **Stormwater Management and Erosion Control Ordinance shall be submitted and**
- 5 **approved as part of the Zoning Use Permit approval process for the lake and all**
- 6 **required certifications shall be submitted after construction of the lake prior to**
- 7 **issuance of the Zoning Compliance Certificate.**
- 8
- 9 E. **The petitioner shall include any unauthorized existing structures in the Zoning Use**
- 10 **Permit Application for the proposed residence and pay associated permit fees for**
- 11 **both the existing and proposed structures.**
- 12
- 13 F. **The driveway to the proposed dwelling shall be contained in the new lot for the new**
- 14 **dwelling.**
- 15

16 Ms. Capel requested a roll call vote.

17
18 The vote was called as follows:

19			
20	Lee – yes	Passalacqua – absent	Randol – absent
21	Elwell – yes	DiNovo – absent	Griest – yes
22	Capel - yes		
23			

24
25 **FINAL DETERMINATION FOR CASE 913-V-18:**

26
27 **Ms. Griest moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds**

28 **that, based upon the application, testimony, and other evidence received in this case, that the**

29 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**

30 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**

31 **Champaign County determines that:**

32
33 **The Variance requested in Case 913-V-18 is hereby GRANTED to the applicants, Mark and Kristi**

34 **Pflugmacher, to authorize the following variance in the CR Conservation Recreation Zoning District:**

35
36
37 **Authorize a variance for a proposed lot without access to a street consisting of solid ground**

38 **passable to emergency vehicles, no less than 20 feet in width, and located entirely within the**

39 **lot lines, per Section 4.2.1 I. of the Zoning Ordinance.**

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Ms. Capel requested a roll call vote.

The vote was called as follows:

Lee – yes	Passalacqua – absent	Randol – absent
Elwell – yes	DiNovo – absent	Griest – yes
Capel - yes		

Mr. Hall informed Mr. Pflugmacher that he has received an approval for both cases. He said that Ms. Burgstrom will be in contact with the final paperwork.

7. Staff Report

None

Ms. Lee stated that her husband’s illness will no longer be a detriment to her attending future ZBA meetings because he passed away this afternoon at Carle Hospital.

The Board and staff voiced their condolences to Ms. Lee.

8. Other Business

A. Review of Docket

Ms. Capel informed the Board that if they are so inclined to hold a special meeting on August 2nd, the meeting room is available. She said that if the petitioner is available, the Board could hear Case 908-S-18, Prairie States Warehouse/Allen Farms only on August 2nd, so that it could be continued to the August 16th meeting, as staff anticipates this case taking more than one meeting to complete and there may be many members of the public attending to provide testimony.

Ms. Griest asked if the meeting should be reserved for Case 908-S-18 only, or would it be possible to move Case 914-S-18 to the August 2nd meeting as well.

Mr. Hall stated that Case 908-S-18 is the only case that has had advertising completed.

Ms. Griest asked if there will be a quorum on August 2nd.

Ms. Burgstrom stated that having a quorum on August 2nd is unknown at this time.

Ms. Lee stated that she has a driver for tonight, but she does not know if she will have a driver available for

1 August 2nd. She said that if she can have someone bring her to the meeting, then perhaps Ms. Capel could
2 take her home.
3
4 Ms. Griest stated that she will be available for the August 2nd meeting.
5
6 Ms. Capel, Mr. Elwell and Ms. Lee stated that they should be in attendance.
7
8 **Ms. Griest moved, seconded by Mr. Elwell, to schedule a Special ZBA Meeting on August 2, 2018, for**
9 **Case 908-S-18, Prairie States Warehouse/Allen Farms. The motion carried by voice vote.**
10
11 Mr. Hall stated that if the petitioner cannot attend the meeting, then the August 2nd meeting will not be held
12 and Case 908-S-18 will be heard on August 16th, as noted on the current docket.
13
14 **9. Audience participation with respect to matters other than cases pending before the Board**
15
16 None
17
18 **10. Adjournment**
19
20 Ms. Capel entertained a motion to adjourn the meeting.
21
22 **Mr. Elwell moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**
23
24 The meeting adjourned at 9:10 p.m.
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27 Respectfully submitted
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32 Secretary of Zoning Board of Appeals
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