

MINUTES OF REGULAR MEETING
CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61802

DATE: April 26, 2012

PLACE: Lyle Shield's Meeting Room
1776 East Washington Street
Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, Andrew Kass, John Hall

OTHERS PRESENT : Lauren Murray-Miller, Patti Murray, Birgit McCall, Ben McCall, Jason Watson, Gwendoline Wilson, Donald Wood, Kelly Bland, Leonard Stocks, Bernard Hammel, Chris Wallace, Catharine Ehler, David Swartzendruber, Peggy Anderson, Jason Bartell, Jack Murray, Annie Murray, Susan Bryant, Ronald Bryant, Lisa Kesler, Lee Parady, Myrtle Parady, Jodi Ferris, Brenda Keith, Mary Ann Hammel, Judy Swartzendruber

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 one member absent and one vacant Board seat.

3. Correspondence

None

4. Approval of Minutes (March 29, 2012)

Ms. Capel moved, seconded by Mr. Palmgren to approve the March 29, 2012, minutes as submitted. The motion carried by voice vote.

Mr. Thorsland requested a motion to rearrange the agenda and hear Case 714-V-12, Lee and Myrtle Parady prior to continued Cases 699-AM-11 and 700-S-11, L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren Murray and landowner John Murray and new Case 697-V-11, Ronald and Susan Bryant.

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1 **Mr. Palmgren moved, seconded by Mr. Courson to rearrange the agenda and hear Case 714-V-12,**
2 **Lee and Myrtle Pardy prior to continued Cases 699-AM-11 and 700-S-11, L.A. Gourmet Catering,**
3
4 **LLC, with owners Annie Murray, Lauren Murray and landowner John Murray and new Case 697-V-**
5 **11, Ronald and Susan Bryant. The motion carried by voice vote.**
6
7

8 **5. Continued Public Hearing**
9

10 **Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
11 **Murray and landowner John Murray Request to amend the Zoning Map to change the zoning**
12 **district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning**
13 **District in order to operate the proposed Special Use in related zoning case 700-S-11. Location: A 10**
14 **acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and**
15 **commonly known as the home at 2150 CR 1000E, Champaign.**
16

17 **Case 700-S-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
18 **Murray and landowner John Murray Request to authorize the construction and use of an Event**
19 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**
20 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**
21 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**
22 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**
23 **Champaign.**
24

25 Mr. Thorsland called Cases 699-AM-11 and 700-S-11 concurrently.
26

27 Mr. Thorsland informed the audience that Case 700-S-11 is an Administrative Case and as such the County
28 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
29 show of hands for those who would like to cross examine and each person will be called upon. He requested
30 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
31 that those who desire to cross examine are not required to sign the witness register but are requested to
32 clearly state their name before asking any questions. He noted that no new testimony is to be given during
33 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
34 exempt from cross examination.
35

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

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1
2 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request
3 and the petitioners indicated that they did not.
4

5 Mr. Hall distributed a Supplemental Memorandum dated April 26, 2012, to the Board for review. He said
6 that the memorandum includes additional information regarding traffic accidents on County Highway 1. He
7 noted that over the five-year period (2007-2011), 68 accidents occurred on County Highway 1 between the
8 intersection with US Highway 150 and US Highway 136, and a total of 30 (44%) of the accidents occurred
9 in January and February. He said that staff consulted with CUUATS staff and they indicated that the 30
10 accidents were related to the speed of travel and weather conditions. Mr. Hall stated that the petitioners have
11 indicated that they do not plan to have any activities at the subject property during the months of January and
12 February.
13

14 Mr. Hall stated that attached to the Supplemental Memorandum dated April 26, 2011, is the proposal from
15 the CUUATS' staff for the Traffic Impact Analysis and CUUATS estimated that the analysis would cost
16 \$4,960 and it would take approximately 10 business days to complete. Mr. Hall stated that as soon as the
17 cost estimate was received from CUUATS, staff passed the information on to the petitioners. He said that
18 when he met with the petitioners he was not sure whether the Department of Planning and Zoning could or
19 should pay for any part of the analysis and at this point the Department cannot pay for any part of it. He said
20 that if there is to be an analysis then it would be at the cost of the petitioners. He said that he informed the
21 petitioners that a possible outcome of the traffic impact analysis is that improvements may be necessary to
22 County Highway 1 for this particular development at which point the only way that those improvements
23 would happen is if the petitioner agrees to pay for them. He said that it is not often that the Board has a
24 situation such as this come up with a special use permit but this is the situation and the petitioner has only
25 had this information since mid-morning on Monday. He said that one of the drawbacks of the Ordinance is
26 that there is no requirement included for a traffic impact analysis ahead of time so that the petitioner can be
27 forewarned ahead of time.
28

29 Mr. Hall stated that attached to the new memorandum are 11 letters of support that the department has
30 received from various residents of the County.
31

32 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
33

34 Mr. Courson asked if any comments have been received from Jeff Blue, County Highway Engineer.
35

36 Mr. Hall stated that these are Mr. Blue's comments. He said that he did press for more comments from Mr.
37 Blue and frankly asked him if there was no traffic impact analysis and the case was approved would he
38 approve the driveway construction and Mr. Blue indicated that he did not believe that he would. Mr. Hall

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1 stated that Mr. Blue did not indicate a firm no, but his comments more or less guaranteed that a traffic
2 impact analysis is required and to a certain extent Mr. Blue is responsible for public safety on County
3 Highway 1 therefore no driveway work would be approved without an analysis. Mr. Hall stated that it is not
4 his call but this is the impression that he received from Mr. Blue.

5
6 Mr. Courson stated that he has thought about the proposed use since the last meeting and he believes that
7 speed reduction signs are required in the subject property area as well. He said that there is a lot of traffic in
8 the area already due to the existing residential and business uses. He said that a new gymnastics center has
9 moved into the area which involves a lot of kids and families creating additional traffic on County Highway
10 1.

11
12 Mr. Hall stated that unfortunately a traffic impact analysis is required to tell us if a speed reduction would
13 make a difference. He said that County Highway 1 already has problems and there has been a grant
14 application to make some improvements that are already warranted. He said that even if the special use
15 permit is not approved there are problems with County Highway 1 and some improvements are already
16 known to be required. He said that there could be a speed limit reduction but enforcement is an issue and if
17 a traffic impact analysis is completed then it would be known whether or not that would help.

18
19 Mr. Thorsland asked the Board if there were any further questions for Mr. Hall and there were none.

20
21 Mr. Thorsland informed the audience that if they submitted a letter of support the Board requests that they do
22 not read the letter during their testimony because the letters are in the public record.

23
24 Mr. Thorsland called Anne Murray to testify.

25
26 Ms. Anne Murray requested that Lauren Murray-Miller testify first.

27
28 Ms. Lauren Murray-Miller, who resides at 105 Meadow Creek Ct., Lexington, stated that her family
29 appreciates the Board's time in allowing them to share their intentions regarding the subject property. She
30 said that she would like to take a moment to share with the Board an accurate trail of the company, herself
31 and Anne, and their family and express to the Board why the subject property is the perfect place for what
32 they envision.

33
34 Ms. Murray-Miller stated that over 130 years ago and many generations their grandparents settled on their
35 parent's current farm which is just a few miles north of the subject property and their mother's family farm is
36 only a few miles north of the Murray farm. Ms. Murray-Miller stated that when their grandfather graduated
37 from high school his father sat him down and stated that he would either send him to college and he will pay
38 for it or he would purchase farmland for him. Ms. Murray-Miller stated that her grandfather decided that he

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1 would rather have his father purchase the land than go to college. Ms. Murray-Miller stated that she believes
2 that her grandfather's decision was a brave one and speaks to how much the family appreciates where they
3 have come from and how their grandfather set the standard for the family.

4
5 Ms. Murray-Miller stated that after four daughters, on April 6, 1956, Jack Murray, Anne and Lauren's father,
6 was born. She said that after their father received his Agronomy degree in 1978, he married their mom and
7 moved to the family farm to continue the family's farming operation. Ms. Murray-Miller stated that their
8 father has five sisters and they all went on to develop a very prestigious design firm but their father holds the
9 most prestigious place in the family because he stayed behind to take care of the family farm.

10
11 Ms. Murray-Miller stated that she and her siblings have been working on the family farm since they were old
12 enough to hold a hoe and walk the fields and it is on that soil that they have learned the hard work ethic and
13 spirit of the original entrepreneur of this state and that was the farmer. She said that she and Anne share all
14 of this with their dad, brother, parents and cousins and they are so proud to be tied tightly to their farming
15 roots.

16
17 Ms. Murray-Miller stated that in May 2006 she and Anne graduated from the University of Illinois College
18 of Agriculture and Consumer Environmental Sciences and on September 1st at the age of 21 and 22 they
19 opened L.A. Gourmet Catering. She said that they have catered thousands of parties and special events and
20 to them the quantity means little compared to quality. She said that she and her sister have never been given
21 anything other than the opportunity to work so that they could succeed. Ms. Murray-Miller stated that she
22 and Anne opened the company up as a career to work on by themselves and give them the opportunity to
23 have employees that they can call family and have clients whom they can call friends. She said that in
24 September 2008 they were recognized by the University Of Illinois College Of Aces as Outstanding Young
25 Alumni. She said that the award is given to any available alumni that is under the age of 40 as distinguished
26 alumni for excellence in their field. Ms. Murray-Miller stated that serving others is not just what they do but
27 is who they are.

28
29 Ms. Murray-Miller stated that on October 17, 2009, she rode in her dad's John Deere tractor with her new
30 husband, who is a McLean County farmer, to the tent that they had put up in her parent's front yard, this was
31 her childhood dream to be able to embrace the land that meant so much to her family and celebrate the
32 generations that danced there before them. She said that this is the experience that L.A. Gourmet can
33 provide on the subject property for another farmer's child or anyone else who cares to enjoy it. She said that
34 they are not here to exploit the land or be disrespectful to their neighbors but are asking to share the land and
35 experience that is not obtainable elsewhere. She said that they are not wasting farmland and are rather doing
36 what their ancestors settled upon the land to do which was to go forth and prosper and make the best of it.

37
38 Ms. Murray-Miller stated that she and her sister have not submitted the proposal haphazardly because they

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1 have done research and taken the steps necessary that have been asked of them to make sure that this is a
2 feasible project. She said that they come from a hardworking and honest family and she and Anne have
3 created jobs in a time when there is recession and despair and they have created a non-for-profit to reduce
4 waste and help feed hungry families. She said that they would appreciate the opportunity to offer this space
5 to the residents of Champaign County. She thanked the Board for their time and consideration.
6

7 Mr. Thorsland asked the Board if there were any questions for Ms. Miller and there were none.
8

9 Mr. Thorsland asked if staff had any questions for Ms. Miller and there were none.
10

11 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Miller and there was no one.
12

13 Mr. Thorsland called Anne Murray to testify.
14

15 Ms. Anne Murray stated that she agreed with Ms. Miller-Murray's testimony therefore she declined to testify
16 at this time.
17

18 Mr. Thorsland called Lisa Kesler to testify.
19

20 Ms. Lisa Kesler, who resides at 1801 W. Hensley Road, Champaign, stated that her residence is
21 approximately one-quarter mile from the subject property. She said that she has known Anne and Lauren
22 Murray their entire lives and she has watched them work their tails off since the day they graduated. She
23 said that she has watched the girls build their business over the years into something that they can be very
24 proud of and everyone is very proud of them. She said that every step of the way the girls' projects have
25 always been thoroughly researched and well planned and tastefully executed and she is sure that the
26 proposed project will be no different. She said that both sides of the girls' family have farmed in Hensley
27 and Condit townships in Champaign County for several generations therefore it comes as no surprise that
28 they have always made the needs and tastes of the rural community a top priority in their business and she is
29 sure that they will continue to do so. She said that she believes that there is no risk that this building will be
30 anything less than a beautiful addition to the community that everyone can be proud of because it has been
31 designed to blend in with the surrounding landscape and to compliment the area. She has no reservations
32 regarding the proposed project.
33

34 Mr. Thorsland asked the Board if there were any questions for Ms. Kesler and there were none.
35

36 Mr. Thorsland asked if staff had any questions for Ms. Kesler and there were none.
37

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

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1
2 Mr. Thorsland called Ben McCall to testify.

3
4 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he is a member of the Hensley
5 Township Planning Commission, however his comments tonight are not intended to represent the opinions
6 of the Hensley Township Planning Commission. He noted that the Hensley Township Board of Trustees did
7 meet and considered the recommendation of the Hensley Township Plan Commission and they were in
8 unanimous support of the Hensley Township Plan Commission recommendation and are preparing a protest
9 for this case.

10
11 Mr. McCall stated that it is important to mention that no one is questioning the good intentions, hard work of
12 the petitioners, value of their business or the quality of their catering business. He said that he has only
13 heard good things about the petitioners and the letters of support reflect that as well. He said that the
14 question before the Board is not whether this is a worthy business or a great family but whether the location
15 where the project is proposed is consistent with the Ordinance.

16
17 Mr. McCall stated that he would like to mention some additional concerns that he has thought of since the
18 last meeting. He said that one of his concerns was basically traffic which has already been discussed. He
19 said that the entrance to the proposed event center is approximately 275 yards from the planned Hindu
20 Temple and Cultural Center and he believes that there is a significant likelihood of an overlapping of highly
21 attended activities at the two properties. He said that he understands that if the traffic impact analysis is
22 performed it will take such an overlapping of events between the two properties into account. He said that
23 having two very high use properties in close proximity on a high speed two lane road will create numerous
24 issues with traffic especially since both of the locations have relatively poor visibility for people leaving the
25 properties. He said that it is also likely that most people leaving the subject property will try to southbound
26 onto Mattis Avenue to try to return to town which will require a left hand turn out of the property. He said
27 that a right hand turn will navigate traffic onto alternate routes which are narrow secondary township roads
28 which are low volume and contain slow moving farm equipment, bicycle riders, walkers, runners and
29 hazardous road conditions during the winter months. He said that the intersection at Hensley Road a lot of
30 drivers wish to cross Mattis Avenue on Hensley Road which creates a routinely unsafe behavior in trying to
31 squeeze through the narrow traffic gaps on Mattis Avenue at busy times and an increase in concentrated
32 traffic will make it more difficult to safely cross Mattis Avenue at Hensley Road.

33
34 Mr. McCall stated that a point of discussion which arose during the Hensley Township Board meeting was
35 that there is a risk of impaired drivers leaving the subject property during an event where alcohol is served.

36
37 Mr. McCall stated that the second concern relates to the compatibility of the proposed land use and the
38 surrounding area. He said that one of the Hensley Township Trustees indicated that the use would

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1 institutionalize the conflict of agricultural operations. He said that many AG-1 uses are generally considered
2 compatible with more urban uses which is the reason why the County has AG-1 and why most land use plans
3 tend to separate agriculture from other uses. He said that the row cropping that goes on has very little impact
4 on neighborhood properties in general but there are periods of heavy dust production and pesticide drift. He
5 said that there are allowable uses in AG-1 such as a concentrated animal feed operation and if such an
6 operation popped up next door to the event center there would be an apparent conflict.
7

8 Mr. McCall stated that his third concern is the necessity for the public convenience at this particular location.
9 He said that the owner of the proposed event center property also owns the property where all of the kitchen
10 and prep work for L.A. Gourmet will continue to be done. He said that this location has several similarities
11 to the proposed property because it is of a similar size, which is approximately 10 acres with an existing
12 home, and is only a few miles north of the subject property and is also in rural setting. He said that the
13 property housing the kitchen for the prep work for the business is in a more rural setting because it is not
14 close to a subdivision and does not have a proposed Hindu Temple and Cultural Center in its line of site. He
15 said that ample farm ground is available for constructing an event center at this location and it seems as if the
16 two properties are very similar and appear to meet the petitioner's desire for a location in the country and
17 both are owned by the same person suggests that the proposed location is not somehow uniquely suited to
18 this event center.
19

20 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.
21

22 Mr. Thorsland asked if staff had any questions for Mr. McCall.
23

24 Mr. Hall asked Mr. McCall to verify that when he discussed the Hensley Township Board's comments he
25 was referring to those comments because he shared the same concern and was merely passing those concerns
26 along.
27

28 Mr. McCall stated that he shares the Hensley Township Board's concerns although he was not relaying those
29 concerns as a representative.
30

31 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall.
32

33 Ms. Lauren Murray-Miller asked Mr. McCall where he obtained his information regarding the other land
34 owned by the Murray family.
35

36 Mr. McCall stated that the information is available through the Champaign County Supervisor of
37 Assessments Office data base.
38

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1 Ms. Miller asked Mr. McCall if the data base indicated that the two properties that he referred to during his
2 testimony were both owned by John G. Murray.

3
4 Mr. McCall stated yes, although he does not have the documentation with him tonight to confirm.

5
6 Ms. Miller asked Mr. McCall if without the documents he unsure of his statement.

7
8 Mr. McCall stated that the Supplemental Memorandum dated April 26, 2012, stated that the kitchen for L.A.
9 Gourmet Catering is located at 2607 CR 1000 East. He said that the information that he obtained off of the
10 data base is assumed accurate.

11
12 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. McCall and there was no one.

13
14 Mr. Thorsland called Gwendoline Wilson to testify.

15
16 Ms. Gwendoline Wilson, who resides at 2069 CR 2900N, Rantoul, stated that she owns and operates
17 Nuptiae Wedding and Event Planning, and has been in the business for nine years. She said that she is
18 present tonight to speak in favor of the L.A. Gourmet special use request. She said that as a wedding planner
19 and a member of the Association of Bridal Consultants she has worked with many local families to plan
20 events that are special to each individual and more than half of the wedding plans have a budget of over
21 \$44,000. She said that the wedding and event industry is very important to area businesses and a successful
22 event center can impact the local economy not only through the vending but also through hotel rooms,
23 transportation, formal wear, rental companies, specialty vendors because they all employ many people. She
24 said that there is a need for an event center such as the one which is proposed.

25
26 Ms. Wilson stated that Lauren Murray-Miller and Anne Murray are uniquely positioned to own and operate a
27 facility such as the one proposed responsibly and successfully. She said that the beauty of this design is that
28 it will create a secluded experience for the guest and will also create a buffer to minimize any impact on the
29 people that are living in the area. She said that recently she was trying to find a location for an October
30 wedding but after about one dozen calls she had to suggest that the bride and groom select a different date.
31 She said that having a unique option like the proposed event center would offer not only one more place for
32 someone to hold their event but would offer them a completely different type of experience and atmosphere
33 than what is available currently.

34
35 Ms. Wilson stated that when families are looking for a location for a reception and find that nothing is
36 available in the County they are very likely to go outside of the County to other counties and communities
37 for the wedding, reception, hotel rooms, etc. She said that what is special about the location that is being
38 considered tonight is the rural setting. She said that Lauren and Anne are from a farming family and their

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1 father operates a Champaign County Centennial Farming Operation therefore it is known that the girls have
2 grown up appreciating the land. She said that the event center will not take any prime farmland out of
3 production. She said that everything that she has seen regarding the plan demonstrates the way that they
4 would steward the property. She said that Lauren and Anne completed feasibility studies on several different
5 properties before deciding upon the subject property and they have completed the necessary engineering
6 work to assure that drainage would not be a problem for the surrounding neighbors and farmland. She said
7 that the event center will have over 100 freshly planted trees to create a lush green space that will buffer
8 noise from leaving the property and are installing as few lights as possible to reduce the chance that
9 neighbors will be affected. She said that the parking area will ensure that traffic moves smoothly and
10 without interruption.

11
12 Ms. Wilson stated that as a Master Gardener she is really excited about the landscaping that is proposed on
13 the property because in addition to the many fruit trees and vegetables that will be planted those products
14 will be served in the meals that are served at the center. She said that wild flowers will grow on the property
15 just as they would have over 100 years ago. She said that very few venues offer such a truly unique and rural
16 setting and it is simply unattainable within the city limits. She said that the retreat will be especially
17 appealing to rural families planning for special occasions and the picturesque nature of the countryside will
18 be a draw for people who share a rural heritage and desire to share their passion for nature with their friends.
19 She said that the fact that the building will blend into the landscape will make it even more beautiful for
20 guests and less noticeable for the neighbors.

21
22 Ms. Wilson stated that Lauren and Anne are good business women and even better citizens and they offer a
23 quality experience for each guest and they always go above and beyond to make sure that the events are
24 memorable and special. She said that in all of the years that she has done business with L.A. Gourmet they
25 have never taken advantage of anyone and are gracious and accommodating and if you have ever dealt with a
26 frantic bride you know that is not an easy task. She said that L.A. Gourmet provides good jobs for many
27 people and they donate their time and talents to several local social service organizations and they operate
28 one of the most upscale businesses in central Illinois. The proposed L.A. Gourmet Event Center will take a
29 property which has been allowed to run down and create a beautiful, sustainable and useful gathering place
30 in Champaign County.

31
32 Mr. Thorsland asked the Board if there were any questions for Ms. Wilson.

33
34 Mr. Courson stated that he understands the attraction of the rural setting but how would one of the clients
35 feel if after spending \$44,000 on an event the neighboring farmer decides to harvest his crops or spray
36 anhydrous on his field. He said that everyone is indicating that the subject property is such a wonderful area
37 but if the wind happens to be blowing out of the east the Woods' feedlot will produce a wonderful aroma
38 which is part of the rural atmosphere and will impact the business. He said that the Board is not just

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1 concerned about how the proposed event center will affect the community but how the community will affect
2 the event center.

3
4 Ms. Wilson stated that Lauren and Anne are the type of people who are concerned about their clients rather
5 than about themselves and their business therefore she is sure that they will make preparations to assure that
6 people understand these types of issues or possible occurrences when they book an event. She said that the
7 event space is indoors and when occurrences happen the windows on the event center could be closed
8 therefore she does not believe that the surrounding activities will impact the business. She said that she is
9 sure that the clients will be informed that such things could be anticipated in the rural setting and it is the
10 nature of the business to expect that things will happen and it is the business owner's job to make sure that
11 the people that they are serving have the very best service and event that is possible.

12
13 Mr. Thorsland asked the Board if there were any further questions for Ms. Wilson and there were none.

14
15 Mr. Thorsland asked if staff had any questions for Ms. Wilson and there were none.

16
17 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Wilson and there was no one.

18
19 Mr. Thorsland called Chris Wallace to testify.

20
21 Ms. Chris Wallace, who resides at 2691 CR 1000E, Champaign, stated that she would like to speak in favor
22 of the request to build and operate an event retreat on the Dewey-Fisher Road. She said that she and her
23 husband live on CR 1000E which is directly north of the L.A. Gourmet kitchen and have lived there before
24 the business' conception. She said that delivery trucks and employees come and go to the business and
25 several large events have been held on the property since it has been there. She said that the business has
26 been a good neighbor and there has been no noticeable disruption in their lives and she finds it interesting
27 and exciting to watch all of the activities. She said that they have never been bothered by any excessive
28 noise, lights or litter coming from the property. She said that L.A. Gourmet is probably the largest employer
29 in Condit Township and in this day and age of high unemployment she believes that we should encourage
30 the entrepreneurial spirit of young people who are willing to take the risk of starting a business and
31 expanding a business that would employ others. She said that we are not discussing a landfill, a large dog
32 kennel or a huge toxic waste facility but an event retreat which holds fun events and makes people happy.
33 She said that she understands some of the voiced concerns but if those speakers were personally acquainted
34 with Lauren Murray-Miller and Anne Murray, as she is, the fears for the neighborhood would no longer be a
35 concern. She said that she and her husband have known Lauren and Anne since they were babies and they
36 have grown up with their own children. She said that she and her husband have watched the girls grow into
37 lovely and successful young ladies who have vision and an incredible work ethic and a loving family who is
38 willing to help and support them. She said that this is why L.A. Gourmet has grown as fast as it has and why

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1 it is known throughout the area as a premier caterer. She said that it doesn't hurt that the girls serve
2 excellent food with style and flair and she would like to point out that their caramel brownies are legendary.

3
4 Ms. Wallace stated that many factors are combined to make L.A. Gourmet a success and Anne and Lauren's
5 hard work was probably the most important factor. She said that the girls worked both day and night to get
6 the business off of the ground and during the start up days of L.A. Gourmet they would come home from
7 serving an event, carry in all of the dishes so that they could wash them and begin preparing the food for the
8 next day's event. She said that Lauren and Anne pay several people good wages and they provide benefits.
9 She said that it is important to note that many of the employees are long term and they feel vested in the
10 business. She said that Lauren and Anne are ethical people who will do what they say they will do and
11 everything that they do is done with class and she does not expect the event center to be any different. She
12 said that she hopes that everyone welcomes the girls with their proposed project and she assures everyone
13 that they will be good neighbors.

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

16
17 Mr. Thorsland asked if staff had any questions for Ms. Wallace.

18
19 Mr. Hall asked Ms. Wallace how long she has lived at her current residence.

20
21 Ms. Wallace stated that she has lived at her residence for more than 30 years but practically she has lived
22 there her entire life.

23
24 Mr. Hall asked Ms. Wallace that after living at her residence in rural Champaign County for over 30 years
25 does she believe that the event center can exist in that area and not create problems for local agriculture.

26
27 Ms. Wallace stated that she does not believe that the event center will create problems for local agriculture in
28 the area. She said that the girls grew up on a farm and they are fully aware of dust, odors and pesticides and
29 anhydrous applications. She said that it will take a while for the proposed trees for the buffer to grow but
30 she believes that the buffer will provide what it is intended to provide. She said that the girls are wonderful
31 business women and she does believe that they would not even consider the property if they believed that it
32 would be a burden upon the neighbors or if agricultural activities would be a burden to their business.

33
34 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Wallace and there was no one.

35
36 Mr. Thorsland called Catharine Ehler to testify.

37
38 Ms. Catharine Ehler, who resides at 1078 CR 2200N, Champaign, stated that she is a farmer and she owns

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1 280 acres north and east of the proposed subject property and she lives one mile south of the livestock farm
2 that everyone has been referring to. She said that the livestock farm does produce odors at times but if she
3 goes inside of her home it isn't a problem therefore she does not believe that the livestock farm will be an
4 issue for the proposed event center. She said that knowing the history of the Murray family she believes that
5 the girls will be good neighbors because they know the farming business better than probably most other
6 people understand it. She said that the girls are very aware of the safety factor of the Dewey-Fisher Road
7 because their aunts were instrumental in having the curves reconfigured. She said that she supports the
8 proposal and she looks forward to its completion.
9

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

12 Mr. Thorsland asked if staff had any questions for Ms. Ehler and there were none.
13

14 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Ehler and there was no one.
15

16 Mr. Thorsland called Bernard Hammel to testify.
17

18 Mr. Bernard Hammel, who resides at 105 East Ford Harris Road, Champaign, stated that he has lived in the
19 area for 79 years and he has seen a lot of changes. He said that the area used to have a one lane road and no
20 electricity or telephone was available. He said that the dust and smell that has been discussed is a non-issue
21 because nature takes care of itself. He said that he is very proud of the children that have come from the area
22 and the girls deserve the chance to see what they can do with this project. He said that he has eaten at a lot
23 of restaurants and it doesn't hurt to have some new ideas in the area for the public. He said that it is
24 necessary to allow young people to develop their new ideas and put people back to work.
25

26 Mr. Thorsland asked the Board if there were any questions for Mr. Hammel and there were none.
27

28 Mr. Thorsland asked if staff had any questions for Mr. Hammel and there were none.
29

30 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hammel and there was no one.
31

32 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
33 testimony regarding this case and there was no one.
34

35 Mr. Thorsland called Mr. Eric Bussell to testify.
36

37 Mr. Eric Bussell, realtor for Keller-Williams Realty, stated that he has a major focus in property
38 management and a minor focus on commercial real estate. He said that approximately one year ago Anne

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1 and Lauren contacted him to assist them in finding a location for their proposed event center and one year
2 later they were unable to accomplish what they set out to do. He said that they visited many buildings and
3 properties and it got to the point that another real estate broker was contacted to help with the search. He
4 said that the argument that there are other buildings out there to suit the needs of the business is not true
5 because he works on commission and he would have loved to have been paid for finding the girls a property.
6 He said after hearing from the girls as to why each building after building would not work for their needs he
7 discovered that they were indeed particular and desired to satisfy their client's needs. He said that he failed
8 in finding Anne and Lauren the ideal location but at the same time he is excited that they did find a property
9 that can be utilized for their business. He said that the general market does not provide for the needs of L.A.
10 Gourmet and the need in the community for an event center such as this is strong.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Bussell and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Mr. Bussell and there were none.

15
16 Mr. Thorsland asked the audience if there were any questions for Mr. Bussell.

17
18 Mr. McCall, who resides at 1085 CR 2200N, Champaign, asked Mr. Bussell if he and the Murray's viewed
19 any other properties that were available for development which were in the AG-2 district or perhaps
20 Clearview Subdivision.

21
22 Mr. Bussell stated that the Clearview Subdivision is not appealing for Lauren and Anne's business
23 requirements. He said that the vision for Clearview Subdivision was to establish a Mayo Clinic on the
24 prairie and a lot of commercial buildings were anticipated therefore a unique wedding experience would be
25 hard to achieve in Clearview Subdivision. He said that he understands Mr. McCall's point but the area did
26 not fit the need and atmosphere of the business.

27
28 Mr. McCall asked Mr. Bussell if he explored any of the vacant properties which are available for
29 development in the AG-2 district.

30
31 Mr. Bussell stated that when he requested additional assistance from other brokers they looked at everything
32 that was for sale but he cannot speak about any of the specifics for each property.

33
34 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
35 regarding this case.

36
37 Mr. Thorsland called Peggy Anderson to testify.

38

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1 Ms. Peggy Anderson, who resides at 2172 CR 1000E, Champaign, stated that her favorite grade school
2 teacher was Anne and Lauren's grandmother. She said that it is good that younger generations with
3 agricultural backgrounds have visions and ideas and she whole heartedly supports them. She said that her
4 property is to the north of the subject property and when clients leave the property she does not believe that it
5 will be a problem but when they arrive at the subject property from town they may well overlook the
6 entrance because it is just down from the crest of the hill. She said that missing the entrance would require
7 the clients to come onto her property to turn around and head back to the subject property therefore she is
8 concerned with the traffic that will be created. She said that the application stated that the event center will
9 have 84 parking spaces available and that the building will have the upper level capacity of 400 people. She
10 said that she spoke to other caterers and they indicated that the proposed parking spaces were insufficient.

11
12 Mr. Thorsland asked the Board if there were any questions for Ms. Anderson and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Ms. Anderson.

15
16 Mr. Hall stated that Ms. Anderson's concerns did not mention the compatibility with surrounding agriculture
17 although she is one of the surrounding property owners. He asked if she had any concerns regarding
18 compatibility.

19
20 Ms. Anderson stated that she does have concerns but those concerns have been mentioned by other people
21 therefore she did not repeat them.

22
23 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anderson and there was no one.

24
25 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
26 regarding this case and there was no one.

27
28 Mr. Thorsland closed the witness register.

29
30 Mr. Thorsland stated that the Board has been informed that Mr. Blue, Champaign County Highway
31 Engineer, has indicated that he is not comfortable with the proposed driveway entrance to the subject
32 property therefore it is up to the Board to decide whether or not the traffic impact analysis will be required.
33 He said that the cost of the analysis is the petitioner's responsibility but it is up to the Board to decide if it is
34 necessary before moving forward. He said that after reviewing the proposed lighting plan he does not
35 believe that the plan meets the requirements of the Ordinance.

36
37 Mr. Hall stated that it is hard to believe that the dark sky communities do not allow any up-lighting of trees
38 therefore staff will research to see if there is a standard that some folks find acceptable.

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Mr. Thorsland stated that he is also concerned about the shade that the trees may produce on crops. He said that the main question before the Board right now is whether or not the traffic impact analysis is required.

Mr. Palmgren stated that the cost of the analysis is unfortunate but if the County Highway Engineer is uncomfortable with the driveway entrance then it is necessary.

Mr. Thorsland stated that the Board should keep in mind that if improvements to County Highway 1 are requested then those costs will also be passed on to the petitioners.

Mr. Courson stated that he believes that the traffic impact analysis is necessary as well.

Mr. Hall stated that up to tonight's meeting he was thinking that the traffic impact analysis is only relevant to Case 700-S-11 given the kinds of land uses that could happen in AG-2, by-right. He said that there are only two uses that are different than what could happen in AG-1 and one of those is a golf course. He said that oddly enough one of the new policies in the new LRMP indicates that a traffic impact analysis should be required and it is really up to the Board. He said that no matter what happens there does need to be some mention of the suggestion of the traffic impact analysis made in the finding of fact for Case 699-AM-11. He said that the traffic impact analysis is most relevant to the special use permit but he would not want the County Board to think that the ZBA completely ignored it in the rezoning either.

Mr. Thorsland stated that the other different use that Mr. Hall was discussing is a commercial breeding facility. He said that he believes that a traffic impact analysis is necessary given the concerns of the neighbors. He said that he travels County Highway 1 himself and the little bit of data that has been presented does indicate that there is a five year history of a significant amount of activity on the road. He said that someone who is unfamiliar with the road will probably indeed overshoot the new driveway entrance and stop at the bottom of the rise. He said that he would like to see the traffic impact analysis completed before taking action on the two cases and the bad part is that the petitioners paid for it and they may not be approved but that is a risk that you take when you propose development.

Mr. Passalacqua stated that the Board appears to agree that a traffic impact analysis is required and that the Board is not questioning the ethic or character of the petitioners. He said that public safety is the foremost concern of the Board.

Mr. Thorsland informed the petitioners that the Board is requesting that a traffic impact analysis be completed at the cost of the petitioner.

Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign, stated that they have spent a lot of money,

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1 which is a risk that you take for development, but if they do spend the \$5,000 on the traffic impact analysis is
2 there a way to see if the project is still a feasible project for the Board's consideration.

3
4 Mr. Thorsland stated that he would like to know more about the traffic before he is inclined to make a
5 decision regarding the map amendment or the special use permit. He said that if the traffic problems can be
6 resolved then a lot of the other issues can be dealt with but the petitioner has been informed that Hensley
7 Township plans to protest the request therefore a super-majority vote will be required. He said that he is not
8 ready to make a decision until he reviews the traffic impact analysis. He said that the petitioners have made
9 a very good case regarding the perceived need of the event center and it appears that with the petitioner's
10 background it appears that they are a very good fit for such a project in an agricultural area but again the
11 traffic is the big issue.

12
13 Mr. Courson stated that proper signage must be addressed. He said that the layout is very beautiful but
14 someone who is not familiar with the area may not be able to see the sign therefore perhaps some
15 rearrangement of trees would be appropriate to make sure that the signage is visible for the northbound
16 traffic.

17
18 Mr. Thorsland stated that he is not sure if the Board has jurisdiction over placement of signage.

19
20 Mr. Courson stated that he is concerned about the lighting.

21
22 Mr. Hall asked that given the concerns about people knowing where to turn into the property the petitioners
23 have indicated that they will revise the driveway. He said that even though it would take best prime
24 farmland out of production does the Board believe that the driveway should be placed as far north on the
25 property as possible.

26
27 Mr. Courson stated that the subject property is at the bottom of two hills so moving the driveway entrance to
28 the north may not help.

29
30 Ms. Murray stated that moving the driveway entrance to the north would create a lane across the property
31 especially if the ditch was redone correctly. She said that this would give people a lot more space to turn in
32 and it would reduce traffic congestion.

33
34 Mr. Courson stated that perhaps a turn lane on County Highway 1 would be necessary.

35
36 Mr. Thorsland stated that the traffic impact analysis will determine such information.

37
38 Mr. Passalacqua stated that a turn lane could help reduce any possible accidents.

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- 1
- 2 Ms. Murray stated that whatever the Board requires they will comply.
- 3
- 4 Mr. Passalacqua stated that the building design and the concept of the business does appear wonderful but
- 5 traffic is a concern.
- 6
- 7 Ms. Murray stated that the area is their community as well and they do not want accidents to happen.
- 8
- 9 Mr. Thorsland stated that the petitioners should work with staff to determine how the required traffic impact
- 10 analysis can be organized.
- 11
- 12 Mr. Hall asked if the Board is comfortable in regards to compatibility with neighboring agriculture because it
- 13 has been mentioned that the landscaping should be reviewed to minimize shading on properties to the north
- 14 and landscaping may help buffer.
- 15
- 16 Mr. Thorsland stated that the in regards to landscaping the petitioners and the neighbors to the north can
- 17 work out the shading issue between themselves.
- 18
- 19 Mr. Palmgren stated that he is concerned about the clients not knowing about agriculture.
- 20
- 21 Mr. Thorsland stated that personally he believes that this is a great plan but until he receives the traffic
- 22 impact analysis he cannot indicate which way he will vote.
- 23
- 24 Mr. Courson stated that this is a rural property with no municipal water supply and the event center has been
- 25 indicated to have a capacity of 400 people therefore if there is a fire there would be inadequate water
- 26 available. He said that it would be nice if there was an area in the parking area where the fire truck could
- 27 back up to the pond for access to water for fire protection.
- 28
- 29 Mr. Hall stated that a dry hydrant was a request from the Thomasboro Fire Protection District. He said that
- 30 staff needs to talk to the fire chief to determine if the lanes must be redesigned to gain better access to the dry
- 31 hydrant location. He said that staff has received no more information other than what Chief Cundiff is
- 32 requesting which is a dry hydrant that is easily accessible by the fire truck.
- 33
- 34 Mr. Thorsland requested a continuance date.
- 35
- 36 Mr. Hall stated that the case should not return to the Board before June 14th. He said that such a continuance
- 37 date is whether or not the petitioners are ready to move forward with the traffic impact analysis so that
- 38 CUUATS has at least two weeks to work on it and the petitioners have time to think about those results. He

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1 said that June 14th is the earliest date that the cases should return to the Board.

2
3 Mr. Thorsland asked the petitioner if they desired to incur the cost of the traffic impact analysis and move
4 forward.

5
6 Ms. Anne Murray stated that they will incur the cost of the traffic impact analysis and they would like the
7 Board to move forward.

8
9 **Mr. Palmgren moved, seconded by Mr. Courson to continue Cases 699-AM-11 and 700-S-11 to the**
10 **June 14th meeting. The motion carried by voice vote.**

11
12 Mr. Thorsland called for a short recess.

13
14 **The Board recessed at 8:23 p.m.**

15 **The Board resumed at 8:30 p.m.**

16
17 6. New Public Hearing

18
19 **Case 697-V-11 Petitioner: Ronald and Susan Bryant Request to authorize the following in the AG-1,**
20 **Agriculture Zoning District: Part A. Variance for a proposed division of a lot 2.37 acres in area in lieu**
21 **of the minimum required lot area of 5 acres; and Part B. Variance for a proposed lot area of 35,500**
22 **square feet in lieu of the minimum required lot area of 43,560 square feet (1 acre); and Part C.**
23 **Variance for a proposed average lot width of 125 feet in lieu of the minimum required lot width of 200**
24 **feet; and Part D. Variance for a rear yard of an existing home of 21 feet in lieu of the minimum**
25 **required rear yard of 25 feet; and Part E. Variance for a proposed side yard of an existing accessory**
26 **building of 8 feet in lieu of the minimum required side yard of 10 feet; and Part F. Variance for a rear**
27 **yard of an existing accessory structure of 8 feet in lieu of the minimum required rear yard of 10 feet.**
28 **Location: A 2.37 acre tract proposed to be divided into two lots in the East One-Half of the Northeast**
29 **Quarter of the Southeast Quarter of the Northwest Quarter of Section 20 of Hensley Township and**
30 **commonly known as the homes at 5111 Lindsey Road, Champaign.**

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

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1 from cross examination.

2
3 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
4 sign the witness register for that public hearing. He reminded the audience that when they sign the
5 witness register they are signing an oath.

6
7 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

8
9 Mr. Ronald Bryant, who resides at 5111 Lindsey Road, Champaign, stated that about one year ago he and his
10 wife put their property on the market for sale and was informed by the realtors that people could not obtain a
11 loan to purchase the property because there are two homes on it. He said that the second house was moved
12 to the property from its original location in 1995 and when they purchased the property they were not
13 informed whether the property was in compliance with zoning or not. He said that possibly in the future they
14 would like to sell their home but will be unable to do so with the property's current situation.

15
16 Mr. Bryant stated that he tried to put as much property as he could on the smaller lot which does have its
17 own septic system and a shed directly in front the house towards Lindsey Road. He said that he uses all of
18 the sheds currently and the covered pavilion was a barn that was destroyed with only the foundation left
19 therefore he put a roof over it and uses it as a recreational area.

20
21 Mr. Thorsland asked the Board if there were any questions for Mr. Bryant and there were none.

22
23 Mr. Thorsland asked if staff had any questions for Mr. Bryant and there were none.

24
25 Mr. Hall stated that there is no new information for the case. He said that one special condition has been
26 proposed for approval. He said that on January 1, 2013, septic systems are going to become much more
27 problematic and the Ordinance will require revision to make sure that people think about their septic system
28 before they do anything else to their property thus the reason for the special condition. He said that even
29 though the special condition is not required at this time Mr. Bryant has indicated that the existing septic
30 system for the small house is east of it and once a septic system is disturbed a new full system which
31 complies with the current Ordinance will be required. He said that the Board can take action without the
32 proposed special condition but on January 1, 2013, whoever has the small lot will need to be careful if they
33 propose any new additions to the home. He said that staff has no doubts that the property was in this
34 condition when the petitioners purchased the property but if either house were damaged to more than 50%
35 of its replacement cost the house could not be rebuilt without a variance.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

38

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- 1 Mr. Thorsland requested that Mr. Bryant return to the witness microphone.
2
3 Mr. Courson asked Mr. Bryant if members of his family live in both homes.
4
5 Mr. Bryant stated that his daughter lives in the smaller home.
6
7 Mr. Courson asked Mr. Bryant if he will sell both homes at the same time or individually.
8
9 Mr. Bryant stated that he does not plan on selling either home at the moment but there may come a time
10 when he would like to sell so that he can retire somewhere else.
11
12 Mr. Courson asked Mr. Bryant if the covered pavilion was built upon an existing foundation.
13
14 Mr. Bryant stated yes.
15
16 Mr. Courson asked Mr. Bryant if the small garage was on a foundation or skids.
17
18 Mr. Bryant stated that the small garage was on a concrete pad.
19
20 Mr. Hall noted that if the variance is approved Mr. Bryant will need to subdivide with the Village of
21 Mahomet.
22
23 Mr. Bryant stated Mr. Hall was correct.
24
25 Mr. Thorsland read the proposed special conditions as follows:
26
27 **Until such time as proposed Lot 101 is connected to a public sanitary sewer any**
28 **construction on proposed Lot 101 shall be limited as follows:**
29 **(1) Construction may only occur on the west 70 feet of the property which corresponds**
30 **to that area that is west of the east line of the existing home.**
31 **(2) No construction (including rebuilding of the existing garage/shed) shall occur in**
32 **the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning**
33 **Board of Appeals.**
34 The above special condition is required to ensure that there will be adequate area for a septic system
35 before undertaking any construction.
36
37 Mr. Thorsland asked the Board if they were comfortable with the proposed special condition and the Board
38 indicated yes.

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Mr. Thorsland asked the petitioners if they were comfortable with the proposed special condition and the petitioners indicated yes.

Mr. Thorsland entertained a motion to approve the special condition as previously read.

Mr. Palmgren moved, seconded by Mr. Courson to approve the special condition as read. The motion carried by voice vote.

Finding of Fact for Case 697-V-11:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 697-V-11 held on April 26, 2012, 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.**

Mr. Courson stated that special condition 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 existing barn was built before the adoption of zoning and the covered pavilion was built on the existing foundation although its location is too close to the property line therefore requiring the variance.

Mr. Thorsland stated that the septic system for the southern home limits the lot size for the northern house and both homes existed on the lot when the petitioners purchased the property. He said that it appears that no additional land is available to eliminate the need for the variance.

- 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. Capel 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 financing cannot be obtained for a lot with two homes therefore the property cannot be sold.

Mr. Thorsland stated that it would not allow reconstruction if the homes were damaged by more than 50%.

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

Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the special conditions, circumstances, hardships or practical difficulties were pre-existing.

Mr. Thorsland stated that the current owner was not responsible for the placement of two houses on one lot.

4. The requested variance, subject to the special condition, IS in harmony with the general purpose and intent of the Ordinance.

Mr. Thorsland stated that the requested variance, subject to the special conditions, IS in harmony with the general purpose and intent of the Ordinance because the pre-existing conditions will not be changed by the variance therefore not impacting the surrounding agricultural operations.

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

Mr. Palmgren stated that the requested variance, subject to the special conditions, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the pre-existing conditions will not change due to the variance and the special condition will ensure that the septic system will not be damaged.

6. The requested variance, subject to the special condition, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Courson stated that the requested variance, subject to the special condition, IS the minimum variation that will make possible the reasonable use of the land/structure because of the various structures littered around the property and this is the least variance possible for the petitioner's need.

7. The special condition imposed herein is required to ensure compliance with the criteria for the particular purposes described below:

A. Until such time as proposed Lot 101 is connected to a public sanitary sewer any construction on proposed Lot 101 shall be limited as follows:

- (1) Construction may only occur on the west 70 feet of the property which**

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- 1 **corresponds to that area that is west of the east line of the existing home.**
- 2 (2) **No construction (including rebuilding of the existing garage/shed) shall occur in**
- 3 **the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning**
- 4 **Board of Appeals.**

5 The above special condition is required to ensure that there will be adequate area for a septic system
 6 before undertaking any construction.

7

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

10

11 **Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
 12 **Record and Finding of Fact as amended. The motion carried by voice vote.**

13

14 Mr. Thorsland entertained a motion to move to the Final Determination for Case 697-V-11.

15

16 **Ms. Capel moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 697-V-**
 17 **11. The motion carried by voice vote.**

18

19 Mr. Thorsland informed the petitioners that one Board member was absent and one Board member seat was
 20 vacant therefore it is at their discretion to either continue Case 714-V-12 until a full Board is present or
 21 request that the present Board proceeds to the Final Determination. He informed the petitioners that four
 22 affirmative votes are required for approval.

23

24 The petitioners requested that the present Board move to the Final Determination.

25

26 **Final Determination for Case 697-V-11:**

27

28 **Mr. Passalacqua moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
 29 **Appeals finds that, based upon the application, testimony and other evidence received in this case that**
 30 **the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
 31 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance the Zoning Board of Appeals**
 32 **of Champaign County determines that the Variance requested in Case 697-V-11 is hereby GRANTED**
 33 **WITH CONDITIONS to the petitioners Ronald and Susan Bryant to authorize:**

34

35 **Part A. Variance for a proposed division of a lot 2.37 acres in area in lieu**
 36 **of the minimum required lot area of 5 acres; and**

37 **Part B. Variance for a proposed lot area of 35,500 square feet in lieu of the**
 38 **minimum required lot area of 43,560 square feet (1 acre); and**

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- 1 **Part C.** **Variance for a proposed average lot width of 125 feet in lieu of the**
- 2 **minimum required average lot width of 200 feet; and**
- 3 **Part D.** **Variance for a rear yard of an existing home of 21 feet in lieu of the**
- 4 **minimum required rear yard of 25 feet; and**
- 5 **Part E.** **Variance for a proposed side yard of an existing accessory building of**
- 6 **8 feet in lieu of the minimum required yard of 10 feet; and**
- 7 **Part F.** **Variance for a rear yard of an existing accessory structure of 8 feet in**
- 8 **lieu of the minimum required rear yard of 10 feet.**

10 **Subject to the following condition:**

- 11
- 12 **A.** **Until such time as proposed Lot 101 is connected to a public sanitary sewer any**
- 13 **construction on proposed Lot 101 shall be limited as follows:**
- 14 **(1) Construction may only occur on the west 70 feet of the property which**
- 15 **corresponds to that area that is west of the east line of the existing home.**
- 16 **(2) No construction (including rebuilding of the existing garage/shed) shall occur in**
- 17 **the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning**
- 18 **Board of Appeals.**

20 The above special condition is required to ensure that there will be adequate area for a septic
21 system before undertaking any construction.

23 The roll was called:

25 Courson-yes	25 Miller-absent	25 Passalacqua-yes
26 Palmgren-yes	26 Capel-yes	26 Thorsland-yes

28 Mr. Hall informed Mr. Bryant that he has received an approval therefore staff will send out the appropriate
29 documentation in the near future. He noted that if Mr. and Mrs. Bryant had any questions they should feel
30 free to call the office.

32 **Case 714-V-12 Petitioner: Lee and Myrtle Pardy Request to authorize the following in the AG-2**
33 **Agriculture Zoning District: Variance for a side yard of an existing carport of 7 feet in lieu of the**
34 **minimum required side yard of 10 feet. Location: A .90 acre parcel in the West One-Half of the**
35 **Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 27 of Somer**
36 **Township and commonly known as the home at 5106 North Cunningham Avenue, Urbana.**

37
38 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows

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1 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
2 of hands for those who would like to cross examine and each person will be called upon. He requested that
3 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
4 those who desire to cross examine are not required to sign the witness register but are requested to clearly
5 state their name before asking any questions. He noted that no new testimony is to be given during the cross
6 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
7 from cross examination.

8
9 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
10 sign the witness register for that public hearing. He reminded the audience that when they sign the
11 witness register they are signing an oath.

12
13 Mr. Thorsland asked the petitioners if he desired to make a statement outlining the nature of his request.

14
15 Mr. Lee Pardy, who resides at 5106 N. Cunningham Avenue, Urbana, stated that his wife is handicapped and
16 has had both knees replaced and has recurring bouts with arthritis therefore she is generally confined to a
17 wheelchair. He said that the carport needs to be placed in its original location so that it does not block the
18 doors to the existing garage and he can safely transport his wife from the car to the house.

19
20 Mr. Hall stated that no new information is available for this case.

21
22 Mr. Pardy stated that the entire left side of the site plan should be shifted to the east because the current plan
23 indicates that the carport extends way past the house which is not correct. He said that the small building is
24 actually behind the house and the existing garage extends past the east side of the house therefore placing the
25 carport closer to the house instead of the street.

26
27 Mr. Pardy stated that he submitted a letter to staff from his neighbor to the south indicating support for the
28 variance.

29
30 Mr. Thorsland stated that staff received the neighbor's letter and has also received verbal support from the
31 neighbor to the north.

32
33 Mr. Kass stated that staff does have the letter from the neighbor to the south and staff did receive a phone
34 call from the neighbor to the north indicating that he had no objections to the variance as well.

35
36 Mr. Thorsland asked the Board if there were any questions for Mr. Pardy and there were none.

37
38 Mr. Thorsland asked if staff had any questions for Mr. Pardy and there were none.

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1
2 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Pardy and there was no one.

3
4 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
5 testimony regarding this case and there was no one.

6
7 Mr. Thorsland closed the witness register.

8
9 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record indicating the
10 following: 3. Letter of support from John S. Otis, received at the April 26, 2012, meeting.

11
12 **Finding of Fact for Case 714-V-12:**

13
14 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
15 714-V-12 held on April 26, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 16
17 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
18 **structure involved, which are not applicable to other similarly situated land and**
19 **structures elsewhere in the same district.**

20
21 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land or
22 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
23 same district because the location of the garage, which was constructed prior to the adoption of zoning,
24 makes it difficult for the carport to be in compliance.

- 25
26 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
27 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
28 **the land or structure or construction.**

29
30 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
31 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
32 or construction because the carport would not be functional and would block the door to the existing
33 garage.

- 34
35 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
36 **result from actions of the applicant.**

37
38 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT

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1 result from actions of the applicant because the carport had to be located in relation to an existing garage
2 that was built constructed prior to the adoption of zoning. Ms. Capel stated that a Zoning Use Permit has
3 been approved for the carport at its current location.

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

7
8 Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the
9 Ordinance because it allows for the use of the property with a nonconforming garage.

10
11
12
13 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
14 **detrimental to the public health, safety or welfare.**

15
16 Mr. Courson stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
17 detrimental to the public health, safety or welfare because the neighbors to the north and south of the subject
18 property have indicated that they have no issues with the placement of the carport. He said that the fire
19 protection district and the road commissioner have been contacted and no concerns were submitted.

20
21 **6. The requested variance IS the minimum variation that will make possible the**
22 **reasonable use of the land/structure.**

23
24 Mr. Passalacqua stated that the requested variance IS the minimum variation that will make possible the
25 reasonable use of the land/structure because the variance request is only for three feet and the three feet will
26 allow the carport to be a usable structure.

27
28 **7. No special conditions are hereby imposed.**

29
30 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding
31 of Fact as amended.

32
33 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
34 **Record and Finding of Fact as amended. The motion carried by voice vote.**

35
36 Mr. Thorsland entertained a motion to move to the Final Determination for Case 714-V-12.

37
38 **Mr. Courson moved, seconded by Mr. Palmgren to move to the Final Determination for Case 714-V-**

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1 **12. The motion carried by voice vote.**

2
3 Mr. Thorsland informed the petitioners that one Board member was absent and one Board member seat was
4 vacant therefore it is at their discretion to either continue Case 714-V-12 until a full Board is present or
5 request that the present Board proceeds to the Final Determination. He informed the petitioners that four
6 affirmative votes are required for approval.

7
8 Mr. and Mrs. Pardy requested that the present Board proceed to the Final Determination.

9
10 **Final Determination for Case 714-V-12:**

11
12 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**
13 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
14 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
15 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
16 **Champaign County determines that the Variance requested in Case 714-V-12 is hereby GRANTED**
17 **to the petitioners Lee and Myrtle Pardy to authorize a side yard of an existing carport of 7 feet in lieu**
18 **of the minimum required side yard of 10 feet, in the AG-2 Zoning District.**

19
20 The roll was called:

21			
22	Capel-yes	Courson-yes	Miller-absent
23	Passalacqua-yes	Palmgren-yes	Thorsland-yes
24			

25 Mr. Hall informed Mr. Pardy that his variance request has been approved.

26
27 Mr. Thorsland stated that the Board will now hear Cases 699-AM-11 and 700-S-11.

28
29 7. Staff Report

30
31 None

32
33 8. Other Business
34 A. Review of ZBA Docket

35
36 Mr. Hall stated that the current docket indicates 15 cases pending.

37
38 Mr. Kass stated Case 709-V-12 has been withdrawn.

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1
2 Ms. Capel asked why the petitioner for Case 707-S-12 has not previously requested a special use permit.
3
4 Mr. Hall stated that upon several, separate occasions staff has discussed the need for a special use permit
5 with Mr. Williams but there was always something else involved and once that something else did not work
6 out therefore it was just left unresolved. He noted that recently staff has been dealing with paintball facilities
7 throughout the County. He said that when petitioners come to the office to discuss their proposed use and
8 the thing that they believe is the biggest thing for their use does not go through the petitioner figures that
9 staff will contact them about everything else. He said that staff indicates what the petitioner needs and since
10 staff has new things coming in all of the time it is possible that the proposed use is left behind until it is
11 brought back to staff's attention. Mr. Hall stated that Mr. Williams has been very cooperative regarding the
12 pending case.
13
14 Mr. Thorsland reminded the Board that they need to complete the Open Meetings Act online training.
15
16 Mr. Palmgren indicated that he has had trouble with the program and has been unable to complete the
17 training.
18
19 9. Audience Participation with respect to matters other than cases pending before the Board
20
21 None
22
23 10. Adjournment
24
25 Mr. Thorsland entertained a motion to adjourn the meeting.
26
27 **Mr. Courson moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
28 **vote.**
29
30 The meeting adjourned at 8:55 p.m.
31
32
33
34 Respectfully submitted
35
36
37
38

ZBA

AS APPROVED MAY 31, 2012

4/26/12

1 Secretary of Zoning Board of Appeals
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