

1 **MINUTES OF REGULAR MEETING**

2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 **1776 E. Washington Street**

5 **Urbana, IL 61802**

6
7 **DATE: December 10, 2015**

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

8
9 **TIME: 6:30 p.m.**

Urbana, IL 61802

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11 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Marilyn Lee, Brad
12 Passalacqua, Jim Randol

13
14 **MEMBERS ABSENT :** Eric Thorsland

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

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18 **OTHERS PRESENT :** Dennis Ohnstad, John North, Scott Harding, Lott Thomas

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21 **1. Call to Order**

22
23 The meeting was called to order at 6:30 p.m.

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25 Mr. Hall informed the Board that due to the planned absence of Eric Thorsland, Chair, the Board needs
26 to appoint an Interim Chair for tonight's meeting.

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28 **Mr. Passalacqua moved, seconded by Mr. Randol to appoint Catherine Capel as the Interim Chair**
29 **for tonight's meeting. The motion carried by voice vote.**

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31 **2. Roll Call and Declaration of Quorum**

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

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

38
39 **3. Correspondence**

40
41 None

42
43 Ms. Capel entertained a motion to rearrange the agenda.

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45 **Ms. Griest moved, seconded by Ms. Lee to hear a portion of item 8A. Other Business, prior to item**
46 **4. Minutes. The motion carried by voice vote.**

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Mr. John Hall, Zoning Administrator, introduced the Board’s newest member, Frank DiNovo, who was appointed to the Zoning Board of Appeals at the last County Board Meeting. Mr. Hall stated that this is the first time in approximately two years that the Zoning Board of Appeals has had a full Board. He welcomed Mr. DiNovo to the ZBA.

4. Approval of Minutes (October 15, 2015 and October 29, 2015)

Ms. Capel entertained a motion to approve the October 15, 2015, minutes as submitted.

Ms. Griest moved, seconded by Ms. Lee to approve the October 15, 2015, minutes as submitted.

Ms. Capel asked the Board if there were any corrections or additions to the October 15, 2015, minutes and there were none.

The motion carried by voice vote.

Ms. Capel entertained a motion to approve the October 29, 2015, minutes as submitted.

Ms. Griest moved, seconded by Ms. Lee to approve the October 29, 2015, minutes as submitted.

Ms. Capel asked the Board if there were any corrections or additions to the October 15, 2015, minutes and there were none.

The motion carried by voice vote.

Mr. Hall noted that there are two new public hearings on the agenda tonight and the second case on the agenda is a text amendment. He said that there are two witnesses present for Case 819-AT-15 who wish to present testimony but during the last week staff has had a lot of discussions with the City of Urbana’s staff and everyone involved in the text amendment is hopeful that the amendment can be revised so that we won’t have a municipal protest. He said that he does not see a lot of value in discussing Case 819-AT-15 tonight but it is the Board’s call. He said that Case 818-S-15 is a Special Use case and it will take a lot of time for the Board to work through the findings. He said that Case 819-AT-15 could simply be moved up on the agenda and continued to the next meeting on December 17th or leave it on the agenda as written.

Ms. Griest moved, seconded by Mr. Passalacqua to rearrange the agenda and hear Case 819-AT-15 prior to Case 818-S-15. The motion carried by voice vote.

Ms. Capel called Case 819-AT-15.

5. Continued Public Hearing

None

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6. New Public Hearings

Case 818-S-15 Petitioner: Dennis Ohnstad and John North, d.b.a. Woods Edge Development, Inc. Request: Part A. Authorize the expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989, under Special Use Case 652-S-88. Part B. Authorize a minimum setback (yard) of 0 feet in lieu of ten feet between the manufactured home and the manufactured home site, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge that are also the subject of Part A of the requested Special Use Permit: 297A Apple Tree Dr., 297B Apple Tree Dr., 299A Apple Tree Dr., 299B Apple Tree Dr. Part C. Authorize a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured dwelling units in Phase 2 of Woods Edge: 844 Peach St, 845 Peach St, 846 Peach St, 847 Peach St, 849 Peach Tree St, 855 Peach Tree ST, 857 Peach Tree St, 861 Peach Tree St, 863 Peach Tree St, 864 Peach Tree St, 865 Peach Tree St, 866 Peach Tree St, 867 Peach Tree St, 869 Peach Tree St, 870 Peach Tree St, 871 Peach Tree St, 872 Peach Tree St, 874 Peach Tree St, 876 Peach Tree St, 877 Peach Tree St, 879 Peach Tree St, 338 Plum Tree Dr., 340 Plum Tree Dr. Part D. Authorize a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the zoning Ordinance for all manufactured home sites in future Phase 3 of Woods Edge. Location: A 42.09 acre tract in the Northwest Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township with an address of 202 Apple Tree Drive, Urbana.

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

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.

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

Mr. John North and Mr. Dennis Ohnstad stated that they will defer any statements at this time.

Ms. Capel asked the Board if there were any questions for the petitioners and there were none.

Ms. Capel asked if staff had any questions for the petitioners and there were none.

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Ms. Capel called John Hall to testify.

Mr. John Hall, Zoning Administrator, distributed a new handout, which is the enlarged site plan from Case 652-S-88, to the Board for review. He said that the enlargement does not provide a lot of detail that was missing from the smaller version but the original copy was not a very good copy.

Ms. Lee stated that item 9.C(2) on page 13 of 27 of the Summary of Evidence states as follows: An as-built review of the detention basin was not performed; however, based on most recent information, the Zoning Administrator determined on September 23, 2015, that the property has sufficient retention capacity. She asked Mr. Hall if the sufficient retention capacity is for the entire project including all of the acreage.

Mr. Hall stated yes. He said that the detention basin was designed for all of the development that is proposed.

Ms. Lee asked Mr. Hall if the detention basin complies with the County's current *Stormwater and Erosion Control Ordinance*.

Mr. Hall stated no. He said that the detention basin was designed before the County had a Stormwater Policy and was designed according to the standards that were established in Case 652-S-88 and an engineer verified that. He said that he is not aware of any drainage problems that would suggest that additional detention is required.

Ms. Lee asked Mr. Hall if it complies with what the County has right now.

Mr. Hall stated no and it never had to.

Mr. Passalacqua stated that the way that Part D. is written it appears that the petitioners would like the Board to change the Ordinance or make an exception for future construction and he is not a fan of that at all.

Mr. Hall stated that the petitioners probably would encourage the Board to amend the Ordinance and there are a lot of ways in which the Ordinance could be improved. He said that this is the only time that this particular waiver has been requested so he cannot indicate that there has been a lot of demand for this type of request even though it appears to match the needs of this petitioner.

Ms. Lee stated that she spoke with Mr. Hall before the meeting and asked him if the land to the east was being farmed and he indicated yes. She said that item 4.C. on page 3 of 27 of the Summary of Evidence should be revised as follows: Land to the east of the subject property is zoned AG-2 and R-5, and is agricultural and residential in use. She asked Mr. Hall if there is a requirement for barriers between the agricultural use and the mobile home park.

Mr. Hall stated that Ms. Lee is referring to one of the Land Resource Management Plan policies that

1 states that some kind of buffer will always be considered in a discretionary decision. He said that the
2 east side of the subject property has already been developed so if there were a need for a buffer he
3 believes that it would be a difficult situation and in fact there have never been any complaints regarding
4 incompatibility between the residential use and the agriculture.
5
6 Ms. Lee stated that the Board had a previous case involving a horticulture use in a storage shed on the
7 property and the Board addressed possible conflicting issues with surrounding agriculture.
8
9 Mr. Hall stated that during that previous case the Board already had many instances of the non-
10 agricultural use crossing the property line and as far as he knows we do not have that instance in this
11 case.
12
13 Mr. Randol stated that also during that previous case there were complaints filed that dealt with that
14 issue.
15
16 Mr. Hall stated that the previous case dealt with the proposed self-storage on South Duncan Road.
17
18 Ms. Lee stated that Mr. Hall was correct.
19
20 Mr. DiNovo asked Mr. Hall that since this is a retrospective special use permit, what would happen if
21 the special use permit request was denied.
22
23 Mr. Hall stated that the property would be out of conformance, as it is currently, and theoretically it
24 would rise to the level of an enforcement case. He said that staff has not received any complaints and
25 staff was not aware that the property was out of conformance until a request for information regarding
26 the property was received. He said that during staff's response to the request it was discovered that there
27 had been construction that was not in compliance with the Ordinance and he cannot explain why or how
28 this situation happened.
29
30 Mr. DiNovo stated that it appears that there was no Zoning Use Permit issued for the Phase 2 expansion.
31 He asked Mr. Hall if there was a Zoning Use Permit issued for Phase 1.
32
33 Mr. Hall asked Ms. Chavarria if Phase 1 pre-dated the adoption of the Zoning Ordinance or was there
34 actually a Zoning Use Permit issued.
35
36 Ms. Chavarria stated that there was an initial phase, Phase 0, before 1973 and then there was the Phase 1
37 expansion that did receive a Zoning Use Permit.
38
39 Mr. Hall stated that the permitting information for the subject property is indicated under item 5 on
40 pages 3 and 4 of 27 of the Summary of Evidence. He said that in regards to Phase 2, staff did inspect
41 some aspects of it but never actually approved the development the way it happened with the current
42 yards which is one of the reasons why the petitioners are before the Board tonight. He said that staff was
43 not aware of the existence of the existing duplexes.
44

1 Mr. Passalacqua asked Mr. Hall if the agricultural portion is still under the same ownership as well.

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3 Mr. Hall stated that he does not believe so.

4
5 Mr. Passalacqua asked if the agricultural portion is accessed from the north.

6
7 Ms. Chavarria stated that the agricultural portion is accessed off of the road to the east.

8
9 Ms. Lee stated that the Land Use Map on page 2 of 3 of Attachment A. indicates a mobile home park
10 located to the south and east of the agricultural land. She asked Mr. Hall if this mobile home park is
11 owned by the petitioners.

12
13 Mr. Hall stated no. He said that in Case 652-S-88 there was an emergency outlet to the streets there and
14 when Ms. Chavarria conducted her site visits the street in the mobile home park to the south and east of
15 the agricultural land had vehicles and other items parked on it so it was not clear to staff if the street was
16 really a viable emergency access. He said that in his mind this is one of the difficulties about this case
17 because the Board needs to decide if it wants to keep that requirement or beef it up to make the access
18 useable or determine it is not necessary. He said that he does not have an answer for the Board either
19 way regarding the street but if it is actually necessary for emergency access it is not adequate.

20
21 Ms. Griest asked Mr. Hall if it is within the Board's purview to require emergency access onto privately
22 owned property. She said that this street is not a public road.

23
24 Mr. Hall stated that any street in a manufactured home park has to be available for emergency services
25 and the only way to make sure that it is accessible is to make this petitioner achieve that somehow and
26 that could be very difficult. He said that the Board should weigh if this is really something that the
27 Board should be requiring.

28
29 Mr. DiNovo stated that he visited the property today and he had a very hard time getting his car down
30 the street and it wasn't due to things on the east side of the gate but the entire length of the street is very
31 narrow and there is parking on both sides. He said that there is no way that any emergency vehicle could
32 get down that street very quickly. He said that he does not know if the street access requirement was
33 part of the petition in 1988 but it is an unrealistic condition. He said that he believes that the concern
34 remains that without some means of emergency access there are over 200 dwelling units that could
35 potentially have only one means of ingress and egress.

36
37 Ms. Capel stated that all of the homes are 10 feet apart.

38
39 Mr. Passalacqua stated that the waiver for separation makes the situation worse.

40
41 Mr. Hall stated that many of the newer residential areas in southwest Champaign are only required to be
42 10 feet apart.

43
44 Mr. Passalacqua stated that some homes in that area may be less than 10 feet apart but that will not be

1 good when there is a huge fire and that allowance did not come across this Board's table.

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3 Mr. Hall stated that it didn't come across this Board but previous Boards did have some input on that
4 decision. He said that it is his understanding that no comments have been received from the fire
5 protection district.

6
7 Ms. Chavarria stated that no comments have been received from the fire protection district.

8
9 Ms. Griest noted that the fire chief for the fire protection district will be in attendance at the next public
10 hearing. She said that Mr. Kobel is the fire chief for the Eastern Prairie Fire District. She said that there
11 are several references to the manufactured homes being placed in accordance with the State of Illinois
12 guidelines. She asked if there is any data on the State guidelines which may address some of the
13 concerns about the proximity issue, being closer than what the County's Ordinance requires. She said
14 that perhaps historical data is available which would indicate incidents due to proximity.

15
16 Mr. Hall stated that the petitioner may be aware of such information but he is not aware of any historical
17 data that is available for the Board's review. He said that he would take it at face value that if the State
18 of Illinois believes that it is adequate then it should be adequate although he does not believe that the
19 State of Illinois' guidelines address the issue of the duplexes. He said that if one is to adopt the State of
20 Illinois' guidelines what does the Board do in regards to the duplexes. He said that duplex construction
21 happens every day but this is the first time that he has seen it in a manufactured home park and that
22 might be a reason why this is a groundbreaking example for Champaign County. He said that he is not
23 sure what to do with the State of Illinois guidelines because they do not cover everything that is in front
24 of the Board tonight.

25
26 Ms. Griest stated that perhaps this is something that the Board can request the petitioners to speak to as
27 far as the standards of manufactured home building and how they have changed since the County
28 originally approved this as a manufactured home park and possibly those units are manufactured homes
29 comparable to the homes built in many of the subdivisions.

30
31 Ms. Lee stated that item 5.B.(1)f. on page 4 of 27 of the Summary of Evidence states that the approved
32 typical Manufactured Home Site Plan for Case 652-S-88 indicates 10 feet side and rear yard setbacks.
33 She said that basically that was what was done in 1988 when this was initially approved, correct.

34
35 Mr. Hall stated that is what was indicated and is in conformance with the Ordinance but that is not what
36 was constructed.

37
38 Mr. DiNovo asked Mr. Hall if the site plan that was distributed tonight is the site plan that was submitted
39 for Case 652-S-88. He asked if he is correct in understanding that the spaces have gone from 5,000
40 square foot spaces to 7,875 square foot spaces. He said that the distributed site plan does not accurately
41 portray the current layout of the park. He asked if the Board could obtain an accurate site plan of the
42 current configuration of the park.

43
44 Mr. Hall stated that this is not intended to be an accurate portrayal of the park. He said that just as in the

1 first case staff can only do so much when documents are requested for submittal.

2
3 Mr. DiNovo stated that currently, staff does not have an accurate site plan of the development showing
4 the current layout and Phase 3.

5
6 Mr. Hall stated that Mr. DiNovo's question is a good question for the petitioners. He said that he would
7 assume that leaving it opened for Phase 3 leaves some flexibility in regards to density. He said that there
8 are fewer homes out there now than what was approved during Case 652-S-88 but on the remaining land
9 waiting to be developed Case 652-S-88 would still be a sort of a maximum density. He said that staff
10 does not have an accurate site plan of the development as it exists today nor an accurate site plan of a
11 typical home site except what was submitted in Case 652-S-88.

12
13 Ms. Griest asked Mr. Hall if the Board could request this documentation.

14
15 Mr. DiNovo stated that he cannot imagine approving this case without an accurate site plan.

16
17 Ms. Griest stated that the purpose of her question is that an accurate site plan which depicts how the
18 property currently sits and how it will be configured in the future materially affects the Board's decision
19 regarding the setbacks.

20
21 Mr. Hall stated that he does not know how long it will take for the petitioners to have an accurate site
22 plan for the Board's review but he does know that the petitioners were hoping to get this project
23 approved by the end of the year but with that requirement it will not be possible. He said that the Board
24 should discuss this with the petitioners.

25
26 Ms. Chavarria asked the Board if they are looking for a site plan for an individual manufactured home
27 site or an updated site plan for the entire Wood's Edge development.

28
29 Ms. Capel stated both.

30
31 Ms. Chavarria stated that a typical home site plan is included in the packet. She said that Attachment B.
32 indicates a typical manufactured home site from Case 652-S-88 and Attachment J. is a typical
33 manufactured home site showing the 5' setback for the side yard and 75' x 105' lot size.

34
35 Mr. DiNovo asked Ms. Chavarria how many units there are in Wood's Edge.

36
37 Ms. Chavarria stated that perhaps the Board should invite the petitioners to testify regarding these
38 questions.

39
40 Ms. Capel asked the petitioners if they would like to address the Board's questions.

41
42 Mr. John North, who resides at 2170 Old Policeman's Road, St. Joseph and Dennis Ohnstad who resides
43 at 2607 East Main, Urbana, approached the witness microphone to address the Board's questions.

1 Ms. Chavarria stated that the Board's last question was how many manufactured home sites are currently
2 located in Wood's Edge.
3
4 Mr. John North stated that there are 176 manufactured home sites which include the original portion
5 developed in the early 70's.
6
7 Ms. Capel stated that the petitioners are requesting that the Board waive the standards for a 5' side yard
8 for the future development. She asked the petitioners if they have a site plan for that future
9 development.
10
11 Mr. North stated that they do not have a site plan that indicates the specific sites but they do have a
12 general area design but the number of sites has not been determined yet.
13
14 Ms. Capel asked Mr. North if he does not know how many sites will be in that development.
15
16 Mr. North stated no.
17
18 Mr. Passalacqua asked Mr. North if there is an existing accurate site plan of what is on the property
19 currently.
20
21 Mr. North stated yes.
22
23 Mr. Passalacqua asked Mr. North if the Board could obtain that site plan relatively quickly.
24
25 Mr. North asked Mr. Passalacqua to clarify if he is looking for a specific site plan or just a site plan
26 defining the lots.
27
28 Mr. Passalacqua stated that the Board desires an as-built site plan of the entire property. He said that the
29 Board was just informed that the current site plan is not accurate.
30
31 Mr. North asked Mr. Passalacqua how the current site plan is not accurate.
32
33 Mr. Passalacqua asked Mr. Hall if he understood correctly that the current site plan before the Board is
34 not accurate and is not as-built.
35
36 Mr. Hall stated that the current site plan before the Board is what was proposed in Case 652-S-88. He
37 said that the park has resulted in many fewer units than what Case 652-S-88 authorized. He said that the
38 lots are bigger even though things are closer to the lot line than what the Ordinance would allow.
39
40 Ms. Griest stated that the areas of lots 63, 64, 65 and 66 on the right side of the original site plan
41 compared to the aerial photograph, Attachment H. page 1, it is apparent that some of the lots were
42 combined as a housing unit. She said that even though there were more lots proposed the petitioners
43 have combined some of the lots and placed larger homes on those lots and developed fewer home sites.
44 She said that the Board would like to have an accurate site plan to review so that the Board is clear on

1 how many areas these combinations occurred in or did not occur in.

2
3 Mr. North stated that lot 65 was not intended to be a lot but was the emergency access road that was
4 engineered on the original site plan.

5
6 Mr. Dennis Ohnstad stated that when they were planning the property they did not anticipate more than
7 one home per site but as the sites were built upon it became apparent that people were buying bigger and
8 bigger homes. He said that he does not remember when the current site plan was submitted or what they
9 added after that but it is not uncommon today to eliminate two lots to make one lot for a larger home.
10 He said that it is important for them to make the lots aesthetically appealing for the people who reside in
11 the park and aesthetically appealing for the neighbors and this practice has proven that and has become a
12 model for how they develop in the future.

13
14 Ms. Capel stated that the Board does not have a site plan for Phase 2 and the Board is requesting the
15 documentation that should have been submitted if Phase 2 had been approved.

16
17 Mr. North stated that he thought that they had submitted that documentation but obviously they did not.
18 He said that if they need to submit that information they will.

19
20 Mr. DiNovo stated that he assumes that if this case is approved a Zoning Use Permit will be required.

21
22 Mr. Hall stated yes.

23
24 Mr. DiNovo stated that the Board's requested documentation could be provided as an attachment to the
25 Zoning Use Permit application.

26
27 Mr. North stated that he found the as-built drawing and he thought that it was included in the original
28 submitted documentation. He said that he would be happy to submit this drawing tonight.

29
30 Ms. Chavarria asked Mr. North if the as-built drawing has a revised date of November 9, 1995.

31
32 Mr. North stated yes. He said that he believes that the current plan that the Board is reviewing was
33 actually initiated when Phase 1 was approved and not what they planned for Phase 2. He said that the
34 stormwater detention area is not defined on the submitted plan but is on the other plans. He said that the
35 other plans defines the stormwater basin and defines the actual sizes of the lots. He said that they
36 lowered the density of the park.

37
38 Ms. Chavarria stated that staff has the 1995 version that was never approved in terms of as-built. She
39 said that the 1995 version does have the lot measurements and the drainage basin and where it was
40 actually supposed to go instead of as it is indicated on the plan distributed to the Board tonight. She said
41 yes, staff has the revised version but it is not one that was approved for special use nor is it the one that
42 was approved because we do not have a Phase 2 permit. It is thus not an official plan which is why staff
43 distributed the plan from Case 652-S-88 for the Board to review.

44

1 Mr. Hall asked Ms. Chavarria if the home sites on the 1995 revised plan are comparable to what staff
2 believes the as-built sites are currently or are they not dimensioned.

3
4 Ms. Chavarria stated that she scaled the plan when she reviewed the revised plan and found that they did
5 not line up exactly with how the aerial indicates them but we all know that the aerials are not precise in
6 terms of reality. She said that the lots were a little bit off but generally the sizes of the lots were
7 comparable and just slightly off.

8
9 Mr. DiNovo asked Mr. Ohnstad if the plan is an accurate representation of Phase 2.

10
11 Mr. Ohnstad stated that if anything he is sure that it would not be any more than that and would be less
12 density. He said that the homes continue to get larger and larger.

13
14 Ms. Griest asked the petitioners if they desired to enter the revised plans dated 11-9-1995, as evidence.

15
16 Mr. Ohnstad stated yes.

17
18 Ms. Lee stated that there are no dimensions on the plan that was submitted to the Board tonight.

19
20 Ms. Chavarria stated that the plan is scaled at 1" = 60' therefore it can be measured. She said that she
21 cannot guarantee that the 11" x 17" version that the Board received can accurately be measured due to its
22 size.

23
24 Mr. Hall stated that the 1995 drawing did show the lots more or less as they are right now. He said to be
25 clear, if all that was at issue here was the number of lots we would not be here tonight. He said that what
26 really triggered the need for the public hearing were the different yards that were provided, 5' in lieu of
27 10', and the duplexes and none of those things are in the 1995 drawings. He said that the 1995 drawings
28 are very pertinent to the lot layouts but the lot layouts were not part of the legal advertisement other than
29 just approving the site plan overall and that was because we know we are not going to exceed the
30 number of lots that were authorized in Case 652-S-88.

31
32 Ms. Griest asked for clarification, if the setback request of 5 feet in lieu of 10 feet between the
33 manufactured home and the manufactured home site boundary in Part C., is for the current lots as well as
34 the lots that are not yet constructed.

35
36 Mr. Hall stated no. He said that Part D. is for the lots that are not yet constructed.

37
38 Ms. Griest stated that the Board is still being asked to issue a waiver for the setback on lots that are not
39 yet built.

40
41 Mr. Hall stated yes.

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43 Ms. Capel asked the petitioners if they are requesting the Board to change the standards for this type of
44 development.

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Mr. North stated no.

Ms. Capel stated that Mr. Ohnstad stated that this is a model for these types of development.

Mr. North stated that they are requesting waivers for the Phase 2 and Phase 3 development.

Ms. Capel stated that asking the Board to review the standards is what is behind the request. She said that in order for the Board to approve something that hasn't happened yet is really a review of the standards themselves.

Mr. Ohnstad stated that it would be preferred if the County Ordinance matched the State of Illinois requirements. He said that he is embarrassed to admit it but when they built the park he did not know that there was a County Ordinance and they did everything based on the State of Illinois Department of Public Health regulations. He said that this project works and the residents are very happy with the neighborhood and it is a good model.

Ms. Capel asked Mr. Ohnstad how he feels about fire safety issues.

Mr. Ohnstad stated that he is passionate about fire safety issues. He said that density is happening in proven areas all around the country and he is just as concerned about fire as they are and we have the same fire ratings.

Ms. Griest asked Mr. Ohnstad to elaborate on his comment, "We have the same fire ratings." She asked Mr. Ohnstad if their development gets evaluated for its own ISO rating or does he mean that the structures are built to a particular standard.

Mr. Ohnstad stated that manufactured homes today are built to the same NFPA requirements that any other residential structure is built under.

Ms. Lee stated that the waiver in Part B. is requesting a minimum setback of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary. She asked Mr. Ohnstad if the 0 feet is a state standard.

Mr. Passalacqua stated that the 0 feet is for the duplexes.

Ms. Lee asked why 0 feet.

Ms. Capel stated that the duplexes are connected over the boundaries so it is much like a zero lot line.

Ms. Lee stated okay.

Ms. Griest asked the petitioners to elaborate on the manufacturing standards used for the duplexes. She asked if the duplexes are built the same as if they were building a pre-manufactured unit in the City of

1 Champaign or City of Urbana on a residential lot.
2
3 Mr. North stated that the construction standards of the homes in question are built to what would have
4 been accepted into the City of Urbana at the time.
5
6 Mr. Passalacqua asked the petitioners if the motive for the requested waiver in Part D. is to maximize
7 the number of homes that can be built in the future development.
8
9 Mr. Ohnstad stated that he did not understand Mr. Passalacqua's question.
10
11 Mr. Passalacqua stated that Part D. requests a waiver for a minimum setback (yard) of 5 feet in lieu of 10
12 feet between the manufactured home and the manufactured home site. He said that this waiver is
13 actually for construction that doesn't already exist. He asked the petitioners if the reason for the
14 requested waiver is to maximize the number of sites that they can build upon.
15
16 Mr. Ohnstad stated that the configuration would maximize the site. He said that the requested setbacks
17 will allow them to build a more user friendly product for the family that is there and will allow them to
18 build a larger house. He said that the density is actually lower than originally proposed.
19
20 Mr. Passalacqua stated that the petitioners could be in compliance if the lot was made larger.
21
22 Mr. Hall stated that the lots are actually larger than what was originally approved. He said that the
23 houses are larger with a detached garage which is why the yards have to give.
24
25 Mr. Passalacqua asked if in lieu of larger garages and homes, they could be compliant if they added 10
26 feet to each home site as opposed to requesting a waiver for a smaller setback.
27
28 Mr. Randol asked if the requested setback of 10 feet is from the street.
29
30 Mr. Hall stated no. He said that in the Zoning Ordinance in the Manufactured Home Standards it refers
31 to the side yards and rear yards as setbacks so we are talking about side yards and rear yards.
32
33 Mr. Randol stated that the lots are already established from the street to the rear of the lot so the depth of
34 the lot cannot be made any bigger because it is already established and the only thing that can be
35 changed is the width.
36
37 Mr. Passalacqua stated that his question was specific to Part D. because it requests a waiver for a non-
38 developed site therefore his question was could this request for a waiver be scratched if the size of the lot
39 was adjusted. He asked if there is a reason why the lot cannot be made compliant.
40
41 Mr. Hall pointed out that these lots are much larger than what was originally approved but so are the
42 buildings.
43
44 Mr. Passalacqua stated that for the unbuilt portion of the development Part D. could be avoided if the lot

1 size was adjusted.

2
3 Mr. Hall stated that this is a decision that the developer makes in determining financial feasibility.

4
5 Mr. North stated that since the development has not been constructed yet then yes, they could adjust lots
6 but speaking to the feasibility they would have to seriously consider the density. He said that what they
7 are trying to do with the larger homes is making the neighborhood a more desirable manufactured home
8 community and comparable to some of the neighborhoods/subdivisions throughout the area. He said
9 that in looking at the financial aspect of that they would have to consider the economic feasibility in
10 giving up more area for compliance with the Ordinance. He said that he is not sure that it would be
11 economically feasible to give up more density.

12
13 Mr. Passalacqua asked Mr. North if he could venture a guess as to how many lots would be lost if they
14 stayed in compliance.

15
16 Mr. North stated that he would guess a loss of 15% which would consist of 3 or 4 lots.

17
18 Mr. Ohnstad stated that originally there were 40 lots proposed in Phase 3 therefore if they lost 10' on
19 each lot the total would be 400 feet. He said that they would still have to install 400 feet of street, sewer
20 and water for each lot therefore the numbers just won't work.

21
22 Mr. North stated that an alternative would be to lessen the density which would not be compatible with
23 the new sections that have been built and it will make it more of the old style mobile home park and that
24 is not necessarily what they desire to do.

25
26 Mr. DiNovo stated that the 1988 site plan indicates 108 spaces in Phase 3.

27
28 Mr. North stated that Phase 3 added 35 or 40 spaces. He said that original site plan indicates all of the
29 lots in Phase 1, 2, and 3 in addition to the existing mobile home park.

30
31 Mr. DiNovo stated that the 1988 site plan indicates that Phase 3 would include lots 1-25 and 93-176.

32
33 Mr. North stated that the way it is depicted on here the lot numbers are correct but for Phase 3 they are
34 requesting the reduced setbacks.

35
36 Mr. DiNovo stated that in 1988 the petitioners were proposing to put in 108 units and now fewer units
37 are being proposed. He said that it is clear that Phase 3 was approved in 1988 so it could be built in that
38 configuration without question.

39
40 Ms. Griest asked the petitioners if, when they came to the Board in 1988 to have their case approved, the
41 home sites did not include garages. She said that in 1988 the lots were not proposed to accommodate a
42 home and garage.

43
44

1
2 Mr. North stated that in 1988 they were concentrating on Phase 1, which has smaller homes, smaller
3 home sites and some garages. He said that learning from that and moving on to Phase 2 several years
4 later, they saw the extra calling in the market to have even larger homes with larger lots. In Phase 1 that
5 we applied for originally with the overall plan in 1988, it was built slightly differently than Phase 2. He
6 said that if you look at Phase 1 on the north side of the street, he thinks there are 5 fewer houses built
7 according to this aerial photo than what the site plan had. He thinks that this site plan map was created
8 by engineer John Neary with the idea to show the maximum density that we could possibly get out of
9 that land and to get that approved, not that we would build that many, but we could if we wanted to. That
10 is probably why this was submitted.

11
12 Ms. Lee asked the petitioners if in Phase 1 they had 10 feet side and yard setbacks and if so why did they
13 go to 5 feet in Phase 2. She asked if the first ones were following the standards, why is Phase 2 different.
14

15 Mr. Ohnstad stated that he does not know that Phase 1 does meet all these county requirements.
16

17 Ms. Capel stated that it does and what Mr. Ohnstad might have mentioned was that they went by the
18 state standards for Phase 2.
19

20 Mr. Ohnstad stated that is correct, they have always gone by the state standards in communities all
21 around Illinois – it is the norm. He said that he serves on the state board for the Manufactured Housing
22 Association, and he knows most park operators in the state that are closer to a city, as far as he knows,
23 operate by the state standard.
24

25 Ms. Lee asked Mr. Hall if back in 1988 when this was approved if the lots were approved with 10 feet
26 side and rear yards back then.
27

28 Mr. Hall responded yes.
29

30 Mr. DiNovo stated that the case seems to be settling down to the appropriateness of the 10 foot setback
31 requirement. He stated that what we have is a proposal to build this out at a lower density than has
32 already been approved, which is an improvement with respect to the limited ingress and egress. He said
33 there would actually be fewer dwelling units under the current proposal than what has already been
34 approved, given that one access on Airport Road. He said this seems to really revolve around the
35 question of whether or not reducing these setback requirements really comes at a cost in fire safety. He
36 said that as he understands it, these units are all built to federal standards, inspected at the plant, whereas
37 site built housing out in the county is required to be certified built to code but it is not inspected.
38

39 Mr. Hall stated that he would not say that it is required to be certified; there is a state law that says it
40 shall be certified, but approval is not required and no one enforces it.
41

42 Mr. DiNovo concurred, saying it is the obligation of the seller to obtain that certification. He stated we
43 have other zoning districts in the county that allow 5 foot side yards. He asked if there is any way to help
44 us resolve that question.

1
2 Mr. Hall stated that from a staff level all we can do is promise to do our best to research that, although
3 he doesn't hold out much hope that they will have that research done by next Thursday night. He asked
4 if the petitioners are aware of any review or evaluation of the state standards that would support the 5
5 foot setback in the state standards.
6
7 Mr. Ohnstad stated there is nothing that he is aware of.
8
9 Mr. North stated that he knows the state standards have been the state standards since at least 1988 and
10 they have required an open space of 10 feet between homes on the sides, not necessarily lot lines. He
11 said that it is not usually necessary in a manufactured home community to define lots, as it is a land lease
12 and lots are typically not defined. The state has not changed it, has not found a need to change it, in all
13 its history to current, and he thinks that says something in itself - that it has worked statewide.
14
15 Ms. Lee asked the petitioners when they are referring to state standards, what entity is doing the state
16 standards.
17
18 Mr. North responded it is the state Department of Public Health.
19
20 Mr. Passalacqua asked if Woods Edge owns every lot in Woods Edge.
21
22 Mr. North stated that is correct.
23
24 Mr. Passalacqua asked with that in mind, is the lot line more a boundary of convenience for the dweller
25 of the property and does that change what we care about the setback since it is in essence one lot with
26 multiple residences on it – in other words, is the lot merely just a label.
27
28 Ms. Capel stated that our requirement is for 20 feet between units.
29
30 Mr. Passalacqua stated that he is looking at it as a parcel with multiple residences but one lot is never
31 going to be sold to one individual where there would be some argument about delineation of a property
32 line. He added that the Board is rarely ever harder than the state regulations so this is an odd case also.
33
34 Mr. DiNovo stated that he thinks any conveyance to another party would invoke the City of Urbana
35 Subdivision Ordinance, so it is unlikely.
36
37 Ms. Lee asked Mr. Ohnstad what organization he said he was the head of.
38
39 Mr. Ohnstad clarified that he is on the board of, not the head of, the Illinois Manufactured Housing
40 Association.
41
42 Mr. Passalacqua asked Mr. Ohnstad if in his experience on that board, has he ever seen permitting
43 required other than what the state requires.
44

1 Mr. Ohnstad stated that he has not personally, but their executive director fields many questions and they
2 usually hear those questions at the meetings and he doesn't recall hearing about that.

3
4 Mr. Passalacqua stated the only reason he asked is, speaking for himself and not the board, he is not a
5 fan of after-the-fact stuff where it has already happened and it is not compliant. He said that the Board
6 usually works through that, but he still has a problem with changing the ordinance for something that has
7 not even been designed or built yet. He said he understands completely that it has to make financial
8 sense but we try to make variances so that things can become in compliance but we also ask our
9 petitioners to do things to be in compliance also. He said that 400 feet is a lot to sacrifice in mobile
10 home sites, but that takes him back to always having accurate site plans, as built and as proposed, which
11 we sort of do and for all the cases this is a homework item that we have often sent people away with and
12 put the brakes on because we don't have an accurate representation of what was there.

13
14 Mr. Ohnstad apologized for not doing that up front. He said that if he or Mr. North had any idea, they
15 thought they were fine until just recently. He stated that is why they are here, when they realized they
16 were not as-built, we immediately applied for a variance.

17
18 Ms. Capel asked the petitioners if they have a timeline for Phase 3 development.

19
20 Mr. Ohnstad responded they do not and that it will not be anytime soon because there are a number of
21 projects ahead of this one.

22
23 Mr. DiNovo stated if that is the case, he does not see why we cannot take a little more time with this and
24 see if we can get some more information on this, at least a response from the fire protection district. He
25 said it seems to him that if the Board sees fit to approve the waivers in this case, the Board would be
26 hard pressed to retain 10 foot setback standards. He said he is not sure how he can differentiate this case
27 from the next case that comes down the road, unless maybe we can, he doesn't know.

28
29 Mr. Hall commented it could be referenced by how much staff time it would take to make such an
30 amendment to the ordinance.

31
32 Ms. Lee asked Mr. Hall if the petitioners are saying that it is the Illinois Department of Public Health
33 that is in charge of this, would there be state statutes that are guidelines for the health department.

34
35 Mr. Hall asked Ms. Lee if she meant the Department of Public Health, and said yes.

36
37 Ms. Lee asked if that should say what the distance is.

38
39 Mr. Hall responded no. He stated he is sure it has been delegated to the Department of Public Health
40 Director, that's the person that is responsible. He stated that testimony is that they have required no more
41 than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in
42 our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these
43 were private homes in the R-3 District, and those homes would not meet any standard. He stated that
44 these homes (the manufactured homes) are absolutely built to a standard and inspected.

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Ms. Griest stated that a point to follow up on that is that when the ordinance was written and the reason it's more generous or restrictive, depending on how you look at it, the reason it is 10 feet instead of 5 feet, is because at that point in time they probably were not built to that standard and inspected, that it was just coming into play during that era. She suggested that manufacturing technology has improved so dramatically over the last 30 years that now there are rigid standards for compliance and inspection that didn't exist when it was written into the ordinance. She said that this might be the justification for the comparison between R-3 and the R-5 districts.

Ms. Griest asked the petitioners if in the original approval there was a reference that they would have a remainder of 40% of open space on the lots. She asked if that is going to remain the same if they get this variance or will that be cut back as well.

Mr. North stated that they could build that to the same standard that the current lots are built to.

Ms. Griest asked if the current lots are built to the 40% open space.

Mr. North stated that he believes so.

Ms. Griest asked if that was without counting their park and recreation areas.

Mr. North stated that he believes so.

Mr. Passalacqua asked if it would be worth including a special condition regarding separation regardless of distance to the lot line, which is what he is hearing is consistent with the state regulations, so we can propose to match the state guidelines with a 10 feet separation even though we are granting a waiver of our minimum setback requirement. He gave an example that if one unit was 5 feet from the lot line, the one next to it would have to be at least 5 feet from the lot line for a total of 10 feet separation distance.

Ms. Capel stated that if one is 3 feet, then the one next to it must be 7.

Mr. Passalacqua stated that as long as a special condition is in place, that is correct, and as he understands the petitioner's testimony, that is the state regulation.

Mr. North stated that he thinks what Mr. Passalacqua is proposing makes a lot of sense.

Mr. Passalacqua explained that it still gets our separation even though one unit may be crowded on the property line.

Ms. Griest stated that she is struggling with the original drawings, the as-builts we don't exactly have, the way they've constructed it, it seems to her that since the petitioner owns all of the ground anyway and the lot lines are not dedicated in any type of title work, they can move them whenever they want – they're fluid. She stated that a setback from a lot line creates her a lot more heartburn than separation of buildings because the lot lines are fluid – they are really imaginary boundaries.

1
2 Mr. Passalacqua stated that for the purposes of this case, it should be written in such a way so as to not
3 include the side yard setback, but generally speaking making the separation of the property consistent
4 with the state law. He said that it appears to him from testimony that the petitioners are in compliance
5 with that, with no respect to the duplexes, which are connected, and he doesn't really have a problem
6 with the duplex situation. He agrees that these homes are built way differently than they used to be, in
7 fact, many of the new construction stick built homes he works on don't measure up at all. He stated that
8 his issue, more than the setback, is the separation because they can get tight. He said that earlier, the
9 commentary was that is the same situation as some of the homes in the city, but he does not think that is
10 right – it exists, but it is not a good precedent to jump on board with. He said he has physically measured
11 7 feet in some of these instances, and a good fire melts the vinyl siding off a house across the street,
12 much less 7 feet away.

13
14 Mr. DiNovo asked if the duplexes are on foundations.

15
16 Mr. Ohnstad stated that the homes are placed on a solid footing and the underside is enclosed.

17
18 Mr. Passalacqua asked the petitioners if there is a state regulation on that, because he knows of a lot of
19 homes that you drive by that appear to be built on-site are in fact built on a modular foundation. He
20 asked Mr. Ohnstad if he has any regulation from the state that indicates that they can or cannot put a
21 duplex property like that.

22
23 Mr. Ohnstad stated the state requires modular homes to have footings under them so they have a base to
24 rest on and that the underside be enclosed. He said there is no specification for how you enclose it.

25
26 Mr. Passalacqua asked if it could be on a block foundation.

27
28 Mr. Ohnstad responded it could be. He pointed out that the manufacturer also has guidelines with
29 regards to support and enclosures and so forth; he does not personally know of any that have concrete
30 enclosures under them.

31
32 Mr. Passalacqua stated that his sister has a modular home on a standard crawlspace foundation with
33 piers and other than the fact that it was driven there in two parts, it is not what he would call a mobile
34 home. He stated he did not know if there was a prohibition of putting something like that in a mobile
35 home park.

36
37 Mr. Ohnstad said not to his knowledge is there a prohibition.

38
39 Ms. Capel asked Mr. Hall if we are going to talk about the distance between homes instead of the
40 setbacks, does this have to be re-advertised.

41
42 Mr. Hall responded no, our ordinance is not written to specify the separation between homes other than
43 20 feet, which obviously is not being requested here. He said he does not know what the actual
44 separations are but in no case did we find any separation less than 10 feet in total. He does not know

1 how many instances there are of only 10 feet separation.

2

3 Mr. Passalacqua asked if Public Health comes out and does a physical inspection.

4

5 Mr. North responded that they do come out and do an annual inspection. He said that he cannot say they
6 have had violations or received notice of a violation not meeting that setback.

7

8 Mr. Passalacqua asked if the state had been out to do an inspection.

9

10 Mr. North responded every year.

11

12 Mr. Passalacqua asked if they indeed measure between the homes.

13

14 Mr. North responded that he would say if it was questionable they would. He noted that Woods Edge
15 just received its annual inspection report the day before yesterday and there is nothing on there about not
16 meeting the minimum setback the state requires.

17

18 Mr. Passalacqua asked Mr. North if to his knowledge they have 10 feet separation.

19

20 Mr. North stated yes.

21

22 Mr. Hall stated that Attachment H provides the lesser separations that were found, and in no case was it
23 less than 11 feet.

24

25 Ms. Chavarria stated that staff looked at Phase 2 and we had an intern go out and measure the distance
26 between houses in Phase 2. She said that the ones shown in Attachment H are the ones with separations
27 of less than 20 feet and everything that is not mentioned in Phase 2 has 20 feet or more between the
28 manufactured homes – not between a home and garages but between homes themselves. She explained
29 that we're looking at 23 homes that have a distance of less than 20 feet between them out of 44 sites.

30

31 Mr. Hall stated that there were none as small as 10 feet.

32

33 Ms. Capel asked if there is a standard setback for garages in the R-3 district.

34

35 Ms. Chavarria stated that staff could not find anything that would require looking at garages as part of
36 the setback or separation.

37

38 Mr. Passalacqua stated that is ironic, because that is where house fires usually start. He said that his
39 initial uncomfot level with separation is starting to get more comfortable in the fact that it is one parcel
40 virtually. He stated that he would continue that into D., saying that his concern is more with separation
41 as opposed to setback. He asked if the Board should rewrite the requests for variances or do we talk
42 about separation as a special condition of the variance.

43

44 Mr. Hall stated he thinks it could be included as a special condition. He said the way the request is

1 worded, there would always have to be 10 feet of separation because of the 5 foot setback, if you are
2 comfortable with 10 feet of separation in total.

3
4 Mr. Passalacqua stated that the reason he likes the special condition is because it alludes to the fact that
5 we had a hang-up on the setback property line issue. He said that Mr. Hall was right because
6 mathematically if that was followed it would work.

7
8 Ms. Lee stated then the question comes to the fire thing – are we going to be satisfied with the distances
9 between or what may happen if we stay with the way the ordinance is to protect for fires.

10
11 Mr. Randol stated that the state is satisfied with the 10 feet of separation.

12
13 Mr. Passalacqua stated that this really specifically applies to the mobile home park because we are
14 usually discussing a residence and not this type of density.

15
16 Mr. DiNovo asked the petitioners if they allow people to fence their sites.

17
18 Mr. North stated yes.

19
20 Mr. Hall stated that he missed Mr. Passalacqua’s point.

21
22 Mr. Passalacqua stated that he believes that this is somewhat unique to a mobile home park.

23
24 Mr. Hall stated yes.

25
26 Mr. Passalacqua stated that the question that he had was going towards whether this would be a standard
27 that would be put toward every house that is reviewed but obviously he misunderstood. He asked if the
28 Board is going to require a new complete site plan and a copy of the most recent compliance report from
29 the Department of Public Health.

30
31 Ms. Capel asked the Board if they require additional documentation.

32
33 Ms. Griest stated that all of her questions have been adequately answered therefore she does not need a
34 new site plan.

35
36 Mr. DiNovo stated that so there are no misunderstandings it would be good to establish that the 1995
37 Vegrzyn Sarver & Associates’ site plan is now the official site plan.

38
39 Mr. Passalacqua stated that the Board already discussed that the lines on the site plan are not necessarily
40 where they are located or had to be.

41
42 Ms. Capel stated that the site plan was never approved.

43
44 Mr. DiNovo stated that he would like to substitute that for the 1988 site plan which the Board knows is

1 not accurate. He said that to the extent that the 1995 site plan functions as an as-built site plan showing
2 what the current site boundaries look like and it sets a cap on the maximum number of units which is a
3 lower cap than the 1988 site plan does.

4
5 Ms. Chavarria stated that the 1988 site plan indicates all of Woods Edge and the 1995 site plan is for
6 Phase 2 only.

7
8 Mr. DiNovo stated that he believes that the 1988 and 1995 site plans cover the same territory.

9
10 Ms. Griest stated that since the petitioners own all of the property the boundaries on the site plan for
11 each individual lot are somewhat fluid and could move. She said that if the petitioners chose to move
12 the lot lines around a little bit the site plan is relatively ineffective for the Board's purpose. She said that
13 the maximum amount of units is a different factor because it is something that is specific, measureable
14 and could be capped but the nature of the manufactured home park and the lines being movable to some
15 degree could make the site plan less effective.

16
17 Ms. Capel stated that the site plan would become a moving target.

18
19 Mr. Passalacqua stated that it's important to see the streets and emergency access but he agrees with Ms.
20 Griest in that those are relatively arbitrary and the site plan only gives a layout and account and general
21 feel for each address. He said that the Board cares about property lines because of measurements and
22 distances and ownership. He said that the dotted line could be anywhere on the property because the lots
23 are not taxed as individual parcels.

24
25 Mr. Hall stated that the Board could establish the 1995 site plan by John Neary as the approved site plan
26 for Phase 2 and 3 but it is not complete for the entire mobile home park. He said that for the original
27 Woods Edge and Phase I the Board needs the site plan from 652-S-88. He said that it seems worthwhile
28 to make that a special condition to make it absolutely clear or the Board could wait and request an actual
29 site plan that would incorporate the entire mobile park.

30
31 Mr. Passalacqua stated that it is his understanding that such a plan already exists.

32
33 Mr. North stated that the 1995 site plan is accurate for Phase 2 and 3 but they would be willing to do
34 that.

35
36 Mr. Passalacqua stated that a complete plan is needed for the file.

37
38 Mr. DiNovo stated that Mr. Hall has some latitude in approving the Zoning Use Permit for Phase 3
39 provided that no units are added or major changes are made. He said that the Zoning Use Permit would
40 not have to look exactly like the Special Use Permit.

41
42 Mr. Hall stated that Mr. DiNovo is correct but right now the reference for the limit on lots is still in 652-
43 S-88.

44

1 Mr. DiNovo stated that unless the Board adopts the 1995 plan there could be 118 units in Phase 3.
2
3 Mr. Hall stated that the reality would be that there could be some interplay with the yards but yes there
4 could possibly be that much.
5
6 Mr. Passalacqua stated that they would be limited by the separation requirement.
7
8 Mr. Hall stated that all of that would have to be taken into account.
9
10 Ms. Lee stated that the petitioners testified that there are 176 units in the mobile home park currently.
11
12 Mr. North stated that the way that Phase 3 is depicted on the 1988 plan there are less than 100 sites.
13
14 Ms. Griest stated that there is a notation on the 1988 plan stating that 97 existed at the time of proposed,
15 Phase 1, and 177 are proposed for a total of 274.
16
17 Ms. Capel stated that someone mentioned that input from the fire protection district was required.
18
19 Mr. Passalacqua stated that he did not indicate required input from the fire protection district. He said
20 that he angled towards state compliance but if the variance is followed there may not be a need for any
21 special condition. He said that his emphasis is on the separation.
22
23 Mr. DiNovo stated that his concern has been resolved.
24
25 Ms. Lee stated that it was mentioned that the fire chief for the fire protection district would be present at
26 the next meeting.
27
28 Mr. Randol indicated that the fire chief would be present for a different case.
29
30 Ms. Griest stated that she is not concerned about having a response from the fire chief. She asked the
31 petitioners if fire hydrants are present inside the mobile home park.
32
33 Mr. North stated yes.
34
35 Ms. Griest stated that the record should indicate that there are fire hydrants present in the mobile home
36 park which contributes to fire safety and the fire protection district's ability to respond.
37
38 Mr. Randol asked the petitioners to indicate the size of the water mains.
39
40 Mr. North stated that the new phases have 6-inch water mains which comply with the regulations.
41
42 Ms. Capel asked the Board if they were ready to review the Findings of Fact or continue the case until a
43 complete site plan is submitted.
44

1 Ms. Griest stated that a complete site plan is not necessary.

2
3 Mr. DiNovo stated that the case does not need to be continued but it may be helpful for staff to have the
4 chance to rewrite the Findings of Fact.

5
6 Ms. Capel stated that most of this will be taken care of with the special conditions.

7
8 Mr. DiNovo stated that there has been considerable testimony presented regarding the site plans
9 therefore it may be easier to continue the case and modify the Findings of Fact.

10
11 Mr. Hall proposed the following special condition regarding the site plan:

12 **D. The approved site plan will consist of the following:**

- 13 (1) **For the original development and Phase I Expansion of Woods Edge, the Site**
14 **Plan approved under Special Use Case 652-S-88 will be the official site plan.**
15 (2) **For Expansion Phases II and III, the site engineering plans developed by**
16 **Vegrzyn, Sarver and Associates dated November 9, 1995, will be the official**
17 **site plan.**

18
19 Ms. Lee stated that item 9.G.(1) indicates the following: Section 9.3 states “There shall be an open
20 space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the
21 ends of every mobile home.” She said that the petitioners are asking for 5 feet in lieu of the 10 feet.

22
23 Ms. Capel stated that the petitioners are asking for 5 feet on each side which makes 10 feet.

24
25 Mr. Hall stated except in regards to the duplexes.

26
27 Ms. Lee stated that the Section 9.3 states at least 10 feet adjacent to the sides of every mobile home. She
28 said that it doesn’t say 5 feet on each side.

29
30 Mr. Hall stated that the standard is not mentioning a lot line but is just saying 10 feet of space minimum.
31 He said that Ms. Chavarria has documented that there is more than 10 feet of space in Phase 2.

32
33 Mr. Passalacqua stated that the duplexes are one structure. He asked if the Board is concerned about the
34 separation of 10 feet open space between that structure and neighboring property and not the property
35 line issue of the duplex property.

36
37 Mr. Hall stated that he is just curious about what the state standard states about duplexes.

38
39 Mr. Passalacqua stated that it would be similar to a zero lot line in that it is one structure with a time
40 rated firewall between the two living spaces and he is sure that these properties have the same thing. He
41 said that condominium associations have four units connected to each other and is considered one
42 building. He said that this is a non-issue because this is one structure.

43
44 Ms. Griest stated that the Board will be authorizing the two structures included in Part B. but that does

1 not give the petitioners the authority to build more duplexes anywhere else and now that the petitioners
2 are aware of that the Board should not be revisiting the problem again.

3
4 Ms. Capel stated that the petitioners could apply for a variance before they construct any future duplexes
5 on the property.

6
7 Mr. Passalacqua asked if the state has a regulation which pertains to mobile home pre-manufactured
8 duplexes.

9
10 Mr. Hall stated not that he is aware of. He asked the Board if they are waiving the requirement for a site
11 plan for the duplexes and just approving them as they exist.

12
13 Ms. Griest asked Mr. Hall if he could propose a special condition indicating that the petitioners must
14 provide a drawing that adds the duplexes to the existing site plan.

15
16 Mr. DiNovo stated that the special use permit would require that they obtain a Zoning Use Permit that
17 includes a site plan.

18
19 Mr. Hall asked Mr. DiNovo if he is discussing a comprehensive site plan.

20
21 Mr. DiNovo stated only for the duplexes.

22
23 Mr. Hall proposed special condition D.(3) as follows:

24
25 **(3) For the two duplexes, the approved site plan shall be an as-built site plan of**
26 **the duplexes to be submitted for a Zoning Use Permit.**

27
28 The special condition stated above is required to ensure the following:
29 **That it is clear what the official site plan is for Woods Edge development.**

30
31 Ms. Capel asked the audience if anyone desired to sign the witness register at this time to present
32 testimony in this case and there was no one.

33
34 Ms. Capel closed the witness register.

35
36 Mr. DiNovo stated that prior to moving forward there are additions which should be made to the
37 Summary of Evidence.

38
39 Mr. Hall asked Mr. DiNovo if he had additions that he would like to add to the Summary of Evidence.

40
41 Mr. DiNovo stated that there was testimony indicating that the previous site plan allowed for a larger
42 amount of units, potentially 108 in Phase 3. He said that the emergency access through Loral Mobile
43 Home Park is feasible.

44

- 1 Mr. Hall stated that the Board must either keep the requirement for the emergency access over to Loral
2 Park or specifically not include that.
3
- 4 Mr. DiNovo proposed that the Board not include it.
5
- 6 Mr. Passalacqua asked the petitioners if the traffic patterns, streets and emergency access are things that
7 the Department of Public Health inspects during their visits.
8
- 9 Mr. North stated yes. He said that the Department of Public Health requirements apply to their property
10 and their neighbor's property which shares the emergency access.
11
- 12 Ms. Capel asked Mr. North if the Department of Public Health requires that the emergency access to
13 Loral Mobile Home Park remains open.
14
- 15 Mr. North stated that it is within the Department of Public Health's power to require such.
16
- 17 Ms. Capel asked if it is a requirement of the permit issued by the state.
18
- 19 Mr. North stated that when the state performs their inspections they would have something to say if the
20 streets were impassible for emergency vehicles. He said that from the earlier phase for the original
21 density they had a special request to have that emergency access available and that request was agreed
22 upon and recorded. He said that at that time the owner of Loral Park Mobile Home Park signed an
23 agreement which was required for the County's approval. He said that they have done their best,
24 including signage and personal inspections, to make sure that the emergency access remains clear. He
25 said that they have never been cited during any of the state inspections for not having the emergency
26 access clear although he cannot speak for Loral Mobile Home Park.
27
- 28 Mr. Passalacqua asked Mr. North if signage is in place indicating the emergency access as a no parking
29 area.
30
- 31 Mr. North stated yes. He said that one car was parked in the access and Mike Kobel, Chief for the
32 Eastern Prairie Fire Protection District, called regarding his concerns. Mr. North stated that after Mr.
33 Kobel's telephone call they immediately installed the signage indicating "No Parking." He said that they
34 were not aware of the parked vehicle and would have immediately requested the owner to move their car
35 and they now watch the area closely. He noted that he does have pictures of the emergency access signs.
36
- 37 Mr. Passalacqua asked Mr. North if he and Mr. Ohnstad work or are on site every day.
38
- 39 Mr. North stated that they do work on site every day.
40
- 41 Mr. DiNovo stated that he does not believe that the Board should repeal the existing condition for
42 emergency access. He said that the Board should not be stating a condition that goes beyond the power
43 of the Petitioners.
44

1 Mr. Hall stated that it needs to be included as a special condition. He said that the special conditions
2 approved in this case will become the special conditions.

3
4 Ms. Griest stated that the special condition, as written, states that the emergency access on Fern Street
5 remains unobstructed on both sides of the locked gate. She asked what value an emergency access
6 provides if it has a locked gate.

7
8 Mr. Passalacqua stated that the fire protection district will drive through the gate.

9
10 Ms. Griest stated that she understands that they will drive through the gate but if it is truly an emergency
11 access the gate should be opened and not locked.

12
13 Mr. Hall stated that there are many instances where things are locked but a key is given to the fire
14 protection district and they can open the gate any time they need to.

15
16 Mr. Passalacqua stated that such an instance is very common and it won't stop the fire protection district
17 if they forget the key.

18
19 Mr. DiNovo stated that he is not sure what power the petitioners have to deal with things on the Loral
20 Park side of the gate.

21
22 Mr. Hall stated that petitioner previously did everything that needed to be done and the Board isn't going
23 to require any of that to be retracted and it will stay in place and things will remain as they are.

24
25 Mr. DiNovo stated that the easement needs to stay there and the petitioners should do what they can to
26 prevent obstructions on their side of the gate.

27
28 Mr. Passalacqua stated the testimony is in the minutes and everything is happening correctly.

29
30 Mr. DiNovo stated that he would revise the way the special condition is stated to indicate that the
31 petitioners will ensure that the emergency access to Fern Street remains unobstructed. He said that even
32 if we police the piece to the east he cannot see any practical way of policing the rest of Fern Street.

33
34 Ms. Capel stated that it sounds like the fire chief was on it since he notified the petitioners about the
35 parked car.

36
37 Mr. North stated that they recently had a fire call in Loral Park which was near the entrance and Mr.
38 Kobel notified him and advised him that on their side there was a car parked in that area. He said that
39 they had the car removed and installed additional signage. He said that when Mr. Kobel notified him
40 about the parked car he asked Mr. Kobel if he still had a key and Mr. Kobel stated that he would say that
41 they did still have a key but it didn't really matter because they can open the gate quicker than finding
42 the key.

43
44 Ms. Capel asked Mr. DiNovo if he is satisfied with the additions to the Summary of Evidence.

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Mr. DiNovo stated yes.

Mr. Hall asked Mr. DiNovo if he knows where he would like his statements inserted into the Summary of Evidence.

Ms. Griest stated that a reference to the 1995 site plan should be added to the Documents of Record.

Ms. Lee stated that item 4.C was revised to read as follows: Land to the east of the subject property is zoned AG-2 and R-5, and is agricultural and residential in use.

Ms. Chavarria stated that she will be happy to make the Board’s edits to the Summary of Evidence and insert them into their logical places and staff has done this before.

Mr. DiNovo stated that the point about the number of spaces should be detailed under Generally Regarding the Proposed Special Use.

Ms. Griest stated that adding Mr. DiNovo’s point would be new item 5.A.(6). She said that she appreciates the way staff incorporates all of the Board’s insertions into the Approved Summary of Evidence.

Ms. Capel stated that the Board will now review the proposed special conditions of approval.

A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

The special condition stated above is required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Ms. Capel asked the petitioners if they agreed to Special Condition A.

Mr. North asked if this is regarding any future lighting.

Ms. Capel stated yes.

Mr. North and Mr. Ohnstad indicated that they agreed to Special Condition A.

B. That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88.

The special condition stated above is required to ensure that the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

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Ms. Capel asked the petitioners if they agreed to Special Condition B.

Mr. North and Mr. Ohnstad indicated that they agreed to Special Condition B.

Mr. DiNovo asked Mr. Hall if the Board needs to specify when that occurs. He asked if this was part of the Zoning Use Permit for Phase 3 or immediately.

Mr. Hall stated that he would assume it is just for Phase 3.

Mr. DiNovo stated that it would be good to specify when that needs to be done.

Mr. Hall stated that revised Special Condition B. would read as follows:

B. That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88 as part of Phase III development.

The special condition stated above is required to ensure that the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

Ms. Capel asked the petitioners if they agreed with revised Special Condition B.

Mr. North and Mr. Ohnstad indicated that they agreed with revised Special Condition B.

C. That the petitioners ensure that the emergency access on Fern Street remains unobstructed on the Woods Edge side of the locked gate.

The special condition stated above is required to ensure the following:
That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

Mr. DiNovo asked what the easement actually provides.

Mr. North stated that the easement is a matter of record and it should be in the material.

Mr. DiNovo stated that the easement is either a stub or over the entirety of Fern Street and in either case it is impractical to do anything on that side of the fence. He said that there just isn't enough parking provided in Loral Park and the only place people can park is along Fern Street.

Mr. Hall stated that it remains a requirement on the Woods Edge side.

Ms. Capel asked the petitioners if they agreed to Special Condition C.

1 Mr. North and Mr. Ohnstad indicated that they agreed to Special Condition C.

2

3 Ms. Capel requested that Mr. Hall read proposed Special Condition D.

4

5 **D. The approved site plan will consist of the following:**

6 (1) **For the original development and Phase I Expansion of Woods Edge, the Site**
7 **Plan approved under Special Use Case #652-S-88 will be the official site plan.**

8 (2) **For Expansion Phases II and III, the site engineering plans developed by**
9 **Vegrzyn, Sarver and Associates dated November 9, 1995, will be the official**
10 **site plan.**

11 (3) **For the two duplexes, the approved site plan shall be an as-built site plan of**
12 **the duplexes to be submitted for a Zoning Use Permit.**

13

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

15 **That it is clear what the official site plan is for Woods Edge development.**

16

17 Mr. North asked if they just need to have the as-built site plan created and submitted and it won't hold
18 up anything tonight.

19

20 Ms. Capel stated that it needs to be submitted with the Zoning Use Permit.

21

22 Mr. North stated that they could provide it within the next couple of weeks.

23

24 Ms. Griest noted that she is sure that staff would provide any assistance required by the petitioners.

25

26 Ms. Capel asked the petitioners if they agreed to Special Condition D.

27

28 Mr. North and Mr. Ohnstad indicated that they agreed to Special Condition D.

29

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

31

32 **Mr. Randol moved, seconded by Ms. Griest to approve the Special Conditions as read. The**
33 **motion carried by voice vote.**

34

35 Ms. Lee asked how the Zoning Ordinance will be affected if the Board approves this request.

36

37 Mr. Passalacqua stated that the Zoning Ordinance will not be affected.

38

39 Ms. Griest stated that the Board is approving Part C. as written, a waiver for a minimum setback (yard)
40 of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary.
41 She said that the Board did not write a special condition on the minimum separation or compliance with
42 the IDPH Ordinance as opposed to the boundaries.

43

44 Mr. Hall asked the Board if that is consistent with what the Board desires.

1
2 Ms. Lee asked if we are keeping Part C. of the case as written.
3
4 Mr. Hall stated yes. He said that this should always result with at least 10 feet between homes.
5
6 Mr. Passalacqua stated that a special condition could be proposed guaranteeing no less than 10 feet
7 separation.
8
9 Ms. Lee stated that the statute indicates that there shall be an open space within 10 feet adjacent which
10 means that there cannot be anything in between the mobile home and the boundary line.
11
12 Ms. Capel stated that a mobile home is always going to require a five feet setback from the boundary
13 line.
14
15 Mr. Hall stated that testimony has been received from the petitioners that fencing of the sites is allowed
16 therefore a fence could be located between the two dwellings. He said that a separation of 10 feet is not
17 the same thing as a clear space.
18
19 Ms. Lee asked Mr. Hall to explain the difference between a clear space and an open space.
20
21 Mr. Hall stated an open space includes fencing but a clear space does not include anything.
22
23 Ms. Capel stated that the language in the IDPH standards refers to the separation distance between units.
24
25 Mr. Hall stated that the Board could add a Special Condition E. as follows:
26
27 **E. There shall be a minimum separation distance of 10 feet between dwellings,**
28 **excluding the duplex units.**
29
30 The special condition stated above is required to ensure the following:
31 **To ensure compliance with IDPH standards.**
32
33 Ms. Griest agreed with proposed Special Condition E.
34
35 Mr. Passalacqua asked Mr. Hall if excluding the duplex units is necessary because it has been
36 established that they are one building.
37
38 Mr. Hall stated that if there is going to be a special condition which discusses minimum separation then
39 you have to address the duplexes.
40
41 Mr. Passalacqua asked if a duplex is one building or two.
42
43 Mr. Hall stated that Special Condition E. could be revised as follows:
44

1 **E. There shall be a minimum separation distance of 10 feet between residential**
2 **buildings.**

3
4 The special condition stated above is required to ensure the following:
5 **To ensure compliance with IDPH standards.**

6
7 Mr. Passalacqua agreed with Special Condition E.

8
9 Ms. Capel asked the petitioners if they agreed to Special Condition E.

10
11 Mr. North and Mr. Ohnstad indicated that they agreed to Special Condition E.

12
13 Ms. Capel entertained a motion to approve the special conditions.

14
15 **Mr. Randol moved, seconded by Ms. Griest to approve the special conditions. The motion carried**
16 **by voice vote with one opposing vote.**

17
18 Ms. Capel noted that the Site Engineering Plan for Phase II of Woods Edge Mobile Home Park by
19 Vegrzyn, Sarver and Associates dated November 9, 1995, should be added to the Documents of Record.

20
21 **Findings of Fact for Case 818-S-15:**

22
23 From the documents of record and the testimony and exhibits received at the public hearing for zoning
24 case 818-S-15 held on December 10, 2015, the Zoning Board of Appeals of Champaign County finds
25 that:

26
27 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

28
29 Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at
30 this location because it permits effective use of the space and is within the guidelines of IDPH
31 regulations.

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

37
38 **a. The street has ADEQUATE traffic capacity and the entrance location has**
39 **ADEQUATE visibility.**

40
41 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has
42 ADEQUATE visibility.

43
44 **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.

Ms. Griest stated that the Special Use WILL be compatible with adjacent uses because this is an existing mobile home park and will continue as such.

Mr. DiNovo stated that it is bordered by more intensive uses on the north and south.

d. Surface and subsurface drainage will be ADEQUATE.

Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE because it has already been designed to accommodate the full capacity of the development.

e. Public safety will be ADEQUATE.

Mr. Passalacqua stated that public safety will be ADEQUATE.

f. The provisions for parking will be ADEQUATE.

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

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

Mr. Passalacqua stated that the property IS WELL SUITED OVERALL for the proposed improvements.

h. Existing public services ARE available to support the proposed Special Use without undue public expense.

Mr. Passalacqua stated that existing public services ARE available to support the proposed Special Use without undue public expense because the infrastructure already exists.

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

Mr. Passalacqua 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 infrastructure already exists.

Ms. Capel 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,

1 and welfare.

2
3 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
4 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
5 **DISTRICT in which it is located.**

6
7 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
8 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
9 which it is located.

10
11 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
12 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
13 **DISTRICT in which it located:**

14
15 **a. The Special Use will be designed to CONFORM to all relevant County Ordinances**
16 **and codes.**

17
18 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County Ordinances
19 and codes.

20
21 **b. The Special Use WILL be compatible with adjacent uses.**

22
23 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

24
25 **c. Public safety will be ADEQUATE.**

26
27 Ms. Griest stated that public safety will be ADEQUATE.

28
29 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
30 CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards
31 of the DISTRICT in which it located.

32
33 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
34 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**
35 **because:**

36
37 **a. The Special Use is authorized in the District.**

38
39 Ms. Griest stated that the Special Use is authorized in the District.

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

43
44 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this

1 location.

2

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

7

8 Ms. Griest stated that 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 WILL NOT be
10 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety
11 and welfare.

12

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

16

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

19

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

21

22 **6. SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:**

23

24 **A. Regarding Part B, waiver of Section 6.2.2E of the Zoning Ordinance that requires a**
25 **minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home**
26 **and the manufactured home site boundary for two duplex buildings:**

27

28 **(1) The waiver IS in accordance with the general purpose and intent of the**
29 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
30 **the public health, safety, and welfare.**

31

32 Mr. Passalacqua stated that the waiver IS in accordance with the general purpose and intent of the
33 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and
34 welfare because it is in compliance with IDPH regulations.

35

36 Mr. DiNovo stated that it is comparable to the standards that apply in the R-3 and R-4 zoning districts.

37

38 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
39 **or structure involved, which are not applicable to other similarly situated**
40 **land and structures elsewhere in the same district.**

41

42 Mr. DiNovo asked if it is necessary that every finding be favorable.

43

44 Mr. Hall stated yes.

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Ms. Capel 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 there is a difference in the state and county standards and Woods Edge conforms to the state standards.

Mr. DiNovo stated that back in the 1990's the Planning and Zoning Department failed to enforce the Ordinance and allowed Phase 2 to be constructed without a Zoning Use Permit.

Ms. Lee asked staff when it was discovered that Woods Edge was not in conformance.

Mr. Hall stated that the nonconformance was discovered within the past year.

Mr. Passalacqua stated that he does not like the text that Mr. DiNovo added to the finding because it would insinuate that everyone else is doing it so why don't we and he does not feel that it is necessary.

Ms. Lee agreed with Mr. Passalacqua.

Ms. Capel stated that Woods Edge failed to do their paperwork.

Mr. Passalacqua stated that he would like to strike Mr. DiNovo's text.

Mr. DiNovo stated that he believed that this was a feature that was unique to Woods Edge therefore distinguishing it from other mobile home parks.

Ms. Lee stated that Woods Edge did not obtain a Zoning Use Permit for Phase 2 which they were obligated to do.

Mr. Passalacqua stated that the Board has already discussed all of this and this is at the wrong point of the meeting to rehash it. He said that he still does not like the last sentence.

Mr. DiNovo withdrew his text for Finding 6.A(2).

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

Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because the regulations do not address duplexes in manufactured home parks.

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

1 Ms. Lee asked Mr. Hall if the petitioners received a Zoning Use Permit for the duplexes.

2
3 Mr. Hall stated not yet. He said that this finding is not asking whether they received a permit or not, and
4 is asking what if this was being proposed new, could the Board justify it.
5

6 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
7 NOT result from actions of the applicant because the ordinance is not written to address duplexes.
8

9 **(5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL**
10 **CONDITIONS, IS the minimum variation that will make possible the**
11 **reasonable use of the land/structure.**
12

13 Ms. Capel stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS
14 IS the minimum variation that will make possible the reasonable use of the land/structure.
15

16 **B. Regarding Part C, the waiver of Section 6.2.2E of the Zoning Ordinance that**
17 **requires a minimum setback (yard) of 5 feet in lieu of 10 feet between the**
18 **manufactured home and the manufactured home site boundary for 23 sites in the**
19 **Phase 2 Expansion:**
20

21 Ms. Griest stated that she would question the text regarding the 23 sites because the advertisement lists
22 the addresses. She said that she wants the petitioners to understand that the waiver only gives a variance
23 on those 23 sites and if in a later date in time one of the other existing sites becomes damaged or needs
24 replaced they have to observe the normal 10 feet setback or come to the Board for a variance.
25

26 Ms. Capel stated that the wording on 6.A. would need to be the same in addressing the duplexes.
27

28 Mr. Hall asked Ms. Griest if she was just clarifying something or does she want this changed.
29

30 Ms. Griest stated that she doesn't want anything changed because even though the wording doesn't say
31 23 sites it specifically lists the addresses. She said that she wants the petitioners to be clear that it only
32 includes those sites and the sites that are currently in compliance with the Ordinance needs to continue to
33 observe that 10 feet separation from the lot line.
34

35 Mr. Passalacqua stated that we are waiving it for future development but we are not waiving it for
36 something that may need to be rebuilt.
37

38 Mr. Hall stated that if something meets it right now and if it has to be rebuilt it has to be rebuilt as it is
39 right now.
40

41 **(1) The waiver IS in accordance with the general purpose and intent of the**
42 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
43 **the public health, safety, and welfare.**
44

1 Ms. Griest stated that the waiver IS in accordance with the general purpose and intent of the Zoning
 2 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare
 3 because it is in compliance with IDPH regulations and is comparable to the standards in the Zoning
 4 Ordinance for R-3 and R-4 districts.

5
 6 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
 7 **or structure involved, which are not applicable to other similarly situated**
 8 **land and structures elsewhere in the same district.**

9
 10 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
 11 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 12 the same district because there is a difference in the state and county standards and Woods Edge
 13 conforms to the state standards.

14
 15 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
 16 **the regulations sought to be varied WILL prevent reasonable or otherwise**
 17 **permitted use of the land or structure or construction.**

18
 19 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
 20 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 21 structure or construction because it would impose a standard greater than that of the state.

22
 23 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
 24 **NOT result from actions of the applicant.**

25
 26 Ms. Lee stated that the special conditions, circumstances, hardships, or practical difficulties DO result
 27 from actions of the applicant because the petitioners should have obtained a Zoning Use Permit and
 28 would not have this issue if they had done so.

29
 30 Mr. Passalacqua stated that the petitioners would still require the variance whether they received a
 31 permit or not this is still the layout that is desirable for this type of neighborhood and this type of home.

32
 33 Ms. Capel stated that it also has to do with the economic feasibility for this type of development.

34
 35 Mr. DiNovo stated that the nature of the market changed.

36
 37 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
 38 NOT result from actions of the applicant because of the nature of mobile home size and mobile home
 39 park configuration. He said that they are limited in lot size and layout that would be economically
 40 functional.

41
 42 Ms. Capel asked Ms. Lee if she agreed with Mr. Passalacqua or does she still stand with her
 43 recommendation for DO result from actions of the applicant.

44

1 Ms. Lee stated that she stands with her recommendation although if the other Board members agree with
2 Mr. Passalacqua then so be it with her opposition.

3
4 Ms. Capel asked Mr. Hall if the finding should be voted upon by the Board.
5

6 Mr. Hall stated that it might have been advisable for the Board to vote on all of the findings but if the
7 Board desires they can start with this finding.
8

9 **(5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL**
10 **CONDITIONS, IS the minimum variation that will make possible the**
11 **reasonable use of the land/structure.**

12
13 Ms. Capel stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS
14 IS the minimum variation that will make possible the reasonable use of the land/structure because it is in
15 compliance with the state regulations.
16

17 Mr. Passalacqua agreed.
18

19 Ms. Capel asked the Board if they agreed with the recommendations for Finding of Fact 6.B. The Board
20 agreed with the Findings by voice vote with one opposing vote.
21

22 **Ms. Griest moved, seconded by Mr. Passalacqua to extend the meeting to 10:00 p.m. The motion**
23 **carried by voice vote.**

24
25 **C. Regarding Part D, the waiver of Section 6.2.2E of the Zoning Ordinance that**
26 **requires a minimum setback (yard) of 5 feet in lieu of 10 feet between the**
27 **manufactured home and the manufactured home site boundary for future Phase 3**
28 **Expansion:**

29
30 **(1) The waiver IS in accordance with the general purpose and intent of the**
31 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
32 **the public health, safety, and welfare.**
33

34 Mr. Passalacqua stated that the waiver IS in accordance with the general purpose and intent of the
35 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and
36 welfare because it will be identical to the majority of the rest of the development and in compliance with
37 the IDPH.
38

39 Mr. DiNovo stated that it is related to a revised site plan that will reduce the permissible density
40 significantly.
41

42 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
43 **or structure involved, which are not applicable to other similarly situated**
44 **land and structures elsewhere in the same district.**

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Mr. DiNovo 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 Phase III is entirely bounded by Woods Edge Mobile Home Park and does not border any other property.

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

Mr. DiNovo 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 nature of the mobile home park market has changed and alternate site layouts may not be feasible.

(4) 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 state regulations do not match county regulations.

Ms. Capel stated that the petitioners are applying for the variance ahead of time.

(5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Passalacqua stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITIONS, IS the minimum variation that will make possible the reasonable use of the land/structure.

Ms. Capel asked the Board if they agreed with the recommendations for Finding of Fact 6.C. The Board agreed with the Findings by voice vote.

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 authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

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

1 **That any proposed exterior lighting is in compliance with the Zoning**
2 **Ordinance.**

3
4 B. **That the petitioners develop the recreation areas in accordance with the guidelines**
5 **established in Special Use Case 652-S-88 as part of Phase III development.**

6
7 The special condition stated above is required to ensure the following:
8 **That the Special Conditions are completed from the Special Use Case that**
9 **approved the development of Woods Edge Manufactured Home Park.**

10
11 C. **That the petitioners ensure that the emergency access on Fern Street remains**
12 **unobstructed on the Woods Edge side of the locked gate.**

13
14 The special condition stated above is required to ensure the following:
15 **That emergency access that was a condition of Special Use Permit 652-S-88**
16 **functions as intended.**

17
18 D. **The approved site plan will consist of the following:**
19 (1) **For the original development and Phase I Expansion of Woods Edge, the Site**
20 **Plan approved under Special Use Case #652-S-88 will be the official site plan.**
21 (2) **For Expansion Phases II and III, the site engineering plans developed by**
22 **Vegrzyn, Sarver and Associates dated November 9, 1995 will be the official**
23 **site plan.**
24 (3) **For the two duplexes, the approved site plan shall be an as-built site plan of**
25 **the duplexes to be submitted for a Zoning Use Permit.**

26
27 The special condition stated above is required to ensure the following:
28 **That it is clear what the official site plan is for Woods Edge development.**

29
30 E. **There will be a minimum separation distance of 10 feet between residential**
31 **buildings.**

32
33 The special condition stated above is required to ensure the following:
34 **To ensure compliance with IDPH standards.**

35
36 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
37 of Fact as amended.

38
39 **Ms. Griest moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
40 **Record and Findings of Fact as amended. The motion carried by voice vote with one opposing**
41 **vote.**

42
43 Mr. DiNovo requested clarification for Special Condition A. He asked if the Zoning Administrator shall
44 not authorize a Zoning Compliance Certificate for Phase II.

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Mr. Hall stated yes.

Mr. Passalacqua stated that the Zoning Compliance Certificate is all lighting.

Mr. Hall stated that Mr. DiNovo’s question has to do with what Zoning Compliance Certificate will the Zoning Administrator bother to do this and the answer is that the Zoning Administrator will have to do it for every compliance certificate.

Ms. Capel entertained a motion to move to the Final Determination for Case 818-S-15.

Ms. Griest moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 818-S-15. The motion carried by voice vote.

Ms. Capel informed Mr. North and Mr. Ohnstad that currently the Board has one absent Board member therefore it is at their discretion to either continue Case 818-S-15 until a full Board is present or request that the present Board move to the Final Determination. She informed Mr. North and Mr. Ohnstad that four affirmative votes are required for approval.

Mr. Ohnstad asked the Board what happens if the vote fails.

Mr. Hall stated that it would be a real predicament if the vote failed because the findings are all positive. He said that if the Board did not approve this case they would have to either go back and revise the findings or take a huge legal risk.

Mr. North and Mr. Ohnstad requested that the present Board move to the Final Determination.

Final Determination for Case 818-S-15:

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

The Special Use requested in Case 818-S-15 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants Dennis Ohnstad and John North, d.b.a. Woods Edge Development, to authorize the following:

Part A: Authorize the expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989 under Special Use Case 652-S-88.

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS FOR MANUFACTURED HOME PARKS:

Part B: A waiver for a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the four previously constructed manufactured dwelling units in Phase II of Woods Edge that are also the subject of Part A of the requested Special Use Permit:

- 297A Apple Tree Dr.
- 297B Apple Tree Dr.
- 299A Apple Tree Dr.
- 299B Apple Tree Dr.

Part C: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase II of Woods Edge:

- 844 Peach Tree St.
- 845 Peach Tree St.
- 846 Peach Tree St.
- 847 Peach Tree St.
- 849 Peach Tree St.
- 855 Peach Tree St.
- 857 Peach Tree St.
- 861 Peach Tree St.
- 863 Peach Tree St.
- 864 Peach Tree St.
- 865 Peach Tree St.
- 866 Peach Tree St.
- 867 Peach Tree St.
- 869 Peach Tree St.
- 870 Peach Tree St.
- 871 Peach Tree St.
- 872 Peach Tree St.
- 874 Peach Tree St.
- 876 Peach Tree St.
- 877 Peach Tree St.
- 879 Peach Tree St.
- 338 Plum Tree Dr.

340 Plum Tree Dr.

Part D: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for all manufactured home sites in future Phase III of Woods Edge.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

B. That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88 as part of Phase III development.

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

That the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

C. That the petitioners ensure that the emergency access on Fern Street remains unobstructed on the Woods Edge side of the locked gate.

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

That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

D. The approved site plan will consist of the following:

- (1) For the original development and Phase I Expansion of Woods Edge, the Site Plan approved under Special Use Case #652-S-88 will be the official site plan.
(2) For Expansion Phases II and III, the site engineering plans developed by Vegrzyn, Sarver and Associates dated November 9, 1995 will be the official site plan.
(3) For the two duplexes, the approved site plan shall be an as-built site plan of the duplexes to be submitted for a Zoning Use Permit.

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

That it is clear what the official site plan is for Woods Edge development.

1 E. There will be a minimum separation distance of 10 feet between residential
2 buildings.

3
4 The special condition stated above is required to ensure the following:
5 To ensure compliance with IDPH standards.
6

7 Ms. Capel requested a roll call vote.

8
9 The roll call vote is as follows:

10			
11	DiNovo-yes	Griest-yes	Lee-no
12	Passalacqua-yes	Randol-yes	Thorsland-absent
13	Capel-yes		

14
15 Mr. Hall informed the petitioners that they have received an approval for their request.

16
17 Ms. Capel entertained a motion for a five minute recess.

18
19 Ms. Griest moved, seconded by Mr. Passalacqua for a five minute recess. The motion carried by
20 voice vote.

21
22 The Board recessed at 9:35 p.m.

23 The Board resumed at 9:40 p.m.

24
25 **Case 819-AT-15 Petitioner: Champaign County Zoning Administrator Request: Amend the**
26 **Champaign County Zoning Ordinance by adding the following: A. In Section 4.2.1 C. add**
27 **“HOSPITAL, medical CLINIC, HOSPITAL AND MEDICAL clinic, and/or any use and/or**
28 **structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR**
29 **District only as an additional principal USE or additional principal STRUCTURE on Public**
30 **Fairgrounds by SPECIAL USE Permit subject to Section 5.2” B. In Section 5.2, add**
31 **“HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating the**
32 **“HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or structure that is**
33 **accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as**
34 **an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by**
35 **SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.” C. In Section 5.2, add**
36 **“Medical and Dental Clinic” as a Special Use Permit in the CR District and make the Special Use**
37 **Permit subject to the same footnote as for HOSPITAL as a Special Use Permit in the CR District.**
38 **D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or**
39 **any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an**
40 **additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the**
41 **CR District” and require no minimum fencing; require the minimum LOT AREA, Width,**
42 **Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and**
43 **add the following special provisions (standard conditions)” 1. The Public Fairgrounds must have**
44 **been an established use at the subject location on October 10, 1973. 2. Traffic impacts shall be**

1 **considered. 3. Site design, land management, and storm water management designs and practices**
2 **shall provide effective site drainage; meet or exceed state and federal water quality standards;**
3 **protect downstream drainage patterns; minimize impacts on adjacent properties; provide for**
4 **stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing**
5 **habitat and enhance degraded habitat. 4. A Public Fair must continue to be held at the Public**
6 **Fairgrounds or the Special Use Permit shall become void.**

7
8 Mr. John Hall, Zoning Administrator, stated that there are witnesses present for this case tonight but
9 staff is in the process of scaling the amendment back in a way to meet the needs of the fair association
10 and answer the concerns of the City of Urbana. He said that he has taken the liberty of including the
11 case on the December 17th agenda and hopefully staff will have revisions for the Board's review and Mr.
12 Mike Kobel, Chairman of the Champaign County Fair Association, will be in attendance.

13
14 Ms. Lee asked Mr. Hall if the witnesses will have the opportunity to speak tonight regarding this case.

15
16 Mr. Hall stated that the Board can ask the witnesses if they have anything to present to the Board tonight
17 regarding the text amendment.

18
19 Ms. Capel called Scott Harding.

20
21 Mr. Scott Harding stated that he will defer in testifying until the December 17th meeting.

22
23 Mr. DiNovo asked Mr. Hall if the parking areas will be used by the Champaign County Fair Association
24 or will it be used exclusively by the hospital.

25
26 Mr. Hall stated that, as far as he knows all of the parking areas will be used by both parties. He noted
27 that he has recently been made aware that other parties will be using the parking areas as well which are
28 part of the changes that are in the works.

29
30 Ms. Capel entertained a motion to continue Case 819-AT-15 to the December 17, 2015, meeting.

31
32 **Ms. Griest moved, seconded by Ms. Lee to continue Case 819-AT-15 to the December 17, 2015,**
33 **meeting. The motion carried by voice vote.**

34
35 Ms. Capel stated that the Board will now hear Case 818-S-15.

36
37 **7. Staff Report**

38
39 None

40
41 **8. Other Business**

42 A. 2016 ZBA Calendar Review

43
44 Mr. Hall stated that the 2016 ZBA Calendar was distributed to the Board for review. He noted that the

1 dates indicated in purple are dates which the Board will not be in the Lyle Shields Meeting Room. He
2 said that due to budget concerns the ZBA is to have fewer meetings in 2016. He said that if you count
3 the purple and blue dates there are 22 ZBA meetings in 2016 but if the purple dates are removed there
4 would only be 19 meetings in 2016. He said that on November 17, 2015, the County Board will be
5 using the Lyle Shields Meeting Room and the John Dimit Room is unavailable therefore he would
6 recommend that the Board also cancel the November 17th meeting. He said that with these revisions to
7 the 2016 calendar the Board would have 18 meetings scheduled for FY 2016 and the budget for per
8 diems in FY 2016 is \$12,600 and with the new per diem of \$700 per meeting that is 18 meetings. He
9 said that he recommends that the January 28th meeting be cancelled due to issues that have come up with
10 the scheduled case for that meeting.

11
12 Mr. Passalacqua asked Mr. Hall if there was a surplus in per diem funds for FY 2015.

13
14 Mr. Hall stated that for FY 2015 the Board was way under budget and held 18 meetings and was paid
15 \$9,500 in per diems versus the budgeted amount for per diems of \$12,000.

16
17 Mr. Passalacqua asked if it would be in the best interest of the petitioner to continue the meeting for
18 January 28th or is it not going to happen anyway.

19
20 Mr. Hall stated that the Board could hold the meeting in the John Dimit Meeting Room but following the
21 last time that the case was continued it was discovered that one of the interested neighbors will be unable
22 to attend the January 28th meeting. He said that staff took the time to notify all of the other interested
23 neighbors and the petitioner about the January 28th meeting and it was discovered that they are all
24 available on March 24th. He said that to accommodate the petitioner and the interested neighbors staff
25 recommends that the case be continued to the March 24th meeting. He said that this will require
26 suspension of the 100-day rule for continuance but it is known that every interested party is available for
27 the March 24th meeting and it would eliminate the need for the use of the John Dimit Room on January
28 28th.

29
30 **Mr. Passalacqua moved, seconded by Ms. Lee to cancel the January 28th, September 29th, October**
31 **13th, and November 17th meetings. The motion carried by voice vote.**

32
33 B. Reschedule Case 792-V-14 to the March 24, 2016, meeting

34
35 Mr. Hall stated that the Board needs to make a motion to suspend the 100-day rule for continuance and
36 move Case 792-V-14 to the March 24, 2016, meeting.

37
38 **Ms. Griest moved, seconded by Mr. Passalacqua to suspend the 100-day rule for continuance and**
39 **move Case 792-V-14 to the March 24, 2016, meeting. The motion carried by voice vote.**

40
41 Mr. Hall stated that if the Board knows tonight that it does not desire to hold a meeting on December
42 22nd it could cancel the meeting tonight or leave it on the calendar. He noted that there is no meeting in
43 November which technically violates the Ordinance but the Board literally has nowhere else to meet and
44 the Board does have a limited budget so we are not meeting the terms of the Ordinance but are meeting

1 the terms of reality.

2
3 Ms. Griest stated that if the Board gets to the point where a special meeting is required at that time
4 perhaps the Board could schedule a meeting on November 3rd. She said that she would like to leave the
5 December 22nd date open at this time.

6
7 Mr. Hall stated that back to back meetings do put a lot of pressure on staff in getting things to the Board.
8 He said that if necessary staff would be happy to do that.

9
10 Ms. Berry stated that the Environment and Land Use Committee meets on November 3rd and should be
11 indicated in green. She apologized for the oversight.

12
13 Mr. Hall stated that perhaps the Board should schedule a ZBA meeting on November 10th.

14
15 Ms. Berry stated that the Committee of the Whole is on November 10th therefore the meeting room is not
16 available.

17
18 Mr. Hall stated that if necessary a special meeting could always be held in the John Dimit Room but the
19 budget must be followed or a budget amendment requested.

20
21 Ms. Griest suggested that the December 22nd be left as indicated on the calendar and if it appears that the
22 meeting is not necessary it can be cancelled.

23
24 **9. Audience Participation with respect to matters other than cases pending before the Board**

25
26 None

27
28 **10. Adjournment**

29
30 Ms. Capel entertained a motion to adjourn the meeting.

31
32 **Ms. Lee moved, seconded by Ms. Griest to adjourn the meeting. The motion carried by voice vote.**

33
34 The meeting adjourned at 9:47 p.m.

35
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37
38 Respectfully submitted

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43 Secretary of Zoning Board of Appeals

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