

1
2
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7
8
9 **DATE: May 11, 2017**

PLACE: John Dimit Meeting Room
1776 East Washington Street

10
11 **TIME: 7:00 p.m.**

Urbana, IL 61802

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

14
15 **MEMBERS ABSENT :** Eric Thorsland, Brad Passalacqua

16
17 **STAFF PRESENT :** Connie Berry, Susan Burgstrom, John Hall

18
19 **OTHERS PRESENT :** Scott Docherty, Eric Clements, Chris Karr, Eldean Bergman, Kyle Britt,
20 Alexander Wilson

21
22
23 **1. Call to Order**

24
25 The meeting was called to order at 7:00 p.m.

26
27 Mr. Hall informed the Board that due to the absence of Eric Thorsland, Chairman of the Zoning Board of
28 Appeals, the Board needs to appoint an interim Chair for tonight's meeting.

29
30 **Mr. Randol moved, seconded by Ms. Lee, to appoint Catherine Capel as interim Chair for tonight's**
31 **meeting. The motion carried by voice vote.**

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with two members absent.

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

40
41 **3. Correspondence**

42
43 None

44
45 **4. Approval of Minutes (March 16, 2017)**

46
47 Ms. Capel entertained a motion to approve the March 16, 2017, minutes.

1 Ms. Griest moved, seconded by Mr. Randol, to approve the March 16, 2017, minutes.

2

3 Ms. Capel stated that Ms. Lee provided staff with an edit on page 25, line 32. She read the revision as
4 follows: “She said that she is not demanding these things to be done, but it would really be nice.” Ms.
5 Capel noted that the word “not” was added to the sentence.

6

7 Ms. Capel asked the Board if there were any additional corrections or additions for the March 16, 2017,
8 minutes and there were none.

9

10 The motion carried by voice vote.

11

12 5. Continued Public Hearing

13

14 None

15

16 6. New Public Hearings

17

18 **Case 868-S-17** Petitioner: **Topflight Grain Coop, Inc. and Scott Docherty, General Manager and**
19 **officers: Kyle Johnson, Greg Briggs, and Cary Hinton** Request to authorize the construction of 2
20 grain storage tanks with a height of 145 feet 2 inches as a Special Use in the AG-1, Agriculture and I-1
21 Light Industry Zoning District, per Section 4.3.1 of the Champaign County Zoning Ordinance.
22 Location: A 2.25 acre tract located in Seymour, bounded by Main Street to the west, Front Street to
23 the south, and the railroad tracks to the north, in the Southwest Quarter of the Northwest Quarter of
24 Section 16, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and
25 commonly known as the Topflight Grain Cooperative Elevator at 202 North Main Street, Seymour.

26

27 **Case 874-V-17** Petitioner: **Topflight Grain Coop, Inc. and Scott Docherty, General Manager and**
28 **officers: Kyle Johnson, Greg Briggs, and Cary Hinton** Part A: Authorize a variance for the
29 construction of 2 grain storage tanks with a front yard of 11 feet and a setback of 30 feet from the
30 centerline of a local street in lieu of the minimum required 25 feet and 55 feet, respectively, in the AG-
31 1 Agriculture and I-1 Light Industry Zoning District, per Section 5.3 of the Champaign County
32 Zoning Ordinance; and Part B. Authorize a variance for the construction of 1 grain storage tank with
33 a rear yard of 15 feet for the portion of the western storage tank that is in the I-1 Zoning District in
34 lieu of the minimum required 20 feet; and Part C. Authorize a variance for the construction of 1 grain
35 storage tank with a rear yard of 11 feet for the portion of the western storage tank that is in the AG-1
36 Zoning District in lieu of the minimum required 25 feet; and Part D. Authorize a variance for the
37 construction of 1 grain storage tank with a rear yard of 11 feet for the eastern storage tank that is
38 entirely in the AG-1 Zoning District, in lieu of the minimum require 25 feet. Location: A 2.25 acre
39 tract located in Seymour, bounded by Main Street to the west, Front Street to the south, and the

1 **railroad tracks to the north, in the Southwest Quarter of the Northwest Quarter of Section 16,**
2 **Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township and commonly**
3 **known as the Topflight Grain Cooperative Elevator at 202 North Main Street, Seymour.**
4

5 Mr. Randol stated that he is an adjacent landowner to the subject property; therefore, he must recuse himself
6 from cases 868-S-17 and 874-V-17.
7

8 Ms. Capel informed the audience that Cases 868-S-17 and 874-V-17 are Administrative Cases and as such,
9 the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time,
10 she will ask for a show of hands for those who would like to cross-examine and each person will be called
11 upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
12 questions. She said that those who desire to cross-examine are not required to sign the witness register but
13 are requested to clearly state their name before asking any questions. She noted that no new testimony is to
14 be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the
15 ZBA By-Laws are exempt from cross-examination.
16

17 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
18 witness register for that public hearing. She reminded the audience that when they sign the witness register
19 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.
20

21 Mr. DiNovo asked if the Board should resolve the interpretation question prior to taking testimony regarding
22 these cases. He said that the Preliminary Memorandum, dated May 4, 2017, requested that the Board
23 determine whether the case should be re-advertised to include the maximum lot coverage as part of the
24 variance.
25

26 Mr. Hall stated that the Board could address that question whenever they desire.
27

28 Mr. DiNovo stated that the Board doesn't need testimony on it, then it bears on the possibility of re-
29 publication.
30

31 Ms. Capel stated that even if re-publication is necessary the Board could still hear testimony.
32

33 Ms. Capel asked the Board for input.
34

35 Ms. Griest stated that the Board has had previous situations when a case requires re-publication and the
36 Board has heard testimony. She said that there are a lot of people who have adjusted their schedules so that
37 they may attend the meeting tonight; therefore, the Board should hear their testimony. She said that it is her
38 opinion that the cases will not receive final action tonight, so if it is determined that the case requires re-
39 publication anyone who was unable to attend tonight's meeting could provide additional testimony at the

1 next public hearing. She said that she would like to proceed with testimony.

2
3 Ms. Capel asked the Board if they agreed with Ms. Griest, or did they desire to address the lot coverage issue
4 at this time.

5
6 The Board indicated that they desired to proceed with testimony at this time.

7
8 Ms. Capel asked the petitioners if they would like to make a statement regarding their case.

9
10 Mr. Scott Docherty, General Manager for Topflight Grain, whose address is 420 W. Marion St, Monticello,
11 stated that he is present tonight to request approval for the proposed construction of a new grain bin at their
12 Seymour location. He said that the State of Illinois was blessed with some of the best soils in the world and
13 nation and we are blessed in being located in the best part of the state for those soils. He said that Illinois
14 was the top corn grower in the nation, as far as state averages, and East Central Illinois was the best in the
15 nation. He said that over the last three years record yields were received and last year, state records were set
16 for our area in regards to soybean yields, therefore, continuing Topflight's need for additional grain storage
17 area for their producers and farmers. He said that Topflight believes that there is a need to move away from
18 temporary storage and to change to a more permanent storage that will be better for not only the company,
19 but for the farmers, producers and patrons, and the neighbors in the Seymour area. He said that Topflight
20 handles a lot of product, corn and soybeans, and they believe that the new grain bin will help the area. He
21 said that the temporary grain storage area is granted to Topflight through the Illinois Department of
22 Agriculture and it allows Topflight to store grain under a tarp for up to six months. He said that the grain is
23 moved onto the concrete/asphalt surface and once the flat storage is at capacity, operational staff will cover it
24 with a secured tarp and turn on fans that will run 24 hours per day, 7 days per week until the grain is
25 removed. He said that Topflight feels that the new grain bin will assist with dust and bee's wings (redeye)
26 and the fan noise. He said that the bin will be filled with enclosed grain conveyors and the grain will not be
27 exposed to the elements. He said that the grain will be aerated at harvest time and cooled in the winter, but
28 the fans would not run 24/7 as with the temporary storage facility. He said that removal of the 120' x 270'
29 temporary storage and the construction of the 105' diameter bin will have less roof space for water runoff
30 and watershed into the current dry water basin that was constructed in 2003. He said that Topflight believes
31 that the proposed storage bin will be a benefit to not only Topflight Grain, but also to the farmers and
32 producers that are served, as well as, the residents of Seymour.

33
34 Ms. Capel asked the Board if there were any questions for Mr. Docherty.

35
36 Ms. Lee stated that the memorandum indicated that the nearest building is 40 feet. She asked Mr. Docherty
37 to indicate the distance to the nearest resident of the proposed bins.

38
39 Mr. Docherty stated that the proposal is to build one bin. He said that the proposal indicates two bins,

1 because staff recommended that he indicate any future construction so that it too could be approved by the
2 ZBA. He said that currently Topflight only intends to construct one bin and the nearest resident would be
3 located on the south side of East Front Street. He explained that the corner of East Street and Front Street
4 would be the nearest resident on the map before the Board.

5
6 Ms. Lee asked Mr. Docherty if he knew the actual distance between the nearest residence and the proposed
7 bin.

8
9 Mr. Docherty stated that he does not have the exact measurement, because he did not measure the distance
10 from the proposed bin to the nearest residence.

11
12 Ms. Burgstrom stated that she would estimate that the nearest residential building, a detached garage, is 100
13 feet from the proposed bin and the house is set back quite a bit from the detached building.

14
15 Ms. Lee stated that the reason why she wanted to know the distance is because she has a tornado concern
16 with the proximity of a metal structure that is 105' diameter. She said that a tornado hit Odgen several years
17 ago and the elevator grain bins were taken by that tornado. She said that this situation doesn't occur often,
18 but it is a concern.

19
20 Ms. Griest asked Mr. Docherty to indicate the grain capacity of the proposed bin versus the temporary flat
21 storage.

22
23 Mr. Docherty stated that the temporary flat storage has a capacity of 450,000 bushels and the proposed bin
24 has a capacity of approximately 750,000 bushels.

25
26 Ms. Griest asked Mr. Docherty if the future bin would also have a capacity of 750,000 bushels or
27 comparable.

28
29 Mr. Docherty stated yes. He said that for the past three years, the facility has been short approximately
30 300,000 bushels; therefore, they were forced to haul out the additional grain by rail or truck, generally by
31 truck, so that they would be able to accept the grain demand from the producers. He said that the new bin
32 would alleviate that storage shortage.

33
34 Ms. Griest stated that the new bin would resolve Topflight's inability to serve the producers in this particular
35 area of the County at a tune of 300,000 bushels.

36
37 Mr. Docherty stated yes.

38
39 Ms. Lee asked Mr. Docherty if he received the letter from Phillip Carper regarding drainage concerns.

1
2 Mr. Docherty stated that he did receive a copy of Mr. Carper's letter on Tuesday when it was dropped off at
3 his office in Monticello. He said that he has not spoken with Mr. Carper personally, but Mr. Docherty
4 believes that the drainage tile that Mr. Carper is referring to runs underneath the temporary storage pad. He
5 said that Topflight would be glad to repair any broken tile on their property to alleviate any drainage issue
6 that concerns Mr. Carper. He said that when a grain bin of this size is constructed there will be a concrete
7 foundation and Topflight would definitely move or repair any drainage tile that is in the construction
8 footprint on their property to make sure that it is working properly as it runs through Topflight's property.
9 He said that if a blockage is beyond Topflight's property, Mr. Carper would have to speak to the appropriate
10 drainage district for assistance regarding his concerns.

11
12 Ms. Lee asked Mr. Docherty if he is aware of the dry basin not working properly because it is too high.

13
14 Mr. Docherty stated that he is not aware that the dry basin is not working properly, because no one has
15 brought this information to his attention. He said that the dry detention basin was not constructed to
16 continuously hold water, but to capture heavy flows of water, and move it into the tile system and dissipate
17 into that tile until it would allow movement downstream into Camp Creek. He said that he not currently
18 aware that the dry detention basin is not operating correctly.

19
20 Mr. DiNovo stated that the intent of the basin was not to store runoff from the elevator site, but to intercept
21 runoff from the farmland to the east and to compensate for the lack of detention on the elevator site by
22 storing farmland runoff.

23
24 Mr. Docherty stated on a temporary basis to capture that overflow and move into the tile system.

25
26 Ms. Griest asked Mr. Docherty if he has as-built drawings for the dry basin when it was constructed. She
27 said that staff was not able to get those because they were never filed.

28
29 Mr. Hall stated that staff never asked for the as-builts and the project was never wrapped up. He said that
30 staff has included this documentation as a special condition to ensure that the dry basin was constructed at
31 the elevation that it was supposed to be.

32
33 Ms. Griest stated that if Mr. Docherty could obtain that documentation prior to the Board concluding this
34 case, then it would not have to be included as a special condition. She asked Mr. Docherty if the 10-inch tile
35 is a drainage district tile or a private tile.

36
37 Ms. Docherty stated that he could not answer Mr. Griest's questions without asking the appropriate
38 personnel.

39

- 1 Mr. Hall stated that staff checked their records from the early 70's and determined that the 10-inch tile is not
2 a drainage district tile.
3
- 4 Mr. Docherty stated that he would defer Ms. Griest's question to Kris Karr, who is a patron of Topflight and
5 has history with the property, as he may have information for the Board regarding the tile.
6
- 7 Ms. Griest stated that the reason she was asking the question is to determine if the 10-inch tile was intended
8 for Seymour's drainage or farmland drainage. She said that if it was intended for farm drainage then it is
9 considered in a different context than if it were a tile that was engineered to drain Seymour. She said that
10 anything that Topflight could do to eliminate the drainage problems that Seymour has would be greatly
11 appreciated.
12
- 13 Mr. Docherty stated that Topflight understands that and Topflight's intent is to be a good neighbor.
14
- 15 Mr. DiNovo asked Mr. Docherty to indicate the capacity of the rest of the elevator.
16
- 17 Mr. Docherty stated that the rest of the elevator has a capacity of approximately 950,000 bushels.
18
- 19 Mr. DiNovo stated that temporary storage was to store grain in and out of the facility; therefore, it would be
20 fair to say that there would be less truck traffic generated by the proposed bin.
21
- 22 Mr. Docherty stated that this location is dealing with the fact that Topflight's producers are growing more
23 bushels on the same acreage within Topflight's territory. He said that the yield curve has steepened in the
24 last five years and if that trend continues, Topflight believes that they will be handling even more bushels in
25 the next 10-20 years from that same acreage that their current producers are harvesting currently. He said
26 that Topflight is not attempting to attract additional bushels from outside of their territory, but to be able to
27 handle the larger yields per acre that their current producers are bringing to this facility. He said that Piatt
28 County was the highest in the nation in 2015 and 2016 in soybean yields, and last year this facility's fall
29 receipts were 1,770,000 bushels for both corn and soybeans. He said that when that amount is received
30 Topflight must either shut the doors or continue to haul out the commodities by truck to the marketplace
31 during harvest to provide additional space. He said that if the proposed bin is constructed, this facility will
32 have the same amount of trucks coming in, but will not have the same amount of trucks hauling out during
33 that same time period. He said that the proposed bin will allow Topflight to store and continue operations
34 within the same 60-day window and then haul the grain out to the marketplace when and if the market calls
35 for it on a more timely basis. He said that the proposed bin will reduce fall traffic.
36
- 37 Ms. Lee asked Mr. Docherty if Topflight hauls grain out of the facility by rail.
38
- 39 Mr. Docherty stated that grain is shipped out by truck traffic and has not been hauled out of the facility by

1 rail for approximately five years. He said that the facility sits near the CM line and that line has not been
2 available for almost five years, but that is all market based. He said that some years the market base will
3 accommodate hauling by rail, but some years it is not.

4
5 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Docherty and there was no one.

6
7 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Docherty and there were
8 none.

9
10 Ms. Capel called Eric Clements to testify.

11
12 Mr. Clements declined to testify at this time.

13
14 Ms. Capel called Kris Karr to testify.

15
16 Mr. Kris Karr, who resides at 1411 CR 300 E, Seymour, stated that his grandfather, James Karr, and his
17 great-great-grandfather started this facility in 1883 with a Mr. Johnson. He said that as time has gone along,
18 there have been many changes seen in this facility at Seymour. He said that he was on the original
19 Monticello Grain Company Board, who purchased Farmer's Elevator, for fourteen years. He said that in
20 looking at the request by Topflight Grain to construct additional storage, he believes that he represents the
21 majority of the farmers in the community who brings grain to the Seymour facility. He said that Topflight
22 Grain is a coop and the farmers own the facility, and looking back in time there have been a lot of changes to
23 the facility in Seymour. He said that as a farmer, he is pleased that Topflight has made a commitment to
24 construct the proposed bins to store and protect the grain that is delivered to the Seymour facility in the fall
25 to replace the temporary concrete flat, tarp covered area.

26
27 Mr. Karr stated that he is also one of three Drainage Commissioners for the Camp Creek Drainage District.
28 He said that the Camp Creek Drainage District starts by Mahomet and exits Champaign County by Camp
29 Creek. He said that as the agricultural economy permits Topflight Grain Cooperative to expand by building
30 more grain storage, the Camp Creek Drainage Commissioners, Mr. Kris Karr, Mr. William Jay and Greg
31 Miller, along with our local Scott Township Highway Commission, Jeff Sebens, will commit to assist in
32 resolving the drainage issues in Seymour. He said that they cannot or will not eliminate water issues, but
33 they live in the community and see that if they can assist with drainage issues, they will.

34
35 He said that there are 12 sub-districts in Camp Creek, and they follow criteria to determine if they would fix
36 a tile and use the assessed money against the drainage district from the owners of the land to fix it. He said
37 that he is much like Mr. Docherty in that he is not sure if the subject 10-inch tile is a drainage district tile or
38 not, but the Camp Creek Drainage District can assist with this issue. He said that he looks forward to the
39 removal of the concrete and fixing and/or removing the 10-inch tile or make it bigger, not 36-inch, but

1 whatever the Camp Creek Drainage District decides, and they will work with Jeff Sebens, Scott Township
2 Highway Commissioner. Mr. Karr stated that he, as most of rural Champaign County, has recorded over 7
3 inches of rain over the last week and one-half, and most of the people in Seymour understand that such an
4 amount of rain cannot be controlled. He said that the drainage district can help with drainage issues in the
5 future, and he is willing to make a commitment to do that.

6
7 Ms. Capel requested that Mr. Karr submit a copy of his written statement as a Document of Record.

8
9 Mr. Karr submitted his written statement as a Document of Record.

10
11 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Karr and there was no one.

12
13 Ms. Capel asked the Board and staff if there were any questions for Mr. Karr and there were none.

14
15 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
16 Cases 868-S-17 and 874-V-17.

17
18 Mr. Docherty requested the opportunity to address the Board.

19
20 Ms. Capel called Mr. Docherty to the witness microphone.

21
22 Mr. Scott Docherty stated that he would like to address the 10-inch tile that Mr. Carper mentioned in his
23 letter. He said that the detention basin was constructed with three 4-inch tile laterals connected to a new 10-
24 inch tile that did run underneath the tracks and proceeded to the north and into Camp Creek. He said that the
25 new 10-inch tile is not under the current temporary storage.

26
27 Ms. Capel asked the Board and staff if there were any questions for Mr. Docherty and there were none.

28
29 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Docherty.

30
31 Mr. James Randol, who resides at 114 East Center Street, Seymour, stated that he is in attendance tonight as
32 a dual purpose, representing the Seymour Water District as the Chairman of the Board. He said that
33 currently the Seymour Water District has a water main on the east end of Seymour that is approximately 10
34 feet from where the current concrete is located. He said that he is concerned about the water main's safety
35 when the concrete for the flat storage is removed.

36
37 Ms. Capel reminded Mr. Randol that he is presenting testimony during cross-examination and as a current
38 ZBA Board member, who has recused himself from these cases, he understands the procedures. She
39 requested that Mr. Randol cross-examines Mr. Docherty only about testimony that he has provided.

1
2 Mr. Randol asked Mr. Docherty to indicate how Topflight intends to remove the concrete for the flat storage.
3
4 Ms. Capel stated that Mr. Randol is presenting testimony again.
5
6 Mr. Randol stated that he will skip that question until later.
7
8 Mr. Randol asked Mr. Docherty if a breather/riser exists in the center of the detention basin to allow surface
9 water to run into the 10-inch tile. He said that if such a breather/riser exists, it has not been visible for
10 several years.
11
12 Ms. Capel informed Mr. Randol that he is again presenting testimony.
13
14 Mr. Randol apologized for his error and requested the opportunity to go to the witness microphone to present
15 testimony.
16
17 Ms. Capel called James Randol to testify.
18
19 Mr. James Randol, who resides at 114 E. Center Street, Seymour, stated that he has concern with the tile that
20 was indicated in the detention basin. He said that he has spoken with Jeff Sebens, Scott Township Highway
21 Commissioner and Mr. Sebens has completed an elevation reading and the east end of the detention basin is
22 almost three feet higher than the ground level at the west end of the detention basin. He said that he realizes
23 that the water flows to the west, but when the detention is almost three feet higher than the street, something
24 could be done to place more depth to the east to assist in holding more of the water.
25
26 Ms. Capel asked Mr. Randol if it is his opinion that the detention basin needs to be redone.
27
28 Mr. Randol stated that the grade needs to be reshot, because water comes from one-mile away and drains
29 into the Village of Seymour. He said that along with the water flows bean and corn stubble that is left in
30 Seymour. He said that the drainage ditch that is indicated on the map runs in the east end of the temporary
31 storage and has been filled with decaying bean and corn stubble and the grade is not the same. He said that
32 at one time, the corn and bean stubble was attempted to be cleaned out, but it was so wet that nothing could
33 be done. He said that it would help a lot if Topflight could reshoot and regrade the detention basin as part of
34 the project. He said that he understands that the detention basin is on their property and it is their
35 responsibility to keep the ditch cleaned out.
36
37 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Randol.
38
39 Mr. Docherty stated that he believes that the dry detention basin was built as the engineer's specs stated and

1 he would be happy to submit a copy of the completed report for the Board's review. He said that Topflight
2 does maintain and mow the dry detention basin and Topflight does believe that the basin is working
3 correctly. He said that he does agree with Mr. Randol in that the detention basin does take water from farm
4 drainage that enters the basin and corn and soybean stubble is left behind that requires clean-up. He said that
5 he is willing to address Mr. Randol's concerns in regard to the water main and the concrete removal. He
6 said that it is not the intent to damage the water main, and if it is damaged, they will repair it.

7
8 Mr. Randol stated that he would like it clear that he is 100% in favor of the proposed bins, because it will be
9 a major improvement for the community. He said that there is still a water drainage concern for Seymour.

10
11 Ms. Capel stated that there is a big drainage issue anyway and the maintenance has to be impeccable to
12 alleviate the problem as much as possible.

13
14 Mr. Randol stated that the detention basin was constructed and the ditches have filled in. He said that the
15 ditches are the responsibility of the Scott Township Highway Commissioner, Jeff Sebens, but maintenance
16 of the detention basin is the responsibility of Topflight. He said that water that comes from over 1,000 acres
17 away requires that the detention basin be routinely maintained.

18
19 Ms. Lee asked Mr. Docherty if, Topflight would be willing to deepen the east side of the basin to assist with
20 the water issue, even though, the basin was constructed per the engineer's specifications.

21
22 Mr. Docherty stated that he cannot answer Ms. Lee's question at this time and would need to review
23 information presented to himself and his staff from the Board to see what they are willing or able to do with
24 that situation. He said that it appears that the water issue is greater than what Seymour and Topflight have
25 been able to deal with. He said that he would not be able to provide such a commitment that he has no
26 control over or could fulfill that commitment. He said that he would have to defer his answer until he is able
27 to review additional information, engineering studies involving the type of water flow in the volumes that are
28 being dealt with at this location. He said that more than just Topflight and the Camp Creek Drainage
29 District would have to be involved and it would have to be a comprehensive review of the water issue and it is
30 beyond his or Topflight's capability. He said he does not believe that just deepening the basin would solve
31 the issue and as Mr. Karr indicated, a substantial amount of rain has recently been received and the flow of
32 water into the drains are flowing as the downstream tiles will allow. He said that it is a bigger issue than
33 what deepening the basin would require.

34
35 Ms. Capel stated that perhaps the engineer's specifications is a good place to start in determining if the basin
36 was constructed correctly.

37
38 Ms. Lee asked Mr. Docherty if the engineer indicated that it is required, will Topflight deepen the basin.
39

- 1 Mr. Docherty stated that if it is required, and proven that it would help Topflight's runoff then yes, but
2 removing the 120' x 170' concrete pad and constructing the bin with a roof that is 35% of the current hard
3 surface will help some of the water runoff.
4
- 5 Ms. Capel stated that when the second bin is constructed there would be more water runoff that currently
6 exists.
7
- 8 Mr. Docherty stated that there would still be less water runoff than the current hard surface. He said that
9 they are going up with the permanent space and this is not uncommon at many of their locations in that they
10 have expanded with their existing footprint are going up rather than out.
11
- 12 Mr. Hall stated that something to consider is, it appears that approximately 45 feet of the flat storage area
13 will be freed up; therefore, is there any chance that some of the area that is being taken up by the flat storage
14 could be dug out to add additional water storage. He said that this is just something that could be considered
15 or checked out because we do not know what Topflight's plans are for the land east of the second bin and
16 additional detention area could be added at that location.
17
- 18 Mr. Docherty stated that this is something that could be considered.
19
- 20 Mr. DiNovo asked Mr. Randol to indicate the width of the easement for the water main.
21
- 22 Mr. Randol stated that when the water main was installed the easement area was still platted as a street,
23 because it was prior to the 1997 change by the Regional Planning Commission. He said that the street was
24 formally vacated due to it not going over the railroad track, which is how it ended up being at the end of
25 Topflight's property.
26
- 27 Mr. DiNovo stated that the vacation of the street would have gone through ELUC.
28
- 29 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Docherty or Mr. Randol
30 and there were none.
31
- 32 Ms. Capel stated that the other issue that the Board needs to discuss is the maximum lot coverage.
33
- 34 Mr. DiNovo stated that he was hoping that if it were truly only one bin that the maximum lot coverage would
35 not be an issue.
36
- 37 Ms. Capel stated that the Board is considering two proposed bins.
38
- 39 Mr. DiNovo stated that in his view, the lot coverage is part of a set of rules that govern the intensity of use

1 and its intent is to control how much of the air volume of the site is actually used. He said that the concern
2 was originally with urban settings in providing adequate light and air to buildings. He said that it seems
3 reasonable in a large rural district it would be hard to imagine why this matters, but there are other non-
4 occupied structures that occur in more urban districts. He said that it used to be very common for fast food
5 restaurants to have their freezers be freestanding structures. He said that a blanket rule is that if it is a non-
6 occupied structure it does not count for lot coverage is very undesirable, because it has to address other
7 circumstances. He said that the definition of buildings includes chattels, which is anything that is movable
8 which could include a bushel of grain, diesel fuel, or a box of widgets, and should be included in the way
9 that lot coverage is calculated. He said that when there are split zoned properties, it would be reasonable to
10 calculate the total square footage permitted in one zoning district and then the total square footage permitted
11 in the other zoning district, and add those two together as a total for the entirety of the property. He said that
12 if the Board would use this calculation, a variance would not be required in this instance. He said that the
13 total proposed lot coverage with the two bins would be less than the combined lot coverage that is allowed
14 on each parcel.

15

16 Ms. Capel stated that yes, but that is not how lot coverage is calculated.

17

18 Mr. DiNovo stated that the Ordinance does not specify how lot coverage is calculated under these
19 conditions, so he is just suggesting that the Board recognizes this combined approach as a reasonable way to
20 calculate lot coverage for the purpose of the Ordinance.

21

22 Mr. Hall stated that he thought that Mr. DiNovo was going to suggest that the Board allows lot coverage on
23 the portion of the property that is in AG-1 at the amount of lot coverage that is allowed on the portion of the
24 property that is in I-1.

25

26 Mr. DiNovo stated that there was a 1965 Appellate Court Case that would have done that and he is not
27 suggesting that the Board go that far, but he is saying that the Board could calculate the total amount of lot
28 coverage in square feet for each piece, add them together and use that total for the entirety of the tract. He
29 said that the Board would basically be averaging the lot coverage requirements, calculating each piece
30 separately.

31

32 Ms. Capel stated that this would be a hybrid approach.

33

34 Ms. Griest stated that the question in using that approach is that when you are calculating for what is
35 allowable, in the combined square footage that you are calculating upon, are you using the AG-1 or I-1 rules.

36

37 Mr. DiNovo stated that the 1.47 acres zoned I-1 allows 50% lot coverage, so you could have .74, acres and
38 the AG-1 is .78 acres, which allows 20% lot coverage, so you could have .16 acres. He said that over the
39 entirety of the site, all 2.25 acres, .9 acres would be allowed for structures. He said that as he understands

1 the total lot coverage, including the two new bins, would total .74 acres which is just below the .9 acres of
2 lot coverage that could be allowed.

3
4 Ms. Lee asked Mr. DiNovo to indicate the name of the court case.

5
6 Mr. DiNovo stated that the case name is, "Camardo v. Village of La Grange Park" and he could provide the
7 name of the entire cite at a later time.

8
9 Ms. Lee thanked Mr. DiNovo.

10
11 Mr. DiNovo stated that he believes that the case went too far, because it ends up saying that the Board could
12 use I-1 standards on AG-1 land.

13
14 Ms. Griest asked Mr. Hall why staff has not pursued rezoning the AG-1 parcel to I-1.

15
16 Mr. Hall stated that as the Zoning Administrator, he would not recommend that because when it becomes I-1
17 there are things that could occur by-right. He said that when there are residents on two sides, the County
18 Board would like, as much as possible, to minimize as many conflicts between land uses and rezoning the
19 whole property to I-1 would have the opposite effect. He said that this does not mean that this landowner
20 would not be sympathetic to those concerns, but thinking long term, increasing the amount of industrial
21 zoning when it is surrounded by residential is not recommended.

22
23 Ms. Griest stated that the two parcels are in common ownership for an industrial application that has been in
24 operation since 1883 and knowing a grain elevator with a rail siding and the value of that, it is highly
25 unlikely, particularly if one or two bins will be constructed, that it would ever be any other use. She said that
26 it seemed reasonable to her and she agrees with Mr. Hall that in normal circumstances no, but under this
27 unique situation it seems like that might be a better solution.

28
29 Mr. Hall stated that now since there will be permanent grain storage, if the petitioner would like to pursue a
30 rezoning to industrial, he would not think that there would be anything to lose, especially since the flat
31 storage will be removed, but that would be up to the petitioner. He said that the petitioner would need to be
32 prepared for any response from the neighbors during the rezoning process.

33
34 Mr. DiNovo stated that there are other parcels in the County with similar split zoning situations. He said that
35 along US 45 there are several parcels in this unique situation. He said that it is conceivable that this same
36 issue will come up in another context and he believes that the averaging approach is a way to deal with split
37 zoned properties.

38
39 Ms. Capel asked Mr. DiNovo if he is proposing to also consider averaging setbacks.

1
2 Mr. DiNovo stated no, because the lot coverage can be averaged and setbacks cannot. He said that the Board
3 could look at Section 5.3 and tinker with a lot of the requirements, but this is just a comprehensive approach
4 as to how things are done and it appears to be reasonable. He said that we would want to keep the process as
5 narrow as possible.

6
7 Ms. Griest asked Mr. DiNovo if he is saying that if the averaging for lot coverage is done, no variance would
8 be required.

9
10 Mr. DiNovo stated that if the Board supports the lot coverage averaging that he is suggesting, no variance
11 would be necessary, although in doing so the Board could conceivably be setting a precedent for the same
12 situation in future cases.

13
14 Ms. Capel asked Mr. Hall if this is an interpretation that the State's Attorney would support.

15
16 Mr. Hall stated that he does not know. He said that anytime the Board is involved in a public hearing, he is
17 uncomfortable with the Board doing anything less than what the Ordinance allows. He said that, unless it is
18 absolutely necessary, he would rather not be a slave to the Ordinance, but once we are in a public hearing
19 there is no other alternative. He asked the Board if they are ready to take final action on these cases tonight
20 and if they are, this is an issue that could be considered. He said that if there are outstanding issues that
21 require additional review the Board should continue the cases to a later date so that the cases can be re-
22 advertised and everything will be dealt with as it should be.

23
24 Ms. Griest stated that she is not ready to take final action tonight because she would like to learn more about
25 the as-built drawings and detention resolution regarding any drainage issues. She said that Mr. Docherty
26 stated that he would discuss options with Mr. Karr that perhaps they could work on together. She said that
27 without this information, she would not be ready to move to final action tonight; therefore, staff should feel
28 free to re-advertised the cases as necessary.

29
30 Ms. Capel agreed with Ms. Griest.

31
32 Mr. Hall asked Mr. Docherty to indicate his timeframe for constructing the footing for the proposed bin. He
33 asked Mr. Docherty if a continuance would cause a serious hindrance for the proposed construction.

34
35 Mr. Docherty stated that Topflight normally tries to plan their projects one year ahead of construction. He
36 said that the proposal for this project would be to break ground this fall after harvest and, as weather allows,
37 construction to proceed in the spring of 2018.

38
39 Mr. Hall stated that a continuance for one month would not hinder that timeframe.

1
2 Mr. Docherty stated no.
3
4 Ms. Capel asked the Board and staff to indicate, other than the as-built information, any additional
5 information required for review prior to the next public hearing for these cases.
6
7 Ms. Capel entertained a motion to continue Cases 868-S-17 and 874-V-17.
8
9 Ms. Griest asked Mr. Hall if he is considering July 13, 2017, as a continuance date.
10
11 Mr. Hall stated that the real question is how long it will likely take to obtain the as-built information. He
12 said that it is a very busy time in the engineering and surveying business right now.
13
14 Ms. Griest asked Mr. Hall if the as-built information would be on file.
15
16 Mr. Hall stated that the as-built information was never requested; therefore, it is not clear whether the as-
17 built information was ever documented, and that is where staff dropped the ball. He said that the question is
18 how soon an engineer could actually visit the site and determine the elevation of the basin. He said that he
19 would assume that it would take at least one month to get someone out there to do it and it will take a few
20 weeks to have those drawings completed. He said that the July 13, 2017, meeting is the best date for a
21 continuance.
22
23 Ms. Griest asked Mr. Docherty if a continuance to the July 13, 2017, meeting is acceptable, or would he
24 require more time.
25
26 Mr. Docherty stated that a continuance to the July 13, 2017, meeting would work great, because they are
27 currently working with their engineer for other projects and he is sure that they could get him to work this
28 into his schedule. He said that if any issues occurred with the time schedule he would contact staff and
29 request a later date.
30
31 Mr. Hall stated that the ZBA already has a fairly controversial case docketed for the July 13, 2017, meeting
32 as well as an anticipated continuance for the three cases for the mobile home park. He said that the ZBA has
33 a very full docket already and the mobile home cases have been rescheduled several times and the petitioner
34 has been very flexible, but they are anticipating finalizing the cases on July 13, 2017.
35
36 Ms. Griest stated that the next available date would be August 3, 2017.
37
38 Mr. Hall stated that the Board could docket these cases for the June 29th meeting, but it may not be enough
39 time for the petitioner to obtain the as-built information.

1
2 Ms. Griest stated that June 29, 2017, meeting is when testimony will be received regarding the mobile home
3 park cases.
4
5 Mr. Hall stated that the stable case could be moved to an earlier docket date. He said that the stable case is
6 ready for the Board's review and is waiting for a meeting date on the docket.
7
8 Ms. Griest stated that, once the Board receives the as-built information, she does not believe that it will take
9 very long to review the Finding of Fact.
10
11 Ms. Capel asked Mr. Docherty if he believes that he can submit this information prior to the June 29th
12 meeting.
13
14 Mr. Docherty stated that it is very possible.
15
16 Ms. Capel stated that if Mr. Docherty cannot submit the required information prior to the June 29th meeting,
17 he will have to work with staff regarding a continuance date.
18
19 Ms. Griest asked Mr. Docherty if he was comfortable with a continuance to June 29th.
20
21 Mr. Docherty stated yes.
22
23 **Ms. Griest moved, seconded by Ms. Lee, to continue Cases 868-S-17 and 874-V-17 to the June 29,**
24 **2017, meeting. The motion carried by voice vote.**
25
26 Mr. Docherty asked Ms. Capel if, since Mr. Randol recused himself, the Board has a quorum tonight.
27
28 Ms. Capel stated that four Board members present at the public hearing constitutes a quorum.
29
30 **Case 872-S-17 Petitioner: Eldean Bergman, d.b.a. Border Magic, LLC, with Kyle Britt and Alexander**
31 **Wilson, d.b.a. Big Rig Diesel Service, LLC. Request to authorize multiple principal uses and**
32 **buildings on the same lot consisting of an existing landscape materials salesroom, an existing diesel**
33 **truck maintenance facility, and an existing warehouse as a Special Use in the B-4, General Business**
34 **Zoning District. Location: Lots 1 and 2 of Pete Johnson Subdivision of Section 21 in Township 21**
35 **North, Range 9 East of the Third Principal Meridian in Rantoul Township and commonly known as**
36 **the Border Magic salesroom and Big Rig Diesel truck repair, with an address of 1503 CR 2700N,**
37 **Rantoul.**
38
39 **Case 876-V-17 Petitioner: Eldean Bergman, d.b.a. Border Magic, LLC, with Kyle Britt and Alexander**

1 **Wilson, d.b.a. Big Rig Diesel Service, LLC. Request to authorize two principal structures with 3 feet**
2 **of open space between them, in lieu of the minimum required 20 feet of open space in the B-4 General**
3 **Business Zoning District, per Section 4.2.1F.2. of the Zoning Ordinance. Location: Lots 1 and 2 of**
4 **Pete Johnson Subdivision of Section 21 in Township 21 North, Range 9 East of the Third Principal**
5 **Meridian in Rantoul Township and commonly known as the Border Magic salesroom and Big Rig**
6 **Diesel truck repair, with an address of 1503 CR 2700N, Rantoul.**
7

8 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
9 witness register for that public hearing. She reminded the audience that when they sign the witness register
10 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.
11

12 Ms. Capel informed the audience that Cases 872-S-17 and 876-V-17 are Administrative Cases and as such,
13 the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time,
14 she will ask for a show of hands for those who would like to cross-examine and each person will be called
15 upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
16 questions. She said that those who desire to cross-examine are not required to sign the witness register but
17 are requested to clearly state their name before asking any questions. She noted that no new testimony is to
18 be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the
19 ZBA By-Laws are exempt from cross-examination.
20

21 Ms. Capel asked the petitioner if he would like to make a statement regarding his cases.
22

23 Mr. Eldean Bergman, who resides at 1503 County Road 2700N, Paxton, stated that he constructed an awning
24 between the two buildings for shade during lunches and didn't think that it was a problem. He said that
25 awning has existed for 10 or 12 years and there has never been any issues with it.
26

27 Ms. Capel stated that the photograph indicates items stored under the awning.
28

29 Mr. Bergman stated that the items are supposed to be cleaned up very soon.
30

31 Ms. Capel asked the Board and staff if there were any questions for Mr. Bergman and there were none.
32

33 Mr. Hall stated that the requirement in the Ordinance for a special use permit for multiple principal buildings
34 on the same property is unfortunate for this petitioner, because he is required to return twice before the ZBA
35 to get the same special use permit, but the multiple buildings are completely different this time. He said that
36 the logic of the Ordinance is that Mr. Bergman has to come back for a second special use permit, but he does
37 understand why the requirement is in the Ordinance, but he wished there was an easier way to deal with it.
38 He said that he does not see any outstanding issues with the property and the special conditions that are
39 proposed are exactly what they need to be. He said that Section 9.1.11 D.3 of the Ordinance has a

1 requirement that anytime this type of special use permit is authorized, the Board shall state that any
2 subsequent sale of said lot or tract of land may be subject to the Plat Act, or in this case, the Village of
3 Rantoul's subdivision requirements. He said that this requirement should be added as a special condition of
4 approval so that it is apparent that the Board is complying with the requirements of the Ordinance. He said
5 that as far as he knows Mr. Bergman is not planning to sell any part of the lot.

6
7 Ms. Lee asked Mr. Hall if this would be new Special Condition E.

8
9 Mr. Hall stated yes.

10
11 Mr. Bergman requested clarification in layman's terms.

12
13 Mr. Hall stated that the special condition would make Mr. Bergman aware that if he wanted to divide the
14 land so that one of the buildings was located on its own lot, he would have to comply with the Village of
15 Rantoul's Subdivision Ordinance requirements. He said that the Village of Rantoul indicated that this was
16 their only concern that they had related to this case, as long as, any lot division is approved by the Village of
17 Rantoul. He said that it is his understanding that Mr. Bergman has no intention of selling the lot anytime
18 soon. He said that another good thing about having this as a special condition is because it will always be
19 there as a reminder.

20
21 Ms. Lee asked Mr. Hall if this statement shall be recorded.

22
23 Mr. Hall stated that he does not see a need for the statement to be recorded.

24
25 Ms. Griest stated that when she looked at the site plan and the legal descriptions indicating that the property
26 is Lots 1 and 2, the Border Magic facility and the Big Rig Diesel facility are on separate lots, yet Case 872-S-
27 17 indicates that they are on the same lot.

28
29 Mr. Hall stated that there are two lots, but for zoning purposes staff has looked at the property as one lot.

30
31 Ms. Griest stated that if Mr. Bergman wanted to sell the lot where Big Rig Diesel is located or the lot where
32 Border Magic is located he could, because they are two separate parcels with separate parcel numbers.

33
34 Mr. Hall stated that the only concern is if Lots 1 and 2 were to be divided and made into smaller parcels.

35
36 Mr. DiNovo stated that Lot 2 does have its road access via Lot 1 and utilizes the septic leach field that is on
37 Lot 1. He said that the current configuration and the link for access and sanitary ties the two lots together.

38
39 Mr. Bergman stated that when he purchased the second lot he was told that if he ever desired to divide the

1 lots that he would have to put a septic system on one lot and a well on the other; therefore, he does not
2 anticipate ever selling either one of the lots.

3

4 Ms. Griest stated that the description of the case did not align with her understanding of the lots.

5

6 Mr. Hall stated that the condition that he was proposing was written very speculatively.

7

8 Ms. Griest stated that she agrees with the special condition.

9

10 Ms. Capel asked how the two separate lots are affected by the special use permit.

11

12 Mr. Hall stated that the entire property is being used as one lot because the septic system and the well serve
13 everything on the property. He said that the property could be separated into two separate lots, but currently
14 it is being used as one property.

15

16 Ms. Griest asked Ms. Burgstrom if some language could be added to the Finding of Fact so that if someone
17 from the outside is reading it they understand what the ZBA was thinking and why they were thinking it.

18

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

20

21 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
22 these cases, and there was no one.

23

24 Ms. Capel stated that the Board will now review the special conditions.

25

26 Ms. Capel read proposed Special Condition A. as follows:

27

28 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
29 **872-S-17.**

30

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

32

33 **The establishment of the proposed uses shall be properly documented as**

34

35 **required by the Zoning Ordinance.**

36

37 Ms. Capel asked Mr. Bergman if he agreed with Special Condition A.

38

39 Mr. Bergman stated that he agreed with Special Condition A.

38

39 Ms. Capel read proposed Special Condition B. as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has 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 conditions stated above are required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Ms. Capel asked Mr. Bergman if he agreed with Special Condition B.

Mr. Bergman stated that he did not understand what lighting is being discussed.

Ms. Burgstrom stated that the special condition is discussing any new lighting that might be added for the uses and any new lighting must be full cut-off so that it does not shine above the horizon. She said that any existing lighting is grandfathered.

Mr. Bergman stated that he agreed with Special Condition B.

Ms. Capel read proposed Special Condition C. as follows:

C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has ensured compliance with the Illinois Accessibility Code.

The special condition stated above is required to ensure the following:
That all state accessibility requirements have been met.

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

Mr. Bergman stated that when he built he remembers being required to comply with ADA. He said that he believes that the Border Magic was grandfathered in.

Mr. Hall stated that he is not aware that Mr. Bergman is doing anything that is going to trigger any new requirement. He said that he does not know if staff verified compliance with the accessibility when it was required the last time, but if it has been done then there is nothing that needs to be done.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Ms. Capel read proposed Special Condition D. as follows:

- D. By the end of 2017, all outdoor storage and operations visible from US 45 North, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.**

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

- That outdoor storage and operations are in compliance with Section 7.6 of the Zoning Ordinance.**

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

Mr. Bergman requested clarification of a Type D Screen.

Ms. Burgstrom stated that Type D Screen can be an opaque screen or vegetative which is eight feet tall. She said that in Mr. Bergman’s case the Border Magic building blocks the stockpile along US Route 45 and no residences are within that amount of visibility; therefore, he is generally okay.

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

Ms. Capel read proposed Special Condition E. as follows:

- E. Any future sale of any portion of the subject property may be subject to the Illinois Plat Act or the Village of Rantoul Subdivision regulations.**

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

- That the Special Use Permit complies with Section 9.1.11 D.3. of the Ordinance.**

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

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

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

1 Ms. Griest moved, seconded by Mr. Randol, to approve the special conditions as read. The motion
2 carried by voice vote.

3
4 Ms. Capel asked staff if there were any new Documents of Record and there were none.
5

6 **FINDINGS OF FACT:**
7

8 From the documents of record and the testimony and exhibits received at the public hearing for zoning
9 cases **872-S-17** and **876-V-17** held on **May 11, 2017**, the Zoning Board of Appeals of Champaign County
10 finds that:

11
12 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**
13

14 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
15 location.

16
17 Mr. DiNovo stated that it involves the use of existing buildings and the complex of buildings has been
18 previously used in a similar manner.
19

20
21 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
22 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
23 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
24 **public health, safety, and welfare because:**
25

26 **a. The street has ADEQUATE traffic capacity and the entrance location has**
27 **ADEQUATE visibility.**
28

29 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
30 ADEQUATE visibility.
31

32 **b. Emergency services availability is ADEQUATE.**
33

34 Mr. Randol stated that emergency service availability is ADEQUATE.
35

36 Mr. DiNovo stated that the uses pose no special hazards or emergency service concerns.
37

38 **c. The Special Use WILL be compatible with adjacent uses.**
39

1 Mr. DiNovo stated that the Special Use WILL be compatible with adjacent uses because it is bounded to
2 the west by the highway and railroad, farmland to the east and south, and B-4 to the north, and it poses
3 no significant impacts.

4

5 **d. Surface and subsurface drainage will be ADEQUATE.**

6

7 Ms. Griest stated that surface and subsurface drainage will be ADEQUATE because there is no change
8 to the existing parcel or drainage.

9

10 **e. Public safety will be ADEQUATE.**

11

12 Mr. Randol stated that public safety will be ADEQUATE because fire protection is located for mutual
13 aid use between Thomasboro and the Village of Rantoul.

14

15 **f. The provisions for parking will be ADEQUATE.**

16

17 Mr. DiNovo stated that the provisions for parking will be ADEQUATE because there is sufficient
18 existing parking on the site.

19

20 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIACL CONDITIONS
21 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
22 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
23 and welfare.

24

25 **3a. The requested Special Use, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
26 **HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in**
27 **which it is located.**

28

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

32

33 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
34 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
35 **is located because:**

36

37 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
38 **and codes.**

1 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances
2 and codes.

3

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

5

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

7

8 **c. Public safety will be ADEQUATE.**

9

10 Ms. Griest stated that public safety will be ADEQUATE.

11

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

14

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

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

19

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

22

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

25

26 Mr. DiNovo stated that it allows continued use of existing buildings and operation of existing
27 businesses.

28

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

33

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

38

1 d. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**
 2 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which
 3 it is located.
 4

5 Ms. Griest stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**
 6 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it is located.
 7

8 Mr. DiNovo stated that the B-4 district is intended to specifically accommodate multi-tenant
 9 developments.
 10

11 Ms. Griest stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**
 12 **IMPOSED HEREIN, IS** in harmony with the general purpose and intent of the Ordinance.
 13

14 **5. The requested Special Use IS NOT an existing nonconforming use.**
 15

16 **6. Regarding the variance:**

17 a. **Special conditions and circumstances DO exist which are peculiar to the land or**
 18 **structure involved, which are not applicable to other similarly situated land and**
 19 **structures elsewhere in the same district.**
 20

21 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or
 22 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 23 the same district.
 24

25 Ms. Griest stated that the canopy provides an outside location that is shaded and out of the weather for
 26 employees to utilize outside the building, and would provide a designated smoking area.
 27

28 b. **Practical difficulties or hardships created by carrying out the strict letter of the**
 29 **regulations sought to be varied WILL prevent reasonable or otherwise permitted**
 30 **use of the land or structure or construction.**
 31

32 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
 33 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 34 structure or construction because a very similar configuration could have been constructed without a
 35 variance.
 36

37 c. **The special conditions, circumstances, hardships, or practical difficulties DO NOT**
 38 **result from actions of the applicant.**
 39

1 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
2 result from actions of the applicant because a very similar configuration could have been constructed
3 without a variance.

4
5 Mr. DiNovo stated that it would not have been obvious to the average person that this structure would
6 trigger the separation distance regulation.

7
8 **d. The requested variance IS in harmony with the general purpose and intent of the**
9 **Ordinance.**

10
11 Mr. DiNovo stated that the requested variance IS in harmony with the general purpose and intent of the
12 Ordinance because it enhances the utility of the existing buildings without creating any deleterious
13 impacts on surrounding property.

14
15 **e. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
16 **detrimental to the public health, safety, or welfare.**

17
18 Ms. Capel stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
19 detrimental to the public health, safety, or welfare because it actually provides shelter and shade for
20 employees and has no impacts that would be different from a similar structure connecting the two
21 buildings, which would be lawfully constructed.

22
23 **f. The requested variance IS the minimum variation that will make possible the**
24 **reasonable use of the land/structure.**

25
26 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the
27 reasonable use of the land/structure.

28
29
30 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR**
31 **PURPOSES DESCRIBED BELOW:**

32
33 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
34 **872-S-17.**

35
36 The above special condition is required to ensure the following:

37 **The establishment of the proposed uses shall be properly documented as**
38 **required by the Zoning Ordinance.**
39

1 B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
 2 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
 3 **subject property will comply with the lighting requirements of Section 6.1.2.**

4
 5 The special conditions stated above are required to ensure the following:

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

8
 9 C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
 10 **issue a Zoning Compliance Certificate on the subject property until the Petitioner**
 11 **has ensured compliance with the Illinois Accessibility Code.**

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

14 **That all state accessibility requirements have been met.**

15
 16 D. **By the end of 2017, all outdoor storage and operations visible from US 45 North,**
 17 **including stockpiles and equipment, must be screened with a Type D Screen to**
 18 **obscure or conceal any part of any yard used for outdoor storage and/or outdoor**
 19 **operations.**

20
 21 The special condition stated above is required to ensure the following:

22 **That outdoor storage and operations are in compliance with Section 7.6 of**
 23 **the Zoning Ordinance.**

24
 25 E. **Any future sale of any portion of the subject property may be subject to the Illinois**
 26 **Plat Act or the Village of Rantoul Subdivision regulations.**

27
 28 The special condition states above is required to ensure the following:

29 **That the Special Use Permit complies with Section 9.1.11 D.3. of the Ordinance.**

30
 31 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of
 32 Fact for Cases 872-S-17 and 876-V-17, as amended.

33
 34 **Ms. Griest moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record,**
 35 **and Findings of Fact for Cases 872-S-17 and 876-V-17, as amended. The motion carried by voice vote.**

36
 37 Ms. Capel entertained a motion to move to the Final Determination for Cases 872-S-17 and 876-V-17.

38
 39 **Ms. Griest moved, seconded by Mr. DiNovo, to move to the Final Determination for Case 872-S-17**
 40 **and 876-V-17. The motion carried by voice vote.**

1
 2 Ms. Capel informed the petitioner that currently the Board has two members absent; therefore, it is at
 3 the petitioners’ discretion to either continue Cases 872-S-17 and 876-V-17 until a full Board is present or
 4 request that the present Board move to the Final Determination. She informed the petitioners that four
 5 affirmative votes are required for approval.
 6

7 Mr. Bergman requested that the present Board move to the Final Determination.
 8
 9

10 **FINAL DETERMINATION FOR CASE 872-S-17:**
 11

12 **Ms. Griest moved, seconded by Mr. DiNovo, that the Champaign County Zoning Board of Appeals**
 13 **finds that, based upon the application, testimony, and other evidence received in this case, the**
 14 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**
 15 **by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**
 16

17 **The Special Use requested in Case 872-S-17 is hereby GRANTED WITH SPECIAL**
 18 **CONDITIONS to the applicants, Eldean Bergman, d.b.a. Border Magic LLC; with Kyle**
 19 **Britt and Alexander Wilson, d.b.a. Big Rig Diesel Service LLC, to authorize the following**
 20 **as a Special Use on land in the B-4 General Business Zoning District:**
 21

22 **Authorize multiple principal uses and buildings on the same lot consisting of an**
 23 **existing landscape materials salesroom, an existing diesel truck maintenance facility,**
 24 **and an existing warehouse as a Special Use in the B-4 General Business Zoning**
 25 **District.**
 26

27 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
 28

- 29 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
 30 **872-S-17.**
- 31
- 32 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 33 **until the petitioner has demonstrated that any new or proposed exterior lighting on**
 34 **the subject property will comply with the lighting requirements of Section 6.1.2.**
 35
- 36 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
 37 **issue a Zoning Compliance Certificate on the subject property until the Petitioner**
 38 **has ensured compliance with the Illinois Accessibility Code.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

- D. By the end of 2017, all outdoor storage and operations, including stockpiles and equipment, must be screened with a Type D Screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations.
- E. Any future sale of any portion of the subject property may be subject to the Illinois Plat Act or the Village of Rantoul Subdivision regulations.

Ms. Capel requested a roll call vote.

The roll was called as follows:

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

FINAL DETERMINATION FOR CASE 876-V-17:

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

The Variance requested in Case 876-V-17 is hereby GRANTED to the applicant, Eldean Bergman, d.b.a. Border Magic LLC, to authorize the following variance in the B-4 General Business Zoning District:

Authorize two principal structures with 3 feet of open space between them, in lieu of the minimum required 20 feet of open space in the B-4 General Business Zoning District, per Section 4.2.1 F.2. of the Zoning Ordinance.

Ms. Capel requested a roll call vote.

The roll was called as follows:

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

1 **Thorsland - absent**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

7. Staff Report

None

8. Other Business

A. Review of Docket

Mr. Hall distributed the revised docket for the Board's review.

Ms. Lee asked if staff had received the materials for the case to be heard on May 25th.

Ms. Burgstrom stated that a lot of progress has been made and it appears that we are in pretty good shape.

Mr. Hall asked the Board if there are any planned absences that need to be noted on the docket.

Ms. Lee stated that she is having medical tests on May 25th and she is not confident that she will be in attendance for the May 25th meeting.

Mr. Hall stated that medical tests outweigh a ZBA meeting, so it is up to Ms. Lee as to whether she feels well enough to attend the May 25th meeting.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

The meeting adjourned at 8:55 p.m.

Respectfully submitted

1
2
3 Secretary of Zoning Board of Appeals
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37