



CASE NO. 792-V-14 REACTIVATED
SUPPLEMENTAL MEMORANDUM #13
August 24, 2017

Petitioner: **Robert Frazier**

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

Part A. Variance for 65 parking spaces in lieu of the minimum required 89 parking spaces as required by Section 7.4.1 of the Zoning Ordinance.

Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 89 parking spaces (including 27 onsite and 38 offsite parking spaces) as required by Section 7.4 of the Zoning Ordinance.

Part C. Variance for allowing at least 38 off-street parking spaces on an adjacent lot in lieu of requiring all 89 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

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

Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet per Section 7.4.1.B. of the Zoning Ordinance.

Subject Property: **Lot 4 and Lot 701, which is part of a replat of Lot 7 of a replat of Lot 5 of the Stahly Subdivision, in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

Site Area: **51,625 square feet (1.19 acres) on Lot 4 and 16,412 square feet (0.38 acres) on Lot 701, for a total of 1.57 acres**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

The most recent Revised Site Plan received August 24, 2017, is Attachment O to this memo. P&Z staff believe that this revision reflects all homework items and mitigates the curb design, parking, and accessibility concerns. Staff believes that the only outstanding item is an estimate from a licensed,

approved contractor to reconstruct the curb. The following is a timeline of submittals since the May 25, 2017 public hearing.

At the May 25, 2017 public hearing, the following homework items were identified:

- Finalize a Site Plan that is consistent with the City of Champaign's Minor Plat currently under approval in square footage as well as number of parking spaces.
- Finalize purchase of Lot 701.
- Provide information on Mr. Frazier's approved contractor for the curb replacement.

Mr. Frazier has provided the following new information since the May 25, 2017 public hearing:

- A revised parking plan and site plan received August 3, 2017, to accommodate the septic system improvements he did in June 2017;
- A revised parking plan and site plan received August 17, 2017, responding to comments from P&Z staff on the August 3, 2017, version; this version also adds curb parking along Tiffany Court;
- A revised site plan received August 22, 2017, responding to comments from staff and the in-person meeting attended by Susan Burgstrom, Mr. Frazier, Mr. Follmer, and Mr. Overmyer on August 18, 2017; this version removes the handicapped ramp and replaces it with an accessible lift, and makes the entire former bus garage available for rent.

Susan Burgstrom provided comments and recommended revisions on all documents received.

On August 18, 2017, Susan Burgstrom met with Mr. Frazier, Mr. Follmer, and Mr. Overmyer. See the "August 18, 2017 Meeting" section below.

On August 22, 2017, Susan Burgstrom asked Felicia Burton with the Illinois Capital Development Board if a lift could be used and still be compliant with the Illinois Accessibility Code. See the "Second Floor Accessibility" section below.

On August 22, 2017, Susan Burgstrom drove by the property and noted no changes to the exterior structure, parking, curb replacement and the vegetable oil storage tanks since the May 25, 2017 public hearing.

In an email received August 24, 2017, Mr. Fell stated that he had received confirmation from the Illinois Capital Development Board that he can install 2 accessible lifts in the building rather than an elevator or the previously proposed ramp. This will allow both sides of the former bus garage to be rentable space, and in turn increases the required parking to 93 spaces. Mr. Fell stated that he is waiting for the official document from ICDB and would forward it when received.

In an email received August 24, 2017, Mr. Fell submitted the final revised Site Plan to Susan Burgstrom. The revisions include the curb replacement, 2 accessible lifts, and 70 proposed parking spaces. The August 24, 2017 Revised Site Plan is Attachment O to this memo. Revisions were made to the SOE for the updated variance request and related special conditions.

AUGUST 18, 2017 MEETING

On August 18, 2017, Susan Burgstrom met with Mr. Frazier, Mr. Follmer, and Mr. Overmyer. The following information was added to the Summary of Evidence under Item 5.W:

- W. Mr. Frazier, Mr. Follmer, Mr. Overmyer, and Susan Burgstrom met on August 18, 2017, and came to the following conclusions, which were summarized in an email from Susan Burgstrom afterward:
- (1) Mr. Frazier has decided to seek estimates for an ADA compliant lift instead of doing the indoor ramp to the second floor.
 - (2) Mr. Frazier has decided that if he can install a lift, he wants to make the garage space where the ramp was going to go into rentable space.
 - a. Staff calculated that this would increase required parking to 93 spaces instead of 89 spaces.
 - (3) Mr. Frazier has decided that he wants to maximize parking on the west end of the building. He proposes 2 parallel spaces adjacent to Tiffany Court, and 3 parallel spaces next to the covered walkway.
 - a. Due to space constraints, P&Z staff believe that some of the small staircases leading up to the walkway will need to be removed so that there is maximum room for a sidewalk and an accessway next to the spaces.
 - b. Mr. Frazier must get written approval for a revised curb plan from Keith Padgett at Champaign Township.
 - (4) Susan Burgstrom emailed all participants a list of documentation that ZBA members would likely want to see in order to make a determination, and established dates by which the materials should be submitted in order for ZBA members to give them fullest consideration (Attachment F to this memo).

SECOND FLOOR ACCESSIBILITY

The following information was added to the Summary of Evidence under Item 5.X and Item 9.E.(7)f:

- X. In an email dated August 22, 2017, Susan Burgstrom requested a determination on whether a lift would comply with State regulations from Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board.
- (1) In an email received August 22, 2017, Ms. Burton responded that if an elevator is feasible, a lift could not be used instead.
 - (2) In a phone call on August 22, 2017, Mr. Frazier asked Mrs. Burgstrom if two lifts could be used to comply with the State regulations. Mrs. Burgstrom referred Mr. Frazier to Felicia Burton.
 - (3) In an email from Andrew Fell received August 24, 2017, the Illinois Capital Development Board verified that Mr. Frazier could install 2 lifts and still comply with the Illinois Accessibility Code/Environmental Barriers Act. Mr. Fell indicated that he would update the site plan to show 2 lifts instead of the accessible ramp.

CURB REPLACEMENT STATUS

The following information was added to the Summary of Evidence under Item 5.W.(3):

- W. Mr. Frazier, Mr. Follmer, Mr. Overmyer, and Susan Burgstrom met on August 18, 2017, and came to the following conclusions, which were summarized in an email from Susan Burgstrom afterward:
- (3) Mr. Frazier has decided that he wants to maximize parking on the west end of the building. He proposes 2 parallel spaces next to Tiffany Court, and 3 parallel spaces next to the covered walkway.
- a. Due to space constraints, P&Z staff believe that some of the small staircases leading up to the walkway will need to be removed so that there is maximum room for a sidewalk and an accessway next to the spaces.
- b. Mr. Frazier must get written approval for a revised curb plan from Keith Padgett at Champaign Township.
- (a) In an email received August 23, 2017, Keith Padgett, Champaign Township Highway Commissioner, provided notes on his meeting that same day with Mr. Frazier regarding the revised curb replacement design. Mr. Padgett is generally in agreement with this revised design, but said he was going to confer with County Highway Engineer Jeff Blue and finalize the design with Mr. Frazier.
- (b) Keith Padgett and Jeff Blue called Susan Burgstrom on August 24, 2017, to discuss the curb replacement. They agreed that 2 parallel parking spaces could be placed within a new 6 inch barrier curb. Access would be from the southwest entrance to Mr. Frazier's property to the northbound access drive on the west side of the office building. From that access drive, customers could park in the 2 parallel spaces within the new curb, or the 3 parallel spaces proposed next to the building. All surfaces within the curb, sidewalk, and west side parking area would have to be 8 inch thick concrete. The existing damaged sidewalk would have to be replaced with an 8 inch thick sidewalk; the thickness is to enable cars to drive over the sidewalk to park in the 2 parallel spaces within the new curb. Mr. Padgett sent an email summary of the design to Susan Burgstrom, which was received the same day. The email was forwarded to Mr. Frazier, Mr. Follmer, and Mr. Fell to integrate into the final revised Site Plan.

PETITIONER'S TESTIMONY FROM MAY 25, 2017 PUBLIC HEARING

Mr. Frazier and Mr. Follmer provided the following information:

- The sales contract for Lot 701 had progressed between the parties, but had not been finalized.
- Mr. Follmer stated that one final continuance would allow for the recording of the minor plat and the deed and allow County staff to determine what changes would be appropriate with respect to what exactly will be needed after recording of the deed. He said that he would like the opportunity to discuss the case with staff and hopefully come to a complete agreement regarding some of the more complicated matters and present a proposed resolution to the Board.
- Mr. Frazier stated that in reality, no one is going to park in any of these parking spots regardless of the amount of concrete poured or signage or striping installed. He said that he only requires

10 parking spaces, and will never use 74, 64, 54 or 44 spaces, and he knows this because he has been at this location for 30 years and is there every day of the year. He said that he understands that there are guidelines, which he must follow, and he is attempting to meet those guidelines.

- Mr. Follmer stated that he intends to bring the revised site plan to the requested meeting with staff, and it is his intent to have Mr. Hewitt and Mr. Fell available by phone or their presence so that we can hammer through this and come up with a proposal that makes sense for everybody.

PROPERTY ACQUISITION STATUS

The following information was added to the Summary of Evidence under Item 3.A.(4), Item 5.Y, and Item 7.B.(5):

- Y. In an email received August 22, 2017, Mr. Follmer stated that Mr. Isaacs had paid the taxes, Mr. Follmer was delivering all required Minor Plat subdivision documents to the City of Champaign for final signatures, and that the documents would be recorded as soon as possible thereafter.
 - (1) In an email received August 23, 2017, Jeff Marino with the City of Champaign Planning Department stated that they were in receipt of this documentation and would process the documents for signatures and recording.
 - (2) In an email received August 24, 2017, Mr. Follmer stated that the closing for the property purchase is scheduled for September 12, 2017.

PUBLIC COMMENTS FROM MAY 25, 2017 PUBLIC HEARING

The following will be entered into the Summary of Evidence under Item 11.L:

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - L. The following is a summary of testimony received at the May 25, 2017, public hearing:
 - (1) Mr. Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, stated that he did not have any new information, but he would still like to see the curb replaced. Mr. Padgett stated that during a previous case hearing for a gymnasium business in this area, it was determined that it wasn't handy to have people parking along Tiffany Court. He said that there are several large vacant lots where off-street parking could occur.

OUTSTANDING CONSIDERATIONS

- 1. Staff wrote the re-advertisement for this case so that ZBA can accept as few as 65 parking spaces out of 89 required spaces; that change was advertised in the August 16, 2017, edition of the News Gazette.

With approval from ICDB to use 2 lifts, Mr. Frazier can make the garage that was going to have the ramp into rentable space, and 93 spaces will now be required.

Mr. Hall determined that if the number of spaces requested for the variance is less than or equal to what was advertised, then another re-advertisement would not be necessary. In other

words, if 93 spaces are now required, the minimum variance would be for 69 parking spaces, a difference of 24. The revised Site Plan received August 24, 2017, shows 70 parking spaces.

2. On August 24, 2017, Mr. Frazier came to an agreement with Champaign Township Highway Commissioner Keith Padgett to include 2 parallel parking spaces within the curb area that must be reconstructed. The Site Plan received August 24, 2017 reflects this change.

Mr. Frazier had not submitted an estimate for construction from a licensed, approved contractor for the previous approved curb replacement plan, and with the new design submitted today, has not had time to seek an estimate.

SPECIAL CONDITIONS

Proposed Special Conditions have not changed since the May 25, 2017 public hearing.

- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required ~~74~~70 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall provide a copy of the recorded Minor Plat approval to the Zoning Administrator and complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

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

~~B. No vehicles may park on the west side of the subject property except as may be required in emergencies.~~

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

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

C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:

- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
- (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
- (3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a licensed contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.
- (4) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
- (5) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.
- (6) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.

- (7) **The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**
- (8) **Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

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

- E. **The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
- (1) **The Change of Use Permit shall be for the following:**
- a. **any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. **all second floor areas; and**
 - c. **the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. **replacement of the street curb on Tiffany Court; and**
 - e. **the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. **the establishment of additional parking provided on the property to the north.**
- (2) **The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
- (3) **Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use**

Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.

- ~~(4) — The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.~~
- (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.
- (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:
- a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.
- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.

The special condition stated above is necessary to ensure the following:
That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. Regarding rental space on the subject property:

- (1) **Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.**
- (2) **Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

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

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

That local parking regulations are obeyed.

H. The Site Plan received on August 24, 2017, is the official site plan for approval in Case 792-V-14, and includes the following:

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)
- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- ~~Curb Replacement Plan~~

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

ATTACHMENTS

- A Email from Champaign County Public Health Department received July 10, 2017, with attachments:
 - Approved permit #17-041-19 for septic system improvements dated June 29, 2017
 - CCPHD Plan Review Application dated June 5, 2017
- B Email from Kent Follmer received August 3, 2017, with attachments:
 - Updated proposed parking plan and revised Site Plan sheets A1 through A7
- C Email from Susan Burgstrom dated August 3, 2017, to Mr. Frazier, Kent Follmer, Andrew Fell, Michael Nickrent, Jeff Marino, and Keith Padgett
- D Email from Eric VanBuskirk received August 3, 2017 with attachments:

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- Draft Minor Plat dated April 13, 2017
 - Draft combined parking and drainage plat dated April 13, 2017
- E Email from Robert Frazier received August 17, 2017, with attachment:
- Updated proposed parking plan
- F Email from Susan Burgstrom dated August 18, 2017, to Mr. Frazier, Mr. Follmer, and Mr. Overmyer
- G Email from Mr. Frazier received August 22, 2017, with attachment:
- Revised site plan received August 22, 2017
- H Email string between Felicia Burton and Susan Burgstrom dated August 22, 2017
- I Email from Kent Follmer copying Susan Burgstrom received August 22, 2017
- J Email from Susan Burgstrom to Robert Frazier dated August 22, 2017
- K Email from Jeff Marino received August 23, 2017
- L Email from Keith Padgett received August 24, 2017
- M Email from Mr. Follmer received August 24, 2017
- N Email from Andrew Fell received August 24, 2017, regarding Illinois Capital Development Board verification for use of 2 lifts
- O Revised Site Plan received August 24, 2017
- P Approved minutes from May 25, 2017 ZBA meeting
- Q Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 792-V-14 dated August 31, 2017

201 West Kenyon Road
Champaign, IL 61820

Phone: (217) 363-3269
Fax: (217) 373-7905



Public Health
Prevent Promote Protect

**Champaign County
Public Health Department**

June 29, 2017

Permit #17-041-19

Mr. Robert Frazier
310 Tiffany Court
Champaign, IL 61822

Dear Mr. Frazier:

A final inspection of the private sewage system serving your property located at 310 Tiffany Court, Champaign, was conducted on June 28, 2017, by the Champaign County Public Health Department. This department routinely inspects the work of licensed private sewage contractors to ensure construction is in accordance with the *Private Sewage Disposal Licensing Act and Code*.

Based on our report, no deficiencies in either location or construction were noted.

If you have any questions regarding this inspection, please contact Michael Flanagan at (217) 531-2908.

Sincerely,

Jim Roberts, MS, LEHP
Director of Environmental Health

Enclosure

RECEIVED

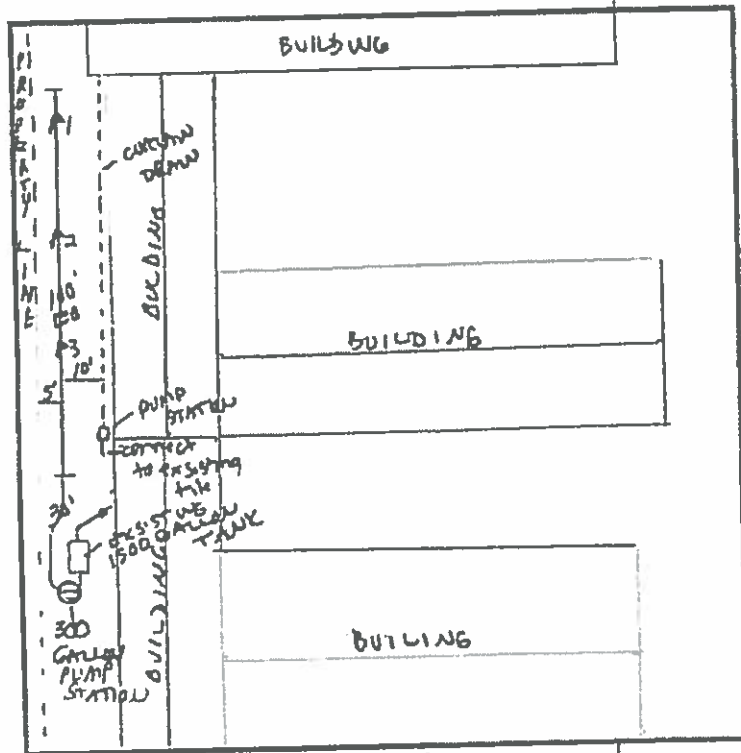
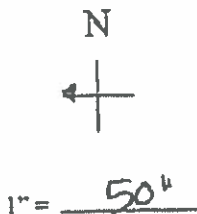
JUL 10 2017

CHAMPAIGN CO. P & Z DEPARTMENT

PRIVATE SEWAGE DISPOSAL SYSTEM PLAN REVIEW APPLICATION

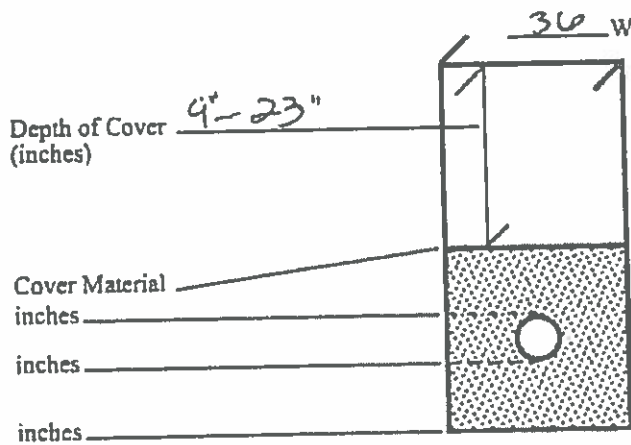
7. Lot diagram and sewage system plan:

Furnish plans or draw to scale the proposed construction indicating lot size with dimension showing the system, type of system to be constructed, the dimensions of the system being installed showing type of material, utilities, distances to water lines, water wells (including wells on neighboring property if they are near the property line), potable water storage tanks, buildings, lot lines, location of percolation holes, site elevations & ground surface elevations sufficient to determine this elevation of system components & the slope of the ground surface, location of sanitary sewer, if available, within 200 feet of the property, depth of limiting layer and any other extraordinary conditions on the lot.



8. Checklist

- Lot Size: 176' x 295'
- System Dimensions:
- Materials Labeled:
- Utilities Shown:
- Location of Perc Tests:
- Water Supply Shown:
- Required Distance Labeled:
- Depth of Limiting Layer: 2, 24, 25



- Elevation of the System Components.
- Benchmark and Elevation: TOP OF TANK 4'12 1/4"
 - Elevation to Invert of Building Drain: 4'10 1/4"
 - Elevation to Invert of Tank Inlet: 5' 1/4"
 - Elevation of Ground Surface Over Tank: 12"
 - Lowest Elevation of Ground Surface Over Field: 9"
 - Highest Elevation of Ground Surface Over Field: 23"
 - Length of Building Sewer (House to Tank): 15'
 - Extraordinary Conditions Shown: TANK EXISTING

Cross Section Seepage Field Gravel

PUMP TO FIELD TO MAINTAIN SHALLOW DEPTHS

9. I certify that the attached information is complete and correct and that, if approved, the work will conform with the current Private Sewage Disposal Licensing Act and Code

Signature of Applicant (Owner or Contractor)

6-5-17

Date

RECEIVED

JUL 10 2017

IMPORTANT NOTICE
This State Agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under public Act 84-670. Disclosure of this information is mandatory.

Susan Burgstrom

From: Kent Follmer <kent@follmerlaw.com>
Sent: Thursday, August 03, 2017 10:32 AM
To: Susan Burgstrom
Cc: Robert Frazier
Subject: Fwd: Revised parking plan
Attachments: 15SUR050 Frazier Site - Parking Revisions OPTION 2.pdf

I spoke with Robert. Please see attached drawing in draft. It looks like the Minor Plat will have to be revised as a result of the sewer issue and the revision to the boundary to Lot 701, changing the way the parking spaces are set out.

Very Truly Yours,

Kent Follmer
Follmer Law Office
1717 Philo Road #16
Urbana, IL 61802-6099
217 367-2424
www.follmerlaw.com



----- Forwarded message -----
From: Robert Frazier <lexillini@gmail.com>
Date: Tue, Aug 1, 2017 at 8:57 AM
Subject: Fwd: Revised parking plan
To: Kent Follmer <kent@follmerlaw.com>

Sent from my iPhone

Begin forwarded message:

From: Michael Nickrent <mnickrent@phoenix-ce.com>
Date: August 1, 2017 at 3:46:41 PM GMT+2
To: Robert Frazier <lexillini@gmail.com>
Cc: Tom Overmyer <tovermyer@phoenix-ce.com>, James Workman <jworkman@phoenix-ce.com>
Subject: Re: Revised parking plan

Robert,

Please disregard the last exhibit, it incorrectly shows the pull through parking on the North which doesn't work. Please use this one.

Thanks,

Michael Nickrent, PE
Phoenix Consulting Engineers, Ltd
421 E. Main St.
Mahomet, IL 61853
 [\(217\) 586-1803, ext 3](tel:(217)586-1803)
mnickrent@phoenix-ce.com

On Mon, Jul 31, 2017 at 5:05 PM, Michael Nickrent <mnickrent@phoenix-ce.com> wrote:
Robert,

Please see attached drawing per your request. More than 5' from the neighbor would be required as shown for the aisle width.

Let me know if anything else is needed.

Thanks,

Michael Nickrent, PE
Phoenix Consulting Engineers, Ltd
421 E. Main St.
Mahomet, IL 61853
 [\(217\) 586-1803, ext 3](tel:(217)586-1803)
mnickrent@phoenix-ce.com

On Mon, Jul 31, 2017 at 1:41 PM, Michael Nickrent <mnickrent@phoenix-ce.com> wrote:
Robert,

Please see attached revised parking plan to accommodate the septic line which cuts out 5 parking spaces. If the county/city approves it, four spaces could be placed along the street as shown. There is not adequate width between the sidewalk and building for a pull through and parallel parking. 21'9" is required minimum and there just under 20' with the porch and the steps encroach even further.

Thanks,

Michael Nickrent, PE
Phoenix Consulting Engineers, Ltd
421 E. Main St.
Mahomet, IL 61853
 [\(217\) 586-1803, ext 3](tel:(217)586-1803)
mnickrent@phoenix-ce.com

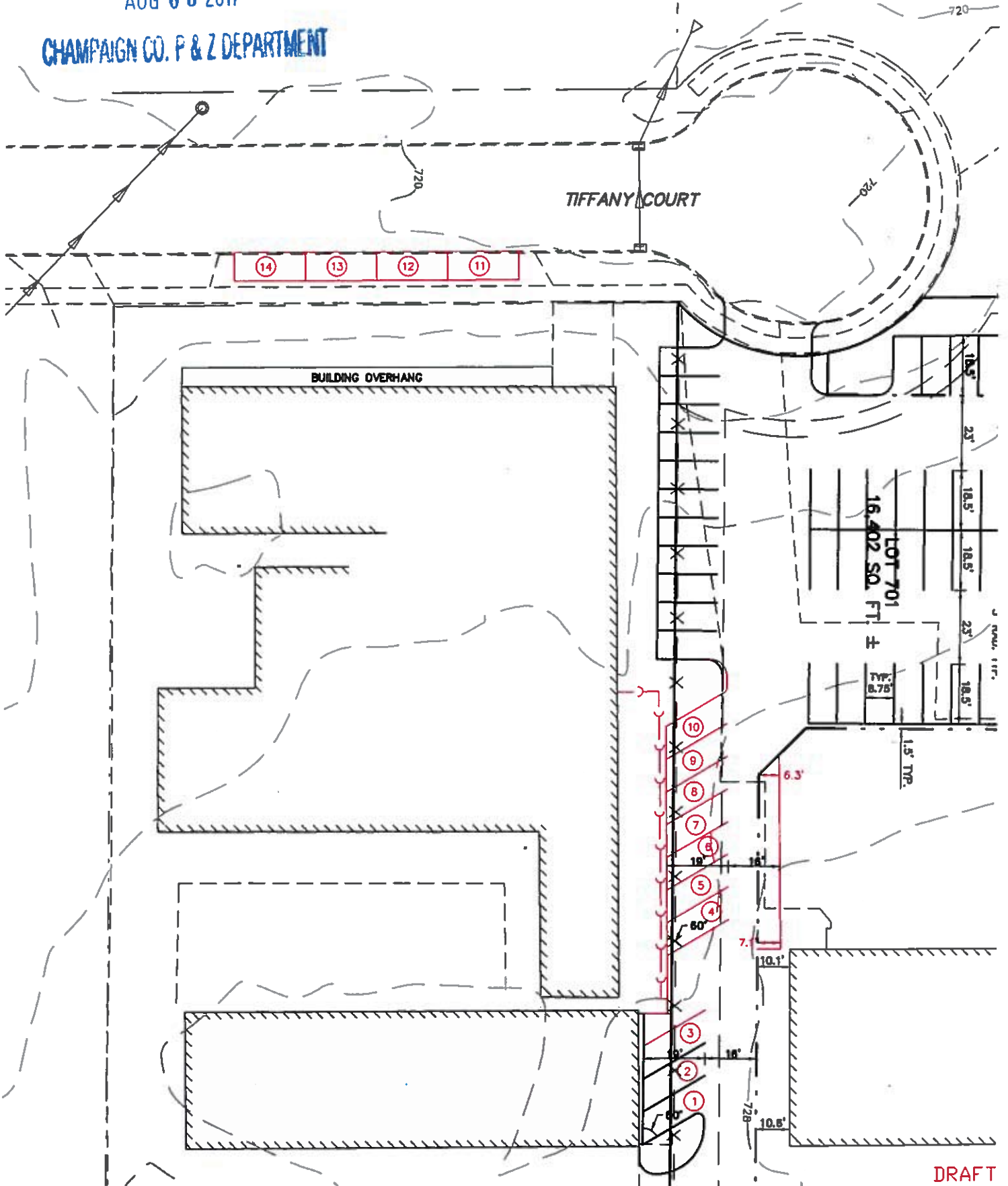
RECEIVED

AUG 03 2017

CHAMPAIGN CO. P & Z DEPARTMENT



VOID - OUTDATED



DRAFT



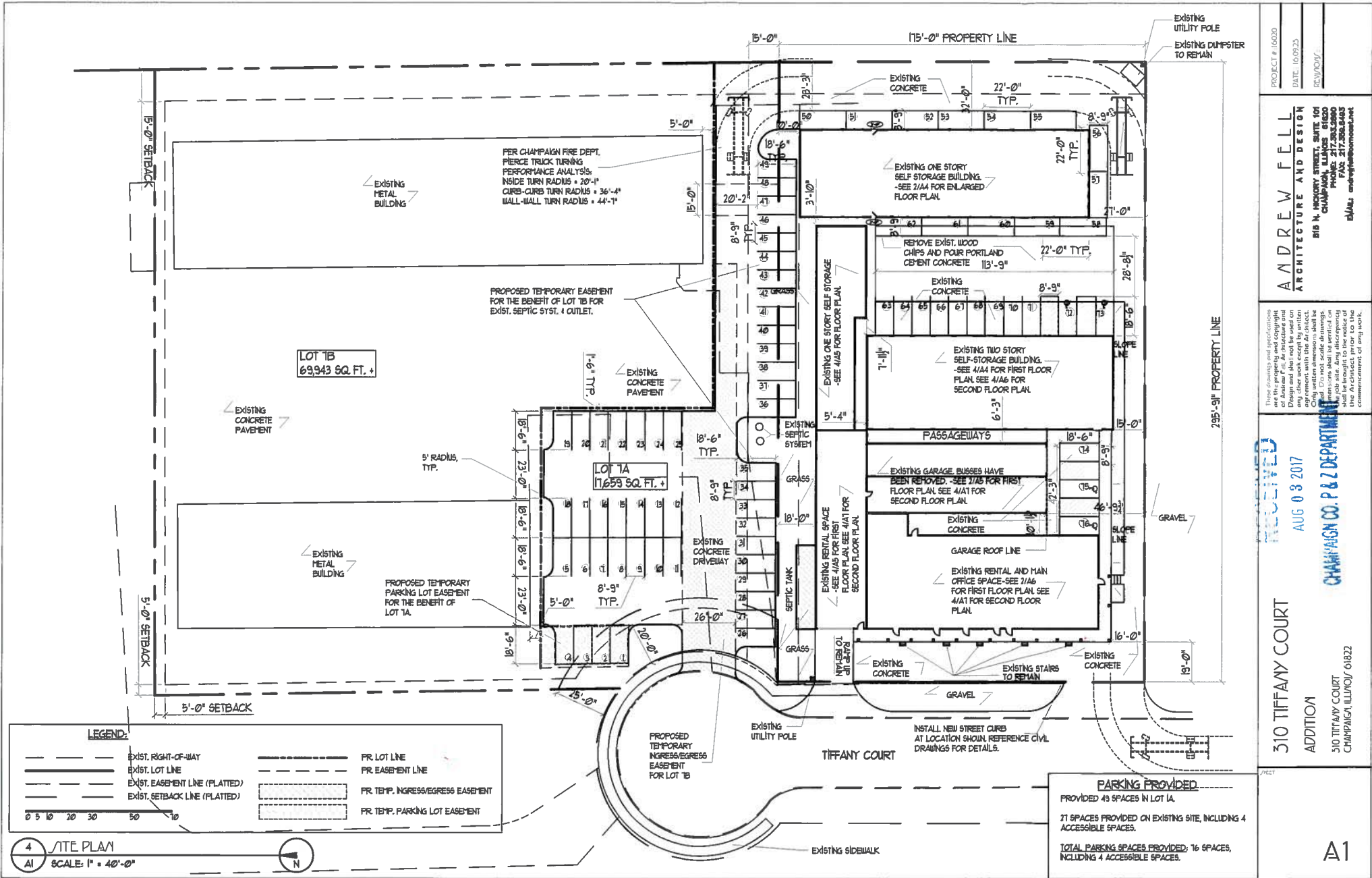
Phoenix Consulting Engineers, Ltd. Professional Design Firm No. 184.005835 421 E. Main Street • Mahomet, IL 61853 Ph 217-586-1803 • Fax 217-586-6757

CHAMPAIGN TOWNSHIP CHAMPAIGN COUNTY

ADDITIONAL PARKING EXHIBIT

15SUR050

7/31/2017



PROJECT # 16030
 DATE: 16/09/17
 REV: 02/17

ANDREW FELL
 ARCHITECTURE AND DESIGN
 816 N. HICKORY STREET, SUITE 100
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.282.5900
 FAX: 217.286.8483
 EMAIL: andrew@andrewfell.com

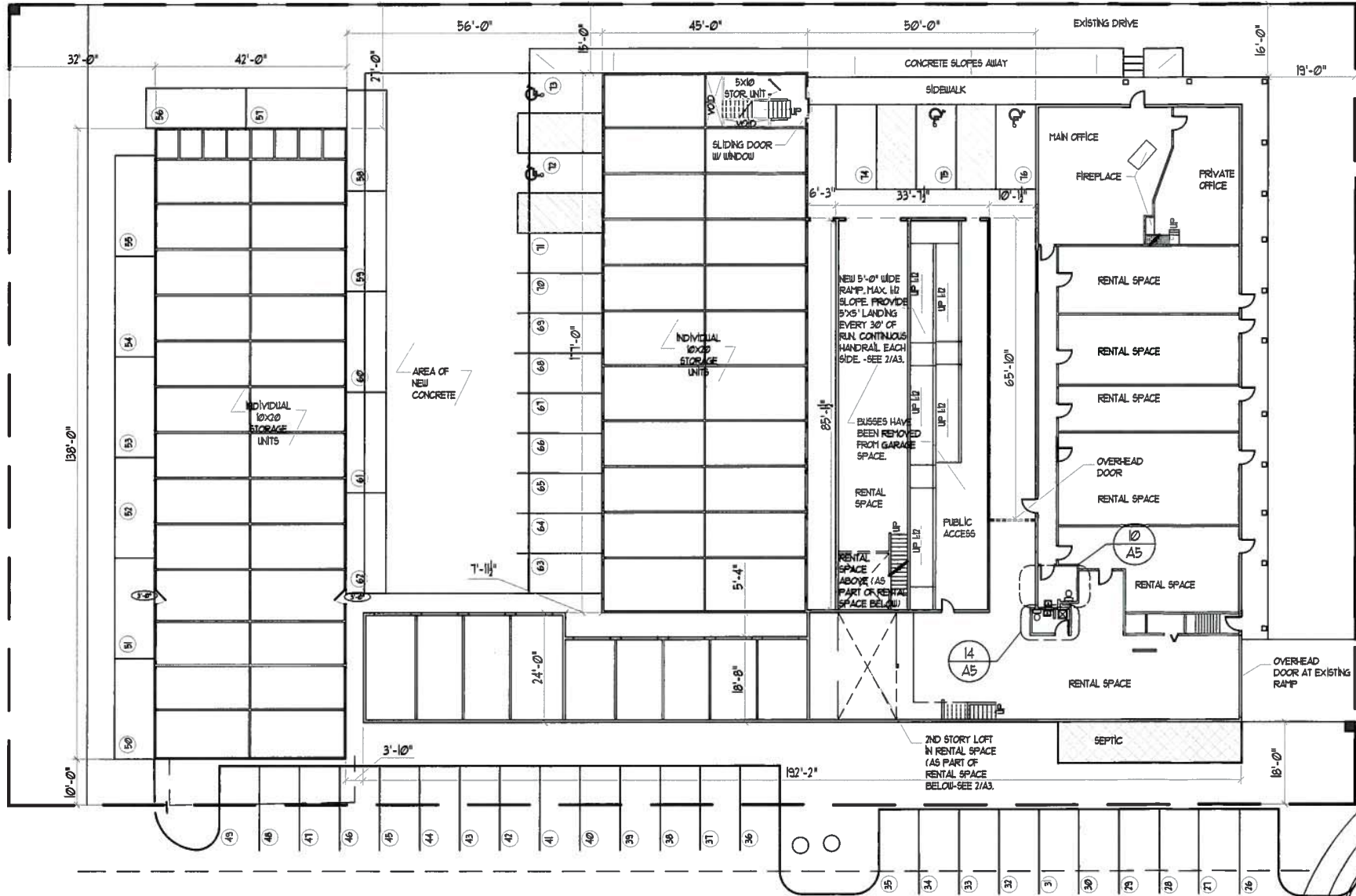
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RECEIVED
 AUG 08 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A1

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



4
A2 EXISTING FIRST FLOOR PLAN:
ENTIRE COMPLEX
SCALE: 1/32" = 1'-0"

PROJECT # 16020
DATE: 16.09.23
REV: 00/01

ANDREW FELL
ARCHITECTURE AND DESIGN
810 N. HICKORY STREET, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.263.2980
FAX: 217.263.8465
EMAIL: andrew@andrewfell.net

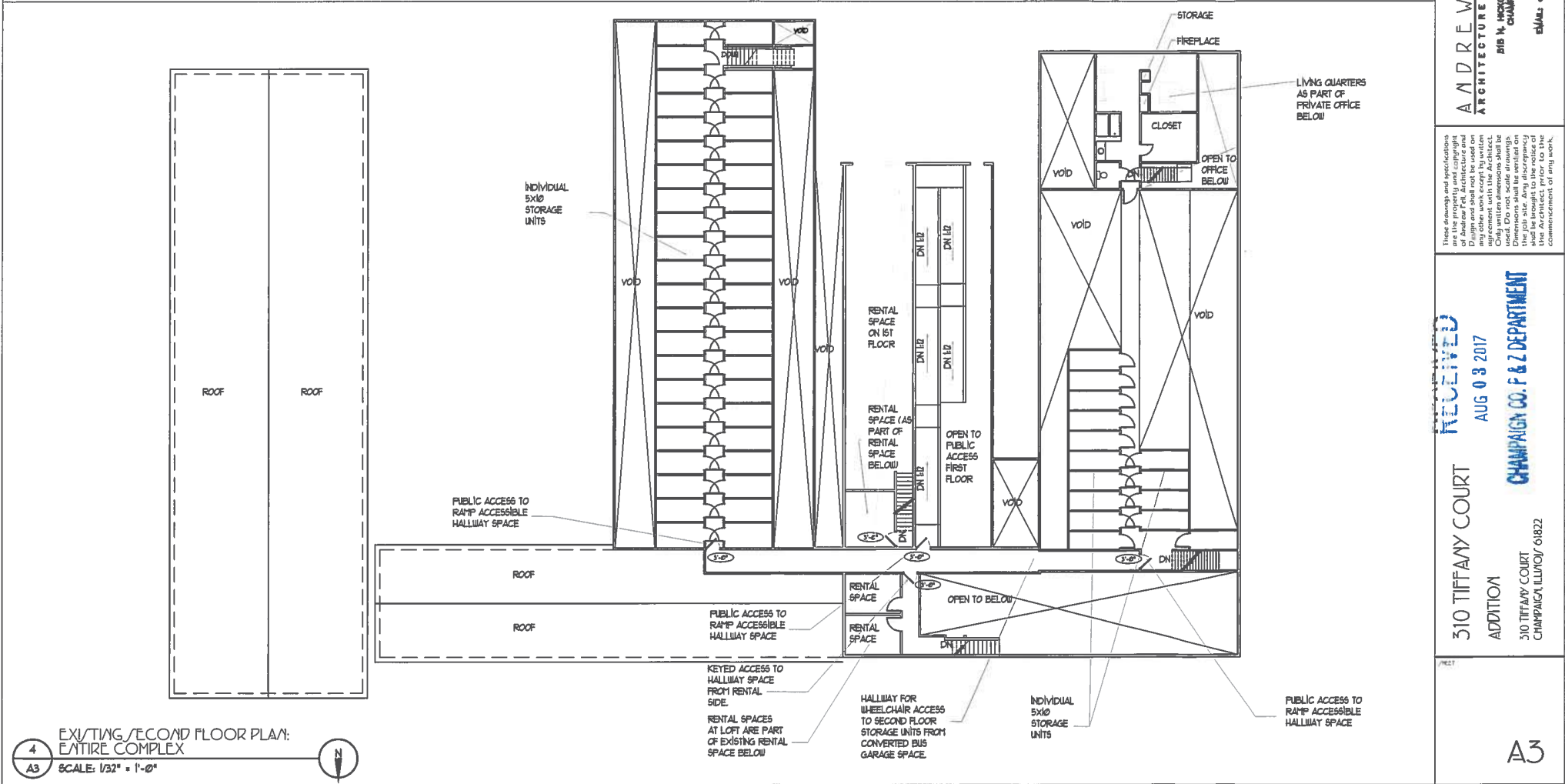
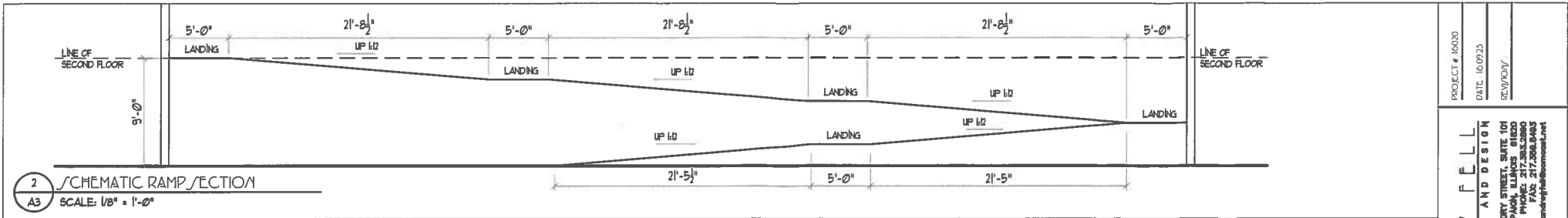
These drawings and specifications are the property of the architect and shall not be used on any other work except by written permission of the architect. All dimensions shall be verified on site. Do not scale drawings. Dimensions shall be verified on site. It is the responsibility of the client to obtain all necessary permits and approvals. The architect shall be notified of any changes to the project prior to the commencement of any work.

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AUG 08 2017
CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
ADDITION
310 TIFFANY COURT
CHAMPAIGN, ILLINOIS 61822

A2

VOID - OUTDATED
see Attachment O Revised Site
Plan received August 24, 2017



PROJECT # 16020
DATE 10/03/13
REV/03/17

ANDREW FELL
ARCHITECTURE AND DESIGN
818 N. HICKORY STREET, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.296.2980
FAX: 217.296.8985
EMAIL: andrew@andrewfell.com

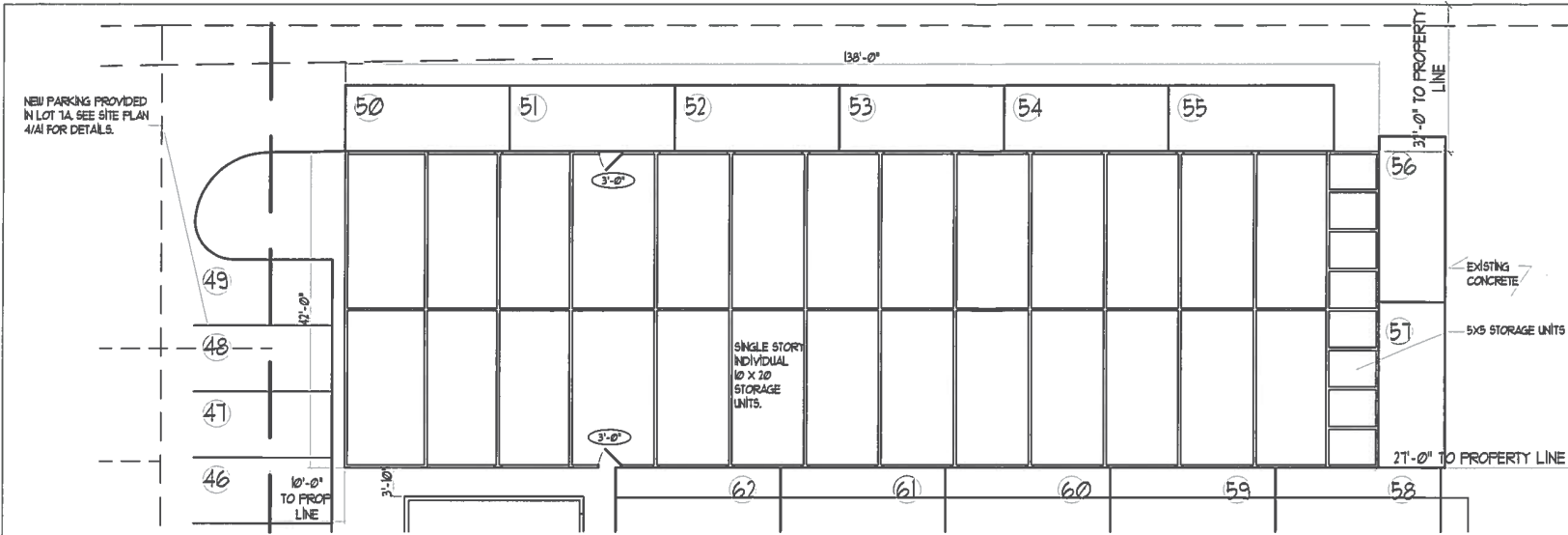
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AUG 08 2017
CHAMPAIGN CO. P & Z DEPARTMENT

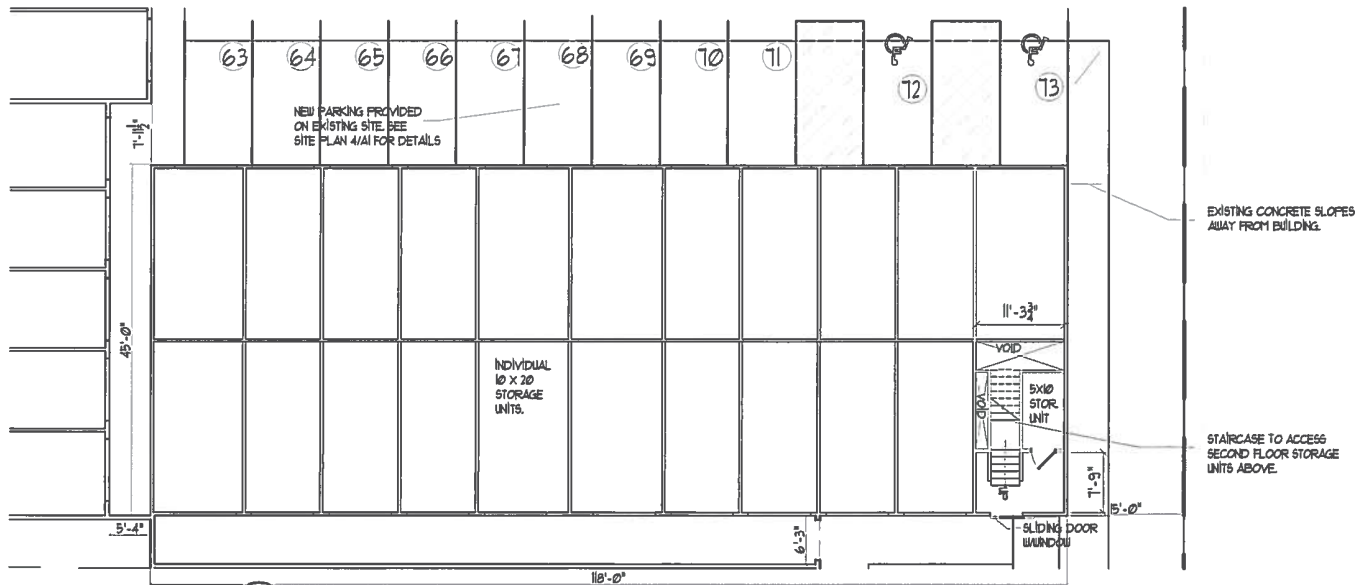
310 TIFFANY COURT
ADDITION
310 TIFFANY COURT
CHAMPAIGN, ILLINOIS 61822

A3

VOID - OUTDATED
see Attachment O Revised Site Plan received August 24, 2017



2 ENLARGED FIRST FLOOR PLAN AT STORAGE
 A4 SCALE: 1/16" = 1'-0"
 N



4 ENLARGED FIRST FLOOR PLAN AT 2ND STORY STORAGE
 A4 SCALE: 1/16" = 1'-0"
 N

PROJECT # 16020
 DATE 10/09/23
 CSJ/CJF

ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.262.2990
 FAX: 217.262.0493
 afd@aefdesign.com

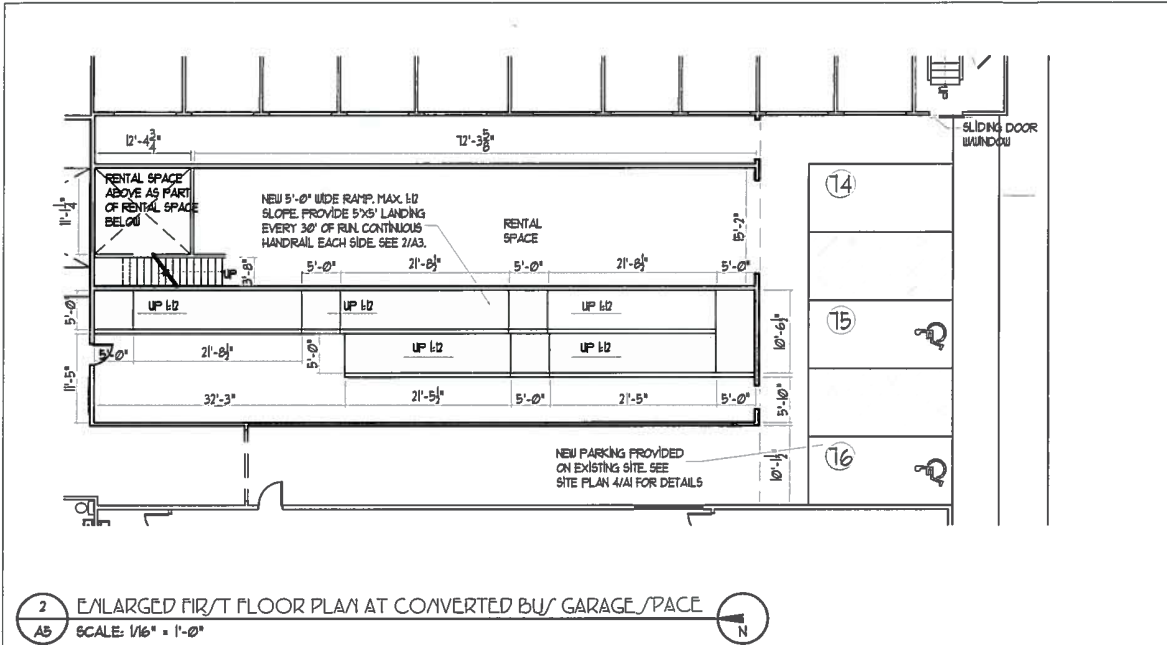
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 AUG 03 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

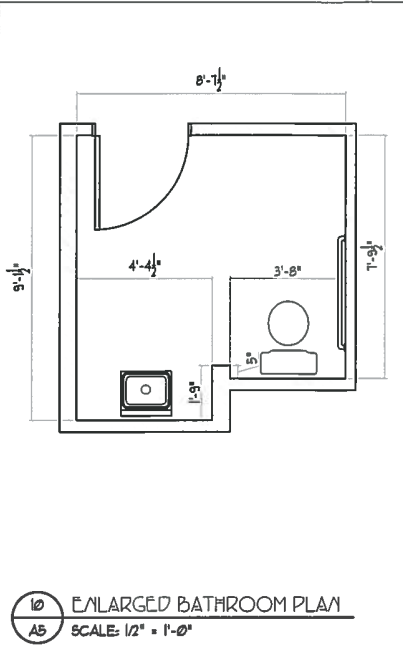
310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A4

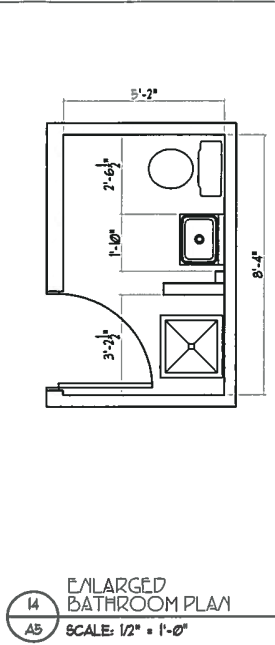
VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



2 ENLARGED FIRST FLOOR PLAN AT CONVERTED BUILDING GARAGE SPACE
 A5 SCALE: 1/16" = 1'-0"



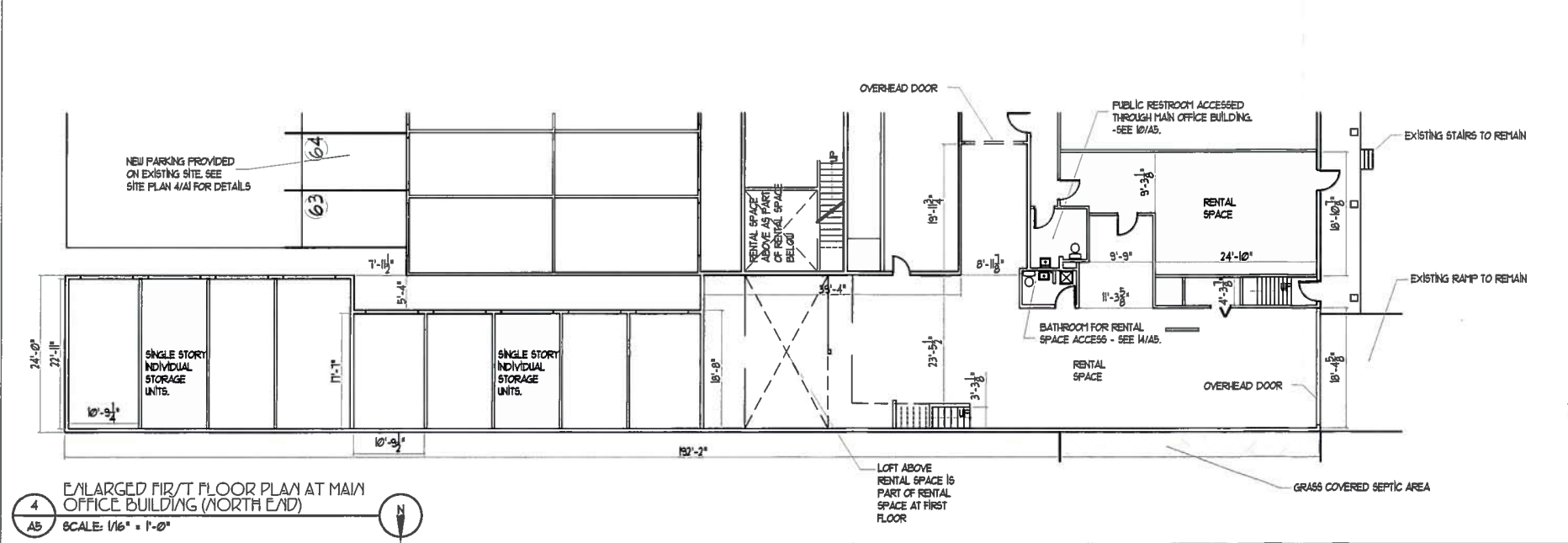
10 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"



14 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"

PROJECT # 16030
 DATE 10.09.23
 REVIEW/DWG
ANDREW FELL
 ARCHITECTURE AND DESIGN
 616 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, IL 61822
 PHONE: 217.253.2980
 FAX: 217.253.5482
 EMAIL: andrew@andrewfell.com

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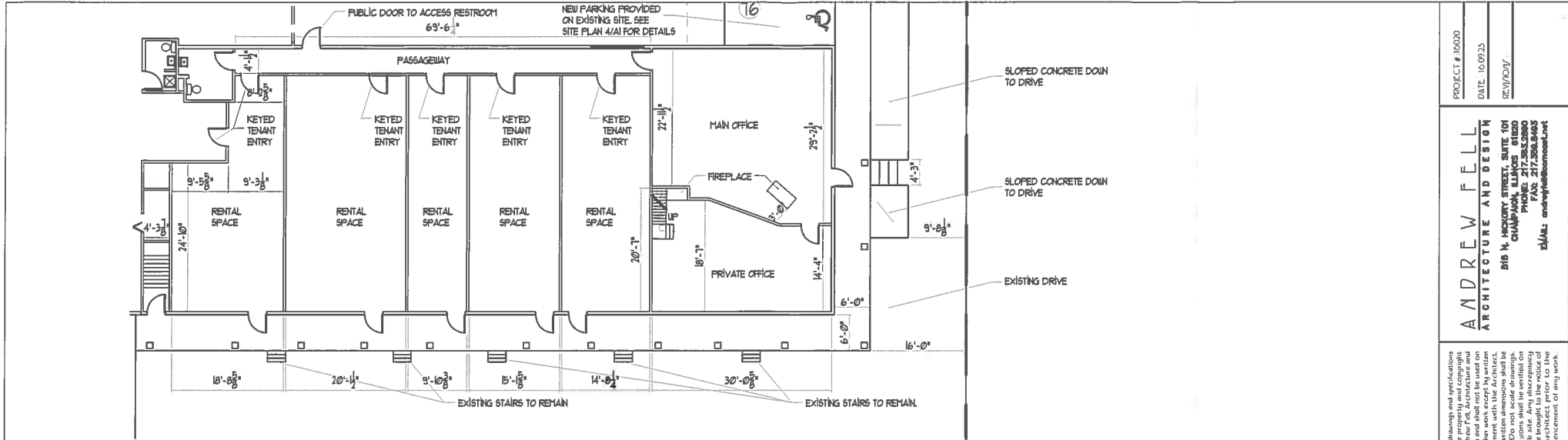
4 ENLARGED FIRST FLOOR PLAN AT MAIN OFFICE BUILDING (NORTH END)
 A5 SCALE: 1/16" = 1'-0"

RECEIVED
 AUG 03 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A5

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



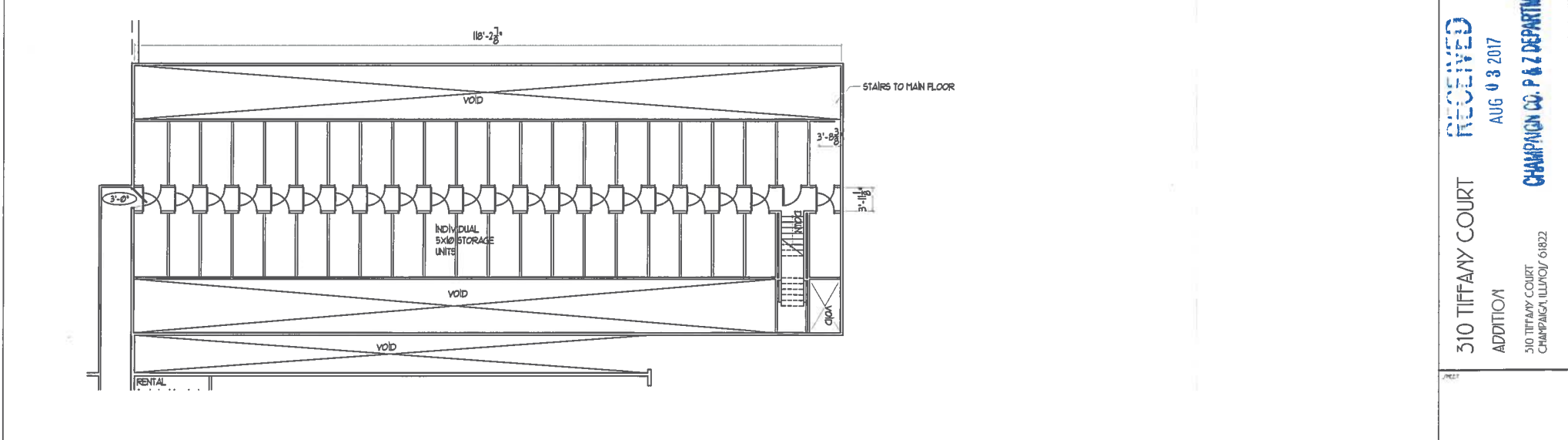
2 ENLARGED FIRST FLOOR AT MAIN OFFICE BUILDING
 A6 SCALE: 1/16" = 1'-0"

PROJECT # 10020
 DATE 10.09.23
 REV/NOV

ANDREW FELL
 ARCHITECTURE AND DESIGN

516 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61822
 PHONE: 217.236.5280
 FAX: 217.236.5493
 EMAIL: andrew@andrewfell.com

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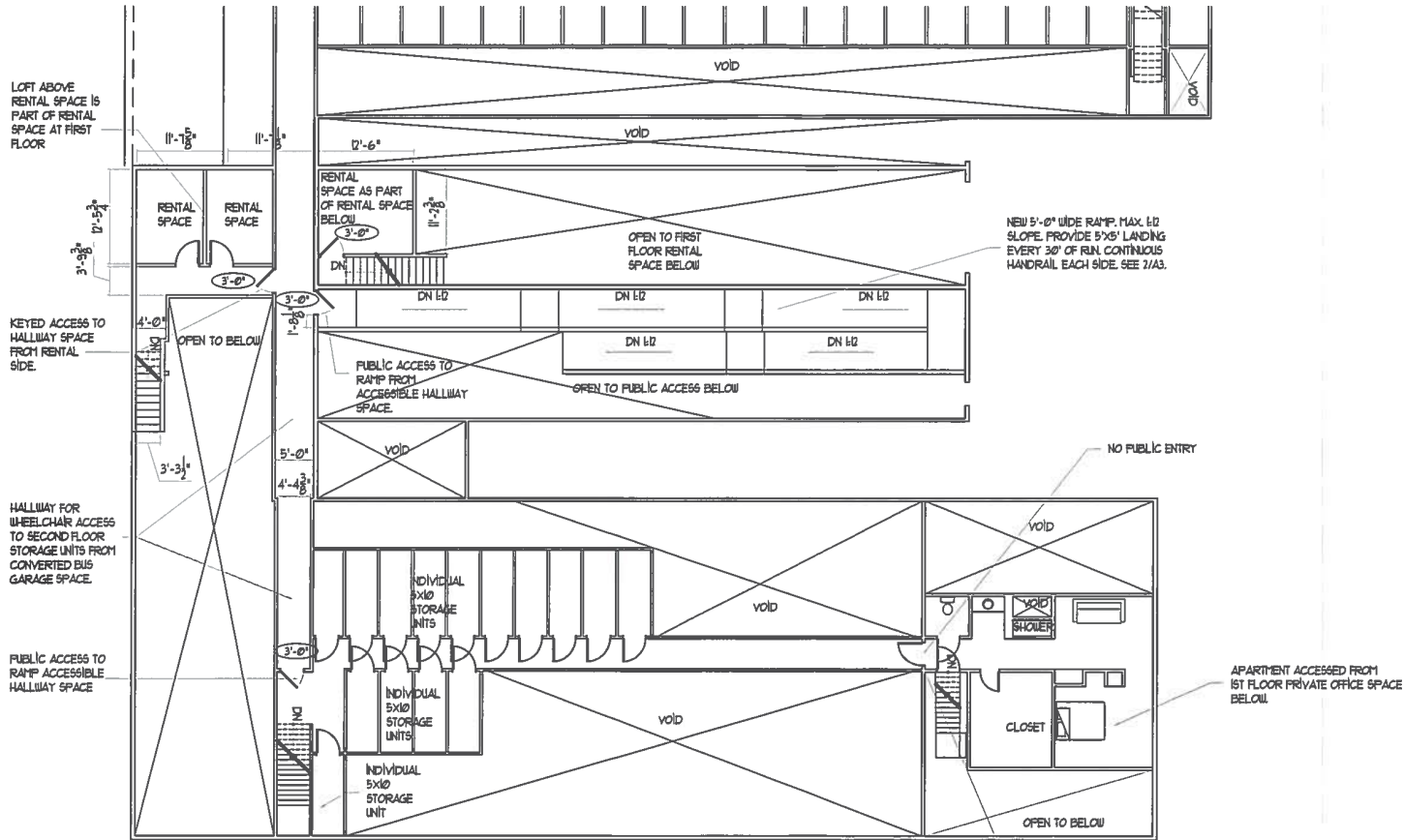
4 ENLARGED SECOND FLOOR AT TWO-STORY STORAGE BUILDING
 A6 SCALE: 1/16" = 1'-0"

RECEIVED
 AUG 08 2017
 CHAMPAGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A6

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



4 ENLARGED SECOND FLOOR AT TWO STORY STORAGE BUILDING
 A1 SCALE: 1/16" = 1'-0" N

PROJECT # 10070
 DATE: 10/07/25
 REV/NOV

ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61822
 PHONE: 317.258.2500
 FAX: 317.258.8443
 EMAIL: andrew@andrewfell.net

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RECEIVED
 AUG 03 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A7

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017

Susan Burgstrom

From: Kent Follmer <kent@follmerlaw.com>
Sent: Thursday, August 03, 2017 2:43 PM
To: Susan Burgstrom
Cc: Robert Frazier
Subject: Re: 310 Tiffany Court - potential solution

Thank you Susan for your time on this. We will get back to you soon.

Very Truly Yours,

Kent Follmer
Follmer Law Office
1717 Philo Road #16
Urbana, IL 61802-6099
217 367-2424
www.follmerlaw.com



On Thu, Aug 3, 2017 at 2:23 PM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Mr. Frazier and Mr. Follmer,

We applaud Mr. Frazier's improvements to the septic system, and don't believe that action should be penalized; however, it has created a situation with parking. Zoning Staff has a potential solution to the parking issue that would not require revision to the minor plat. Please keep in mind that the ZBA might not agree with Zoning Staff – it is our recommendation, but it has not and might not be approved by the ZBA.

Next steps, if you agree:

1. The hearing should still occur on August 31st. If you ask for another continuance, it is possible that they decide to deny the variances due to lack of progress, which would lead to enforcement proceedings.
2. Staff will re-advertise the case in time for the 8/31 hearing; Mr. Frazier will have to pay for the re-advertisement.
3. The septic improvement creates an area that cannot be constructed upon, which we believe extends from parking space 36 through parking space 49. The proposed diagonal parking on the parking plan you submitted today is not ideal because it creates a forced traffic flow in one direction around the building and forces a re-review of the minor plat, which would postpone a decision for an unknown length of time. Instead, Zoning Staff suggests that you present a parking plan that only has parallel parking in that area. There will be fewer spaces, but we believe it will be safer and a better option.
4. Zoning Staff believes that the ZBA might reject the curb parking numbered 11 through 14 on the parking plan you submitted today. Such a design would require pavement constructed to street standard, and would still be contingent upon approval by Champaign Township. Zoning Staff recommends that those spaces be removed from the parking plan. We do not want to decrease the number of available parking spaces, but we are looking at the reality of that part of the property and what engineers have indicated about available space.
5. Revise the Site Plan created by Andrew Fell to be "apples to apples" with the parking design of your choice and minor plat, including but not limited to the lot square footages, numbering system on the parking, and parking space alignments in both lots. Conflicts in information on these documents will result in delay.

6. All documentation must be submitted to me NO LATER THAN FRIDAY, AUGUST 18, 2017.

It is Mr. Frazier's property to determine what parking provision he proposes based on this input. We are simply making these recommendations to try to bring this case to a final determination. I will need to know as soon as possible how you intend to proceed.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: [217-384-3708](tel:217-384-3708)

F: [217-819-4021](tel:217-819-4021)

From: Kent Follmer [<mailto:kent@follmerlaw.com>]
Sent: Thursday, August 03, 2017 11:30 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Re: 310 Tiffany Court new information

I agree with a meeting with all concerned.

I agree that there is no reason for another ZBA meeting until we have this all figured out and the minor plat recorded.

Kent Follmer
Follmer Law Office
Urbana IL 61802
[217 367 2424](tel:2173672424)

On Aug 3, 2017, at 11:11 AM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

In the last hour or so, I received a revised 7 page site plan for 310 Tiffany Court by Andrew Fell, and a revised parking plan by Phoenix, both via email from Kent Follmer. First and foremost, thanks to everyone for keeping this moving toward a viable solution. We're not there yet.

A very cursory review starts the list of issues – John Hall, please feel free to correct me:

- The site plan, parking plan, and minor plat will have to square up.
- No parking can be on the septic system – not on the tank or on the leach field. The leach field needs to be shown on the site plan so it is clear there is no parking or anything else built on it.
- No parking is allowed on Tiffany Court – the 4 spaces shown on the new parking plan will not work unless there is signoff by Champaign Township
- It looks like re-advertisement will be necessary for number of spaces and because the property description will apparently change.
- I don't think the ZBA will want to meet on this case until the minor plat has been reviewed once again based on the proposed changes, and until it is clear the parking plan is viable and a final parking count can be determined. It doesn't make sense to me to get Champaign's re-approval unless it is clear the problems are resolved.

With the new players and products, I think it's time to meet as a group so we all get on the same page.

Susan Burgstrom

From: Eric VanBuskirk <eric.vanbuskirk@champaignil.gov>
Sent: Thursday, August 03, 2017 4:16 PM
To: Susan Burgstrom
Subject: Plat for Stahley Sub.
Attachments: 15SUR050 COMBINATION DRAINAGE PLAT AND PARKING PLAN_DRAFT 041317.pdf;
REPLAT LOT 7 OF LOT 5 STAHLY SUB FINAL PLAT_DRAFT 041317.pdf

The most recent version of the plat

Eric Van Buskirk

Associate Planner
City of Champaign, Illinois
Planning and Development Department

217.403.8800
eric.vanbuskirk@champaignil.gov

RECEIVED

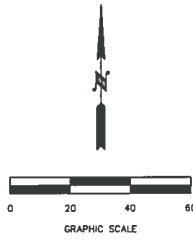
AUG 03 2017

CHAMPAIGN CO. F & Z DEPARTMENT

VOID - OUTDATED

RECEIVED
 AUG 03 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

MINOR PLAT
REPLAT OF LOT 7 OF REPLAT OF LOT 5 OF STAHLY SUBDIVISION
 AN ADDITION TO
 CITY OF CHAMPAIGN, CHAMPAIGN COUNTY, ILLINOIS
 PART OF SE 1/4 OF SEC. 8, T. 19 N., R. 8 E., 3RD P.M.
DRAFT



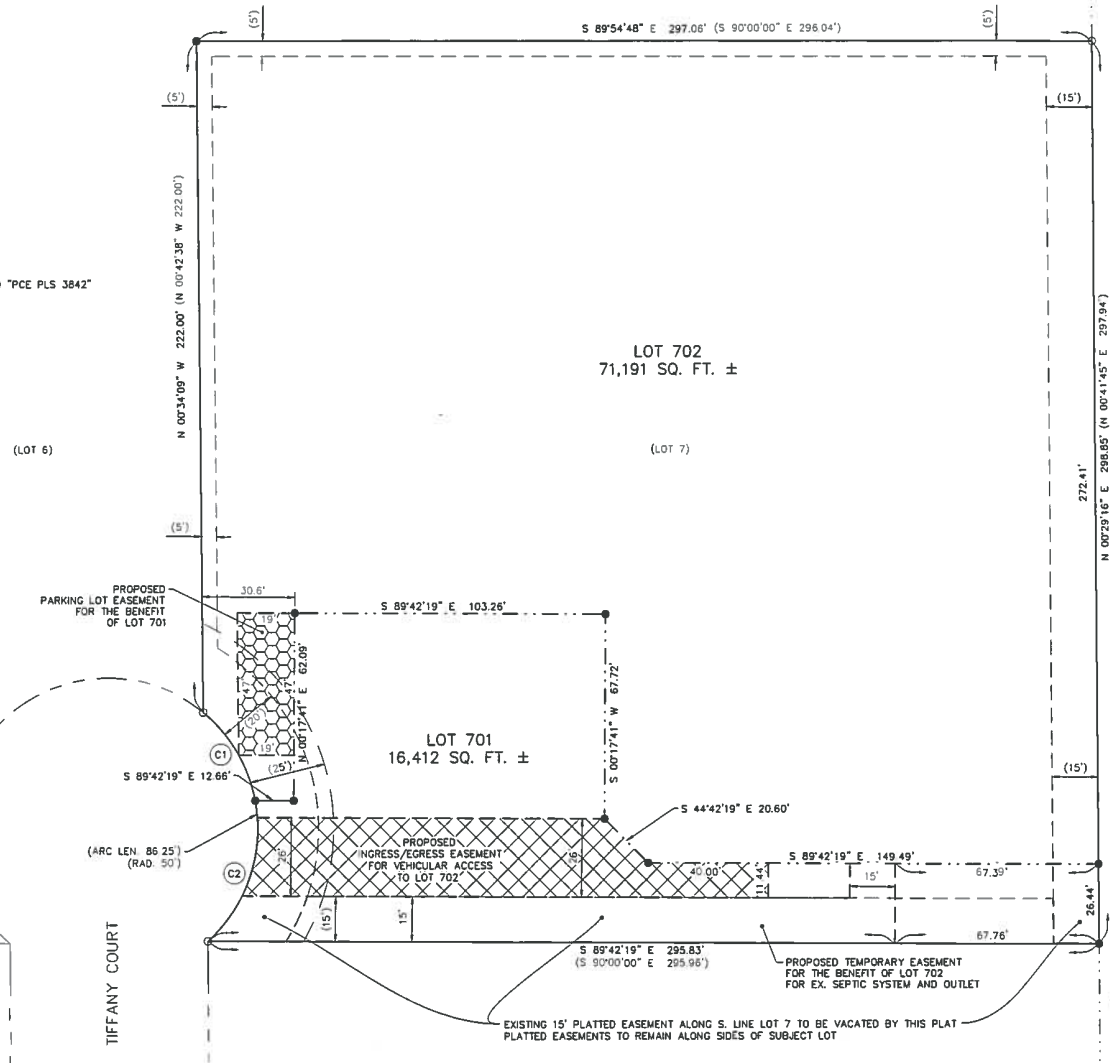
LEGEND

- BOUNDARY OF PLAT
- - - - EX. RIGHT-OF-WAY LINE
- · - · EX. LOT LINE
- · - · EX. EASEMENT LINE (PLATTED)
- · - · EX. SETBACK LINE (PLATTED)
- · - · PR. LOT LINE
- · - · PR. EASEMENT LINE
- ▨ PR. INGRESS/EGRESS EASEMENT
- ▩ PR. PARKING LOT EASEMENT
- SET 5/8" IRON PIN W/ CAP STAMPED "PCE PLS 3842"
- IRON PIN FOUND
- () RECORD DIMENSION

- ① L = 34.66'
R = 50.00'
CH. = 33.97'
CH. BRC. = S 30°36'48" E
- ② L = 51.36'
R = 50.00'
CH. = 49.13'
CH. BRC. = S 18°40'21" W

NOTES:

1. THE SUBDIVISION IS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHAMPAIGN.
2. BEARINGS ARE BASED ON ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (NAD 83).
3. PARCEL IS ZONED I-1 LIGHT INDUSTRIAL BY THE CITY OF CHAMPAIGN.
4. ALL YARD SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF CHAMPAIGN ZONING ORDINANCE AND ANY APPLICABLE RESTRICTIVE COVENANTS.
5. THE SUBDIVISION IS NOT LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA, BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 17019C0402D, EFFECTIVE DATE OCTOBER 2, 2013.
6. STORM WATER DETENTION FACILITIES FOR THE SUBDIVISION ARE EXISTING AND LOCATED UPON THE ADJACENT LOT 6.



PROJECT NO. 155U050
 DATE OF PREPARATION: APRIL 13, 2017
 SHEET NO. 1 OF 1

OWNER: ISAACS PROPERTIES
 420 CHESTNUT ST.
 CHAMPAIGN, IL 61820

ENGINEER / SURVEYOR: PHOENIX CONSULTING ENGINEERS, LTD.
 P.O. BOX 1187
 MAHOMET, IL 61853
 (217) 586-1803
 FAX (217) 586-6757
 PROFESSIONAL DESIGN FIRM
 NO. 184.005835

SURVEYOR'S CERTIFICATE
 STATE OF ILLINOIS)
) SS
 COUNTY OF CHAMPAIGN)

I, ERIC E. HEWITT, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3842, DO HEREBY CERTIFY THAT I HAVE SURVEYED IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS, AND WITH THE ORDINANCES OF THE CITY OF CHAMPAIGN, THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

LOT 7 OF REPLAT OF LOT 5 OF STAHLY SUBDIVISION, AS RECORDED IN PLAT BOOK "CC" AT PAGE 61, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

THE TOTAL AREA FOR THIS REPLAT IS 87,603 SQUARE FEET, MORE OR LESS.

I FURTHER CERTIFY THAT I HAVE SUBDIVIDED THE SAME INTO 2 LOTS, IRON PINS IDENTIFY ALL LOT CORNERS AS SHOWN ON SAID PLAT AND ALL MEASUREMENTS ARE GIVEN IN FEET AND DECIMALS THEREOF. SAID SUBDIVISION IS TO BE KNOWN AS "REPLAT OF LOT 7 OF A REPLAT OF LOT 5 OF STAHLY SUBDIVISION", CITY OF CHAMPAIGN, CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE FOREGOING PLAT ACCOMPANYING THIS CERTIFICATE CORRECTLY REPRESENTS THE ABOVE DESCRIBED PROPERTY AS SUBDIVIDED.

I FURTHER CERTIFY THAT NO PORTION OF SAID SUBDIVISION LIES WITHIN 500 FEET OF ANY SURFACE DRAIN OR WATER COURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE.

I FURTHER CERTIFY THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

NAME OF FIRM OF SURVEYOR: PHOENIX CONSULTING ENGINEERS, LTD.
 P.O. BOX 1187
 MAHOMET, IL 61853

DATE: _____

LICENSE EXPIRES 11/30/18

ERIC E. HEWITT
 ILL. PROF. LAND SURVEYOR NO. 3842

OWNER: _____ ISAAC PROPERTIES


APPROVED: _____
 APPROVAL OF THIS MINOR SUBDIVISION PLAT IS HEREBY GRANTED UNDER THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMPAIGN.

PLANNING DIRECTOR _____ DATE _____

CITY ENGINEER _____ DATE _____

MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

 **Phoenix Consulting Engineers, Ltd.**
 Professional Design Firm No. 184.005835
 421 E. Main Street • Mahomet, IL 61853
 Ph 217-586-1803 • Fax 217-586-6757

SUBSIDIARY DRAINAGE PLAT
REPLAT OF LOT 7 OF REPLAT OF LOT 5 OF STAHLY SUBDIVISION
 AN ADDITION TO
 CITY OF CHAMPAIGN, CHAMPAIGN COUNTY, ILLINOIS
 PART OF SE 1/4 OF SEC. 8, T. 19 N., R. 8 E., 3RD P.M.

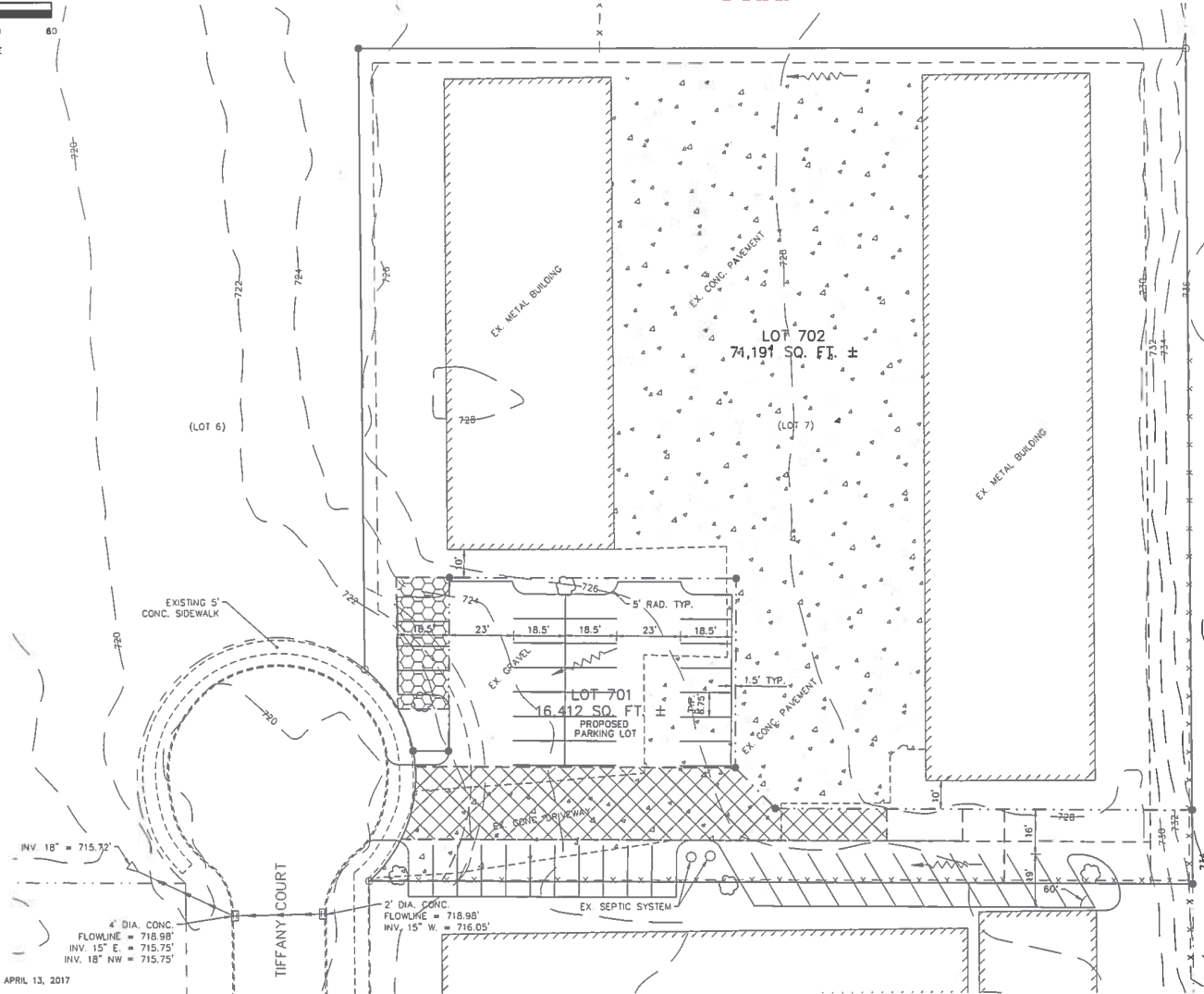
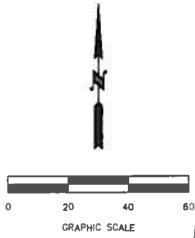
DRAFT

VOID - OUTDATED

RECEIVED

AUG 03 2017

CHAMPAIGN CO. P & Z DEPARTMENT



LEGEND

- BOUNDARY OF PLAT
- - - - EX. RIGHT-OF-WAY LINE
- - - - EX. LOT LINE
- - - - EX. EASEMENT LINE (PLATTED)
- - - - EX. STORM SEWER
- X - X - EX. FENCE
- - - - EX. CONTOUR LINE
- - - - PR. LOT LINE
- - - - PR. EASEMENT LINE
- ▨ PR. INGRESS/EGRESS EASEMENT
- ▩ PR. PARKING LOT EASEMENT
- DIRECTION OF FLOW
- △ EX. FLARED END SECTION
- EX. CURB INLET
- SET 5/8" IRON PIN W/ CAP STAMPED "PCE PLS 3842"
- IRON PIN FOUND

NOTES:

1. NO PUBLIC IMPROVEMENTS ARE PROPOSED FOR THIS SUBDIVISION.
2. STORM WATER DETENTION FACILITIES FOR SUBJECT LOT ARE EXISTING AND LOCATED UPON ADJACENT LOT 6 TO THE WEST.
3. AS-BUILT ELEVATIONS OF STORM IMPROVEMENT SHOWN ARE BASED UPON CITY OF CHAMPAIGN HORIZONTAL AND VERTICAL CONTROL MONUMENT NO. 48A.
4. EXISTING CONTOURS ARE SUPPLIED BY CHAMPAIGN COUNTY GIS CONSORTIUM.
5. ADDITIONAL FEATURES SHOWN HERON ARE FOR INFORMATION ONLY AND NOT ALL IMPROVEMENTS ARE NECESSARILY SHOWN.
6. SEE ACCOMPANYING MINOR PLAT FOR ADDITIONAL INFORMATION.

DRAINAGE STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DIVERSION OF SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE OWNER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS ARE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE DEVELOPMENT OF SUBJECT PARCEL.

DATE: _____
 THOMAS L. OVERMYER, P.E.
 LICENSED PROFESSIONAL ENGINEER
 ILLINOIS NO. 062-049198 EXPIRES NOVEMBER 30, 2017



OWNER: _____ ISAAC PROPERTIES

PROJECT NO. 155UROS0
 DATE OF PREPARATION: APRIL 13, 2017
 SHEET NO. 1 OF 1



Phoenix Consulting Engineers, Ltd.
 Professional Design Firm No. 184.005835
 421 E. Main Street • Mahomet, IL 61853
 Ph 217-586-1803 • Fax 217-586-6757

Susan Burgstrom

From: Robert Frazier <lexillini@gmail.com>
Sent: Thursday, August 17, 2017 3:12 PM
To: Susan Burgstrom
Subject: Fwd: new drawing
Attachments: 17.08.17 Tiffany Court - Off Street Parking Updated Site Plan .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Final draft

Sent from my iPhone

Begin forwarded message:

From: andrewfell@comcast.net
Date: August 17, 2017 at 1:17:33 PM CDT
To: R Frazier <lexillini@gmail.com>
Subject: new drawing

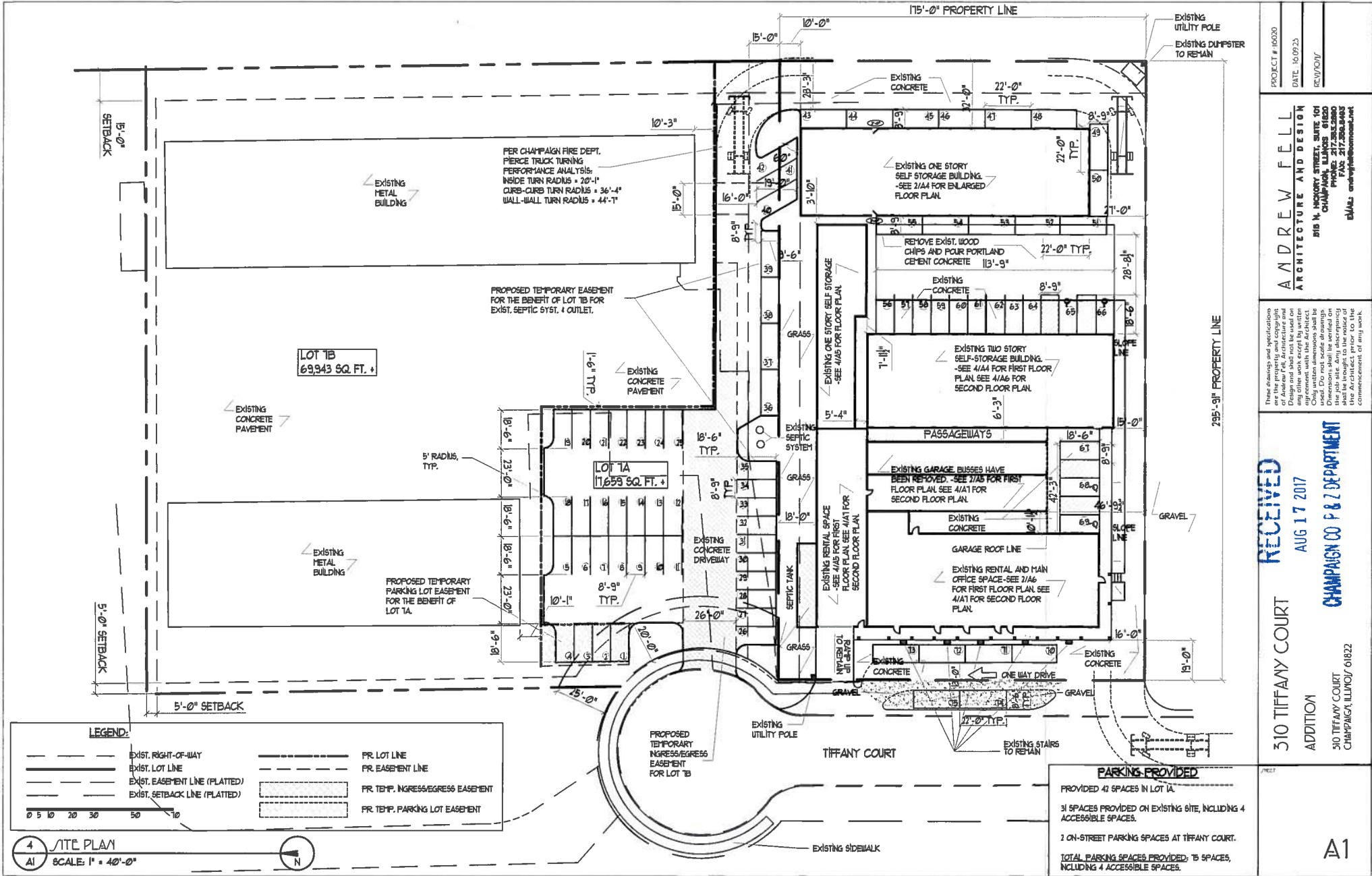
Robert,
Revised drawing attached.

thanks - Andrew

RECEIVED

AUG 17 2017

CHAMPAIGN CO. P & Z DEPARTMENT



PROJECT # 16030
 DATE 16/09/23
 SCALE 1/8"=1'-0"

ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.283.2880
 FAX: 217.286.8983
 email: andrew@andrewfell.com

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PARKING PROVIDED

PROVIDED 41 SPACES IN LOT 1A.

31 SPACES PROVIDED ON EXISTING SITE, INCLUDING 4 ACCESSIBLE SPACES.

2 ON-STREET PARKING SPACES AT TIFFANY COURT.

TOTAL PARKING SPACES PROVIDED: 75 SPACES, INCLUDING 4 ACCESSIBLE SPACES.

VOID - OUTDATED
see Attachment O Revised Site Plan received August 24, 2017

Susan Burgstrom

From: Susan Burgstrom
Sent: Friday, August 18, 2017 4:07 PM
To: Frazier, R; 'Kent Follmer'; Tom Overmyer; andrewfell@comcast.net
Cc: John Hall
Subject: follow-up to today's meeting - Frazier Zoning Case 792-V-14

In a meeting this afternoon, Mr. Frazier, Mr. Follmer, and Mr. Overmyer discussed trying to find a final, acceptable solution that the ZBA might approve at the hearing on August 31, 2017. We reached the following conclusions:

1. The ZBA has been working on this case for almost 3 years. Their patience is arguably very short. They want to finish this case at this meeting. Any new changes to the building/parking configurations will not be taken well. They are highly unlikely to continue this case to another date. For these reasons, they will want to see every piece of documentation in their mailed packet, and not get it as a handout at the meeting. **The mailing will go out next Thursday, August 24th. I will need everything in hand the day before to create the memo in the required format.** P&Z Staff cannot guarantee that the ZBA will approve your final plan and variance request, even if I support it as a staff member.
2. Your final site plan will include the following, to make it the Official Site Plan for approval:
 - Andrew Fell's sheets A1 through A7, updated to show all most recent changes; and
 - Phoenix Consulting's Curb Replacement Plan, updated to show all most recent changes, and it must have documentation showing any updates are approved by Champaign Township; and
 - The recorded Minor Plat of Subdivision approved by the City of Champaign.
 - All annotations, dimensions, parking spaces and parking spaces numbering, as applicable, must be "apples to apples". In other words, things that are shown on, for example, both the minor plat and Andrew Fell's site plan sheets, CANNOT conflict.
3. Mr. Frazier has decided to seek estimates for an ADA compliant lift instead of doing the indoor ramp to the second floor. If the ZBA is to make a determination on this case, I believe they will insist upon the following documentation:
 - Site plan showing the lift location and removal of the ramp; and
 - A document on a verifiable company's letterhead showing 1) the estimate for the lift, 2) that it meets the requirements of the Illinois Environmental Barriers Act, 3) its cost - to prove that it is economically feasible for this building, and 4) the spec sheet for the specific lift that will be purchased in the near future; and
 - An estimate from a licensed contractor, on their letterhead, for installing the lift and any electrical, structural, and other requirements for installing the lift correctly.
 - Note: A special condition will be added to the case requiring the purchase, installation, and inspection to ensure the lift is functioning, within a period to be determined by the ZBA.
4. Mr. Frazier has decided that if he can install a lift, he wants to make the garage space where the ramp was going to go into rentable space. If the ZBA is to make a determination on this case, I believe they will insist upon the following documentation:
 - Site plan showing 1) the new lift location/dimensions, and 2) an annotation in the bus garage as "Rental Space" rather than "Public Access".
 - Note: Staff will explain how that increase in rental space will increase the number of required parking spaces from 89 to 93 based on revised calculations.

- Note: John Hall determined that no re-advertising will be necessary because you are requesting less than or equal to the variance you were requesting for number of parking spaces prior to this new lift idea.
 - Your final site plan must include at least 69 feasible parking spaces in order to be less than or equal to the variance you were requesting before, in order to avoid re-advertising.
 - Note on numbering parking: please do not number the 4 spaces shown in the easement on the south side of Lot 701. Show the spaces, but do not number them.
5. Mr. Frazier has decided that he wants to maximize parking on the west end of the building. He proposes 2 parallel spaces (74 and 75) accessed from Tiffany Court, and 3 parallel spaces next to the covered walkway. Due to space constraints, P&Z staff believe that some of the small staircases leading up to the walkway will need to be removed so that there is maximum room for a sidewalk and an accessway next to the spaces. The site plan and updated curb replacement plan must both reflect this. Mr. Frazier must get written approval for a revised curb plan from Keith Padgett at Champaign Township.
- Note to Mr. Fell: please remove the gravel stipling and indicate it will all be concrete. Also please show the width of the accessway next to the parallel spaces in front of the office, not including the sidewalk width.

I think this is it, but no guarantees. On my end of things, I will prepare all I can of the memo next week and wait for your submittals. If the plan for having a lift rather than a ramp will not work, please contact me as soon as possible.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

Susan Burgstrom

From: Robert Frazier <lexillini@gmail.com>
Sent: Tuesday, August 22, 2017 9:35 AM
To: Susan Burgstrom
Subject: Fwd: drawings
Attachments: 17.08.21 Tiffany Court.pdf

Look over new plans and respond back to me please

Sent from my iPhone

Begin forwarded message:

From: andrewfell@comcast.net
Date: August 22, 2017 at 8:46:18 AM CDT
To: "Frazier, R" <lexillini@gmail.com>
Subject: drawings

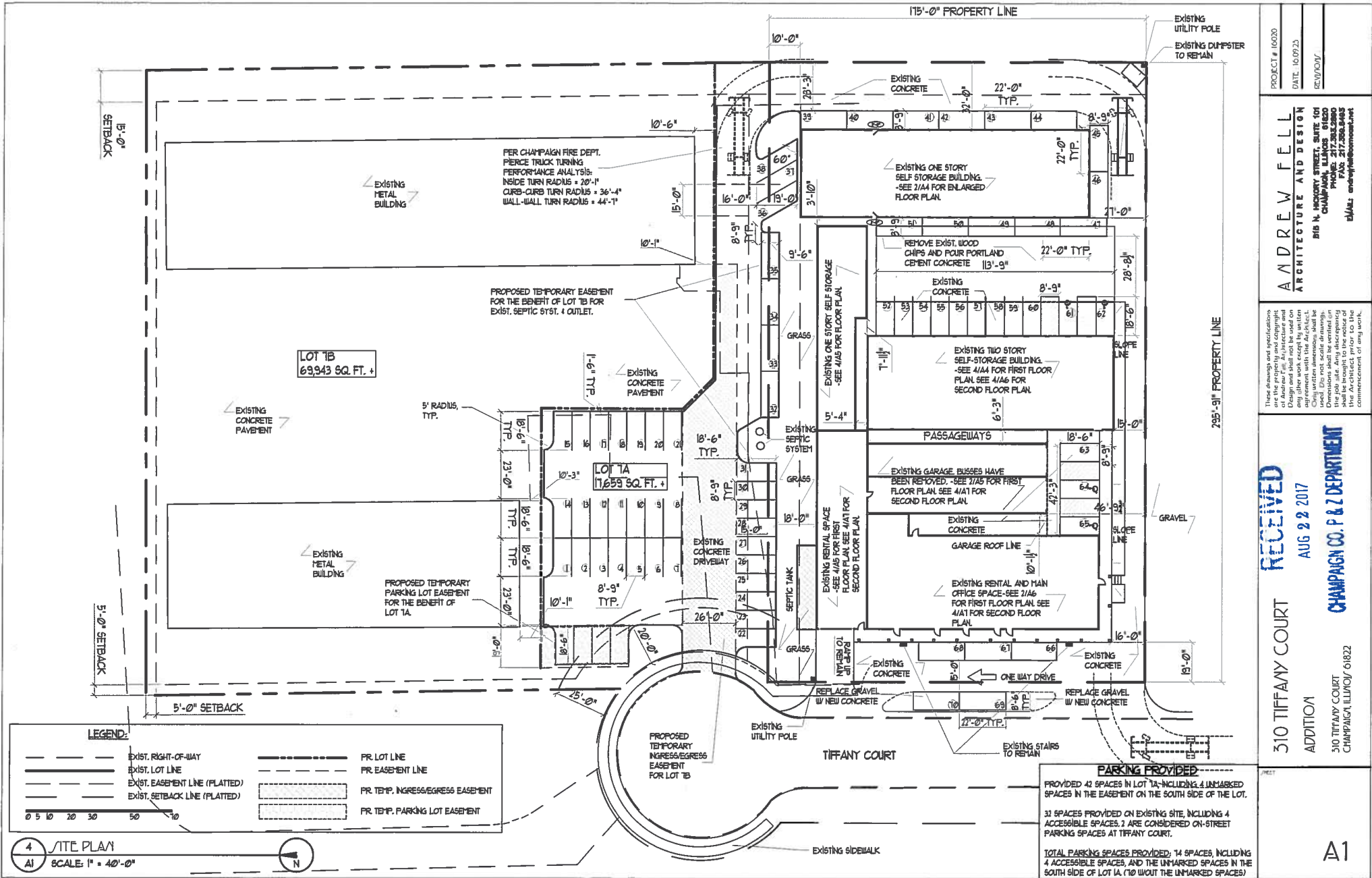
Robert,
Attached are the revised drawings.
Can you give these a review to make sure we caught all the items?

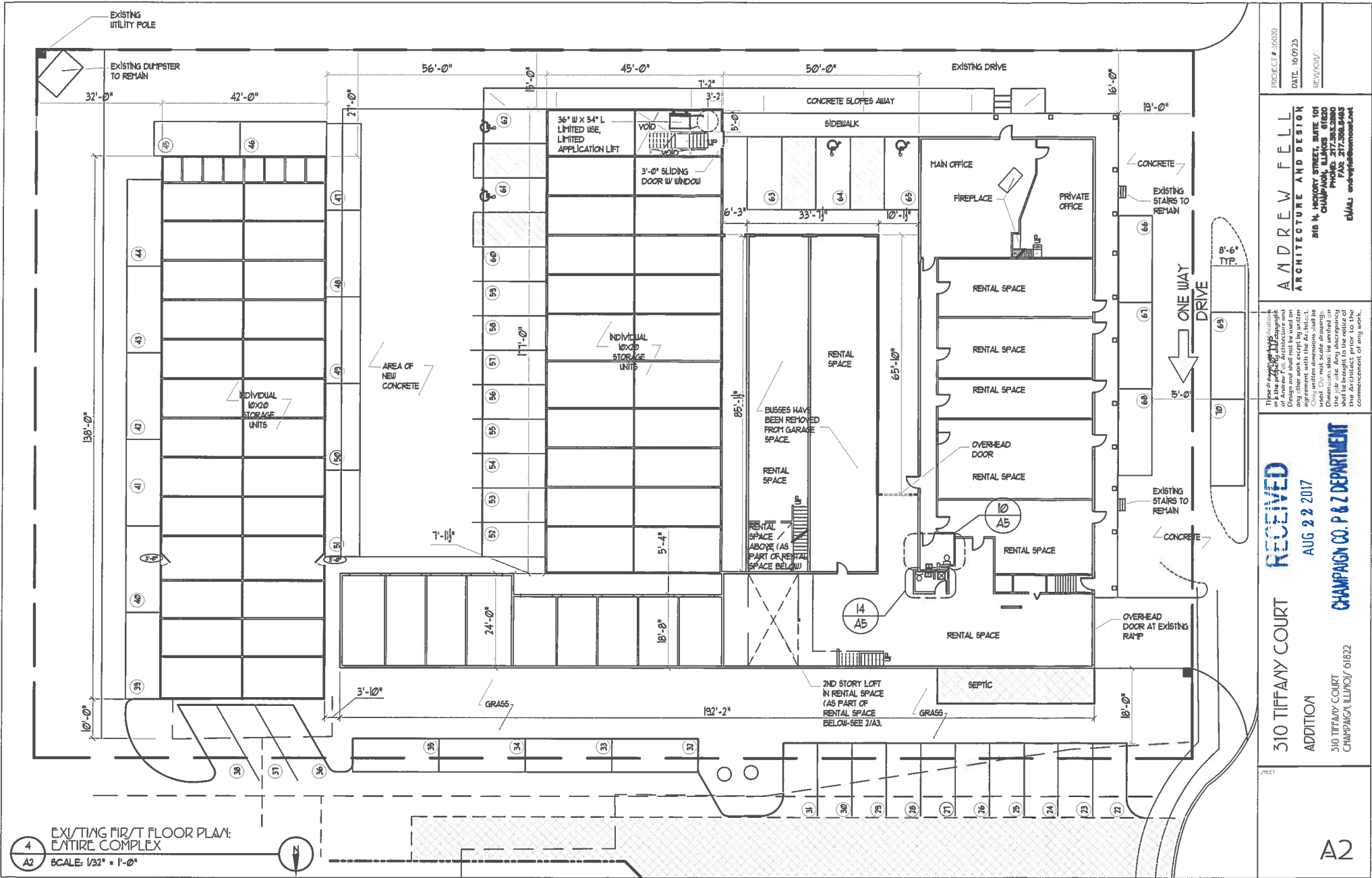
Thanks - Andrew

RECEIVED

AUG 22 2017

CHAMPAIGN CO. P & Z DEPARTMENT





PROJECT # 16030
 DATE 10/07/13
 REV 02/17

ANDREW FELL
 ARCHITECTURE AND DESIGN
 816 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.282.1980
 FAX: 217.286.8483
 EMAIL: andrew@andrewfell.com

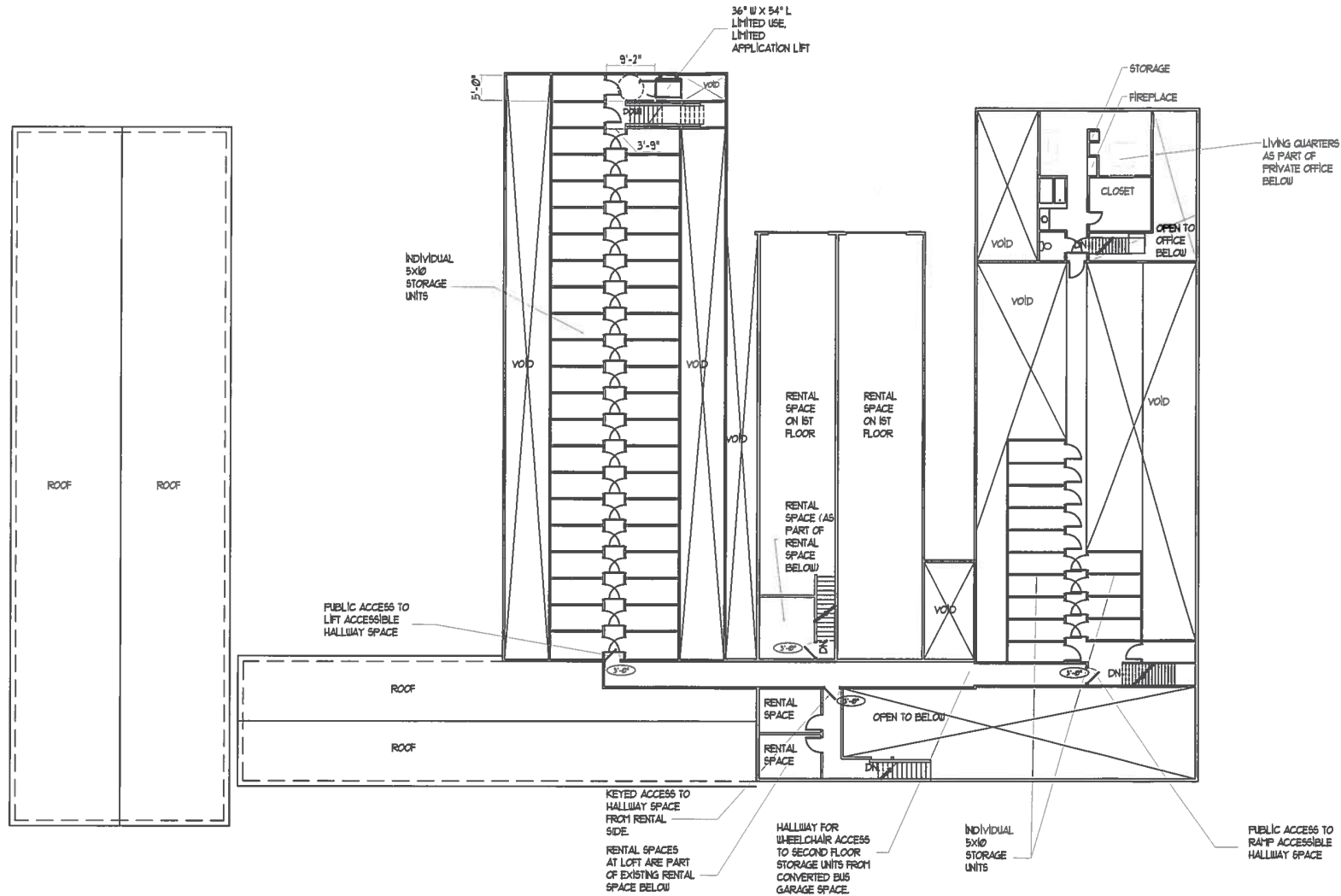
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 CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A2

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



EXISTING SECOND FLOOR PLAN
ENTIRE COMPLEX

SCALE: 1/32" = 1'-0"

4
A3



PROJECT # 10020
DATE 10/09/20
REV 00/01

ANDREW FELL
ARCHITECTURE AND DESIGN
810 N. HICKORY STREET, SUITE 401
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.282.2980
FAX: 217.282.8483
EMAIL: andrew@andrewfell.net

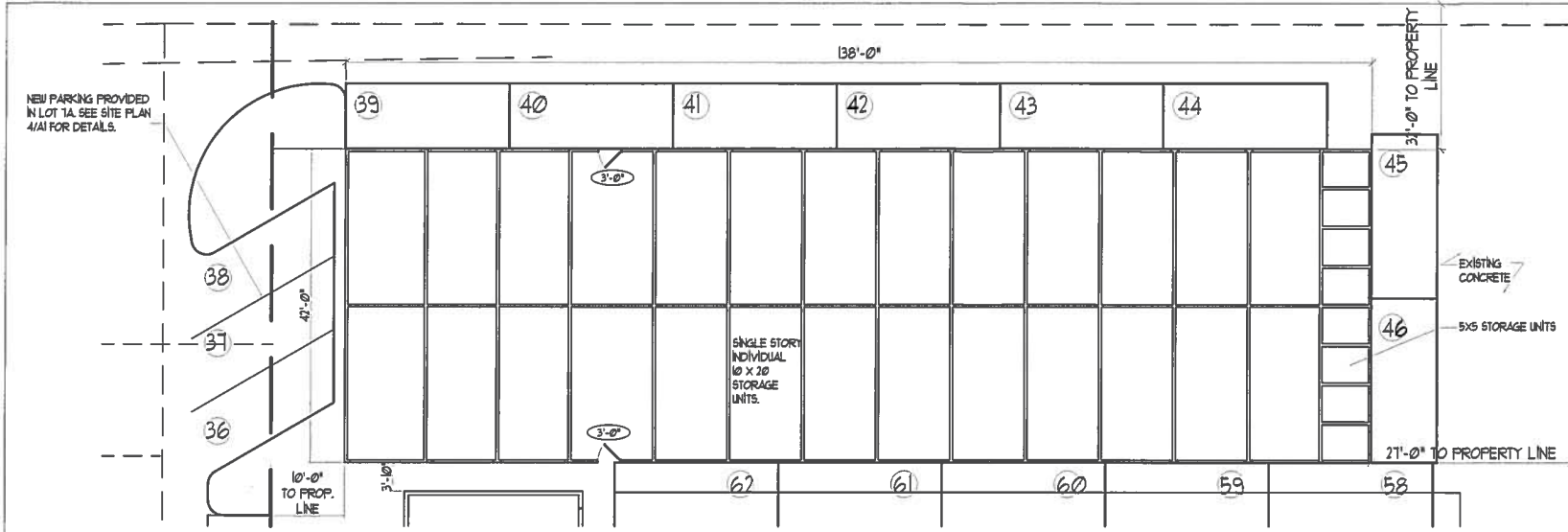
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CHAMPAIGN CO. P & Z DEPARTMENT

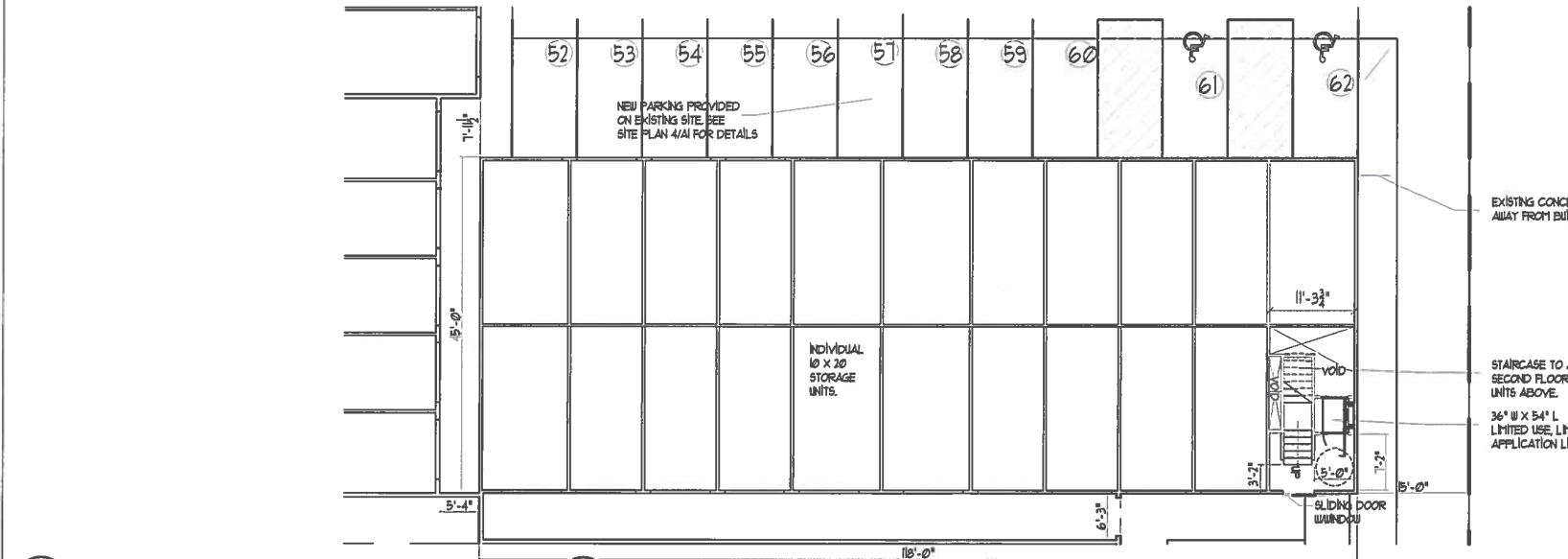
310 TIFFANY COURT
ADDITION
310 TIFFANY COURT
CHAMPAIGN, ILLINOIS 61822

A3

VOID - OUTDATED
see Attachment O Revised Site
Plan received August 24, 2017



2 ENLARGED FIRST FLOOR PLAN AT STORAGE
 A4 SCALE: 1/16" = 1'-0"



4 ENLARGED FIRST FLOOR PLAN AT 2ND STORY STORAGE
 A4 SCALE: 1/16" = 1'-0"

PROJECT # 16030
 DATE: 16.09.23
 REV: 02/17

ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.263.5980
 FAX: 217.263.5985
 EMAIL: andrew@andrewfell.com

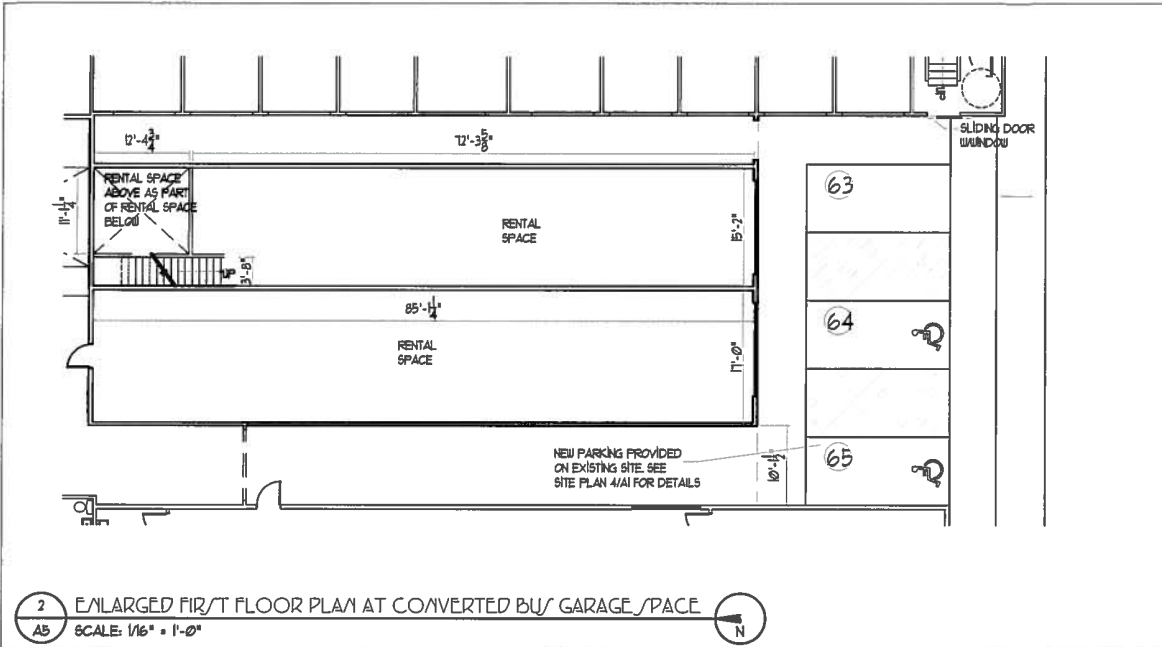
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 AUG 22 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

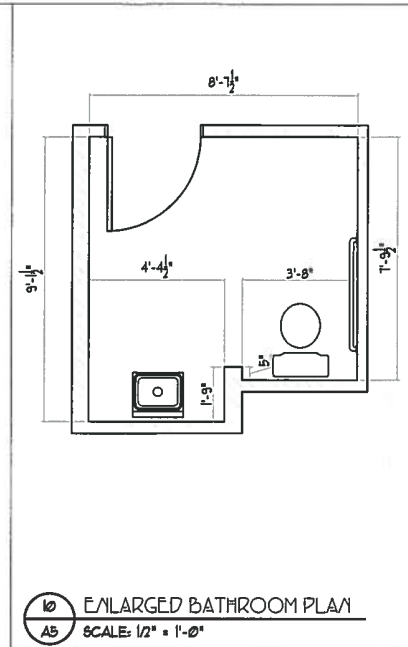
310 TIFFANY COURT
 ADDITION
 510 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A4

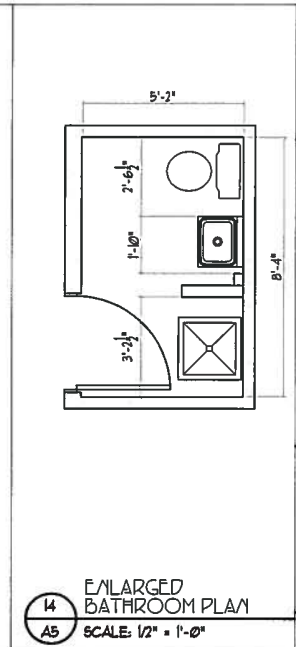
VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



2 ENLARGED FIRST FLOOR PLAN AT CONVERTED BUS GARAGE SPACE
 A5 SCALE: 1/16" = 1'-0"



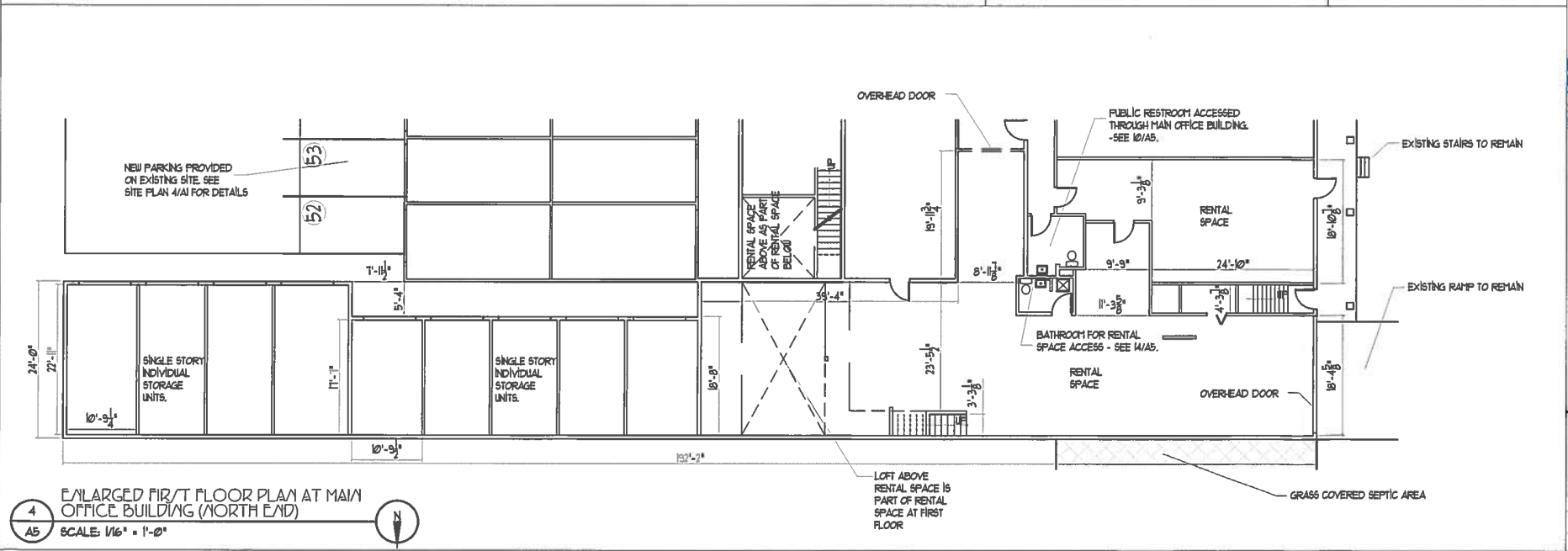
10 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"



14 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"

PROJECT # 16030
 DATE 16/09/23
 SCALE 1/32"
ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.262.2880
 FAX: 217.262.8983
 EMAIL: andrew@andrewfell.com

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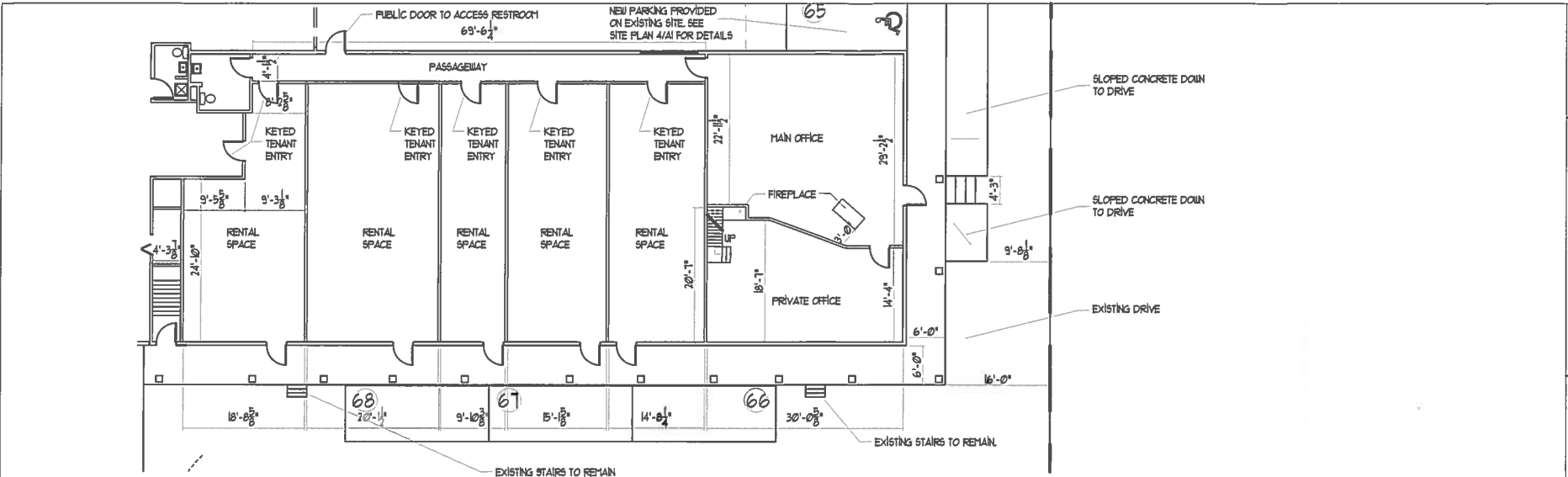
4 ENLARGED FIRST FLOOR PLAN AT MAIN OFFICE BUILDING (NORTH END)
 A5 SCALE: 1/16" = 1'-0"

RECEIVED
 AUG 22 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

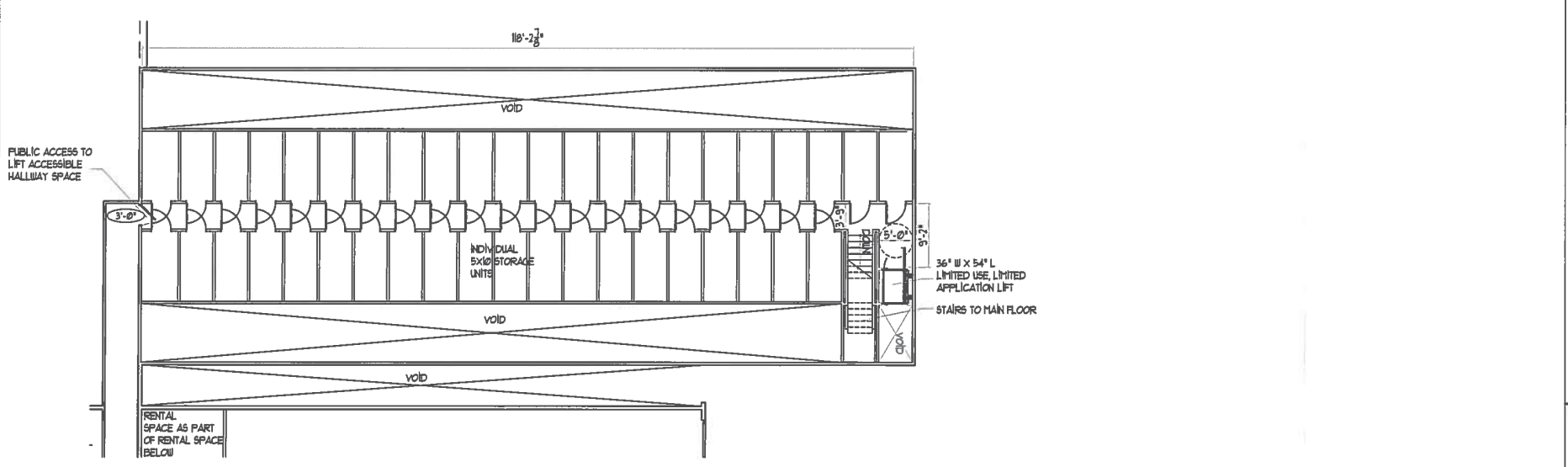
310 TIFFANY COURT
 ADDITION
 510 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A5

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



2 ENLARGED FIRST FLOOR AT MAIN OFFICE BUILDING
 A6 SCALE: 1/16" = 1'-0"
 N



4 ENLARGED SECOND FLOOR AT TWO-STORY STORAGE BUILDING
 A6 SCALE: 1/16" = 1'-0"
 N

PROJECT # 16020
 DATE 10.09.23
 REV/02/17

ANDREW FELL
 ARCHITECTURE AND DESIGN
 818 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.284.2880
 FAX: 217.284.8985
 EMAIL: andrew@andrewfell.com

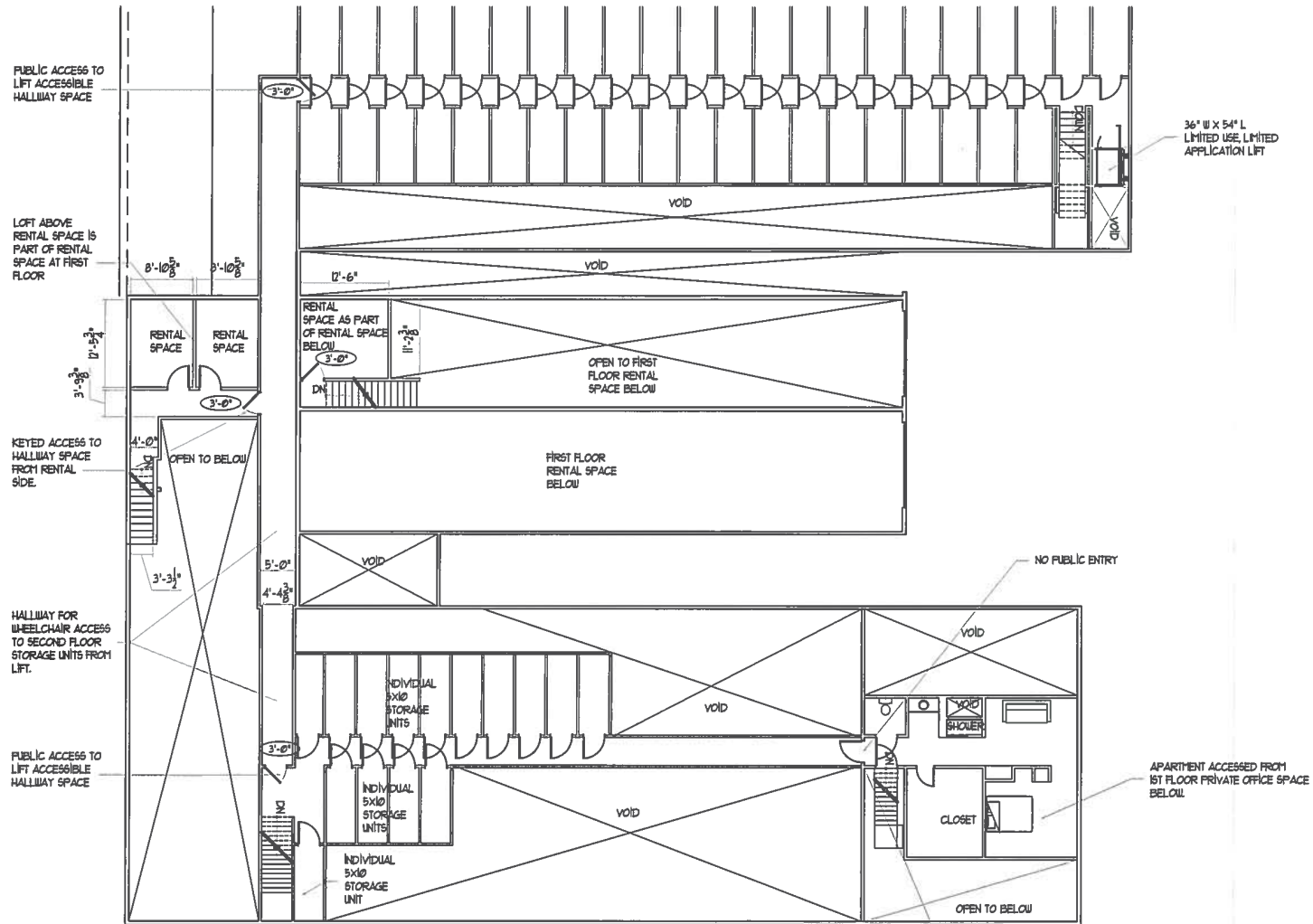
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RECEIVED
 AUG 22 2017
 CHAMPAIGN CO. P & Z DEPARTMENT

310 TIFFANY COURT
 ADDITION
 510 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A6

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017



4 ENLARGED SECOND FLOOR AT TWO-STORY STORAGE BUILDING
 A7 SCALE: 1/16" = 1'-0"



PROJECT # 16030
 DATE 10/09/25
 08/19/2017

ANDREW FELL
 ARCHITECTURE AND DESIGN
 816 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.252.2800
 FAX: 217.256.8403
 EMAIL: andrew@andrewfell.net

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RECEIVED
 AUG 22 2017
 CHAMPAIGN CO. P & Z DEPARTMENT
 310 TIFFANY COURT
 ADDITION
 510 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A7

VOID - OUTDATED
 see Attachment O Revised Site Plan received August 24, 2017

Susan Burgstrom

From: Burton, Felicia <Felicia.Burton@Illinois.gov>
Sent: Tuesday, August 22, 2017 11:41 AM
To: Susan Burgstrom
Cc: 'Robert Frazier'; 'Kent Follmer'
Subject: RE: 2nd floor access exemption question

Susan,

If use of an elevator is feasible, the exception in 400.301(h)(1)(D) of the Illinois Accessibility Code does not apply.

The authority to issue Illinois Accessibility Code interpretations is project specific based on the information provided and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Sincerely,

Felicia Burton
Accessibility Specialist

State of Illinois Capital Development Board
Third Floor, Wm. G. Stratton Building
401 South Spring Street, Springfield, IL 62706
Phone: (217) 782-8530



RECEIVED
AUG 22 2017
CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Tuesday, August 22, 2017 11:26 AM
To: Burton, Felicia
Cc: 'Robert Frazier'; 'Kent Follmer'
Subject: [External] 2nd floor access exemption question

Hi Felicia,

We have a privately owned public building that has to be accessible to the 2nd floor due to already completed alterations (not new construction). The owner of the building does not believe he can afford an elevator, and per IAC 400.310(h) on page 46: Platform Lifts, the square footage of the 2nd floor makes that a no-go.

Backstory on this property is that the 2nd floor is mini-storage warehouse units, and he has only 1 secretary as an employee. The owner has dozens of 1st floor units that are accessible, so he never thought he needed to make the 2nd floor units handicapped accessible.

In order to make the 2nd floor accessible, the owner has proposed an ADA/IAC compliant ramp that is approximately 160 feet long (with required level areas). My question is, does such a long ramp design become an exception per part 400.310(h)(1)(D) on page 46 such that a lift could be used?

Thanks,
Susan

Susan Burgstrom

From: Kent Follmer <kent@follmerlaw.com>
Sent: Tuesday, August 22, 2017 1:58 PM
To: Jeff J Marino; Eric VanBuskirk
Cc: Robert Frazier; Susan Burgstrom; Tom Overmyer; andrewfell@comcast.net; Brian T. Schurter
Subject: Frazier, Minor Replat of Lot 7 of Lot 5 of Stahly Sub

Good afternoon Jeff,

As you may recall, I represent Robert Frazier. I finally obtained Larry Isaacs signatures on the minor plat and other documents last week but I have been in a holding pattern prior to delivery of the minor plat documents to you because the county clerk would not sign the county clerk certificate without the 2nd installment of the property taxes being paid. Apparently, this is a new requirement. Mr. Issacs paid the 2nd installment of the property taxes today and I obtained the clerk's certificate today as well.

I will have hand delivered to you this afternoon the following documents:

- 1 full-size mylar of the minor plat
- 1 full-size bond paper of the minor plat
- 2 half size bond paper
- Surveyor's Statement to the Recorder of Deeds
- School District Certificate
- County Clerk Certificate
- Owner's Certificate, Covenants, and Restrictions

I ask that you acknowledge receipt and when you do, please confirm you have everything needed to approve and to record the minor plat. Susan Burgstrom from the county planning department has strongly suggested that this plat be recorded prior to the next ZBA hearing now scheduled for August 31, at 7pm.

Thank you.

Very Truly Yours,

Kent Follmer
Follmer Law Office
1717 Philo Road #16
Urbana, IL 61802-6099
[217 367-2424](tel:2173672424)
www.follmerlaw.com

RECEIVED

AUG 22 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: Susan Burgstrom
Sent: Tuesday, August 22, 2017 3:30 PM
To: 'Robert Frazier'
Subject: RE: drawings

Besides the up-in-the-air question about ramp vs. lift vs. elevator, I have the following revisions to the site plan you sent via email this morning:

Sheet A1:

- Rename Lot 7A to Lot 701
- Update the "Parking Provided" text box in the bottom right corner
- There is a measurement next to proposed parking space 68 on the west end of the office building for a 15' width between the parking space and proposed space 70. That measurement needs to exclude the sidewalk, so it should be 19' minus 8.5 feet = 11.5 rather than 15.
- Please add the width of the pavement on the south side of the office building, measuring from the bottom of the sloped pavement to the south property line.
- Are you sure about the 16' pavement width notation on the south side of the southwest corner of the office building?

Sheet A2

- Same as sheet A1: There is a measurement next to proposed parking space 68 on the west end of the office building for a 15' width between the parking space and proposed space 70. That measurement needs to exclude the sidewalk, so it should be 19' minus 8.5 feet = 11.5 rather than 15.
- Same as sheet A1: Please add the width of the pavement on the south side of the office building, measuring from the bottom of the sloped pavement to the south property line.
- Same as sheet A1: Are you sure about the 16' pavement width notation on the south side of the southwest corner of the office building?

I don't see issues with Sheets A3 – A7.

Thanks,
Susan

From: Robert Frazier [mailto:lexillini@gmail.com]
Sent: Tuesday, August 22, 2017 9:35 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Fwd: drawings

Look over new plans and respond back to me please

Sent from my iPhone

Begin forwarded message:

From: andrewfell@comcast.net
Date: August 22, 2017 at 8:46:18 AM CDT

Susan Burgstrom

From: Jeff J Marino <Jeff.Marino@champaignil.gov>
Sent: Wednesday, August 23, 2017 3:09 PM
To: Kent Follmer; Eric VanBuskirk
Cc: Robert Frazier; Susan Burgstrom; Tom Overmyer; andrewfell@comcast.net; Brian T. Schurter
Subject: RE: Frazier, Minor Replat of Lot 7 of Lot 5 of Stahly Sub

Kent,

I wanted to let you know that we received the signed plats yesterday. We have routed them for signatures, and we will go through the file, and work on getting this recorded. Eric VanBuskirk is out of the office until Monday, but when he gets back in, we'll work on getting this wrapped up.

Thanks,
Jeff Marino
Senior Planner
Planning and Development Department
City of Champaign

RECEIVED
AUG 23 2017
CHAMPAIGN CO. F & Z DEPARTMENT

From: Kent Follmer [mailto:kent@follmerlaw.com]
Sent: Tuesday, August 22, 2017 1:58 PM
To: Jeff J Marino <Jeff.Marino@champaignil.gov>; Eric VanBuskirk <eric.vanbuskirk@champaignil.gov>
Cc: Robert Frazier <lexillini@gmail.com>; Susan Burgstrom <sburgstrom@co.champaign.il.us>; Tom Overmyer <tovermyer@phoenix-ce.com>; andrewfell@comcast.net; Brian T. Schurter <btschurter@tbklaw.com>
Subject: Frazier, Minor Replat of Lot 7 of Lot 5 of Stahly Sub

Good afternoon Jeff,

As you may recall, I represent Robert Frazier. I finally obtained Larry Isaacs signatures on the minor plat and other documents last week but I have been in a holding pattern prior to delivery of the minor plat documents to you because the county clerk would not sign the county clerk certificate without the 2nd installment of the property taxes being paid. Apparently, this is a new requirement. Mr. Issacs paid the 2nd installment of the property taxes today and I obtained the clerk's certificate today as well.

I will have hand delivered to you this afternoon the following documents:

- 1 full-size mylar of the minor plat
- 1 full-size bond paper of the minor plat
- 2 half size bond paper
- Surveyor's Statement to the Recorder of Deeds
- School District Certificate
- County Clerk Certificate
- Owner's Certificate, Covenants, and Restrictions

I ask that you acknowledge receipt and when you do, please confirm you have everything needed to approve and to record the minor plat. Susan Burgstrom from the county planning department has strongly suggested that this plat be recorded prior to the next ZBA hearing now scheduled for August 31, at 7pm.

Susan Burgstrom

From: highwaycommissioner@champaigntownship.com
Sent: Thursday, August 24, 2017 10:40 AM
To: Susan Burgstrom; Supervisor; Jeff Blue; Highwaycommissioner; <lexillini@gmail.com; John Hall
Subject: 310 Tiffany Court

Hello Susan. I met with Robert Frazier yesterday, the 23rd and have met with Champaign County Engineer Jeff Blue today, the 24th.

Mr. Frazier has requested the approval of new/different parking spaces for his property.

He is requesting 3 parking spaces running north and south along the west side of his building.

He is also requesting 2 parking spaces in the area between the sidewalk and the curb. This is the area of Township Right-Of-Way to be decided with the guidance of Champaign County Engineering.

I told Mr. Frazier, that I had no problem with the 2 spaces between the sidewalk and curb. If that:

First: The curb has to be replaced to original design of barrier curb.

Second: The area between the sidewalk and curb (to be replaced) has to be poured to 8 inch in depth concrete.

Third: The existing sidewalk which is no longer just "sidewalk" it has now become "road". Shall be replaced in it's entirety to a 8 inch depth from south driveway entrance to north driveway exit.

Mr. Frazier ask if a variance could be for the curb. I told him that the existing curb was is to keep snowplows on the road not in the area where he is now proposing to park cars.

I told him I would check with Champaign County Engineering about a mountable curb.

In my meeting with Mr. Jeff Blue about the variance for the curb. He has stated that the barrier curb is the right choice for the application at this site.

I have included concerned parties in this e-mail. I am not certain Mr. Follmer, Mr. Frazier, and Mr. Hall will receive this e-mail - hopefully.

Thank You for your work on this project

Keith Padgett
Highway Commissioner
Champaign Township
Road District
3900 Kearns Drive
Champaign, IL 61822
217-352-0321

RECEIVED
AUG 24 2017
CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: Kent Follmer <kent@follmerlaw.com>
Sent: Thursday, August 24, 2017 8:50 AM
To: Susan Burgstrom
Cc: Robert Frazier
Subject: Re: ZBA mailing

RECEIVED

AUG 24 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Good morning.

Robert and many other people with whom he has been in contact with have been working hard on items 1-3. He will reply to this email before noon with a status. We are in a holding pattern pending signatures by the city re item 4, and the closing on the purchase of real estate is scheduled for 9-12-17.

Kent Follmer
Follmer Law Office
Urbana IL 61802
217 367 2424

On Aug 24, 2017, at 7:52 AM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Thanks for sending me new information as you get it. I will need to print and send the mailing for ZBA members today. Could you please let me know what new information I should expect this morning? On my list, I show that you still need 1) a response from Illinois Capital Development Board regarding whether 2 lifts can be used; 2) a final site plan which shows all revisions and whether you have a ramp, elevator, or lift; 3) the final curb replacement design as approved by Keith Padgett; and 4) a copy of the recorded plat.

I understand that the plat has to get through signatures and such at Champaign, so I don't expect that today.

Thanks,
Susan

Andrew,

Because technically, these are two separate buildings and they were constructed more than 30 months apart, providing a platform lift that conforms to Section 400.310(h)(1)(E) of the Illinois Accessibility Code (IAC) (which essentially describes a LU/LA) is in substantial compliance with the IAC.

The authority to issue Illinois Accessibility Code interpretations is project specific based on the information provided and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Sincerely,

Felicia Burton
Accessibility Specialist

State of Illinois Capital Development Board
Third Floor, Wm. G. Stratton Building
401 South Spring Street, Springfield, IL 62706

Phone: (217) 782-8530



Please consider the environment before printing this email.

RECEIVED

AUG 24 2017

CHAMPAIGN CO. P & Z DEPARTMENT

From: andrewfell@comcast.net [mailto:andrewfell@comcast.net]

Sent: Thursday, August 24, 2017 9:49 AM

To: Burton, Felicia

Subject: [External] 310 Tiffany Court, Champaign

Felicia,

Attached is a drawing of the second floor of the project we were discussing.

Please note that this is rotated 90° from the Site Plan.

This drawing includes the two lift locations we are proposing.

There are two areas where 'rental spaces' are shown on the second floor. In both of those instances the spaces conform to the definition of a mezzanine to the spaces below and will not be accessible via either lift we propose.

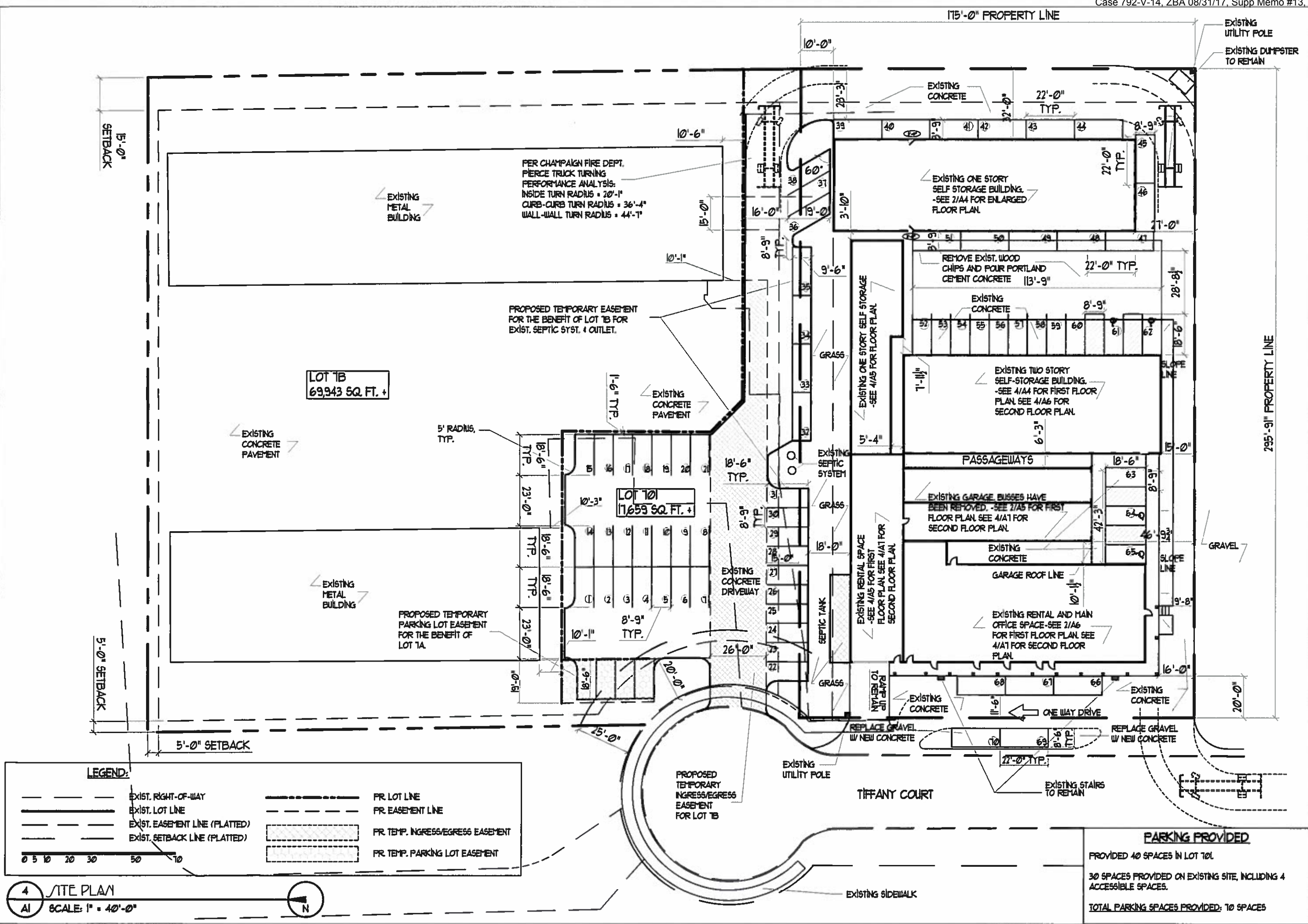
We are proposing one lift to access the eastern leg of the building (the one which has storage units along its entire length). The second floor of this space is 2,938 s.f. Another lift will provide access to the western leg of the building. This space totals 1,721 s.f.

We are asking if using two lifts is acceptable as each individual space being accessed is less than 3,000 s.f. Additionally, they were constructed well over thirty months apart.

Of course, let me know if you have any questions or require any additional information.

Thank you,
Andrew Fell
Andrew Fell Architecture and Design

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PROJECT # 10020
 DATE: 10-09-23
 REVISION:

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 ARCHITECTURE AND DESIGN
 815 N. HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217.253.2800
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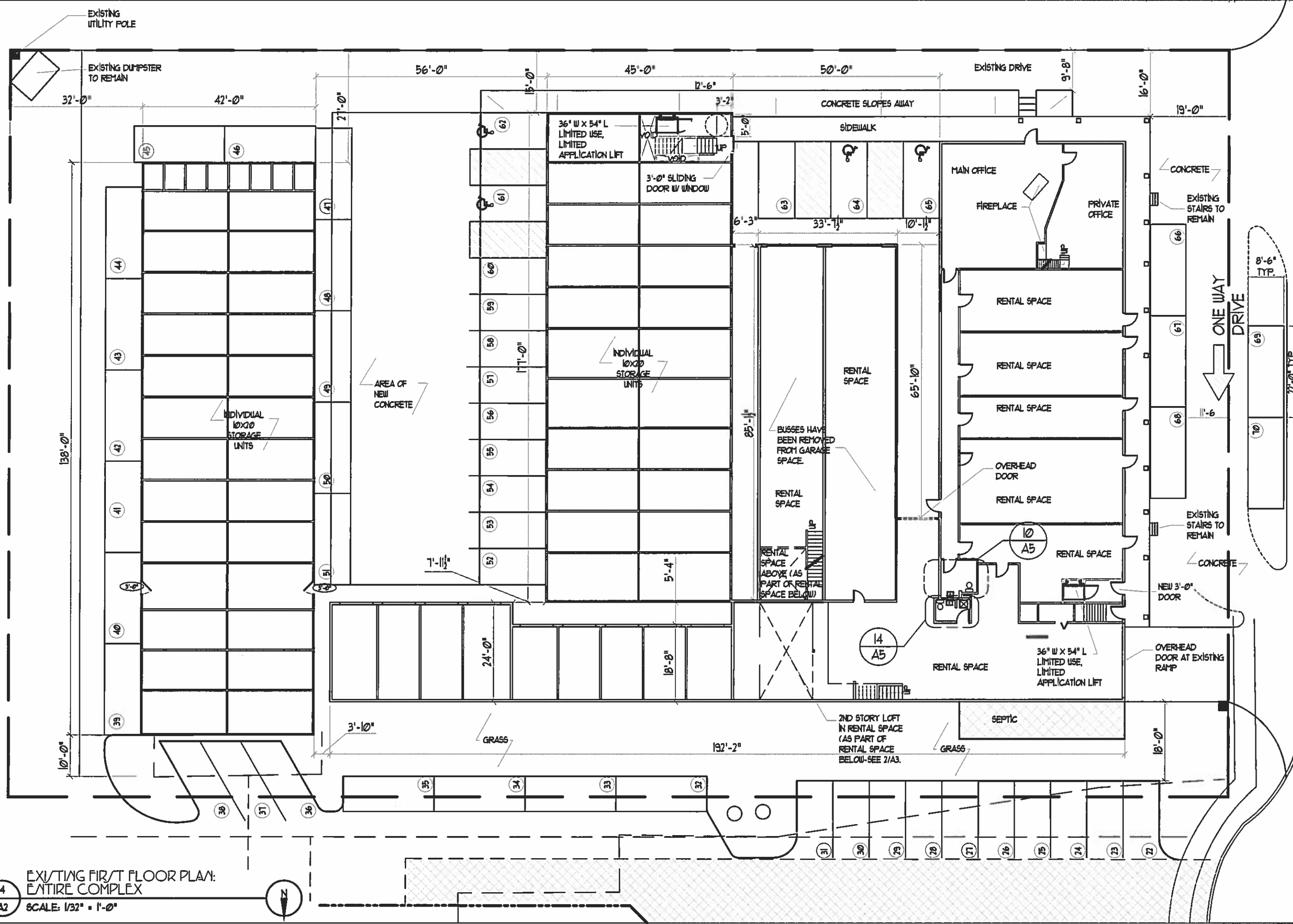
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310 TIFFANY COURT
 ADDITION
 310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

PARKING PROVIDED
 PROVIDED 40 SPACES IN LOT 10A
 30 SPACES PROVIDED ON EXISTING SITE, INCLUDING 4 ACCESSIBLE SPACES.
 TOTAL PARKING SPACES PROVIDED: 70 SPACES

A1



4
A2
EXISTING FIRST FLOOR PLAN:
ENTIRE COMPLEX
SCALE: 1/32" = 1'-0"



PROJECT # 16020
DATE: 10.09.23
REVISION

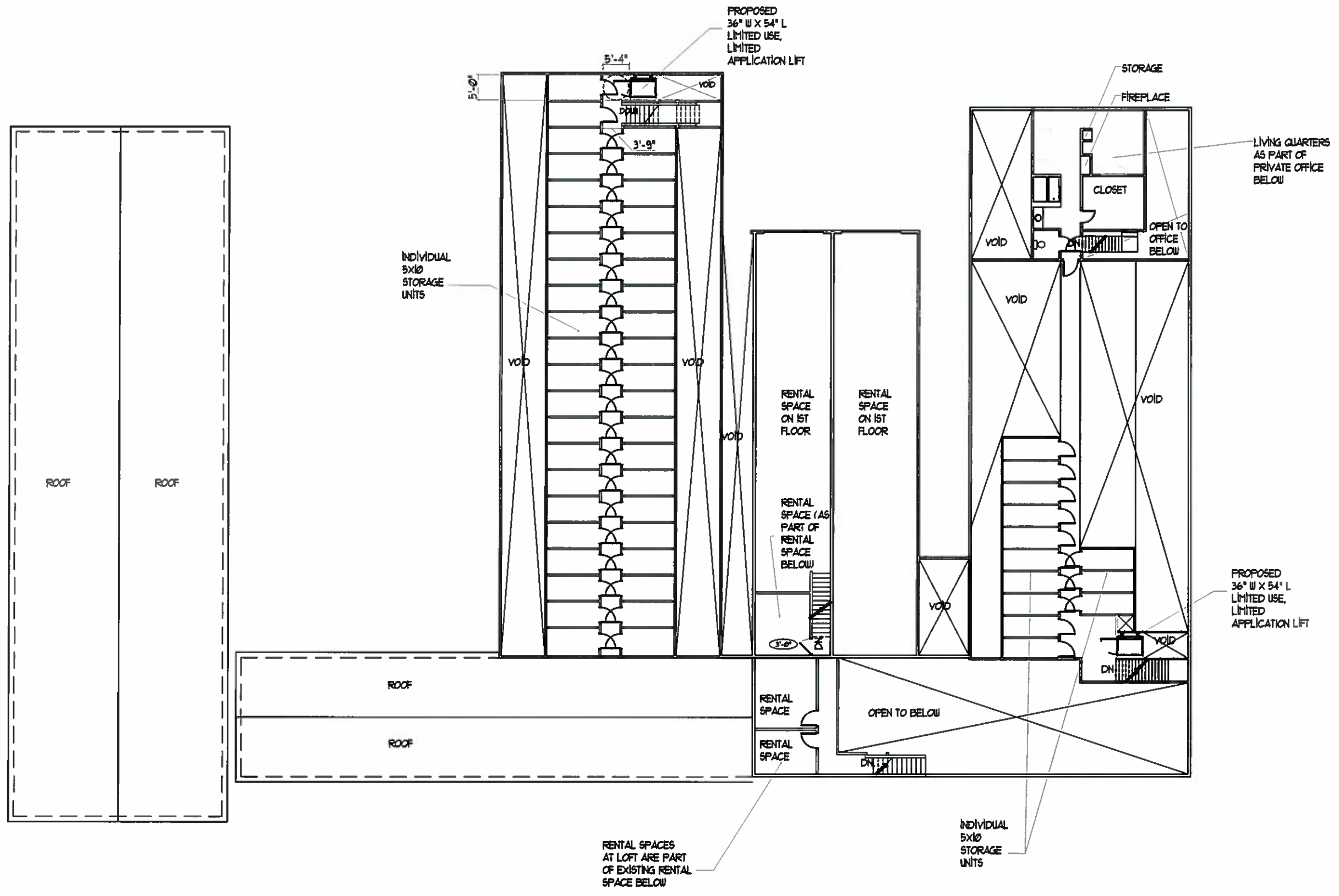
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ADDITION
310 TIFFANY COURT
CHAMPAIGN, ILLINOIS 61822

A2



4
A3
EXISTING SECOND FLOOR PLAN:
ENTIRE COMPLEX
SCALE: 1/32" = 1'-0"

PROJECT # 16020
DATE: 10.09.20
REV/NOV

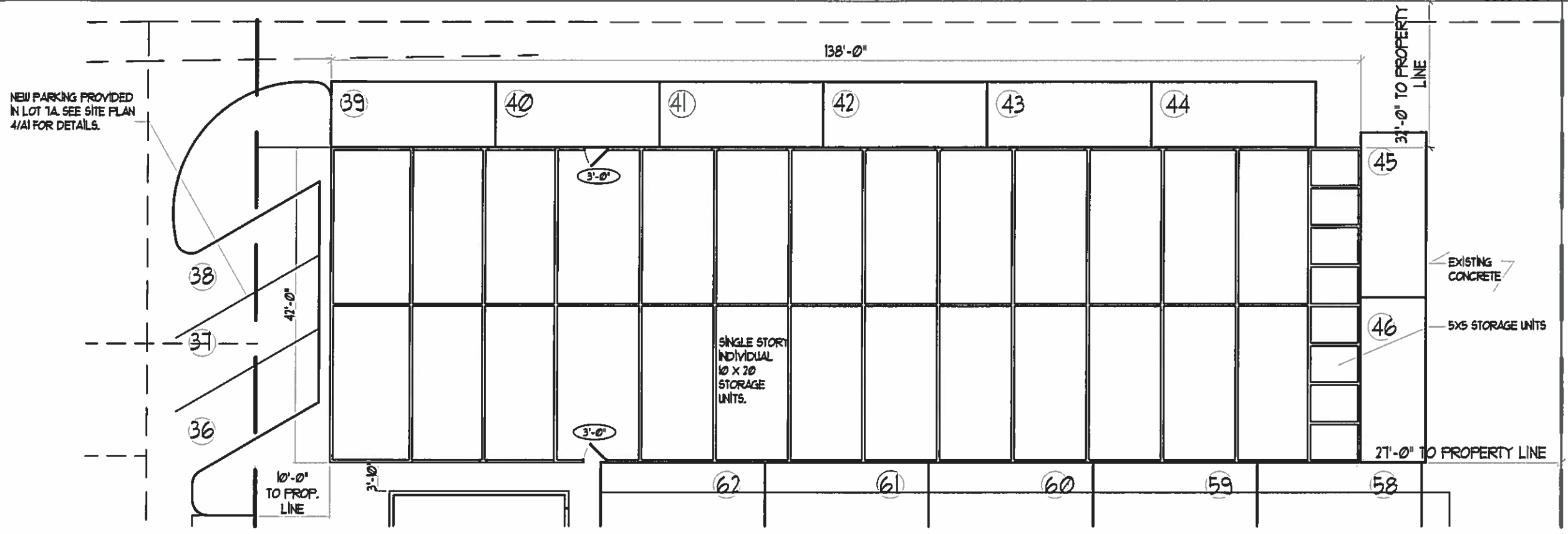
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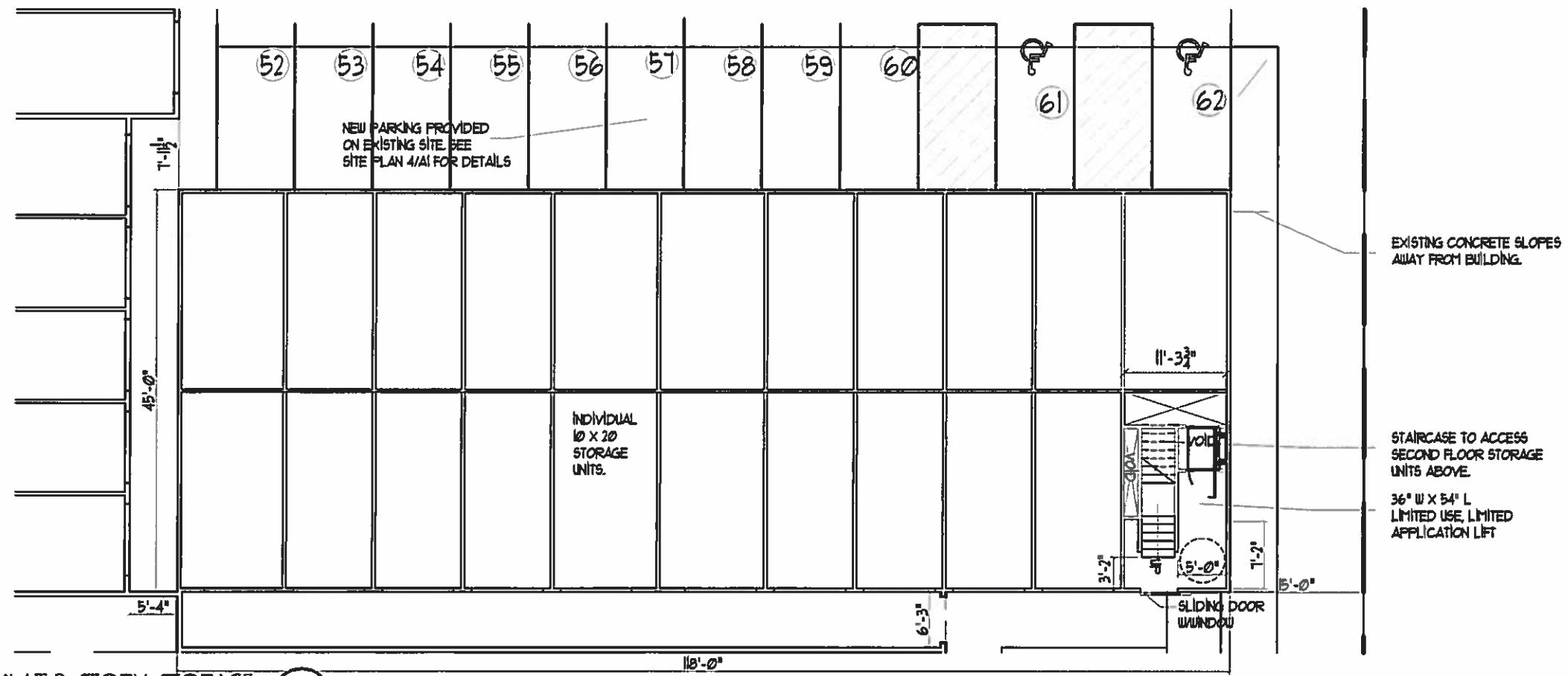
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310 TIFFANY COURT
ADDITION
310 TIFFANY COURT
CHAMPAIGN, ILLINOIS 61822

A3



2 ENLARGED FIRST FLOOR PLAN AT STORAGE
 A4 SCALE: 1/16" = 1'-0" N



4 ENLARGED FIRST FLOOR PLAN AT 2 STORY STORAGE
 A4 SCALE: 1/16" = 1'-0" N

PROJECT # 16020
 DATE: 10.09.25
 REV/NOV:

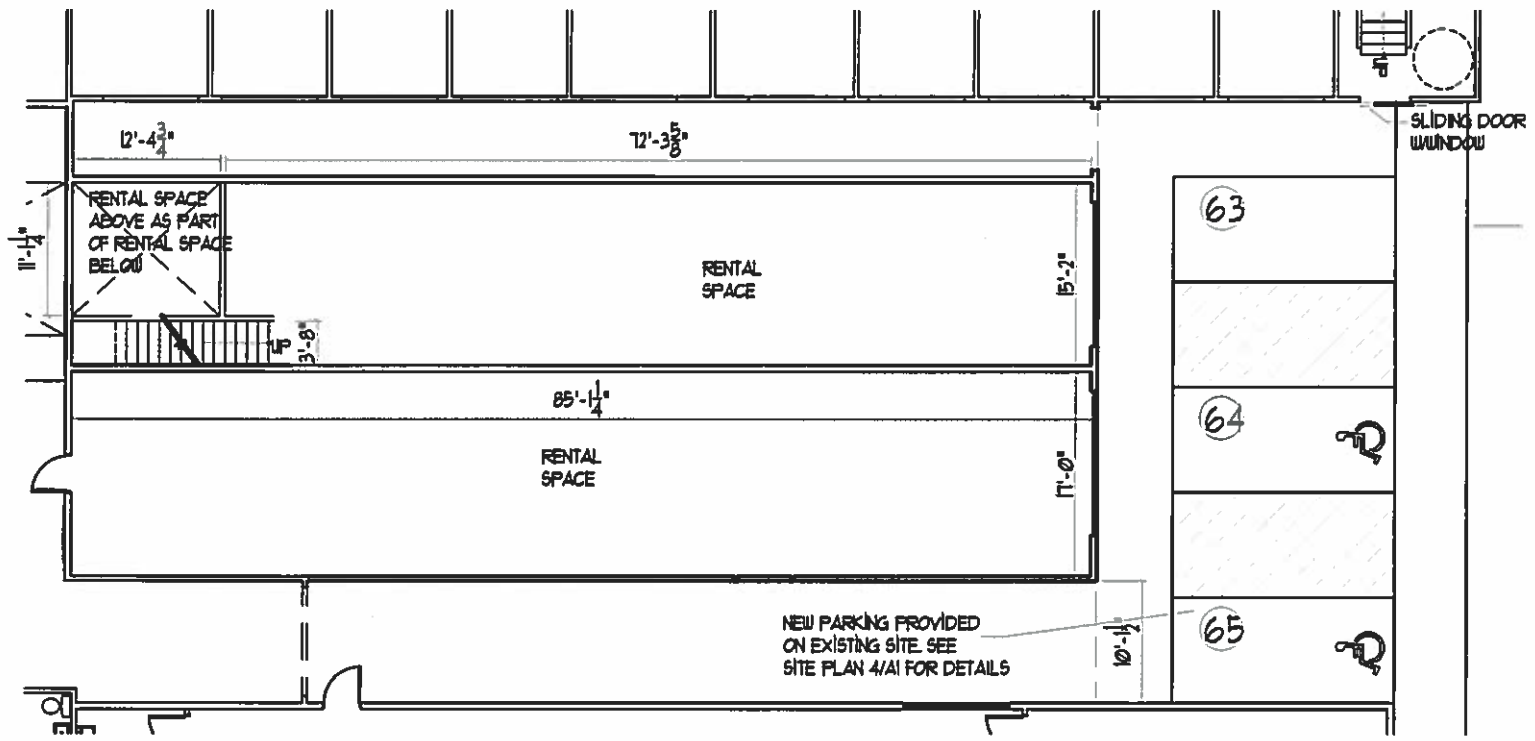
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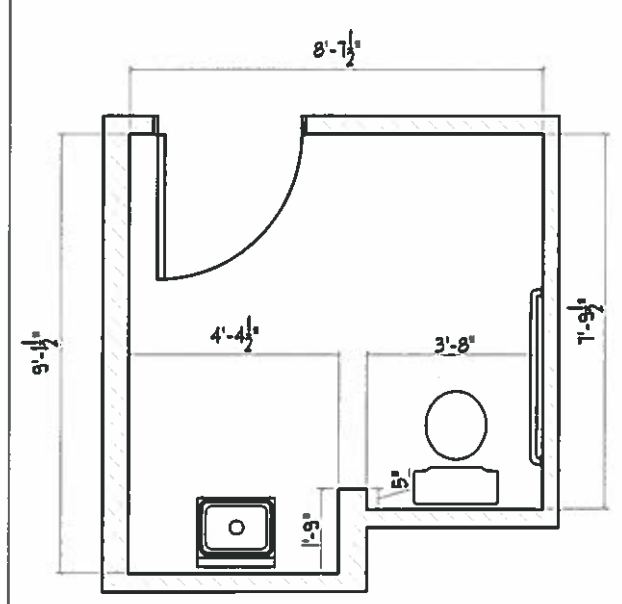
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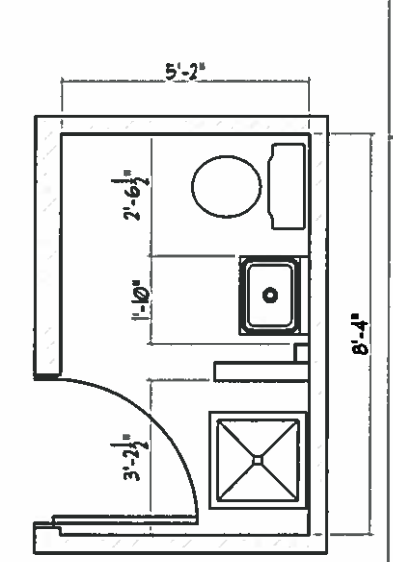
A4



2 ENLARGED FIRST FLOOR PLAN AT CONVERTED BUS GARAGE SPACE
 A5 SCALE: 1/16" = 1'-0"



10 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"

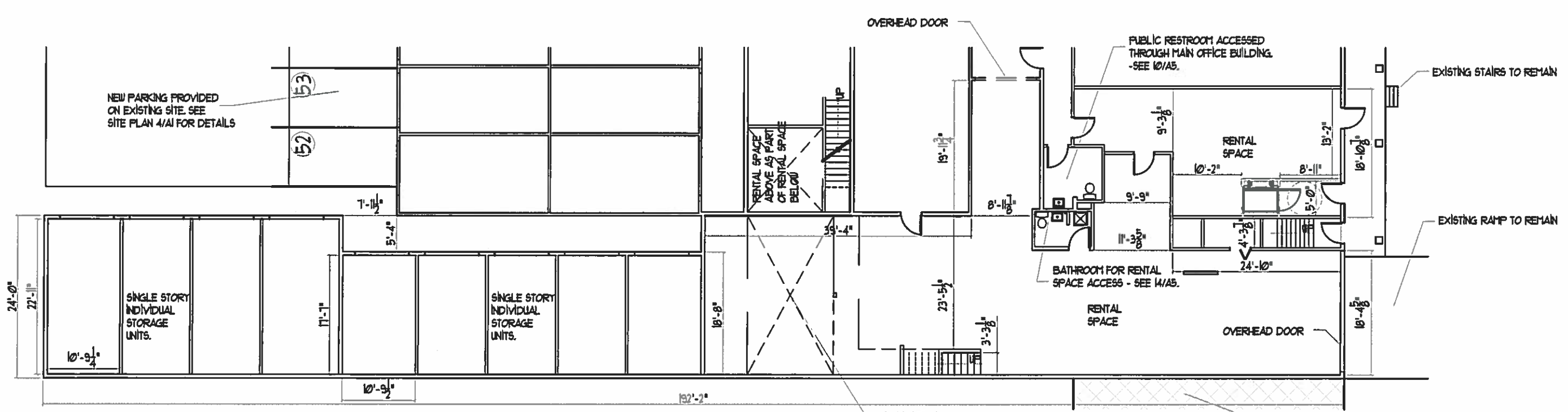


14 ENLARGED BATHROOM PLAN
 A5 SCALE: 1/2" = 1'-0"

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PROJECT # 16020
 DATE 10.09.25
 REV/NOV



4 ENLARGED FIRST FLOOR PLAN AT MAIN OFFICE BUILDING (NORTH END)
 A5 SCALE: 1/16" = 1'-0"

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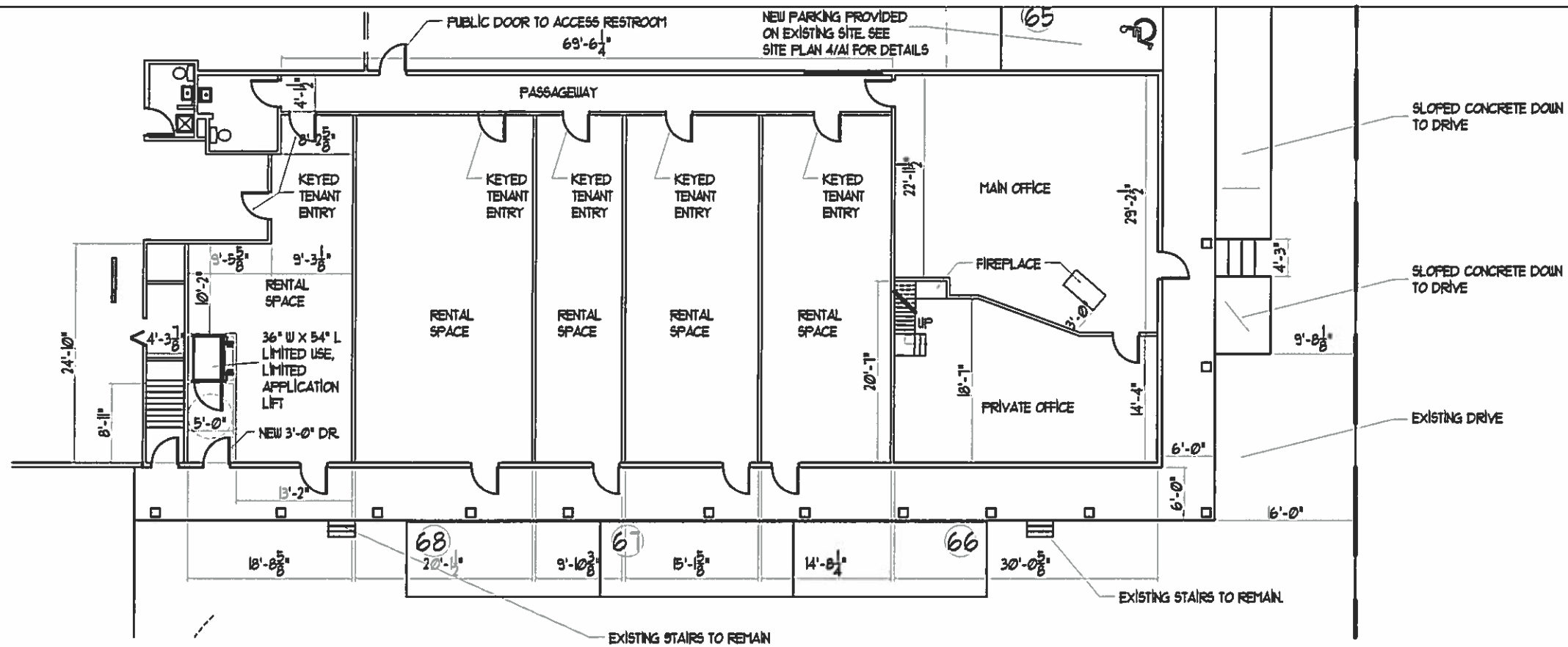
CHAMPAIGN ZONING DEPARTMENT

310 TIFFANY COURT

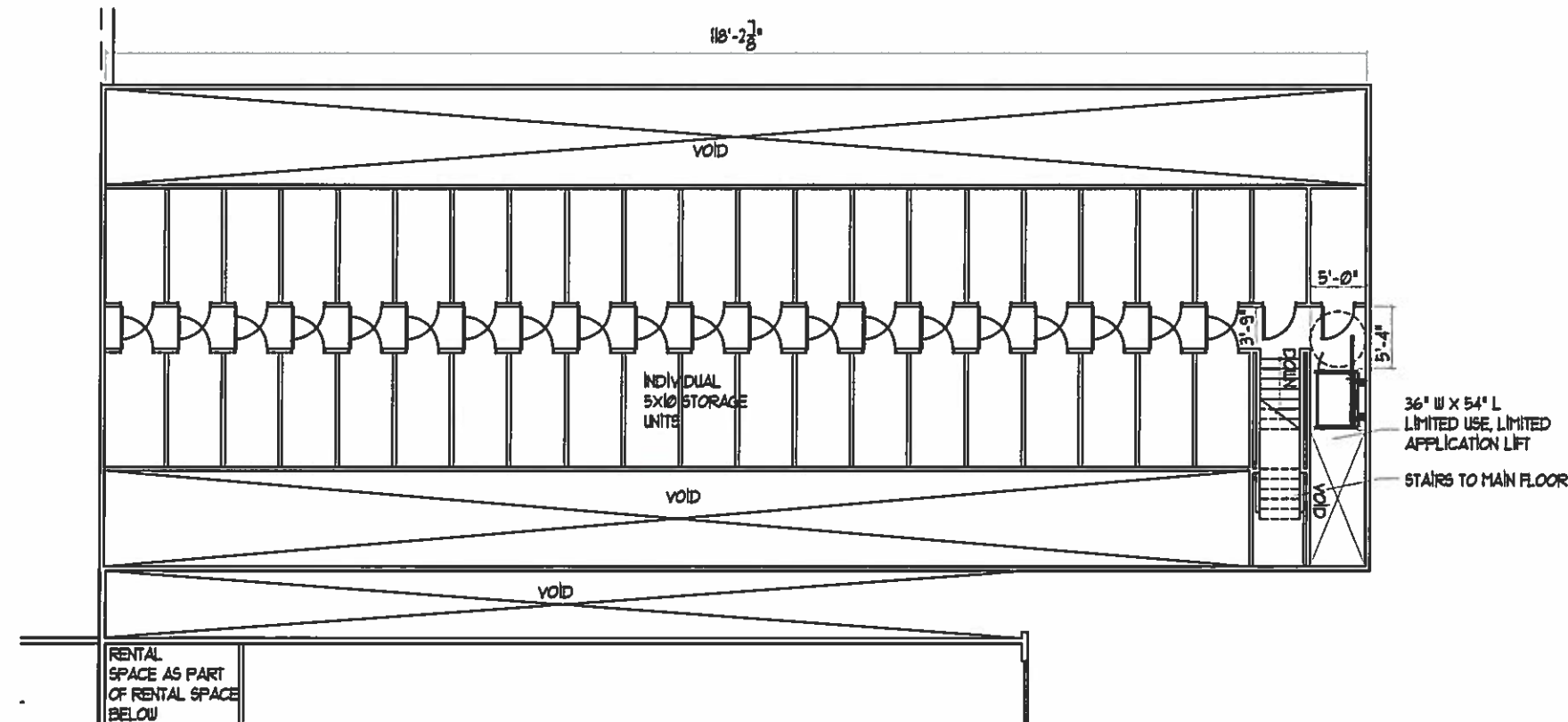
ADDITION

310 TIFFANY COURT
 CHAMPAIGN, ILLINOIS 61822

A5



2 ENLARGED FIRST FLOOR AT MAIN OFFICE BUILDING
 A6 SCALE: 1/16" = 1'-0" N



4 ENLARGED SECOND FLOOR AT TWO STORY STORAGE BUILDING
 A6 SCALE: 1/16" = 1'-0" N

PROJECT # 16020
 DATE: 10.09.23
 REV: 001/

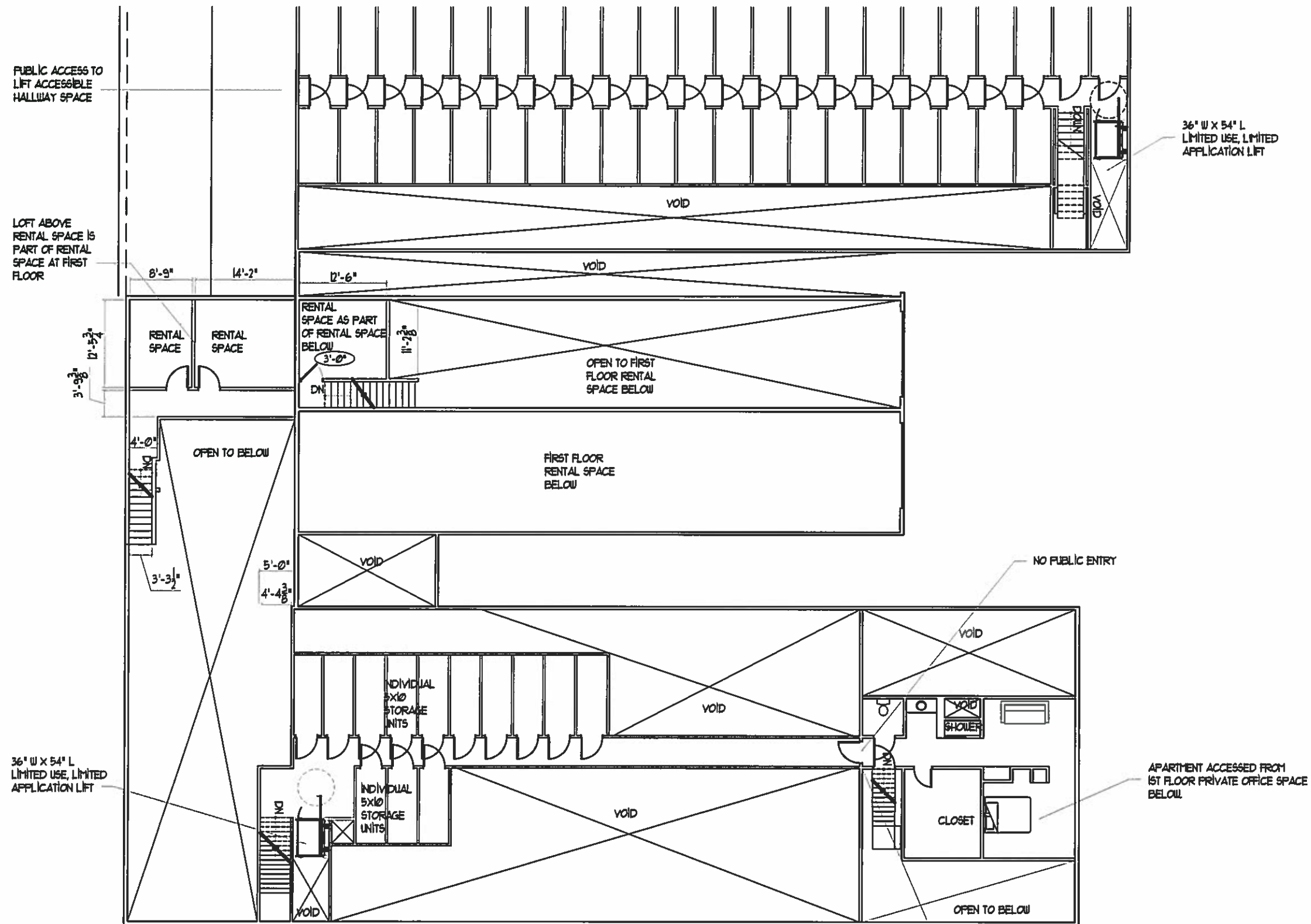
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 ADDITION
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 CHAMPAIGN, ILLINOIS 61822

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A6



PROJECT # 16020
 DATE: 16.09.25
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4 ENLARGED SECOND FLOOR AT TWO STORY STORAGE BUILDING
 A7 SCALE: 1/16" = 1'-0"



A7

AS APPROVED AUGUST 17, 2017

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61802

DATE: May 25, 2017 PLACE: John Dimit Meeting Room
1776 East Washington Street
TIME: 7:00 p.m. Urbana, IL 61802

MEMBERS PRESENT: Frank DiNovo, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
Eric Thorsland

MEMBERS ABSENT: Catherine Capel

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Robert Frazier, Kent Follmer, Keith Padgett

1. Call to Order

The meeting was called to order at 7:04 p.m.

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 792-V-14 (Reactivated) Petitioner: Robert Frazier Request to authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District: Part A. Variance for 74 parking spaces in lieu of the minimum required 86 parking spaces as required by Section 7.4.1 of the Zoning Ordinance. Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 86 parking spaces(including 27 on-site and 47 off-site parking spaces) as required

1 **by Section 7.4 of the Zoning Ordinance. Part C. Variance for allowing 47 off-street parking spaces**
2 **on an adjacent lot in lieu of requiring all 86 off-street parking spaces to be located on the same lot or**
3 **tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance. Part D.**
4 **Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and**
5 **Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front**
6 **yard of 25 feet as required by Section 5.3 of the Zoning Ordinance; and Part E. Variance for parking**
7 **spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20**
8 **feet as per Section 7.4.1.B. of the Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the**
9 **Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX**
10 **building located at 310 Tiffany Court, Champaign.**

11
12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
13 the witness register for that public hearing. He reminded the audience that when they sign the witness
14 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
15 time.

16
17 Mr. Thorsland informed the audience that Case 792-V-14 is an Administrative Case and as such, the County
18 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
19 a show of hands for those who would like to cross-examine and each person will be called upon. He
20 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
21 He said that those who desire to cross-examine are not required to sign the witness register but are requested
22 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
23 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
24 exempt from cross-examination.

25
26 Mr. Thorsland asked the petitioner if he would like to make a statement regarding his case.

27
28 Mr. Kent Follmer, attorney for Robert Frazier, stated that he has been an attorney located in Urbana for over
29 29 years. Mr. Follmer distributed a packet of information for the Board and staff to review. He said that he
30 has had the pleasure of digging into this case, which has been before this Board for a very long time. He said
31 that he is sure that everyone in attendance tonight believes that this case has been before this Board for too
32 long, and he would agree.

33
34 Mr. Follmer stated that it is his desire to facilitate to end this case. He said that he has visited the site, had
35 discussions with Mr. Frazier, Mr. Fell and Mr. Hewitt and he has spoken with County staff. He said that he
36 has read the history and the transcripts, but he feels that he has only touched the surface and he would like to
37 be part of the effort to end this matter. He said that he was retained by Mr. Frazier to assist him in
38 purchasing the property to the north of the subject property. He said that an email from Eric VanBuskirk,
39 Associate Planner with the City of Champaign, is included in the distributed packet indicating a status
40 update. Mr. Follmer read text from the email as follows: The City of Champaign is currently processing the
41 Minor Plat for Replat of Lot 7 of Replat of Lot 5 of Stahly Subdivision. Our Legal Department is currently
42 reviewing the Owner's Certificate, School District Statement, and Declaration of Ownership and we expect
43 comments to be returned to Mr. Frazier's attorney on Tuesday. If there are comments or revisions needed,
44 those will be completed at that time. Once the legal documents have been finalized and the City receives a
45 Recording Agent Designation Letter, the plat and all documents can be signed and sent out for recording.
46 Mr. Follmer stated that once the recording occurs Mr. Frazier will actually own the property to the north, but

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1 it has not been a simple process. He said that Mr. Frazier has the situation where the lot is subject to
2 easements, the septic system is under concrete, and there is an ingress/egress easement. Mr. Follmer said that
3 once Mr. Frazier receives approval from the City of Champaign, Mr. Follmer anticipates some tweaking to
4 the Owner's Certificate, and it will be done.

5
6 Mr. Follmer stated that the sales contract was signed today, but due to Mr. Schurter, attorney for Mr. Issacs,
7 having concerns regarding the sales contract, it has taken time to get to this point. Mr. Follmer said that the
8 sales contract is complex and is contingent upon approval from the City of Champaign; therefore, he is
9 preparing certificates for Robert Frazier for a property not owned by Mr. Frazier. Mr. Follmer stated that
10 Mr. Frazier has and will be spending thousands of dollars to bring himself into compliance. Mr. Follmer
11 stated that Mr. Frazier has not done everything right, and at one time, he operated a bus company on the
12 subject property, which may be part of the reason why there is some difficulty with some neighbors. Mr.
13 Follmer clarified that there are no more buses coming and going on the property and the use of the property
14 is strictly limited at this point, and Mr. Frazier does not need the number of parking spaces that the Zoning
15 Ordinance requires. Mr. Follmer stated that Mr. Frazier has retained his services and he intends to help Mr.
16 Frazier communicate with staff, and together we can create a checklist and timetable so that this can be
17 completed.

18
19 Mr. Follmer stated that the first page of the contract provides information regarding the parties involved. He
20 said that the contract is being prepared prior to the plat being approved and recorded; therefore, the contract
21 is contingent. He said that the contract would not be executed if the City of Champaign does not approve the
22 plat, but he has received emails from the City of Champaign staff that the plat is approved pending legal
23 review. Mr. Follmer stated that the contract indicates that closing shall occur within 30 days of City of
24 Champaign approval. He said that this is going to occur and it will occur soon. He said that if he receives
25 comments later next week, he can finalize things and have them recorded within 10 days, and close within
26 30 days after that. He said that it is his understanding that once Mr. Frazier is the new owner of Lot 701,
27 Parts B and C will need to be modified to some extent or eliminated. Mr. Follmer said that at some point,
28 there is a lot of information that he would like to discuss with staff, but during the past few weeks his focus
29 has been on acquiring the land, preparing the owner's certificate and getting the minor plat approved. He
30 said that over the past several days, he has spent time digesting the current information and he has a couple
31 of ideas that he would like to discuss with staff, but he does not believe that now is the time to have that
32 discussion. He said that he truly believes that after a few short meetings there will be a short checklist with a
33 reasonable timeframe. He said that completing everything that the County is requiring is going to be an
34 expensive proposition and he has discussed this issue with Mr. Frazier. He said that completing everything
35 within 180 days is doable and currently Mr. Frazier is in the process of obtaining estimates for the curb
36 replacement. He said that he and Mr. Frazier understand that having the contractor for replacement of the
37 curb approved by the County is a high priority. Mr. Follmer stated that he would like to discuss the ramp
38 and the concrete space to the west of the property with staff. He said that it is his understanding that they are
39 still awaiting approval of the ramp design, but he is not up-to-date on the information that Mr. Fell is waiting
40 on before the ramp can be constructed. He said that Mr. Frazier intends to do everything that he can to
41 comply with the County requirements and Mr. Follmer will assist him in doing so.

42
43 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Follmer.

44
45 Mr. Thorsland asked Mr. Follmer if the proposed ramp is a design approved by the state.

46

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1 Mr. Follmer stated that he does not know as he is just now becoming familiar with the case. He said that his
2 focus has been on the contract and preparing the owner's certificate. He said that he did read a transcript that
3 indicated that Mr. Fell was awaiting approval of his design for the ramp.
4

5 Mr. Passalacqua stated that he does not remember reviewing any plans for the ramp.
6

7 Mr. Hall stated that staff has seen schematic information on the ramp and it appears that the slope and length
8 of the ramp are compliant with the *Illinois Accessibility Code*. He said that what is more critical is to know
9 that the ramp will support the loads that it needs to support, and in that respect, staff is awaiting framing
10 plans for the ramp to review. He said that Mr. Fell should contact staff if he is waiting for information from
11 the Department of Planning and Zoning, but Mr. Hall is not aware that staff needs to provide anything.
12

13 Mr. Thorsland stated that Sheets A.2 and A.7 indicate a rough view of a ramp without a lot of detail.
14

15 Mr. Passalacqua stated that Sheets A.2. and A.7 were submitted back in October and do not indicate details
16 of the ramp's construction.
17

18 Mr. Thorsland stated that perhaps there is some confusion with the architect thinking that he requires
19 information from staff. Mr. Thorsland stated that it is not staff's job or the Board's job to indicate the
20 engineering requirements for the ramp. He said that the Board and staff must defer to the *Illinois*
21 *Accessibility Code* in regards to the ramp's design and compliance. He said that perhaps Mr. Fell reached
22 out to the state to discuss the construction of the ramp, but the architect or engineer must design the ramp to
23 meet the *Illinois Accessibility Code*. He said that the Board does not often have ramps of this type come
24 across their desks; therefore, it is up to Mr. Follmer and his client to make sure that the ramp design,
25 compliant with the *Illinois Accessibility Code*, is submitted to staff for review.
26

27 Mr. DiNovo stated that he spent a good part of the day reviewing the minutes for this case. He said that the
28 Preliminary Memorandum stated that the original Zoning Use Permit issued in 1986 was written for a zoning
29 lot comprised of Lots 3 and 4 of the Stahly Subdivision. He asked if Lots 3 and 4 were in common
30 ownership in 1986.
31

32 Ms. Burgstrom stated that Lots 3 and 4 were in common ownership in 1986.
33

34 Mr. DiNovo asked Ms. Burgstrom to indicate when Lot 3 was sold.
35

36 Ms. Burgstrom stated that she would have to research that information.
37

38 Mr. Hall asked Mr. DiNovo to indicate the location of this information in the Summary of Evidence.
39

40 Mr. DiNovo stated that the information is not located in the Summary of Evidence, but it is located in the
41 Preliminary Memorandum.
42

43 Ms. Burgstrom asked Mr. DiNovo to indicate his overall concern.
44

45 Mr. DiNovo stated that he is trying to understand if those two lots were in common ownership by the
46 petitioner in 1986 and were still in common ownership today, there would not be a necessity for a variance;

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1 therefore, it goes to the criteria regarding whether or not the hardship was self-created. He said that he spent
2 time in the Champaign County Recorder's Office and he could not find a deed conveying ownership from
3 Mr. Frazier to anyone. He said that he does not know the history of the ownership of the property, and he
4 cannot tell if there was an action that constituted self-infliction of the hardship.

5
6 Mr. Thorsland asked Mr. DiNovo to clarify the location of Lot 3.

7
8 Mr. DiNovo stated that Lot 3 is to the south.

9
10 Mr. Hall stated that Mr. Frazier never owned Lot 3, but had a lease on Lot 3 with the owner when the lot
11 house Lex Express and that was not until sometime after the year 2000.

12
13 Mr. DiNovo stated that the notion that these two lots together comprised a zoning lot for Zoning Use Permit
14 219-86-02 is in error.

15
16 Mr. Hall stated yes.

17
18 Ms. Lee asked if Mr. Frazier sold off some of the property after he acquired it.

19
20 Mr. Hall stated no.

21
22 Mr. Thorsland stated that Mr. Frazier never owned both lots. He said that Mr. Frazier owned one lot and
23 leased the lot to the south from the owner.

24
25 Mr. Thorsland asked Ms. Lee if she would like clarification from Mr. Frazier.

26
27 Ms. Lee stated yes.

28
29 Mr. Thorsland called Robert Frazier to the witness microphone.

30
31 Mr. Robert Frazier, owner of 310 Tiffany Court, Champaign, stated that Steve Koester currently owns Lot 3,
32 but prior to Mr. Koester's purchase, Mr. Frazier leased the property for approximately 20 years from a man
33 who is now deceased. Mr. Frazier stated that after the owner's passing, the owner's grandson took over the
34 property and sold it to Mr. Koester. Mr. Frazier stated that he never physically owned the property.

35
36 Mrs. Lee asked Mr. Frazier if he previously owned and sold land that is adjacent from the subject property.

37
38 Mr. Frazier stated that the only land that he has ever owned along Tiffany Court is the land that is subject to
39 this case.

40
41 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Frazier and there
42 were none.

43
44 Mr. Thorsland stated that the Board heard Mr. Follmer discuss the pending sale of the lot and it does make
45 some big changes to the variance case. He said that the Board appreciates Mr. Follmer's attempt in getting
46 the City of Champaign to move as far along as possible for tonight's meeting, and it sounds like the sale is

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5/25/17

1 very close to being completed. He asked the Board and staff if there were any questions for Mr. Follmer.

2
3 Mr. Follmer stated that he could add a couple of things to point out some of the problems and delays. He
4 said that a number of revisions were required on the plat, such as the engineer had originally designed Lot
5 701 (originally known as Lot 7A) to be within five feet of the building to the north because of the zero
6 setback allowed in the industrial district. He said that the engineer was either unaware or had forgotten that
7 there are building codes which prohibit the property line to be within 10 feet. He said that the City of
8 Champaign was interested in having a Fire Separation Code evaluation, which, just within the last two or
9 three weeks, required further engineering and architectural work. He said that these things were going on
10 while he was drafting the sales contract and the owner's certificate. He said that the owner's certificate is
11 somewhat complex, such as, Paragraph 9 relates to the ingress/egress easement; and Paragraph 10 relates to
12 the parking lot easement. He said that he would be working with the legal department for the City of
13 Champaign in adding legal language to be included in Paragraph 10. He said that there is a septic system
14 easement, and all of these things require some back and forth discussion between himself and the City of
15 Champaign's legal department. He said that Paragraph 12 relates to the City of Champaign's request to
16 include language indicating that, in the event that Lot 702 (originally known as Lot 7B) is redeveloped,
17 although Mr. Follmer believes that language needs to be defined given the fact that Lot 702 is the larger tract
18 to the north where the two larger buildings are located, all of the easements will be vacated. He said that the
19 vacation of the easements raises different issues, because if Isaacs Properties redevelops Lot 702, then the
20 easements will be vacated and Mr. Frazier will be out of compliance. Mr. Follmer stated that if Mr. Frazier
21 were out of compliance he would be unable to control the acts of others. Mr. Follmer stated that he does
22 anticipate some minor revisions to the owner's certificate and the plat and only wanted to give the Board an
23 idea of what has been going on during the past few days. Mr. Follmer stated that he almost has all of his
24 revisions done and will discuss those revisions with the City of Champaign's legal department. Mr. Follmer
25 stated that Paragraph 13 of the owner's certificate relates to the vacation of an existing easement on the
26 original plat designed for utilities, but is no longer necessary based on the current and anticipated use of the
27 property. He said that this process has been complex, but he believes that he and his client are at the top of
28 the hill and ready to coast down, perhaps.

29
30 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Follmer.

31
32 Ms. Lee stated that she has a problem with the criteria included in the Finding of Fact related to specials
33 conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant. She
34 said that item 9.E on page 3 of Supplemental Memorandum #12, dated May 18, 2017, indicates that special
35 conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.
36 She said that she does not agree, because all of the requested variances are due to the actions of Mr. Frazier.
37 She said that she has a hard time dealing with this criteria and she will need convinced that Mr. Frazier did
38 not cause the need for the variances.

39
40 Mr. Hall stated that item 9.E on pages 3 and 4 of Supplemental Memorandum #12, dated May 18, 2017, is
41 evidence that has been provided for this case and staff is not recommending that the evidence is adequate for
42 the finding that 9.E requires, but it is evidence that is relevant. He said that it is up to this Board to
43 determine whether they can arrive at the final finding.

44
45 Mr. DiNovo asked if all of the construction without an approved Zoning Use Permit is relevant to this
46 criteria and should be discussed under item 9. E.

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1
2 Mr. Hall stated that the Board does need to discuss the construction with an approved Zoning Use Permit.
3 Ms. Burgstrom stated that the information in the memorandum is only part of item #9.E and is not all of item
4 9. She said that the newest memorandum only provides new information and the actual Summary of
5 Evidence has all of the information regarding the criteria that Ms. Lee is concerned about.

6
7 Mr. Thorsland asked Ms. Lee if Ms. Burgstrom's information assisted Ms. Lee with her concerns regarding
8 item 9.E.

9
10 Ms. Lee stated that it did help, but she still has concerns about actions of the applicant.

11
12 Mr. Thorsland stated that when the Board finally gets the Finding of Fact, Ms. Lee could state her concerns.
13 He noted that if there are things that should be added to the Summary of Evidence, then now is the time to
14 add them.

15
16 Mr. Thorsland called Robert Frazier to testify.

17
18 Mr. Robert Frazier stated that the discussions are about things that have occurred over the last 20 years and it
19 is not as if he went to the property overnight and did this. He said that the storage areas on the second floor
20 began as tiny sheds and then he added another one, and another one, and just kept adding on and it wasn't
21 anything that was done on purpose. He said that he did not believe that anyone would care if he were
22 building a square box on the second floor inside of his building. He said that he did apply for a Zoning Use
23 Permit for the bus building, but he never got it. He said that the overhang on the front of the building was
24 purely constructed for aesthetics and to keep people out of the weather. He said that he did not intend to
25 have exceeded the need for a building permit and if he had not used wooden 6" x 6", posts he would not be
26 here. He said that if he had constructed a regular awning the construction would not have been an issue, so
27 call it his stupidity, but it was not done intentionally.

28
29 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Frazier or Mr. Follmer and there
30 were none.

31
32 Mr. Thorsland called Keith Padgett to testify.

33
34 Mr. Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, stated
35 that he does not have any new information, but he would still like to see the curb replaced.

36
37 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett.

38
39 Mr. Passalacqua asked Mr. Padgett if he is on board with the curb replacement plan.

40
41 Mr. Padgett stated that this is the first time that he has seen the curb replacement plan, but a curb is a curb
42 and he would expect Mr. Frazier to construct the same type of curb that he removed. He said that as long as
43 the curb is inspected, approved and poured we should move on.

44
45 Mr. Passalacqua stated that he thought he had read where Mr. Padgett agreed with the curb replacement plan.

46

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1 Mr. Padgett stated that the barrier curb design came from the County and Mr. Frazier should build the
2 replacement curb per those approved plans.

3 Ms. Lee asked Mr. Padgett if he is waiting on Mr. Frazier to submit a contractor for approval so that the
4 work can begin.

5
6 Mr. Padgett stated that the County has a list of contractors that they like to use, but Mr. Frazier indicated that
7 he had a neighbor who could pour the curb. Mr. Padgett stated that the name of the neighbor should be
8 submitted to the County to see if he is approved to complete the work, and if he is, Mr. Frazier should get the
9 curb poured to meet the plan specifications. Mr. Padgett said that sometimes contractors are able to pour
10 concrete patios and such, but they may not be qualified to pour a concrete road or curb.

11
12 Mr. Frazier asked Mr. Padgett if he could recommend a contractor for the curb replacement.

13
14 Mr. Padgett stated that he would not recommend a contractor, because whoever he recommends will charge
15 him a certain amount of money and if Mr. Frazier believes that the fee is too high he will be mad at Mr.
16 Padgett. He informed Mr. Frazier that he should look in the Yellow Pages of the phone book and choose a
17 licensed contractor.

18
19 Mr. Thorsland agreed with Mr. Padgett. He said that Mr. Padgett indicated that the County has a list of
20 contractors and if the person that Mr. Frazier picks is approved with the County, then he could move forward
21 with the curb replacement.

22
23 Mr. Frazier stated that it is news to him that there is a list of approved contractors for the County. He said
24 that obtaining the list would save him a lot of time in finding a contractor that the County will approve for
25 replacement of the curb.

26
27 Mr. Thorsland stated that Mr. Frazier should contact Mr. Blue regarding the list.

28
29 Mr. Padgett stated that a true contractor is going to be someone who has a building with their name on the
30 front of the building with workers who come in and out every day. He said that a true contractor doesn't just
31 have his name on the side of his truck and pours concrete. He said that Mr. Frazier needs to pick an
32 established contractor who has done this for a while.

33
34 Mr. Thorsland stated that it is as simple as Mr. Frazier picking an approved contractor who can properly
35 pour the curb for Champaign Township and County approval. He said that the design of the accessible ramp
36 is not the Board's job, staff's job, or the County's job. He said that Mr. Frazier needs to find someone to
37 design the ramp and have it approved by the state.

38
39 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett.

40
41 Mr. DiNovo asked Mr. Padgett if there are or were signs along Tiffany Court prohibiting parking.

42
43 Mr. Padgett stated that during a previous case hearing for a gymnasium business in this area, it was
44 determined that it wasn't handy to have people parking along Tiffany Court. He said that there are several
45 large vacant lots where off-street parking could occur.

46

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1 Mr. DiNovo asked Mr. Padgett if it is illegal to park along Tiffany Court. He asked if the status of Tiffany
2 Court is that no parking is allowed.

3 Mr. Padgett stated that he does not know if there is a sign that officially indicates no parking along Tiffany
4 Court. He said that he would have to go to the County to obtain such signs, but there never has been a
5 problem because Tiffany Court has been open enough for people to get in and out without calling in
6 complaints.
7

8 Mr. Thorsland asked Mr. Padgett if he is the responsible party for installing “No Parking” signs along
9 Tiffany Court.

10

11 Mr. Padgett stated that he is the responsible party for installing signs, but such a request has to go through
12 the County Engineer and a traffic count survey would be completed.
13

14 Mr. Thorsland asked Mr. Padgett if such a survey has occurred during his tenure.
15

16 Mr. Padgett stated no.
17

18 Mr. DiNovo asked Mr. Padgett that as of right now, it is not illegal to park along Tiffany Court.
19

20 Mr. Padgett stated that as far as he knows it is not illegal to park along Tiffany Court.
21

22 Mr. Frazier stated that it is not legal to park along Tiffany Court, but Steve Koester parks trucks and forklifts
23 there. He said that Tiffany Court is used by multiple businesses for loading and unloading. He said that
24 there are signs indicating “No Parking” on the west side of Tiffany Court near the gym. He said that he
25 rarely sees clients of the gym parking along the street. He said that during the morning hours, Steve Koester
26 uses Tiffany Court for loading and unloading near the cul-de-sac. He said that he used to park buses along
27 the street, but not anymore.
28

29 Mr. Padgett stated that he will go to Tiffany Court to view the “No Parking” signs, because he was not aware
30 that they were there.
31

32 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett and there were none.
33

34 Mr. Thorsland stated that everyone listed on the witness register has testified. He said that the Board could
35 work through the special conditions of approval with the petitioner, but Mr. Follmer has given the
36 impression that he does not want to finalize the case tonight. He said that some of the special conditions
37 would change once Mr. Frazier purchases the lot. He asked Mr. Follmer to indicate why he is requesting a
38 continuance.
39

40 Mr. Follmer stated that one final continuance would allow for the recording of the minor plat and the deed
41 and allow County staff to determine what changes would be appropriate with respect to what exactly will be
42 needed after recording of the deed. He said that he would like the opportunity to discuss the case with staff
43 and hopefully come to a complete agreement regarding some of the more complicated matters and present a
44 proposed resolution to the Board. He said that this case is complicated enough that it would warrant a good
45 meeting between himself, his client and staff to resolve some of the complicated matters and save a lot of
46 time for the Board. He said that he would like to have a complete understanding of what is required from

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1 Mr. Frazier and Mr. Frazier would like to present a timeline as to when he can complete the items on the list.
2 He said that there are some technical items that he has concerns about that are not worthy of wasting the
3 Board's time this evening. He said that a meeting between himself and staff would be worthwhile and he
4 apologized for not having done this by now, but he has not been twiddling his thumbs either.
5

6 Mr. Thorsland asked Mr. Follmer if he has had enough time to grasp all of the issues regarding this case.
7

8 Mr. Follmer stated yes. He said that he would like to have time to talk to staff about some of the
9 complexities. He said that his focus has been mainly on the minor plat and the changes that will occur after
10 Mr. Frazier's purchase of the property, and how that purchase will affect many of the issues. Mr. Follmer
11 said that he would contact the architect and request additional information regarding the ramp frame design.
12 He said that he believes that it would be time well spent if there could be one more meeting so that he can
13 present an overall plan as to how to bring this property into compliance, and be specific on these variances
14 and get all of the outstanding Zoning Use Permits on file.
15

16 Mr. Thorsland stated that this is a reasonable position for someone who is new to the case. He said that the
17 Board has been working on this case for two years and the Board has continuously requested details from
18 Mr. Frazier. He said that the Board has provided Mr. Frazier with a punch list of things to do and Mr.
19 Frazier has incrementally moved forward with some of these things, sometimes with big steps and some
20 small. Mr. Thorsland stated that there is frustration from the Board for a request to continue this case again,
21 although he understands Mr. Follmer's position. He said that he appreciates that Mr. Follmer is now on
22 board with this case and the Board has seen more focus on things tonight. He said that there is a long set of
23 special conditions and a pending acquisition for the adjacent lot that would take care of a lot of the language
24 in the variance request. He requested the Board's input regarding Mr. Follmer's request for a continuance.
25

26 Mr. Passalacqua stated that this is like déjà vu . He said that the Board needs to highlight the special
27 conditions, and he has no problem with a continuance request for the case unless there is another meeting
28 and only half of the special conditions are satisfied. He said that if there is going to be another meeting, then
29 the Board should address all of the special conditions and everything else that is required. He said that over
30 the last two-year period, the Board only receives half of one required item at every meeting and we are no
31 further ahead. He said that if the Board kicks this case down the road again, then the following information
32 must be provided at that next meeting, such as, an architectural design of the stairs/ramp and removal of the
33 oil tanks, etc. He said that the Board should take the time tonight to review the special conditions to make
34 sure that Mr. Follmer is up-to-date.
35

36 Mr. DiNovo stated that if the Board takes the time tonight to review the special conditions and any other
37 required information from the petitioner, then the Board should also indicate the items that they do not need
38 to see. He said the framing design for the ramp does not need the Board's review, because the Zoning
39 Administrator is qualified to deal with it. He said that just because some of the information is outstanding
40 does not mean that the Board is required to review all of it.
41

42 Mr. Passalacqua stated that he is not necessarily indicating that the Board needs to review the print, but he is
43 stipulating that the ramp design needs approval. He said that he agrees with Mr. DiNovo, in that he
44 personally does not need to see the blueprint, but he does need a guarantee that the construction of the ramp
45 is per the approved plan.
46

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1 Mr. Thorsland stated that he would like to review the special conditions and reference what may change
2 when the purchase of the lot is completed. He said that the timeline for some of the required items might not
3 be agreeable to the petitioner. He said that it appears that Mr. Follmer is in agreement with the proposed
4 timelines, but if his assumption is incorrect then Mr. Follmer should indicate such tonight. He said that the
5 Board will not be seeking the petitioner's agreement or disagreement for the special conditions tonight, but
6 would like to know what parts the petitioner does not agree with so that it can be the focus of staff dialogue.
7 He said that the Board would like to know if the petitioner or the architect has contacted the Capitol
8 Development Board regarding the ADA requirements for the ramp.

9
10 Mr. Passalacqua stated that Mr. Frazier needs to contact County approved concrete contractors regarding the
11 curb replacement, because the Board is continuously told that the petitioner is going to do it. He said that to
12 date, the Board has not received any information regarding an approved concrete contractor that is going to
13 build the replacement curb per the approved specifications.

14
15 Mr. Thorsland stated that Mr. Padgett has clearly testified that Mr. Frazier can contact the Champaign
16 County Highway Department Engineer for a list of approved contractors who have completed work before
17 for the County.

18
19 Mr. Passalacqua stated that even if the contractor that Mr. Frazier chooses is not on the County's approved
20 list, as long as the contractor has the approved specifications for the curb replacement and they construct the
21 curb per those specifications, then the curb will be approved.

22
23 Mr. Thorsland stated that Mr. Frazier needs to find a contractor that will build the curb per the approved plan
24 and get it done.

25
26 Ms. Lee stated that if Mr. Frazier obtains an approved contractor, it is possible that the curb could be
27 replaced prior to the next meeting. She said that the curb replacement is now in Mr. Frazier's ballpark.

28
29 Mr. Thorsland stated that if the Board agrees to grant a continuance of this case, a picture of the new curb
30 would be a benefit. He said that the Board has continuously asked Mr. Frazier to take as many steps as
31 possible.

32
33 Ms. Griest stated that if the Champaign County Engineer approves the contractor for the curb replacement,
34 then she is good with that decision. She said that having bid and built things within the governmental
35 process there are requirements for those contractors that not every other private contractors needs to meet.
36 She said that there are minimum insurance requirements, liability issues, and perhaps the project, since it is a
37 public entity curb, may be subject to prevailing wages. She said that she does not care who the contractor is
38 as long as the County Engineer determines that the contractor meets all of the requirements, and if there is a
39 special condition that requires this, than that is all she needs. She said that Mr. Frazier can proceed in
40 obtaining his approved contractor outside of this meeting and the Board does not need to see the contractor's
41 name or pedigree.

42
43 Mr. Thorsland stated that it is not the Zoning Board of Appeals' job to find or approve the contractor for the
44 curb replacement, nor is it the Board's job to approve the curb replacement specifications and plan. He said
45 that it is the Board's job to state the special conditions and assure that Mr. Frazier agrees with them and at
46 that point, it is an enforcement issue. He said that the special conditions begin on page 6 of the

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1 Supplemental Memorandum #12 dated May 18, 2017, and the special conditions are not being reviewed
 2 tonight for Mr. Frazier's approval, but are being reviewed as a dialogue indicating that Mr. Frazier is aware
 3 of the special conditions.

4
 5 Mr. Thorsland read Special Condition A. as follows:

6
 7 **A. The Petitioner shall continuously provide the required number of parking spaces as**
 8 **follows:**

- 9 **(1) The Petitioner shall maintain the required 74 parking spaces in accord with the**
 10 **Purchase Contract (agreement) for adjacent land that was approved in this**
 11 **Case 792-V-14 unless the Zoning Administrator determines that a different**
 12 **number of spaces are required.**

13
 14 Mr. DiNovo stated that there is a problem, because the site plan indicates 76 parking spaces and four of
 15 those spaces are located in an easement that could possibly go away. He said that if the four spaces go away,
 16 then there are only 72 parking spaces, which is two parking spaces short of what is required in the variance.
 17 He said that the special condition indicates that the petitioner shall maintain the required parking spaces in
 18 accord with the Purchase Contract (agreement), which includes the easement then we should contemplate
 19 that four of those spaces will go away. He said that if four parking spaces goes away due to the easement
 20 then the special condition should indicate the following: The petitioner shall maintain the required 72
 21 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this
 22 Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.
 23 He asked staff to indicate the number of required parking spaces that was published.

24
 25 Mr. Hall stated that staff re-advertised the case with 74 required parking spaces. He said that the re-
 26 advertisement occurred after the re-activation of the case.

27
 28 Mr. Thorsland stated that some of input was provided indicating that the City of Champaign's guideline
 29 regarding the 80% threshold.

30
 31 Mr. Hall asked Mr. DiNovo if he is questioning the parking spaces on the west side of Lot 701.

32
 33 Mr. DiNovo stated yes. He said that there are four parking spaces indicated within the easement, and if Lot
 34 702 is developed, the access would be through that easement, which would eliminate four of the parking
 35 spaces for Lot 701.

36
 37 Ms. Griest stated that those parking spaces are not located on the property that Mr. Frazier is planning to
 38 purchase, but are located on the easement for access for the other lot.

39
 40 Mr. Follmer stated that once the plat is recorded, much of Special Condition A and its sub-paragraphs would
 41 change. He said that he anticipates that things will be simplified within the next few weeks. He said that
 42 he can fully understand and appreciate the Board wanting to inquire about some of these details, such as
 43 Special Condition A.1. Mr. Follmer asked the Board to indicate which Purchase Contract Special Condition
 44 A.1. is referring to. He said that the Purchase Agreement that he wrote does not mention anything about
 45 parking spaces, but does refer to a parking lot easement. He said that Mr. Frazier will own Lot 701 which, in
 46 Mr. Follmer's opinion, will change all of the wording in Special Condition A. He said that he would be

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1 happy to go through all of the special conditions, and he does realize that he has jumped into this a little late
2 and does understand the frustrations of the Board and staff regarding this case. He said that he would like
3 the opportunity to meet with staff so that this process is simplified, and address some of his questions and
4 concerns so that an agreement between both parties can be presented to the Board for their next meeting
5 regarding this case.

6
7 Mr. Thorsland stated that the Zoning Administrator could determine that fewer spaces are required after the
8 sale.

9
10 Mr. DiNovo stated that if a variance is granted for 74 parking spaces, then there has to be 74 parking spaces.

11
12 Mr. Thorsland stated unless the number of required parking spaces changes to 72.

13
14 Mr. DiNovo asked Mr. Thorsland to indicate how the number of parking spaces would change to 72.

15
16 Mr. Thorsland asked if the four parking spaces are located in the easement for the benefit of Lot 701. He
17 asked if the parking spaces are within Lot 701 or outside of the property that Mr. Frazier is purchasing.

18
19 Mr. Frazier stated that the four parking spaces are located on Lot 701 in an easement for the benefit of access
20 for Lot 702.

21
22 Mr. DiNovo stated that the plat indicates that the parking spaces are on Lot 702.

23
24 Mr. Follmer stated that the temporary parking lot easement is west of Lot 701 for the benefit of Lot 701.

25
26 Mr. Thorsland stated that the area could be taken away from Lot 701 if Lot 702 is developed.

27
28 Mr. Follmer stated that the City of Champaign requires a provision that if Lot 702 is re-developed Mr.
29 Frazier will be out of compliance, because all of the easements would be vacated. He said that there are a
30 number of legal issues that need to be resolved and requested that the Board allow him time to get these legal
31 issues resolved so that the deed can be recorded.

32
33 Mr. Frazier stated that he was originally going to purchase the entire building, but the City of Champaign did
34 not want to break the lot into two lots and wanted to keep it as one lot. He said that the one lot has to touch
35 Tiffany Court; therefore, there is an easement provided on his property (Lot 701) so that the other property
36 (Lot 702) touches Tiffany Court.

37
38 Mr. DiNovo stated that the Purchase Agreement indicates that Isaac Properties desires to retain an easement
39 for ingress and egress and an easement for parking on said proposed Lot 701.

40
41 Mr. Follmer stated that we are talking about two different things. He said that what Mr. Frazier is referring
42 to is the subject of two weeks of emails and frustration with the City of Champaign that an easement had to
43 be provided at the southern end of Lot 701 so that Lot 702 would touch Tiffany Court. He said that this is a
44 different issue than the parking lot easement for the four parking spaces that Mr. DiNovo was discussing is
45 owned by the owner of Lot 702 and not Lot 701.

46

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1 Mr. Thorsland stated that the easement for the four parking spaces could go away if Lot 702 is re-developed
2 and would be less than what is approved in the variance.

3
4 Mr. DiNovo stated the easiest way to get around this is to re-publish the variance case with 72 required
5 parking spaces in lieu of 74 parking spaces.

6
7 Mr. Follmer agreed.

8
9 Ms. Burgstrom stated the Draft Plat received March 15, 2017, was the most recent version that staff had until
10 tonight. She said that Mr. Follmer distributed a new Draft Plat dated April 13, 2017, which was included in
11 his distributed packet. She noted that at the bottom of the Draft Plat dated April 13, 2017, there is very small
12 print indicating that Lot 701 is 16,412 square feet, but the March 15, 2017, Draft Plat indicates that Lot 701
13 is 17,904 square feet. She said that a difference of 1,500 square feet for Lot 701 would require five fewer
14 parking spaces.

15
16 Mr. Follmer stated that the square footage revision was due to the required change in the northern property
17 line to comply with the 10 feet required setback for the building.

18
19 Mr. Thorsland stated that the March 15, 2017, Plat indicates a deadhead so that people can back out of their
20 parking spot. He said that the deadhead touches the five feet demarcation that Mr. Follmer indicated the
21 City of Champaign did not like. He said that the plat that Mr. Follmer distributed tonight indicates no
22 building; therefore, it is assumed that there is five feet left because they said they wanted ten feet from the
23 building. He said that if ten feet is used, the minimum five feet radius of the deadhead would be lost. He said
24 that there are two deadheads at the end of the parking rows, which means the change in square footage does
25 not change the number of spaces, but the ability to turn the car is lost, which takes away the ability for a car
26 to turn around without trespassing on the neighboring lot.

27
28 Mr. DiNovo stated that the site plan indicates a 20 feet wide travelway.

29
30 Mr. Thorsland stated that the March 15th site plan indicates a 23 feet wide travelway on the northern lot. He
31 asked Mr. Frazier why the two plans are different.

32
33 Ms. Griest asked Ms. Burgstrom if the required number of parking spaces is based upon the buildings and
34 not the square footage of the additional lot. She asked how the change in the lot's square footage would
35 change the number of required parking spots if the number of required parking spaces is based upon the
36 buildings.

37
38 Ms. Burgstrom stated that the number of required parking spaces is based upon the building area, which is
39 currently 74, if we go by the City of Champaign's way of doing things. She said that Paragraph 7.4.1 of the
40 Zoning Ordinance discusses the required number of parking spaces and the required maneuvering area, thus
41 totaling 300 square feet. She said that if the parking lot is being reduced, then so is the maneuvering area and
42 the number of parking spaces available on that lot.

43
44 Ms. Griest stated that earlier Ms. Burgstrom stated that because the space that was available for parking is
45 being reduced, then the number of required spaces would be reduced from 74 to 68.

46

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1 Mr. Thorsland stated that only 68 spaces will be available by cutting the space down.

2

3 Ms. Burgstrom stated that they are still required to have 74 parking spaces.

4

5 Mr. Thorsland stated that they lose the ability to have 300 square feet for the lot.

6

7 Mr. DiNovo stated that the March 15, 2017, plat indicates a strip that is 31.59 feet wide, but the April 15,
8 2017, plat indicates the strip to be only 26.44 feet wide.

9

10 Mr. Thorsland asked Mr. DiNovo if he was talking about the easement.

11

12 Mr. DiNovo stated that he is talking about the narrow part of the lot.

13

14 Mr. Frazier stated that to ease Mr. DiNovo's mind and satisfy the ZBA, he could add five parallel parking
15 spaces on Tiffany Court.

16

17 Mr. DiNovo stated that we are going from 31 feet to 26 feet; therefore, losing five feet. He said that the
18 travelway would go from 23 feet to 18 feet, which is pretty marginal.

19

20 Mr. Frazier stated that he appreciates Mr. DiNovo's concern, but in reality, no one is going to park in any of
21 these spots regardless of the amount of concrete poured or signage or striping installed. He said that he only
22 requires 10 parking spaces, and will never use 74, 64, 54 or 44 spaces, and he knows this because he has
23 been at this location for 30 years and is there every day of the year. He said that he understands that there are
24 guidelines, which he must follow, and he is attempting to meet those guidelines.

25

26 Mr. Follmer stated that, perhaps the case should be re-published so that Mr. Frazier is able to reduce the
27 number of spaces as stated in the application for variance. He said that it doesn't change the number
28 required by the Zoning Ordinance, but changes the number of parking spaces that Mr. Frazier is requesting
29 the variance for. He said that after Mr. Frazier spends the money to acquire the northern property and
30 receives all of the required approvals from the City of Champaign, Mr. Frazier might require less than 74
31 parking spaces. He said that the City of Champaign's legal department is currently reviewing everything and
32 he anticipates receiving feedback from them on Tuesday.

33

34 Ms. Burgstrom asked Mr. Follmer if he plans on having a revised site plan, based on the smaller lot,
35 prepared by Eric Hewitt or Andrew Fell, indicating fewer parking spaces so that staff and the Board has a
36 site plan that can be reviewed and approved based on the square footage that is consistent.

37

38 Mr. Follmer stated yes. He said that he intends to bring the revised site plan to the requested meeting with
39 staff, and it is his intent to have Mr. Hewitt and Mr. Fell available by phone or their presence so that we can
40 hammer through this and come up with a proposal that makes sense for everybody.

41

42 Mr. DiNovo stated that dimension change has to be resolved. He said that there are four parking spaces in
43 the easement and the Board could approach this in one of two ways. He said that the Board could determine
44 that since the four spaces are not permanent, they do not count, or in the event that the four parking spaces
45 go away, Mr. Frazier will have to make some type of an adjustment at that point and time and not worry
46 about it. He asked if the ZBA is willing to accept the fact that there are four parking spaces that may go away

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1 some day which would create an issue that must be dealt with at that time.

2

3 Ms. Lee asked staff to indicate the timeline for re-advertisement after the meeting between all entities has
4 occurred.

5

6 Ms. Burgstrom stated that generally, there are five days between the time that the re-advertisement is sent
7 and printed, but since this case would be re-advertised in the News Gazette, the timeline is a little bit
8 quicker.

9

10 Mr. Thorsland asked Ms. Burgstrom to indicate the number of days prior to the meeting that the re-
11 advertisement has to be in print.

12

13 Ms. Burgstrom stated 15 days prior to the meeting.

14

15 Mr. Thorsland stated that Mr. Frazier testified at a previous meeting that there are five parallel parking
16 spaces, located at the front of the building, that he would not install, but tonight Mr. Frazier has indicated the
17 he will install the five parallel parking spaces if the four parking spaces within the easement area should ever
18 go away. Mr. Thorsland stated that perhaps a special condition could indicate that should the four parking
19 spaces within the easement are no longer available, five parallel parking spaces will be required to be located
20 at the front of the building. He said that the five parking spaces can be contingent based on the loss of the
21 easement that is for the benefit of Lot 701. He said that this does not address the concern that Ms. Griest
22 previously stated.

23

24 Ms. Griest stated that her concern has been resolved.

25

26 Mr. Thorsland stated that it is possible that the parking space and the easement concerns are resolved during
27 the requested meeting between staff, Mr. Follmer, Mr. Fell, Mr. Hewitt and Mr. Frazier and the case could
28 be re-advertised. He said that Mr. Follmer is still hashing through things with the City of Champaign's legal
29 department and it may necessitate re-advertisement of the number of parking spaces requested in the
30 variance.

31

32 Ms. Griest stated that it is important to note that 74 parking spaces is not an arbitrary number that the Board
33 picked out because someone requested it, but based upon calculations and the Board being able to bring the
34 number down to the absolute minimum size possible to comply with the Ordinance by utilizing the City of
35 Champaign's guidelines. She said that she would have difficulty in ratcheting the number down just because
36 someone asked for it because she would have no basis to justify it.

37

38 Mr. Thorsland stated that rather than ratcheting down the number, perhaps the Board could provide a
39 possibility for alternate spaces. He said that the required number of parking spaces is actually 86 parking
40 spaces and the 74 parking spaces is based upon the City of Champaign's parameters. He said that no
41 variance would be required if 86 parking spaces were available.

42

43 Mr. DiNovo stated that this whole thing about the City of Champaign's parking standards was an argument
44 made by Mr. Fell, but it has no significance. He said that the ZBA has no authority over the City of
45 Champaign's regulations or policies and the ZBA is here to enforce the policies of the Champaign County
46 Board. He said that whatever the number of parking spaces determined by this Board is based upon whether

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1 or not the Board finds that it is an acceptable number and there is nothing magic about the number 74.

2
3 Mr. Frazier stated that he understands Mr. DiNovo's statement, but the City of Champaign is on 50% of his
4 property's sides, all of the north and east sides, and the City of Champaign has no problem annexing his
5 property, and frankly, he would like to see all of Tiffany Court annexed into the City of Champaign because
6 he needs a sewer system out there.

7
8 Mr. DiNovo stated that if an annexation agreement with the City of Champaign was still in the picture, then
9 he would agree with Mr. Frazier, but it has been taken off the table. He said that he is only indicating that
10 the number 74 is not a magic number for the number of required parking spaces.

11
12 Mr. Thorsland stated that perhaps Mr. Follmer now understands why the Board has been here for two years.
13 He said that every time the Board determines the number of required parking spaces, things go sideways. He
14 said that Mr. Follmer has explained to the Board how everything is in play and, hopefully, Mr. Follmer can
15 maintain a dialogue with staff so that case can be more concrete with fluid detail for the Board at its next
16 meeting.

17
18 Mr. Passalacqua agreed with Mr. Thorsland and requested that a date be set for a meeting between staff, Mr.
19 Follmer, Mr. Frazier, Mr. Fell and Mr. Hewitt, because the only thing that is occurring tonight is more
20 talking.

21
22 Mr. Thorsland stated that Mr. Passalacqua originally requested the Board to review the special conditions
23 with the petitioner and his counsel.

24
25 Mr. Passalacqua stated that Mr. Follmer has insisted that he requires a meeting with staff to review the
26 special conditions and the laundry list of items to be addressed and Mr. Passalacqua will take Mr. Follmer's
27 word that this meeting will occur in a productive manner. He said that there are no new special conditions at
28 this time and there may be fewer special conditions after the meeting between all entities. He said that
29 currently the discussions are doing nothing but wasting everyone's time and requested that a continuance
30 date be determined for this case. He asked staff for a realistic time for a meeting with Mr. Follmer.

31
32 Mr. Hall stated that staff is not the limiting factor in regards to such a meeting. He said that staff is available
33 five days per week, eight hours per day, and many times in during the evening hours. He said that staff has
34 spent more hours on this case than they have spent on any other zoning case and to come here tonight and
35 find out that the required number of parking spaces cannot be agreed upon is almost more than he can
36 tolerate, but what he can tolerate is not relevant. He said that staff has put in more time than they should
37 have already, but they are willing to put in twice that if people are present to ask relevant questions and do
38 things.

39
40 Mr. Passalacqua requested a relevant time for this meeting.

41
42 Mr. Follmer stated that as soon as City of Champaign issues their approval of the plat.

43
44 Mr. Passalacqua stated that he has no idea when that will be; therefore, he needs a timeline.

45
46 Mr. Hall stated that the whole point of the special conditions is so that the petitioner does not need the City

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1 of Champaign's action before this Board takes action. He said that he cannot describe how much time staff
 2 has put in on these conditions that will allow the petitioner to gain approval without doing a darn thing other
 3 than applying for a plat with the City of Champaign, which has been done, and a signed contract for
 4 purchase. He said that staff is happy to see a signed contract for purchase, because it has been needed since
 5 day one. Mr. Hall said that the County Engineer has delegated to the Champaign Township Highway
 6 Commissioner the authority to accept the contractor that will replace the curb per the approved engineering
 7 drawings and complete the project.

8
 9 Mr. Follmer stated that he understands Mr. Hall's frustration, but until he has an understanding and approval
 10 from the City of Champaign, it is unknown how that approval will dictate the number of spaces that the
 11 petitioner can achieve. He said that we have discussed the reduced parking lot for Lot 701, which is a
 12 perfect example of why he should receive feedback from the City of Champaign on Tuesday.

13
 14 Mr. Thorsland stated that what we are down to is not the number of parking spaces required on the lot,
 15 because staff has made that information very clear. He said that the Board is aware of the amount of
 16 variance requested and the fluid part is the details of the easement that Mr. Follmer has not received
 17 information about from the City of Champaign. He said that Mr. Follmer desires to argue for his client so
 18 that he does not lose compliance when the City of Champaign comes back with their feedback. He said that
 19 the contract of sale is a welcome addition, but it puts a few things that previously were not talked about in
 20 play. Mr. Thorsland stated that Mr. Follmer's involvement is a welcome addition to this process, as he will
 21 bring a tighter focus to the request.

22
 23 **Mr. Passalacqua moved, seconded by Ms. Griest to continue Case 792-V-14 to the August 31, 2017,**
 24 **meeting. The motion carried by voice vote.**

25
 26 Mr. DiNovo stated that it is the nature of a subdivision plat approval, as in zoning cases, where issues come
 27 up that are not anticipated, and at some level staff should expect to identify things to be done that had not
 28 been previously thought about it. He said that the plat is a moving target until the day of approval.

29
 30 Mr. Thorsland stated that the Board looks forward to a more timely and concrete progress well before
 31 August 31st so that the case can be re-advertised. He said Mr. Follmer should check with staff regarding the
 32 timelines for submission of information prior to the re-advertising deadline. He said that the Board does not
 33 want information submitted on the night of the meeting, but received in the mailing packets prior to the
 34 meeting for review so that this case can be finalized.

35
 36 **6. New Public Hearings**

37
 38 None

39
 40 **7. Staff Report**

41
 42 None

43
 44 **8. Other Business**

45 A. Review of Docket

46

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1 Ms. Griest stated that she will attend the June 15, 2017, meeting.

2

3 Mr. Thorsland stated that he will be absent from the June 15, 2017, meeting.

4

5 Mr. Hall stated that Ms. Burgstrom has received a reply from the representative for Loral Park, Cases 854-S-
6 16 and 844-V-16, who has requested a continuance to the July 13, 2017, meeting. He said that the July 13th
7 meeting could be problematic due to anticipated new information, but that is the date that has been
8 requested. He said that even though a continuance to July 13th could be problematic, it is the longest date
9 that the cases could be continued.

10

11 **Ms. Griest moved, seconded by Mr. Passalacqua, to continue Case 854-S-16 and 855-V-16 to the July**
12 **13, 2017, meeting. The motion carried by voice vote.**

13

14 Mr. Passalacqua stated that he would like to make a general statement with regard to all cases and no case in
15 particular. He said that it may only be coincidental that the Board has just spoke about this case tonight, but
16 it is his intention to begin and finish every case on the first night that it is presented to the Board. He said
17 that it is his belief that this is one of the biggest problems with any entity like the ZBA when cases get
18 extended out so long. He said that he appreciates the amount of endless hours that staff puts into a case, but
19 the case heard tonight was going nowhere.

20

21 Mr. Hall stated that every time a case comes to the Board it is staff's intent to have it ready for final action.

22

23 Mr. Passalacqua stated that he is not insinuating that staff is the problem.

24

25 Ms. Griest noted that she agreed with the proposed special conditions for tonight's case as they provided the
26 latitude to move forward.

27

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

29

30 None

31

32 **10. Adjournment**

33

34 Mr. Thorsland entertained a motion to adjourn the meeting.

35

36 **Ms. Griest moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
37 **vote.**

38

39 The meeting adjourned at 8:35 p.m.

40

41

42 Respectfully submitted

43

44

45 Secretary of Zoning Board of Appeals

46

08/31/17 REVISED DRAFT

792-V-14 REACTIVATED

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: ***{August 31, 2017}***

Petitioner: Robert Frazier

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

- Part A. Variance for 70 parking spaces in lieu of the minimum required 93 parking spaces (including 30 onsite and 40 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.
- Part B. Variance for 30 on-site parking spaces in lieu of the minimum required 93 parking spaces as required by Section 7.4 of the Zoning Ordinance; Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- Part C. Variance for allowing 40 off-street parking spaces on an adjacent lot in lieu of requiring all 93 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance; Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
- Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, October 27, 2016, March 16, 2017, May 25, 2017, and August 31, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns Lot 4 of the subject property. Mr. Frazier has finalized Minor Plat approval for Lot 701 with the City of Champaign; closing on Lot 701 is scheduled for September 12, 2017.
2. The subject property is the 1.19 acre tract that is Lot 4 and the newly created 0.38 acre Lot 701 that is part of a replat of Lot 7 of a replat of Lot 5 of the Stahly Subdivision, in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - (1) As discussed in Supplemental Memorandum #3 dated October 22, 2015, the Petitioner seeks to annex the subject property into the City of Champaign. He has been informed by the City and the County that the property must be in compliance with Champaign County ordinances before it can be annexed to the City.
 - (2) In an email received July 18, 2016, Mr. Andrew Fell, architect contracted by Mr. Frazier, stated “At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.”
 - (3) In an email received March 6, 2017, Eric Hewitt stated that they hoped to submit a draft replat of the north parking area (Lot 7A) for consideration and subdivision approval by the City of Champaign the week of March 6. At this time, Mr. Frazier is not submitting a proposal for annexation of 310 Tiffany Court to the City; it is not clear if he intends to apply for annexation in the future.
 - a. The City of Champaign assigned case number PL17-0010 on March 14, 2017.
 - (4) In a meeting with Mr. Frazier, his attorney Kent Follmer, and Tom Overmyer of Phoenix Consulting Engineers on August 18, 2017, Mr. Follmer provided the following update to Susan Burgstrom:
 - a. The minor plat for Lot 701 was tentatively approved by the City of Champaign, but still needs signatures and then must be recorded.
 - b. To finalize the transaction so that the minor plat can be signed and recorded, current owner Mr. Isaacs must pay the second 2017 property tax installment. Mr. Isaacs indicated he would be willing to pay the taxes early so that the transaction could be completed.

Item 3.A.(4) - continued

- c. In an email received August 22, 2017, Mr. Follmer stated that Mr. Isaacs had paid the taxes, Mr. Follmer was delivering all required Minor Plat subdivision documents to the City of Champaign for final signatures, and that the documents would be recorded as soon as possible thereafter.
- (a) In an email received August 23, 2017, Jeff Marino with the City of Champaign Planning Department stated that they were in receipt of this documentation and would process the documents for signatures and recording.
- (b) In an email received August 24, 2017, Mr. Follmer stated that the closing for the property purchase is scheduled for September 12, 2017.
- B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
- A. Lot 4 of the subject property is a 1.19 acre tract and is currently zoned I-1 Light Industry. Lot 701 is within the City of Champaign and is zoned I-1 Light Industrial. Land use is a combination of storage facilities and multi-tenant offices.
- B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
- C. Land to the north is zoned I-1 Light Industry and is industrial in use.
- D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
- A. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 219-86-02 issued on August 7, 1986 authorized construction of mini warehouse facilities.
 - (2) Zoning Use Permit # 166-96-01 issued on June 17, 1996 authorized construction of an addition to an existing mini-warehouse building.
 - (3) Zoning Use Permit # 280-99-01 issued on October 8, 1999 authorized placement of a wall sign on an existing building.
 - (4) Zoning Use Permit # 351-02-03 issued on January 10, 2003 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.

Item 5.A. - continued

- (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated April 14, 2011, in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.
- B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:
- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium).
 - (2) Adding a wrap-around covered porch to provide covering for the exterior entrances.
 - (3) Removing a portion of a bus maintenance garage.
 - (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
 - (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.
- C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014.
- (1) Regarding the building on the subject property, the Annotated Site Plan indicates the following:
 - a. The building addition authorized in Zoning Use Permit #351-02-03 on January 10, 2003 is indicated with hatching (diagonal lines) and labeled "NEW OFFICES- SALES ROOM" (totaling 4,950 square feet in area) that is still used as offices and "NEW STORAGE" (totaling 2,375 square feet in area) that has been converted to a gymnasium.
 - b. Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.

Item 5.C.(1) - continued

- c. A portion of the building indicated as “warehouse” is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” is 2,664 square feet in area. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - d. The middle portion of the building is indicated as “EXIST’G STOR” and was authorized in Zoning Use Permit # 166-96-01 on June 17, 1996 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - e. The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on August 7, 1986. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property, the Annotated Site Plan indicates the following:
- a. The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - b. The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- (3) Based on the information in the Site Plan received July 17, 2014, staff calculated the minimum required parking spaces as 67.
- D. A Revised Site Plan, received March 30, 2015, indicates the following uses and proposed parking spaces:
- (1) 29 parking spaces around the eastern “Existing Storage” area, including 2 handicap accessible spaces;
 - (2) Existing upstairs storage, 1,500 square feet, in middle existing storage building;
 - (3) 10 inside parking spaces in “New Garage”, 2,805 square feet;
 - (4) 1 handicap accessible parking space south of the “New Garage”;
 - (5) Upstairs executive office for President of Frazier Properties – 300 square feet;
 - (6) New 5 feet wide concrete handicap access to front offices;
 - (7) 9 parking spaces on west side of west offices building;

Item 5.D - continued

- (8) Storm Sewer near Tiffany Court entrance;
 - (9) 32 additional parking spaces on the property to the north of subject property, as indicated in the lease with property owner;
 - (10) More detailed floor plan of west office building, including measurements, uses, and number of employees for each establishment; and
 - (11) Cross-section of accessible parking for west offices.
 - (12) In a letter sent by staff to Mr. Frazier on September 17, 2015, staff calculated the following 58 minimum required parking spaces based on the Revised Site Plan received March 30, 2015, which is a decrease from the 67 spaces staff originally estimated based on the information in the Site Plan received July 17, 2014.
 - a. Required parking spaces for 4,950 square feet of office space in the west wing (less 153 square feet for two restrooms, per ZUPA #351-02-03) at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.e.) equals 24 spaces.
 - b. Required parking spaces for 53 self-storage units (all on ground floor) if required at one parking space per 3 self-storage units equals 18 spaces.
 - c. Required parking spaces for company storage and garage spaces if required at one per each 3 employees (per Zoning Ordinance 7.4.1D.1.) equals 1 space.
 - d. Required parking spaces for visitors and company vehicles are assumed to be included in the parking for the office space.
 - e. Required parking spaces for the 15' x 30' (450 square feet) upstairs Frazier properties executive office lounge at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.e.) equals 3 spaces.
 - f. Required parking spaces for the 25' x 95' (2,375 square feet) Silver Back Barrel Club (strength conditioning and rehabilitation space) at one parking space per 200 square feet (per Zoning Ordinance 7.4.1 C.3.b.i.) equals 12 spaces.
- E. Staff received a preliminary site plan from Andrew Fell Architecture on March 7, 2016. Upon review, staff identified approximately 20 items that would need to be verified, revised, and/or expanded upon in order for the site plan to meet the requirements established by the ZBA at the September 10, 2015 hearing. Staff provided the list of required revisions to Mr. Frazier and Mr. Fell via email on March 8, 2016. The revised Site Plan indicates the following uses and proposed parking spaces:
- (1) Existing west office building, no uses or interior measurements provided;
 - (2) Upstairs executive office for President of Frazier Properties – approximately 300 square feet;

Item 5.E. - continued

- (3) Existing middle building, no uses or interior measurements provided;
 - (4) Existing upstairs storage in middle existing storage building – 1,500 square feet;
 - a. This revised site plan shows 11 ten feet by ten feet self-storage units connected by a 32 inch wide interior corridor on the west side. It is unclear if these units have been constructed or if they are proposed.
 - (5) Existing east building, no uses or interior measurements provided;
 - (6) 47 proposed parking spaces, including 2 handicap accessible spaces; note that this revised site plan includes many parking spaces that staff considers infeasible and staff requested that the consultant review and revise the site plan to show only feasible parking.
 - (7) 9 parking spaces in the former bus garage, 2,805 square feet;
 - (8) 2 handicap accessible parking spaces east of the middle building; note that 1 accessible parking space east of the office building was on the March 30, 2015 site plan but is not shown on this revised site plan.
 - (9) 6 parallel parking spaces on west side of the west offices building;
 - (10) Existing 5 feet wide concrete access to front offices with one ramp (accessibility compliance not verified by petitioner);
 - (11) “Sewer System” (septic) located on the north side of the west offices;
 - (12) Storm Sewer near Tiffany Court entrance; and
 - (13) Two access drives on west end of building, 20 feet wide each.
 - (14) Based on the revised Site Plan received March 7, 2016, there are 11 storage units upstairs in the middle building. It is not clear if these are existing or proposed, but this use will require 4 parking spaces in addition to the 58 calculated based on the March 30, 2015 revised site plan, for a total of 62 required spaces.
 - a. Because of the deficiencies with the revised Site Plan received March 7, 2016, staff cannot determine how many parking spaces the subject property can feasibly contain, and thus cannot determine if 34 additional parking spaces in the proposed north lot will be sufficient to comply with minimum parking requirements.
 - (15) On March 8, 2016, Mr. Frazier responded to staff’s list of Site Plan deficiencies via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
- F. The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicates the following:

Item 5.F - continued

- (1) Lot 7A (orange area) is 12,487 square feet and has 34 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means “if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available.”
 - (3) Lot 7B contains a “temporary parking lot easement for the benefit of Lot 7A” which contains 3 of the 34 proposed parking spaces.
 - (4) The proposed north lot is located within the City of Champaign. In expectation of annexing the subject property to become one lot with the north parking lot, the City of Champaign has reviewed this preliminary lot for conformance with their Ordinances and found that it meets their requirements, per the email received from Eric Hewitt on March 8, 2016.
- G. A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 21, 2016 that indicated the following:
- (1) The building area on the subject property is not a single building as was required by Zoning Use Permit #166-96-01 on June 17, 1996 and had been shown on all other plans received to date. The plan received on March 21, 2016 indicates that the eastern portion of the building area is actually a separate building and is not connected to the remainder of the building area. The eastern building is all self-storage warehouse space and does not constitute a second principal building on the property.
 - (2) The number of existing self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated:
 - a. The south end of the eastern building is divided into eight small self-storage units rather than two units and therefore requires an additional two parking spaces.
 - b. Previously, the second floor self-storage area in the middle of the property was thought to contain no more than 12 self-storage units which would have required a total of 4 parking spaces. However, the plan received on March 21, 2016 indicates there are 44 existing self-storage units on the second floor but one unit is proposed to be replaced by a proposed interior stair. The resulting 43 self-storage units on the second floor self-storage area in the middle of the complex require a total of 15 additional parking spaces rather than the previous estimate of 4 parking spaces.
 - c. The second floor in the western portion of the main building is indicated as having 14 self-storage units which require a total of 5 additional parking spaces.
 - d. The western portion of the main building also has a small mezzanine that appears to be less than 1,000 square feet in area and has two self-storage spaces and requires a total of one additional parking space.

Item 5.G.(2) - continued

- e. In total, the additional self-storage units that appear on the revised plan received March 21, 2016 require an additional 23 parking spaces in addition to the 58 required parking spaces that were previously identified in a letter sent by staff to the petitioner on September 17, 2015, for a total of 81 required parking spaces, an increase of 19 from the March 7, 2016 revised site plan.
 - f. The number of feasible parking spaces on the subject property appears to be less than previously thought. However, even if there are at least 32 feasible parking spaces on the subject property as previously thought, when combined with the 34 parking spaces proposed to be constructed on the additional land proposed to be purchased to the north, the resulting total number of parking spaces will only be 66 parking spaces, which is 15 spaces less than required.
- (3) Both the existing and the proposed site plan are not in compliance with the Illinois Accessibility Code for the following reasons:
- a. The second floor self-storage area in the middle of the complex exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. This portion of the building area was authorized as only a single story in Zoning Use Permit #166-96-01 on June 17, 1996 and the exterior stairway does not appear in aerial photographs of the property from 2002 and 2005.
 - b. The western portion of the building complex also has a second floor that is much larger than previously indicated in this public hearing and the second floor exceeds 1,000 square feet in area and appears to require an elevator to be compliant with the Illinois Accessibility Code. The western portion of the building area was authorized in Zoning Use Permit #351-02-03 on January 10, 2003 and was authorized to be only a single story.
 - c. The subject property has no accessible parking spaces and no accessible pathway and no accessible entrance.
 - d. Note that the Illinois Accessibility Code requires 4 of the 81 parking spaces to be accessible.
 - e. One restroom in the western portion of the building complex is proposed to be enlarged so as to be accessible; however, it is not clear that only one accessible restroom is all that is required.
- (4) There is no mention of replacement of the street curb that was removed without authorization from the Champaign Township Highway Commissioner on the Proposed Site Plan.
- (5) There is no mention of the proposed adjacent parking to the north on the Proposed Site Plan.

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- (6) Regarding the feasibility of the parking areas indicated on both the existing and proposed site plan received March 21, 2016 (Note: This analysis is meant to assist or supplement the work by Andrew Fell Architecture.):
- a. Regarding parking on the west side of the building:
 - (a) The proposed site plan indicates a clearance of 17 feet between the west property line and steps on the west side of the building. A minimum clearance of 19 feet would be required to accommodate the minimum required 9 feet width for a parking space and the generally accepted best practice minimum width of 10 feet for a one way traffic aisle. These steps were not yet constructed when the Zoning Administrator visited the property in June 2014. Removal of the steps would result in an overall clearance of 20 feet.
 - (b) The ramp on the northwest corner of the west building aligns with an existing curb cut but would conflict with a traffic aisle. The ramp appears to be a feature leftover from the previous use of the property for LEX transportation and the ramp does not appear to be necessary at this time.
 - (c) Removal of both the ramp and the steps on the west side of the building would allow up to seven parking spaces on the west side of the building.
 - (d) At the February 12, 2015 public hearing, the petitioner testified that since the building was built, the parking was as indicated in the photographs (perpendicular to the building) and not as in the plan (parallel with a traffic aisle). However, aerial photos from 2005 and 2008 clearly show parallel parking on the west side of the building.
 - b. Regarding the courtyard space between the east building and the middle building:
 - (a) This space is 56 feet wide and the proposed site plan includes only one row of perpendicular parking with a total of 13 parking spaces and a walkway along the east building.
 - (b) However, if the east walkway were reduced to no more than 3 feet wide, a row of parallel parking spaces could be included that would allow up to a total of 5 additional parking spaces with a 21 feet wide traffic aisle.
 - (c) Six of the perpendicular parking spaces could be converted and improved into three accessible parking spaces.
 - (d) The above revisions could provide a possible total of 15 parking spaces in this courtyard.
 - c. It may be possible to create at least one accessible parking space in the vicinity of the bus garage.

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- d. The above changes, in addition to the 8 parking spaces indicated on the east and south of the east building on the proposed site plan, would result in a total of 31 parking spaces.
 - e. It may be possible to add up to six additional parking spaces at the east edge of the subject property with the addition of required paving and a variance to allow parking next to the lot line.
- (7) Regarding the bus garage:
- a. The petitioner stated in an email dated March 8, 2016 to Senior Planner Susan Burgstrom that he wanted to keep the bus garage and move the arborist's vehicles into the garage which is big enough to hold the arborist's vehicles.
 - b. 2 to 3 of the former LEX buses still remain in the bus garage even though the petitioner testified at the February 12, 2015 public hearing that the buses would be sold and that he could remove the buses on February 13, 2015 if need be.
 - c. The arborist's vehicles consisting of a bucket truck, a stake truck with trailer mounted chipper, and a pickup with trailer currently occupy the courtyard space between the east building and the middle building. This space could otherwise accommodate up to 15 parking spaces.
 - d. In an email received June 21, 2016, Mr. Fell stated that all buses have been removed from the property and the tree service tenant has moved to a different location.
- (8) Regarding access to the dumpster and emergency vehicle access to the subject property:
- a. Garbage truck access to the subject property has been discussed in the public hearing and was mentioned in the September 17, 2015 letter by Senior Planner Susan Burgstrom.
 - b. The dumpster is located in the southeast corner of the property.
 - c. The site plan received on March 7, 2016 indicates that the south wall of the middle portion of the building is 13 feet 9 inches from the south lot line. Note that the exterior stair encroaches into that separation.
 - (1) At the June 30, 2016 public hearing, Mr. Frazier testified that he moved the steps inside, thus providing more access for vehicular traffic and the fire trucks.
 - d. The National Fire Protection Association recommends a minimum width of 20 feet for fire lanes to provide fire truck access and fire lanes are to be marked and kept clear of parked vehicles at all times.
 - e. A fire lane that is adequate for fire truck access should also provide adequate access for a garbage truck.

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- f. The subject property does not appear to provide adequate access for either a garbage truck or a fire truck.
 - g. Removal of the exterior stairway on the south side of the middle building will improve access but not provide the minimum recommended width of 20 feet. “No parking” signs may also help reduce obstructions by other vehicles.
- H. A revised site plan was received from Andrew Fell Architecture on May 25, 2016 that focused on accommodating the required number of parking spaces on the subject property and the proposed north parking lot property, and indicates the following:
- (1) 40 spaces on the subject property, including:
 - a. 6 parallel spaces on the east end;
 - b. 2 parallel spaces on the south end of the east building directly in front of 8 mini-storage units;
 - c. 17 spaces (13 head-in, 4 parallel) in between east and middle buildings; this area is currently covered in wood chips;
 - d. 4 head-in spaces, including 1 handicap accessible space, on the south side of the bus garage directly in front of the bus garage area that is proposed to house the arborist’s vehicles;
 - e. 6 parallel spaces along the currently unpaved north side of the building; and
 - f. 5 parallel spaces along the west side of the west building.
 - (2) 34 head-in spaces on the proposed new lot north of the subject property, including:
 - a. 10 spaces on the subject property’s north property line; and
 - b. 24 spaces on the north side of an existing concrete driveway.
 - (3) Staff provided the following comments and concerns to Mr. Fell and the Petitioner via email on June 6, 2016:
 - a. These comments relate only to the proposed parking spaces and traffic aisles on the revised site plan that was received May 25, 2016. An absence of comments should not infer a recommendation to approve.
 - b. Please provide accurate dimensions for all parking spaces and all traffic aisles in parking areas and overall dimensions for multiple parking spaces. Traffic aisles should not be less than 10 feet wide.
 - c. If the former LEX buses have been removed from the property please state on the drawing and if not, please indicate where the buses be parked.
 - d. Where will the parking for the arborist occur? If the arborist is to park in the bus garage, there should be no other parking spaces in front of the garage. If not in the bus garage, then please indicate where the arborist

Item 5.H.(3)d - continued

equipment will be parked. If no parking is shown for the arborist's vehicles there will be a special condition of approval that prohibits the parking of oversized vehicles on the property.

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

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- b. LEX buses have been removed.
 - c. The arborist has moved to a different location.
 - d. There is a notation that the ramp at the northwest corner of the building will be removed.
 - e. There is a notation that the stairs on the west side of the building will be removed.
 - f. There is a notation regarding the curb: "Remove existing street curb and install new barrier-type curb. Verify with Champaign County Township Highway Commissioner."
 - g. There is a notation regarding the wood chip area between the east and middle buildings: "Remove existing wood chips and pour Portland cement concrete."
 - h. There is a notation that "all parking spaces and traffic aisles will be Portland cement concrete."
 - i. The six parallel spaces on the north side of the middle building have a proposed one-way traffic aisle that begins with an access drive from the proposed north parking lot, runs east along the north side of the property, then along the east end of the property, then out to Tiffany Court along the south existing traffic aisle.
- J. The second floor plans are not part of the Revised Site Plan received June 21, 2016. Mr. Fell provided the following information via email on June 22, 2016: "We are still considering all the options for the second floor. The State has determined that if the second floor is over 1,000 square feet it will need elevator access. This is cost prohibitive, so the current thought is to remove as much of the second floor space as necessary to bring it down to 1,000 square feet. In addition to this meaning that no elevator access is required, there will be a reduction in the parking requirements. At this stage, I cannot really give you exact numbers, etc. - but this is the direction we are heading."
- K. In an email received July 18, 2016, from Andrew Fell Architecture, Mr. Fell provided the following information:
- (1) We are working on addressing the items in your letter of July 6.
 - (2) The intent will be to install a ramp and walkway connecting the two upper floor areas to make the second floor accessible.
 - (3) Additionally, as far as I know the CDB does not review drawings for private projects. They will review certain accessibility questions, but that is all. I am not sure how I get any approval documentation from them for the building/parking. etc.

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- (4) Mr. Frazier is working on an additional access easement to gain some additional parking area.
 - (5) At this point I also believe that Mr. Frazier will not elect to be annexed into the City, so discussions and approval from the City Planning Department is not being pursued at this time.
- L. A revised site plan was received from Andrew Fell Architecture on September 27, 2016, which shows the following updates:
- (1) Sheet A1 shows the overall site plan for the subject property and the north lot.
 - a. 16 on-site and 46 off-site parking spaces are proposed, for a total of 62 spaces including 4 accessible parking spaces.
 - b. No parking is proposed for the west or east sides of the property.
 - c. A note states that existing stairs on the west side will be removed, and that the street curb will be constructed.
 - d. Additional area has been added to the north lot for spaces 34 through 46.
 - e. Emergency vehicle turning radii indicate sufficient room for larger vehicles when maneuvering around the southeast and northeast corners of the buildings.
 - f. A sidewalk is shown connecting the south side parking spaces with the west building entrance.
 - (2) Sheet A2 shows the existing first floor areas and dimensions.
 - a. The former bus garage has a proposed accessible ramp to the second floor of the west building; the rest of the garage has been annotated as rental space. No ramp connection is shown to the second floor of the middle building.
 - (3) Sheet A3 shows the existing second floor areas and dimensions.
 - a. 43 storage units are shown on the second floor of the middle building, with one staircase accessing that area on the south interior part of the building.
 - b. 15 storage units are shown on the second floor of the west building, with three possible means of egress: a set of stairs in the main office area (south end); a set of stairs in the former gym (north end); and a set of stairs adjacent to the storage units (west side).
 - c. The second floor loft above the former gym shows three rental spaces.
 - d. The second floor rental spaces and west building storage units are connected via an accessible corridor that leads to the accessible ramp in the former bus garage.
 - (4) Sheet A4 shows the first floor plan for the east and middle storage unit buildings.

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- (5) Sheet A5 shows enlargements of the 2 bathrooms, the first floor former garage space, and the north end of the west building.
 - a. Part 2A5 indicates a 5 feet wide accessible ramp to the second floor, and rental space for the remainder of the former bus garage.
 - b. Part 4A5 shows the following:
 - (a) An overhead door east of the former bus garage that opens to the former gym in the west building.
 - (b) The ramp west of the overhead door on the west side of the west building has a note that it will be removed.
 - (6) Sheet A6 includes Part 2A6, which shows an enlargement of the first floor of the west building and Part 4A6 which shows an enlargement of the second floor storage units in the middle building.
 - (7) Sheet A7 shows an enlargement of the second floor west building.
 - (8) Based on the September 27, 2016 revised site plan, staff calculated 89 required parking spaces, an increase of 8 from the March 21, 2016 revised site plan. This increase is due to a difference in square footage between the two revised site plan.
- M. In an email to Andrew Fell and Robert Frazier dated October 6, 2016, Susan Burgstrom requested additional information about the revised Site Plan received September 27, 2016 regarding:
- (1) Verifying several measurements on Sheet A1;
 - (2) The requested variance based on this revised Site Plan would have to be amended to include smaller parking spaces;
 - (3) The changes to the revised Site Plan will require additional parking spaces;
 - (4) Relocation of accessible parking space #56 would be better than current proposed location;
 - (5) The existing ramp and stairs on the west side do not need to be removed if they are not proposing any required parking on the west side;
 - (6) The ramp calculations in the former bus garage appear to have an error;
 - (7) Whether the proposed accessible ramp could connect to the second floors of both buildings, not just the west building;
 - (8) Whether Mr. Frazier intends to further subdivide the former gym rental space;
 - (9) A reminder that the ZBA is very focused on the Tiffany Court curb replacement.
- N. A revised Site Plan was received via email on October 17, 2016, with the following additional information:

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- (1) Sheet A1 shows the overall site plan for the subject property and the north lot.
 - a. 27 on-site and 49 off-site parking spaces are proposed, for a total of 76 spaces, including 4 accessible parking spaces.
 - b. 13 parallel parking spaces were added surrounding the easternmost building; and
 - c. There are notes showing the existing stairs will remain on the west side of the office building.
 - d. All handicap accessible parking spaces are now near entrances on the subject property; 1 space was previously located in Lot 1A, which was fairly distant from any entrance.
- (2) Sheet A2 shows the existing first floor areas and dimensions.
 - a. The former bus garage has a proposed accessible ramp to the second floor of the west building.
 - b. A ramp connection to the second floor of the middle building is now shown, making all second floor areas accessible.
 - c. The ramp elevations have been corrected.
 - d. One storage unit has been added next to the staircase in the middle building, for a total of 65 first floor storage units.
 - e. The area immediately west of the proposed ramp to the second floor is now shown as “public access” rather than “rental space.”
- (3) Sheet A3 shows the existing second floor areas and dimensions.
 - a. The second floor loft above the former gym shows two rental spaces with a note “rental spaces at loft are part of existing rental space below.” There is a third “rental space” on the second floor of the former bus garage with the note “rental space (as part of rental space below).”
 - b. The second floor rental spaces, west building storage units, and middle building storage units are connected via an accessible corridor that leads to the accessible ramp in the former bus garage.
 - c. The proposed ramp to the second floor has been corrected to indicate the proper ramp length; a cross section of the ramp is now provided on Sheet A3.
- (4) Sheets A4 through A7 show enlargements of parts of Sheet A1, with the same new details that are shown on Sheet A1 received October 17, 2016.
- (5) Based on the October 17, 2016 revised Site Plan, staff calculated the following 86 parking spaces, an increase from 81 spaces calculated based on the March 21, 2016 revised site plan:

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- a. Note that in previous calculations, staff had separated out the different self-storage areas (i.e. 1st floor east, middle building 2nd floor, etc.), which resulted in 89 required spaces. For the calculations based on the October 17, 2016 revised site plan, staff aggregated the number of self-storage units, which reduced the total required parking spaces from 89 to 86.
 - (a) 41 spaces for 123 storage units; and
 - (b) 45 spaces for the estimated 9,000 square feet of executive office, and rental spaces.
 - b. The petitioner still seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 74.
- O. The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:
- (1) Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.
 - (2) Lot 7A provides a 26 feet wide temporary easement for Lot 7B.
 - a. In an email from Eric Hewitt received March 8, 2016, Mr. Hewitt clarifies that a temporary easement means "if and when Lot 7B is leveled and completely redeveloped the easements would no longer be available."
 - (3) Lot 7B contains a "temporary parking lot easement for the benefit of Lot 7A" which contains 3 of the 47 proposed parking spaces.
 - (4) In an email to Attorney Kent Follmer dated February 22, 2017, Susan Burgstrom stated, "there appears to be inadequate vehicle circulation space for the parking spaces east of the existing septic system. It seems that they would only be feasible if the existing cross hatched area is extended to have the 26 feet width (rather than necking down to only 11 feet in width) or if there is an easement onto Lot 7B for the benefit of the Frazier property. John Hall recommends that something be done or there needs to be an explanation of how the traffic circulation is supposed to work in the event that a fence is erected along that property line."
 - (5) Staff notes the following differences between the most recent revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
 - a. The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - b. The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.
- P. In an email received February 22, 2017, Eric Hewitt provided a draft of the minor subdivision Replat of Lot 7A of Replat of Lot 5 of Stahly Subdivision dated February 20,

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2017. Mr. Hewitt stated in the email, “We (Phoenix and Isaacs attorney-Brian Schurter) are working to get this submitted to the City of Champaign for approval and recording.”

- Q. In an email from Eric Hewitt to Jeff Marino and copied to Susan Burgstrom, received March 1, 2017, Mr. Hewitt provided the same draft Replat dated February 20, 2017, and asked Mr. Marino how soon a subdivision case number could be assigned.
- (1) In an email dated March 6, 2017, to Susan Burgstrom, Mr. Hewitt stated that he had heard from Mr. Marino and that a case number could be assigned with just the application, prints of the plat and fee. He added, “we are attempting to get that to the City this week. Have to get with Isaacs first since they are the owner of the land.”
 - (2) The City of Champaign assigned case number PL17-0010 on March 14, 2017.
- R. In an email received March 13, 2017, Eric Hewitt forwarded a copy of the Minor Plat application submitted to the City of Champaign on March 13, 2017.
- S. In an email received March 15, 2017, Eric Hewitt provided a Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7, which included the following:
- (1) The plat shows 49 proposed parking spaces, consistent with the Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017.
 - (2) Drainage appears to flow generally southwest toward Tiffany Court. There is a note stating that storm water detention facilities for subject lot are existing and located upon adjacent Lot 6 to the west.
 - (3) In the email, Mr. Hewitt states, “I believe the County had a concern with the parking lot traffic east of the existing septic system. I previously looked at this and made sure there was 23' for two way traffic there but overlooked what was happening at the septic system. A small "corner cut" will be necessary there and it is marked in red on the attached version of the combination subsidiary drainage plat and parking lot plan. Jeff, please expect that to be a change on the final version of the final plat.”
- T. In an email from Champaign County Public Health Department received July 10, 2017, staff received an approved permit for septic system improvements on the north side of the subject property. The Plan Review Application, also included with the email, showed a leach field line extending between the west building and the west side of the east building.
- (1) P&Z Staff noted that the septic system would conflict with the proposed parking plan on the northeast portion of the subject property, and could affect up to 10 proposed parking spaces.
- U. In an email received August 3, 2017, Kent Follmer submitted an updated proposed parking plan and revised Site Plan sheets A1 through A7.
- (1) The proposed parking plan showed 7 proposed diagonal spaces adjacent to the leach field line, and stipulated that the minor plat would have to be adjusted to provide sufficient accessway space. The proposed parking plan also included 4 parallel

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parking spaces on Tiffany Court that would become a part of the proposed curb replacement.

(2) Susan Burgstrom responded via email on August 3, 2017, to Mr. Frazier, Kent Follmer, Andrew Fell, Michael Nickrent with Phoenix Consulting, Jeff Marino with City of Champaign, and Keith Padgett with Champaign Township. Staff provided the following preliminary comments regarding the proposed parking plan and minor plat received August 3, 2017:

- a. The site plan, parking plan, and minor plat will have to square up.
- b. No parking can be on the septic system – not on the tank or on the leach field. The leach field needs to be shown on the site plan so it is clear there is no parking or anything else built on it.
- c. No parking is allowed on Tiffany Court – the 4 spaces shown on the new parking plan will not work unless there is signoff by Champaign Township
- d. It looks like re-advertisement will be necessary for number of spaces and because the property description will apparently change.
- e. Susan Burgstrom stated that she did not think the ZBA will want to meet on this case until the minor plat has been reviewed once again based on the proposed changes, and until it is clear the parking plan is viable and a final parking count can be determined. It doesn't make sense to get Champaign's re-approval unless it is clear the problems are resolved.

(3) Susan Burgstrom requested the most recent version of the Minor Plat of Subdivision from the City of Champaign. On August 3, 2017, Eric VanBuskirk with the Champaign Planning Department emailed two attachments: a draft Minor Plat and a draft combined parking and drainage plat, both dated April 13, 2017.

- a. The draft Minor Plat showed Lot 701 with an area of 16,412 square feet.
- b. The draft combined parking and drainage plat showed 48 parking spaces in Lot 701; some of those spaces crossed the property line into Lot 4.

(4) Susan Burgstrom responded via email later in the day on August 3, 2017, to Mr. Frazier and Mr. Follmer to provide more detailed recommendations.

- a. The septic improvement creates an area that cannot be constructed upon, which we believe extends from parking space 36 through parking space 49. The proposed diagonal parking on the parking plan you submitted today is not ideal because it creates a forced traffic flow in one direction around the building and forces a re-review of the minor plat, which would postpone a decision for an unknown length of time. Instead, Zoning Staff suggests that you present a parking plan that only has parallel parking in that area. There will be fewer spaces, but we believe it will be safer and a better option.
- b. Zoning Staff believes that the ZBA might reject the curb parking numbered 11 through 14 on the parking plan you submitted today. Such a design would

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require pavement constructed to street standard, and would still be contingent upon approval by Champaign Township. Zoning Staff recommends that those spaces be removed from the parking plan. We do not want to decrease the number of available parking spaces, but we are looking at the reality of that part of the property and what engineers have indicated about available space.

c. Revise the Site Plan created by Andrew Fell to be “apples to apples” with the parking design of your choice and minor plat, including but not limited to the lot square footages, numbering system on the parking, and parking space alignments in both lots. Conflicts in information on these documents will result in delay.

V. In an email received August 17, 2017, Kent Follmer submitted an updated proposed parking plan, which removed some of the proposed diagonal spaces in the northeast corner of the subject property in order to accommodate the septic system improvements. The revised parking plan also added 4 additional spaces in front of the west office building, and reduced the proposed parallel spaces to 2 on Tiffany Court.

W. Mr. Frazier, Mr. Follmer, Mr. Overmyer, and Susan Burgstrom met on August 18, 2017, and came to the following conclusions, which were summarized in an email from Susan Burgstrom afterward:

(1) Mr. Frazier has decided to seek estimates for an ADA compliant lift instead of doing the indoor ramp to the second floor.

(2) Mr. Frazier has decided that if he can install a lift, he wants to make the garage space where the ramp was going to go into rentable space.

a. Staff calculated that this would increase required parking to 93 spaces instead of 89 spaces.

(3) Mr. Frazier has decided that he wants to maximize parking on the west end of the building. He proposes 2 parallel spaces (74 and 75) next to Tiffany Court, and 3 parallel spaces next to the covered walkway.

a. Due to space constraints, P&Z staff believe that some of the small staircases leading up to the walkway will need to be removed so that there is maximum room for a sidewalk and an accessway next to the spaces.

b. Mr. Frazier must get written approval for a revised curb plan from Keith Padgett at Champaign Township.

(a) In an email received August 23, 2017, Keith Padgett, Champaign Township Highway Commissioner, provided notes on his meeting that same day with Mr. Frazier regarding the revised curb replacement design. Mr. Padgett is generally in agreement with this revised design, but said he was going to confer with County Highway Engineer Jeff Blue and finalize the design with Mr. Frazier.

(b) Keith Padgett and Jeff Blue called Susan Burgstrom on August 24, 2017, to discuss the curb replacement. They agreed that 2 parallel parking spaces could be placed within a new 6 inch barrier curb.

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Access would be from the southwest entrance to Mr. Frazier's property to the northbound access drive on the west side of the office building. From that access drive, customers could park in the 2 parallel spaces within the new curb, or the 3 parallel spaces proposed next to the building. All surfaces within the curb, sidewalk, and west side parking area would have to be 8 inch thick concrete. The existing damaged sidewalk would have to be replaced with an 8 inch thick sidewalk; the thickness is to enable cars to drive over the sidewalk to park in the 2 parallel spaces within the new curb. Mr. Padgett sent an email summary of the design to Susan Burgstrom, which was received the same day. The email was forwarded to Mr. Frazier, Mr. Follmer, and Mr. Fell to integrate into the final revised Site Plan.

- (4) Susan Burgstrom emailed all participants a list of documentation that ZBA members would likely want to see in order to make a determination, and established dates by which the materials should be submitted in order for ZBA members to give them fullest consideration.
- X. In an email dated August 22, 2017, Susan Burgstrom requested a determination on whether a lift would comply with State regulations from Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board.
- (1) In an email received August 22, 2017, Ms. Burton responded that if an elevator is feasible, a lift cannot be used instead.
- (2) In a phone call on August 22, 2017, Mr. Frazier asked Mrs. Burgstrom if two lifts could be used to comply with the State regulations. Mrs. Burgstrom referred Mr. Frazier to Felicia Burton.
- (3) In an email from Andrew Fell received August 24, 2017, the Illinois Capital Development Board verified that Mr. Frazier could install 2 lifts and still comply with the Illinois Accessibility Code/Environmental Barriers Act.
- Y. In an email received August 22, 2017, Mr. Follmer stated that Mr. Isaacs had paid the taxes, Mr. Follmer was delivering all required Minor Plat subdivision documents to the City of Champaign for final signatures, and that the documents would be recorded as soon as possible thereafter.
- (1) In an email received August 23, 2017, Jeff Marino with the City of Champaign Planning Department stated that they were in receipt of this documentation and would process the documents for signatures and recording.
- (2) In an email received August 24, 2017, Mr. Follmer stated that the closing for the property purchase is scheduled for September 12, 2017.
- Z. The structures on the subject property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- AA. Regarding how the petitioner has carried out this variance case:

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- (1) The original variance application was received on July 17, 2014; the public hearing opened on February 12, 2015, and was continued to May 14, 2015. Several neighboring property owners attended the February 12, 2015. At that meeting, Mr. Frazier stated there was a second floor in the building but John Hall, the Zoning Administrator, stated that none of the plans that had been submitted for the building indicated a second floor. The Zoning Board of Appeals advised Mr. Frazier to provide a very accurate site plan for all levels of the building at the next hearing and the Zoning Administrator suggested that the plan be prepared by an architect so that issues related to accessibility could be addressed.
- (2) Several neighboring property owners attended the May 14, 2015, public hearing but the petitioner failed to appear. The Zoning Board of Appeals dismissed the case in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
- (3) The Zoning Administrator mailed the petitioner a Notice of Dismissal on May 15, 2015, as required by the Bylaws.
- (4) The petitioner reactivated the variance case on May 30, 2015, in conformance with Section 7.14 of the Champaign County Zoning Board of Appeals Bylaws.
- (5) The reactivated case opened at the September 10, 2015, public hearing. Several neighboring property owners attended the September 10, 2015, meeting. Mr. Frazier stated during cross examination that a lease under which he had secured additional off-site parking on an adjacent property had been canceled. The canceling of the lease had not previously been disclosed by Mr. Frazier. The Zoning Board of Appeals also again advised Mr. Frazier to acquire the services of an architect to prepare a very accurate site and floor plan for the property. The case was continued to October 29, 2015.
- (6) At the October 29, 2015 ZBA meeting, several neighboring property owners attended the meeting but the Petitioner did not attend and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - a. Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
 - b. There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
- (7) Following the October 29, 2015, public hearing staff contacted all parties in attendance at previous hearings for this case and it was determined that a hearing on January 28th would not work. Staff requested availability from the same parties, and all indicated that March 24, 2016 would be feasible.
- (8) A revised site plan titled “310 Tiffany Court Addition” was received from Andrew Fell Architecture on March 7, 2016, and a later revision was received on March 21,

Item 5.AA.(8) – continued

2016. The revised site plan received on March 21, 2016 is reviewed in greater detail elsewhere in this Summary of Evidence but some of the most significant problems revealed in that plan were the following:
- a. The number of self-storage warehouse units is much greater than was previously understood due mainly to unauthorized second floor areas and therefore the minimum required number of parking spaces is much greater than previously estimated; and
 - b. The unauthorized or unpermitted second floor areas are not in compliance with the Illinois Accessibility Code which would normally require elevators to make the second floor areas accessible; and
 - c. The existing clearance on the west side of the west building is not adequate to allow parallel parking and a traffic aisle on this side of the building and the ramp on the northwest corner of the west building will also conflict with parallel parking and a traffic aisle.
- (9) A proposed north parking lot site plan with 34 proposed parking spaces created by Eric Hewitt of Phoenix Consulting Engineers was received on March 8, 2016.
- (10) In Supplemental Memorandum #7 dated June 24, 2016, staff stated:
- a. “Staff members believe that Mr. Frazier is in receipt of all requests for information regarding what the ZBA needs to finalize consideration of Case 792-V-14. Staff has followed up via letter or email after every public hearing to provide Mr. Frazier with a punch list of items and a deadline by which those items should be provided if he wants them considered for the next hearing. Staff has also discussed requirements with Mr. Frazier by phone and email, and has collaborated on his behalf with the City of Champaign.
 - b. Mr. Frazier has taken positive steps by hiring Andrew Fell Architecture to design his parking areas and working with the City of Champaign on what they might require for annexing his property. However, we are still not in receipt of a comprehensive site plan of existing and proposed conditions that is necessary for case approval. The petitioner’s failure to provide this after repeated requests over the last 18 months should again be considered in whether the Board continues the case or denies it.”
- (11) In Supplemental Memorandum #8 dated September 21, 2016, staff stated, “Staff recommends denial because the petitioner has not provided sufficient information to support the variance criteria requirements. No new information has been received since an email from Architect Andrew Fell on July 18, 2016.”
- (12) In Supplemental Memorandum #9 dated October 20, 2016, staff stated,
- a. “The Petitioner and contracted architect Andrew Fell submitted a revised Site Plan received September 27, 2016, as well as information about the Capital Development Board review process. The Petitioner and contracted architect Andrew Fell submitted another revised Site Plan, received October 17, 2016, based on preliminary comments from staff.”

Item 5.AA.(12) – continued

- b. “Significant progress has been made. However, no update has been received regarding the engineering plans and details for the Tiffany Court curb replacement nor the approval of the proposed north parking lot by the City of Champaign.”
- (13) The petitioner hired Attorney Kent Follmer, who responded on the deadline of February 21, 2017, for the information requested by the ZBA at the October 27, 2016 public hearing. Mr. Follmer requested a 60 to 90 day continuance, citing the following reasons:
- a. Mr. Frazier is negotiating the purchase of Lot 7A with Isaacs properties in coordination with the City of Champaign;
 - b. Mr. Follmer is new to the case, and would appreciate time to get up to speed on the case.
 - c. Mr. Hewitt is working on a replat of Lot 7A to submit to the City of Champaign for subdivision approval.
 - d. In Supplemental Memorandum #10 dated March 9, 2017, staff stated, “Given the new information and documented progress from Mr. Follmer and Mr. Hewitt, staff is prepared to recommend a continuance of the March 16, 2017, public hearing for this case.”

(14) In Supplemental Memorandum #11 dated March 16, 2017, P&Z Staff proposed numerous additional special conditions to help ensure that the petitioner would be held responsible for making the necessary improvements to the property, and that enforcement proceedings would be determined based on compliance with these conditions.

(15) In Supplemental Memorandum #12 dated May 18, 2017, P&Z Staff noted that the petitioner had made progress on the purchase of Lot 701, although it was not yet complete.

BB. The required variance is as follows:

- (1) Part A. Variance for 74-70 parking spaces in lieu of the minimum required 86-93 parking spaces (including 27-30 onsite and 47-40 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.
- (2) Part B. Variance for 27-30 on-site parking spaces in lieu of the minimum required 86-93 parking spaces as required by Section 7.4 of the Zoning Ordinance.
 - a. Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- (3) Part C. Variance for allowing at least 47-40 off-street parking spaces on an adjacent lot in lieu of requiring all 86-93 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.
 - a. Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.

Item 5.BB - continued

- (4) Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.
- (5) Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding the proposed variance:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):

- (1) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (2) "CANOPY" is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
- (3) "COVERAGE" is the percentage of the LOT AREA covered by the BUILDING AREA.
- (4) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
- (5) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) "LOT LINES" are the lines bounding a LOT.
- (8) "PARKING GARAGE or LOT" is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
- (9) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.

Item 6.A. - continued

- (10) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT -OF -WAY line.
 - (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (14) "WAREHOUSE" is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
 - (15) "WAREHOUSE, SELF-STORAGE" is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
 - (16) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (17) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the

Item 6.C.(1) - continued

Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
- b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
- c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
- d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
- e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9.D.2.
- D. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
 - E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
 - F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.
 - G. Regarding the parking requirements for a self-storage warehouse:
 - (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance.

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

Item 6.G - continued

- (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. In a letter received May 25, 2016, Andrew Fell requests a reduced minimum number of required parking spaces.
 - (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together. Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time.
 - (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- J. All required off-street parking spaces must be located on the same lot or tract of land as the use served according to section 7.4.1.B of the Zoning Ordinance.
- K. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- L. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- M. Minimum dimensions of a parking space are 9 feet by 20 feet, per Section 7.4.1 of the Zoning Ordinance.
 - (1) The City of Champaign minimum parking space requirements are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign’s dimensional requirements is acceptable, the revised Site Plan received October 17, 2016, and the draft of the minor subdivision Replat of Lot 7A of Replat of Lot 5 of Stahly Subdivision dated February 20, 2017, show adequate parking space dimensions.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**
- B. Regarding Parts A, B and C of the Variance, for 74-70 parking spaces in lieu of the minimum required 86-93 parking spaces, with 27-30 provided onsite and 47-40 provided on an adjacent lot to be purchased by the petitioner:
- (1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement between the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking on-site.
 - (2) Based on the Site Plan dated July 17, 2014, the 2,664 square feet “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit.
 - a. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - b. The Revised Site Plan received on March 30, 2015 indicates this area as a “garage” that totals 2,805 square feet.
 - c. The revised Site Plan received on March 8, 2016 indicates this area as 9 parking spaces with 12 feet of clearance to access those spaces.
 - d. On March 8, 2016, Mr. Frazier responded via email with the following: “I want to keep garage and move Bud’s Tree Service inside garage, which is big enough to hold his vehicles. We have not done this, we await your approval.”
 - e. The Revised Site Plan received on October 17, 2016, indicates the former bus garage will become a mix of “rental space” and “public access” instead of a parking area.
 - f. During the August 18, 2017, meeting with Susan Burgstrom, Tom Overmyer, and Kent Follmer, the petitioner indicated that he would like to move the proposed handicapped accessible ramp to outside the north building and rent out the half of the garage that was labeled “Public Access” on the October 16, 2016 proposed Site Plan.
 - (a) The petitioner was discouraged by others present to have a ramp outside because it would be constructed at least partially on the septic system; would be much more expensive to build; and would be a difficult (long) access for people with disabilities.

Item 7.B.(2)f - continued

- (b) Mr. Frazier would still like to rent out the former “Public Access” space in the garage if possible, and said he would pursue more information about installing an accessible lift in another area of the building.
- (c) Susan Burgstrom told those present that renting out that space would require 7 more parking spaces. She suggested that there may be an issue with adding to the number of required spaces and possibly increasing the requested variance for number of parking spaces.
- (3) Testimony by adjacent landowners and one business owner who rents space in the subject building indicates that not all parking spaces on the subject property are reliably available for parking due primarily to inadequate access that is quite often blocked (see Section 11.F. of the revised Summary of Evidence).
- (4) Adjacent landowners have testified that vehicles parking on the west side of the subject property quite often park over the public sidewalk (see Section 11.F. of the revised Summary of Evidence).
- a. The Revised Site Plan received on October 17, 2016 indicates that parking will be removed from the west side.
- b. The Revised Site Plan received August 24, 2017, indicates that the petitioner wants to add 5 parallel parking spaces on the west side.
- (5) Mr. Frazier seeks to purchase approximately 0.3 acres from the property owner to the north in order to provide 49 additional parking spaces. That proposed lot is within the City of Champaign and the parking design has received preliminary approval from the City.
- a. Susan Burgstrom sent Mr. Frazier an email on October 13, 2015 which specified recommendations regarding the purchase of the additional parking area (see Attachment H to Supplemental Memo #4).
- b. Susan Burgstrom sent Mr. Frazier an email on October 20, 2015 which specified next steps required before the purchase and possible annexation to the City could occur (see Attachment H to Supplemental Memo #4).
- c. Supplemental Memo #3 dated October 22, 2015 was prepared for the October 29, 2015 ZBA meeting and provided a status update about parking requirements, the potential purchase of additional parking area north of the subject property, and next steps the petitioner would need to take (see Attachment I to Supplemental Memo #4).
- d. In an email received August 22, 2017, Mr. Follmer stated that Mr. Isaacs had paid the taxes, Mr. Follmer was delivering all required Minor Plat subdivision documents to the City of Champaign for final signatures, and that the documents would be recorded as soon as possible thereafter.
- (a) In an email received August 23, 2017, Jeff Marino with the City of Champaign Planning Department stated that they were in receipt of

Item 7.B.(5)d.(a) - continued

this documentation and would process the documents for signatures and recording.

(b) In an email received August 24, 2017, Mr. Follmer stated that the closing for the property purchase is scheduled for September 12, 2017.

- (6) Because of the deficiencies with the revised Site Plan received March 7, 2016, staff could not determine how many parking spaces the subject property could feasibly contain, and thus could not determine if 34 additional parking spaces would be sufficient to comply with minimum parking requirements.
- (7) At the March 24, 2016 public hearing:
 - a. Mr. Passalacqua stated that the City of Champaign had a conditional approval if everything else was brought into compliance. He said that the City of Champaign would not approve anything that Mr. Frazier is proposing unless he had compliance with the Champaign County Zoning Board of Appeals.
- (8) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case, the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (9) Based on the revised Site Plan received May 25, 2016, staff still could not determine how many parking spaces the subject property could feasibly contain, and thus could not determine if 34 additional parking spaces would be sufficient to comply with minimum parking requirements.
 - a. On June 6, 2016, staff sent the petitioner and Mr. Fell comments and requested a revised site plan regarding the May 25, 2016 site plan via email.
- (10) In the revised Site Plan received June 21, 2016, the Petitioner proposed 40 parking spaces on the subject property and 34 spaces on the proposed north lot. This is 4 more than the minimum required if the ZBA accepts the 70 spaces calculated in Item 7.B.(8)a.
- (11) In the revised Site Plan received October 17, 2016, the Petitioner proposed a total of 76 parking spaces, with 27 of them provided onsite and 49 provided in an adjacent lot.
- (12) The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:

Item 7.B.(12) - continued

- a. Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.
- b. Staff notes the following differences between the revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
 - (a) The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - (b) If the ZBA approves the use of City of Champaign's 'Collective Parking Provision' for this case, the petitioner would require 74 spaces rather than 86 spaces, of which 47 are proposed for Lot 7A.
 - (c) The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.

(13) The revised Site Plan received August 24, 2017, shows 38 parking spaces in Lot 701, 2 parking spaces in the reconstructed curb, and 30 parking spaces on Lot 4, for a total of 70 spaces.

a. If the ZBA approves the use of City of Champaign's 'Collective Parking Provision' for this case, the petitioner would require 79 spaces rather than 93 spaces.

- C. Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
 - (1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.
- D. Regarding Part C of the Variance as originally advertised, for parking 0 feet from the front property line in lieu of the minimum required 10 feet:
 - (1) The revised Site Plan received October 17, 2016, shows all parking spaces removed from the west side of the subject property. If the ZBA approves this revised Site Plan, Variance Part C is no longer necessary.
 - (2) At the September 10, 2015 ZBA meeting:
 - a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission:
 - (a) Mr. Keith Padgett stated that Champaign Township needs the curb replaced and he hopes that this is involved in the Board's final decision. He said that the curb has been cut and people drive across it all day long. He said that he does wonder what damages are being done to utilities in this area that do not have a concrete surface over the top for protection. He said that no damage may be occurring, but if there is damage, who will be held responsible for that damage.

Item 7.D.(2) - continued

- (b) Mr. Frazier said that he admits that he did cut the curb and if the rules indicate that the curbs must be replaced and the original parallel parking scheme has to be followed then he will obviously do that. He said that a better alternative for parking would be if he purchased that area rather than leasing it but he must know if purchasing that property is acceptable by the Board.
- (3) At the March 24, 2016 ZBA meeting:
 - a. Regarding the curb on Tiffany Court that Mr. Frazier removed without permission, Mr. Hall stated the following:
 - (a) The street curb has not yet been replaced. He stated that there is no single drawing that shows the entire property that is proposed. He believes this Board should require a single site plan with both the existing lot and the existing land that is proposed for purchase.
 - (b) There should be no curb replaced until there is a drawing showing what is going to be done. The drawing has to be reviewed by the Champaign Township Highway Commissioner and approved, preferably in writing. He stated that when that curbing is replaced, there should be extensive coordination with the Champaign Township Highway Commissioner to allow him to see the construction as it is occurring. He stated that at the end, Champaign Township Highway Commissioner gets to accept or reject that curb.
 - b. Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his jurisdiction only goes from sidewalk to sidewalk but part of that area is gone without permission, a permit, or a request. He said that when the curb is replaced he would like to know about it. He said that his engineering comes from Champaign County and everything has to be built to the specifications that the Champaign County engineer requires, which is also what the state requires.
 - c. Mr. Thorsland asked Mr. Frazier if he took out the curb himself or did he hire someone to do it. Mr. Frazier stated that he hired someone to take out the curb. Mr. Thorsland asked Mr. Frazier if he had a record of that service that could be entered as evidence. Mr. Frazier stated he can check. Mr. Thorsland asked Mr. Frazier if he checked with the township when he had the curb removed. Mr. Frazier stated no, because he did not realize that he had to but he understands that it is a poor excuse for breaking the law. Mr. Thorsland stated that the Board will require that the curb be replaced meeting today's requirements.
- (4) At the October 26, 2016, ZBA meeting:
 - a. Mr. Thorsland stated that the Board has been very patient and clear and one point that the Board has repeated numerous times to Mr. Frazier is the replacement of the curb on Tiffany Court. Mr. Thorsland stated that the Board has not seen any information regarding the replacement of the curb,

Item 7.D.(4)a - continued

- such as, bids regarding the curbs replacement. Mr. Thorsland stated that the curb was removed and it is still gone and Mr. Frazier has made it clear that he is responsible for the curb's removal.
- b. Mr. Frazier stated that he has never indicated that he will not replace the curb.
 - c. Mr. Frazier stated that he understands that the curb is an issue, but he does not understand if curbs are part of the ZBA's venue. He said that it is obvious that the Board is making it part of the zoning case, but he has never heard of a curb being part of zoning. He said that if Champaign Township had a problem with the curb then it would have been a civil action rather than a zoning action. He said that if zoning wants to get into the business of curbs then he would replace the curb in the same condition that he tore it out.
 - d. Mr. Thorsland stated that at the beginning of tonight's public hearing regarding this case he provided very clear information to Mr. Frazier. He said that he wants to see real progress related to the replacement of the curb and evidence that he has contacted the appropriate people for that replacement. Mr. Thorsland said that he would like to see evidence that Mr. Frazier has gone to the trouble of providing adequate parking.
 - e. Mr. Frazier stated that he does not feel that replacement of the curb is a zoning issue. He asked when a curb replacement became a zoning issue, because this is the Zoning Board of Appeals. Mr. Frazier requested text from the Zoning Ordinance that indicates that the curb will require replacement, because if there is no such text, an attorney is going to say that the ZBA has no basis in requiring the curb's replacement during this case. He said this Board is fixating on the replacement of a curb.
 - f. Ms. Griest stated that where the curb replacement becomes an issue related to zoning is that the original approved site plan for the development of this property included the curb being present. She said that Mr. Frazier deviated from the original site plan that was approved which makes him non-compliant; therefore, it becomes an issue for this Board. She said that everyone can sit in this room and bicker about this all night long, but it is not going to get Mr. Frazier anywhere. She said that the way that the building was designed without the overhang was part of his original approval.
 - g. Mr. Frazier stated that he has told the Board many times that he has no problem with replacing the curb. He asked Mr. Hall why he does not believe that Mr. Frazier desires to replace the curb.
 - h. Mr. Hall stated that he does not believe that Mr. Frazier desires to replace the curb because he hasn't done so.
- (5) Staff requested a legal opinion from the State's Attorney's Office regarding whether the ZBA has the discretion to include the curb replacement as a special condition of approval for the variance case.

Item 7.D.(5) - continued

- a. On March 9, 2017, staff received the legal opinion from Assistant State's Attorney Jacob Croegaert. While the document is subject to attorney-client privilege, the following is a summary of his comments:
 - (a) The Zoning Board of Appeals may include the special condition requiring replacement of the curb.
 - (b) Similar court cases establish some general guidelines for including a special condition: a condition should be related to zoning considerations (and probably to the variance at issue), should be consistent with the county Zoning Ordinance; and, if the condition is freely accepted and the variance is acted on by the petitioner, the petitioner cannot then argue against the condition.
 - (c) Given that the record is clear that the petitioner illegally destroyed the curb, requiring its replacement as a condition in order to prevent the continuation of unlawful parking at the property is appropriate. Restoring the right-of-way to its designed state, and preventing parking along the west edge of the property, also serves several general goals of the Zoning Ordinance as stated in Section 2.0.
 - (d) If the ZBA sees fit to impose the condition to replace the curb, that condition is consistent with the county's zoning ordinance, directly related to zoning considerations, and related to the requirements and/or effects of the variance itself.
- (6) At the March 16, 2017, public hearing, Mr. Frazier submitted a curb replacement plan for 310 Tiffany Court, which he has testified he is willing to replace.
 - a. On March 17, 2017, Susan Burgstrom emailed the curb replacement plan to individuals who would be involved in approving the curb design and construction. She copied the email to P&Z Staff; Mr. Frazier; Mr. Frazier's attorney Kent Follmer; Mr. Frazier's engineer Eric Hewitt; Champaign County Highway Engineer Jeff Blue, and Champaign Township Highway Commissioner Keith Padgett.
 - b. On March 20, 2017, Jeff Blue, County Highway Engineer, sent an email to the same people stating that the curb replacement plan meets the County Standards.
 - c. On March 20, 2017, Champaign Township Highway Commissioner Keith Padgett sent an email stating that the curb replacement plan was what was necessary to receive Champaign County Engineering approval, and that Mr. Frazier's approved contractor would need to send notice for request of inspection time and date to Champaign County.
 - d. On March 21, 2017, Susan Burgstrom asked Keith Padgett for clarification on what a contractor needs to be "approved". Mr. Padgett responded, "The contractor chosen by Mr. Frazier can be approved thru the Champaign Township Road District office by the Highway Commissioner Keith Padgett. Champaign County Engineering has given that approval to the Township.

Item 7.D.(6)d. - continued

When Mr. Frazier hires the contractor, he should call 217-352-0321 and make contact with Highway Commissioner. Need to make sure they have proper equipment for project.”

- e. On March 22, 2017, Susan Burgstrom sent an email to Mr. Frazier and Mr. Follmer stating, “The contractor you choose for the curb replacement must be approved by Champaign Township Highway Commissioner. Champaign County Engineering has given that approval authority to the Township. You can contact him at the Champaign Township Road District office: Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, IL 61822, 217-352-0321.”
- f. On March 22, 2017, Zoning Administrator John Hall requested that the curb replacement plan include a statement that the replacement will be consistent with standard IDOT specifications. In an email received March 24, 2017, Eric Hewitt, Engineer with Phoenix Consulting Engineers, submitted the revised curb replacement plan with the requested statement.
- g. On March 24, 2017, Susan Burgstrom received an email from Keith Padgett that the Township gave its ok for the curb replacement plan as revised. The email string also included approval of the revision by Jeff Blue.
- h. At ~~a~~-site visits on May 9, 2017, and August 22, 2017, Susan Burgstrom noted that no changes had been made to the curb.
 - i. The revised Site Plan received August 24, 2017, indicated the following:
 - (a) 2 parallel parking spaces within the curb area, next to Tiffany Court.
 - i. P&Z Staff advised the petitioner that any proposed changes to the curb replacement plan previously approved by Champaign Township would need to be reviewed by the Township again.
 - (b) 3 parallel parking spaces next to the covered walkway.
 - (c) There is no parking proposed within 10 feet of the front lot line, so original variance part C, for parking 0 feet from the front property line in lieu of the minimum required 10 feet, is not necessary.

- E. Regarding Part C of the Variance, for allowing at least 47-40 off-street parking spaces on an adjacent lot in lieu of requiring all 86-93 off-street parking spaces to be located on the same lot or tract of land as the use served:
 - (1) The subject property does not have sufficient area for the required parking spaces.
 - (2) On March 1, 2015, Mr. Frazier leased parking space from Isaacs Properties on adjacent property 306 Tiffany Court. The gravel area on the southwest corner of the Isaacs property holds 32 vehicles according to Mr. Frazier. The contract ends on February 28, 2016, but can be extended at Mr. Frazier’s option until February 28, 2018.

Item 7.E - continued

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

Item 7.E.(4)a.(e) - continued

would be yes. Mr. Frazier stated that he is willing to work with an architect to make sure that the property is in compliance with the rules.

- (f) Regarding the unpermitted bus garage that may be removed in order to reduce required the parking minimum, Mr. Frazier stated that he had built a garage for LEX buses for when LEX was in business and that garage is currently vacant. He said that he has already taken half of the garage down and it is not closed in due to the pending decision that this Board will make. He said that he is comfortable taking the rest of the building down and going back to the original building that was granted over 20 years ago by Champaign County. He said that if we are talking about a simple wooden structure with some metal on the roof then he is willing to remove it.
- (5) The proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers, received March 8, 2016, indicated 34 parking spaces on the proposed north parking lot.
 - a. The parking plan came with an email that stated, "Lot 7A is the land Mr. Frazier is looking at acquiring. The plan has a parking lot containing 34 spaces and has preliminary staff approval by the City of Champaign.
 - (6) At the March 24, 2016 public hearing, the following evidence was provided regarding parking spaces for the existing and proposed uses on the subject property:
 - a. Mr. Hall stated that on the east side of the property, there is room for some parking spaces but there also needs to be a traffic aisle and all of that needs to be paved.
 - (7) The revised Site Plans received May 25, 2016, and June 21, 2016 indicate 40 spaces on the subject property and 34 parking spaces on the proposed north parking lot.
 - a. Should ZBA approve of 40 on-site spaces and 34 off-site spaces, Part D of the Variance would state the need for at least 30 off-site spaces instead of the 19 listed in the legal advertisement for this case.
 - (8) The revised Site Plan received September 27, 2016, indicates 16 spaces on the subject property and 46 spaces on the proposed north parking lot. The required variance description was revised and re-advertised on October 12, 2016.
 - (9) The revised Site Plan received October 17, 2016, indicates 27 spaces on the subject property and 49 spaces on the proposed north parking lot.
 - (10) The Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017, indicates the following:
 - a. Lot 7A (orange area) is 17,659 square feet and has 47 available parking spaces directly north of the subject property.

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- b. Staff notes the following differences between the most recent revised Site Plan received October 17, 2016, and the Site Plan of proposed Lot 7A dated September 8, 2016:
 - (a) The revised Site Plan shows 49 proposed parking spaces north of the subject property buildings, while the Site Plan for proposed Lot 7A shows 47.
 - (b) If the ZBA approves the use of City of Champaign's 'Collective Parking Provision' for this case, the petitioner would require 74 spaces rather than 86 spaces, of which 47 are proposed for Lot 7A.
 - (c) The final Site Plan for approval must show the actual planned number of parking spaces with no contradictory documentation.

- (11) Susan Burgstrom requested the most recent version of the Minor Plat of Subdivision from the City of Champaign. On August 3, 2017, Eric VanBuskirk with the Champaign Planning Department emailed two attachments: a draft Minor Plat and a draft combined parking and drainage plat, both dated April 13, 2017.
 - a. The draft Minor Plat showed Lot 701 with an area of 16,412 square feet.
 - b. The draft combined parking and drainage plat showed 48 parking spaces in Lot 701; some of those spaces crossed the property line into Lot 4.

- (12) Susan Burgstrom responded via email later in the day on August 3, 2017, to Mr. Frazier and Mr. Follmer to provide more detailed recommendations regarding the proposed parking plan.
 - a. The septic improvement creates an area that cannot be constructed upon, which we believe extends from parking space 36 through parking space 49. The proposed diagonal parking on the parking plan you submitted today is not ideal because it creates a forced traffic flow in one direction around the building and forces a re-review of the minor plat, which would postpone a decision for an unknown length of time. Instead, Zoning Staff suggests that you present a parking plan that only has parallel parking in that area. There will be fewer spaces, but we believe it will be safer and a better option.

- (13) In a meeting with Mr. Frazier, his attorney Kent Follmer, and Tom Overmyer of Phoenix Consulting Engineers on August 18, 2017, Mr. Follmer provided the following update to Susan Burgstrom:
 - a. The minor plat for Lot 701 was tentatively approved by the City of Champaign, but still needs signatures and then must be recorded.
 - b. To finalize the transaction so that the minor plat can be signed and recorded, current owner Mr. Isaacs must pay the second 2017 property tax installment. Mr. Isaacs indicated he would be willing to pay the taxes early so that the transaction could be completed.

- (14) The revised Site Plan received August 24, 2017, shows 38 parking spaces in Lot 701; the petitioner has removed parking spaces from the septic system area.

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- F. Regarding Part E of the proposed variance, for parking spaces that are smaller than the minimum required by the Zoning Ordinance:
- (1) In an email received October 6, 2016, Andrew Fell states that the revised Site Plan received September 27, 2016 uses City of Champaign minimum parking space requirements, which are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign's dimensional requirements is acceptable, the most recent revised Site Plan received October 17, 2016, shows adequate parking space dimensions.
 - (2) The revised Site Plan received October 17, 2016, shows that parking on the subject property reflect improvement toward compliance with Zoning Ordinance requirements and recommendations by the Scott Fire Protection District.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.”**
 - B. Regarding Part A of the Variance, for ~~74-70~~ total parking spaces (including ~~27-30~~ onsite and ~~47-40~~ offsite parking spaces) in lieu of the minimum required ~~86-93~~ parking spaces:
 - (1) Without the proposed Variance, the Petitioner would have to provide ~~12-23~~ additional parking spaces, which is equivalent to decommissioning ~~36-69~~ of the 123 storage units, or demolishing ~~2,400~~ ~~4,600~~ square feet of office/rental space, or a combination of these two approaches.
 - C. Regarding Part B of the Variance, for ~~27-30~~ on-site parking spaces in lieu of the minimum required ~~86-93~~ total parking spaces:
 - (1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.
 - (2) Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
 - a. In an email received August 24, 2017, Mr. Follmer stated that the closing for the property purchase is scheduled for September 12, 2017.
 - D. Regarding Part C of the Variance, for allowing at least ~~47-40~~ off-street parking spaces on an adjacent lot in lieu of requiring all ~~86-93~~ off-street parking spaces to be located on the same lot or tract of land as the use served:
 - (1) Without the proposed Variance, the property would have insufficient on-site parking for the current tenants and uses. Tenants and clients would be required to park illegally on Tiffany Court or park without permission on adjacent lots.

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- E. Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements.
- F. Regarding Part E of the Variance, for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet:
- (1) Without the proposed variance, the Petitioner would not be able to fit the number of parking spaces shown on the revised Site Plan received [August 24, 2017](#), which would increase the required variance for number of parking spaces provided.
- G. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.
- (1) Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1C.3. and therefore a self-storage warehouse could be considered as an “establishment other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. At the March 24, 2016 public hearing:
- (1) Mr. Hall believes this Board should see a copy of the signed contract, have that in the file, and the signed contract should have a condition to make the Board aware if the contract is void at any time within a 72 hour period of it being voided.
 - (2) Mr. Hall recommended that the Board should not take action until we see the actual plat document that has been verified by City of Champaign staff to be complete, and in fact received before the application of the subdivision plat approval so that the Board absolutely knows there has been an application for plat approval. He stated that City staff is willing to hold that application for up to 12 months, which tells him that this thing is going to be finished within 12 months.
- I. In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
- (1) Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and

Item 8.I.(1) - continued

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

- (2) The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.
- (3) Based on revised staff calculations for the October 17, 2016, revised site plan, 86 parking spaces are required. The petitioner still seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 74.
- (4) Based on revised staff calculations for the August 24, 2017, revised Site Plan, 93 parking spaces are required. The petitioner still seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 79. With the purchase of land, maximizing the number of feasible spaces on the subject property, and adding 2 more spaces within the curb replacement area, there is only room for 70 spaces.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**
 - B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.
 - C. The Petitioner did not attend the October 29, 2015 ZBA meeting, and provided none of the information the ZBA had previously requested that he provide for this meeting. The ZBA members discussed dismissing the case, but instead continued the case to the January 28, 2016 meeting.
 - (1) Mr. Hall stated that the Petitioner has made contact with an engineer for the preparation of the plat. He said that that engineering firm is Hartke Engineering & Surveying.
 - (2) There were 4 people in attendance who desired to provide testimony; without the Petitioner, no testimony could be accepted and they were asked to provide comments to staff during office hours and/or attend the next hearing.
 - D. At the March 24, 2016 public hearing:
 - (1) Mr. Hall stated that what especially concerns him is that we have extensive second floor construction in complete violation of the Illinois Accessibility Code. He stated that Mr. Frazier will not get a permit from the Zoning Department until the Capital Development Board has signed off completely on this. He added that if Mr. Frazier can come to some agreement with the Capital Development Board allowing the second floor rental areas to remain, he could add the necessary parking by

Item 9.D.(1) - continued

acquiring more land from Isaacs going on the south edge of the property all the way back and hopefully tying in with the parking that is already on the east side. This would provide space for at least smaller vehicles a way to circumnavigate the whole property; he believes 14 spaces can fit in there. Mr. Hall stated that he would like to see this Board require the minimum number of parking spaces, and that would require this to be expanded.

- E. At the June 30, 2016 public hearing, Mr. Frazier submitted a signed contract between Isaacs Properties and Frazier Properties for the purchase of a portion of the property located north of the subject property.
- (1) The contract states that Mr. Frazier will have a survey prepared by an Illinois licensed surveyor for the agreed property which is the subject of this sale.
 - a. The cover letter for the contract signed by Attorney Brian T. Schurter of Tummelson Bryan and Knox LLP states that it is Mr. Schurter's understanding that the matter would be closed within 30 days of receipt of the survey obtained by Robert Frazier.
 - b. To date, there is no recorded survey at the Champaign County Recorder.
 - (2) After the June 30, 2016 public hearing for this case, staff sent the petitioner a letter dated July 6, 2016, outlining what items would be necessary for the ZBA to be able to make a decision on the proposed variance.
 - (3) On July 18, 2016, Andrew Fell, the architect contracted by the petitioner, sent an email in response to the July 6, 2016 letter.
 - (4) On September 8, 2016, staff sent a reminder email to the petitioner and Mr. Fell that the next hearing would be on September 29, 2016 and that the petitioner needed to send the requested information.
 - (5) A revised Site Plan was received from Andrew Fell on September 27, 2016, which showed significant progress in providing sufficient information for the ZBA to make a decision on this case.
 - (6) A revised Site Plan was received from Andrew Fell on October 17, 2016, which showed additional progress in providing sufficient information for the ZBA to make a decision on this case.
 - (7) Regarding compliance with the Illinois Accessibility Code:
 - a. In an email received September 23, 2016, Architect Andrew Fell stated that he double-checked with the Capital Development Board the morning of September 23, 2016, and they told him that they do not review drawings for private projects.
 - b. In an email to Andrew Fell dated September 23, 2016, Susan Burgstrom responded that the subject property is still subject to the Illinois Accessibility Code and Environmental Barriers Act. She asked Mr. Fell, as a licensed architect in Illinois, if he would be willing to sign and seal a Statement of Compliance regarding accessibility.

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- c. In an email received September 23, 2016, Andrew Fell responded that he can add such a statement to any new construction documents, adding that what the ZBA has for review are “Design Development” drawings, which do not have enough information on them to place the compliance statement. Further, he cannot provide that statement for existing work for the entire property. A more exhaustive survey of the property would be necessary, and such a process falls outside the scope of work for which he was contracted.
- d. The revised Site Plan received October 17, 2016, shows all second floor areas to be accessible via the proposed ramp in the former bus garage.
- e. Mr. Frazier, Mr. Follmer, Mr. Overmyer, and Susan Burgstrom met on August 18, 2017, and came to the following conclusions, which were summarized in an email from Susan Burgstrom afterward:
- (1) Mr. Frazier has decided to seek estimates for an ADA compliant lift instead of doing the indoor ramp to the second floor.
 - (2) Mr. Frazier has decided that if he can install a lift, he wants to make the garage space where the ramp was going to go into rentable space.
- f. In an email dated August 22, 2017, Susan Burgstrom requested a determination on whether a lift would comply with State regulations from Felicia Burton, Accessibility Specialist with the Illinois Capital Development Board.
- (1) Illinois Accessibility Code section 400.310(h) allows a building to have an accessible lift instead of an elevator if the net second story square footage is less than 3,000 square feet.
 - a. The second story of the middle building is 2,953 square feet.
 - b. The second story of the office building/former gym area totals 2,168 square feet.
 - (2) In an email received August 22, 2017, Ms. Burton responded that if an elevator is feasible, a lift could not be used instead.
 - (3) In a phone call on August 22, 2017, Mr. Frazier asked Mrs. Burgstrom if two lifts could be used to comply with the State regulations. Mrs. Burgstrom referred Mr. Frazier to Felicia Burton.
 - (4) In an email from Andrew Fell received August 24, 2017, the Illinois Capital Development Board verified that Mr. Frazier could install 2 lifts and still comply with the Illinois Accessibility Code/Environmental Barriers Act. Mr. Fell indicated that he would update the site plan to show 2 lifts instead of the accessible ramp.
- (8) On October 28, 2016, staff sent an email with attachments to Mr. Frazier, copied to architect Andrew Fell, listing the documentation requested by ZBA members and staff at the June 30, 2016, public hearing (Supplemental Memo #10 Attachment A).

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The packet included all previous ZBA and staff requests for information sent to Mr. Frazier since June 2014. Given the hearing continuance date of March 16, 2017, the ZBA established a deadline of February 21, 2017, for Mr. Frazier to provide the materials.

- (9) Attorney Kent Follmer was hired by Mr. Frazier to act as his agent in resolving the zoning issues for 310 Tiffany Court. Staff received a letter from Mr. Follmer on February 21, 2017, which requested a 60 to 90 day continuance of the March 16, 2017 public hearing (Supplemental Memo #10 Attachment B). He provided several reasons for the proposed continuance, including the fact that Mr. Frazier is negotiating the purchase of Lot 7A with Isaacs properties in coordination with the City of Champaign. The letter included a Preliminary Site Plan dated February 9, 2016, and an updated Preliminary Site Plan dated September 8, 2016, that includes additional land acquisition. A string of emails between Eric Hewitt of Phoenix Consulting Engineers and City of Champaign Planner Jeff Marino dated between November 10, 2015, and March 8, 2016, was also included to document discussion about the proposed north lot acquisition.
- (10) Staff contacted Eric Hewitt via email on February 22, 2017. Mr. Hewitt stated that he is working on a replat of Lot 7A through the City and also stated that Mr. Frazier intends to purchase Lot 7A. Mr. Hewitt provided a Draft Final Plat of Lot 7A (Supplemental Memo #10 Attachment C), which had not yet been submitted for subdivision approval to the City.
- (11) On February 28, 2017, Mr. Hewitt copied the Zoning Department on an email to Jeff Marino at the City of Champaign Planning Department (Supplemental Memo #10 Attachment D). The email included the draft final plat of the replat of Lot 7A and asked Mr. Marino how soon a subdivision case number could be assigned.
 - a. In an email received on March 6, 2017, Mr. Hewitt told Susan Burgstrom that Mr. Marino could assign the case number with just the application, prints of the plat and fee, and that he is trying to get that to the City this week.
 - b. The City of Champaign assigned case number PL17-0010 on March 14, 2017.
- (12) In an email received March 13, 2017, Eric Hewitt forwarded a copy of the Minor Plat application submitted to the City of Champaign on March 13, 2017.
- (13) In an email received March 15, 2017, Eric Hewitt provided a Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7, which included the following:
 - a. The plat shows 49 proposed parking spaces, consistent with the Site Plan of proposed Lot 7A dated September 8, 2016, created by Eric Hewitt of Phoenix Consulting Engineers, received as part of the packet from Attorney Kent Follmer on February 21, 2017.
 - b. Drainage appears to flow generally southwest toward Tiffany Court. There is a note stating that storm water detention facilities for subject lot are existing and located upon adjacent Lot 6 to the west.

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- c. In the email, Mr. Hewitt states, "I believe the County had a concern with the parking lot traffic east of the existing septic system. I previously looked at this and made sure there was 23' for two way traffic there but overlooked what was happening at the septic system. A small "corner cut" will be necessary there and it is marked in red on the attached version of the combination subsidiary drainage plat and parking lot plan. Jeff, please expect that to be a change on the final version of the final plat."
- (14) At the March 16, 2017, public hearing, Mr. Frazier testified the following:
- a. There is a plan and a contract that has been submitted to the City of Champaign. He said that the City of Champaign has approved the plan and it is not hypothetical, and they are moving forward. He said that he has spent \$6,000 for engineering costs for the plan and has had costs with the City of Champaign, so this is not hypothetical, but is reality and it isn't something that he has made up in his mind. He said that he has a \$40,000 contract to purchase the property and the property owner is going to want his money and Mr. Frazier is willing to pay him the money, but he cannot pay the property owner until the City of Champaign has this finished. He said that John Hall probably has a better idea than anyone as to what it takes the City of Champaign to do what needs to be done. He said that once everything is finalized, the property becomes his property and it is attached to his existing property. He said that he is not trying to slow things down, but is waiting on the City of Champaign to do what they need to do in their time, not his time.
- b. Mr. Fell is his architect and Eric Hewitt with Phoenix Engineers is his engineer. He said that he has produced drawings from the architect for handicap accessibility and he is waiting for approval from the Board for those plans. He said that Mr. Hall has placed stipulations in the approval, and once the ramp is approved the construction can begin as long as it meets all accessible and construction requirements. He said that he could not begin construction of the accessible ramp until someone tells him to go do it because it meets all of the applicable requirements. He said that he has measured everything and it appears that everything will work, but he cannot start the project until he receives approval to do so.
- c. He is agreeable in replacing the curb and Ms. Burgstrom should have an email from Eric Hewitt regarding the curb replacement plan.
- d. He is purchasing the property regardless of the outcome of this case. He said the property would be his and if it is deemed not suitable, it will still be his property.
- (15) On May 1, 2017, Susan Burgstrom emailed Mr. Frazier and Mr. Follmer requesting an update on any changes/progress. She copied Jeff Blue, Eric Hewitt, Keith Padgett, and City of Champaign Planner Jeff Marino.
- a. On May 2, 2017, City of Champaign Planner Eric VanBuskirk emailed Susan Burgstrom with an update on the minor subdivision approval for the

Item 9.E.(15)a - continued

north lot. The City is waiting for information from the petitioner so they can record the minor plat.

- b. On May 3, 2017, Kent Follmer, Attorney for Mr. Frazier, emailed Susan Burgstrom, John Hall, Robert Frazier, and Eric Hewitt the following update: “I spoke with Eric H., Robert F. and Brian Schurter. I have reviewed emails between Eric, Andrew and the city. The city is now requiring a fire separation code evaluation in regard to approval of the plat; the drawings are being revised again due to the ten foot rule. Robert is getting bids for the curb work. I previously wrote a contract to purchase the land from Isaacs after obtaining the legal description of the tract Robert is buying and emailed that to Issac's lawyer Brian Schurter. I met with Brian in my office. Brian wants to make changes to the contract to protect his client. I have been waiting on Brian for several days now. The contract will be contingent upon city approval, and I am contemplating other contingencies to protect Robert. We will get this moving. Some cases are just difficult. This is one. More info will follow. Thanks for your patience.”

(16) In an email from Champaign County Public Health Department received July 10, 2017, staff received an approved permit for septic system improvements on the north side of the subject property. The Plan Review Application, also included with the email, showed a leach field line extending between the west building and the west side of the east building.

a. P&Z Staff noted that the septic system would conflict with the proposed parking plan on the northeast portion of the subject property, and could affect up to 10 proposed parking spaces.

b. The P&Z Department was unaware that Mr. Frazier was making these improvements until they were already complete.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area.”**
- B. Regarding the requested Variance:
- (1) Regarding Part A of the Variance, for ~~74~~70 total parking spaces (including ~~27~~30 onsite and ~~47~~40 offsite parking spaces) in lieu of the minimum required ~~86~~93 spaces: the requested variance provides ~~12~~23 fewer parking spaces, equivalent to ~~86~~75% of the minimum required, for a variance of ~~14~~25%.
- (2) Regarding Part B of the Variance, for 27 parking spaces in lieu of the minimum required ~~86~~89 parking spaces (including 27 onsite and ~~47~~38 offsite parking spaces): the requested variance provides ~~31~~30% of the minimum required spaces, for a variance of ~~69~~70%.

Item 10.B.(2) - continued

- a. Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
- (3) Regarding Part C of the Variance, for allowing ~~47-40~~ off-street parking spaces on an adjacent lot in lieu of requiring all ~~86-93~~ off-street parking spaces to be located on the same lot or tract of land as the use served: the requested variance is ~~55~~57%.
 - a. Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.
 - (4) Regarding Part D of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
 - (5) Regarding Part E of the Variance, for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet: the requested width is 94% of the minimum required, for a variance of 6%, and the requested length is 93% of the minimum required, for a variance of 7%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably, the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated, “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”
 - (3) 41 of the ~~86-89~~ required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
 - (4) In a letter received May 25, 2016, Andrew Fell requested a reduced minimum number of required parking spaces.
 - a. Because the complex has multiple users, he feels it is appropriate to apply the 'Collective Parking Provision' as determined by the City of Champaign. Under this provision, the amount of parking required for each separate use is calculated and added together (in this case 82 total spaces). Then 85% of this amount is to be provided under the assumption that not all uses will be at maximum occupancy at any given time. In this case, the revised total of required parking would be $82 \times .85 = 69.7 = 70$ spaces.
 - b. The Zoning Administrator agreed that was reasonable but reaffirmed that the final decision rested with the Zoning Board of Appeals.

Item 10.C.(4) - continued

- c. Based on the revised Site Plan from Andrew Fell received October 17, 2016, staff calculated 86 minimum required parking spaces; the petitioner seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 74.
 - d. Based on the revised Site Plan from Andrew Fell received August 24, 2017, staff calculated 93 minimum required parking spaces; the petitioner seeks to apply the City's 'Collective Parking Provision' which would reduce the required number of parking spaces to 79.
- D. Regarding Parts B and C of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie required on-site parking. Presumably, the parking regulation is intended to ensure that there is a clear distinction for each property's parking requirements, and to lessen and avoid congestion in the street by the provision of a minimum number of onsite parking spaces.
- E. Regarding Part D of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably, the front setback and front yard are intended to ensure the following:
 - a. Adequate separation from roads.
 - b. Allow adequate area for road expansion and right-of-way acquisition.
 - c. Parking, where applicable.
 - (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.
- F. Regarding Part E of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the minimum parking space size requirements. Presumably, the minimum width and length of a parking space are intended to ensure the following:
 - a. Sufficient area for vehicles to maneuver and park safely.
 - b. A standardized measurement that can be a baseline for compliance.
 - (2) Zoning Case 89-AT-75 was approved on May 20, 1975, which added the specific measurements of 9 feet by 20 feet for parking spaces. While there was no reason given for the change in the case file, it was noted that these measurements would meet or exceed what the City of Champaign and City of Urbana had established as their minimum requirements.
 - (3) In an email received October 6, 2016, Andrew Fell stated that the revised Site Plan received September 27, 2016 uses City of Champaign minimum parking space requirements, which are 8 feet 6 inches by 18 feet six inches. Should the ZBA decide that meeting Champaign's dimensional requirements is acceptable, the revised Site Plan received September 27, 2016 shows adequate parking space dimensions.

Item 10 - continued

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

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”**
- B. The Township Highway Commissioner has been notified of this variance and had the following comments:
- (1) At the February 12, 2015 public hearing, Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that from sidewalk to sidewalk is the jurisdiction of Champaign Township. He is concerned that there has been approximately 100 feet of the barrier curb removed without permission, notice of removal, or granting of permit therefore Champaign Township has lost about 100 feet of barrier curb.
 - (2) In an email received April 30, 2015, Mr. Padgett indicated the following:
 - a. Champaign Township Road District has no problem with parking spaces on Mr. Frazier’s property as long as they do not extend over the pedestrian sidewalk.
 - b. The missing curb and the driving over unprotected utilities in the area between the sidewalk and the street is still an issue. He suggested that six inches of concrete poured in this area would be acceptable.
 - c. He would like to see the Township reimbursed for the replacement of the curb at some time since the Township Road District did not remove it nor did they approve its removal.
 - (3) At the September 10, 2015 public hearing, Mr. Padgett stated that the downfall has been cut off of the curb but the base and the flag are still there. In order to replace the curb, everything has to be torn out so that one solid unit can exist so that when he plows snow the top of the curb isn’t broken off.
 - (4) At the June 30, 2016 public hearing, Mr. Padgett testified that he had not heard from Mr. Frazier regarding replacement of the curb on Tiffany Court.
 - (5) At the October 27, 2016 public hearing, Mr. Padgett said that it is his understanding that if the Tiffany Court area is annexed into the City of Champaign a curb will be required, and if it remains in Champaign Township, he would like to see it replaced.
- C. The Scott Fire Protection District has been notified of this variance but no comments have been received.

Item 11- continued

- D. City of Champaign Planning Department was consulted to see if a long-term parking lease on a property within the City of Champaign would require subdivision approval by the city in addition to any applicable County regulations. Rob Kowalski, Assistant Director of Planning and Development for the City of Champaign, responded in an email received May 1, 2015, that city subdivision approval would not be necessary if Mr. Frazier decides to lease spaces from his neighbor; however, the neighbor would still have to meet city regulations for parking (Supplemental Memo 1, Attachment F).
- E. The nearest building on neighboring property is approximately 125 feet from the shared property line.
- F. Several adjacent business owners testified at the February 12, 2015 public hearing:
- (1) Mr. Lloyd Allen owns the property at 4400 West Springfield Avenue, beside Mr. Frazier's property. He is opposed to approving the variances because of parking concerns, Mr. Frazier cutting sidewalk and curbs out, and removing "No Parking" signs. Mr. Allen submitted photos of parking issues at the hearing, which were entered as a Document of Record.
 - (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated concerns about access to his own property by emergency vehicles, delivery trucks and employees. He also stated that Mr. Frazier's customers who park on the west side of the property cover the sidewalk and sometimes park in the cul-de-sac, which is a no parking zone. He stated that Mr. Frazier does not have enough land to support what he has going on there. Mr. Koester stated that he has had many cases of people parking on his south lot, south of Mr. Frazier's property, to go to the mini-warehouses and Mr. Frazier's garbage service parks on Mr. Koester's property to dump Mr. Frazier's dumpster. Mr. Koester stated that he just acquired the property to the south of Mr. Frazier's building and the property was really cheap. Mr. Koester stated that the reason why he was able to purchase the property at such a low price was due to the history of Mr. Frazier's property but the property was also available for Mr. Frazier's purchase so that he could expand. Mr. Koester stated that the closing price for the property was \$125,000 and Mr. Frazier's best move would have been to have purchased the property to the south so that he could run the kind of operation that Mr. Frazier proposes because it would have given him adequate area to meet the County's parking requirements and would not need the requested variances. Mr. Koester stated that he will not lease the property to Mr. Frazier.
 - (3) Mr. Caleb Burton, whose business is located at 314 Tiffany Court, has concerns about the 10 foot drive Mr. Frazier has for his property. He stated that he has seen vehicles blocking the front yard, making Mr. Frazier's property inaccessible and that Mr. Frazier's clients use Mr. Burton's service entrance daily. Mr. Burton is also concerned about how Mr. Frazier poured concrete that drains south and nothing was done to taper the drainage or direct it to the street therefore it drains onto Mr. Burton's property.

Item 11.F - continued

- (4) Mr. Andrew Tunstall operates a chiropractic, exercise and rehabilitation facility in one of the offices at the west end of Mr. Frazier's property. He stated that his clients have complained about the parking. His clients cannot access the area Mr. Frazier identified as overflow parking back by the mini storage units. His actual gym site is 2,375 square feet in area and he has two additional therapy rooms and a reception area that take up an additional 1,025 square feet. On a typical slow night between 3 and 6 p.m., he will see 4 to 6 people but on a busy night he may see up to 16 people; he has the operation set up to accommodate up to 24 people at one time.
- a. Mr. Tunstall is no longer a tenant at 310 Tiffany Court; his former space is advertised for rent as of March 8, 2016. This will not impact the parking space requirement because the minimum is based on a calculation of office square footage that is not specific to his business type.
- G. At the September 10, 2015 public hearing, Mr. Koester, owner of the property south of the subject property and co-owner of the property north of the subject property, stated that he has been frustrated by the use of his property as access for the tenants traveling to the rear of Mr. Frazier's property and he has had discussions with Mr. Frazier about this issue. He said that they have discussed the relocation of the buses and the last time that he knew there were still buses on the property, although Mr. Frazier testified at the previous meeting that the buses would be gone within two weeks. Mr. Koester stated he would like to build a fence but the property owner to the north built a very nice fence, which Mr. Koester constructed, and it has been destroyed by Mr. Frazier's tenants, therefore he is sure that any improvements that he makes on that side would suffer the same consequences.
- H. Several adjacent business owners testified at the March 24, 2016 public hearing:
- (1) Mr. Lloyd Allen, 4400 West Springfield Avenue, owns the building across the street from 310 Tiffany Court. He stated that he has been involved in this from day one, and still does not think this should be allowed. You have someone who repeatedly adds on, builds on, without checking to see if it is even legal. Mr. Allen referred to the fire truck discussion, and commented that not only do the fire trucks not have access to Mr. Frazier's property; his customers cannot access his property. He stated that he saw someone try to get in there about 3 weeks ago and they could not get in, back in, to unload without driving on the property to the south. He stated that just as Mr. Frazier's buses cannot get out of the property without driving on the property to the south, his own tenant does not have enough access on the south side to get to the space he uses.
- (2) Mr. Steve Koester owns 305 Tiffany Court, north of Mr. Frazier's property, and also owns the property along the south side of Mr. Frazier's property with Mr. Caleb Burton. He stated that there have been no changes or improvements to the subject property and the frustration level is getting to its peak as Mr. Koester is still dealing with Mr. Frazier's tenants parking on Mr. Koester's property. He said that Mr. Frazier's tenants are dumping their garbage in Mr. Koester's dumpsters. He said that if you have ever heard of having a bad neighbor, well he has one. Mr. Koester stated that he is going to install a fence down the property line and hopefully the buses will be relocated before the fence is constructed. He said that he does realize that there will probably be damage and run over and that type of thing but he is willing to put with that so that the buses are out of there.

Item 11.H.(2) - continued

He said that typically Mr. Frazier's employees and tenants will pull beside the paved area and park out in the street on Mr. Koester's property along the north side of his lot.

- (3) Mr. Caleb Burton, whose business is located at 314 Tiffany Court, said that anytime a vehicle is parked on the south side of the building no one can get in or out of the property. He said that they are installing a fence along the south property to keep Mr. Frazier's tenants and employees from crossing over onto Mr. Burton's property. Mr. Burton stated that he has a dumpster located at the rear of his property and it is not unusual for Mr. Frazier's tenants to use that dumpster. He stated that if he installs a fence along his property and there was a fire on the Frazier property the fire truck would either have to sit on his property and spray over the fence or they would need to drag vehicles out of the way to access the Frazier property.
- I. At the March 24, 2016 public hearing, Mr. Hall recommended that the Board require the dumpster to be moved up to the west side of the middle portion of the building. Mr. Hall intends to contact the fire protection district to make sure they know the access limitations on this property.
 - (1) Staff contacted the Bondville Fire Department on April 5, 2016. Bondville Fire operates under contract with Scott FPD to serve 310 Tiffany Court. In a phone call received April 7, 2016, Bondville Fire Chief Adam Shaw indicated that they need at least 12 feet of access width for their trucks.
 - J. Several adjacent business owners testified at the October 27, 2016 public hearing:
 - (1) Mr. Caleb Burton, 2063 Shady Rest Road, Monticello, stated that he owns the property to the south and west of the subject property. He said that there is a lot of concern regarding the additional concrete that will be placed on Mr. Frazier's property and whether or not more detention will be installed for storm water drainage. He said that Tiffany Court already experiences flooding and he is concerned that if more concrete is placed on Mr. Frazier's property there will be more water going into the cul-de-sac. He said that the architectural plans were great because they do depict a lot of things, although in an email from Mr. Fell, he indicated that the plans are for the Board's review are more "Design Development" drawings and they don't have enough information in them to place the compliance statement on them. Mr. Burton stated that the Board has been requesting complete documents for two years, and two years later Mr. Frazier continues to play a cat and mouse game and only gives the Board enough to justify one continuance after another. Mr. Burton stated that on October 6, 2016, Ms. Burgstrom requested more information, much of it repetitive, in an email to Mr. Frazier and Mr. Fell. He said that this is the same information that has been requested from Mr. Frazier during the last two years. Mr. Burton stated that it appears that Mr. Frazier is working on additional access from the adjacent property so that additional parking can be gained. Mr. Burton stated that all of the additional required parking that has been proposed by Mr. Frazier is all speculation. Mr. Burton stated that the Board needs to know if the City of Champaign is going to grant approval of the division of Mr. Isaac's property. Mr. Burton stated that there are so many unknowns. Mr. Burton stated that at a previous meeting it was realized that Mr. Frazier had a one-year lease on that same property. Mr. Burton said that Mr. Frazier made a payment for the first six months and then defaulted on a \$1,500 second installment for the last six months of the contract. Mr. Burton said that Mr. Frazier is now proposing a \$400,000 purchase of that same land which seems

Item 11.J.(1) - continued

unbelievable when he didn't pay the \$1,500. Mr. Burton asked the Board if they would just be taking Mr. Frazier's word that he is purchasing the additional property and then continue the case to yet another meeting so that he can provide proof of funding. Mr. Burton asked the Board if enforcement action would be taken if Mr. Frazier does not comply with Special Condition A(4). Mr. Burton stated that he owns two properties in the vicinity of Mr. Frazier's property and the Board appears to be setting a precedent that the owners can do what they want out there and the County will deal with you later. He said that Mr. Frazier requires many variances and the Board is only focusing on two of them. Mr. Burton stated that from his standpoint, if Mr. Frazier is granted the variances, Mr. Burton would do whatever he wants on his properties, and if he requires a variance for any of those things, he will apply for them later and he will reference the precedence that was created during these hearings.

- (2) Mr. Steve Koester, whose business is located at 305 Tiffany Court, Champaign, stated that he is not going to continue to beat the same mule tonight. He said that he and the other property owners care about their neighborhood and Mr. Frazier has violated many of the ordinances and rules over and over again. He said that he has previously testified that he would like to keep Mr. Frazier's people/clients off of Mr. Koester's property. He said that there has been meeting after meeting after meeting and mandate after mandate after mandate about Mr. Frazier's property and it appears that it is about time to get something done. He said that it has been indicated by Mr. Frazier that an elevator is too expensive to install for accessibility to the second floor, but it is not cost prohibitive to purchase additional land at \$400,000. Mr. Koester stated that he is involved in some development and he does do some contracting and he recognizes that there is a lot of money that must be spent to make the property compliant. He said that he has great respect for Mr. Fell, but he does not believe that he has been fully engaged with this project because the plans do not fully reflect what the neighbors are seeing. Mr. Koester stated that in regards to this variance case, everyone is almost at the end of the second year and it appears that this will continue into its third year. He said that he has invested a lot of time with his attendance to these hearings and he will testify that he has been to more of the meetings than he ever anticipated at the beginning. He said that enough is enough because nothing has changed during this entire process and the conditions on the property are deteriorating, as the buildings are not being maintained. He said that Mr. Frazier's uses are still encroaching upon Mr. Koester's property. He asked where we go from here because this has been a long, long process.
- (3) Mr. Lloyd Allen, 3222 Stoneybrook Drive, Champaign, stated that he is the person who submitted the photographs of Mr. Frazier's property that were distributed to the Board for review. He noted that he did not step on Mr. Frazier's property while he took the pictures. He said that the first picture indicates the back of the building, but his copy of the drawing does not indicate any arrows pointing down along the existing concrete. Mr. Allen asked why the drawings only indicate the existing concrete and does not show the drainage area that must be cut down or anything else that is required to be done. He asked the Board if the drawing is to be considered the official site plan. Mr. Allen stated that the Board has asked for an official site plan numerous times and it appears that the Board still has not received one. Mr. Allen stated that all of the documentation continuously discusses the need for an official site plan. Mr. Allen asked the Board to indicate how many site plans must be received and reviewed before

Item 11.J.(3) - continued

they are approved. Mr. Allen stated that photograph #3 indicates the bio-diesel tanks. He said that at the second public hearing, Mr. Frazier testified that the bio-diesel would be removed within the next couple of weeks, although the photograph dated October 26, 2016, indicates otherwise. Mr. Allen stated that Mr. Frazier also indicated that the buses would be gone. Mr. Allen stated that photograph #4 indicates the septic tank for the building that Mr. Frazier is considering purchasing and also the building that he is not going to take on. Mr. Allen stated that he does not believe that the Champaign County Public Health Department will allow someone else's septic tank to be located on someone else's property. He said that if Mr. Frazier is purchasing the property then the septic tank would have to be moved for that farthest east building. He said that if they are making driveways lower than the building for head-in parking, that will be at quite a slope and it will create a water pit. He said that photograph #5 indicates how Isaacs' tenants are currently using the property. He said that Mr. Frazier would be able to dictate how the property will be used in the future if he purchases the property, but photograph #5 shows how it is used now. Mr. Allen stated that the next two photographs indicate the slope and the drop where Mr. Frazier proposes an easement. He said that the photograph indicated as the proposed north parking lot, shows vehicles being parked on the sidewalks. He said that it is unknown whether these vehicles belong to clients of Mr. Frazier or not, but the Board previously discussed the issue of vehicles being parked on the sidewalks with Mr. Frazier. Mr. Allen stated that photograph #8 indicates one of Mr. Frazier's tenants parked on Mr. Koester and Mr. Burton's property while they were apparently accessing their rental unit. Mr. Allen stated that he has seen Mr. Frazier pull into Mr. Koester's driveway with his trailer attached and then backed into his own building. Mr. Allen stated he has been involved in construction nearly his whole life and he has dealt with Andrew Fell and if he attempts to submit this plan to any city for review it would be rejected for not having enough information. He said that there is not enough information on the plan in regards to ADA because, as an example, there are no banisters indicated for the second floor. He said that the submitted plan is a big improvement in comparison to what we previous had but, if this was a drawing that a contractor would use for construction, it has a long way to go. He noted that no civil drawings have been submitted either. Mr. Allen asked if it is the ZBA's responsibility for life safety. Mr. Allen stated that a lot seems to be based on the purchase of the other property. He said that the notes from previous meetings indicated that Mr. Frazier had a previous option for purchase.

K. Several adjacent business owners testified at the March 16, 2017, public hearing; the following is a summary of their comments:

- (1) Mr. Lloyd Allen, 3222 Stoneybrook Drive, Champaign, stated that it is hard to believe that the Board is considering out of county parking, because the Board has no rules set up on how they will ever handle it. He said that Mr. Frazier currently rents storage spaces for a new tenant's business and since there are so many employees who show up for work, they have to rent space from the property owner to the south to park their vehicles. He said that this case has gone on way too long and he believes that the Board has been too forgiving, because the Board has repeatedly asked for things to be done and it has taken two years for us to get to this point. He said that upon numerous times, Mr. Frazier has indicated that he will remove the oil tanks, but they are still there today.

Item 11.K - continued

- (2) Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that his office is located at 3900 Kearns Road, Champaign. He said that in relation to the curb, he is not in constant contact but is in regular contact with Jeff Blue, Champaign County Highway Engineer. Mr. Padgett said that Mr. Blue informed him that his township's project review might have to be put on hold due to the County having their own projects going. Mr. Padgett said that he believes that the County Engineer will be able to have someone inspect the curb as it is replaced. He said that someone with the County Engineer will review and approve the plan and the contractor for the replacement of the curb so that a good result is achieved in the end. Mr. Padgett stated that the season for pouring concrete has actually already started. He said that we do not want to get into a situation again where we are entering November; therefore, he would like to have the curb replaced as soon as possible and not later than summer.
- (3) Mr. Caleb Burton, who resides at 2063 Shady Rest Road, Monticello, stated that Mr. Allen pretty much touched on everything. He said that this case has been going on for over two years and each time when Mr. Frazier shows up at a meeting, he is given a long laundry list for things to submit to the Board. He said that Mr. Frazier is good at providing just enough information to satisfy the Board and they kick the can to continuing the case even longer. Mr. Burton stated that there is no inclination that there is a contract in place and the City of Champaign Manager indicated that he is speaking directly with Mr. Isaacs regarding his property and it appears that everything is contingent upon whether Mr. Frazier buys the property. Mr. Burton stated that Mr. Frazier has submitted draft or preliminary drawings and it is easy to have someone prepare those drafts, but the Board needs something with teeth. He said that at one time Andrew Fell was involved, but there has not been any additional information submitted which indicates that he is still involved. Mr. Burton stated that Mr. Frazier illegally built the front porch addition, which requires a variance for setback, and a variance is required for parking. He said that Mr. Frazier currently has two tenants that are leasing an area from Mr. Burton and Mr. Koester, because there is not enough room on Mr. Frazier's property for parking.
- (4) Mr. Steve Koester, who resides at 1919 N. Old Route 47, Monticello, and owns the property located at 305 Tiffany Court, Champaign, stated that he wonders how we ended up with an individual who has been given so much latitude. He said that the packet indicates that Mr. Frazier has hired an attorney who has promised to starting coming to the meetings if a continuance is granted tonight. Mr. Koester asked where the attorney was two years ago when this case began. Mr. Koester stated that there has to be a time when reasonable people draw a line and states that this has to end. He said that he and Mr. Burton attend the meetings and they drive from Monticello to Urbana time after time to attend the meetings. He said that Mr. Frazier has been late for meetings and has even missed meetings, and he has spoken harshly to the Board, yet the Board grants continuance after continuance for this case. He urged the Board to take a vote, yea or nay, but get this case resolved. He thanked the Board for their time and their service.

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- L. The following is a summary of testimony received at the May 25, 2017, public hearing:
- (1) Mr. Keith Padgett, Champaign Township Highway Commissioner, 3900 Kearns Drive, Champaign, stated that he did not have any new information, but he would still like to see the curb replaced. Mr. Padgett stated that during a previous case hearing for a gymnasium business in this area, it was determined that it wasn't handy to have people parking along Tiffany Court. He said that there are several large vacant lots where off-street parking could occur.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

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

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
- (1) **The Petitioner shall maintain the required ~~74~~70 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall provide a copy of the recorded Minor Plat approval to the Zoning Administrator and complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.**
 - (4) **Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the**

approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.

Item 13. Proposed Special Conditions. - continued

The special condition stated above is to ensure the following:

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

~~B. No vehicles may park on the west side of the subject property except as may be required in emergencies.~~

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

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

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
 - (3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a licensed contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.
 - (4) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
 - (5) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.
 - (6) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.
 - (7) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway

Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.

Item 13. Proposed Special Conditions. - continued

- (8) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

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

- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**

- (1) The Change of Use Permit shall be for the following:**
- a. any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. all second floor areas; and**
 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. replacement of the street curb on Tiffany Court; and**
 - e. the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. the establishment of additional parking provided on the property to the north.**
- (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
- (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.**

- ~~**(4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the**~~

~~Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.~~

Item 13. Proposed Special Conditions. - continued

- (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.
- (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:
 - a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.
- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.

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

That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. Regarding rental space on the subject property:

- (1) Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.
- (2) Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

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

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

That local parking regulations are obeyed.

H. The Site Plan received on August 24, 2017, is the official site plan for approval in Case 792-V-14, and includes the following:

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)
- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- ~~Curb Replacement Plan~~

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan
2. Preliminary Memorandum dated January 22, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
3. Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
4. Email from Robert Frazier received March 18, 2015, with attachments:
 - A Signed lease for parking spaces
 - B Image of parking area
5. Revised Site Plan received March 30, 2015
6. Email from Keith Padgett, Champaign Township Highway Commissioner received April 30, 2015
7. Email from Rob Kowalski, City of Champaign, received May 1, 2015
8. Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
9. Supplemental Memorandum #1 dated May 6, 2015, with attachments:
 - A Email from Robert Frazier received March 18, 2015, with attachments
 - B Revised Site Plan received March 30, 2015
 - C Email from Keith Padgett, Champaign Township Highway Commissioner, received April 30, 2015
 - D Approved minutes from February 12, 2015 ZBA hearing
 - E Photos submitted during February 12, 2015 ZBA hearing from Lloyd Allen and Steve Koester
 - F Email from Rob Kowalski, City of Champaign, received May 1, 2015
 - G Paving Plan and Profile for Stahly Subdivision, received August 12, 1986
 - H Revised Draft Summary of Evidence dated May 6, 2015
10. Supplemental Memorandum #2 dated July 8, 2015, with attachments:
 - A Revised annotated Summary of Evidence dated July 8, 2015
 - B Email from Rob Kowalski, City of Champaign, received June 2, 2015
 - C Revised Site Plan received March 30, 2015
 - D Annotated Diagram of West Parking Area dated July 8, 2015
 - E Site Plan received July 17, 2014
11. Memo regarding September 2, 2015 ZBA meeting dated September 2, 2015
12. Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing

Documents of Record. - continued

13. Handout of the revised site plan received March 30, 2015
14. Approved minutes from September 10, 2015
15. September 17, 2015 letter to petitioner from Susan Burgstrom
16. October 13, 2015 and October 20, 2015 emails to petitioner from Susan Burgstrom
17. Supplemental Memo #3 dated October 22, 2015
18. Approved minutes from October 29, 2015
19. Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
20. Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
21. Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
22. Email from Robert Frazier received March 8, 2016
23. Revised Summary of Evidence dated March 16, 2016
24. Supplemental Memo #4 dated March 16, 2016, with attachments:
 - A Revised site plan created by Andrew Fell Architecture and Design, received March 7, 2016
 - B Email from Eric Hewitt with attachment: Proposed north parking lot site plan created by Eric Hewitt/Phoenix Consulting Engineers received March 8, 2016
 - C Second email from Eric Hewitt regarding proposed north parking lot received March 8, 2016
 - D Email from Robert Frazier received March 8, 2016
 - E Approved minutes from September 10, 2015
 - F Approved minutes from October 29, 2015
 - G Photographs handed out by neighbor Lloyd Allen received at the September 10, 2015 hearing
 - H September 17, 2015 letter to petitioner from Susan Burgstrom
 - I October 13, 2015 and October 20, 2015 emails to petitioner from Susan Burgstrom
 - J Supplemental memo #3 dated October 22, 2015
 - K Revised Summary of Evidence dated March 16, 2016
25. Supplemental Memo #5 dated March 18, 2016
26. Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
27. Supplemental Memo #6 dated March 22, 2016, with Attachment:
 - A Revised Site Plan Sheets A1 and A2 by Andrew Fell Architecture received March 21, 2016
28. A handout of 14 staff photographs of subject property dated March 8, 2016 distributed at the March 24, 2016 public hearing
29. Draft minutes from March 24, 2016
30. Letter to Mr. Frazier dated April 1, 2016

Documents of Record - continued

31. Email #1 from Andrew Fell Architecture received April 1, 2016
32. Email #2 from Andrew Fell Architecture received April 1, 2016
33. Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
34. Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
35. Email to Mr. Frazier and Mr. Fell sent June 6, 2016
36. Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
37. Email from Andrew Fell received June 22, 2016
38. Supplemental Memo #7 dated June 24, 2016, with Attachments:
 - A Letter to Mr. Frazier dated April 1, 2016
 - B Letter and revised Site Plan from Andrew Fell Architecture received May 25, 2016
 - C Email to Mr. Frazier and Mr. Fell sent June 6, 2016
 - D Email and revised Site Plan from Andrew Fell Architecture received June 21, 2016
 - E Email from Andrew Fell received June 22, 2016
 - F Draft minutes from March 24, 2016
 - G Email #1 from Andrew Fell Architecture received April 1, 2016
 - H Email #2 from Andrew Fell Architecture received April 1, 2016
 - I Curb and gutter design received April 4, 2016 from Keith Padgett, Champaign Township Highway Commissioner
 - J Revised Summary of Evidence dated June 24, 2016
39. Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
40. Supplemental Memo #8 dated September 21, 2016, with attachments:
 - A Letter to Mr. Frazier dated July 6, 2016
 - B Email from Andrew Fell Architecture received July 18, 2016
 - C Email to Mr. Frazier and Mr. Fell sent September 8, 2016
 - D Contract between Isaacs Properties and Frazier Properties for purchase of the north lot dated June 8, 2016 and received June 30, 2016
 - E Approved minutes from June 30, 2016 ZBA hearing
 - F Revised Summary of Evidence dated September 28, 2016
41. Supplemental Memo #9 dated October 20, 2016, with attachments:
 - A Email string between Architect Andrew Fell and Susan Burgstrom, September 22-27, 2016
 - B Revised Site Plan received September 27, 2016
 - C Revised Site Plan received October 17, 2016
 - D Email to Andrew Fell and Robert Frazier from Susan Burgstrom, dated October 6, 2016
 - E Email string between Andrew Fell and Susan Burgstrom, October 6-7, 2016
 - F Legal advertisement (revised) printed in the October 12, 2016 News Gazette
 - G Revised Summary of Evidence dated October 27, 2016

Documents of Record - continued

42. Email from Susan Burgstrom to Mr. Frazier dated October 28, 2016, with attachments:
- Letter from John Hall dated June 26, 2014
 - Letter from Susan Burgstrom dated March 11, 2015
 - Letter from Susan Burgstrom dated September 17, 2015
 - Letter from Susan Burgstrom dated April 1, 2016
 - Letter from Susan Burgstrom dated July 6, 2016
43. Email from Follmer Law Offices received February 21, 2017, with attachments:
- Cover letter from Kent Follmer dated February 21, 2017
 - Preliminary "Site Plan" of Lot 7A dated February 9, 2016
 - Revised Preliminary "Site Plan" of expanded Lot 7A dated September 8, 2016
 - Email string between Tummelson, Bryan and Knox LLP; Phoenix Consulting Engineers; City of Champaign; dated November 10, 2015 to March 8, 2016
44. Email from Eric Hewitt, Phoenix Consulting Engineers, received February 22, 2017, with attachment:
- Draft Final Plat for Replat of Lot 7 of Replat of Lot 5, Stahly Subdivision dated February 20, 2017
45. Email string between Eric Hewitt, Jeff Marino, and Susan Burgstrom dated February 28, 2017 to March 6, 2017, with same Draft Final Plat dated February 20, 2017, attached
46. Supplemental Memo #10 dated March 8, 2017, with attachments:
- A Email from staff to Mr. Frazier dated October 28, 2016, with attachments:
- Letter from John Hall dated June 26, 2014
 - Letter from Susan Burgstrom dated March 11, 2015
 - Letter from Susan Burgstrom dated September 17, 2015
 - Letter from Susan Burgstrom dated April 1, 2016
 - Letter from Susan Burgstrom dated July 6, 2016
- B Email from Follmer Law Offices received February 21, 2017, with attachments:
- Cover letter from Kent Follmer dated February 21, 2017
 - Preliminary "Site Plan" of Lot 7A dated February 9, 2016
 - Revised Preliminary "Site Plan" of expanded Lot 7A dated September 8, 2016
 - Email string between Tummelson, Bryan and Knox LLP; Phoenix Consulting Engineers; City of Champaign; dated November 10, 2015 to March 8, 2016
- C Email from Eric Hewitt, Phoenix Consulting Engineers, received February 22, 2017, with attachment:
- Draft Final Plat for Replat of Lot 7 of Replat of Lot 5 of Stahly Subdivision dated February 20, 2017
- D Email string between Eric Hewitt, Jeff Marino, and Susan Burgstrom dated February 28, 2017 to March 6, 2017, with same Draft Final Plat dated February 20, 2017, attached
47. Email from Eric Hewitt, Phoenix Consulting Engineers, received March 13, 2017, with attachment:
- A City of Champaign Minor Plat Application
48. Email from Eric Hewitt, Phoenix Consulting Engineers, received March 15, 2017, with attachment:
- A Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7

Documents of Record - continued

49. Supplemental Memo #11 dated March 16, 2017, with attachments:
- A Email from Eric Hewitt, Phoenix Consulting Engineers, received March 13, 2017, with attachment: City of Champaign Minor Plat Application
 - B Email from Eric Hewitt, Phoenix Consulting Engineers, received March 15, 2017, with attachment: Draft Combined Subsidiary Drainage Plat and Parking Plan for the proposed Replat of Lot 7
50. Curb replacement plan for 310 Tiffany Court received via email from Mr. Frazier at the March 16, 2017, public hearing
51. Supplemental Memo #12 dated May 18, 2017, with attachments:
- A Curb replacement plan for 310 Tiffany Court received via email from Mr. Frazier at the March 16, 2017 public hearing
 - B Email with attached curb replacement plan from Susan Burgstrom sent March 17, 2017
 - C Email from Jeff Blue, County Highway Engineer, received March 20, 2017
 - D Email from Champaign Township Highway Commissioner Keith Padgett, received March 20, 2017
 - E Email string between Susan Burgstrom and Keith Padgett dated March 21, 2017
 - F Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated March 22, 2017
 - G Email from Eric Hewitt Engineer with Phoenix Consulting Engineers, received March 24, 2017, with attachment:
 - Revised curb replacement plan
 - H Email from Keith Padgett to Susan Burgstrom received March 24, 2017
 - I Email from Susan Burgstrom to Mr. Frazier and Mr. Follmer dated May 1, 2017
 - J Email string between City of Champaign Planner Eric VanBuskirk and Susan Burgstrom dated May 2, 2017 through May 4, 2017
 - K Email from Attorney Kent Follmer received May 3, 2017
 - L Approved minutes from March 16, 2017 public hearing
 - M Summary of Evidence, Findings of Fact and Final Determination dated May 18, 2017
52. Supplemental Memo #13 dated August 24, 2017, with attachments:
- A Email from Champaign County Public Health Department received July 10, 2017, with attachments:
 - Approved permit #17-041-19 for septic system improvements dated June 29, 2017
 - CCPHD Plan Review Application dated June 5, 2017
 - B Email from Kent Follmer received August 3, 2017, with attachments:
 - Updated proposed parking plan and revised Site Plan sheets A1 through A7
 - C Email from Susan Burgstrom dated August 3, 2017, to Mr. Frazier, Kent Follmer, Andrew Fell, Michael Nickrent, Jeff Marino, and Keith Padgett
 - D Email from Eric VanBuskirk received August 3, 2017 with attachments:
 - Draft Minor Plat dated April 13, 2017
 - Draft combined parking and drainage plat dated April 13, 2017

- E Email from Robert Frazier received August 17, 2017, with attachment:
 - Updated proposed parking plan

- F Email from Susan Burgstrom dated August 18, 2017, to Mr. Frazier, Mr. Follmer, and Mr. Overmyer

- G Email from Mr. Frazier received August 22, 2017, with attachment:
 - Revised site plan received August 22, 2017

- H Email string between Felicia Burton and Susan Burgstrom dated August 22, 2017

- I Email from Kent Follmer copying Susan Burgstrom received August 22, 2017

- J Email from Susan Burgstrom to Robert Frazier dated August 22, 2017

- K Email from Jeff Marino received August 23, 2017

- L Email from Keith Padgett received August 24, 2017

- M Email from Mr. Follmer received August 24, 2017

- N Email from Andrew Fell received August 24, 2017, regarding Illinois Capital Development Board verification for use of 2 lifts

- O Revised Site Plan received August 24, 2017

- P Approved minutes from May 25, 2017 ZBA meeting

- Q Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 792-V-14 dated August 31, 2017

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 792-V-14 held on **February 12, 2015, May 14, 2015, September 10, 2015, October 29, 2015, March 24, 2016, June 30, 2016, October 27, 2016, March 16, 2017, May 25, 2017, and August 31, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) **The Petitioner shall maintain the required 74-70 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) **The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.**
 - (3) **The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall provide a copy of the recorded Minor Plat approval to the Zoning Administrator and complete the purchase of adjacent land necessary for the required number of**

parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.

- (4) Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.

The special condition stated above is to ensure the following:

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

~~B. No vehicles may park on the west side of the subject property except as may be required in emergencies.~~

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

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

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
 - (3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a licensed contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.
 - (4) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
 - (5) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.

- (6) **The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.**
- (7) **The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**
- (8) **Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design and traffic safety is restored in a timely manner.

- D. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.**

The special condition stated above is to ensure the following:

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

- E. **The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:**
 - (1) **The Change of Use Permit shall be for the following:**
 - a. **any building area that was not previously authorized by a Zoning Use Permit; and**
 - b. **all second floor areas; and**
 - c. **the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and**
 - d. **replacement of the street curb on Tiffany Court; and**
 - e. **the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and**
 - f. **the establishment of additional parking provided on the property to the north.**
 - (2) **The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.**
 - (3) **Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the**

items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.

- ~~(4) — The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.~~
- (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.
- (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:
- a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.
- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.

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

That the proposed use meets applicable state requirements for accessibility in a timely and safe manner.

F. Regarding rental space on the subject property:

- (1) Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.

- (2) **Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District are located on the subject property and that adequate parking spaces are provided.

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

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

That local parking regulations are obeyed.

- H. **The Site Plan received on August 24, 2017, is the official site plan for approval in Case 792-V-14, and includes the following:**

- Sheet A1: Site Plan
- Sheet A2: Existing First Floor Plan: Entire Complex
- Sheet A3: Existing Second Floor Plan: Entire Complex
- Sheet A4: Enlarged First Floor Plan at 2 Story Storage
- Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)
- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- ~~Curb Replacement Plan~~

The above special condition is necessary to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioner is the approved Site Plan.

FINAL DETERMINATION

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

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

- Part A. Variance for 65 parking spaces in lieu of the minimum required 89 parking spaces (including 27 onsite and 38 offsite parking spaces) as required by Section 7.4.1 of the Zoning Ordinance.**
- Part B. Variance for 27 on-site parking spaces in lieu of the minimum required 89 parking spaces as required by Section 7.4 of the Zoning Ordinance; Part B of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.**
- Part C. Variance for allowing 38 off-street parking spaces on an adjacent lot in lieu of requiring all 89 off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance; Part C of the variance is only intended to apply in the short term and will expire upon the purchase of the additional land.**
- Part D. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.**
- Part E. Variance for parking spaces that are at least 8 feet 6 inches by 18 feet 6 inches in lieu of the minimum required 9 feet by 20 feet, per Section 7.4.1.B. of the Zoning Ordinance.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The Petitioner shall continuously provide the required number of parking spaces as follows:**
 - (1) The Petitioner shall maintain the required ~~74~~70 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.**
 - (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land. Failure to maintain the Purchase Contract and/ or to comply with the three day notice requirement shall void the approval of Case 792-V-14 immediately upon the**

Zoning Administrator receiving a written confirmation of non-compliance with the Purchase Contract from the owner of the adjacent land.

- (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. PL17-0010 and immediately thereafter the petitioner shall provide a copy of the recorded Minor Plat approval to the Zoning Administrator and complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, and a copy of the executed contract signed by both parties shall be submitted to the Zoning Administrator, all within 12 months of the Final Determination in this Case 792-V-14.
- (4) Failure to receive plat approval and file the plat with the Champaign County Recorder of Deeds and complete the purchase of the adjacent land within 12 months of the Final Determination in this Case 792-V-14 shall void the approval of Case 792-V-14 so long as the subject property remains subject to the Champaign County Zoning Ordinance.

~~B. No vehicles may park on the west side of the subject property except as may be required in emergencies.~~

- C. Within six months of the Final Determination in this Case 792-V-14, the petitioner shall reconstruct the Tiffany Court curb that was previously removed without the approval of the Champaign Township Highway Commissioner, as follows:
- (1) The petitioner shall provide engineering drawings and relevant specifications of the proposed replacement curb and any necessary patching of pavement, prepared by an Illinois Licensed Professional Engineer, and shall submit the drawings for approval to both the Champaign Township Highway Commissioner and the Champaign County Engineer.
 - (2) No reconstruction shall occur until the petitioner has secured the approval of the engineering drawings from both the Champaign Township Highway Commissioner and the Champaign County Engineer, including any changes or modifications that may be required to the engineering drawings.
 - (3) No reconstruction shall occur until the petitioner has provided documentation to the Zoning Administrator that a licensed contractor, approved by the Champaign Township Highway Commissioner and the Champaign County Highway Engineer, will do the reconstruction.
 - (4) The petitioner shall remove any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner, per the approved engineering drawings and specifications, prior to reconstruction of the curb.
 - (5) The petitioner shall ensure that both the Champaign Township Highway Commissioner and the Champaign County Engineer shall inspect the reconstruction of the street curb at appropriate stages of reconstruction.

- (6) The petitioner shall provide as-built engineering drawings by an Illinois Licensed Professional Engineer that documents the actual reconstruction of the street curb, and shall submit the as-built drawings for approval by the Champaign Township Highway Commissioner.
- (7) The petitioner shall secure the written acceptance of the reconstructed curb and any required pavement patching by the Champaign Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.
- (8) Failure to reconstruct the Tiffany Court curb and receive the written acceptance of the reconstructed curb by the Champaign Township Highway Commissioner in the manner described in 1- 6 above within 180 days of the approval of Case 792-V-14 shall void the approval of Case 792-V-14.
- D. Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface, and shall be subject to any required permits from the City of Champaign.
- E. The Petitioner shall apply for an “initial” Change of Use Permit within 30 days of the approval of Case 792-V-14 subject to the following:
- (1) The Change of Use Permit shall be for the following:
 - a. any building area that was not previously authorized by a Zoning Use Permit; and
 - b. all second floor areas; and
 - c. the removal of any remnant of those portions of the street curb that were previously removed without the approval of the Champaign Township Highway Commissioner; and
 - d. replacement of the street curb on Tiffany Court; and
 - e. the completion of earthwork and regrading necessary for installation of new pavement on the east side of the subject property; and
 - f. the establishment of additional parking provided on the property to the north.
 - (2) The fees for the Change of Use Permit shall include Zoning Use Permit fees for any building area that was not previously authorized by a Zoning Use Permit.
 - (3) Failure to apply for a Change of Use Permit within 30 days of the approval of Case 792-V-14 or failure to include in the Change of Use Permit all of the items listed in item E.(1) in this special condition shall void the approval of Case 792-V-14.
 - ~~(4) The petitioner shall provide framing plans for the proposed interior accessibility ramp that shall be prepared by an Illinois Licensed Architect or an Illinois Licensed Professional Engineer and said framing plans shall be submitted to the Zoning Administrator prior to the actual construction of the ramp and the Zoning Administrator shall be allowed to inspect the ramp during construction as required to document compliance with the framing plans.~~

- (5) All necessary construction required to make the second floor accessible shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate and failure to make the second floor accessible within 180 days shall void the approval of Case 792-V-14.
- (6) A final Zoning Compliance Certificate shall be received within 12 months of the approval of Case 792-V-14 but the Zoning Administrator shall not issue a final Zoning Compliance Certificate for the property until the following has occurred:
- a. the Zoning Administrator shall have inspected the property and determined that it complies with the Illinois Accessibility Code; and
 - b. the Champaign Township Highway Commissioner shall have accepted the reconstructed street curb in writing and a copy of that written acceptance shall have been submitted to the Zoning Administrator; and
 - c. the petitioner shall have relocated the used vegetable oil tanks and any necessary earthwork and new pavement shall have been installed to facilitate vehicular movement around the east end of the subject property; and
 - d. the petitioner shall have completed any required earthwork and construction of new pavement for the new parking area on the property to the north, subject to any required permits from the City of Champaign and the petitioner shall provide copies of said approved permits to the Zoning Administrator; and
 - e. the Final Plat of Subdivision shall have been duly approved and filed with the Recorder of Deeds.
- (7) Failure to receive a final Zoning Compliance Certificate that includes all of the requirements listed in item E.(6) of this special condition within 12 months of approval of Case 792-V-14 shall void the approval of Case 792-V-14.
- F. Regarding rental space on the subject property:
- (1) Any change of tenant in any space indicated as “rental space” on Sheets A1 and A2 of the approved site plan shall be authorized by an approved Change of Use Permit.
 - (2) Any change of self-storage space to rental space shall be authorized by an approved Change of Use Permit.
- G. The Petitioner shall not allow on-street parking on Tiffany Court.
- H. The Site Plan received on August 24, 2017, is the official site plan for approval in Case 792-V-14, and includes the following:
- Sheet A1: Site Plan
 - Sheet A2: Existing First Floor Plan: Entire Complex
 - Sheet A3: Existing Second Floor Plan: Entire Complex
 - Sheet A4: Enlarged First Floor Plan at 2 Story Storage
 - Sheet A5: Enlarged First Floor Plan at Main Office Building (North End)

- Sheet A6: Enlarged First Floor at Main Office Building and Second Floor at Two Story Storage Building
- Sheet A7: Enlarged Second Floor at Two Story Storage Building
- ~~Curb Replacement Plan~~

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date