

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **March 24, 2011**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (February 17, 2011)
5. Continued Public Hearings
6. New Public Hearings

**Note: The full ZBA packet is now available
on-line at: co.champaign.il.us.**

- *Case 677-V-10** Petitioner: **Mick and Leah Harshbarger**
Request: **Authorize the occupancy and use of an existing detached accessory structure with a setback of 47 feet and 6 inches from CR 2545, a minor street, in lieu of the minimum required setback of 55 feet and a front yard of 17 feet and 6 inches from the front property line in lieu of the minimum required front yard of 25 feet and located in the CR District.**
Location: **Lot 27 of Deer Ridge/Ingram's Third Subdivision in Section 30 of Ogden Township and commonly known as the house at 2545 CR 1375N, Ogden.**

7. Staff Report
 - A. January, 2011 Monthly Report
 - B. February, 2011 Monthly Report
 - C. First Quarter of Fiscal Year 2011 Summary Report
8. Other Business
 - A. ZBA By-laws
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street
5 Urbana, IL 61801

7 **DATE:** February 17, 2011

PLACE: Lyle Shields Meeting Room
1776 East Washington Street
Urbana, IL 61802

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

11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren

13 **MEMBERS ABSENT:** Roger Miller, Melvin Schroeder

15 **STAFF PRESENT:** Connie Berry, John Hall

17 **OTHERS PRESENT :** Myra Sully, Brian Lile, Susie Roderick, Ron Marlowe, Loretta Marlowe,
18 Homer Kirby, Mark Kates, Linda Kates, Donald Roderick, Peggy Roderick,
19 Al Kurtz

22 **1. Call to Order**

24 The meeting was called to order at 6:32 p.m.

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

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

30 **3. Correspondence**

32 None

34 **4. Approval of Minutes (January 20, 2011)**

36 Ms. Capel moved, seconded by Mr. Courson to approve the January 20, 2011, minutes as submitted.
37 The motion carried by voice vote.

39 **5. Continued Public Hearing**

41 **Case 675-AT-10 Petitioner: Champaign County Zoning Administrator Request: Part A. 1. In the first**
42 **four paragraphs of Section 8 clarify that nonconforming (NC) dwellings may be expanded as**
43 **unauthorized herein; and 2. Revise 8.1.2 to authorize that NC lots may be used separately if**
44 **authorized by variance. Part B. 1. Revise 8.2.1 B. as follows: a. Limit applicability to the total**
45 **expansion since October 10, 1973; and b. increase the limit on expansion of a single family (SF)**
46 **dwelling that is a NC use provided that a variance is required if more than one principal use on the lot**

1 and the lot area is less than required in subsection 4.3.4.; and c. Eliminate the limit on the amount a
2 accessory buildings; and 2. Revise 8.2.1 C. so that the limit on expansion applies to the total since
3 October 10, 1973; and 3. Revise 8.2.2 to authorize that a SF dwelling that is a NC use may be moved if
4 authorized by variance; and 4. In 8.2.3 clarify “ceases”. Part C. Revise 8.3.1 to authorize that a NC
5 structure may be enlarged in a way that increases the nonconformity if authorized by variance; and
6 2. Revise 8.3.3 to authorize that a NC structure may be moved without conforming to the regulations
7 if authorized by variance. Part D 1. Revise 8.4.1 and 8.4.2 to authorize that a SF dwelling that is a NC
8 use may be expanded or reconstructed as authorized in 8.2; and 2. In 8.4.5 clarify “abandoned” and
9 “discontinued”; 3. In 8.4.6 provide for replacement of a SF dwelling that is a NC use. Part E. Revise
10 8.6 to authorize the following: a. A SF dwelling that is a NC use may expand as authorized in 8.2.1 or
11 reconstructed as authorized in 8.4.1; and b. A SF dwelling that is a NC use has no limit on the value of
12 repair or replacement; and c. Any structure that is NC may be granted a variance to authorize a
13 higher value of repair. Part F. In 9.1.2 C. require the Zoning Administrator to provide notice of NC
14 zoning on any permit for a SF dwelling in a district in which a SF dwelling is not an authorized
15 principal use. Part G. Revise Section 3 Definitions so that “nonconforming” only applies to
16 nonconformities that existed upon the effective date of adoption or amendment of the ordinance.
17

18 Mr. Hall stated that the Supplemental Memorandum dated January 26, 2011, was the first time that Part G.
19 was included. He said that Part G. was in regards to the Board’s determination to change the definition of
20 “non-conforming” to refer to only things that existed upon the effective date of adoption or amendment to
21 the ordinance. He said that the Supplemental Memorandum dated February 9, 2011, begins with a short
22 guide to the different parts of the case and will be useful at the County Board. He said that the attached table
23 characterizes each part of the amendment as being either “minor”, which is a clarification, or “moderate”,
24 which is only in regards to 8.2.1 C. He said that in his view the amendment is clarifying what should have
25 been in the ordinance already but someone else could take the view that this is a new restriction and
26 technically it is. He said that the things that he would term “major” are changes which allow landowners to
27 do things that they previously could not do and most of those things consist of relaxing the regulations and
28 letting the landowners do something in the future that they cannot do currently. He said that there are no
29 major restrictions but he does want the Board to understand that Part B.2, which is the part revising 8.2.1 C,
30 is to make clear the expansion that is currently allowed applies to the total expansion since October 10,
31 1973. He said that there has never been a disagreement with anyone about that but none the less it is not
32 what the ordinance currently states and he believes that it is what all of the documents in the 1992 zoning
33 case intend. He said that currently if someone in Wilber Heights has two homes on one lot they could
34 expand both homes by 200 square feet and they would not need any approval. He said that this amendment
35 increases the limit from 200 feet to 25% of the floor area, so that for example, if it is an 1,800 square foot
36 home then 450 square feet per home could be expanded although if it is a lot that does not meet the current
37 lot area requirements for a lot with two homes and two septic systems this amendment would require a
38 variance. He said that the purpose of the variance is to make sure that there is enough room on the lot for the
39 expansion without interfering with the septic systems or at least if they need to be revised they need to be
40 revised appropriately. He said that, in that instance, the Board could take the approach that the ordinance
41 should not be made any more restrictive and allow an expansion of 200 square feet without a variance but if
42 the expansion is desired to be more than 200 square feet then a variance would be required. He said that the
43 Board could try to develop some special conditions but it is already sufficiently complex and coming before

1 the Board to obtain a variance is not unreasonable but is a change from current practice.

2
3 Mr. Hall stated that there have not been any changes to the legal advertisement since the definition of non-
4 conforming was added. He said that Attachment B to the February 9, 2011, Supplemental Memorandum
5 adds a lot of notes which are intended to be helpful although they add a lot of length and the notes provide
6 justification, describes the conditions that are being addressed with the changes and many times they provide
7 evidence which ultimately shows up in the Finding of Fact. He said that he hopes that anyone would find
8 Attachment B helpful although it requires a certain amount of patience to work through. He said that the
9 notes refer to the comparison of other counties and refer to the policies that the amendment will help achieve
10 for the purposes in the ordinance. He said that because there is so much text he will not read through them
11 with the Board unless the Board so desires. He said that the first draft of the Finding of Fact was also sent
12 out with the Supplemental Memorandum dated February 9, 2011. He said that the draft includes words in
13 bold italic with an asterisk indicating staff's recommendation regarding goals achieved. He said that a new
14 feature for the Finding of Fact is located on Page 14 of 21 which summarizes all of those goals and staff's
15 recommendation is that the amendment does help achieve 6 of the 10 goals in the Land Resource
16 Management Plan and will not impede the achievement of the other four goals. He said that it will improve
17 the ordinance because it helps achieve the purpose of the ordinance. He said that the amendment also helps
18 correct errors in the text of the ordinance and relaxes unreasonable requirements while at the same time
19 provides flexibility for landowners in Champaign County. He said that he cannot think of any other global
20 things to add but he would invite the Board to add anything that appears relevant because a text amendment
21 has to achieve the plan and many times it will also make the ordinance better. He said that previously the
22 Board hadn't discussed this issue during text amendments but in this case it is especially important and he
23 hopes to include it in the future.

24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

26
27 Mr. Palmgren asked Mr. Hall if there were any major negative items to the text amendment.

28
29 Mr. Hall stated that the one major negative item is the fact that if currently there are two homes on a property
30 200 square feet can be added without a variance but under this text amendment a variance would be required
31 in order to do that. He said that staff has been contacted by one municipality therefore it is assumed that
32 municipal staffs are just now looking seriously at this text amendment. He said that it is his view that the
33 proposed text amendment will not allow anything new that is a problem and is meant to address things that
34 already exist therefore he hasn't spent a lot of time making it clear to municipalities that this amendment will
35 not create any new problems for them but will correct problems that existing landowners have. He said that
36 the municipalities are just now reviewing the text amendment although he does not feel that there is any
37 reason to wait to see if the municipalities raise any issues. He said that with any text amendment that the
38 Board deals with there is always the question of how long the Board should wait so that it can address any
39 issues that are brought forward by municipal planning staffs. He said that he believes that the Board could
40 take final action tonight but it would not be unreasonable to wait one month to see if any issues arise and any
41 issues that do arise will generally have to be resolved at the County Board.

42
43 Mr. Thorsland stated that the text amendment tends to focus in on the Wilber Heights area and to some

1 extent Penfield. He asked Mr. Hall how this text amendment would affect many other properties in the
2 unincorporated areas of the County.

3
4 Mr. Hall stated that any of the settlements that the County provides zoning for such as Penfield, Dewey,
5 Seymour, Foosland, and Longview have nonconformities. He said that there is a section of nonconforming
6 dwellings north of St. Joseph but within the Urbana Extra-Territorial Jurisdiction there are no residential
7 areas that are not zoned residential. He said that in the Urbana ETJ there are a lot of dwellings that are
8 nonconforming because there are one, two or three dwellings on a single lot. He said that the text
9 amendment will change the zoning requirements for single family dwellings which are nonconforming uses.
10 He said that there are two ways that a dwelling can be nonconforming such as when they are nonconforming
11 to the zoning district or if there are multiple dwellings on a single lot. He said that the Urbana staff did not
12 see multiple nonconforming dwellings on one lot as a big problem within their ETJ but they wanted to
13 clarify that the amendment was addressing those types of properties. He said that even in the rural districts
14 there could be two dwellings on one property therefore the same kind of benefits that the text amendment
15 would create for Wilber Heights would also apply in the AG-1 zoning district.

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

18
19 Mr. Thorsland stated that there are only two names on the witness register and asked the audience if anyone
20 else desired to sign the witness register to present testimony regarding Case 675-AT-10. He reminded the
21 audience that when they sign the witness register they are signing an oath that the testimony that they are
22 presenting to the Board is true.

23
24 Mr. Thorsland called Homer Kirby to testify.

25
26 Mr. Homer Kirby, who resides at 312 Paul Avenue, Champaign stated that he has resided in Wilber Heights
27 since 1947 and intends to spend the rest of his life there. He said that if his house was destroyed by fire he
28 could not replace it with a new home therefore he feels that the County, along with the City of Champaign, is
29 trying to run the homeowner's out of the area. He said that at one time the City of Champaign informed the
30 property owners that if they installed sewers in the area they would absorb the area into the city limits, which
31 hasn't happened. He said that he remembers speaking with a County road crew member who informed him
32 that the reason why the County doesn't improve the roads in the area is because it does not receive enough
33 revenue from the property taxes. Mr. Kirby stated that he does not understand why the County would feel
34 that way because they certainly accept his money when the property taxes are due. He asked where he and
35 his neighbors were supposed to go when they are kicked out by the County and the City of Champaign.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Kirby and there were none.

38
39 Mr. Thorsland asked if staff had any questions for Mr. Kirby and there were none.

40
41 Mr. Thorsland called Mark Kates to testify.

42
43 Mr. Mark Kates, who resides at 2307 N. 5th Street, Champaign, stated that he has lived in the Wilber Heights

1 neighborhood for approximately 15 years. He said that he missed the first two meetings regarding this case
2 therefore he has a few questions. He asked Mr. Hall if the allowed expansion of 200 square feet, with the
3 approval of a variance, only applies to properties with two homes or properties with a single dwelling.
4

5 Mr. Hall stated that the allowed expansion applies to properties with two homes and only if the lot area is
6 less than what the Ordinance otherwise requires. He said that if the property has enough lot area then a
7 variance would not be required for the 200 foot expansion.
8

9 Mr. Kates stated that he only has one home on his lot therefore the requirement of a variance would not
10 apply to his property for the 200 foot expansion. He said that he and his wife purchased their home in
11 Wilber Heights when they were young and didn't have a lot of money but they didn't want to rent a home all
12 of their lives so they purchased a home that they could afford. He said that they didn't really plan on staying
13 in Wilber Heights forever but their son was raised in the house and he has since moved away and has blessed
14 them with grandchildren. He said that their son works at Clifford-Jacobs which is across the street from
15 their home and they are able to see their son every day and quite often their grandchildren when they pick up
16 their dad from work. He said that their son is the fourth generation of their family who has been raised in the
17 Wilber Heights area and his grandchildren will be the fifth generation. He said that he becomes emotional
18 when he considers the fact that the home that he and his wife own and raised their family in could not be
19 rebuilt if it was destroyed by a fire or tornado. He said that his father and mother-in-law reside around the
20 corner of his property therefore he is able to assist them with the maintenance of their property and plow
21 snow if need be. He said that the property owners in Wilber Heights truly depend on each other and not upon
22 anyone else. He said that he believes that the proposed text amendment is a positive thing that is being
23 considered and encouraged the Board to do the right thing for not only the people in Wilber Heights but also
24 for any other property owner in the County who finds themselves in the same situation.
25

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

28 Mr. Thorsland asked if staff had any questions for Mr. Kates.
29

30 Mr. Hall asked Mr. Kates if he was aware of the property restrictions when he and his wife purchased the
31 home.
32

33 Mr. Kates stated that they were aware of the restrictions but it was a home that they could afford and they
34 hoped that some day the restrictions would change. He said that they didn't plan on staying in the area as
35 long as they have but as everyone knows time goes by and the next thing they new the home was paid for
36 and they have kept it in very good repair. He said that the property owners in the Wilber Heights area do
37 keep their homes in good repair because the properties are their homes and not pieces of junk that shouldn't
38 be replaced. He said that he had always believed that one day he and his wife would sell the property and
39 use the money as a down payment for a property in a different location but now at this point in their lives
40 they do not desire to do so. He repeated that yes, when they purchased the property they were aware of the
41 restrictions and at that time it didn't concern them but now since they have stayed there so long the reality of
42 the restrictions are a concern.
43

1 Mr. Hall asked Mr. Kates if he believed that Wilber Heights is a good place to live.
2
3 Mr. Kates stated that he does enjoy living in the Wilber Heights area because he enjoys the fact that he is
4 very close to his work, his son's work and his mother and father-in-law. He said that he enjoys the fact that
5 if he desires to have a bonfire in his backyard he can and he can take his trash out to the curb for pickup
6 without having to take it in every night. He said that there are certain aspects in the area that he does not
7 enjoy such as the fact that the roads have been allowed to fall apart into pieces or that he had to purchase the
8 tile to fix the drainage ditch in front of his property because the County refused to do anything about it. He
9 said that he does not appreciate the fact that it took an article in the *News Gazette* to get a new stop sign at
10 the "t" road. He said that the Wilber Heights area is a good community and as long as the homes exist the
11 property owners should be allowed to care for them so that the good community will continue. He said that
12 the community is an aging community and not everyone will be there forever but for those who are there
13 now they should be allowed to keep their property in good repair and replace it if something should happen
14 to it.
15
16 Mr. Hall asked Mr. Kates if he was employed by one of the businesses in the Wilber Heights' area.
17
18 Mr. Kates stated no, he is employed by the City of Urbana. He said that his son is employed at one of the
19 businesses.
20
21 Mr. Hall asked Mr. Kates if he has heard any concerns from the businesses regarding the proposed text
22 amendment.
23
24 Mr. Kates stated that he has not heard of any concerns. He said that the neighborhood was started for the
25 people who worked at Clifford Jacobs and on the railroad. He said that his father-in-law's father worked and
26 retired from Clifford Jacobs and his son is currently employed there. He said that he has many friends who
27 are employed at Clifford Jacobs, one for over 40 years, and they have not heard any discussion regarding any
28 negative views of the proposed changes. He said that the proposed amendment will not impact the existing
29 businesses but will impact the property owners that are present at this meeting.
30
31 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Kates and there were
32 none.
33
34 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
35 regarding Case 675-AT-10.
36
37 Mr. Al Kurtz, County Board member, requested the opportunity to address the case.
38
39 Mr. Thorsland denied Mr. Kurtz's request. He informed Mr. Kurtz that any input or concerns regarding the
40 proposed text amendment could be brought forth at the County Board meeting that will address this case.
41
42 Mr. Thorsland requested a motion to close the witness register.
43

1 Mr. Courson moved, seconded by Mr. Palmgren to close the witness register for Case 675-AT-10. The
2 motion carried by voice vote.

3
4 Mr. Thorsland requested that the Board take a few minutes to review the Finding of Fact.

5
6 Mr. Hall stated that on Page 6 of 21 of the Preliminary Draft Finding of Fact dated February 17, 2011, item
7 8.B. authorizes variances for the use of nonconforming lots of record. He said that this allows
8 nonconforming lots of record to be used in amounts that are less than otherwise required. He said that
9 during the process of having another long conversation with Mr. Tom Lemke it was discussed that his lots in
10 Wilber Heights are 130 feet deep and 25 feet wide and no amount of lots which are the size of Mr. Lemke's
11 ends up being the same area as required for lots, it is either more or less, which is a clear demonstration that
12 it is a reasonable thing to be able to grant these variances. He said that if Mr. Lemke divided his lots along
13 the existing lot lines he would have one good lot and the other remaining lot would be 400 to 600 square feet
14 too small. Mr. Hall stated that the Board is aware that 400 to 600 feet shy of 20,000 square feet is not the
15 end of the world and would have no bad effects but it would require a variance. He said that item 8.D
16 clarifies that being able to grant a variance like the previously mentioned situation would make it easier for
17 Wilber Heights to be redeveloped in industrial uses exactly as the Ordinance envisions because now
18 variances can be authorized for lot areas. He said that being able to grant variances for nonconforming
19 structures may end up being more nonconforming but the Board has reviewed them during the variance
20 process and was satisfied that it will be a better situation than what currently exists therefore helping with
21 redevelopment. He said that all of the things which the Board is being asked to do to make it easier for the
22 property owners of Wilber Heights to maintain their homes will also achieve the very purpose of the
23 industrial zoning in the first place and why this did not occur to the original drafters of the Ordinance
24 escapes him but he does believe that it is easy to demonstrate. He said that he does not know that it is
25 always called out in the finding of fact in every place that it should be and he would hope that it would only
26 take a couple of examples to make people realize the benefit of the amendment. He said that a benefit of not
27 taking action tonight would be that staff could load the finding of fact with specific examples or instances of
28 how being able to grant a variance would make redevelopment under industrial use easier. He said that at
29 the beginning of this amendment he didn't have this understanding but it is very clear that this will provide
30 more flexibility for homeowners and for new industrial uses that desire to locate there.

31
32 Mr. Thorsland stated that through Mr. Hall's questioning the Board received testimony from Mr. Kates that
33 no complaints have been filed from the businesses regarding the proposed text amendment. He said that the
34 only comments received from municipalities were from the City of Urbana as to how this will affect other
35 parts of the town. He said that if the Board is comfortable with moving forward tonight he believes that
36 many of the additional questions will be answered by the time it gets before the County Board. He said that
37 personally he is comfortable with moving forward.

38
39 Ms. Capel asked Mr. Hall if this text amendment will meet a lot of opposition.

40
41 Mr. Hall stated that there has not been any opposition yet and he does not believe that it should meet any
42 opposition because it is not going to let something new be created that does not already exist.

1 Mr. Thorsland asked Mr. Hall if the Documents of Record required any additions. Mr. Thorsland noted that
2 item 8 should be revised to indicate the following: Supplemental Memorandum for Case 675-AT-10 dated
3 February 9, 2011, with attachments.

4
5 Mr. Thorsland stated that it should be noted in the Finding of Fact that all of the municipalities have been
6 notified and only one call has been received regarding the proposed amendment.

7
8 Mr. Hall stated that on page 3 of 21, item 3 should be revised as follows: Municipalities with zoning and
9 townships with planning commissions have protest rights on all text amendments and they are notified of
10 such cases. One question has been received to date from one municipality.

11
12 Mr. Thorsland stated that witness testimony indicated that no concerns have been raised by the businesses at
13 this time.

14
15 Mr. Hall stated that on page 6 of 21, a new item 8.E could be added indicating that no concerns have been
16 raised by businesses at this time.

17
18 Mr. Thorsland asked if the Board had any additional evidence to add to the Finding of Fact.

19
20 Mr. Thorsland requested a motion to approve the Documents of Record as revised.

21
22 **Mr. Palmgren moved, seconded by Ms. Capel to approve the Documents of Record as revised. The**
23 **motion carried by voice vote.**

24
25 Mr. Thorsland asked the Board if they desired to adopt the revised Summary Finding of Fact or review it
26 with staff adopting each point individually.

27
28 **Ms. Capel moved, seconded by Mr. Courson to adopt the Summary Finding of Fact as revised. The**
29 **motion carried by voice vote.**

30
31 **Final Determination for Case 675-AT-10:**

32
33 **Mr. Courson moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of**
34 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
35 **determines that the Zoning Ordinance Amendment requested in Case 675-AT-10 should BE**
36 **ENACTED by the County Board in form attached hereto.**

37
38 The roll was called:

39
40 **Palmgren-yes Schroeder-absent Capel-yes**
41 **Courson-yes Miller-absent Thorsland-yes**

42
43 Mr. Hall informed the audience that the case will be forwarded to the County Board Committee of the

2/17/11

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Whole at their meeting on March 1, 2011, held in this meeting room at 6:00 p.m. He noted that the notices
2 are sent out by the County Board office and are posted on the County Board website during the week of
3 March 1st, but no notices are mailed out to interested individuals and it will be incumbent upon each
4 individual to remember the meeting if they wish to attend. He thanked the audience for their attendance and
5 input for Case 675-AT-10.

6
7 Mr. Thorsland requested a motion to close Case 675-AT-10.

8
9 **Mr. Courson moved, seconded by Mr. Palmgren to close the public hearing for Case 675-AT-10. The**
10 **motion carried by voice vote.**

11
12 **6. New Public Hearings**

13
14 **Case 678-V-10 Petitioner: Brian Lile and Myra Sully Request to authorize the use of an existing**
15 **unauthorized detached accessory structure in the R-2 District with a front yard of six feet instead of**
16 **the minimum required front yard of 10 feet and a setback of 41 feet 6 inches instead of the minimum**
17 **required setback of 44 feet and 6 inches. Location: Lots 10 and 11 of Block 3 of S.H. Busey's 6th**
18 **Addition to Penfield that is commonly known as 419 South Main Street, Penfield.**

19
20 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
21 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
22 of hands for those who would like to cross examine and each person will be called upon. He requested that
23 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
24 those who desire to cross examine are not required to sign the witness register but are requested to clearly
25 state their name before asking any questions. He noted that no new testimony is to be given during the cross
26 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
27 from cross examination.

28
29 Mr. Hall distributed a Supplemental Memorandum dated February 17, 2011, to the Board for review. He
30 said that the new Supplemental Memorandum indicates the corrected request for the variance. He said that
31 the memorandum that was included in the mailing indicates that the existing site plan received on October 1,
32 2010, does not appear to indicate the correct measurement to the property line because the dimension is
33 shown at an angle rather than perpendicular to the property line and the center of the street. He said that staff
34 was not able to visit the property until this week to re-measure and upon that visit staff found that the
35 petitioner was correct in indicating six feet but it should have been drawn perpendicular. He said that staff
36 discovered that the setback was 41 feet 6 inches and admitted that this was a difficult measurement to
37 determine therefore the difference between staff's measurement and the petitioner's measurement, 6 inches,
38 is pretty good. He said that the request has been corrected to indicate a front yard of 10 feet because the
39 Zoning Ordinance allows front yard averaging on blocks where 25% or more of the lots were developed on
40 October 10, 1973, and this block meets that standard. He said that the setback is not 62 feet 6 inches but is
41 44 feet 5 inches therefore the amount of variance is greatly reduced.

42
43 Mr. Hall stated that the Supplemental Memorandum dated February 17, 2011, includes new evidence which

1 is to be added to the Summary of Evidence. Mr. Hall read and reviewed the new evidence with the Board.
2 He said that the following new evidence is proposed to be added to item 5 regarding the site plan: A. The
3 existing one story ranch house with attached garage is indicated in the approximate center of the property at
4 approximately a 45 degree angle to Main Street. The existing house was constructed under permit 218-74-
5 01 authorized on 8/6/74. The house meets or exceeds all required setbacks and yards and is outside of the
6 corner visibility triangle but it is not clear if a zoning compliance certificate was ever approved; and B. The
7 subject garage is indicated as follows: (1) The overall dimensions are 20 feet by 20 feet; and (2) The subject
8 garage is located a few feet from the west end of the existing attached garage and with the south face of the
9 new garage aligned with the south face of the existing attached garage; and (3) The subject garage is
10 indicated as having a 42 feet setback from the center of Main Street and indicated as being 6 feet from the
11 sidewalk as measured at an angle rather than perpendicular as the setback is indicated. On 2/15/11 staff from
12 the Department of Planning and Zoning measured the subject garage to be 6 feet from the Main Street right
13 of way and approximately 51 feet 6 inches from the centerline of the Main Street pavement; and (4) The
14 existing asphalt driveway is shown on both sides of the sidewalk but the asphalt driveway for the subject
15 garage is only on the house side of the sidewalk and this driveway does not extend to the street. The
16 petitioner's photos also indicated that the driveway for the subject garage does not extend to the street. B. A
17 gas line is indicated as coming onto the property from the west and extending behind the subject garage and
18 then turning to connect to the existing house; and C. A single story garage is also indicated in the northeast
19 corner of the property and located 27 feet from the alley and 4 feet from the north side lot line. This garage
20 was constructed under permit 242-85-03 authorized on 8/30/85 but there is no record of an approved zoning
21 compliance certificate.

22
23 Mr. Hall stated that the following new evidence is proposed to be added to item 7 regarding special
24 conditions or circumstances: B. Regarding Main Street to Penfield: (1) Main Street in Penfield has a 75 feet
25 wide right of way which is 15 feet wider than the typical 60 feet right of way anticipated for Minor Streets in
26 the Zoning Ordinance.; and (2) There are no known plans for the expansion of Penfield and it is unlikely that
27 Main Street will ever need to have a wider right of way. C. Regarding the angle on which the garage has
28 been constructed in regards to Main Street: (1) The west corner of the subject garage is 6 feet from the Main
29 Street right of way and the east edge is approximately 20 feet from the right of way and therefore the subject
30 garage has an average front yard of 13 feet and an average setback 48 feet and 6 inches. The Zoning
31 Ordinance does not provide for an average front yard and setback for structures that are at an angle to the
32 right of way. The unofficial average front yard of 13 feet exceeds the minimum required front yard of 10
33 feet based on front yard averaging provisions in the Zoning Ordinance; and (2) The existing alignment of the
34 subject garage allows the subject garage to share the existing asphalt driveway for the existing garage and
35 thereby minimize driveway entrances onto Main Street. D. There is another detached garage on the
36 northeast corner of the subject property. The site plan indicates that the garage is 4 feet from the north lot
37 line which is less than the minimum required 5 feet. Paragraph 13.2.1 C. of the Ordinance prohibits the
38 ZBA from granting a variance and the zoning Administrator from authorizing a zoning use permit when
39 there is an outstanding violation of the Zoning Ordinance unless that approval is the sole impediment to
40 correcting the violation. The requested variance is not related to that garage but the location of that garage
41 does not appear to be in violation so much as the confusion about where the lot lines actually are.

42
43 Mr. Hall stated that the following new evidence is proposed to be added to item 8 regarding practical

1 difficulties or hardships: B. The petitioners' site plan indicates a gas line coming onto the property from the
2 west and extending behind the subject garage and then turning to connect to the existing house. If the
3 subject garage were constructed in this general location with a front yard and setback consistent with the
4 Ordinance the gas line would have to be relocated unless the driveway could cross over the gas line and a
5 new driveway would be required; and C. The existing alignment of the subject garage allows the subject
6 garage to share the existing asphalt driveway for the existing garage and thereby minimize driveway
7 entrances onto Main Street.

8
9 Mr. Hall stated that the following new evidence is proposed to be added to item 9 regarding whether or not
10 the practical difficulties or hardships result from actions of the petitioner: B. The petitioners could have
11 requested this same variance in the beginning before the garage was constructed; and C. The petitioners did
12 not build the house with the attached garage nor install the existing driveway nor install the gas line that
13 connects to the house from the west. He said that the following new evidence is proposed to be added to
14 item 10 regarding purpose and intent of the Ordinance: D. Minimizing driveway entrances onto public
15 streets is generally desirable and the subject garage is located such that no new driveway entrance is
16 required; and E. The driveway for the subject garage should not result in vehicles overhanging the sidewalk;
17 and F. The average setback and front yard of the subject garage exceeds the minimum required setback and
18 front yard based on front yard averaging that is authorized by the Ordinance. Mr. Hall noted that he would
19 like to revise item F. as follows: The average setback and front yard of the subject garage (although not
20 authorized by the Ordinance) exceeds the minimum required setback and front yard based on front yard
21 averaging authorized by the Ordinance. He said that the revision of item F. is to make it clear that this is not
22 something that the Ordinance recognizes and the Board does not have to accept his revision but it is what he
23 is suggesting. He continued with item G as follows: The alignment of the subject garage maintains all parts
24 of the open area of the subject property as a single large open area rather than creating small pockets of open
25 space. He said that item G. is a way of saying that if the garage was located adjacent to the existing garage
26 and in conformance with the required setback and front yard it would divide the open space on the property
27 and there would a little open area between the two garages. He said that the small open area could be a nice
28 area but in general the provision of large open areas is generally preferred over a bunch of small ones.

29
30 Mr. Hall stated that the following new evidence is proposed to be added to item 11 regarding the effects of
31 the requested variance on public health, safety and welfare: D. There have been no complaints received by
32 the Department of Planning and Zoning from neighbors of the subject property; and E. The site plan does
33 not indicate the locations of the water line and the septic system on the subject property and it is assumed
34 that neither of those were located where the subject garage is located. He said that the following new
35 evidence is proposed to be added to item 13 regarding whether or requested variance is the minimum
36 necessary: A. The requested variance is the minimum variation necessary to authorize use of the subject
37 garage. He said that the following new evidence is proposed to be added to item 14 regarding special
38 conditions of approval: A. The petitioners have not yet applied nor paid for a zoning use permit for the
39 garage. If this variance is approved the petitioners will have to submit a completed Zoning Use Permit
40 application and the fee of \$97. He said that the Supplemental Memorandum dated February 17, 2011,
41 includes the Annotated Site Plan, staff photographs along north edge of subject property, and an aerial photo
42 from 2008 with parcel boundaries which is mostly relevant to the northeast garage but also shows the other
43 properties used for front yard and setback averaging along the block.

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

Ms. Capel asked Mr. Hall if the Board will address the other detached garage which has a 4 foot side yard.

Mr. Hall stated yes. He said that the 4 foot side yard is a violation and the only thing that can be approved is something that would correct it. He said that this issue was not included in the legal and it could be called staff error. He said that if the Board desires the case could be re-advertised and the case could be considered at a future meeting. He said that there is confusion regarding the property line and if the Board desires to take a hard case it could determine that the confusion amounts to a violation or the Board could simply acknowledge the situation. He said that he spoke with the petitioners prior to this meeting and he informed them that if they had any further construction plans for the property that is within the vicinity of the lot line then they will need to resolve exactly where the lot line is located. He said that the distributed staff photographs are intended to indicate the corners of the property (indicated by the white PVC pipes). He reviewed the photographs with the Board and noted that it is unknown as to who placed the white PVC pipes on the property or why they were placed on the property although they do more or less align with a line that is approximately five feet from the garage. He said that by reviewing the photographs and the aerial it is apparent that there is an issue with the location of the property line for the subject property to the west as well as with other properties in Penfield. He informed the Board that they would be within their right to acknowledge the current violation regarding the existing shed and require correction of all noncompliant structures or the Board could determine that it is unknown whether a violation exists until a lot more effort is taken in determining the exact location of the property line.

Ms. Capel asked Mr. Hall if there would be any consequences in ignoring the violation.

Mr. Hall stated no.

Mr. Thorsland stated that the 2008 aerial indicates that there are other structures in the area which are also in the same predicament.

Ms. Capel stated that basically the Board is elaborating on the confusion.

Mr. Thorsland stated that the same situation also exists in Dewey and it is not unprecedented.

Mr. Hall stated that if the garage was damaged it could not be rebuilt without clarifying the location of the property line and then perhaps obtaining a variance. He said that the garage was not built by the petitioners but it was built in 1984 and staff was aware of the dimension when the first memorandum was prepared. He said that he even made a note that the garage was not a problem although he cannot explain what he was thinking when he wrote it therefore it is always good to have another set of eyes to review such things but staff is currently short handed.

Mr. Thorsland stated that a special condition regarding the reconstruction of the existing garage would normally be proposed. He asked Mr. Hall if such a condition could be proposed for the existing garage and

1 if so he asked if the Board was comfortable in proposing such a condition.

2
3 Ms. Capel stated that such a condition would take away any consequences of ignoring the violation.

4
5 Mr. Hall stated that the property line would need to be identified more accurately. He said that regarding the
6 subject garage, if he had more time, he would have written something about how the Board might consider a
7 variance as to whether or not the subject garage should be allowed to be rebuilt in its current location. He
8 said that if the Board approves the variance with no conditions the understanding would be that the subject
9 garage could be rebuilt at its current location. He said that the Board has approved variances for things like
10 garages before where as the Board specifically indicated that if the garage was damaged and required
11 reconstruction it would have to meet the requirements of the Ordinance at that time. He said that he has not
12 proposed any conditions but he believes that he is obligated to inform the Board that they could propose such
13 a condition if the Board believes it is warranted.

14
15 Mr. Thorsland stated that there is only one name indicated on the witness register and reminded the audience
16 that they are signing an oath when they are signing the witness register.

17
18 Mr. Thorsland called Myra Sully to testify.

19
20 Ms. Myra Sully, who resides at 419 South Main, Penfield, stated that they originally hired a contractor to
21 construct the subject garage and file all of the paperwork. She said that before the concrete was poured they
22 asked the contractor if the permit was filed and if everything was approved and they were told that
23 everything was indeed filed and approved. She said that after the garage was constructed they received a
24 letter in the mail from the Champaign County Planning and Zoning Department indicating that they had
25 constructed an unauthorized garage which was in violation. She said that currently the State's Attorney's
26 office has a court injunction against the contractor for fraud. She said that they feel that the area that the
27 subject garage is located actually conforms to how the house is located and improves the yard. She said that
28 they could have constructed the garage in the back yard beside the alley but it would have been located in the
29 middle of the back yard and very close to the deck. She said that the septic system and leach field is located
30 in the back yard as well as the power lines therefore the current location was determined for placement of the
31 garage.

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

34
35 Mr. Thorsland asked if staff had any questions for Ms. Sully.

36
37 Mr. Hall asked Ms. Sully if the current location of the garage was the original desired location for placement
38 and if they were assured that the all permits had been approved for such placement.

39
40 Ms. Sully stated that they had two desired locations for the garage. She said that one location was in the
41 back yard but when they measured it out it was determined that the garage would be located in the middle of
42 the yard therefore they decided to pick the second desired location which was beside the house next to the
43 other double garage. She said that the current location appeared more uniform therefore once they began

1 measuring out the site it was discovered where the gas line was located. She said that they questioned the
2 current location with the contractor and he indicated that it would not be a problem because they owned a
3 double lot and all of the permits were filed and approved.
4

5 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Sully and there was no one.
6

7 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
8 testimony regarding Case 678-V-10 and there was no one.
9

10 Mr. Thorsland requested a motion to close the witness register.
11

12 **Ms. Capel moved, seconded by Mr. Palmgren to close the witness register for Case 678-V-10. The**
13 **motion carried by voice vote.**
14

15 Ms. Capel asked Mr. Hall if the case should be re-advertised indicating the new measurements by staff.
16

17 Mr. Hall stated no because the numbers advertised state a much greater variance than what is actually
18 required.
19

20 Mr. Thorsland asked if a special condition should be proposed regarding the Zoning Use Permit and fees.
21

22 Mr. Hall stated no, the petitioner is aware of the requirement.
23

24 Ms. Sully stated that she has the completed Zoning Use Permit and will submit it tonight along with the fee
25 if the variance is approved tonight.
26

27 Mr. Thorsland asked the Board if there were any additional additions, deletions or corrections to the Finding
28 of Fact.
29

30 Mr. Hall stated that item #10.B(3) on Page 6 of 10 of the Preliminary Summary of Evidence and Findings of
31 Fact dated February 17, 2011, should be shifted down under item #10.B(2). He said that item #10.B(2)
32 should be revised to read the following: Off-street parking: The driveway for the subject garage should not
33 result in vehicles overhanging the sidewalk. He said that item #10.E on Page 3 of the February 17, 2011,
34 Supplemental Memorandum regarding proposed evidence to be added to item #10 regarding purpose and
35 intent of the Ordinance should be stricken (due to inclusion under item #10.B(2) regarding off-street
36 parking) and the text in item #10.F would become new item #10.E and item #10.G would become new item
37 #10.F.
38

39 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record indicating the
40 following: Supplemental Memorandum for Case 678-V-10, dated February 17, 2011, with attachments: 1.
41 Annotated Site Plan; and 2. Aerial photo from 2008 with parcel boundaries; and 3. Staff photographs along
42 north edge of subject property.
43

1 **Finding of Fact for Case 678-V-10:**

2
3 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
4 678-V-10 held on February 17, 2011, the Zoning Board of Appeals of Champaign County finds that:
5

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

9
10 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
11 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
12 same district because the location of the garage allows the use of a single driveway rather than adding an
13 entrance onto the street. She said that the location of the gas line prevents a different location for the garage
14 on the subject property and she added that the average setback meets the standard although the closest point
15 does not.
16

17 Mr. Courson stated that the angle of the house to the road makes it extremely difficult for placement of a
18 garage on the subject property.
19

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

23
24 Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the
25 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
26 or construction because the building already exists and moving it to a different location would be costly.
27

28 Mr. Hall stated that cost is not an appropriate justification.
29

30 Mr. Thorsland stated that trying to work with the location of the gas line, leach field and the existing angled
31 layout of the structures on the subject property created the situation that is before the Board today.
32

33 Ms. Capel stated that the variance will allow an efficient use of the existing driveway for both structures.
34

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

37
38 Ms. Capel stated that the special conditions, circumstance, hardships, or practical difficulties DO NOT result
39 from actions of the applicant because the applicant worked in good faith with the contractor in finding a
40 location on the lot for the garage and was assured by the contractor that all of the appropriate papers were
41 filed and that the garage met all of the Ordinance regulations. She said that the current location is the best
42 location for the garage given the location of the driveway, gas line and septic system.
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4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.

Ms. Capel stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because the averaging of the setback of the two corners of the building places it in a situation where a variance is not required.

Mr. Thorsland stated that there is a significant road setback that would probably never be utilized.

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

Ms. Capel stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because no objections have been received and it will prevent cars hanging over the sidewalk.

Mr. Thorsland stated that the Compromise Township Highway Commissioner provided comment that he had no problem with the location of the subject garage and that it was an asset to the community.

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

Ms. Capel stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because it is the exact number of feet that will bring the subject garage into conformance with the Zoning Ordinance.

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

Mr. Thorsland informed the petitioners that two Board members were absent from tonight’s meeting therefore it is at their discretion to either continue Case 678-V-10 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

Ms. Sully and Mr. Lile requested that the present Board move forward to the Final Determination.

Ms. Capel moved, seconded by Mr. Courson to close the public hearing for Case 678-V-10. The motion carried by voice vote.

Final Determination for Case 678-V-10:

Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony and other evidence received in this case, that the

2/17/11

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B. of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the variance requested in Case 678-V-10 is hereby GRANTED to the petitioners, Brian Lile and Myra Sully, to authorize the use of an existing unauthorized detached accessory structure in the R-2 District with a front yard of six feet instead of the minimum required front yard of 10 feet and a setback of 41 feet 6 inches instead of the minimum required setback of 44 feet 6 inches.

The roll was called:

Palmgren-yes	Schroeder-absent	Capel-yes
Courson-yes	Miller-absent	Thorsland-yes

Mr. Hall informed the petitioners that the variance has been approved therefore they should submit their Zoning Use Permit Application and fees as soon as possible.

Ms. Sully stated that she will submit the completed Zoning Use Permit Application and fees at tonight's meeting.

Mr. Palmgren requested a five minute recess.

The meeting recessed at 8:00 P.M.

The meeting resumed at 8:05 P.M.

7. Staff Report

A. January, 2011 Monthly Report

Mr. Hall indicated that the January, 2011 Monthly Report was not available for review at tonight's meeting.

8. Other Business

A. Review of ZBA By-laws

Mr. Thorsland stated that personally he has thoroughly reviewed the ZBA Bylaws. He said that he attended the Siting, Zoning and Taxation of Wind Farms Conference last week and he managed to spend a great deal of time with several county zoning board members from around the state and discussed how they held their hearings. He said he has also been reading a lot about the procedures of the zoning law and he went through the Champaign County Zoning Board of Appeals Bylaws. He said that recently it was brought to his attention that the Zoning Board does not hold meetings but hearings and the Board does not accept public participation but accepts testimony from witnesses. He said that on the witness register there is an oath indicating that those who sign it swear or affirm, in their individual capacity, that the evidence that they present at the hearing will be the truth, the whole truth, and nothing but the truth, so help me God. He requested that every Board member read through the Bylaws so that it can be determined how tight the hearings should be held. He said that he believes that the hearings should be tighter because in the future

1 there will be cases which will cause controversy. He said that during the wind farm hearings he served as
2 the temporary chairman and he was only able to take a quick glance at the Bylaws. He said that he would be
3 reluctant to repeat the kind of hearings that were held during the Comprehensive Zoning Review, which
4 were held in the gymnasium, because there was a lot of “hearsay” evidence and a lot of people who were
5 very emotional. He said that he asked his colleagues about time limits for public input because it is more
6 difficult to place a time limit on witness testimony than on public input. He said that the ZBA does have a
7 lot of control over what is considered “hearsay” and what is “relevant or irrelevant” testimony. He said that
8 at tonight’s hearing he allowed Mr. Kirby the opportunity to repeat his testimony from the previous meeting
9 but there is some flexibility on whether to allow or stop a witness from giving repetitive testimony. He said
10 that when some of the cases with large witness registers become very contentious he believes that the Board
11 must do better and indicate when the Board feels that a witness is doing something that they shouldn’t so
12 that he can act on it. He requested that staff distribute copies of the Champaign County Zoning Board of
13 Appeals Meeting Notes to the Board for review. He said that he believes that after the Board has an
14 opportunity to review the Meeting Notes it will find that the Bylaws are not exactly being followed.

15
16 Mr. Hall stated that he would hope that once staff investigates whether or not the Meeting Notes accurately
17 reflect the By-laws that it is made an appendix to the Bylaws.

18
19 Mr. Thorsland stated that his new member packet included an Appendix to the Champaign County Zoning
20 Board of Appeals Bylaws which indicates everyone’s duties and how the entire process works.

21
22 Mr. Hall stated that staff will also distribute a copy of the Appendix to the Board for review. He said that the
23 reason why the Bylaws were placed on the agenda is because a public hearing never closes. He said that a
24 public hearing begins and ends but it never closes unless the Board is discussing a law suit or something like
25 that therefore every place where the Bylaws indicate “close the public hearing” needs to be replaced with
26 new text.

27
28 Ms. Capel asked Mr. Hall if the public hearing should only be determined “closed” when the hearing is
29 technically over.

30
31 Mr. Hall stated no. He said that the only time a public hearing can be closed is when the Board goes into
32 closed session for something that is appropriate. He said that the phrase, “close the public hearing,” dates
33 from 1973 before there was an *Open Meetings Act*. He said that the first time that David DeThorne,
34 Champaign County Assistant State’s Attorney, heard him use the phrase “close the public hearing” he almost
35 had a heart attack. Mr. Hall stated that Mr. DeThorne thought that the ZBA was going into closed session
36 which would be very inappropriate and the ZBA has only gone into closed session once to discuss a law suit
37 and that is the only closed session minutes that are on record.

38
39 Mr. Thorsland stated that his colleagues at the conference also seemed shocked by the term “close the public
40 hearing.”

41
42 Mr. Hall stated that his recommendation will either be “end testimony” or “end witness register”. He said
43 that the most peculiar thing about the Bylaws is that there are sections which discuss meetings and

1 procedures but there is nothing which discusses the parts of a public hearing. He said that he believes that
2 there are only two parts to a public hearing: 1. Fact Finding consisting of receiving evidence, hearing
3 testimony, discussion amongst the Board, and making a finding; and 2. Final Determination. He said that he
4 is not trying to invent something new because it is neat and fun but because the Board needs to have
5 something other than “close the public hearing.” He said that he had hoped to have new text drafted for
6 tonight’s hearing but he was unsuccessful. He requested that the Board review the Bylaws and consider new
7 text to be proposed to replace “close the public hearing.”
8

9 Mr. Thorsland stated that he is attending an *Open Meetings Act* Conference tomorrow and he would like to
10 ask his colleagues from different counties what they do at the end of the meeting. He said that he has been
11 informed by three different people from different counties that when a witness reads testimony from a
12 website that the evidence should be deemed as “hearsay” and dismissed from the record. He said that if
13 someone searches a subject on the web then over 1,000 web sites indicating someone else’s opinion about
14 the subject could appear.
15

16 Mr. Hall stated that any changes to the Bylaws must be approved by the State’s Attorney’s office and they
17 need to determine if the Board can accept evidence from the web or not.
18

19 Mr. Thorsland stated that during the hearing on Case 666-AT-10, one of the witnesses and staff got into a
20 back and forth discussion which he feels that he should have stopped before he did. He said that the witness
21 is only before the Board to present testimony regarding the specific case at hand and is not to be allowed to
22 sit and drill staff. He said that procedurally the Board needs to work on the Bylaws and submit them to the
23 State’s Attorney’s office for review.
24

25 Mr. Thorsland stated that if the Board reviews the Bylaws and the Meeting Notes it will find that the two do
26 not coincide with each other.
27

28 Ms. Capel stated that the Zoning Ordinance was modified during the first case and the Finding of Fact was
29 determined as a whole but during the variance case the findings for the Finding of Fact were determined
30 individually.
31

32 Mr. Hall stated that during a variance and special use case there are certain findings which the Board must
33 make individually because each criterion must be dealt with separately. He said that there are no standards
34 for a Finding of Fact for an amendment.
35

36 Mr. Thorsland stated that during the Comprehensive Zoning Review there was an attempt to have time limits
37 but during the wind farm hearings he was informed that he could not impose any time limits on testimony.
38

39 Mr. Hall stated that there were no time limits for public testimony during CZR because it is not appropriate.
40

41 Mr. Courson stated that it is the Chair’s job to stop a witness from rambling.
42

43 Ms. Capel asked Mr. Thorsland what would have been the appropriate time to stop the witness for Case 666-

1 AT-10.

2
3 Mr. Thorsland stated that he should have asked the witness to simply ask his question once and to stop
4 rephrasing the same question over and over again until he or she believes they have crossed up staff. He said
5 that he did not believe that the way the witness was drilling staff was appropriate and if there had been a
6 larger gallery of people he would have ceased the witness' testimony before he did.

7
8 Mr. Courson asked Mr. Thorsland what should be done about people who continuously desire to ask
9 questions after they have had their opportunity to speak.

10
11 Mr. Thorsland stated that he would be disinclined to allow such practice especially after the witness register
12 has been closed and they only desire to rebut. He said that he will not allow someone signing the witness
13 register as two different individuals, once as an individual and again as a plan commissioner, etc. He said
14 that someone could include all of their titles on the one line and speak once. He said that he was informed
15 that he was being too loose as Chair therefore he will make the meetings as tight as desired.

16
17 Mr. Hall stated that it is his impression that running such a tight ship would only result in more criticism.

18
19 Mr. Hall stated that the only deadline regarding the ZBA Bylaws is that it must be fixed before the wind
20 farm hearings.

21
22 Ms. Capel asked Mr. Hall if there were pending applications for a wind farm.

23
24 Mr. Hall stated no. He said that he does not anticipate any applications for a wind farm until after this year.

25
26 Mr. Hall stated that there is pending legislation regarding not just ZBA hearings but also what the County
27 Board can do and it is very confusing therefore he won't speculate on what it might mean. He said that he
28 does hope that the State's Attorney speculates on it. He said that the Board will be fascinated when they
29 read the legislation because it has to do with appeals of ZBA decisions and it is something that the County
30 may want to give testimony on when it gets to the legislature. He said that it was originated in Dekalb
31 County and the Zoning Administrator is a highly respected Zoning Administrator and he knows the legalities
32 therefore everyone else is waiting for his reasons why the legislation is being proposed. He said that staff
33 will send out a copy of the legislation for the Board's review.

34
35 Mr. Thorsland stated that according to the docket it appears that the March 10, 2011, meeting could be
36 cancelled.

37
38 Mr. Hall stated that the only thing that the Board could meet for would be to review the Bylaws.

39
40 Mr. Thorsland requested a motion to cancel the March 10, 2011, meeting.

41
42 **Mr. Courson moved, seconded by Ms. Capel to cancel the March 10, 2011, meeting. The motion**
43 **carried by voice vote.**

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Mr. Hall stated that in regards to the March 24, 2011, it should not be a surprise to anyone that the Ogden Township Highway Commissioner has not had a lot of time this winter to think about things like zoning cases and he has promised staff that he will have some thoughts regarding Case 677-V-10 therefore staff has not advertised the case to date. He said that in regards to Case 681-S-11 staff is doing a good job of getting everything required before advertising the case but everything has not been obtained therefore Case 681-S-11 has not been advertised. He said that given the way that *The Leader* operates, zoning cases in Ogden Township require extra time for legal advertisements. He said that cases located in Compromise Township do not have such an issue because the legal advertisement is placed in the *News Gazette* therefore it could be that Kopmann Cemetery is the only case scheduled for March 24th.

Mr. Hall stated that there are a few new cases anticipated but he is happy to say that the staff in charge of clarifying with the petitioners as to what they need are in fact doing a much better job these days and it takes a lot longer for people to get everything that is required.

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

None

10. Adjournment

Mr. Thorsland requested a motion to adjourn the meeting.

Mr. Palmgren moved, seconded by Mr. Courson to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:30 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 677-V-10

PRELIMINARY MEMORANDUM

March 16, 2011

Champaign
County
Department of

Petitioners: **Mick & Leah Harshbarger**



Site Area: **approx. 1.0 acre**

Time Schedule for Development: N/A

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

Prepared by: **John Hall**
Zoning Administrator

(217) 384-3708

Request: **Authorize the occupancy and use of an existing detached accessory structure with a setback of 47 feet and 6 inches from CR2545, a minor street, in lieu of the minimum required setback of 55 feet and a front yard of 17 feet and 6 inches from the front property line in lieu of the minimum required front yard of 25 feet and located in the CR District**

Location: **Lot 27 of Deer Ridge/Ingram's Third Subdivision in Section 30 of Ogden Township and commonly known as the house at 2545 CR 1375N, Ogden.**

BACKGROUND

On May 2, 2008, staff received a complaint regarding the subject property. The complainant stated that a construction business was being run out of a garage on the subject property and that equipment and materials were being stored outside, and employees were reporting for work and parking their vehicles along the subdivision streets. Staff investigated and based on aerial photography it became apparent the petitioner had constructed several structures without obtaining permits. Staff then notified the petitioner and sent materials for appropriate permit applications.

In the process of reviewing the permit applications for the unpermitted structures (a garage and two other small outbuildings) and the construction business, the site plan revealed that the two small accessory buildings (a play house and a pool pump house) on the subject property were too close to the side and rear property lines. The site plan indicated that the garage met the required front yard. The petitioner applied for zoning use permit 266-08-01 for all of the unpermitted structures on September 22, 2008, and applied for variance case 637-V-08 on September 24, 2008 with the following outcome:

- The variance for the play house (Part A of Case 637-V-08) was denied and the play house was later relocated in conformance with the Ordinance and verified by compliance inspection on September 17, 2010.
- The pool pump house (Part B of Case 637-V-08) was approved on June 25, 2009, on a vote of 4 to 1. Regarding the required finding of whether the circumstances result from the actions of the Applicant, the Board determined that the circumstances did not result from the actions of the Applicant due to the unbuildable area on the south side of the property even though the owner did not investigate to see if a permit was required.

During the public hearing for Case 637-V-08 the petitioner was questioned specifically about the setback for the garage at the April 30, 2009, and the petitioner testified that the garage met the required front yard. See the attached excerpt of the approved minutes.

The petitioner applied for zoning use permit 310-09-03 on November 6, 2009, to build an addition to the garage. The permit was approved based on the site plan indication that the addition would exceed the minimum required front yard and the petitioner's earlier assertions about the existing garage. At the time there had been no zoning compliance certificate inspection for permit 266-08-01 since the variance case had been approved only four months earlier.

The petitioner next applied for zoning use permit 251-10-01 on September 8, 2010, to build an addition to the dwelling. The Zoning Officer conducted a zoning compliance inspection on September 17, 2010, so as to verify that all construction was compliant and found that the garage (and the garage addition) was not compliant. The garage was found to have a front yard and setback less than required. The Zoning Administrator discussed the situation with the owner who submitted a variance application on September 20, 2010. Permit 251-10-01 was approved on that same day with a condition that the applicant abide by any reasonable decision of the Zoning Board of Appeals.

EXISTING LAND USE AND ZONING

Table 1 summarizes the land use and zoning on the subject property and adjacent to it.

Table 1. Land Use and Zoning In The Vicinity Of The Subject Property

Direction	Land Use	Zoning
Onsite	Single Family Dwelling w/ Neighborhood Home Occupation	CR Conservation-Recreation
North	Single Family Dwelling	AG-1 Agriculture
East	Single Family Dwelling	AG-1 Agriculture
West	Single Family Dwelling	AG-1 Agriculture
South	Single Family Dwelling	CR Conservation-Recreation

MUNICIPAL EXTRATERRITORIAL JURISDICTION

The subject property is not located within the mile and a half ETJ of a municipality with zoning.

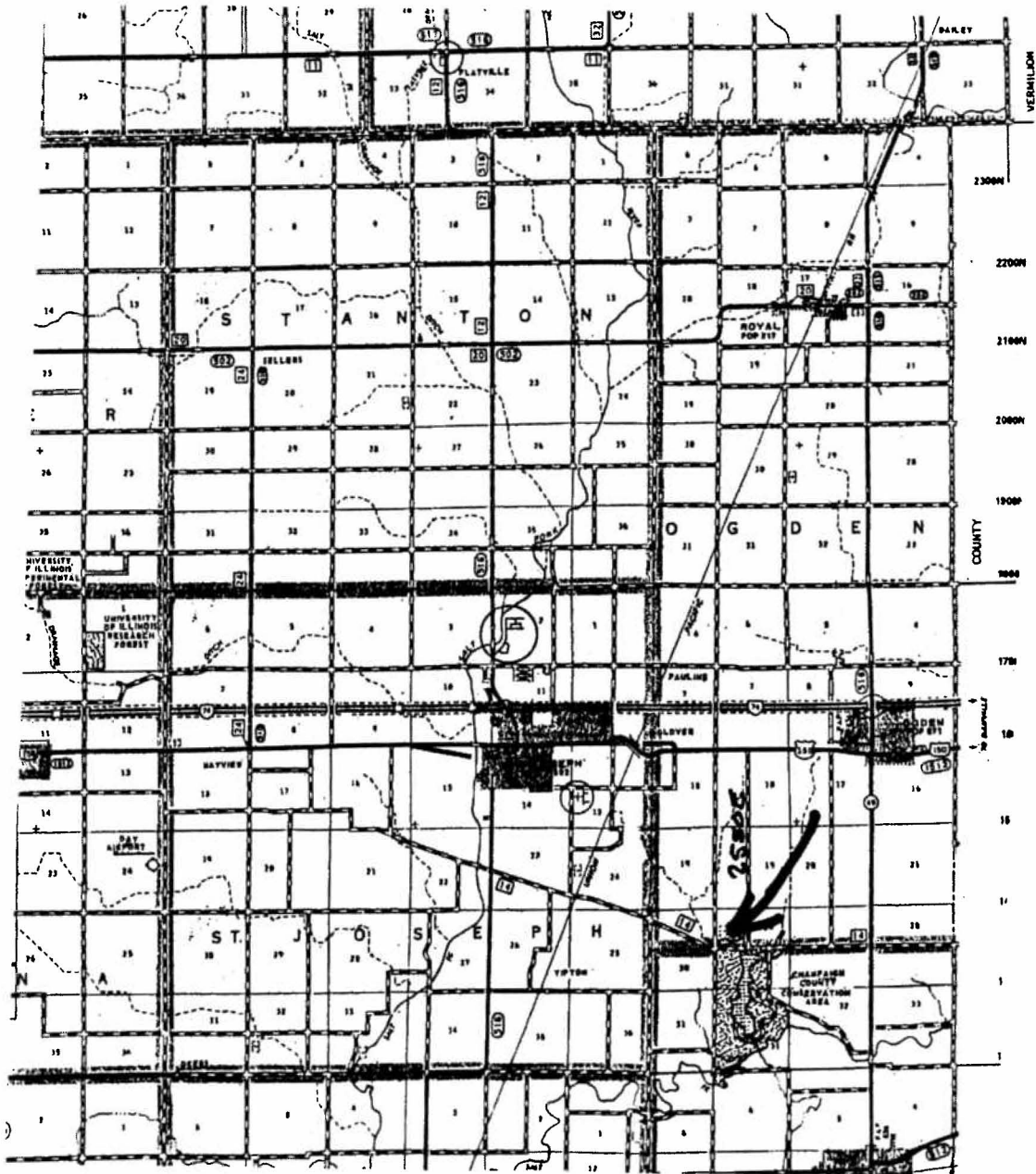
ATTACHMENTS

- A Case Maps from Case 637-V-08 (Location, Land Use, Zoning)
- B Approved site plan for Case 637-V-08 received on June 29, 2009
- C Approved site plan for Permit 310-09-03 (garage addition) received on November 6, 2009
- D Approved site plan for Permit 251-10-01 (house addition) received on September 8, 2010
- E Excerpt of minutes of 4/30/09 public hearing for Case 637-V-08
- F Final Plat of Ingram's Third (Deer Ridge) Subdivision (with subject property indicated)
- G 2008 Aerial photograph with parcel boundaries (with subject property indicated)
- H Neighborhood Home Occupation Permit Application for Pickle Construction
- I Written statement regarding NHO operations received on February 3, 2009
- J Permit 251-10-01 approved on September 20, 2010
- K Draft Summary of Evidence

ATTACHMENT A. LOCATION MAP

Case 637-V-08

APRIL 24, 2009

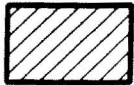
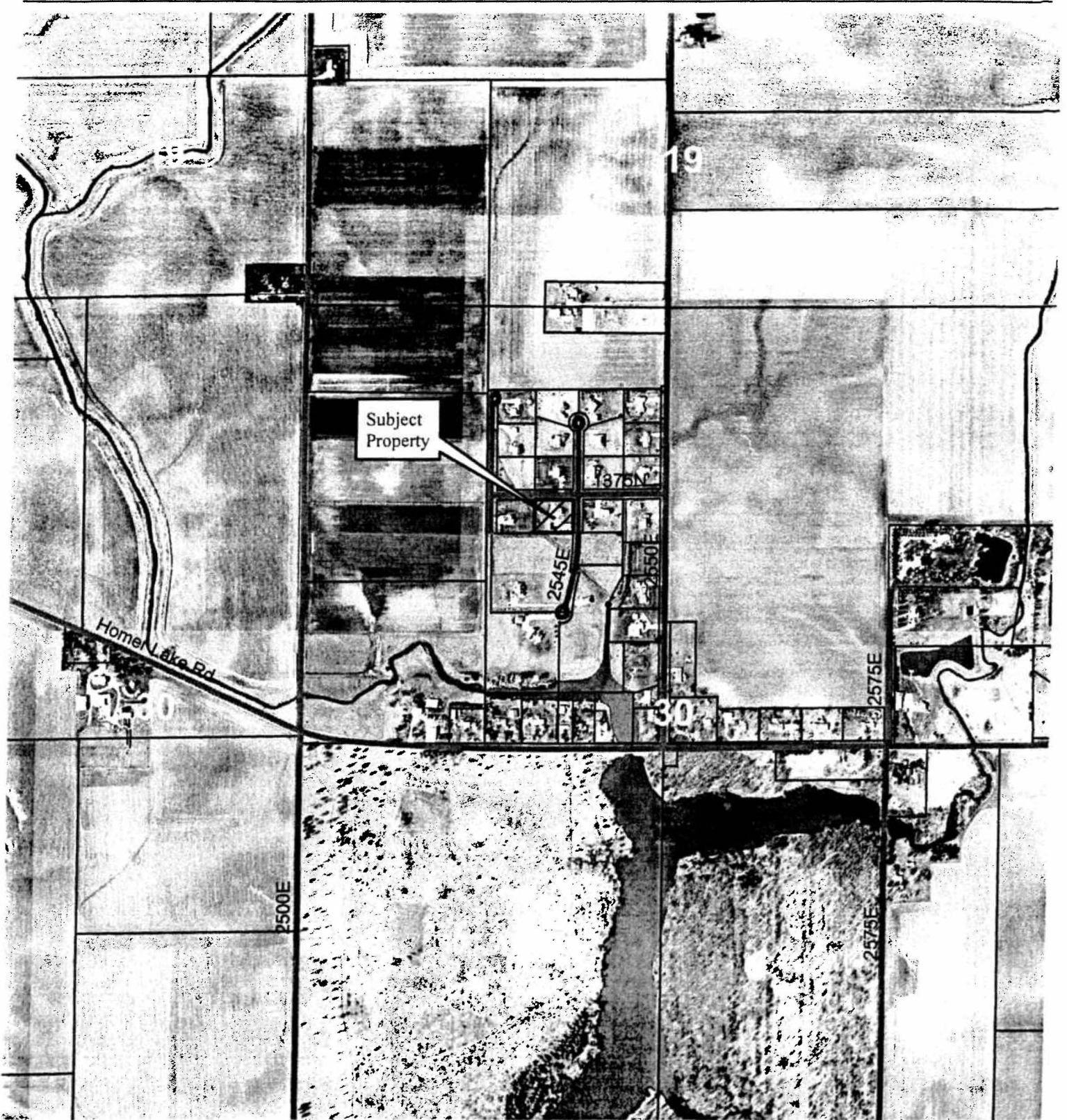


Champaign
County
Department of
**PLANNING &
ZONING**

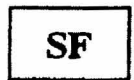
ATTACHMENT A. LAND USE MAP

Case 637-V-08

APRIL 24, 2009



Area of Concern



Single Family



Farmstead



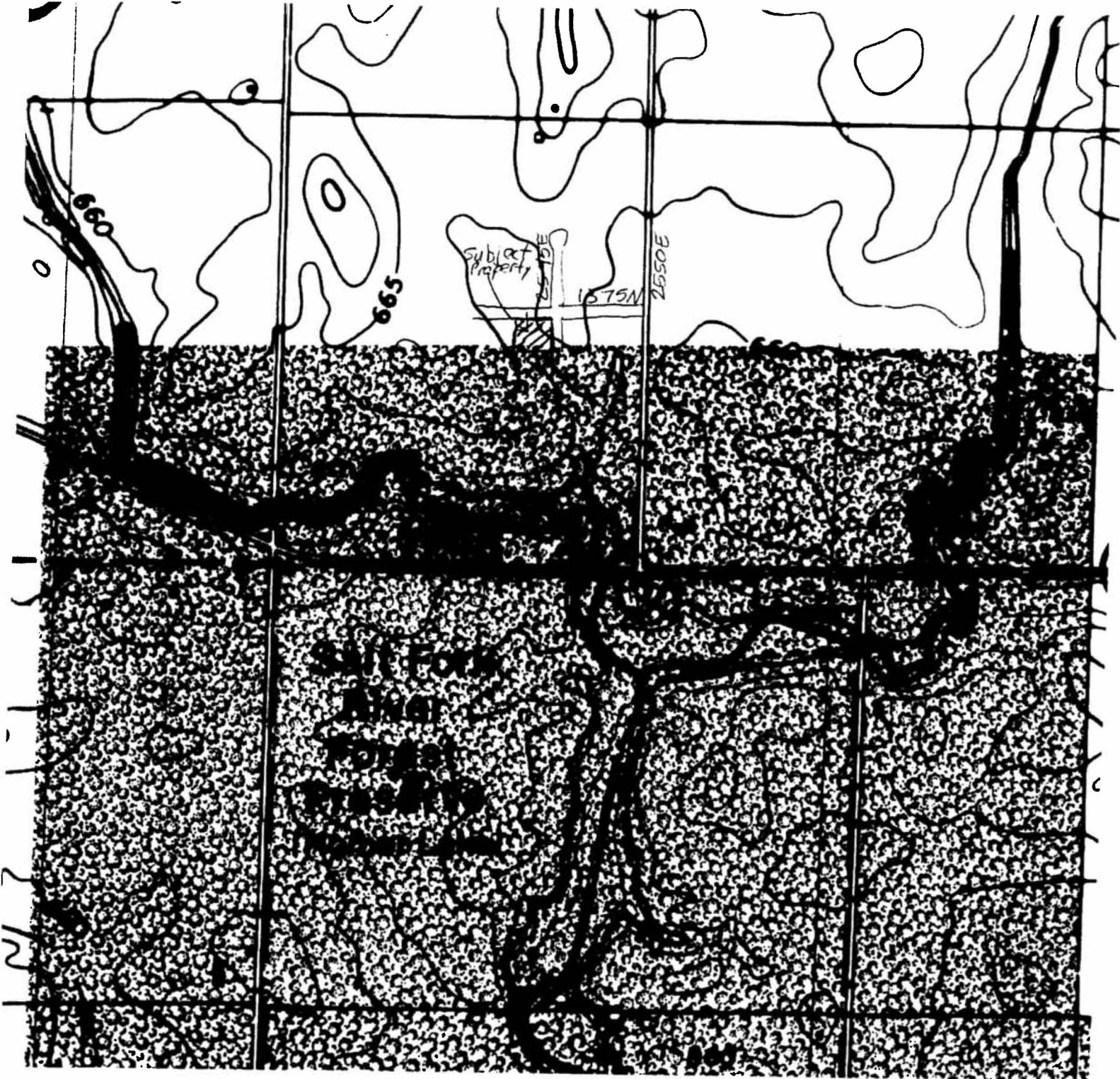
1 inch = 800 feet

Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

Case 637-V-08

APRIL 24, 2009



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

230'

RECEIVED

FEB 23 2009

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

JUN 29 2009

CHAMPAIGN CO. P & Z DEPARTMENT

96'
18'

House

75'

58'4"

Champaign County
Planning & Zoning Department

Approved Site Plan

Permit # 266-01-01

Date: 11/9/09

Champaign County

Planning & Zoning Department

Approved Site Plan

Case # 031-V-08

Date: 6/25/10

200'

100'

20'
40'
POOL

15'

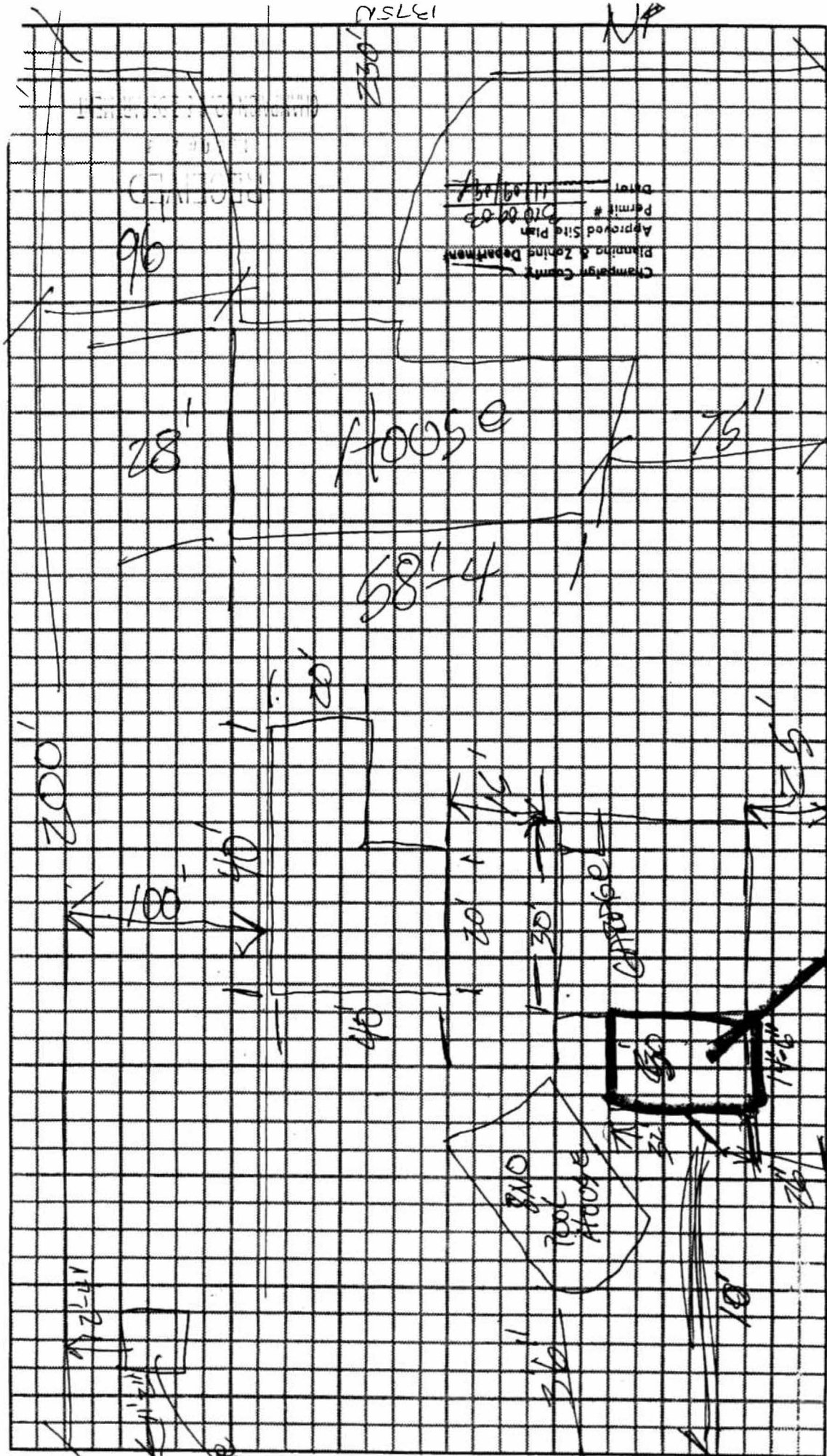
20'
STORAGE
10'x10' 9x7'

42'

12'-4"
LAW HOUSE
PLAY HOUSE
11'-2"

5'6"
5'0"
BUB
POOL
HOUSE

26'



Champlain County
 Planning & Zoning Department
 Approved Site Plan
 Permit # 270 04 03
 Date: 11/19/14

96

House

68'-4"

200'

100'

40'

40'

20'

30'

Garage

20'

30'

200' House

117'-2"

117'-2"

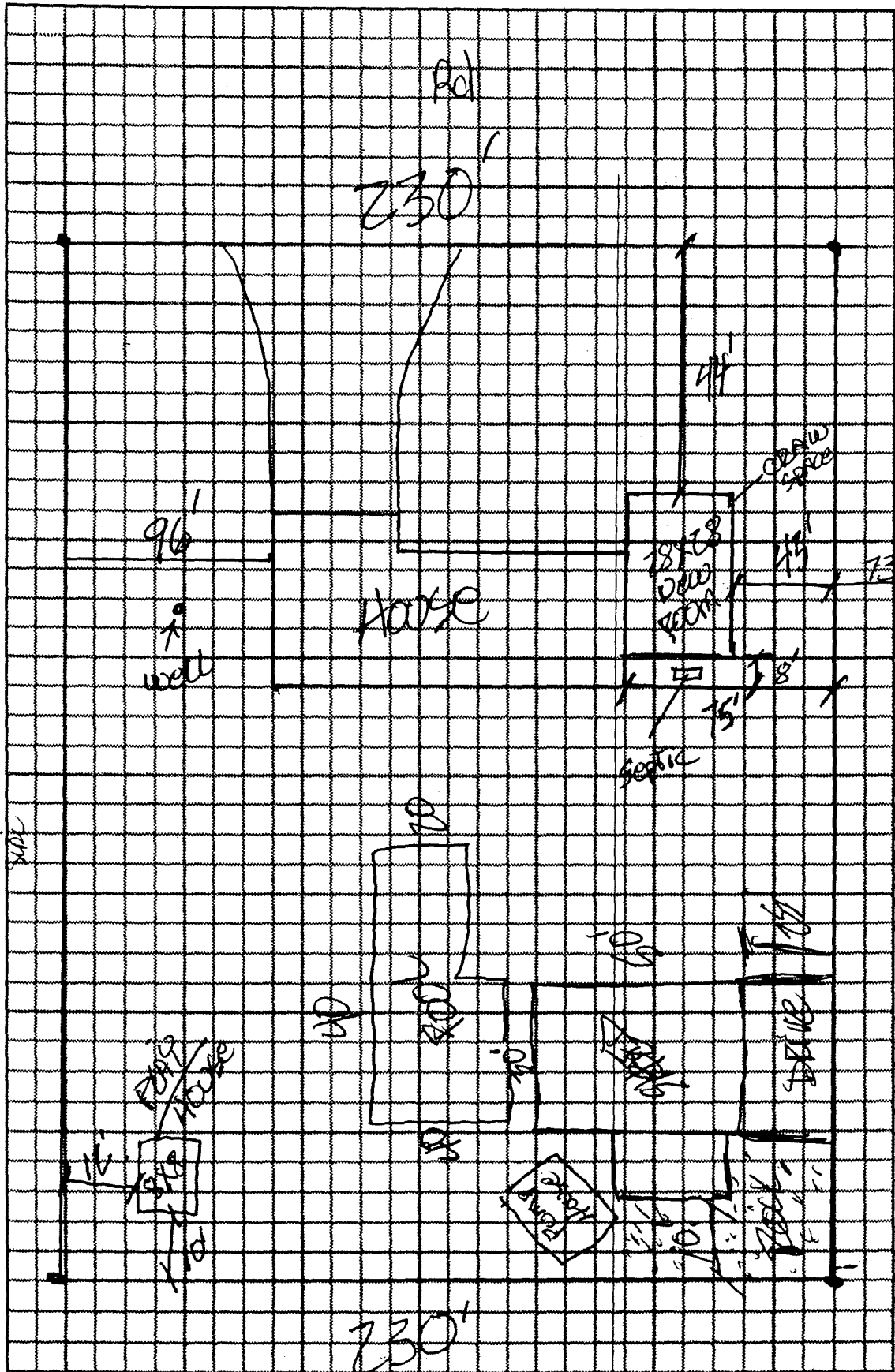
DRIVE

GARAGE

1375' U

NA

1-002



Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Permit # 25444
 Date 9/20/10

RECEIVED

CHAMPAIGN CO. P & Z DEPARTMENT

Subordinate to platbook. Construction approved in Case 10714-06 however, site verified 4/1/10 -
 at or greater than 10' from south-west rd

1
2 Mr. Hall stated that Mr. Harshbarger measured the setback for the garage on CR 2545E and indicated that it was
3 25 feet from the front property line. He said that staff requested that Mr. Harshbarger measure the distance from
4 the centerline of the road and that information has not been submitted to date. He asked Mr. Harshbarger if he
5 was positive that the garage is 25 feet from the front property line along CR 2545E.
6

7 Mr. Harshbarger stated yes.
8

9 Mr. Hall asked Mr. Harshbarger if there are any other issues related to the placement of the pool pump house
10 that the Board should be aware of.
11

12 Mr. Harshbarger asked Mr. Hall if he means relocation issues.
13

14 Mr. Hall stated no, but why the pool pump house is located at its current location.
15

16 Mr. Harshbarger stated that the pool pump house is located at its current location because that is the location
17 where the pool installers roughed in all of the plumbing and there is a propane tank sitting next to it.
18

19 Mr. Hall asked Mr. Harshbarger if there was a reason why the pool was located so far away from the house.
20

21 Mr. Harshbarger stated no.
22

23 Mr. Hall stated that he did not know if perhaps the location was due to the existence of a septic tank or leach
24 field near the house.
25

26 Mr. Harshbarger stated no.
27

28 Mr. Bluhm asked Mr. Harshbarger if in front of the storage shed and over to the property line is basically all
29 rock area.
30

31 Mr. Harshbarger stated yes.
32

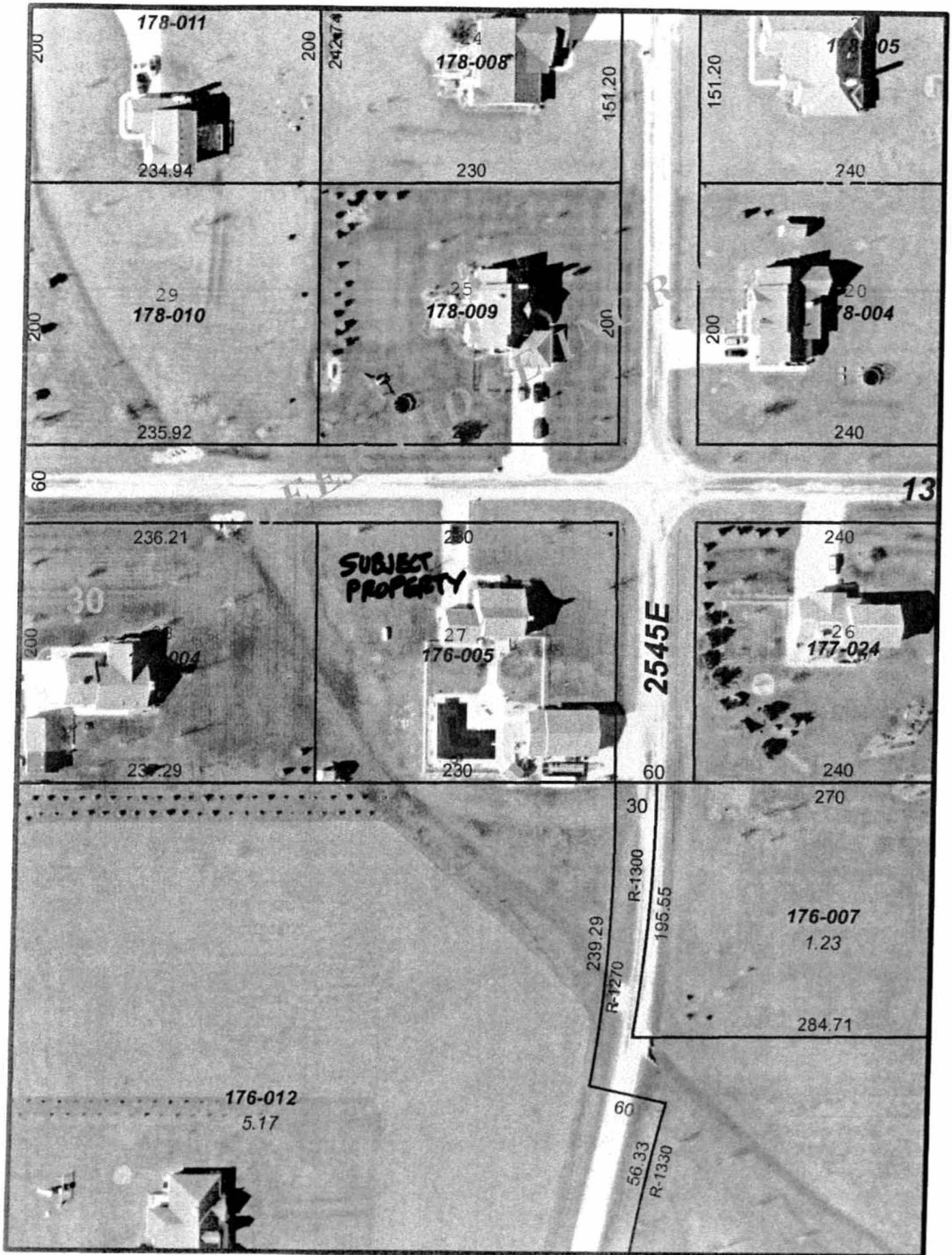
33 Mr. Hall asked Mr. Harshbarger if he could guess at this time what it would cost to move the pool pump house.
34

35 Mr. Harshbarger stated no. He said that he would have to bust up concrete to move all of the plumbing.
36
37

38 Mr. Hall asked Mr. Harshbarger if the structure is such that it could be broken loose from the foundation and
39 moved.
40

41 Mr. Harshbarger stated yes.
42

43 Mr. Bluhm stated that the existing plumbing runs from the pool to the existing location.



1 inch equals 100 feet

Champaign County
Department of
PLANNING & ZONING
1776 E. Washington Street
Urbana, Illinois 61802
Telephone: (217)384-3708
FAX: (217) 819-4021
Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY

Township Opden
Section 30 T19N R14E
Tax Parcel No. 17-24-30-176-005
Permit Application No. 2008-002-810
Receipt No. 3620 Date 9/22/08
Permit No. _____ Zoning District CR
Lot Area 1.05 ac

RECEIVED

SEP 22 2008

NHO

~~RURAL HOME OCCUPATION PERMIT APPLICATION~~

CHAMPAIGN CO. P & Z DEPARTMENT

All information requested **must** be completed on this application. Attach additional pages, if necessary. Applicants are encouraged to visit this office and assistance will be given in filling out this form. If possible, please call (217)384-3708 for an appointment to avoid delays.

Application is hereby made for a Zoning Use Permit for a RURAL HOME OCCUPATION as required under the Zoning Ordinance of Champaign County, Illinois. In making this application the applicant represents all the following statements and any attachments as a true description of the proposed rural home occupation to be carried on in the house and/or accessory buildings on the property described herein. The permit fee for a rural home occupation is \$ 33.00

Owner and/or Lessee of Property: MICK HARBART Telephone: 202-560

Property Owner or Agent, if other than Applicant: _____

Address: 2546 CO RD 1375N Telephone: 202-560

Address of Proposed Rural Home Occupation: 2546 CO RD 1375N

OPDEN IL 61859

Legal Description of Property: 27 DEER RIDGE INGRAMS 3A

Tax Parcel Number: 172430176005 Zoning District: AG CR

Size of Parcel 1.05 acre(s).

SPECIFICS OF RURAL HOME OCCUPATION

1. Name of Rural Home Occupation Business (Assumed Name, if any): _____

PICKLE CONSTRUCTION INC.

2. Name of Proprietor(s) of Rural Home Occupation Business (if different than owner): _____

3. Name and address of any other person having an ownership interest in the business: _____

4. Brief description of the nature of the business: CONSTRUCTION

(CARPENTER)

5. Number of Employees other than resident family members: Full Time: 1 Part Time: _____

6. If you will have a sign advertising your home occupation, describe the size, height, type - freestanding or wall mounted, and location (show on site plan). _____

7. Explain which portions of the house and/or any accessory building to be used in the operation of your home occupation.

HOME OFFICE / 30x30 GARAGE

8. Describe any commercial vehicle(s) to be kept on site (make, model, and license #):

2 - 2000 FORD
1 - 2006 FORD

9. List all types and quantities of solvents, acids, paints, organic chemicals, heavy metals, flammable liquids, compressed gases, or other hazardous or potentially hazardous materials used in the home occupation business.

NONE

10. Identify any products offered for retail sale.

NONE

11. Other Comments:

12. Attach Site Plan Showing:

- a. Property Boundaries
- b. Street Access
- c. Location of all Buildings (Identify Building or Buildings Used in Home Occupation)
- d. Parking Areas (Minimum 9'x 20' - 1 per Non-Resident Employee, 1 Guest Space and Two for Dwelling)
- e. Outdoor Sales Display Area
- f. Outdoor Storage Area
- g. Parking Area for Vehicles Used in the Business
- h. Location of Any Business Sign

I/we am/are the proprietor(s) and owners or lessees of the above described property and Rural Home Occupation business and have received a copy of and read Section 7.1.2 of the Champaign County Zoning Ordinance, relating to RURAL HOME OCCUPATION regulations, and fully understand them.

SIGNED: [Signature] DATED: 9-22-08
SIGNED: _____ DATED: _____

DO NOT WRITE BELOW THIS LINE

Permit issued () Permit Number NHO Date 7/9/09
Permit denied () Cause: _____

[Signature]
Signature of Enforcing Officer

ADDITIONAL COMMENTS:

I have one truck that I use for the business and one truck that I use to do snow removal. I have 2 trailers but they are stored in Champaign at my other storage. I may bring a trailer home at the end of the day if I'm going out of town the next day. The trailer I bring home is hooked to my truck. None of the trailers are stored on the property. I keep my plow truck and I have a new 2006 Ford truck with 3000 miles that I keep in the storage garage along with my wife's car. The only truck that is kept outside is my work truck... *NO ONE MEETS AT MY HOUSE!*

RECEIVED
CHAMPAIGN POLICE DEPARTMENT

CHAMPAIGN COUNTY, ILLINOIS

ZONING USE PERMIT

No.: 251-10-01

Application Date: 09/08/10

Township: Ogden Section: 30 Receipt #: 4030

P.I.N.: 17-24-30-176-005 Fee: \$161.00

Location (Address, directions, etc.): 2545 CR 1375N, Ogden, Illinois

Owner/s: Mick Harshbarger

Issued to: Owner: X Agent: Zoning District: CR Lot Area: 1.05 acres

Legal Description: Lot 27, Deer Run Subdivision

Project Is To: construct an addition to an existing single family home

Use Is: Accessory: Principal: X Conforming: X Non-Conforming:

By: Appeal #: Special Use #: Variance #: 637-V-08

Special Conditions: Issuance of this permit is based on the applicant agreeing to abide by any reasonable request made by the Champaign County Zoning Board of Appeals in Variance Case 617-V-10 for the existing detached garage.

Standard Conditions

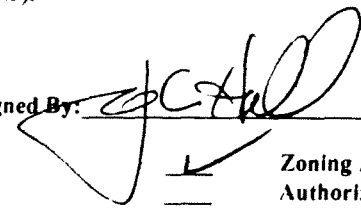
1. This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

3. As evidenced in the Zoning Use Permit Application, the owner has expressly granted permission for representatives of the Champaign County Department of Planning & Zoning to enter the premises at reasonable times for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

2. This Zoning Use Permit expires if the work described in the application has not begun within 180 consecutive days from issuance or if the work is not substantially completed within 365 consecutive days from issuance.

4. A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3).

Date: 9/20/10

Signed By: 
Zoning Administrator
Authorized Agent

PRELIMINARY

677-V-10

**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: **March 24, 2011**

Petitioner: **Mick and Leah Harshbarger**

Request: **Authorize the occupancy and use of an existing detached accessory structure with a setback of 47 feet and 6 inches from CR2545, a minor street, in lieu of the minimum required setback of 55 feet and a front yard of 17 feet and 6 inches from the front property line in lieu of the minimum required front yard of 25 feet and located in the CR District.**

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 30, 2009, and June 25, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Mick and Leah Harshbarger, own the subject property.
2. The subject property is Lot 27 of Deer Ridge/Ingram's Third Subdivision in Section 30 of Ogden Township and commonly known as the house at 2545 CR 1375N, Ogden.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling. A Neighborhood Home Occupation is an accessory use on the subject property.
 - B. Land south of the subject property is zoned CR Conservation-Recreation and is in use as single family dwellings.
 - C. Land to the north, east, and west of the subject property is zoned AG-1 Agriculture and is in use as single family dwellings.

PRELIMINARY SUMMARY OF EVIDENCE

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Generally regarding the proposed site plan:
- A. The original house was constructed in 1997 under ZUPA 164-97-05 and received a Zoning Compliance Certificate on June 18, 1998.
 - B. The detached garage, swimming pool, pool house, and play house were originally constructed without permits and the pool house and play house were the subjects of variance Case 637-V-08 that was determined on June 25, 2009, as follows:
 - (1) The play house was the detached accessory structure in Part A of the previous variance case 637-V-08 and was originally constructed in the southwest corner of the subject property only four feet, two inches from the west lot line and only four feet from the south lot line instead of the required 10 feet in both instances. It is eight feet by eight feet and is four feet, six inches off the ground on treated posts.

Part A of Case 637-V-08 was denied and the play house was relocated as indicated on the approved site plan for case 637-V-08. That same site plan was submitted for the previously unauthorized structures in zoning use permit application 266-08-09 on July 9, 2009.

The relocation was verified in a compliance inspection on September 17, 2010. The compliance inspection revealed that the garage was in violation of the Zoning Ordinance due to a non-compliant setback and front yard so no zoning compliance certificate was approved for the play house.

- (2) A swimming pool was constructed south of the house and conforms to all Zoning Ordinance requirements. The pool was included with other previously unauthorized structures in zoning use permit application 266-08-01 on July 9, 2009. The compliance inspection revealed that the garage was in violation of the Zoning Ordinance due to a non-compliant setback and front yard so no zoning compliance certificate was approved for the pool.
- (3) The pool pump house was the detached accessory building in Part B of the previous variance case 637-V-08 and is only three feet, six inches from the south lot line instead of the required 10 feet.

Part B of Case 637-V-08 was approved subject to the following special condition:

If the pump house is damaged or destroyed it should be relocated and reconstructed in compliance with the Zoning Ordinance.

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 5.B. (CONTINUED)

The pool pump house was included with other previously unauthorized structures in zoning use permit application 266-08-01 on July 9, 2009. The side yard of the pool pump house was verified in a compliance inspection on September 17, 2010. The compliance inspection revealed that the garage was in violation of the Zoning Ordinance due to a non-compliant setback and front yard so no zoning compliance certificate was approved for the pool pump house.

- (3) The detached garage was included with other previously unauthorized structures in zoning use permit application 266-08-01 on September 22, 2008. An addition to the garage was applied for in zoning use permit application 310-09-03 on November 6, 2009. Permit 310-09-03 was approved on November 9, 2009, because the site plan indicated that the addition would exceed the minimum required setback and front yard and the petitioner had testified in Case 637-V-08 that the existing garage complied with those requirements.

The subsequent compliance inspection for permit 266-08-09 on September 17, 2010, revealed that the garage was in violation of the Zoning Ordinance due to a non-compliant setback and front yard so no zoning compliance certificate was approved for the garage or the garage addition.

- C. The petitioner submitted zoning use permit application 251-10-01 for an addition to the house on September 8, 2010. Permit 251-10-01 was authorized on September 20, 2010, with the following condition:

Issuance of this permit is based on the applicant agreeing to abide by any reasonable request made by the Champaign County Zoning Board of Appeals in Variance Case 677-V-10 for the existing detached garage.

- D. The petitioner operates an office for his Neighborhood Home Occupation (NHO) out of his home. The petitioner's NHO is described on the application for a permit and in a written statement submitted with the site plan, and was approved on September 22, 2008, (and included as an attachment to the Preliminary Memorandum) as follows:

- (1) The business is named Pickle Construction. It is a construction business, apparently focusing on carpentry. As part of the NHO, the petitioner also does snow removal.
- (2) The business is operated from an office in the single family dwelling and the large storage garage.

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 5.D. (CONTINUED)

- (3) The petitioner keeps one truck for use in the construction business and one truck for snow removal. An extra truck appears to be stored in the large storage garage, but is not used regularly. A trailer may be parked with the work truck outside the garage on the south side.
- (4) The petitioner does not indicate any activities other than storage that take place on the subject property and indicates that no employees meet at the subject property for work.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (4) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
 - (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, CORNER” is a LOT located:
 - (a) At the junction of and abutting two or more intersecting STREETS; or
 - (b) At the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) At and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
 - (7) “LOT LINES” are the lines bounding a LOT.

ITEM 6.A. CONTINUED

- (8) "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.
- (9) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (10) "STORAGE" is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (11) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (12) "YARD" is an OPEN SPACE, other than a COURT, of uniform 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.
- (13) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (14) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

B. Regarding Zoning Ordinance requirements for corner lots:

- (1) Subsection 4.3.2 illustrates a corner lot as having a setback along each adjacent street.
- (2) Paragraph 4.3.3 E. specifies that the minimum SIDE YARD on the STREET SIDE of a CORNER LOT shall be equal to the minimum FRONT YARD otherwise required in the DISTRICT.

C. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 6. CONTINUED

- D. 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 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the 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 9.1.9D.2.
- G. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

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 that, **“They will never make the road wider no more house will be built.”**
 - B. At the April 30, 2009, public hearing for Case 637-V-08, co-petitioner Mick Harshbarger, owner and operator of Pickle Construction, testified to the following:
 - (1) On the application that, **“Pool Pump House.”**

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 7.B. CONTINUED

(2) At the public hearing he testified as follows:

- (a) He was not aware that he needed a building permit for a detached garage or a play house.
- (b) He has built these types of structures for many people in Champaign without obtaining a permit.

C. Regarding the history of the garage:

- (1) The detached garage, swimming pool, pool house, and play house were originally constructed without permits and the pool house and play house were the subjects of permit 266-08-01 and variance Case 637-V-08.
- (2) During the public hearing for Case 637-V-08 the petitioner was questioned specifically about the setback for the garage at the April 30, 2009, and the petitioner testified that the garage met the required front yard. At the time there had been no zoning compliance certificate inspection for permit 266-08-01 since the variance case had been approved only four months earlier.
- (3) Part B of Case 637-V-08 was approved on June 25, 2009.
- (4) The petitioner applied for zoning use permit 310-09-03 on November 6, 2009, to build an addition to the garage. The permit was approved based on the site plan indication that the addition would exceed the minimum required front yard and the petitioner's earlier assertions about the existing garage. At the time there had been no zoning compliance certificate inspection for permit 266-08-01 since the variance case had been approved only four months earlier.
- (5) The petitioner next applied for zoning use permit 251-10-01 on September 8, 2010, to build an addition to the dwelling. The Zoning Officer conducted a zoning compliance inspection on September 17, 2010, so as to verify that all construction was compliant and found that the garage (and the garage addition) was not compliant. The garage was found to have a front yard and setback less than required. Permit 251-10-01 was approved on that same day with a condition that the applicant abide by any reasonable decision of the Zoning Board of Appeals.

D. Regarding CR2545:

- (1) The dedicated right of way for CR 2545 currently ends at the south line of the subject property even though Ogden Township maintains the pavement all the way to and including the cul-de-sac turnaround to the south.

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 7.D. CONTINUED

- (2) If CR2545 the dedicated right of way for CR 2545 ended at some point north of the subject garage it would not be a public street in front of the garage and there would be no required front yard or setback but instead only a required side yard of 10 feet.

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 that, **“The cost would be a lot!”**
 - B. In the public hearing for Case 637-V-08, co-petitioner Mick Harshbarger, owner and operator of Pickle Construction, testified to the following:
 - (1) On the application that, **“Power, plumbing, heater, gas line.”**
 - (2) The petitioner asserted to staff that there is no land available for purchase from the neighbors to the south to mitigate the amount of variance (that was required for the side yard).
 - C. If the variance is not granted at least 7 feet 6 inches of the garage will have to be torn down or relocated

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 that, **“I thought my setback was 10 feet on a side yard. Didn’t know I had 2 front yards!”**
 - B. In the public hearing for Case 637-V-08, co-petitioner Mick Harshbarger, owner and operator of Pickle Construction, testified on the application that, **“I built pool pump house and did not know there was a 10 foot setback.”**

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 that, **“None”**
 - B. The Zoning Ordinance does not clearly state the considerations that underlay the setback and front yard requirements. In general, the setback is presumably intended to ensure the following:

ITEM 10.B. CONTINUED

- (1) Right of way acquisition. CR2545 is a minor street that currently ends at the south line of the subject property although the Highway Commissioner maintains the road all the way to and including the cul-de-sac turnaround and receives motor fuel tax funds for that maintenance. CR2545 will probably never be widened at this location and it is very unlikely that any additional right of way will ever be needed.
- (2) Off-street parking. Regarding off street parking:
 - (a) The Zoning Ordinance requires a minimum of two parking spaces for a dwelling and the Neighborhood Home Occupation (NHO) on the subject property is allowed to have only one commercial vehicle. The Zoning Ordinance also requires a parking space to be a minimum of 9 feet wide and 20 feet long.

The existing 17 feet 6 inch front yard is not long enough to accommodate a required parking space without projecting into the right of way but it appears that all required parking is available inside the garage.
 - (c) On a letter submitted with the application for the NHO the petitioner has indicated there are three vehicles in total kept in the garage and a work truck that is kept outside. At this time it is not clear if the work truck extends into the right of way.
 - (d) The street pavement is a minimum of 20 feet wide and is more or less centered in the 60 feet wide right of way. Thus, the street pavement is approximately 20 feet from the subject property and there is approximately 37 feet 6 inches between the subject garage and the edge of the street pavement.
- (3) Aesthetics. Aesthetic benefit may be a consideration for any given front yard and setback but can be very subjective. In this instance, the subject property retains a great deal of open space.
- (4) Adequate light and air. The structure in question is an accessory structure which does not noticeably affect the amount of light and air available on the large lots in this neighborhood.

C. The subject property conforms to all other *Zoning Ordinance* requirements.

D. The existing front yard of 17 feet 6 inches is 70.0% of the required 25 feet for a variance of 30% and the existing setback of 47 feet and 6 inches from CR2545, a minor street, is 86.4% in lieu of the minimum required setback of 55 feet.

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

PRELIMINARY SUMMARY OF EVIDENCE

ITEM 10. CONTINUED

- F. The petitioner in this case is the owner and operator of a construction business and asserted in the public hearing for Case 637-V-08 that he has constructed buildings in the City of Champaign without obtaining permits, so he was unaware of the need for permits in the County.
- G. In Case 637-V-08 Staff requested Mr. Harshbarger measured the distance from the centerline of the road to the detached garage and that information was not submitted however on April 30, 2009, Mr. Harshbarger testified in Case 637-V-08 that he was positive that the garage was 25 feet from the front property line along CR2545E.

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 that, **“The closest house is 2.5 acres away.”**
 - B. The Fire Protection District has received notice of this variance, but no comments have been received.
 - C. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
- 12. Elsewhere on the application the Petitioner has stated, **“It is on concrete and the plumbing and power is coming up in the center of pump house.”**

PRELIMINARY SUMMARY OF EVIDENCE

Cases 677-V-10

Page 11 of 13

DOCUMENTS OF RECORD

1. Variance application from Mick and Leah Harshbarger, received on September 20, 2010, with attachments:
 - A Approved site plan for zoning use permit 310-09-03

2. Preliminary Memorandum with attachments:
 - A Case Maps from Case 637-V-08 (Location, Land Use, Zoning)
 - B Approved site plan for Case 637-V-08 received on June 29, 2009
 - C Approved site plan for Permit 310-09-03 (garage addition) received on November 6, 2009.
 - D Approved site plan for Permit 251-10-01 (house addition) received on September 8, 2010
 - E Excerpt of minutes of 4/30/09 public hearing for Case 637-V-08
 - F Final Plat of Ingram's Third (Deer Ridge) Subdivision (with subject property indicated)
 - G 2008 Aerial photograph with parcel boundaries (with subject property indicated)
 - H Neighborhood Home Occupation Permit Application for Pickle Construction
 - I Written statement regarding NHO operations received on February 3, 2009
 - J Permit 251-10-01 approved on September 20, 2010
 - K Draft Summary of Evidence

PRELIMINARY SUMMARY OF EVIDENCE

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 677-V-10 held on **March 24, 2011**, 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

PRELIMINARY SUMMARY OF EVIDENCE

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 of 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 677-V-10 is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Mick and Leah Harshbarger**, to authorize the occupancy and use of an existing detached accessory structure with a setback of 47 feet and 6 inches from CR2545, a minor street, in lieu of the minimum required setback of 55 feet and a front yard of 17 feet and 6 inches from the front property line in lieu of the minimum required front yard of 25 feet and located in the CR District,

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

MONTHLY REPORT for JANUARY 2011¹

Zoning Cases

Champaign
County
Department of

**PLANNING &
ZONING**

**Brookens
Administrative Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

The distribution of cases filed, completed, and pending is detailed in Table 1. Two zoning cases were filed in January and two were filed in January 2010. The average number of cases filed in the preceding five Januarys was 3.4.

Two ZBA meetings were held in January and two cases were finalized. One ZBA meeting was held in January 2010 and no case was completed. The average number of cases finalized in the preceding five Januarys was 1.4.

By the end of January there were 5 cases pending (one was a text amendment). By the end of January 2010 there were 9 cases pending.

Table 1. Zoning Case Activity in January 2011

Type of Case	January 2011 2 ZBA meetings		January 2010 1 ZBA meeting	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	0	1	0
SFHA Variance	0	0	0	0
Special Use	1	0	0	0
Map Amendment	0	0	0	0
Text Amendment	0	2	0	0
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	1	0
Interpretation / Appeal	0	0	0	0
TOTALS	2	2	2	0
Total cases filed (fiscal year to date)	2 cases		4 cases	
Total cases completed (fiscal year to date)	4 cases		1 cases	
Case pending*	5 cases**		9 cases	
* Cases pending includes all cases continued and new cases filed				
** Cases 542-AM-06 and 629-V-08 were also removed from the docket in January 2011				

¹ Note that approved absences, 5.5 sick days, and the loss of the Associate Planner resulted in an average staffing of 72% or the equivalent of 3.6 staff members (of the 5 authorized) present for each of the 20 work days in January.

Planning & Zoning Monthly Report
JANUARY 2011

Subdivisions

There was no County subdivision approval in January and no applications but there was one inquiry. No municipal subdivisions were reviewed for compliance with County zoning in January.

Zoning Use Permits

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in January can be summarized as follows:

- There were 6 permits received for 5 structures in January compared to no permits in January 2010. The five-year average for permits in January is 5.4.
- This is the third month in the last 23 months (in addition to September 2010 and September 2009) that exceeded the five-year average for number of permits.
- The average turnaround (review) time for complete initial residential permit applications in January was 3.00 days.
- The reported value for construction authorized in permits for January was \$312,702 compared to \$0 in January 2010. The five-year average reported value for authorized construction in January is \$353,484.
- Only three other months (August and May 2010 and January 2009) in the last 25 months have equaled or exceeded the five-year average for reported value of construction.
- The County collected \$964 in fees for January compared to \$0 in January 2010. The five-year average for fees collected in January is \$1,306.
- Fees equaled or exceeded the five-year average for collected permit fees in only three months (August 2010 and December and January 2009) in the last 22 months.
- There were also 8 lot split inquiries and 176 other zoning inquiries in January.
- Permitting staff made up for the missing Associate Planner in January involving a complicated combined Minor Rural Specialty Business and Home Occupation in Hensley Township and an existing property with multiple proposed uses that will require a zoning map amendment and special use permit.

Zoning Compliance Inspections

A list of the Zoning Compliance Certificates approved in January is included as Appendix B. Compliance inspection activity in January can be summarized as follows:

- 6 compliance inspections were made in January for a total of 18 compliance inspections so far in FY2011.

TABLE 2. PERMIT ACTIVITY JANUARY, 2011

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential		N.A.		1	N.A.	400,000
Other	1	N.A.	31,902	2	N.A.	61,902
SINGLE FAMILY Residential:						
New - Site Built	1	513	250,000	2	1,254	470,000
Manufactured						
Additions				1	305	243,800
Accessory to Residential	3	451	30,800	4	517	32,800
TWO-FAMILY Residential						
Average turn-around time for permit approval	3 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural						
Neighborhood	1	N.A.	0	2	N.A.	0
COMMERCIAL:						
New						
Other						
INDUSTRIAL:						
New						
Other						
OTHER USES:						
New						
Other						
SIGNS						
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS						
TOTAL	6/5	\$964	\$312,702	12/10	\$2,076	\$1,208,502

* 6 permits were issued for 5 structures during January, 2011

◇ 12 permits have been issued for 10 structures since December, 2010 (FY 12/2010 - 11/2011)

NOTE: Home occupations and other permits (change of use, temporary use) total 2 since December, 2010, (this number is not included in the total # of structures).

Planning & Zoning Monthly Report

JANUARY 2010

- 8 compliance certificates were issued in January. Note that a compliance certificate should be authorized no longer than 12 months after the permit was issued so this compares to the total of 0 permits for structures in January 2009. Thus, the backlog of compliance inspections decreased slightly in January.
- Inspections have cleared compliance for a total of 20 permits so far this fiscal year (since December 1, 2010) which averages to 2.4 completed compliance inspections per week for FY2011. The FY2011 budget anticipates a total of 516 compliance inspections for an average of 9.9 compliance inspections per week.

Zoning and Nuisance Enforcement

Table 3 contains the detailed breakdown of enforcement activity for January 2011 that can be summarized as follows:

- 6 new complaints were received in January compared to 2 in January 2010. No complaint was referred to other agencies in January and one was referred in January 2010.
- 15 enforcement inspections were conducted in January compared to 7 inspections in January 2010.
- No contacts were made prior to written notification in January and none were made in January 2010.
- 15 initial investigation inquiries were made in January for an average of 3.8 per week in January and 2.7 per week for the fiscal year. The FY2011 budget had anticipated an average of 6.5 initial investigation inquiries per week.
- 2 First Notices and no Final Notice were issued in January compared to no First Notice and 1 Final Notice in January 2010. The FY2011 budget had anticipated a total of 60 First Notices and so far there has been a total of 4 First Notices (less than 1% of that total) by the end of the January.
- No new case was referred to the State's Attorney in January and two cases were referred in January 2010.
- No case was resolved in January compared to 3 cases that was resolved in January 2010.
- 560 cases remain open at the end of January compared to 582 open cases at the end of January 2010. Recently the number of cases was as low as 539 in May 2010 but have increased every month since.

APPENDICES

A Zoning Use Permits Authorized

B Zoning Compliance Certificates Issued

TABLE 3. ENFORCEMENT ACTIVITY FOR JANUARY, 2011

	FY 2010 Enforcement	December, 2010	January, 2011	TOTALS FOR FY 11
Complaints Received	99	2	6	8
Initial Complaints Referred to Other Agencies	15	0	0	0
TOTAL CASES INCLUDING PREVIOUS YEARS				
Inspections	347	8	15	23
Phone or On-Site Contact Prior to Written Notification	24	0	0	0
1st Notices Issued	40	2	2	4
Final Notices Issued	14	0	0	0
Referrals to State's Attorney's Office	5	1	0	1
Cases Resolved ¹	119	1	0	1
Open Cases ²	553	554	560	560*/**

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

²Open Cases are unresolved cases, and include any cases referred to the State's Attorney's Office or new complaints not yet investigated.

*Open Cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in that same month.

**The 560 open cases include 27 cases that have been referred to the State's Attorney's Office, 15 cases that involve properties where kennels are being operated and will be addressed in the Zoning Ordinance revision process, and 8 cases that involve floodplain matters which brings the total of open cases to 510.

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING JANUARY, 2011

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
111-05-01		Pending Special Use Permit		
221-05-01		Pending resolution of violation		
	RHO			
345-05-01		Under review		
26-06-02		Under review		
88-06-01		More information needed		
	RHO			
118-06-02		Under review		
277-06-02		More information needed		
	FP			
82-07-01		Need IDNR response		
	FP			
192-07-02		More information needed		
	FP			
219-07-01		More information needed		
219-07-02		More information needed		
	RHO			
250-07-02		More information needed		
320-07-01		More information needed		
	FP			
18-08-01		Under review		
137-08-01		Under review		
187-08-02		Under review		
200-08-01		Under review		
235-08-01		More information needed, possible Variance		
235-08-02		More information needed, possible Variance		
237-08-01		Under review		
266-08-01		Variance needed		
310-08-01		Under review, possible RRO, subdivision issues		

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING JANUARY, 2011

12-09-01	Under review			
147-09-01	Under review			
357-09-01	Under review			
RHO				
41-10-01	Pending Special Use Permit			
54-10-01	Under review			
251-10-01	Variance needed			
362-10-01	A tract of land located in the S ½ of the NE 1/4 of Section 27, Compromise Township; 2573 CR 2200E, Gifford, Illinois PIN: 06-10-27-200-004	Steve Buhr	12/28/10 01/05/11	construct a sunroom addition to an existing single family home
AG-1				
364-10-01	Lot 97, Edgewood 8 th Subdivision, Section 10, Urbana Township; 2408 John Drive, Urbana, IL PIN: 30-21-10-327-012	Jim Kelly	12/30/10 01/06/11	construct an in-ground swimming pool with a minimum 4' non-climbable fence with a self closing, self latching gate
R-1				
03-11-01	Zoning Case required			
03-11-02	A tract of land in the E ½ of Fractional NE 1/4 of Section 3, Hensley Township; Address to be assigned PIN: 12-14-03-200-001	Richard Schrock and Katie Schrock	01/03/11 01/28/11	construct a single family home with attached garage, a horse barn and a building for hay storage
AG-1				
03-11-03	Under review			
RHO				
03-11-04	A tract of land located in the SE Corner of the SE 1/4 of Section 33, Philo Township and Lot 6 of Walter Sandwell Second Subdivision, Section 33, Philo Township; 601 CR 1500E, Tolono, Illinois PIN: 19-27-33-400-005 & 019	Wesley Burk	01/03/11 01/06/11	construct a detached storage shed
AG-1				
10-11-01	More information required			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING JANUARY, 2011

13-11-01	Lot 346, Lakeview Subdivision, Seventh Addition, Section 13, Mahomet Township; 1910 E. Juniper Drive, Mahomet, Illinois PIN: 15-13-13-101-025	Diana Hustedt	01/13/11 01/20/11	authorize construction of a previously constructed detached storage shed
13-11-02	Additional fee required			
26-11-01	Under review			
28-11-01	Under review			

APPENDIX B: ZONING COMPLIANCE CERTIFICATES ISSUED DURING JANUARY, 2011

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>
04/22/10* 311-00-03 313-00-01	The E ½ of the NE ¼ of Section 33, Kerr Township; 2775 CR 3075N, Penfield, Illinois PIN: 13-06-33-200-002	Change of Use to establish a private campground, a single family home with attached garage to be used as a proprietor's residence for the campground and a detached storage shed.
07/20/09* 206-07-01	A tract of land being a part of the NW ¼ of the NE ¼ of the SE ¼ of Section 25, Somer Township; 4109 East Oaks Road, Urbana, Illinois PIN: 25-15-35-400-004	an addition to an existing single family home
11/10/10 112-08-01	Lot 12, Country Acres Estates, Section 8, Champaign Township; 5105 Dudley Drive, Champaign, Illinois PIN: 03-20-08-102-005	a detached garage
11/22/10 13-11-01	Lot 346, Lakeview Subdivision, Seventh Addition, Section 13, Mahomet Township; 1910 E. Juniper Drive, Mahomet, Illinois PIN: 15-13-13-101-025	a detached storage shed
11/22/10 166-99-03	Lot 346, Lakeview Subdivision, Seventh Addition, Section 13, Mahomet Township; 1910 E. Juniper Drive, Mahomet, Illinois PIN: 15-13-13-101-025	a single family home with attached garage
01/19/11 224-10-01	Lot 34, Wildwood Estates Subdivision, Section 12, Mahomet Township; 2206 Olen Drive, Mahomet, Illinois PIN: 15-13-12-177-006	a detached garage
01/19/11 110-10-02	Lot 65, Rolling Hills Estates #4, Section 12, Mahomet Township; 2308 Robin Road, Mahomet, IL PIN: 15-13-12-126-015	a garage addition to an existing single family home
01/19/11 327-10-01	A tract of land located in the SW ¼ of Section 28, Urbana Township; 3605 S. Philo Road, Urbana, Illinois PIN: 30-21-28-300-007	a detached shed for agriculture storage

MONTHLY REPORT for FEBRUARY 2011¹

Zoning Cases

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens

Administrative Center

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

The distribution of cases filed, completed, and pending is detailed in Table 1. No zoning cases were filed in February and one was filed in February 2010. The average number of cases filed in the preceding five Februarys was 2.4.

One ZBA meeting was held in February and two cases were finalized. Three ZBA meetings were held in February 2010 and 3 cases were completed. The average number of cases finalized in the preceding five Februarys was 2.0.

By the end of February there were 3 cases pending. By the end of February 2010 there were 7 cases pending.

Table 1. Zoning Case Activity in February 2011

Type of Case	February 2011 1 ZBA meeting		February 2010 3 ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	0	1	0	2
SFHA Variance	0	0	0	0
Special Use	0	0	1	0
Map Amendment	0	0	0	0
Text Amendment	0	1	0	1
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
TOTALS	0	2	1	3
Total cases filed (fiscal year to date)	2 cases		5 cases	
Total cases completed (fiscal year to date)	6 cases		4 cases	
Case pending*	3 cases		7 cases	
* Cases pending includes all cases continued and new cases filed				

¹ Note that approved absences, 2.0 sick days, and the continued loss of an Associate Planner resulted in an average staffing of 72% or the equivalent of 3.6 staff members (of the 5 authorized) present for each of the 19 work days in February.

Subdivisions

There was no County subdivision approval in February and no applications. No municipal subdivisions were reviewed for compliance with County zoning in February.

Zoning Use Permits

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in February can be summarized as follows:

- There were 9 permits received for 6 structures in February compared to 6 permits for 4 structures in February 2010. The five-year average for permits in February is 8.
- This is the fourth month in the last 24 months (in addition to January 2011, September 2010, and September 2009) that exceeded the five-year average for number of permits.
- The average turnaround (review) time for complete initial residential permit applications in February was 4.00 days.
- The reported value for construction authorized in permits for February was \$576,007 compared to \$109,856 in February 2010. The five-year average reported value for authorized construction in February is \$486,818.
- Only three other months (August and May 2010 and February 2009) in the last 26 months have equaled or exceeded the five-year average for reported value of construction.
- The County collected \$706 in fees for February compared to \$97 in February 2010. The five-year average for fees collected in February is \$896.
- Fees equaled or exceeded the five-year average for collected permit fees in only three months (August 2010 and December and February 2009) in the last 23 months.
- There were also 14 lot split inquiries and 227 other zoning inquiries in February.
- Permitting staff made up for the absence of an Associate Planner in February in review of a proposed cemetery expansion; a new veterinary clinic; expansion of a township building; and a rezoning and special use permit for a proposed RLA and a proposed RRO rezoning for three lots.
- Pamphlet versions of the amended Nuisance Ordinance and the new Habitability Ordinance were completed and are on the website.

Zoning Compliance Inspections

A list of the Zoning Compliance Certificates approved in February is included as Appendix B. Compliance inspection activity in February can be summarized as follows:

TABLE 2. PERMIT ACTIVITY FEBRUARY, 2011

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential		N.A.		1	N.A.	400,000
Other	2	N.A.	130,312	4	N.A.	192,214
SINGLE FAMILY Residential:						
New - Site Built	1	300	435,000	3	1,554	905,000
Manufactured						
Additions	1	81	3,000	2	386	246,800
Accessory to Residential	1	97	6,495	5	614	39,295
TWO-FAMILY Residential						
Average turn-around time for permit approval	4 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural	1	33	0	1	33	0
Neighborhood	1	N.A.	0	3	N.A.	0
COMMERCIAL:						
New						
Other	1	97	1,200	1	97	1,200
INDUSTRIAL:						
New						
Other						
OTHER USES:						
New						
Other						
SIGNS						
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS	1	98	0	1	98	0
TOTAL	9/6	\$706	\$576,007	21/16	\$2,782	\$1,784,509

* 9 permits were issued for 6 structures during February, 2011

◊21 permits have been issued for 16 structures since December, 2010 (FY 12/2010 - 11/2011)

NOTE: Home occupations and other permits (change of use, temporary use) total 5 since December, 2010, (this number is not included in the total # of structures).

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- Letters were mailed to 23 landowners in the Special Flood Hazard Area (100-year floodplain) requesting documentation of the elevation of the completed construction.
- 5 compliance inspections were made in February for a total of 23 inspections so far in FY2011.
- 10 compliance certificates were issued in February. Note that a compliance certificate should be authorized no longer than 12 months after the permit was issued so this compares to the total of 4 permits for structures in February 2010. Thus, the backlog of compliance inspections decreased slightly in February.
- Inspections have cleared compliance for a total of 30 permits so far this fiscal year (since December 1, 2010) which averages to 2.4 completed compliance inspections per week for FY2011. The FY2011 budget anticipates a total of 516 compliance inspections for an average of 9.9 inspections per week.

Zoning and Nuisance Enforcement

Table 3 contains the detailed breakdown of enforcement activity for February 2011 that can be summarized as follows:

- 3 new complaints were received in February compared to 9 in February 2010. No complaint was referred to other agencies in February and one was referred in February 2010.
- 23 enforcement inspections were conducted in February compared to 36 in February 2010.
- One contact was made prior to written notification in February and 6 were made in February 2010.
- 24 initial investigation inquiries were made in February for an average of 6.9 per week in February and 2.4 per week for the fiscal year. The FY2011 budget had anticipated an average of 6.5 initial investigation inquiries per week.
- 3 First Notices and one Final Notice were issued in February compared to 10 First Notice and no Final Notices in February 2010. The FY2011 budget had anticipated a total of 60 First Notices and so far there has been a total of 11 First Notices (18% of that total) by the end of the February.
- No new case was referred to the State's Attorney in February and two cases were referred in February 2010.
- 10 cases were resolved in February compared to 28 cases that were resolved in February 2010.
- 553 cases remain open at the end of February compared to 563 open cases at the end of February 2010. Recently the number of cases was as low as 539 in May 2010.

APPENDICES

- A Zoning Use Permits Authorized**
- B Zoning Compliance Certificates Issued**

TABLE 3. ENFORCEMENT ACTIVITY FOR FEBRUARY, 2011

	FY 2010 Enforcement	December, 2010	January, 2011	February, 2011	TOTALS FOR FY 11
Complaints Received	99	2	6	3	11
Initial Complaints Referred to Other Agencies	15	0	0	0	0
TOTAL CASES INCLUDING PREVIOUS YEARS					
Inspections	347	8	15	23	46
Phone or On-Site Contact Prior to Written Notification	24	0	0	1	1
1st Notices Issued	40	2	2	3	7
Final Notices Issued	14	0	0	1	1
Referrals to State's Attorney's Office	5	1	0	0	1
Cases Resolved ¹	119	1	0	10	11
Open Cases ²	553	554	560	553	553*/**

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

²Open Cases are unresolved cases, and include any cases referred to the State's Attorney's Office or new complaints not yet investigated.

*Open Cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in that same month.

**The 553 open cases include 27 cases that have been referred to the State's Attorney's Office, 15 cases that involve properties where kennels are being operated and will be addressed in the Zoning Ordinance revision process, and 8 cases that involve floodplain matters which brings the total of open cases to 503.

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2011

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
111-05-01	Pending Special Use Permit			
221-05-01	Pending resolution of violation RHO			
345-05-01	Under review			
26-06-02	Under review			
88-06-01	More information needed RHO			
118-06-02	Under review			
277-06-02	More information needed FP			
82-07-01	Need IDNR response FP			
192-07-02	More information needed FP			
219-07-01	More information needed			
219-07-02	More information needed RHO			
250-07-02	More information needed			
320-07-01	More information needed FP			
18-08-01	Under review			
137-08-01	Under review			
187-08-02	Under review			
200-08-01 B-5	Lots 2, 3, 4 & 5, Block 1, Penfield, Section 4, Compromise Township; 105 Main Street, Penfield, Illinois PIN: 06-12-04-303-001 & 013	Sheri Rawlings/Last Call for Alcohol	07/18/10 02/16/11	place a covered shelter for a beer garden addition to an existing bar
235-08-01	More information needed, possible Variance			
235-08-02	More information needed, possible Variance			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2011

237-08-01	Under review			
266-08-01	Variance needed			
310-08-01	Under review, possible RRO, subdivision issues			
12-09-01	Under review			
147-09-01	Under review			
357-09-01	Under review			
	RHO			
41-10-01	Pending Special Use Permit			
54-10-01	Under review			
251-10-01	Variance needed			
13-11-02	A tract of land being a part of the NW 1/4 of the NE 1/4 of the SE 1/4 of Section 25, Somer Township; 4109 East Oaks Road, Urbana, IL PIN: 25-15-35-400-004	Gregory and Margaret Stanton	01/13/11 01/20/11 (additional fees received 2/07/11)	construct a single family home with attached garage and authorize construction of a detached storage shed
	AG-2			
26-11-02	Lot 42, Rolling Hills Estates 4, Section 12, Mahomet Township; 1214 Partridge Court, Mahomet, Illinois PIN: 15-13-12-130-010	Donald and Beverly Marvin	01/26/11 02/01/11	construct an addition to an existing single family home
	R-1			
28-11-01	Two tracts of land comprising 120 acres being the E 1/2 of the SE 1/4 and the E 1/2 of the W 1/2 of the SE 1/4 of Section 28, Sadorus Township; 147 CR 300E, Sadorus, Illinois PIN: 22-31-28-400-003 & 006	Elaine and Matti Aaltonen	01/28/11 02/03/11	construct a detached storage shed for agriculture equipment
	AG-1			
03-11-01	Zoning Case required			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2011

03-11-03 RHO AG-1	A tract of land located in the E ½ of Fractional NE 1/4 of Section 3, Hensley Township; 997 CR 2400N, Champaign, IL PIN: 12-14-03-200-001	Richard A. Schrock	01/03/11 02/03/11	establish a Rural Home Occupation, Richard A. Schrock Mowing
10-11-01	More information required			
26-11-01	Under review			
45-11-01 AG-1	A tract of land located in the NW 1/4 of the NW 1/4 of Section 34, Colfax Township; 323 CR 700N, Sadorus, Illinois PIN: 05-25-34-100-005	Steve Stierwalt	02/14/11 02/24/11	a detached storage shed for agriculture equipment
47-11-01 B-4	The South ½ of Lot 26, of Carroll's Subdivision, Section 9, Urbana Township; 1105 N. Eastern Avenue, Urbana, Illinois PIN: 30-21-09-127-040	Kevin Gilbert	02/16/11 02/24/11	Change the Use to allow Auto Sales (Open Lot) in addition to Auto Repair & Painting business, dba E & M Custom Classics
47-11-02	Under review			
49-11-01 R-2	Lots 10 and 11 of Block 3, S.H. Busey's 6 th Addition, Section 4, Compromise Township; 419 S. Main Street, Penfield, Illinois PIN: 06-12-04-356-009	Brian Lile	02/17/11 02/24/11	construct a detached garage CASE: 678-V-10
55-11-01	Under review			

APPENDIX B: ZONING COMPLIANCE CERTIFICATES ISSUED DURING FEBRUARY, 2011

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>
01/20/11 13-11-02	A tract of land being a part of the NW 1/4 of the NE 1/4 of the SE 1/4 of Section 25, Somer Township; 4109 East Oaks Road, Urbana, Illinois PIN: 25-15-35-400-004	a single family home with attached garage and a detached storage shed
01/20/11 206-07-01	A tract of land being a part of the NW 1/4 of the NE 1/4 of the SE 1/4 of Section 25, Somer Township; 4109 East Oaks Road, Urbana, Illinois PIN: 25-15-35-400-004	an addition to an existing single family home (This home was completely demolished and a new home constructed using the same footprint. See ZUPA 13-11-02)
02/07/11 264-10-01	Lot 4, Wildwood Estates Subdivision, Section 12, Mahomet Township; 1101 James Court, Mahomet, Illinois PIN: 15-13-12-176-004	a single family (manufactured) home
02/16/11 48-05-02	A tract of land being the North 1/2 of the NE 1/4 of the SW 1/4 of Section 34, East Bend Township; #1 Main Street, Dewey, Illinois PIN: 10-02-34-181-002; 10-02-34-182-002; 10-02-34-301-004; 10-02-34-326-001, 003, 005; 10-02-34-327-002; 10-02-34-328-001	a grain storage bin
02/16/11 66-06-01	A tract of land being the North 1/2 of the NE 1/4 of the SW 1/4 of Section 34, East Bend Township; #1 Main Street, Dewey, Illinois PIN: 10-02-34-181-002; 10-02-34-182-002; 10-02-34-301-004; 10-02-34-326-001, 003, 005; 10-02-34-327-002; 10-02-34-328-001	a 725,000 bushel grain storage bin

APPENDIX B: ZONING COMPLIANCE CERTIFICATES ISSUED DURING FEBRUARY, 2011

02/16/11 121-06-01	A tract of land being the North ½ of the NE ¼ of the SW ¼ of Section 34, East Bend Township; #1 Main Street, Dewey, Illinois PIN: 10-02-34-181-002; 10-02-34-182-002; 10-02-34-301-004; 10-02-34-326-001, 003, 005; 10-02-34-327-002; 10-02-34-328-001	truck scales
02/16/11 254-06-01	A tract of land being the North ½ of the NE ¼ of the SW ¼ of Section 34, East Bend Township; #1 Main Street, Dewey, Illinois PIN: 10-02-34-181-002; 10-02-34-182-002; 10-02-34-301-004; 10-02-34-326-001, 003, 005; 10-02-34-327-002; 10-02-34-328-001	a storage shed/shop building
02/16/11 10-07-02	A tract of land being the North ½ of the NE ¼ of the SW ¼ of Section 34, East Bend Township; #1 Main Street, Dewey, Illinois PIN: 10-02-34-181-002; 10-02-34-182-002; 10-02-34-301-004; 10-02-34-326-001, 003, 005; 10-02-34-327-002; 10-02-34-328-001	a grain bin and a grain storage ring
02/16/11 49-11-01	Lots 10 and 11 of Block 3, S. H. Busey's 6 th Addition to the Town of Penfield, Section 4, Compromise Township; 419 S. Main Street, Penfield, Illinois PIN: 06-12-04-356-009	a detached garage
02/17/11 200-08-01	Lots 2, 3, 4, and 5, Block 1 of the Original Town of Penfield, Section 4, Compromise Township; 105 Main Street, Penfield, Illinois PIN: 06-12-04-303-001 & 013	a covered shelter for a beer garden to an existing bar

FIRST QUARTER OF FISCAL YEAR 2011 SUMMARY REPORT

The First Quarter of FY11 compares favorably to the three previous first quarters (FY10 through FY08) as follows:

- (1) **Current Planning cases in FY11 appear to be reduced** because only two zoning case applications have been received in the first quarter compared to an average of 4.7 cases per first quarter for FY08 through FY10.

Several zoning case applications are under preparation at this time however and the apparent decrease may be a peculiarity of these cases rather than an indication of the economic activity in this fiscal year.
- (2) **Permitting has exceeded the average of the three previous first quarters** with 11 non-agricultural construction applications received so far in FY11 compared to an average of 9.7 applications for the three previous first-quarter periods.
- (3) **Enforcement has kept pace with the complaints received** with 11 complaints received and 11 complaints resolved so far in FY11 compared to an average of 15 complaints received in the first quarters for FY08 through FY10 and an average of 21 cases resolved in the same period.

Initial investigation inquiries (calls and inspections) in the first quarter of FY11 have totaled 47 and exceed the average of 43 first investigations in the first quarters for the period FY08 through FY10.

