

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: July 28, 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
5. Continued Public Hearings

**Note: The full ZBA packet is now available  
on-line at: [co.champaign.il.us](http://co.champaign.il.us).**

**Case 685-AT-11** Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:**

- (1) **Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
- (2) **Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
- (3) **Require a minimum driveway separation between driveways in the same development;**
- (4) **Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
- (5) **Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
- (6) **Require for any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Preservation Agency (ISHPA) about the proposed**

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- RRO development undertaking and provide a copy of the ISHPA response;**  
**(7) Require that for any proposed RRO that the petitioner shall contact the**  
**Endangered Species Program of the Illinois Department of Natural**  
**Resources and provide a copy of the agency response.**

6. New Public Hearings

**\*Case 692-V-11**    Petitioner: **Rollae Keller**

Request:    **Authorize the division of a lot that is 4.03 acres in area into two lots in total in lieu of the requirement that a lot to be divided must be more than five acres in area, in the AG-1 Agriculture Zoning District.**

Location:    **A 403 acre tract in the North Half of the Northeast Quarter of Section 32 of Newcomb Township and commonly known as the house at 169 CR 2500N, Mahomet.**

**Case 695-I-11**    Petitioner: **Zoning Administrator**

Request:    **Determine if the requirement of paragraph 7.1.2 E. limiting vehicles that may be used in a Rural Home Occupation is a follows:**

- (1) Considers a vehicle to be any motorized or non-motorized device used to carry, transport, or move people, property or material either on road or primarily off road; or a piece of mechanized equipment on which a driver sits.**
- (2) Limits the number of non-farm vehicles to no more than 10 vehicles in total, including vehicles under 8,000 pounds gross vehicle weight, including trailers and off-road vehicles but excluding patron or employee personal vehicles.**
- (3) Limits the number of vehicles weighing more than 8,000 pounds gross vehicle weight to no more than three self-propelled vehicles.**

Location:    **Lot 1 of Orange Blossom Estates in Section 18 of Hensley Township and commonly known as the house and shed at 700 County Road 2175N, Champaign.**

6. Staff Report

8. Other Business

- A. Proposed ZBA Bylaws Amendments
- B. Review of Docket

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

10. Adjournment

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

# CASE NO. 692-V-11

## PRELIMINARY MEMORANDUM

July 22, 2011

Champaign  
County  
Department of

Petitioners: **Rollae Keller**

**PLANNING &  
ZONING**

Site Area: **4.03 acres**

Time Schedule for Development:

**Immediate (home has been converted to a storage building while awaiting approval on the variance)**

**Request: Authorize the division of a lot that is 4.03 acres in area into two lots in total in lieu of the requirement that a lot to be divided must be more than five acres in area, in the AG-1 Agriculture Zoning District.**

**Location: A 4.03 acre tract in the North Half of the Northeast Quarter of Section 32 of Newcomb Township and commonly known as the house at 169 CR 2500N, Mahomet.**

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

(217) 384-3708

Prepared by: **John Hall**  
Zoning Administrator

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## BACKGROUND

The petitioner has one son living on the subject property and would like to divide the property to allow a second son to establish a residence there also. The property is not more than five acres in area and so a variance is required.

## EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Dwelling	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Farmland	AG-1 Agriculture
West	Farmland	AG-1 Agriculture
South	Farmland	AG-1 Agriculture

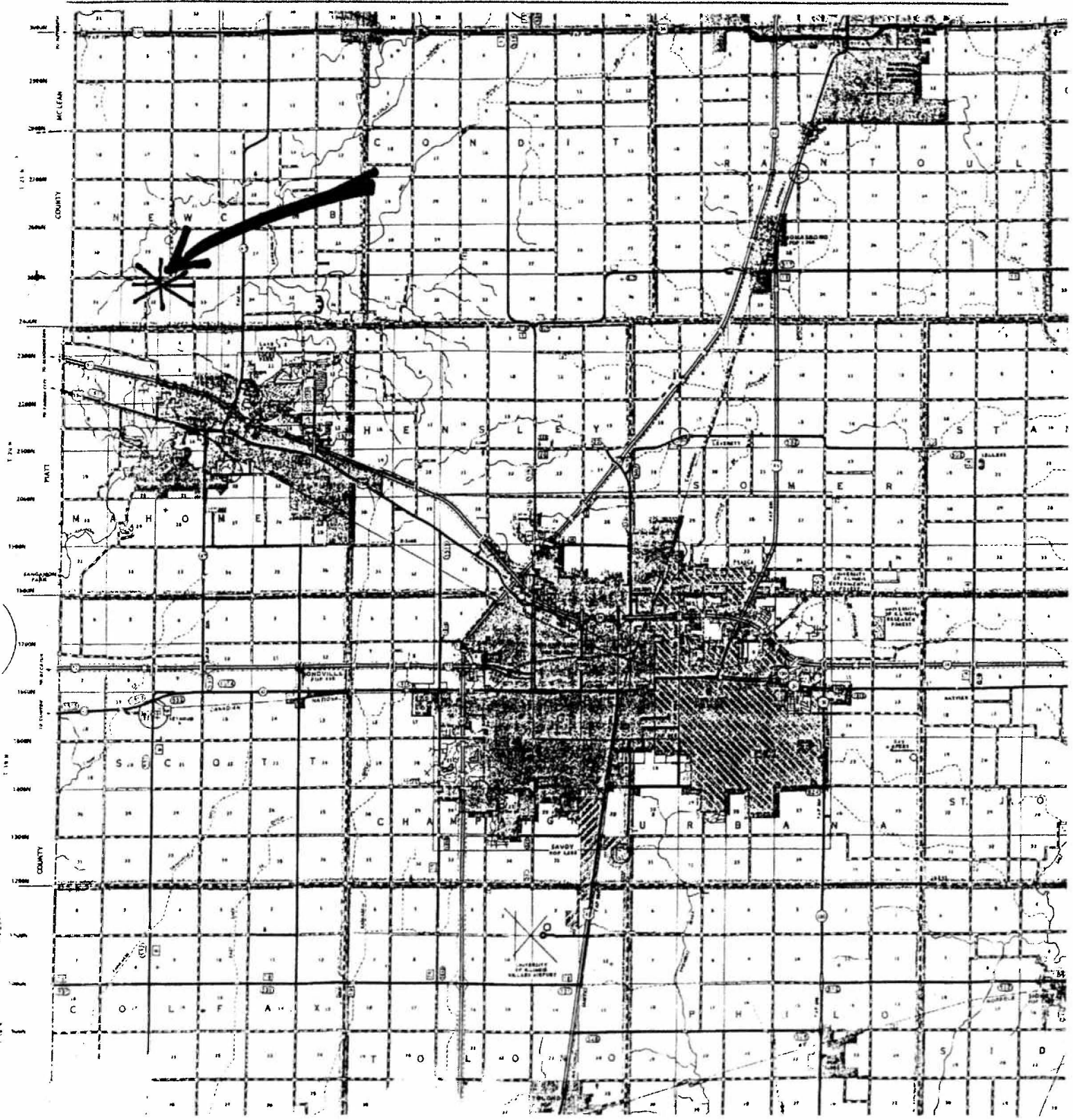
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Zoning Permit 157-11-01 approved site plan
- C Excerpt of Champaign County Soil Survey
- D Excerpts of Soil Potential Ratings for Septic Tank Absorption Fields for Champaign County, Illinois (Worksheets for Raub & Drummer soils)
- E Traffic Map from Illinois Department of Transportation website
- F Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
- G Comparing the Proposed Site Conditions to Common Champaign County Conditions
- H Draft Summary of Evidence, Finding of Fact, and Final Determination

Attachment A Location Map

Case 692-V-11

JULY 22, 2011



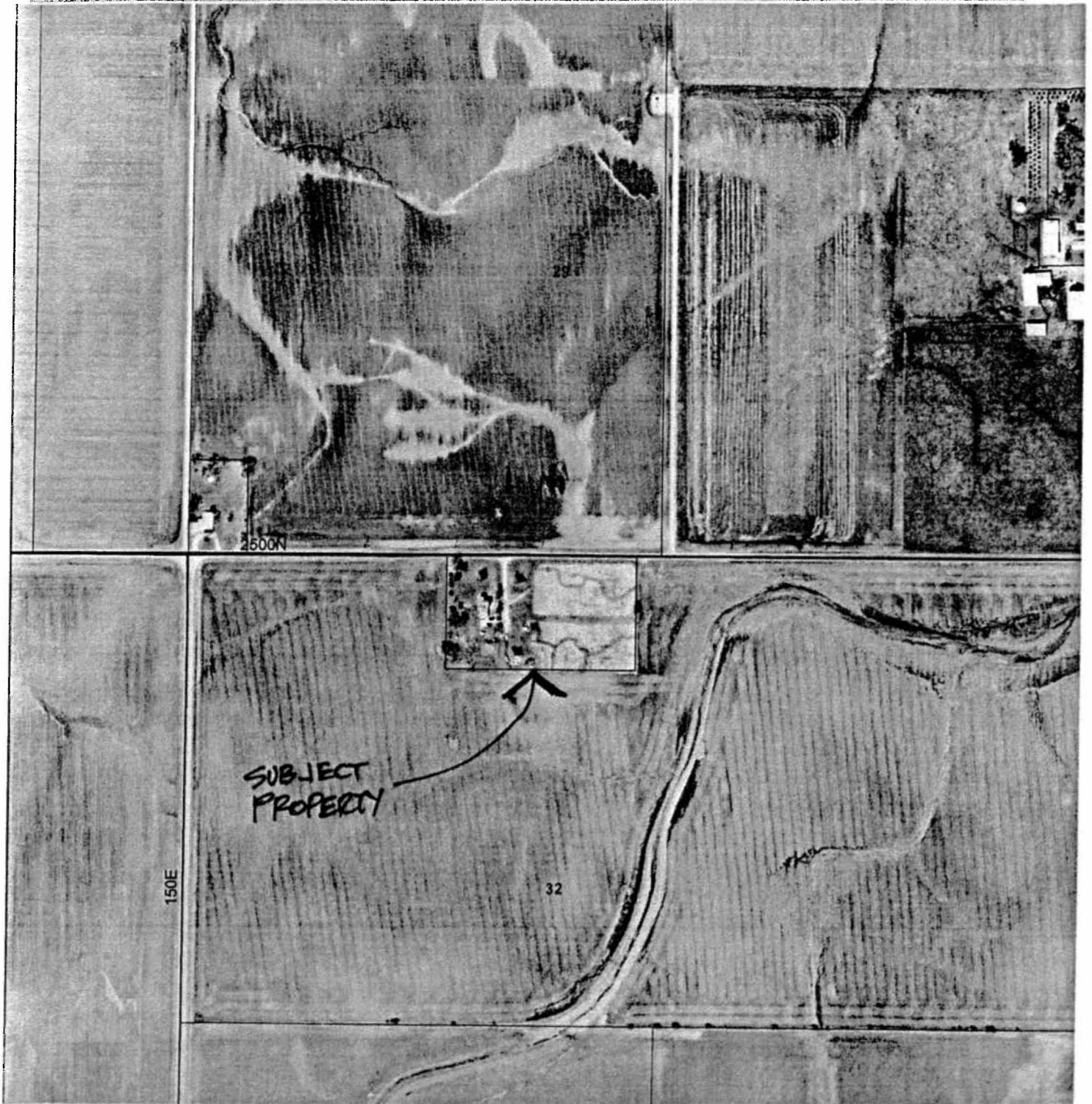
Champaign  
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**PLANNING &  
ZONING**



Attachment A Land Use Map

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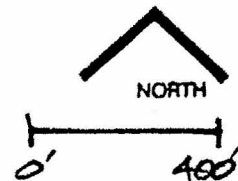
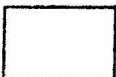
SF

Single Family



FS

Farmstead



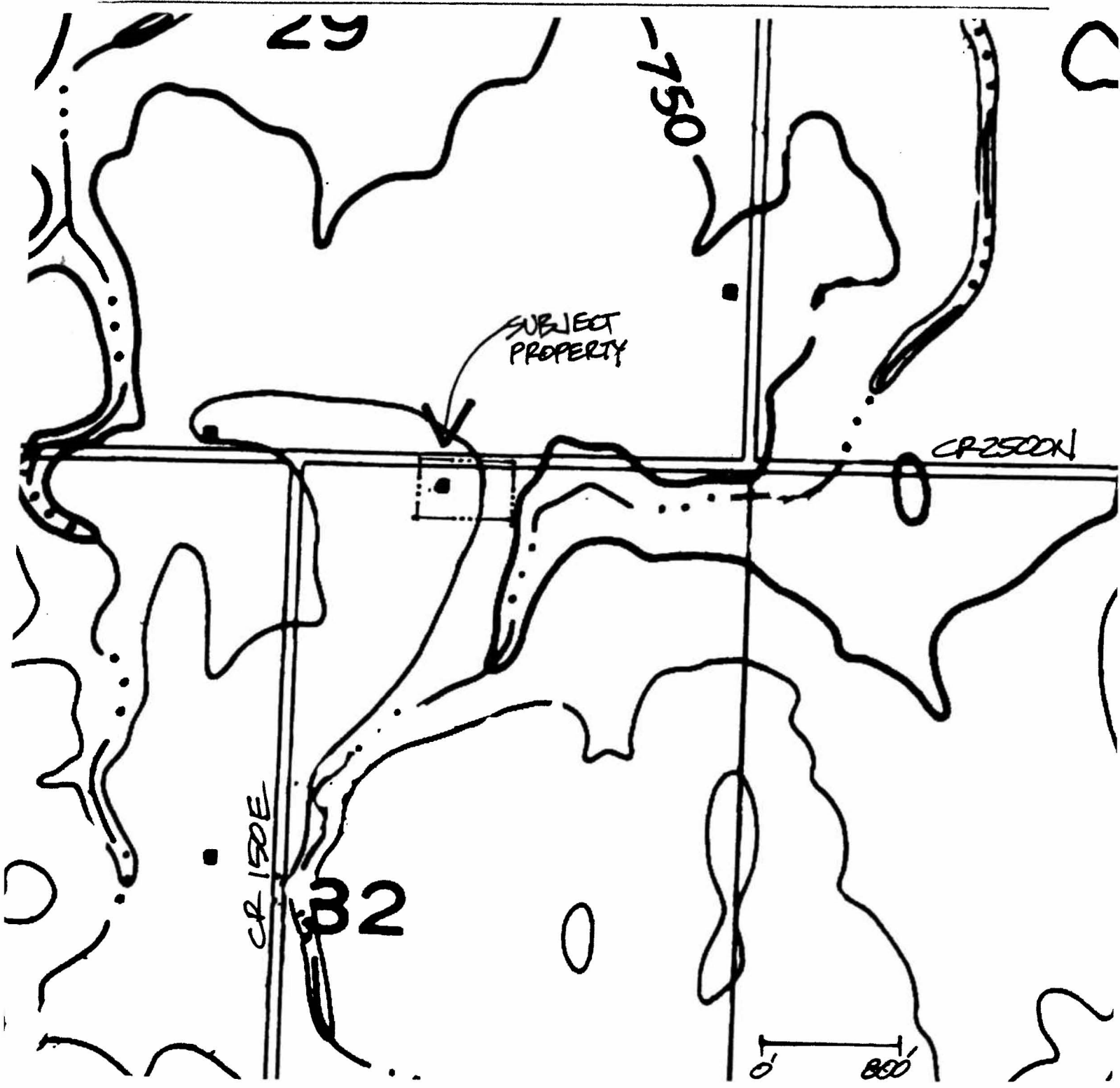
Champaign  
County  
Department of

**PLANNING &  
ZONING**

Attachment A Zoning Map

Case 692-V-11

JULY 22, 2011



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of <b>PLANNING &amp;                  ZONING</b>
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	

29

N

129'-

CR2600N

539.87

197'

170'

214' (W)

143'

200-004

4.03

325.27

SF

RECEIVED

JUN 06 2011

CHAMPAIGN CO. P & Z DEPARTMENT

\* Storage Unit, no Kitchen

one bath

JK R.D.K.  
6-6-11

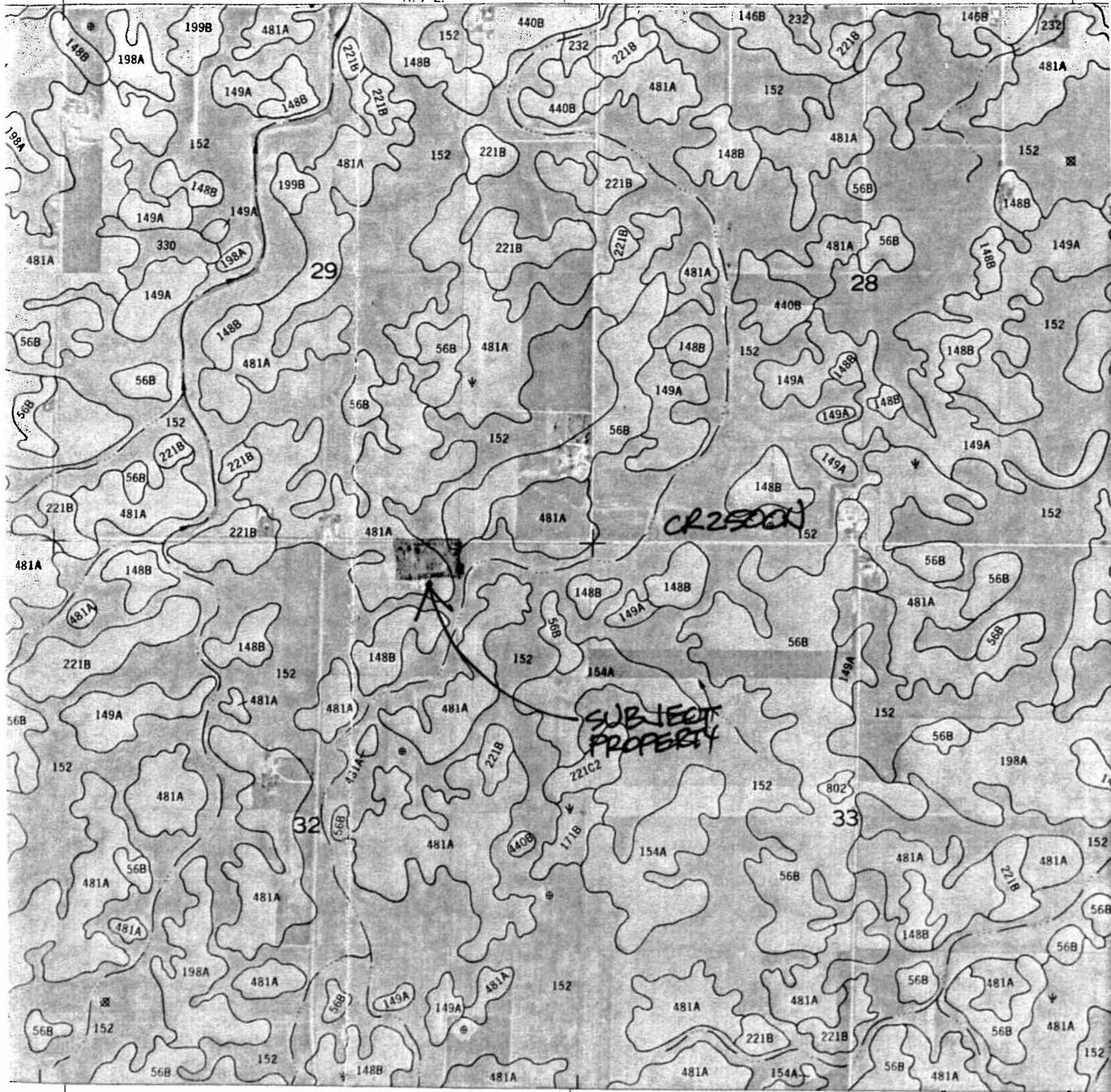
Champaign County  
Planning & Zoning Department  
Approved Site Plan  
Permit # 157-11-d  
Date: 6/28/11

1 in = 100 ft

200



R. 7 E.



WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

Area: Champaign County, Illinois

Mapping Unit: Drummer silty clay loam 152

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	Common (Upland Position)	Severe	System Failure	Fill 2' with fine textured material	25	Possible surfacing of effluent	5
Depth to High Water Table (Ft)	0-2.0	Severe	System Failure	Subsurface Drainage Locate Outlet	12 5	None	
Permeability (IN/HR): (24-60")	0.6-2.0	Moderate	None	Standard Absorption Field 210-290 Sq.Ft./Bedroom	0	None	
Slope (PCT)	0-2	Slight	None	None		None	
Total					42	Total	5

-99-

$$\begin{array}{ccccccc}
 \underline{100} & - & \underline{42} & - & \underline{5} & = & \underline{53} \\
 \text{Performance} & & \text{Measure} & & \text{Continuing} & & \text{Soil Potential Index } 1/ \\
 \text{Standard} & & \text{Cost Index} & & \text{Limitation} & & \\
 \text{Index} & & & & \text{Cost Index} & & 
 \end{array}$$

1/ If performance exceeds the standard increase SPI by that amount.



WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

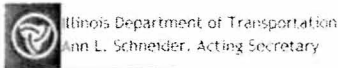
Area: Champaign County, Illinois

Mapping Unit: Raub silt loam, 0 to 3 percent slopes 481A

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	None	Slight	None	None		None	
Depth to High Water Table (Ft)	1.0-3.0	Severe	System Failure	Subsurface Drainage or Fill and Curtain Drain	12	Possible Surfacing of Effluent	5
Permeability (IN/HR): (24-60")	0.2-0.6	Severe	Marginal Performance	Large Absorption Field 290-385 Sq.Ft./Bedroom	4	None	
Slope (PCT)	0-3	Slight	None	None		None	
Total					16	Total	5

$$\frac{100}{\text{Performance Standard Index}} - \frac{16}{\text{Measure Cost Index}} - \frac{5}{\text{Continuing Limitation Cost Index}} = \frac{79}{\text{Soil Potential Index } 1/}$$

1/ If performance exceeds the standard increase SPI by that amount.



Home Map Road Construction



"Base Map" - Changes the Base Map view. Choose between ROADS, AERIAL IMAGES and AERIAL MAP WITH LABELS.

"Pick Map Type" - Point to the "Pick Map Type" button below and select from the drop-down.

"Table of Contents" - Use button below to toggle the data panel. The check boxes control data visibility depending on map scale. Click the 'triangle' or the 'Expand' and/or 'Collapse' buttons to see data viewing options.

"Search" - type in a place name and the map will be centered at that location ("Springfield", "Buckingham Fountain").

*APPROXIMATE LOCATION SUBJECT PROPERTY*








Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764 - [Contact](#)

Disclaimer

**Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County**

(continued) REVISED November 17, 2005

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<b>Worst Or Nearly Worst Condition<sup>3</sup></b> 	<b>Much Worse Than Typical Condition<sup>4</sup></b> 	<b>More Or Less Typical Condition<sup>5</sup></b> 	<b>Much Better Than Typical Condition<sup>4</sup></b> 	<b>Ideal Or Nearly Ideal Conditions<sup>6</sup></b> 
<b>RRO<sup>2</sup> ZONING FACTOR: Availability of water supply</b>				
In the area with suspected problems of groundwater availability near existing wells which have experienced reliability problems and for which no investigations have proven otherwise.	An area with suspected problems of groundwater availability and for which no investigations have proven otherwise.	Reasonable confidence of water availability (area with no suspected problems of groundwater availability) and no reason to suspect impact on neighboring wells.	?	Virtual certainty of water availability (ie, located above the Mahomet-Teays Aquifer) or where anywhere that investigations indicate availability with no significant impact on existing wells.
<b>RRO<sup>2</sup> ZONING FACTOR: Suitability for onsite wastewater systems</b>				
100% of site with Low or Very Low Potential for septic tank leach fields.	More than 50% of site (but less than 95%) with Low Potential for septic tank leach fields.	No more than 50% of site with Low Potential for septic tank leach fields.	More than 50% of site with at least a Moderate Potential for septic tank leach fields.	100% of site with at least a High Potential for septic tank leach fields or positive soil analysis (regardless of soil potential).
<b>RRO<sup>2</sup> ZONING FACTOR: Flood hazard status</b>				
Every lot is entirely within the SFHA (based on actual topography) as is the road that provides access.	Some of the proposed lots and parts of the road that provide access are in the SFHA. Some lots may require fill to have adequate buildable area above the BFE.	Small portions of the site may be in the SFHA but all lots have adequate buildable area outside of the SFHA.	?	No part of the proposed site nor the roads that provide emergency access are located in the Special Flood Hazard Area (SFHA, which is the 100-year floodplain).
<b>RRO<sup>2</sup> ZONING FACTOR: The availability of emergency services<sup>7</sup></b>				
Located more than five road miles from a fire station within the district with an intervening railroad crossing with heavy rail traffic.	Located more than five road miles from a fire station within the district.	Located about five road miles from a fire station within the district.	Located between two-and-half and five road miles from a fire station within the district.	Located less than two-and-half road miles from the fire station within the district and with no intervening railroad grade crossings.
<b>RRO<sup>2</sup> ZONING FACTOR: The presence of nearby natural<sup>8</sup> or manmade hazards</b>				
More than one man-made hazard is present or adjacent to the site.  Access roads from fire protection station are prone to snow drifts.	One or more man-made hazards are present or adjacent to the site.  Access roads from fire protection station are prone to snow drifts.	It is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks. Snow drifts may block access from fire protection station.	Not close to any man-made hazard although snow drifts may block access from fire protection station.	Not close to any man-made hazard and relatively close to urbanized areas.

**Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County**

(continued) REVISED November 17, 2005

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<p><b>Worst Or Nearly Worst Condition<sup>3</sup></b> ■</p>	<p><b>Much Worse Than Typical Condition<sup>4</sup></b> ■</p>	<p><b>More Or Less Typical Condition<sup>5</sup></b> ○</p>	<p><b>Much Better Than Typical Condition<sup>4</sup></b> ☆</p>	<p><b>Ideal Or Nearly Ideal Conditions<sup>6</sup></b> ★</p>
<p><b>RRO<sup>2</sup> ZONING FACTOR: Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat</b></p>				
<p>Significant negative effects for more than one concern.</p>	<p>?</p>	<p>Archaeological concerns may apply to a small part of the site but in general no negative effects.<sup>6</sup></p>	<p>?</p>	<p>Nothing present to be concerned about.</p>
<p><b>RRO<sup>2</sup> ZONING FACTOR: Effects of nearby farm operations on the proposed development</b></p>				
<p>Bordered by row crop agriculture on three sides and an existing livestock and/or stable operation on the fourth side.</p>	<p>Bordered by row crop agriculture on three sides but also close to and downwind of an existing livestock and/or stable operation.</p>	<p>Bordered on all sides by significant (more than a few acres) row crop agriculture so there are some incompatibilities that may lead to complaints from residences.</p>	<p>Bordered on no more than two sides by significant row crop agriculture</p>	<p>No effects because not adjacent to significant row crop agriculture nor downwind of any animal operations.</p>
<p><b>RRO<sup>2</sup> ZONING FACTOR: The LESA score</b></p>				
<p>292 to 286 (Very high rating for protection)</p> <p>Land Evaluation part: 100 to 98 (100% of soil in Ag. Value Groups 1 &amp; 2; Flanagan &amp; Drummer soils generally)</p> <p>Site Assessment part: 192 to 188 (See hypothetical worksheet for assumptions)</p>	<p>285 to 256 (Very high rating for protection)</p> <p>Land Evaluation part: 97 to 93 (remainder between worst &amp; overall average)</p> <p>Site Assessment part: 187 to 163 (remainder between worst &amp; overall average)</p>	<p>254 to 238 (Very high rating for protection)</p> <p>Land Evaluation part: 92 (reflects overall average for entire County)</p> <p>Site Assessment part: 162 to 146 (See hypothetical worksheet for assumptions)</p>	<p>237 to 188 (Very high rating to moderate rating for protection)</p> <p>Land Evaluation part: 91-85 (remainder between overall average &amp; ideal)</p> <p>Site Assessment part: 145 to 103 (remainder between overall average &amp; ideal)</p>	<p>186 to 121 (Moderate rating to low (170) rating for protection)</p> <p>Land Evaluation part: 84 to 41<sup>4</sup> (No best prime farmland soils)</p> <p>Site Assessment part: 102 to 80 (Conditions intended to reflect a rural location within a municipal ETJ without sewer or water; typical urban subdivision at or near municipal boundary has site assessment of 82 to 54; see hypothetical worksheet for assumptions)</p>

**Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County**

(continued) REVISED November 17, 2005

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<p><b>Worst Or Nearly Worst Condition<sup>3</sup></b> ■</p>	<p><b>Much Worse Than Typical Condition<sup>4</sup></b> ■</p>	<p><b>More Or Less Typical Condition<sup>5</sup></b> ○</p>	<p><b>Much Better Than Typical Condition<sup>4</sup></b> ★</p>	<p><b>Ideal Or Nearly Ideal Conditions<sup>6</sup></b> ★</p>
<p><b>RRO<sup>2</sup> ZONING FACTOR: Adequacy and safety of roads providing access</b></p>				
<p>Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load) in terms of both pavement width and shoulder width. There may also be other deficiencies in the roadway.</p> <p>The point of access to the Township Highway is a location with serious visibility problems.</p> <p>The site is at more than five miles from a County or State highway. The intersections are uncontrolled and have visibility problems.</p>	<p>Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load or traffic speed) in terms of both pavement width and shoulder width between the proposed site and where the road connects to a County or State Highway <b>OR</b> there is an uncontrolled railroad crossing between the proposed site and where the road connects to a County or State Highway. The site is within five miles of a County or State highway. The road intersections are uncontrolled and have visibility problems. The point of access to the Township Highway has reasonable visibility.</p>	<p>Access from a Township Highway which does not have adequate shoulder width and may also have insufficient (based on either existing traffic load or traffic speed) pavement width for a small portion of the distance between the proposed site and where the road connects to a County or State Highway. The site is within five miles of a County or State highway. The intersections are uncontrolled and have visibility problems. The point of access to the Highway has good visibility. See discussion of Effects On Farms for farm related traffic concerns.</p>	<p>Access is from a Township Highway with no deficiencies (even including the proposed increase in ADT) between the proposed site and where the road connects to a County or State Highway.</p> <p>The intersections are uncontrolled and have visibility problems.</p> <p>Access is at a location with good visibility.</p>	<p>Access from any of the following: 1) a County Highway or 2) a Township Highway with no deficiencies (even including the proposed increase in ADT) and is less than one mile travel to a County or State Highway.</p> <p>Access is at a location with good visibility.</p> <p>Access should not be directly to a State or Federal highway because vehicle turning movements could create safety concerns.</p>
<p><b>RRO<sup>2</sup> ZONING FACTOR: Effects on drainage both upstream and downstream</b></p>				
<p>100% of site has wet soils that must be drained for development. Large parts of the site also pond. There is no natural drainage outlet for either surface or subsurface flows so offsite improvements are necessary. An alternative problem is the condition in which the site is bisected by a natural drainageway with large flows from upstream offsite areas which have significant effects on site development.</p>	<p>Between 90% and 100% of the site has wet soils that must be improved for development.</p> <p>Only about half of the site drains to existing road ditches. The rest of the site drains over adjacent land that is under different ownership which require offsite improvements. Ponding is a significant problem.</p>	<p>Approximately 90% of the site has wet soils that must be improved for development. There may also be large areas where ponding occurs. Most of the site drains through township road ditches that do not have adequate capacity.</p>	<p>Probably less than half of the site has wet soils.</p> <p>The site drains to Township road ditches that are more or less adequate or to other natural drainage features that have adequate capacity.</p>	<p>No wet soils so no "dry weather flows" problems <b>OR</b> if wet soils are present the site drains directly to a drainage district facility with adequate capacity or to a river.</p>



# Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County

(continued) REVISED November 17, 2005

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Worst Or Nearly Worst Condition <sup>3</sup> 	Much Worse Than Typical Condition <sup>4</sup> 	More Or Less Typical Condition <sup>5</sup> 	Much Better Than Typical Condition <sup>4</sup> 	Ideal Or Nearly Ideal Conditions <sup>6</sup> 
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NOTES

1. Five different "typical" conditions are identified that are representative of the range of conditions that exist in Champaign County. The characterization of these conditions are based solely on the opinions of County Staff.
2. RRO= Rural Residential Overlay
3. The WORST conditions are based on the worst possible conditions for each factor that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "worst" ratings on all factors.
4. MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.
5. Where possible, TYPICAL Champaign County rural residential development site conditions are based on averages for the entire County. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of data for all major rural subdivisions (such as the gross average lot size). Differences in water availability are localized and not averaged over the entire County.
6. The IDEAL Champaign County rural residential development site conditions are based on the best possible conditions for each factor that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "ideal" ratings on all factors.
7. Ambulance service can presumably be further than five miles distance and be acceptable. *NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.*
8. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.

**ATTACHMENT G. Comparing The Proposed Site Condition To Common Champaign County Conditions**

Case 692-V-11

DRAFT

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RRO Rezoning Factor	Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:
1) Availability of water supply	<input type="radio"/> <b>Typical Conditions.</b> The subject property is not in the area with limited groundwater availability; there is reasonable confidence of water availability; and there is no reason to suspect impact on neighboring wells.
2) Suitability for onsite wastewater systems	<input type="radio"/> <b>More or less Typical Conditions.</b> Somewhat more than 50% of the subject property consists of Drummer soil which has a Low Potential.
3) Flood hazard status	<input checked="" type="radio"/> <b>Much Better Than Typical Conditions.</b> None of the subject property is in the Special Flood Hazard Area and no streets providing emergency services access are below the BFE.
4) The availability of emergency services <sup>4</sup>	<input type="radio"/> <b>Typical Conditions.</b> The site is about five road miles from the Cornbelt Fire Station in Mahomet.
5) The presence of nearby natural or manmade hazards <sup>5</sup>	<input checked="" type="radio"/> <b>Much Better Than Typical Conditions.</b> Not close to any man-made hazard although snow drifts may block access from fire protection station.
6) Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat	<input checked="" type="radio"/> <b>Ideal or Nearly Ideal Conditions.</b> Nothing present to be concerned about.
7) Effects of nearby farm oper.s on the proposed development	<input type="radio"/> <b>More or less Typical Conditions.</b> Bordered on all sides by significant (more than a few acres) row crop agriculture so there are some incompatibilities that may lead to complaints from residences.
8) The LESA score	<i>TO BE DETERMINED</i>
9) Adequacy and safety of roads providing access	<input checked="" type="radio"/> <b>Nearly Ideal Conditions.</b> The proposed residence will be a small increase in traffic street capacity and the Average Annual Daily Traffic will still be less than the maximum recommended.
10) Effects on drainage both upstream and downstream	<input checked="" type="radio"/> <b>Much Better Than Typical Conditions.</b> There is good surface drainage but the subject property drains over adjacent land and more than 50% of the subject property consists of Drummer soil which is considered wet.
<p>LEGEND (Also see the Descriptions of Prototypical Champaign County Conditions)</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is more or less equal to the ideal Champaign County site</li> <li><input checked="" type="radio"/> <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is much better than typical but not equal to the ideal Champaign County site</li> <li><input type="radio"/> <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is equal to or somewhat better than the typical Champaign County site</li> <li><input type="radio"/> <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is worse than the typical Champaign County site</li> <li><input type="radio"/> <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is more or less equal to the worst Champaign County site for</li> </ul>	

**ATTACHMENT G. Comparing The Proposed Site Condition To Common Champaign County Conditions**

Case 692-V-11

**DRAFT**

JULY 22, 2011

p. 1 of 2

<b>RRO Rezoning Factor</b>	<b>Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:</b>
<p><b>NOTES</b></p> <ol style="list-style-type: none"><li>1. Typical Champaign County rural residential development site conditions are based on averages for the entire County except for water availability. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of data for all major rural subdivisions (such as the gross average lot size).</li><li>2. The ideal Champaign County rural residential development site conditions are based on the best possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine ideal ratings on all factors.</li><li>3. Typical factor is based on a review of data from major rural subdivisions in the AG-1 and CR districts and does not reflect conditions found in rural residential development that occurred under the requirements of the Illinois Plat Act and without County subdivision approval. These Plat Act Developments typically take up much more land since the minimum lot size is five acres.</li><li>4. Ambulance service can presumably be further than five miles distance and be acceptable. <i>NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.</i></li><li>5. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.</li></ol>	

**PRELIMINARY DRAFT**

**692-V-11**

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

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

Date: **July 28, 2011**

Petitioners: **Rollae Keller**

Request: **Authorize the division of a lot that is 4.03 acres in area into two lots in total in lieu of the requirement that a lot to be divided must be more than five acres in area, in the AG-1 Agriculture Zoning District.**

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 28, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner owns the subject property.
2. The subject property is a 4.03 acre lot in the North Half of the Northwest Quarter of the Northeast Quarter of Section 32 of Newcomb Township and commonly known as the house at 169 CR2500N, Mahomet.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) 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 AG-1 Agriculture, and is in use as a single family dwelling.
  - B. Land to the north, east, south, and west of the subject property is zoned AG-1 Agriculture and used as agriculture.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. The Petitioner has not provided a site plan that illustrates how he intends to divide the subject property but did apply and receive Zoning Permit 157-11-01 authorizing the establishment of a

PRELIMINARY DRAFT

decommissioned manufactured home on the property as a storage shed with the intention of converting the shed back to a dwelling if the variance is approved.

**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 variances (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) "AREA, LOT" is the total area within the LOT LINES.
    - (3) "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.
    - (4) "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.
    - (5) "LOT LINES" are the lines bounding a LOT.
    - (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
    - (7) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
    - (8) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
    - (9) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
      - (a) MAJOR STREET: Federal or State highways



- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (10) "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, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- B. As amended on August 19, 2004, subparagraph 5.4.2.A.3. states the following:  
No lot that is 5 acres or less may be further divided.
- C. Minimum setbacks from the centerline of a street and minimum front yards in the AG-1 District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
  - (1) The minimum setback from a minor street is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
  - (2) The minimum front yard in regards to a minor street is listed in Footnote 3 of Section 5.3 and Subsection 4.3.2 as 25 feet.
- 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 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the 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.

PRELIMINARY DRAFT

- (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.
- E. 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, **“4.03 acres can’t divide for two homes”**
  - B. The prohibition on division of lots less than five acres was first added to the Zoning Ordinance on an interim basis by Ordinance No. 709 (Case 431-AT-03 Part A) on February 19, 2004, and made permanent by Ordinance No. 729 (Case 464-AT-04 Parts A and B) on April 19, 2004.

**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, **“Son has no other place able to reside.”**
  - B. It is not known if additional land is available for purchase to bring the lot area up to more than five acres but purchase of additional land in this location would remove existing farmland from production.

**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, **“bought 4 acres, didn’t know we couldn’t divide.”**
  - B. The Warranty Deed conveying the property to the Petitioner was filed with the Champaign County Recorder of Deeds on December 6, 2006, under Document Number 2006R33525.

**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, **“Put home on acreage, doesn’t affect neighbors surrounded by farmland.”**
  - B. The subject property conforms to all other Zoning Requirements.
  - C. The Zoning Ordinance does not clearly state the considerations that underlay the restriction on division of lots that are 5 acres or less. This amendment resulted from zoning Case 431-AT-03 Part B and so is related to the County’s desire to limit the number of new lots in the rural areas. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is the primary method by which Champaign County limits the number of new lots in the rural zoning districts. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
    - (1) Adequacy and safety of roads providing access to the site.
    - (2) Effects on drainage both upstream and downstream..
    - (3) The suitability of the site for onsite wastewater systems.
    - (4) The availability of water supply to the site.
    - (5) The availability of emergency services to the site.
    - (6) The flood hazard status of the site.
    - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat.
    - (8) The presence of nearby natural or man-made hazards.
    - (9) Effects on nearby farmland and farm operations.
    - (10) Effects of nearby farm operations on the proposed residential development.

PRELIMINARY DRAFT

- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.
- (12) The LESA (Land Evaluation and Site Assessment) score of the subject site.

D. Regarding the RRO factors for the subject property:

- (1) Adequacy and safety of roads providing access to the site. Without the proposed variance no additional dwelling may be permitted on the subject property. With the variance an additional dwelling could be permitted, which would lead to an increase of approximately 10 ADT for CR 2500N.

- (a) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):

- A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
- A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
- A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
- A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.

- (b) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent (2009) AADT data in the vicinity of the subject property is 150 ADT for CR2500N in front of the subject property.

- (2) Effects on drainage both upstream and downstream. The subject property appears to drain overland to a surface drainage swale located to the southeast.
- (3) The suitability of the site for onsite wastewater systems. There is no Natural Resource Report for the subject property but the Soil Survey indicates that the subject property likely consists of Drummer silty clay loam (old designation and old map unit 152) and Raub silt loam (old map unit 481).

The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the

various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet reviews 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Excerpts from this pamphlet were included for the soils on the subject property as attachments to the Preliminary Memorandum. The excerpts indicate that these soils have the following general characteristics:

- (a) 152 Drummer silty clay loam has low suitability for septic tank leach fields with soil potential index of 53. Drummer soil has a severe wetness problem due to a high groundwater level. The typical corrective measure is subsurface drainage improvements (underground drain tiles) to lower the groundwater level. There are 19 soil types in Champaign County that have lower suitability potential than Drummer.
- (b) 481 Raub silt loam has Medium suitability for septic tank leach fields with a soil potential index of 83. Raub soil has a high groundwater level of 1 to 3 feet below grade that is rated as a “severe” limitation. It also has permeability that is rated as a “severe” limitation and only a slight problem due to slope. The typical corrective measures are subsurface drainage improvements (underground drain tiles) to lower the groundwater level and an oversized absorption field. There are 23 soil types in Champaign County that have lower suitability potential than Raub.
- (4) The availability of water supply to the site. The subject property is located in the area of limited groundwater availability. The proposed subdivision should have little or no effect on water availability.
- (5) The availability of emergency services to the site. The subject property is approximately 6.6 road miles from the Philo Fire Protection District station.
- (6) The flood hazard status of the site. The subject property is not within the Special Flood Hazard Area.
- (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat. The subject property contains no historic or archeological sites, and the proposed subdivision would have no effect on such sites.
- (8) The presence of nearby natural or man-made hazards. There are no known man-made hazards nearby.



**PRELIMINARY DRAFT**

- (9) Effects on nearby farmland and farm operations. The proposed variance and resulting subdivision would result in twice the development of the subject property than would be otherwise allowed and would therefore result in twice the impacts on nearby farmland. On the application the petitioner has indicated an intention to share a driveway, share a well, and share a mail box or a possible PO Box.
  - (10) Effects of nearby farm operations on the proposed residential development. The proposed variance and resulting subdivision would divide the existing property into smaller lots which would provide a lesser amount of buffer from farm operations.
  - (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated. The proposed variance and resulting subdivision do not propose to take any current farmland out of production.
  - (12) The LESA (Land Evaluation and Site Assessment) score of the subject site. Because there is no Natural Resource Report for the subject property staff has not calculated a LESA score at this time.
- F. It is impossible to calculate the percent variance mathematically but for practical purposes the requested variance is a 100% variance.
- G. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application that, **“shared drive & shared well, shared mail box, possible PO Box in future”**
  - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
  - C. The Fire Protection District has been notified of this variance but no comments have been received.

**DOCUMENTS OF RECORD**

1. Variance Application received on June 10 2011, with attachments:
  - A Champaign County Recorder of Deeds Document Number 2006R33525 for 169 CR2500N, Mahomet, filed on December 6, 2006
  
2. Preliminary Memorandum with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Zoning Permit 157-11-01 approved site plan
  - C Excerpt of Champaign County Soil Survey
  - D Excerpt of Soil Potential Ratings for Septic Tank Absorption Fields for Champaign County, Illinois(Worksheets for Raub & Drummer soils)
  - E Traffic Map from Illinois Department of Transportation website
  - F Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
  - G Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - H Draft Summary of Evidence, Finding of Fact, and Final Determination

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 692-V-11 held on July 28, 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:}*

**FINAL DETERMINATION**

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

The Variance requested in Case 692-V-11 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Rollae Keller** to authorize **the division of a lot that is 4.03 acres in area into two lots in total in lieu of the requirement that a lot to be divided must be more than five acres in area, in the AG-1 Agriculture Zoning 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

# CASE NO. 695-I-11

PRELIMINARY MEMORANDUM

July 22, 2011

Champaign

County

Department of

Petitioner: **Zoning Administrator**



Prepared by: **John Hall**  
Zoning Administrator

Brookens

Administrative Center

1776 E. Washington Street

Urbana, Illinois 61802

(217) 384-3708

**Request: Determine if the requirement of paragraph 7.1.2 E. limiting vehicles that may be used in a Rural Home Occupation is as follows:**

- (1) **Considers a vehicle to be any motorized or non-motorized device used to carry, transport, or move people, property, or material either on road or primarily off road; or a piece of mechanized equipment on which a driver sits.**
- (2) **Limits the number of non-farm vehicles to no more than 10 vehicles in total, including vehicles under 8,000 pounds gross vehicle weight, including trailers and off-road vehicles but excluding patron or employee personal vehicles.**
- (3) **Limits the number of vehicles weighing more than 8,000 pounds gross vehicle weight to no more than three self-propelled vehicles.**

**Location: Lot 1 of Orange Blossom Estates in Section 18 of Hensley Township and commonly known as the house and shed at 700 County Road 2175N, Champaign.**

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## BACKGROUND

This case requires the ZBA to interpret the intent of paragraph 7.1.2 E. and the application of the requirements of that paragraph by the Zoning Administrator. Paragraph 7.1.2 E. is the limit on vehicles in a Rural Home Occupation (RHO). The current Zoning Ordinance requirements for RHO's were adopted in Ordinance No. 423 (Case 794-AT-92) February 16, 1993.

Attachment B reviews the background of why this case comes to the ZBA. Attachments C-H are various documents related to that background.

Attachment I is the page of the Zoning Ordinance containing paragraph 7.1.2 E.

Attachments J & K seem to be the most relevant documents from the case file for Case 794-AT-92.

Case 794-AT-92 was prepared under a different Zoning Administrator but the current Zoning Administrator was part of the planning staff at the time. The current Zoning Officer was the Assistant Zoning Officer at the time and one of the Zoning Technicians has been on staff since 1993. Each of these

three staff members can verify that the current application of paragraph 7.1.2 E. is the same as under Frank DiNovo from adoption in 1993 to his departure from direct involvement with this Department in 2006.

The intent of paragraph 7.1.2. E. is apparent in the following paragraphs in Attachment J:

- **Second paragraph on p. 6 of the 12-14-92 ZBA minutes.**
- **Second paragraph on p. 7 of the 12-14-92 ZBA minutes.**
- **Last paragraph of p. 7 of the 12-14-92 ZBA minutes.**
- **Item 3 under Rural Home Occupations on p. 2 of the December 9, 1992, Supplementary Memorandum for Case 794-AT-92**

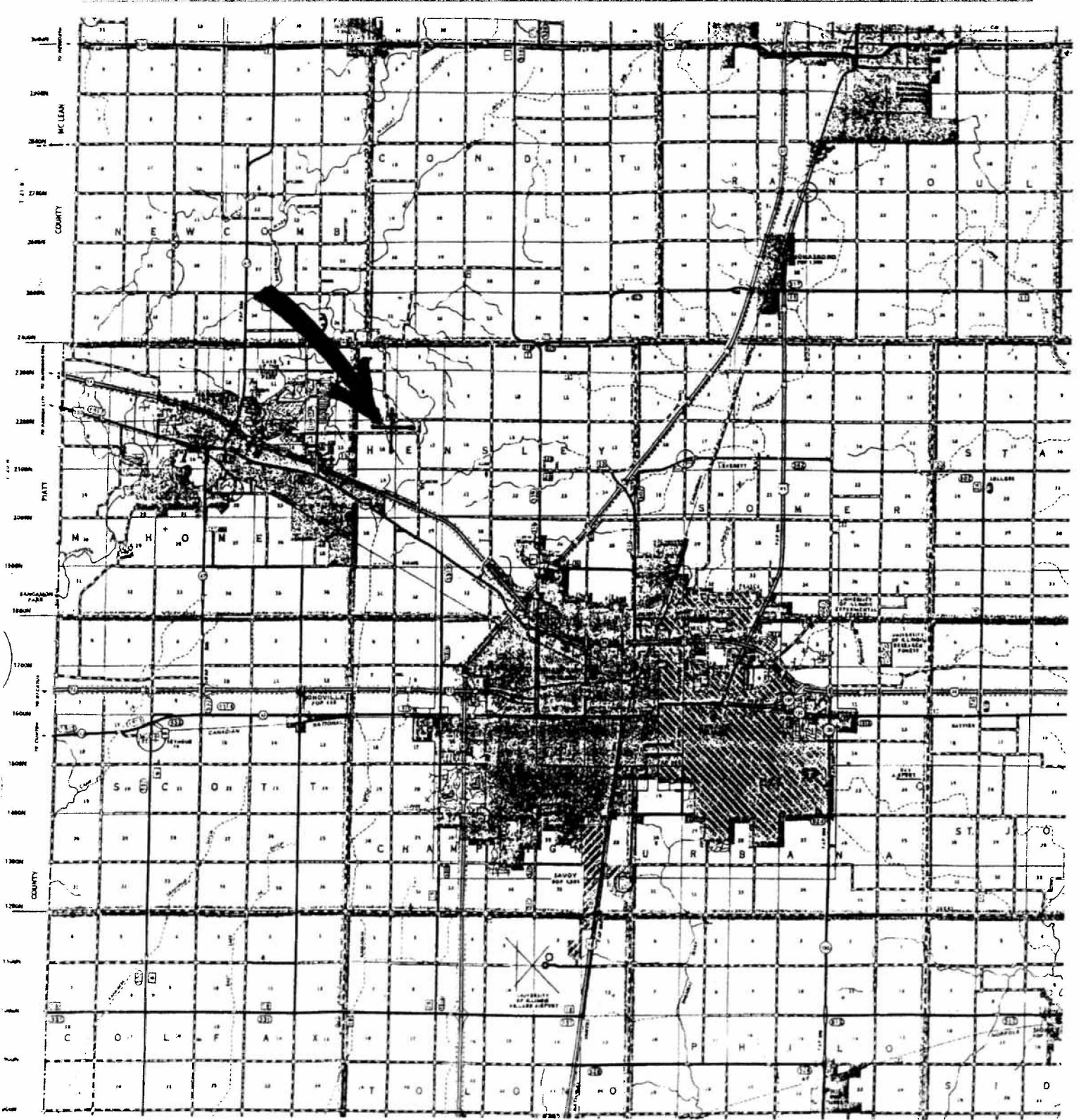
#### ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Background
- C ZUPA 58-07-03 received February 27, 2007
- D Champaign County Rural Home Occupation Handout
- E RHO application No. 73-07-01RHO received March 14, 2007
- F Zoning Use Permit No. 58-07-03 authorized on May 8, 2007
- G Rural Home Occupation permit No. 73-07-01RHO authorized on May 8, 2007
- H List of Dillard Vehicles and Equipment on the Property on June 22, 2011
- I p.7-3 from the Champaign County Zoning Ordinance as amended through December 1, 2006
- J (attached separately) February 9, 1993 Memo from Frank DiNovo to County Board regarding Case 794-AT-92 with all attachments and including the February 5, 1993 Memorandum to ELUC and p. 10 of the February 11, 1993, ELUC minutes regarding Case 794-AT-92

Attachment A Location Map

Case 695-I-11

JULY 22, 2011



NORTH

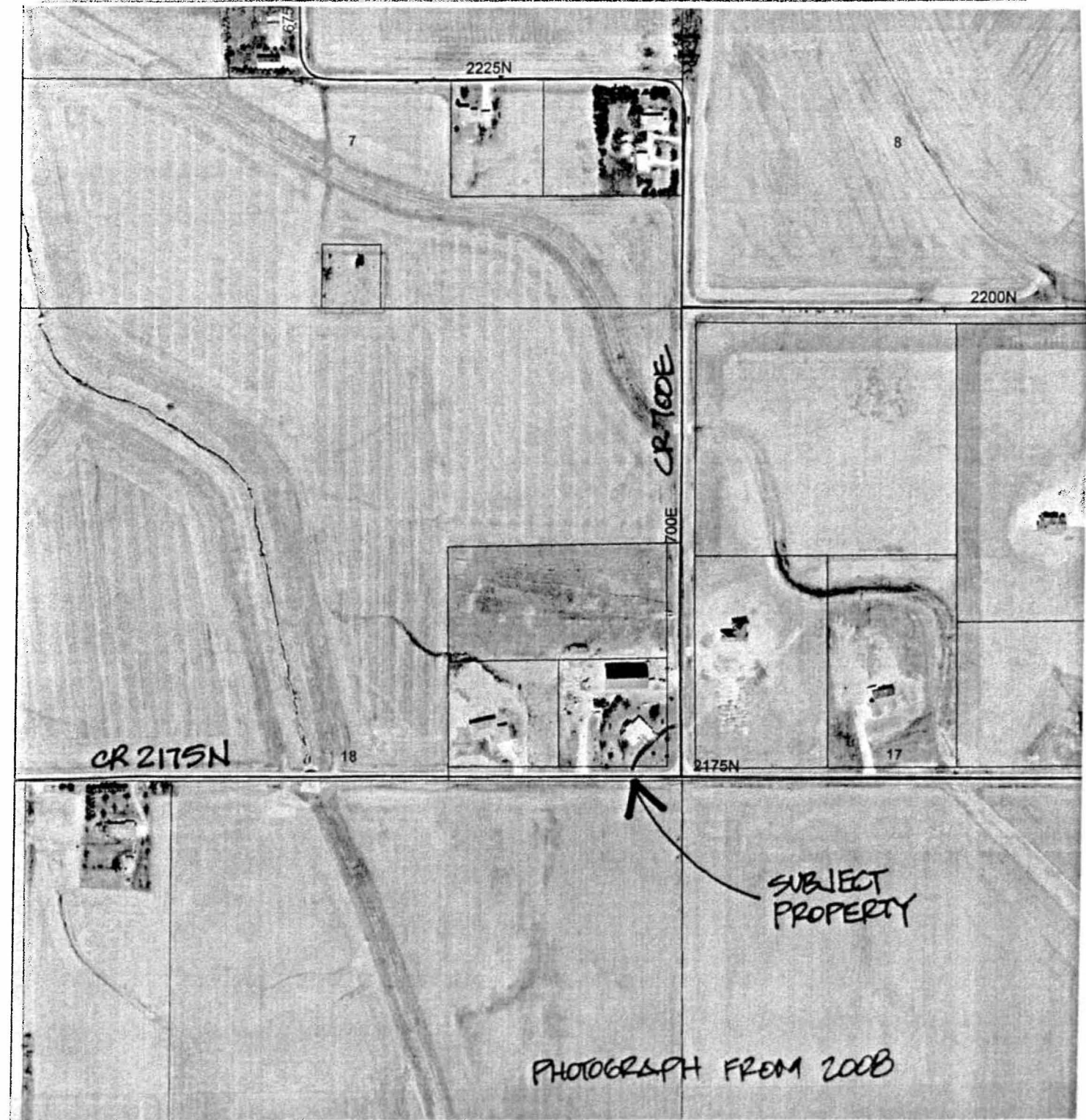
Champaign  
County  
Department of  
**PLANNING &  
ZONING**



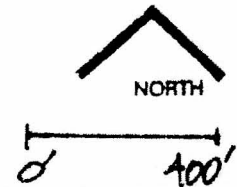
Attachment A Land Use Map

Case 695-I-11

JULY 22, 2011



SF	Single Family	<input type="checkbox"/>
FS	Farmstead	<input type="checkbox"/>

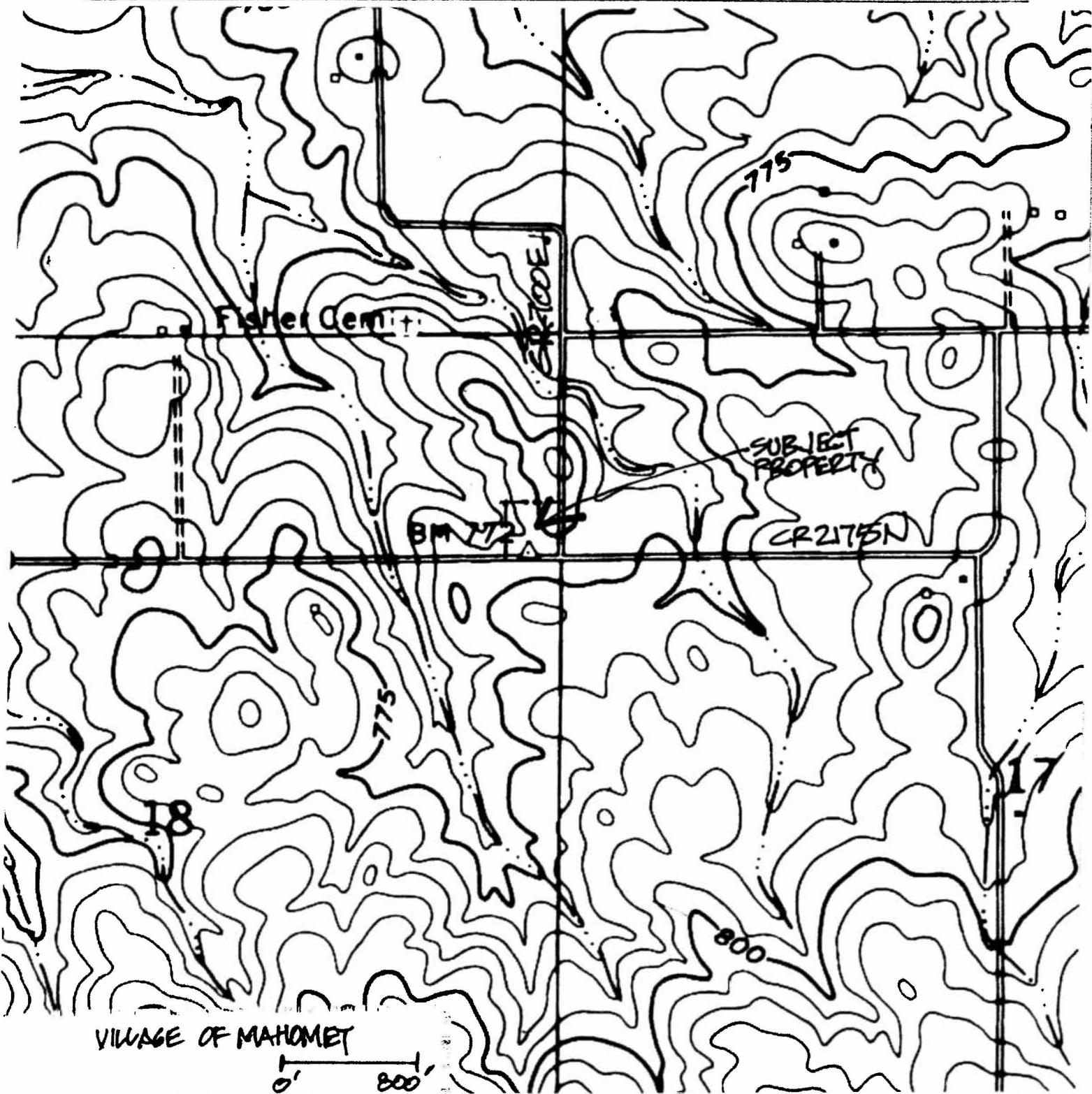


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

Attachment A Zoning Map

Case 695-I-11

JULY 22, 2011



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH  <b>PLANNING &amp; ZONING</b>
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	

## Attachment B Background

Case 695-I-11

JULY 22, 2011

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The background on this Interpretation is as follows:

1. Kelly Dillard applied for a zoning use permit for a detached accessory building (shed) on February 27, 2007 (see attached application). The application included the statement "Pole barn is exclusively for farm operations" but the site area was only 2.18 acres and ultimately it was determined that the agricultural exemption did not apply so a fee was assessed. The fee was paid with a check with the name "Dig It Excavating" and it was determined that a Rural Home Occupation was to be housed in the shed and so a permit was required for a Rural Home Occupation. An application for a Rural Home Occupation and the Rural Home Occupation handout were sent to the applicant.
2. Application for Rural Home Occupation No. 73-07-01RHO was submitted on March 14, 2007 (see attached application). In the response to application Question 8 requesting a listing of commercial vehicles to be kept onsite, the applicant indicated two dump trucks.
3. It is the nature of a Rural Home Occupation that staff requests additional information and additional information was requested. In an April 24, 2007, phone call with the applicant the Zoning Officer added to the RHO application eight more vehicles and/ or specific pieces of driven equipment. See the attached application with dated and initialed notes.
4. Rural Home Occupation No. 73-07-01RHO was authorized for Dig Excavating of Champaign, Inc. on May 8, 2007. The backside of the permit included a list of 6 special conditions of approval that were based on Zoning Ordinance requirements. Condition #2 explained the overall limit of 10 vehicles and Condition 4 make it clear that a Special Use Permit would be required if the business expanded beyond the limits of a Rural Home Occupation.
5. A complaint was received about the property and the number of vehicles on 3/31/08. A drive by inspection occurred on 4/17/08 but no Zoning Compliance Certificate was issued on that basis.
6. Complaints continued to be received and a First Notice of Violation was mailed on 9/24/10. The First Notice identified a need for screening for outdoor storage of vehicles and also outdoor storage of inappropriate materials. Among other requirements to correct the violation the Notice requested the owner to review the RHO regulations and the RHO application and to amend the application if necessary to reflect the numbers of commercial vehicles kept on site and if necessary apply for a Special Use Permit. The First Notice requested action by October 11, 2011.
7. Kelly Dillard called the Zoning Officer several times in October 2010 to follow up on the First Notice and discuss the need for and types of allowable screening of the vehicles stored outdoors.

## Attachment B Background

Case 695-I-11

JULY 22, 2011

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8. On October 28, 2010, the Zoning Officer did a drive-by inspection and noted several vehicles were still stored outside and now were parked on a raised parking area west of the storage building. The raised parking area was covered with recycled asphalt.
9. Complaints continued to be received about the property and a Final Notice was mailed on May 5, 2011. The Final Notice identified the same need for screening for outdoor storage of vehicles and also outdoor storage of inappropriate materials and included the raised parking area that changed the appearance of the residential property and the lack of a Zoning Compliance Certificate. That Notice also indicated the number of vehicles and equipment that were outside the building on April 12, 2011. Among other requirements to correct the violation the Notice requested the owners to review the RHO regulations and the RHO application and to amend the application if necessary to reflect the numbers of commercial vehicles kept on site and if necessary apply for a Special Use Permit. The Final Notice requested action by May 12, 2011.
10. Kelly Dillard met with the Zoning Administrator and the Zoning Officer on May 12, 2011, and a letter documenting that meeting was mailed by the Zoning Administrator on May 13, 2011. Among other requested actions, the letter requested that Mr. Dillard review the RHO regulations and the RHO application and to amend the application if necessary to reflect the numbers of commercial vehicles kept on site.
11. Mr. Dillard amended the RHO application on May 16, 2011, and added four trailers to the application.
12. A Zoning Compliance Inspection of the property occurred on May 24, 2011, and the Zoning Officer documented the inspection in formal Notes on or about June 2, 2011. The Notes indicate a total of 12 vehicles and or driven equipment on the property and 5 of the vehicles or driven equipment appeared to weigh more than 8,000 pounds. The inspection did not include the interior of the shed so it was unknown if any vehicles were inside the shed.
13. An Amended Final Notice of Violation was mailed on June 7, 2011. The Final Notice had been amended to included the total number of vehicles and the number of vehicles weighing more than 8,000 pounds.
14. The Zoning Officer inspected the property again on June 22, 2011, and inspected the interior of the shed as well as the exterior. A list of the vehicles and equipment on the property indicates a total of 17 (see attached).
15. On June 28, 2011, the Zoning Administrator and Zoning Officer met with the Chair of the Environment and Land Use Committee regarding Mr. Dillard's written complaints about the Department of Planning and Zoning and the application of paragraph 7.1.2 E. regarding the limit on vehicles in an RHO. The Zoning Administrator agreed that paragraph 7.1.2 E. was confusing as written and agreed to sponsor an Intepretation Case regarding 7.1.2 E. at the Zoning Board of Appeals.

**Attachment B Background**

Case 695-I-11

JULY 22, 2011

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16. On June 28, 2011, the Zoning Administrator and Zoning Officer met with the Chair of the Environment and Land Use Committee regarding Mr. Dillard's written complaints about the Department of Planning and Zoning and the application of paragraph 7.1.2 E. regarding the limit on vehicles in an RHO. The Zoning Administrator agreed that paragraph 7.1.2 E. was confusing as written and agreed to sponsor an Interpretation Case regarding 7.1.2 E. at the Zoning Board of Appeals.

Champaign County  
 Department of  
 PLANNING & ZONING  
 1776 E. Washington Street  
 Urbana, Illinois 61802  
 Telephone: (217) 384-3708  
 FAX: (217) 328-2426  
 T.D.D.: (217) 384-3864  
 Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY

Township Hensley  
 Section 18 T 20N R 8E  
 Tax Parcel No. 12-14-18-200-010  
 Permit Application No. 58-07-03  
 Receipt No. 30664 Fee NK AG Permit not  
 Date 2/7/07 Zoning District AG-1  
 Lot Area 2.18ac

30/17

3/14/07  
 not  
 of  
 3/14/07

ZONING USE PERMIT APPLICATION  
 and APPLICATION FOR ZONING COMPLIANCE CERTIFICATE

1. INSTRUCTIONS TO APPLICANTS:

All information requested must be completed on this application. 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 and a ZONING COMPLIANCE CERTIFICATE, if required under the Zoning Ordinance. In making this application the applicant represents that all the following statements and any attached maps and drawings are a true description of the proposed new or altered uses and/or structures. The applicant agrees that the permit applied for, if granted, is issued based on the content of this application and that any permit issued may be revoked if any information contained in this application is found to be false or inaccurate.

\*\*\*\*\*

A permit issued pursuant to this application grants only the right to erect structures or to use any premises described in the application and to erect no other structures or conduct any other use nor relieve the applicant from obtaining any other permit required by the Zoning Ordinance, or by other ordinances, codes or regulations of the County of Champaign, Illinois.

\*\*\*\*\*

The applicant further agrees to notify the Zoning Administrator at the completion of the construction stated on any permit. The Zoning Administrator shall, upon completion of construction, inspect the premises and issue or refuse a ZONING COMPLIANCE CERTIFICATE. It is further understood that unless construction is started within 180 days and unless it is substantially completed within 365 days, this permit shall become null and void according to Section 9.1.2(D) of the Zoning Regulations.

2. IDENTIFICATION - To be completed by all applicants:

	NAME	MAILING ADDRESS	ZIP CODE	PHONE NO.
Owner/Lessee	Kelly + RAMONA DILLARD	700 CA 2175 N CHAMPAIGN, IL	61822	217-240-3120
Contractor	Kelly DILLARD			
Architect/Engineer				

3. LOCATION OF PROPOSED CONSTRUCTION:

Address of Proposed Construction: 700 CA 2175 N CHAMPAIGN, IL 61822  
 Legal Description of Property: SEC 18 TW 20 RANGEB LOT 1  
Lot 1 Orange Blossom Estates  
 (description by metes and bounds or lot number, block number and name of subdivision - attach additional sheets if necessary)

4. TAX PARCEL NUMBER: 12-14-18-200010

Construction is located in the AG-1 Zoning District.

Lot Area (Acres or Square Feet): 2.18

Estimated cost of construction: 40,000<sup>00</sup>

**PROPOSED CONSTRUCTION:**

- A. (X) New Building      B. ( ) Alterations or additions to existing buildings  
 C. ( ) Other: \_\_\_\_\_

**6. USE OF EXISTING AND PROPOSED STRUCTURES:**

Existing Use: Residential  
 (Commercial, industrial, residential, agricultural, vacant lot, etc.)

Proposed Use (check all that apply):

**RESIDENTIAL**

**NONRESIDENTIAL**

- |  |   |
|--|---|
| <p><input type="checkbox"/> One family</p> <p><input type="checkbox"/> Two or more family -<br/>enter number of units _____</p> <p><input type="checkbox"/> Transient Motel, Motel, or dormitory -<br/>enter number of units _____</p> <p><input type="checkbox"/> Garage - attached</p> <p><input checked="" type="checkbox"/> Garage - detached</p> <p><input type="checkbox"/> Carport</p> <p><input type="checkbox"/> Other - specify _____</p> <p><input type="checkbox"/> Basement _____</p> | <p><input type="checkbox"/> Amusement, recreational</p> <p><input type="checkbox"/> Church, other religious</p> <p><input type="checkbox"/> Parking garage</p> <p><input type="checkbox"/> Service station, repair garage</p> <p><input type="checkbox"/> Hospital, institutional</p> <p><input type="checkbox"/> Office, bank, professional</p> <p><input type="checkbox"/> Public utility</p> <p><input type="checkbox"/> School, library, other educational</p> <p><input type="checkbox"/> Stores, mercantile</p> <p><input type="checkbox"/> Towers, tanks</p> <p><input type="checkbox"/> Other - specify _____</p> |
|--|---|

**7. SPECIFICATIONS AND PLANS: READ CAREFULLY BEFORE FILLING IN**

A. SPECIFICATIONS: For each building, structure, or use (existing and proposed) identify on the plat (see below) the following information, if applicable:

Structure	Height in Feet	No. of Stories	No. of Dwelling Units	Area in Square Feet*	No. of Parking Spaces	Source of Water Supply	Means of Disposal
Existing House	15	1	1	1800	6	well	septic field
Proposed det. shed	20	1	0	7200	10	well	septic field

\* Include all interior areas (including basement & attached garage) and all exterior covered porches.

**\*\*\*THE FOLLOWING INFORMATION MUST BE PROVIDED\*\*\***

B. SITE OR PLOT PLAN - For Applicant Use

A plat drawn to approximate scale is attached and shows the following:

- 1) Actual shape and size of lot or property (including overall dimensions)
  - 2) Label adjacent streets and roads (by number or name)
  - 3) Location and dimensions of any known easements and water bodies
  - 4) Location, ground area, dimensions, and identification of use of all (existing and proposed) buildings, structure, driveways, parking areas
  - 5) Dimensions of front, side, and rear yards
  - 6) Location of well and septic system (if any)
  - 7) Commercial projects - signed, sealed set of plans indicating IEBA/ADA compliance
- NOTE:**
- 1) **Dimensions of buildings & yards should total the overall dimensions of the lot.**
  - 2) **Residential Accessory buildings that are more than 1,000 sq.ft. in area must have floor plans or indicate interior walls on the site plan.**

Include a copy of any permits from other agencies (e.g., Environmental Protection Agency) which may be required to approve these facilities.

**SITE PLANS MAY BE DRAWN ON THE FOLLOWING PAGE OR ATTACHED AS A SEPARATE DOCUMENT- NO LARGER THAN 11" x 17".**







The signature below shall evidence the agreement of the owner to abide by all requirements of the Champaign County Zoning Ordinance and if signed by the owner's agent, or officer of the legal ownership, shall be a representation by the applicant that he or she is authorized to act on behalf of the owner and oblige the owner to all responsibilities imposed by this Ordinance.

The signature shall also evidence the agreement of the owner to expressly grant permission to the representatives of the Champaign County Planning and Zoning Department to enter the premises under development at reasonable times, for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

Date 2-27-07

[Signature]  
Signature

Owner       Officer       Agent

\*\*\*\*\*

DO NOT WRITE BELOW THIS LINE

Use per Section 5.2: Single Family Home \_\_\_\_\_

Other  Acc to Residential

Permit issued (  ) Permit Number 58-07-03 Date 5/8/07

Permit denied ( ) Cause: \_\_\_\_\_

Floodplain Yes  No \_\_\_\_\_ Panel No. 170894 95 EH

[Signature]  
Signature of Enforcing Officer

ADDITIONAL COMMENTS:

Note: BARR IS EXCLUSIVELY FOR FARM OPERATIONS. See statement below  
3/14/07 After speaking w/ Kelly Dillard I determined that house of  
the proposed building is not considered agricultural therefore Kelly Dillard  
paid the fee for the proposed detached shed. etc  
Proposed Det. Shed is to be used for Dig St Excavating & Rural Home Occupation  
(see ZPA# 73-07-01 LHO for registration). Proposed Building must be accessible per J. Hall.

\*\*\*\*\*

NOTICE OF COMPLETION OF CONSTRUCTION: \_\_\_\_\_ Date: \_\_\_\_\_ (over)

Zoning Compliance Certificate Issued ( ) Certificate No. \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Compliance Certificate Denied ( ) Cause: \_\_\_\_\_

\_\_\_\_\_  
Signature of Enforcing Officer

ADDITIONAL COMMENTS:

5/24/07 shed is complete - walls & floor set back all as indicated on site plan. Red concrete tracks  
is parked 48' from centerline of road, 180' from driveway. - minimum 5'x5' concrete pad inside main door  
on east & south. Second door hardware, door threshold is less than 1/2" - it is  
See "Zoning compliance inspection notes" dated 5/24/07. Pictures taken at  
inspection also included in this file.

Cont'd from previous page

Required Accessibility Requirements: (per §. 411).

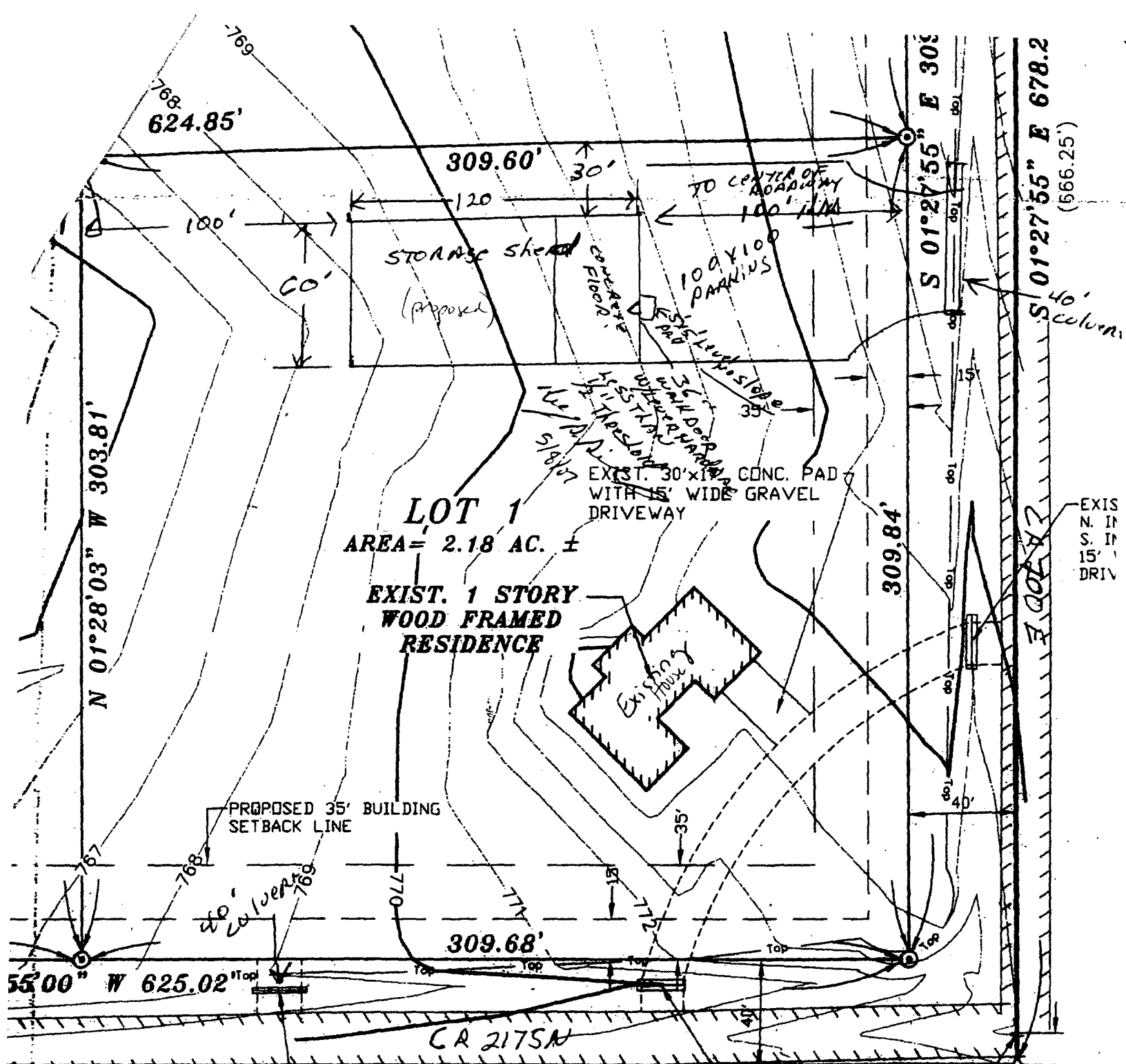
- a) 5' x 5' concrete pad on the inside & the outside of the walk-through door (level w/ no slope)
- b) Door (Walk Through) must have a minimum opening of 32" as measured between the face of the door and the opposite jamb w/ the door open 90 degrees.
- c) Levered Door Hardware is req'd.
- d) Threshold can be no higher than 1/2 inch.

Zoning Requirements cont'd.

See ZUP -

1. If RHD (Dig It Excavating) depends to the point that it can no longer lawfully operate within the limits of the RHD regulations it will be necessary to obtain a Special Use Permit from the CC ZBA. jfr
2. Any floor drain must be connected to an oil separator and the oil separator must be approved by the Champaign County Health Dept. & a copy of the Health Dept. approval must be provided to the Zoning Administrator prior to the issuance of a zoning compliance certificate. jfr
3. This project is exempt from the Champaign Co. Stormwater Management Policy per Section 4.3 A. 4 - Exemptions - individual single family & two family detached dwellings & related accessory structures on a single lot; and

Section 4.3 - Table - Maximum Exempt Impervious Area - more than 2.0 acres but ~~not~~ <sup>not</sup> more than 6.25 acres - No more than 1 acre of the lot & 10% shall be impervious surface area. per §. 411. jfr 4/31/07



**LOT 1**  
 AREA = 2.18 AC. ±

**EXIST. 1 STORY WOOD FRAMED RESIDENCE**

PROPOSED 35' BUILDING SETBACK LINE

55°00" W 625.02'

309.68'

89°55'00" W 665.03' (664.1')

EXIST. 12" CMP PIPE  
 E. INV=768.35  
 W. INV=768.17  
 UNDERFIELD ENTRANCE

EXIST. 12" CMP PIPE  
 E. INV=770.11  
 PIPE CONTINUES 18' WEST

LOCATION OF SE. COR.  
 SE. 1/4, NE. 1/4, NE. 1/4 SEC. 18 AS DETERMINED BY  
 VAIL H. MOORE PER SURVEY DATED APRIL 7, 1977. NO  
 MONUMENT RECOVERED AT THIS LOCATION.

RECOVERED 1/2" DIA. REBAR WITH  
 YELLOW PLASTIC CAP STAMPED HDC #148  
 AT SW. COR. W. 1/2, N. 1/2, NW. 1/4 SEC. 17  
 PER SURVEY BY DAVID P. PHILLIPPE, IPLS NO. 2591,  
 DATED JULY 31, 2001

Champaign County  
 Planning & Zoning Department  
 Approved Site Plan  
 Permit # 58-01-03  
 Date: 5/8/07

PRESENTED FOR RECO

---

---

# RHO

# RURAL HOME OCCUPATION

---

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## RULES FOR RURAL HOME OCCUPATIONS

Rural Home Occupations are permitted only in the AG-1, Agriculture, AG-2, Agriculture and CR, Conservation-Recreation Zoning Districts. They are not permitted in some residential subdivisions or within 500 feet of a residential zoning district (check location with Department of Planning and Zoning).

The following regulations apply to all Rural Home Occupations pursuant to Section 7.1.2 of the Champaign County Zoning Ordinance.

Rural Home Occupations are permitted as an accessory use to a residence subject to the following regulations:

- A. Limits on non-resident employees:
  - i. on lots smaller than five acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.
  - ii. on lots five acres or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises.
- B. Changes to the exterior of the dwelling or accessory building which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm building are prohibited.
- C. No more than one sign not more than six square feet in area is permitted.
- D. Non-farm, commercial vehicles (Second Division vehicles are defined by the Illinois Vehicle Code), used in any rural home occupation are limited to:

- i. no more than three self-propelled vehicles over 8,000 lbs. gross vehicle weight;
  - ii. no more than 10 vehicles in total (including vehicles under 8,000 lbs. gross lbs. gross vehicle weight, trailers and off-road vehicles) excluding patron or employee personal vehicles;
  - iii. all commercial vehicles must be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any existing off-site dwelling.
  
- E. Processes employed must not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time or occurrence as would customarily be associated with agriculture.
  
- F. No storage of volatile liquid, flammable gases, hazardous material or explosives is permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
  
- G. Off-street parking spaces for all employees and patrons must be provided subject to applicable zoning ordinance provisions (check with Department of Planning and Zoning).
  
- H. **Prohibited Activities include:**
  - i. outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
  - ii. outdoor automobile or truck repair;
  - iii. salvage or recycling;
  - iv. outdoor storage of any vehicle, equipment or container used for solid waste hauling;
  - v. retail sale of articles not produced on the site except grain seed sales or as such sales are incidental to providing a service.
  
- I. Outdoor sales displays must be limited to items produced on-site, and occupy an area no larger than 500 square feet. Displays are not permitted in required front, side or rear yard setbacks.
  
- J. Outdoor storage is limited to side yards or the rear yard in and some cases, must be screened (check standards of the Zoning Ordinance with the Department of Planning and Zoning).
  
- K. All Rural Home Occupations must obtain a Zoning Use Permit prior to operation.

---

NOTE: This handout summarizes the major provisions applying in unincorporated areas only. Cities and Villages may have different regulations. Other restrictions may apply.

Champaign County  
 Department of  
**PLANNING & ZONING**  
 1776 E. Washington Street  
 Urbana, Illinois 61802  
 Telephone: (217)384-3708  
 FAX: (217)328-2426  
 Hours: 8:00 a.m. - 4:30 p.m.

**FOR OFFICE USE ONLY**

Township:                       
 Section: 17  
 Tax Parcel No.: 12-14-D-20-010  
 Permit Application No.: 120711240  
 Receipt No.: 3115 Date: 7/11/07  
 Permit No.:                      Zoning District: R-1  
 Lot Area: 2.18

\$33 u

**RURAL HOME OCCUPATION PERMIT APPLICATION**

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 \$25.00.

Owner and/or  Lessee of Property: Kelly + RAMONA DILLARD Telephone: 217-340-3120

Property Owner or Agent, if other than Applicant: SAME

Address: 700 CA 2175 N CHAMPAIGN IL 61822 Telephone:                     

Address of Proposed Rural Home Occupation: 700 CA 2175 N CHAMPAIGN, IL 61822

Legal Description of Property: SE 1/4, NE 1/4 SEC 18 T.20N. R 8E Third PM  
LOT 1

Tax Parcel Number: 12-14-18-20-010 Zoning District: R-1

Size of Parcel 2.18 acre(s).

**SPECIFICS OF RURAL HOME OCCUPATION**

1. Name of Rural Home Occupation Business (Assumed Name, if any): DIG-IT OF CHAMPAIGN, INC
2. Name of Proprietor(s) of Rural Home Occupation Business (if different than owner): Kelly + RAMONA DILLARD
3. Name and address of any other person having an ownership interest in the business: (SAME AS ABOVE)
4. Brief description of the nature of the business: EXCAVATION
5. Number of Employees other than resident family members: Full Time: 3 Part Time: 2
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). NO SIGN

7. Explain which portions of the house and/or any accessory building to be used in the operation of your home occupation. 60 X 120 STORAGE Shed

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

1988 INTERNATIONAL 9300 DUMPTRUCK LIC 16432 MR  
1986 FREIGHTLINER FLC DUMPTRUCK LIC 16433 MR  
20 ton trailer yr 4/24/07 yr

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.

GENERAL REPAIR SHOP SOLVENTS & GASES

10. Identify any products offered for retail sale. "NONE"

11. Other Comments: THIS IS FOR INSIDE STORAGE "ONLY" OF TOOLS & EQUIPMENT AND REPAIR ON OUR OWN EQUIPMENT. NOTHING WILL BE STORED OUTSIDE yr 5/16/11 - see new site plan submitted

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

to P&Z Dept w/ zoning plan. TO include outdoor storage

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: J.M. Hill DATED: 3-14-07

SIGNED: Damon Hillard DATED: 3-14-07

DO NOT WRITE BELOW THIS LINE

Permit issued (  ) Permit Number 73-07-01RHO Date 5/8/07  
Permit denied ( ) Cause: \_\_\_\_\_

Refer also to ZPA # 58-07-03 for construction of building. yr  
ADDITIONAL COMMENTS:

J. Hill / p. J. Hill  
Signature of Enforcing Officer

per phone call to Kelly Hillard 4/24/07 yr

- Equipment to be stored in building: Bobcat, Backhoe, State Tractor - (2) Excavators (1 large will never be stored there) small excavator (cat-311) - 20 ton trailer to haul equipment, trencher, single axle dump truck, small excavating equipment
- Employees report to the job site - very seldom on his property - one of his drivers is the mechanic when necessary - oil changes done on job sites.

Void memo exchange dated 5/16/11 yr  
5/16/11 see amended page 2 received in P & Z office

questions / concerns  
# of employees L Busboom

- Do employees work a 'shop' when no excavating jobs? or have a mechanic on the site who repairs the equipment? 1 guy - mechanic mrs @ mdr
- Do the employees report to the site and if so, how many - or do they come to the site sometime during the work day. Some minor equip

Non-Res./Non-Family Employees Reg for RHO

On Lots < 5 acres - no more than 1 employee can be present on the premises & no more than one additional employee can report to the site for work performed on the premises. jfr

### Accessibility Requirements (per J. Hall) 5/1/07

John Hall determined that ~~there~~ parking is already existing & no additional parking will be added ~~that~~ <sup>and</sup> to comply with the IAC regulations. That Kelly Dillard must install a 5' x 5' concrete pad on the interior and exterior of the Walk Through door.

The door, door threshold & door hardware must also be accessible. jfr  
No accessible parking space is req'd per J. Hall. jfr  
(see the copy of letter from Doug Brink PCB to Frank D. Now (letter dated 5/18/02). jfr

Oil separator will be installed in steel floor. - see attached letter from Kelly Dillard. jfr  
Heldford called Duple Welding to find out what a "Q" size tank is - & was informed that it is a 3' tall tank that is commonly used by farmers on their farms. jfr

(see above)



Amended Page 2  
5/16/11 jz

7. Explain which portions of the house and/or any accessory building to be used in the operation of your home occupation. 60 X 120 STORAGE Shed

8. Describe any commercial vehicle(s) to be kept on site (make, model, and license #):  
1988 INTERNATIONAL 9300 DUMPTRUCK Lic 16432 MR  
1986 FREIGHTLINER FLC DUMPTRUCK Lic 16433 MR  
20 tm trailer yr 4/24/07 yr 4-uvdor 8,000 GVW TRAILERS  
RAD.

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.

GENERAL REPAIR SHOP SOLVENTS & GASES

10. Identify any products offered for retail sale. "NONE"

11. Other Comments: THIS IS FOR INSIDE STORAGE "ONLY" OF TOOLS & EQUIPMENT AND REPAIR ON OUR OWN EQUIPMENT. NOTHING WILL BE STORED OUTSIDE YR 5/16/11 THIS PAGE & THE SITE PLAN

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 the outdoor
- f. Outdoor Storage Area storage
- g. Parking Area for Vehicles Used in the Business yr
- 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 7.12 of the Champaign County Zoning Ordinance, relating to RURAL HOME OCCUPATION regulations, and fully understand them.

SIGNED: J.D. Hill DATED: 3-14-07

SIGNED: Dorinda Hillard DATED: 3-14-07

RECEIVED

MAY 16 2011

CHAMPAIGN CO. P & Z DEPARTMENT

5/27/11  
See ZUPA # 58-07-03  
for ECC +  
Comments. jz

DO NOT WRITE BELOW THIS LINE

Permit issued (  ) Permit Number 73-07-01RHO Date 5/8/07  
Permit denied ( ) Cause: \_\_\_\_\_

Refer also to ZUPA # 58-07-03  
for construction of building. jz

ADDITIONAL COMMENTS:

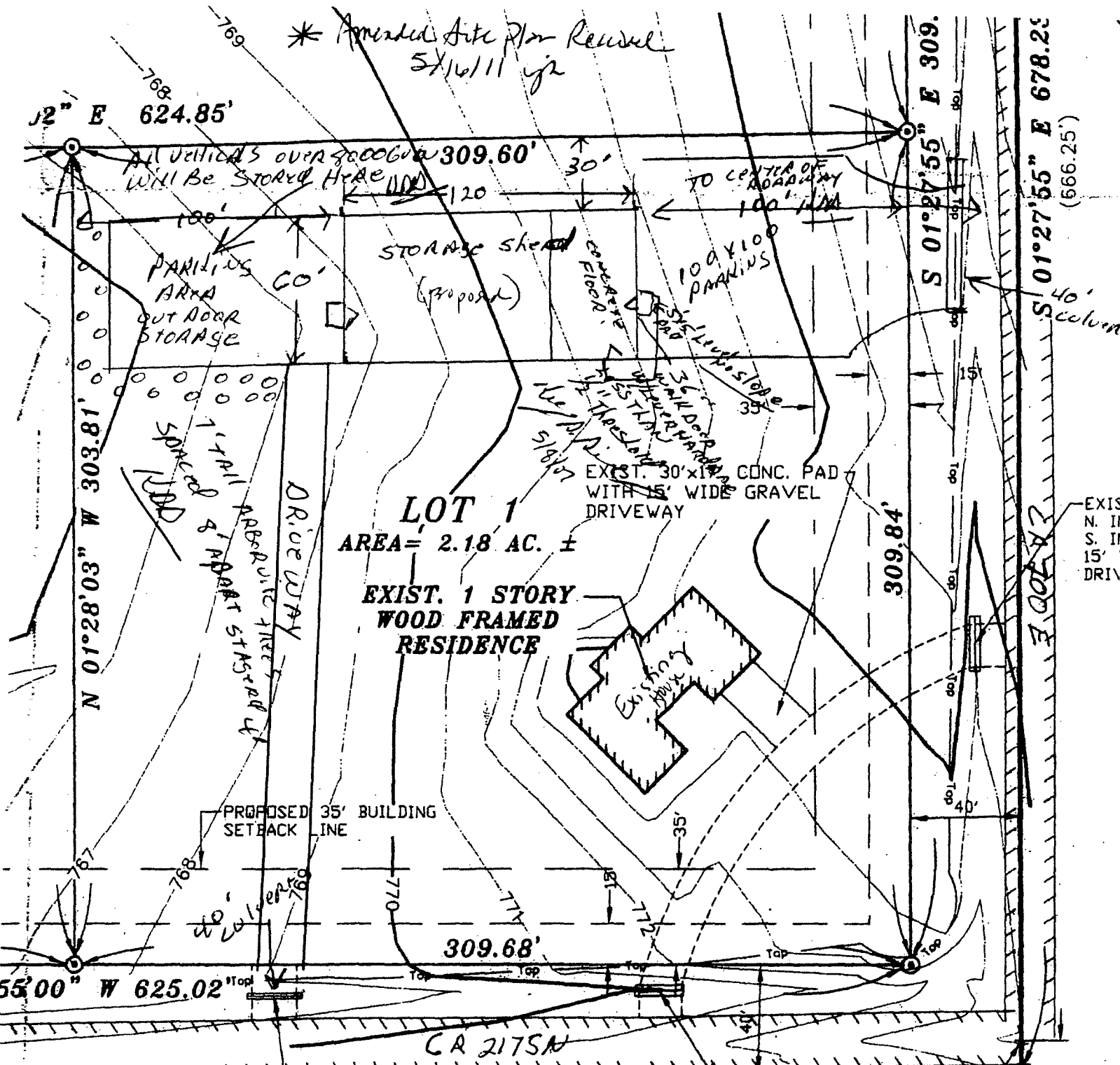
Jamie Hill / pl J. Hill  
Signature of Enforcing Officer

per phone  
call to  
Kelly Hillard  
4/24/11  
jz

- Equipment to be stored in building: Bobcat, Backhoe, Backhoe Tractor - (2) Excavators (1 large will never be stored there) small excavator (cat-311) - 20 tm trailer to haul equipment, trencher, single axle dump truck, small excavating equipment.
- Employee report to the job site - very detail on his property - one of his drivers is the mechanic when necessary - oil changes done on job site.



\* Amended Site Plan Renewal  
5/16/11 jz



RECEIVED

MAY 16 2011

CHAMPAIGN CO. P & Z DEPARTMENT

EXIST. 12" CMP PIPE  
E. INV=768.35  
W. INV=768.17  
UNDERFIELD  
ENTRANCE

EXIST. 12" CMP PIPE  
E. INV=770.11  
PIPE CONTINUES 18' WEST

Champaign County  
Planning & Zoning Department  
Approved Site Plan  
Permit # 73-07-01 RHO (Amended)  
Date:

LOCATION OF SE. COR.  
SE. 1/4, NE. 1/4, NE. 1/4 SEC. 18 AS DETERMINED BY  
VAIL H. MOORE PER SURVEY DATED APRIL 7, 1977. NO  
MONUMENT RECOVERED AT THIS LOCATION.

RECOVERED 1/2" DIA. REBAR WITH  
YELLOW PLASTIC CAP STAMPED HDC #148  
AT SW. COR. W. 1/2, N. 1/2, NW. 1/4 SEC. 17  
PER SURVEY BY DAVID P. PHILLIPPE, IPLS NO. 2591,  
DATED JULY 31, 2001

Champaign County  
Planning & Zoning Department  
Approved Site Plan  
Permit # 73-07-01 RHO  
Date: 5/16/11

PRESENTED FOR RECO

CHAMPAIGN COUNTY, ILLINOIS

ZONING USE PERMIT

No.: 58-07-03

Application Date: 02/27/07

Township: Hensley Section: 18

Receipt #: 3066 & 3075

P.I.N.: 12-14-18-200-010

Fee: \$1185.00

Location (Address, directions, etc.): 700 CR 2175N, Champaign, IL 61822

Owner/s: Kelly and Ramona Dillard

Issued to: Owner: X Agent: Zoning District: AG-1 Lot Area: 2.18 acres

Legal Description: Lot #: 1 Block #: Subdivision: Orange Blossom Estates

or;

Project Is To: construct a detached storage building

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

By: Appeal #: Special Use #: Variance #:

Remarks: See Zoning Use Permit 73-07-01RHO for registration of Rural Home Occupation for the proposed detached storage building.

Conditions

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.

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: May 8, 2007

Signed By: Jamie Hitt
Zoning Administrator
Authorized Agent

CHAMPAIGN COUNTY, ILLINOIS

ZONING USE PERMIT

No.: 73-07-01RHO

Application Date: 03/14/07

Township: Hensley Section: 18 Receipt #: 3075

P.I.N.: 12-14-18-200-010 Fee: \$33.00

Location (Address, directions, etc.): 700 CR 2175N, Champaign, Illinois

Owner/s: Kelly and Ramona Dillard

Issued to: Owner: X Agent: Zoning District: AG-1 Lot Area: 2.18 acre

Legal Description: Lot #: 1 Block #: Subdivision: Orange Blossom Estates

Project Is To: Establish a Rural Home Occupation, Dig-It Excavating of Champaign, Inc.

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

Remarks: See Special Conditions of Approval on back and list of Documents of Permit Approval. Also, see ZUPA 58-07-03.

Conditions

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.

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: May 8, 2007

Signed By: Jamie Hill
Zoning Administrator
Authorized Agent

## **DOCUMENTS OF PERMIT APPROVAL**

1. Rural Home Occupation Application submitted March 14, 2007.
2. Letter from Applicant dated April 25, 2007.
3. ZUPA #58-07-03 and site plan received on February 27, 2007.

## **SPECIAL CONDITIONS OF APPROVAL FOR ZONING USE PERMIT 73-07-01RHO**

1. On any given day no more than two (2) non-family, non-resident employees can be on the site at any one time.
2. The limit of 10 non-personal vehicles also applies to vehicles not intended for road use such as a trencher, an excavator, a backhoe, a bobcat, etc.
3. No outdoor storage has been authorized by this Zoning Use Permit. Any future outdoor storage of business related equipment, materials, etc., is limited to the side and rear yards and must be screened from public view by a Type D screen (8 ft. opaque fence) or stored inside the storage building and must be authorized by an additional Zoning Use Permit.
4. If the Dig It Excavating business expands to the point that it can no longer operate within the limits of the Rural Home Occupation regulations, it will be necessary to obtain a Special Use Permit from the Champaign County Zoning Board of Appeals.
5. Any floor drain must be connected to an oil separator and that oil separator must be approved by the Champaign County Health Department and a copy of that approval must be provided to the Zoning Administrator prior to the issuance of a Zoning Compliance Certificate.
6. Compliance with the Illinois Accessibility Code is required and the following accessibility features must be installed before the issuance of a Zoning Compliance Certificate:
  - a) A 5' by 5' concrete pad that is level with no slope must be installed on the interior and exterior of the walk through door;
  - b) The walk through door must have a minimum opening of 32 inches as measured between the face of the door and the opposite jamb with the door open 90 degrees;
  - c) Levered door hardware must be provided;
  - d) The door threshold can be no higher than ½ inch.

**LIST OF DILLARD VEHICLES AND EQUIPMENT ON THE PROPERTY  
ON JUNE 22, 2011**

1. A yellow and white cab with a black bed (2 axle) dump truck – Stored inside building, 2<sup>nd</sup> Division Vehicle, License Plate No. 16430 MR. (Kelly Dillard says he will be getting rid of this vehicle). (45,001 lbs. to 54,999 lbs.)
2. A white cab with a red bed (single axle) dump truck – Stored inside building, 2<sup>nd</sup> Division Vehicle, License Plate No. 95 467 H. (16,001 lbs. to 26,000 lbs.)
3. A red cab with a red bed dump truck (2 axle) – Stored outside, License Plate No. 16432 MR. (45,001 lbs. to 54,999 lbs.)
4. A red flat bed (2 axle) trailer (20 ton) attached to red cab, red bed dump truck – Stored outside, License Plate No. 301 047 ST. (≥ 8,000 lbs.)
5. A red flatbed equipment trailer – Stored outside on east, License Plate No. 77 758 TE. (10,001 lbs. to 14,000 lbs.)
6. A trencher with a bucket – Stored inside. (≥ 8,000 lbs., approx. 8,200 lbs.)
7. A steamroller – Stored Outside. (≥ 8,000 lbs. - approx. 12 ton)
8. A high-hoe/excavator – Is outside on the property to north (Shallenberger property). (≥ 8,000 lbs. - approx. 77,400 lbs.)
9. A backhoe (that was previously on property to north) – Stored outside on Dillard property. (≥8,000 lbs. – approx. 15,000 lbs.)
10. A road grader (still on property to north). (≥ 8,000 lbs. – approx. 44,500 lbs.)
11. A Skidsteer – Stored inside building. (≤ 8,000 lbs.)
12. A Scissor Lift – Stored inside building. (≤ 8,000 lbs.)
13. A Forklift – Stored inside building. (≤ 8,000 lbs.)
14. A black flat bed trailer with a water tank in it – Stored outside, License Plate No. 213828 TB. (3,001 lbs. to 5,000 lbs.)
15. A small red flat bed trailer – Stored inside with a bucket on it that needs repaired, License Plate No. 200487 TB. (3,001 lbs. to 5,000 lbs.)
16. A red enclosed job trailer that advertises Dig-It of Champaign, Inc., on the side – Stored outside (on east), License Plate No. 8321 HR (license sticker expired). (Illinois does not have an HR license plate). (≤ 8,000 lbs.)
17. A sifter/grain separator – Stored outside, Kelly Dillard says its farm equipment. (≤ 8,000 lbs.)



**SECTION 7.1.2 RURAL HOME OCCUPATIONS - CONTINUED**

- A. RURAL HOME OCCUPATIONS shall not be located on lots fronting on streets located wholly within a recorded subdivision or within 500 feet of a residential zoning district.
- B. Non-family employees shall only be permitted subject to the following limitations:
  - i. on lots smaller than five acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.
  - ii. on lots five acres or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises.
- C. Changes to the exterior of the DWELLING or ACCESSORY BUILDING which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm BUILDING are prohibited.
- D. No more than one SIGN not more than six square feet in area shall be permitted.
- E. Non-farm, Second Division vehicles as defined by the Illinois Vehicle Code, used in any RURAL HOME OCCUPATION shall be limited as follows:
  - i. no more than three self propelled vehicles over 8,000 lbs. gross vehicle weight shall be permitted;
  - ii. no more than 10 vehicles in total, including vehicles under 8,000 lbs. gross vehicle weight, trailers and off-road vehicles shall be permitted excluding patron or employee personal vehicles;
  - iii. all Second Division vehicles shall be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use.
- F. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE.

**TO:** Champaign County Board

**FROM:** Frank DiNovo

**DATE:** February 9, 1993

**RE:** Case 794-AT-92. Amendments to Section 3 and 7 related to Home Occupations. Creating Two Classes, Rural and Neighborhood, and Setting Standards for the Conduct of such Accessory Uses

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### STATUS

**Action by the Environment and Land Use Committee is anticipated on February 11.**

**The Environment and Land Use Committee had reviewed this case previously and remanded it for further hearings on the items to which the City of Urbana had objected on August 13, 1992.**

**The Zoning Board of Appeals took final action on this case on December 17, 1992. The Urbana Plan Commission reviewed the revised amendment on February 4 and voted to recommend that the City not protest the proposed amendment while expressing disagreement with the maximum weight permitted for commercial vehicles in neighborhood home occupations.**

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The following documents are attached:

1. Revised Finding of Fact and Final Determination of Champaign County Zoning Board of Appeals, dated December 17, 1992
2. ZBA Final Action Minutes: December 17, 1992
3. Urbana Staff Memorandum dated January 28, 1993

Additional ZBA Minutes and Documents of Record as listed on the Finding of Fact are available for review in the Planning and Zoning Department Office.

1 The motion was approved by a voice vote.

2

3 C. Continued Public Hearing

4

5 Subdivision Case 105-92. Amendments to the *Champaign County Subdivision*  
6 *Regulations*, Section 13.1.4 to Revise and Increase Subdivision Filing Fees.

7

8 Mr. Crozier moved, seconded by Mr. Wolf, to continue the hearing for Subdivision Case 105-  
9 92 to March 11, 1993.

10

11 The motion was approved by a voice vote.

12

13 D. Amendment to Resolution Establishing a System of Rural Addressing and City  
14 Address Service Areas Re: Street Names within City Address Service Area.

15

16 Mr. DiNovo explained that as a technical correction to Resolution No. 3158 which establishes  
17 a system of rural addressing and city address service areas. The original resolution never  
18 actually stated that we were naming the streets.

19

20 Mr. Flessner moved, seconded by Mr. Carter, to recommend the adoption of an amendment  
21 to Resolution No. 3158.

22

23 The motion was approved by a voice vote.

24

25 E. Zoning Case 794-AT-92. Petitioner: Zoning Administrator. Request to amend  
26 Sections 3 and 7 of the Zoning Ordinance related to Home Occupations,  
27 creating two classes, Rural and Neighborhood, and setting standards for the  
28 conduct of such accessory uses.

29

30 Mr. DiNovo stated that hearing on this case opened in February 1992. The committee  
31 remanded this back to the Zoning Board of Appeals and there have been so many zoning  
32 cases last fall that this has been put aside. This has gone to the Urbana Plan Commission  
33 and they have voted not to protest, but noted a concern about the original regulations  
34 allowing a neighborhood home occupation to have a commercial vehicle which may weigh  
35 up to 36,000 pounds. Urbana has objected but have not recommended an alternate weight.  
36 They may not officially protest. Mr. DiNovo noted that this applies only to neighborhood,  
37 and not rural home occupations, and only to commercial vehicles.

38

39 Mr. Flessner moved, seconded by Mr. Bantz, to recommend approval of Zoning Case 794-AT-  
40 92, request to amend Sections 3 and 7 of the Zoning Ordinance related to Home  
41 Occupations, creating two classes, Rural and Neighborhood, and setting standards for the  
42 conduct of such accessory uses.

43

44 The motion was approved by a voice vote.

45

46 F. Other Old Business

47

**TO:** Environment and Land Use Committee  
**FROM:** Frank DiNovo  
**DATE:** February 5, 1993  
**RE:** Case 794-AT-92. Amendments to Section 3 and 7 related to Home Occupations. Creating Two Classes, Rural and Neighborhood, and Setting Standards for the Conduct of such Accessory Uses

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### STATUS

**The Environment and Land Use Committee reviewed this case previously and remanded it for further hearings on the items to which the City of Urbana had objected on August 13, 1992.**

**The Zoning Board of Appeals took final action on this case on December 17, 1992. The Urbana Plan Commission reviewed the revised amendment on February 4 and voted to recommend that the City not protest the proposed amendment while expressing disagreement with the maximum weight permitted for commercial vehicles in the neighborhood home occupation.**

---

The following documents are attached:

1. Revised Finding of Fact and Final Determination of Champaign County Zoning Board of Appeals, dated December 17, 1992
2. Zoning Board of Appeals public hearing minutes from:
  - November 19;
  - December 14; and
  - December 17.
3. Staff Memoranda dated November 19 and December 9, 1992 (without attachments)
4. Urbana Staff Memorandum dated January 28, 1993

**REVISED FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

Withdrawing, Revising, and Superseding the  
Finding of Fact and Final Determination adopted June 25, 1992

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**Final Determination:** Adoption Recommended

**Date:** December 17, 1992

**Petitioner:** Zoning Administrator

**Petition:** Amendments to Sections 3 and 7 related to Home Occupations Creating Two Classes, Rural and Neighborhood and Setting Standards for the Conduct of such Accessory Uses

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**Finding of Fact**

From the documents of record and the testimony received at the public hearing which commenced on February 20, 1992, concluded on June 25, 1992, and reopened on November 19, 1992 and concluded on December 17, 1992, the Zoning Board of Appeals of Champaign County finds that:

1. Existing standards for home occupations are contained only in the definition in Section 3.
2. Placing regulatory standards in ordinance definitions obscures their significance and makes the ordinance more difficult to use.
3. Present standards for home occupations rely on the definition of Accessory Use to govern many aspects of home businesses. Such standards are vague and difficult to administer.
4. Present standards are exceedingly brief and lack standards related to the number of patrons permitted on the premises, vehicle parking, delivery limitations, outdoor activities, outdoor storage, outdoor display or hazardous materials.
5. Present standards do not distinguish between residences in rural and urbanized areas.
6. Economic conditions have led many families to pursue home-based businesses to supplement their income.

7. Farmers typically engage in home-based businesses to supplement their income and take advantage of the vehicles and equipment typically found on farms which are otherwise idle for extended periods.
8. Home-based businesses have the potential to create nuisances and hazards and to disrupt the character of residential neighborhoods due to increased traffic, use of equipment generating noise, smoke, dust and vibration, use of hazardous materials, erection of commercial signs, displays of merchandise or other advertising, use of large vehicles, receipt of deliveries, and other non-residential activities incidental to the home business.
9. The impacts of home-based businesses can be adequately controlled and the character of the neighborhood maintained by imposing reasonable standards on the type and conduct of home occupations.
10. Standards have been developed that distinguish the character of urban residential neighborhoods from that of rural areas that are appropriate to the nature of such areas and the reasonable expectations of property owners in such areas.
11. The proposed amendment provides for exclusion of certain uses which, by their nature are inappropriate and which experience has shown are likely to result in nuisances.
12. The proposed standards provide for reasonable limits in the number of non-resident employees and patrons that may be present on the premises.
13. The proposed standards provide for reasonable standards for signs for home occupations
14. The proposed standards provide for reasonable limits based on the Illinois Vehicle Code on the number and type of vehicles and for off-street parking for vehicles used in conjunction with home occupations.
15. The proposed standards provide reasonable limits on deliveries and outdoor storage, operations and displays.
16. The proposed standards provide more clearly defined standards governing nuisances related to hazardous materials, odor, smoke, dust, noise, gas or vibration created by home occupations.
17. The proposed amendments provide for small scale trucking, tree service, small scale solid waste hauling, bed and breakfast, home day care and other home occupations commonly located throughout the County but presently not adequately provided for in the Zoning Ordinance.

18. The Urbana Plan Commission has objected to the originally proposed standards for the number of employees and patrons, and number and size of commercial vehicles permitted in Neighborhood and Rural Home Occupations.
19. The Environment and Land Use Committee of the County Board remanded this for further hearing on August 13, 1992.
20. Revisions to the proposed amendments include more stringent regulations in the areas where the Urbana Plan Commission expressed an objection with the exception of the maximum size of truck permitted in neighborhood home occupations.
21. The proposed size limits on trucks permitted in Neighborhood Home Occupations is based on reasonable, objective and empirical standards. No similarly objective and empirical basis has been suggested for more stringent standards.

#### **Documents of Record**

1. Preliminary Memorandum from Karen Sommerlad dated February 14, 1992 with attachments
2. Supplementary Memorandum from Karen Sommerlad and Frank DiNovo dated February 20, 1992 with attachments
3. Supplementary Memorandum from Karen Sommerlad and John Hall dated March 6, 1992 with attachments
4. Summary Memorandum from Frank DiNovo and Karen Sommerlad dated April 3, 1992 with attachments
5. Supplementary Memorandum from Frank DiNovo dated June 19, 1992 with attachments
6. Table 5. Summary Comparison of Home Occupation Regulations dated March 12, 1992
7. Table 6. Summary Comparison of Existing and Proposed Home Occupation Regulations dated March 24, 1992
8. Staff Memorandum to Urbana Plan Commission dated July 2, 1992
9. Urbana Plan Commission Minutes from July 9, 1992
10. Supplementary Memorandum from Frank DiNovo dated November 19, 1992 with attachments
11. Supplementary Memorandum from Frank DiNovo dated December 9, 1992 with attachments
12. Letter from Glenn A. Stanko dated December 14, 1992

**Determination**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Text Amendment contained in the document entitled "Proposed Amendment to the Champaign County Zoning Ordinance Regarding Home Occupations and Rural Home Occupations," dated December 17, 1992 with the added revision to Section 9.1.5D3i subparagraph 12 which is attached hereto and incorporated herein should be enacted by the Champaign County Board.

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

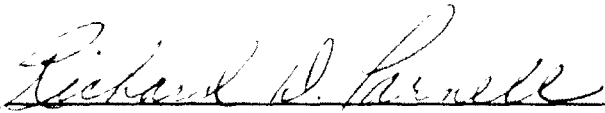
ATTEST:



January 7, 1993

Secretary to the Zoning Board of Appeals

SIGNED:



Richard D. Parnell, Chairman  
Champaign County Zoning Board of Appeals



**Proposed Amendment to the Champaign County Zoning Ordinance  
Regarding Home Occupations and Rural Home Occupations**

**Amend Section 3, Definitions**

- to delete the following definition of **HOME OCCUPATION**

Home Occupation: Any occupation or profession for gain or support carried on by a member or members of the of the immediate FAMILY, residing on the premises, including grain seed sales; in connection with which there is used no SIGN other than a name plate not more than one square foot in area or no display that will indicate from the exterior that the BUILDING is being utilized in whole or in part for any purpose other than that of a residential BUILDING; and in which not more than one person is employed other than the member of the immediate FAMILY residing on the premises; and provided that no article is sold or offered for sale except such as may be produced in the household by members of the immediate FAMILY, and no mechanical equipment is used except such as incidental to the same occupation, providing said equipment shall not be objectionable to the neighborhood or create a nuisance.

- to add the following definitions of **NEIGHBORHOOD HOME OCCUPATION, RURAL HOME OCCUPATION and DISPLAY**

HOME OCCUPATION, NEIGHBORHOOD: Any activity conducted for gain or support by a member or members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE entirely within the resident's DWELLING UNIT or ACCESSORY BUILDING not exclusively devoted to such activity.

HOME OCCUPATION, RURAL: Any activity conducted for gain or support by a member or members of the of the immediate FAMILY, residing on the premises, as an ACCESSORY USE on the same LOT as the resident's DWELLING UNIT.

DISPLAY: The ~~display~~ placement or arrangement of products or materials for sale or lease excluding items which are being stored while awaiting maintenance, or repair or other STORAGE.

Amend Section 7, ACCESSORY STRUCTURES and USES

- to **delete** the following Section 7.1 in its entirety

7.1 HOME OCCUPATIONS

HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE in any home.

- and **replace** it with the following Section 7.1

7.1 NEIGHBORHOOD HOME OCCUPATIONS and RURAL HOME OCCUPATIONS

7.1.1 NEIGHBORHOOD HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE ~~in any dwelling~~ subject to the following standards:

- A. No more than one employee, in addition to family members, shall be present on the premises at any one time ~~with no more than 2 employees on the premises in any one day.~~ No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.
- B. All business activities shall be conducted entirely indoors, and limited to the DWELLING and no more than one ACCESSORY BUILDING located on the LOT. The DWELLING or ACCESSORY BUILDING shall not be modified and no DISPLAY or activity shall be conducted that would indicate from the exterior that it is being used for any purpose other than that of a residential DWELLING or residential ACCESSORY BUILDING.
- C. No SIGN other than a name plate not more than 2 square feet in area shall be permitted.
- D. No storage of volatile liquids, flammable gases, hazardous materials, or explosives shall be permitted except as might be kept for normal household use in typical household quantities.

- ~~E. The maximum number of patrons on site at any one time shall not exceed 8 with a maximum of 16 patrons in any 24 hour period except that these limits may be exceeded no more than once in any 30 day period.~~
- E. No more than 3 patrons, clients, congregants, or similar persons may be present on the premises at one time except:
- i. up to 12 children may be present in day care homes;
  - ii. up to 12 clients, patients or other congregants may be present for religious services, group counselling, or similar purposes not more than 3 times in any 7 day period nor more than twice in one day; and
  - iii. up to 12 patrons may be present at sales parties, open houses or similar events not more than once in any 30 day period.
  - iv. up to 8 guests in no more than 4 guest rooms may be present at one time in a bed and breakfast establishment
- F. No patrons, clients, or other congregants shall be present on the premises earlier than 9:00 a.m. nor later than 10:00 p.m. except that day care recipients may be present as early as 6:30 a.m.
- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with the exclusive residential use of a similar DWELLING.
- H. Deliveries by truck shall be limited to no more than an average of 1 per ~~day~~ week and a maximum of 2 in any given ~~day~~ week for trucks no larger than a standard commercial delivery truck. Deliveries by semi-trailer trucks ~~shall not be permitted~~ are prohibited.
- I. Prohibited NEIGHBORHOOD HOME OCCUPATION Activities shall include:
- i. automobile and truck repair;
  - ii. salvage, recycling and solid waste hauling;

iii. sale of articles not produced on the premises except as provided in Section 7.1.1Eiii or as such sales are incidental to the provision of a service.

J. Outdoor STORAGE or DISPLAY shall not be permitted is prohibited.

K. No more than one commercial vehicle less than or equal to 36,000 pounds registered gross vehicle weight and no more than 25 feet in length shall be permitted in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.

L. All NEIGHBORHOOD HOME OCCUPATIONS shall ~~obtain a Zoning Use Permit in accordance with Section 9.1.2 of the Champaign County Zoning Ordinance prior to operation~~ be registered with the Department of Planning and Zoning on forms prepared by the Zoning Administrator.

7.1.2 RURAL HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE in any dwelling in the AG-1, Agriculture; AG-2, Agriculture; and CR, Conservation-Recreation Districts subject to the following standards:

A. RURAL HOME OCCUPATIONS shall not be located on lots fronting on streets located wholly within a recorded subdivision or within 500 feet of a County residential zoning district.

~~B. The maximum number of employees working on site at one time, in addition to family members, shall not exceed 2 with no more than 3 additional employees reporting to the site in preparation for work performed off site.~~

B. Non-family employees shall only be permitted subject to the following limitations:

i. on lots smaller than 5 acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.

- ii. on lots 5 acres or larger no more than 2 employees may be present on the premises and no more than 3 additional employees may report to the site for work performed off the premises.
  
- C. Changes to the exterior of the DWELLING or ACCESSORY BUILDING which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm BUILDING are prohibited.
  
- D. No more than one SIGN not more than six square feet in area shall be permitted.
  
- ~~E. No more than 5 non farm Second Division vehicles as defined by the Illinois Vehicle Code shall be parked outdoors except that trailers may be parked outdoors, provided that the total number of non farm vehicles including trailers shall not exceed 10 and all vehicles including trailers are setback no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use. There shall be no limit on the number of vehicles and trailers that may be parked in completely enclosed buildings.~~
  
- E. Non-farm, Second Division vehicles as defined by the Illinois Vehicle Code, used in any RURAL HOME OCCUPATION shall be limited as follows:
  - i. no more than three self propelled vehicles over 8,000 lbs. gross vehicle weight shall be permitted;
  - ii. no more than 10 vehicles in total, including vehicles under 8,000 lbs. gross vehicle weight, trailers and off-road vehicles shall be permitted excluding patron or employee personal vehicles;
  - iii. all Second Division vehicles shall be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use.

- F. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE.
- ~~G. On and off street parking shall be limited to no more than 3 patron or employee vehicles at any one time.~~
- G. No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
- H. Off-street parking spaces shall be provided subject to the provisions of Section 7.4 for all employees and patrons. No more than one parking space for each permitted employee shall be permitted.
- I. Prohibited RURAL HOME OCCUPATION Activities shall include:
  - i. outdoor storage of any number of unlicensed vehicles or more than 2 licensed vehicles awaiting automobile or truck repair;
  - ii. outdoor automobile or truck repair OPERATIONS;
  - iii. salvage or recycling STORAGE or OPERATIONS;
  - ~~iv. solid waste hauling involving more than five three vehicles of any type;~~
  - iv. outdoor storage of any vehicle equipment or container used for solid waste hauling;
  - v. retail sale of articles not produced on the site except grain seed sales or as such sales are incidental to the provision of a service.
- J. Outdoor sales DISPLAY shall be limited to items produced on-site, shall occupy an area no larger than ±500 square feet, and shall ~~meet not be permitted in required SETBACKS or the setback SIDE and REAR YARDS requirements of the applicable zoning district.~~
- K. Outdoor STORAGE shall be limited to SIDE YARDS or the REAR YARD and screened as provided by Section 7.6.

*DRAFT*

December 17, 1992

*DRAFT*

- L. All RURAL HOME OCCUPATIONS shall obtain a Zoning Use Permit in accordance with Section 9.1.2 of the Champaign County Zoning Ordinance prior to operation.

**Amend Section 9.1.5D3i to add the following subparagraph (12)**

- (12) To vary by no more than 50% or where this is a fractional amount to next highest whole number any numerical standard contained in Section 7.1, Home Occupations.

1 ELUC meeting to obtain their opinion which may mean a text amendment. Mr. Parnell  
2 stated that this is good, if an amendment is what it stimulates. Mr. DiNovo further stated  
3 that staff would probably suspend any enforcement action while the ordinance is under  
4 review.

5  
6 Mr. DiNovo stated that the ZBA needs to clarify what items need to be completed before  
7 a Zoning Compliance Certificate can be issued. The screening along the south side of the  
8 property is essentially complete; a berm has been created in lieu of a curb which performs  
9 the same function; documentation is still needed from the engineers, the screening on the  
10 east side is missing, and the fence issue needs to be resolved. Mrs. Weckel stated that the  
11 word "perimeter" to her means the outside perimeter, but she wanted to qualify that this  
12 means at the end of the project.

13  
14 **In order to finalize interpretations of the conditions needed to meet the Compliance**  
15 **Certificate for Case 820-AA-92, Mr. Parnell moved, seconded by Mrs. Weckel to interpret the**  
16 **perimeter of the property to mean the outside boundaries of the entire property, and a fence**  
17 **should be built around the perimeter of all buildings and detention basins; that the**  
18 **screening on the east side of the property be completed; and that Daily and Associates**  
19 **provide certification that the detention basin has the same storage volume as it did prior to**  
20 **the construction of the concrete apron. The vote was:**

21  
22 **Chambers - yes            Cornelius - yes            Keever - absent**  
23 **Parnell - yes             Schroeder - yes           Weckel - yes**  
24 **Smith - yes**  
25

26 **The motion was approved by a unanimous vote.**  
27

28 **6.     Public Hearings**  
29

30 **A.     Case 794-AT-92. Petitioner: Zoning Administrator. Request to amend**  
31 **Sections 3 and 7 of the Zoning Ordinance related to Home Occupations,**  
32 **creating two classes, Rural and Neighborhood, and setting standards for the**  
33 **conduct of such Accessory Uses.**  
34

35 Mr. DiNovo distributed a Summary Memorandum dated November 19, 1992, and stated that  
36 he is requesting further guidance from the ZBA on preparing additional amendment related  
37 to Home Occupations. This case was referred to the ELUC in June; subsequently, the  
38 Urbana Plan Commission voted to recommend a protest of the amendment. The UPC  
39 objected to 4 specific provisions. The ELUC considered that staff was uncomfortable in  
40 making changes in the text amendment to reflect Urbana's objections that would affect some  
41 private interests represented at the hearings, and rather than privately negotiate a  
42 compromise with Urbana, Mr. DiNovo recommended that the case be remanded back to the  
43 ZBA to consider the four objections.

44  
45 The first objection was that allowing 8 patrons on the premise at one time was too many.  
46 Staff proposes a compromise to limit the patrons to 2 for neighborhood occupations, and then  
47 enumerate some specific exceptions, i.e., up to 12 children in a day care home, religious  
48 meetings, periodic yard or garage sales, and sales parties. These periodic sales and parties  
49 could be further limited to once per month.



1 Urbana also objected to the allowance of 36,000 lbs. gross vehicle weight and 25 feet in  
2 length for neighborhood home occupations. Thirty-six thousand lbs. is the largest 2-axle  
3 vehicle the State vehicle code allows, and the maximum weight the Department of  
4 Transportation feels would be appropriate on a light duty street in a residential district which  
5 has an oil and chip surface. Urbana felt this type of truck is too large. One way of  
6 addressing Urbana's concerns would be to reduce the size of the vehicles. concerns about  
7 semi-tractors were also presented. According to Staley Truck City staff, 18,000-20,000 lbs.  
8 should accommodate any semi-tractor. Also, 26,000 lbs. is limit, which you need a commercial  
9 driver's license. From an enforcement standpoint it would be difficult to determine weight  
10 by just looking at the vehicle. If limited to 2-axle vehicles a violation would be apparent.

11

12 For rural home occupations, the UPC was concerned about creating a number of businesses  
13 in the area surrounding the city and then ultimately annexed to the city later, leaving them  
14 with a number of nonconforming businesses. The specific concern related to number of  
15 employees allowed on the site at one time. One possible way to address this would be to  
16 limit the larger number of employees either to sites of 5 acres or more, or to the AG-1  
17 zoning district. This limitation would allow the level of activity and traffic to larger tracts and  
18 would be more spread out.

19

20 The final objection related to the provision regarding the number of trucks allowed in rural  
21 home occupations. The current version allows 5 vehicles and an unlimited number of trailers.  
22 Alternatives include limiting the number of trucks, eliminating the clause that the maximum  
23 vehicles are those stored outdoors, or the maximum number of trucks can be limited to larger  
24 tracts of land, an/or the AG-1 Zoning District. Another alternative might be to limit the  
25 larger number of vehicles by type, i.e. grain trucks, livestock, trailers, agriculture related, etc.

26

27 Mr. DiNovo stated that he would like to hear any concerns/suggestions tonight, and he will  
28 discuss them with the Urbana planners to find provisions they find acceptable.

29

30 Mr. Cornelius expressed concern that if a woman is running a beauty shop, and she has 2-3  
31 clients at one time, can we limit these people to only 2 at a time? Mr. Cornelius stated that  
32 he believes home occupations are going to become more prevalent, and he believes we would  
33 be doing an injustice to these people. Mr. DiNovo stated that the 2 patrons maximum only  
34 applies in the neighborhood home occupations, in residential zoning districts, and to rural  
35 subdivisions. This provision does not apply to rural home occupations. Mr. Parnell asked  
36 whether they can apply this provision to some businesses and not others such as day care  
37 homes. Mr. Smith responded that the generation of traffic and parking requirements would  
38 differ.

39

40 Mr. Cornelius stated that he would recommend that we leave the 36,000 lb. weight limit on  
41 trucks, and leave off the length limitation. Mr. Cornelius feels we should not be too  
42 restrictive. As far as the number of employees in the rural home occupations, Mr. Parnell  
43 does not see even 2 employees as a problem. Mr. DiNovo feels Urbana's concerns relate  
44 more to the traffic generated, activity, etc., and the number of employees may be a proxy to  
45 address those concerns. Mr. DiNovo pointed out that these are rural home occupations, not  
46 businesses. Discussions included farmers who have interim employees, and Mr. DiNovo  
47 stated that the number of employees is in addition to family members who reside on the  
48 premises. Mr. Parnell asked if farm business is not exempt. Mr. DiNovo stated that his  
49 interpretation is that non-agricultural activity comes under the Zoning Ordinance.

1 Agricultural activity is exempt. He noted that a farm vehicle does not count in the "trucks"  
2 limitation.

3  
4 The last issue has to do with number of trucks permitted. The County had 5 trucks and an  
5 unlimited number of trailers. This is over and above farm vehicles and employees' vehicles.  
6 Mr. Parnell stated this is pretty liberal. Mr. Cornelius stated that it could be limited to 5  
7 vehicles, excepting farm trucks. Mr. DiNovo stated that it might be possible to limit the  
8 number to trucks over a certain size, or to allow the maximum to only the AG-1 zoning  
9 district.

10  
11 Ed Cook was present to address the ZBA about Section 7.11J regarding the maximum size  
12 of trucks permitted. He pointed out that if the length limitation was dropped, this might  
13 help. If they limit the size to 36,000 lb. 2-axle trucks, this should be adequate. Mr. DiNovo  
14 reiterated that this provision only applies in the neighborhood home occupation classification,  
15 and in the neighborhood home occupation classification, it is proposed not to allow garbage  
16 hauling at all. The site that had been discussed earlier was located in a rural area, which  
17 would come under the rural home occupation heading, and there is no weight limit on  
18 vehicles in this area. This answered Mr. Cook's question.

19  
20 Mr. Parnell expressed concern about Urbana wanting to decrease the number of employees  
21 on- and off-site to 1. He stated that this may be a problem. Mr. Smith stated that the Board  
22 might want to leave the number of on-site employees at 2 and reduce the number of off-site  
23 employees from 3 to 2.

24  
25 Mr. DiNovo stated that the Board might also want to consider not requiring permits for  
26 neighborhood home occupations because in reality about 20% of these people ask us about  
27 requirements. There may also be some other things which could make the administration of  
28 the Ordinance easier.

29  
30 **Mr. Parnell moved, seconded by Mrs. Weckel, to continue Case 794-AT-94 to December 14,**  
31 **1992. The vote was:**

33	<b>Chambers - yes</b>	<b>Cornelius - yes</b>	<b>Keever - absent</b>
34	<b>Parnell - yes</b>	<b>Schroeder - yes</b>	<b>Weckel - yes</b>
35	<b>Smith - yes</b>		

36  
37 **The motion was approved by a unanimous vote.**

38  
39 **B. Case 833-V-92. Petitioner: Gary and Patricia Cox. Request for a variance in**  
40 **the R-3, Two Family Residence Zoning District to allow two zoning lots with**  
41 **an average lot width of 55 feet and 52 feet respectively, in lieu of the minimum**  
42 **average lot width requirement of 65 feet. Location: Urbana Township, Section**  
43 **9, north 80 feet of Lot 51, Fred C. Carroll's Subdivision, or 1303 Carroll**  
44 **Avenue, Urbana, Illinois.**

45  
46 Gary and Patricia Cox were present to address the ZBA members, and they stated that they  
47 are requesting permission to put a mobile home on their property for their daughter. The  
48 lot does not meet the 65 foot required frontage, so they are requesting a variance. Ms. Truitt  
49 verified that since the ordinance does not allow two principal structures on a single lot, it has

1 The motion was approved by a unanimous vote.

2

3 Mrs. Weckel moved, seconded by Mr. Chambers, to classify the Area A portion of the subject  
4 property to AG-1 zoning, and Area B be returned to the classification of R-1 as shown in the  
5 1973 zoning map.

6

7 Mr. Kever stated that he will vote yes, although he feels that the CR Zoning District would  
8 be more consistent for Area A but the differences are minute, so he will vote yes.

9

10 Mrs. Weckel stated that this area has been farmed and will be farmed and because of this,  
11 agrees that it should be classified as AG-1.

12

13 Mr. Parnell stated that Area B is being reclassified as R-1 as originally depicted on the 1973  
14 zoning map.

15

16 The vote was:

17

18 Chambers - yes

Cornelius - yes

Keeper - yes

19 Weckel - yes

Parnell - yes

20

21 The motion was approved by a unanimous vote.

22

23 **B. Case 794-AT-92. Petitioner: Zoning Administrator. Request to amend**  
24 **Sections 3 and 7 of the Zoning Ordinance related to Home Occupations,**  
25 **creating two classes, Rural and Neighborhood, and setting standards for the**  
26 **conduct of such Accessory Uses.**

27

28 Mr. DiNovo stated that following the last ZBA discussion on this text amendment proposal,  
29 he met with Bob Gleissner of the City of Urbana planning staff to try to find some common  
30 ground on the disputed provisions. County staff has also proposed some other changes which  
31 are indirectly related to Urbana's concerns. Mr. DiNovo reviewed the proposed changes in  
32 the draft.

33

34 A minor change is proposed in the definition of the word "display" to make it clear that  
35 display is not storage. Staff proposes to delete the limitation on the total number of  
36 employees who can be present on the site in one day. This limitation makes the provision  
37 more complicated and does not contribute to controlling the intensity of use. It is proposed  
38 that no employees be on the site prior to 8 am or after 6 pm, the theory being that  
39 neighborhood residents should not be disturbed by the coming and going of employees.  
40 These hours could be adjusted, and this proposal is optional.

41

42 One of Urbana's primary objections is the provision (Section 7.1.3E) that would allow up to  
43 8 patrons on site at one time. The County has proposed as an alternative, 3 patrons, with  
44 specific exceptions (i.e., day care, religious services or group counseling, sales parties, and bed  
45 and breakfast establishments). Mr. Gleissner thought this proposal might alleviate their  
46 original concerns.

47

48 Section 7.1.3F limits the hours patrons are permitted onsite to between 9 a.m. to 10 p.m. with  
49 the exception that children can be dropped off at day care homes as early as 6:30 a.m. These

1 hours will be used as guidelines and is a provision that is not expected to be enforced day-in  
2 and day-out. Section 7.1.3H proposes to limit the number of truck deliveries from one per  
3 day to one per week. This provision would be much more in keeping with a residential  
4 character. Previous proposals concerning the weight limits for delivery trucks specified  
5 particular weight limits. Mr. DiNovo is proposing the language "no larger than a standard  
6 commercial delivery truck." This allows some flexibility because it is unlikely that a typical  
7 customer would know what the weight of the delivery truck actually was.

8

9 Mr. DiNovo has proposed a modification to Section 7.1.I iii (prohibited neighborhood home  
10 occupation activities) which specifically prohibits the sale of any item not actually produced  
11 on the site. Since sales parties are being allowed elsewhere in the Ordinance, this prohibition  
12 should be removed. Also, it is normal to allow sales incidental to providing a service (i.e.,  
13 a beautician to be allowed to sell shampoo, etc.) and this should be addressed in the  
14 Ordinance.

15

16 Section 7.1.K was of concern to Urbana, because they felt that allowing a vehicle of 36,000  
17 pounds was too large. Urbana does not specify the maximum size of a vehicle in their  
18 Ordinance. Mr. DiNovo stated that several rationales could be used and that since motor  
19 homes are allowed, perhaps the limit should be set equal to the largest mobile home. Semi-  
20 tractor weights are 18,000-22,000 pounds. Mr. DiNovo stated that the 36,000 pounds gross  
21 vehicle weight and the 25 feet in length size is based on a firm empirical basis (and is the  
22 maximum weight recommended by the highway department). Mr. Gleissner felt that Urbana  
23 might not approve this, but the issue may not be a severe disagreement.

24

25 The next change is that County Staff was originally going to propose that people obtain  
26 zoning use permits for neighborhood home occupations; however, Mr. DiNovo is suggesting  
27 that a registration system at no or nominal cost be instituted. This would encourage people  
28 to contact the Planning and Zoning Office prior to establishing a neighborhood home  
29 occupation. Mr. Parnell stated that the registration would serve the purpose of getting the  
30 rules into the hands of the people who are starting home occupations. He asked how the  
31 County will let people know that they need to register prior to establishing their businesses.  
32 Mr. DiNovo stated that some sort of public advertisement and press releases should be  
33 undertaken, but this detail has not been determined yet. Realtors may be notified, the  
34 County Clerk's Office, licensing agencies, etc. Mr. DiNovo will research these areas.

35

36 Mr. DiNovo stated that regarding Urbana's concerns on Rural Home Occupations (Section  
37 7.1.2), one suggestion was to allow rural home occupations only in the AG-1 zoning district,  
38 because there is no AG-1 zoning district in Urbana's mile-and-a-half. However, this would  
39 leave a large area of AG-2 land which would not have the right to rural home occupations.  
40 Another possibility to avoid problems with rural home occupations is to not permit them  
41 within 500 feet of a County residential zoning district. These rural subdivision residents have  
42 certain expectations as to surrounding land uses, and also, these areas are likely to be  
43 developed and eventually annexed to the City.

44

45 In response to Mrs. Weckel's questioning, Mr. DiNovo explained that neighborhood home  
46 occupations will be allowed anywhere; a rural home occupation can only be operated in the  
47 AG and C-R districts, and the proposal would limit the rural home occupations to beyond  
48 500 feet of a County residential zoning district. Mrs. Weckel asked what the biggest  
49 differences are between the neighborhood and rural home occupations. Mr. DiNovo replied

1 that the principal difference is the number of employees allowed. Mr. DiNovo stated that  
2 originally staff had proposed to allow 2 non-family member employees and 3 additional  
3 employees reporting to the site for work to be performed elsewhere; in a neighborhood home  
4 occupation, you can have one employee on site at a time period. Mr. DiNovo proposed that  
5 on lots smaller than 5 acres, to allow no more than 1 employee present on the premises and  
6 no more than 1 additional employee reporting to the premises for work to be performed  
7 elsewhere. The larger number of employees would be allowed on tracts larger than 5 acres.  
8 This change is to allay the concerns expressed by the City of Urbana, that people might use  
9 this provision as a mechanism to move their businesses out of the City into the County. It  
10 might be possible to differentiate the number of employees allowed by zoning district also.  
11 Mr. Parnell asked if there is such a thing as a variance on number of employees. Mr.  
12 DiNovo stated that he had not yet addressed this issue, and he would prefer to have a general  
13 variance provision so that any of the limitations could be varied.

14  
15 Regarding vehicles (Section 7.1.2E), Mr. DiNovo stated that the Ordinance proposal started  
16 with up to 5 commercial vehicles, not to exceed 10, except an unlimited number of semi  
17 trailers would be allowed. What is now being proposed is to limit the number of self-  
18 propelled vehicles over 8,000 lbs to 3; to limit the total number of vehicles, including trailers,  
19 off-road vehicles and pick-up trucks, to 10. This is more restrictive than the previous  
20 provision but is consistent with the number of employees permitted onsite. Mr. Gleissner felt  
21 this would satisfy Urbana's concerns.

22  
23 Mr. DiNovo stated that he had intentionally left the following provision out of the original  
24 draft ordinance. Section 7.1.2G provides that there be no storage of volatile liquid,  
25 flammable gases, hazardous material or explosives permitted except as such might be kept  
26 for customary agricultural purposes in quantities and concentrations customarily found on  
27 farms. Mr. DiNovo did not wish to suggest that home occupations are limited to ag  
28 chemicals, and he felt that by mentioning it, it might suggest that chemicals are allowed.  
29 However, in the event that someone does operate a business which involves chemicals or  
30 flammable gases, that some reasonable standard should be provided. Agriculture was  
31 determined to be a reasonable standard to use by analogy.

32  
33 Section 7.1.2H requires off-street parking spaces for all employees and patrons, but limited  
34 to no more than one parking space for each permitted employee. Mr. DiNovo stated that  
35 this would be extremely difficult to enforce. This provision essentially states that a business  
36 can have employees or patrons, but not both. The limit "to no more than one parking space  
37 for each permitted employee" clause can be deleted without significant deviation from the  
38 intent of the Ordinance.

39  
40 Mr. DiNovo distributed a letter received this date from attorney Glenn Stanko, regarding  
41 Section 7.1.2Ei and Section 7.1.2Eii, and Section 7.1.2Iiv concerning solid waste hauling. Mr.  
42 DiNovo concurred with Mr. Stanko's suggestion, and proposed to change Section 7.1.2Iiv  
43 (prohibited rural occupations) to read "solid waste hauling involving more than three vehicles"  
44 and to delete the words "of any type," and to add the words "greater than 8,000 lbs gross  
45 weight."

46  
47 In Section 7.1.2Ivi Mr. DiNovo suggested adding "or as such sales are incidental to the  
48 provision of a service." He noted that a question had arisen concerning antique sales, and

1 felt this could be an exception to consider. Mr. DiNovo stated that the problem with retail  
2 sales is controlling the volume of sales and possible expansion of the business.

3

4 Mr. Cornelius cited several examples of situations (i.e., farmers who farm, but also do  
5 mechanical work, and have a number of employees). Mr. DiNovo addressed each issue,  
6 noting that the Ordinance would allow no more than 2 non-family members involved in the  
7 mechanical repair business. Regarding outdoor storage, this would be limited to the side and  
8 rear yards and would have to be screened, but would not be prohibited. Mr. Cornelius asked  
9 about a person who has approximately 5 semi-trucks. Mr. DiNovo stated that if the person  
10 is operating from the home premises, they can have 3 tractors and 7 trailers, which is  
11 consistent with having one family member as a driver and 2 employees. Mr. DiNovo stated  
12 that there is an interest in legalizing trucking operations with more vehicles than allowed  
13 under rural occupations. Mr. Parnell asked if we need to go to a Special Use mechanism in  
14 the AG-1 district, and Mr. DiNovo agreed that something along this line needs to be done.  
15 Mr. Cornelius asked about a person who farms, but also does construction work and decides  
16 to do some pre-fabricating work in his own garage, using several employees. Mr. DiNovo  
17 stated that he can have two employees on site, and 3 other construction workers who report  
18 to the site but work elsewhere. Mr. DiNovo stated that violation of this provision would not  
19 likely be a problem unless it became a regular occurrence. The office would probably only  
20 become aware of the violation if it was reported as a complaint. Mr. DiNovo stated that  
21 rural businesses are a difficult issue and he does not believe that the Home Occupation  
22 Ordinance will address all of these problems.

23

24 Mr. DiNovo referred to Section 7.1.2L which requires a Zoning Use Permit to establish a  
25 rural occupation, and stated that because these occupations are more complex, he believes  
26 it is reasonable to require a permit. The permit costs will be approximately \$25-\$50. In  
27 January, Mr. DiNovo intends to submit a text amendment on the fee schedule.

28

29 Mr. Keever asked about the registration for neighborhood home occupations, and whether  
30 there would be a cost. Mr. DiNovo had considered a \$10 charge but is not certain yet.  
31 Urbana has a free registration. Mr. Cornelius stated that it is his belief that we should have  
32 strict rules about how home occupations operate, rather than not allowing them to operate.  
33 Many of these people who operate home occupations are very strapped financially and need  
34 to be allowed to have an alternate way to make money, and he is for encouraging this.

35

36 Mr. DiNovo stated that his primary concern is that we get a set of rules into the hands of  
37 those people who will be operating home occupations. He would hate for someone to  
38 purchase a large inventory and then discover they are not permitted to sell it.

39

40 Mrs. Weckel had a question regarding Mr. Stanko's letter. Mr. DiNovo explained that in  
41 Section E, it is proposed that there can be 3 trucks over 8,000 and up to 7 more under 8,000  
42 pounds. Mr. DiNovo stated that this change is proposed because solid waste haulers operate  
43 pick-up trucks with dump bodies in the back of them. Also, since we would allow 3  
44 employees reporting to work on site, as well as a husband-and-wife driving team, the  
45 operation could potentially be running 5 trucks. These pick-up trucks making multiple runs  
46 during the day and transferring the loads to the packer trucks could get to be quite a bit in  
47 one day. The change in Section Iiv does what Mr. Stanko suggests, and Iiv could be deleted  
48 altogether, unless the ZBA wishes to be more stringent. It was the general consensus of the  
49 ZBA members to delete Section 7.1.2Iiv altogether.

1 Mr. DiNovo asked if the number of patrons should be increased for sales parties. The ZBA  
2 members felt it should be left at 12.

3

4 Mr. Parnell stated that he is not convinced that Section 7.1.2A regarding prohibited rural  
5 home occupations within 500 feet of a County residential district is necessary. Mr. DiNovo  
6 reiterated that the thinking was that if you live at the edge of town, you might have different  
7 expectations than if you lived further out into the County. The City of Urbana was concerned  
8 about annexing property containing larger home occupations and ending up with  
9 nonconforming businesses. Mr. DiNovo felt that the property that is within 500 feet of  
10 residential zoning districts has a higher potential for being annexed. Mr. Parnell stated that  
11 he is more concerned about a person who purchases property next to him and develops a  
12 subdivision. Mr. DiNovo stated that a proposed subdivision have to be rezoned to a  
13 residential classification, and the request would be examined by adjacent property owners.  
14 A residential subdivision would require utilities, and the propriety of rezoning 40 acres of  
15 farmland with no utilities would be questioned.

16

17 Mr. Parnell asked for further explanation of Section 7.1.2H regarding the off-street parking.  
18 After discussion, it was agreed that the second sentence, "No more than one parking space  
19 for each permitted employee shall be permitted" should be deleted.

20

21 Mr. Parnell asked for a consensus of whether the variance clause should be pursued. Mr.  
22 DiNovo stated that we should get an indication from the State's Attorney's Office that our  
23 legal notice is sufficient to do this. Mr. DiNovo does expect to draft a variance amendment  
24 within the next 6 months, and may consider recommending a 10% administrative variance.

25

26 **Mr. Keever moved, seconded by Mrs. Weckel, to continue the public hearing for Case 794-**  
27 **AT-92 to December 17, 1992. The vote was:**

28

29	<b>Chambers - yes</b>	<b>Cornelius - yes</b>	<b>Keever - yes</b>
30	<b>Weckel - yes</b>	<b>Parnell - yes</b>	

31

32 **The motion was approved by a unanimous vote.**

33

34 Mr. DiNovo felt that staff could provide a revised draft by December 17, and it will then go  
35 to the Urbana Plan Commission for their comments. Mr. DiNovo felt that the ZBA had  
36 substantially addressed Urbana's concerns.

37

38 **C. Case 800-S-92. Petitioner: New Century Estates. Request to expand an**  
39 **existing mobile home park as a Special Use in the R-5, Mobile Home Park**  
40 **Zoning District. Location: Champaign Township, Section 29, south side of TR**  
41 **1400 N (Windsor Road) approximately 1/4 mile east of TR 700 E (Rising**  
42 **Road), 4809 Windsor Road, Champaign, Illinois. STAFF REQUESTS THAT**  
43 **THIS HEARING BE CONTINUED TO FEBRUARY 4, 1993.**

44

45 Ms. Truitt noted that the one year anniversary date for this case will be March 30, 1993.  
46 ZBA members discussed requesting that the petitioner send a substantial amount of the  
47 requested information to the ZBA by March 30, 1993, or the case may be dismissed and the  
48 petitioner would be required to re-file the case. Ms. Truitt stated that staff would like to see  
49 this case expedited. Mr. DiNovo stated that the petitioner did not complete all of the





1 MINUTES OF REGULAR MEETING  
2 CHAMPAIGN COUNTY ZONING BOARD OF APPEALS  
3 1303 North Cunningham Avenue  
4 Urbana, IL 61801  
5

6 **DATE:** December 17, 1992 **PLACE:** 1905 East Main Street  
7 First Floor Meeting Room  
8 **TIME:** 7:00 p.m. Urbana, IL 61801  
9

10  
11 **MEMBERS PRESENT:** Jack Chambers, E. J. Cornelius, Rick Keever, Dick Parnell,  
12 Jonathan Schroeder, Helen Weckel  
13

14 **MEMBERS ABSENT:**  
15

16 **STAFF PRESENT:** Sandra Truitt, Frank DiNovo, Judy Harriss  
17

18 **OTHERS PRESENT:** Joann Birch, Jay Elliott, Brett Kepley, Rick Kirby, Terry March,  
19 Will Martens, Sarah Martens, Lynette Miller, Jackie Roelfs,  
20 Robert Roelfs, Bryan Savage, Jean Shreeves, Thomas Summers,  
21 Victoria Summers, Marion Valentine, Lloyd Shreeves, Stacie  
22 Riecks, Mark Riecks, Rich Van Pelt  
23

24  
25 1. Call to Order and Roll Call  
26

27 The meeting was called to order at 7:05 p.m. and Chairman Parnell declared a quorum  
28 present.  
29

30 2. Correspondence  
31

32 There was no additional correspondence.  
33

34 3. Minutes of Previous Meeting (November 5, 1992)  
35

36 Mr. Cornelius asked for a clarification on page 3, line 25. Mr. DiNovo changed the sentence  
37 to read "...Generally because of the limited resources, these inspections were not done in a  
38 timely way except on request."  
39

40 Mrs. Weckel moved, seconded by Mr. Keever, to approve the minutes of the November 5,  
41 1992 meeting as amended. The vote was:  
42

43	<b>Chambers - yes</b>	<b>Cornelius - yes</b>	<b>Keever - yes</b>
44	<b>Schroeder - yes</b>	<b>Weckel - yes</b>	<b>Parnell - yes</b>

45  
46 The motion was approved by a unanimous vote.  
47

48 4. Continued Public Hearings  
49

50 A. Case 794-AT-92. Petitioner: Zoning Administrator. Request to amend  
51 Sections 3 and 7 of the Zoning Ordinance related to Home Occupations,

1                   **creating two classes, Rural and Neighborhood, and setting standards for the**  
2                   **conduct of such Accessory Uses.**

3  
4 Mr. DiNovo provided the revised draft dated December 17, 1992 of the proposed Zoning  
5 Ordinance amendment related to home occupations.

6  
7  
8 Mr. DiNovo stated that regarding Rural Home Occupations (Section 7.1.2A), the limitation  
9 was added to not permit rural home occupations on lots fronting on streets located wholly  
10 within a recorded subdivision or within 500 feet of a County (added) residential zoning  
11 district.

12  
13 In Section 7.1.2H, the limitation on number of parking spaces was deleted. In Section Iiv,  
14 the limitation on solid waste hauling vehicles was eliminated as it is encompassed under the  
15 general limitation on vehicles. On page 7 of the December 17 draft, new text providing for  
16 variances from these provisions was added. This provision limits the variances and would  
17 authorize the ZBA to grant variances up to 50%, or where this is a fractional amount, to next  
18 highest whole number, any numerical standard contained in Section 7.1, Home Occupations.  
19 Mr. DiNovo checked with Peg Rawles of the State's Attorney's Office, who indicated it is not  
20 a problem to add this variance provision although it was not included in the original legal  
21 notice. Mr. DiNovo noted that this provision would not allow the ZBA to grant a variance  
22 to allow outdoor storage or operations, etc. where it would otherwise not be allowed, or a  
23 change in the type or character of the use. The variance provision only applies to numerical  
24 standards such as the number of employees, vehicles, etc.

25  
26 Mr. Parnell noted that with the exception of Section 9.1.5D3i subparagraph 12, the changes  
27 noted were discussed at the December 14 ZBA meeting.

28  
29 Mr. Keever asked if a variance is granted, would it expire when the business expired. Mr.  
30 DiNovo stated that the variance would run with the land, and the lot would have attached  
31 to it the right to a home occupation with the variance noted.

32  
33 Ms. Weckel asked about home occupations which are in existence today, and were begun or  
34 substantially changed after 1973. Mr. DiNovo stated that they would be obligated to register,  
35 but they would have nonconforming rights and the old ordinance provisions (customarily  
36 incidental and subordinate to the residence) would apply. These cases would be case-specific.  
37 In the past, it has been Mr. DiNovo's practice in rural districts to be more liberal than in  
38 residential areas. This amendment is more liberal than the existing ordinance, and is likely  
39 to make certain existing illegal home occupations legal.

40  
41 Regarding the questions of the maximum size of trucks allowed in neighborhood home  
42 occupations, Mr. DiNovo contacted a local RV dealer to ask what the maximum gross vehicle  
43 weight of the largest motor home is. The largest steel framed, diesel powered motor homes  
44 weigh 18,000-20,000 pounds. If by analogy, this seems a reasonable upper limit, the ZBA  
45 might want to consider reducing the proposed 36,000 weight to 25-26,000 pounds. Following  
46 discussion, it was the consensus of the ZBA to leave the maximum weight in Section 7.1.1K  
47 at 36,000 gross vehicle weight. Mr. DiNovo noted that the Environment and Land Use  
48 Committee could modify this, if they so wished.

1 Mr. DiNovo noted that Facts 18-20 are additions in the Revised Findings of Fact. Fact #20  
2 should be corrected to read "permitted in neighborhood (not rural) home occupations. Mr.  
3 DiNovo added Documents of Record 8 through 12.

4  
5 Mr. Chambers moved, seconded by Mrs. Weckel, to close the public hearing for Case 794-AT-  
6 92. The vote was:

7  
8 Chambers - yes Cornelius - yes Keever - yes  
9 Schroeder - yes Weckel - yes Parnell - yes

10  
11 The motion was approved by a unanimous vote.

12  
13 Mr. Keever moved, seconded by Mrs. Weckel, to approve the Revised Finding of Fact and  
14 Documents of Record as amended. The vote was:

15  
16 Chambers - yes Cornelius - yes Keever - yes  
17 Schroeder - yes Weckel - yes Parnell - yes

18  
19 The motion was approved by a unanimous vote.

20  
21 Mrs. Weckel moved, seconded by Mr. Keever, to recommend that the Zoning Text  
22 Amendment contained in the document entitled "Proposed Amendment to the Champaign  
23 County Zoning Ordinance Regarding Home Occupations and Rural Home Occupations"  
24 dated December 17, 1992 with the addition of the proposed variance provision be enacted by  
25 the Champaign County Board.

26  
27 Mr. Cornelius stated that while he generally agrees with the amendment, he feels that the  
28 ZBA will be confronted with quite a few variance requests because it is a little too restrictive  
29 in some areas; however, the general text is fair, so he will vote "yes."

30  
31 Mr. Schroeder stated that he would like to state for the record that this is a fair text  
32 amendment, and it deals with more specifics than the current County Ordinance. He does  
33 question whether staff will be able to enforce some of the provisions.

34  
35 The vote was:

36  
37 Chambers - yes Cornelius - yes Keever - yes  
38 Schroeder - yes Weckel - yes Parnell - yes

39  
40 The motion was approved by a unanimous vote.

41  
42 **B. Case 816-S-92. Petitioner: Will and Sarah Martens. Request for a Special**  
43 **Use Permit to allow a kennel in the AG-1, Agriculture Zoning District.**  
44 **Location: Harwood Township, Section 20, located 1/4 mile west of TR 2000**  
45 **E, and 1/4 mile north of TR 3200 N.**

46  
47 The petitioners, Will and Sarah Martens, and their attorney, Bryan Savage, addressed the  
48 ZBA members. Chairman Parnell stated that due to the time that has lapsed since the

**CASE 794-AT-92**

**SUPPLEMENTARY MEMORANDUM**  
November 19, 1992

---

**Petitioner:** Zoning Administrator

**Petition:** Amendments Regarding Home Occupations

---

**Prepared By:** Frank DiNovo

---

**STATUS**

**The Board adopted a Finding of Fact on this case on June 25. The Urbana Plan Commission voted to recommend a municipal protest at its meeting on July 9, 1992. At this point city staff agreed to defer any further action until the County could consider the Plan Commission's objections.**

**The Environment and Land Use Committee, in consideration of the private interests affected by any changes to the proposed amendment, voted on August 13 to remand the case to the ZBA for further hearings.**

**This case has not been brought forward earlier due to the press of privately filed cases.**

---

The Urbana Plan Commission objected to four specific provisions of the proposed amendment. Specifically with respect to:

1) Neighborhood Home Occupations

- Section 7.1.1E - provision permitting up to 8 patrons on the premises at one time.

Staff recommends that this be addressed by limiting patrons to 2 at one time with specific exceptions for day care homes, religious and similar congregations and periodic sales parties or yard sales.

- Section 7.1.1J - provision relating to the maximum size of truck permitted.

The amendment would permit trucks up to 36,000 lbs. gross vehicle weight and 25 feet in length. This could be reduced to 26,000 lbs. (the cut-off at which a commercial driver's license is required) and perhaps the maximum length could be reduced to 20 feet. Such restrictions would permit parking semi-tractors.

**Petitioner: Zoning Administrator**

2) Rural Home Occupations

- Section 7.1.2B - provision regulating the maximum number of employees present at one time.

Urbana's objections might be addressed by allowing greater numbers of employees than permitted on Neighborhood Home Occupations on larger lots (5 acres or more).

- Section 7.1.2E - provision regulating the number of trucks permitted.

This could be addressed by: a) further limiting the number of trucks (eliminating unlimited number if stored inside); b) limiting larger numbers to larger tracts of land or to the AG-1 Zoning District; or c) by limiting the types of vehicles (grain trucks, livestock trailers, etc.).

**ATTACHMENTS**

1. Finding of Fact and Final Determination, June 25, 1992
2. Urbana Staff Memorandum, July 2, 1992
3. Urbana Plan Commission Minutes, July 9, 1992

**CASE 794-AT-92**

**SUPPLEMENTARY MEMORANDUM**  
December 9, 1992

---

**Petitioner:** Zoning Administrator

**Petition:** Amendments Regarding Home Occupations

---

**Prepared By:** Frank DiNovo

---

**STATUS**

**This case has been remanded to the ZBA for further hearings on objections raised by the City of Urbana.**

**The Board is free to take final action on this case when it deems such action appropriate.**

---

Attached is a revised draft of the ordinance incorporating changes to address the concerns of the Urbana Plan Commission and other changes proposed by staff to clarify or adjust provisions of earlier drafts.

The major changes to the draft include:

Neighborhood Home Occupations

1. Section 7.1.1A
  - Revise to limit number of employees on site at one time but not total number of employees since such regulation serves no real purpose in controlling intensity of the use.
  - Revise to limit hours when employees may be present to provide periods for quiet enjoyment of residential property without the coming and going of home businesses.
  
2. Section 7.1.1E
  - Revise to limit patrons present at one time to three.
  - Revise to treat counselling or other group activities similarly to religious services since there is no substantial difference in impacts.
  - Add provision for bed and breakfast establishments.

Petitioner: Zoning Administrator

3. Section 7.1.1F
  - Add limits on hours when patrons may be present to provide periods for quiet enjoyment of residential property without the coming and going of home businesses.
4. Section 7.1.1H
  - Revise to reduce number of truck deliveries to an average of 1 per week rather than 1 per day to more closely approximate residential levels of activity.
5. Section 7.1.1Iiii
  - Revise to permit sales parties and retail sales incidental to providing services such as selling hair care products at a hair dresser home occupation. Such activities are permitted elsewhere in the proposed draft.
6. Section 7.1.1L
  - Provide for registration (at a very low or no fee) in lieu of permitting to encourage contact with the Department of Planning and Zoning and provide a means by which we can get a copy of the regulations to the home business operator.

#### Rural Home Occupations

1. Section 7.1.2A
  - Revise to prohibit rural home occupations within 500 feet of residential zoning districts. This is to avoid conflicts with home owners who have non-rural expectations regarding their neighborhood and to prevent the creation of nonconforming uses in the event that the site of the rural home occupation is rezoned to a residential classification.
2. Section 7.1.2B
  - Revise to restrict larger number of employees to sites over 5 acres. This contemplates a more intense use and higher level of activity and so intends to absorb the impacts on a larger site.
3. Section 7.1.2E
  - Revise to reduce the number of self-propelled vehicles (trucks) to three and total vehicles to 10. These limits are more in keeping with the limitation on the number of non-family member employees and more closely approximate typical farm situations.
4. Section 7.1.2G
  - Add provisions regarding volatile liquids, flammable gases, hazardous materials and explosives to limit them to customary agricultural types, concentrations and quantities.
5. Section 7.1.2Ivi
  - Revise to allow sales incidental to services.

**ATTACHMENTS**

1. "Strike-out" version of draft amendment





RECEIVED

DEPT. OF COMMUNITY DEVELOPMENT SERVICES FEB 2 1993

Planning Division

CHAMPAIGN CO. P & Z DEPARTMENT



MEMORANDUM

**TO:** Urbana Plan Commission  
**FROM:** Bob Gleissner, Associate Planner *BG*  
**DATE:** January 28, 1992  
**SUBJECT:** CCZBA #794-AT-92 - Request by Champaign County to amend the County Zoning Ordinance concerning Home Occupations - Second Memo

---

INTRODUCTION

This case involves a request by the Champaign County Zoning Administrator to amend the County Zoning Ordinance to establish new definitions and regulations for "Home Occupations". Since this request affects properties that are located within 1½ miles of the City limits, the case has been forwarded to the City for comment.

This case was first heard by the Urbana Plan Commission last summer when the Champaign County Board of Zoning Appeals (CCZBA) voted on June 25, 1992 to send the case to the County Board with a recommendation to approve the amendment. On July 9, 1992, the Plan Commission voted 7-0 to recommend that the Urbana City Council "Protest" this amendment. Before the City Council could vote on a Resolution of Protest, however, the County Planning staff requested a continuance so the proposed language could be revised in line with the objections raised by the Plan Commission. The CCZBA has reviewed and revised this proposed amendment during the past few months. On December 17, 1993, the CCZBA voted to send the revised amendment to the County Board with a recommendation for approval.

The following materials explain the background of this proposed amendment and the revisions that have been made to it. They are attached for your review:

1. The first staff memo to the Plan Commission on this case dated July 2, 1992 plus the following selected exhibits that were included in it. This does not include all of the exhibits that were first included in the July 2, 1992 memo:

a. A Preliminary Memo from the County Planning staff dated February 20, 1992 is marked Exhibit B; it explains the amendment as it was first proposed in February, 1992.

b. The Finding of Facts and Final Determination approved by the CCZBA on June 25, 1992 is marked Exhibit E. This Exhibit contains the final draft of the proposed amendment that was reviewed by the Plan Commission when it recommended that the City Council "Protest" this amendment.

c. The Home Occupation regulations from the Urbana Zoning Ordinance are marked Exhibit F.

2. The minutes of the July 2, 1992 Plan Commission meeting are attached to this January 28, 1993 memo as Exhibit G.

3. The minutes from the June 25, 1992 CCZBA meeting are attached to this January 28, 1993 memo as Exhibit H.

4. The minutes of CCZBA meetings on November 19, December 14 and December 17, 1992 are attached to this January 28, 1993 memo as Exhibits I, J, and K respectively.

5. A Supplementary Memo from the County staff dated November 19, 1992 is attached to this January 28, 1993 memo as Exhibit L.

6. Another Supplementary Memo from the County staff dated December 9, 1992 is attached to this January 28, 1993 memo as Exhibit M. This memo explains the changes to the language that were made by the staff following the objections raised last summer by the Plan Commission and Urbana Planning staff.

7. The final attachment is dated December 17, 1993 and is marked Exhibit N. This Exhibit presents the Revised Findings of Fact and Final Determination that was approved by the CCZBA on December 17, 1992. This Exhibit includes the final draft of the proposed amendment including some changes that were made to the language shown in the December 9, 1992 version which appears in Exhibit M.

#### **PROPOSAL**

In the past, the County's Zoning Ordinance did not adequately distinguish the more intensive types of home occupations which may be acceptable only in rural areas from those less intensive home occupations that may be appropriate in more urbanized subdivisions. Because this created problems for the County Zoning Administrator in interpreting the meaning and intent of the Ordinance, the regulations in the Ordinance are not considered adequate. In order to better clarify and regulate these uses, this proposed amendment creates two types of definitions and regulations for "Rural Home Occupations" (RHO's) and "Neighborhood Home Occupations" (NHO's). The final set of regulations proposed for these types of home

occupations is found in Exhibit N. As explained in Exhibit N, a Rural Home Occupation is only allowed on a lot that is located in the AG-1 (Agriculture), AG-2 (Agriculture), and CR (Conservation-Recreation) zoning districts and is not within 500 feet of a Residentially - zoned property. A Neighborhood Home Occupation is allowed as an accessory use in any home located in the County.

#### ISSUES FOR DISCUSSION

1. Last summer, the Urbana Planning staff identified several concerns with this proposed amendment which prompted the staff and Plan Commission to recommend that the City Council "Protest" this case. Please refer to the attached memo dated July 2, 1992 which explains these concerns in detail. In summary, the Plan Commission and staff were concerned with the following proposed regulations:

a. The originally proposed regulations allowed up to 8 patrons at the site of a Neighborhood Home Occupation at any one time. This differs from Urbana's regulations which allow a maximum of 2 clients at once.

b. The originally proposed regulations allowed a Neighborhood Home Occupation to have one commercial vehicle which may weigh up to 36,000 pounds. This differs from Urbana's home occupation regulations which allow a maximum of 2 commercial vehicles up to 3/4 ton capacity.

c. The originally proposed regulations for Rural Home Occupations allowed a business with a maximum of 5 commercial vehicles as a home occupation in the AG-1, AG-2 and CR zoning districts.

d. The originally proposed regulations for "Rural Home Occupations" allowed a business with a maximum of 5 employees as a home occupation in the AG-1, AG-2 and CR zoning districts.

2. In order to clearly see the revisions that have been made to the language in this proposed amendment, a detailed comparison should be made of Exhibit E and Exhibit N. These two Exhibits contain the proposed language that was recommended for approval by the CCZBA on June 25 and the revised language approved on December 17, 1992. In summary, the following major changes were made by the CCZBA:

#### For Neighborhood Home Occupations:

a. There is still a limit of only one non-family employee allowed on the site at once time but limits on the times they can be on the site have been added.

b. The limit on the number of patrons allowed on the site has been reduced from 8 to a maximum of 3 except for specific exceptions for day care homes, religious services, group counselling, and sales parties (all of which have a maximum of 12 patrons) and bed and breakfasts (where the limit is 8 patrons). Limits on the times when the patrons can be on the site have also been added.

c. The number of deliveries allowed have been reduced from a maximum of 2 per day to 2 per week.

d. Limits on selling articles have been changed to allow the sale of articles that are not made on the site but are considered accessory to the occupation. For example, a beauty shop operator may sell hair care products.

e. A Zoning Use Permit is no longer required but a Neighborhood Home Occupation must be registered with the County.

For Rural Home Occupations:

a. Limits on Rural Home Occupations were added to prevent them from locating within 500 feet of Residentially-zoned property. They are still allowed only in AG-1, AG-2 and CR districts.

b. The limits on the maximum number of non-family employees allowed on the site have been changed. For sites below 5 acres in size, the maximum limit is 2 employees (1 who works on-site and 1 who works off-site). For sites above 5 acres, the limits are still the same: a maximum of 5 employees (2 on-site and 3 off-site).

c. The number of trucks allowed has been reduced from 5 to 3.

d. A restriction on the storage and use of flammable or hazardous materials and gases or explosives was added.

The staff believes these changes have improved the proposed home occupation regulations. They have largely reduced or eliminated the concerns that staff had with the version approved by the CCZBA on June 25, 1992. They are much more similar to Urbana's home occupation regulations.

3. One issue that was raised last summer that has not been revised in the new version concerns the maximum weight of a commercial vehicle allowed in a Neighborhood Home Occupation. The proposed amendment still allows a single vehicle of up to 36,000 pounds in weight and 25 feet in length. Staff still feels this is very large and will result in conflicts with the residential nature of subdivisions such as Scottswood and Country Squire where many of the lots are under 7,000 square feet in size. The parking of even just a small number of trucks of this size on these small lots will negatively affect these neighborhoods.

OPTIONS

The Plan Commission has the following options in this case:

a. the Commission may recommend to the City Council that the City "Not Protest" the zoning ordinance amendments requested in CCZBA Case #794-AT-92; or

b. the Commission may recommend to the City Council that the City "Protest" the requested zoning ordinance amendments; or

c. the Commission may postpone the request to the next meeting on February 18 to allow more time for additional review.

c. the Commission may postpone the request to the next meeting on February 18 to allow more time for additional review.

#### RECOMMENDATION

This proposed amendment involves a basic confrontation between land uses that may be acceptable in a residential area and those uses that are not appropriate. It involves a fundamental issue of how to distinguish a small accessory occupation conducted in a home from a business which may happen to contain a residence. The City of Urbana recognizes the need for zoning flexibility to allow home-based businesses within certain understandable and enforceable restrictions. Staff feels the proposed definitions and regulations of "Rural Home Occupations" and "Neighborhood Home Occupations" as approved by the CCZBA on December 17, 1992 represent an improvement from the regulations that were approved by the CCZBA last summer. The proposed regulations are much closer to the City's rules. They distinguish between rural areas and more urbanized areas by imposing greater restrictions on the Neighborhood Home Occupations that are more apt to locate in Urbana's ETJ area. They also impose more restrictions on the Rural Home Occupations that may also locate in the ETJ.

With the exception of the concern about the maximum truck size of 36,000 pounds allowed in a Neighborhood Home Occupation, staff believes the proposed regulations will provide adequate protection for residents who live within Urbana's ETJ from the impacts of inappropriate home occupations. The revised rules are a distinct improvement over the inadequate regulations currently found in the County's Zoning Ordinance.

Staff does not feel the issue of the maximum truck size is by itself a sufficiently strong concern to warrant another recommendation that the City Council "Protest" this amendment. Therefore, staff recommends that the Commission send this case to the Urbana City Council with a recommendation that the City "Not Protest" the proposed amendments to establish definitions and regulations for "Rural and Neighborhood Home Occupations" in the Champaign County Zoning Ordinance.

c: Frank DiNovo, Champaign County Planning and Zoning Dept.

(2zba794.mmo)

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

To: **Champaign County Zoning Board of Appeals**  
From: **John Hall, Zoning Administrator**  
Date: **July 22, 2011**  
RE: **Proposed Revisions to ZBA Bylaws**

---

***UPDATE***

**At the May 26, 2011, meeting the ZBA reviewed proposed revisions to the Bylaws intended to make the Bylaws use of the phrase “close the public hearing” consistent with the letter and intent of the Open Meetings Act.**

**The State’s Attorney has reviewed and approved the attached Draft.**

**The Bylaws amendment may be adopted at the next meeting.**

---

**ATTACHMENTS**

**A      Annotated Draft Revision Bylaws dated July 22, 2011 (including Appendices)**

**DRAFT REVISION BYLAWS**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**As Amended August 25, 2005 DRAFT REVISION July 22, 2011**

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**ARTICLE 1 - AUTHORITY**

**1.1** The authority to establish the Zoning Board of Appeals is set forth under the *Illinois Counties Code*, Chapter 55, Section 5/5-12007 *et seq*, herein referred to as the County Enabling Legislation. Powers and duties are delegated to the Zoning Board of Appeals by the Champaign County Board, herein referred to as the Governing Body, pursuant to Section 9.1.6(B) of the Champaign County Zoning Ordinance, Resolution Number 971, dated September 11, 1973 and as amended, in accordance with the County Enabling Legislation.

**ARTICLE 2 - GENERAL PROVISIONS**

**2.1** These rules are supplementary to the provisions of the Champaign County Zoning Ordinance as they relate to procedures of the Zoning Board of Appeals. If there is a conflict between these rules and the Zoning Ordinance, the Zoning Ordinance shall prevail.

**2.2** Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance, including the Zoning Map, which authority is granted to the Governing Body, except as provided in Section 4.1.6 of the Zoning Ordinance.

**2.3** The State's Attorney shall be consulted regarding questions of law. The Zoning Administrator shall be consulted regarding provisional interpretations of the Zoning Ordinance.

**2.4** The Office of the Zoning Board of Appeals shall be located in The Champaign County Department of Planning and Zoning.



### ARTICLE 3 - APPOINTMENT AND TERMS OF MEMBERS

- 3.1 Appointment of the Zoning Board of Appeals shall be as provided for by the Governing Body pursuant to Section 9.1.6(A) of the Zoning Ordinance.
- 3.2 Applications for appointment to the Zoning Board of Appeals may be submitted to the Office of the Champaign County Board, 1776 East Washington Street, Urbana Illinois, 61802, on forms provided by the Office of the County Board.
- 3.3 For each meeting attended, members shall be compensated in a manner established by the Governing Body.
- 3.4 The Governing Body shall have the power to remove any member of the Board for cause only after a public hearing. Such hearing shall be held no less than 10 days after the member concerned has been given written notice of the charges against him or her. The Chairperson may make a recommendation to the Governing Body for removal of a Zoning Board member due to malfeasance, misfeasance, or nonfeasance generally, and in particular:
- a) Failure to disclose any conflict of interest pursuant to Section ~~7.8~~ 6.8 herein;
  - b) Failure to disclose any substantial or material *ex-parte* communications at the earliest opportunity subsequent to any such communications pursuant to Section ~~5.8~~ 7.4 herein;
  - c) Failure to attend two meetings within a period of one year, without recorded consent of the Chairperson; or
  - d) Repeated or excessive tardiness, as determined by the Chairperson.
- 3.5 Upon death, removal for cause, or resignation of a Board member, the Secretary shall promptly notify the Governing Body that a vacancy exists. If a member becomes incapacitated permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes for any other reason no longer qualified to serve, and does not resign, the Chairperson shall promptly notify the Governing Body. The Chairperson may also request that the Governing Body declare that member's seat vacant.

### ARTICLE 4 - CHAIRPERSON

- 4.1 All proceedings and administrative functions of the Board shall be directed by a Chairperson, who shall preside over all meetings of the Board and shall otherwise supervise the affairs of the Board as outlined in Section 4.3 herein.
- 4.2 The Governing Body shall designate the Chairperson pursuant to Section 9.1.6(A)3 of the Zoning Ordinance. In the event of death, removal for cause, or resignation of the Chairperson, successor(s) shall also be named by the Governing Body. Upon vacancy of the Chairperson, the Board may vote to recommend a current serving member to the Governing Body for appointment as Chairperson of the Zoning Board.
- 4.3 If present and able, the Chairperson shall supervise the affairs of the Board and shall:
- a) preside at all hearings and meetings of the Board;
  - b) assure and maintain proper order and decorum of the Board, staff, and the public in all

proceedings of the Board;

**Article 4 – continued**

- c) decide all points of procedure or order in accordance with these and other applicable rules;
- d) provide for the oath or affirmation to be administered to all witnesses in cases before the Board pursuant to Section ~~6-6~~ 7.7 herein; and shall
- e) take such actions and exercise such powers as are specifically outlined herein.

- 4.4 The Board shall elect from among its members an Acting Chairperson to serve at any meeting where the Chairperson is absent or is otherwise unable to supervise the affairs of the Board. An Acting Chairperson, in the absence or disability of the Chairperson, shall perform all duties and exercise all powers of the Chairperson.

**ARTICLE 5 - MEETINGS**

- 5.1 No less than two regular meetings shall be held each month at a place authorized in Section 9.2.1(E) of the Zoning Ordinance, except under the following circumstances:
- a) the Chairperson determines that cancellation of a regular meeting is appropriate under Section 5.2 herein; or
  - b) the Secretary determines that the cancellation of a regular meeting is appropriate under Section 5.3 herein; or
  - c) the regular meeting falls of a designated County Holiday, in which case the Board shall vote as to whether such a meeting shall proceed as scheduled, be cancelled, or be rescheduled.
- 5.2 Regular meetings may be canceled by the Chairperson, or with the oral approval of a quorum of the Board. Meetings may be cancelled when there are no cases pending, or in the event that the requirements of these By-laws or the Zoning Ordinance prevent the Board from conducting any business, or in the event of hazardous or inclement weather. In the event of hazardous or inclement weather, the Champaign County Sheriff's Department may be consulted as to road conditions and other factors which may affect transportation to and from the meeting place. Upon cancellation, the Secretary shall make a reasonable attempt to notify the members of the Board, the petitioners, and other interested parties.
- 5.3 In the event that after all publications of scheduled public hearings pursuant to Sections 5.5 and 6.2 have been made, but prior to the scheduled meeting of the Board, all petitioners of all scheduled hearings have requested continuances or withdrawn their cases, the Secretary shall have the authority to cancel the scheduled meeting of the Board. Upon making the decision to cancel a scheduled meeting of the Board, the Secretary shall make a reasonable attempt to notify the members of the Board and all other interested parties of record, and shall post the meeting place with a notice of cancellation.
- 5.4 Special meetings may be called only with the oral approval of no less than a quorum of the Board, provided that no less than 24 hours notice is given to each member, and provided that all notice requirements have been met pursuant to Section 5.4 herein.
- 5.5 All meetings shall be open to the public, noticed, and posted in accordance with the *Illinois Open Meetings Act*, (5 ILCS 120/1.01 *et seq.*). The Board may only go into closed session for

appropriate reasons and only upon the advice of the Champaign County State's Attorney.

**Article 5 – continued**

5.6 A quorum shall consist of four members for any regular or special meeting, and is required for any decision, determination, or official action by the Board.

5.7 Any meeting of more than two Board members where matters pending before the Board would be discussed, including but not limited to visits to subject properties, shall be prohibited except as properly noticed and posted in accordance with the *Illinois Open Meetings Act*, (5 ILCS 120/1.01 *et seq.*).

**5.8 Ex parte Communications.**

a) Communications regarding any pending item before the Board with any individual outside of the public hearing, including communications with any other Board member, or any member of the Governing Body, or any employee of Champaign County, except for purely procedural matters or legal subjects specifically approved by the State's Attorney's Office, are considered *ex-parte* communications.

b) If a member of the Board has participated in a substantial or material *ex-parte* communication, that member shall disclose the following information to the Board at the earliest public hearing subsequent to any such communication:

- 1) the person or persons with whom the Board member has spoken;
- 2) the circumstances under which the communication(s) took place;
- 3) the general content of the communication(s); and
- 4) any response given to the person or persons by the Board member. {Note: Ex parte

communications relate to matters of public hearings and this should be relocated to the Article on Public Hearing Procedures. }

5.98 Neither meetings nor public hearings shall not be held by less than a quorum of the Board. Public hearings may be conducted by a bare quorum, however, all hearings shall then be continued, and shall not be closed other than at a meeting where at least five Board members are present. {Note: The prohibition on closing of a public hearing with less than five Board members is apparently a neglected hangover from when the quorum was five members. The quorum has been changed to four and if four members can decide a case four members should be able to continue a case.}

5.10 Meetings of the Board shall include the following agenda items and, unless the Board votes to vary the order, the agenda items shall proceed as follows:

- a) Introduction and Explanatory Comments by the Chairperson
- b) Announcement of Witness Register requirement for persons wishing to testify to any agenda item
- c) Roll call and declaration of quorum
- d) Correction and approval of minutes of previous meeting(s)
- e) Communications
- f) Continued Public Hearings
- g) New Public Hearings
- h) Other Business
- i) Staff Report

- j) Audience Participation with respect to matters other than cases pending before the Board
- k) Adjournment

**5.410** All regular meetings of the Board shall begin at 6:30 p.m. Central Standard Time, or at 7:00 p.m. Central Daylight Savings Time, whichever applies. All meetings of the Board shall last no more than 3 hours unless the Board shall vote to extend the meeting to a specified time.

**5.421** Applications for zoning cases shall be docketed on a first come-first serve basis, strictly based upon receipt of a completed application and its required fee. In no case shall an application shall be docketed for a public hearing before the Board if the application is received less than 22 days in advance of the hearing date. In the event that four cases public hearings are docketed for a meeting of the Board, no additional cases public hearings shall be docketed for that meeting without prior approval of the Chairperson. {Note: relocated from 6.1; some grammar changes}

## ARTICLE 76 - FORM AND CHARACTER OF MOTIONS AND DECISIONS

- 76.1** The Board shall conduct all votes in public session. Voting *in absentia* is not permitted.
- 76.2** The form and character of motions shall conform to those specified in the Appendix - Champaign County Zoning Board of Appeals ~~Rules of Order~~ Bylaws Summary of Actions, a copy of which is attached hereto, provided that all motions and decisions shall conform to applicable Illinois Law. In the event that the ~~Rules of Order~~ Bylaws Summary of Actions contained in the attached Appendix are not applicable to the question at hand, *Roberts Rules of Order, Newly Revised*, shall apply.
- 76.3** The Chairperson shall not make any motion, except as provided in Section ~~8-5-9.5~~ 9.5 herein.
- 76.4** A second shall be required prior to the Board's voting on any motion, except as provided in Section 9.5 herein. A second shall not be construed as an indication of how the member offering the second intends to vote.
- 76.5** The Chairperson may second any motion, provided that he or she has not offered the motion pursuant to Section 9.5 herein. Alternately, the Chairperson may declare a motion dead for lack of second only after three requests to entertain a second to the motion have been offered.
- 76.6** Where a motion to disapprove an item other than a Final Determination of the Board has been defeated, a member of the Board who initially voted with the prevailing side of that motion, except the Chairperson, may offer a motion to reconsider the question.
- 76.7** In the event of a tie vote, the motion shall be defeated.
- 76.8** Any member who becomes aware that he or she has a potential conflict of interest regarding a petition shall notify the Chairperson at the earliest opportunity. If it is determined that the member does have a direct conflict of interest, or prejudice sufficient to impair their ability to fairly weigh evidence, such member shall not participate in the public hearing or discussion at any meeting that relates to that particular matter, nor shall the member vote on the matter.

*Article 76 – continued*

- 76.9** On any matter before the Board, any member declining to vote for any reason shall announce their intent to abstain and the reason for doing so before the public hearing is closed.
- 76.10** An abstention shall not be counted in the determination of a motion, but shall be recorded.
- 76.11** Upon the request of any member of the Board, a roll call vote shall be taken in lieu of a voice vote.
- 76.12** Votes on Final Determination with respect to any matter before the Board shall be by roll call vote and in accordance with Article 89.
- 76.13** All roll call votes shall be taken by the Recording Secretary in varied order, except that the Chairperson shall vote last.

**ARTICLE 67– PUBLIC HEARING PROCEDURES**

~~6.1 — Applications shall be docketed on a first come first serve basis, strictly based upon receipt of a completed application and its required fee. In no case shall an application be docketed for a public hearing before the Board if the application is received less than 22 days in advance of the hearing date. In the event that four cases are docketed for a meeting of the Board, no additional cases shall be docketed for that meeting without prior approval of the Chairperson. {Note: relocate to the end of Art. 5}~~

- 67.1** All public hearings shall include the following steps:
- a) Public Notice
  - b) Reading of the petition request by the Chairperson at each new or continued public hearing.
  - c) Presentation of the evidence
  - d) Adoption of a Summary of Evidence
  - e) Adoption of Documents of Record
  - f) Adoption of a Finding of Fact
  - g) Final Determination
- 67.2** **Public Notice.** The Secretary shall provide notice of the general location of the subject property, a brief statement of the nature of the petition, and the date, time, and place of the first scheduled public hearing for the petition. In addition to all statutorily required notices pursuant to the County Enabling Legislation, notice shall also be mailed by regular U.S. Mail no less than 15 days but no more than 30 days prior to the date of the first public hearing as follows:
- a) Notice of all petitions shall be provided to:
    - 1) the petitioner(s), applicant(s), or appellant(s) and their representative or counsel;
    - 2) the lot owner(s) of record of all property within 250 feet in each direction of the subject property. The lot owners of record shall be identified as those appearing in the authentic tax records of Champaign County. The measurements of right-of-way(s) for public streets, alleyways, and other public ways shall be excluded in calculating the 250 foot notification distance. In the event that the subject property is part of a larger tract, such 250 foot

distance shall be calculated from the exterior boundaries of the larger tract;

**Article 67- continued**

- b) In addition to the notices required above, in the case of Map Amendments and Special Use Permits, notice shall also be provided to:
  - 1) the clerk of any zoned municipality with corporate limits within one and one-half miles of the subject site;
  - 2) the planning staff or planning consultant for any municipality with corporate limits within one and one-half miles of the subject site;
  - 3) the Supervisor of the Township within which the subject site is located;
  - 4) no less than one commissioner of the drainage district within which the subject site is located, if applicable;
  - 5) any provider of public sanitary sewer or public water service, if applicable; and
  - 6) the Chief of the Fire Protection District within which the subject site is located, if applicable.

**67.3** The Board shall decide all matters presented during administrative proceedings and proposed amendments in accordance with Sections 9.1.7 and 9.2 of the Zoning Ordinance.

**5.8 7.4 Ex parte Communications.**

- a) Communications regarding any pending item public hearing before the Board with any individual outside of the public hearing, including communications with any other Board member, or any member of the Governing Body, or any employee of Champaign County, except for purely procedural matters or legal subjects specifically approved by the State's Attorney's Office, are considered ex-parte communications.
- b) If a member of the Board has participated in a substantial or material ex-parte communication, that member shall disclose the following information to the Board at the earliest public hearing subsequent to any such communication:
  - 1) the person or persons with whom the Board member has spoken;
  - 2) the circumstances under which the communication(s) took place;
  - 3) the general content of the communication(s); and
  - 4) any response given to the person or persons by the Board member. {Note: Ex parte communications relate to matters of public hearings and this has been relocated from the Article 5 on Meetings.}

**6.4 7.5** At the time of the public hearing before the Board, the Petitioner may appear in his or her own behalf, or he or she may be represented by counsel or agent.

**6.5 7.6** In the event that parties other than the petitioner retain counsel or other agent to represent them at a hearing before the Board, then such representative shall state that he or she has been so retained, by whom, and shall also disclose the extent of their authorization.

**6.6 7.7** All witnesses shall swear or affirm in written form on the Witness Register to the truthfulness of their oral or written testimony and any exhibits they submit. The Witness Register shall contain the witnesses(s) printed name, signature, and address, and shall be confirmed and signed by the Chairperson of the Board.

*Article 6 7– continued*

**6.7 7.8 Order Presentation of Evidence.** Evidence shall be presented in the following order unless altered by the Chairperson or by Motion:

- a) Announcement by the Chairperson that all testimony is given under oath or affirmation pursuant to the signing of the Witness Register for each agenda item;
- b) The Petitioner or representative shall make a statement outlining the nature of his or her request prior to introducing evidence or alternatively the Board may ask Staff to review the request. The Chairperson or Staff may give restatement of the case if the presentation of the Petitioner or the representative needs clarification;
- c) The Petitioner or representative presents evidence, subject to ~~Rule section 6.8-7.9;~~
- d) Staff presents and summarizes any distributed memorandum, materials or reports;
- e) Parties other than the Petitioner present evidence, subject to ~~Rule section 6.8-7.9;~~
- f) The Petitioner or representative presents rebuttal evidence, subject to ~~Rule section 6.8-7.9,~~ but may not introduce new evidence;
- g) At the discretion of the Board, further surrebuttal evidence may be presented by parties other than the Petitioner. However, the Petitioner shall always have the final opportunity to present evidence, ~~subject to Rule 6.7(h);~~
- h) Questions, comments, requests, or continuance by the Staff or Board.
- i) The Board shall then vote to Close the Witness Register.

**6.8 7.9 Inquiry of Witness.**

- a) Each witness' testimony shall proceed in the following manner:
  - 1) The witness may present oral testimony, and tender any documents to the Board;
  - 2) Staff may then ask questions of the witness;
  - 3) In an administrative case, the Chair shall then invite and allow the Petitioner or representative to then ask questions of the witness;
  - 4) In an administrative case, the Chair shall then invite and allow other members of the public to then ask questions of the witness;
  - 5) Any of the above persons may then ask follow-up questions of the witness, but those other than the Board and Staff may address only those matters addressed in earlier questions of this witness or in response to such questioning.
- b) For purposes of these rules, an "administrative case" is a Special Use permit case, a Variance case, a conditional Rezoning case, or any matter combined in the same hearing with one of these cases.
- c) At any point during the course of a public hearing, the Chairperson, Board members, or Staff may ask questions of any party to bring out pertinent facts, and may make appropriate comments pertinent to the case.
- d) If, at any point during a ~~meeting public hearing,~~ a witness is unable or unwilling to respond to a question, the Chair shall make note of this in the minutes of the ~~meeting public hearing,~~ unless the question has been deemed improper, pursuant to ~~Rule 6.9 section 7.10 (b) or (c).~~
- e) The Board may place limitations on the right of cross-examination, which may include, but shall not be limited to, the following:

**Article 6 ~~7~~– continued**

- 1) Requesting that groups who are associated with the same affected property or organization to select one representative who alone shall be entitled to cross-examine adverse witnesses.
- 2) Requiring those represented in the matter by licensed attorneys who are also present at the ~~meeting~~ public hearing to exercise the right of cross examination only through the attorney.
- 3) Restricting the class of those who may be cross-examined to witnesses who have offered testimony that includes factual allegations that are relevant and material to deciding the issues before the Board.

**6.8 ~~7.10~~ Admissibility of Evidence.**

- a) The Board shall consider competent and material evidence as necessary for a full and fair presentation of the issues presented.
  - 1) The Board shall not be bound by the strict rules of evidence. However, the Board shall not consider hearsay inadmissible in a court of law, if this hearsay is uncorroborated, more than once-removed, or otherwise unreliable.
  - 2) Testimony shall be limited to factual statements and qualified expert or relevant lay opinion and shall not relate to personalities or conjecture.
  - 3) Testimony or other evidence may be excluded if it is irrelevant, immaterial, incompetent, or repetitious.
  - 4) Failure strictly to enforce these ~~Rules~~ Bylaws, or to reject matters which may be irrelevant or immaterial shall not affect the validity of the hearing.
- b) A question, documentary materials, or testimony presented by any witness may be barred by the Chair if:
  - 1) It relates only to a matter of personal taste;
  - 2) It is an argumentative or rhetorical question, or seeks testimony or evidence in violation of ~~Rule 6.9-section 7.10~~ (a); or
  - 3) It is beyond the scope of allowable questions under ~~Rule 6.8 section 7.9~~ (a)(5), above.
- c) Any person present at the ~~meeting~~ public hearing may request that the Chairperson rule on the admissibility of specific evidence or the permissibility of a question, which ruling may, upon motion by any person present, be overruled by a majority of Board members present but not abstaining.
- d) Procedural errors which do not materially affect the rights of the parties shall be disregarded and shall not affect the validity of the proceeding.

~~6.10-7.11~~ Any party appearing before the Board may submit a list of persons favoring or opposing the zoning case application. Such list will be received by the Board, although it contains nothing more than a brief statement of the position of the persons favoring or opposing the application together with the signature and address of the persons subscribing to such statement. The Board shall determine the weight to be given to such evidence.



*Article 6 ~~7~~– continued*

~~6.11~~ 7.12 Any evidence that any party wishes to have considered by the Board must be presented prior to the closing of the ~~public hearing~~ Witness Register (end of public testimony). ~~The Board may request any relevant information or evidence from any party only prior to the closing of the public hearing.~~ or, if a Finding of Fact has been approved but the Board has not taken its final vote on the matter made a motion for a specific Final Determination, and any party wishes to present new evidence, have the public hearing re-opened, it may be re-opened the new evidence may be presented only upon the majority vote of those Board members present and not abstaining from the final vote. {Note: The proposed changes are intended to make minimal changes while eliminating any appearance of inconsistency with the Open Meetings Act. The shaded text is relocated to new 7.13.}

~~6.12~~ 7.12 The public hearing shall remain open to allow for oral and/or written testimony, and until the Board votes to close the public hearing pursuant to Section 8.2 herein. ~~Further Oral or written testimony shall not be accepted after the public hearing has been closed. {Note: The existing paragraph is redundant to the preceding paragraph.}~~

~~7.13~~ 7.13 The Board may request any relevant information or evidence from any party only prior to the closing of the public hearing any motion for a specific Final Determination. ~~{Note: This has been relocated from the existing 6.11 and modified to eliminate any appearance of inconsistency with the Open Meetings Act.}~~

~~6.12~~ 7.14 In the event that the petitioner fails to appear either in person or by agent, the case shall be deemed dismissed unless the Board shall vote otherwise. In such cases, the Petitioner shall be furnished with written notice of the dismissal by the Secretary of the Board. A petitioner may reactivate a dismissed case only upon filing a new petition and upon payment of the fee specified in Section 9.3.3(A)4 of the Zoning Ordinance. Such reactivated cases shall be noticed in the usual manner pursuant to Section 6.2 herein.

~~6.13~~ 7.15 Upon ~~submission~~ presentation of all evidence, the Board shall consider the following motions prior to closing the public hearing making a Final Determination:

a) to close the Witness Register;

a-b) to amend, correct, add or delete points of evidence from the Summary of Evidence and Documents of Record;

b-c) to consider approval of the Summary of Evidence and Documents of Record, either as submitted or as amended;

e-d) to consider any waivers of standard conditions for specific Special Use Permits contained in Section 6.1.3 of the Zoning Ordinance. Said waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described;

**Article 6-7- continued**

- ~~e)~~ to consider any conditions proposed by Staff or the Board. Said conditions may be adopted either individually or en masse, but shall be incorporated into the Findings of Fact, with the purpose of each condition described;
- e-f) to consider any proposed Findings of Fact as required by Sections 9.1.9(D) of the Zoning Ordinance for variance criteria or 9.1.11(C) of the Zoning Ordinance for special use permit criteria, whichever is applicable or for any proposed amendment. Said Findings of Fact may be adopted individually or en masse; ~~and~~
- ~~f) to close the public hearing. {Note: This entire paragraph is relocated from the existing paragraph 8.2.; the adoption of a Finding of Fact completes the "fact finding" portion of a public hearing}~~

~~6-14 7.16~~ A Final Determination consistent with Article 8 9 or a dismissal consistent with section 7.1.4 shall end the public hearing.

**ARTICLE 98 – PUBLIC HEARING REQUEST TO WITHDRAW, AMEND, CONTINUE, OR REHEAR APPLICATIONS**

- 98.1** Upon written request from the applicant or authorized agent, a petition or an appeal may be withdrawn at any time prior to the Board's making its final determination on the case.
- 98.2** The Board may consider a request to amend a petition or an appeal prior to or during the course of the public hearing on the issue. In the event that the request to amend is denied, the cause for such denial being stated in the motion, the hearing and decision on the case as it was originally proposed shall proceed.
- 98.3** If the request to amend the petition or appeal is granted, or if a text amendment has been altered, the Board shall determine whether there is a substantial or material difference between the case as it was described in the public notice and the case as amended such as to render the notice insufficient. ~~In such case, When there is material difference, a new public notice shall be required before the public hearing of the zoning case may proceed, with fees for such the new notice legal advertisement to be paid by the applicant pursuant to Section 9.3.3(B)65 of the Zoning Ordinance.~~
- 98.4** The Board shall also determine whether the nature of the amendment is such as to require re-examination by counsel or staff members having made reports on the original application or appeal. If referral for re-examination is found necessary, the Board may proceed with the hearing, or may continue it to a specified time, and shall not make a final determination on the case until it has considered any revised staff reports that result from the amendment to the petition.
- 98.5** The Board may, upon majority vote of those members present, continue a public hearing in order to receive additional information from staff, the petitioner, other agencies, technical experts, or other interested parties. A request from the applicant or any other interested party to continue the public hearing may be permitted only for good cause. In the event of such continuances, further publication of such action need not be made.

- 98.6** ~~In all cases, All~~ continuances shall be made to a date certain. The Board shall not grant a request for a continuance for more than 100 days from the date the continuance is requested. The Board shall not grant more than one request for a continuance except in the following instances:
- a) a continuance initiated by the Board for purpose of receiving additional information from staff, the petitioner, other agencies, technical experts, or other interested parties;
  - a) a continuance due to the absence of two or more Board members;
  - b) a continuance due to a bona fide illness or incapacity of the petitioner, the petitioner's representatives, or other interested party; or
  - c) a continuance due to faulty public or mail notice.
  - ~~d) In all cases, continuances shall be made to a date certain. The Board shall not grant a request for a continuance for more than 100 days from the date the continuance is requested.~~
- 98.7** No matter previously decided by the Board may be reconsidered unless upon submission of a new petition, the Board finds that the petition or the circumstances of a particular case have changed significantly, or unless a period of no less than one year has passed.

#### ARTICLE 8-9 PUBLIC HEARING FINAL DETERMINATIONS

- 89.1** The Board shall vote on the petition only as it was filed or subsequently amended by the Petitioner, except ~~in the case of~~ for amendments to the text of the Zoning Ordinance.

- 8.1** Upon submission of all evidence, the Board shall consider the following motions prior to closing the public hearing:
- c) to amend, correct, add or delete points of evidence from the Summary of Evidence and Documents of Record;
  - b) to consider approval of the Summary of Evidence and Documents of Record, either as submitted or as amended;
  - c) to consider any waivers of standard conditions for specific Special Use Permits contained in Section 6.1.3 of the Zoning Ordinance. Said waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described;
  - d) to consider any conditions proposed by Staff or the Board. Said conditions may be adopted either individually or en masse, but shall be incorporated into the Findings of Fact, with the purpose of each condition described;
  - e) to consider any proposed Findings of Fact as required by Sections 9.1.9(D) of the Zoning Ordinance for variance criteria or 9.1.11(C) of the Zoning Ordinance for special use permit criteria, whichever is applicable. Said Findings of Fact may be adopted individually or en masse; and
  - f) to close the public hearing. *{Note: This paragraph with revisions is relocated to become new paragraph 6.14}*

- 89.2** Upon review of the full public record and due deliberation by the Board, any of its members other than the Chairperson, except as provided in Section **89.5** herein, may make a motion for Final Determination. The motion may include direction in the form of approval, approval with specified conditions, or denial.

**Article 89 – continued**

- 89.3** No Final Determination shall be made at a ~~meeting~~ public hearing where less than four board members are present. A concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to grant any Variance or Special Use Permit under the terms of the Ordinance, or to recommend any amendment of the Zoning Map or Ordinance Text to the Governing Body.
- 89.4** In the event of a final determination where the Chairperson has requested a motion three times, the Chairperson shall make a Motion to Approve, which need not be seconded prior to the Board voting on the motion.
- 89.5** In the case of a final determination, a Motion to Approve which fails either by failure to receive a second or by failure to receive the required number of affirmative votes shall be deemed a denial and shall be dispositive of the issue.
- 89.6** Also in the case of a final determination, an initial Motion to Deny which fails shall not be deemed dispositive, and an alternate motion shall be made.
- 89.7** The Summary of Evidence and the Findings of Fact and Record of Decision of the case shall be acknowledged as to accuracy by the Secretary and the Chairperson, and shall be part of the public record of the Board.
- 89.8** Notice of the decision of the Board, including the Findings of Fact and Record of Decision, shall be given by the Secretary to the Petitioner and any other parties that have requested such notice, as soon as reasonably possible after the decision is reached.
- 89.9** All decisions or determinations made by the Zoning Board of Appeals shall be final, and shall not be reconsidered other than in accordance with Section 89.7 herein.

**ARTICLE 10 - RECORDS**

- 10.1** A file of materials and decisions relating to each ~~case~~ public hearing shall be kept as part of the records of the Board by the Secretary ~~in the Office of~~ to the Zoning Board of Appeals. *{Note: This revision is to make this paragraph consistent with practice.}*
- 10.2** All records of the Board shall be public records. Such records shall be maintained in accordance with the *Illinois Public Records Act*, (50 ILCS 205/1 *et seq.*), and shall be made available to the public pursuant to the provisions of the *Illinois Freedom of Information Act*, (5 ILCS 140/01 *et seq.*).
- 10.3** The Zoning Administrator, or the Zoning Administrator's representative, shall serve as Secretary to the Board pursuant to Section 9.1.7(F) of the Zoning Ordinance.
- 10.4** The Secretary to the Board shall perform or supervise all clerical work of the Board and shall:
- a) maintain the case docket, case log, and all case files;
  - b) set the agenda for the meetings of the Board pursuant to Section ~~6-4~~ 5.11 herein;

- c) cause to be published all required legal publications pursuant to the County Enabling Legislation;

**Article 10 – continued**

- d) send out all other notices pursuant to Section ~~6-2~~ 7.2 herein;
- e) furnish the Board with all pertinent information and memorandum regarding items before the Board;
- f) attend all Board meetings and hearings;
- g) summarize the testimony of those appearing before the Board;
- h) record and maintain permanent minutes of the Board’s proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact;
- i) maintain the audio tapes of the Board’s proceedings for a period of no less than one year after the date of each hearing of the Board;
- j) make a record of examinations and official actions;
- k) record the names and mailing addresses of all persons appearing before the Board; and
  
- l) conduct the routine correspondence of the Board and such other correspondence as directed by the Board.

**ARTICLE 11 - SEPARABILITY**

- 11.1** Should any Article or Section of the By-Laws of the Champaign County Zoning Board of Appeals be found to be illegal, the remaining articles and sections shall remain in effect.

**ARTICLE 12 - AMENDMENTS**

- 12.1** These rules may be amended by the affirmative vote of ~~five~~ four members of the Board.
- 12.2** The proposed amendment must be presented at a regular or special meeting preceding the meeting at which the vote is taken.
- 12.3** These rules may be suspended for cause upon affirmative vote of five members, unless such rule is required by state statute or the Zoning Ordinance.

**APPENDICES**

- A Champaign County Zoning Board of Appeals Bylaws Summary of Actions
- B Example statement to be read at the beginning of Administrative Hearings

\* \* \*

The foregoing rules and regulations are hereby adopted by the Zoning Board of Appeals of Champaign County.

SIGNED:

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~~Debra Griest~~ Eric Thorsland  
Champaign County Zoning Board of Appeals

ATTEST:

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Secretary  
Champaign County Zoning Board of Appeals

DATE: \_\_\_\_\_

**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>ACTIONS OF THE CHAIRPERSON</b>						
Call to Order	N	N	N	None	N/A	Action of the Chairperson to bring the Board members, staff, and the audience into order, either at the onset of a hearing, or after recess.
Roll Call and Declaration of a Quorum	N	N	N	None	N/A	Action of the Chairperson to request the Recording Secretary to call the roll. Upon declaration of a quorum, the Board may commence its official business
To Open Public Hearing on an Agenda Item	N	N	N	None	N/A	The point at which the Board recesses into a public hearing in order to take public testimony on a specific agenda item.
Action to Rule Out of Order	N	N	N	None	N/A	To assure orderly progress in a meeting or a hearing, the Chair may rule any individual—other Board members, staff, or the public—out of order where a) comments are irrelevant to the item under discussion; b) substantially similar comments have already been made; or c) comments or actions are disruptive to the order of the meeting. (4.3, 6-8 7.9, 6-9 7.10, and 6-10-7.11)
Instruction to Disregard	N	N	N	None	N/A	To ensure the objectivity of hearings, the Chair may instruct the Board to disregard comments or written or visual materials that are inflammatory or prejudicial. Such comments are, however, retained in the minutes, and are considered public record. (4.3, 6-9 7.10 and 6-10-7.11)
To Recess	N	N	N	None	N/A	Action of the Chair to permit a very brief suspension of the meeting or hearing to facilitate the Board's operations and the comfort of the public. Board members should avoid contact with petitioners and other interested parties during recess in order to avoid accusations of bias or impartiality.
Call to Entertain a Motion	N	N	N	None	N/A	After Board discussion and deliberation among members, the Chair may invite a motion, but may not make a motion unless three requests for a main motion have gone unanswered. (7.3, 7.5 and 8.5)
To Cancel a Meeting	N	N	N	None	N/A	The Chair or a quorum of the Board may cancel a meeting of the Board in the event of inclement weather, lack of agenda items, etc. (5.2)

**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>MEETING PROCEDURE</b>						
To Amend the Order of the Agenda	Y	Y	Y	Voice	Majority of those present	For various reasons including but not limited to failure of the petitioner to appear, inconvenience, or expected length of the hearing, any member may move to alter the order, but not the content of, the agenda (6.7)
To Approve Minutes	Y	Y	Y	Voice	Majority of those present	Action to approve the minutes from previous meeting(s). The minutes are amendable to improve clarity, accuracy, and completeness, but not to re-open a debate on a previously decided agenda item. Failure of an affirmative motion would require evaluation of hearing tape and resubmittal of minutes by staff.
To Extend the Time to Adjourn	Y	N	Y	Voice	Majority of those present	The Board may vote to extend the adjournment time in order complete deliberation on a particular item of items. (5.10)
To Adjourn	Y	N	N	Voice	Majority of those present	Always appropriate, however, this motion is best used when all agenda items have been decided or continued to a set date.
To Reschedule a Canceled Meeting	N	N/A	N/A	See Notes	4	Canceled meetings are generally rescheduled via phone, fax, or other equivalent, however, this procedure can also be done during the course of a meeting.
To Schedule a Canceled Meeting	Y	Y	Y	Voice	4	Special Meetings are for various reasons including overloaded dockets, etc. (5.3 and 5.4)
<b>GENERAL PROCEDURE</b>						
Point of Personal Privilege	N	N	N	None	N/A	A right of any member of the Board to express matters of serious concern such as announcing a conflict of interest, or an ex-parte communication. Points of Personal Privilege should be made at the opening of the hearing, and when regarding a conflict of interest, should be followed with that member withdrawing from all further testimony at that item.



**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>GENERAL PROCEDURE CONTINUED</b>						
To Request a Roll Call Vote in lieu of a Voice Vote	N	N	N	None	N/A	Any Board member may call for a roll call vote in lieu of a voice vote on any matter before the Board. ( <del>7.11</del> <u>6.11</u> )
To Suspend the Rules	Y	Y	N	Voice	<del>5</del> <u>4</u>	Where, in extraordinary circumstances, established rules would hinder rather than promote effective deliberation, specific rules may be suspended for a time within a meeting. The reasons for such suspension should be entered into the minutes of the meeting. No rule may be suspended which is otherwise required by the zoning Ordinance or by law. (12.3)
To Overrule the Chair on a Matter of Procedure	Y	Y	N	Voice	Majority of those present and voting	A right of members to challenge the actions of the Chair, so as to ensure that property procedures are followed, and not to impede the deliberation or decision of the Board.
Point of Order	N	N	N	None	N/A	A right of members to request that the Chair follow proper order. The intent is to ensure proper progress of deliberation, and not to contest the action of the Chair as in a Motion to Overrule the Chair. The Point of Order seeks to address an immediate concern, and not to debate larger procedural issues. Repeated use of a Point of Order to delay or frustrate decision making is inappropriate.
Point of Information	N	N	N	None	N/A	A right of members to request from the Chair the clarification of specific matters of fact.
Friendly Amendment to a Previous Motion	Approval of Secunder Required	N	Y	None	N/A	Procedural or Substantive (Main) Motions may be amended. When a motion has been moved and seconded, and is within the period of debate, it is subject to alteration. When the amendment is "friendly," that is, compatible with the previous motion by the initial mover and seconder, it may be incorporated into the previous motion by verbal approval. If the amendment is seen as "unfriendly" it must be debated and decided first. All amendments to previous motions must be decided prior to deliberation and vote on the Main Motion.
Unfriendly Amendment to a Previous Motion	Y	Y	Y	Voice	Majority of those present and voting	

**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>GENERAL PROCEDURE CONTINUED</b>						
To Divide a Motion	Y	N	Y	Voice	Majority of those present and voting	Where a motion has been both moved and seconded and is under deliberation, but where the motion is complex. Any member may seek to divide the motion, thereby permitting individual votes on specific issues, such as Findings of Fact. A substantive motion dividing the requests of a single petition <b>CAN NOT</b> be divided.
To Withdraw a Motion	Approval of seconder required	N	N	None	N/A	Where the mover finds that an initial motion is flawed, inappropriate, or premature, the mover may seek to withdraw the motion as a whole. The action is not permissible if the initial motion has been amended.
To Reconsider  <b>Note: Final Actions on Zoning Cases <u>Can Not</u> be Reconsidered.</b>	Y	Y	N	Voice	Majority of those present and voting	A procedural motion used where a Board member in the majority on a previously decided item wishes to have the Board reconsider its vote. The motion is appropriate only where a) crucial information not available at the time of the initial vote is now available; or b) there has been a substantial change of circumstances since the initial vote. The absence of one or more Board members at the time of the initial motion, does NOT constitute a change of circumstance. In the event a Motion to Reconsider passes, the item is re-presented in total, after which, a new <i>Main Motion</i> may be made. ( <del>7-6</del> <u>6.6</u> )
To Request the Chair Rule on the Admissibility of Specific Evidence	N	N	N	None	N/A	Any Board member, petitioner, or other interested audience member may request that the Chair Rule on the admissibility of specific evidence or testimony, such as petitions, visual aids, etc. ( <del>6-12</del> <u>7.10c</u> )
To Over-ride the Chair's Ruling on the Admissibility of Evidence	Y	N	N	Voice	Majority of those present and voting	Any member may move to over-ride the Chairperson's ruling on the admissibility of evidence. ( <del>6-12</del> <u>7.10c</u> )

**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>GENERAL PROCEDURE CONTINUED</b>						
To Continue Hearing to a Set Time	Y	N	N	Voice	Majority of those present and voting	Where testimony on a public hearing or deliberation by the Board on an agenda item can not be concluded within a single session, this motion is appropriate. ( <del>9-5</del> <u>8.5</u> and <del>9-6</del> <u>8.6</u> )
To Close the <del>Public Hearing-Witness Register</del>	Y	Y	N	Voice	Majority of those present and voting	A procedural motion made when all public testimony has been concluded. The Board is now free to deliberate the merits of the submitted evidence. ( <del>8-2f</del> <u>7.8, 7.15</u> )
<b>FINAL DETERMINATION PROCEDURE</b>						
To approve Summary of Evidence and Documents of Record	Y	Y	Y	Voice	Majority of those present and voting	A procedural motion to officially incorporate the Summary of Evidence, the petitioner's application, staff report(s), correspondence, petitions, or other written visual materials into the public record. ( <del>8-2a and 8-2b</del> <u>7.1, 7.15</u> )
To Waive Standard <del>Zoning Ordinance</del> Conditions of Section 6.1.3	Y	Y	Y	Voice	Majority of those present and voting	Upon application, one or more waivers of otherwise standard conditions for Special Use Permits may be requested. Waivers may be adopted individually or en masse, and shall be incorporated into the Findings of Fact with reasons stated ( <del>8-2e</del> <u>7.15</u> )
To Impose Conditions of Approval	Y	Y	Y	Voice	Majority of those present and voting	The Board may impose conditions of approval of Variances and Special Use Permits. Conditions may also be adopted individually or en masse, and shall be incorporated into the Findings of Fact with reasons stated. ( <del>8-2d</del> <u>7.15e</u> )
To Adopt Findings of Fact individually or en masse	Y	Y	Y	Voice	Majority of those present and voting	During deliberation, the Board must adopt Findings of Fact related to the specific criteria outlined in the Ordinance, and may do so either individually or en masse. ( <del>8-2e</del> <u>7.15f</u> ).

**APPENDIX A**  
**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS SUMMARY OF ACTIONS**  
 JULY 22, 2011

Type of Motion or Action	Requires a second	Debatable	Amendable	Type of Vote	Affirmative Votes Req'd	Explanatory Notes Regarding Use of Motion or Action <i>Italics indicate pertinent By-Laws Sections</i>
<b>FINAL DETERMINATION PROCEDURE CONTINUED</b>						
To Approve Petition, or to Approve with Conditions	Y (except as in Section <del>7.3</del> <u>6.3</u> )	Y	Y	Roll Call	<u>54</u>	A substantive motion, often called the Main Motion, it may take on of two forms: a) a definitive action where the Board is the final authority; or b) a recommendation to the Governing Body. A Motion to Approve which fails constitutes denial and is final, and is not subject to reconsideration. ( <del>7.3, 8.4</del> <u>9.4, 8.5</u> <u>9.5, and 9.7</u> )
To Deny Petition	Y	Y	Y	Roll Call	4	Also a substantive motion, and it may also take form as either a definitive action or a recommendation. When a Motion to Deny fails for any reason, a converse motion to either approve or approve with conditions should be made. ( <del>8.4 and 8.7</del> <u>9.6</u> )
<b>BY-LAWS</b>						
Amendments to the By-laws	Y	Y	Y	Roll Call	<u>54</u>	Action to incorporate, alter, or eliminate policies which guide the decision making of the Board. Adoption of or amendments to the By-laws requires a two-thirds vote. (12.1)

APPENDIX B  
CHAMPAIGN COUNTY ZONING BOARD OF APPEALS BY-LAWS  
JULY 22 ,2011

EXAMPLE ADMINISTRATIVE STATEMENT TO BE READ AT THE START OF AN ADMINISTRATIVE HEARING

At the start of the public hearing:

This is an administrative case and as such the County allows anyone the opportunity to cross examine any witness. At the proper time I will ask for a show of hands for those who would like to cross examine and if you do, please raise your hand and I will call on you when it is your turn and you can come to the cross examination microphone to ask your questions. Those who merely cross examine are not required to sign the Witness Register but will be asked to clearly state their name before asking questions. When you do cross examine a witness, please do not give testimony during your cross examination.

Also, attorneys who have complied with Article 6.5 of the ZBA Bylaws are exempt from cross examination.

After the Petitioner's testimony:

Does the Board have questions for the Petitioner?

Does the Staff have any questions for the Petitioner?

Does anyone else have any questions for the Petitioner?

After the testimony of others:

Does the Board have questions for the witness?

Does the Staff have any questions for the witness?

Does the Petitioner have any questions for the witness?

Does anyone else have any questions for the witness?