

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **September 13, 2012**
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: www.co.champaign.il.us.**

* **Case 707-S-12** Petitioner: **Daniel Williams and landowner Fran Williams**
Request: **Authorize the use of an existing Paintball Facility as an “Outdoor Commercial Recreational Enterprise” as a Special Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**
Location: **A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home 2453 CR 600E, Dewey.**

* **Case 720-V-12** Petitioner: **Robert Dorsey and Elizabeth Buck**
Request: **Authorize the following in the R-2 Single Family Residence Zoning District:
Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.
Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.**
Location: **Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey’s First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.**

* **Case 722-S-12** Petitioner: **Dr. Michael Boero**
Request: **Authorize an equine veterinary surgery clinic and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District.**
Location: **A 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.**

6. New Public Hearings

* **Case 725-V-12** Petitioner: **Daniel Williams**
Request: **Authorize the following in the CR Conservation-Recreation Zoning District for a Special Use proposed in Case 707-S-12:
Part A. Variance for a rear yard of 0 feet in lieu of the minimum required 25 feet
Part B. Variance for a side yard of 0 feet in lieu of the minimum required 25 feet
Part C. Variance from a minimum separation from a front property line for parking spaces of 0 feet in lieu of the minimum required 10 feet.**
Location: **The same 5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
SEPTEMBER 13, 2012

7. Continued Text Amendment Cases:

- Case 710-AT-12** Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:**
- Part A.** **Revise the Land Evaluation (LE) part as follows:**
1. **Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition.**
 2. **Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.**
 3. **Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.**
- Part B.** **Revise the Site Assessment (SA) part as follows:**
1. **Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.**
 2. **Delete SA Factors A.2.; A.3; B.2.; B.3; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.**
 3. **Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.**
 4. **Add new SA Factors 2a; 2b. 2c; 3; 4; 6; 9; 10; and scoring guidance for each new Factor, as described in the legal advertisement.**
- Part C.** **Revise the Rating for Protection as described in the legal advertisement.**
- Part D.** **Revise the general text and reformat.**

- Case 711-AT-12** Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance as follows:**
- Part A.** **In Section 3, revise the definition of “best prime farmland” as follows:**
- a) **delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and**
 - b) **add “prime farmland soils that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and**
 - c) **add “soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System”; and**
 - d) **add “Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils”.**
- Part B.** **Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”**
- Part C.** **Revise paragraph 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”**

8. Staff Report

9. Other Business

- A. Review of docket
- B. August 2012 Monthly Report
- C. September 19, 2012, Special Meeting

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

11. Adjournment

*Administrative Hearing. Cross Examination allowed.

CASE NO. 707-S-12

SUPPLEMENTAL MEMORANDUM

September 7, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: **Daniel Williams and Fran Williams**

Site Area: **5.2 acres**

Time Schedule for Development:
Currently in Operation

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize the use of an existing Paintball Facility as an "Outdoor Commercial Recreational Enterprise" as a Special Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**

Location: **A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

STATUS

This case was continued from the May 17, 2012, public hearing. The petitioner has submitted a new site plan and a safety and rules handout, both are attached. The petitioner has also filed a variance request which is related Case 725-V-12. At the May 17, 2012, public hearing a nearby landowner, Mr. Tim Woodard testified and submitted a map and photos as a document of record which have been included as an attachment. Two new special conditions of approval are included below.

A revised Summary of Evidence, Finding of Fact, and Final Determination will be provided at the public hearing.

REVISED SITE PLAN

The petitioner submitted a revised site plan on August 13, 2012. The new site plan defines the boundary of the paintball facility and other related areas such as parking and the access to the paintball area. In addition the site plan identifies areas not associated with the operations of Firemark Paintball. The revised site plan also indicates different dimensions from the initial site plan because the petitioner re-measured the boundaries of the proposed special use, as recommended by staff. Staff feels the dimensions in the revised site plan are more accurate.

PREVENTING TRESSPASS AND SECURING OBSTACLES IN THE FLOODPLAIN

The petitioner has indicated to staff that in order to prevent trespass onto neighboring properties that a rope will be used to delineate the boundaries of the proposed special use. It should be noted that a rope is currently used and therefore this is not likely to be an improvement.

The petitioner has also indicated that T-posts will be used to secure obstacles in the playing fields in order to prevent them from floating away in the event of flooding conditions. It is not exactly clear how T-posts alone will secure the obstacles.

PROPOSED SPECIAL CONDITIONS**A. Regarding structures and obstacles in the floodplain:**

- (1) Structures and obstacles used in the play of paintball shall be secured to the ground with a T-post.**
- (2) Storage of obstacles and structures not being used in the play of paintball shall not occur within the floodplain.**

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

That effects on neighboring properties are mitigated and that storage does not occur within the mapped floodplain.

B. The petitioner and any future owner of Firemark Paintball shall have in place and maintain a rope to delineate the exterior boundaries of the play fields at all times.

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

To prevent trespass of Firemark Paintball patrons onto neighboring properties.

ATTACHMENTS

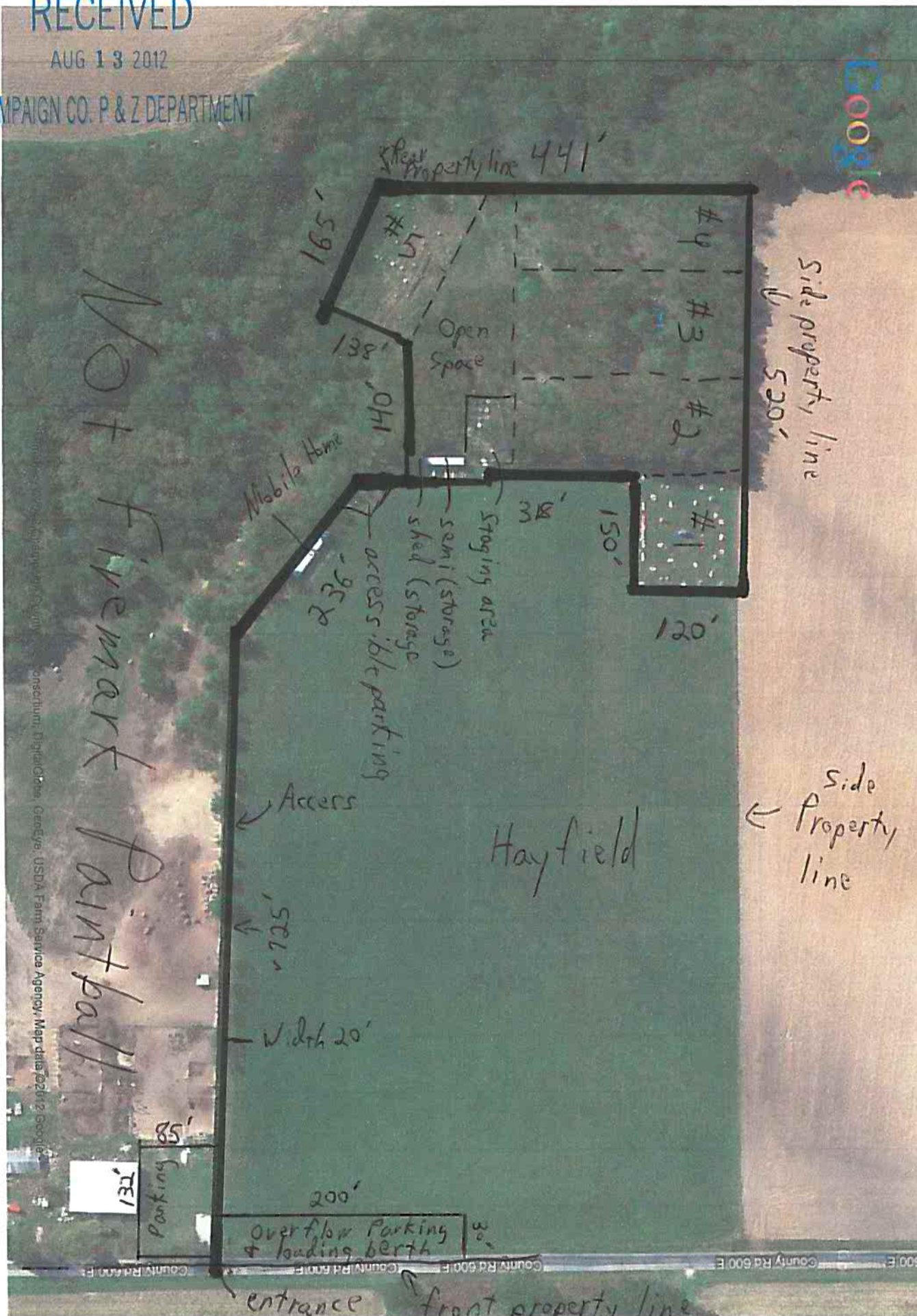
- A Revised Site Plan received August 13, 2012**
- B Firemark Paintball Safety and Rules Handout received August 13, 2012**
- C Map and Photos submitted by Tim Woodard at the May 17, 2012, public hearing (included separately)**
- D Excerpt of minutes from the May 17, 2012, public hearing (included separately)**

RECEIVED

AUG 13 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Not Firemark Paintball



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RECEIVED

AUG 13 2012

CHAMPAIGN CO. P & Z DEPARTMENT

FIREMARK PAINTBALL
ORIENTATION
(Safety and Rules of the Game)

- **The Most Important Rule on this field is “NEVER” take your goggles off in any goggle required area.** (SHOW AREAS) Not for any reason, this includes: lost contact, fogged lens, paint covered lens, or game over. A paintball can blow out an ear or an eye and then no one will be having any fun out here. Is this rule clear to everyone?! If your goggles come off, come loose from the frame, strap comes loose or lens cracks on the field, place your hands over your eyes, drop to the ground, call for paintcheck. Do not look up! Any ref assisting must hover over the player until he/she gets the goggles on and escorted off the field. **PENALTY.** Three strike rule: First attempt to take off mask you will be yelled at to put mask on. Second attempt you will sit out a game. Third attempt you will go home.
- **The Second Most Important Rule is “Always” have your barrel cover in place and your safety on before you leave the playing field.** (Show area where required and how to put barrel cover on.) Ref make sure you show taking the barrel strap off the back and to put the barrel cover around their neck so that they do not lose it. There is now a \$7 charge to replace the barrel cover.

GUN MECHANICS

- All rental guns are mechanical semi-auto guns. The hoppers are gravity fed, therefore you could outshoot your gun, shooting blanks or chop paintballs. Do not slant your gun to much, this could chop paintballs. Make sure lids snap shut after refilling your hopper with paintballs. Once paintballs drop to the ground you can not put them back in the rental gun and do not pick up other paintballs off the ground either. All paintball guns should recock automatically if your gun does not please let a ref know. Do not drive your barrel into the ground, you will clog it up and will not be able to shoot until that is cleaned out. Aim by looking where the paintballs go, not down the sight. When you run out of air, bring your paintball gun to the ref after a game to be refilled. All personally owned guns must shoot below 300 fps and be in semi-auto mode. No 3-burst or any other mode is allowed.

GAME PLAY

- Each game is 10 mins. Teams will be asked to put their hands on the starting gate and then asked if they are ready. Then game will start when I yell “3,2,1,GO,GO,GO!!!” On first word ‘go’ players can run to their bunkers and start shooting their opponents. Game ends when one side eliminates the other side or time runs out. The head ref will give the final call that the game has ended. When time runs out, if there are still live players, they will be asked to come to the center to be checked and counted.
- This is a game of tag. If you are hit by a nickel size of paint anywhere on your body, mask, paintball gun, you are eliminated. If the paintball bounces off a tree or ground and breaks on you, you are eliminated. If a teammate shoots you or you

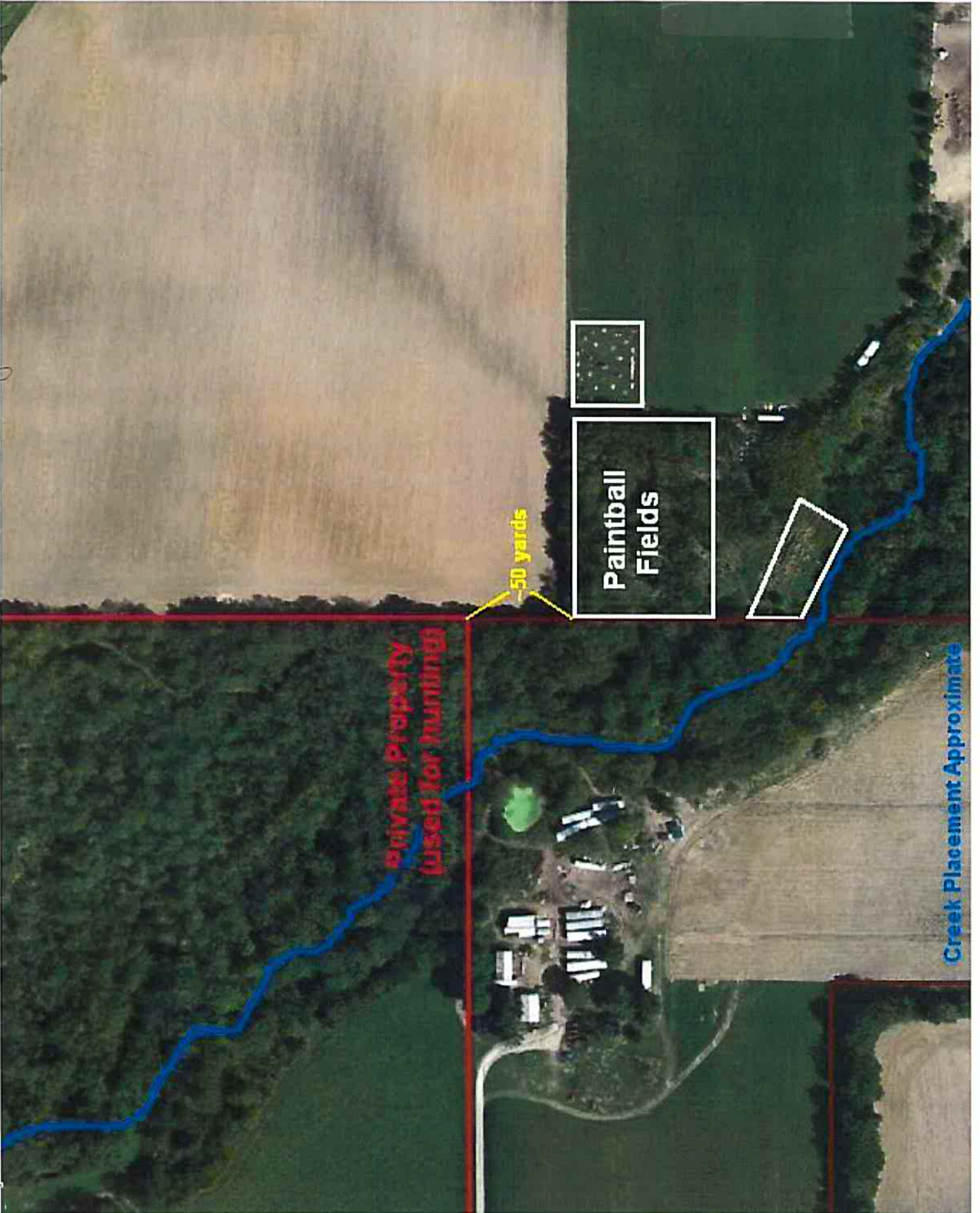
shoot yourself you are out. If you feel you were shot, but you do not see the paint break then stay in your bunker and yell "PAINTCHECK" and a ref will check you.

- If and when you are caught wiping your paint off during a game this is cheating and you will be asked to go home.
- During the game, you must stay within the designated boundary lines or you will be considered eliminated. No blind firing. No shooting the signs, refs or eliminated players deliberately or wildlife. When caught you will be asked to leave the facility after one warning. Do not try to climb in trees, on bunkers, or move bunkers.
- Once you and/or a ref has determined that you are eliminated, signal to others by saying "I am out" or "I'm hit" and do the following: put one hand on top of your head and the other hand with gun in the air and run off the field. (Warning: once you have called yourself out you are out regardless if the paintball broke on you or not) Eliminated players are to move to the sidelines, put your safety and barrel cover on and wait until game is over. Eliminated players cannot hand off guns or paintballs to live players. Eliminated players are not allowed to talk to live players by giving hints. Cheering for your team is acceptable. **PENALTY:** First time within a game will be a verbal warning. Second time a ref will pull the players nearest teammate. **ALL REFS DECISIONS ARE FINAL!!!**
- After each game, if you got hit on your mask, or gun, we will clean those off for you. If you got shot in the body we will hand you a rag to clean off your own body. If you do not clean off your paintball shot well enough we may call you out on the next game. Customers with their own equipment are welcome to use our rags and spray bottles to clean off.
- No smoking, alcohol, or foul language of any kind. You will be given verbal warnings. No deliberate physical contact with anyone!!!
- Show toilet and trash can and burn pile.
- Safe zone rule or bunkering!!!

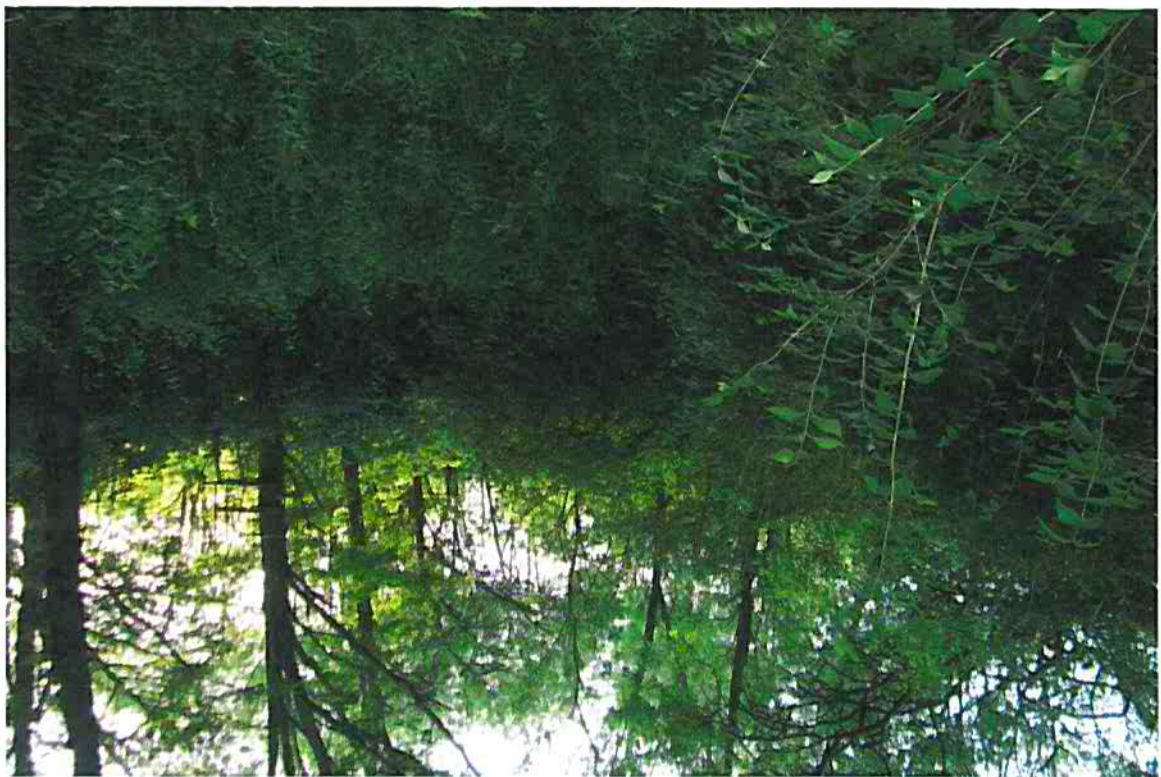
RECEIVED

AUG 13 2012

CHAMPAIGN CO. P & Z DEPARTMENT



Photographs by Tim Woodard - 3-11-2013







EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1
2 **6. New Public Hearings**
3

4 **Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the**
5 **use of an existing Paintball Facility as an “Outdoor Commercial Recreation Enterprise” as a Special**
6 **Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**
7 **Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of**
8 **Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**
9

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

19 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
20 sign the witness register for that public hearing. He reminded the audience that when they sign the
21 witness register they are signing an oath.
22

23 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
24

25 Mr. Daniel Williams stated that he is the owner of Firemark Paintball, which has been in operation for 10
26 year and unfortunately during that time he was not aware of the requirement for a permit. He said that he has
27 applied for the required permit so that he can continue Firemark Paintball which touches all ages. He said
28 that paintball is a wonderful and exciting sport but some people tend to not like it due to the gun aspect but
29 as long as everyone is following the safety rules it is probably much safer than basketball. He said that the
30 University of Illinois Golf team coach brought the team to the facility to play as a temporary distraction from
31 their sport.
32

33 Mr. Williams stated that this year, in affiliation with the YMCA, he is planning a paintball camp for 10 to 14
34 year old kids. He said that he has seen kid's lives change after they play paintball because a young man
35 indicated that he played at the facility last year and loved it so much that he purchased his own equipment
36 and he plans to return again this year. He requested that the Board approve his special use permit request so
37 that he can continue the business.
38

39 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.
40

41 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.
42

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.

2
3 Mr. Thorsland called John Hall, Zoning Administrator.

4
5 Mr. John Hall distributed a new Supplemental Memorandum dated May 17, 2012, to the Board for review.
6 He said that the Supplemental Memorandum dated May 11, 2012, did not mention that the Mahomet Citizen
7 has a new deadline for legal advertisements and staff followed the old deadline therefore Case 701-S-12 did
8 not receive the full minimum required 15 days notice prior to the public hearing. He said that it is staff's
9 recommendation that even if the Board is prepared for final action tonight that they do not take final action
10 because someone could make a claim regarding inadequate notice.

11
12 Mr. Hall stated that notice was mailed to the Village of Mahomet because the subject property is located
13 within their one and one-half mile jurisdiction but staff does not expect comments. He said that the
14 Supplemental Memorandum dated May 17, 2012, reviews two issues that should be brought before the
15 Board for consideration. He said that the only other use where we are concerned about what happens to the
16 facilities if the business ceases is a wind farm. He said that even though this does not have the level of
17 investment of a wind farm he is concerned about what will happen if Firemark ceased operation because if
18 someone did not know that it was a paintball facility someone might believe that there is a lot of debris
19 which needs to be cleaned out of the woods. He recommended that the Board consider the following special
20 condition to ensure clean-up of the property if the business ceases operations:

21
22 **In the event the paintball business ceases operations, the Petitioner or any owner thereafter**
23 **shall be responsible for clean-up and maintenance of the subject property in a timely manner**
24 **and all costs associated with clean-up and maintenance.**

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

26 **That the subject property is properly maintained and does not become a nuisance.**

27
28 Mr. Hall stated that the second issues that staff wanted to bring to the Board's attention is that some of the
29 photographs included pictures of enclosed gaming structures which are very small things and typically
30 involve canvas draped over some framework. He said that as the structures are right now they are pretty
31 benign but in the future and with different management that might want to have bigger and even more
32 challenging enclosed structures the Board should consider if that causes any concerns. He said that staff has
33 proposed the following special condition for the Boards consideration:

34
35 **Enclosed gaming structures intended to be temporarily occupied by players shall not**
36 **be larger than 150 square feet in area.**

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

38 **That existing and future structures are small enough in size where life safety considerations**
39 **are not a concern or necessary.**

40
41 Mr. Hall stated that as far as he knows the petitioner is not proposing to use larger structures although there
42 was some intent at one time to use the manufactured home by stripping and opening it up and make it

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 available for gaming. He said that he does not have many concerns regarding the manufactured home if it is
2 stripped out and sort of diffused of any safety issues but homebuilt structures built with whatever materials
3 the owner has handy for people to get inside were a concern of staff. He said that the Preliminary
4 Memorandum that was mailed out did make it clear that as far as the site plan is right now if the Board took
5 action on the site plan it would be difficult to enforce. He said that it appears that the area of the special use
6 permit area is indicated on the site plan and the playing fields are indicated as well as the parking area and
7 most importantly the 800 foot path between the parking area and playing fields. He said that the entire hay
8 field is not included. He said that as far as he knows none of the wooded area south of the fields that were
9 indicated on the site plan area part of the special use permit. He said that three key things are needed on the
10 site plan: 1. include how people get from the parking area to the playing area; and 2. indicate the other areas
11 that are not proposed for the paintball recreation; and 3. variance application for the rear yard. He said that
12 there is a problem in one of the playing fields and given the size of the playing fields the 25 foot rear yard
13 requirement may be problem because it takes a lot out of the playing area and makes that area off limits. Mr.
14 Hall stated that staff has spoken to the petitioner about the rear yard issue and the petitioner is contemplating
15 requesting a variance.

16
17 Mr. Hall stated that the Summary of Evidence makes clear that the parking area, as indicated, does not have
18 enough parking spaces even though it may serve the needs of the business but under the terms of the Zoning
19 Ordinance it is not large enough. He said that if there is a variance for some of the structures in the rear yard
20 then the petitioner may decide to include a variance for the parking as well or just indicate an overflow
21 parking area.

22
23 Mr. Hall stated that the special event that the petitioner just mentioned appears to be a great event but as the
24 Zoning Administrator he is curious how many times the special event will occur. He said that he would
25 recommend that this information be included in the special use permit so that neighbors know that it is
26 consistent with what the Board approved. He said that it sounds like the event may be so large that it may
27 need a larger parking area, additional restroom facilities, etc. He said that his concern as the Zoning
28 Administrator is that if this is approved the Board has included things like this special event or things like it
29 in the special use permit. He said that another way to hold the special event is to apply for a temporary use
30 permit by which only five one-day events in a 90 day period could occur but he would recommend that such
31 events just be included in the special use permit.

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

34
35 Mr. Thorsland asked Mr. Hall if an "easy-up" is considered a structure.

36
37 Mr. Hall stated that any construction, permanent or temporary, is a structure and any structure which is 150
38 square feet or less does not require a permit but it does need to meet all of the yard requirements of the
39 Zoning Ordinance. He said that he takes a conservative view which is similar to the view of a neighbor who
40 might be opposed therefore anything that looks or smells like a structure is a structure.

41
42 Mr. Thorsland called Daniel Williams back to the witness microphone.

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

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Mr. Thorsland asked Mr. Williams if he will be submitting a variance request for the parking and the 25 foot rear yard.

Mr. Williams stated yes. He said that he has downloaded the application although there are a lot of questions on the application which will require assistance from staff. He said that he anticipates submittal of the application by next week.

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

Mr. Courson asked Mr. Williams if the special event is only a one day event.

Mr. Williams stated that the special event is a one day organized event with a maximum of 30 kids.

Mr. Courson asked if the kids are bused to the facility.

Mr. Williams stated yes. He said that the kids are brought to the facility by bus and dropped off. He said that last year the day camp was held once per month for three months and he and the YMCA have anticipated doing a five day event this year. He said that the kids will be taught about the sport of paintball and then allowed to play on the fields.

Mr. Courson asked if the kids were served food at the special events.

Mr. Williams stated no, the kids are required to bring their own sack lunch.

Mr. Passalacqua asked Mr. Williams if any camping is allowed at the facility.

Mr. Williams stated no because no electricity is available at the facility.

Mr. Thorsland asked Mr. Williams how often the five day event would occur in conjunction with the YMCA.

Mr. Williams stated once per year. He said that everything needs to be discussed and evaluated. He said the financial aspect must be reviewed and the experience must be evaluated. He said that because of the attention level he would like to have 12 year old kids but the YMCA would like to include 10 year olds. He said that the entire special event is a trial and error event.

Ms. Capel asked Mr. Williams if he carried liability insurance for the facility.

Mr. Williams stated yes.

Mr. Passalacqua asked Mr. Williams how many cars are typically in the parking lot when the business is in

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 operation.

2
3 Mr. Williams stated that there might be 20 vehicles in total but in the fall there may be more because they
4 tend to have larger groups during that time. He said that in October the hay field is gone and when larger
5 groups, 100 or more people, from the University of Illinois come to play they park in the overflow parking
6 area. He said that out of the ten years of business he has probably only had three such groups but typically
7 groups total 50 to 100 people per day. He said that tomorrow he has 20 people scheduled to play and
8 Saturday he has 15 to 20 people scheduled to play. He said that normally he does not have large massive
9 groups because his field cannot handle it.

10
11 Mr. Palmgren asked Mr. Williams to indicate the total capacity of the facility at any one time.

12
13 Mr. Williams stated that 100 people would be the total capacity because the capacity is based on the amount
14 of guns that he has to rent.

15
16 Mr. Palmgren asked Mr. Williams if reservations are required.

17
18 Mr. Williams stated yes.

19
20 Mr. Thorsland asked Mr. Williams if a speaker system is at the facility.

21
22 Mr. Williams stated no but there is a staging area near the mobile home. He said that if any issues such as
23 requiring more paintballs or something else arise then the players are to inform the registration desk at the
24 staging area but there is always a referee with a group thus controlling the group as a whole.

25
26 Mr. Thorsland asked if the facility will operate after dark.

27
28 Mr. Williams stated that they are exploring that with safety being their top issue. He said that they are
29 looking into solar panel light systems to see if they would be feasible. He said that if a paintball hits the
30 target person and it breaks then that person is out but at times a paintball will hit but not break therefore the
31 person is still in the game and at night it would be difficult to call the shot in the dark.

32
33 Mr. Thorsland informed Mr. Williams that he needs to include all of the things that he wants to do at the
34 facility so that he does not have to come back before the Board at a later date.

35
36 Mr. Williams stated that he understood.

37
38 Mr. Passalacqua asked Mr. Williams if the facility was only open on Friday, Saturday and Sunday.

39
40 Mr. Williams stated generally the facility is busier during Saturday and Sunday although they are open on
41 Monday and Wednesday. He said that the hours of daylight determine the hours of operation to
42 accommodate the players therefore instead of 10 a.m. to 2 p.m. it may be 9 a.m. to 1 p.m.

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

7
8 Mr. Thorsland called Mr. Timothy D. Woodard to testify.

9
10 Mr. Timothy D. Woodard, who resides at 2490 CR 550E, Dewey, submitted photographs of his property,
11 which is located northwest of the subject property for the Board's review. He said that the photographs
12 indicate a close-up view of his property and how the current paintball operation affects his property. He said
13 that he and his wife are requesting a denial of the proposed special use permit for two primary reasons: 1.
14 approval of the special use permit would be injurious to the district in which it will be located due to
15 periodic flooding and trespassing; and 2. approval of the special use would be detrimental to the public
16 welfare because of the lack of safety precautions being taken. He said that should the Board decide to
17 approve the special use permit request he would like to share some background and his history with the
18 petitioner's operation so that the Board can create some meaningful rules and regulations in regard to public
19 welfare.

20
21 Mr. Woodard stated that his property is adjacent to the playing fields and he has a tree stand, for deer
22 hunting, which is located at the southeast corner of his property. He said that adjacent to the tree stand is the
23 property boundary between his property and Carl Breedlove's property and the boundary line of the subject
24 property, which abuts his and Mr. Breedlove's property, is marked with the petitioner's strings and flags and
25 a woven fence. He said that the woven fence may be difficult to see in the photographs because the area is
26 very overgrown. He said that the boundary markers should be similar to what staff would have viewed
27 during their visit to the petitioner's property on May 10, 2012. He said that despite that this boundary is
28 clearly marked by the petitioner and obviously some distance from the supposed playing fields, Mr.
29 Woodard has consistently had issues with trespassers from the petitioner's property. He said that it is
30 apparent to him, whether sanctioned or not, the patrons from the petitioner's operation consistently use his
31 and Carl Breedlove's property during the gaming and he has literally found people walking around the south
32 end of his property and he has found people in his tree stand. He said that last fall while his son and a friend
33 were squirrel hunting near the tree stand, with a real gun, they were shot by patrons of the paintball operation
34 with paintball guns. He said that it appears that the petitioner's field boundaries do not mean much nor do
35 the rules indicating that no climbing of trees or structures is allowed.

36
37 Mr. Woodard stated that he is concerned about the floating of the petitioner's debris down the creek during a
38 flood event. He said that the elevations that were submitted for review indicate that the structures are above
39 the base flood elevation and the petitioner states in the application that although the playing fields are near a
40 creek they are well out of the flood area evidenced by the property owner whose family has owned the land
41 for over 100 years. He said that the petitioner also indicated that the subject property drains to the south and
42 west to the stream which runs through the subject property and that may be true as it relates to the paintball

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 fields drawn on the application materials but it is definitely not true in terms of the property in its entirety.
2 He said that the creek shown on the diagram clearly flows north and west through the petitioner's property to
3 Carl Breedlove's property and then on to his property.
4

5 Mr. Woodard stated that despite the petitioner's testimony that obstacles on the paintball fields are secured
6 to the ground or to trees in an effort to prevent them from being swept away by flood waters it is somewhat
7 untrue because historically the operation has had substantial debris in the flood plain that regularly floats
8 down onto his property over the years. He said that a couple of years ago after a particularly large flood he
9 spent an entire weekend using a tractor, truck and trailer picking up utility company spools, pallets, plastic
10 barrels, etc. and returning two trailer loads to the petitioner's entrance off of County Road 600E.
11

12 Mr. Woodard stated that the most critical concern that he and his wife have relative to the petitioner's
13 application is that the business is in operation during the shotgun deer hunting season which is three days in
14 mid-November and four days in early December. He said that there are no precautions taken by patrons of
15 the paintball operation other than a verbal agreement with Carl Breedlove that he will not allow hunting on
16 his property after 10 a.m. He said that the aforementioned regular trespassing that occurs on the adjacent
17 properties and the presence of hunters throughout the area during hunting season is at best leaving safety to
18 chance and at worse gross negligence. He encouraged the Board to search online for precautions regarding
19 any outdoor activity such as bicycling, photograph, hiking, etc. and the Board will consistently find that the
20 wearing of blaze orange during hunting season while in the woods is highly recommended. He said that
21 many paintball operations actually shut down during hunting operations in order to safe guard their patrons.
22 He said that if the Board imposes no other stipulations he requested that the Board do something to protect
23 the patrons of the petitioner's business during hunting season. He said that due to flooding and trespassing,
24 approval of the petitioner's application would provide continued injury to the neighboring properties and due
25 to the lack of safety precautions approval would also be detrimental to the patrons and by extension the
26 public welfare. He encouraged the Board to either deny the petitioner's application or alternatively impose
27 regulations that would address these issues.
28

29 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard and there were none.
30

31 Mr. Thorsland asked if staff had any questions for Mr. Woodard.
32

33 Mr. Hall asked Mr. Woodard to explain what kind of property line improvement would prevent trespassing.
34

35 Mr. Woodard stated that an ideal scenario would be some kind of extended fence that would have signage on
36 it to delineate the property boundaries so that not only his property is protected but also Carl Breedlove's
37 property. He said that currently he does not share a border with the subject property but Mr. Breedlove does
38 share a border.
39

40 Mr. Hall asked Mr. Woodard to indicate the suggested height of the fence.
41

42 Mr. Woodard stated that perhaps five or six feet would be appropriate.

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1
2 Mr. Hall asked Mr. Woodard to indicate the last date that debris floated on to his property from the subject
3 property.
4

5 Mr. Woodard stated that currently there is debris on his property from the subject property. He said that the
6 debris floated down during the past winter.
7

8 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard.
9

10 Mr. Passalacqua asked Mr. Woodard if there is some way to anchor the structures.
11

12 Mr. Woodard stated that the biggest thing would be to get the debris out of the floodplain and based on his
13 experience such has not occurred.
14

15 Mr. Hall asked Mr. Woodard if when he discusses debris he is referring to the wooden spools.
16

17 Mr. Woodard stated yes, he does consider the wooden spools as debris.
18

19 Mr. Hall stated that the site plan indicates that the playing fields are located in the floodplain and the wooden
20 spools are the structures used for the gaming and to remove those from the floodplain would require
21 removing the structures from the playing fields. He said that the alternative would be to securely anchor the
22 wooden spools but he does not know how difficult that would be.
23

24 Mr. Woodard stated that the debris is not just the wooden spools but includes the plastic barrels, wooden
25 pallets and a number of different other items floating down onto his property.
26

27 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Woodard and there were
28 none.
29

30 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Woodard and there was no one.
31

32 Mr. Thorsland called Mr. Earl Williams to testify.
33

34 Mr. Earl Williams, who resides at 2453 CR 600 E, Dewey, stated that his family has owned the subject
35 property for over 100 years and it is not always flooded but when there is a hard rain part of it does flood.
36 He said that he too has had debris float downstream onto his property and he has had to pick up old
37 televisions, car parts, fence posts, logs, etc. and he just cleans it up and moves on. He said that he has not
38 allowed hunting on his property for well over 30 years but recently he had his wire cut and found a blood
39 trail indicating that someone trespassed. He said that he has had signs on the property indicating "No
40 Trespassing" or "No Hunting" but the signs are regularly removed or shot. He said that he has had several
41 tree stands placed upon his property although he goes out and removes them but nothing appears to stop the
42 trespassing and he has called the authorities several times to see if anything could be done. He said that he

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 had trespassers come onto the property to hunt and he confronted them but when they cocked their guns he
2 decided that after going through Vietnam he was not ready to through another war. He repeated that he does
3 not allow hunting on his property but there are a lot of things that go on in the woods in the area and he
4 cannot control what happens on other property owner's properties.

5
6 Mr. Williams stated that he has Arabian horses and when they run they tend to flag their tails therefore many
7 times appearing like a deer running and he is concerned that one day he may lose one of his horses due to a
8 hunter. He said that the area where the paintball playing fields are located is generally full of small weeds
9 and trees therefore he could not utilize the area as pasture so it was a perfect place for the fields. He said that
10 in the fall once the last hay cutting is removed the parking lot for the operation is expanded to that area
11 therefore allowing ample area for parking.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.

14
15 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.

16
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.

18
19 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
20 testimony regarding this case and there was no one.

21
22 Mr. Thorsland closed the witness register.

23
24 Mr. Thorsland asked the Board if there were any questions for staff.

25
26 Ms. Capel asked if a fence could be required since the boundary is located in the floodplain. She said that
27 regardless of how the fence was built it could be torn down by debris or the fence could catch the debris
28 therefore making the situation even worse.

29
30 Mr. Hall stated that the Floodplain Regulations require that a fence must have a 6" x 6" opening, at a
31 minimum, when located in the floodplain.

32
33 Mr. Thorsland asked if a better indication could be presented indicating what portion of the subject property
34 is located in the floodplain or is the entire playing area located in the floodplain.

35
36 Mr. Kass stated that the entire playing area is located in the floodplain.

37
38 Mr. Passalacqua stated that he would like to see a copy of the rules that are enforced during the operation.
39 He said that the petitioner indicated that there are referees for each group but it appears that the referees are
40 unable to control the group when they are crossing the line and climbing up tree stands.

41
42 Mr. Thorsland asked Mr. Williams if he could submit a copy of the rules for the Board's review.

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1
2 Mr. Williams stated yes.
3

4 Mr. Hall stated that a few years ago there was an organized camp that was approved as a special use and the
5 standard conditions for an organized camp are a 50 foot side and rear yard and a 100 foot setback. He said
6 that as with so many of the other standards in the Ordinance there is no reason given for why 50 feet side and
7 rear yards are imposed on a resort or organized camp but the same yards are not required for an outdoor
8 commercial recreational enterprise. He said that a resort or organized camp and an outdoor commercial
9 recreational enterprise sound like they would have very similar standards but they don't and he wanted to
10 remind the Board that one reason why there may be a greater side and rear yards in an organized camp is to
11 reduce the chance the people will trespass and reduce the incompatibilities on either side of the property
12 lines. He said that it is within the ZBA's power to indicate that the use should not go to within 25 feet of the
13 rear lot line and in regards to trespass the use could be 100 feet away but if the patrons cannot be controlled
14 they will cross the 100 feet and continue going. He said that the only positive way to deal with the trespass
15 is to require some sort of a boundary that literally prevents trespass or at least makes it more difficult than
16 the ropes that are being used currently. He said that he does not know that increasing the rear and side yards
17 would help and it would make it more difficult for the petitioner.
18

19 Mr. Thorsland stated that the Board anticipates a variance request for the 25 feet.
20

21 Mr. Hall stated that the Board may anticipate receiving a variance application but the Board should make it
22 clear whether or not they have any thought regarding the variance.
23

24 Mr. Thorsland stated that testimony has been received from the adjacent neighbor regarding deer hunting
25 season and testimony from the petitioner regarding inverse trespassing. He said that he is aware that during
26 hunting season the hunters, the deer and the people who are opposed to the hunting do have a terrible
27 problem with overlap. He said that Mr. Woodard indicated that he does hunt during the two shot gun
28 seasons, which consists of seven days, therefore a condition may be proposed to cease operation during those
29 seven days although there are other hunting seasons that take place. He said that Mr. Williams may benefit
30 from a better marked boundary in regards to deer hunting season. He said that the debris issue requires more
31 thought from the Board but Mr. Earl Williams testified correctly that if you are upstream you are still
32 downstream from someone else.
33

34 Mr. Hall stated that debris in the floodplain is generally an enforcement issue. He said that in some of the
35 photographs there appear to be extra structures being stored outside of the floodplain, such as the trailer and
36 shed. He said that the Board will have to assume that all of the photographs with all of the barrels, pallets,
37 and wooden spools, are in the floodplain and not all of those items are anchored. He said that he could
38 imagine requiring the play structures to be anchored and he can imagine that the storage areas for structures
39 should not be in the floodplain and if they are it is a violation of the Floodplain Ordinance. He said that
40 perhaps the areas where the floatable structures are being stored is outside of the floodplain but based upon
41 his observation of the testimony those structures are not.
42

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1 Ms. Capel asked if the 25 foot rear yard is for the structures or the paintball activity.

2
3 Mr. Hall stated that this is a principal use therefore it requires a special use permit and the principal use is
4 paintball therefore any paintball activity is part of the principal use and has to meet the rear and side yards
5 unless the variance is granted.

6
7 Mr. Thorsland stated that the Board desires a copy of the rules for the operation and a complete variance
8 application.

9
10 Mr. Hall asked the Board to indicate their thoughts regarding the draft condition regarding accessible
11 parking. He said that it is not clear to him why Doug Gamble, Accessibility Specialist for the State of
12 Illinois Capital Development Board, considers this as existing parking but his e-mail is attached to the
13 memorandum. He said that the parking area does not appear to meet the Ordinance requirement and
14 automatically needs to be made larger therefore the Board needs to be clear about whether or not they want
15 the accessible parking to be constructed now or just removed from the condition. He said that a condition
16 should be proposed indicating that the accessible parking needs to be built at a point and time when Doug
17 Gamble's parameters are met. He said that the Board is never going to require that the parking area be paved
18 therefore it would be safe to say that there will never be an accessible parking area constructed. He said that
19 he is sensitive to this issue because he is the person who will be liable if anyone files a lawsuit but he still
20 needs to know the Board's preference.

21
22 Ms. Capel stated that it was discussed that the trail could be paved therefore an accessible parking area could
23 be placed next to the paved trail.

24
25 Mr. Thorsland stated that Mr. Gamble believes that the Board hasn't tripped the trigger yet and when the
26 Board does Mr. Gamble isn't clear what that meant whether it had to be up by the road, require the 800 foot
27 paved trail or is it allowed to be back and there the problem of whether it can be placed in the floodplain.

28
29 Mr. Hall stated that the parking spot would be past the semi-trailer which is outside of the floodplain.

30
31 Mr. Thorsland stated that his issue is that since the Board has not made a recommendation for the case yet,
32 to sort of ask the petitioner to start the process of creating the accessible parking area without knowing
33 whether or not he will be operating or not would be a difficulty. He said that he would like to ask Mr.
34 Gamble for a clarification but he is not sure that one would be obtained in a timely fashion.

35
36 Mr. Hall stated that a paintball facility was permitted in the 90's north of Urbana and in that instance that
37 person asked staff what they needed to do to establish a paintball facility and they were informed that they
38 needed to contact Doug Gamble and that paintball facility had an accessible parking space, accessible route
39 and a limited number of accessible paintball stations from day one.

40
41 Mr. Passalacqua stated that perhaps we are getting ahead of ourselves. He said that he would like to know
42 how many wooden spools are connected to the ground.

EXCERPT OF APPROVED MAY 17, 2012, MINUTES FOR CASE 707-S-12

1
2 Mr. Thorsland stated that he would like to ask Mr. Gamble if an accessible parking area could be placed
3 beside the semi-trailer and if there are guidelines for an accessible paintball station and are there guidelines
4 as to its placement in relation to the parking area.
5
6 Mr. Thorsland requested a continuance date.
7
8 Ms. Capel asked staff if they had received any information regarding the Jones' cases.
9
10 Mr. Hall stated that the cases have been scheduled for the May 31st meeting but he only anticipates receiving
11 the petitioner's preference as to move forward or withdraw. He said that the petitioner for Case 716-AM-12
12 would really like to receive final action so that it can go to the County Board in June but if the Board is not
13 ready for final action on May 31st then fine. He said that as the docket currently stands the May 31st meeting
14 is going to be a full three hour meeting.
15
16 Mr. Thorsland asked if the paintball operation is allowed to continue at this point therefore the Board has
17 some flexibility regarding a continuance date.
18
19 Mr. Hall stated yes. He said that an important foot note should be added to the July 12th docket date
20 indicating that the Associate Planner is on vacation during that time.
21
22 Mr. Thorsland stated that there is a possibility that he too may be absent from the July 12th meeting.
23
24 Mr. Hall stated that Case 707-S-12 could be continued to July 26th.
25
26 Mr. Thorsland stated that he was mistaken and he will be in attendance on July 12th.
27
28 Mr. Hall stated that the Board should anticipate a meeting on July 12th.
29
30 Mr. Thorsland asked Mr. Hall if he could have this case ready by July 12th without Mr. Kass' help.
31
32 Mr. Hall stated that he can either have this case or the text amendments ready for July 12th but it cannot be
33 both.
34
35 Mr. Thorsland entertained a motion to continue Case 707-S-12 to the July 26th meeting.
36
37 **Ms. Capel moved, seconded by Mr. Courson to continue Case 707-S-12 to July 26, 2012. The motion**
38 **carried by voice vote.**
39
40
41
42

CASE NO. 720-V-12

SUPPLEMENTAL MEMORANDUM
SEPTEMBER 7, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: Robert Dorsey and Elizabeth Buck

Request: Authorize the following in the R-2 Single Family Residence Zoning District:

- Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.
- Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet, on the following property:

Subject Property: Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

Site Area: 42,900 square feet

Time Schedule for Development: Unknown

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

This case was continued from the July 12, 2102, public hearing and an excerpt of those minutes has been included as an attachment. New evidence and revisions are proposed for the Summary of Evidence and are included in the attached Summary of Evidence as the underlined and strikethrough text. Two new special conditions of approval are proposed and are included below.

SUBMITTED PHOTOS

At the July 12, 2012, public hearing Renee Willcoxon submitted photos as a document of record regarding the request in this case. These photos have been attached to the memorandum. On August 23, 2012, the petitioners submitted photos in response to the photos Renee Wilcoxon submitted at the public hearing. These photos along with written explanations have also been attached as well as photos of various sheds in Penfield.

PETITION IN SUPPORT OF THE REQUEST

On August 23, 2012, the petitioners submitted a petition of support in which they estimate that 75% to 80% of the landowners in Penfield signed.

SCREENING PLAN

The petitioners submitted a screening plan on September 6, 2012. The screening plan indicates that the petitioners intend to plant three Eastern White Pines along the north property line. A copy of the screening plan is attached. A screening condition has been added as well.

PROPOSED SPECIAL CONDITIONS

- A. **Landscape screening or an eight feet tall opaque fence as indicated on the approved site plan for Case 720-V-12 shall be maintained at all times.**

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

That the proposed shed is properly screened from neighboring properties.

- B. **The petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-V-12.**

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

That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.

ATTACHMENTS

- A Petition of Support submitted August 23, 2012
- B Screening Plan received September 6, 2012
- C Proposed Miscellaneous Document
- D Photos submitted by Renee Willcoxon at the July 12, 2012, public hearing (included separately)
- E Photos with petitioner comments submitted by the petitioners on August 23, 2012 (included separately)
- F Excerpt of minutes of Case 720-V-12 from the July 12, 2012 public hearing (included separately)
- G Revised Summary of Evidence, Finding of Fact, and Final Determination (included separately)

This petition has approximately 75% to 80% of the land owners signatures in Penfield.

RECEIVED

AUG 23 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.21G Requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet, on the following property:

Lots 4,5,6,7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

I the undersigned have no objection to the requested building being constructed.

Name	Address	Owner	Occupant
1-Signature <i>Robert Kettner</i> Print Robert Kettner	205 EAST ST penfield 61862	X	
2-Signature <i>ROBERT HENDRICK</i> Print	314 West	X	
3-Signature <i>Sandy Curtis</i> Print SANDY CURTIS	205 Main		X
4-Signature <i>Dorsey Seathoff</i> Print Luckey Seathoff	304 South	X	X
5-Signature <i>Harlan Dillman</i> Print Harlan Dillman	109 Franklin	X	X
6-Signature <i>Debra Nale</i> Print Debra Nale	108 Franklin	X	X
7-Signature <i>Cara Phillips</i> Print CARA PHILLIPS	116 Franklin	X	X
8-Signature <i>Robert J. Rawlings</i> Print ROBERT J. RAWLINGS	116 EAST ST.	✓	-
9-Signature <i>Josh Faulkner</i> Print Josh Faulkner	209 EAST ST	X	X
10-Signature <i>Nichole Faulkner</i> Print Nichole Faulkner	209 EAST ST.	X	X
11-Signature <i>David Buck</i> Print DOWAN D E BUCK	225 FRANKLIN	X	X
12-Signature <i>Pat Junkin-Wernig</i> Print PATRICIA JUNKIN-WERNIG	222 FRANKLIN ST Penfield, IL	X	X
13-Signature <i>William H. Wernig</i> Print WILLIAM H. WERNIG	222 FRANKLIN PENFIELD, IL	X	X
14-Signature <i>Brittani Stalter</i> Print Brittani Stalter	222 Franklin Penfield		X

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

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I the undersigned have no objection to the requested building being constructed.

Name	Address	Owner	Occupant
15-Signature <u>Nancy A. Stamm</u> Print NANCY STAMM	209 S. FRANKLIN PENFIELD, IL 61862	✓	✓
16-Signature <u>Dale Stamm</u> Print DALE STAMM	"	✓	✓
17-Signature <u>Bill</u> Print Bryan A. Wernick	221 Franklin St Penfield IL 61862		✓
18-Signature <u>David Henney</u> Print David Henney	221 S Franklin	✓	✓
19-Signature <u>Jennifer Kilhoffer</u> Print Jennifer Kilhoffer	221 S Franklin	✓	✓
20-Signature <u>Randall Zanders</u> Print Randall Zanders	308 E Busey Penfield	✓	✓
21-Signature <u>DENNIS Reed</u> Print	221 EAST Penfield 213	✓	✓
22-Signature <u>Walter J. Cher</u> Print WALTER J. CHER	421 WALNUT PENFIELD ILL	✓	✓
23-Signature <u>Sandy Weaver</u> Print SANDY WEAVER	EAST ST 327 Penfield, IL	✓	✓
24-Signature <u>Bob Miles</u> Print Bob Miles	214 Main	✓	✓
25-Signature <u>[Signature]</u> Print	317 East Street Busey + Main	✓	✓
26-Signature <u>Julia A. Ellis</u> Print JULIA A. ELLIS	Busey St. PENFIELD IL 61862	✓	
27-Signature <u>Delmar R. Johnson</u> Print DELMAR R. JOHNSON	211 SOUTH ST. PENFIELD ST 61862	✓	✓
28-Signature <u>Mal Salcido</u> Print Malquiadas Salcido	301 West St Penfield, IL.	✓	✓

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
 Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.21G Requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet, on the following property:

Lots 4,5,6,7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

I the undersigned have no objection to the requested building being constructed.

Name	Address	Owner	Occupant
29-Signature <i>Phyllis Willford</i> Print Phyllis Willford	401 S East	✓	✓
30-Signature <i>Richard A. Winiford</i> Print Richard A. Winiford	11	✓	✓
31-Signature <u>JIM EVANS</u> Print	404 EAST ST.	✓	✓
32-Signature <i>Bobbette Ashbury</i> Print Bobbette Ashbury	301 East St	✓	✓
33-Signature <i>Samie Ashbury</i> Print SAMIE ASBURY	324 EAST ST	✓	
34-Signature <i>John W Biret</i> Print John W Biret	405 ELM/FRANKLIN	✓	✓
35-Signature <i>Sandy Bishop</i> Print Sandy Bishop	112 Elm St	✓	✓
36-Signature <i>Mark Richardson</i> Print Mark Richardson	320 Main St	✓	✓
37-Signature <i>Mark Richardson</i> Print Mark Richardson	316 Main St	✓	✓
38-Signature <i>Christene Rowland</i> Print Christene Rowland	221 EAST ST	✓	✓
39-Signature <i>Raul San Miguel</i> Print RAUL SAN MIGUEL	204 main St	✓	✓
40-Signature <i>Rick Johnson</i> Print Rick Johnson	307 Busey ST	✓	✓
41-Signature <i>John D. Reardon</i> Print John D. Reardon	113 East St	✓	✓
42-Signature <i>Brenda Todd</i> Print Brenda Todd	224 EAST ST	✓	✓

Rose M. Wolfe
 Rose M. Wolfe

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.21G Requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet, on the following property:

Lots 4,5,6,7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

I the undersigned have no objection to the requested building being constructed.

Name	Address	Owner	Occupant
43-Signature <i>Kenneth E Mizell</i> Print <i>Kenneth E. Mizell</i>	124 Busey St	X	X
44-Signature <i>Paul Ray</i> Print <i>Paul Ray</i>	324 Elm St.	X	X
45-Signature <i>Bianka Lawther</i> Print <i>Bianka Lawther</i>	401 Elm St	X	X
46-Signature <i>Amanda O'Brien</i> Print <i>Amanda O'Brien</i>	107 Walnut St	X	X
47-Signature <i>[Signature]</i> Print <i>Phillip J Zinders</i>	401 S. Main St	X	X
48-Signature <i>Richard J Early</i> Print <i>RICHARD J EARLY</i>	150 W BUSEY	X	X
49-Signature <i>Stelia A Bruns</i> Print <i>Stelia A Bruns</i>	201 West		X
50-Signature <i>Billy Bruns</i> Print <i>Billy Bruns</i>	201 West	X	X
51-Signature <i>Mike Triano</i> Print <i>Mike Triano</i>	109 East Street	X	X
52-Signature <i>Sam Nake</i> Print <i>Sam Nake</i>	108 Franklin St.	X	X
53-Signature <i>Sheri Kaufman</i> Print <i>Sheri Kaufman</i>	105 W Main St	X	
54-Signature <i>Sheri Kaufman</i> Print <i>Sheri Kaufman</i>	106 Walnut		X
55-Signature <i>Bill Beaman</i> Print <i>Bill Beaman</i>	106 Walnut		X
56-Signature <i>Barb Little</i> Print <i>Barb Little</i>	404 Main	X	X

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.21G Requirement that no accessory use or structure be established prior to a main or principal use or structure.

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I the undersigned have no objection to the requested building being constructed.

	<u>Name</u>	<u>Address</u>	<u>Owner</u>	<u>Occupant</u>
57-Signature	<i>Katherine M. Schwing</i>	117 Elm St	X	
Print	Katherine M. Schwing	Penfield IL 61862		
58-Signature	<i>David Foster</i>	114 Elm St	X	
Print	David Foster	Penfield IL 61862		
59-Signature	<i>Kevin Foster</i>	City 22	X	
Print	Kevin Foster	Penfield IL 61862		
60-Signature	<i>Michelle Cler</i>	305 Elm	X	X
Print	Michelle Cler	Penfield IL 61862		
61-Signature	<i>Clara Titler</i>	105 Franklin	X	X
Print	Clara Titler	Penfield, IL 61862		
62-Signature	<i>Jamie Dorsey</i>	110 Walnut	X	X
Print	Jamie Dorsey	Penfield, IL 61862		
63-Signature	<i>Dan Stamm</i>	113 West Street	X	X
Print	Dan Stamm	Penfield IL 61862		
64-Signature	<i>Barb Kettner</i>	205 East Street	X	
Print	Barb Kettner	Penfield IL 61862		
65-Signature	<i>Kenneth W. Grove</i>	100 East Main	X	X
Print	Kenneth W. Grove	Penfield IL 61862		
66-Signature	<i>Steve Parrish</i>	117 East St	X	X
Print	STEVE PARRISH	Penfield IL 61862		
67-Signature	<i>Brian Lite</i>	419 S MAIN ST	X	X
Print	Brian Lite	Penfield IL 61862		
68-Signature	<i>Susan McNeely</i>	209 West Street	X	X
Print	Susan McNeely	Penfield, IL 61862		
69-Signature	<i>Brenda Wilken</i>	200 Block Walnut	X	
Print	Brenda Wilken	Penfield, IL 61862		
70-Signature	<i>Brenda Wilken</i>	Busey St	X	
Print	Brenda Wilken	Penfield IL 61862		

Petition for Champaign County Zoning Board of Appeals Case 720-V-12
 Robert Dorsey & Elizabeth (Betty) Buck

Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.21G Requirement that no accessory use or structure be established prior to a main or principal use or structure.

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I the undersigned have no objection to the requested building being constructed.

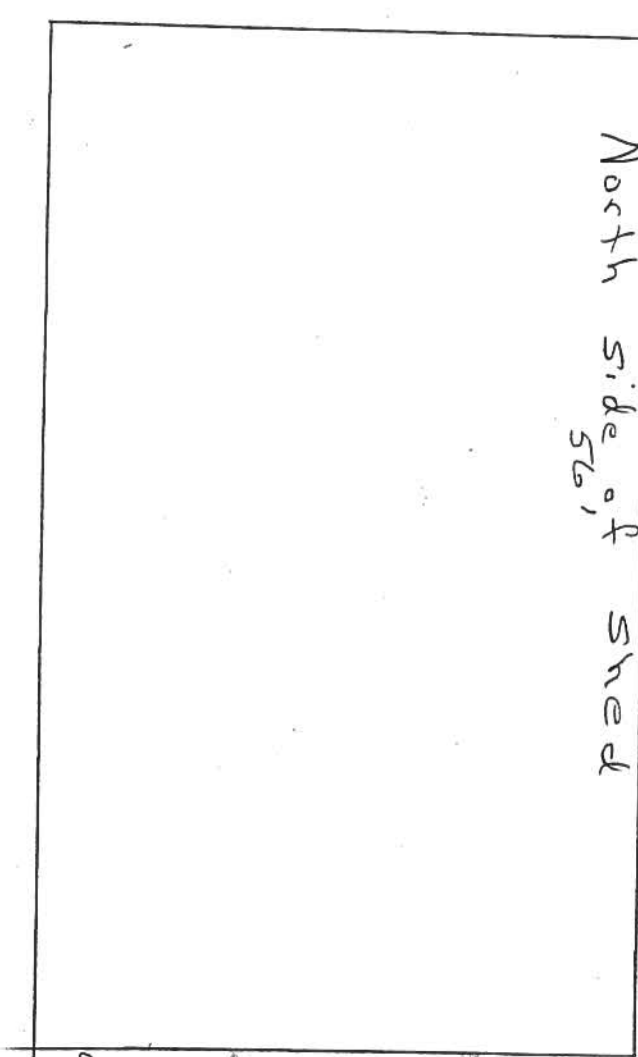
	<u>Name</u>	<u>Address</u>	<u>Owner</u>	<u>Occupant</u>
71-Signature	<i>Linda Moncap</i>	105 Front St		
Print	Linda Moncap	Penfield Fl 61862	A	X
72-Signature	<i>Michael Grey</i>	102 EAST ST		
Print	Michael Grey	Penfield IL 61862	X	X
73-Signature				
Print				
74-Signature				
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75-Signature				
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82-Signature				
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83-Signature				
Print				
84-Signature				
Print				

Middle of Alley

existing 36" tall chain link fence (approx.) on property line
ERB

Property Line

North side of shed



delete ERB
 existing
 X - Walnut tree
 exists.
 X Tulip Tree

if needed to
 replace any
 existing tree
 ERB

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SEP 6 2012

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X = Town - Eastern White Pines

Plans for a screening if needed.

NORTH ↑

Side Walk

Attachment C. Proposed Miscellaneous Document

Case 720-V-12

September 7, 2012

TO: Interested Parties

FROM: Champaign County Zoning Board of Appeals

RE: Zoning restrictions pursuant to Zoning Case 720-V-12 on: Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

Be it known that the following Special Conditions were imposed by the Champaign County Zoning Board of Appeals in Zoning Case 720-V-12 as follows:

- A. The Variance shall be deemed void if any of the following occur:**
- (1) If the petitioners sell either the current home or the garage property to a buyer who does not also purchase the other property, except that concurrent sale of both properties can happen provided the shed property shall have a dwelling.**
 - (2) If at least a 20 feet length of the alley between the relevant properties is ever vacated.**
 - (3) If any building on the eastern portion of the property is ever converted to include a dwelling unit with a septic system.**
- B. The garages on the subject property shall not be rented out as storage space.**
- C. Landscape screening or an eight feet tall opaque fence as indicated on the approved site plan for Case 720-V-12 shall be maintained at all times.**
- D. The petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-V-12.**

Photos Submitted by Renee Wilcoxon
at 7-12-2012 public hearing































These pictures and comments are responses to comments and objections made by Lucy Sparks and Renee Willcoxon. We are not sure what some of them have to do with us putting up a shed.

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AUG 23 2012

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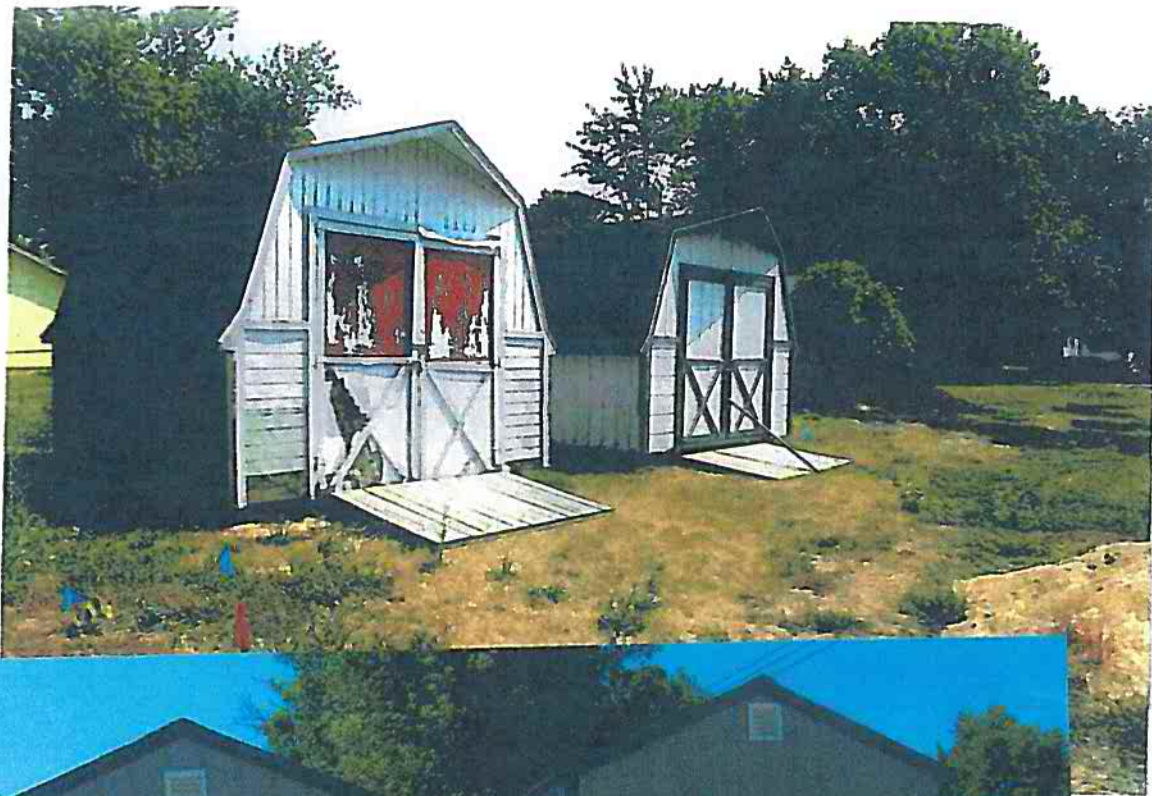


The dirt pile is where we torn out a storm caller. Until we have enough rain for it to settle we can't do anything with it. Also some of the extra dirt is for a raised flower bed. When we are done it will be leveled off and seeded.

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The two sheds in the top picture are going to be resided to match the two sheds in the second picture which are new. We are waiting on the contractor to get to us. The shed in the bottom picture has been painted in dark gray to match.



Most of the river rock has been used on a project we did and the rest is for another landscaping project we are going to do. When done all rock and sand will be gone. The white rock is for our drive ways. Also, note the brick pile is gone.



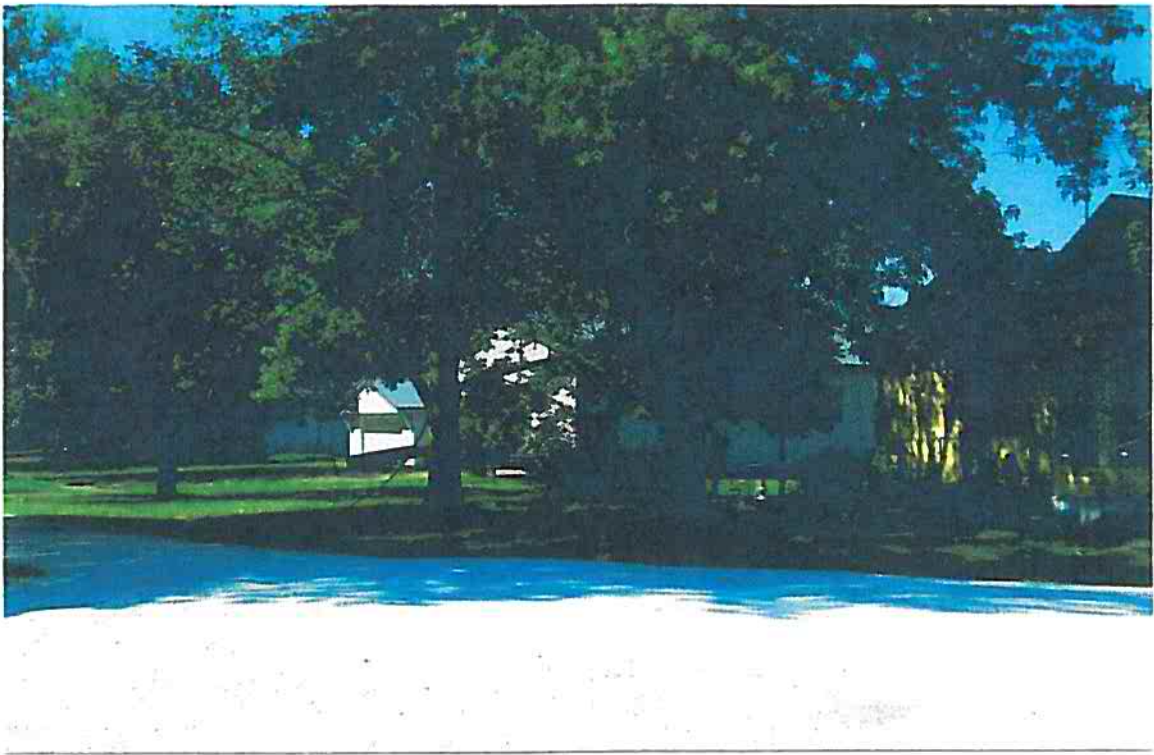
These pictures are response to Renee Willcoxon's comment: They can't see their sheds from their house. They have trees to block them. All three pictures were taken from my kitchen door.



These pictures are in response of Lucy Sparks' comment: All I can see from my patio is their shed. The top picture is from her side and the other from ours.



These pictures are in response to comments said about how bad are sheds looked. The top two pictures are of sheds on the property north of us where Lucy Sparks lives and is owned by her daughter and son-in-law who live in New Hampshire. The third picture is the shed on Renee Willcoxon's property. The fourth picture is of the sheds that are on Lucy Sparks' property on Franklin St



These pictures are in response to Renee Willcoxon's comment: When I come out my front door all I can see is their shed. The top picture was taken from the street in front of their front door. The second picture was taken from our side by the big shed.



These pictures are in response to Renee Willcoxon's comment: Their buildings set on the property line. The top picture shows are building are five and seven feet from the property line and in compliance with zoning regulations. The second picture is the building setting on the property where Lucy Sparks lives and owned by her daughter & son-in-law who live in New Hampshire and it is only a foot or so off the property line.

These pictures are response to Renee Willcoxon and Lucy Sparks' comments about our trailers (overflow). The first six pictures are of our trailers and tractor which are all in working condition, set on our property and all the trailers have up to date licenses plates and stickers. The last four pictures are of vehicles that belong to Renee Willcoxon. The trailer has no license plate, the car plate expired in May, the little camper has no up to date sticker and the big camper has no licenses plate and they all set on the township right of way.









These are houses across from us on East St. that Lucy Sparks and Renee Willcoxon included in their picture packet. We are confused as to what they represent, but the owners have all signed our petition in favor of us putting up a shed.



These pictures are response to comments about two houses being empty on East St and making it sound like we were responsible because we wanted to put up a shed. The top picture is the house south of us and borders our property. It is in foreclosure and has been empty for over a year. The bottom picture is of a house across the street to the north and also is in foreclosure and has been empty for sometime.



This is response to the comment that one person across from us on East St. was going to move and making it sound like we were responsible. The owners were going thru a divorce and the house was put on the market. One of them bought the house and is taking it off the market and is going to live there. This person has also signed petition.

To clarify a comment that was made about the person who lives north of us, Sandy Curtis, and would be right across from the shed we want to put up, that she wouldn't like it or something to that fact. She has also signed our petition.



These pictures are of other sheds in Penfield.



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AUG 23 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1
2 **6. New Public Hearings**
3

4 **Case 720-V-12 Petitioner: Robert Dorsey and Elizabeth Buck Request to authorize the following in**
5 **the R-2 Single Family Residence Zoning District: Part A. Variance from Section 4.2.1G. requirement**
6 **that no accessory use or structure be established prior to a main or principal use or structure; and**
7 **Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the**
8 **maximum 15 feet. Location: Lots 4, 5, 6, 7 and 8 of Block 4 of S.H. Busey's First Addition to the**
9 **Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly**
10 **known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly**
11 **known as 216 East Street, Penfield.**
12

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

22 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
23 sign the witness register for that public hearing. He reminded the audience that when they sign the
24 witness register they are signing an oath.
25

26 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.
27

28 Ms. Elizabeth Buck, 209 Main Street, Penfield, stated that they desire to place a shed on their property. She
29 said that they own five lots which consist of three lots on one side and two on the other side of the alley.
30 She said that when they inquired about building a shed on the property they did not realize that the zoning
31 regulations require that a home be on the property. She said that at one time there was a house on the
32 property but it had been vacant for several years and rather than investing money in to the house by fixing it
33 up they had the house torn down.
34

35 Mr. Thorsland asked if staff or the Board had any questions for Ms. Buck.
36

37 Mr. Hall asked Ms. Buck if they tore down the other house to clean up the property.
38

39 Ms. Buck stated that the old house that burned was torn down and cleaned up prior to their purchase.
40

41 Mr. Passalacqua asked Ms. Buck if the shed which is on the property currently received a variance for
42 height. He said that it appears that there are two sheds on the lot currently.

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1
2 Ms. Buck stated yes. She said that the one lot is empty and the other two lots to the south have a shed and
3 garage on them. She said that they purchased a camper which will not fit in the shed because it is too tall
4 and they have equipment and supplies which need to be put inside.
5

6 Mr. Thorsland called John Hall to testify.
7

8 Mr. John Hall, Zoning Administrator, stated that until two months ago staff has never suggested that
9 someone apply for a variance from the requirement that there be a dwelling before building a shed. He said
10 that the petitioners have been trying to get this shed built for over one year and they discussed vacating the
11 alley with the Compromise Township Highway Commissioner and it is not his decision. Mr. Hall stated that
12 the Compromise Township Highway Commissioner indicated that people have tried unsuccessfully to have
13 an alley vacated in the past and personally the Highway Commissioner thought that it was a bad precedent to
14 start vacating alleys. Mr. Hall stated that he finally decided that while he would never encourage one to seek
15 a variance for an accessory building on the opposite side of the street, because those conditions are not
16 desirable, in this instance it is not across the street but across a dedicated alley that is only 14 feet wide. He
17 said that he hopes that the Board can find that the limitations that arise from the alley bisecting the property
18 are materially different than if it were a street with a 60 foot wide right of way and 20 feet of pavement and
19 cars going through it whenever they took a notion. He said that if the Board reviews the Table of
20 Authorized Uses they will not find a shed or an accessory building because they are not an authorized
21 principal use. He said that some may argue that this variance is prohibited because the Board would be
22 authorizing an accessory building as a principal use but the decision is up to the Board but he does not
23 believe this case is requesting that. He said that he does not want to make this request seem like it is a
24 simple little variance because it is not and he does not believe that the ZBA has ever been presented with as
25 complex a variance as this request. He said that the petitioners are basically requesting that they be allowed
26 to put up a new garage on their property on the other side of the alley. He said that legally the lots which are
27 located on the other side of the alley are a different zoning lot and could not be considered as part of the lot
28 area in determining the minimum lot area. He said that the Highway Commissioner was asked if a 20 foot
29 length of the alley could be vacated so that there would be a fig leaf connection or not vacate it but put in an
30 easement so that the trucks can be driven through the alley to plow snow and the Highway Commissioner
31 stated no. Mr. Hall stated that this is a serious variance that the Board need to be comfortable with and the
32 Summary of Evidence and Finding of Fact needs to be established so that when some future person, when
33 they request allowance to build a shed on the opposite side of the street from their property, will be able to
34 review this finding and know what to expect.
35

36 Mr. Passalacqua asked if the 10 x 12 structures were also storage sheds.
37

38 Ms. Buck stated yes.
39

40 Mr. Passalacqua asked Ms. Buck if the intention is to remove some of the smaller sheds once the larger shed
41 is constructed. He asked if there is a limit on the amount of sheds which are allowed on the property.
42

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1 Mr. Hall stated that there is a limit on lot coverage but the petitioners are not near that limit at this point.

2
3 Mr. Thorsland asked if all of the sheds count for lot coverage.

4
5 Mr. Hall stated yes. He asked Ms. Buck if they would keep all of the sheds on the property once the larger
6 shed was constructed.

7
8 Ms. Buck stated that they would probably keep the sheds because they have invested money into them.

9
10 Mr. Thorsland read the proposed special condition as follows:

11 **A. The Variance shall be deemed void if any of the following occur: (1) If the petitioners**
12 **sell either the current home, or the garage property to a buyer who does not also**
13 **purchase the other property; and (2) If at least a 20 feet length of the alley between the**
14 **relevant properties is ever vacated; and (3) If any building on the eastern portion of the**
15 **property is ever converge to include a dwelling unit with a septic system.**

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

17 **That the variance is void should it not ever be necessary and ensures that the properties**
18 **will be in common ownership.**

19
20 **B. The garages on the subject property shall not be rented out as storage space.**

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

22 **That the storage buildings on the subject property do not become warehouses of any**
23 **kind, which are not authorized in the R-2 Zoning District.**

24
25 Ms. Buck agreed to the special condition as read.

26
27 Mr. Hall stated that if the petitioners do find someone in the future who is interested in purchasing the
28 property to the east and someone else purchasing the property to the west to place a house upon then that
29 would be an allowed sale. He said that the condition needs to provide for such a situation and the best way
30 to end this finally would be for someone to put a house on the east side.

31
32 Ms. Buck stated that if they both pass away their kids could still have the option to sell the properties.

33
34
35 Mr. Hall stated that in the event that the kids could find a buyer for one part and then the other then that
36 would be fine if they placed a house on the lot with the shed.

37
38 Ms. Capel stated that if homes were not placed on the lots with the accessory buildings then the entire
39 property would have to be sold and used as the Buck's intend to use the property currently.

40
41 Mr. Thorsland stated that a provision should be included in the condition that would allow for concurrent
42 sale of the two properties provided that the one lot includes a principal use.

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1
2 Mr. Courson asked how such a condition would be enforced so that a potential buyer would be aware of the
3 special condition. He said that if the current owners passed away and the property was sold off as four
4 pieces of property to two different buyers they could come before the Board claiming ignorance.
5

6 Mr. Hall stated that the Board could require that a miscellaneous document be filed with the Recorder
7 of Deeds but he believes that in a small setting like Penfield that people will find out and if a house is not
8 placed on the property then it is a violation.
9

10 Mr. Thorsland stated that with the minimal recording fee that would be charged he would be in favor of
11 recording a miscellaneous document.
12

13 Mr. Hall stated that staff will revise the special condition.
14

15 Mr. Thorsland asked if staff or the Board had any additional questions for Ms. Buck and there were none.
16

17 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck and there was no one.
18

19 Mr. Thorsland called Robert Dorsey to testify.
20

21 Mr. Robert Dorsey, who resides at 209 Main Street, Penfield, stated his wife covered everything and he had
22 no new testimony to add at this time.
23

24 Mr. Thorsland asked if staff had any questions for Mr. Dorsey and there were none.
25

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

28 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Dorsey and there was no one.
29

30 Mr. Thorsland called Lucy Sparks to testify.
31

32 Ms. Lucy Sparks, who resides at 202 Busey, Penfield, stated that her home is next door to the subject
33 property. She said that her son-in-law owns her residence and when he received his letter he requested that
34 she attend the meeting to ask questions about the request. She said that the subject property is behind
35 Sandy Curtis' house and not the Buck's house and the shed will be so large that a home cannot be built on
36 the same lot. She said that if the shed is constructed there will be a double garage and two sheds which will
37 compromise the integrity of the neighborhood because it will appear commercial. She asked if the property
38 could be sold to someone for a commercial use or could the property be used for commercial use. She said
39 that her son-in-law is concerned that the shed might reduce the property values or increase the taxes of the
40 neighborhood because it would appear commercial. She said that she has lived at her residence since 1976
41 and people move to Penfield because it is very nurturing and everyone knows everyone else and she is
42 concerned about how the shed may change the nurturing appeal of the neighborhood.

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1
2 Mr. Hall stated that the conditions that were proposed in the memorandum are intended to deal with a lot of
3 Ms. Sparks' concerns but the conditions will not make the building look like anything different than a huge
4 shed.

5
6 Ms. Sparks stated that the petitioners call the structure a shed but it is a huge building that is 18 feet tall and
7 there is another huge shed next to it and a double garage next to the first shed. She said that the property is
8 going to look very commercial.

9
10 Mr. Hall stated that the aesthetics is one of the results of a variance like this although no one is supposed to
11 be using the proposed shed for a business and he does not believe that the petitioners have that intention.
12 He said that if someone in the future they have the intention to use the shed as a business they will be
13 stopped by the County.

14
15 Mr. Thorsland stated that the variance will not allow the shed to be a commercial use but it won't stop
16 anyone from attempting to do something that they are not allowed to do.

17
18 Mr. Sparks stated that the variance will also not change the look of the shed. She asked if the property
19 values of the neighborhood will change.

20
21 Mr. Thorsland stated that discussion regarding property values is not the venue of this Board.

22
23 Mr. Hall asked if there is anything that she would suggest which would reduce the appearance of the shed
24 as a commercial building or is it just the fact that the building is large and that it is not a home.

25
26 Ms. Sparks stated that the building is so large that there will not be any room for a house.

27
28 Mr. Thorsland stated that it is common for some buildings to have an apartment inside of the building. He
29 said that an apartment inside of the building would not change the overall appearance of the building but it
30 would become a conforming structure.

31
32 Ms. Sparks asked if there would be continued overflow such as trailers, trucks, etc.

33
34 Mr. Thorsland stated that perhaps she should discuss her concerns with the property owners outside of this
35 public hearing so that she can gain answers to her questions. He asked Ms. Sparks if landscaping or
36 screening would assist her concerns about the appearance of the building.

37
38 Ms. Sparks stated that she is sure that it would help. She asked if the smaller sheds would remain on the
39 property.

40
41 Mr. Thorsland stated that Ms. Buck indicated that the sheds would remain on the property.
42

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1 Mr. Hall stated that if the height of the building is the concern then trees would assist with that concern
2 although they do not grow overnight and it could take ten years before the trees shield the view of the
3 building. He said that the trees would be a condition therefore if the first planting died then the trees would
4 have to be replanted.

5
6 Mr. Thorsland asked if staff had any additional questions for Ms. Sparks and there were none.

7
8 Mr. Thorsland asked the Board if there were any questions for Ms. Sparks and there were none.

9
10 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Sparks and there was no one.

11
12 Mr. Thorsland called Renee Willcoxon to testify.

13
14 Ms. Renee Willcoxon, who resides at 121 East Street, Penfield, stated that she lives on the corner of Main
15 Street and East Street. She said that she can see the subject property and the existing structures from her
16 yard. She said that she and her husband have done extensive improvements to their home and they have put
17 their entire life savings into their property. She said that she does not like the existing sheds that are already
18 on the subject property. She said that there is a total of five sheds that can be seen from the alley as well as
19 the large utility shed and the double car garage. She said that no one lives on the south side of the property
20 that can contest. She said that one of the properties across the street is for sale and the other is anticipating
21 moving. She said that she does not want to cause any bad feelings between herself and her neighbors but
22 she does not want to see another large shed on the subject property. She said that her mother receives letters
23 about property in town that she owns regarding its condition and they are attempting to clean it up. She
24 said that she has put over \$60,000 into her own property to improve it therefore she is concerned about the
25 properties that are around her.

26
27 Ms. Willcoxon stated that the petitioners have a lot of bricks, sand and tractors on the subject property and
28 she is concerned that once this proposed shed is constructed the petitioners may ask for even something
29 more. She said that she is sure that if this was her property someone would probably be at the microphone
30 requesting the same things. She asked when the requests will end for this property. She said that from
31 where the petitioner's house is located they have a row of trees that block the view of the sheds but when
32 she walks out her front door she can see the sheds.

33
34 Mr. Thorsland asked if staff had any questions for Ms. Willcoxon.

35
36 Mr. Hall asked Ms. Willcoxon if the planting of more trees to obscure the view of the shed would help her
37 concerns.

38
39 Ms. Willcoxon stated that the planting of trees would help but those trees would have to be planted along the
40 west side of East Street.

41
42 Mr. Thorsland asked Ms. Willcoxon if the trees were required would it help screen the property from her

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1 view.

2

3 Ms. Willcoxon stated that if the trees blocked her view of the subject property then yes.

4

5 Mr. Courson informed Ms. Willcoxon that photographs would assist the Board in understanding her
6 concerns.

7

8 Ms. Willcoxon stated that she does have photographs to submit which indicate her concerns. She submitted
9 the photographs as Documents of Record.

10

11 Mr. Thorsland asked if staff had any questions for Ms. Willcoxon and there were none.

12

13 Mr. Thorsland asked the Board if there were any questions for Ms. Willcoxon and there were none.

14

15 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Willcoxon and there was no one.

16

17 Mr. Thorsland entertained a motion for a ten minute extension of the meeting.

18

19 **Mr. Courson moved, seconded by Mr. Passalacqua to extend the meeting to 10:10 p.m. The motion**
20 **carried by voice vote.**

21

22 Mr. Thorsland called Betty Buck and Robert Dorsey back to the witness microphone.

23

24 Mr. Passalacqua stated that from the testimony received tonight it appears that there are materials that are
25 conducive to a work environment. He asked Ms. Buck if there was a business operating in the building.

26

27 Ms. Buck stated no. She said that they want the building to store the materials that were discussed. She said
28 that she had a brick sidewalk that she removed and she has the bricks piled up and hasn't had a chance to
29 pick them up.

30

31 Mr. Passalacqua stated that he just wanted to clarify whether the materials were for personal or commercial
32 purposes.

33

34 Mr. Courson asked Ms. Buck if the existing shed is a pole barn type structure.

35

36 Ms. Buck stated yes.

37

38 Mr. Courson asked Ms. Buck if she investigated altering the existing shed to store the camper.

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40 Ms. Buck asked Mr. Courson to clarify.

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42 Mr. Courson stated that the existing shed's roof could be raised to accommodate the camper.

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

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Ms. Dorsey stated that it would cost as much to raise the roof on the existing shed as it would to build a new building.

Mr. Courson stated that raising the roof is a possibility and is not uncommon therefore he wondered if the petitioners had investigated this option.

Mr. Thorsland stated that even if they raised the roof of the building the petitioner would still be before the Board with a variance request.

Mr. Hall stated that he understands Mr. Courson's point but the petitioners would require a variance for height although it would be a variance on a nonconforming structure in lieu of a new shed and it would be a better variance in that regard, if it were possible.

Mr. Courson stated that raising the roof of the shed would require less insurance, fewer property taxes, etc. although he understands that the petitioners require more room for storage.

Mr. Thorsland asked if staff had any additional questions for Ms. Buck or Mr. Dorsey and there were none.

Mr. Thorsland asked the Board if there were any questions for Ms. Buck or Mr. Dorsey and there were none.

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck or Mr. Dorsey and there was no one.

Ms. Capel asked Mr. Hall if all of the small sheds are conforming.

Mr. Hall stated yes. He said that the subject property is in a residential district therefore the yards requirements are less than those in the agricultural districts.

Mr. Thorsland entertained a motion for a continuance to the September 13, 2012, meeting.

Mr. Courson moved, seconded by Mr. Palmgren to continue Case 720-V-12 to the September 13, 2012, meeting. The motion carried by voice vote.

Mr. Hall asked the Board if there was any information that they would like to review prior to the next public hearing for this case.

Mr. Courson stated that he would like to see a plan for screening.

Mr. Thorsland stated that perhaps staff should discuss screening options with the petitioner.

Mr. Hall asked the Board if they would like to see any cost estimates regarding raising the roof of the

Excerpt of Approved July 12, 2012 Minutes for Case 720-V-12

1 existing building.

2
3 Mr. Courson stated no, because the petitioners have indicated that they require additional storage space.

4
5 Mr. Courson asked Mr. Hall if there will be a driveway up to the shed or will it be a grassy area.

6
7 Mr. Hall stated that he assumes that there will be a driveway.

8
9 Mr. Dorsey stated that there will be a driveway off of Main Street.

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720-V-12

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: ~~July 12, 2012~~ September 13, 2012

Petitioners: **Robert Dorsey and Elizabeth Buck**

Request: Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 12, 2012, and September 13, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. Elizabeth Buck owns the subject property.
2. The subject property is lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

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 R-2 Single Family Residence, and is in residential use.
 - B. Land to the north of the subject property is zoned R-2 Single Family Residence, and is in residential use.
 - C. Land to the south of the subject property is zoned R-2 Single Family Residence, and is in residential use.
 - D. Land to the east of the subject property is zoned R-2 Single Family Residence, and is in residential use.
 - E. Land to the west of the subject property is zoned R-2 Single Family Residence, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject property:
 - A. The subject property is 42,900 square feet (.98 acre) in area and consists of five non-conforming lots of record that are separated by a dedicated alley. The property is therefore actually two zoning lots. The western lot is 17,160 square feet in area. The eastern lot is 25,740 square feet in area.
 - B. The Site Plan received May 22, 2012, includes the following:
 - (1) The following has been indicated on the western lot:
 - (a) An existing house with a detached garage and shed.

- (2) The following has been indicated on the eastern lot:
 - (a) An existing 42' × 56' shed that is 16' 6½" in height and was authorized by Case 633-AV-06 and Zoning Use Permit 192-05-01.
 - (b) Five small portable sheds
 - (c) A proposed 40' × 56' shed (Parts A and B of this case).
 - (d) An existing 24' × 24' garage.

C. A Screening Plan was received on September 6, 2012, and indicates the following:

- (1) Three proposed Eastern White Pine trees along the north property line between the proposed shed and the property line.
- (2) Two existing trees on the neighboring property and one tree fronting the subject property.

E. D. The requested variance is as follows:

- (1) Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.
- (2) Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.

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) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.

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- (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) "AREA, LOT" is the total area within the LOT LINES.
 - (5) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located. **(Note: The Ordinance does not define principal use)**
 - (6) "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.
 - (7) "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.
 - (8) "LOT LINES" are the lines bounding a LOT.
 - (9) "NONCONFORMING LOT, STRUCTURE, OR USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
 - (10) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (11) "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.
- "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (12) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

- (13) "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.
 - (14) "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.
 - (15) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Section 4.2.1 G. states: No ACCESSORY USE shall be established prior to the establishment of the main or principal USE, and no ACCESSORY STRUCTURE shall be CONSTRUCTED, erected, ALTERED, remodeled, extended or moved prior to the establishment or CONSTRUCTION of the MAIN or PRINCIPAL STRUCTURE except those ACCESSORY USES and STRUCTURES of a temporary nature required for the establishment of the main or principal USE, or for the CONSTRUCTION of the MAIN or PRINCIPAL STRUCTURE.
- C. Footnote 4 of Section 5.3 states": That the maximum HEIGHT of a residential ACCESSORY BUILDING shall be 15 feet on LOTS less than one acre in area and 24 feet on LOTS one acre or more in area.
- 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.
 - (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.

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- (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, **“We have a home on the west side of the property. Four of the five lots join in the middle of the alley and three lots join on the east side and 2 join on the west side.”**
 - B. Regarding Part A of the variance:
 - (1) The subject property is 42,900 square feet (.98 acre) in area and consists of five non-conforming lots of record that are separated by a 14 feet wide dedicated alley. The property is therefore actually two zoning lots. The western lot is approximately 17,424 square feet in area. The eastern lot is approximately 25,476 square feet in area.
 - (2) These NONCONFORMING LOTS of RECORD are in common use and the alley poses no significant obstruction to that use. A 14 feet wide alley is an area where home owners and the occasional maintenance vehicles travel, not an area where thru traffic travels.
 - (3) Both the petitioner and the Zoning Administrator have inquired with the Township Highway Commissioner about the possibility of vacating at least a 20 feet long portion of the alley and replacing that part of the alley with an easement but the Township Highway Commissioner was doubtful that the township would agree to vacate any part of the alley.

- (4) At the July 12, 2012, public hearing Elizabeth Buck, petitioner testified and that testimony can be summarized as follows:
- (1) There was once two homes on the property, but one was tore down because they preferred to tear it down rather than investing money into it. The other home had burned and was torn down before they had purchased the property.
- (2) They have purchased a camper which will not fit into the other shed on the property because it is too tall.
- (3) They have additional equipment and supplies which require storage.
- (4) They intend to keep all other existing sheds on the subject property because they have invested money into them.

C. Regarding Part B of the variance:

- (1) The petitioner was previously granted an Administrative Variance in Case 633-AV-06 for a shed of 16' 6½" in height on the same property.
- (2) At the July 12, 2012, public hearing Elizabeth Buck, petitioner, testified and is summarized as follows:
- (1) Raising the roof of the existing 42' × 56' shed would cost just as much as it would to build a new building.
- (2) They have purchased a camper which will not fit into the other shed on the property because it is too tall.
- (3) They have additional equipment and supplies which require storage.

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, **"We would have to include a minimal dwelling unit in the shed, which would double the cost. We cannot afford that and we would have no use for it. Also if the building is kept to an average height of 15 feet we wouldn't be able to get our camper in which is the main reason for the shed."**

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B. Regarding Part A of the variance:

- (1) Two homes once existed on the subject property. There was a home on the south side of the property where one of the petitioners lived. This home had been vacant for many years and has since been torn down because the petitioners did not want to invest the money to repair it. Another home existed on the property where the proposed shed is to be built, but it was damaged in a fire and was ~~torn~~ tore down after before the petitioners purchased the property. The proposed new shed is to be constructed in the area where the home damaged by a fire once stood.
- (2) In order to have an accessory building on a property a principal use has to be established before an accessory use can be constructed or at the same time. If the petitioners had left ~~one of the homes~~ home on the east property the only variance necessary would be for height.
- (3) The petitioners intend to store their camper in the proposed shed and without Part A of the variance the camper will continue to be stored outdoors.
- (4) The lots are under common ownership but they are bisected by a 14 feet wide dedicated alley which creates the condition of not being considered one zoning lot. A 14 feet wide alley is an area where home owners and the occasional maintenance vehicles travel, not an area where thru traffic travels.

C. Regarding Part B of the variance:

- (1) Without Part B of the variance the camper would not be able to be stored in the shed because it would be too tall to fit into the shed.
- (2) At the July 12, 2012, public hearing Elizabeth Buck, petitioner, testified that raising the roof of the existing 42' × 56' shed would cost just as much as it would to build a new building.
- (3) If the petitioners were to raise the roof of the existing 42' × 56' shed it would require the same variance being sought in Part B of this case.

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, **“We did not know you had to have a residence on the property to build the shed and we tore down the old house that was there.”**

- B. There was a home on the south side of the property where one of the petitioners lived. This home has since been torn down because it had been vacant for several years and rather than fixing it up the petitioners chose to demolish the home.
- C. Another home existed on the property where the proposed shed is to be built, but it was damaged in a fire and was tore down before the petitioners purchased the property.

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, **“Improves the looks of neighborhood, by letting us store our camper trailers and other items that would set outside.”**
 - B. Regarding Part A of the variance:
 - (1) Variance from Section 4.2.1G. requirements is a 100% variance.
 - (2) The requested variance is apparently not prohibited by the *Zoning Ordinance*, but this part of the variance is almost the same thing as authorizing a shed as a principal use and a “shed” or “personal storage building” is not an authorized principal use in the Section 5.2 Table of Authorized Principal Uses.
 - (3) The lots are under common ownership but they are bisected by a 14 feet wide dedicated alley which creates the condition of not being considered one zoning lot. A 14 feet wide alley is an area where home owners and the occasional maintenance vehicles travel, not an area where thru traffic travels.
 - C. Regarding Part B of the variance:
 - (1) A height of 18.5 feet for an accessory structure in lieu of the maximum height of 15 feet is 123% of the maximum allowed.
 - (2) 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, **“Lot is in the middle of block and building would not cause any vision problem with the street, sidewalks, or driveways.”**

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- B The Township Highway 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.
- D. Testimony at the July 12, 2012, public hearing from neighbors who had concerns or were opposed to the variance, can be summarized as follows:
- (1) At the July 12, 2012, public hearing Lucy Sparks, 202 Busey Street, Penfield, neighbor to the subject property testified, and that testimony can be summarized as follows:
- (a) She lives in the home owned by her son-in-law next door to the subject property.
- (b) If the shed is constructed there will be a double garage and two sheds which will compromise the integrity of the neighborhood because it will appear commercial.
- (c) Her son-in-law is concerned that that the shed might reduce property values or increase the taxes of the neighborhood because it would appear commercial.
- (d) She has lived in the home since 1976 and people move to Penfield because it is very nurturing and everyone knows everyone else and she is concerned about how the shed may change the nurturing appeal of the neighborhood.
- (e) Screening or landscaping would help relieve some of her concerns about the appearance of the shed.
- (2) At the July 12, 2012, Renee Wilcoxon, 121 East Street, Penfield, testified and that testimony can be summarized as follows:
- (a) She can see the subject property and the existing structures from her yard.
- (b) She does not like the existing sheds that are already on the subject property. There are a total of five sheds that can be seen from the alley as well as the large utility shed and the double car garage.
- (c) She has put \$60,000 into her own property to improve it therefore she is concerned about the properties that are around her.

(d) From where the petitioner's house is located they have a row of trees that block the view of the sheds but when she walks out her front door she can see the sheds.

(e) The planting of trees would help but those trees would have to be planted along the west side of East Street.

F. On August 23, 2012, the petitioners submitted a petition of support with the following signatures of Penfield residents and landowners:

- (1) Robert Kettner, 205 East Street, Penfield.
- (2) Robert Hendrich, 314 West Street, Penfield.
- (3) Sandy Curtis, 205 Main Street, Penfield.
- (4) Lindsey Saathoff, 304 South Street, Penfield.
- (5) Harlan Dillman, 109 Franklin Street, Penfield.
- (6) Debra Nale, 108 Franklin Street, Penfield.
- (7) Carla Philips, 116 Franklin Street, Penfield.
- (8) Robert Rawlings, 116 East Street, Penfield.
- (9) Josh and Nicole Faulkner, 209 East Street, Penfield.
- (10) Donald Buck, 225 Franklin Street, Penfield.
- (11) William Wernigk and Patricia Junkin-Wernigk, 222 Franklin Street, Penfield.
- (12) Brittani Stalter, 222 Franklin Street, Penfield.
- (13) Dale and Nancy Stamm, 209 South Franklin Street, Penfield.
- (14) Brian Wernigk, 222 Franklin Street, Penfield.
- (15) David Henney, 221 South Franklin Street, Penfield.
- (16) Jennifer Kilhoffer, 221 South Franklin Street, Penfield.
- (17) Randall Zinder, 308 East Busey Street, Penfield.
- (18) Dennis Reed, 213 East Street, Penfield.
- (19) Walter Cher, 421 Walnut Street, Penfield.
- (20) Sandy Weaver, 327 East Street, Penfield.
- (21) Bob Miles, 214 Main Street, Penfield.
- (22) Julian Ellis, Busey Street, Penfield.
- (23) Delmar Johnson, 221 South Street, Penfield.
- (24) Melquiades Salcido, 301 West Street, Penfield.
- (25) Richard and Phyllis Willfong, 401 South East Street, Penfield.
- (26) Jim Evans, 404 East Street, Penfield.
- (27) Bobbette Asbury, 301 East Street, Penfield.
- (28) Jamie Asbury, 324 East Street, Penfield.
- (29) John W. Birch, 405 Elm Steet, Penfield.
- (30) Sandy Bishop, 112 Elm Street, Penfield.
- (31) Mark Richardson, 320 Main Street, Penfield.
- (32) Christine Rowland, 221 East Street, Penfield.

- (33) Raul San Miguel, 204 Main Street, Penfield.
- (34) Rick Johnson, 307 Busey Street, Penfield.
- (35) John D. Reardon, 113 East Street, Penfield.
- (36) Brenda Todd, 224 East Street, Penfield.
- (37) Royce M. Wolfe, 224 East Street, Penfield.
- (38) Kenneth E. Mizell, 124 Busey Street, Penfield.
- (39) Paul Ray, 324 Elm Street, Penfield.
- (40) Bianka Lowther, 401 Elm Street, Penfield.
- (41) Amanda O'Brien, 107 Walnut Street, Penfield.
- (42) Phillip Zindars, 401 South Main Street, Penfield.
- (43) Richard J. Early, 150 Busey Street, Penfield.
- (44) Billy and Shelia Bions, 201 West Street, Penfield.
- (45) Mike Trione, 109 East Street, Penfield.
- (46) Sam Nale, 108 Franklin Street, Penfield.
- (47) Sheri Kaufman, 106 Walnut Street, Penfield.
- (48) Bill Beenie, 106 Walnut Street, Penfield.
- (49) Barb Little, 404 Main Street, Penfield.
- (50) Katherine M. Schwing, 117 Elm Street, Penfield.
- (51) David Foster, 114 Elm Street, Penfield.
- (52) Kevin Foster, Penfield.
- (53) Michelle Cler, 305 Elm Street, Penfield.
- (54) Clara Titler, 105 Franklin Street, Penfield.
- (55) Jamie Dorsey, 110 Walnut Street, Penfield.
- (56) Dan Stamm, 113 West Street, Penfield.
- (57) Barb Kettler, 205 East Street, Penfield.
- (58) Kenneth W. Grove, 100 Main Street, Penfield.
- (59) Steve Parrish 117 East Street, Penfield.
- (60) Brian Lile, 419 South Main Street, Penfield.
- (61) Jason McNeely, 309 West Street, Penfield.
- (62) Brenda Wilken, 200 Block Walnut, Penfield.
- (63) Linda Monroy, 105 Front Street, Penfield.
- (64) Michael Greg, 102 East Street, Penfield.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. A. **The Variance shall be deemed void is if any of the following occur:**
- (1) **If the petitioners sell either the current home or the garage property to a buyer who does not also purchase the other property, except that concurrent sale of both properties can happen provided the shed property shall have a dwelling.**
 - (2) **If at least a 20 feet length of the alley between the relevant properties is ever vacated.**

- (3) **If any building on the eastern portion of the property is ever converted to include a dwelling unit with a septic system.**

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

That the variance is void should it not ever be necessary or and ensures that the properties will be in common ownership.

- B. The garages on the subject property shall not be rented out as storage space.**

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

That the storage buildings on the subject property do not become warehouses or any kind, which are not authorized in the R-2 Zoning District.

- C. Landscape screening or an eight feet tall opaque fence as indicated on the approved site plan for Case 720-V-12 shall be maintained at all times.**

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

That the proposed shed is properly screened from neighboring properties.

- D. The petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-V-12.**

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

That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.

DOCUMENTS OF RECORD

1. Variance Application received on May 22, 2012, with attachment:
 - A Site Plan

2. Preliminary Memorandum dated July 6, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 22, 2012
 - C Draft Summary of Evidence, Finding of Fact, and Final Determination

3. Photos submitted by Renee Willcoxon at the July 12, 2012, public hearing

4. Petition of support received August 23, 2012

5. Photos with petitioner comments received August 23, 2012

6. Screening Plan received September 6, 2012

7. Supplemental Memorandum dated September 7, 2012 with attachments:
 - A Petition of Support submitted August 23, 2012
 - B Screening Plan received September 6, 2012
 - C Proposed Miscellaneous Document
 - D Photos submitted by Renee Willcoxon at the July 12, 2012, public hearing
 - E Photos with petitioner comments submitted by the petitioners on August 23, 2012
 - F Excerpt of minutes of Case 720-V-12 from the July 12, 2012 public hearing
 - G Revised Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 720-V-12 held on **July 12, 2012, and September 13, 2012**, 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 720-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Dorsey & Elizabeth Buck** to authorize the following in the **R-2 Zoning District**:

Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.

{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. 722-S-12

SUPPLEMENTAL MEMORANDUM

SEPTEMBER 7, 2012

Petitioners: **Dr. Michael Boero**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **4.5 acres**

Time Schedule for Development:
Currently in Operation

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize an equine veterinary surgery clinic and performance problem evaluation facility as a "Veterinary Hospital" as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District.**

Location: **A 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.**

STATUS

This case was continued from the August 16, 2012, meeting and no evidence was presented at that hearing regarding this case.

STATE OF ILLINOIS ACCESSIBILITY REQUIREMENTS

An email from Douglas Gamble, Accessibility Specialist for the Illinois Capital Development Board, was received on August 22, 2012, indicating that the proposed special use does need to comply with Illinois Accessibility requirements. The email from Mr. Gamble has been included as an attachment.

COMPLIANCE WITH ILLINOIS EPA COMPOSTING REQUIREMENTS

A determination from the Illinois Environmental Protection Agency regarding whether or not the petitioner needs to register or comply with composting requirements has not yet been received from IEPA officials.

ATTACHMENTS

A Email from Douglas Gamble dated August 22, 2012

Andrew Kass

From: Gamble, Doug [Doug.Gamble@Illinois.gov]
Sent: Wednesday, August 22, 2012 10:29 AM
To: Andrew Kass
Cc: mjboero@aol.com
Subject: RE: Equine Surgery Center

Hi Andrew and Michael

The use of this building is not exempt from the Illinois Accessibility Code. There should be accessible parking, an accessible route to the building and accessible entry and path through the building. The toilet room should be accessible. The sink in the lab does not need to be accessible. All doors should be 36 inches with lever hardware.

Douglas I. Gamble

Douglas I. Gamble
Accessibility Specialist
State of Illinois
Capital Development Board

3rd Floor Stratton Building
401 South Spring Street
Springfield, Illinois 62706

Phone: (217) 782-8530
FAX: (217) 524-4208

From: Andrew Kass [<mailto:akass@co.champaign.il.us>]
Sent: Wednesday, August 01, 2012 10:55 AM
To: Gamble, Doug
Subject: Equine Surgery Center

Mr. Gamble,

I have given your contact information to Dr. Michael Boero, who has filed an application for a Special Use Permit for an equine surgery center in Champaign County. I gave him your contact information so that he could get in touch with you regarding his operations and to determine if he needs to provide accessible parking and other accessible accommodations. After he contacts you I would appreciate it if you could follow up with me regarding your determination. Thank you.

Sincerely,
Andy Kass

Andy Kass
Associate Planner
Champaign County Dept. of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802
(217) 384-3708
akass@co.champaign.il.us

CASE NO. 725-V-12

PRELIMINARY MEMORANDUM

September 7, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: Daniel Williams

Request: Authorize the following in the CR Conservation-Recreation Zoning District for a Special Use proposed in Case 707-S-12:

- Part A. Variance for a rear yard of zero feet in lieu of the minimum required 25 feet;
- Part B. Variance for a side yard of zero feet in lieu of the minimum required 15 feet;
- Part C. Variance from a minimum separation from a front property line for parking spaces of zero feet in lieu of the minimum required 10 feet, on the following property:

Subject Property: The same 5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.

Site Area: 5.2 acres

Time Schedule for Development: Existing

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

This case is a result of Case 707-S-12, a request for a special use permit to authorize a paintball park that has been operating on the subject property for the past 10 years. The petitioner has requested a 100% variance in Parts A and B of the variance because the Ordinance requires that the obstacles used in the play of paintball not be within the required yards, nor can the play of paintball occur within the required yards. The petitioner has requested a zero feet separation of parking spaces from the front property line because the parking lot for the proposed special use abuts the front property line.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet. Municipalities with zoning do not have protest rights on Variance cases within their ETJ, they do not receive notice of such cases.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Residential	CR Conservation-Recreation
	----- Agriculture	
North	Agriculture	CR Conservation-Recreation
East	Agriculture	CR Conservation-Recreation
West	Agriculture	CR Conservation-Recreation
South	Agriculture	CR Conservation-Recreation

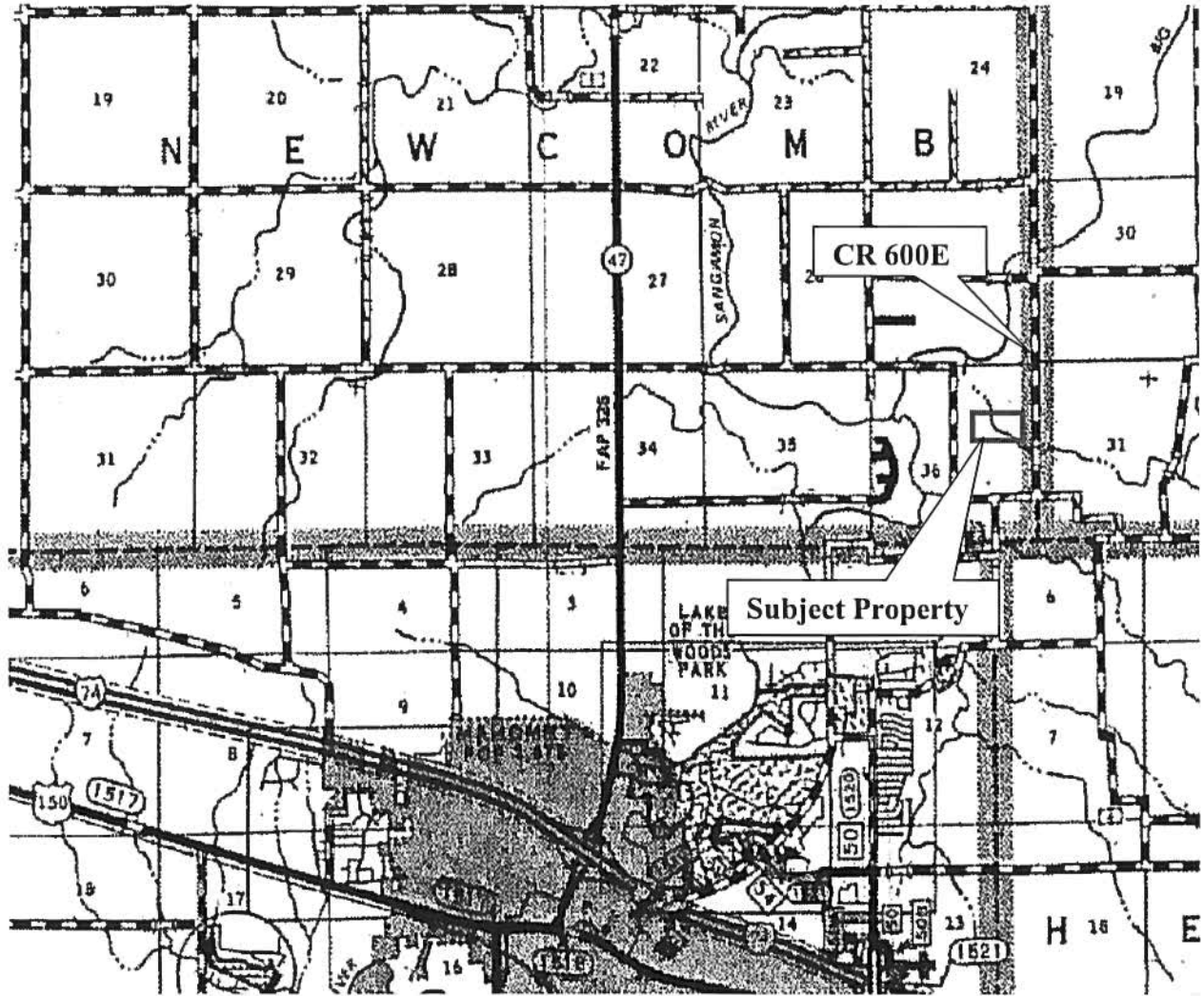
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 13, 2012
- C Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

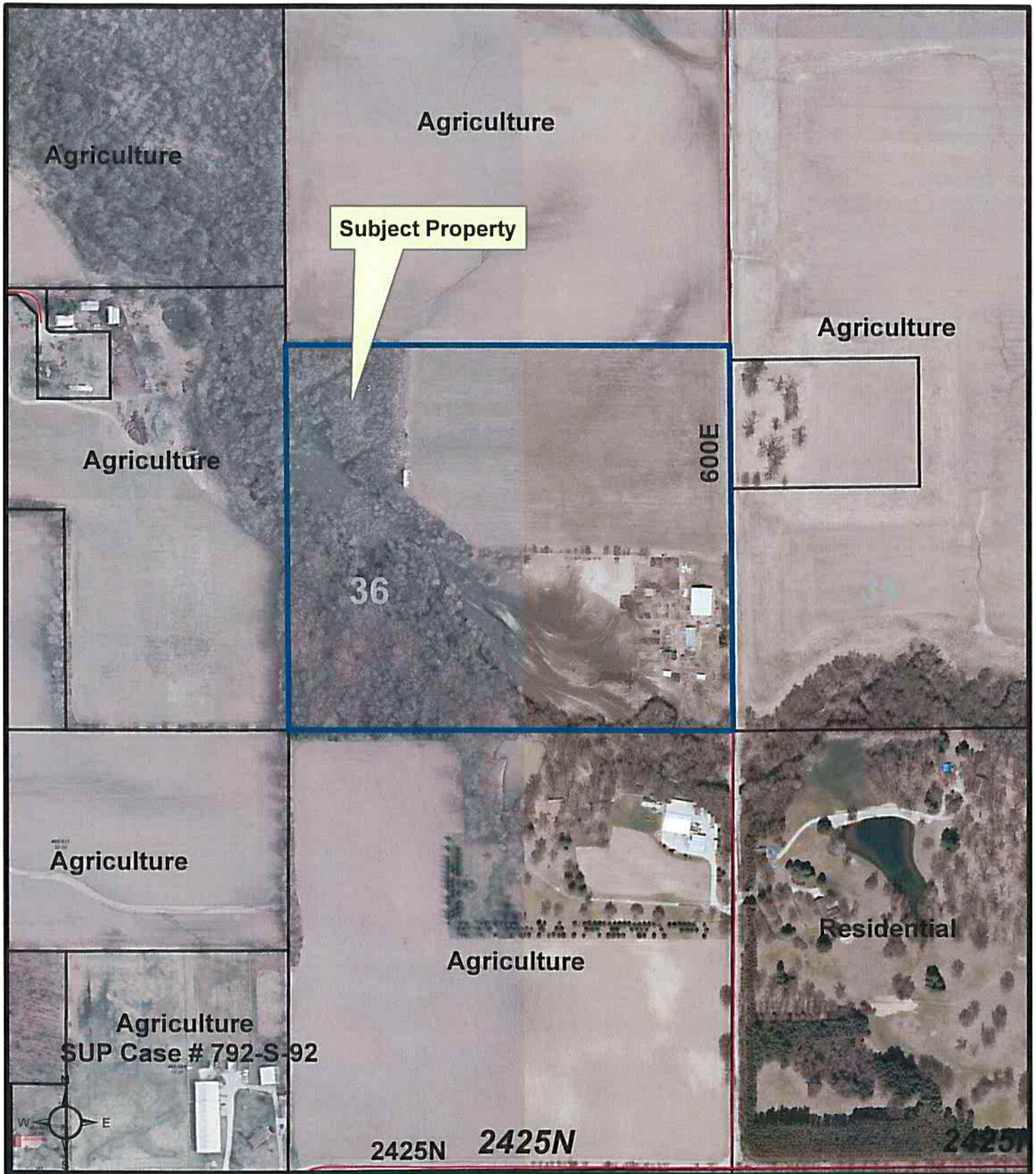
Case 725-V-12


September 7, 2012



Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 725-V-12
September 7, 2012



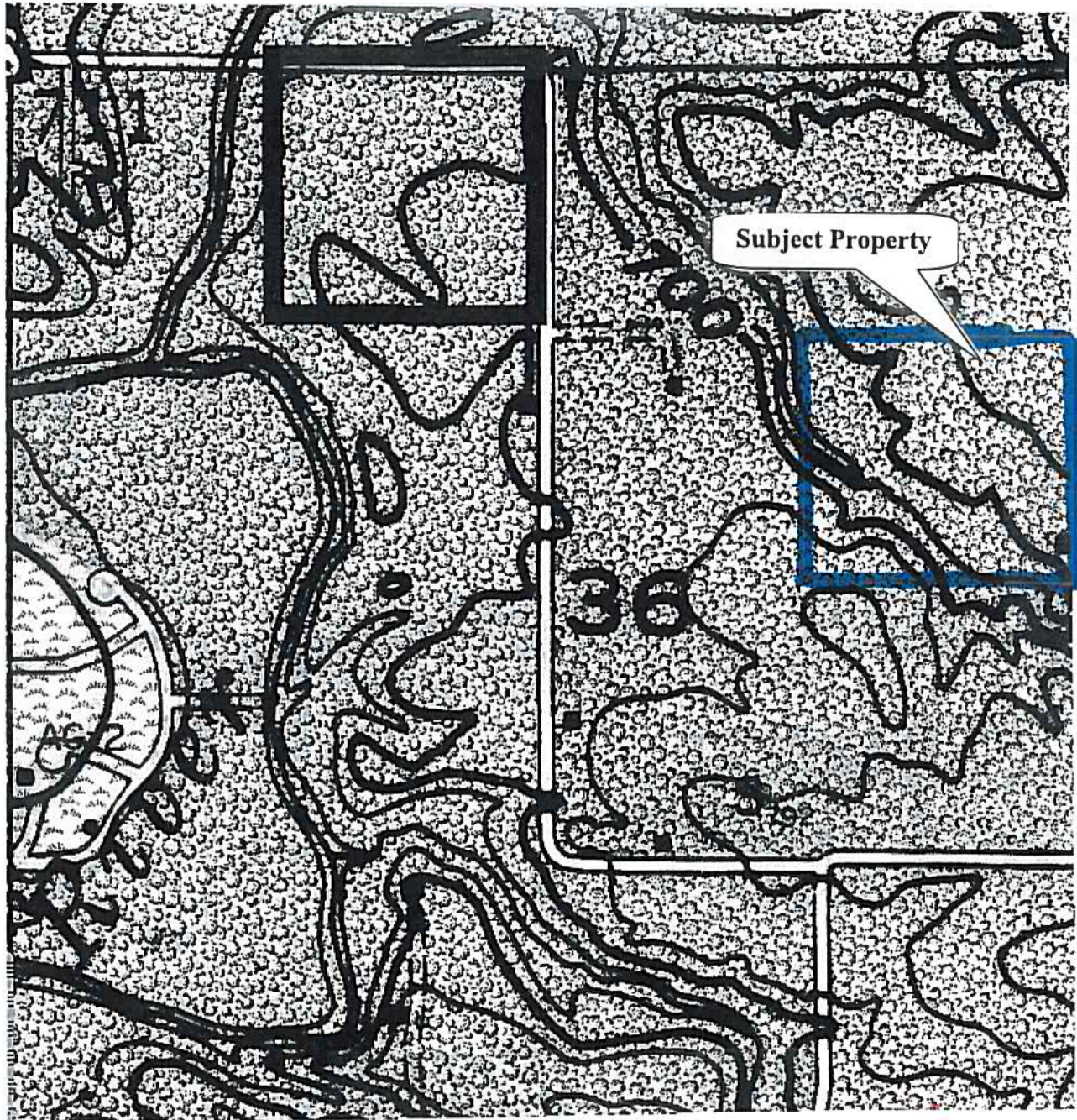
 Subject Property

1 inch = 400 feet

ATTACHMENT A. ZONING MAP

Case 725-V-12

September 7, 2012



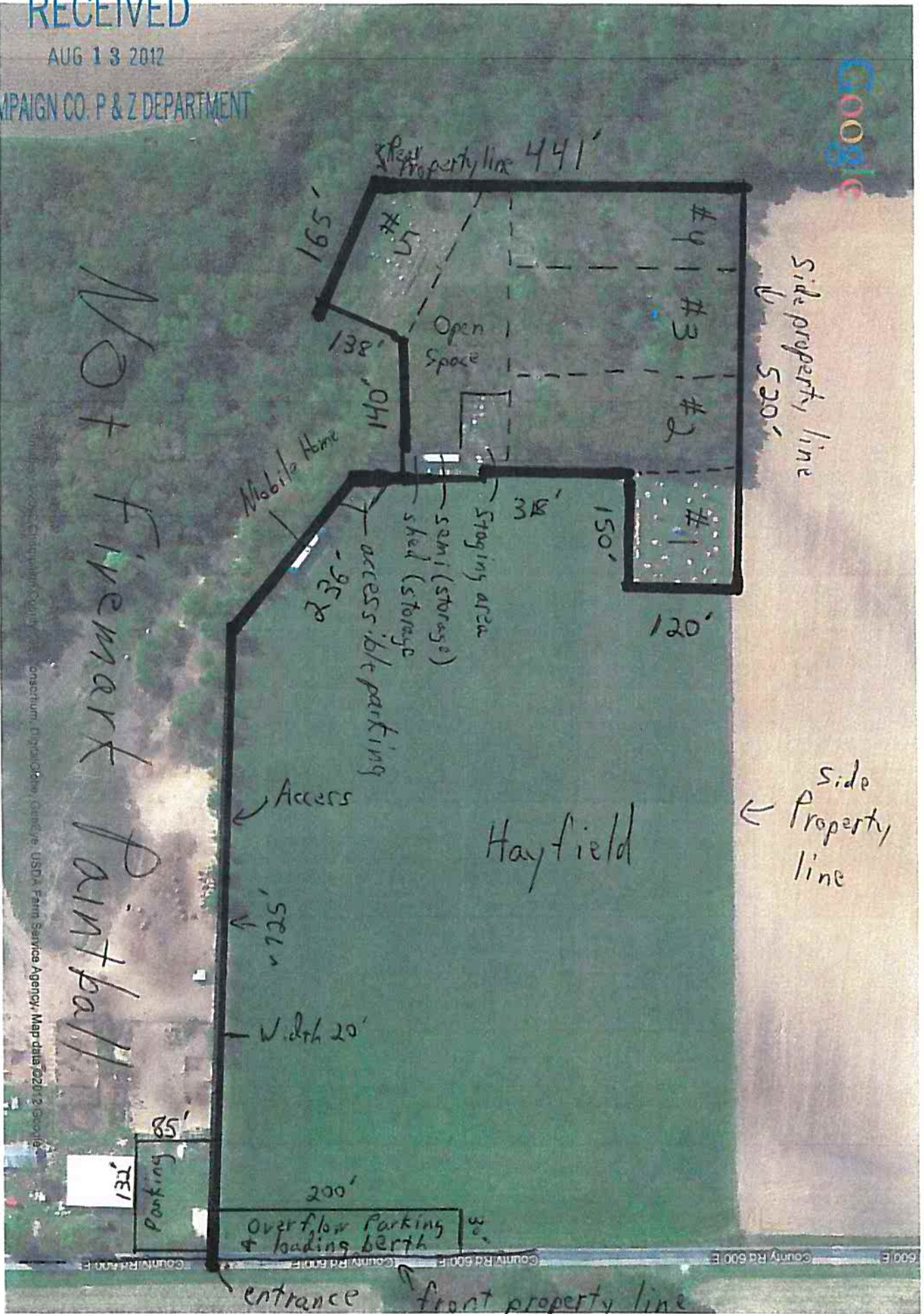
AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Clatsop County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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

RECEIVED

AUG 13 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Not Firemark Paintball



© 2012 Google. All rights reserved. This is a satellite image from Google Maps. The text 'CHAMPAIGN CO. P & Z DEPARTMENT' is visible in the top left corner.

DRAFT

725-V-12

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

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

Date: **September 13, 2012**

Petitioners: **Daniel Williams**

Request: Authorize the following in the CR Conservation-Recreation Zoning District for a Special Use proposed in Case 707-S-12:

- Part A. Variance for a rear yard of zero feet in lieu of the minimum required 25 feet;
- Part B. Variance for a side yard of zero feet in lieu of the minimum required 15 feet;
- Part C. Variance from a minimum separation from a front property line for parking spaces of zero feet in lieu of the minimum required 10 feet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 13, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner, Daniel Williams is the son of Earl and Fran Williams, owners of the subject property.
2. The subject property is the same 5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned CR Conservation recreations and is in agricultural and residential use.
 - B. Land on the north is zoned CR Conservation Recreation and is in agricultural production.
 - C. Land on the south is zoned CR Conservation-Recreation and is in agricultural production.
 - D. Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land west of the subject property is zoned CR Conservation-Recreation and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is a 35 acre lot with approximately 5.2 acres being used for the proposed Special Use in Case 707-S-12 and is the subject of the variance in this case.
 - B. The Site Plan received August 13, 2012, includes the following:
 - (1) Dimensions of the area of the proposed Special Use (approximately 5.2 acres) in related Case 707-S-12.
 - (2) Location of an existing an existing mobile home on the property.
 - (3) Location of a storage shed and semi trailer which is used for storage as well.

- (4) Location of the staging area for the paintball park.
- (5) A 132' × 85' parking area that is the subject of Part C of the variance.
- (6) A 200' × 30' overflow parking and loading berth area.
- (7) A 961 feet long accessway that is 20 feet wide.
- (8) Areas not associated with Firemark Paintball.
- (9) Location of a where an accessible parking space.
- (10) Numbered playing fields with boundaries.
- (11) Side and rear property lines.
- (12) A hay field.

C. The requested variance is as follows:

- (1) Variance for a rear yard of zero feet in lieu of the minimum required 25 feet.
- (2) Variance for a side yard of zero feet in lieu of the minimum required 15 feet.
- (3) Variance from a minimum separation from a front property line for parking spaces of 0 feet in lieu of the minimum required 10 feet.

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, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

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- (4) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (5) "CONSTRUCTION" is the excavation of earth to provide for a foundation, basement or cellar; and/or, the act of placing or affixing a component of a STRUCTURE upon the ground or upon another such component; and/or, the placing of CONSTRUCTION materials in a permanent position and fastening in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing STRUCTURE in connection with such CONSTRUCTION.
- (6) "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.
- (7) "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.
- (8) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
- (9) "LOT LINES" are the lines bounding a LOT.
- (10) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (11) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (12) "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.
 - (13) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (15) "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.
 - (16) "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.
 - (17) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (18) "YARD, REAR" is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (19) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- C. Minimum side and rear yards for PRINCIPAL BUILDINGS and STRUCTURES in the CR District are established in Section 5.3 of the *Zoning Ordinance* as follows:
- (1) The minimum side yard in the CR Zoning District is listed in Section 5.3 as 15 feet.
 - (2) The minimum rear yard in the CR Zoning District is listed in Section 5.3 as 25 feet.
- D. Minimum separation distances for parking spaces from a front property line are established in Section 7.4.1A. of the *Zoning Ordinance* as follows:
- (1) No such space shall be located less than 10 feet from any FRONT LOT LINE.

- E. 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.
 - (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.
- F. 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, **“The neighbor (Jim and Carl Breedlove) for the back border line has allowed Firemark Paintball to use his land in the past for groups to play. Therefore, has no problem using the 25’ space in question. The 10’ area on the front border would give no hindrance to normal use of the county road way or maintenance.”**
 - B. The parking area where patrons of Firemark Paintball park is presumably located where it is so that the petitioner does not have to maintain or surface an access that is approximately

961 feet long. In addition, the access is grassed and the petitioner's parents use this area for the growing of hay for their horses.

- C. The minimum required side and rear yards would require that approximately .27 acre not be used in the play of paintball which is approximately 9% of the total area used for the play of paintball at the facility. The required yards affect all playing fields, particularly along the rear property line.

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, **“Landlord has given limited space for the front border for parking and can only use overflow when needed. The back borderline 25’ rule would cut down 2 of the five fields in size dramatically rendering them useless causing approximately 50% of profit loss.”**
 - B. The proposed Special Use in Case 707-S-12 would be the principal use on this property, therefore the obstacles used in the play of paintball as well as paintball activities must meet the minimum required side and rear yards. Strictly applying these requirements would reduce the area available for the patrons of Firemark Paintball to use in the fields operated by Firemark Paintball.
 - C. The parking area where patrons of Firemark Paintball park is presumably located where it is so that the petitioner does not have to maintain or surface an access that is approximately 961 feet long. In addition, the access is grassed and the petitioner's parents use this area for the growing of hay for their horses.
 - D. The minimum required side and rear yards would require that approximately .27 acre not be used in the play of paintball which is approximately 9% of the total area used for the play of paintball at the facility. The required yards affect all playing fields, particularly along the rear property line.

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, **“Yes, I put the business there, but due to the limited area of the playing fields.”**

- B. The existing use was established 10 years ago without a Special Use Permit or a Change of Use Permit.

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, **“The fields and parking area have been in place for the past 10 years and will continue to provide the needed space for the amount of players to play. There are no known present or future hindrances planned or known future events to change that.”**
- B. The requested variance is as follows:
- (1) A rear yard of zero feet is 0% of the minimum required 25 feet for a variance of 100% (Part A).
 - (2) A side yard of zero feet is 0% of the minimum required 15 feet for a variance of 100% (Part B).
 - (3) The requested variance from minimum separation distance of a parking space from a front property line of zero feet is 0% of the minimum required 10 feet for a variance of 100% (Part C).
- C. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the side yard is presumably intended to ensure the following:
- (1) Adequate light and air: The subject property is in residential use. The properties to the south, east, and west are in residential use.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Cornbelt Fire Protection District and the station is approximately 6.5 miles from the subject property. The nearest residential structure to the existing paintball park is on the property to the west and is approximately 670 feet from rear property line.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- D. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In addition to all of the considerations listed for a side yard, a rear yard is presumably also intended to ensure the following:
- (1) A minimum amount of onsite recreational area for a typical residential use.

- (2) Area for a septic system, when necessary. A septic system is not required for the paintball park.

E. The following are the Standard Conditions for an Amusement Park, Resort or Organized Camp, and Fairgrounds:

(1) Standard Conditions for an Amusement Park are as follows:

- (a) Minimum Lot Size of 10 acres.
- (b) 100 feet setback from all streets.
- (c) Minimum side yard of 50 feet.
- (d) Minimum rear yard of 50 feet.
- (e) Not permitted closer than 500 feet from any Residential District or residential or institutional use.

(2) Standard Conditions for a Resort or Organized Camp are as follows:

- (a) Minimum Lot Size of 5 acres.
- (b) 100 feet setback from all streets.
- (c) Minimum side yard of 50 feet.
- (d) Minimum rear yard of 50 feet.

(3) Standard Conditions for Fairgrounds are as follows:

- (a) 6 feet high wire mesh fencing.
- (b) Minimum Lot Size of 20 acres.
- (c) 100 feet setback from all streets.
- (d) Minimum side yard of 50 feet.
- (e) Minimum rear yard of 50 feet.

F. 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, **“The parking area has been in place for the past 10 years with no incident. Playing fields have been in place for 10 years. Carl Breedlove who is the immediate neighbor has no issues with the paintball field. My other neighbor is beyond the effective range of the discharge of the paintballs.”**
 - 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.
 - D. At the May 17, 2012, public hearing, Tim Woodard, 2490 CR 550E, Dewey, testified in related Case 707-S-12, and his testimony is summarized as follows:
 - (1) He has consistently had issues with trespassers from the petitioners property even though there is a boundary.
 - (2) He has caught patrons of the petitioner’s business on his property and in his deer hunting tree stand.
 - (3) His son and a friend were hunting on his property last year with a real gun and were shot by patrons of the petitioner’s business with paintball guns.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Special Use Permit Application received on February 8, 2012, with attachments:
 - A Letter of Intent
 - B Site Plan
 - C Trustees Deed
 - D Email dated January 25, 2012, from Tammy Hamilton
 - E Email dated February 2, 2012, from Doug Gamble
2. Elevation Data received February 7, 2012
3. Preliminary Memorandum for Case 707-S-12 dated May 11, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received February 8, 2012
 - C Annotated Site Plan
 - D Email dated February 2, 2012, from Douglas Gamble, Accessibility Specialist, Illinois Capital Development Board
 - E Color photos of the subject property (included separately to Board members and the Petitioner, photos are also available on the Champaign County website)
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
4. Supplemental Memorandum for Case 707-S-12 dated May 17, 2012
5. Photos submitted by Tim Woodard at the May 17, 2012, public hearing
5. Variance Application received on June 28, 2012
6. Revised Site Plan received August 13, 2012
7. Safety and Rules Handout received August 13, 2012
8. Preliminary Memorandum for Case 725-V-12 dated September 7, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Revised Site Plan received August 13, 2012
 - C Draft Summary of Evidence, Finding of Fact, and Final Determination
9. Supplemental Memorandum for Case 707-S-12 dated September 7, 2012, with attachments:
 - A Revised Site Plan received August 13, 2012
 - B Firearm Paintball Safety and Rules Handout received August 13, 2012
 - C Map and Photos submitted by Tim Woodard at the May 17, 2012, public hearing
 - D Excerpt of minutes from the May 17, 2012, public hearing

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **725-V-12** held on **September 13, 2012**, 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 725-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Daniel Williams** to authorize the following in the CR Zoning District:

Part A. Variance for a rear yard of zero feet in lieu of the minimum required 25 feet.

Part B. Variance for a side yard of zero feet in lieu of the minimum required 15 feet.

Part C. Variance from a minimum separation from a front property line for parking spaces of zero feet in lieu of the minimum required 10 feet.

{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. 710-AT-12

SUPPLEMENTAL MEMORANDUM

September 6, 2012

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**, Zoning Administrator
Andrew Kass, Associate Planner

Champaign
County
Department of

**PLANNING &
ZONING**

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows* :

Part A. Revise the Land Evaluation (LE) part as follows:

1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition.
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils* updated January 15, 2011, by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

Part B. Revise the Site Assessment (SA) part as follows:

1. Add definitions for "agriculture"; "agricultural production"; "animal units"; "best prime farmland"; "farm dwelling"; "livestock management facility"; "non-farm dwelling"; "principal use"; and "subject site".
2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8. ; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b; 2c; 3; 4; 6; 9; 10; and add scoring guidance for each new Factor, as described in the legal advertisement.

Part C. Revise the Ratings for Protection, as described in the legal advertisement.

Part D. Revise the general text and reformat.

* NOTE: the description of the Request has been simplified from the actual legal advertisement. See the attached legal advertisement

STATUS

Documents were received at the August 30, 2012, public hearing and that pertain to local foods are attached. Possible modifications to the Draft LESA that incorporate "local foods" concerns are included as examples but are not recommended at this time.

LOCAL FOOD AS A SITE ASSESSMENT FACTOR

At the August 30, 2012, meeting the Board reviewed suggestions (see attached) to add various considerations related to local food as possible Land Evaluation and Site Assessment factors. This memorandum does not support modifying the Draft Land Evaluation factors in anyway nor does it

suggest any Site Assessment modifications to address land that may be “Certified Organic”.

This memorandum does include possible modifications to the Site Assessment factors based on consideration of “local foods”. Even though this review is primarily intended to demonstrate the limited utility of such modifications, the suggestions are nonetheless a sincere attempt to incorporate local foods into the Draft LESA. The following caveats were followed in developing the suggested possible modifications:

1. A definition is needed for “local foods” but unfortunately not even the Local Foods Policy Council has a formally adopted definition of “local foods”. For the purpose of this example “local foods” shall be considered as “agricultural products that are locally grown at a scale greater than a home garden, locally processed as needed, and marketed directly to the consumer as food at local markets or by other formal marketing means”.
2. Related to the definitional problem with “local foods”, it is anticipated that identification of local foods producers pursuant to a LESA analysis will be problematic unless a formal list (guide) of local foods producers is available.
3. It makes more sense to focus local foods Site Assessment factors on the land surrounding a subject site rather than the subject site itself. By the time that a LESA analysis is required a local foods producer will have decided to develop whatever farmland they own and they will likely be opposed to any attempt at protection based on their previous production of local foods.
4. It is not feasible to make any local-foods-based Site Assessment Factors “major factors” that award more than 10 points without reducing the level of protection for prime farmland in general. Therefore, any local-foods-based Site Assessment factors will necessarily have a limited effect on the overall LESA rating. For this reason alone it may be more worthwhile for the local food effort to focus on techniques that are not related to LESA and leave LESA to merely protect prime farmland as it is intended.
5. It is not possible to have a perfect LESA but it is clear that the Draft LESA is much improved over the existing LESA. Any changes made to the Draft LESA to accommodate local foods considerations should be carefully scrutinized but not to the detriment of slowing down implementation of the Draft LESA. For this reason it makes sense to make a local foods modification of LESA a separate effort from the current effort to adopt an improved and updated LESA. Nonetheless, an example modification has been included below.

SOURCES OF POINTS FOR LOCAL FOODS SITE ASSESSMENT ENHANCEMENTS

The maximum points for Site Assessment Factors is 200 points and therefore any enhancements to the SA Factors based on local foods will require those points to come from non-local-foods SA Factors. The following changes in points could probably be made with little risk of seriously affecting the overall protection for prime and best prime farmland in the Draft SA Factors:

- SAF# 1. What size is the subject site?
Reduce the total points for this SA Factor to 5 points and reduce the points per each assessment class by half. *(Note: This could be revised more dramatically by also revising the assessment classes (reduce the number)but the total points should not be less than 5.)*
- SAF# 5. Distance from the subject site to the nearest city or village limits.
Reduce the total points for this SA Factor to 10 points and change the class “1.51 to 3 miles” to “more than 1.5 miles” and eliminate the class “more than 3 miles”. *(Note: The points for the remaining classes could be revised to make more points available for local foods but the smallest total points for this factor should probably not be less than 5 points.)*

These changes to points awarded for the above Site Assessment Factors would make more points available for “local foods” (and therefore more important to a LESA score) than the size of the subject site.

EXAMPLE CHANGES TO SITE ASSESSMENT FACTORS TO ADDRESS LOCAL FOODS

The presence of local food production could be considered by making the following changes in the following Draft Site Assessment Factors (modifications that are in addition to the Draft are underlined; this is merely an example and is not a recommendation):

- SAF# 4. Amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture. *(Note: no change suggested except item c) below)*

- c) If there are adjacent parcels with a principal use of agriculture that produce any local foods, add the following bonus points based on the amount of the perimeter of the subject site that is bordered by local foods production:
- (1) 10% or less of the perimeter (but more than zero), add 2 points.
 - (2) More than 10% of the perimeter, add 4 points

(Note: if 5 points were available for this part of Factor 4 the 5 points could be awarded for each 10% up to a maximum of 5 points for 50%, for example.)

- SAF#8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture. *(Note: no change suggested except item c) below)*

- c) If the amount of the area within 1 mile of the subject site which consists of parcels with a principal use of agriculture that are producing any local foods is as follows add the following bonus points:
- (1) 1% or less of the area (but more than zero), add 2 points.
 - (2) More than 1% of the area , add 4 points

(Note: if 5 points were available for this part of Factor 8 the 5 points could be distributed only somewhat more broadly. It is assumed that local food production will probably not exceed 15% of any given square mile of Champaign County.)

10. *(Note: no change suggested except item c) below)*

- c) If there are any livestock management facilities within one mile of the subject site that produce livestock that are marketed as local food, add the following bonus points based on the distance of that local food production from the subject site:
- (1) .25 mile or less from the subject site, add 2 points
 - (2) more than .25 mile but no more than one mile, add 1 point

(Note: if 4 points were available for this part of Factor 10 the 4 points could be distributed on a one-quarter mile basis similar to the existing points.)

ATTACHMENTS

- A Champaign County Local Foods Policy Council Resolution received August 30, 2012
- B LESA Score suggestions submitted by Eric Thorsland on August 30, 2012

RECEIVED

AUG 30 2012

CHAMPAIGN CO. P & Z DEPARTMENT

CHAMPAIGN COUNTY LOCAL FOODS POLICY COUNCIL

RESOLUTION 2012 – 1

A RESOLUTION ENCOURAGING THE PROTECTION OF AGRICULTURAL PARCELS IN CHAMPAIGN COUNTY, ILLINOIS THAT ARE SUITABLE FOR LOCAL FOOD PRODUCTION

Whereas, the Illinois Food, Farm and Jobs Act of 2007 calls for “expanding and supporting a State local and organic food system” as well as “assessing and overcoming obstacles to an increase in locally grown food and local organic food production”; and,

Whereas, the Champaign County Board created the Champaign County Local Foods Policy Council to “encourage the offering of better and fresher food available locally” and to “encourage the efficient use of land, and preservation and conservation of agriculture”; and,

Whereas, the Champaign County Zoning Board of Appeals and the Champaign County Board are considering new guidelines that are designed to protect prime farmland by updating the Champaign County Land Evaluation and Site Assessment System; and,

Whereas, good sites for farms that produce locally grown food may easily be less than 25 acres and it can be an advantage for them to be close to populous or urbanized areas for easy access to markets.

Now, therefore, be it resolved by the Champaign County Local Foods Policy Council to encourage the Champaign County Zoning Board of Appeals and the Champaign County Board to protect not only large agricultural land parcels generally used for growing row crops, but also to protect agricultural land parcels that could be best suited for local food production.

Passed by the Champaign County Local Foods Policy Council this 22nd day of August, 2012.

Tod Satterthwaite, Chair
Champaign County Local Foods Policy Council

LESA Score suggestions

RECEIVED

AUG 30 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Addition of LE section points based on Certified Organic Production on all soil types.

More than 50% of production area Certified Organic add 2 points to final LE score.

Less than 50% of production area Certified Organic add 1 point to final LE score.

Does not include CRP or fallow ground, only production ground included in factoring area.

Addition of SA section points for production specific infrastructure.

The site is a Food Plot with direct sales to consumers add 2 points to total score of Factor 5

Year round irrigation supply on 50% or more of production area add 2 points to Factor 6

Managed waterways on 50% or more of production area add 2 point to Factor 6

The site has permanent facilities for management of livestock intended for consumption add 1 point to Factor 10