

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **October 11, 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 (July 26, 2012 and August 16, 2012)
5. Continued Public Hearings

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

- * Case 715-V-12 Petitioner: **John Behrens Estate and Anne and Denny Anderson**
Request: **Authorize the following in the R-1 Single Family Residence Zoning District.**
Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side yard and rear yards of 5 feet;
Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet.
Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.
Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

Location: **Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.**
- Case 717-AM-12 Petitioner: **Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises**
Request: **Amend the Zoning Map to change the zoning district designation from the R-4, Multiple Family Residence Zoning District to the AG-2, Agriculture Zoning District on approximately 2.9 acres of the subject property described below and subject to the proposed Special Use Permit in related Case 718-S- 12 and with the variance requested in related Case 719-V-12.**
- * Case 718-S-12 Petitioner: **Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises**
Request: **Authorize the following on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required variance in related Case 719-V-12 on the subject property described below:**
Part A: Authorize the expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.
Part B: Authorize the replacement of a non-conforming water tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.
- * Case 719-V-12 Petitioner: **Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises**
Request: **Authorize the following for expansion of a non-conforming water treatment plant in related Case 718-S-12 on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12:**
Part A: The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.

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- * **Case 719-V-12 cont:** **Part B:** The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12
- Part C:** Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 17 feet in lieu of the required 55 feet; and a side yard of 46 feet in lieu of the required 50 feet.
- Part D:** Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet.

Location for Cases 717-AM-12, 718-S-12 and 719-V-12:

An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plan at 709 North Prairieview Road, Mahomet.

6. New Public Hearings

Case 728-AM-12 Petitioner: **K & S Property Management**

Request: Amend the zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to the R-4, Multiple Family Residence Zoning District to allow the re-establishment of a multi-family use in an existing building (variances will be required) for which the nonconforming rights have expired.

Location: A 1.5 acre tract in the Southwest Quarter of the Southwest Quarter of Section 15 of Rantoul Township and commonly known as the Jones Building at 1518B CR 2700N, Rantoul.

7. Staff Report

8. Other Business

- A. Review of Docket
- B. September, 2012 Monthly Report
- C. October 24, 2012, meeting

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

10. Adjournment

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

CASE NO. 715-V-12

SUPPLEMENTAL MEMORANDUM

October 5, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioner: John Behrens Estate & Anne and Denny Anderson

Request: Authorize the following in the R-1 Single Family Residence Zoning District:

- Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;
- Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;
- Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;
- Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet, on the following property:

Location: Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.

Site Area: 11,500 square feet

Time Schedule for Development: Existing Structures

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

This case was continued from the August 30 2012, public hearing. New evidence and revisions have been added to the Summary of Evidence, Finding of Fact, and Final Determination that is attached (see underlined and strikethrough text).

No revised site plan has been received.

REVISED SITE PLAN

At the August 30, 2012, public hearing the petitioner proposed that he would remove the part of the shed in the utility easement and meet the minimum side yard requirement on that side. Zoning Board of Appeals members requested that the petitioner submit a revised site plan indicating this proposal. On September 27, 2012, the petitioner indicated to staff that he did not intend to submit a revised site plan and no longer intended to remove the portion of the shed in the utility easement.

See new evidence as Item 9.E. on page 7 of the Summary of Evidence.

BUILDING STANDARDS

At the August 30, 2012, public hearing ZBA members requested information regarding what fireproofing standards a shed would have to meet in a building code jurisdiction. Staff contacted Dan Davies, Zoning Administrator/Building Official, Village of Savoy, regarding this question. Mr. Davies indicated that if the shed was in his jurisdiction it would require the following:

- Fire rate the interior of the shed with 5/8" Type X Drywall. This type of drywall allows for a minimum of 1 hour of fire protection.
- A fire alarm system connected to a monitoring service.
- If any hazardous materials were to be stored inside the shed they would need to be identified and stored in a fireproof cabinet. A KNOX Box would also be recommended for fire department access.
- Since the shed is so close to the property lines and adjacent buildings proof of proper liability insurance would be required.

See new evidence added as Item 11.O. on page 15 of the Summary of Evidence.

ATTACHEMENTS

- A Excerpt of Draft Minutes from August 30, 2012, public hearing (included separately)
- B Revised Summary of Evidence, Finding of Fact, and Final Determination (included separately)

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1
2 **5. Continued Public Hearing**
3

4 **Case 715-V-12 Petitioner: John Behrens Estate and Anne and Denny Anderson Request to**
5 **authorize the following in the R-1 Single Family Residence Zoning District: Part A.**
6 **Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum**
7 **side yard and rear yard of 5 feet; and Part B. Variance for a rear yard of an existing shed**
8 **of 1 foot in lieu of the minimum required rear yard of 5 feet; and Part C. Variance from**
9 **Section 4.2.D. requirement that no construction shall take place in a recorded utility**
10 **easement; and Part D. Variance from a minimum separation from a rear property line for**
11 **parking spaces of 1 foot in lieu of the minimum required 5 feet. Location: Lot 1 of Windsor**
12 **Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and**
13 **commonly known as the home at 1 Willowbrook Court, Champaign.**
14

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

25 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his
26 request.
27

28 Mr. Denny Anderson, who resides at 1 Willowbrook Ct, Champaign, stated that in an attempting
29 to comply with not only his wishes but the neighborhood's wishes in getting the property cleaned
30 up. He said that it is his understanding that the neighbors are concerned about the materials that
31 are being stored outside and his intent is to get the scouting materials and equipment indoors. He
32 said that he would like to make reasonable use of the property as it exists and the proposal
33 complies with that desire. He said that noted on the site plan is the location of a 60 foot
34 Sycamore tree and it is the biggest tree in the neighborhood. He said that during the last wind
35 storm a 400 pound limb, as well as others, fell on the ground and it is not sensible to place a
36 structure or vehicles underneath it therefore his request is consistent. He said that there is a

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1 square in the back of his property which is approximately 15' x 45' which would not require a
2 variance although it is the only backyard that he has and to construct in that area is not desirable.
3 He said that he has taken the time to look around the neighborhood and of the 20 closest homes
4 near his property there are six storage sheds located within the five foot easement. He said that
5 people do not want to place a storage area in the middle of their yard and waste the strip along
6 the outside edge of the yard. He said that his neighbor to the east has a utility shed which is
7 located within one foot of their 20-30 year old fence. He said that his neighbors to the south also
8 have a 6 foot by 6 foot utility shed which is within one foot of their property line and several
9 other neighbors in the community have similar situations and at least one of those neighbor's
10 sheds is also in the utility easement. He said that he sees no reason why his request should be
11 denied if there is equitable application of the rules of the law. He said that the Ameren
12 representative has indicated that locating his shed underneath the utility area is not a problem but
13 if there is a problem, such as placement of a guy wire, then Ameren will bill him. Mr. Anderson
14 stated that Ameren wanted to make sure that the height of the building was not within 15 feet of
15 the main power line, which is at the top of the pole, and Ameren Representative Chris Estes
16 determined that it was not. Mr. Anderson stated that Ameren indicated that at most a guy wire
17 may be required and if so he would be happy to pay for that installation.

18
19 Mr. Anderson stated that a photograph in the mailing packet indicates his neighbor's to the east
20 storage area and his storage area. Mr. Anderson stated that his storage area appears huge next to
21 the neighbor's storage area but his property is also three feet higher than the neighbor's. He said
22 that another photograph dated August 3, 2012, indicates the pole, the neighbor's property where
23 the sewer's manhole is located, and his property which is obviously three feet higher. He said
24 that the neighbor to the south, whose property is even higher than his, has four dogs and he is
25 trying to create a buffer between the two properties by installing a six foot fence. He said that
26 while he was installing the fence one of the dogs jumped up and grabbed his sleeve and ripped it
27 therefore a barrier in that area is required and there is no sense in having a five foot corridor
28 along that side of the building. He said that the utility companies do not object to the shed being
29 in the easement area and have indicated that if there is a problem that they will bill him for any
30 services to remedy the problem and he is fine with that arrangement.

31

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1 Mr. Anderson stated that three photographs indicate his vehicles which are clearly across the
2 sidewalk although this was a once in a blue moon occasion and he does not know how someone
3 managed to photograph that occasion without the inclusion of the neighbor's two cars as well.
4 He said that if anyone sees his van blocking the sidewalk again then he would encourage them to
5 call the Sheriff. He said that his neighbors, who consists of four guys, park their cars on the
6 sidewalk every day which blocks the view of the cul-de-sac.

7
8 Mr. Anderson stated that testimony was previously given indicating concern about exposed
9 insulation. He said that the insulation would have been covered up although he was ordered by
10 the County to stop construction. He said that he has no desire to have the insulation exposed for
11 his neighbor's viewing but he was told to stop construction and he complied, although he would
12 prefer to have it covered.

13
14 Mr. Anderson stated that item 6.E on page 5 of 19 of the Revised Draft Summary of Evidence
15 dated August 30, 2012, refers to Section 4.2.2D and indicates the requirement that no use shall
16 be established, construction undertaken nor fill placed in any recorded drainage or utility
17 easement that would interfere with the function of the easement. He said that Ameren has
18 indicated that there will be no interference with the function of the easement, which was proven
19 when they replaced the pole, and the sewer company also has also indicated that they have no
20 issue with the placement of the shed near their auxiliary line and if there is an issue they will
21 send him the bill. He said that to move the shed and utilize the little bit of his backyard does not
22 seem reasonable because it is wasted property.

23
24 Mr. Anderson stated that item 8.D(3) on page 7 of 19 of the Revised Draft Summary of Evidence
25 dated August 30, 2012, states that although the shed meets the distance requirements Ameren
26 would prefer that the shed not be within the easement, but they have no ground to require Mr.
27 Anderson to move the shed. Mr. Anderson stated that item 8.E(1) on the same page indicates
28 that Mark Radi, Director of Engineering Services for the Urbana-Champaign Sanitary District
29 (UCSD) conveyed on August 22, 2012, that the shed is not a big concern for them because they
30 do not consider it a permanent structure. Mr. Anderson stated that this is proof that there is no
31 concern from the two utilities that would use the easement and they have clearly indicated that if

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1 there is a problem that they will bill him for those services and he is willing to pay for those
2 services.

3
4 Mr. Anderson stated that he concreted over a graveled two-track which was located on the south
5 edge of his property so that vehicles could be parked on the southern portion of his property. He
6 said that item 10.C on page 9 of 19 of the Revised Draft Summary of Evidence states that one of
7 the things that the side yard is intended to do is ensure adequate light and air. He said that he
8 designs and builds energy efficient homes and he has a lot of glass on the south side of the home
9 and any structure which is built or moved in front of the home will block the light and air that
10 helps heat the home and would also violate the separation distance between structures. He said
11 that having the structure in its current placement keeps it away from anything else should there
12 be a problem.

13
14 Mr. Anderson stated that item 10.D on page 10 of 19 states that a rear yard is presumably
15 intended to ensure a minimum amount of onsite recreational area. He said that if the shed is
16 moved within the 15' x 40' vacant area in his yard it would eliminate the only recreational area
17 that he has for his property. He noted that item 10.F indicates that the requested variance is not
18 prohibited by the Zoning Ordinance.

19
20 Mr. Anderson stated that a little bit of mudslinging has been done during the public hearing
21 process which is normal when someone objects to a request. He said that it was mentioned that
22 the exposed insulation is a fire hazard however if he had not been ordered to stop construction
23 the current exposed insulation would have been covered. He said that it was mentioned that he
24 blocks the public sidewalk and his vehicles extend out into the cul-de-sac however it is not him
25 that does this practice but it is his neighbors who routinely do this. He said that it was also
26 mentioned that his property his hurting property values in the neighborhood especially the
27 property to the east of the subject property. He said that three years ago the family who resided
28 in the property to the east was evicted because they could not make their payments and a notice
29 was posted to the front door and remained there for three years. He said that the yard was not
30 mowed and no care was taken for the house.

31

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1 Mr. Thorsland informed Mr. Anderson that this portion of the public hearing is to indicate his
2 intent only and not to present addition testimony. He said that at a later time during the public
3 hearing he will be called upon again to present any new testimony relevant to his case. He asked
4 Mr. Anderson if there was anything that he would like to summarize at this point.

5
6 Mr. Anderson stated that things were previously mentioned at the public hearings that he needs
7 to address, such as, inoperable vehicles. He said that he does not have any inoperable vehicles or
8 stored tires.

9
10 Mr. Thorsland thanked Mr. Anderson for his comments and requested that he present his
11 additional testimony during a later time during the public hearing.

12
13 Mr. Thorsland called John Hall.

14
15 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum A. date
16 August 30, 2012, for the Board's review. He said that the memorandum reviews accessory
17 structures in the surrounding neighborhood and a map indicates staff's quick assessment. He
18 said that it appears that Mr. Anderson is correct regarding other accessory structures in the
19 surrounding area which appear to be located in the easement area. He said that the Champaign
20 Township Map, titled "Neighborhood Analysis Map", identifies nine accessory structures within
21 the blue line that appear to have been built within a recorded utility easement and nine other
22 accessory structures appear to be too close to a property line and the shed which is located east of
23 Mr. Anderson's property is also in the same utility easement. He said that the utility shed which
24 is east of Mr. Anderson's property appears to be the type of shed which, at one time, could be
25 moved although sheds such as this tend to stay in one place and somewhat grow in to that
26 location therefore it could probably not be moved in one piece.

27
28 Mr. Hall stated that page 2 of the memorandum indicates the impact of the larger shed on the
29 utility easement. He said that if the shed has a concrete floor and a concrete footing it will be
30 very difficult to move or dismantle at any point that perhaps the UCSD needs to get to the
31 interceptor sewer, not side sewer that is within the easement. He said that there is only a few

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1 square feet of concrete slab inside the shed at this point and there is no perimeter of concrete
2 footing which may be the reason why Mark Radi, of the UCSD, did not consider it as a
3 permanent structure. Mr. Hall stated that if the Board is inclined to allow the structure to stay in
4 its current location an important condition would be to prohibit any more concrete but as a
5 practical matter he is not sure how this condition could be enforced. He said that the more
6 concrete that is within the structure the more public costs that are incurred if it ever needs to be
7 removed although Mr. Anderson has indicated that he is willing to incur those costs although if
8 the structure remains for fifty years it will probably not be Mr. Anderson who owns it at that
9 point and that owner may not be aware of the situation. He said that at a staff level he could
10 imagine a lot of conditions that staff would recommend to impose if the Board is contemplating
11 on leaving the structure in its current location and one of those being a miscellaneous document
12 recorded with the Champaign County Recorder of Deeds so that anyone who may purchase this
13 property in the future would be aware of the variance.

14
15 Mr. Hall stated that the new memorandum proposes new evidence and revisions for items 7, 8,
16 10.C(2), and 10.G. He said that item 7 is regarding special circumstances therefore a new item
17 7.I is proposed as follows: The adjacent property to the east also has a shed that is located in the
18 same utility easement. That shed appears to be approximately 10 feet by 12 feet in area and may
19 not be anchored into the ground by footings. Sheds smaller than 150 square feet in area are only
20 exempt from the fees for a Zoning Use Permit but they are required to meet all other
21 requirements of the Zoning Ordinance. He said that item 8 is regarding the criteria that discusses
22 practical difficulties or hardships in carrying out the strict letter of the regulations therefore a
23 new item 8.J is proposed as follows: An aerial photo analysis of the surrounding neighborhood
24 of the subject property was conducted, during this analysis staff found 9 accessory structures that
25 appear to have been built within a recorded utility easement, including a shed which is
26 immediately to the east of the subject property. Staff also found 9 accessory structures that
27 appear to have been built too close to a property line. Without a field survey staff could not
28 verify this, but it appears that the sheds that are subject to Parts A, B, and C of this variance are
29 likely not the only sheds in the neighborhood built within a recorded utility easement or too close
30 to a property line. He noted that he cannot stress enough that there are other zoning violations in
31 the neighborhood and staff will follow up on those violations after this hearing and it may be that

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1 the Board will see many of those property owners for variances. He said that regardless of the
2 outcome of this case staff will be completing that follow-up.

3
4 Mr. Hall stated that item 10 is in regard to the criteria whether the variance is in harmony with
5 the general purpose and intent of the Ordinance therefore item 10.C.(2) is proposed as follows:
6 Separation of structures to prevent conflagration: The subject property is within the Savoy Fire
7 Protection District and the station is approximately 2 miles from the subject property. The
8 nearest structure to the largest shed (Parts A and C of the Variance) is a shed on the property to
9 the east. The shed is in close proximity and it is difficult to estimate how close the shed is from
10 an aerial photograph, based on a site visit to the subject property on August 29, 2012, staff
11 estimated that there is approximately 2 to 3 feet between the two shed. The nearest structure to
12 the smaller shed (Part B of the Variance) is the dwelling on the property to the south and the
13 dwelling is approximately 14 feet (estimated from an aerial photo) from the smaller shed. The
14 minimum separation required by the Ordinance in the R-1 District between an accessory building
15 on one lot and a principal building on an adjacent lot is 15 feet. He said that there is almost a
16 minimum expected separation there even though of that approximately 13 feet is on the property
17 to the south, the point being, that the concern about conflagration is not valid because there is
18 enough separation already.

19
20 Mr. Hall stated that new item 10.G is in regard to the considerations related to the prohibition on
21 construction in drainage easements and utility easements and is proposed as follows: (1) The
22 prohibition on construction in drainage easements and utility easements in paragraph 4.2.2 D.
23 were added to the Zoning Ordinance in Ordinance No. 544 (Case 105-AT-97 Part D) that was
24 adopted on November 18, 1997. The evidence, testimony, and Finding of Fact for Case 105-AT-
25 97 Part D merely discussed that the amendment gave the Zoning Administrator the authority to
26 prevent construction in these areas where construction is not supposed to occur; and (2) If the
27 larger shed is allowed to remain in the utility easement the shed may result in additional costs for
28 any utility that needs to access something within the easement such as the interceptor sewer line.
29 And, provided that the property owner reimburses that utility for any additional costs incurred,
30 allowing the shed to remain may be acceptable. However, the presence of the shed in the utility
31 easement is a hidden cost for any future owner of the property and a future owner might be less

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1 agreeable about paying those costs. If the Zoning Board allows the shed to remain in the
2 easement the Board may require a Miscellaneous Document to be filed with the Recorder of
3 Deeds and the Document could make any future owner of this property aware of this zoning case
4 and any and all conditions that apply to the shed. The actual text of that Document should be
5 established in the public hearing.

6
7 Mr. Hall distributed a new Supplemental Memorandum B. dated August 30, 2012, to the Board
8 for review. He said that the memorandum corrects item 10.A of the Summary of Evidence as
9 follows: The petitioner has testified on the application, "Granting the variance will: a.) provide a
10 buffer for the neighbors four dogs; and b.) allow backyard room to park Boy Scout trailer and
11 work trailer; and c.) allow enclosed storage space for construction materials; and d.) allow
12 sunlight to greenhouse; and 3.) allow runoff water to North and East. Mr. Hall stated that staff
13 had made a mistake in transcribing the petitioner's response in that the petitioner had inserted the
14 four dogs in the line above and staff thought that it applied to the line below therefore it was an
15 honest mistake.

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

18
19 Mr. Thorsland asked Mr. Hall if the 14 feet was within an Administrative Variance therefore the
20 Board would not need to address that issue.

21
22 Mr. Hall stated yes, however, staff has not granted an Administrative Variance and in an
23 Administrative Variance all it takes is one objecting neighbor, for no particular variance, and that
24 objection would require a full variance. He said that if the Board is inclined to only approve that
25 portion of the variance it would raise a legal question. He asked if that would mean that Mr.
26 Anderson would have to agree to modify the petition because the Board could approve that
27 portion and deny the remaining otherwise the Board would have to deny everything and require
28 Mr. Anderson to apply for an Administrative Variance which could end up being a another entire
29 variance request. He said that this is a very complicated situation and he would not want anyone
30 to be surprised by the outcome therefore he would request that the Board consider this situation
31 carefully before taking any action.

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1
2 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were
3 none.

4
5 Mr. Thorsland called Denny Anderson to testify.

6
7 Mr. Denny Anderson stated that as a point of clarification there is a main shed that has storage
8 for the Boy Scout materials and there is another shed that is the length of the fence, 4-1/2 feet
9 wide and 20⁺ feet long and that second lower shed is the shed that is within 14 feet of the house
10 and it was never his intention make that a permanent shed. He said that he is perfectly willing to
11 withdraw that and he has already begun removing materials and there is one photograph showing
12 some materials being stored in the front of his home and those materials are now gone. He said
13 that if it would simplify the application process to simply remove that portion of it and a
14 reasonable amount of time allowed for its removal he would be glad to do so and he has received
15 permission to begin moving the materials to Camp Drake. He said that will not build any more
16 tree houses for the Boy Scouts on his property.

17
18 Mr. Anderson stated that testimony included the existence of a school bus on his property. He
19 said that there was a situation, after purchasing the school bus for the Boy Scout Troop, that a
20 neighbor came to him to report an issue with the bus. Mr. Anderson stated that he is aware that
21 the existence of the school bus on his property is a potential problem for the neighbors although
22 it is not illegal to own a school bus or have it parked on his property. He said that four years ago
23 he took the school bus to a storage area, AAA Storage, and paid a monthly fee for that storage
24 and if he was not trying to be a good neighbor he would not have done such to mitigate the
25 impact on his neighborhood by the existence of the school bus. He said that there is no law that
26 indicates that he to keep the school bus in a storage facility.

27
28 Mr. Anderson stated that he did mention during his previous statement that the house to the east
29 of his property is vacant. He said that the home has been vacant with no curtains and no lights
30 for almost three years and twice he had reported a sink hole on the property to the water
31 company. He said that the home was unkept and it was not desirable for him to live next to the

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1 property and the water company refused to fix the sink hole in the front yard because it was the
2 property owner's responsibility. He said that whoever recently purchased the home has spent a
3 lot of money on the home and they have fixed the sink hole. He said that a grad-student knocked
4 on his door the other day indicating an interest in the house and stated that new windows, doors
5 and new drywall had been installed and the interior had been painted. Mr. Anderson stated that
6 the reason that the house was vacant for three years was not due to wrong doing of his but
7 because there was no attempt to sell it. He said that there was an eviction notice on the front
8 door and a swamp in the front yard.

9
10 Mr. Anderson stated that he does not have any inoperable vehicles on his property. He said that
11 he has read the proposed special conditions for approval and he finds those special conditions
12 reasonable.

13
14 Mr. Thorsland stated that it appears that the materials are being moved to indoor storage or are
15 being removed completely from the property therefore he assumes that the temporary small shed
16 will also be removed.

17
18 Mr. Anderson stated yes, the 4-1/2 foot shed will go way.

19
20 Mr. Thorsland stated that Mr. Hall indicated that the larger structure does have a partial concrete
21 floor. He asked Mr. Anderson if he agrees to the proposed special condition prohibiting further
22 addition to the existing concrete slab inside of the shed.

23
24 Mr. Anderson stated that if not continuing the floor is a condition for having the shed at least
25 within the utility easement then that is fine. He said that he will not pour a permanent concrete
26 floor in the shed.

27
28 Mr. Kass, Associate Planner, stated that he visited the property on August 29, 2012, and the
29 concrete pad is located in the northeast corner of the shed which would be part of the shed that is
30 located in the utility easement. He noted that the existing concrete pad is not a large pad.

31

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1 Mr. Anderson stated that he agrees with the proposed special condition to not pour any additional
2 permanent concrete in the shed inside of the easement area.

3
4 Mr. Passalacqua asked Mr. Anderson if the temporary shed serves as a buffer between his
5 property and the four dogs.

6
7 Mr. Anderson stated that the fence, which was the back side of the temporary structure, would
8 remain and serve as a buffer.

9
10 Mr. Passalacqua asked Mr. Anderson if he had ever filed a complaint with Champaign County
11 Animal Control regarding the four dogs since one of the dogs jumped up upon the fence and
12 attempted to bite him,.

13
14 Mr. Anderson stated no. He said that the dog only got grabbed his sleeve and did not bit him
15 although it did scare him.

16
17 Mr. Passalacqua asked Mr. Anderson if the only reason why he stopped construction and did not
18 cover the exposed insulation was because he was informed that he did not have a permit.

19
20 Mr. Anderson stated that Mr. Passalacqua was correct.

21
22 Mr. Passalacqua stated that the nature of much of Mr. Anderson's testimony indicated that
23 everyone else has sheds or structures, for reasonable purposes or not, in the easement therefore
24 why can't he do the same.

25
26 Mr. Anderson stated no, he only wants equitable treatment.

27
28 Mr. Passalacqua stated that staff will also address those sheds and structures which are also in
29 violation of the Zoning Ordinance.

30
31 Mr. Anderson stated that if it is determined that any structure within five foot must be removed

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1 then it would be reasonable for him to follow suit but it would be more reasonable to expect that
2 people would place a storage shed in places that are out of the way rather than in the middle of
3 their yard to leave a five foot path around it. He said that this situation is not occurring in just his
4 neighborhood but in any neighborhood in the County.

5
6 Mr. Passalacqua stated that these situations is why zoning exists and just because these sheds are
7 out of compliance does not give justification for his shed to be located in its current location.

8
9 Mr. Anderson stated that he understands Mr. Passalacqua's comments.

10
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Anderson.

12
13 Mr. Courson asked Mr. Anderson if previously testified that he was a general contractor.

14
15 Mr. Anderson stated yes.

16
17 Mr. Courson asked Mr. Anderson if he had a business location.

18
19 Mr. Anderson stated that he provides services from his vehicle.

20
21 Mr. Courson asked Mr. Courson if he operates his business out of his home.

22
23 Mr. Anderson stated that he calls his vehicle his office. He said that he doesn't have an office in
24 his home although he does store some of his tools in his garage.

25
26 Mr. Thorsland asked the Board if there were any additional questions for Mr. Anderson and there
27 were none.

28
29 Mr. Thorsland asked if staff had any questions for Mr. Anderson and there were none.

30
31 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Anderson.

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1

2 Mr. Thorsland called Charlotte Padgett to the cross-examination microphone.

3

4 Ms. Charlotte Padgett asked Mr. Anderson if he testified that there was not much space along the
5 east of his house for a backyard.

6

7 Mr. Anderson stated that his home is located on a corner lot and his backyard is indicated on the
8 site plan as a 15' x 45' area.

9

10 Ms. Padgett asked Mr. Anderson if he believes that the 15' x 45' area is too small to really do
11 anything upon.

12

13 Mr. Anderson stated that if the shed were built in that area it would eliminate the only
14 recreational space that is available on his lot.

15

16 Ms. Padgett asked Mr. Anderson to indicate how long he has resided on the subject property.

17

18 Mr. Anderson stated that he has resided upon the property for approximately five years.

19

20 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Anderson at this
21 time.

22

23 Mr. Thorsland called Patti Belleville to testify.

24

25 Ms. Patti Belleville, who resides at 511 Park Lane Drive, Champaign, stated that she is the Chair
26 of the Windsor Park Homeowner's Association and is present at the public hearing to represent
27 the neighborhood. She said that she received a call from Ms. Susan Marten, who resides at 2403
28 Lyndhurst Drive, Champaign, and Ms. Marten indicated that she would not be able to attend
29 tonight's meeting due to health issues. Ms. Belleville stated that Ms. Marten indicated that she
30 would be happy to testify by telephone if the Board desired to call her during this meeting. Ms.
31 Belleville stated that she informed Ms. Marten that she would convey Ms. Marten's concerns to

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1 the Board.

2

3 Ms. Belleville stated that Ms. Marten indicated that she had called the Champaign County
4 Planning and Zoning office several times to complain about the construction of Mr. Anderson's
5 shed. Ms. Belleville said that Ms. Marten also indicated that in January she had a problem with
6 her cable and when Comcast responded to Ms. Marten's call Comcast could not get to the pole
7 with their cable because Mr. Anderson's shed had been built around the pole. She said that
8 Comcast came back later and removed their cable lines and buried them in the ground. Ms.
9 Belleville stated that when Mr. Anderson built his shed he removed the guy wires for the utility
10 pole and Ameren has become aware of this removal and will be relocating the wires but
11 unfortunately Ameren is considering relocating those guy wires in Ms. Marten's back yard in her
12 goldfish pond which will destroy the landscaping that Ms. Marten's has had completed on her
13 property.

14

15 Ms. Belleville stated that she would be happy to work with the County with informing the
16 residents of her community about any shed violations that may have occurred in the
17 neighborhood. She said that a number of the homes that were indicated on the map have
18 changed ownership and many of those owners are probably unaware that the sheds are in
19 violation of the easements.

20

21 Mr. Thorsland asked the Board if there were any questions for Ms. Belleville and there were
22 none.

23

24 Mr. Thorsland asked if staff had any questions for Ms. Belleville and there were none.

25

26 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Belleville.

27

28 Mr. Denny Anderson asked Ms. Belleville if she indicated that guy wires had been removed.

29

30 Ms. Belleville stated yes. She said that Steve Estes, representative for Ameren, informed her that
31 guy wires which had supported the utility pole had been removed and would have to be replaced

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1 to support the power pole.

2

3 Mr. Anderson asked Ms. Belleville if she is sure that the Ameren representatives name was Steve
4 Estes.

5

6 Ms. Belleville stated yes.

7

8 Mr. Thorsland called Charlotte Padgett to testify.

9

10 Ms. Charlotte Padgett, who resides at 1 Lyndhurst Place, Champaign, stated that has a concern
11 about the 14 feet between the structures although if the other structure is removed it would
12 remove her concern. She said that she does have concern regarding the size of the building, not
13 the height, and how significantly different it is in length in comparison to the size of a normal
14 portable shed. She said that should the variance be approved his property will be re-assessed.

15

16 Mr. Thorsland asked the Board if there were any questions for Ms. Padgett and there were none.

17

18 Mr. Thorsland asked if staff had any questions for Ms. Padgett.

19

20 Mr. Hall asked Ms. Padgett if the re-assessment would be the typical re-assessment that would
21 be completed.

22

23 Ms. Padgett stated yes. She said that she and the Champaign Township Assessor would drive
24 through the neighborhood and review every property. She said that they typically review every
25 property in the township, which consists of approximately 5,000 properties, every four years and
26 this is their quad year. She said that she is currently inputting all of the property's information in
27 Champaign Township into a new computer system therefore she reviews the current records and
28 compares those records to the GIS map and anything that differs requires a site visit to the
29 property.

30

31 Mr. Thorsland asked if anyone desired to cross examine Ms. Padgett and there was no one.

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1
2 Mr. Thorsland asked Mr. Anderson if he would like to respond to Ms. Padgett's testimony or
3 present further information.

4
5 Mr. Anderson stated yes.

6
7 Mr. Thorsland called Denny Anderson to testify.

8
9 Mr. Anderson stated that Ms. Belleville's testimony is inaccurate because there have been no guy
10 wires removed from the utility pole and the Ameren representative's name is Chris Estes not
11 Steve Estes. He said that Mr. Estes did visit the property several times and discussed alternatives
12 in detail. He said that the top of the pole shifts toward his property about five feet therefore a
13 guy wire does come down through there and two alternatives were discussed. He said that the
14 guy wire could be exteriorized or a pocket made so that the wire would come down and be seen.
15 He said that he does not understand Ms. Belleville's comment because he does not believe that
16 Mr. Estes would have said such a thing therefore he believes that her statement is false. He said
17 that the one alternative, which would prevent ruining Ms. Marten's goldfish pond, is to extend a
18 wire to the north. He said there is a pole to the north and a horizontal wire to that pole would be
19 the desired route because that pole already has a guy wire therefore eliminating the guy wire on
20 his property. He said that he had the cable company and the other utility companies visit his
21 property to mark their easements and it was determined that nothing is located on the eastern
22 portion of the property.

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

25
26 Mr. Palmgren asked Mr. Anderson when the shed was constructed.

27
28 Mr. Anderson stated that he began construction a few months ago and was then notified that he
29 had to have a permit from the County.

30
31 Mr. Palmgren asked Mr. Anderson if discussed his plans with Mr. Estes prior to the construction.

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1
2 Mr. Anderson stated no. He said that later Mr. Estes did approve the extension of a horizontal
3 wire down to the next pole therefore eliminating a guy wire on his property and the need for a
4 pocket area.

5
6 Mr. Thorsland asked Mr. Anderson if he did call J.U.L.I.E. and they indicated utilities with
7 markings on the ground.

8
9 Mr. Anderson stated yes.

10
11 Mr. Hall asked Mr. Anderson if he had photographs of those markings.

12
13 Mr. Anderson stated that he does have photographs on his cell phone and he could e-mail them
14 to staff within the next few minutes.

15
16 Mr. Hall stated that there have been two people from Ameren which have been mentioned during
17 testimony, Chris Elliot and Steve Estes.

18
19 Mr. Thorsland asked the Board if there were any further questions for Mr. Anderson and there
20 were none.

21
22 Mr. Thorsland stated that if possible, the Board should review the photographs regarding the
23 markings by J.U.L.I.E. He said the staff has presented a couple of options: 1. Miscellaneous
24 Document to be recorded at the Recorder of Deeds. This would make any potential homeowner
25 aware that they are responsible for paying for any services that may be needed within the utility
26 easements; and 2. At which point when Mr. Anderson no longer owns the property the shed must
27 be removed or if something were to happen to the shed it could not be reconstructed in its
28 current location.

29
30 Mr. Thorsland called for a five minute break.

31

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1 **The Board recessed at 7:52 p.m.**

2 **The Board resumed at 8:02 p.m.**

3

4 Mr. Thorsland stated that Mr. Anderson has indicated that he is in agreement with the proposed
5 special conditions and he has indicated that he will not expand the concrete floor.

6

7 Mr. Hall stated that if the Board is contemplating allowing the shed to remain in the easement
8 then a condition should be included prohibiting further concrete from being placed in the
9 easement and a condition regarding the recording of a miscellaneous document. He said that
10 apparently there are nine more structures which are located in easements that require staff
11 follow-up and he doubts that any of those structures are as large as Mr. Anderson's and he
12 doubts that any of those structures have concrete. He said that perhaps the Board would rather
13 wait until staff investigates these other structures.

14

15 Mr. Thorsland asked how long that review will take.

16

17 Mr. Hall stated that staff could prioritize that as much as they have prioritized flood map
18 modernization in the past 30 days which means that staff can do a lot if they only work on one
19 thing.

20

21 Mr. Passalacqua stated that he is having a hard time in approving this request just because there
22 are other structures within the easements as well. He said that he understands that the other
23 structures must be addressed but it does not justify the violation.

24

25 Mr. Thorsland stated that his thoughts are not so much, "forgive me because."

26

27 Mr. Hall stated that Edgewood Subdivision has a lot of trouble with small sheds being placed too
28 close to

29 the property lines and they have tried to deal with it and this is a common problem that is wide
30 spread throughout the County. He said that he is not sure if sheds being located in utility
31 easements is a common problem throughout the County but every subdivision does have utility

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1 easements around most of the lot lines.

2

3 Mr. Thorsland stated that if the Board decides to impose a condition regarding the floor it is a
4 condition that must be imposed on the other structures as well.

5

6 Mr. Hall stated that realistically preparing ten notices, sending them out in the mail and waiting
7 two weeks for a response would not indicate that a month is enough time to report any results to
8 the Board. He said that he would imagine that two months would be more than adequate and
9 there is plenty of time on the docket for this case to be continued. He said that he does not know
10 if the side shed could be improved even further in two months.

11

12 Mr. Thorsland asked Mr. Hall if a building permit has been submitted for the shed.

13

14 Mr. Hall stated yes, but staff only requires fees for those things that will remain.

15

16 Mr. Thorsland asked Mr. Hall if Mr. Anderson could be allowed to make the structure weather
17 tight.

18

19 Mr. Hall stated that staff has never made a problem for any construction that is outside of the
20 five foot utility easement and placing a roof on anything outside of the easement is not an issue.

21

22 Mr. Thorsland asked Mr. Anderson if he understands Mr. Hall's statement.

23

24 Mr. Anderson stated yes.

25

26 Mr. Kass distributed the photographs indicating the results of the J.U.L.I.E. visit on Mr.
27 Anderson's property for the Board's review.

28

29 Mr. Courson stated if the City marked "ok" then it would appear that they do not have any lines
30 in the area. He said that it appears that someone just took some spray paint and painted "ok" for
31 Ameren and the City. He said that normally the paints would not match for each utility because

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1 they are painted by separate people.

2

3 Mr. Hall stated that he does not believe that the City has jurisdiction over interceptor sewers and
4 that interceptor sewers were under the jurisdiction of the sanitary district.

5

6 Mr. Courson stated that there is no indication of "ok" by the sanitary district. He asked Mr. Hall
7 if there is indeed a sanitary line located within this easement because if there is he does not know
8 how the photographs could be accurate.

9

10 Mr. Hall stated yes.

11

12 Mr. Thorsland stated that the yellow flag and paint is indicated in the photograph.

13

14 Mr. Thorsland asked Mr. Anderson to explain the photograph.

15

16 Mr. Anderson stated that a green flag, representing UCSD, is located near the fence in the
17 vertical photograph which is indicating the location of the sewer. He said that the red flag and
18 paint indicates electric service, orange indicates cable and yellow indicates gas.

19

20 Mr. Kass asked Mr. Anderson if he has a better photo of the green flag.

21

22 Mr. Anderson stated no, but the flag is still there and the green paint is still apparent.

23

24 Mr. Thorsland asked the Board if there were any additional questions for Mr. Anderson and there
25 were none.

26

27 Mr. Thorsland asked if staff had any additional questions for Mr. Anderson and there were none.

28

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

31

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1 Mr. Thorsland asked the Board if they would like to continue the case to a later date or move
2 forward tonight.

3
4 Mr. Passalacqua stated that he does not believe that the other sheds which are in violation will
5 have any bearing on this case.

6
7 Mr. Thorsland stated that the results of this case will have bearing on the other sheds which are
8 in violation.

9
10 Ms. Capel stated that the Board will be setting a precedent with this case.

11
12 Mr. Thorsland stated that if there are other sheds with concrete the conditions which are
13 approved for this case will be relevant for those future cases as well.

14
15 Ms. Capel stated that this case will have bearing beyond this particular neighborhood.

16
17 Mr. Passalacqua stated that zoning exists and whether or not this shed was built or not there are
18 other sheds that are out of compliance. He said that maybe people do not have to obtain a permit
19 for one that is less than 150 square feet but they still have to comply with the requirements of the
20 Zoning Ordinance and if they are outside of the Ordinance then they are outside of the
21 Ordinance.

22
23 Mr. Courson stated that he would imagine that most of the sheds are probably portable garden
24 sheds and should be relatively easy. He said that he is going to have a problem getting past
25 Finding of Fact 3. He said that if the petitioner had submitted a building permit prior to
26 construction then he would have known about all of the setbacks and could have worked around
27 those setbacks before beginning construction. He said that he is going to have a hard time
28 getting past his asking for forgiveness after the fact on something that he should have known
29 about since he is a builder himself. He said that if this shed was built within the City of
30 Champaign, which is across the street to the north, the shed would not comply.

31

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1 Mr. Thorsland asked the Board if they wanted to move forward or continue to a later date.

2

3 Mr. Hall stated that he can imagine three portions of this variance not being approved. He said
4 that staff advertised this case in parts to allow for flexibility for the Board and the petitioner but
5 if the petitioner is not willing to accept that flexibility then he does not believe that the Board can
6 grant it. He said that if the petitioner is not willing to drop those parts of the variance that the
7 Board has made clear that they are not inclined to approve then the entire variance will be
8 denied. He said that the Board needs to ask the petitioner if he is willing to modify his request.

9

10 Mr. Thorsland stated the perhaps the Board should walk through the finding to determine where
11 there are problems. He asked Mr. Courson if there is any condition which would assist with the
12 parts of the request that he has concerns about.

13

14 Mr. Courson stated that he cannot answer finding #3 in any other manner than DO.

15

16 Mr. Hall stated that, as staff always advises the Board in these situations, what if this had been
17 presented to the Board as a proposed plan with the justification being that the lot is a corner lot
18 with not much backyard and the desire to build in this area for these reasons. He said that if the
19 reasons are sound then they are sound now. He said that the fact that the shed currently exists is
20 irrelevant and what the facts suggest that whether this could have been approved if the proper
21 process had been followed in the beginning. He said that the fact the process wasn't followed is
22 irrelevant.

23

24 Mr. Courson stated that he would not have approved it either way. He said that simply building
25 around a utility pole on a utility easement is not something that he would ever approve.

26

27 Mr. Passalacqua stated that this is very similar to the Wilbur Heights storage shed proposal that
28 was before the Board in that no space could be found to locate a functional building in the given
29 space. He said that he has a problem with the size of the shed and the placement being located
30 around the utility pole and within the easement.

31

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1 Mr. Hall stated that the four feet that will be lost in the utility easement could be made up easily
2 because it is a small amount of space. He said that the total area that is too close to both property
3 lines could easily be made up although there is a question in his mind if that is enough area to
4 enclose everything on the property but that remains to be seen.

5
6 Mr. Passalacqua stated that he does not believe that he could approve this regardless whether or
7 not it is already built. He said that does not believe that just because there are other structures in
8 the neighborhood which are in violation does not give reason to approve this request.

9
10 Mr. Thorsland asked Mr. Passalacqua if he would be willing to continue the case to see if Mr.
11 Anderson can reduce or eliminate the need for most of the variances.

12
13 Mr. Passalacqua stated that Mr. Anderson could probably answer that tonight.

14
15 Mr. Thorsland stated that if the Board moved forward and the first three findings were denied
16 would he be willing to modify the structure so that only Part D would be required.

17
18 Mr. Anderson stated that if the utility easement is the portion of the request that the Board has
19 issue with then he would be willing to move the building four feet west but still be within the
20 five foot setback next to the neighbor to the south because it would be no more of an intrusion
21 than a six foot solid fence in that location.

22
23 Mr. Thorsland stated that the utility easement is the portion that he is uncomfortable therefore
24 would Mr. Anderson's remediation be acceptable.

25
26 Mr. Courson stated yes.

27
28 Mr. Passalacqua stated yes. He asked if there is a functional square footage of the shed that will
29 fit into the perimeters of the Ordinance and does moving the shed to the west make it connected
30 to the house.

31

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1 Mr. Anderson stated that he could put the shed on rollers and move it to the west. He said that
2 there will be a small separation from the house.

3
4 Mr. Thorsland stated that the biggest problem is the utility easement and it appears that there are
5 other sheds in the neighborhood, although not as large, with the same problem and granting the
6 variance for the other side of the shed is not as big a problem because the Board does have a
7 precedent for doing so. He said that moving the shed four feet to the west and removing it from
8 the utility easement would make this a much simpler case.

9
10 Mr. Hall stated that with the site plan that the Board has in front of them currently the petitioner
11 can expect either denial for complete approval. He said that the submitted site plan is not
12 accurate enough to do anything in between the two.

13
14 Mr. Passalacqua stated that he would not suggest that the petitioner move any sheds until he
15 returns to this Board with an updated site plan indicating what the setbacks will be after they
16 would be moved. He said that the petitioner has already spent enough money without having the
17 sheds permitted and building out of compliance so moving the sheds might be more money
18 wasted therefore another hearing is very necessary.

19
20 Mr. Thorsland stated that a new site plan addressing the Board's concerns is very necessary. He
21 said that it the biggest concern is the utility easement so that could be the starting point and he
22 would suggest that Mr. Anderson discuss any questions for comments with staff . He said that
23 perhaps the case could be continued to the October 11, 2012, public hearing.

24
25 Mr. Hall stated that October 11th is a possibility.

26
27 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Case 715-V-12 to the**
28 **October 11, 2012, meeting. The motion carried by voice vote.**

29
30 Mr. Courson asked if a condition should be imposed indicating that the structure should comply
31 with the National Building Code.

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1
2 Mr. Hall stated that when the state law requires it is when staff adds it as a condition so that it is
3 clear to the petitioner. He said that the Residential Building Code Act only applies to new
4 dwellings and does not apply to accessory buildings. He said that this Board can add any special
5 condition that it believes is warranted. He said that there have been variances within the Urbana
6 ETJ for very small side yards which required fireproofing on that portion of the structure that
7 was within three feet of the lot line. He said that staff could check with the City of Champaign
8 or the Village of Savoy to see what they would require. He noted that this property is within the
9 Village of Savoy annexation area therefore the property will never be within the City of
10 Champaign.

11
12 Mr. Courson would like staff to check with the Village of Savoy.

13

REVISED DRAFT

715-V-12

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

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

Date: ~~August 30, 2012~~ **October 11, 2012**

Petitioners: **The Estate of John Behrens and Anne and Denny Anderson**

Request: Authorize the following in the R-1 Single Family Residence Zoning District:

- Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;
- Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;
- Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;
- Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 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 **June 28, 2012, and August 30, 2012, and October 11, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner, Denny Anderson is married to Anne Anderson, a daughter of former owner John Behrens who is deceased. Anne Anderson expects to eventually acquire the property from the John Behrens estate. Anne and Denny Anderson currently reside on the property.
2. The subject property is Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, 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-1 Single Family Residence, and is in residential use.
 - B. Land to the north is in the City of Champaign and is in commercial use.
 - C. Land to the south of the subject property is zoned R-1 Single Family Residence, and is in residential use.
 - D. Land to the east and west of the subject property is zoned R-1 Single Family Residence, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is a 11,500 square feet (.26 acre) lot.
 - B. The Site Plan received March 15, 2012, and amended June 8, 2012, includes the following:
 - (1) Location of the existing 1,850 square feet home.
 - (2) Location of an existing 20'×12' deck that is currently being used to store building materials under a tarp.
 - (3) Location of an existing 25' × 16' shed that is the subject of Parts A and C of the variance that was constructed without a Zoning Use Permit. Currently a portion of the northeast corner of this shed has a concrete floor that was poured by the

petitioner. No further concrete flooring has been poured since the petitioner ceased construction of the shed.

- (4) Location of an existing 33' × 4½' wood storage shed that is the subject of Part B of the variance that was constructed without a Zoning Use Permit.
 - (5) Parking area in the southeast corner of the property that is the subject of Part D of the variance.
 - (6) Location of a 5' × 25' greenhouse addition to the home that was constructed without a Zoning Use Permit.
- C. The requested variance is as follows:
- (1) Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;
 - (2) Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;
 - (3) Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;
 - (4) Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 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 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.

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- (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) "LOT LINES" are the lines bounding a LOT.
 - (6) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (7) "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.
 - (8) "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.
 - (9) "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.
 - (10) "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 DETACHED ACCESSORY BUILDINGS and STRUCTURES in the R-1 District are established in Section 7.2.2 of the *Zoning Ordinance* as follows:
- (1) The minimum side yard in the R-1 Zoning District is listed in Section 7.2.2B. as 5 feet.
 - (2) The minimum rear yard in the R-1 Zoning District is listed in Section 7.2.2C. as 5 feet.
- D. Minimum separation distances for parking spaces from a side rear property line are established in Section 7.4.1A. of the *Zoning Ordinance* as follows:

- (1) No such space shall be located less than five feet from any side or REAR LOT LINE.
- E. Section 4.2.2D. establishes the requirement that no USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.
- F. 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.
- G. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The petitioner has testified on the application, **“Corner lot setbacks seriously limit backyard space. East side yard is narrow and sloped down to the North and East 30 degrees down making it inaccessible and unbuildable.”**
 - B. The subject property is a corner lot and the visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting streets free from sight obstruction. The subject property is 11,500 square feet in area.
 - C. The sheds are used to store building materials. At least some of the building materials are used by Denny Anderson to construct structures at Camp Drake for the Boy Scouts (see Attachment D to the Preliminary Memorandum). Building materials are also stored on the deck under tarpaulins and uncovered in the side and rear yard. Other items are also stored outdoors on the property such as canoes and coolers.
 - D. Staff conducted a site visit on May 8, 2012, and at that time the petitioner indicated that the utility company does not use the 5 feet wide recorded utility easement along the east property line, but rather accesses the utility pole at the southeast corner of the property from a neighboring property. The petitioner also indicated that the utility company has installed a new utility pole and has vacated the original utility pole which the large shed has been built around. No evidence has been received that affirms the vacation of the utility pole.
 - E. The south parking area is used to park a Boy Scout trailer and a work trailer.
 - F. At the June 28, 2012, public hearing Denny Anderson, petitioner, testified:
 - (1) A few years ago the utility pole was replaced and at that time Ameren discovered that they could not access the front of the property because of the 30 degree slope of the area within the easement therefore they had to access the backyard through a neighbors yard.
 - (2) Ameren has not vacated the easement, but he spoke with Chris Elliott, Engineering Representative with Ameren and he indicated that there was no issue.
 - G. The Urbana-Champaign Sanitary District (UCSD) sewer map indicates that an interceptor sewer line is located within the recorded utility easement on the subject property.
 - H. On August 3, 2012, staff conducted a site visit and verified that a manhole does exist on the subject property as indicated on the UCSD sewer map.

- I. The adjacent property to the east also has a shed that is located in the same utility easement. That shed appears to be approximately 10 feet by 12 feet in area and may not be anchored into the ground by footings. Sheds smaller than 150 square feet in area are only exempt from the fees for a Zoning Use Permit but they are required to meet all other requirements of the Zoning Ordinance.

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, **“Proposed structure will not fit any other area reasonably. Reduced size will make it unusable for intended storage. Existing power line would touch proposed shed roof if moved any further West. Line cannot be further tensioned. All adjacent land is fenced and storage building occupied.”**
- B. Without the proposed variance, the large shed (Part A and C of the variance) on the subject property could be no larger than approximately 12' × 21'. This is the size of a shed that would not require variance from side and rear yard requirements or from construction within a recorded utility easement. The shed could be ~~moved~~ reconstructed 4 feet to the west and shortened by 4 feet on the south to not require any variance although the shed would be approximately 1 foot away from the greenhouse attached to home on the subject property. The shed could also be expanded or deconstructed and a new shed could be built in the backyard west of the existing shed that would meet all yard requirements and not be within the easement. Staff estimates that this shed could be as large as 45' × 15' which would be an increase in square footage compared to the existing shed. There is an existing power line that runs through the backyard of the subject property. Special care would have to be taken and the shed would likely have to be shorter than the height of the proposed shed so as to not interfere with the existing power line.
- C. The smaller shed (Part B of the variance) would not have to be reduced in size, but moved 4 feet to the north in order for the variance to not be required.
- D. In a phone conversation between Chris Elliott, Engineering Representative for Ameren and Andy Kass, Associate Planner, on August 22, 2012, Mr. Elliott conveyed the following information:
- (1) The shed meets all of the minimum distances from power lines.
 - (2) The shed is built around a guy wire, but the wire will be cut and re-routed at the expense of Mr. Anderson.

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- (3) Although the shed meets the distance requirements, Ameren would prefer that the shed not be within the easement, but they have no grounds to require Mr. Anderson to move the shed.
- E. In a phone conversation between Mark Radi, Director of Engineering Services for the Urbana-Champaign Sanitary District (UCSD), and Andy Kass, Associate Planner, on August 22, 2012, Mr. Radi conveyed the following information:
- (1) The shed is not a big concern for them because they do not consider it a permanent structure.
 - (2) In the event that the UCSD would have to access the easement to do work Mr. Anderson could be charged for any work that would be required because of the location of the shed.
- F. At the June 28, 2012, public hearing Denny Anderson, petitioner, testified:
- (1) He builds tree houses for the Boy Scouts and the materials located on his property are for the next tree house. There are plans to build more tree houses, but because of the Variance process he does not want to be a storage facility so all of the materials will be moved to Camp Drake in Vermillion County.
 - (2) After the next tree house is built all of the building materials will be removed from the property.
 - (3) The shed will still be required because he has a lot of Boy Scout troop equipment and a trailer.
- G. An aerial photo analysis of the surrounding neighborhood of the subject property was conducted, during this analysis staff found 9 accessory structures that appear to have been built within a recorded utility easement, including a shed which is immediately to the east of the subject property. Staff also found 9 accessory structures that appear to have been built too close to a property line. Without a field survey staff could not verify this, but it appears that the sheds that are subject to Parts A, B, and C of this variance are likely not the only sheds in the neighborhood built within a recoded utility easement or too close to a 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, “No.”
 - B. The subject property is a corner lot and the visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the

corner of two intersecting streets free from sight obstruction. The subject property is 11,500 square feet in area.

- C. On May 8, 2012, staff conducted a site visit to the subject property and at that time the Petitioner indicated that the parking area along the rear property line was constructed because a narrow strip of pavement existed and then he added the strip of pavement closest to rear property line to allow for additional parking. Staff researched the petitioner's claim and found that aerial photos from 1973 do not indicate a paved parking area along the rear property line.
- D. A Notice of Violation was sent to the petitioner after complaints were received from neighbors and an off-site inspection by the Zoning Officer (see Attachment E to the Preliminary Memorandum). The violations cited were as follows:
 - (1) Construction without a permit.
 - (2) Parking too close to the lot line.
 - (3) Outdoor storage (a *Nuisance Ordinance* violation).
- E. At the August 30, 2012, public hearing the petitioner proposed that he would remove the part of the shed in the utility easement and meet the minimum side yard requirement on that side. Zoning Board of Appeals members requested that the petitioner submit a revised site plan indicating this proposal. On September 27, 2012, the petitioner indicated to staff that he did not intend to submit a revised site plan and no longer intended to remove the portion of the shed in the utility easement.

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, **“Granting variance will: a.) provide buffer for neighbors four dogs; and b.) allow backyard room to park Boy Scout trailer ~~four~~ dogs and work trailer; and c.) allow enclosed storage space for construction materials; and d.) allow sunlight to greenhouse; and e.) allow runoff water to North and East.”**
 - B. The requested variance is as follows:
 - (1) A side and rear yard of 1 foot for an existing shed is 20% of the minimum required 5 feet for a variance of 80% (Part A).
 - (2) A rear yard of 1 foot for an existing shed is 20% of the minimum required 5 feet for a variance of 80% (Part B).

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- (4) The requested variance from Section 4.2.2D. requirements is a 100% variance (Part C).
 - (5) The requested variance from minimum separation distance of a parking space from a rear property line of 1 foot is 20% of the minimum required 5 feet for a variance of 80% (Part D).
- 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 Savoy Fire Protection District and the station is approximately 2 miles from the subject property. The nearest structure to the largest shed (Parts A and C of the Variance) is a shed on the property to the east. ~~is approximately 11 feet from the shed~~ The shed is in close proximity and it is difficult to estimate how close the shed is from an aerial photograph, based on a site visit to the subject property on August 29, 2012, staff estimated that there is approximately 2 to 3 feet between the two sheds. The nearest structure to the smaller shed (Part B of the Variance) is on the property to the south and is approximately 14 feet from the smaller shed.
 - (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.
 - (2) Area for a septic system, when necessary. The subject property is in an area with sewers and this consideration does not apply.
- E. The subject property looks very similar to a building contractor facility and should be registered as a home occupation but as a home occupation the outdoor storage is not authorized unless approved as a variance. The current variance does not include any request for outdoor storage.
- F. The requested variance is not prohibited by the *Zoning Ordinance*.

- G. Regarding the considerations related to the prohibition on construction in drainage easements and utility easements:
- (1) The prohibition on construction in drainage easements and utility easements in paragraph 4.2.2 D. were added to the Zoning Ordinance in Ordinance No. 544 (Case 105-AT-97 Part D) that was adopted on November 18, 1997. The evidence, testimony, and Finding of Fact for Case 105-AT-97 Part D merely discussed that the amendment gave the Zoning Administrator the authority to prevent construction in these areas where construction is not supposed to occur.
 - (2) If the larger shed is allowed to remain in the utility easement the shed may result in additional costs for any utility that needs to access something within the easement such as the interceptor sewer line. And, provided that the property owner reimburses that utility for any additional costs incurred, allowing the shed to remain may be acceptable. However, the presence of the shed in the utility easement is a hidden cost for any future owner of the property and a future owner might be less agreeable about paying those costs. If the Zoning Board allows the shed to remain in the easement the Board may require a Miscellaneous Document to be filed with the Recorder of Deeds and the Document could make any future owner of this zoning case and any and all conditions that apply to the shed. The actual text of that Document should be established in the public hearing.

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, **“Fences and hedge buffer the area, Power Company replaced corner pole in 2007 thru unsloped east backyard, runoff will be unaffected, no traffic or visibility negatives, only positive effects.”**
 - 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. As reviewed in Item 9.D. the petitioner received a Notice Violation based on complaints from neighbors.

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- E. At the June 28, 2012, public hearing Charlotte Padgett a resident of Windsor Park and Deputy Assessor for Champaign Township testified. Her testimony is summarized as follows:
- (1) The roof of the large shed appears to be a fire hazard because of exposed insulation.
 - (2) The petitioner parks a van which blocks the public sidewalk and extends out into the cul-de-sac.
 - (3) The subject property is hurting property values in the neighborhood.
- F. At the June 28, 2012, public hearing Patricia Belleville, Chair of the Windsor Park Homeowners Association testified. Her testimony is summarized as follows:
- (1) Concerns and complaints have been submitted to the homeowners association regarding the subject property.
 - (2) She spoke with Steve Estes with Ameren and Mr. Estes indicated that Ameren would be happy to see the buildings removed because it restricts access to the lines and they prefer to not have any structures under the power lines.
 - (3) Residents of Windsor Park are concerned about property values being affected by the condition of the subject property.
 - (4) The neighborhood covenants state that no storage of building materials is allowed on the property and that similar to the County Ordinance the covenants indicate that structures must be placed away from power lines and property lines.
- G. At the June 28, 2012 public hearing Patricia Belleville submitted 10 letters in opposition (one letter provided no name or address) to the granting of the variance request. The following people provided letters or signed a letter of opposition:
- (1) Dick Barker, 2501 Bedford Drive, Champaign.
 - (2) Robert and Angela Weddle, #3 Willowbrook Court, Champaign.
 - (3) Mike and Teri McKenzie, 2 Lyndhurst Place, Champaign.
 - (4) Diane Ore, 2508 Bedford Drive, Champaign.
 - (5) Debbie Romine, 2505 Stanford Drive, Champaign.
 - (6) David Dupre, 2511 Lyndhurst Drive, Champaign.
 - (7) Sue and Tom Kovacs, 2502 Stanford Drive, Champaign.
 - (8) Gladys and Paul Hemp, 711 Park Lane Drive, Champaign.
 - (9) Karen Peck, 2507 Stanford Drive, Champaign.
 - (10) Cynthia McKendall, 2509 Stanford Drive, Champaign.
 - (11) Greg Perkins, 802 Park Lane Drive, Champaign.
 - (12) Ryan and Elizabeth Squire, 2504 Stanford Drive, Champaign.
 - (13) Janice Bahr, 2506 Stanford Drive, Champaign.

- H. At the June 28, 2012, public hearing Patricia Belleville submitted one letter of no objection to the granting of variance from Jack Davis, 408 Park Lane Drive, Champaign.
- I. At the June 28, 2012, public hearing Denny Anderson, petitioner, testified the following:
- (1) The first thing he will do if he is given permission to finish the shed is to install a metal roof on the shed.
 - (2) When he has time to get everything situated and the troop trailer parked in back, the van will be relocated so as to not block the sidewalk.
 - (3) The sponsor organization for the Boy Scout troop is Thrivent Financial for Lutherans and they have no property for the troop to store equipment and materials at.
- J. A letter written by Robert and Angela Weddle, nearby residents of the subject property was submitted by Patricia Belleville at the June 28, 2012, public hearing and is summarized as follows:
- (1) Several vehicles and trailers park in the two driveways on the property and in the side yard.
 - (2) The driveway along their neighbors property line was put in when the previous neighbor had moved out, but was still trying to sell the property.
 - (3) The vehicles park across the sidewalks and down to the curb which makes it difficult to see.
 - (4) A school bus is sometimes parked in the driveway and the previous neighbor had to pay Mr. Anderson to keep it out of the cul-de-sac so that he would have a better chance of selling the property.
- J. A letter written by Dick Barker, 2501 Bedford Drive, Champaign, was submitted by Patricia Belleville at the June 28, 2012, public hearing and is summarized as follows:
- (1) Property values of homes around the subject property will be greatly depressed and could make a sale impossible.
 - (2) The home immediately east of the subject property was foreclosed because the home could not be sold.
- K. There is an existing Zoning Enforcement Case (ZN-12-07/20) on the property. The variance can be approved by the ZBA per Section 13.2.1 of the *Zoning Ordinance* because

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the Variance will facilitate correction of some part of the violation. The following violations on the subject property are as follows:

- (1) A Zoning Use Permit has not been issued or authorized by the Zoning Administrator for accessory structures and buildings on the subject property.
- (2) The off-street parking area along the rear property line is 1 foot from the rear property line in lieu of the minimum required 5 feet. In addition vehicles parked in this parking area park too close to the front property line. Vehicle may be parked no closer than 10 feet from a front property line.
- (3) A shed has been built where it has a 1 foot side and rear yard in lieu of the minimum 5 feet side and rear yard for an accessory building or structure. In addition this same shed has also been built within recorded utility easement which the Zoning Ordinance prohibits in Section 4.2.2 D.
- (4) An additional shed has been constructed with a rear yard of 1 foot in lieu of the minimum required 5 feet.
- (5) Outdoor storage of building materials, equipment, and other materials occurs onsite.
- (6) Outdoor storage of inoperable vehicles, and equipment or parts occurs onsite.

L. In order to resolve the existing violations and Zoning Enforcement Case ZN-12-07/20 on the property the following action is required to correct the violations:

- (1) Apply for and receive a Zoning Use Permit authorizing the structures and buildings of the subject property. The petitioner has submitted a Zoning Use Permit Application but no fee has been paid and if the Variance is approved the Permit fee must be paid.
- (2) Remove, obtain a Variance from the Zoning Board of Appeals, or move the parking area along the rear property line to be at least 5 feet from the rear property line and not park vehicle within 10 feet of the front property line. This is Part D of the Variance.
- (3) Remove and properly store inside a fully enclosed building all building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site), packaging materials and similar items.
- (4) Remove and properly store inside a fully enclosed building all vehicle equipment and/or vehicle parts including any tires stored outdoors.
- (5) Move, deconstruct, or obtain a Variance from the Zoning Board of Appeals for two accessory structures that do not meet side and rear yard requirements. This is Parts A and B of the Variance.

- (6) Move, deconstruct, or obtain a Variance from the Zoning Board of Appeals for an accessory structure built within a recorded utility easement. This is Part C of the Variance.
- M. An aerial photo analysis of the surrounding neighborhood of the subject property was conducted, during this analysis staff found 9 accessory structures that appear to have been built within a recorded utility easement, including a shed which is immediately to the east of the subject property. Staff also found 9 accessory structures that appear to have been built too close to a property line. Without a field survey staff could not verify this, but it appears that the sheds that are subject to Parts A, B, and C of this variance are likely not the only sheds in the neighborhood built within a recoded utility easement or too close to a property line.
- N. The adjacent property to the east also has a shed that is located in the same utility easement. That shed appears to be approximately 10 feet by 12 feet in area and may not be anchored into the ground by footings. Sheds smaller than 150 square feet in area are only exempt from the fees for a Zoning Use Permit but they are required to meet all other requirements of the Zoning Ordinance.
- O. At the August 30, 2012, public hearing ZBA members requested information regarding what fireproofing standards a shed would have to meet in a building code jurisdiction. Staff contacted Dan Davies, Zoning Administrator/Building Official, Village of Savoy, regarding this question. Mr. Davies indicated that if the shed was in his jurisdiction it would require the following:
- (1) Fire rate the interior of the shed with 5/8" Type X Drywall. This type of drywall allows for a minimum of 1 hour of fire protection.
 - (2) A fire alarm system connected to a monitoring service.
 - (3) If any hazardous materials were to be stored inside the shed they would need to be identified and stored in a fireproof cabinet. A KNOX Box would also be recommended for fire department access.
 - (4) Since the shed is so close to the property lines and adjacent buildings proof of proper liability insurance would be required.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **This Variance does not authorize reconstruction or replacement of either or both of the sheds if any of the following occur:**
- (1) If the petitioner or any future owner of the subject property deconstructs either or both of the sheds for any reason.**

- (2) **If either or both of the sheds become dilapidated or are destroyed by fire, weather, or natural disaster.**
- (3) **If either or both of the sheds need to be deconstructed for the purpose of a public utility needing to access a buried utility line within the recoded utility easement.**

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

That either or both sheds are not replaced or reconstructed in the event of deconstruction or damage from weather, fire, or natural disaster.

DOCUMENTS OF RECORD

1. Variance Application received on March 15, 2012, with attachment:
 - A Site Plan
 - B Newspaper Article
2. Site Plan amended June 8, 2012
3. Preliminary Memorandum dated June 22, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 15, 2012 and amended June 8, 2012
 - C Annotated Site Plan
 - D Photos of Subject Property
 - E News-Gazette Article regarding Denny Anderson's activities with the Boy Scouts, dated October 23, 2011
 - F First Notice of Violation for Enforcement Case ZN-12-07/20
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)
4. Email and photos from Dick Barker received June 27, 2012
5. Supplemental Memorandum dated June 28, 2012, with attachments:
 - A Email from Dick Barker with photos
6. Letters of support and objection submitted by Patricia Belleville at the June 28, 2012, public hearing
7. Photos submitted by Charlotte Padgett at the June 28, 2012, public hearing
8. Site Visit Photos from May 8, 2012, June 21, 2012, August 3, 2012, and August 29, 2012
9. Supplemental Memorandum dated August 24, 2012, with attachments:
 - A Letters and emails submitted by Patricia Belleville at the June 28, 2012, public hearing
 - B Illustrative Site Plan
 - C UCSD Sewer Map (2 sheets)
 - D August 3, 2012 Site Visit Photos
 - E Photos submitted by Charlotte Padgett at June 28, 2012, public hearing
 - F Revised Summary of Evidence, Finding of Fact, and Final Determination

10. Supplemental Memorandum dated August 30, 2012, with attachments:
 - A Neighborhood Analysis Map
 - B Photo submitted by Charlotte Padgett at June 28, 2012, public hearing
 - C Photo from Staff Site Visit on August 29, 2012

11. Supplemental Memorandum B dated August 30, 2012

12. Photos of JULIE markings submitted by Denny Anderson at the August 30, 2012, public hearing

13. Supplemental Memorandum dated October 5, 2012 with attachments:
 - A Excerpt of Draft Minutes from August 30, 2012, public hearing
 - B Revised Summary of Evidence, Finding of Fact, and Final Determination

14. Zoning Use Permit Application No. 74-12-03

15. Zoning Enforcement Case File No. ZN-12-07/20

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **715-V-12** held on **June 28, 2012, August 30, 2012, and October 11, 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: _____

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-
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 **715-V-12** is hereby **{GRANTED / GRANTED WITH CONDITIONS/ DENIED}** to the petitioner **John Behrens Estate & Anne and Denney Anderson** to authorize the following in the **R-1 Zoning District**:

- Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;**
- Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;**
- Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;**
- Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 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. 717-AM-12

SUPPLEMENTAL MEMORANDUM

October 5, 2012

Petitioners: Sangamon Valley Public
Water District and Parkhill
Enterprises, LLC

Site Area: 2.9 acres

Time Schedule for Development:
March 2013 – March 2014

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District on approximately 2.9 acres of the subject property described below and subject to the proposed Special Use Permit in related Case 718-S-12 and with the variance requested in related Case 719-V-12.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

Champaign
County
Department of



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

(217) 384-3708

STATUS

This case was continued from the September 27, 2012, public hearing. A letter from Rick Smith, Mahomet Christian Church, was received on October 2, 2012, and is attached.

REVISED SITE PLAN

As of October 5, 2012, a revised site plan had not been submitted by the petitioner. Staff is aware that the petitioner is working on completing the revisions to the site plan requested at the September 27, 2012, public hearing in regards to the requested screening by Mahomet Christian Church and the extension of Middletown Drive.

ATTACHMENTS

A Letter from Rick Smith, Mahomet Christian Church, received October 2, 2012



Touching the World
with God's Love...Teaching
Them with His Word

Mahomet Christian Church

908 N. Lake of the Woods Rd
PO Box 679
Mahomet, IL 61853

217-586-3095
www.mahometchristian.org

David Johnson
Minister

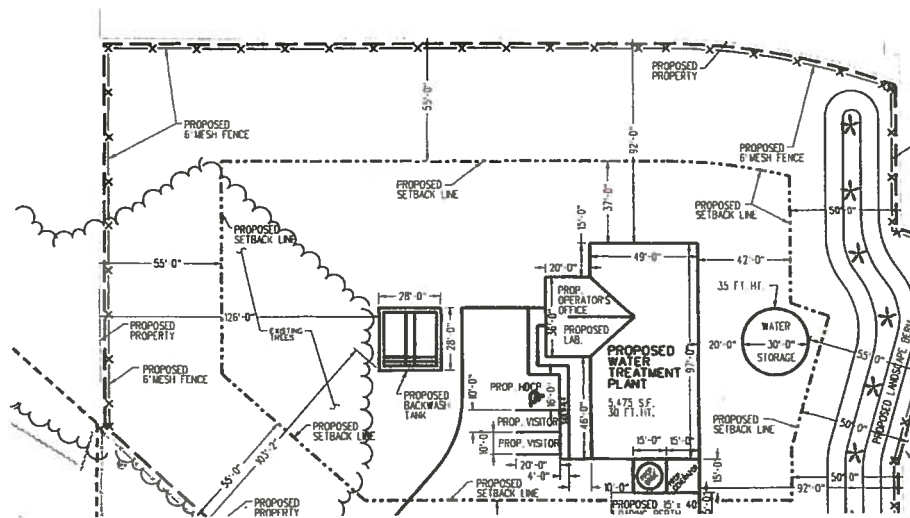
Jeff Dyson
Youth Minister

Dear Zoning Board members,

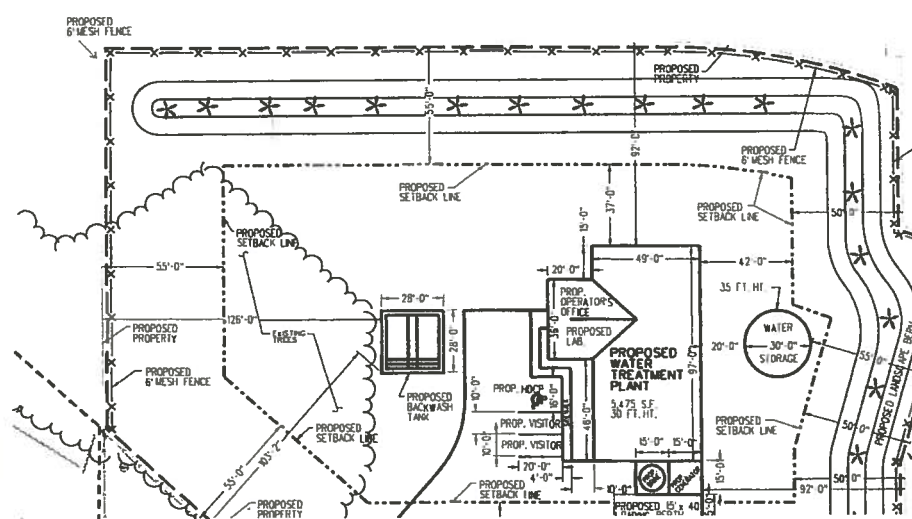
On September 27, 2012, I was in attendance at the Lyle Shields meeting room at the Brookens Administrative Center regarding Cases 717-AM-12, 718-S-12, and 719-V-12 as they pertain to the Sangamon Valley Public Water District, the village of Mahomet and Parkhill enterprises.

At that meeting, I was a witness for the Mahomet Christian Church with a request regarding the landscaping berm for proposed water treatment plant from the site plan dated August 16, 2012.

The proposed plan depicted a landscaping berm that was on the east side of the water station as follows:



The request I made as a witness was to have a similar type of landscape berm from the northwest corner over to the northeast corner similar to the following:



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OCT 02 2012

CHAMPAIGN CO. P & Z DEPARTMENT

At the meeting, I stated that I understood the northeast corner may be "trimmed" due to the extension of Middleton Drive due to the right of way on that northeast corner and the testimony that it was not the intent to block Middleton Drive by Sodemann and Associates.

Given the contention regarding Middleton Drive, I requested that the Zoning Board of Appeals consider some type of landscape berm from the Northwest corner as far east as it could go to aid in visual appeal from the church's perspective.

My understanding was that a written request would need to be submitted to the Zoning Board of Appeals in care of Planning and Zoning if the meeting were to extend. This, in fact, did occur with the next meeting being set for October 11, 2012. As a result, this written summary is being tendered as requested by the board.

Respectfully submitted,

A handwritten signature in black ink that reads "Mike Smith". The signature is written in a cursive style with a large initial "M".

Mike Smith
Mahomet Christian Church

CASE NO. 728-AM-12

PRELIMINARY MEMORANDUM

October 5, 2012

Petitioners: K & S Property Management

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: 1.5 acres

Time Schedule for Development: 3-6
months

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-4 Multiple Family Residence Zoning District to allow the re-establishment of a multi-family use in an existing building (variances will be required) for which the nonconforming rights have expired.

Location: A 1.5 acre tract in the Southwest Quarter of the Southwest Quarter of Section 15 of Rantoul Township and commonly known as the Jones Building at 1518B CR 2700N, Rantoul.

BACKGROUND

The existing apartment building on the subject property is also known as the "Jones Building" and is immediately east of the Cherry Orchard apartment complex. The building on the subject property existed prior to the adoption of zoning in Champaign County on October 10, 1973.

The petitioner has proposed this Map Amendment because the Zoning Ordinance requires that if any nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, any subsequent use of the land must conform to the Ordinance requirements for the zoning district it is located in. The apartment building remained vacant for at least 183 consecutive days (October 19, 2010 – April 19, 2011). The use of the apartment building is nonconforming because multi-family housing is not an allowed principal use in the AG-1 Agriculture Zoning District.

The subject property has been the subject of three zoning and nuisance enforcement cases with only one case considered "resolved" by the Department of Planning and Zoning. The following list includes the enforcement case numbers and a brief summary of each case:

1. **Case: ZN-09-82/09 (resolved December 31, 2009)**
 - Accumulation of trash and debris on the property.
 - Maintaining a dangerous structure by having windows and doors open or not secured.
2. **Case: ZN-11-52/09 (referred to the States Attorney Office June 7, 2011)**
 - Nonconforming rights of the property were lost after 180 consecutive days of abandonment.
 - Multi-family housing is not permitted in the AG-1 Agriculture Zoning District.

- 3. **Case: ZN-11-108/09 (referred to the States Attorney Office January 18, 2012)**
 - Accumulation of trash and debris on the property.
 - Maintaining a dangerous structure by having windows and doors open or not secured.

In July 2011, the Champaign County Health Department was granted the power to evict tenants on the subject property and at the adjacent Cherry Orchard apartment complex because of inadequate septic systems, raw sewage flowing on top of the ground, and raw sewage flowing into an agricultural drainage tile. The buildings have been boarded up and cannot be occupied until repairs to the sewage disposal systems have been made.

In a Letter of Intent submitted with the application, the petitioner indicated that they intend to make the apartment units livable, make the required repairs and improvements to the septic system, and to install a new water well.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of The Village of Rantoul, a municipality with zoning. Rantoul Township has a Plan Commission. The Village and the Township Plan Commission have both been notified of this case and both have protest rights. The Village of Rantoul submitted a formal protest to this case on August 17, 2012 (Attachment C).

ADDITIONAL INFORMATION REQUIRED

The petitioner was advised on April 16, 2012, that a site plan of the property and a basic floor plan of the building were required but neither has been submitted. Without an adequate site plan staff cannot evaluate the proposed multi-family housing unit for compliance with Zoning Ordinance requirements including, but not limited to parking and sewage disposal. The petitioner has been notified of the need for an adequate site plan, but a site plan has not been received at this time. If the site plan indicates that any part of the proposed use does not comply with the Zoning Ordinance a Variance will need to be requested by the petitioner.

In addition to a site plan, information regarding the access to the subject property must be submitted as well as information regarding the number of units that are intended to be available, and floor plans for each apartment.

Staff has suggested to the petitioner that documentation from a qualified architect or engineer be submitted certifying that the building is structurally safe. Staff has also suggested that a building inspector evaluate the livability of each unit in the apartment building.

Because the petitioner has not submitted all of the necessary information and the potential for a Variance case, Final Action on this case cannot occur at the October 11, 2012, public hearing.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Multi-Family Housing	AG-1 Agriculture
North	Multi-Family Housing	R-4 Multiple Family Residence
East	Agriculture/Residential	AG-2 Agriculture
West	Multi-Family Housing	R-4 Multiple Family Residence
South	Residential	AG-2 Agriculture

ATTACHMENTS

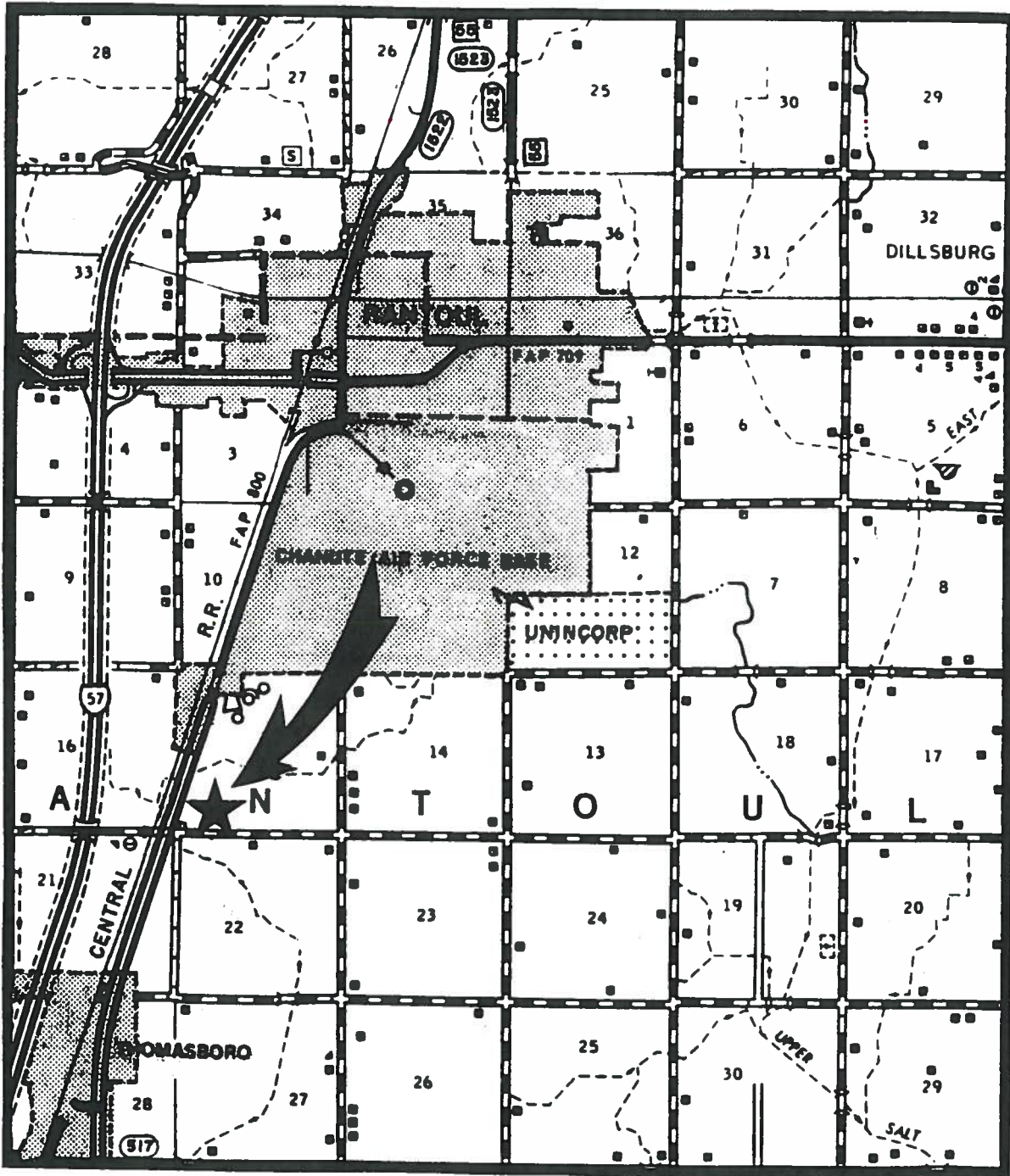
- A Case Maps (Location, Land Use, Zoning)
- B Letter of Intent
- C Village of Rantoul Protest
- D Septic System Repair Estimates
- E Village of Rantoul Future Land Use Map
- F Champaign County Land Use Management Areas Map (included separately)
- G LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- H Draft Finding of Fact (included separately)

ATTACHMENT A. LOCATION MAP

Case 728-AM-12

October 5, 2012

LOCATION



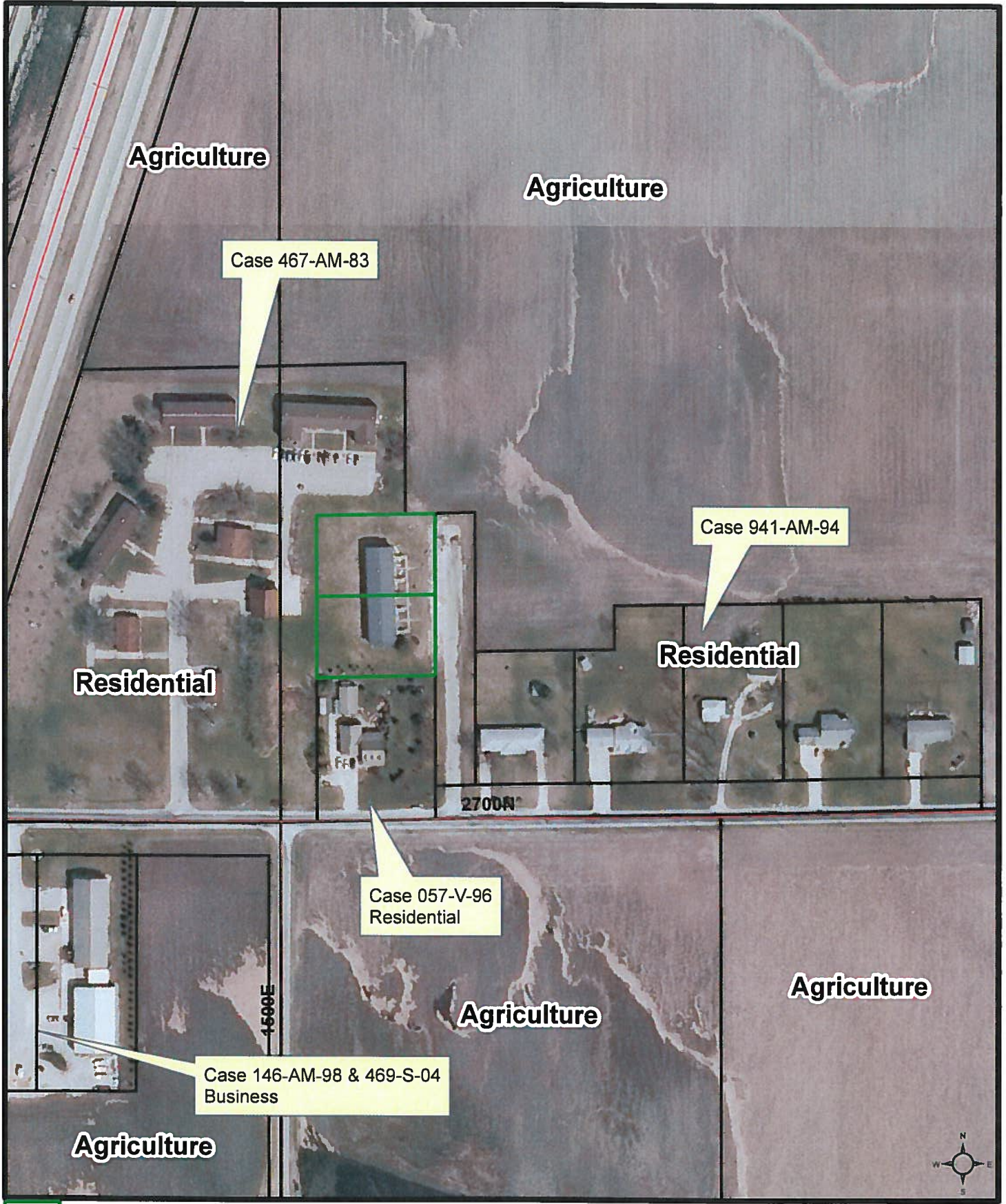
Area of Concern



NORTH

Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case: 728-AM-12
October 5, 2012



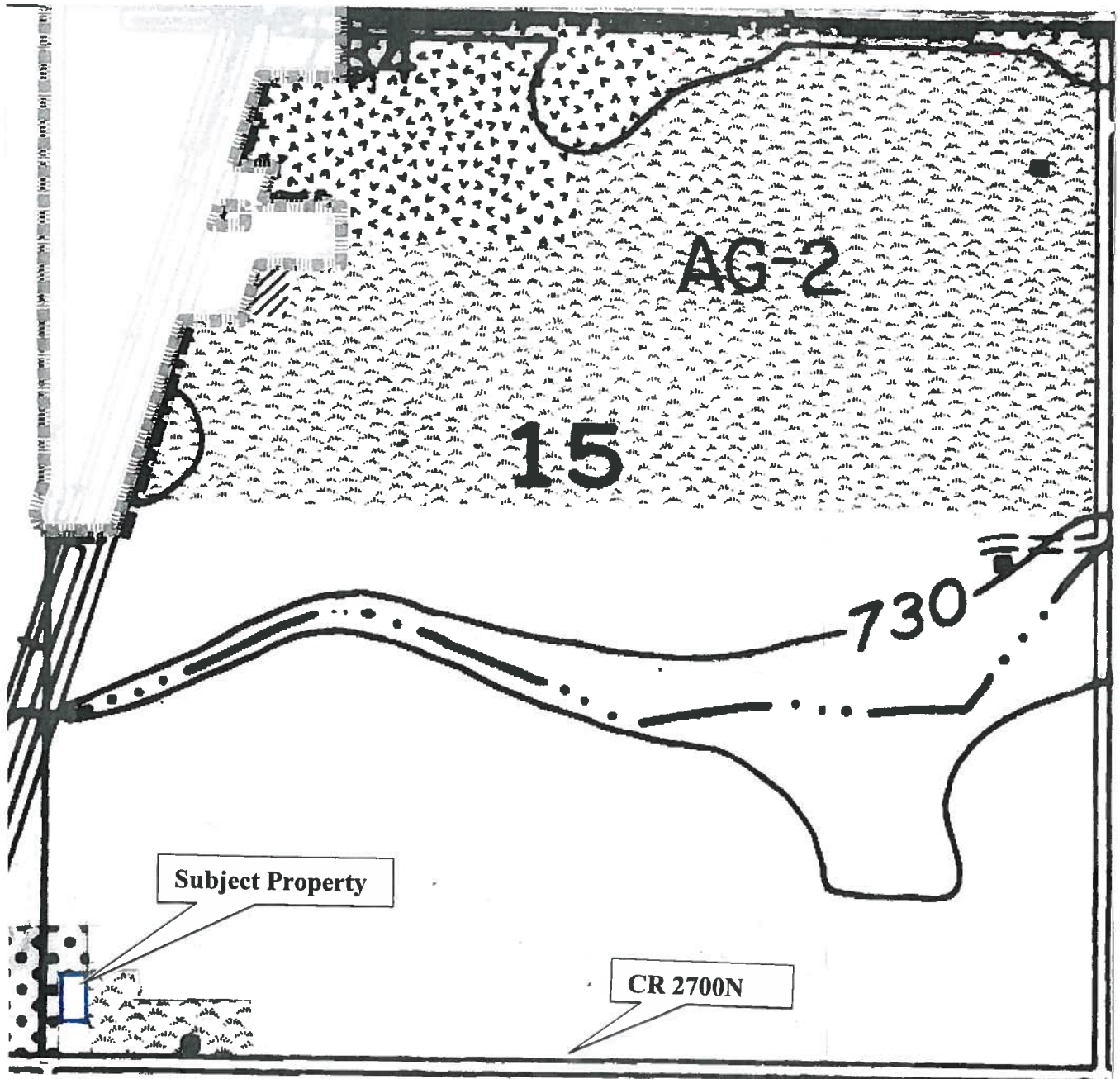
 Subject Property

1 inch = 200 feet

ATTACHMENT A. ZONING MAP

Case: 728-AM-12

October 5, 2012



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

K&S Property Management
1104 N. Prospect
Champaign, IL 61820

Champaign County Planning and Zoning
1776 E. Washington St.
Urbana, IL 61802

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JUL 19 2012

Dear Planning and Zoning,

CHAMPAIGN CO. P & Z DEPARTMENT

We are writing to request zoning approval for multifamily housing for the property located at 1518B CR 2700 N in Rantoul, IL. This property was being sold on contract and the lapse of amended change was due to the unfulfilled contract of purchase.

We are pursuing legal action to take back the property and will need approximately 3-6 months to make the unit livable on the inside and required improvements outside including digging a new well and repairing the septic system.

The improvements and compliance with all agencies will improve the appearance of the property and provide affordable housing for members of our community. Enclosed you will find documentation that we will pursue once approval has been received.

Thank you for your consideration of our request. We look forward to hearing from you as soon as possible so we can begin making improvements as soon as possible.

Sincerely,

Rick Stone



Village of Rantoul

Neal Williams
Mayor

333 S. Tanner Street
P.O. Box 38
Rantoul, IL 61866

Phone 217.892.6854
Fax 217.892.5501

August 15, 2012

COPY

Ms Julia Reitz
Champaign County State's Attorney
101 East Main Street
Urbana, IL 61801

RE: County Case No. 728-AM-12

Dear Ms Reitz:

Please be informed that through adoption of the attached resolution, the Village of Rantoul, Champaign County, Illinois, hereby objects to County Case Number 728-AM-12:

Rezoning of 1518B CR 2700N from AG-1, Agriculture to R-4, Multiple Family Residence.

If you have any questions, please contact Daniel E. Culkin, Zoning Administrator, of the Village of Rantoul Inspection Department (217) 892-6825.

Sincerely,

Neal Williams
Village President

NW/jeg

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AUG 17 2012

CHAMPAIGN CO. P & Z DEPARTMENT

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) SS.
VILLAGE OF RANTOUL)

CERTIFICATION

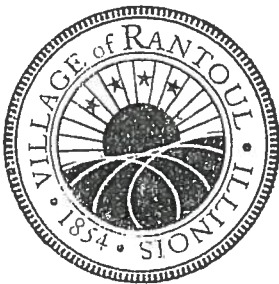
I, **MIKE GRAHAM**, do hereby certify that I am the duly qualified and acting Clerk of the Village of Rantoul, Champaign County, Illinois (the “**Village**”), and that as such official I am the custodian of the records and files of the Village and of the President and Board of Trustees of the Village.

I do further certify that I have compared the annexed copy of **Resolution No. 8-12-1133, A RESOLUTION APPROVING A WRITTEN PROTEST AGAINST THE PROPOSED REZONING OF 1518B CR 2700N IN UNINCORPORATED CHAMPIAGN COUNTY (Champaign County Case No. 728-AM-12: Proposed rezoning of 1518B CR 2700N from County AG-1, Agriculture to R-4, Multiple Family Residence)** – which was adopted by the Village Board of Trustees on August 14, 2012 by the unanimous vote of the members present; the Village Board being composed of 6 duly elected Trustees – with the original record thereof remaining in my office, and have found the same to constitute a full, true, and correct copy of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Village this 15th day of August, A.D. 2012.



Mike Graham
Village Clerk



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JUL 19 2012

CHAMPAIGN CO. P & Z DEPARTM

J&S Wastewater Systems, Inc.

1404 Carroll Avenue • Urbana, Illinois 61802
Voice: 217/328-7796 • FAX: 217/328-7798

Leading the way in wastewater treatment technology.

REPAIR ESTIMATE

July 12, 2012

Contract Submitted To:
K & S Properties
1104 N. Prospect Ave.
Champaign, IL 61820

Work Site:
North Lift Station
C.R. 2700 N.
Rantoul, IL 61866

202-0616

premiersound1@sbcglobal.net

We hereby propose to furnish the materials and perform the labor necessary for the repair of the existing lift station which serves the north half of the building located at the address shown above. The parts and labor listed below is a result of a service inspection performed on November 9th, 2010. This estimate includes all repairs listed below that were visible at the time of the initial inspection. However, there may be additional repairs needed once the system is disassembled that were not visible in the initial inspection. The cost for any additional materials and/or labor will be above and beyond the price shown below and will be due upon completion of work. Upon completion of the repairs this system shall meet the requirements necessary to comply with the State of Illinois Private Sewage Disposal Code. This contract includes the following:

Labor Description

Replace interior electrical box w/ exterior junction box
Replace concrete access cover

Replace check valve
Replace alarm signal float switch

Estimate includes the following materials

Exterior electrical junction box (1)
Electrical Conduit & Fittings (2 1/2")
Electrical Conduit & Fittings (3/4")
Mounting Post – 4" x 4" x 6'

Check Valve
Alarm Signal Float Switch
Concrete Lid – 30"
Miscellaneous Materials

Notes:

- 1) This project has been estimated to be completed within 4.0 hours for two Service Technicians. Should there be any additional time required to complete the project an additional labor charge of \$150.00 per hour for two service technicians will be added to the final balance due and shall be paid upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.
- 2) The cost for any additional materials which are required to complete the repairs shall be added to the final invoice and are due upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.

All material is guaranteed to be as specified and all work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of **One Thousand Four Hundred Sixty & No Cents** ***** (\$1,460.00)

Payment Terms: Total amount due upon completion of work.

ACCEPTANCE OF CONTRACT, TERMS, & CONDITIONS

The specifications, conditions, cost, and terms are satisfactory and are hereby accepted. I have read, understand, and accept the **Terms & Conditions as stated on the reverse side of this page.** You are authorized to do the work as specified. I understand that cost for the above mentioned work is an estimate only. Actual price may vary. Payment will be made as outlined above.

Date _____

Signature _____

J&S Wastewater Systems, Inc.

1404 Carroll Avenue • Urbana, Illinois 61802
Voice: 217/328-7796 • FAX: 217/328-7798

Leading the way in wastewater treatment technology.

REPAIR ESTIMATE

July 12, 2012

Contract Submitted To:
K & S Properties
1104 N. Prospect Ave.
Champaign, IL 61820

Work Site:
South Lift Station
C.R. 2700 N.
Rantoul, IL 61866

202-0616

premiersound1@sbcglobal.net

We hereby propose to furnish the materials and perform the labor necessary for the repair of the existing lift station which serves the south half of the building located at the address shown above. The parts and labor listed below is a result of a service inspection performed on November 9th, 2010. This estimate includes all repairs listed below that were visible at the time of the initial inspection. However, there may be additional repairs needed once the system is disassembled that were not visible in the initial inspection. The cost for any additional materials and/or labor will be above and beyond the price shown below and will be due upon completion of work. Upon completion of the repairs this system shall meet the requirements necessary to comply with the State of Illinois Private Sewage Disposal Code. This contract includes the following:

Labor Description

Replace interior electrical box w/ exterior junction box
Install a new 6" riser and access cover on lift station.

Replace check valve
Replace alarm signal float switch

Estimate includes the following materials

Exterior electrical junction box (1)
Electrical Conduit & Fittings (2 1/2")
Electrical Conduit & Fittings (3/4")
Mounting Post - 4" x 4" x 6'
Check Valve

Alarm Signal Float Switch
Tank Adapter - 24" poly
Riser - 6" x 24" poly
Access Cover - 24" poly
Miscellaneous Materials

Notes:

- 1) This project has been estimated to be completed within 3.5 hours for two Service Technicians. Should there be any additional time required to complete the project an additional labor charge of \$150.00 per hour for two service technicians will be added to the final balance due and shall be paid upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.
- 2) The cost for any additional materials which are required to complete the repairs shall be added to the final invoice and are due upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.

All material is guaranteed to be as specified and all work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of
One Thousand Five Hundred Forty & No Cents *** (\$1,540.00)**

Payment Terms: Total amount due upon completion of the work.

ACCEPTANCE OF CONTRACT, TERMS, & CONDITIONS

The specifications, conditions, cost, and terms are satisfactory and are hereby accepted. I have read, understand, and accept the **Terms & Conditions as stated on the reverse side of this page.** You are authorized to do the work as specified. I understand that cost for the above mentioned work is an estimate only. Actual price may vary. Payment will be made as outlined above.

Date _____

Signature _____

J&S Wastewater Systems, Inc.

1404 Carroll Avenue • Urbana, Illinois 61802
Voice: 217/328-7796 • FAX: 217/328-7798

Leading the way in wastewater treatment technology.

REPAIR ESTIMATE

July 12, 2012

Contract Submitted To:
K & S Properties
1104 N. Prospect Ave.
Champaign, IL 61820

Work Site:
North Multi-Flo
C.R. 2700 N.
Rantoul, IL 61866

202-0616

premiersound1@sbcglobal.net

We hereby propose to furnish the materials and perform the labor necessary for the repair of the existing Multi-Flo aeration treatment system (S/N P43.15), which serves the north half of the building located at the address shown above. The parts and labor listed below is a result of a service inspection performed on November 9th, 2010. This estimate includes all repairs listed below that were visible at the time of the initial inspection. However, there may be additional repairs needed once the system is disassembled that were not visible in the initial inspection. The cost for any additional materials and/or labor will be above and beyond the price shown below and will be due upon completion of work. Upon completion of the repairs this system shall meet the requirements necessary to comply with the State of Illinois Private Sewage Disposal Code. This contract includes the following:

Labor Description

Replace aerators (2)
Replace alarm primary sensor (3)
Replace electrical connector (3)
Replace electrical box cover (1)
Install electrical box rodent guard (2)
Replace access cover latch assembly (1)

Replace access cover angle bracket (1)
Remove sewer cleaning cable from unit inlet
Exchange filters (60)
Clean and inspect filters
Pump out trash tank, lift station, & Multi-Flo

Estimate includes the following materials:

Aerators (2)
Primary Sensor (3)
Electrical Connector (3)
Electrical Box Rodent Guard (2)

Access Cover Latch Assembly (1)
Access Cover Angle Bracket (1)
Miscellaneous Materials

Notes:

- 1) This project has been estimated to be completed within 6.5 hours for two Service Technicians. Should there be any additional time required to complete the project an additional labor charge of \$150.00 per hour for two service technicians will be added to the final balance due and shall be paid upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.
- 2) The cost for any additional materials and/or damaged filters found after cleaning, which are required to complete the repairs shall be added to the final invoice and are due upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.

All material is guaranteed to be as specified and all work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of
Three Thousand Seven Hundred Thirty Five & No Cents *** (\$3,735.00)**

Payment Terms: Total amount due upon completion of the work.

ACCEPTANCE OF CONTRACT, TERMS, & CONDITIONS

The specifications, conditions, cost, and terms are satisfactory and are hereby accepted. I have read, understand, and accept the **Terms & Conditions as stated on the reverse side of this page.** You are authorized to do the work as specified. I understand that cost for the above mentioned work is an estimate only. Actual price may vary. Payment will be made as outlined above.

Date _____

Signature _____

J&S Wastewater Systems, Inc.

1404 Carroll Avenue • Urbana, Illinois 61802
Voice: 217/328-7796 • FAX: 217/328-7798

Leading the way in wastewater treatment technology.

REPAIR ESTIMATE

July 12, 2012

Contract Submitted To:
K & S Properties
1104 N. Prospect Ave.
Champaign, IL 61820

Work Site:
South Multi-Flo
C.R. 2700 N.
Rantoul, IL 61866

202-0616

premiersound1@sbcglobal.net

We hereby propose to furnish the materials and perform the labor necessary for the repair of the existing Multi-Flo aeration treatment system (S/N P42.15), which serves the south half of the building located at the address shown above. The parts and labor listed below is a result of a service inspection performed on November 9th, 2010. This estimate includes all repairs listed below that were visible at the time of the initial inspection. However, there may be additional repairs needed once the system is disassembled that were not visible in the initial inspection. The cost for any additional materials and/or labor will be above and beyond the price shown below and will be due upon completion of work. Upon completion of the repairs this system shall meet the requirements necessary to comply with the State of Illinois Private Sewage Disposal Code. This contract includes the following:

Labor Description

Replace aerators (3)
Replace alarm primary sensor (3)
Replace electrical connector (7)
Replace electrical box cover (2)
Install electrical box rodent guard (2)
Replace access cover latch assembly (2)

Replace Lower Surge Bowl Gasket (2)
Replace alarm panel
Repair fiberglass on east dome only – No basin repair
Exchange filters (60)
Clean and inspect filters
Pump out trash tank, lift station, & Multi-Flo

Estimate includes the following materials:

Aerators (3)
Primary Sensor (3)
Electrical Connector (7)
Electrical Box Rodent Guard (2)
Access Cover Latch Assembly (2)

Lower Surge Bowl Gasket (2)
Alarm Panel (1)
Fiberglass Repair Kit (1)
Miscellaneous Materials

Notes:

- 1) This project has been estimated to be completed within 8 hours for two Service Technicians. Should there be any additional time required to complete the project an additional labor charge of \$150.00 per hour for two service technicians will be added to the final balance due and shall be paid upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.
- 2) The cost for any additional materials and/or damaged filters found after cleaning, which are required to complete the repairs shall be added to the final invoice and are due upon completion of the project and is subject to the "Terms & Conditions" as stated on the reverse side of this contract.

All material is guaranteed to be as specified and all work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of
Five Thousand Sixty Five & No Cents *** (\$5,065.00)**

Payment Terms: Total amount due upon acceptance of this Estimate.

ACCEPTANCE OF CONTRACT, TERMS, & CONDITIONS

The specifications, conditions, cost, and terms are satisfactory and are hereby accepted. I have read, understand, and accept the **Terms & Conditions as stated on the reverse side of this page.** You are authorized to do the work as specified. I understand that cost for the above mentioned work is an estimate only. Actual price may vary. Payment will be made as outlined above.

Date _____

Signature _____

J&S Wastewater Systems, Inc.

1404 Carroll Avenue • Urbana, Illinois 61802
Voice: 217/328-7796 • FAX: 217/328-7798

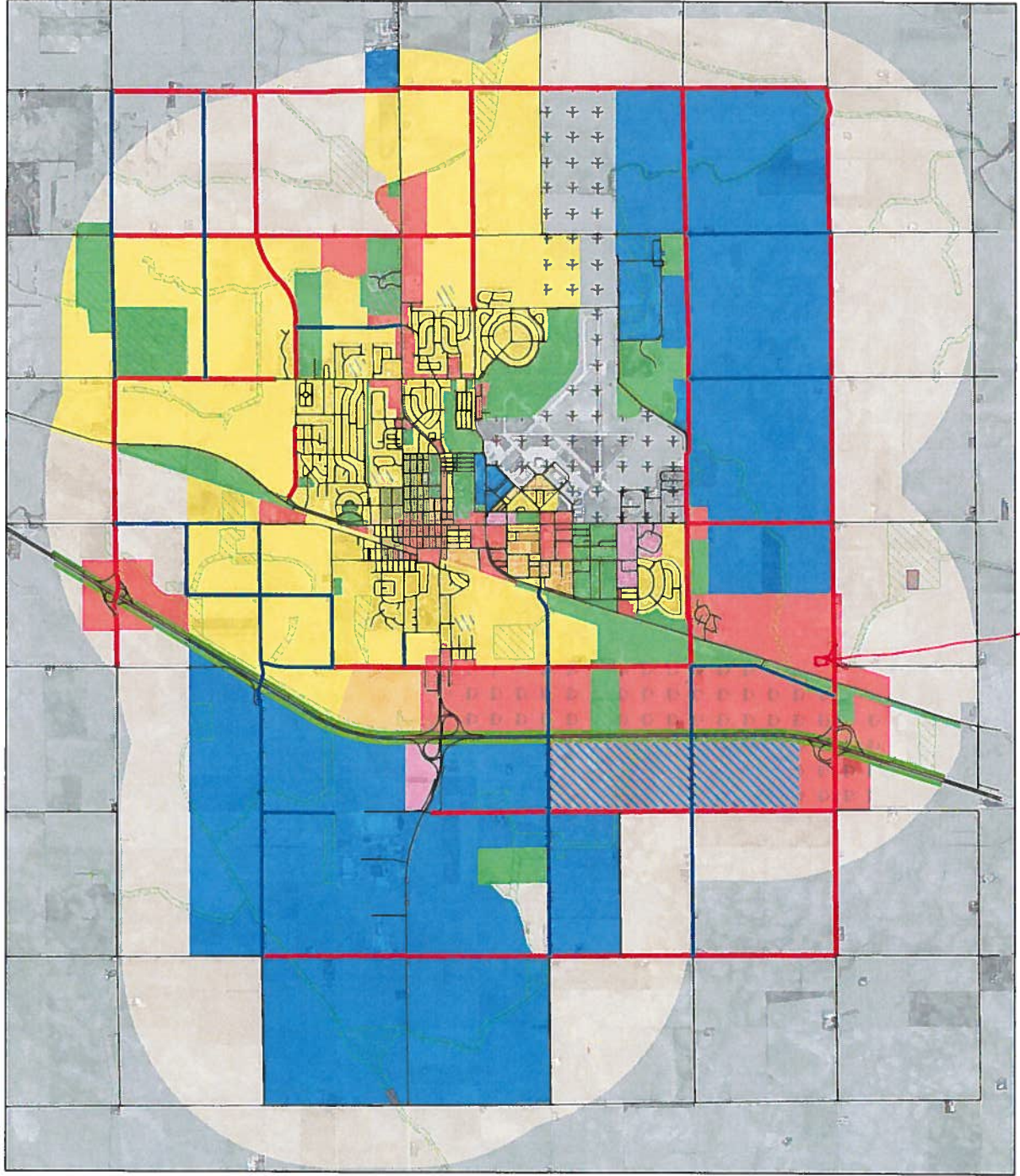
Leading the way in wastewater treatment technology.

Terms & Conditions

- 1) This estimate has been prepared using the information available to our company through the following sources; the owner, local health department, other contractors and through our own experience. However, should any unknown and/or unforeseen damages arise that prevents the completion of the repairs in the allotted time as described within the estimate and/or requires additional materials beyond what was specified, the client will be billed on a time and materials basis for the additional time and/or materials required to complete the repairs. The additional expense will be added to the original estimated cost and the total balance will be subject to the payment terms as specified within this estimate.
- 2) Work to be started and completed pending on scheduling, suitable weather and ground conditions as determined by J & S Wastewater Systems, Inc.
- 3) J & S Wastewater Systems, Inc. may withdraw this estimate if not accepted within thirty days of the issue date.
- 4) J & S Wastewater Systems, Inc. is insured for Property Damage, Bodily Injury Liability and provides Workers Compensation Insurance for its employees. In addition, J & S Wastewater Systems, Inc. provides Property Coverage for its equipment. J & S Wastewater Systems, Inc. requires that you the client acting as owner or on behalf of the owner provide proof of insurance for your property in the form of Homeowners, Dwelling, or Commercial Insurance that includes Liability Protection coverage.
- 5) Contract is contingent upon strikes, accidents, weather and soil conditions or other delays beyond our control.
- 6) Client agrees that J & S Wastewater Systems, Inc. retains ownership of all materials, supplies, equipment, etc. until all monies owed to J & S Wastewater Systems, Inc. are paid in full. Furthermore, the client hereby irrevocably grants J & S Wastewater Systems, Inc. and its employees permission to enter the property listed as work site within this contract and remove said items if there is any balance due to J & S Wastewater Systems, Inc. beyond thirty days of first billing.
- 7) Client agrees to pay a finance charge of 2% per month with a minimum of \$5.00 per month on any outstanding balance. In the event the client does not pay any outstanding balance within thirty days of completion of work, client further agrees to reimburse J & S Wastewater Systems, Inc. for any attorney fees, court costs, and any other expenses incurred in collecting any outstanding balance.

Date

I accept the above listed terms & conditions



Legend

Primary and Secondary Land Use

- AGRICULTURAL
- AVIATION, RESIDENTIAL
- GENERAL COMMERCIAL
- GENERAL COMMERCIAL, PUBLIC BUILDINGS
- INDUSTRIAL OR COMMERCIAL
- INDUSTRIAL
- INTERSTATE COMMERCIAL
- MIXED USE
- MIXED USE, PUBLIC BUILDINGS
- OFFICE / HOSPITALITY
- OLD NEIGHBORHOOD HOUSING
- OPEN SPACE
- OPEN SPACE, PUBLIC BUILDINGS
- RESIDENTIAL
- RESIDENTIAL, PUBLIC BUILDINGS

Reservations

- Drainage
- WWTP

Roadway

- Local
- Primary
- Secondary
- Existing Roadways



**Village of Rantoul
Official
Comprehensive Plan**

**As Adopted by
Ordinance #2019
February 14, 2006**

Subject Property

DRAFT

728-AM-12

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

Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: **October 11, 2012**

Petitioner: **K & S Property Management**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-4 Multiple Family Residence Zoning District to allow the re-establishment of a multi-family use in an existing building (variances will be required) for which the nonconforming rights have expired.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 11, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The subject property is owned by K & S Property Management, 1104 North Prospect Avenue, Champaign.
2. The subject property is a 1.5 acre tract in the Southwest Quarter of the Southwest Quarter of Section 15 of Rantoul Township and commonly known as the Jones Building at 1518B CR 2700N, Rantoul.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul. The Village has been notified of this case. The Land Use Map in the 2006 Comprehensive Plan for the Village of Rantoul identifies the subject property and the area surrounding the subject property as General Commercial.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Lapse of amended change due to unfulfilled contract of purchase.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“Property was being sold on contract and purchaser defaulted leaving my building unrentable.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. Land on the subject property is zoned AG-1 Agriculture and is in use for multi-family housing.
 - B. Land on the north is zoned R-4 Multiple Family Residence and in use for multi-family housing.
 - C. Land to the east is zoned AG-2 Agriculture and is in agricultural and residential use.
 - D. Land to the west is zoned R-4 Multiple Family Residence and in use for multi-family housing.
 - E. Land on the south is zoned AG-2 Agriculture and is in residential use.

7. Previous zoning cases in the vicinity are the following:
- A. Case 467-AM-83 was a request by Phillip A. Swanson to rezone 7.9 acres from the AG-1 Agriculture District to the R-4 Multiple Family Residence Zoning District. The subject property in this case is immediately to the west of the subject property in Case 728-AM-12 and is the property in which the Cherry Orchard apartment complex is sited upon. This case was approved May 17, 1983.
 - B. Case 941-AM-94 was a request by Maurice Schiff to rezone 6.8 acres from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District. The subject property in this case is immediately to the east of the subject property in Case 728-AM-12. This case was approved October 18, 1994.
 - C. Case 057-V-96 was a variance request from the minimum required average lot width and minimum lot area requirements in the AG-1 Agriculture Zoning District. The subject property in this case is immediately to the south of the subject property in Case 728-AM-12. This case was approved on November 7, 1996.
 - D. Case 146-AM-98 was a request by Eldean Bergman to rezone 1.25 acres from the B-4 General Business Zoning District and the R-5 Mobile Home Park Zoning District to the B-4 General Business District. The subject property in this case is south and west of the subject property in Case 728-AM-12. This case was approved on July 23, 1998.
 - E. Case 469-S-04 was a request by Eldean Berman to allow a light assembly business to be established as a second principal use and to allow two principal structures to be established on the same lot. The subject property in this case is the same property that was rezoned in Case 146-AM-98.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

- (2) The R-4 District is generally located throughout the county in areas that are suitable for high density housing.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 22 types of uses authorized by right in the R-4 District:
- (a) The following 11 uses are authorized by right in the AG-1 District:
- Single family dwelling;
 - Subdivisions of three lots or less;
 - Agriculture;
 - Roadside Stand operated by Farm Operator;
 - Minor Rural Specialty Business;
 - Plant Nursery;
 - Township Highway Maintenance Garage;
 - Christmas Tree Sales Lot;
 - Off-premises sign within 660 feet of interstate highway;
 - Off-premises sign along federal highway except interstate highways; and
 - Temporary Uses
- (b) The following 22 uses are authorized by right in the R-4 District:
- Boarding House;
 - Single family dwelling;
 - Two family dwelling;
 - Multi-family dwelling;
 - Fraternity, Sorority, or Student Cooperative;
 - Dormitory;
 - Home for the aged;
 - Nursing home;
 - Subdivisions of three lots or less;
 - Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Elementary School, Junior High School, or High School;
 - Institution of and Educational, Philanthropic or Eleemosynary Nature;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Police or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Country Club or golf course;

- Country Club clubhouse; and
 - Lodge or private club
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 10 types of uses authorized by SUP in the R-4 District:
- (a) The following 42 uses may be authorized by SUP in the AG-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - Electrical Substation;
 - Telephone Exchange;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
 - Grain Storage Elevator and Bins;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;

- Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Small Scale Metal Fabricating Shop;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (b) The following 10 uses may be authorized by SUP in the R-4 District:
- Residential PLANNED UNIT DEVELOPMENT;
 - Artificial lake of 1 or more acres;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - Telephone Exchange;
 - HOSPITAL;
 - Mortuary or Funeral Home;
 - Private Kindergarten or Day Care Facility; and
 - Private Indoor Recreational Development

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

B. The LRMP defines Goals, Objectives, and Policies as follows:

(1) Goal: an ideal future condition to which the community aspires

(2) Objective: a tangible, measurable outcome leading to the achievement of a goal

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise *NOT RELEVANT* to the proposed rezoning.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

11. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment is *NOT RELEVANT* to Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment is *NOT RELEVANT* to Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment is *NOT RELEVANT* to Goal 4.

14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

The existing apartment building would not generally be expected under typical “rural” development and is representative of what is generally considered to be urban development. R-4 Multiple Family Residence is also generally considered to be an urban zoning district.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is *{WILL / WILL NOT} HELP ACHIEVE* Goal 5 for the following reasons:

A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Objective 5.1 because of the following:

(1) Policy 5.1.1 states, “The County will encourage new urban development to occur within the boundaries of incorporated municipalities.”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.1 for the following reasons:

Evidence to be added.

(2) Policy 5.1.3 states, “The County will consider municipal extra-jurisdictional areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.3 for the following reasons:

Evidence to be added.

(3) Policy 5.1.4 states, “The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;

- b. **the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and**
- c. **the development is generally consistent with all other LRMP objectives and policies.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.4 for the following reasons:

Evidence to be added.

- (4) Policy 5.1.5 states, **“The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.5 for the following reasons:

Evidence to be added.

- (5) Policy 5.1.6 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.6 for the following reasons:

Evidence to be added.

- (6) Policy 5.1.9 states, **“The County will encourage and new discretionary development that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any discretionary development approval from the County that would otherwise be necessary without the annexation agreement.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.1.9 for the following reasons:

Evidence to be added.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, **“When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”**

The proposed amendment *{WILL / WILL NOT} HELP ACHIEVE* Objective 5.2 for the following reason:

- (1) Policy 5.2.1 states, **“The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.2.1 for the following reasons:

Evidence to be added.

- (2) Policy 5.2.2 states, **“The County will:**
- a. **ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.2.2 for the following reasons:

Evidence to be added.

- (3) Policy 5.2.3 states, **“The County will:**
- a. **require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.2.3 for the following reasons:

Evidence to be added.

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment *{WILL / WILL NOT} HELP ACHIEVE* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, “The County will:
- a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.3.1 for the following reasons:

Evidence to be added.

- (2) Policy 5.3.2 states, “The County will:
- a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 5.3.2 for the following reasons:

Evidence to be added.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment *{WILL / WILL NOT} HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed rezoning **ACHIEVES** Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, “**The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 6.1.1 for the following reasons:

Evidence to be added.

- (2) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 6.1.2 for the following reasons:

Evidence to be added.

- (3) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 6.1.3 for the following reasons:

Evidence to be added.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment is *NOT RELEVANT* to Goal 7.

17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment is *NOT RELEVANT* to Goal 8.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

The proposed amendment is *NOT RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

The proposed amendment is *NOT RELEVANT* to Goal 10.

GENERALLY REGARDING THE LaSalle Factors

20. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. **LaSalle factor: The existing uses and zoning of nearby property.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Multi-Family Housing	AG-1 Agriculture
North	Multi-Family Housing	R-4 Multiple Family Residence
East	Agriculture/Residential	AG-2 Agriculture
West	Multi-Family Housing	R-4 Multiple Family Residence
South	Residential	AG-2 Agriculture

B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect. In the past there have been complaints about trash and debris on the property and that the existing apartment building is a dangerous structure. In 2011, the Champaign County Public Health Department evicted all tenants from the apartment building and the adjacent Cherry Orchard apartments because of inadequate sewage disposal systems.
- (3) In regards to the value of the subject property the requested map amendment will allow productive use of the building.

C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare, provided that the septic system is adequately repaired and the building is safe for people to live in.

D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

Evidence to be added.

- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and the existing apartment building existed prior to the adoption of zoning in Champaign County.

- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The R-4 District was planned in 1973 and thus was intended for areas suitable for medium density housing. Currently, there is one apartment building on the subject property. This building was built prior to the adoption of zoning in Champaign County.

- G. ***Sinclair* factor: The need and demand for the use.**
Currently the subject property and building are vacant. The proposed rezoning and use will allow the subject property to be put to productive use. The petitioner intends to clean up the property and make the necessary repairs to the septic system and the interiors of the individual units.

- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**

Evidence to be added.

REGARDING SPECIAL CONDITIONS OF APPROVAL

- 21. Proposed Special Conditions of Approval:

No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Rick Stone received on July 19, 2012, with attachment:
 - A Septic System Repair Estimates
 - B Letter of Intent
2. Zoning Enforcement Case File No. ZN-09-82/09
3. Zoning Enforcement Case File No. ZN-11-52/09
4. Zoning Enforcement Case File No. ZN-11-108/09
5. Village of Rantoul Protest received August 17, 2012
6. Preliminary Memorandum dated October 5, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Letter of Intent
 - C Village of Rantoul Protest
 - D Septic System Repair Estimates
 - E Village of Rantoul Future Land Use Map
 - F Champaign County Land Use Management Areas Map
 - G LRMP Land Use Goals, Objectives, and Policies & Appendix
 - H Draft Finding of Fact

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 11, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 -
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the following LRMP goals:
 -
 - C. The proposed Zoning Ordinance map amendment is **NOT RELEVANT** to the following LRMP goals:
 -
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 728-AM-12** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

a. The County will allow landowner *by right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new *by right* lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or

c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1 5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

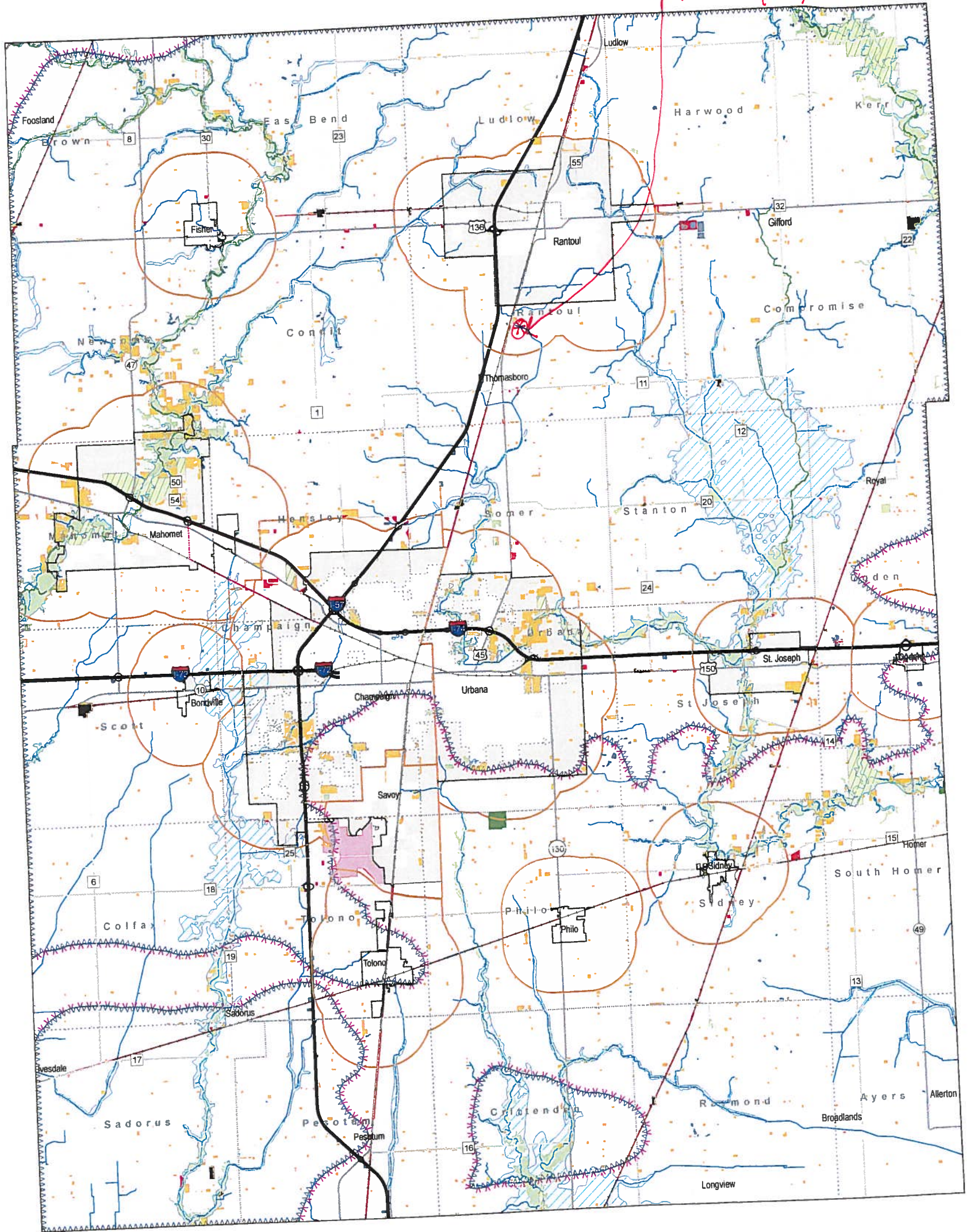
Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.

Subject Property



The Land Use Management Area map defines spatial extents of policies based on language and intent of the LRMP.

Land Use Management Areas

Policy Areas

- Rural**
- Best Prime Farmland
- Non Best Prime Farmland
- Existing Natural Area
- Areas which may contain Natural Areas
- Parks and Preserves
- Mahomet Aquifer (approx.)
- Limited Groundwater Availability (approx.)
- Stream
- Lake
- Urban**
- Settlement
- Contiguous Urban Growth Area
- Municipal Extraterritorial Jurisdiction without Sanitary Sewer

Administrative Boundaries

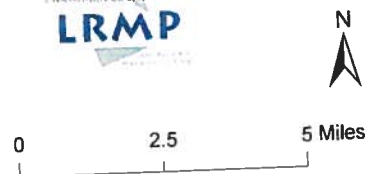
- Extraterritorial Jurisdiction
- Extraterritorial Jurisdiction Boundary Agreement
- Township Boundary
- Floodplain

Existing Land Uses

- Commercial / Industrial
- Residential
- Existing Incorporated Area
- Airport

Roads

- Interstate
- Federal Highway
- State Highway
- County Highway
- Railroad



Map Produced April 2010