

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **January 17, 2013**  
Time: **6:30 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 (September 19, 2012 and October 24, 2012)
5. Continued Public Hearings

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

**\* Case 707-S-12 and \* 725-V-12**

Petitioner: **Daniel Williams and landowner Fran Williams**

Case 707-S-12 Request: **Authorize the use of an existing Paintball Facility as an “Outdoor Commercial Recreational Enterprise” as a Special Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**

Case 725-V-12 Request: **Authorize the following in the CR Conservation-Recreation Zoning District for a Special Use proposed in Case 707-S-12:**  
**Part A. Variance for a rear yard of 0 feet in lieu of the minimum required 25 feet**  
**Part B. Variance for a side yard of 0 feet in lieu of the minimum required 15 feet**  
**Part C. Variance from a minimum separation from a front property line for parking spaces of 0 feet in lieu of the minimum required 10 feet.**

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

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
**JANUARY 17, 2013**  
**PAGE 2**

6. New Public Hearings

\* Case 724-V-12 Petitioner: **Jedd Swisher**

Request: **Authorize the following in the CR Conservation-Recreation Zoning District:**  
**Part A. Authorize the following on Lot 2 of Phillips Acres Subdivision:**  
1. Variance for a lot area of .78 acre in lieu of the minimum required 1 acre;  
2. Variance for an average lot width of 104.15 feet in lieu of the minimum required 200 feet;  
3. Variance to authorize the use of Lot 2 separately from Lot 3 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot, on the subject property.

**Part B. Authorize the following on Lot 3 of Phillips Acres Subdivision:**  
1. Variance for a lot area of .77 acre in lieu of the minimum required 1 acre;  
2. Variance for an average lot width of 104.40 feet in lieu of the minimum required 200 feet;  
3. Variance to authorize the use of Lot 3 separately from Lot 2 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought in to common ownership the lots shall be considered one lot, on the subject property.

Location: **Lots 2 and 3 of Phillip's Acres Subdivision in the Northeast Quarter of Section 12 of Urbana Township and commonly known as the dwelling at 1762 CR 1650N, Urbana.**

7. Staff Report

8. Other Business

- A. November and December 2012 Monthly Reports
- B. Review of Docket
- C. Review and approval of 2013 ZBA Meeting Calendar

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

10. Adjournment

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

1 **MINUTES OF SPECIAL MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**  
4 **Urbana, IL 61802**

5 **DATE: September 19, 2012**

6 **PLACE: Lyle Shields Meeting Room**  
7 **1776 East Washington Street**

8 **TIME: 7:00 p.m.**

9 **Urbana, IL 61802**

10 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad  
11 Passalacqua, Roger Miller

12 **MEMBERS ABSENT :** None

13 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

14 **OTHERS PRESENT :** Robert Dorsey, Elizabeth Buck, Kyle Krapf, Norman Stenzel, Kevin Donoho

15 **1. Call to Order**

16 The meeting was called to order at 7:05 p.m.

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

18 The roll was called and a quorum declared present with one Board member absent and one Board seat  
19 vacant.

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

23 **3. Correspondence**

24 None

25 **4. Approval of Minutes**

26 None

27 **5. Continued Public Hearing**

28 **Case 720-V-12 Petitioner: Robert Dorsey and Elizabeth Buck Request to authorize the following in**  
29 **the R-2 Single Family Residence Zoning District: Part A. Variance from Section 4.2.1G. requirement**  
30 **that no accessory use or structure be established prior to a main or principal use or structure; and**  
31 **Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum**  
32 **15 feet. Location: Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of**  
33

34 **DRAFT**

1 **Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the**  
2 **dwelling at 209 Main Street, Penfield and appurtenant property a the location formerly known as 216**  
3 **East Street, Penfield.**

4  
5 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
6 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
7 of hands for those who would like to cross examine and each person will be called upon. He requested that  
8 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
9 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
10 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
11 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt  
12 from cross examination.

13  
14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
15 sign the witness register for that public hearing. He reminded the audience that when they sign the  
16 witness register they are signing an oath.

17  
18 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding the nature of  
19 their request.

20  
21 Mr. Dorsey and Ms. Buck indicated that they had no new information to add at this time.

22  
23 Mr. Thorsland stated that the Board has reviewed the Findings of Fact for this case and at the last public  
24 hearing for this case the petitioners requested a continuance until a full Board was present for completion  
25 of the Final Determination.

26  
27 Mr. Thorsland asked Mr. Hall if he had any new information to add to this case.

28  
29 Mr. Hall stated that it is nice to be able to show the Board a completed Finding of Fact and Final  
30 Determination.

31  
32 Mr. Palmgren asked if the completed information before the Board tonight will go before the County  
33 Board.

34  
35 Mr. Hall stated that variance cases do not go before the County Board but ZBA recommendations for map  
36 amendments and text amendments are forwarded to the County Board for final approval.

37  
38 Mr. Miller, Zoning Board Member, arrived at 7:10 p.m.

39  
40 Mr. Thorsland asked Mr. Miller if he had any questions for the petitioner or staff regarding Case 720-V-  
41 12.

1  
2 Mr. Miller stated no.

3  
4 **Final Determination for Case 720-V-12:**

5  
6 **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals**  
7 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
8 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**  
9 **by Section 9.1.6.B of the Champaign county Zoning Ordinance, the Zoning Board of Appeals of**  
10 **Champaign County determines that the variance requested in Case 720-V-12 is hereby GRANTED**  
11 **WITH SPECIAL CONDITIONS to the petitioner Robert Dorsey and Elizabeth Buck to authorize the**  
12 **following in the R-2 Zoning District: Part A. Variance from Section 4.2.1.G. requirement that no**  
13 **accessory use or structure be established prior to a main or principal use or structure; and Part B.**  
14 **Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.**  
15 **Subject to the following special conditions:**

16  
17 **A. The Variance shall be deemed void if any of the following occur:**

- 18 **(1) If the petitioners sell either the current home or the garage property to a buyer**  
19 **who does not also purchase the other property, except that concurrent sale of**  
20 **both properties can happen provided the garage property shall have a dwelling.**
- 21
- 22 **(2) If at least a 20 feet length of the alley between the relevant properties is ever**  
23 **vacated.**
- 24
- 25 **(3) If any building on the eastern portion of the property is ever converted to**  
26 **include a dwelling unit with a septic system.**
- 27
- 28 **(4) If any part of lots 4, 5, and 6 are sold off without a dwelling being established on**  
29 **the remaining portion of the property.**

30 The special conditions stated above are required to ensure the following:  
31 **That the variance is void should it not ever be necessary and ensures that the**  
32 **properties will be in common ownership.**

33  
34 **B. The garages on the subject property shall not be rented out as storage space.**

35 The special condition stated above is required to ensure the following:  
36 **That the storage buildings on the subject property do not become warehouses of any**  
37 **kind, which are not authorized in the R-2 Zoning District.**

38  
39 **C. Landscape screening on the north side of the proposed shed suffici8ent to provide a**  
40 **50% opaque screen to a height of 8 feet in 4 years for the length of the shed shall be**  
41 **maintained at all times.**

The special condition stated above is required to ensure the following:  
**That the proposed shed is properly screened from neighboring properties.**

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

The special condition stated above is required to ensure the following:  
**That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.**

Mr. Thorsland requested a roll call vote.

<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-yes</b>
<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

Mr. Hall informed that petitioners that they have received an approval for their variance request. He said that staff will contact the petitioners within the next couple of days to finalize any required documentation.

**6. Continued Text Amendment Cases**

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

**Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**

1 a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land  
2 Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum  
3 management have 91% to 100% of the highest soil productivities in Champaign County, on average,  
4 as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils  
5 identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation  
6 and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant  
7 amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3  
8 and/or 4 soils: Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score  
9 greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and  
10 replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph  
11 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s  
12 Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST  
13 PRIME FARMLAND.”

14  
15 Mr. Thorsland called Cases 710-AT-12 and 711-AT-12 concurrently.

16  
17 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
18 sign the witness register for that public hearing. He reminded the audience that when they sign the  
19 witness register they are signing an oath.

20  
21 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of the cases.

22  
23 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum for Case 710-AT-12  
24 dated September 19, 2012, to the Board for review. He said that the memorandum includes a new item of  
25 evidence, to Item 9.E of the Finding of Fact. He said that staff attempted to have everything in front of the  
26 Board to wrap up the cases tonight and the last memorandum for Case 710-AT-12 was the memorandum  
27 regarding local foods. He said that new Item 9.E reviews the resolution that was submitted and reviews six  
28 items of evidence regarding locally grown foods. He read Item 9.E as follows: E. Regarding locally grown  
29 foods and LESA: (1) Resolution No. 2012-1 was passed by the Champaign County Local Foods Policy  
30 Council on August 22, 2012, and is summarized as follows: (a) Sites for farms that produce locally grown  
31 food may easily be less than 25 acres and it can be an advantage for them to be close to populous or  
32 urbanized areas for easy access to markets; and (b) The Champaign County Local Foods Policy Council  
33 encourages the protection of not only large agricultural land parcels generally used for growing row crops,  
34 but also to protect agricultural land parcels that could be best suited for local foods production. (2)  
35 Accommodating for locally grown foods in the Site Assessment portion of the Draft LESA was not  
36 undertaken at this time for the following reasons: (a) a definition of local foods would need to be drafted and  
37 adopted by the County; and (b) a formal list of known local food producers would need to be identified in  
38 order to conduct an assessment; and (c) local foods Site Assessment (SA) factors should focus on the land  
39 surrounding the subject site rather than the subject site itself; and (d) it would not be feasible to make any  
40 local SA factors worth a large amount of points (more than 10 points or about 5% of total Site Assessment)  
41 because points would have to be subtracted from other factors and would potentially sacrifice levels of

1 protection of prime farmland. Nonetheless, local foods production may be worth consideration as a Site  
2 Assessment factor in the future; and (e) changes to accommodate locally grown foods in LESA need to be  
3 carefully scrutinized to determine the effects of those changes on the protection ratings of prime farmland in  
4 general because the Draft SA factors were prepared to provide adequate levels of protection to both prime  
5 farmland and best prime farmland; and (f) the Champaign County LESA should only be amended with local  
6 foods Site Assessment factors after the Local Foods Policy Council has had an opportunity to define "local  
7 foods" and has prepared a list of local food producers.

8  
9 Mr. Hall stated that Item 9.E. would appear on page 25 of 38 of the Draft Finding of Fact for Case 710-AT-  
10 12. He said that the Board may recall that there were items 9.A-D and item 9.D. was a possible item  
11 regarding the proposed general text and reformatting. He said that staff has not prepared any evidence for  
12 item 9.D. because there is no need to add any therefore the Board could strike proposed item 9.D. and  
13 replace the text with the proposed text for proposed item 9.E which is included in tonight's memorandum.

14  
15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

16  
17 Mr. Hall stated that staff has set up the Power Point projector with the Finding of Fact for Case 710-AT-12  
18 so that the Board can view all of its changes during this public hearing.

19  
20 Mr. Thorsland called Kyle Krapf to testify.

21  
22 Mr. Kyle Krapf, who resides at 809 Riverside, Mahomet, stated that he is the Chair of the Champaign  
23 County Farm Bureau Land Use Committee and his comments tonight are on behalf of the organization  
24 centered on LESA proposal before you this evening. He said that he has two points that he would like to  
25 make regarding the LESA.

26  
27 Mr. Krapf stated that he would like to restate the Farm Bureau's proposed change to the definition of farm  
28 dwellings. He said that the proposed language of the definition is as follows: a farm dwelling is a dwelling  
29 occupied by a farm owner, operator, tenant farm worker, or seasonal or year around hired farm worker and  
30 this may be determined by utilizing assessment records, other public documents or by information provided  
31 as part of the public record to the ZBA. Mr. Krapf said that the Farm Bureau understands that utilizing  
32 public documents like assessment records may not always be helpful but placing the burden of proof on  
33 landowners to show they are a farmer, who lives on a lot smaller than 35 acres, is not the solution either.

34  
35 Mr. Krapf stated that he would like to share with the Board the Farm Bureau's acceptance of the proposed  
36 LE side of the entire proposal. He said that the LE portion developed and supported by the special  
37 committee is a step in the right direction although the designation of best prime farmland may be higher than  
38 our policy indicates, and the Farm Bureau believes that the proposed language will be an effective tool in  
39 determining a site's land evaluation score.

40  
41 Mr. Krapf stated that he hopes that the Board will take these remarks into consideration and that they will



1 see the value of these comments during their review of the proposal. He submitted his written testimony as a  
2 Document of Record.

3  
4 Mr. Thorsland asked the Board if there were any questions for Mr. Krapf and there were none.

5  
6 Mr. Thorsland asked if staff had any questions for Mr. Krapf.

7  
8 Mr. Hall stated that the currently the definition for “farm dwelling” in the proposed LESA is as follows: a  
9 dwelling occupied by a farmer owner or operator, tenant farm worker, or hired farm worker. He said that the  
10 guidance on how to do that assessment is probably what the Farm Bureau had most concerns about and it  
11 sounds like the Farm Bureau does agree that a “farm dwelling” would be exactly as the LESA defines it but  
12 the concern comes in during the assessment.

13  
14 Mr. Krapf agreed.

15  
16 Mr. Hall stated that Mr. Krapf’s previous testimony is indicated on page 24 of 38 for Case 710-AT-12. He  
17 said that he would like to insert text regarding Mr. Krapf’s testimony tonight into Case 711-AT-12.

18  
19 Mr. Thorsland asked Mr. Krapf if the Farm Bureau would like to see in the Site Assessment definitions the  
20 determination of the farm dwelling definition. He said that it appears that the Farm Bureau would like to  
21 take the burden off of the landowner.

22  
23 Mr. Krapf stated yes, they do not want the landowner to have to declare that he is a farmer even though he  
24 lives on a five acre parcel.

25  
26 Mr. Thorsland stated that the County does a good job in notifying adjacent landowners but it is possible that  
27 someone will fall through the cracks. He said that the Farm Bureau is proposing that the unidentified or  
28 notified landowner does not have the burden of proof because it is done by staff and driven by the  
29 petitioner’s request. He said that he supports the Farm Bureau’s point regarding this matter although he is  
30 not sure how it will be incorporated into the language.

31  
32 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Krapf and there were  
33 none.

34  
35 Mr. Thorsland called Norman Stenzel to testify.

36  
37 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that the test sites are not test sites  
38 but developmental examples and they are not good examples. He said that when a request for conversion is  
39 requested it is possible that the entire site will not be looked at and only a portion of site which is specifically  
40 selected to be a lesser point value than the total site. He said that the test sites do not tell you much about  
41 what happens when the new LESA is applied and simply indicates that between the two there may be a

1 difference. He said that previously he has suggested that a field test with real world examples would be a  
2 better indicator if they were analyzed properly. He said that he also suggested an extended comparison to  
3 several LESA instruments using actual cases brought before this Board as an effort to provide a better  
4 comparative assessment of those instruments.

5  
6 Mr. Stenzel stated that the local foods issue appears to have been denied but if a branch is included in the  
7 proposed LESA which eliminates some items that would not be considered there would be points available  
8 for the consideration of local foods. He requested that the Board consider the branching idea and review his  
9 previous document indicating ideas of branching.

10  
11 Mr. Stenzel stated that the Federal legislation initiating the nationwide LESA program includes the concern  
12 that the nation have a strong agricultural basis to provide a secure supply of food for our growing population.  
13 He said that there are four foundational goals which the Federal legislation considers: A. To save prime and  
14 special state soils; and B. to support the viability of neighboring agricultural farmers; and C. to preserve the  
15 viability of neighboring agricultural lands; and D. to have consideration for supportive services and  
16 businesses serving agriculture. He said that the proposed LESA only speaks to two of the four foundational  
17 goals. He said that one of the main issues that it does not speak to is the neighboring property and what is the  
18 impact of conversion on agricultural neighborhoods. He said that another item which the proposed LESA  
19 does not consider is the impact of the businesses that supply and support agriculture. He said that the  
20 proposed LESA, in some respect, excludes consideration of the importance of such things as elevators.

21  
22 Mr. Stenzel stated that one of the characteristics of the County is that it is divided into zones and those zones  
23 have boundaries. He said that if a conversion in the AG-1 zone is proposed close to a boundary then what is  
24 happening on the other side of the boundary can supply some of those houses and count against preservation  
25 of property in the AG-1 zone. He said that he previously suggested that the difference of what is happening  
26 in one zone and another zone should not be used against preservation of agricultural ground. He said that the  
27 item rationales that are used are largely focused on large scale agriculture and if there is a consideration of  
28 local foods then he would suggest that the branching have a set of rationale that would reflect local foods  
29 rather than large scale agriculture.

30  
31 Mr. Stenzel stated that Findings of Fact will be considered tonight and he would suggest that the Board has a  
32 petitioner and a reviewer as the same person, which is a conflict of interest. He said that Mr. Hall, Zoning  
33 Administrator, is telling the Board whether something is "good" or "bad" and "believe me" but that is not  
34 how a Finding of Fact should be established. Mr. Stenzel stated that Mr. Hall is not impartial in respect to  
35 the provision of the Finding of Fact because he helped produce the document which he has worked hard on  
36 and he will try to protect his position. Mr. Stenzel stated that the Board needs an independent review as a  
37 Finding of Fact before considering a recommendation on the proposed LESA.

38  
39 Mr. Stenzel submitted his written testimony as a Document of Record.

40  
41 Mr. Thorsland asked the Board if there were any questions for Mr. Stenzel.

- 1  
2 Mr. Palmgren asked Mr. Stenzel if he had attended almost every LESA and ZBA meeting regarding the  
3 proposed LESA.  
4  
5 Mr. Stenzel stated yes.  
6  
7 Mr. Palmgren stated that he has taken the opportunity to review the materials that Mr. Stenzel has submitted  
8 along with the volumes of material distributed by staff. He said that the information is very extensive and  
9 regardless of the outcome he appreciates Mr. Stenzel's time that he has given to this Board to explain his  
10 points of view. He asked Mr. Stenzel if his views were debated with the LESA Update Committee.  
11  
12 Mr. Stenzel stated no, not really.  
13  
14 Mr. Palmgren stated that in reviewing the minutes it looks like there may have been a little discussion and  
15 some questions regarding some of Mr. Stenzel's comments but it appears that there were no discussion  
16 regarding his suggestion on June 14, 2012, regarding the addition of 10 points.  
17  
18 Mr. Stenzel stated that many times he felt slighted or ignored.  
19  
20 Mr. Palmgren stated that in appreciating all of Mr. Stenzel's time it would have appeared that some sort of  
21 direct discussion would have occurred to address Mr. Stenzel's points.  
22  
23 Mr. Stenzel agreed.  
24  
25 Mr. Palmgren stated that he would have liked to have heard some discussion from a LESA Update  
26 Committee member discussing why his ideas were wrong or would not work.  
27  
28 Mr. Thorsland stated that he too read a lot of the minutes and it appeared that the LESA Update Committee  
29 interacted between themselves but did not consider a lot of external input within the Committee.  
30  
31 Mr. Palmgren stated that he would have thought that if the proposed LESA is as important as the Board has  
32 been told that it is, that the LESA Update Committee would have considered external input.  
33  
34 Mr. Stenzel stated that one of the documents that he provided the LESA Update Committee did receive a  
35 response from Mr. Hall but there was no discussion about the document at the LESA Update Committee  
36 meeting.  
37  
38 Mr. Passalacqua stated that it appears that Mr. Stenzel's most current document is somewhat late in the game  
39 and should have been submitted earlier.  
40  
41 Mr. Stenzel stated that there were a number of items that went to the LESA Update Committee and

1 unfortunately he has not made it a full-time job to address this issue. He said that perhaps his current  
2 document is late but he does not believe that it is too late in the game.

3  
4 Mr. Palmgren stated that the document that he was mentioning was submitted on June 14, 2012, and since  
5 there was no discussion by the LESA Update Committee he does not know if Mr. Stenzel's document made  
6 good or bad points.

7  
8 Mr. Thorsland asked if staff had any questions for Mr. Stenzel.

9  
10 Mr. Hall stated that in regard to Mr. Stenzel's critique that the proposed LESA only addresses two of the  
11 four foundational goals his take would be that any time the draft LESA supports preservation of any  
12 farmland the preservation of that farmland directly benefits supportive services and businesses serving  
13 agriculture. He said that the less farmland that there is producing farm crops then the fewer crops there are  
14 for those uses to take in at harvest time and resale and the less land there is in the future for those uses to sell  
15 products to. He asked Mr. Stenzel if he agreed.

16  
17 Mr. Stenzel stated no. He said that during the early days of the LESA discussion Mr. Hall proposed that the  
18 LE should be based on Category 1 and 2 of the quality of land.

19  
20 Mr. Hall stated that the Board is not considering that at all.

21  
22 Mr. Stenzel stated that in speaking to the issue whether prime farmland is protected we need to look at prime  
23 farmland as a whole and the process has included the taking away of some categories of prime farmland. He  
24 said that maybe even non-prime farmland may be beneficial to the operation of a farm and can be used for  
25 pasture and it is a misunderstanding to just consider a farm to be one, or two, or three types of soil.

26  
27 Mr. Hall stated that Mr. Stenzel indicates in the last paragraph of his submitted document tonight that the  
28 Zoning Administrator is "gaming the system" when he prepares the Findings of Fact for the Board's  
29 consideration. He asked how that is any different than when the Zoning Ordinance, as written, puts the  
30 requirement on any petitioner to prove that a variance or special use permit should be approved.

31  
32 Mr. Stenzel stated that the Zoning Administrator can play the role of being the petitioner in submitting  
33 testimony as the petitioner but someone else, an independent view, should determine whether all of the  
34 testimony is fact. Mr. Stenzel stated that he does not state facts in every single sentence and neither does Mr.  
35 Hall and someone needs to be independently looking at that testimony otherwise it is a conflict of interest.

36  
37 Mr. Hall asked Mr. Stenzel who he would suggest as the independent entity.

38  
39 Mr. Stenzel stated that he suspects that this process that puts Mr. Hall into the position as an advocate and  
40 then making a judgment about fact in regards to that happens many times during the process of preparing  
41 materials for the ZBA. He said that the system itself should be reviewed. He said that in the Findings of

1 Fact Mr. Hall indicated that some of the items reflect the practices of the zoning department. Mr. Stenzel  
2 asked Mr. Hall who reviews the appropriateness of whether his claims are correct or not and someone  
3 independently should be involved.  
4

5 Mr. Hall stated that the best entity is the ZBA and they do review the appropriateness of his comments every  
6 time they adopt a Finding of Fact.  
7

8 Mr. Stenzel asked Mr. Hall if the Board is familiar with the internal procedures to the zoning department that  
9 is referred to in his comments. Mr. Stenzel submitted that the ZBA is not.  
10

11 Mr. Hall stated that regarding Mr. Stenzel's testimony as to whether the LESA Update Committee  
12 considered his suggestions on several occasions, at least three, he provided written comments to the items  
13 that Mr. Stenzel submitted to the LESA Update Committee.  
14

15 Mr. Stenzel stated that he would have to refer to his notes but if Mr. Hall is indicating that on three occasions  
16 he submitted written comments then he will accept that statement.  
17

18 Mr. Hall stated that in the one instance he regretfully did not have time to address each item but he did  
19 provide a seven page document of written comments. He said that since Mr. Stenzel had submitted his  
20 comments to the LESA Update Committee Mr. Hall thought that it was fair to copy the LESA Update  
21 Committee on his comments to Mr. Stenzel because Mr. Hall did not want Mr. Stenzel to feel like no one on  
22 the LESA Update Committee was listening to him.  
23

24 Mr. Stenzel stated that he agrees that Mr. Hall's comments were forwarded to the LESA Update Committee  
25 however he has no evidence that the LESA Update Committee took any significant notice of those  
26 comments.  
27

28 Mr. Hall asked Mr. Stenzel if, at least in one instance, the LESA Update Committee added to the draft LESA  
29 modifications to correct for the "creep effect" which was the request that Hal Barnhart had made upon  
30 several occasions. Mr. Hall stated that Mr. Barnhart did not suggest how that could be done and finally staff  
31 proposed a way and the LESA Update Committee incorporated that suggestion into the draft LESA.  
32

33 Mr. Stenzel stated that he does not know what the basis was for the inclusion of "creep effect" but if Mr.  
34 Hall is making the claim that he is responding to Mr. Barnhart's suggestion then he appreciates that effort.  
35 Mr. Stenzel stated that the question that he is responding to is whether or not his materials had been  
36 considered and had an impact on the proposed LESA. He said that he cannot identify items in the revised  
37 LESA which reflect his materials.  
38

39 Mr. Hall stated that he appreciates the fact that Mr. Stenzel did provide comments at virtually every LESA  
40 Update Committee meeting, which is no small task. Mr. Hall stated that the one instance of the extensive  
41 written comments that were numbered and that he responded to was the most comprehensive and perhaps the

1 only written critique of the draft LESA that Mr. Stenzel submitted during the LESA Update Committee's  
2 work. Mr. Hall asked Mr. Stenzel if he was correct or were there other written critiques that were as  
3 comprehensive.

4  
5 Mr. Stenzel stated no.

6  
7 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stenzel and there were none.

8  
9 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

10  
11 Mr. Thorsland called Kevin Donoho to testify.

12  
13 Mr. Kevin Donoho, District Conservationist with the Champaign County USDA-NRCS, thanked the Board  
14 for the opportunity to speak to this important and encompassing process that the LESA Update Committee  
15 has completed and has now presented to this Board for review. He said that he believes that the document  
16 which has been presented to the ZBA is a good document which is an update of the current LESA system  
17 and he submits that what the ZBA has in front of them tonight is what should be considered. He said that he  
18 believes in the process that was used to create the document and he believes that the proposed LESA should  
19 be considered in its entirety without change. He said that the proposed LESA was unanimously passed by  
20 the LESA Update Committee.

21  
22 Mr. Hall stated that only the best prime farmland was passed unanimously.

23  
24 Mr. Donoho stated that it isn't often that a group passes anything unanimously. He said that the LESA  
25 Update Committee relied heavily on the information that continued to build during the process and if the  
26 Board spent the time to review the information that was prepared for their consideration then the Board  
27 should have a thorough appreciation for the amount of material, time, effort, organization skills that were  
28 utilized to complete this document. He said that he is available to address any questions that the Board may  
29 have.

30  
31 Mr. Donoho stated that everyone was aware of Mr. Stenzel's presence at the LESA Update Committee  
32 meetings and it was not a secret that he was in attendance. He said that Mr. Stenzel and Mr. Barnhart  
33 attended the meetings regularly and Mr. Uden attended some of the meetings and each person made an  
34 attempt to provide testimony to the Committee and their testimony was considered based on what the  
35 testimony was that day and what the topics of discussion were for that meeting. He said that there were back  
36 and forth discussions with anyone who desired to present testimony. He said that even though the  
37 Committee did try to stick very close to the items on the agenda the process took considerably longer  
38 because there were many things to consider. He said that Mr. Stenzel's comments regarding prime versus  
39 best prime farmland are key issues to understanding his point of view. He said that the Board can review the  
40 list of soils, how they were grouped and the naming of soils and whether they were considered prime or best  
41 prime farmland the Board will notice that a large number of soils listed in Champaign County are considered

1 prime. He said that nowhere on the list does it say the word “best prime” because “best prime” is a way that  
2 we use to help define how we separate one very good item from another good item. He said that the  
3 interaction between the members of the LESA Update Committee with input from John Hall and other staff  
4 members was a collaborative effort and consideration was taken for anyone who presented testimony at the  
5 meetings. He said that the Committee did not live in a vacuum and did not operate and meet in a vacuum.  
6

7 Mr. Donoho restated that he will be available to address the Board’s comments or questions.  
8

9 Mr. Thorsland asked the Board if there were any questions for Mr. Donoho.  
10

11 Mr. Palmgren asked Mr. Donoho how much was converted from the current LESA.  
12

13 Mr. Donoho stated that a lot of things were churned and each time the document is read into the record the  
14 Board can see what text replaces current text. He said that some of the replacement is minor in nature and in  
15 other areas the text is totally revamped. He said that the Committee slowly reviewed each item of the  
16 current LESA.  
17

18 Mr. Thorsland asked the Board if there were any additional questions for Mr. Donoho and there were none.  
19

20 Mr. Thorsland asked if staff had any questions for Mr. Donoho and there were none.  
21

22 Mr. Thorsland thanked Mr. Donoho for his efforts and his attendance at each ZBA meeting regarding the  
23 LESA.  
24

25 Mr. Thorsland stated that he would like to review Case 711-AT-12 prior to Case 710-AT-12. He asked if  
26 when the LE is calculated it is calculated for the entire tract and not for the subject portion of the tract.  
27

28 Mr. Hall stated that the LE is only calculated for the site which is actually proposed for development.  
29

30 Mr. Thorsland stated that staff has provided recommendations for each LRMP Goal and the Board can  
31 review these fairly quickly although there are probably more items to review in the SA portion. He said that  
32 because the petitioner is also the Zoning Administrator and testimony has been received that there may be a  
33 conflict with the Finding being constructed by the petitioner the Board should be extra careful. He said that  
34 as a Board, their job is to work through the findings as a team and just because staff’s recommendations are  
35 in the draft Finding of Fact does not mean that the Board cannot change, modify or delete those  
36 recommendations. He said that the LESA is an important existing document that has taken a long time to  
37 update therefore the ZBA should make sure that they work through all of the steps for review and  
38 recommendation as carefully as possible. He said that the LESA Update Committee worked on this project  
39 for a long time and there was a goal to streamline and simplify the process. He said that a lot of testimony  
40 has been received from members of the Committee and he appreciates every minute that the members of the  
41 Committee spent working on the LESA. He noted that the product that the LESA Update Committee

1 submitted to the ZBA for review and recommendation is not set in stone and is not the final product. He  
2 said that the ZBA is one of the filters that this document will go through prior to being forwarded to the  
3 County Board for final approval. He thanked Mr. Stenzel and other members of the public for their  
4 attendance and input into this process.

5  
6 Mr. Thorsland stated that the Board will begin its review of the draft Finding of Fact for Case 711-AT-12  
7 with Item #6 on page 3 of 20.

8  
9 Mr. Thorsland read LRMP Goal 1. He said that staff recommends that the proposed amendment is not  
10 directly related to Goal 1 and is NOT RELEVANT to Goal 1.

11  
12 Mr. Thorsland stated that 10 LRMP Goals goes back to the Big-Small-All public hearings and that every  
13 goal in the LRMP, on some level, has everything to do with what the Board is doing tonight, especially the  
14 LE portion. He said that he would recommend NOT IMPEDE for a lot of the LRMP Goals instead of NOT  
15 RELEVANT because there has been some public involvement in this process and agricultural land is a land  
16 resource. He asked the Board for comments.

17  
18 Mr. Passalacqua agreed with Mr. Thorsland in his recommendation for NOT IMPEDE versus NOT  
19 RELEVANT.

20  
21 Ms. Capel stated that the process by which the proposed definition of best prime farmland was arrived at  
22 indicates that the proposed amendment should HELP ACHIEVE Goal 1.

23  
24 Mr. Thorsland stated that he would agree with Ms. Capel's recommendation.

25  
26 Mr. Passalacqua also agreed with Ms. Capel's recommendation.

27  
28 Mr. Thorsland asked Ms. Capel to repeat her recommendation for the record and asked if the process should  
29 indicate the 15 meetings of the LESA Update Committee and the ZBA public hearings.

30  
31 Ms. Capel stated that the process by which the proposed definition of best prime farmland was arrived at  
32 indicates that the proposed amendment should HELP ACHIEVE Goal 1.

33  
34 Mr. Thorsland asked if this is only in relation to the LE portion.

35  
36 Mr. Hall suggested that HELP ACHIEVE is the best we can hope for and definitely include the proposed  
37 definition of best prime farmland since that is what this case is about. He said that the text should include  
38 the statement that the recommendation was arrived at by the 15 meetings of the LESA Update Committee  
39 and the ZBA meetings where the proposed amendment was available for comment.

40  
41 Mr. Kass read the Board's recommendation for LRMP Goal 1 as follows: The proposed amendment should



- 1 HELP ACHIEVE Goal 1 because the process by which the proposed definition of best prime farmland was  
2 arrived at and by the 15 meetings of the LESA Update Committee and Zoning Board of Appeals public  
3 hearings.  
4
- 5 Mr. Thorsland asked the Board if they agreed with the final recommendation for LRMP Goal 1, as read by  
6 Mr. Kass, and the Board agreed.  
7
- 8 Mr. Thorsland read LRMP Goal 2. He said that staff recommends that the proposed amendment is not  
9 directly related to Goal 2 but should HELP ACHIEVE Goal 2 because it should HELP ACHIEVE objective  
10 2.1. and the Board agreed.  
11
- 12 Mr. Thorsland read LRMP Goal 3. He said that staff recommends that the proposed amendment is not  
13 directly related to Goal 3 and is NOT RELEVANT to Goal 3.  
14
- 15 Mr. Thorsland stated that perhaps this is a good place for NOT IMPEDE although some could argue that it  
16 would HELP ACHIEVE and some could argue that it is NOT RELEVANT.  
17
- 18 Mr. Hall stated that some may argue that it MAY IMPEDE.  
19
- 20 Mr. Thorsland stated that Mr. Hall is correct but it depends on what side of the table you are sitting on.  
21
- 22 Mr. Hall stated that perhaps that NOT UNDULY IMPEDE could be inserted. He said that the point is that  
23 the County Board has decided that best prime farmland is important enough to consider in land use  
24 decisions. He said that so far the County Board has not indicated that best prime farmland will prevent  
25 anything from happening but just that they will consider it. He said that the policies indicate such but they  
26 have decided not to implement them and staff has learned, upon too many occasions, it is best to not  
27 overstate and only the supporters will be angry if the Board understates.  
28
- 29 Mr. Passalacqua stated that it would be safer to indicate WILL NOT UNDULY IMPEDE.  
30
- 31 Ms. Capel stated that she would like to say something about how agriculture is an economic engine.  
32
- 33 Mr. Thorsland stated that he agrees with Ms. Capel.  
34
- 35 Mr. Passalacqua stated that Ms. Capel's concern is addressed in LRMP Goal 4.  
36
- 37 Mr. Thorsland stated that LRMP Goal 4 discusses the long term viability of agriculture and the Board can  
38 talk about how the overall goal of the LESA is to preserve that viability. He said that Goal 3 is where the  
39 economics is more relevant therefore WILL NOT UNDULY IMPEDE may not be appropriate for Goal 3.  
40
- 41 Ms. Capel stated that it seems that indicating WILL NOT UNDULY IMPEDE would be useless if it has to

- 1 do with preserving agricultural infrastructure.  
2
- 3 Mr. Thorsland stated that the economic impact of agriculture in Champaign County is not insignificant.  
4
- 5 Mr. Hall stated that in hearing Mr. Thorsland's and Ms. Capel's discussion he would suggest that the  
6 proposed amendment WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3. He said that  
7 when the County Board adopted best prime farmland they believed that it was a reasonable thing to take into  
8 account during land use decisions but if best prime farmland means anything then someday it will mean that  
9 best prime farmland wins out over other things.  
10
- 11 Ms. Capel stated that regardless of what the policies are stuff gets developed.  
12
- 13 Mr. Thorsland stated that on average the better soils are selling at \$10,000 per acre or more and it is because,  
14 overall due to today's commodity prices, the owner is more than able to make a return on their investment.  
15
- 16 Mr. Passalacqua stated that he does not believe that encouraging economic growth and development was  
17 written with agriculture in mind but written with the goal to not stifle non-agricultural economic growth.  
18
- 19 Mr. Thorsland stated that in the way that this relates to this case, money is money.  
20
- 21 Mr. Passalacqua stated that why he believes that this statement is not relevant because it is referring to other  
22 non-agricultural economic growth.  
23
- 24 Mr. Thorsland stated that he disagrees due to the LRMP.  
25
- 26 Mr. Passalacqua stated that Goal 3 is attempting to say that "yes" there is a long range plan to protect but that  
27 plan is not going to keep from having growth and other non-agricultural use of the land.  
28
- 29 Mr. Thorsland stated that during the LRMP when growth and development was discussed it was the entirety  
30 of that and the "L" in LRMP is in regard to land.  
31
- 32 Mr. Passalacqua stated that it says that the preservation of the land and the use of our resources will not be so  
33 extensive that it will prevent us from having more economic growth which is non-agriculture.  
34
- 35 Mr. Thorsland stated that WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3 would be  
36 appropriate with the addition of, recognizing the economic impact of agriculture in Champaign County.  
37
- 38 Mr. Passalacqua stated that the addition of recognizing the economic impact of agriculture in Champaign  
39 County would be relevant to Goal 4.  
40
- 41 Mr. Thorsland disagreed.

1

2 Ms. Capel stated that the language that she proposed doesn't have anything to do with the value of  
3 agriculture but has to do with supporting unreasonable use.

4

5 Mr. Thorsland stated that the Board could leave it as WILL NOT UNREASONABLY IMPEDE the  
6 achievement of Goal 3.

7

8 Mr. Passalacqua stated that he agreed. He said that Mr. Thorsland is taking "economic growth" and saying  
9 that money can be made in agriculture but every single parcel will not be protected to prevent expansion of  
10 any other economic growth. He said that LRMP Goal 3 is entitled "Prosperity" which means that we are not  
11 going to use the LRMP to an extent that we will not be able to do anything on the land in the future. He said  
12 that it appears that we are trying to cover both Goals 3 and 4 in one recommendation therefore we should  
13 finish LRMP Goal 3 and then move forward to Goal 4.

14

15 Mr. Kass asked if the recommendation for Goal 3 should be as follows: the proposed amendment WILL  
16 NOT UNREASONABLY IMPEDE the achievement of Goal 3.

17

18 Mr. Thorsland asked the Board if they agreed with the final recommendation for LRMP Goal 3, as read by  
19 Mr. Kass, and the Board agreed.

20

21 Mr. Thorsland read LRMP Goal 4. He said that staff recommends that the proposed amendment IS NOT  
22 RELEVANT to Goal 4.

23

24 Mr. Passalacqua stated that he would recommend that the proposed amendment HELPS ACHIEVE Goal 4.

25

26 Mr. Thorsland stated that we are defining and adjusting the best prime farmland and its scoring and if the  
27 Board indicates that the proposed amendment HELPS ACHIEVE Goal 4 then the Board is indicating that  
28 this part of it makes it more strongly protected and he is not convinced that such is the case.

29

30 Mr. Palmgren agreed with Mr. Passalacqua's recommendation.

31

32 Mr. Kass stated that currently the recommendation is as follows: Many of the policies under Goal 4 refer to  
33 "best prime farmland" but best prime farmland is not defined in Goal 4 and therefore the proposed  
34 amendment HELPS ACHIEVE Goal 4.

35

36 Mr. Thorsland stated that he does not agree with the recommendation. He said that the beginning of the  
37 statement is correct in that best prime farmland is not part of Goal 4.

38

39 Mr. Passalacqua stated that he will defer to staff's recommendation.

40

41 Mr. Thorsland stated that perhaps the recommendation could be the following: Many of the policies under

- 1 Goal 4 refer to “best prime farmland” and while best prime farmland is not defined in Goal 4 the proposed  
2 amendment WILL NOT IMPEDE the achievement of Goal 4.  
3
- 4 Mr. Palmgren stated that staff has recommended that many of the Goals are NOT RELEVANT therefore and  
5 he assumes that staff had good reason for that recommendation. He asked the Board if they were stretching  
6 these recommendations out a little bit.  
7
- 8 Mr. Thorsland stated that the Summary of Evidence indicates, HELPS ACHIEVE, HELP ACHIEVE AND  
9 WILL NOT IMPEDE. He said that indicating that the proposed amendment HELPS ACHIEVE Goal 2 and  
10 8 and will NOT IMPEDE the achievement of the other LRMP Goals is not adequate. He said that he  
11 believes the recommendation should indicate that the proposed amendment is NOT RELEVANT to the other  
12 LRMP Goals. He said that the Summary Finding of Fact is more reflective of the overall goal of the  
13 particular case which is to HELP ACHIEVE the LRMP Goals 2 and 8 and NOT IMPEDE the other goals.  
14
- 15 Ms. Capel stated that NOT IMPEDE is a more useful phrase than NOT RELEVANT.  
16
- 17 Mr. Thorsland stated that the entire goal of the 10 step process, even though some of it drifts off, is to NOT  
18 IMPEDE anything. He asked the Board if they would agree to WILL NOT IMPEDE the achievement of  
19 Goal 4.  
20
- 21 Mr. Kass read the Board’s recommendation for Goal 4: Many of the polices under Goal 4 refer to “best  
22 prime farmland” because best prime farmland is not defined in Goal 4, the proposed amendment WILL NOT  
23 IMPEDE the achievement of Goal 4.  
24
- 25 Mr. Thorsland asked the Board if they agreed with the final recommendation for Goal 4, as read by Mr.  
26 Kass, and the Board agreed.  
27
- 28 Mr. Thorsland read LRMP Goal 5. He said that staff recommends that the proposed amendment is NOT  
29 RELEVANT to Goal 5 because Goal 5 relates to urban land use.  
30
- 31 Mr. Passalacqua stated that Goal 5 should have the same recommendation as Goal 4 except replace “Goal 4”  
32 with “Goal 5.”  
33
- 34 Mr. Hall stated that best prime farmland is used in Goal 5 proportionately to a greater extent than it is used in  
35 Goal 4. He said that it might be more consistent to insert WILL NOT IMPEDE.  
36
- 37 Mr. Thorsland stated that he agrees with Mr. Passalacqua’s recommendation of inserting the recommended  
38 text for Goal 4 into Goal 5.  
39
- 40 Mr. Kass read the Board’s recommendation for Goal 5 as follows: Many of the policies under Goal 5 refer  
41 to “best prime farmland,” because best prime farmland is not defined in Goal 5, the proposed amendment

- 1 WILL NOT IMPEDE the achievement of Goal 5.  
2
- 3 Mr. Thorsland asked the Board if they agreed with the final recommendation for Goal 5, as read by Mr.  
4 Kass, and the Board agreed.  
5
- 6 Mr. Thorsland read LRMP Goal 6. He said that staff recommends that the proposed amendment is NOT  
7 RELEVANT to Goal 6 in general and the Board agreed.  
8
- 9 Mr. Thorsland read LRMP Goal 7. He said that staff recommends that the proposed amendment IS NOT  
10 RELEVANT to Goal 7 and the Board agreed.  
11
- 12 Mr. Thorsland read LRMP Goal 8. He said that staff recommends that the proposed amendment should  
13 HELP ACHIEVE Goal 8 for the following reasons: Objective 8.2 is the only relevant objective under Goal  
14 8 and the only subsidiary policy under Objective 8.2 is policy 8.2.1. He said that staff recommends that the  
15 proposed Draft LESA will HELP ACHIEVE Objective 8.2 and that the proposed amendment will HELP  
16 ACHIEVE Policy 8.2.1. He said that underlined new item 13.E. has been included as follows: definition of  
17 “best prime farmland” recommended by the LESA Update Committee will nonetheless be a change from  
18 policy 8.2.1 in the Land Resource Management Plan (LRMP) and Policy 8.2.1 should be amended to reflect  
19 this change at the next annual LRMP update.  
20
- 21 Mr. Hall stated that a new item 13.F. should be added as follows: In testimony by Kyle Krapf, on behalf of  
22 the Champaign County Farm Bureau, at the September 19, 2012, public hearing Mr. Krapf stated that the LE  
23 part (meaning the proposed definition of best prime farmland) was a step in the right direction though the  
24 designation of best prime farmland is higher than the Farm Bureau policy indicates. He asked Mr. Krapf if  
25 proposed new item 13.F. is accurate.  
26
- 27 Mr. Krapf stated that he assumes that the text is correct although staff should refer to the submitted copy of  
28 his testimony for tonight.  
29
- 30 Mr. Kass read new item 13.F. as follows: In testimony by Kyle Krapf, on behalf of the Champaign County  
31 Farm Bureau, at the September 19, 2012, public hearing Mr. Krapf stated that the LE part (meaning the  
32 proposed definition of best prime farmland) was a step in the right direction though the designation of best  
33 prime farmland is higher than the Farm Bureau policy calls for, and it will be an effective tool.  
34
- 35 Mr. Thorsland asked Mr. Hall if the last sentence in item 13.E. is redundant when the Board makes a  
36 summation of policy 8.2.1.  
37
- 38 Mr. Hall stated that after reading all of the information no human recalls where they where they were at  
39 when they started reading this list of evidence therefore staff recaps it.  
40
- 41 Mr. Thorsland asked the Board if they agreed with staff’s recommendation for Goal 8, Objective 8.2 and

- 1 Policy 8.2.1, and the addition of new item 13.F. and the Board agreed.  
2
- 3 Mr. Thorsland read LRMP Goal 9. He said that staff recommends that the proposed amendment is NOT  
4 RELEVANT to Goal 9 in general.  
5
- 6 Mr. Thorsland stated that he believes that the farms should be kept close to the people, the elevator, and  
7 don't impede their movement, etc. He said that if we push all of the productive land away from the a place  
8 like The Andersons then things will be in an efficient pattern.  
9
- 10 Ms. Capel recommended that the proposed amendment WILL NOT IMPEDE the achievement of Goal 9.  
11
- 12 The Board agreed with Ms. Capel's recommendation.  
13
- 14 Mr. Thorsland read LRMP Goal 10. He said that staff recommends that Goal 10 is NOT RELEVANT to the  
15 proposed amendment in general and the Board agreed.  
16
- 17 Mr. Thorsland stated that in regards to the purpose of the Zoning Ordinance staff recommends that the  
18 proposed amendment appears to HELP ACHIEVE the purpose of the Zoning Ordinance and the Board  
19 agreed.  
20
- 21 Mr. Thorsland stated that in regards to other relevant evidence staff recommends that the proposed  
22 amendment will IMPROVE the text of the Zoning Ordinance because it will replace the multiple current  
23 references in the Zoning Ordinance to "Land Evaluation score greater than or equal to 85 on the County's  
24 Land Evaluation and Site Assessment System" with one definition that will be easier to manage in the future  
25 and the Board agreed.  
26
- 27 Mr. Thorsland entertained a motion to approve the Finding of Fact for Case 711-AT-12 as amended.  
28
- 29 **Mr. Passalacqua moved, seconded by Mr. Courson to approve the Finding of Fact for Case 711-AT-12**  
30 **as amended. The motion carried by voice vote.**  
31
- 32 Mr. Thorsland stated that there are new items to be added to the Documents of Record.  
33
- 34 Mr. Kass stated that the following items should be revised or added to the Documents of Record: 13. Written  
35 statement submitted by Kyle Krapf at the August 16, 2012, public hearing; and 14. Supplemental  
36 Memorandum for Case 710-AT-12 dated August 30, 2012, with attachment: A. email dated March 7, 2012,  
37 from terry Savko to Susan Monte; and B. Draft Finding of Fact; and 15. Supplemental Memorandum for  
38 Case 711-AT-12 dated August 30, 2012, with attachment: A. Draft Finding of Fact; and 16. Champaign  
39 County Local Foods Policy Council Resolution No. 2012-1 received at the August 30, 2012, public hearing;  
40 and 17. LESA Score suggestions submitted by Eric Thorsland at the August 30, 2012, public hearing; and  
41 18. Supplemental Memorandum for Case 710-AT-12 dated September 6, 2012, with attachments: A.

1 Champaign County Local Foods Policy Council Resolution No. 2012-1 received August 30, 2012; and B.  
2 LESA Score suggestions by Eric Thorsland on August 30, 2012; and 19. Supplemental Memorandum for  
3 Case 710-AT-12 dated September 19, 2012, public hearing; and 20. Written statement submitted by Kyle  
4 Krapf at the September 19, 2012, public hearing; and 21. Written statement submitted by Norman Stenzel at  
5 the September 19, 2012, public hearing; and 22. Facts on Direct-to-Consumer Food Marketing submitted by  
6 Eric Thorsland at the September 19, 2012, public hearing.  
7

8 **Summary Finding of Fact for Case 711-AT-12:**  
9

10 From the documents of record and the testimony and exhibits received at the public hearing conducted on,  
11 June 14, 2012, June 28, 2012, July 12, 2012, July 26, 2012, August 16, 2012, August 30, 2012, September  
12 13, 2012, and September 19, 2012, the Zoning Board of Appeals of Champaign County finds that:  
13

- 14 1. The proposed Zoning Ordinance text amendment will HELP ACHIEVE the Land Resource  
15 Management Plan because:  
16
  - 17 A. The proposed Zoning Ordinance text amendment will HELP ACHIEVE LRMP  
18 Goals 1, 2 and 8.
  - 19 B. The proposed Zoning Ordinance text amendment will NOT IMPEDE the  
20 achievement of LRMP Goals 3, 4, 5 and 9.
  - 21 C. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP  
22 Goals 6, 7 and 10.
- 23 2. The proposed text amendment will IMPROVE the Zoning Ordinance.  
24  
25

26 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact as amended.  
27

28 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Summary Finding of Fact as**  
29 **amended. The motion carried by voice vote.**  
30

31 Mr. Thorsland entertained a motion to approve the Summary of Evidence, Documents of Record and Finding  
32 of Fact as amended.  
33

34 **Ms. Capel moved, seconded by Mr. Courson to approve the Finding of Fact, Documents of Record**  
35 **and Summary Finding of Fact as amended. The motion carried by voice vote.**  
36

37 Mr. Thorsland entertained a motion to move to the Final Determination.  
38

39 **Mr. Courson moved, seconded by Mr. Palmgren to move to the final determination for Case 711-AT-**  
40 **12. The motion carried by voice vote.**  
41

1 **Final Determination for Case 711-AT-12:**

2

3 **Ms. Capel moved, seconded by Mr. Courson that pursuant to the authority granted by Section 9.2 of**  
4 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
5 **determines that the Zoning Ordinance Amendment requested in Case 711-AT-12 should BE**  
6 **ENACTED by the County Board in the form attached hereto.**

7

8 Mr. Thorsland requested a roll call vote.

9

10	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
11	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Thorsland-yes</b>

12

13 Mr. Thorsland called for a short recess.

14

15 **The Board recessed at 8:52 p.m.**

16 **The Board resumed at 9:00 p.m.**

17

18 Mr. Thorsland stated that the Board will now review Case 710-AT-12. He said that the August 30, 2012,  
19 Supplemental Memorandum includes a Draft Finding of Fact for the Board’s review. He asked the audience  
20 if anyone who had signed the witness register desired to add new testimony to Case 710-AT-12 and there  
21 was no one.

22

23 Mr. Thorsland stated that the Supplemental Memorandum dated September 19, 2012, discusses proposed  
24 new evidence regarding local food. He said that in preparing for tonight’s meeting he thought about the  
25 problem that the words “local food” added and if the Board will review the Supplemental Memorandum  
26 dated September 6, 2012, they will see a couple of ideas on how to address this issue. He said that page 3 of  
27 the September 6<sup>th</sup> memorandum includes Site Assessment #8 which reads as follows: Percentage of area  
28 within 1 mile of a subject site which consists of parcels with a principal use of agriculture, c) If the amount  
29 of the area within 1 mile of the subject site which consists of parcels with a principal use of agriculture that  
30 are producing any local foods is as follows add the following bonus points: (1) 1% or less of the area (but  
31 more than zero), add 2 points; and (2) more than 1% of the area, add 4 points. He said that this is a very good  
32 proposal because it acknowledges the phenomenon that we call “local food.” He said that no real definition  
33 for “local food” exists but there is a document that the United States Department of Agriculture titled *Facts*  
34 *on Direct-to-Consumer Food Marketing*. He submitted the document as a Document of Record and proposed  
35 that the term “local foods” be replaced with Direct-to-Consumer Food Marketing. He said that he is very  
36 happy that there is a local foods council and that other people are actually thinking about it and not just the  
37 husband of a producer. He said that the Department of Agriculture also provides information on how a  
38 producer can enhance their income by addressing and servicing the needs of the public. He said that a farm  
39 stand producer will go from harvest to wash to customer but a farmer’s market producer will go from harvest  
40 to wash to transport to farmer’s market to customer. He said that some producers allow customers to come  
41 to the farm to pick their own produce. He said that the Department of Agriculture clearly defines the



1 difference between food and commodity and he believes that there are ways to identify a Direct-to-Consumer  
2 Food farm. He said that Mr. Hall and Mr. Kass completed two maps of two of the ZBA member's farms and  
3 the same technology could be utilized to identify similar operations. He said that staff indicated that they do  
4 not have a list of Direct-to-Consumer Food producers although some of the local farmers markets do  
5 maintain lists of approved producers and it would probably be easy to get. He said that perhaps the Local  
6 Foods Council could compile such a list for distribution.

7  
8 Ms. Capel stated that the term Agricultural Food Production could be used instead of the terms "local foods"  
9 or "Direct-to-Consumer Food Marketing."

10  
11 Mr. Thorsland stated that Ms. Capel is correct. He said that he found it interesting that some of the data goes  
12 way back and it is discussed the market share of total agriculture has gone up substantially since 1997 and  
13 2007. He said that the Supplemental Memorandum dated September 6, 2012, indicates an example 10(c)  
14 regarding livestock management facilities as follows: If there are any livestock management facilities within  
15 one mile of the subject site that produce livestock that are marketed as local food, add the following bonus  
16 points based on the distance of that local food production from the subject site: (1) .25 mile or less from the  
17 subject site, add 2 points; and (2) more than .25 mile but no more than one mile, add 1 point. He said that  
18 staff recommends that the examples in the Supplemental Memorandum are merely examples and are not  
19 staff's recommendations at this time. He said that he disagrees because there has to be a way to incorporate  
20 the examples without doing any damage or harm to the big tracts of prime farmland.

21  
22 Mr. Courson stated that he agrees with staff.

23  
24 Mr. Passalacqua stated that this is not the right document or time or tool to include local food production.

25  
26 Mr. Thorsland stated that the SA worksheet indicates that five acres or less gets zero points which may or  
27 may not be a fair assessment of an agricultural operation. He said that there are only two choices for best  
28 prime farmland which are 30 or zero. He said that there is a lot of prime farmland in the County and there is  
29 no grading between best prime and zero.

30  
31 Mr. Passalacqua stated that one of the goals of the LESA review was to streamline the process.

32  
33 Mr. Thorsland stated that Mr. Passalacqua is correct but a score of 15 would not make it any more  
34 complicated.

35  
36 Mr. Hall stated that prime is scored in SAF #2.B.

37  
38 Mr. Thorsland stated that he has not valuable input in regards to the CUGA scoring. He said that the  
39 perimeter adjacent to the site takes a great deal of time to grade and the scoring system is very appropriate.  
40 He said that agricultural production of the site is well done because if nothing has been done on the site then  
41 perhaps zero is close but then again zero may be harsh. He said that if a small farm is being evaluated then

1 there may be some tweaking required. He said that he believes that the bonus points can be added without  
2 making the total any higher. He said that if there is 90% to 100% of the stuff around a small farm is a  
3 principal use of agriculture then 20 points are awarded but if only 21% to 30% and you have six having to do  
4 with Direct-to-Consumer food production then the points proposed in the Supplemental Memorandum dated  
5 September 6, 2012, are awarded. He said that the cap would still stop at 20. He said that he would like to  
6 see the score of zero points awarded taken out of SAF #9 because there are completely productive pieces of  
7 agriculture that have the unfortunate circumstance of having farm dwellings. He said that SAF#9 discusses  
8 the subject site but even if there are 10 non-farming dwellings adjacent then he believes that the points  
9 should go from 10 to 20. He said that he is firm in trying to incorporate all of agriculture into this part of the  
10 site assessment and not just best prime, row crop or commodity agriculture, which is what he believes the  
11 document leans heavily towards therefore he proposes that some refocusing may be appropriate.

12  
13 Ms. Capel asked if it would be appropriate to poll the Board regarding this issue.

14  
15 Mr. Thorsland stated yes.

16  
17 Mr. Courson stated that he agrees with staff on the entirety of the proposed LESA and he is ready to move  
18 forward.

19  
20 Mr. Palmgren stated that he also agrees with staff. He said that perhaps the Direct-to-Consumer Food  
21 Marketing could be addressed at a later date.

22  
23 Mr. Hall stated that the LRMP calls for it to be reviewed on a five year cycle.

24  
25 Ms. Capel stated that she agrees with Mr. Thorsland.

26  
27 Mr. Passalacqua stated that he agrees with staff.

28  
29 Mr. Miller stated that he too agrees with staff.

30  
31 Mr. Hall stated that the LRMP calls for a review on a ten year cycle. He said that Terry Savko, who is the  
32 coordination person with the Department of Agriculture, did recommend to the LESA Update Committee  
33 that these new Site Assessment Factors be reviewed every two to five years to make sure that it is working as  
34 it is supposed to. He said that he hopes that the Board reviews these factors during every case and that the  
35 minute something does not appear right the Board can do something about it. He said that the Board could  
36 submit a recommendation to the County Board expressing support of Terry Savko's recommendation of  
37 review every two to five years after adoption. He said that page 24 of the Finding of Fact for Case 710-AT-  
38 12, includes Terry's recommendation of evaluating the revised SA Factors in no more than two years to  
39 ensure that the Factors truly evaluate what they were intended to evaluate. Mr. Hall stated a new item#7  
40 could be added to the Finding indicating the ZBA's support for Terry Savko's recommendation or the Board  
41 could recommend the amendment with a condition that it be reviewed in no more than two years after

1 adoption.  
2  
3 Mr. Palmgren stated that local foods should be included in some point in time but more work is required.  
4  
5 Mr. Hall stated that the Board has reviewed several map amendments in the past year and no best prime  
6 farmland was being used therefore the Champaign County Soil and Water Conservation District declined to  
7 do a natural resources report. He said that on the good side the Board does not see that many cases where a  
8 LESA score is reported. He said that he is concerned that two years is not going to provide a big population  
9 of cases to review.  
10  
11 Ms. Capel stated that two years would give the Board an opportunity to do some homework.  
12  
13 Mr. Thorsland stated that, regardless of whatever it is called, local foods production, Direct-to-Consumer  
14 Marketing, food plot, organic farm, there was previous discussion by Ms. Capel indicating that when an  
15 RRO Special Use Permit is reviewed that local foods is considered as part of the criteria and making it  
16 independent of the LESA part. He asked staff what mechanism the ZBA has to start that process and is that  
17 direction from ELUC or the County Board. He asked staff if he, as a member of the public, could go to  
18 ELUC and indicate what he would like to see included as part of the criteria for an RRO next to his property.  
19 He said that he would like to have some weight in part of the determination as to whether or not the RRO  
20 would be suitable for the area. He said that the ZBA reviews the LESA score, transportation, fire protection,  
21 etc. and there are hurdles.  
22  
23 Mr. Hall stated that the factors that are considered in an RRO and County resources are used to assess are the  
24 factors that are in the Zoning Ordinance that the ZBA are supposed to be reviewing.  
25  
26 Mr. Thorsland asked how the ZBA can add to the Zoning Ordinance.  
27  
28 Mr. Hall stated that the ZBA can only add to the Zoning Ordinance by a text amendment.  
29  
30 Mr. Thorsland asked Mr. Hall how the ZBA could initiate a text amendment.  
31  
32 Mr. Hall stated that he would only initiate a text amendment under the direction of the Committee of the  
33 Whole.  
34  
35 Ms. Capel stated that if the County finds that it is appropriate to consider protecting local food production  
36 then they will consider initiation of a text amendment. She said that they did create a Local Foods Policy  
37 Council therefore the Council could have a role to play in bringing this matter to the COW.  
38  
39 Mr. Hall stated that getting the support of the Council would be good but if the ZBA believes that there is  
40 something missing in the review for RRO's then the ZBA can send a memorandum to the COW.  
41

1 Mr. Thorsland stated that incorporation of local foods into the LESA is probably not going to happen now  
2 but he would be very determined to attempt to incorporate such within a reasonable timeframe. He said that  
3 he would be happy with a condition that the SA portion is reviewed in two years, even if the review consists  
4 of a simple indication that it is working. He said that he would be happier if the scoring could be tweaked  
5 now and include local food production in the current SA and make local food production part of the LESA  
6 now. He asked the Board if they are willing to forward a memorandum to the Committee of the Whole  
7 regarding consideration of incorporating local food production into the SA and LESA during the two year  
8 review.

9  
10 Mr. Thorsland stated that the Board will now review the LRMP Goals in relation to Case 710-AT-12.

11  
12 Mr. Kass suggested that the Findings for Case 710-AT-12 be the same as the Findings for Case 711-AT-12  
13 except that the language referring to best prime farmland or draft site assessment be stricken.

14  
15 Mr. Thorsland stated that Mr. Kass has suggested that the Board incorporate the work that was done for the  
16 LRMP Goals 1-10 for Case 711-AT-12 be modified for Case 710-AT-12.

17  
18 Ms. Capel stated that for consistency she agreed with Mr. Kass' suggestion.

19  
20 Mr. Passalacqua agreed with Mr. Kass' suggestion.

21  
22 Mr. Kass read the Board's recommendation for LRMP Goal 1 for Case 711-AT-12 as follows: The  
23 proposed amendment should HELP Achieve Goal 1 because the process by which the Draft LESA Update  
24 was arrived at by the 15 meetings of the LESA Update committee and the Zoning Board of Appeals public  
25 hearings. The Board agreed with the recommendation for Case 710-AT-12.

26  
27 Mr. Thorsland asked staff if most of the findings for the two cases are the same.

28  
29 Mr. Hall stated yes.

30  
31 Mr. Thorsland stated that staff recommends that the proposed amendment is not directly related to LRMP  
32 Goal 2 but should HELP ACHIEVE Goal 2 and Objective 2.1 and the Board agreed.

33  
34 Mr. Thorsland stated that LRMP Goal 3 was modified in Case 711-AT-12 to indicate that the proposed  
35 amendment WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3.

36  
37 Mr. Hall stated that the County adopted the first LESA in 1984, which is almost 30 years ago, and it is  
38 fundamental to any land use decisions of the County and at this point to indicate that it would not  
39 unreasonably impede growth and development would be to put too fine of a point on it. He said that it is a  
40 fact of life and to indicate that it will not unreasonably impede would appear very odd, but it is the Board's  
41 finding.

1

2 Mr. Thorsland stated that the recommendation for LRMP Goal 3 should indicate WILL NOT IMPEDE the  
3 achievement of Goal 3.

4

5 Mr. Kass stated that the text “is not directly related to Goal 3 and is NOT RELEVANT” should be stricken  
6 from LRMP Goal 3 as well. He read the new recommendation as follows: Goal 3 has 3 objectives and no  
7 policies. The proposed amendment WILL NOT IMPEDE the achievement of Goal 3. The Board agreed  
8 with the revised recommendation for LRMP Goal 3.

9

10 Mr. Thorsland stated that in order to make sure that the Board incorporates all of the information from the  
11 August 30<sup>th</sup> meeting regarding Goal 4 for Case 710-AT-12, the Board should turn to page 24 of the Draft  
12 Finding of Fact dated August 30, 2012.

13

14 Mr. Hall stated that he would suggest adding a new item 9.B(8) as follows: Kyle Krapf testified on behalf of  
15 the Champaign County Farm Bureau at the September 19, 2012, public hearing that the Champaign County  
16 Farm Bureau recommends using assessments records, other public documents.

17

18 Mr. Passalacqua stated that this statement is included in item 9.B.7(a).

19

20 Mr. Hall stated that in item 9.B.7(a) the Farm Bureau documented their dissatisfaction with the farm  
21 dwelling definition and they recommended only using assessment records. Mr. Hall said that tonight the  
22 Farm Bureau agreed that only using assessment records is problematic and they recommended using  
23 assessment records, other public documents and information provided in the public hearing for the Zoning  
24 Board of Appeals to make a determination of farm dwellings. He said that this is an important change and  
25 his only concern is that by including assessment records it is not indicated which assessment records are  
26 going to be used and which assessments are not going to be used. He said that he can guarantee that there  
27 are assessment records that should not be used for determining a farm dwelling. He recommended that  
28 somehow the ZBA reflect the Farm Bureau’s change in the record.

29

30 Mr. Kass stated that new item 9.B(8) should read as follows: At the September 19, 2012, public hearing,  
31 Kyle Krapf, speaking on behalf of the Champaign County Farm Bureau, testified that a farm dwelling is a  
32 dwelling occupied by farm owner, operator, tenant farm worker, or seasonal or year round hired farm  
33 worker. This may be determined by utilizing assessment records, other public documents or by information  
34 provided as part of the public record to the Zoning Board of Appeals.

35

36 Mr. Hall stated that new item 9.B(8) is verbatim and it is up to the Board whether or not to finesse new item  
37 9.B(8) or leave it as the verbatim statement and move forward with the finding.

38

39 Ms. Capel stated that new item 9.B(8) should be the verbatim statement by Kyle Krapf.

40

41 Mr. Thorsland stated that new evidence from the September 19, 2012, Supplemental Memorandum should

1 be added under item 9.D(1) and (2). He said that he would like to propose that the term “local foods” be  
2 replaced by the term “Direct to Consumer Food Marketing.” He said that accommodation for locally grown  
3 foods in the Site Assessment portion of the Draft LESA was not undertaken although there were some  
4 members of the Zoning Board of Appeals who did desire to undertake that accommodation.  
5

6 Mr. Thorsland stated that he does not know if the Board will be able to finish Case 710-AT-12 tonight  
7 because he does not want to rush through the finding. He said that there is a lot of information which should  
8 be included in the finding and it should be inserted correctly.  
9

10 Mr. Hall stated that there is one more meeting in September and that meeting has one relatively easy case  
11 and the Sangamon Valley cases therefore Case 710-AT-12 could be continued to that public hearing.  
12

13 Mr. Thorsland stated that he will not be in attendance at the September 27<sup>th</sup> meeting therefore he would  
14 rather not continue Case 710-AT-12 to that meeting. He said that he is willing to work as late as the Board  
15 dares tonight at the risk of doing something poorly although he does not want to do something poorly. He  
16 said that the proposed item 9.E works well and he does not know where his testimony regarding changing  
17 “local food” to “Direct to Consumer Marketing” should be included but he would like it to be in the finding  
18 before this case is finalized. He said that the Board could move forward to Goal 5 at this time and then go  
19 back and add in additional information for Goal 4.  
20

21 Mr. Thorsland stated that for Case 711-AT-12, the Board indicated that the proposed amendment WILL  
22 NOT IMPEDE achievement of Goal 5. He said that for Case 710-AT-12 “best prime farmland” should be  
23 stricken.  
24

25 Mr. Hall stated that there is not much parallel between Case 711-AT-12 and Case 710-AT-12 regarding Goal  
26 5.  
27

28 Mr. Thorsland stated that the SA Factors are relevant on some level to Goal 5 because to score something  
29 that is compact and contiguous to an existing city or village receives a lower score and that is related to  
30 urban development. He said that what the Board is talking about is a low scorer that is more likely to  
31 become developed and will eventually become part of the urban area.  
32

33 Ms. Capel stated that perhaps the proposed amendment IMPEDES achievement of Goal 5.  
34

35 Mr. Thorsland stated that he does not believe that the proposed amendment IMPEDES achievement of Goal  
36 5 given the current form. He said that the LESA score is the way to evaluate a site for development and a  
37 low scoring site is more likely to be approved as a better piece for development and development by nature  
38 will become part of an urban area and at some point we will have a piece that has an LE score that is close to  
39 something. He said that Goal 5 encourages compact and contiguous urban growth to existing cities and  
40 villages.  
41

1 Mr. Hall stated that Policy 5.1.3. is where the term “Contiguous Urban Growth Area” is first introduced into  
2 the LRMP, which at a staff level was overlooked, and he would think that for that reason alone the proposed  
3 amendment HELPS ACHIEVE Goal 5.

4  
5 Mr. Thorsland stated that the CUGA is discussed in item 2.B. of Goal 4.

6  
7 Mr. Hall stated that several policies in Goal 5 talk about being compact and contiguous. He said that there  
8 are several places in Goal 5 where the Draft LESA does a good job of helping achieve the policies in Goal 5.

9  
10  
11 Mr. Thorsland stated that he is willing to take the blame for not finishing this Case in the speed by which  
12 some people would like it finished but he would like to complete this case correctly. He said that he would  
13 like to include his testimony regarding the Direct to Consumer Marketing and he will happily provide some  
14 sort of outline for staff but he will not provide within the next five minutes. He said that as the Board moves  
15 forward he believes that there will be other things which will require additions and critiques.

16  
17 Mr. Hall stated that the Board could just indicate that the proposed amendment HELPS ACHIEVE Goal 5  
18 and leave it at that.

19  
20 Mr. Thorsland stated that the Board could and in its simplest form it does but the Board took a lot of effort  
21 with the other Goals to make sure that everything was included. He said that the Board always tries to be  
22 consistent and he would like to remain consistent with this case. He reminded staff that the proposed new  
23 evidence included in the September 19, 2012, Supplemental Memorandum should be added to item 9  
24 regarding LRMP Goal 4. He said that he would appreciate an item 9.F to include his testimony regarding  
25 Direct to Consumer Marketing.

26  
27 Mr. Thorsland stated that Goal 5 should indicate that Goal 5 ACHIEVES Policies 5.1.2, 5.1.3 and 5.1.4.

28  
29 The Board agreed with Mr. Thorsland’s recommendation for Goal 5.

30  
31 Mr. Thorsland entertained a motion to extend the public hearing for fifteen minutes.

32  
33 **Ms. Capel moved, seconded by Mr. Palmgren to extend the public hearing to 10:15 p.m. The motion**  
34 **carried by voice vote.**

35  
36 Mr. Thorsland stated that in order to be consistent with Case 711-AT-12, the proposed amendment in Case  
37 710-AT-12 is NOT RELEVANT to Goal 6 in general and the Board agreed.

38  
39 Mr. Kass stated that the Board also indicated in Case 711-AT-12 that the proposed amendment is NOT  
40 RELEVANT to Goal 7.

1 Mr. Thorsland asked the Board if they agreed that the proposed amendment is NOT RELEVANT to Goal 7  
2 for Case 710-AT-12 and the Board agreed.

3  
4 Mr. Thorsland stated that the Board added items to Goal 8 during its review of Case 711-AT-12.

5  
6 Mr. Kass stated that the only evidence that the Board added to Goal 8 for Case 711-AT-12 was tonight's  
7 testimony from Kyle Krapf regarding the land evaluation portion for best prime farmland.

8  
9 Mr. Thorsland stated that Mr. Krapf's testimony is not relevant to Case 710-AT-12. He said that for Case  
10 711-AT-12 the Board indicated that the proposed amendment will HELP ACHIEVE Goal 8, Objective 8.2  
11 and Policy 8.2.1 and he believes that the same can be indicated for Case 710-AT-12 and the Board agreed.

12  
13 Mr. Thorsland stated that for Case 711-AT-12, the Board determined that the proposed amendment WILL  
14 NOT IMPEDE the achievement of Goal 9 and he believes the same can be indicated for Case 710-AT-12  
15 and the Board agreed.

16  
17 Mr. Thorsland stated that for Case 711-AT-12, the Board determined that Goal 10 is NOT RELEVANT to  
18 the proposed amendment in general and the same can be indicated for Case 710-AT-12 and the Board  
19 agreed.

20  
21 Mr. Thorsland stated that page 27 of the Draft Finding of Fact dated August 30, 2012, for Case 710-AT-12  
22 proposes new text for item 16.N as follows: The proposed amendment is directly related to this purpose  
23 because the proposed amendment will improve the existing LESA system which provides a rating of the  
24 level of protection a piece of land should be given based on its soils and other locational characteristics. He  
25 said that he would like to revise the proposed text for item 16.N as follows: The proposed amendment is  
26 directly related to this purpose because the proposed amendment will improve the existing LESA system  
27 which provides a rating of the level of protection a piece of land should be given based on its soils and other  
28 locational characteristics, but it does not take into consideration local food production (direct to consumer  
29 food production). He said that the Board indicated that the proposed amendment appears to HELP  
30 ACHIEVE the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance and the Board  
31 agreed.

32  
33 Mr. Thorsland stated that the same Documents of Record for Case 711-AT-12 should be indicated for Case  
34 710-AT-12. He said that there are items that he would like to see added to the proposed amendment, such as  
35 sub-parts to Goal 5 and new evidence to Goal 4, but overall it doesn't change what has already been  
36 documented and only adds to it. He asked the Board if there were any changes or additions that they would  
37 like to see added to the proposed amendment.

38  
39 Mr. Hall stated that he is not sure what additional items Mr. Thorsland is speaking about but the Board  
40 should feel comfortable with the evidence in the memorandum regarding local foods and just adding a few  
41 words of modification.



1  
2 Mr. Thorsland stated that the part which is bulkier is the part to Objective 5.1 and Policy 5.1.3.

3  
4 Mr. Hall stated that he would think that it is more important to get the case to the County Board and leaving  
5 Goal 5 as HELPS ACHIEVE and hope that anyone with any interest at all could look at Goal 5 and see how  
6 directly it is relevant but that is only if the Board puts a premium on finishing the case tonight.

7  
8 Mr. Thorsland noted that an earlier piece of evidence indicates that it has been 30 years since the LESA was  
9 reviewed therefore what difference would a few more weeks make.

10  
11 Mr. Hall stated that another few more weeks gives us a whole new County Board. He recommended a new  
12 item 17 as follows: The Zoning Board of Appeals recommends that any new LESA be evaluated within two  
13 years of adoption.

14  
15 Mr. Thorsland stated that he would make the new item 17 a condition.

16  
17 Mr. Hall stated that new item 17 could be made a condition although it is not something that he can  
18 remember having been done therefore he believes that there is some risk involved.

19  
20 Mr. Thorsland stated that he is not ready to finish Case 710-AT-12 tonight because he believes that there are  
21 things that need to be included correctly. He said that there are six members present tonight therefore it is up  
22 to the Board to decide whether or not to move forward.

23  
24 Mr. Courson stated that he believes that the Board should take advantage of a full Board when possible.

25  
26 Mr. Thorsland asked Mr. Hall if the text in new item 17 could indicate that the ZBA strongly recommends  
27 that any new LESA be evaluated within two years of adoption.

28  
29 Mr. Passalacqua stated that the word "strongly" is not necessary. He recommended that the proposed text  
30 for item 17 be indicated as stated by Mr. Hall.

31  
32 Mr. Thorsland stated that he would still like to add text to Goal 5 regarding Direct to Consumer Marketing  
33 so that it is in the amendment when it is reviewed by the County Board.

34  
35 Mr. Courson stated that Mr. Thorsland could address the County Board with his concerns and request that  
36 his proposed text be inserted prior to their approval.

37  
38 Mr. Thorsland stated that he has not addressed the County Board as the Chairman of the Zoning Board of  
39 Appeals regarding anything that has been voted upon by the ZBA and he does not know how appropriate it  
40 would be for him to present additional text.

41

- 1 Mr. Miller stated that Mr. Thorsland could go to the County Board as a private resident of Champaign  
2 County.  
3
- 4 Mr. Thorsland stated that he believes that the County Board would have a hard time separating his  
5 association with the ZBA from being a private resident of the County.  
6
- 7 Mr. Passalacqua stated that Mr. Thorsland's commentary is included in the minutes for each meeting.  
8
- 9 Mr. Thorsland stated that his commentary is included in the minutes for each meeting but those minutes are  
10 not always read. He asked the Board if they desired to move forward to a recommendation for Case 710-  
11 AT-12 tonight or continue Case 710-AT-12 to a future meeting so that his comments can be included.  
12
- 13 Mr. Passalacqua stated that he would prefer to move forward tonight so that the current County Board can  
14 review the proposed text amendment.  
15
- 16 Mr. Thorsland entertained a motion to adopt the Findings of Fact for Case 710-AT-12 as amended.  
17
- 18 Mr. Kass stated that Goals 4 and 5 have not been completed by the Board.  
19
- 20 Mr. Thorsland stated that the Board's proposed text for new Items 9.E and 9.F. could be stricken for Goal 4  
21 and the text for proposed Item 9.E, as indicated in the September 19, 2012, Supplemental Memorandum,  
22 could actually be inserted as new Item 9.D.  
23
- 24 Mr. Hall stated that proposed Item 9. D. exists because the Board cannot look at the Draft LESA and see any  
25 resemblance to the current LESA therefore staff had to advertise general text and reformatting. He said that  
26 the Board has not commented on this during its public hearing thus far therefore perhaps there are no  
27 comments and maybe nothing needs to be said. He said that unless the Board does desire to comment on the  
28 reformatting then Mr. Thorsland would be correct in inserting the proposed text for new Item 9.E, as  
29 indicated in the September 19, 2012, as new Item 9.D. Mr. Hall stated that he likes the introduction to the  
30 current LESA better than the introduction to the Draft LESA but it is the only thing that he likes about the  
31 current LESA. He said that the current LESA is a little more poetic in its writing but the members of the  
32 LESA Committee were not poets and the Draft LESA is a very technocratic document. He said that if  
33 proposed Items 9.E and 9.F. are stricken then Goal 4 will be complete.  
34
- 35 Mr. Thorsland stated that he agrees with Mr. Hall and noted that the Board determined that the proposed  
36 amendment HELPS ACHIEVE Goal 4.  
37
- 38 Mr. Thorsland stated that the if the Board is comfortable in keeping Goal 5 simple then it too can be  
39 completed.  
40
- 41 Mr. Thorsland entertained a motion to extend the public hearing to 10:30 p.m.

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**Ms. Capel moved, seconded by Mr. Passalacqua to extend the public hearing to 10:30 p.m. The motion carried by voice vote.**

Mr. Thorsland asked the Board to indicate their preference for Goal 5.

Mr. Courson stated that Goal 5 should be kept simple.

Mr. Hall stated that if the Board would like to add text to Goal 5 then they could add the following: The proposed amendment HELPS ACHIEVE Goal 5 because it recognizes the Contiguous Urban Growth Area (CUGA) which ACHIEVES Policy 5.1.3 and promotes compact and contiguous urban growth which ACHIEVES Policies 5.1.2 and 5.1.4. He said that regarding other parts of Goal 5, Objective 5.2 discusses natural resources stewardship and Policy 5.2.2 discusses best prime farmland.

Mr. Thorsland stated that HELPS ACHIEVE should be inserted for all of Goal 5.

Mr. Hall stated that Policy 5.1.3 is about the CUGA and Policy 5.1.2 is about compact and contiguous urban growth.

Ms. Capel stated that she agrees with Mr. Hall’s recommendation for Goal 5.

Mr. Kass read the recommendation for Goal 5 as follows: The proposed amendment HELPS ACHIEVE Goal 5 because it recognizes the Contiguous Urban Growth Area (CUGA) which ACHIEVES Policy 5.1.3 and promotes compact and contiguous urban growth which ACHIEVES Policies 5.1.2 and 5.1.4.

The Board agreed with the recommendation for Goal 5.

Mr. Thorsland entertained a motion to approve the Findings of Fact for Case 710-AT-12 and requested that a roll call vote be taken.

**Ms. Capel moved, seconded by Mr. Courson to approve the Findings of Fact for Case 710-AT-12.**

<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-no</b>

Mr. Thorsland stated that the Board will now move to the Summary Finding of Fact.

**Summary Finding of Fact for Case 710-AT-12:**

From the documents of record and the testimony and exhibits received at the public hearing conducted on, June 14, 2012, June 28, 2012, July 12, 2012, July 26, 2012, August 16, 2012, August 30, 2012, September

1 13, 2012, and September 19, 2012, the Zoning Board of Appeals of Champaign County finds that:

2  
3 1. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE the Land  
4 Resource Management Plan because:

5 A. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE  
6 LRMP GOAL 4.  
7

8 Mr. Thorsland stated that the recommendation for Goal 4 was HELP ACHIEVE.  
9

10 Mr. Hall stated that when staff recommended HELP ACHIEVE for Goal 4 they did not fully reflect that if  
11 the LESA is not updated then Goal 4 cannot be achieved. He said that it is absolutely necessary to the  
12 achievement of Goal 4 to do this therefore he believes that the recommendation for Goal 4 should simply be  
13 ACHIEVES.  
14

15 Ms. Capel asked Mr. Hall if the Board could reconsider the recommendation for Goal 4.  
16

17 Mr. Hall stated that the only thing that the Board cannot reconsider is the Final Determination. He said that  
18 in this instance it is more accurate to say that the proposed amendment IS NECESSARY TO ACHIEVE  
19 LRMP Goal 4. He said that merely doing this does not achieve Goal 4 because Goal 4 has enumerable  
20 things beyond updating LESA but one of them is updating LESA therefore it is necessary to achieve Goal 4  
21 thus it is necessary to achieve the LRMP.  
22

23 B. The proposed Zoning Ordinance text amendment will also HELP ACHIEVE LRMP  
24 Goals 1, 2, 5, and 8.

25 C. The proposed Zoning Ordinance text amendment WILL NOT IMPEDE the  
26 achievement of LRMP Goals 3 and 9.

27 D. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP  
28 Goals 6, 7, and 10.  
29

30 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact for Case 710-AT-12 as  
31 amended. He noted that he did not request a roll call vote for approval.  
32

33 **Mr. Palmgren moved, seconded by Ms. Capel to approve the Summary Finding of Fact for Case 710-**  
34 **AT-12 as amended. The motion carried by voice vote with one opposing vote.**  
35

36 Mr. Thorsland entertained a motion to reconsider Item 9 of the Finding of Fact.  
37

38 **Ms. Capel moved, seconded by Mr. Courson to reconsider Item 9 of the Finding of Fact. The motion**  
39 **carried by voice vote.**  
40

41 Mr. Hall stated that the only text that needs to be changed is the following: The proposed amendment IS

1 NECESSARY TO ACHIEVE LRMP Goal 4 for the following reasons. Mr. Hall stated that everything else  
2 related to Goal 4 is consistent.

3  
4 Mr. Thorsland reminded the Board that the only vote which needs to be taken is for the text revision for Item  
5 9 related to Goal 4. He entertained a motion to approve the revised recommendation for Item 9.  
6

7 **Mr. Courson moved, seconded by Mr. Palmgren to the revised recommendation for Item 9, regarding**  
8 **Goal 4. The motion carried by voice vote.**  
9

10 Mr. Thorsland entertained a motion to extend the public hearing to 10:45 p.m.  
11

12 **Mr. Palmgren moved, seconded by Mr. Courson to extend the public hearing to 10:45 p.m. The**  
13 **motion carried by voice vote.**  
14

15 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings  
16 of Fact as amended.  
17

18 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**  
19 **Record and Findings of Fact as amended. The motion carried by voice vote.**  
20

21 Mr. Thorsland entertained a motion to move to the Final Determination for Case 710-AT-12.  
22

23 **Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for Case 710-AT-**  
24 **12. The motion carried by voice vote.**  
25

26 **Final Determination for Case 710-AT-12:**  
27

28 **Mr. Courson moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section**  
29 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
30 **determines that the Zoning Ordinance Amendment requested in Case 710-AT-12 should BE**  
31 **ENACTED by the County Board in the form attached hereto.**  
32

33 Mr. Thorsland requested a roll call vote.  
34

35 The roll was called:  
36

37	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
38	<b>Capel-no</b>	<b>Courson-yes</b>	<b>Thorsland-no</b>

39  
40 Mr. Hall stated that Cases 710-AT-12 and 711-AT-12 will be forwarded to the County Board Committee of  
41 the Whole for their meeting on October 2<sup>nd</sup>.

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**7. New Public Hearings**

None

**8. Staff Report**

Mr. Hall stated that staff has reserved the Lyle Shields Meeting Room for October 24<sup>th</sup> to accommodate the rescheduled October 25<sup>th</sup> ZBA meeting. He said that the Wednesday, October 24<sup>th</sup> meeting will be held at 7:00 p.m.

**9. Other Business**

Mr. Thorsland noted that it is possible that he will not be in attendance at the September 27<sup>th</sup> meeting.

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

Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that he was alarmed by some of the activities during the L.A. Gourmet case consideration. He said that he is not fully familiar with all of the information that was provided for the L.A. Gourmet case although he is aware of the fact that CUUATS did provide evidence which primed the consideration regarding transportation. He said that he sat through the hearings for the L.A. Gourmet case and he listened to oral testimony and that testimony was not allowed in the way that Mr. Hall wrote the final consideration.

Mr. Stenzel stated that public testimony should not be ignored. He said that public testimony may not be significant in all cases but there needs to be an allowance for public testimony otherwise the County will be violating the democratic process. He suggested that the Board consider not preventing public testimony in the future and that Mr. Hall should consider how public testimony should be included in the final consideration.

Mr. Stenzel stated that he would like the Board to consider the application of the LESA. He said that the extension of Olympian Drive will obviously take place without LESA ever being applied to circumstances or alternatives involved. He said that the first purpose of LESA and one of the reasons why the Federal LESA was established was to consider alternative routes for interstate highways and it should not be ignored when land is involved. He said that even though the County does not have a significant goal in considering Olympian Drive the County could possibly recommend that the LESA should be applied.

**11. Adjournment**

Mr. Thorsland entertained a motion to adjourn the meeting.

**Mr. Courson moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by**

9/19/12

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SUBJECT TO APPROVAL

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ZBA

1 **voice vote.**

2

3 The meeting adjourned at 10:35 p.m.

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8 Respectfully submitted

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13 Secretary of Zoning Board of Appeals

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2 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street

5 Urbana, IL 61802

7 **DATE:** October 24, 2012

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

8  
10 **TIME:** 7:00 p.m.

11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad  
12 Passalacqua, Roger Miller

13  
14 **MEMBERS ABSENT :** None

15  
16 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

17  
18 **OTHERS PRESENT :** Frank Howard, Michael Boero, Dale Rapp

19  
21 **1. Call to Order**

22  
23 The meeting was called to order at 7:00 p.m.

24  
25 **2. Roll Call and Declaration of Quorum**

26  
27 The roll was called and a quorum declared present with one Board seat vacant.

28  
29 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
30 sign the witness register for that public hearing. He reminded the audience that when they sign the  
31 witness register they are signing an oath.

32  
33 **3. Correspondence**

34  
35 None

**DRAFT**

36  
37 **4. Approval of Minutes (July 26, 2012, August 16, 2012, August 30, 2012, and September 27, 2012)**

38  
39  
40 Mr. Thorsland stated that the July 26, 2012, August 16, 2012, and September 27, 2012 minutes were  
41 included in the mailing packet for the Board's review. He noted that the August 30, 2012, minutes were not  
42 included in the mailing packet. He requested that the Board consider the July 26, 2012 and September 27,  
43 2012, minutes for approval only at tonight's meeting and allow additional time for the Board to review the  
44 August 16, 2012, minutes again. He requested that the August 16, 2012, minutes be placed on the next  
45 meeting agenda for approval.

46  
47 Mr. Thorsland entertained a motion to approve the July 26, 2012, minutes as submitted.  
48



1 **Mr. Courson moved, seconded by Mr. Miller to approve the July 26, 2012, minutes as submitted. The**  
2 **motion carried by voice vote with Mr. Palmgren abstaining due to his absence at the July 26, 2012,**  
3 **meeting.**

4  
5 Mr. Thorsland entertained a motion to approve the September 27, 2012, minutes as submitted.

6  
7 **Mr. Palmgren moved, seconded by Mr. Passalacqua to approve the September 27, 2012, minutes as**  
8 **submitted. The motion carried by voice vote with Mr. Thorsland abstaining due to his absence at the**  
9 **September 27, 2012, meeting.**

10  
11 Mr. Thorsland encouraged the Board to read through the August 16, 2012, minutes prior to the next meeting.

12  
13 **5. Continued Public Hearing**

14  
15 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**  
16 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**  
17 **for any County Board approved special use permit for a Rural Residential Development in the Rural**  
18 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**  
19 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**  
20 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**  
21 **more than two proposed lots that are each less than five acres in area or any RRO that does not**  
22 **comply with the standard condition for minimum driveway separation; (3) require a minimum**  
23 **driveway separation between driveways in the same development; (4) require minimum driveway**  
24 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**  
25 **(5) require for any proposed residential lot not served by a public water supply system and that is**  
26 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**  
27 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**  
28 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**  
29 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**  
30 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**  
31 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**  
32 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**  
33 **the agency response.**

34  
35 Mr. Thorsland stated that the petitioner has requested a continuance to the second meeting in January  
36 2013. He asked the petitioner if he would like to add any new information regarding this case and the  
37 petitioner indicated no.

38  
39 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the second meeting in January 2013.  
40

1 **Mr. Palmgren moved, seconded by Ms. Capel to continue Case 685-AT-11 to the second meeting in**  
2 **January 2013. The motion carried by voice vote.**

3  
4 Mr. Passalacqua informed the Board that it is possible that he will be absent from the first and second  
5 meeting in January 2013.

6  
7 **Case 722-S-12 Petitioner: Dr. Michael Boero Request to authorize an equine veterinary surgery clinic**  
8 **and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres**  
9 **that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the**  
10 **CR Conservation-Recreation Zoning District. Location: A 22 acre parcel in the West Half of the**  
11 **Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly**  
12 **known as the home and stable at 430 CR 2500N, Mahomet.**

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

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

27  
28 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of his  
29 request.

30  
31 Dr. Michael Boero, who resides at 426 CR 2500N, Mahomet, stated that he received a call from the  
32 Environmental Protection Agency today and they indicated that he would not need to register with their  
33 office since everything that he produces is composted on the site and he does not take in any outside  
34 compost. He said that the EPA indicated that they will be sending him a letter confirming their conversation.  
35 He said that he has not received any new information regarding the handicap accessibility.

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

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

40

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

2  
3 Mr. Thorsland stated that the Board had previously worked through this case and stopped at the proposed  
4 conditions. He said that there are no new memorandums regarding this case for tonight for the Board's  
5 review. Mr. Thorsland read the proposed special conditions as follows:  
6

- 7 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
8 **authorizing operation of the proposed Special Use Permit until the petitioner has**  
9 **provided documentation of registration of the composting operation and compliance**  
10 **with the Illinois EPA or submitted documentation indicating that the composting**  
11 **operation does not need to be registered.**

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

13 **That the composting practices are conducted pursuant to the regulations of the Illinois**  
14 **Environmental Protection Agency guidelines.**

15  
16 Mr. Thorsland asked Dr. Boero if he agreed to the special condition.

17  
18 Dr. Boero stated that he did agree to the special condition.

- 19  
20 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
21 **authorizing operation of the proposed Special Use Permit until the petitioner has**  
22 **verified that the proposed Special Use complies with Illinois Accessibility Code or the**  
23 **petitioner submits documentation from the Illinois Capital Development Board**  
24 **verifying that the proposed use does not have to comply with the Illinois Accessibility**  
25 **Code.**

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

27 **That the proposed Special Use meets applicable state requirements for accessibility.**

28  
29 Mr. Thorsland asked Dr. Boero if he agreed to the special condition.

30  
31 Dr. Boero stated that he did agree to the special condition.

32  
33 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record as follows:  
34 Supplemental Memorandum dated September 7, 2012, with attachment: A. E-mail from Doug Gamble  
35 received on August 22, 2012.  
36

37 Mr. Kass asked if the anticipated letter from the EPA should be included as a Document of Record.

38  
39 Mr. Hall stated that staff has not received the letter from the EPA to date although it is highly anticipated for  
40 the special use. He said that the anticipated letter should not be added as a Document of Record.

1  
2 Mr. Thorsland asked the Board, staff and the audience if there were any additional questions for Mr. Boero  
3 and there were none.

4  
5 Mr. Thorsland closed the witness register for Case 722-S-12.

6  
7 Mr. Thorsland entertained a motion to approve the special conditions.  
8

9 **Mr. Courson moved, seconded by Ms. Capel to approve the special conditions as read. The motion**  
10 **carried by voice vote.**

11  
12 **Finding of Fact for Case 722-S-12:**  
13

14 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
15 722-S-12 held on August 16, 2012, and October 24, 2012, the Zoning Board of Appeals of Champaign  
16 County finds that:

- 17  
18 **1. The requested Special Use Permit IS necessary for the public convenience at this**  
19 **location.**  
20

21 Mr. Palmgren stated that the requested Special Use Permit IS necessary for the public convenience at this  
22 location because the petitioner has testified that there is a large demand for an equine veterinary surgery  
23 clinic at this location and the existing facility is well suited for that use.  
24

25 Ms. Capel stated that a veterinarian with Dr. Boero's surgical skills is in short supply.  
26

- 27 **2. The requested Special Use Permit, subject to the special conditions imposed, is so**  
28 **designed, located, and proposed to be operated so that it WILL NOT be injurious to**  
29 **the district in which it shall be located or otherwise detrimental to the public health,**  
30 **safety and welfare because:**  
31

- 32 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
33 **ADEQUATE visibility.**  
34

35 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE  
36 visibility.  
37

- 38 **b. Emergency services availability is ADEQUATE.**  
39

40 Mr. Passalacqua stated that emergency services availability is ADEQUATE.

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**c.        The Special Use WILL be compatible with adjacent uses.**

Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

**d.        Surface and subsurface drainage will be ADEQUATE.**

Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE because there will be no change to the drainage patterns

**e.        Public safety will be ADEQUATE.**

Ms. Capel stated that public safety will be ADEQUATE.

**f.        The provisions for parking will be ADEQUATE.**

Mr. Miller stated that the provisions for parking will be ADEQUATE.

**g.        The property IS SUITED OVERALL for the proposed improvements.**

Ms. Capel stated that the property IS SUITED OVERALL for the proposed improvements.

**h.        Existing public services ARE available to support the proposed Special Use without undue public expense.**

Ms. Capel stated that existing public services ARE available to support the proposed Special Use without undue public expense.

**i.        Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.**

Ms. Capel stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1            **3a.    The requested Special Use Permit, subject to the special conditions imposed herein,**  
2            **DOES conform to the applicable regulations and standards of the DISTRICT in which**  
3            **it is located.**  
4

5    Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
6    DOES conform to the applicable regulations and standards of the DISRICT in which it is located.  
7

8            **3b.    The requested Special Use Permit, subject to the special conditions imposed herein,**  
9            **DOES preserve the essential character of the DISTRICT in which it is located because:**

10  
11            **a.    The Special Use will be designed to CONFORM to all relevant County**  
12            **ordinances and codes.**  
13

14    Mr. Courson stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
15    and codes.  
16

17            **b.    The Special Use WILL be compatible with adjacent uses.**  
18

19    Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.  
20

21            **c.    Public safety will be ADEQUATE.**  
22

23    Mr. Passalacqua stated that public safety will be ADEQUATE.  
24

25    Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
26    DOES preserve the essential character of the DISTRICT in which it is located.  
27

28            **4.    The requested Special Use Permit, subject to the special conditions imposed herein, IS**  
29            **in harmony with the general purpose and intent of the Ordinance because:**

30  
31            **a.    The Special Use is authorized in the District.**  
32

33            **b.    The requested Special Use Permit IS necessary for the public convenience at this**  
34            **location.**  
35

36    Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at this  
37    location.  
38

39            **c.    The requested Special Use Permit, subject to the special conditions imposed**  
40            **herein, is so designed, located, and proposed to be operated so that it WILL**

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**NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**d. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.**

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Courson stated that the requested Special Use Permit, subject to the special condition imposed herein, IS in harmony with the general purpose and intent of the Ordinance.

**5. The requested Special Use IS NOT an existing nonconforming use.**

Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

**6. The special conditions imposed herein are required to ensure compliance with the criteria for Special Use Permits for the particular purposes described below:**

**A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has provided documentation of registration of the composting operation and compliance with the Illinois EPA or submitted documentation indicating that the composting operation does not need to be registered.**

The special condition stated above is necessary to ensure the following:  
**That the composting practices are conducted pursuant to the regulations of the Illinois Environmental Protection Agency guidelines.**

**B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has verified that the proposed Special Use complies with Illinois Accessibility Code or the petitioner submits documentation from the Illinois Capital Development Board verifying that the proposed use does not have to comply with the Illinois Accessibility Code.**

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The special condition stated above is necessary to ensure the following:  
**That the proposed Special Use meets applicable state requirements for accessibility.**

Mr. Thorsland entertained a motion to approve the Findings of Fact as amended.

**Mr. Palmgren moved, seconded by Ms. Capel to approve the Findings of Fact for Case 722-S-12 as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

**Mr. Courson moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the final determination.

**Ms. Capel moved, seconded by Mr. Palmgren to move to the final determination for Case 722-S-12. The motion carried by voice vote.**

**Final Determination for Case 722-S-12:**

**Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 722-S-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant Dr. Michael Boero to authorize an equine veterinary surgery clinic and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District, subject to the following special conditions:**

- A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has provided documentation of registration of the composting operation and compliance with the Illinois EPA or submitted documentation indicating that the composting operation does not need to be registered.**

The special condition stated above is necessary to ensure the following:  
**That the composting practices are conducted pursuant to the regulations of the Illinois Environmental Protection Agency guidelines.**



1           **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
 2           **authorizing operation of the proposed Special Use Permit until the petitioner**  
 3           **has verified that the proposed Special Use complies with Illinois Accessibility**  
 4           **Code or the petitioner submits documentation from the Illinois Capital**  
 5           **Development Board verifying that the proposed use does not have to comply**  
 6           **with the Illinois Accessibility Code.**

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

8           **That the proposed Special Use meets applicable state requirements for**  
 9           **accessibility.**

10  
 11 Mr. Thorsland requested a roll call vote.

12			
13	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Miller-yes</b>
14	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

15  
 16 Mr. Hall informed the petitioner that he has received an approval for his request and staff will contact him  
 17 regarding any documentation that needs to be finalized.

18  
 19 **6. New Public Hearings**

20  
 21 **Case 729-V-12 Petitioner: Frank E. Howard Request to authorize the following in the R-1 Single**  
 22 **Family Residence Zoning district: Part A. Variance for lot coverage of 35% in lieu of the maximum**  
 23 **allowed 30%; and Part B. Variance for a front yard of 19 feet in lieu of the minimum required 30 feet;**  
 24 **and Part C. Variance for a front yard of 22 feet in lieu of the minimum required 25 feet; and Part D.**  
 25 **Variance for a front setback of 49 feet from Fogel Road in lieu of the minimum required 75 feet; and**  
 26 **Part E. Variance for a front setback of 52 feet from Olen Drive in lieu of the minimum required 55**  
 27 **feet; and Part F. Variance for a side yard of 3.4 feet in lieu of the minimum required 10 feet; and Part**  
 28 **G. Variance for a front yard of an existing accessory structure of 27 feet in lieu of the minimum**  
 29 **required 30 feet; and Part H. Variance for a front yard of an existing accessory structure of 57 feet**  
 30 **from Fogel Road in lieu of the minimum required 75 feet; and Part I. Variance from the visibility**  
 31 **triangle requirements for a corner lot; and Part J. Variance from Section 4.2.2D requirement that no**  
 32 **construction shall take place in a recorded utility easement. Location: Lot 15 of Wildwood Estates**  
 33 **Subdivision in the Northwest Quarter of Section 12 of Mahomet Township and commonly known as**  
 34 **the home at 1105 Olen Drive, Mahomet.**

35  
 36 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
 37 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
 38 of hands for those who would like to cross examine and each person will be called upon. He requested that  
 39 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
 40 those who desire to cross examine are not required to sign the witness register but are requested to clearly

1 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
2 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt  
3 from cross examination.  
4

5 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
6 sign the witness register for that public hearing. He reminded the audience that when they sign the  
7 witness register they are signing an oath.  
8

9 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of his  
10 request.  
11

12 Mr. Frank Howard, who resides at 1105 Olen Drive, Mahomet, submitted photographs of his property to  
13 the Board for review and as Documents of Record. He said that he and his wife previously owned a house in  
14 Mahomet which consisted of three stories but his wife has had major back issues and four years ago she  
15 could stand and walk around normally. He said that approximately three years ago his wife had gone  
16 through two surgeries and from her pelvis to her shoulder blades have been fused with rods. He said that his  
17 wife has fallen three times and it is very difficult for her to catch herself. He said that most of the variances  
18 that have been requested are basically out of his control because the house existed prior to zoning. He said  
19 that when he built his building on the side he exceeded the maximum square footage allowed therefore he  
20 agreed to take down a yard barn and a portion of the old garage. He said that he removed the yard barn in a  
21 reasonable amount of time. He said that he and his wife anticipated that going to a one-story home would  
22 work better for them although they did not know what complications were ahead of them. He said that by  
23 leaving the extra twelve feet on the old garage the door coming out of the house and the door going into the  
24 garage line up fairly straight and his wife would not have far to travel in bad weather. He said that, as the  
25 Board can see in the photographs, she cannot stand completely straight and she has to use a walker. He said  
26 that if she falls again she is at risk of injuring her back to a point where it cannot be fixed and she will be in  
27 severe pain therefore he is trying to do everything that he can to make things as convenient and safe as  
28 possible for his wife. He said he is asking the Board to allow the twelve foot portion to remain on the garage  
29 so that his wife has close access from the house to the garage and he is asking the allowance of an enclosed  
30 breezeway between the house and the garage. He said that he understands that he will be over on the square  
31 footage but by attaching the house to the garage, the garage will be too close to the property line therefore  
32 requiring a variance as well. He said that he is requesting that the Board allow a roof to be placed over the  
33 front porch so that his wife can step down on the porch without a lot of ice during the winter months. He  
34 said that he has worked with staff and has intended to abide by all of his previous promises regarding the  
35 new shed but he needs to take care of his wife as well and her health is more important. He said that none of  
36 his requests will fix his wife's condition but they will certainly help therefore he requests the Board's  
37 approval.  
38

39 Mr. Thorsland asked the Board if there were any questions for Mr. Howard.  
40

- 1 Mr. Passalacqua asked if any of the neighbors have voiced opposition to the requests.  
2
- 3 Mr. Hall and Mr. Kass stated that staff has not received any comments from the neighbors.  
4
- 5 Mr. Howard stated that he has spoken with most of the neighbors and they indicated that the only problem  
6 that they would have is if he was denied the requests.  
7
- 8 Mr. Hall stated that someone came to the last meeting anticipating this case to be heard and they were  
9 notified of this meeting. He asked Mr. Howard if anyone had contacted him outside of the meeting  
10 regarding this case.  
11
- 12 Mr. Howard stated that Mr. and Mrs. Workman contacted him asking why they received another letter and  
13 two other neighbors asked him why another meeting was being held.  
14
- 15 Mr. Thorsland asked the Board if there were any additional questions for Mr. Howard and there were none.  
16
- 17 Mr. Thorsland asked if staff had any questions for Mr. Howard and there were none.  
18
- 19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Howard and there was no one.  
20
- 21 Mr. Thorsland called John Hall to testify.  
22
- 23 Mr. Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated October 24, 2012, for  
24 the Board's review. He said that the new memorandum includes the following proposed evidence to the  
25 Summary of Evidence: 7.I.: Regarding Parts B, D, G and H of the variance, it is unlikely that Fogel Road  
26 will be widened due to cost and other existing nonconforming structures. He said that Fogel Road is an  
27 urban arterial street and that fact was overlooked during processing of the previous permit and if it has been  
28 caught the permit for the new shed would have to be 15 feet shorter than what it was allowed to be built. He  
29 said that staff does not believe that it is likely that Fogel Road will be widened in this area because there are  
30 so many other existing nonconforming structures there. He said that new item 10.B.(3) is also proposed as  
31 new evidence to the Summary of Evidence as follows: The maximum lot coverage in the R-1 District is  
32 30%. The subject property is 9,600 square feet which would allow 2,880 square feet of coverage until the  
33 minimum lot coverage would be reached. The current lot coverage of the subject property is 3,146 square  
34 feet (32.7). The proposed lot coverage is 3,308 square feet (35%). If the petitioner would have removed the  
35 275 square feet of the existing garage as was indicated on the approved site plan for ZUPA No. 239-10-02  
36 the lot coverage would currently be 2,871 square feet (29.9%) and under the proposed variance would be  
37 3,033 square feet (31.5%).  
38
- 39 Mr. Hall stated that he wonders if the County's lot coverage standards are out of date. He said that the  
40 Village of Mahomet's Zoning Ordinance does not worry about lot coverage. He said that it could be that the

1 lot coverage requirement for the County is a little out of date and the Board may think that going from 30%  
2 to 35% would make a big difference but in terms of the open space on the lot it only went from 70% to 65%  
3 which is a modest decrease. He said that the petitioner's testimony mentioned two important things, the  
4 house and garage are nonconforming and existed prior to zoning, and it is true that attaching the two  
5 increases the nonconformity but he has very good reason for doing so. He said that given all of the  
6 nonconformities and given the fact that the County's lot coverage is 30%, a lot of the requests are reasonable  
7 and can be justified but it is up to the Board to agree. He said that of the ten parts of the variance seven of  
8 them are nonconformities. He said that it is always staff's recommendation that if a petitioner has to go to  
9 the Board for one variance and other nonconformities exist maybe the Board can approve all of the  
10 nonconformities so that if the petitioner needed to replace his house there would be no problem. He said that  
11 the front porch does not have a roof at this time therefore at this time it is not included in the lot coverage but  
12 the petitioner explained that he would like to install a roof over the porch therefore it has been included as  
13 part of the lot coverage.

14  
15 Mr. Howard stated that the new garage is two feet back from the front of the house therefore if his garage is  
16 in the way of any expansion of Fogel Road then the front of the house is as well.

17  
18 Mr. Hall stated that he approved the garage in a location where it should not have been allowed and it was  
19 realized during the processing of this case that staff had erred in the approval of that permit.

20  
21 Mr. Thorsland stated that the photographs that Mr. Howard submitted will be added as Documents of Record  
22 for the case.

23  
24 Mr. Kass distributed photographs of the subject property to the Board that were taken during staff's site visit  
25 on October 24, 2012.

26  
27 Mr. Thorsland stated that the following items should be added to the Documents of Record: 7.  
28 Supplemental Memorandum dated October 24, 2012; and 8. Photographs submitted by Frank Howard at the  
29 October 24, 2012, public hearing; and 9. Site visit photographs of the subject property submitted by staff at  
30 the October 24, 2012, public hearing.

31  
32 Mr. Thorsland stated that no special conditions have been proposed. He said that the Board will move to the  
33 Finding of Fact for this case.

34  
35 **Finding of Fact for Case 729-V-12:**

36  
37 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
38 729-V-12 held on October 24, 2012, the Zoning Board of Appeals of Champaign County finds that:

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40 1. **Special conditions and circumstances DO exist which are peculiar to the land or**

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**structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.**

Mr. Palmgren stated that special conditions and circumstances DO 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 many of the variances are due to the nonconforming structures being built prior to 1973. He said that an error was committed by staff when permitting the shed in 2006 and the petitioner’s wife’s health requires the proposed accommodations.

Ms. Capel stated that it is unlikely that Fogel Road will be widened in the future.

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

Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the Regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because it would not allow shelter from the garage to the home allowing easy passage between the two structures.

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

Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because many of the structures are nonconforming and was constructed prior to 1973 and the petitioner’s wife’s health problems do not result from actions of the petitioner.

**4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because it allows normal and expected use of a residential lot, that would not require most variations if unique conditions were not present.

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

Mr. Palmgren stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because there will be no visibility issues and not negative comments have been received from the neighbors. He said that no comments have been received from the

1 fire protection district or the township highway commissioner and it is consistent with the overall  
2 development pattern of the neighborhood.

3  
4                      **6.        The requested variance IS the minimum variation that will make possible the**  
5                      **reasonable use of the land/structure.**

6  
7 Mr. Passalacqua stated that the requested variance IS the minimum variation that will make possible the  
8 reasonable use of the land/structure because it is a small alteration to an existing structure to increase its  
9 safety and functionality.

10  
11                      **7.        No special conditions are hereby imposed.**

12  
13 Mr. Thorsland entertained a motion to adopt the Findings of Fact as amended.

14  
15 **Mr. Courson moved, seconded by Ms. Capel to adopt the Findings of Fact as amended. The motion**  
16 **carried by voice vote.**

17  
18 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
19 of Fact as amended.

20  
21 **Mr. Passalacqua moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**  
22 **Record and Findings of Fact as amended. The motion carried by voice vote.**

23  
24 Mr. Thorsland entertained a motion to move to the final determination.

25  
26 **Mr. Courson moved, seconded by Mr. Palmgren to move to the final determination for Case 729-V-12.**  
27 **The motion carried by voice vote.**

28  
29 **Final Determination for Case 729-V-12:**

30  
31 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals**  
32 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
33 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**  
34 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**  
35 **Champaign County determines that the variance requested in Case 729-V-12 is hereby GRANTED to**  
36 **the petitioner Frank Howard to authorize the following in the R-1 Single Family Residence Zoning**  
37 **District:**

- 38                      **Part A.                      Variance for lot coverage of 35% in lieu of the maximum allowed 30%;**  
39                      **Part B.                      Variance for a front yard of 19 feet in lieu of the minimum required 30 feet;**  
40                      **Part C.                      Variance for a front yard of 22 feet in lieu of the minimum required 25 feet;**



1 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
2 of hands for those who would like to cross examine and each person will be called upon. He requested that  
3 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
4 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
5 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
6 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt  
7 from cross examination.

8  
9 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
10 sign the witness register for that public hearing. He reminded the audience that when they sign the witness  
11 register they are signing an oath.

12  
13 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of his  
14 request.

15  
16 Mr. Dale Rapp, who resides at 1604 North Cottonwood, Urbana, stated that the subject property is a  
17 historical site because in 1865 it was the original site of the first framed Blackberry Schoolhouse. He said  
18 that in 1832 the subject property was a log cabin homestead site. He said that the one acre parcel goes back  
19 to when the Busey family owned the property and donated it to the school district in 1865.

20  
21 Mr. Rapp stated that he had indicated on the site plan a proposed guest cottage for him and his wife to reside  
22 and the existing house which was to be for his step-son and family. He said that his step-son would rent to  
23 own the home and take possession of it in the future. He said that he had included an elevator addition to the  
24 existing home on the site plan for his step-son's wife who has a genetic nerve condition in her legs. He said  
25 that his step-son's wife currently walks with a cane but will eventually be in a wheelchair. He said that he  
26 included the elevator addition on the site plan which would consist of a two-story elevator. He said that he  
27 had included the future 6' x 6' elevator addition but it would not be part of the current Zoning Use Permit  
28 because it would be next year before he would construct it. He said that staff advised him to erase the future  
29 elevator from the submitted site plan but it is included in the math for the total calculated square footage. He  
30 said that he would like the elevator to be noted during this variance request so that he does not have to go  
31 back through this process again when the elevator is constructed. He said that Item 8.B(2) of the Summary  
32 of Evidence indicates that the 200 square feet is to be used for the handicap elevator although only 36 square  
33 feet is actually required.

34  
35 Mr. Kass stated that staff used 200 square feet in case there was any other supporting construction that  
36 needed to be added in the future. He said that staff added the 200 square feet to accommodate any extra  
37 square footage that Mr. Rapp may need in the future.

38  
39 Mr. Rapp asked if the 200 square feet placed him over the 20% lot coverage requirement.  
40



1 Mr. Hall stated that the square footage was already over the 20% lot coverage requirement.

2  
3 Mr. Rapp stated that his math was in error. He asked that the handicap elevator be included in the variance  
4 request.

5  
6 Mr. Thorsland asked Mr. Rapp if he intended to revise the site plan and add the elevator.  
7

8 Mr. Rapp stated yes. He said that the site plan still indicates the elevator because he could not completely  
9 erase it.

10  
11 Mr. Thorsland asked the Board if there were any questions for Mr. Rapp and there were none.  
12

13 Mr. Thorsland asked if staff had any questions for Mr. Rapp and there were none.  
14

15 Mr. Hall called John Hall to testify.  
16

17 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated October 24,  
18 2012, to the Board for review. He said that the new memorandum includes a new proposed item of evidence  
19 to the Summary of Evidence. He said that the proposed evidence for new Item 11.F. is as follows: In an e-  
20 mail dated October 18, 2012, University of Illinois representative Bruce Walden, indicated that he did not  
21 believe that they have any objection to the requested variance. Mr. Hall stated that Mr. Walden's e-mail is  
22 included on the back page of the new memorandum. He said that the new memorandum should be added as  
23 new Item 3 of the Documents of Record as follows: 3. Supplemental Memorandum dated October 24, 2012,  
24 with attachments.  
25

26 Mr. Kass distributed photographs of the subject property to the Board that were taken during staff's site visit  
27 on October 24, 2012. He said that the photographs should be added as new Item 4. of the Documents of  
28 Record as follows: 4. Site visit photographs of the subject property submitted by staff at the October 24,  
29 2012, public hearing.  
30

31 Mr. Thorsland asked the Board if there were any questions for Mr. Rapp and there were none.  
32

33 Mr. Thorsland asked if staff had any questions for Mr. Rapp and there were none.  
34

35 Mr. Thorsland stated that no special conditions have been proposed. He said that the Board will move to the  
36 Finding of Fact for this case.  
37

38 **Finding of Facts for Case 730-V-12:**  
39

40 From the documents of record and the testimony and exhibits received at the public hearing for zoning case

1 730-V-12 held on October 24, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 2  
3 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
4 **structure involved, which are not applicable to other similarly situated land and**  
5 **structures elsewhere in the same district.**  
6

7 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or  
8 structure involved which are not applicable to other similarly situated land and structures elsewhere in the  
9 same district because the home and detached garage existed prior to the adoption of zoning in October 1973.  
10 He said that the existing structures are on the petitioner's property and no part extends to adjacent property  
11 even though there was a discrepancy on the location of the rear property line.  
12

- 13 **2. Practical difficulties or hardships created by carrying out the strict letter of the**  
14 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**  
15 **the land or structure or construction.**  
16

17 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the  
18 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure  
19 or construction because it prevents expected use of the land and the 20 feet easement limits the buildable  
20 area of the lot.  
21

- 22 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**  
23 **result from actions of the applicant.**  
24

25 Mr. Palmgren stated that the special conditions, circumstances, hardships or practical difficulties DO NOT  
26 result from actions of the applicant because the home and detached garage existed prior to the adoption of  
27 zoning in October 1973. He said that the existing structures are on the petitioner's property and no part  
28 extends to adjacent any property even though there was a discrepancy on the location of the rear property  
29 line.  
30

31 Mr. Thorsland stated that the improper lot line location was determined by earlier property owners.  
32

- 33 **4. The requested variance IS in harmony with the general purpose and intent of the**  
34 **Ordinance.**  
35

36 Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of the  
37 Ordinance because it allows a use on the lot as if it was a full one acre parcel without the road setback.  
38

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

1  
2 Mr. Palmgren stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise  
3 detrimental to the public health, safety or welfare because no comments have been received from the fire  
4 protection district or the township highway commissioner. He said that no increase in traffic will be created  
5 on Cottonwood Road and no major visibility change will occur on Cottonwood Road. He said that the  
6 petitioner has a good relationship with the University of Illinois which is the adjacent land owner.  
7

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

10  
11 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the  
12 reasonable use of the land/structure because this is the minimum variance that would allow the proposed  
13 and existing structures to be in compliance with the Zoning Ordinance.  
14

15 **7. No special conditions are hereby imposed**

16  
17 Mr. Thorsland entertained a motion to approve the Findings of Fact as amended.

18  
19 **Mr. Miller moved, seconded by Mr. Palmgren to approve the Findings of Fact as amended. The**  
20 **motion carried by voice vote.**

21  
22 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
23 of Fact as amended.  
24

25 **Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**  
26 **Record and Findings of Fact as amended. The motion carried by voice vote.**

27  
28 Mr. Thorsland entertained a motion to move to the final determination for Case 730-V-12.

29  
30 **Mr. Palmgren moved, seconded by Ms. Capel to move to the final determination for Case 730-V-12.**  
31 **The motion carried by voice vote.**

32  
33 **Final Determination for Case 730-V-12:**

34  
35 **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals**  
36 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
37 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**  
38 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**  
39 **Champaign County determines that the variance requested in Case 730-V-12 is hereby GRANTED to**  
40 **the petitioners Dale and Cheri Rapp to authorize the following in the CR Conservation Recreation**

- 1    **Zoning District:**
- 2        **Part A.**        **Variance for lot coverage 21% in lieu of the maximum allowed 20%;**
- 3        **Part B.**        **Variance for a front setback for an existing nonconforming dwelling of 39 feet**
- 4                            **from the centerline of Cottonwood Road in lieu of the minimum required 75**
- 5                            **feet;**
- 6        **Part C.**        **Variance for a front yard for an existing nonconforming dwelling of 19 feet in**
- 7                            **lieu of the minimum required 30 feet;**
- 8        **Part D.**        **Variance for a rear yard for an existing accessory building of 4 feet in lieu of the**
- 9                            **minimum required 10 feet.**

10

11    Mr. Thorsland requested a roll call vote.

12

13	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
14	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Thorsland-yes</b>

15

16    Mr. Hall informed Mr. Rapp that he has received an approval for his case and staff will send out the

17    the appropriate documentation as soon as possible.

18

19    **7.    Staff Report**

20

21    None

22

23    **8.    Other Business**

24        **A.    Review of Docket**

25

26    Mr. Hall stated that there are no updates to report for the docket at this time.

27

28    Mr. Thorsland entertained a motion to cancel the December 27, 2012, meeting.

29

30    **Mr. Passalacqua moved, seconded by Mr. Miller to cancel the December 27, 2012, meeting. The**

31    **motion carried by voice vote.**

32

33        **B.    November meetings**

34

35    Mr. Thorsland reminded the Board that there are no ZBA meetings scheduled for November.

36

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

38

39    None

40

1 **10. Adjournment**

2

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

4

5 **Ms. Capel moved, seconded by Mr. Courson to adjourn the meeting. The motion carried by voice**

6 **vote.**

7

8 The meeting adjourned at 8:27 p.m.

9

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12 Respectfully submitted

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17 Secretary of Zoning Board of Appeals

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# CASE NO. 707-S-12 & 725-V-12

SUPPLEMENTAL MEMORANDUM

January 11, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**Petitioners:** Daniel Williams & Fran Williams

**Request:** CASE: 707-S-12

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

CASE: 725-V-12

Authorize the following in the CR District:

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

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

**Site Area:** 5.2 acres

**Time Schedule for Development:** Currently in Operation

**Prepared by:** **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

---

## *STATUS*

These cases were continued from the December 13, 2012, public hearing.

No new information has been submitted by the petitioner.

---

# CASE NO. 724-V-12

PRELIMINARY MEMORANDUM

January 11, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

**Petitioners:** Jedd Swisher

**Request:** Authorize the following in the CR Conservation-Recreation Zoning District:

**Part A. Authorize the following on Lot 2 of Phillips Acres Subdivision:**

1. Variance for a lot area of .78 acre in lieu of the minimum required 1 acre;
2. Variance for an average lot width of 104.15 feet in lieu of the minimum required 200 feet;
3. Variance to authorize the use of Lot 2 separately from Lot 3 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot, on the subject property described below.

**Part B. Authorize the following on Lot 3 of Phillips Acres Subdivision:**

1. Variance for a lot area of .77 acre in lieu of the minimum required 1 acre;
2. Variance for an average lot width of 104.40 feet in lieu of the minimum required 200 feet;
3. Variance to authorize the use of Lot 3 separately from Lot 2 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot, on the subject property described below.

**Subject Property:** Lots 2 and 3 of Phillip's Acres Subdivision in the Northeast Quarter of Section 12 of Urbana Township and commonly known as the dwelling at 1762 CR 1650 N, Urbana.

**Site Area:** 1.55 acres (total area)

**Time Schedule for Development:** Unknown

**Prepared by:** **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

---

## BACKGROUND

The subject property is located in the CR, Conservation-Recreation Zoning District which has a minimum required lot area of 1 acre (43,560 square feet) and a minimum required average lot width of 200 feet. The petitioner owns two adjacent nonconforming lots (platted in 1963). The variance has been proposed to allow a new dwelling (a storage shed with an apartment) on Lot 2 of Phillips Acres Subdivision. The shed with the apartment is to be used for personal storage, and the intended occupant of the apartment is the petitioner's daughter. The petitioner's residence is on Lot 3 and was constructed prior to the adoption of zoning on October 10, 1973.

Without the variance the petitioner cannot construct the shed with an apartment because when two adjacent lots that do not meet the minimum required dimensions of the Zoning District come under common ownership the two adjoining lots cannot be used separately unless a variance is granted. The petitioner's home is located on Lot 3 and the proposed construction would be considered a second principal use on one lot, which is prohibited by the Zoning Ordinance. Granting the Variance will allow the petitioner to use the properties separately from one another.

The subject property is located in the floodplain, but the petitioner has received a Letter of Map Amendment (LOMA) from FEMA for a portion of the property. None of the proposed construction is located in the flood hazard area. An existing small shed on Lot 2 was constructed on the property without a permit prior to the petitioner's purchase of the property and the northwest corner of the shed is within the flood hazard area (see Attachment B). The petitioner has indicated to staff that upon completion of the proposed dwelling that he may tear down the small shed. If the petitioner wishes to keep the small shed, the petitioner will need to obtain a Zoning Use Permit.

---

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana a municipality with zoning. Municipalities are not notified of Variance cases.

## EXISTING LAND USE AND ZONING

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

Direction	Land Use	Zoning
Onsite	Residential	CR Conservation-Recreation
North	Agriculture	CR Conservation-Recreation
East	Residential	CR Conservation Recreation
West	Residential	CR Conservation Recreation
South	Agriculture	AG-2 Agriculture



**PROPOSED SPECIAL CONDITIONS**

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has received a Zoning Use Permit for the existing shed on Lot 2.**

The above special condition is required to ensure the following:

**That the storage structure is in compliance with the Zoning Ordinance.**

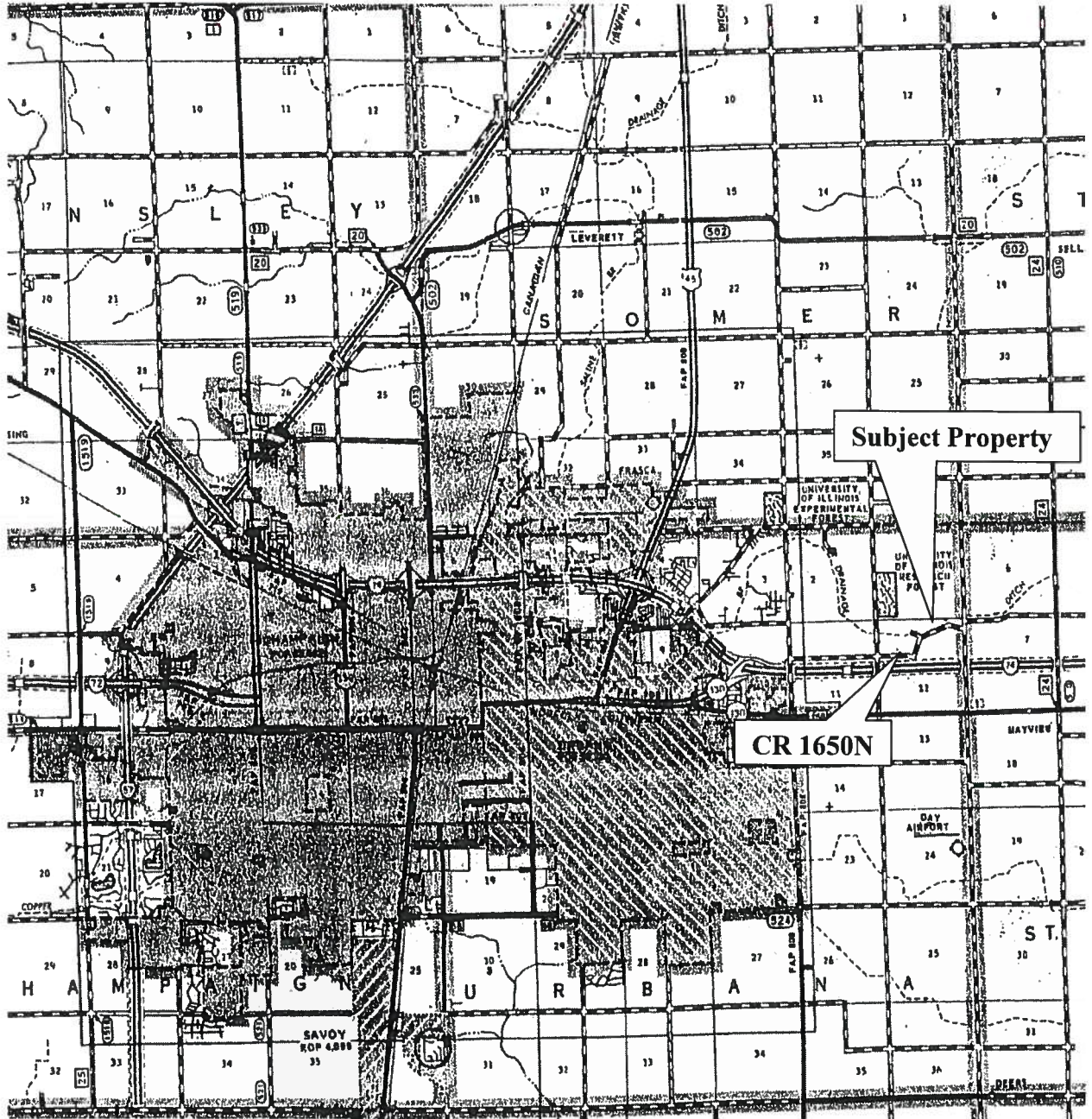
**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received December 6, 2012
- C Annotated Site Plan
- D Elevation Profile received December 6, 2012
- E Floor Plan received December 6, 2012
- F Sewage Disposal Construction Permit No. 12-082-1 received December 6, 2012
- G Site Visit Photos (included separately to Board members and the petitioner only, photos available on the Champaign County website)
- H Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

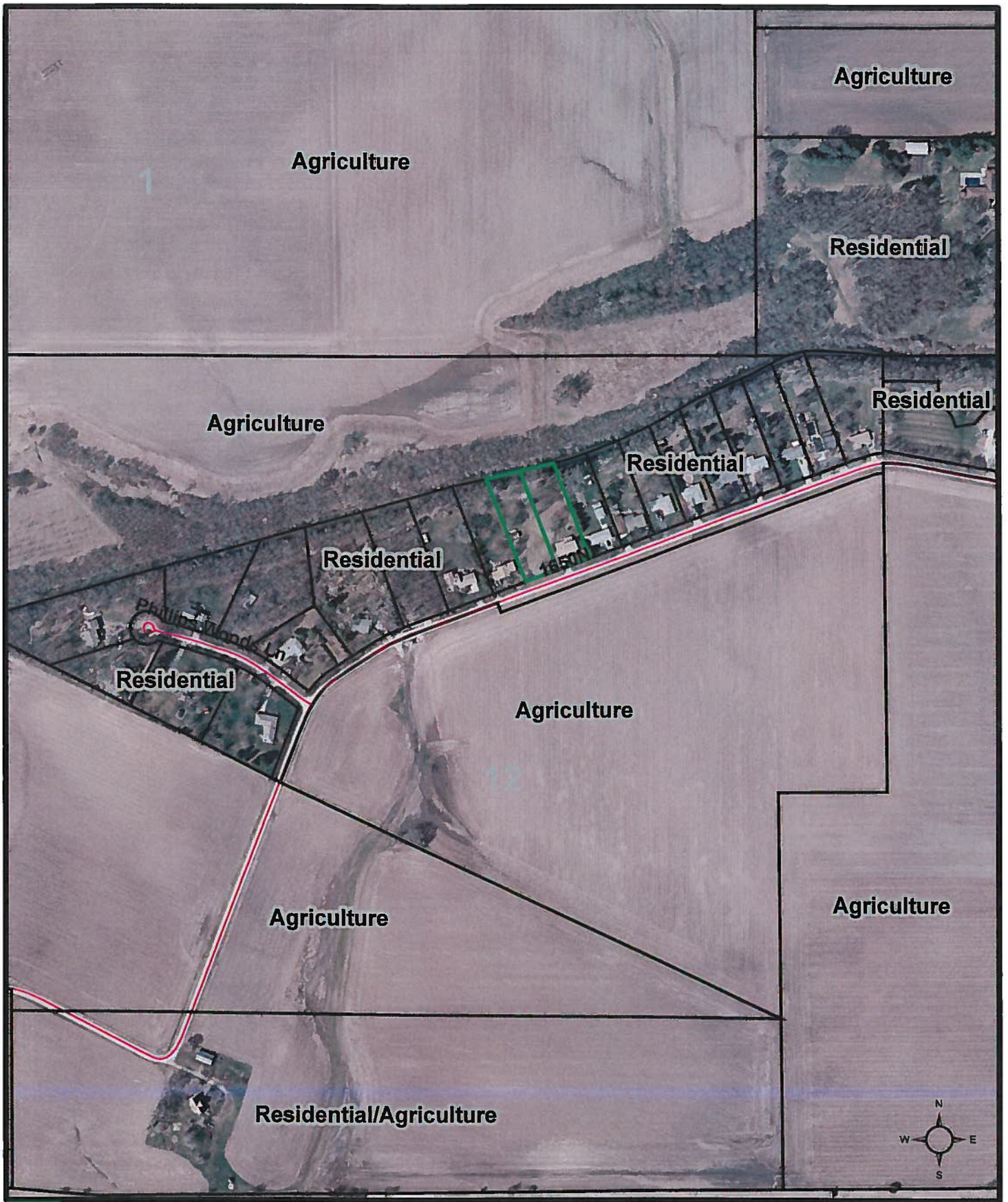
ATTACHMENT A. LOCATION MAP

Case 724-V-12

January 11, 2013



Attachment A: Land Use Map  
Case 724-V-12  
January 11, 2013



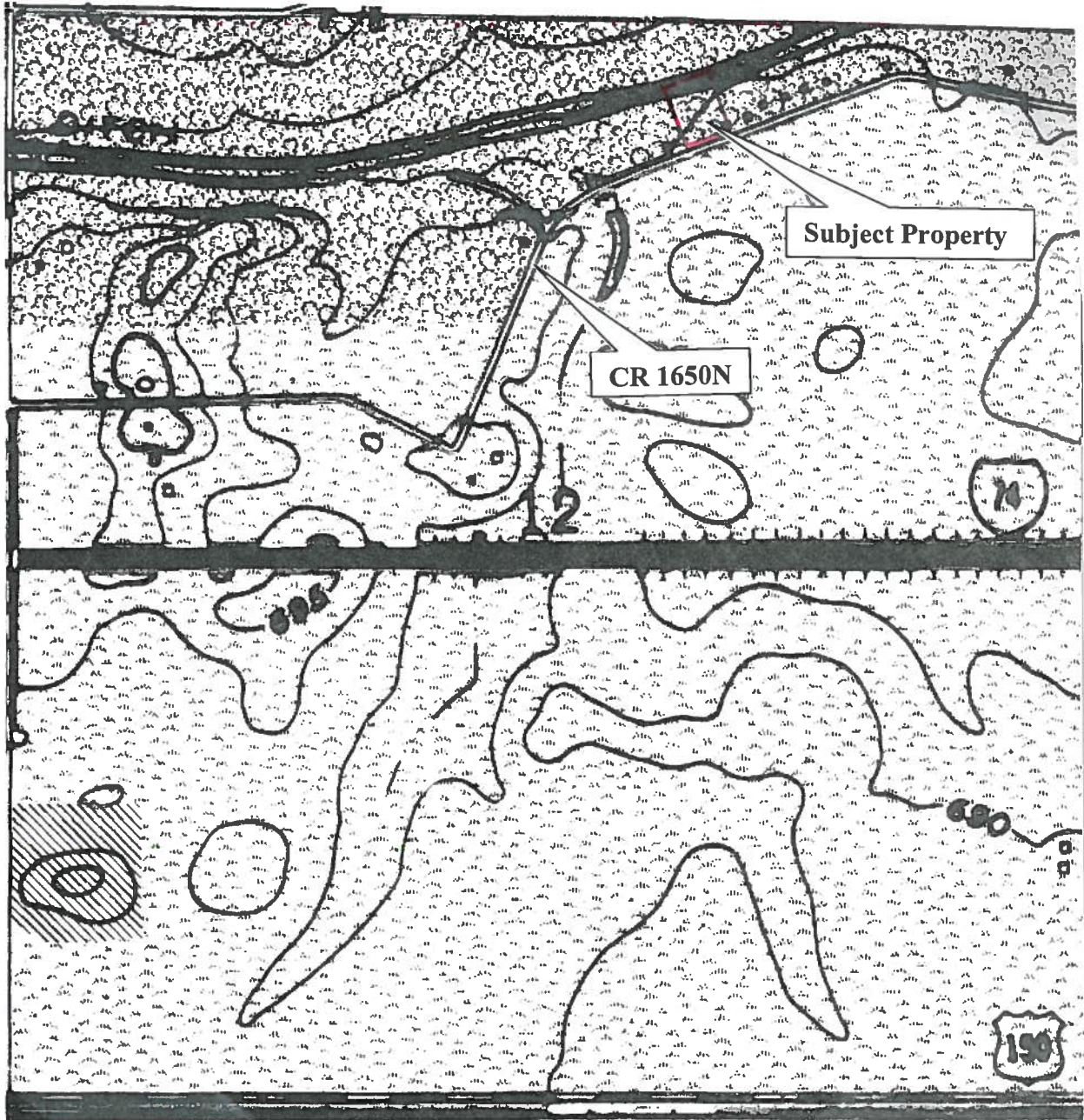
 Subject Property

1 inch = 400 feet

# ATTACHMENT A. ZONING MAP

Case: 724-V-12

January 11, 2013



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

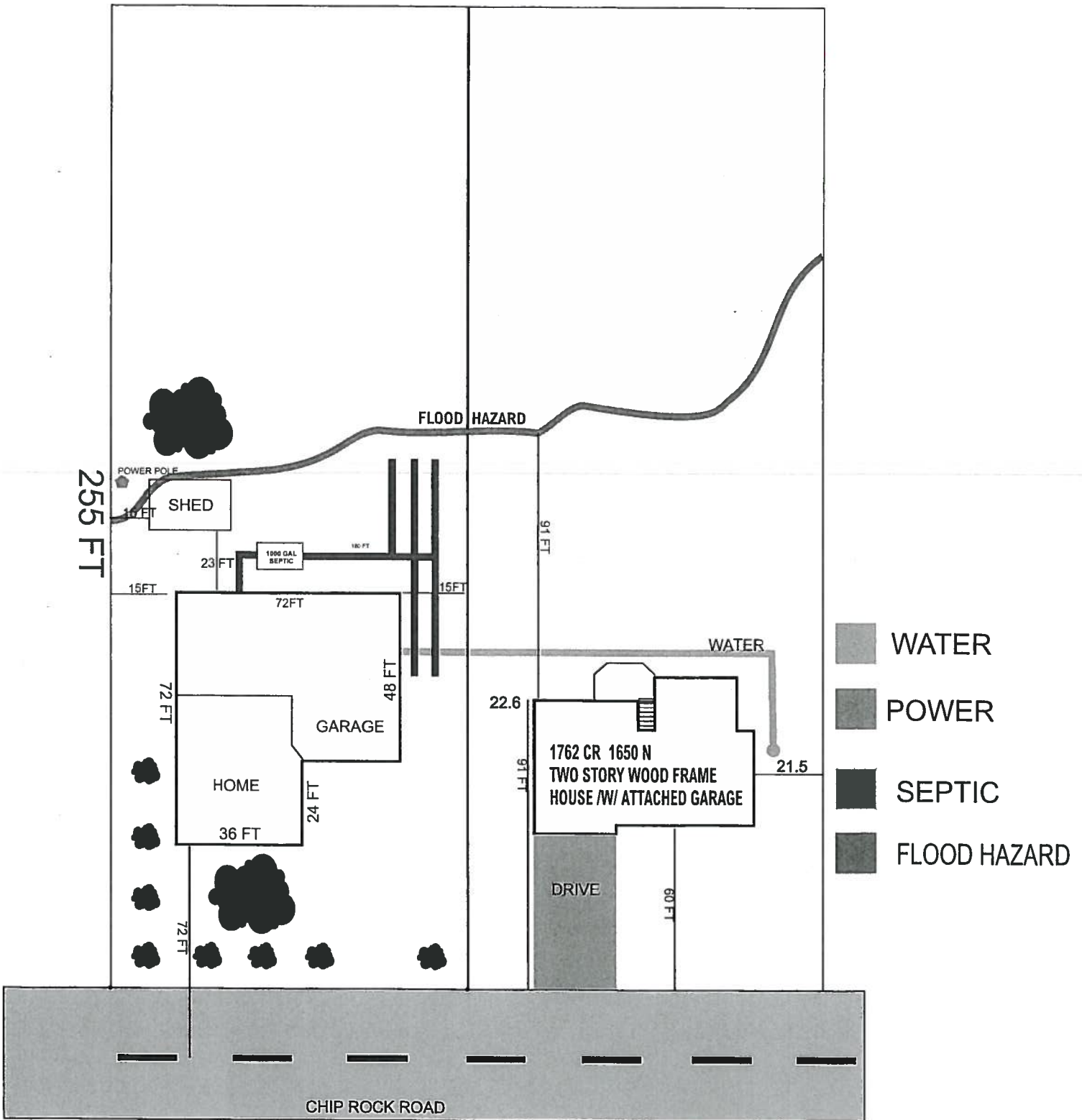
# SALINE BRANCH

104 FT                      104 FT

RECEIVED

DEC 06 2012

CHAMPAIGN CO. P & Z DEPARTMENT



Annotated Site Plan

1/9/2013

RECEIVED

DEC 06 2012

CHAMPAIGN CO. P & Z DEPARTMENT

SALINE BRANCH

~~104 FT~~  
104.15'

~~104 FT~~  
104.40'

Lot 2

Lot 3

W/in flood hazard

Existing

LOMA Boundary

FLOOD HAZARD

POWERPOLE

SHED

Proposed

1000 GAL SEPTIC

General Area of existing Leach Field

WATER

Proposed

GARAGE

Existing  
1762 CR 1650 N  
TWO STORY WOOD FRAME  
HOUSE /W/ ATTACHED GARAGE

WATER

POWER

SEPTIC

FLOOD HAZARD

DRIVE

CR 1650 N

CHIP ROCK ROAD

255 FT  
331.25'

318.3'

329.7'

15 FT

15 FT

72 FT

72 FT

72 FT

72 FT

24 FT

36 FT

23 FT

48 FT

42'

42'

12'

16'

16'

16'

180 FT

91 FT

91 FT

91 FT

22.6

21.5

21.5

21.5

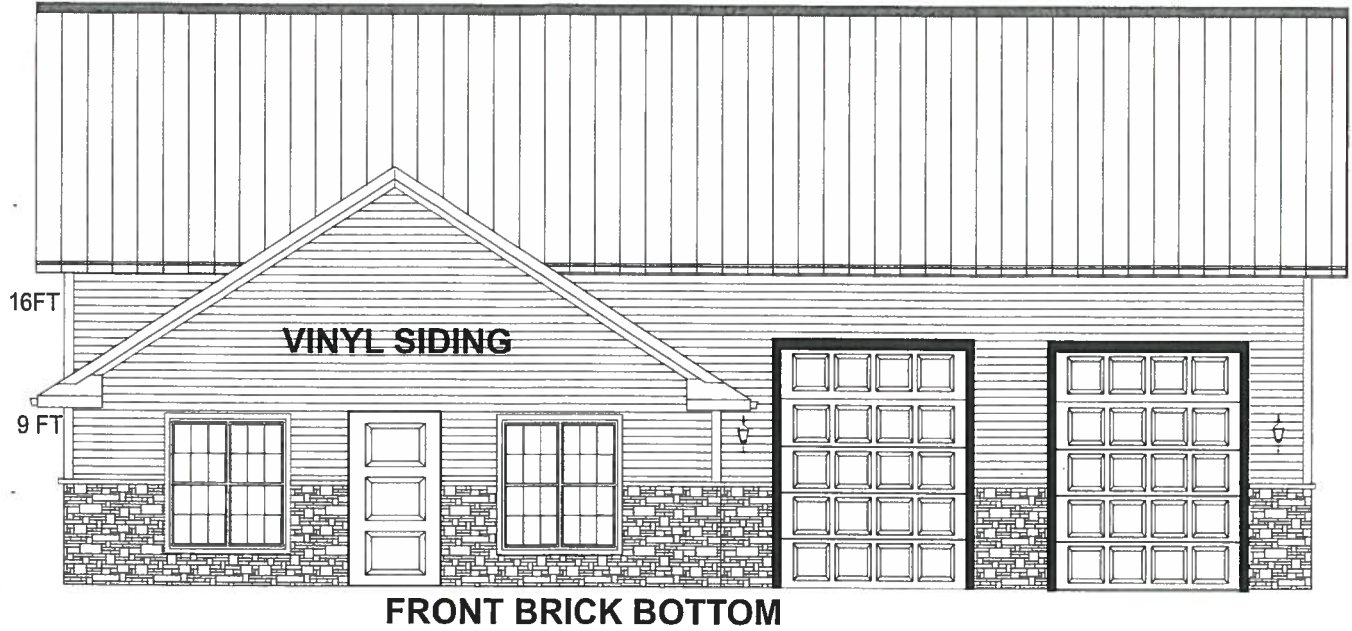
80 FT

38'

68'

38'

3.5 / 12 ROOF PITCH

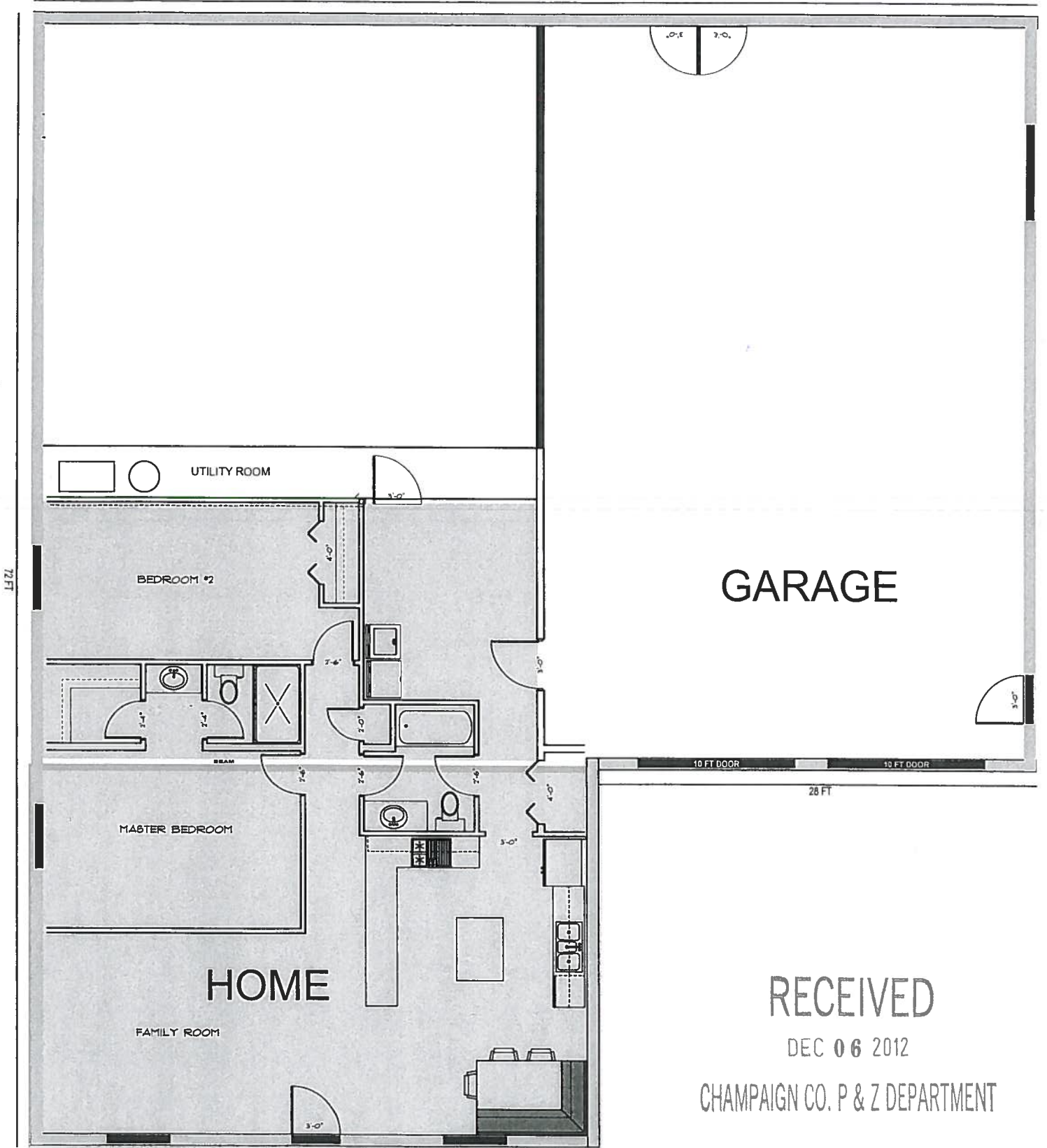


RECEIVED

DEC 06 2012

CHAMPAIGN CO. P & Z DEPARTMENT

72 FT



72 FT

48 FT

UTILITY ROOM

BEDROOM #2

MASTER BEDROOM

HOME

FAMILY ROOM

GARAGE

10 FT DOOR

10 FT DOOR

28 FT

RECEIVED

DEC 06 2012

CHAMPAIGN CO. P & Z DEPARTMENT



12-002-

# PERMIT

## PRIVATE SEWAGE DISPOSAL SYSTEM CONSTRUCTION APPROVAL

Approval Number  
Champaign  
County

Based on the Plan Review Application to construct a private sewage disposal system, fil.

Kocher, Kalin  
Applicant

2455 CR 2400 E  
Street

Perfield, Ill. 61862  
City State Zip Code

Fax

On \_\_\_\_\_ 20\_\_\_\_

Approval is hereby issued for a  New  Renovated Private Sewage Disposal System which is to be constructed at:

1762 CR 1650 N Urbana, Ill. 61801  
Street City

The private disposal system is to be constructed as specified by the plan review appli and as noted under special conditions of this Approval.

The private sewage disposal system construction approval is null and void if a) condi changed from those shown on the application b) if construction has not commenced wit 12 months of date of issuance.

The Champaign County Health Dept. does not guarantee length of service or trou free operation of this private sewage disposal system by the issuance of this approva The contractor and property owner are responsible for an installation that is in coe with the Illinois Private Sewage Disposal Licensing Act and Code. The property owner full responsibility for any nuisance or health hazard that might result from its use

Issued by: Michael Ramsey Date 10/22/12

Special Conditions/Comments/Approved Variances/

THE DEPARTMENT REQUIRES 48 HOURS NOTIFICATION PRIOR TO COMMENCING CONSTRUCTION. CO OFFICE LISTED BELOW:

Champaign County Public Health Department  
201 W. Kenyon Road  
Champaign, IL 61820

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

### RECEIVED

DEC 06 2012

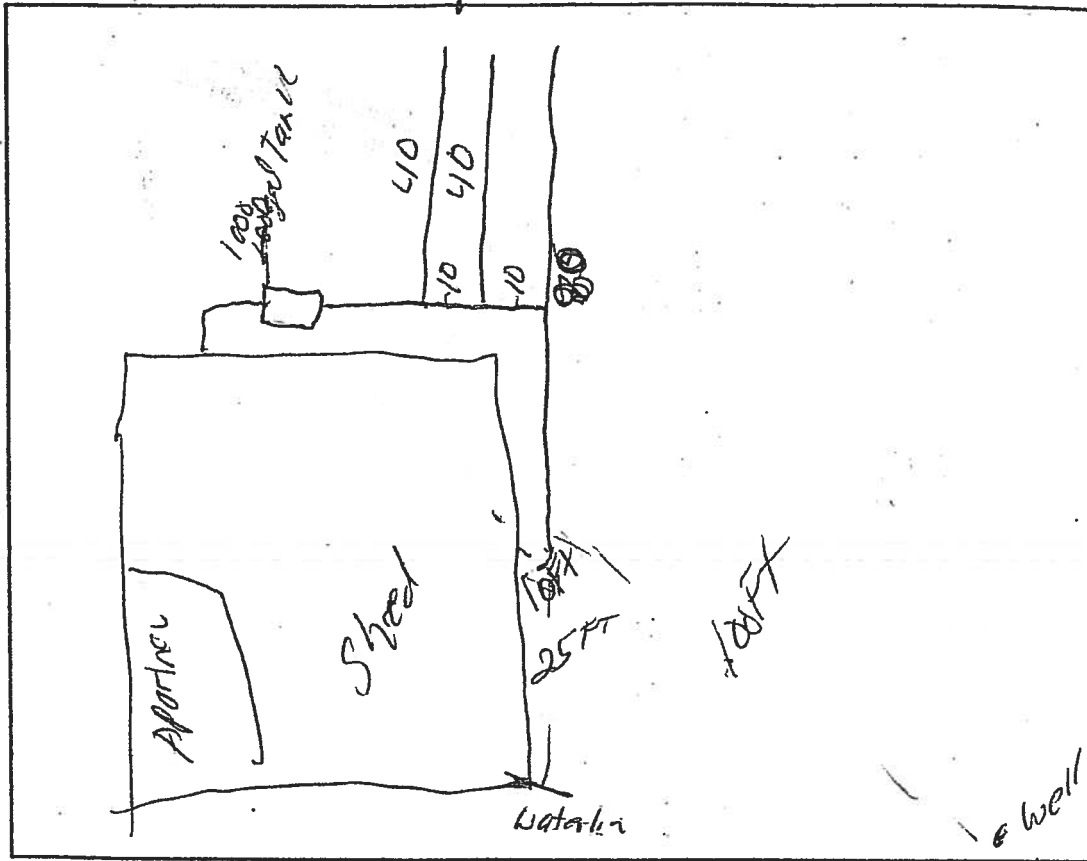
**PRIVATE SEWAGE DISPOSAL SYSTEM  
PLAN REVIEW APPLICATION**

**7. Lot diagram and sewage system plan:**

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

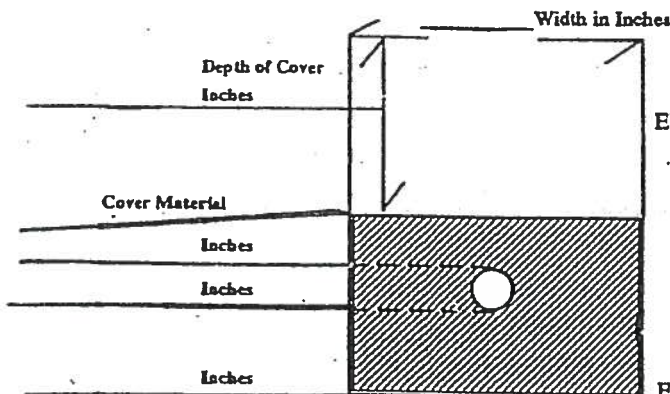
N  
+

1" = \_\_\_\_\_



**8. Checklist**

- Lot Size: \_\_\_\_\_
- System Dimensions: \_\_\_\_\_
- Materials Labeled: \_\_\_\_\_
- Utilities Shown: \_\_\_\_\_
- Location of Perc Tests: \_\_\_\_\_
- Water Supply Shown: \_\_\_\_\_
- Required Distances Labeled: \_\_\_\_\_
- Depth of Limiting Layer: \_\_\_\_\_



**Cross Section Seepage Field Gravel**

**Elevations of the System Components:**

- Benchmark & Elevation: \_\_\_\_\_
- Elevation to Invert of Building Drain: \_\_\_\_\_
- Elevation to Invert of Tank Inlet: \_\_\_\_\_
- Elevation of Ground Surface over Tank: \_\_\_\_\_
- Lowest Elevation of Ground Surface over Field: \_\_\_\_\_
- Highest Elevation of Ground Surface over Field: \_\_\_\_\_
- Length of Building Sewer (House to Tank): \_\_\_\_\_
- Extraordinary Condition Shown: \_\_\_\_\_

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

*Kal K*  
\_\_\_\_\_  
Signature of Applicant (Owner or Contractor)

*12/15/11*  
\_\_\_\_\_  
Date

**IMPORTANT NOTICE:**

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

***PRELIMINARY DRAFT***

**724-V-12**

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

---

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

Date: **January 17, 2013**

Petitioners: **Jedd Swisher**

Request: **Part A. Authorize the following on Lot 2 of Phillips Acres Subdivision:**

1. Variance for a lot area of .78 acre in lieu of the minimum required 1 acre;
2. Variance for an average lot width of 104.15 feet in lieu of the minimum required 200 feet;
3. Variance to authorize the use of Lot 2 separately from Lot 3 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot.

**Part B. Authorize the following on Lot 3 of Phillips Acres Subdivision:**

1. Variance for a lot area of .77 acre in lieu of the minimum required 1 acre;
  2. Variance for an average lot width of 104.40 feet in lieu of the minimum required 200 feet;
  3. Variance to authorize the use of Lot 3 separately from Lot 2 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot.
-

**Table of Contents**

**General Application Information ..... 3-4**

**Requested Variance ..... 4**

**Specific Ordinance Requirements ..... 4-7**

**Variance Evidence ..... 7-11**

**Documents of Record ..... 12**

**Case 724-V-12 Findings of Fact..... 13-14**

**Case 724-V-12 Final Determination ..... 15-16**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 17, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Jedd Swisher owns the subject property.
2. The subject property is Lots 2 and 3 of Phillip's Acres Subdivision in the Northeast Quarter of Section 12 of Urbana Township and commonly known as the dwelling at 1762 CR 1650 N, Urbana.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned CR Conservation-Recreation, and is in residential use.
  - B. Land to the north is zoned CR Conservation-Recreation, and is in agricultural use.
  - C. Land to the east is zoned CR Conservation-Recreation, and is in residential use.
  - D. Land to the west is zoned CR Conservation-Recreation, and is in residential use.
  - E. Land to the south is zoned AG-2 Agriculture, and is in agricultural use.

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

5. Regarding the site plan of the subject site:
  - A. The subject property is approximately 1.55 acres in total, with Lot 2 being .78 acre and Lot 3 being .77 acre.
  - B. The Site Plan received December 6, 2012, includes the following:
    - (1) Location of the existing two story house on Lot 3.
    - (2) Location of the proposed shed/apartment on Lot 2.
    - (3) Location of the proposed 1,000 gallon septic system and leach field for the proposed shed/apartment on Lot 2.
    - (4) Location of an existing 12' × 16' shed on Lot 2.

**PRELIMINARY DRAFT**

- (5) An indication that the proposed shed/apartment will utilize the same water well on Lot 3 that serves the existing home.
  - (6) A line indicating the area representing the flood hazard area on the subject property which represents the Letter of Map Amendment (LOMA) the petitioner received from the Federal Emergency Management Agency.
  - (7) An existing power pole on Lot 2.
- C. The requested variance is as follows:
- (1) Part A. Authorize the following on Lot 2 of Phillips Acres Subdivision:
    - (a) Variance for a lot area of .78 acre in lieu of the minimum required 1 acre;
    - (b) Variance for an average lot width of 104.15 feet in lieu of the minimum required 200 feet;
    - (c) Variance to authorize the use of Lot 2 separately from Lot 3 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot.
  - (2) Part B. Authorize the following on Lot 3 of Phillips Acres Subdivision:
    - (a) Variance for a lot area of .77 acre in lieu of the minimum required 1 acre;
    - (b) Variance for an average lot width of 104.40 feet in lieu of the minimum required 200 feet;
    - (c) Variance to authorize the use of Lot 3 separately from Lot 2 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot.

**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) "AREA, LOT" is the total area within the LOT LINES.
    - (2) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

- (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (4) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (5) "DWELLING UNIT" is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (6) "DWELLING, SINGLE FAMILY" is a DWELLING containing one DWELLING UNIT.
- (7) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (8) "LOT DEPTH" is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
- (9) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (10) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
- (11) "LOT LINES" are the lines bounding a LOT.
- (12) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (13) "NONCONFORMING LOT, STRUCTURE, OR USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.

***PRELIMINARY DRAFT***

- (14) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
  - (15) “PUBLIC SANITARY SEWER SYSTEM” is any system, other than an individual septic tank or tile field that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.
  - (16) “PUBLIC WATER SUPPLY SYSTEM” is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
  - (17) “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.
  - (18) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
  - (19) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
  - (20) “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.
- H. 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.
- I. Section 5.3 of the *Zoning Ordinance* establishes the minimum LOT AREA in the CR Zoning District as 1 acre and the minimum AVERAGE LOT WIDTH of 200 feet.
- J. Paragraph 8.1.2 of the *Zoning Ordinance* establishes that once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be considered to be a single LOT for the purpose of this ordinance. No portion of said LOT shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
- K. 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, **“Wanting to build a 72 foot wide on property hundred 104 foot.”**

*PRELIMINARY DRAFT*

- B. Phillips Acres Subdivision was platted in 1963, prior to the adoption of Zoning on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
- C. The petitioner does not own the properties to the east or west of Lots 2 and 3 and immediately to the north is a drainage ditch maintained by the Saline Branch Drainage District.
- D. A portion of the property is located within the floodplain. The petitioner received a Letter of Map Amendment from the Federal Emergency Management Agency which reduced the amount of the property with the floodplain. None of the proposed construction on Lot 2 is within the flood hazard area, but a portion of an existing small shed on Lot 2 is within the flood hazard area.
- E. The petitioner has received County Health Department approval for construction of a private sewage disposal (septic) system to serve the proposed shed/apartment on Lot 2.

*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, **“Reduction in size of proposed building would limit storage and function usage space that has been anticipated with proposed building build it once!”**
  - B. Without the proposed variance the petitioner would not be able to construct the proposed shed/apartment on the subject property because it would be considered two principal uses on one lot.
  - C. Phillips Acres Subdivision was platted in 1963, prior to the adoption of Zoning on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
  - D. There is no land that could be purchased to decrease the variance.

*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, **“Variance will not make noticeable deviation from the intent of the zoning ordinance. Building as proposed will blend with neighborhood with brick front and vinyl siding.”**

- B. Phillips Acres Subdivision was platted in 1963, prior to the adoption of Zoning on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
- C. The width of Lots 2 and 3 combined is 208.55feet which is only 8 feet more than the 200 feet minimum required for one lot.
- D. The total lot area of Lots 2 and 3 combined is 1.55 acres which is .55 acre more than what the minimum lot area is for one lot.

***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, **“Building with present no obstruction to vision or travel by grading variance. It will be blended into community environmentally without being a distraction.”**
  - B. Regarding Part A of the Variance to authorize the following on Lot 2 of Phillips Acres Subdivision:
    - (1) The requested variance for a lot area of .78 acre is 78% of the minimum required 1 acre for a variance of 22%.
    - (2) The requested variance for an average lot width of 104.15 feet is 52% of the minimum required 200 feet for a variance of 48%.
    - (3) The requested variance to authorize the use of Lot 2 separately from Lot 3 is 100% variance.
  - C. Regarding Part B of the variance to authorize the following on Lot 3 of Phillips Acres Subdivision:
    - (1) The requested variance for a lot area of .77 acre is 77% of the minimum required 1 acre for a variance of 23%.
    - (2) The requested variance for an average lot width of 104.40 feet is 52% of the minimum required 200 feet for a variance of 48%.
    - (3) The requested variance to authorize the use of Lot 3 separately from Lot 2 is 100% variance.

***PRELIMINARY DRAFT***

- D. Regarding minimum required lot area and minimum required average lot width:
- (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the CR District has always required a minimum lot are of one acre and a minimum average lot width of 200 feet.
  - (2) The County reviewed the minimum lot area and minimum average lot width requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system. As amended, following Case 847-AT-93, the Ordinance requires a minimum lot area of 30,000 square feet minimum lot area and a minimum average width of 150 feet in the CR District if there is no sanitary sewer and no public water supply. Further, if a connected public water supply system is available, Paragraph 4.3.4.B. only requires a minimum lot area of 20,000 square feet and a minimum average lot width of 100 feet.
  - (3) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area and average lot width requirement, other considerations are as follows:
    - (a) Adequate light and air: The subject property has an existing single family home on Lot 3 and a proposed shed/apartment on Lot 2. There are residential uses to the east and west of the property and agricultural uses to the north and south.
    - (b) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Edge-Scott Fire Protection District and the station is approximately 3.3 road miles from the subject property.
    - (c) Aesthetics may also play a part in the minimum lot area requirement.
- E. Lots 2 and 3 are or will be served by their own wastewater treatment and disposal systems. The existing home on Lot 3 is served by an existing system and the proposed shed/apartment has received a permit from the Champaign County Public Health Department to construct a wastewater system.
- F. The requested variance is not prohibited by the *Zoning Ordinance*

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **The Petitioner provided no response to this question.**
  - B. The proposed use of the property will allow what is essentially a vacant lot to be used in a way that is similar to other uses in the neighborhood. The petitioner has received a permit for the septic system and the proposed construction will utilize the same water well as the petitioner's home.
  - C. The Township Road Commissioner has received notice of this variance but no comments have been received.
  - D. The Fire Protection District has been notified of this variance but no comments have been received.

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

12. Regarding proposed special conditions of approval:
  - A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has received a Zoning Use Permit for the existing shed on Lot 2.**

The above special condition is required to ensure the following:

**That the storage structure is in compliance with the Zoning Ordinance.**

**DOCUMENTS OF RECORD**

1. Variance Application received on December 6, 2012, with attachments:
  - A Elevation Profile
  - B Site Plan
  - C Building Specifications
  - D Septic System Permit No. 12-082-1
  - E Tax Bill
  - F Floor Plan
  
2. Zoning Use Permit Application No. 65-12-01
  
3. Preliminary Memorandum dated January 11, 2013 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received December 6, 2012
  - C Annotated Site Plan
  - D Elevation Profile received December 6, 2012
  - E Floor Plan received December 6, 2012
  - F Sewage Disposal Construction Permit No. 12-082-1 received December 6, 2012
  - G Site Visit Photos
  - H Draft Summary of Evidence, Finding of Fact, and Final Determination

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **724-V-12** held on **January 17, 2013**, 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*PRELIMINARY DRAFT*

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has received a Zoning Use Permit for the existing shed on Lot 2.

The above special condition is required to ensure the following:

**That the storage structure is in compliance with the Zoning Ordinance.**



**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 724-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Jedd Swisher** to authorize the following in the CR Conservation Recreation Zoning District:

**Part A. Authorize the following on Lot 2 of Phillips Acres Subdivision:**

1. Variance for a lot area of .78 acre in lieu of the minimum required 1 acre;
2. Variance for an average lot width of 104.15 feet in lieu of the minimum required 200 feet;
3. Variance to authorize the use of Lot 2 separately from Lot 3 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot, on the subject property described below.

**Part B. Authorize the following on Lot 3 of Phillips Acres Subdivision:**

1. Variance for a lot area of .77 acre in lieu of the minimum required 1 acre;
2. Variance for an average lot width of 104.40 feet in lieu of the minimum required 200 feet;
3. Variance to authorize the use of Lot 3 separately from Lot 2 in lieu of the requirement that when two or more contiguous lots that do not meet any dimensional, geometric, lot access or other standards are brought into common ownership the lots shall be considered one lot, on the subject property described below.

***{SUBJECT TO THE FOLLOWING CONDITION(S):}***

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction until the petitioner has received a Zoning Use Permit for the existing shed on Lot 2.**

**Case 724-V-12**  
**Page 16 of 16**

***PRELIMINARY DRAFT***

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:

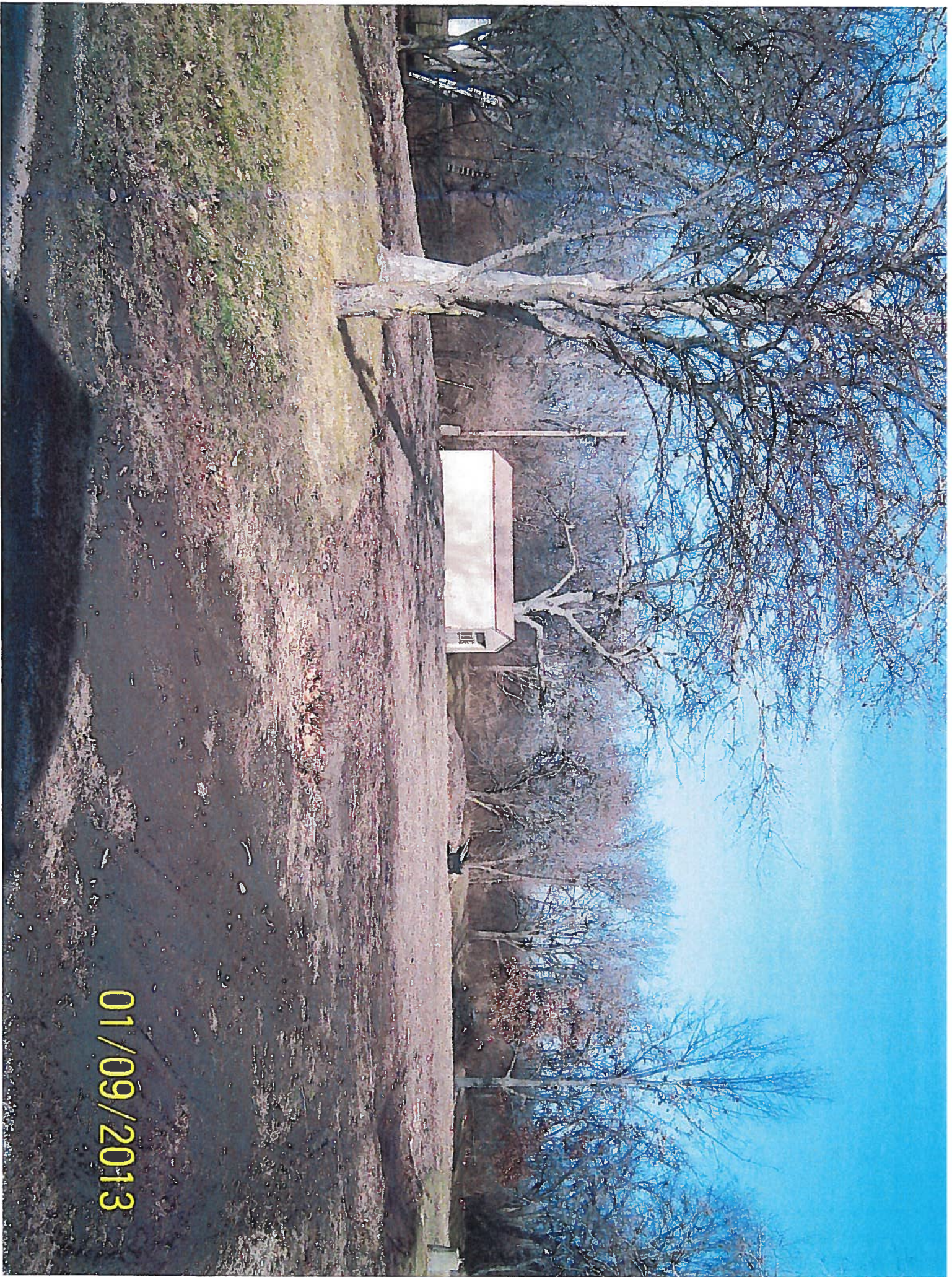
Secretary to the Zoning Board of Appeals  
Date



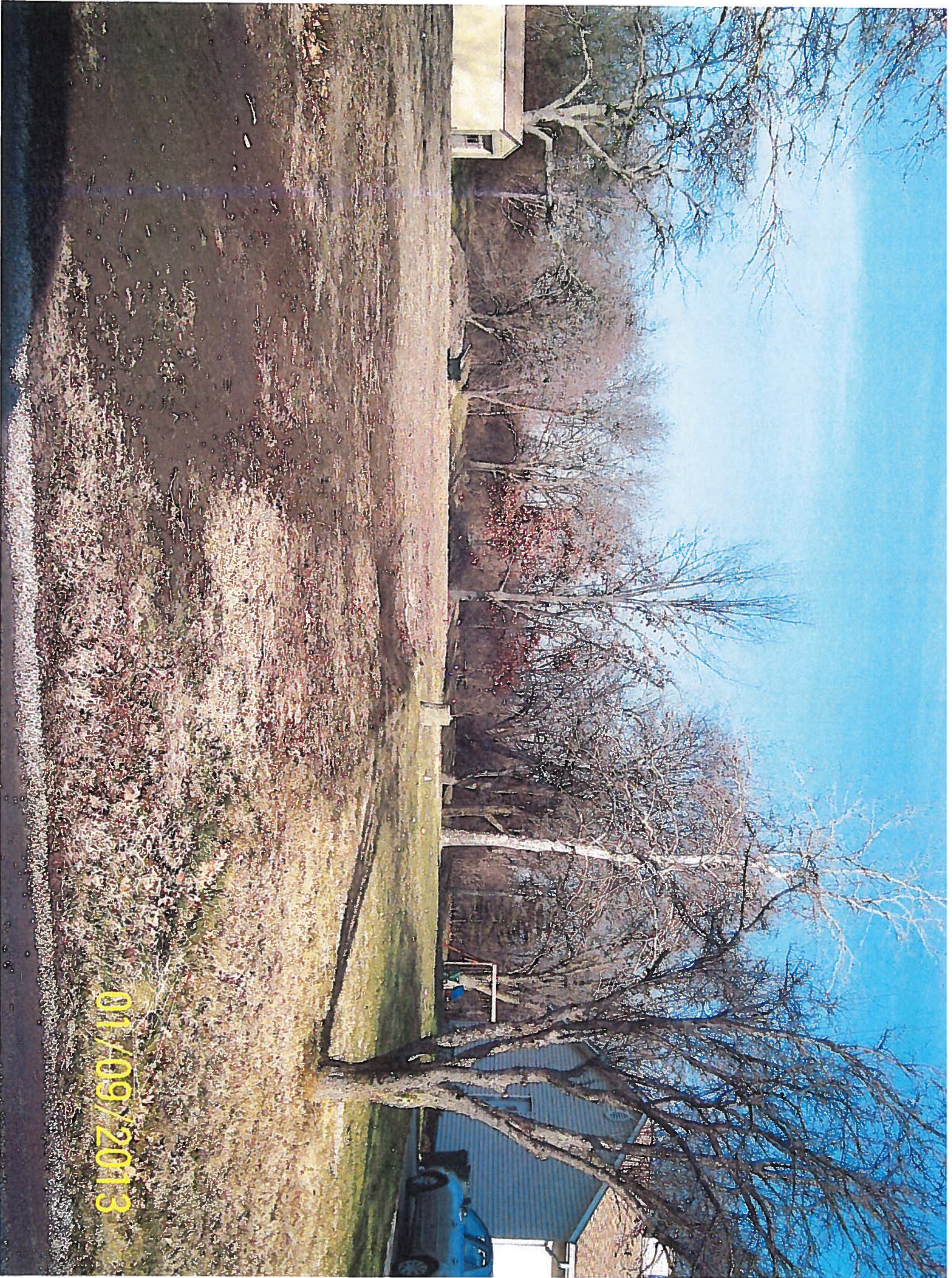
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