

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: February 14, 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 (December 13, 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 732-AT-12 Petitioner: **Zoning Administrator**  
Request: **Amend the Champaign County Zoning Ordinance as follows:**

**Part A. Revise paragraph 7.1.2B. as follows:**

- (1) Strike “non-family” and replace with “non-resident”.
- (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1).
- (3) Revise subparagraph 7.1.2B.ii. to strike “five acres” and replace with “that are two acres in area”; add the phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2).
- (4) Add new subparagraph 7.1.2B.(3) to authorize that all employees may be present and working on the premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated by other business considerations.
- (5) Add new subparagraph 7.1.2B.(4) to authorize that family members who are residents of the property when the HOME OCCUPATION is operating but who subsequently move from the premises may remain active in the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

**Part B. Revise paragraph 7.1.2E. as follows:**

- (1) Strike “Second Division vehicle as defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase “and parked at”.
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike “vehicles over 8,000 lbs. gross weight” and replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)”.

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Case 732-AT-12 cont:

- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”.
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike “Second Division vehicles” and replace with “MOTOR VEHICLES and licensed trailers”; and strike “indoors” and replace with “in an enclosed building”; and add “outdoors subject to the following minimum separations for outdoor parking:”; and add the following subparagraphs:
  - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
  - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.
  - (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
  - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
  - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

**Part C. Add new paragraph 7.1.2F. as follows:**

- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
- (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).

**Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.**

**Part E. Revise paragraph 7.1.2K. as follows:**

- (1) Add the phrase “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:”.
- (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
- (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.

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**Case 733-AT-12**    Petitioner: **Zoning Administrator**  
Request:    **Amend the Champaign County Zoning Ordinance as follows:**

**Part A. Add defined term “AGRICULTURE DRAINAGE CONTRACTOR” to Section 3 to be defined as “a contractor whose principal business is installing and/or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements.**

**Part B. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.**

**Part C. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, AG-2, B-4 (if screening is not provided), and B-5 Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.**

**6. New Public Hearings**

**\*Case 735-S-12**    Petitioner: **TC Management, LLC, with owners John F. Murphy and Terry Woller**

Request:    **Authorize the use of existing multiple principal buildings on the same lot in the I-1 Light Industry Zoning District as a Special Use.**

Location:    **Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany Court, Champaign.**

**7. Staff Report**

**8. Other Business**

- A. November 2012 Monthly Report
- B. Review of Docket

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

**10. Adjournment**

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

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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

**DATE: December 13, 2012 PLACE: Lyle Shields Meeting Room  
1776 East Washington Street  
Urbana, IL 61802**

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

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

**MEMBERS ABSENT :** None

**STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

**OTHERS PRESENT :** Wayne Ward, William J. Jones, Keith Padgett, Alan Singleton, Julia K Hall, Larry Hall, Sara Jones, Phillip Jones, Ben Shadwick, Carl Brown, Dixie Christian, Jerry Christian, Martha Gast, Rhys Baker, Angela Weddle, Rob Weddle, Ruth Mitchell, Jean Fisher, Linda Schumm, Mark Fisher, Elista Dimitrova, John Belleville, Patricia Belleville, Earl Williams, Stephen Gast, Letha Gast, Deborah Romine, Garry Ohlsson, Daniel Williams, Susan Kovacs, Richard Barker,

**1. Call to Order**

The meeting was called to order at 6:37 p.m.

**DRAFT**

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

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

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

**3. Correspondence**

None

**4. Approval of Minutes (August 16, 2012, August 30, 2012, September 13, 2012, October 11, 2012)**

Mr. Thorsland entertained a motion to approve the August 16, 2012, August 30, 2012, September 13, 2012

1 and October 11, 2012, minutes as submitted.

2  
3 **Mr. Passalacqua moved, seconded by Mr. Courson to approve the August 16, 2012, August 30, 2012,**  
4 **September 13, 2012, October 11, 2012, minutes as submitted.**

5  
6 Mr. Thorsland asked the Board if there were any additions, deletions or corrections required to the minutes  
7 and there were none.

8  
9 **The motion carried by voice vote.**

10  
11 Mr. Thorsland entertained a motion to re-arrange the docket and hear Cases 687-AM-11 and 688-S-11 first,  
12 as indicated, and hear Case 715-V-12 prior to Cases 707-S-12 and 725-S-12.

13  
14 **Ms. Capel moved, seconded by Mr. Passalacqua to re-arrange the docket and hear Cases 687-AM-11**  
15 **and 688-S-11 first, as indicated, and hear Case 715-V-12 prior to Cases 707-S-12 and 725-S-12. The**  
16 **motion carried by voice vote.**

17  
18 Mr. Roger Miller, ZBA Board member, arrived at 6:40 p.m.

19  
20  
21 **5.        Continued Public Hearing**

22  
23 **Case 687-AM-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to amend the Zoning Map to**  
24 **change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.**  
25 **Location: An approximately 14 acre tract of land that is located in the North Half of the South Half of**  
26 **the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**  
27 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**  
28 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

29  
30 **Case 688-S-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to authorize the construction and**  
31 **use of a “Restricted Landing Area” for use by airplanes consistent with Illinois Department of**  
32 **Transportation regulations and helicopter use for public safety assistance as needed and with limited**  
33 **helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1**  
34 **Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related**  
35 **zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1**  
36 **that requires compliance with Footnote 11 of Section 5.3. Location: An approximately 14 acre tract of**  
37 **land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of**  
38 **Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet**  
39 **south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly**  
40 **known as the property at 175N CR 1600E, Villa Grove.**



1 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.  
2  
3 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County  
4 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
5 show of hands for those who would like to cross examine and each person will be called upon. He requested  
6 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
7 that those who desire to cross examine are not required to sign the witness register but are requested to  
8 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
9 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
10 exempt from cross examination.  
11  
12 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
13 sign the witness register for that public hearing. He reminded the audience that when they sign the  
14 witness register they are signing an oath.  
15  
16 Mr. Thorsland asked the petitioner if they would like to make a statement outlining the nature of their  
17 request prior to introducing evidence.  
18  
19 Mr. Alan Singleton, attorney for the petitioners, thanked the Board for the opportunity to present evidence  
20 at this public hearing. He distributed a packet for the Board's review regarding Cases 687-AM-11 and  
21 688-S-11. He said that his office received the Planning and Zoning staff's Supplemental Memorandum  
22 on December 10<sup>th</sup> and he provided a response to some of the issues that were raised in that memorandum.  
23 He called the Board's attention to a letter dated December 13, 2012, from himself to the Board  
24 which highlights the points that he would like to make tonight.  
25  
26 Mr. Singleton stated that there are materials that, for whatever reason, were not included as Documents of  
27 Record and those documents are as follows: 1. (Tab 1 of the distributed packet) Letter from JC Crawford  
28 dated November 11, 2011, withdrawing his support from the petition in opposition of the proposed RLA and  
29 questioning the petition's validity. Mr. Singleton stated that Mr. Crawford indicated in his letter that Mr.  
30 Larry Hall's statements during his visit were grossly untrue and exaggerated and that Mr. Larry Hall's  
31 approach was very intimidating and forceful. Mr. Singleton stated that Mr. Crawford is requesting that his  
32 name be removed from the petition.  
33  
34 Mr. Singleton stated that the second document that has not been included as a Document of Record is as  
35 follows: 2. (Tab 2 of the distributed packet) Letter from Jongin Kim Craggs of Craggs' Appraisal Services,  
36 Ltd. Dated November 15, 2011, expressing her professional opinion that, given the current nature of the  
37 neighborhood, allowing an RLA would not cause the value of the properties in the area to decrease and  
38 might actually cause them to increase, given the greater community safety provided in the form of assistance  
39 to law enforcement officials. He said that Tab 3 includes a letter dated February 24, 2012, from IDOT,  
40 Division of Aeronautics.  
41

1 Mr. Singleton stated that staff has mentioned the possibility of imposing some additional setback from the  
2 runway safety area which is over and above what IDOT requires. He said that his office completed some  
3 research on similar previous cases and it appears that adding additional safety precautions, such as an  
4 additional setback which is not contained within the IDOT standards, is not permissible by Illinois law. He  
5 said that the previous cases that he is referring to in his testimony are included in the packet under Tabs 4, 5,  
6 and 6.

7  
8 Mr. Singleton stated that Dr. Jones and his family recognize that they have neighbors and they intend to be  
9 good neighbors and are sensitive to the concerns that the neighbors may have therefore they are proposing  
10 some special conditions to the RLA that would mitigate any negative effects that may occur due to an RLA  
11 being located at this site. Mr. Singleton stated that Tab 7 includes the proposed special conditions by Dr.  
12 Jones and at this time he would like to review those special conditions with the Board.

13  
14 Mr. Singleton stated that proposed special condition 1. is in regard to traffic patterns and reads as follows:  
15 (a) All landing traffic patterns will be flown exclusively south of the RLA, thus maximizing the distance  
16 between the aircraft and neighboring residential properties to the north. Mr. Singleton stated that special  
17 condition 1(a) will assure that no aircraft would be flown over Larry Hall's house therefore mitigating the  
18 effect of the RLA on the Hall's home. He said that a tight northbound departure from the RLA could  
19 possibly take it closer to Mr. Hall's home therefore special condition 1(b) indicates there will be no tight  
20 northbound departures below 1000 feet.

21  
22 Mr. Singleton stated that proposed special condition 2 reads as follows: There will be an increased traffic  
23 pattern altitude of 1500 ft AGL (above ground level) as opposed to the standard 1000 feet AGL altitude. He  
24 said that any minimal traffic pattern that would occur would occur at a higher level and would be 500  
25 additional feet away from the home than what is standard.

26  
27 Mr. Singleton stated that special condition 3 reads as follows: All pre-operation run-up procedures will be  
28 conducted at the furthest practicable location away from neighboring properties, provided that any pre-  
29 operation run-up procedure that is conducted at least as far west as the location of the proposed hanger will  
30 be deemed to meet this restriction. He said that this special condition suggests that any pre-operation  
31 procedures will be conducted as far away as practical from the Hall home and as far away as the proposed  
32 hanger.

33  
34 Mr. Singleton stated that special conditions 5 and 6 are limitations on helicopter and fixed wing aircraft use.  
35 He said that staff proposed two helicopter take-offs and landings every twenty-eight days. He said that he  
36 and Dr. Jones annualized staff's proposed limitation and he and Dr. Jones proposes the limited use of any  
37 helicopter to no more than twenty-five take-offs and twenty-five landings in any twelve-month period which  
38 is one less take-off and landing from what staff proposed. Mr. Singleton said that in regards to limitations of  
39 fixed-wing aircraft, he and Dr. Jones are proposing that, except in cases of assistance for public safety, the  
40 owners will limit the use of any fixed-wing aircraft to no more than thirty-eight take-offs and thirty-eight  
41 landings in any 12-month period.

1  
2 Mr. Singleton stated that in regards to insurance he and Dr. Jones proposed a special condition 7 which  
3 indicates that at any time when take-offs or landings occur, a minimum of five million dollars of liability  
4 insurance coverage shall be maintained. He said that one never knows what life might bring to us and as we  
5 all hope to stay active in the hobbies that we are involved in but sometimes financial situations change due to  
6 health issues, etc. therefore there might be a time when liability insurance might be a financial burden. He  
7 said that even with the financial burden there is always hope that there might be a time when life will return  
8 to normal and the RLA can be used again. He said that Mr. and Mrs. Jones desire to mitigate any effects on  
9 the neighbors and the seven special conditions is their way in doing so.

10  
11 Mr. Singleton stated that Tab 8 of the distributed packet includes the names of 16 existing RLAs in  
12 Champaign County and surrounding counties, as well as, Sectional Aeronautical maps and Google Aerial  
13 maps. He said that the aerial maps indicate that there are buildings next to the RLAs and no information has  
14 been discovered indicating any conflicts. He said that one of the main problems currently is the fear of what  
15 we do not understand or are not familiar with yet there are existing RLAs which have had no problems.

16  
17 Mr. Singleton stated that Tab 9 of the distributed packet includes an article dated August 31, 2011, from *The*  
18 *News Gazette* which discusses Hurricane Irene and how the residents of the afflicted towns received  
19 assistance by the service of helicopters and how satisfied the residents were by this needed service. He said  
20 that Tab 10 of the distributed packet includes an article dated October 26, 2011, from *The News Gazette*  
21 which discusses a land based motor vehicle crash into a school. He said that the vehicle drove through the  
22 glass doors and passed through the cafeteria and hit the gymnasium wall. He said that luckily no students  
23 were injured. He said that motor vehicles are a very familiar part of everyone's daily life yet there are risks  
24 associated with these familiar land based vehicles.

25  
26 Mr. Singleton stated that the traffic pattern for Route 130 has to be considered when the Board considers the  
27 nature of the neighborhood. He said that the Illinois Secretary of State website provides information  
28 indicating that a fully loaded 5-axle semi-truck can carry up to 80,000 pounds. He said that Route 130 is  
29 approximately 170 feet from Larry Hall's home. Mr. Singleton said that if you compare a fully loaded semi-  
30 truck at 80,000 pounds to the petitioner's flying equipment, which the heaviest aircraft weighs less than  
31 5,000 pounds when fully loaded. He said that for comparison, Ford Motor Company reports the gross  
32 vehicle weight of its Ford F150 ranges from 6,450 pounds to 8,200 pounds, depending on the model  
33 therefore the petitioner's flying equipment weighs less than the Ford F150 pick-up truck.

34  
35 Mr. Singleton stated that the nature of the neighborhood involves dog training on the Fisher property and  
36 previously submitted photographs indicated the dog training equipment on that property. He said that dog  
37 training is a great sport that he has personally been involved in although it is a noisy sport and the use of ear  
38 plugs were in order.

39  
40 Mr. Singleton stated that there has been previous testimony, even by Mr. Larry Hall, regarding the discharge  
41 of firearms in the neighborhood. Mr. Singleton stated that part of living in a rural area is the discharge of



1 firearms, but if they are discharged on a regular basis for targets or shooting of clay birds then the activity  
2 becomes noisy and ear protection is required. He said that the nature of the neighborhood is the proposed  
3 RLA. He said that if the frequency of traffic for the RLA is compared to the frequency of traffic for Route  
4 130 it would be found that there will be less than 50 take-offs and landings in one year for the RLA in  
5 comparison to the possibility of 50 vehicles per hour traveling Route 130. He requested that the Board to  
6 keep things in perspective.

7  
8 Mr. Singleton stated that it is the petitioner's position that adding on some sort of setback arbitrarily to how  
9 far the runway would need to be from Larry Hall's home is not in compliance with Illinois law and what the  
10 petitioners are proposing to do, including the proposed special conditions, is fitting with the overall  
11 neighborhood. He thanked the Board for their time and apologized for the depth of the distributed packet.

12  
13 Mr. Thorsland called John Hall.

14  
15 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 688-S-11 to  
16 the Board for review. He said that the memorandum includes the format for the requested waiver of standard  
17 condition. He said that staff did not have time to include the waiver in the Draft Finding of Fact therefore if  
18 and when the Board gets to the Draft Finding of Fact tonight this is the format that staff would recommend.

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

21  
22 Mr. Thorsland called Wayne Ward to testify.

23  
24 Mr. Wayne Ward, who resides at 977 North County Road 1500E, Camargo, stated that he is a Registered  
25 Professional Engineer and was hired by the petitioners to create the submitted site plan for the proposed  
26 RLA. He said that the site plan has been updated and the Board has received a copy for review. He said that  
27 to the best of his knowledge and his understanding of the requirements of the Illinois Department of  
28 Transportation Division of Aeronautics and the Federal Aviation Administration the proposed RLA meets  
29 those requirements. He said that the revised site plan includes additional requirements by the ZBA and staff  
30 regarding the side yards that he was not aware of when creating the previous site plan. He said that the  
31 runway safety areas are in compliance as well as the side transition areas are in compliance with the  
32 exception, as shown on the plans, of an additional 13.35 feet side yard area on the Bragg property that is  
33 strictly farmland and is used for row crop farming. He said that he prepared the site plan with everything  
34 being from the right-of-way line because he was not sure if the measurements were to be taken from the  
35 right-of-way line or the centerline of Route 130. He said that if the measurements could be taken from the  
36 centerline of Route 130 an additional 40 feet of runway would be provided. He said that the way that the site  
37 plan is drawn from the right-of-way line the proposed RLA meets all of the requirements. He said that the  
38 only thing that he is aware of not meeting the requirements at this time and could be eliminated in five  
39 minutes is the sign over Dr. Jones' driveway. He said that the sign does not comply with the height  
40 requirement and is too close to the runway although there is no issue with its proximity to the existing home.

41

1     Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.  
2  
3     Mr. Thorsland asked if staff had any questions for Mr. Ward and there were none.  
4  
5     Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ward. He reminded the audience  
6     that they may only ask questions which are based on the Mr. Ward's testimony.  
7  
8     Mr. Mark Fisher stated that Mr. Ward has indicated that the measurement from Route 130 to the trees is  
9     2590 feet. He asked Mr. Ward to indicate what part or area of the trees he used for this measurement.  
10  
11    Mr. Ward stated that he measured to the face of the trees where the brush starts.  
12  
13    Mr. Fisher asked Mr. Ward if the face of the trees where the brush starts is located at the south or north side  
14    of the property.  
15  
16    Mr. Ward stated that he measured to the center of the runway.  
17  
18    Mr. Thorsland asked the audience if anyone else would like to cross examine Mr. Ward and there was no  
19    one.  
20  
21    Mr. Thorsland called William J. Jones to testify.  
22  
23    Mr. William J. Jones declined to testify at this time.  
24  
25    Mr. Thorsland called Larry Hall to testify.  
26  
27    Mr. Larry Hall, who resides at 177 County Road 1600E, Villa Grove, stated that over the course of the  
28    hearings there have been multiple maps submitted and some of the maps have been hand drawn or have not  
29    been to scale. He presented a drawing of the proposed runway to be displayed for the Board's review during  
30    his testimony.  
31  
32    Mr. Larry Hall stated that when he and his wife discovered that there would be new maps of the proposed  
33    runway submitted they had anticipated, because of all of their safety concerns, a further setback from their  
34    property although to their surprise the new plans indicate that the runway is actually closer to their property.  
35    He said that due to the newly submitted map he cannot imagine that anyone would expect that he and his  
36    wife would be less concerned than they were before. He said that his display map indicates the previous  
37    plans for the runway, indicated in blue, and the new plans, indicated in red. He said that the red lines for the  
38    new plans demonstrate that the runway will actually be closer to his home.  
39  
40    Mr. Larry Hall stated that he and his wife did not receive their mailing packet until Monday, December 10<sup>th</sup>  
41    therefore they have not had sufficient time to address any concerns that they may have with the new plans.

1 He said that they received the informational packet from Mr. Singleton, attorney for the petitioners, at  
2 tonight's meeting and would like to have the opportunity to fully review that information as well.  
3

4 Mr. Larry Hall stated that in being so close to the runway they are naturally concerned about any accidental  
5 circumstance that would cause any aircraft to veer towards their house as opposed to having a perfect  
6 landing. He said that he has completed some research about crosswind landings. He said that on many  
7 occasions southern Champaign County experiences high winds and he would assume that the lighter the  
8 plane the higher the impact of the winds. He said that the *Boeing Flight School Training Manual* and  
9 information from the CEO/Pilot Trainer of the Best in Flight in Edgar County indicates the following:  
10 Aircraft in flight are subject to the direction of the wind in which the aircraft is operating. An aircraft in  
11 flight that is pointed directly north along its axis will generally fly in that northerly direction, however, if  
12 there is a west wind or side wind in which the aircraft is flying then the actual trajectory of the aircraft will  
13 be slightly to the east or north. Mr. Larry Hall stated that in his case he is talking of winds from the south  
14 tending to cause a trajectory to the north which is the location of the house which is close to the runway. He  
15 said that it appears that there is no room for error. He said that he has discussed the issue of crosswinds with  
16 other pilots and they indicated that there are methods that they use such as crabbing, de-crabbing and side  
17 slipping to deal with crosswinds. He said that crosswinds could be a circumstance which increases his  
18 property and his family's exposure to risk.  
19

20 Mr. Larry Hall stated that the manual indicates the following: If a crosswind landing is not executed  
21 properly the aircraft may experience wing strike in which the wing hits the runway. Mr. Larry Hall stated  
22 that he is concerned about any wing strike hitting the runway near his home.  
23

24 Mr. Larry Hall stated he assumes that Items 8.J on Page 8 Draft Summary of Evidence for Case 688-A-11  
25 are to illustrate that the runway property will be used for agricultural production. Mr. Larry Hall said that  
26 Item 8.J states that the runway is currently planted in bluegrass and fescue which will be used for Dr. Jones'  
27 cattle and horses, there will be no tillage of the ground but the hay will be baled, and the grass on the runway  
28 will be kept at about 6 to 8 inches. Mr. Larry Hall stated that since he is not a pilot he completed research  
29 and found an article from *Sport Aviation Magazine* which quotes the *Civil Aviation Authority (CAA) Safety*  
30 *Brochure* as follows: "If the grass height is more than 30% of the wheel, which is outside diameter top to  
31 bottom of the tire, then it is a NO GO." He said that the photograph at the top of the page of the brochure  
32 indicates the following: "Do not land if the grass is 30% of wheel height." Mr. Larry Hall stated that the  
33 Cessna aircrafts that were identified during a previous meeting requires a 600 x 6 tire with a 17 inch height  
34 and 30% of that height is 5.1 inches. He stated that if the grass runway is going to be maintained at 6 to 8  
35 inches and the intention is to operate the runway in a safe manner he would assume that Dr. Jones would  
36 adhere to the recommendations of the safety manuals and maintain the grass runway at 5 inches. Mr. Larry  
37 Hall asked if the runway is maintained at 5 inches, which is equal to a mowed residential yard, where will  
38 the hay come from for Dr. Jones' livestock. He said that if the grass hay cannot be harvested from the  
39 runway area, which is the subject of the rezoning, removing the runway area will take a substantial amount  
40 of land out of agricultural use therefore how can it be claimed agricultural use when we already know what  
41 the end use of the property will be.

1  
2 Mr. Larry Hall stated that Item 8.K(1) stated that the following: (a) the trees in the adjacent CR District were  
3 measured and the highest tree is 50 feet above the ground at that elevation and the elevation at that location  
4 is eight feet below the runway; and (b) there is a lot of room for the trees to continue to grow but to his best  
5 guess the trees are fully mature and are probably at their maximum height; and (c) if the trees grew to 66 feet  
6 tall they might be a problem; and (d) the trees will not be damaged, touched, or violated in any way during  
7 the use of the proposed RLA. Mr. Larry Hall stated that according to Sandy Mason, Extension Educator for  
8 Horticulture at the University of Illinois Extension Office, states that the five most common trees in  
9 Champaign County along river banks are Sycamore, Silver Maple, Red Oak, Green Ash and Basswood with  
10 the average mature height being 60 to 175 feet for the Sycamore, 70 feet for the Silver Maple, 70 to 90 feet  
11 for the Red Oak, 70 feet for the Green Ash and 60 to 125 feet for the Basswood. He said that he highly  
12 doubts that the trees have peaked their mature height and they may be there today and he believes that there  
13 could be future problems and it isn't practical to believe that someone is going to maintain the tops of the  
14 trees on a regular basis. He said that in regards to item 8.K(1)(d) should indicate that the trees will not be  
15 damaged, touched, or violated in any way during the construction or use of the proposed RLA because Item  
16 10.C(10)(b) indicates that the proposed hangar, if constructed, would require some of the wooded area on the  
17 subject property to be cut down. He said that by use of the map which indicates the tree line that abuts the  
18 transition area and applying Mr. Ward's measurements of the hangar, the approach to the hanger and what he  
19 has designated as the approach to the hangar (205 x 150) approximately a 30,750 square foot area of trees  
20 would be removed from the property. Mr. Larry Hall stated that the removal of the trees would destroy a  
21 substantial habitat and conservation environment. He said that previous testimony had indicated concern  
22 about the removal of trees and the disturbance of the natural wildlife habitat. He said that such a disturbance  
23 is a valid concern because the natural areas for the wildlife are part of the aesthetics of the neighborhood. He  
24 said that the combination of the runway, which comprises of approximately two acres, and the 30,750 square  
25 feet for the hangar and hangar approach would take almost three acres taken out of agricultural and  
26 conservation use.

27  
28 Mr. Larry Hall presented the Board with a photograph of the subject property indicating a visual of where the  
29 transition area for the proposed runway abuts his property line. He said that the photograph indicates the  
30 Hall house, Dr. Jones' driveway, the proposed runway, transition area and the additional transition area to  
31 the south of the runway.

32  
33 Mr. Larry Hall read Item 9.B.5(a) on page 13 of 29 as follows: No part of a building or structure intended  
34 for regular human occupancy located within a R or B District nor any public assembly or institutional use  
35 may be located within a primary surface area, an area 250 feet wide centered on the runway centerline and  
36 extending 200 feet beyond each end of the runway. Mr. Larry Hall acknowledged that his house is not  
37 located in a R or B District but his home and the neighbor's homes are located in a subdivision and in nature  
38 the area is strictly residential. He asked the Board why he and his neighbor's homes should be allotted less  
39 safety precautions than someone located in residentially zoned district. Mr. Larry Hall stated that the map  
40 indicates that the distance from his house to the proposed RLA at 34 feet which is substantially less than the  
41 250 foot separation distance awarded by the Zoning Ordinance to other residential citizens of the County.



1 Mr. Larry Hall stated that Item 21.I on page 21 of 29 indicates that there shall be a minimum separation  
2 distance of at least 230 feet between the nearest point of the RLA and the nearest dwelling. He said that  
3 there is a substantial difference between the 230 feet, recommended in the special condition, and the 34 feet  
4 indicated on the revised map. He asked the Board why he and his neighbors should receive fewer safety  
5 considerations than someone who lives in the city or is zoned residential. He requested equal safety  
6 considerations for his family and his neighbors.

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

9  
10 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall.

11  
12 Mr. John Hall stated that Mr. Larry Hall is misreading the description of the primary surface area. Mr. John  
13 Hall stated that the property that is proposed for rezoning is 256 feet wide and is somewhat wider than the  
14 primary surface area therefore no part of the primary surface area crosses over onto Mr. Larry Hall's  
15 property.

16  
17 Mr. Larry Hall stated that he agrees that the primary surface area does not cross over onto his property but it  
18 does abut it.

19  
20 Mr. John Hall stated that Mr. Larry Hall's property is receiving as much protection as if the property was  
21 located in a residential district. He said that the Item 9.B.5(a) states that no building shall be located in the  
22 primary surface area and Mr. Larry Hall's house is not located in that area. He said that Item 9.B.5(a) does  
23 not mention that no part of the lot may be located within the primary surface area and even if it did Mr. Larry  
24 Hall's lot is not located in that area either.

25  
26 Mr. Larry Hall asked Mr. John Hall if the primary surface area refers to the landing strip.

27  
28 Mr. John Hall stated that the primary surface area is the area which is 250 feet wide centered on the runway.

29  
30 Mr. Larry Hall asked if that extends out to the edge of the transition area.

31  
32 Mr. John Hall stated that on the north side it includes all of the transition area.

33  
34 Mr. Larry Hall asked Mr. John Hall to indicate the distance of the transition area to his property line.

35  
36 Mr. John Hall stated that the transition area abuts Mr. Larry Hall's property line.

37  
38 Mr. Larry Hall stated that he agrees. He said that the edge of the transition area is 34 feet from his home.

39  
40 Mr. John Hall stated that Mr. Larry Hall testified that his property is receiving less protection than what this  
41 part of the Ordinance would provide for someone in the R District. He said that Mr. Larry Hall's property is



1 not receiving any more or less protection than anyone in the R District and he is not suggesting that this  
2 point should make it all right. He noted that the primary surface area is 250 feet wide centered on the  
3 runway so the north edge of the primary surface is 125 feet from the centerline of the runway. He said that  
4 these dimensions point out that Mr. Larry Hall's property is 135 feet from the center of the runway so the  
5 primary surface area is 10 feet south of Mr. Larry Hall's lot line.  
6

7 Mr. Larry Hall stated that the primary surface area is 47 feet from his house and he appreciates Mr. John  
8 Hall's clarification although he is not less concerned. He said that all of the information and dimensions are  
9 very difficult to follow when you are a layman and you have concerns. He said that he is extremely  
10 concerned about the statement that was included in Mr. Singleton's distributed packet indicating that he had  
11 pressured someone to sign the opposing petition. He assured that Board that in no way did he pressure  
12 anyone to sign the opposing petition and the person who made the claim offered his signature without  
13 coming to his home.  
14

15 Mr. John Hall asked Mr. Larry Hall if he intended to submit the presented map and photographs as  
16 Documents of Record.  
17

18 Mr. Larry Hall stated that he will submit the presented information as Documents of Record although he  
19 would like to keep the photograph because it is a nice picture and it was expensive. He said that if the  
20 photograph must be kept he would like to have the opportunity to receive it back once it is no longer  
21 required for the case.  
22

23 Mr. John Hall asked Mr. Larry Hall if he had a written document from Sandy Mason that could be submitted  
24 at tonight's public hearing.  
25

26 Mr. Larry Hall stated no. He said that he spoke to Ms. Mason on the telephone.  
27

28 Mr. John Hall stated that he did not realize that Basswood trees matured at 125 feet although the other tree  
29 heights seemed reasonable.  
30

31 Mr. Larry Hall stated that the information regarding the tree heights were from Google but the other  
32 information was from his personal conversation with Ms. Mason.  
33

34 Mr. John Hall stated that at this point, Mr. Larry Hall's personal conversation with Ms. Mason should be  
35 considered hearsay. He said that Mr. Larry Hall's testimony included information from an article from *Sport*  
36 *Aviation Magazine*. He asked Mr. Larry Hall if he could submit a copy of that article to the Board as a  
37 Document of Record tonight.  
38

39 Mr. Larry Hall stated yes and submitted the article as a Document of Record.  
40

41 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there was no one.

1

2 Mr. Thorsland called Julia Hall to testify.

3

4 Ms. Julia K. Wright-Hall, who resides at 177 County Road 1600E, Villa Grove, stated that she lives next to  
5 the proposed RLA and has presented testimony at previous hearings regarding the proposed RLA. She said  
6 that she has no personal vendetta against Phillip and Sara Beth Jones and would rather be anywhere than  
7 where she is right now. She said that the only reason why she is before the Board tonight is to protect her  
8 home, property value, serenity and safety of her family. She said that she has submitted numerous facts,  
9 documents, photographs, and objections to the Board regarding the proposed RLA. She said that the  
10 proposed RLA will be located less than 40 feet from the yard where she and her granddaughter play  
11 badminton and she does not believe that it is a safe situation to have a plane land so near to her home. She  
12 begged the Board to not allow the proposed RLA to be placed this close to her bedroom window and thanked  
13 the Board for their service.

14

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

16

17 Mr. Thorsland asked if staff had any questions for Ms. Hall and there were none.

18

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

20

21 Mr. Thorsland called Sarabeth Jones to testify.

22

23 Ms. Sarabeth Jones declined to testify at this time.

24

25 Mr. Thorsland called Phillip Jones to testify.

26

27 Dr. Phillip Jones, who resides at 175 County Road 1600E, Villa Grove, stated that all of the evidence has  
28 been presented and it should be easy to address what evidence is reasonable and what is not. He said that he  
29 has planted over 2,500 native hardwood trees on his property therefore to indicate that he is creating a  
30 conservation problem is unfounded. He said that Larry Hall's photograph indicates the beautiful stand of  
31 native grasses, the new trees that have been planted, and the wildlife habitat that has been created. He said  
32 that he has been flying for over 20 years and has never had a close incident of any kind and the argument  
33 regarding crosswinds is not an issue. He said that Larry Hall's house is further away than almost all airport  
34 hangers to a landing strip and it is impossible to drive a plane through the five foot of grass that is near Mr.  
35 Hall's property. He said that an airplane's engine is on idle when it lands therefore his aircraft will be  
36 quieter than his diesel truck is when he drives down his lane. He said that there may be a little noise noticed  
37 when the aircraft takes off but he will be 1,000 feet in the air when he passes Mr. Hall's house.

38

39 Dr. Jones stated that he appreciates the Board's time and he would appreciate getting these cases resolved so  
40 that everyone can move forward with other important issues.

41

1 Mr. Thorsland asked the Board if there were any questions for Dr. Jones.

2

3 Mr. Courson asked Dr. Jones if he had pursued purchasing additional land to the south for the landing strip.

4

5 Dr. Jones stated that the land that is next to his property is zoned CR therefore he would need to  
6 purchase 60 and an additional 80 acres which would require a substantial amount of money.

7

8 Mr. Courson asked Dr. Jones if no is his answer.

9

10 Dr. Jones stated that he has spoken with the owner of the adjacent property although that property is also  
11 zoned CR. He said that he has not made any movement in purchasing any other property.

12

13 Mr. Thorsland asked if staff had any questions for Dr. Jones.

14

15 Mr. John Hall asked Dr. Jones how his helicopter and the noise that it creates compares to the noise that is  
16 created by a typical helicopter that would land on top of Carle Hospital. He said that he understands that  
17 acoustics in the city are much different than the acoustics in the CR district.

18

19 Dr. Jones stated that the helicopter that lands at Carle Hospital has two 650 horse power engines but his has  
20 one 315 horse power engine. He said that the helicopter for Carle has four times the horsepower than his  
21 helicopter therefore it is like comparing a Nissan car to a semi-truck and the noise is much less.

22

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

24

25 Mr. Thorsland called Ben Shadwick to testify.

26

27 Mr. Ben Shadwick declined to testify at this time.

28

29 Mr. Thorsland asked Mr. Singleton if he would like to add any new information at this time.

30

31 Mr. Singleton stated no.

32

33 Mr. Thorsland called Jean Fisher to testify.

34

35 Ms. Jean Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that she lives in the subdivision  
36 that Mr. Larry Hall spoke about. She thanked the Board for allowing the neighbors to express their concerns  
37 about the proposed RLA. She said that some of the biggest issues that the Board has to address and examine  
38 are, private and public safety, environmental effects and the impact on local homeowners and the  
39 homeowner's right to live safely and peacefully within a rural setting. She asked the Board which of the two  
40 safety issues, private or public, is of the utmost importance. She asked if it is the risk factor of any potential  
41 aircraft accidents to neighboring households where the owners would indicate that they did not consider the

1 possibility of such a risk when they purchased their property or is it the Board's priority to allow someone  
2 with a hobby to offer their services to an unknown variable, such as, emergency services. She said that by  
3 indicating unknown she means when, if ever, the services may be required. She said that it is not a proven  
4 need when those who are trained, certified and held financially liable should any accident occur are  
5 employed to perform those demands on a needed basis. She said that it appears more than reasonable that  
6 those closest in proximity have everything to risk and 37 people have indicated that they do not accept the  
7 risk of any accidents to them due to the proposed rezoning and RLA. She said that by definition risk is as  
8 follows: 1. Noun: a situation involving exposure to danger; and 2. Verb: expose someone or something  
9 valued to harm or loss and 3. Synonyms: hazard, peril, jeopardy, danger, venture and chance. She said that  
10 the homeowners do not want that risk or hazard and they do not see the need for it.  
11

12 Ms. Fisher stated that after discussing RLAs extensively with IDOT personnel it was discovered that any  
13 aircraft that experiences an in flight emergency could be directed to land at the proposed RLA. She said that  
14 these instances do and could occur therefore why would any residence, especially the residence owned by  
15 Mr. and Mrs. Hall, be forced to endure this hazard.  
16

17 Ms. Fisher stated that the environmental effects, sound, water and air quality, would or could be forever  
18 damaged. She said that the Morton Arboretum website, [http://www.mortonarb.org/tree-plant-](http://www.mortonarb.org/tree-plant-advice/article/859/native-trees-of-the-midwest.html)  
19 [advice/article/859/native-trees-of-the-midwest.html](http://www.mortonarb.org/tree-plant-advice/article/859/native-trees-of-the-midwest.html) references Native Trees of the Midwest. She said that  
20 the reference describes the uses of trees such as food, shelter for wildlife and advantages of trees in  
21 landscape. She said that the website chart shows a graph of common name, botanical name, height, spread,  
22 form, growth rate, zone and cultural comments. She said that many of the common trees, such as,  
23 Sycamore, Oak, Maple, Basswood, Hickory, Pines and River Birch grow to heights of 40 to 100 feet are  
24 characterized as either fast or slow growing. She said that the fast growing trees may average up to 25+  
25 inches per year, the medium growing trees may average 13 to 22 inches per year and the slow growing trees  
26 may average less than 12 inches per year. Ms. Fisher submitted the Morton Arboretum article as a  
27 Document of Record.  
28

29 Ms. Fisher stated some of the trees that were referenced during Mr. Larry Hall's conversation with Sandy  
30 Mason are referenced in the submitted article. Ms. Fisher stated that Ms. Mason confirmed that these  
31 species of trees and their growth in running river basins in Champaign County are important. She said that  
32 trees located along the river basin provides habitat for wildlife, stabilized ground, filter watershed, and  
33 improve water quality and air quality. She said that Dr. Jones has indicated that no trees would be harmed in  
34 any way regarding the RLA request. She asked how such can be accomplished when trees have grown in the  
35 flight path, safety zone, or RLA and aircraft hanger construction. She said that Illinois is a home rule state  
36 and the Illinois Municipal League website mentions that Champaign is in home rule therefore she wonders if  
37 that would apply to Mr. Singleton's statements that the safety areas or special considerations that staff  
38 recommended wasn't allowed by state law. She said that she wonders if the home rule may apply to this  
39 situation since Champaign is a home rule municipality.  
40

41 Ms. Fisher stated that if the area homeowners, especially Larry Hall, decided to sell their property they

1 would have to fully disclose that the property abuts an RLA and she would imagine that this disclosure  
2 would affect the property's value. She said that the proximity of an RLA near a home that is for sale could  
3 be a deal breaker to a potential buyer which would be detrimental to the seller.  
4

5 Ms. Fisher stated that Dr. Jones is fighting for what he wants and the neighboring homeowners are fighting  
6 for what they already have and deserve to maintain. She said that the Board has the decision placed upon  
7 them to determine if the risk or hazard is being placed as a burden to the Hall family as well as the adjacent  
8 property owners and 37 people in opposition. She respectfully requested that Dr. Jones' requests be denied.  
9

10 Ms. Fisher stated that she is not sure how the Board should perceive this information but the 2010 article  
11 from *The News Gazette*, which references Dr. Jones' assistance for emergency services, indicated that Dr.  
12 Jones had been flying for ten years although tonight Dr. Jones indicated that he has been flying for 20 years.  
13

14 Ms. Fisher thanked the Board for their time and requested that they consider the effects of the proposed RLA  
15 on the existing neighboring homeowners.  
16

17 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.  
18

19 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.  
20

21 Mr. Thorsland asked the audience if they desired to cross examine Ms. Fisher.  
22

23 Mr. Mark Fisher asked Ms. Fisher if she intended to provide the tree height information to the Board as  
24 Documents of Record.  
25

26 Ms. Fisher stated yes.  
27

28 Mr. Thorsland informed Ms. Fisher and Mr. Larry Hall that if they intend to reference the conversation with  
29 Ms. Sandy Mason then they should obtain a written document from Ms. Mason documenting the information  
30 disclosed during that conversation and submit that documentation to the Board as a Document of Record.  
31 He said that Ms. Mason can present the information to the Board directly. He said that until one of those  
32 two things occur any references to the conversation with Ms. Mason will be considered hearsay.  
33

34 Mr. Thorsland called Mark Fisher to testify.  
35

36 Mr. Mark Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that he is still confused and  
37 may disagree with Mr. John Hall. He requested that the Board review Item 3 on page 2 of the letter dated  
38 February 24, 2012, from IDOT to John Hall, included as Tab 3 of Mr. Singleton's distributed packet. Mr.  
39 Fisher read Mr. Hall's question to IDOT in item 3 as follows: Is this proximity to an adjacent dwelling  
40 under different ownership considered good practice? Would this comply with the recommendations or  
41 guidelines for residential airports or would it have been allowed under the old IDOT residential airport



1 guidelines. Mr. Fisher read IDOT's response to Mr. Hall's question as follows: The Illinois Aviation Safety  
2 Rules require a 4:1 side transition for RLAs starting at the edge of the runway and extending for 85 feet.  
3 Beyond this distance there is no obstruction clearance requirement. You noted that the neighbor's house is  
4 128 feet from the edge of the runway. This meets our requirement for a side transition. We currently do not  
5 have a separate set of requirements for a residential airport. They currently fall under the requirements for a  
6 private-use airport. A private-use airport has a 7:1 side transition which starts 50 feet beyond the edge of the  
7 runway and extends for 5,000 feet from the runway centerline. In addition, no obstacles over 150 feet above  
8 the height of the runway are allowed in the side transition area. Using these requirements, the neighbor's  
9 house could be no more than 12 feet above the height of the runway.  
10  
11 Mr. Fisher stated that he does disagree with Mr. John Hall's statement that there are no separate safety rules  
12 for residential in an RLA IDOT airport. He said that the only way that he can see why there would be stricter  
13 requirements for a residential or private use airport is for safety concerns for people in houses. He asked Mr.  
14 Hall if he is reading this information incorrectly.  
15  
16 Mr. John Hall stated that there are different requirements and this is not a private-use airport and that is not  
17 what has been requested. He said that the RLA restrictions do not impose any height limit on the neighbor's  
18 house. He said that if the request was for a private use airport then there would be a height limit.  
19  
20 Mr. Fisher asked Mr. John Hall why IDOT has two standards.  
21  
22 Mr. John Hall stated that Mr. Fisher would need to ask IDOT that question.  
23  
24 Mr. Fisher stated that it appears that if this is for a residential area then IDOT is probably considering people  
25 in houses. He said that this is the reason, that he can think of, why IDOT would have stricter requirements.  
26  
27 Mr. John Hall stated that he believes that it just the opposite. He said that a private use airport is presumably  
28 a greater investment than an RLA and one would only seek approval for an airport is if they really needed to  
29 have an airport. He said that once you have an approval for an airport you expect the investment to be  
30 protected. He said that an RLA has very low costs, very low and smaller traffic, and has different  
31 requirements and expectations therefore the reason for two different sets of rules. He said that one set  
32 applies to this case and the other does not for a whole range of reasons.  
33  
34 Mr. Fisher stated that if it is classified as a private-use airport, which IDOT determined that the RLA would  
35 be placed under because it does not have requirements for a residential airport, the Larry Hall house would  
36 be an issue but under 4:1 requirement is would not be a problem. He said that he does not see how this  
37 would have anything to do with the investment in the airport especially if it doesn't protect the airport  
38 owner/operator but protects the residents. He said that the reason why there would be a greater side  
39 transition for one and not for the other would be to protect the people who live near the airport.  
40  
41 Mr. Thorsland stated that Mr. Fisher's question is a good question for IDOT.

1

Mr. Fisher agreed.

3

Mr. Thorsland asked the Board if there were any questions for Mr. Fisher and there were none.

5

Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.

7

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

9

Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony at this time.

11

Mr. Thorsland called Sara Beth Jones to testify.

12

Ms. Sarabeth Jones, who resides at 175 N County Road 1600E, Villa Grove, stated that she would like to address a few items that have been brought up during tonight's public hearing. She said that she rides her horse on the entirety of their property and to her knowledge there are no Sycamore trees or the type of Oak trees mentioned although they do have White Oak trees on the property. She said that in terms of the environmental impact that the cutting of any trees would create she cannot believe that the cutting of the trees would cause more damage than what they have added to the property. She said that she and her husband have enhanced the area by adding prairie and habitat areas for the different wildlife. She said that she brings her students to the property to experience and learn about the environment.

23

Ms. Jones stated that she would like to clarify the confusion regarding how many years Dr. Jones has been a pilot. She said that he has indeed been flying an airplane for 20 years but has only been flying a helicopter for 10 years. She said that through all of these hearings her husband has been somewhat attacked and deemed as an unsafe pilot and she does not agree because she and her children fly with him. She said that her two most precious possessions are her two boys and Mr. and Mrs. Fisher allowed their two boys to ride with Phillip in his helicopter. She said that Mr. and Mrs. Fisher have expressed their concerns about accidents that may occur although they allowed their boys to fly with Phillip. She said that at times it is very difficult to sit and listen to the negative comments from the neighbors therefore she thought that it should be noted that they trusted Phillip with their children's lives.

33

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

35

Mr. Thorsland asked if staff had any questions for Ms. Jones.

37

Mr. John Hall stated that the purpose of the public hearing is to obtain the best evidence for the public record so that when the rezoning is forwarded to the County Board there is a clear record supporting the ZBA's recommendation and the petitioner's request. He said that Dr. Jones indicated tonight that he has planted over 2,500 trees on the property although he did not specify what type of trees were planted or their location.

41

1 Mr. Hall said that he had previously asked Dr. Jones if there was a management plan for the property and  
2 Dr. Jones indicated that there was not. Mr. Hall stated that he cannot stress enough how important it is to  
3 place that type of information on the record and if there is no management plan then the petitioner can only  
4 claim so far that they are actually trying to improve the land.

5  
6 Ms. Jones asked Mr. Hall to explain what a management plan contains.

7  
8 Mr. John Hall stated that a management plan is a document that explains how the petitioner will achieve a  
9 good stand of native vegetation versus a stand of thistle and anything else that wants to grow. He said that if  
10 the petitioner has been trying to make the property better for conservation purposes the Board must obtain  
11 that documentation because such evidence is very relevant to the case.

12  
13 Ms. Jones asked Mr. Hall if photos should be submitted or is a site visit necessary with an expert to prove  
14 that the photo is not thistle but actual native grasses.

15  
16 Mr. Hall stated that the purpose is to get evidence that will be available to the County Board for review when  
17 this case is forwarded to them. He said that the evidence should be in writing identifying what species were  
18 planted and a map that indicates where the 2,500 trees were planted. He asked Ms. Jones if she knows how  
19 tall a White Oak tree will grow.

20  
21 Ms. Jones stated no, but she knows that a lot of the White Oak trees are dying faster than they are growing at  
22 this point.

23  
24 Mr. Hall stated that White Oak trees are magnificent trees and they grow much higher than 66 feet. He said  
25 that to say that they will not be a problem for the approach area and to say that they will not grow more than  
26 66 feet is not consistent. He said that he suspects that the White Oak trees may be a problem although he is  
27 not sure that the ZBA needs to deal with it but the idea is to get evidence for the County Board to review.  
28 He suggested that the petitioner provide better evidence.

29  
30 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Jones.

31  
32 Ms. Jean Fisher asked Ms. Jones if at the time that her children rode with Phillip in the helicopter was the  
33 helicopter zoned to land on the property.

34  
35 Ms. Jones stated yes. She said that a helicopter may land on the property of which the pilot owns.

36  
37 Ms. Fisher stated that the helicopter landing was legal for Champaign County.

38  
39 Ms. Jones stated that it is her understanding that it is completely legal. She said that when she mentioned  
40 that Ms. Fisher's children rode with Phillip in the helicopter she was not indicating that the helicopter  
41 landing on the property was legal but was indicating that at the time Ms. Fisher trusted Phillip with her two

1 children for a ride in the helicopter.

2

3 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones.

4

5 Mr. Larry Hall stated that Ms. Jones referenced to the planting of 2,500 trees. He asked Ms. Jones if  
6 approximately 500 trees, 20% of the 2,500 reportedly planted, were planted on top of the berm which was  
7 constructed behind the existing adjacent homes and if so were those trees planted to improve conservation.

8

9 Ms. Jones stated that any tree planted will provide a habitat for wildlife.

10

11 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones at this time and there  
12 was no one.

13

14 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
15 testimony regarding these two cases.

16

17 Mr. Thorsland called Linda Schumm to testify.

18

19 Linda Schumm, Bureau Chief Safety Aviation for IDOT Division of Aeronautics, stated that there was a  
20 question regarding a restricted landing area versus an airport. She submitted a copy of the *Illinois Aviation*  
21 *Safety Rules* as a Document of Record and read the definition of an airport, public or private, as follows:  
22 "Airport" means any area of land, water or both, except a restricted landing area, that is designed for the  
23 landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of  
24 aircraft, or for receiving or discharging passengers or cargo; and, all appurtenant areas used or suitable for  
25 airport buildings or other airport facilities, and all appurtenant rights-of-way, whether established before or  
26 after the effective date of the Part. (Various airport classifications may be found in Subpart E, Subpart F and  
27 Subpart H of this Part.) (See Section 6 of the Act.) She read the definition of a restricted landing area as  
28 follows: "Restricted Landing Area RLA" means any area of land, water, or both that is used or is made  
29 available for the landing and takeoff of aircraft that is intended for private use. (See Section 8 of the Act.)

30

31 Ms. Schumm stated that it is kind of a misnomer that in Illinois we define public use airports, private use  
32 airports and restricted landing areas and the Federal Aviation Administration looks at it somewhat  
33 differently. She said that typically a restricted land area is for the use of the certificate holder which is why it  
34 is referred to as private. She said that a private use airport is typically for a greater number of aircraft but is  
35 not open to the public generally for liability purposes because they don't want everyone from the entire  
36 world coming in to land as they please which is why IDOT characterizes residential landing areas as private  
37 use airports. She said that some of this information was included in her letter dated February 24, 2012, to  
38 John Hall indicating restrictions for the two types of landing areas such as the number of based aircraft and  
39 type of operations and whether or not one can do commercial maintenance, fly instruction, etc. She said that  
40 most of those, other than limit of 6 based aircraft in a restricted landing area, no commercial operations, no  
41 fly instructions, no aircraft maintenance where as in a private use airport you would be allowed those things

1 with a greater number of aircraft. She said that she wanted to clarify some of the information that was asked  
2 earlier.  
3  
4 Mr. Thorsland asked Ms. Schumm that regardless of the designation as an RLA, private or public airport are  
5 they a landing site for an aircraft in emergency.  
6  
7 Ms. Schumm stated that a cornfield is a landing site for an aircraft in emergency. She said that earlier it was  
8 stated that air traffic control would direct someone to land in a restricted landing area. She said that she is a  
9 flight instructor and pilot and air traffic control is not going to tell a pilot to land in a restricted landing area  
10 but will tell the pilot that there is a runway in the area if you can make it because it is always safer to land on  
11 a runway than on a cornfield or road. She said that air traffic control will give the pilot advice but they  
12 cannot direct someone to land anywhere and can only give advice as to what is available in the area.  
13  
14 Mr. Thorsland asked Ms. Schumm if air traffic control would be aware the restricted landing area at this  
15 location.  
16  
17 Ms. Schumm stated yes. She said that all restricted landing areas are charted in the FAA data base although  
18 they may not show up on the FAA navigation chart because sometimes the landowners do not want them  
19 published because of liability purposes. She said that everything is in the National Airspace Data Base.  
20  
21 Mr. Thorsland asked the Board if there were any questions for Ms. Schumm.  
22  
23 Mr. Courson stated that Ms. Schumm indicated that the RLA could only be used by the certificate holder.  
24 He asked Ms. Schumm who would be included on the certificate, friends, family members, etc.  
25  
26 Ms. Schumm stated that the RLA is to be used by the certificate holder or anyone that they give permission  
27 to land. She said that if someone owned an RLA they could give permission to land on the landing strip.  
28 She said that the RLA is not for use of the public and are typically only for the use of the owner.  
29  
30 Mr. Passalacqua asked Ms. Schumm if she aware whether an RLA will affect the neighboring property's  
31 insurance rates.  
32  
33 Ms. Schumm stated that she has no idea and cannot voice any opinions.  
34  
35 Mr. Thorsland asked if staff had any questions for Ms. Schumm and there were none.  
36  
37 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Schumm.  
38  
39 Mr. Larry Hall asked Ms. Schumm if there was an aircraft in the area that was in a distressed situation they  
40 could be made aware of the fact that there was a landing strip available for landing.  
41



1 Ms. Schumm stated that this is not an IDOT question. She said that as an experienced pilot, if there is an  
2 airliner coming in the air traffic control operator will not direct them to this landing strip because it will not  
3 do them any good. She said that if it is something that could help the pilot have a safe uneventful landing  
4 then air traffic control will inform the pilot that within a certain distance there is an adequate landing strip at  
5 an airport.

6  
7 Mr. Larry Hall asked Ms. Schumm if the airliner was in distress situation might that slightly increase the  
8 chance that an eventful landing could take place at the landing strip.

9  
10 Ms. Schumm stated that she cannot comment on such because Mr. Larry Hall is asking her for her opinion  
11 and not fact.

12  
13 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm.

14  
15 Mr. Mark Fisher asked Ms. Schumm to explain why there are two types of side transitions for an RLA and a  
16 private use airport.

17  
18 Ms. Schumm stated that generally that applies to the uses allowed for those airports. She said that for a  
19 private use airport the aircraft can carry passengers therefore people can be in the area of the airplanes,  
20 commercial maintenance, and parachute operations can occur. She said that there are a number of uses for a  
21 private use airport that would not be allowed for an RLA and that comes down to a safety issue for the  
22 people and the buildings. She said that if she is going to put a hanger right where there will be a greater  
23 number of operations, because it is private use, then there will be higher restrictions.

24  
25 Mr. Fisher asked Ms. Schumm if the 7:1 side yard transition would provide a greater protection for the  
26 surrounding properties.

27  
28 Mr. Thorsland informed Mr. Fisher that Ms. Schumm did not discuss the 7:1 side transition during her  
29 testimony. He informed Ms. Schumm that even though everyone is curious about her answer she is not  
30 obligated to answer Mr. Fisher's question.

31  
32 Ms. Schumm stated that it really does have to do with the greater types of operations and safety.

33  
34 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm. He reminded the  
35 audience that they can only ask Ms. Schumm about information that was included in her testimony and  
36 cannot give new testimony.

37  
38 Ms. Jean Fisher asked Ms. Schumm what types of aircraft or aeronautical things could land on the RLA.

39  
40 Ms. Schumm stated that there are different types of RLAs, such as, an RLA for a hospital, and RLA for a  
41 heliport or an RLA for a landing strip. She said that in this case we are referring to a landing strip and there

1    are no restrictions for a landing strip therefore an airplane, helicopter, hot air balloon, a skydiver, ultra-light.  
2    She said that if the request was for a heliport then obviously an airplane could not land there and that is not a  
3    state rule.  
4  
5    Ms. Fisher asked Ms. Schumm if someone had permission from the RLA owner then multiple types of  
6    aircraft could land at this location.  
7  
8    Ms. Schumm stated yes.  
9  
10   Ms. Fisher asked if the hot air balloons, ultra-lights, etc. have the potential to cause harm.  
11  
12   Mr. Thorsland informed Ms. Schumm that she was not required to answer Ms. Fisher's question.  
13  
14   Ms. Schumm stated that she could on give a subjective answer.  
15  
16   Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm and there was no  
17   one.  
18  
19   Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
20   testimony regarding these cases.  
21  
22   Mr. Alan Singleton requested the opportunity to present testimony.  
23  
24   Mr. Thorsland called Alan Singleton to testify.  
25  
26   Mr. Alan Singleton, attorney for the petitioner, stated that he has planted more than 1,000 trees on his own  
27   property. He said that if you look at a cornfield you will notice that the corn on the outer edge of the field is  
28   shorter than the rest of the corn and that is the same situation that happens with trees. He said that the trees  
29   in the middle of the forest are tall but the trees on the outside of the forest are shorter because they do not  
30   have to reach as far for light. He said that as we think about the trees that might infringe upon the proposed  
31   RLA are on the edge and have no reason to grow taller because they have all of the light that they need.  
32  
33   Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.  
34  
35   Mr. Thorsland asked if staff had any questions for Mr. Singleton and there were none.  
36  
37   Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Singleton and there was no one.  
38  
39   Mr. Thorsland stated that the Board has heard hearsay evidence from Sandy Mason about the trees. He said  
40   that he would like to have testimony from an expert to personally present information to the Board about the  
41   trees which exist on the west end of the landing strip. He said there has been testimony regarding the intent

1 of the trees that have been planted and he encourages the intent to replace trees that may be removed for the  
2 RLA and Mr. Hall requested a maintenance plan from the petitioners.

3  
4 Mr. Thorsland stated that at tonight's meeting the Board received a packet of evidence from Mr. Singleton  
5 and he would like the opportunity to read through the evidence. He asked the Board if there was any  
6 additional information that they would like to review for these cases.

7  
8 Mr. Passalacqua stated that he would be curious to know if Larry Hall's homeowner's insurance agent would  
9 have new insurance premium information for his property if it becomes adjacent to an RLA. He said that he  
10 is sure that Dr. Jones knows what the insurance rates are for owning and flying aircraft but he is not sure if  
11 Dr. Jones' neighbors know what they might be in for regarding their insurance rates.

12  
13 Mr. Thorsland stated that such information would be requiring personal information therefore the Board can  
14 only suggest investigating such with his insurance agent.

15  
16 Mr. Palmgren stated that, from personal experience, the insurance premium for a home that is located  
17 adjacent to an RLA is not any more expensive than anyone else's homeowner's insurance premium although  
18 they do carry an optional extra umbrella policy.

19  
20 Mr. Thorsland informed the audience that Mr. Palmgren does reside adjacent to a residential airport.

21  
22 Mr. Palmgren stated that he does reside adjacent to the only residential airport in the County. He said that  
23 during the 25 years of the residential airport's existence there has only been one aircraft incident. He said  
24 that the airplane went on its back because the pilot applied the brakes and the aircraft flipped over on the  
25 runway and no injuries were incurred. He said that no one is allowed to use the airstrip unless they are  
26 invited because it is a private use airstrip. He said that five of the homeowners, half of the residents, do not  
27 have any interest in aviation at all other than they enjoy watching the airplanes and two of those residents  
28 live within 100 feet of the runway. He said that it is his view that as long as the use of the landing strip is  
29 restricted for other pilots the safety issue may not be as big a problem as once thought.

30  
31 Mr. Courson stated that before the Board requests more information about the RLA he would like to poll the  
32 Board on the map amendment because if the map amendment does not pass the RLA is moot.

33  
34 Mr. Thorsland stated that part of his question regarding the trees and requesting additional information is in  
35 relation to the map amendment as well. He said that he understands Mr. Courson's point in that the Board  
36 should proceed with the map amendment case prior to dealing with the RLA but he would like to hear  
37 testimony regarding the trees on the west end and view the petitioner's management plan.

38  
39 Mr. Courson stated that he has reservations about taking a piece of property and rezoning it so that the  
40 petitioner can do something on it that wasn't allowed in its current zoning. He said that such a request is  
41 "spot zoning" because the petitioner has requested to take the center out of the CR zoning district so that an

1 RLA would be allowed. He said that he knows that the petitioners have asked to have the property rezoned  
2 to AG-1 for agricultural purposes but agricultural purposes are allowed in the CR District and the production  
3 of hay can continue in that district. He said that there is very little CR in the County and this particular  
4 portion of the CR District has been developed and if the Board allows people to request continuous  
5 rezonings then why does the County have zoning classifications in the first place.  
6

7 Mr. Hall stated that he does not understand why Mr. Courson feels that this would be “spot zoning.” He said  
8 that if the property is rezoned it will abut AG-1 at the east end and normally if someone refers to “spot  
9 zoning” it means that there will be a spot of new zoning surrounded by the old zoning which is not the case  
10 here.  
11

12 Mr. Courson stated that the AG-1 land to the east is separated from the subject property by the highway  
13 therefore it is not contiguous.  
14

15 Mr. Hall stated that Mr. Courson is correct that the two properties are separated by the highway but in terms  
16 of AG-1 zoning the two zoning districts meet at the centerline of the highway therefore if the subject  
17 property is rezoned there will be AG-1 on one side.  
18

19 Mr. Thorsland asked if staff has any questions for the petitioner.  
20

21 Mr. Hall stated no. He said that he is interested to know if the Board has any concerns regarding the legality  
22 of requiring a minimum separation between the proposed RLA and the adjacent property. He said that the  
23 Board has received a lot of documentation tonight indicating that such a separation is completely illegal. He  
24 said that he hopes that the Board finds that claim as funny as he does but if not then he must know such so  
25 that he can provide new evidence to blow that claim out of the water.  
26

27 Ms. Capel stated that she would like staff to provide such evidence.  
28

29 Mr. Passalacqua stated that he agrees with Mr. Courson’s point regarding the rezoning. He said that he  
30 understands that staff is not calling the request as “spot zoning” but it could be called “reverse spot zoning”  
31 because a limited amount of CR is being proposed to be changed to AG-1 to allow an RLA. He said that the  
32 Board needs to concentrate on the rezoning first and then move to the special use if necessary.  
33

34 Mr. Thorsland informed the petitioner and the witnesses that additional information is required for the trees  
35 and would like to have an expert submit testimony, either personally or in written form, to the Board. He  
36 said that the petitioner needs to submit a maintenance plan for the subject property. He said that if someone  
37 would like to submit the cost of homeowner’s insurance for a property adjacent to or near a landing strip. He  
38 said that Mr. Palmgren testified that, personally, his homeowner’s insurance did not change but there is an  
39 additional umbrella policy that can be purchased for additional coverage. He said that staff has been asked  
40 to prepare a response or rebuttal to the information distributed by Mr. Singleton regarding the legality of  
41 requiring a greater setback.

1  
2 Mr. Thorsland asked the petitioners if a continuance the March 14, 2013, is acceptable.  
3  
4 Mr. Singleton stated yes, a continuance date of March 14, 2013, appears acceptable at this time.  
5  
6 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to March 14, 2013.  
7  
8 **Ms. Capel moved, seconded by Mr. Miller to continue Cases 687-AM-11 and 688-S-11 to March 14,**  
9 **2013. The motion carried by voice vote.**  
10  
11 Mr. Thorsland stated that the Board will take a five minute recess.  
12  
13 **The Board recessed at 8:30 p.m.**

**The Board resumed at 8:37 p.m.**

14  
15 **Case 715-V-12 Petitioner: John Behrens Estate and Anne and Denny Anderson Request to authorize**  
16 **the following in the R-1 Single Family Residence Zoning District: Part A. Variance for a side yard**  
17 **and rear yard of an existing shed of 1 foot in lieu of the minimum side yard and rear yard of 5 feet;**  
18 **and Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear**  
19 **yard of 5 feet; and Part C. Variance from Section 4.2.D. requirement that no construction shall take**  
20 **place in a recorded utility easement; and Part D. Variance from a minimum separation from a rear**  
21 **property line for parking spaces of 1 foot in lieu of the minimum required 5 feet. Location: Lot 1 of**  
22 **Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and**  
23 **commonly known as the home at 1 Willowbrook Court, Champaign.**  
24

25 Mr. Thorsland informed the audience that Case 715-V-12 is an Administrative Case and as such the County  
26 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
27 show of hands for those who would like to cross examine and each person will be called upon. He requested  
28 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
29 that those who desire to cross examine are not required to sign the witness register but are requested to  
30 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
31 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
32 exempt from cross examination.  
33

34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
35 sign the witness register for that public hearing. He reminded the audience that when they sign the  
36 witness register they are signing an oath.  
37

38 Mr. Thorsland asked the petitioner if they would like to make a statement outlining the nature of their  
39 request prior to introducing evidence.



1  
2 Mr. Denny Anderson stated that the current description of his request is for a variance for a rear yard of 1  
3 foot in lieu of the minimum required 5 feet. He said that he has no information to add at this time.  
4  
5 Mr. Thorsland asked the Board if there were any questions for Mr. Anderson and there were none.  
6  
7 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated December 13, 2012,  
8 to the Board for review. He said that the memorandum indicates that there are no longer two parts to the  
9 variance but only one. He said that to be clear there is only one shed that is proposed to remain 1 foot from  
10 the rear yard, which is the larger shed, and it is going to have a part removed that is located in the utility  
11 easement and an addition will be constructed on the other side of the shed to make up for the lost room. He  
12 said that overall the dimensions will remain the same but it is literally going to be removed from the utility  
13 easement therefore leaving only one part to the requested variance.  
14  
15 Mr. Hall stated that staff received an e-mail from Howard and Terri Carr, who reside at 702 Park Lane Drive,  
16 Champaign, indicating that they are unable to attend tonight's meeting but are very concerned about Mr.  
17 Anderson's request. Mr. Hall said that Mr. and Mrs. Carr requested that the case be tabled to a later date but  
18 the petitioner has been working with staff so that the case can be completed.  
19  
20 Mr. Thorsland asked Mr. Anderson if he would like to present any new testimony at this time regarding his  
21 request.  
22  
23 Mr. Anderson stated no.  
24  
25 Mr. Thorsland called Patricia Belleville to testify.  
26  
27 Ms. Patricia Belleville, stated that she serves as Chair of the Windsor Park Homeowner's Association. She  
28 said that she would like to submit a letter from William and Clarice Behrens who were unable to attend  
29 tonight's meeting.  
30  
31 Ms. Belleville stated that two years ago neighbors started complaining to the Champaign County Planning  
32 Department of Planning and Zoning and the Windsor Park Board about #1 Willowbrook Court. She said  
33 that there was a frustration that the property was deteriorating, the number of buildings being placed on the  
34 property and what was perceived as zoning violations. She said that we are all in attendance tonight because  
35 of those complaints. She said that Mr. Anderson's request is not to build a shed in the backyard but is to  
36 build a barn in the backyard which will be 14-1/2 feet in height and is subordinate to the main building. She  
37 said that the Board has seen photographs of the building that is in the backyard that is going to be moved  
38 over five feet. She said that Mr. Anderson has been in violation of a number of Zoning Ordinance  
39 requirements, one of which is the operation of a home business out of his truck that is parked in the  
40 driveway. She said that she spoke to the Champaign County Department of Planning and Zoning office on  
41 Thursday and was informed that if Mr. Anderson is conducting a business out of his truck that is parked in

1 the driveway then he is operating a home business that is not registered with the County at this time. She  
2 said that Mr. Anderson has trailers that are being used for the business parked on the lawn and the trailers  
3 have concrete mixers on them. She said that in addition to the trailers Mr. Anderson has a Boy Scout trailer,  
4 and a minimum of two vans that hang over the sidewalk, and at times a camper and a school bus appears in  
5 the cul-de-sac as well. She said that the Windsor Park Homeowner's Association requests that off-street  
6 parking for all vehicles be provided and in order to accommodate this. Mr. Anderson has constructed another  
7 driveway. She said that Mr. Anderson has building materials stored on the property and he has testified that  
8 he has collected building materials with the intention of recycling those materials for other building projects.  
9 She said that the accessory building is not subordinate to the main structure and is a dominate feature on the  
10 property. She said that activities around the residence indicate that the residence is being used for something  
11 other than a residential dwelling.

12  
13 Ms. Belleville stated that the neighbors are requesting that no variances whatsoever be granted and requests  
14 that Mr. Anderson's variance request be denied. She said that the neighbors request that the Board agree to  
15 only allowing regular 6' x 8' garden sheds, which is standard in the neighborhood, to be built on the  
16 property.

17  
18 Ms. Belleville stated that she has provided letters, e-mails and at every meeting there have been people  
19 present from the neighborhood and most of those have been quiet observers and as their representative she is  
20 requesting that the Board deny Mr. Anderson's variance request.

21  
22 Mr. Thorsland asked the Board if there were any questions for Ms. Belleville.

23  
24 Mr. Courson asked Ms. Belleville if the Windsor Park Homeowner's Association has any recorded  
25 covenants regarding shed sizes.

26  
27 Ms. Belleville stated no.

28  
29 Mr. Courson stated that any shed that is proposed on the property needs to comply with the Champaign  
30 County Zoning Ordinance. He said that the Board cannot restrict the size of any proposed shed in the  
31 neighborhood to the size that the Windsor Park Homeowner's Association is requesting.

32  
33 Ms. Belleville stated that when someone moves in to a suburban community they are buying in to the look or  
34 aesthetics of that community. She said that if someone lives in a suburban community and their new  
35 neighbor constructs a 14 foot structure next to their yard they are not going to be excited about it and she  
36 can't imagine that anyone on the Board would be excited about it either.

37  
38 Mr. Courson stated that the Board cannot make an exception just because someone lives in town and they  
39 don't like the shed.

40  
41 Ms. Belleville stated that she does not see how the Board can approve a variance on a building that the

1 neighborhood does not want to be built. She said that complaints have been filed by the neighbors indicating  
2 that the existing shed violates the Zoning Ordinance.  
3  
4 Mr. Courson stated that he did comment on the variance but did comment on the size of the shed.  
5  
6 Mr. Thorsland noted that this case is before the Champaign County Zoning Board of Appeals and not the  
7 City of Champaign Zoning Board. He said that there may be an expectation if you lived in the City of  
8 Champaign but the subject property is located in the unincorporated portion of the County which is why this  
9 case is before this Board tonight.  
10  
11 Ms. Belleville asked Mr. Thorsland if it is the ZBA's job to prevent the suburban dwellings that exist in the  
12 unincorporated areas to have random buildings upon the property.  
13  
14 Mr. Thorsland stated that such is the reason why Mr. Anderson is before the Board tonight. He said that the  
15 County has rules that apply to lots like Mr. Anderson's and the reason why the case is before the Board  
16 tonight is because the Board is enforcing those rules. He said that guidelines of the County must be followed  
17 unless the Windsor Park Homeowner's Association has a document that restricts the size of a shed on the  
18 property.  
19  
20 Ms. Belleville stated that she was told that the Windsor Park Homeowner's Association rules do not factor  
21 into this case.  
22  
23 Mr. Thorsland stated that the Windsor Park Homeowner's Association rules do not factor into this case and  
24 the Association has no legal way to prevent anything that is occurring on the property.  
25  
26 Ms. Belleville asked if the Windsor Park Homeowner's Association had a legal document restricting the size  
27 of a shed would the County enforce that document.  
28  
29 Mr. Thorsland stated no such enforcement would be up to the Windsor Park Homeowner's Association. He  
30 said that the ZBA is enforcing the County's regulations on the property. He said that Mr. Anderson has  
31 requested a variance from the County's requirements.  
32  
33 Ms. Belleville stated that the neighborhood is requesting that the variance not be granted by the ZBA.  
34  
35 Mr. Thorsland stated that the neighborhood's request has been understood by the ZBA from the beginning  
36 but the neighbors cannot request the County to limit the size of the shed beyond the scope of the Zoning  
37 Ordinance.  
38  
39 Mr. Thorsland asked the Board if there were any questions for Ms. Belleville and there were none.  
40  
41 Mr. Thorsland asked if staff had any questions for Ms. Belleville and there were none.

1  
2 Ms. Thorsland asked the audience if anyone desired to cross examine Ms. Belleville.  
3  
4 Mr. Thorsland reminded the audience that they may only ask questions which are based on testimony and  
5 that no new testimony may be presented.  
6  
7 Ms. Deborah Romine asked Ms. Belleville if it was her understanding that the Zoning Ordinance included a  
8 limit as to how many buildings could be on a property that was associated with a home business.  
9  
10 Ms. Belleville stated that, after reviewing the materials that were sent to her from the Champaign County  
11 Department of Planning and Zoning, it was her understanding that there can be one accessory building. She  
12 said that the Zoning Ordinance's definition of an accessory building indicates that it is subordinate to the  
13 main building but the building cannot store building supplies.  
14  
15 Ms. Romine asked Ms. Belleville if it was her understanding that this Board has control over a home  
16 business.  
17  
18 Ms. Belleville stated yes.  
19  
20 Ms. Romine asked Ms. Belleville if she mentioned information about a permit.  
21  
22 Ms. Belleville stated that she may not have although it is her understanding that, as of last Thursday, Mr.  
23 Anderson still does not have a permit.  
24  
25 Ms. Romine asked Ms. Belleville if Mr. Anderson did not have a permit for the home business or the  
26 accessory structures.  
27  
28 Ms. Belleville stated that she is not sure if there is a permit for the accessory structures.  
29  
30 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony  
31 regarding this case.  
32  
33 Mr. Thorsland called Deborah Romine to testify.  
34  
35 Ms. Deborah Romine, who resides at 2505 Stanford Drive, Champaign, stated that for the past couple of  
36 years she has observed that there are several structures that have been constructed. She said that she has an  
37 addition built upon her property and she was told at that time that she could not begin construction until she  
38 obtained a permit from the County. She said that in addition to obtaining a permit she had aerial  
39 photographs taken to assure the location of the property line and these photographs were taken prior to any  
40 construction.  
41

- 1 Ms. Romine stated that she is concerned that currently the property has more than one structure and is  
2 currently the subject of a variance request. She said that prior to the variance request there has been no  
3 permit obtained which she finds unusual and what prevents someone else in Windsor Park from building a  
4 structure or addition without a permit and then requesting a variance later. She said that the property has  
5 undergone a big transformation not only on the main property but also onto the boulevard. She said that it is  
6 hard to not see the large logs that have been stripped in the front yard. She said that she did not know that an  
7 additional driveway could just be built without a permit and she does not know if a permit is required.  
8
- 9 Mr. Thorsland asked the Board if there were any questions for Ms. Romine and there were none.  
10
- 11 Mr. Thorsland asked if staff had any questions for Ms. Romine and there were none.  
12
- 13 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Romine and there was no one.  
14
- 15 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony  
16 regarding this case.  
17
- 18 Mr. Thorsland called Richard Barker to testify.  
19
- 20 Mr. Richard Barker, who resides at 2501 Bedford Drive, Champaign, stated that at one time he resided at #3  
21 Willowbrook Court which is two houses down from the subject property. He said that his biggest concern  
22 with the property is the operation of the home business and all of the vehicles and building materials that  
23 exist because it is a real detriment to the community. He said that if denying the variance would assist in the  
24 cleaning up of the property it would be appreciated because the condition of the property in its current state  
25 is causing a drastic decline in property values in the neighborhood. He said that he is a realtor/broker and  
26 has been for 26 years and this property can be a real problem for adjacent property owners because their  
27 property values can be lowered to the extent of \$20,000 due to its condition. He said that the property to the  
28 east went through foreclosure, although it is unknown if it was due to the subject property, and has been  
29 purchased and remodeled and has been listed on the market for over six months. He said that the accessory  
30 structure is an ugly building that was built around a utility post is a detriment although running a business  
31 from the property is a detriment as well.  
32
- 33 Mr. Thorsland asked the Board if there were any questions for Mr. Barker.  
34
- 35 Mr. Courson asked Mr. Barker if, other than any safety issues and visual impact, he sees any other impacts  
36 with the accessory building being one foot off of the property line.  
37
- 38 Mr. Barker stated that only if there was an emergency and the utility company needed to get in that area.  
39
- 40 Mr. Courson noted that Mr. Anderson is removing the building from the utility easement.  
41



1 Mr. Barker stated that if Mr. Anderson removes the building from the utility easement then he sees no other  
2 impacts.  
3  
4 Mr. Thorsland asked the Board if there were any further questions for Mr. Barker and there were none.  
5  
6 Mr. Thorsland asked if staff had any questions for Mr. Barker and there were none.  
7  
8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Barker.  
9  
10 Mr. Denny Anderson asked Mr. Barker if he can see how having a shed on the property to store the materials  
11 and trailers in might be an advantage for all parties.  
12  
13 Mr. Barker stated that the building will not be large enough to store all of the materials and the trailer. He  
14 said that there is always a flat-bed trailer parked on the property that is loaded with building materials and  
15 there are a lot of additional vehicles. He said that the condition of the property is a detriment to the  
16 neighborhood and Mr. Anderson needs to find another location that would be better suited for his use than in  
17 a neighborhood like Windsor Park.  
18  
19 Mr. Anderson asked Mr. Barker if he understands that it would be an advantage to both parties if the shed  
20 was large enough to store all of those things that he mentioned.  
21  
22 Mr. Barker stated yes, it would be an advantage if the shed was large enough.  
23  
24 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Barker and there was no one.  
25  
26 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
27 testimony regarding this case.  
28  
29 Mr. Keith Padgett, who resides at #1 Lyndhurst Place, Champaign, stated that the Boy Scouts organization  
30 has been involved in this case and that pulls at people's heart strings and when there is a hard case it makes  
31 bad law to be sympathetic to that. He said that Mr. Anderson discussed building a larger shed which means  
32 having the school bus and trailers still on the property. He said that even though the Windsor Park  
33 Homeowner's Association does not have an ordinance, there is no way the school bus is allowed to be  
34 parked on the road or in the yard with trailer attached ready to go where ever the Boy Scout activity will be  
35 held. He said that this is the wrong location to run a business out of a house and have all of these building  
36 materials.  
37  
38 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.  
39  
40 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.  
41

- 1 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.  
2
- 3 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
4 testimony regarding this case and there was no one.  
5
- 6 Mr. Thorsland closed the witness register.  
7
- 8 Mr. Passalacqua asked Mr. Hall if staff has a height measurement for the shed.  
9
- 10 Mr. Hall stated that staff has reviewed the height of the shed in the office although he cannot find this  
11 information in the Summary of Evidence.  
12
- 13 Mr. Andy Kass stated that he measured the height of the shed and found that the height was 15 feet to the  
14 peak which is within the height limits in the R-1 Zoning District.  
15
- 16 Mr. Hall stated that the shed is well within the limit because the average height of the building is what is  
17 considered and not the overall height of the building.  
18
- 19 Mr. Courson stated that Mr. Anderson testified that the building materials would be relocated to Camp  
20 Drake. He asked Mr. Anderson if the building materials have been moved to Camp Drake.  
21
- 22 Mr. Anderson stated that the process has been started. He said that he would like to take the opportunity to  
23 clarify some false testimony that was given during a previous testimony. He said that the testimony  
24 indicated that Tim Menard, Boy Scout Executive, indicated that the building materials could not be moved  
25 to Camp Drake because additional tree houses would not be built there although it is not Mr. Menard's  
26 purview to make either of those decisions.  
27
- 28 Mr. Courson asked Mr. Anderson to indicate what percentage of the building materials have been moved to  
29 Camp Drake.  
30
- 31 Mr. Anderson stated that approximately 10% of the building materials have been moved to Camp Drake.  
32
- 33 Mr. Courson stated that the Board has been working on this case for six months and only 10% of the  
34 building materials have been moved.  
35
- 36 Mr. Anderson stated that he was told to not move anything.  
37
- 38 Mr. Courson asked Mr. Anderson if he has registered his home occupation with the County.  
39
- 40 Mr. Anderson stated that he does not have a home occupation at his home because he does not build things  
41 at his home.

1

2 Mr. Courson stated that he runs the business out of his truck.

3

4 Mr. Anderson stated that he did have a tent set up in the front driveway for an Eagle Scout project but he  
5 does not do business at his home.

6

7 Mr. Passalacqua asked Mr. Anderson if the trailer and concrete mixer, indicated in the photograph dated  
8 October 11, 2012, is not related to his business.

9

10 Mr. Anderson stated that he does use the trailer and the concrete mixer for his business and it is his  
11 understanding that he is allowed to do so.

12

13 Mr. Hall stated that if there are photographs of a trailer and a concrete mixer that is used for a business and it  
14 is kept at the home then, by definition, it is part of a home occupation that needs to be registered with the  
15 County. He said a home occupation does not allow any outdoor storage.

16

17 Mr. Anderson stated that the intent of the building is so that he will not have any outdoor storage.

18

19 Mr. Hall stated that he hopes that such is the intent and that is what is achieved. He said that staff has not  
20 instructed Mr. Anderson to not store materials inside and has not instructed Mr. Anderson to not remove  
21 building materials from the property and has only encouraged it.

22

23 Mr. Anderson stated that he has moved some things.

24

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

26

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

28

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

30

31 Mr. Keith Padgett asked Mr. Anderson to indicate the size of the trailer with the concrete mixer.

32

33 Mr. Anderson stated that it is a 16 foot trailer.

34

35 Mr. Padgett asked Mr. Anderson to indicate the size of the other trailer.

36

37 Mr. Anderson stated that he also has a 14 foot enclosed Scout Trailer.

38

39 Mr. Padgett asked Mr. Anderson if intends to store the trailers inside of the shed as well.

40

41 Mr. Thorsland informed Mr. Padgett that Mr. Anderson did not testify as to where he intends to place the

1 trailers.

2  
3 Mr. Padgett stated that he would like to know how large the shed will need to be to enclose everything so  
4 that his business is not exposed in his yard.

5  
6 Mr. Anderson stated that the shed that he has planned and is included in the variance is what is required.

7  
8 Mr. Padgett asked Mr. Anderson if he can store both trailers in the shed so that no one has to view them.

9  
10 Mr. Anderson stated that he did not indicate that he would store both trailers inside the shed.

11  
12 Mr. Padgett asked Mr. Anderson if he was still going to leave things out so that people have to look at them  
13 all of the time.

14  
15 Mr. Anderson stated that he didn't say that either.

16  
17 Mr. Padgett stated that it has to be one way or another because the trailers will either be stored inside or  
18 outside.

19  
20 Mr. Anderson stated that he will store one of the trailers inside the shed.

21  
22 Mr. Thorsland asked the Board if they would like to move forward with this case.

23  
24 Mr. Courson stated yes.

25  
26 Mr. Thorsland read the special conditions as follows:

27            **A.     Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall**  
28            **complete Zoning Use Permit Application No. 74-12-03 in conformation with the Final**  
29            **Determination.**

30  
31            The special condition stated above is required to ensure the following:

32  
33            **That the existing structures receive proper approvals.**

34  
35 Mr. Thorsland asked Mr. Anderson if he agreed to special condition A.

36  
37 Mr. Anderson stated yes.

38  
39            **B.     Regarding the shed that is the subject of Part A of the Variance, all of the larger shed**  
40            **that is currently within the 5 feet wide utility easement along the east property line**  
41            **shall be removed from the utility easement (including concrete flooring), and the shed**

1 **may be expanded 4 feet to the west under the remaining portion of part A of the**  
2 **variance within one year from the date of approval of the Variance.**

3  
4 The special condition stated above is required to ensure the following:

5  
6 **That the shed wall is removed within a timely manner and that any existing concrete**  
7 **within the utility easement does not hinder access to the utility easement.**  
8

9 Mr. Thorsland asked Mr. Anderson if he agreed to special condition B.

10  
11 Mr. Anderson stated yes.

12  
13 **C. The shed that was originally the subject of part B of Variance shall be removed from**  
14 **the property by April 12, 2013.**

15  
16 The special condition stated above is required to ensure the following:

17  
18 **That the shed is removed from the property in a timely manner.**  
19

20 Mr. Thorsland asked Mr. Anderson if he agreed to special condition C.

21  
22 Mr. Anderson stated yes.

23  
24 **D. No parking is authorized within 5 feet of the south lot line.**

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

27  
28 **That no parking occurs within the minimum required separation of a parking space**  
29 **and a property line.**  
30

31 Mr. Thorsland asked Mr. Anderson if he agreed to special condition D.

32  
33 Mr. Anderson stated yes.

34  
35 Ms. Capel asked if it is appropriate to add a condition about the petitioner registering as a home occupation.

36  
37 Mr. Thorsland stated that the Board has received testimony that the parking of the trailers is part of his  
38 business and staff has indicated that a permit would be required to do so.

39  
40 Mr. Hall stated that it has always seemed to staff that there was a home occupation although each time Mr.  
41 Anderson was asked staff was informed that no home occupation existed on the property. He said that the



1 evidence bears that there is activity which appears as a home occupation and the Board could require this as  
2 a condition and it would be helpful.

3  
4 Ms. Capel stated that if the variances are granted for Mr. Anderson to place all of his materials for the home  
5 occupation inside then perhaps he should have home occupation permit registered with the County.

6  
7 Mr. Hall stated that the home occupation application should be completed at the same time that he completes  
8 the Zoning Use Permit Application. He said that special condition A. should be revised to include the  
9 completion of the home occupation application.

10  
11 Mr. Passalacqua asked if it were a home occupation which part of the vehicles and trailers would be required  
12 to be stored inside.

13  
14 Mr. Hall stated that a trailer and vehicle, when it's outside, in his view is that it is parked but storing a  
15 concrete mixer on a trailer outside is definitely storage and is not parking. He said that no more than one  
16 commercial vehicle is allowed for a home occupation and it can be no more than 25 feet in length and no  
17 more than 36,000 pounds. He said that if Mr. Anderson has a trailer connected to a vehicle and the  
18 combination of the two is no more than 25 feet long then it is considered one vehicle. He said that if the  
19 vehicle and the trailer are parked separately then it is arguably two vehicles. He said that he has lost track of  
20 the number of vehicles that have been mentioned. He said that the Boy Scout activities constitutes a home  
21 occupation even though he is not doing it for income because it is an activity and it is different than just  
22 living there and it brings things to the property that should be thought of as a home occupation. He said that  
23 he needs more time to consider the number of vehicles. He said that my impression is that recently the bus  
24 has not been kept at the property permanently therefore it is incidental and infrequent.

25  
26 Mr. Passalacqua asked if we have basically started a second case.

27  
28 Mr. Hall stated that he is not ready to state such at this time.

29  
30 Mr. Thorsland asked if staff needs time to work on special condition A.

31  
32 Mr. Hall stated that he believes that the home occupation condition is fine but what remains to be seen is if  
33 the number of vehicles can be kept within those limits. He said that there could be a need for a variance in  
34 the future for the number of vehicles but the petitioner has not requested such at this time and staff has not  
35 received enough hard evidence to prove that a variance is absolutely necessary and what he is most  
36 concerned about is going forward rather than worrying about what has happened in the past.

37  
38 Mr. Thorsland read revised special condition A.

39  
40 **A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall**  
41 **complete Zoning Use Permit Application No. 74-12-03 and complete a Neighborhood**

1 **Home Occupation Application in conformation with the Final Determination.**

2  
3 The special condition stated above is required to ensure the following:

4  
5 **That the existing structures received proper approvals.**

6  
7 Mr. Thorsland asked Mr. Anderson if he agreed to revised special condition A.

8  
9 Mr. Anderson stated yes.

10  
11 Mr. Thorsland stated that the details of that and the vehicles that Mr. Hall discussed is not relevant to this  
12 condition but is relevant to the enforcement of the home occupation permit.

13  
14 Mr. Courson asked if it is determined that Mr. Anderson is operating a Neighborhood Home Occupation and  
15 he is not registered would he be non-compliant at that point and if he is non-compliant can the Board issue a  
16 variance on a property that is non-compliant.

17  
18 Mr. Hall stated that the Board can issue a variance if part of the variance is correcting that non-compliance,  
19 which it will.

20  
21 Mr. Thorsland entertained a motion to approve the special conditions as amended.

22  
23 **Mr. Courson moved, seconded by Mr. Palmgren to approve the special conditions as amended. The**  
24 **motion carried by voice vote.**

25  
26 Mr. Hall stated that the following items should be added to the Documents of Record: 19. Supplemental  
27 Memorandum dated December 13, 2012; and 20. Email from Teri and Howard Carr received December 13,  
28 2012; and 21. Letter from William and Clarice Behrens submitted by Patricia Belleville at the December 13,  
29 2012, public hearing.

30  
31 Mr. Thorsland entertained a motion to extend the meeting to 10:00 p.m.

32  
33 **Finding of Fact for Case 715-V-12:**

34  
35 From the documents of record and the testimony and exhibits received at the public hearing for Zoning Case  
36 715-V-12 held on June 18, 2012, August 30, 2012, October 11, 2012, and December 13, 2012, the Zoning  
37 Board of Appeals of Champaign County finds that:

- 38  
39 1. **Special conditions and circumstances DO exist which are peculiar to the land or**  
40 **structure involved, which are not applicable to other similarly situated land and**  
41 **structures elsewhere in the same district.**

1  
2 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or  
3 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the  
4 same district because the subject property is a small corner lot with sloped ground on the east side of the  
5 property. He said that corner lot setback requirements are additional requirements.  
6

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

10  
11 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the  
12 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure  
13 or construction because without the variance the petitioner cannot construct a shed large enough to store the  
14 materials that need to be stored inside of it.  
15

- 16           **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**  
17           **result from actions of the applicant.**  
18

19 Ms. Capel stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result  
20 from actions of the applicant because the topography and the fact that it is a corner lot are what affect the  
21 buildable area.  
22

23 Mr. Courson stated that there is a utility easement along the east property line which prohibits construction  
24 within it reducing the buildable area.  
25

- 26           **4. The requested variance, subject to the proposed special condition, IS in harmony with**  
27           **the general purpose and intent of the Ordinance.**  
28

29 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with  
30 the general purpose and intent of the Ordinance because it allows for permitted use of the property.  
31

32 **Ms. Capel moved, seconded by Mr. Miller to extend the meeting to 10:00 p.m. The motion carried by**  
33 **voice vote.**  
34

- 35           **5. The requested variance, subject to the proposed special condition, WILL NOT be**  
36           **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
37           **welfare.**  
38

39 Mr. Miller stated that the requested variance, subject to the proposed special condition, WILL be injurious to  
40 the neighborhood or otherwise detrimental to the public health, safety, or welfare because based on  
41 testimony from neighbors and from a realtor, existing property values may be reduced.

1

2 Mr. Hall noted that if one of the findings is not supportive of granting the variance the variance cannot be  
3 approved.

4

5 Ms. Capel stated that the requested variance, subject to the proposed special condition, WILL NOT be  
6 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the  
7 intent of granting the variance with the condition imposed requiring the Neighborhood Home Occupation  
8 will improve the character of the property, especially in regard to the storage of vehicles and construction  
9 materials.

10

11 Mr. Miller stated that even though that may be the intent there has been nothing suggesting that such will  
12 happen because he has seen nothing but neglect. He said that dating back to June 28, 2012, the Board has  
13 seen little progress in improving the property and relocating vehicles, trailers and construction materials.

14

15 Mr. Passalacqua stated that he agreed with Mr. Miller.

16

17 Mr. Thorsland stated that the variance does not relate to the vehicles, except for the parking which is  
18 addressed in the condition. He said that the Board needs to think more about the variance and how it applies  
19 to the shed. He said that he understands Mr. Miller's point but the Board needs to make sure that it is  
20 consistent with the case. He said that the Board addressed the requirement for a home occupation and a  
21 Zoning Use Permit Application in special condition A. and addressed the parking of the vehicles.

22

23 Mr. Hall reminded the Board that it is well documented that there are at least nine other instances in the  
24 neighborhood where there are sheds located in the utility easement therefore by no means is Mr. Anderson's  
25 shed the only one.

26

27 Mr. Courson asked Mr. Hall if the conditions would give staff more power to enforce any violations. He  
28 said that whether the Board grants the variance or not staff is going to receive calls and visits will be  
29 required for enforcement.

30

31 Mr. Hall stated absolutely. He said that getting the home occupation is a big improvement and he thought  
32 that Mr. Anderson needed a home occupation from day one. He said that, as the special condition that the  
33 Board mentioned in the first finding, this is a corner lot and the petitioner does not need a variance for lot  
34 coverage limit because it is well within the lot coverage limit its just the fact that so much of the lot is not  
35 buildable. He said that the Board is aware of the fact the variances for accessory buildings are granted often  
36 and yes this is a bigger footprint than most but there is no limit on how large an accessory building can be in  
37 terms of building area because the Ordinance does not control that. He said that the building is well within  
38 the limit for height. He said that if the Board is successful in controlling the outdoor storage, because now  
39 there will be a home occupation which prohibits outdoor storage unless there is a variance, and if we are  
40 successful it isn't that the petitioner can't park five feet from the lot line it is that they have to be five feet  
41 from the lot line. He said that at one time the County Board tried to add a prohibition on parking in yards and

1     could not get it done therefore the County has no prohibition from someone parking in their yard provided  
2     that they are five feet from the lot line. He said that the way the Board is headed towards these conditions  
3     things are going to improve a lot but not everything is going to change. He said that the Board could deny  
4     the variance and still could not do anything about vehicles being parked five feet from the lot line.  
5

6     Ms. Capel stated that the Board isn't going to do anything about the shed either other than Mr. Anderson  
7     may move this wall four feet and that wall feet to meet the requirements. She said that the best effect that  
8     the Board can have at this time is to grant the variance with special conditions.  
9

10    Mr. Hall stated that it is a corner lot and the second setback takes away a lot of buildable area and there is  
11    very little backyard to manage. He said that it is the Board's finding but with the one finding as it is the  
12    variance cannot be approved.  
13

14    Mr. Thorsland stated that Mr. Hall makes a good point and Mr. Miller makes a good point and he is sure that  
15    Mr. Anderson has heard those points but this is a somewhat odd situation in that by granting the variance  
16    would make the situation on the property better.  
17

18    Mr. Miller stated that the problem is that the current condition of the property is already injurious to the  
19    neighborhood. He said that hopefully granting the variance will improve the property.  
20

21    Ms. Capel stated that in order to approve the variance the finding for #5 needs to indicate WILL NOT.  
22

23    Mr. Thorsland stated that Ms. Capel is correct because in order to grant the variance all of the findings need  
24    to be positive.  
25

26    Mr. Miller stated that he does not believe WILL NOT is accurate but he does understand what needs to be  
27    done.  
28

29    Mr. Thorsland stated that one of the big tools for enforcement on the property is the home occupation.  
30

31    Mr. Hall stated that the home occupation is a separate requirement so it can be enforced. He said that if the  
32    Board wants to deny this variance, even though he does not believe that the Board would be in a strong legal  
33    position due to all the other instances of the other buildings in the neighborhood like this even though some  
34    are smaller and shorter, the Board needs to do what the Board believes is right. He said that he does not  
35    want the Board to believe that it has to approve the variance to get the home occupation into compliance.  
36

37    Mr. Passalacqua asked Mr. Hall to explain to him why since everyone is doing it makes it okay.  
38

39    Mr. Hall stated that the point is that since everyone else is doing it the only way to prove that the Board is  
40    being fair is to make everybody else remove their shed from the easement as well. He said that the Board  
41    must be aware that making everybody else remove their shed from the easement is going to take some time



1 but it will be done. He said that if the Board believes that the finding is accurate then the Board should deny  
2 the variance and the case will be over.

3  
4 Mr. Passalacqua stated that staff is complaint driven therefore what gives staff the best tool to make this a  
5 better situation. He said that he agrees with Mr. Miller in that this is injurious to the district but the goal is to  
6 make it better for everyone and with the variance and the home occupation does the Zoning Administrator  
7 have the tools to make this a better situation.

8  
9 Mr. Hall stated that he believes that the main issue for this case is that everyone does not live with the same  
10 values and there is no way that the Board can make that happen and shouldn't even try. He said that if the  
11 Board believes that the variance is unreasonable, given all of the other variances that this Board has worked  
12 on, then finding #5 is accurate.

13  
14 Mr. Miller stated that his statement regarding the progress of relocating the trailers, vehicles and construction  
15 materials can be deleted.

16  
17 Mr. Hall stated that Mr. Miller is correct. He said that little progress to date is irrelevant because we are not  
18 trying to penalize the petitioner for what he has or has not done but set the rules to guarantee that things will  
19 get better.

20  
21 Ms. Capel stated that granting the variance with the conditions will improve the conditions on the property.

22  
23 Mr. Thorsland stated that everyone has a valid point but the intent of the variance is to make things better  
24 and the intent of the condition is to give some teeth in making things better. He said that the home  
25 occupation is only one of those teeth and Mr. Hall stated that the home occupation can be obtained anyway.  
26 He said that the variance forces permit for the building and the petitioner has agreed to remove part of the  
27 subject building and the other accessory building.

28  
29 Mr. Kass read the finding for #5 as follows: Based on testimony from neighbors and from a realtor, existing  
30 property values may be reduced. The intent of granting the variance with conditions is to improve the  
31 property.

32  
33 **6. The requested variance, subject to the proposed special conditions, IS the minimum**  
34 **variation that will make possible the reasonable use of the land/structure.**

35  
36 Ms. Capel stated that the requested variance, subject to the proposed special conditions, IS the minimum  
37 variation that will make possible the reasonable use of the land/structure because it allows for the shed to be  
38 the size necessary to store the items that need to be stored inside it.

39  
40 **7. The special conditions imposed herein are required for the particular purposes**  
41 **described below:**

1  
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**A. Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall complete Zoning Use Permit Application No. 74-12-03 and complete a Neighborhood Home Occupation Application in conformation with the Final Determination.**

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

**That the existing structures received proper approvals.**

**B. Regarding the shed that is the subject of Part A of the Variance, all of the larger shed that is currently within the 5 feet wide utility easement along the east property line shall be removed from the utility easement (including concrete flooring), and the shed may be expanded 4 feet to the west under the remaining portion of part A of the variance within one year from the date of approval of the Variance.**

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

**That the shed wall is removed within a timely manner and that any existing concrete within the utility easement does not hinder access to the utility easement.**

**C. The shed that was originally the subject of part B of Variance shall be removed from the property by April 12, 2013.**

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

**That the shed is removed from the property in a timely manner.**

**D. No parking is authorized within 5 feet of the south lot line.**

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

**That no parking occurs within the minimum required separation of a parking space and a property line.**

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

Ms. Capel moved, seconded by Mr. Courson to approve the Findings of Fact as amended. The motion

1    **carried by voice vote.**

2  
3    Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
4    of Fact as amended.

5  
6    **Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of  
7    Record and Findings of Fact as amended. The motion carried by voice vote.**

8  
9    Mr. Thorsland entertained a motion to move to the final determination for Case 715-V-12..

10  
11    **Mr. Courson moved, seconded by Ms. Capel to move to the final determination for Case 715-V-12.  
12    The motion carried by voice vote.**

13  
14    **Final Determination for Case 715-V-12:**

15  
16    **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals  
17    finds that, based upon the application, testimony, and other evidence received in this case, that the  
18    requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted  
19    by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of  
20    Champaign County determines that the Variance requested in Case 715-V-12 is hereby GRANTED  
21    WITH CONDITIONS to the petitioner John Behrens Estate & Anne and Denny Anderson to  
22    authorize a rear yard of 1 foot in lieu of the minimum required 5 feet in the R-1 Single Family Zoning  
23    District. Subject to the following special conditions:**

24  
25            A.    **Within 30 days of a Final Determination for Case 715-V-12 the petitioner shall  
26            complete Zoning Use Permit Application No. 74-12-03 and complete a  
27            Neighborhood Home Occupation Application in conformation with the Final  
28            Determination.**

29  
30            B.    **Regarding the shed that is the subject of Part A of the Variance, all of the larger  
31            shed that is currently within the 5 feet wide utility easement along the east  
32            property line shall be removed from the utility easement (including concrete  
33            flooring), and the shed may be expanded 4 feet to the west under the remaining  
34            portion of part A of the variance within one year from the date of approval of  
35            the Variance.**

36  
37            C.    **The shed that was originally the subject of part B of Variance shall be removed  
38            from the property by April 12, 2013.**

39  
40            D.    **No parking is authorized within 5 feet of the south lot line.**

41

1 Mr. Thorsland requested a roll call vote.

2  
3 The roll was called:

4  
5                              **Capel-yes**                              **Courson-yes**                              **Miller-yes**  
6                              **Palmgren-yes**                              **Passalacqua-yes**                              **Thorsland-yes**  
7

8 Mr. Hall informed Mr. Anderson that he has received an approval for his request. He said that in order to  
9 keep the project moving staff will be in contact with the appropriate paperwork for completion.

10  
11 **Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the**  
12 **use of an existing Paintball Facility as an “Outdoor Commercial Recreation Enterprise” as a Special**  
13 **Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**  
14 **Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of**  
15 **Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

16  
17 **Case 725-V-12 Petitioner: Daniel Williams Request to authorize the following in the CR Conservation-**  
18 **Recreation Zoning District for a Special Use proposed in Case 707-S-12: Part A. Variance for a rear**  
19 **yard of 0 feet in lieu of the minimum required 25 feet; and Part B. Variance for a side yard of 0 feet in**  
20 **lieu of the minimum required 15 feet; and Part C. Variance from a minimum separation from a front**  
21 **property line for parking spaces of 0 feet in lieu of the minimum required 10 feet. Location: The same**  
22 **5.2 acre tract identified in Case 707-S-12 that is part of a 35 acre tract in the Southeast Quarter of the**  
23 **Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453**  
24 **CR 600E, Dewey.**

25  
26 Mr. Thorsland apologized to Mr. Williams and indicated that the Board only has approximately five minutes  
27 left until the end of the meeting. He said that the Board can continue the case to the January 17, 2013,  
28 meeting.

29  
30 Mr. Williams stated that a continuance to January 17, 2013, would be fine.

31  
32 Mr. Thorsland entertained a motion to continue Cases 707-S-12 and 725-V-12 to the January 17, 2013,  
33 meeting.

34  
35 **Mr. Courson moved, seconded by Mr. Miller to continue Cases 707-S-12 and 725-V-12 to the January**  
36 **17, 2013, meeting. The motion carried by voice vote.**  
37

38 **6. New Public Hearings**

39 None

40  
41 **7. Staff Report**

1  
2 Mr. Hall distributed the Draft 2013 Zoning Board of Appeals Calendar for the Board's review. He said that  
3 April 11<sup>th</sup> would normally be a ZBA meeting date but staff is aware that the meeting room will not be  
4 available therefore no ZBA meeting is scheduled for that date. He said that there will only be one ZBA  
5 meeting held in April. He said that there is only one ZBA meeting scheduled in November due to the  
6 Thanksgiving holiday. He said that staff has included a ZBA on December 26<sup>th</sup>. He said that the Board  
7 may decide to keep the December 26<sup>th</sup> meeting on the calendar and end up cancelling it at a later date or just  
8 remove it because it is an unrealistic date.

9  
10 Mr. Hall stated that the calendar will be placed on the January 17, 2013, meeting agenda for approval.

11  
12 **8. Other Business**

13 **A. October and November 2012 Monthly Reports**

14 Mr. Hall distributed the October 2012 Monthly Report for the Board's review.

15  
16 **B. Review of Docket**

17 **C. Zoning Case Closeout Progress Report**

18  
19 Mr. Kass stated that due to the time span between meetings he has made significant progress in completing  
20 approved finding of facts. He said that the approved findings of fact require review and signature from the  
21 Chair.

22  
23 **9. Audience Participation with respect to matters other than cases pending before the Board**

24  
25 None

26  
27 **10. Adjournment**

28  
29 Mr. Thorsland entertained a motion to adjourn the meeting.

30  
31 **Mr. Passalacqua moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**  
32 **vote.**

33  
34 The meeting adjourned at 10:00 p.m.

35  
36  
37  
38  
39  
40  
41 Respectfully submitted



ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

12/13/2012

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Secretary of Zoning Board of Appeals

# CASE NO. 732-AT-12

## SUPPLEMENTAL MEMORANDUM

February 8, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioner: **Zoning Administrator**

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

**Request: Amend the Champaign County Zoning Ordinance as follows:**

**Part A. Revise paragraph 7.1.2B. as follows:**

- (1) Strike "non-family" and replace with "non-resident".
- (2) Revise subparagraph 7.1.2B.i. to strike "five acres" and replace with "two acres in area"; and renumber the subparagraph to 7.1.2B.(1).
- (3) Revise subparagraph 7.1.2B.ii. to strike "five acres" and replace with "that are two acres in area"; add the phrase "and provided that"; and renumber the subparagraph to 7.1.2B.(2).
- (4) Add new subparagraph 7.1.2B.(3) to authorize that all employees may be present and working on the premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated by other business considerations.
- (5) Add new subparagraph 7.1.2B.(4) to authorize that family members who are residents of the property when the HOME OCCUPATION is operating but who subsequently move from the premises may remain active in the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

**Part B. Revise paragraph 7.1.2E. as follows:**

- (1) Strike "Second Division vehicle as defined by the Illinois Vehicle Code" and replace with "MOTOR VEHICLES"; and add the phrase "and parked at".
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike "vehicles over 8,000 lbs. gross weight" and replace with "MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)"; and add the phrase "and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)".
- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike "vehicles" and replace with "MOTOR VEHICLES"; and strike "vehicles under 8,000 lbs. gross vehicle weight"; and insert "licensed"; and strike "and off-road vehicles"; and insert the phrase "or owner".
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike "Second Division vehicles" and replace with "MOTOR VEHICLES and licensed trailers"; and strike "indoors" and replace with "in an enclosed building"; and add "outdoors subject to the following minimum separations for outdoor parking:"; and add the following subparagraphs:
  - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
  - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.

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

(217) 384-3708

- (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
  - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
  - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

**Part C. Add new paragraph 7.1.2F. as follows:**

- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
- (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).

**Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.**

**Part E. Revise paragraph 7.1.2K. as follows:**

- (1) Add the phrase "for other than equipment used in any RURAL HOME OCCUPATION"; and strike the phrase "screened as provided by Section 7.6, and replace with the phrase "shall be provided as follows:".
  - (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
  - (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.
-

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*STATUS*

This case is continued from the January 31, 2013, public hearing. Several revisions discussed at that meeting have been made to the attached Draft amendment and are briefly reviewed below.

---

**REVISED DRAFT AMENDMENT**

The Draft Amendment has been revised as follows (asterisks indicate the changes discussed by the ZBA at the last meeting):

1. Numbering of subparagraphs (ie, A.; 1.;a.;(1); (a)) has been made consistent with the rest of the Ordinance.
- \*2. In 7.1.2E.3. the limit on MOTOR VEHICLES now specifically includes “licensed semitrailers and licensed pole trailers” but does not apply to other trailers. This is to minimize the chance for RHOs to look like truck terminals.
3. In 7.1.2E.4. ii. the amendment has been revised to delete an error that was included in the original proposal. Previously, the proposed amendment at first appeared to not require parking to be screened if the vehicles were at least 50 feet from a property line and at least 100 feet from an adjacent dwelling but 7.1.2H. referred to the requirements of 7.4 which do require that more than 4 vehicles are to be screened. The revision removed any ambiguity about whether or not screening is required.
4. Existing paragraph 7.1.2H. has been merged with 7.1.2E. so that everything about vehicles and required parking is in one paragraph.
- \*5. 7.1.2 E.4. has been revised to explicitly prohibit parking in the right of way.
- \*6. 7.1.2 F.1. has been revised so that “trailers” are considered to be “equipment” with the exception of licensed semitrailers and licensed pole trailers.
- \*7. 7.1.2 F.2. has been revised so that a trailer is not counted as a separate piece of equipment when it is carrying a piece of equipment.
8. 7.1.2 F.3. has been corrected in a similar manner to #3 above. Previously, the proposed amendment did not require equipment in outdoor storage to be screened if the equipment was at least 50 feet from a property line and at least 100 feet from an adjacent dwelling but that was an oversight in the drafting of the proposed amendment. That proposal had been explained to the COW as “NO CHANGE” in the 9/20/12 memo but that was misleading because the existing Ordinance requires all outdoor STORAGE to be screened as required in Section 7.6. The proposed amendment was not intended to change that screening requirement and the oversight was caused by the subsequent proposal to modify Section 7.6 in such a way that it no longer applied to equipment. Not requiring screening for outdoor storage that is only 100 feet from an adjacent dwelling is a sure way to generate

incompatibilities. The revised amendment is in keeping with the existing Ordinance requirements except that outdoor STORAGE of equipment is not required to be either 50 feet from the property line or 100 feet from a dwelling.

The type of required screen has also been changed a Type D which is the same as required in the current Ordinance.

9. The two grandfather subparagraphs that were previously 7.1.2E.5. and 6. have been moved to the next subparagraph 7.1.2F.
- \*10. Subparagraph 7.1.2F.5. has been revised to make it clear that all previous vehicles and equipment at an RHO are grandfathered and can now be there in total even if it would have exceeded the previous limits.

#### **ATTACHMENTS**

- A Revised Draft Amendment (ANNOTATED) to Section 7.1.2 to Rural Home Occupations
- B Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 to Rural Home Occupations



**Attachment A: Revised Proposed Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations**  
**FEBRUARY 8, 2013**

**1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. to read as follows:**

(Note: Existing words to be deleted are indicated in single strike out and words previously proposed to be added are underlined and new deletions are in double strike out and new additions are in double underlining. Deletions and additions at the ZBA are highlighted.)

- E. ~~Non-farm, Second Division vehicles as defined by the Illinois Vehicle Code~~ MOTOR VEHICLES used in and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
  - ~~i.2.~~ No more than three vehicles over 8,000 lbs. gross weight MOTOR VEHICLES that are either a truck tractor and/ or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be permitted and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
  - ~~ii.3.~~ No more than 10 ~~vehicles~~ MOTOR VEHICLES in total, including vehicles under 8,000 lbs. gross vehicle weight, ~~licensed semitrailers and licensed pole trailers~~ off road vehicle shall be permitted excluding patron or employee or owner personal vehicles MOTOR VEHICLES.
  - ~~iii.4.~~ All ~~Second Division vehicles~~ MOTOR VEHICLES and licensed trailers shall be stored ~~indoors in an enclosed BUILDING~~ or parked outdoors subject to the following ~~minimum separations for outdoor parking~~:
    - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
    - b. Outdoor parking for more than one MOTOR VEHICLE shall be ~~no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE, or~~ ~~if less than 50 feet from any lot line and/ or less than 100 feet from any off site existing DWELLING conforming as to USE,~~ outdoor parking for more than one MOTOR VEHICLE shall be at least 10 feet from any LOT LINE; and
    - c. Off-street parking shall be provided as follows:
      - (1) No parking shall occur in the STREET RIGHT OF WAY.

**Attachment A: Revised Proposed Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations**  
**FEBRUARY 8, 2013**

~~(2) Parking spaces shall be provided subject to the provisions of in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons.~~

~~(3) More than four such vehicles shall be screened by a Type A SCREEN except that more than one MOTOR VEHICLE that is more than 15,000 pounds gross vehicle weight must be screened with a Type D SCREEN.~~

~~(4) Loading berths are not required for Rural Home Occupations.~~

**2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:**

F. Non-farm equipment used in any RURAL HOME OCCUPATION shall be limited as follows:

1. The number of complete pieces of equipment that are motorized or non-motorized and used in any way for the RURAL HOME OCCUPATION shall be within the limits established in this paragraph. Complete pieces of equipment shall include, but not be limited to ~~trailers, except for licensed semitrailers and licensed pole trailers;~~ bucket loaders; road graders; bulldozers; trenchers; backhoes; riding lawn mowers; devices mounted on trailers; and any agricultural equipment used for non-agricultural uses. Equipment does not include hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE provided, however, that the number of pieces of equipment that may be kept in outdoor STORAGE shall be reduced by the number of MOTOR VEHICLES ~~and trailers~~ also parked outdoors and all other equipment must be kept in an enclosed BUILDING. This limit shall apply to each individual piece of equipment ~~provided however that when a piece of equipment is on a trailer, the trailer shall not be counted as a piece of equipment.~~
3. Equipment kept in outdoor STORAGE must ~~meet the following minimum separations for outdoor STORAGE of equipment:~~
  - ~~i. Equipment in outdoor STORAGE shall be no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE; or~~
  - ~~ii. if less than 50 feet from any lot line and/ or less than 100 feet from any off site existing DWELLING conforming as to USE, equipment stored outdoors shall be stored at least 10 feet from any LOT LINE and screened by a Type A ~~D~~ SCREEN except that~~

**Attachment A: Revised Proposed Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations**  
**FEBRUARY 8, 2013**

equipment taller than four feet must be screened with a Type D SCREEN.

4. The ~~above~~ requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after ~~May~~ September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.

5. The ~~above~~ requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:

a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION ~~for which an application had been received by the Zoning Administrator on or before May~~ September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be used in ~~at~~ that RURAL HOME OCCUPATION provided that the total number of MOTOR VEHICLES in the RURAL HOME OCCUPATION are not more than 10 and further provided that no more than 3 such MOTOR VEHICLES are truck tractors or MOTOR VEHICLES with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq).

b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2E. ~~405.a.~~ shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

3. **Revise paragraph 7.1.2 K. to read as follows:**

K. Outdoor STORAGE for other than equipment used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and ~~screened as provided by Section 7.6.~~ shall be provided as follows:

1. Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.



**Attachment A: Revised Proposed Amendment (ANNOTATED) to Section 7.1.2 Rural Home  
Occupations  
FEBRUARY 8, 2013**

2. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances:
  - a. Any point within the BUILDING RESTRICTION LINE of any lot located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or
  - b. Any designated urban arterial street or MAJOR STREET.

**4. Revise paragraph 7.1.2 B. to read as follows:**

- B. Non-resident, non-family employees shall only be permitted subject to the following limitations:
  1. on lots smaller than five-two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
  2. on lots five that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and provided that
  3. all employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and further provided that
  4. family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

**Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home  
Occupations  
FEBRUARY 8, 2013**

**1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. to read as follows:**

- E. Non-farm MOTOR VEHICLES used in and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
  2. No more than three MOTOR VEHICLES that are either a truck tractor and/ or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be permitted and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
  3. No more than 10 MOTOR VEHICLES in total, licensed semitrailers and licensed pole trailers shall be permitted excluding patron or employee or owner personal MOTOR VEHICLES.
  4. All MOTOR VEHICLES and licensed trailers shall be stored in an enclosed BUILDING or parked outdoors subject to the following:
    - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
    - b. Outdoor parking for more than one MOTOR VEHICLE shall be at least 10 feet from any LOT LINE; and
    - c. Off-street parking shall be provided as follows:
      - (1) No parking shall occur in the STREET RIGHT OF WAY.
      - (2) Parking spaces shall be in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons.
      - (3) More than four vehicles shall be screened by a Type A SCREEN except that more than one MOTOR VEHICLE that is more than 15,000 pounds gross vehicle weight must be screened with a Type D SCREEN.
      - (4) Loading berths are not required for Rural Home Occupations.



**Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home  
Occupations  
FEBRUARY 8, 2013**

**2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:**

- F. Non-farm equipment used in any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of complete pieces of equipment that are motorized or non-motorized and used in any way for the RURAL HOME OCCUPATION shall be within the limits established in this paragraph. Complete pieces of equipment shall include, but not be limited to trailers, except for licensed semitrailers and licensed pole trailers; bucket loaders; road graders; bulldozers; trenchers; backhoes; riding lawn mowers; devices mounted on trailers; and any agricultural equipment used for non-agricultural uses. Equipment does not include hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
  2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE provided, however, that the number of pieces of equipment that may be kept in outdoor STORAGE shall be reduced by the number of MOTOR VEHICLES also parked outdoors and all other equipment must be kept in an enclosed BUILDING. This limit shall apply to each individual piece of equipment provided however that when a piece of equipment is on a trailer, the trailer shall not be counted as a piece of equipment.
  3. Equipment kept in outdoor STORAGE must be stored at least 10 feet from any LOT LINE and screened by a Type D SCREEN except that equipment taller than four feet must be screened with a Type D SCREEN.
  4. The requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.
  5. The requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:
    - a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be used in at that RURAL HOME OCCUPATION.

**Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations**  
**FEBRUARY 8, 2013**

- b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2F.5.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

**3. Revise paragraph 7.1.2 K. to read as follows:**

- K. Outdoor STORAGE for other than equipment used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be provided as follows:
  - 1. Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.
  - 2. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances;
    - a. Any point within the BUILDING RESTRICTION LINE of any lot located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or
    - b. Any designated urban arterial street or MAJOR STREET.

**4. Revise paragraph 7.1.2 B. to read as follows:**

- B. Non-resident employees shall only be permitted subject to the following limitations:
  - 1. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
  - 2. on lots that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and
  - 3. all employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and

**Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home  
Occupations  
FEBRUARY 8, 2013**

4. family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

# CASE NO. 733-AT-12

## SUPPLEMENTAL MEMORANDUM

February 8, 2013

Champaign  
County  
Department of

Petitioner: **Zoning Administrator**

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

**PLANNING &  
ZONING**

Request: Amend the Champaign County Zoning Ordinance as follows:

- Part A.** Add defined term "AGRICULTURAL DRAINAGE CONTRACTOR" to Section 3 to be defined as "a contractor whose principal business is installing and/or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements."
- Part B.** Add "AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS" as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.
- Part C.** Add "AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS" as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1, AG-2, B-4 (if screening is not provided), and B-5, Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.

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### *STATUS*

This case is continued from the January 31, 2013, public hearing. The revisions discussed at that meeting have been made to the attached Draft amendment and are briefly reviewed below

---

### REVISED DRAFT AMENDMENT

The Draft Amendment has been revised as follows (asterisks indicate the changes discussed by the ZBA at the last meeting):

- \*1. The footnote in Section 5.2 that limits the amount of retail sales has been revised to include "on average".
- \*2. An additional footnote is proposed for Section 5.2 to limit the amendment so that the only such facilities that may be authorized in the CR District are "any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT}".

3. The proposed standard conditions in Section 6.1.3 have been revised to ensure that any such facility in the CR District "...will minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat." which is based on LRMP Policies 8.5.1, 8.5.2, and 8.6.2. See the recommended revision to the Findings of Fact.

### REVISIONS TO FINDING OF FACT

1. Revise item 13.B.(1)(a) which is the assessment for Policy 8.5.1, to read as follows:
  - (a) Riparian habitats are generally only found in the CR District and the proposed footnote in Section 5.2 of the Zoning Ordinance limits facilities that may be authorized by this amendment in the CR District to any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT} so that completely new facilities are not authorized.
  - (b) A proposed standard condition in Section 6.1.3 of the Zoning Ordinance will require that any expansion of any existing AGRICULTURAL DRAINAGE CONTRACTOR Facility in the CR DISTRICT shall minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat.
2. Revise 13.B.(2)(a) which is the assessment for Policy 8.5.2, to refer to Policy 8.5.1 instead of Policy 5.2.3. Also make a similar revision to 13.C.(1)(a).
3. Add Item 17 as follows:
  17. The proposed text amendment *WILL* improve the text of the Zoning Ordinance because it *WILL* provide:
    - A. A use that is currently not included in the Zoning Ordinance, but is a use that is present in Champaign County and is needed by the agricultural community.
    - B. The ability to conduct more than just incidental retail sales of agricultural drainage equipment.
    - C. Specific standards by which an AGRICULTURAL DRAINAGE CONTRACTOR can be authorized.
    - D. Accommodations for existing AGRICULTURAL DRAINAGE CONTRACTORS located in the CR District, but will prohibit any new facilities from being located in the CR District.

### ATTACHMENTS

- A Proposed Amendment (ANNOTATED) to Add "Agricultural Drainage Contractor Facility" to Section 5.2



**Attachment A. Proposed Amendment (ANNOTATED) to Add “Agricultural Drainage Contractor Facility” to Section 5.2**  
**FEBRUARY 8, 2013**






**1. Add to Section 3 DEFINITIONS (new text underlined):**

AGRICULTURAL DRAINAGE CONTRACTOR: A contractor whose principal business is installing and/ or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements.

**2. Revise Section 5.2 as follows (new text underlined):**

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS				
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS)		S	S												
Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS		S	S									5			
												S			
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS</u> <sup>20</sup>	<u>S</u> <sup>21</sup>	<u>S</u>	<u>S</u>									*		*	*
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS</u> <sup>20</sup>	<u>S</u> <sup>21</sup>	<u>S</u>	<u>S</u>									5	<u>S</u>	*	*
												S			

 = Permitted by right	 =Permitted on individual LOTS as a SPECIAL USE	 = COUNTY BOARD Special Use Permit
 = Proposed to be permitted by right	 =Proposed to be permitted on individual LOTS as a SPECIAL USE	

**Footnotes**

5. Outdoor STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sec. 7.6.3.

20. As much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility on average may be retail sales of agricultural drainage products.

21. Only applicable to any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT}.

**Attachment A. Proposed Amendment (ANNOTATED) to Add "Agricultural Drainage Contractor Facility" to Section 5.2**  
**FEBRUARY 8, 2013**

**3. Add the following to Section 6.1.3 (new text underlined):**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
					MAJOR	COLLECTOR	MINOR					
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS ; or with no Outdoor STORAGE and/or Outdoor OPERATIONS</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<p>1. <u>In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE subject to subsection 7.6.</u></p> <p>2. <u>In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:</u>            A. <u>No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</u>            B. <u>Outdoor STORAGE and/ or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3 H.1.</u></p> <p>3. <u>In the CR DISTRICT, any expansion shall minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat.</u></p>												

**Footnotes**

1. Standard same as applicable zoning DISTRICT.

# CASE NO. 735-S-12

PRELIMINARY MEMORANDUM

February 8, 2013

Petitioners: TC Management, LLC

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

Site Area: 1.189 acres

Time Schedule for Development:  
**Existing**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

**Request: Authorize the use of existing multiple principal buildings on the same lot in the I-1 Light Industry Zoning District as a Special Use.**

**Location: Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany Court, Champaign.**

---

## BACKGROUND

Staff became aware of the need for this Special Use Permit while doing a review of a Change of Use Permit Application to authorize the establishment of a gymnastics center in August 2012. The two separate uses in separate buildings are what necessitate the need for the Special Use Permit. There are two existing buildings on the subject property and at one time they were both not considered principal buildings. The largest building was authorized by Permit No. 2957 in 1983 as a storage building. In 1998, ZUPA No. 261-98-02 was filed for the smaller building which at the time was proposed to be a three sided accessory storage structure and the permit was never approved but the building was still constructed. The current owners of the subject property have renovated each building, including enclosing the three sided storage structure and converting it into a self-storage warehouse building. That conversion was an unauthorized Change of Use and necessitates this Special Use Permit. The petitioner has submitted a ZUPA for this building.

Hayasaki Gymnastics Center currently leases a portion (8,890 square feet) of the large building and the remainder of the building (approximately 3,200 square feet) is used for storage by the owner, TC Management.

The self-storage building has 10 individual units that are 10' x 20' and are available for lease to the general public.

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on Special Use Permits, but are notified of such petitions and are welcome to comment.

## AMBIGUITY IN ZONING ORDINANCE

The *Zoning Ordinance* does not specifically include a gymnastic center as an authorized principal use in Section 5.2. Staff has determined that the proposed gymnastics center is consistent with the category of "Public Park or Recreational Facility," which is authorized by-right in the I-1 District. Section 5.2 of the

*Zoning Ordinance* includes “Private Indoor Recreational Development,” but that use is not authorized either by-right or by Special Use Permit in the I-1 District even though it is similar to a “Public Park or Recreational Facility”.

## EXISTING LAND USE AND ZONING

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

Direction	Land Use	Zoning
Onsite	Commercial/Industrial	I-1 Light Industry
North	Commercial/Industrial	I-1 Light Industry
East	Commercial/Industrial	I-1 Light Industry
West	Agriculture	AG-2 Agriculture
South	Commercial/Industrial	I-1 Light Industry

## REQUIRED VARIANCE

Final Action of this case cannot occur at the February 14, 2013, public hearing because a Variance is required. The need for the Variance was not identified in time for the legal advertisement because the necessary information was not received in time. The Variance is required for the following:

- The Zoning Ordinance requires 54 parking spaces for the proposed uses on the subject property. A total of 22 parking spaces are feasible on the property.
- In addition, the Zoning Ordinance requires there to be a minimum amount of open space between buildings on a property with multiple principal buildings. In this instance the open space between the two buildings is required to be 20 feet.

On a staff visit to the site on February 6, 2013, the distance between the existing buildings was measured as 16 feet. Staff has provided a Variance application to the petitioner and the Variance case will have to be advertised to meet the minimum required notice period.

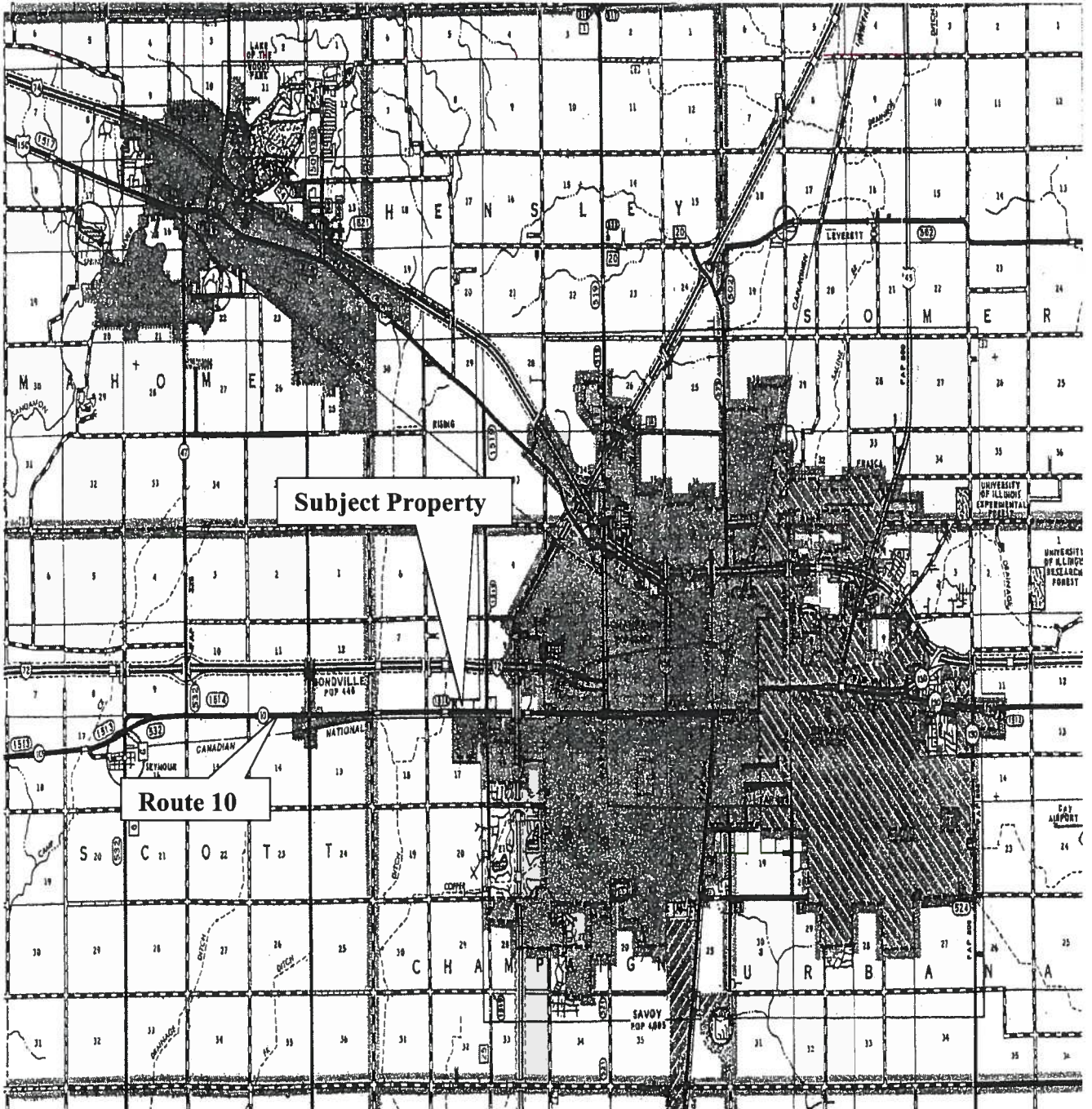
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 23, 2013
- C ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision received January 22, 2013
- D Annotated ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision
- E Site Visit Photos
- F Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)



# Attachment A. Location Map

Case 735-S-12  
February 8, 2013






Champaign  
County  
Department of  
PLANNING &  
ZONING

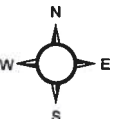


Attachment A: Land Use Map  
 Case 735-S-12  
 February 8, 2013



-  Subject Property
-  Annexation Agreements
-  Municipal Boundary

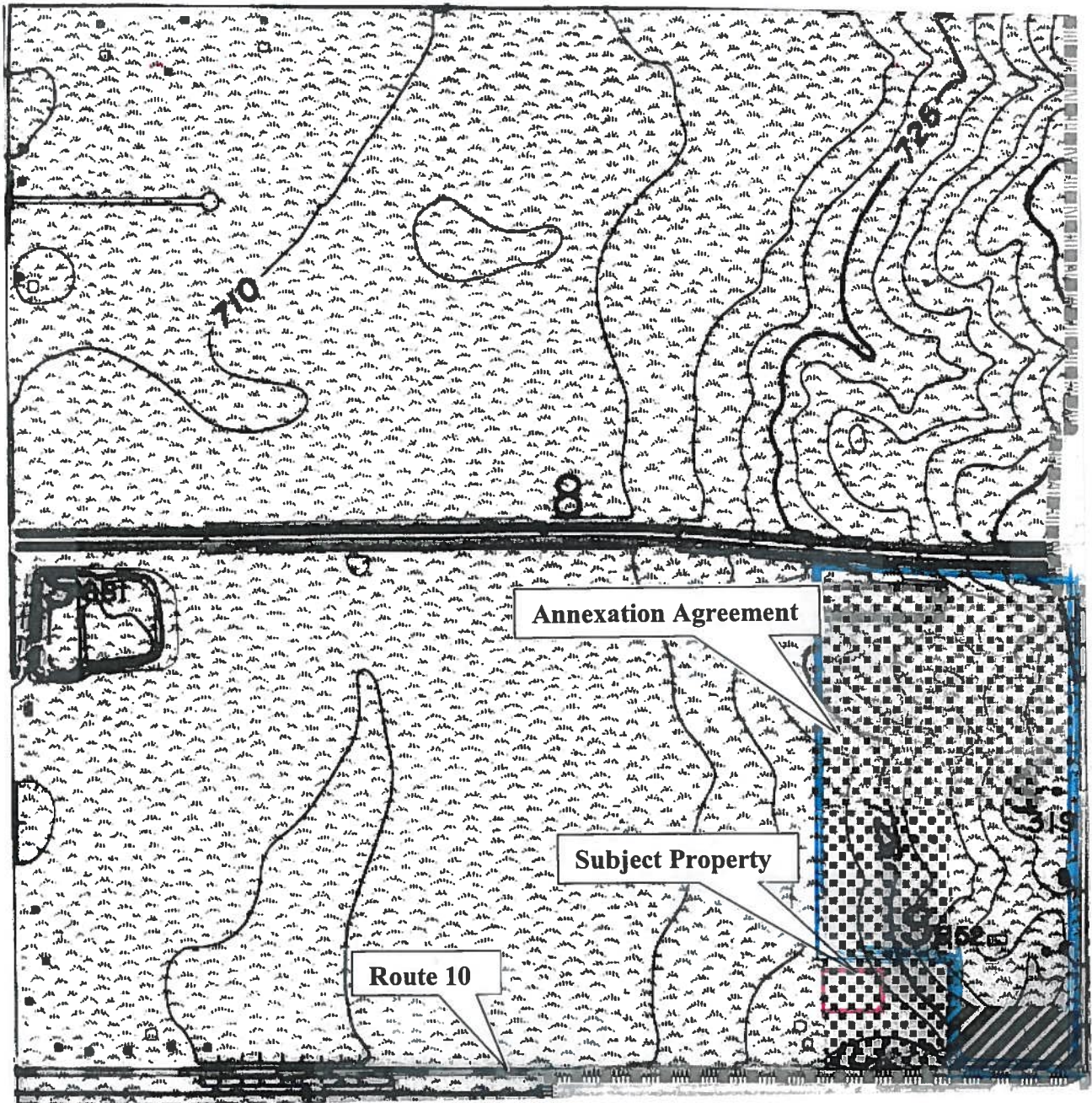
1 inch = 800 feet





# ATTACHMENT A. ZONING MAP

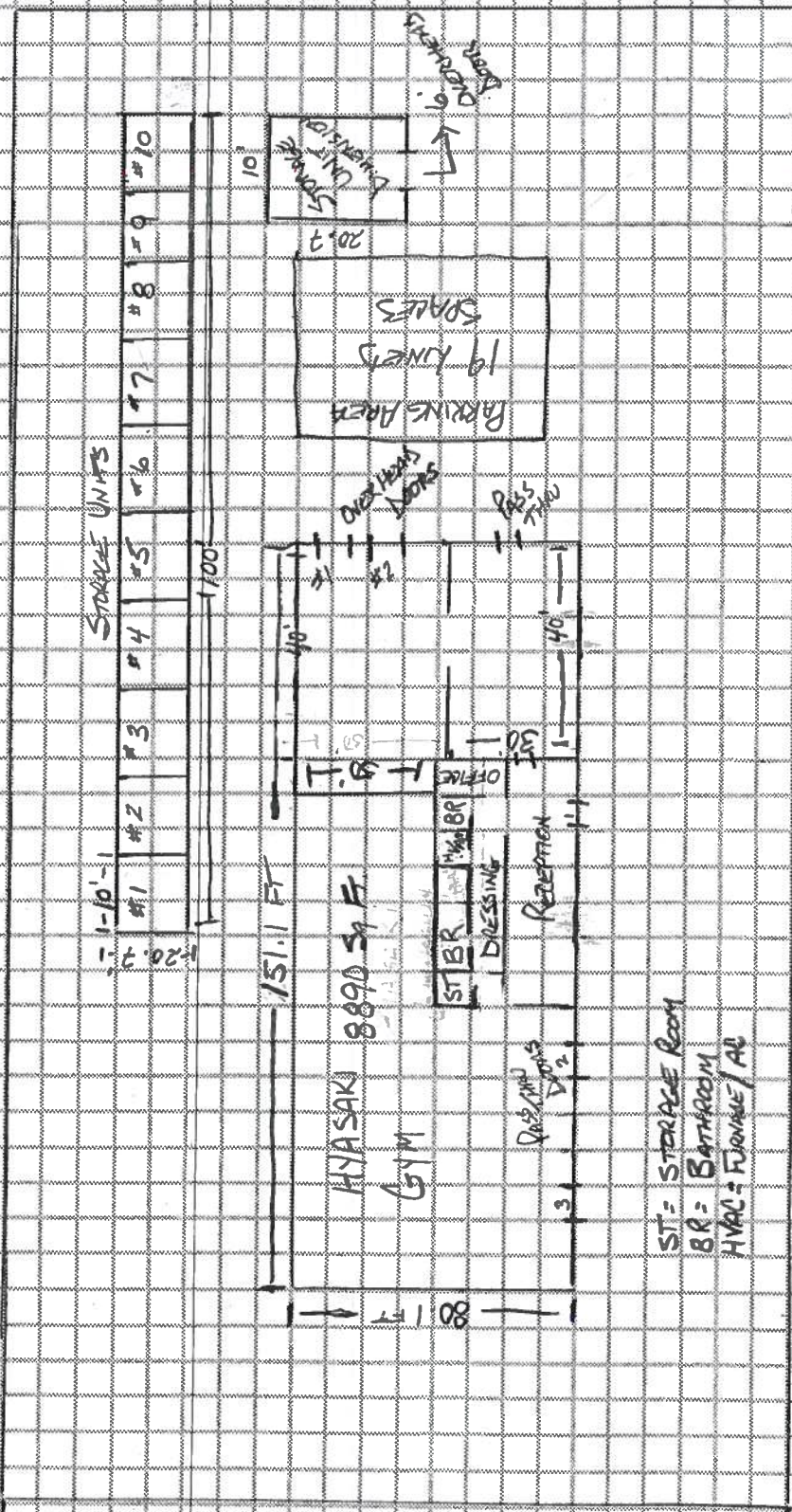
Case: 735-S-12  
February 8, 2013



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



TIFFANY CT.



RECEIVED

JAN-23-2013

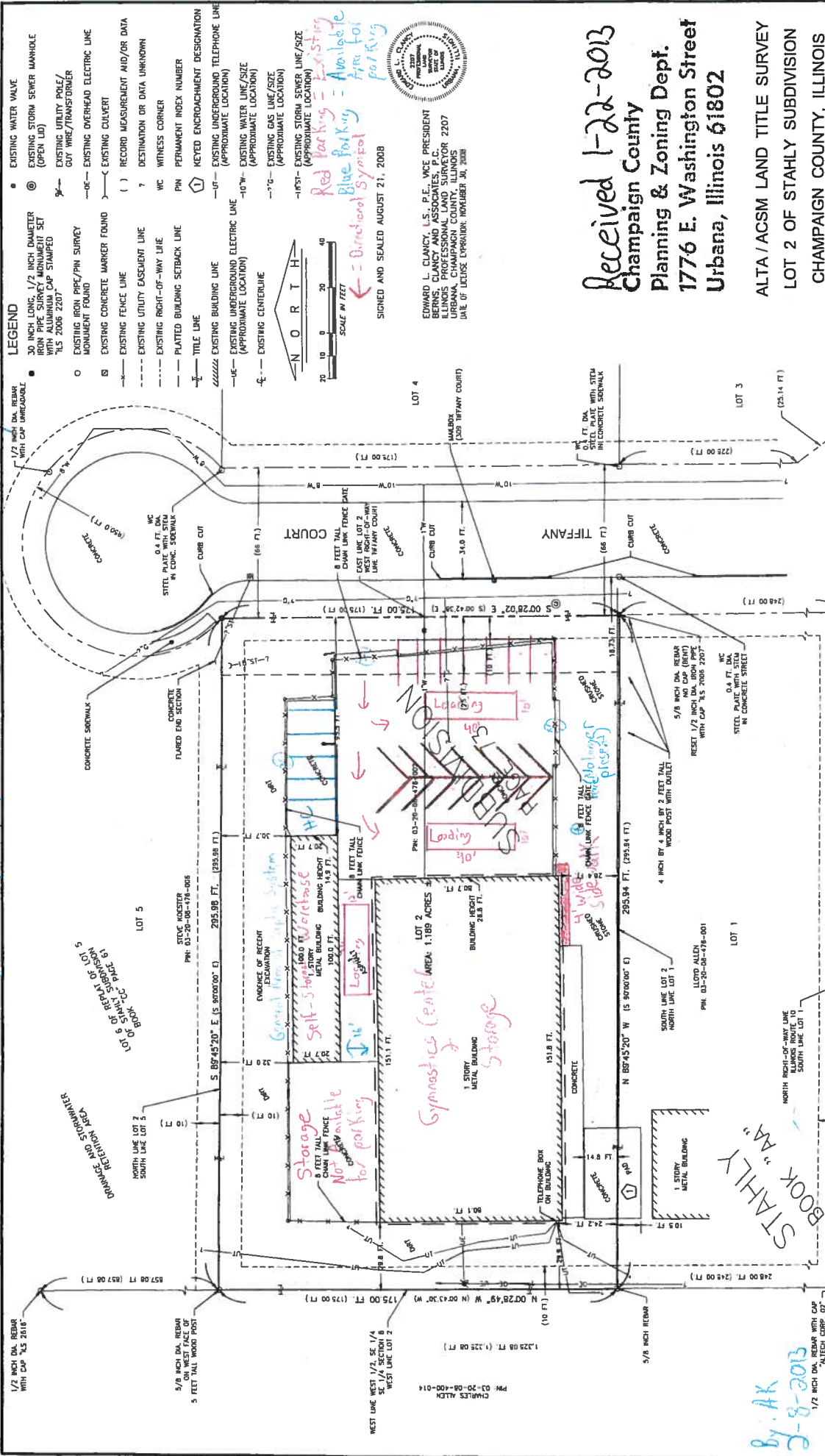
CHAMPAIGN CO. P & Z DEPARTMENT

309





*Annotated ALTA/ACSM Land Title Survey*



Received 1-22-2013  
 Champaign County  
 Planning & Zoning Dept.  
 1776 E. Washington Street  
 Urbana, Illinois 61802

ALTA / ACSM LAND TITLE SURVEY  
 LOT 2 OF STAHLY SUBDIVISION  
 CHAMPAIGN COUNTY, ILLINOIS

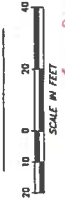


SIGNED AND SEALED AUGUST 21, 2008

EDWARD L. CLANCY, L.S. P.E., VICE PRESIDENT  
 BERNS, CLANCY AND ASSOCIATES, P.C.  
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2207  
 URBANA, CHAMPAIGN COUNTY, ILLINOIS  
 LINE OF LICENSE EXPIRES: NOVEMBER 30, 2008

STAHLY  
 BOOK "M"

By: AK  
 2-8-2013



LEGEND

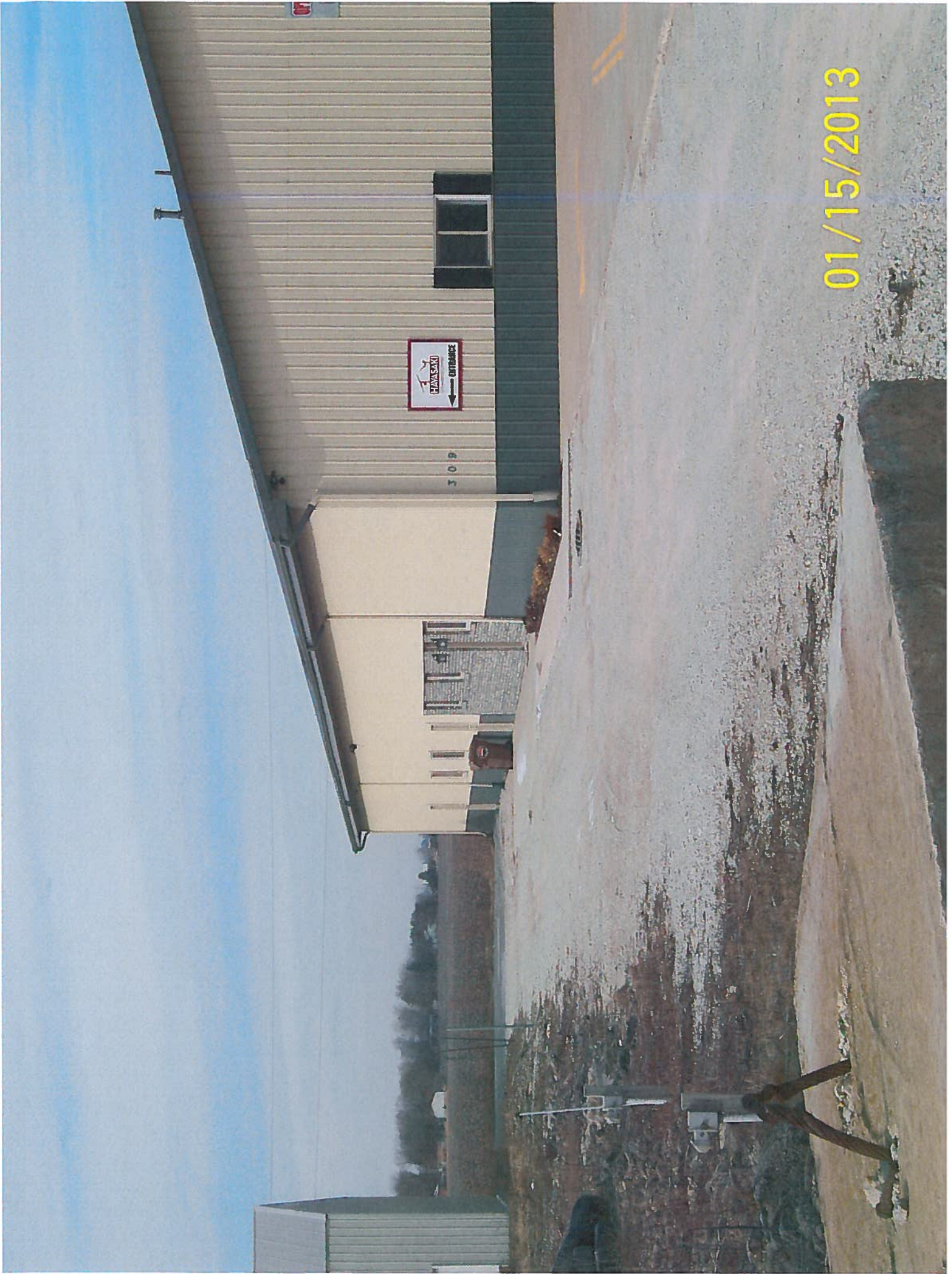
- EXISTING WATER VALVE
- ⊙ EXISTING STORM SEWER MANHOLE (OPEN LID)
- ⊖ EXISTING UTILITY POLE / GUY WIRE / TRANSFORMER
- ⊕ EXISTING OVERHEAD ELECTRIC LINE
- EXISTING CONCRETE MARKER FOUND
- ⊗ EXISTING FENCE LINE
- ⊘ EXISTING UTILITY EASEMENT LINE
- ⊙ EXISTING RIGHT-OF-WAY LINE
- ⊖ PLATTED BUILDING SETBACK LINE
- ⊕ TITLE LINE
- ⊗ EXISTING BUILDING LINE
- ⊘ EXISTING UNDERGROUND ELECTRIC LINE (APPROXIMATE LOCATION)
- ⊙ EXISTING CENTERLINE
- ⊖ EXISTING WATER LINE / SIZE (APPROXIMATE LOCATION)
- ⊘ EXISTING GAS LINE / SIZE (APPROXIMATE LOCATION)
- ⊙ EXISTING STORM SEWER LINE / SIZE (APPROXIMATE LOCATION)
- ⊗ EXISTING ENCROACHMENT DESIGNATION (APPROXIMATE LOCATION)
- ⊘ EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
- ⊙ EXISTING WATER LINE / SIZE (APPROXIMATE LOCATION)
- ⊘ EXISTING GAS LINE / SIZE (APPROXIMATE LOCATION)
- ⊙ EXISTING STORM SEWER LINE / SIZE (APPROXIMATE LOCATION)





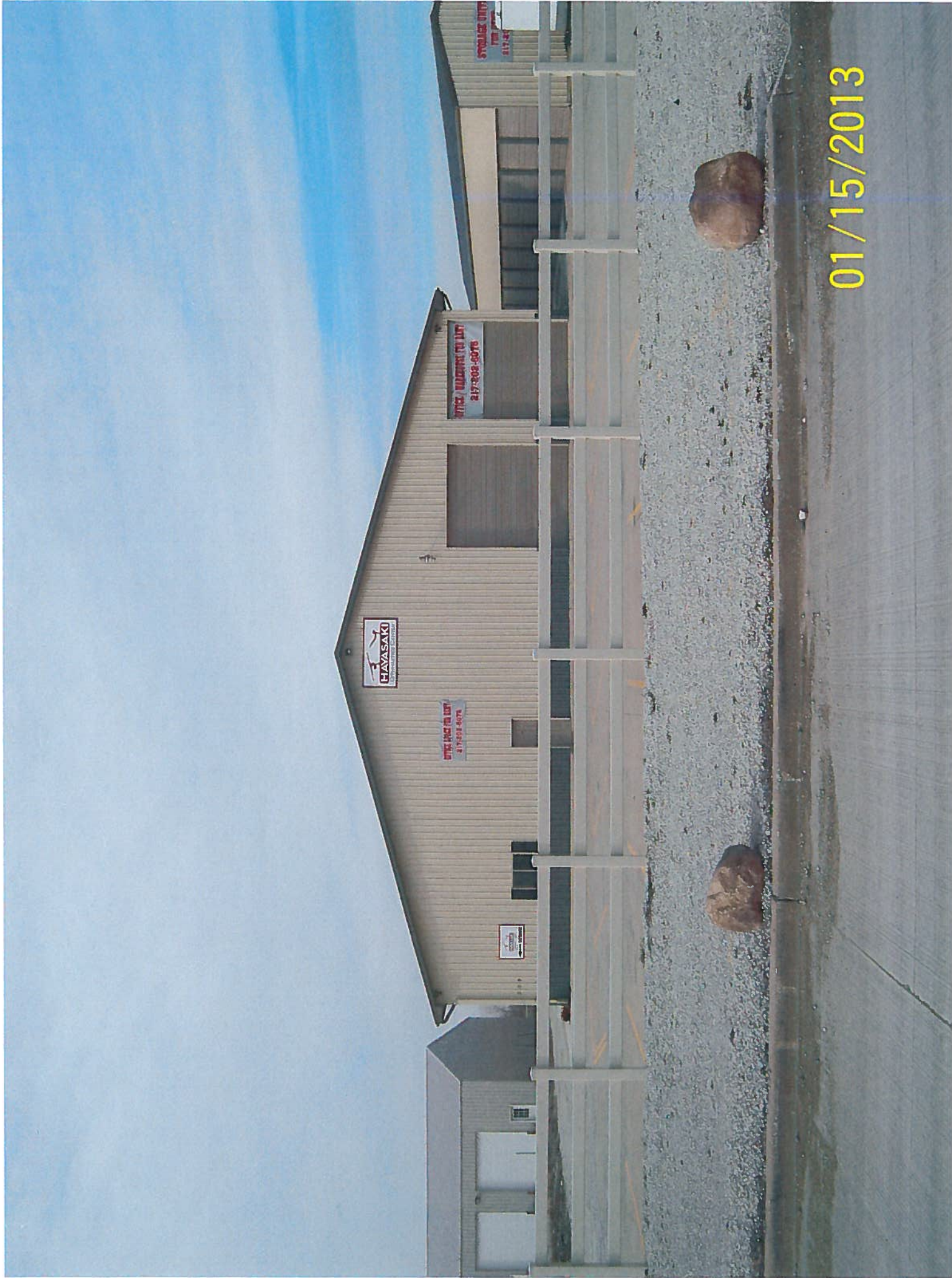
01/15/2013





01/15/2013





01/15/2013



**OFFICE / WAREHOUSE FOR RENT**  
**217-202-6075**

**STORAGE UNITS**  
**Find Drive**  
**217**

01/15/2013

***DRAFT***

**735-S-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: February 14, 2013

Petitioners: TC Management, LLC

Request: Authorize the use of existing multiple principal buildings on the same lot in the I-1 Light Industry Zoning District as a Special Use.

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner TC Management, LLC, 4912 West Windsor Road, Champaign, with owners John F. Murphy, 1948 CR 150E, Seymour, and Terry D. Woller, 1307 South Cross Creek Road, Mahomet owns the subject property.
2. The subject property is Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany Court, Champaign.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.

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

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is currently zoned I-1 Light Industry and is in commercial/industrial use. The large warehouse building was authorized by ZUPA No. 2957. The smaller warehouse was the subject of ZUPA No. 261-98-02 the permit was never approved, but the building was still constructed. The petitioner has submitted a ZUPA for this building.
  - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
    - (1) Land on the north is zoned I-1 Light Industry and is in commercial/industrial use.
    - (2) Land on the south is zoned I-1 Light Industry and is in commercial/industrial use.
    - (3) Land east of the subject property is zoned I-1 Light Industry and is commercial/industrial use.
    - (4) Land west of the subject property is zoned AG-2 Agriculture and is in agricultural production.

***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

5. Regarding site plan and operations of the proposed Special Use:
  - A. The ALTA/ACSM Land Title Survey received January 22, 2013, and the site plan received January 23, 2013, indicates the following:
    - (1) A 151' × 80' metal building that is 26.8 feet in height that was authorized by Permit No. 2957. 8,890 square feet of this building is leased by Hayasaki Gymnastics Center. The remaining portion of the building includes a

bathroom/locker room, utility room, office, lobby, and storage space occupied by the owners, TC Management.

- (2) A 100' × 20' metal building that is 14.9 feet in height with 10 individual storage units that are each 10' × 20'. Each storage unit has a 6' overhead door. This building was the subject of ZUPA No. 261-98-02, but was never approved. The petitioner has filed a new ZUPA to authorize this building.
- (3) Property line dimensions of approximately 295' × 175'.
- (4) The location of a 10 feet wide utility easement along the west, north, and east property lines.
- (5) An indication of 19 lined parking spaces to the east of the large building.
- (6) Various locations of exterior doors and overhead doors on the larger building.
- (7) Indications of various surface types on the subject property.
- (8) The location of fencing on the subject property.

- B. The *Zoning Ordinance* does not specifically include a gymnastic center as an authorized principal use in Section 5.2. Staff has determined that the proposed gymnastics center is consistent with the category of "Public Park or Recreational Facility," which is authorized by-right in the I-1 District. Section 5.2 of the *Zoning Ordinance* includes "Private Indoor Recreational Development," but this use is not authorized either by-right or by Special Use Permit in the I-1 District even though this type of use is similar to a "Public Park or Recreational Facility".

The proposed self-storage warehouse is a specifically authorized by-right use in the I-1 District.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for two principal uses on one lot in the I-1 Light Industry Zoning District in the *Zoning Ordinance*, Section 4.2F(1) requires the following:
  - A. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:
    - R-4, Multiple Family Residence
    - B-1, Rural Trade Center
    - B-2, Neighborhood Business

B-3, Highway Business  
B-4, General Business  
B-5, Central Business  
I-1, Light Industrial  
I-2, Heavy Industrial

- B. Such SPECIAL USE permit shall be issued only if the following criteria have been met:
- (1) The requirements of Section 9.1.11, SPECIAL USES, shall be met.
  - (2) The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
  - (3) The regulations and standards for the DISTRICT in which the LOT is located shall be met.
  - (4) A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES or BUILDINGS in accordance with the following standards:
    - (a) For STRUCTURES in the Business or Industrial DISTRICTS the required minimum depth of OPEN SPACE shall be determined by doubling the required SIDE YARD in the DISTRICT in which the LOT or parcel of land is located.
    - (b) The minimum depth of such OPEN SPACE, for the purpose of these standards, shall be measured at the closest point between BUILDINGS including any projecting eave, balcony, canopy, awning, or other similar projection.
    - (c) Single Family, Two Family, Multiple Family or institutional BUILDINGS shall be located on the LOT in conformance to the provisions of Section 4.2.2C.
    - (d) In the case of the I-1 Light Industry Zoning District the required amount of open space is 20 feet.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full

cutoff means that the lighting fixture emits no light above the horizontal plane.

- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
- (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
- (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
- (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (3) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (4) "BUILDING, ATTACHED" is a BUILDING having two walls in common with other BUILDINGS.
- (5) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (6) "BUILDING, SEMI-DETACHED" is a BUILDING having one wall in common with another BUILDING.
- (7) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

- (8) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (9) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (10) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (11) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (12) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (14) “STRUCTURE, ATTACHED” is a STRUCTURE connected to another STRUCTURE.
- (15) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
- (16) “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.
- (17) “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.
- (18) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (19) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.



- (20) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
  - (21) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
  - (22) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as 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 welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - (a) Special conditions and circumstances 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.
    - (b) 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
    - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

***GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION***

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **“There are a limited number of existing buildings that have the space and design to accommodate a gymnastics center. Many of the customers are from the now defunct YMCA program.”**

- B. The proposed Special Use would allow what were vacant buildings to be put to productive use. The subject property was purchased by the petitioner and has since been improved through renovations from its previous state.
- C. Both the proposed self-storage warehouse and the gymnastics center (recreational facility) are authorized by-right in the I-1 Zoning District.

***GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE***

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application, **“This building was blighted and had been foreclosed. It has been restored to a condition that makes it a viable business location and aesthetically enhances the surroundings.”**
  - B. Both the proposed self-storage warehouse and the gymnastics center (recreational facility) are authorized by-right in the I-1 Zoning District.
  - C. Regarding surface drainage; surface runoff should not increase since the petitioner will not be adding any new impervious area.
  - D. The subject property is accessed from Tiffany Court on the east side of the property. Regarding the general traffic conditions on Tiffany Court at this location and the level of existing traffic and the likely increase from the proposed Special Use:
    - (1) The Annual Average Daily Traffic (AADT) for Tiffany Court in front of the subject property is not available.
    - (2) Tiffany Court is a Minor Street as indicated in the Champaign County Zoning Ordinance.
    - (3) Pavement width in front of the subject property is approximately 34 feet.
    - (4) The Township Highway Commissioner has been notified of this case.
    - (5) Regarding the proposed special use and the anticipated traffic impacts, a significant traffic increase is not expected to the subject property.
  - E. Regarding fire protection of the subject property, the subject property is within the protection area of the Scott Township Fire Protection District and is located approximately 3 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
  - F. No part of the subject property is located within the mapped floodplain.

- G. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan or proposed.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) The subject property is served by an existing septic system on the north side of the subject property.
- I. Regarding life safety considerations related to the proposed Special Use:
  - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit

Applications for those aspects of the construction for which the Zoning Use Permit is required.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
  - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
    - i.* International Building Code;
    - ii.* International Existing Building Code; and
    - iii.* International Property Maintenance Code
  - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.



***GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT***

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

A. The Petitioner has testified on the application: **“The district is zoned Light Industrial. This building and its use greatly enhances the otherwise neglected surroundings.”**

B. Regarding compliance with the *Zoning Ordinance*:

(1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.

(2) Regarding compliance with Subsection 4.2.1F.2.:

(a) The depth of the OPEN SPACE between the two buildings is less than 20 feet. A variance will be needed for this case to be approved.

(3) The *Zoning Ordinance* does not specifically include a gymnastic center as an authorized principal use in Section 5.2. Staff has determined that the proposed gymnastics center is consistent with the category of “Public Park or Recreational Facility,” which is authorized by-right in the I-1 District. Section 5.2 of the *Zoning Ordinance* includes “Private Indoor Recreational Development,” but this use is not authorized either by-right or by Special Use Permit in the I-1 District even though this type of use is similar to a “Public Park or Recreational Facility”.

The proposed self-storage warehouse is a specifically authorized by-right use in the I-1 District.

(4) All structures meet setback and front, side and rear yard requirements.

(5) Regarding parking on the subject property:

(a) Paragraph 7.4.1 C.1.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.

(b) Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.

- (c) 54 parking spaces are required for the proposed use. There is only adequate area for 22 parking spaces on the subject property. A variance will be necessary for this case to be approved.
- (6) Regarding loading berths on the subject property:
  - (a) Paragraph 7.4.2 C.5. requires two 10' × 40' loading berths for commercial establishments establishing 10 – 24,999 square feet of floor area.
  - (b) Paragraph 7.4.2 C.5. requires one 12' × 40' loading berths for industrial establishments establishing 1 – 9,999 square feet of floor area.
  - (c) A total of three loading berths are required. No loading berths have been indicated on the site plan, but there is adequate area for all three required loading berths.
- C. Regarding compliance with the *Stormwater Management Policy*:
  - (1) The proposed special use is exempt from the *Stormwater Management Policy* because this development was originally platted with the City of Champaign and a detention basin was required for the entire development at that time.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Champaign subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the I-1 Light Industry Zoning District:
  - (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
  - (1) An email dated January 23, 2013, from Doug Gamble, Accessibility Specialist, to John Murphy, petitioner, is summarized as follows:
    - (a) An accessible parking space is required for every 25 spaces and an accessible route and entrance to the building is required.
    - (b) All doors changed or added must be 32 inch clear width with adequate maneuvering space and levered hardware.

- (c) Any toilet rooms that were added or altered must be completely accessible.
- (d) Sixty percent of the entrances must be accessible and all the exits required by the building code must be accessible.
- (e) If there is a basement over 1,000 square feet it must be accessible.
- (f) All alarms should be audio/visual.
- (g) Any stairs should have areas of rescue assistance and handrails on both sides. Any ramp must have handrails and meet slope requirements.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.14 of the Ordinance states the general intent of the I-1 District and states as follows (capitalized words are defined in the Ordinance):

The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY LINES.
    - (2) The types of uses authorized in the I-1 District are in fact the types of uses that have been determined to be acceptable in the I-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
    - (3) The *Zoning Ordinance* does not specifically include a gymnastic center as an authorized principal use in Section 5.2. Staff has determined that the proposed gymnastics center is consistent with the category of “Public Park or Recreational Facility,” which is authorized by-right in the I-1 District. Section 5.2 of the *Zoning Ordinance* includes “Private Indoor Recreational Development,” but this use is not

authorized either by-right or by Special Use Permit in the I-1 District even though this type of use is similar to a “Public Park or Recreational Facility”.

The proposed self-storage warehouse is a specifically authorized by-right use in the I-1 District.

- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
    - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
  - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
    - (a) The requested Special Use Permit should not decrease the value of nearby properties.
  - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
    - (a) No significant increase in traffic is anticipated as a result of the requested Special Use Permit.
  - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
    - (a) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
  - (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
    - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
    - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and



limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The proposed use does not intend to take any agricultural land out of production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The proposed use does not intend to take any agricultural land out of production.

***GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE***

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “Yes.”
  - B. The subject property and the use are not a non-conforming use since they were not established prior to October 1973, but obtaining the Special Use Permit and related Variance for the proposed use would bring the existing use of the property into compliance.

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

12. Regarding proposed special conditions of approval:

*No Special Conditions are proposed at this time.*

**DOCUMENTS OF RECORD**

1. Special Use Permit application received October 15, 2012, with attachments:
  - A Photos
2. Change of Use Permit file (ZUPA) No. 233-12-01 for the proposed Hayasaki Gymnastics Center received August 20, 2012
3. ALTA/ACSM Land Title Survey for Lot 2 Stahly Subdivision conducted by Berns, Clancy and Associates received January 22, 2013
4. Site Plan received January 23, 2013
5. ZUPA file for Self-Storage building (to be assigned a number when the fee is paid) received January 23, 2013
6. Email from Doug Gamble received February 6, 2013
7. Preliminary Memorandum for Case 735-S-12 dated February 8, 2013, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received January 23, 2013
  - C ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision received January 22, 2013
  - D Annotated ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision
  - E Site Visit Photos
  - F 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 735-S-12 held on February 14, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- 2. 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 / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:  
 \_\_\_\_\_  
 \_\_\_\_\_
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:  
 \_\_\_\_\_  
 \_\_\_\_\_
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because\*}*:  
 \_\_\_\_\_  
 \_\_\_\_\_
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because\*}*:  
 \_\_\_\_\_  
 \_\_\_\_\_
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:  
 \_\_\_\_\_  
 \_\_\_\_\_

*(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

\*The Board may include additional justification if desired, but it is not required.



- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
  - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
  - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
  - c. 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 / 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 / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: \*}***
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

\*The Board may include additional justification if desired, but it is not required.

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* 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 **735-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **TC Management, LLC** to authorize the use of existing multiple principal buildings on the same lot in the I-1 Light Industry Zoning District as a Special Use, on the following property:

**Lot 2 of Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany Court, Champaign.**

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

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