

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF SPECIAL MEETING

Date: April 11, 2013
Time: **7:00 P.M.**
Place: John Dimit 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 (January 31, 2013, February 14, 2013 and February 28, 2013)
5. Continued Public Hearings

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

NOTE: MEETING TIME AT 7:00 P.M.

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 30day 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)”. 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.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF SPECIAL MEETING
APRIL 11, 2013**

Case 732-AT-12 cont:

- (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.

* 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.

* Case 736-V-12 Petitioner: Matthew and Katie Warren

Request: Authorize the following in the R-1 Zoning District:

Part A. Variance for a lot are of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet on the subject property described below.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF SPECIAL MEETING
APRIL 11, 2013**

*** Case 737-V-12 Petitioner: Matthew and Katie Warren**

Request: Authorize the following in the R-1 Zoning District:

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a depth of 75 feet in lieu of the minimum required 80 feet on the subject property described below.

Location for Cases 736-V-12 and 737-V-12:

Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.

6. New Public Hearings

*** Case 744-V-13 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**

Request: Authorize the following in the I-1 Light Industry Zoning District:

Part A. Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related Case 735-S-12.

Part B. Variance for an open space depth of 16 feet between the two principal buildings in related Case 735-S-12 in lieu of the minimum required open space depth of 20 feet, on the following property.

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. Review of Docket

B. December 2012, January, February 2013 Monthly Reports

C. April 28, 2013, Meeting Time: 6:30 p.m.

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

10. Adjournment

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

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6 **MINUTES OF REGULAR MEETING**

8 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

9 1776 E. Washington Street
10 Urbana, IL 61802

12 **DATE:** January 31, 2013

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

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

16 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
17 Passalacqua

19 **MEMBERS ABSENT :** Roger Miller

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

23 **OTHERS PRESENT :** Chris Doenitz, Eric Sebens, Kelly Dillard

24
25
26 **1. Call to Order**

27
28 The meeting was called to order at 6:30 p.m.

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

31
32 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

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 **3. Correspondence**

39
40 None

41
42 **4. Approval of Minutes**

43
44 None

45
46 **5. Continued Public Hearing**

47
48 **Case 728-AM-12 Petitioner: K & S Property Management Request to amend the zoning map to**
49 **change the zoning district designation from the AG-1, Agriculture Zoning District to the R-4, Multiple**
50 **Family Residence Zoning District to allow the re-establishment of a multi-family use in an existing**
51 **building (variances will be required) for which the nonconforming rights have expired. Location: A**
52 **1.5 acre tract in the Southwest Quarter of the Southwest Quarter of Section 15 of Rantoul Township**
53 **and commonly known as the Jones Building at 1518B CR 2700N, Rantoul.**

DRAFT

1
2 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
3 sign the witness register for that public hearing. He reminded the audience that when they sign the
4 witness register they are signing an oath.
5
6 Mr. Thorsland asked if staff would like to provide additional information to the Board regarding this case.
7
8 Mr. John Hall, Zoning Administrator, stated that the Supplemental Memorandum dated January 25, 2013, is
9 concise in indicating the situation with this case. He said that the last communication that staff had with the
10 petitioner was through a January 11, 2013, e-mail from Rick Stone, which is included as an attachment to the
11 memorandum. He said that staff made the petitioner aware that there is a very good chance that the Board
12 would dismiss this case tonight therefore the Board is free to either continue the case to a later date, which is
13 difficult to determine, or dismiss the case.
14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
16
17 Mr. Palmgren stated that it appears that the petitioner has no support and according to the e-mail he has lost
18 interest in pursuing the proposed project therefore he does not know how the Board could continue the case
19 to a later date.
20
21 Mr. Thorsland asked Mr. Hall if the petitioner would forfeit any fees paid for the variance.
22
23 Mr. Hall stated yes.
24
25 Mr. Passalacqua asked Mr. Hall, if Mr. Stone or Mr. Ramos owned the property.
26
27 Mr. Hall stated that Mr. Stone has a contractual sale arrangement with the owner.
28
29 Mr. Passalacqua stated that the property appears to be ready for enforcement letters.
30
31 Mr. Hall stated the property has already been referred to the State's Attorney and it has been at their office
32 for a long time. He said that during his first discussions with the petitioner he made it clear that he will have
33 to explain why the County Board should have confidence that this property is worth rezoning. He said that
34 the petitioner has not provided any of the information that was requested which should immediately send up
35 red flags.
36
37 Mr. Passalacqua stated that he cannot see how the ZBA can give the petitioner a spot on the docket until he
38 contacts staff again.
39
40 Ms. Capel stated that the ZBA must either schedule the petitioner a spot on the docket or dismiss the case.
41 She said that the Board cannot just leave the case hanging in the wind.
42

1 Mr. Hall stated that leaving the case hang would not be consistent with the ZBA By-laws.

2
3 Mr. Thorsland stated that if the ZBA dismisses the case tonight the petitioner would be required to reapply if
4 he chooses to pursue this again.

5
6 **Mr. Passalacqua moved, seconded by Mr. Palmgren to dismiss Case 728-AM-12. The motion carried**
7 **by voice vote.**

8
9 Mr. Hall stated that staff will send a letter to the petitioner so that he has documentation for his files.

10
11 **6. New Public Hearings**

12
13 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
14 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**
15 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**
16 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**
17 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**
18 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**
19 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**
20 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**
21 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**
22 **members who are residents of the property when the HOME OCCUPATION is operating but who**
23 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**
24 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**
25 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**
26 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**
27 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**
28 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**
29 **in any way for the RURAL HOME OCCUPATION shall be within the limits established.**

30
31 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of this
32 case.

33
34 Mr. John Hall, Zoning Administrator, stated that Board members may recall Case 695-I-11 that the Board
35 dealt with in the summer of 2011 with final action in December 2012. He said that in February 2012, as
36 indicated by the attached memorandum dated February 1, 2012, distributed to the Champaign County Board
37 Committee of the Whole, a proposal was presented to the COW. He said that it would be an understatement
38 to say that the proposal did not receive much support therefore staff returned with a new memorandum in
39 March 2012 and it would be another understatement to indicate that the memorandum also did not receive
40 much support. He said that the February 29, 2012, memorandum presented to the COW in March has been
41 distributed to the ZBA for review because he was requested by the COW to provide the minutes from the
42 ZBA meetings and those minutes are part of the distributed memorandum. He said that the memorandum

1 proposed a complete grandfathering of any existing vehicle or piece of equipment at any existing Rural
2 Home Occupation (RHO), including the RHO that was the subject of the Interpretation Case. He said that
3 the case was deferred at the March COW meeting which began a series of informal meetings with three or
4 four County Board members, which was a useful experience to sit down and hear the County Board
5 member's questions and be able to answer them. He said that what went back to the County Board is what is
6 included in the January 25, 2013, Supplemental Memorandum.
7

8 Mr. Hall stated that when this case was approved, or blessed, by the COW to proceed to a public hearing
9 there was no discussion at the COW. He said that he would like to believe that since there was no discussion
10 that all members were perfectly happy with it but frankly he is not sure why there was no discussion and no
11 further comments were received. He said that the case was placed on the earliest ZBA docket date available
12 so that this issue can be clarified.
13

14 Mr. Hall distributed a Supplemental Memorandum dated January 31, 2013, which includes a Draft Finding
15 of Fact, to the Board for review. He said that of the three text amendments before the ZBA tonight this is the
16 only text amendment which deals with a use that is by-right and is not a discretionary approval for a Rural
17 Home Occupation. He said that the standards for a Rural Home Occupation (RHO) are included in the
18 Ordinance and if the standards are met the permit is issued. He said that a lot of the policies that apply to the
19 other text amendments are not relevant and, in fact, very few policies are relevant.
20

21 Mr. Hall stated that item #16 on page 7 of 16 of the Draft Finding of Fact dated January 31, 2013, reviews
22 the various purpose statements in the Zoning Ordinance and whether or not the text amendment is relevant to
23 any of those statements. He said that the text amendment is relevant to some but fewer than the other text
24 amendments. He said that item #17 on page 10 of 16 of the Draft Finding of Fact dated January 31, 2013,
25 reviews how the proposed text amendment WILL improve the text of the Zoning Ordinance. He noted that
26 the case is not ready for final action but most of the improvements or good things that will happen from this
27 amendment are included in item #17 indicating how it will improve the Zoning Ordinance.
28

29 Mr. Hall stated that there are things which were not discussed in 695-I-11, such as, the proposed text
30 amendment would allow children who resided on the property at one point and were active in the home
31 occupation to always be active in the home occupation as if they lived on the property currently. He said that
32 several years ago the ZBA had a deer processing case before them which had several children who lived at
33 home and were heavily involved in the home occupation. He said that the family's children were older
34 teenagers and it was presumed that they would be leaving the family home soon. He said that the proposed
35 text amendment would allow those children to continue to participate in the home occupation although it
36 may be difficult to document and would hopefully not become critical. He said that staff has encountered
37 other home occupations since where this situation would be an issue for them therefore staff decided to
38 propose item #17.B.
39

40 Mr. Hall stated that one other prominent thing that was not part of Case 695-I-11 is the proposal to let an
41 increased number of employees on site for a limited amount of time. He said that for a building contractor a
42 provision such as this may help during inclement weather and doesn't allow employees to be onsite for more

1 than 5 consecutive days in a 30 day period. He said that this will not solve all of the challenges that a
2 building contractor meets with keeping an active workforce during inclement weather but it was something
3 that some of the County Board members voiced concern about. He said that when it comes right down to it
4 5 days out of every 30 days is one week per month and he hopes that such would not be enough to cause
5 problems with neighbors but it is before the Board for their consideration.
6

7 Mr. Hall stated that the other thing that was not part of Case 695-I-11 was mentioned by several County
8 Board members. He said that County Board members asked him why there was a limit on the number of
9 employees for a rural home occupation. He said that he had enough County Board members who were there
10 to back up the need for some limit on the number of employees but the County Board was interested in
11 making sure that the County was not being too restrictive in terms in numbers of employees. He said that the
12 only thing that he could do and feel comfortable with was to slightly change the limit in Item# 17.F. as
13 follows: An increase of one additional employee that may be present on the premises and an increase of two
14 additional employees that may report to the site for work off premises on lots two acres or larger. He said
15 that paragraph 7.1.2B.4.i on page B-4 of Attachment B: Revised Proposed Amendment (Annotated) to
16 Section 7.1.2 Rural Home Occupations, attached to the Preliminary Memorandum dated January 25, 2013,
17 indicates the current standard which is: on lots smaller than five acres no more than one employee may be
18 present on the premises full-time and no more than one additional employee may report to the site for work
19 performed off the premises. He said that the proposed text would lower it from five to two acres and on lots
20 that are five acres or larger, which currently allows a larger number of employees, would be reduced as well
21 from five acres to two acres. He said that it doesn't actually increase the number of employees but makes a
22 larger number available to lots that are only two acres or larger.
23

24 Mr. Hall stated that in the old days when the County first adopted the Rural Home Occupation standards the
25 Board may recall that five acre lots were easy to create and were the most common lot in the rural area. He
26 said that someone could have created a five acre lot by-right and it didn't matter what the soil type was or a
27 plat of subdivision but that is not the situation anymore. He said that a new five acre lot in the rural area is
28 very rare today because most of the rural area is best prime farmland and a Zoning Use Permit is not
29 permitted on a five acre lot. He said that the current maximum lot size on best prime farmland is three acres.
30 He said that three acres is the new five acres but this does not stick with the three acres and goes down to
31 two acres to make some distinction between a small lot and large lot.
32

33 He said that there is a lot of material in the proposed amendment and it is most useful to review the strike-
34 out version that was included with the Supplemental Memorandum dated January 25, 2013, and the
35 comparison table which is attached to the same memorandum. He said that it is good to compare individual
36 parts of the amendment when necessary but in terms of the overall amendment he is not certain how useful
37 the comparison table will be. He said that it is better to review the strike-out version to see what it new and
38 what has been changed.
39

40 Mr. Thorsland asked the audience if anyone desired to sign the witness register regarding Case 732-AT-12.
41

42 Mr. Thorsland called Kelly Dillard to testify.

1
2 Mr. Kelly Dillard, who resides at 700 CR 2175N, Champaign, stated that there are several things that bother
3 him about the proposed Ordinance. He said that he does not believe that the current Ordinance needs to be
4 changed but does need to be clarified. He said that the proposed amendment is not a simple amendment and
5 is a re-write of the entire Ordinance that only regulates semi-trucks at this time. He said that with the re-
6 write it will regulate any size of motor vehicle, trailers, any type of equipment and signage and will be
7 greatly expanded than what it was before. He said that the proposed Ordinance is much more restrictive and
8 cumbersome than the current Ordinance. He said that it was his impression that an amendment was to
9 clarify the existing Ordinance not to re-write it. He said that the proposed amendment does not clarify but
10 makes the Ordinance tremendously more convoluted than it was before, which was the biggest problem with
11 the original Ordinance because it was difficult to understand.

12
13 Mr. Dillard stated that the previous Ordinance allowed 10 motor vehicles, three of those vehicles being over
14 36,000 pounds) although with the new Ordinance only a combination of 10 vehicles is allowed which
15 includes motor vehicles, trailers and equipment with only one of those being over 36,000 pounds. He said
16 that the new Ordinance is much more restrictive than the previous Ordinance. He said that the Zoning
17 Administrator is requesting that the new Ordinance be retroactive although how can that be when the new
18 Ordinance has not been approved yet. Mr. Dillard stated that the “grandfathering clause” which has been
19 inserted into the new Ordinance seems to give the impression that the Ordinance is trying to skirt the idea
20 that the County Board moved forward indicating that all RHO’s that are in existence should be
21 grandfathered. He said that the new Ordinance is side stepping the idea that his business is what it is today
22 and should be grandfathered. He said that the new Ordinance is trying to say that it should go back to when
23 he made his application for an RHO and that is all that he can ever have.

24
25 Mr. Dillard asked Mr. Hall if the proposed amendment has been presented to the Committee of the Whole.

26
27 Mr. Hall stated yes. He said that the proposed amendment was presented to the Committee of the Whole
28 from March to September 2012.

29
30 Mr. Dillard stated that Mr. Hall alluded that the proposed amendment would change the way that employees
31 are handled and it does not. Mr. Dillard stated that the previous Ordinance only applied to non-relatives that
32 worked on the property therefore family members would have been allowed to work for RHO business
33 anyway.

34
35 Mr. Hall stated that the existing Ordinance defines a Home Occupation as employing only family members
36 that reside on the property. He said that the limit is a part of the definition for the Rural and Neighborhood
37 Home Occupation. He said that he understands that the limit is easy to overlook but it is the way that it is
38 and he would be happy to walk through that definition with Mr. Dillard.

39
40 Mr. Dillard stated that revised paragraph 7.1.2.K. has to do with outdoor storage and indicates that the
41 outdoor storage cannot be visible for 1,000 feet. He said that he does not understand how you can make an
42 Ordinance indicating that you cannot see something for over one-quarter of a mile away and it seems to be

1 too restrictive. Mr. Dillard read paragraph 7.1.2K.(2) as follows: A Type D Screen shall be located so as to
2 obscure or conceal any part of any YARD used for outdoor storage which is visible within 1,000 feet from
3 any of the following circumstances: 9a) any point within the building restriction line of any lot located in any
4 R district or any lot occupied by a dwelling conforming as to use or occupied by a school; church or temple;
5 public park or recreational facility; public library, museum or gallery; public fairgrounds; nursing home or
6 hospital; recreational business use with outdoor facilities; or (b) any designated urban arterial street or major
7 street.

8
9 Mr. Hall stated that paragraph 7.1.2K. is not a change and is included in the existing Ordinance. He said that
10 the only change is to include it under the regulations for a Rural Home Occupation and explicitly the same
11 setbacks are in the existing requirements for outdoor storage and operations. He said that Board members
12 may verify this by going to Section 7.6 of the Zoning Ordinance which indicates the same standards. He said
13 that the 1,000 feet is already there and is not proposed with this amendment but has been included with this
14 amendment as part of the Rural Home Occupation so that it is clear up front and this was a specific request
15 from the County Board.

16
17 Mr. Dillard stated that this is why the text, “screened as provided by Section 7.6,” is stricken and added back
18 in to paragraph 7.1.2K.(2).

19
20 Mr. Hall stated yes.

21
22 Mr. Dillard asked Mr. Hall if he is correct in stating that the new Ordinance limits the trucks over 36,000
23 pounds to one vehicle outside.

24
25 Mr. Hall stated that he does not think so.

26
27 Mr. Dillard stated that paragraph 7.1.2E.(4)i. states the following: no more than one motor vehicle that
28 conforms to paragraph 7.1.1K. may be parked outdoors no less than five feet from a side or rear lot line nor
29 less than 10 feet from a front lot line.

30
31 Mr. Hall stated that sometimes things become too complicated when they are intended to be fair and
32 equitable and 7.1.2E.(4)i. is an example of such. He said that this is the requirement for a Neighborhood
33 Home Occupation allowing a vehicle up to 25 feet long and no more than 36,000 pounds to be that close to
34 the lot line. He said that the current Ordinance does not allow a Rural Home Occupation to do that which is
35 a little odd because it allows a more intense use to occur in the urbanized area which would affect more
36 people. He said that this is why he proposed it to be part of the Rural Home Occupation because it is the
37 same thing that can be done in a Neighborhood Home Occupation.

38
39 Mr. Dillard stated that currently for his Rural Home Occupation his heavy truck must be 50 feet from his
40 property line.

41
42 Mr. Hall stated yes, whether or not it is screened.

1
2 Mr. Dillard asked Mr. Hall if the proposed amendment is limiting him to one vehicle outside or can he have
3 all three of his heavy vehicles to be stored outside if they are screened.
4

5 Mr. Hall stated that all three of Mr. Dillard's heavy vehicles can be stored outside and if they are screened
6 they do not need to be stored 50 feet from the lot line and one can be no less than five feet.
7

8 Mr. Dillard stated that the one heavy vehicle can be no less than five feet from the lot line even if it is not
9 screened.
10

11 Mr. Hall stated that the screening does not apply in the Neighborhood Home Occupation where it talks about
12 this therefore in regard to a Rural Home Occupation, where you can have more vehicles, what would be
13 more important is when you go beyond the level of four vehicles less than 8,000 pounds or any number of
14 vehicles over 8,000 pounds. He said that he would like to take another look at this but he will stand by a
15 general goal of making the Rural Home Occupation no more onerous than a Neighborhood Home
16 Occupation at that level. He said that if this doesn't allow one to be no more than five feet with no
17 screening, which is what occurs in a Neighborhood Home Occupation, then this should allow that but the
18 trick will be that in a Rural Home Occupation there will probably always be more vehicles therefore at a
19 certain point those vehicles will have to be screened. He said that he would hope that if this is what occurs
20 in a Neighborhood Home Occupation the Rural Home Occupation should be written to allow the same for
21 the one vehicle.
22

23 Mr. Dillard stated that if the County Board wanted to include a grandfather clause, which in his mind means
24 that his Rural Home Occupation can stay as it is today from the point of whenever the amendment is
25 adopted, his Rural Home Occupation should be completely grandfathered without trying to look back at his
26 original application or require him to make a new application. He said that his home occupation is what it is
27 today and is in compliance today therefore it should be in compliance after the amendment is enacted.
28

29 Mr. Hall stated that the intent is to grandfather Mr. Dillard's home occupation as it is today.
30

31 Mr. Dillard stated that the amendment indicates that it would be grandfathered as it is on his application
32 although his home occupation is different today than it was when he first applied. He said that it indicates
33 that if his equipment is not listed on the application the equipment would not be grandfathered. He said that
34 his concern is that the original Ordinance did not cover the equipment to start with therefore will the new
35 Ordinance, that did not completely grandfather his home occupation, capture anything that has changed
36 between the time of application and the time that it is enacted.
37

38 Mr. Hall stated that there might be a better way to write the grandfathering but he is at a loss to grandfather
39 anything other than what was on the application. He said that perhaps everything that was part of the
40 approved compliance certificate could be grandfathered.
41

42 Mr. Dillard stated that for any home occupation, when a new amendment is enacted, whatever existed prior

1 to the amendment's adoption would naturally be grandfathered.

2
3 Mr. Hall stated that the task is to determine what was actually there prior to the new amendment's adoption.
4 He said that in Mr. Dillard's case staff is well aware of what is involved in his home occupation therefore
5 perhaps staff can propose the following for 7.1.2E.(5): The above requirements for paragraphs 7.1.1E. and
6 F. shall apply to any Rural Home Occupation for which an application is received after September 1, 2012,
7 and to the expansion of any Rural Home Occupation for which a compliance certificate had been received on
8 or before September 1, 2012. He said that the only things that can be grandfathered is what can be proven
9 was there prior to the amendment's adoption.

10
11 Mr. Dillard stated that the biggest thing that he sees that the proposal changes is that it really clamps down
12 on the total number of vehicles. He said that it used to be that he could have a total of 10 motor vehicles but
13 the proposal adds in trailers and equipment into that number which will severely limit a Rural Home
14 Occupation. He said that he believes that the number should be higher since two more classes of vehicles
15 are being added to the total.

16
17 Mr. Hall stated that perhaps the text is not very clear but the intent is to allow 10 vehicles and no limit on
18 equipment with the only provision being that there can only be 10 things stored outside and anything more
19 than 10 things must be stored inside and it is up to the Rural Home Occupation manager to decide what will
20 be stored inside and outside. He said that the manager could place 10 pieces of equipment outside and then
21 no more than 10 vehicles inside. He said that he does not find a need to count licensed trailers as vehicles
22 although a licensed trailer is a vehicle but not counted as a motor vehicle in the Ordinance. He said that he is
23 not concerned about trailers although he is concerned about the size of the motor vehicles, the number of
24 motor vehicles and the big equipment and if everything is stored inside the home occupation could have an
25 unlimited number of equipment but could only have 10 motor vehicles.

26
27 Mr. Dillard stated that it seems that by the time that someone would get to that point the home occupation
28 would have to have screened area anyway therefore why would anyone care what is located inside of the
29 screened area. He asked how what is located inside of a screened area would affect anyone surrounding that
30 area. He said that if the area is screened then that area should be a little bit more forgiving and the number
31 should be a little bit higher.

32
33 Mr. Hall stated that if there are any additional items or ideas that Mr. Dillard would like to review he would
34 be happy to meet with him to consider those. He said that the general shape of the amendment came from
35 the Committee of the Whole but the basic idea is to not make it more restrictive than it currently is with the
36 exception that more than 10 things would need to be stored inside a building. He said that Mr. Dillard
37 believes that screening would be adequate but his experience with working with neighbors tells him that
38 there are only so many things that they want to see stored outside even if it is screened. He said that at this
39 point this amendment is before this Board and the Board is free to modify it as the Board desires.

40
41 Mr. Thorsland asked the Board if there were any questions for Mr. Dillard and there was no one.
42

1 Mr. Thorsland asked if staff had any questions for Mr. Dillard and there were none.
2
3 Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was
4 no one.
5
6 Mr. Thorsland closed the witness register at this time.
7
8 Mr. Thorsland asked Mr. Hall if the parking requirements need to be changed when the employees report to
9 the base site, due to inclement weather, along with the returning children who are involved in the home
10 occupation.
11
12 Mr. Hall stated that an exception needs to be included in the language of the Ordinance to make it clear that,
13 on those five days in any thirty day period, the Board is not requiring additional parking other than what
14 would otherwise be required. He said that it would be best to exempt the requirements for the vehicles of the
15 returning children involved in the home occupation.
16
17 Mr. Passalacqua asked Mr. Hall if the employee's vehicles are included in the 10 count.
18
19 Mr. Hall stated no, and if it is not clear then it should be made clear.
20
21 Mr. Thorsland stated that he wants to make clear in paragraph 7.1.2B. that when the returning children who
22 are involved in the home occupation and the other employees return to the base site due to inclement weather
23 that additional parking is not required.
24
25 Mr. Hall stated that the Board should see a draft handout that staff proposes to distribute to the public
26 explaining the home occupation requirements. He said that he would like the Board to hold this amendment
27 at the ZBA until the Board has a handout that they agree with.
28
29 Mr. Passalacqua stated that the strike-out copies are useful for the Board but a new handout would explain
30 what the new Ordinance would be for a home occupation.
31
32 Mr. Hall stated that the handout would explain what the Ordinance requirements are and if the amendment is
33 adopted a handout will be required for distribution to the public. He said that he would like to run the
34 handout as part of the amendment indicating the Board's approval.
35
36 Mr. Kass stated that paragraph 7.1.2E (3) on page B-1 of the January 25, 2013, indicates that no more than
37 10 motor vehicles in total, including licensed trailers shall be permitted excluding patron or employee or
38 owner personal motor vehicles.
39
40 Mr. Thorsland stated that this may be a spot to insert that when the returning children who are involved in
41 the home occupation and the other employees return to the base site due to inclement weather that additional
42 parking is not required.

1
2 Mr. Hall asked the Board if they would be comfortable in exempting licensed trailers because under the
3 Zoning Ordinance definition of a motor vehicle a trailer is not included. He said that the idea was to through
4 in trailers into the 10 vehicle limit because he believed that is what the current Ordinance does but frankly he
5 does not see why the number of trailers needs to be limited. He said that County Board members do have a
6 concern about a proliferation of semi-trailers at a Rural Home Occupation therefore the ZBA may want to
7 exempt any trailer under a certain size from that limit.
8
9 Mr. Passalacqua asked if the motor vehicles are required to be licensed.
10
11 Mr. Hall stated yes.
12
13 Mr. Passalacqua stated that no loading berth is required.
14
15 Mr. Hall stated yes. He said that the loading berth could be shown anywhere in the yard if necessary. He
16 noted that every property in the County can have one inoperable vehicle.
17
18 Mr. Thorsland stated that the Board needs to consider whether or not licensed trailers should be included in
19 the total number or make a cut-off for semi-trailers. He said that the Board needs to consider language
20 clarifying the employee parking and choose a date and procedure to define what existed on the site prior to
21 the grandfathering of an existing home occupation.
22
23 Mr. Courson stated that, for accounting and depreciation, a business should have a listing of their equipment
24 and the dates purchased.
25
26 Mr. Thorsland asked Mr. Courson if the Board wants to require a business to provide their books for
27 verification.
28
29 Mr. Courson stated that the business should have a depreciation schedule to prove their claim.
30
31 Mr. Hall stated that he can imagine that at some point in the future there may be Rural Home Occupations
32 that are not represented here tonight and may not be represented at all during this text amendment because
33 not everyone follows the zoning cases that are before the ZBA very closely. He said that in talking with Mr.
34 Dillard we could expand the grandfathering to include any vehicle or equipment that was approved on the
35 Zoning Compliance Certificate which would grandfather Mr. Dillard's operation completely. Mr. Hall
36 stated that Mr. Dillard is one of the few individuals who had such a detailed inventory. Mr. Hall stated that
37 in the future if someone else wanted to prove that they had a piece of equipment then they could with
38 documentation but staff has not received many complaints about equipment at a home occupation therefore
39 the Board can consider it as a non-issue. He said that if someone proves that the equipment existed prior to
40 the adoption of the amendment then it should be grandfathered.
41
42 Mr. Courson asked how staff would address additional or replacement equipment.

1
2 Mr. Hall stated that the grandfathering clause makes it clear that it applies to replacement equipment but
3 only when it stays at that location. He said that if the location of the home occupation changes then the
4 grandfathering is voided.

5
6 Mr. Courson asked Mr. Hall to clarify his intent in striking vehicles over 8,000 lbs. gross weight in
7 paragraph 7.1.2E(2).

8
9 Mr. Hall stated that the intent was to allow up to three semi-trucks with trailers at any Rural Home
10 Occupation or three tandem axle dump trucks or some combination. He said that the weight limit does not
11 apply to those three vehicles but would apply to the other seven vehicles and for those three vehicles the
12 weight limits that apply are the weight limits that are in the Illinois Motor Vehicle Code.

13
14 Mr. Courson stated that with striking the weight limit only three of the vehicles can be over 8,000 pounds.
15 He said that he interprets the text as allowing ten vehicles over 8,000 pounds.

16
17 Mr. Hall stated that paragraph 7.1.2E(2) is where the limit is inserted indicating that no more than three that
18 are either a truck tractor and/or a motor vehicle with tandem axles.

19
20 Mr. Courson stated that someone could have a single axle truck up to 32,000 pounds.

21
22 Mr. Hall stated that someone could have ten of those vehicles.

23
24 Mr. Courson stated that there could be ten single axle dump trucks sitting next to one tandem dump truck
25 and they would look alike. He said that the way that the amendment is written someone could have ten
26 single axle dump trucks but could not have ten tandem dump trucks.

27
28 Mr. Hall asked Mr. Courson if a single axle dump truck could haul as much of a load as a tandem dump
29 truck.

30
31 Mr. Courson stated no, but a single axle dump truck could haul up to 32,000 pounds. He said that a single
32 axle dump truck and a tandem dump truck are very similar in size and length.

33
34 Mr. Thorsland stated that staff's intent with the 36,000 pounds is because it differentiates between the single
35 axle and tandem axle dump truck. He said that some of the goals in the LRMP refer to the damage to rural
36 roads and limiting the amount of equipment that travels those roads.

37
38 Mr. Courson stated that there would be more weight on a single axle dump truck than on a tandem axle
39 truck.

40
41 Mr. Hall stated that this amendment cannot be written to have a smooth graph indicating the combined
42 features of weight and overall size. He said that there may be another way to do this but it was not apparent

1 to staff and County Board members struggled with it although they had an idea that a two ton truck should
2 not be a problem. He said that maybe there is a way to describe a truck that does not carry more than a
3 certain amount of weight but someone could not tell the difference between the trucks by looking at them
4 therefore the weight limit must be very large, which is what he decided upon. He said that a Rural Home
5 Occupation can only have three tandem axle dump trucks.

6
7 Mr. Courson stated that he did not know if it was a visual determination.

8
9 Mr. Hall stated that mainly staff needs a threshold that is easy to apply and is not ambiguous. He said that if
10 the Board believes that there could be a lower threshold then he is willing to listen.

11
12 Mr. Passalacqua asked Mr. Hall if a licensed trailer is connected to a truck is the combination counted as
13 one.

14
15 Mr. Hall stated yes.

16
17 Mr. Passalacqua asked Mr. Hall if the licensed trailer is not connected to a truck it is still counted as one of
18 the items that is stored outside but is not considered a motor vehicle.

19
20 Mr. Hall stated that it is up to the Board whether a licensed trailer is counted as one of the pieces of
21 equipment.

22
23 Mr. Passalacqua stated that the licensed trailer has to be counted as something if it is not connected to a
24 vehicle.

25
26 Mr. Hall stated that the Board has to think about an empty trailer sitting on the lot and a trailer loaded with a
27 piece of equipment sitting on the lot and then ten trailers with the same situation.

28
29 Mr. Passalacqua stated that if a trailer with a piece of equipment is sitting on the lot then it should be
30 counted as one unit because a lot of space could be occupied with ten empty trailers, especially if we are
31 talking about semi-trailers.

32
33 Mr. Hall stated that perhaps the only thing that is important is that an empty trailer is screened.

34
35 Mr. Passalacqua stated that trailers are difficult because if it is not connected to a vehicle then it is not
36 counted but if it is connected to a vehicle or is loaded with equipment it is counted. He said that a truck with
37 a trailer loaded with a rock saw is considered as one but if the rock saw is removed from the trailer and the
38 trailer is disconnected from the truck there are three.

39
40 Mr. Hall stated that this is one of the problems with the current Neighborhood Home Occupation
41 requirements. He said that he would like to have more detail as to how the Zoning Administrator is
42 supposed to look at that situation but that is not part of this amendment.

1
2 Mr. Thorsland asked if a trailer loaded with a piece of equipment should be part of the count of 10 or if an
3 empty trailer, up to a certain size, should be part of the count. He said that this is probably one of the more
4 mathematically challenging changes that the Board has faced because there are so many variables. He said
5 that the Board had a particular case with Mr. Dillard in which the Board received details regarding what
6 existed as part of the business but there is a good argument that a truck hooked on to a loaded trailer with a
7 piece of equipment could be counted as one unit and not three. He said that he is sure that staff and the
8 Board are open to suggestions on how to clarify this matter. He said that there is a point to be made that a
9 licensed trailer is not considered a motor vehicle therefore should it be exempted from the outdoor storage
10 count or put into its own category. He said that there is a difference between a 16 foot landscape trailer and
11 a three axle trailer with a bulldozer loaded upon it and he does not know how the State of Illinois licenses
12 those vehicles.

13
14 Mr. Passalacqua stated that he does not have a problem with the weight limits and he does not have a
15 problem with counting a loaded trailer with a backhoe on it as one unit but he does have a problem with the
16 aesthetics of ten empty trailers sitting on a property and not being included in the count.

17
18 Mr. Hall asked Mr. Passalacqua if he would have a problem with the ten empty trailers if they were screened.

19
20 Mr. Passalacqua stated that perhaps not.

21
22 Mr. Hall stated that without any guidance from the Board this amendment will return to the ZBA allowing
23 any number of trailers outside provided that they are screened and provided that once a trailer has a piece of
24 equipment loaded it becomes part of the limit of 10.

25
26 Mr. Passalacqua stated that a lot of people arrive home with a piece of equipment loaded on a trailer and they
27 do not necessarily unload it because the entire unit is going back out on the job the next morning. He said
28 that he is trying to avoid a home occupation appearing as two acres of trailers.

29
30 Mr. Hall stated that the overnight parking could fall under the provision of parking no less than five feet
31 from a lot line. He said that currently it is based on what is allowed in the Neighborhood Home Occupation
32 which is 25 feet long and no more than 36,000 pounds but perhaps we can be more liberal. He said that the
33 25 foot limit could easily be violated if someone had a huge pickup truck with a 20 foot trailer.

34
35 Mr. Passalacqua stated that he uses a 30 foot trailer everyday and it would be a common sized trailer for a
36 home occupation.

37
38 Mr. Courson stated that a 30 foot trailer is small for a business like Mr. Dillard's.

39
40 Mr. Thorsland asked if the Board should consider the number of axles when determining whether or not a
41 trailer should be in the count. He said that the Board needs to decide whether or not to put a determining
42 factor on the trailers or not count them at all. He said that currently for a motor vehicle there is a line that

1 can't be crossed and that line is 36,000 pounds therefore perhaps the same should be for a trailer. He asked
2 the Board if a 25 foot limit on a truck and trailer is an unreasonable number.
3
4 Mr. Courson stated that 25 feet is an unreasonable number because it would eliminate someone from parking
5 a truck and loaded trailer on the property.
6
7 Mr. Hall stated that we would be eliminating someone from being able to pull the truck and loaded trailer
8 onto the property and parking it closer than five feet from a lot line.
9
10 Mr. Courson stated that the truck and trailer could be pulled on to the property and the trailer could be
11 unhooked making it illegal.
12
13 Mr. Hall stated that the Board may want to consider not allowing any piece of equipment less than five feet
14 from the lot line. He said that we are not going to have a perfect amendment and there will be problems but
15 we should probably error on the side of having fewer problems with equipment.
16
17 Mr. Thorsland called Mr. Dillard to the witness microphone.
18
19 Mr. Kelly Dillard stated that he agrees with Mr. Courson. He said that when he pulls onto his property with
20 his truck and loaded trailer with a backhoe because he is compliant when he pulls in but when he unhooks
21 the trailer he is not compliant. He said that it appears that the easiest measure would be to expand the count
22 from 10 to 15 and just count the trailers.
23
24 Mr. Thorsland asked Mr. Dillard to indicate the size of the trailers. He said that some people may have
25 small trailers or box trailers and he would not want to count them as a piece of equipment. He said that you
26 can go down any street in any town and find a small trailer in the driveway.
27
28 Mr. Dillard stated that this is why he suggested expanding the total number to 15 and count all of the trailers.
29
30 Mr. Thorsland stated that Mr. Dillard's suggestion would probably make staff very happy because it would
31 simplify matters although the direction from ELUC may have been the limit of 10.
32
33 Mr. Hall stated that it was his goal to make this amendment no more restrictive than the current Ordinance
34 and add as much clarity as possible and minimize the likelihood of neighbor complaints. He said that the
35 Ordinance clearly states a limit of 10 things and at a minimum it is 10 vehicles therefore it is 10 motor
36 vehicles. He said that the Ordinance, as he believes, includes trailers in the limit of 10 and for many trailers
37 this limit is not important so maybe adding a few more trailers into the mix is logical and going to a limit of
38 15 would mean that a home occupation could have five semi-trucks and two trailers for each. He said that
39 perhaps a limit of 15 would work.
40
41 Mr. Thorsland stated that the limit of 15 in whatever combination is determined is only for outside storage.
42 He requested comments from the Board.

1
2 Mr. Hall stated that staff could include a limit on semi-trailers.
3
4 Mr. Courson asked Mr. Hall if he is talking about an enclosed semi-trailer or a flatbed semi-trailer.
5
6 Mr. Hall stated both. He said that he would not want to say that the County Board wanted a limit of three
7 but he knows that they were very comfortable with three. He said that if the ZBA came back with as many
8 as six because that is what the ZBA agreed to then that would carry a lot of weight with the County Board.
9 He said that the County Board was concerned that they did not want a Rural Home Occupation to look like a
10 semi-truck lot and they were all in agreement that three semi-trucks and trailers were reasonable.
11
12 Mr. Courson stated that a limit of thee semi-trucks and trailers does seem reasonable.
13
14 Mr. Hall asked if the Board is comfortable with a limit of three semi-trucks and trailers.
15
16 Mr. Passalacqua stated yes. He said that he does not want to see the limit on pick-up trucks and trailers to
17 get bumped up and bumped up because it has to stop somewhere although with this ambiguity about trailers
18 he believes that a limit of 15 including loaded or unloaded trailers would be reasonable. He said that he is
19 also comfortable with counting a trailer loaded with a backhoe as one unit but if a backhoe is parked next to
20 a trailer then there are two separate units.
21
22 Mr. Hall asked Mr. Passalacqua if a truck hooked to a loaded trailer with a backhoe is one unit.
23
24 Mr. Passalacqua stated yes.
25
26 Mr. Thorsland stated that if 15 is the upper limit we could easily end up with 45 things parked outside.
27
28 Mr. Passalacqua stated that he does not believe that these two acre home occupations are going to have that
29 many truck, trailer, equipment combinations.
30
31 Mr. Thorsland stated that Mr. Passalacqua makes a valid point because those home occupations would have
32 to have the capacity to store things inside once the combinations are separated. He said that the potential of
33 winding up with 45 things outside is greater with a home occupation located on five or six acres.
34
35 Mr. Passalacqua stated that perhaps he is being too liberal and the trailer loaded with equipment should be
36 counted as one unit and the truck should be counted as one unit. He said that the truck is a true motor
37 vehicle whether it is hooked to the trailer or not and the trailer fails to be a motor vehicle once it is
38 disconnected.
39
40 Mr. Thorsland stated that the truck would always be one unit and the trailer, loaded or unloaded, would be
41 one unit and when the equipment is removed from the trailer it also becomes one.
42

- 1 Mr. Passalacqua stated that if everything was in combination all of the time then a home occupation could
2 have a lot of stuff without taking up as much space.
3
- 4 Mr. Thorsland requested the Board's comments regarding the truck being counted as one unit and the trailer,
5 loaded or unloaded, counted as one unit and the total allowed being 15. He said that if 15 items of
6 equipment, licensed trailers and vehicles are located outside only three of those items can be over 36,000
7 pounds and only three can be a semi-trailer
8
- 9 Mr. Hall stated that only 10 can be motor vehicles.
10
- 11 Mr. Thorsland stated that once any of the combinations are taken apart from each other the home occupation
12 should have a building large enough to have indoor storage.
13
- 14 Mr. Hall stated that staff will work with the Board's recommendations.
15
- 16 Mr. Thorsland stated that the Board discussed that the employee parking requirements should be addressed
17 exempting the returning family members who are involved in the home occupation.
18
- 19 Mr. Hall stated that the current Ordinance does require a hard parking area for all employee vehicles so if the
20 returning children are exempted on those days when more employees than usual are reporting on site his
21 presumption would be that since a home occupation is not supposed to have that many employees reporting
22 on site they probably do not have enough parking. He said that staff is not going to write the amendment so
23 that a home occupation is required to install a hard parking area but if they want to provide for their
24 employees and meet the requirements of the Ordinance they will have to install more parking.
25
- 26 Mr. Thorsland asked Mr. Hall if the parking area required for an RHO is based on the number of employees.
27
- 28 Mr. Hall stated that currently for an RHO on five acres or larger no more than two employees may be present
29 on the premises full time and no more than three additional employees may report for work performed off
30 the premises. He said that if the three additional employees drive vehicles to the premises and then take a
31 company truck to the work site there must be parking provided for those employees' vehicles. He said that
32 paragraph 7.1.2H. currently reads as follows: Off-street parking spaces shall be provided, subject to the
33 provisions of Section 7.4 for all employees and patrons.
34
- 35 Mr. Thorsland stated that if we exempt the returning kids the other parking is already taken care of whether
36 the weather is good or bad.
37
- 38 Mr. Passalacqua asked if on-street or county road parking is prohibited in the Ordinance.
39
- 40 Mr. Hall stated no.
41
- 42 Mr. Passalacqua stated that it may be easier to prohibit on-street or county road parking than it would be to

1 write an Ordinance for parking spot accommodations.
2

3 Mr. Hall stated that staff considered including that in the original amendment and then found out that not
4 even the municipalities prohibit on-street parking. He said that in 1993 the idea that the County would
5 require something above and beyond what the municipalities required was laughable but the municipalities
6 don't allow anything like a RHO with that number of vehicles.
7

8 Mr. Passalacqua stated that the municipality's street setup is a lot different than the County's rural roads. He
9 said that the rural roads have hills and curves and no shoulders therefore causing public safety issues.
10

11 Mr. Hall asked the Board if they would like to prohibit parking in the right-of-way for the RHO.
12

13 Mr. Passalacqua stated that prohibiting parking in the right-of-way would be easier language than trying to
14 develop a scheme about what parking needs to be required.
15

16 Mr. Thorsland stated that parking scheme is already in the Ordinance.
17

18 Mr. Passalacqua stated that what is in the Ordinance would only apply to a normal day as opposed to writing
19 an Ordinance that covers where the home occupation is going to park five extra vehicles on a rainy day. He
20 said that we are assuming that an RHO setting will have gravel and adequate places on their lot for the
21 additional parking and if we prohibit on-street parking would make it easier.
22

23 Mr. Hall stated that it would be easy to justify given this allowance of a greater number of employees onsite
24 when there is inclement weather.
25

26 Mr. Thorsland stated that Mr. Hall read the current Ordinance which indicates whether the additional
27 employees are reporting to the base site and driving off-site the parking is already accommodated for
28 therefore the only parking issue is when the kids come home. He said that it would be simple to cover this
29 issue by indicating that any employee should not park in the right-of-way of the road.
30

31 Ms. Capel asked if that applies to patrons as well.
32

33 Mr. Hall stated that patrons are also not supposed to be parking in the road. He said that the way that the
34 Ordinance is currently written the vehicle of a resident family member who works in the home occupation is
35 not counted in the parking requirements. He said that if the Board requires the prohibition in the right-of-
36 way everything regarding parking will be covered.
37

38 Mr. Thorsland requested a continuance date.
39

40 Mr. Hall stated that staff will make changes per the Board's recommendations. He said that the case is
41 sufficiently complex and should not be allowed to stay away from the ZBA too long therefore he would be
42 very happy with a continuance to February 14th.

1
2 Mr. Thorsland requested a motion to continue Case 732-AT-12 to the February 14, 2013, meeting.

3
4 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 732-AT-12 to the February 14, 2013,**
5 **meeting. The motion carried by voice vote.**

6
7 Mr. Thorsland requested a five minute recess.

8
9 **The Board recessed at 7:48 p.m.**

10 **The Board resumed at 7:53 p.m.**

11
12 **Case 733-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
13 **Ordinance as follows: Part A. Add defined term “AGRICULTURE DRAINAGE CONTRACTOR”**
14 **to Section 3 to be defined as “a contractor whose principal business is installing and/or selling**
15 **agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile,**
16 **tile inlets, culverts, and related drainage improvements. Part B. Add “AGRICULTURAL**
17 **DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor**
18 **OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section**
19 **5.2 permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the**
20 **B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the**
21 **dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail**
22 **sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section**
23 **6.1.3. Part C. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor**
24 **STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of**
25 **Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, AG-2, B-4**
26 **(if screening is not provided), and B-5 Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR**
27 **STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts;**
28 **and add a footnote authorizing as much as 50% of the dollar volume of business at an**
29 **AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage**
30 **products; and add Special Use Permit Standard Conditions to Section 6.1.3.**

31
32 Mr. Thorsland stated that anyone wishing to testify for this case must sign the witness register by which they
33 solemnly swear that the evidence that they present is the truth, whole truth, and nothing but the truth, so
34 help them God. He asked the audience if anyone desired to sign the witness register at this time.

35
36 Mr. Thorsland asked if staff would like to provide additional information to the Board regarding this case.

37
38 Mr. John Hall, Zoning Administrator, stated that the memorandum dated September 25, 2012, to the
39 Committee of the Whole is attached to the Preliminary Memorandum dated January 25, 2013. He said that
40 this text amendment was not discussed much at the COW and he can only hope that they were in support of
41 the amendment.

1 Mr. Hall stated that the business in question is wanting to relocate this spring therefore time is of the essence
2 but the Board should not pass this amendment on to the County Board until the ZBA is comfortable with the
3 amendment. He said that staff has worked as diligently as possible to get the Finding of fact as complete as
4 possible and staff believes that, based on all of the information received by last Friday, the finding is
5 complete. He said that the Summary Finding of Fact is reviewed in the Preliminary Memorandum and
6 points out that in regard to Goals 3 and 6 staff was uncomfortable in determining a recommendation. He
7 said that all of the other pertinent goals received a simple staff recommendation. He said that the Board will
8 need to review Goals 3 and 6. He said that this amendment helps achieve the purpose of the Ordinance and
9 that is reviewed under item #16. He said that when notices were sent out for this case staff mailed a notice
10 to the one business that prompted this case and also sent a notice to three other agricultural drainage
11 contractors that are located in the County. He said that he believes that all three, or at least two of them, are
12 nonconforming uses that existed prior to 1973 when zoning was adopted and the other one is a smaller
13 business that may also have existed prior to 1973. He said that the attempt has not been to do a dragnet and
14 capture all of the agricultural drainage contractors out there but was an attempt to notify them of this
15 amendment so that they could submit comments. He said that one of the agricultural contractors did contact
16 staff and their only question was about the dollar volume of sales and staff's reply was that the dollar volume
17 was intended to be big because staff does not want to limit the contractor more than is necessary. He said
18 that in order to be a contractor at least half of the business must be contracting and it occurred to him that the
19 amendment could be criticized because when staff considered the dollar volume of retail sales of agricultural
20 drainage products he was thinking about two farmers but after talking to the one agricultural contractor he
21 realized that he should include farmers and other agricultural contractors. Mr. Hall stated that the intent is to
22 not create a sales outlet in the rural area for drainage products for the average person. He said that we are
23 not trying to prohibit the average person from buying the product there but making sure that there is not an
24 incentive for the contractor to be a mega-drainage product outlet in the rural areas. He said that the Board
25 could button up this note about the dollar volume of sales to be explicit that it only applies to sales to
26 farmers and other contractors. He said that does not know if the municipalities will have any comments
27 regarding this amendment but if the ZBA believes that the finding of fact is complete then there is at least
28 one business in the County which would appreciate this amendment getting to ELUC as soon as possible.

29
30 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

31
32 Mr. Courson asked Mr. Hall why the B-2 and B-3 districts were not included in this amendment.

33
34 Mr. Hall stated that this is based on the current Ordinance where it allows contractors to be located with a
35 provision that the current Ordinance does not allow contractor facilities with outdoor storage and operations
36 in B-5. He said that he was trying to mirror the existing ordinance where they thought contractor facilities
37 should be authorized with the provision that one of the existing agricultural drainage contractors is located in
38 the CR district therefore we need to allow this use in the CR district for that reason alone.

39
40 Ms. Capel stated that we should allow it because there is an existing one currently.

41
42 Mr. Hall stated yes, this would be his recommendation and if it is not included then that business, which

1 existed prior to the adoption of zoning, would become nonconforming.
2
3 Ms. Capel stated that she thought that it was okay to be nonconforming if it existed prior to the adoption of
4 zoning.
5
6 Mr. Hall stated yes, but he hopes that the business will grow and he does not want to be responsible for not
7 allowing that growth. He said that the Board could limit the amendment so that no new agricultural drainage
8 contractor could locate in the CR district and only those that existed on a certain date could continue.
9
10 Ms. Capel stated that she would be more comfortable with the latter because regular contractors are not
11 allowed in the CR district. She said that the amendment would allow the current contractor in the CR
12 district to remain and grow.
13
14 Mr. Hall stated that he believes that this would be a good change but he did not recommend it. He said that
15 he believes that the Board should have the opportunity to review the new language and not attempt to create
16 it tonight.
17
18 Ms. Capel agreed.
19
20 Mr. Thorsland also agreed. He said that it would be nice to review the language in a written form rather than
21 approve something that can only be reviewed verbally.
22
23 Ms. Capel noted that she will not be in attendance to the February 14th meeting. She asked if there was any
24 way that she could attend the meeting electronically. She said that even if she is unable to vote electronically
25 she could participate in the discussion.
26
27 Mr. Hall stated that this was done for the LESA Update Committee therefore if it was permissible for that
28 Committee it may be possible.
29
30 Mr. Thorsland stated that the LESA Update Committee was a steering committee and not a Board.
31
32 Mr. Hall stated that the LESA Update Committee followed the Open Meetings Act.
33
34 Mr. Thorsland recommended that staff check with the State's Attorney.
35
36 Mr. Hall stated that he will check with the State's Attorney to see if Ms. Capel can participate in the
37 discussion electronically but not voice a vote for final recommendation.
38
39 Ms. Capel stated that she would just appreciate being part of the discussion.
40
41 Mr. Hall stated that there are legal and technical issues that need to be addressed.
42

1 Ms. Capel stated that she would appreciate it.

2

3 Mr. Thorsland stated that hopefully the equipment will be in complete working order.

4

5 Mr. Hall stated that IT informed staff that the system was down because they have been trying to connect the
6 televisions but if staff needed the system they offered to accommodate us.

7

8 Ms. Capel stated that she could use her computer as well.

9

10 Mr. Thorsland stated that he does not believe that electronic voting would be allowed.

11

12 Mr. Thorsland asked Mr. Hall if the case required re-advertisement.

13

14 Mr. Hall stated no because the amendment would be less restrictive.

15

16 Mr. Courson asked Mr. Hall why the need to differentiate an agricultural drainage contractor from a regular
17 drainage contractor.

18

19 Mr. Hall stated that he is not sure that we need to but we always have and no one has suggested that we are
20 too restrictive on that therefore he has not proposed changing it. He said that any contractor can have
21 incidental sales and he considers 10% as incidental, but the Board could decide to recommend that we
22 liberalize the basic contractor definition to go beyond 10%.

23

24 Mr. Courson stated that this is why Part A. includes the definition of an agricultural drainage contractor.

25

26 Mr. Hall stated that it is known that incidental sales occur with agricultural drainage contractors and that
27 they provide an important service for farmers. He said that if the same phenomenon applies with other
28 types of contractor then the incidental sales would also apply. He said that "incidental" is not defined in the
29 Ordinance and is only this Zoning Administrator's interpretation.

30

31 Mr. Thorsland stated that in reading LRMP Goals 3 and 6 he believes that Goals 3 and 6 best fell under
32 WILL NOT IMPEDE and not HELP ACHIEVE. He asked the Board if there were any other comments
33 regarding the LRMP Goals.

34

35 Mr. Hall stated that he would like to know if the Board is comfortable with the limit on retail sales as written
36 or if it needs to be written clarifying that it is sales to farmers and/or other contractors.

37

38 Mr. Courson stated that he would add municipalities and government agencies. He said that if a contractor
39 offers culverts for sale then all of the road districts will probably purchase culverts from that contractor. He
40 said that these facilities are relatively rare therefore if you want to find one then there are only a few places
41 to go. He said that every time a new driveway is installed a culvert is inserted therefore a substantial amount
42 of business could be run out of these businesses.

1
2 Mr. Hall stated that he is now wondering if there should be some sort of limitation on who the contractor's
3 can sell the products to.
4
5 Ms. Capel agreed.
6
7 Mr. Hall stated that evidence needs to be added to the Summary indicating that the Board considered
8 limiting the sales to farmers and other contractors but then realized that government agencies may also want
9 to purchase supplies from their facility. He said that if retail sales exceed 50% then the business is no longer
10 just a contractor but a retail business.
11
12 Mr. Courson stated that the amount of products available for sale depends on the amount of work that the
13 contractor receives because there may be some years when they are very busy and some years they maybe
14 very slow.
15
16 Mr. Thorsland stated that this Ordinance relates to contractor's facilities and someone can negotiate the
17 numbers to meet the 50% limit, not that he is indicating that people will be fraudulent.
18
19 Mr. Hall stated that it could be written so that the limit applies to more than a given year or in general the
20 lifetime of the business. He said that this would provide for the annual fluctuations, if that is a valid
21 concern, but it makes it more difficult to enforce.
22
23 Mr. Thorsland stated that no language would be inserted limiting sales but language would be inserted
24 indicating how the 50% is determined.
25
26 Mr. Hall stated that the Board should modify the language if the Board wants to make sure that it does not
27 apply to each and every year but over the lifetime of the business.
28
29 Ms. Capel asked if this would be averaged over the lifetime of the business.
30
31 Mr. Courson stated that it appears that we are discussing two different things, a contractor or retail sales.
32
33 Mr. Hall stated that we are only discussing agricultural drainage contractors because they are a special
34 situation which the Board can choose to provide for or not.
35
36 Mr. Courson stated that, with his background, drainage contractors purchase their supplies from
37 manufacturers and not from a yard unless they are installing small tile runs. He said that if a contractor is
38 installing an entire field they will purchase a semi-load at a time directly from the manufacturer and they will
39 have it delivered directly to the jobsite.
40
41 Mr. Thorsland stated that there have been many times when he personally required field tile and was unable
42 to purchase the tile from a retail yard. He said that he would love the opportunity to purchase the tile from a

1 local contractor who had it on hand so that he could install the tile when the ground was dry. He said that
2 perhaps the simple framework of indicating 50% of the sales averaged a three year span would count for the
3 slow year and the busy year.
4

5 Mr. Courson stated that such an average would be extremely hard to enforce or would not be enforced. He
6 said that staff would not perform enforcement unless someone complained about a business therefore the
7 whole issue would be moot.
8

9 Mr. Hall stated that it would be good for the language to state “on average” and not make it any more
10 complicated than that.
11

12 Mr. Courson stated that he is just trying to differentiate someone who installs drainage pipe in the ground
13 versus someone who sells the pipe. He said that there may be a contractor who does farm drainage but also,
14 like Stark Excavating, does concrete work, water mains, storm sewers, etc. He said that if someone is doing
15 both agriculture and commercial work where will the fall under the definition.
16

17 Mr. Hall stated that a contractor, like Stark Excavating, is not an agricultural drainage contractor under this
18 definition because the principal business has to be agricultural drainage contracting. He said that it is a
19 difficult thing to enforce but he is not aware that Stark Excavating is primarily into agricultural drainage
20 contracting.
21

22 Mr. Thorsland stated that he agrees and he does not believe that Start Excavating is going to refocus what
23 they are doing to slide into the agricultural drainage contractor definition. He said that he would be
24 comfortable indicating the dollar volume of business being 50% on average.
25

26 Mr. Hall stated that the Board should make the date that the agricultural drainage contractor business in the
27 CR district existed something later than October 10, 1973. He said that he does not know of any agricultural
28 drainage contractors that were not already there but that doesn’t mean that they do not exist and it is unfair to
29 make their business unable to expand. He said that he would suggest that the date be the adoption date of
30 this amendment. He said that if a contractor in the CR district was established after October 10, 1973, they
31 should have received County approval but this will not prohibit them from receiving all of the necessary
32 approvals.
33

34 Mr. Thorsland entertained a motion to continue Case 733-AT-12 to the February 14, 2013, meeting.
35

36 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 733-AT-12 to the February 14,**
37 **2013, meeting. The motion carried by voice vote.**
38

39 **Case 734-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
40 **Ordinance as follows: Part A. Amend the Table of Authorized Principal Uses in Section 5.2 by**
41 **adding “Contractors Facilities (with no Outdoor STORAGE Nor Outdoor OPERATIONS)” as an**
42 **authorized principal use permitted by right in the B-1 Zoning District. Part B. Amend the Table of**

1 **Authorized Principal Uses in Section 5.2 by adding “Contractors Facilities (with Outdoor STORAGE**
2 **and/or Outdoor OPERATIONS)” as an authorized principal use permitted by Special Use Permit in**
3 **the B-5 Zoning District; and by right in the B-1 Zoning District; and add Special Use Permit Standard**
4 **Conditions to Section 6.1.3.**

5
6 Mr. Thorsland stated that anyone wishing to testify for this case must sign the witness register by which they
7 solemnly swear that the evidence that they present is the truth, whole truth, and nothing but the truth, so
8 help them God. He asked the audience if anyone desired to sign the witness register at this time.
9

10 Mr. John Hall, Zoning Administrator, stated that this is one of the three text amendments that the Committee
11 of the Whole authorized to proceed. He said that two letters from two contractors are attached to the
12 January 25, 2013, Preliminary Memorandum but the B-5 district involves a third contractor who is just in the
13 process of completing his new facility. He said that the contractor located in the B-5 district thought that he
14 could have outdoor storage but discovered that he was incorrect because outdoor storage is prohibited in B-5.
15 Mr. Hall stated that when the original amendment was proposed staff knew that there were areas of B-5 with
16 dwellings on second floors and if a dwelling is on a second floor next to a contractor’s facility with outdoor
17 storage there is no way to screen it. He said that at the time when decisions were made it was easier to not
18 allow outdoor storage but in fact there are a lot of B-5 districts located in the County where there are no
19 dwellings at all and even though it is business zoned property contractor’s facilities are not allowed with
20 outdoor storage.
21

22 Mr. Hall stated that a Draft Finding of Fact has been prepared for tonight’s meeting. He said that this case is
23 not more complicated than the agricultural drainage contractor’s amendment and is probably more simple
24 but staff expects a municipal protest against this amendment. He said that he would like this case to stay at
25 the ZBA longer than tonight so that municipal staff can provide comments. He said that staff came up with
26 the same recommendations for Case 734-AT-12 as the recommendations for Case 733-AT-12 and were
27 unclear as to what to recommend regarding LRMP Goals 3 and 6. He said that there is different evidence for
28 Case 734-AT-12 as to how the amendment will help achieve the purpose of the Zoning Ordinance because
29 there are different facts that apply. He said that if the County Board approves this amendment as it is before
30 the ZBA tonight it is going to cause a problem with the concerns of one municipality. He said that municipal
31 comments may not be received at a staff level but may be received at ELUC. He said that Goal 3 is the goal
32 about prosperity and it is not clear that this amendment is related to that which was the same issue with Case
33 733-AT-12. He said that Goal 6 is the goal about public health and safety and again staff was unclear as to
34 what to recommend for Goal 6.
35

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

38 Mr. Thorsland called Eric Sebens to testify.
39

40 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he would like to make
41 some points regarding the B-1 district. He said that currently both uses, a contractor’s facility and self-
42 storage, have been and are allowed in the AG-2 Zoning District but are not included in the zoning district

1 that his property is located within. He said that allowing a contractor's facility in the B-1 district is in line
2 with normal customary uses within that type of zoning and area use. He said that self-storage and
3 contractor's facilities are both types of businesses that serve the rural community and in many cases these
4 two services are offered by one entity. He said that the general intent of the B-1 Zoning District is to provide
5 areas, including agricultural areas, with related business services which would include a contracting facility.
6

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

9 Mr. Thorsland asked if staff had any questions for Mr. Sebens and there were none.
10

11 Mr. Thorsland asked the audience if anyone desired to present testimony related to Case 734-AT-12 at this
12 time and there was no one.
13

14 Mr. Thorsland closed the witness register at this time for Case 734-AT-12.
15

16 Mr. Thorsland stated that he believes that the recommendation for LRMP Goals 3 and 6 should be indicated
17 as WILL NOT IMPEDE. He said that he would be interested in hearing about public health and public
18 safety. He said that Mr. Hall mentioned that there is potential for a municipal protest therefore it is
19 important that the Board fully review the information and if there are things or testimony that will strengthen
20 the case it is important to get those items in the finding.
21

22 Mr. Hall stated that in item #17, related to common sense factors that Mr. Sebens mentioned in his
23 testimony, was not added to this case therefore when this case comes back to the Board staff will try to
24 identify those more common sense items. He said that he believes that it was clearly an oversight to allow
25 contractor facilities in the AG-1 but not the B-1 district.
26

27 Mr. Hall stated that if this amendment is approved he would anticipate that Mr. Sebens would petition to
28 rezone his property to B-1 and Mr. Jesse doing the same. He said that Mr. Sebens' and Mr. Jesse's
29 properties are both located in the agricultural districts. He said that an alternative approach, at least in AG-2
30 where self-storage is allowed, is to simply allow two principal uses on one property. He said that it has been
31 allowed in the AG-2 district in specified instances and that would have been another approach to take but it
32 would require re-advertising and it was not discussed with ELUC. He said that he is bringing this approach
33 up to the Board now because Mr. Sebens has AG-2 zoning and is within one and one-half mile of a
34 municipality and will need to rezone his property to do both uses on one property even though both uses are
35 already allowed in AG-2. He said that clearly there is a question of efficiency because if you could do both
36 uses in AG-2, and many business owners are attempting to find ways to save their businesses, it maybe
37 something that the Board would want to consider in AG-2 as a Special Use Permit. He said that this would
38 require re-advertising and he has no idea how it will go over at ELUC, but it is the ZBA's amendment and if
39 you want to add it we can. He said that the amendment will have to be re-advertised which will slow it
40 down but it is a matter of common sense because both uses are allowed in the AG-2 district but not on the
41 same property.
42

1 Mr. Thorsland stated that there is a decent list of uses allowed in AG-2 at this time therefore this amendment
2 would allow any combination of those uses on one property.

3
4 Mr. Hall stated that the Board can be specific about the combinations that would be allowed.

5
6 Mr. Thorsland asked if the Board should just pick these particular two uses.

7
8 Mr. Hall stated that the Board should go through the uses and determine every combination that may be
9 allowed. He said that the maximum lot size provisions do not apply in B-1 but do apply in AG-2. He said
10 that Special Use Permits are limited to a best prime farmland lot that is either no bigger than three acres or
11 35 acres or larger. He said that there is a lot of reason for Mr. Sebens to rezone his lot to B-1 because it
12 would get him out of the best prime farmland quagmire that still has to be addressed in the rezoning but is
13 not as prominent a problem.

14
15 Ms. Capel stated that it would be easier to approach this as a rezoning than to attempt to come up with every
16 combination of two principal uses that would be allowed in AG-2.

17
18 Mr. Hall stated that thus far we have only allowed these on an incremental basis when they were requested.
19 He said that the first thing was the funeral home on the same property as the cemetery and it was allowed in
20 AG-2 as a Special Use Permit. He said that both things were allowed separately but never on one property.

21
22 Mr. Thorsland stated that the combination of the funeral home and the cemetery made perfect sense.

23
24 Mr. Kass stated that he could review what exceptions are in the Ordinance.

25
26 Mr. Thorsland stated that he has no problem allowing two principal uses through a Special Use Permit
27 process because the ZBA is very able to talk through the uses.

28
29 Mr. Kass stated that Mr. Sebens would need to rezone and request a Special Use Permit. He said that the
30 County allows two principal uses on the same property in the B-1 district by special use. He said that in the
31 CR, AG-1, AG-2 and residential districts the County does not allow two principal uses on the same property
32 at all.

33
34 Mr. Hall stated that in AG-2 there are certain uses that are allowed in combination. He said that currently
35 contractor facilities and self-storage warehouses are allowed in the AG-2 district as a Special Use Permit
36 therefore this is the Board's opportunity to propose allowing them on the same property as a Special Use
37 Permit with the provision being that it is going to raise the issue of best prime farmland would be addressed
38 in each case and as long as they are not using more than three acres of best prime farmland they could always
39 do that.

40
41 Ms. Capel asked Mr. Hall to indicate what Mr. Jesse's property is zoned.
42

- 1 Mr. Hall stated that Mr. Jesse's property is zoned AG-1 and is located less than one and one-half mile from a
2 municipality.
3
- 4 Ms. Capel stated that Mr. Jesse could rezone to AG-2.
5
- 6 Mr. Hall stated that theoretically that is true because Mr. Jesse's property does border the AG-2 district.
7
- 8 Mr. Thorsland stated that the more normal event would be to rezone a property to a district that would allow
9 two principal uses and then apply for a Special Use Permit as opposed to adding to the categories of districts
10 allowing two principal uses with a Special Use Permit.
11
- 12 Mr. Hall stated that just this combination of uses may be allowed in AG-2 since both uses are already
13 authorized.
14
- 15 Ms. Capel stated that since it is within the ETJ of a municipality it is a logical way for businesses to increase
16 their income. She asked Mr. Hall to indicate which process satisfies the interest of the Ordinance more, the
17 rezoning or revising the AG-2 district.
18
- 19 Mr. Hall stated that the Board could do both things so that a landowner in AG-2 could stay under the best
20 prime farmland limits they could do it in AG-2 but if they are going to go over the limits then they need to
21 rezone.
22
- 23 Ms. Capel stated that a rezoning is susceptible to a protest but a special use is not.
24
- 25 Mr. Hall stated that Ms. Capel was correct.
26
- 27 Mr. Thorsland requested the Board's direction for staff.
28
- 29 Mr. Courson stated that he would prefer to leave the amendment as it was advertised.
30
- 31 Mr. Thorsland stated that the Ordinance would be modified regarding these particular districts and let the
32 potential business people, known and unknown, deal with the zoning.
33
- 34 Mr. Passalacqua agreed.
35
- 36 Mr. Thorsland entertained a motion to continue Case 734-AT-12.
37
- 38 Mr. Hall stated the February 28th meeting actually has fewer cases than indicated on the distributed docket.
39
- 40 Mr. Kass stated no. He said that Cases 736-V-12 and 737-V-12 were originally docketed for the February
41 14th meeting but some issues did arise which moved the cases to the February 28th meeting.
42

1 Mr. Hall asked Mr. Kass if staff is still awaiting the petitioner's reply.

2
3 Mr. Kass stated that the petitioners would like to proceed.

4
5 Mr. Hall recommended that Case 734-AT-12 be continued to the March 14th meeting.

6
7 Mr. Thorsland entertained a motion to continue Case 734-AT-12 to the March 14th meeting.

8
9 **Ms. Capel moved, seconded by Mr. Palmgren to continue case 734-AT-12 to the March 14th meeting.**
10 **The motion carried by voice vote.**

11
12 Ms. Capel asked Mr. Hall to indicate the status of Case 685-AT-11.

13
14 Mr. Hall stated that the other text amendments were deemed a priority over Case 685-AT-11.

15
16 Mr. Hall informed Mr. Sebens that Case 734-AT-12 will return before this Board on March 14th and notice
17 will be sent to him regarding that meeting.

18
19 Mr. Hall asked Mr. Dillard if he would also like to receive information regarding the cases related to
20 contractors.

21
22 Mr. Dillard stated yes.

23
24 **7. Staff Report**

25
26 None

27
28 **8. Other Business**

29 **A. November, December 2012 Monthly Reports**

30
31 Mr. Hall stated that the November Monthly Report has been included in the mailing for the ELUC meeting
32 but he neglected to make copies for the ZBA. He said that it will be posted to the website next Friday and
33 copies will be distributed at the next ZBA meeting.

34
35 **B. Review of ZBA Docket**

36
37 Mr. Kass stated that the February 14th meeting has become a very extensive meeting. He said that the April
38 25th meeting is anticipated to be a very interesting meeting.

39
40 Mr. Hall stated that he did not realize that there were four new cases scheduled for the February 28th
41 meeting.

1 Mr. Kass stated that he placed four new cases on the docket because two of those cases appear to be very
2 simple cases.

3
4 Mr. Hall stated that he would rather move one of the new cases appearing on the docket for the February 28th
5 meeting to the March 14th meeting and move Case 734-AT-12 to the February 28th meeting. He said that the
6 four new cases scheduled for the February 28th meeting are fairly intensive and the preparation of three
7 findings of fact for final action is just not possible in our department at this time. He said that it would be
8 more equitable to place Case 734-AT-12 on the February 28th meeting and move Case 739-V-12 to the
9 March 14th meeting.

10
11 Mr. Kass stated that he has submitted the legal notice for Case 738-S-12 although he has not submitted the
12 legal notice for Case 739-V-12. He said that the docket dates for Cases 734-AT-12 and 739-V-12 could be
13 swapped but he would prefer that Cases 736-V-12 and 737-V-12 remain on the docket for the February 28th
14 meeting.

15
16 Mr. Thorsland stated that if the docket dates for Cases 734-AT-12 and 739-V-12 are swapped he would
17 recommend that staff notify all interested parties.

18
19 Mr. Thorsland entertained a motion to revise the docket and move Case 734-AT-12 to the February 28th
20 meeting and move Case 739-V-12 to the March 14th meeting.

21
22 **Mr. Passalacqua moved, seconded by Mr. Courson to revise the docket and move Case 734-AT-12 to**
23 **the February 28th meeting and move Case 739-V-12 to the March 14th meeting. The motion carried by**
24 **voice vote.**

25
26 **9. Audience Participation with respect to matters other than cases pending before the Board**

27
28 None

29
30 **10. Adjournment**

31
32 Mr. Thorsland entertained a motion to adjourn the meeting.

33
34 **Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
35 **vote.**

36
37 The meeting adjourned at 8:54 p.m.

38
39
40 Respectfully submitted

41
42

- 1
- 2 Secretary of Zoning Board of Appeals

1 Mr. Thorsland entertained a motion to remove the December 13, 2013, minutes from the agenda and return
2 for approval at the February 28th meeting.

3
4 Mr. Courson moved, seconded by Mr. Miller to remove the December 13, 2013, minutes from the
5 agenda and return for approval at the February 28th meeting. The motion carried by voice vote.
6

7 **5. Continued Public Hearing**
8

9 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
10 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**
11 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**
12 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**
13 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**
14 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**
15 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**
16 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**
17 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**
18 **members who are residents of the property when the HOME OCCUPATION is operating but who**
19 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**
20 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**
21 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**
22 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**
23 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**
24 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**
25 **in any way for the RURAL HOME OCCUPATION shall be within the limits established.**
26

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

32 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of this request.
33

34 Mr. John Hall, Zoning Administrator, stated that the request is an amendment to clarify the limits on
35 vehicles and equipment in Rural Home Occupations. He said that the Supplemental Memorandum dated
36 February 8, 2013, reviewed the changes and those marked with the asterisks are the changes that were
37 discussed by the Board at the last meeting. He said that the Board discussed how they wanted the limit of
38 motor vehicles to apply to semitrailers but not necessarily the other trailers and the Board’s recommendation
39 is included in revised paragraph 7.1.2E.3. and 7.1.2F.2. He said that a trailer will not be counted as a
40 separate piece of equipment when it is carrying a piece of equipment. He said that paragraph 7.1.2F.1.
41 indicates that trailers are considered equipment with the exception of licensed semitrailers.
42

1 Mr. Hall stated that a specific prohibition was added regarding parking in the right-of-way. He said that he
2 hopes that the grandfathering provision for existing vehicles and equipment in existing RHO's is very clear.
3 He said that vehicles and equipment that are at existing RHO's today that exceed the limits would be
4 grandfathered under this amendment. He said that the one RHO owner who has been following this case the
5 entire time is not present tonight but staff may want to call him to make sure that he has no comments
6 regarding the grandfathering.

7
8 Mr. Hall stated that the numbering change to the amendment is basically for consistency. He said that the
9 version of the amendment which was sent to the Committee of the Whole appeared to indicate that if
10 vehicles and equipment were at least 50 feet from the lot line or 100 feet from an adjacent dwelling that they
11 would not need to be screened but that is not what the current Ordinance indicates and relaxing the standard
12 that much would not be the recommendation and was not the intention. He said that hopefully the text in the
13 revised amendment is very clear in indicating that everything needs to be screened as it does now but it does
14 not need to be 50 feet from the lot line, as the current Ordinance requires. He said that all of the text
15 regarding equipment was relocated to paragraph H. so that the limit on equipment and the screening required
16 for equipment is all located in one place, which has caused some confusion for citizens in the past. He said
17 that the other changes to the amendment were in regard to formatting issues.

18
19 Mr. Hall stated that the changes are what the Board was expecting to see at this meeting and he would hope
20 that when this case comes back to the Board a revised Summary Finding of Fact will be prepared and the
21 case will be ready for final action.

22
23 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

24
25 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
26 testimony regarding this case and there was no one.

27
28 Mr. Thorsland closed the witness register.

29
30 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

31
32 Mr. Thorsland asked the Board if the recommended modifications to the amendment were outlined well in
33 the February 8th Supplemental Memorandum.

34
35 Mr. Passalacqua stated yes.

36
37 Mr. Passalacqua asked Mr. Hall if the limit was changed to 15 rather than the proposed 10.

38
39 Mr. Hall stated that he remembers the discussion and at the time it appeared that a change to the limit might
40 be necessary but the limit of 15 was first proposed to deal with the limit on trailers. He said that when
41 trailers are not counted towards the limit an increase is not necessary.

42

1 Mr. Passalacqua agreed.
2
3 Mr. Thorsland stated that he had the same question and he reviewed his notes as well.
4
5 Mr. Thorsland requested a continuance date from staff.
6
7 Mr. Hall asked Mr. Kass if Case 732-AT-12 could be continued to the February 28th meeting.
8
9 Mr. Kass stated yes.
10
11 Mr. Thorsland entertained a motion to continue Case 732-AT-12 to the February 28th meeting.
12
13 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the February 28th**
14 **meeting. The motion carried by voice vote.**
15
16 **Case 733-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
17 **Ordinance as follows: Part A. Add defined term “AGRICULTURE DRAINAGE CONTRACTOR”**
18 **to Section 3 to be defined as “a contractor whose principal business is installing and/or selling**
19 **agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile,**
20 **tile inlets, culverts, and related drainage improvements. Part B. Add “AGRICULTURAL**
21 **DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor**
22 **OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section**
23 **5.2 permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the**
24 **B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the**
25 **dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail**
26 **sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section**
27 **6.1.3. Part C. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor**
28 **STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of**
29 **Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, AG-2, B-4**
30 **(if screening is not provided), and B-5 Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR**
31 **STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts;**
32 **and add a footnote authorizing as much as 50% of the dollar volume of business at an**
33 **AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage**
34 **products; and add Special Use Permit Standard Conditions to Section 6.1.3.**
35
36 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
37 sign the witness register for that public hearing. He reminded the audience that when they sign the
38 witness register they are signing an oath. He asked the audience if anyone desired to sign the witness
39 register at this time.
40
41 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of this request.
42

1 Mr. Hall stated that the Supplemental Memorandum that was included in the mailing added the changes that
2 were discussed at the previous meeting. He said that the memorandum clarified that the volume of retail
3 sales is on average and limiting the facilities in the CR District to those that existed on the effective date of
4 the amendment. He said that there are specific policies which relate to new development in the CR district
5 and those are pretty prominent policies therefore the standard condition in Section 6.1.3. was added making
6 it clear that any expansion of an existing facility in the CR district has to minimize the disturbance of
7 existing habitat or natural areas. He said that he is somewhat familiar with the one facility that is located in
8 the CR district and he does not expect that the standard condition would cause any problems for that facility
9 given where it is located but if the standard condition was not included there would be questions at the
10 County Board level.

11
12 Mr. Hall distributed a Supplemental Memorandum dated February 14, 2013, to the Board for review. He
13 said that attached to the memorandum is a Revised Finding of Fact. He said that on pages 19 and 20 of the
14 Revised Finding of Fact is a Summary Finding of Fact and he would like the Board to concentrate on this
15 Summary Finding of Fact. He said that if the Board believes that the Summary Finding of Fact does a good
16 job in cutting down the review process as to why the case should or should not be approved then those two
17 pages are the only documents that will be sent to the County Board and this would become the new standard
18 for text and map amendments. He said that the references are cited so that a County Board member who is
19 diligent enough and has the time could go back into the Finding of Fact and read the specifics but if they are
20 only concerned about what the amendment will help achieve and does not impede the goals and policies then
21 this Summary Finding of Fact would give them a good idea. He said that for years he has received negative
22 comments about how long the Finding of Facts are for any particular case. He said that the Zoning Board
23 must still prepare a complete Finding of Fact but the County Board does not need to review it all. He said
24 that this is the procedure that he would like to begin to follow although any big change like this requires
25 some experimentation and this procedure does not have to be followed for this case. He said that during the
26 process of preparing the Revised Summary Finding of Fact he and Mr. Kass reviewed some of the
27 recommendations that the Board made on the policies and the first recommendations included several
28 policies under HELP ACHIEVE that he felt that staff was attempting to reach too far.

29
30 Mr. Hall stated that Policy 4.2.3 on page 7 indicates the following: "The County will require that each
31 proposed discretionary development explicitly recognize and provide for the right of agricultural activities to
32 continue on adjacent land." He said that previously it was recommended that the amendment would HELP
33 ACHIEVE Policy 4.2.3 but there is nothing in the text amendment which relates to that policy therefore it
34 would be best to indicate that the amendment does NOT IMPEDE Policy 4.2.3.

35
36 Mr. Hall stated that Policy 4.2.1 on page 6 indicates the following: "The County may authorize a proposed
37 business or other non-residential discretionary review development in a rural area if the proposed
38 development supports agriculture or involves a product or service that is provided better in a rural area than
39 in an urban area. He said that this amendment relates directly to Policy 4.2.1 and HELPS ACHIEVE it.

40
41 Mr. Hall stated that several policies were removed because staff was at a loss as to how to how to identify
42 what the proposed amendment would do for those objectives and policies. He said that the following

1 policies were revised to an evaluation of WILL NOT IMPEDE: Objectives 4.1, 5.3, 8.2 and Policies 4.1.1,
2 4.1.6, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 5.2.2, 5.3.1, 5.3.2, 8.2.1, and 8.5.2.

3
4 Mr. Hall stated that under Objective 4.3, the only Policy that staff retained as HELP ACHIEVE was Policy
5 4.3.5 which states the following: "On best prime farmland, the County will authorize a business or other
6 non-residential use only if: a. it also serves surrounding agriculture uses or an important public need; and
7 cannot be located in an urban area or on a less productive site; or b. the use is otherwise appropriate in a
8 rural area and the site is very well suited to it." He said that some policies were removed under Goal 5, 6
9 and 8.

10
11 Mr. Hall stated that the whole goal in having a Summary Finding of Fact is having something that is as short
12 as possible therefore staff did not state the verbatim policies in the Summary Finding of Fact because they
13 are summaries of the policies. He said that some people will probably be greatly offended because they
14 place so much importance on each and every policy, particularly those regarding best prime farmland, but if
15 the Board is comfortable with the Summary Finding of Fact then staff is as well.

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

18
19 Mr. Palmgren clarified that the Summary Finding of Fact is just that, a summary, but the ZBA Board and the
20 County Board will receive the full length Summary of Evidence and Finding of Fact if they desire to review
21 it.

22
23 Mr. Hall stated yes.

24
25 Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was
26 no one.

27
28 Mr. Thorsland closed the witness register for Case 733-AT-12 at this time.

29
30 Mr. Thorsland stated that the only concern that he had regarding this case was clarifying the dollar volume of
31 sales and the change of some of the recommendations of HELP ACHIEVE to NOT IMPEDE and those
32 changes are reflected in the new Summary Finding of Fact. He asked the Board if they preferred the new
33 Summary of Evidence for review or go through each policy individually for review.

34
35 Mr. Passalacqua stated that he is very happy with the condensed version.

36
37 **Summary Finding of Fact for Case 733-AT-12:**

38
39 From the documents of record and the testimony and exhibits received at the public hearing conducted on,
40 January 31, 2013, and February 14, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 41
42 1. **The proposed text amendment HELPS ACHIEVE the Land Resource Management**

1 Plan because of the following (objectives and policies are briefly summarized):

2
3 A. The proposed text amendment HELPS ACHIEVE the following LRMP goals:

4
5 Goal 4 Agriculture because while it will not impede or is not relevant to many
6 objectives and policies under this goal, it HELPS ACHIEVE the following:

- 7 • Objective 4.2 requiring discretionary development to not interfere with
8 agriculture because it HELPS ACHIEVE the following:
 - 9 • Policy 4.2.1 requiring a proposed business in a rural area to support
10 agriculture or provide a service that is better provided in the rural
11 area (See Item 9.1.(1)).
 - 12 • Policy 4.2.2 requiring discretionary development in a rural area to not
13 interfere with agriculture or negatively affect rural infrastructure (See
14 Item 9.A.(2)).
- 15
16 • Objective 4.3 requiring any discretionary development to be on a
17 suitable site because it HELPS ACHIEVE the following:
 - 18 • Policy 4.3.5 requiring any business on best prime farmland to be
19 appropriate in a rural area and on a site that is well suited (See Item
20 9.B.(1)).

21
22 Goal 5 Urban Land Use because while it will not impede one objective and is not
23 relevant to many policies under this goal, it HELPS ACHIEVE the following:

- 24 • Objective 5.2 requiring any urban development to demonstrate good
25 stewardship of natural resources because it HELPS ACHIEVE the
26 following:
 - 27 • Policy 5.2.3 requiring that new urban development shall result in no
28 more than minimal disturbance to natural areas with significant
29 quality (See Item 10.B.(1)).

30
31 Goal 8 Natural Resources because while it will not impede one objective and is
32 not relevant to many policies under this goal, it HELPS ACHIEVE the
33 following:

- 34 • Objective 8.5 that encourages the maintenance and enhancement of
35 aquatic and riparian habitats because it HELPS ACHIEVE the
36 following:
 - 37 • Policy 8.5.1 requiring discretionary development to preserve existing
38 habitat, enhance degraded habitat and restore habitat (see Item
39 13.a.(1)).

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- Objective 8.6 that avoids loss of degradation of habitat because it HELPS ACHIEVE the following:
 - Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (See Item 13.B.(2)).

B. The proposed text amendment will NOT IMPEDE the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation

C. The proposed text amendment is NOT RELEVANT to the following LRMP Goal(s):

- Goal 10 Cultural Amenities

2. The proposed amendment HELPS ACHIEVE the purpose of the Zoning Ordinance as follows:

- Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I).
- Fixes regulations and standards to which USES shall conform (Purpose 2.0 (k) see Item 16.K.).
- Protects natural features in the CR District such as forested areas and watercourses (Purpose 2.0 (o) see Item O.).

3. The proposed text amendment WILL IMPROVE the Zoning Ordinance as follows:

- Adds the principal use “AGRICULTURAL DRAINAGE CONTRACTOR” that is currently not included in the Zoning Ordinance even though it is present in the County and needed by the agricultural community.
- Specifies important differences between an “AGRICULTURAL DRAINAGE CONTRACTOR” and other types of contractors.
- Accommodates the expansion of nonconforming “AGRICULTURAL DRAINAGE CONTRACTOR” uses in the CR District but not allowing the establishment of new “AGRICULTURAL DRAINAGE

- 1 **CONTRACTOR” uses that are not already located in the CR District.**
- 2 • **Specifies standards by which an “AGRICULTURAL DRAINAGE**
- 3 **CONTRACTOR” can be authorized.**

4

5 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Summary

6 Finding of Fact as amended.

7

8 **Mr. Courson moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**

9 **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

10

11 Mr. Thorsland entertained a motion to move to the Final Determination for Case 733-AT-12.

12

13 **Mr. Courson moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 733-**

14 **AT-12. The motion carried by voice vote.**

15

16 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant

17 therefore it is at his discretion to either continue Case 733-AT-12 until a full Board is present or request that

18 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative

19 votes are required for approval.

20

21 Mr. Hall requested that the present Board move forward to the Final Determination.

22

23 **Final Determination for Case 733-AT-12:**

24

25 **Mr. Passalacqua moved, seconded by Mr. Courson that pursuant to the authority granted by Section**

26 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

27 **determines that the Zoning Ordinance Amendment requested in Case 733-AT-12 should BE**

28 **ENACTED by the County Board in the form attached hereto.**

29

30 Mr. Thorsland requested a roll call vote.

31

32	Miller-yes	Palmgren-yes	Passalacqua-yes
33	Courson-yes	Capel-absent	Thorsland-yes

34

35 Mr. Hall thanked the Board and noted that the amendment will be forward to the Committee of the Whole in

36 March.

37

38 Mr. Passalacqua asked Mr. Hall why he believes some of the County Board members will not appreciate the

39 Summary Finding of Fact.

40

41 Mr. Hall stated that some of the County Board members may not like the abbreviated policies. He said that

1 the full polices could be inserted and the document would still be under two pages but this is a simple text
2 amendment. He said that a Summary Finding of Fact for a map amendment would be a different story. He
3 said that he believes that most County Board members will have the same reaction that the ZBA did in
4 regards to the Summary Finding of Fact.

5
6 **6. New Public Hearings**

7
8 **Case 735-S-12 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**
9 **Request to authorize the use of existing multiple principal buildings on the same lot in the I-1 Light**
10 **Industry Zoning District as a Special Use. Location: Lot 2 of Stahly Subdivision in the Southeast**
11 **Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany**
12 **Court, Champaign.**

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

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

27
28 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of this request.

29
30 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that he is one of the owners of TC
31 Management LLC. He said that the property was purchased in late April 2012 and due to some of the
32 challenges with the property the main building was offered at a significantly lower than market rate. He said
33 that they are before the Board tonight requesting the authorized use of the second building on the property so
34 that they could possibly get an additional revenue stream out of the property. He said that currently the
35 second use is outside of the Ordinance and he is attempting to remedy the situation tonight.

36
37 Mr. Thorsland called Mr. John Hall to testify.

38
39 Mr. John Hall, Zoning Administrator, stated that the Preliminary Memorandum dated February 8, 2013,
40 discussed that after staff had advertised the case staff identified that a variance for parking was required. He
41 said that staff could not figure out a way to get the number of parking spaces required by the Ordinance,
42 which is 54, therefore a variance is required and must be advertised. He said that once the variance case is

1 advertised the Board could take final action on both cases.

2
3 Mr. Hall distributed a Supplemental Memorandum dated February 14, 2013, which includes an e-mail from
4 Don Wauthier, representing the Fountain Head Drainage District. Mr. Hall read Mr. Wauthier's e-mail to
5 the Board.

6
7 Mr. Hall stated that staff has received complaints regarding drainage in Stahly Subdivision and he believes
8 that this is a wide spread problem. He said that he is not aware that anything related to this zoning case
9 contributes to the drainage problem. He said that the reason why this case is before the Board is because of
10 the small self-storage warehouse facility. He said that the facility was an existing storage building that was
11 converted in to a self-storage warehouse which made it a second principal building on the lot and triggered
12 the need for the Special Use Permit. He said that the need for the variance is because of the amount of
13 parking required for the new gymnastics center. He said that a gymnastics center parking standard is one
14 space per 200 square feet and that is close to 9,000 square feet which computes to 45 spaces. He said that a
15 certain amount of parking is also required for the self-storage warehouses and the property currently only has
16 approximately one-half of the parking spaces required. He said that it is important that there is enough
17 parking on the site so that clients will not be parking in the street. He said that Keith Padgett, Champaign
18 Township Highway Commissioner is present tonight to answer any questions that the Board may have
19 regarding this case.

20
21 Mr. Hall stated that the gymnastics center applied for their permit although it has not been issued and he is
22 not certain if the gymnastics center was already in operation. He said that staff does not inform people to
23 stop operation but if they continued to use the facility that they had invested so much money into they would
24 be doing it at their own risk. He said that staff is not aware of any actual parking issues other than the
25 Zoning Ordinance requires a lot more than exists on the lot currently. He said that the drainage issues in the
26 development are related to some of the other uses and the fact that this is an old development and probably
27 not all of the field tiles were identified when the subdivision was platted which allowed structures to be built
28 upon the old drainage tile. He said that the old tiles are probably not working any longer which creates a
29 drainage issue with the road ditch. He said that some of the uses in this subdivision contribute to the
30 drainage issues and perhaps over time this matter will be get better but as far as the subject property he is not
31 aware that it is contributing to the drainage problem.

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

34
35 Mr. Murphy requested the opportunity to make a brief comment.

36
37 Mr. Thorsland called Mr. John Murphy to testify.

38
39 Mr. John Murphy stated that they did not contribute to the existing drainage issues but did volunteer to
40 provide money to Mr. Shaw last summer. He said that Mr. Shaw approached them and they agreed that if
41 there was something that they could do to improve his situation then, as a good neighbor, they provided
42 \$1,000 to address the drainage.

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

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

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

7
8 Mr. Hall asked Mr. Murphy if the site accommodates all of the parking that is needed for the Hayasaki
9 Gymnastics Center and everything else that occurs on the site.

10
11 Mr. Murphy stated that the site does accommodate all of the parking because the gymnastic classes are
12 staggered at various times and the majority of the traffic includes drop-off and pick-up of the students. He
13 said that there are a few parents who do stay and watch their kids participate in the classes and of course the
14 staff that is present during the class times.

15
16 Mr. Hall asked Mr. Murphy if it is his opinion that he could create additional parking spaces if the need
17 arises in the future.

18
19 Mr. Murphy stated yes, but they would be some distance from the entrance to the facility.

20
21 Mr. Hall stated that staff has not proposed any special conditions for the special use yet but staff will
22 recommend a special condition for the variance indicating that no parking is allowed in the right-of-way. He
23 said that the special condition will be included in the next mailing and the Board will need to make sure that
24 Mr. Murphy is comfortable with that condition.

25
26 Mr. Murphy stated that he is comfortable with the special condition. He said that some of the landscaping
27 that they proposed was an attempt to address some issues that were occurring with another business that
28 appeared to be a negative impact on everyone.

29
30 Mr. Passalacqua stated that the photographs indicate that there is vacant office space for rent. He asked Mr.
31 Murphy if there are vacant areas of the building that is not being utilized at this time and is available for rent.

32
33 Mr. Murphy stated yes. He said that the building is 12,000 square feet and Mr. Hayasaki is renting
34 approximately 8,600 square feet.

35
36 Mr. Passalacqua asked Mr. Murphy if there would be adequate parking if the vacant area is rented.

37
38 Mr. Murphy stated that having heard what Mr. Hall has stated tonight this would certainly be something that
39 they would need to address as they screen what type of tenant could occupy the area. He said that Mr.
40 Hayasaki is their anchor tenant therefore whatever they bring into the vacant area would have to be
41 compatible with Mr. Hayasaki's operation. He said that there is approximately 1,200 square feet that could
42 be used for office space, cold storage, etc, which would still allow some inside parking that could be

- 1 available through the two overhead doors.
2
- 3 Mr. Passalacqua asked Mr. Murphy if the gymnastics center hosts competition events where the parking area
4 could be completely full at any one time.
5
- 6 Mr. Murphy stated that he is not aware of any event that has been hosted at the gymnastics center since they
7 opened in late August 2012. He said that he cannot say that Mr. Hayasaki would not want to host an event in
8 the summer but if the parking would be a significant issue the neighbor to the south has significant parking
9 and he is sure that they could work with that property owner on a case by case basis.
10
- 11 Mr. Passalacqua stated that if the parking area was completely full there may be some parking available in
12 the agreed overflow area.
13
- 14 Mr. Murphy stated yes. He said that he is pretty sure that Steve Koester of S & K Fence would work with
15 them as well regarding any overflow parking requirements.
16
- 17 Mr. Thorsland stated that, as a rule, the competition events occur on Saturdays therefore the additional
18 parking that would be available is due to the fact that the other businesses are not open for business on
19 Saturday. He asked Mr. Murphy if there would be additional spaces available if the event occurred on a
20 Tuesday or Friday.
21
- 22 Mr. Murphy stated that the first location that he was referring to is directly south of the subject property the
23 nature of that property's business is that no customers visit the property therefore a huge amount of parking
24 is available during any time of the week.
25
- 26 Mr. Murphy stated that since there are no before and after pictures to present to the Board he can only say
27 that they have put a tremendous amount of time and money into this property and some of the comments that
28 have been received, mainly Steve Koester, have been very positive. Mr. Murphy stated that they have added
29 a lot to the area in improving what was known as a blighted building and they are anxious to become a good
30 neighbor and not present any obstacles for businesses in the area.
31
- 32 Mr. Thorsland asked if staff had any additional questions for Mr. Murphy.
33
- 34 Mr. Thorsland asked if the Board had any additional questions for Mr. Murphy.
35
- 36 Mr. Courson stated that the additional parking may be available today from the other businesses but if the
37 economy improves the other businesses may not have that available parking in the future. He asked if the
38 Board should address the parking issue on the subject property at this time. He said that there could be a lot
39 of parents attending the events which would increase the parking and he would like to hear input from the
40 tenant regarding his future plans for events and parking arrangements.
41
- 42 Mr. Thorsland requested that staff contact the tenant regarding future plans.

1
2 Mr. Passalacqua stated that he would like to have letter from S & K Fence indicating the availability of his
3 property for overflow parking, if needed. He said that he believes that the S & K Fence property is fenced
4 and gated which would mean having to gain access to that area. He said that anything to support the
5 overflow parking arrangement would be a great asset to the Documents of Record.
6
7 Mr. Murphy stated that Mr. Koester offered to attend the meeting tonight. Mr. Murphy stated that he will
8 obtain a written statement from Mr. Koester regarding the use of his property for overflow parking.
9
10 Mr. Hall asked the Board if there is a need to require an alternative parking layout on the subject property.
11
12 Mr. Passalacqua stated that he does not see many alternative parking spots on the subject property. He asked
13 Mr. Murphy if the subject property used to be the home of Central States Roofing Supply.
14
15 Mr. Murphy stated yes.
16
17 Mr. Passalacqua asked Mr. Murphy if the property consisted of one building or both buildings.
18
19 Mr. Murphy stated that Central States Roofing Supply had both buildings. He said that the outbuilding was
20 built in the 1990's and was originally used as an open building to store shingles. He said that they enclosed
21 the building and replaced steel on the main building. He said that they painted the outbuilding and installed
22 new doors, gutters, etc.
23
24 Mr. Thorsland requested clarification of the blue and red indications on the annotated land survey included
25 as an attachment to the February 14, 2013, Supplemental Memorandum.
26
27 Mr. Kass stated that the parking area indicated in blue is approximately 22' x 57' area that is paved and
28 currently there is a work trailer parked in this location. He said that the 22' x 57' area could be utilized as
29 striped parking spaces.
30
31 Mr. Thorsland asked if the parking spaces indicated in red are the existing parking spaces.
32
33 Mr. Murphy stated that he believes that the drawing is correct. He said that he did not submit the annotated
34 plan.
35
36 Mr. Kass stated that he created the annotated plan from memory and the measurements that he took when he
37 visited the site.
38
39 Mr. Murphy stated that the photographs indicate the parking spots and what is striped. He said that the
40 parking spots and the flow of the lot were designed by Mr. Hayasaki in terms of what would accommodate
41 his needs.
42

- 1 Mr. Hall stated that he does not recall the dimension from the face of the main building to the front lot line
2 but he does recall that there is not enough dimension for three rows of 90 degree parking spaces. He said
3 that another type of variance that might help, if the entire parking area is revamped, is to allow the parking
4 spaces to go all the way to the front property lot line providing 10 more feet of parking.
5
- 6 Mr. Kass stated that the 10 feet to the front of the property line is a utility easement.
7
- 8 Mr. Hall stated that he would presume this is the reason why the area is just rock and not concrete.
9
- 10 Mr. Passalacqua asked if there is enough width on the south side to allow for five or six parallel parking
11 spots.
12
- 13 Mr. Hall stated yes because there is 24 feet of clearance which would be enough room for a traffic aisle and a
14 parking aisle.
15
- 16 Mr. Kass stated that patrons would have to essentially park next to the building or on the walkway. He said
17 that one photograph indicates the south side of the building and parking on the south side would block the
18 south entrance to the building. He said that when he visited the property he was not comfortable, in his
19 opinion, to provide five or six parking spots in that area. He said that the math computation would indicate
20 that parking could occur there but he does not believe that it is not a good alternative.
21
- 22 Mr. Thorsland asked the Board if the possible areas for additional parking need to be marked.
23
- 24 Mr. Kass noted that currently there are no marked handicap accessible spaces on the property.
25
- 26 Mr. Courson stated that there are double striped marks in the photographs.
27
- 28 Mr. Kass stated that the double striped marks in the photographs are indicating the end of the row.
29
- 30 Mr. Courson stated that the handicap spaces should be near the building.
31
- 32 Mr. Kass stated yes.
33
- 34 Mr. Thorsland asked if it would be possible to indicate one handicap accessible parking space at the
35 southwest corner close to the door.
36
- 37 Mr. Passalacqua asked if the size of the first angled spot which is closest to the entry door under the “for
38 rent” sign could be increased.
39
- 40 Mr. Hall stated that when this was done there should have been a provision for an accessible parking space
41 and at this point requiring any new spaces to be provided would definitely have to include at least one
42 accessible space. He said that if the Board determines that the number of spaces on the property is adequate

1 then no new accessible space has to be added but if any new spaces are added then one accessible space has
2 to be included and should be placed next to the building and not divided by a traffic lane.
3

4 Mr. Passalacqua stated that as much parking as possible should be added to the property because it will be
5 difficult to keep the parking off of the street.
6

7 Mr. Thorsland stated that if the Board specifies adding any parking the Board needs to specify an accessible
8 spot and where it should be located.
9

10 Mr. Passalacqua asked Mr. Hall to indicate the Illinois Accessibility Code requirements for location.
11

12 Mr. Hall stated that the location is supposed to be as close to the entrance as possible. He said that one
13 Board member mentioned adding this space along the south side of the building and he would agree. He
14 said that there is enough room at that location for a 10 foot wide accessible space which would allow the
15 patron to travel directly to the entrance door without crossing a traffic way. He said that placing the
16 handicap space at this location would open up one more parking space. Mr. Hall stated that the owner's
17 would have to determine if this will work for their tenant and if it does this would be a simple way to
18 maximize parking. He said that the concrete would have to be completed to the door.
19

20 Mr. Thorsland stated that the one drawing indicates a pad of concrete along the southwest side of the
21 building but it is not apparent in the photograph. He said that he assumes that the fancier doors are the main
22 entrance doors to the building.
23

24 Mr. Murphy stated that the brick entrance is the main entrance and the handicap accessible parking being
25 located in the area of the Hayasaki Gym entrance sign would allow a person to have continuous concrete
26 from the parking spot to the door. He said that they poured a sidewalk that ties into the parking lot and
27 continues to the entrance of the business.
28

29 Mr. Thorsland asked Mr. Murphy if he knew how many people other than Mr. Hayasaki work at the center.
30

31 Mr. Murphy stated that the staff varies and some of the University of Illinois gymnasts assist Mr. Hayasaki
32 with classes. He said that the staff level depends on what age and type of class is being offered at any given
33 time.
34

35 Mr. Thorsland asked Mr. Murphy if an employee parked at the proposed southwest parking spot and was
36 counted as one of the parking spots would it not impede progress into the building. He asked Mr. Kass if
37 the southwest area was wide enough for two parking spaces.
38

39 Mr. Kass stated that the survey indicates that the building is 24 feet to the south property line and 25 feet to
40 the north property line. He said that the Ordinance prohibits parking within five feet of the lot line.
41

42 Mr. Hall stated that this might be a good instance for a variance.

1
2 Mr. Thorsland stated that this area could be for employees only and a variance could be requested for
3 parking within five feet of the lot line. He said that the handicap spot could be in the southeast corner of the
4 building where there is already paving.

5
6 Mr. Passalacqua asked Mr. Murphy if Mr. Hayasaki uses the overhead doors.

7
8 Mr. Murphy stated no.

9 Mr. Thorsland asked if Mr. Hayasaki used the overhead doors to carry in equipment.

10
11 Mr. Murphy stated that Mr. Hayasaki did originally use them to bring in the heavy equipment but the area
12 with the overhead doors is not part of Mr. Hayasaki's leased area.

13
14 Mr. Thorsland asked Mr. Murphy if the parking lot remains as it is currently and the area with the overhead
15 doors was leased out to someone, could they access the overhead doors.

16
17 Mr. Murphy stated yes.

18
19 Mr. Passalacqua stated that they could access the overhead doors.

20
21 Mr. Murphy stated that if the handicap spot was to the south of the small door there would still be quite a bit
22 of space. He said that there is an entrance on either side of the split rail fence therefore if you came in using
23 the northern most entrance they would have a straight shot to the overhead doors.

24
25 Mr. Hall informed Mr. Murphy that staff will be in touch so that the parking issue can be resolved prior to
26 the legal advertisement for the variance case. He said that at this point every additional parking space is
27 important.

28
29 Mr. Thorsland informed Mr. Murphy that the Board would like to have a letter from S & K Fence and Mr.
30 Hayasaki regarding possible tournaments and parking accommodations. He said that a diagram of possible
31 parking spaces should be submitted for review as well.

32
33 Mr. Passalacqua asked Mr. Hall if the three loading berth sketches are only indicated as potential spots.

34
35 Mr. Hall stated that there must be three loading berths and the three sketches indicate the areas that would
36 meet the Ordinance requirement.

37
38 Mr. Thorsland asked Mr. Murphy if he had any questions for the Board or staff.

39
40 Mr. Murphy stated he will take care of the requested letters and will discuss the parking space diagram with
41 staff.

42

1 Mr. Thorsland asked the Board if there were any additional questions for Mr. Murphy or staff and there were
2 none.

3
4 Mr. Thorsland asked if staff had any questions for Mr. Murphy and there were none.

5
6 Mr. Thorsland called Mr. Keith Padgett to testify.

7
8 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he appreciates the Board's
9 efforts regarding this property because this area has been a difficult one from time to time. He said that as
10 long as the petitioner will comply with the Board's recommendations in not parking in the right-of-way on a
11 regular basis, and the reduced bus traffic in the area and the alternating traffic from the subject property
12 during their events, the township road district would welcome new neighbors to the area.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett.

15
16 Mr. Passalacqua asked Mr. Padgett if over the last year there has been active work going on regarding the
17 water issue in the area.

18
19 Mr. Padgett stated that there has been a lot of discussion between the State and the owners of the bus
20 business regarding the water issue.

21
22 Mr. Passalacqua stated that he has probably just seen the installation of silt barriers in the culverts or outlets
23 and no construction going on.

24
25 Mr. Padgett stated that there was some construction when the gas station was constructed. He said that a
26 detention pond was constructed and drain tiles were directed from the detention pond to a catch basin on the
27 north side of the road where all of the water is located. He said that the tile no longer drains back to the field
28 where Mr. Shaw's drainage problem occurs and since it is not in the right-of-way it is not within Mr.
29 Padgett's jurisdiction therefore the State was attempting to deal with the issue. He said that it appears that
30 Mr. Wauthier is more knowledgeable about where a tile might have been that is no longer working. Mr.
31 Padgett stated that the culvert running under Tiffany Drive had rotted under the road therefore he contacted
32 the State and instead of digging it up and replacing it they inserted a sleeve in it although it did not remedy
33 the water issue. He said that the State researched the water issue and why it was ponding in the ditch. He
34 said that the State found that the water travels from the south side of the road along the railroad tracks under
35 a culvert under Route 10 to the catch basin and during a one-half inch rain the water could and would have
36 gone away in the 1950's but it no longer does that. He said that the surface water from the gas station comes
37 into the same catch basin and has to climb over the summit in the ditch and under Tiffany Drive to the north
38 side of the road down to the Number One Spur Ditch, which is an open ditch which runs to Rising Road. He
39 said that the water issue is a big issue but it will not resolve itself.

40
41 Mr. Passalacqua asked Mr. Padgett if the subject property will add to the problem.

42

1 Mr. Padgett stated no.

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

4
5 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.

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

8
9 Mr. Thorsland requested a continuance date from staff.

10
11 Mr. Hall stated that the variance case must be advertised. He said that the Board could consider holding a
12 special meeting on April 11th in the John Dimit Meeting Room. He said that if the Board approves the
13 special meeting it is possible that both cases could be placed on the docket for that meeting.

14
15 Mr. Kass stated that there would be adequate time for advertisement of the variance case if this case was
16 continued to the April 11th meeting.

17
18 Mr. Thorsland entertained a motion to schedule a special meeting on April 11th to be held in the John Dimit
19 Meeting Room.

20
21 **Mr. Courson moved, seconded by Mr. Palmgren to schedule a special meeting on April 11th to be held**
22 **in the John Dimit Meeting Room. The motion carried by voice vote.**

23
24 Mr. Thorsland entertained a motion to continue Case 735-S-12 to the April 11th meeting.

25
26 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 735-S-12 to the April 11th**
27 **meeting. The motion carried by voice vote.**

28
29 **7. Staff Report**

30 Mr. Hall informed the Board that the February 28th meeting will be held in the John Dimit Meeting Room.

31
32 **8. Other Business**

33 **A. November 2012 Monthly Report**

34 Mr. Hall stated that a Summary has not been completed for Fiscal Year 2012 but he believes that it would
35 indicate that permits were up in 2012 in comparison to 2011 and zoning case activity increased by 50% in
36 2012 than in 2011. He said that the Board completed almost twice as many cases in 2012 than in 2011 and
37 the number of cases pending at the end of Fiscal Year 2012 was almost the same. He said that 34 cases is
38 the expected long term average number of zoning cases therefore in terms of what the economy may look
39 like in regards to zoning cases, it looks pretty good. He said that permitting is not at what might be called a
40 long term average but the office is very, very busy.

41

42 **B. Review of Docket**

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Mr. Thorsland stated that the Board previously discussed the docket.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Mr. Miller moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 7:47 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA

DRAFT SUBJECT TO APPROVAL DRAFT

2/14/13

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6 **MINUTES OF REGULAR MEETING**

7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

8 1776 E. Washington Street
9 Urbana, IL 61802

10
11
12 **DATE:** February 28, 2013 **PLACE:** John Dimit Meeting Room
13 1776 East Washington Street
14 **TIME:** 6:30 p.m. **Urbana, IL 61802**

15
16 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
17 Passalacqua, Roger Miller

18
19 **MEMBERS ABSENT :** None

20
21 **COUNTY BOARD MEMBERS PRESENT:** Jonathan Schroeder

22
23 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

24
25 **OTHERS PRESENT :** Katie Warren, Dorothy Riegel, Terry Plampin, Kelly Dillard, Eric Sebens,
26 Charlie Jesse

27
28
29 **1. Call to Order**

30
31 The meeting was called to order at 6:31 p.m.

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one Board seat vacant.

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

40
41 **3. Correspondence**

42
43 None

DRAFT

44
45 **4. Approval of Minutes (December 13, 2012 and January 17, 2013)**

46
47 Mr. Passalacqua moved, seconded by Mr. Courson to approve the December 13, 2012, and January
48 17, 2013, minutes as submitted. The motion carried by voice vote.

49
50 **5. Continued Public Hearing**

51
52 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
53 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**

1 replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace
2 with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise
3 subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the
4 phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new
5 subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the
6 premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated
7 by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family
8 members who are residents of the property when the HOME OCCUPATION is operating but who
9 subsequently move from the premises may remain active in the HOME OCCUPATION and shall not
10 be counted as a non-resident employee as long as their participation in the HOME OCCUPATION
11 continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as
12 defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase
13 “and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR
14 VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used
15 in any way for the RURAL HOME OCCUPATION shall be within the limits established.
16

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

21 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of their request.
22

23 Mr. John Hall, Zoning Administrator, stated that there were changes at the last ZBA meeting but there are no
24 new changes proposed for this case tonight. He distributed a new Supplemental Memorandum dated
25 February 28, 2013, to the Board for review. He said that the memorandum includes an updated Finding of
26 Fact with the new format Summary Finding of Fact on page 12 of 18, which is the page that will be
27 forwarded to the County Board for review. He said that this case may be ready for final action but it is not as
28 pressing as some other amendments and it is up to the Board whether or not to take action tonight or
29 continue it to a later date.
30

31 Mr. Thorsland called Kelly Dillard to testify.
32

33 Mr. Kelly Dillard, who resides at 700 CR 2175N, Champaign, stated that expanding the Ordinance to
34 include equipment and trailers without expanding the number will hurt people who want to have Rural
35 Home Occupations. He said that the new information indicates that the proposed text amendment will not
36 impede LRMP Goal 3. He said that without a doubt the proposed text amendment will impede Goal 3 which
37 is prosperity because it causes additional cost for anyone desiring to run a Rural Home Occupation. He said
38 that with his own experience he has spent a lot of money building parking lots and with the text amendment
39 someone will be required to build more buildings to store equipment and trailers indoors. He said that he
40 has not been able to review the entirety of the distributed information therefore he would request that the
41 Board not take action on this case tonight. He said that the ZBA needs to spend more time deciding what the

1 proposed text amendment will cover and whether the Planning and Zoning Department can adequately
2 police it along with everything else they have to police.

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

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

7
8 Mr. Thorsland asked Mr. Hall if there was any additional information from tonight's Supplemental
9 Memorandum that he would like to review with the Board.

10
11 Mr. Hall stated no.

12
13 Mr. Thorsland stated that the new memorandum reflects the changes that were discussed at the last meeting
14 and testimony was received tonight regarding the achievement of Goal 3 and a request for additional time to
15 consider the amendment prior recommendation. He said that he would agree that there is no urgency to
16 complete this amendment tonight. He asked the Board if there were any concerns or modifications to the
17 numbers which should be discussed or should the Board move forward to the Summary Finding of Fact.

18
19 Mr. Passalacqua stated that at the last meeting Mr. Dillard indicated that the number of vehicles allowed
20 should be 15 in lieu of 10. He asked Mr. Dillard if he still believed that the total number of vehicles should
21 be 15.

22
23 Mr. Dillard stated that he did make that statement because it has been proposed that the 10 motor vehicles
24 will include equipment and trailers. He said that if a total of 10 was appropriate for motor vehicles
25 previously then a higher number should be considered if two other classes of equipment is going to be
26 included.

27
28 Mr. Hall clarified that the core reason for this text amendment is because it is not clear whether, in the
29 current Ordinance, the limit of 10 applies to motor vehicles and large pieces of equipment and trailers
30 although he contends that it does. He said that in the proposed amendment the limit of 10 only applies to
31 motor vehicles and the total number of motor vehicles and equipment that are stored outdoors. He said that
32 a greater number of pieces equipment can be stored indoors and trailers are not included in the limit for
33 motor vehicles and are only counted as equipment if there is a piece of equipment loaded upon them and
34 they are stored outside. He said that this is a relaxation of the existing Ordinance although it is still a limit of
35 10 but primarily the limit of 10 is what can be stored outside.

36
37 Mr. Thorsland asked Mr. Hall if the "grandfathering" had been changed for businesses like Mr. Dillard's.

38
39 Mr. Hall stated that the "grandfathering" was modified in the February 8th Supplemental Memorandum and
40 staff had not changed anything since then. He said that there were substantial changes in the February 8th
41 memorandum even though the intent had always been the same but it was not clear in some people's minds

1 as to what was actually being grandfathered. He said that the entire Planning and Zoning Department
2 worked very hard to make the “grandfathering” provision as clear as possible.

3
4 Mr. Thorsland asked Mr. Hall if an operation had excavation equipment included in the grandfathering and
5 that equipment required replacement with similar but different equipment would that nullify the
6 grandfathering therefore requiring them to apply for a new permit.

7
8 Mr. Hall stated that this is discussed in the February 8, 2013, Supplemental Memorandum and subparagraph
9 5.b on page B-3 states as follows: Any Rural Home Occupation that complies with subparagraph 7.1.2F.5.a.
10 shall be authorized to have that same number and type of motor vehicles or licensed trailers or pieces of
11 equipment as long as it continues in business at that location and any such motor vehicle or licensed trailer
12 or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.
13 He said that the question arises as to what is similar to a backhoe, etc.

14
15 Mr. Thorsland stated that, in effect, if it was a one for one replacement and was within some reasonable
16 definition, that changing out of equipment would be considered no change and would be counted in the
17 grandfathering.

18
19 Mr. Hall stated that the Board could clarify that tonight because such a situation is very problematic. He
20 asked the Board what other piece of equipment is considered similar to a backhoe. He said that it would be
21 nice if it could either be the same kind of equipment or limit it to the same numbers of total equipment and
22 anything in between is going to have a gray area that would be subject to dispute.

23
24 Mr. Thorsland asked Mr. Hall if an operation is grandfathered and they have a certain number of equipment,
25 what would prompt staff to discover that a piece of equipment has been changed to something else.

26
27 Mr. Hall stated that only applies to something that exists already and the only way that staff will discover
28 that in the future is if staff receives a complaint.

29
30 Mr. Thorsland stated that it would be complaint based only.

31
32 Mr. Hall stated absolutely.

33
34 Mr. Thorsland asked Mr. Dillard if he had any questions.

35
36 Mr. Kelly Dillard stated that he understands Mr. Hall’s hesitation as to how hard it is to figure out what is
37 grandfathered and what is not. He said that perhaps he is naïve in thinking that as long as he complies with
38 the Ordinance as it is now and as long as he continues to comply he is naturally grandfathered therefore why
39 is a “grandfathering clause” necessary at all. He asked if a complaint is received after a new ordinance is in
40 place, wouldn’t it revert back to the original Ordinance and that is what he would have to live under.

1 Mr. Hall stated that he can only speak about this in relation to Mr. Dillard's instance. He said that currently
2 Mr. Dillard can have as much equipment stored outside that he desires provided that it is screened as
3 provided by the Ordinance. He said that in the future a home occupation can only have 10 items outside
4 therefore existing RHO's with a fair number of equipment and vehicles are somewhat better off under the
5 existing Ordinance. He said that everything that was approved in an existing home occupation's application
6 is being grandfathered and in Mr. Dillard's case that is more than 10 vehicles and equipment and all of it can
7 be outside provided that it fits into the area that is screened. He said that as long as any home occupation in
8 the future complies with the new requirements they are certainly okay but Mr. Dillard may be better off
9 under the old rules because fewer things have to be stored inside.

10
11 Mr. Dillard stated that this was his point earlier because currently there is no limit on the number of pieces of
12 equipment that he can have for his home occupation so the new Ordinance is adding equipment into the 10.
13 He said that he is already allowed to have 10 motor vehicles and trailers and equipment are not counted
14 therefore as many as he can fit in his screened area he can have right now. He said that Mr. Hall's statement
15 that the new Ordinance is better than it was before and is not as limiting is untrue because it is more limiting.
16 He said that if he has 10 motor vehicles currently he can no longer have any equipment therefore he if he has
17 15 pieces of equipment, trailers and motor vehicles under the old Ordinance and he had 10 of those motor
18 vehicles he cannot have anything else. He said that this is why he is requesting a higher number because the
19 proposal is adding in equipment and trailers which is not regulated currently. He said that the trucking
20 company that is down the road from him can currently have three semi-tractors and any number of trailers.
21 He said that the operator may have three semi-tractors and run three or four different kinds of trailers
22 therefore he may have 10 trailers and three semi-tractors which would put him over the limit.

23
24 Mr. Hall stated that he would contend that if the existing trucking company, which is a rural home
25 occupation, has more than 10 semi-tractors and trailers combined, then he is exceeding the current limits.
26 He said that the paperwork on this particular rural home occupation does not specify that number of vehicles
27 and staff has not contacted all of the rural home occupations to make them aware of these proposed changes.
28 He said that currently an operation like the one mentioned could have up to three semi-tractors and up to 7
29 trailers. He said that under the proposed rules the number would be the same because it is not being reduced
30 and is not being increased.

31
32 Mr. Dillard asked if trailers are regulated under the current rules.

33
34 Mr. Hall stated that semi-trailers are regulated. He said that the February 8, 2013, Supplemental
35 Memorandum indicates that semi-trailers and pole trailers were separated from other trailers because of the
36 comments from County Board members. He said that the County Board does not want to have a result that
37 will allow rural home occupations to look more like trucking companies than they already do therefore we
38 have retained the current limits in regards to semi-tractors and trailers.

39
40 Mr. Dillard stated that he did not realize that the current Ordinance specified semi-trailers.
41

- 1 Mr. Hall stated that the current does not but the proposed does.
2
- 3 Mr. Dillard stated that under the current Ordinance there can be any number of trailers in the home
4 occupation.
5
- 6 Mr. Hall stated that is Mr. Dillard's view but not staff's which is what triggered this text amendment.
7
- 8 Mr. Thorsland stated that the Board discussed this issue previously and semi-trailers and pole trailers are
9 considered part of the limit of 10 but the smaller trailers are not included in the count.
10
- 11 Mr. Hall stated that a motor vehicle, pole trailer or semi-trailer is part of the 10 but the limit of 10 does apply
12 to everything that can be stored outdoors in a new rural home occupation.
13
- 14 Mr. Thorsland stated that the proposed Ordinance would have more of an effect on someone who is starting
15 a rural home occupation tomorrow than a rural home occupation that already exists.
16
- 17 Mr. Dillard stated that this is why he believes that the proposed amendment goes against Goal 3 because it
18 limits prosperity. He said that we want small businesses to come to the County and many of those small
19 businesses start out as home occupations. He said that he does realize that there is a time that a small
20 business may have to move from a home occupation to a business district but a lot of them start out of their
21 home.
22
- 23 Mr. Thorsland asked Mr. Dillard if he believes that someone would not start a rural home occupation
24 because they would be limited to 10 vehicles outside in the beginning.
25
- 26 Mr. Dillard stated yes.
27
- 28 Mr. Courson stated that there appears to be a gray area regarding the definition of big equipment and small
29 equipment.
30
- 31 Mr. Hall stated that big equipment is anything bigger than a wheelbarrow.
32
- 33 Mr. Courson asked if a lawnmower would be considered as equipment too.
34
- 35 Mr. Hall stated yes.
36
- 37 Mr. Thorsland stated that he knows more than one person who runs a mowing business from their home. He
38 said that three lawnmowers on a trailer which is connected to a truck would be considered as one unit. He
39 asked how staff would handle a complaint that indicated that the lawnmowers had been unloaded from the
40 trailer and are sitting on the property.
41

1 Mr. Hall stated that the current version of the proposed amendment, his reading of it, would count two
2 mowers on one trailer as two pieces of equipment. He said that the proposed amendment would count two
3 tractors on one trailer as two pieces of equipment and would count more than one piece of equipment on a
4 trailer as simply individual pieces of equipment. He said that the Board could provide that any trailer with
5 any amount of equipment shall not be counted as more than one piece of equipment and that would have to
6 be added into this amendment. He said that this would apply to whether we are talking about small
7 lawnmowers, John Deere tractors, or the biggest piece of equipment that could be loaded on one trailer, but
8 not a semi-trailer. He said that staff can continue to work on this because if this gets to the County Board
9 and simple questions like this cannot be answered it is not going to have a good outcome. He said that
10 perhaps this amendment should stay at the ZBA until literally no one can come up with a simple question
11 that the text cannot deal with appropriately.

12
13 Mr. Passalacqua stated that he thought that earlier discussions determined that a loaded trailer would be
14 counted as one unit and he is not going to tell staff that three lawnmowers should be counted as three pieces
15 of equipment. He said that he is looking at it from the standpoint of how much real estate is being occupied
16 while the trailer is parked there and if there is a trailer that is 20 feet long it is going to take up 20 feet of lot
17 whether there are lawnmowers loaded on it or not. He said that he does have a problem if everything is
18 parked side by side, such as trailers, 15 lawnmowers, etc., and how it appears to the neighbors and how
19 much of the lot is being utilized. He said that in the summer months a guy with a mowing business will
20 come home to hose off the mowers and fill them with fuel and leave them loaded on the trailer for the next
21 morning therefore at that point it should be counted as one unit. He said that he is concerned about the
22 neighbor who looks out their window and views rows and rows of equipment.

23
24 Mr. Thorsland stated that the screening issue has not been changed therefore if it was done correctly the
25 neighbors will not be able to see it.

26
27 Mr. Hall stated that in regards to multiple pieces of equipment on a trailer, the Board could add a provision
28 that any number of lawnmowers on a trailer shall only count as one piece of equipment, if lawnmowers are
29 the Board's only concern. He said that he has seen two tractors on a trailer and other multiple pieces of
30 equipment can be loaded on a trailer and a neighbor is going to view that as multiple pieces of equipment
31 unless the Ordinance specifically states otherwise.

32
33 Mr. Passalacqua stated that another reason why he is thinking of counting this as one unit is because if a
34 piece of equipment is on a trailer it is less apt to be a dead piece of equipment that is being stored somewhere
35 on the property. He said that if the equipment is loaded on the trailer it is more likely being used on a regular
36 basis. He said that he does not want to see 10 items of dead equipment sitting on the property which should
37 be hauled off for junk.

38
39 Mr. Hall stated that it appears that the Board would like to see a revision to paragraph 7.1.2.F.(1).

40
41 Mr. Passalacqua stated that if we had an area of screening could there be a sliding number of vehicles based

1 on the available screened lot.

2
3 Mr. Hall stated that it is up to the Board.

4
5 Mr. Thorsland asked how long the applicant should be allowed to establish the screening.

6
7 Mr. Passalacqua stated that someone who has a screened area which is no larger than this meeting room is
8 not going to have a lot of equipment allowed.

9
10 Mr. Thorsland stated that everyone has been clear on the three vehicles that weigh over 36,000 pounds and
11 paragraph 7.1.2F(2). He said that in an instance of someone with three semi-tractors and nine or ten different
12 trailers, depending upon whether they are hauling grain or freight, paragraph 7.1.1F(2) limits them to 10
13 total. He said that the Board could think about if it were three of the heavy and ten that were not therefore in
14 total the total could end up at 13. He said that the difference between 10 and 13 is not that much and not
15 everyone is going to have three really big pieces of equipment but to keep it separate they could have up to
16 three of these and ten of that but if you only have two big semi-tractors does not mean that someone can
17 have up to 13 pieces total but that you could have up to three of the 36,000 pound vehicles and up to 10
18 pieces of the big motor vehicles, semi-trailers, etc. He said that this would give more flexibility in the
19 numbers and he agrees with Mr. Passalacqua in that the Board determined at the last meeting that if the
20 equipment remains on the trailer that the entire unit was counted as one.

21
22 Mr. Passalacqua stated that if someone has a backhoe with two or three different attachments loaded on a
23 trailer that is hooked on to a truck the entire unit is considered one.

24
25 Mr. Thorsland stated that he agrees because it gives flexibility to the operation. He said that there will be
26 people that do have a yard full of trailers because that is what they do but it is all that they do. He said that
27 there are going to be people who are in the business of moving dirt around therefore they have a big trailer
28 with large equipment on it all of the time and this would allow them to operate a business like that without
29 having to build a large building for storage.

30
31 Mr. Passalacqua stated that a neighbor is more apt to file a complaint when they see acres and acres of
32 equipment even if it is screened. He said that a space occupied by a loaded trailer is less than the area of the
33 trailer and everything unloaded.

34
35 Mr. Thorsland asked the Board if they would like to expand the total to 13 but using the two different
36 definitions for a new home occupation.

37
38 Mr. Passalacqua asked Mr. Thorsland how many pieces of equipment he had stored outside.

39
40 Mr. Thorsland stated that he is agriculture therefore this does not apply.

1 Mr. Hall noted that the 36,000 pounds is no longer part of the limit. He said that he lost track as to what the
2 limit of 13 was trying to achieve. He said that no more than three of the motor vehicles can be either a truck
3 tractor or a vehicle with tandem axles.
4

5 Mr. Passalacqua stated that Mr. Thorsland was trying to take that out of the limit of 10.
6

7 Mr. Thorsland stated currently it counts towards the 10 but a lot of people are going to have a tandem axle
8 dump truck and two or three semi-tractors and several trailers. He said that he would like to see an
9 allowance for someone who is trying to optimize their business during seasonal operations.
10

11 Ms. Capel asked why we are trying to limit the number of vehicles.
12

13 Mr. Hall stated that a rural home occupation is something that you can do anywhere by-right with no public
14 hearing. He said that he cannot imagine that Champaign County wants to indicate that landowners can start
15 their home businesses with no limits on vehicles.
16

17 Ms. Capel stated that one of the things that Mr. Passalacqua is discussing is essentially the amount of real
18 estate covered by the screening in which the vehicles are parked. She asked if one of the things that the
19 Board is trying to get at is how much of the space of any given lot for the home occupation can be used for
20 parking equipment.
21

22 Mr. Hall stated that currently there is no limit on that and clearly proposing a limit would generate a lot of
23 comments such as, the County is making it harder for people. He said that currently it is not limited
24 therefore if someone has a 10 acre lot there is nothing in the Ordinance that would prevent someone from
25 screening nine acres of that lot and using it. He said that someone would not screen nine acres if they could
26 only have 10 pieces of equipment and/or 10 vehicles. He said that the current Ordinance indicates a limit of
27 10 and there is a dispute whether equipment is included in that limit. He said that the County Board has
28 indicated that they do not want rural home occupations to appear as trucking companies any more than they
29 already do. He asked why this Board is concerned about requiring a building for indoor storage for someone
30 who needs seven trailers for three semi-trucks as a home occupation because thus far the County Board does
31 not have that concern.
32

33 Mr. Courson asked if attachments for equipment are considered separate pieces of equipment.
34

35 Mr. Hall stated that he does not want to consider attachments as separate pieces of equipment which is why
36 he always talks about complete pieces of equipment. He said that he is not proposing to count buckets to
37 backhoes as separate pieces of equipment in the count. He said that this is a gray area because he is not
38 going to start going out to the home occupations to start counting those things but only to the extent of how
39 many attachments make up a complete piece of equipment.
40

41 Mr. Courson stated that a skid steer could have 35 different attachments which would create a lot of

1 equipment on a lot.
2

3 Mr. Hall stated that he does not know how he would begin to limit those attachments.
4

5 Mr. Courson stated that this is why he is asking for clarification. He asked Mr. Hall how he would view a
6 disk, tree spade, etc.
7

8 Mr. Hall stated that a disk is not an attachment but is a piece of equipment.
9

10 Mr. Courson stated that the disk is attached to the tractor by a three-point hitch and it must be attached to the
11 tractor to make it work which would be no different than putting a tree spade on the front of a skid steer or a
12 backhoe on the three-point hitch of a tractor.
13

14 Mr. Hall asked why anything that is attached to a tractor would not be counted as a separate piece of
15 equipment but simply as an attachment. He said that staff can write the amendment this way if the Board
16 desires but this would place no limit on the amount of equipment and if this is what the Board wants then
17 that is how staff will write it.
18

19 Mr. Courson stated that he is just trying to clarify how Mr. Hall views attachments and equipment. He said
20 that if he has a tractor with a disk, grade box and three seeders and multiple other attachments that can be
21 placed behind out how many pieces of equipment are counted.
22

23 Mr. Hall stated that he grew up on a farm and a piece of equipment was a harrow, disk, mower, rake, and
24 planter. He said that these items were not considered attachments but separate pieces of equipment. He said
25 that a front end loader or bucket attachment are not separate pieces of equipment but are attachments to the
26 tractor itself. He said that this level of detail has not been determined for this amendment and he does not
27 know how to distinguish between a plow that attaches to a three point hitch and is pulled behind a tractor
28 from bucket that is attached to hydraulic arm.
29

30 Mr. Courson stated that it is his opinion that these are all attachments.
31

32 Mr. Palmgren stated that he agrees with Mr. Courson. He said that an attachment is not any good without
33 the tractor portion itself. He said that the tractor is the piece of equipment therefore a home occupation
34 could have unlimited attachments.
35

36 Mr. Thorsland stated that he agrees with Mr. Courson and Mr. Palmgren because he personally has three
37 tractors and has several attachments. He said that the hay baler, loader, disk, etc, does not work without the
38 tractor and he does not consider them as vehicles or equipment but as attachments. He said that all of the
39 attachments would need to be stored in a screened area therefore if someone was able to have all of the
40 attachments available for their tractor all of the attachments would need to be stored in a screened area
41 anyway. He said that he would count the skid steer and the truck and trailer that hauls it in the limit but he

1 would not count all of the attachments to the skid steer. He said that if equipment makes noise on its own
2 then it is either considered equipment or a vehicle but if it does not then it is considered an attachment. He
3 said that he does not want to get into the lawnmower issue because he knows that they make noise and are
4 able to be driven around but if the text is written right there could be a provision that if the lawnmowers are
5 loaded onto a trailer then they are counted as one unit. He said that if a home occupation has a skid steer that
6 has sixteen things that attach to it and are stored in the screened in area then they are counted as one unit. He
7 said that he is proposing that if someone has up to three tractors they can have up to 10 semi-trailers or 10
8 pieces of equipment stored in the screened area. He said that the screening is probably the most effective
9 part of this amendment in regards to complaints because if things are stored out of sight then people tend not
10 to worry about them as much.

11
12 Mr. Courson agreed with Mr. Thorsland and was only attempting to obtain clarification regarding the
13 definition of equipment. He said that if staff is going to look at a seed box as a piece of equipment then the
14 limit of 10 is not a sufficient number.

15
16 Mr. Courson stated that if a guy has a delivery service and does landscaping or snow removal on the side
17 would staff need to count the snow plow that attaches to the truck as a piece of equipment or an attachment.
18

19 Mr. Passalacqua stated that he would agree with qualifying the attachments and determining how they are
20 counted more than he does increasing the number. He said that the Board needs to remember that this is a
21 rural home occupation and getting into more than 10 vehicles or equipment is a breaching into a more in
22 depth approval because every week staff could have someone requesting a bigger number.
23

24 Mr. Thorsland stated that this is included in paragraph 7.1.2.F(1) and (2) which is indicated on page B-2,
25 Attachment B: Revised Proposed Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home
26 Occupations, included with the February 8, 2013, Supplemental Memorandum.
27

28 Ms. Capel stated that currently we are discussing by-right home occupations although there is a special use
29 permit process available for a larger operation.
30

31 Mr. Hall stated that an applicant could request a special use or a variance.
32

33 Ms. Capel stated that there is a way to expand a business beyond what is by-right therefore the limit of 10
34 makes sense and the only thing that she would interpret differently is that three lawnmowers on one trailer is
35 one piece of equipment.
36

37 Mr. Thorsland stated that he would not want someone to apply for a variance because they unload their
38 lawnmowers from their trailer.
39

40 Ms. Capel stated that she believes that 10 is a reasonable number and the variance or special use process is
41 available if someone needs a larger amount.

1
2 Mr. Thorsland stated that the amendment also goes from five acres to two acres therefore when it comes to
3 prosperity the Board is making it easier to do this.
4

5 Mr. Hall stated that someone coming to this hearing for the first time would probably be amazed at how little
6 agreement there is on these issues. He stressed that this has only been an issue one time since 1993.
7

8 Mr. Thorsland stated that it appears that the Board would like to staff to work on the text keeping the limit of
9 10 but limit the count of 10 to objects that potentially make noise and not any of the attachments. He said
10 that the Board wants to count the big trucks, semi-trucks, semi-trailers and pole trailers, backhoe, road
11 grader, but not all of the attachments and emphasize the screening.
12

13 Mr. Thorsland entertained a motion to continue Case 732-AT-12 to the April 11, 2013, meeting. He noted
14 that the April 11th meeting will be held in the John Dimit Meeting Room at 7:00 p.m.
15

16 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the April 11, 2013,**
17 **meeting. The motion carried by voice vote.**
18

19 **Case 734-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
20 **Ordinance as follows: Part A. Amend the Table of Authorized Principal Uses in Section 5.2 by**
21 **adding “Contractors Facilities (with no Outdoor STORAGE Nor Outdoor OPERATIONS)” as an**
22 **authorized principal use permitted by right in the B-1 Zoning District. Part B. Amend the Table of**
23 **Authorized Principal Uses in Section 5.2 by adding “Contractors Facilities (with Outdoor STORAGE**
24 **and/or Outdoor OPERATIONS)” as an authorized principal use permitted by Special Use Permit in**
25 **the B-5 Zoning District; and by right in the B-1 Zoning District; and add Special Use Permit Standard**
26 **Conditions to Section 6.1.3.**
27

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

32 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
33

34 Mr. Hall, Zoning Administrator, distributed a Supplemental Memorandum dated February 28, 2013, to the
35 Board for review. He said that the substance of the amendment has not been changed at all during the public
36 hearings. He said that a Revised Draft Finding of Fact is attached to the Supplemental Memorandum. He
37 said that the Board will recall that at the last meeting regarding Case 733-AT-12, the Board reconsidered
38 some of the recommendations for some of the policies and reduced those recommendations from HELP
39 ACHIEVE to WILL NOT IMPEDE. He said that the same revisions to the recommendations have been
40 included with the proposed amendment in this case. He said that the finding for this amendment is identical
41 to the finding for Case 733-AT-12 except that Case 733-AT-12 had to do with some of the policies under

1 Goal 8 related to natural resources and this case does not. He said that the new Summary Finding of Fact is
2 located on page 18 of 22 and that summary only touches on Objectives 4.2 and 4.3 under Goal 4 and even
3 that is a fair stretch although it is a fair approach. He said that this is mostly a common sense amendment
4 related to where contractor facilities seem reasonable.
5

6 Mr. Thorsland called Charlie Jesse to testify.
7

8 Mr. Charlie Jesse, owner of Jesse Heating and Air Conditioning, stated that his business is located at the
9 corner of I-57 and Old Church Road, Champaign. He said that he has owned his business since 1979 and
10 purchased the property where his business is located in 1999. He requested the Board's support for this
11 amendment which would allow a contractor's facility in the B-1 zoning district. He said that this
12 amendment makes good sense and he would like to build a self-storage facility at his business location but
13 currently in order for him to do such he would need to request B-4 zoning which would allow more uses than
14 he would require or his neighbors would agree to.
15

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

18 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.
19

20 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
21 testimony regarding this case and there was no one.
22

23 Mr. Thorsland closed the witness register at this time.
24

25 Mr. Thorsland asked if the Board had any questions for staff.
26

27 Mr. Passalacqua asked if this is the case that the City of Champaign was against.
28

29 Mr. Hall stated that the City of Champaign is not against the amendment but it would lead to some proposals
30 in their ETJ which they are opposed to. He said that the City of Champaign did indicate that they would
31 oppose this amendment although they have not yet.
32

33 Mr. Kass stated that he has not received any comments from the City of Champaign regarding this case.
34

35 Mr. Hall stated that the City of Champaign may be waiting to see what the ZBA recommends to the County
36 Board before they submit any comments.
37

38 Mr. Thorsland stated that the Board will move to the Summary Finding of Fact for Case 734-AT-12.
39

40 **Summary Finding of Fact for Case 734-AT-12:**
41

1 From the documents of record and the testimony and exhibits received at the public hearing conducted on,
2 January 31, 2013, and February 28, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 3
4 **1. The proposed Zoning Ordinance text amendment HELPS ACHIEVE the Land**
5 **Resource Management Plan because of the following (objectives and policies are briefly**
6 **summarized):**
- 7 **A. The proposed text amendment HELPS ACHIEVE the following LRMP goals:**
8 **Goal 4 Agriculture because it will not impede 6 objectives and 16 Policies and is**
9 **not relevant to 1 Objective and 3 Policies under this goal, it HELPS ACHIEVE**
10 **the following:**
- 11 **•Objective 4.2 requiring discretionary development to not interfere with**
12 **agriculture because it HELPS ACHIEVE the following:**
 - 13 **•Policy 4.2.1 requiring a proposed business in a rural area to support**
14 **agriculture or provide a service that is better provided in the rural area (See**
15 **Item 9.A.(1)).**
 - 16 **•Policy 4.2.2 requiring discretionary development in a rural area to not**
17 **interfere with agriculture or negatively affect rural infrastructure (See Item**
18 **9.A.(2)).**
 - 19 **•Objective 4.3 requiring any discretionary development to be on a suitable site**
20 **because it HELPS ACHIEVE the following:**
 - 21 **•Policy 4.3.5 requiring any business on best prime farmland to be appropriate**
22 **in a rural area and on a site that is well suited (Item 9.B.(1)).**
- 23
- 24 **B. The proposed text amendment will NOT IMPEDE the following LRMP goal(s):**
- 25 **•Goal 1 Planning and Public Involvement**
 - 26 **•Goal 2 Governmental Coordination**
 - 27 **•Goal 3 Prosperity**
 - 28 **•Goal 5 Urban Land Use**
 - 29 **•Goal 6 Public Health and Public Safety**
 - 30 **•Goal 7 Transportation**
 - 31 **•Goal 8 Natural Resources**
 - 32 **•Goal 9 Energy Conservation**
- 33
- 34 **C. The proposed text amendment is NOT RELEVANT to the following LRMP**
35 **goal(s):**
- 36 **•Goal 10 Cultural Amenities**
- 37
- 38 **2. The proposed amendment HELPS ACHIEVE the purposed of the Zoning Ordinance as**

1 follows:

2 •Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0(i) see
3 Item 16.I).

4
5 3. The proposed text amendment WILL IMPROVE the Zoning Ordinance as follows:

6 •Provide a use that is currently not authorized in the B-1 or B-5 Districts, but is a use
7 that is appropriate in those Districts.

8 •Specify standards by which a Contractors Facility can be authorized in the B-5
9 District.

10
11 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact as amended.

12
13 Mr. Palmgren moved, seconded by Mr. Courson to approve the Summary Finding of Fact as
14 amended. The motion carried by voice vote.

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

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

21
22 Mr. Thorsland entertained a motion to move to the Final Determination for Case 734-AT-12.

23
24 Mr. Courson moved, seconded by Mr. Palmgren to move to the Final Determination for Case 734-AT-
25 12. The motion carried by voice vote.

26
27 Final Determination for Case 734-AT-12:

28
29 Mr. Courson moved, seconded by Mr. Miller that pursuant to the authority granted by Section 9.2 of
30 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
31 determines that the Zoning Ordinance Amendment requested in Case 734-AT-12 should BE
32 ENACTED by the County Board in the form attached hereto.

33
34 Mr. Thorsland requested a roll call vote.

35
36 Capel-yes Courson-yes Miller-yes
37 Palmgren-yes Passalacqua-yes Thorsland-yes

38
39 6. New Public Hearings

40

1 **Case 736-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
2 **Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum**
3 **required 20,000 square feet required for lots connected to public water supply, but without a**
4 **connected public sanitary sewer system and created after September 21, 1993; and Part B. Variance**
5 **for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of**
6 **Independence Street in lieu of the minimum required 55 feet; and Part C. Variance for a lot depth of**
7 **75 feet in lieu of the minimum required 80 feet on the subject property described below.**
8

9 **Case 737-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in the R-1**
10 **Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required**
11 **20,000 square feet required for lots connected to a public water supply, but without a connected**
12 **public sanitary sewer system and created after September 21, 1993; and Part B. Variance for a front**
13 **setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street**
14 **in lieu of the minimum required 55 feet; and Part C. Variance for a depth of 75 feet in lieu of the**
15 **minimum required 80 feet on the subject property described below.**
16

17 **Location: Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East**
18 **Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318**
19 **Railroad Street, Dewey.**
20

21 Mr. Thorsland called Cases 736-V-12 and 737-V-12 concurrently.
22

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

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

36 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
37

38 Ms. Katie Warren, who resides at 107 Scarborough, Sidney, stated that she and her husband are requesting a
39 variance for lot size. She said that they own two homes on one lot and they would like to be able to divide
40 the lot so that each house is located on its own individual lot.
41

1 Mr. Hall stated that this is a challenging case at a staff level because the variance that is requested is very
2 large. He said that in the future it is unknown as to what could be done in regards to replacing the septic
3 system and the rules for septic systems are undergoing a big change currently. He said that staff believed
4 that the new rules would be in place but they are not and the comments from Mike Flannigan, Environment
5 Health Specialist, Champaign County Health Department, are summarized on page 8 of the Finding of Fact.
6 Mr. Hall stated that under the current rules a new surface discharging system could be placed on both lots
7 although he does not know how the significant nuisance affects of surface discharging from two systems on
8 such a small lot area would be, but it appears that it could be done. He said that in the future it is not clear
9 whether or not this could be done and if not, then it is not clear how the lots could have individual septic
10 systems. He said that the future rules are unknown at this point but under the current rules, having two
11 surface systems is up to the County Health Department. He said that this case has a lot of discretion
12 regarding this case because the Board can determine that the cases requested today are under the current
13 County Health Department rules and replacement systems can be installed. He said that obviously the
14 petitioners obtained two homes for the price of one therefore a problem does exist.
15

16 Mr. Hall stated that the Finding of Fact points out that in the R-1 District a special use permit could be
17 requested for a two-family dwelling although not two single-family dwellings. He said that a two-family
18 dwelling would require 27,000 square feet of lot area and not 40,000 square feet. He said that no special
19 condition has been proposed and if the Board approves the variance, replacement of any system in the future
20 would require a permit from the County Health Department, which is a requirement that applies whether or
21 not it is made a condition. He said that granting the variance will be a little bit of a help to the petitioners
22 but eventually there is going to be a real challenge with the property and the issue of septic systems is the
23 most important issue with this variance. He said that the Board can either deal with the septic issue or leave
24 it up to the County Health Department since it is their rules which must be followed for this property.
25

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

28 Mr. Thorsland asked the Board if there were any questions for Ms. Warren.
29

30 Mr. Passalacqua asked Ms. Warren if the homes were rented.
31

32 Ms. Warren stated that one home is being rented but the other home is vacant.
33

34 Mr. Passalacqua asked Ms. Warren when she and her husband purchased the subject property.
35

36 Ms. Warren stated that they have owned the property for approximately one and one-half years.
37

38 Mr. Passalacqua asked Ms. Warren if the septic systems have been pumped.
39

40 Ms. Warren stated yes. She said that the septic systems have been inspected by Schoonover Sewer Service
41 and Berg Tanks and they also spoke to Jan Schacht, Vermilion Construction Services, Inc. regarding

- 1 replacement systems and the contractor indicated what would be needed to install two new systems that
2 would be self-contained on both lots.
3
- 4 Mr. Passalacqua asked Mr. Warren if she could submit their evaluations in writing.
5
- 6 Mr. Warren stated that she does have the Schoonover Sewer Service evaluation although she has not
7 received written documentation from Berg Tanks or Jan Schacht.
8
- 9 Mr. Thorsland asked Ms. Warren if a soil test has been completed.
10
- 11 Ms. Warren stated no. She said that Mr. Schacht informed them that the soil types would not have any
12 bearing on the type of system that he would install. She said that Mr. Schacht indicated that if they wanted
13 him to replace the two septic systems then the soil tests would have to be completed per the County Health
14 Department but not for whether he would replace the systems or not.
15
- 16 Mr. Thorsland requested that Ms. Warren present written documentation prior to the next public hearing for
17 the Board's review. He asked Ms. Warren if there was an imminent time frame for completion of these
18 cases.
19
- 20 Ms. Warren stated no, but they would like to have the property split into two lots so that they may sell the
21 properties.
22
- 23 Mr. Thorsland asked the Board if they would like the opportunity to review the septic information for the
24 proposed two lots.
25
- 26 Mr. Passalacqua stated that he is not sure that it is the ZBA's place to kill the deal because of the sanitary
27 system issues. He said that the County Health Department is going to have the final say on the separate
28 septic systems.
29
- 30 Mr. Thorsland stated that if the ZBA approves the variances and the owners find out that no separate septic
31 system can be placed on the lots then the owners may be in a worse place than they are currently. He said
32 that it appears that there is pending information that the owners could supply to the Board in writing from
33 the septic contractor.
34
- 35 Ms. Warren stated that she has heard from the contractors verbally but have not received all of the
36 evaluations in writing.
37
- 38 Mr. Passalacqua stated that he would like to see a written statement from Schoonover, Berg and Jan Schacht
39 regarding the existing and proposed septic systems.
40
- 41 Mr. Thorsland asked the Board and staff if there were any further questions for Ms. Warren and there were

1 none.

2

3 Mr. Thorsland asked the Board and staff if there was any additional information required from Ms. Warren
4 and there were none.

5

6 Mr. Thorsland asked Ms. Warren if she should be comfortable in requesting the information from the
7 contractors.

8

9 Ms. Warren stated yes.

10

11 Mr. Thorsland requested a continuance date.

12

13 Mr. Hall stated that Ms. Warren could sit through the deliberation for the scheduled case on March 14th but
14 his impression is that the cases that are scheduled for the March 14th meeting could take three hours.

15

16 Mr. Thorsland asked Mr. Hall if it would be better to continue these cases to the March 28th meeting.

17

18 Mr. Hall stated that staff is not certain that the March 28th meeting will have all of the cases indicated on the
19 docket but the Board is supposed to continue these cases to a date certain. He said that the Board could
20 continue Cases 736-V-12 and 737-V-12 to the March 28th meeting and in the event that Case 731-S-12
21 remains to be scheduled on the March 28th meeting Ms. Warren's cases could be moved to the April 11th
22 meeting.

23

24 Mr. Thorsland requested that the Board continue Cases 736-V-12 and 737-V-12 to the March 28th meeting
25 and as soon as staff realizes whether or not Case 731-S-12 will remain on the docket for the March 28th
26 meeting staff can call Ms. Warren indicating that her attendance is not required at the March 28th meeting
27 and the Board will automatically continue her case to the April 11th meeting.

28

29 Ms. Warren agreed.

30

31 Mr. Thorsland entertained a motion to continue Cases 736-V-12 and 737-V-12 to the March 28th meeting.

32

33 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Cases 736-V-12 and 737-V-12 to the**
34 **March 28th meeting. The motion carried by voice vote.**

35

36 **Case 738-S-12 Petitioner: Terry Plampin Request to authorize a Therapeutic Riding Center as a**
37 **"Riding Stable" as a Special Use with waivers of Special Use standard conditions for: (1) a minimum**
38 **fence height of 5 feet; and (2) a minimum front setback of 55 feet from the centerline of CR 700E; and**
39 **(3) a minimum front yard of 25 feet in the AG-1 Agriculture Zoning District. Location: A 5 acre tract**
40 **in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter in Section 17 of**
41 **Pesotum Township and commonly known as the home and buildings at 378 CR 700E, Pesotum.**

1

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

10

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

14

15 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of their request.

16

17 Mr. Terry Plampin, who resides at 378 CR 700E, Pesotum, stated that he and his wife believe that there is an
18 underserved community in the County that could take advantage of a therapeutic riding center that has a
19 more broad range of activities available. He said that it is his understanding that there is no horse barn in
20 Champaign County which provides limited services related to therapeutic riding therefore he and his wife
21 would like to be able to provide a wider range of services.

22

23 Mr. Thorsland called John Hall.

24

25 Mr. John Hall, Zoning Administrator distributed a Supplemental Memorandum dated February 28, 2013, to
26 the Board for review.

27

28 Mr. John Hall asked Mr. Plampin if a restroom facility would be provided for the patrons of the riding
29 center.

30

31 Mr. Plampin stated that a restroom facility has not been constructed yet although the patrons are welcome to
32 use the restroom facility in the residence.

33

34 Mr. Kass asked Mr. Plampin if there were any future plans to construct a restroom for the patrons.

35

36 Mr. Plampin stated yes. He said that he would like to build a small outhouse adjacent to the front door of the
37 riding center which will have a composting toilet and laboratory inside. He said that the facility will be
38 handicap accessible and there is no location inside of the riding center to install such a facility.

39

40 Mr. Thorsland stated that the Supplemental Memorandum dated February 28, 2013, includes a letter from
41 Lisa Morand, Youth and Teen Coordinator, Champaign-Urbana Special Recreation, regarding the possibility

- 1 of offering and conducting a program at the riding center.
2
- 3 Mr. Plampin stated that Ms. Morand is very eager to have a therapeutic riding center established so that they
4 can bring their patrons to the facility and take advantage of the services offered.
5
- 6 Mr. Hall asked Mr. Plampin if he reviewed the special conditions which are proposed on pages 16 and 17 of
7 the Preliminary Draft Summary of Evidence, Finding of Fact and Final Determination dated February 28,
8 2013.
9
- 10 Mr. Plampin stated yes. He said that the proposed special conditions appear to be reasonable because if they
11 do not operate the center the special use permit would be voided.
12
- 13 Mr. Hall asked Mr. Plampin if the hours of operation for patrons are also reasonable.
14
- 15 Mr. Plampin stated yes.
16
- 17 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Plampin and there
18 were none.
19
- 20 Mr. Thorsland called Dorothy Riegel to testify.
21
- 22 Ms. Dorothy Riegel, who resides at 378 CR 700E, Pesotum, stated that she is Terry Plampin's wife. She said
23 that she and her husband purchased the property with this particular use in mind and she is very eager to
24 begin offering this program. She said that she hopes that the Board will allow their request.
25
- 26 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Riegel and there were none.
27
- 28 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Riegel or Mr. Plampin and there
29 was no one.
30
- 31 Mr. Thorsland called Jonathan Schroeder to testify.
32
- 33 Mr. Jonathan Schroeder, who resides at 684 CR 400N, Sadorus, stated that he enthusiastically supports the
34 petitioner's request and he hopes that they do well with their endeavor.
35
- 36 Mr. Schroeder stated that his address is listed as Sadorus and his neighbor's, Mr. and Mrs. Plampin, have a
37 Pesotum address although only one mile separates their properties. He said that he has been in the area all of
38 his life and he farms on two sides of the petitioner's property and they have proven to be great neighbors.
39 He said that the petitioners reside on a 160 acre tract and he farms 80 acres of that tract and the ground has
40 been in his family for generations. He said that for 20 years a relative resided at the petitioner's property and
41 once the relative moved Don and Cheryl Smith resided at the property along with their horses but

- 1 unfortunately Don Smith passed away suddenly and Cheryl sold the property. Mr. Schroeder stated that for a
2 short time a young couple resided on the property and they did not have any horses but they too sold the
3 property and the petitioner's now reside there.
4
- 5 Mr. Schroeder stated that he supports the petitioner's request for a Special Use Permit and he hopes that the
6 Board will grant their request. He said that he has no concern with the proposed special conditions but he
7 did have some concern about the Special Use Permit request because the use stays with the property and not
8 the owners, although he does not anticipate the current owners selling the property anytime soon. He said
9 that the proposed use will work well within the community and it is an apparent need.
10
- 11 Mr. Thorsland asked the Board if there were any questions for Mr. Schroeder and there were none.
12
- 13 Mr. Thorsland asked if staff had any questions for Mr. Schroeder and there were none.
14
- 15 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Schroeder and there was no one.
16
- 17 Mr. Thorsland stated that the subject property is surrounded by AG-1 on all sides therefore the fencing will
18 not interfere with adjacent uses.
19
- 20 Mr. Plampin stated that the subject property is surrounded by agriculture. He said that the activity area is
21 limited. He said that the vast majority of the activities will be held in the indoor arena. He said that the
22 pasture/outdoor arena is located west of the indoor arena and they plan to use it when weather conditions are
23 favorable for outdoor activities. He said that there will be no trail rides for the patrons.
24
- 25 Mr. Thorsland asked Mr. Plampin if the asphalt parking lot currently exists.
26
- 27 Mr. Plampin stated no. He said that the gravel parking area currently exists but not the asphalt.
28
- 29 Mr. Thorsland asked staff if there was a time limit for construction of the asphalt parking area.
30
- 31 Mr. Hall stated that the asphalt parking area must be located on the property when operation begins.
32
- 33 Mr. Plampin stated that he expected that such would be the case.
34
- 35 Mr. Thorsland asked Mr. Plampin if he could indicate the location of the compost toilet on the site plan.
36
- 37 Mr. Plampin stated that the compost toilet will be located immediately adjacent to the handicap parking
38 space at the end of the existing sidewalk.
39
- 40 Mr. Thorsland stated that any future plans for the Therapeutic Riding Center should be indicated on the site
41 plan so that it may be included in this request.

1
2 Mr. Plampin stated that, if possible, he will indicate the location of the compost toilet on the site plan
3 tonight. He said that his 10 year plan is to somehow purchase an additional 35 acres but that is probably
4 only a dream. He said that he is excited about the opportunity to provide these services to the community.
5

6 Mr. Passalacqua asked staff if Mr. Plampin could operate the facility as a Rural Home Occupation.
7

8 Mr. Hall stated no. He said that the limits are established in the Special Use Permit and the only limits for
9 this special use are the amount of construction indicated on the plan, the hours of operation (no clients
10 between 10 p.m. and 6 a.m.) but other than that there are very few limits, which is reasonable given the type
11 of use that is being proposed.
12

13 Mr. Thorsland read the proposed special conditions as follows:

- 14 **A. This Special Use Permit shall be void if the Therapeutic Riding Center has**
15 **ceased operations for 12 consecutive months without the Therapeutic Riding**
16 **Center being actively marketed for sale.**
17 The special condition stated above is required to ensure the following:
18 **That the subject property is properly maintained and does not become a nuisance.**
19
- 20 **B. Clients of the Therapeutic Riding Center shall not be present on the subject**
21 **property between the hours of 10 p.m. and 6 a.m.**
22 The special condition stated above is required to ensure the following:
23 **That the Therapeutic Riding Center does not have clients visiting the property**
24 **at irregular hours of the day.**
25
- 26 **C. A Change of Use Permit shall be applied for within 30 days of the approval of**
27 **Case 738-S-12 by the Zoning Board of Appeals.**
28 The above special condition is required to ensure the following:
29 **The establishment of the proposed use shall be properly documented as required**
30 **by the Zoning Ordinance.**
31

32 Mr. Plampin asked if he applied for the Change of Use Permit with staff or does he need to return to this
33 Board.
34

35 Mr. Kass stated that the Change of Use Permit is processed by staff.
36

37 Mr. Thorsland asked Mr. Plampin if he agreed to the proposed special conditions as read.
38

39 Mr. Plampin stated that he agreed to the proposed special conditions as read.
40

41 Mr. Thorsland entertained a motion to approve the proposed special conditions as read.

1
2 **Mr. Courson moved, seconded by Mr. Miller to approve the proposed special conditions as read. The**
3 **motion carried by voice vote.**
4

5 Mr. Hall noted that staff sent a notice to the Pesotum Township Supervisor and the Pesotum Township
6 Highway Commissioner but the notice to the highway commissioner was returned due to an incorrect
7 address which was the same address indicated on the County Clerk's website. He said that staff sent a new
8 notice to the Pesotum Township Highway Commissioner at a revised address but at that point there was less
9 than 15 days to the public hearing. He said that Mr. Kass has made several attempts to contact the highway
10 commissioner with no success. Mr. Hall stated that at this point staff cannot document that the highway
11 commissioner had 15 days notice and given the use which is proposed with the special use it is unlikely that
12 the highway commissioner has any concerns but, nonetheless the 15 day standard was not met. He said that
13 he has no reason to believe that staff will be able to reach the highway commissioner in another 15 to 30
14 days because Mr. Kass has made numerous attempts thus far to reach him.
15

16 Mr. Thorsland asked Mr. Schroeder if knows how to contact the Pesotum Township Highway
17 Commissioner.
18

19 Mr. Schroeder stated yes.
20

21 Mr. Thorsland asked Mr. Schroeder if he would be willing to contact the highway commissioner and request
22 that he contact staff regarding this case.
23

24 Mr. Schroeder stated yes.
25

26 Mr. Thorsland stated that he would like to continue this case to the next public hearing and he would like to
27 have the highway commissioner's comments prior to finalizing the case.
28

29 Mr. Hall stated that even if the Board continues the case to the next public hearing staff will have met the 15
30 day requirement for notices.
31

32 Mr. Thorsland stated that the Board would appreciate Mr. Schroeder's help to facilitate this matter.
33

34 Mr. Schroeder stated that it is not unusual for the residents of Pesotum Township to have difficulty
35 contacting the Pesotum Township Highway Commissioner either. He said that he will do his best to obtain
36 the contact information for the Board so that this case can be expedited.
37

38 Mr. Thorsland stated that the Board would appreciate Mr. Schroeder's assistance. He said that in continuing
39 this case to the next public meeting the 15 day requirement for notices will have been satisfied and the case
40 can be finalized.
41

1 Mr. Passalacqua asked if the Board could finalize the case tonight.

2
3 Mr. Thorsland stated no, the Board has to satisfy the 15 day notice requirement.

4
5 Mr. Miller stated that if the highway commissioner is the issue then surely there is a township board that can
6 be notified.

7
8 Mr. Thorsland stated that contacting the township board is not necessary because the notice process is into
9 day 10 and a continuance to March 14th will fulfill the 15 day requirement.

10
11 Mr. Kass stated that the issue is that the notice was not received by the relevant jurisdiction during the
12 required time period. He said that the notice was returned and resent the next day but it was too late to meet
13 the minimum required 15 day notice.

14
15 Mr. Thorsland entertained a motion to continue Case 738-S-12 to the March 14, 2013, meeting.

16
17 **Mr. Passalacqua moved, seconded by Mr. Miller to continue Case 738-S-12 to the March 14, 2013,**
18 **meeting. The motion carried by voice vote.**

19
20 **7. Staff Report**

21
22 None

23
24 **8. Other Business**

25 **A. Review of Docket**

26
27 Mr. Hall requested that the Board contact staff if they will be absent from a public meeting.

28
29 **9. Audience Participation with respect to matters other than cases pending before the Board**

30
31 None

32
33 **10. Adjournment**

34
35 Mr. Thorsland entertained a motion to adjourn the meeting.

36
37 **Mr. Courson moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
38 **vote.**

39
40 The meeting adjourned at 8:17 p.m.

ZBA

DRAFT SUBJECT TO APPROVAL DRAFT

2/28/13

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Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 732-AT-12

SUPPLEMENTAL MEMORANDUM

April 5, 2013

Champaign
County
Department of



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

(217) 384-3708

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.

- (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.
-

STATUS

This case was continued from the February 28, 2013, public hearing.

CONCERNS OF THE ZBA AT THE FEBRUARY 28, 2013, PUBLIC HEARING

The following concerns were discussed by the ZBA at the 2/28/13 meeting and changes have been made to the Draft amendment as reviewed below:

Equipment Loaded on Trailers

The Draft amendment has been revised to include the following rules regarding what is counted against the limit of 10:

When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment. (see new paragraph 7.2.1 F.2.b.)

And:

When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE. (see new paragraph 7.2.1 F.2.c.)

The same provision is also included for supplemental equipment attachments in paragraph 7.2.1 F.3.c.

Compared to the current Ordinance, these rules will allow more equipment to be kept outside and will require less screening for that equipment for the following reasons:

- Under the current Ordinance, a vehicle with a trailer with a backhoe counts as three of the 10 allowed vehicles, trailers, and/or "off-road vehicles". Under the proposed rules that group of three will only count as one and there could be 10 of those groups of three for a total of 30 vehicles, trailers, and/or "off-road vehicles".
- Proposed paragraph 7.1.2 F.3. also provides that when equipment is on a MOTOR VEHICLE or a trailer connected to a MOTOR VEHICLE the required screening is what is required for the MOTOR VEHICLE rather than for equipment. The screening requirement for a MOTOR VEHICLE is triggered by being only within 100 feet of a BUILDING RESTRICTION LINE of a lot occupied by a DWELLING conforming to USE whereas the screening for equipment is triggered by being within 1,000 feet. Thus, the screening requirement is generally lower for equipment on or connected to a vehicle than for equipment that is simply stored outside.

Even though rules like this seem to add flexibility they may result in an increase in inadvertent violations at RHOs when equipment is taken off trailers without adequate forethought to how many other items are already in outdoor storage.

Complete Pieces of Equipment Versus Attachments to Equipment

The discussion at the last meeting also revealed a wide difference of opinion regarding what constitutes “equipment” versus “attachments to equipment”. This distinction has never been a problem in any RHO approval to date but the very wide difference of opinion at the last meeting indicates that this should probably be addressed. Consider the following alternative courses of action and the likely outcomes:

- **Make no change regarding “attachments”.** The current Ordinance does not distinguish between “equipment” and “attachments to equipment”. Amending the Ordinance to more clearly limit the pieces of equipment that may be kept in outdoor storage at an RHO but not clearly including attachments in that limit would mean any number of attachments could be kept in outdoor storage and screening would be required. This could eventually result in an Appeal regarding whether attachments to equipment should be considered the same as equipment for purposes of whatever numerical limit on outdoor storage is adopted. Note that it is assumed that a limit on outdoor storage of equipment will be adopted. It would be better to address this question as part of this amendment.
- **Make the distinction but adopt no limit.** It is probably advisable for the current amendment to at least make the distinction between “equipment” and “attachments to equipment” even if no limit is adopted for outdoor storage of attachments. The revised Draft proposes such a distinction. The Revised Draft includes a provision for “supplemental equipment attachments” and paragraph 7.1.2 F.1.c. establishes the following:

A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE.

- **Limit outdoor storage of “attachments”.** It seems reasonable to limit the amount of attachments that can be stored outdoors. Paragraph 7.1.2 F.3. establishes the maximum number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors as 15 but provides that limit shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers and/ or complete pieces of equipment that are also parked or used outdoors so that the net increase in items stored outdoors is 5 attachments. Paragraph 7.1.2 F.3.b. also provides that attachments that are connected to equipment shall not be counted separately from that equipment.

The proposed limit of 15 is an increase over the current limit of 10 and the requirement is written such that a start-up RHO (presumably with fewer vehicles and less equipment) could have a greater number of attachments stored outside but as the number of vehicles and equipment increases so would the need for a building.

It is reasonable to assume that neighbors will want equipment attachments to be screened as much as the complete piece of equipment and that they would prefer the limit stay at 10. The increase of 15 is a 50% increase over that limit and provides greater flexibility for the RHO with a modest impact on neighbors.

Overall Limit On Number of Vehicles

The ZBA has been encouraged throughout the public hearing to increase the current limit of 10 to a greater number since the new limit will clearly apply to “equipment that is stored or used outdoors” and that same question was discussed at the last meeting. The following points relate to this consideration:

1. The existing Ordinance already includes “trailers and off-road vehicles” in the limit of 10. The existing limit also applies whether those “trailers and off-road vehicles” are stored outdoors or indoors. The proposed amendment does not limit the number of trailers or pieces of equipment that are stored indoors.
2. The proposed limit of 10 applies not just to **MOTORIZED VEHICLES** but also to “motorized and non-motorized equipment” that is stored or used outdoors at the Rural Home Occupation. The proposed limit does not apply to equipment that is stored or used indoors. Some discussion at the 2/28/13 meeting questioned whether the limit applied to non-motorized equipment. The Draft amendment has always included non-motorized equipment in the limit.
3. Some of the discussion at the last meeting also indicated there was some question about whether the limit of 10 applied to semitrailers used to haul grain or livestock. Trucks and trailers that are used only for hauling grain or livestock grown by that farmer are considered to be part of the “agricultural exemption” and the limit would not apply.
4. In the Draft amendment, the proposed limit of 10 will be less restrictive than the current limit of 10 in the existing Ordinance because (1) when equipment is on trailers and trailers are connected to trucks the entire group is considered only one vehicle; and (2) increasing the limit of 10 to 15 to allow for “supplemental equipment attachments”.

All of the recent modifications to the Draft amendment have the combined effect of making the limit of 10 apply to fewer and fewer items which will benefit the RHO at the expense of the neighbors.

Equipment Stored Outdoors Should Be Operable

Paragraph 7.1.2 F.1.e. has been added to require that all equipment and attachments that are stored outdoors must be operable.

OTHER CHANGES

The following changes were also made:

Corrected Screening Requirement for Parking

The Draft amendment reviewed at the 2/28/13 meeting had been intended to incorporate the existing screening requirements for parking but did not. Subparagraph 7.1.2 E.4.c.(2) has been revised to include the existing separation requirement that triggers the need for screening (within 100 feet of a **BUILDING RESTRICTION LINE** of a lot occupied by a **DWELLING** conforming to **USE**) that is found in paragraph 7.4.1 C.4. of the current Ordinance.

Corrected Screening Requirement for Equipment in Outdoor Storage

The Draft amendment reviewed at the 2/28/13 meeting had been intended to incorporate the existing screening requirements for "outdoor storage" but did not. Subparagraph 7.1.2 F.4. has been revised so that the need for screening of outdoor STORAGE is based on the requirement of proposed paragraph 7.1.2 M. which is the existing requirement found in subsection 7.6 of the existing Ordinance.

Applicability and Nonconformities Are a Separate Paragraph

Proposed subparagraphs 7.1.2 F.4 & 5. were previously the subparagraphs containing the "grandfathering" provision and the applicability provision. These subparagraphs have been promoted to become new paragraph 7.1.2 G. The requirements were not changed.

REVIEW OF NUMBERS OF VEHICLES AND EQUIPMENT INCLUDED IN PREVIOUS R.H.O.S

RHO applications received since 2000 were reviewed to determine the numbers of vehicles and equipment that were indicated so that the ZBA has some idea of how often the current limit has become an issue. The preliminary results are summarized as follows:

48 RHO applications have been received since 1/1/2000

23 RHO applications w/ no vehicles

13 RHO* applications w/ 1 vehicle

12 RHO* applications w/ ≥ 1 vehicle**

* = 17 RHO applications w/ vehicles also included trailers and only 5 of those included equipment and 1 included equipment w/o trailer

** There have been no variances for the limit on vehicles and "trailers and off-road vehicles" since 1/1/2000

ATTACHMENTS

- A Draft Minutes of the February 28, 2013, Public Hearing (included separately)
- B Revised Draft Amendment (ANNOTATED)
- C Revised Draft Amendment (NON-ANNOTATED)

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

Note: The indications for proposed changes are as follows:

- Changes proposed at the Committee of the Whole on September 25, 2012, are indicated in single strike out if deleted and single underlining for new text.
- Changes made during the ZBA public hearing are indicated in double strike out if deleted and double underlining for new text.
- Deletions and additions since the last ZBA meeting are highlighted.

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, Second Division vehicles as defined by the Illinois Vehicle Code~~ MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers; used ~~in~~ and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers displaying the name of the RURAL HOME OCCUPATION and/ or used in any way for the at any RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
 - ~~ii.~~ 2. No more than three self-propelled 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 authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
 - ~~iii.~~ 3. No more than 10 ~~vehicles~~ MOTOR VEHICLES in total, including vehicles under 8,000 lbs. gross vehicle weight, and/ or licensed semitrailers and/ or licensed pole trailers off-road vehicle shall be permitted authorized excluding patron or employee or owner personal vehicles MOTOR VEHICLES.
 - ~~iii.~~ 4. All ~~Second Division vehicles~~ MOTOR VEHICLES and licensed semitrailers and licensed pole 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 and any licensed semitrailer and any licensed pole trailer 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

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

~~iii. 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 spaces shall be provided as follows. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, and all parking shall be subject to the following:~~

~~(1) No parking shall occur in the STREET RIGHT OF WAY.~~

~~(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. The requirements of Section 7.4 notwithstanding, all off-street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:~~

~~(a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.~~

~~(b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.~~

~~(c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.~~

~~(43) The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.~~

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

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

- F. Non-farm equipment ~~and supplemental equipment attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:~~
1. The number of complete pieces of equipment that are motorized or non-motorized ~~and/ or the number of supplemental equipment attachments and used in any way for that may be stored and/ or used outdoors at in any way for the a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:~~
 - a. 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.
 - b. Equipment does not include hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
 - c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE.
 - d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a BUILDING but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.
 - e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.
 2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/ or used outdoors ~~provided however, that~~ subject to the following:
 - a. The number of complete pieces of equipment that may be kept in outdoor STORAGE and/ or used outdoors shall be reduced by the number of MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations

APRIL 5, 2013

~~BUILDING. This limit shall apply to each individual piece of equipment provided~~

- ~~b. When a piece of equipment is on a trailer other than a semitrailer or pole trailer, the trailer is not and all equipment on the trailer are all counted as only one a piece of equipment. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment.~~
 - ~~c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.~~
 - ~~d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.~~
- ~~3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/ or used outdoors subject to the following:~~
- ~~a. The maximum number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors is 15 but that limit shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers and/ or complete pieces of equipment that are also parked or used outdoors.~~
 - ~~b. Supplemental equipment attachments that are attached to equipment shall not be counted separately from that piece of equipment.~~
 - ~~c. When supplemental equipment attachments are on a trailer other than a semitrailer or pole trailer, the trailer and all supplemental equipment attachments on the trailer are all counted as only one piece of equipment and when the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.~~
- ~~4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors 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~~

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

- ~~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 or used at least 10 feet from any LOT LINE and screened by a Type A D SCREEN. as required by paragraph 7.1.2 M, except for equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in which case the required SCREEN shall be as required in paragraph 7.1.2 E.~~

3. Insert new paragraph 7.1.2G. (and renumber as required) to read as follows:

G. Applicability and nonconformities.

- ~~41.~~ 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.
- ~~52.~~ 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-G.2.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.

Attachment B: Revised Draft Amendment (ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

4. Revise paragraph 7.1.2 K. to read as follows:

~~K.M.~~ 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 screened 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.

5. Revise paragraph 7.1.2 B. to read as follows:

- B. ~~Non-resident, non-family~~ employees shall only be ~~permitted~~ **authorized** subject to the following limitations:
- i. ~~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~~
 - ii. ~~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~~
 - iii. 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
 - iv. 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 C: Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 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 and/ or licensed semitrailers and/ or licensed pole trailers used and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers displaying the name of the RURAL HOME OCCUPATION and/ or used at any 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 authorized 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 and/ or licensed semitrailers and/ or licensed pole trailers shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.
 4. All MOTOR VEHICLES and licensed semitrailers and licensed pole 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 and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE; and
 - c. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, subject to the following:
 - (1) No parking shall occur in the STREET RIGHT OF WAY.

Attachment C: Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

- (2) The requirements of Section 7.4 notwithstanding, all off-street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:
- (a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.
 - (b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.
 - (c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.
- (3) The requirements of Section 7.4 notwithstanding, 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 and supplemental equipment attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:
- 1. The number of complete pieces of equipment that are motorized or non-motorized and/ or the number of supplemental equipment attachments that may be stored and/ or used outdoors at a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:
 - a. 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.
 - b. Equipment does not include hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.

Attachment C: Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

- c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a **MOTORIZED VEHICLE**.
 - d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a **BUILDING** but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor **STORAGE** and/ or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.
 - e. All equipment and supplemental equipment attachments kept in outdoor **STORAGE** or used outdoors must be operable.
2. No more than 10 complete pieces of equipment may be kept in outdoor **STORAGE** and/ or used outdoors subject to the following:
- a. The number of complete pieces of equipment that may be kept in outdoor **STORAGE** and/ or used outdoors shall be reduced by the number of **MOTOR VEHICLES** and / or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed **BUILDING**.
 - b. When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment.
 - c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a **MOTOR VEHICLE** the entire unit shall be considered to be only one **MOTOR VEHICLE**.
 - d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a **MOTOR VEHICLE**.
3. Supplemental equipment attachments may also be kept in outdoor **STORAGE** and/ or used outdoors subject to the following:
- a. The maximum number of supplemental equipment attachments that may be kept in outdoor **STORAGE** and/ or used outdoors is 15 but that limit shall be reduced by the number of **MOTOR VEHICLES** and / or licensed semitrailers and/ or licensed pole

Attachment C: Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

trailers and/ or complete pieces of equipment that are also parked or used outdoors.

- b. Supplemental equipment attachments that are attached to equipment shall not be counted separately from that piece of equipment.
- c. When supplemental equipment attachments are on a trailer other than a semitrailer or pole trailer, the trailer and all supplemental equipment attachments on the trailer are all counted as only one piece of equipment and when the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.

- 4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors must be stored or used at least 10 feet from any LOT LINE and screened as required by paragraph 7.1.2 M. except for equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in which case the required SCREEN shall be as required in paragraph 7.1.2 E.

3. Insert new paragraph 7.1.2G. (and renumber as required) to read as follows:

G. Applicability and nonconformities.

- 1. 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.
- 2. 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 at that RURAL HOME OCCUPATION.
 - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 G.2.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

Attachment C: Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 Rural Home Occupations
APRIL 5, 2013

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.

4. Revise paragraph 7.1.2 K. to read as follows:

- M. Outdoor STORAGE used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be screened 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.

5. Revise paragraph 7.1.2 B. to read as follows:

- B. Non-resident employees shall only be authorized subject to the following limitations:
- i. 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
 - ii. 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
 - iii. 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
 - iv. 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. 735-S-12

SUPPLEMENTAL MEMORANDUM

April 5, 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.

STATUS

This case was continued at the February 14, 2013, public hearing. An excerpt of the draft minutes of that meeting is attached. A Revised Summary of Evidence, Finding of Fact, and Final Determination is attached. Two Special Conditions are proposed below.

REQUESTED INFORMATION

At the February 14, 2013, public hearing Board members requested that the petitioner obtain letters from the gymnastics center operator regarding any intention of hosting large events and the adjacent property owner to the south regarding parking. A letter from Steve Koester, adjacent landowner to the north, was received on February 21, 2013, and indicates that he and the petitioners have come to an agreement to use his property for parking if the need were to arise. A copy of this letter is attached to the Preliminary Memorandum for Case 744-V-13

A letter from Yoshi Hayasaki, owner of Hayasaki Gymnastics Center, was received on March 4, 2013, and indicates that there is no intention to host a large event on the subject property this year and possibly for the next two years. A copy of this letter is attached to the Preliminary Memorandum for Case 744-V-13

The petitioner has also indicated to staff verbally that Bud Allen, adjacent landowner to the south, has agreed to help with overflow parking if necessary.

The Board also requested an alternative parking layout, but an alternative has not been proposed yet.

PROPOSED SPECIAL CONDITIONS

- A. The petitioner has submitted a ZUPA for the self-storage building, but has not paid the associated fee and review of the permit application does not occur until the fee has been paid. The following condition is to ensure that this is done in a timely manner:

Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay the fee for the Zoning Use Permit Application received on January 23, 2013.

The above special condition is required to ensure the following:

That applicable permit fees are paid in a timely manner and to ensure that the permit is reviewed and issued in a timely manner.

- B. The proposed uses on the subject property must comply with applicable State accessibility requirements. The following condition is to ensure compliance with applicable requirements:

The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use Permit until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

ATTACHMENTS

- A Excerpt of Draft Minutes from the February 14, 2013, public hearing (included separately)
B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

REVISED DRAFT 4-5-13

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: April 11, 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 subject to related Variance Case 744-V-13.

Table of Contents

General Application Information	2-3
Specific Ordinance Requirements	4-8
Special Use Evidence	9-22
Documents of Record	23-29
Case 735-S-12 Finding of Fact.....	25-27
Case 735-S-12 Final Determination	28

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 14, 2013, and April 11, 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.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 735-S-12)

- *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 requested Variance in related Case 744-V-13 is as follows:

- (1) Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related zoning Case 735-S-12.
- (2) Variance for an open space depth of 16 feet between the two principal buildings in related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20 feet.

C. 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.
 - D. At the February 14, 2013, public hearing John Murphy, co-owner of TC Management LLC, testified. Mr. Murphy’s testimony is summarized as follows:
 - (1) They request the authorization of the second use (the self-storage building) so that they can get additional revenue out of the property.
 - (2) Some of the landscaping that they proposed was an attempt to address some issues that were occurring with another business that appeared to be a negative impact on everyone.
 - (3) Since there are no before and after pictures to present to the Board he could only say that they have put a tremendous amount of time and money into the property and some of the comments that have been received, mainly from Steve Koester (adjacent neighbor), have been very positive.
 - (4) They have added a lot to the area in improving what was known as a blighted building and they are anxious to become a good neighbor and not present and obstacles for businesses in the area.

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:
 - (1) Surface runoff should not increase since the petitioner will not be adding any new impervious area.
 - (2) In an email dated February 11, 2013, Don Wauthier, Berns, Clancy and Associates, forwarded comments on behalf of the Fountain Head Drainage District regarding the proposed Special Use. The comments are summarized as follows:
 - (a) The Drainage District is aware of a small diameter private tile that crosses the southwest corner of Lot 2.
 - (b) The Drainage District is aware of significant drainage problems with Stahly Subdivision including Lot 2.
 - (c) Stormwater runoff ponds immediately west of Lot 2.
 - (d) A small, shallow surface swale was constructed last spring immediately west of Lot 2 in an effort to provide improved drainage, but there were still issues with water ponding west of Lot 2 in May.
 - (e) The Drainage District is aware that the farmer of the adjacent property has expressed concerns in the past about drainage at this location.
 - (3) At the February 14, 2013, public hearing John Murphy, co-owner of TC Management LLC, testified that last summer TC Management agreed to provide \$1,000 to the adjacent farmer to address the drainage issues.

- (4) At the February 14, 2013, public hearing Keith Padgett, Champaign Township Highway Commissioner, testified. Mr. Padgett's testimony related to drainage conditions is summarized as follows:
- (a) There has been a lot of discussion between the State and the owners of the bus business regarding the water issue.
 - (b) When the gas station was built there was some construction and a detention pond was constructed and drain tiles were directed from the detention pond to a catch basin on the north side of the road where all of the water is located.
 - (c) The tile no longer drains back to the field where Mr. Shaw's drainage problem occurs and since it is not in the right-of-way it is not within his jurisdiction therefore the State was attempting to deal with the issue.
 - (d) The culvert under Tiffany Drive had rotted so he contacted the State and instead of digging it up and replacing it they inserted a sleeve in it although it did not remedy the water issue.
 - (e) The State has found that the water travels from the south side of the road along the railroad tracks under a culvert under Route 10 to the catch basin and during a one-half inch rain the water could and would have gone away in the 1950's but it no longer does that.
 - (f) The surface water from the gas station comes into the same catch basin and has to climb over the summit in the ditch and under Tiffany Drive to the north side of the road to the Number One Spur Ditch, which is an open ditch that runs to Rising Road.
 - (g) The water issue is a big issue and it will not resolve itself and the subject property will not add to the drainage problem.
- 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. At the February 14, 2013, public hearing Keith Padgett, Champaign Township Highway Commissioner, testified, in part, as follows:
- (a) As long as the petitioner will comply with the Board's recommendation to not park in the right-of-way on a regular basis and the alternating traffic from the subject property the township road district would welcome the new neighbors to the area. A special condition has been proposed in related Case 744-V-13 to ensure that parking does not occur in the right-of-way.
- (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. At the February 14, 2013, public hearing John Murphy, co-owner of TC Management LLC, testified. Mr. Murphy's testimony is summarized as follows:
- (1) Some of the landscaping that they proposed was an attempt to address some issues that were occurring with another business that appeared to be a negative impact on everyone.
- (2) Since there are no before and after pictures to present to the Board he could only say that they have put a tremendous amount of time and money into the property and some of the comments that have been received, mainly from Steve Koester (adjacent neighbor), have been very positive.
- (3) They have added a lot to the area in improving what was known as a blighted building and they are anxious to become a good neighbor and not present and obstacles for businesses in the area.

- J. 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.
- K. 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. The petitioner has requested a variance in Case 744-V-13 for an OPEN SPACE of 16 feet in lieu of the required 20 feet.

(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.

REVISED DRAFT 4-5-13

- (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. The petitioner has requested a variance in Case 744-V-13 for 22 parking spaces in lieu of the required 54 parking spaces.
 - (d) A letter from Steve Koester, SK Service Corp., and neighboring landowner, received February 21, 2013, indicates that he and the petitioner have come to an agreement to provide assistance with future parking issues should they arise.
 - (e) A letter from Yoshi Hayasaki, owner of Hayasaki Gymnastics Center, received March 4, 2013, indicates that they do not intend to host a large event at the gymnastics center this year and possibly for the next two years.
 - (f) The petitioner has indicated to staff verbally that Bud Allen, neighboring landowner, has agreed to help with overflow parking if necessary.
- (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.
- H. At the February 14, 2013, public hearing John Murphy, co-owner of TC Management LLC, testified regarding parking on the subject property. Mr. Murphy's testimony is summarized as follows:
- (1) The site accommodates all of the parking because the gymnastics classes are staggered at various times and the majority of the traffic includes drop-off and pick-up of the students, and that some parents stay to watch their kids and staff is also present during these times.
 - (2) If the remaining vacant space was rented parking would be something that they would need to address as they screen what type of tenant could occupy the area. Any new tenant would have to be compatible with the gymnastics center because that is the anchor tenant.

- (3) There is approximately 1,200 square feet that could be used for office space, cold storage, etc, which would still allow for some indoor parking that could be available through the two overhead doors.
- (4) He is not aware of any gymnastics event that has been hosted on the property and could not say if Mr. Hayasaki would host a gymnastics event, but if parking would be a significant issue the neighbor to the south has significant parking and he is sure that they could work with that property owner on a case by case basis for overflow parking because no customers visit that property at any time during the week.
- (5) The number of staff members varies and depends on what age and type of class is being offered at any given time.
- (6) The parking spots and the flow of the lot were designed by Mr. Hayasaki in terms of what would accommodate his needs.
- (7) The brick entrance in the main entrance and the handicap accessible parking being located in the area of the Hayasaki Gym entrance sign would allow a person to have continuous concrete from the parking spot to the door because of an existing concrete sidewalk that ties in with the parking lot and continues to the entrance of the business.

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.

REVISED DRAFT 4-5-13

- (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:

A. The petitioner has submitted a ZUPA for the self-storage building, but has not paid the associated fee and review of the permit application does not occur until the fee has been paid. The following condition is to ensure that this is done in a timely manner:

Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay the fee for the Zoning Use Permit Application received on January 23, 2013.

The above special condition is required to ensure the following:

That applicable permit fees are paid in a timely manner and to ensure that the permit is reviewed and issued in a timely manner.

B. The proposed uses on the subject property must comply with applicable State accessibility requirements. The following condition is to ensure compliance with applicable requirements:

The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use Permit until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

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
8. Supplemental Memorandum for Case 735-S-12 dated February 14, 2013, with attachments:
 - A Email from Don Wauthier to John Hall dated February 11, 2013
9. Variance Application received February 14, 2013
10. Letter from Steve Koester received February 21, 2013
11. Letter from Yoshi Hayasaki received March 4, 2013
12. Supplemental Memorandum for Case 735-S-12 dated April 5, 2013, with attachments:
 - A Excerpt of Draft Minutes from the February 14, 2013, public hearing
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

13. Preliminary Memorandum for Case 744-V-13 dated April 5, 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 Letter from Steve Koester received February 21, 2013
 - F Letter from Yoshi Hayasaki received March 4, 2013
 - G 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, and April 11, 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:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - 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:
- The Special Use is authorized in the District.
 - The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - 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.
 - 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:***

A. The petitioner has submitted a ZUPA for the self-storage building, but has not paid the associated fee and review of the permit application does not occur until the fee has been paid. The following condition is to ensure that this is done in a timely manner:

Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay the fee for the Zoning Use Permit Application received on January 23, 2013.

The above special condition is required to ensure the following:

That applicable permit fees are paid in a timely manner and to ensure that the permit is reviewed and issued in a timely manner.

- B. The proposed uses on the subject property must comply with applicable State accessibility requirements. The following condition is to ensure compliance with applicable requirements:

The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use Permit until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

*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 subject to related Case 744-V-13, 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: }

- A. Within 30 days of Final Action of Cases 735-S-12 and 744-V-13 the Petitioner shall pay the fee for the Zoning Use Permit Application received on January 23, 2013.
- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use Permit until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. John Hall, Zoning Administrator, stated that the Preliminary Memorandum dated February 8, 2013,
2 discussed that after staff had advertised the case staff identified that a variance for parking was required.
3 He said that staff could not figure out a way to get the number of parking spaces required by the
4 Ordinance, which is 54, therefore a variance is required and must be advertised. He said that once the
5 variance case is advertised the Board could take final action on both cases.

6
7 Mr. Hall distributed a Supplemental Memorandum dated February 14, 2013, which includes an e-mail
8 from Don Wauthier, representing the Fountain Head Drainage District. Mr. Hall read Mr. Wauthier's e-
9 mail to the Board.

10
11 Mr. Hall stated that staff has received complaints regarding drainage in Stahly Subdivision and he
12 believes that this is a wide spread problem. He said that he is not aware that anything related to this
13 zoning case contributes to the drainage problem. He said that the reason why this case is before the Board
14 is because of the small self-storage warehouse facility. He said that the facility was an existing storage
15 building that was converted in to a self-storage warehouse which made it a second principal building on
16 the lot and triggered the need for the Special Use Permit. He said that the need for the variance is because
17 of the amount of parking required for the new gymnastics center. He said that a gymnastics center
18 parking standard is one space per 200 square feet and that is close to 9,000 square feet which computes to
19 45 spaces. He said that a certain amount of parking is also required for the self-storage warehouses and
20 the property currently only has approximately one-half of the parking spaces required. He said that it is
21 important that there is enough parking on the site so that clients will not be parking in the street. He said
22 that Keith Padgett, Champaign Township Highway Commissioner is present tonight to answer any
23 questions that the Board may have regarding this case.

24
25 Mr. Hall stated that the gymnastics center applied for their permit although it has not been issued and he
26 is not certain if the gymnastics center was already in operation. He said that staff does not inform people
27 to stop operation but if they continued to use the facility that he had invested so much money into they
28 would be doing it at their own risk. He said that staff is not aware of any actual parking issues other than
29 the Zoning Ordinance requires a lot more than exists on the lot currently. He said that the drainage issues
30 in the development are related to some of the other uses and the fact that this is an old development and
31 probably not all of the field tiles were identified when the subdivision was platted which allowed
32 structures to be built upon the old drainage tile. He said that the old tiles are probably not working any
33 longer which creates a drainage issue with the road ditch. He said that some of the uses in this
34 subdivision contribute to the drainage issues and perhaps over time this matter will be get better but as far
35 as the subject property he is not aware that it is contributing to the drainage problem.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Hall had there were none.

38
39 Mr. Murphy requested the opportunity to make a brief comment.

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

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Mr. Thorsland called Mr. John Murphy to testify.

Mr. John Murphy stated that they did not contribute to the existing drainage issues but did volunteer to provide money to Mr. Shaw last summer. He said that Mr. Shaw approached them and they agreed that if there was something that they could do to improve his situation then, as a good neighbor, they provided \$1,000 to address the drainage.

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

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

Mr. Thorsland asked if staff had any questions for Mr. Murphy.

Mr. Hall asked Mr. Murphy if the site accommodates all of the parking that is needed for the Hayasaki Gymnastics Center and everything else that occurs on the site.

Mr. Murphy stated that the site does accommodate all of the parking because the gymnastic classes are staggered at various times and the majority of the traffic includes drop-off and pick-up of the students. He said that there are a few parents who do stay and watch their kids participate in the classes and of course the staff that is present during the class times.

Mr. Hall asked Mr. Murphy if it is his opinion that he could create additional parking spaces if the need arises in the future.

Mr. Murphy stated yes, but they would be some distance from the entrance to the facility.

Mr. Hall stated that staff has not proposed any special conditions for the special use yet but staff will recommend a special condition for the variance indicating that no parking is allowed in the right-of-way. He said that the special condition will be included in the next mailing and the Board will need to make sure that Mr. Murphy is comfortable with that condition.

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Murphy stated that he is comfortable with the special condition. He said that some of the landscaping
2 that they proposed was an attempt to address some issues that were occurring with another business that
3 appeared to be a negative impact on everyone.

4
5 Mr. Passalacqua stated that the photographs indicate that there is vacant office space for rent. He asked
6 Mr. Murphy if there are vacant areas of the building that is not being utilized at this time and is available
7 for rent.

8
9 Mr. Murphy stated yes. He said that the building is 12,000 square feet and Mr. Hayasaki is renting
10 approximately 8,600 square feet.

11
12 Mr. Passalacqua asked Mr. Murphy if there would be adequate parking if the vacant area is rented.

13
14 Mr. Murphy stated that having heard what Mr. Hall has stated tonight this would certainly be something
15 that they would need to address as they screen what type of tenant could occupy the area. He said that
16 Mr. Hayasaki is their anchor tenant therefore whatever they bring into the vacant area would have to be
17 compatible with Mr. Hayasaki's operation. He said that there is approximately 1,200 square feet that
18 could be used for office space, cold storage, etc, which would still allow some inside parking that could
19 be available through the two overhead doors.

20
21 Mr. Passalacqua asked Mr. Murphy if the gymnastics center hosts competition events where the parking
22 area could be completely full at any one time.

23
24 Mr. Murphy stated that he is not aware of any event that has been hosted at the gymnastics center since
25 they opened in late August, 2012. He said that he cannot say that Mr. Hayasaki would not want to host an
26 event in the summer but if the parking would be a significant issue the neighbor to the south has
27 significant parking and he is sure that they could work with that property owner on a case by case basis.

28
29 Mr. Passalacqua stated that if the parking area was completely full there may be some parking available in
30 the agreed overflow area.

31
32 Mr. Murphy stated yes. He said that he is pretty sure that Steve Koester of S & K Fence would work with
33 them as well regarding any overflow parking requirements.

34

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Thorsland stated that, as a rule, the competition events occur on Saturdays therefore the additional
2 parking that would be available is due to the fact that the other businesses are not open for business on
3 Saturday. He asked Mr. Murphy if there would be additional spaces available if the event occurred on a
4 Tuesday or Friday.

5
6 Mr. Murphy stated that the first location that he was referring to is directly south of the subject property
7 the nature of that property's business is that no customers visit the property therefore a huge amount of
8 parking is available during any time of the week.

9
10 Mr. Murphy stated that since there are no before and after pictures to present to the Board he can only say
11 that they have put a tremendous amount of time and money into this property and some of the comments
12 that have been received, mainly Steve Koester, have been very positive. Mr. Murphy stated that they
13 have added a lot to the area in improving what was known as a blighted building and they are anxious to
14 become a good neighbor and not presenting any obstacles for businesses in the area.

15
16 Mr. Thorsland asked if staff had any additional questions for Mr. Murphy.

17
18 Mr. Thorsland asked if the Board had any additional questions for Mr. Murphy.

19
20 Mr. Courson stated that the additional parking may be available today from the other businesses but if the
21 economy improves the other businesses may not have that available parking in the future. He asked if the
22 Board should address the parking issue on the subject property at this time. He said that there could be a
23 lot of parents attending the events which would increase the parking and he would like to hear input from
24 the tenant regarding his future plans for events and parking arrangements.

25
26 Mr. Thorsland requested that staff contact the tenant regarding future plans.

27
28 Mr. Passalacqua stated that he would like to have letter from S & K Fence indicating the availability of
29 his property for overflow parking, if needed. He said that he believes that the S & K Fence property is
30 fenced and gated which would mean having to gain access to that area. He said that anything to support
31 the overflow parking arrangement would be a great asset to the Documents of Record.

32
33 Mr. Murphy stated that Mr. Koester offered to attend the meeting tonight. Mr. Murphy stated that he will
34 obtain a written statement from Mr. Koester regarding the use of his property for overflow parking.

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

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Mr. Hall asked the Board if there is a need to require an alternative parking layout on the subject property.

Mr. Passalacqua stated that he does not see many alternative parking spots on the subject property. He asked Mr. Murphy if the subject property used to be the home of Central States Roofing Supply.

Mr. Murphy stated yes.

Mr. Passalacqua asked Mr. Murphy if the property consisted on one building or both buildings.

Mr. Murphy stated that Central States Roofing Supply had both buildings. He said that the outbuilding was built in the 1990's and was originally used as an open building to store shingles. He said that they enclosed the building and replaced steel on the main building. He said that they painted the outbuilding and installed new doors, gutters, etc.

Mr. Thorsland requested clarification of the blue and red indications on the annotated land survey included as an attachment to the February 14, 2013, Supplemental Memorandum.

Mr. Kass stated that the parking area indicated in blue is approximately 22' x 57' area that is paved and currently there is a work trailer parked in this location. He said that the 22' x 57' area could be utilized as stripped parking spaces.

Mr. Thorsland asked if the parking spaces indicated in red are the existing parking spaces.

Mr. Murphy stated that he believes that the drawing is correct. He said that he did not submit the annotated plan.

Mr. Kass stated that he created the annotated plan from memory and the measurements that he took when he visited the site.

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Murphy stated that the photographs indicate the parking spots and what is stripped. He said that the
2 parking spots and the flow of the lot was designed by Mr. Hayasaki in terms of what would accommodate
3 his needs.

4
5 Mr. Hall stated that he does not recall the dimension from the face of the main building to the front lot
6 line but he does recall that there is not enough dimension for three rows of 90 degree parking spaces. He
7 said that another type of variance that might help, if the entire parking area is revamped, is to allow the
8 parking spaces to go all the way to the front property lot line providing 10 more feet of parking.

9
10 Mr. Kass stated that the 10 feet to the front of the property line is a utility easement.

11
12 Mr. Hall stated that he would presume this is the reason why the area is just rock and not concrete.

13
14 Mr. Passalacqua asked if there is enough width on the south side to allow for five or six parallel parking
15 spots.

16
17 Mr. Hall stated yes because there is 24 feet of clearance which would be enough room for a traffic aisle
18 and a parking aisle.

19
20 Mr. Kass stated that patrons would have to essentially park next to the building or on the walkway. He
21 said that one photograph indicates the south side of the building and parking on the south side would
22 block the south entrance to the building. He said that when he visited the property he was not
23 comfortable, in his opinion, to provide five or six parking spots in that area. He said that the math
24 computation would indicate that parking could occur there but he does not believe that it is not a good
25 alternative.

26
27 Mr. Thorsland asked the Board if the possible areas for additional parking need to be marked.

28
29 Mr. Kass noted that currently there are no marked handicap accessible spaces on the property.

30
31 Mr. Courson stated that there are double stripped marks in the photographs.

32

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Kass stated that the double stripped marks in the photographs are indicating the end of the row.

2

3 Mr. Courson stated that the handicap spaces should be near the building.

4

5 Mr. Kass stated yes.

6

7 Mr. Thorsland asked if it would be possible to indicate one handicap accessible parking space at the
8 southwest corner close to the door.

9

10 Mr. Passalacqua asked if the size of the first angled spot which is closest to the entry door under the “for
11 rent” sign could be increased.

12

13 Mr. Hall stated that when this was done there should have been a provision for an accessible parking
14 space and at this point requiring any new spaces to be provided would definitely have to include at least
15 one accessible space. He said that if the Board determines that the number of spaces on the property are
16 adequate then no new accessible space has to be added but if any new spaces are added then one
17 accessible space has to be included and should be placed next to the building and not divided by a traffic
18 lane.

19

20 Mr. Passalacqua stated that as much parking as possible should be added to the property because it will be
21 difficult to keep the parking off of the street.

22

23 Mr. Thorsland stated that the Board specifies any parking the Board needs to specify an accessible spot
24 and where it should be located.

25

26 Mr. Passalacqua asked Mr. Hall to indicate the Illinois Accessibility Code requirements for location.

27

28 Mr. Hall stated that the location is supposed to be as close to the entrance as possible. He said that one
29 Board member mentioned adding this space along the south side of the building and he would agree. He
30 said that there is enough room at that location for a 10 foot wide accessible space which would allow the
31 patron to travel directly to the entrance door without crossing a traffic way. He said that in placing the
32 handicap space at this location would open up one more parking space. Mr. Hall stated that the owner’s

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 would have to determine if this will work for their tenant and if it does this would be a simple way to
2 maximize parking. He said that the concrete would have to be completed to the door.

3
4 Mr. Thorsland stated that the one drawing indicates a pad of concrete along the southwest side of the
5 building but it is not apparent in the photograph. He said that he assumes that the fancier doors are the
6 main entrance doors to the building.

7
8 Mr. Murphy stated that the brick entrance is the main entrance and the handicap accessible parking being
9 located in the area of the Hayasaki Gym entrance sign would allow a person to have continuous concrete
10 from the parking spot to the door. He said that they poured a sidewalk that ties into the parking lot and
11 continues to the entrance of the business.

12
13 Mr. Thorsland asked Mr. Murphy if he knew how many people other than Mr. Hayasaki works at the
14 center.

15
16 Mr. Murphy stated that the staff varies and some of the University of Illinois gymnasts assist Mr.
17 Hayasaki with classes. He said that the staff level depends on what age and type of class is being offered
18 at any given time.

19
20 Mr. Thorsland asked Mr. Murphy if an employee parked at the proposed southwest parking spot and was
21 counted as one of the parking spots it would not impede progress into the building. He asked Mr. Kass if
22 the southwest area was wide enough for two parking spaces.

23
24 Mr. Kass stated that the survey indicates that the building is 24 feet to the south property line and 25 feet
25 to the north property line. He said that the Ordinance prohibits parking within five feet of the lot line.

26
27 Mr. Hall stated that this might be a good instance for a variance.

28
29 Mr. Thorsland stated that this area could be for employees only and a variance could be requested for
30 parking within five feet of the lot line. He said that the handicap spot could be out the southeast corner of
31 the building where there is already paving.

32
33 Mr. Passalacqua asked Mr. Murphy if Mr. Hayasaki uses the overhead doors.

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1
2 Mr. Murphy stated no.
3 Mr. Thorsland asked if Mr. Hayasaki used the overhead doors to carry in equipment.
4
5 Mr. Murphy stated that Mr. Hayasaki did originally use them to bring in the heavy equipment but the area
6 with the overhead doors is not part of Mr. Hayasaki's leased area.
7
8 Mr. Thorsland asked Mr. Murphy if the parking lot remains as it is currently and the area with the
9 overhead doors was leased out to someone, could they access the overhead doors.
10
11 Mr. Murphy stated yes.
12
13 Mr. Passalacqua stated that they could access the overhead doors.
14
15 Mr. Murphy stated that if the handicap spot was to the south of the small door there would still be quite a
16 bit of space. He said that there is an entrance on either side of the split rail fence therefore if you came in
17 using the northern most entrance they would have a straight shot to the overhead doors.
18
19 Mr. Hall informed Mr. Murphy that staff will be in touch so that the parking issue can be resolved prior to
20 the legal advertisement for the variance case. He said that at this point every additional parking space is
21 important.
22
23 Mr. Thorsland informed Mr. Murphy that the Board would like to have a letter from S & K Fence and Mr.
24 Hayasaki regarding possible tournaments and parking accommodations. He said that a diagram of
25 possible parking spaces should be submitted for review as well.
26
27 Mr. Passalacqua asked Mr. Hall if the three loading berth sketches are only indicated as potential spots.
28
29 Mr. Hall stated that there must be three loading berths and the three sketches indicate the areas that would
30 meet the Ordinance's requirement.
31

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Thorsland asked Mr. Murphy if he had any questions for the Board or staff.

2

3 Mr. Murphy stated he will take care of the requested letters and will discuss the parking space diagram
4 with staff.

5

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

8

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

10

11 Mr. Thorsland called Mr. Keith Padgett to testify.

12

13 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he appreciates the Board's
14 efforts regarding this property because this area has been a difficult one from time to time. He said that as
15 long as the petitioner will comply with the Board's recommendations in not parking in the right-of-way
16 on a regular basis, and the reduced bus traffic in the area and the alternating traffic from the subject
17 property during their events, the township road district would welcome new neighbors to the area.

18

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

20

21 Mr. Passalacqua asked Mr. Padgett if over the last year there has been active work going on regarding the
22 water issue in the area.

23

24 Mr. Padgett stated that there has been a lot of discussion between the State and the owners of the bus
25 business regarding the water issue.

26

27 Mr. Passalacqua stated that he has probably just seen the installation of silt barriers in the culverts or
28 outlets and no construction going on.

29

30 Mr. Padgett stated that there was some construction when the gas station was constructed. He said that a
31 detention pond was constructed and drain tiles were directed from the detention pond to a catch basin on
32 the north side of the road where all of the water is located. He said that the tile no longer drains back to

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 the field where Mr. Shaw's drainage problem occurs and since it is not in the right-of-way it is not within
2 Mr. Padgett's jurisdiction therefore the State was attempting to deal with the issue. He said that it appears
3 that Mr. Wauthier is more knowledgeable about where a tile might have been that is no longer working.
4 Mr. Padgett stated that culvert running under Tiffany Drive had rotted under the road therefore he
5 contacted the State and instead of digging it up and replacing it they inserted a sleeve in it although it did
6 not remedy the water issue. He said that the State researched the water issue and why it was ponding in
7 the ditch. He said that the State found that the water travels from the south side of the road along the
8 railroad tracks under a culvert under Route 10 to the catch basin and during a one-half inch rain the water
9 could and would have gone away in the 1950's but it no longer does that. He said that the surface water
10 from the gas station comes into the same catch basin and has to climb over the summit in the ditch and
11 under Tiffany Drive to the north side of the road down to the Number One Spur Ditch, which is an open
12 ditch which runs to Rising Road. He said that the water issue is a big issue but it will not resolve itself.

13

14 Mr. Passalacqua asked Mr. Padgett if the subject property will add to the problem.

15

16 Mr. Padgett stated no.

17

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

20

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

22

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

24

25 Mr. Thorsland requested a continuance date from staff.

26

27 Mr. Hall stated that the variance case must be advertised. He said that the Board could consider holding a
28 special meeting on April 11th in the John Dimit Meeting Room. He said that if the Board approves the
29 special meeting it is possible that both cases could be placed on the docket for that meeting.

30

31 Mr. Kass stated that there would be adequate time for advertisement of the variance case if this case was
32 continued to the April 11th meeting.

33

EXCERPT OF DRAFT FEBRUARY 14, 2013, MINUTES

FOR CASE 735-S-12

1 Mr. Thorsland entertained a motion to schedule a special meeting on April 11th to be held in the John
2 Dimit Meeting Room.

3

4 **Mr. Courson moved, seconded by Mr. Palmgren to schedule a special meeting on April 11th to be**
5 **held in the John Dimit Meeting Room. The motion carried by voice vote.**

6

7 Mr. Thorsland entertained a motion to continue Case 735-S-12 to the April 11th meeting.

8

9 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 735-S-12 to the April 11th**
10 **meeting. The motion carried by voice vote.**

11

12

CASE NO. 736-V-12 & 737-V-12

SUPPLEMENTAL MEMORANDUM

April 5, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: Matthew & Katie Warren

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

CASE: 736-V-12

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.

CASE: 737-V-12

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.

Subject Property: Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.

Site Area: 15,015 square feet (total area)

Time Schedule for Development: Existing

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

STATUS

These cases are continued from the February 28, 2013, public hearing. An excerpt of the draft minutes of that meeting is attached. A Revised Summary of Evidence, Finding of Fact, and Final Determination is also attached separately.

INFORMATION REGARDING REPLACEMENT SEPTIC SYSTEMS

The petitioner has provided an email from Jan Schacht, Vermilion Construction Services Inc., documenting what the replacement septic systems would consist of and how much the system would cost. The following summarizes the components that the replacement systems would consist of:

- Norweco 600 GDP aerobic treatment unit with chlorine feeder and contact chamber.
- 150 lineal feet of ADS ACRLP chamber type subsurface seepage field.
- One 100 square feet gravel evaporation pit.
- 4 inch schedule 40 PVC piping to connect house to the ATU and the ATU to the field with gravity bypass to the evaporation pit.
- Electrical connections and control panel installed in house or garage.
- Excavations will be backfilled and mounded to allow settling.
- A lift station may be needed if the existing systems will not permit the proposed systems to operate by gravity.

PROPOSED SPECIAL CONDITION

12. The following is proposed as a special condition:

The requested variance is a very large deviation from the minimum lot area requirement for a lot without a connected public sanitary sewer system. Staff recommends a Special Condition to make potential buyers of either lot aware that a variance was granted to authorize the creation of the lots and that there are concerns regarding whether the existing septic systems can be replaced because the lots are so small. Staff recommends the following condition:

Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:

- (1) **Variations were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township.**
- (2) **Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.**
- (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**

-
- (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the properties are aware of how the lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

ATTACHMENTS

- A Email from Jan Schacht, Vermilion Construction Services, to Matthew Warren dated March 8, 2013
- B Invoice from Schoonover Sewer Services received October 25, 2012
- C Proposed Miscellaneous Document
- D Excerpt of Draft Minutes of February 28, 2013, public hearing
- E Revised Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

Andrew Kass

From: Matt Warren [mkw3902@yahoo.com]
Sent: Tuesday, March 12, 2013 10:35 AM
To: Andrew Kass
Subject: Fwd: Septic Proposal

In regards to applied for variances for 117 independence and 118 railroad Dewey
This is vermilion constructions estimate for available replacement systems. Thanks. Matt

Begin forwarded message:

From: Jan Schacht <janschacht@yahoo.com>
Date: March 8, 2013, 2:55:41 PM CST
To: "mkw3902@yahoo.com" <mkw3902@yahoo.com>
Subject: Septic Proposal
Reply-To: Jan Schacht <janschacht@yahoo.com>

Matt,

I am having computer problems today in my office and am unable to provide you with a proposal on our regular proposal form, the following is the information that you requested, please let me know if this will suffice for now;

Vermilion Construction Services Inc. proposes to provide materials, labor and insurance to install a new private sewage disposal system for the house located at 318 Railroad, Dewey Illinois, including the following:

Soil evaluation

Champaign County Health Dept. permit and inspections

One Norweco 600 GPD aerobic treatment unit (ATU) with chlorine feeder and contact chamber.

150 lineal feet of ADS ACRLP chamber type subsurface seepage field

One 100 sq. ft. gravel evaporation pit

4" schedule 40 PVC piping as required to connect house to ATU, ATU to field with gravity bypass to evaporation pit

Electrical connections and control panel installation in existing house or garage.

All excavations backfilled with native fill and left mounded to allow settling.

Total Proposal Price \$11,974.00

NOTE: This proposal is made assuming that the elevation of the existing building sewer will allow the above system to operate by gravity, if this is not the case and a lift station is required, please add \$2,197.00 to the Total Proposal Price..

Thank you for the opportunity to quote your project, if you have any questions or would like further information, please contact me anytime.

Jan Schacht
Vermilion Construction Services Inc.
2566E 1050N Rd.
Fairmount IL 61841
217-896-3326 phone

Schoonover Sewer Service,

P.O. Box 6027

Champaign IL 61826-6027

P- 217.239.0106

F- 217.352.1360

INVOICE

DATE	INVOICE #
10/4/2012	124992

BILL TO
WARREN, KATIE P O BOX 54 SIDNEY, IL 61877

JOB ADDRESS
317 INDEPENDENCE 318 INDEPENDENCE DEWEY KATIE REQ'D SVC 202-6064

P.O. NO.	TERMS	REP
	Net 30	TWC

DESCRIPTION	SERVICE DATE	AMOUNT
LOCATOR USED	10/3/2012	95.00
TRIP CHARGE		20.00
LOCATED 2 SEPTIC TANKS BY PROBING - MARKED WITH GREEN PAINT		
318 RAILROAD - 21 FEET NORTH - AND 6 FEET EAST OF BACK DOOR		
317 RAILROAD - 17 FEET SOUTH OF SANITARY ROOF VENT Independence		

INVOICE NUMBER MUST BE RETURNED WITH REMITTANCE TO ASSURE CREDIT

RECEIVED	Total	\$115.00
	OCT 25 2012	

CHAMPAIGN CO. P & Z DEPARTMENT

Attachment C. Proposed Miscellaneous Document

Cases 736-V-12 & 737-V-12

April 5, 2013

TO: Interested Parties

FROM: Champaign County Zoning Board of Appeals

RE: Lot creation out of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township.

Be it known that this document was a requirement of a Special Condition of Approval of Zoning Cases 736-V-12 and 737-V-12 to ensure that any interested party is aware of the following:

- (1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township.
- (2) Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.
- (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.
- (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.

1 EXCERPT OF DRAFT FEBRUARY 28, 2013, MINUTES

2 FOR CASES 736-V-12 and 737-V-12

3
4 **Case 736-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following in**
5 **the R-1 Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of the**
6 **minimum required 20,000 square feet required for lots connected to public water supply,**
7 **but without a connected public sanitary sewer system and created after September 21,**
8 **1993; and Part B. Variance for a front setback for an existing nonconforming dwelling of**
9 **33.5 feet from the centerline of Independence Street in lieu of the minimum required 55**
10 **feet; and Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet**
11 **on the subject property described below.**

12
13 **Case 737-V-12 Petitioner: Matthew and Katie Warren Request to authorize the following**
14 **in the R-1 Zoning District: Part A. Variance for a lot area of 7,507.5 square feet in lieu of**
15 **the minimum required 20,000 square feet required for lots connected to a public water**
16 **supply, but without a connected public sanitary sewer system and created after September**
17 **21, 1993; and Part B. Variance for a front setback for an existing nonconforming dwelling**
18 **of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55**
19 **feet; and Part C. Variance for a depth of 75 feet in lieu of the minimum required 80 feet on**
20 **the subject property described below.**

21
22 **Location: Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section**
23 **34 of East Bend Township and commonly known as the dwellings at 317 Independence,**
24 **Dewey, and 318 Railroad Street, Dewey.**

25
26 Mr. Thorsland called Cases 736-V-12 and 737-V-12 concurrently.

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

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

**EXCERPT OF DRAFT FEBRUARY 28, 2013, MINUTES
FOR CASES 736-V-12 and 737-V-12**

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

3
4 Ms. Katie Warren, who resides at 107 Scarborough, Sidney, stated that she and her husband are
5 requesting a variance for lot size. She said that they own two homes on one lot and they would like to be
6 able to divide the lot so that each house is located on its own individual lot.

7
8 Mr. Hall stated that this is a challenging case at a staff level because the variance that is requested is very
9 large. He said that in the future it is unknown as to what could be done in regards to replacing the septic
10 system and the rules for septic systems are undergoing a big change currently. He said that staff believed
11 that the new rules would be in place but they are not and the comments from Mike Flannigan,
12 Environment Health Specialist, Champaign County Health Department, are summarized on page 8 of the
13 Finding of Fact. Mr. Hall stated that under the current rules a new surface discharging system could be
14 placed on both lots although he does not know how the significant nuisance affects of surface discharging
15 from two systems on such a small lot area would be, but it appears that it could be done. He said that in
16 the future it is not clear whether or not this could be done and if not, then it is not clear how the lots could
17 have individual septic systems. He said that the future rules are unknown at this point but under the
18 current rules, having two surface systems is up to the County Health Department. He said that this case
19 has a lot of discretion regarding this case because the Board can determine that the cases requested today
20 are under the current County Health Department rules and replacement systems can be installed. He said
21 that obviously the petitioners obtained two homes for the price of one therefore a problem does exist.

22
23 Mr. Hall stated that the Finding of Fact points out that in the R-1 District a special use permit could be
24 requested for a two-family dwelling although not two single-family dwellings. He said that a two-family
25 dwelling would require 27,000 square feet of lot area and not 40,000 square feet. He said that no special
26 condition has been proposed and if the Board approves the variance, replacement of any system in the
27 future would require a permit from the County Health Department, which is a requirement that applies
28 whether or not it is made a condition. He said that granting the variance will be a little bit of a help to
29 the petitioners but eventually there is going to be a real challenge with the property and the issue of septic
30 systems is the most important issue with this variance. He said that the Board can either deal with the
31 septic issue or leave it up to the County Health Department since it is their rules which must be followed
32 for this property.

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

35
36 Mr. Thorsland asked the Board if there were any questions for Ms. Warren.

**EXCERPT OF DRAFT FEBRUARY 28, 2013, MINUTES
FOR CASES 736-V-12 and 737-V-12**

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28

Mr. Passalacqua asked Ms. Warren if the homes were rented.

Ms. Warren stated that one home is being rented but the other home is vacant.

Mr. Passalacqua asked Ms. Warren when she and her husband purchased the subject property.

Ms. Warren stated that they have owned the property for approximately one and one-half years.

Mr. Passalacqua asked Ms. Warren if the septic systems have been pumped.

Ms. Warren stated yes. She said that the septic systems have been inspected by Schoonover Sewer Service and Berg Tanks and they also spoke to Jan Schacht, Vermilion Construction Services, Inc. regarding replacement systems and the contractor indicated what would be needed to install two new systems that would be self-contained on both lots.

Mr. Passalacqua asked Mr. Warren if she could submit their evaluations in writing.

Mr. Warren stated that she does have the Schoonover Sewer Service evaluation although she has not received written documentation from Berg Tanks or Jan Schacht.

Mr. Thorsland asked Ms. Warren if a soil test has been completed.

Ms. Warren stated no. She said that Mr. Schacht informed them that the soil types would not have any bearing on the type of system that he would install. She said that Mr. Schacht indicated that if they wanted him to replace the two septic systems then the soil tests would have to be completed per the County Health Department but not for whether he would replace the systems or not.

**EXCERPT OF DRAFT FEBRUARY 28, 2013, MINUTES
FOR CASES 736-V-12 and 737-V-12**

1 Mr. Thorsland requested that Ms. Warren present written documentation prior to the next public hearing
2 for the Board's review. He asked Ms. Warren if there was an imminent time frame for completion of
3 these cases.

4
5 Ms. Warren stated no, but they would like to have the property split into two lots so that they may sell the
6 properties.

7
8 Mr. Thorsland asked the Board if they would like the opportunity to review the septic information for the
9 proposed two lots.

10
11 Mr. Passalacqua stated that he is not sure that it is the ZBA's place to kill the deal because of the sanitary
12 system issues. He said that the County Health Department is going to have the final say on the separate
13 septic systems.

14
15 Mr. Thorsland stated that if the ZBA approves the variances and the owners find out that no separate
16 septic system can be placed on the lots then the owners may be in a worse place than they are currently.
17 He said that it appears that there is pending information that the owners could supply to the Board in
18 writing from the septic contractor.

19
20 Ms. Warren stated that she has heard from the contractors verbally but have not received all of the
21 evaluations in writing.

22
23 Mr. Passalacqua stated that he would like to see a written statement from Schoonover, Berg and Jan
24 Schacht regarding the existing and proposed septic systems.

25
26 Mr. Thorsland asked the Board and staff if there were any further questions for Ms. Warren and there
27 were none.

28
29 Mr. Thorsland asked the Board and staff if there was any additional information required from Ms.
30 Warren and there were none.

31

**EXCERPT OF DRAFT FEBRUARY 28, 2013, MINUTES
FOR CASES 736-V-12 and 737-V-12**

1 Mr. Thorsland asked Ms. Warren if she should be comfortable in requesting the information from the
2 contractors.

3

4 Ms. Warren stated yes.

5

6 Mr. Thorsland requested a continuance date.

7

8 Mr. Hall stated that Ms. Warren could sit through the deliberation for the scheduled case on March 14th
9 but his impression is that the cases that are scheduled for the March 14th meeting could take three hours.

10

11 Mr. Thorsland asked Mr. Hall if it would be better to continue these cases to the March 28th meeting.

12

13 Mr. Hall stated that staff is not certain that the March 28th meeting will have all of the cases indicated on
14 the docket but the Board is supposed to continue these cases to a date certain. He said that the Board
15 could continue Cases 736-V-12 and 737-V-12 to the March 28th meeting and in the event that Case 731-
16 S-12 remains to be scheduled on the March 28th meeting Ms. Warren's cases could be moved to the April
17 11th meeting.

18

19 Mr. Thorsland requested that the Board continue Cases 736-V-12 and 737-V-12 to the March 28th
20 meeting and as soon as staff realizes whether or not Case 731-S-12 will remain on the docket for the
21 March 28th meeting staff can call Ms. Warren indicating that her attendance is not required at the March
22 28th meeting and the Board will automatically continue her case to the April 11th meeting.

23

24 Ms. Warren agreed.

25

26 Mr. Thorsland entertained a motion to continue Cases 736-V-12 and 737-V-12 to the March 28th meeting.

27

28 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Cases 736-V-12 and 737-V-12 to**
29 **the March 28th meeting. The motion carried by voice vote.**

30

REVISED DRAFT 4-5-13

736-V-12 & 737-V-12

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

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

Date: **April 11, 2013**

Petitioners: **Matthew & Katie Warren**

Request: Authorize the following in the R-1 Zoning District:

CASE: 736-V-12

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.

CASE: 737-V-12

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet on the subject property described below.

Table of Contents

General Application Information 3-4

Requested Variance 4

Specific Ordinance Requirements 4-7

Variance Evidence 7-13

Documents of Record 114

Cases 736-V-12 & 737-V-12 Findings of Fact 15-16

Case 736-V-12 Final Determination 17

Case 737-V-12 Final Determination 18

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 28, 2013, and April 11, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Matthew and Katie Warren, 107 South Scarborough, Sidney, own the subject property.
2. The subject property is Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the dwellings at 317 Independence, Dewey, and 318 Railroad Street, Dewey.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned R-1 Single Family Residence, and is in residential use.
 - B. Land to the north is zoned R-1 Single Family Residence, and is in residential use.
 - C. Land to the east is zoned R-1 Single Family Residence, and is in residential use.
 - D. Land to the west is zoned R-2 Single Family Residence, and is in residential use.
 - E. Land to the south is zoned AG-1 Agriculture and I-1 Light Industry, and is use for a railroad and grain elevator.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is approximately 15,015 square feet (100' × 150') in total.
 - B. The Site Plan received December 27, 2012, indicates the following:
 - (1) The proposed dimension for each of the two lots is 100.1' × 75' and each lot is proposed to be 7,507.5 square feet.
 - (2) The location of the existing 1,200 square feet home at 318 Railroad Street.
 - (3) The location of the existing 1,200 square feet home at 317 Independence Street.
 - (4) The location of each existing septic system.

- (5) The yards and setbacks for each existing home.
 - (6) The proposed division line of the property.
- C. The requested variance is as follows:
- (1) Case 736-V-12:
 - (a) Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.
 - (b) Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.
 - (c) Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.
 - (2) Case 737-V-12:
 - (a) Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.
 - (b) Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.
 - (c) Variance for a lot depth of 75 feet in lieu of the minimum required 80 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "AREA, LOT" is the total area within the LOT LINES.
 - (2) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.

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

- (15) "NONCONFORMING PREMISES" is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
 - (16) "PUBLIC SANITARY SEWER SYSTEM" is any system, other than an individual septic tank or tile field that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.
 - (17) "PUBLIC WATER SUPPLY SYSTEM" is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
 - (18) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (19) "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.
 - (20) "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.
 - (21) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- H. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- I. Paragraph 4.3.4 of the *Zoning Ordinance* establishes the minimum LOT Dimensions for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993, as a minimum of 20,000 square feet.
 - J. Paragraph 4.3.4E. of the *Zoning Ordinance* establishes the standard that no LOT hereafter or created shall be less than 80 feet in depth except in the B-5, Central Business DISTRICT.
 - K. Section 5.3 of the *Zoning Ordinance* establishes the minimum front setback from the centerline of a MINOR STREET as 55 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“The 15,015 square feet size lot has two single family dwellings (built 1970). Property is double frontage to parallel running streets, Railroad Street and Independence Street. Two addresses but one tax parcel.”**
 - B. B.R. Hammer’s Addition was platted prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.

- C. The existing homes on the property were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures or the number of authorized principal buildings on one lot.
- D. Neither the Illinois Department of Public Health nor the Champaign County Public Health Department has any record of either existing septic system on the subject property so it is likely that these systems were installed prior to July 1986. There is concern whether the proposed lot area for the proposed lots will be adequate for the future installation of replacement sewage disposal systems.
- E. Michael Flanagan, Environmental Health Specialist, Champaign County Health Department, provided comments regarding the proposed Variance in an email to Andy Kass, Associate Planner, of January 29, 2013. Mr. Flanagan's comments are summarized as follows:
- (1) Based on current regulations, the replacement of these systems with a surface discharging system would not be an issue, but in the near future an NPDES Permit will be required for a surface discharging system, and the ability to obtain this permit at this time is unknown.
 - (2) Based on his experience, the size of the proposed lots would not have adequate area for a new subsurface system, but this cannot be determined without a proper soil evaluation.
- F. The west side of the subject property is bordered by Independence Street. This portion of Independence Street was originally intended to be an alley and only has a width of 15 feet. The East Bend Township Highway Department maintains this portion, it is chip sealed, and the Township Highway Commissioner has indicated that he would consider it a street.
- G. The petitioner submitted an invoice from Schoonover Sewer Service on October 25, 2012, documenting the services provided. Both septic tanks were located and marked with paint. The tank for the house at 318 Railroad Street is located 21 feet north and 6 feet east of the backdoor. The tank at 317 Independence is located 17 feet south of the sanitary roof vent.
- H. In an email dated March 8, 2013, from Jan Schacht, Vermilion Construction Services Inc., to Matthew Warren, co-petitioner, Mr. Schacht indicated the following regarding the installation of replacement septic systems on the subject property would consist of the following components:
- (1) Norweco 600 GDP aerobic treatment unit with chlorine feeder and contact chamber.
 - (2) 150 lineal feet of ADS ACRLP chamber type subsurface seepage field.
 - (3) One 100 square feet gravel evaporation pit.

- (4) 4 inch schedule 40 PVC piping to connect house to the ATU and the ATU to the field with gravity bypass to the evaporation pit.
- (5) Electrical connections and control panel installed in house or garage.
- (6) Excavations will be backfilled and mounded to allow settling.
- (7) A lift station may be needed if the existing systems will not permit the proposed systems to operate by gravity.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“The request is to divide evenly. There is no property adjacent purchasable to accommodate larger tract size.”**
 - B. Without the proposed variance it could be difficult for the petitioner’s to sell either home due to potential buyers not being able to secure a mortgage for a home on a lot that has another home located on it.
 - C. B.R. Hammer’s Addition was platted prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
 - D. The existing homes on the property were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures or the number of authorized principal buildings on one lot.
 - E. The west side of the subject property is bordered by Independence Street. This portion of Independence Street was originally intended to be an alley and only has a width of 15 feet. The East Bend Township Highway Department maintains this portion, it is chip sealed, and the Township Highway Commissioner has indicated that he would consider it a street.
 - F. At the February 28, 2013, public hearing Katie Warren, co-petitioner, testified. Ms. Warren’s testimony is summarized as follows:
 - (1) They have owned the subject property for approximately one and one-half years and they would like to divide the lot so that each house is located on its own individual lot so that they may sell the properties.

- (2) One home is being rented and one is vacant.
- (3) The septic systems have been inspected by Schoonover Sewer Service and Berg Tanks and she has spoken with Jan Schacht of Vermilion Construction Service, Inc. regarding the replacement systems and the contractor indicated what would be needed to install two new systems that would be self-contained on both lots and that soil types would have no bearing on the type of system that he would install.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“Structures were existing.”**
 - B. B.R. Hammer’s Addition was platted prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
 - C. The existing homes on the property were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures or the number of authorized principal buildings on one lot.
 - D. The west side of the subject property is bordered by Independence Street. This portion of Independence Street was originally intended to be an alley and only has a width of 15 feet. The East Bend Township Highway Department maintains this portion, it is chip sealed, and the Township Highway Commissioner has indicated that he would consider it a street.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“After division of the lot the property would remain greater than 3:1 width to depth ratio. There would no longer be a double frontage lot in existence at this property. The setback from existing structures to roads would not change.”**
 - B. Regarding the requested Variance is Cases 736-V-12 and 737-V-12:
 - (1) The requested variance for a lot area of 7,507.5 square feet is 37.5% of the minimum required 20,000 square feet for a variance of 62.5%.
 - (2) The requested variance for a front setback of 33.5 feet is 61% of the minimum required 55 feet for a variance of 39%.

- (3) The requested variance for a lot depth of 75 feet is 94% of the minimum required 80 feet for a variance of 6%.
- C. Regarding the minimum required lot area:
- (1) The County reviewed the minimum lot area and minimum average lot width requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system. As amended, following Case 847-AT-93, the Ordinance requires a minimum lot area of 30,000 square feet and a minimum average width of 150 feet in the R-1 District if there is no sanitary sewer and no public water supply. Further, if a connected public water supply system is available, Paragraph 4.3.4.B. only requires a minimum lot area of 20,000 square feet and a minimum average lot width of 100 feet.
 - (2) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area requirement, other considerations are as follows:
 - (a) Adequate light and air: The subject property has two existing single family homes on the lot. There are residential uses to the east, west, and north of the property and industrial/commercial uses to the south.
 - (b) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Sangamon Valley Fire Protection District and the station is approximately 4.3 road miles from the subject property.
 - (c) Aesthetics may also play a part in the minimum lot area requirement.
- D. Generally regarding the minimum required lot depth:
- (1) The minimum required lot depth of 80 feet has been in the *Zoning Ordinance* since its adoption in 1973.
 - (2) Presumably the intention of this standard is to provide for considerations such as adequate yards, loading and parking areas, and open spaces.
- E. TWO-FAMILY DWELLINGS are authorized in the R-1 District by Special Use Permit. The minimum lot size for a lot created after September 21, 1993 with public water but no connected PUBLIC SANITARY SEWER SYSTEM is 27,000 square feet with a minimum average lot width of 100 feet.

- F. The requested variance is not prohibited by the *Zoning Ordinance*
- G. The requested Variance is a very large deviation from the minimum required lot area and it is not clear that these lots will always be capable of having replacement septic systems installed when needed. A special condition has been included to make any prospective purchaser(s) aware of these Variances.

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“Granting the requested variance will promote individual owner occupied status of the dwellings, and also increase property value. No other adjacent properties would be affected.”**
 - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. The requested variance is a very large deviation from the minimum lot area requirement for a lot without a connected public sanitary sewer system. Staff recommends a Special Condition to make potential buyers of either lot aware that a variance was granted to authorize the creation of the lots and that there are concerns regarding whether the existing septic systems can be replaced because the lots are so small. Staff recommends the following condition:

Within 30 days of Final Action of Cases 736-V-12 and 737-V-12 the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:

- (1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township.**
- (2) Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.**
- (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**

- (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the properties are aware of how the lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

DOCUMENTS OF RECORD

1. Variance Application (Case 736-V-12) received on October 25, 2012, with attachments:
 - A Invoice from Schoonover Sewer Service
 - B Site Plan

2. Variance Application (Case 737-V-12) received on October 25, 2012, with attachments:
 - A Invoice from Schoonover Sewer Service
 - B Site Plan

3. Revised Site Plan received December 27, 2013

4. Preliminary Memorandum for Cases 736-V-12 & 737-V-12 dated February 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 27, 2012
 - C Annotated Site Plan
 - D Email from Michael Flanagan dated January 29, 2013
 - E Site Visit Photos
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

5. Email from Jan Schacht, Vermilion Construction Services, to Matthew Warren dated March 8, 2013

6. Supplemental Memorandum for Cases 736-V-12 & 737-V-12 dated April 5, 2013, with attachments:
 - A Email from Jan Schacht, Vermilion Construction Services, to Matthew Warren dated March 8, 2013
 - B Invoice from Schoonover Sewer Service received October 25, 2012
 - C Proposed Miscellaneous Document
 - D Excerpt of Draft Minutes of February 28, 2013, public hearing
 - E Revised 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 cases **736-V-12 and 737-V-12** held on **February 28, 2013, and April 11, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

-
-
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____
-
-
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION

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

The Variance requested in Case 736-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Matthew & Katie Warren** to authorize the following in the R-1 Single Family Residence Zoning District:

Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.

Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.

Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

FINAL DETERMINATION

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

The Variance requested in Case 737-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Matthew & Katie Warren** to authorize the following in the R-1 Single Family Residence Zoning District:

- Part A. Variance for a lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary sewer system and created after September 21, 1993.**
- Part B. Variance for a front setback for an existing nonconforming dwelling of 33.5 feet from the centerline of Independence Street in lieu of the minimum required 55 feet.**
- Part C. Variance for a lot depth of 75 feet in lieu of the minimum required 80.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

CASE NO. 744-V-13

PRELIMINARY MEMORANDUM

April 5, 2013

Champaign
County
Department of

PLANNING &
ZONING

Petitioners: TC Management, LLC

Request: Authorize the following in the I-1 Light Industry Zoning District:

Part A. Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related zoning Case 735-S-12.

Part B. Variance for an open space depth of 16 feet between the two principal buildings in related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20 feet

Subject 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.

Site Area: 1.189 acres

Time Schedule for Development: Existing

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

This case is directly related to the requested Special Use Permit in Case 735-S-12. The subject property has two existing buildings and previously only one of the buildings was considered a principal building. 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 petitioners have renovated both buildings and have converted the small building into self-storage units which has since become a second principal use on the property and is the reason for the requested Special Use Permit in Case 735-S-12 the requested variance in Part B.

The large building is 12,000 square feet and approximately 8,900 square feet of this building is occupied by a gymnastics center. Since this use is considered commercial the parking requirements for commercial uses apply which is why the number of required parking spaces is high. A neighboring landowner has submitted a letter (Attachment E) indicating that an agreement has been made with the petitioner for overflow parking when necessary. A letter from Yoshi Hayasaki (Attachment F), owner of Hayasaki Gymnastics Center, has been received indicating that there are no plans to host an event this year or for at least two years. The petitioner has also told staff verbally that Bud Allen, adjacent landowner, has agreed to help with overflow parking if necessary.

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 are not notified of Variance cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	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

PROPOSED SPECIAL CONDITIONS

- A. Because of the concern of parking along Tiffany Court and the comments made by the Champaign Township Highway Commissioner the following condition is to ensure that parking in the right-of-way does not occur:

No parking shall occur within the public right-of-way.

The above special condition is required to ensure the following:




That parking within the public right-of-way does not become a problem and to reflect the comments made by the Champaign Township Highway Commissioner at the February 14, 2013, public hearing for related Case 735-S-12.

ATTACHMENTS

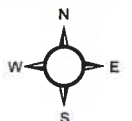
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 23, 2013
- C ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision received January 22, 2013
- D Annotated ALTA/ACSM Land Title Survey of Lot 2 of Stahly Subdivision
- E Letter from Steve Koester received February 21, 2013
- F Letter from Yoshi Hayasaki received March 4, 2013
- G Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

Attachment A: Land Use Map
Case 744-S-13
April 5, 2013



-  Subject Property
-  Annexation Agreements
-  Municipal Boundary

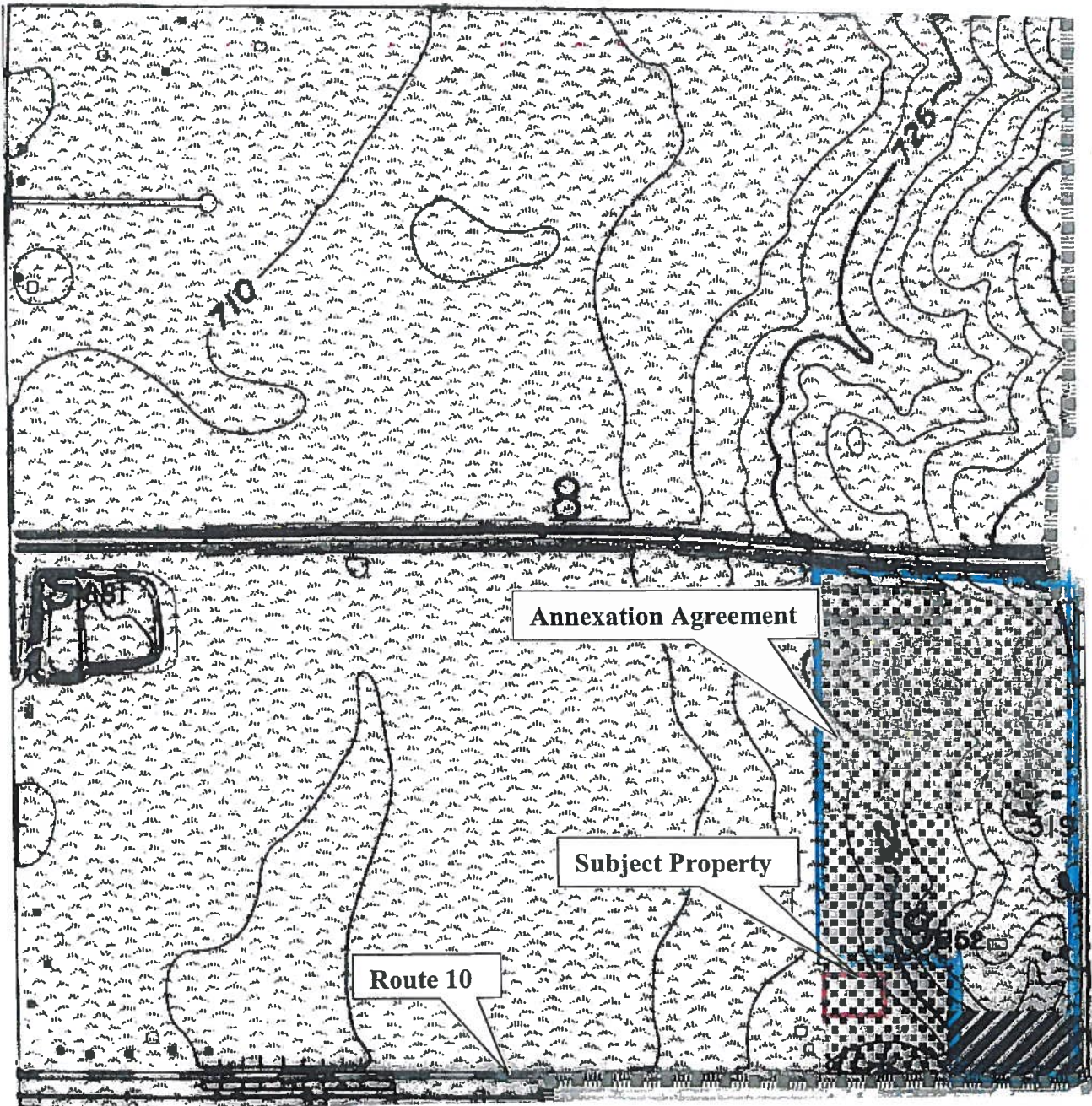
1 inch = 800 feet



ATTACHMENT A. ZONING MAP

Case 744-V-13

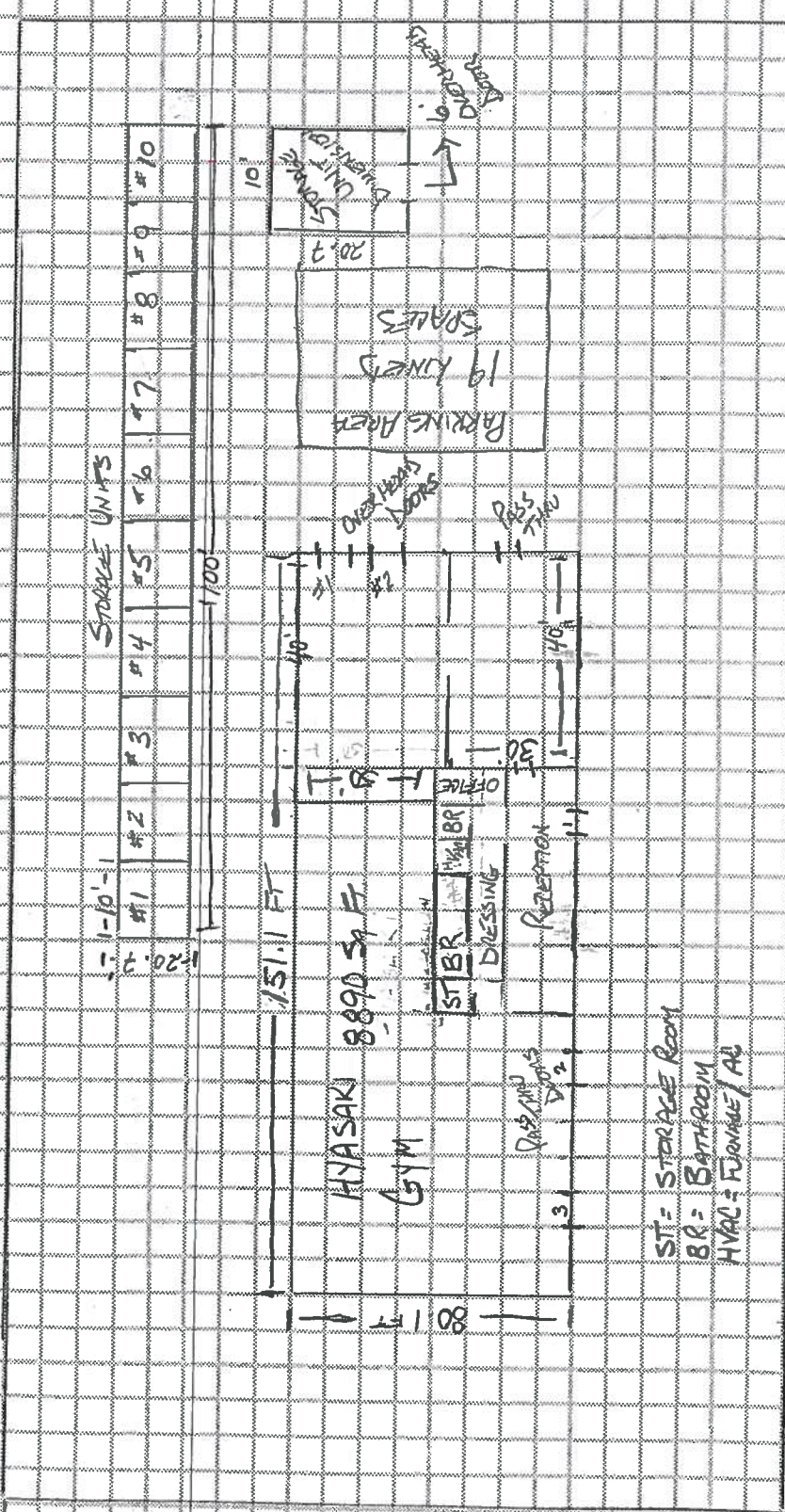
April 5, 2013



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

TIFFANY CT.

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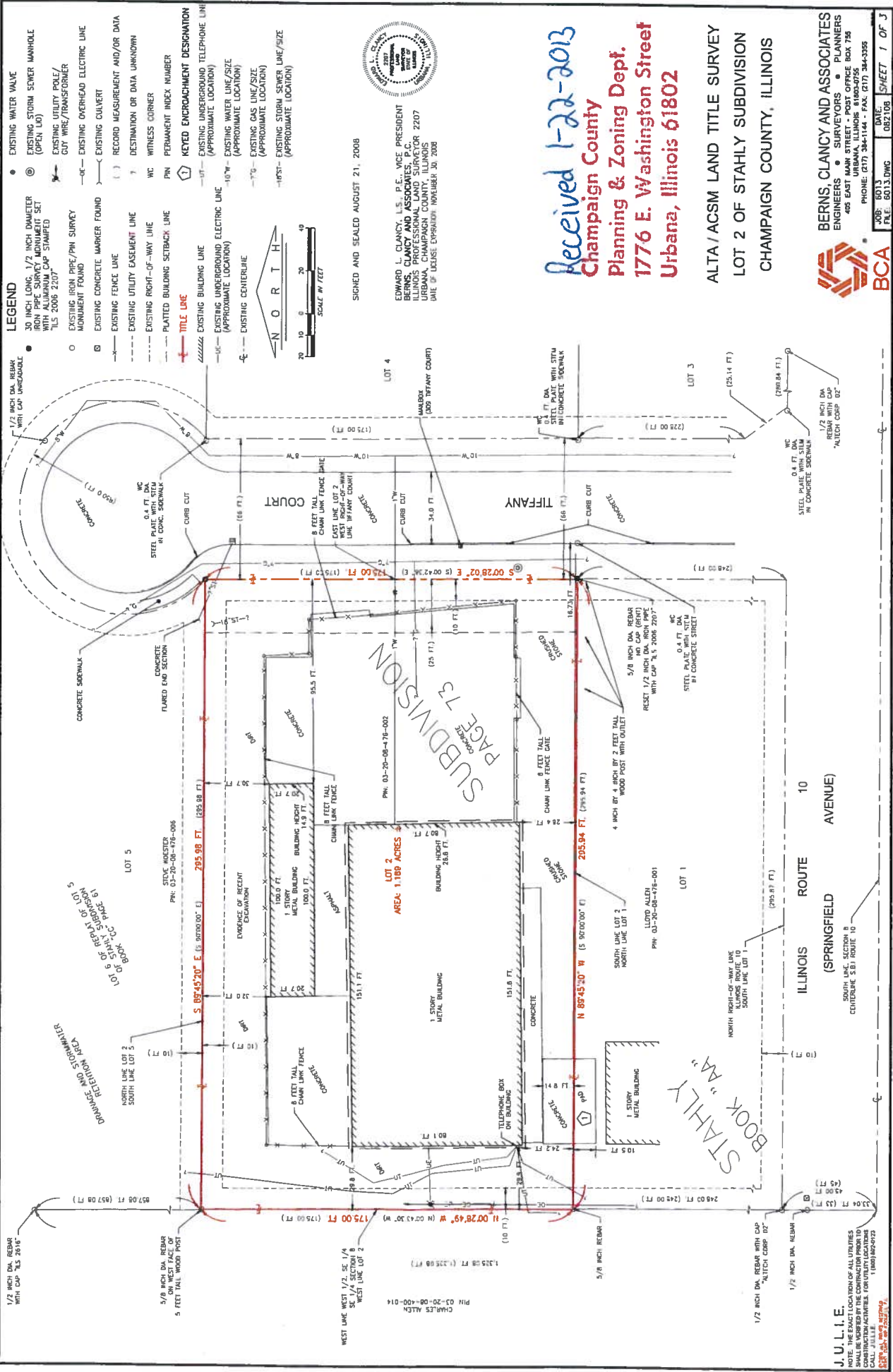


RECEIVED

JAN 23 2013

CHAMPAIGN CO. P & Z DEPARTMENT

309



LEGEND

- EXISTING WATER VALVE
- ⊙ EXISTING STORM SEWER MANHOLE (OPEN LOT)
- ⊙ EXISTING UTILITY POLE/ GUY WIRE/TRANSFORMER
- EXISTING IRON PIPE/PIN SURVEY MARKER FOUND
- ⊕ EXISTING CONCRETE MARKER FOUND
- EXISTING FENCE LINE
- EXISTING UTILITY EASEMENT LINE
- EXISTING RIGHT-OF-WAY LINE
- PLATED BUILDING SETBACK LINE
- TITLE LINE
- EXISTING BUILDING LINE (APPROXIMATE LOCATION)
- EXISTING UNDERGROUND ELECTRIC LINE (APPROXIMATE LOCATION)
- EXISTING UNDERGROUND TELEPHONE LINE (APPROXIMATE LOCATION)
- EXISTING WATER LINE/PIPE (APPROXIMATE LOCATION)
- EXISTING GAS LINE/PIPE (APPROXIMATE LOCATION)
- EXISTING STORM SEWER LINE/PIPE (APPROXIMATE LOCATION)
- EXISTING CENTERLINE
- NORTH
- SCALE IN FEET

SIGNED AND SEALED AUGUST 21, 2008



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

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



BERNS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 758
 URBANA, ILLINOIS 61803-0758
 PHONE: (317) 368-1144 • FAX: (317) 364-3395

JOB: 0813
 FILE: 6013.DWG
 DATE: 08/21/08
 SHEET: 1 OF 3

J.U.L.I.E.
 CONSTRUCTION OF ALL UTILITIES
 SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO
 CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS
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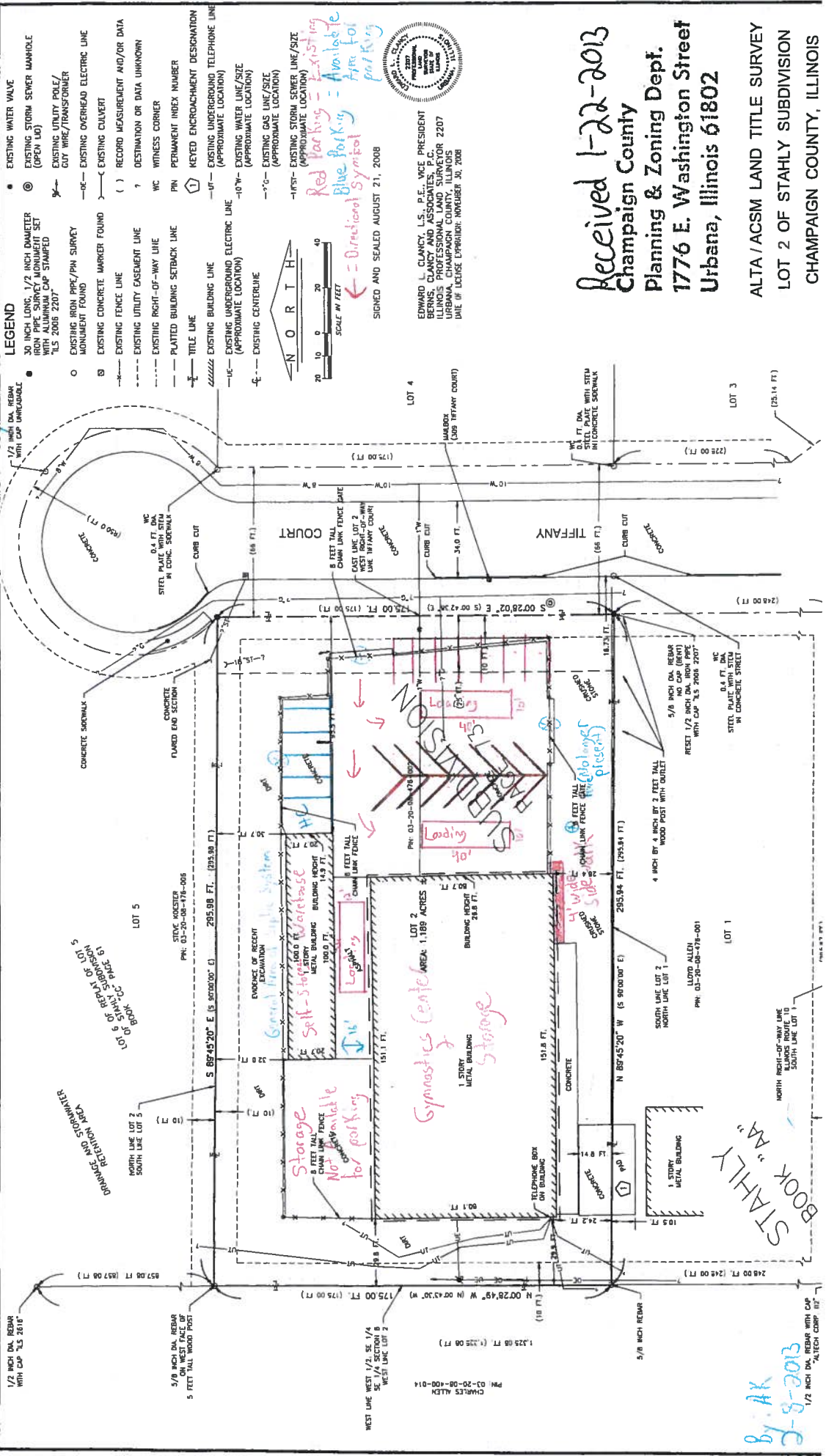
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Annotated ALTA/ACSM Land Title Survey



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

*By: AK
 2-9-2013*

RECEIVED

FEB 21 2013

CHAMPAIGN CO. P & Z DEPARTMENT



SK SERVICE CORP.
305 TIFFANY CT
CHAMPAIGN, IL 61822
(217)398-4812
(217)398-5061 FAX
STEVE@SKSERVICECORP.COM

Andy Kass- Assistant Planner
Champaign Country Zoning
And Planning Dept.
1776 E Washington
Urbana, IL 61801

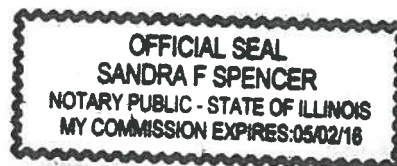
I am writing to confirm that Steve Koester- A joining property owner of 11 acres, Staley Industrial Park has been approached by TC Management LLC about parking convinces for their property at 309 Tiffany Ct. Champaign, IL. This letter confirms our agreement to provide assistance with future parking issues should they arise.

Steve Koester
SK SERVICE CORP.
305 TIFFANCY CT
CHAMPAIGN, IL


STEVE KOESTER/ss

Notary





**Andy Kass
Associate Planner
Champaign County
Department of Planning & Zoning
1776 E Washington street
Urbana. Illinois 61820**

Dear Mr. Kass

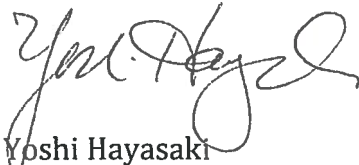
I am writing in regard to our new business, HAYASAKI Gymnastics Center, at 309 Tiffany Ct., in Champaign. At the suggestion of our landlord, John Murphy, I want to give information about our parking situation.

This letter is to inform you, we do not anticipate hosting any large gymnastics competitions at HAYASAKI Gymnastics Center for this year, and possibly for the next two years.

We are very pleased to be located in this facility and enjoy providing instructions to children and families in Champaign County.

Thank you for your assistance.

Sincerely,



Yoshi Hayasaki
Owner, Hayasaki Gymnastics Center

RECEIVED

MAR 04 2013

CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY DRAFT

744-V-13

**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: **April 11, 2013**

Petitioners: **TC Management, LLC**

Request: **Part A. Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related zoning Case 735-S-12.**

Part B. Variance for an open space depth of 16 feet between the two principal buildings in related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20 feet.

Table of Contents

General Application Information	2-3
Specific Ordinance Requirements	3-5
Variance Evidence	6-12
Documents of Record	13-14
Case 744-V-13 Findings of Fact.....	15-16
Case 744-V-13 Final Determination.....	17

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 11, 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.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 735-S-12)

- *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. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. 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 SITE PLAN

- *5. Regarding the site plan of the subject site:
 - *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 requested variance is as follows:

- (1) Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related zoning Case 735-S-12.
- (2) Variance for an open space depth of 16 feet between the two principal buildings in related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):

- (1) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (2) "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, STRUCTUREE, or PREMISES of one of the types here noted.

PRELIMINARY DRAFT

- (3) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (4) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (5) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
 - (6) “LOT LINES” are the lines bounding a LOT.
 - (7) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
 - (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (9) “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.
 - (10) “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.
 - (11) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- B. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- C. Section 4.2.1F.2.d. establishes the following:
- (1) 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. 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.

PRELIMINARY DRAFT

- E. 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.
- F. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“The two buildings were erected many years prior to our purchase of the property. Although, they are not in conformance, they remain viable, safe structures suitable for the current uses. Demolition of the accessory building would be the only option other than a variance.”**
 - B. Regarding Part A. of the Requested Variance:
 - (1) There appears to be no additional area on the subject property for more parking spaces. The area north of the self-storage building has a septic tank and a leach field located in it and the area south of large building is not adequate to accommodate any significant parking because of the minimum separation requirement from a property line and a parking space. A Variance from the minimum separation require could be requested, but it would still not add enough parking.
 - (2) Even if more parking spaces were added the additional impervious surface would contribute to the drainage issues that impact Stahly Subdivision and the surrounding area (see Item 8.C.(2) of the Summary of Evidence for related Case 735-S-12).
 - C. Regarding Part B. of the Requested Variance:
 - (1) The buildings on the subject property existed when the petitioner purchased the property. If the self-storage building had not been converted from an accessory building there is no requirement in the *Zoning Ordinance* regulating the OPEN SPACE between the two existing buildings.
 - * (2) At the February 14, 2013, public hearing John Murphy, co-owner of TC Management LLC, testified. Mr. Murphy’s testimony is summarized as follows:
 - (a) They request the authorization of the second use (the self-storage building) so that they can get additional revenue out of the property.

- (b) Some of the landscaping that they proposed was an attempt to address some issues that were occurring with another business that appeared to be a negative impact on everyone.
 - (c) Since there are no before and after pictures to present to the Board he could only say that they have put a tremendous amount of time and money into the property and some of the comments that have been received, mainly from Steve Koester (adjacent neighbor), have been very positive.
 - (d) They have added a lot to the area in improving what was known as a blighted building and they are anxious to become a good neighbor and not present and obstacles for businesses in the area.
- *D. A letter from Steve Koester, SK Service Corp., and neighboring landowner, received February 21, 2013, indicates that he and the petitioner have come to an agreement to provide assistance with future parking issues should they arise.
- *E. A letter from Yoshi Hayasaki, owner of Hayasaki Gymnastics Center, received March 4, 2013, indicates that they do not intend to host a large event at the gymnastics center this year and possibly for the next two years.
- *F. The petitioner has indicated to staff verbally that Bud Allen, neighboring landowner, has agreed to help with overflow parking if necessary.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Demolition would be the only alternative to a variance. This would cause us significant financial hardship and would be a waste of a perfectly usable structure.”**
 - B. Regarding Part A. of the Requested Variance:
 - (1) Without the requested Variance the gymnastics center would have to decrease its leased space from approximately 8,900 square feet to approximately 4,400 square feet which may lead to the tenant moving to a different location because of inadequate space. The petitioners may also have to demolish the self-storage building on the subject property to provide more parking area, but demolishing this building would result in only 7 additional parking spaces and a Variance would still be required.

PRELIMINARY DRAFT

- (2) The subject property is zoned I-1 Light Industry. If the parking requirements for industrial uses were applied for the proposed Special Use in related Case 725-S-12 there would be no need for the requested Variance.
- C. Without the requested Variance in Part B the petitioners would have the following options:
- (1) Use the self-storage building for only personal use or in conjunction with the larger building.
 - (2) Move the self-storage building 4 feet to the north, but it is unlikely that this is possible and an existing septic system is immediately north of the self-storage building.
 - (3) Move the large building 4 feet to the south, but it is unlikely that this is a possibility.
 - (4) Remove 4 feet of either building.
 - (5) Demolish either building.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, “No.”
 - B. Regarding Part B., the buildings on the subject property existed when the petitioner purchased the subject property, although the self-storage building was converted from a three-side storage building into its current state by the petitioners. If the self-storage building had not been converted there is no requirement in the *Zoning Ordinance* regulating the OPEN SPACE between the two existing buildings.
 - C. Regarding Part A., the parking requirement of 1 parking space for every 200 square feet of floor area or portion thereof is a general requirement for a USE not specifically identified in the parking requirements of Section 7.4.1.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, “**The ordinance permits the dual use and would in no way negatively impact the adjacent property owners. Both Steve Koester and Myron Isaacs have been consulted about our property and are supportive.**”

B. Regarding Part A. of the Requested Variance:

- (1) The proposed 22 parking spaces is 41% of the required 54 parking spaces for a variance of 59%.
- (2) The Zoning Ordinance requirement of 1 parking space for every 200 square feet of floor area or portion thereof is a general requirement for a USE not specifically identified in the parking requirements of Section 7.4.1. A gymnastics center is not specially identified in the parking requirements of Section 7.4.1.
- * (3) At the February 14, 2013, public hearing for related Case 725-S-12, John Murphy, co-owner of TC Management LLC, testified regarding parking on the subject property. Mr. Murphy's testimony is summarized as follows:
 - (a) The site accommodates all of the parking because the gymnastics classes are staggered at various times and the majority of the traffic includes drop-off and pick-up of the students, and that some parents stay to watch their kids and staff is also present during these times.
 - (b) If the remaining vacant space was rented parking would be something that they would need to address as they screen what type of tenant could occupy the area. Any new tenant would have to be compatible with the gymnastics center because that is the anchor tenant.
 - (c) There is approximately 1,200 square feet that could be used for office space, cold storage, etc, which would still allow for some indoor parking that could be available through the two overhead doors.
 - (d) He is not aware of any gymnastics event that has been hosted on the property and could not say if Mr. Hayasaki would host a gymnastics event, but if parking would be a significant issue the neighbor to the south has significant parking and he is sure that they could work with that property owner on a case by case basis for overflow parking because no customers visit that property at any time during the week.
 - (e) The number of staff members varies and depends on what age and type of class is being offered at any given time.
 - (f) The parking spots and the flow of the lot were designed by Mr. Hayasaki in terms of what would accommodate his needs.
 - (g) The brick entrance in the main entrance and the handicap accessible parking being located in the area of the Hayasaki Gym entrance sign would allow a

PRELIMINARY DRAFT

person to have continuous concrete from the parking spot to the door because of an existing concrete sidewalk that ties in with the parking lot and continues to the entrance of the business.

C. Regarding Part B. of the Requested Variance:

- (1) The 16 feet of OPEN SPACE between the two PRINCIPAL BUILDINGS is 80% of the required 20 feet for a variance of 20%.
- (2) The Zoning Ordinance does not clearly state the considerations that underlay the OPEN SPACE requirement that is relevant to Part B. In general, the OPEN SPACE is presumably intended to ensure the following:
 - (1) Adequate light and air: The 16 feet between the two buildings is only 4 feet less than the minimum required and the buildings were constructed prior to the petitioners purchase of the property, although the storage building was considered an accessory building at the time of purchase.
 - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is located approximately 3 miles from the Scott Township Fire Protect District.
 - (3) Aesthetics may also play a part in the minimum OPEN SPACE requirement.

D. The requested variance is not prohibited by the *Zoning Ordinance*

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“This building has been severely neglected and foreclosed. The presence of active tenants/owners will lead to regular maintenance/upkeep and make the property an asset to the area.”**
 - *B The Township Road Commissioner has received notice of this variance. At the February 14, 2013, public hearing for related Case 735-S-12, Keith Padgett, Champaign Township Highway Commissioner, testified that as long as the petitioner will comply with the Board’s recommendation to not park in the right-of-way on a regular basis and the alternating traffic from the subject property the township road district would welcome the

new neighbors to the area. A special condition has been proposed to ensure that parking does not occur in the right-of-way.

- C. The Fire Protection District has been notified of this variance but no comments have been received.
- *D. At the February 14, 2013, public hearing for related Case 735-S-12, John Murphy, co-owner of TC Management LLC, testified. Mr. Murphy's testimony is summarized as follows:
 - (1) Some of the landscaping that they proposed was an attempt to address some issues that were occurring with another business that appeared to be a negative impact on everyone.
 - (2) Since there are no before and after pictures to present to the Board he could only say that they have put a tremendous amount of time and money into the property and some of the comments that have been received, mainly from Steve Koester (adjacent neighbor), have been very positive.
 - (3) They have added a lot to the area in improving what was known as a blighted building and they are anxious to become a good neighbor and not present and obstacles for businesses in the area.
- *E. A letter from Steve Koester, SK Service Corp., and neighboring landowner, received February 21, 2013, indicates that he and the petitioner have come to an agreement to provide assistance with future parking issues should they arise.
- *F. A letter from Yoshi Hayasaki, owner of Hayasaki Gymnastics Center, received March 4, 2013, indicates that they do not intend to host a large event at the gymnastics center this year and possibly for the next two years.
- *G. The petitioner has indicated to staff verbally that Bud Allen, neighboring landowner, has agreed to help with overflow parking if necessary.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. Because of the concern of parking along Tiffany Court and the comments made by the Champaign Township Highway Commissioner the following condition is to ensure that parking in the right-of-way does not occur:

No parking shall occur within the public right-of-way.

The above special condition is required to ensure the following:

That parking within the public right-of-way does not become a problem and to reflect the comments made by the Champaign Township Highway Commissioner at the February 14, 2013, public hearing for related Case 735-S-12.

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
8. Supplemental Memorandum for Case 735-S-12 dated February 14, 2013, with attachments:
 - A Email from Don Wauthier to John Hall dated February 11, 2013
9. Variance Application received February 14, 2013
10. Letter from Steve Koester received February 21, 2013
11. Letter from Yoshi Hayasaki received March 4, 2013
12. Supplemental Memorandum for Case 735-S-12 dated April 5, 2013, with attachments:
 - A Excerpt of Draft Minutes from the February 14, 2013, public hearing
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

13. Preliminary Memorandum for Case 744-V-13 dated April 5, 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 Letter from Steve Koester received February 21, 2013
 - F Letter from Yoshi Hayasaki received March 4, 2013
 - G 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 744-V-13 held on April 11, 2013, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

PRELIMINARY DRAFT

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

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

FINAL DETERMINATION

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

The Variance requested in Case 744-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioners **TC Management, LLC** to authorize:

Part A. Variance for 22 parking spaces in lieu of the minimum required 54 parking spaces in related zoning Case 735-S-12.

Part B. Variance for an open space depth of 16 feet between the two principal buildings in related zoning Case 735-S-12 in lieu of the minimum required open space depth of 20 feet.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date