

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: January 16, 2014
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

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

- * **Case 764-V-13** Petitioner: **Lars Johnson with agent Shawn Bickers**
Request: **Authorize the following in the R-4 Multiple Family Residence Zoning District:**
Part A. Authorize the following variance for an existing townhouse:
 (1) lot coverage of 44% in lieu of the maximum allowed 40%; and
 (2) a front setback of 40 feet from the centerline of Briar Hill Drive in lieu
 of the minimum required 55 feet; and
 (3) a front yard of 20 feet in lieu of the minimum required 25 feet.
Part B. Authorize the following variance for an addition to an existing townhouse:
 (1) authorize construction of a building addition in a recorded utility
 easement in lieu of the requirement that no construction shall take
 place in a recorded utility easement; and
 (2) a side yard of 1 foot in lieu of the minimum required 5 feet.

Location: **Lot 1 of Wisegarver's Subdivision in the Southeast Quarter of Section 21 of
Champaign Township and commonly known as the townhome at 2120
Briar Hill Drive, Champaign.**

6. New Public Hearings

- Case 768-AT-13** Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Zoning Ordinance by adding the following
standard conditions and special provisions to Section 6.1.3:**
**Part A: Revise the use category "heliport/restricted landing area" to "heliport-
restricted landing area; and revise the existing standard conditions and
special provisions for the use category "heliport-restricted landing area"
and add new standard conditions and special provisions, as follows:**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JANUARY 16, 2014

Case 768-AT-13 cont:

- (1) Number the existing standard condition and special provision 1.
- (2) Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:
 - (a) Add a standard condition and special provisions to require the Final Approach and Takeoff Area to be no closer than 800 feet from the nearest CR District when measured in a straight line from the Final Approach and Takeoff Area in an approach/takeoff path and no closer than 500 feet when measured from the Final Approach and Takeoff Area in other than an approach/takeoff path and that no part of the approach/takeoff path may be less than 100 feet above the nearest CR District.
 - (b) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport-restricted landing area.
 - (c) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 300 feet from the nearest property under different ownership than the heliport-restricted landing area.

Part B. Revise the existing standard conditions and special provisions for the use category "restricted landing area" and add new standard conditions and special provisions as follows:

- (1) Number the existing standard conditions and special provision 1 through 4
- (2) Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:
 - (a) Add a standard condition and special provision to require the end of the runway to be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and not less than 500 feet when measured from the edge of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District.
 - (b) Add a standard condition and special provision to require that the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area.
 - (c) Add a standard condition and special provision to require that the runway may be no closer than 300 feet from the nearest property under different ownership than the restricted landing area.

7. Staff Report

8. Other Business

A. Review of Docket

B. 2014 Zoning Board of Appeals Calendar

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

10. Adjournment

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

CASE NO. 764-V-13
SUPPLEMENTAL MEMORANDUM
January 10, 2014

**PLANNING &
ZONING**

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Petitioners: **Lars Johnson with Shawn Bickers as agent**

Request: **Authorize the following in the R-4 Multiple Family Residence Zoning District:**

Part A. Authorize the following variance for an existing townhouse:

- (1) lot coverage of 44% in lieu of the maximum allowed 40%; and
- (2) a front setback of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet; and
- (3) a front yard of 20 feet in lieu of the minimum required 25 feet.

Part B. Authorize the following variance for an addition to an existing townhouse:

- (1) authorize construction of a building addition in a recorded utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement; and
- (2) a side yard of 1 foot in lieu of the minimum required 5 feet.

Subject Property: **Lot 1 of Wisegarver's Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign.**

Site Area: **14,840 square feet (0.34 acre)**

Time Schedule for Development: **Unauthorized construction halted and awaiting Variance approval**

Prepared by: **John Hall**
Zoning Administrator

STATUS

This case is continued from the December 12, 2013, public hearing. Draft minutes are attached. New information has been provided by the Petitioner (see attached email) and relevant evidence has been added under item 11.E.(4) in the Revised Summary of Evidence (see attached).

This memorandum reviews facts in the case based on questions at the 12/12/13, public hearing. An annotated version of the aerial photo of the subject property and vicinity is also provided.

FACTS IN THE CASE

The following is a restatement of evidence in the case relevant to questions at the 12/12/13 public hearing. Existing items of evidence are noted and new evidence is underlined. Information that is a summation of other evidence is indicated in italics.

1. The subject property is Lot 1 of Wisegarver's Lot 1 Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign. The Final Plat of Wisegarver's Lot 1 Subdivision was filed with the Recorder of Deeds on August 12, 1976, as Recorder's Document 76R14833. See item 2. of the Summary of Evidence.

2. The recorded plat for the subject property (Wisegarver's Lot 1 Subdivision) indicates a 10 feet wide utility easement along the north, south, and east property lines. See item 7.B.(1) of the Summary of Evidence. *Note that the subject unauthorized construction is on the south side of the existing building and thus located in the existing utility easement. No other documentation is necessary to establish the presence of the utility easement.*
3. *The subject utility easement is owned by the owner of the subject property but under the terms of the Restrictive Covenants filed with the Final Plat, the utility easement is reserved for use by the relevant utilities.*
4. The Plat of BRIAR HILL 2nd ADDITION is the adjacent property to the south. There is a 10 feet wide utility easement on the north line of Lot 5 which is the shared or common lot line with the subject property. See item 7.F. of the Summary of Evidence.
5. Regarding whether the proposed construction has disturbed any existing utilities or poses a problem for future utility placement:
 - On or about December 4, 2013, the subject property was marked by JULIE (Joint Utility Locator Information for Excavators) to verify the locations of underground utilities in the vicinity of the unauthorized construction and the Petitioner submitted photographs of the JULIE 12/10/13 markings that show the following (see item 7.B.(6) of the Summary of Evidence):
 - (a) Green markings that indicate the sewer line approximately 4 feet from the unauthorized construction.
 - (b) Red markings that indicate an underground electrical line south of the sewer line and even further away from the unauthorized construction.
 - (c) Blue markings that indicate the water lines towards the front of the building and far away from the unauthorized construction.
 - (d) Yellow markings that indicate the underground gas line.
 - (e) Comcast markings and City of Champaign markings that indicate "OK".
 - Inspections made by UCSD staff and documented in a November 15, 2013, email from UCSD Director of Engineering Services Mark Radi to Petitioner Lars Johnson indicated that the sewer is approximately 4 feet south of the addition and a December 2, 2013, email from UCSD Director of Engineering Services Mark Radi to Petitioner Lars Johnson indicates that the sewer line is in the easement on the adjacent property and UCSD does not object to construction as long as the construction is not in an easement occupied by the UCSD. See item 11.E.(2) in the Summary of Evidence.
 - In an email dated October 10, 2013, from Elmer Crawford, Ameren Illinois Senior Engineering Representative, to Shawn Bickers, co-petitioner, Mr. Crawford indicated that there are electric facilities within the easement along the north and east easement and that there is no immediate plan to use the south easement, but it is not a vacation of the south easement. See item 11.E.(3) in the Summary of Evidence.

- In an email received 12/23/13 from Steve Wegman of Illinois American Water, Mr. Wegman stated as follows (see item 11.E.(4) in the Summary of Evidence):
 - (a) The water main in this area is in the platted right-of-way of Briar Hill Drive.
 - (b) There is no reason why Illinois American Water would need an easement to get to the back of the subject property so Illinois American Water has no interest in the subject easement.
 - (c) Illinois American Water does not object to the vacation of the easement on the south boundary of 2120 Briar Hill Drive.
6. Special Conditions of approval were proposed in the Supplemental Memorandum dated 12/5/13 and were based on the following considerations:
- *The unauthorized construction has not disturbed any existing utility line and appears to pose no known hazard to any anticipated utility line.*
 - *The relevant sewer, water, and power utilities have stated in writing that they are not opposed to allowing the subject construction to remain but at least one major utility (Ameren) has also made clear that is not a vacation of the easement.*
 - *Vacating the easement is the only sure method by which the Petitioner could prove that the construction will not present a problem for some future utility need. However, there is no guarantee that a Plat of Easement Vacation would be approved. See the Supplemental Memorandum dated 12/5/13.*
 - *The Board has made clear its level of frustration with unauthorized construction in recent cases involving unauthorized construction.*
 - *Special conditions should only be imposed if necessary to meet the relevant criteria and should not be used to penalize a petitioner. The Board should carefully consider whether the special conditions are actually necessary.*

ATTACHMENTS

- A Email received 12/23/13 from Steve Wegman of Illinois American Water
- B Excerpt of Draft minutes for Case 764-V-13 from the 12/12/13 public hearing (included separately)
- C Annotated aerial photograph of Briar Hill Subdivision with superimposed lot lines, address numbers, and partial PINs (included separately in color)
- D Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

John Hall

From: Steven.Wegman@amwater.com
Sent: Monday, December 23, 2013 11:05 AM
To: John Hall
Cc: larsjohnson@gmail.com; Jim.Brown@amwater.com; Charles.McCarrey@amwater.com
Subject: 2120 Briar Hill

John,

Lars Johnson came to our office this morning asking if we had any issues with his desire to vacate an easement on his south property line. Our water main in this area is in the platted right-of-way of Briar Hill Drive. There is no reason we would need to use an easement to go to the back of his property, so we have no interest in this easement.

Illinois American Water does not object to the vacation of the easement on the south boundary of 2120 Briar Hill Drive.

If you have any questions, please let me know.

Steve Wegman, P.E.
Senior Engineer
Illinois American Water
201 Devonshire Drive
Champaign, IL 61820
217-373-3255
Steven.Wegman@amwater.com

REVISED DRAFT 1/10/14

764-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: January 16, 2014

Petitioners: Lars Johnson with Shawn Bickers as agent

Request: Authorize the following in the R-4 Multiple Family Residence Zoning District:

Part A. Authorize the following variance for an existing townhouse:

- (1) lot coverage of 44% in lieu of the maximum allowed 40%; and
- (2) a front setback of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet; and
- (3) a front yard of 20 feet in lieu of the minimum required 25 feet.

Part B. Authorize the following variance for an addition to an existing townhouse:

- (1) authorize construction of a building addition in a recorded utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement; and
- (2) a side yard of 1 foot in lieu of the minimum required 5 feet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 14, 2013, and December 12, 2013, and January 16, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Lars Johnson, 1956 West Berwyn Ave, Chicago, IL, owns the subject property. Shawn Bickers, 1305 North Harris, Champaign, is his agent and contractor.
2. The subject property is Lot 1 of Wisegarver's Lot 1 Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign. The Final Plat of Wisegarver's Lot 1 Subdivision was filed with the Recorder of Deeds on August 12, 1976, as Recorder's Document 76R14833.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned R-4 Multiple Family Residence, and is in residential use.
 - B. Land to the north is zoned R-4 Multiple Family Residence, and is in residential use.
 - C. Land to the east is zoned R-4 Multiple Family Residence, and is in use for a golf course.
 - D. Land to the west is Interstate 57.
 - E. Land to the south is zoned R-4 Multiple Family Residence, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is 106 feet deep by 140 feet wide and approximately 14,840 square feet in total.
 - B. The Site Plan submitted with Zoning Use Permit Application No. 249-13-01 on September 6, 2013, can be summarized as follows:
 - (1) The site plan includes lot dimensions that are much larger than the dimensions indicated on the Final Plat of Wisegarver's Lot 1 Subdivision.
 - (2) The location of the building relative to Briar Hill Circle is not at all similar to the actual relationship that is clearly visible in an aerial photograph.
 - (3) The distance from the south wall of the existing building to the south lot line of the subject property is indicated as 44 feet.

- C. The Site Plan received with the Variance application on October 31, 2013, indicates the following:
- (1) The site plan includes lot dimensions identical to those on the Final Plat of Wisegarver's Lot 1 Subdivision.
 - (2) The location of the existing 6,496 square feet building (four townhomes).
 - (3) The location of the proposed 264 square feet (12' × 22') addition on the south side of the existing building. According to the site plan the proposed addition will be 1 foot from the south property line. Earlier site plans had indicated 2 feet and that dimension was used in the original legal advertisement but the case was readvertised. The foundation for the proposed addition has been constructed but no Zoning Use Permit been authorized.
 - (4) The yards and setback for the existing home and proposed addition.
 - (5) An indication that the nearest adjacent building is 47 feet away.
- D. The floor plan of the proposed addition received October 15, 2013, indicates the following:
- (1) The 12' × 22' addition.
 - (2) An 8' × 12' golf cart bay with an overhead door opening on the south side.
 - (3) A 14' × 12' office.
 - (4) The location of existing and proposed doors.
 - (5) An elevation profile of the proposed addition. The proposed addition will be 14 feet in height.
- E. The Revised Site Plan and Section received 12/11/13 indicates the following change:
- (1) The door opening to the golf cart bay faces west rather than south.
- F. The required variance is as follows:
- (1) Regarding Part B of the variance:
 - (a) Variance for a side yard of 1 foot in lieu of the minimum required 5 feet. At the petitioners risk the original legal advertisement indicated two feet in lieu of the required 5 feet but the Case was re-advertised with the actual required Variance.
 - (b) Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.
 - (2) Regarding Part A of the variance:
 - (a) Variance for lot coverage of 44% in lieu of the maximum allowed 40%.

- (b) Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet.
- (c) Variance for a front yard for an existing townhome of 18 feet in lieu of the minimum required 25 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, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (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, animals, and chattels.
 - (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (5) “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.
 - (6) “COVERAGE” the percentage of the LOT AREA covered by BUILDING AREA.
 - (7) “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.
 - (8) “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.
 - (9) “DWELLING, MULTI-FAMILY” is a DWELLING containing three or more DWELLING UNITS.
 - (10) “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.

- (11) "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.
- (12) "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.
- (13) "LOT LINES" are the lines bounding a LOT.
- (14) "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.
- (15) "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.
- (16) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY.
- (17) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (18) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

- (19) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (20) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
 - (21) "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.
 - (22) "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.
 - (23) "YARD, REAR" is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (24) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. The relevant numerical standards sought to be varied are the following:
- (1) The minimum required SIDE YARD in the R-4 Single Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 5 feet.
 - (2) The maximum LOT COVERAGE in the R-4 Multiple Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 40%.
 - (3) The minimum required setback from the centerline of a street and the minimum required FRONT YARD are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (a) The minimum setback from a MINOR STREET is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
 - (b) Footnote 3 of Section 5.3 further specifies the following:
 - (a) In no case shall the FRONT YARD be less than 25 feet from a MINOR STREET.

- (4) Section 4.2.2D. establishes the requirement that no USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make findings based on criteria listed in paragraph 9.1.9. C.:
- (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.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* provides for special conditions of approval of a variance, as follows:
- In granting any VARIANCE, the BOARD or the Hearing Officer may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

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, **“Large distance between buildings.”**
 - B. Regarding Part B of the Variance as described in the re-advertisement:
 - (1) The subject property is a lot in a subdivision that was approved by the City of Champaign in 1976. The recorded plat indicates a 10 feet wide utility easement along the north, south, and east property lines.
 - (2) The Urbana-Champaign Sanitary District (UCSD) sewer map indicates that a municipal approved collector sewer line is located within the recorded utility easement along the south property line.
 - (3) The foundation for the proposed addition has been constructed but no Zoning Use Permit been authorized.
 - (4) At the petitioners risk the original legal advertisement indicated two feet in lieu of the required 5 feet but the Case was re-advertised with the actual required Variance.
 - (5) There is approximately 50 feet between the shared property line of the proposed addition and the nearest adjacent building.
 - (6) On or about December 4, 2013, the subject property was marked by JULIE (Joint Utility Locator Information for Excavators) to verify the locations of underground utilities in the vicinity of the unauthorized construction and the Petitioner submitted photographs of the JULIE 12/10/13 markings that show the following:
 - (a) Green markings that indicate the sewer line approximately 4 feet from the unauthorized construction.
 - (b) Red markings that indicate underground an electrical line south of the sewer line and even further away from the unauthorized construction.
 - (c) Blue markings that indicate the water lines towards the front of the building and far away from the unauthorized construction.
 - (d) Yellow markings that indicate the underground gas line.
 - (e) Comcast markings and City of Champaign markings that indicate “OK”.
 - (7) The excavation subcontractor hired by Mr. Bickers began construction of the addition without a permit and that was a violation of the Zoning Ordinance but that is not the kind of special condition or circumstance that should be taken into account in determining whether the variance should be approved.

- C. Regarding Part A.(1) of the Variance as described in the re-advertisement:
- (1) The lot meets the minimum required lot area of 6,500 square feet for the first DWELLING UNIT and 2,000 square feet for each additional DWELLING UNIT. The required lot area is 12,500 square feet and the total lot area is 14,840 square feet.
 - (2) The lot also meets minimum required average lot width of 65 with a width of 140 feet.
 - (3) The existing lot coverage of the building exceeds the maximum lot coverage (43%) and was granted a Zoning Use Permit in 1975 (No. 241-75-02). Presumably staff made an error in the review of this criterion.
- D. Regarding Parts A.(2) and (3) of the Variance as described in the re-advertisement:
- (1) The existing building does not meet the minimum required setback or front yard. The existing building was authorized by a Zoning Use Permit in 1975 (No. 241-75-02) and presumably staff made an error when reviewing the permit, or incorrect measurements were provided when the permit was authorized.
 - (2) It is unlikely that Briar Hill Drive will be widened in front the of the subject property because the subject property is located at the end of the street.
- E. Relevant testimony at the November 14, 2013, public hearing can be summarized as follows:
- (1) Relevant testimony by Petitioner Lars Johnson can be summarized as follows:
 - (a) The addition will be built upon the footprint of an existing hot tub enclosure and will not be expanding beyond that footprint.
 - (b) There are no utilities, such as water or sewer, within the recorded easement at this time.
 - (c) The recorded utility easement is within an area which is 45 to 50 feet between the adjacent townhomes therefore there is ample room to bring in equipment for maintenance within the easement.
 - (2) Relevant testimony by Shawn Bickers, 4306 Summerfield Road, Champaign, and agent for the Petitioner, can be summarized as follows:
 - (a) The reason he and Mr. Johnson decided not to construct the addition to the rear of the townhome is because the architectural design of the condominiums is that the entire rear of the structure is glass therefore when you are inside the condominium the entire family room on the first floor has a glass wall and if the addition was built on the rear of the structure the family room would be trapped without a view.

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- (b) They decided to construct the addition on the south because there was an existing trellis structure at that location with 47 feet between the subject property and the adjacent townhome.
- (c) There is a landscaped buffer of pine trees and leafy trees on the street and south sides of the structure therefore the addition would be inside of that buffer and would be hidden from view for both sides.
- (d) The addition, which will be utilized as an office and golf cart bay, will be accessed from the family room of the townhome.
- (e) The golf cart bay will be accessed through a garage door that will be located on the south side of the addition although they could go to the west and still be within the landscape buffer.
- (f) The garage door is to be placed on the south side of the addition, which is already one foot from the side yard, Mr. Johnson would have to cross the neighbor's lot to access the golf cart bay.
- (g) On the original plans that were drawn it was realized that there was only a one foot side yard therefore an access in the block foundation was not built so that the access can be shifted if necessary to the west, street side, of the addition.
- (h) The neighbor who lives in the condominium to the south of the subject property was under the same assumption for the location of the lot line and that neighbor has a mowing agreement where they split the mowing responsibility of the area in between the two structures.
- (i) The neighbor to the south is now concerned about the trees that are located in the area that was assumed to be Mr. Johnson's property and their responsibility for maintenance of those trees.
- (j) The neighbors have been very cooperative in discussing the addition.
- (k) Access to the golf cart bay from the south would be better because there are two air conditioning units which are located on the west side of the subject structure which would need to be relocated for access from the west (street side).
- (l) It is common practice in this area for the golf cart traffic to travel within those easements.
- (m) There are similar structures constructed on two other condominiums which are located to the south of the subject property.
- (n) He intends to cover the foundation and weatherproof the bare wall and there will be no problem with the foundation being exposed to the winter elements.

- F. The Plat of BRIAR HILL 2nd ADDITION, the adjacent property to the south, indicates the following:
- (1) A 10 feet wide utility easement on the north line of Lot 5 which is the shared or common lot line with the subject property and a 5 feet wide utility easement on both sides of the shared lot line between Lots 5 and 4. Also, the average lot width of both Lots 5 and 4 are greater than 150 feet
 - (2) There are no utility easements on the shared lot lines between Lots 1 and 2; or between Lots 2 and 3; or between Lots 3 and 4. The average lot width of Lot 1, Lot 2, and Lot 3 each appear to be 145 feet wide or wider.
- G. Comparing the subject lot to the other similar lots on the north side of Briar Hill Drive reveals the following:
- (1) The subject property has an average lot width of only 140 feet and has a 10 feet wide utility easement on each side lot line for an overall net buildable lot width of only 120 feet.
 - (2) The other five lots on the North side of Briar Hill Drive have similar sized buildings and are similar in use to the subject property but the lots are 145 feet wide or wider and 3 of the 4 shared lot lines have no utility easements and therefore the smallest net buildable lot width among those five lots appears to be Lot 2 with a net buildable lot width of 145 feet.
- H. Regarding what affect the location may have on the likelihood that new utilities will ever be installed in the existing utility easement:
- (1) The subject property is a one lot subdivision that is unlikely to ever be expanded.
 - (2) The subject property is at the end of Briar Hill Drive and is bordered by the Lincolnshire Fields Golf Course on the east and north and Interstate 57 is on the opposite side of the street so it is unlikely that future development will occur in the vicinity or that new utilities will be needed in the existing utility easement.

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, **“Asking to reduce side setback to allow for addition.”**
 - B. Regarding Part B of the Variance as described in the re-advertisement:

- (1) Without the proposed variance the petitioner could not finish constructing the proposed addition on the side of the existing townhome and the foundation that has already been constructed will have to be removed.
 - (2) In an email dated October 10, 2013, from Elmer Crawford, Ameren Illinois, to Shawn Bickers, co-petitioner, Mr. Crawford, indicated that there are electric facilities within the easement along the north and east easement and that there is no immediate plan to use the south easement, but it is not a vacation of the south easement.
- C. Without Parts A.(1), (2), and (3) of the proposed variance the existing townhouses could not be rebuilt in their current footprint in the event of a fire or natural disaster.
- D. Relevant testimony at the November 14, 2013, public hearing by Shawn Bickers, 4306 Summerfield Road, Champaign, and agent for the Petitioner, can be summarized as follows:
- (1) The reason he and Mr. Johnson decided not to construct the addition to the rear of the townhome is because the architectural design of the condominiums is that the entire rear of the structure is glass therefore when you are inside the condominium the entire family room on the first floor has a glass wall and if the addition was built on the rear of the structure the family room would be trapped without a view.
 - (2) They decided to construct the addition on the south because there was an existing trellis structure at that location with 47 feet between the subject property and the adjacent townhome.

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, **“Owner was not aware of side setback.”**
 - B. Generally regarding pending Zoning Use Permit Application (ZUPA) No. 249-13-01:
 - (1) ZUPA No 249-13-01 for the proposed addition was submitted on September 6, 2013.
 - (2) On September 10, 2013, Staff began processing the permit application and contacted Mr. Bickers (co-petitioner) regarding the site plan because Staff believed the site plan was incorrect based on research of the approved subdivision plat and the previously authorized ZUPA (No. 241-75-02) on the property. Mr. Bickers was informed that a Variance would be required because the proposed construction was too close to the south property line.
 - (3) On November 5, 2013, Staff conducted a site visit to the subject property. On this visit staff became aware that the petitioner had already started construction without a Zoning Use Permit. Siding had been removed from the exterior and the

foundation for the proposed addition had already been dug. No Zoning Use Permit is required for the removal of siding or digging a foundation.

- C. The nearest building on neighboring property is approximately 50 feet from the shared property line.
- D. Relevant testimony at the November 14, 2013, public hearing by Shawn Bickers, 4306 Summerfield Road, Champaign, and agent for the Petitioner, can be summarized as follows:
 - (1) In Champaign, Urbana and Savoy a check is not required until the application is approved therefore after he went to the County with his application and fees he spoke with the excavator and the excavator incorrectly assumed that the permit was issued and began excavating the foundation.
 - (2) He (Mr. Bickers) was out of town when the excavator dug the footings and installed the block foundation and when he (Mr. Bickers) returned he informed the excavator that he did not have the approved permit from the County yet.
 - (3) He (Mr. Bickers) called the County to determine the status of the permit and that is when staff informed him that there was an issue with the side yard of the addition and the existing easement therefore he ceased all further work on the project.
 - (4) The siding that was removed from the townhome has not been replaced and will not be replaced until the Board determines the outcome of the variance request.
- E. Regarding Part B of the Variance:
 - (1) Wisegarver's Lot 1 Subdivision was approved by the City of Champaign in July 1976 and neither the Petitioner nor his Agent were involved in that subdivision approval.
 - (2) Neither the Petitioner nor his Agent were involved in the original construction of the town home.
 - (3) The excavation subcontractor hired by Mr. Bickers began construction of the addition without a permit but that has nothing to do with why the addition was planned on the south side of the building and has nothing to do with the circumstance of this lot having so much less buildable lot width than the other lots on Briar Hill Drive.

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, **“Will match other addition in the neighborhood.”**
 - B. Regarding the amount of the requested Variance:
 - (1) Regarding Part B of the Variance as described in the re-advertisement:
 - (a) The requested variance in Part B.(1) for a side yard of 1 foot is 20% of the minimum required 5 feet for a variance of 80%.
 - (b) The requested variance in Part B.(2) from Section 4.2.2D. to authorize construction within a recorded utility easement is a 100% variance.
 - (2) Regarding Parts A.(1), (2) and (3) of the Variance as described in the re-advertisement:
 - (a) The requested variance in Part A.(1) for lot coverage of 44% is 110% of the maximum allowed 40% for a variance of 110%.
 - (b) The requested variance in Part A.(2) for a front setback of 40 feet is 72% of the minimum required 55 feet for a variance of 28%.
 - (c) The requested variance in Part A.(3) for a front yard of 18 feet is 72% of the minimum required 25 feet for a variance of 28%.
 - C. Regarding the considerations that underlay the requirements that are the subject of Part B. of the Variance:
 - (1) Relative to Part B.(1) of the Variance, the Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (a) Adequate light and air: The subject property is in residential use. The properties to the south and east are in residential use.
 - (b) Separation of structures to prevent conflagration: The subject property is within the Lincolnshire Fields Fire Protection District and the station is approximately 1 road mile from the subject property. The nearest structure on adjacent property is approximately 50 feet to the south.
 - (c) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
 - (2) Relative to Part B.(2) of the Variance, the Zoning Ordinance does not clearly state the considerations that underlay the considerations related to the prohibition on construction in utility easements:
 - (a) The prohibition on construction in drainage easements and utility easements in paragraph 4.2.2 D. were added to the Zoning Ordinance in Ordinance No. 544 (Case 105-AT-97 Part D) that was adopted on November 18, 1997. The evidence, testimony, and Finding of Fact for Case 105-AT-97 Part D

merely discussed that the amendment gave the Zoning Administrator the authority to prevent construction in these areas where construction is not supposed to occur.

- (b) Construction should not occur in a dedicated utility easement for at least the following reasons:
 - i. Construction could disturb existing utilities that are already installed in the utility easement. There is no evidence that the existing unauthorized construction has disturbed any existing infrastructure.
 - ii. Construction could prevent installation of necessary future utilities in the utility easement at some future time. At this time it is not known if the existing unauthorized construction will prevent installation of any future utility in the utility easement.
- (3) Regarding Part B of the Variance:
 - (a) The subject property is a one lot subdivision that is unlikely to ever be expanded.
 - (b) The subject property is at the end of Briar Hill Drive and is bordered by the Lincolnshire Fields Golf Course on the east and north and Interstate 57 is on the opposite side of the street so it is unlikely that future development will occur in the vicinity or that new utilities will be needed in the existing utility easement.
- D. Regarding the considerations that underlay the requirements that are the subject of Part A. of the Variance:
 - (1) Relative to Part A.(1) of the Variance, the Zoning Ordinance does not clearly state the considerations that underlay the maximum lot coverage requirement but in general it is presumably intended to ensure the following:
 - (a) Presumably the maximum lot coverage requirements are intended to allow for considerations such as adequate light, air, recreational areas and adequate area for septic systems.
 - (b) The maximum lot coverage in the R-4 District is 40%. The subject property is 14,840 square feet which would allow 5,936 square feet of coverage until the maximum lot coverage would be reached. The existing lot coverage of the building is 43% and was granted a Zoning Use Permit in 1975 (No. 241-75-02). Presumably staff made an error in the review of this criterion.
 - (c) The subject property is served by public water and public sanitary sewer systems.

- (2) Relative to Parts A.(2) and (3) of the Variance, the Zoning Ordinance does not clearly state the considerations that underlay the front setback and front yard requirements but presumably the front setback and front yard are intended to ensure the following:
 - (a) Adequate separation from roads.
 - (b) Allow adequate area for road expansion and right-of-way acquisition. It is unlikely that Briar Hill Drive will be widened in front of the subject property because the subject property is located at the end of the street.
- E. 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: **“Allows 43 feet between buildings for firefighting, on a dead end street. Addition would be inside existing tree buffer.”**
 - B. Mr. Keith Padgett, the Champaign Township Road Commissioner, has received notice of this variance and indicated to Andy Kass, Associate Planner, on November 8, 2013, that he has no problem with the requested variance from a road standpoint.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 50 feet from the shared property line.
 - E. Regarding utilities that may or may not be present in the recorded utility easement:
 - (1) There is a 10 feet wide utility easement along the north, south, and east property lines of the subject property.
 - (2) Regarding whether there is a sewer line in the easement:
 - (a) The Urbana-Champaign Sanitary District (UCSD) sewer map indicates that a municipal approved collector sewer line is located within the recorded utility easement in the vicinity of the south property line.
 - (b) Inspections made by UCSD staff and documented in a November 15, 2013, email from UCSD Director of Engineering Services Mark Radi to Petitioner Lars Johnson indicated that the sewer is approximately 4 feet south of the addition and a December 2, 2013, email from UCSD Director of Engineering Services Mark Radi to Petitioner Lars Johnson indicates that the sewer line is in the easement on the adjacent property and UCSD does

not object to construction as long as the construction is not in an easement occupied by the UCSD.

- (3) In an email dated October 10, 2013, from Elmer Crawford, Ameren Illinois Senior Engineering Representative, to Shawn Bickers, co-petitioner, Mr. Crawford indicated that there are electric facilities within the easement along the north and east easement and that there is no immediate plan to use the south easement, but it is not a vacation of the south easement.
- (4) Sheet P14 of Illinois American Water Distribution System Map Champaign District dated March 2010 (redacted to omit unnecessary information) indicates water service lines in the western portion of the utility easement but no water lines in the vicinity of the proposed addition. In an email received 12/23/13 from Steve Wegman of Illinois American Water, Mr. Wegman stated as follows:
 - (a) The water main in this area is in the platted right-of-way of Briar Hill Drive.
 - (b) There is no reason why Illinois American Water would need an easement to get to the back of the subject property so Illinois American Water has no interest in the subject easement.
 - (c) Illinois American Water does not object to the vacation of the easement on the south boundary of 2120 Briar Hill Drive.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“Would replace existing deck and trellis, no larger. Will not impair drainage or increase runoff.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **In regards to construction within the recorded utility easement, this Variance authorizes the following:**
 - (1) **Construction of the building addition may be completed as indicated on the approved site plan and approved floor plan provided that Zoning Use Permit No. 249-13-01 is authorized by the Zoning Administrator.**
 - (2) **The addition may be occupied provided that the Zoning Administrator authorizes a Zoning Compliance Certificate.**
 - (3) **If the addition is damaged or destroyed to more than 50% of the replacement value the addition shall not be repaired and in fact shall be removed**

completely including the footings, unless a Plat of Vacation of Utility Easement is duly approved and filed with the Champaign County Recorder of Deeds for only that part of the easement occupied by the addition, in which case the addition may be reconstructed in the same footprint and same location.

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

Preserving the public interest in the original utility easement unless and until the easement is officially vacated.

B. Within 30 days of the Final Determination for Case 764-V-13 the petitioner shall do the following:

- (1) Attachment H to the Supplemental Memorandum dated December 5, 2013, shall be filed as a "Miscellaneous Document" with the Champaign County Recorder of Deeds.**
- (2) Provide a photocopy of the recorded document to the Zoning Administrator.**

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

That potential buyers of the property are aware of the limitation imposed in the special conditions of Case 764-V-13.

C. The Zoning Administrator shall not authorize Zoning Use Permit Application No. 249-13-01 unless, in addition to all other requirements, the Petitioner has provided a photocopy of the recorded Attachment H to the Supplemental Memorandum dated December 5, 2013, that shall have been filed as a "Miscellaneous Document" with the Champaign County Recorder of Deeds.

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

Full compliance with the approval of Case 764-V-13.

DOCUMENTS OF RECORD

1. Zoning Use Permit Application No. 249-13-01 received September 6, 2013, with attachments:
 - A Floor plan and section received September 6, 2013
 - B Site Plan received September 6, 2013
2. Variance Application received on October 15, 2013, with attachments:
 - A Site Plan
 - B Floor Plan
 - C Plot Plans
 - D Email from Elmer Crawford, Ameren Illinois, to Shawn Bickers dated October 10, 2013
3. Zoning Use Permit 241-75-02 file
4. Revised Site Plan received October 31, 2013
5. Preliminary Memorandum dated November 8, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 31, 2013
 - C Annotated Site Plan
 - D UCSD Sewer Map Excerpt
 - E Floor Plan received October 15, 2013
 - F Copy of Recorded Plat for Wisegarvers Subdivision
 - G Email from Elmer Crawford, Ameren Illinois, to Shawn Bickers dated October 10, 2013
 - H Site Visit Photos
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination
6. Supplemental Memorandum dated December 5, 2013 with attachments:
 - A Draft Minutes of November 14, 2013, public hearing for Case 764-V-13 (included separately with the minutes of the whole public hearing)
 - B Site Plan received September 6, 2013
 - C Copy of Plat of BRIAR HILL 2nd ADDITION (Annotated to show location of subject property; 2 pages total)
 - D Aerial photograph of Briar Hill Subdivision with superimposed lot lines, address numbers, and partial PINs (included separately in color)
 - E Email dated November 15, 2013, from UCSD Director of Engineering Services Mark Radi to Lars Johnson (and subsequently forwarded to Zoning Administrator John Hall)
 - F Email dated December 2, 2013, from UCSD Director of Engineering Services Mark Radi, UCSD to Lars Johnson (and subsequently forwarded to Zoning Administrator John Hall)
 - G Excerpt of Sheet P14 of Illinois American Water Distribution System Map Champaign District dated March 2010 (Redacted to omit unnecessary information)
 - H Document to be Filed With Recorder of Deeds as a Miscellaneous Document
 - I Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

7. Supplemental Memorandum dated December 12, 2013, with attachments:
 - A Revised Site Plan and Section received 12/11/13
 - B Email exchange dated 12/10/13 between Zoning Administrator John Hall and Petitioner Lars Johnson
 - C Petitioner photographs received 12/10/13 (two in total) and 12/11/13 (three in total) of underground utility (JULIE) markings at subject property (included separately)
 - D Revised Document to be Filed with Recorder of Deeds as a Miscellaneous Document

8. Supplemental Memorandum dated January 10, 2014, with attachments:
 - A Email received 12/23/13 from Steve Wegman of Illinois American Water
 - B Excerpt of Draft minutes for Case 764-V-13 from the 12/12/13 public hearing (included separately)
 - C Annotated aerial photograph of Briar Hill Subdivision with superimposed lot lines, address numbers, and partial PINs (included separately in color)
 - D 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 case 764-V-13 held on **November 14, 2013, and December 12, 2013, and January 16, 2014**, 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 764-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Lars Johnson & Shawn Bickers (agent)** to authorize the following in the **R-4 Multiple Family Residence Zoning District**:

Part A. Authorize the following variance for an existing townhouse:

- (1) lot coverage of 44% in lieu of the maximum allowed 40%; and
- (2) a front setback of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet; and
- (3) a front yard of 20 feet in lieu of the minimum required 25 feet.

Part B. Authorize the following variance for an addition to an existing townhouse:

- (1) authorize construction of a building addition in a recorded utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement; and
- (2) a side yard of 1 foot in lieu of the minimum required 5 feet.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

EXCERPT FROM DECEMBER 12, 2013, DRAFT MINUTES

FOR CASE 764-V-13

1 **Case 764-V-13 Petitioner: Lars Johnson with agent Shawn Bickers Request to authorize the**
2 **following in the R-4 Multiple Family Residence Zoning District: Part A. Authorize the following**
3 **variance for an existing townhouse: (1) lot coverage of 44% in lieu of the maximum allowed 40%;**
4 **and (2) a front setback of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum**
5 **required 55 feet; and (3) a front yard of 20 feet in lieu of the minimum required 25 feet. Part B.**
6 **Authorize the following variance for an addition to an existing townhouse: (1) authorize**
7 **construction of a building addition in a recorded utility easement in lieu of the requirement that no**
8 **construction shall take place in a recorded utility easement; and (2) a side yard of 1 foot in lieu of**
9 **the minimum required 5 feet. Location: Lot 1 of Wisegarver's Subdivision in the Southeast**
10 **Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120**
11 **Briar Hill Drive, Champaign.**

12

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

21

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

25

26 Mr. Passalacqua stated that he has a few construction projects out for bid in which Mr. Shawn Bickers,
27 co-petitioner, will be a sub-contractor for those projects, therefore due to this conflict he must remove
28 himself from this case.

29

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

32

33 Mr. Lars Johnson, who resides at 1956 West Berwyn, Chicago, stated that Part A of this case includes
34 existing conditions from almost 30 years ago. He said that he has taken care of the concerns for Part B
35 (1) with the new evidence that was submitted although Part B (2) is still required. He said that on the
36 south side of the townhome will be an office and golf cart bay which will include doors which will be
37 faced to the west and not the south as originally indicated.

EXCERPT FROM DECEMBER 12, 2013, DRAFT MINUTES

FOR CASE 764-V-13

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

2

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

4

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

6

7 Mr. Thorsland stated that staff distributed a new Supplemental Memorandum dated December 12, 2013,
8 to the Board for review. He said that the new memorandum reviews new evidence including the
9 following submittals and attachments: A Revised Site Plan has been received with the golf cart door
10 facing the street and not the adjacent property line and new evidence is proposed; and the Petitioner called
11 JULIE to mark existing underground utilities and has submitted the attached photos; and a revised
12 Miscellaneous Document is also included in case the Board feels that the special conditions are
13 warranted.

14

15 Mr. Thorsland stated that upon the Board's request, Mr. Johnson had JULIE visit the subject property and
16 it was determined that the location of the sanitary sewer line is close but it is not underneath the block
17 construction. He said that the Urbana Champaign Sanitary District has not indicated that they are
18 vacating the utility easement because the easement appears to be further away from the construction that
19 it was originally thought. He said that the door concern was addressed by Mr. Johnson by relocating the
20 door to the west in lieu of having it located on the south side of the construction. He said that having the
21 door on the west would eliminate the need for crossing the neighbor's property. He said that Mr. Johnson
22 apparently has a good relationship with the neighbors and a shared agreement between the two is in place
23 for mowing the area between the two buildings therefore there is history of cooperation between the two
24 owners. He said that the Board's concern was that if there is a new owner for the property to the south
25 any previous agreements may not be valid. Mr. Thorsland stated that new item 5.E. indicates the
26 following: The Revised Site Plan and Section received 12/11/13 indicates the following change: (1) The
27 door opening to the golf cart bay faces west rather than south.

28

29 Mr. Thorsland stated that new evidence is proposed for item 7.B. as follows: (6) On or about December
30 4, 2013, the subject property was marked by JULIE (Joint Utility Locator Information for Excavators) to
31 verify the locations of underground utilities in the vicinity of the unauthorized construction and the
32 Petitioner submitted photographs of the JULIE 12/10/13 marking that show the following: (a) Green
33 markings that indicate the sewer line approximately 4 feet from the unauthorized construction; (b) Red
34 markings that indicate an underground electrical line south of the sewer line and even further away from
35 the unauthorized construction; and (c) Blue markings that indicate the water lines towards the front of the
36 building and far away from the unauthorized construction; and (d) Yellow markings that indicate the
37 underground gas line; and (e) Comcast markings and City of Champaign markings that indicate "OK".
38 He said that new item #7.B(7) indicates the following: The excavation subcontractor hired by Mr.
39 Bickers began construction of the addition without a permit and that was a violation of the Zoning

EXCERPT FROM DECEMBER 12, 2013, DRAFT MINUTES

FOR CASE 764-V-13

1 Ordinance but that is not the kind of special condition or circumstance that should be taken into account
2 in determining whether the variance should be approved.

3
4 Mr. Thorsland stated that the following new evidence is proposed to be added as item #7.H.: Regarding
5 what affect the location may have on the likelihood that new utilities will ever be installed in the existing
6 utility easement: (1) The subject property is a one lot subdivision that is unlikely to ever be expanded; and
7 (2) The subject property is at the end of Briar Hill Drive and is bordered by the Lincolnshire Fields Golf
8 Course on the east and north and Interstate 57 is on the opposite side of the street so it unlikely that
9 future development will occur in the vicinity or that new utilities will be needed in the existing utility
10 easement.

11
12 Mr. Thorsland stated that the following new evidence is proposed as new item 9.E.: Regarding Part B of
13 the Variance: (1) Wisegarver's Lot 1 Subdivision was approved by the City of Champaign in July 1976
14 and neither the Petitioner nor his Agent were involved in that subdivision approval; and (2) Neither the
15 Petitioner nor his Agent were involved in the original construction of the town home; and (3) The
16 excavation subcontractor hired by Mr. Bickers began construction of the addition without a permit but
17 that has nothing to do with why the addition was planned on the south side of the building and has
18 nothing to do with the circumstance of this lot having so much less buildable width than the other lots on
19 Briar Hill Drive.

20
21 Mr. Thorsland stated that the following new evidence is proposed for new item #10.C.(3): Regarding Part
22 B of the Variance: (a) The subject property is a one lot subdivision that is unlikely to ever be expanded;
23 and (b) The subject property is at the end of Briar Hill Drive and is bordered by the Lincolnshire Fields
24 Golf Course on the east and north and Interstate 57 is on the opposite side of the street so it is unlikely
25 that future development will occur in the vicinity or that new utilities will be needed in the existing utility
26 easement.

27
28 Mr. Thorsland stated that the revised Miscellaneous Document is attached to the Supplemental
29 Memorandum dated December 12th as Attachment D. He said that the legal description of the subject
30 property and the Permanent Index Number have been added. He said that the reference to the document
31 in item #13.B. of the Summary of Evidence should be updated. He read the revision in item #2 of the
32 Miscellaneous Document as follows: If the addition authorized by Case 764-V-13 is damaged or
33 destroyed to more than 50% of the replacement value the addition shall not be repaired and in fact shall
34 be removed completely including the footings, unless a Plat of Vacation of Utility Easement is duly
35 approved and filed with the Champaign County Recorder of Deeds for only that part of the easement
36 occupied by the addition, in which case the addition may be reconstructed in the same footprint and same
37 location.

38
39 Mr. Thorsland asked the Board if there were any questions regarding the Supplemental Memorandum
40 dated December 12th and there were none.

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

2

3 Mr. Thorsland called Mr. Johnson to testify.

4

5 Mr. Lars Johnson stated that regarding the vacation of the easement, Mark Radi, UCSD Director of
6 Engineering Services, indicated that they cannot vacate an easement because they do not have an
7 easement there. Mr. Johnson stated that the easement is actually is to the south of his property line and is
8 located on the other property. He said that Mr. Radi indicated that the Urbana Champaign Sanitary
9 District has an easement for the north 10 feet of Briar Hill Second Addition and the District does not
10 object to construction as long as the construction is not in an easement occupied by the UCSD. Mr.
11 Johnson stated that Mr. Radi indicated that his original map was incorrect and when he reviewed it again
12 he indicated that he cannot tell Mr. Johnson to not build within an easement that they do not have on Mr.
13 Johnson's property.

14

15 Mr. Thorsland stated that the re-advertisement indicates Part B. item #2 as the following: a side yard of 1
16 foot in lieu of the minimum required 5 feet.

17

18 Mr. Johnson stated that the re-advertisement is still accurate.

19

20 Mr. Thorsland stated that the UCSD sewer line is approximately 5 feet from the side yard. He asked Mr.
21 Johnson if Mr. Radi specifically indicated that the UCSD will not vacate the easement.

22

23 Mr. Johnson stated that Mr. Radi indicated that the UCSD cannot vacate an easement located on Mr.
24 Johnson's property because no such easement exists on his property.

25

26 Ms. Griest stated that she concurs with Mr. Johnson in that the UCSD indicated that they had no right
27 within the existing easement on the property to the south. She said that she did not find any information
28 regarding ownership of the easement. She asked if the easement belonged to Comcast, Illinois American
29 Water, Ameren, etc.

30

31 Mr. Johnson stated that from what Mr. Radi indicated he does not believe that there is an actual easement
32 on his property.

33

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1 Ms. Griest stated that Mr. Radi is only indicating that there is not a sanitary district easement on Mr.
2 Johnson's property.

3
4 Mr. Johnson stated that when Ameren came out to mark the easement the representatives were not sure
5 whether there was an actual easement for Ameren out there either which is why Ameren previously
6 indicated that they had not issue with the proposed construction because their lines were not near it.

7
8 Ms. Griest stated that the annotated site plan indicates an easement.

9
10 Mr. Johnson stated that the annotated site plan is indicating what they originally thought from the County.

11
12 Ms. Griest asked staff if the original plat had been reviewed and presented to this Board.

13
14 Ms. Lori Busboom, Planning and Zoning Technician, stated yes.

15
16 Ms. Griest asked Ms. Busboom what the original plat indicates regarding the easement.

17
18 Ms. Busboom stated that the original plat which was recorded in 1976 does indicate an easement however
19 Briar Hill 2nd Addition does not indicate an easement on Mr. Johnson's property.

20
21 Mr. Thorsland stated that the redacted site plan indicates the Illinois American Water line along Briar Hill
22 Drive but does not indicate any other easements.

23
24 Ms. Griest stated that she is more interested in the recorded plat. She asked whether the Board is actually
25 working with an easement or not.

26
27 Mr. Thorsland stated that the easements are shown on the Briar Hill 2nd Addition Plat, which was
28 recorded August 20, 1974, for Lot 5. He said that a 22.89' utility easement is indicated for Lot 5 but it
29 isn't clear what utilities the easement is for.

30

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1 Mr. Johnson stated that if he isn't mistaken the only thing that is located in the easement at all is the
2 sanitary district.

3

4 Mr. Thorsland stated that one of the photographs indicates "ok" from Comcast.

5

6 Mr. Johnson stated that the Ameren line to the street pole is further south of the Comcast line and is
7 outside of the easement.

8

9 Mr. Thorsland stated that the original 1974 Plat for Briar Hill 2nd Addition indicates a 10 foot easement on
10 the north side of Lot 5, the adjacent lot to the subject property, and continues behind Lots 1-4. He said
11 that the Board could assume that the same 10 foot easement ran behind Lot 1 of Wisegarver's Subdivision
12 therefore at some point someone wanted the utility easement. He said that the Board's question is
13 whether or not there is a 10 foot easement on Mr. Johnson's property or whether the entire easement
14 exists on the property to the south.

15

16 Ms. Griest stated that if the plat for Wisegarver's Lot 1 Subdivision indicates a 10 foot easement then the
17 plat documents should indicate information regarding the easement. She said that whether there are
18 utilities currently within that easement or not do not negate the fact that the easement has already been
19 given to the utilities and that the utility companies have rights to that easement. She said that she
20 understands the petitioner's claim that there are no utilities running through the easement but if the
21 easement has been dedicated for the utilities then whether they are there or not the utilities have rights.

22

23 Mr. Johnson stated that this was the purpose for going to Ameren and the UCSD. He said that Ameren
24 indicated that they had no issues with the construction and the UCSD stated that they did not have an
25 easement on his lot.

26

27 Mr. Thorsland stated that there is an easement and as far as we can tell the easement is not located on the
28 property in question and is subject to interpretation but we do know is that the unauthorized construction
29 is 1 foot away from the property line and if the easement starts at the property line the unauthorized
30 construction is very close to that easement. He noted that the purpose of the variance is the one foot side
31 yard.

32

33 Ms. Griest stated that Part B. is requesting a variance to construct within a recorded utility easement. She
34 said that she is not concerned about the sanitary district indicating that they do not have an easement on
35 the subject property and that the 10 foot easement on the adjacent property contains their services
36 therefore they have no objection to the proposed construction on the subject property. She said that since
37 the sanitary district has indicated that they are not concerned with the construction is fine but there are

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1 other utilities that remain involved in the recorded easement. She said that if the Board is considering
2 authorizing a variance within a recorded easement then the Board needs to make sure where the recorded
3 easement is located.

4
5 Mr. Thorsland stated that he would like to have a plat which indicates that the easement is not on the
6 subject property therefore that portion of the variance will not be needed.

7
8 Ms. Griest asked if staff has completed a document search at the Recorder's office.

9
10 Ms. Busboom stated yes, staff has all of the recorded documents which are pertinent to the subject
11 property. She said that she has not read through the documentation because Mr. Hall has been handling
12 the case. She said that she believes that there is no language regarding the easement in the recorded
13 documents.

14
15 Ms. Griest stated that normally there is a document which is attached to the plat regarding the easement
16 and it is very possible that it was not recorded with the plat.

17
18 Ms. Busboom stated that she does not know if such a document exists.

19
20 Ms. Griest asked if the Petitioner could contact the title company requesting that they provide a copy of
21 the easement for the subject property or request that they verify that there is no easement on the subject
22 property.

23
24 Mr. Thorsland stated that page 2 of the Supplemental Memorandum dated December 5, 2013, indicates
25 item #2 as follows: UCSD staff has determined that the sewer line is on the adjacent property.

26
27 Ms. Griest stated that she does not have a problem with that statement.

28
29 Mr. Thorsland continued to read item #2 as follows: A November 15, 2013, email from UCSD Director
30 of Engineering Services Mark Radi indicates the sewer is approximately 4 feet south of the addition (see
31 attached) and a December 2, 2013, email from UCSD Director of Engineering Services Mark Radi to Lars
32 Johnson indicates that the sewer line is in the easement on the adjacent property and UCSD does not

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1 object to construction as long as the construction is not in an easement occupied by the UCSD (see
2 attached).

3

4 Ms. Griest stated that she does not have a problem with the rest of the statement's in item #2 either or the
5 documents which support it.

6

7 Mr. Thorsland stated that item #3 indicates that the Petitioner has not provided a technical drawing
8 illustrating the location of the sewer line because he did not think it was warranted. UCSD staff will not
9 go on record regarding this issue. Mr. Thorsland stated that the Board has the photographs indicating
10 JULIE's findings for the sewer line which may give a better depiction where it is located. He said that
11 page 3 of the Supplemental Memorandum indicates the possible need for special conditions. He said that
12 a more desirable approach would have been for the Petitioner to go through the process of formally
13 vacating the easement and securing all necessary zoning approvals prior to construction. He said that if
14 all relevant utilities had agreed to vacate the easement then there could be no possibility of a future
15 problem.

16

17 Ms. Griest stated that after her review of the documents it is her interpretation that the UCSD has rights
18 that they have not currently exercised and potentially may never exercise but in regards to this property
19 the UCSD does not have those rights on the subject property. She said that the other utilities do have
20 rights on the subject property. She said that the UCSD is the only utility that has indicated that they do
21 not have an easement on the subject property.

22

23 Mr. Thorsland asked Ms. Griest if she would like to have written documentation from Ameren, American
24 Water Company, and anyone else that may have some sort of rights to the easement.

25

26 Ms. Busboom stated that the original plat for Wisegarver's Lot 1 Subdivision includes a paragraph
27 discussing the public utility easement. She said that the paragraph indicates that no building or outside
28 facility shall be supplied with utility service lines above the surface of the ground and all utilities and
29 connections may thereto shall be located beneath the surface of the ground except transformer
30 installations. Easements for installation and maintenance of underground utilities and drainage facilities
31 are reserved as noted on the recorded plat. She said that there is a 10 foot easement on the recorded plat
32 for Wisegarver's Lot 1 Subdivision. She continued to read the paragraph as follows: No structures,
33 walls, fences, plantings, or any materials shall be put, placed, planted or permitted to remain within the
34 platted easements or public ways which may damage or interfere with the installation, operation or
35 maintenance of the utility. She said that the Board has all of the JULIE markings indicating all of the
36 utilities as well as the City of Champaign, UCSD, and Ameren indicating that they are okay with the
37 construction and that it will not interfere with any of their lines.

38

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1 Ms. Griest stated that she understands all of the documentation which proves that there are no
2 underground utilities under the easement but she still has a problem with allowing construction within a
3 recorded easement.

4

5 Mr. Thorsland stated that it has been proven that the construction is not within the easement.

6

7 Ms. Griest disagreed. She said that the construction is not within the UCSD's easement but it is still
8 within the easement for Ameren and Illinois American Water.

9

10 Mr. Thorsland stated that the 1974 plat indicates a utility easement which borders all of the lots but the
11 new plat indicates no easement.

12

13 Ms. Busboom stated that the new information that was indicated on the GIS map does not indicate an
14 easement but she cannot find that information in the file at this moment.

15

16 Mr. Thorsland stated that much to Mr. Johnson's dismay the Board would like to see the most current
17 information. He said that perhaps documentation could be received from Ameren and Illinois American
18 Water indicating that they have no objections to the construction within a possible easement on the
19 subject property.

20

21 Mr. Johnson stated that Ameren has already submitted documentation indicating that they have no issue
22 with the proposed construction.

23

24 Ms. Griest stated that Ameren did not vacate their easement.

25

26 Mr. Johnson stated no, Ameren did not vacate their easement but they have indicated that they have no
27 issue with the proposed construction.

28

29 Ms. Griest stated that there is a big difference between Ameren indicating that they have no issue with the
30 proposed construction and vacating their easement.

31

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1 Mr. Thorsland stated that the Board has not requested that the Petitioner begin the process of having any
2 easements vacated. He said that the Petitioner's position is based upon the information that he has
3 submitted and the fact that the easement exists on the adjacent property.

4
5 Ms. Griest stated that the documentation from the UCSD does indicate that they do not have an easement
6 on the subject property but the Final Plat of Wisegarver's Lot 1 Subdivision indicates that there is a 10
7 foot easement on the subject property. She said that there is no other documentation from any of the other
8 utilities indicating that they do not have a utility easement on the subject property.

9
10 Mr. Thorsland asked Ms. Griest if she would like to see a formal letter from the other utilities indicating
11 that they do not have a utility easement on the subject property.

12
13 Ms. Griest stated yes. She said that if there is no easement and that issue has been resolved then the
14 request to build within an easement is taken off the table, which would be in the Petitioner's best interest.

15
16 Mr. Thorsland stated that tonight's memorandum and Mr. Johnson's testimony indicates that Part B (1)
17 may or may not be a variance that needs to be granted. He said that it is Mr. Johnson's opinion that Part
18 B (1) is not needed because he is not constructing within an easement but Ms. Griest does not have
19 enough evidence to exclude Part B (1). He said that the Miscellaneous Document which will be recorded
20 with the Recorder of Deeds indicates the following: If the addition authorized by Case 764-V-13 is
21 damage or destroyed to more than 50% of the replacement value the addition shall not be repaired and in
22 fact shall be removed completely including the footings, unless a Plat of Vacation of Utility Easement is
23 duly approved and filed with the Champaign county Recorder of Deeds for only that part of the easement
24 occupied by the addition, in which case the addition may be reconstructed in the same footprint and same
25 location. Mr. Thorsland stated that if an accident happens and part of the golf cart bay is destroyed by
26 50% and Mr. Johnson is forced to remove the entire addition he may or may not be able to rebuild the
27 addition at that location without a vacation of the utility easement that may or may not exist.

28
29 Mr. Johnson stated that he and Mr. Hall discussed this issue and if more than 50% of the structure is
30 destroyed he would imagine that he will have bigger problems regarding the rest of the house.

31
32 Mr. Thorsland stated that the Board is often tasked with an attempt to predict the future without actually
33 protecting the future. He said that one could argue that there is or is not an easement although the Board
34 only has documentation from two of the utility companies.

35
36 Ms. Griest stated that the Board must have a 100% consensus and a majority will not do it for her because
37 if the use of the land has been given away for the use of an easement then the right to build upon it has

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1 also been given away. She said that until the property owner can officially reclaim that right she is not a
2 supporter of allowing construction within an easement just because the ZBA gives the landowner
3 permission to build something that they would not give the landowner permission to rebuild. She said
4 that the logic in the condition does not work for her either. She said that she respects that the contractor
5 got a little overzealous and that is unfortunate, but if the Board is going to impose a condition that the
6 landowner cannot rebuild if more than 50% of the structure is destroyed then why would the Board
7 authorize building it in the first place when less than 50% of it is built now.

8

9 Mr. Thorsland stated that the Board did not grant that authorization.

10

11 Ms. Griest understood but the proposal for the condition is that the Board would authorize building it but
12 the Board would deny rebuilding it and that logic does not work for her.

13

14 Mr. Johnson stated that when he spoke to Mr. Hall he indicated that he did not care whether the variance
15 was passed with or without the conditions. Mr. Johnson stated that Mr. Hall indicated in the
16 memorandum that the addition will never be expanded and that is what is proposed.

17

18 Mr. Thorsland stated that what Mr. Hall was communicating to Mr. Johnson was that it is up to the Board
19 to decide whether or not the variance will have conditions applied to it.

20

21 Mr. Johnson stated that Mr. Hall indicated that he had no objection either way.

22

23 Ms. Griest stated that Mr. Hall and staff are always committed to making every attempt to be as helpful to
24 the petitioner as possible.

25

26 Ms. Capel stated that the Board needs to know if there is an easement on the subject property or not and it
27 is her recommendation that the case be continued so that staff and the Board can figure it out.

28

29 Mr. Thorsland agreed with Ms. Capel. He said that he understands Mr. Johnson's concern because there
30 is a timeline although there has been testimony and evidence that the structure can be protected from
31 inclement weather. He said that it is unfortunate that Mr. Hall cannot be present tonight because it is Mr.
32 Hall who has discussed this case with Mr. Johnson prior to this meeting. He said that the staff which are
33 present tonight are doing their best to answer the questions that are posed although they too were not part
34 the conversations between Mr. Johnson and Mr. Hall. He said that Ms. Griest and Ms. Capel would like
35 to see an actual definitive plat that indicates that the subject property is out of the easement and that

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1 easement is regard to all utilities. He said that Mr. Johnson should discuss the Board's concerns with Mr.
2 Hall, when he returns to the office, so that those concerns can be addressed and documented at the next
3 available meeting.

4

5 Mr. Marilyn Lee stated that the title work should have indicated an easement on the subject property. She
6 said that perhaps Mr. Johnson should contact the title company for information as well.

7

8 Mr. Thorsland suggested that Mr. Johnson use all of the tools available to remedy the Board's concerns
9 and work with Mr. Hall so that the perhaps the variance regarding the easement will no longer be
10 necessary. He noted that the case does not need to be re-advertised if Part B.(1) is eliminated. He said
11 that if there was a recorded plat before this Board which indicated that there was no existing utility
12 easement on the subject property then he would be very satisfied.

13

14 Mr. Johnson stated that it was mentioned that staff viewed the GIS map and it did not indicate an
15 easement.

16

17 Ms. Busboom stated that she cannot find the GIS map in the files at this time.

18

19 Ms. Griest asked if the GIS map is an official record.

20

21 Ms. Busboom stated that the recorded document is the official record however the GIS Department
22 receives their information from the Recorder's Department and plats that information onto their maps.

23

24 Ms. Griest stated that she had a recent experience in which the GIS staff indicated that they do not always
25 enter in all of the recorded easements.

26

27 Mr. Thorsland stated that the 1974 Plat indicates an annotated note from staff. He said that the lot that
28 was drawn in was done so by staff therefore it is not part of the recorded document. He asked if the page
29 to the north of Briar Hill 2nd Addition could be obtained for the Board's review.

30

31 Ms. Griest stated that the annotation on Briar Hill 2nd Addition's plat is not part of the recorded plat.

32

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1 Mr. Randol stated that Illinois American Water's easement is going to be located at the front of the
2 subject property where the water main is located and will not be located along the side of the subject
3 property and dead ending.

4

5 Mr. Thorsland asked Mr. Randol if a clearer plat would be helpful.

6

7 Mr. Randol stated that the conflict that he has is the way that the easement was indicated in 1974 versus
8 the updated plat. He said that if the utilities decide that they do not need the entire easement it is never
9 indicated. He said that if the original plat was only a designer's plat and not an as-built plat then the plat
10 means nothing because he sees preliminary maps all of the time that indicate things which are not
11 accurate when the as-built construction is completed.

12

13 Mr. Thorsland stated that the Board is not punishing Mr. Johnson in requiring all of the homework that he
14 has completed. He said that the one thing that has been pointed out by members of the Board is that there
15 is a plat indicating adjacent properties around the subject property and their easements but the only
16 indication of the subject property and its easement is a nebulous line drawn in by staff. He said that he is
17 sure that an updated plat exists and is available for the Board's review. He said that as Ms. Griest
18 indicated previously the GIS map may not be perfect but even that would be helpful. He said that if you
19 look at the photograph which came from GIS he would be in agreement with Mr. Johnson that they put in
20 their blue lines and even though every lot is not indicated it does show that particular piece and it appears
21 that the line is very close to the building. He said that GIS helps only in making the case that Mr.
22 Johnson is close and he would say that based on GIS Mr. Johnson's building is outside of the lot line or
23 very close to the lot line. He said that rather than making a decision that may or may not put an onerous
24 burden on Mr. Johnson in regards to reconstruction if he finds out that there is absolutely no utility
25 easement present then there is no need for the provision that prohibits reconstruction and requires that
26 everything must be ripped out. Mr. Thorsland stated that he understands that requiring more proof poses
27 a further delay.

28

29 Mr. Johnson that requiring more proof delays moving his family back home.

30

31 Mr. Thorsland asked Mr. Johnson if the house is livable otherwise.

32

33 Mr. Johnson stated no. He said that he purchased the home out of foreclosure and when he purchased it
34 he intended on moving his family and placing his child in school. He said that he needs to know exactly
35 what the Board needs to make a decision because he can't keep his family in limbo.

36

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1 Mr. Thorsland stated that the Board requires a better plat or evidence that definitively indicates that all of
2 the utility easements are outside of the subject property.

3

4 Mr. Thorsland asked Ms. Griest if she would like to see a plat which is newer than 1974 of the subject
5 property and not the adjacent property.

6

7 Ms. Griest stated that if the claim is that the 1974 plat that the Board has currently which indicates the
8 recorded easements is not accurate then she would like to see the recorded plat that indicates that there are
9 no easements on the subject property. She said that what would seal the deal with her is documentation
10 from the title company stating that there are easements or are no easements on the subject property. She
11 said that the title company could indicate such in writing on their letterhead and addressed to Mr. Hall for
12 submission to the Board. She said that if there is an easement on the subject property then she still has a
13 problem with Mr. Johnson's request.

14

15 Mr. Johnson asked Ms. Griest if she still has a problem with Ameren even though they indicated that they
16 did not care.

17

18 Ms. Griest stated yes, despite the fact that the utility companies indicated that they do not care.

19

20 Mr. Thorsland noted that Mr. Johnson should keep in mind that he needs four affirmative votes for
21 approval and Ms. Griest is only one of the voting Board members.

22

23 Mr. Thorsland stated that Ms. Capel also indicated that the Board needs to know whether there is an
24 easement involved on the subject property or not.

25

26 Ms. Capel stated that Mr. Thorsland was correct. She said that the Board would not be acting responsibly
27 if they did not know whether they were actually dealing with an easement on the subject property or not.

28

29 Mr. Thorsland stated that staff has provided the Board with a copy of the 1974 plat which indicates what
30 staff is trying to point out and if this is the end of those lots and it doesn't show the lot in question then
31 the easement is located on the lot to the south.

32

33 Ms. Griest stated that Mr. Thorsland's statement is inaccurate.

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1 Mr. Thorsland asked Ms. Griest to indicate her basis for believing that his statement is inaccurate.

2

3 Ms. Griest stated that the plat that Mr. Thorsland is discussing does not have any formal representation
4 other than staff's annotation of the other lots therefore that plat does not speak to it at all.

5

6 Mr. Thorsland stated that he is not arguing that the plat does not show the lot in question at all.

7

8 Ms. Griest stated that the plat absolutely shows an easement on the adjacent parcel but Mr. Thorsland
9 points towards the GIS as a reliable tool for those easements although they do not show the easements for
10 the other parcels.

11

12 Mr. Thorsland stated that he made no claim regarding the accuracy of GIS because they indicate have his
13 property line shooting through a building that he apparently owns three feet of on his neighbor's property.

14

15 Mr. Thorsland stated that the Board will continue this case to the next meeting in January and it will be
16 the first hearing of the meeting. He said that the reason why the Board will refer the January meeting as
17 tentative is because the Board has not approved the 2014 ZBA calendar yet.

18

19 Mr. Thorsland entertained a motion to continue Case 764-V-13 to the tentative January 14, 2014,
20 meeting.

21

22 **Ms. Griest moved, seconded by Mr. Miller to continue Case 764-V-13 to the tentative January 14,**
23 **2014, meeting. The motion carried by voice vote.**

24

25 Mr. Johnson stated that the Board requires a document from the title company and a newer plat.

26

27 Mr. Thorsland stated yes, one or both or either.

28

29 Ms. Busboom stated that there will probably not be a newer plat.

30

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1 Mr. Thorsland stated that a new plat may not be available but Mr. Johnson can try to obtain a document
2 from the title company indicating that there is no recorded utility easement on the subject property.

3

4 Ms. Capel stated that the title company can indicate whether there is or is not a recorded easement on the
5 subject property.

6

7 Mr. Johnson stated that with everyone reviewing the same documentation we cannot really figure it out
8 but won't the title company be looking at the same documentation.

9

10 Ms. Capel stated yes, but that is the title company's job.

11

12 Mr. Thorsland stated that Mr. Johnson is paying the title company to indicate whether or not an easement
13 is on the subject property and he is paying the title company to ensure their documentation in case they
14 are incorrect.

15

16 Ms. Lee stated that Mr. Johnson has the right to ask the title company to prove their position because title
17 companies can be incorrect. She said that if they are proven incorrect with other documentation they will
18 listen. She said that the Board needs to know whether there is a recorded easement on the subject
19 property or not.

20

21 Mr. Thorsland stated that it appears that the Board is being very picky but if the existence of the easement
22 can be proven then one-half of this case can be taken off of the table and everything else becomes much
23 easier. He said that as soon as Mr. Hall is back Mr. Johnson should contact him.

24

25 Ms. Griest stated that if the Board can get this matter resolved for Mr. Johnson and he is permitted to
26 construct the addition without the restriction it will increase the value and marketability of his property in
27 the future as opposed to restricting it.

28



Subject property.
Wisegarver's Lot 1 Sub.

Approx. location of
unauthorized construction

Briar Hill 2nd Addition

Lincolnshire Fields Country
Club

Blue lines are property lines

Utility easements not
indicated

W Windsor Rd
City of
Champaign

DISCLAIMER
This map was prepared by the Champaign County GIS Consortium (CCGIS) using the best available data. This map and its underlying data is intended to be used as a general index to land related information and is not intended for detailed, site-specific analysis. CCGIS does not warrant or guarantee the accuracy of this information for any purpose.

For questions regarding availability of geo-data or the CCGIS, or to report a mapping error, please contact CCGIS at: 217-819-3555.



1 inch = 100 feet
1 inch = 0.02 miles





CASE NO. 768-AT-13

PRELIMINARY MEMORANDUM

January 8, 2014

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator
Susan Monte, RPC Planner

Request: **Amend the Champaign County Zoning Ordinance by adding the following standard conditions and special provisions to Section 6.1.3:**

Part A. Revise the use category “heliport/ restricted landing area” to “heliport- restricted landing area” and revise the existing standard conditions and special provisions for the use category “heliport- restricted landing area” and add new standard conditions and special provisions, as follows:

- (1) Number the existing standard condition and special provision 1.**
- (2) Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:**
 - (a) Add a standard condition and special provision to require the Final Approach and Takeoff Area to be no closer than 800 feet from the nearest CR District when measured in a straight line from the Final Approach and Takeoff Area in an approach/ takeoff path and no closer than 500 feet when measured from the Final Approach and Takeoff Area in other than an approach/ takeoff path and that no part of the approach/ takeoff path may be less than 100 feet above the nearest CR District.**
 - (b) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport- restricted landing area.**
 - (c) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 300 feet from the nearest property under different ownership than the heliport- restricted landing area.**

Part B. Revise the existing standard conditions and special provisions for the use category “restricted landing area” and add new standard conditions and special provisions as follows:

- (1) Number the existing standard conditions and special provisions 1 through 4.**

-
- (2) **Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:**
- (a) **Add a standard condition and special provision to require the end of the runway to be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and not less than 500 feet when measured from the edge of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District.**
 - (b) **Add a standard condition and special provision to require that the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area.**
 - (c) **Add a standard condition and special provision to require that the runway may be no closer than 300 feet from the nearest property under different ownership than the restricted landing area.**

BACKGROUND

The Champaign County Board Environment and Land Use Committee (ELUC) authorized the proposed interim text amendment at their November 7, 2013, meeting. At the meeting, it was suggested that a 500 foot separation be implemented when a RLA parallels the CR Conservation Recreation District. Attachment A is the staff memorandum provided to ELUC dated October 28, 2013.

Attachment B contains a memorandum dated October 28, 2013 received from Larry Hall, Julia Hall, Mark Fisher, and Jean Fisher. The packet reviews their desired proposed additional provisions and/or amendments to the Champaign County Zoning Ordinance with regard to future approvals of restricted landing areas, private landing strips, heliports and public use airports.

Attachment C contains a strikeout version of proposed standard conditions.

Attachment D contains relevant acronyms and defined terms excerpted from the *Champaign County Zoning Ordinance* and *Illinois Aviation Safety Rules*.

Attachment M is a diagram of proposed minimum separation and setback standard conditions for a heliport-restricted landing area.

Attachment N is a diagram of proposed minimum separation and setback standard conditions for a restricted landing area.

In the event that an RLA is intended to serve also as a HRLA, it will be required to meet the more restrictive of the proposed zoning ordinance standard conditions.

TEMPORARY AMENDMENT

The proposed amendment is a temporary amendment that will ultimately be replaced by a permanent amendment. It is hoped that the ZBA can make a Final Determination at either the 1/16/14 meeting or the 1/30/14 meeting.

ATTACHMENTS (* = attachments available on the County website).

- A Champaign County Environment and Land Use Committee Memorandum dated October 28, 2013, with attachments:
 - a Strikeout version of the proposed text amendment
- B Memorandum dated October 28, 2013 received from Larry Hall, Julia Hall, Mark Fisher, and Jean Fisher
- C Strikeout version of proposed standard conditions
- D Acronyms and Defined Terms
- E 92 Ill. Adm. Code 14 Subpart G (included separately)
- F Illustrations G-1 and G-2 of 92 Ill. Adm. Code 14 Subpart G (included separately)
- G 92 Ill. Adm. Code 14 Subpart H (included separately)
- H Illustration H-2 of 92 Ill. Adm. Code 14 Subpart H (included separately)
- I RLAs in and around Champaign County (various maps and images) received in Case 688-S-11 handout from Petitioner's Attorney Alan Singleton received at the December 13, 2012, public hearing (included separately)
- J Excerpts including Sheet 82 of 85 and pps. 137-138 and Table 11 from the Soil Survey of Champaign County, Illinois, United States Department of Agriculture Natural Resources Conservation Service, 2003 (included separately)
- K pp. 8,9, 54, 55 from Field Guide to Native Oak Species of Eastern North America, Stein, John and Denise Binion and Robert Acciavatti, USDA Forest Service, January, 2003 (included separately)
- L Native Trees of the Midwest from the Morton Arboretum located in Lisle, Illinois (included separately)
- M Diagram of proposed minimum separation and setback standard conditions: heliport-restricted landing area
- N Diagram of proposed minimum separation and setback standard conditions: restricted landing area
- O Preliminary Draft Finding of Fact



DATE: October 28, 2013
TO: Environment and Land Use Committee
FROM: Susan Monte, John Hall
RE: Proposed interim zoning ordinance text amendment to change standard conditions requiring minimum separation distances for a heliport, heliport restricted landing area, and restricted landing area
ACTION REQUEST: Authorize Proposed Text Amendment to proceed to a Public Hearing at the Zoning Board of Appeals

This request is to authorize a proposed interim text amendment to proceed to a public hearing at the Zoning Board of Appeals. The proposed interim text amendment would:

- 1) add standard conditions that require minimum separation distances between a heliport, heliport restricted landing area, restricted landing area and
 - a) the CR Conservation-Recreation Zoning District;
 - b) the nearest adjacent dwelling under different ownership; and
 - c) the nearest property under different ownership.
- 2) remove the provision that heliports atop buildings are exempt from the minimum area standard.

Standard conditions added as a result of this interim text amendment would expire one year from date of adoption, provided they are not extended by amendment.

BACKGROUND

The Zoning Administrator makes this request subsequent to two recent zoning cases which highlighted the lack of standard conditions concerning minimum separation requirements of RLA and HRLA requests. Additionally, citizens at the September 5th ELUC meeting asked the County Board to consider a moratorium on County review of RLA or HRLA requests until such standards could be established. The existing minimum separation standards adopted by Kane County, Illinois were noted as a model for possible consideration.

- continued -

In place of a moratorium, we propose an interim text amendment to change standard conditions in Section 6.1.3 regarding minimum required separation distance for a heliport, heliport restricted landing area, and restricted landing area be forwarded to a public hearing at the ZBA.

During the interim effective period of the proposed text amendment, staff would review whether further adjustment to the minimum separation standards in place is warranted to effectively protect public safety.

ATTACHMENT

A Strikeout version of the proposed text amendment

Strikeout Version of Proposed Text Amendment

Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

HELIPORTS-or HELIPORT/ RESTRICTED LANDING AREAS

1. Must meet the requirements for "Approach and Departure Protection Areas" of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and requirements of the Illinois Department of Transportation, Division of Aeronautics. ~~HELIPORTS atop BUILDINGS are exempt from the minimum area standard.~~
2. The provisions of this Ordinance are in addition to the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this ordinance. In the event of conflict between the provisions of this ordinance and the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two shall prevail.

The definitions of the words and phrases used herein shall be the same as the definitions of like words and phrases contained in the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, unless otherwise defined herein.

3. No HELIPORT or HELIPORT/RESTRICTED LANDING AREA shall be located:
 - a) within 1,320 feet (one quarter mile) of the nearest adjacent dwelling under different ownership;
 - b) within 300 feet of any property under different ownership; or
 - c) within 1,500 feet of the CR Conservation-Recreation Zoning District.

Standard condition # 3 shall expire at midnight on [one year from date of adoption] provided that it is not extended by amendment.

RESTRICTED LANDING AREAS

1. Must meet the requirements of the Federal Aviation Administration and requirements of the Illinois Department of Transportation, Division of Aeronautics.
2. The provisions of this Ordinance are in addition to the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this ordinance. In the event of conflict between the provisions of this ordinance and the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two shall prevail.

The definitions of the words and phrases used herein shall be the same as the definitions of like words and phrases contained in the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, unless otherwise defined herein.

continued

RESTRICTED LANDING AREAS- (continued)

3. No RESTRICTED LANDING AREA shall be located:

- a) within 1,320 feet (one quarter mile) of the nearest adjacent dwelling under different ownership;
- b) within 300 feet of any property under different ownership; or
- c) within 1,500 feet of the CR Conservation-Recreation Zoning District.

Standard condition # 3 shall expire at midnight on [*one year from date of adoption*] provided that it is not extended by amendment.

RECEIVED

Attachment B

OCT 28 2013

CHAMPAIGN CO. P & Z DEPARTMENT

DATE: October 28, 2013

TO: Champaign County Board and Committees
Champaign, Illinois

RE: Proposed additional provisions and/or amendments to Champaign County Zoning Ordinance regarding future approvals of restricted landing areas, private landing strips, heliports and public use airports.

At the September 5, 2013, meeting of the Champaign Environment and Land Use Committee, a proposal was submitted by citizens of Champaign County for additional provisions/amendments to the Champaign County Zoning Ordinance. The Environment and Land Use Committee voted to place the proposal on the next available meeting agenda for discussion and review.

Board member, Ms. Patsi Petrie, requested that additional information be provided, namely maps of Kane County RLAs, comments regarding Kane County's considerations for change to existing ordinance, and suitability of the ordinance since its inception in Kane County.

To this end, attached are:

- 1) Copy of Citizen's proposal submitted at the 09/05/13 meeting (3 pages)
- 2) Summary of discussion with the Kane County Administrator (1 page)
- 3) A map of Kane County, showing Places, Townships and Airport (1 page)
- 4) List of Kane County RLAs, downloaded from the internet (2 pages)
- 5) Maps of typical existing RLAs in Kane County, downloaded from the internet (6 pages)

Sincerely yours,



Larry Hall

(representing citizens for proposed
changes/amendments for RLA zoning)

September 5, 2013

Champaign County Board and Committees

We, the undersigned, residents of Champaign County Illinois, hereby submit our request that the Champaign County Board and Committee members establish a temporary moratorium on the approval of any new requests for Restricted Landing Areas (RLAs) in Champaign County to allow time necessary to consider and to adopt the attached listed "Proposed additional provisions and/or amendments to Champaign County Zoning Ordinance regarding future approvals of Restricted Landing Areas."

These restrictions will help clarify "land use compatibility" which falls under the responsibility of the County Board for the preservation and use of land and will provide enhanced protection for the citizens of Champaign County.

These proposed additional provisions/amendments to the CC Zoning Ordinance will reduce the subjective burden on Board members to address concerns of neighboring property owners and residents. Also they will provide a more appropriate and clearly defined greater separation between RLAs and neighboring property owners and residents and will enhance the overall safety issues and concerns previously addressed in related County Board and sub-committee hearings.

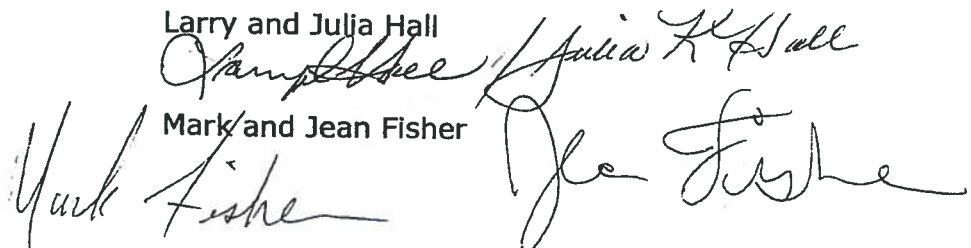
I have discussed and reviewed these proposals with the County Zoning Administrator, Mr. John Hall, who agrees that minimum separation requirements between an RLA and neighboring homes under different ownership and between Conservation Recreation (CR) zoned property, would improve the existing zoning ordinance.

Our proposal was excerpted, in large part, from the RLA-related zoning ordinance of Kane County, Illinois, which has been in place in Kane County since March 3, 1980.

Sincerely yours

Larry and Julia Hall

Mark and Jean Fisher

The block contains two sets of handwritten signatures. The first set, for Larry and Julia Hall, shows a signature that appears to be 'Larry Hall' and another that appears to be 'Julia Hall'. The second set, for Mark and Jean Fisher, shows a signature that appears to be 'Mark Fisher' and another that appears to be 'Jean Fisher'. The signatures are written in black ink and are somewhat cursive.

Attachment: *Proposed additional provisions and/or amendments to Champaign County Zoning Ordinance regarding future approvals of Restricted Landing Areas, Private Landing Strips, Heliports and Public Use Airports.*

**Proposed additional provisions and/or amendments to
Champaign County Zoning Ordinance regarding future
approvals of Restricted Landing Areas, Private Landing Strips,
Heliports and Public Use Airports.**

The provisions of this Ordinance are in addition to the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this ordinance. In the event of conflict between the provisions of this ordinance and the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two (2) shall prevail.

Restrictions on Location

No public use airport, restricted landing field, private landing strip, heliport, or any other facility designated as a restricted landing area of any kind in the rules and regulations of the Department of Transportation, Division of Aeronautics, or any part thereof, shall be located:

- Within two thousand (2000) feet of any residential dwelling not related to the activities of the RLA.
- Within three hundred (300) feet of any property line when the adjacent property owners have no relationship to the activities of the RLA.
- Within one thousand (1000) feet of any Conservation Recreation (CR) zoned district.

Proposed additional provisions and/or amendments to Champaign County Zoning Ordinance regarding future approvals of Restricted Landing Areas, Private Landing Strips, Heliports and Public Use Airports (continued)

Restrictions on Location (continued)

- In a location which is inconsistent with the plans, policies, and ordinances of Champaign County which are now and may from time to time be in effect.

Distance Between Restricted Landing Areas

The minimum distance between restricted landing areas shall be not less than three (3) miles measured from the nearest points of the landing strips, and when approach planes are located in one extended straight line, the distance shall be not less than four (4) miles.

Distance from Highway or Railroad Right-of-Way

Runways shall not be located within one thousand (1,000) feet of any highway, street or railroad right-of-way if the runway is perpendicular to such right-of-way and shall not be located within five hundred (500) feet of such right-of-way if the landing strip is parallel with such right-of-way.

Conservation Recreation (CR) Zoned Property

To protect and preserve the established designation of CR, no CR zoned property shall be rezoned out of CR.

**Summary of discussion with Mr. Mark VanKerhoff
Zoning Director, Kane County Illinois**

Telephone discussion between Mr. Larry Hall and Mr. Mark VanKerhoff on September 10, 2013.

Kane County existing Zoning Ordinance was adopted in 1980.

Mr. VanKerhoff stated that he has served in his position as director for 20 years. During that time frame, there have been no challenges to the existing RLA zoning ordinances.

I asked Mr. VanKerhoff if he would say that the ordinances have served Kane county well, his response was "apparently so." When asked if Kane County had ever considered changing the ordinances regarding RLAs, he stated, "not during his tenure."

During our conversations, Mr. VanKerhoff stated that our concerns are certainly timely as he pointed out to me that just the day before, a small plane with a doctor and wife returning to Kane County Airport descended one-half mile short of the runway, careened several hundred feet into a bank parking lot, and burst into flames with resulting fatalities of both occupants. Fortunately no citizens were in the bank parking lot at that time.

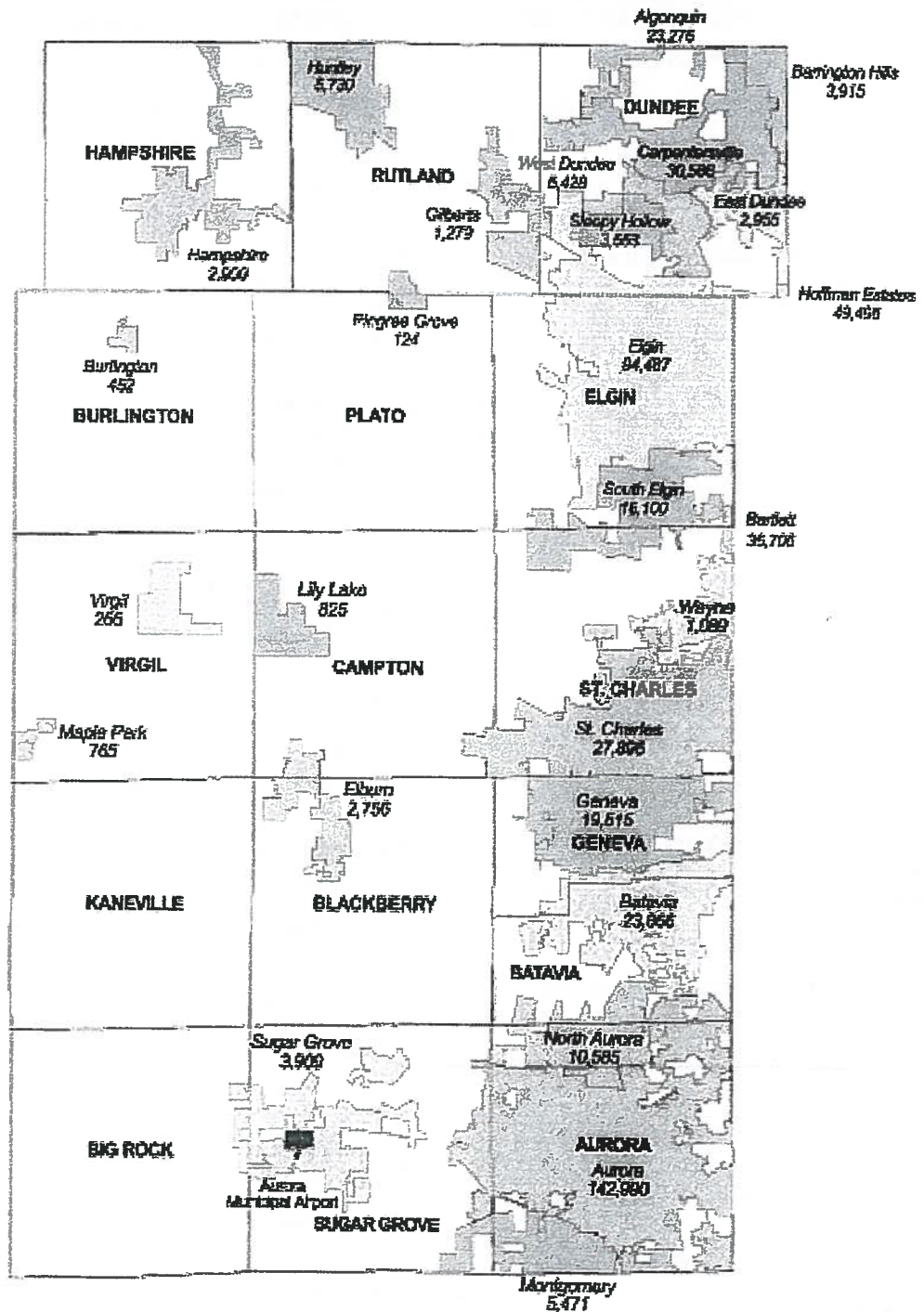
Respectfully Submitted

A handwritten signature in black ink, appearing to read "Larry Hall", with a large, sweeping flourish extending to the right.

Larry Hall

(representing citizens for proposed
changes/amendments for RLA zoning)

Kane County, Illinois Places, Townships, and Airport



Note: Figures in each Place are 2000 Census Population counts.
Map prepared by the Center for Governmental Studies, NLL.



Kane County Public and Private Airports, Illinois:

If you're planning a local flight you will probably end up taking off and landing at a small airfield. Our directly provides a list of airports located in Kane County. If you plan on landing in a different county, you will want to go to our [IL airports](#) page to see a list of airfields you can land in. Our list provides contact details for each airport for both private and public airports.

Mercy Center For Health Care Services Heliport - IL21 Aurora, Illinois Facility Usage: Private	Mercy Ctr For Health Care Svs 1325 N Highland Avenue Aurora, IL 60506 (708) 859-2222
Rush-Copley Medical Center Heliport - 7IS8 Aurora, Illinois Facility Usage: Private	Copley Memorial Hospital 2000 Ogden Ave Aurora, IL 60504 (630) 978-6200
J Maddock Airport - IL38 Big Rock, Illinois Facility Usage: Private	Jay B. Maddock P.O. Box 232 Sugargrove, IL 60554 (630) 556-3686
Aurora Muni Airport - ARR Chicago-Aurora, Illinois Facility Usage: Public	City Of Aurora 44 E Downer Place Aurora, IL 60507 (630) 844-3612
Il.Dept Of Transportation Heliport - 2IL8 Elgin, Illinois Facility Usage: Private	Illinois Dot Capital Airport Springfield, IL 62707 (217) 785-8380
Sherman Hospital Heliport - IL33 Elgin, Illinois Facility Usage: Private	Sherman Hospital 934 Center St Elgin, IL 60120 (847) 742-9800
St Joseph Hospital - Elgin Heliport - IS20 Elgin, Illinois Facility Usage: Private	Provena Hosp Dba St Joseph Hospital 77 N Airlite St Elgin, IL 60123 (847) 695-3200
Delnor Community Hospital Heliport - 76IL Geneva, Illinois Facility Usage: Private	Delnor Community Hospital 300 Randall Road Geneva, IL 60134 (630) 208-3000
Koppie Airport - 7IS5 Gilberts, Illinois Facility Usage: Private	Chad Koppie 39 W 140 Freeman Road Gilberts, IL 60136 (312) 426-3883

Kane County Public and Private Airports

Attachment B

Olivers Heliport - IS92
Gilberts, Illinois
Facility Usage: Private

Olivers Helicopters Inc
120 Center Dr
Gilberts, IL 60136
(847) 428-3818

✓ Reid Rla Airport - 6IL6
Gilberts, Illinois
Facility Usage: Private

Howard E. Reid
17 N 661 Powers Rd
Gilberts, IL 60136
(312) 426-6934

Casa De Aero Park Airport - 68IS
Hampshire, Illinois
Facility Usage: Private

Casa De Aero Park Corp.
P.O. Box 42
Hampshire, IL 60140
(847) 683-0533

✓ Edward Getzelman Airport - 7IL7
Hampshire, Illinois
Facility Usage: Private

Edward L. Getzelman
46w861 Big Timber Rd
Hampshire, IL 60140
(847) 683-2541

Landings Condominium Airport - 82IS
Huntley, Illinois
Facility Usage: Private

Landings Condo Owners Assoc
P.O. Box 0697
Huntley, IL 60142
(847) 669-3515

✓ Olson Airport - LL53
Plato Center, Illinois
Facility Usage: Private

Paul C. Olson
2170 W Frost Rd
Schaumburg, IL 60195
(312) 358-4035

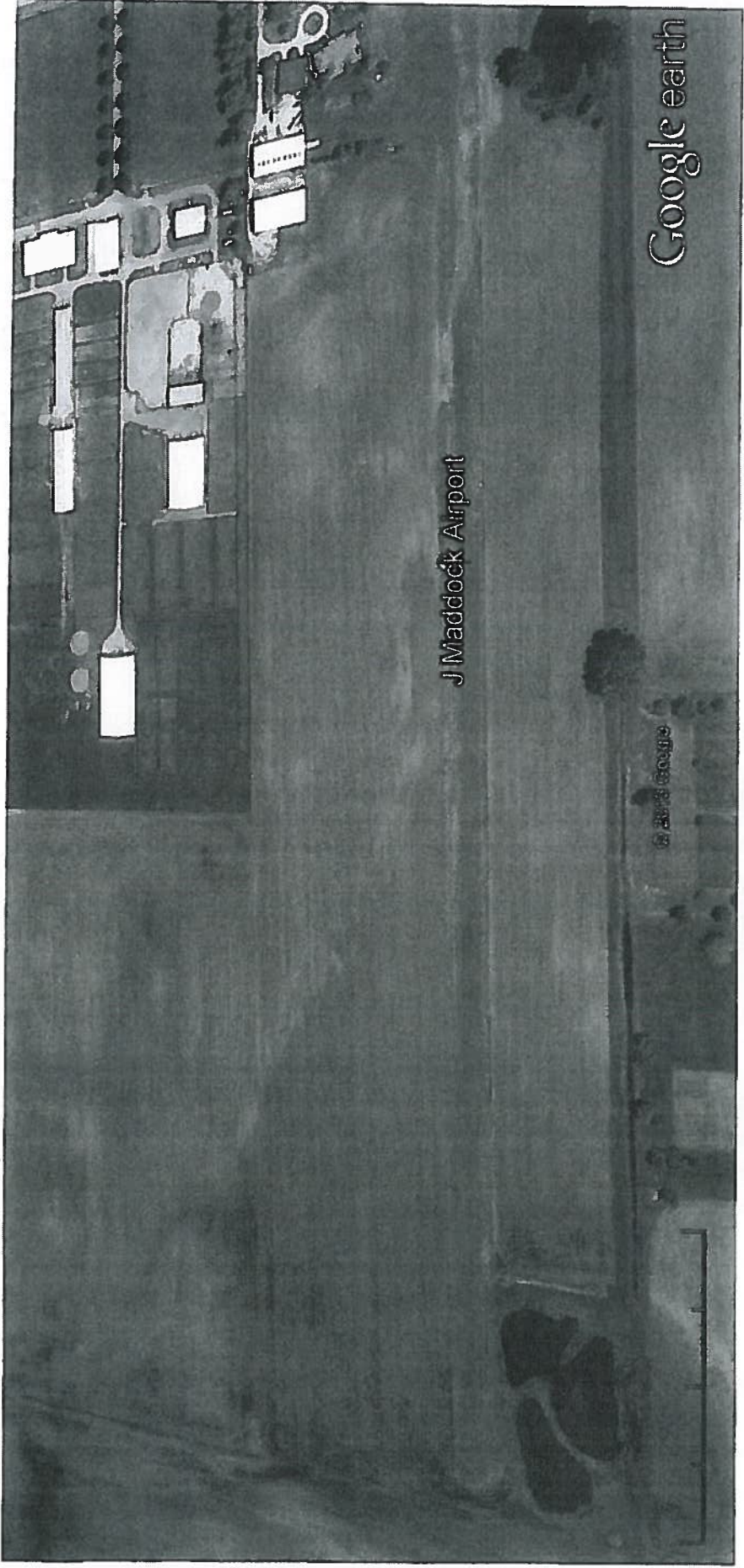
Turner Seaplane Base - IS23
South Elgin, Illinois
Facility Usage: Private

Kelly Turner
331 Hoxie St
Elgin, IL 60123
(847) 888-2122

Brunner Airport - 04LL
West Dundee, Illinois
Facility Usage: Private

Brunner Lay Inc
Rt 31 Box 416-Maple Lane Farm
Dundee, IL 60118
(708) 678-3232

Public Records in Kane County - Provides access to a variety of government websites in Kane County. This is a great place to find out about permits, licenses, aviation rules and regulations, taxes, and a lot of other public resources.



J Maddock Airport

© 2013 Google

Google earth

feet
meters

1000

400



Big Rocks 1L
Kane Co.

The Big Map @ OurAirports



Search

Not logged in: [join](#) | [login](#) | [lost password?](#)

Map centre: 42.122482 -88.380332

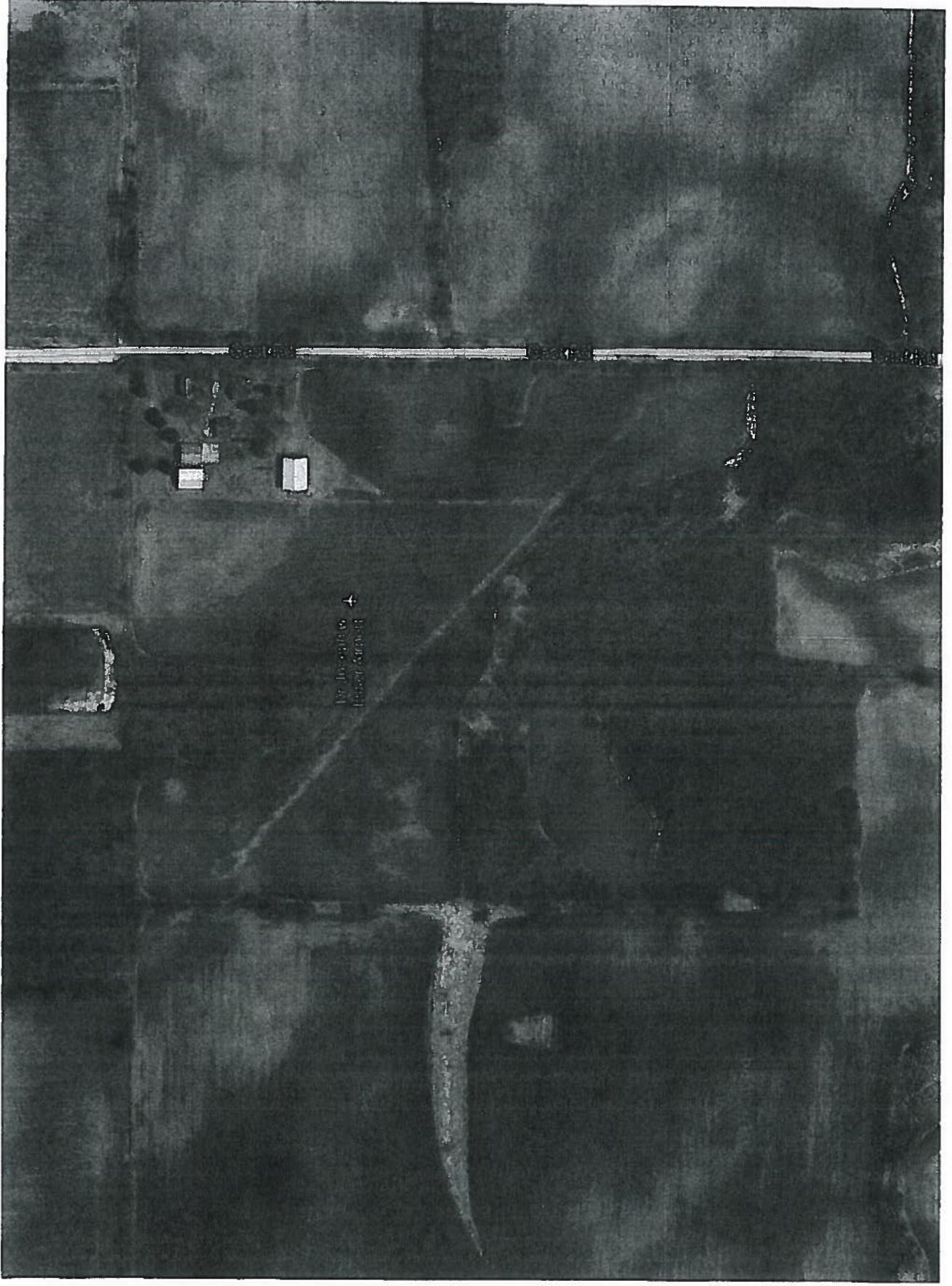
Show: airports navals

All airports (zoom in for smaller airports)

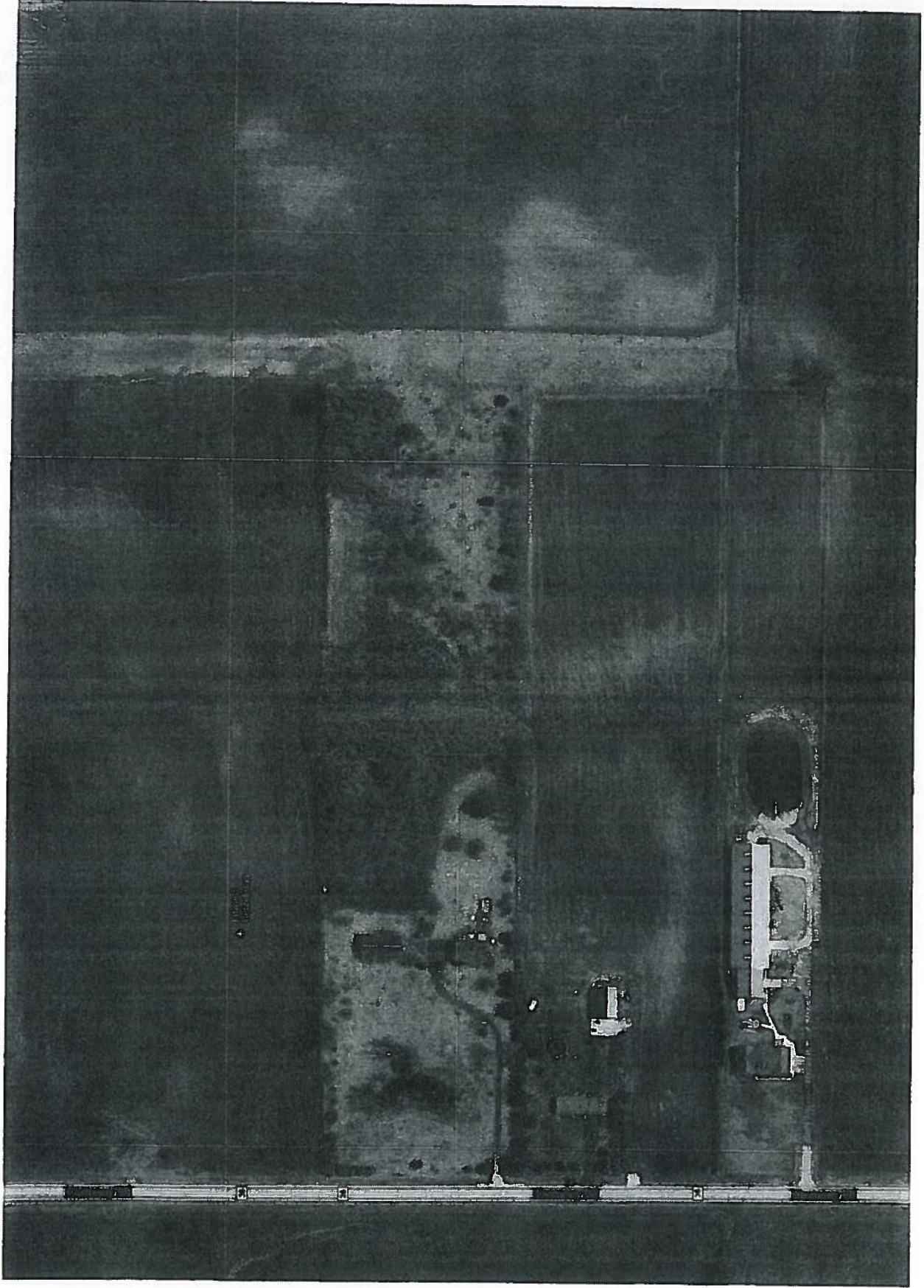
[reset](#) | [new!](#) [my location](#) | [help](#)



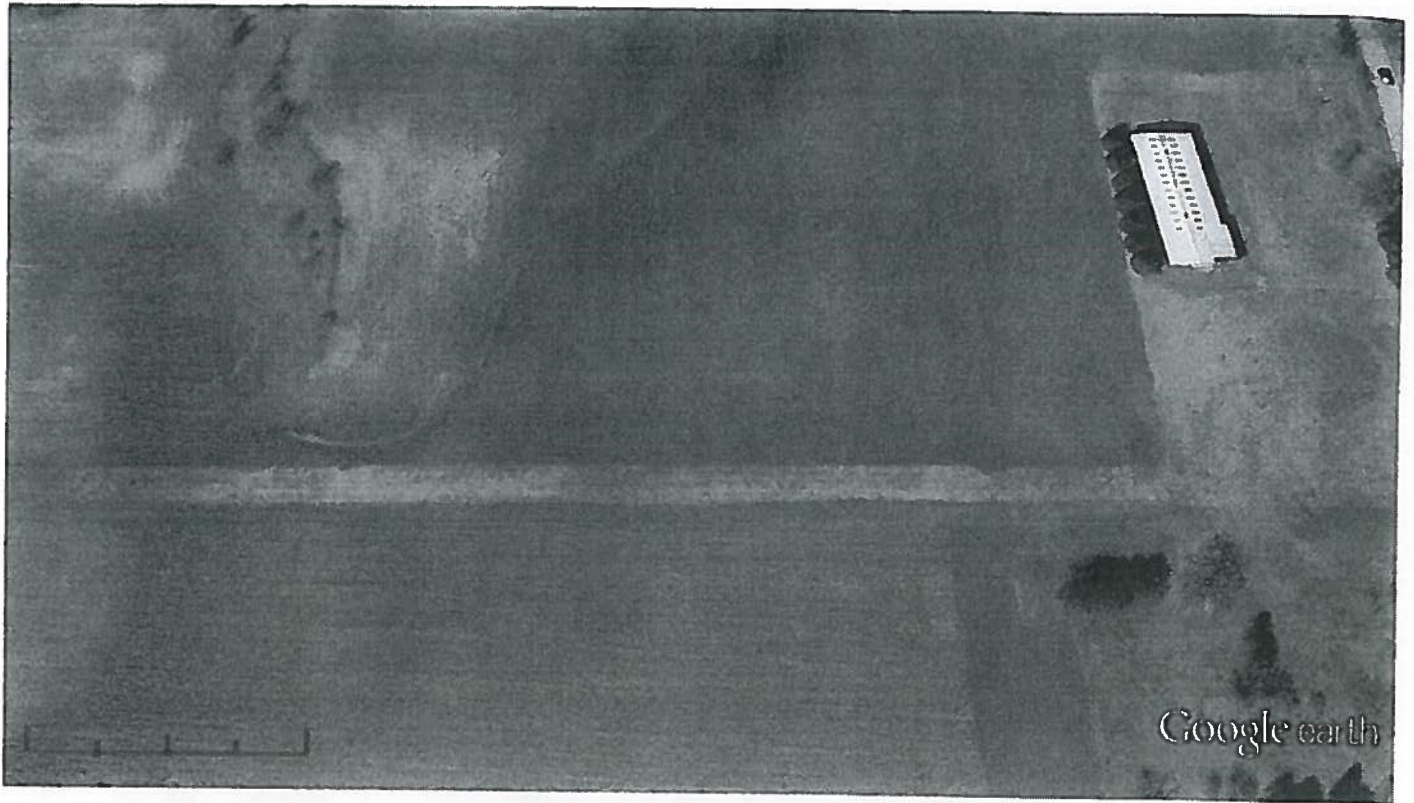
Gilberts in Kane Co.



RLA
HAMPSHIRE, IL (KANE County)



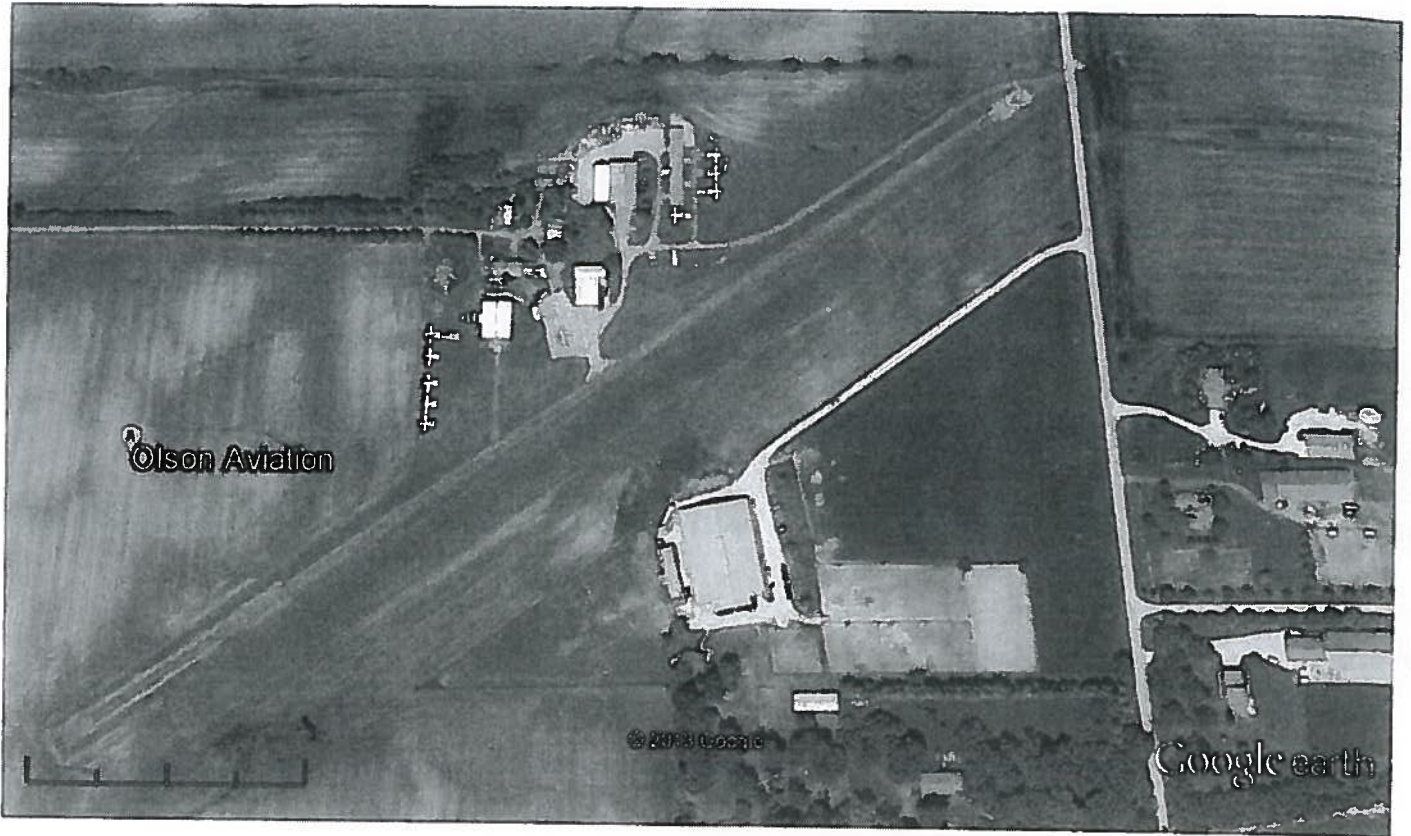
Hampshire in Kane Co.



Google earth



REID RLA
KANE COUNTY ILLINOIS



Google earth



Plato Center, ILLINOIS
KANE Co

Strikeout Version of Proposed Standard Conditions

Section 6.1.3 ~~HELIPORTS~~ or HELIPORT-RESTRICTED LANDING AREAS

- (1) Must meet the requirements for “Approach and Departure Protection Areas” of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and requirements of the Illinois Department of Transportation, Division of Aeronautics. ~~HELIPORTS atop BUILDINGS~~ are exempt from the minimum area standard.

The following standard conditions apply only to a heliport-restricted landing area and shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (2) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 800 linear feet measured outward from the end of the Final Approach and Takeoff Area in the approach/takeoff path, and 500 linear feet measured outward from the side edge of the Final Approach and Takeoff Area.
- (3) No part of the approach/ takeoff path may be less than 100 feet above the nearest CR DISTRICT.
- (4) No part of the Final Approach and Takeoff Area may be closer than 1,320 feet from the nearest DWELLING under different ownership than the HELIPORT-RESTRICTED LANDING AREA.
- (5) No part of the Final Approach and Takeoff Area may be closer than 300 feet from the nearest PROPERTY under different ownership than the HELIPORT-RESTRICTED LANDING AREA.

(continued on next page)

Strikeout Version of Proposed Standard Conditions

Section 6.1.3 RESTRICTED LANDING AREAS

- (1) Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.
- (2) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
- (3) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located: 1) within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or 2) the Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the Primary Surface.
- (4) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.

The following standard conditions shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (5) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.
- (6) No part of the approach surface may be less than 100 feet above the nearest CR DISTRICT.
- (7) No part of the runway may be closer than 1,320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.
- (8) No part of the runway may be closer than 300 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.

Acronyms and Definitions

Acronyms

FATO final approach and takeoff area
RLS restricted landing area
RSA runway safety area
STOL short takeoff and landing
TLOF touch down and lift off area

Definitions (Excerpt of Section 3.0, *Champaign County Zoning Ordinance*)

AIRPORT: Any area described or defined as an airport under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)*, and which meets the criteria of any one of the following airport classifications as determined by the Illinois Department of Transportation, Division of Aeronautics: Basic Utility I, Basic Utility II, General Utility, Basic Transport, General Transport, or Air Carrier or Ultralight STOL.

RESTRICTED LANDING AREA: Any area described or defined as a Restricted Landing Area under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.

Definitions (Excerpt of Section 14.105 of the *Illinois Aviation Safety Rules*¹)

“Airport” means any area of land, water or both, except a restricted landing area, that is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; and, all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether established before or after the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart F and Subpart H of this Part.) (See Section 6 of the Act.)

“Final Approach and Takeoff Area (FATO)” means a defined object-free area over which the final phase of the approach to a hover, or a landing, is completed and from which the takeoff is initiated.

“Landing Strip” means a portion of the usable area within an airport boundary that either in its natural state or as a result of construction work is suitable for the landing and takeoff of aircraft.

“Modification” means any change to the

“Private Use” means that an airport is not open to the general public. Use is limited to the Certificate Holder and any other users as authorized by the Certificate Holder.

“Public Use” means that an airport is open to the general public.

“Restricted Landing Area (RLA)” means any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use.

“Runway” means the paved, hard surfaced or stabilized central portion of a landing strip.

“Runway Protection Zone” means a defined area off the end of a runway that is clear of incompatible objects and activities.

“Runway Safety Area (RSA)” means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

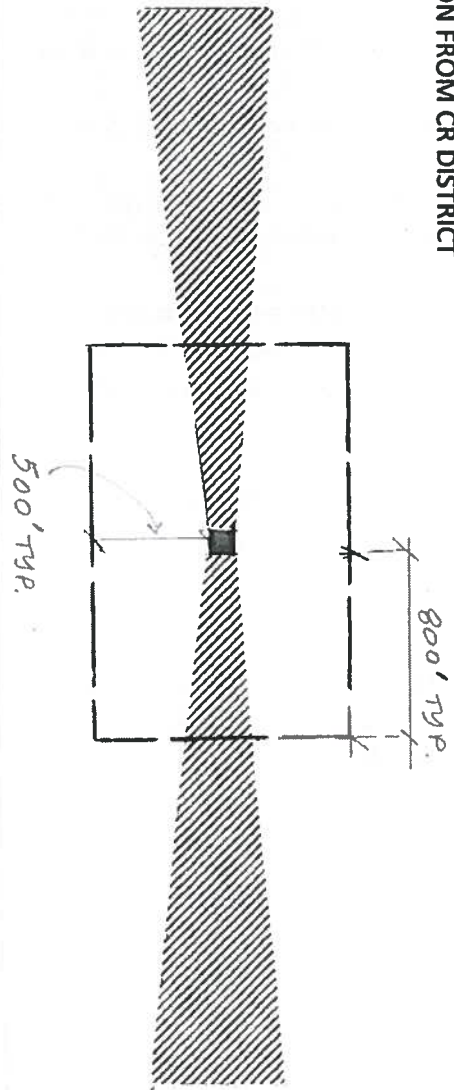
“TLOF” means ‘touch down and lift off area’ (commonly referred to as a helipad and normally centered in a ‘final approach and takeoff area’)

Note:

- 1 This document, *92 Illinois Administrative Code 14*, titled ‘Aviation Safety’, is an administrative rule adopted by the IDOT Division of Aeronautics at *28 Illinois Register 2302*, effective January 26, 2004.

Diagram of Proposed Minimum Separation and Setback Standard Conditions
Heliport-Restricted Landing Area

MINIMUM SEPARATION FROM CR DISTRICT



MINIMUM SETBACK

300 linear feet from nearest PROPERTY under different ownership
1,320 linear feet from nearest DWELLING under different ownership

-  Runway Approach Path
-  Final Approach and Takeoff Area

Scale: 1" = 800 linear feet

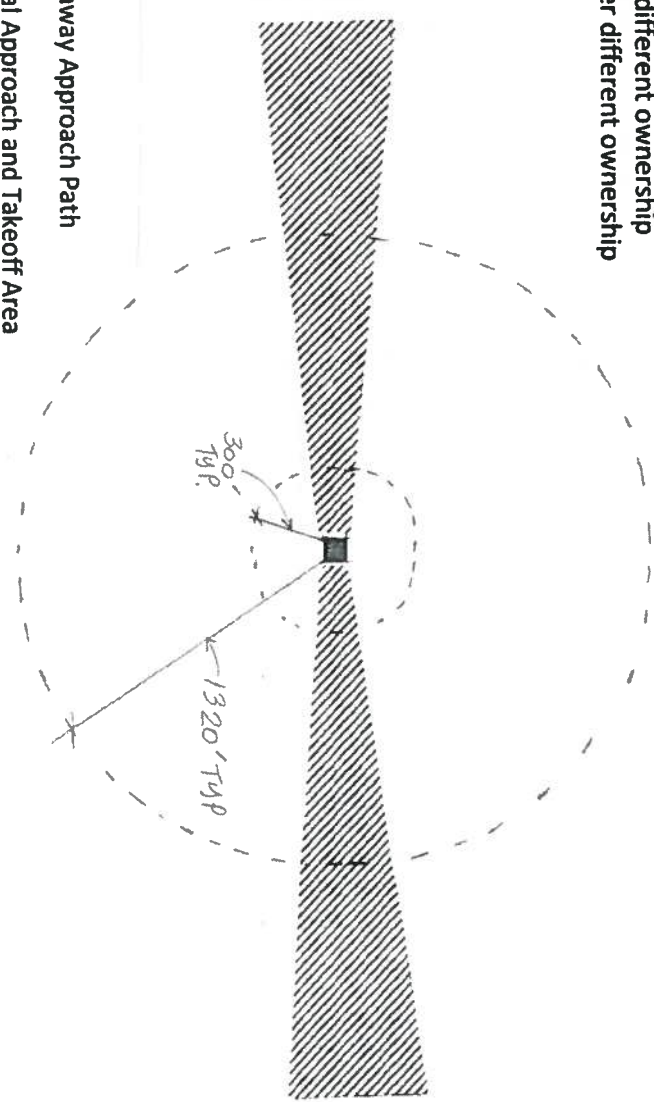
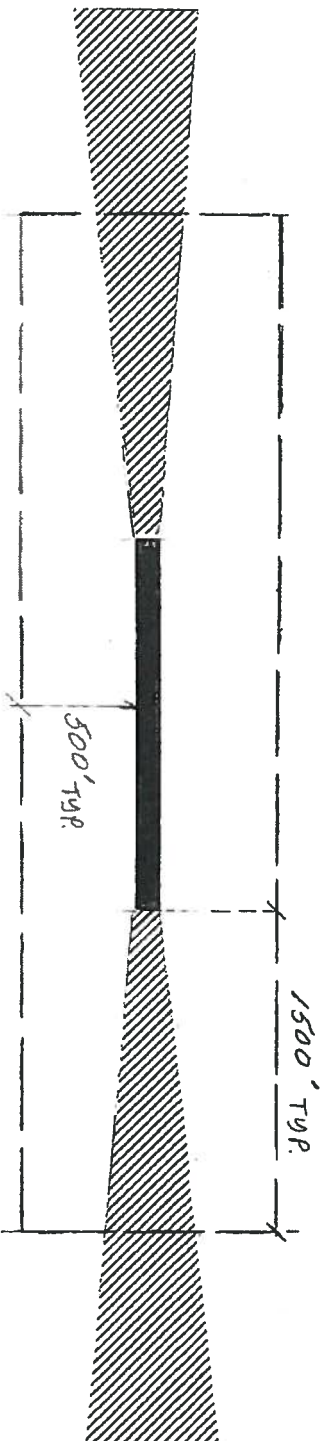


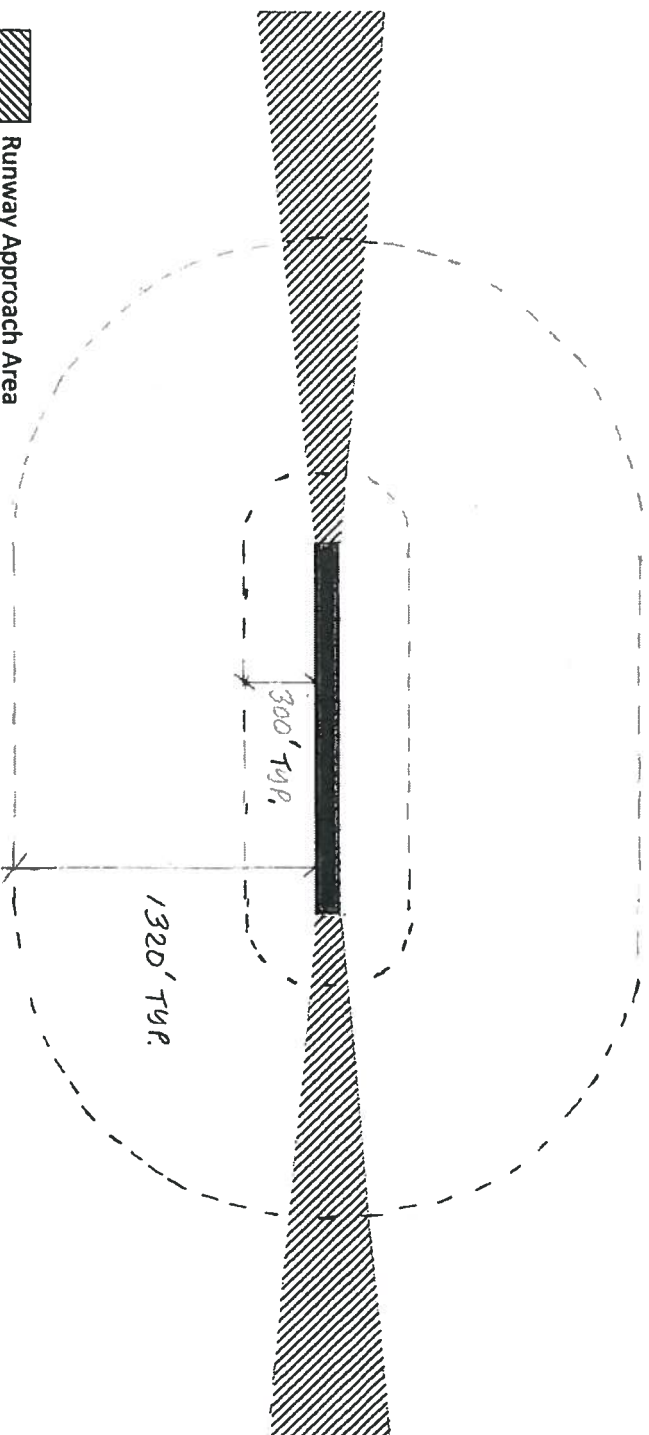
Diagram of Proposed Minimum Separation and Setback Standard Conditions
Restricted Landing Area

MINIMUM SEPARATION FROM CR DISTRICT





MINIMUM SETBACK

- 300 linear feet from nearest PROPERTY under different ownership
- 1,320 linear feet from nearest DWELLING under different ownership



Scale: 1" = 800 linear feet

-  Runway Approach Area
-  Runway

1/8/2014

PRELIMINARY DRAFT

768-AT-13

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

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

Date: January 16, 2014

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by adding the following standard conditions and special provisions to Section 6.1.3:

Part A. Revise the use category “heliport/ restricted landing area” to “heliport-restricted landing area” and revise the existing standard conditions and special provisions for the use category “heliport- restricted landing area” and add new standard conditions and special provisions, as follows:

- (1) Number the existing standard condition and special provision 1.
- (2) Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:
 - (a) Add a standard condition and special provision to require the Final Approach and Takeoff Area to be no closer than 800 feet from the nearest CR District when measured in a straight line from the Final Approach and Takeoff Area in an approach/ takeoff path and no closer than 500 feet when measured from the Final Approach and Takeoff Area in other than an approach/ takeoff path and that no part of the approach/ takeoff path may be less than 100 feet above the nearest CR District.
 - (b) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport- restricted landing area.
 - (c) Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 300 feet from the nearest property under different ownership than the heliport- restricted landing area.

Part B. Revise the existing standard conditions and special provisions for the use category “restricted landing area” and add new standard conditions and special provisions as follows:

- (1) Number the existing standard conditions and special provisions 1 through 4.

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- (2) Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:
 - (a) Add a standard condition and special provision to require the end of the runway to be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and not less than 500 feet when measured from the edge of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District.
 - (b) Add a standard condition and special provision to require that the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area.
 - (c) Add a standard condition and special provision to require that the runway may be no closer than 300 feet from the nearest property under different ownership than the restricted landing area.

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**Note that in the Draft Finding of Fact italicized letters indicate the staff recommendation.*

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 16, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. At the September 5, 2013, Environment and Land Use Committee (ELUC) meeting a group of neighboring landowners to previous zoning cases 687-AM-11 and 688-S-11 requested that the Zoning Ordinance be amended by adding proposed minimum separations between restricted landing areas (RLA) and helicopter- restricted landing areas (H-RLA) and other RLAs and H-RLAs; and between an RLA and/or H-RLA and the CR District; and property under different ownership than the proposed RLA or H-RLA; and dwellings under different ownership than the proposed RLA or H-RLA. Cases 687-AM-11 and 688-S-11 were proposed to authorize a combined RLA and H-RLA on property that was current zoned CR Conservation Recreation. The ZBA had denied Case 688-S-11 and recommended denial of Case 687-AM-11 and the recommendation was eventually upheld by the County Board. The Committee voted to consider the requested text amendment at the next available ELUC meeting. The minutes of the ELUC meeting can be reviewed on the County website.
 - B. At the November 7, 2013, ELUC meeting the Committee reviewed a text amendment proposed by the Zoning Administrator to add minimum separations between restricted landing areas (RLA) and/ or helicopter- restricted landing areas (H-RLA) and the CR District; and property under different ownership than the proposed RLA or H-RLA; and dwellings under different ownership than the proposed RLA or H-RLA. The Zoning Administrator proposal was somewhat different than the amendment that had been requested at the 9/5/13 meeting. The Committee voted to allow the proposed amendment to proceed to public hearing with one change to the proposed separation from the CR District. The minutes of the ELUC meeting can be reviewed on the County website.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies,

which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

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

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

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

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

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

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

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

REGARDING LRMP GOALS

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

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

Goal 1 has 4 objectives and 4 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 1.

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

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

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

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

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

Goal 3 has three objectives and no policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment is *NOT RELEVANT* to Goal 5 in general.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE*.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* Goal 7.

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

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

Goal 8 has 9 objectives and 36 policies and except as reviewed below will not be impeded by the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 8 for the following reasons:

- A. Objective 8.5 is entitled “Aquatic and Riparian Ecosystems” and states “**Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.**”

The proposed rezoning will *HELP ACHIEVE* Objective 8.5 because of the following:

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- (1) Objective 8.5 has 5 policies. Policies 8.5.3, 8.5.4, and 8.5.5 are not directly relevant to the proposed amendment rezoning.
- (2) Policy 8.5.1 states, “**For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.**”

The proposed rezoning will *HELP ACHIEVE* Policy 8.5.1 because of the following:

- a. Regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that for a Restricted Landing Area, the end of the runway shall be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District:
 - (a) The Illinois Department of Transportation Division of Aeronautics enforces aviation safety rules and those rules are established in 92 Ill. Adm. Code 14, titled Aviation Safety, and Subpart G of those rules regulate restricted landing areas (RLA). Minimum RLA obstruction clearance standards are illustrated in Illustration G-1 of Subpart G.
 - (b) Illustration G-1 of Subpart G of 92 Ill. Adm. Code 14 prohibits obstructions from penetrating the approach area at the end of an RLA runway. Illustration G-1 was included as an Attachment to the Preliminary Memorandum. Illustration G-1 indicates the following:
 - i.* The minimum runway area for an RLA is 100 feet wide by 1,600 feet in length.
 - ii.* The approach area for an RLA runway is a trapezoidal shaped area that is 100 feet wide at the end of the runway and rises at a slope of 15 units horizontal to 1 unit vertical for a distance of 3,000 feet from the end of the runway. The width of the trapezoidal shaped approach area increases in an arc of 5 degrees 42 minutes on each side of the runway until the approach area is 699 feet wide at a distance of 3,000 feet from the runway end.
 - (c) Section 14.730 of Subpart G of 92 Ill. Adm. Code 14 states that in order for an RLA to be eligible for a Certificate of Approval the RLA must initially and continually be free of obstructions such as trees.
 - (d) Section 5.1 of the Zoning Ordinance states that the CR Conservation Recreation Zoning District is intended to protect the public health by

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restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.

- (e) Trees are understood to be an important element of the “natural and scenic areas generally along the major stream networks of the County”.
- (f) RLAs are not authorized in the CR District but the Ordinance does not require any minimum separation from an RLA in the AG-1 or AG-2 Districts and any nearby portions of the CR District. An RLA proposed in the AG-1 or AG-2 District such that the Approach Area would overlay the CR District could be incompatible with the CR District if the Approach Area would be subject to penetration by trees in the CR District. Thus, a minimum required separation intended to minimize the impact of an RLA in the AG-1 or AG-2 Districts on the CR District should accommodate the normal height of trees that commonly grow in the CR District.
- (g) Regarding the normal height of trees that commonly grow in the CR District, the following evidence is excerpted from Summary of Evidence Item 8.T.(2) in Zoning Case 688-S-11 (*indicates numbering from Case 688-S-11):
 - *(2) Regarding the height of trees that may be growing in the CR District on the west side of the East Branch of the Embarrass River:
 - *(a) The 2003 update of the *Soil Survey of Champaign County, Illinois* indicates that for the relevant portion of the CR District on the west side of the East Branch of the Embarrass River the predominant soils are map units 3107A Sawmill silty clay loam, 0 to 2 percent slope, frequently flooded and 570C2 Martinsville loam 5 to 10% slopes, eroded. Table 11 provides relevant data regarding forestland management and productivity for each soil map unit, and is summarized as follows for the relevant soils:
 - *i. Common trees and their site index (average height) found on 570C2 Martinsville soil are White oak (80), Sweetgum (76), and Tulip tree (98).
 - *ii. Common trees and their site index (average height) found on 3107A Sawmill soil are Pin oak (90), American sycamore (---), Eastern cottonwood (---), and Sweetgum (---). Note that the site index (average height) for a given

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species may vary depending on the soil type and the symbol (---) apparently indicates no average height has been determined for that species on that soil type.

- * (b) The petitioner's wife, Sarabeth Jones, testified at the December 13, 2012, public hearing that to her knowledge there are no Sycamore trees on their property but there are White oak trees.
- * (c) If there are White oak trees on the petitioner's property there likely are White oak trees on the land on the west side of the East Branch of the Embarrass River.
- * (d) Excerpts from the *Field Guide to Native Oak Species of Eastern North America* by the USDA Forest Service were included as an Attachment to the Supplemental Memorandum dated 3/8/13 and state that the White oak tree grows to 100 feet tall.
- * (e) An excerpt from the Native Trees of the Midwest that is maintained on the website of the Morton Arboretum located in Lisle, Illinois indicates that a tree in its native habitat may reach much greater height than the same tree growing in a home landscape and the heights of trees indicated in Native Trees of the Midwest reflect the average size in the home landscape. White Oak trees are indicated to have a mature height of 50 feet to 80 feet in Native Trees of the Midwest but that height reflects the average size in the home landscape and not the native habitat. The *Field Guide to Native Oak Species of Eastern North America* by the USDA Forest Service (see above) indicates that the White oak tree grows to 100 feet tall in the native habitat. The 2003 update of the *Soil Survey of Champaign County, Illinois* indicates that the average height of White oak trees found on 570C2 Martinsville soil is 80 feet.
- * (f) If there are White Oak trees on the west side of the East Branch of the Embarrass River located beneath the Approach Area of the proposed RLA the White oak trees are likely to be on higher ground elevations than the river bottom and may already penetrate the proposed Approach Area.

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- (h) The slope of the Approach Area off the end of an RLA is 15 feet horizontal to one foot vertical and therefore, the end of a runway at an RLA should be at least 1,500 feet from the closest CR District so that the height of the Approach Surface is more than 100 feet in order to prevent trees in the CR District from penetrating into the Approach Surface. Note that differences in topographic elevation of the ground between the RLA runway and nearby portions of the CR District can lead to shorter separations (when the elevation of the runway is above the ground elevation in the CR District) or greater separations (when the ground elevation in the CR District is higher than the ground elevation at the RLA runway).
 - (i) An RLA petitioner may propose less separation than the minimum required 1,500 feet and in that instance the ZBA will have to approve a waiver of this standard condition. Approval of a waiver of a standard condition requires a finding that such waiver is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (j) The proposed standard condition and special provision to require that for a Restricted Landing Area, the end of the runway shall be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District will only be effective for a limited time not to exceed 365 days from the date of adoption and thereafter, the proposed standard condition and special provision or some modification thereof will presumably be made part of a permanent amendment to the Zoning Ordinance.
- b. Regarding the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 800 feet from the nearest CR District when measured in a straight line from the Final Approach and Takeoff Area in an approach/ takeoff path path and that no part of the approach/ takeoff path may be less than 100 feet above the nearest CR District:
- (a) The Illinois Department of Transportation Division of Aeronautics enforces aviation safety rules and those rules are established in 92 Ill. Adm. Code 14, titled Aviation Safety, and Subpart H of those rules regulate restricted landing area heliport. Minimum obstruction clearance standards for a restricted landing area heliport are illustrated in Illustration H-2 of Subpart H. Note that the Final Approach and Takeoff Area for a restricted landing area heliport

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serves the same function as a runway does for a restricted landing area.

- (b) Illustration H-2 of Subpart H of 92 Ill. Adm. Code 14 prohibits obstructions from penetrating the approach/ take off path at the end of a restricted landing area heliport. Illustration H-2 was included as an Attachment to the Preliminary Memorandum. Illustration H-2 indicates the following:
 - i. The minimum final approach and take off area (FATO) for a restricted landing area heliport is 100 feet wide by 100 feet in length.
 - ii. The approach/ takeoff path for a restricted landing area heliport is a trapezoidal shaped area that is 100 feet wide at the edge of the final approach and take off area (FATO) and the approach/ takeoff path rises at a slope of 8 units horizontal to 1 unit vertical for a distance of 4,000 feet from the edge of the FATO. The width of the trapezoidal shaped approach area increases to 500 feet wide at a distance of 4,000 feet from the edge of the FATO.
- (c) Section 14.830 of Subpart H of 92 Ill. Adm. Code 14 states that in order for a restricted landing area heliport to be eligible for a Certificate of Approval the restricted landing area heliport approach/ takeoff path must initially and continually be free of obstructions such as trees.
- (d) Section 5.1 of the Zoning Ordinance states that the CR Conservation Recreation Zoning District is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- (e) Trees are understood to be an important element of the “natural and scenic areas generally along the major stream networks of the County”.
- (f) The Zoning Ordinance uses the term “heliport-restricted landing area” to refer to what the Illinois Department of Transportation Division of Aeronautics terms a “restricted landing area heliport”.
- (g) A heliport- restricted landing area is not authorized in the CR District but the Ordinance does not require any minimum separation from a restricted landing area heliport in the AG-1 or AG-2 Districts and any nearby portions of the CR District. A restricted landing area heliport proposed in the AG-1 or AG-2 District such that the

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approach/ take off path would overlay the CR District could be incompatible with the CR District if the approach/ take off path would be subject to penetration by trees in the CR District. Thus, a minimum required separation intended to minimize the impact of a restricted landing area heliport in the AG-1 or AG-2 Districts on the CR District should accommodate the normal height of trees that commonly grow in the CR District. Relevant evidence regarding the normal height of trees that commonly grow in the CR District is reviewed in Finding of Fact item 13.A.(2)a.(g).

- (h) The slope of the restricted landing area heliport approach/ takeoff path is 8 feet horizontal to one foot vertical and therefore, the edge of the final approach and take off area (FATO) should be at least 800 feet from the closest CR District so that the height of the restricted landing area heliport approach/ takeoff path is more than 100 feet in order to prevent trees in the CR District from penetrating into the restricted landing area heliport approach/ takeoff path. Note that differences in topographic elevation of the ground between the final approach and take off area (FATO) and nearby portions of the CR District can lead to shorter separations (when the elevation of the final approach and take off area (FATO) is above the ground elevation in the CR District) or greater separations (when the ground elevation in the CR District is higher than the ground elevation at the final approach and take off area (FATO)).
- (i) A petitioner for a heliport- restricted landing area may propose less separation than the minimum proposed 800 feet and in that instance the ZBA will have to approve a waiver of this standard condition. Approval of a waiver of a standard condition requires a finding that such waiver is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (j) The proposed standard condition and special provision to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 800 feet from the nearest CR District when measured in a straight line from the Final Approach and Takeoff Area in an approach/ takeoff path, will only be effective for a limited time not to exceed 365 days from the date of adoption and thereafter, the proposed standard condition and special provision or some modification thereof will presumably be made part of a permanent amendment to the Zoning Ordinance.

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- c. Regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that for a Restricted Landing Area, the runway shall not be less than 500 feet from the nearest CR District when measured from the edge of the runway:
- (a) Illustration G-1 of Subpart G of 92 Ill. Adm. Code 14 prohibits obstructions from penetrating the side transition area of an RLA runway. Illustration G-1 was included as an Attachment to the Preliminary Memorandum. As illustrated in Illustration G-1, the side transition area extends only 85 feet on either side of the runway.
 - (b) Under the current Zoning Ordinance, an RLA runway located in the AG-1 or AG-2 District could be located as little as 85 feet from a nearby CR District.
 - (c) The sound emanating from an RLA in the vicinity of the CR District may also disturb the peace of the CR District that is essential to the natural and scenic quality of the CR District. The closer to the CR District the more disturbance there will be.
 - (d) The minimum required separation to the CR District should logically be greater than the minimum required separation from property under different ownership. The proposed minimum separation to the nearest property under different ownership than the restricted landing area is 300 feet.
 - (e) A minimum separation of 500 feet from the nearest CR District when measured from the edge of the runway is one average lot width (200 feet) greater than the proposed minimum separation to the nearest property under different ownership.
 - (f) An RLA petitioner may propose less separation than the minimum required 500 feet and in that instance the ZBA will have to approve a waiver of this standard condition. Approval of a waiver of a standard condition requires a finding that such waiver is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (g) The proposed standard condition and special provision to require that for a Restricted Landing Area, the runway shall not be less than 500 feet from the nearest CR District when measured from the edge of the runway will only be effective for a limited time not to exceed 365 days from the date of adoption and thereafter, the proposed standard condition and special provision or some modification thereof will presumably be made part of a permanent amendment to the Zoning Ordinance.

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- d. Regarding the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 500 feet from the nearest CR District when measured in a straight line from other than an approach/ takeoff path:
- (a) Illustration H-2 of Subpart H of 92 Ill. Adm. Code 14 does not indicate a side transition area for a restricted landing area heliport. Illustration H-2 was included as an Attachment to the Preliminary Memorandum. Note that the Final Approach and Takeoff Area for a restricted landing area heliport serves the same function as a runway does for a restricted landing area.
 - (b) Relevant evidence regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that for a Restricted Landing Area, the runway shall not be less than 500 feet from the nearest CR District when measured from the edge of the runway is reviewed in Finding of Fact item 13.A.(2)c. and similar considerations apply to the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 500 feet from the nearest CR District when measured in a straight line from other than an approach/ takeoff path.
- (3) Policy 8.5.2 states, **“The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.5.2 for the same reasons as for Policy 8.5.1 above.

- B. Objective 8.6 is entitled “Natural Areas and Habitat” and states **“Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.”**

The proposed rezoning will *HELP ACHIEVE* Objective 8.6 because of the following:

- (1) Objective 8.6 has 6 policies. Policies 8.6.1, 8.6.5, and 8.6.6 are not relevant to the proposed rezoning.
- (2) Policy 8.6.2 states:
 - a. **“For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.**

- b. **With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.6.2 for the same reasons as for Policy 8.5.1 above.

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

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

Goal 9 has 5 objectives and 5 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 9.

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

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

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is directly related to this purpose because of the following:

- (1) The amendment should reduce the possible impact of RLAs and H-RLAs on values of neighboring structures and properties in the CR, AG-1, and AG-2 Districts.
- (2) The amendment is a temporary change to the Zoning Ordinance that allows time for a more permanent amendment to be adopted.

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- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is directly related to this purpose because of the following:

- (1) Regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area:
- a. The Illinois Department of Transportation Division of Aeronautics does not require any minimum separation to a dwelling under different ownership than the restricted landing area.
 - b. Note that Section 6.1.3 of the Zoning Ordinance already contains a standard condition for an RLA that requires the following:

No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located: 1) within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or 2) the Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.

- c. The following evidence was excerpted from item 8.S. of Case 688-S-11 (*indicates numbering from Case 688-S-11):
 - *(6) On December 13, 2012, the petitioner's attorney, Alan Singleton, submitted a list of 16 RLA's in and around Champaign County as evidence that "...all of them operating with no apparent problem for the neighborhoods and their residents." Regarding that list of RLA's in and around Champaign County and their proximities to dwellings under different ownership:

PRELIMINARY DRAFT

- * (a) Eight of the RLA's were indicated as not being located in Champaign County and six of those are located in counties that have not even adopted a zoning ordinance. A ninth RLA, the Clapper RLA, was indicated on the list as being located in Champaign County but is in fact located in Piatt County. For these properties located outside of Champaign County there was not enough time for staff to gather all of the information necessary to fully evaluate ownership and relations between adjacent properties

- * (b) Day Aero-Place was originally developed as a "residential airport" and included a runway and was therefore intended to be marketed towards owners who desired a close proximity to a landing area. Five of the 10 homes in the development border the runway and their proximity to the runway varies between 85 feet and 135 feet. See the Attachment to the Supplemental Memorandum dated 3/8/13.

- * (c) Regarding the other six RLAs and their proximity to the nearest dwelling under different ownership:
 - *i. The Justus RLA appears to be about 130 feet from the nearest dwelling that is located on a separate tax parcel however the name of the owner of that parcel also has the last name "Justus" and so it not clear exactly what the relationship is between the two landowners.

 - *ii. The Litchfield RLA appears to be about 300 feet from the nearest dwelling that is located on a separate tax parcel however the owner of that dwelling has testified in previous Champaign County Zoning Cases regarding his use of the Litchfield RLA and so the relationship is not the same as proposed in this zoning case.

 - *iii. The remaining four RLAs all appear to be at least ¼ mile from the nearest dwelling under different ownership.

- d. An RLA petitioner may propose less separation than the minimum required 1,320 feet and in that instance the ZBA will have to approve a waiver of this standard condition. Approval of a waiver of a standard condition requires a finding that such waiver is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety, and welfare.

PRELIMINARY DRAFT

- e. The proposed standard condition and special provision to require that for a Restricted Landing Area, the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area, will only be effective for a limited time not to exceed 365 days from the date of adoption and thereafter, the proposed standard condition and special provision or some modification thereof will presumably be made part of a permanent amendment to the Zoning Ordinance.
- (2) Regarding the proposed standard condition and special provision in Part A of the proposed amendment to require that that the Final Approach and Takeoff Area for a heliport- restricted landing area may be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport- restricted landing area:
- a. Relevant evidence regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that for a restricted landing area the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area is reviewed in Finding of Fact item 16.E.a. and similar considerations apply to the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport- restricted landing area except that Section 6.1.3 of the Ordinance does not require a Primary Surface or a Runway Clear Zone for a heliport-restricted land area and therefore there are no prohibitions associated with either a Primary Surface or a Runway Clear Zone for a heliport-restricted land area.
- (3) Regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that a restricted landing area (RLA) runway may be no closer than 300 feet from the nearest property under different ownership than the RLA:
- a. The proposed 300 feet separation applies to separation from both the end of an RLA runway and the edge of an RLA runway.
 - b. The minimum RLA obstruction clearance requirements enforced by the Illinois Department of Transportation Division of Aeronautics are illustrated in Illustrations G-1 and G-2 of 92 Ill. Adm. Code 14 Subpart G.
 - c. The minimum separation from a RLA runway to a property under different ownership than the RLA required by the Zoning Ordinance currently is the following:
 - (a) Clearance for the side transition area at a slope of 7 to 1 for a horizontal distance of 84 feet and a height of 12 feet. Requiring only 84 feet of separation to property under other ownership may impact the existing use of that property and also the “by right” rural residential development potential of the other property. An RLA may also parallel a street and in those situations the separation

PRELIMINARY DRAFT

between the RLA and the street should be such that landing and takeoff activities do not distract the street traffic.

- (b) The minimum required clearance at the ends of the RLA runway is 265 feet based on the required 240 feet “runway safety area” required as a standard condition in Section 6.1.3 and the minimum required front or rear yard of 25 feet required by Section 5.3. The 265 feet of horizontal separation at the end of the runway provides for a vertical clearance of only about 17 feet 8 inches beneath the approach area. If there is an electrical utility line at either end the minimum separation is 300 feet from the utility line, assuming the utility line is at least 20 feet above the ground. If there is a railroad at either end of the runway the minimum separation is 345 feet based on the minimum 23 feet of clearance over all railroads required by Illustration G-1 of 92 Ill. Adm. Code 14 Subpart G. Note that even more separation may be required depending upon the difference in topographic elevation between the RLA and the railroad.
- d. The proposed 300 feet separation to other property at both the end of an RLA runway and the edge of an RLA runway will ensure adequate separation for a typical 20 feet high electrical utility line and will reduce the impact of the RLA on neighboring land. Note that the proposed 300 feet separation also means that the minimum total width of property required for a RLA runway will be 700 feet and could not be accommodated by the typical long (half mile) narrow (660 feet) 40 acre parcel.
- e. An RLA petitioner may propose less separation than the minimum proposed 300 feet from the nearest property under different ownership than the RLA and in that instance the ZBA will have to approve a waiver of this standard condition. Approval of a waiver of a standard condition requires a finding that such waiver is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety, and welfare.
- f. The proposed standard condition and special provision to require that a restricted landing area (RLA) runway may be no closer than 300 feet from the nearest property under different ownership than the RLA, will only be effective for a limited time not to exceed 365 days from the date of adoption and thereafter, the proposed standard condition and special provision or some modification thereof will presumably be made part of a permanent amendment to the Zoning Ordinance.

PRELIMINARY DRAFT

- (4) Regarding the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 300 feet from the nearest property under different ownership than the heliport- restricted landing area:
- a. Relevant evidence regarding the proposed standard condition and special provision in Part B of the proposed amendment to require that a restricted landing area (RLA) runway may be no closer than 300 feet from the nearest property under different ownership than the RLA is reviewed in Finding of Fact item 16.E.c. and similar considerations apply to the proposed standard condition and special provision in Part A of the proposed amendment to require that for a heliport- restricted landing area the Final Approach and Takeoff Area shall be no closer than 300 feet from the nearest property under different ownership than the heliport- restricted landing area except that there is no side transition for a heliport- restricted land area nor is there a runway safety area required by Section 6.1.3 of the Ordinance for a heliport-restricted land area.
 - b. Note that the proposed 300 feet separation provides for a vertical clearance of about 37 feet 6 inches beneath the approach/ takeoff path for a restricted landing area heliport.
- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.
- The proposed amendment is not directly related to this purpose.
- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.
- The proposed amendment is not directly related to this purpose.
- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.
- The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).
- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

PRELIMINARY DRAFT

The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is directly related to this purpose to the same extent as paragraph 2.0 (e).

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is directly related to this purpose to the same extent as LRMP Goal 8. See item 13 of the Finding of Fact.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage 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 amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **January 16, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 8:**
 - **Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal it, will *HELP ACHIEVE* the following:
 - **Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 18.A.(2)).**
 - **Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (see Item 18.A.(3)).**
 - **Objective 8.6 that avoids loss or degradation of habitat** because it will *HELP 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 18.B.(2)).**
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* **Goal 8 Natural Resources.**
 - B. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):
 - **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 4 Agriculture**
 - **Goal 5 Urban Land Use**
 - **Goal 6 Public Health and Safety**
 - **Goal 7 Transportation**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
 - C. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because:
 - The proposed text amendment *WILL* conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b); see Item 16.B.).
 - The proposed text amendment *WILL* promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e); see Item 16.E.).

- The proposed text amendment ***WILL*** regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures (Purpose 2.0 (h); see Item 16.H.).
- The proposed text amendment ***WILL*** classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses (Purpose 2.0 (i); see Item 16.I.).
- The proposed text amendment ***WILL*** divide 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 (Purpose 2.0 (j); see Item 16.J.).
- The proposed text amendment ***WILL*** fix regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (k); see Item 16.K.).
- The proposed text amendment ***WILL*** prohibit uses, buildings, or structures incompatible with the character of such districts (Purpose 2.0 (l); see Item 16.L.).
- The proposed text amendment ***WILL*** protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0 (n); see Item 16.N.).
- The proposed text amendment ***WILL*** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) see Item 16.O.).

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated January 8, 2014, with Attachments:
(list attachments to memorandum will be added as listed in the memorandum)

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 768-AT-13** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

A. In Section 6.1.3 revise the use category “HELIPORTS or HELIPOINT/RESTRICTED LANDING AREAS” to “HELIPORT or HELIPOINT/RESTRICTED LANDING AREA” and revise the Explanatory or Special Provisions to read as follows:

- (1) Must meet the requirements for “Approach and Departure Protection Areas” of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and requirements of the Illinois Department of Transportation, Division of Aeronautics. HELIPORTS atop BUILDINGS are exempt from the minimum area standard.

The following standard conditions apply only to a heliport-restricted landing area and shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (2) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 800 linear feet measured outward from the end of the Final Approach and Takeoff Area in the approach/takeoff path, and 500 linear feet measured outward from the side edge of the Final Approach and Takeoff Area.
- (3) No part of the approach/ takeoff path may be less than 100 feet above the nearest CR DISTRICT.
- (4) No part of the Final Approach and Takeoff Area may be closer than 1,320 feet from the nearest DWELLING under different ownership than the HELIPOINT-RESTRICTED LANDING AREA.
- (5) No part of the Final Approach and Takeoff Area may be closer than 300 feet from the nearest PROPERTY under different ownership than the HELIPOINT-RESTRICTED LANDING AREA.

B. In Section 6.1.3 revise the use category “RESTRICTED LANDING AREAS” to “RESTRICTED LANDING AREA” and revise the Explanatory or Special Provisions to read as follows:

- (1) Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.
- (2) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
- (3) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located: 1) within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or 2) the Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the Primary Surface.

- (4) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.

The following standard conditions shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (5) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.
- (6) No part of the approach surface may be less than 100 feet above the nearest CR DISTRICT.
- (7) No part of the runway may be closer than 1,320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.
- (8) No part of the runway may be closer than 300 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.

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CHAMPAIGN CO. P & Z DEPARTMENT

**Restricted Landing Areas In and Around Champaign County
(as reflected on the attached Sectional Charts)**

1. Day Aero-Place – Champaign County
2. Busboom – Champaign County
3. Justus – Champaign County
4. Wilson – Vermilion County
5. Schmidt/Rash – Champaign County
6. McCully – Champaign County
7. Lictchfield – Champaign County
8. Clapper – Champaign County
9. Van Gorder – Piatt County
10. Tripple Creek – Piatt County
11. Cooch – Douglas County
12. Mayhall – Vermilion County
13. Trisler – Vermilion County
14. Hildreth – Vermilion County
15. Cast – Vermilion County
16. Routh – Champaign County

CHICAGO SECTIONAL

SECTIONAL AERONAUTICAL CHART SCALE 1:500,000



NORTH

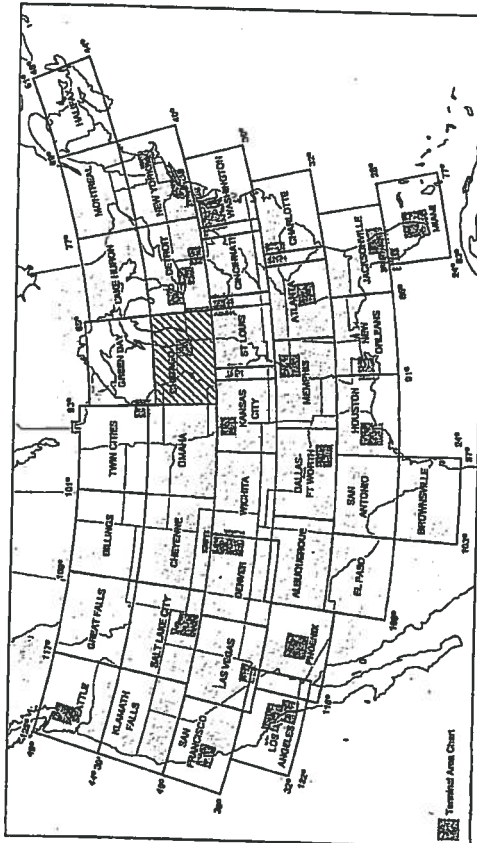


Federal Aviation
Administration

**82ND EDITION EFFECTIVE 0901Z 5 MAY 2011
TO 0901Z 20 OCT 2011**

Includes airspace amendments effective **5 MAY 2011**
and all other aeronautical data received by **10 MAR 2011**

Information on this chart will change; consolidated updates of chart changes are available every 56 days in the AIRPORT/FACILITY DIRECTORY Chart Bulletin section (online at <http://aeronav.faa.gov>). Also consult appropriate NOTICES TO AIRMEN (NOTAMs) and other FLIGHT INFORMATION PUBLICATIONS (FLIPs) for the latest changes.



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Warning: Refer to current foreign charts and flight information publications for information within foreign airspace.

ST LOUIS SECTIONAL

SECTIONAL AERONAUTICAL CHART SCALE 1:500,000



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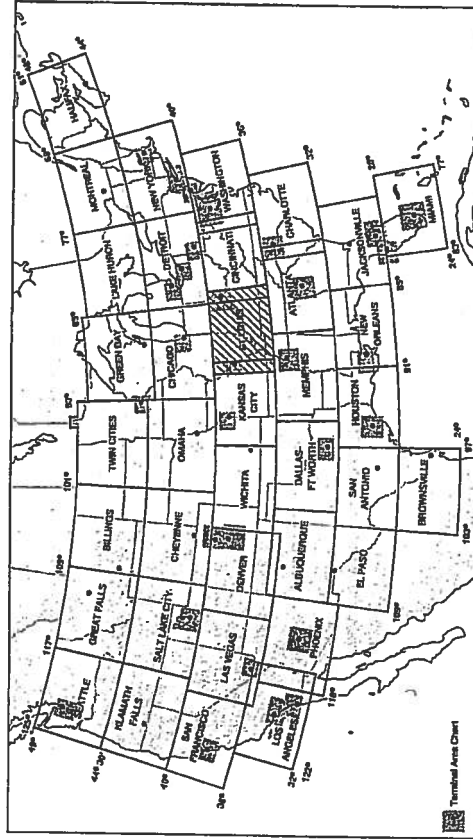


Federal Aviation
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**84TH EDITION EFFECTIVE 0901Z 30 JUN 2011
TO 0901Z 15 DEC 2011**

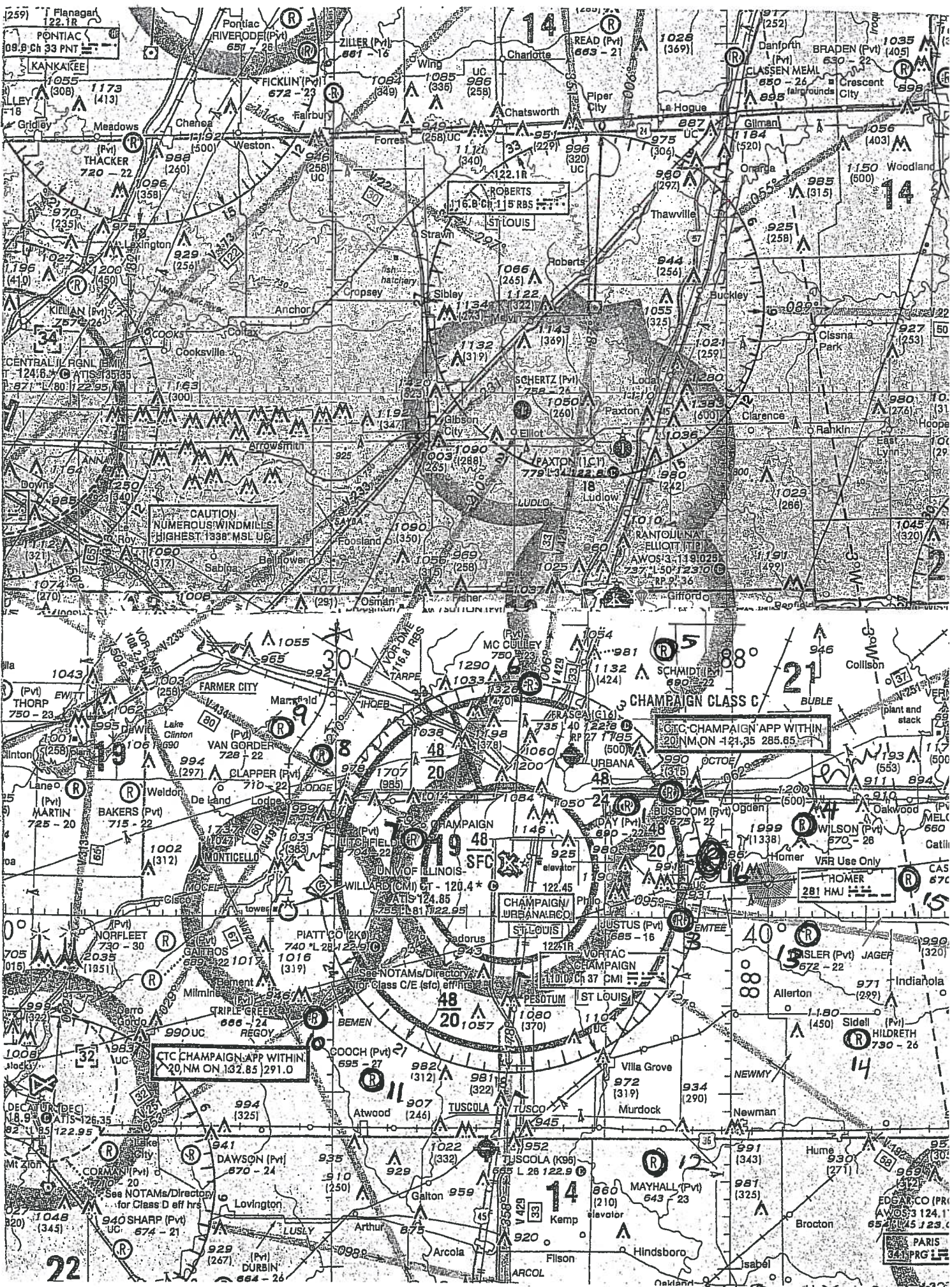
Includes airspace amendments effective **30 JUN 2011**
and all other aeronautical data received by **5 MAY 2011**

Information on this chart will change; consolidated updates of chart changes are available every 56 days in the AIRPORT/FACILITY DIRECTORY Chart Bulletin section (online at <http://aeronav.faa.gov>). Also consult appropriate NOTICES TO AIRMEN (NOTAMs) and other FLIGHT INFORMATION PUBLICATIONS (FLIPs) for the latest changes.



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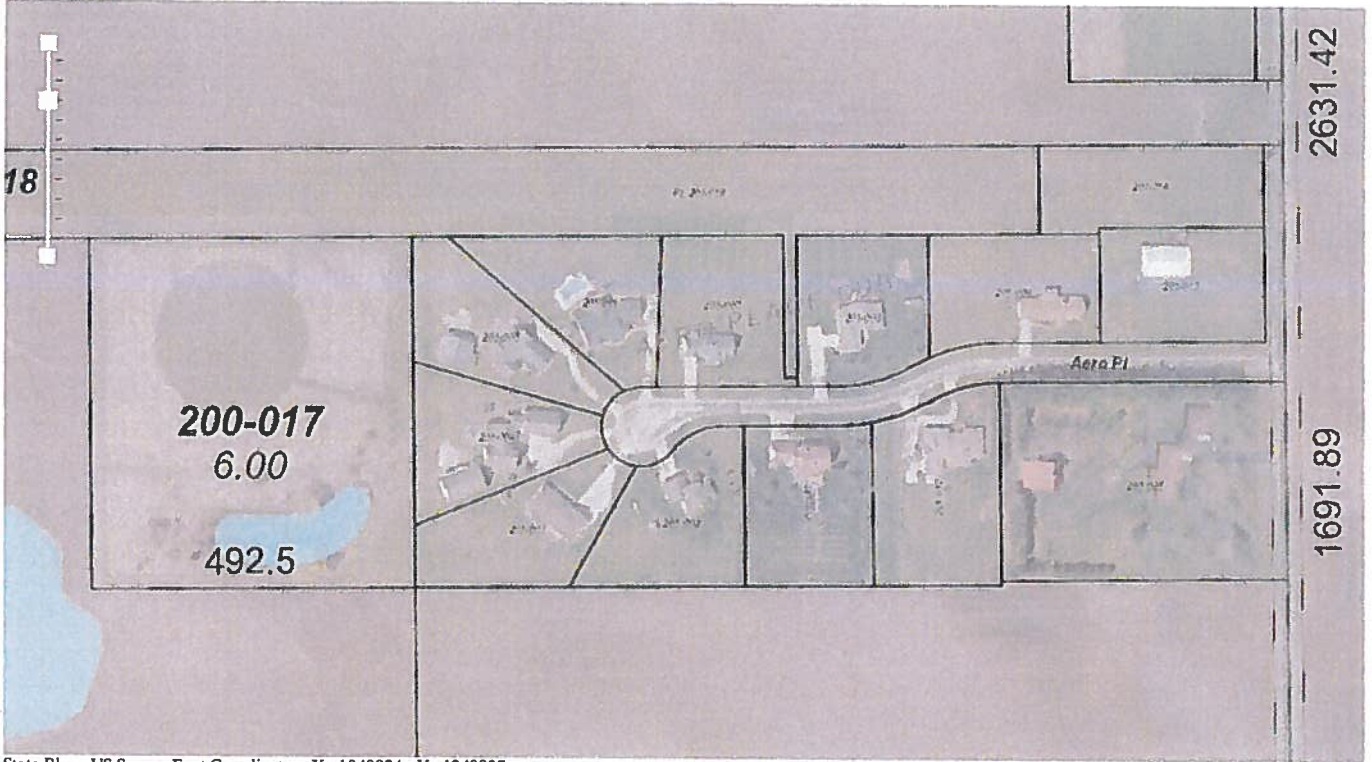
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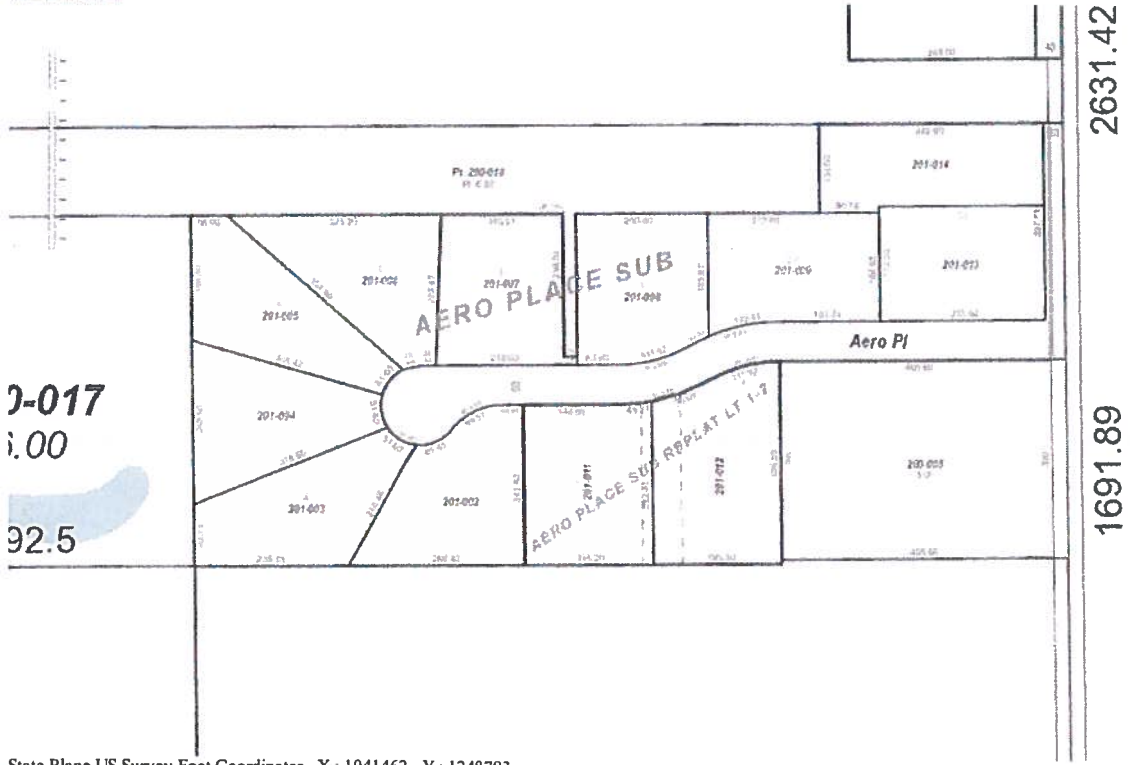
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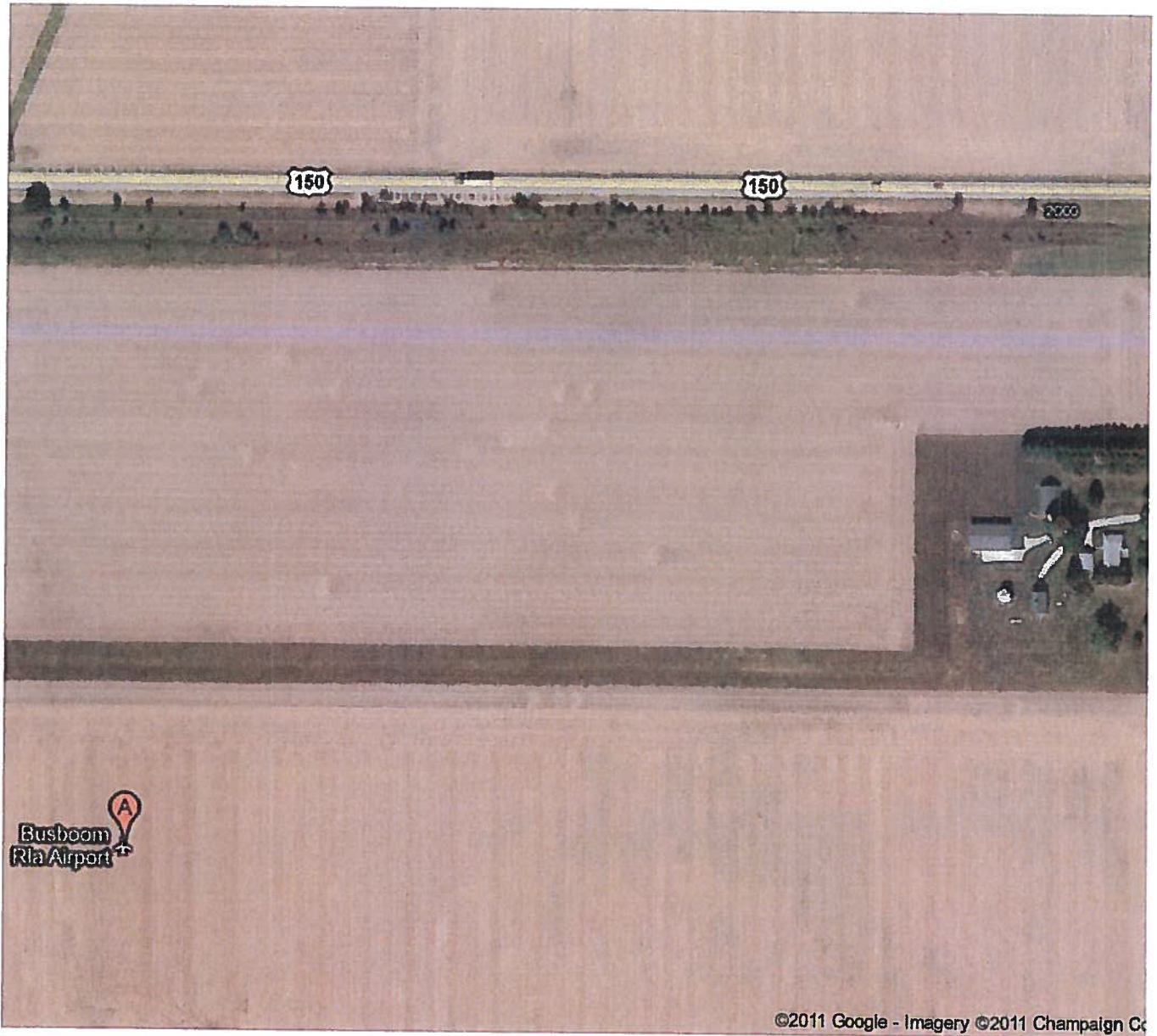
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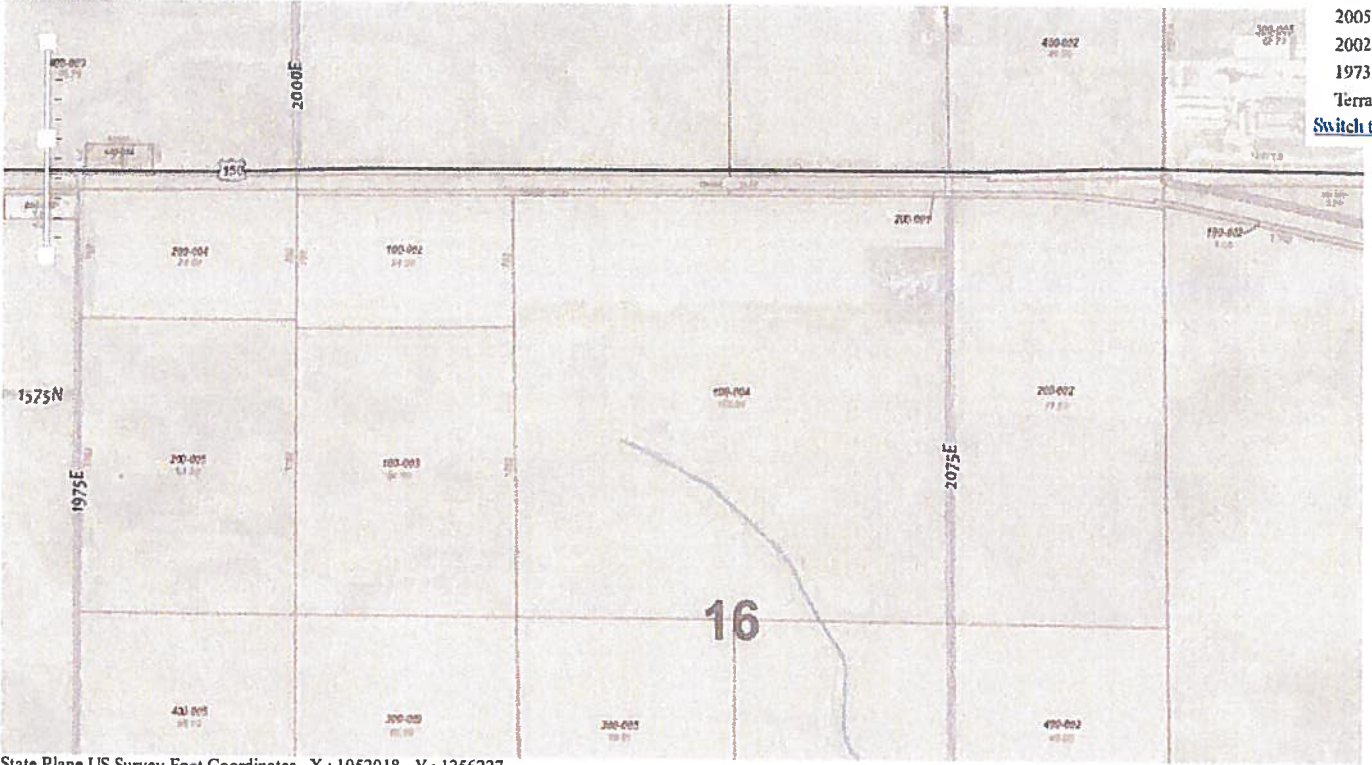
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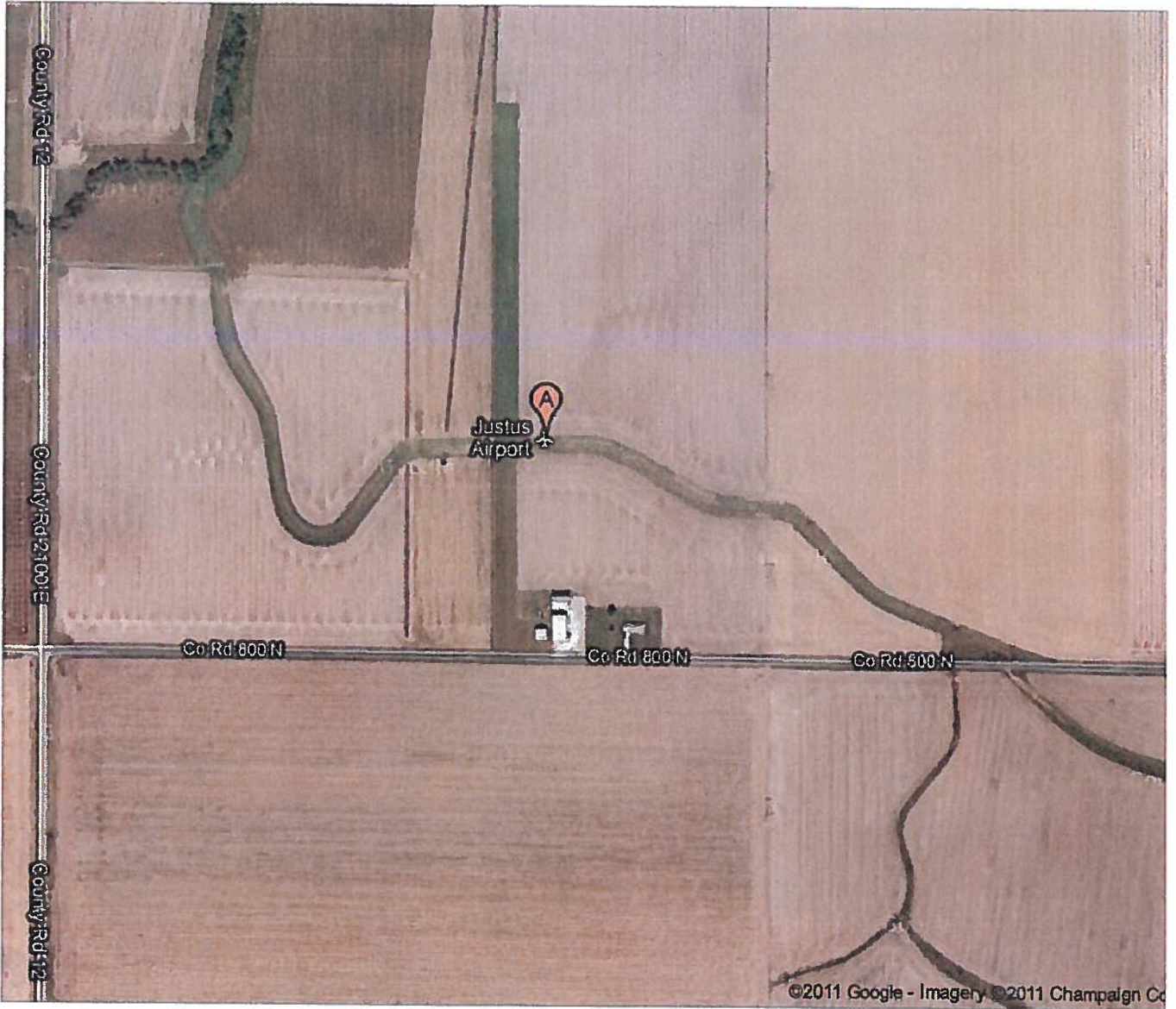
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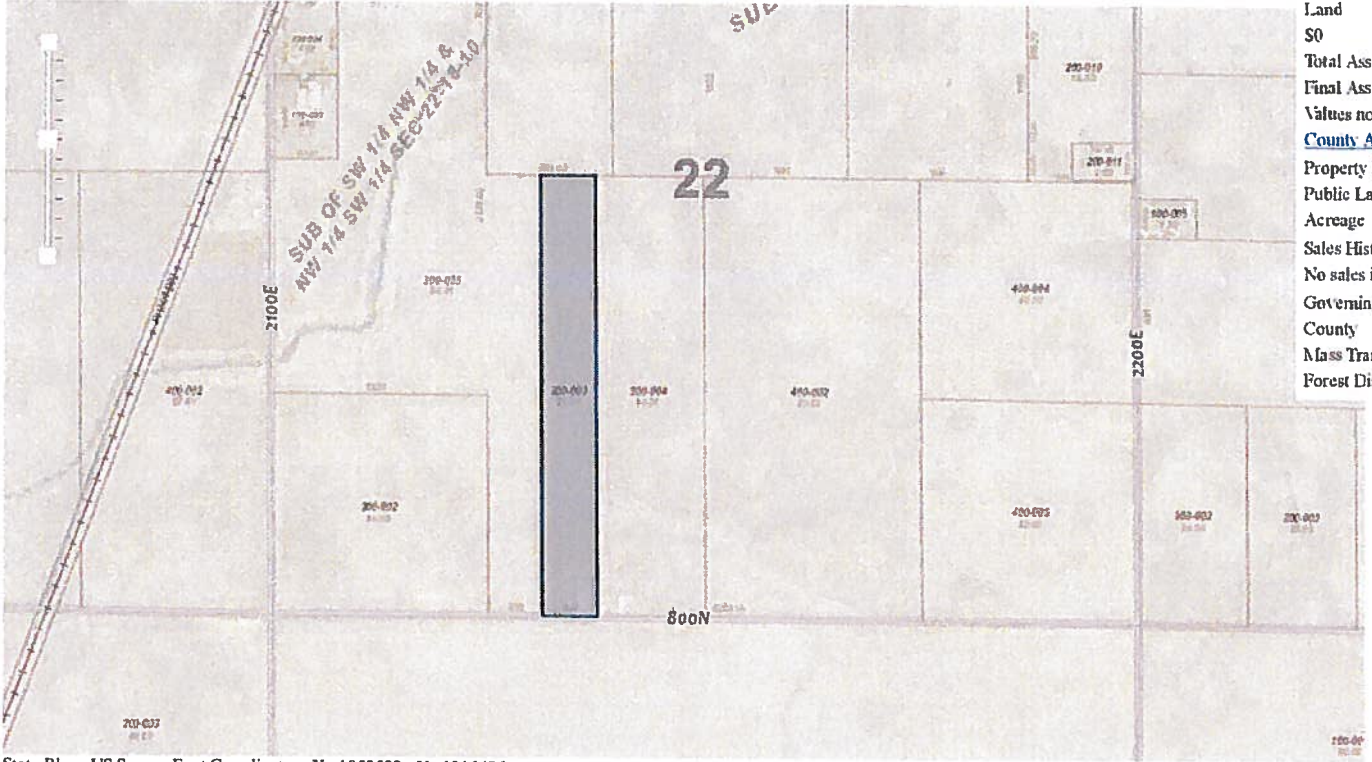
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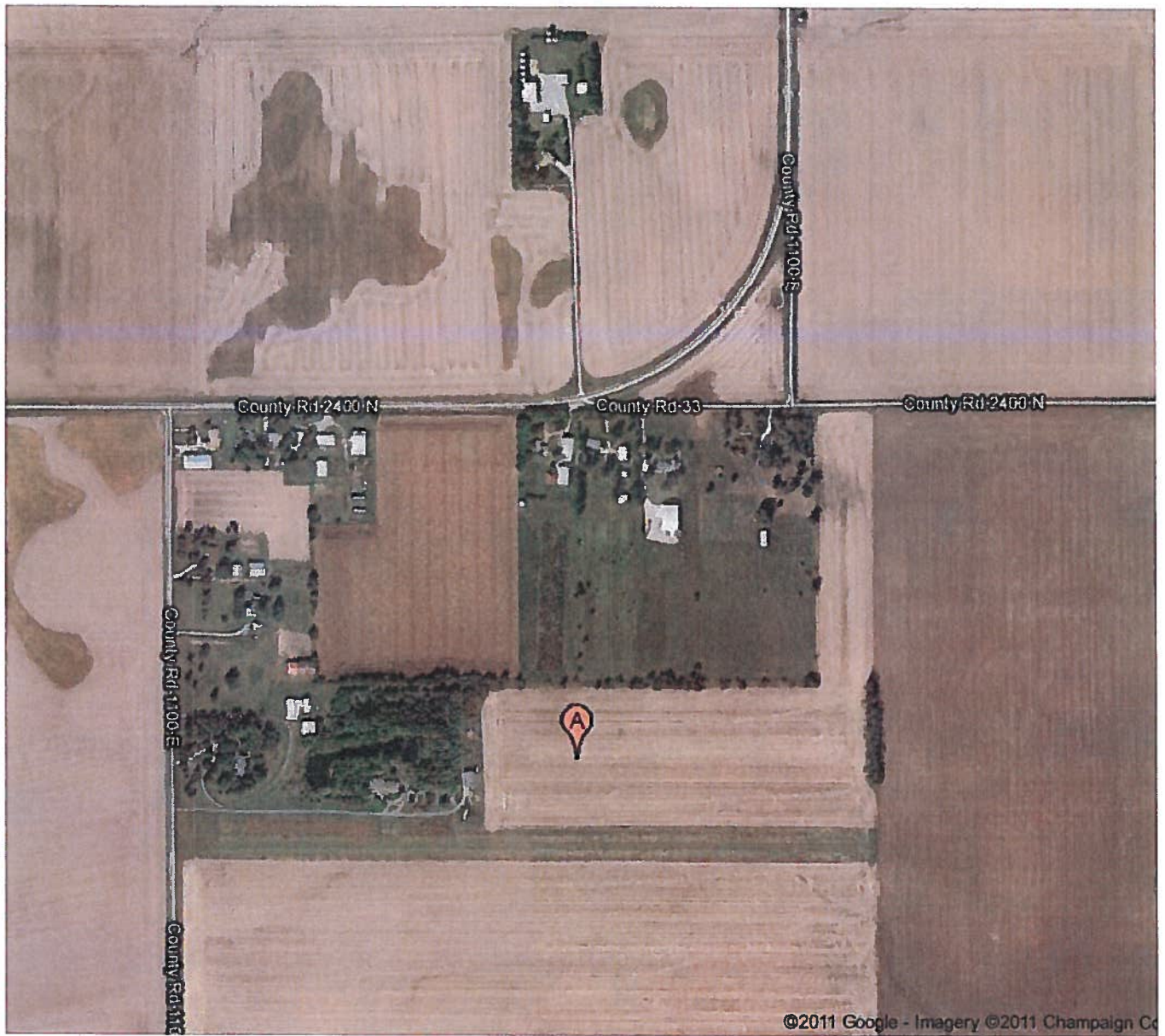
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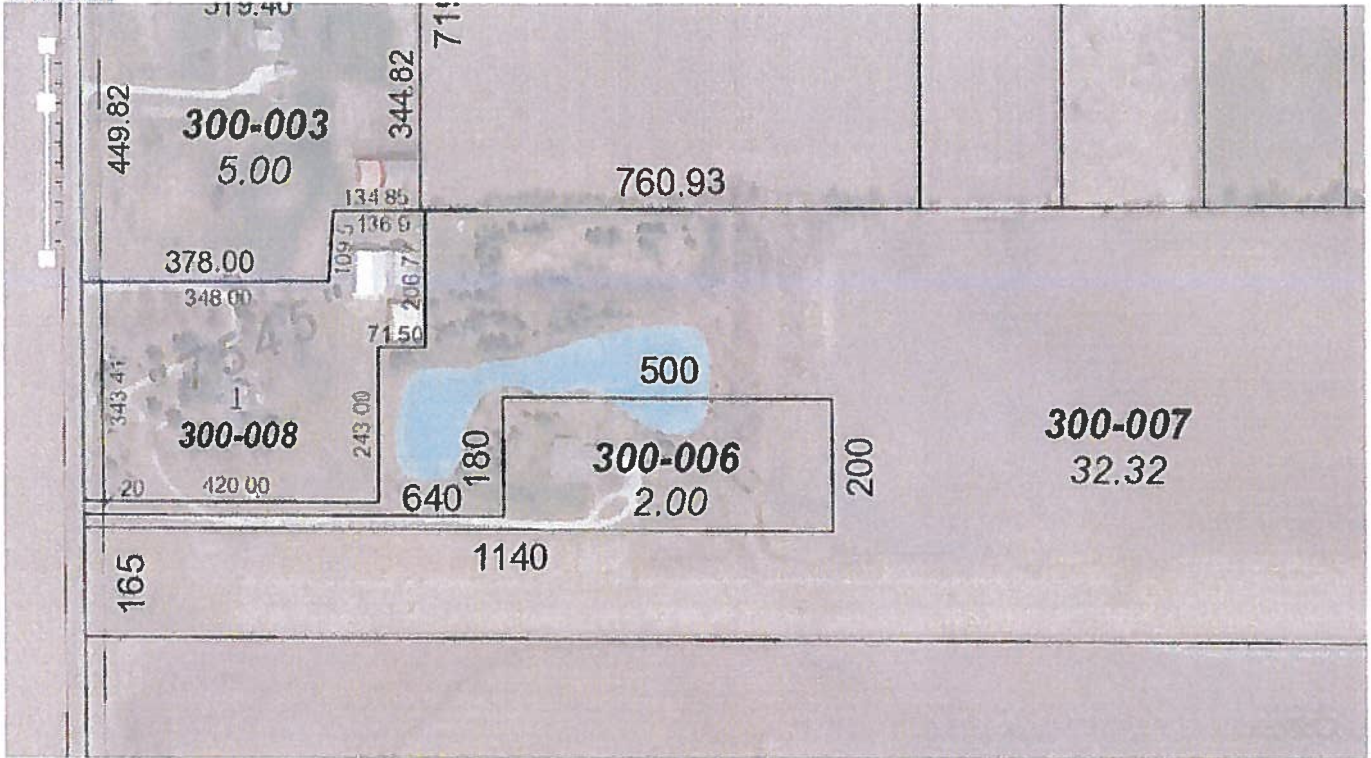




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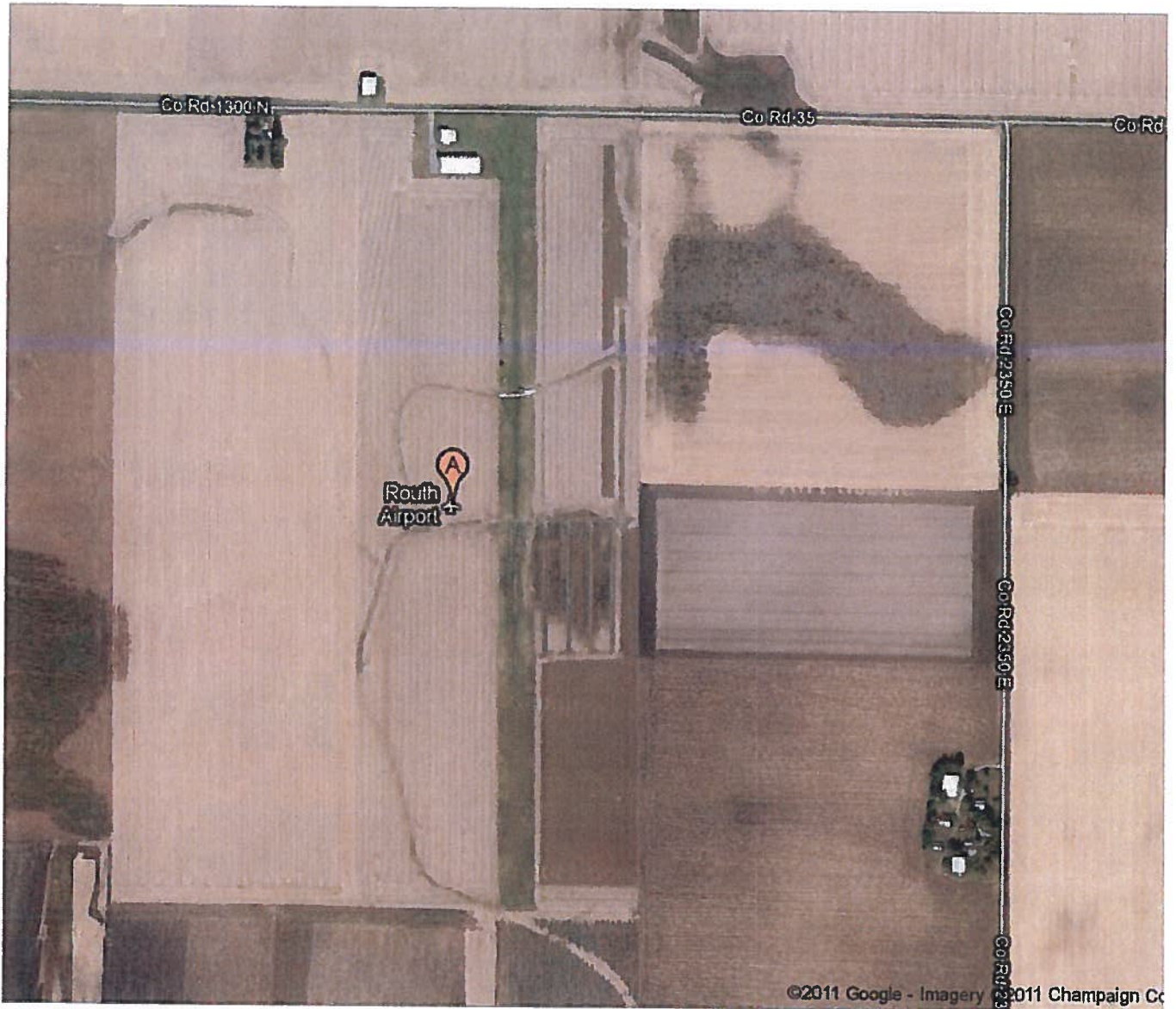


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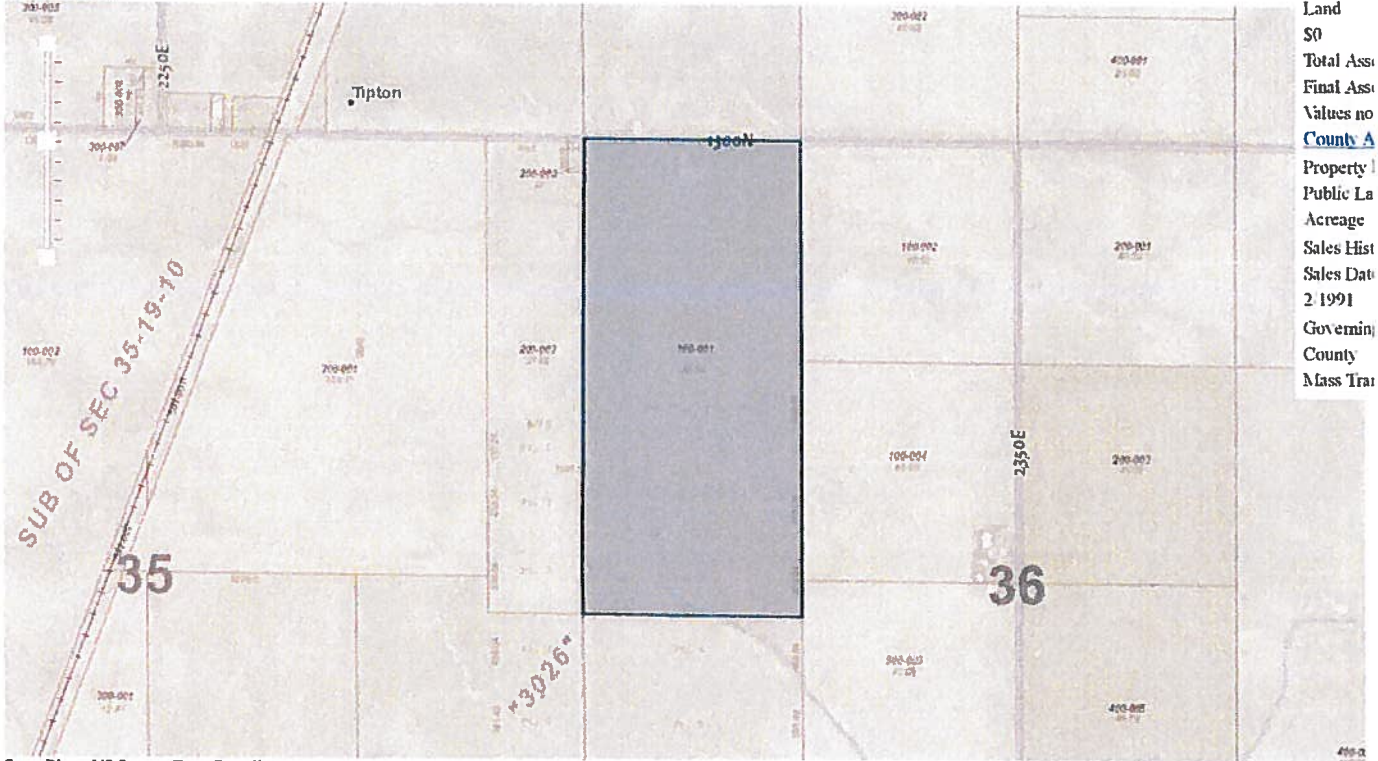


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Aviation

SAFETY RULES

EFFECTIVE JANUARY 26, 2004



SUBPART G: RESTRICTED LANDING AREAS

Section 14.700 Restricted Landing Area Classification

Restricted Landing Areas (RLAs) shall be classified as private-use only. For the purposes of this Subpart G, the word RLA includes RLAs utilizing aircraft having STOL capabilities. An RLA shall provide a landing area sufficient for a safe operation, taking into consideration the type of aircraft to be used and the skill level of the pilots using the RLA. The minimum standards for the establishment, management or operation of RLAs shall be in accordance with this Subpart G, including the minimum dimensional standards as shown in Illustrations G-1 and G-2.

Section 14.710 Application for Certificate of Approval

- a) New RLAs. The Division will issue a Certificate of Approval for an RLA in accordance with Section 14.115, taking into consideration:
 - 1) the RLA's proposed location;
 - 2) the RLA's size and layout;
 - 3) the relationship of the proposed RLA to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed RLA will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart G, including Illustrations G-1 and G-2. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an RLA in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an RLA extension or alteration that requires a modification of the Certificate of Approval in accordance with Section 14.120(b).

Section 14.720 Design and Layout Requirements

The minimum RLA design and layout requirements shall be in accordance with the standards and limitations shown in Illustrations G-1 and G-2.

Section 14.730 Obstructions

Minimum RLA obstruction clearance standards shall be in accordance with Illustration G-1. In order for an RLA to be eligible for a Certificate of Approval under this Part, an RLA must initially and continually be free of obstructions (e.g., trees, power lines) on all runways or landing strips within the glide ratio and height limitations shown in Illustration G-1.

Section 14.740 Facilities

Every RLA shall provide:

- a) Wind direction/velocity indicator (must be lighted for night use); and
- b) Clearly marked thresholds and/or displaced thresholds visible from 1500' above ground level (AGL) as shown in Illustration G-3.

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

The holder of a Certificate of Approval for an RLA or his authorized agent has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Illustration G-4.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the RLA in the interest of safety.
- c) Maintain the landing area and approaches so as to permit safe operation in accordance with original certification standards.
- d) Ensure that the RLA has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, a reliable secondary number where the Certificate Holder or his designee can be reached shall be available. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- e) Furnish the Division, upon request, with information concerning aircraft using the RLA as an operating base, persons exercising managerial or supervisory functions at the RLA, accidents and the nature and extent of aeronautical activity occurring at the RLA.
- f) Obliterate all signs and markings that might indicate that the RLA is still operating as such, prior to the Division issuing an Order closing the RLA, in accordance with Section 14.120(c).

Section 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas

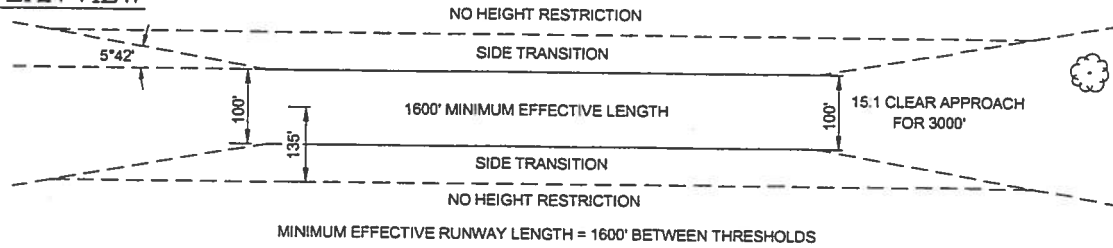
- a) Whenever a fly-in event (more than six aircraft) is staged or held at any RLA, it shall be the responsibility of the Certificate Holder to:
 - 1) Provide, install, display and maintain clearly visible "Closed Runway" X markers, in accordance with Illustration G-4 (each of the four arms of each such X marker must be at least 60 feet long and at least 10 feet wide and of a color (preferably yellow) to contrast with the background on which it is installed).
 - A) Keep X markers in place at all times during the course of the event at or near each end of each landing strip or runway, other than the active landing strip or runway, to prevent mistaken or inadvertent use for landing.
 - B) Keep X markers in place at or near each end of the active landing strip or runway when all aircraft that can be accommodated have landed; or, where field, spectator, weather conditions or departure of aircraft on the ground shall render further landing of aircraft hazardous.
 - 2) Provide personnel to guide landed aircraft to and from the aircraft parking area and provide, designate and regulate parking of aircraft, automobiles or other vehicles in a safe manner.
 - 3) Provide and designate by readily discernible markings, landing strips or runways and taxiing space for landings and takeoffs, and aircraft movement on the ground during the course of the event. Landing strips or runways and taxiing space must be kept clear of persons, vehicles, animals and aircraft on the ground that are not taking off, landing or taxiing. In the event that any landing strip or runway, and any taxiing space, shall be approximately parallel, there shall be a clear minimum distance of 100 feet between their adjacent edges. Participating aircraft shall not be permitted to park closer than 100 feet to the edge-designating marker of a landing strip or runway used or designated for such use during the course of the event.
- b) It shall be the responsibility of the pilot of each aircraft participating in a fly-in event to look for and abide by:
 - 1) any restrictions displayed;
 - 2) "Closed Runway" X markers; and
 - 3) all taxiing and parking directions.

Section 14.770 Restrictions on Use

For restrictions on use see Table G-1.

ILLUSTRATION G-1 Restricted Landing Areas Minimum Dimensional Standards

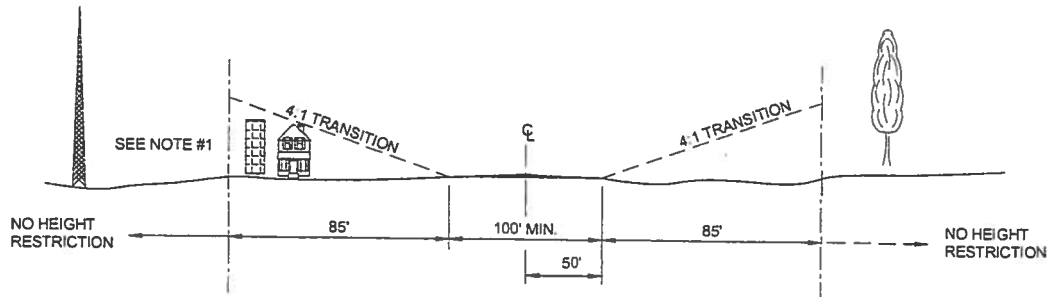
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



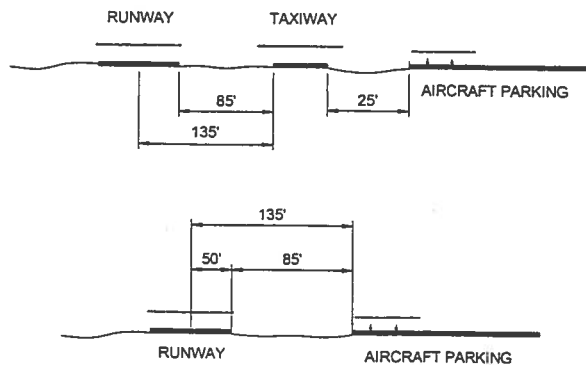
RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



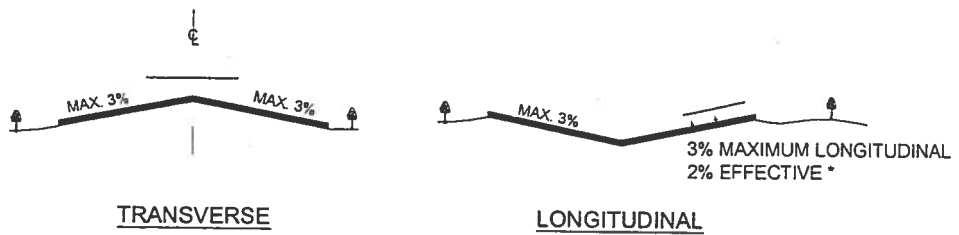
- NOTES:**
1. NO PENETRATIONS TO 4:1 SIDE TRANSITION SURFACES FOR 135' FROM CENTERLINE
 2. NO PENETRATIONS TO 15:1 RUNWAY APPROACHES.
 3. NO CROPS 50' EACH SIDE OF CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES:
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATES.
 - 23' CLEARANCE OVER ALL RAILROADS.

ILLUSTRATION G-2 Restricted Landing Areas Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

SUBPART H: HELIPORTS/VERTIPOINTS

Section 14.800 Heliport/Vertiport Classification

Heliports and Vertiports shall be classified as public-use or private-use. They may be designated as a Hospital Heliport, Helistop, Heliport, Vertiport or Vertistop. For purposes of this Subpart H, the word "heliport" includes vertiports, vertistops and helistops. The minimum standards for the establishment, management or operation of heliports shall be in accordance with this Subpart H, including the minimum dimensional standards shown in Illustrations H-1, H-2, H-3 and Table H-1.

Section 14.810 Application for Certificate of Approval

- a) New Heliports. The Division will issue a Certificate of Approval for a heliport in accordance with Section 14.115, taking into consideration:
 - 1) the heliport's proposed location;
 - 2) the heliport's size and layout;
 - 3) the relationship of the proposed heliport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed heliport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart H, including Illustrations H-1, H-2, H-3 and Table H-1. (See Section 48 of the Act.)
- b) Transfer of Certificate. The Division will issue a new Certificate of Approval for the transfer of a heliport in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of a heliport extension or alteration that requires a modification to the Certificate of Approval in accordance with Section 14.120(b). For purposes of this Section the phrase, "extension or alteration" shall include the following:
 - 1) physical relocation of the FATO by more than 100' laterally or 25' vertically from the original certificated location;
 - 2) change in any approach/takeoff path by more than 30 degrees; or
 - 3) construction of one or more additional FATOs or TLOFs. (See Section 47 of the Act.)

Section 14.820 Design and Layout Requirements

Every heliport is required to have two defined approach/takeoff paths a minimum of 90° apart. Minimum heliport design and layout requirements shall be in accordance with the standards and limitations shown in Illustrations H-1, H-2 and H-3, and described in Table H-1.

Section 14.830 Obstructions

Minimum heliport obstruction clearance standards shall be in accordance with Illustration H-4. In order to be eligible for a Certificate of Approval under this Part, a heliport must initially and continually be free of obstructions (e.g., power poles, trees, fencing, etc.) on all approach/takeoff paths within the glide ratio and height limitations shown in Illustration H-4.

Section 14.840 Heliport Marking

Every heliport shall be marked so that the usable landing area is clearly defined as observed from an altitude of 500' AGL, in accordance with Illustrations H-5, H-6 and H-7.

Section 14.850 Facilities

Every heliport shall provide at least the minimum facilities as prescribed in Table H-2.

Section 14.860 Responsibility of a Public-Use Heliport Certificate Holder

The holder of a Certificate of Approval for a public-use heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL, and notify the appropriate FAA-FSS.
- b) Supervise or cause the supervision of all aeronautical activity in connection with, and in conformity with, the limitations prescribed in this Subpart H for a heliport.
- c) Have authorized personnel in attendance at the heliport at all times during published business hours (excluding helistops). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee

address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.

- e) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- h) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

Section 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder

The holder of a Certificate of Approval for a private-use heliport, restricted landing area heliport or hospital heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the heliport in the interest of safety.
- c) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- d) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the heliport and approaches are free from hazards to the operation of aircraft.

- f) Furnish the Division, upon request, with information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- g) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

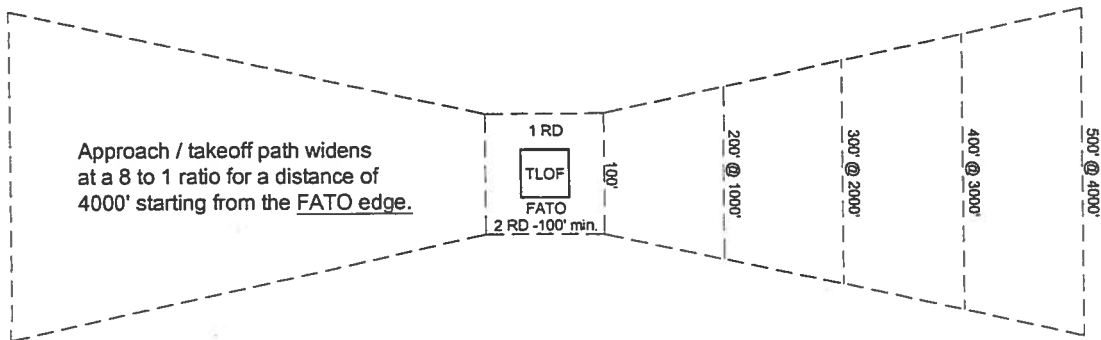
Section 14.880 Restrictions on Use

For restrictions on use see Table H-3.

ILLUSTRATION H-2 Restricted Landing Area Heliport Minimum Dimensional Standards

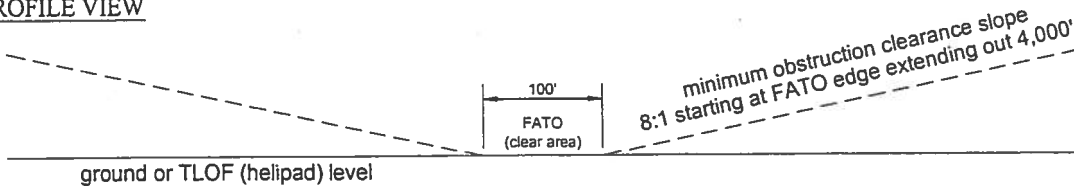
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED
(MINIMUM OF 90° REQUIRED)

PLAN VIEW



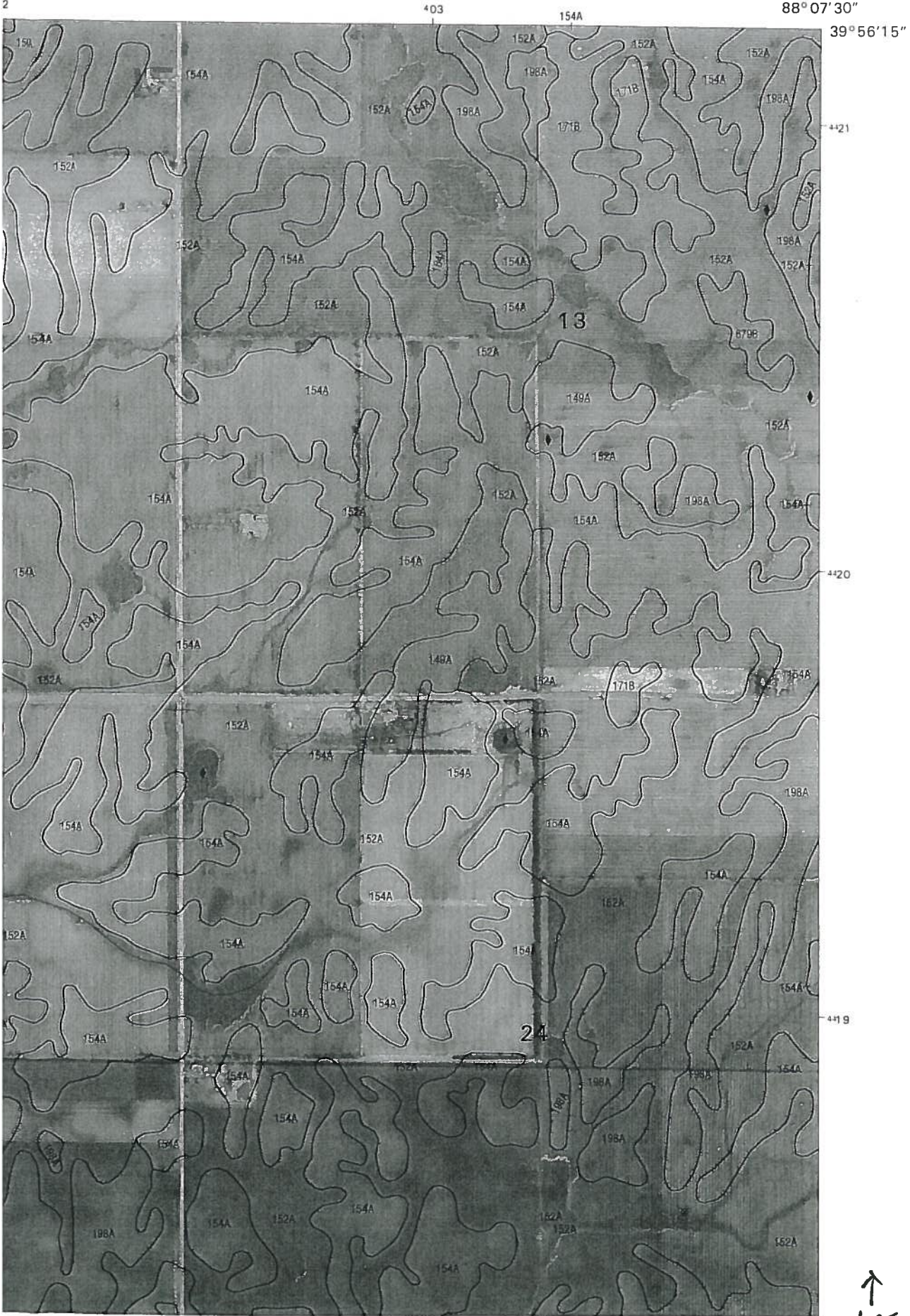
NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

CHAMPAIGN COUNTY, ILLINOIS
VILLA GROVE NW SE QUADRANGLE
SHEET NUMBER 82 OF 85



Forestland

When the first settlers arrived in the survey area, forests covered about 6 percent of the land (Iverson and others, 1989). Since that time, most of the trees have been cleared from the areas that are the most suitable for cultivation.

By 1997, only 5,330 acres, or less than 1 percent of the acreage in the county, was forested (USDA, 1997). Most of the forestland acreage is privately owned. The major woodland species are oaks, hickories, elms, ashes, and maples, especially soft maple. The rest of the forestland is mainly in areas that have some type of severe limitation affecting their use for cultivated crops. If properly managed, the soils in these forested areas are generally well suited to growing high-quality trees. The largest areas of forestland are along the major streams in the county, such as the Sangamon River and the Middle Fork Vermilion River.

The productivity of many of the remaining forestland stands could be improved with proper management. Management measures needed in these areas are those that exclude livestock from the stands and that protect the stands from fire, insects, and diseases. Using proper logging methods and proven silvicultural practices that enhance growth and regeneration are also needed.

Forestland Management and Productivity

Information about the productivity and management of the forested map units in the county is given in table 11. This table can be used by forest managers in planning the use of the soils for wood crops. Only the soils that are suitable for wood crops are listed.

In table 11, *slight*, *moderate*, and *severe* indicate the degree of the major soil limitations to be considered in management.

Erosion hazard is the probability that damage will occur as a result of site preparation and cutting where the soil is exposed along roads, skid trails, and fire lanes and in log-handling areas. Forests that have been burned or overgrazed also are subject to erosion. Ratings of the erosion hazard are based on the percent of the slope. A rating of *slight* indicates that no

particular prevention measures are needed under ordinary conditions. A rating of *moderate* indicates that erosion-control measures are needed in certain silvicultural activities. A rating of *severe* indicates that special precautions are needed to control erosion in most silvicultural activities.

Equipment limitation reflects the characteristics and conditions of the soil that restrict use of the equipment generally needed in forestland management or harvesting. The chief characteristics and conditions considered in the ratings are slope, stones on the surface, rock outcrops, soil wetness, and texture of the surface layer. A rating of *slight* indicates that under normal conditions the kind of equipment and season of use are not significantly restricted by soil factors. Soil wetness can restrict equipment use, but the wet period does not exceed 1 month. A rating of *moderate* indicates that equipment use is moderately restricted because of one or more soil factors. If the soil is wet, the wetness restricts equipment use for a period of 1 to 3 months. A rating of *severe* indicates that equipment use is severely restricted either as to the kind of equipment that can be used or the season of use. If the soil is wet, the wetness restricts equipment use for more than 3 months.

Seedling mortality refers to the death of naturally occurring or planted tree seedlings, as influenced by the kinds of soil, soil wetness, or topographic conditions. The factors used in rating the soils for seedling mortality are texture of the surface layer, depth to a seasonal high water table and the length of the period when the water table is high, rock fragments in the surface layer, effective rooting depth, and slope aspect. A rating of *slight* indicates that seedling mortality is not likely to be a problem under normal conditions. Expected mortality is less than 25 percent. A rating of *moderate* indicates that some problems from seedling mortality can be expected. Extra precautions are advisable. Expected mortality is 25 to 50 percent. A rating of *severe* indicates that seedling mortality is a serious problem. Extra precautions are important. Replanting may be necessary. Expected mortality is more than 50 percent.

Windthrow hazard is the likelihood that trees will be

uprooted by the wind because the soil is not deep enough for adequate root anchorage. The main restrictions that affect rooting are a seasonal high water table and the depth to bedrock, a fragipan, or other limiting layers. A rating of *slight* indicates that under normal conditions no trees are blown down by the wind. Strong winds may damage trees, but they do not uproot them. A rating of *moderate* indicates that some trees can be blown down during periods when the soil is wet and winds are moderate or strong. A rating of *severe* indicates that many trees can be blown down during these periods.

Plant competition ratings indicate the degree to which undesirable species are expected to invade and grow when openings are made in the tree canopy. The main factors that affect plant competition are depth to the water table and the available water capacity. A rating of *slight* indicates that competition from undesirable plants is not likely to prevent natural regeneration or suppress the more desirable species. Planted seedlings can become established without undue competition. A rating of *moderate* indicates that competition may delay the establishment of desirable

species. Competition may hamper stand development, but it will not prevent the eventual development of fully stocked stands. A rating of *severe* indicates that competition can be expected to prevent regeneration unless precautionary measures are applied.

The *potential productivity* of merchantable or *common trees* on a soil is expressed as a *site index* and as a *volume* number. The site index is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. Commonly grown trees are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability.

The *volume*, a number, is the yield likely to be produced by the most important trees. This number, expressed as cubic feet per acre per year, indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

Suggested trees to plant are those that are suitable for commercial wood production.

Table 11.--Forestland Management and Productivity--Continued

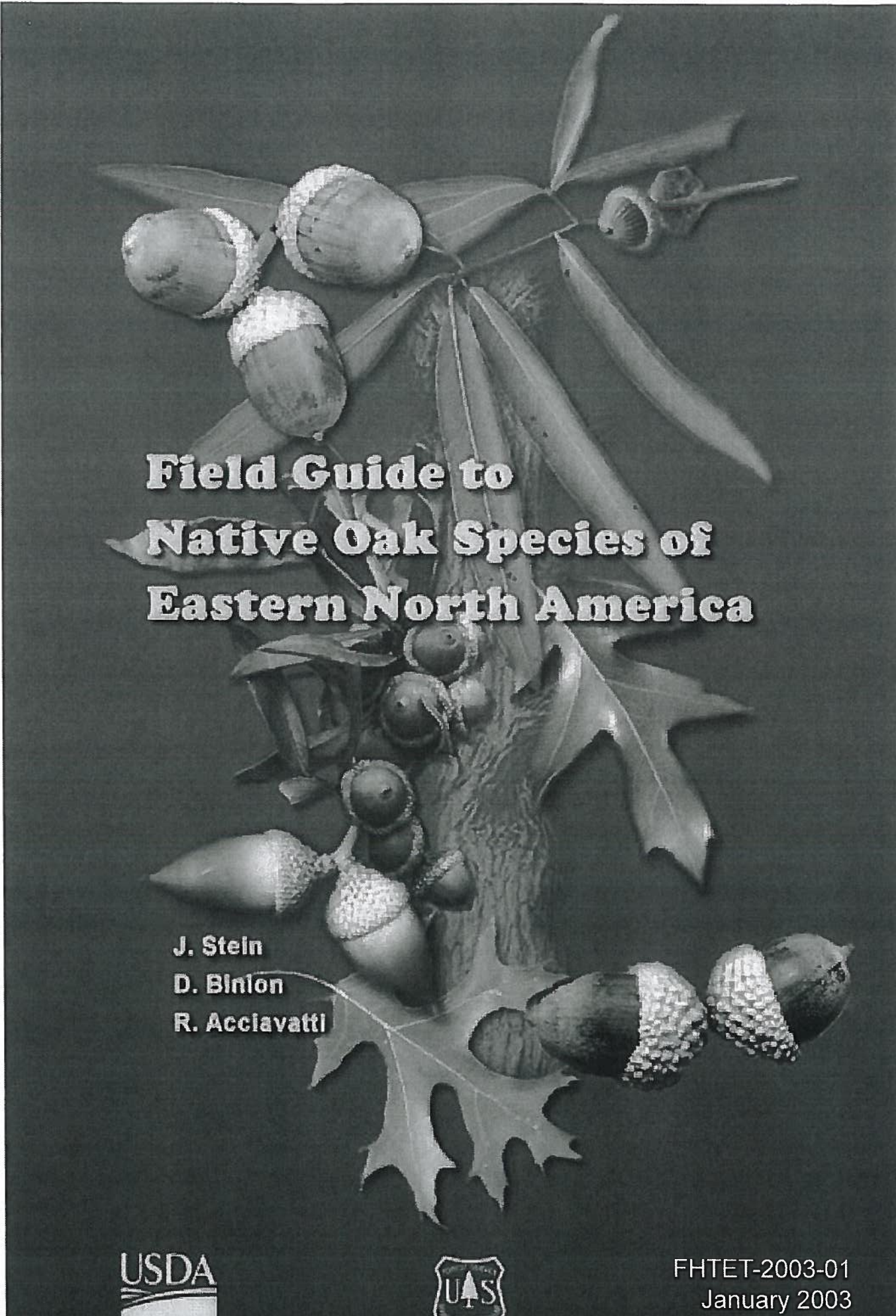
Map symbol and soil name	Management concerns					Potential productivity			Suggested trees to plant
	Erosion hazard	Equip-ment limita-tion	Seedling mortal-ity	Wind-throw hazard	Plant competi-tion	Common trees	Site index	Volume of wood fiber*	
530B: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak--- Sugar maple----- White ash----- American basswood---	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
530C2: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak--- Sugar maple----- White ash----- American basswood---	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
530D2: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak--- Sugar maple----- White ash----- American basswood---	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
530E2: Ozaukee-----	Moderate	Moderate	Slight	Moderate	Severe	Northern red oak--- Sugar maple----- White ash----- American basswood---	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
570B: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	80 76 98	57 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
570C2: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	80 76 98	57 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
570D2: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	80 76 98	57 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.

See footnote at end of table.

Table 11.--Forestland Management and Productivity--Continued

Map symbol and soil name	Management concerns					Potential productivity			Suggested trees to plant
	Erosion hazard	Equip-ment limita-tion	Seedling mortal-ity	Wind-throw hazard	Plant competi-tion	Common trees	Site index	Volume of wood fiber*	
618B: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618C2: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618D2: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618E2: Senachwine-----	Moderate	Moderate	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, green ash, white ash, eastern white pine.
618F: Senachwine-----	Moderate	Moderate	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, green ash, white ash, eastern white pine.
680B: Campton-----	Slight	Slight	Slight	Slight	Severe	White oak----- Green ash----- Northern red oak--- Sweetgum----- Tuliptree-----	85 --- 85 --- 95	72 --- 72 --- 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
3107A: Sawmill-----	Slight	Moderate	Severe	Severe	Severe	Pin oak----- American sycamore--- Eastern cottonwood-- Sweetgum-----	90 --- --- ---	72 --- --- ---	Swamp white oak, bur oak, baldcypress, green ash, pin oak, hackberry, northern white-cedar.

See footnote at end of table.



**Field Guide to
Native Oak Species of
Eastern North America**

**J. Stejn
D. Binlon
R. Acciavatti**



FHTET-2003-01
January 2003

**FOREST HEALTH
TECHNOLOGY ENTERPRISE TEAM**

**TECHNOLOGY
TRANSFER**

Oak Identification

Field Guide to Native Oak Species of Eastern North America

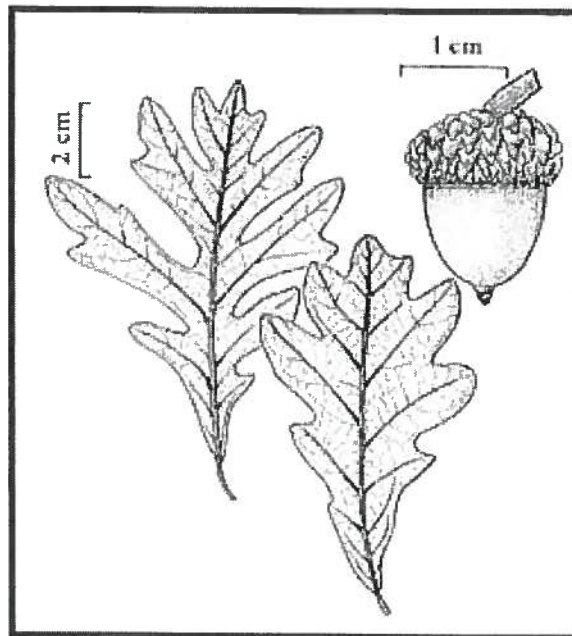
John Stein and Denise Binion
Forest Health Technology Enterprise Team
USDA Forest Service
180 Canfield St., Morgantown, WV 26505

Robert Acciavatti
Forest Health Protection
Northeastern Area State and Private Forestry
USDA Forest Service
180 Canfield St., Morgantown, WV 26505

Quercus alba Linnaeus

White oak

eastern white oak,
stave oak,
forked-leaf white oak



GROWTH FORM: popular and long-lived shade tree, which grows to 100 feet (30.5 m), with a wide-spreading rounded crown and with numerous horizontal branches. **BARK:** light gray, shallow furrows forming scaly ridges or plates. **TWIGS**

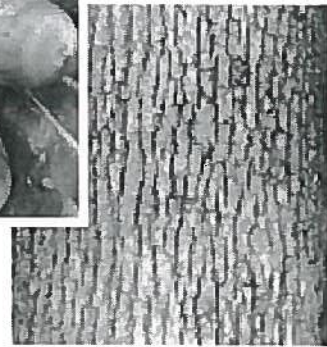
and BUDS: slender to stout, gray to reddish-green twigs with star-shaped pith; buds are reddish-brown and broadly oval and hairless. **LEAVES:** petiole $\frac{3}{8}$ - 1 inch (10 - 25 mm) in length; obovate to elliptical leaves, 4 - 8 inches (101 - 203 mm) long, $2\frac{3}{4}$ - $4\frac{3}{4}$ inches (70 - 121 mm) wide, margin with 5 - 9 lobes that are widest beyond middle, deep sinuses extending a third or more to midrib; base acute to cuneate, apex broadly rounded; dull or shiny grayish green above, light green with slight pubescence which becomes smooth

beneath as they mature.

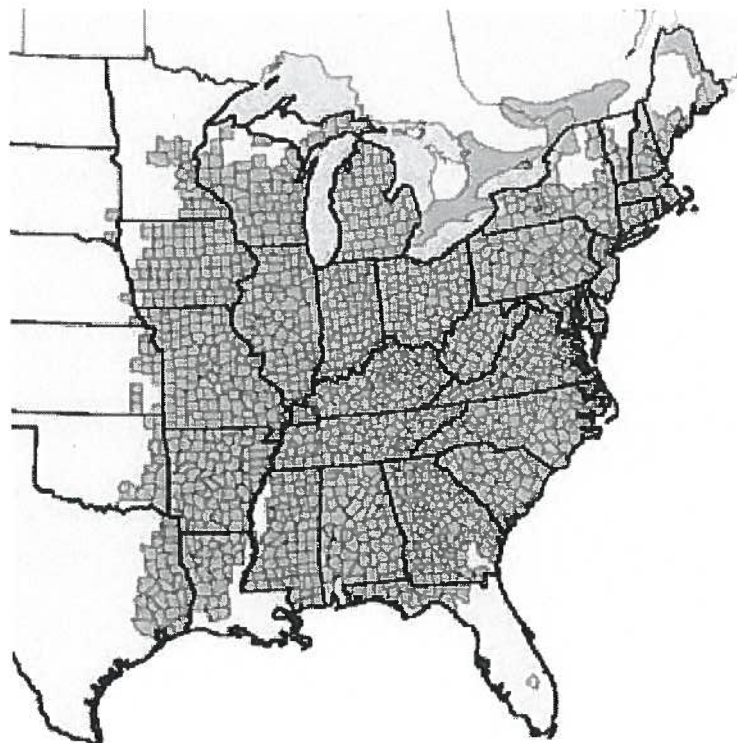
ACORNS: annual; 1 - 3 acorns on peduncle up to $1\frac{1}{4}$ inch (32 mm) long, light gray pubescent cup, enclosing $\frac{1}{4}$ of the nut; light brown, oblong nut, up to 1 inch (25 mm) long; germinates in the fall after dropping to the ground. **HABITAT:** dry upland slopes to well-drained loam in bottomlands;



may grow as a shrub at 4,500 feet (1,372 m) elevation in the southern Appalachian Mountains and reaches maximum potential height on lower slopes of the Allegheny Mountains and bottomlands of the Ohio Basin.



DISTRIBUTION: eastern Canada and the United States from Quebec and Ontario west to Minnesota, south to Texas, east to Florida, and north to Maine.



COMMENTARY: White oak is one of the most important species in the white oak group. The wood is used for furniture, flooring, and specialty items such as wine and whiskey barrels. Used for shipbuilding in colonial times. Continues to be displaced in the market place by several species of red oaks. Acorns are a favorite food source for birds, squirrels, and deer. Used as medication by Native Americans. The largest known white oak specimen had a circumference of 32 feet and grew in the Wye Oak State Park, Talbot County, Maryland. It was destroyed during a storm on June 6, 2002.

Quercus macrocarpa Michaux

Bur oak

mossy-cup oak, blue oak,
prairie oak,
mossy-overcup oak

GROWTH FORM: slow growing, large tree that grows to 100 feet (30.5 m), with a massive trunk, broad crown, and large branches.

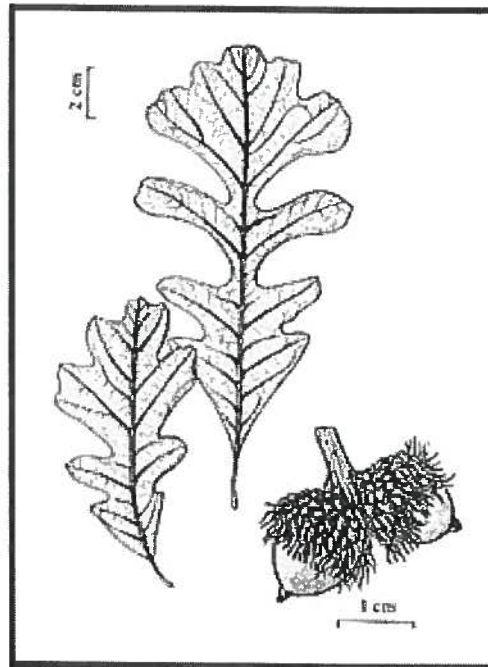
BARK: thick light gray bark, deep furrows producing scaly ridges, fire resistant. **TWIGS and BUDS:**

pubescent light brown twigs with corky wings or ridges; ovoid light brown to gray buds, smooth ¼ inch (6 mm) long. **LEAVES:** petiole

5/8 - 1 inch (16 - 25 mm) in length; leaf blade is obovate to narrowly elliptical in outline, 2 3/4 - 6 inches (70 - 152 mm) long, 2 - 5 inches (51 - 127 mm) wide, 5 - 7 lobed with center sinuses nearly reaching midrib, base rounded to cuneate, rounded apex; dark green above, grayish-green with finely dense pubescence below.

ACORNS: annual; 1 - 3 acorns on stout peduncle ¼ - ¾ inch (6 - 19 mm)

long; deep cup with grayish pubescent scales, scales near cup rim forming a fringe around the nut, enclosing ½ - 7/8 of nut; light brown, broadly elliptical nut, finely pubescent, 1 - 2 inches (25 - 51 mm)



long. **HABITAT:** widely distributed and capable of withstanding a wide range of harsh conditions (one of the most drought resistant oaks) throughout eastern North America; usually found on limestone or calcareous clay.

DISTRIBUTION: Saskatchewan east to New Brunswick, southwest to Texas, and north to Montana.



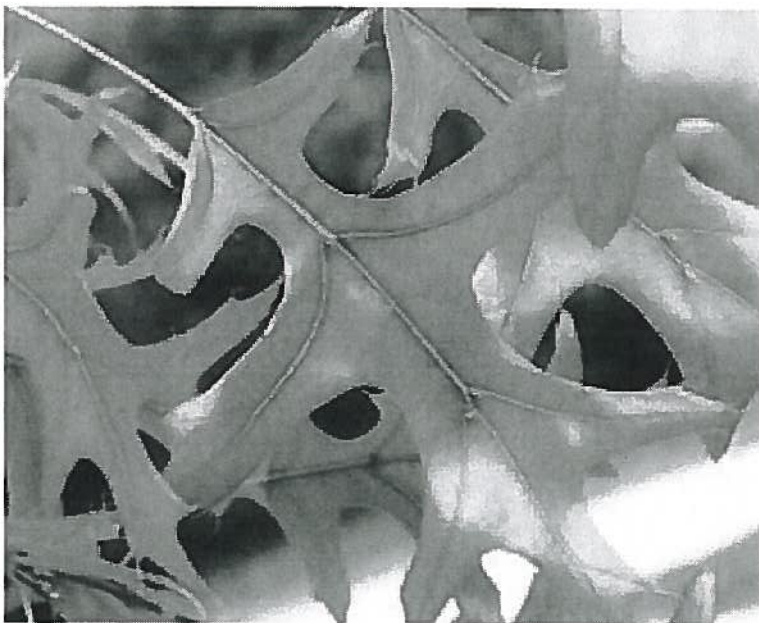
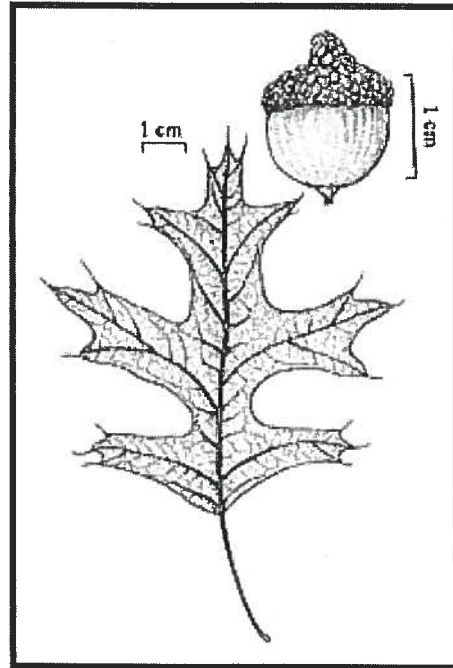
COMMENTARY: Bur oak extends farther north than any other oak species and becomes shrubby at the northern and eastern limits of its range. This oak's wood quality is similar to white oak and is often used for construction, flooring, and cooperage. The common name is derived from the bur-like fringe of the acorn cup. Many bur oaks are historically important and one has been designated as a National Historic Landmark in Kansas. Native Americans used bur oak as medication for heart problems and other ailments. The largest known specimen grows near Parris, Bourbon County, Kentucky.

Quercus palustris Muenchhausen

Pin oak

swamp oak, Spanish oak,
swamp Spanish oak, water oak

GROWTH FORM: medium to large tree 50 - 130 feet (15.2 - 39.6 m), somewhat conical crown with horizontal inner branches and lower branches angled downward. **BARK:** gray-brown, smooth juvenile bark, mature bark with broad scaly ridges, pink inner bark. **TWIGS and BUDS:** twigs shiny chestnut-brown; ovoid bud with pointed apex, chestnut-brown scales. **LEAVES:** smooth petiole $\frac{3}{4}$ - 2 $\frac{1}{2}$ inches (19 - 63 mm) long; elliptical to oblong leaf, 2 - 6 $\frac{1}{4}$ inches (51 - 159 mm) long, 2 - 4 $\frac{3}{4}$ inches (51 - 121 mm) wide, base truncate, apex acute, margin with 5 - 7 lobes with 1 - 3 bristle-tipped teeth, deep sinuses nearly to the midvein, basal lobes somewhat recurved; glossy dark green above, light green below with axillary tufts or tomentum next to raised veins.



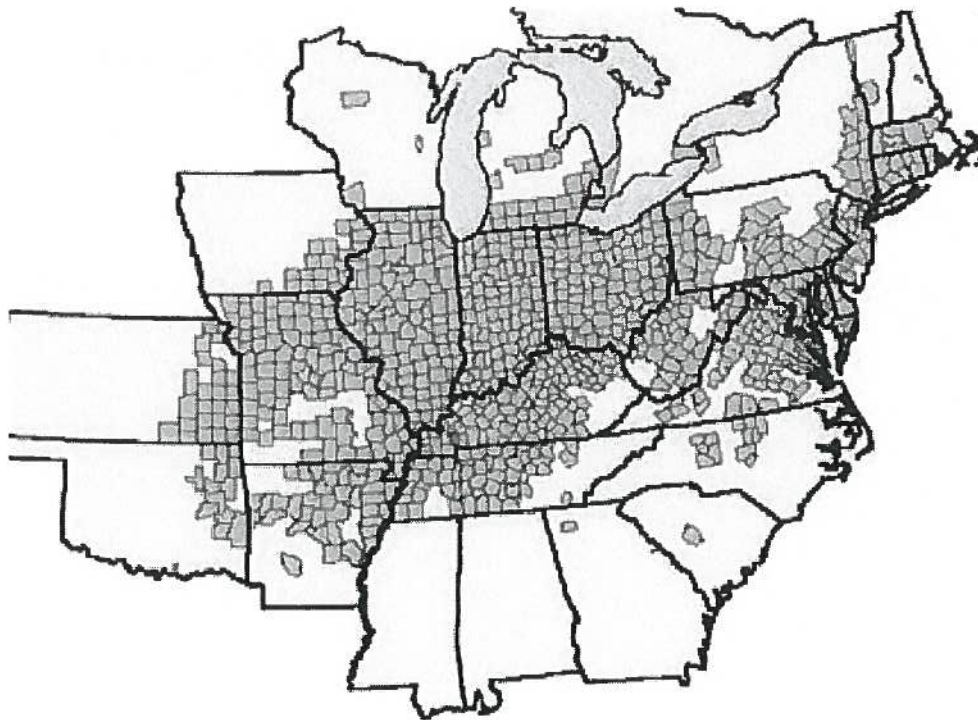
ACORNS:

biennial, clusters of 1 - 2 acorns on each peduncle, thin reddish-brown cup, smooth scales, enclosing $\frac{1}{4}$ of the nut; rounded nut, $\frac{5}{8}$ inch (16 mm) in length, light brown and often striped.

HABITAT: wet-site species found in nearly pure stands on poorly-drained soils; usually tolerates intermittent flooding during the dormant season but not during the growing season; extensive stands



of pin oak are found on glacial till, with excessive moisture during the winter and spring; not adapted to alkaline soils. **DISTRIBUTION:** Vermont and Ontario, south to North Carolina, west to Oklahoma, and north to Wisconsin.



COMMENTARY: Pin oak is extensively planted as an ornamental in North America and has been introduced into central and western Europe as a shade tree. It is noted for a shallow root system that allows easy transplanting. Native Americans used bark from this tree for medicine. The largest known pin oak grows in Bell County, Kentucky.

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NATIVE TREES OF THE MIDWEST

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Native Trees of the Midwest for the Home Landscape

A native plant is considered to be a species that existed in an area prior to the arrival of European settlers, as opposed to a naturalized plant, which has been introduced into a new habitat by human influence. Native trees are part of the rich and complex relationships among plants, animals, insects, and microorganisms in natural ecosystems (woodlands, prairies, wetlands, etc.) of the Midwest. The diversity of native trees provides interesting textures, colors, shapes, flowers, and foliage. Planting native species is a way to re-establish natural diversity and restore our regional landscapes, and they help to sustain habitats for many of our native birds and insects.

Uses in the Landscape

- Provide food and shelter for wildlife
- Promote plant diversity
- Provide shade
- Create privacy or a sense of enclosure
- Define boundaries
- Screen unwanted views
- Muffle noise
- Provide a focal point in the landscape

Advantages of Native Trees

- When properly planted, native trees have the advantage of being adapted to Midwest growing conditions: they are vigorous and hardy, enabling them to survive cold winters and hot, dry summers
- Once established, native trees are more adapted to resist the negative effects of insect and disease problems
- Using native trees in the landscape, or in combination with cultivated plants, enhances our natural surroundings

Factors to consider

Mature size and growth rate

Many factors, including soil, moisture, and hardiness affect tree size. A tree in its native habitat may reach 100 feet, whereas growing in your home landscape it may only reach 35 to 40 feet. The accompanying chart reflects the average size in the home landscape at maturity. When selecting a plant, consideration should be given to the ultimate height and width of the plant, and how it will eventually fill the landscape.

In newer residential areas, people often select trees that grow quickly. Although they are desirable for their rapid contribution to the landscape, fast-growing trees are often shorter-lived, more susceptible to disease and insect problems, and more likely to break from wind and ice.

Types of shade

The leaf and branching patterns of different tree species produce different kinds of shade. At maturity, some will create fairly deep shade, limiting what will grow beneath them, while others may create a light, filtered shade. Trees with dense canopies make more shade and are the best screens for an unwanted view.

Ornamental traits

Some trees develop outstanding bark, have showy fruit, flowers, or foliage, or attractive fall color. Many trees, however, drop flowers, seeds, or nuts, which may be a maintenance consideration if the tree is planted near a patio, deck, entry, walk, or driveway. Trees planted close enough to shade a house will also likely drop their leaves and seeds into the gutters, requiring periodic inspection and cleaning. It's important to assess your willingness to do these tasks before selecting a site and a tree.

Availability












Native plants should not be removed from the wild, but purchased from commercial nurseries. Collecting in the wild damages plant habitat and may deplete natural plant communities. Most retail nurseries and garden centers sell only plants that are familiar and popular, or ones that are easy to propagate in large quantities. Less familiar native plants are likely to be available only from smaller













nurseries or those that specialize in native plants. If you have trouble locating a specific plant, contact The Morton Arboretum Plant Clinic or The Sterling Morton Library for catalog information.












Trees to avoid




Some native trees have qualities that make them undesirable for planting in the home landscape. They may be prone to breaking, have messy fruit or thorns, or be more susceptible to insect and disease problems. Among the native trees not recommended for planting in the home landscape: black locust (*Robinia pseudoacacia*), black cherry (*Prunus serotina*), boxelder (*Acer negundo*), choke cherry (*Prunus virginiana*), dotted hawthorn (*Crataegus punctata*), eastern cottonwood (*Populus deltoides*), pin cherry (*Prunus pensylvanica*), and Washington hawthorn (*Crataegus phaenopyrum*).

The chart provides information about the size and other important characteristics of native trees recommended by The Morton Arboretum for their suitability and desirability in the Midwest. All trees listed are native to Illinois.

NATIVE TREES OF THE MIDWEST for the HOME LANDSCAPE							
Large Trees (over 40 feet)							
Botanical Name	Common Name	Height	Spread	Form	Rate	Zone	Cultural/Comments
 <i>Acer nigrum</i>	Black Maple	60-70'	50-75'	Upright oval	S	4-8	Sun to part shade; well-drained soil; higher heat & drought tolerance than sugar maple; salt sensitive
 <i>Acer saccharum</i>	Sugar Maple	60-70'	40-50'	Oval to rounded	S	4-8	Sun to dense shade; prefers a rich, well-drained soil; sensitive to drought, salt, and compact soils; many cultivars available
 <i>Betula nigra</i>	River Birch	40-70'	40-60'	Rounded to spreading	M/F	4-9	Full sun to part shade; native along rivers and stream banks; develops chlorosis in high pH soil and drought conditions
 <i>Carya cordiformis</i> ¹	Bitternut Hickory	50-75'	30-40'	Broadly Columnar	S	4-9	Sun or shade; native on moist or dry slopes; transplant in spring only
 <i>Carya illinoensis</i> ¹	Pecan	75-100'	50-75'	Oval to rounded	M/F	5-9	Sun; moist to wet sites
 <i>Carya ovata</i> ²	Shagbark Hickory	60-80'	40-50'	Irregular oval	M/F	4-8	Sun to shade; found on dry slopes and low, well-drained woods; drought tolerant; long-lived
 <i>Celtis occidentalis</i>	Hackberry	40-60'	40-50'	Broad oval to vase	M/F	3-9	Full sun; prefers rich, moist soils; pH adaptable; tolerant of drought, salt, and temporary wet sites; corky bark
 <i>Cladrastis kentukea</i> (<i>C. lutea</i>)	Yellowwood	30-50'	40-50'	Broadly rounded	M	4-8	Sun; native on limestone cliffs and north-facing slopes; tolerant of clay soils; fragrant white flowers; yellow fall color
 <i>Diospyros virginiana</i>	Persimmon	35-60'	20-35'	Oval to rounded	S	5-9	Sun; prefers well-drained soil; can form thickets; blocky bark; large, fleshy orange fruit attractive but messy; male trees available
 <i>Gleditsia triacanthos</i> f. <i>inermis</i>	Thornless Honey Locust	40-70'	40-70'	Broad vase	F	4-9	Sun; prefers moist, well-drained soil; tolerant of drought, road salt, high pH, heat, and compacted soil; yellow fall color; f. <i>inermis</i> refers to the thornless form of the native species
 <i>Gymnocladus dioica</i>	Kentucky Coffeetree	50-60'	40-50'	Broadly rounded	S	4-8	Sun to part shade; best in moist soil; tolerant of drought and city conditions; yellow fall color; thick

							seedpods of female tree offer winter interest
 <i>Juglans nigra</i> ²	Black Walnut	50-70'	30-50'	Broadly rounded to oval	M	4-9	Sun; prefers deep fertile, moist, well-drained soil; tolerant of drought, high pH soils; all parts of tree produce juglone, toxic to some plants
 <i>Liquidambar styraciflua</i>	Sweet-Gum	60-70'	30-45'	Pyramidal to rounded	M/F	5-9	Sun; prefers deep, acidic soil; slow to establish; star-shaped leaves; red to purple fall color; "gumball" fruits can be messy; 'Moraine' recommended for northern Illinois
 <i>Liriodendron tulipifera</i>	Tulip-Tree	70-90'	35-50'	Pyramidal to rounded	M/F	4-9	Sun; prefers moist, well-drained soil; drought sensitive; goblet-shaped orangish-green flowers; unusual tulip-shaped leaves turn yellow in fall; spring plant only
 <i>Magnolia acuminata</i>	Cucumber Magnolia	50-80'	50-60'	Pyramidal to rounded	M/F	4-8	Sun to light shade; moist, well-drained soil; protect from wind or heat; will not tolerate extreme wet or drought soils; large, yellow-green flowers; attractive pinkish-red fruit pods
 <i>Nyssa sylvatica</i>	Tupelo, Black Gum	30-50'	20-30'	Pyramidal to spreading	S	4-9	Full sun to part shade; native in wet areas or dry, rocky uplands; horizontal branching; brilliant red fall color; spring plant only
 <i>Pinus strobus</i>	Eastern White Pine	50-80'	20-40'	Spreading	F	2-7	Sun; moist acidic soil; sensitive to high pH soil, salt, and windy sites; blue-green needles; open airy crown
 <i>Platanus occidentalis</i> ²	Sycamore, American Planetree	75-100'	50-75'	Irregular spreading	M/F	4-9	Sun to part shade; found in bottomlands and along riverbanks; tolerant of high pH soil; mottled creamy-white bark; do not grow near septic fields
 <i>Quercus alba</i>	White Oak	50-80'	50-80'	Broadly rounded	S	3-9	Sun; requires moist, slightly acidic soil; sensitive to soil disturbances and poor drainage; mulch beneficial for root system; lobed leaves turn red to wine fall color; state tree of Illinois
 <i>Quercus bicolor</i>	Swamp White Oak	50-60'	50-60'	Broadly rounded	M	4-8	Sun; found in moist bottomlands and river banks; chlorosis symptoms in high pH soils; tolerant of urban conditions
 <i>Quercus macrocarpa</i>	Bur Oak	70-80'	80-90'	Broadly spreading	S	3-8	Sun; very adaptable to most soil and pH conditions; hardiest of the oaks; excellent tree for large area
 <i>Quercus muhlenbergii</i> ¹	Chinkapin Oak	40-50'	50-70'	Rounded	S	5-7	Sun; found on dry limestone bluffs; tolerant of drought and alkaline soil; attractive foliage and branching
 <i>Quercus rubra</i>	Northern Red Oak	60-80'	60-75'	Broadly rounded	M	3-7	Sun to part shade; prefers slightly acidic, well-drained soils; develops chlorosis symptoms in high pH; tolerant of salt and air pollution; russet-red fall color; susceptible to oak

							wilt, prune only in dormant season
<i>Taxodium distichum</i> 	Bald Cypress	50-70'	20-30'	Pyramidal	M	4-10	Sun; adaptable to wet, dry, or swampy locations; chlorosis symptoms with high pH; deciduous, sage-green leaves turn a russet brown in fall before dropping; transplants well as a container specimen
<i>Tilia americana</i> 	American Basswood	60-80'	30-40'	Oval to rounded	M	3-8	Sun to part shade; prefers deep, fertile soil; heart-shaped leaves; fragrant flowers in June; dense shade tree
<i>Thuja occidentalis</i> 	Eastern Arborvitae	40-60'	10-15'	Broad pyramidal	S/M	3-7	Sun to part shade; evergreen; native to rocky, upland sites; tolerant of temporary flooding; foliage favorite of deer and rabbits; many cultivars available
Intermediate-Sized Trees (25-40 feet)							
<i>Aesculus glabra</i> 	Ohio Buckeye	20-40'	25-40'	Broadly rounded	M	4-7	Full sun to part shade; native in moist habitats; showy yellowish flowers in spring; prickly fruit favorite of squirrels
<i>Carpinus caroliniana</i> 	American Hornbeam	25-35'	20-30'	Rounded	S	3-9	Sun to dense shade; best in rich, moist soil; mulch in full sun; winged nuts provide a good food source for wildlife; orange-red fall color
<i>Ostrya virginiana</i> 	Ironwood, Hop-hornbeam	25-40'	15-20'	Rounded	S	3-9	Sun to shade; found in dry, gravelly soil as a understory tree; sensitive to salt and poorly drained soil; interesting hop-like seedpods; yellow fall color
<i>Sassafras albidum</i> 	Sassafras	30-60'	25-40'	Pyramidal to rounded	F	4-9	Sun to part shade; moist, slightly acidic, well-drained soil; forms thickets; aromatic, mitten-shaped leaves change to yellow orange, and purple in fall; good for naturalizing; spring plant only
Small Ornamental Trees (15-25 feet)							
<i>Aesculus pavia</i> ¹ 	Red Buckeye	10-20'	15-20'	Rounded to spreading	S/M	4-8	Full sun to part shade; prefers well-drained soil; maintain cool root system with mulch; attractive red flower spikes in early spring
<i>Amelanchier laevis</i> 	Allegheny Serviceberry	15-25'	15-20'	Oval	M	4-8	Sun to part shade; needs well-drained soil; sensitive to drought, pollution, and soil compaction; white flowers in early spring; orange-red fall color
<i>Asimina triloba</i> 	Pawpaw	15-20'	15-20'	Colony forming	S	5-8	Full sun to dense shade; prefers moist, well-drained soil; forms thickets; sensitive to drought; edible fruit; resistant to deer browse; cultivars available
<i>Cercis canadensis</i> 	Eastern Redbud	15-20'	20-25'	Rounded	M	4-8	Best in part shade; prefers well-drained soil; pH adaptable; rose-purple flowers in spring; yellow in fall; purchase trees from a northern source

<i>Cornus alternifolia</i> 	Pagoda Dogwood	15-25'	15-25'	Spreading to layered	M	3-7	Sun, but best in part shade; thrives in cool, moist, well-drained soils; small tree to large shrub; white flowers in late spring; blue-black fruit; reddish purple fall color; good wildlife food source
<i>Crataegus crus-galli</i> ? 	Cockspur Hawthorn	20-30'	20-35'	Broadly rounded	S/M	4-7	Sun; needs well drained soil; white flowers in spring; persistent red fruit; orange-red fall color; 2-3" thorns
<i>Crataegus viridis</i>	Green Hawthorn	20-35'	20-30'	Spreading vase	M	4-8	Sun; found in woodland edges, floodplains, and rocky pastures; white flowers mid-May; red-orange persistent fruit; 'Winter King' cultivar nearly thornless
<i>Ptelea trifoliata</i> 	Wafer Ash	15-20'	10-15'	Rounded	S/M	3-9	Sun to dense shade; found on moist woodland edges; has tendency to sucker; round, winged papery seeds; yellow fall color

1. May be difficult to obtain in local garden centers
2. Pests, diseases, or other problems may limit usefulness

Growth rate refers to the average annual rate of growth in the first 10 years after planting. Key to Growth Rate:

- F = Fast (25 inches or more a year)
M/F = Medium to Fast (18 to 25 inches a year)
M = Medium (13 to 22 inches a year)
S/M = Slow to Medium (12 to 18 inches a year)
S = Slow (less than 12 inches per year)

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