

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 26, 2014**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 P.M.
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 (May 29, 2014)
5. Continued Public Hearings
6. New Public Hearings

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

*** Case 778-S-14** Petitioner: **Charles and Mary Ellen Stites**

Request: **Authorize continued use of a Major Rural Specialty Business in the CR District on the following property as previously approved for a limited time in Special Use Permit 610-S-08.**

Location: **A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of Sidney Township and commonly known as River Ben Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

Case 779-S-14 and 780-V-14 Petitioner: **Keith Pedigo**

*** Case 779-S-14** Request: **Authorize a Special Use Permit for the conversion of an existing single family residence to a two family residence in the R-2, Single Family Residence Zoning District that is also the subject of related Case 780-V-14.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

NOTICE OF REGULAR MEETING

June 26, 2014

Page 2

Case 779-S-14 and 780-V-14 cont:

*Case 780-V-14 Request: **Authorize the following Variance for an existing single family residence on a corner lot in the R-2, Single Family Residence Zoning District:**

- 1) **a proposed porch with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.**
- 2) **a proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.**
- 3) **a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.**
- 4) **an existing nonconforming side yard of 6 feet in lieu of the minimum required 10 feet for both the dwelling and the garage.**

Location: **Lot 6 in Block 2 of Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly known as the residence at 202 South Sheridan Street, Seymour.**

7. Staff Report
8. Other Business
 - A. Review of Docket
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**
2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61801**
6

7 **DATE:** May 29, 2014 **PLACE:** Lyle Shield's Meeting Room
8 1776 East Washington Street
9 **TIME:** 7:00 p.m. **Urbana, IL 61802**

10 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
11 Eric Thorsland
12

13
14 **MEMBERS ABSENT :** Roger Miller
15

16 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall, Andrew Levy
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18 **OTHERS PRESENT :** Herb Schildt, John Peisker, Scott Kunkel, Jim Lopez, Steve Burdin, Don
19 Wauthier, David Wilde, Mike Simmons, Don Kuhlman, John Santos, Jake
20 Wolf
21

22
23 **1. Call to Order**
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25 The meeting was called to order at 7:02 p.m.
26

27 **2. Roll Call and Declaration of Quorum**
28

29 The roll was called and a quorum declared present with one Board member absent.
30

31 **3. Correspondence**
32

33 None
34

DRAFT

35 **4. Approval of Minutes (April 17, 2014)**
36

37 Mr. Thorsland entertained a motion to approve the April 17, 2014 minutes.
38

39 **Ms. Capel moved, seconded by Ms. Griest to approve the April 17, 2014, minutes as submitted.**
40

41 Mr. Thorsland asked the Board if there were any additions or corrections required for the submitted minutes.
42

43 Ms. Capel noted the following minor edit on Page 6, Line 32. She said that the following sentence should
44 be revised to read as follows: He said that he cannot believe that the customer's vehicles going in and out of
45 the property will be a significant issue but the Hensley Township Highway Commissioner must be aware of
46 what is being proposed so that he can state clearly to the Board whether or not he has any concerns.
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48 **The motion carried by voice vote.**

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Mr. Thorsland introduced Susan Chavarria, Regional Planning Manager, and Andrew Levy, Regional Planning Commission Planner/Sustainability Coordinator to the Board. He said the Ms. Chavarria will be serving as the Department of Planning and Zoning Interim Associate Planner and Mr. Levy will be assisting the Planning and Zoning Department with various text amendment cases.

Mr. Thorsland entertained a motion to re-arrange the agenda and call Case 776-S-14, Windsor Road Christian Church as the first case of the meeting.

Ms. Capel moved, seconded by Mr. Passalacqua to re-arrange the agenda and call Case 776-S-14, Windsor Road Christian Church as the first case of the meeting. The motion carried by voice vote.

Case 776-S-14 Petitioner: Windsor Road Christian Church and Administrative Minister Mike Simmons Request: Authorize the expansion and use of an existing, nonconforming church in the AG-2 Agriculture Zoning District. Location: A 10 acre tract in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27 of Champaign Township and commonly known as the Windsor Road Christian Church located at 2501 West Windsor Road, Champaign.

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

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

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

Mr. John Peisker, who resides at 3407-3 Mill Creek Court, Champaign, stated that he is the Chairman of the Elder Board for the Windsor Road Christian Church. He said that there are several other members of the Board present tonight which could address any questions that the Board may have. He said that they are proposing to construct an addition to the church making it a safe and pleasant gathering space with additional classrooms. He said that the addition is primarily for their Family Life Ministry therefore it will mainly be for children ranging from nursery school to primary school grades. He said that there will be interior remodeling to the church which will not be affected by any expansion.

1 Mr. Peisker stated that the Elder Board members for the Windsor Road Christian Church are open to the
2 special conditions that are being imposed tonight by the Board and they understand that the City of
3 Champaign also has some requirements for them in terms of the entrance. He said that verbal confirmation
4 has been received from the City of Champaign indicating that they are fine with the way that the driveway is
5 being reoriented. He said that they are confident that the storm water issues are being accommodated by the
6 engineering plans that were drafted for the project and they understand that the planning staff at the City of
7 Champaign has no objections or comments on the proposed addition.
8

9 Mr. Peisker stated that the Windsor Road Christian Church did notify over 100 nearby neighbors inviting
10 them to an open house offering them the opportunity to learn about the proposed project. He said that the
11 open house was held in the morning prior to the work commute and in the evening after work to
12 accommodate the neighbors so that they could see what they were proposing to do to the facility. He said
13 that 5 or 6 of the neighbors did attend the open house and were thoroughly informed about the project.
14

15 Mr. Peisker stated that he would be happy to answer any questions that the Board or staff may have
16 regarding the requested special use permit. He noted that the architect and site engineer are present tonight
17 as well as other representatives from the church to address any questions or concerns.
18

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

21 Mr. Thorsland asked if staff had any questions for Mr. Peisker.
22

23 Mr. John Hall, Zoning Administrator, asked Mr. Peisker if he had a chance to review the Supplemental
24 Memorandum dated May 29, 2014.
25

26 Mr. Peisker stated that he has not reviewed the Supplemental Memorandum.
27

28 Mr. Hall requested that he review the memorandum. He said that the memorandum includes the emails from
29 the City of Champaign's staff and he is sure that Mr. Peisker is aware that the City of Champaign requires a
30 driveway permit and that they believe that what the church is proposing is fine and it is just a matter of
31 permitting. He said that the City of Champaign's planning staff had only one comment and that was that
32 they would like to see the sidewalk along Windsor Road extended although they did not indicate when they
33 would like it extended. Mr. Hall suggested to the ZBA that they consider requiring the extension of the
34 sidewalk, as requested by the City of Champaign's planning staff, as a special condition at such time that
35 there is a sidewalk on the property immediately east of the subject property. He said that this is the first time
36 that the petitioner has heard about the requested extension of the sidewalk and the petitioner always has to
37 agree to any special conditions.
38

39 Mr. Peisker stated that they would be open to such a special condition and would comply if and when the
40 property to the east of the church is developed with a sidewalk.
41

1 Ms. Marilyn Lee asked Mr. Peisker if the ten additional classrooms will be used only for Sunday or is a
2 weekly pre-school or daycare planned.
3

4 Mr. Peisker stated that they do not have any plans for a daycare or any of that activity but as good stewards
5 of the community they would prefer to be able to use the building more than just on Sunday. He said that
6 throughout the week they offer the building facility for activities like conferences, neighborhood home
7 association meetings, groups of home school students, etc. He said that the church is not geared up for a
8 daycare facility.
9

10 Ms. Lee asked Mr. Peisker if the church is a not-for-profit corporation under the Illinois Statutes.
11

12 Mr. Peisker stated yes.
13

14 Mr. Passalacqua asked if the extra-curricular activities were considered in the traffic impact statement. He
15 said that the engineer stated that he did not feel that the addition would create a traffic impact. Mr.
16 Passalacqua stated that the location of the church is a very congested area with the Mettler Center, Cherry
17 Hills, and Robeson Crossing.
18

19 Mr. Peisker stated that the primary heavy impact is on Sunday morning when the Mettler Center is closed
20 and Robeson Crossing traffic is minimal. He said that he does not feel that there will be a big traffic change
21 in the traffic impact at this point because those types of uses are already occurring therefore he is not
22 anticipating anything new occurring during the week other than current activities.
23

24 Mr. Passalacqua asked Mr. Peisker if the reason for the proposed addition is due to increased attendance.
25

26 Mr. Peisker stated that the percentage of membership is actually down and they are only planning for growth
27 in the future. He said that the last addition was due to increased membership but that is not the case
28 currently.
29

30 Mr. Thorsland asked Mr. Peisker if he had an approximate number of new activities, such as the home
31 school groups and conferences, which would give a percentage of new daily trips to the church.
32

33 Mr. Peisker stated that when he was speaking about those activities he was not indicating that the home
34 school groups and conferences were going to be added but were activities that were currently happening. He
35 said that he is not aware of any new activities in the future which would add to the daily trips to the church at
36 this point.
37

38 Mr. Thorsland asked the Board if there were any questions for Mr. Peisker and there were none.
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40 Mr. Thorsland asked if staff had any questions for Mr. Peisker and there were none.
41

1 Mr. Thorsland requested that Mr. John Hall, Zoning Administrator review the Supplemental Memorandum
2 dated May 29, 2014.
3

4 Mr. John Hall, Zoning Administrator, stated that the new Supplemental Memorandum dated May 29, 2014,
5 includes emails from the City of Champaign Planning Department staff and the City of Champaign Right of
6 Way Inspector. He said that the City of Champaign Planning Department staff raised a question about the
7 sidewalk and Mr. Jordan, the City of Champaign Right of Way Inspector, indicated that the proposed
8 driveway appears fine and it is just a matter of obtaining the permit at the time of construction. Mr. Hall
9 stated that there is a very detailed exterior lighting layout attached to the Supplemental Memorandum and
10 the lighting fixtures are proposed to be full cut-off with lamps of appropriate size.
11

12 Mr. Hall stated that in regards to storm water, in a previous permit the petitioner had constructed a detention
13 basin on the east side of the property and as happens with many of our cases staff did not have time to
14 complete a compliance inspection therefore there has been no certification that the volume of detention is the
15 volume of detention that was supposed to have been constructed. He said that he assumes that this issue can
16 be taken care of during this project. He said that the detention basin is indicated by the means of contours
17 and staff has not asked for documentation of as-built volume and there are some changes to another
18 detention basin on the northwest portion of the property. He said that there isn't a lot left to do in regards to
19 storm water but there is some work required therefore the proposed special condition was written as if
20 starting off from scratch but it isn't.
21

22 Mr. Hall stated that in regards to the landscaping plan for the screening of the parking area, in a previous
23 permit the petitioner installed most, if not all, of the screening and staff did not have the opportunity to verify
24 such with a compliance inspection therefore it is a proposed special condition and it may already exist but
25 some of the trees may have died and require replacement.
26

27 Mr. Passalacqua asked Mr. Hall if staff had received any complaints regarding the existing property runoff
28 from any of the neighbors.
29

30 Mr. Hall stated no. He said that staff has not received one call from any recipients of the many notices that
31 were mailed out for this case therefore it appears that the open house that was held answered everyone's
32 questions.
33

34 Mr. Hall stated that the Board needs to review the proposed special conditions, including a new special
35 condition regarding the sidewalk, and the Petitioner needs to indicate whether they agree to those conditions.
36 He noted that this case is ready for final action.
37

38 Mr. Thorsland called Scott Kunkel to testify.
39

40 Mr. Kunkel declined to testify at this time.
41

1 Mr. Thorsland called Mr. Jim Lopez to testify.

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3 Mr. Lopez declined to testify at this time.

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5 Mr. Thorsland called Mr. David Wilde to testify.

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7 Mr. Wilde stated that he is the architect for the proposed addition and would be happy to answer any
8 questions that the Board or staff may have.

9

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

11

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

13

14 Mr. Thorsland called Mr. Jake Wolf to testify.

15

16 Mr. Wolf stated that he is the project engineer and would also be happy to answer any questions that the
17 Board or staff may have.

18

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

20

21 Ms. Lee asked Mr. Wolf to indicate any impact that the proposed addition would have to the drainage on the
22 farmland that is located east of the subject property.

23

24 Mr. Wolf stated that at this time he does not believe that there will be any impact because no changes are
25 being made to the existing drainage. He said that during a previous project the storm water detention had
26 been added without the parking lot addition and all they are doing during this project is adding more parking
27 spaces which should not affect any of the existing drainage to the farmland to the east. He said that the
28 existing storm water detention is located in the southeast corner of the church property which is pretty close
29 to that farmland.

30

31 Mr. Thorsland asked Mr. Wolf to indicate the number of parking spaces currently.

32

33 Mr. Wolf stated that the current total parking spaces that the church has requested is 350, which is what the
34 church currently has, therefore no additional parking spaces are being proposed just relocated.

35

36 Mr. Thorsland asked if the detention basin that has not been fully mapped out will handle the runoff.

37

38 Mr. Wolf stated that the detention basin that was built in 2011 accounted for additional parking spaces
39 although the parking spaces were never built.

40

41 Mr. Thorsland asked Mr. Wolf if he had reviewed the proposed special condition regarding storm water

1 which was included in the Preliminary Memorandum dated May 23, 2014.

2
3 Mr. Wolf stated no.

4
5 Mr. Thorsland asked the Board if there were any further questions for Mr. Wolf and there were none.

6
7 Mr. Thorsland asked if staff had any additional questions for Mr. Wolf and there were none.

8
9 Mr. Thorsland called Mr. Mike Simmons to testify.

10
11 Mr. Simmons declined to testify at this time.

12
13 Mr. Thorsland asked the Board if they had any questions that have not been answered.

14
15 Mr. Thorsland stated that the Board has heard that there is not going to be a big change in daily trips due to
16 the proposed addition to the church. He said that the Petitioner is aware that if the Board requests a traffic
17 impact study that they would have to pay for that study therefore does the Board feel that a traffic impact
18 study is necessary.

19
20 Mr. Passalacqua stated that he does not believe that the Petitioner should have to bear the cost of a traffic
21 impact study because the majority of their traffic is on Sunday and not during the week. He said that if the
22 Petitioner is not having a Monday-Friday school or a consistent amount of activities during the week then he
23 does not believe that the Petitioner should have to bear the cost of a traffic impact study and if they were
24 going to have to bear the cost then he would put some of the cost on Cherry Hills, The Mettler Center, The
25 Crossing, and anyone else along Windsor that contributes to the traffic issue.

26
27 Mr. Hall stated that if not having plans for a daily school is that important to the Board then perhaps the
28 Petitioner would accept a special condition of no daily school.

29
30 Mr. Passalacqua stated that if the Petitioner had indicated that they intended to fill the additional classrooms
31 every day then a traffic impact study would be necessary.

32
33 Mr. Hall stated that if he were the Petitioner and he was asked the question whether the classrooms would be
34 filled every day in the future he does not know if he could have answered the question tonight.

35
36 Mr. Passalacqua stated that a Monday-Friday school maybe in the plans for future.

37
38 Mr. Thorsland reminded the Petitioner that the site plan that is approved tonight should not only reflect
39 everything that may be planned currently or next week but should include a long range plan because any
40 change may impact whether or not they have to come back before the Board for another Special Use Permit.
41 He said that if the Petitioner has a dream or vision for the future then that dream or vision should be included

1 on the site plan or within this case narrative so that they will not have to return before the Board to request
2 permission to fulfill that dream or vision.

3
4 Ms. Lee stated that the vision does not have to be a school but could be a daycare center.

5
6 Mr. Thorsland stated that he is not leaning toward a traffic impact study at this time but, like a closet, once a
7 new space is built it will tend to fill up with something such as a program or with people which will create
8 more daily trips. He said that it is always better to include everything that the church may want to do in the
9 future so that there is a clear path when the time comes to move forward with those visions and dreams. He
10 asked if the Petitioner would be comfortable with the Board adding a condition of placing some sort of a cap
11 on the amount of traffic. He said that the Board could word the condition in many different ways such as if
12 more programs are added the Petitioner would have to come back before the Board and present a traffic
13 impact study.

14
15 Mr. Mike Simmons, Minister for Windsor Road Christian Church, and who resides at 1733 CR 500E,
16 Champaign, stated he can state with confidence that a daycare or school is not part the church's philosophy
17 in what they do as a church. He said that they do want to have a facility that is of service to the community
18 but running a program like a daycare or school is not something that they have ever done and he does not
19 believe that philosophically it is something that they would really promote. He said that when the proposed
20 plans were made for the changes that they are doing now the idea of a gymnasium came up briefly and the
21 Board decided that a gymnasium or such places were not needed because the church would not be used as a
22 place for kids to go to during the week to play. He said that the church does not even have a playground for
23 children in daycare. He said that the Elder Board agrees that a daycare or school is not part of the Church's
24 philosophy.

25
26 Mr. Thorsland asked Mr. Simmons if they would agree to a special condition indicating that any additional
27 programs would trigger a traffic impact study.

28
29 Mr. Simmons stated that he does not believe that the Church would be opposed to such a condition.

30
31 Mr. Thorsland asked the Board if there were any questions for Mr. Simmons and there were none.

32
33 Mr. Thorsland asked if staff had any questions for Mr. Simmons and there were none.

34
35 Ms. Griest stated that proposed special condition G already limits the authorized use as a church. She asked
36 Mr. Hall if proposed special condition G places some limitation on the Petitioner in general as far as opening
37 a school or daycare. She said that a school or daycare would be more of a commercial use for the building
38 rather than using the building for just the congregation.

39
40 Mr. Hall stated that it is a very gray scale and it is necessary to know at whatever point the other activity
41 would become the principal use. He said that given how much traffic and how much of this use is associated

1 with church functions on Sunday and throughout the week he could not imagine what it would take to
2 change that to something else but on the other hand this Board has approved other special use permits for
3 churches where there was a much larger non-church component than what is proposed in this case. He said
4 that while he thinks drafting a special condition about no organized school or daycare is a bit problematic it
5 seems to be important to the Board and he can work on it but it appears that some of the Board members
6 believe that it is a fruitless effort.

7
8 Ms. Griest stated that she is one of the Board members that believe that such a special condition is an
9 onerous effort put on to the staff and almost an unenforceable condition that adds a lot of bureaucracy to
10 something that the primary use is a church. She said that if the Petitioner expands to a level of a school it
11 will have a huge impact on the traffic pattern therefore the church will cease being the primary use and the
12 Petitioner will have to return to the Board. She said that she is comfortable with the proposed special
13 condition G indicating that the church is to be the primary use and she would advocate for not adding an
14 additional condition or a condition for a traffic study.

15
16 Mr. Passalacqua asked if something could be added to proposed special condition G indicating that if the
17 activities change in a manner that would impact daily trips.

18
19 Ms. Griest stated that such a condition would be unenforceable.

20
21 Mr. Thorsland stated that he agrees with Ms. Griest's point that it would put a burden on staff to decide that
22 they have added ten church related activities every week and as the Board knows it has to be complaint based
23 and staff does not find out about it until the telephone rings. He said that it would be difficult to place some
24 sort of numerical value on what would trigger starting a traffic study when we do not have a traffic study to
25 start with therefore the Board has no number to go by other than how many parking spaces the church has or
26 ask them to provide a table of activities per month. He said that if the Board desires to come up with
27 something then more information would be required from the Petitioner.

28
29 Mr. Passalacqua stated that his original comment was that a traffic impact study is not necessary because
30 most of their activity is on Sunday.

31
32 Mr. Randol agreed with Mr. Passalacqua and requested that the Board move forward.

33
34 Mr. Thorsland asked the Board if there were any additional questions for any of the witnesses and there were
35 none.

36
37 Mr. Thorsland asked the audience if anyone desired to cross examine any of the witnesses at this time and
38 there was no one.

39
40 Mr. Thorsland stated that the Board will now review the proposed special conditions with the Petitioner.
41

1 Mr. Thorsland read proposed special condition 12.A. as follows:
2

3 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
4 **Stormwater Management Policy shall be submitted and approved as part of the Zoning**
5 **Use Permit application for construction and all required certifications shall be**
6 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**
7 The special condition stated above is required to ensure the following: **That the drainage**
8 **improvements conform to the requirements of the Stormwater Management Policy.**
9

10 Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition A. and Mr. Peisker
11 agreed.
12

13 Mr. Thorsland read proposed special condition 12.B. as follows:
14

15 **B. Certification from the County Health Department that the septic system on the subject**
16 **property has sufficient capacity for the existing building and proposed addition is a**
17 **requirement for approval of the Zoning Use Permit.**
18 The special condition stated above is required to ensure the following: **That the solid waste**
19 **system conforms to the requirements of the Zoning Ordinance and any applicable**
20 **health regulations.**
21

22 Mr. Thorsland asked the Board if there were any questions regarding the suitability of the septic system.
23

24 Mr. Passalacqua stated that testimony was received indicating that the Petitioner is not expecting rapid
25 growth therefore he cannot imagine that there will be a problem with the existing septic system.
26

27 Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition B. and Mr. Peisker
28 agreed.
29

30 Mr. Thorsland read proposed special condition 12.C. as follows:
31

32 **C. The design for the proposed new entrance to the property must be approved by the**
33 **City of Champaign prior to approving the Zoning Use Permit. The entrance must also**
34 **be approved as constructed by the City of Champaign in order to extend a Zoning**
35 **Compliance Certificate.**
36 The special condition stated above is required to ensure the following: **That access and**
37 **safety concerns for travel on Windsor Road are considered according to applicable City**
38 **of Champaign engineering standards.**
39

40 Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition C. and Mr. Peisker
41 agreed.

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Mr. Thorsland read proposed special condition 12.D. as follows:

- D. A Landscaping Plan of the required Type A screen for the entire (existing and proposed) parking area must be received and approved or a variance must be applied for and approved by the Zoning Board of Appeals.**
The special condition stated above is required to ensure the following: **That the proposed parking facilities conform to the requirements of the Zoning Ordinance.**

Ms. Griest asked Mr. Hall if Special Condition D. adequately covers the existing screen that requires repair.

Mr. Hall stated yes.

Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition D. and Mr. Peisker agreed.

Mr. Thorsland read proposed special condition 12.E. as follows:

- E. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
The special condition stated above is required to ensure the following: **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition E. and Mr. Peisker agreed.

Mr. Thorsland read proposed special condition 12.F. as follows:

- F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed church until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
The special condition stated above is necessary to ensure the following: **That the proposed Special Use meets applicable state requirements for accessibility.**

Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition F. and Mr. Peisker agreed.

Mr. Thorsland read proposed special condition 12.G. as follows:

1 **G. The only principal use authorized by Case #776-S-14 is a church.**
2 The special condition stated above is necessary to ensure the following: **That the petitioner**
3 **and future landowners understand the requirements of the Zoning Ordinance.**

4
5 Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition G. and Mr. Peisker
6 agreed.

7
8 Mr. Hall asked Ms. Chavarria to read new proposed Special Condition H.

9
10 Ms. Chavarria read proposed Special Condition H. as follows:

11
12 **H. The Petitioner shall construct a sidewalk along the length of the property on Windsor**
13 **Road when there is a sidewalk constructed on the property to the east.**
14 The special condition stated above is necessary to ensure the following: **That the petitioner**
15 **provides for safe pedestrian circulation.**

16
17 Mr. Thorsland asked the Petitioner if they agreed with proposed Special Condition H. and Mr. Peisker
18 agreed.

19
20 Mr. Thorsland entertained a motion to approve the special conditions as read.

21
22 **Mr. Passalacqua moved, seconded by Ms. Griest to approve the special conditions as read. The**
23 **motion carried by voice vote.**

24
25 Mr. Thorsland asked staff if there were any new Documents of Record.

26
27 Mr. Hall stated that new item #6 should read as follows: Supplemental Memorandum dated May 29, 2014,
28 with attachments; and item #7: Site photographs distributed at the May 29, 2014, public hearing.

29
30 **Findings of Fact for Case 776-S-14:**

31
32 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
33 776-S-14 held on May 29, 2014, the Zoning Board of Appeals of Champaign County finds that:

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

37
38 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
39 location because the church serves members in this neighborhood. She said that the Special Use Permit is
40 appropriate in terms of the Ordinance and the property is large enough to accommodate expansion.

41

1 Ms. Griest stated that the location is suitable to hold events for the local community and it can be made
2 available for nearby residents of the area. She said that the church has been on the subject property since
3 1976.
4

5 Ms. Chavarria read the Boards findings as follows:

- 6 • **The church serves members in this neighborhood**
- 7 • **Special Use Permit is appropriate in terms of the Ordinance**
- 8 • **The property is large enough to accommodate expansion**
- 9 • **They have community, non-church events in their facility; the facility is appropriate for**
10 **community events and can be made available to residents in the area**
- 11 • **The Church has been on the subject property since 1976**
12

13 The Board agreed with the findings as read.
14

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

- 19 **a. The street has ADEQUATE traffic capacity and the entrance location has**
20 **ADEQUATE visibility.**
21

22 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
23 visibility.
24

- 25 **b. Emergency services availability is ADEQUATE.**
26

27 Ms. Griest stated that emergency services availability is ADEQUATE.
28

- 29 **c. The Special Use WILL be compatible with adjacent uses.**
30

31 Mr. Passalacqua stated that the Special Use is already and WILL be compatible with adjacent uses.
32

- 33 **d. Surface and subsurface drainage will be ADEQUATE.**
34

35 Ms. Capel stated that surface and subsurface drainage will be ADEQUATE when they comply with the
36 Stormwater Management Policy.
37

- 38 **e. Public safety will be ADEQUATE.**
39

40 Mr. Thorsland stated that public safety will be ADEQUATE pending compliance with Special Condition B.
41

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

2
3 Mr. Passalacqua stated that the provisions for parking will be ADEQUATE.

4
5 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
6 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
7 which it shall be located or otherwise detrimental to the public health, safety, and welfare.

8
9 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
10 **DOES conform to the applicable regulations and standards of the DISTRICT in which**
11 **it is located.**

12
13 Mr. Passalacqua stated that the requested Special Use Permit, subject to the special conditions imposed
14 herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

15
16 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
17 **DOES preserve the essential character of the DISTRICT in which it is located because:**
18 **a. The Special Use will be designed to CONFORM to all relevant County**
19 **ordinances.**

20
21 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances.

22
23 **b. The Special Use WILL be compatible with adjacent uses.**

24
25 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

26
27 **c. Public safety will be ADEQUATE.**

28
29 Ms. Griest stated that public safety will be ADEQUATE.

30
31 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
32 DOES preserve the essential character of the DISTRICT in which it is located.

33
34 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS**
35 **in harmony with the general purpose and intent of the Ordinance because:**

36
37 **a. The Special Use is authorized in the District.**

38 **b. The requested Special Use Permit IS necessary for the public convenience at this**
39 **location.**

40
41 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this

1 location.

2

3 **c. The requested Special Use Permit, subject to the special conditions imposed**
4 **herein, is so designed, located, and proposed to be operated so that it WILL**
5 **NOT be injurious to the district in which it shall be located or otherwise**
6 **detrimental to the public health, safety, and welfare.**

7

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

11

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

15

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

18

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

21

22 **5. The requested Special Use IS an existing nonconforming use and the requested Special**
23 **Use Permit WILL make the existing use more compatible with its surroundings.**

24

25 Mr. Thorsland stated that the requested Special Use IS an existing nonconforming use and the requested
26 Special Use Permit WILL make the existing use more compatible with its surroundings.

27

28 **6. The special conditions imposed herein are required to ensure compliance with the**
29 **criteria for special use permits and for the particular purposes described below:**

30

31 **A. A complete Storm water Drainage Plan that conforms to the requirements of the**
32 **Storm water Management Policy shall be submitted and approved as part of the**
33 **Zoning Use Permit application for construction and all required certifications**
34 **shall be submitted after construction prior to issuance of the Zoning**
35 **Compliance Certificate.**

36 The special condition stated above is required to ensure the following: **That the**
37 **drainage improvements conform to the requirements of the Storm water**
38 **Management Policy.**

39

40 **B. Certification from the County Health Department that the septic system on the**
41 **subject property has sufficient capacity for the existing building and proposed**

1 **addition is a requirement for approval of the Zoning Use Permit.**

2 The special condition stated above is required to ensure the following: **That the**
3 **solid waste system conforms to the requirements of the Zoning Ordinance and**
4 **any applicable health regulations.**

- 5
6 **C. The design for the proposed new entrance to the property must be approved by**
7 **the City of Champaign prior to approving the Zoning Use Permit. The entrance**
8 **must also be approved as constructed by the City of Champaign in order to**
9 **extend a Zoning Compliance Certificate.**

10 The special condition stated above is required to ensure the following: **That access**
11 **and safety concerns for travel on Windsor Road are considered according to**
12 **applicable City of Champaign engineering standards.**

- 13
14 **D. A Landscaping Plan of the required Type A screen for the entire (existing and**
15 **proposed) parking area must be received and approved or a variance must be**
16 **applied for and approved by the Zoning Board of Appeals.**

17 The special condition stated above is required to ensure the following: **That the**
18 **proposed parking facilities conform to the requirements of the Zoning**
19 **Ordinance.**

- 20
21 **E. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
22 **petitioner has demonstrated that any new or proposed exterior lighting on the**
23 **subject property will comply with the lighting requirements of Section 6.1.2.**

24 The special condition stated above is required to ensure the following: **That any**
25 **proposed exterior lighting is in compliance with the Zoning Ordinance.**

- 26
27 **F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**
28 **the proposed church until the petitioner has demonstrated that the proposed**
29 **Special Use complies with the Illinois Accessibility Code.**

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

- 32
33 **G. The only principal use authorized by Case #776-S-14 is a church.**

34 The special condition stated above is necessary to ensure the following: **That the**
35 **petitioner and future landowners understand the requirements of the Zoning**
36 **Ordinance.**

- 37
38 **H. The Petitioner shall construct a sidewalk along the length of the property on**
39 **Windsor Road when there is a sidewalk constructed on the property to the east.**

40 The special condition stated above is necessary to ensure the following: **That the**
41 **petitioner provides for safe pedestrian circulation.**

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

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

Mr. Thorsland entertained a motion to move to a final determination for Case 776-S-14.

Mr. Passalacqua moved, seconded by Ms. Lee to move to a final determination for Case 776-S-14. The motion carried by voice vote.

Mr. Thorsland informed the petitioners that one Board member was absent therefore it is at their discretion to either continue Case 776-S-14 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

Mr. Simmons requested that the present Board move to the Final Determination.

Final Determination for Case 776-S-14:

Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements for Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 776-S-14 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants Windsor Road Christian Church, to authorize the following as a Special Use in the AG-2 District:

Authorize the expansion and use of an existing, nonconforming church in the AG-2 Agricultural Zoning District consisting of additional classrooms, worship areas and recreational space with no change in existing facility use, subject to the following special conditions:

- A. A complete Storm water Drainage Plan that conforms to the requirements of the Storm water Management Policy shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is required to ensure the following: That the drainage improvements conform to the requirements of the Storm water Management Policy.

- 1 **B. Certification from the County Health Department that the septic system on the**
2 **subject property has sufficient capacity for the existing building and proposed**
3 **addition is a requirement for approval of the Zoning Use Permit.**
4 The special condition stated above is required to ensure the following: **That the**
5 **solid waste system conforms to the requirements of the Zoning Ordinance and**
6 **any applicable health regulations.**
7
- 8 **C. The design for the proposed new entrance to the property must be approved by**
9 **the City of Champaign prior to approving the Zoning Use Permit. The entrance**
10 **must also be approved as constructed by the City of Champaign in order to**
11 **extend a Zoning Compliance Certificate.**
12 The special condition stated above is required to ensure the following: **That access**
13 **and safety concerns for travel on Windsor Road are considered according to**
14 **applicable City of Champaign engineering standards.**
15
- 16 **D. A Landscaping Plan of the required Type A screen for the entire (existing and**
17 **proposed) parking area must be received and approved or a variance must be**
18 **applied for and approved by the Zoning Board of Appeals.**
19 The special condition stated above is required to ensure the following: **That the**
20 **proposed parking facilities conform to the requirements of the Zoning**
21 **Ordinance.**
22
- 23 **E. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
24 **petitioner has demonstrated that any new or proposed exterior lighting on the**
25 **subject property will comply with the lighting requirements of Section 6.1.2.**
26 The special condition stated above is required to ensure the following: **That any**
27 **proposed exterior lighting is in compliance with the Zoning Ordinance.**
28
- 29 **F. The Zoning Administrator shall not issue a Zoning Compliance Certificate for**
30 **the proposed church until the petitioner has demonstrated that the proposed**
31 **Special Use complies with the Illinois Accessibility Code.**
32 The special condition stated above is necessary to ensure the following: **That the**
33 **proposed Special Use meets applicable state requirements for accessibility.**
34
- 35 **G. The only principal use authorized by Case #776-S-14 is a church.**
36 The special condition stated above is necessary to ensure the following: **That the**
37 **petitioner and future landowners understand the requirements of the Zoning**
38 **Ordinance.**
39
- 40 **H. The Petitioner shall construct a sidewalk along the length of the property on**
41 **Windsor Road when there is a sidewalk constructed on the property to the east.**

1 The special condition stated above is necessary to ensure the following: **That the**
2 **petitioner provides for safe pedestrian circulation.**
3

4 Mr. Thorsland requested a roll call vote.

5
6 The roll was called as follows:

7			
8	Capel-yes	Griest-yes	Lee-yes
9	Miller-absent	Passalacqua-yes	Randol-yes
10	Thorsland-yes		

11
12 Mr. Hall informed the petitioners that they have received an approval for their requested Special Use Permit.
13 He stated that staff will send out the appropriate paperwork as soon as possible but in the mean time they
14 should feel free to proceed.

15
16 Mr. Thorsland stated that the Board will take a five minute recess.

17
18 **The Board recessed at 7:55 p.m.**

19 **The Board resumed at 8:00 p.m.**

20
21 **5. Continued Public Hearing**

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

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Mr. Thorsland stated that the Petitioner has requested that Case 685-AT-11 be continued.

Mr. John Hall, Zoning Administrator, stated that the 100-day limit for continuance is August 28, 2014, and he requests, as the Petitioner, that Case 685-AT-11 be continued to that date.

Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the August 28, 2014, public hearing.

Ms. Griest moved, seconded by Mr. Randol to continue Case 685-AT-11 to the August 28, 2014, public hearing. The motion carried by voice vote.

Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by amending the Champaign County Storm Water Management Policy by changing the name to the Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency’s ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V. Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion and water quality requirements that are required for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII. Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement).

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign

1 the witness register for that public hearing. He reminded the audience that when they sign the witness
2 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
3 time.
4

5 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.
6

7 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated May 29, 2014,
8 and a revised draft of the Stormwater Management and Erosion Control Ordinance dated May 29, 2014, to
9 the Board for review. He said that the revised draft of this Ordinance does not include the changes that are
10 going to be made to the technical appendices but those changes are intended to be made in the future. He
11 said that he does not expect this draft to be the last version although he does believe that it is very close to
12 being the last revised version.
13

14 Mr. Hall stated that the Supplemental Memorandum dated May 29, 2014, summarizes the revisions. He said
15 that if we had to group these changes into large groups they would be the bulleted items on page 2 of the
16 memorandum and Mr. Levy has been able to address almost all of the comments that have been received
17 thus far during the public hearings for this case. He said that Board members will recall that a memorandum
18 was mailed on May 1st that had the comments from Berns, Clancy and Associates and most of those
19 comments are addressed in this version but not all. He said that by the next meeting staff will have a
20 compilation of all of the comments that have been received and all of the changes that have been made.
21

22 Mr. Hall stated that Berns, Clancy and Associates recommended adding several storm water technical terms.
23

24 Mr. Andrew Levy noted that the only technical terms that were added are those that already existed in the
25 Ordinance and the content was verified to make sure that the definitions matched the intended term but the
26 ones that were in the Ordinance are now defined terms.
27

28 Mr. Hall stated that staff will consider the definitions that are not in the Ordinance to see if they need to be
29 added but staff have done the things that are in there already. He said that the definition of final stabilization
30 was added which is a critical term and he predicts that in the future a common thing that people will ask
31 from staff is a statement of final stabilization so that they can document that their property has achieved final
32 stabilization. He said that this will be important for projects that don't have to comply with ILR10 because
33 when they can prove that they have achieved final stabilization any disturbance that they do after that would
34 be considered separate. He said that staff has not added any specific provision of this but he is assuming that
35 this will be a consistent request.
36

37 Mr. Hall stated that staff clarified applicability and by stating clarified he means that staff greatly simplified
38 it. He said that in Section 4 the Board may recall in the beginning how staff tried to define applicability and
39 it was logical when staff started but it got illogical therefore staff took another look at it to make it simpler.
40 He said that staff was relying on exemptions but now we talk about all sections of the Ordinance that apply
41 to the MS4 Jurisdictional Area and all of the sections that apply outside of the MS4 Jurisdictional Area. He

1 said that at the beginning of Applicability staff has added new information about applicability of ILR10. He
2 said that he recalled that at the last public hearing it was clear that the Ordinance didn't actually provide
3 clear guidance to a citizen when they may have to worry about ILR10 or not. He said that what has been
4 added in Section 4.1.A. may not amount to a lot but it is all that we have to work with about ILR10
5 requirements and those requirements apply both in the MS4 area and outside. He said that ILR10 is
6 discussed a lot in the Land Disturbance and Erosion Control Permits section but previously we did not have
7 a lot of information for folks living outside of the MS4 area therefore staff has tried to add that here. He said
8 that another thing that has been added under Applicability is guidance regarding the conversion of farmland
9 in compliance with ILR10. He said that staff received new information at the last public hearing on this case
10 regarding USEPA's determination about the conversion of farmland and he tried to verify that information
11 but was unsuccessful but he did find that other counties in Illinois had addressed it. He said that staff added
12 Section 4.1.A.3 as follows: When a lot is converted from agricultural use to other land use, the land shall be
13 vegetated with an appropriate protective land cover prior to any application for a Zoning Use Permit or else
14 the land shall be considered to be in a state of land disturbance and appropriate erosion and sedimentation
15 controls provided as necessary unless documentation from the Illinois Environmental Protection Agency or
16 the US Environmental Protection Agency indicates otherwise. He said that if someone is converting
17 farmland to nonagricultural use and it doesn't have an appropriate vegetative cover it is considered to be in a
18 state of land disturbance. He said that staff will continue to attempt to make this sound like plain English
19 but this is staff's understanding to date. He said that staff did find that Kankakee County has something like
20 this in their Ordinance and is a little less informative.

21
22 Mr. Passalacqua stated that this has no regard to the size of the parcel.

23
24 Mr. Hall stated that staff did not get into size although it is critical if it amounts to one acre or more. He said
25 that the risk when something like this is added is that the County may be getting ahead of the IEPA and staff
26 does not want to require things that the IEPA does not require. He said that staff was told that if someone
27 sends a Notice of Intent to the IEPA and the IEPA believes that it is not required the IEPA will let that
28 applicant know therefore we never want to be in front of the IEPA with these regulations and we always
29 want to provide for their determination that it doesn't apply.

30
31 Mr. Thorsland stated that Section 4.1.B. defines Section 4.1.A.3. in regards to size.

32
33 Mr. Hall stated that technically it does but it could be made more clear in Section 4.1.A. 3. He said that it
34 may save future lot purchasers a headache if we would reduce our minimum lot size from one acre to
35 perhaps 9/10th of an acre so that if they just had the minimum lot size they would never be disturbing an acre.
36 He said that he believes if the Board is going to make it a change like this it would be worthwhile but the
37 change has to be made small enough that we are still meeting all of those other requirements for lot size in
38 regards to an active septic system or replacement septic system, area for adequate buildings, etc. He said that
39 it is a known fact that most people do not limit themselves to just one acre but in the future, if what we have
40 been told how the IEPA operates is true, there might be a big incentive to limit lot size to something less
41 than one acre in which case less best prime farmland would be used or less wooded areas would be used. He

1 said that if someone wants to deal with the ILR10 complications they could still go with an eight acre lot and
2 disturb as much as they want.

3

4 Mr. Thorsland asked if such a change would be a separate case.

5

6 Mr. Hall stated yes.

7

8 Mr. Thorsland stated that the Board has had cases in the past where what was implied by the tax map to be
9 one acre but was technically not one acre therefore needed a variance to replace their home or build an
10 accessory structure.

11

12 Mr. Hall stated that the rules that are in place at the time were for certain reasons.

13

14 Mr. Thorsland stated that a change like that would prevent in the future someone who believed that they
15 were completely compliant in having a one acre minimum and trying to do something like that, that they
16 were actually okay and did not need a variance. He said that changing the minimum could take some of the
17 variance cases away.

18

19 Ms. Lee stated that in discussing changing agriculture land and reviewing the definition of agriculture, many
20 times a farmer may have been growing their crop next to the drainage ditch and they put in a certain area of
21 grass to protect the drainage ditch. She said that according to the definition the farmer is not growing any
22 crop from an agricultural point of view therefore technically even though agriculture is exempted this
23 practice of planting grass to protect the drainage ditch may not be accepted.

24

25 Mr. Hall stated that this is a good instance where that portion of the land that gets converted already has an
26 appropriate vegetative cover, the grass filter strip, so he believes that it would be compliant.

27

28 Ms. Lee stated that it makes sense but someone may argue that even though it has a vegetative cover it was
29 converted from agriculture use and is not exempt.

30

31 Mr. Hall stated that Section 4.1.A.3. states that when it is converted from agricultural use to other land use it
32 has to have appropriate vegetative cover and a grass filter strip is the most appropriate and there will always
33 be people that will argue.

34

35 Ms. Lee stated that Section 4.2, General Exemptions, does not include an exemption for drainage districts.
36 She said that it includes other units of government and it talks about public street and railroad right-of-ways
37 but it does not discuss drainage right-of-ways and it should be included.

38

39 Mr. Hall stated that a blanket exemption was not given to drainage districts. He said that the drainage
40 districts operate under the rules of IDNR in terms of the statewide permits and those are exempted. He said
41 that if exempting drainage districts is something that the Board wants to include in Section 4.2 then it can be

1 added but he would bet that it would be very controversial.

2
3 Ms. Lee asked if there could be any references to the fact that as long as the drainage districts comply with
4 the statewide permits they are exempt.

5
6 Mr. Hall stated that this reference is already in the Ordinance under Section 4.2.E. He said that Section
7 4.2.E. reads as follows: Land disturbance pursuant to a statewide or regional permit administered by the
8 Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that
9 information sufficient to document compliance with the relevant statewide or regional permit is submitted to
10 the Zoning Administrator at least one week prior to the start of land disturbance. This exemption is only
11 applicable to that portion of construction or land disturbance that is eligible for the statewide or regional
12 permit.

13
14 Mr. Thorsland stated that Section 4.2.F. indicates that any land disturbance that is done by or for either the
15 unit of government that has maintenance authority or the street right-of-way.

16
17 Ms. Griest stated that Section 4.2.F. does not state or the street right-of-way but states of the street right-of-
18 way. She said that typically the drainage district does not maintain streets.

19
20 Mr. Thorsland stated that in addressing Ms. Lee's concerns text could be added to Section 4.2.F.

21
22 Ms. Griest suggested that staff review the drainage law first before the Board tampers with this and if staff
23 feels that there is some appropriate text that could be added they could propose it but she does not believe
24 that this concern fits in Section 4.2.F. She said that there is an expert in the audience who could enlighten
25 the Board about drainage districts and whether or not they always need to get an OWR permit from IDNR.

26
27 Mr. Thorsland called Don Wauthier to testify.

28
29 Mr. Don Wauthier, Engineer with Berns, Clancy and Associates stated that he serves as the Volunteer
30 Technical Advisor for the Illinois Association of Drainage Districts therefore he believes he could answer
31 any question that the Board may have regarding drainage districts.

32
33 Ms. Griest asked Mr. Wauthier if a drainage district is required to obtain an IDNR/OWR permit when they
34 are performing any kind of maintenance.

35
36 Mr. Wauthier stated yes and no. He said that in many cases a drainage district is not always required to
37 obtain a permit. He said that there are statewide permits that are issued and as long as they fall under the
38 statewide permit requirement they do not have to make an application and can proceed as long as they follow
39 the statewide guidelines. He said that in many cases they do not need a permit to do general maintenance
40 work from the Office of Water Resources. He said that the Office of Water Resources, by state law, their
41 jurisdiction on regulating construction activities only occurs once the watershed exceeds ten square miles in

1 an agricultural area and one square mile in an urban area. He said that if a drainage district is out in a rural
2 area and they are in the upper nine square miles of the watershed there is no permit requirements at all
3 because the Office of Water Resources does not have any regulatory authority.
4

5 Ms. Griest stated that Section 4.2.E. would not give the drainage districts an exemption under the way that
6 the section is written.
7

8 Mr. Wauthier stated that they will be disturbing more than one acre of ground so they will have to apply for
9 and obtain an ILR10 from the IEPA even though they don't have to get an Office of Water Resource
10 Construction Permit.
11

12 Mr. Hall stated that he knew that if they comply with all of the IDNR/OWR conditions they do not have to
13 have a permit but doesn't that really amount to the same thing as having a permit.
14

15 Mr. Wauthier stated that you automatically have a permit.
16

17 Mr. Hall asked Mr. Wauthier, that in the first instance, stating that it is exempt pursuant to a statewide
18 permit, does Section 4.2.E. need to be clarified more and in the second instance he hadn't thought of when
19 there is a less than a ten square mile watershed in a rural area and he does not know what to do about it. He
20 said that as long as they are compliant with ILR10 they should be okay.
21

22 Mr. Wauthier stated if there is more than one acre of land disturbance an ILR10 is required. He said that an
23 interesting element that is coming in to play is that the Army Corps of Engineers has published a new
24 nationwide permit that is changing the regulations for drainage district maintenance activities and making
25 those requirements stringent and whether or not those are going to be passed or not is unknown therefore it
26 will be another six or eight months before they are enacted.
27

28 Mr. Hall asked Mr. Wauthier that when a drainage district meets the conditions of an IDNR statewide permit
29 does the IDNR still make them apply for a joint application with the Army Corps of Engineers.
30

31 Mr. Wauthier stated no, and right now the nationwide permits with the Army Corps of Engineers sync up
32 very closely with statewide permits so that for the most part if you qualify for an IDNR statewide permit you
33 will also qualify for a nationwide Army Corps of Engineers permit. He said that the Army Corps of
34 Engineers requires you to send in a letter but you do not have to do the application process you only send in
35 the letter and tell them what you are doing but that may not be the case in a few months.
36

37 Mr. Randol stated that he believes that the drainage districts are under enough scrutiny without the County
38 trying to tell them what to do.
39

40 Mr. Hall asked Mr. Randol to clarify his statement in relation to this Ordinance. He asked Mr. Randol if he
41 would like to see a blanket exemption for drainage districts.

1
2 Mr. Randol stated that the Board does not deal with drainage districts in telling them what they can and
3 cannot do and the Army Corp of Engineers and IDNR/OWR are agencies that are already enforcing their
4 activities therefore why should we add another layer as to what the drainage districts can or cannot do.
5
6 Mr. Thorsland asked Mr. Randol if he believes that the language in Section 4.2.E. is adequate.
7
8 Mr. Randol stated that he believes that Section 4.2.E. is adequate.
9
10 Ms. Griest asked Mr. Randol if Section 4.2.E. is adequate enough to give the drainage districts a blanket
11 exemption.
12
13 Mr. Randol stated yes. He said that the drainage district is already governed by other units of government.
14
15 Mr. Hall stated that the only possible change that he could see is based on Mr. Wauthier’s comments and
16 clarify when there is no IDNR statewide permit applicable then they would be expected to comply with
17 ILR10, which is the State’s expectation.
18
19 Ms. Griest asked Mr. Hall if the County has a regulatory responsibility to govern and permit drainage
20 districts and if not then revise Section 4.2.A. and include drainage district along with agriculture.
21
22 Mr. Hall stated that outside of the MS4 area the County has no obligation but the Ordinance has to be written
23 so that it is clear as to what rules are being adopted. He said that the intent was not to add any new
24 regulations but to exempt them under the current regulations and we have just been told that there is some
25 drainage district activity out there that this does not exempt. He said that his only concern about doing a
26 blanket exemption is that he knows some people who would not support that at the County Board.
27
28 Ms. Lee asked Mr. Hall to indicate on what grounds the County Board would not support a blanket
29 exemption for drainage districts.
30
31 Mr. Hall stated that there is probably no issue with the drainage districts which are in a watershed that is less
32 than 10 square miles because those are almost always going to be intermittent flowing ditches therefore the
33 problems that we could run into may not be a big as he fears. He said that anyone who has lived in
34 Champaign County for very long knows that there are different opinions about drainage ditch maintenance.
35
36 Mr. Thorsland stated that the Board should remember that they are the Zoning Board of Appeals and the
37 Board sends their recommendations to the County Board therefore we should not worry about what they will
38 or will not take because the County Board has never had any fear in sending back recommendations that they
39 do not agree with. He said that the ZBA needs to be comfortable with their recommendations first and
40 whether or not we add this exemption or not is up to this Board at this time and then if the County Board
41 does not agree they can remove it or send it back to the ZBA.

1

2 Mr. Passalacqua asked Mr. Hall how staff is going to police or reprimand the drainage district.

3

4 Mr. Hall stated that citizens expect staff to investigate when a complaint is received regarding the rural area.

5

6 Mr. Passalacqua stated that this would be complaint driven like everything else is. He said that there are so
7 much criteria that the drainage districts have to abide by already he does not think that it behooves the ZBA
8 to put another layer on someone who is already well regulated.

9

10 Mr. Thorsland asked the Board if they were comfortable with the language in Section 4.2.E. or do we want
11 to clarify it based on Mr. Wauthier's testimony or take the full leap and exempt drainage districts.

12

13 Mr. Passalacqua asked Mr. Hall if he is apprehensive of just placing a blanket exemption on drainage
14 districts.

15

16 Mr. Hall stated that if we added the enhancement of watersheds which are less than 10 square miles ILR10
17 compliance would be a requirement and the County Board could chose to agree or not. He said that if the
18 County Board chooses not to require ILR10 compliance then his view is that in those watersheds which are
19 less than 10 acres and the only existing State requirement is ILR10 compliance then the County Board would
20 have decided that they will not require it and will be able to address it.

21

22 Mr. Passalacqua stated that he is in favor of saying that compliance is required from the State as opposed to
23 saying that we have nothing to do with it.

24

25 Mr. Wauthier stated that it isn't just drainage districts but all the other units of local government. He said
26 that a school district could decide to build a new school that is outside a city or village's jurisdiction. He
27 said that an exemption could be given to units of government that still have to comply with the ILR10 but
28 don't have to meet the County's.

29

30 Mr. Passalacqua asked Mr. Wauthier if that would push the complaints off onto the State instead of the
31 County's Department of Planning and Zoning.

32

33 Mr. Hall stated that he would be concerned about giving a blanket exemption to all local units of
34 government. He said that in street and railroad right-of-ways the area is so limited that they should be able
35 to do what they need to do. He said that we have fought long and hard to establish our jurisdiction for
36 schools and they are largely exempt but not completely and he does not understand why they would not
37 comply with ILR10 but on the other hand if the County Board does not want to worry about it outside of the
38 MS4 then that settles that. He said that being able to assess what a blanket exemption might mean concerns
39 him greatly.

40

41 Ms. Capel stated that all of this will apply to outside of the MS4 but the blanket exemptions will not apply

1 within the MS4.

2

3 Mr. Hall stated that the general exemptions in Section 4.2. apply inside and outside the MS4.

4

5 Ms. Capel stated that if a blanket exemption were provided for the school districts it would also apply inside
6 or outside the MS4 as well.

7

8 Mr. Hall stated that school districts cannot be exempted from the ILR10 because it is a State requirement and
9 there is no need for us to add anything on top of that for sure but it is up to the County Board as to whether
10 or not they want to document that is in compliance. He said that we are never proposing to take over
11 compliance away from what the IEPA does.

12

13 Ms. Capel stated that this would be adding another level of local compliance. She said that they would have
14 to supply copies of what they submitted at the State level.

15

16 Mr. Hall stated that outside of the MS4 it is up to the County Board. He said that we do need to address
17 these small watersheds to make sure that we are not leaving gaps in what we are proposing.

18

19 Mr. Thorsland asked staff to work with Mr. Levy to come up with language regarding this issue based upon
20 the testimony from Mr. Wauthier.

21

22 Mr. Hall stated that regarding clarification of exemptions in Section 4.3, Storm Water Drainage Plan
23 Exemptions and Section 4.4, LDEC Permit Exemptions, there were previous comments that the exemptions
24 were confusing therefore he hopes that the revised version will make more sense and staff is always open to
25 suggestions.

26

27 Mr. Hall stated that in regards to clarification of Authorizations and Project Termination (Sections 5.2 and
28 5.3) additional detail has been added to both. He said that the previous version was not real clear in regards
29 to ILR10 approvals and how that coincides with County approvals outside of the MS4 area so we nailed
30 those down and if the County Board chooses not to do that those things that would not be required. He said
31 that all of the revised material is double underlined so that it is highlighted. He said that previously there
32 was a requirement for no erosion or sedimentation on to adjacent properties and he still likes that but he has
33 had enough people tell him that it is crazy therefore it has been revised from "no" to "minimize" but the
34 intent is the same.

35

36 Mr. Hall stated that there were several comments received regarding Section 8.3, Hierarchy of Best
37 Management Practices, indicating that we had establishing native vegetation above things that seemed more
38 important therefore it was revised. He said that we want to preserve the existing natural streams, channels
39 and drainage ways as much as practicable.

40

41 Mr. Hall stated that some detail was added to Section 12, Minor and Major LDEC Permits, to specify things

1 about ILR10 compliance so that someone in that area, a homeowner wanting to build a new home, would
2 have better guidance on what to expect when they come in to apply for a permit.

3
4 Mr. Hall stated that Mr. Levy has made a lot of other minor changes based on comments and staff wanted to
5 get the revised draft Ordinance to the Board tonight even though we know there will be other changes. He
6 said that there were so many questions in our mind at the end of the last public hearing that staff thought they
7 owed it to the Board to try and resolve some of those questions. He said that more questions and comments
8 have been received tonight therefore there is more detail to add and staff will do that.

9
10 Mr. Hall noted that staff has started a Preliminary Finding of Fact but staff if not going to share it with the
11 Board until staff has more confidence of the document and not distribute ten different versions of evidence.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

14
15 Mr. Hall stated that staff made it clear in Case 773-AT-14 that staff is completely confident that ILR10
16 compliance outside of the MS4 is completely optional for the County Board. He said that normally we do
17 not like to show the County Board as many options as we have in this case but we have never had an
18 amendment that is as complicated as this case and he thinks that the options that we have are reasonable and
19 this Board should only recommend the options that it is comfortable with. Mr. Hall stated that staff is not
20 out there trying to think up new options but some of these things seem so significant and we know that the
21 County Board would like to have a degree of freedom to deal with these issues so we do have these options.
22 He said that the options are discussed in the memorandum and the options are reviewed. He said that it may
23 be very confusing but the changes related to these options are really very small and are documented in the
24 memorandum. He said that staff believes that it would be a good idea to go into the draft Ordinance and add
25 some kind of notation so that when you are reading a phrase that is optional there would be a footnote to
26 make it clear. He said that the draft that is in front of the Board tonight does not have that kind of notation
27 and if the Board does not believe that it is necessary staff will not add it.

28
29 Ms. Capel stated that the options that Mr. Hall are discussing are all based on whether the Board is going to
30 require compliance outside of the MS4 or not.

31
32 Mr. Hall stated that Ms. Capel's statement is one option but when staff was at ELUC they were thinking that
33 it wasn't optional but we realized after ELUC that staff did not do a very good job of specifying what it
34 meant. He said that the only option that ELUC was aware were the optional minimum requirements that
35 apply to all properties, such as, minimize erosion and sedimentation, take care of your construction trash,
36 don't get mud on the road, etc. He said that ELUC wanted those as options but when it comes back to them
37 it doesn't mean that they will be approved. He said that we have two options, the option of ILR10
38 compliance outside of the MS4 area and Case 773-AT-14, Option to Require Permits for Grading and
39 Demolition outside of MS4 Jurisdiction which doesn't change anything in Case 769-AT-13 and is a separate
40 case but it should be considered during review of Case 769-AT-13.

1 Ms. Lee stated that in one of the written materials Mr. Levy indicated that soil is a pollutant. She said that
2 the soil itself is not a pollutant it is only the movement of the soils which make it a pollutant.
3

4 Mr. Hall stated that this Ordinance only discusses soil as a pollutant when it gets washed into a drainage
5 ditch.
6

7 Mr. Levy stated that indicating soil as a pollutant may have been an over simplification just to get across the
8 point that when you think of soil the term pollutant does not normally come to mind. He said that when soil
9 is included in storm water the USEPA defines that soil as a pollutant.
10

11 Mr. Thorsland called Mr. Herb Schildt to testify.
12

13 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, stated that the definition of grading reads as
14 follows: Excavation or fill or any combination thereof. He said that one thing that has come up is the
15 concept of private roads and we need to be very careful with this definition. He said that a private road is
16 typically maintained with gravel when potholes occur and a grade box is used behind a tractor to smooth out
17 the ruts. He said that he does think that it would be appropriate under any circumstance to require a permit
18 to drag their road to smooth out the ruts but the definition does not clearly exempt such a practice. He said
19 that Case 773-AT-14 hinges on these definitions and since the definition of grading occurs during Case 769-
20 AT-13 he thought that it would be appropriate to raise this concern. He said that there are probably some
21 other specialized cases where someone could call the office indicating that grading was occurring and no
22 permit was obtained.
23

24 Mr. Schildt stated that Section 6.4.E. discusses that no construction or land disturbance pursuant to
25 construction shall occur within 50 feet of the top of the bank of a drainage ditch or stream or within 30 feet
26 of the centerline of a drainage swale that is indicated as an intermittent stream on a USGS 7.5 Minute
27 Quadrangle Map. He stated that it is his understanding that drainage districts already have easement or right-
28 of-way rights and perhaps Mr. Wauthier could provide clarification.
29

30 Mr. Hall stated that he appreciates the mentioning of grading of a driveway because this Ordinance is
31 materially different than the Zoning Ordinance and it is another Ordinance which discusses land disturbance
32 and if a common type of land disturbance has been considered and has not been exempted then it applies.
33 He said that someone would have to be doing one-half mile of private road to disturb one acre so if you have
34 a driveway that is one-half mile long perhaps it could be maintained in a cycle where you do one-half at one
35 time. He said that it is unlikely that people will complain about the maintenance of a driveway therefore it is
36 unlikely that it will even be brought to staff's attention. He said that perhaps an exemption for driveways is
37 necessary.
38

39 Mr. Schildt stated that near his home there is a long private road and it has side roads that run off it. He said
40 that perhaps one of the neighbors decided that he was going to maintain the entire private road it is possible
41 that it could exceed one acre if it were made 20 feet wide and a few passes for grading were made. He said

1 that to be honest he does not like the concept of grading permits and he does not like laws which make
2 people “criminals” for doing normal activity on their property. He said that he understands staff’s concept
3 but it should be made specific.
4

5 Mr. Hall stated that he is certain that people have the legal right to continue access to their home therefore he
6 does not know what regulating driveway maintenance would accomplish. He said that perhaps driveway
7 maintenance merits an exemption.
8

9 Ms. Lee stated that there are rural driveways with grass in the middle and many times those rural driveways
10 have to be maintained by removing the grass so that it does not scrape the bottom of vehicles. She said that
11 in this situation vegetation is being disturbed.
12

13 Mr. Thorsland asked the audience if anyone else desired to sign the witness register at this time and there
14 was no one.
15

16 Mr. Thorsland asked the Board if they had any further questions regarding Case 769-AT-13 at this time and
17 there were none.
18

19 Mr. Thorsland closed the witness register.
20

21 Mr. Thorsland entertained a motion for continuance of Case 769-AT-13.
22

23 Mr. Hall recommended that Case 769-AT-13 be continued to the next public hearing which is June 12, 2014.
24

25 **Ms. Lee moved, seconded by Mr. Randol to continue Case 769-AT-13 to the June 12, 2014, public**
26 **hearing. The motion carried by voice vote.**
27

28 **6. New Public Hearings**

29

30 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
31 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
32 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
33 **demolition that disturbs on acre or more of land or for any grading or demolition that is part of a**
34 **larger common plan of development in which one acre or more of land disturbance will occur, and**
35 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
36 **and C. Add required information to be provided in the application for a Grading and Demolition**
37 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
38 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s ILR 10 General**
39 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
40 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s regulations**
41 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**

1 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
2 **requirements related to Grading and Demolition Permits.**
3

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

9 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.
10

11 Mr. John Hall, Zoning Administrator, stated that the Preliminary Memorandum dated May 23, 2014, clarifies
12 that staff believes that there is value that could be achieved by adding this to the Ordinance. He said that he
13 wants to propose it so that when he is asked later by citizens why the County Board doesn't worry about this
14 he can reply that staff gave them the opportunity and they decided not to. He said that complaints regarding
15 changes in drainage, mud being tracked onto the roads, and mud washing onto adjacent properties are really
16 one of our more common complaints in the rural area and the ETJ area. He said that he does not want the
17 Board to think that adding this little bit of change will give us a tremendous tool that we can go out and stop
18 all of those things from happening because it won't although we might be able to make some of those
19 situations better. He said that drainage is the kind of thing where people will always be changing drainage at
20 a scale that we cannot hope to do anything about but this will at least give us the opportunity to step in to a
21 situation and try to minimize damage or stop the bad activity that is going on. He said that the Grading and
22 Demolition Permit is separate from the ILR10 compliance because they are two different things and the
23 County Board can do one without doing the other and obviously if you are trying to prevent water pollution
24 requiring permits for grading and demolition that involve one acre or more of land disturbance it makes a lot
25 of sense which is why he would like to present it as a option to the County Board.
26

27 Mr. Passalacqua asked Mr. Hall if the State of Illinois has any jurisdiction for some of these complaints such
28 as a construction site that puts mud on the road. He asked if mud on the road is a violation of the Illinois
29 EPA.
30

31 Mr. Hall stated that a construction site can track mud onto the road but they are supposed to clean it up at the
32 end of the day.
33

34 Mr. Passalacqua asked if some of the complaints that staff receive are forwarded to the state level for
35 enforcement because we don't have an ordinance for now.
36

37 Mr. Hall stated that when he becomes aware of such an issue and the disturbance is for an acre or more he
38 notifies the state inspector.
39

40 Mr. Passalacqua stated that most of the complaints that staff receives are for less than one acre of
41 disturbance. He said that he understands that there are complaints about these kinds of things and they are

1 not currently addressed by an ordinance but are they governed by the IEPA.

2

3 Mr. Hall stated that if it is one acre or more the state is the only agency that has any rules that apply. He said
4 that Grading and Demolition Permit, as proposed, is only necessary if there is one acre or more however the
5 minimum requirements in Case 769-AT-13 apply to all acreages. He said that Case 769-AT-13 requirements
6 will be the only means for doing anything for small disturbances and the one acre or more is for the larger
7 stuff.

8

9 Mr. Thorsland stated that the minutes for the March 14, 2014, public hearing indicated testimony from Mr.
10 Rob Parker. Mr. Thorsland stated that Mr. Parker discussed a property, approximately one acre in size, near
11 his that was having a new home constructed upon it and that it was receiving a lot of fill dirt. He said that if
12 it rained mud would be all over the road therefore if someone called staff about the mud on the road and the
13 property was over one acre in size, staff could call IEPA but if it were less than one acre the township
14 highway commissioner would be called. Mr. Thorsland asked Mr. Hall if the body of the Ordinance is based
15 on complaints regarding this kind of problem.

16

17 Mr. Hall stated yes.

18

19 Mr. Thorsland asked Mr. Hall if we have a rainy harvest season and farmers are pulling their trucks and
20 wagons out of the field and leaving mud on the road.

21

22 Mr. Hall stated that this would be considered agriculture and the township highway commissioner would be
23 notified.

24

25 Mr. Randol asked Mr. Hall what applies if someone does not disturb more than one acre of their land but
26 does affect the water flow for adjacent properties consisting of more than one acre combined.

27

28 Mr. Hall stated that the optional minimum requirements would provide a little leverage in an instance like
29 that because that person has obviously obstructed drainage, even though in his mind he hasn't, and it would
30 be easy to prove. He said that staff has cases sitting at the State's Attorney's Office now which are much
31 more serious than this and they have never been taken to court therefore something like this will probably
32 never be taken to court but that does not mean that staff does not try to get something done in the office.

33

34 Mr. Randol asked what if someone causes the drainage to flood someone's home.

35

36 Mr. Hall stated that hopefully that would go to court if it is not corrected.

37

38 Mr. Randol stated that the Ordinance would at least add minimal clout.

39

40 Mr. Hall stated that hopefully if staff is called early enough we can discourage things like that happening in
41 the future.

1

2 Ms. Griest asked if he had any statistical information on how many complaints have been received which
3 involve a construction permit that required ILR10 compliance and complaints that would not would have
4 required ILR10 compliance so that the Board could compare the impact of the grading. She said that she
5 believes that grading and demolition fall into two different categories because the grading may not include
6 construction or demolition but demolition isn't going to include construction necessarily. She asked Mr.
7 Hall if his permitting data indicates how many of the new permits will be taken out of the queue which
8 would not be taken out by Case 769-AT-13 anyway.

9

10 Mr. Hall stated that it is not a great number but as he recalls filling about 9 acres of land to a depth of 12 feet
11 of fill, carefully selected so that it is outside of the mapped floodplain did not fall under any regulations
12 because it was just fill. He said that it turns out that there was a Storm Water Prevention Plan in place and a
13 copy was submitted to staff and that was the end of that. He said that in another instance there was filling of
14 a drainageway to a depth of close to 20 feet of fill in a drainageway that affected a neighbor's land and in
15 terms of area it amounted to a couple of acres. He said that they were filling the drainageway with a culvert
16 at the bottom so at least drainage was not completely blocked and it was not related to any other construction
17 and it was agriculture related therefore staff could not have done anything about it anyway. He said that in
18 another instance a person was and still is grading a three acre lot in the floodplain and mulching it heavily to
19 great depths, which is good because that protects the soil, but there is mud being tracked onto the road and
20 there was bad access to the road. He said that this instance actually ended up being in the MS4 area so the
21 IEPA got involved and there is now no mud being tracked onto the road. He said that the fill is outside of
22 the floodplain and the soil is heavily mulched so there is no erosion. He said that the neighbors are still
23 wondering what is going on because no home has been built but at least their concerns about drainage and
24 mulch blocking the visibility triangle have been corrected. He said that if we would have a permit process in
25 place staff may have known about it in the beginning which would have prevented the mud from being
26 tracked onto the road and staff could have answered the calls that were received in the very beginning. He
27 said that the complainant was amazed that these types of changes could be done without requiring any type
28 of permit which is why staff is proposing this.

29

30 Ms. Griest asked if we are more concerned about it in the floodplain than in the general area. She said that if
31 the County Board were not in favor of something like this they might lean more to it if it is applied to
32 floodplain areas.

33

34 Mr. Hall stated that the County's Special Flood Hazard Areas Ordinance regulates filling and grading in the
35 floodplain therefore we already have a lot of authority on that which is why in each of those instances the
36 line of grading matched the line of the mapped flood hazard area therefore they knew what they were doing
37 to be within the law.

38

39 Ms. Griest asked if we will be proposing an Ordinance that is going to affect a very limited number of
40 Champaign County residents but put the burden on a larger number that are not causing a problem whereas
41 most of those issues will come in under Case 769-AT-13.

1
2 Mr. Hall stated that the greatest amount of earth moving and reshaping has never been related to construction
3 and has been just filling the property in case someone wants to use it someday. He said that if it is out of the
4 mapped floodplain it is completely exempt from all of our regulations unless the County Board adopts a
5 grading permit. He said that the filling of the drainageway was agriculture so it was exempt. He said that
6 something like creating a new building site is exempt from our regulations and will be exempt from Case
7 769-AT-13 unless there is a requirement for a grading permit. He said that he has never encountered
8 demolition but now that he knows that demolition can lead to the need for an ILR10 permit it is something
9 that he is sensitive to and once we start regulating demolition you better be regulating compliance with
10 asbestos removal. He said that these are all things that neighbors will call about therefore it is something
11 that he wants to give the County Board an option to do or not.

12
13 Ms. Marilyn Lee asked if any of Case 773-AT-14 is required by the IEPA or is this going completely beyond
14 what is required by IEPA.

15
16 Mr. Hall stated that we are going beyond what is required although we do have to regulate grading and
17 demolition in the MS4 area but we do not have to do it outside of the MS4 area. He said that regulating
18 grading and demolition outside the MS4 area is completely optional which is just like ensuring compliance
19 with ILR10.

20
21 Mr. Thorsland asked Mr. Hall if the County Board were to adopt Case 773-AT-14 most people would make
22 staff aware ahead of time that there was a plan therefore would this reduce or increase staff work load.

23
24 Mr. Hall stated that if they are going to grade one acre or more they would have to submit a grading
25 application. He said that we are not setting any standards for grading but we are requesting that they tell us
26 what they are going to do. He said that if the County Board adopts the optional minimum requirements staff
27 would make people aware that they cannot track on to the road or at least clean it up and minimize erosion
28 and sedimentation. He said that he does not believe that the rules are burdensome rules and if the County
29 Board adopts the requirement to require compliance with ILR10 then that will add costs to those kinds of
30 developments and it will be in the order of \$5,000 minimum per instance. He said that this is not
31 burdensome unless the County Board wants to require compliance with ILR10 and then it will be a
32 significant change and there is no doubt about it.

33
34 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

35
36 Mr. Hall stated that staff wrote the grading and demolition thing and that it occurred to us that we have a
37 model there for general exemptions. He said that if Case 774-AT-14 is adopted the grading and demolition
38 permitting exemptions will be a little bit different but staff has not had a chance to update that information.

39
40 Mr. Levy stated that the numbering may also change and in Section #5.2.A.3 we want to reiterate that we
41 want the applicant to include the extent and nature of all proposed land disturbance which will be the critical

1 piece of information that they will be providing to the Zoning Administrator. He said that these changes will
2 be consistent with Case 769-AT-13.

3
4 Mr. Hall stated that in regards to this case staff hasn't shown the Board what this looks like integrated into
5 the text for Case 769-AT-13 and staff can do that if the Board desires but it is pretty self contained.

6
7 Mr. Thorsland asked the Board if there were any further questions for Mr. Hall or Mr. Levy and there were
8 none.

9
10 Mr. Thorsland called Mr. Herb Schildt to testify.

11
12 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, stated that Mr. Hall's comment on page 2 of the
13 Preliminary Memorandum dated May 23, 2014, indicates that the following: The benefit is slight but
14 complaints about drainage changes are common enough that the County Board should consider requiring
15 Grading and Demolition Permits even if it does not require ILR10 compliance outside of the MS4
16 Jurisdictional Area. Mr. Schildt stated that he believes Mr. Hall is correct with this statement. He said that
17 Mr. Hall indicated that from time to time staff receives complaints regarding grading although it is Mr.
18 Schildt's understanding that if someone harms your personal property you have recourse by law. He said
19 that he may be mistaken but he believes it is true that if someone willfully harms your property it is a
20 criminal act and if someone inadvertently harms your property you have civil recourse therefore he does not
21 believe that neighbors are without recourse. He said that it seems that we are going to place a great burden
22 on a vast number of people who are innocent with nearly zero impact on the person who maybe sort of fast
23 and loose with things and he does not like laws like that. He said that he does not like laws which punish
24 everybody because somebody once in awhile does not do the right thing. Mr. Schildt stated that he does not
25 like the concept of implementing Grading and Demolition Permits and should this go forward spending a
26 great amount of time on the definition of "Grading" is important and careful thought and input from many
27 others who maybe in the business who do all sorts of things that may be considered grading would be very
28 important. He said that it is his hope that this does not go forward and he hopes that the case is withdrawn.
29 He said that it seems that we could go through a lot of time and effort for something that he feels is not right
30 for Champaign County. He thanked the Board and staff for the opportunity to voice his comments regarding
31 this case.

32
33 Mr. Thorsland asked the Board if there were any questions for Mr. Schildt and there were none.

34
35 Mr. Thorsland asked if staff had any questions for Mr. Schildt and there none.

36
37 Mr. Thorsland requested a continuance date from staff.

38
39 Mr. Hall stated that it would make sense to continue Case 773-AT-14 to the June 12, 2014, public hearing.

40
41 Mr. Thorsland entertained a motion to continue Case 773-AT-14 to the June 12, 2014, public hearing.

1
 2 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 773-AT-14 to the June 12, 2014,**
 3 **public hearing. The motion carried by voice vote.**
 4

5 **7. Staff Report**
 6

7 Mr. Hall stated that he would have given the Board a heads up about our new part-time staff person except
 8 this happened relatively recently and it has been a while since the Board has met. He said that Susan
 9 Chavarria will be working part-time in our office and he does plan to advertise for an Associate Planner at
 10 the end of this year and he intends to have the position re-evaluated in the mean time. He said that he
 11 believes that the County needs to get as much experience for the Associate Planner position as it can afford
 12 therefore having Ms. Chavarria on board to staff the position at least part-time while he is getting position
 13 re-evaluated was a great opportunity. He noted that the arrangement with Ms. Chavarria is not intended to
 14 last past this fiscal year. He said that he will keep the Board updated regarding the search for the new
 15 Associate Planner.
 16

17 Mr. Hall stated that a new intern started in the office on May 19th and she has been helping Ms. Hitt, Zoning
 18 Officer, with enforcement. He said that there has already been an improvement in enforcement which is not
 19 due to any lack of performance on Ms. Hitt’s part but we do have another person who has time to work all
 20 week on enforcement and that makes a great difference. He said that he hopes that the intern will be able to
 21 achieve some planning experience but the condition of the hiring was that for the summer the intern would
 22 be working mainly on enforcement and so far it has been working out great.
 23

24 Ms. Lee requested status on the property owned by Mr. Harshbarger.
 25

26 Mr. Hall stated that the subject garage was shortened by 7-1/2 feet and is in compliance. He said that it is his
 27 understanding that the property has also been sold.
 28

29 **8. Other Business**
 30 **A. Review of Docket**
 31

32 Mr. Hall stated that the docket is self-explanatory and he has no new updates for the Board.
 33

34 **9. Audience Participation with respect to matters other than cases pending before the Board**
 35

36 None
 37

38 **10. Adjournment**
 39

40 Mr. Thorsland entertained a motion to adjourn the meeting.
 41

1 **Ms. Griest moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice vote.**

2

3 The meeting adjourned at 9:27 p.m.

4

5

6 Respectfully submitted

7

8

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11

12

13 Secretary of Zoning Board of Appeals

14

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21

CASE NO. 778-S-14

PRELIMINARY MEMORANDUM

June 20, 2014

Petitioners: Charles and Mary Ellen Stites d.b.a. River Bend Wild Game and Sausage Co.

Request: Authorize the following as a Special Use in the CR Conservation Recreation District on the subject property below:

Authorize renewal of Special Use Permit # 610-S-08 for a Major Rural Specialty Business in the CR District

Location: A five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph

Site Area: 5 acres

Time Schedule for Development: Existing and As Soon As Approval Is Given

Prepared by: Susan Chavarria
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioners Charles and Mary Ellen Stites are requesting renewal of Special Use Permit # 610-S-08 in order to continue operations of their business, River Bend Wild Game and Sausage Co.

The original business was approved under Zoning Use Permit (ZUP) 279-98-02 on October 6, 1998 as a Rural Home Occupation. Under Zoning Use Permit (ZUP) 142-01-04 approved May 22, 2001, they constructed an addition to a detached accessory structure. The Petitioner submitted an application for a Special Use Permit on March 10, 2008. On November 13, 2008, a Special Use Permit authorizing a Major Rural Specialty Business in Case 610-S-08 was granted with special conditions. The Special Use Permit in Case 610-S-08 expired on April 1, 2014. Provided that a new Special Use Permit application was received by April 1, 2014, the Special Use Permit in Case 610-S-08 remained valid and wild game processing was authorized in the 2014/2015 hunting season. The Petitioners applied for Special Use Permit # 778-S-14 on March 31, 2014, to renew SUP # 610-S-08 for the River Bend Wild Game and Sausage Company as a Rural Major Specialty Business on the subject property.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residence and Major Rural Specialty Business	CR Conservation Recreation
North	Single Family Residence and Rural Home Occupation Applause Landscaping	CR Conservation Recreation
East	Residential and Agriculture	CR Conservation Recreation
West	Residential and Agriculture	CR Conservation Recreation
South	Residential and Agriculture	CR Conservation Recreation

STORMWATER MANAGEMENT

The subject property is adjacent to the Salt Fork and appears to drain to the west. The amount of impervious area on the subject property does not trigger any requirement for stormwater detention under the *Champaign County Stormwater Management Policy*.

TRAFFIC IMPACT

On November 12, 2008, the petitioners provided their own parking analysis that indicated there would be 38 parking spaces available on the subject property for customers, not including vehicles that may queue in the existing driveway.

The following transportation related changes have been made to the property since Special Use Permit 610-S-08 was approved on November 13, 2008:

- (a) A gravel driveway was installed as per attached site plan received by the Zoning office on March 31, 2014. Petitioners states that this gravel driveway in addition to the existing asphalt driveway has proven to be sufficient to prevent the parking or queuing of vehicles on the public right of way of CR 2400 E or on nearby properties.
- (b) No parking is allowed on the existing or reserve septic leach field.
- (c) An 8 ft. tall wooden fence was erected along the north property, extending from the east end of the existing 6 ft. high wooden fence toward the road to screen the adjacent property to the north from parking and queuing areas.

No complaints have been received by the Zoning Department since the Special Use Permit was approved on November 13, 2008.

PROPOSED SPECIAL CONDITIONS

Regarding proposed special conditions of approval, items A through I, K and L were special conditions of SUP # 610-S-08 and are recommended for continued application in the current request. Items J and M have newer elements reflecting the current conditions on the subject property.

- A. The testimony and evidence presented by the petitioners in this case has been in support of a request to conduct final dressing of field dressed wild game on the subject property as a Major Rural Specialty Business as required by the following condition:

The Special Use Permit authorized herein is only for the final dressing of field dressed wild game and none of the following shall occur on the subject property:

- (1) No slaughtering of wild game or animals of any kind is authorized except for the final dressing (i.e., further processing) of field dressed wild game carcasses.**
- (2) No meat preparation or packaging that is subject to the Meat and Poultry Inspection Act is authorized except for the final dressing and packaging of field dressed wild game carcasses.**
- (3) There shall be no sales to the general public of products made from wild game that has been dressed onsite.**
- (4) The sale of goods produced off the premises must constitute less than 50 percent of the gross annual business income and less than 50 percent of the total annual stock in trade.**

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

The continued operation of the Special Use Permit authorized herein shall be in conformance with the testimony and evidence presented and shall continue to qualify as a Rural Specialty Business in the CR District.

- B. There is no public health regulation of the proposed special use. The Champaign County Public Health Department would have jurisdiction should a public health crisis arise from the operations of the proposed Special Use. In this Special Use Permit the Zoning Board of Appeals has not attempted to supplant the existing system of public health regulation for dressing of wild game but has only added relevant safeguards to ensure compliance with the Champaign County Zoning Ordinance. The following condition is the minimum requirement necessary to minimize risks to public health and safety by the proposed special use:

The petitioner shall provide reasonable access to both the subject property and all relevant business records, including employee work records; the location where food supplies were purchased; food lot numbers; the identity of food purchasers; and other as may be requested by the Champaign County Public Health Department

pursuant to any complaint of food borne illness that is made after ingestion of products from the proposed special use.

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

The Champaign County Public Health Department shall be provided necessary access to property and records to respond to any relevant complaints of food borne illness.

- C. The petitioner has provided evidence that the business is completely exempt from regulation under the Illinois Meat and Poultry Inspection Act (225 ILCS 650/ *et seq*). “Custom processing” is a type of regulated activity under the Illinois Meat and Poultry Inspection Act (225 ILCS 650/ *et seq*) and “custom preparation” is also a term used in similar federal regulations. The existing advertising could confuse customers about whether or not the proposed special use is subject to regulation. The following condition requires the petitioner’s advertising to be in concert with the degree of public health regulation that applies to the proposed special use:

The following condition shall apply until such time that the petitioner is regulated by and has a license authorized by the Illinois Department of Agriculture:

- (1) the phrases “custom wild game processor” and “custom wild game processing” and the words “custom processor” and “custom processing” shall not be used in any advertising or description of services provided by the petitioner about the proposed special use; and**
- (2) The petitioner shall conspicuously display a sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” in the public areas of the proposed special use and provide photographic proof of the sign’s installation within 30 days of the Special Use Permit approval.**

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

The public has clear expectations of the types of services that may be provided at the proposed special use and the degree of public health regulation required of the petitioner.

- D. There is no public health regulation of the proposed special use and co-petitioner Chuck Stites has a Master’s Degree in Meat Science from the University of Illinois and years of experience in meat processing. Because of Mr. Stites’ expertise the proposed Special Use is atypical in the low risk to public health. Operation under a different owner with less experience or training could have much different public health consequences. The following condition will ensure that public safety is considered if the proposed Special Use is ever sold to a different owner:

The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall only be valid for the current owners, Chuck and Mary Ellen Stites, on the

subject property and if the business is ever transferred to new ownership a new Special Use Permit shall be required.

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

The risk to public health is adequately considered in management of the proposed Special Use.

- E. Complaints have been received regarding heavy customer traffic at the subject property and in the past customers have on occasion parked in the right of way of CR2400E. On-street parking is not acceptable in this rural location because it results in risks to public safety. The following condition will clarify that it is the Petitioner's responsibility to ensure that no parking occurs in the right of way:

The Petitioner is responsible to ensure that there shall be no queuing of customer traffic in the public right-of-way of CR 2400E and that no parking related to the Special Use Permit shall occur within any street right of way or on nearby properties.

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

There is no unreasonable risk to public safety caused either by on-street parking or long lines of standing traffic.

- F. There is no public health regulation of the proposed special use, but the proposed special use should not allow the creation of insanitary conditions, adulteration of product, or nuisance conditions for the neighborhood. Neighbors have for sometime complained about the appearance of carcass parts in the neighborhood and the carcass parts apparently come from the subject property. The following condition should help reduce the possibility that carcass parts are accessible by dogs, wildlife, and vermin:

The Petitioners shall ensure that all buildings, including the structures, rooms, and compartments used in the Special Use Permit are of sound construction and are kept in good repair to allow for processing, handling, and storage of product and waste materials in a manner that will not result in insanitary or nuisance conditions;

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

The proposed Special Use poses no risk to public health in general or to the immediate neighborhood.

- G. Complaints about the odor of the smoking of wild game have been received from neighbors. The petitioners have installed an air treatment system for their smokehouse ventilation. The condition is as follows:

In regards to the odors caused by the smoking and cooking of wild game products at the proposed Special Use, the Petitioners shall do the following:

- (1) The Enviro-Pak "Enviro-Kleen" Air Treatment System shall be used at all times during cooking and when the smokehouses are in operation.**

- (2) **The Enviro-Pak “Enviro-Kleen” Air Treatment System is not expected to eliminate all odors from the smoking and cooking related to the Special Use Permit and some odor may still be present at the property line and adjacent dwellings.**
- (3) **This condition does not exempt the proposed Special Use Permit from whatever Illinois Pollution Control Board or Environmental Protection Agency air pollution regulations are applicable or are later found to have been applicable and this Special Use Permit shall remain valid so long as the Petitioners comply with whatever air pollution regulations are found to be applicable.**

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

Odor from the cooking and smoking of wild game is reduced as much as practicable so as to preserve the essential character of the CR District and the Special Use shall comply with any Illinois air pollution regulations that are later found to be applicable.

- H. Complaints have been received regarding the odor of the bone barrels when they are stored outdoors and the appearance of trash from the subject property appearing on neighboring properties. The proposed special use permit should not be allowed to operate in such a fashion that allows the creation of insanitary conditions, nuisance conditions, or the adulteration of products in the neighborhood. The following condition will ensure that bone barrels and trash are stored in such a way to minimize insanitary conditions and nuisance conditions for the neighborhood:

In regards to the bone barrels and trash containers for the proposed Special Use, the Petitioners shall do the following:

- (1) **No bone barrels shall be stored within 30 feet of any property line, except if stored within the walk-in cooler.**
- (2) **No bone barrels shall be emptied within 70 feet of any property line.**
- (3) **No more than 800 square feet of the proposed new storage building shall be used for storage of bone barrels, or any storage related to the proposed special use.**
- (4) **All bone barrels shall be stored in a closed and secure building at all times except when being emptied into a rendering truck or a garbage truck for removal from the property.**
- (5) **The bone barrels shall be stored in a cooled environment when necessary to maintain sanitary conditions.**

- (6) **When the bone barrels and trash containers are not stored in a cooled environment they shall be covered adequately to prevent access by vermin.**
- (7) **The bone barrels and trash containers shall be cleaned and sanitized when necessary to maintain sanitary conditions and all such cleaning and sanitizing shall occur in a closed and secure building and all wash water from cleaning of the bone barrels shall be treated in the approved wastewater treatment and disposal system for the Special Use and not disposed of in an untreated condition and any solid waste from the cleaning bone barrels shall also be properly disposed of and not dumped on the surface of the ground.**

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

The bone barrels and trash containers shall be handled and used in a manner that does not create insanitary or nuisance conditions in the neighborhood.

- I. Complaints have been received regarding the noise of compressors used for the refrigeration units used by the River Bend Wild Game and Sausage business. The following condition requires that any new compressors must be located so as to minimize noise effects on neighbors who are concerned about noise:

Any new refrigeration units shall have all condensers located inside the building except that the permanent bone barrel storage buildings may be cooled by a through-the wall air conditioner if necessary.

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

There is maximum noise shielding for neighboring residences.

- J. The following is a preliminary condition for the disposal of wastewater from the proposed special use permit. It includes requirements relevant to the approval of a new wastewater disposal system for the proposed use; maintenance of the new system; and the consequences should the new system ever fail.

The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14 shall be served by a wastewater disposal system as follows:

- (1) **A private sewage disposal system with subsurface discharge serving the Special Use Permit activities shall be in general conformance with the approved site plan.**
- (2) **The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be filed with the Zoning Administrator. Failure to provide maintenance reports every three years shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.**

- (3) **This Special Use Permit approval shall become void if the private sewage disposal system with subsurface discharge fails and cannot be repaired or if the system is repaired or modified later without the approval of both the County Health Department and the Zoning Administrator, as follows:**
- (a) **The owner is obligated to provide notice of the failed system to both the Zoning Administrator and the County Health Department as soon as failure is suspected; and**
 - (b) **The Zoning Administrator and the County Health Department in consultation or individually may make a determination that the private sewage disposal system serving the Special Use Permit has failed and the owner shall provide necessary access to the private sewage disposal system for the purpose of necessary inspections pursuant to such a determination; and**
 - (c) **Provided that all necessary permits are received from the County Health Department, repairs that can result in lawful ongoing use of the private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and**
 - (d) **In the event of failure of the Special Use Permit private sewage disposal system that cannot be repaired or in the event of unresponsiveness by the owner in repairing a failed system, the Zoning Administrator shall provide written notice to the owner that the Special Use Permit is void and there shall be no more Special Use Permit activities conducted. However, any deer carcasses that are onsite at the time of failure may be dressed subject to any necessary conditions that may be imposed by either the County Health Department or the Zoning Administrator.**

- K. Neighbors have seen activities on the subject property that have made them wonder whether carcasses from the existing business have been burned and/or buried on the subject property. The following condition makes it clear that those activities should not be part of the proposed Special Use.

There shall be no burning or burial of carcass parts on the subject property.

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

All carcass parts are removed from the subject property in an appropriate manner.

- L. Enforcement of the preceding special conditions requires the Zoning Administrator to have access to the subject property at any time to inspect the proposed Special Use. The following condition makes this clear:

The petitioner shall provide reasonable access to the subject property and all structures where Special Use Permit activities take place to verify compliance with the special conditions in this case.

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

The Zoning Administrator shall be provided necessary access to property to respond to any relevant complaints regarding the proposed Special Use Permit.

M. The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:

- (1) The revised site plan received on March 31, 2014**
- (2) The floor plan of the business building received on May 5, 2008**
- (3) The revised floor plan of the proposed storage building received on October 12, 2008**
- (4) The elevation of the proposed storage building received on October 1, 2008**
- (5) The elevation of the front view of the business building received on October 12, 2008**

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

It is clear which Documents of Record constitute the proposed site plan for enforcement purposes.

ATTACHMENTS

- A Case Maps: Location, Land Use, Zoning**
- B Proposed Site Plan received March 31, 2014**
- C Approved Site Plan approved November 30, 2008**
- D Email dated June 11, 2014 from Mike Flanagan, Champaign-Urbana Public Health District regarding septic system approval in 2009.**
- E Draft Summary of Evidence, Finding of Fact, and Final Determination**

Location Map

Case 778-S-14
June 12, 2014



Legend

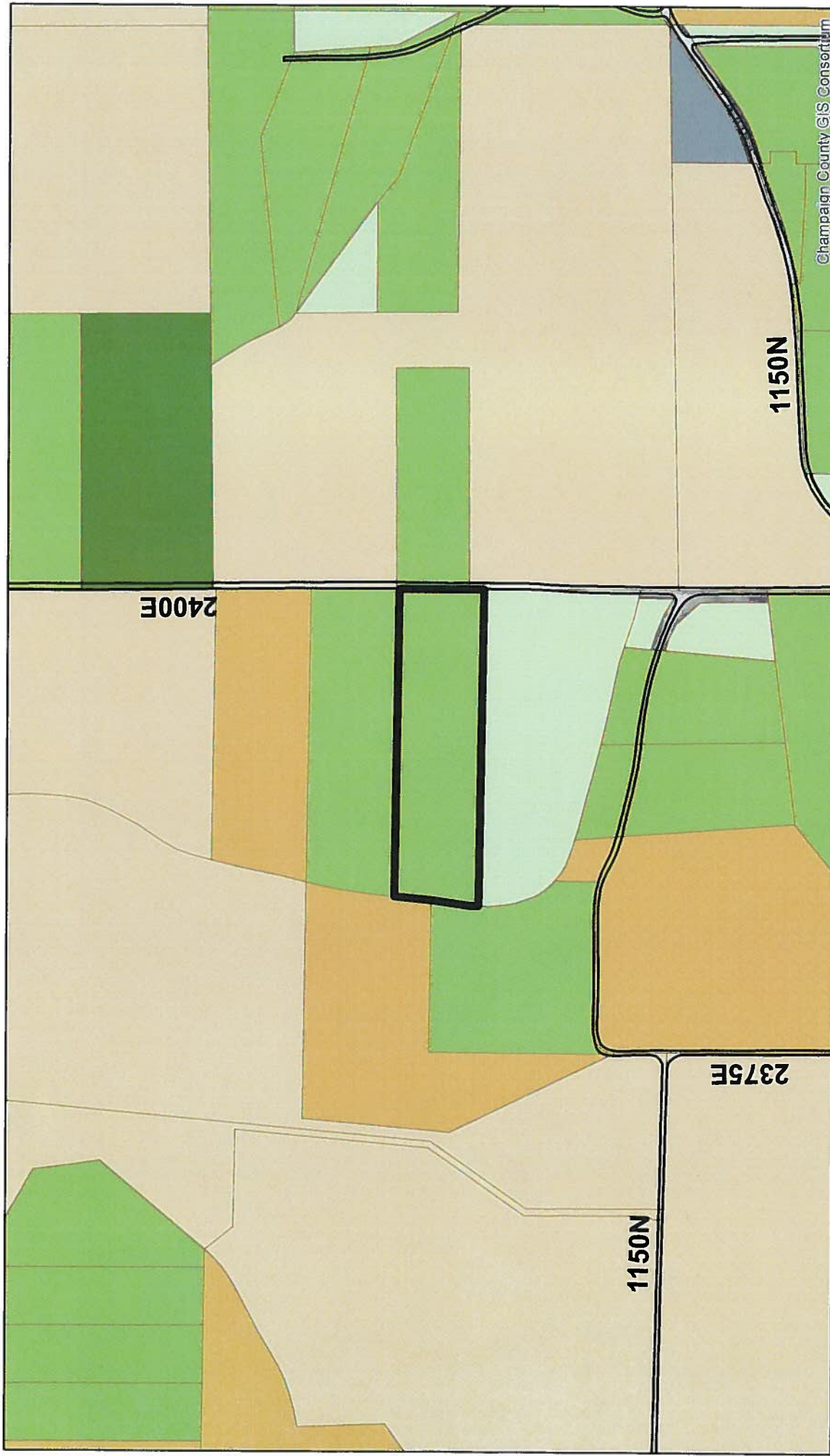
 Stites Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 778-S-14
June 26, 2014



Champaign County GIS Consortium

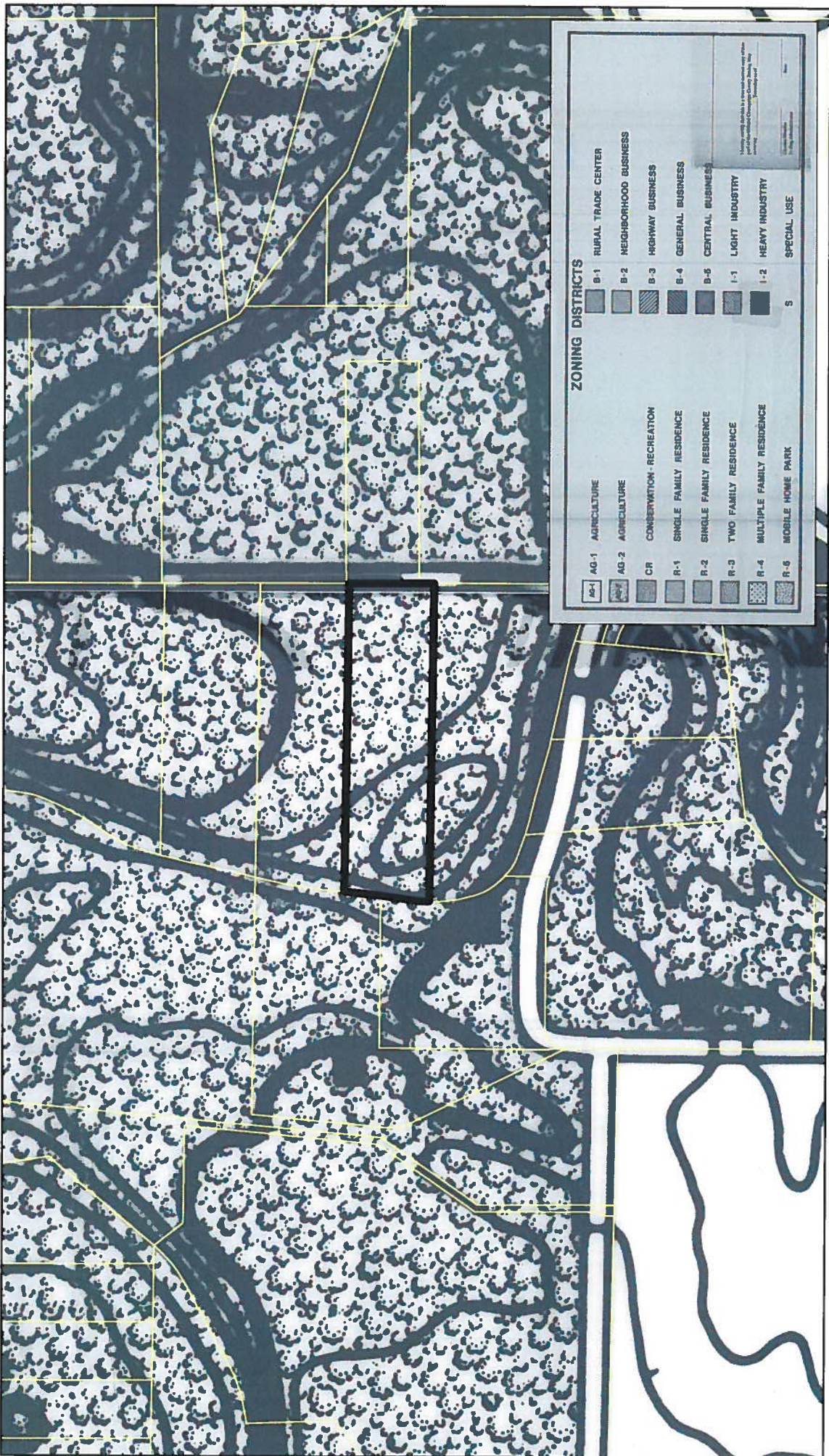
Legend

-  Sites Subject Property
-  SF Owner Occupied
-  SF Rental
-  Ag Use with Owner Occupied Dwelling
-  Agriculture
-  Ch Co Forest Preserve
-  Developer Held Residential Lot



Zoning Map

Case 778-S-14
June 26, 2014



Legend
[Black Outline] Sites Subject Property



0 100 200 400 Feet

243'

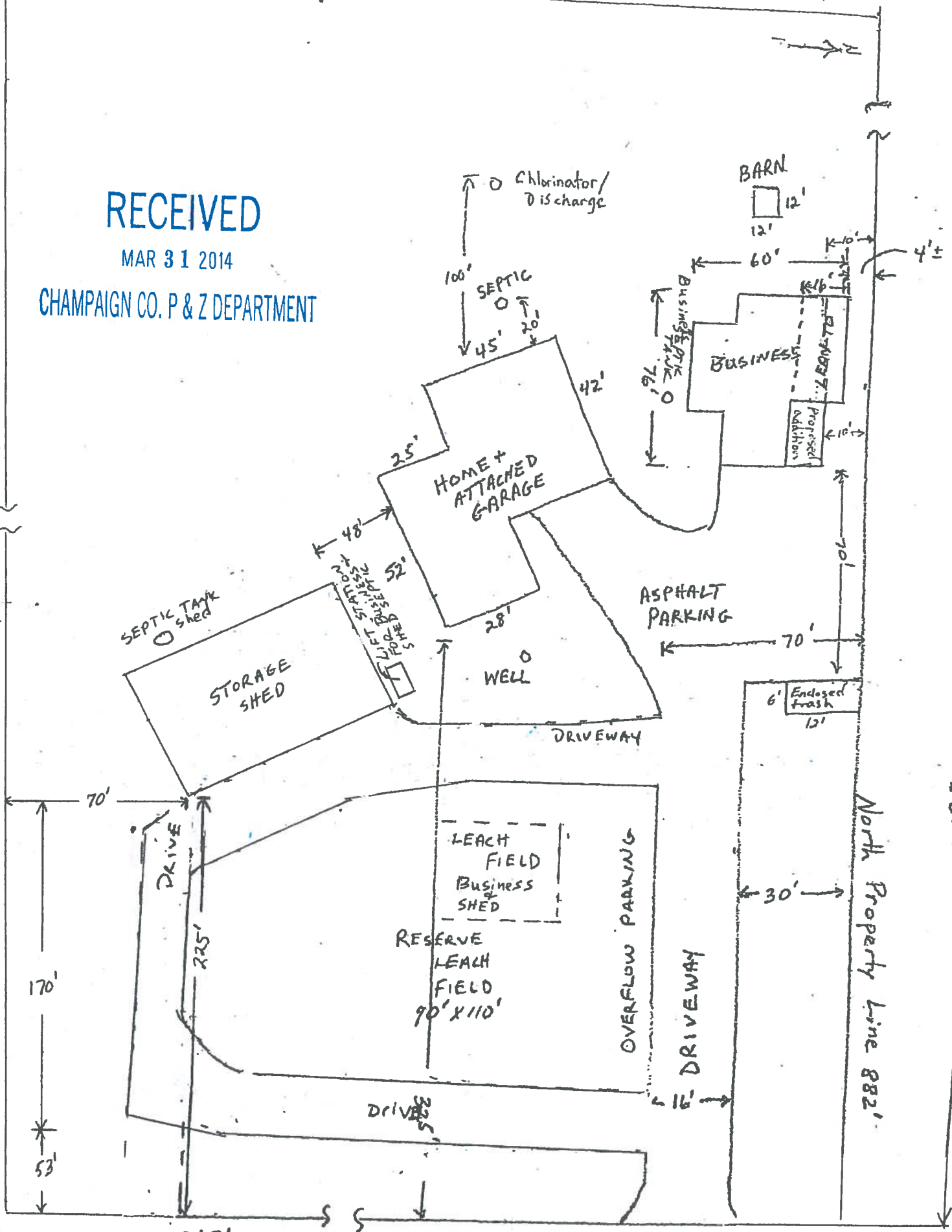
WEST PROPERTY LINE (SALT FORK RIVER)

RECEIVED

MAR 31 2014

CHAMPAIGN CO. P & Z DEPARTMENT

SOUTH PROPERTY LINE 910'



243'

COUNTY ROAD 2100 E

APPROVED SITE PLAN

Case 610-S-08 River Bend Wild Game and Sausage Co.

Sheet

1. Revised site plan received on November 13, 2008
2. Floor plan of business building received on May 5, 2008
3. Revised floor plan of storage building received on October 12, 2008
4. Elevation of storage building received on October 1, 2008
5. Elevation of front view of business building received on October 12, 2008

RECEIVED

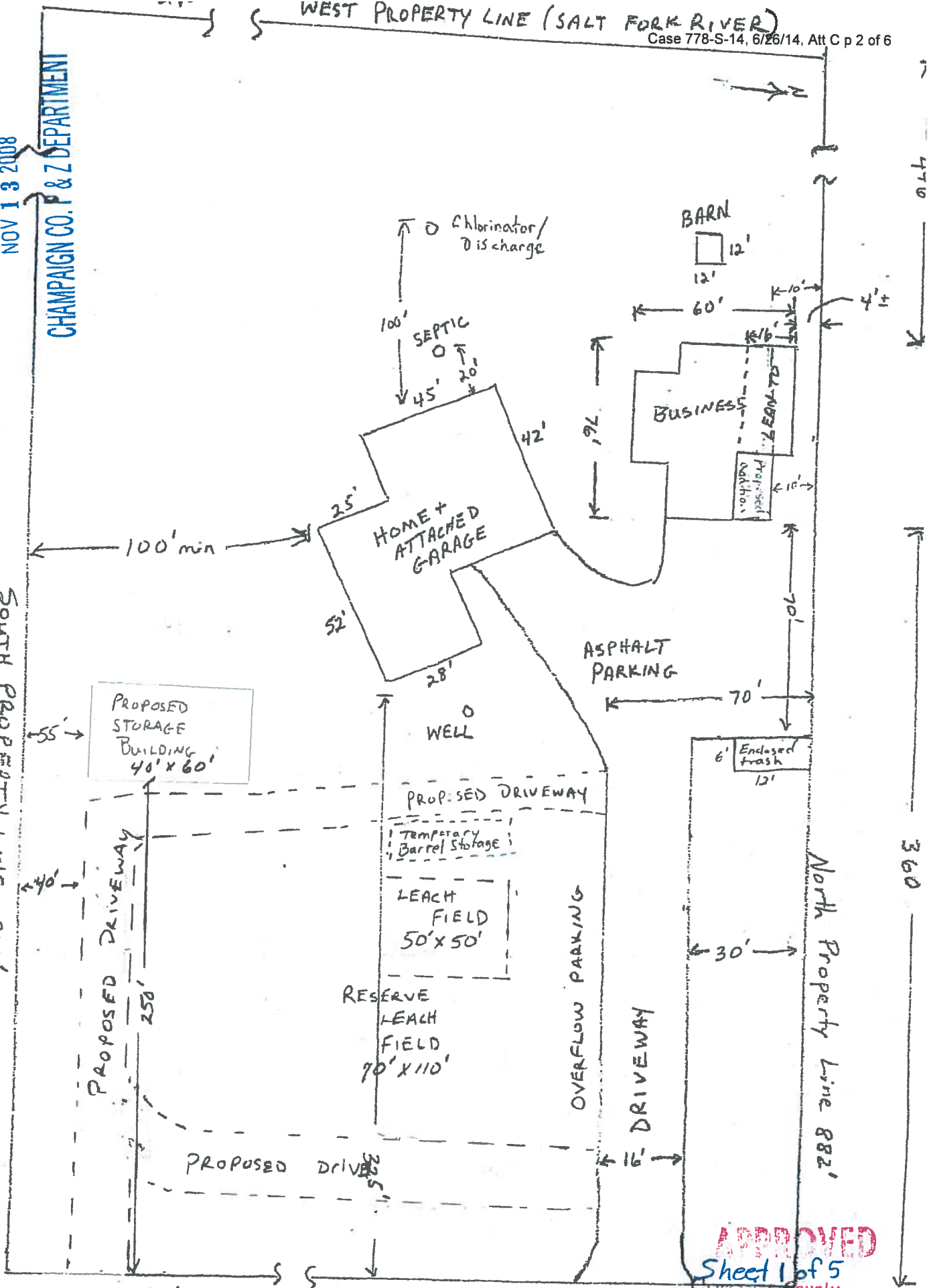
NOV 13 2008

CHAMPAIGN CO. P & Z DEPARTMENT

WEST PROPERTY LINE (SALT FORK RIVER)

Case 778-S-14, 6/26/14, Att C p 2 of 6

SOUTH PROPERTY LINE 910'



243'

COUNTY ROAD 2400 E

APPROVED
Sheet 1 of 5
Champaign County

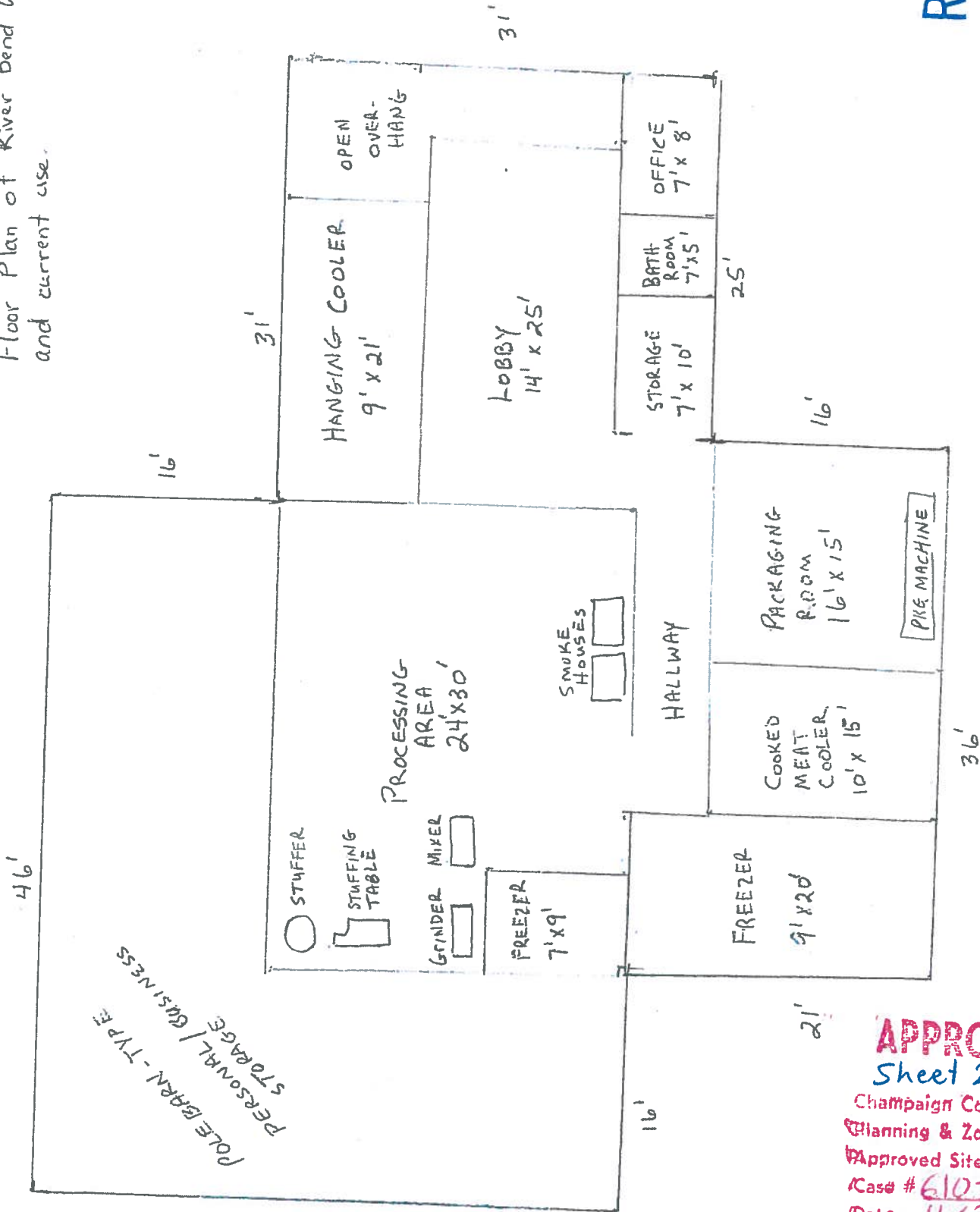
Planning & Zoning Department
Approved Site Plan 616
Case # 6105-08 & V-C

Floor Plan of River bend Wild Game buildings,
and current use.

RECEIVED

MAY 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT



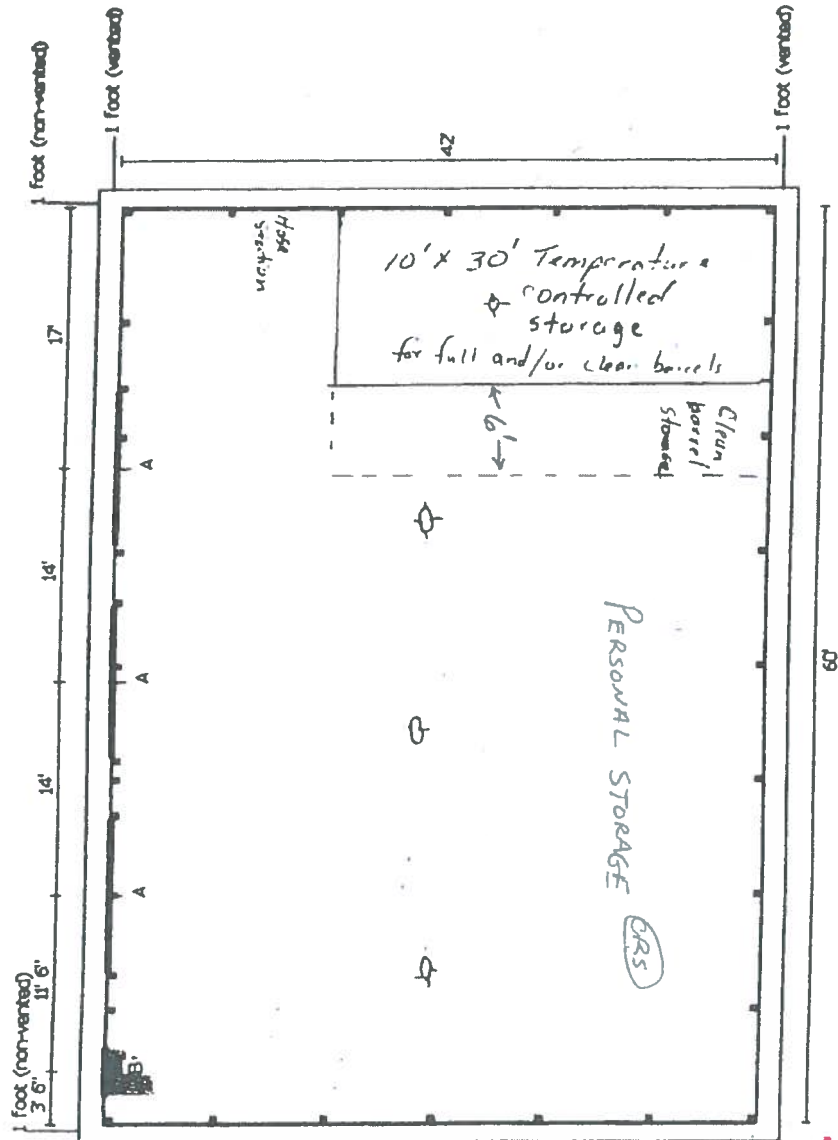
APPROVED
Sheet 2 of 5

Champaign County
Planning & Zoning Department

Approved Site Plan

Case # 610-S-08-1616-V-1

Date: 11/30/08



North ↓

Floor drains connect to subsurface discharge

APPROVED

Sheet 3 of 5

Champaign County

Planning & Zoning Department

Approved Site Plan

Case # 610-S-08

Date: 11/30/08

RECEIVED

OCT 14 2008

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

OCT 01 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Peak Height	20'6"
Soffit Height	12' 11.5"
Grade to Heel	12'
Roof Pitch	4/12



APPROVED
Sheet 4 of 5
Champaign County
Planning & Zoning Department
Approved Site Plan
Case # 6105-08
Date: 11/30/08

RECEIVED

OCT 14 2008

CHAMPAIGN CO. P & Z DEPARTMENT

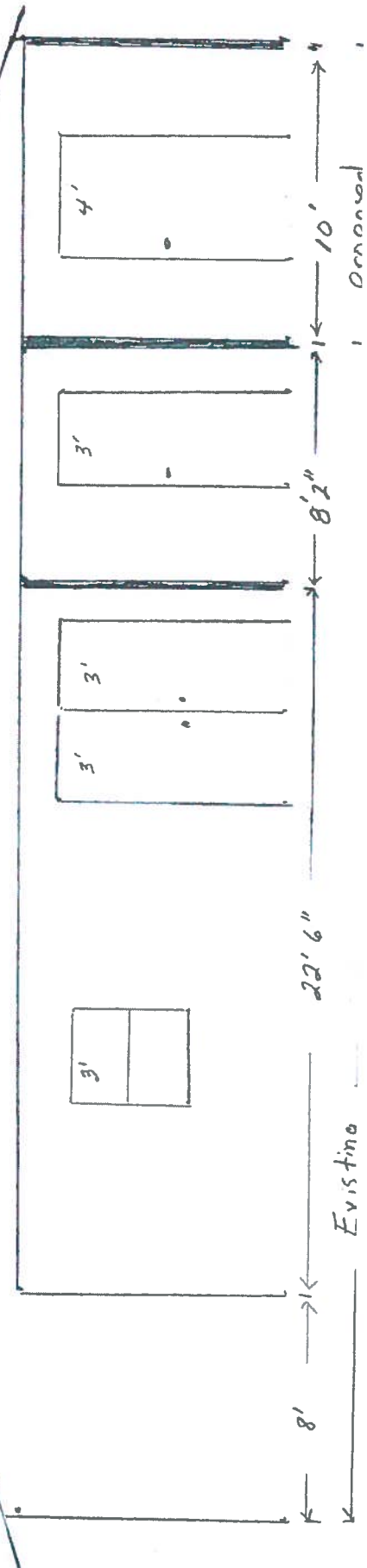
East view of shop with proposed cooler addition

Soffit height 8'4"

Peak height 16'

4/12 pitch

White vinyl siding exterior



APPROVED

Sheet 5 of 5

Champaign County,
Planning & Zoning Department
Approved Site Plan

Case # 610-5-08 & 616-V-08

Date: 11/30/08

Lori Busboom

From: Michael Flanagan [mflanagan@c-uphd.org]
Sent: Wednesday, June 11, 2014 10:32 AM
To: Susan Chavarria
Cc: Lori Busboom
Subject: RE: Zoning Case - Stites/River Bend Wild Game and Sausage Company
Attachments: 3387_001.pdf; 3386_001.pdf; 3385_001.pdf

Hi Susan,

Charles Stites had a septic system installed on February 5th, 2009. This system was inspected and approved for the business portion of his property at the same time. The approval number is 08-108-19. This type of system does not require maintenance records according to the Illinois Private Sewage Disposal Licensing act and Code, so we would not have required that information. I am attaching a copy of the application and layout of the property.

If you have any questions please contact me.

Thanks,

Michael Flanagan, LEHP, REHS
Environmental Health Specialist II
Environmental Health Division
Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Phone: (217) 531-2908
Fax: (217) 373-7905
mflanagan@c-uphd.org



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From: Susan Chavarria [<mailto:schavarr@ccrpc.org>]
Sent: Tuesday, June 10, 2014 2:39 PM
To: Michael Flanagan
Cc: Lori Busboom
Subject: Zoning Case - Stites/River Bend Wild Game and Sausage Company

Hi Mike,

Lori Busboom in the Champaign County Zoning Office sent me your way to ask about the maintenance requirements for the River Bend Wild Game and Sausage Company located at 1161 CR 2400 E in St. Joseph. Could I ask for your time to verify a few items, since we have a case pending for them?

Owners Charles and Mary Ellen Stites were supposed to have a private sewage disposal system installed by January 5, 2009 that would be used for the business portion of their property (in addition to an existing septic system for the home). The file notes suggest that an inspection by Public Health and Zoning was to take place, followed by annual maintenance report submittals to the same agencies. The Zoning Office verified that the system was being installed at the time, but our office never received maintenance reports.

Here are a few questions I'm hoping you can answer:

Does Public Health have a record of the inspection for that system installed in late 2008/early 2009?

Have the owners sent you any maintenance reports for the system since then?

What are the maintenance and reporting requirements (frequency of reporting, etc) for this system according to your agency?

Thanks so much for your time. Please contact me with any questions or concerns.

Susan

Susan Chavarria, AICP

Associate Planner

Champaign County Planning and Zoning

1776 East Washington Street

Urbana, IL 61802

217-819-4086

www.co.champaign.il.us

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201 West Kenyon Road
Champaign, IL 61820



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

Public Health
Prevent. Promote. Protect.

**Champaign County Public
Health Department**

March 5, 2009

Permit #08-108-19

Charles Stites
1161 CR 2400 E
St. Joseph, IL 61873

Dear Mr. Stites:

An inspection of the private sewage system serving your property located at 1161 CR 2400 E was conducted on February 5, 2009 and March 4, 2009 by Sanitarian Rhett Eskew, a representative of the Champaign County Public Health Department. This department routinely inspects the work of licensed private sewage contractors to ensure construction is in accordance with the *Private Sewage Disposal Licensing Act and Code*.

Based on our sanitarian's report, no deficiencies in either location or construction were noted.

If you have any questions regarding this inspection, please contact Rhett Eskew at 217/363-3269. A voice mail message may be left at 217/531-2929.

Sincerely,

Jim Roberts TH

Jim Roberts, MS, LEHP
Director of Environmental Health

Enclosure

RECEIVED

JUN 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT

**PRIVATE SEWAGE DISPOSAL SYSTEM
PLAN REVIEW APPLICATION**

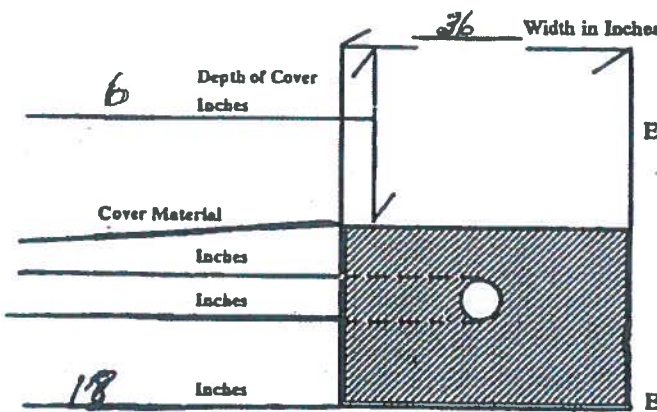
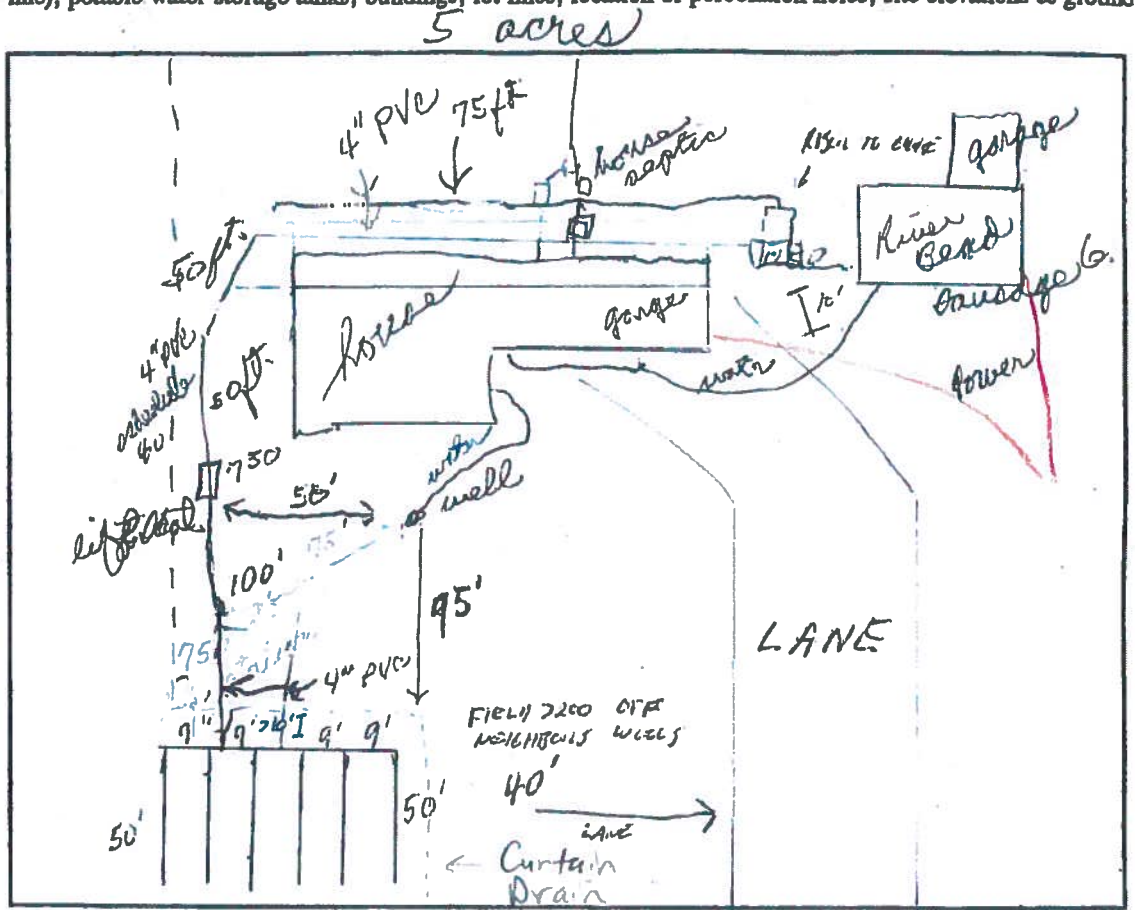
7. Lot diagram and sewage system plan:

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

N
+
1" = _____

8. Checklist

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



CURTAIN DRAIN 3' DEEP
OUTPUT OF TRENCH TO BE INSTALLED

Elevations of the System Components:

Benchmark & Elevation: _____

Elevation to Invert of Building Drain: _____

Elevation to Invert of Tank Inlet: _____

Elevation of Ground Surface over Tank: _____

Lowest Elevation of Ground Surface over Field: _____

Highest Elevation of Ground Surface over Field: _____

Length of Building Sewer (House to Tank): _____

Extraordinary Condition Shown: _____

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

Guy T. James
Signature of Applicant (Owner or Contractor)

11/7/08
10/29/08
Date

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JUN 11 2014

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

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Date: Oct 29 2008
Nov. 7, 2008

LOG/ PERMIT NUMBER 08-108-19 COUNTY Champaign
(Office Use Only) (Office Use Only)

1. Owner: Charles States (River Bend) Telephone No.: 217-688-3878
Address: 1161 Cty. Rd. 2400 E. St. Joseph, Ill - 61873

2. Contractor: James P. & Betty License Number: 049-803778 Telephone No. 217-896-2256
Address: 208 E. Monroe City, State, Zip: Zion, Ill - 61849
Fax number: _____

NOTE: Work not done by homeowner (must own & occupy personal single family residence) must be done by a licensed contractor.

3. Location -County: Champaign City: St. Joseph Street: 1161 Cty. Rd. 2400 E
Subdivision & Lot #: _____ Township Name: Sidway
Township: 18N Range: 10E Section #: 1 ¼ Section: SE Local Identification Information: _____

4. Detailed Directions to Site: Highway Number, Secondary Roads, Signs to follow, Etc.; Champaign to I 74 east, to St. Joseph, Ill., south in St. Joseph, to 150 East, east to 2450 E, south to Monroe Lake Rd., west to 2400 E, south, to 1161, four before bridge

5. Site Information: Renovation: _____ New System: X
Residential Dwelling: _____, Seasonal: Yes _____ No. Of Residents: _____ No. Of Bedrooms: _____
Garbage Grinder: Yes _____ Basement: Yes _____ Water Softener: Yes X Hot Tub: #Gallons: _____
Non-Residential: X No. Of Employees: _____ Design Flow: 624 Other Wastewater Generators: _____
Water Supply: Private Well; X, Semi-Private Well; _____, Non-Community; _____, Municipal; _____
Percolation Tests: Date(s): _____ Conducted By: _____
Hole No. 1: Depth; _____, _____ min./6" Hole No. 2: Depth; _____, _____ min./6" Hole No. 3: Depth; _____, _____ min/6"
Average min./6" Fall: _____ (Rerun or use highest value if difference is greater than 30 minutes)
Depth of Limiting Layer: _____ Soil Type: Camden
Soil Scientist Data: Name of Soil Investigator; Lester Buchner
(Attach copy of Soil Data Report to application)

6. Proposed Private Sewage Disposal System: Gallons To Be Treated Per Day: 624
a. Septic Tank Size 1250 Gallons, Illinois #: 48
b. Subsurface Seepage Field/Bedroom _____ Sq. Ft.
Total Subsurface Seepage Field _____ Sq. Ft., Lin.Ft. _____, Width _____
c. Gravel-less Seepage Field: 8": _____ Lin. Ft. 10" _____ Lin. Ft.
d. Chamber System: Manufacturer: Infiltrator EQ36
Sq. Ft. per Lin. Ft., 4 Total Lin. Ft. 300
e. Seepage Bed _____ Sq. Ft.
f. Waste Stabilization Pond _____ Length _____ Width _____ Depth _____
g. Buried Sand Filter/Recirculating Sand filter _____ Sq. Ft.
Width: _____, Length: _____
Other: lift in front yard, 750 gallon tank

RECEIVED

JUN 11 2014

CHAMPAIGN COUNTY HEALTH DEPARTMENT

6/19/14 DRAFT

778-S-14

**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: ***{date of final determination}***

Petitioners: Charles and Mary Ellen Stites d.b.a. River Bend Wild Game and Sausage Co.

Request: Authorize renewal of Special Use Permit # 610-S-08 for a Major Rural Specialty Business in the CR District

Table of Contents

General Application Information	2 -16
Specific Ordinance Requirements	17 - 20
Special Use Evidence	20 - 67
Documents of Record.....	68 - 72
Case 759-S-13 Finding of Fact.....	73 - 74
Case 759-S-13 Final Determination	75

Case 778-S-14
Page 2 of 75

6/19/14 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearings conducted on **June 26, 2014** for case 778-S-14, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Charles and Mary Ellen Stites, own the subject property.
2. The subject property is a five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.
3. The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and River Bend Wild Game and Sausage Company, a Major Rural Specialty Business approved by Zoning Use Permit (ZUP) 279-98-02 and Special Use Permit 610-S-08.
 - B. Land to the north of the subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and Applause Landscape, a home occupation approved by ZUP 72-01-01.
 - C. Land to the east, south and west is zoned CR Conservation-Recreation and is in use as single family residential and agriculture.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the proposed site plan and operations for Zoning Case # 610-S-08 River Bend Wild Game and Sausage Company:
 - A. The following evidence is from the approved Summary of Evidence for Case 610-S-08:
 - *(1) The Petitioners applied for Zoning Use Permit (ZUP) 279-98-02 on October 6, 1998, to establish River Bend Wild Game and Sausage Company as a Rural Home Occupation (RHO) on the subject property. The permit was approved on May 31, 2001, and included a site plan.
 - *(2) The Petitioners applied for ZUP 142-01-04 to construct an addition to the detached accessory structure. The ZUP was approved on May 22, 2001.

*Evidence for Case # 610-S-08

6/19/14 DRAFT

Case 778-S-14
Page 3 of 75

- *3) The Department first received a complaint regarding the subject property on September 6, 2006.
 - *4) The Department received another complaint regarding the subject property on November 13, 2007. Investigation of the River Bend website indicated the use had probably grown beyond the limits of a RHO.
 - *5) Another complaint was received on November 20, 2007, and the Zoning Administrator performed a drive-by inspection of the subject property and also reviewed the website of the River Bend Wild Game and Sausage Company. Copies of inspection photographs were included separately. Based on the review of the website and the drive by inspection the Zoning Administrator determined the following:
 - *a) The limit on non-resident, non-family employees for a RHO was exceeded by the River Bend Wild Game and Sausage Company.
 - *b) The processes employed by the River Bend Wild Game and Sausage Company created odor discernible at the property line that was of a nature, quantity, intensity, and duration not customarily associated with agriculture.
 - *c) The owner/operator of the River Bend Wild Game and Sausage Company did not provide off-street parking for all patrons.
 - *d) The accessory building was too close to the property line.
 - *6) A First Notice of Violation was given on December 11, 2007.
 - *7) Staff met with the Petitioners on December 17, 2007, and discussed the alternatives to bring the subject property into conformance with the *Zoning Ordinance*.
 - *8) A Final Notice of Violation was given on February 15, 2008.
 - *9) The Petitioner submitted an application for Special Use Permit on March 10, 2008.
 - *10) Staff determined that there was insufficient information included with the application and notified the Petitioners of additional required information in a letter dated April 23, 2008.
 - *11) The required information was received on May 5, 2008.
- *B. Two documents were included with the application received on March 10, 2008, as follows:
- *1) A printout of the Weather Underground website (www.wunderground.com) that shows a wind forecast for the subject property's zip code. The wind direction is

6/19/14 DRAFT

indicated at midnight, four AM, seven AM, ten AM, one PM, four PM, and seven PM. The petitioners have indicated on the application that this website is one of the tools they use to determine when the operation of their smokehouse would be less likely to impact their neighbors to the north.

- * (2) A River Bend Wild Game and Sausage Company brochure which lists their products and prices.
- *C. A site plan for the subject property was received on May 5, 2008, that indicates the following:
- * (1) Three existing structures are indicated, a home and attached garage, the business building, and a barn.
 - * (2) The business building is located along the north lot line and is indicated as being four feet from the north lot line 360 feet from the road. This is an inadequate side yard and was the subject of related Zoning Case 616-V-08, which was approved by the ZBA.
 - * (3) The home and attached garage is located just south of the business building.
 - * (4) The barn is located west of the business building and appears to be a simple 12 feet by 12 feet building.
 - * (5) There is an asphalt parking area just in front of the business building. The home and attached garage and the business building access the street by means of an asphalt driveway sixteen feet wide.
 - * (6) A proposed driveway is indicated to circle from the west end of the existing drive around an area described as "overflow parking" before rejoining the existing drive at the east end.
 - * (7) A proposed storage building is indicated south of the proposed drive. The petitioners indicate on their application that this building would be for personal storage. However, in the additional information submitted on May 5, 2008, the petitioners also state that this building could possibly be used as an enclosed space where the dumping of bone barrels could occur.
- *D. A floor plan of the business building was submitted on May 5, 2008, and indicates the following:
- * (1) At the east end of the building is an open overhang; this area gives access to the lobby and the hanging cooler.
 - * (2) From inside the lobby there is an office, a bathroom, and a storage room.

6/19/14 DRAFT

**Case 778-S-14
Page 5 of 75**

- * (3) A hallway off the lobby gives access to a packaging room, the cooked meat cooler, the freezer, and the processing area.
 - * (4) The processing area contains several pieces of equipment: a stuffer, a stuffing table, a grinder, a mixer, and two smoke houses.
 - * (5) A final area at the north and west sides of the building is indicated to be a pole barn type of structure and is used for personal/business storage.
- *E. A revised site plan was submitted on May 12, 2008, with one revision. The petitioners indicated a “possible future cooler expansion” on the northeast side of the business building. In the letter accompanying the revised site plan the petitioners indicate the cooler expansion would be a conforming structure and require alteration of the lean-to structure.
- *F. At the May 15, 2008, public hearing Chuck Stites, co-petitioner, testified that the coolers would have inside condensers.
- *G. A letter from co-petitioner, Chuck Stites, was received on August 8, 2008, regarding the draft conditions for this case. At the end of that letter the petitioner clarified that the proposed storage building shown on the site plan received May 5, 2008, would not be closer to the south property line than 30 feet. The petitioners stated it was their intent to locate the proposed storage building outside the floodplain.
- *H. A letter from co-petitioner, Chuck Stites, was received on October 1, 2008, regarding additional information the ZBA asked for at the August 14, 2008, public hearing. Two pieces of information regarding the site plan were included in the letter, as follows:
- * (1) A floor plan of the proposed storage building was included, as follows:
 - * (a) The building will be 42 feet by 60 feet overall.
 - * (b) There are three overhead doors and one regular door on what appears to be the south side of the building. However, it seems likely that the directions on the floor plan are incorrect since placing the doors on the south side of the building would not allow them to be accessed from the proposed driveway expansion.
 - * (c) Inside the building there is a 10 feet by 30 feet temperature controlled storage area for full and/or clean barrels. There is also an area without dimensions indicated for clean barrel storage outside but adjacent to the temperature controlled storage area.
 - * (d) There is a hose station indicated in the corner near the temperature controlled storage area. There are also three floor drains indicated outside the storage area and one inside the storage area. A note indicates the floor drains will be tied into a subsurface private sewage system. The Public Health Department does not generally approve of floor drains inside

6/19/14 DRAFT

garages. The petitioners will have to obtain special approval for the floor drains, and that special approval should be a part of the special condition for private sewage disposal.

- *I.
 - *(e) An elevation was also provided for the proposed building and seems to indicate the building will look like a typical metal building in the rural districts.
 - *(2) Mr. Stites also indicated that the cooler expansion proposed on the May 12, 2008, site plan would alleviate congestion that occurs during their busiest times. He also states that all his refrigeration units are located inside and they have no intention of installing any future units on the exterior of the building.
- A letter from co-petitioner, Chuck Stites, was received on October 12, 2008, with additional information regarding the proposed site plan, as follows:
 - *(1) A revised floor plan for the proposed bone barrel storage building was included that indicated a six feet by 30 feet area outside the temperature controlled storage that would be used for clean barrel storage. Also, a north arrow on the revised site plan made it clear that the overhead doors would be accessible from the proposed driveway expansion.
 - *(2) A view of the entrance to the River Bend facility was included that indicates the proposed cooler expansion. It will be 10 feet wide with a four foot wide door on the front. The drawing seems to indicate that the petitioner will put a new roof on the building which will encompass the cooler expansion.
 - *(3) Item 3 in the letter indicates that the "fenced in trash area" has now been totally enclosed to keep raccoons out of the businesses trash cans. However, there is no fenced in trash area indicated on any site plan received to date. This makes it unclear what fenced in area the petitioners are referring to.
- *J. The petitioners submitted a revised site plan on October 29, 2008, with the following changes from the site plan submitted on May 12, 2008:
 - *(1) A six foot by 12 foot enclosed trash area is indicated at the east end of the asphalt parking area near the business building.
 - *(2) The area encircled by the proposed driveway is now indicated as the proposed leach field.
 - *(3) Overflow parking is now indicated to occur alongside the proposed driveway on either side, as well as along the south side of the existing driveway.
 - *(4) There is a temporary barrel storage location proposed on east side of west portion of the proposed driveway.

6/19/14 DRAFT

**Case 778-S-14
Page 7 of 75**

- *K. At the August 14, 2008, public hearing, co-petitioner, Chuck Stites testified that there could be as many as seven or eight employees working at the business in addition to his family members.
- *L. At the October 16, 2008, public hearing Chuck Stites, co-petitioner, testified that he made a twelve foot long by six foot wide area where they have their trash cans sitting. He said that is not on their site plan but it is in front and to the east of their building at the edge of the asphalt parking lot and should not have any other problems with animals getting into the trash area.
- *M. On November 12, 2008, the petitioners provided a revised parking analysis based on the revised site plan dated November 13, 2008. The petitioner's parking analysis indicated that there would be 38 parking spaces available on the site, not including vehicles that may queue in the existing driveway.
- *N. The petitioners submitted a revised site plan on November 13, 2008, with the following revisions from the October 29, 2008, site plan:
- *(1) The proposed storage building has been rotated 90 degrees and is now indicated to be 55 feet from the south property line and 250 feet from CR 2400E.
 - *(2) The proposed driveway now includes a possible lane that extends out to CR 2400E.
 - *(3) The proposed leach field is indicated inside the proposed driveway loop and is 50 feet by 50 feet.
 - *(4) An area for a reserve field is indicated to be 70 feet by 110 feet east of the proposed leach field.
 - *(5) Overflow parking is indicated alongside the existing driveway.
- O. On November 13, 2008, a Special Use Permit authorizing a Major Rural Specialty Business in Case 610-S-08 was granted with special conditions by the Champaign County ZBA. The following are those special conditions:
- ** (a) The Special Use Permit authorized is only for the final dressing of field dressed wild game and none of the following shall occur on the subject property:
 - ** (1) No slaughtering of wild game or animals of any kind is authorized except for the final dressing (i.e., further processing) of field dressed wild game carcasses.
 - ** (2) No meat preparation or packaging that is subject to the Meat and Poultry Inspection Act is authorized except for the final dressing and packaging of field dressed wild game carcasses.

*Evidence for Case # 610-S-08

**Special Conditions of approval in Case # 610-S-08

6/19/14 DRAFT

- ** (3) There shall be no sales to the general public of products made from wild game that has been dressed onsite.
- ** (4) The sale of goods produced off the premises must constitute less than 50 percent of the gross annual business income and less than 50 percent of the total annual stock in trade.
- ** (b) The petitioner shall provide reasonable access to both the subject property and all relevant business records, including employee work records; the location where food supplies were purchased; food lot numbers; the identity of food purchasers; and other as may be requested by the Champaign County Public Health Department pursuant to any complaint of food borne illness that is made after ingestion of products from the proposed special use.
- ** (c) The following condition shall apply until such time that the petitioner is regulated by and has a license authorized by the Illinois Department of Agriculture:
 - ** (1) the phrases “custom wild game processor” and “custom wild game processing” and the words “custom processor” and “custom processing” shall not be used in any advertising or description of services provided by the petitioner about the proposed special use; and
 - ** (2) the petitioner’s existing advertising and presence on the world wide web shall be revised to conform to this requirement and copies of revised advertising materials and description of services provided shall be submitted to the Zoning Administrator no later than November 13, 2008; and
 - ** (3) The petitioner shall conspicuously display a sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” in the public areas of the proposed special use;
- ** (d) The Special Use Permit in Case 610-S-08 shall only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject property and if the business is ever transferred to new ownership a new Special Use Permit shall be required.
- ** (e) Before the 2008 firearm deer hunting season begins on November 21, 2008, the Petitioner shall upgrade the current driveway and parking as follows:
 - ** (1) The driveway surface shall be a minimum of 16 feet wide and consist of at least a six inch thickness of gravel. No unattended vehicles shall be parked in the driveway but the driveway may be

6/19/14 DRAFT

**Case 778-S-14
Page 9 of 75**

used as a vehicle queuing area provided that ample care is taken to ensure emergency vehicle access when necessary.

- ** (2) The proposed driveway parking access lane shown on the approved site plan shall be established by, at a minimum, clearing the existing trees with the west end of the loop at least 40 feet from the center of CR 2400E. If necessary to accommodate customer vehicles the parking access lane shall be paved with a gravel surface at least six inches thick and a minimum of 16 feet wide.
- ** (3) A parking access lane shall be provided as shown on the approved site plan.
- ** (4) There shall be no parking allowed on top of either the active or reserve septic tank leach field and both the active and reserve leach fields shall be clearly marked to prevent accidental parking.
- ** (5) All parking and queuing areas shall be screened from adjacent properties by a Type A screen as defined in paragraph 4.3.3 H. 1. a. of the Zoning Ordinance.
- ** (f) The Petitioner is responsible to ensure that there shall be no queuing of customer traffic in the public right-of-way of CR 2400E and that no parking related to the Special Use Permit shall occur within any street right of way or on nearby properties.
- ** (g) Before the 2008 firearm deer hunting season begins on November 21, 2008, and on a permanent basis thereafter, the Petitioners shall ensure that all buildings, including the structures, rooms, and compartments used in the Special Use Permit are of sound construction and are kept in good repair to allow for processing, handling, and storage of product and waste materials in a manner that will not result in insanitary or nuisance conditions.
- ** (h) In regards to the odors caused by the smoking and cooking of wild game products at the proposed Special Use, the Petitioners shall do the following:
 - ** (1) The Petitioners shall install and make operational the proposed Enviro-Pak "Enviro-Kleen" Air Treatment System to treat the odor from the smokehouses and any cooking, including if necessary a carbon filter and provisions for fire detection and prevention.
 - ** (2) The Zoning Administrator shall verify the operation of the Enviro-Pak "Enviro-Kleen" Air Treatment System in a compliance inspection no later than January 5, 2009.

6/19/14 DRAFT

- ** (3) The Air Treatment System shall be used at all times during cooking and when the smokehouses are in operation.
- ** (4) The Enviro-Pak "Enviro-Kleen" Air Treatment System is not expected to eliminate all odors from the smoking and cooking related to the Special Use Permit and some odor may still be present at the property line.
- ** (5) This condition does not exempt the proposed Special Use Permit from whatever Illinois Pollution Control Board or Environmental Protection Agency air pollution regulations are applicable or are later found to have been applicable and this Special Use Permit shall remain valid so long as the Petitioners comply with whatever air pollution regulations are found to be applicable.
- ** (i) In regards to the bone barrels and trash containers for the proposed Special Use, the Petitioners shall do the following:
 - ** (1) No bone barrels shall be stored within 30 feet of any property line, except if stored within the walk-in cooler.
 - ** (2) No bone barrels shall be emptied within 70 feet of any property line.
 - ** (3) Before the 2008 firearm deer hunting season begins on November 21, 2008, the Petitioners shall construct a temporary storage building for bone barrels. Before the 2009 firearm deer hunting season begins the Petitioners shall construct the proposed new permanent storage building as shown on the approved site plan.
 - ** (4) The Zoning Administrator shall verify the completion of the temporary storage building in a compliance inspection no later than November 13, 2008. The Zoning Administrator shall verify the completion of the permanent storage building in a compliance inspection no later than October 1, 2009.
 - ** (5) No more than 800 square feet of the proposed new storage building shall be used for storage of bone barrels, or any storage related to the proposed special use.
 - ** (6) All bone barrels shall be stored in a closed and secure building at all times except when being emptied into a rendering truck or a garbage truck for removal from the property.
 - ** (7) The bone barrels shall be stored in a cooled environment when necessary to maintain sanitary conditions.

6/19/14 DRAFT

**Case 778-S-14
Page 11 of 75**

- ** (8) When the bone barrels and trash containers are not stored in a cooled environment they shall be covered adequately to prevent access by vermin.
- ** (9) The bone barrels and trash containers shall be cleaned and sanitized when necessary to maintain sanitary conditions and all such cleaning and sanitizing shall occur in a closed and secure building and all wash water from cleaning of the bone barrels shall be treated in the approved wastewater treatment and disposal system for the Special Use and not disposed of in an untreated condition and any solid waste from the cleaning bone barrels shall also be properly disposed of and not dumped on the surface of the ground.
- ** (j) Any new refrigeration units shall have all condensers located inside the building except that the temporary and permanent bone barrel storage buildings may be cooled by a through-the wall air conditioner if necessary.
- ** (k) Within one month of the Zoning Board of Appeals decision in Case 610-S-08 the petitioners must submit a Zoning Use Permit/ Change of Use Application for River Bend Wild Game and Sausage Company and all required improvements must be installed and completed and verified by the Zoning Administrator in a compliance inspection not later than November 13, 2008 except as later dates are specifically authorized by other special conditions.
- ** (l) The Special Use Permit authorized in Case 610-S-08 shall expire as outlined below:
 - ** (1) The Special Use Permit in Case 610-S-08 shall expire on April 1, 2014 and no processing of wild game is authorized to occur thereafter on the subject property unless a complete application for a new Special Use Permit is received by November 15, 2013.
 - ** (2) Provided that a new Special Use Permit application is received by April 1, 2014, the Special Use Permit in Case 610-S-08 shall remain valid and wild game processing is authorized in the 2014/2015 hunting season.
 - ** (3) In any event, the Special Use Permit in Case 610-S-08 shall expire and shall not be valid for processing of any wild game after the 2014/2015 hunting season. Processing of wild game on the subject property after the 2014/2015 hunting season may only occur as it may be authorized in a new Special Use Permit that may have additional conditions that are more restrictive than Case 610-S-08.

6/19/14 DRAFT

- ****(4) The Special Use Permit in Case 610-S-08 shall expire upon the failure of the private sewage disposal system serving the business and the petitioner is obligated to notify the Zoning Administrator in the event of such failure.
- ****(m) The Special Use Permit authorized in Case 610-S-08 shall be served by a new wastewater disposal system as follows:
- ****(1) A new private sewage disposal system with subsurface discharge to serve the Special Use Permit activities shall be constructed in general conformance with the approved site plan and subject to approval by the Champaign County Health Department including any special conditions imposed thereby and all Special Use Permit activities must be disconnected from the existing private sewage disposal system as follows:
- ****(a) A complete application for the new private sewage disposal system shall be submitted with fees to the Champaign County Health Department not later than November 12, 2008, and a duplicate of said application shall be submitted to the Zoning Administrator not later than November 12, 2008; and
- ****(b) The new private sewage disposal system shall be inspected by both the County Health Department and the Zoning Administrator prior to being covered with soil and both inspections shall verify that the Special Use Permit activities have been disconnected from the existing residential private sewage disposal system; and
- ****(c) The new private sewage disposal system shall be operational by January 5, 2009, unless weather causes unavoidable delay in which case the applicant shall notify the Zoning Administrator and the new system shall be operational as soon as weather allows; and
- ****(d) Failure to meet any of the application or approval deadlines will constitute a violation of this Special Use Permit approval and the Zoning Administrator shall immediately refer the violation to the Champaign County State's Attorney for legal action.
- ****(2) The new private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least an annual basis and all maintenance reports shall be filed with both

6/19/14 DRAFT

**Case 778-S-14
Page 13 of 75**

the County Health Department and the Zoning Administrator. Failure to provide annual maintenance reports shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.

- ****(3) This Special Use Permit approval shall become void if the new private sewage disposal system with subsurface discharge fails and cannot be repaired or if the system is repaired or modified later without the approval of both the County Health Department and the Zoning Administrator, as follows:
- ****(a) The owner is obligated to provide notice of the failed system to both the Zoning Administrator and the County Health Department as soon as failure is suspected; and
- ****(b) The Zoning Administrator and the County Health Department in consultation or individually may make a determination that the private sewage disposal system serving the Special Use Permit has failed and the owner shall provide necessary access to the private sewage disposal system for the purpose of necessary inspections pursuant to such a determination; and
- ****(c) Provided that all necessary permits are received from the County Health Department, repairs that can result in lawful ongoing use of the private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and
- ****(d) In the event of failure of the Special Use Permit private sewage disposal system that cannot be repaired or in the event of unresponsiveness by the owner in repairing a failed system, the Zoning Administrator shall provide written notice to the owner that the Special Use Permit is void and there shall be no more Special Use Permit activities conducted however any deer carcasses that are onsite at the time of failure may be dressed subject to any necessary conditions that may be imposed by either the County Health Department or the Zoning Administrator.
- ****(n) There shall be no burning or burial of carcass parts on the subject property.

6/19/14 DRAFT

- ** (o) The approved site plan for Case 610-S-08 shall consist of the following Documents of Record:
 - ** (1) The revised site plan received on November 13, 2008
 - ** (2) The floor plan of the business building received on May 5, 2008
 - ** (3) The revised floor plan of the proposed storage building received on October 12, 2008
 - ** (4) The elevation of the proposed storage building received on October 1, 2008
 - ** (5) The elevation of the front view of the business building received on October 12, 2008
- ** (p) The petitioner shall provide reasonable access to the subject property and all structures where Special Use Permit activities take place to verify compliance with the special conditions in this case.

P. The Petitioners applied for a Change of Use Permit on December 17, 2008 to establish a Major Rural Specialty Business, River Bend Wild Game & Sausage Company. Permit # 352-08-01 was approved on December 30, 2008 with the following conditions:

- (1) The Change of Use Permit authorizes the establishment of a Major Rural Specialty Business but does not authorize any new construction.
- (2) All operations and structures must conform to the special conditions of approval and the approved site plan for Cases 610-S-08 and 616-V-08.
- (3) Additional Zoning Use Permits shall be required for construction of the proposed storage building and the construction of the proposed cooler expansion.
- (4) A Zoning Compliance inspection shall occur no later than 01/05/2009, to verify conformance with the follow special conditions of approval of Case 610-S-08:
 - (a) As required by Condition c(3): A sign stating "NO SALES OF WILD GAME PRODUCTS PERMITTED" shall be conspicuously displayed in the public areas of the Special Use Permit.
 - (b) As required by Condition h(2): The Zoning Administrator shall verify the operation of the Enviro-Pak "Enviro-Kleen" Air Treatment System in a compliance inspection no later than January 5, 2009.
 - (c) As required by Condition m(1)(b): The new private sewage disposal system shall be inspected by both the County Health Department and the Zoning

6/19/14 DRAFT

**Case 778-S-14
Page 15 of 75**

Administrator prior to being covered with soil and both inspections shall verify that the Special Use Permit activities have been disconnected from the existing residential private sewage disposal system; and (c): The new private sewage disposal system shall be operational by January 5, 2009, unless weather causes unavoidable delay in which case the Zoning Administrator shall be notified and the new system shall be operational as soon as weather allows.

- (5) A copy of the final inspection approval of the new private sewage disposal system by the County Health Department shall be submitted to the Zoning Administrator.
- Q. The Petitioners applied for Special Use Permit # 778-S-14 on March 31, 2014, to renew SUP # 610-S-08 for the River Bend Wild Game and Sausage Company as a Rural Major Specialty Business on the subject property.
- R. On June 5, 2014, the petitioners submitted an update to the special conditions approved by the Champaign County ZBA for SUP # 610-S-08.
- (1) The following responses were provided to update the Zoning Office on the actions taken to address those Special Conditions:
 - (a) River Bend Wild Game & Sausage Co. continues to operate as a further processor of wild game carcasses and meats. No wild game products are sold to the general public. No meat products are produced that are subject to the Meat and Poultry Inspection Act.
 - (b) The Champaign County Public Health Department has not requested any of the listed information pursuant to any complaint of food borne illness from ingestion of products produced under the Special Use.
 - (c) The public has clear expectations that the type of service provided by River Bend Wild Game & Sausage Co. is fee for service wild game processing.
 - (d) Chuck and Mary Ellen Stites continue to be the owners of River Bend Wild Game & Sausage Co.
 - (e) A gravel driveway was installed as per the attached site plan to serve as additional vehicle queuing area. No parking is allowed on the existing or reserve septic leach field. An 8 ft. tall wooden fence was erected along the north property line, extending from the east end of the existing 6 ft high wooden fence toward the road to screen the adjacent property to the north from parking and queuing areas.

6/19/14 DRAFT

- (f) This gravel driveway in addition to the existing asphalt driveway has proven to be sufficient to prevent the parking or queuing of vehicles on the public right of way of CR 2400 E or on nearby properties.
- (g) The buildings used in the Special Use Permit are of sound construction and are kept in good repair to allow for processing, handling, and storage of product and waste materials in a manner that has not resulted in insanitary or nuisance conditions.
- (h) An Enviro-Pak “Enviro-Kleen” Air Treatment System has been installed to control the odor from the smokehouses used for the cooking of wild game products. All air exhausted from the smokehouses passes through the Enviro-Pak unit. Within this unit, exhausted air passes through a high voltage deionizer, paper cartridge filter, and activated carbon filters. This unit has been very effective in reducing the odor from the smoking and cooking of the wild game products.
- (i) Trash containers are stored in the enclosed trash area shown on the site plan. A new storage building was erected on the south side of the property as indicated on the site plan. Inside this building is a 13 ft x 26 ft cooler in which to store bone barrels containing by-products from the processing of wild game, until picked up by the rendering company. The building was constructed and loading area positioned so that the bone barrels are emptied at least 70 feet from any property line. The bone barrels are cleaned inside. The waste water from cleaning the bone barrels goes into the wastewater treatment system approved by the County Health Department.
- (j) The only new refrigeration unit that has been installed is in the new storage building for storing bone barrels. The condensing unit for this cooler is located inside the building.
- (k) The Zoning Use Permit/Change of Use Application was submitted as directed.
- (l) New Special Use Permit Application was filed with the Zoning Office as directed.
- (m) The waste water treatment for the Special Use Permit activities was separated from the wastewater treatment serving the residential home. This was done by disconnecting the business from the residential wastewater treatment system and installing a new private disposal system with subsurface discharge. Both the existing building housing the processing areas and the new building that contains the cooler for bone barrel storage

6/19/14 DRAFT

**Case 778-S-14
Page 17 of 75**

are connected to this new private wastewater treatment system. This new system was approved by the County Health Department.

- (n) No carcass parts are burned or buried on the subject property.
 - (o) The Documents of Record were provided for the approved site plan for Case 610-S-08.
 - (p) Reasonable access to the subject property is provided to the Zoning Administrator.
- (2) Zoning Department review indicates the following items from the Special Conditions were not covered in the response received June 5, 2014:
- (a) Item c(3) – The response does not provide documentation that shows installation of a conspicuously displayed sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED”.
 - (b) Item m(2) – Annual wastewater disposal system maintenance reports have not been provided to the Zoning Administrator. The Special Condition clearly states “failure to provide annual maintenance reports shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action”.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Major Rural Specialty Business as a Special Use in the CR Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes Major Rural Specialty Businesses as a Special Use in the CR, AG-1, and AG-2 Districts and by-right in the B-1, B-3, and B-4 Districts.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.

6/19/14 DRAFT

- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. Section 6.1.3 establishes the following standard conditions for any Major Rural Specialty Business authorized as a Special Use:
- (1) A minimum Lot Area of 5 acres.
 - (2) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial use shall not exceed 5,000 square feet.
 - (3) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than 5 consecutive or non-consecutive days in any three-month period and only if a recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.
 - (4) The site shall not be located within 500 feet of a residential Zoning District.
 - (5) Business located in the CR, AG-1, or AG-2 Districts shall not access streets located in a recorded subdivision.
 - (6) Alcoholic beverages not produced on the premises shall not be sold.
- D. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.
- E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used

6/19/14 DRAFT

**Case 778-S-14
Page 19 of 75**

for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

- (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) "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.
- (4) "AREA, LOT" is the total area within the LOT LINES.
- (5) "DISPLAY" is the placement or arrangement of products or materials for sale or lease excluding items which are being stored while awaiting maintenance, or repair or other STORAGE.
- (6) "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.
- (7) "HOME OCCUPATION, RURAL" is any activity conducted for gain or support by a member of members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE on the same LOT as the resident's DWELLING UNIT.
- (8) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (9) "PREMISES" are a LOT or tract of land and any STRUCTURE located thereon.
- (10) "RURAL SPECIALTY BUSINESSES" are establishments that sell, principally at retail, agricultural products, foods or traditional handicrafts produced on the PREMISES together with ACCESSORY recreational or educational activities and which may also sell related goods produced off of the PREMISES provided that sale of such goods constitute less than 50 percent of the total gross business income, that such goods constitute less than 50 percent of the total stock in trade, that less than 50 percent of the total LOT AREA is devoted to commercial BUILDING AREA, parking or loading areas or outdoor sales DISPLAY.
- (11) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
- (12) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

6/19/14 DRAFT

- (13) "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.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, "**Continued Use as described in Case 610-S-08 Special Use Permit**"
 - B. The following evidence is from the previous zoning case on the subject property, Case 610-S-08.
 - (1) The Petitioner has included a lengthy statement with the application which can be summarized as follows:
 - (a) River Bend Wild Game and Sausage Company has been in operation at its current location for 13 years.

6/19/14 DRAFT

Case 778-S-14
Page 21 of 75

- (b) The need for this type of business in this area is evident by the growth of their customer base.
 - (c) The Petitioners have made a substantial investment to make their facility efficient.
 - (d) Their primary customer base lives within a sixty mile radius of their facility.
 - (e) Their customers are familiar with the location and it is conveniently located near highway roads.
- (2) The proposed Special Use appears to be the only business of its kind operating in Champaign County.
- (3) Regarding the increase in the size of the existing use since the petitioners began operations, the petitioners maintain a River Bend related blog at http://createwithme.typepad.com/river_bend_wild_game_saus which describes the growth of the current use as follows:
- (a) During the 1999/2000 hunting season the petitioners dressed approximately 50 carcasses.
 - (b) During the 2003/2004 hunting season the petitioner dressed approximately 600 carcasses.
 - (c) During the 2006/2007 hunting season the petitioners dressed approximately 1,160 carcasses by mid-January.
 - (d) During the 2007/2008 hunting season the petitioners dressed approximately 1,174 carcasses by mid-December.
 - (e) The petitioners indicate their business seems to double every four seasons.
 - (f) At the August 14, 2008, public hearing Phil Van Ness, attorney representing neighbors of the subject property, testified that Mr. Stites handled 1,270 animals last year.
- (4) In an October 23, 2008, telephone conversation with Zoning Administrator John Hall, Thomas Miciticich, Statewide Deer Project Manager for the Illinois Department of Natural Resources, stated there were 1,227 deer hunting permits (quota) available for Champaign County in the 2008/ 2009 hunting season (firearms, archery, landowner, etc.) and an unlimited number of “over the counter” archery permits.

6/19/14 DRAFT

- (5) An email of support was received from Travis Burr, customer of River Bend Wild Game and Sausage Co., on October 27, 2008, that indicated Mr. Burr has been a client of River Bend for approximately 15 years. He has found their processing to be very professional and sanitary.
- (6) At the May 15, 2008, public hearing Chuck Stites, co-petitioner, testified regarding the availability of other businesses like River Bend as follows:
 - (a) There are some commercial lockers in the state that work the deer season pretty hard. They take in as much as they can get, but there are others that are accustomed to doing the pork, beef and lamb and view processing deer an inconvenience.
 - (b) Mr. Stites said that they are the only ones in the county that offer this level of service.
 - (c) Mr. Stites said that there is one meat locker in Vermillion County that does wild game north of Danville.
 - (d) Mr. Stites said that there is a place in Decatur that process deer, one near Arthur and one near the Chenoa area.
 - (e) He said that the industry as far as meat lockers has been dying off for a number of reasons.
 - (f) He said that his business grew last year mainly due to the hunters who had more of an opportunity due to the Department of Natural Resources expanding some of the hunting seasons to issue more permits
 - (g) Mr. Stites said that the increase in his numbers could also be the result of the increased deer population.
- (7) A letter was received from Phil Van Ness, attorney for neighbors of the subject property, on October 29, 2008, that indicated that the neighbors believe that the proposed special use permit should be denied due to the length of the public hearing and the lack of a clear proposal from the petitioners.
- (8) At the May 15, 2008, public hearing Robert Decker testified that he has hunted deer since 1958 and been to processing places throughout the state including Chesterville, Illinois; Eldorado, Illinois; Danville, Illinois; and Goreville, Illinois, and Mr. Stites's business is one of the best places overall that he had visited.
- (9) In a Memo of Opposition received on August 6, 2008, Phil Van Ness, attorney representing neighbors to the subject property, testified that the proposed special use is not necessary for the public convenience at this location because there is

6/19/14 DRAFT

**Case 778-S-14
Page 23 of 75**

inadequate parking and the Stites' property is reached via a rural residential road system.

- C. Regarding whether the proposed use is better provided in a rural area:
- (1) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - (2) The CR, Conservation-Recreation 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.
 - (3) The existing conditional Special Use Permit has existed since November 13, 2008.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The following evidence is from the previous zoning case on the subject property, Case 610-S-08:
- * (1) The Petitioner has included a lengthy statement with the application which can be summarized as follows:
 - * (a) The proposed Special Use is operated by the Petitioners and their children.
 - * (b) Mr. Stites has a Master's degree in Meat Science from the University of Illinois.
 - * (c) The Petitioners have improved their facilities as their customer base has grown.
 - * (d) The Petitioners take pride in the efficiency of their process, the quality of their products, and the cleanliness of their facility.
 - * (e) Regarding the dressing of carcasses:
 - * (1) The deer carcasses come to the facility already field dressed with internal organs removed.
 - * (2) Deer carcasses are stored under refrigeration inside an enclosed building.

Case 778-S-14
Page 24 of 75

6/19/14 DRAFT

- * (3) The carcasses are dressed by removing the meat and cutting and packaging any steaks or roasts the hunter has ordered. The meat which is not used for steaks or roasts is used to make sausages.
- * (4) During the busiest times the meat to be used for sausages is packaged and frozen to be defrosted later to be made into sausage.
- * (5) Some sausages are prepared using a smokehouse.
- * (6) Once the sausages are made and packaged the hunters are contacted for pick up.
- * (f) Regarding the number of employees:
 - * (1) Their need for employees is seasonal.
 - * (2) Archery deer season runs from October 1 until the middle of January. During Archery season they generally cut deer one evening per week. At this time they may have seven people working.
 - * (3) Firearm deer season is traditionally the three day weekend before Thanksgiving and a four day weekend the second weekend after Thanksgiving. The busiest time is the first Firearm deer season. In order to quickly receive deer they may have four people outside taking care of the paperwork and receiving deer. For the cutting and packaging of the meat they like to have eight people during the heaviest days.
 - * (4) Other than people receiving deer, all workers are inside the business building.
- * (g) Regarding the hours of operation and traffic:
 - * (1) During their processing season they maintain regular business hours for customers to bring or pick up product. They are Monday through Friday 5 PM to 8 PM; Saturday 9 AM to 5 PM; and Sunday 2 PM to 5 PM.
 - * (2) During the Archery hunting season, they may have around 40 customers each week.
 - * (3) During the Firearm deer season they are open to receive deer 9 AM to 7 PM or until their space fills up. During the two weekend firearm seasons they will have significantly higher traffic those days. The Saturday and Sunday traffic volume for the last two and a half months has been between three and 15 customers on any given day.

6/19/14 DRAFT

**Case 778-S-14
Page 25 of 75**

- * (4) They have been limiting the time for drop-offs on the Monday following the first Firearm Deer season to their regular 5 PM to 8PM hours. This last season resulted in some traffic congestion on the roadway leading to their property. By opening earlier on the Monday after the first Firearm deer season this should alleviate the traffic congestion.
- * (5) Most customers pick up their meat right after work between 5-6 PM or on Saturdays.
- * (6) Other than setting business hours they do not have control of when the customers arrive at their business.
- * (7) They also have not used the front yard area for customer parking/staging in the past. However, in the interest of preventing traffic congestion in the street, they can open that area up and provide traffic control to direct them to that area if traffic begins to back up into the road.
- * (8) Prior to the 2008/2009 hunting season an additional driveway to handle traffic can be installed.
- * (h) Regarding the control of odor:
 - * (1) The barrels containing the bones, fat, and scrap from processing the carcasses will be stored in an enclosed building awaiting pick up by the rendering company.
 - * (2) The rendering company is a licensed hauler of animal by-products and is available 2 to 3 times per week as needed.
 - * (3) They generally have less than 10 bone barrel pick ups each year.
 - * (4) The bone barrels containing these products will be kept in an enclosed building in order to control any odor. The bone barrels can be loaded into the rendering truck at the proposed storage building shown on the site plan. Allowing the truck to load in front of the building rather than designing the building to allow the truck to load inside with the engine running is the best option for them. It is not necessary to load the bone truck inside.
 - * (5) The bone barrels are cleaned using soap and water and the wastewater from cleaning the barrels goes into the floor drains which are connected to the septic system.

6/19/14 DRAFT

- * (6) Their smokehouses are vented outside the facility. They monitor the weather forecasted wind direction when they decide to monitor the smokehouse. Aroma from the smoking/cooking meat is controlled from being detectable from across the property line by adjusting their cooking schedule to coincide with wind direction that is not blowing from the south and southeast (toward their closest neighbor). The neighbor to the north has expressed concern about the aroma of cooking meat when they are outside working during the day.
 - * (7) Their smokehouses use atomized liquid smoke to provide smoke flavor to the sausages. This portion of the cooking cycle only lasts for about five minutes.
 - * (8) An alternative to controlling the aroma from the smokehouses is to install some type of filtering or cleansing device to the vents. Such devices are quite expensive or may not be able to be adapted to the small size of our vents.
 - * (9) Prior to the 2008/2009 hunting season, they can install odor abatement equipment on the smokehouse. They can also erect the new storage building to handle barrel storage.
- *D. Regarding surface drainage: the subject property is adjacent to the Salt Fork and appears to drain to the west. The amount of impervious area on the subject property does not trigger any requirement for stormwater detention under the *Champaign County Stormwater Management Policy*.
- E. Regarding traffic, the subject property is accessed from CR 2400E on the east side of the property. Regarding the general traffic conditions on CR 2400E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The following evidence is from the previous zoning case on the subject property, Case 610-S-08:
 - * (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data, in the vicinity of the subject property, is from 2006, as follows:
 - * (1) Along CR 2400E where it passes the subject property the ADT is 200 trips.

6/19/14 DRAFT

**Case 778-S-14
Page 27 of 75**

- * (2) CR 1050N has 2700 ADT west of the intersection with 2400E and 2500 ADT east of 2400E.
- * (3) The proposed Special Use has already been in operation since 1999, so the 2006 ADT already takes into account the average impact of the use on traffic in the area. However, as the Petitioners have testified the business is seasonal and produces heavier traffic than indicated by the ADT count during hunting seasons.
- * (b) Complaints about the existing business have been received from two adjacent property owners and have included the following regarding traffic:
 - * (1) On some days there are 40 or so trucks with dead game parked on one or both sides of CR2400E. There are times when the driveway to an adjacent property is blocked and occasionally a game truck is parked in the driveway to that adjacent property.
 - * (2) There is traffic of customers almost every evening going sometimes very late. Saturday and Sunday are usually very busy all day long and late into the evening.
- * (c) The petitioners have proposed a circle driveway for extended queuing space. Also, parallel parking is available on either side of the proposed circle driveway and on the south side of the existing driveway to prevent vehicles waiting in the public right-of-way.
- * (d) The petitioners submitted information regarding customer traffic at the subject property on May 12, 2008. A detailed analysis has not been done but the data can be characterized as follows:
 - * (1) Numbers of customers served in a given day were provided for January 1, 2008, through April 30, 2008.
 - * (2) Saturdays appear to be the busiest days with most having a number of customers equal to or greater than 10.
 - * (3) The highest number of customers in a given day was 15 on March 8, 2008, a Saturday.
- * (e) At the May 15, 2008, public hearing Chuck Stites, co-petitioner, testified that he has expanded the type of equipment they use so they could better handle the volume of product coming through.
- * (f) On November 12, 2008, the petitioners provided their own parking analysis that indicated there would be 38 parking spaces available on the subject

6/19/14 DRAFT

- property for customers, not including vehicles that may queue in the existing driveway.
- * (g) The Township Road Commissioner has been notified of this case, and the Petitioner has contacted him regarding the possibility of an additional driveway entrance to the subject property. John Chestnut, Sidney Township Road Commissioner, in a phone conversation with J.R. Knight, Associate Planner, on May 12, 2008, indicated that he had no concerns with the proposed Special Use and could work with the petitioners if an additional driveway entrance was necessary.
- (2) The following transportation related changes have been made to the property since Special Use Permit 610-S-08 was approved on November 13, 2008:
- (a) A gravel driveway was installed as per attached site plan received by the Zoning office on March 31, 2014. Petitioners states that this gravel driveway in addition to the existing asphalt driveway has proven to be sufficient to prevent the parking or queuing of vehicles on the public right of way of CR 2400 E or on nearby properties.
- (b) No parking is allowed on the existing or reserve septic leach field.
- (c) An 8 ft. tall wooden fence was erected along the north property, extending from the east end of the existing 6 ft. high wooden fence toward the road to screen the adjacent property to the north from parking and queuing areas.
- (d) The Department of Zoning has received no complaints regarding traffic.
- *G. Regarding fire protection of the subject property, the following evidence is from the previous zoning case on the subject property, case 610-S-08: the subject property is within the protection area of the Sidney Fire Department and is located approximately five road miles from the fire station. The Village Fire Chief has been notified of this request, but no comments have been received at this time.
- *H. Regarding Special Flood Hazard Areas, the following evidence is from the previous zoning case on the subject property, case 610-S-08: The subject property is partially located within a Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel No. 1708940225B.
- *I. There is no information on the current site plan regarding outdoor lighting for any purpose. According to the hours of operation and the times of the year when the proposed use receives most of its business some outdoor lighting near the business building would appear to be necessary.
- J. Regarding wastewater treatment and disposal on the subject property:

6/19/14 DRAFT

Case 778-S-14
Page 29 of 75

- (1) The following evidence is from the previous zoning case on the subject property, case 610-S-08:
- *(a) The Champaign County Public Health Department received the application for the private sewage disposal system on the subject property in permit #99-076-19 on June 28, 1999. A copy of the application was included as an attachment to the Preliminary Memorandum in this zoning case. The private sewage disposal system application indicated it was for a four bedroom residential dwelling. The private sewage disposal system that is indicated on the application is a 500 gallon capacity Whitewater aerobic treatment unit (Class I) with chlorinator unit that discharges to the surface of the ground.
 - *(b) The applicant had applied to the Champaign County Department of Planning and Zoning for a Rural Home Occupation on October 6, 1998. A Rural Home Occupation is an accessory use and so the dwelling remained the principal zoning use on the subject property.
 - *(c) A letter from the Champaign County Public Health Department dated August 27, 1999, indicated that the private sewage disposal system on the subject property had been already been backfilled and was not available for inspection on August 23, 1999, when the subject property was visited by a Sanitarian for normal inspection. The letter did not indicate that any follow-up action was required by the owner (the petitioner). A copy of this letter was included as an attachment to the Preliminary Memorandum in this zoning case.
 - *(d) In a letter received on June 27, 2008, Jeff Blackford, Champaign County Public Health Department Program Coordinator, stated that Section 905.10 of the *Illinois Private Sewage Disposal Licensing Act and Code* defines a “residential property” as a single-family home or multi-family unit intended for occupation as living quarters that is not used to conduct any business that generates wastewater or domestic sewage. A copy of this letter was included as an attachment to the Supplemental Memorandum dated August 8, 2008.
 - *(e) Subsection 4.3.5 of the Zoning Ordinance requires that any new installation of private sewage disposal systems shall be designed, constructed, operated, and maintained in conformity with the *Illinois Private Sewage Disposal Code* (77 Ill. Admin. Code Part 905).
 - *(f) Regarding the volume of wastewater that may be discharged from the subject property on a given day during the deer hunting season:
 - *(1) Chuck Stites has testified to staff that the dwelling on the subject property is a two bedroom dwelling. The Illinois Private Sewage

6/19/14 DRAFT

Disposal Act requires a minimum 400 gallon capacity Class I unit for a 2 bedroom residential property and a 500 gallon capacity Class I unit for a 4 bedroom residential property. Thus, the existing treatment unit may have 100 gallons of treatment capacity for the non-residential wastewater that it receives.

- * (2) According to the River Bend Wild Game and Sausage Company weblog, there were 123 deer carcasses dressed on November 21, 2007. The Illinois Private Sewage Disposal Act does not provide design requirements for a “wild game processor” so it is not clear how much non-residential wastewater loading is received by the existing wastewater treatment system.
- * (3) It is not clear if the existing operations can be conducted within the 100 gallons of treatment capacity for the non-residential wastewater that remains for the current Class I system but it seems likely that the current system could not support further growth in the number of dressed carcasses.
- * (4) It is not clear where the bone barrels are currently washed and sanitized or how the processing equipment is cleaned. There are no sinks indicated on the floor plan of the River Bend Wild Game Building received on May 5, 2008.
- * (5) At the October 16, 2008, public hearing Chuck Stites, co-petitioner, testified that the bone barrels would now be cleaned in the proposed storage building, which is why there is a hose station indicated inside the proposed building.
- * (g) The sanitizers used in cleaning the game processing equipment can also create a problem in the private sewage disposal system if the sanitizers kill off the bacteria that are a necessary part of the private sewage disposal system.
- * (h) Based on the available evidence, the existing private sewage disposal system was neither designed to accommodate the existing flows of non-residential wastewater nor was it authorized and approved and inspected to accommodate the existing flows of non-residential wastewater. It also seems unlikely that the current system could support further growth in the number of dressed carcasses.
- * (i) A letter from Chuck Stites was received on August 8, 2008, in response to a letter from the Zoning Administrator. At the end of the petitioner’s response they indicated the following regarding their wastewater system:

6/19/14 DRAFT

**Case 778-S-14
Page 31 of 75**

- * (1) All of the plumbing (lines, sinks, floor drains, toilet) were installed by James Plumbing, Heating, and Air Conditioning out of Homer, Illinois.
- * (2) That company also installed their wastewater system.
- * (3) The toilet drain line and the plant floor and sink drains are separate lines until they join outside of the plant.
- * (4) There is a backflow preventer in the floor and sink drain line to prevent sewer backup into the plant.
- * (5) When the wastewater system was installed the shop and residence were shown as being connected on the drawings submitted to the County Health Department.
- * (6) The surface discharge line of the system has a backflow preventer installed after the chlorinator to prevent backup of floodwater into the system if the river floods that area of the property. Because of this, wastewater should still flow in one direction through the chlorinator even in the event of flooding.
- * (j) A letter from co-petitioner, Chuck Stites, received on October 1, 2008, indicates the following:
 - * (1) Soil testing on the subject property has been completed.
 - * (2) Both Lester Bushue of Bushue Soil Consulting and Jeff Blackford of Champaign County Health Department have stated that given the results of the tests the soils are suitable for a traditional septic tank and subsurface leach field.
 - * (3) The contractor will be submitting permits to the County Health Department in a few weeks.
- * (k) At the August 14, 2008, public hearing Chuck Stites, co-petitioner, testified regarding the amount of wastewater generated during the cleaning procedure. He said that in his shop there are two forty gallon hot water heaters and when they clean up from making sausage or when they are cutting it takes them about an hour to finish clean up and they do not run out of hot water.
- * (l) Regarding the floor plan for the proposed bone barrel storage building that was received on October 1, 2008, there are several floor drains indicated inside the building and a hose station as well. The floor drains are indicated to be connected to a subsurface private sewage system. The Public Health

6/19/14 DRAFT

Department does not generally approve floor drains in garages. The petitioners will have to work with the Health Department to design a space that can be used for cleaning bone barrels without creating a problem for any proposed septic system.

- * (m) Neighbors have indicated their concerns about the private sewage disposal system on the subject property.
- * (1) In testimony at the public hearing on May 15, 2008, and in a letter dated June 22, 2008, neighbors Lucy Whalley and Dennis Wandell who live at 1167 CR2400E, testified in part that they have experienced occasional malodors emanating from the area where the Stites' septic system discharges into the floodplain of the Salt Fork River and they are concerned about the effects of the liquid wastes from the meat processing operation on the quality of water in the Salt Fork River.
- * (2) In a letter dated June 27, 2008, neighbors Jim and LaVerna Harper who live at 1173 CR2500E stated in part they are concerned about whether the current septic system is adequate to handle all of the wastewater from the Stites' home and business and the effects on water quality in the neighborhood and concerns about future expansion of the business.
- * (3) In a letter dated August 3, 2008, Brenda Below who lives at 2374 CR1150N stated that one of her concerns is the effects of the wastewater from the Stites's business on water quality in the Salt Fork River and about possible future expansion.
- * (4) Attorney Phillip R. Van Ness who represents Ms. Whalley and Mr. Wandell submitted a Memorandum In Opposition To Grant Of The Special Use and Variance that was received on August 6, 2008. Attorney Van Ness states in part that the Stites have not demonstrated that the current or any planned septic system or other wastewater treatment system has been adequately designed, sized, located or operated to successfully handle the current or expected levels of wastewater volume, biological oxygen demand (BOD), bactericides or other cleaning agents resulting from meat processing and disinfection of work spaces. Attorney Van Ness also suggests that for this reason alone the proposed special use is not so designed, located, and proposed to be operated so that it will not be injurious to the district.
- * (n) Section 905.110 of the *Illinois Private Sewage Disposal Licensing Act and Code* requires that if the flow from any number of discharging Class I units

6/19/14 DRAFT

**Case 778-S-14
Page 33 of 75**

is combined and exceeds 1,500 gallons per day, the owner of the property shall provide a copy of the construction permit obtained in accordance with 35 Ill. Admin. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit from the Illinois Environmental Protection Agency to the Public Health Department or local authority to demonstrate that the effluent from the private sewage disposal system can discharge at that location. Approvals for large surface discharge systems require extensive engineering and are generally considered impractical for all but the largest developments.

- * (o) The proposed new storage building indicated on the Revised Site Plan received on May 12, 2008, is proposed to be the location of storage of the bone barrels. A special condition has been proposed requiring that the bone barrels be cleaned and sanitized when necessary to maintain sanitary conditions and all such cleaning and sanitizing shall occur in a closed and secure building and all wash water from cleaning of the bone barrels shall be treated in the approved wastewater treatment and disposal system for the Special Use and not disposed of in an untreated condition and any solid waste from the cleaning bone barrels shall also be properly disposed of and not dumped on the surface of the ground. Thus, the proposed new storage building should also be required to have a potable water supply and floor drains that drain to an approved private sewage disposal system.
- * (p) The Champaign County Soil Survey indicates that soils on the western half of the subject property are Sawmill silty clay loam, 0 to 2 percent slopes (map unit 3107A; formerly Colo silty clay loam and formerly map unit 402) and soils on the eastern half of the subject property are Kendall silt loam, 0 to 3 percent slopes (map unit 242A) and Camden silt loam, 1 to 5 percent slopes (map unit 134B). An excerpt of the Soil Survey indicating the subject property was included as an attachment to the Supplemental Memorandum dated August 8, 2008.
- * (q) The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The soil on the western half of the subject property is rated as having very low potential for subsurface soil absorption wastewater systems (septic tank leach fields). On the eastern half of the subject property the Kendall silt loam, 0 to 3 percent slopes (map unit 242A) soil is rated as having "medium" suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring corrective measures

6/19/14 DRAFT

generally of subsurface drainage or fill and a curtain drain. The Camden silt loam, 1 to 5 percent slopes (map unit 134B), soil is rated as having "very high" suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring no corrective measures. Excerpts of the worksheets for the Kendall and Camden soils were included with the Supplemental Memorandum dated August 8, 2008.

- * (r) The existing non-residential wastewater system drains to the west of the subject property and it is not clear how feasible it might be to re-route this sanitary drainage to a new subsurface system that might be constructed on the eastern half of the subject property. Even if soil data were submitted indicating that the soils on the eastern half of the subject property are suitable for subsurface soil absorption wastewater systems (septic tank leach fields) there is some question about the engineering feasibility of modifying the existing wastewater drainage system to drain to the east so that none of the non-residential wastewater would be treated by the existing Class I aerobic treatment unit.
 - * (s) Any private sewage disposal system will have a finite capacity for treatment and disposal of wastewater. Any non-residential use must be operated within the limits of the capacity of a private sewage disposal system.
 - * (t) Any subsurface soil absorption wastewater system (septic tank leach fields) will have a finite lifetime and will eventually need to be replaced by a new system in suitable undisturbed earth. Although the *Illinois Private Sewage Disposal Licensing Act and Code* does not require reserve areas to be set aside for replacement of failed subsurface soil absorption wastewater systems (septic tank leach fields) it is a commonly understood best practice.
 - * (u) At the October 30, 2008, public hearing Chuck Stites, co-petitioner, testified that on October 24, 2008, he received the results of the soil investigations performed by Lester Bushue on October 18, 2008. The results indicated the soils were good and there were no floodplain issues.
 - * (v) On November 7, 2008, the petitioner's contractor, James Plumbing and Heating, submitted a complete application for approval of a private sewage disposal system. The proposed system is a subsurface leach field type of system that will serve the River Bend business building.
- (2) Regarding wastewater disposal, the following evidence has been received since the Special Use Permit was approved for Case 610-S-08 on November 13, 2008:
- (a) In an email received June 11, 2014, Michael Flanagan, Environmental Health Specialist II with the Champaign-Urbana Public Health District,

6/19/14 DRAFT**Case 778-S-14
Page 35 of 75**

verified that Mr. Stites had a septic system installed on February 5, 2009. The system was inspected and approved for the business portion of his property at the same time. The permit number for the private sewage system is 08-108-19. Mr. Flanagan stated that “this type of system does not require maintenance records according to the Illinois Private Sewage Disposal Licensing Act and Code”.

- (b) Inspection photos were taken by Department of Zoning staff in February 2009.

K. Regarding life safety considerations related to the proposed Special Use:

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal’s code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance

6/19/14 DRAFT

with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i. International Building Code;
 - ii. International Existing Building Code; and
 - iii. International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
- L. Regarding compliance with state and federal meat processing regulations, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
- * (1) The Illinois Meat and Poultry Inspection Act (225 ILCS 650/) does not apply to the existing business or the proposed Special Use, as follows:
 - * (a) The Act prohibits anyone from operating an establishment, as defined in the Act, without obtaining a license from the State Department of Agriculture.

6/19/14 DRAFT

**Case 778-S-14
Page 37 of 75**

- * (b) An establishment as defined in the Act is all premises where **animals** (emphasis added)...are slaughtered or otherwise prepared...for custom food purposes.
- * (c) An animal is defined in the Act as cattle, calves, American bison (buffalo), catalo, cattalo, sheep, swine, domestic deer, domestic elk, domestic antelope, domestic reindeer, ratites, water buffalo, and goats.
- * (2) On August 1, 2008, staff received an email from the petitioners in which they forwarded an email they received from Kris Mazurczak DVM, Bureau Chief of the Bureau of Meat and Poultry Inspection in the Illinois Department of Agriculture, that stated, "Wild game is not amenable to our Act and therefore IDOA doesn't have any regulatory authority over businesses processing wild game **only.**" (emphasis original)
- * (3) Staff contacted the Federal Food Service Inspection Service Tech Center and received a reply on August 5, 2008, that indicated that facilities that process only wild game are not subject to 9 CFR 416, and state regulations can exempt an establishment from federal regulations.
- * (4) A letter from Chuck Stites was received on August 8, 2008, in response to a letter from the Zoning Administrator dated July 3, 2008, which asked the petitioners to explain how it is that they are not regulated under the Illinois Meat and Poultry Act or the Federal Meat Inspection Act. The reasoning used in the letter is not totally clear to staff. However, staff does agree with the petitioners that they are not regulated by any local, state, or federal agencies.
- * (5) As explained above, "custom processing" of wild game is a regulated activity, and the existing business and the proposed Special Use are not "custom processing" under the law, they should only be described as final dressing or butchering of field dressed wild game.
- * M. Dennis Wandell and Lucy Whalley, neighbors to the north of the subject property, in a letter received on June 23, 2008, indicated the following:
 - * (1) They believe that River Bend Wild Game and Sausage Company will be injurious to the district and will not conform to applicable regulations or preserve the essential character of the district.
 - * (2) As immediate neighbors to the Stites they have been subject to the Stites' disregard for the impact of the business on the neighborhood.
 - * (3) They believe that enabling a three-fold expansion of the business will result in a three-fold increase in the magnitude of the nuisances already inflicted upon them.

6/19/14 DRAFT

- * (4) Despite the fencing along the south property line plastic food wrappers marked with the River Bend company name continue to appear on their property.
 - * (5) Mr. Wandell did not request that Mr. Stites put up the wooden fence that screens the barrel storage from observation.
 - * (6) Other examples of negative impacts on quality of life that result from the Stites' business include: constant odor of sausage cooking; overwhelming and persistent odor of rotting animal parts and blood; ever present noise of cooling units; persistent trash and animal scraps appearing on their property; occasional malodors emanating from the Stites' septic system; blocked road and driveway during peak processing season; and Stites' customers driving down their driveway and through their property.
 - * (7) They also object to the noise of the cooling units on the subject property.
 - * (8) Mr. Wandell states that he has witnessed backhoe activity and burning in the floodplain on Mr. Stites's property, and then questions whether the petitioner is properly disposing of the waste and hides from the existing business.
 - * (9) They question the adequacy of the Stites' wastewater system, and its ability to function while located in the floodplain.
 - * (10) They question whether the Stites' septic system may have negative environmental impacts due to its location in the floodplain of the Salt Fork River.
 - * (11) Attached to the letter were photographs illustrating the flooding of Mr. Stites property.
 - * (12) Also attached to the letter was an example of the trash that is typically found on Mr. Wandell's property, as follows:
 - * (a) A note with the item stated, "Trash picked up 6-22-08 on Lucy Whalley and Dennis Wandell's property. This was one of many trash wrappers belonging to the Stites."
 - * (b) The item was a clear plastic wrapper with bits of dirt and plant matter stuck to it in various places.
 - * (c) There was a sticker on the wrapper which indicated that it came from River Bend Wild Game & Sausage company and the wrapper was intended for Jalapeno & Cheese Summer Sausage. It also indicated the item was not for sale.
- *N. Jim and LaVerna Harper, 1173 CR 2400E, in a letter received on June 30, 2008, indicated the following:

6/19/14 DRAFT

Case 778-S-14
Page 39 of 75

- * (1) The purpose of the letter was to ask for further study before a final decision was made in Case 610-S-08.
- * (2) Their house is approximately 350 feet north of the business building.
- * (3) Their request is based on past history of issues in their neighborhood.
- * (4) Since the Stites' have been butchering deer they indicate the following issues:
 - * (a) The appearance of deer body parts on their property on several occasions and one appearance of a package of meat wrapped in white butcher paper. These appearances have increased in frequency in recent years. They assume these items are coming from neighborhood dogs, and other scavengers.
 - * (b) They have five grandchildren who visit them and they feel that these items create an unhealthy environment.
 - * (c) They were disappointed with how careless the Stites' are with the bone barrels after viewing the pictures of the uncovered barrels. They feel that this explains the source of the meat and bones that appear in their yard.
 - * (d) They state that any responsible person would recognize the open barrels as an immediate problem and take immediate corrective action.
 - * (e) During the deer season customers park along CR 2400E for up to a quarter-mile and frequently park in their lane. Beverage cans and trash are discarded along this road and in their yard. Sometimes the vehicles pull off to the side of the road to keep it clear for traffic, but in so doing they leave deep ruts in areas that the Harpers mow.
- * (5) They indicate two additional issues that are of concern to them:
 - * (a) They question whether the Stites' septic system is adequate to handle the home and the business building. They question where the water goes and whether it is endangering any neighborhood water wells.
 - * (b) They also indicate they do not want to hear the sound of motors and compressors running all the time because it prevents them from enjoying the sound of birds and nature as they sit on their porch. They would like some assurance that noise pollution will not be an issue.
- * (6) Part of the Harpers overall concern is that they have not experienced a positive interaction with the Stites'. In past years Mrs. Harper has called the petitioners to request that they do something about their dogs incessant barking and keep the dogs on their own property. The Stites' did not address these concerns in a timely manner and raised concerns about their responsiveness in the future.

Case 778-S-14
Page 40 of 75

6/19/14 DRAFT

- * (7) The Harpers indicate that they believe a good compromise would be to require the petitioners to address all the issues mentioned in the letter before they are granted any further leniency.
- * (8) An environmental impact study should be done to determine where the waste water goes; is it adequate for both the home and business; is the Salt Fork River being impacted in any way; what will be the impact of additional motors/compressors on the subject property.
- * (9) A plan of action if the rules are not followed, which will give them some recourse if their drinking water or the Salt Fork River are adversely affected; or if there is a large amount of noise pollution; or if deer parts continue to appear in their yard.
- * O. Brenda Below, 2374 CR 1150N, in a letter received on August 4, 2008, indicated the following:
 - * (1) She lives directly across the river from the Stites, and does not suffer as severe repercussions as their more direct neighbors.
 - * (2) She does end up with unwanted, disgusting, and biologically hazardous deer parts frequently.
 - * (3) These parts range from whole legs with hooves attached to whole heads with racks intact clear down to the cervical spine.
 - * (4) She used to wonder if they came from the subject property but she does not wonder anymore after seeing the photographs of dozens of open bone barrels full of deer parts.
 - * (5) She has a concern regarding the draw that the open barrels create for unwanted vermin.
 - * (6) Another concern she has is the waste being placed in shared water sources. She is highly concerned about any business that might be putting her water supply at risk.
 - * (7) She has several acres of floodplain behind her house that floods several times per year, and she is concerned that whatever the petitioners may be releasing into the water could end up in her backyard. With the level of E-Coli already present in the Salt Fork she does not want to increase any pollutants.
 - * (8) She does not believe Mr. Stites is currently running a responsible, safe operation, and she does not believe that letting him increase it will make it any better.
 - * (9) She is concerned that the increase in business would lead to an increase in traffic congestion.

6/19/14 DRAFT

**Case 778-S-14
Page 41 of 75**

- * (10) She is also concerned that the petitioner could move off the subject property and make it purely a business site.
- * (11) She asks the zoning board to make sure the petitioners are running the current business in a responsible manner that does not negatively impact the surrounding neighborhood as well as the environment.
- *P. Sheila Paul, 2425A CR 1225N, St. Joseph, in a letter received on August 14, 2008, indicated the following:
 - * (1) Her dogs bring deer body parts to the door (heads, legs, spinal cords, etc.). She couldn't figure out where they were coming from because they looked like butchering left-overs.
 - * (2) She was recently told about the River Bend facility.
 - * (3) A place like [River Bend] does not seem to belong in a rural residential neighborhood.
- *Q. Lucy Whalley and Dennis Wandell, 1167 CR 2400E, neighbors of the subject property, in a letter of opposition received on October 22, 2008, and in testimony at the October 30, 2008, public hearing indicated they are not convinced that any of the proposed special conditions will be observed by the owners of River Bend.
- *R. Jim and LaVerna Harper, 1173 CR 2400E, in a letter of opposition received on November 6, 2008, indicate the following:
 - * (1) They request that the deer butchering operation at the subject property be suspended until the petitioners have corrected the violations specified in the First Notice sent to them on December 11, 2007.
 - * (2) They reaffirm their opposition to the proposed Special Use Permit, and state that they live only 350 feet north of the business building.
 - * (3) They have attended all the meetings regarding this case.
 - * (4) There are several neighbors who oppose the proposed Special Use Permit.
 - * (5) They plan to testify at the next meeting.
 - * (6) They have lived in this area for 36 years and they found it to be a quiet, cohesive community until the Stites moved in.
 - * (7) To their knowledge, none of the violations from the First Notice have been corrected as of November 6, 2008, and Mr. Stites is continuing his deer butchering operation.

6/19/14 DRAFT

- * (8) Mr. Stites' negligence at leaving open barrels of meat and bones outside shows a total disregard for the health and well being of the neighborhood.
- * (9) They have many questions regarding how the proposed SUP will be operated and how special conditions will be enforced.
- * (10) They request that the proposed date for expiration of the SUP remain April 11, 2011.
- * (11) They also request that the septic system for the proposed SUP be checked before each deer butchering season and at the mid-season point as well. If any deficiencies are found they request that the proposed SUP be shut down on that day.
- * (12) They request that the Zoning Administrator periodically check the proposed the SUP for compliance with the proposed conditions.

N. Regarding odor generated by the proposed Special Use Permit:

- (1) Regarding odor generated by the proposed use, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
 - * (a) Complaints about the existing business have been received from one adjacent property owner and have included the following regarding odor:
 - * (1) They have a strong odor of animal blood and parts at times.
 - * (2) They also have days when the strong odor of the sausage operation of smoking covers our outdoor living space.
 - * (3) During the butchering part of the year they have many dogs and wild animals burying deer and other animal parts on their property.
 - * (4) They are unable to fully enjoy their outdoor activities with this butchering and sausage smoking operation next door. It is difficult to think about much else when the strong smell of death is upon us.
 - * (5) They have noticed a raw, metallic blood-like smell near their property line.
 - * (b) During a drive by inspection on Tuesday, November 20, 2007, that was in response to a complaint, the Zoning Administrator found that a rendering truck was on the property and emptying bone barrels. Copies of photographs of the bone barrels were included with the Preliminary Memorandum. Approximately 50 open barrels containing bones and other remnants of deer carcasses were being emptied into the truck. After more than an hour of emptying the truck was full and not all barrels had been emptied. The Zoning Administrator verified that a detectable odor from the bone barrels was present on adjacent property.

6/19/14 DRAFT

**Case 778-S-14
Page 43 of 75**

- * (c) The petitioners have indicated on the application that the deer carcasses are stored in a refrigerated portion of the facility and will stay there to await unloading by the rendering company truck. They also indicate in the additional information submitted on May 5, 2008, that it would be possible for the carcasses to be stored in the proposed storage building. The petitioners indicate they do not think loading inside should be necessary if the loading takes place at the proposed storage building away from any lot lines.
- * (d) The Petitioners have indicated on their application that they have adjusted their cooking schedule so their smokehouses are not running during the day when the wind is from the south or southeast to prevent the odor of the smoking meat from blowing over the property to the north. Most of the complaints received by the Department indicate that the Petitioners have not been entirely successful at minimizing odor in this fashion.
- * (e) On May 12, 2008, the petitioners submitted information regarding the Enviro-Pak "Enviro-Kleen" Air Treatment System, which they propose to utilize to mitigate odor from the smokehouses, as follows:
 - * (1) The engineering specifications for the Enviro-Kleen system indicate that it cleans air with 95% efficiency as determined by the DOP test method, an industry standard for determining filtration efficiency.
 - * (2) The petitioners, in a letter dated May 12, 2008, indicate that the Enviro-Kleen system will cost approximately \$20,000 and cost between \$50 and \$60 per month to operate.
- * (f) At the May 15, 2008, public hearing Chuck Stites, co-petitioner, testified that that for much of the time the smokehouse is running the exhaust is mainly water vapor and carrying the odor from cooking sausage. He said that the amount of liquid smoke that is use in the smokehouse is eight ounces per batch and most all of that is contained in the smokehouse.
- * (g) At the May 15, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified that they could smell a horrendous smell of death coming from those barrels and to the south of his house which is behind their building on the flood plain in the summer they would often smell the southerly breeze, which carried a terrible odor.
- * (h) At the May 15, 2008, public hearing Lucy Whalley, neighbor to the subject property, testified that the smell of the bones, blood and empty barrels when they are outside goes over half of their property and is overwhelming.

Case 778-S-14
Page 44 of 75

6/19/14 DRAFT

- * (i) At the August 14, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified as follows:
 - * (1) He said that he would like for that whole operation to be done in such a way to where they do not smell it.
 - * (2) He said that the prevailing winds are out of the south and blow towards their property.
 - * (3) He said that he and his wife had spent most of their money fixing up their house and out buildings with landscaping and it is nice to sit outside to listen to nature sounds but to smell sausage cooking or smoking is very disconcerting.
 - * (j) On October 23, 2008, the petitioners submitted an email from Gretchen Hopkins on behalf of Gil Martini of Enviro-Pak, which indicated the following:
 - * (1) The exhaust from a [the petitioner's smokehouses] is about 200 Cubic Feet per Minute (CFM) at most.
 - * (2) The smaller model of the Enviro-Kleen Air Treatment System has a 600 CFM capacity.
 - * (3) The inlet for the device can be provided with two inlets to allow both smokehouses to exhaust through the unit.
 - * (k) At the October 30, 2008, public hearing Dennis Wandell and Lucy Whalley, neighbors to the subject property testified that they do not want to smell any odors from the Special Use Permit.
- (2) Regarding odors generated by the proposed use, the following evidence has been submitted since the Special Use Permit for Case 610-S-08 was approved on November 13, 2008:
- (a) A letter from Enviro-Pak to Mr. Stites dated 12/29/2008 and received by the Zoning Office on 01/02/2009 indicated that fabrication of the air cleaner had been delayed by weather, but it would be shipped no later than January 12, 2009.
 - (b) In a memo to file dated January 12, 2009 by Zoning Administrator John Hall, he indicates that neighbor Dennis Wandell reported the morning of 1/12/2009 there was smoking of sausage occurring on the subject property and the wind was out of the south. Mr. Hall and Lori Busboom visited the site at about 10:15 a.m. that same day and perceived that "the odor was comparable to a residential grill or fireplace although not intense and was

6/19/14 DRAFT

Case 778-S-14
Page 45 of 75

not terribly strong”. Zoning staff verified via phone to Mrs. Stites that the smoking process had started at about 11 PM the previous evening.

- (c) On June 5, 2014, the petitioners submitted an update to the special conditions approved by the Champaign County ZBA for SUP # 610-S-08. “An Enviro-Pak ‘Enviro-Kleen’ Air Treatment System has been installed to control the odor from the smokehouses used for the cooking of wild game products. All air exhausted from the smokehouses passes through the Enviro-Pak unit. Within this unit, exhausted air passes through a high voltage deionizer, paper cartridge filter, and activated carbon filters. This unit has been very effective in reducing the odor from the smoking and cooking of the wild game products.”

N. Regarding the effect on property values:

- (1) Regarding effect on property values, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
- *(a) A letter of opposition was received on November 12, 2008, from Dennis Wandell and Lucy Whalley, neighbors to the subject property, in which they assert that the proposed Special Use Permit will devalue their property.
 - *(b) No evidence is provided to support the assertion of Dennis Wandell and Lucy Whalley.
 - *(c) Provided that the proposed Special Use Permit meets the criteria in the *Zoning Ordinance*, the Ordinance already provides for a property value effect.
- (2) Regarding effect on property values, no additional evidence has been submitted since the Special Use Permit for Case 610-S-08 was approved on November 13, 2008.

O. Regarding storage of deer carcasses on the subject property:

- (1) Regarding storage of deer carcasses, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
- *(a) The Petitioners have indicated on their application that deer carcasses are stored under refrigeration in an enclosed building. They are placed in barrels to await pick up by a licensed rendering company.
 - *(b) The Petitioners have indicated on their application that the rendering company is available to make pick ups 2-3 times per week as needed. However, in the additional information submitted on May 5, 2008, they indicate they only have ten pick ups per year. It is unclear from this information if the Petitioners only have the rendering company pick up

6/19/14 DRAFT

carcasses 5-6 weeks out of the year or if the 2-3 times per week is simply an available level of service that the Petitioners have not required as yet.

- * (c) In the additional information submitted on May 5, 2008, the Petitioners have indicated it would be possible to load the carcasses into the rendering company truck at the proposed storage building to provide greater separation and screening for adjacent properties from both the sight of the loading process and the odors that would result from the loading not taking place in an enclosed building.
- * (d) At the August 14, 2008, public hearing Mr. Hall distributed for all Board members color photos dated November 20, 2007, showing the bone barrels being emptied.
- * (e) At the August 14, 2008, public hearing Chuck Stites, co-petitioner, testified regarding River Bend's procedures for processing the deer carcasses as follows:
 - * (1) When people bring in their deer they hang it up and put it in the cooler. He said that it has the hide and the head on, which they can leave because they do not have any other amenable product in their facility and they are not required to skin the carcasses prior to hanging them in the cooler. He said that works well for them because that way the carcass stays clean.
 - * (2) He said that when they are ready to cut a carcass they pull it out of the cooler, skin it, and rinse off the carcass. This is done in the skinning area where there is a floor drain so any rinse water from rinsing off the hair that may come off from skinning will go down the floor drain. Then the carcass goes around to be cut.
 - * (3) He said that the way they do the skinning operation there is very little contamination on the carcass because the only place where they open up the hide is right down the back leg and the rest is like taking a sock off.
- * (f) Mr. Stites said that it is not a slaughter house so you won't have all the bodily fluids just bones, fat and meat scraps so there is very little left when they dump it out.
- * (g) At the August 14, 2008, public hearing Chuck Stites, co-petitioner, testified that deer heads with antlers or heads with the spinal column attached on their property did not come from the subject property because that is not how they process the deer. He said that the heads are removed in the processing area. He said that sounds like deer that may have died of natural

6/19/14 DRAFT

**Case 778-S-14
Page 47 of 75**

causes or unrecovered deer rather than something that came from their facility.

- * (h) At the May 15, 2008, public hearing Chuck Stites, co-petitioner testified regarding the pick-up of bone barrels by the rendering company as follows:
 - (1) He said that it took a typical Friday through Sunday weekend to accumulate approximately 50 barrels.
 - (2) He said that at that time there were 320 or so carcasses in house.
- * (i) At the October 16, 2008, public hearing Chuck Stites, co-petitioner, testified regarding the procedures in the proposed bone barrel storage building as follows:
 - * (1) He said they use water and soap for cleaning out the bone barrels. The type of soap they use is a foaming soap which is a mild detergent.
 - * (2) Mr. Stites said that he shared that information with Mr. Blackford.
 - * (3) Mr. Stites said that the rendering truck would back up to the building, open the door and the driver would wheel the barrels to the back of the truck then he would dump those into his truck then he would leave.
 - * (4) Mr. Stites said the barrels would be staged inside the building and once they were emptied they would replace them inside the building, and that at no time the barrels would be left outside the building before and after pick up.
- * (j) At the August 14, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified that he also has concerns about the storage of the barrels of animal parts on the subject property. He said that he would like to have a thermostat where the barrels are kept so they remain a consistent temperature.
- * (k) At the October 30, 2008, public hearing Dennis Wandell and Lucy Whalley, neighbors to the subject property, testified that they think the conditions regarding the bone barrels will be sufficient.
- * (2) Regarding storage of deer carcasses, John Hall received a complaint from Jim Harper of 1173 CR 2400 E on 12/8/08 that there was a deer head in his yard he believed to be from the Stites business. Mr. Hall checked with Mrs. Stites, who did not believe it was from their operations because of the state the deer head was in. Further investigation showed that Mr. Stites's son was responsible for the deer head being on the neighbor's property, for which Mr. Stites was apologetic.

6/19/14 DRAFT

- P. Regarding hours of operation of the proposed Special Use Permit:
- (1) Regarding hours of operation of the proposed use, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
 - *(a) Complaints about the existing business have been received from one adjacent property owner and have indicated that there is traffic related to the business use that sometimes continues heavily all day long and late into the night.
 - *(b) The petitioners have indicated on their application that their hours of operation are seasonal. During the hunting season they are open Monday through Friday 5PM to 8PM, Saturdays 9AM to 5PM, and Sunday 2PM to 5PM. They also indicate that during Firearm Deer Season they are open from 9AM to 7PM or until they run out of space, these expanded hours are presumably only applicable on Saturdays.
 - *(c) The petitioners have indicated in the additional information received on May 5, 2008, that they are unsure of what the complaints could be referring to because the hours of operation from the application are accurate. They indicate that during the Archery season they may have 40 customers per week. They also indicate that for the last two months there have been between three and 15 customers on Saturdays and Sundays.
 - (2) Regarding hours of operation of the proposed use, no additional evidence has been submitted since the Special Use Permit for Case 610-S-08 was approved on November 13, 2008.
- Q. The Special Use will be compatible with adjacent uses because the evidence in Case 610-S-08 established that the proposed Special Use, under the given special conditions, would not interfere with the uses permitted in the CR District and the subject site is suitable for the proposed Special Use.
- R. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

6/19/14 DRAFT

Case 778-S-14
Page 49 of 75**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, with the special conditions approved in Case 610-S-08”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence is from the previous zoning case on the subject property, Case 610-S-08:
- * (1) Regarding whether the proposed use meets the definition of a MAJOR RURAL SPECIALTY BUSINESS:
- * (a) River Bend is selling a service that consists of butchering (final dressing) of field dressed deer carcasses that can be considered a “traditional handicraft” and cutting the carcass into cuts of meat and making sausage that appears to qualify as food made on site. River Bend cannot lawfully sell food or food products but sells the service of dressing field dressed deer carcasses into items capable of use as human food that can only be used by the owner of each deer carcass.
- * (b) The Webster’s Ninth New Collegiate Dictionary defines the noun “retail” as the sale of commodities or goods in small quantities directly to the ultimate consumer. At the proposed Special Use the dressed deer meat cannot be sold to anyone other than the hunter who brought in the deer to be dressed.
- * (c) The proposed Special Use consists principally of butchering (final dressing) deer carcasses into food products that are then returned to the hunter except in the case of ground meat which is made into sausage. The labor and handicraft of dressing the carcass is similar to a retail service.
- * (d) The Champaign County Zoning Ordinance does not exclude “service” as a type of retail business as evidenced by the inclusion of several “service” businesses under the category of “Business Uses: Retail Trade” in Section 5.2 Table of Authorized Principal Uses. Retail service businesses included under Retail Trade are the following:
- (1) Electrical or gas appliance sales and service
 - (2) Photographic studio & equipment sales and service
 - (3) Antique sales and service
 - (4) Used furniture sales and service
 - (5) Bicycle sales and service

6/19/14 DRAFT

- (6) Sporting goods sales and service
 - (7) Heating, ventilating, air conditioning sales and service
 - (8) Lawnmower sales and service
- * (e) Footnote 1 to Section 5.2 authorizes that when a proposed principal use is not specifically included in Section 5.2, the Zoning Administrator shall interpret in what district the use is permitted by comparing the proposed use to the most similar use listed in the Ordinance. Thus, the Zoning Administrator should presumably authorize a business that only services lawnmowers in the same manner in the same zoning districts as a business that does both lawnmower sales and service. Likewise, the proposed Major Rural Specialty Business that provides only a retail service conducted on the premises should be authorized in the same manner in the same districts as a Major Rural Specialty Business that sells products produced on the premises.
- * (f) Slaughterhouse is not an authorized use in the CR District but is authorized as a Special Use Permit in the AG-1, AG-2, and B-1 Rural Trade Center Districts and the I-1 Light Industry District and authorized By Right in the I-2 District. The proposed Special Use is not a slaughterhouse because no live deer are brought to the property and all carcasses are field dressed and there is no offal handled on the property.
- * (g) "Meat preparation and packing" is not an authorized use in the CR District but is authorized as a Special Use Permit in the I-2 Heavy Industry District under the authorized use "Meat, Fish and Poultry Preparation and Packing". The Zoning Administrator has determined that the proposed Special Use is not a "meat preparation and packing" business because it only dresses wild game and is not subject to the requirements of the Meat and Poultry Inspection Act (225 ILCS 650/ et seq). This decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
- * (h) The Petitioners have indicated in the additional information received on May 5, 2008, that they are also a Traeger Barbecue Pellet Grill dealer and they sold 7 grills in 2007 and have sold 6 so far in 2008. The sales of these grills and pellets appear to constitute less than 50 percent of the total gross business income and less than 50 percent of the total stock in trade but no specific comparison of sources of income has been submitted.
- * (i) The total area used by the Special Use includes the total commercial building area on the site which is 3,587 square feet and the total parking area which is approximately 11,150 square feet. This is less than 2.5 acres.

6/19/14 DRAFT

Case 778-S-14
Page 51 of 75

- * (j) Phil Van Ness, attorney representing neighbors to the subject property, has testified in the public hearing and in a Memo of Opposition received on August 6, 2008, that River Bend cannot be authorized as a Rural Specialty Business of any kind due to the Zoning Ordinance containing a use classification that better describes the activities of River Bend: "Meat Preparation and Packaging," which is an industrial use.
- * (k) If approved, the proposed Special Use must continue to remain compliant with the definitional requirements of a Major Rural Specialty Business but a special condition does not seem warranted.
- * (2) The proposed Major Rural Specialty Business complies with all area and placement requirements for the CR District in Section 5.3, with the exception of the minimum side yard on the north side of the business building, which is the subject of related Zoning Case 616-V-08. When River Bend was previously authorized as a Rural Home Occupation it was considered an accessory use to the dwelling on the subject property. However, the proposed Special Use Permit will make River Bend and the business building to be the principal use and structure on the lot and the dwelling will be considered a caretaker's dwelling for zoning purposes. The most relevant impact of this change is that it increases the required side yard for the business building, thus increasing the amount of variance in related Zoning Case 616-V-08.
- * (3) Regarding parking on the subject property,
 - * (a) Paragraph 7.4.1C.3.e requires that commercial uses with no other specific requirement provide one parking space for every 200 square feet of floor area or portion thereof.
 - * (b) The floor plan of the business building indicates it is 3,587 square feet in area, which requires 18 parking spaces.
 - * (c) The site plan shows an area of "asphalt parking" that is 70 feet deep from the business building to the edge of the pavement and 70 feet deep from the north lot line to the beginning of the driveway for the dwelling. The parking area is irregularly shaped but an estimate of the available space indicates there may be as much as 2,450 square feet of total parking area.
 - * (d) According to the *Zoning Ordinance* standard of 300 square feet for each parking space, which includes parking spaces and maneuvering area, the asphalt parking area could provide as many as eight spaces.
 - * (e) At the August 14, 2008, public hearing Chuck Stites, co-petitioner, testified that the heavy traffic on the Monday evening after the first shotgun season occurred because of the way they were doing business. They were not open

6/19/14 DRAFT

during the day. He said that now they are open on Sunday all day with a couple of check-in stations, and they do not have the high volume of traffic.

- * (f) At the August 14, 2008, public hearing Phil Van Ness, attorney representing neighbors of the subject property, testified that one of the letters received from a neighbor stated that sometimes trucks are strung along 2400E for a distance of a quarter of a mile. He said that he did some math and looked up the length of a Ford F150 and added ten feet to give adequate room to separate themselves from the next vehicle and came up with 48 trucks.
 - * (g) At the August 14, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified that he wonders if the parking would be adequate.
 - * (h) Staff completed a Parking Analysis for the subject property based on the proposed site plan and an aerial photograph of the subject property on October 24, 2008. The analysis indicated that as many as five employee spaces and 33 customer parking spaces could be accommodated based on the proposed site plan. It also indicated that 11 spaces could be accommodated if the fruit trees north of the driveway were trimmed to allow for customer parking for a total of 44 spaces.
 - * (i) On November 13, 2008, the petitioners provided their own parking analysis that indicated there would be 38 parking spaces available on the subject property for customers, not including any vehicles that may queue in the existing driveway.
- * (4) Regarding compliance with standard conditions of approval for Major Rural Specialty Businesses indicated in Section 6.1.3, as follows:
- * (a) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 square feet.
- A waiver of this standard condition does not appear to be necessary because the only building area that might be considered DISPLAY area is the lobby of the business building and that is only 350 square feet.
- * (b) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than five consecutive or non-consecutive days in any three-month period and only if a Recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.

A waiver of this standard condition does not appear to be necessary because the Petitioners have not proposed any outdoor entertainment.

6/19/14 DRAFT

**Case 778-S-14
Page 53 of 75**

- * (c) The site shall not be located within 500 feet of a residential zoning district.

A waiver of this standard condition does not appear to be necessary because there is no land in any R districts within 500 feet of the subject property.
- * (d) Businesses located in the CR, AG-1, or AG-2 Districts shall not access streets located within a recorded subdivision.

A waiver of this standard condition is not necessary because the subject property accesses a Township Highway.
- * (e) Alcoholic beverages not produced on the premises shall not be sold.

A waiver of this standard condition is not necessary because the Petitioners do not sell alcoholic beverages of any kind.

C. Regarding the requirement that the Special Use preserve the essential character of the CR Zoning District, the following evidence was provided for Case 610-S-08:

- * (1) There will only be minor or no encroachment into the floodplain.
- * (2) The only wooded area that will be lost due to the proposed site plan is a quarter-acre remnant of a tree plantation and that contains only small trees most of which are less than 12 inches in diameter.
- * (3) It appears the subject property will only conform more closely to the appearance of the adjacent property to the north.
- * (4) The subject property will be unchanged in appearance from the public street.
- * (5) The proposed special use, subject to proposed special conditions, will not generate dust or odor greater than that customarily associated with agricultural activities which take place in the CR District, nor will it generate greater nuisance conditions than the burning of landscape waste and trash that is customarily allowed in the CR District.

D. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

- * (1) The following evidence was provided for Case 610-S-08: the Petitioners have indicated on their application that there is a marked handicapped accessible space, though this is not indicated on the site plan. They also state that there is pavement

6/19/14 DRAFT

and no steps all the way to the front door of the business building which has a threshold less than a quarter-inch high with two 36 inch doors.

- (2) Regarding compliance with the Illinois Accessibility Code, no additional evidence has been provided since approval of the Special Use Permit on November 13, 2008.
- *E. Regarding public health concerns related to the final dressing that occurs at the proposed Special Use:
- * (1) The proposed Special Use is to butcher (final dressing) field dressed deer carcasses. There is no public agency that licenses or inspects establishments that only butcher (final dressing) deer carcasses and do not process any meat or meat food products covered by the Illinois Meat and Poultry Inspection Act provided that the wild game is dressed only for the hunter who kills the game and provided that the dressed products are returned to the hunter and not sold to the general public.
 - * (2) Co-petitioner Charles Stites has a Master's Degree in Meat Science from the University of Illinois and has been employed as a Research Animal Scientist at the University of Illinois Meat Science Laboratory since 1984. He is also the manager of the Federal Inspected meat processing plant at that location and is familiar with public health and sanitation concerns related to meat processing.
 - * (3) If approved, the proposed Special Use could be sold to another owner who might not be as familiar with the public health and sanitation concerns related to meat processing. A special condition of approval has been proposed to require a new special use permit if any change of ownership or location takes place.
- *F. Regarding public health concerns related to the onsite wastewater treatment and disposal:
- (1) The subject property uses a private onsite sewage disposal system that was installed in 1999 under Champaign-Urbana Public Health District Permit No. 99-076-19.
 - * (2) Information the Petitioners submitted from the Champaign County Public Health Department indicates the following:
 - * (a) The application for the private sewage disposal system permit did not indicate that the system could serve anything other than a four bedroom residence.
 - * (b) Wastewater from the house and business building goes first to a 1250 gallon septic tank. It then passes through a Flo-Rite aerobic treatment plant and then through an infiltrator, a chlorinator, and another tank before being discharged to the ground.
 - * (c) The system is capable of treating 500 gallons per day.
 - * (3) The Petitioners have submitted a copy of their service agreement with Berg Tanks for the annual maintenance of their septic system.

6/19/14 DRAFT

**Case 778-S-14
Page 55 of 75**

- * (4) The Champaign County Public Health Department indicated on November 21, 2007, that no complaints had been received regarding the onsite private sewage disposal system.
- * (5) It is not clear that the existing onsite private sewage disposal system is adequate for either the existing use or any business growth that is likely to occur.
- * (6) At the August 14, 2008, public hearing Chuck Stites, co-petitioner, testified that the well is approximately ten feet from the front of the house and he is not sure what the requirements are.
- * (7) At the August 14, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified that he lives north of the Stites and distributed pictures dated June 5, 2008, to the board for their review. He said that these pictures show that water on that day was covering a great deal of that property including the backyard, play equipment, and comes fairly close to his property. He said that he keeps fairly accurate records as to how high the water comes up and the flood they had early this spring was 18 plus inches higher than this flood.
- * (8) On November 7, 2008, the petitioner's contractor, James Plumbing and Heating submitted a complete application for approval of a private sewage disposal system. The proposed system is a subsurface leach field type of system that will serve the River Bend business building.
- *G. In a Memo of Opposition received on August 6, 2008, Phil Van Ness, attorney representing neighbors to the subject property, testified that the proposed special use does not conform to the applicable regulations and standards of, or preserve the essential character of the DISTRICT in which it shall be located because the proposed SUP at this location is wholly incompatible with the applicable regulations and standards of the CR district.
- *H. At the October 30, 2008, public hearing John Hall, Zoning Administrator, testified regarding the removal of trees on the subject property as follows:
 - * (1) Mr. Hall and J.R. Knight, Associate Planner, visited the subject property on October 30, 2008.
 - * (2) The grove of trees on the east half of the subject property appears to be the remnants of a tree plantation.
 - * (3) It is approximately a quarter of an acre in area.
 - * (4) There are no trees in the grove that have a diameter greater than 12 inches and most are smaller

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Major Rural Specialty Businesses may be authorized in the CR Conservation-Recreation Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.3 of the Ordinance states the general intent of the CR Conservation-Recreation District and states as follows (capitalized words are defined in the Ordinance):

The CR, Conservation-Recreation 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.
 - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements as authorized in Case 616-V-08.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

The requested Special Use Permit should not decrease the value of nearby properties.

6/19/14 DRAFT

Case 778-S-14
Page 57 of 75

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
- (a) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
 - * (b) On November 12, 2008, the petitioners provided a revised parking analysis based on the revised site plan dated November 13, 2008. The petitioner's parking analysis indicated that there would be 38 parking spaces available on the site, not including vehicles that may queue in the existing driveway.
 - (c) There have been no new complaints about traffic.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is partially outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - (c) Two complaints received by the Zoning Office are as follows:
 - (1) John Hall received a call on December 8, 2008 from Jim Harper, who lives at 1173 CR 2400 E. There was a deer head in his yard he believed to be from the Stites business. Mr. Hall checked with Mrs. Stites, who did not believe it was from their operations because of the state the deer head was in. Further investigation showed that Mr. Stites's son was responsible for the deer head being on the neighbor's property, for which Mr. Stites was apologetic.
 - (2) John Hall received a call from Dennis Wandell on January 12, 2009 reporting that on the morning of 1/12/2009 there was smoking of

6/19/14 DRAFT

sausage occurring on the subject property and the wind was out of the south. Mr. Hall and Lori Busboom visited the site at about 10:15 a.m. that same day and perceived that “the odor was comparable to a residential grill or fireplace although not intense and was not terribly strong”. Zoning staff verified via phone to Mrs. Stites that the smoking process had started at about 11 PM the previous evening. The Enviro-Pak air cleaning system was installed in January 2009; the Zoning Office has received no further complaints since then.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan, as implemented according to the Special Conditions approved in Case 610-S-08, appears to be in compliance with those limits.

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

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

- *(a) At the August 14, 2008, public hearing Lucy Whalley, neighbor to the subject property, testified that she does not understand how the proposed

6/19/14 DRAFT

**Case 778-S-14
Page 59 of 75**

Special Use Permit conditions conforms with 2.0(e) of the Ordinance. She said that if all of the driveway construction and infrastructure proposed for the Special Use Permit are implemented this will create a significant built up area adjacent to the Salt Fork River and its floodplain forest. She said that many people choose to live in this area primarily because of its wooded river habitat. She said that a built up area would only be of value to someone who wants to continue a major business. She said that to turn this property back to wooded area would be very costly. However, the area occupied by Mr. Wandell's rural home business could easily be restored to natural landscape.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed Special Use will not be remodeling or altering existing structures.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- (a) The property has had Conservation-Recreation zoning since the Zoning Ordinance was adopted on October 10, 1973.
- (b) The proposed use will not take any land out of production.

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

This proposed Special Use Permit does not propose any construction in natural areas or near the Salt Fork.

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

This purpose is not relevant to the proposed Special Use Permit because the CR District is not for urban development.

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

6/19/14 DRAFT

- (a) The property has had Conservation-Recreation zoning since the Zoning Ordinance was adopted on October 10, 1973.
 - (b) The proposed use will not take any land out of production.
- (13) 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 use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: N/A
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- A. The testimony and evidence presented by the petitioners in this case has been in support of a request to conduct final dressing of field dressed wild game on the subject property as a Major Rural Specialty Business as required by the following condition:

The Special Use Permit authorized herein is only for the final dressing of field dressed wild game and none of the following shall occur on the subject property:

- (1) **No slaughtering of wild game or animals of any kind is authorized except for the final dressing (i.e., further processing) of field dressed wild game carcasses.**
- (2) **No meat preparation or packaging that is subject to the Meat and Poultry Inspection Act is authorized except for the final dressing and packaging of field dressed wild game carcasses.**
- (3) **There shall be no sales to the general public of products made from wild game that has been dressed onsite.**
- (4) **The sale of goods produced off the premises must constitute less than 50 percent of the gross annual business income and less than 50 percent of the total annual stock in trade.**

6/19/14 DRAFT

Case 778-S-14
Page 61 of 75

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

The continued operation of the Special Use Permit authorized herein shall be in conformance with the testimony and evidence presented and shall continue to qualify as a Rural Specialty Business in the CR District.

- B. There is no public health regulation of the proposed special use. The Champaign County Public Health Department would have jurisdiction should a public health crisis arise from the operations of the proposed Special Use. In this Special Use Permit the Zoning Board of Appeals has not attempted to supplant the existing system of public health regulation for dressing of wild game but has only added relevant safeguards to ensure compliance with the Champaign County Zoning Ordinance. The following condition is the minimum requirement necessary to minimize risks to public health and safety by the proposed special use:

The petitioner shall provide reasonable access to both the subject property and all relevant business records, including employee work records; the location where food supplies were purchased; food lot numbers; the identity of food purchasers; and other as may be requested by the Champaign County Public Health Department pursuant to any complaint of food borne illness that is made after ingestion of products from the proposed special use.

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

The Champaign County Public Health Department shall be provided necessary access to property and records to respond to any relevant complaints of food borne illness.

- C. The petitioner has provided evidence that the business is completely exempt from regulation under the Illinois Meat and Poultry Inspection Act (225 ILCS 650/ *et seq*). “Custom processing” is a type of regulated activity under the Illinois Meat and Poultry Inspection Act (225 ILCS 650/ *et seq*) and “custom preparation” is also a term used in similar federal regulations. The existing advertising could confuse customers about whether or not the proposed special use is subject to regulation. The following condition requires the petitioner’s advertising to be in concert with the degree of public health regulation that applies to the proposed special use:

The following condition shall apply until such time that the petitioner is regulated by and has a license authorized by the Illinois Department of Agriculture:

- (1) the phrases “custom wild game processor” and “custom wild game processing” and the words “custom processor” and “custom processing” shall not be used in any advertising or description of services provided by the petitioner about the proposed special use; and

6/19/14 DRAFT

- (2) **The petitioner shall conspicuously display a sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” in the public areas of the proposed special use and provide photographic proof of the sign’s installation within 30 days of the Special Use Permit approval.**

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

The public has clear expectations of the types of services that may be provided at the proposed special use and the degree of public health regulation required of the petitioner.

- D. There is no public health regulation of the proposed special use and co-petitioner Chuck Stites has a Master’s Degree in Meat Science from the University of Illinois and years of experience in meat processing. Because of Mr. Stites’ expertise the proposed Special Use is atypical in the low risk to public health. Operation under a different owner with less experience or training could have much different public health consequences. The following condition will ensure that public safety is considered if the proposed Special Use is ever sold to a different owner:

The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject property and if the business is ever transferred to new ownership a new Special Use Permit shall be required.

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

The risk to public health is adequately considered in management of the proposed Special Use.

- E. Complaints have been received regarding heavy customer traffic at the subject property and in the past customers have on occasion parked in the right of way of CR2400E. On-street parking is not acceptable in this rural location because it results in risks to public safety. The following condition will clarify that it is the Petitioner’s responsibility to ensure that no parking occurs in the right of way:

The Petitioner is responsible to ensure that there shall be no queuing of customer traffic in the public right-of-way of CR 2400E and that no parking related to the Special Use Permit shall occur within any street right of way or on nearby properties.

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

There is no unreasonable risk to public safety caused either by on-street parking or long lines of standing traffic.

6/19/14 DRAFT

Case 778-S-14
Page 63 of 75

- F. There is no public health regulation of the proposed special use, but the proposed special use should not allow the creation of insanitary conditions, adulteration of product, or nuisance conditions for the neighborhood. Neighbors have for sometime complained about the appearance of carcass parts in the neighborhood and the carcass parts apparently come from the subject property. The following condition should help reduce the possibility that carcass parts are accessible by dogs, wildlife, and vermin:

The Petitioners shall ensure that all buildings, including the structures, rooms, and compartments used in the Special Use Permit are of sound construction and are kept in good repair to allow for processing, handling, and storage of product and waste materials in a manner that will not result in insanitary or nuisance conditions;

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

The proposed Special Use poses no risk to public health in general or to the immediate neighborhood.

- G. Complaints about the odor of the smoking of wild game have been received from neighbors. The petitioners have installed an air treatment system for their smokehouse ventilation. The condition is as follows:

In regards to the odors caused by the smoking and cooking of wild game products at the proposed Special Use, the Petitioners shall do the following:

- (1) The Enviro-Pak "Enviro-Kleen" Air Treatment System shall be used at all times during cooking and when the smokehouses are in operation.**
- (2) The Enviro-Pak "Enviro-Kleen" Air Treatment System is not expected to eliminate all odors from the smoking and cooking related to the Special Use Permit and some odor may still be present at the property line and adjacent dwellings.**
- (3) This condition does not exempt the proposed Special Use Permit from whatever Illinois Pollution Control Board or Environmental Protection Agency air pollution regulations are applicable or are later found to have been applicable and this Special Use Permit shall remain valid so long as the Petitioners comply with whatever air pollution regulations are found to be applicable.**

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

Odor from the cooking and smoking of wild game is reduced as much as practicable so as to preserve the essential character of the CR District and the Special Use shall comply with any Illinois air pollution regulations that are later found to be applicable.

6/19/14 DRAFT

- H. Complaints have been received regarding the odor of the bone barrels when they are stored outdoors and the appearance of trash from the subject property appearing on neighboring properties. The proposed special use permit should not be allowed to operate in such a fashion that allows the creation of insanitary conditions, nuisance conditions, or the adulteration of products in the neighborhood. The following condition will ensure that bone barrels and trash are stored in such a way to minimize insanitary conditions and nuisance conditions for the neighborhood:

In regards to the bone barrels and trash containers for the proposed Special Use, the Petitioners shall do the following:

- (1) No bone barrels shall be stored within 30 feet of any property line, except if stored within the walk-in cooler.**
- (2) No bone barrels shall be emptied within 70 feet of any property line.**
- (3) No more than 800 square feet of the proposed new storage building shall be used for storage of bone barrels, or any storage related to the proposed special use.**
- (4) All bone barrels shall be stored in a closed and secure building at all times except when being emptied into a rendering truck or a garbage truck for removal from the property.**
- (5) The bone barrels shall be stored in a cooled environment when necessary to maintain sanitary conditions.**
- (6) When the bone barrels and trash containers are not stored in a cooled environment they shall be covered adequately to prevent access by vermin.**
- (7) The bone barrels and trash containers shall be cleaned and sanitized when necessary to maintain sanitary conditions and all such cleaning and sanitizing shall occur in a closed and secure building and all wash water from cleaning of the bone barrels shall be treated in the approved wastewater treatment and disposal system for the Special Use and not disposed of in an untreated condition and any solid waste from the cleaning bone barrels shall also be properly disposed of and not dumped on the surface of the ground.**

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

The bone barrels and trash containers shall be handled and used in a manner that does not create insanitary or nuisance conditions in the neighborhood.

- I. Complaints have been received regarding the noise of compressors used for the refrigeration units used by the River Bend Wild Game and Sausage business. The following condition requires that any new compressors must be located so as to minimize noise effects on neighbors who are concerned about noise:

6/19/14 DRAFT

**Case 778-S-14
Page 65 of 75**

Any new refrigeration units shall have all condensers located inside the building except that the permanent bone barrel storage buildings may be cooled by a through-the wall air conditioner if necessary.

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

There is maximum noise shielding for neighboring residences.

- J. The following is a preliminary condition for the disposal of wastewater from the proposed special use permit. It includes requirements relevant to the approval of a new wastewater disposal system for the proposed use; maintenance of the new system; and the consequences should the new system ever fail.

The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14 shall be served by a wastewater disposal system as follows:

- (1) A private sewage disposal system with subsurface discharge serving the Special Use Permit activities shall be in general conformance with the approved site plan.**
- (2) The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be filed with the Zoning Administrator. Failure to provide maintenance reports every three years shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.**
- (3) This Special Use Permit approval shall become void if the private sewage disposal system with subsurface discharge fails and cannot be repaired or if the system is repaired or modified later without the approval of both the County Health Department and the Zoning Administrator, as follows:**
 - (a) The owner is obligated to provide notice of the failed system to both the Zoning Administrator and the County Health Department as soon as failure is suspected; and**
 - (b) The Zoning Administrator and the County Health Department in consultation or individually may make a determination that the private sewage disposal system serving the Special Use Permit has failed and the owner shall provide necessary access to the private sewage disposal system for the purpose of necessary inspections pursuant to such a determination; and**
 - (c) Provided that all necessary permits are received from the County Health Department, repairs that can result in lawful ongoing use of the**

6/19/14 DRAFT

private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and

- (d) **In the event of failure of the Special Use Permit private sewage disposal system that cannot be repaired or in the event of unresponsiveness by the owner in repairing a failed system, the Zoning Administrator shall provide written notice to the owner that the Special Use Permit is void and there shall be no more Special Use Permit activities conducted. However, any deer carcasses that are onsite at the time of failure may be dressed subject to any necessary conditions that may be imposed by either the County Health Department or the Zoning Administrator.**

- K. Neighbors have seen activities on the subject property that have made them wonder whether carcasses from the existing business have been burned and/or buried on the subject property. The following condition makes it clear that those activities should not be part of the proposed Special Use.

There shall be no burning or burial of carcass parts on the subject property.

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

All carcass parts are removed from the subject property in an appropriate manner.

- L. Enforcement of the preceding special conditions requires the Zoning Administrator to have access to the subject property at any time to inspect the proposed Special Use. The following condition makes this clear:

The petitioner shall provide reasonable access to the subject property and all structures where Special Use Permit activities take place to verify compliance with the special conditions in this case.

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

The Zoning Administrator shall be provided necessary access to property to respond to any relevant complaints regarding the proposed Special Use Permit.

- M. **The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:**

- (1) **The revised site plan received on March 31, 2014**
- (2) **The floor plan of the business building received on May 5, 2008**

6/19/14 DRAFT

**Case 778-S-14
Page 67 of 75**

- (3) The revised floor plan of the proposed storage building received on October 12, 2008**
- (4) The elevation of the proposed storage building received on October 1, 2008**
- (5) The elevation of the front view of the business building received on October 12, 2008**

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

It is clear which Documents of Record constitute the proposed site plan for enforcement purposes.

Case 778-S-14
Page 68 of 75

6/19/14 DRAFT

DOCUMENTS OF RECORD

1. Special Use Permit Application from Charles and Mary Ellen Stites, received on March 10, 2008, with attachments:
 - A Statement explaining fulfillment of SUP criteria
 - B Existing site plan
 - C Proposed site plan
 - D Legal Description of subject property
 - E Printout of Weather Underground website (www.wunderground.com)
 - F River Bend Wild Game and Sausage Company brochure

2. [Petitioner] Response to April 23, 2008, letter from Zoning Office received May 5, 2008, with attachments:
 - A Proposed site plan
 - B Proposed floor plan of business building
 - C Letter from Gary Bird dated August 27, 1999
 - D Service Agreement with Berg Tanks

- *3. Preliminary Memorandum for Case 610-S-08, with attachments
 - *A Zoning Case Maps for Cases 610-S-08 and 616-V-08
 - *B Application for RHO 279-98-02
 - *C Site plan for RHO 279-98-02
 - *D Site plan for ZUP 142-01-04
 - *E Inspection photographs from November 20, 2007 (included separately)
 - *F Proposed site plan received on May 5, 2008
 - *G Proposed floor plan of business building received on May 5, 2008
 - *H Statement explaining fulfillment of SUP criteria received on March 10, 2008
 - *I Statement of additional information received on May 5, 2008
 - *J Printout of Weather Underground website received on March 10, 2008
 - *K River Bend Wild Game and Sausage Company brochure received on March 10, 2008
 - *L Letter from Garry Bird dated August 27, 1999
 - *M Service Agreement with Berg Tanks
 - *N IDOT traffic map of vicinity of subject property
 - *O Flood Insurance Rate Map Panel No. 1708940225B
 - *P Draft Summary of Evidence for Case 610-S-08

- *4. Letter from Chuck Stites received on May 12, 2008, with attachments:
 - *A Customer Traffic at River Bend
 - *B Revised Site Plan received on May 12, 2008
 - *C Enviro-Pak "Enviro-Kleen" Air Treatment System Engineering Specifications

- *5. Supplemental Memorandum for Case 610-S-08, dated May 15, 2008, with attachments:
 - *A Letter from Chuck Stites dated May 12, 2008
 - *B Customer Traffic at River Bend received on May 12, 2008
 - *C Revised Site Plan received on May 12, 2008

6/19/14 DRAFT

**Case 778-S-14
Page 69 of 75**

- *D Enviro-Pak "Enviro-Kleen" Air Treatment System Engineering Specifications
- *6. Letter of Concern from Lucy A. Whalley and Dennis Wandell, received on June 23, 2008, with attachments:
 - *A Letter from Dennis Wandell to Chuck Stites, dated March 29, 2004
 - *B Letter from Dennis Wandell and Lucy Whalley to Champaign County Animal Control, dated April 15, 2007
 - *C Photographs of subject property on June 5, 2008, during a Salt Fork River flood event
 - *D Article of trash with name of River Bend Wild Game and Sausage Company found on Mr. Wandell's property
- *7. Letter from Jeff Blackford, Champaign County Public Health Department, received on June 27, 2008
- *8. Letter of Concern from Jim and LaVerna Harper, received on June 30, 2008, with attachments:
 - *A Annotated Land Use Case Map indicating Mr. and Mrs. Harper's property.
 - *B Excerpt of Inspection photographs from November 20, 2007
- *9. Email from Kris Mazurczak, Illinois Department of Agriculture Bureau of Meat and Poultry Inspection, to Chuck Stites received August 1, 2008
- *10. Letter of Concern from Brenda Below, received August 4, 2008
- *11. Email from Food Safety and Inspection Service Technical Service Center to John Hall, received on August 5, 2008, with attachment:
 - *A FSIS Directive 5930.1
- *12. Memorandum of Opposition from Phil Van Ness, representing Dennis Wandell and Lucy Whalley, received on August 6, 2008, with attachments:
 - *A Excerpt of River Bend Wild Game and Sausage Company website
 - *B Excerpt of River Bend Wild Game and Sausage Company website
 - *C Excerpt of River Bend Wild Game and Sausage Company website Guestbook
 - *D Photographs of River Bend/Stites property from North property line
- *13. Letter from Chuck Stites in response to Zoning Administrator letter dated July 3, 2008, received August 8, 2008, with attachment
 - *A Revised site plan received August 8, 2008
- *14. Letter from Chuck Stites, received on August 8, 2008, regarding draft conditions
- *15. Supplemental Memorandum for Case 610-S-08, dated August 8, 2008, with attachments:
 - *A Minutes of ZBA Meeting on May 15, 2008, (included separately)
 - *B Revised site plan received on May 12, 2008
 - *C Proposed floor plan of business building received on May 5, 2008
 - *D Letter from Dennis Wandell and Lucy Whalley, received on June 23, 2008

6/19/14 DRAFT

- *E Letter from LaVerna Harper received on June 30, 2008
 - *F Letter from Brenda Below received on August 4, 2008
 - *G Memo of Opposition from Phil Van Ness, representing Dennis Wandell and Lucy Whalley, received on August 6, 2008 (included separately)
 - *H Soil Potential Ratings and Soil Map of subject property
 - *I Revised Draft Summary of Evidence for Case 610-S-08
- *16. Supplemental Memorandum for Case 610-S-08, dated August 14, 2008, with attachments:
- *A Letter from Jeff Blackford, Program Coordinator, Champaign County Public Health Department, received on June 27, 2008
 - *B Letter from Chuck Stites received on August 8, 2008, in response to Zoning Administrator letter of July 3, 2008
 - *C Letter from Chuck Stites received on August 8, 2008, regarding draft conditions
 - *D Email from Chuck Stites received on August 1, 2008, forwarding response from Illinois Department of Agriculture Bureau of Meat and Poultry Inspection
 - *E Soil Map of subject property (included separately)
- *17. Letter of Concern from Sheila Paul, received on August 14, 2008
- *18. Letter from Chuck Stites, received on October 1, 2008, with attachments:
- *A Floor plan of the proposed bone barrel storage building received on October 1, 2008
 - *B Elevation of proposed bone barrel storage building received on October 1, 2008
- *19. Supplemental Memorandum for Case 610-S-08, dated October 10, 2008, with attachments:
- *A Letter from Chuck Stites received on October 1, 2008
 - *B Floor plan of proposed bone barrel storage building received on October 1, 2008
 - *C Elevation of proposed bone barrel storage building received on October 1, 2008
- *20. Supplemental Memorandum for Case 610-S-08, dated October 16, 2008, with attachments:
- *A Letter from Chuck Stites received on October 12, 2008
 - *B Revised Floor plan of proposed bone barrel storage building received on October 12, 2008
 - *C Drawing illustrating front view of River Bend facility received on October 12, 2008
- *21. Letter of Opposition from Lucy Whalley and Dennis Wandell, dated October 22, 2008
- *22. Email from Gretchen Hopkins on behalf of Gil Martini, Enviro-Pak received on October 23, 2008
- *23. Supplemental Memorandum for Case 610-S-08, dated October 24, 2008, with attachments:
- *A First Notice of Violation of the Champaign County Zoning Ordinance dated December 11, 2007 (Enforcement Case ZN-07-24/28)
 - *B Parking Analysis dated October 24, 2008
 - *C Email from Gretchen Hopkins on behalf of Gil Martini, Enviro-Pak received on October 23, 2008
 - *D Revised Conditions for Zoning Case 610-S-08

6/19/14 DRAFT

**Case 778-S-14
Page 71 of 75**

- *E Minutes of October 16, 2008, For Information Only; Not For Approval (included separately)
- *24. Email of Support from Travis Burr, received on October 27, 2008
- *25. Letter of Opposition from Phil Van Ness, Attorney representing neighbors Dennis Wandell and Lucy Whalley, received on October 30, 2008
- *26. Revised Site Plan received on October 29, 2008
- *27. Supplemental Memorandum for Case 610-S-08, dated October 30, 2008, with attachments:
 - *A Revised Site Plan received on October 29, 2008
 - *B Email from Travis Burr received on October 27, 2008
 - *C Letter from Phil Van Ness received on October 29, 2008
- *28. Letter of Opposition from Jim and LaVerna Harper, received on November 6, 2008
- *29. Supplemental Memorandum for Case 610-S-08, dated November 7, 2008, with attachments:
 - *A Letter of Opposition from Lucy Whalley and Dennis Wandell dated October 22, 2008
 - *B Letter of Opposition from Jim and LaVerna Harper, received on November 6, 2008
- *30. Variance application from Charles and Mary Ellen Stites, received on May 5, 2008, with site plan
- *31. Preliminary Memorandum for Case 616-V-08, with attachments:
 - *A Case Maps (Location, Land Use, Zoning)
 - *B Draft Summary of Evidence for Case 607-V-08See also the Attachments to the Preliminary Memorandum for related Zoning Case 610-S-08
- *32. Supplemental Memorandum for Case 616-V-08, dated October 10, 2008
- *33. Supplemental Memorandum for Case 616-V-08, dated November 7, 2008, with attachment:
 - *A Revised Summary of Evidence for Case 616-V-08
- *34. Revised Parking Analysis dated October 30, 2008
- *35. B2 Alternative Parking Analysis
- *36. Aerial photograph showing subject property and adjacent property to the North
- *37. Private Sewage Disposal System Application from James Plumbing and Heating for subject property received on November 12, 2008
- *38. Petitioner's Parking Analysis received on November 12, 2008
- *39. Letter from Dennis Wandell and Lucy Whalley received on November 12, 2008

Case 778-S-14
Page 72 of 75

6/19/14 DRAFT

- *40. Revised Site Plan received on November 13, 2008
- *41. Supplemental Memorandum for Case 610-S-08 dated November 13, 2008, with attachments:
 - *A Private Sewage Disposal System Application from James Plumbing and Heating for subject property received on November 12, 2008
 - *B Petitioner's Parking Analysis received on November 12, 2008
 - *C Letter from Dennis Wandell and Lucy Whalley received on November 13, 2008
 - *D Revised Site Plan received on November 13, 2008
 - *E Revised Documents of Record for Case 610-S-08 dated November 13, 2008
- *42. Site plan analysis submitted by Phil Van Ness at November 13, 2008, public hearing
- *43. Written statement by Lucy Whalley submitted at November 13, 2008, public hearing
- *44. Written statement by Jim Harper submitted at November 13, 2008, public hearing
- *45. Written statement by LaVerna Harper submitted at November 13, 2008, public hearing
- *46. Supplemental Memorandum for Case 616-V-08, dated November 13, 2008, with attachment:
 - *A Revised Summary of Evidence for Case 616-V
- *47. Approved Site Plan, approved 11/30/08
- 48. Email from Charles Stites to Zoning staff member J.R. Knight received December 30, 2008 regarding septic system installation delay, with attachment:
 - A Letter from Enviro-Pak dated December 20, 2008 and received January 2, 2009.
- 49. Zoning Use Permit #352-08-01 approved 12/30/08 to Change the Use to establish a Major Rural Specialty Business, River Bend Wild Game & Sausage Company
- 50. Zoning Use Permit #289-09-01 to construct a storage shed for use in a Rural Specialty Business, River Bend Wild Game and Sausage Company and for personal storage, approved 11/16/09
- 51. Approved Site Plan for ZUP #289-09-01, approved 11/16/09
- 52. Special Use Permit Application for renewal from Charles and Mary Ellen Stites, received on March 31, 2014 with attachments:
 - A Proposed Site Plan received March 31, 2014
 - B Description of actions taken by River Bend Wild Game & Sausage Co to address the Special Conditions approved for Case 610-S-08 and 616-V-08, received June 5, 2014
- 53. Preliminary Memorandum for Case 778-S-14 dated June 19, 2014, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Proposed Site Plan received March 31, 2014
 - C Approved Site Plan dated November 30, 2008
 - D Email from Mike Flanagan dated June 11, 2014 regarding septic system approval in 2009
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated June 19, 2014

6/19/14 DRAFT

Case 778-S-14
Page 73 of 75

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 778-S-14 held on **June 26, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

- 2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

Case 778-S-14
Page 74 of 75

6/19/14 DRAFT

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

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

6/19/14 DRAFT

**Case 778-S-14
Page 75 of 75**

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **778-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants **Charles and Mary Ellen Sites d.b.a. River Bend Wild Game & Sausage Company** to authorize **the following as a Special Use in the CR District:**

Authorize continued use of a Major Rural Specialty Business in the CR District on the following property as previously approved for a limited time in Special Use Permit 610-S-08 on the following property:

A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 779-S-14

PRELIMINARY MEMORANDUM

June 20, 2014

Petitioner: **Keith Pedigo**

Request: **Authorize a Special Use Permit for the conversion of an existing single family residence to a two family residence in the R-2 Single Family Residence Zoning District that is also the subject of related Case 780-V-14.**

Location: **Lot 6 in Block 2 of Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly known as the residence at 202 South Sheridan Street, Seymour**

Site Area: **8,250 square feet (0.19 acre)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Keith Pedigo requests a Special Use Permit to convert an existing single family residence to a two-family residence in the R-2 Single Family Residence Zoning District. The existing residence was constructed prior to the October 10, 1973 Zoning Ordinance adoption.

The Board should carefully consider whether adequate information has been provided regarding the existing onsite wastewater treatment and disposal (septic) system. See the discussion below regarding Sewage Disposal System Impacts. No septic tank is indicated on the site plan and the actual means of wastewater disposal is unknown. The proposed Special Conditions will limit the increase in septic loading but there will still be an increase.

This case is related to concurrent Case 780-V-14 regarding setbacks and visibility triangle requirements for the addition of a front porch to the subject property.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	R-2 Single Family Residence
North	Single Family Residence	R-2 Single Family Residence
East	Single Family Residence	R-2 Single Family Residence
West	Single Family Residence	R-2 Single Family Residence
South	Single Family Residence	R-2 Single Family Residence

SEWAGE DISPOSAL SYSTEM IMPACTS

The proposed change to a two-family dwelling will connect to the single family residence's existing wastewater treatment and disposal system and will increase the loading on that system but nothing is known about that system or its capacity for handling an increased load. The proposed site plan includes no information about the existing wastewater treatment and disposal system. It is apparently unknown if there is a septic tank because none is indicated on the proposed site plan. Neither the Champaign County Health Department nor the Illinois Department of Public Health have any records of the septic system on the subject property. Soil probing investigations might reveal where the underground components of the septic system may be but could also irreparably damage the existing system. Excavation at suspected locations of those components is a safer approach but at this time there are apparently not even suspected locations of underground wastewater disposal components.

PROPOSED SPECIAL CONDITIONS

Regarding proposed special conditions of approval:

- A. **The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be filed with the Zoning Administrator. Failure to provide maintenance reports every three years shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.**

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

That the septic system continues to be of sufficient capacity and in operation given the increase in use from a two-family residence.

- B. All remodeling and changes necessary to make the existing dwelling into a two family dwelling shall be documented in a Change of Use Permit as follows:**
- a. **The Change of Use Permit shall be applied for prior to making any changes.**
 - b. **The Change of Use Permit shall include the following requirements:**
 - (1) **Reducing the number of rooms used as bedrooms in the existing first floor dwelling unit to no more than two bedrooms.**
 - (2) **No more than two bedrooms shall be included in the proposed basement dwelling unit.**
 - (3) **Installation of a sewage ejector shall be required for the basement dwelling unit unless written documentation is submitted from a Licensed Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor, that no sewage ejector is necessary to connect the basement dwelling unit drains to the septic system.**
 - c. **If a sewage ejector is installed for the basement dwelling unit the Zoning Administrator shall not authorize a Zoning Compliance Certificate unless there is documentation that the sewage ejector installation was inspected by the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor.**
- The special condition stated above is required to ensure the following:
That there is sufficient septic system capacity.
- C. The only occupancy authorized in the basement unit shall be that of the owner.**
- The special condition stated above is required to ensure the following:
That the owner provides a livable space for both families.
- D. No additional structures may be constructed south of the existing garage.**
- The special condition stated above is required to ensure the following:
That the maximum possible lawn area will be available for the septic system.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received April 16, 2014
- C Email from Petitioner Keith Pedigo received June 11, 2014 with attachments
- D Draft Summary of Evidence, Finding of Fact, and Final Determination

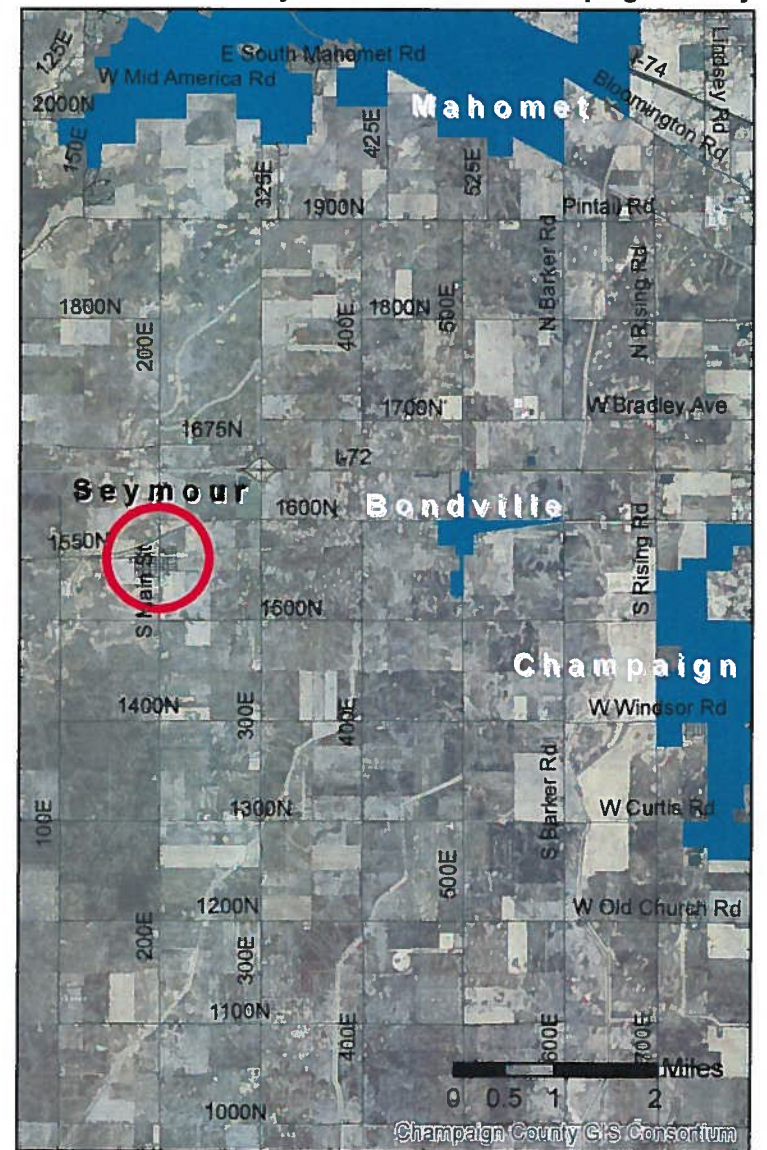
Location Map

Case 779-S-14
June 26, 2014


Community of Seymour (Unincorporated)



Seymour location in Champaign County



Legend

 Pedigo Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 779-S-14
June 26, 2014

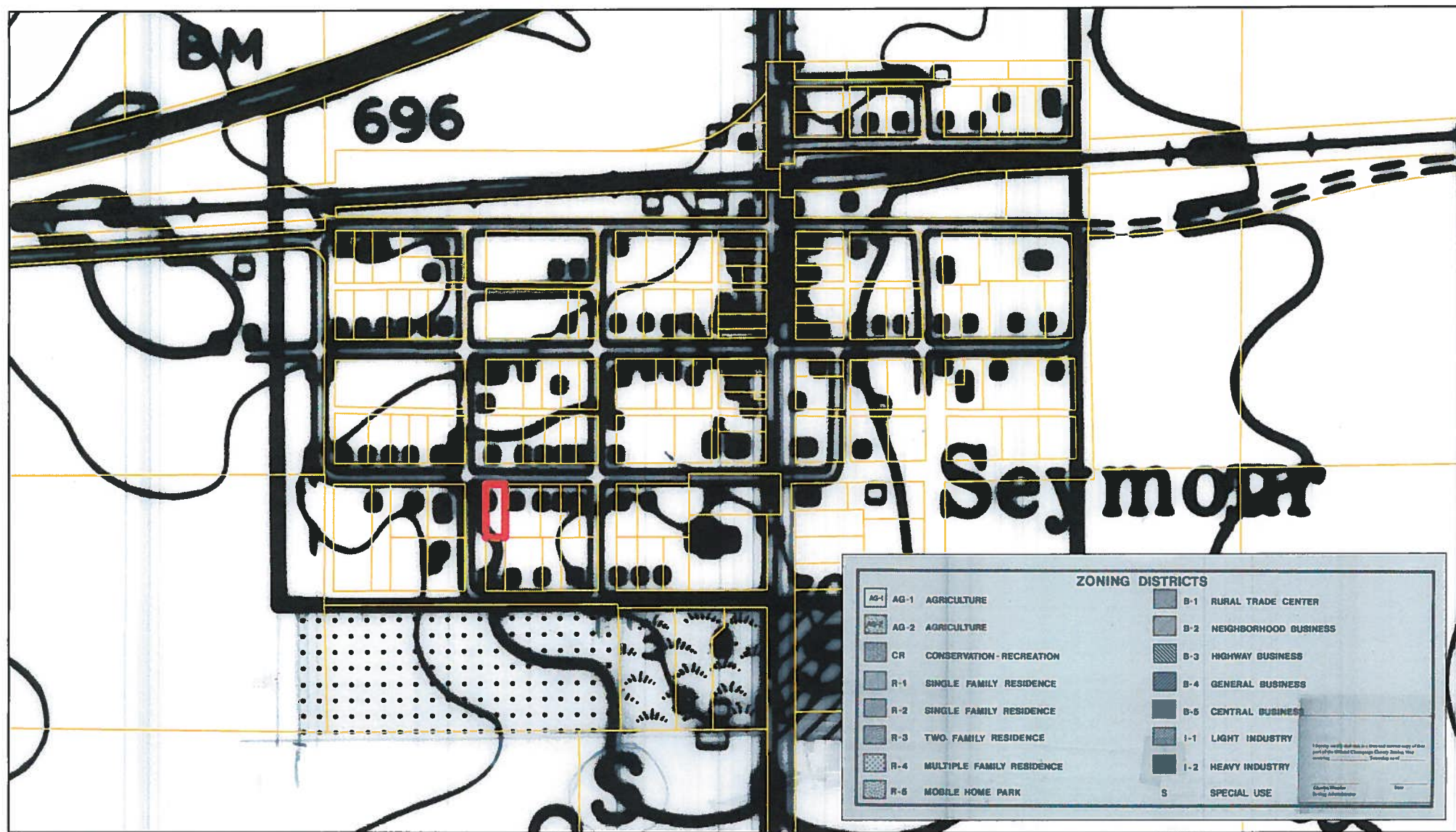


- Legend**
- Pedigo Subject Property
 - SF Owner Occupied Dwelling
 - SF Rental Dwelling
 - Duplex Rental Dwelling
 - Apartments
 - Non Residential



Zoning Map

Case 779-S-14
June 26, 2014



Legend

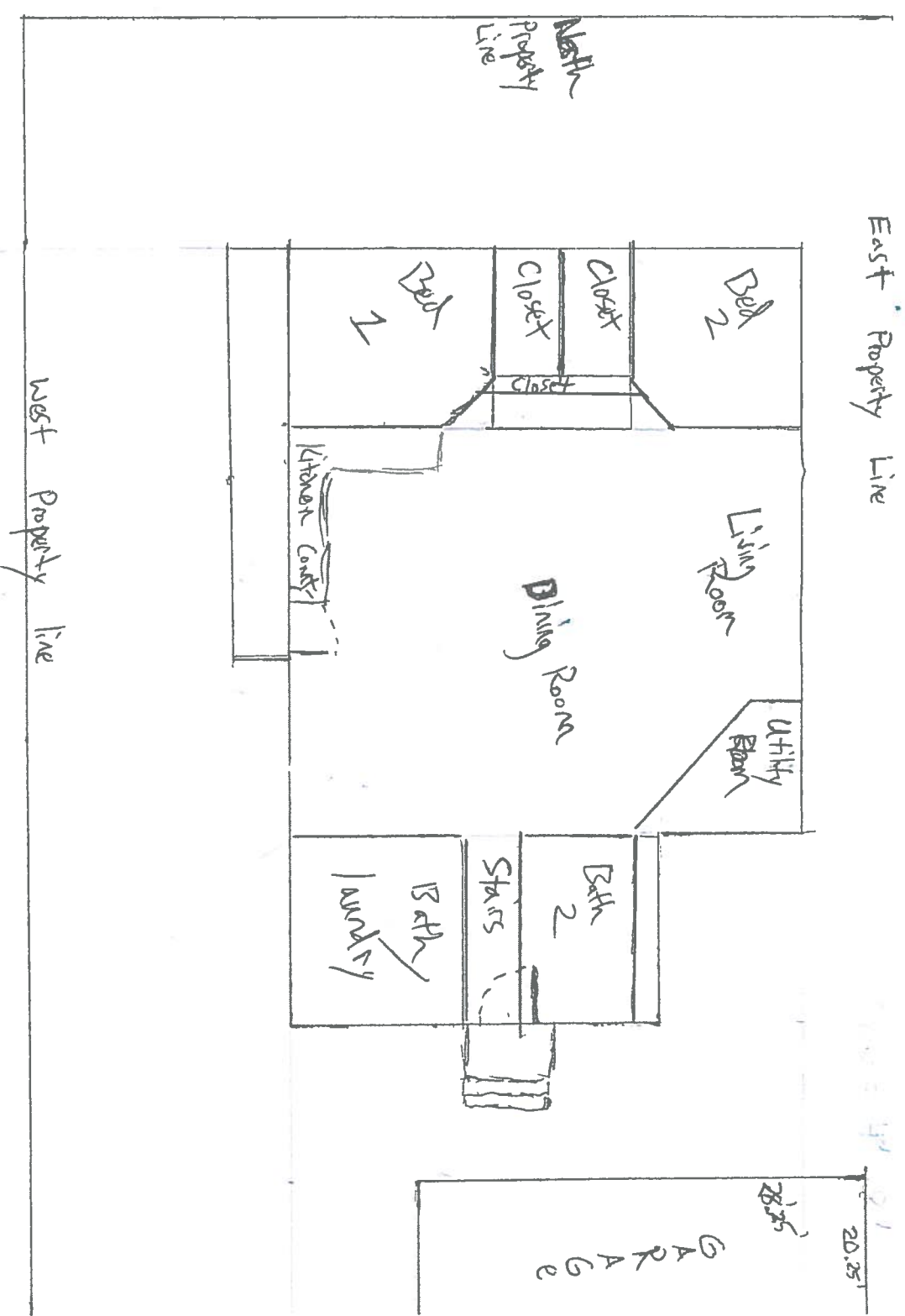
 Pedigo Subject Property

0 100 200 400 Feet



Champaign County
Department of
PLANNING &
ZONING

Middle of South St



Middle of Sheridan St

202
S Sheridan St
Seymour

RECEIVED

APR 16 2014

CHAMPAIGN CO. P & Z DEPARTMENT

Lori Busboom

From: Keith Pedigo [kpedigo1@hotmail.com]
Sent: Wednesday, June 11, 2014 11:37 AM
To: Lori Busboom
Subject: FW: Soil Eval for Septic Upgrade for Keith Pedigo
Attachments: Firstfloorplan.png

Heres what mr Flanagan has quoted to me. Under these circumstances I believe that we should be fine to move forward with the change. Heres the upstairs floor plan. it's not exact but it's super close.

From: mflanagan@c-uphd.org
To: kpedigo1@hotmail.com
Subject: RE: Soil Eval for Septic Upgrade for Keith Pedigo
Date: Wed, 11 Jun 2014 16:04:33 +0000

RECEIVED
JUN 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT

Keith,

Based on the soil evaluation you sent me, and if the other two that would be done at the time you would want to install a new system were similar, you would need the following numbers:

5 bedrooms
Requires a 1500 gallon septic tank or 750 gallon aeration tank
If using a conventional tank and field you will need 385 linear feet of field, if using an aeration system you will need 258 feet

4 bedrooms
1250 gallon septic tank or 500 gallon aeration tank
308 linear feet of field with conventional tank, 207 with an aeration

If the field is kept shallow, (between 18-22 inches in the ground) the numbers are as follows:

Septic tank sizes remain the same
5 bedrooms
325 linear feet of field with a conventional tank, 218 with an aeration
4 bedrooms
260 linear feet with conventional tank, 175 with an aeration tank

The field material used in these calculations is called Quick 4 Low Profile Std and is rated for 5 square foot per linear foot of chamber. There are other materials you can use, but if you choose those materials your field will be larger.

A perimeter drain will be required to be installed around your leach field at a 2 foot deeper depth if using a conventional system, or a 1 foot deeper depth using an aeration system. (this depth is in relation to the leach field depth) This perimeter drain must have an outlet to the surface (ie ditch or community tile)

I hope this information helps. All numbers provided are based on a single soil evaluation point. A final application will require three soil evaluation points located 50 feet apart.

Thanks,

Michael Flanagan, LEHP, REHS
Environmental Health Specialist II
Environmental Health Division
Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Phone: (217) 531-2908
Fax: (217) 373-7905
mflanagan@c-uphd.org



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From: Keith Pedigo [<mailto:kpedigo1@hotmail.com>]
Sent: Wednesday, June 11, 2014 10:06 AM
To: Michael Flanagan
Subject: Soil Eval for Septic Upgrade for Keith Pedigo

Hi Mike

I had several conversations with you a month ago concerning our desire to have our house rezoned to a duplex. Though you mentioned there was nothing you guys require until the system actually fails the board still wants to have you take a look at it to show that something could be done when the need arises. I have a meeting June 26th to have our requests evaluated. We're wanting to turn it into essentially a 5 bedroom

property but are open to turning it into a 4 bedroom if that's all that it would allow. It seems like there should be systems currently that require much less of a footprint than previous models. Our direct neighbor to the south has the exact lot dimensions as us, with a newly constructed manufactured home claims to have an Aerated system with no field involved. With our property the field is the question. I'm not sure if she's correct but that seems to be part of the solution we would need. Regardless, it seems a little

Attached is the soil eval,

Thanks for working on this, if you could send your feedback to both me and lbushboom@co.champaign.il.us concerning the property that would excellent.

Keith Pedigo
2178410369

bd 1
11.25 x
11.5

bd 2
11.5x9.5

bd 3
11.5x10

*potential
walk in closet

C I O S E T S

closet

Hallway

closet

bath 2
4x7

bath 1
6.5 x 10.5

stairs to bsmnt

living Room
23x15

Kitchen and Dining
11.5x 23

RECEIVED

JUN 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT

6/19/14 DRAFT

779-S-14

**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: ***{date of final determination}***

Petitioners: Keith Pedigo

Request: Authorize a Special Use Permit for the conversion of an existing single family residence to a two family residence in the R-2 Single Family Residence Zoning District that is also the subject of related Case 780-V-14.

Table of Contents

General Application Information 2 - 3

Specific Ordinance Requirements 3 - 8

Special Use Evidence..... 8 - 18

Documents of Record..... 19

Case 779-S-14 Finding of Fact 20 - 21

Case 779-S-14 Final Determination22

Case 779-S-14
Page 2 of 22

6/19/14 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 26, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Keith Pedigo, owns the subject property.
2. The subject property is a 0.19 acre tract of land on Lot 6 in Block 2 of Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly known as the residence at 202 South Sheridan Street, Seymour.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Scott Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 0.19 acre tract and is currently zoned R-2 Residential. Land use is a single family residence.
 - B. Land on the north, south, east, and west of the subject property is zoned R-2 Residential and is residential in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The existing structure is a one-story single-family residence with approximately 1,458 square feet on the main floor and 1,458 square feet in the basement. The lot measures 55 feet by 150 feet, or 8,250 square feet. There is a detached garage adjacent to the house.
 - B. The Petitioner's Site Plan, received April 16, 2014 indicates the following proposed improvements:
 - (1) Separate ground floor and basement into a two-family residence.
 - C. There are no previous Zoning Use Permits on the subject property; the house was constructed prior to zoning.
 - D. This property is also the subject of Case 780-V-14, which seeks a variance from the County Zoning Ordinance to allow for:

6/19/14 DRAFT

Case 779-S-14
Page 3 of 22

- (1) a proposed porch with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.
- (2) a proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.
- (3) a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.
- (4) an existing nonconforming side yard of 6 feet in lieu of the minimum required 10 feet for both the dwelling and the garage.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for separating an existing single family residence into a two-family residence in the R-2 District:
 - A. Section 4.3.5 states in all DISTRICTS, established by this Ordinance or by amendments that may be later adopted, any new installation of private sewage disposal systems shall be designed, constructed, operated and maintained in conformity with the *Illinois Private Sewage Disposal Code* (77 TIL Admin. Code Part 905).
 - B. Section 4.3.10 states any USE or CONSTRUCTION for which a Zoning Use Permit is required shall also comply with the relevant requirements of the *Champaign County Stormwater Management Policy*.
 - C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.

6/19/14 DRAFT

- d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. There are no Standard Conditions in Section 6.1.3 of the *Zoning Ordinance* that are applicable to single family residences seeking to separate into a two family residence.
- E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
 - (3) "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 nonpermanent CANOPIES and planters.
 - (4) "AREA, LOT" is the total area within the LOT LINES.
 - (5) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (6) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (7) "COVERAGE" is the percentage of the LOT AREA covered by the BUILDING AREA.
 - (8) "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.

6/19/14 DRAFT

**Case 779-S-14
Page 5 of 22**

- (9) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
- (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, CORNER" is a LOT located:
 - a. at the junction of and abutting two or more intersecting STREETS; or
 - b. at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
 - c. at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (12) "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.
- (13) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of 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 the maximum distance from the FRONT LOT LINE or said tangent.
- (14) "LOT LINES" are the lines bounding a LOT.
- (15) "NONCONFORMING LOT, STRUCTURE or USE" is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (16) "OPEN SPACE" is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (17) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (18) "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 line.

6/19/14 DRAFT

- (19) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (20) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (21) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (22) "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.
 - (23) "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.
 - (24) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or 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.
 - (25) "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 but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
 - (26) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- F. Section 7.4.1 states that the minimum size of off-street parking spaces shall be at least nine feet wide by 20 feet long and shall be provided as follows:
- (1) SINGLE FAMILY DWELLINGS: two off-street PARKING SPACES per DWELLING UNIT.
 - (2) Two-FAMILY DWELLINGS; MULTI-FAMILY DWELLING; BOARDING HOUSES; LODGING HOUSES
 - (a) Two off-street PARKING SPACES per DWELLING UNIT.
 - (b) One off-street PARKING SPACE per bedroom in a LODGING UNIT.

6/19/14 DRAFT

**Case 779-S-14
Page 7 of 22**

- G. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- H. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and

6/19/14 DRAFT

- b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- I. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Will improve property values and make the area more aesthetically pleasing.”**
 - B. The residence existed prior to 1973.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Traffic will be at a minimum. See information from the Public Health Dept.”**
 - B. Regarding traffic, the following evidence is provided:

6/19/14 DRAFT

**Case 779-S-14
Page 9 of 22**

- (1) The subject property fronts South Sheridan Street and West South Street.
 - (2) There are no stop signs at the intersection of Sheridan Street and South Street, as is the case for most residential areas of Seymour.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. West South Street had an ADT of 175 near the subject property.
 - (4) There is no anticipated increase in traffic for the proposed use.
 - (5) The proposed visibility triangle on the subject property is 30 feet by 30 feet rather than the 50 feet by 50 feet required by the Zoning Ordinance.
 - (6) The Scott Township Road Commissioner has been notified of this case, but no comments have been received.
- C. Regarding fire protection on the subject property, the subject property is located within the Seymour Fire Protection District. The Fire Chief has been notified of this case but no comments have been received.
- D. No part of the subject property is located within the mapped floodplain.
- E. Regarding outdoor lighting on the subject property, no lighting other than that provided on the existing structure is proposed.
- F. Regarding wastewater treatment and disposal on the subject property:
- (1) The proposed change to a two-family dwelling will connect to the single family residence's existing wastewater treatment and disposal system and will increase the loading on that system but nothing is known about that system or its capacity for handling an increased load.
 - (2) The proposed site plan includes no information about the existing wastewater treatment and disposal system. It is apparently not even known if there is a septic tank because none is indicated on the proposed site plan.
 - (3) Neither the Champaign County Health Department nor the Illinois Department of Public Health have any records of the septic system on the subject property.
 - (4) Soil probing investigations might reveal where the underground components of the septic system may be but could also irreparably damage the existing system. Excavation at suspected locations of those components is a safer approach but at

6/19/14 DRAFT

this time there are apparently not even suspected locations of underground wastewater disposal components.

- (5) There should be public health concerns about any settlement (like Seymour) with smaller nonconforming lots that are not served by a connected PUBLIC SANITARY SEWER SYSTEM and likewise, public health concerns related to any proposed use, such as the proposed two family dwelling, that may worsen the situation especially when there is nothing known about the current means of wastewater disposal for this particular property.
- (6) A special condition is proposed that will limit the increased loading on this unknown septic system to no more than one new bedroom for a total four bedrooms in total. However, in a situation like this where nothing is known about the current septic system, the Board would be justified in requiring installation of a new septic system as a condition for approval.
- (7) In an email from Mike Flanagan at Champaign-Urbana Public Health District to Petitioner Keith Pedigo, received June 11, 2014, Mr. Flanagan outlines the following requirements for a septic system given the number of bedrooms proposed:
 - a. If 5 bedrooms, requires 1500 gallon septic tank or 750 gallon aeration tank. If using a conventional tank and field you will need 385 linear feet of field, if using an aeration system you will need 258 feet.
 - b. If 4 bedrooms, requires 1250 gallon septic tank or 500 gallon aeration tank. 308 linear feet of field with conventional tank, 207 with an aeration tank.
 - c. If the field is kept shallow (between 18-22 inches in the ground) the numbers are as follows:
 - (1) Septic tank remains the same
 - (2) 5 bedrooms: 325 linear feet of field with a conventional tank, 218 with an aeration tank
 - (3) 4 bedrooms: 260 linear feet with conventional tank, 175 with an aeration tank
 - d. The field material used in these calculations is called Quick 4 Low Profile Std and is rated for 5 square foot per linear foot of chamber. There are other materials you can use, but if you choose those materials your field will be larger.

6/19/14 DRAFT

**Case 779-S-14
Page 11 of 22**

- e. A perimeter drain will be required to be installed around your leach field at a 2 foot deeper depth if using a conventional system, or a 1 foot deeper depth using an aeration system (this depth is in relation to the leach field depth). This perimeter drain must have an outlet to the surface (i.e. ditch or community tile)
 - f. All numbers provided are based on a single soil evaluation point. A final application will require three soil evaluation points located 50 feet apart.
- G. Regarding the septic suitability of the soil on the subject property:
- (1) Because this property had been developed since long before the Zoning Ordinance was adopted, no Natural Resource Report was required.
 - (2) The soil on the subject property is considered Best Prime Farmland and consists primarily of Catlin silt loam (171B) with an LE of 93.
 - (3) The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Catlin silt loam (171B) has a High suitability for septic tank leach fields with a soil potential index of 93. Only 14 soils in Champaign County have a higher rating than Catlin silt loam. A curtain drain is recommended to lower the groundwater level as a corrective measure.
 - (4) The unincorporated Village of Seymour does not have a wastewater system; homes and businesses have individual septic systems. Further, stormwater drainage in the community is limited to roadside ditches, which are not very deep in some areas. Drainage could be impacted if a curtain drain is installed, because groundwater would surface drain to the roadside.
- H. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety

6/19/14 DRAFT

and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the Code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **"The house will still maintain the appearance of a single family home."**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) The subject property is 8,250 square feet on a corner lot.
 - (2) A two-family residence is a USE that has been deemed appropriate in the R-2 Single Family Residence Zoning District provided that a Special Use Permit is authorized.
 - (2) In the R-2 Single Family Residence Zoning District, the minimum lot size is 6,500 square feet. The average width is 65 feet. There is no reference in the Zoning Ordinance to the minimum lot size for a two-family residence in the R-2 District. However, the R-3 Two Family Residence District has a minimum lot size of 9,000

6/19/14 DRAFT

Case 779-S-14
Page 13 of 22

square feet. If a new two-family residence were constructed, it would require 20,000 square feet for the first dwelling unit and an additional 7,000 square feet for each additional dwelling unit, for a total of 27,000 square feet minimum lot size. The minimum lot width for a new two-family residence would be 100 feet.

- (3) Regarding all front, side and rear yard requirements, Case # 780-V-14 seeks variances of the Zoning Ordinance for the subject property for front and side yards.
 - (4) Regarding parking on the subject property: The existing one-family residence has a two car garage and two parking spaces outside the garage, all on the subject property. There is also space for two vehicles in front of the house on Sheridan Street and for two more vehicles on South Street. A site visit by Zoning staff indicates there is only room for additional on-property parking where the septic field is located. Section 7.4.1 states that the minimum size of off-street parking spaces shall be at least nine feet wide by 20 feet long and shall be provided as follows:
 - a. SINGLE FAMILY DWELLINGS: two off-street PARKING SPACES per DWELLING UNIT.
 - b. Two-FAMILY DWELLINGS; MULTI-FAMILY DWELLING; BOARDING HOUSES; LODGING HOUSES
 - (1) Two off-street PARKING SPACES per DWELLING UNIT.
 - (2) One off-street PARKING SPACE per bedroom in a LODGING UNIT.
- C. Regarding compliance with the *Stormwater Management Policy*: The subject property is exempt from the *Stormwater Management Policy*.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
 - E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
 - F. Regarding the requirement that the Special Use preserve the essential character of the R-2 Single Family Residence District:
 - (1) A two-family residence is a USE that has been deemed appropriate in the R-2 Single Family Residence Zoning District provided that a Special Use Permit is authorized.
 - (2) The visual character of the subject property will not change.

6/19/14 DRAFT

- (3) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
- (4) There will be no significant drainage impacts because the proposed Special Use will not increase the impervious area on the subject property. Further, it is exempt from the *Stormwater Management Policy*.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Subsection 5.1.5 of the Zoning Ordinance states the general intent of the R-2 Single Family Residence and states as follows (capitalized words are defined in the Ordinance):
 - (1) The R-2, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
 - (2) The types of uses authorized in the R-2 District are in fact the types of uses that have been determined to be acceptable in the R-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - a. This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements if the variances requested in concurrent Case 780-V-14 are approved.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - a. The requested Special Use Permit should not decrease the value of nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - a. The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

6/19/14 DRAFT

Case 779-S-14
Page 15 of 22

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The proposed renovations on the subject property will not trigger the need for stormwater management. All improvements will occur on the interior of the existing structure.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public health, the proposed Special Use may pose a possible threat to public health because nothing is known about the existing septic system or the ability of that system to deal with the increased septic loading from the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
- a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits assuming the proposed variances in concurrent Case # 780-V-14 for the subject property are approved.
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
- a. Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between

6/19/14 DRAFT

the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed Special Use is a proposed remodeling of an existing structure..

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

a. The property is a residence located in a residential area.

b. The proposed use will not take any agricultural land out of production.

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

The subject property does not contain any natural features.

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

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

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

a. The property is a residence located in a residential area.

b. The proposed use will not take any agricultural land out of production.

c. The proposed use will maintain the character of the existing community.

- (13) 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 use will not hinder the development of renewable energy sources.

6/19/14 DRAFT

Case 779-S-14
Page 17 of 22

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “N/A”
 - B. The existing use on the property is a conforming use. The functionality of the proposed addition will not change the use or affect compatibility with its surroundings.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be filed with the Zoning Administrator. Failure to provide maintenance reports every three years shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.**

The special condition stated above is required to ensure the following:
That the septic system continues to be of sufficient capacity and in operation given the increase in use from a two-family residence.
 - B. **All remodeling and changes necessary to make the existing dwelling into a two family dwelling shall be documented in a Change of Use Permit as follows:**
 - a. **The Change of Use Permit shall be applied for prior to making any changes.**
 - b. **The Change of Use Permit shall include the following requirements:**
 - (1) **Reducing the number of rooms used as bedrooms in the existing first floor dwelling unit to no more than two bedrooms.**
 - (2) **No more than two bedrooms shall be included in the proposed basement dwelling unit.**
 - (3) **Installation of a sewage ejector shall be required for the basement dwelling unit unless written documentation is submitted from a Licensed Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor, that no sewage ejector is necessary to connect the basement dwelling unit drains to the septic system.**

Case 779-S-14
Page 18 of 22

6/19/14 DRAFT

- c. **If a sewage ejector is installed for the basement dwelling unit the Zoning Administrator shall not authorize a Zoning Compliance Certificate unless there is documentation that the sewage ejector installation was inspected by the State of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor.**

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

That there is sufficient septic system capacity.

- C. **The only occupancy authorized in the basement unit shall be that of the owner.**

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

That the owner provides a livable space for both families.

- D. **No additional structures may be constructed south of the existing garage.**

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

That the maximum possible lawn area will be available for the septic system.

6/19/14 DRAFT

**Case 779-S-14
Page 19 of 22**

DOCUMENTS OF RECORD

1. Application for Special Use Permit received April 16, 2014, with attachments:
 - A. Site Plan received April 16, 2014

2. Email from Petitioner Keith Pedigo received June 11, 2014 with attachments:
 - A. A letter to the board concerning our rental interest and addressing of some concerns with the changes received June 11, 2014

3. Email forwarded by Petitioner Keith Pedigo from Mike Flanagan, Champaign-Urbana Public Health District received June 11, 2014 regarding capacity requirements for the subject property septic system with attachments:
 - A. Upstairs floor plan received June 11, 2014

4. Preliminary Memorandum dated June 17, 2014 with attachments:
 - A. Case Maps (Location, Land Use, Zoning)
 - B. Site Plan received April 16, 2014
 - C. Email from Petitioner Keith Pedigo received June 11, 2014 with attachments
 - D. Draft Summary of Evidence, Finding of Fact, and Final Determination

6/19/14 DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 779-S-14 held on **June 26, 2014**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:

- 2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:

- a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
- b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

- c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

- d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

- e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

- g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS / IS NOT}* WELL SUITED OVERALL *{because*}*:

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

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

6/19/14 DRAFT

Case 779-S-14
Page 21 of 22

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- The Special Use is authorized in the District.
 - The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.
 - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS / IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL / WILL NOT}* make the existing use more compatible with its surroundings *{because: *}*
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW***
- A. **Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the existing building and proposed renovations is a requirement for approval of the Zoning Use Permit.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

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

Case 779-S-14
Page 22 of 22

6/19/14 DRAFT

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 779-S-14 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Keith Pedigo**, to authorize **the following as a Special Use in the R-2 District:**

Authorize a Special Use Permit for the conversion of an existing single family residence to a two family residence in the R-2 Single Family Residence Zoning District that is also the subject of related Case 780-V-14.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **Certification from the County Health Department that the septic system on the subject property has sufficient capacity for the existing building and proposed renovations is a requirement for approval of the Zoning Use Permit.**

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 780-V-14

PRELIMINARY MEMORANDUM

June 20, 2014

Petitioner: **Keith Pedigo**

Request: **Authorize the following Variance for an existing single family residence on a corner lot in the R-2 Single Family Residence Zoning District:**

- 1) a proposed porch with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.
- 2) a proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.
- 3) a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.
- 4) an existing nonconforming side yard of 6 feet in lieu of the minimum required 10 feet.

Subject Property: **Lot 6 in Block 2 of Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly known as the residence at 202 South Sheridan Street, Seymour**

Site Area: **8,250 square feet (0.19 acre)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarría**
Interim Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner requests a variance to authorize the addition of a porch to the front of the existing single family residence that faces South Sheridan Street. This case is related to concurrent Case 779-S-14, which seeks a special use permit to renovate the single family residence to a two-family residence in the R-2 Single Family Residence District. The existing residence was constructed prior to the October 10, 1973 Zoning Ordinance adoption.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	R-2 Single Family Residence
North	Single Family Residence	R-2 Single Family Residence
East	Single Family Residence	R-2 Single Family Residence
West	Single Family Residence	R-2 Single Family Residence
South	Single Family Residence	R-2 Single Family Residence

EXISTING CONDITIONS

The existing house already encroaches on the minimum visibility triangle, the 25 foot minimum front yard between the right-of-way line and the edge of the structure on both Sheridan and South streets, and the 10 foot minimum side yard between the right-of-way line and the edge of the structure on the east side of the structure.

TRAFFIC IMPACT

The visibility triangle requirements are presumably to ensure that there is a sufficient site line for roadway users to safely travel the intersection. The Petitioner has provided photos from the perspective of a small sedan showing the site line of a roadway user traveling south on West South Street. It would appear from the photos that there will be sufficient visibility despite the requested variance. Zoning staff drove the intersection, which has no traffic controls, from each approach. There appears to be enough right-of-way beyond the visibility triangle to see oncoming traffic from other approaches even if a porch was constructed.

SPECIAL CONDITIONS

No special conditions are proposed at this time.

ATTACHMENTS

A Case Maps (Location, Land Use, Zoning)

B Site Plan received April 16, 2014

C Email from Petitioner Keith Pedigo received June 11, 2014 with attachments

D Draft Summary of Evidence, Finding of Fact, and Final Determination

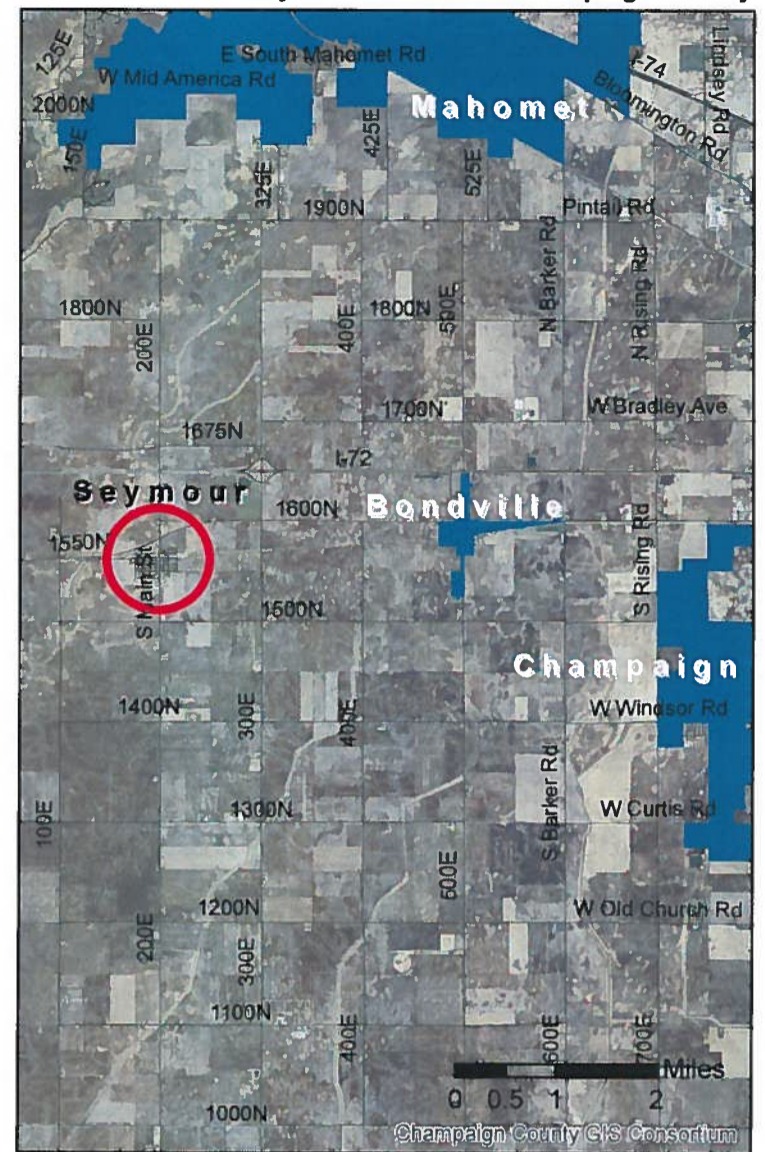
Location Map

Case 780-V-14
June 26, 2014

Community of Seymour (Unincorporated)



Seymour location in Champaign County



Legend

 Pedigo Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 780-V-14
June 26, 2014



Legend

- | | |
|--|--|
|  Pedigo Subject Property |  Duplex Rental Dwelling |
|  SF Owner Occupied Dwelling |  Apartments |
|  SF Rental Dwelling |  Non Residential |

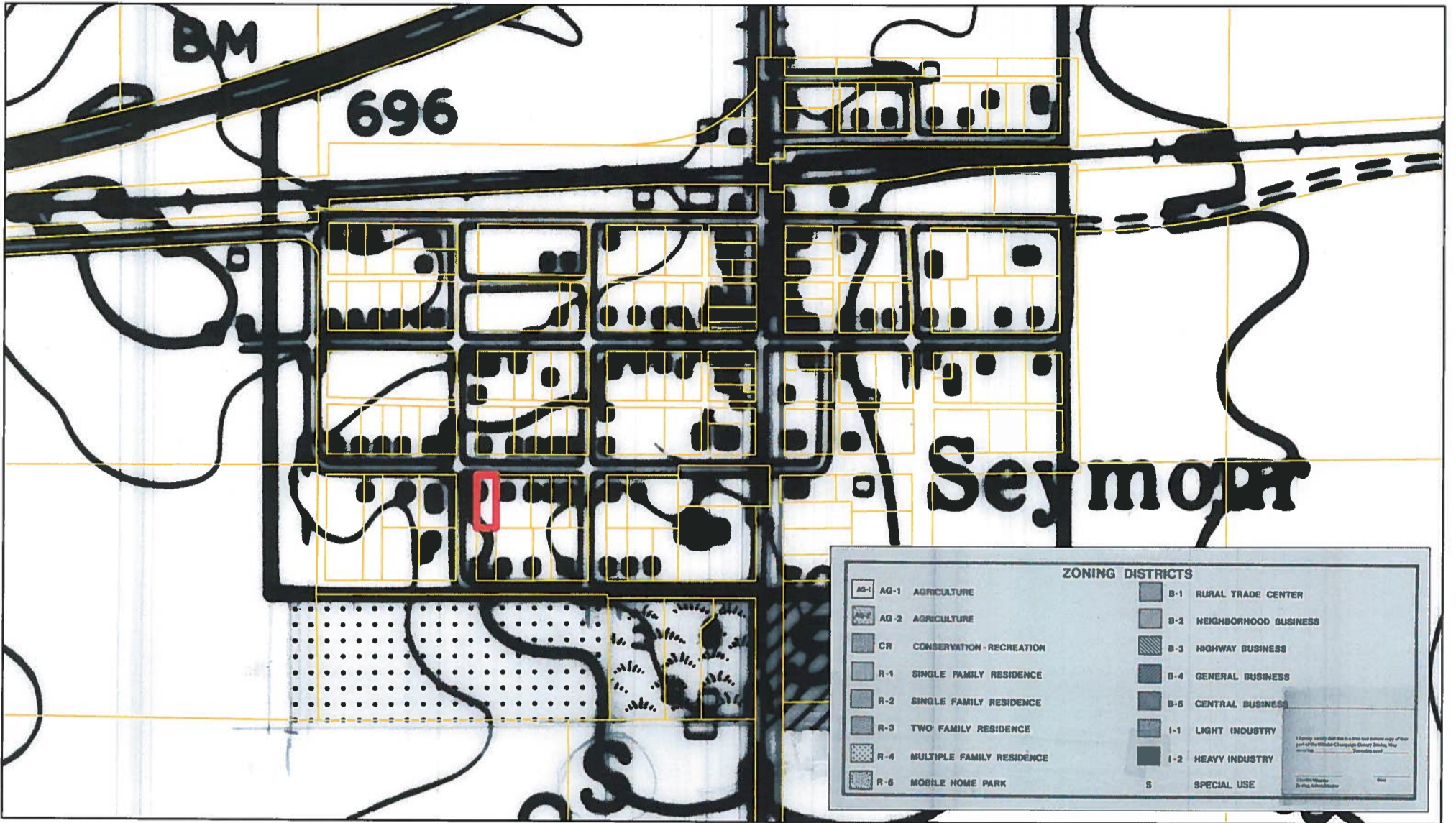
0 100 200 400 Feet



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 780-V-14
June 26, 2014



Legend

 Pedigo Subject Property

0 100 200 400 Feet



Champaign County
Department of
PLANNING &
ZONING

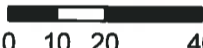
Proposed Visibility Triangle Encroachment

Case 780-V-14
June 26, 2014



Legend

 Pedigo Subject Property

 Feet
0 10 20 40



Champaign County
Department of
PLANNING &
ZONING

Lori Busboom

From: Keith Pedigo [kpedigo1@hotmail.com]
Sent: Wednesday, June 11, 2014 9:54 AM
To: Lori Busboom
Subject: Items for upcoming Board meeting concerning Keith Pedigo
Attachments: Letter to the board.doc; new porch side view.png; new porch front view.png; front porchproposal.png; frontporch side.png

Hi there lori

I've made some documents concerning the property, We had the soil eval done. I'm going to be sending it over to Mike Flannigan at the public Health dept. So I would look for some kind of correspondence from him soon

Attached:

- 1) A letter to the board concerning our rental interest and addressing of some concerns with the changes
- 2) Photo of the Porch we purchased
- 3) Photo of the Site (taken from a small sedan for height perspective) with porch addition mapped to scale
- 4) Side of property showing concrete landing at the front door, representing the absolute maximum deck can be

Any questions please don't hesitate to call or email me back.

Thanks!

Keith Pedigo
2178410369

RECEIVED

JUN 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Board Members

We greatly appreciate your consideration for our recent request to both add a new covered porch to the front of our house as well as rezone the property for the creation of a duplex. Both of these requests will certainly have a great impact on our lives, not only in our overall enjoyment of the place, but also stabilizing our financial future for many years to come. Over the past seven years we have remodeled roughly 95% of the upstairs living area. Now it is completely modernized and would resemble the newer rental properties currently in the Mahomet area. Our philosophy as landlords would revolve around the fact that we want to rent places that "we" would want to live in. That ideology will be carried over into our expectations for us, our tenants, the surrounding environment and any other circumstance that should arise.

Whatever downsides could be present from having a "basement" apartment will be apparent to us as we will be the first residents to live down there. That will give us the perfect opportunity to put our beliefs to the test, changing or fixing anything undesirable. By living on site, we'll be able to make sure the neighbors are properly respected as well. With the neighborhood in mind, I thought it necessary to address what I see as the two largest concerns for both changes we are seeking.

Going into this idea of adding a porch I was completely naive to the fact that my property line didn't start until twenty feet into our yard. In Seymour we actually have smaller lots, that seem to be the main culprit when it comes to debating these changes. Several of my neighbors actually have solid wall structures closer to the road than the ones we are proposing. With our porch however, the top of the decking will actually be no higher than 19" above grade. So whatever obstruction may arise from the porch, will still have partial visibility as it will be see through railings. I feel that most modern vehicles will have no problem seeing above the base of the deck and considering that we have lived here for so long, the traffic at the intersection is never fast enough to cause incident.

Another problem from the small lot is the question of an upgraded septic system. We've gotten the soil test done as requested and believe that there should be room for some kind of upgraded system. It is also plausible that Seymour will actually be upgrading to a sewer system. The sewer system will be met with some resistance as the cost will be high, but the upside to a duplex unit is one more family to help pay for the upgrade.

At the end of the day, I struggle to find any real substantial reasons to not grant our requests. I hope you all can see our interest in being not only responsible but flexible as well. If the corner obstruction is a deal breaker, than we'd be happy to remove the railing. If the septic can only be upgraded to a 4 bedroom house, than we'd turn the upstairs small bedroom into two walk in closets, or the basement into an only one bed rental. We remain open to change and nothing would make us happier than to continue improving our house, community, and personal lives.

RECEIVED

JUN 11 2014

Thank you so much for your time and consideration
The Pedigo Family

CHAMPAIGN CO. P & Z DEPARTMENT









6/19/14 DRAFT

780-V-14

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: *{date of final determination}*

Petitioners: Keith Pedigo

Request: Authorize the following Variance for an existing single family residence on a corner lot in the R-2 Single Family Residence Zoning District:

- 1) a proposed porch with a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.
 - 2) a proposed porch with a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.
 - 3) a proposed porch with a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.
 - 4) an existing nonconforming side yard of 6 feet in lieu of the minimum required 10 feet.
-

Table of Contents

General Application Information..... 2

Requested Variance 3

Specific Ordinance Requirements.....3-7

Variance Evidence7-11

Documents of Record..... 12

Case 780-V-14 Findings of Fact.....13-14

Case 780-V-14 Final Determination..... 15

6/19/14 DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 26, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Keith Pedigo, owns the subject property.
2. The subject property is a 0.19 acre tract of land on Lot 6 in Block 2 of Commissioner's Addition to the Village of Seymour in the Northeast corner of Section 17 in Scott Township and commonly known as the residence at 202 South Sheridan Street, Seymour.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Scott Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 0.19 acre tract and is currently zoned R-2 Residential. Land use is a single family residence.
 - B. Land on the north, south, east, and west of the subject property is zoned R-2 Residential and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Site Plan, received April 16, 2014 indicates the following proposed improvements:
 - (1) Proposed addition of a covered porch 26 feet long and 7.5 feet deep. This will join with an existing porch that is 4 feet deep.
 - B. There are no previous Zoning Use Permits on the subject property; the house was constructed prior to the Zoning Ordinance adopted October 10, 1973. The following nonconformities exist on the subject property:
 - (1) The existing residence does not provide a 50 foot by 50 foot visibility triangle for the northwest corner of the property, which abuts the intersection of West South Street and South Sheridan Street.

6/19/14 DRAFT

Case 780-V-14
Page 3 of 15

- (2) The existing residence does not meet the minimum front yard distance of 25 feet between the right-of-way line and the structure on both West South Street and South Sheridan Street.
 - (3) The existing residence does not meet the minimum side yard distance of 10 feet between the east side of the house and the east property line.
- C. This property is also the subject of Case 779-S-14, which seeks to authorize a Special Use Permit for the conversion of an existing single family residence to a two family residence in the R-2 Single Family Residence Zoning District.
- D. The required variance is as follows:
- (1) Variance for a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.
 - (2) Variance for a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.
 - (3) Variance for a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.
 - (4) Variance for a side yard of 6 feet in lieu of the minimum required 10 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for an addition to an existing single family residence in the R-2 District:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
 - (3) "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

6/19/14 DRAFT

BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent CANOPIES and planters.

- (4) "AREA, LOT" is the total area within the LOT LINES.
- (5) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) "COVERAGE" is the percentage of the LOT AREA covered by the BUILDING AREA.
- (8) "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.
- (9) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
- (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, CORNER" is a LOT located:
 - (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (12) "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.
- (13) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of 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 the maximum distance from the FRONT LOT LINE or said tangent.

6/19/14 DRAFT

**Case 780-V-14
Page 5 of 15**

- (14) "LOT LINES" are the lines bounding a LOT.
- (15) "NONCONFORMING LOT, STRUCTURE or USE" is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (16) "OPEN SPACE" is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (17) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (18) "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 line.
- (19) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (20) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (22) "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.
- (23) "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.
- (24) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or 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.
- (25) "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

6/19/14 DRAFT

STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

- (26) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- B. The R-2, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- C. Section 8.2.1.B.2. states that A SINGLE FAMILY DWELLING that is a NONCONFORMING USE of land and exceeded 1,200 square feet in building floor area (not including basement) on October 10, 1973, may be expanded by a total of 200 square feet or 25% of building floor area, whichever is greater, compared to the building floor area that existed on October 10, 1973, provided that a VARIANCE is required if there is more than one PRINCIPAL USE on the LOT and the LOT AREA is less than required in Section 4.3.4. The expansion may occur all at one time as part of a total reconstruction or replacement as authorized by Section 8.6.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

6/19/14 DRAFT

Case 780-V-14
Page 7 of 15

- (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.
- E. Minimum SIDE YARD in the R-2 Residential District is established in Section 5.3 of the Zoning Ordinance as 10 feet.
- F. Minimum REAR YARD in the R-2 Residential District is established in Section 5.3 of the Zoning Ordinance as 20 feet.
- G. Maximum LOT COVERAGE in the R-2 Residential District is established in Section 5.3 of the Zoning Ordinance as 30%.
- H. Minimum SETBACK for a corner lot is a visibility triangle defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.

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, **“Lot sizes in Seymour are extremely narrow and my house is already up tight to the current zone lines.”**
- B. The 8,250 square feet lot area exceeds the minimum required lot area of 6,500 square feet for one dwelling unit.
- C. The existing lot coverage of the building does not exceed the maximum lot coverage of 30%. The proposed lot coverage including the porch addition would not exceed 30%.
- D. Regarding Part 1 of the Variance, for a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection:
- (1) The existing house already encroaches on the visibility triangle.
- (2) The proposed porch encroaches on the visibility triangle. However, there are at least 15 feet between the edge of street pavement and the right-of-way line, in addition to the area provided within the visibility triangle. Please see the attached “Proposed Visibility Triangle Encroachment Map” and photos provided by the Petitioner received June 11, 2014.

6/19/14 DRAFT

- (3) The porch purchased by the petitioner includes railings with space between them that still allow visibility.
 - (4) Like most intersections in the residential areas of Seymour, the intersection of South Sheridan Street at West South Street does not have stop signs.
- E. Regarding Part 2 of the Variance, for a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet:
- (1) The existing house already encroaches on the 25 foot minimum between the right-of-way line and the edge of the structure.
- F. Regarding Part 3 of the Variance, for a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet:
- (1) The existing house already encroaches on the 25 foot minimum between the right-of-way line and the edge of the structure.
- G. Regarding Part 4 of the Variance, for a side yard of 6 feet in lieu of the minimum required 10 feet:
- (1) The six feet requested in the variance are per measurements provided by the Petitioner. Staff estimated the north side yard using aerial photography and GIS software; the proposed side yard distance is not discernible using the aerial photos, so staff recommends basing the variance on the six foot measurement provided by the petitioner.
 - (2) The existing house already encroaches on the 10 foot minimum between the right-of-way line and the edge of the structure.

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, **“As it stands now, a porch that needs no variance would be 4.25 feet wide and not even be allowed to be flush with the existing length of the house. Currently an overhang extends from the house 4 feet (visible from satellite).”**
 - B. Regarding the proposed Variance:
 - (1) Without the proposed variance, the petitioner could not install the proposed porch addition on the front of the residence.

6/19/14 DRAFT

Case 780-V-14
Page 9 of 15**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, **“House and lot were completed prior to zoning.”**
 - B. The nearest building on neighboring property is approximately 25 feet from the shared property line to the east.

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, **“Property will still remain close to neighboring homes layout. Neighbor directly to the south was just granted a variance for a new manufactured home that has a deck that will line up very closely with my proposed porch.”**
 - B. Regarding the requested Variance:
 - (1) Regarding Part 1 of the Variance, for a setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection, the requested variance provides a visibility triangle of approximately 30 feet by 30 feet, equivalent to a 64% reduction in the visibility triangle area.
 - (2) Regarding Part 2 of the Variance, for a front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet, the requested variance is 24% of the minimum required, for a variance of 76%.
 - (3) Regarding Part 3 of the Variance, for a front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet, the requested variance is 58% of the minimum required, for a variance of 42%.
 - (4) Regarding Part 4 of the Variance, for a side yard of 6 feet in lieu of the minimum required 10 feet, the requested variance is 60% of the minimum required, for a variance of 40%.
 - C. Regarding Part 1 of the Variance:
 - (1) Presumably the visibility triangle requirements are to ensure that there is a sufficient site line for roadway users to safely travel the intersection.

6/19/14 DRAFT

- (2) The Petitioner has provided photos from the perspective of a small sedan showing the site line of a roadway user traveling south on West South Street. It would appear from the photos that there will be sufficient visibility despite the requested variance.
- D. Regarding Parts 2 and 3 of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlay the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure intended to ensure the following:
 - (a) Adequate separation from roads.
 - (b) Allow adequate area for road expansion and right-of-way acquisition.
 - (c) Parking, where applicable.
 - (2) It is unlikely that West South Street or South Sheridan Street will be widened or require right of way for utilities, and there is no parking on the lot at the location of these parts of the variance.
- E. Regarding Part 4 of the Variance:
- (1) 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 Seymour Fire Protection District and the station is approximately 0.3 road miles from the subject property. The nearest structure on adjacent property to the proposed addition is approximately 25 feet.
 - (c) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- F. The requested variance is not prohibited by the *Zoning Ordinance*. Expansion of a porch is a permissible improvement under the requirements established in Section 8.2.1.B.2. The petitioner proposes adding 195 square feet of porch area, which is less than the 365 square feet (25% maximum allowed) of the 1,458 square foot building floor area that existed on October 10, 1973.

6/19/14 DRAFT

Case 780-V-14
Page 11 of 15

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: **“Several neighbors have structures or primary residences that will still be closer than proposed porch and intended porch will increase the aesthetics of the property and block.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Seymour and Scott Fire Protection Districts have been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 25 feet from the shared property line.

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: **“Proposed porch would be no more than 19 feet above current grade. No lattice work will be on it so it should be easy to see through spindles if not over them.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

Case 780-V-14
Page 12 of 15

6/19/14 DRAFT

DOCUMENTS OF RECORD

1. Variance Application received on April 16, 2014, with attachments:
 - A Site Plan

2. Email from Petitioner Keith Pedigo received June 11, 2014 with attachments:
 - A A letter to the board concerning our rental interest and addressing of some concerns with the changes
 - B Photo of the porch we purchased
 - C Photo of the site (taken from a small sedan for height perspective) with porch addition mapped to scale
 - D Side of property showing concrete landing at the front door, representing the absolute maximum deck can be

3. Preliminary Memorandum dated June 17, 2014 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received April 16, 2014
 - C Email from Petitioner Keith Pedigo received June 11, 2014 with attachments
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination

6/19/14 DRAFT

Case 780-V-14
Page 13 of 15

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **780-V-14** held on **June 26, 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: _____

Case 780-V-14
Page 14 of 15

6/19/14 DRAFT

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

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

6/19/14 DRAFT

**Case 780-V-14
Page 15 of 15**

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 **780-V-14** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Keith Pedigo** to authorize the following variances in the R-2 Residential Zoning District:

- Part 1. A setback which falls within, in lieu of outside of, the visibility triangle established for corner lots defined as the area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 50 feet from the nearest point of intersection.**
- Part 2 A front yard facing Sheridan Street of 6 feet in lieu of the minimum required 25 feet.**
- Part 3 A front yard facing South Street of 14.5 feet in lieu of the minimum required 25 feet.**
- Part 4 A side yard of 6 feet in lieu of the minimum required 10 feet for both the dwelling and the garage.**

{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