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1 **Case 771-AM-13** Petitioner: **Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request to amend**  
2 **the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning**  
3 **District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in**  
4 **related zoning Case 772-S-13. Location: A five acre tract of land in the North Half of the Northwest**  
5 **Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the**  
6 **plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**

7  
8 **Case 772-S-13** Petitioner: **Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request: Authorize**  
9 **the following as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple**  
10 **principal buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing**  
11 **heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97;**  
12 **and (2) a Landscaping and Maintenance Contractor’s Facility with outdoor storage as proposed in**  
13 **Part B. Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor**  
14 **Facility. Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the**  
15 **Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and**  
16 **self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of**  
17 **farmland.**

18  
19 Mr. Thorsland informed the audience that Case 772-S-13 is an Administrative Case and as such the County  
20 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
21 show of hands for those who would like to cross examine and each person will be called upon. He requested  
22 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
23 that those who desire to cross examine are not required to sign the witness register but are requested to  
24 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
25 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
26 exempt from cross examination.

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

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

33  
34 Mr. Hopkins stated that he and his wife reside in Mansfield and they are proposing a Contractor’s Facility  
35 and self-storage warehouses at 31 East Hensley Road. He said that they are also requesting a zoning change  
36 from B-3 to B-4.

37  
38 Mr. John Hall, Zoning Administrator distributed a new Supplemental Memorandum dated August 8, 2014,

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1 and a revised site plan received August 13, 2014, to the Board for review. He said that changes to the site  
2 plan include the following: A. approximate depth of the detention basin and points out that the actual depth  
3 will be determined upon the engineering; and B. relocated soil stockpile to the east parcel and an access gate  
4 and driveway to the soil stock pile; C. existing gravel drive located on the east side of the west five acres,  
5 which is the drive to the 6.8 acres to the east. He said that the site plan does include everything that the  
6 Board requested.

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

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

11  
12 Ms. Lee asked Mr. Hall if the detention basin is still going to be approximately six feet in depth.

13  
14 Mr. Hall stated that he is guessing such but at this point he really does not know much about the basin.

15  
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hopkins at this time and there was  
17 no one.

18  
19 Mr. Thorsland stated that the Board has completed all its review therefore it is time to move to a Final  
20 Determination.

21  
22 Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at his discretion  
23 to either continue Cases 771-AM-13 and 772-S-13 until a full Board is present or request that the present  
24 Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are  
25 required for approval.

26  
27 Mr. Hopkins asked when a full Board may be present.

28  
29 Mr. Thorsland stated that he anticipates that the August 28<sup>th</sup> meeting will have at least six members present.

30  
31 Mr. Hopkins requested that Case 771-AM-13 and 772-S-13 be continued to the August 28<sup>th</sup> meeting.

32  
33 Mr. Hall stated that he will include Case 772-AM-13 on the ELUC docket for September so that if the Board  
34 does take action on August 28<sup>th</sup> it won't slow down Mr. Hopkins.

35  
36 Mr. Thorsland entertained a motion to continue Cases 771-AM-13 and 772-S-13 to the August 28<sup>th</sup> meeting.

37  
38 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 771-AM-13 and 772-S-13 to the August**

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1 **28<sup>th</sup> meeting. The motion carried by voice vote.**

2  
3 **Case 778-S-14 Petitioner: Charles and Mary Ellen Stites Request to authorize continued use of a**  
4 **Major Rural Specialty Business in the CR District on the following property as previously approved**  
5 **for a limited time in Special Use Permit 610-S-08. Location: A 5.0 acre tract in the East Half of the**  
6 **Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of**  
7 **Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR**  
8 **2400E, St. Joseph.**

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

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

22  
23 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

24  
25 Mr. Charles Stites, who resides at 1161 CR 2400E, St. Joseph, stated that he has no new information to add  
26 at this time but would appreciate the opportunity to speak at a later time during the public hearing.

27  
28 Mr. Thorsland called John Hall to testify.

29  
30 Mr. John Hall, Zoning Administrator, stated that the Supplemental Memorandum dated August 7, 2014,  
31 reviewed the exterior lights on the new building and it is now known that those lights are full-cutoff fixtures.  
32 He said that one thing that this case has demonstrated is that if you can get underneath a full-cutoff light then  
33 it is no longer a full-cutoff light because it has to release the light down. He said that in a situation like this  
34 these are the highest quality cutoff lights that can be purchased and they are not mounted at an unusually tall  
35 height but these properties are so close together that the full-cutoff feature is inoperable for the neighboring  
36 property, at least along the north lot line of the Stites' property which is the south lot line of the neighboring  
37 property. He said that he checked with the manufacturer, reviewing the products online, and discovered that  
38 the manufacturer offers a swivel which allows adjustment of the angle of the light and he believes that

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1 placing the swivel on the lights would allow full illumination of the petitioner’s property with a greater  
2 degree of cutoff on the neighboring property. He said that the lights would need to be disconnected to install  
3 the swivel and the wiring may need adjusted but currently the lights are full-cutoff lights which do meet the  
4 Ordinance requirements.

5  
6 Mr. Hall stated that two new special conditions have been proposed per the request of the Board. He said  
7 that the proposed special conditions are as follows:

8 **N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment**  
9 **System:**

- 10 (1) **The Petitioner shall follow the manufacturer’s recommended maintenance for**
- 11 **the Enviro-Pak “Enviro-Kleen” Air Treatment System; and**
- 12 (2) **The Petitioner shall keep a written log of all maintenance performed on the**
- 13 **Enviro-Pak “Enviro-Kleen” Air Treatment System; and**
- 14 (3) **The Petitioner shall provide a copy of the maintenance log for inspection by the**
- 15 **Zoning Administrator when necessary to respond to complaints.**

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

17 **To ensure that odors caused by the smoking are kept at the minimum acceptable level**  
18 **of odor control.**

19  
20 **O. At the beginning of each hunting season the Petitioner shall provide an opportunity for**  
21 **the Zoning Administrator to visit the property while smoking is being done so that the**  
22 **Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment**  
23 **System is in operation and so that the Zoning Administrator may experience the**  
24 **smoking odor.**

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

26 **To ensure that the Zoning Administrator is familiar with the actual odors that are**  
27 **emitted during the operation of the smoker and the Air Treatment System.**

28  
29 Mr. Hall noted that no complaints have ever been received about odors therefore he has never visited the site  
30 when smoking has occurred.

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

33  
34 Mr. Thorsland called Charles Stites to testify.

35  
36 Mr. Charles Stites stated that he has information to respond to what was brought up at the last meeting. He  
37 said that coming into the meeting he was told that there had not been any complaints made but at the  
38 meeting it was disclosed that there had been complaints about the odor by the neighbor although the

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1 neighbor had not voiced those complaints to the Zoning Administrator. Mr. Stites stated that Mr. Wandell  
2 read a log of complaints regarding the odor which he submitted as a Document of Record. Mr. Stites stated  
3 that he does not carry a notebook around to record every little thing that occurs on in his life but one thing  
4 that he does do is keep accurate records of the activities that go on in the facility. Mr. Stites that when he  
5 received the information that was submitted by the neighbor with the complaint dates regarding odor he  
6 reviewed his own log which indicated the dates that they cooked the meat and recorded a response to the  
7 complaint dates. He said that he will submit this information as a Document of Record although he does not  
8 know that it will change any of the proposed special conditions that the Board has requested. He said that he  
9 does want to point out that of all of the dates that were on the complaint log by the neighbor only three of  
10 those dates corresponded with cooking in the smokehouse and the rest of the dates included no cooking of  
11 product.

12  
13 Mr. Thorsland asked Mr. Stites if he recalled how many dates were indicated.

14  
15 Mr. Stites stated that there were six dates in 2012 that indicated that the neighbor was experiencing a strong  
16 odor and on two of those dates they were cooking small snack sticks in the smokehouse. He said that there  
17 were four dates that indicated that the neighbor was experiencing a strong odor and on only one date were  
18 they cooking summer sausage. He said that there was one date in March 2014 and there was no production  
19 of any product on that date. He said that if staff would like to review his records then he would be happy to  
20 bring the records to the office.

21  
22 Mr. Thorsland asked the Board if there were any questions for Mr. Stites and there were none.

23  
24 Mr. Thorsland asked if staff had any questions for Mr. Stites and there were none.

25  
26 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stites at this time and there was no  
27 one.

28  
29 Mr. Thorsland called Lucy Whalley to testify.

30  
31 Ms. Lucy Whalley, who resides at 1167 CR 2400E, St. Joseph, stated that she is Mr. Dennis Wandell's wife  
32 and they live north of the Stites' property and she would like to clarify how she and Mr. Wandell use their  
33 property. She said that it was a bit unclear in the minutes as to how they might be using their office property  
34 which is the most impacted by the odors and trespass of the lights onto their property.

35  
36 Ms. Whalley stated that they have spent a lot of careful thought, time and money in designing their living  
37 space which includes their landscape. She said that they have a house which is a two bedroom home with a  
38 screened-in porch which is used when the weather is nice. She said that the office is also a guest house and

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1 they spend a lot of time in this office area. She said that she goes out to the office around 5 or 5:30 in the  
2 morning and spends an hour doing exercises and her husband keeps his computer in the office therefore he  
3 conducts his business there. She said that at times they have guests stay in the guest house and at times they  
4 themselves will spend the night there. She said that they consider the guest house as an extension of their  
5 home therefore this is why they know how they are impacted by the activities next door. She said that at  
6 night they do sit outside to watch the stars and the moon therefore they are sensitive to what goes on next  
7 door.

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

10  
11 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Whalley and there was no one.

12  
13 Mr. Thorsland called Dennis Wandell to testify.

14  
15 Mr. Dennis Wandell stated that he resides at 1167 CR 2400E, St. Joseph with his wife Lucy Whalley. He  
16 said that their property is located north of the River Bend Wild Game and Sausage Company. He said that  
17 he has had some really good interactions with Mr. Stites since the last public hearing and a number of things  
18 have been resolved. He said that Mr. Stites installed the previously mentioned fence and the lights which are  
19 on the building are full-cutoff and they are negated because they are up high on the building but according to  
20 Mr. Hall the lights are not at an unreasonable height. Mr. Wandell stated that he has made an offer to  
21 purchase lights with the swivel for the Stites property. He said that he and his wife have invested a lot of  
22 time and money in their property and they enjoy it a lot therefore if it takes a little money on his part to not  
23 have the lights and have good relations with his neighbor then it is money well spent.

24  
25 Mr. Wandell stated that Mr. Stites has done a few things that he and Ms. Whalley really appreciate. Mr.  
26 Wandell stated that Mr. Stites now keeps the windows closed in the room that has the compressor which  
27 greatly reduces the industrial type sound. He said that Mr. Stites put a timer on the cooler light and the light  
28 shuts off at 8:00 p.m. but he assumes that during the hunting season the light would need to stay on longer  
29 which is understandable.

30  
31 Mr. Wandell stated that the guest house is considered as part of his home because this is where he has his  
32 computer therefore if he wants to go online he has to be out there. He said that he and his wife do sleep at  
33 the guest house at least once per week because they have a rescue cat that they are trying to socialize. He  
34 said that the air cleaner that Mr. Stites purchased does seem to be working effectively and if he and his wife  
35 have to smell the odor today as in comparison to before the air cleaner was installed then it would be  
36 acceptable because the difference is as night and day. He said that he is fairly confident that the requirement  
37 regarding Mr. Stites keeping the log and staff checking it will take care of any odor concerns.

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

2  
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wandell and there was no one.

4  
5 Mr. Thorsland thanked Mr. Stites and Mr. Wandell in working together to resolve any concerns or issues.  
6 He said that such cooperation between the neighbors reduces the number of required special conditions.

7  
8 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
9 testimony and there was no one.

10  
11 Mr. Thorsland closed the witness register.

12  
13 Mr. Thorsland asked the Board if there were any required additions to the Summary of Evidence and there  
14 were none at this time.

15  
16 Mr. Thorsland read the proposed special conditions as follows:

17  
18 **A. The Special Use Permit authorized herein is only for the final dressing of field dressed**  
19 **wild game and none of the following shall occur on the subject property.**

20 **(1) No slaughtering of wild game or animals of any kind is authorized except for the**  
21 **final dressing (i.e., further processing) of field dressed wild game carcasses.**

22 **(2) No meat preparation or packaging that is subject to the Meat and Poultry**  
23 **Inspection Act is authorized except for the final dressing and packaging of field**  
24 **dressed wild game carcasses.**

25 **(3) There shall be no sales to the general public of products made from wild game**  
26 **that has been dressed onsite.**

27 **(4) The sale of goods produced off the premises must constitute less than 50 percent**  
28 **of the gross annual business income and less than 50 percent of the total annual**  
29 **stock in trade.**

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

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

34  
35 Mr. Thorsland asked Mr. Stites if he agreed with Special Condition A.

36  
37 Mr. Stites indicated that he agreed with Special Condition A.

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

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

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

11  
12       Mr. Thorsland asked Mr. Stites if he agreed with Special Condition B.

13  
14       Mr. Stites indicated that he agreed with Special Condition B.

15  
16           **C.     The following condition shall apply until such time that the petitioner is regulated by**  
17           **and has a license authorized by the Illinois Department of Agriculture:**

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

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

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

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

30  
31       Mr. Stites asked Mr. Hall if he needs to take a picture of any sign that is conspicuously placed in the  
32       business and bring it to staff for approval.

33  
34       Mr. Hall stated yes.

35  
36       Mr. Thorsland asked Mr. Stites if he agreed with Special Condition C.

37  
38       Mr. Stites indicated that he agreed with Special Condition C.

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**D. 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 proposed special condition above is required to ensure the following:

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

Mr. Thorsland asked Mr. Stites if he agreed with Special Condition D.

Mr. Stites indicated that he agreed with Special Condition D.

**E. 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 proposed special condition 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.**

Mr. Thorsland asked Mr. Stites if he agreed with Special Condition E.

Mr. Stites indicated that he agreed with Special Condition E.

**F. 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 unsanitary or nuisance conditions.**

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

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

Mr. Thorsland asked Mr. Stites if he agreed with Special Condition F.

Mr. Stites indicated that he agreed with Special Condition F.

**G. 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:**

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

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

13           **Odor from the cooking and smoking of wild game is reduced as much as practicable so**

14           **as to preserve the essential character of the CR District and the Special Use shall**

15           **comply with any Illinois air pollution regulations that are later found to be applicable.**

16

17   Mr. Thorsland asked Mr. Stites if he agreed with Special Condition G.

18

19   Mr. Stites indicated that he agreed with Special Condition G.

20

21           **H.    In regards to the bone barrels and trash containers for the proposed Special Use, the**

22           **Petitioners shall do the following:**

- 23           (1)    **No bone barrels shall be stored within 30 feet of any property line, except if**
- 24                   **stored within the walk-in cooler.**
- 25           (2)    **No bone barrels shall be emptied within 70 feet of any property line.**
- 26           (3)    **No more than 800 square feet of the proposed new storage building shall be**
- 27                   **used for storage of bone barrels, or any storage related to the proposed special**
- 28                   **use.**
- 29           (4)    **All bone barrels shall be stored in a closed and secure building at all times**
- 30                   **except when being emptied into a rendering truck or a garbage truck for**
- 31                   **removal from the property.**
- 32           (5)    **The bone barrels shall be stored in a cooled environment when necessary to**
- 33                   **maintain sanitary conditions.**
- 34           (6)    **When the bone barrels and trash containers are not stored in a cooled**
- 35                   **environment they shall be covered adequately to prevent access by vermin.**
- 36           (7)    **The bone barrels and trash containers shall be cleaned and sanitized when**
- 37                   **necessary to maintain sanitary conditions and all such cleaning and sanitizing**
- 38                   **shall occur in a closed and secure building and all wash water from cleaning of**

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1                   the bone barrels shall be treated in the approved wastewater treatment and  
2                   disposal system for the Special Use and not disposed of in an untreated  
3                   condition and any solid waste from the cleaning bone barrels shall also be  
4                   properly disposed of and not dumped on the surface of the ground.

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

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

8  
9                   Mr. Thorsland asked Mr. Stites if he agreed with Special Condition H.

10  
11                   Mr. Stites indicated that he agreed with Special Condition H.

12  
13                   **I.       Any new refrigeration units shall have all condensers located inside the building except**  
14                   **that the permanent bone barrel storage buildings may be cooled by a through-the-wall**  
15                   **air conditioner if necessary.**

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

17                   **There is maximum noise shielding for neighboring residences.**

18  
19                   Mr. Thorsland asked Mr. Stites if he agreed with Special Condition I.

20  
21                   Mr. Stites indicated that he agreed with Special Condition I.

22  
23                   **J.       The Special Use Permit authorized in Case 610-S-08 and renewed in Case 778-S-14**  
24                   **shall be served by a wastewater disposal system as follows:**

25                   **(1)     A private sewage disposal system with subsurface discharge serving the Special**  
26                   **Use Permit activities shall be in general conformance with the approved site**  
27                   **plan.**

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

35                   **(3)     This Special Use Permit approval shall become void if the private sewage**  
36                   **disposal system with subsurface discharge fails and cannot be repaired or if the**  
37                   **system is repaired or modified later without the approval of both the County**  
38                   **Health Department and the Zoning Administrator, as follows:**

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- 1                   (a)     **The owner is obligated to provide notice of the failed system to both the**
- 2                               **Zoning Administrator and the County Health Department as soon as**
- 3                               **failure is suspected; and**
- 4                   (b)     **The Zoning Administrator and the County Health Department in**
- 5                               **consultation or individually may make a determination that the private**
- 6                               **sewage disposal system serving the Special Use Permit has failed and the**
- 7                               **owner shall provide necessary access to the private sewage disposal**
- 8                               **system for the purpose of necessary inspections pursuant to such a**
- 9                               **determination; and**
- 10                  (c)     **Provided that all necessary permits are received from the County Health**
- 11                               **Department, repairs that can result in lawful ongoing use of the private**
- 12                               **sewage disposal system with subsurface discharge may be made subject**
- 13                               **to approval by the Champaign County Health Department including any**
- 14                               **special conditions imposed thereby and provided that the Zoning**
- 15                               **Administrator is provided copies of all applications and approvals and is**
- 16                               **allowed to conduct inspections; and**
- 17                  (d)     **In the event of failure of the Special Use Permit private sewage disposal**
- 18                               **system that cannot be repaired or in the event of unresponsiveness by the**
- 19                               **owner in repairing a failed system, the Zoning Administrator shall**
- 20                               **provide written notice to the owner that the Special Use Permit is void**
- 21                               **and there shall be no more Special Use Permit activities conducted.**
- 22                               **However, any deer carcasses that are onsite at the time of failure may be**
- 23                               **dressed subject to any necessary conditions that may be imposed by**
- 24                               **either the County Health Department or the Zoning Administrator.**
- 25

26 Mr. Stites asked that in regards to the maintenance records that the Zoning Administrator would like to see,  
27 they do have Berg Tanks come out and pump the business and residential septic tanks but they only provide  
28 a bill for the service. He asked Mr. Hall to indicate the type of format that the maintenance report should be  
29 completed.

30  
31 Mr. Hall stated that it would be adequate to not require submittal of those bills for service but that Mr. Stites  
32 only keeps the bills on file so that later he could prove that the tanks were serviced. He said that in the  
33 context of the first special use these conditions sound almost megalomaniac but they do make a lot of sense.  
34 He said that if the Board wants to just simply require that Mr. Stites maintains those reports and make them  
35 readily available as needed then Mr. Hall would be satisfied with that. He said that in just being able to  
36 document that the tank was serviced and a notation from Berg Tanks indicating the system is operating  
37 adequately would be sufficient.

38

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1 He said that Special Condition J.(2) could be revised as follows:

- 2
- 3 **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
4 **as necessary or as recommended by the County Health Department but maintenance**  
5 **shall occur on at least a triennial basis and all maintenance reports shall be made**  
6 **available for review by the Zoning Administrator. Failure to keep copies of**  
7 **maintenance reports and make them available when requested by the Zoning**  
8 **Administrator or Champaign County Health Department shall constitute a violation of**  
9 **this Special Use Permit approval and the Zoning Administrator shall refer the**  
10 **violation to the Champaign County State’s Attorney for legal action.**

11

12 Mr. Randol stated that Mr. Stites could create a maintenance log of his own to record when the maintenance  
13 was completed so that he has a document that is easily submitted.

14

15 Mr. Stites stated that the only issue is that many times Berg Tanks will come to service the tanks during a  
16 time when he is not at home therefore Berg Tanks could not complete the form.

17

18 Mr. Thorsland stated that Mr. Randol is indicating a maintenance log which would note when the  
19 maintenance was completed. Mr. Thorsland stated that this log does not need to be completed by Berg  
20 Tanks but by Mr. Stites.

21

22 Mr. Hall stated that another revision to Special Condition J.(2) could be as follows:

- 23 **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
24 **as necessary or as recommended by the County Health Department but maintenance**  
25 **shall occur on at least a triennial basis and all maintenance reports shall be made**  
26 **available for review by the Zoning Administrator. Failure to keep copies of**  
27 **maintenance reports or maintenance receipts when requested by the Zoning**  
28 **Administrator or Champaign County Health Department shall constitute a violation of**  
29 **this Special Use Permit approval and the Zoning Administrator shall refer the**  
30 **violation to the Champaign County State’s Attorney for legal action.**

31

32 Ms. Griest suggested the following revision to Special Condition J.(2):

- 33 **(2) The private sewage disposal system serving the Special Use Permit shall be maintained**  
34 **as necessary or as recommended by the County Health Department but maintenance**  
35 **shall occur on at least a triennial basis and all maintenance reports shall be made**  
36 **available for inspection by the Zoning Administrator. Failure to keep copies of**  
37 **maintenance reports or maintenance receipts when requested by the Zoning**  
38 **Administrator or Champaign County Health Department shall constitute a violation of**

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**this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.**

Mr. Hall agreed with Ms. Griest’s suggested revision to Special Condition J.(2).

- K. 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.**

Mr. Thorsland asked Mr. Stites if he agreed to Special Condition K.

Mr. Stites indicated that he agreed to Special Condition K.

- L. 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.**

Mr. Thorsland asked Mr. Stites if he agreed to Special Condition L.

Mr. Stites indicated that he agreed to Special Condition L.

- 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.**

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1 Mr. Thorsland asked Mr. Stites if he agreed to Special Condition M.

2

3 Mr. Stites indicated that he agreed to Special Condition M

4

5 **N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment**  
6 **System:**

7 (1) **The Petitioner shall follow the manufacturer’s recommended maintenance for**  
8 **the Enviro-Pak “Enviro-Kleen” Air Treatment System; and**

9 (2) **The Petitioner shall keep a written log of all maintenance performed on the**  
10 **Enviro-Pak “Enviro-Kleen” Air Treatment System; and**

11 (3) **The Petitioner shall provide a copy of the maintenance log for inspection by the**  
12 **Zoning Administrator when necessary to respond to complaints.**

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

14 **To ensure that odors caused by the smoking are kept at the minimum acceptable level**  
15 **of odor control.**

16

17 Mr. Stites stated that the previous special conditions were approved during the prior case for the business  
18 five years ago. He asked if the Board had any questions or comments regarding proposed Special Condition  
19 N.

20

21 Ms. Lee asked stated that proposed Special Condition N. indicates a specific brand, Enviro-Pak “Enviro-  
22 Kleen” Air Treatment System. She asked what will happen if Mr. Stites needs to replace this system with a  
23 different brand.

24

25 Mr. Thorsland stated that, “or equivalent brand” should be added to proposed Special Conditions N as  
26 follows:

27

28 **N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment**  
29 **System:**

30 (1) **The Petitioner shall follow the manufacturer’s recommended maintenance for**  
31 **the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and**

32 (2) **The Petitioner shall keep a written log of all maintenance performed on the**  
33 **Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and**

34 (3) **The Petitioner shall provide a copy of the maintenance log for inspection by the**  
35 **Zoning Administrator when necessary to respond to complaints.**

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

37 **To ensure that odors caused by the smoking are kept at the minimum acceptable level**  
38 **of odor control.**

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Mr. Thorsland stated that “or equivalent brand” should also be added the proposed Special Condition O as well and anywhere else where applicable.

Mr. Thorsland asked Mr. Stites if he agreed to revised Special Condition N.

Mr. Stites indicated that he agreed to revised Special Condition N.

**O. At the beginning of each hunting season the Petitioner shall provide an opportunity for the Zoning Administrator to visit the property while smoking is being done so that the Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand is in operation and so that the Zoning Administrator may experience the smoking odor.**

The above special condition is required to ensure the following:

**To ensure that the Zoning Administrator is familiar with the actual odors that are emitted during the operation of the smoker and the Air Treatment System.**

Mr. Stites asked if he is to extend an invitation to Mr. Hall and whether or not Mr. Hall does visit the property is up to Mr. Hall or does it mean that Mr. Hall has to come onsite each year at the beginning of hunting season.

Mr. Hall stated that proposed Special Condition O. is meant to obligate Mr. Stites to let the Zoning Administrator know when this opportunity exists. He said that it does not place an obligation on the Zoning Administrator to go out to the site because it would not be enforceable although he does intend to visit the site when notified. He said that proposed Special Condition O. does not indicate that the opportunity to visit has to be during normal business hours. He said that the proposed special condition only indicates that Mr. Stites must notify the Zoning Administrator as to a good time to visit during the time when maximum odors would be present.

Mr. Thorsland stated that perhaps the proposed special condition should indicate that the visit should occur at the beginning of hunting season because that is probably not the appropriate time to experience the smoking odor.

Mr. Hall stated that there is definitely a reason to require the visit at the beginning of at least the smoking season.

Mr. Thorsland stated that proposed Special Condition O. could be revised to indicate the following:

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1           **O.     At the beginning of each smoking season the Petitioner shall provide an opportunity for**  
2           **the Zoning Administrator to visit the property while smoking is being done so that the**  
3           **Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment**  
4           **System or equivalent brand is in operation and so that the Zoning Administrator may**  
5           **experience the smoking odor.**

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

7           **To ensure that the Zoning Administrator is familiar with the actual odors that are**  
8           **emitted during the operation of the smoker and the Air Treatment System.**

9  
10          Ms. Griest stated that perhaps proposed Special Condition O. should indicate annual smoking season  
11          because there is more than one hunting season during a year and we do not want the Zoning Administrator to  
12          have the make numerous visits at the beginning of each season. She asked Mr. Hall if he ever got to the  
13          point of enforcement what documentation would prove that Mr. Stites notified the Zoning Administrator.  
14          She asked if it would be by email, certified mail, etc. She said that if Mr. Stites only called on the phone to  
15          notify the Zoning Administrator it is possible that Mr. Hall would not receive the message.

16  
17          Mr. Hall stated that he would not recommend a phone call message on the County’s answering system  
18          because it is far from being fool-proof. He said that he is comfortable with Mr. Stites leaving a message  
19          with staff indicating notifying the Zoning Administrator, but an email would be in Mr. Stites’ best interest.

20  
21          Mr. Stites stated that he is fine with notifying the Zoning Administrator by email.

22  
23          Mr. Stites stated that hunting starts on October 1<sup>st</sup> and within the first week or two they begin the production  
24          of sausage and other products and he would envision that he would inform the Zoning Administrator that  
25          they will be producing sausage on a specific date and the smokehouse will be running during that time. He  
26          said that if the Zoning Administrator is unable to visit the property during that time then Mr. Stites can  
27          inform the Zoning Administrator of a different date but they are pretty much doing something a couple of  
28          days per week.

29  
30          Mr. Thorsland asked Mr. Stites if he agreed to proposed Special Condition O.

31  
32          Mr. Stites stated that he agreed to proposed Special Condition O.

33  
34          Mr. Thorsland entertained a motion to approve the proposed special conditions as modified.

35  
36          **Ms. Griest moved, seconded by Ms. Lee to approve the proposed special conditions as modified. The**  
37          **motion carried by voice vote.**

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1 Mr. Thorsland read Finding 1 of the Findings of Fact for approved Case 610-S-08 as follows:

2

3 1. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITONS**

4 **IMPOSED HEREIN, IS** necessary for the public convenience at this location because the

5 proposed use is the only one of its kind in the County and is centrally located to the customer

6 base. They are the only business of this size that does this level of processing. The business

7 has grown due to the expansion of hunting season and the increase in deer population; and

8 the proposed use is located in the area where deer hunting takes place.

9

10 Mr. Thorsland stated that with Finding 1 for approved Case 610-S-08 being said the Board will move to the  
11 Findings of Fact for Case 778-S-14.

12  
13 **Findings of Fact for Case 778-S-14:**

14  
15 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
16 778-S-14 held on June 26, 2014 and August 14, 2014, the Zoning Board of Appeals finds that:

17

18 1. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITONS**

19 **IMPOSED HEREIN, IS** necessary for the public convenience at this location.

20 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein IS

21 necessary for the public convenience at this location and she would like to use the previous language

22 included in Finding #1 for Case 610-S-08, which reads as follows: the proposed use is the only one of its

23 kind in the County and is centrally located to the customer base. They are the only business of this size that

24 does this level of processing. The business has grown due to the expansion of hunting season and the

25 increase in deer population; and the proposed use is located in the area where deer hunting takes place.

26

27 The Board agreed.

28

29 2. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITONS**

30 **IMPOSED HEREIN,** is so designed, located, and proposed to be operated so that it **WILL**

31 **NOT** be injurious to the district in which it shall be located or otherwise detrimental to the

32 public health, safety, and welfare because:

33 a. The street has **ADEQUATE** traffic capacity and the entrance location has

34 **ADEQUATE** visibility.

35

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

38

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b. Emergency services availability is **ADEQUATE**.

Mr. Randol stated that emergency services availability is ADEQUATE.

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

Mr. Randol stated that the Special Use **WILL** be compatible with adjacent uses.

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

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

e. Public safety will be **ADEQUATE**

Ms. Griest stated that public safety will be ADEQUATE.

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

Ms. Griest stated that the provision for parking will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN**, is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**3a.** The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** conform to the applicable regulations and standards of the **DISTRICT** in which it is located.

Ms. Griest stated that The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** 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** preserve the essential character of the **DISTRICT** in which it is located because:

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

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1 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
2 and codes.

- 3  
4 b. The Special Use **WILL** be compatible with adjacent uses.

5  
6 Mr. Randol stated that the Special Use **WILL** be compatible with adjacent uses.

- 7  
8 c. Public safety will be **ADEQUATE**.

9  
10 Ms. Lee stated that public safety will be **ADEQUATE**.

11  
12 Mr. Thorsland stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL**  
13 **CONDITIONS IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it  
14 is located.

- 15  
16 **4.** The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
17 **HEREIN, IS** in harmony with the general purpose and intent of the Ordinance because:  
18 a. The Special Use is authorized in the District.  
19 b. The requested Special Use Permit **IS** necessary for the public convenience at this  
20 location.

21  
22 Ms. Lee stated that the requested Special Use Permit **IS** necessary for the public convenience at this  
23 location.

- 24  
25 c. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
26 **IMPOSED HEREIN,** is so designed, located, and proposed to be operated so that it  
27 **WILL NOT** be injurious to the district in which it shall be located or otherwise  
28 detrimental to the public health, safety, and welfare.

29  
30 Ms. Griest stated that the requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
31 **IMPOSED HEREIN,** is so designed, located, and proposed to be operated so that it **WILL NOT** be  
32 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and  
33 welfare.

- 34  
35 d. The requested Special Use Permit, **SUBJECT TO THE SPECIAL CONDITIONS**  
36 **IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in  
37 which it is located.

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1 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
2 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

3  
4 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITONS  
5 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

6  
7 **5.** The requested Special Use **IS NOT** an existing nonconforming use.

8  
9 Mr. Thorsland stated that the request Special Use IS NOT an existing nonconforming use.

10  
11 **6.** **The Special Conditions imposed herein are required to ensure compliance with the**  
12 **criteria for Special Use Permits and for the particular purpose described below:**

13  
14 **A.** **The Special Use Permit authorized herein is only for the final dressing of field dressed**  
15 **wild game and none of the following shall occur on the subject property.**

16 **(1) No slaughtering of wild game or animals of any kind is authorized except for the**  
17 **final dressing (i.e., further processing) of field dressed wild game carcasses.**

18 **(2) No meat preparation or packaging that is subject to the Meat and Poultry**  
19 **Inspection Act is authorized except for the final dressing and packaging of field**  
20 **dressed wild game carcasses.**

21 **(3) There shall be no sales to the general public of products made from wild game**  
22 **that has been dressed onsite.**

23 **(4) The sale of goods produced off the premises must constitute less than 50 percent**  
24 **of the gross annual business income and less than 50 percent of the total annual**  
25 **stock in trade.**

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

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

30  
31 **B.** **The petitioner shall provide reasonable access to both the subject property and all**  
32 **relevant business records, including employee work records; the location where food**  
33 **supplies were purchased; food lot numbers; the identity of food purchasers; and other**  
34 **records as may be requested by the Champaign County Public Health Department**  
35 **pursuant to**  
36 **any complaint of food borne illness that is made after ingestion of products from the**  
37 **proposed special use.**

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

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- 1           **The Champaign County Public Health Department shall be provided necessary access**
- 2                   **to property and records to respond to any relevant complaints of food borne**
- 3                   **illness.**
- 4
- 5           **C.     The following condition shall apply until such time that the petitioner is regulated by**
- 6                   **and has a license authorized by the Illinois Department of Agriculture:**
- 7                   **(1)     the phrases “custom wild game processor” and “custom wild game processing”**
- 8                           **and the words “custom processor” and “custom processing” shall not be used in**
- 9                           **any advertising or description of services provided by the petitioner about the**
- 10                           **proposed special use; and**
- 11                   **(2)     The Petitioner shall conspicuously display a sign stating “NO SALES OF WILD**
- 12                           **GAME PRODUCTS PERMITTED” in the public area of the proposed special**
- 13                           **use and provide photographic proof of the sign’s installation within 30 days of**
- 14                           **the Special Use Permit approval.**
- 15                   The proposed special condition stated above is required to ensure the following;
- 16                   **The public has clear expectations of the types of services that may be provided at the**
- 17                   **proposed special use and the degree of public health regulation required of the**
- 18                   **petitioner.**
- 19
- 20           **D.     The Special Use Permit approved in Case 610-S-08 and renewed in Case 778-S-14 shall**
- 21                   **only be valid for the current owners, Chuck and Mary Ellen Stites, on the subject**
- 22                   **property and if the business is ever transferred to new ownership a new Special Use**
- 23                   **Permit shall be required.**
- 24                   The proposed special condition above is required to ensure the following:
- 25                   **The risk to public health is adequately considered in management of the proposed**
- 26                   **Special Use.**
- 27
- 28           **E.     The Petitioner is responsible to ensure that there shall be no queuing of customer**
- 29                   **traffic in the public right-of-way of CR 2400E and that no parking related to the**
- 30                   **Special Use Permit shall occur within any street right-of-way or on nearby properties.**
- 31                   The proposed special condition above is required to ensure the following:
- 32                   **There is no unreasonable risk to public safety caused either by on-street parking or**
- 33                   **long lines of standing traffic.**
- 34
- 35           **F.     The Petitioners shall ensure that all buildings, including the structures, rooms, and**
- 36                   **compartments used in the Special Use Permit are of sound construction and are kept in**
- 37                   **good repair to allow for processing, handling, and storage of product and waste**
- 38                   **materials in a manner that will not result in unsanitary or nuisance conditions.**

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1 The proposed special condition above is required to ensure the following:  
 2 **The proposed Special Use poses no risk to public health in general or to the immediate**  
 3 **neighborhood.**

4  
 5 **G. In regards to the odors caused by the smoking and cooking of wild game products at**  
 6 **the proposed Special Use, the Petitioners shall do the following:**

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

18 The proposed special condition stated above is required to ensure the following:  
 19 **Odor from the cooking and smoking of wild game is reduced as much as practicable so**  
 20 **as to preserve the essential character of the CR District and the Special Use shall**  
 21 **comply with any Illinois air pollution regulations that are later found to be applicable.**

22  
 23 **H. In regards to the bone barrels and trash containers for the proposed Special Use, the**  
 24 **Petitioners shall do the following:**

- 25 (1) **No bone barrels shall be stored within 30 feet of any property line, except if**  
 26 **stored within the walk-in cooler.**
- 27 (2) **No bone barrels shall be emptied within 70 feet of any property line.**
- 28 (3) **No more than 800 square feet of the proposed new storage building shall be**  
 29 **used for storage of bone barrels, or any storage related to the proposed special**  
 30 **use.**
- 31 (4) **All bone barrels shall be stored in a closed and secure building at all times**  
 32 **except when being emptied into a rendering truck or a garbage truck for**  
 33 **removal from the property.**
- 34 (5) **The bone barrels shall be stored in a cooled environment when necessary to**  
 35 **maintain sanitary conditions.**
- 36 (6) **When the bone barrels and trash containers are not stored in a cooled**  
 37 **environment they shall be covered adequately to prevent access by vermin.**
- 38 (7) **The bone barrels and trash containers shall be cleaned and sanitized when**

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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 proposed 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 unsanitary or nuisance conditions in the neighborhood.**

**I. 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 proposed special condition stated above is required to ensure the following:

**There is maximum noise shielding for neighboring residences.**

**J. 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 made available for inspection by the Zoning Administrator. Failure to keep copies of maintenance reports or maintenance receipts when requested by the Zoning Administrator or Champaign County Health Department 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**

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- 1                                    **consultation or individually may make a determination that the private**
- 2                                    **sewage disposal system serving the Special Use Permit has failed and the**
- 3                                    **owner shall provide necessary access to the private sewage disposal**
- 4                                    **system for the purpose of necessary inspections pursuant to such a**
- 5                                    **determination; and**
- 6                                    **(c) Provided that all necessary permits are received from the County Health**
- 7                                    **Department, repairs that can result in lawful ongoing use of the private**
- 8                                    **sewage disposal system with subsurface discharge may be made subject**
- 9                                    **to approval by the Champaign County Health Department including any**
- 10                                   **special conditions imposed thereby and provided that the Zoning**
- 11                                   **Administrator is provided copies of all applications and approvals and is**
- 12                                   **allowed to conduct inspections; and**
- 13                                   **(d) In the event of failure of the Special Use Permit private sewage disposal**
- 14                                   **system that cannot be repaired or in the event of unresponsiveness by the**
- 15                                   **owner in repairing a failed system, the Zoning Administrator shall**
- 16                                   **provide written notice to the owner that the Special Use Permit is void**
- 17                                   **and there shall be no more Special Use Permit activities conducted.**
- 18                                   **However, any deer carcasses that are onsite at the time of failure may be**
- 19                                   **dressed subject to any necessary conditions that may be imposed by**
- 20                                   **either the County Health Department or the Zoning Administrator.**
- 21
- 22                                   **K. There shall be no burning or burial of carcass parts on the subject property.**
- 23                                   The special condition stated above is required to ensure the following:
- 24                                   **All carcass parts are removed from the subject property in an appropriate manner.**
- 25
- 26                                   **L. The petitioner shall provide reasonable access to the subject property and all**
- 27                                   **structures where Special Use Permit activities take place to verify compliance with the**
- 28                                   **special conditions in this case.**
- 29                                   The special condition stated above is required to ensure the following:
- 30                                   **The Zoning Administrator shall be provided necessary access to property to respond to**
- 31                                   **any relevant complaints regarding the proposed Special Use Permit.**
- 32
- 33                                   **M. The approved site plan for Case 778-S-14 shall consist of the following Documents of**
- 34                                   **Record:**
- 35                                   **(1) The revised site plan received on March 31, 2014**
- 36                                   **(2) The floor plan of the business building received on May 5, 2008**
- 37                                   **(3) The revised floor plan of the proposed storage building received on October 12,**
- 38                                   **2008**

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- (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.**

**N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment System:**

- (1) The Petitioner shall follow the manufacturer’s recommended maintenance for the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and
- (2) The Petitioner shall keep a written log of all maintenance performed on the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand; and
- (3) The Petitioner shall provide a copy of the maintenance log for inspection by the Zoning Administrator when necessary to respond to complaints.

The above special condition is required to ensure the following:

**To ensure that odors caused by the smoking are kept at the minimum acceptable level of odor control.**

**O. At the beginning of each smoking season the Petitioner shall provide an opportunity for the Zoning Administrator to visit the property while smoking is being done so that the Zoning Administrator may verify that the Enviro-Pak “Enviro-Kleen” Air Treatment System or equivalent brand is in operation and so that the Zoning Administrator may experience the smoking odor.**

The above special condition is required to ensure the following:

**To ensure that the Zoning Administrator is familiar with the actual odors that are emitted during the operation of the smoker and the Air Treatment System.**

Mr. Hall stated that there are a few areas in the Summary of Evidence which should be updated. He said that on Page 2, the date August 14, 2014, should be added in the first sentence on the page. He said that Page 60, under Generally Regarding Proposed Special Conditions of Approval, the number 12 should be added by the letter A. He said that there are new Documents of Record which should be added as follows: #54. Supplemental Memorandum dated June 26, 2014, with attachments; and #55. Excerpt of approved Finding of Fact for Case 610-S-08 distributed at the June 26, 2014, public hearing; and #56. Log of Concerns submitted by Dennis Wandell at the June 26, 2014, public hearing; and #57. Notes regarding dates in Log of Concerns submitted by Charles Stites at the August 14, 2014, public hearing; and #58 Supplementary Memorandum dated August 7, 2014.

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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. Lee to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the Final Determination for Case 778-S-14.

**Ms. Lee moved, seconded by Mr. Griest to move to the Final Determination for Case 778-S-14. The motion carried by voice vote.**

Mr. Thorsland informed the petitioners that three Board members were absent therefore it is at their discretion to either continue Case 778-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. Stites stated that as he has been watching the Board it seems that everyone was in agreement with the findings and special conditions and no disagreement was voiced.

Mr. Thorsland stated that the Board cannot give him any hint as to the outcome of the Final Determination.

Mr. Hall noted that all of the findings were positive and if the Board made a determination that was not consistent with their findings then the State's Attorney would be very unhappy. He said there is no margin for error because there are only four members present tonight and four affirmative votes are required for approval. He said that if only three affirmative votes are received then Mr. Stites would have to wait one year to reapply unless some conditions changed. He said that the findings do support a positive determination and would not support a denial and this Board works very hard in staying consistent but the Board is only human.

Mr. Thorsland stated that Case 778-S-14 would be the second case heard on August 28<sup>th</sup>.

Mr. and Mrs. Stites requested that Case 778-S-14 be continued to a date when a full Board may be present.

Mr. Thorsland entertained a motion to continue Case 778-S-14 to the August 28, 2014, public hearing.

**Ms. Griest moved, seconded by Ms. Lee to continue Case 778-S-14 to the August 28, 2014, public hearing. The motion carried by voice vote.**

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

**The Board recessed at 8:07 p.m.**

**The Board resumed at 8:15 p.m.**

**Case 779-S-14 Petitioner: Keith Pedigo Request 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 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.**

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. Keith Pedigo, who resides at 202 South Sheridan Street, Seymour, stated that he is trying to turn his current home into a duplex. He said that there is a 1,200 gallon septic tank on the property.

Mr. Thorsland called John Hall to testify.

Mr. John Hall, Zoning Administrator, stated that the 1,200 gallon septic tank is a little shy of what is required for a four-bedroom dwelling unit but it is essentially what is required for four-bedrooms. He said that a proposed special condition is included in the Supplemental Memorandum dated August 7, 2014, as follows:

- E. The number of bedrooms allowed in the structure will be limited to four.**
- The above special condition is required to ensure the following:

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1                   **To ensure that there is sufficient septic system capacity for the number of persons**  
2                   **living in the structure.**

3  
4 He said that the proposed special condition is only needed if the duplex is on a septic system of this size. He  
5 said that if sanitary sewer were ever installed the proposed special condition would no longer be necessary.

6  
7 Mr. Thorsland stated that the proposed special condition could be revised to indicate the following:

8           **E.     The number of bedrooms allowed in the structure will be limited to four until such time**  
9           **that the property is connected to sanitary sewer.**

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

11           **To ensure that there is sufficient septic system capacity for the number of persons**  
12           **living in the structure.**

13  
14 Mr. Hall stated that the revised version would be an easy way to at least provide for that concern.

15  
16 Ms. Griest stated that the proposed special condition could be additionally revised as follows:

17           **E.     The number of bedrooms allowed in the structure will be limited to four until such time**  
18           **that the septic system is upgraded or the property is connected to sanitary sewer.**

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

20           **To ensure that there is sufficient septic system capacity for the number of persons**  
21           **living in the structure.**

22  
23 Mr. Hall stated that merely saying upgraded leaves the proposed special condition undefined.

24  
25 Ms. Griest stated that she could refine the special condition to state that the septic system is upgraded to  
26 accommodate the necessary capacity for any additional bedrooms.

27  
28 Mr. Thorsland stated that the Board could indicate proposed special condition E. as follows:

29           **E.     The number of bedrooms allowed in the structure will be limited to four until such time**  
30           **that the septic system is upgraded to meet the requirements of the Health Ordinance**  
31           **for more bedrooms or is connected to sanitary sewer.**

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

33           **To ensure that there is sufficient septic system capacity for the number of persons**  
34           **living in the structure.**

35  
36 Mr. Thorsland asked the Board if there were any questions for Mr. Pedigo.

37  
38 Ms. Griest asked Mr. Pedigo if it has been confirmed that the septic tank is not under where the porch is

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1 proposed to be located.

2

3 Mr. Pedigo stated yes.

4

5 Mr. Randol asked Mr. Pedigo if the garage is a two-car garage because for a number of years the garage was  
6 utilized as a three-room apartment.

7

8 Mr. Pedigo stated that it is a one and one-half car garage with double doors.

9

10 Mr. Thorsland stated that the Board will review the proposed special conditions beginning on Page 17 at this  
11 time.

12

13 Mr. Thorsland read the proposed special conditions.

14 **A. The private sewage disposal system serving the Special Use Permit shall be maintained**  
15 **as necessary or as recommended by the County Health Department but maintenance**  
16 **shall occur on at least a triennial basis and all maintenance reports shall be made**  
17 **available for review by the Zoning Administrator. Failure to provide copies of**  
18 **maintenance reports when requested shall constitute a violation of this Special Use**  
19 **Permit approval and the Zoning Administrator shall refer the violation to the**  
20 **Champaign County State’s Attorney for legal action.**

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

22 **That the septic system continues to be of sufficient capacity and in operation given the**  
23 **increase in use from a single family home to a two-family home.**

24

25 Mr. Thorsland asked Mr. Pedigo if he agreed to proposed Special Condition A.

26

27 Mr. Pedigo stated that he agreed to proposed Special Condition A.

28

29 **B. All remodeling and changes necessary to make the existing dwelling into a two family**  
30 **dwelling shall be documented in a Change of Use Permit as follows:**

31 **a. The Change of Use Permit shall be applied for prior to making any changes.**

32 **b. The Change of Use Permit shall include the following requirements:**

33 **(1) Reducing the number of rooms used as bedrooms in the existing first**  
34 **floor dwelling unit to no more than two bedrooms.**

35 **(2) No more than two bedrooms shall be included in the proposed basement**  
36 **dwelling unit.**

37 **(3) Installation of a sewage ejector shall be required for the basement**  
38 **dwelling unit unless written documentation is submitted from a Licensed**

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1 **Illinois Plumber or the State of Illinois Plumbing Inspector Mr. Larry**  
2 **Luka (217-402-3334) or his successor, that no sewage ejector is necessary**  
3 **to connect the basement dwelling unit drains to the septic system.**

- 4 c. **If a sewage ejector is installed for the basement dwelling unit the Zoning**  
5 **Administrator shall not authorize a Zoning Compliance Certificate unless there**  
6 **is documentation that the sewage ejector installation was inspected by the State**  
7 **of Illinois Plumbing Inspector Mr. Larry Luka (217-402-3334) or his successor.**

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

9 **That there is sufficient septic system capacity.**

10  
11 Mr. Pedigo asked if this needs to be done before tenants are acquired.

12  
13 Mr. Hall stated that the changes need to be documented in a Change of Use Permit. He said that we do  
14 normally receive a permit for interior remodeling but when it is remodeling that will change the use then the  
15 proposed special condition indicates that the change needs to be documented in a permit. He said that the  
16 proposed special condition also puts a limit on the bedrooms but the Board may need to put an exception in  
17 there for when there are more than four bedrooms. He said that the State of Illinois Plumbing Inspector  
18 needs to inspect the structure.

19  
20 Mr. Thorsland stated that Mr. Pedigo was just questioning the timing of the Change of Use Permit.

21  
22 Mr. Hall stated that he would assume that Mr. Pedigo would not obtain tenants until the structure is ready for  
23 those tenants but that is up to Mr. Pedigo.

24  
25 Ms. Griest stated that the proposed special condition indicates that a Change of Use Permit must be obtained  
26 prior to making any changes therefore does Mr. Pedigo need to get the Change of Use Permit before making  
27 any changes to structure at all.

28  
29 Mr. Hall stated that Mr. Pedigo will apply for a Change of Use Permit and in the permit the number of  
30 bedrooms will be indicated as well as the intent to install a unit in the basement with a sewage ejector and  
31 then staff will approve the permit so that Mr. Pedigo is authorized to make those changes.

32  
33 Mr. Thorsland asked where the additional bedrooms can be added.

34  
35 Mr. Hall stated that proposed Special Condition B.b.(1) and (2) could be revised to include except as  
36 allowed by Special Condition E.

- 37 (1) **Reducing the number of rooms used as bedrooms in the existing first**  
38 **floor dwelling unit to no more than two bedrooms except as allowed in**

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1                                   **Special Condition E.**

2                                   (2)   **No more than two bedrooms shall be included in the proposed basement**  
3                                   **dwelling unit except as allowed in Special Condition E.**

4  
5 Mr. Thorsland asked Mr. Pedigo if he agreed with revised proposed Special Condition B.

6  
7 Mr. Pedigo stated that he agreed with proposed Special Condition B.

8  
9                   **C.     The only occupancy authorized in the basement unit shall be that of the owner.**

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

11                   **That the owner provides a livable space for both families.**

12  
13 Mr. Pedigo asked if the special condition means that he has to live at this location forever.

14  
15 Mr. Hall stated that these are only for the Board's consideration.

16  
17 Mr. Thorsland stated that he would be comfortable with removing proposed Special Condition C. and  
18 making proposed Special Condition D. new proposed Special Condition C. and proposed Special Condition  
19 E. new proposed Special Condition D.

20  
21 The Board agreed.

22  
23                   **C.     No additional structures may be constructed south of the existing garage.**

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

25                   **That the maximum possible lawn area will be available for the septic system.**

26  
27 Mr. Thorsland asked Mr. Pedigo if he agreed to proposed Special Condition C.

28  
29 Mr. Pedigo stated that he agreed to proposed Special Condition C.

30  
31                   **D.     The number of bedrooms allowed in the structure will be limited to four until such time**  
32                   **that the septic system is upgraded to meet the requirements of the Health Ordinance**  
33                   **for more bedrooms or is connected to sanitary sewer.**

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

35                   **To ensure that there is sufficient septic system capacity for the number of persons**  
36                   **living in the structure.**

37  
38 Mr. Randol asked Mr. Hall who regulates whether ingress and egress windows are installed in the basement

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1 for safety purposes. He said that if the Board is going to allow a bedroom in the basement he would like to  
2 be assured that ingress/egress windows is installed.

3  
4 Mr. Hall stated that he is sure this is something that is in fact part of the life safety code that the State Fire  
5 Marshal has adopted. He said that he has been told recently from the State's Attorney that the ZBA has very  
6 little discretion when it comes to insurance life safety because the only thing that the Board is here to do is to  
7 enforce the Zoning Ordinance. He said that the County has not adopted a building code and has not adopted  
8 a life safety code and for new houses in the State of Illinois there is a code and it is okay to use things like  
9 that in conditions but it is his understanding that it would be going too far to require something like  
10 ingress/egress windows. He said that it has been very frustrating recently working with the State's Attorney  
11 because they are trying to hold up the Constitution but constitutionally all we are ever enforcing in  
12 Champaign County is the Zoning Ordinance and requiring people install ingress/egress windows is going a  
13 step too far. He said that he would be happy to check with the State's Attorney if the Board feels that it is a  
14 relevant requirement.

15  
16 Mr. Randol asked Mr. Pedigo if has considered installing ingress/egress windows.

17  
18 Mr. Pedigo stated absolutely because he is also concerned about his family's safety.

19  
20 Mr. Randol stated that being involved in the fire protection district he is concerned with the safety aspect of  
21 a unit in the basement.

22  
23 Ms. Griest asked if the State's Attorney will have issues with proposed Special Condition B.b.(1) and (2)  
24 where the Board is specifying the number of bedrooms on each floor.

25  
26 Mr. Hall stated that he is always amazed that when he thinks that the State's Attorney should have the same  
27 opinion as he does but they don't but the Ordinance has text included which indicates that every new septic  
28 system has to meet the requirements of the private sewage disposal code and it is his view that limiting the  
29 number of bedrooms to what the septic system is designed for is okay.

30  
31 Ms. Griest stated that there could be three bedrooms on one level and one bedroom on the other or all four  
32 on one level.

33  
34 Mr. Hall stated that Ms. Griest is correct and it just depends upon what the market calls for except what is  
35 and is not considered a bedroom is very flexible and difficult to enforce. He said that the Board could  
36 choose to change proposed Special Condition B.b(1) and (2) to include only four bedrooms in total.

37  
38 Ms. Griest stated that she does not want the petitioner, staff or the Board to have difficulty down the road

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1 when there are new owners and they challenge that special condition. She said that she believes that the  
2 Board is within its boundaries to limit the number of bedrooms to the capacity of the septic system but  
3 justifying how they are configured within the structure may fall into the same category as specifying how the  
4 structure is modified with ingress/egress windows.

5  
6 Mr. Hall stated that staff drafted the proposed special conditions early in the public hearing process.

7  
8 Mr. Thorsland noted that the petitioner agreed to the special condition therefore they were comfortable with  
9 defining it. He said that Mr. Hall's point is that a den could be turned into a bedroom but who is going to  
10 check to see if this has occurred.

11  
12 Mr. Hall stated that in order for this to be enforceable then the Board does need something like this but in  
13 light of his previous comments if the Board is more comfortable in indicating four bedrooms in total then  
14 that is the Board's decision.

15  
16 Ms. Griest stated that she is more comfortable in stating four bedrooms in total. She said that four bedrooms  
17 in total would give staff complete enforcement security.

18  
19 Mr. Thorsland stated that B.b.(1) and (2) would be combined to indicate the following:

20 **(1) Reducing the number of rooms used as bedroom to four unless the septic system**  
21 **is modified to accommodate more.**

22  
23 Mr. Thorsland stated that original (3) will become new (2) under proposed special condition B.b.

24  
25 Mr. Thorsland asked Mr. Pedigo if he agreed to the revision.

26  
27 Mr. Pedigo stated that he agreed.

28  
29 Mr. Thorsland entertained a motion to approve the special conditions.

30  
31 **Ms. Lee moved, seconded by Mr. Randol to approve to special conditions. The motion carried by**  
32 **voice vote.**

33  
34 Mr. Hall stated that the following items should be added to the Documents of Record: #5. Supplemental  
35 Memorandum dated June 26, 2014, with attachments; and #6 Supplemental Memorandum dated August 7,  
36 2014, with attachments.

37  
38 **Findings of Fact for Case 779-S-14:**

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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, and August 14, 2014, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location because the residence was established prior to the 1973. The lots are unusually small due to the age of the community and this change of use adds value to the property.

**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 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 traffic capacity and the entrance location has ADEQUATE visibility.**

Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

**b. Emergency services availability is ADEQUATE.**

Mr. Randol stated that emergency services availability is ADEQUATE.

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

Mr. Thorsland stated that the Special Use WILL be compatible with adjacent uses.

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

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

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

Ms. Griest stated that public safety will be ADEQUATE.

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

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1  
2 Ms. Lee stated that the provisions for parking will be ADEQUATE because there is no change to parking  
3 required.

4  
5 **g. The property is BEST PRIME FARMLAND and property with the proposed**  
6 **improvement IS WELL SUITED OVERALL.**

7  
8 Mr. Thorsland stated that the property is BEST PRIME FARMLAND and the property with the proposed  
9 improvement IS WELL SUITED OVERALL.

10  
11 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
12 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious  
13 to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

14  
15 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
16 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**  
17 **DISTRICT in which it is located.**

18  
19 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
20 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which  
21 it is located.

22  
23 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
24 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**  
25 **which it is located because:**

26 **a. The Special Use will be designed to CONFORM to all relevant County**  
27 **ordinances and codes.**

28  
29 Ms. Lee stated that the Special Use will be designed to CONFORM to all relevant County ordinances and  
30 codes.

31  
32 **b. The Special Use WILL be compatible with adjacent uses.**

33  
34 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses.

35  
36 **c. Public safety will be ADEQUATE.**

37  
38 Ms. Griest stated that public safety will be ADEQUATE.

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Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

- 4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.**
  - a. The Special Use is authorized in the District.**
  - b. The requested Special Use Permit IS necessary for the public convenience at this location.**

Ms. Griest stated that the requested Special Use Permit IS 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 NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITONS IMPOSED HEREIN is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.**

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

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

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

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

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**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 made available for review by the Zoning Administrator. Failure to provide copies of maintenance reports when requested 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 single family home to a two-family home.**

**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 to four unless the septic system is modified to accommodate more.**
  - (2) 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. 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.**

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**D. The number of bedrooms allowed in the structure will be limited to four until such time that the septic system is upgraded to meet the requirements of the Health Ordinance for more bedrooms or is connected to sanitary sewer.**

The above special condition is required to ensure the following:

**To ensure that there is sufficient septic system capacity for the number of persons living in the structure.**

Mr. Hall stated that Finding of Fact #2 was formatted with the first of three Supplemental Memorandums regarding best prime farmland and the Finding of Fact that the Board had did not include the finding about whether the existing public services are or are not available to support the proposed special use effectively and safely without undue public expense.

**h. Existing public services are or are not available to support the proposed special use effectively and safely without undue public expense.**

Ms. Griest stated that existing public services ARE available to support the proposed special use effectively and safely without undue public expense.

Mr. Hall stated that the other finding that was not included is as follows: The only existing public infrastructure together with proposed improvements ARE/ARE NOT adequate to support the proposed development effectively and safely without undue public expense.

**i. The only existing public infrastructure together with proposed improvements ARE adequate to support the proposed development effectively and safely without undue public expense.**

Ms. Griest stated that the only existing public infrastructure, together with proposed improvements, ARE adequate to support the proposed development effectively and safely without undue public expense.

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. Lee to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the Final Determination for Case 779-S-14.

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1 Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 779-S-14. The  
2 motion carried by voice vote.

3  
4 Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at his discretion  
5 to either continue Case 779-S-14 until a full Board is present or request that the present Board move forward  
6 to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

7  
8 Mr. Pedigo requested that the present Board proceed to the Final Determination.

9

10 **Final Determination for Case 779-S-14:**

11

12 Ms. Griest moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals finds  
13 that, based upon the application, testimony, and other evidence received in this case, the requirements  
14 of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section  
15 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in  
16 Case 779-S-14 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant Keith Pedigo,  
17 to authorize the following as a Special Use in the R-2 District:

18 Authorize a Special Use Permit for the conversion of an existing single family residence to a  
19 two family residence in the R-2 Single Family Residence Zoning District that is also the subject  
20 of related Case 780-V-14, subject to the following special conditions:

21

22 A. The private sewage disposal system serving the Special Use Permit shall be  
23 maintained as necessary or as recommended by the County Health Department  
24 but maintenance shall occur on at least a triennial basis and all maintenance  
25 reports shall be made available for review by the Zoning Administrator.  
26 Failure to provide copies of maintenance reports when requested shall  
27 constitute a violation of this Special Use Permit approval and the Zoning  
28 Administrator shall refer the violation to the Champaign County State's  
29 Attorney for legal action.

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

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

33

34 B. All remodeling and changes necessary to make the existing dwelling into a two  
35 family dwelling shall be documented in a Change of Use Permit as follows:

36 a. The Change of Use Permit shall be applied for prior to making any  
37 changes.

38 b. The Change of Use Permit shall include the following requirements:

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- 1                                   (1)    **Reducing the number of rooms used as bedroom to four unless**
- 2   **the septic system is modified to accommodate more.**
- 3                                   (2)    **Installation of a sewage ejector shall be required for the basement**
- 4   **dwelling unit unless written documentation is submitted from a**
- 5   **Licensed Illinois Plumber or the State of Illinois Plumbing**
- 6   **Inspector Mr. Larry Luka (217-402-3334) or his successor, that**
- 7   **no sewage ejector is necessary to connect the basement dwelling**
- 8   **unit drains to the septic system.**
- 9                                   c.     **If a sewage ejector is installed for the basement dwelling unit the Zoning**
- 10   **Administrator shall not authorize a Zoning Compliance Certificate**
- 11   **unless there is documentation that the sewage ejector installation was**
- 12   **inspected by the State of Illinois Plumbing Inspector Mr. Larry Luka**
- 13   **(217-402-3334) or his successor.**
- 14                                   The special condition stated above is required to ensure the following:
- 15                                   **That there is sufficient septic system capacity.**
- 16
- 17                                   C.     **No additional structures may be constructed south of the existing garage.**
- 18   The special condition stated above is required to ensure the following:
- 19   **That the maximum possible lawn area will be available for the septic system.**
- 20
- 21
- 22                                   D.     **The number of bedrooms allowed in the structure will be limited to four until**
- 23   **such time that the septic system is upgraded to meet the requirements of the**
- 24   **Health Ordinance for more bedrooms or is connected to sanitary sewer.**
- 25   The above special condition is required to ensure the following:
- 26   **To ensure that there is sufficient septic system capacity for the number of**
- 27   **persons living in the structure.**

28  
29 Mr. Thorsland requested a roll call vote.

30			
31	<b>Griest-yes</b>	<b>Lee-yes</b>	<b>Randol-yes</b>
32	<b>Thorsland-yes</b>	<b>Miller-absent</b>	<b>Capel-absent</b>
33	<b>Passalacqua-absent</b>		

34  
35 Mr. Hall informed the petitioner that he has received an approval of his request. He said that staff will send  
36 out the appropriate paperwork as soon as possible but if the petitioner has any questions he should feel free  
37 to call the office.

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1 **6. New Public Hearing**

2  
3 **Case 783-V-14 Petitioner: Stephanie Amabeli Request: Authorize the following variance for a**  
4 **residential property in the AG-2 Agricultural Zoning District: (1) an existing dwelling with the**  
5 **following: (a) a front yard facing Karadan Street of 11 feet in lieu of the minimum required 25**  
6 **feet; and (b) a setback which falls within, in lieu of outside of, the visibility triangle established for**  
7 **corner lots defined as the area bounded by the street right-of-way lines of corner lots and a**  
8 **straight line joining points along said street right-of-way lines 50 feet from the nearest point of**  
9 **intersection; and (2) an existing detached residential accessory building with a front yard facing**  
10 **Karadan Street of 15 feet in lieu of the minimum required 25 feet; and (3) a proposed residential**  
11 **accessory building with a height of 18 feet 8 inches instead of the maximum required height of 15**  
12 **feet; and (4) a lot coverage of 27% instead of the maximum lot coverage of 25%. Location: A**  
13 **20,038 square feet lot in Mahomet Township located in the West Half of the South Half of the**  
14 **Southeast Quarter of the Northwest Quarter of Section 14 of Township 20North, Range 7 East of**  
15 **the Third Principal Meridian and commonly known as the residence located at 1505 Summit**  
16 **Ridge Road, Mahomet.**

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

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

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

32  
33 Ms. Stephanie Amabeli, who resides at 1505 Summit Ridge Road, Mahomet, stated that she has lived at  
34 the subject property for approximately 10 years. She said that three years ago she and her fiancé', Andy  
35 Myers, purchased a home with four acres just outside of Oakwood with the intent to build a building.  
36 She said that within the last six months Mr. Myers' son has decided to live with his father and Mr.  
37 Myers does not desire to relocate his son yet again and to keep him enrolled in the Mahomet school  
38 system. She said that they are requesting a variance for a building with a height of 18'. She said that she

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1 must apologize but she noticed that mistake regarding the height. She said that the average height is  
2 incorrect because her drawing indicates that the building is 12 feet 6 inches at the eave and 25' at the  
3 peak therefore making the average height 18 feet 8 inches.

4  
5 Ms. Lee stated that the drawing indicates 18 feet 8 inches.

6  
7 Ms. Amabeli stated that Ms. Lee was correct but the description of the variance in all of the  
8 memorandums only indicates 18 feet. She said that she wanted to make sure that the variance was for  
9 the correct height because her father left her a backhoe and in order to get the backhoe in the shed and an  
10 enclosed trailer they must have 14 foot walls to accommodate a 12 foot door for access. She said that  
11 during the process of the application for the variance it was discovered that the house did not meet the  
12 setback requirements nor does the garage or an existing garage and there is issue with the visibility  
13 triangle.

14  
15 Mr. Thorsland asked the Board if there were any questions for Ms. Amabeli.

16  
17 Mr. Randol asked Ms. Amabeli where the water main is located on the property.

18  
19 Ms. Amabeli stated that the water main runs down Summit Ridge Road and then is directed to the house.

20  
21 Mr. Randol asked if there was a water line that runs along the south side of the property that goes to the  
22 telephone building.

23  
24 Mr. Thorsland stated that Mr. Myers will have an opportunity to testify shortly to answer Mr. Randol's  
25 questions. He said that at this point does the Board have any further questions for Ms. Amabeli.

26  
27 Ms. Griest asked Ms. Amabeli where the septic field is located.

28  
29 Ms. Amabeli stated that the septic field is located off of Summit Ridge Road to the north. She said that  
30 there is no leach field because it is a multi-flo system which is connected to the sanitary.

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

34  
35 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Amabeli and there was no one.

36  
37 Mr. Thorsland called Andy Myers to testify.

38

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1 Mr. Andy Myers, who resides at 1505 Summit Ridge Road, Mahomet, stated that there is a utility  
2 easement on the south side of the property between their yard and the Helmick's yard. He said that the  
3 first 10 feet in the Helmick's yard is an easement that runs back to Verizon. He said that there is a small  
4 fire hydrant which is approximately 100 feet from the centerline of the road and there are two different  
5 water turn-ons and a main in the back area. He said that the water line which would control their home  
6 sits on the corner of Karadan and Summit Ridge Road.

7  
8 Mr. Randol stated that he is employed by Sangamon Valley Water District and he knew that there was a  
9 water main on the south side of the property but he did not remember the location of it in relation to the  
10 subject property. He asked Mr. Myers if the total easement is located on the subject property.

11  
12 Mr. Myers stated that the easement is not located on the subject property at all.

13  
14 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Myers and there  
15 were none.

16  
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Myers and there was no one.

18  
19 Ms. Griest asked Mr. Hall that since the lot is not square, as indicated on the Annotated Site Plan, the  
20 variance amounts are from the point of the proposed construction or existing construction that is closest  
21 to the property line and not where the red lines are drawn.

22  
23 Mr. Hall stated yes.

24  
25 Ms. Lee asked Mr. Hall if there is an issue with the variance request actually being 18 feet 8 inches in  
26 lieu of the 18 feet.

27  
28 Mr. Hall stated that the only problem that he has is that he wishes staff would had noticed this error  
29 before the case was advertised but he does not believe that it is a material difference because to a  
30 neighbor it doesn't matter whether the building is 18 feet or 18 feet 8 inches or even 19 feet the way that  
31 the average is measured this is close enough. He said that if the height was off by a matter of five or ten  
32 feet then that would be a noticeable difference therefore he is comfortable with the Board taking action.

33  
34 Ms. Griest asked Mr. Hall if the 15 foot average height requirement was established when the Ordinance  
35 was originally adopted in 1973 and has not been updated to accommodate the larger equipment and  
36 structures that exist today.

37  
38 Mr. Hall stated that Ms. Griest was correct.

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Ms. Griest asked Mr. Hall if the Board could look into modifying that requirement as a text amendment in the future because this is not an uncommon request.

Mr. Hall stated that he would be concerned about proposing an increase in the average height because it depends upon where the property is located and sometimes a big reaction could be received by the neighbors and sometimes no reaction will be received. He noted that the 15 foot average height is only for lots which are less than one acre in size.

Ms. Griest stated that she obviously overlooked the 15 foot average height on lots less than one acre.

Mr. Randol asked if staff has received any comments from the neighbors regarding the requested variance.

Mr. Hall stated no.

Mr. Randol asked Mr. Myers if they have spoken with any of the neighbors about the requested variances.

Mr. Myers stated that they have discussed the variance with the neighbors and they have a letter of support indicating that the neighbors have no opposition to the proposed storage shed and landscaping. He submitted the signed letter as a Document of Record.

Mr. Randol asked Mr. Myers if there will be any additional lighting added to the property.

Mr. Myers stated that there will be a light for the concrete area will be in the front of the building which will be the playing of basketball.

Mr. Thorsland stated that the Board enjoys letters of support because it eliminates the need for staff to become involved in neighborhood disagreements.

Ms. Griest asked Mr. Hall if staff measured the property or these variances.

Mr. Hall stated no.

Ms. Griest asked the petitioners if they found the property pins because the penciled drawing indicates that the property lines are parallel with the house but the GIS aerial on the annotated site plan indicates that the property line is angled to the house which could make the variance greater. She said that she has

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1 no difficulty with the variance but she does not want the petitioner to have to come back twice because  
2 they did not measure properly.

3  
4 Mr. Myers stated that the measurements on the penciled drawing came off of the GIS website.

5  
6 Ms. Griest stated that this is fine for the existing structure but what about the addition.

7  
8 Mr. Myers stated that all of the measurements came from the GIS aerial.

9  
10 Mr. Hall stated that he is very comfortable with the provided measurements and there is no way that we  
11 could be as accurate in the field because it does not happen.

12  
13 Ms. Griest stated that if Mr. Hall is comfortable with the provided measurements then she is comfortable  
14 with the measurements.

15  
16 **Findings of Fact for Case 783-V-14:**

17  
18 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
19 case 783-V-14 held on August 14, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 20  
21 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
22 **structure involved, which are not applicable to other similarly situated land and**  
23 **structures elsewhere in the same district.**

24  
25 Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land  
26 or structure involved, which are not applicable to other similarly situated land and structures elsewhere  
27 in the same district because the lot is an odd shaped corner lot which was created prior to the adoption of  
28 zoning.

29  
30 Mr. Hall noted that there are four different parts to the requested variance and it is up to the Board  
31 whether they want to make sure that they tailor each finding to each part.

- 32  
33 **2. Practical difficulties or hardships created by carrying out the strict letter of the**  
34 **regulations sought to be varied WILL prevent reasonable or otherwise permitted**  
35 **use of the land or structure or construction.**

36  
37 Mr. Randol stated that practical difficulties or hardships created by carrying out the strict letter of the  
38 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or

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1 structure or construction because of the irregular layout of the lot. He said that an 8 foot door will not  
2 allow for the storage of construction equipment which is the purpose of the building.

3  
4 Mr. Thorsland stated that the height requirement is necessary to provide for adequate door height for  
5 modern equipment.

6  
7 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**  
8 **result from actions of the applicant.**

9  
10 Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO  
11 NOT result from actions of the applicant because the odd shaped lot was created prior to the adoption of  
12 zoning in 1973 and it is a corner lot.

13  
14 Ms. Griest stated that the house was built prior to 1973 which encroached upon the visibility triangle and  
15 did not meet the minimum setbacks in the original construction.

16  
17 **4. The requested variance IS in harmony with the general purpose and intent of the**  
18 **Ordinance.**

19  
20 Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of  
21 the Ordinance because it allows for efficient use of the L-shaped lot while maintaining allowances for  
22 public safety, visibility and airflow.

23  
24 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**  
25 **detrimental to the public health, safety, or welfare.**

26  
27 Mr. Thorsland stated that the requested variance WILL NOT be injurious to the neighborhood or  
28 otherwise detrimental to the public health, safety or welfare because the fire protection district and the  
29 township highway commissioner have been notified and no comments have been received. He said that  
30 the visibility triangle variance is minimal on a street with only three other homes.

31  
32 **6. The requested variance IS the minimum variation that will make possible the**  
33 **reasonable use of the land/structure.**

34  
35 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the  
36 reasonable use of the land/structure.

37  
38 **7. No special conditions are hereby imposed.**

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1  
 2 Mr. Thorsland stated that a new item #4 should be added to the Documents of Record as follows: #4.  
 3 Letter of Support for neighbors, submitted by Andy Myers at the August 14, 2014, public hearing.

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

7  
 8 **Ms. Lee moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**  
 9 **Record and Findings of Fact as amended. The motion carried by voice vote.**

10  
 11 Mr. Thorsland entertained a motion to move to the Final Determination for Case 783-V-14.

12  
 13 **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 783-V-14.**  
 14 **The motion carried by voice vote.**

15  
 16 Mr. Thorsland informed the petitioner that three Board members were absent therefore it is at her discretion  
 17 to either continue Case 783-V-14 until a full Board is present or request that the present Board move forward  
 18 to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

19  
 20 Ms. Amabeli requested that the present Board proceed to the Final Determination.

21  
 22 **Final Determination for Case 783-V-14:**

23  
 24 **Ms. Griest moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals**  
 25 **finds that, based upon the application, testimony, and other evidence received in this case, that the**  
 26 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**  
 27 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**  
 28 **Appeals of Champaign County determines that the Variance requested in Case 783-V-14 is hereby**  
 29 **GRANTED to the petitioner Stephanie Amabeli to authorize the following variances in the AG-2**  
 30 **Agriculture Zoning District:**

- 31 **Part 1. An existing dwelling with the following:**  
 32 **(a) a front yard facing Karadan Street of 11 feet in lieu of the minimum**  
 33 **required 25 feet; and**  
 34 **(b) a setback which falls within, in lieu of outside of, the visibility triangle**  
 35 **established for corner lots defined as the area bounded by the street**  
 36 **right-of-way lines of corner lots and a straight line joining points**  
 37 **along said street right-of-way lines 50 feet from the nearest point of**  
 38 **intersection; and**

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- 1           **Part 2.**       **An existing detached residential accessory building with a front yard facing**
- 2                           **Karadan Street of 15 feet in lieu of the minimum required 25 feet; and**
- 3           **Part 3.**       **A proposed residential accessory building with a height of 18 feet 8 inches**
- 4                           **instead of the maximum required height of 15 feet; and**
- 5           **Part 4.**       **A lot coverage of 27% instead of the maximum lot coverage of 25%.**

6  
7 Mr. Thorsland requested a roll call vote.

8			
9	<b>Griest-yes</b>	<b>Lee-yes</b>	<b>Randol-yes</b>
10	<b>Thorsland-yes</b>	<b>Miller-absent</b>	<b>Capel-absent</b>
11	<b>Passalacqua-absent</b>		

12  
13 Mr. Hall informed the petitioner that he has received an approval of her request. He said that staff will send  
14 out the appropriate paperwork as soon as possible but if the petitioner has any questions she should feel free  
15 to call the office.

16  
17 **7. Staff Report**

18  
19 None

20  
21 **8. Other Business**

22 **A. Review of Docket**

23  
24 Mr. Thorsland noted that the August 28<sup>th</sup> meeting has two cases from tonight for final determination.

25  
26 Mr. Hall asked the Board if they would like to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.

27  
28 Mr. Randol stated that it would be a good idea because the two continued cases from tonight could be  
29 taken care of during that extra half hour.

30  
31 Mr. Thorsland entertained a motion to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.

32  
33 **Ms. Lee moved, seconded by Mr. Randol to change the meeting time on August 28<sup>th</sup> to 6:30 p.m.**  
34 **The motion carried by voice vote.**

35  
36 Mr. Hall stated that he submitted a request to the County Board to re-evaluate the Associate Planner  
37 position. He said that it is pretty easy to demonstrate that the Associate Planner in our department needs  
38 comparable skills and knowledge to meet the Planner II position in the Regional Planning Commission.

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1 He said that currently the way that the RPC has their Planner II position set up is that the beginning pay  
2 range for the Planner II is the mid-point for our Associate Planner. He said that mid-point is generally  
3 the highest that the County is ever willing to pay therefore somehow those two things have gotten out of  
4 sync therefore when Mr. Kass resigned Mr. Hall made it his goal to have the position re-evaluated. He  
5 said that at their last meeting the County Board voted to approve the re-evaluation request so hopefully  
6 we will be recruiting for a new Associate Planner at the end of this year with a somewhat higher salary  
7 range. He said that since 1990 the Department of Planning and Zoning has replaced the Associate  
8 Planner, on average, once every 3.3 years. He said that Mr. Kass was here two years and even as good as  
9 Mr. Kass was and as much as he knew coming in he was still learning when he left and staff was still  
10 teaching therefore replacing that position every three years is a tremendous drain on the department. He  
11 said that he is hopeful that we may be in the position to get someone who is inclined to stay longer. He  
12 said that he would be happy with the same skills and education that Mr. Kass brought to the position  
13 because most Associate Planners do have Master Degrees and getting re-evaluated will not prevent us  
14 from hiring someone with just an undergraduate degree but if someone does apply with a Master's  
15 Degree and three years of experience the County will be in a more competitive salary range.

16  
17 Mr. Hall stated that he will predict that by the end of the year we are going to end up with a bunch of  
18 cases. He said that we have received one new case and he is discussing two possible cases with  
19 someone tomorrow. He said that we know that there are three or four cases waiting to be submitted  
20 therefore the Board will probably end up this year being on par with last year even though only a few  
21 weeks ago it appeared that it was going to be a slower year. He said that permitting has been up this year  
22 and there is a lot of stuff going on in the County and there is a lot of enforcement activity going on  
23 which is good and bad. He said that it is a very busy time in the office.

24  
25 Mr. Lee asked if the meetings should begin starting at 6:30 p.m.

26  
27 Mr. Thorsland stated that when the time change occurs the meeting time will revert back to 6:30 p.m.  
28 He said that as Mr. Randol stated the extra half hour on August 28<sup>th</sup> will allow the Board to finalize the  
29 two continued cases from tonight and was partially necessary due to the continued absence of Mr.  
30 Miller.

31  
32 **9. Audience Participation with respect to matters other than cases pending before the Board**

33  
34 None

35  
36 **10. Adjournment**

37  
38 Mr. Thorsland entertained a motion to adjourn the meeting.

ZBA

*AS APPROVED SEPTEMBER 11, 2014*

8/14/14

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

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5 The meeting adjourned at 9:28 p.m.

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9 Respectfully submitted

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14 Secretary of Zoning Board of Appeals

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