

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: August 28, 2014
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

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

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

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

AGENDA

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

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

NOTE MEETING TIME: 6:30 p.m.

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

Case 771-AM-13 & 772-S-13 Petitioner: **Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc.**

Case 771-AM-13 Request: **Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in related zoning Case 772-S-13, described below, on the subject property described below.**

***Case 772-S-13** Request: **On the subject property described below, authorize the following as a Special Use in the B-4 General Business Zoning District:**

Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97; and
- (2) a Landscaping and Maintenance Contractor's Facility with outdoor storage as proposed in Part B.

Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor Facility.

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Cases 771-AM-13 and 772-S-13 cont:

Location: **An 11.8 acre tract of land in the North Half of the Northwest Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of farmland.**

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

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

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

6. **New Public Hearings**

***Case 784-V-14** Petitioner: **Jerry O. and Barbara J. Kalk**

Request: **Authorize the following in the AG-1 Agriculture Zoning District:
Part A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%;
Part B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of the minimum required 10 feet.**

Location: **A 1/4 acre tract in Ogden Township in the West Half of the Northwest Quarter of the Northeast Quarter of Section 17 of Township 19N, Range 14E of the Second Principal Meridian and commonly known as the home at 1592 CR 2650E, Ogden.**

***Case 785-V-14** Petitioner: **Jarrett Clem and Kirsten Fantom, DVM**

Request: **Authorize the creation and use of a lot that is 9.23 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13 in Section 5.3 in the AG- Agriculture Zoning District.**

Location: **A proposed 9.23 acre tract in Compromise Township in the South Half of the Northwest Quarter of the Southeast Quarter of Section 34 of Township 21N, Range 10E of the Third Principal Meridian and commonly known as the farmstead located at 2429 CR 2200E, St. Joseph, and adjacent farmland.**

7. **Staff Report**

8. **Other Business**
A. **Review of Docket**

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

10. **Adjournment**

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

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

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***August 28, 2014***

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

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

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearings conducted on **June 26, 2014; August 14, 2014; August 28, 2014**, for case 778-S-14, the Zoning Board of Appeals of Champaign County finds that:

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

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

GENERALLY REGARDING THE PROPOSED SPECIAL USE

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

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

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

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

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

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

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

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

*Evidence for Case # 610-S-08

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

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

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

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

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

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

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- ** (4) The Special Use Permit in Case 610-S-08 shall expire upon the failure of the private sewage disposal system serving the business and the petitioner is obligated to notify the Zoning Administrator in the event of such failure.

- ** (m) The Special Use Permit authorized in Case 610-S-08 shall be served by a new wastewater disposal system as follows:
 - ** (1) A new private sewage disposal system with subsurface discharge to serve the Special Use Permit activities shall be constructed in general conformance with the approved site plan and subject to approval by the Champaign County Health Department including any special conditions imposed thereby and all Special Use Permit activities must be disconnected from the existing private sewage disposal system as follows:
 - ** (a) A complete application for the new private sewage disposal system shall be submitted with fees to the Champaign County Health Department not later than November 12, 2008, and a duplicate of said application shall be submitted to the Zoning Administrator not later than November 12, 2008; and

 - ** (b) The new private sewage disposal system shall be inspected by both the County Health Department and the Zoning Administrator prior to being covered with soil and both inspections shall verify that the Special Use Permit activities have been disconnected from the existing residential private sewage disposal system; and

 - ** (c) The new private sewage disposal system shall be operational by January 5, 2009, unless weather causes unavoidable delay in which case the applicant shall notify the Zoning Administrator and the new system shall be operational as soon as weather allows; and

 - ** (d) Failure to meet any of the application or approval deadlines will constitute a violation of this Special Use Permit approval and the Zoning Administrator shall immediately refer the violation to the Champaign County State's Attorney for legal action.

 - ** (2) The new private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least an annual basis and all maintenance reports shall be filed with both

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

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

******(a) The owner is obligated to provide notice of the failed system to both the Zoning Administrator and the County Health Department as soon as failure is suspected; and

******(b) The Zoning Administrator and the County Health Department in consultation or individually may make a determination that the private sewage disposal system serving the Special Use Permit has failed and the owner shall provide necessary access to the private sewage disposal system for the purpose of necessary inspections pursuant to such a determination; and

******(c) Provided that all necessary permits are received from the County Health Department, repairs that can result in lawful ongoing use of the private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and

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

******(n) There shall be no burning or burial of carcass parts on the subject property.

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

- P. The Petitioners applied for a Change of Use Permit on December 17, 2008 to establish a Major Rural Specialty Business, River Bend Wild Game & Sausage Company. Permit # 352-08-01 was approved on December 30, 2008 with the following conditions:
- (1) The Change of Use Permit authorizes the establishment of a Major Rural Specialty Business but does not authorize any new construction.
 - (2) All operations and structures must conform to the special conditions of approval and the approved site plan for Cases 610-S-08 and 616-V-08.
 - (3) Additional Zoning Use Permits shall be required for construction of the proposed storage building and the construction of the proposed cooler expansion.
 - (4) A Zoning Compliance inspection shall occur no later than 01/05/2009, to verify conformance with the follow special conditions of approval of Case 610-S-08:
 - (a) As required by Condition c(3): A sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” shall be conspicuously displayed in the public areas of the Special Use Permit.
 - (b) As required by Condition h(2): The Zoning Administrator shall verify the operation of the Enviro-Pak “Enviro-Kleen” Air Treatment System in a compliance inspection no later than January 5, 2009.
 - (c) As required by Condition m(1)(b): The new private sewage disposal system shall be inspected by both the County Health Department and the Zoning

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

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

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

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

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

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

- C. Regarding whether the proposed use is better provided in a rural area:
- (1) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - (2) The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (3) The existing conditional Special Use Permit has existed since November 13, 2008.

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

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

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

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

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

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

property for customers, not including vehicles that may queue in the existing driveway.

- *(g) The Township Road Commissioner has been notified of this case, and the Petitioner has contacted him regarding the possibility of an additional driveway entrance to the subject property. John Chestnut, Sidney Township Road Commissioner, in a phone conversation with J.R. Knight, Associate Planner, on May 12, 2008, indicated that he had no concerns with the proposed Special Use and could work with the petitioners if an additional driveway entrance was necessary.
- (2) The following transportation related changes have been made to the property since Special Use Permit 610-S-08 was approved on November 13, 2008:
- (a) A gravel driveway was installed as per attached site plan received by the Zoning office on March 31, 2014. Petitioners states that this gravel driveway in addition to the existing asphalt driveway has proven to be sufficient to prevent the parking or queuing of vehicles on the public right of way of CR 2400 E or on nearby properties.
 - (b) No parking is allowed on the existing or reserve septic leach field.
 - (c) An 8 ft. tall wooden fence was erected along the north property, extending from the east end of the existing 6 ft. high wooden fence toward the road to screen the adjacent property to the north from parking and queuing areas.
 - (d) The Department of Zoning has received no complaints regarding traffic.
- *G. Regarding fire protection of the subject property, the following evidence is from the previous zoning case on the subject property, case 610-S-08: the subject property is within the protection area of the Sidney Fire Department and is located approximately five road miles from the fire station. The Village Fire Chief has been notified of this request, but no comments have been received at this time.
- *H. Regarding Special Flood Hazard Areas, the following evidence is from the previous zoning case on the subject property, case 610-S-08: The subject property is partially located within a Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel No. 1708940225B.
- *I. There is no information on the current site plan regarding outdoor lighting for any purpose. According to the hours of operation and the times of the year when the proposed use receives most of its business some outdoor lighting near the business building would appear to be necessary.
- J. Regarding wastewater treatment and disposal on the subject property:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*N. Jim and LaVerna Harper, 1173 CR 2400E, in a letter received on June 30, 2008, indicated the following:

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

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

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

- * (8) Mr. Stites' negligence at leaving open barrels of meat and bones outside shows a total disregard for the health and well being of the neighborhood.
 - * (9) They have many questions regarding how the proposed SUP will be operated and how special conditions will be enforced.
 - * (10) They request that the proposed date for expiration of the SUP remain April 11, 2011.
 - * (11) They also request that the septic system for the proposed SUP be checked before each deer butchering season and at the mid-season point as well. If any deficiencies are found they request that the proposed SUP be shut down on that day.
 - * (12) They request that the Zoning Administrator periodically check the proposed the SUP for compliance with the proposed conditions.
- N. Regarding odor generated by the proposed Special Use Permit:
- (1) Regarding odor generated by the proposed use, the following evidence is from the previous zoning case on the subject property, case 610-S-08:
 - * (a) Complaints about the existing business have been received from one adjacent property owner and have included the following regarding odor:
 - * (1) They have a strong odor of animal blood and parts at times.
 - * (2) They also have days when the strong odor of the sausage operation of smoking covers our outdoor living space.
 - * (3) During the butchering part of the year they have many dogs and wild animals burying deer and other animal parts on their property.
 - * (4) They are unable to fully enjoy their outdoor activities with this butchering and sausage smoking operation next door. It is difficult to think about much else when the strong smell of death is upon us.
 - * (5) They have noticed a raw, metallic blood-like smell near their property line.
 - * (b) During a drive by inspection on Tuesday, November 20, 2007, that was in response to a complaint, the Zoning Administrator found that a rendering truck was on the property and emptying bone barrels. Copies of photographs of the bone barrels were included with the Preliminary Memorandum. Approximately 50 open barrels containing bones and other remnants of deer carcasses were being emptied into the truck. After more than an hour of emptying the truck was full and not all barrels had been emptied. The Zoning Administrator verified that a detectable odor from the bone barrels was present on adjacent property.

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

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

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

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

N. Regarding the effect on property values:

- (1) Regarding effect on property values, the following evidence is from the previous zoning case on the subject property, case 610-S-08:

- *(a) A letter of opposition was received on November 12, 2008, from Dennis Wandell and Lucy Whalley, neighbors to the subject property, in which they assert that the proposed Special Use Permit will devalue their property.
- *(b) No evidence is provided to support the assertion of Dennis Wandell and Lucy Whalley.
- *(c) Provided that the proposed Special Use Permit meets the criteria in the *Zoning Ordinance*, the Ordinance already provides for a property value effect.

- (2) Regarding effect on property values, no additional evidence has been submitted since the Special Use Permit for Case 610-S-08 was approved on November 13, 2008.

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

- (1) Regarding storage of deer carcasses, the following evidence is from the previous zoning case on the subject property, case 610-S-08:

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

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

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

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

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

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

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

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

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

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

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

- * (f) At the August 14, 2008, public hearing Phil Van Ness, attorney representing neighbors of the subject property, testified that one of the letters received from a neighbor stated that sometimes trucks are strung along 2400E for a distance of a quarter of a mile. He said that he did some math and looked up the length of a Ford F150 and added ten feet to give adequate room to separate themselves from the next vehicle and came up with 48 trucks.
 - * (g) At the August 14, 2008, public hearing Dennis Wandell, neighbor to the subject property, testified that he wonders if the parking would be adequate.
 - * (h) Staff completed a Parking Analysis for the subject property based on the proposed site plan and an aerial photograph of the subject property on October 24, 2008. The analysis indicated that as many as five employee spaces and 33 customer parking spaces could be accommodated based on the proposed site plan. It also indicated that 11 spaces could be accommodated if the fruit trees north of the driveway were trimmed to allow for customer parking for a total of 44 spaces.
 - * (i) On November 13, 2008, the petitioners provided their own parking analysis that indicated there would be 38 parking spaces available on the subject property for customers, not including any vehicles that may queue in the existing driveway.
- * (4) Regarding compliance with standard conditions of approval for Major Rural Specialty Businesses indicated in Section 6.1.3, as follows:
- * (a) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 square feet.

A waiver of this standard condition does not appear to be necessary because the only building area that might be considered DISPLAY area is the lobby of the business building and that is only 350 square feet.

- * (b) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than five consecutive or non-consecutive days in any three-month period and only if a Recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.

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

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

A waiver of this standard condition does not appear to be necessary because there is no land in any R districts within 500 feet of the subject property.

- * (d) Businesses located in the CR, AG-1, or AG-2 Districts shall not access streets located within a recorded subdivision.

A waiver of this standard condition is not necessary because the subject property accesses a Township Highway.

- * (e) Alcoholic beverages not produced on the premises shall not be sold.

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

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

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

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

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

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

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

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

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

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

The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- (a) The property has had Conservation-Recreation zoning since the Zoning Ordinance was adopted on October 10, 1973.

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

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

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

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

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

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

- (a) The property has had Conservation-Recreation zoning since the Zoning Ordinance was adopted on October 10, 1973.
- (b) The proposed use will not take any land out of production.
- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is maximum noise shielding for neighboring residences.

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

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

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

- (c) **Provided that all necessary permits are received from the County Health Department, repairs that can result in lawful ongoing use of the private sewage disposal system with subsurface discharge may be made subject to approval by the Champaign County Health Department including any special conditions imposed thereby and provided that the Zoning Administrator is provided copies of all applications and approvals and is allowed to conduct inspections; and**
- (d) **In the event of failure of the Special Use Permit private sewage disposal system that cannot be repaired or in the event of unresponsiveness by the owner in repairing a failed system, the Zoning Administrator shall provide written notice to the owner that the Special Use Permit is void and there shall be no more Special Use Permit activities conducted. However, any deer carcasses that are onsite at the time of failure may be dressed subject to any necessary conditions that may be imposed by either the County Health Department or the Zoning Administrator.**

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

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

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

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

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

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

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

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

- M. **The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:**
 - (1) **The revised site plan received on March 31, 2014**

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

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

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

N. Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system):

- (1) The Petitioner shall follow the manufacturer’s recommended maintenance for the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system); and
- (2) The Petitioner shall keep a written log of all maintenance performed on the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system); 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 ~~hunting~~ annual 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 air treatment system) 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.

DOCUMENTS OF RECORD

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

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

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

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

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

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

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

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

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

- 54. Supplemental Memorandum for Case 778-S-14 dated June 26, 2014, with attachment:
 - A Final Determination including Special Conditions from Case 610-S-08
- 55. Excerpt of Approved Finding of Fact for Case 6190-S-08 (handout at 6/26/14 public hearing)
- 56. Log of Concerns submitted by Dennis Wandell at 7/26/14 public hearing
- 57. Supplemental Memorandum for Case 778-S-14 dated August 7, 2014, with attachments:
 - A Excerpt of Approved Minutes for Case 778-S-14 from the June 26, 2014, public hearing (included separately)
 - B Photos of exterior lights taken August 7, 2014
 - C RAB Lighting Product Data Sheet for Model # WPLED26
 - D RAB Lighting Accessory Product Data for Model # SWIVEL30
 - E Special Conditions A through M listed in Summary of Evidence for June 26, 2014 ZBA meeting
- 58. Notes regarding dates in Log of Concerns submitted by petitioner Chuck Stites at 8/14/14 public hearing

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 778-S-14 held on **June 26, 2014; August 14, 2014; and August 28, 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 because the proposed use is the only one of its kind in the County and is centrally located to the customer base. They are the only business of this size that does this level of processing. The business has grown due to the expansion of hunting season and the increase in deer population; and the proposed use is located in the area where deer hunting takes place.
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.
 - b. Emergency services availability is **ADEQUATE**.
 - c. The Special Use **WILL** be compatible with adjacent uses.
 - d. Surface and subsurface drainage will be **ADEQUATE**.
 - e. Public safety will be **ADEQUATE**.
 - f. The provisions for parking will be **ADEQUATE**.
- 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.
- 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.
 - b. The Special Use **WILL** be compatible with adjacent uses.
 - c. Public safety will be **ADEQUATE**.
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 because:
 - a. The Special Use is authorized in the District.
 - b. 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.

- 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.

5. The requested 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:**

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

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

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

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

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

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

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

- C. **The following condition shall apply until such time that the petitioner is regulated by and has a license authorized by the Illinois Department of Agriculture:**
- (1) **the phrases “custom wild game processor” and “custom wild game processing” and the words “custom processor” and “custom processing” shall not be used in any advertising or description of services provided by the petitioner about the proposed special use; and**
 - (2) **The petitioner shall conspicuously display a sign stating “NO SALES OF WILD GAME PRODUCTS PERMITTED” in the public areas of the proposed special use and provide photographic proof of the sign’s installation within 30 days of the Special Use Permit approval.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) **No bone barrels shall be stored within 30 feet of any property line, except if stored within the walk-in cooler.**
- (2) **No bone barrels shall be emptied within 70 feet of any property line.**

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

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

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

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

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

There is maximum noise shielding for neighboring residences.

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

- (1) A private sewage disposal system with subsurface discharge serving the Special Use Permit activities shall be in general conformance with the approved site plan.
- (2) The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be filed with made available for review (upon request) by the Zoning Administrator. Failure to provide copies of

maintenance reports or maintenance receipts every three years when requested by the Zoning Administrator shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.

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

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

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

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

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

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

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

- M. **The approved site plan for Case 778-S-14 shall consist of the following Documents of Record:**
- (1) The revised site plan received on March 31, 2014**
 - (2) The floor plan of the business building received on May 5, 2008**
 - (3) The revised floor plan of the proposed storage building received on October 12, 2008**
 - (4) The elevation of the proposed storage building received on October 1, 2008**
 - (5) The elevation of the front view of the business building received on October 12, 2008**

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

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

- N. **Regarding required maintenance on the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system):**

- (1) The Petitioner shall follow the manufacturer’s recommended maintenance for the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system); and**
- (2) The Petitioner shall keep a written log of all maintenance performed on the Enviro-Pak “Enviro-Kleen” Air Treatment System (or equivalent air treatment system); 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 ~~hunting~~ annual 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 air treatment system) 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.

FINAL DETERMINATION

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

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

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

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign County
Department of

**PLANNING &
ZONING**

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

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

CASE NO. 784-V-14

PRELIMINARY MEMORANDUM
August 22, 2014

Petitioners: Jerry and Barbara Kalk

Request: Authorize the following variances in the AG-1 Agriculture Zoning District on the subject property described below, in order to construct a sunroom addition:

PART A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20% required by section 5.3 Schedule of Area, Height and Placement Regulations by District Table.

PART B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of the minimum required 10 feet by section 7.2.1.C

Subject Property: A $\frac{1}{4}$ acre tract in Ogden Township in the West Half of the Northwest Quarter of the Northeast Quarter of Section 17 of Township 19N Range 14 E of the second Principle Meridian and commonly known as the home at 1592 County Road 2650 E, Ogden.

Site Area: 0.25 acres gross

Time Schedule for Development: As Soon as Possible

Prepared by: **Gabrielle Mattingly**
Planning Intern

John Hall
Zoning Administrator

BACKGROUND

The petitioner's request a variance to authorize the construction of an addition to their existing home located west of Ogden. The proposed addition is a sunroom to be located in the rear yard of the subject property. The subject property was purchased in 1963 prior to the adoption of zoning. The acreage of the lot equals 0.25 of an acre in area. The Zoning Ordinance limits lot coverage on AG-1 property to 20%. With the addition as well as the existing buildings on the property, the lot coverage minimum of 20% will be exceeded by 1.7%. The petitioner is also requesting variances to authorize the location of two accessory buildings located too close to the rear property line.

READVERTISEMENT FOR MISSING PARTS OF THE VARIANCE BUT NO DELAY

The legal advertisement for this case did not include the nonconforming dwelling (nonconforming due to the north side yard) or the nonconforming garage (nonconforming due to the south side yard). A previous variance granted for the dwelling in Case 371-V-80 also did not include either of these nonconformities. And as required by Section 8.3.2 of the *Zoning Ordinance*, the petitioners could not rebuild either the dwelling or garage in these existing locations if either were damaged by any means to an extent of more than 50% of the replacement cost at the time of destruction, without an additional variance.

With the agreement of both the Board and the petitioners, staff proposes to advertise those required Parts as a “readvertisement” including only new Parts C and D for the public hearing on September 25, 2014, which will allow the Board to take action on Parts A and B as soon as possible (perhaps on August 28) and thereby allow construction of the proposed addition (assuming the Part A is approved) as soon as possible.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Ogden. Municipalities do not have protest rights in variance cases and are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Famland	AG-1 Agriculture
West	Residential	AG-1 Agriculture
South	Single Family Residence	AG-1 Agriculture

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 23, 2014
- C Annotated Site Plan
- D Preliminary Summary of Evidence, Finding of Fact, and Final Determination

Location Map

Case 784-V-14

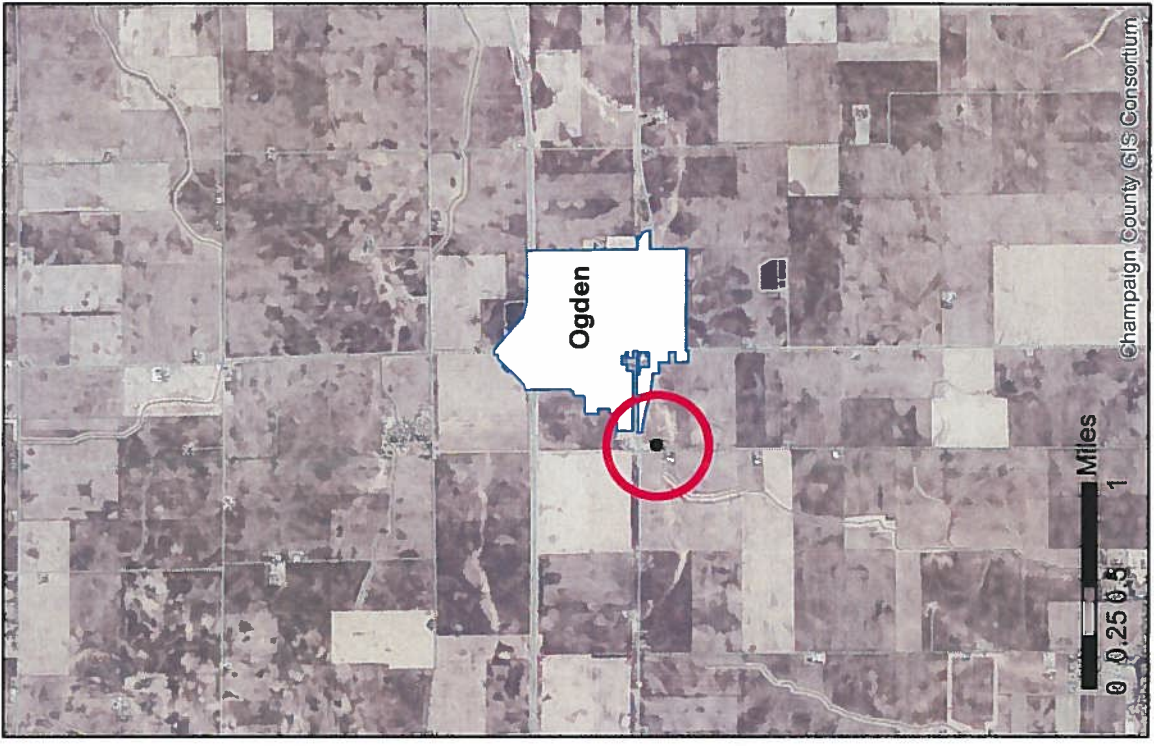
August 14, 2014

Subject Property



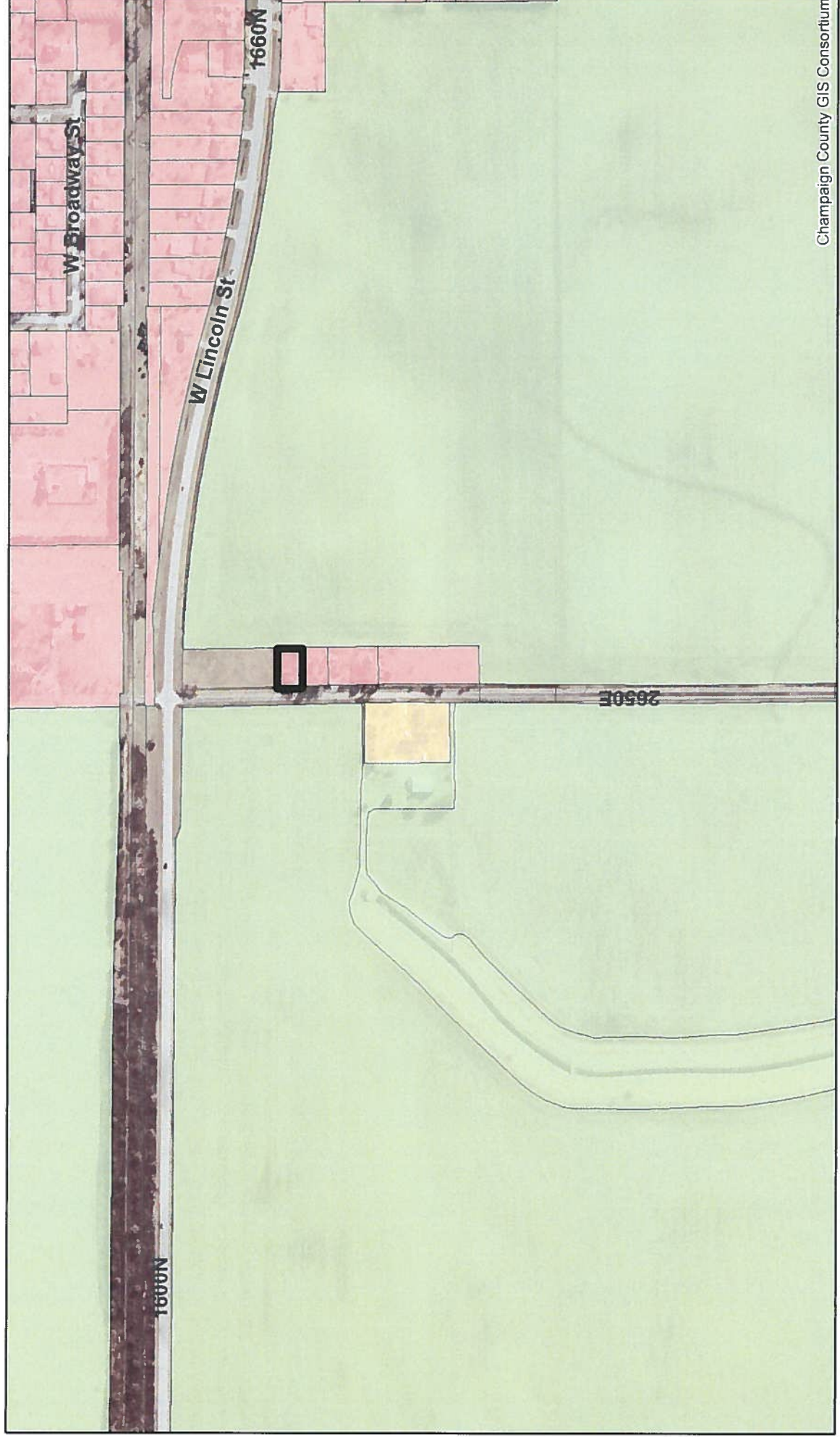
- Legend**
-  Subject Property
 -  Parcels

Property location in Champaign County



Land Use Map

Case 784-V-14
August 19, 2014



Champaign County GIS Consortium

Legend

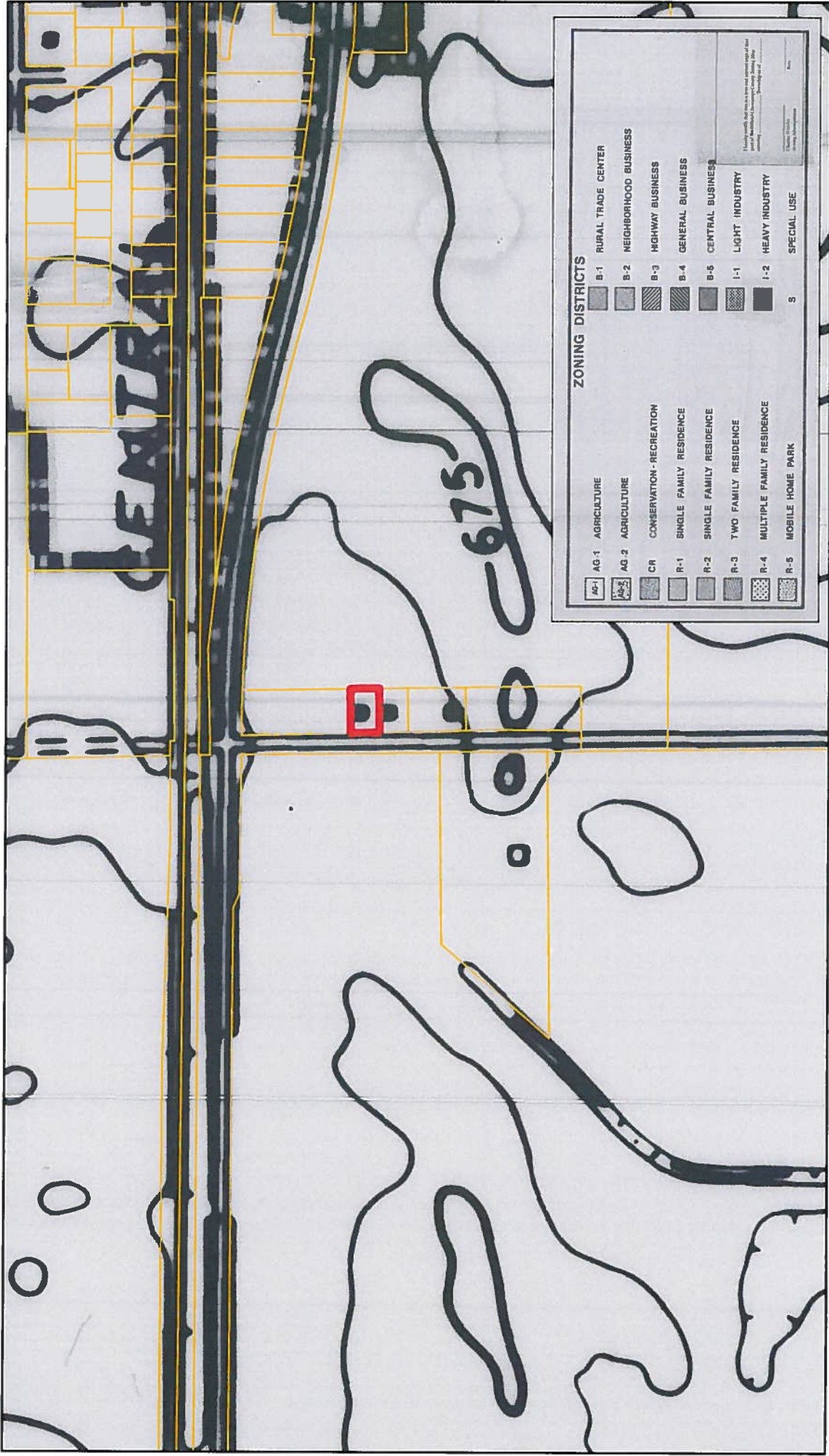
-  Subject Property
-  Homesite
-  Agriculture
-  SF Residential



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 784-V-14
August 28, 2014



Legend

 Subject Property

0 100 200 400 Feet

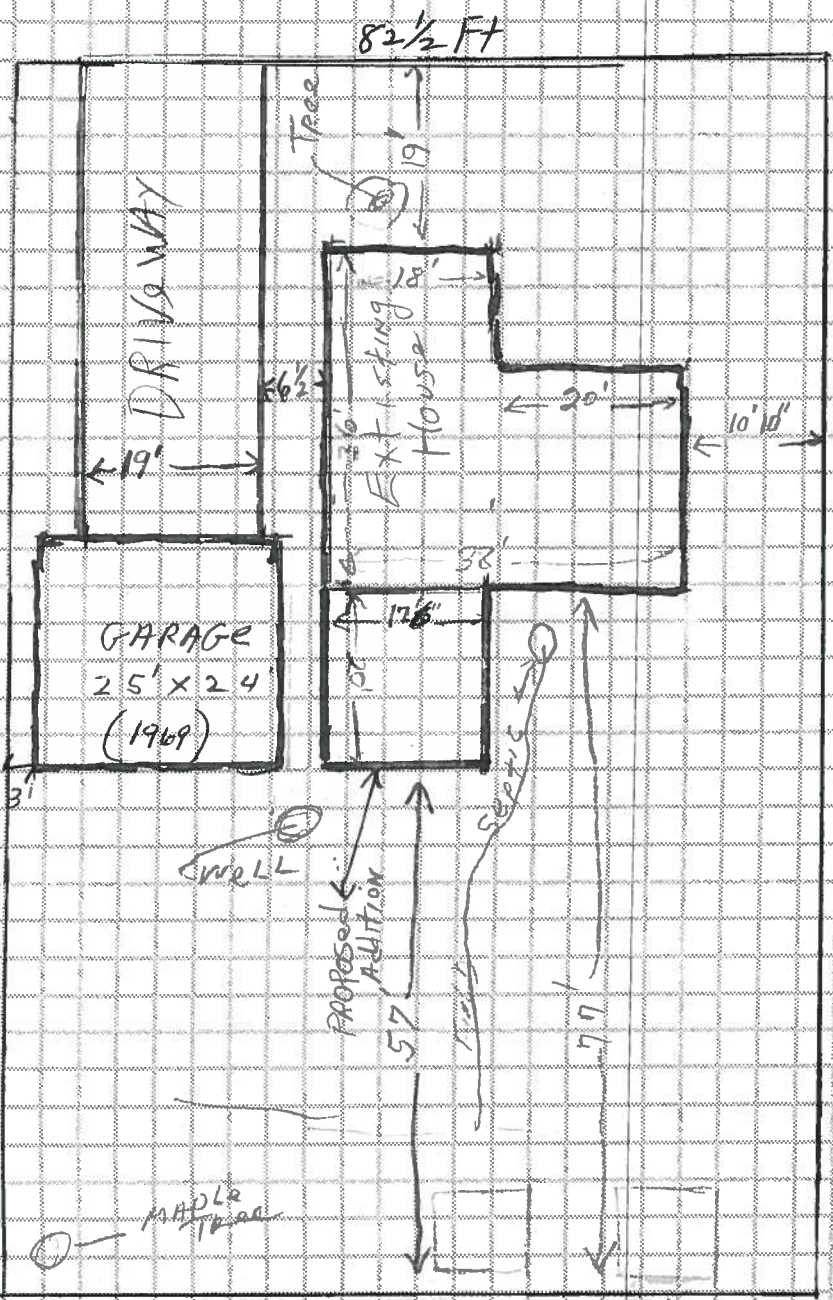


West

Co Rd 2650 E

South

* See Comments on



82 1/2

EAST

RECEIVED

JUN 23 2014

CHAMPAIGN CO. P & Z DEPARTMENT

1194

West

Co Rd 2650 E

South



AUTHORIZED IN CASE 311-V-80

READVERTISEMENT REQUIRED-SEE MEMO

legend

- existing*
- proposed addition*

* Adds up to 21.7% of Lot coverage

(PART A)

RECEIVED

JUN 23 2014

CHAMPAIGN CO. P & Z DEPARTMENT

EAST

ANNOTATED SITE PLAN

* See Comments on Plans

PRELIMINARY DRAFT

784-V-14

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

Final Determination: ***{GRANTED / GRANTED WITH SPECIAL CONDITIONS/DENIED}***

Date: **August 28, 2014**

Petitioners: **Jerry and Barbara Kalk**

Request: Authorize the following in the AG-1 Agriculture Zoning District:

Part A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%;

Part B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of the minimum required 10 feet.

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 24, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Jerry and Barbara Kalk own the subject property.
2. The subject property is a ¼ acre tract in Ogden Township in the West Half of the Northwest Quarter of the Northeast Quarter of Section 17 of Township 19N Range 14 E of the Second Principle Meridian and commonly known as the home at 1592 County Road 2650 E, Ogden.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Ogden, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned AG-1 Agriculture and is in residential use.
 - B. Land to the north is zoned AG-1 Agriculture and is vacant.
 - C. Land to the east is zoned AG-1 Agriculture and is in agricultural use.
 - D. Land to the south is zoned AG-1 Agriculture and is in residential use.
 - D. Land to the west is zoned AG-1 Agriculture and is in agricultural use

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is a 10,890 square feet (.25 acre) lot that is 82.5 feet wide and 132 feet long.
 - B. The Site Plan includes the following:
 - (1) The existing buildings which are as follows:
 - a. An existing dwelling with a footprint of approximately 1,128 square feet. The dwelling existed in 1973 and was previously granted a variance for a 216 square feet addition with a front yard of 19 feet in lieu of the minimum required 25 feet in Case 371-V-80 on March 13, 1980. However, the north side yard of the dwelling is only 10 feet 10 inches which is less than the minimum required 15 feet and that yard was not included in Case 371-V-80 nor was it included in the legal advertisement for parts A and B of this variance.

- b. An existing 24' × 25' detached garage with a footprint of 600 square feet. This garage existing in 1973 and is nonconforming with a side yard of three feet from the south lot line in lieu of the minimum required 10 feet. That side yard was not included in Case 371-V-80 nor was it included in the legal advertisement for parts A and B of this variance.
 - c. Two small outbuildings constructed since 1973 and each has a footprint of 140 square feet and are located three feet from the rear lot line.
- (2) A proposed 352 square feet addition to the dwelling.
- C. The requested variance is as follows:
- (1) Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%. Note that this is within the allowable limit for an Administrative Variance except that there are other variances required.
 - (2) Variance for the rear yard for the two small existing accessory buildings of 3 feet in lieu of the minimum required 10 feet.
 - (3) Note that neither the nonconforming garage nor the nonconforming dwelling were included in the legal advertisement for Parts A and B of the variance. Nonconforming buildings cannot be rebuilt in the same location if damaged to more than 50% of replacement value without first being authorized by variance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “AREA, LOT” is the total area within the LOT LINES.

PRELIMINARY DRAFT

- (4) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (5) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “NONCONFORMING LOT, STRUCTURE, OR USE” is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (9) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
- (10) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (11) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (12) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (13) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL

- (14) STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (15) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- D. Section 8.3.2 of the *Zoning Ordinance* states the following regarding a NONCONFORMING STRUCTURE:
Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
- E. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- F. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

PRELIMINARY DRAFT

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application **“There was no zoning when I bought this home in 1963. It had a leaking flat roof, single car garage with flat roof and was in poor condition throughout. I have done much remodeling and yard landscape work to improve and beautify the neighborhood. We are proud of our home.”**
- B. Regarding Part A of the Variance:
- (1) The subject property is a nonconforming lot of record that is only .25 acre in area (not including the adjacent right-of-way).
 - (2) The 2,360 square feet of lot coverage that would result from the proposed addition is only 1.7% greater than otherwise allowed and the total proposed building area does not seem excessive.
 - (3) The lot coverage allowed on a minimum one acre lot is 20% of 43,560 square feet or 8,712 square feet which is about 3.7 times as much actual building area (2,360 square feet) as is proposed.
- C. Regarding Part B of the Variance:
- (1) The two small sheds are so small that a Zoning Use Permit is not required but the minimum yards are still required.
 - (2) The subject property is a .25 acre nonconforming lot of record with much less open space than is available on a minimum one acre lot.
 - (3) The two small sheds are supposed to be movable but have been in these locations so long that moving them could destroy them.
 - (4) The existing property is a farm field with no structures.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application **“If, we cannot build this sunroom because of the provisions it creates a hardship for me and my wife to have family for various times like Christmas, Thanksgiving, etc. since we don’t have room for everyone. The house is only 1128 sq. feet (outside dimensions). We have 4 children, 9 grandkids, 5 great-grandkids, husbands, wives and other close family.”**

- B. Regarding Part A of the Variance:
- (1) The requested variance is the minimum amount of variation that will accommodate the petitioner's proposed 352 square feet addition.
 - (2) Without the requested variance in Part A the proposed addition would have to be reduced to only 170 square feet in area or, alternatively, some existing building area (presumably the garage or the small sheds) would have to be removed.
 - (3) Regarding whether or not other land is available for sale that would mitigate the need for Part A of the variance:
 - a. The adjacent lot to the south is also a small nonconforming lot of record and also has a dwelling and presumably, that lot should not be made any smaller.
 - b. The adjacent lot to the north is also a nonconforming lot of record and any land sale to the petitioner would also require a variance.
 - c. The adjacent land to the east is a farm field and any sale of land would interrupt the current line of tillage.
- C. Regarding Parts B of the Variance:
- (1) The two small sheds are supposed to be movable but have been in these locations so long that moving them could destroy them.
 - (2) Without the requested variance in Part A the sheds would have to be relocated which would result in a smaller open space on the subject property, and if the relocation damaged the sheds (which seems likely), the sheds would have to be replaced.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application **“Knowing what I do now I should have bought a larger home fifty years ago but couldn’t afford one. I bought this house in December 1963. At that time many lot sizes were one-quarter of an acre. Now in 2014 many houses are 5,000 square feet and maybe house only 2 people.”**
 - B. Regarding Part A of the Variance:
 - (1) The petitioners did not create the nonconforming lot of record.

PRELIMINARY DRAFT

- (2) Regarding the amount of building area on the subject property that has been added by the petitioners:
 - a. The petitioners have expanded the dwelling that existed when they purchased the property but even with the proposed addition the dwelling will total less than 1,500 square feet so the dwelling is not unusually large.
 - b. The detached garage has been the same size since before the adoption of the Zoning Ordinance on October 10, 1973, and is a typical size (600 square feet in area) for a two car garage.
 - c. The small sheds have been added by the petitioners but total less than 300 square feet and so are not unusually large.
- C. Regarding Part B of the Variance:
 - (1) This small nonconforming lot has less than $\frac{1}{4}$ the amount of open space that a minimum one acre lot would have and therefore the petitioners have less flexibility in where to locate outbuildings.
 - (2) The locations of the small sheds maximize the amount open space on this small nonconforming lot.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application **“By granting the request where the addition would be built it wouldn’t interfere with anyone around.”**
 - B. The requested variance is as follows:
 - (1) Regarding Part A of the variance, the requested variance for a lot coverage of 21.7% is 108.5% of the maximum allowed 20% for a variance of 8.5%.
 - (2) Regarding Part B of the variance, the requested variance for a rear yard for an existing accessory building of 3 feet is 30% of the minimum required 10 feet for a variance of 70%.
 - C. Regarding Part A of the Variance, presumably the maximum lot coverage requirements are intended to allow for considerations such as adequate light, recreational areas, and areas for septic systems. The subject property has adequate area for all of these considerations.
 - D. Regarding Part B of the Variance, the Zoning Ordinance does not clearly state the considerations that underlay the rear yard requirement for detached accessory buildings. Presumably a rear yard is intended to ensure the following:

- (1) A minimum amount of onsite recreational area. There is adequate recreational area on the property.
- (2) Area for a septic system, when necessary. There is a septic system installed on the property.
- (3) Adequate light and air: The subject property is in residential use and there appears to be adequate light and air.
- (4) Separation of structures to prevent conflagration: The subject property is within the Ogden-Royal Fire Protection District and the station is within one mile of the subject property. The nearest structure to the shed is in the Village of Ogden approximately ¼ mile northeast of the subject property.
- (5) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

E. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application that, **“Where it would be built most people would never notice it unless they were in the backyard. No Way it could harm anyone.”**
 - B. The Ogden Township Highway Commissioner has received notice of this variance but no comments have been received.
 - C. The Ogden-Royal Fire Protection District has been notified of this variance but no comments have been received.
 - D. The requested variance will not increase traffic to the subject property nor will it result in decreasing public safety.
 - E. The petitioner indicated on the application that there are no immediate neighbors and from the road no visual difference exists.

12. When asked on the application to describe any other circumstances which justify the variance, the petitioner has testified on the application **“If building this would harm or interfere with anyone around us I wouldn’t do it.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed

DOCUMENTS OF RECORD

1. Zoning Use Permit Application #174-14-01 with site plan received on June 23, 2014
2. Variance Application received on July 2, 2014
3. Preliminary Memorandum dated October 18, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 23, 2014
 - C Annotated Site Plan
 - D Preliminary Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **784-V-14** held on **August 28, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **784-V-14** is hereby *{GRANTED / GRANTED WITH CONDITIONS/DENIED}* to the petitioners **Jerry and Barbara Kalk** to authorize the following in the AG-1 Agriculture Zoning District:

Part A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%.

Part B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of the minimum required 10 feet.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

CASE NO. 785-V-14

PRELIMINARY MEMORANDUM

August 21, 2014

Petitioners: Jarrett Clem and Kirsten Fanton, DVM

Request: Authorize the creation and use of a lot that is 9.23 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13 in Section 5.3, in the AG-1 Agriculture Zoning District, on the following property:

Subject Property: A proposed 9.23 acre tract in Compromise Township in the Northwest Quarter of the Southeast Quarter of Section 34 commonly known as the farmstead located at 2429 CR2200E, St. Joseph and adjacent farmland

Site Area: 9.23 acres

Time Schedule for Development: As Soon as Possible

Prepared by: Jessica Gal
Planning Intern

John Hall
Zoning Administrator

BACKGROUND

The petitioners intend to purchase and reside in the home located at the subject property. The subject property is part of a farmstead with an address of 2429 CR2200E, St. Joseph, Illinois. In addition to purchasing the home and the surrounding three acres, the petitioners request to purchase approximately 6.23 acres of additional adjacent farmland primarily in order to purchase acreage for the establishment of their own farm. The soils that make up the subject property meet the Zoning Ordinance definition of "best prime farmland". The Zoning Ordinance limits lot size on best prime farmland to no more than 3 acres (in this instance) and therefore, a variance is required.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Farmland	AG-1 Agriculture
West	Farmland	AG-1 Agriculture
South	Farmland	AG-1 Agriculture

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Diagram of acreage for proposed lot
- C Preliminary Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

Case 785-V-14

August 14, 2014

Subject Property

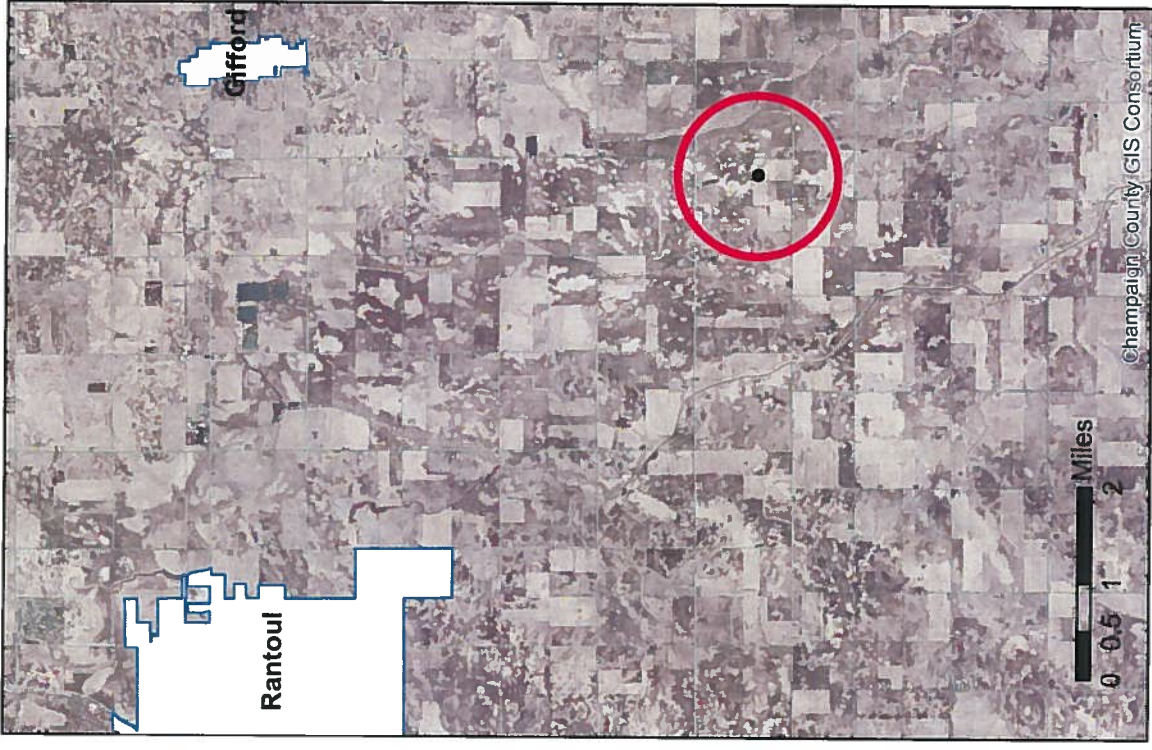


Legend

-  Subject Property
-  Parcels

near road

Property location in Champaign County



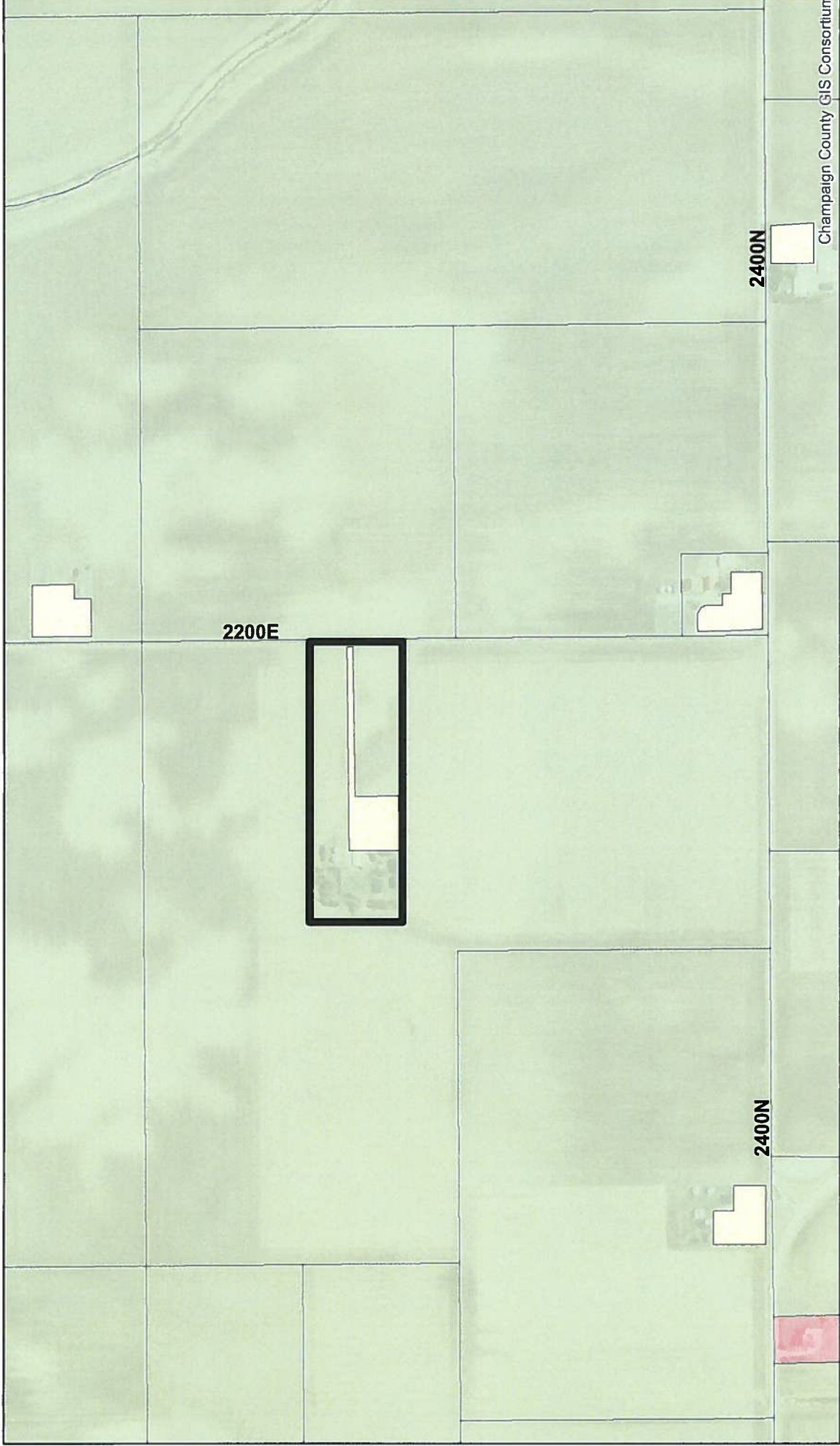
Legend

-  Subject Property
-  Parcels



Land Use Map

Case 785-V-14
August 19, 2014



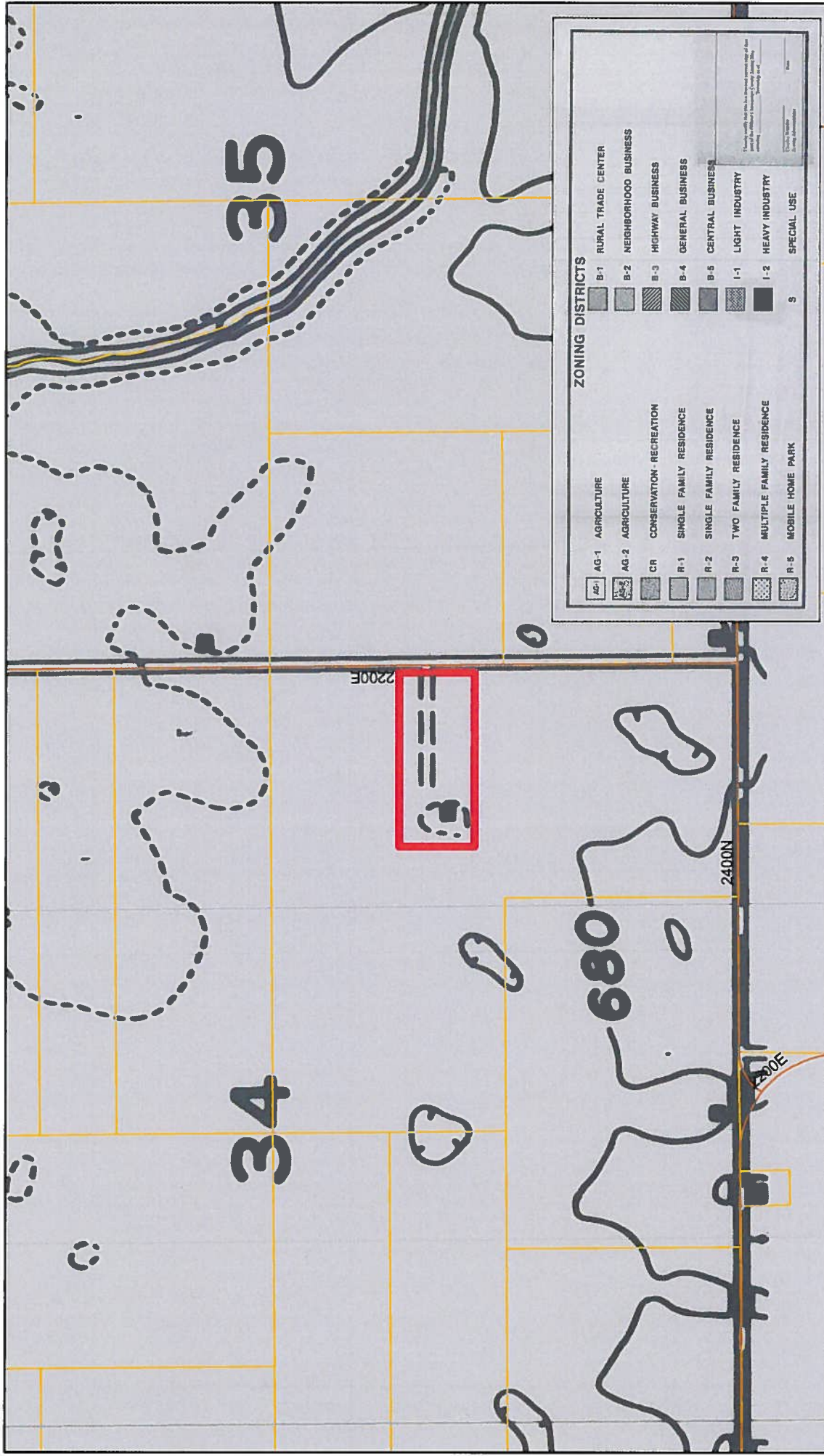
Legend

-  Subject Property
-  Homesite
-  Agriculture
-  SF Residential



Zoning Map

Case 785-V-14
August 28, 2014



Legend

 Subject Property

0 100 200 400 Feet



Champaign County
Department of
PLANNING &
ZONING

748.00

County Rd 2200 E



J Hitt@Co. Champaign: IL, US

PRELIMINARY DRAFT

785-V-14

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

Final Determination: { ***GRANTED/ GRANTED WITH SPECIAL CONDITION(S) /DENIED*** }

Date: August 28, 2014

Petitioners: Jarrett Clem and Kirsten Fanton, DVM

Request: Authorize the creation and use of a lot that is 9.23 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13 in Section 5.3, in the AG-1 Agriculture Zoning District, on the subject property.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 28, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Jarrett Clem and Kirsten Fanton, DVM, 1159 CR 2400E, St. Joseph, proposed to purchase the proposed lot and have requested the variance.
2. The subject property is a proposed 9.23 acre tract in St. Joseph Township in the South Half of the Northwest Quarter of the Southeast Quarter of Section 34 of Township 21N, Range 10 East of the Third Principal Meridian and commonly known as the farmstead located at 2429 CR2200E, St. Joseph, and adjacent farmland.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned AG-1 Agriculture and is an old farmstead.
 - B. Land to the North, East, and South is zoned AG-1 Agriculture and is in use as farmland.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the proposed lot, the subject property is indicated in aerial photograph and a diagram of acreage for the proposed lot has been provided by the petitioners.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment form the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing,

processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
 - c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
 - (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) “LOT DEPTH” is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
 - (6) “LOT LINES” are the lines bounding a LOT.
 - (7) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
 - (8) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- B. In the *Zoning Ordinance*, maximum lot size is restricted by Footnote 13 to Section 5.3 Schedule of Area, Height, & Placement Regulations by District, as follows (* indicates numbering from the *Zoning Ordinance*):
- *13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-1 DISTRICTS:

PRELIMINARY DRAFT

- *A) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - *1) The LOT is RRO-exempt;
 - *2) The LOT is made up of soils that are BEST PRIME FARMLAND; and
 - *3) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
 - *B) LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 - *1) The LOT is located within a Rural Residential OVERLAY DISTRICT; and
 - *2) The LOT is made up of soils that are BEST PRIME FARMLAND.
 - *C) The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
 - *1) A 'Remainder Area Lot.' A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO-exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot.'
 - *2) Any LOT greater than or equal to 35 acres in LOT AREA.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.

- (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- D. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application that, **“Foremost, the land currently surrounding the house we hope to purchase that is not tilled for crop farming already totals more than the 3 acre limit. Furthermore, we are seeking a total of 9+ acres to purchase by simply creating clear property lines, making the land with the house a rectangle compared to the current property lines that are very irregular and difficult to separate from cropland.”**
 - B. Regarding the soils that make up the subject property:
 - a. There is no Natural Resource Report for the subject property.
 - b. As indicated on an excerpt of Sheet 57 of the *Soil Survey of Champaign County, Illinois*, 2003 edition, annotated to indicate the subject property, the subject property consists of soil map unit 152A Drummer silty clay loam, soil map unit 149A Brenton silt loam; and soil map unit 219A Millbrook silt loam, all of which classify as best prime farmland.
 - c. The *Champaign County Land Evaluation and Site Assessment System* as amended on October 24, 2013, identifies soil map unit 149A Brenton silt loam with a Land Evaluation rating of 100 and belongs in Agriculture Value Group 1; soil map unit 152A Drummer silty clay loam with a Land Evaluation rating of 100 and belongs in Agriculture Value Group 2; and soil map unit 219A Millbrook silt loam with a Land Evaluation rating of 91 and belongs in Agriculture Value Group 4.
 - d. The Zoning Ordinance defines “best prime farmland” as consisting of any of the following:
 - (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - (b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or

PRELIMINARY DRAFT

- (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
- C. The land adjacent to the existing homesite has been in row crop production.
- D. All of the soil on the subject property consists of best prime farmland.
- E. Nearly half of the proposed property has not been in row crop production

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application that, **“The current set-up makes the house isolated in the middles of the field. By granting a variance to the provisions currently set, the property lines would not only be more practical ‘squared up’ with the road, but the farm would be more useable for agricultural purposes.”**
 - B. The land adjacent to the existing homesite has been in row crop production.
 - C. All of the soil on the subject property consists of best prime farmland.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application that, **“In conjunction with the seller, we hired Hartke Engineering and Surveying to designate new property lines that better serve both buyer and seller parties’ interest.”**
 - B. The subject property is a portion of an existing 120 acre tract of farmland. The existing landowner farms a portion of the subject property that does not include the homesite.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application that, **“We fully intend to continue using the land as farm ground for agriculture purposes, but because we are new buyers, we want to keep our farm separate from the crop ground which will be retained by the current owner. Clean, easy to distinguish property lines and nine useable fruitful**

acres will help us start and establish our own farm while staying close to our agriculture roots in Champaign County.”

- B. The subject property conforms to all other Zoning Ordinance requirements.
- C. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773.
- D. The proposed lot area of approximately 9.23 acres is 308% of the required three acre maximum for a variance of 208%.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application that, **“We are a young, soon to be married couple both devoted to a rural farming lifestyle. Kirsten is a mixed animal veterinarian in Paxton, so her clients are also farmers, and she values an agricultural lifestyle for her livelihood. Jarrett was born into a farming family here in Champaign County and together with Kirsten hopes to carry on the tradition.”**
 - B. The Spoon River Drainage District has been notified of this variance but no comments have been received.
 - C. The Highway Commissioner has been notified of this variance but no comments have been received.
 - D. The Township Supervisor has been notified of this variance but no comments have been received.
 - E. The Township Plan Commission has been notified of this variance but no comments have been received.
 - F. The Fire Protection District has been notified of this variance but no comments have been received.
- 12. On the application the Petitioner has also testified that, **“We currently have our own livestock, but desperately need more land to develop our operations. At purchase, we would immediately begin using the ground for agricultural use. Being responsible stewards to the land we have will remain a top priority.”**

DOCUMENTS OF RECORD

1. Variance application received on July 14, 2014
2. Preliminary Memorandum with attachments:
 - A Case Maps (Location, Land Use, Zoning, Soils)
 - B Diagram of acreage for proposed lot submitted by the petitioners.
 - C Preliminary Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **785-V-14** held on **August 28, 2014** the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION(S)} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION(S)} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

PRELIMINARY DRAFT

6. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION(S)} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9.C **{HAVE / HAVE NOT}** been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 785-V-14 is hereby **{ GRANTED/ GRANTED WITH SPECIAL CONDITION(S) /DENIED }** to the petitioners, **Jarrett Clem and Kirsten Fanton, DVM**, to authorize the creation and use of a lot that is 9.23 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland required by Footnote 13 in Section 5.3, in the AG-1 Agriculture Zoning District.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date