

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: October 16, 2014
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 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 (September 11, 2014 and September 25, 2014)
5. Continued Public Hearings

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

Case 769-AT-13 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:

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

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

Case 773-AT-14 Petitioner: Zoning Administrator

- Request: Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:**
- A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.**
 - B. Add fees for Grading and Demolition Permits.**
 - C. Add required information to be provided in the application for a Grading and Demolition Permit.**
 - D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.**
 - E. Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.**
 - F. Add prohibitions against changing the flow of water and blocking the flow of water.**
 - G. Add other requirements related to Grading and Demolition Permits**

6. New Public Hearings

*** Case 787-V-14 Petitioner: Village of Foosland**

Request: Authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

Location: The North Half of Block 3 of Lamar Foos addition to the town of Foosland in Section 17 of Brown Township, commonly known as the Village Park located between 3rd and 4th Streets and between Lamar and Park Streets in the Village of Foosland, Champaign County Illinois.

*** Case 790-V-14 Petitioner: Mary Freese and Dave Freese, Agent**

Request: Authorize the following in the AG-1 District:
Part A. The creation and use of a lot that is 3.968 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; and
Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the minimum required 25 feet required by Section 5.3.

Location: A proposed 3.968 acre tract in Mahomet Township in the South Half of the South Half of the South Half of Section 28 of Township 20N, Range 7 East of the Third Principal Meridian and commonly known as the farmstead located at 250 CR 1900N, Seymour.

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street

4 Urbana, IL 61801

5 **DATE:** September 11, 2014

6 **PLACE:** Lyle Shield's Meeting Room
7 1776 East Washington Street

8 **TIME:** 7:00 p.m.

9 Urbana, IL 61802

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

11 **MEMBERS ABSENT :** Brad Passalacqua, Roger Miller

12 **STAFF PRESENT :** Connie Berry, John Hall

13 **OTHERS PRESENT :** Herb Schildt, Don Wauthier, Chad Osterbur, Eric Sebens, Scott Reifsteck,
14 Steve Burdin

15 **1. Call to Order**

16 The meeting was called to order at 7:00 p.m.

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

18 The roll was called and a quorum declared present with two members absent.

19 **3. Correspondence**

20 None

DRAFT

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

24 **4. Approval of Minutes (July 31, 2014 and August 14, 2014)**

25 Mr. Thorsland entertained a motion to approve the July 31, 2014, and August 14, 2014, minutes as
26 submitted.

27 **Ms. Griest moved, seconded by Mr. Randol to approve the July 31, 2014, and August 14, 2014,
28 minutes as submitted.**

29 Mr. Thorsland asked the Board if there were any required corrections to the July 31, 2014 and August 14,
30 2014, minutes.

1 Ms. Lee stated that she had two minor corrections for the August 14, 2014, minutes. She said that the text
2 on Page 11, Line 23 stating “foot lot numbers” should be corrected to indicate “food lot numbers”. She said
3 that the sentence beginning on Line 25, page 7 should be revised as follows: “He said that he will submit
4 this information as a Document of Record although he does not know that it will change any of the proposed
5 special conditions that the Board has requested.”
6

7 Mr. Thorsland asked the Board if there were any further corrections to the minutes and there were none.
8

9 **The motion carried by voice vote.**
10

11 **5. Continued Public Hearing**
12

13 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
14 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to**
15 **the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related**
16 **zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast**
17 **Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third**
18 **Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**
19

20 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
21 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple**
22 **principal buildings on the same lot consisting of the following: (1) a landscape contractor’s facility**
23 **with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage**
24 **Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.**
25 **Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to**
26 **individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the**
27 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the**
28 **Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E,**
29 **Champaign.**
30

31 Mr. Thorsland called Cases 766-AM-13 and 767-S-13 concurrently.
32

33 Mr. Thorsland informed the audience that Case 767-S-13 is an Administrative Case and as such the County
34 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
35 show of hands for those who would like to cross examine and each person will be called upon. He requested
36 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
37 that those who desire to cross examine are not required to sign the witness register but are requested to
38 clearly state their name before asking any questions. He noted that no new testimony is to be given during
39 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
40 exempt from cross examination.
41

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

1 the witness register for that public hearing. He reminded the audience that when they sign the witness
2 register they are signing an oath.

3
4 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

5
6 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
7 submit a revised plan which includes the changes that were noted during the last public hearing. He said that
8 he is before the Board tonight seeking approval of his requests.

9
10 Mr. Thorsland called John Hall to testify.

11
12 Mr. John Hall, Zoning Administrator, thanked Mr. Sebens and Mr. Osterbur for contacting the Capitol
13 Development Board and clearly identifying all of the accessibility requirements on the revised plan. He said
14 that Mr. Sebens' and Mr. Osterbur's efforts will save staff a lot of time during the permitting process. He
15 said that he has no new information, other than what was included in the Supplemental Memorandum dated
16 September 4, 2014, to add at this time.

17
18 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Sebens and there were none.

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

21
22 Mr. Hall reminded Mr. Sebens that there is an unresolved issue with the special condition regarding the
23 fencing therefore tonight would be a good time to ask the Board for input.

24
25 Mr. Sebens stated that the fence in question was originally laid out along the west property line. He said that
26 he spoke with Mr. Scott Reifsteck about the fence and it appears that there was a misunderstanding regarding
27 the requirements and actually two fences were being proposed as a result of wanting to obtain the approval
28 for the storage units. He said that Mr. Hall had proposed that the fence along the west property line not be
29 required up front but there would be a special condition with the special use approval that if trash or the
30 encroachment onto the adjacent farm ground occurs then the landowner/tenant can request that the fence is
31 installed. Mr. Sebens stated that he agrees with the special condition although it seems only reasonable and
32 fair that there is some type of checks and balances.

33
34 Mr. Thorsland asked Mr. Sebens to indicate what type of checks and balances he would like to propose.

35
36 Mr. Sebens stated that he does not believe that trash or encroachment will be a problem onto the adjacent
37 farm ground because of his due diligence to make sure that it isn't a problem. He said that if in the event
38 that Mr. Scott Reifsteck believes that the operation has encroached onto the farm ground or if blowing trash
39 becomes a problem it seems only fair that there would be a warning or a meeting to point out the evidence of
40 the issue. He said that the reason why he is requesting evidence is because there is a lot of trash that blows
41 around in the area that is not generated from his operation and there are a lot of people that throw trash and
42 furniture along the road. He said that there is a lot of trash that is from Interstate 57 and the gas station

1 generates a lot of trash. He said that he keeps his property mowed nicely and he polices the area regularly by
2 walking the ditches and fields picking up trash several times a year. He said that he has worked very hard to
3 be a good neighbor and it seems reasonable that in the unlikely event that there is trash in the fields that he
4 has the chance to have it brought to his attention to see the proof.
5

6 Mr. Thorsland asked the Board if they would like to see a probationary period for the first event. He said
7 that he understands Mr. Sebens concern with the requirement for the installation of the fence especially if it
8 is discovered that the trash was not generated from Mr. Sebens' operation.
9

10 Mr. Sebens stated that he does work regularly to make sure that everything is picked up along the roadside
11 whether it came from his property or not.
12

13 Mr. Thorsland asked Mr. Sebens if there was a fence around the nearby gas station.
14

15 Mr. Sebens stated that he does not believe that there is a fence around the gas station.
16

17 Mr. Thorsland asked Mr. Sebens to indicate the distance between the gas station and his property.
18

19 Mr. Sebens stated that across the field it is probably one-half mile from the gas station to his property.
20

21 Mr. Thorsland read proposed special condition H.(2): as follows:
22

- 23 (2) **The west and north sides of the property shall only need to be fenced with a six-**
24 **foot tall chain link fence at such time as (a) windblown litter has become a**
25 **problem on the adjacent farmland or (b) contractor operations have encroached**
26 **onto the adjacent farmland, and the adjacent landowner has submitted to the**
27 **Zoning Administrator a written request for installation of fencing, in which case**
28 **the petitioner shall install a six-foot tall chain link fence within two months of**
29 **receiving said notification to install the fencing from the Zoning Administrator.**
30

31 Mr. Randol asked how the Board would establish a timeframe because this issue could occur in one year or
32 five years and in twenty years in the future the subject property could be owned by a different owner. He
33 said that it would be hard for this condition to be left open ended.
34

35 Mr. Thorsland asked Mr. Randol if he is proposing an expiration date for the special condition or a Board
36 review of the special use.
37

38 Mr. Randol stated that he would recommend a Board review anytime the property changed ownership.
39

40 Ms. Griest stated that she is not a big fan of fences against row crop ground to begin with therefore she does
41 not care for the proposed special condition to begin with because it is too difficult to enforce. She said that
42 the encroachment issue with the petitioner upon the adjacent farmland was resolved by the berm located on

1 the west side of the property in the landscape area and the Board added a stipulation that vehicles are not to
2 be parked closer than five feet from the property line and if Mr. Sebens is a good steward he will not allow a
3 situation to occur. She said that if a parking encroachment situation arises then the adjacent
4 landowner/tenant would have the option to file a complaint regarding a zoning violation which would be
5 enforceable. She said that the Board made it clear that the previous parking arrangement was inappropriate
6 and she is sure that Mr. Sebens will abide by the new parking regulation. She said that the storage units are,
7 in theory, fully fenced therefore there should be no trash or debris encroaching onto the adjacent farmland
8 and a second fence will have no added value because if the trash or debris blows out of the first fence it will
9 just as easily blow out of the second fence.

10
11 Ms. Griest noted to Mr. Sebens that during Phase 2 the fencing goes back to the third building and then
12 comes back to the far west side of the building therefore she must make one of two assumptions, either there
13 are no doors on the west side of the third building and no storage units will be accessible from that side or
14 there are doors therefore the facility is not fully fenced. She asked Mr. Sebens to clarify which assumption is
15 accurate.

16
17 Mr. Sebens stated that during Phase 2 there will not be any doors on the west side of the building and doors
18 will only be installed in the event that the last phase is constructed. He noted that Phase 3 will be fully
19 encompassed by a fence.

20
21 Mr. Thorsland stated that Ms. Griest addresses a good point in that a fence is already required around the
22 building therefore a secondary layer of fencing is triggered by a complaint by the adjacent landowner. He
23 said that he receives plastic bags in his fields and he is miles from any commercial site. He said that blowing
24 trash is a hard thing to police therefore perhaps there is a way to soften the condition or even remove it
25 completely. He said that testimony has been received from the adjacent landowner/tenant regarding trash
26 and the parking of vehicles.

27
28 Mr. Thorsland asked Mr. Sebens if he has been diligent in keeping vehicles away from the property line.

29
30 Mr. Sebens stated that he has been diligent in keeping vehicles away from the property line.

31
32 Mr. Thorsland stated that the Board may want to talk about vehicles getting too close to the line or insert
33 something about any issue regarding an increase of trash after the fence is built the Board should revisit the
34 special use.

35
36 Mr. Hall stated that he approached holding the Land Resource Management Plan Goals and Policies as the
37 paramount thing so that we can protect agriculture. He said that this case has the best relationship that he
38 has ever seen between neighboring farmers and neighboring non-farmers. He said that he is always amazed
39 by how well these two uses have gotten along and in his view fencing should be an automatic requirement
40 and so the suggestion from the neighbor to not have the fencing be automatic but be merely triggered by
41 problems is more than a reasonable suggestion. He said that as the Zoning Administrator he does not want
42 to be responsible for tracking down the source of litter and he understands Mr. Sebens concern but so far the

1 two landowner's relationship appears to be wonderful. He said that the most likely source of future
2 problems is if Mr. Sebens ever sells the property to someone else who might not be as diligent as he has been
3 therefore the neighboring landowner/tenant is right back where he was before in having to train the new
4 owner on how to be a good neighbor. Mr. Hall stated that he wants to make sure that the rezoning cannot be
5 attacked on any policy basis but he does understand Mr. Sebens' concerns. He said that as far as he knows
6 staff has never received a complaint from the adjacent landowner/tenant regarding Mr. Sebens' operation
7 and that any problems have been resolved between the neighbors.
8

9 Ms. Griest asked Mr. Hall where the trash maybe coming from.

10
11 Mr. Hall stated that he believes that the trash will come from a source other than the storage units and he
12 would trust that the neighboring landowner will not make a false complaint. He said that there is a
13 neighboring landowner that is placing hundreds of feet of tile at his own expense and has been more than
14 reasonable at the public hearings therefore he does not see that person turning around and making claims
15 about litter that are from the gas station/mini-mart.
16

17 Ms. Griest agreed with Mr. Hall and she said that she was taken back by the condition overall in that the
18 Board had dealt with the encroachment issues, which were the larger issues, and that a fence would create
19 another obstacle for the landowner/tenant to work around therefore the landowner/tenant would be less
20 inclined to want a fence. She said that she thought that she had asked Mr. Reifsteck about a fence during the
21 first or second hearing and Mr. Reifsteck indicated that he would prefer not to have a fence.
22

23 Mr. Hall stated that he agrees that the fence is not necessary for encroachment because if encroachment
24 happens it is a zoning violation.
25

26 Mr. Thorsland read Mr. Reifsteck's testimony regarding the fence from the July 17, 2014, approved minutes
27 as follows: Mr. Reifsteck stated that Mr. Sebens asked if he could not be required to install fencing around
28 the edge of the property because there will be a security fence around the self-storage units and will install a
29 grass area around the edge of the property to prevent the encroachment issues that had been previously
30 occurring. Mr. Reifsteck stated that he and Ms. Wills are willing to agree with Mr. Sebens' request to not
31 install the fence around the edge of the property at this time, although they would like to stipulate that if the
32 security fence does not provide for debris retention on the property or if other issues occur that the security
33 fencing does not prevent, that the security fencing must be installed around the perimeter of the west and
34 north of the subject property. He said that he has always gotten along with Mr. Sebens very well and he
35 understands that there are times when things just don't work. He said that he did not realize that Mr. Sebens
36 intended to install a tall fence around the storage area and he is willing to try not installing the fence around
37 the property area as long as Mr. Sebens would be willing to install it at a later date upon Mr. Reifsteck and
38 Ms. Wills' request.
39

40 Mr. Thorsland stated that the Board could install a one-time, 30-day opportunity to rectify the problem
41 without installing the fence and if it is not rectified the fence requirement will be enforced. He said that the
42 site plans for other storage units only indicated fencing around the perimeter of the buildings.

1
2 Ms. Lee stated that the proposed special condition is reasonable because there could be issues with the 30-
3 day opportunity to rectify the current complaint regarding trash.
4

5 Mr. Thorsland stated that the owner would have a 30-day opportunity to clean up the trash and if after that
6 period there is another complaint received the fence will be required.
7

8 Ms. Griest stated that she would like to see a condition prohibiting doors on the exterior of the unit that is
9 not enclosed by fencing.
10

11 Mr. Thorsland called Scott Reifsteck to testify.
12

13 Mr. Thorsland asked Mr. Reifsteck if there are recurring problems with trash.
14

15 Mr. Scott Reifsteck, who resides at 1341 CR 600 N, Tolono, stated that there is always a trash issue but
16 everything has been handled well. He said that a paper bag blowing across the field now and then or a
17 couple of times a year is not a problem but if at some point and time there is a large amount of trash blowing
18 across the fields a fence should be installed. He said that he does not enjoy attending meetings and his first
19 recourse will be to talk to Mr. Sebens first. He said that as with a lot of the storage facilities he does not
20 know what he is going to get out there and he would like to have the ability to remedy an issue if it occurs.
21 He noted that his requested condition is not due to the fault of Mr. Sebens or anyone else but he is trying to
22 be a good neighbor and he is hoping that there will never be a need for the fence but if there is an issue he
23 would like the ability to have the fence required. He said that he and Mr. Sebens have worked well together
24 for years and he does not anticipate any change. He said that he is allowing Mr. Sebens to use his drainage
25 tile to help control the erosion. He said that trash blowing once does not constitute a problem but it is a
26 repeated occurrence of blowing trash when it becomes a problem and is the key to the stipulation regarding
27 the condition.
28

29 Mr. Thorsland stated that he is impressed by the cooperation between Mr. Sebens and Mr. Reifsteck.
30

31 Mr. Reifsteck stated that he and Mr. Sebens try to be good neighbors and both sides have worked very hard
32 to try to make sure that there is a minimal amount of problems. He said that he won't say that there have
33 never been problems because he is sure that he has done some things that Mr. Sebens has not liked and vice
34 versa but it has never been an issue yet. He said that he is concerned that if someone else becomes the owner
35 of this storage facility and he has no recourse to address the trash situation. He said that the fencing
36 requirement first came about because the fencing was shown on the preliminary sketches therefore it was his
37 impression that the fencing was a requirement for the special use. He said that he is perfectly willing to try it
38 without it and he does not believe that there will be a problem but he would like to have something in place
39 in case it does happen.
40

41 Mr. Thorsland asked Mr. Reifsteck if there was a new owner and trash became a problem would he be
42 willing to allow a one-time warning.

- 1
- 2 Mr. Reifsteck stated that he believes that with a new owner there will be more than a one-time warning. He
- 3 said that this would be a last resort for him. He said that if his farmland was to sell he could not indicate
- 4 how the new owner would deal with any encroachments or trash issues. He has no problem with speaking to
- 5 the owners prior to any contact with the Zoning Administrator because he does not see a point in addressing
- 6 the ZBA about a simple trash issue.
- 7
- 8 Mr. Thorsland stated that he assumes that as long as Mr. Sebens owns the subject property that the Board
- 9 will not hear about a trash or encroachment issue again but in case any ownership changes, the special
- 10 condition will be in place. He asked Mr. Reifsteck if he would have any issue with allowing the owner to
- 11 have a one-time opportunity to get issues rectified.
- 12
- 13 Mr. Reifsteck stated that he would not have any issue with allowing the owner to have a one-time
- 14 opportunity but he sees no reason to come to the ZBA to initiate a warning and then have to come back
- 15 again.
- 16
- 17 Mr. Thorsland stated that once the owner receives a warning there will be no reason for Mr. Reifsteck to
- 18 come back again because they will have 30 days to remedy the issue and after that point if it happens again
- 19 they will be required to install the fence.
- 20
- 21 Mr. Reifsteck stated that he just wanted to make sure that there will be an instrument to handle the issues.
- 22
- 23 Mr. Hall stated that Mr. Reifsteck stated that he will always talk to the owner before he comes to the Zoning
- 24 Administrator and Mr. Hall is taking Mr. Reifsteck at his word. Mr. Hall stated that making Mr. Reifsteck
- 25 wait after he has spoken with the landowner once and then he comes to the Zoning Administrator who grants
- 26 another 30-day period is unfair. He said that the condition is written as it is because when the
- 27 landowner/tenant is fed up enough to come to the Zoning Administrator then it is time for fencing.
- 28
- 29 Ms. Griest stated that she agrees with Mr. Hall.
- 30
- 31 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Reifsteck and there
- 32 were none.
- 33
- 34 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Sebens and there
- 35 were none.
- 36
- 37 Mr. Hall asked Mr. Reifsteck if he is satisfied with the condition regarding connection to the tile.
- 38
- 39 Mr. Reifsteck stated yes.
- 40
- 41 Mr. Thorsland asked Mr. Sebens if he had any further concerns or questions.
- 42

1 Mr. Sebens stated no.

2
3 Mr. Hall read new special condition H.(2). as follows:

- 4
5 **(2) Doors shall not be installed on any storage unit for which the exterior of that unit is not**
6 **enclosed by a six-foot tall chain link fence.**
7

8 He said that the original H.(2) will become H.(3).
9

10 Ms. Griest asked Mr. Hall how the Department of Planning and Zoning will feel about compliance
11 monitoring of when this building was built and the backside of it is outside of the fence. She asked if he is
12 so inclined to monitor that none of those units have been rented or to trust that none of the units have been
13 rented, which she is not in favor, or that the door cannot be installed until after it is fenced. She said that the
14 property could change hands in the midst of the phases and even though this petitioner has guaranteed the
15 Board that he will not use those units there is nothing that restricts any new owners from using them or
16 renting them. She said that she is not in favor of the doors being installed and being outside of the fenced
17 area and indicating that the units cannot be rented. She said that she thought that she heard Mr. Sebens
18 indicate that he would not install those doors until Phase 3.
19

20 Mr. Sebens stated that Ms. Griest is correct.
21

22 Mr. Thorsland stated that the Board can either work through the Summary Finding of Fact or work through
23 the entire Finding of Fact.
24

25 Mr. Hall stated that there are a number of objectives under Goal 4 which have subsidiary findings that are
26 not included in the Summary Finding of Fact.
27

28 Mr. Thorsland stated that the Board will begin on Page 12 of 32, Item 14.
29

30 Mr. Thorsland stated that LRMP Goal 4 is entitled, "Agriculture" and states as follows: Champaign County
31 will protect the long term viability of agriculture in Champaign County and its land resource base. Goal 4
32 has 9 objectives and 22 polices. The proposed WILL/WILL NOT HELP ACHIEVE Goal 4 for the following
33 reasons: A. Objective 4.1 states, "Champaign County will strive to minimize the fragmentation of the
34 County's agricultural land base and conserve farmland, generally applying more stringent development
35 standards on best prime farmland."
36

37 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Objective 4.1.**
38

39 Mr. Thorsland stated that Policy 4.1.6 states, "Provided that the use, design, site and location are consistent
40 with County policies regarding: i. Suitability of the site for the proposed use; and ii. Adequacy of
41 infrastructure and public services for the proposed use; and iii. Minimizing conflict with agriculture; and iv.
42 Minimizing the conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best

1 prime farmland, the County may authorize discretionary residential development subject to a limit on total
2 acres converted which is generally proportionate to tract size and is based on the January 1, 1998
3 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right
4 development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-
5 way), but not to exceed 12 acres in total; or b) On best prime farmland, the County may authorize non-
6 residential discretionary development; or c) The County may authorize discretionary review development on
7 tracts consisting of other than best prime farmland.” He said that the proposed rezoning WILL/WILL NOT
8 HELP ACHIEVE Policy 4.1.6.
9

10 **Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.1.6.**
11

12 Mr. Thorsland stated that Objective 4.2 states, “Champaign County will require that each *discretionary*
13 *review* development will not interfere with agricultural operations.” The proposed rezoning WILL/WILL
14 NOT HELP ACHIEVE Objective 4.2 because of the following: (1) Policy 4.2.1 states, “The County may
15 authorize a proposed business or other non-residential *discretionary review* development in a rural area if the
16 proposed development supports agriculture or involves a product or service that is better provided in a *rural*
17 area. The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.1 because based on the
18 evidence, the proposed Special Use in related Case 767-S-13 WILL/WILL NOT interfere with agricultural
19 operations and is a service which is appropriate for the rural area and therefore IS/IS NOT a service better
20 provided in a rural area than in an urban area.
21

22 **Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1 because based on**
23 **the evidence, the proposed Special Use in related Case 767-S-13 WILL NOT interfere with**
24 **agricultural operations and is a service which is appropriate for the rural area and therefore IS a**
25 **service better provided in a rural area than in an urban area.**
26

27 Mr. Thorsland stated that Policy 4.2.2 states, “The County may authorize *discretionary review* development
28 in a rural area if the proposed development: a. is a type that does not negatively affect agricultural activities;
29 or b. is located and designed to minimize exposure to any negative affect caused by agricultural activities;
30 and c. will not interfere with agricultural activities or damage or negatively affect the operation of
31 agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.” The proposed
32 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.2 because based on the evidence, the proposed
33 Special Use in related Case 767-S-13 DOES/DOES NOT negatively affect agricultural activities, or IS/IS
34 NOT located and designed to minimize exposure to negative effects of agricultural activities, and
35 WILL/WILL NOT interfere with agricultural activities.
36

37 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.2 because based on**
38 **the evidence, the proposed Special Use in related Case 767-S-13 DOES NOT negatively affect**
39 **agricultural activities, or IS located and designed to minimize exposure to negative effects of**
40 **agricultural activities, and WILL NOT interfere with agricultural activities.**
41

42 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Objective 4.2.**

1
2 Mr. Thorsland stated that Objective 4.3 states, “Champaign County will require that each discretionary
3 review development is located on a suitable site.” The proposed rezoning WILL/WILL NOT HELP
4 ACHIEVE Objective 4.3 because of the following: (1) Policy 4.3.2 states, “On best prime farmland, the
5 County may authorize a discretionary review development provided the site with proposed improvements is
6 well-suited overall for the proposed land use.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE
7 Policy 4.3.2 for the following reasons: a. As reviewed under Policy 4.1.6, the subject property is best prime
8 farmland; and b. The property IS/IS NOT WELL SUITED OVERALL based on the following: (a) The
9 property is only five acres in area; and (b) A Special Use Permit was authorized in Case 101-S-97; and (c)
10 The B-1 District is intended to provide areas for rural business to offer products and services to rural
11 residents; and (d) The proposed development is subject to the *Stormwater Management Policy* and must
12 provide adequate stormwater detention that will not harm the drainage tile to the west or the drainage swale
13 on the south of the property; and (e) The subject property fronts and has access to Duncan Road (CR 900E);
14 and (f) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour
15 trips generated by the proposed use will be minimal; and (g) Access to I-57 is approximately 1 road mile
16 from the subject property; and (h) The subject property is served by a public water supply.

17
18 **Mr. Thorsland stated that the property IS WELL SUITED OVERALL and the proposed rezoning**
19 **WILL HELP ACHIEVE Policy 4.3.2.**

20
21 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review
22 development provided that existing public services are adequate to support the proposed development
23 effectively and safely without undue public expense.” The proposed rezoning WILL/WILL NOT HELP
24 ACHIEVE Policy 4.3.3 for the following reason: a. the subject property is located approximately 4.3 miles
25 from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no
26 comments have been received.

27
28 **Ms. Griest stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3.**

29
30 Mr. Thorsland stated that Policy 4.3.4. states, “The County may authorize a discretionary review
31 development provided that existing public infrastructure, together with proposed improvements, is adequate
32 to support the proposed development effectively and safely without undue public expense.” The proposed
33 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.4 for the following reason: a. The subject property
34 has access to Duncan Road (CR900E). Duncan Road is an oil and chip road that is approximately 24 feet in
35 width that has adequate capacity for the proposed use. Access to I-57 is approximately 1 road mile from the
36 subject property; and b. no comments have been received from the Tolono Township Highway
37 Commissioner.

38
39 **Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.4.**

40
41 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business
42 or other non-residential use only if: a. It also serves surrounding agricultural uses or an important public

1 need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise
2 appropriate in a rural area and the site is very well suited to it.” The proposed rezoning WILL/WILL NOT
3 HELP ACHIEVE Policy 4.3.5 for the following reasons: a. As reviewed under Policy 4.1.6, the subject
4 property is best prime farmland; and b. The property is only five acres in area; and c. A Special Use Permit
5 was authorized in Case 101-S-97 on July 17, 1997; and d. The B-1 District is intended to provide areas for
6 rural business to offer products and services to rural residents. Contractors Facilities and Self-Storage
7 Warehouses are USES that have been determined to be appropriate for the rural area in the B-1 District; and
8 e. The proposed development is subject to the *Stormwater Management Policy* and must provide adequate
9 stormwater detention; and f. The subject property fronts and has access to Duncan Road (CR 900E); and g.
10 Access to I-57 is approximately 1 road mile from the subject property; and h. the subject property is served
11 by a public water supply.

12
13 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5.**

14
15 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Objective 4.3.**

16
17 Mr. Thorsland stated that the proposed amendment WILL/WILL NOT IMPEDE the achievement of
18 Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3,
19 and 4.9.1. Objectives 4.4, 4.5, 4.8 and Policies 4.1.7, 4.1.19, and 4.3.1 are NOT RELEVANT to the
20 proposed amendment.

21
22 **Mr. Thorsland stated that the proposed amendment WILL NOT IMPEDE the achievement of**
23 **Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2,**
24 **4.6.3, and 4.9.1. Objectives 4.4, 4.5, 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are NOT RELEVANT to the**
25 **proposed amendment.**

26
27 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE GOAL 4.**

28
29 Mr. Thorsland stated that LRMP Goal 5 is entitled “Urban Land Use” and states as follows: “Champaign
30 County will encourage urban development that is compact and contiguous to existing cities, villages, and
31 existing unincorporated settlements. He said that Goal 5 had 3 objectives and 15 policies. The proposed
32 amendment WILL/WILL NOT IMPEDE Goal 5 for the following reasons: A. Objective 5.1 states,
33 “Champaign County will strive to ensure that the preponderance of population growth and economic
34 development is accommodated by new urban development in or adjacent to existing population centers.”
35 The proposed rezoning WILL/WILL NOT IMPEDE Objective 5.1 because of the following: (1) Policy 5.1.3
36 states, “The county will consider municipal extra-territorial jurisdiction areas that are currently served by or
37 that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth
38 areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas
39 are identified on the Future Land Use Map.”

40
41 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Objective 5.1.**

42

1 Mr. Thorsland stated that the proposed rezoning WILL/WILL NOT IMPEDE Policy 5.1.3.

2
3 **Mr. Randol stated that the proposed rezoning WILL NOT IMPEDE Policy 5.1.3.**

4
5 Mr. Thorsland stated that Policy 5.1.4 states, “The County may approve discretionary development outside
6 contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if: a. the
7 development is consistent with the municipal comprehensive plan and relevant municipal requirements; and
8 b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is
9 suited overall, otherwise; and c. the development is generally consistent with all relevant LRMP objective
10 and policies.” The proposed rezoning WILL/WILL NOT IMPEDE Policy 5.1.4 for the same reasons stated
11 under Policy 5.1.3.

12
13 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Policy 5.1.4 for the same reasons**
14 **stated under Policy 5.1.3.**

15
16 Mr. Thorsland stated that Objective 5.3 states, “Champaign County will oppose proposed new urban
17 development unless adequate utilities, infrastructure, and public services are provided.” The proposed
18 rezoning WILL/WILL NOT IMPEDE Objective 5.3 because of the following: (1) Policy 5.3.1 states, “The
19 County will: a. require that proposed new urban development in unincorporated areas is sufficiently served
20 by available public services and without undue public expense; and b. encourage, when possible, other
21 jurisdictions to require that proposed new urban development is sufficiently served by available public
22 services and without undue public expense.” The proposed rezoning WILL/WILL NOT IMPEDE Policy
23 5.3.1 based on the same considerations as for Policy 4.3.3.

24
25 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Policy 5.3.1 based on the same**
26 **considerations as for Policy 4.3.3.**

27
28 Mr. Thorsland stated that Policy 5.3.2 states, “The County will: a. require that proposed new urban
29 development, with proposed improvements, will be adequately served by public infrastructure, and that
30 related needed improvements to public infrastructure are made without undue public expense; and b.
31 encourage, when possible, other jurisdictions to require that proposed new urban development, with
32 proposed improvements, will be adequately served by public infrastructure, and that related needed
33 improvements to public infrastructure are made without undue public expense.” The proposed rezoning
34 WILL/WILL NOT IMPEDE Policy 5.3.2 based on the same considerations as for Policy 4.3.4.

35
36 **Mr. Thorsland stated that the proposed rezoning WILL NOT IMPEDE Policy 5.3.2 based on the same**
37 **considerations as for Policy 4.3.4.**

38
39 Mr. Thorsland stated that the proposed amendment WILL NOT IMPEDE the achievement of Objective 5.2
40 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.12, 5.2.3, and 5.3.3.

41
42 **Mr. Randol stated that overall the proposed rezoning WILL NOT IMPEDE Objective 5.3.**

1
2 **Mr. Thorsland stated that overall the proposed amendment WILL NOT IMPEDE Goal 5.**

3
4 Mr. Thorsland stated that LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:
5 “Champaign County will ensure the protection of the public health and public safety in land resource
6 management decisions. He said that Goal 6 has 4 objectives and 7 policies. The proposed rezoning
7 WILL/WILL NOT HELP ACHIEVE Goal 6 for the following reasons: A. Objective 6.1 states, “Champaign
8 County will seek to ensure that development in unincorporated areas of the County does not endanger public
9 health or safety.” He said that staff recommended that the proposed rezoning WILL HELP ACHIEVE
10 Objective 6.1, Policy 6.1.3 and WILL NOT IMPEDE the achievement of Policies 6.1.1, 6.1.2, 6.1.4 and
11 Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3 are NOT RELEVANT to the proposed
12 amendment.

13
14 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Goal 6.**

15
16 Mr. Thorsland stated that LRMP Goal 7 is entitled “Transportation” and states as follows: “Champaign
17 County will coordinate land use decisions in the unincorporated area with the existing and planned
18 transportation infrastructure and services. He said that Goal 7 has 2 objective and 7 policies. The proposed
19 rezoning WILL/WILL NOT HELP ACHIEVE HELP ACHIEVE Goal 7 for the following reasons: A.
20 Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate
21 efforts with other agencies when warranted.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE
22 Objective 7.1 because of the following: (1) Policy 7.1.1 states, “The County will include traffic analyses in
23 discretionary review development proposals with significant traffic generation.” The proposed rezoning
24 WILL/WILL NOT HELP ACHIEVE Policy 7.1.1 for the following reasons: (a) A traffic Impact Analysis is
25 not necessary because the number of weekday and weekend peak hour trips generated will be minimal; and
26 B. The proposed amendment WILL NOT IMPEDE the achievement of Objective 7.2 and Policies 7.2.1,
27 7.2.2, 7.2.3, 7.2.4, 7.2.5 and 7.2.6.

28
29 **Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Objective 7.1 and Policy**
30 **7.1.1 therefore overall the proposed rezoning WILL HELP ACHIEVE Goal 7.**

31
32 Mr. Thorsland stated that staff recommends that the proposed rezoning WILL NOT IMPEDE LRMP Goals
33 8, 9 and 10.

34
35 The Board agreed with staff’s recommendations.

36
37 Mr. Thorsland stated that the Board is required to make one determination for the following *LaSalle* Factor:
38 The suitability of the subject property for the zoned purposes. (1) The subject property is suitable for the
39 current zoned purposes; and (2) Based on the discussion of suitability under Items 14.C, the subject property
40 IS/IS NOT SUITABLE for the proposed zoned purpose which is self-storage warehouses and an existing
41 contractor’s facility.
42

1 **Ms. Capel stated that based on the discussion of suitability under Items 14.C, the subject property IS**
2 **SUITABLE for the proposed zoned purpose which is self-storage warehouses and an existing**
3 **contractor’s facility.**
4

5 Mr. Thorsland stated that the Board is required to make one determination for the following *Sinclair* Factor:
6 The extent to which the use conforms to the municipality’s comprehensive planning. (1) The proposed self-
7 storage warehouses will put the property to greater use, but not substantially different from what the property
8 has been used for in the past. Self-storage warehouses are facilities that may be utilized by residential
9 customers. (2) The area in which the subject property is located is indicated as “Primarily Farmland-Best
10 Prime” on the Land Resource Management (LRMP) map Future Land Use-2030. As described in the text of
11 the LRMP, agriculture is the primary land use in this area but other land uses (residential,
12 commercial/industrial, parks) are expected to locate in this area consistent with the LRMP. (3) Based on the
13 discussion above, the proposed Special Use DOES/DOES NOT CONFORM to the Land Resource
14 Management Plan.
15

16 **Mr. Randol stated that based on the discussion above, the proposed Special Use DOES CONFORM to**
17 **the Land Resource Management Plan.**
18

19 Mr. Thorsland stated that regarding the purpose of the Zoning Ordinance the proposed amendment
20 WILL/WILL NOT HELP ACHIEVE the purpose of the Zoning Ordinance as established in Section 2 of the
21 Ordinance.
22

23 **Mr. Randol stated that the proposed amendment WILL HELP ACHIEVE the purpose of the Zoning**
24 **Ordinance as established in Section 2 of the Ordinance.**
25

26 Mr. Thorsland stated that Paragraph 2.0(n) of the Ordinance states that one purpose of the zoning regulations
27 and standards that have been adopted and established is to protect the most productive agricultural lands
28 from haphazard and unplanned intrusions of urban uses. A. None of the subject property has been in
29 agricultural production since the adoption of the Zoning Ordinance on 10/10/73. B. The Special Use
30 WILL/WILL NOT be compatible with adjacent uses because the evidence established that the proposed
31 Special Use WILL/WILL NOT interfere with agricultural operations (see Item 14.B) and the subject site
32 IS/IS NOT suitable for the proposed Special Use (see item 14.C).
33

34 **Mr. Randol stated that the Special Use WILL be compatible with adjacent uses because the evidence**
35 **established that the proposed Special Use WILL NOT interfere with agricultural operations (see Item**
36 **14.B) and the subject site IS suitable for the proposed Special Use (see Item 14.C).**
37

38 Mr. Thorsland read proposed special condition A. as follows:
39

- 40 **A. The owners of the subject property hereby recognize and provide for the right of**
41 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
42 **Resolution 3425.**

1 The above special condition is necessary to ensure the following:
2 **Conformance with policies 4.2.3 and 5.1.5.**
3

4 Mr. Thorsland asked Mr. Sebens if he agreed to the special condition as read.
5

6 Mr. Sebens stated that he agreed with special condition A.
7

8 Mr. Thorsland entertained a motion to approve special condition A.
9

10 **Ms. Griest moved, seconded by Mr. Randol to approve special condition A. The motion carried by**
11 **voice vote.**
12

13 Mr. Thorsland entertained a motion to adopt the Documents of Record, Findings of Fact and Summary
14 Findings of Fact for Case 766-AM-14 as amended.
15

16 **Ms. Griest moved, seconded by Mr. Randol to adopt the Documents of Record, Findings of Fact and**
17 **Summary Findings of Fact as amended. The motion carried by voice vote with one opposing vote.**
18

19 Mr. Thorsland entertained a motion to move to the Final Determination for Case 766-AM-13.
20

21 **Mr. Randol moved, seconded by Ms. Griest to move to the Final Determination for Case 766-AM-13.**
22 **The motion carried by voice vote.**
23

24 Mr. Thorsland informed the petitioner that two Board members were absent therefore it is at his discretion to
25 either continue Case 766-AM-13 until a full Board is present or request that the present Board move to the
26 Final Determination. He informed the petitioner that four affirmative votes are required for approval.
27

28 Mr. Hall informed Mr. Sebens that if Case 766-AM-13 is continued to the September 25th meeting the case
29 will get to the County Board in the same amount of time either way.
30

31 Mr. Sebens stated that if he requests that the case be continued to a later meeting there is no guarantee that
32 there will be a full Board at that time either.
33

34 Mr. Thorsland stated no, but at best Mr. Sebens could hope for one more Board member and the case would
35 be the first case heard on September 25th.
36

37 Mr. Sebens requested that Case 766-AM-13 be continued to a later date when a full Board may be present.
38

39 Mr. Thorsland stated that the Board will now review Case 767-S-14. He said that item #8.L. requires a
40 determination from the Board. He read item #8.L as follows: The Special Use WILL/WILL NOT be
41 compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the
42 proposed Special Use WILL/WILL NOT interfere with agricultural operations (see the analysis of Policy

1 4.2.1 in the Finding Fact for Case 766) and the subject site IS/IS NOT suitable for the proposed Special Use
2 (see the analysis of Policy 4.3.2 in the Finding of Fact for Case 766).
3

4 **Ms. Capel stated that the Special Use WILL be compatible with adjacent uses because the evidence in**
5 **related Case 766-AM-13 established that the proposed Special Use WILL NOT interfere with**
6 **agricultural operations (see the analysis of Policy 4.2.1 in the Finding Fact for Case 766) and the**
7 **subject site IS suitable for the proposed Special Use (see the analysis of Policy 4.3.2 in the Finding of**
8 **Fact for Case 766).**
9

10 Mr. Thorsland stated that item #9.B(6)b.(f) requires a determination from the Board. He read item
11 #9.B(6)b.(f) as follows: Based on the above analysis, the ZBA finds that the proposed Special Use provides
12 ADEQUATE/INADEQUATE parking.
13

14 **Mr. Randol stated that based on the above analysis, the ZBA finds that the proposed Special Use**
15 **provides ADEQUATE parking.**
16

17 Mr. Thorsland stated that item #9.G(2) requires a determination from the Board. He read item #9.G(2) as
18 follows: Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related
19 Case 766-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference
20 with agricultural operations and the Zoning Board of Appeals found that the proposed Special Use
21 WILL/WILL NOT interfere with agricultural operations.
22

23 **Ms. Griest stated that compatibility of the proposed Special Use with surrounding agriculture was**
24 **evaluated in related Case 766-AM-13 under review of Land Resource Management Plan Objective 4.2**
25 **regarding interference with agricultural operations and the Zoning Board of Appeals found that the**
26 **proposed Special Use WILL NOT interfere with agricultural operations.**
27

28 Mr. Thorsland stated that item #10.E(9)b. requires a determination from the Board. He read item #10.E(9)b.
29 as follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the evidence in
30 related Case 766-AM-13 established that the proposed Special Use WILL/WILL NOT interfere with
31 agricultural operations and the subject site IS/IS NOT suitable for the proposed Special Use. See the
32 discussion under item 8.L on pg. 17.
33

34 **Ms. Griest stated that the Special Use WILL be compatible with adjacent uses because the evidence in**
35 **related Case 766-AM-13 established that the proposed Special Use WILL NOT interfere with**
36 **agricultural operations and the subject site IS suitable for the proposed Special Use. See the**
37 **discussion under item 8.L on pg. 17.**
38

39 Mr. Thorsland stated that the Board will now review the proposed special conditions of approval.
40

41 Mr. Thorsland read special condition A. as follows:
42

1 A. **The only two principal uses authorized by Case 767-S-13 Contractors Facility with**
2 **outdoor storage and/or outdoor operation and self-storage warehouse providing heat**
3 **and utilities to individual units. Other uses that can be established by right in the B-1**
4 **District may be established if they are the only use on the subject property other than**
5 **agriculture.**

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

9
10 Mr. Thorsland asked Mr. Sebens if he agreed with special condition A.

11
12 Mr. Sebens stated that he agreed with special condition A.

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

15
16 **B. The development of the site must be the same in the approved site plan that consists of**
17 **the following:**

18 **(1) the Revised Site plan received September 3, 2014.**

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

20 **That the development of the site is the same as described in the public hearing.**
21

22 Mr. Thorsland asked Mr. Sebens if he agreed with special condition B.

23
24 Mr. Sebens stated that he agreed with special condition B.

25
26 Mr. Thorsland read special condition C. as follows:

27
28 **C. The Zoning Administrator shall not authorize a Zoning Use Permit without an**
29 **approved septic system permit from the County Health Department for the**
30 **replacement leach field.**

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

32 **That the septic system conforms to the requirements of the County Health Ordinance.**
33

34 Mr. Thorsland asked Mr. Sebens if he agreed with special condition C.

35
36 Mr. Sebens stated that he agreed with special condition C.

37
38 Mr. Thorsland read special condition D. as follows:

39
40 **D. Complete Stormwater Drainage Plan for both the North and South detention basins**
41 **that conform to the requirements of the Stormwater Management Policy shall be**
42 **submitted and approved as part of the Zoning Use Permit application for construction**

and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

Mr. Thorsland asked Mr. Sebens if he agreed with special condition D.

Mr. Sebens stated that he agreed with special condition D.

Mr. Thorsland read special condition E. as follows:

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Mr. Thorsland asked Mr. Sebens if he agreed with special condition E.

Mr. Sebens stated that he agreed with special condition E.

Mr. Thorsland read special condition F. as follows:

F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and in conformance with Public Act 90-704.

Mr. Thorsland asked Mr. Sebens if he agreed with special condition F.

Mr. Sebens stated that he agreed with special condition F.

Mr. Thorsland read special condition G. as follows:

G. Regarding security on the subject property:

(1) The Zoning Administrator shall not authorize a Zoning Compliance Certificate

1 until written documentation has been approved from the petitioner that the
2 relevant fire protection district will have access through the security gate at all
3 times.

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

5 That the petitioner provides adequate security measures and provides access to
6 appropriate public safety agencies.
7

8 Mr. Thorsland asked Mr. Sebens if he agreed with special condition G.
9

10 Mr. Sebens stated that he agreed with special condition G.
11

12 Mr. Thorsland read special condition H. as follows:
13

14 H. The property shall be enclosed by a six-foot tall chain link fence as follows:

- 15 (1) The self-storage buildings and related parking area shall be enclosed by a six-foot
16 tall chain link fence prior to occupancy and at all times during occupancy.
17 (2) Doors shall not be installed on any storage unit for which the exterior of that
18 unit is not enclosed by a six-foot tall chain link fence.
19 (3) The west and north sides of the property shall only need to be fenced with a six-
20 feet tall chain link fence at such time as (a) windblown litter has become a
21 problem on the adjacent farmland or (b) contractor operations have encroached
22 onto the adjacent farmland, and the adjacent landowner has submitted to the
23 Zoning Administrator a written request for installation of fencing, in which case
24 the petitioner shall install a six-foot tall chain link fence within two months of
25 receiving said notification to install the fencing from the Zoning Administrator.

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

27 That the proposed Special Use does not interfere with adjacent agriculture.
28

29 Mr. Thorsland asked Mr. Sebens if he agreed with special condition H.
30

31 Mr. Sebens stated that he agreed with special condition H.
32

33 Mr. Hall explained to Mr. Sebens that special condition H. means that on Phase 2 one-half of the last
34 building will not be usable until the back side of it is enclosed.
35

36 Mr. Sebens stated that this is what he was planning on doing anyway. He said that the 3rd building will have
37 full depth units up until he builds the final building and then he still may not insert doors.
38

39 Mr. Hall stated that another possibility is that Mr. Sebens could have some units at the end of the building
40 because the ends would be within the enclosed fenced area.
41

42 Mr. Sebens stated that he still agrees to special condition H.

1
2 Mr. Thorsland read special condition I. as follows:
3

- 4 **I. The normal (i.e., non-emergency overflow) discharge of stormwater from the northwest**
5 **detention basin shall discharge directly into the neighbor’s six-inch diameter tile with**
6 **no overland flow and the discharge into the tile shall be limited to an amount that does**
7 **not exceed the discharge capacity of the six-inch diameter tile.**

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

- 9 **Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special**
10 **Use does not create erosion on the adjacent farmland or surcharge the existing six-inch**
11 **diameter tile.**
12

13 Mr. Thorsland asked Mr. Sebens if he agreed with special condition I.

14
15 Mr. Sebens stated that he agreed with special condition I.
16

17 Mr. Thorsland entertained a motion to approve the special conditions for Case 767-S-13.
18

19 **Ms. Griest moved, seconded by Ms. Capel to approve the special conditions for Case 767-S-13. The**
20 **motion carried with one opposing vote.**
21

22 Mr. Thorsland stated that there are no Documents of Record for Case 767-S-13.
23

24 **Findings of Fact for Case 767-S-13:**
25

26 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
27 767-S-13 held on January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014,
28 the Zoning Board of Appeals of Champaign County finds that:
29

- 30 **1. The requested Special Use Permit IS necessary for the public convenience at**
31 **this location.**
32

33 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
34 location because all evidence in the Summary of Evidence concluded that the proposal is following the
35 County requirements.
36

37 Mr. Thorsland stated that the property has not been in agricultural production since the adoption of zoning in
38 1973 and it is located in an area that will meet the needs of several communities and the surrounding rural
39 area and there is no other self-storage facility on this side of Champaign.
40

- 41 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
42 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**

ZBA DRAFT SUBJECT TO APPROVAL DRAFT 9-11-14
1 **the district in which it shall be located or otherwise detrimental to the public health,**
2 **safety and welfare because:**

3
4 a. **The street has ADEQUATE traffic capacity and the entrance location has**
5 **ADEQUATE visibility.**

6
7 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
8 visibility.

9
10 b. **Emergency services availability is ADEQUATE.**

11
12 Ms. Griest stated that emergency services availability is ADEQUATE.

13
14 c. **The Special Use WILL be compatible with adjacent uses.**

15
16 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

17
18 d. **Surface and subsurface drainage will be ADEQUATE.**

19
20 Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

21
22 e. **Public safety will be ADEQUATE.**

23
24 Ms. Griest stated that public safety will be ADEQUATE.

25
26 f. **The provisions for parking will be ADEQUATE.**

27
28 Ms. Griest stated that the provisions for parking will be ADEQUATE.

29
30 g. **The property is BEST PRIME FARMLAND and the property with the**
31 **proposed improvement IS WELL SUITED OVERALL.**

32
33 Ms. Griest stated that the property is BEST PRIME FARMLAND and the property with the proposed
34 improvement IS WELL SUITED OVERALL.

35
36 h. **The existing public services ARE available to support the proposed special use**
37 **effectively and safely without undue public expense.**

38
39 Ms. Griest stated that the existing public services ARE available to support the proposed special use
40 effectively and safely without undue public expense.

41
42 i. **The only existing public infrastructure together with proposed improvements**

1 b. The requested Special Use Permit IS necessary for the public convenience at this
2 location.
3

4 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
5 location.
6

7 c. The requested Special Use Permit, subject to the special conditions imposed
8 herein, is so designed, located, and proposed to be operated so that it WILL
9 NOT be injurious to the district in which it shall be located or otherwise
10 detrimental to the public health, safety and welfare.
11

12 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein, is
13 so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it
14 shall be located or otherwise detrimental to the public health, safety and welfare.
15

16 d. The requested Special Use Permit, subject to the special conditions imposed
17 herein, DOES preserve the essential character of the DISTRICT in which it is
18 located.
19

20 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
21 DOES preserve the essential character of the DISTRICT in which it is located.
22

23 5. The requested Special Use IS NOT an existing nonconforming use.
24

25 Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.
26

27 6. The Special Conditions imposed herein are required to ensure compliance with the
28 Criteria for special use permits and for the particular purposes described below:
29

30 A. The only two principal uses authorized by Case 767-S-13 are Contractors Facility with
31 outdoor storage and/or outdoor operation and self-storage warehouse providing heat
32 and utilities to individual units. Other uses that can be established by right in the B-1
33 District may be established if they are the only use on the subject property other than
34 agriculture.
35

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

39 B. The development of the site must be the same in the approved site plan that consists of
40 the following:

41 (1) the Revised Site plan received September 3, 2014.

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

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That the development of the site is the same as described in the public hearing.

C. The Zoning Administrator shall not authorize a Zoning Use Permit without an approved septic system permit from the County Health Department for the replacement leach field.

The special condition stated above is required to ensure the following:
That the septic system conforms to the requirements of the County Health Ordinance.

D. Complete Stormwater Drainage Plan for both the North and South detention basins that conform to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

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

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

F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

The special conditions stated above are required to ensure the following:
That the proposed structure is safe and in conformance with Public Act 90-704.

**G. Regarding security on the subject property:
(1) The Zoning Administrator shall not authorize a Zoning Compliance Certificate until written documentation has been approved from the petitioner that the relevant fire protection district will have access through the security gate at all times.**

The special condition stated above is necessary to ensure the following:
That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

H. The property shall be enclosed by a six-foot tall chain link fence as follows:

- (1) The self-storage buildings and related parking area shall be enclosed by a six-foot tall chain link fence prior to occupancy and at all times during occupancy.
- (2) Doors shall not be installed on any storage unit for which the exterior of that unit is not enclosed by a six-foot tall chain link fence.
- (3) The west and north sides of the property shall only need to be fenced with a six-foot tall chain link fence at such time as (a) windblown litter has become a problem on the adjacent farmland or (b) contractor operations have encroached onto the adjacent farmland, and the adjacent landowner has submitted to the Zoning Administrator a written request for installation of fencing, in which case the petitioner shall install a six-foot tall chain link fence within two months of receiving said notification to install the fencing from the Zoning Administrator.

The special condition above is required to ensure the following:

That the proposed Special Use does not interfere with adjacent agriculture.

I. The normal (i.e., non-emergency overflow) discharge of stormwater from the northwest detention basin shall discharge directly into the neighbor’s six-inch diameter tile with no overland flow and the discharge into the tile shall be limited to an amount that does not exceed the discharge capacity of the six-inch diameter tile.

The special condition above is required to ensure the following:

Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special Use does not create erosion on the adjacent farmland or surcharge the existing six-inch diameter tile.

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended, for Case 767-S-14.

Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended, for Case 767-S-14. The motion carried by voice vote with one opposing vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 767-S-13.

Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 767-S-13. The motion carried by voice vote.

Mr. Thorsland informed the petitioner that two Board members were absent therefore it is at his discretion to either continue Case 767-S-13 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Sebens requested that Case 767-S-13 be continued to a later date when a full Board may be present.

1 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the September 25, 2014,
2 meeting.

3
4 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 766-AM-13 and 767-S-13 to the**
5 **September 25, 2014, meeting. The motion carried by voice vote.**

6
7 Mr. Randol asked if the only thing that will happen at the September 25th meeting is final action and not
8 testimony will be heard.

9
10 Mr. Hall stated that based on the testimony tonight he would not anticipate any testimony to debate the
11 request although it is a public hearing and the Board has to accept any testimony that a witness wants to give.

12
13 Mr. Thorsland stated that the Board will take a five minute recess.

14
15 **The Board recessed at 8:25 p.m.**

16 **The Board resumed at 8:32 p.m.**

17
18 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
19 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
20 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
21 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
22 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
23 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
24 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
25 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
26 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
27 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
28 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
29 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
30 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
31 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
32 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
33 **activities including a requirement for a Land Disturbance Erosion Control Permit**
34 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
35 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
36 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
37 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
38 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
39 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
40 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
41 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
42 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**

1 a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.
2 Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.
3 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).
4

5 Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm
6 Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by
7 adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or
8 demolition that disturbs an acre or more of land or for any grading or demolition that is part of a
9 larger common plan of development in which one acre or more of land disturbance will occur, and
10 that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;
11 and C. Add required information to be provided in the application for a Grading and Demolition
12 Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or
13 Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General
14 Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a
15 Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations
16 enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.
17 Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other
18 requirements related to Grading and Demolition Permits.
19

20 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.
21

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

27 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.
28

29 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 769-AT-13,
30 dated September 11, 2014, and an excerpt of the approved minutes from May 29, 2014 and June 12, 2014.
31 He said that the first draft evidence for Case 769-AT-13 has been included as attachments. He said that draft
32 evidence related to Policy 8.4.5 begins on Attachment HH. He said that Policy 8.4.5 states, "The County
33 will ensure that non-point discharges from new development meet or exceed state and federal water quality
34 standards." He said that this is drafted for the Board's review and acceptance and the Board will find that
35 this evidence for this policy to be really burdensome but the standard is not simply what the IEPA says it is
36 but is also what the NPDES program sets up therefore he needed to review both. He said that even after
37 reviewing both this is not some short little description that is easy to review therefore it is rather lengthy and
38 he apologizes to the Board for that and anything that the Board would like stricken could probably be
39 honored.
40

41 Mr. Hall stated that the second evidence is included in Attachment II and is related to the purpose of the
42 Ordinance. He said that Paragraph 2.0(b) states that one purpose of the zoning regulations and standards that

1 have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES
2 throughout the COUNTY. He said that we can't really evaluate this proposed amendment very thoroughly
3 but it is relevant to review what the USEPA did in the beginning, which is what helped get this rule adopted
4 in the first place and the USEPA found that the costs will, in their words, not likely exceed the benefits. He
5 said that Attachment II is his attempt to review this information as easily and concisely as he could so that
6 the information is not ignored. He said that there were comments received at the beginning when this was
7 circulated at ELUC asking about costs and benefits and in fact the USEPA did this in the beginning and
8 there is a lot to disagree about but at least it is summarized. He said that the only thing that the Board can do
9 regarding costs is to try to estimate the costs for a typical lot, and again this information was presented to
10 ELUC originally, and now it has been summarized into a Finding of Fact.

11
12 Mr. Hall stated that staff has been trying to prepare a handout and Susan Chavarria, Interim Associate
13 Planner, recently had time to make exquisite illustrations which will be handy in both the technical manuals
14 and in a handout. He said that a draft handout with illustrations has been distributed to the Board for review.
15 He said that one of the illustrations is titled, "Example Zoning Use Permit Site Plan for a New Home on a
16 Typical Rural Lot." He said that the illustration indicates a stockpile with silt fence which is part of the
17 proposed minimum requirements and this information will be expected to be included on any future Zoning
18 Use Permit site plan, provided that the County Board approves those minimum requirements. He said that
19 all of the other information on this site plan is what is required for any other Zoning Use Permit received
20 today, except for the proposed sump pump discharge location which is also a new requirement that is part of
21 the minimums also. He said that everything on a site plan for a Zoning Use Permit should probably be on a
22 site plan for an Erosion and Sediment Control Plan (ESCP). He said that the Board may recall that the
23 Technical Appendices for the Minor Land Disturbance Erosion Control Permit only had the site plans that
24 are also in the Urbana and Champaign Technical Appendices and they will not be real useful for the County.
25 He stated that the other illustrations are titled, "Example Erosion and Sediment Control Plan (ESCP) for a
26 New Home on a Typical Rural Lot in MS4 Area, Example 2: All soil disturbed on property;" and "Example
27 Erosion and Sediment Control Plan (ESCP) for a New Home on a Typical Rural Lot in MS4 Area, Example
28 1: Grass already established-limited soil disturbance area." He said that this site plan is for a rural lot with a
29 septic field which will be part of the disturbed area and it shows the soil stockpile, stabilized construction
30 entrance, a silt fence and the area that will be disturbed. He said Example 1 indicates that the disturbed area
31 is kept as small as possible. He said that any comments that anyone may have regarding the site plans would
32 be appreciated because he has never done erosion control on a rural site plan. He said that Example 2
33 indicates that the whole lot is being disturbed. He said that the site plans look really good in color but we are
34 not going to ask applicants to submit color therefore we prepared these in black and white. He said that this
35 is what we want people to put on site plans if they are building a new home in the MS4 Area.

36
37 Mr. Hall stated that the handout includes some information that has not been discussed yet during the public
38 hearing and that is because there will be changes in the future. He said that we are going to be required to
39 have Erosion and Sediment Controls on any lot located in the Special Flood Hazard Area (100-year
40 floodplain) on which there is one acre or more of land disturbance. He said that this will be required because
41 our Special Flood Hazard Ordinance requires any state or federal permits that are also necessary therefore the
42 ILR10 is necessary if you are disturbing more than one acre of land when a home is being built in the

1 floodplain. He said that this information is a new thing that he just realized within the past few weeks and
2 this requirement will need to be added to the draft ordinance. He said that of all of the requirements for
3 building in the floodplain he believes that this will be the easiest but since this did occur to staff previously it
4 will need to be included in the draft. He said that the same inspections will not be completed in the Special
5 Flood Hazard Area that are completed in the MS4 area, unless it is in within the MS4 area, but the point is
6 that they are going to have to comply with ILR10 therefore they are going to have to meet all of the Erosion
7 and Sedimentation Control measures.

8
9 Mr. Hall stated that the handout attempts to summarize all of the requirements on one page in a simple, easy
10 to read format and it is not meant to replace the ordinance. He said that he realized after the handout was
11 copied that there is no mention of exemptions and that information needs to be added; otherwise he believes
12 that this handout could work.

13
14 Mr. Hall noted that the new Champaign County MS4 Jurisdiction Map, which Mr. Levy updated before
15 leaving the County, is included on the back of the handout. He said that all of the major streets have been
16 labeled at the perimeter of the MS4 area; therefore, this map would work for the final ordinance. He said
17 that any comments that anyone has regarding this updated map are welcome.

18
19 Mr. Hall stated that he does not expect the Board to do a lot with this information tonight but the Board does
20 have evidence to review and critique and hopefully the handout including the site plans will give the Board a
21 better sense of what the ordinance actually means. He said that these cases should not be continued to the
22 September 25th meeting but should return to the Board on October 16th.

23
24 Ms. Lee asked Mr. Hall if there is any way that the Board could come to the office to make sure that their
25 notebooks are in the correct order as intended by staff. She said that she has no idea if she has inserted the
26 handouts in the correct order or if she has all of the required documents for review.

27
28 Mr. Hall stated that the Board can always come to the office on any day of the week. He said that mainly the
29 notebook is intended to be usable by the Board but if anyone would like to come to the office to assure that
30 they have all of the documents then staff would be happy to assist them.

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

33
34 Mr. Hall noted that the handout indicates that any stockpile or multiple stockpiles with a total volume of 150
35 cubic yards or more must also have appropriate erosion and sedimentation controls. He said that previously
36 100 cubic yards was indicated and when asked why 100 cubic yards was used he would reply that it was the
37 information found in most ordinances. He said that the more he reviewed the 100 cubic yards he found that
38 it would not be a stockpile big enough for a small house that didn't have a basement, which would be more
39 in the order of 120 yards. He said that he decided that since there is no real requirement for this to be at 100
40 cubic yards he bumped it up to 150 cubic yards which would mean that a small house built without a
41 basement would not result in a stockpile big enough to worry about. He said that anytime we can match real
42 world occurrences it always helps improve the ordinance.

1
2 Mr. Hall stated that the 150 cubic yard threshold for soil stockpiles and the requirement for an ILR10 permit
3 in the Special Flood Hazard Area are the only changes that he can really think of that are on the handout that
4 the Board has not been given a copy of the draft ordinance that has those items included.

5
6 Mr. Thorsland asked Mr. Hall to indicate the purpose of the asterisks on the handout.

7
8 Mr. Hall stated that the asterisks are meant to flag those things that are part of the minimum requirements.
9 He said that the handout will only be useful if the County Board adopts the minimum requirements. He said
10 that if the County Board does not adopt the minimum requirements then the handout may get shorter.

11
12 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall.

13
14 Ms. Lee asked Mr. Hall if when he talks about the minimum requirements if he means that it has to be done
15 within the MS4 area.

16
17 Mr. Hall stated that he is referring to Section 6 which would usually refer to the optional minimum
18 requirements. He said that in the version of the draft ordinance that the Board received in May there are
19 notes after each of those paragraphs that are part of the optional requirements so that it is made real clear.

20
21 Mr. Thorsland asked if it would be fair to say that the typical new home will not require an ILR10 permit.

22
23 Mr. Hall stated that the typical could be anything because we always require a Zoning Use Permit and the
24 Erosion and Sediment Control Plan (ESCP) could be an ILR10 or could be a minor Land Disturbance
25 Erosion Control (LDEC) permit, which would be theoretically under some ILR10.

26
27 Mr. Thorsland stated that it could be indicated that this is what we want to see for any site plan and it may
28 fall under the requirements.

29
30 Mr. Thorsland stated that staff has requested that these cases not be continued to the September 25th meeting.

31
32 Mr. Hall stated that these cases could be continued to the September 25th meeting if the Board would like the
33 opportunity to come back with questions.

34
35 Mr. Thorsland stated that the Board needs time to review the distributed information.

36
37 He noted that he will not be in attendance at the October 16th meeting.

38
39 Mr. Hall stated that the Board does need to receive more evidence before making a final recommendation
40 and it is possible that by October 16th the Board will have received this evidence but he cannot guarantee that
41 the Board will have it before the meeting or very long before the meeting. He said that expecting final action
42 on October 16th is not realistic.

1
2 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the October 16, 2014,
3 meeting.

4
5 **Ms. Griest moved, seconded by Ms. Lee to continue Cases 769-AT-13 and 773-AT-14 to the October**
6 **16, 2014, meeting. The motion carried by voice vote.**

7
8 **6. New Public Hearings**

9
10 None

11
12 **7. Staff Report**

13
14 Mr. Hall stated that the Committee of the Whole tentatively recommended the upgrading of the Associate
15 Planner position and the recommendation will be on the County Board agenda for September 18th. He said
16 that we could be recruiting for an associate planner by the end of this month.

17
18 Mr. Hall stated that the docket indicates that there is not a big backlog of cases, which is good, but he can
19 think of a handful of cases that he is expecting to come in therefore we could get very busy very quickly. He
20 said that he is expecting to move forward recruiting an associate planner this fall.

21
22 **8. Other Business**

23 **A. Review of Docket**

24
25 Mr. Thorsland asked the Board if anyone anticipates being absent from any of the future meetings. He noted
26 that he will be absent from the October 16th meeting.

27
28 Ms. Griest stated that she will be absent from the October 30th meeting.

29
30 Mr. Thorsland requested that the Board notify staff immediately if they are unable to attend any ZBA
31 meeting.

32
33 Mr. Hall informed the Board that the Environment and Land Use Committee recommended approval of
34 Case 771-AM-14 and it has been placed on the September 18, 2014, County Board Consent Agenda.

35
36 Ms. Lee asked how the Board is to notify staff after hours if they are unable to attend that night's meeting.

37
38 Mr. Hall stated that the Board can always leave a message at the office because staff always checks the
39 phone and e-mail for messages prior to the meeting.

40
41 Mr. Thorsland stated that if an emergency occurs and he is unable to attend a meeting he will call one of the
42 other Board members to make them aware of his absence. He said that staff has provided a listing of all

1 contact numbers for the Board's use.

2

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

4

5 None

6

7 **10. Adjournment**

8

9 Mr. Thorsland entertained a motion to adjourn the public hearing.

10

11 **Ms. Griest moved, seconded by Ms. Lee to adjourn the public hearing. The motion carried by voice**
12 **vote.**

13

14 The meeting adjourned at 8:55 p.m.

15

16

17 Respectfully submitted

18

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22 Secretary of Zoning Board of Appeals

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1 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street
5 Urbana, IL 61801

7 **DATE:** September 25, 2014

PLACE: Lyle Shield's Meeting Room
1776 East Washington Street

10 **TIME:** 7:00 p.m.

Urbana, IL 61802

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

13 **MEMBERS ABSENT :** Eric Thorsland, Roger Miller

15 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall

17 **OTHERS PRESENT :** Eric Sebens, Jerry Kalk, Barbara Kalk, Toby Drollinger, Keith Harris, Jim
18 McGuire

22 **1. Call to Order**

24 The meeting was called to order at 7:00 p.m.

DRAFT

26 Mr. Hall informed the Board that due to the absence of Mr. Thorsland the Board needs to appoint an acting
27 Chair for tonight's meeting.

29 **Mr. Passalacqua moved, seconded by Ms. Lee to appoint Cathe Capel as the acting Chair for tonight's**
30 **meeting. The motion carried by voice vote.**

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

34 The roll was called and a quorum declared present with two members absent.

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

40 **3. Correspondence**

42 None

44 **4. Approval of Minutes (August 28, 2014)**

46 Ms. Capel entertained a motion to approve the August 28, 2014, minutes.

48 **Mr. Randol moved, seconded by Ms. Griest to approve the August 28, 2014, minutes.**

1
2 Ms. Capel asked the Board if there were any required corrections to the August 28, 2014, minutes.

3
4 Ms. Lee noted that under the Member's Absent section of the August 28th minutes the spelling of Mr.
5 Thorsland's name should be corrected.

6
7 **The motion carried by voice vote.**

8
9 **5. Continued Public Hearing**

10
11 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
12 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to**
13 **the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related**
14 **zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast**
15 **Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third**
16 **Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**

17
18 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
19 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple**
20 **principal buildings on the same lot consisting of the following: (1) a landscape contractor's facility**
21 **with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage**
22 **Warehouses, providing heat and utilities to individual units as a special use proposed in Part B. Part**
23 **B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to**
24 **individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the**
25 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the**
26 **Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E,**
27 **Champaign.**

28
29 Ms. Capel called Cases 766-AM-13 and 767-S-13 concurrently.

30
31 Ms. Capel informed the audience that Case 767-S-13 is an Administrative Case and as such the County
32 allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for
33 a show of hands for those who would like to cross examine and each person will be called upon. She
34 requested that anyone called to cross examine go to the cross examination microphone to ask any questions.
35 She said that those who desire to cross examine are not required to sign the witness register but are requested
36 to clearly state their name before asking any questions. She noted that no new testimony is to be given
37 during the cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-
38 Laws are exempt from cross examination.

39
40 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

41
42 Mr. Sebens, who resides at 3008 Cherry Hills Drive, Champaign, thanked the Board for their time and

1 consideration of his requests. He said that he and Mr. Osterbur have worked very hard to meet the
2 requirements of the Zoning Ordinance and the desires of the Zoning Board of Appeals and he is present
3 tonight seeking approval of his two cases.
4

5 Ms. Capel asked the Board and staff if there were any questions for Mr. Sebens and there were none.
6

7 Ms. Capel asked the audience if anyone desired to cross examine Mr. Sebens and there was no one.
8

9 Ms. Capel called John Hall to testify.
10

11 Mr. John Hall, Zoning Administrator, distributed an excerpt of the draft September, 11, 2014, minutes to the
12 Board for review. He said that the Board adopted Findings of Fact for both cases at the September 11th
13 meeting. He said that the draft September 11th meeting minutes were available after he had drafted the
14 finding for Case 767-S-13 and the minutes helped him realize that on page 33 of the Revised Draft Summary
15 of Evidence and Findings of Fact the minutes reflect that the actual finding should read as follows:
16

- 17 1. The requested Special Use IS necessary for the public convenience at this location because
18 **all evidence concluded that the proposal followed County requirements; the subject**
19 **property has not been in agricultural production since the Zoning Ordinance was**
20 **adopted in 1973; the proposed Special Use is located in an area where it can meet the**
21 **needs of several communities and the surrounding rural area; and there is no self-**
22 **storage facility on this side of Champaign.**
23

24 Mr. Hall said that the phrase, "and the surrounding rural area" was omitted from his notes but it is an
25 important part of that finding and should match the draft minutes.
26

27 Mr. Hall stated that on page 12 for Case 767-S-13 item #7.F. is one of the subsidiary findings that tie the
28 map amendment and the special use case together and the minutes demonstrate that the Board forgot to make
29 a determination for item 7.F. He said that he drafted item #7.F. based upon the Board's findings on all other
30 findings but he wanted to bring this matter to the Board's attention tonight.
31

32 Mr. Hall stated that on page 36 for Case 767-S-13, Special Condition H. he would like the Board to consider
33 the following revision of Special Condition H.(2).:
34

- 35 (2) **Doors shall not be installed on any storage unit at a location at which the exterior of**
36 **that unit is not enclosed by a six-foot tall chain link fence.**
37

38 Mr. Hall stated that he believes that the revision is an improvement and provides clear guidance for the
39 future zoning administrator and he would recommend this change to that item. He said that with these three
40 changes the Board could approve the amended Summary of Evidence and Finding of Fact.
41

42 Ms. Griest moved, seconded by Mr. Randol to approve the three revisions to the Summary of

1 **Evidence and Findings of Fact for Case 767-S-13. The motion carried by voice vote with one opposing**
2 **vote.**

3
4 Mr. Hall stated that the cases were continued to tonight’s meeting in hope of a fuller Board for a final
5 decision although tonight’s Board is no more full than it was at the last meeting. He said that it is up to the
6 petitioner whether or not he desires to proceed to the final determination at tonight’s meeting or continue his
7 cases to a future date.

8
9 Mr. Hall asked Mr. Sebens if he agreed to the changes to the Findings of Fact and the Special Condition.

10
11 Mr. Sebens stated yes.

12
13 Ms. Capel entertained a motion to move to the Final Determination for Case 766-AM-13 and 767-S-13.

14
15 **Mr. Passalacqua moved, seconded by Ms. Griest to move to the Final Determination for Case 767-**
16 **AM-14. The motion carried by voice vote.**

17
18 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
19 either continue Case 766-AM-13 and 767-S-13 until a full Board is present or request that the present Board
20 move to the Final Determination. She informed the petitioner that four affirmative votes are required for
21 approval.

22
23 Mr. Sebens requested that the present Board move to the Final Determinations.

24
25 **Final Determination for Case 767-AM-13:**

26
27 **Mr. Passalacqua moved, seconded by Ms. Griest pursuant to the authority granted by Section 9.2 of**
28 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
29 **determines that the Zoning Ordinance Amendment requested in Case 766-AM-13 should BE**
30 **ENACTED by the County Board subject to the following special condition:**

- 31
32 **A. The owners of the subject property hereby recognize and provide for the right**
33 **of agricultural activities to continue on adjacent land consistent with the Right**
34 **to Farm Resolution 3425.**

35
36 Ms. Capel requested a roll call vote.

37
38 The roll was called as follows:

39			
40	Randol-yes	Thorsland-absent	Griest-yes
41	Lee-no	Miller-absent	Passalacqua-yes
42	Capel-yes		

1
2 **Final Determination for Case 767-S-13:**
3

4 **Ms. Griest moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of**
5 **Appeals finds that, based upon the application, testimony, and other evidence received in this case, the**
6 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**
7 **by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use**
8 **requested in Case 767-S-13 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant**
9 **Eric L. Sebens to authorize the following in the B-1 District:**

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

- 11 (1) **a landscape contractor's facility with outdoor storage that was originally authorized in**
12 **Case 101-S-97; and**
13 (2) **Self-Storage Warehouses, providing heat and utilities to individual units as a special use**
14 **proposed in Part B.**

15 **Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities**
16 **to individual units as a special use.**
17

18 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
19

- 20 **A. The only two principal uses authorized by Case 767-S-13 are Contractors Facility with**
21 **outdoor storage and/or outdoor operation and self-storage warehouse providing heat**
22 **and utilities to individual units. Other uses that can be established by right in the B-1**
23 **District may be established if they are the only use on the subject property other than**
24 **agriculture.**

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

26 **That the petitioner and future landowners understand the requirements of the Zoning**
27 **Ordinance.**
28

- 29 **B. The development of the site must be the same in the approved site plan that consists of**
30 **the following:**

31 (1) **the Revised Site plan received September 3, 2014.**

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

33 **That the development of the site is the same as described in the public hearing.**
34

- 35 **C. The Zoning Administrator shall not authorize a Zoning Use Permit without an**
36 **approved septic system permit from the County Health Department for the**
37 **replacement leach field.**

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

39 **That the septic system conforms to the requirements of the County Health Ordinance.**
40

- 41 **D. Complete Stormwater Drainage Plan for both the North and South detention basins**
42 **that conform to the requirements of the Stormwater Management Policy shall be**

- 1 submitted and approved as part of the Zoning Use Permit application for construction
- 2 and all required certifications shall be submitted after construction prior to issuance of
- 3 the Zoning Compliance Certificate.
- 4 The special condition stated above is required to ensure the following:
- 5 **That the drainage improvements conform to the requirements of the Stormwater**
- 6 **Management Policy.**
- 7
- 8 **E. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
- 9 **has demonstrated that any new or proposed exterior lighting on the subject property**
- 10 **will comply with the lighting requirements of Section 6.1.2.**
- 11 The special condition stated above is required to ensure the following:
- 12 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**
- 13
- 14 **F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
- 15 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
- 16 **Administrator has received a certification of inspection from an Illinois Licensed**
- 17 **Architect or other qualified inspector certifying that the new building complies with the**
- 18 **following codes: (A) The 2006 or later edition of the International Building Code; (B)**
- 19 **The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
- 20 **Plumbing Code.**
- 21 The special conditions stated above are required to ensure the following:
- 22 **That the proposed structure is safe and in conformance with Public Act 90-704.**
- 23
- 24 **G. Regarding security on the subject property:**
- 25 **(1) The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
- 26 **until written documentation has been approved from the petitioner that the**
- 27 **relevant fire protection district will have access through the security gate at all**
- 28 **times.**
- 29 The special condition stated above is necessary to ensure the following:
- 30 **That the petitioner provides adequate security measures and provides access to**
- 31 **appropriate public safety agencies.**
- 32
- 33 **H. The property shall be enclosed by a six-foot tall chain link fence as follows:**
- 34 **(1) The self-storage buildings and related parking area shall be enclosed by a six-**
- 35 **foot tall chain link fence prior to occupancy and at all times during occupancy.**
- 36 **(2) Doors shall not be installed on any storage unit at a location at which the**
- 37 **exterior of that unit is not enclosed by a six-foot tall chain link fence.**
- 38 **(3) The west and north sides of the property shall only need to be fenced with a six-**
- 39 **foot tall chain link fence at such time as (a) windblown litter has become a**
- 40 **problem on the adjacent farmland or (b) contractor operations have encroached**
- 41 **onto the adjacent farmland, and the adjacent landowner has submitted to the**
- 42 **Zoning Administrator a written request for installation of fencing, in which case**

1 **the petitioner shall install a six-foot tall chain link fence within two months of**
 2 **receiving said notification to install the fencing from the Zoning Administrator.**
 3 The special condition above is required to ensure the following:
 4 **That the proposed Special Use does not interfere with adjacent agriculture.**

5
 6 **I. The normal (i.e., non-emergency overflow) discharge of stormwater from the northwest**
 7 **detention basin shall discharge directly into the neighbor’s six-inch diameter tile with**
 8 **no overland flow and the discharge into the tile shall be limited to an amount that does**
 9 **not exceed the discharge capacity of the six-inch diameter tile.**
 10 The special condition above is required to ensure the following:
 11 **Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special**
 12 **Use does not create erosion on the adjacent farmland or surcharge the existing six-inch**
 13 **diameter tile.**

14
 15 Ms. Capel requested a roll call vote.

16
 17 The roll was called as follows:

18 Lee-no	Miller-absent	Passalacqua-yes
19 Griest-yes	Randol-yes	Thorsland-absent
20 Capel-yes		

21
 22 Mr. Hall informed Mr. Sebens that he has received a recommendation of approval for the map amendment
 23 and that case will be forwarded to the Environment and Land Use Committee for their meeting on October 9,
 24 2014. He also informed Mr. Sebens that he has received an approval for the special use.

25
 26 **6. New Public Hearings**

27
 28 **Case 784-V-14 Petitioner: Jerry O. Kalk and Barbara J. Kalk. Request to authorize the following in**
 29 **the AG-1 Agriculture Zoning District: Part C. Variance for a side yard for a dwelling of 10 feet 10**
 30 **inches in lieu of the minimum required 15 feet; and Part D. Variance for a side yard for a detached**
 31 **accessory building (garage) of 3 feet in lieu of the minimum required 10 feet. Location: A ¼ acre tract**
 32 **in Ogden Township in the West Half of the Northwest Quarter of the Northeast Quarter of Section 17**
 33 **of Township 19N Range 14E of the Second Principle Meridian and commonly known as the home at**
 34 **1592 County Road 2650E, Ogden.**

35
 36 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
 37 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
 38 hands for those who would like to cross examine and each person will be called upon. She requested that
 39 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
 40 those who desire to cross examine are not required to sign the witness register but are requested to clearly
 41 state their name before asking any questions. She noted that no new testimony is to be given during the
 42 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are

1 exempt from cross examination.
2

3 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
4 witness register for that public hearing. She reminded the audience that when they sign the witness register
5 they are signing an oath.
6

7 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.
8

9 Mr. Jerry Kalk, who resides at 1592 CR 2650E, Ogden, stated that he had no new information at this time.
10

11 Ms. Capel called John Hall to testify.
12

13 Mr. John Hall, Zoning Administrator, stated that this case is in regard to the original variances that the
14 petitioners needed for their house and garage and were not included in the variance request in 1980 and staff
15 forgot to include them in the original advertisement for Case 784-V-14 Parts A and B. He said that staff
16 is finally getting all of the nonconformities on this lot taken care of and the Board has never seen a case like
17 this where Parts A and B have already been approved. He said that the findings for Parts A and B have been
18 prepared therefore if the Board wants to make additional or new findings for Parts C and D then they could
19 certainly do so and for the most part the Board might find that Parts C and D are similar to one or both parts
20 that the Board previously took action on so the findings may not require as much work as usual or none. He
21 said that the Board could go back and amend the previous findings or make completely new findings for
22 Parts C and D.
23

24 Mr. Passalacqua stated that the Board talked about Parts C and D but could not take any action because they
25 were not included in the original advertisement. He said that he is comfortable with the findings for Parts A
26 and B to be used for Parts C and D
27

28 Mr. Hall stated that the Board may want to modify the previous findings for Part A and B to make it clear
29 that Parts C and D are also included.
30

31 **Findings of Fact for Case 784-V-14:**
32

33 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
34 784-V-14 held on August 28, 2014 and September 25, 2014, the Zoning Board of Appeals of Champaign
35 County finds that:
36

- 37 1. **Special conditions and circumstances DO exist which are peculiar to the land or**
38 **structure involved, which are not applicable to other similarly situated land and**
39 **structures elsewhere in the same district because for Parts A and B, the subject**
40 **property is a 10,890 square feet, (.25 acre) lot that is 82 feet wide and 132 feet long and**
41 **the dwelling and the garage existed in 1973 which was prior to the adoption of Zoning**
42 **and the variance for lot coverage is allowable within the Administrative Variance limits**

1 except that there are other variances required on the subject property; and
2

3 **For Parts C and D, special conditions and circumstances DO exist which are peculiar to**
4 **the land or structure involved, which are not applicable to other similarly situated land**
5 **and structures elsewhere in the same district.**
6

7 Ms. Griest stated that for Parts C and D, special conditions and circumstances DO exist which are peculiar
8 to the land or structure involved, which are not applicable to other similarly situated land and structures
9 elsewhere in the same district because the subject property is a nonconforming lot of record with an area of
10 only .25 acre and an average lot width of only 82.5 feet and therefore the lot has much less open space than
11 is available on a minimum required lot of one acre with a minimum required average lot width of 200 feet.
12

- 13 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
14 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
15 **the land or structure or construction because for Part A, due to the small lot size and**
16 **with the limit of 20% lot coverage it would be impossible to add onto the home without**
17 **the variance; and for part B. the two small sheds are supposed to movable but they**
18 **have been in the same location so long that moving them may destroy them; and**
19

20 **For Parts C and D, practical difficulties or hardships created by carrying out the strict**
21 **letter of the regulations sought to be varied WILL prevent reasonable or otherwise**
22 **permitted use of the land or structure or construction.**
23

24 Mr. Passalacqua stated that for Parts C and D, practical difficulties or hardships created by carrying
25 out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise
26 permitted use of the land or structure or construction because of the small lot size and the structures existed
27 prior to the adoption of Zoning.
28

29 Ms. Griest stated that the home and garage existed in the current locations when the Zoning Ordinance was
30 adopted in 1973.
31

- 32 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
33 **result from actions of the applicant because for Part A, the lot to the south is a small**
34 **nonconforming lot of record and the adjacent lot to the north is also a nonconforming**
35 **lot of record and no sale of land would be possible to either the north or south and the**
36 **adjacent land to the east is a farm field and any sale would interrupt the line of tillage;**
37 **and for Part B, relocation of the sheds could cause irreparable damage to the sheds and**
38 **the sheds would have to be replaced; and**
39

40 **For Parts C and D, special conditions, circumstances, hardships, or practical difficulties**
41 **DO NOT result from actions of the applicant.**
42

1 Ms. Griest stated that for Parts C and D, special conditions, circumstances, hardships, or practical
2 difficulties DO NOT result from actions of the applicant because the home and garage existed in the current
3 locations when the Zoning Ordinance was adopted in 1973.

- 4
5 **4. The requested variance IS in harmony with the general purpose and intent of the**
6 **Ordinance because for both Parts A and B, it allows the petitioner to add on without**
7 **being injurious to the neighborhood and not interfering with the neighbors; and**

8
9 **For Parts C and D, the requested variance IS in harmony with the general purpose and**
10 **intent of the Ordinance.**

11
12 Ms. Griest stated that for Parts C and D, the requested variance IS in harmony with the general
13 purpose and intent of the Ordinance because the Zoning Ordinance does not clearly state the considerations
14 that underlay the side yard requirements and the considerations for a side yard are presumed to be similar to
15 those of a rear yard.

16
17 Ms. Lee stated that the home and garage existed in the current locations when the Zoning Ordinance was
18 adopted in 1973.

- 19
20 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
21 **detrimental to the public health, safety, or welfare because for both Parts A and B,**
22 **the Ogden Township Highway Commissioner and the Ogden-Royal Fire Protection**
23 **District have both been notified and no comments were received and the variance will**
24 **not increase traffic nor will the variance decrease public safety; and**

25
26 **For Parts C and D, the requested variance WILL NOT be injurious to the**
27 **neighborhood or otherwise detrimental to the public health, safety, or welfare.**

28
29 Mr. Passalacqua stated that for Parts C and D, the requested variance WILL NOT be injurious to the
30 neighborhood or otherwise detrimental to the public health, safety, or welfare because there is no change.

- 31
32 **6. The requested variance IS the minimum variation that will make possible the**
33 **reasonable use of the land/structure for both Parts A and B; and**

34
35 **For Parts C and D, the requested variance IS the minimum variation that will make**
36 **possible the reasonable use of the land/structure.**

37
38 Ms. Griest stated that for Parts C and D, the requested variance IS the minimum variation that will make
39 possible the reasonable use of the land/structure.

- 40
41 **7. No Special Conditions are hereby imposed.**
42

1 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
2 Fact as amended.

3
4 **Ms. Griest moved, seconded by Ms. Lee to adopt the Summary of Evidence, Documents of Record
5 and Findings of Fact as amended. The motion carried by voice vote.**

6
7 Ms. Capel entertained a motion to move to the Final Determination for Case 784-V-14.

8
9 **Ms. Griest moved, seconded by Ms. Lee to move to the Final Determination for Case 784-V-14. The
10 motion carried by voice vote.**

11
12 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
13 either continue Case 784-V-14 until a full Board is present or request that the present Board move to the
14 Final Determination. She informed the petitioner that four affirmative votes are required for approval.

15
16 Mr. Kalk requested that the present Board move to the Final Determination.

17
18 **Final Determination for Case 784-V-14:**

19
20 **The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony,
21 and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE*
22 been met and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning
23 Ordinance, the Zoning Board of Appeals of Champaign County determines that the variance
24 requested in Case 784-V-14 Parts A and B is hereby GRANTED* to the petitioners Jerry and
25 Barbara Kalk to authorize the following in the AG-1 Agriculture Zoning District:**

- 26
27 **Part A. Variance for lot coverage of 21.7% in lieu of the maximum allowed 20%; and**
28 **Part B. Variance for a rear yard for two existing accessory buildings of 3 feet in lieu of**
29 **the minimum required 10 feet; and**

30
31 *Determination in Parts A and B on August 28, 2014

32
33 **Mr. Passalacqua moved, seconded by Ms. Griest that the Champaign County Zoning Board of
34 Appeals finds that, based upon the application, testimony, and other evidence received in this case,
35 that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
36 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
37 Appeals of Champaign County determines that the variance requested in Case 784-V-14 Parts C and
38 D is hereby GRANTED to the petitioners Jerry and Barbara Kalk to authorize the following in the
39 AG-1 Agriculture Zoning District:**

- 40
41 **Part C. Variance for a side yard for a dwelling of 10 feet 10 inches in lieu of the**
42 **minimum required 15 feet; and**

1 **Part D. Variance for a side yard for a detached accessory building (garage) of 3 feet in**
2 **lieu of the minimum required 10 feet.**
3

4 Ms. Capel requested a roll call vote.

5
6 The roll was called as follows:

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

11
12 Mr. Hall informed the petitioners that they have received an approval for their requests.

13
14 **Case 786-V-14 Petitioner: Toby Drollinger Request to authorize the following variance in the R-1**
15 **Single Family Residence Zoning District: Part A. A proposed detached garage with a side yard of 3**
16 **feet in lieu of the minimum required 5 feet; and Part B. An existing detached shed located in a utility**
17 **easement in lieu of the requirement that no construction shall take place in a recorded utility**
18 **easement and with a side yard of 0 inches in lieu of the minimum required 5 feet; and Part C. A**
19 **second detached shed located in a utility easement in lieu of the requirement that no construction**
20 **shall take place in a recorded utility easement and with a side yard of 1 foot 7 inches in lieu of the**
21 **minimum required 5 feet.**

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

31
32 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
33 witness register for that public hearing. She reminded the audience that when they sign the witness register
34 they are signing an oath.

35
36 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

37
38 Mr. Toby Drollinger, who resides at 2404 John Drive, Urbana, stated that he had no new information at this
39 time.

40
41 Ms. Capel called John Hall to testify.
42

1 Mr. John Hall, Zoning Administrator, stated that there is no new information regarding this case for
2 tonight therefore the only information for the Board is what is included in the Preliminary Memorandum
3 dated September 17, 2014. He said that the subject property is an irregularly shaped lot which is much wider
4 than other lots on this same street. He said that the lot exceeds the minimum lot area and lot width. He said
5 that when the house was built originally it was placed in the center of the lot which is why the petitioners are
6 here tonight because if it had been offset a little bit more the garage could have been added at the side with
7 no problem. He noted that the petitioner did not build the house and it existed when the petitioner purchased
8 the lot.

9
10 Mr. Hall stated that the two garden sheds are small portable structures that were recently located. He said
11 that the yard has been exquisitely developed with landscaping and the sheds are placed at the perimeter. He
12 said that it is up to the Board to determine whether or not the sheds can be left at their current location or if
13 they need to be relocated. He said that the sheds do not have any concrete which would make it difficult to
14 move them if the utility company required access and at a staff level a special condition was proposed
15 requiring the owner to move the sheds at their expense if requested by the utility and if either shed is
16 destroyed by more than 50% it could not be replaced. He said that the alternative would be that as long as
17 the owner is willing to remove the shed the Board could indicate that they are willing to allow the owner to
18 replace it as long as he agrees to remove it when necessary. He said that recently the Board had a fairly
19 labored case that had a stick built shed in a utility easement with a concrete floor and in that instance the
20 Board required the owner to remove the stick built portion from the utility easement. He said that the
21 conditions are different with this case but a utility easement is something that generally prohibits any
22 building at all which is why the petitioner is before the Board tonight.

23
24 Mr. Passalacqua stated that the structures are shaped like a shed but they could be moved within one hour.
25 He said that if the power company indicated that they needed the structures moved they could be done easily
26 therefore he has no issue with the sheds in their current location.

27
28 Mr. Hall asked Mr. Passalacqua if he has issue with replacement of the sheds.

29
30 Mr. Passalacqua stated that it appears that the sheds are snap together units therefore he would have no
31 problem with their relocation. He said that he would not approve footings and a concrete pad within the
32 easement but the structures as they are could be moved within one hour.

33
34 Mr. Hall asked Mr. Passalacqua if proposed special condition A(1) is necessary.

35
36 Mr. Passalacqua stated that he is fine with only requiring proposed special condition A(2).

37
38 Ms. Lee asked Mr. Hall if it is winter time and the sanitary district requires access would it be difficult to
39 remove the buildings from the easement area when the ground is frozen.

40
41 Mr. Passalacqua stated that if the sanitary district needs the sheds moved they will move them even if they
42 have to use a backhoe to do it.

1

2 Ms. Griest stated that she agrees with Mr. Passalacqua in that proposed special condition A(1) could be
3 stricken. She said that these are portable sheds by definition and there are no footings therefore the Board
4 would be overreaching and restricting any homeowner's right to be able to put portable objects within the
5 confines of their own lot, even if it is a utility easement because by being portable they are movable.

6

7 Ms. Capel asked if the Board needs to specify that if the sheds are damaged and require replacement what
8 type of sheds are to be reconstructed.

9

10 Ms. Griest stated no. She said that the Board is not giving the homeowner any authorization to build in that
11 area because they are simply placing portable units in that area that can be easily hooked on to with a piece
12 of machinery and either picked up or slid across the yard. She said that the sheds are not a permanent
13 structure that is attached to the ground therefore she does not support restricting the owner's rights or adding
14 something indicating that they could not build within the utility easement because we already have an
15 ordinance which restricts it.

16

17 Ms. Capel stated that she was more concerned with the owner replacing the portable shed with a more
18 permanent structure.

19

20 Ms. Griest stated that the Ordinance already restricts it.

21

22 Mr. Randol asked if any complaints have been voiced by the neighbors.

23

24 Mr. Hall stated no. He said that the Homeowner's Association called staff and indicated that they had no
25 issue with the variance request.

26

27 Ms. Capel noted that she drove past the property and the landscaping is very nice and everything fits together
28 very well.

29

30 Ms. Lee asked Mr. Hall if in order to maintain flexibility if language should be inserted indicating that the
31 replacement structure cannot be a permanent structure.

32

33 Ms. Griest stated that the Ordinance already indicates such.

34

35 Mr. Hall stated that if they constructed a permanent stick built structure, even if it were the same size, it is
36 materially different than this case and would be violation and either a new variance would be required or the
37 structure would have to be removed.

38

39 Mr. Passalacqua stated that a shed which is the same size as the two subject sheds would not require a permit
40 but it is required to be within the Ordinance therefore it is still covered.

41

42 Ms. Capel asked the Board if there were any additional questions for the petitioner or Mr. Hall and there

1 were none.

2

3 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
4 this case.

5

6 Ms. Capel called Keith Harris to testify.

7

8 Mr. Keith Harris, who resides at 413 N. Abbey Road, Urbana, stated that he is the contractor for Mr.
9 Drollinger. He said that when he filled out the paperwork for the permit he indicated that the detached
10 garage would be 704 square feet although the Preliminary Memorandum indicates 512 square feet. He said
11 that he wanted to make sure that the square footage discrepancy was clarified and that everyone was aware of
12 what the Mr. Drollinger was petitioning for.

13

14 Mr. Hall stated that item #5(2) should be revised to indicate the following: Proposed construction of a 704
15 square foot detached garage on the west side of the residence.

16

17 Ms. Capel asked the Board and staff if there were any questions for Mr. Harris and there were none.

18

19 Ms. Capel asked the audience if anyone desired to cross examine Mr. Harris and there was no one.

20

21 Ms. Capel called Toby Drollinger to testify.

22

23 Mr. Toby Drollinger stated that these are plastic sheds built on a wood platform and can be easily moved.
24 He said that he called the power company and he reached someone in Peoria who then transferred him to
25 Decatur. He said that a gentleman by the name of Nick informed him that the power company does not give
26 anyone permission to build within their easement therefore if there are problems they inform the owner to
27 either move the structure or they will.

28

29 Ms. Capel asked Mr. Drollinger if he agreed to the following proposed special condition.

30

31 **A. Upon written request of any utility, the owner will be required to remove either of the**
32 **sheds from the easement area.**

33

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

34

To ensure that utility companies have appropriate access to their easements

35

36 Mr. Drollinger stated that he agreed with the proposed special condition.

37

38 Ms. Capel asked the audience if anyone desired to cross examine Mr. Drollinger and there was no one.

39

40 Ms. Capel entertained a motion to approve the proposed special condition:

41

42 **Ms. Griest moved, seconded by Mr. Randol to approve the proposed special condition. The motion**

1 carried by voice vote.

2
3 **Findings of Fact for Case 786-V-14:**

4
5 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
6 786-V-14 held on September 25, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 7
- 8 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
- 9 **structure involved, which are not applicable to other similarly situated land and**
- 10 **structures elsewhere in the same district.**

11
12 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
13 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
14 same district because of the irregular shape of the lot and placement of the home that was constructed prior
15 to the adoption of zoning in 1973.

- 16
- 17 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
- 18 **regulations sought to be varied WILL prevent reasonable or otherwise permitted**
- 19 **use of the land or structure or construction.**

20
21 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
22 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
23 or construction because it would prevent the petitioner from being able to add the garage.

24
25 Ms. Capel stated that it causes difficulty in moving to and from the back yard due to the limited space that
26 would result.

27
28 Ms. Lee asked if the same text as in Finding #1 could be added indicating that the home was constructed
29 prior to the adoption of zoning in 1973.

30
31 Ms. Capel stated yes.

- 32
- 33 **3. The special conditions, circumstances, hardships, or practical difficulties DO**
- 34 **NOT result from actions of the applicant.**

35
36 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
37 result from actions of the applicant because the petitioner is not the first owner and the property was
38 developed prior to the current zoning requirements.

- 39
- 40 **4. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS**
- 41 **in harmony with the general purpose and intent of the Ordinance.**

42

1 Ms. Griest stated that the requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS
2 in harmony with the general purpose and intent of the Ordinance. She said that she has no additional
3 comments to add.

- 4
5 **5. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS**
6 **WILL NOT be injurious to the neighborhood or otherwise detrimental to the public**
7 **health, safety, or welfare.**

8
9 Mr. Passalacqua stated that the requested variance, SUBJECT TO THE PROPOSED SPECIAL
10 CONDITION, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health,
11 safety or welfare because evidence indicates that the Homeowner's Association is in favor of the variance
12 and letters have been received from neighbors indicating that they too are in favor of the proposed project.

13
14 Ms. Griest stated that there is adequate separation for light and air and the subject property is .04 road miles
15 from the Edge-Scott Fire Protection District and no concerns have been received from the fire protection
16 district.

- 17
18 **6. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS**
19 **the minimum variation that will make possible the reasonable use of the land/structure.**

20
21 Mr. Passalacqua stated that the requested variance, SUBJECT TO THE PROPOSED SPECIAL
22 CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.
23 He said that he has no additional comments to add.

24
25 Ms. Griest stated that there is no other available space on the lot that is accessible to build a detached garage.

- 26
27 **7. The special condition imposed herein is required for the particular purposes**
28 **described below:**

- 29
30 **A. Upon written request of any utility, the owner will be required to remove**
31 **either of the sheds from the easement area.**

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

33 **To ensure that utility companies have appropriate access to their easements.**
34

35 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
36 Fact as amended.

37
38 **Ms. Griest moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record**
39 **and Findings of Fact as amended. The motion carried by voice vote.**

40
41 Ms. Griest entertained a motion to move to the Final Determination for Case 786-V-14.
42

1 **Mr. Passalacqua moved, seconded by Ms. Griest to move to the Final Determination for Case 786-V-**
2 **14.**

3
4 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
5 either continue Case 786-V-14 until a full Board is present or request that the present Board move to the
6 Final Determination. She informed the petitioner that four affirmative votes are required for approval.

7
8 Mr. Drollinger requested that the present Board move to the Final Determination.

9
10 Mr. Passalacqua asked Mr. Hall if the sheds should not be part of this case since the Board determined that
11 the sheds are on skids and totally portable.

12
13 Mr. Hall stated no because they are still sitting in an easement. He said that the Board determined that
14 because the sheds are portable that mitigates them being in the easement.

15
16 **Final Determination for Case 786-V-14:**

17
18 **Ms. Griest moved, seconded by Ms. Lee that the Champaign County Zoning Board of Appeals finds**
19 **that, based upon the application, testimony, and other evidence received in this case, that the**
20 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
21 **by Section 9.1.6.B of the Champaign Zoning Ordinance, the Zoning Board of Appeals of Champaign**
22 **County determines that the Variance requested in Case 786-V-14 is hereby GRANTED WITH**
23 **CONDITIONS to the petitioner Toby Drollinger to authorize the following variances in the R-1**
24 **Residential Zoning District:**

25
26 **Part 1. A proposed detached garage with a side yard of 3 feet in lieu of the minimum**
27 **required 5 feet.**

28
29 **Part 2. An existing detached shed located in a utility easement in lieu of the**
30 **requirement that no construction shall take place in a recorded utility easement**
31 **and with a side yard of 0 inches in lieu of the minimum required 5 feet.**

32
33 **Part 3. A second detached shed located in a utility easement in lieu of the requirement**
34 **that no construction shall take place in a recorded utility easement and with a**
35 **side yard of 1 foot 7 inches in lieu of the minimum required 5 feet.**

36
37 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

38
39 **A. Upon written request of any utility, the owner will be required to remove either**
40 **of the sheds from the easement area.**

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

42 **To ensure that utility companies have appropriate access to their easements.**

1

2 Ms. Capel requested a roll call vote.

3

4 The roll was called as follows:

5

6 **Miller-absent****Passalacqua-yes****Randol-yes**7 **Thorsland-absent****Griest-yes****Lee-yes**8 **Capel-yes**

9

10 Mr. Hall informed the petitioner that he has received an approval of his request and staff will contact him
11 within the next few days.

12

13 **7. Staff Report**

14

15 None

16

17 **8. Other Business**18 **A. Review of Docket**

19

20 Mr. Hall distributed an updated docket to the Board for review. He said that there has been a mini-rush of
21 cases during the past week. He said that during the last two weeks staff has received one new case and is
22 expecting the two co-op cases to be submitted sometime next week. He said that the co-op has been in
23 touch with staff for some time now about those cases therefore staff knows that they are serious about doing
24 them. He said that normally staff does not schedule cases prior to receiving the application but the petitioner
25 has been working with staff for such a time that he felt comfortable in going ahead and scheduling them on
26 the docket. He said that it could be that staff will not receive the applications in time and the co-op knows
27 that if they do not submit them sometime next week that they will be scheduled for the next available meeting.

28

29 Ms. Griest reminded the Board and staff that she will be absent from the October 30th meeting.

30

31 Ms. Capel requested that if anyone anticipates an absence from the October 30th meeting or any other
32 meeting in the future that they contact staff as soon as possible.

33

34 Mr. Hall stated that Fiscal Year 2014 is going to shape up to probably having as many cases as in 2013
35 therefore it is a good thing that the Board and staff has had Ms. Chavarria assisting us this year because it
36 would have been very difficult without the extra help. He said that the Planning Interns are still with the
37 department but their hours have been reduced due to their school requirements and every day that they are
38 reporting to the office they are in the field completing inspections.

39

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

41

42 None

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10. Adjournment

Ms. Capel entertained a motion to adjourn the meeting.

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

The meeting adjourned at 8:00 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 787-V-14

PRELIMINARY MEMORANDUM

October 9, 2014

Champaign
County
Department of



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

(217) 384-3708

Petitioner: Village of Foosland

Request: Authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

Subject Property: A tract in Brown Township located in the North Half of Block 3 of Lamar Foos Addition to the town of Foosland in Section 17 of Brown Township, commonly known as the Village Park located between 3rd and 4th Streets and between Lamar and Park Streets in the Village of Foosland

Site Area: 1.6 acres

Time Schedule for Development: As Soon as Possible

Prepared by: Susan Chavarria
Interim Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner requests a variance to authorize the construction of a municipal storage building in the Village of Foosland Park. The Village had a storage building adjacent to the proposed site in the park, but converted it to a Community Center. Compliance inspection on the community center determined that the building was built 5 feet from the right of way instead of 6 feet. The Zoning Administrator did not include that reduced front yard/setback in the advertisement for Case 787-V-14 and is prepared to find the difference "de minimis" (not significant) if the ZBA agrees. The storage building is being authorized as an accessory building to the community center and no SUP is required.

The new facility would store street signs, picnic tables, and tables and chairs from the community center. The Village would like to construct the proposed building in a location that is least disruptive to existing trees and utility lines; the selected location requires a variance in front yard and setback requirements.

EXTRATERRITORIAL JURISDICTION

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Park	R-2 Single Family Residence
North	Single Family Residence	R-2 Single Family Residence
East	Single Family Residence	R-2 Single Family Residence
West	Storage (no structures)	I-1 Light Industry
South	Single Family Residence	R-2 Single Family Residence

EXISTING CONDITIONS

The Village Park houses a Community Center adjacent to the proposed site. Parking includes one accessible space next to the Community Center and street parking. The street adjacent to the proposed storage shed is one lane. Traffic volumes are very low on the sides and rear of the park. There will be no vehicles stored in the proposed storage building.

SPECIAL CONDITIONS

- A. **Regarding State of Illinois accessibility requirements:**
- (1) **Per the September 15, 2014 email from Douglas Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, provide an accessible route from the accessible parking space north of the Community Center to the new storage building. The route should be asphalt or concrete, at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.**
 - (2) **If the total cost of the proposed storage building exceeds \$50,000, the Zoning Administrator shall not approve a Zoning Use Permit for the proposed storage facility without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
 - (3) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed storage facility until the Zoning Administrator has verified that the warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special condition stated above is to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and built to current standards.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 11, 2014
- C Email from Douglas Gamble, Accessibility Specialist, State of Illinois Capital Development Board received September 15, 2014
- D Images of Subject Property taken September 19, 2014
- E Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

Case 787-V-14
October 16, 2014

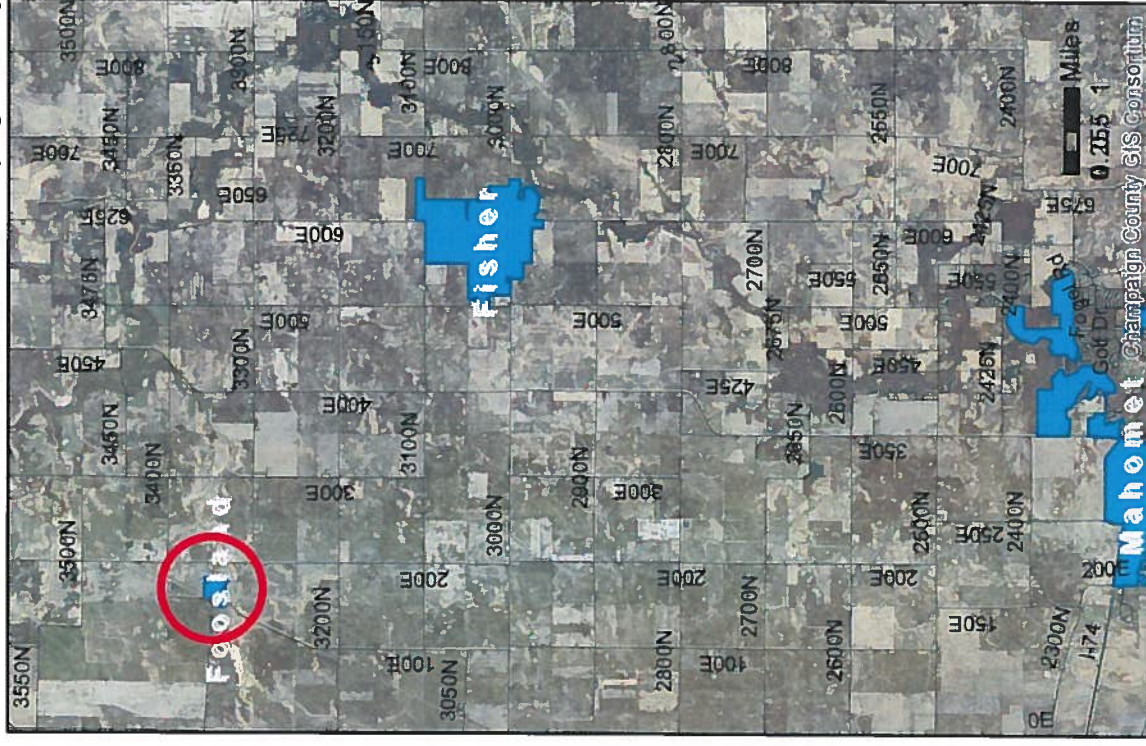
Village of Foosland



Legend

 Subject Property

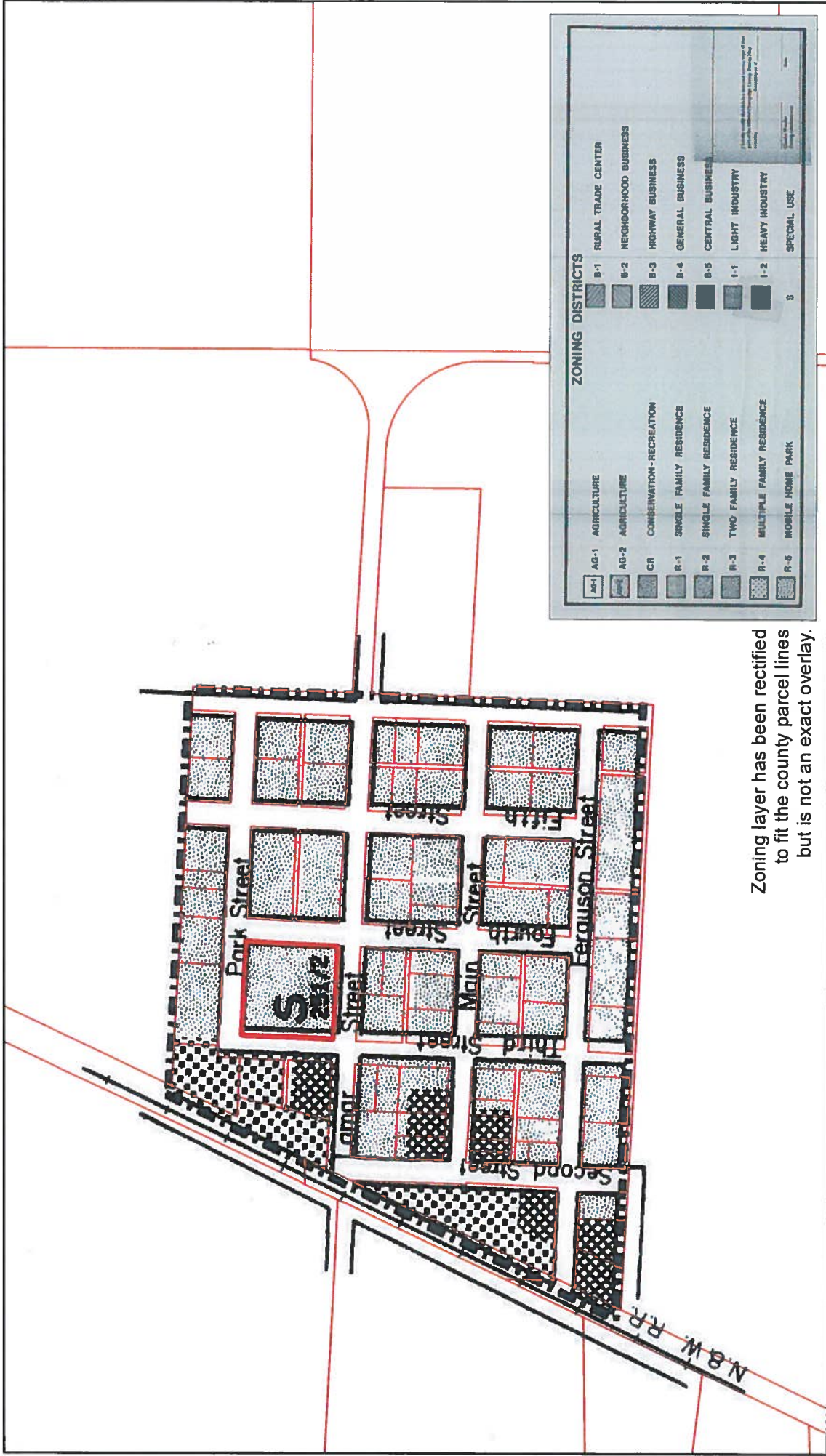
Foosland location in Champaign County



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 787-V-14
October 16, 2014



ZONING DISTRICTS	
AG-1 AGRICULTURE	B-1 RURAL TRADE CENTER
AG-2 AGRICULTURE	B-2 NEIGHBORHOOD BUSINESS
CR CONSERVATION-RECREATION	B-3 HIGHWAY BUSINESS
R-1 SINGLE FAMILY RESIDENCE	B-4 GENERAL BUSINESS
R-2 SINGLE FAMILY RESIDENCE	B-5 CENTRAL BUSINESS
R-3 TWO FAMILY RESIDENCE	I-1 LIGHT INDUSTRY
R-4 MULTIPLE FAMILY RESIDENCE	I-2 HEAVY INDUSTRY
P-8 MOBILE HOME PARK	S SPECIAL USE

Zoning layer has been rectified to fit the county parcel lines but is not an exact overlay.

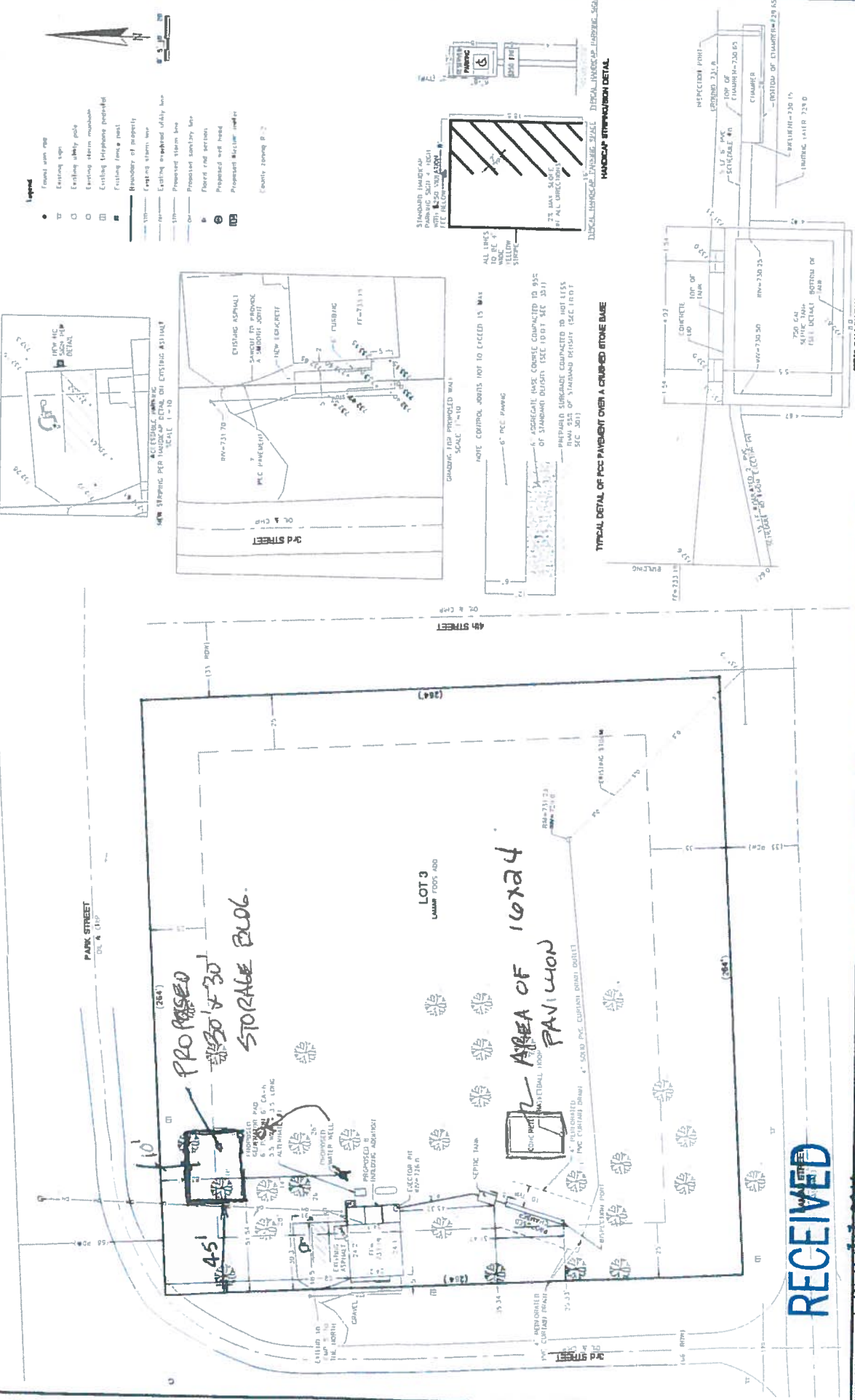
Legend

- Subject Property
- Parcels



MAY 30 2013

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

MSA (Professional Seal)

CHAMPAIGN COUNTY IMPROVEMENTS

Planning & Zoning Department

Approved Site Plan

Permit # 12013-01

Date: 5/30/13

PLANS FOR

FOOSLAND COMMUNITY CENTER

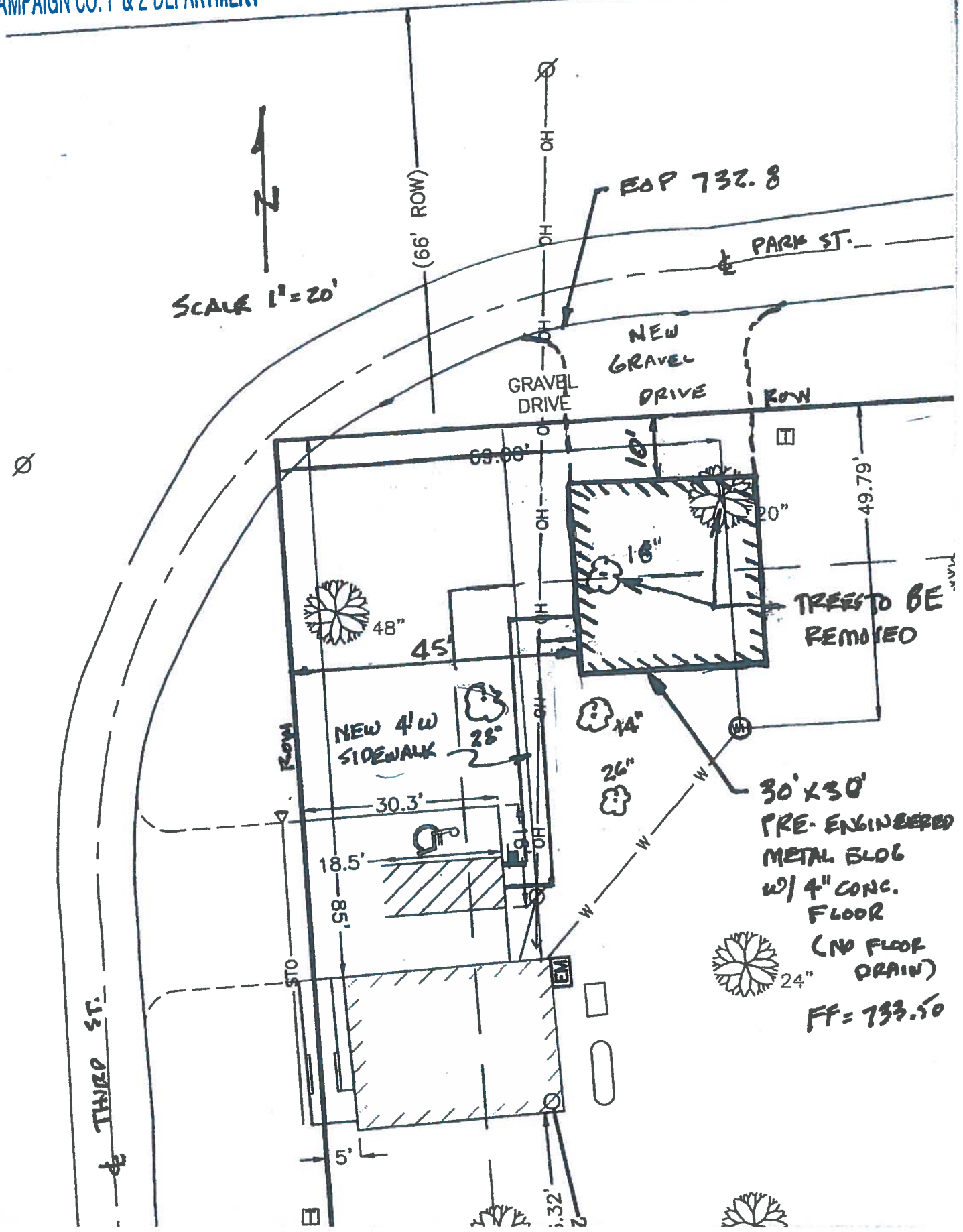
FOOSLAND, ILLINOIS

1276802
141
3 of 4

RECEIVED

SEP 11 2014

CHAMPAIGN CO. P & Z DEPARTMENT



Connie Berry

From: Village Of Foosland <ilfoos101@yahoo.com>
Sent: Monday, September 15, 2014 2:47 PM
To: Connie Berry
Subject: Fwd: Ada requirements

Sent from my iPad

Begin forwarded message:

From: "Gamble, Doug" <Doug.Gamble@Illinois.gov>
Date: September 15, 2014 at 2:43:22 PM CDT
To: Village Of Foosland <ilfoos101@yahoo.com>
Subject: RE: Ada requirements

Yes. Sorry. I should have included that.

Douglas I. Gamble
Accessibility Specialist

State of Illinois Capital Development Board
3rd Floor William G. Stratton Building
401 South Spring Street
Springfield, Illinois 62706

(217) 782-8530
(217) 524-4208 Fax

doug.gamble@illinois.gov

-----Original Message-----

From: Village Of Foosland [<mailto:ilfoos101@yahoo.com>]
Sent: Monday, September 15, 2014 2:42 PM
To: Gamble, Doug
Subject: Re: Ada requirements

Hello Doug,
Do we need an accessible route to the new Pavillion?

Sent from my iPad

On Sep 15, 2014, at 2:22 PM, "Gamble, Doug" <Doug.Gamble@Illinois.gov> wrote:

Hi Robert

Provide an accessible route from the accessible parking to the new building and an accessible route from the new building to the community center. The route should be asphalt or concrete at least 36 inches wide with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.

The authority to issue Illinois Accessibility Code interpretations is project specific and is granted to the Capital Development Board by the Illinois Environmental Barriers Act. It does not relieve the project from conformance with the 2010 Americans with Disabilities Act or other applicable codes.

Douglas I. Gamble
Accessibility Specialist

State of Illinois Capital Development Board 3rd Floor William G.
Stratton Building
401 South Spring Street
Springfield, Illinois 62706

(217) 782-8530
(217) 524-4208 Fax

doug.gamble@illinois.gov

-----Original Message-----

From: Village Of Foosland [<mailto:ilfoos101@yahoo.com>]

Sent: Friday, September 12, 2014 3:22 PM

To: Gamble, Doug

Subject: Ada requirements

The Village of Foosland is planning on constructing a new pre-engineered building for storage of Park and Village equipment and also planning to build a pavilion in the Park.

Both structures will be in the vicinity of our Community Center which has handicap parking and handicap accessible restrooms.

What do we have to do to satisfy ADA requirements for these two new structures.

Village of Foosland

Robert D Sedberry, President

Sent from my iPad

787-V-14 Foosland Images



Foosland Village Park – Proposed Storage Shed area and Community Center at back of park



West side of park next to Community Center, facing south

787-V-14 Foosland Images



Proposed Storage Building Location – north end of park

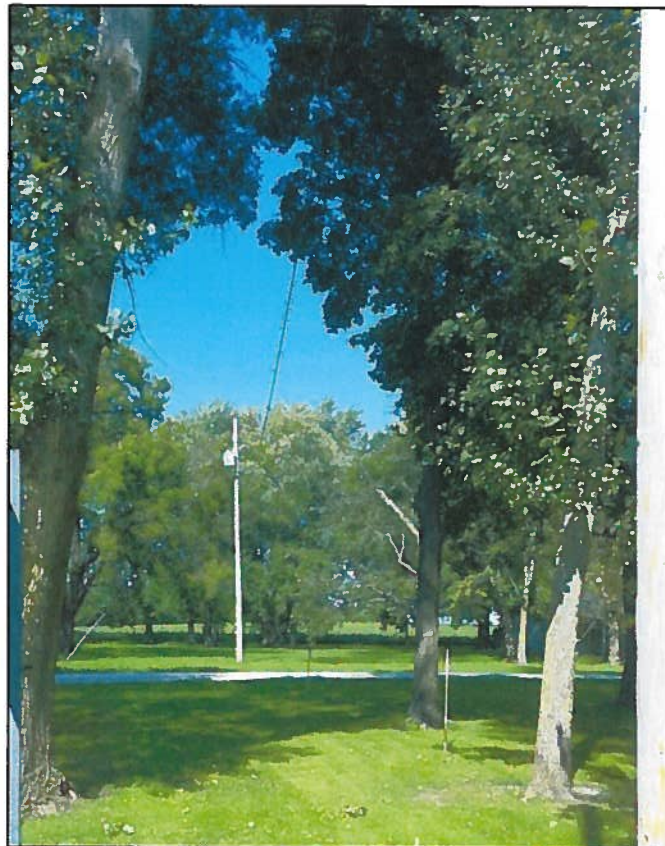


Two trees to be removed for Storage Building

787-V-14 Foolsland Images



Proposed Storage Building location, from northwest corner of park facing east



Electrical lines above proposed storage area

10/9/14 DRAFT

787-V-14

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

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

Date: *{date of final determination}*

Petitioner: Village of Foosland

Request: Authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

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10/9/14 DRAFT

SUMMARY OF EVIDENCE

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

1. The petitioner, Village of Foosland, owns the subject property.
2. The subject property is a 1.6 acre tract in Brown Township located in the North Half of Block 3 of Lamar Foos Addition to the town of Foosland in Section 17 of Brown Township, commonly known as the Village Park located between 3rd and 4th Streets and between Lamar and Park Streets in the Village of Foosland, Champaign County, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities do not have protest rights on variances within their ETJ and are not notified of such cases.
 - B. The subject property is located within Brown Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.6 acre tract and is currently zoned R-2 Residential. Land use is a village park.
 - B. Land to the north, east and south of the subject property is zoned R-2 Single Family Residential and is residential in use. Land to the west is zoned B-5 Central Business and I-1 Light Industry and appears to be used for storage.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Site Plan, received September 11, 2014 indicates:
 - (1) Existing buildings consisting of the following:
 - (a) A basketball court that is being converted to a 16 foot by 24 foot pavilion as detailed in the Zoning Use Permit Application dated September 3, 2014.
 - (b) A 32 foot by 24 foot Community Center located on the west side of the park as approved in ZUP # 130-13-01 dated May 30, 2013.
 - (2) Proposed construction of a 30 foot by 30 foot storage shed on the northwest corner of the park.

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Page 3 of 13**

- B. Previous Zoning Use Permits on the subject property relate to the Community Center, and include:
- (1) The existing Community Center was originally authorized as a municipal storage building in Case 251-S-00 with a variance for the front yard of 6 feet and setback authorized in Case 252-V-00.
 - (2) During construction of Permit 255-00-03, the municipal storage building was converted to a community center in Change of Use Permit 130-13-01. No additional requirements were added. A “community center” is considered a “recreational facility” that is permissible by right in the R-2 District and so no new SUP was required.
 - (3) Compliance inspection determined that the building was built 5 feet from the right of way instead of 6 feet. The Zoning Administrator did not include that reduced front yard/setback in the advertisement for Case 787-V-14 and is prepared to find the difference “de minimis” (not significant) if the ZBA agrees.
 - (4) The storage building is being authorized as an accessory building to the community center and no Special Use Permit is required.
- C. The required variance is as follows:
- (1) Authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for an accessory building in the AG-2 District:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent CANOPIES and planters.
 - (3) “AREA, LOT” is the total area within the LOT LINES.

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- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “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.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT -OF -WAY line.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (13) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

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- (14) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- (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.
- B. The R-2, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- C. 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.
- D. Minimum FRONT SETBACK from Street centerline in the R-2 Single Family Residential District is established in Section 5.3 of the Zoning Ordinance as 55 feet. In no case shall

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the FRONT YARD, measured from the nearest RIGHT-OF-WAY line, be less than 25 feet from a MINOR STREET.

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,
 - (1) “Would require removal of at least 2 good trees from our park;
 - (2) Buried telephone cable not suitable for relocation of proposed structure; and
 - (3) Must accommodate existing power line.”
 - B. Regarding the proposed Variance, for a front yard facing Park Street of 10 feet in lieu of the minimum required 25 feet: according to the Petitioner’s site plan received September 11, 2014, the storage building would be 10 feet from the right-of-way line.
 - C. Regarding the proposed Variance, for a setback of 31 feet instead of the required 55 feet: the proposed storage building has a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

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, **“Protecting trees in village park; protection of existing well.”**
 - B. Regarding the proposed Variance:
 - (1) Without the proposed variance, the Village would need to cut down more trees in its park in order to construct the storage building.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result wholly or partly from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No.”**

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- B. The trees in the park are mature trees. It would appear that the Village is siting the building on the part of the park that would be least impacted by tree removal and disturbance to existing facilities in the park.

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, **“Saving good, healthy trees in park; and saving substantial cost to relocate telephone cables.”**
- B. Regarding the requested Variance:
- (1) According to the Petitioner’s site plan received September 11, 2014, the proposed storage building is 10 feet from the right-of-way line, a variance of 60%.
 - (2) Regarding the part of the variance for a setback of 31 feet instead of the required 55 feet from the centerline of the adjacent street, the proposed storage building would need a variance of 44%.
- C. Regarding the proposed Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlay the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:
 - (a) Adequate separation from roads.
 - (b) Allow adequate area for road expansion and right-of-way acquisition.
 - (c) Parking, where applicable. The Ordinance does not require paved parking and so there is ample onsite parking.
 - (2) It is unlikely that Park Street will be widened or require right of way for utilities.
- D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“Saving trees and protection of existing well.”**
- B. The Township Road Commissioner has been notified of this variance but no comments have been received.

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- C. The Sangamon Valley Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
A. The Petitioner has testified on the application: **The shed will be used to store “street signs/picnic tables/tables and chairs from community center.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
A. **Regarding State of Illinois accessibility requirements:**
(1) **Per the September 15, 2014 email from Douglas Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, provide an accessible route from the accessible parking space north of the Community Center to the new storage building. The route should be asphalt or concrete, at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.**
(2) **If the total cost of the proposed storage building exceeds \$50,000, the Zoning Administrator shall not approve a Zoning Use Permit for the proposed storage facility without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
(3) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed storage facility until the Zoning Administrator has verified that the warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special condition stated above is to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and built to current standards.

DOCUMENTS OF RECORD

1. Variance Application received on September 11, 2014, with attachments:
 - A Site Plan created by MSA
 - B Site Plan, 1 inch = 20 feet scale
2. Preliminary Memorandum dated October 8, 2014 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received September 11, 2014
 - C Email from Douglas Gamble, Accessibility Specialist, State of Illinois Capital Development Board received September 15, 2014
 - D Images of Subject Property taken September 19, 2014
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 787-V-14 held on **October 16, 2014**, the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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

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

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **Regarding State of Illinois accessibility requirements:**
 - (1) **Per the September 15, 2014 email from Douglas Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, provide an**

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Case 787-V-14
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accessible route from the accessible parking space north of the Community Center to the new storage building. The route should be asphalt or concrete, at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.

- (2) If the total cost of the proposed storage building exceeds \$50,000, the Zoning Administrator shall not approve a Zoning Use Permit for the proposed storage facility without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
- (3) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed storage facility until the Zoning Administrator has verified that the warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special condition stated above is to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and built to current standards.

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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 787-V-14 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Village of Foosland** to authorize the following variances in the R-2 Agriculture Zoning District:

Authorize the following variance for a residential property in the AG-2 Agricultural Zoning District:

Authorize the construction and use of a municipal storage building in the R-2 Single Family Residence Zoning District with a front yard of 10 feet from the property line facing Park Street in lieu of the minimum 25 feet and a setback of 31 feet from the centerline of Park Street in lieu of the minimum 55 feet.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

A. Regarding State of Illinois accessibility requirements:

- (1) Per the September 15, 2014 email from Douglas Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, provide an accessible route from the accessible parking space north of the Community Center to the new storage building. The route should be asphalt or concrete, at least 36 inches wide, with a slope not to exceed 1:20 and a cross slope not to exceed 1:50.**
- (2) If the total cost of the proposed storage building exceeds \$50,000, the Zoning Administrator shall not approve a Zoning Use Permit for the proposed storage facility without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
- (3) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed storage facility until the Zoning Administrator has verified that the warehouse storage facility as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special condition stated above is to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

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- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

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

That the proposed structure is safe and built to current standards.

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. 790-V-14
PRELIMINARY MEMORANDUM
October 9, 2014

Champaign
County

Department of

**PLANNING &
ZONING**

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Petitioner: **Mary Freese and Dave Freese, Agent**

Request: **Authorize the following in the AG-1 District:**

Part A. The creation and use of a lot that is 3,968 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; and

Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the minimum required 25 feet required by Section 5.3.

Subject Property: **A 3,968 tract in Mahomet Township in the South Half of the South Half of the South Half of Section 28 of Township 20N, Range 7 East of the Third Principal Meridian and commonly known as the farmstead located at 250 CR 1900 N, Seymour.**

Site Area: **3,968 acres**

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

Prepared by: **Susan Chavarria**
Interim Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner must sell their farmstead due to family circumstances. The farmstead is part of a 260 acre farm. The property is located within 1.5 miles of the Village of Mahomet and a new lot must be created in a Plat of Subdivision and a 40 feet half right of way must be dedicated. A lot large enough to include all outbuildings is larger than the 3 acre maximum allowable lot size on best prime farmland and so a variance is required to create and use a lot that is larger than what is allowed on best prime farmland. The amount of additional best prime farmland converted in the creation of the lot has been minimized consistent with simple lines of tillage and providing 15 feet side and rear yards to ensure ease of maneuvering farm machinery. The dedication of this much right of way will make the dwelling nonconforming, which would prohibit rebuilding a damaged dwelling to no more than 50% of replacement cost and so the setback and front yard variance has been included. The dwelling was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. The petitioner has applied for a minor subdivision through the Village of Mahomet. Kelly Pfeifer, Village of Mahomet Community Development Director and Planner, stated in an email dated October 7, 2014 that the Village does not anticipate any issues with approving the subdivision.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential and Agricultural	AG-1 Agricultural
North	Residential and Agricultural	AG-1 Agricultural
East	Residential and Agricultural	AG-1 Agricultural
West	Agricultural	AG-1 Agricultural
South	Agricultural	AG-1 Agricultural

EXISTING CONDITIONS

The proposed subdivided lot includes a dwelling and several outbuildings. The existing dwelling has a setback that is six inches closer to the property line than allowed by ordinance; in addition, the front yard is only 14.5 feet instead of the minimum required 25 feet as a result of right of way dedication.

SPECIAL CONDITIONS

- A. The petitioner has submitted an application to the Village of Mahomet for approval of a minor subdivision.

The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

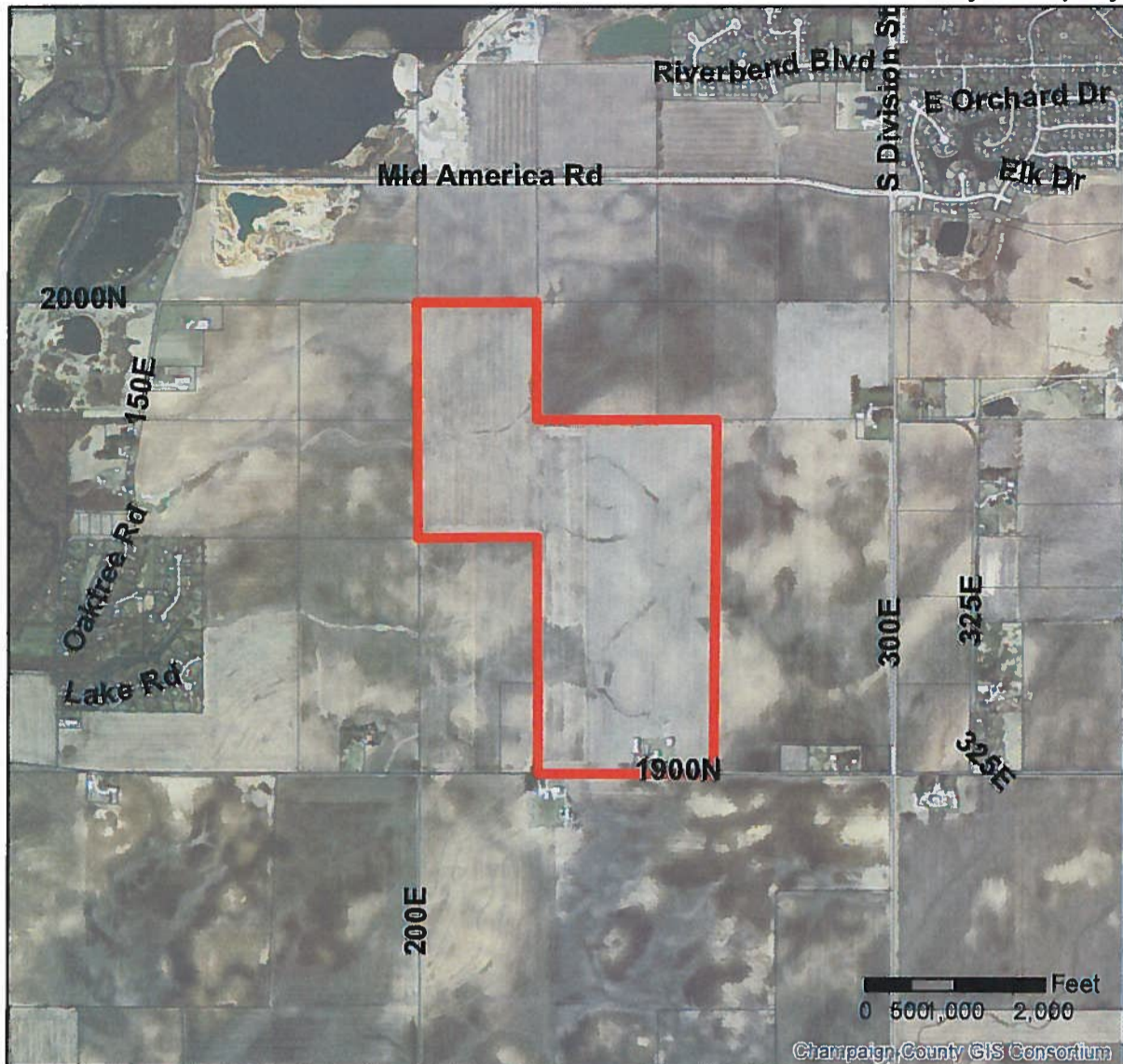
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning, Soils)
- B Site Plan consisting of:
 - (1) Proposed Windy Acres Subdivision (aerial photo with topography and proposed lot lines) received 9/18/14
 - (2) Proposed Final Plat of Windy Acres Subdivision received 9/18/14
- C Natural Resource Report received 10/6/14
- D Email regarding Minor Subdivision approval process from Village of Mahomet dated October 7, 2014
- E Draft Summary of Evidence, Finding of Fact, and Final Determination

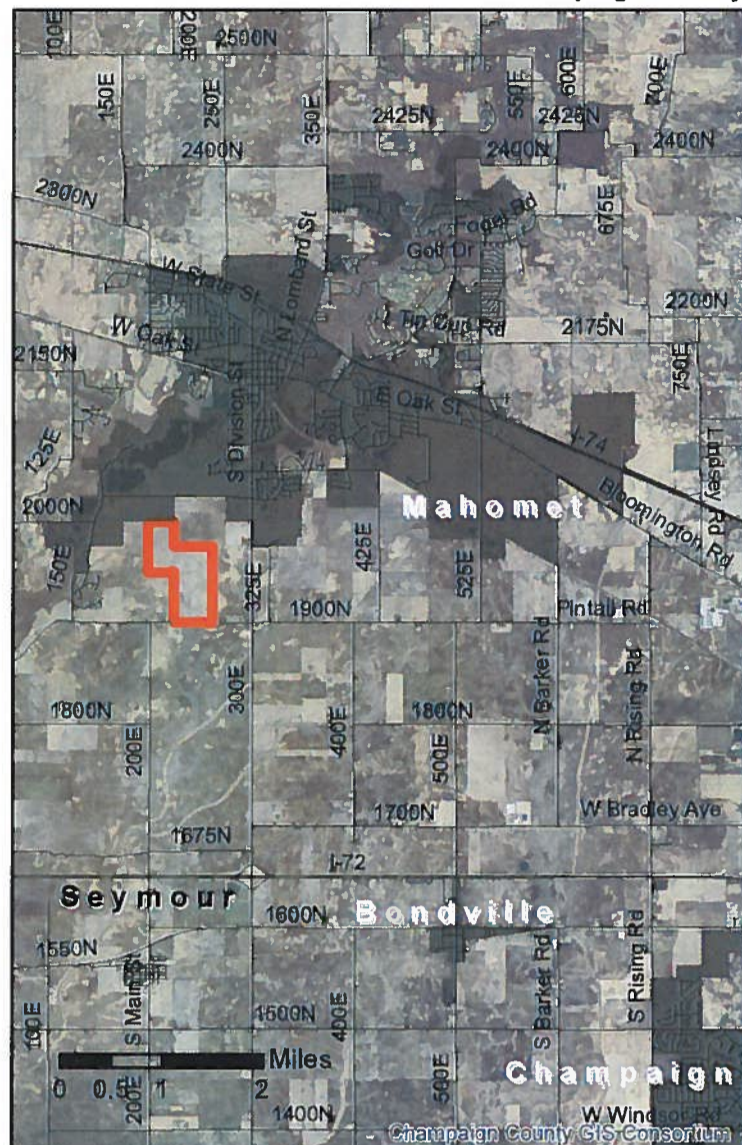
Location Map

Case 790-V-14
October 16, 2014

Subject Property



Location in Champaign County



Legend

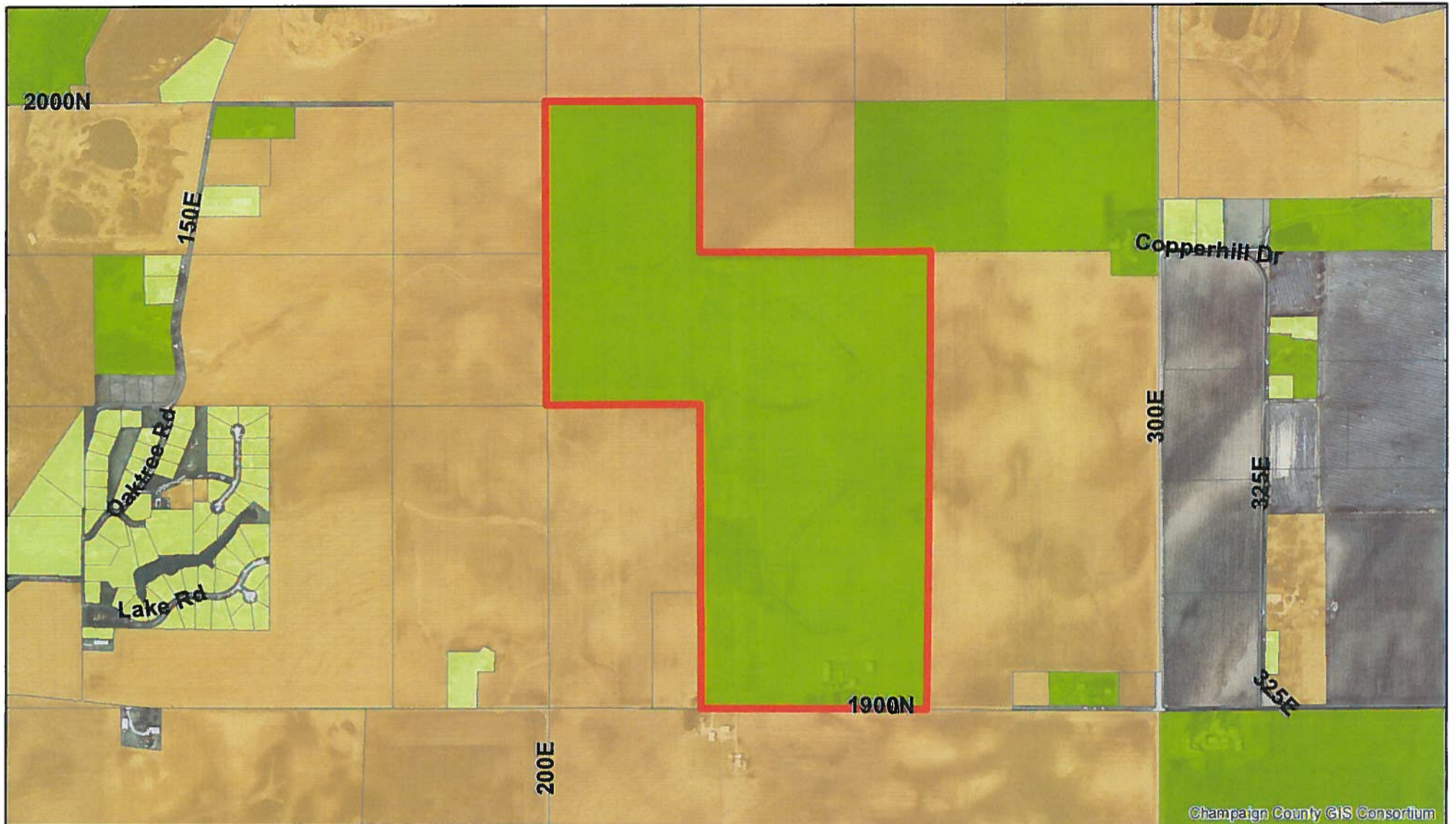
 Subject Property



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 790-V-14
October 16, 2014



Champaign County GIS Consortium

Legend

-  Subject Property
-  Agriculture with Dwelling
-  Agriculture
-  Single Family Residential

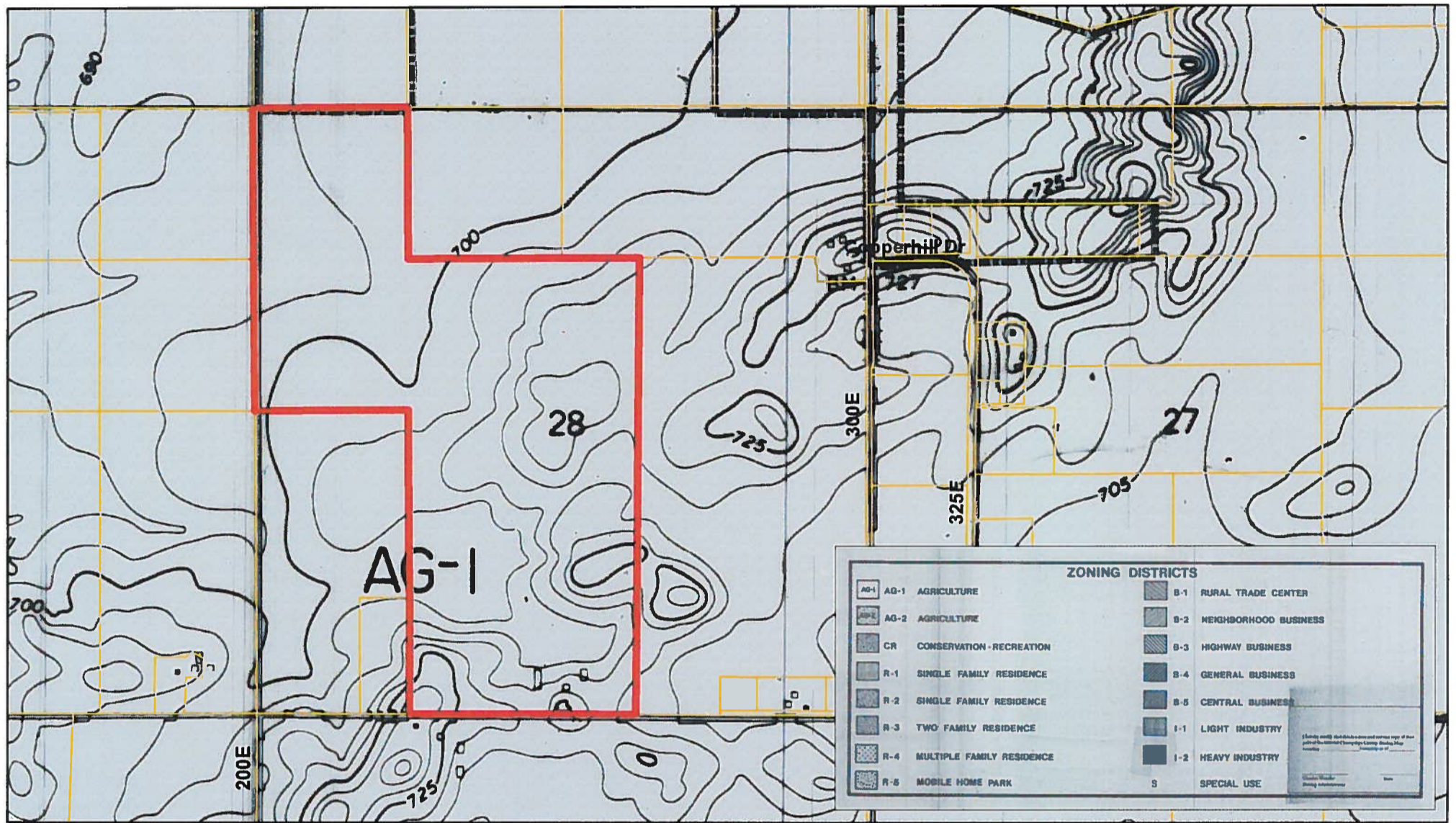
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Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 790-V-14
October 16, 2014



Legend

Subject Property

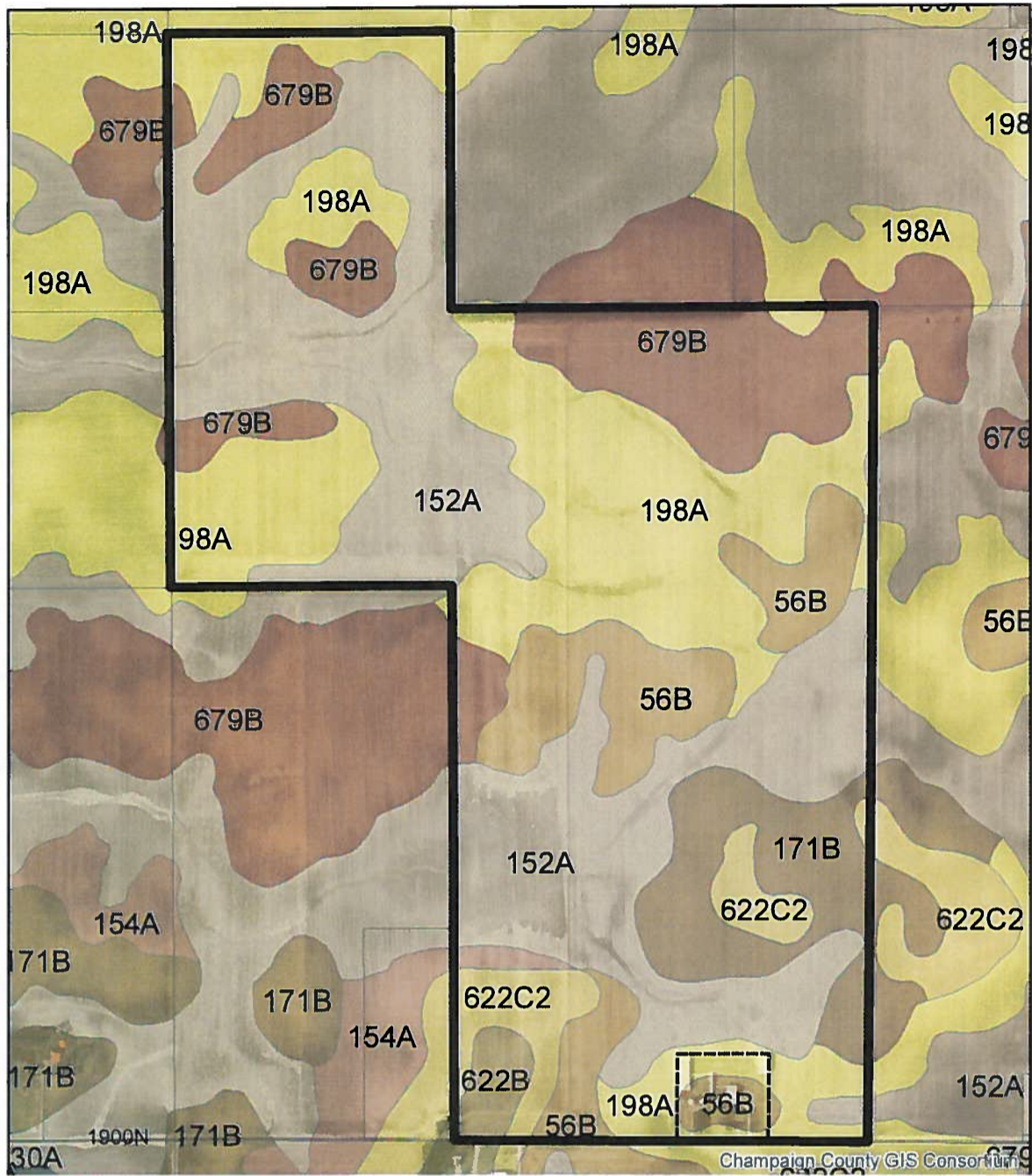
0 300 600 1,200 Feet














Champaign County
Department of
PLANNING &
ZONING

Soils Map

Case 790-V-14
October 16, 2014



Legend

-  152A Drummer Silty Clay
-  154A Flanagan Silt Loam
-  171B Catlin Silt Loam
-  198A Elburn Silt Loam
-  56B Dana Silt Loam
-  622B Wyanet Silt Loam, 2-5% slopes
-  622C2 Wyanet Silt Loam, 5-10% slopes
-  679B Blackberry Silt Loam
-  Subject Property
-  Proposed Variance Location
-  Parcels

0 200 400 800 Feet



WINDY ACRES SUBDIVISION

CHAMPAIGN COUNTY, ILLINOIS

PART OF S 1/2, SEC. 28, T. 20 N., R. 7 E., 3rd. P.M.

Case 790-V-14, ZBA 10/16/14, Attachment B

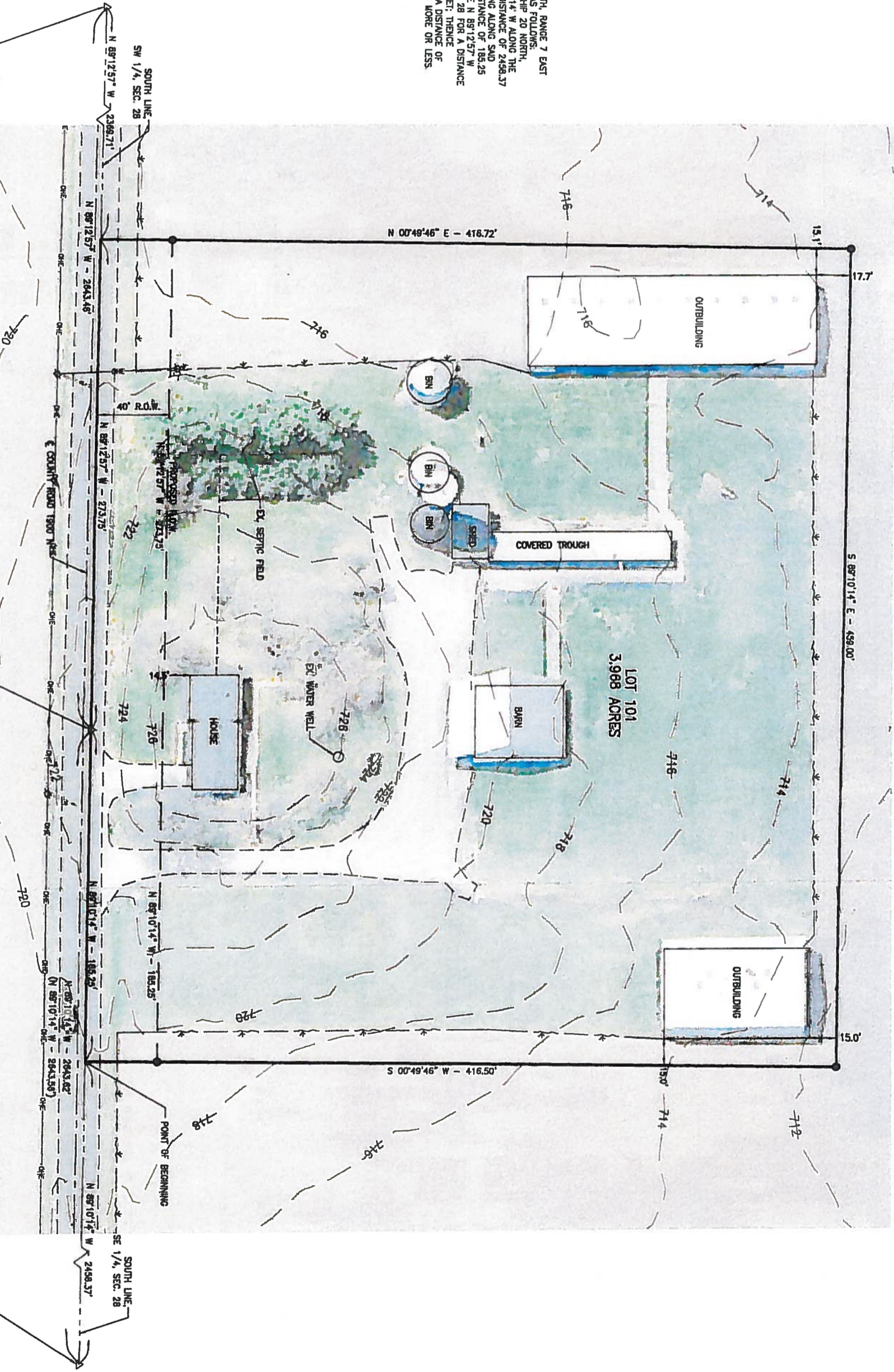
ENGINEER/SURVEYOR:
 BRG ENGINEERING, INC.
 301 N. NEL ST., SUITE 400
 CHAMPAIGN, IL 61820
 (217) 531-2871 OFFICE
 (217) 531-2211 FAX
 PROFESSIONAL DESIGN FIRM
 NO. 194.005483

OWNER / SUBMITTER:
 MARY FREESE
 250 COUNTY ROAD 1900 N
 SEYMOUR, IL 61875



- LEGEND
- BOUNDARY OF PLAT
 - PROPOSED RIGHT-OF-WAY LINE
 - EXISTING LOT LINE
 - EXISTING CENTERLINE
 - EXISTING SECTION LINE
 - 5/8" IRON PIN SET W/ CAP 3738
 - △ SECTION CORNER FOUND

LEGAL DESCRIPTION:
 A PART OF THE SOUTH HALF OF SECTION 28 OF TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28 OF TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE N 89°10'14" W ALONG THE SOUTH LINE THE SOUTHEAST QUARTER OF SAID SECTION 28 FOR A DISTANCE OF 2458.37 FEET TO THE POINT OF BEGINNING; THENCE N 89°10'14" W CONTINUING ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N 89°12'57" W ALONG THE SOUTH LINE THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE N 89°12'57" W ALONG THE SOUTH LINE THE SOUTHWEST QUARTER OF SAID SECTION 28 FOR A DISTANCE OF 273.75 FEET; THENCE N 00°49'46" E A DISTANCE OF 416.72 FEET; THENCE S 89°10'14" E A DISTANCE OF 459.00 FEET; THENCE S 00°49'46" W A DISTANCE OF 418.50 FEET TO THE POINT OF BEGINNING, CONTAINING 4.399 ACRES MORE OR LESS.



FOUND RR SPIKE OVER STONE
 ● SE CORNER, SEC. 28,
 T.20N., R.7E., 3RD P.M.
 PER MONUMENT RECORD
 DOC. # 1892R04473

FOUND MAG WALL
 ● S 1/4 CORNER, SEC. 28,
 T.20N., R.7E., 3RD P.M.
 PER MONUMENT RECORD
 DOC. # 2008R13235

FOUND MAG WALL OVER IRON PIN W/ DOW CAP
 ● SE CORNER, SEC. 28, T.20N., R.7E., 3RD P.M.
 PER MONUMENT RECORD
 DOC. # 2005R23132

RECEIVED
 SEP 18 2014
 CHAMPAIGN CO. P & Z DE



1" = 90 feet
enlargement

- LEGEND
- PROPOSED RIGHT-OF-WAY LINE
 - EXISTING LOT LINE
 - PUBLIC UTILITY AND DRAINAGE EASEMENT LINE
 - EXISTING CENTERLINE
 - EXISTING SECTION LINE
 - 5/8" IRON PIN SET W/CP# 3738
 - IRON PIN / PIPE FOUND
 - △ SECTION CORNER FOUND
- (N 00°00'00" E 100.00') RECORD BEARING / DIMENSION PER HERRIOTT'S SUBDIVISION

- NOTES:
1. ALL BEARINGS ARE BASED ON THE SOUTH LINE OF HERRIOTT'S SUBDIVISION (DOC #2011807654).
 2. SUBDIVISION IS ZONED AG-1 AGRICULTURE BY CHAMPAIGN COUNTY, ILLINOIS. FRONT YARD, REAR YARD AND SIDE YARD SETBACKS SHALL BE IN ACCORDANCE WITH THE CHAMPAIGN COUNTY, ILLINOIS ZONING ORDINANCE.
 3. SUBDIVISION IS CURRENTLY SERVED BY ON-SITE PRIVATE WATER WELL AND ON-SITE PRIVATE SEPTIC FIELD.
 4. THE SUBDIVISION IS LOCATED WITHIN 1 1/2 MILES OF THE CORPORATE LIMITS OF THE VILLAGE OF MAHOMET, ILLINOIS.
 5. THE PROPERTY COVERED BY THIS SUBDIVISION IS LOCATED WITHIN THE FLOOD HAZARD AREA ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA, NO. 1701900280D, DATED 10/2/13).
 6. NO PART OF THE AREA COVERED BY THIS PLAN IS SITUATED WITHIN 500 FEET OF A WATERCOURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE.
 7. NO INDEPENDENT SEARCH OF EXISTENT WAS PERFORMED.
 8. FIELDWORK FOR THIS SUBDIVISION WAS PERFORMED IN SEPTEMBER 2014.

APPROVED:

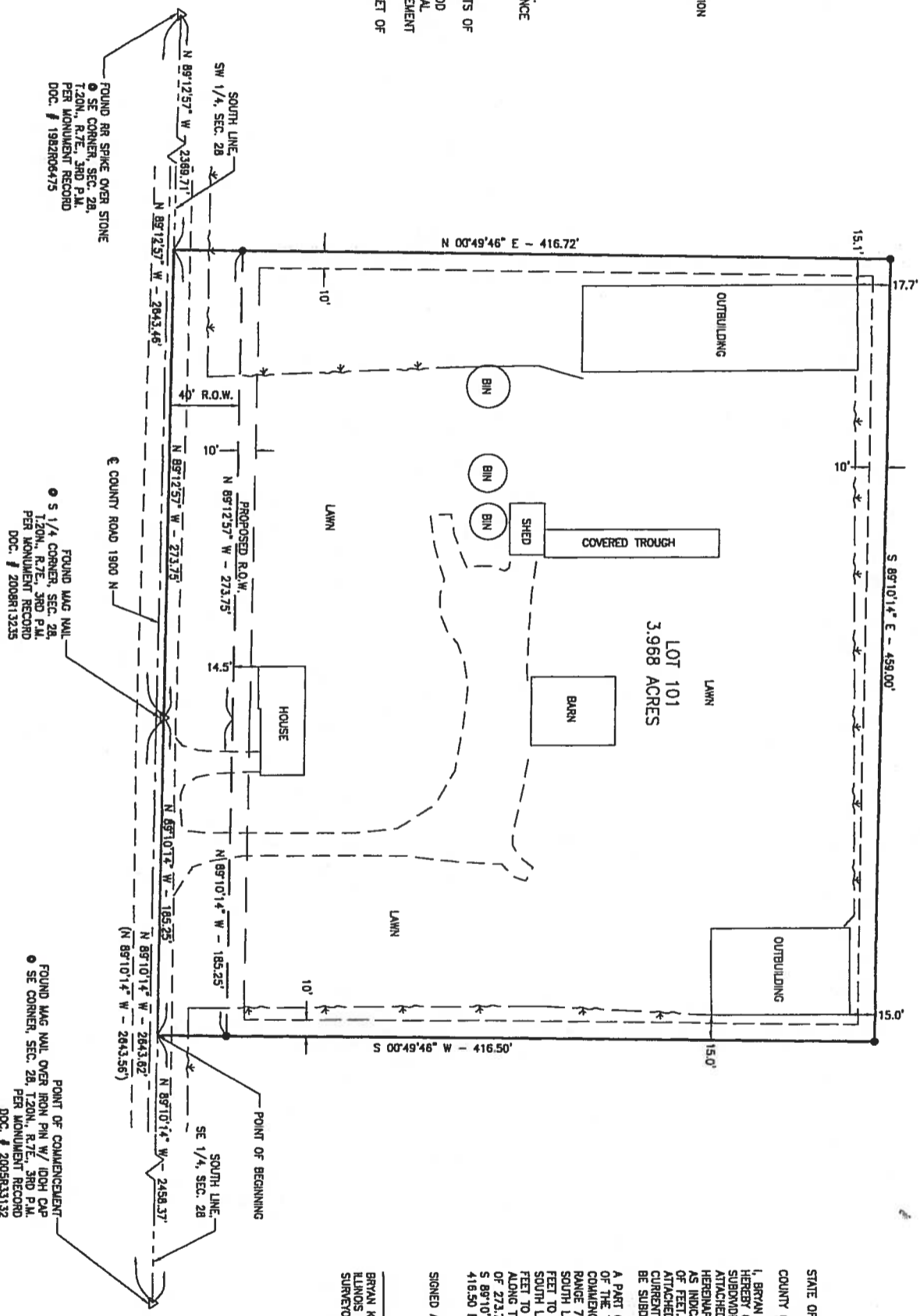
APPROVAL OF THIS MINOR SUBDIVISION FINAL PLAN IS HEREBY GRANTED UNDER THE AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET. THIS PLAN SHALL BE RECORDED WITH THE RECORDER OF DEEDS OF CHAMPAIGN COUNTY, ILLINOIS WITHIN ONE (1) YEAR OF THIS DATE, OTHERWISE THIS PLAN SHALL BECOME VOID.

PRESIDENT, MAHOMET BOARD OF TRUSTEES	DATE
MAHOMET VILLAGE ATTORNEY	DATE
MAHOMET VILLAGE ADMINISTRATOR	DATE
MAHOMET VILLAGE ENGINEER	DATE

FINAL PLAT

WINDY ACRES SUBDIVISION

CHAMPAIGN COUNTY, ILLINOIS
PART OF S 1/2, SEC. 28, T. 20 N., R. 7 E., 3rd. P.M.



ENGINEER/SURVEYOR: BFG ENGINEERING, INC.
301 N. NEIL ST., SUITE 400
CHAMPAIGN, IL 61820
(217) 531-2971 OFFICE
(217) 531-2211 FAX
PROFESSIONAL DESIGN FIRM
NO. 184.005463

OWNER / SUBDIVIDER: MARY FREESE
250 COUNTY ROAD 1900 N
SEYMOUR, IL 61875

Case 790-V-14, ZBA 10/19/14, Attachment B

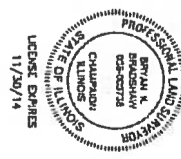
STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN } S.S.

I, BRYAN K. BRADSHAW, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3728 DO HEREBY CERTIFY THAT AT THE REQUEST OF MARY FREESE, I HAVE SURVEYED AND SUBDIVIDED THE HEREBY DESCRIBED TRACT OF LAND INTO LOTS AS SHOWN ON THE ATTACHED PLAT. SAID PLAT IS A TRUE REPRESENTATION OF SAID SUBDIVISION, WHICH IS HEREAFTER TO BE KNOWN AS "WINDY ACRES SUBDIVISION". THE SCALE ON THE PLAT IS AS INDICATED. ALL DISTANCES MARKED ON THE PLAT ARE IN FEET AND DECIMAL PARTS OF FEET. SUBDIVISION AND LOT CORNERS HAVE BEEN MONUMENTED AS SHOWN ON THE ATTACHED PLAT. I FURTHER CERTIFY THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THE PROPERTY TO BE SUBDIVIDED AND PLATTED IS DESCRIBED AS FOLLOWS:

A PART OF THE SOUTH HALF OF SECTION 28 OF TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING SAID PART OF THE SOUTHWEST CORNER OF SECTION 28 OF TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE N 89°10'14\"/>

SIGNED AND SEALED THIS DAY OF SEPTEMBER, 2014

BRYAN K. BRADSHAW
ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3728



RECEIVED

SEP 18 2014

PRESENTED FOR RECORDING BY:

VILLAGE OF MAHOMET
403 E. MAIN ST.
MAHOMET, IL 61853
(217) 586-4456

RETURN TO:
BFG ENGINEERING, INC.
301 N. NEIL ST., SUITE 400
CHAMPAIGN, IL 61820
(217) 531-2971 OFFICE
(217) 531-2211 FAX

DATE OF PREPARATION: SEPTEMBER 6, 2014



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswcd.com

NATURAL RESOURCE REPORT

Development Name: Windy Acres Subdivision

Date Reviewed: October 1st, 2014

Requested By: Bryan Bradshaw

Address: 301 N. Neil St., Suite 400
Champaign, IL 61820

Location of Property: part of the SE ¼ of sec. 28 in TWP.20N., R.7E., of the 3rd. P.M.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on October 1st, 2014.



RECEIVED

OCT - 6 2014

October 2, 2014
10/02/2014

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County
 Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccswcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 2 soil types (Dana Silt Loam 56B, Elburn Silt Loam 198A) that are severe to wetness on Dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.
 This tract has an L.E. Factor of 95; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is two (2) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe to wetness in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow		Basements		Roads		Septic		Steel		Concrete	
		Slope	Excavations	Severe wetness	Severe wetness	Severe wetness	Severe low strength	Severe wetness	Severe wetness	High	Corrosion	Corrosion	Corrosion
56B	Dana Silt Loam	2-5%	Severe wetness	Severe wetness	Severe wetness	Severe low strength	Severe wetness	Severe wetness	High	High	Moderate	Moderate	Moderate
198A	Elburn Silt Loam	0-2%	Severe wetness	Severe wetness	Severe wetness	Severe low strength	Severe wetness	Severe wetness	High	High	Moderate	Moderate	Moderate

c) Erosion:

This area will be susceptible to erosion both during and after construction. Extra care should be taken to protect the down slope on the back of the property. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area has ground cover at the time of inspection, erosion control measures must be installed before construction starts.

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after. Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceed 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

CEV13339



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 -- www.ccswcd.com

WATER RESOURCE

a) Surface Drainage:

The site has a hill, water now travels off the site to the North. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered. Rain Gardens could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. A rain garden can also be incorporated into roadway ditches to help control stormwater.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the two soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit

<http://www.epa.gov/npdes/swpppguide>.

d) Low impact development:



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

Case 790-V-14, ZBA 10/16/14, Attachment C

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase I Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered land and water Reserves in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by  Steve Sterwalt
Board Chairman

Prepared by  Jonathon Manuel
Resource Conservationist



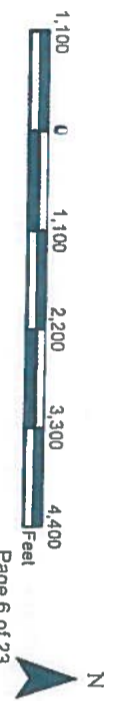
Windy Acres Subdivision

Date: 10/2/2014

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Field Office: CHAMPAIGN SERVICE CENTER
Assisted By: JONATHON MANUEL
2012 Aerial Photo
State and County: IL, CHAMPAIGN



Legend
□ Windy Acres Subdivision
— Road
10/02/2014



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative		Land Evaluation	
			Value	Acres	Score	
56B	Dana	4	91	2.3	209.3	
198A	Elburn	1	100	1.6	160.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 369.3

Acreage= 3.9

Land Evaluation Factor For Site= 95

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey



Windy Acres Subdivision

Date: 10/2/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Aerial Photo

State and County: IL, CHAMPAIGN



Legend

MUSYM

198A

56B

Windy Acres Subdivision
10/02/2014



Windy Acres Subdivision

Date: 10/2/2014



Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Aerial Photo

State and County: IL, CHAMPAIGN



Legend

 Windy Acres Subdivision
10/02/2014



Windy Acres Subdivision

Date: 10/2/2014



Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Aerial Photo

State and County: IL, CHAMPAIGN



Legend

- 3_T20N_R07E_SEC33
- 3_T20N_R07E_SEC28
- Windy Acres Subdivision



Windy Acres Subdivision

Date: 10/2/2014



Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

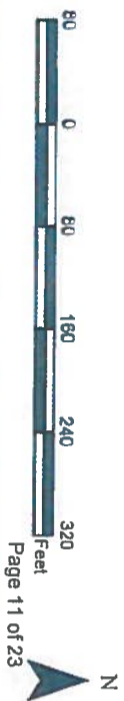
2012 Aerial Photo

State and County: IL, CHAMPAIGN



Legend

- 3_T20N_R07E_SEC33
- 3_T20N_R07E_SEC28
- Windy Acres Subdivision 10/02/2014





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 15052278
Contact: Jonathon Manuel **Date:** 10/02/2014
Address: 2110 West Park Court
Suite C
Champaign, IL 61821

Project: Windy Acres Subdivision
Address: 2110 W. Park Court, Suite C, Champaign

Description: Property split

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:

20N, 7E, 28



IL Department of Natural Resources

Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer-Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law. Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Windy Acres Subdivision

Date: 10/2/2014

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Aerial Photo

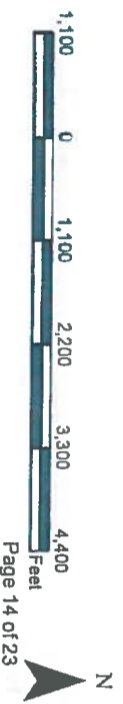
State and County: IL, CHAMPAIGN



Legend

 Windy Acres Subdivision

 FEMA a 11019
10/02/2014



Windy Acres Subdivision

Date: 10/2/2014



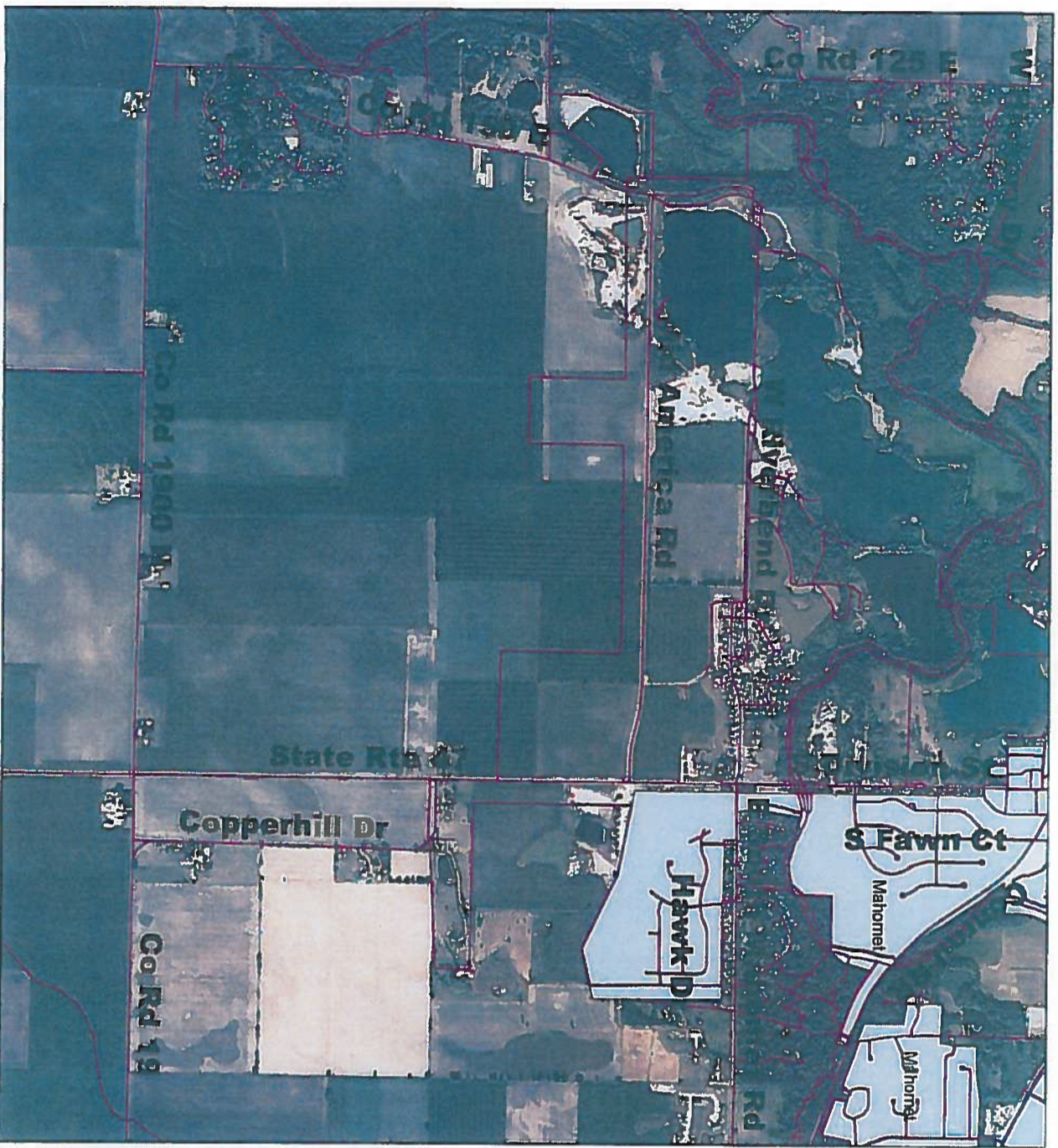
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Aerial Photo

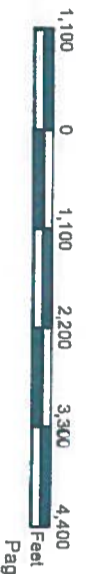
State and County: IL, CHAMPAIGN



Legend

— Road

□ municipalities_a_11019
10/02/2014



Windy Acres Subdivision

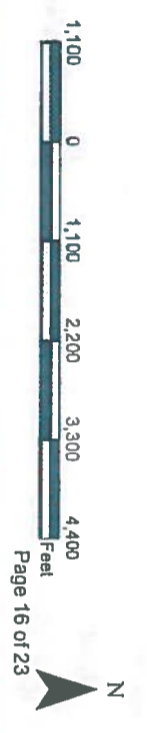
Date: 10/2/2014



District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Field Office: CHAMPAIGN SERVICE CENTER
Assisted By: JONATHON MANUEL
State and County: IL, CHAMPAIGN
2012 Ariel Photo



Legend
— Road
— utilities 11019
10/02/2014

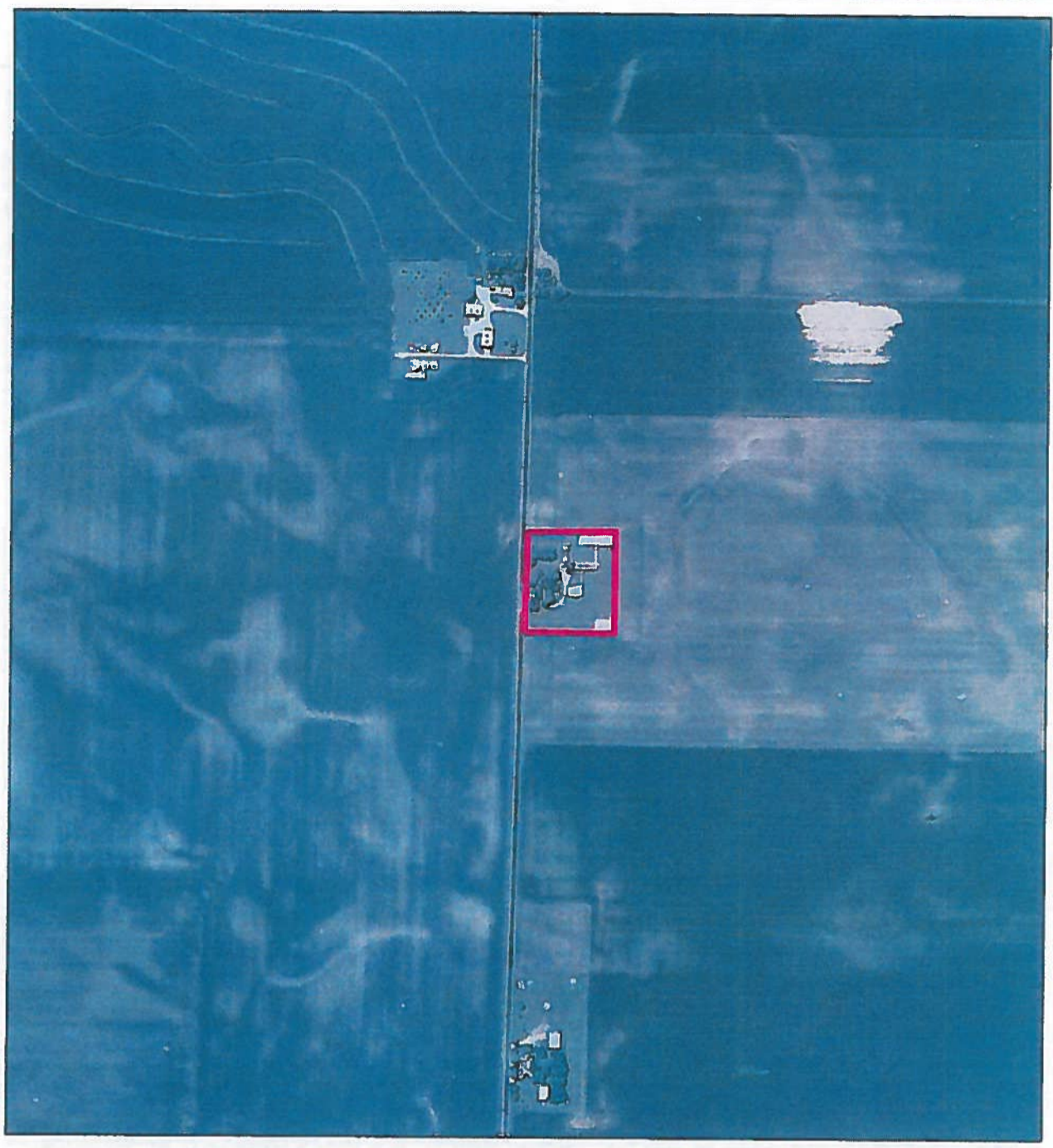


Windy Acres Subdivision

Date: 10/2/2014



District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Field Office: CHAMPAIGN SERVICE CENTER
Assisted By: JONATHON MANUEL
2010 Ariel Photo
State and County: IL, CHAMPAIGN



Legend

 Windy Acres Subdivision
10/02/2014

390 0 390 780 1,170 1,560 Feet

N

Page 17 of 23

Windy Acres Subdivision

Date: 10/2/2014



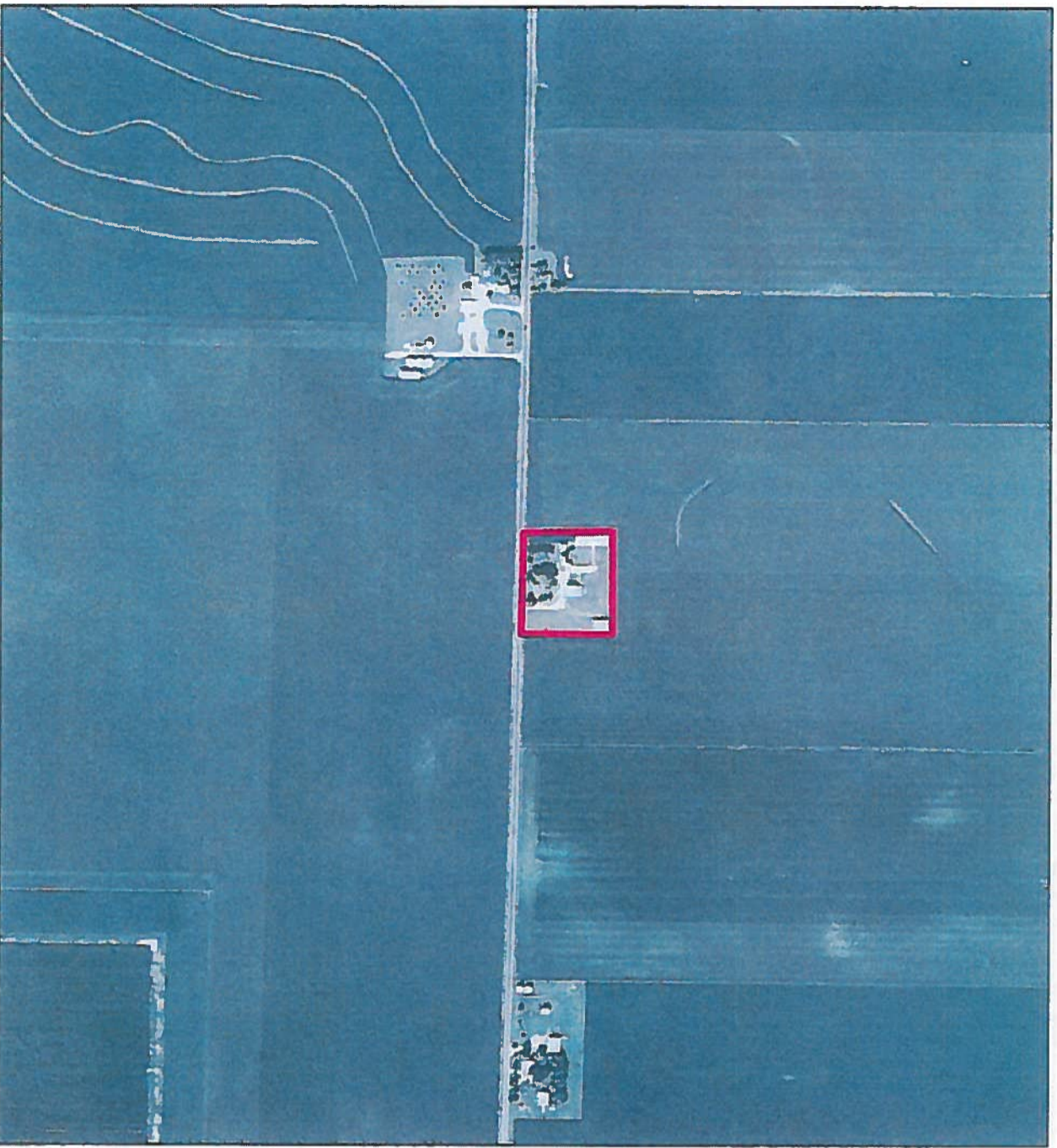
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: CHAMPAIGN SERVICE CENTER


Assisted By: JONATHON MANUEL

State and County: IL, CHAMPAIGN

2007 Ariel Photo



Legend

 Windy Acres Subdivision
10/02/2014



Windy Acres Subdivision

Date: 10/2/2014



Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT


Assisted By: JONATHON MANUEL

2004 Ariel Photo

State and County: IL, CHAMPAIGN

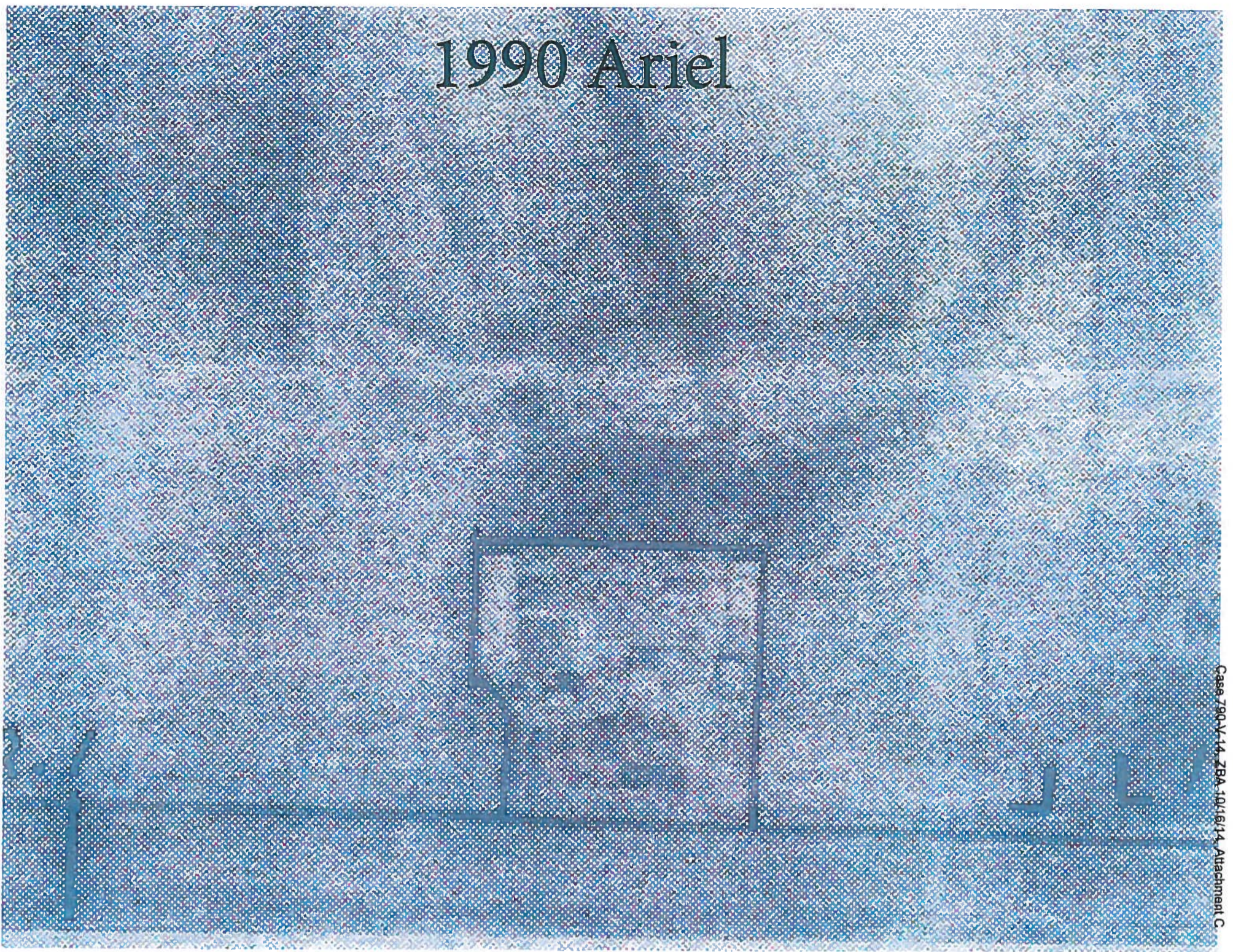


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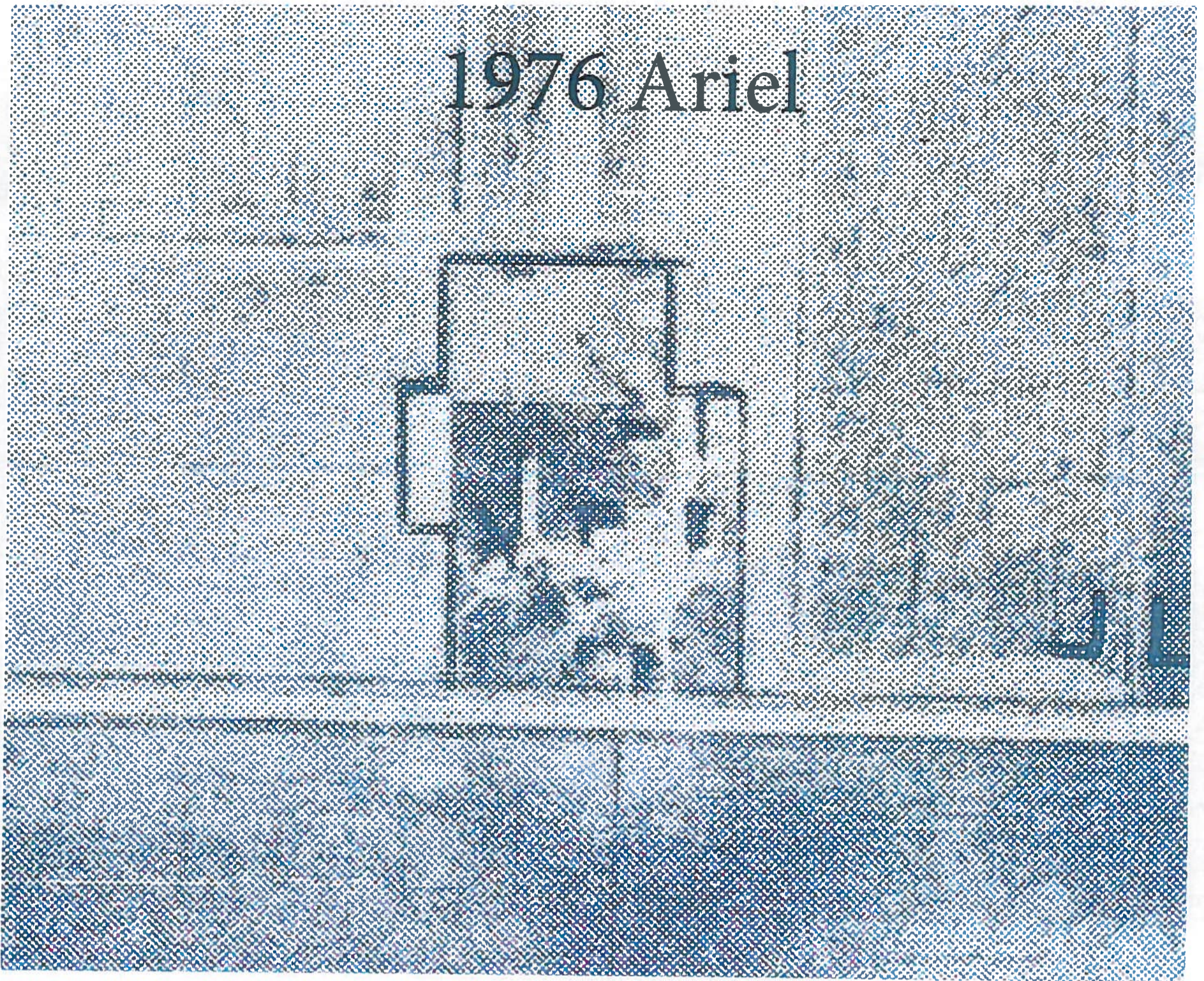
 Windy Acres Subdivision
10/02/2014



1990 Ariel



1976 Ariel



1960 Ariel

198



1940 Ariel



Susan Chavarria

From: Kelly Pfeifer <KPfeifer@mahomet-il.gov>
Sent: Monday, September 29, 2014 8:38 AM
To: Susan Chavarria
Subject: RE: Freese minor subdivision

Follow Up Flag: Follow up
Due By: Tuesday, October 07, 2014 2:00 PM
Flag Status: Flagged

Hi Susan,

We are fine with it. Just down the road we have a similar scenario of a setback issue and it was ok. The size of the lot is also of no consequence to us. It would translate as an AG parcel with no problem.

I am hoping we can do the minor subdivision. If they want any waivers from requirements, we might have to process as a regular subdivision but that is just really a process change. The outcome of approval should be the same.

We have almost all of the documents submitted. We would wait on approval from the County on their case before approving officially. When is the case scheduled?

Kelly

From: Susan Chavarria [mailto:schavarr@ccrpc.org]
Sent: Friday, September 26, 2014 1:35 PM
To: Kelly Pfeifer
Subject: Freese minor subdivision

Hi Kelly,

I'm contacting you with my part-time county zoning hat on. I am working on a variance approval for Mary Freese, whose property is within your ETJ on the south side. As I understand it, she has applied for a minor subdivision with the Village. I'm looking for an indication of whether the Village has any issues with that application, and where it is at in your approval process. Could you please let me know within the next week or so?

Thanks!
Susan

PRELIMINARY DRAFT

790-V-14

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

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

Date: *{date of final determination}*

Petitioner: **Mary Freese and Dave Freese, agent**

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

Part A. The creation and use of a lot that is 3.968 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; and

Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the minimum required 25 feet required by Section 5.3.

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Case 739-V-12 Final Determination..... 13

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

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

1. The petitioner Mary Freese owns the subject property.
2. The subject property consists of a proposed 3.968 tract in Mahomet Township in the South Half of the South Half of the South Half of Section 28 of Township 20N, Range 7 East of the Third Principal Meridian and commonly known as the farmstead located at 250 CR 1900 N, Seymour.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases. The petitioner has submitted an application to the Village for approval of a minor subdivision.

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 residential and agricultural in use.
 - B. Land to the north is zoned AG-1 Agriculture, and is in residential and agricultural use.
 - C. Land to the east is zoned AG-1 Agriculture, and is residential and agricultural in use.
 - D. Land to the west is zoned AG-1 Agriculture, and is agricultural in use.
 - E. Land to the south is zoned AG-1 Agriculture, and is agricultural in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. Existing buildings consist of the following (*area calculated using aerial photos*):
 - (1) A 2,000 square foot dwelling;
 - (2) One 48 feet by 66 feet barn;
 - (3) One 18 feet x 100 feet covered trough;
 - (4) Two outbuildings, one 50 feet by 160 feet, the other 50 feet by 80 feet;
 - (5) Three storage bins; and
 - (6) One 22 feet by 30 feet shed.

PRELIMINARY DRAFT

Case 790-V-14
Page 3 of 13

- B. There are no proposed new structures on the property.
- C. There are no prior Zoning Use Permits on the subject property; the house was constructed prior to Zoning Ordinance adoption on October 10, 1973.
- D. The required variance is to authorize the following in the AG-1 District:
 - (1) Part A. The creation and use of a lot that is 3.968 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; and
 - (2) Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the minimum required 25 feet required by Section 5.3.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "AREA, LOT" is the total area within the LOT LINES.
 - (2) "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 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;
 - 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.
 - (3) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (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.

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- (5) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (6) "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) "DWELLING, SINGLE FAMILY" is a DWELLING containing one DWELLING UNIT.
- (8) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (9) "LOT DEPTH" is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
- (10) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (11) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
- (12) "LOT LINES" are the lines bounding a LOT.
- (13) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (14) "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.
- (15) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

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(16) YARD, FRONT: A YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

(17) YARD, REAR: A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.

B. 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-2 DISTRICTS:

*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. 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 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the

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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. Section 5.3 of the *Zoning Ordinance* establishes the minimum front yard setback from street centerline in the AG-1 Zoning District as 55 feet for a minor street.
 - E. Section 5.3 of the *Zoning Ordinance* establishes the minimum rear yard in the AG-1 Zoning District as 25 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“The new lot contains an existing homestead and outbuildings situated on land with the majority covered by lawn. Due to family circumstances, the house must be sold with the homestead breakdown necessary to create a sellable property.”**
 - B. Regarding Part A of the variance, the soils on the proposed subject property and the conversion of best prime farmland:
 - (1) The proposed lot to which the variance applies has two soil types: 56B Dana Silt Loam and 198A Elburn Silt Loam. 56B has an LE score of 91 and is considered best prime farmland. 198A has an LE score of 100 and is considered best prime farmland. The combined LE score for the proposed lot is 95.

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- (2) The house and all outbuildings were constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - (3) The proposed lot contains an existing homestead, outbuildings and lawn.
 - (4) The amount of additional best prime farmland converted in the creation of the lot has been minimized consistent with simple lines of tillage and providing 15 feet side and rear yards to ensure ease of maneuvering farm machinery.
- C. Regarding Part B of the variance, for the rebuilding, if necessary, of a nonconforming dwelling:
- (1) The existing dwelling has a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and an existing front yard of 24.5 feet in lieu of the minimum required 25 feet.
 - (2) The new lot must be created in a Plat of Subdivision approved by the Village of Mahomet and at this location the Village requires dedication of a 40 feet half right of way which will reduce the front yard to only 14.5 feet.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“The new tract creates the minimum sized rectangular property that will encompass all existing outbuildings and principal structure. In addition, the new lot lines were set to maintain a minimum distance around the existing structures for property maintenance.”**
 - B. Regarding Part A of the variance, without the proposed variance the petitioner could not separate the farmstead from the remaining 256 acres of farmland.
 - C. Regarding Part B of the variance, without the proposed variance, the petitioner’s dwelling would not conform to the Zoning Ordinance and if damaged to more than 50% of replacement cost, could not be reconstructed on the existing foundation.

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:

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A. The Petitioner has testified on the application, “No previous non-conformities or hardships were created by the applicant. The current property is in conformance with the Champaign County Zoning Ordinance.”

B. Regarding Part A of the variance, the amount of additional best prime farmland converted in the creation of the lot has been minimized consistent with simple lines of tillage and providing 15 feet side and rear yards to ensure ease of maneuvering farm machinery.

C. Regarding Part B of the variance, the existing dwelling and outbuildings were constructed prior to adoption of the Zoning Ordinance on October 10, 1973.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:

A. The Petitioner has testified on the application, “The variance will not remove a significant portion of farmland from production. It is assumed the existing principal and accessory structures will continue to be used for agricultural purposes. The variance will allow for adequate separation from roadways and surrounding properties. The potential for expansion of County Road 1900N is provided with the 40’ half-street ROW dedication.”

B. 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 (Case 521-AT-05) on December 20, 2005. The petitioner does not seek to increase the amount of best prime farmland converted on the lot.

C. Regarding Part A of the variance, the proposed lot area of 3.968 acres is 132% of the required 3 acre maximum, for a variance of 32%.

D. Regarding Part B of the variance, the existing non-conforming dwelling is 54.5 feet from the center line of the roadway, a variance of 0.5 feet or 1%. The front yard is 14.5 feet instead of 25 feet from the property line, a variance of 10.5 feet or 42%.

E. Regarding Part B of the variance:

(1) The Zoning Ordinance does not clearly state the considerations that underlay the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:

- (a) Adequate separation from roads.
- (b) Allow adequate area for road expansion and right-of-way acquisition.
- (c) Parking, where applicable.

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(2) It is unlikely that CR 1900 N will be widened or require right of way for utilities, and there is sufficient parking on the subject property.

F. 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: **“With the variance, the property will continue to be utilized as in the past. No additional traffic, additional utilities or additional use of emergency vehicles will be required with the variance. Granting of the variance allows the continued efficient use of the land or agricultural purposes while allowing transfer of ownership.”**

B. The Township Road Commissioner has received notice of this variance but no comments have been received.

C. The Fire Protection District has been notified of this variance but no comments have been received.

D. The Village of Mahomet has been notified of this variance and they do not feel there will be any issue with approving the minor subdivision on the property.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

A. The petitioner has submitted an application to the Village of Mahomet for approval of a minor subdivision.

The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

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DOCUMENTS OF RECORD

1. Variance Application received on September 18, 2014, with attachments:
 - A Site Plan consisting of:
 - (1) Proposed Windy Acres Subdivision (aerial photo with topography and proposed lot lines)
 - (2) Proposed Final Plat of Windy Acres Subdivision
 - B Warranty Deed and Legal Description
2. Preliminary Memorandum dated October 9, 2014 with attachments:
 - A Case Maps (Location, Land Use, Zoning, Soils)
 - B Site Plan consisting of:
 - (1) Proposed Windy Acres Subdivision (aerial photo with topography and proposed lot lines) received 9/18/14
 - (2) Proposed Final Plat of Windy Acres Subdivision received 9/18/14
 - C Natural Resource Report received 10/6/14
 - D Email regarding Minor Subdivision approval process from Village of Mahomet dated October 7, 2014
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 790-V-14 held on **October 16, 2014**, the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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

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

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

A. The petitioner has submitted an application to the Village of Mahomet for approval of a minor subdivision.

The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

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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 790-V-14 is hereby ~~{GRANTED / GRANTED WITH CONDITIONS/ DENIED}~~ to the petitioner ~~Mary Freese~~ to authorize the following:

Part A. The creation and use of a lot that is 3,968 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; and

Part B. The rebuilding, if necessary, of a nonconforming dwelling with a setback of 54.5 feet in lieu of the minimum required setback of 55 feet and a front yard of 14.5 feet in lieu of the minimum required 25 feet required by Section 5.3.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The petitioner has submitted an application to the Village of Mahomet for approval of a minor subdivision.

The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

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

SIGNED:

ATTEST:

Eric Thorstland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date